

COMMITTEE OF THE WHOLE MAY 17, 2004

**ZONING BY-LAW AMENDMENT FILE Z.03.079
DRAFT PLAN OF SUBDIVISION FILE 19T-03V16
MIDVALE ESTATES INC.
REPORT #P.2004.25**

Recommendation

The Commissioner of Planning recommends:

1. That the Block 12 - Staging Plan for Phase 1 lands (Attachment #4) be approved.
2. That Zoning Amendment Application Z.03.079 (Midvale Estates Inc.) BE APPROVED, to rezone the lands to the appropriate zone categories to implement the approved draft plan of subdivision, and that the Phase 1 – Stage 2 portion of the lands, be placed in a “Holding” Zone, pending availability of servicing capacity.
3. That Draft Plan of Subdivision 19T-03V16 (Midvale Estates Inc.) prepared by EMC Group Limited, dated October 22, 2003 (revised April 28, 2004), and red-lined on May 17, 2004, BE DRAFT APPROVED, subject to conditions as set out in Attachment No. 1.
4. For the purpose of notice, the subdivision agreement shall contain a provision that parkland shall be dedicated, and/or cash-in-lieu paid, within the plan at the rates stipulated in OPA #600 and shall conform to the approved “Cash-In-Lieu of Parkland Policy.”
5. That Council pass the following resolution with respect to allocation of sewage and water servicing capacity:

“NOW THEREFORE BE AND IT IS HEREBY RESOLVED THAT proposed Draft Plan of Subdivision application 19T-03V16 Midvale Estates Inc., Phase 1, Stage 1 is allocated sewage capacity from the York/Durham Servicing Scheme via the North Don Collector on an interim basis and ultimately via the Bathurst Street Trunk sewer once constructed, and water supply capacity from Pressure District No. 8 of the York Water Supply System for a total of 65 residential units, following the execution of a subdivision agreement to the satisfaction of the City.”
6. That the Owner enter into an agreement, to be registered on title with the City of Vaughan, indicating that the Lots included in Phase 1 - Stage 2 will not be offered for sale by the Owner or purchasers until servicing capacity has been identified and allocated by the City.

Purpose

On October 23, 2003, the Owner submitted applications to amend the Zoning By-law and for a Draft Plan of Subdivision consisting of 97 detached lots, a neighbourhood park and stormwater management facility.

Background - Analysis and Options

The 12.72 ha property is located on the south side of Teston Road, east of Dufferin Street, within Planning Block 12, in Part of Lots 24 and 25, Concession 2, City of Vaughan.

The lands are designated “Low Density Residential”, “Low Density Residential Special Policy Area”, and “Valley Lands” by OPA 600, and further designated “Settlement Area” by OPA 604

(Oak Ridges Moraine Conformity Plan). The Block 12 Plan specifically defines the land uses for detached units and a neighbourhood park. The lands are zoned A Agricultural Zone by By-law 1-88, as amended by By-law 242-2003 (Oak Ridges Moraine).

The surrounding land uses are:

- North - Teston Road; vacant (A Agricultural Zone)
- South - vacant; (A Agricultural Zone)
- East - vacant; (A Agricultural Zone)
- West - vacant; (A Agricultural Zone)

On December 22, 2003, a notice of public hearing was circulated to all property owners within 120 m of the subject lands, and the Gates of Maple Ratepayers' Association, Maple Landing Ratepayers Association and Maple Village Ratepayers Association. To date, there have been no specific comments on this application. A notice of this Committee of the Whole meeting was sent to those individuals on file having expressed interest in this application.

The recommendation of the Committee of the Whole to receive the Public Hearing of January 19, 2004 and forward a comprehensive report of a future Committee meeting was ratified by Council on January 26, 2004.

Block Plan

On September 22, 2003, Council adopted the September 15, 2003 Committee of the Whole Report for the Block 12 Planning Area.

The Block 12 Plan provides primarily low density residential development over most of the Block, comprised of detached units with average frontages of 12 m, and ranging from 10 m to 18 m. There are four elementary schools and five neighbourhood parks. Four of the school sites are adjacent to parks, forming campuses. There are two Neighbourhood Commercial sites, one local convenience commercial site, and 12 stormwater management ponds. The Block Plan would accommodate a total of 3086 dwelling units, (3074 low density units and 12 medium density units). OPA #600 provides for an overall net density of 14 units per hectare. The Block Plan has an approximate overall net density of 14.38 units per hectare, which is in conformity with the Official Plan for the "Low Density Residential" and "Low Density Residential Special Policy Area" policies.

Oak Ridges Moraine Conservation Plan

The lands are located on the Oak Ridges Moraine. The Oak Ridges Moraine Conservation Plan (ORMCP) requires that all Planning Act applications must conform with the ORM Plan. The Block 12 Oak Ridges Moraine Conservation Plan Conformity Report (August 2003) prepared by Malone Given Parsons for the Block 12 Landowners, comprehensively addressed the ORMCP requirements for the entire Block and demonstrates conformity.

The proposed subdivision and zoning applications were filed after November 17, 2001, and therefore are subject to the provisions of the Oak Ridges Moraine Conservation Plan (ORMCP). The Block 12 conformity report demonstrated that the features of the Moraine have been protected and conserved as required by the ORMCP. This is also reflected in the proposed draft plan and therefore no additional conformity reports will be required.

Official Plan

The lands are designated "Low Density Residential", "Low Density Residential Special Policy Area" and "Valley Lands" by OPA 600, and further designated "Settlement Area" by OPA 604 (Oak Ridges Moraine Conformity Plan).

The "Low Density Residential" designation permits detached units at an overall gross density of 14 units per hectare for Block 12. Portions of the subject lands are also located within the area identified as "Low Density Residential Special Policy Area". This is located in the northwest quadrant of the block where undulating terrain and porous soil characteristics of the moraine are present. The net density in this area is limited to between 5-14 units/ha. The draft plan yields an overall density of approximately 9.8 units per net hectare. The draft plan conforms to the Official Plan in this respect.

Zoning

The lands are zoned A Agricultural Zone by By-law 1-88. An amendment to the zoning is required to implement the draft plan of subdivision. The RD2 and RD3 Residential Detached Zones would be the appropriate zone categories to be applied to the detached units. The zone standards are to be in accordance with the standards on Schedule "A-3". Any exceptions required to the zoning standards will be identified and captured in the implementing zoning by-law.

All open space blocks and buffers will be maintained in the OS5 Open Space Environmental Protection Zone in accordance with By-law 242-2003, the City's Oak Ridges Moraine Conformity Zoning By-law. The neighbourhood park would be zoned OS2 Open Space Park Zone.

The portion of the draft plan of subdivision lands identified as Phase 1 – Stage 2 development on Attachment 4, will be zoned with a Holding Provision "H" pending availability of servicing capacity. The affected lots and blocks that are subject to the "H" Zone include: Lots 22 – 54, 61 – 72, Blocks 101 – 103, 112 – 116, 124 – 133.

Subdivision Design

The draft plan has been prepared in accordance with the approved Block 12 Plan. The road pattern is designed to align with adjacent road patterns within the block. When completed, the road pattern will provide for a continuous movement of traffic.

The draft plan provides for 97 detached residential units, with frontages of 15.24m and 12.8m. Lot depths vary throughout the plan, and generally, increased lot depths have been provided at the north end of the plan.

One stormwater management pond block is located at the southwest end of the site adjacent to a natural/open space system. One Neighbourhood Park, having a total area of 2.27 ha, has been located at the south end of the plan adjacent to future residential lots. The park block will be conveyed to the City free of all encumbrances for parkland purposes.

Servicing (Engineering)

The Vaughan Engineering Department provides the following comments:

ESA

On April 21, 2004, Decommissioning Service Limited (DCS) commenced its peer review of the ESA Phase 1 and has since provided preliminary comments on the plan. In accordance with the Council approved Block Plan conditions, the completion of the peer review and the implementation of any recommendations will be completed to the satisfaction of the City prior to final approval of the plan.

Roads

The use of alternative road design standards is being proposed in this development within the Block 12 Plan. Traffic calming in the form of all-way stop control is planned for the intersection of Street D and Street E.

Construction access to the subject lands will be via Teston Road, subject to Regional approval.

Engineering Servicing

The municipal services for this development will be in accordance with the approved M.E.S.P, dated September 1999 (Revised October 2001), the Block 12 Master Environmental Servicing Plan and Environmental Impact Statement Volume 2 Technical Appendix, dated September 1999 (Revised October 2001) and the Block 12 Master Environmental Servicing Plan and Environmental Impact Statement Addendum dated September 1999 (Revised October 2001) Addendum, dated August 2003, all prepared by Malone Given Parsons et al. Subsequent plans or reports, which are approved and amended for Block 12 (OPA 600) will also be deemed to constitute part of the approved M.E.S.P.

Subsequent to the individual draft plans receiving approval by the City, the participating landowners within Block 12 have indicated that they may wish to enter into a Skeleton Servicing Agreement with the City, which would address the design and construction of select storm sewers, sanitary sewers, watermains, roads, valley crossings and stormwater management facilities. In the event that the participating landowners enter into the Skeleton Servicing Agreement, the roads constructed through the agreement will be dedicated to the City in advance of the individual draft plans of subdivision proceeding to registration.

This plan of subdivision depends on municipal services (sanitary, storm and watermain) to be constructed in draft plan of subdivision 19T-99V08. Interim sanitary sewage capacity is provided through an oversized sanitary sewer in Block 11 and the North Don Collector via Block 10, with the ultimate outlet being the Bathurst Trunk Sanitary Sewer. If the infrastructure required to connect to the Block 11 infrastructure or the interim or ultimate outlets is not constructed, or there is insufficient interim capacity within the North Don Collector to accommodate this plan, the necessary remedial works must be constructed as external works in conjunction with this plan.

The development of the draft plan will proceed in phases, as per the approved M.E.S.P. and the availability of sanitary sewage and water servicing capacity and allocation.

Sanitary Servicing

The subject site will be serviced through the approved draft plan of subdivision 19T-99V08. Allocation, as well as a connection to the future sanitary stub located on Street D at the southern boundary of the proposed plan of subdivision, is required.

Sewage servicing capacity has been reserved by the City for 3,500 people within Phase 1 Stage 1 of Block 12. Allocation for the Phase 1 Stage 1 lands must be received prior to registration. The Phase 1 lands shall utilize an oversized sanitary sewer constructed through Block 11 and an interim outlet near Autumn Hill Boulevard in Block 10 into the North Don Collector in Richmond Hill, until such time as the ultimate outlet into the Bathurst Trunk Sanitary Sewer is available.

Prior to the commencement of development within Phase 1 Stage 2 or Phase 2, the Region of York shall identify sanitary servicing capacity and that capacity will be allocated or reserved by the City.

Storm Drainage

A storm sewer connection is required to the future storm stub located on Street E at the southern boundary of the proposed plan of subdivision. The minor and major flows will be conveyed primarily through the proposed road allowances and ultimately drain into a storm water management facility located within the proposed draft plan of subdivision 19T-99V08.

This plan contains one block that will comprise one of the twelve stormwater management ponds to be constructed as part of Block 12.

Water Supply

The subject lands are located within service area Pressure District No. 8 of the York Water Supply System. The Pressure District No. 8 will be serviced through an extension of the existing P.D. No. 8 network from Teston Road and Bathurst Street westerly to Street C within proposed plan of subdivision 19T-99V08, as well as an extension of the existing watermain at Quail Run Boulevard to Street FF within proposed plan of subdivision 19T-99V08.

The water supply to this draft plan will be from Teston Road.

The applicant will require permission from the Region of York to extend and connect to the watermain across Teston Road. The applicant will be required to provide the City with a detailed network analysis at the engineering design stage.

Prior to the commencement of development within Phase 1 Stage 2 or Phase 2, the Region of York must identify water servicing capacity and that capacity will be allocated or reserved by the City.

Urban Design Department

Urban Design Department is satisfied with the proposed plan, subject to conditions of draft plan approval included in Attachment #1.

The Block 12 landowners have submitted a Landscape Masterplan and Urban Design Report (April, 2004) prepared by Paul Cosburn Associates Limited. This report is currently being reviewed by Staff and will require final approval prior to passing the implementing zoning by-law.

Architectural Design Guidelines, prepared by Watchorn Architect Inc. have been submitted and are currently being reviewed by Staff. Council approval of the guidelines is required prior to final approval of the plan of subdivision.

Cultural Services Department

The Cultural Services Department has advised that they have no objection to draft plan approval of this application, subject to conditions set out in Attachment No. 1.

Region of York

The Region of York Staff has reviewed the draft plan and has no objection to approval of the plan, subject to the conditions set out in Attachment 1.

Restrictions are to be imposed on the portion of the plan for which there is currently no servicing capacity available. These restrictions include the application of a Holding Provision "H" on Phase 1, Stage 2, and execution of a "No Pre-sell" agreement. Prior to or concurrent with draft approval for Phase 1 – Stage 2 lands, the owner shall enter into an agreement with City and the Region, agreeing not to "pre-sell" lots or blocks to end users, until such time as the Region confirms in writing that there is sufficient water and sewer servicing capacity to service the proposed development.

Other Comments

The Toronto & Region Conservation Authority (TRCA) has reviewed the proposed draft plan of subdivision and is generally satisfied with the plan. The conditions of draft plan approval are included in Attachment #1.

Canada Post has no objection to the proposed development, subject to conditions included in Attachment #1.

Relationship to Vaughan Vision 2007

This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

Conclusion

Community Planning Staff is of the opinion that the proposed draft plan of subdivision is an appropriate development for the lands and conforms to the density, land use and policies of the Official Plan and approved Block Plan, subject to the conditions contained in Attachment #1. The lots identified in Phase 1 - Stage 2 of the plan will be subject to a "Holding" provision in the Zoning By-law until servicing allocation has been granted by Council. Should Committee concur, the "Recommendation" can be adopted.

Attachments

1. Conditions of Draft Approval
2. Location Map
3. Draft Plan of Subdivision (as redlined by City of Vaughan)
4. Block 12 – Staging Plan for Phase 1 lands

Report prepared by:

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Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

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ATTACHMENT NO. 1

CONDITIONS OF DRAFT APPROVAL

**DRAFT PLAN OF SUBDIVISION 19T-03V16
{Midvale Estates Inc.}
{Pt. LOT 24 & 25, CONCESSION 2}, CITY OF VAUGHAN**

THE CONDITIONS OF THE COUNCIL OF THE CITY OF VAUGHAN THAT SHALL BE SATISFIED PRIOR TO THE RELEASE FOR REGISTRATION OF PLAN OF SUBDIVISION 19T- 03V16, ARE AS FOLLOWS:

City of Vaughan Conditions

1. The Plan shall relate to the draft plan of subdivision, prepared by EMC Group Limited, Project No. 202134, dated October 22, 2003, revised April 28, 2004, as red-lined on May 17, 2004 to incorporate the following revisions:
 - a) Lots 22 – 54, 61 – 72, Blocks 101 – 103, 112 – 116, 124 – 133, are subject to the provisions of a separate agreement restricting the sale of said lots by the Owner or subsequent purchasers of all the lots pending allocation of servicing capacity by the City.
2. The lands within this Plan shall be appropriately zoned by a zoning by-law, which has come into effect in accordance with the provisions of the Planning Act, subject to the following:
 - a) Lots 22 – 54, 61 – 72, Blocks 101 – 103, 112 – 116, 124 – 133, shall be subject to an “H” Holding Provision, to be lifted upon satisfaction of the terms of the holding provision, including confirmation from the Region of York that water and sanitary servicing capacity is available to service these lots, or part therefore, in accordance with the Vaughan Development Charge Credit Agreement.
 - b) That the implementing zoning bylaw zone, Open Space Block 136 in an open space zone or other suitable zone category, which has the effect of prohibiting development, to the satisfaction of the TRCA.
3. The Owner shall pay any and all outstanding application fees to the Community Planning Department, in accordance with Tariff of Fees By-law 321-99.
4. Prior to final approval, the Owner shall submit a revised Block Plan, and Block Plan reports, if required, to reflect any significant alterations caused from this draft plan approval.
5. The Owner shall agree that on lots with flankages on a collector or primary road, as identified by the Architectural Design Guidelines and the City, a front elevation featuring a main entrance or in some cases an upgraded elevation shall face the flankage. The flankage elevation for such lots shall be approved by the Control Architect and the Commissioner of Planning, or designate, prior to issuance of a building permit.
6. The Owner shall enter into a subdivision agreement with the City to satisfy all financial and other conditions, with regard to such matters as the City may consider necessary, including payment of development levies and the woodlot development charge, the provision of roads and municipal

services, landscaping and fencing. The said agreement shall be registered against the lands to which it applies.

7. The Owner shall agree to create easements for maintenance purposes for all lots providing less than 1.2 m sideyards, or having roof encroachments, prior to transfer of land.
8. Prior to final approval, easements required for utility, drainage and construction purposes shall be created and granted to the appropriate authority(ies), free of all charge and encumbrances.
9. The road allowances within this Plan shall be named to the satisfaction of the City, in consultation with the Regional Planning Department; proposed street names shall be submitted by the Owner for approval by Council and shall be included on the first engineering drawings.
10. The road allowances within the Plan shall be designed in accordance with the City's engineering standards and shall be dedicated to the City free of all charge and encumbrances. The streets, lots and blocks shall be designed to coincide with the development pattern on adjacent properties.
11. Any dead end or open side of a road allowance within the Plan shall be terminated in a 0.3m reserve, to be conveyed to the City free of all charge and encumbrances, until required for a future road allowance or development of adjacent lands.
12. Final engineering design(s) for road design, traffic calming or transit routes may result in minor variations to the Plan (eg., in the configuration of road allowances and lotting, number of lots etc.), which may be reflected in the final plan to the satisfaction of the City.
13. The Owner shall agree that the location and design of the construction access shall be approved by the City and/or the appropriate authority.
14. The Owner shall agree to remove any driveways and buildings on site, which are not approved to be maintained as part of the plan; any modification to off-site driveways required to accommodate this Plan shall be co-ordinated and completed at the cost of the Owner.
15. The Owner shall agree that all part blocks within the plan of subdivision shall only be developed in conjunction with abutting part blocks of adjacent draft plans of subdivision.
16. The Owner shall agree that all lots or blocks to be left vacant shall be graded, seeded, maintained and signed to prohibit dumping and trespassing.
17. Prior to final approval, the Owner shall submit a soils report for review and approval of the City. The Owner shall agree to implement the recommendations, including pavement design structure for ideal and non-ideal conditions, to the satisfaction of the City.
18. Prior to final approval of the Plan, the Owner shall pay its proportionate share of the cost any external municipal services that have been designed and oversized by others to accommodate the development of the plan.
19. The Owner shall agree in the subdivision agreement that the engineering design(s) for alternative road design, traffic calming measures and designated transit route(s) may result in variation to the road and lotting pattern number of lots to the satisfaction of the City.

20. Prior to final approval and prior to the initiation of grading or stripping of topsoil, the Owner shall submit a detailed hydrogeological impact study that identifies any local wells that may be influenced by construction and, if necessary, outline a monitoring program to be undertaken before, during and after construction of the subdivision. The Owner shall agree in the subdivision agreement to reinstate a suitable potable water supply to any resident whose well is adversely impacted by development, to the satisfaction of the City as well as connect any existing residences which remain in place after development to the municipal system.
21. (a) Prior to final approval of the Plan, the Owner shall enter into a Developers' Group Agreement with the other participating landowners within Block 12 to the satisfaction of the City. The agreement shall be regarding but not limited to all cost sharing for the provision of parks, cash-in-lieu of parkland, roads and municipal services within Block 12. This agreement shall include a provision for additional developers to participate with the Developers' Group Agreement when they wish to develop their lands.
- b) Prior to final approval of the Plan, the Trustee for Block 12 shall provide the City with a letter indicating that the Owner has fulfilled all cost sharing and other obligations of the Block 12 Developers' Group Agreement.
22. a) Prior to final approval, and prior to initiation of grading or topsoil stripping, the Owner shall submit environmental site assessment Phase 1 Report and if required, Phase 2 Report and the Remedial Action Plan, in accordance with the "Ministry of the Environment and Energy's Guidelines for Use at Contaminated Sites in Ontario" June 1996, and shall reimburse the City for the cost of peer review of the reports.
- b) Should site remediation be required to meet the applicable soil and ground water criteria set out in the above Guidelines, the Owner shall submit to the City prior to final approval of the phase or prior to initiation of grading, or topsoil stripping of the phase or the skeleton servicing works, a copy of a Record of Site Condition acknowledged by a Provincial Officer of the Ministry of the Environment.
- c) The Owner shall provide a certificate by a qualified professional that all lands within the plan, and any lands and easements external to the plan to be dedicated to the City, meet the applicable soil and groundwater criteria noted above.
- d) Where the lands are being conveyed to the City for parkland purposes, the Owner shall agree that prior to issuance of any building permits, the Owner shall submit a Phase 2 environmental site assessment report(s) addressing all park blocks in the plan, in accordance with the Ministry of Environment Guideline for Use at Contaminated Sites in Ontario (June 1996 as amended), to the satisfaction of the City. On-site sampling contained in the reports shall be conducted following completion and certification of the rough grading of the park block(s). Testing may include but not be limited to surface and subsurface soil, ground water, soil vapour, plant and aquatic species sampling and testing of building materials. The Owner shall reimburse the City for the cost of the City's peer review of the Phase II E.S.A.
23. Prior to final approval, the Owner shall provide a revised Water Supply Analysis for review and approval by the Engineering Department.

24. Prior to final approval, or prior to the initiation of grading or stripping of topsoil, whichever comes first, the Owner shall submit an Erosion and Sedimentation Control Plan including topsoil storage plan detailing the location, size, sideslopes, stabilization methods and time period, for approval by the City. Topsoil storage shall be limited to the amount required for final grading, with the excess removed from the site, and shall not occur on either park or school blocks.
25. Prior to final approval, the Owner shall confirm that the necessary provisions of the Environmental Assessment Act and the Municipal Class Environmental Assessment for Municipal Roads, Water and Wastewater Projects as they may apply to the proposed primary roads and related infrastructure matters, have been met.
26. Prior to final approval, the Owner shall submit a detailed engineering report that describes the limits and the implementation of the Clean Water Collector System (CWCS) for the proposed development within a draft plan or site plan. The report shall include a maintenance and monitoring program for the CWCS to the satisfaction of the Engineering and Public Works Departments.
27. Prior to final approval, the Owner shall submit a detailed water balance analysis for review and approval of the Engineering Department. The report shall include an assessment as to whether areas which do not meet the feasibility criteria should contribute clean water to areas which do meet the criteria. The Owner shall agree to implement the recommendations of the report.
28. Prior to final approval, the Owner shall submit a detailed lot grading plan for any lands within the Special Policy Area, that conforms to the City's current Lot Grading Design for Residential Development, for review and approval by the Building Standards and Engineering Departments. Minor adjustments to lot grading will be considered to achieve Landform Conservation goals.
29. The Owner shall not apply for building permits and the City shall not issue building permits for any lot until the consultant certifies that the lot conforms with the recommendations of the Schaeffers Consulting Engineers report entitled "Clean Water Collector (CWC) Feasibility, Monitoring, Operation and Maintenance Plan" dated April 20, 2004 or as recommended in the water balance analysis.
30. The Owner shall not apply for building permits and the City shall not issue building permits until the Clean Water Collector System Monitoring wells are constructed within Park Block 1162 as per the Schaeffers Consulting Engineers report entitled "Clean Water Collector (CWC) Feasibility, Monitoring, Operation and Maintenance Plan" dated April 20, 2004.
31. The Owner shall not apply for building permits and the City shall not issue building permits for any lot until a minimum of two road accesses are available to service the proposed development to the satisfaction of the City. The Owner is further advised that access through an unregistered plan of subdivision is not considered public access.
32. The Owner shall not apply for building permits and the City shall not issue building permits for any lots or blocks within the Pressure District Number 8 water distribution, until the watermains are looped across McNair Creek to the satisfaction of the Engineering and Public Works Departments.
33. The Owner shall agree that all disturbed lands within Phase 1, Stage 2 of the subject draft plan left vacant six (6) months following completion of overall grading shall be topsoiled to a

minimum depth of 100mm, seeded, maintained and signed to prohibit dumping and trespassing, to the satisfaction of the City.

34. The Owner shall agree in the subdivision agreement to satisfy the following criteria prior to development of any lands located within Phase 2.
 - a. Sanitary and water servicing capacity will be identified by the Region for development of lands within Phase 2 and such capacities will be allocated or reserved by the City;
 - b. The widening of Bathurst Street to six (6) lanes from the mid-block east-west primary in Block 10, northerly to Weldrick Road shall be completed to the satisfaction of the Region of York;
35. The Owner acknowledges that the servicing capacity available is subject to the following limitations:
 - a. Water supply capacity has been reserved for Phase 1 of Block 12 for 3,500 persons;
 - b. sewage servicing capacity has been reserved for Blocks 11 and 12 for a total of 7,500 persons;
 - c. Allocation of both water and sewage servicing capacity to Phase 1 of Block 12 shall not exceed 3,500 persons and will be allocated by the City prior to registration; and
 - d. Each individual draft plan shall identify a phasing limit to address the individual breakdown of the Phase 1 servicing capacity of 3,500 persons. The phasing for each plan shall be approved by the City prior to draft plan approval.
36. Prior to final approval, architectural guidelines shall be submitted for Council's approval; the Owner shall agree that:
 - a. a control architect satisfactory to the City shall be retained at the cost of the Owner to ensure that all development proceeds in compliance with the approved architectural design guidelines;
 - b. prior to the submission of individual building permit applications, the control architect shall have stamped and signed the drawings certifying compliance with the approved architectural guidelines;
 - c. the City may undertake periodic reviews to ensure compliance with the architectural design guidelines; should inadequate enforcement be evident, the City may cease to accept drawings stamped by the control architect and retain another control architect, at the expense of the owner.
37. Prior to final approval, the owner shall prepare a streetscape and open space landscape master plan in accordance with the approved Block 12 Urban Design Guidelines and OPA 600 policies, the plan shall address but not be limited to the following issues:
 - Co-ordination of the urban design/streetscape elements as they relate to the approved urban design guidelines including entrance features, parkettes, trail heads, medians and fencing.
 - Community edge treatments along Teston Road;
 - The appropriate configuration and landscape treatment of the stormwater management pond blocks 135;
 - Valleylands edge management rehabilitation planting, trails, bridge crossings, erosion repair sites and pedestrian access points into the valley;

- The appropriate integration with the approved Maple Nature Reserve Master Plan Report;
 - The pedestrian urban connections between streets and within the neighbourhood;
38. Prior to final approval, the Owner shall pay to the City, a woodlot acquisition payment at the rate of \$1,000.00 per residential unit, plus \$500.00 per future residential unit on each part lot, as per Schedule “I”, in accordance with the Special Area Woodlot Development Charge By-law.
39. Prior to final approval of the plan the owner shall prepare a detailed edge management plan study for the perimeter of the valley/open space block 136. The study shall include an inventory of all existing trees within an 8 metre zone inside the staked edges, and areas where the woodlot/open space edges are disturbed, assessment of significant trees to be preserved and proposed methods of edge management and/or remedial planting shall be included. The owner shall not remove any vegetation without written approval by the City.

The owner shall provide a report for a 20 metre zone within all staked woodlot and open space/valley edges to the satisfaction of the TRCA and City, which identifies liability and issues of public safety and recommends woodlot/forestry management practices and removal of hazardous and all other trees as identified to be removed prior to assumption of the subdivision.

40. The owner shall agree in the subdivision agreement to erect a permanent 1.5 metre high black vinyl chain link fence or approved equal along the limits of the residential lots that abut a Park block, open space/ valley, storm pond, parkette and woodlot.
41. In the event that the owner and the City agree that the owner will develop Park blocks 134, the owner shall agree that the design, securities and construction for the Park will be addressed through an amending agreement in accordance with the “City Developer Build/Parks Development Policy.”
42. a) Prior to final approval and prior to any works commencing on the site, the Owner shall submit for review and approval of the City and the Toronto and Region Conservation Authority (TRCA) a detailed engineering report(s) that describes the storm drainage system for the proposed development, which shall include:
- i) plans illustrating how this drainage system will be tied into the surrounding drainage systems, and indicating whether it is part of an overall drainage scheme, the design capacity of the receiving system and how external flows will be accommodated;
 - ii) the location and description of all outlets and other facilities which may require permits under Ontario Regulation 158;
 - iii) stormwater management techniques which may be required to control minor and major flows;
 - iv) proposed methods of controlling or minimizing erosion and siltation on-site and in downstream areas during and after construction;
 - v) overall grading and landscaping plans for the subject lands; and
 - vi) storm water management practices to be used to treat stormwater, to mitigate the impacts of development on the quality and quantity of ground and surface water resources as it relates to fish and their habitat.
- b) The Owner shall agree to implement the recommendations of the above report, to the satisfaction of the City and the TRCA, including red-line revisions to the draft plan, if necessary;

43. The Owner shall agree:
- a. to obtain all necessary permits pursuant to Ontario Regulation 158 and the Lakes and Rivers Improvement Act;
 - b. to maintain all stormwater management and erosion and sedimentation control structures operating and in good repair during the construction period;
 - c. to provide a copy of the executed subdivision agreement to The Toronto and Region Conservation Authority in order to expedite clearance of conditions of draft approval.
44. a) Prior to final approval, the Owner shall satisfy all technical, financial and other requirements of Hydro Vaughan Distribution Inc., its successors and assigns, (herein Hydro Vaughan) regarding the design, installation, connection and/or expansion of electric distribution services, or any other related matters; the Owner shall enter into a development agreement with Hydro Vaughan which addresses the foregoing requirements.
- b) The Owner shall agree to design, purchase materials, and install a buried hydro distribution system, compatible with the existing and/or proposed systems in surrounding Plans, all in accordance with the latest standards and specifications of Hydro Vaughan Distribution Inc and the City.
45. Prior to final approval, the Owner shall submit a noise and/or vibration study, prepared by a qualified consultant for approval by both the City and the Region of York. The preparation of the noise report shall include the ultimate traffic volumes associated with the surrounding road network. The Owner shall agree in the subdivision agreement to implement the approved abatement measures.
46. The Owner shall convey the following lands to the City or the TRCA, free of all charge and encumbrances:
- a) Block 134 for parkland purposes;
 - b) Block 135 for stormwater management purposes
 - c) Blocks 136 for open space purposes;
 - d) Blocks 137 and 138 for streetscape landscaping purposes
47. Owner shall agree to design, purchase materials and install a street lighting system, compatible with the existing and/or proposed systems in surrounding plans, all in accordance with City standards and specifications.
48. Prior to final approval, the Owner shall not remove any vegetation or topsoil or start any grading of the lands, without a fill permit issued by the City, and a development agreement, if necessary.
49. a) Prior to final approval and prior to commencement of any works on any site, the Owner shall carry out archaeological assessments of such sites to the satisfaction of the City and the Ministry of Culture (Heritage Operations Unit); and, the Owner shall agree to take protective measures for sites identified as archaeologically significant.
- b) Prior to the commencement of any archaeological field work, a copy of the contract information sheet which was submitted to the Ontario Heritage Foundation, shall have been

forwarded to the City; licensed consultants are urged to review the Archaeological Facility Master Plan Study housed in the City of Vaughan Archives, prior to commencing any fieldwork.

50. The Owner agrees to:

- a) provide the following for each community mailbox site, as shown on the servicing plans:
 - i. a sidewalk section (concrete pad), as per municipal and Canada Post standards, to support the mailboxes;
 - ii. any required walkway across the boulevard, as per municipal standards; and
 - iii. any required curb depressions.
- b) provide a suitable temporary community mailbox location(s) until the curbs, sidewalks and final grading have been completed at the permanent location(s).
- c) provide a copy of the executed agreement to Canada Post.

51. The Owner shall cause the following warning clauses to be included in a schedule to all offers of purchase and sale, or lease for all lots/blocks:

- a) within the entire subdivision plan:
 - "Purchasers and/or tenants are advised that despite the inclusion of noise control features within both the development area and the individual building units, noise levels, including from construction activities, may be of concern and occasionally interfere with some activities of the dwelling occupants."
 - "Purchasers and/or tenants are advised that the proposed finished lot and/or block grading may not meet City of Vaughan lot grading criteria in certain areas, to facilitate preservation of existing vegetation and to maintain existing adjacent topographical conditions."
 - "Purchasers and/or tenants are advised that traffic calming measures may have been incorporated into the road allowances."
 - "Purchasers and/or tenants are advised that mail delivery will be from a designated community mailbox, the location of which will be identified by the Owner prior to any home closings."
 - "Purchasers and/or tenants are advised that any roads ending in a dead end or cul-de-sac may be extended in the future to facilitate development of adjacent lands, without further notice."
 - "Purchasers and/or tenants are advised that the roads within the Plan may have been constructed using Alternative Development Standards. In April 1995, the Ministry of Housing and Municipal Affairs published the Alternative Development Standards as a guideline to municipalities. The Province of Ontario has been promoting the use of these guidelines, which provide for

reduced pavement widths that are narrower than City Standards. Traffic calming measures have also been incorporated in the road design”.

- “Purchasers and/or tenants are advised that the plan lies within the boundary of the Oak Ridges Moraine as defined through the Oak Ridges Moraine Conservation Plan, April 22, 2002.”
- “Purchasers and/or tenants are advised that public transit routes have not been determined for the area within the Plan, however, Streets D and E may be subject to public transit bus traffic.”
- “Purchasers and/or tenants are advised that the City of Toronto owned and operated a landfill within 4 kilometres of the property and that the facility is now closed and will be redeveloped into a park.”
- “Purchasers and/or tenants are hereby put on notice that the Telecommunications Act and the CRTC authorize telephone and telecommunication facilities and services to be provided by telecommunication carriers other than traditional carriers for such services and that purchasers and tenants are advised to satisfy themselves that such carriers servicing the lands provide sufficient service and facilities to meet their needs.”
- “Purchasers and/or tenants are advised that this plan of subdivision is designed to include rear lot catchbasins. The rear lot catchbasin is designed to receive and carry only clean stormwater. It is the homeowner’s responsibility to maintain the rear lot catchbasin in proper working condition by ensuring that the grate is kept clear of ice, leaves and other debris that would prevent stormwater from entering the catchbasin. The rear lot catchbasins are shown on the Construction Drawings and the location is subject to change without notice.”
- “Purchasers and/or tenants are advised that fencing along the lot lines of Lots and Blocks abutting public lands is a requirement of this subdivision agreement and that all required fencing and barriers shall be constructed with all fencing materials, including foundations, completely on private lands and totally clear of any 0.3 metre reserve, as shown on the Construction Drawings.

The City has taken a Letter of Credit from the Owner for the security to ensure all fencing including, but not limited to privacy fencing, chain link fencing and acoustic fencing, are constructed to the satisfaction of the City. Direct cash deposit from the Purchasers to the City and/or Owner, for fencing, is not a requirement of this subdivision agreement.”

- “Purchasers and/or tenants are advised that Street E is designed to be extended across the valley.”
- “Purchasers and/or tenants are advised that the planting of trees on City boulevards in front of residential units is a requirement of the subdivision agreement. A drawing depicting conceptual location for boulevard tree is included as a schedule in this subdivision agreement. This is a conceptual plan

only and while every attempt will be made to plant trees as shown, the City reserves the right to relocate or delete and boulevard tree without further notice.

“Purchasers and/or tenants are advised the City has not imposed an amount of a “Tree Fee” or any other fee which may be charged as a condition of purchase for the planting of trees. Any “Tree Fee” paid by the purchasers for boulevard trees does not guarantee that a tree will be planted on the boulevard in front or on the side of a residential dwelling.

52. The following warning clause shall be included in all Offers of Purchase and Sale or Lease for all Lots and Blocks identified as being suitable for a Clean Water Collector Connection as per the Schaeffers Consulting Engineers report entitled “Clean Water Collector (CWC) Feasibility, Monitoring, Operation and Maintenance Plan” dated April 20, 2004.

“Purchasers and/or tenants are advised that their home has been designed to incorporate a Clean Water Collector system. It is the responsibility of the homeowner to maintain the Clean Water Collector system in a good operating condition, which includes the periodic repair and cleaning of the roof gutter guards as well as the downspout filter.”

53. The following warning clause shall be included in all Offers of Purchase and Sale or Lease for Lots 88 to 93 inclusive and Blocks 104 to 108 inclusive within the plan in proximity of a stormwater management facility or open space.

“Purchasers and/or tenants are advised that the adjacent open space or storm water management facility is designed for renaturalization and therefore shall receive minimal maintenance.”

54. The following warning clause shall be included in all Offers of Purchase and Sale or Lease for Lots 1 to 6 inclusive, 8 to 11 inclusive, 49 to 52 inclusive, 40 to 45 inclusive and 73 to 89 inclusive and Blocks 103 to 108 inclusive and 120 to 123 inclusive identified as having rear yard grade differential of 0.6 m or greater.

“Purchasers and/or tenants are advised that the proposed finished lot grading may not meet the City of Vaughan lot grading criteria in the rear yard in order to maintain existing topographical conditions.”

55. The following warning clause shall be included in all Offers of Purchase and Sale or Lease for Lots 36 to 40 inclusive, 46 to 48 inclusive, 73 to 81 inclusive, 84 to 87 inclusive, 71 and 72 and Blocks 103 and 120 to 124 inclusive within the plan in proximity of a park.

“Purchasers and/or tenants are advised that the lot abuts a Neighbourhood Park of which noise and lighting may be of a concern due to the nature of the park for active recreation.”

56. The Owner shall cause the following to be displayed on the interior wall of the sales office, information approved by the City of Vaughan, prior to offering any units for sale, to be monitored periodically by the City. No building permit shall be issued for a sales office or model home, or a residential unit until such information is approved by the City of Vaughan.

- the Block Plan for the broader area, showing surrounding land uses, arterials/highways, railways and hydro lines etc.
- the location of street utilities, community mailboxes, entrance features, fencing and noise attenuation features, together with the sidewalk plan approved in conjunction with draft plan approval.
- the location of parks, open space, stormwater management facilities and trails.
- the location of institutional uses, including schools, places of worship, community facilities.
- the location and type of commercial sites.
- colour-coded residential for singles, semis, multiples, and apartment units.
- the following notes in BOLD CAPITAL TYPE on the map:

"For further information, on proposed and existing land uses, please call or visit the City of Vaughan Community Planning Department, at 2141 Major Mackenzie Drive, (905)832-8565."

"For detailed grading and berming information, please call the developer's engineering consultant, (name) at _____".

"This map is based on information available as of (date of map), and may be revised or updated without notification to purchasers."

[In such circumstances, the Owner is responsible for updating the map and forwarding it to the City for verification.]

57. Where the Owner proposes to proceed with the construction of a model home(s) prior to registration of the Plan, the Owner shall enter into an agreement with the City, setting out the conditions, and shall fulfill relevant conditions of that agreement prior to issuance of a building permit.
58. The Owner shall permit any telephone or telecommunications service provider to locate its plant in a common trench within the proposed Plan of Subdivision prior to release of the plan for registration, provided such service provider has executed a Municipal Access Agreement with the City. The Owner shall ensure that any such service provider will be permitted to install its plant so as to permit connection to individual dwelling units within the subdivision as and when each dwelling unit is constructed.

Region of York Conditions

59. Any street intersection with a Regional Road shall be designed and constructed to the satisfaction of the Region, including any interim or permanent intersection work such as turning lanes, profile adjustments, illumination and/or signalization as deemed necessary.

60. The subdivision proponents within Blocks 11 and 12 will retain a professional engineer to provide assurances that the sanitary drainage area in Blocks 11 and 12 relying on interim (Phase I) servicing to the North Don Sewer does not exceed 8,000 persons.
61. Prior to final approval of Phase 1 the Region shall confirm the following:
- i. the in service date for the Bathurst Trunk Sewer (Phase II) is expected to occur in six (6) months;
 - ii. completion of a sewage flow monitoring program in the North Don Collector sewer has occurred and any interim sewer works that are deemed to be required as a result of the flow monitoring have been completed; and
 - iii. completion of modifications to the existing Vaughan No. 2 Flume has occurred.
62. Prior to final approval of any lands beyond Phase 1, the Region shall confirm the following:
- The in-service date for the South East Collector Sewer and Bathurst Trunk Sewer (Phase I) is expected in 6 months, and the Region has confirmed that additional water supply from Peel Region for the Phase II water capacity is available.
- or
- Additional sewer and water capacity is available as may be determined solely by the Region from time to time based on monitoring and ongoing analysis of the York Durham Sanitary Sewer System and York Water System.
63. The owner shall agree in the subdivision agreement that he/she shall save harmless the area municipality and Regional Municipality of York from any claim or action as a result of water or sewer service not being available when anticipated.
64. Prior to final approval, the Region shall confirm that adequate water supply capacity and sewage treatment capacity are available and have been allocated by the City of Vaughan for the development proposed within this draft plan of subdivision or any phase thereof.
65. The Owner shall submit detailed engineering drawings, to the Regional Transportation and Works Department for review that include the subdivision storm drainage system, site grading and servicing, plan and profile drawings for the proposed intersections, construction access and mud mat design, utility location plans, pavement markings, intersection signalization and illumination design, traffic control/construction staging plans and landscape plans.
66. The Owner shall convey the following lands to The Regional Municipality of York, free of all costs and encumbrances, to the satisfaction of The Regional Municipality of York Solicitor:
- i. A road widening along the entire frontage of the site adjacent to Teston Road, of sufficient width to provide 18 metres from the centerline of Teston Road,
 - ii. A 0.3 metre reserve across the full frontage of the site where it abuts Teston Road shall be conveyed to the Regional Municipality of York for public highway purposes, free of all costs and encumbrances.

67. The owner shall provide a solicitor's certificate of title in a form satisfactory to the Regional Solicitor, at no cost to the Region, with respect to the conveyance of lands.
68. The location and design of the construction access for the subdivision work shall be completed to the satisfaction of the Regional Transportation and Works Department and illustrated on the Engineering Drawings.
69. Direct vehicle access from the proposed dwellings to Teston Rd. will not be permitted. Access must be obtained through the internal road network.
70. Any existing driveway(s) along the Regional road(s) frontage of this subdivision must be removed as part of the subdivision work, at no cost to the Region.
71. The Owner shall engage the services of a consultant to prepare and submit for review a noise study to the Regional Transportation and Works Department recommending noise attenuation features and the Owner shall agree to implement these noise attenuation features to the satisfaction of the Regional Transportation and Works Department.
72. The following warning clause shall be included in a registered portion of the subdivision agreement with respect to the lots or blocks affected:
 - a. "Purchasers are advised that despite the inclusion of noise attenuation features within the development area and within the individual building units, noise levels will continue to increase, occasionally interfering with some activities of the building's occupants".
73. The noise attenuation features will abut a Regional right-of-way, the Owner shall agree in the subdivision agreement, in wording satisfactory to the Regional Transportation and Works Department, as follows:
 - i. that no part of any noise attenuation feature shall be constructed on or within the Regional right-of-way;
 - ii. that noise fences adjacent to Regional roads shall be constructed on the private side of the 0.3 metre reserve and may be maximum 2.5 metres in height, subject to the area municipality's concurrence;
 - iii. that maintenance of the noise barriers and fences bordering on Regional right-of-ways shall not be the responsibility of the Regional Municipality of York; and
 - iv. that any landscaping provided on the Regional right-of-way by the Owner or the area municipality for aesthetic purposes must be approved by the Regional Transportation and Works Department and shall be maintained by the area municipality with the exception of the usual grass maintenance.
74. Subject to approval by the City of Vaughan and York Region, with the exception of Dufferin St. and Teston Rd. the owner shall agree in the subdivision agreement to construct sidewalks along the subject lands' frontage onto the planned transit roadways on both sides of the street. Such sidewalks shall be constructed on both sides of the planned transit roadways unless only one side of the street lies within the limits of the area designated as "Subject Lands", in which case only this side of the street will require the sidewalk.

75. The planned transit roadways shall be designated and designed to accommodate transit vehicles to the satisfaction of the area municipality and York Region Transit. As such, York Region Transit is to be consulted with respect to any traffic-calming features which may be considered for any of the planned transit roadways identified.
76. Further to the designation of the planned transit roadways (above), and subject to approval by York Region Transit, bus passenger standing areas/platforms are to be provided at no cost to the Region of York concurrent with construction of necessary sidewalks. Required platform locations are as follows:
 - i. Northbound Street D adjacent to Block/Lot 112 - "Park" (mid-block placement, approximately 30 metres north of the northern lot-line of Block/Lot 88)
 - ii. Southbound Street D directly opposite location (i) above (mid-block placement, adjacent to Block/Lot 105)
77. The owner shall agree in the subdivision agreement that the bus passenger platforms identified above shall be designed and constructed to the satisfaction of the area municipality and York Region Transit.
78. The owner shall agree in the subdivision agreement to advise all potential purchasers of the planned introduction of transit service in/around the subject lands, as per above, and that the placement of any necessary bus-stops and/or passenger amenities will be placed accordingly to the satisfaction of York Region Transit and the City of Vaughan, as applicable. This would include potential transit routes, bus stops and shelter locations, as necessary. Notification should be achieved through sales offices, marketing materials, and appropriate notification clauses in purchase agreements.
79. Prior to Final Approval the Owner shall provide a signed copy of the subdivision agreement to the Regional Transportation and Works Department, outlining all requirements of the Regional Transportation and Works Department.
80. The owner shall enter into an agreement with the Region of York, agreeing to satisfy all conditions, financial and otherwise, of the Regional Corporation; Regional Development Charges are payable prior to final approval in accordance with By-law DC-0005-2003-050.
81. The owner shall agree in the subdivision agreement that any tree removal or landscaping within the Regional Road right of way associated with Teston Rd. will be undertaken in accordance with York Region Streetscaping policies, to the satisfaction of York Region staff.
82. The Owner shall provide the following to the Region of York:
 - a) a copy of the executed subdivision agreement; and
 - b) a Solicitor's Certificate of Title to the Region of York Corporate and Legal Services Department, to the satisfaction of the Regional Solicitor, at no cost to the Region, with respect to the conveyance of lands to The Regional Municipality of York.

Other Conditions

83. Final approval for registration shall be issued in phases in accordance with the Malone Given Parsons Ltd. Phasing Plan, dated May 11, 2004 and to the satisfaction of the City, subject to all applicable fees provided that:
- a. Phasing is proposed in an orderly progression, in consideration of such matters as the timing of road improvements, infrastructure, schools and other essential services; and
 - b. all government agencies agree to registration by phases and provide clearances, as required in Conditions 84 to 86 inclusive, for each phase proposed for registration; furthermore, the required clearances may relate to lands not located within the phase sought to be registered.
 - c. Allocation being provided within the appropriate capacity assigned by the Region, as approved by the City, in consultation with the Region of York.
84. The City shall advise that Conditions 1 to 58 inclusive, have been satisfied; the clearance letter shall include a brief statement detailing how each condition has been met.
85. The Region of York shall advise that Conditions 59 to 82 inclusive, have been satisfied; the clearance letter shall include a brief statement detailing how each condition has been met.
86. The Toronto Region Conservation Authority shall advise that Conditions 39, 42, 43 and 46, have been satisfied; the clearance letter shall include a statement detailing how each condition has been met.



Attachment
2

FILE No.:
 19T-03V16 &
 Z.03.079

May 12, 2004

City of
Vaughan

Community Planning Department

Location Map

Part Lots 24 & 25,
 Concession 2

APPLICANT:
 MIDVALE ESTATES INC.

N:\DPT\1 ATTACHMENTS\19\19T-03V16Z.03.079



SUBJECT LANDS

Not to Scale



City of Vaughan Red-Lined Plan dated May 17, 2004

Part Lots 24 & 25,
Concession 2

APPLICANT:
MIDVALE ESTATES INC.

N:\OPT\1 ATTACHMENTS\19\19T-03V16-03.079



Community Planning Department

Attachment

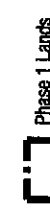
FILE No.:
19T-03V16 &
Z.03.079

3

May 12, 2004

**Block 12
PARTICIPATING LANDOWNERS
STAGING PLAN
UNIT LOCATIONS**

Legend

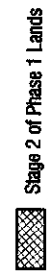


Phase 1 Lands

Stage 1 of Phase 1 Units by Owner

Owner	Number of Stage 1 Units
Mihvale - 19T-03V16	55
Major Bob - 19T-09124	51
Lindstone - 19T03V17	130
Mayven - 19T09102	83
TOTAL	1,029

* 57 Units shown.

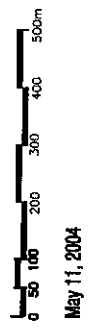


Stage 2 of Phase 1 Lands



Non Participating Owners

Block Plan Coordinators:
Malone Given Parsons Ltd.
140 Burnham Drive, Suite 20, Markham Ontario L3R 0S3 (905) 913-0770
Block Plan Engineers:
Scheeffers Consulting Engineers



May 11, 2004



Attachment 4

City of **Vaughan**
Community Planning Department

**Block 12 Staging Plan
For Phase 1 Lands**

Part Lots 21, 22, 23, 24, 25
Concession 2

N:\DTP\BLUPLAN\BLK12\Phasing and Composite May 11 04

May 12, 2004