

Conditions of Draft Plan Approval – Lepha Properties Inc.

Part A – Conditions

General Conditions

1. This approval applies to the draft plan of subdivision 16T-21501 prepared by KLM Planning Partners Inc. Project No. P-2819, Drawing No. 21:3, dated May 20, 2021, which shows one multiple attached dwelling block, being Block 1, and two Blocks for road widenings, being Blocks 2 to 3 inclusive. Block 1 will be developed with 45 residential multiple attached dwelling units.
2. Prior to the signing of the final plan by the Director, a Subdivision Agreement shall be entered into and executed by the Owner and the City to satisfy all financial, legal, and engineering matters, including the design, provision and installation of roads, services, sidewalks, on-street illumination, tree plantings, walkways, daylight triangles, road signs, traffic signals, stormwater management facilities and drainage works, and all recommendations contained in related technical reports approved by the City.
3. The Subdivision Agreement shall include the payment of all applicable development charges in accordance with applicable Development Charges By-law.
4. The Owner agrees, in writing, to the registration of the Subdivision Agreement against the land to which it applies once the plan of subdivision has been registered.
5. The Owner and the City shall agree in the Subdivision Agreement that:
 - a) No building permit will be issued for any individual lot or block until underground services are installed and operational and the roadway is constructed to base asphalt condition.
 - b) All lots and blocks will be developed in accordance with the approved engineering design for the subdivision.
 - c) The building permit applicant for each such lot or block shall submit individual lot grading and drainage plans and receive approval from the City prior to the issuance of a building permit.
- ~~6. The Owner shall agree in the Subdivision Agreement to submit to the City, prior to commencing the installation of services, a construction management plan to regulate the routing of construction traffic for all phases of the development through an access provided to the development from Logie Street. Measures to minimize construction debris on the roads as well as road cleaning at the Owner's expense will be included in the Subdivision Agreement. The Subdivision Agreement shall specify that the construction management plan will be in force until such time that underground services are installed and operational, the roadway is constructed to base asphalt condition, and all~~

~~“earthworks” identified in the Schedules to the Subdivision Agreement are completed.~~

- ~~7. The schedule to the Subdivision Agreement entitled “Special Warnings and Notices” shall incorporate a notice advising of the existence of the City’s Noise By-law and warning that construction activities within the subdivision may be subject to regulation and/or restrictions thereunder.~~

Zoning

- ~~8.6.~~ Prior to the signing of the final plan by the Director, the Planning Division shall confirm that any amendment to the Zoning By-law necessary to implement this plan has been approved and is in effect.
- ~~9.7.~~ An Ontario Land Surveyor shall certify that the proposed lot frontages and areas appearing on the final plan conform to the requirements of the Town of Lindsay Zoning By-law.

Site Preparation

- ~~10. The Owner shall comply with the City’s pre-servicing policy for any site clearing, grubbing, cutting or filling, tree removal, or pre-servicing activity proposed prior to entering into the Subdivision Agreement.~~

New and Expanded Public Roads and Traffic

- ~~11.8.~~ The Owner shall convey to the City, at no cost, the land comprising the road widenings, as shown on the draft plan, such land to be free and clear of all encumbrances. These lands shall be dedicated as public highways.
- ~~12.9.~~ The Subdivision Agreement between the Owner and the City shall provide that the Owner agrees to design and construct, entirely at its expense, the roadways, sidewalks, and all municipal services for the proposed subdivision, and any external improvements adjacent to the proposed subdivision in accordance with all recommendations contained in related technical reports approved by the City.
- ~~13. The Owner shall provide for the design and construction of road improvements required to existing streets, at no cost to the City. More specifically:~~
- ~~a) the intersection of Logie Street and Private Road A.~~

Stormwater Management

- ~~14.10.~~ That, prior to any site alteration, construction, or final approval of the Plan, the Owner shall provide a detailed design submission of the final Stormwater Management system prepared by a qualified Professional Engineer in accordance with the applicable standards and guidelines to the satisfaction of the Kawartha Region Conservation Authority (Kawartha Conservation).
- ~~15.11.~~ That, prior to any site alteration, construction, or final approval of the Plan, the Owner shall provide a Final Grading Plan prepared by a qualified professional to the satisfaction of the Kawartha Conservation.

~~16-12.~~ That, prior to any site alteration, construction, or final approval of the Plan, the Owner shall provide a Final Sediment and Erosion Control Plan prepared by a qualified professional to the satisfaction of the Kawartha Conservation. The Plan should detail the measures that will be implemented before, during, and after construction to minimize soil erosion and sedimentation; Note: Kawartha Conservation supports a proactive multi-barrier approach to erosion and sediment control, with emphasis on erosion control rather than solely relying on sediment control measures (e.g., silt fence).

~~17-13.~~ That, prior to any site alteration, construction, or final approval of the Plan, the Owner shall provide a phosphorus budget, showing a net-zero increase in phosphorus (pre-to-post development) loading from the site to the satisfaction of Kawartha Conservation.

~~18-14.~~ That, the Subdivision Agreement shall contain the following provision(s):

- a) That, the Owner agrees to carry out the recommendations of the approved Stormwater Management report, the approved Grading Plan and the approved Sediment and Erosion Control Plan. The Agreement shall contain a reference to the plans and reports approved by Kawartha Conservation and the City.
- b) That, the Owner agrees to install all sediment and erosion control structures in a functional manner prior to the site disturbance, maintain these structures operating in good repair during and after the construction period, and continue to implement all sediment and erosion control measures until such time as the disturbed soil surfaces have become stabilized and/or revegetated.
- c) That, the Owner agrees to apply to Kawartha Region Conservation Authority separately for individual Permits for any dwelling units which are situated within Kawartha Conservation's regulated area.

Conditions for Fencing and Trail Connectivity Conditions

~~19-15.~~ A fence or other physical barrier acceptable to the City be installed at the north and west limit of Block 1.

Conveyance of Lands for Municipal Purposes

~~20-16.~~ The Owner shall convey Block 2 to the City free and clear of encumbrances for a road widening.

~~21-17.~~ The Owner shall convey Block 3 to the City free and clear of encumbrances for a road widening.

Parkland

~~22-18.~~ The Owner agrees that the City, pursuant to subsection 51.1(3) of the Planning Act, accepts payment in lieu of the equivalent of 1 hectare per 300 dwelling units conveyance of parkland. For the purpose of determining the amount of any such payment, the value of the land shall be determined by an accredited appraiser (CRA or AACI). The date of this appraisal shall be no later

than the day before the date of the notice of decision to grant draft plan approval or the date of the most recent extension pursuant to subsection 51(33) of the Planning Act, to the approval of the draft plan of subdivision. The City is not required to accept the appraisal report and reserves the right to have the appraisal report peer reviewed and to negotiate the cash-in-lieu payment.

Environmental Conditions

~~23-19.~~ The Owner shall follow the recommendations contained in the Phase I and Phase II Environmental Site Assessments prepared by Grace & Associates Inc. dated June 27, 2019 (updated February 10, 2020) and October 14, 2020 respectively.

~~24-20.~~ Prior to the signing of the final plan by the Director, the Owner shall submit a Record of Site Condition (RSC) of the subject land, and written confirmation from a qualified professional that the recommendations of such RSC have been implemented and completed to the satisfaction of the Ministry of the Environment, Conservation and Parks (MECP).

Clearance Conditions

~~25-21.~~ Prior to the signing of the final plan by the Director, the Owner will ensure that clearance letters from the appropriate authorities have been submitted to the Planning Division so as to confirm how the above noted conditions have been satisfied.

~~26-22.~~ Prior to the signing of the final plan by the Director, the Development Services Department, Planning Division shall confirm that conditions 1 to ~~59~~ both inclusive, ~~8 to 9 both inclusive, 11 and 12 both inclusive, 2016 to 2117~~ both inclusive, and ~~2319 to 2420~~ both inclusive have been satisfied.

~~27. Prior to the signing of the final plan by the Director, the Engineering and Corporate Assets Department shall confirm that conditions 6, 7, 10 and 13 have been satisfied.~~

~~28-23.~~ Prior to the signing of the final plan by the Director, the Owner shall provide to the Planning Division a clearance letter from the Kawartha Region Conservation Authority indicating how conditions ~~1014 to 1418~~ both inclusive have been satisfied.

~~29-24.~~ Prior to the signing of the final plan by the Director, the Owner shall provide to the Planning Division a clearance letter from the Community Services Department indicating how condition ~~1519~~ and ~~1822~~ have been satisfied.

Part B – Lapsing Provision

All conditions shall be fulfilled and satisfied, and final approval shall be given or this draft plan approval shall be deemed to have lapsed pursuant to the Planning Act, R.S.O. 1990, as amended, after three (3) years from the date the Notice of Decision is sent out with respect to this draft approval.

Extensions to draft approval may be considered provided that existing technical reports remain applicable or updates are provided and the provisions of By-law 2016-065, as amended are met.

Notes to Draft Plan Approval of 16T-21501 (D05-2021-001)

1. Clearance Letters

It is the Owner/applicant's responsibility to fulfill the conditions of draft approval and to ensure that the required clearance letters have been forwarded by the appropriate agencies / utility companies to the City of Kawartha Lakes to the attention of the Director of Development Services quoting the above noted file. For your information the following are the contacts:

Juan Rojas, Director
Engineering and Corporate Assets
Department
City of Kawartha Lakes
322 Kent Street West
Lindsay, ON K9V 5R8
Tel: 705.324.9411 ext. 1151
Fax: 705. 328.3122

Craig Shanks, Director
Community Services Department
City of Kawartha Lakes
50 Wolfe Street,
Lindsay, ON K9V 2J2
Tel: 705.324.9411 ext. 1307
Fax: 705.324.2051

Bryan Robinson, Director
Public Works Department
City of Kawartha Lakes
322 Kent Street West
Lindsay, ON K9V 5R8
Tel: 705.324.9411 ext. 1143
Fax: 705.328.3122

Terry Jones, Acting Fire Chief
Emergency Services Department
Kawartha Lakes Fire Rescue
9 Cambridge Street North
Lindsay, ON K9V 4C4
Tel: 705.324.5731
Fax: 705.878.3463

Richard Holy, Director
Development Services Department
City of Kawartha Lakes
180 Kent Street West, 2nd Floor
Lindsay, ON K9V 2Y6
Tel: 705.324.9411 ext. 1246
Fax: 705.324.4027

Emma Collyer, Acting Director of
Planning, Development and
Engineering
Kawartha Conservation
277 Kenrei Road,
Lindsay, ON K9V 4R1
Tel: 705.328-2271
Fax: 705.328-2286

2. Conveyances and 0.3 m. Reserves

If land is to be conveyed to the City we suggest that the description of such parcels shall be by reference to either the Lot or Block on the Registered Plan or by Part on a Reference Plan of survey.

We further require the Owner give to the City an undertaking to deposit with the Clerk a properly executed copy of the conveyance concurrent with the registration of the final plan, as signed by the Director.

If a 0.3 m. reserve is required along the side of either an existing or proposed road allowance, the 0.3 m. reserve shall be placed inside the public road

allowance – eg. the final public road allowance would be 20.3 m. and be comprised of two (2) parts, the 20.0 m. wide road allowance and the 0.3 m. reserve. The latter would be deeded to the City in trust.

3. Lands Required to be Registered under Land Titles Act

We suggest that you make yourself aware of section 144 of the Land Titles Act and subsection 78(10) of the Registry Act. Subsection 144(1) of the Land Titles Act requires that a plan of subdivision of land that is located in a land titles division be registered under the Land Titles Act. Exceptions to this provision are set out in subsection 144(2). Subsection 78(10) of the Registry Act requires that a plan of subdivision of land that is located only in a registry division cannot be registered under the Registry Act unless that title of the Owner of the land has been certified under the Certification of Titles Act. Exceptions to this provision are set out in clauses (b) and (c) of subsection 78(10).

4. Sewage Works

Approvals for sewage works are required under the Ontario Water Resources Act, R.S.O., 1990 as amended and the Environmental Protection Act, R.S.O., 1990 as amended.

5. Water Works

Water works shall meet the requirements of, and be approved by, the City of Kawartha Lakes Public Works Water and Waste Water Division, in accordance with the Safe Water Drinking Act, S.O. 2002 as amended and the Environmental Protection Act, R.S.O. 1990 as amended.

6. Clearance of Conditions

A copy of the Subdivision Agreement should be sent to public bodies with conditions covered under the Agreement. This will expedite clearance of the final plan. Please do not send a copy to the Ministry of Municipal Affairs.