

REGION OF OTTAWA-CARLETON
RÉGION D'OTTAWA-CARLETON

REPORT
RAPPORT

Our File/N/Réf. Your File/V/Réf.	15-99-SD26
DATE	10 October 2000
TO/DEST.	Co-ordinator, Planning and Environment Committee
FROM/EXP.	Planning and Development Approvals Commissioner
SUBJECT/OBJET	ONTARIO MUNICIPAL BOARD APPEAL - DRAFT PLAN OF SUBDIVISION 06T-99026, WESTRIDGE PHASE 3B SUBDIVISION, TOWNSHIP OF GOULBOURN

DEPARTMENTAL RECOMMENDATION

That the Planning and Environment Committee recommend that Council approve that:

- 1. The Region take no position with respect to the determination of the Wetland boundary in Westridge, Phase 3B, and;**
- 2. Should the Ontario Municipal Board determine to approve Phase 3B, that the list of conditions attached as Annex 3 be offered to the Board as appropriate conditions for draft approval.**

BACKGROUND

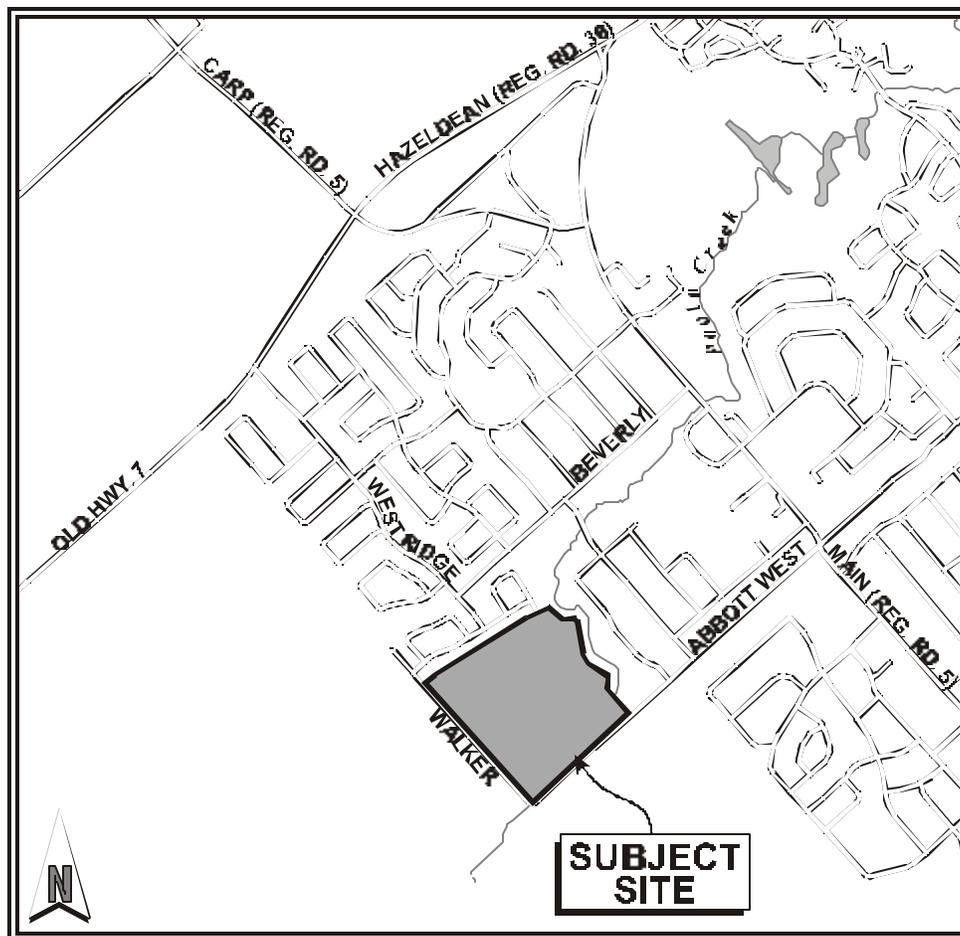
This matter would normally have been brought to the attention of PEC as part of the Summary of Delegated Functions Report notifying Committee of a pending appeal and Ontario Municipal Board (OMB) Hearing. A separate information report was prepared in recognition of the historical interest PEC has expressed in Goulbourn's Stage 2 wetlands.

This report is brought forward for the consideration of Planning and Environment Committee as a result of an appeal lodged by Douglas Kelly - solicitor for the applicant. The appeal is lodged under Section 51(34) of the Planning Act citing the failure of the Regional Municipality of Ottawa-Carleton to make a decision within 90 days of deeming the application complete. A copy of the appeal is attached as Annex 1.

Application for the approval of Subdivision (Draft Plan) 06T-99026 was submitted by Novatech Engineering Consultants Limited on 02 December 1999. The joint public hearing for the subdivision required by the Planning Act was held at the Township of Goulbourn on 14 March 2000 and after 2 deferrals, the subdivision was recommended for approval by Goulbourn Council on 06 June 2000. A subsequent application to rezone the subject property was denied by Goulbourn Council. This has also been appealed to the OMB by the applicant. An OMB pre-hearing has been set for 27 October 2000 and a full hearing is scheduled for 04 December 2000. Both the subdivision and zoning appeal will be joined and heard together at this consolidated hearing.

LOCATION

The subject property is approximately 16ha in area. It is located in the Village of Stittsville north of Abbott Street, and south of a residential subdivision under development. The property is bounded on the east by Upper Poole Creek and on the west by Walker Road. The parcel of land intended for development contains, and is adjacent to, a Provincially Significant Wetland. The boundary of this wetland is disputed and has precipitated the appeal.



The subject property is designated “General Urban Area” and “Significant Wetland” in the Region’s Official Plan is designated “Residential,” “Provincially Significant Wetland,” and Adjacent Lands ” in the Goulbourn Official Plan.

Chronology of events

07 May 1999: Pre-consultation - it is determined through air photo interpretation and field investigations done by the biologists involved in the Upper Poole Creek Watershed Study that a feature, resembling a “finger” of wetland, may extend north through the subject parcel and that a site visit of both the Upper Poole Creek and Fernbank wetlands is warranted. At this point, the applicant is advised by regional staff that the wetland boundary must be confirmed and that a Wetland Impact Study (WIS) must be submitted in support of any proposed plan.

24 September 1999: Site visit - Regional, Goulbourn, Mississippi Valley Conservation Authority (MVCA), Ministry of Natural Resources (MNR) staff as well as landowner, his agents and biologists, conduct a site assessment. The MNR then conducts additional fieldwork and subsequently establishes the wetland boundary. The applicant then bases its WIS on this agreed upon wetland boundary and prepares all the necessary studies in support of their proposed plan of subdivision.

14 March 2000: Public Meeting at Goulbourn - Goulbourn Committee expresses concerns regarding the need to have the Upper Poole Creek Subwatershed Study and Safe Speeds for Stittsville Transportation Study complete prior to recommending draft approval of subdivision. Goulbourn Planning Committee recommends that the consideration of the matter be deferred. 21 March 2000 - Goulbourn Council ratifies deferral of subdivision.

23 May 2000: Goulbourn Planning Committee again considers subdivision - MNR confirms wetland boundary as established 24 September 2000, but is requested by Goulbourn Council to visit site to look for Provincially rare flora. Goulbourn Council on 06 June 2000 recommends approval of subdivision subject to 87 draft conditions.

June/July 2000: MNR conducts further field investigations after Goulbourn Council decision and determines that the boundary of the wetland has been incorrectly delineated and is more extensive than as established on site visit 24 September 1999. On 13 July 2000 MNR provides written confirmation regarding the proposed boundary change. This letter precipitates the appeal lodged by the applicant - it is attached as ANNEX 2.

18 July 2000: The applicant appeals subdivision (under 90 day provision). The applicant’s solicitor informs the Region of his intent to file a motion with the OMB arguing that it is inappropriate from a legal and procedural standpoint to change wetland boundary “mid-stream”.

12 September 2000: Goulbourn Committee recommends refusal of application to rezone subject lands and recommends that Council request the applicant to resubmit subdivision draft plan reflecting the new wetland boundary. The applicant appeals the refused zoning by-law to the OMB and the OMB sets pre-hearing date for 27 October 2000 and hearing date for 04 December 2000.

Staff Comment:

With respect to processing subdivisions, the Region performs two separate functions. The Region is delegated provincial approval authority and must also administer the provisions of the Regional Official Plan. Because of the appeal in this case, the approval authority is no longer vested with the Region, but with the OMB. With respect to the provisions of the Region's Official Plan, the Region cannot process the subdivision application further until the appropriate wetland boundary is established with certainty by the OMB.

If the applicant's motion is successful, and the OMB approves the subdivision in its current form, then staff recommend that the draft conditions contained in Annex 3, be forwarded to the OMB. If on the other hand, the applicant's motion is lost, the same basic conditions (modified as necessary) would apply, but the plan would have to be resubmitted showing the revised wetland boundary and the WIS would have to be revised and submitted for approval.

Legal Department Comments:

The predominant issue at the hearing will be the determination of the wetland boundary of a wetland whose designation in the Regional Official Plan is not in dispute. In dealing with this issue, Regional staff rely on the advice of the MNR. As such the major roles of providing evidence with respect to the wetland boundary rest with the MNR and the landowner. The Region need not play a role in the hearing, other than providing to the OMB the list of appropriate conditions should the Board determine to give draft approval to the plan of subdivision.

CONSULTATION

As Regional Staff have satisfied Council's delegated responsibility under the Planning Act, 1990 to confer with those agencies and individuals with an interest in Draft Plan 06T-99026, no further public consultation is necessary. Notice of the 10 October 2000 PEC meeting to consider Draft Plan 06T-99026 was communicated to the MNR, Goulbourn, Douglas Kelly - solicitor for the applicant, and to Christine Hartig - representative of the local ratepayers group seeking party status at the hearing.

FINANCIAL IMPLICATIONS

Should Council direct that Regional staff take part in the OMB hearing, the Region could be exposed to costs in the form of staff resources which would be required to prepare and give evidence on Council's decision as well as on matters of professional planning, legal, environmental, and engineering opinion. Such costs would most likely be absorbed within the budgets of the Regional departments concerned.

CONCLUSION

This report has been brought before PEC and Council for information because of the historical interest that Council has expressed in the Stage 2 wetlands. The Region cannot process the plan of subdivision until the wetland boundary is established with certainty. Should the applicants motion be successful and the OMB approves the subdivision, Regional staff recommend that the OMB adopt the conditions attached as Annex 3. If the motion is lost, then the OMB will likely require that the plan be revised and that similar conditions of approval (modified to reflect the changed plan) will apply.

*Approved by
N. Tunnacliffe, MCIP, RPP*

ONTARIO MUNICIPAL BOARD

IN THE MATTER OF an application by 1048219 Ontario Inc., 561125 Ontario Limited, 665028 Ontario Limited, 665029 Ontario Limited and 665030 Ontario Limited for approval of a plan of subdivision for Blocks 111 and 112 registered Plan 4M-1057 in the Township of Goulbourn in the Regional Municipality of Ottawa-Carleton;

AND IN THE MATTER OF Section 51(34) of the *Planning Act* R.S.O. 1990 c.P.13

NOTICE OF APPEAL

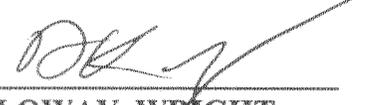
TAKE NOTICE that 1048219 Ontario Inc., 561125 Ontario Limited, 665028 Ontario Limited, 665029 Ontario Limited and 665030 Ontario Limited hereby appeal to the Ontario Municipal Board the failure of the Council of The Regional Municipality of Ottawa-Carleton to make a decision under Section 51(34) of the *Planning Act* within 90 days of the application for approval of a plan of subdivision on the following grounds:

1. On December 2, 1999, Novatech Engineering Consultants Limited, authorized agent for the Appellants, filed with The Regional Municipality of Ottawa-Carleton, an application for approval of a plan of subdivision for Blocks 111 and 112, Plan 4M-1057.
2. At the time of the application, the Appellants had filed all the material required under Section 51(17) of the *Planning Act*.
3. In addition to the requirements of Section 51(17) of the *Planning Act* the Appellants also filed the following reports with the Region:
 - (a) Phase 1 Environmental Site Assessment prepared by Golder & Associates Limited;

- (b) Wetland Impact Study prepared by Ecological Services;
 - (c) Existing Vegetative Conditions and Tree Preservation Plan prepared by Larocque, Levstek Consulting Services;
 - (d) Storm water site management plan prepared by Novatech Engineering Limited;
4. A evaluation referred to as (Upper Poole Creek Wetland Evaluation, 1998) prepared by Ecological Services was filed with the Ministry of Natural Resources on September 25, 1999 to confirm the mapping of the provincially significant wetland immediately to the south of the plan of subdivision.
 5. On December 7, 1999, the acting area manager of the Ministry of Natural Resources, Lanark-Ottawa-Carleton Management Area, advised Susan Murphy of the Policy and Infrastructure Branch of The Regional Municipality of Ottawa-Carleton Planning Department that the wetland boundary identified in the evaluation "best reflects existing wetland conditions" and accordingly "The Upper Poole Creek Wetland boundary will be adjusted to reflect the delineation" in the evaluation.
 6. On May 23, 2000, The Corporation of the Township of Goulbourn passed a Resolution recommending the approval of the plan of subdivision subject to 87 conditions.
 7. On July 10, 2000, my client was advised by The Regional Municipality of Ottawa-Carleton Staff that they had asked the Ministry of Natural Resources to review the wetland boundaries to determine whether or not they wish to re-evaluate them.

8. The Appellants state that they have followed the procedure of the *Planning Act* and the Official Plans of the Township of Goulbourn and The Regional Municipality of Ottawa-Carleton with respect to requirements for a plan of subdivision have filed with the Municipalities all the necessary reports including a Wetland Impact Statement for the Upper Poole Creek Wetlands.
9. The Appellants state that they have, based upon the approval of the Wetland Evaluation by the Ministry of Natural Resources, finalized the design of the Plan of Subdivision and submitted it for draft approval and that it is not now appropriate for the Region to ask a Ministry of Natural Resources whether it wishes to re-evaluate what they have already approved.
10. Such further and other reasons as counsel may advise.

DATED this 17~~th~~ day of July, 2000.


SOLOWAY, WRIGHT LLP
Barristers and Solicitors
900-427 Laurier Avenue West
Ottawa, Ontario
K1R 7Y2

Douglas B. Kelly (782-3215)
Solicitor for 1048219 Ontario Inc.,
561125 Ontario Limited,
665028 Ontario Limited,
665029 Ontario Limited and
665030 Ontario Limited

TO: Mary Jo Woollam, Clerk
The Regional Municipality of Ottawa-Carleton
11 Lisgar Street
Ottawa, ON K2P 2L7

AND TO: Mr. Robert Haller, Clerk
Township of Goulbourn
P.O. Box 189, 2135 Huntley Road
Stittsville, ON K2S 1A3

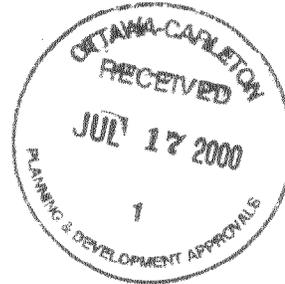
AND TO: Ontario Municipal Board
1500-665 Bay Street
Toronto, Ontario
M5G 1E5



Postal Bag 2002
Kemptville, Ontario
K0G 1J0

July 13, 2000

Ms. Sally Switzer
Deputy Planning Director
Planning and Economic Development Department
Township of Goulbourn
2135 Huntley Road
Stittsville, Ontario
K2S 1A3



Dear Ms. Switzer,

On June 20th of this spring I visited the area of Upper Poole Creek Wetland bounded by Walker Road and Abbott Street. This is the area under planning consideration for West Ridge Estates, Phase III. I was accompanied by another experienced ecologist and botanist from our office. We walked three transect lines into the area in question that lies north of the recognized wetland boundary at that time. Our first transect started approximately 77m southeast of Thresher Avenue along Walker Road and went into the wetland at right angles to Walker Road. We noted vegetation as we proceeded and recorded the location of the wetland boundary as encountered. This process was repeated two more times with starting points at 50m intervals measured down (southeast) Walker road.

Based on the wetland boundaries encountered during this process it was determined that there is indeed a "trough" of wetland joining the back of the developed area south of Thresher Avenue, running southeast to the wetland boundary as mapped in Mr. Snetsinger's 1999 wetland evaluation. The wetland in this area is predominately a mix of low shrub, tall shrub and treed swamp with a strong component of sedges, grasses and herbaceous species. There were numerous examples of wetland species such as sedges, shrubs and trees present which would take several (5-20 +) years to become established in the communities and mature state observed. I have provided a set of maps (3) illustrating the location of the wetland in this area based on this new information. Map 1 is a copy of the wetland map from Snetsinger, 1999, at a scale of 1:10,000 with the new boundary superimposed in orange. Map 2 shows the wetland boundary in red, based on this recent fieldwork in the area of concern. This boundary is drawn over a 1991 air photo base at a scale of 1:10,000. The third map (Map3) is essentially the same as Map 2, except the scale is reduced to approximately 1:4,200. The wetland is indicated in orange.

You will note that this new information compares, for the most part, very favourably with the information presented by GEAC in terms of the location and breadth of the area that they have been proposing. There have been some minor alterations to boundaries on the extreme south parts of this area of the wetland in the vicinity of Walker and Abbott, and again by the power line on the east side. Again these changes are similar to mapping provided by GEAC and result from observations in the field on June 20th.

Another purpose for this visit was to locate and confirm the presence of ram's-head lady's slipper (*Cypripedium arietinum*). The presence of this species was confirmed in the vicinity of the area suggested by GEAC. There were approximately two dozen specimens found in a semi-open, cedar forest community on the west side of the block, within 10-30m of the 'new' wetland. A more extensive search could reveal further individuals. Their approximate location is noted on Map 3 in red.

Please don't hesitate to contact me for clarification or further details regarding this issue.

Sincerely,



Shaun Thompson
District Ecologist
Kemptville District

ST/

c.c.

Mike Boucher -- Regional Municipality of Ottawa-Carleton

PLEASE NOTE:

MAPS 1 - 3

ISSUED SEPARATELY

Report No. 00 - 20 Plan - from Sally Switzer, Deputy Planning Director

RE: Proposed Plan of Subdivision, West Ridge Phase 3B, Stittsville
(Regional Group/Argue)

RECOMMENDATION:

The Committee of the Whole recommends to Council:

That staff be requested to initiate proceedings for the closure of Walker Road and Abbott Street West; and

That the draft subdivision proposal for West Ridge Phase 3B be approved subject to conditions as amended.

General

These conditions apply to the draft plan certified by, Paul Riddell, OLS, dated November 23rd, 1999 showing 133 lots for single detached homes, and 3 blocks for passive parkland and environmental protection.

- | | | |
|---|---|-----------------------------|
| 1 | The Owner(s) agree, by entering into subdivision agreements, to satisfy all requirements, financial and otherwise, of the Township of Goulbourn and the RMOC, including but not limited to, the phasing of the plan for registration, the provision of roads, installation of services and utilities, and drainage. | Goulbourn
RMOC
(PDAD) |
| 2 | The Owner(s) agree, in writing to satisfy all requirements, financial or otherwise, of the Township of Goulbourn, including among other matters: | Goulbourn |
| | a) roads; | |
| | b) curbs; | |
| | c) sidewalks and walkways; | |
| | d) storm sewer system; | |
| | e) sanitary sewer system; | |
| | f) storm and sanitary sewer service connections; | |
| | g) street name signs; | |
| | h) watermains; | |
| | i) water service connections; | |
| | j) fences and hedges; | |
| | k) shade trees; | |
| | l) park development; | |
| | m) underground utilities; | |
| | n) street lighting; | |
| | o) lot grading and landscaping; | |
| | p) private entrance paving; | |
| | q) lawn lamps; and | |
| | r) filling of lots. | |
| 3 | The Owner(s) shall revise the plan to be registered to: | Goulbourn |

- | | | |
|----|--|-------------------|
| a) | show Streets 5 and 7 as named West Ridge Drive; | RMOC |
| b) | show a pathway block between Lots 76 and 77; c) show daylighting triangles at the intersection of West Ridge Drive and Abbott Street; and | (PDAD) |
| d) | alter the lotting scheme associated with the cul-de-sac on Street Two to respect the wetland boundary and required buffer. | |
| 4 | The Owner(s) shall revise the plan to place 0.3 m reserves in the following locations: | Goulbourn
RMOC |
| a) | the street flankage of Lot Nos. 13, 16, 22, 34, 99, 100, 126, 133 | (PDAD) |
| 5 | The Owner(s) shall provide daylighting triangles at all intersections and at internal lot corners where roadway bends are less than 120 degrees. | Goulbourn |
| 6 | The Owner(s) agree to satisfy the requirements of the Township of Goulbourn's Building and By-law and Fire Departments. | Goulbourn |
| 7 | The Owner(s) shall ensure that there is capacity in the infrastructure for the ultimate development scenario. | Goulbourn |
| 8 | The Owner(s) agree to prepare/have prepared a pre-blast survey and a blasting effects report for review by the Township of Goulbourn, to address noise and vibration levels and any other potentially detrimental effect of construction blasting. | Goulbourn |
| 9 | The Owner(s) agree in the subdivision agreement between the Owner(s) and the Township of Goulbourn to implement the recommendations of the blasting report approved by the Township. | Goulbourn |
| 1 | The draft final plan to be registered shall be submitted to the Township of | Goulbourn |
| 0 | Goulbourn's Planning Director for approval prior to the development of the subdivision agreement for each phase. | RMOC
(PDAD) |
| 1 | Prior to any further division of lots or blocks, the RMOC or the Township of | Goulbourn |
| 1 | Goulbourn may require an additional agreement to address any new or amended conditions. | RMOC
(PDAD) |
| 1 | The Owner(s) agree to replace/upgrade any well off the property which may be | Goulbourn |
| 2 | disturbed due to the construction of the subdivision. | |

Zoning

- | | | |
|---|---|----------------|
| 1 | Prior to registration of the plan of subdivision, the RMOC shall be advised by | Goulbourn |
| 3 | the Township of Goulbourn that the proposed plan of subdivision conforms with a zoning by-law approved under the requirements of <i>The Planning Act</i> , with all possibility of appeal to the OMB exhausted. | RMOC
(PDAD) |

Highway/Roads

- | | | |
|----|--|----------------|
| 1 | The Owner(s) shall undertake a Transportation Impact Study for the subject | Goulbourn |
| 4 | subdivision and shall, at their cost, effect such traffic related improvements including traffic calming measures as the Township of Goulbourn and the RMOC may determine necessary: | RMOC
(PDAD) |
| | The Transportation Impact Study shall address the following: | |
| a) | the capacity and function of West Ridge Drive north of Beverly Street | |

- (in particular that portion adjacent to the existing park);
- b) the capacity and function of Beverly Street from West Ridge Drive to Main Street;c) the capacity and function of Renshaw Avenue between West Ridge Drive and Hobin Street;
- d) the effect of increased traffic volumes on the intersection of West Ridge Drive and Hazeldean Road;
- e) the effect of increased traffic volumes on the intersection of West Ridge Drive and Beverly Street;
- f) the effect of increased traffic volumes on the intersection of Beverly Street and Main Street;
- g) the provisions of sidewalks and pathways connecting existing and proposed open space, local schools and Main Street;
- h) the appropriate right-of-way width, and pavement width for the extension of West Ridge Drive; and
- i) future provision of public transit.

This Study shall be prepared in light of the findings of the J.P. Braaksma and Associates Limited Study, "Improving the Quality of Life on Stittsville's Streets".

- | | | |
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| 1
5 | The Owner(s) acknowledge that finalization of the Transportation Impact Study shall include a public review process to the satisfaction of the Township of Goulbourn. | Goulbourn |
| 1
6 | The Owner(s) agree to design West Ridge Drive to ensure a minimum 60 kph design speed but to include speed control measures. | Goulbourn |
| 1
7 | The Owner(s) agree that the final plan shall show all interaction intersecting at 90 degrees and that all internal road bends to be at 90 degrees minimum. | Goulbourn |
| 1
8 | The Owner(s) agree to prepare a geotechnical report which will deal with the relative elevations of foundations and footings and the requirements for engineered fill based on existing subsurface conditions. The report will also address the requirements for road construction and confirm the adequacy of the Township of Goulbourn's minimum standard road design. | Goulbourn |
| 1
9 | Construction traffic associated with the West Ridge Phase 3 Subdivision shall use West Ridge Drive to Hazeldean Road. The Owner(s) agree to erect and maintain signs on Beverly Street and Abbott Street to indicate that construction traffic is restricted to West Ridge Drive. | Goulbourn |
| 2
0 | All streets shall be named to the satisfaction of the Township of Goulbourn and the Regional Planning and Development Approvals Department. | Goulbourn
RMOC
(PDAD) |

Public Transit

- | | | |
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| 2
1 | The Owner(s) shall design and construct, at no cost to the RMOC, West Ridge Drive, which has been identified for potential transit services, to TAC standards, including right-of-way width, horizontal and vertical geometry, and pavement structure and the construction of a sidewalk on at least one side of the street. | RMOC
(PDAD) |
| 2
2 | The Owner(s) shall orient dwellings and vehicular accesses in the vicinity of bus stops in a manner as to avoid traffic conflicts and visual intrusion and to submit plans for approval by the RMOC including the orientation of all dwellings and private accesses in the vicinity of all bus stop locations. | RMOC
(PDAD) |

- | | | |
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| 2
3 | The Owner(s) shall design and construct, at no cost to the RMOC, paved transit passenger standing areas, or shelter pads and shelters, to the specifications of OC Transpo when required by the RMOC. | RMOC
(PDAD) |
| 2
4 | The Owner(s) design and construct, at no cost to the RMOC, paved, public, all-season pedestrian walkways as required. | RMOC
(PDAD) |
| 2
5 | The Owner(s) shall ensure that the staging of the subdivision, including dwellings, roadways, walkways and paved passenger standing areas, or shelter pads and shelters, will be constructed in a sequence that permits the operation of an efficient, high-quality transit service at all stages of development. | RMOC
(PDAD) |

Sidewalks, Walkways, and Fencing

- | | | |
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| 2
6 | The Owner(s) agree to construct a 1.8 m wide paved walkway on Block Nos. 134, 135, 140 and that recommended between Lots 75 and 76 and to install a split rail fence and a cedar hedge on the property line of those new and existing adjacent lots and blocks to the satisfaction of the Township of Goulbourn. | Goulbourn |
| 2
7 | The Owner(s) agree to construct a concrete sidewalk on one side of West Ridge Drive. The sidewalk location shall be determined through the Traffic Impact Study. | Goulbourn |
| 2
8 | The Owner(s) shall provide a split rail fence along the rear property lines of all lots backing onto the wetland and Poole Creek. | Goulbourn |
| 2
9 | The Owner(s) shall construct a stonedust pathway within the Poole Creek corridor from the existing path at the stormwater pond on Beverly Street to the extension of West Ridge Drive. The Owner(s) acknowledges that they may be required to construct a stonedust pathway through the buffer to the wetland. Should a pathway through the buffer be deemed inappropriate, the Owner(s) will be required to post signs to inform the public of the sensitivity of the wetland and to restrict entrance. | Goulbourn |

Land/Streetscaping

- | | | |
|--------|---|-----------|
| 3
0 | The Owner(s) agree that any signs on the property are subject to Township of Goulbourn approval. | Goulbourn |
| 3
1 | The Owner(s) agree to provide street lighting consistent with adjacent developments. | Goulbourn |
| 3
2 | The Owner(s) agree to provide a cedar hedge along the side lot lines of Lot Nos. 13, 16, 22, 34, 99, 100, 126 and 133. | Goulbourn |
| 3
3 | The Owner(s) undertake to provide a minimum of one tree per interior unit and two trees per corner units within this subdivision or as otherwise specified in the Township of Goulbourn's Subdivisions or Site Development Agreement. | Goulbourn |
| 3
4 | The Owner(s) shall supply to the Township of Goulbourn's Planning Director, street scape planting plans for approval prior to acquisition of building permits in each phase. Such plans shall be prepared by a landscape architect and shall be implemented in accordance with the plans. | Goulbourn |
| 3 | The Owner(s) agree to meet the requirements of the Township of Goulbourn | Goulbourn |

- | | | |
|---|---|----------------|
| 5 | and Canada Post relating to the provision of community mailbox, mini-park/kiosk, lay-bys and pads to accommodate mail service. The location of said structures shall be situated so as to minimize the disruption to dwellings, and where possible, link with sidewalks and pathway system. | Canada
Post |
| 3 | The Owner(s) agree to: | Goulbourn |
| 6 | a) inform all prospective purchasers, through a clause in all agreements of purchase and sale, as to those lots identified for potential community mailbox, mini-park/kiosk locations and associated lay-bys; | Canada
Post |
| | b) provide, at the Owner(s) expense, curb depressions at the community mailbox site locations, 2 m in width and no higher than 25 mm; | |
| | c) provide, at the Owner(s) expense, a paved lay-by at the proposed community mailbox location when required by the Township of Goulbourn; | |
| | d) if a grassed boulevard is planned between the curb and the sidewalk where the community mailbox is located, install at the owners' expense, a walkway across the boulevard. The walkway is to be 1 m in width and constructed of material suitable to the Township of Goulbourn (e.g., interblock asphalt, concrete, etc.) in addition, the owners shall ensure, by forming or cutting the curb, that this walkway is handicapped accessible by providing a curb depression between the street and the walkway. This depression should be 1 m wide and no higher than 25 mm; and | |
| | e) provide Community Mailbox locations: | |
| | · on Street 6, side of Lot 116 | |
| | · on Street 2, side of Lot 54 | |
| | · in the Park across Street from Lot 45 | |
| | · on West Ridge Drive, side of Lot 126 | |

Environmental Constraints

- | | | |
|---|--|------------------|
| 3 | The WIS shall be revised in light of the recommendations of the Upper Poole | RMOC |
| 7 | Creek Subwatershed Study specifically to add a monitoring protocol. | Goulbourn
MVC |
| 3 | The Owner(s) agree to dedicate Block Nos. 136, 137 and 138 to the Township | Goulbourn |
| 8 | of Goulbourn in good and healthy condition. The Owner(s) acknowledge that the dedication of these blocks may or may not meet the 5% parkland dedication requirement pursuant to Section 51(5) of <i>The Planning Act</i> . Final calculations shall be made upon completion of the Wetland Impact Statement and the determination of the usability of the wetland buffer area for recreational purposes. | |
| 3 | The Owner(s) shall prepare and distribute to all new homeowners a | Goulbourn |
| 9 | Conservation Handbook describing the natural attributes of the subdivision and the importance of good stewardship practices to ensure the long term health and sustain ability of the Upper Poole Creek Wetland and Upper Poole Creek to the satisfaction of the Township of Goulbourn. | |
| 4 | The Owner(s) undertake to protect all existing vegetation on site until such time | Goulbourn |
| 0 | as a Detailed Tree Planting and Conservation Plan is approved by the Township of Goulbourn and the RMOC. The Detailed Tree Planting and Conservation Plan shall classify and evaluate the significance of existing natural vegetation on | RMOC
(PDAD) |

site and identify opportunities and appropriate techniques to protect natural vegetation, and to enhance the same through landscape design and replanting where necessary. Particular attention shall be paid to preservation of vegetation in the Poole Creek corridor and wetland buffer areas over the long term and measures to ensure their long term health and to the feasibility of protecting hickory and butternut trees on-site. The Detailed Tree Planting and Conservation Plan shall be prepared by a qualified horticulturist/landscape architect and shall be integrated with the Grading and Drainage Plan, the Site Management Plan and the Wetland Impact Statement. The Detailed Plan shall:

- a) recommend appropriate shoreline planting along Poole Creek where shoreline vegetation was removed during construction of Phase 3A, and
- b) recommend appropriate buffer planting in the old field area adjacent to the West Ridge Drive/Poole Creek crossing.

In the event that through the finalization of the Detailed Plan substantial areas that are indicated for conservation cannot be saved the detailed Plan will propose appropriate shoreline planting along Poole Creek between the Poole Creek Crossing the area of existing vegetation and enhance vegetation in the rear of lots 38 to 43 and 30 to 33. The detailed Plan shall include a monitoring strategy for the existing wetland buffer, and proposed planting along Poole Creek (including that portion in Phase 3A), in the open field/buffer area, and in the rear of lots 38 to 43 and 30 to 33.

- 4 The Owner(s) shall ensure that during site preparation and construction no harmful destruction, disruption or alternation of habitat will occur within Block 138, and no disruption, destruction or alteration will occur of the public corridor lands adjacent to Poole Creek through proper execution of mitigation measures as described in the approved Tree Planting and Conservation Plan. The plan shall recommend required snow fencing locations to indicate no disturbance areas in the field. Goulbourn

Stormwater Management

- 4 The Owner(s) agree that the final storm sewer design will incorporate drainage from the upstream westerly lands. Goulbourn

- 4 Prior to the commencement of construction of any phase of this subdivision (roads, utilities, etc.) or of any work necessary to meet any off-site requirements, the Owner(s) shall: Goulbourn
- 3 a) have an Erosion and Sediment Control Plan prepared by a Professional Engineer in accordance with current Best Management Practice and the Upper Poole Creek Subwatershed Study Final Report; RMOC
- 3 b) said plan shall recommend erosion and sedimentation control measures for all phases of site preparation and construction - any measures shall be in accordance with the Provincial "Guidelines on Erosion and Sediment Control for Urban Construction Sites"; and (PDAD)
- 3 c) Provide certification to the RMOC through a Professional Engineer that the plan has been implemented. MVC

Best Management Practices used during construction are intended to ensure no sediment/associated pollutants are released to the receiving watercourse which would degrade or impair water quality/fish or other aquatic life. Best Management Practices should be regularly monitored to ensure effectiveness of the methods and compliance with Provincial/Federal legislation pertaining to

water quality and habitat.

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| 4 | Prior to registration, or prior to an application for a Certificate of Approval for | RMOC |
| 4 | any stormwater works (whichever comes first), the Owner(s) shall prepare a | (PDAD) |
| | Stormwater Site Management Plan in accordance with the approved Conceptual | Goulbourn |
| | Stormwater Site Management Plan (Stormwater Site Management Plan, West | MVCA |
| | Ridge Estates, Novatech Engineering consultants Ltd., July 8, 1999), the Upper | |
| | Poole Creek Wetland Impact Statement and the Upper Poole Creek | |
| | Subwatershed Study. The Stormwater Site Management Plan shall identify the | |
| | recommended stormwater management measures for Phase 3B, sequence of its | |
| | implementation in relation to the construction of the subdivisions, and shall be | |
| | to the satisfaction of the Township of Goulbourn, RMOC, and the Mississippi | |
| | Valley Conservation Authority. | |
| 4 | The stormwater Site Management Plan shall examine the feasibility and | RMOC |
| 5 | effectiveness for temperature mitigation of using a perforated pipe filtration | (PDAD) |
| | system and redirecting stormwater to the wetland | Goulbourn |
| | | MVCA |
| 4 | On completion of all stormwater works, the Owner(s) shall provide certification | Goulbourn |
| 6 | to the RMOC, MVC and Township of Goulbourn through a Professional | RMOC |
| | Engineer that all measures have been implemented in conformity with the | (PDAD) |
| | Stormwater Site Management Plan. | MVC |
| 4 | Prior to registration, or prior to an application for a Certificate of Approval for | |
| 7 | any stormwater works, whichever comes first, the Owner(s) will provide written | |
| | confirmation to the RMOC from the local municipality that the Stormwater Site | |
| | Management Plan which has been prepared for this subdivision and which shall | |
| | identify the sequence for the implementation of the Plan in relation to the | |
| | construction of the subdivision, is in conformity with the Upper Poole Creek | |
| | Subwatershed Plan. | |
| 4 | The Owner(s) acknowledge that a financial contribution toward the protection | Goulbourn |
| 8 | of Poole Creek shall be made in accordance with the Upper Subwatershed Study | RMOC |
| | Final Report. | (PDAD) |
| | | MVC |
| 4 | The Owner(s) shall monitor water quantity and quality of the stormwater facility | RMOC |
| 9 | per the MOE Certificate of Approval requirements as well as sediment | (PDAD) |
| | accumulation, flow, temperature and channel erosion as outlined in the | |
| | Stormwater Site Management Plan to the satisfaction of the Township of | |
| | Goulbourn, RMOC and MVCA as required. The monitoring strategy should | |
| | incorporate details of location of the sampling, type of sampling, frequency and | |
| | a parameter list consistent with the needs of the receiving aquatic environment. | |
| | Tests shall be completed by an independent and approved laboratory and the | |
| | results shall be made available in the approved format and timing acceptable to | |
| | the local municipality/RMOC/CA as required. | |
| 5 | Any changes to the design of the subdivision that are required due to any | Goulbourn |
| 0 | stormwater management facilities shall be undertaken at the Owner(s) sole | RMOC |
| | expense and to the satisfaction of the Township of Goulbourn, MVC and the | (PDAD) |
| | RMOC. | MVC |
| 5 | The Owner(s) acknowledge that before the start of any grading, within the fill | MVC |
| 1 | regulated area of construction of any sort within the regulatory Flood Plain, or | |

	alterations to Poole Creek or its tributaries a permit will be required from MVC under Ontario Regulation 159/90 (the Fill, Construction and Alteration to Waterways Regulations).	
5 2	The Owner(s) shall provide documentation to the MVC to illustrate that there is sufficient buildable area in Lots 11, 15, 64, 65, 66 and 67 outside of the floodplain.	
5 3	The Owner(s) agree to eliminate sump pumps as a means of footing drainage for dwellings wherever possible.	Goulbourn
5 4	The Owner(s) agree to obtain and convey drainage easements to the Township of Goulbourn in all areas which will be modified or altered as a result of the installation of the storm drainage system.	Goulbourn
5 5	The Owner(s) agree that all stormwater runoff is to be contained within the Poole Creek drainage basin.	Goulbourn
5 6	The Owner(s) agree that all foundation footings shall be located no lower than the 1:100 year water level as determined in the Stormwater Site Management Plan.	Goulbourn
5 7	The Owner(s) shall grant a blanket easement to the RMOC to permit future access to the site for water quality monitoring.	RMOC (PDAD)
5 8	The Owner(s) are responsible for the modification of any off site drainage works to accommodate stormwater flow from this subdivision.	Goulbourn
5 9	The Owner(s) acknowledge that the existing wet pond constructed to accommodate stormwater from the West Ridge Phases 1 and 2 Subdivisions may need to be rehabilitated/reconfigured at the Owner(s) expense to address the protection of the cold water fishery and stormwater issues related to the approval of this subdivision application and the associated Stormwater Site Management Plan. The final design of the stormwater management facility will incorporate the fencing, buffering, planting and access requirements of the Township of Goulbourn, while providing a safe and functional facility which can be integrated into the community.	RMOC Goulbourn
6 0	Prior to registration, or prior to an application for a Certificate of Approval for any stormwater works, (whichever comes first), the Owner(s) will provide written confirmation to the RMOC from the local municipality that a Stormwater Management Pond Planting Plan has been prepared to the Township of Goulbourn's satisfaction. Said planting plan shall be prepared by a qualified landscape architect.	RMOC
6 1	The Owner(s) agree to maintain the existing stormwater pond until such time as the final stormwater management facility is constructed including the planting recommended by the Stormwater Management Pond Planting Plan and assumed by the Township of Goulbourn. This will include the erection and maintenance of temporary fencing and siltation control works which have been or will be constructed.	Goulbourn
6 2	The Owner(s) agree to develop a comprehensive lot grading plan which will mitigate any grade differential between lots and blocks, including adjacent	Goulbourn

existing lots.

Fisheries

- 6 In recognition that Poole Creek and associated Provincially Significant Wetland
3 are fish habitat, prior to registration of the plan of subdivision, the RMOC shall
be advised by the Township of Goulbourn that: Goulbourn
RMOC
(PDAD)
MVCA
- a) informing the Owner(s) that the purpose of the 30 metre setback is to
protect fish habitat and that the natural vegetation within the setback is
to be retained;
- b) informing owners that any unauthorized destruction or alteration to a
watercourse or an area of fish habitat is prohibited. Any proposed
alteration (such as a driveway crossing) must be reviewed in detail by
MVCA and may require authorization pursuant to the provisions of the
Federal Fisheries Act.

- 6 Prior to registration of the plan of subdivision, the Owner(s) shall submit Goulbourn
4 documentation to the Region demonstrating approval of the Fish Habitat
RMOC
(PDAD)
MVCA
Compensation Plan by the Department of Fisheries and oceans in association
with the construction of West Ridge Drive and the removal of the existing farm
lane and associated culvert. Said Compensation Plan shall be prepared in light
of the recommendations of the Upper Poole Creek Subwatershed Study.

Pursuant to *The Fisheries Act*, the Owner(s) shall not undertake any instream
works (culvert within Poole Creek) between March 15th and June 31st.

- 6 The Owner(s) agree to pay particular attention to the aesthetics of the design of Goulbourn
5 the Creek Crossing.
- 6 The Owner(s) shall confirm that there is capacity in the downstream sanitary Goulbourn
6 sewers. The Owner(s) are responsible for any collect back charges related to the
oversizing of off-site services including the sanitary sewer.

Water Services

- 6 The Owner(s) shall design and construct all necessary watermains within the RMOC
7 subject lands to the satisfaction of the RMOC. The Owner(s) shall pay all
(PDAD)
related costs, including the cost of connection, inspection and sterilization by
Regional personnel.
- 6 The details for water servicing and metering shall be to the satisfaction of the RMOC
8 RMOC. The Owner(s) shall pay all related costs, including the cost of
(PDAD)
connections and the supply and installation of water metres by Regional
personnel.
- 6 Upon completion of the installation of all watermains, hydrants and water RMOC
9 services, the Owner(s) shall provide the RMOC with mylar(s) of the "as-built"
(PDAD)
plan(s), certified under seal by a professional engineer, showing the location of
the watermains, hydrants and services. Furthermore, the Owner(s) shall provide
the "as-built" information and the attribute data for the water plan installation on
diskette in a form that is compatible with the Regional computerized systems.
- 7 Financial security, in the amount of 100% of the value of the water plant, in RMOC(P
0 accordance with the MOE Certificate, must be filed with the Regional Legal DAD)

department, pending preliminary acceptance of the water plant.

- | | | |
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| 7
1 | The installation of the water plant shall be subject to inspection by the RMOC at the Owner(s) expense. | RMOC
(PDAD) |
| 7
2 | The Owner(s) prepare, entirely at the Owner(s) cost, a hydraulic network analysis of the proposed water plant within the plan of subdivision and as it relates to the existing infrastructure. Said report shall be submitted to the RMOC for review and approval as part of the water plant design submission. | RMOC
(PDAD) |
| 7
3 | The Owner(s) shall install the necessary watermains in accordance with the staging schedule approved by the RMOC. | RMOC
(PDAD) |

Utilities

- | | | |
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| 7
4 | Such easements and maintenance agreements which may be required for electrical, gas, water, sewer, telephone and cablevision facilities, shall be proved and agreed to by the Owner(s), to the satisfaction of the appropriate authority; and that the Owner(s) shall ensure that these easement documents are registered on Title immediately following registration of the final plan; and the affected agencies are duly notified. | Goulbourn
RMOC
(PDAD)
Hydro
(Goul)
Bell
Cable
Gas |
| 7
5 | Where the relocation or removal of any existing on-site/adjacent utility facility, including water, sewer, electrical, gas, telephone and cablevision, is required as a direct result of the development, the Owner(s) shall pay the actual cost associated therewith to the satisfaction of the appropriate utility authority. | Goulbourn
RMOC
(PDAD)
Hydro
(Goul)
Bell
Cable
Gas |
| 7
6 | The Owner(s) shall coordinate the preparation of an overall utility distribution plan showing the location (shared or otherwise) and installation, timing and phasing of all required utilities (on-grade, below-grade or above-grade), including on-site drainage facilities and streetscaping)–such location plan shall be to the satisfaction of all affected authorities and shall consider their respective standards and specification manuals, where applicable. | RMOC
(Leg)
Goulbourn |

The Owner(s) agree that all utilities shall be located underground.

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| 7
7 | The Owner(s) shall grade all streets to final elevation prior to the installation of gas lines, and provide necessary field survey information required for the installation of the gas liners, all to the satisfaction of Enbridge Consumers Gas. | Gas |
|--------|--|-----|

Schools

- | | | |
|--------|--|----------------|
| 7
8 | The Owner(s) shall be required to inform prospective purchasers in all Offer of Purchase and Sale Agreements that accommodation problems exist in the schools designated to serve this development and that at the present time thee problems are currently being addressed through the use of portable classrooms at local schools/by directing student to schools outside their community. | OCCSB
OCDSB |
|--------|--|----------------|

Purchase and Sale Agreements and Covenants on Title

- | | | |
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| 7
9 | The Owner(s) acknowledge that they and all future Owner(s) will direct all roof leaders to pervious areas such as lawns to enhance ground water recharge. The Owner(s) shall include this provision in all future Purchase and Sales Agreements. | RMOC
(PDAD) |
| 8
0 | The Owner(s) agree to include a clause in all Offer of Purchase and Sale Agreements with prospective purchasers of all lots and blocks adjacent to West Ridge Drive, advising that West Ridge Drive shall be constructed and utilized as a collector road facility and may be utilized in the future for transit service. | Goulbourn
RMOC
(PDAD) |
| 8
1 | The Owner(s) agree to indicate in all Offer of Purchase and Sale Agreements with prospective purchasers of lots and blocks as to the location of the Canada Post mail facilities. | Goulbourn
RMOC (PDAD)
Canada Post |
| 8
2 | All prospective purchasers will be informed, through a clause in all Agreements of Purchase and Sale, that no driveway shall be located within 3.0 m of an existing fire hydrant. No objects, including vegetation, shall be placed or planted within a 3.0 m corridor between a fire hydrant and the curb, nor a 1.5 m radius beside or behind a fire hydrant. | RMOC
(PDAD) |
| 8
3 | All prospective purchasers will be informed, through a clause in all Agreements of Purchase and Sale, that a fire hydrant may be located or relocated, at any time, in front of any lot within the plan of subdivision. | Goulbourn
RMOC
(PDAD) |
| 8
4 | The Owner(s) shall inform all prospective purchasers, through a clause in all agreements of purchase and sale and indicate on all plans used for marketing purposes, those streets identified for potential transit services, and that bus stops may be located in front of or adjacent to the purchasers' lots at any time. | Goulbourn
RMOC
(PDAD) |
| 8
5 | The Owner(s) agree to inform in all Offer of Purchase and Sale Agreements with prospective purchasers of all lots and blocks in the subdivision of the sensitive nature of the Upper Poole Creek Wetland and Pool Creek and the importance of good stewardship practices to ensure the long term health and sustainability of these natural features. | Goulbourn
RMOC |
| 8
6 | The Owner(s) agree to indicate in all Offer of Purchase and Sale Agreements with prospective purchasers of lots and blocks as to the location of adjacent pathways. | Goulbourn |
| 8
7 | The Developer shall secure a letter from the Ministry of Natural Resources confirming the presence/absence of provincially significant flora or fauna in the vicinity of Street 3. In the event that such flora or fauna are noted within this area, mitigation measures shall be implemented to the satisfaction of the Township. The developer agrees that there shall be no site disturbance in the area west of West Ridge Drive, until the foregoing has been addressed. | Goulbourn
MNR |