

**CITY COUNCIL'S CONDITIONS APPLYING TO THE APPROVAL OF THE FINAL  
PLAN FOR REGISTRATION OF THE SUBJECT SUBDIVISION ARE AS FOLLOWS:**

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1. That this approval applies to the draft plan of subdivision of Parcel 48390 S.E.S., excluding Lots 1 and 2 as illustrated on the draft plan, in Lot 6, Concession 1, Township of Garson, City of Greater Sudbury, as shown on a plan prepared by D.S. Dorland, O.L.S. dated February 27<sup>th</sup>, 1990.
2. That the street(s) shall be named to the satisfaction of the Municipality.
3. That any dead-ends or open sides of road allowances created by this plan of subdivision shall be terminated in 0.3 metre reserves, to be conveyed to the Municipality and held in trust by the Municipality until required for future road allowances or the development of adjacent land.
4. That prior to the signing of the final plan, the Planning Services Division shall be advised by the Ontario Land Surveyor responsible for preparation of the final plan, that the lot areas, frontages and depths appearing on the final plan do not violate the requirements of the Restricted Area By-laws of the Municipality in effect at the time such plan is presented for approval.
5. That the subdivision agreement be registered by the Municipality against the land to which it applies, prior to any encumbrances.
6. That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority.
7. That the owner agrees in writing to satisfy all the requirements, financial and otherwise, of the City of Greater Sudbury, concerning the provision of roads, walkways, street lighting, sanitary sewers, watermains, storm sewers and surface drainage facilities.
8. That the subdivision agreement contain provisions whereby the owner agrees that all the requirements of the subdivision agreement including installation of required services be completed within 3 years after registration.
9. That 5% of the cash value of the land included in the plan of subdivision be provided to the City of Greater Sudbury for parks purposes in accordance with Section 51.1 of The Planning Act to the satisfaction of the Director of Leisure Services and the City Solicitor.
10. **Deleted.**
11. **Deleted.**
12. That the subdivision agreement contain provisions whereby the developer will be required to construct Sandra Street and Fabian Crescent to full urban standards to the satisfaction of the General Manager of Growth and Infrastructure.
13. That the proposed cul-de-sac be enlarged up to 20 metres in radius and a walkway be provided between Lots 10 and 11 to the satisfaction of the General Manager of Growth and Infrastructure.

14. **Deleted**
15. That the subdivision agreement contain provisions whereby the developer will be required to make a cash contribution to re-lay two sections of sanitary sewer and/or construct a diversion sewer to allow for sufficient sanitary sewer capacity for this subdivision to the satisfaction of the Director of Planning Services. The proportion of the costs allocated to Fabian Subdivision is \$10,450 based on a September 2009 calculation. The actual payment amount will include the Construction Cost Index factor calculated between the date of subdivision registration to the base date of September 2009.
16. **Deleted.**
17. **Deleted.**
18. **Deleted.**
19. That prior to the signing of the final plan the Director of Planning Services is to be advised by the Director of Legal Services/City Solicitor that Conditions #2, #3, #5, #6, #7, #8, #9, #12, #15 and #23 have been complied with to his satisfaction.
20. That this draft approval shall lapse on September 4, 2024.
21. Draft approval does not guarantee an allocation of sewer or water capacity. Prior to the signing of the final plan, the Director of Planning Services is to be advised by the General Manager of Growth and Infrastructure that sufficient sewage treatment capacity and water capacity exists to service the development.
22. **Deleted.**
23. That prior to the signing of the final plan, the owner enter into an agreement pursuant to Section 51 (6) of The Planning Act, R.S.O. 1990, which shall remain on title, whereby the owner agrees to the following:
  - a) In the event that the sand pit is reactivated, the owner shall construct a noise barrier as per the recommendations and specifications of a qualified acoustical engineer and such barrier shall remain in place during the operating life of the pit.
  - b) This agreement shall also contain a “noise warning clause” advising prospective purchasers that despite the inclusion of noise control features, noise levels may become of concern, occasionally interfering with some activities of the occupants.
  - c) That this agreement may be removed from title once the pit has been depleted of resources.
24. Prior to the submission of servicing plans, the owner shall, to the satisfaction of the Director of Planning Services, provide an updated geotechnical report prepared, signed, sealed and dated by a geotechnical engineer licensed in the Province of

Ontario. Said report shall, as a minimum, provide factual information on the soils and ground water conditions within the proposed development. Also, the report should include design information and recommend construction procedures for storm and sanitary sewers, stormwater management facilities, watermain, roads to a 20 year design life, the mass filling of land, surface drainage works, erosion control, slope stability, slope treatment and building foundations. The geotechnical information on building foundations shall be to the satisfaction of the Chief Building Official and Director of Planning Services. A soil cautions agreement, if required, shall be registered on-title to the satisfaction of the Chief Building Official and City Solicitor.

25. That the developer prepare a sediment control plan for the construction phase of the project to the satisfaction of the Nickel District Conservation Authority and the Director of Planning Services.
26. The owner shall provide a detailed lot grading plan prepared, signed, sealed, and dated by a professional civil engineer with a valid certificate of authorization for the proposed lots as part of the submission of servicing plans. This plan must show finished grades around new houses, retaining walls, side yards, swales, slopes and lot corners. The plan must show sufficient grades on boundary properties to mesh the lot grading of the new site to existing properties. A lot grading agreement, if required, shall be registered on title, to the satisfaction of the Director of Planning Services and the City Solicitor. The owner shall be responsible for the legal costs of preparing and registering any required lot grading agreement.
27. A storm-water management report and associated plans must be submitted by the owner's consulting engineer for approval by the City. The report must address the following requirements:
  - a) The underground storm sewer system within the plan of subdivision must be designed to accommodate and/or convey the minor storm flow, that is, the rainfall runoff resulting from the subject site and any external tributary areas using the City's 2 year design storm. The permissible minor storm discharge from the subject development must be limited to the existing pre-development site runoff resulting from a 2 year design storm. Any resulting post development runoff in excess of this permissible discharge rate must be controlled and detained within the plan of subdivision;
  - b) "Enhanced" level must be used for the design of storm-water quality controls as defined by the Ministry of the Environment, Conservation and Parks;
  - c) Storm-water management must follow the recommendations of the Junction Creek Sub-watershed Study;
  - d) The drainage catchment boundary including external tributary catchments and their respective area must be clearly indicated with any storm-water management plan;

- e) The final grading of the lands shall be such that the surface water originating on or tributary to the said lands, including roof water from buildings and surface water from paved areas, will be discharged in a manner satisfactory to the General Manager of Growth and Infrastructure;
  - f) Minor storm drainage from the plan of subdivision shall not be drained overland onto adjacent properties;
  - g) Existing drainage patterns on adjacent properties shall not be altered unless explicit permission is granted; and,
  - h) The owner shall be responsible for the design, construction of any required storm-water management works to the satisfaction of the General Manager of Growth and Infrastructure as part of the servicing plans for the subdivision, and the owner shall dedicate the lands for storm-water management works as a condition of this development.
28. **Deleted.**
29. Streetlights for this subdivision will be designed and constructed by Greater Sudbury Hydro Plus Inc. at the cost of the owner.
30. The owner shall provide a utilities servicing plan showing the location of all utilities including City services, Greater Sudbury Hydro Utilities or Hydro One, Bell Canada, Enbridge Gas, East Link Cable and Canada Post. This plan must be to the satisfaction of the Director of Planning Services and must be provided prior to construction for any individual phase.
31. **Deleted.**
- development if the developer wishes not to provide the stormwater control as detailed in Conditions 27 and 28.
32. The owner shall have an engineering analysis completed to establish whether a storm sewer across the existing plaza development immediately north of the subject site and connected to the existing 750 mm diameter storm sewer which crosses Falconbridge Road is feasible or if a new outlet storm sewer would need to be constructed at the same location.
33. An easement encompassing the outlet storm sewer where it crosses the existing plaza development to a width of six (6) meters will be required. All costs associated for the acquisition of the easement would be borne by the owner.
34. The final plan shall be integrated with the City of Greater Sudbury Control Network to the satisfaction of the Coordinator of the Surveying and Mapping Services. The survey shall be referenced to NAD83(CSRS) with grid coordinates expressed in UTM Zone 17 projection and connected to two (2) nearby City of Greater Sudbury Control Network monuments. The survey plan must be submitted in an AutoCAD compatible digital format. The submission shall be the final plan in content, form and format and properly geo-referenced.

35. The owner shall complete to the satisfaction of the City of Greater Sudbury and Canada Post:
- a) That the owner agrees to include on all offers of purchase and sale a statement that advises the prospective purchaser that the home/business mail delivery will be from a designated Centralized Mail Box and that the developers/owners be responsible for officially notifying the purchasers of the Centralized Mail Box locations prior to the closing of any home sales
  - b) The owner further agrees to:
    - i) Work with Canada Post to determine and provide suitable Centralized Mail Box location, which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision;
    - ii) Install a concrete pad in accordance with the requirements of, and in locations to be approved by, Canada Post to facilitate the placement of the Community Mail Boxes;
    - iii) Identify the pads above on the engineering drawings. The pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision; and,
    - iv) Determine the location of the all centralized mail facilities in cooperation with Canada Post and to post the location of these sites on appropriate maps, information boards and plans.
36. Final approval for registration may be issued in phases to the satisfaction of the Director of Planning Services, provided that:
- i) phasing is proposed in an orderly progression, in consideration of such matters as the timing of road improvements, infrastructure and other essential services; and
  - ii) all agencies agree to registration by phases and provide clearances, as required, for each phase proposed for registration; furthermore, the required clearances may relate to lands not located within the phase sought to be registered.
37. That the owner shall have completed all major outstanding infrastructure deficiencies that are critical to the overall function of the subdivision in previous phases of the plan that have been registered, or have made arrangements for their completion, prior to registering a new phase of the plan, to the satisfaction of General Manager of Growth and Infrastructure.

38. That in accordance with Section 59(4) of the Development Charges Act, a notice of agreement shall be registered on title to ensure that persons who first purchase the subdivided land after registration of the plan of subdivision are informed, at the time the land is transferred, of all development charges related to development.
39. The owner shall provide proof of sufficient fire flow in conjunction with the submission of construction drawings for each phase of construction. All costs associated with upgrading the existing distribution system to service this subdivision will be borne totally by the owner.
40. The owner shall provide proof of sufficient sanitary sewer capacity in conjunction with the submission of construction drawings for each phase of construction. All costs associated with upgrades to the downstream works required to service this subdivision will be borne totally by the owner.