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Date June 4, 2019 **Report No.** 2019-296

To Chair and Members
Committee of the Whole – Community Development

From Paul Moore, General Manager
Community Development

1.0 Type of Report

Consent Item ☐
Item For Consideration ☒

2.0 Topic **Extension to a Draft Approved Plan of Subdivision 29T-11504 – 375 Hardy Road (TCA Industrial Lands) [Financial Impact - None] (2019-296)**

3.0 Recommendation

- A. THAT the request to amend a condition of Draft Plan of Subdivision, specifically to extend the expiry date for Draft Plan Approval (File No. 29T-11504), submitted by MHBC Planning on behalf of Telephone City Aggregates (TCA), affecting the lands municipally addressed 375 Hardy Road, BE APPROVED, in accordance with Section 8.3 of Report 2019-296; and,
- B. THAT Pursuant to Section 51(47) of the *Planning Act*, R.S.O. 1990, c.P.13., written notice under Subsection 51(45) shall not be required as the change to the conditions is considered minor. No further notice to the public is required upon Council's approval.

4.0 Purpose

A request has been received to amend a condition of Draft Plan of Subdivision approval (File No. 29T-11504) to permit an extension to a previously approved Draft Plan of Subdivision for the lands municipally addressed as 375 Hardy Road. A copy of the Draft Approved Plan of Subdivision is attached as **Appendix A1**. Approval for the Draft Plan of Subdivision will expire on December 2, 2019 and the applicant is requesting an extension for an additional three (3) years to December 2, 2022 as outlined in the letter dated February 25, 2017 (attached as **Appendix A2**). The applicant has indicated that the extension is necessary because of proposed Red-line changes to the Draft Plan of Subdivision (File No. 29T-11505) located to the south, which is approved on lands also owned by the applicant (see **Appendix A3**). The two plans are intended to be developed concurrently to allow for the integration of roads, services and infrastructure.

5.0 Background

5.1 Site Features and Surrounding Land Use

The subject lands are located in the northwest part of Brantford, immediately to the north of the Grand River and south of Hardy Road. The lands are 39.379 ha (97.3 ac) in area, with approximately 270 m (885 ft.) of frontage on the south side of Hardy Road. A location map is attached as **Appendix B**.

There are several buildings and structures located on the lands including: a maintenance shed, a plant office, an asphalt plant and a scale house along with smaller storage sheds. These lands are also subject to an active license under the *Aggregate Resources Act* and a sand and gravel operation has operated from the site although much of the aggregate has now been extracted. The majority of the lands are cleared of vegetation although the raised terrace and berm along the east and north side of the property are wooded. Wetlands are located south of the site, toward the Grand River. The Grand Valley Trail extends through the ridge on the east side of the lands. The S.C. Johnson Trail, which is more accessible also extends through a small part of the applicant's lands at the south tip of the land and runs further to the west through the applicant's other land holdings immediately west of the subject lands (see **Appendix B**).

The lands immediately to the east contain a mix of agricultural and open space areas. To the west of the subject lands, south and abutting Hardy Road are also lands which are owned by the applicant and are not included in this draft plan of

subdivision. Beyond those lands to the north is the North West Industrial Park which contains a mix of industrial and commercial uses as well as offices.

The lands about a 60 m (197 ft.) wide undeveloped strip of land to the south which is owned by the City and is intended to be developed as a future extension of Oak Park Road. This strip of land was conveyed to the City along with a block of land (Block 50) which was to be developed for a storm water management facility when the City's industrial subdivision in the northwest was registered. The strip of land and Block 50 separates the subject lands from other lands owned by the applicant which are also the subject of related applications to amend the Official Plan and Zoning By-law and to Red-line draft approved plan of subdivision 29T-11505 (File Nos. OP-06-18, PZ-17-18 & 29T-18504). These applications will be considered at a future public meeting and a copy of the plan showing the proposed Red-line changes to the Draft Plan of Subdivision is attached as **Appendix A3**.

5.2 Background and Detailed Description of the Proposal

These lands were the subject of applications to amend Zoning By-law 160-90 and for Plan of Subdivision in 2011 (File Nos. PZ-16-11 and 29T-11504). In 2014, Council approved the applications; the subdivision was granted draft plan approval and Zoning By-law 160-90 was amended through By-law 122-2014 to facilitate the development of the lands for industrial uses. Council's Decisions (dated September 29, 2014) were appealed to the Ontario Municipal Board (OMB), which subsequently upheld Council's Decisions as stated in OMB Order dated December 2, 2015. In light of the OMB Decision, approval of the Draft Plan of Subdivision will expire on December 2, 2019.

With respect to this request to extend draft plan approval, the applicant is not proposing any changes to the draft plan, but is simply seeking to extend the expiry date for the approval of the Draft Plan of Subdivision. A copy of the conditions of draft plan approval is attached as **Appendix C** and Condition No. 71 relates to the expiration of draft plan approval. The applicant is seeking an extension of three years so that approval of the Draft Plan of Subdivision would expire on December 2, 2022.

The Draft Plan of Subdivision 29T-11504 will create a total of 26 blocks for future industrial uses. The blocks will range in size from 0.6 ha (1.5 acre) to 3.012 ha (7.4 acre) with an average block size of 1.06 ha (2.6 acre). Three blocks are proposed for open space. Stormwater will be addressed through the construction of a stormwater management facility on Block 50 which will be

designed to accommodate stormwater from the subject lands and from the industrial area to the north.

The main access to the subject lands is to be via a new Street “A” which is proposed from Hardy Road, as well as through the construction of Oak Park Road which currently does not extend south from Hardy Road. The road network and lot pattern is shown on **Appendix A1**. Street “A” will also provide a second access into the draft approved subdivision to the south (File 29T-11505) which is the subject of the Red-line application mentioned in Section 4.0 of this Report (these are the ‘Other Lands Owned by the Applicant’ shown on **Appendix B** and in detail on **Appendix A3**).

6.0 Corporate Policy Context

6.1 Shaping our Future: Brantford’s Community Strategic Plan (2014-2018)

This request was reviewed within the context of the Community Strategic Plan and is consistent with Goals 1 and 3 of the plan, which promotes economic vitality and innovation as well as managed growth and environmental leadership. The long-term desired outcomes outlined under Goal 1 of the Community Strategic Plan state that Brantford will have “*a strong diversified economic base that provides its citizens with excellent local job opportunities and that Brantford will be a business friendly community*”. The proposed subdivision would provide an opportunity for new employment uses to be established at this location.

The proposed development will help to achieve Goal 3 which states that “*Brantford will be known as a city that manages growth wisely, makes optimum use of its infrastructure, and is a leader in infill and brownfield redevelopment.*” Extending the lapsing date for this Draft Approved Plan of Subdivision will provide the applicant more time to facilitate development of the subject lands, helping to achieve the goal of managing growth wisely and making optimum use of existing infrastructure.

6.2 Planning Act, R.S.O. 1990

The *Planning Act, R.S.O. 1990* sets the standard to which provincial interests, provincial and local policies and goals are implemented. Section 51(32) of the *Planning Act, R.S.O. 1990* states that an approval authority in giving its approval to a draft plan of subdivision, may provide a lapsing date by which the approval will lapse at the expiration of the time period issued by the approval authority. The decision on the draft approved plan was issued by the Ontario Municipal

Board on December 2, 2015. Condition 71 of the draft approval indicates that the approval of the first phase shall lapse four (4) years after the date of draft approval (which would be December 2, 2019), unless it has been extended by the City. Section 51(33) of the *Planning Act, R.S.O. 1990* states that an approval authority may extend the approval for a time specified by the approval authority, but no extension is permissible if the approval lapses. This section of the *Act* provides the City with an opportunity to extend the approval if deemed acceptable.

Planning Staff are supportive of extending approval of the Draft Plan of Subdivision for 3 years as per the request of the applicant. The extension is not constraining the future development of any other lands and there are no issues relating to servicing capacity. There is a need for more industrial lots in the City and the applicant is now working with an experienced developer to bring both the subject lands and the draft approved plan of subdivision to the south forward for registration and development. It is the opinion of Planning Staff that the request to extend the approval for Draft Plan of Subdivision is appropriate and has regard to Sections 51(32) and 51(33) of the *Planning Act*.

Section 51(47) of the *Planning Act* states that an “*approval authority is not required to give written notice under subsection (45) if in the opinion of the approval authority, the change to the conditions is minor*”. In Planning Staff’s opinion, the request to extend the draft approval is minor in nature. No changes are proposed to the draft plan and the request is simply to provide the applicant with an additional 3 years to fulfill the conditions of draft approval prior to the registration of the subdivision (Condition 71). As such, Planning Staff are of the opinion that written notice to the public regarding Council’s decision on the extension is not required (Subsection 51(45)).

6.3 Provincial Policy Statement (2014)

Planning Staff have reviewed the request to extend the Draft Plan Approval in the context of the Provincial Policy Statement and is of the opinion that the applicant’s request is consistent with the Provincial Policy Statement. The request promotes the development of an underutilized parcel of land within an employment area and will promote new employment opportunities in the City of Brantford.

6.4 Places to Grow– Growth Plan for the Greater Golden Horseshoe (2017)

Planning Staff have reviewed the request to extend draft plan approval in the context of the Places to Grow – Growth Plan for the Greater Golden Horseshoe. Planning Staff is of the opinion that the applicant's request to extend draft plan approval is in conformity with the Growth Plan.

7.0 Input From Other Sources

7.1 Technical Liaison Response

The request for an extension to the draft approved plan was circulated to Engineering Services and the Building Department as well as to the Grand River Conservation Authority and the Ministry of Natural Resources and Forestry. There were no objections or concerns expressed.

7.2 Grand River Notification Area Input

Notice under the Grand River Notification Agreement is not required for an extension to a draft approved plan of subdivision.

8.0 Analysis

8.1 Official Plan Considerations

The subject lands are designated "General Industrial Area", "Residential Area– Low Density", and "Major Open Space" in the Official Plan (refer to **Appendix D**). With respect to the request to extend the expiry date for approval of a Draft Plan of Subdivision, the Official Plan does not include policies that would prevent the extension of approval of a Draft Plan of Subdivision. Planning Staff are of the opinion that this request is in conformity with the City of Brantford Official Plan.

8.2 Zoning By-law Considerations

Existing Zoning:	"Holding – General Industrial – Exception 53 Zone (H-M2-53)"
	"Holding – General Industrial – Exception 54 Zone (H-M2-54)"

“Open Space Type 1 Zone (OS1)”

“Open Space Restricted Zone (OS3)”

The subject lands are zoned “Holding – General Industrial – Exception 53 Zone (H-M2-53)”, “Holding – General Industrial – Exception 54 Zone (H-M2-54)”, “Open Space Type 1 Zone (OS1)” and “Open Space Restricted Zone (OS3)” in Zoning By-law 160-90 (see **Appendix E**). A Holding “H” Provision has been applied to the lands and it will remain in place until the Owner has entered into a subdivision agreement to the satisfaction of the City and the Grand River Conservation Authority.

8.3 Development Considerations

As mentioned in Section 4.0 of this Report, a request has been received for an extension to a previously approved Draft Plan of Subdivision (File No. 29T-11504) for the lands located at 375 Hardy Road. The draft approved plan is for a proposed industrial subdivision consisting of 26 industrial blocks and 3 open space blocks. A number of roads will also be constructed as well as the necessary services and infrastructure.

As noted previously in this Report, the applicant is not proposing any changes to the Draft Approved Plan but is requesting an extension for an additional three (3) years to fulfill the conditions. If granted, the extension would amend the lapsing date to December 2, 2022. This would provide the Owner with additional time to fulfill the conditions of draft plan approval (attached as **Appendix C**). The applicant has indicated that the extension is necessary because of proposed changes to the Draft Plan of Subdivision located to the south, which is approved on lands also owned by the applicant. The two plans are intended to be registered and developed concurrently to allow for the integration of roads, services and infrastructure. This request was circulated for review and no objections or concerns were received. An extension of an additional three years will not constrain any other development proposals and it is anticipated that this will be enough time to satisfy the conditions of draft plan approval and bring forward additional industrial lots for development.

Based on the foregoing, Planning Staff support the request to extend approval of the draft plan of subdivision for an additional 3 years and recommend that Condition 71 as found in **Appendix C** be amended to specify that Draft Plan Approval will expire on December 2, 2022.

9.0 Financial Implications

There are no municipal financial implications associated with this request for an extension to a draft approved plan of subdivision.

10.0 Conclusion

Planning Staff are satisfied that the request to extend the expiry date for Draft Plan Approval for subdivision File No. 29T-11504 as outlined in this Report, is in accordance with the purpose and intent of the process as provided under the *Planning Act*. The approved draft plan of subdivision conforms to the policies of the Official Plan, and has been reviewed through previous Planning processes including the applications for a Zoning By-law Amendment and Draft Plan of Subdivision, which were upheld by the Ontario Municipal Board. It is recommended that the request to extend approval of Draft Plan of Subdivision (File No. 29T-11504) be approved and that the draft plan approval with all conditions expire on December 2, 2022.



Jeff Medeiros, MCIP, RPP
Intermediate Planner
Community Development



Joe Muto, MCIP, RPP
Manager of Development Planning
Community Development



Lucy Hives, MCIP, RPP
Director of Planning
Community Development



Paul Moore, MCIP, RPP
General Manager
Community Development

Attachments (if applicable)

N/A

In adopting this report, is a by-law or agreement required? If so, it should be referenced in the recommendation section.

By-law required ☐ yes ☒ no

Agreement(s) or other documents to be signed by Mayor and/or City Clerk ☐ yes ☒ no

Is the necessary by-law or agreement being sent concurrently to Council? ☐ yes ☒ no

[illegible]

**Appendix A2
Letter Request**



KITCHENER
WOODBRIDGE
LONDON
KINGSTON
BARRIE
BURLINGTON

February 25, 2019

Lucy Hives, MA, MCIP, RPP
Manager, Current Planning
Planning Department - Community Services
City of Brantford
100 Wellington Square
Brantford ON, N3T 5R7



Dear Lucy Hives:

**RE: Request for Draft Plan Approval Extension – TCA Hardy Road Industrial Lands
OUR FILE 10116A**

On behalf of TCA, we would like to request an extension of draft plan approval for the plan of subdivision File No. 29T-11504. The draft approved subdivision is for a proposed industrial plan of subdivision.

The date of draft approval is reflective of the Ontario Municipal Board decision issued on December 2, 2015. A copy of the decision is hereby enclosed with this letter.

Condition 71 of the draft approval, is as follows:

71. Pursuant to Section 51(32) of the Planning Act, R.S.O. 1990, Draft Plan Approval, together with all conditions, shall lapse as follows:

- a) For the first phase, four (4) years after the date of Draft approval, unless it has been extended by the City; and*
- b) For any subsequent phases, four (4) years after the date of Final Approval of the proceeding phase.*

In summary, the draft approval of the plan of subdivision would lapse on December 2, 2019. **We would hereby request an extension to the draft plan approval, by 3 years.** The need for this extension is a result of the adjacent, residential and industrial plan of subdivision to the south of Oak Park Road (File No. 29T-11505), which is currently in the process of a redline modification. The two plans are proposed to be developed concurrently.

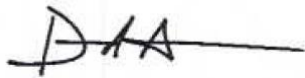
In support of this request, please find enclosed with this letter:

- A copy of the draft approved plan of subdivision; and
- A copy of the OMB decision, dated Dec. 2, 2015.

We trust that this information is sufficient to grant the draft approval extension. Please contact the undersigned if you require anything additional.

Yours truly,

MHBC



David W. Aston, MCIP, RPP
Partner



Stephanie Mirtitsch, BES
Planner

cc. Greg Sweetnam, TCA

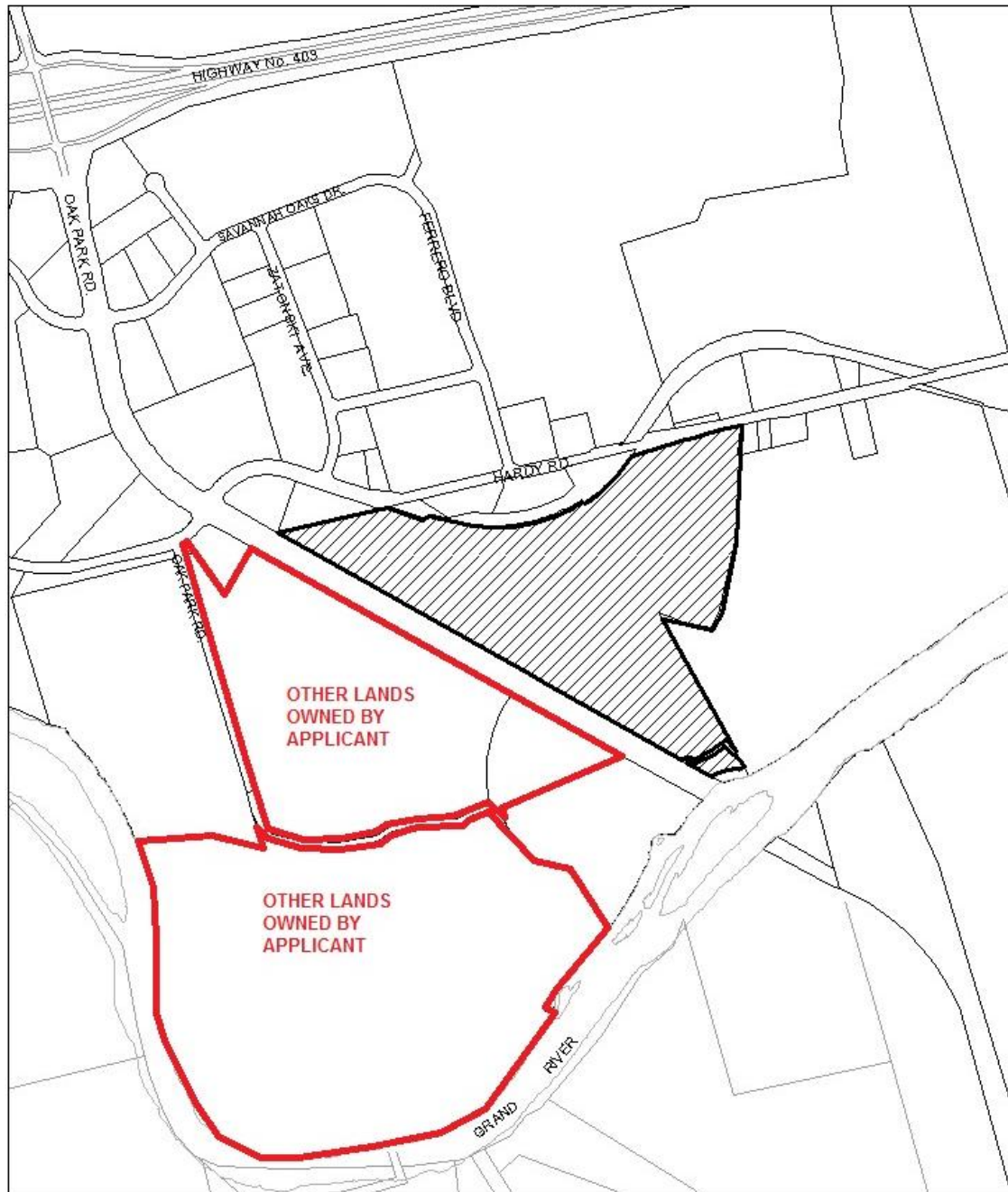
Appendix A3 Proposed Red-line Draft Plan of Subdivision 29T-18504 (formerly 29T-11505)




APPENDIX B
Location Map

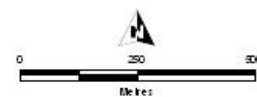
LOCATION MAP

Application 29T-11504



LEGEND

 SUBJECT LAND (375 Hardy Road North)



APPENDIX C

Conditions of Draft Plan Approval – 29T-11504

THE CORPORATION OF THE CITY OF BRANTFORD'S CONDITIONS OF FINAL PLAN APPROVAL FOR REGISTRATION OF THIS SUBDIVISION FILE NO. 29T-11504 ARE AS FOLLOWS:

NO.	CONDITIONS:
<hr/>	
1	<p>This approval applies to the Draft Plan of Subdivision prepared by MHBC Planning Urban Design & Landscape Architecture, dated February 24, 2014, showing a total of 26 industrial blocks (Blocks 1-26) and 3 blocks for open space purposes (Blocks 27-29) and 3 public roads (Streets A, B & C) as indicated on the Plan attached to Report CD2014-097. The lands covered by the Draft Plan Approval are sometimes referred to by these Conditions as the "subject lands".</p> <p>Unless otherwise stated, all conditions listed below shall be addressed to the satisfaction of the City and at no cost to the City of Brantford.</p> <p>For the purpose of these Conditions, the City of Brantford is sometimes referred to by these Conditions as the 'City; or 'municipality'; the Owner is the Owner of the lands which are subject to application for draft plan approval, (File No. 29T-11504).</p>
2	<p>That the Owner shall enter into, and register on title to the lands of the Draft Plan, a Subdivision Agreement with the City of Brantford that satisfies all requirements, financial and otherwise of the City of Brantford and Brantford Power Inc..</p>
3	<p>That the Owner shall satisfy all requirements, financial and otherwise, of the City of Brantford and Brantford Power Inc, not limited to the following:</p> <ul style="list-style-type: none">a) Municipal services.b) Lot grading.c) Drainage.d) Stormwater management in accordance with current Provincial guidelines, and low impact Stormwater management development practices including stringent control of storm discharge from the development including spill containment.e) Curbs and sidewalks on both sides of municipal roads in accordance with the requirements of the City, including a continuous sidewalk along one side of streets with industrial uses and along both sides of the Oak Park Road Extension.f) Electrical servicing designsg) Control of dust during construction.h) Payment of applicable Development Charges and notification of purchasers of the applicable development charges.i) A traffic management plan to illustrate how traffic calming measures are to be incorporated into the development.j) The responsibility to decommission any wells or septic systems in accordance with current Provincial guidelines.

- k) Provision of a Record of Site Condition, confirming that the environmental condition of that portion of the subject lands to be conveyed to the City, meets the quality criteria as prescribed by Ontario Regulation 153/04, as amended, for the proposed land use.
 - l) The Owner being financially responsible for the preparation of a groundwater management program prepared by a hydrogeological consultant in relation to all wells within 500 metres of the subject lands, to avoid interference and impacts to the quality and quantity of these wells. The Owner is responsible for reporting the results of said monitoring to the City. Should the Owner be found to have negatively impacted any existing well, the Owner shall agree to be financially responsible to replace the well, or reinstate the water supply through the provision of a municipal water supply. This shall be at no cost to the municipality or to the private property owner.
 - m) The implementation of infiltration practices in the overall stormwater Management scheme to maintain the existing groundwater regime and to protect groundwater dependent natural features.
 - n) The Owner shall agree to provide, a water modelling study to the satisfaction and approval of the General Manager, Public Works, and implement all necessary works.
 - o) An electrical design from a consulting engineer to be provided to Brantford Power for review and approval.
- 4 That the Owner agrees that the existing Letter of Credit submitted pursuant to subsection 5 (g) of the Severance Agreement registered as Instrument BC115443 in the amount of \$1,191,546.50 held by the City in regard to Severance Application B24/2005 will not be released until the requirements set out in the Agreement have been addressed to the satisfaction of the General Manager, Public Works.
- 5 That the Owner agrees to provide the City with securities in addition to the Letter of Credit referenced in the preceding condition 6 and shall pay to the municipality all prepayments for future works within existing and proposed right of ways for all roads including Oak Park Road and the stormwater management pond and associated works proposed for Block 50, Plan 2M-1870 and shall provide letters of credit for 100% of the cost of all roads, sewers, watermains and utility works and landscaping within the right of way for the subject lands, to the satisfaction of the General Manager, Public Works.
- 6 That the Owner agree that despite subsection 5 (e) of the Agreement registered on title as Instrument BC115442, the Subdivision Agreement will permit direct access to Oak Park Road and shall be limited to Street A and Street B to the satisfaction of the General Manager, Public Works.
- 7 That the Owner agrees to provide a Phasing Plan for the review and approval of the General Manager, Public Works. The phasing plan shall ensure that no development shall occur without the full construction of municipal roads that are constructed to create two points of access from Hardy Road and include a continuous connection between Street A through to Hardy Road, and Oak Park Road from Hardy Road to Street A as shown on this Draft Approved Plan dated February 24, 2014. In the event that Final Plan registration is to be phased, only

those conditions pertaining to the particular phase being registered are required to be satisfied.

- 8
 - a) That the Owner agrees that prior to registration, the Owner shall provide written confirmation from the Ministry of Natural Resources that the Aggregate License and the related approved Site Plans have been amended to reflect the draft approved plan of subdivision, to the satisfaction of the Ministry of Natural Resources; and
 - b) The Owner shall agree to provide to the City, written confirmation from the Ministry of Natural Resources confirming that pit rehabilitation has been carried out in accordance with any licensed conditions as imposed by the Ministry of Natural Resources and that all licences under the Aggregate Resources Act have been surrendered, prior to registration of this plan.
- 9 The Owner shall agree that until such time as the existing Aggregate Resources Act licences have been surrendered, all grading activities shall be in conformity with the approved subdivision grading plan and further that upon surrender of the licence, no grading, removal of soil, trees or other vegetation, or the construction or placement of any other works, shall take place on any lands in accordance with Site Alteration Bylaw 28-2011 without the written approval of the General Manager, Public Works.
- 10 That the Owner shall agree to provide all easements, and convey all lands, as may be required for utility or drainage purposes to the appropriate authority.
- 11 That the Owner shall agree to convey to the City as shown on the Final Plan, Blocks 27 to 29 for Open Space purposes. Said conveyances to be in fee simple and free of encumbrances, and upon conveyance shall not be landlocked which may require the consolidation of adjacent Blocks and shall include provision for access to the Blocks to the satisfaction of the City. The Owner shall further agree that none of these Blocks are to be considered parkland, in accordance with Section 51.1 of the Planning Act R.S.O. 1990.
- 12 That the Owner shall agree, to provide cash in lieu for Park Land purposes in accordance with Section 51.1 of the Planning Act, R.S.O. 1990 to the satisfaction of the General Manager, Public Works and the General Manager, Community Services.

Roads

- 13 That the Owner shall agree that all road allowances shown on the Draft Plan will be designed in accordance with the current requirements of the City of Brantford, including the ability to accommodate different modes of transportation, and will be dedicated to the City as public highways and named to the satisfaction of the General Manager, Public Works.

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- 14 That the owner shall agree to the following right of way widths as shown on the Draft Plan:
Street A, B and C 26 metres
 - 15 That the Owner shall agree to be responsible for constructing and implementing all necessary traffic improvements, as identified in the TCA Development Northwest Brantford Traffic Impact Study, dated September 2011, and the TCA TIS Addendum dated November 26, 2012 with the timing for said construction to be completed as required the General Manager, Public Works.
 - 16 That prior to Final Approval and in the event development of these lands is delayed beyond 4 years, the Owner shall agree to complete for review and approval of the City of Brantford, a Traffic Impact Study if required at that time, to the satisfaction of the General Manager, Public Works. The Owner shall agree to apply the most current background data available.
 - 17 That prior to submission of the Final Plan, the Owner shall agree to identify all required road widening blocks and dedicate them on the final plan as public highway, in accordance with the recommendations of the TCA Development Northwest Brantford Traffic Impact Study, dated September 2011, and the TCA TIS Addendum dated November 26, 2012 and the current requirements of the City of Brantford, to the satisfaction of the General Manager, Public Works.
 - 18 That the Owner shall agree to construct all roads, supply and install all temporary and permanent street signs (including regulatory and warning traffic signage and related appurtenances and traffic control and parking control poles and signs etc.), complete pavement markings and all related road infrastructure to the satisfaction of the General Manager, Public Works.
 - 19 That the Owner shall agree to provide to the City a Letter of Credit providing for the installation of one transit pad and bus shelter, at a cost of \$3750.00 per shelter & pad, with the location to be determined at the detailed design stage, to the satisfaction of the General Manager, Public Works.
 - 20 That prior to submission of the Final Plan, the Owner shall agree to identify all required 0.3m reserves and daylight triangles on the Final Plan, and shall agree to convey these in fee simple, free of encumbrance and at no cost to the municipality. Note, daylight triangles are not conveyed separately but are shown on the final plan as part of the public right of way.
 - 21 That the Owner shall agree to construct temporary turning circles or hammerheads, to the satisfaction of the General Manager, Public Works, so as not to create any cul-de-sacs in excess of 250 metres in length without the provision of a second municipal access having a minimum width of 9.0 metres, constructed to the satisfaction of the General Manager, Public Works.
 - 22 That the Owner shall agree not to apply for any Building Permits for residential purposes on streets exceeding 250 metres in length until such time as a second municipal access having a minimum width of 9.0 metres has been constructed to the satisfaction of the General Manager, Public Works and conveyed to the

municipality as a public right of way.

- 23 The Owner agrees to submit a noise study to address the impact of the future Oak Park Road extension on the proposed development, in accordance with current Ministry of the Environment guidelines and submitted to the municipality for review. Any development of the subject lands must be in accordance with the recommendations of the said report, to the satisfaction of the General Manager, Public Works.

Servicing, Stormwater Management, Geotechnical, Geomorphology

- 24 The Owner shall agree to prepare, and submit for the approval of the General Manager, Public Works, an Engineering Site Servicing Plan showing all proposed grading and servicing. In addition, the Owner shall agree to pay for any servicing improvements off-site necessitated to service the subject lands.
- 25 The Owner acknowledges that there is potential for groundwater interception by underground services and foundation drains in this area, and further that the Owner agrees to provide a mitigation strategy at the Owner's expense and to the satisfaction of the General Manager, Public Works and the Grand River Conservation Authority that includes:
- a) Identification of surface water features and areas with groundwater reliance;
 - b) Preparation and implementation of a construction protocol to address maintenance of existing sensitive groundwater-surface linkages/interactions;
 - c) Monitoring of groundwater pre-construction, during and post construction for each feature and area; and
 - d) The development of a contingency plan prior to any site alteration which includes investigation and implementation of corrective measures, including an estimate of costs to address any impacts identified through the said monitoring program.
- 26 The Owner shall agree to prepare, and submit for the approval of the General Manager, Public Works and the Grand River Conservation Authority, a Stormwater Management Report and Plan, in accordance with current provincial guidelines and preliminary stormwater management reports, to address quality and quantity attenuation requirements and to include stringent control of storm discharge from the development, including spill containment.
- 27 That the owner shall agree to enter into a cost sharing / front ending agreement with the City, addressing the construction of the industrial Stormwater Management (SWM) facility on Block 50 (Plan 2M-1870) and the extension of the trunk storm sewer system on the Oak Park Road right-of-way. The said agreement shall formulate the basis of cost sharing between the Owner and the City for the said SWM facility and any oversizing contributions payable by the City for the extension of the trunk storm sewer system by the Owner, on the Oak Park right-of-way to the satisfaction of the General Manager, Public Works. The Owner shall further agree that timing and construction of the said facility shall be in accordance with the

Environmental Implementation Report (Condition No. 31), to the satisfaction of the General Manager, Public Works.

- 28 The Owner agrees to construct, the proposed storm water management facility on Block 50 as shown on the draft plan, and to construct (in accordance with the approved cost sharing formula) the proposed storm water management facility on Block 50 (Plan 2M-1870) required in connection with this development. The Owner further agrees to maintain on a regular basis, and as required, the said storm water management facilities, at no cost to the municipality, to the satisfaction of the General Manager, Public Works, until assumption of the subdivision by the municipality.
- 29 The Owner agrees to prepare an operation and maintenance manual in accordance with current provincial guidelines including the Provincial Water Quality objectives, for any proposed storm water management facilities and appurtenances, to the satisfaction of the General Manager, Public Works, and provided to the municipality prior to the operation of any of the said facilities and appurtenances.
- 30 The Owner agrees to establish and undertake a monitoring program addressing quality and quantity control as well as temperature for a period of 2 years post development in consultation with the Ministry of Environment and the Grand River Conservation Authority, and administered until final assumption of the Plan, all to the satisfaction of the General Manager of Public Works. The monitoring program is to review the performance of the proposed quality regime, within the proposed development, and to ensure the SWM facility and appurtenances are operating and functioning as designed with respect to the quality treatment and quantity control of surface water runoff.
- 31 Prior to any grading or construction on the site and prior to the registration of the plan, the Owner shall agree to submit the following plans and reports to the satisfaction of the Grand River Conservation Authority:
 - a) A final stormwater management report in accordance with current provincial guidelines and preliminary Stormwater Management Design Brief proposed TCA Oak Park road/BSAR Extension prepared by J.H. Cohoon Engineering Limited, revised August 2008 (updated January 2014);
 - b) 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;
 - c) Detailed lot grading and drainage plans;
 - d) The approval and issuance of a Permit from the Grand River Conservation Authority for any development within the regulated areas on the subject lands pursuant to Ontario Regulation 150/06 (Development, Interference with Wetlands and alterations to Shorelines and Watercourses Regulation);
 - e) An Environmental Implementation Report (EIR) to the satisfaction of the City of Brantford and the Grand River Conservation Authority. The EIR shall be comprehensive and integrate information from disciplines including

hydrogeology, ecology and hydrology/stormwater management. The EIR shall include the recommendations from the Scoped Environmental Impact Statement (EIS) Residential Subdivision prepared by Howes-Jones & Associates Inc., dated September 2011, memorandum Re: Response to GRCA Comments of Letter of December 4, 2013 and Comments Requested by City of Brantford prepared by Daryl Howes-Jones & Associates, dated February 21, 2014.

- 32 That the Owner agree that the Subdivision Agreement between the Owner(s) and City of Brantford shall contain provisions for the completion and maintenance of works in accordance with the approved plans and reports noted in Condition 31.
- 33 That the Owner shall provide a qualified environmental inspector, satisfactory to the General Manager, Public Works and the Grand River Conservation Authority, to inspect the site during all phases of development and construction including grading, servicing and building constructions. The environmental inspector shall monitor and inspect erosion and sediment control measures and procedures, and compliance with the approved monitoring programs in accordance with the approved Environmental Implementation Report (Condition No. 31). The environmental inspector shall report on its findings to the City on a monthly basis or as required in accordance with the approved Environmental Implementation Report.
- 34 That the Owner shall provide to the General Manager, Public Works, and the Grand River Conservation Authority, a report prepared by a qualified engineer and/or geoscientist following completion of the storm water management facilities, that details how any measures required to control storm water management and achieve a water balance have been constructed, and a report on the performance expected from the facilities based on as built conditions.
- 35 Prior to any grading or construction on the site and prior to registration of the plan, the Owner shall agree to submit and implement an Erosion and Sedimentation Control Plan indicating the means whereby erosion will be minimized and silt maintained on-site throughout all phases of grading and construction, to the satisfaction of the General Manager, Public Works. The Erosion and Sediment Control Plan must be prepared in accordance with the 'Erosion and Sedimentation Control Plan Design Requirements', as contained in Appendix V-C of the City of Brantford Official Plan.
- 36 The Owner shall agree to meet the Clean Water Act and any applicable regulatory requirements including submitting a risk management plan addressing spill prevention, to the satisfaction of the General Manager, Public Works, prior to registration of this plan.
- 37 The Owner shall agree to prepare and submit for the approval of the General Manager, Public Works and the Chief Building Official of the City of Brantford, a detailed geotechnical report to evaluate, among other matters, the requirements for engineered fill, footing design, foundation type and road design.

Open Space, including Landscaping & Signage Requirements

- 38 The Owner shall agree to prepare, and submit for the approval of the General Manager, Community Services, an Open Space Master Plan, outlining the intended use for these lands, and confirmation of the functionality of these lands, including a strategy addressing monitoring for invasive species removal and the manner in which the natural heritage features located on the subject lands are to be recognized, identified and managed for the long term as key features of the Subdivision and including a plan showing how pedestrian trails can be integrated within the Open Space and the balance of the lands.
- 39 The Owner shall submit a Tree Inventory Study and Vegetation Management / Protection Plan, for the lands within the Open Space Blocks that will be impacted prior to any disturbance or grading of the site and prior to registration of the Final Plan; the above noted study / plan shall identify all existing trees on-site proposed to be removed or impacted as a result of the development of the subject lands and include re-planting / restoration requirements, to the satisfaction of the General Manager, Community Services.
- 40 The Owner shall agree to submit detailed grading and landscape plans prepared by a certified Landscape Architect for the Open Space Blocks as well as 'As Built' grading plans for said Blocks to the satisfaction of the General Manager, Community Services.
- 41 The Owner shall agree to maintain in accordance with current City standards, the Open Space Blocks, to the satisfaction of the General Manager, Community Services, until such time as the City assumes the said Blocks.
- 42 That prior to Final Approval, the Owner shall agree to provide, at the Owner's expense, appropriate pedestrian trails/walkways within the Plan of Subdivision, to the satisfaction of the General Manager, Community Services. A detailed trail / development plan and proposed trail routes and connections must be submitted for approval by the General Manager, Community Services, prior to registration of the Final Plan. An environmental analysis of the Trails Plan shall be included in the Environmental Implementation Report (Condition No. 31) to confirm that the proposed trail locations are consistent with the recommendations made in the Environmental Impact Study.
- 43 The Owner shall agree to construct all trails/walkways in accordance with the timing schedule agreed to by the General Manager, Community Services, and shall bear responsibility for all costs related to the design and construction of the trails/walkways within the subdivision.
- 44 The Owner shall agree to install fencing to the City's current standard in any other locations determined by the City, to the satisfaction and in accordance with the timing schedule agreed to by the General Manager, Community Services. The Owner further acknowledges that there shall be no gates or informal access points

permitted into the Open Space Blocks that will be conveyed to the City and that fencing will also be addressed through the site plan control process.

- 45 The Owner shall agree to submit, and implement, at no cost to the municipality, a landscape plan prepared by a certified Landscape Architect to address planting requirements relating to the Stormwater Management facilities on Block 50 (Plan 2M-1870), to the satisfaction of the General Manager, Community Services. The cost to develop and landscape this Block shall be at the Owner's sole expense.
- 46 The Owner shall agree to provide and install, to the satisfaction of the General Manager, Community Services, the following:
 - a) signage explaining the use and function of the Stormwater Management Block at all street frontages and walkway entrances once rough grading is completed; and
 - b) interpretive signage relating to the natural features, including but not limited to the woodlands and wildlife habitat which exist in the area.
- 47 That the Owner shall agree to submit a street tree planting plan, prepared by a landscape architect, in accordance with current City standards and to provide boulevard trees along the streets as well as replacement plantings within the areas identified as Open Space to the satisfaction of the General Manager, Community Services.

Natural Heritage

- 48 The Owner shall also agree that a component of the EIR (Condition No. 31) shall also address to the satisfaction of the General Manager, Community Services, and the Grand River Conservation Authority, the following:
 - a) An Integrated Monitoring Plan to further address pre-construction, during construction and post-construction conditions where warranted. The Owner also agrees to enter into an agreement with the City to implement the approved Monitoring Plan;
 - b) It will show how the recommendations of the EIS, Addendums to the EIS and the Applications for a Development Exemption under the Endangered Species Act have been addressed. In the circumstances in which the EIR involves lands that are habitat for an endangered species, the EIR shall also be reviewed in consultation with the Ministry of Natural Resources; and
 - c) It shall address the protection, restoration and future management of the meadowlark habitat and other significant natural heritage features including the wetlands, woodlands and significant wildlife habitat.
- 49 The Owner agrees to carry out and implement the recommendations contained in the Environmental Implementation Report (Condition No. 31) at the Owner's expense until the City assumes the Open Space Blocks, to the satisfaction of the General Manager, Community Services and the Grand River Conservation

Authority.

- 50 The Owner shall agree to undertake the mitigation measures identified in the Environmental Implementation Report at the Owner's expense, should the monitoring programs identify any adverse impacts as a result of the development to the satisfaction of the General Manager, Community Services, Grand River Conservation Authority.
- 51 The Owner shall agree to cost share with the City in order to satisfy the requirements of compensation for meadowlark habitat within Open Space Block 46 as provided in the development plan accepted by the Ministry of Natural Resources related to the joint development of the City Stormwater Management Facility.
- 52 That the Owner shall produce and distribute an Environmental Handbook, to each owner at the time of sale to educate owners about the environmental features of the area that are contained within the Open Space Blocks and the means to protect and sustain the existing natural areas. Said Handbook shall be to the satisfaction of the Grand River Conservation Authority and the General Manager, Community Services.
- 53 The Owner shall agree to provide final drawings reflecting the location of Significant Woodlands and Significant wetlands as staked and field confirmed with the City and the Grand River Conservation Authority to the satisfaction of the General Manager, Community Services and the Grand River Conservation Authority.
- 54 The Owner shall agree to prepare, and submit to the satisfaction of the Grand River Conservation Authority and the General Manager, Community Services, a Buffer Management and Rehabilitation Plan prepared by a qualified Environmental Consultant that outlines the potential impacts, mitigation measures and post-grading planting plans for the interface between the natural heritage features as contained within the Open Space Blocks and the adjacent lands to be developed.

Other

- 55 The Owner agrees that if required, any berm constructed as part of any noise or other barrier shall be constructed with clean fill material that must meet Ontario Regulation 153/04 as amended and the Owner shall provide appropriate certification to the satisfaction of the General Manager, Public Works.
- 56 The Owner agrees that prior to the issuance of a building permit, the Owner shall provide to the City, certification from a qualified acoustical consultant that any required noise control measures have been incorporated into the builder's plans.
- 57 The Owner agrees that prior to issuance of an occupancy permit or release of securities, the Owner shall provide to the municipality, certification from a qualified acoustical consultant that any approved noise control measures have been

properly installed.

- 58 The Owner agrees that prior to Final Approval, the area within this Plan is to be declared by the City of Brantford as a Site Plan Control Area pursuant to Section 41 of the Planning Act, R.S.O. 1990.
- 59 The Owner agrees that where applicable, the Northwest Industrial Area Supplemental Site Plan Requirements shall also apply to the lands until such time as they are replaced by updated requirements.
- 60 That prior to Final Approval of this Plan, the Owner shall agree to provide certification by an Ontario Land Surveyor confirming that the proposed lots are in conformity with the provisions and requirements of the City of Brantford Zoning By-law #160-90, as amended, or its successor.
- 61 That prior to Final Approval of this Plan, the General Manager, Community Services is to confirm that the appropriate zoning is in force and effect to reflect the intended uses of the land within the Draft Plan.
- 62 That the Owner agrees to include in all initial and post development Offers of Purchase, Sale or Lease related to property within the Plan of Subdivision clauses prepared to the satisfaction of the City of Brantford that inform future purchasers and tenants of the following:
 - a) No alteration of the drainage plan for the property or surrounding properties is permitted without the express written approval of the City of Brantford;
 - b) To maintain the water balance for these lands and as part of the drainage plan noted in a) above, a combination of infiltration measures including infiltration trenches and soak away pits may be required. All infiltration systems and soakaway pits that are installed on private property will require future maintenance or replacement by the property owner and the City of Brantford assumes no responsibility, financial or otherwise for these systems.
 - c) Purchasers / tenants are advised that no interference with downspout connections into the underground system for stormwater collection is permitted without the express written approval of the City of Brantford and further that the Owner of the lands is responsible for ensuring the downspout connections are in good order and functioning in accordance with the approved drainage plan for the lands;
 - d) This development is located in City of Brantford's drinking water Intake Protection Zone (IPZ-2). The discharge of pollutants such as raw sewage, road salt and pesticides to the Grand River will negatively impact the City of Brantford's raw water quality. This development may be subject to requirements to prevent the pollution of the City of Brantford's raw water source.
 - e) Any retaining walls including their granular base foundation support, drainage pipes and fencing must be located completely within private property and property owners will own the walls and have full responsibility for the required maintenance, repair or replacement of the retaining walls.
 - f) Due to the physical location of this development and the distance from existing

fire stations, response times in the event of an emergency will be well above the acceptable standard for the rest of the City. The installation of fire sprinkler systems is strongly recommended.

External Agencies

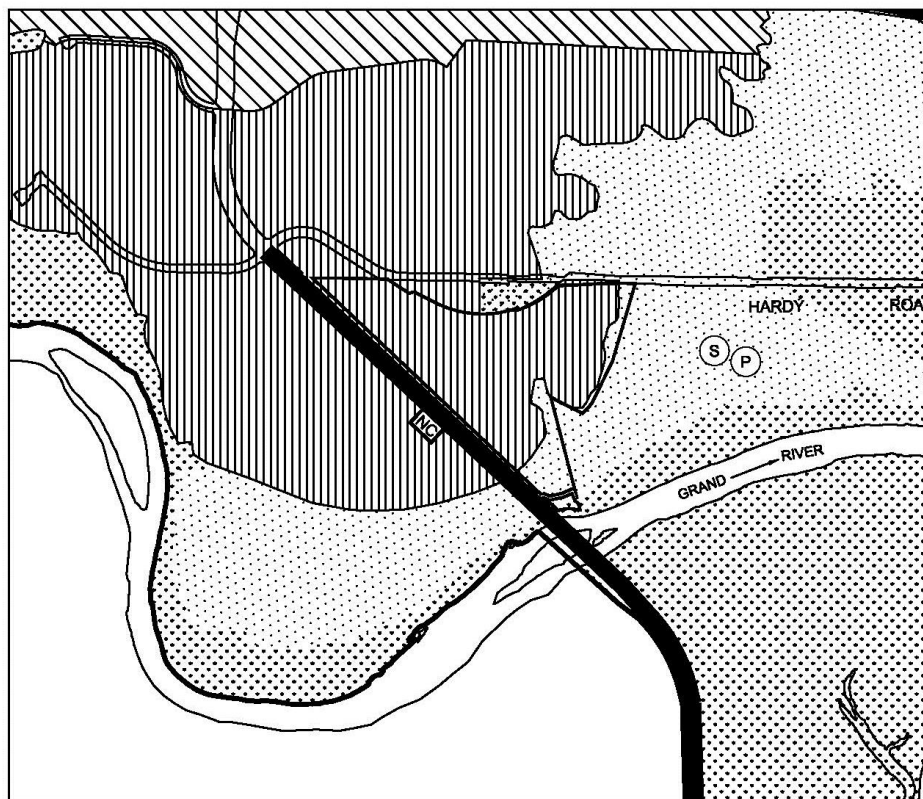
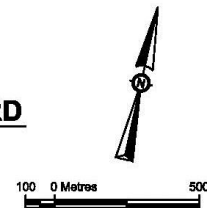
- 63 That the Owner shall agree to provide all necessary easements and/or agreements required by Union Gas Limited for the provision of gas services the satisfaction of Union Gas Limited.
- 64 That the Owner shall agree to the satisfaction of Canada Post the following:
- a) Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
 - i. That the home/business mail delivery will be from a designated Centralized Mail Box; and
 - ii. That the Owner be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to closing of any home sales.
 - b) Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision; and
 - c) Install a concrete pad in accordance with the requirements of, and in locations to be approved by, Canada Post and the municipality, to facilitate the placement of Community Mail Boxes; and
 - d) Identify the pad(s) noted in (c) above on the engineering servicing drawings; and
 - e) Determine the location of all centralized mail receiving facilities in cooperation with the City of Brantford and Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans; maps are to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
- 65 That the Owner shall provide a clearance letter from the Ministry of Tourism, Culture, and Sport verifying that their requirements have been satisfied.
- 66 Prior to final approval, the City must be advised, in writing, by Canada Post, how Condition 64 has been satisfied.
- 67 Prior to final approval, the City must be advised, in writing, by the Grand River Conservation Authority, how Conditions 25, 26, 30, 31, 33, 34, 48, 49, 50, and 52 to 54 inclusive, have been satisfied.
- 68 Prior to final approval, the City must be advised, in writing, by the Ministry of Natural Resources how Condition 8 has been satisfied.
- 69 Prior to final approval, the City must be advised, in writing, by Union Gas Limited,

how Condition 63 has been satisfied.

- 70 Prior to final approval, the City must be advised, in writing, by the Ministry of Tourism, Culture, and Sport, how Condition 65 has been satisfied.
- 71 Pursuant to Section 51(32) of the Planning Act, R.S.O. 1990, Draft Plan Approval, together with all conditions, shall lapse as follows:
 - a) For the first phase, four (4) years after the date of Draft Approval, unless it has been extended by the City; and
 - b) For any subsequent phases, four (4) years after the date of Final Approval of the preceding phase.
- 72 Prior to Final Approval the City must be advised in writing, by the Owner, how Conditions 1 to 71 inclusive have been satisfied.

APPENDIX D Official Plan

EXCERPT FROM SCHEDULE 1 LAND USE PLAN OF THE OFFICIAL PLAN OF THE CITY OF BRANTFORD



LEGEND

RESIDENTIAL AREA

- LOW DENSITY
- MEDIUM DENSITY
- HIGH DENSITY

INDUSTRIAL AREA

- GENERAL
- BUSINESS PARK

MAJOR INSTITUTIONAL

MAJOR OPEN SPACE

COMMERCIAL AREA

- CORE COMMERCIAL
- CC COMMUNITY CENTRE COMMERCIAL
- GC GENERAL COMMERCIAL
- MCR MIXED COMMERCIAL RESIDENTIAL
- DC DISTRICT CENTRE COMMERCIAL
- NC NEIGHBOURHOOD CENTRE COMMERCIAL
- HC HIGHWAY COMMERCIAL
- NFC NEW FORMAT COMMERCIAL

SUBJECT LANDS

SYMBOLS

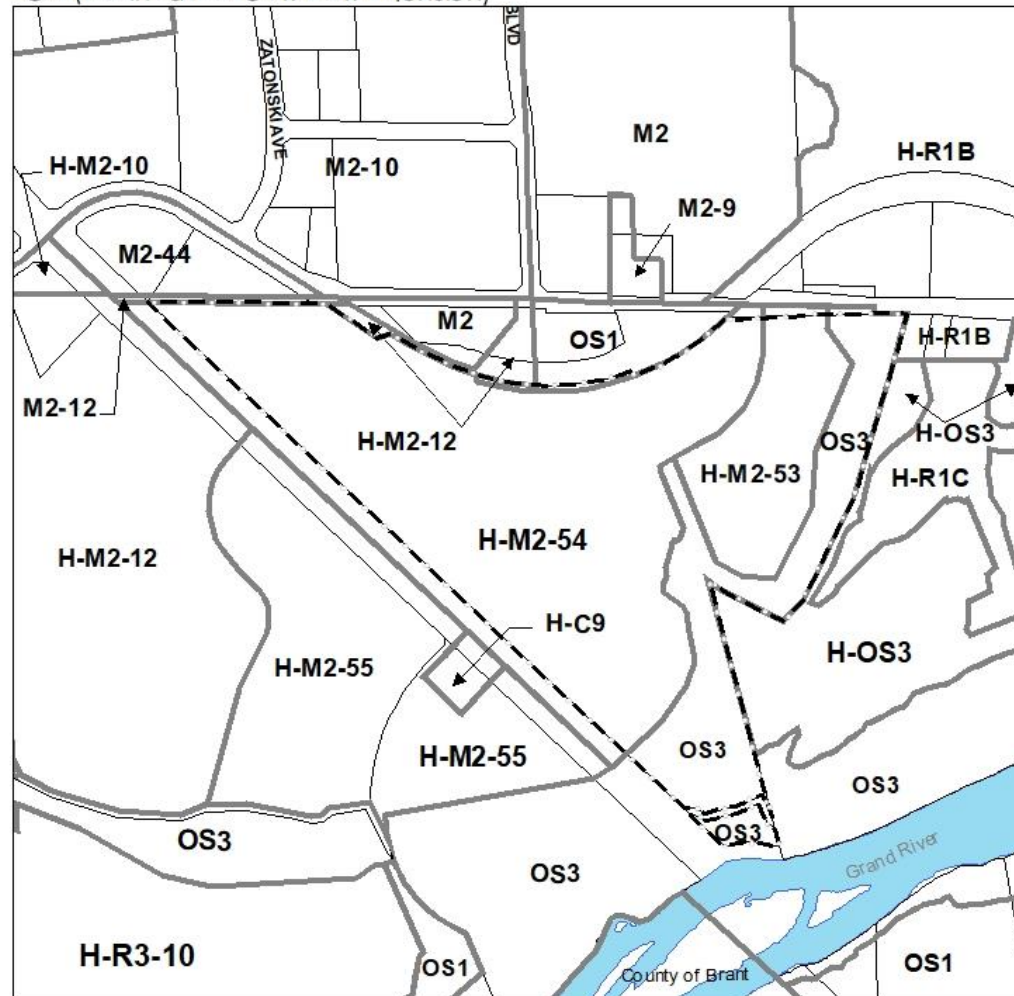
- CEMETERY
- ELEMENTARY SCHOOL
- FREEWAY
- LONG TERM CORRIDOR PROTECTION
- SPECIALIZED PARK and OPEN SPACE
- COMMUNITY PARK and OPEN SPACE
- NEIGHBOURHOOD PARK and OPEN SPACE

APPENDIX E
Zoning By-law 160-90

ZONING BY-LAW

Application: 29T-11504

TCA (Northside of Oak Park Extension)



LEGEND

Subject Properties

EXISTING ZONING (Bylaw 160-90)

ZONE BOUNDARY
 R1B RESIDENTIAL Type 1B (15 metre)
 R1C RESIDENTIAL Type 1C (12 metre)
 R3 RESIDENTIAL Type 3
 C9 NEIGHBOURHOOD CENTRE COMMERCIAL
 M2 GENERAL INDUSTRIAL
 OS1 OPEN SPACE Type 1

OS3 OPEN SPACE RESTRICTED
 H HOLDING PROVISION
 -3 Exception Number

