

COMMITTEE OF THE WHOLE NOVEMBER 18, 2002

**ZONING BY-LAW AMENDMENT FILE Z.02.063
DRAFT PLAN OF SUBDIVISION FILE 19T-02V05
FAIRBROOK DEVELOPMENTS INC.
REPORT #P.2002.59**

Recommendation

The Commissioner of Planning recommends:

1. That Zoning Amendment Application Z.02.063 (Fairbrook Developments Inc.) BE APPROVED, to rezone the subject lands to R2 and R3 Residential Zones and OS1 Open Space Zone, in accordance with the zoning standards included in this report.
2. That Draft Plan of Subdivision 19T-02V05 (Fairbrook Developments Inc.) prepared by Weston Consulting Group Inc., dated July 12, 2002, and red-lined on November 18, 2002, BE DRAFT APPROVED, subject to the conditions set out in Attachment No. 1.
3. For the purposes of notice, the subdivision agreement shall contain a provision that parkland shall be dedicated, and/or cash-in-lieu paid for the plan in accordance with the approved "Cash-in-Lieu of Parkland Policy". The Owner shall submit an approved appraisal prepared by an accredited appraiser for approval by the Vaughan Legal Department--Real Estate Division, and the approved appraisal shall form the basis of the cash-in-lieu payment.
4. That the following resolution be passed allocating sewage capacity:

"NOW THEREFORE BE AND IT IS HEREBY RESOLVED THAT Draft Approved Plan of Subdivision 19T-02V05 (Fairbrook Developments Inc.) be allocated sewage capacity from the Maple Service Area of the York/Durham Servicing Scheme and water capacity from Pressure District No. 7 of the York Water Supply System for 25 residential units, in addition to the 16 residential units previously allocated by Council on July 20, 1987, for a total of 41 units."

Purpose

On July 19, 2002, the Owner submitted an application to amend the Zoning By-law to rezone the subject lands to the appropriate residential zone category to permit a proposed draft plan of subdivision on a 7.47 ha parcel. The plan contains 41 residential lots and a 3.815 ha open space block.

Background - Analysis and Options

The 7.47 ha site is located northwest of Keele Street and Rutherford Road (2440 and 2448 Rutherford Road), in Lots 16 and 17, Concession 4, City of Vaughan. The developable portions of the site are relatively flat with a gradual southeasterly slope toward Rutherford Road and the Don River. Significant changes in the grade elevations occur closer to the valley. There are many mature trees on the property.

The subject lands are designated "Low Density Residential" and "Open Space" by OPA 350 (Maple Community Plan), and zoned RR Rural Residential Zone, A Agricultural Zone and OS1 Open Space Conservation Zone by Zoning By-law 1-88.

The northerly portion of the lands is subject to previously approved Zoning Application Z.97.91 and approved draft plan of subdivision 19T-86092R for 16 residential lots.

The surrounding land uses are:

- North - residential (R2 Residential Zone) and valley lands (OS1 Open Space Conservation Zone)
- South - Rutherford Road; valley lands (OS1 Open Space Conservation Zone)
Canadian Nation Railway Yard (EM4 Employment Area
Transportation Zone)
- West - Greenock Drive; residential (R2 and R3 Residential Zones)
- East - Don River (OS1 Open Space Conservation Zone), three 4/5-storey
seniors' apartment buildings (RA3 Residential Apartment Zone)

On August 23, 2002, a notice of public hearing was circulated to all property owners within 120m of the subject lands. A notice was also sent to the Maple Landing Ratepayers Association. Two responses have been received from residents in the vicinity of the subject property. The property owner immediately to the north requested that Lots 1 and 2 be reconfigured so that their frontage faces Waterside Crescent.

The second response raised several issues related to the development of a trail system, including walkway connections and bridges in the valley system, the loss of vegetation and possible compensation and the obligations of the developer towards enhancement of the ravine lands. A follow-up response reiterated the initial comments and inquired about the opportunity to create a gateway entrance feature at the Rutherford Road and Greenock Drive intersection.

At the public hearing held on September 17, 2002, Council directed that the applicant meet with the area ratepayers with respect to the proposed development. On September 23, 2002, the consultant for the project arranged a meeting and subsequently forwarded a synopsis of the issues discussed, which is summarized below:

- proposed lot and dwelling sizes were compared to those in the area;
- the potential for tree preservation was identified as an issue to be reviewed;
- the desire to have the valley portion included in the Bartley Smith Greenway Plan;
- the residents were advised that the Toronto and Region Conservation Authority (TRCA) has requested that a vegetation restoration/enhancement plan for the open space block be prepared;
- construction access issues were raised;
- potential for an entrance feature to be provided at Greenock Drive and Rutherford Road;
- residents at the south end of Waterside Crescent were advised that when the road is extended, construction work to their front yards will likely be required; and,
- the residents at 105 Waterside Crescent were advised that the fence on their south property line was to be reconstructed in accordance with an agreement with the developer of Waterside Crescent.

All of the above issues raised through the notice process are addressed further in this report. A notice of this Committee of the Whole meeting was sent to those individuals on file having expressed interest in this application.

Official Plan

The lands are designated 'Low Density Residential' and "Open Space" by OPA 350 (Maple Community Plan). The tableland portion of the subject lands is designated "Low Density Residential" which permits detached residential lot at a maximum density of 22 units/net residential hectare. The proposed plan yields a density of 11.2 units per net hectare. The Official Plan also requires that larger lots be located adjacent to the valley lands.

The proposed draft plan of subdivision is composed of primarily 15m lots abutting the valley with depths ranging between 36m and 51m. Lots 27 and 28 do not have a significant depth, however, are larger in area. Lots 31 and 32 have smaller frontages of 13.7m, however, are in excess of 50m in depth.

The subject lands form part of the “Maple Neighbourhood 3 Plan” which Council amended on February 22, 1999, to terminate Waterside Crescent and Bute Court as cul-de-sacs. The original Neighbourhood Plan proposed a connection between the two streets. The proposed draft plan of subdivision is consistent with the amended Neighbourhood 3 Plan.

The Official Plan includes policies with respect to the proximity of residential development to the Canadian National Railway (CNR) facilities, including:

- residential development within 150m of the CNR pullback track is not permitted;
- residential development within 150m to 250m of the pullback track shall be air-conditioned and contain strong warning clauses on title indicating likely disturbance of outdoor activities. Purchasers must sign a waiver indicating they are aware of the clause and accept that noise reduction cannot be expected; and,
- residential development within 600m of Rutherford Road shall be air-conditioned and have a strong warning registered on title similar to that noted above.

Subject to the recommended conditions in this report, the subdivision complies with the above policies for residential development in proximity to railway lands.

Staff is satisfied that the proposed draft plan of subdivision conforms to the Official Plan.

Zoning

The subject lands are zoned RR Rural Residential Zone, A Agricultural Zone and OS1 Open Space Conservation Zone by Zoning By-law 1-88. An amendment to the current zoning is required to implement the proposed plan. The R2 and R3 Residential Zones appropriately implement the lot frontages and sizes being proposed. Lots 27 and 28 will require site-specific zoning exceptions to recognize the configuration of the lot and establish suitable building envelopes on each. The following zoning standards are recommended:

Lot	Min. Front Yard Setback To Dwelling (m)	Min. Front Yard Setback to Garage (m)	Min. Rear Yard Setback (m)	Min. Interior Side Yard Setback (m)	Minimum Exterior Side Yard Setback (m)
1	7.5	7.5	9.0	1.2	----
2	4.5	6.4	7.5	1.2	4.5
3-10	4.5	6.4	10	1.2	----
11	4.5	6.4	7.5/10.0	2.0*/1.2	-----
12	4.5	6.4	7.5	4.0*/1.2	-----
13-15	4.5	6.4	7.5	1.2	-----
16-19	4.5	6.4	9.0	1.2	-----
20	7.5	7.5	9.0	1.2	-----
21-24	7.5	7.5	7.5	1.2	-----
25	4.5	6.4	7.5	1.2	-----
26	4.5	6.4	7.5	4.0*/1.2	-----
27	4.5	6.4	7.5	2.0*/1.2	-----
28-30	4.5	6.4	7.5	1.2	-----
31-40	7.5	7.5	10.0	1.2	-----
41	7.5	7.5	10.0	1.2	4.5

*Building envelope immediately adjacent to servicing easement

**The minimum distance between any two driveways, including at the street curb, shall be 1.0m. The minimum distance between a driveway and a property line (and the projection of the property line to the street curb) shall be 0.5m. The Owner shall provide drawings illustrating all driveways to the street curb when applying for a building permit.

Staff is satisfied that the proposed zoning standards are appropriate and compatible with the standards for the existing subdivision. Minor modifications may be required as the final lotting pattern is delineated and approved.

The open space block will be zoned OS1 Open Space Conservation Zone.

Subdivision Design

The draft plan consists of a total of 41 residential lots, which are located on the extensions of Waterside Crescent and Bute Court, and on the west side of Greenock Drive. The lots have frontages ranging from 13.5m - 15m and are intended for detached dwellings. Lots 25, 27 and 28 are irregular in shape. The proposed lot sizes are consistent with existing lots in the vicinity of the subject lands. The extension of Waterside Crescent ends in an elongated cul-de-sac design, which must be approved by the Engineering Department. The proposed lots on Greenock Drive would complete the undeveloped portion of this street. A servicing easement is located between the Waterside Crescent and Bute Court cul-de-sacs, and abuts four of the proposed lots.

Lots 1 and 2 are proposed to have frontage on the bulb portion of the Waterside Crescent extension. The existing lots to the north have their frontage and homes facing Waterside Crescent. The proposed layout for Lot 1 would create a rear yard and a fence flanking Waterside Crescent, which is inconsistent with the existing pattern of development on Waterside Crescent. Furthermore, the rear yard of Lots 1 and 2 would abut the side yard of the existing dwelling to the north, rather than another side yard. Accordingly, it is recommended that Lots 1 and 2 be reconfigured in an east/west direction, as shown on Attachment No. 3.

The proposed draft plan of subdivision includes a remnant parcel (Block 42), which is not part of any lot and is unacceptable as currently configured. Staff recommends that this block form part of Lot 25, and has red-lined the plan accordingly (Attachment No. 3). Alternatively, the Owner may make suitable arrangements to transfer Block 42 into the ownership of the lands to the east.

Servicing

The Engineering Department has reviewed the proposed draft plan and provides the following comments:

Sanitary Services

The subject site will be serviced through the existing stub located at the terminus of Bute Court (200mm diameter sanitary sewer) that discharges into the 750mm diameter sanitary trunk sewer located on Greenock Drive.

The Engineering Department confirms that sewage capacity is available for the subject property and has provided a resolution allocating services to this plan.

Water System

The subject lands are located within Pressure District No. 7 of the York Water Supply System. It is anticipated that the subject development can be adequately serviced via the existing 200mm termini of Waterside Crescent and Bute Court. As the subject site is located at the lower end of Pressure District No. 7 where pressures are the highest, it is anticipated that adequate pressures will be available to service these lands.

Storm Drainage

Most of the minor storm system on the subject lands will be conveyed through the 675mm diameter storm sewer stubbed at the terminus of Bute Court. The flow will traverse via the storm sewers on Bute Court, Greenock Drive and Rutherford Road and finally discharges directly into the West Don River. There will be some rear yard areas draining directly to the valley of the West Don River.

The major storm system from Waterside Crescent will be picked up by a twin inlet structure at the lowest spot of the crescent and conveyed via a storm sewer between Lots 10 and 11 for discharge directly into the valley. The major storm system from Bute Court will flow southerly along Greenock Drive to Rutherford Road for ultimate discharge to the West Don River.

Roads

The streets on the plan shall be designed in accordance with the City's standards and criteria and shall correspond to the existing portions of Bute Court and Waterside Crescent. However, the proposed turning circle at the terminus of Waterside Crescent, as shown on the draft plan, is non-standard but acceptable to the City. Access to the subject lands will be through the existing developments (Registered Plans 65M-2567 and 65M-2664) via Waterside Crescent and Greenock Drive.

Vegetation

A number of mature trees are located on the northerly portion of the subject property, many of which will be removed to construct the proposed plan of subdivision. The applicant has submitted a tree assessment study prepared by Geomatics International and dated September 26, 1996. The study reviews only the northerly portion of the subject lands (former McClelland Lands), upon which the most mature and dense stand of trees exists. The study categorizes the lands into three parts, being The Floodplain Trees, The Slope Trees and The Plateau Trees.

The report concludes that trees located within the Floodplain Area will not be directly impacted from development or construction activities. Trees located on the slope of the valley will not be impacted by development or construction activities, however, the report recommends that the removal of trees along the proposed rear lot lines and the open space block be minimized to the greatest extent possible and several mitigation measures are proposed. The majority of the trees in the Plateau Area will be removed upon development, however at this draft plan stage, it is unclear how extensive the clearing/grading will be on the site. Accordingly, the report recommends that a more detailed review be undertaken at the design stage to determine any opportunities for preserving trees once the location of building envelopes, services, sidewalks and grades are determined.

Urban Design Department

a) Subdivision Plan

The Urban Design Department has reviewed the proposed draft plan of subdivision and has provided the following comments:

1. A separate 3m wide block shall be provided along Rutherford Road for entrance feature/landscaping purposes.
2. The preliminary parkland dedication calculation is as follows:

Total Land Area Within the Plan (Minus Credits)	7.479ha
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Open Space Lands	3.815ha
Total Credits	3.815ha
Total Parkland at 5% Dedication	0.183ha
Parkland Provided in the Plan	0.000ha
Total Cash-in-lieu of Parkland	0.183ha

The Urban Design Department also recommends that the Tree Assessment Study be updated to reflect current conditions and include all of the lands subject to the subject applications.

b) Bartley Smith Greenway - West Don River

The City, in co-operation with the Toronto and Region Conservation Authority, prepared the Bartley Smith Greenway Plan, which outlines a trail system through the West Don River valley lands. However, the draft plan does not include a trail system, connections, bridges abutting the westerly boundary of the subject lands, or walkway blocks into the valley. The Urban Design Department has provided a condition of approval requiring the Owner to prepare a detailed open space master plan prior to final approval of the draft plan. This plan will address implementation of the Bartley Smith Greenway Plan as it applies to the subject lands.

c) Entrance Feature at Rutherford Road and Greenock Drive

Area residents have suggested that the subject applications present an opportunity to construct an entrance feature into the community at the intersection of Rutherford Road and Greenock Drive, as part of the ongoing Maple Streetscape Plan.

At this time, the northeast and northwest corners of the Rutherford Road and Greenock Drive intersection are defined by a wood fence and do not include a formal entrance feature. The existing subdivision is assumed and therefore there is no obligation on the original developer to contribute funds towards the construction of an entrance feature. Furthermore, the lands are not within the boundary of Maple Streetscape and Urban Design Guidelines, which is implemented through the approval of development applications or by way of municipal funds allocated for this purpose.

In reviewing the suggestion, it has been determined that an entrance feature could be constructed on the subject lands, only on the northwest corner of Rutherford Road and Greenock Drive. A 3m wide buffer strip has been included in the red-line plan, upon which the Owner can include an entrance feature as part of the required landscape master plan.

Other Comments

The Toronto and Region Conservation Authority (TRCA) has reviewed the proposed draft plan of subdivision and advised that they have no objection to the proposal, subject to provided conditions of draft approval. The TRCA has accepted a minimum 7.5 m setback to the top-of-bank for Lots 27 and 28, subject to enhanced planting within the Open Space Block.

The CNR has provided several conditions to be included in the subdivision agreement and the conditions of draft approval, in accordance with the Official Plan policies for residential development in proximity to railway lands.

The Owners of 105 Waterside Crescent have produced a letter wherein West Maple Creek Lands Ltd., the developers of the adjacent subdivision File 19T-85022, agreed to reconstruct a privacy fence along the south lot line when the subject lands are developed. Staff have reviewed the subdivision agreement for File 19T-85022 and identified a clause requiring the developer to construct a fence along the south lot line of 105 Waterside Crescent, but not to relocate it at a later date. Since the West Maple Creek Subdivision has been assumed, there are no

outstanding letters of credit on which the City may draw upon to relocate the fence. Resolution of this issue must be between the Owners of 105 Waterside Crescent and West Maple Creek Lands Ltd.

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. Similarly, the proposed rezoning of the subject lands to R2 and R3 Residential Zones, in accordance with the zoning standards discussed in this report, and OS1 Open Space Conservation Zone, will implement the proposed draft plan of subdivision, and allow development that is consistent with the surrounding area.

For these reasons, Staff recommends approval of the zoning amendment application and the red-lined draft plan of subdivision, subject to the conditions of approval provided on Attachment No. 1. Should Council concur, the recommendation of this report can be adopted.

Attachments

1. Conditions of Draft Approval
2. Location Map
3. City of Vaughan Red-Lined Plan dated November 18, 2002

Report prepared by:

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Respectfully submitted,

MICHAEL DeANGELIS
Commissioner of Planning

JOANNE R. ARBOUR
Director of Community Planning

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ATTACHMENT NO. 1

DRAFT PLAN OF SUBDIVISION 19T-02V05 FAIRBROOK DEVELOPMENTS INC. LOTS 16 & 17, CONCESSION 4, 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-02V05, ARE AS FOLLOWS:

City of Vaughan Conditions

1. The Plan shall relate to the draft plan of subdivision, prepared by Weston Consulting Group Inc., drawing #B1.1, dated July 12, 2002, as redlined on November 18, 2002, to incorporate the following revisions:
 - a) reorientation of Lots 1 and 2
 - b) the addition Block 42 into Lot 25
 - c) the provision of a road widening to achieve 18m from the center line of Rutherford Road and the associated 0.3m reserve; and
 - d) a 3m-landscape buffer along Rutherford Road.
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. Particular zoning categories to be applied are as follows:
 - a) R2 - Residential Zone and R3 Residential Zone, with site specific zoning exceptions for the residential lots.
 - b) OS1 Open Space Conservation Zone for the valleyland block.
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. The Owner shall forward a letter directing the City to close the current subdivision file on the northerly portion of the subject lands (File: 19T-86092(R) R.B. McClland In Trust).
4. The Owner shall enter into a subdivision agreement with the City to satisfy all conditions, financial or otherwise of the City, with regard to such matters as the City may consider necessary, including payment of development levies, the provision of roads and municipal services, landscaping and fencing. The said agreement shall be registered against the lands to which it applies.
5. The Owner shall agree to create easements for maintenance purposes for all lots providing less than 1.2m side yards, or having roof encroachments, prior to transfer of land.
6. 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.
7. 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.

8. The road allowances within the Plan shall be designed in accordance with the City's engineering standards for road and intersection design, temporary turning circles, daylighting triangles, and 0.3m reserves 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.
9. 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.
10. Final engineering design(s) 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.
11. The Owner shall agree that construction access shall be designed and provided only in a location approved by the City and/or the appropriate authority.
12. Prior to final approval, a soils report prepared at the Owner's expense shall be submitted to the City for review and approval. The Owner shall agree in the subdivision agreement to carry out or cause to carry out, the recommendations including pavement design structure for ideal and non-ideal conditions, to the satisfaction of the City.
13. 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.
14. 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.
15. The Owner shall agree in the subdivision agreement that no building permits will be applied for or issued until the City is satisfied that adequate road access, municipal water supply, sanitary and storm services are available, and storm drainage facilities are available to service the proposed development.
16. The Owner shall agree that on Lots 2 and 41, the front elevation shall face the flankage road. The Director of Urban Design and/or the Director of Community Planning, prior to issuance of a building permit, shall approve the flankage elevation for such lots.
17.
 - a) Prior to the initiation of grading or stripping of topsoil and prior to final approval, the Owner shall submit environmental site assessment report(s) in accordance with the "Ministry of Environment and Energy's Guidelines for Use at Contaminated Sites in Ontario, June 1996", as amended, 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, a copy of the 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 ground water criteria noted above.
 - d) Where lands are being conveyed to the municipality 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 peer review of said report(s).

- e) Prior to final approval of the Plan, the Owner shall submit, to the satisfaction of the City and the City's peer review consultant, a report documenting the proper decommissioning of the existing full storage tanks at the site, to be verified with soil samples, and the adequate measures taken to remove all contaminated soil should be leakage in the fuel tanks.
18. Prior to final approval, the Owner shall pay the proportionate share of the cost of any external municipal services, temporary and/or permanent built or proposed, that have been designed and oversized by others to accommodate the subject plan.
 19.
 - 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.
 20. Prior to final approval, the Owner shall submit an environmental noise impact study 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 carry out, or cause to carry out, the recommendation set out in the approved noise report to the satisfaction of the City.
 21. The Owner shall convey Block 43 for open space purposes to either the City or the TRCA, free of all charge and encumbrances:
 22. The 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.
 23. The Owner shall agree to erect fencing in the locations and of the types as shown on the approved construction drawing and as required by the City, including a permanent 1.5m high block chain link fence along residential lot lines abutting Open Space Block 43.
 24. Prior to final approval, the Owner shall submit an updated tree assessment, including an inventory of all existing trees, assessment of significant trees to be preserved, and proposed methods of tree preservation/or remedial planting for all the lands subject to the proposed draft plan of subdivision. The plan will also include a more detailed site plan review to determine any opportunities for preserving trees once the location of building envelopes, services, sidewalks and proposed grades are determined. The Owner shall agree to undertake the measures identified in the City-approved assessment.
 25. 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.

26. a) Prior to final approval and prior to commencement of any works on any site identified as being archaeologically significant, the Owner shall carry out archaeological excavations of such sites to the satisfaction of the Ministry of Citizenship, Culture and Recreation (Archeological Unit) and the City; the Owner shall agree to take protective measures required by the City for such sites.
- 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.
27. 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 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 the planting of trees on City boulevards in front of residential units is a requirement of the City and a conceptual location Plan is included in the subdivision agreement. While every attempt will be made to plant trees as shown, the City reserves the right to relocate or delete any boulevard tree without further notice."
 - Purchasers and/or tenants are advised that the City has not imposed 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 a purchaser for boulevard trees does not guarantee that a tree will be planted on the boulevard adjacent to their residential dwelling."
 - "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 hereby advised that at the time of approval of this development, the Keele Valley Landfill Site and associated waste management activities is in operation northeast of the subject development. Regardless of on-going engineering, monitoring and maintenance of activities, during the operating life of the landfill, site impacts including but not limited to odor, dust or noise will be expected from time to time, potentially interfering with the occupants' use and enjoyment of the property."

- "Purchasers, and/or tenants are advised that despite the inclusion of noise control features in this development and within the dwelling unit, noise levels from Canada's Wonderland may continue to be of concern, occasionally interfering with some activities of the dwelling occupants."
- "Purchasers and/or tenants are advised that the adjacent open space, woodlot or stormwater management facility may be left in a naturally vegetated condition and receive minimal maintenance."
- "Purchasers and/or tenants are advised that the following streets may be used as transit routes in the future: Rutherford Road and Greenock Drive."

28. The Owner shall agree all units in the draft plan of subdivision will be equipped with air conditioning in accordance with the requirements of the Official Plan.

29. 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.]

30. 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.

31. Prior to the initiation of grading or stripping of topsoil and prior to final approval, the Owner shall submit a topsoil storage plan detailing the location, size, side slopes, 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.
32. Prior to final approval, the City shall be advised by the School Boards that satisfactory arrangements regarding the adequate provision and distribution of educational facilities have been made between the Owner and the School Boards.
33. 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,
 - i) 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) consult with Canada Post Corporation to determine suitable locations for the placement of community mailboxes and to indicate these locations on the appropriate servicing plans;
 - d) provide a copy of the executed agreement to Canada Post; and
 - e) cause the a schedule to be included in all offers of purchase and sale, or lease for all lots/blocks, a clause(s) which must be signed by the purchaser and/or tenant, advising of the exact location of the community mail box.
 - f) post in clear site a copy of the subdivision plan indicating the Community Mail Box locations at the sales office.
34. The Owner shall convey to the City, free of all charge and encumbrances a 3m wide block along Rutherford Road for landscaping purposes and shall agree to construct an entrance feature/landscaping purposes.
35. Prior to final approval, the Owner shall prepare an urban design/streetscape master plan to the satisfaction of the City, which includes the following:
 - internal landscaping on boulevards as it relates to the City standard approved road rights-of-ways and the location of underground services, i.e. typical road sections which incorporate boulevard trees are required;
 - co-ordination of the urban design/streetscape elements, including a low scale entrance feature with seating area; and,
 - the appropriate pedestrian access to Rutherford Road for public transit (i.e. sidewalks).

36. Prior to final approval, the Owner shall prepare a detailed open space master plan for review and approval by the City, which addresses, but not limited to, edge management rehabilitation planting, trails, bridge crossings, erosion repair sites, co-ordination with the Bartley Smith Greenway Plan and a pedestrian access into the valley from Rutherford Road.
37. Prior to final approval, the Owner shall prepare a detailed rehabilitation enhancement plan, using the appropriate species and densities of native material for the disturbed edges along open space Block 43, to the satisfaction of the City and the Toronto and Region Conservation Authority.
38.
 - a) Prior to the initiation of grading and prior to the registration this plan or any phase thereof, the Owner submit for approval by the City and the Toronto and Region Conservation Authority (TRCA), a detailed engineering report(s) that describes the storm drainage system (quantity and quality) for the proposed development, which shall include:
 - ii) plans illustrating how this drainage system will be tied into the surrounding drainage systems, the overall drainage scheme, the design capacity of the receiving system and how external flows will be accommodated;
 - iii) the location and description of all outlets and other facilities which may require a permit pursuant to Ontario Regulation 158, the Authority's *Fill, Construction & Alteration to Waterways Regulation*;
 - 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) appropriate storm water management practices (SWMPs) 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.
 - vi) overall grading plans for the subject lands demonstrating to the satisfaction of the TRCA conformity with the Authority's Valley and Stream Corridor Management Program policies for any alterations to the Regional Storm Floodline.
 - b) That the Owner agree in a subdivision agreement:
 - i) to carry out, or cause to be carried out the recommendations of the approved stormwater engineering report;
 - ii) to maintain all stormwater management and erosion and sediment control structures operating in good repair during the construction period;
 - iii) to obtain all necessary permits pursuant to Ontario Regulation 158 from the TRCA;
 - iv) a copy of the executed subdivision agreement will be provided to the TRCA when available in order to expedite the clearance of the conditions and draft approval.
39. Prior to final approval, the Owner shall engage a consultant to undertake an analysis of noise and recommending abatement measures necessary to achieve the maximum level limits set by the Ministry of the Environment and Canadian National Railway. Upon review and approval of the noise report by the City, in consultation with CNR, all recommendations provided shall be included in the subdivision agreement.

40. The Owner shall covenant and agree to include the following warning clause in the subdivision agreement, all agreements of purchase and sale or leases respecting the lands for residential use within the Plan of Subdivision:

"All persons presently having or who may in the future acquire any interest in the lands which are the subject matter of this Agreement (the "Subdivision Lands") are hereby notified as follows:

- a) That Canadian National Railway ("CN") are the owners of certain lands known as the "MacMillan Rail Yard (the "CN Lands"), portions of which are located within 1000m of the subdivision lands and that the CN Lands are now and will continue to be used for the present and future railway facilities and operations of CN on a continuous basis (24 hours of each day in each year) including, without limitation, the operation and idling of diesel locomotives with the generation of diesel fumes and odours, artificial lighting of the CN Lands which may illuminate the sky, the loading, unloading and switching of rail cars containing bulk and other commodities including hazardous substances and/or goods containing the same, and the operation of various processes for the maintenance of rail equipment;
 - b) That the use of such present and future railway facilities and operations may result in the discharge of, emission, releasing or vetting upon or other effect of the Subdivision Land at any time during the day or night of or by dust, smoke, fumes, odours and other gaseous and/or particulate matter, noise, vibration and other sounds, light, liquids, solids and other emissions of every nature and kind whatsoever (hereinafter collectively called the "Operational Emissions"), any or all of which may be annoying, unpleasant, intrusive or otherwise adversely affect the use and enjoyment of the Subdivision Lands or any part thereof notwithstanding the inclusion of features within the development of the Subdivision Lands which are intended to attenuate, lessen or otherwise minimize or eliminate the impact of Operational Emissions upon the use and enjoyment of the Subdivision lands.
 - c) That CN and its customers will not be responsible for any complaints or claims by or on behalf of the Owners and occupants of the Subdivision Lands arising out of or in any way in connection with the Operational Emissions and any and all effects thereof upon the use and enjoyment of the Subdivision Lands or any part thereof, and whether arising from the presently existing facilities and operations of CN upon the CN Lands or from any and all future renovations, additions, expansions, increases, enlargements and other changes to such operations which could include the acquisition of additional lands for the purpose of expanding the facilities and operations of the MacMillan Rail Yard.
 - d) That CN shall not be required to change any of its facilities or operations upon the CN Lands as a result of or in response to any such complaints or claims;
 - e) Purchasers are also advised that due to the proximity of the CN Lands sound levels from rail operations/activities within the CN-OCR Lands may be clearly audible at times due to the yard's 24-hour operations;
 - f) That a permanent easement or right and interest in the nature of a permanent easement has been granted to CN over, under and along and upon the whole of the Subdivision Lands and every part thereof for the purposes of permitting the Operational Emissions.
41. The Owner shall agree to cause a schedule to be included in all offers of purchase and sale, or lease for all lots, a clause which must be signed by the purchaser and/or tenant indicating that they have read the warning clause and the easement and accept that noise reduction cannot be expected.

42. The Subdivision Agreement as it relates to the requirements of the above is not to be cleared and is to remain on the title in perpetuity.
43. The Owner shall grant CN an environmental easement for operational noise emissions, registered on title against the subject lands in favour of CN.

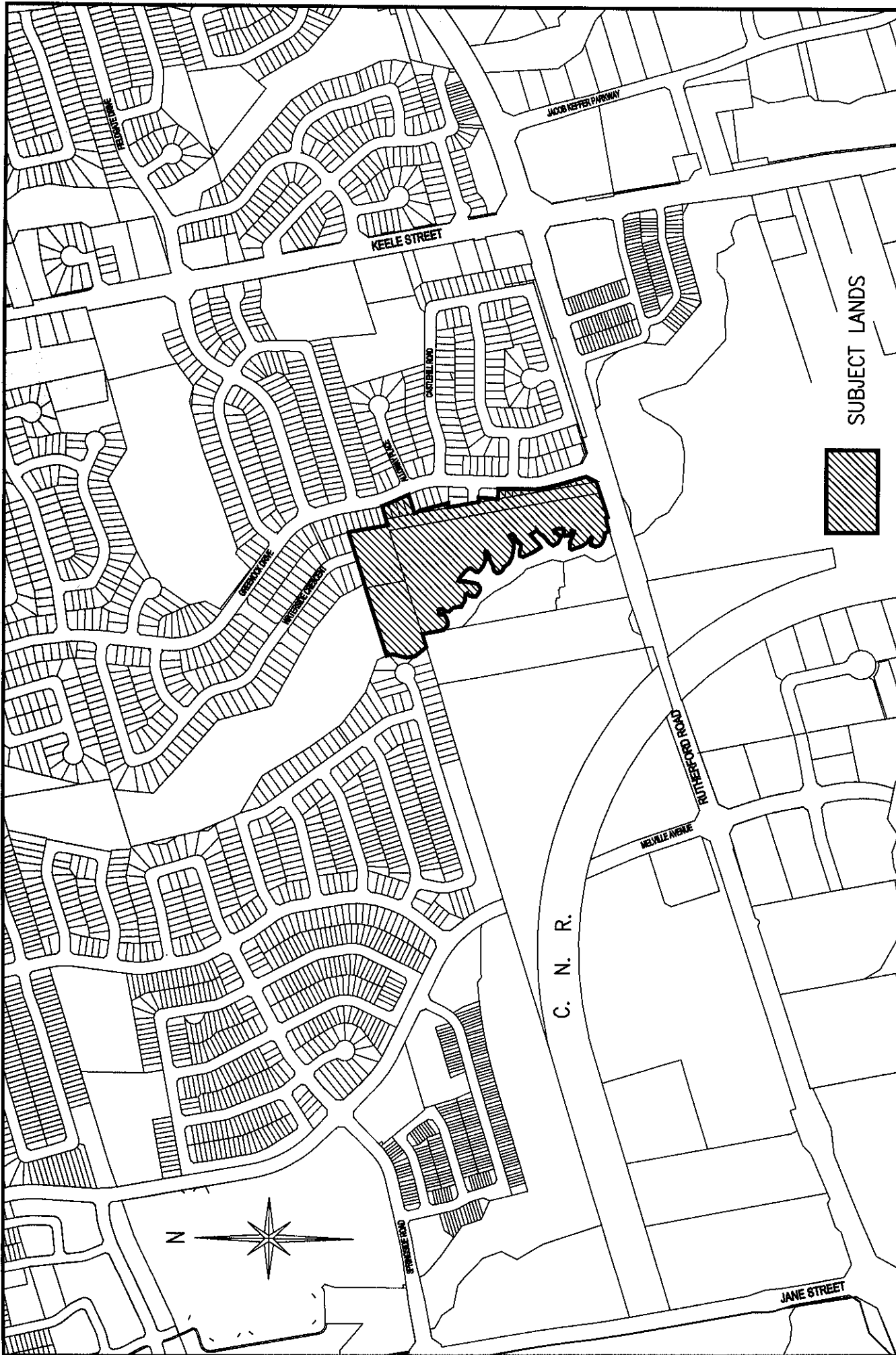
Region of York Conditions

44. Prior to final approval the Regional Transportation and Works Department, shall confirm that contracts have been let for the required water supply and sanitary servicing facilities, where required, and that adequate water supply capacity and sewage treatment capacity are available and have been allocated by the City of Vaughan for this draft plan of subdivision or any phase thereof.
45. Where final approval of this draft plan of subdivision, or any phase thereof, has not been given within three years after the original date of draft approval, the Region of York Transportation and Works Department, shall confirm that adequate water supply and sewage treatment capacity continues to be available prior to final approval of any remaining portion of the plan, and continued capacity availability may require infrastructure additions or improvements.
46. The following lands shall be conveyed to the Region of York for public highway purposes, free of all costs and encumbrances:
 - a) a widening across the full frontage of the site where it abuts Rutherford Road of sufficient width to provide a minimum of 18.0m from the centerline of construction of Rutherford Road;
 - b) a 0.3m reserve across the full frontage of the site where it abuts Rutherford Road, adjacent to the above noted widening.
47. The Owner shall agree to grade the Rutherford Road street line 0.3m above the existing centerline grade of the road. Grading plans must be submitted reflecting this requirement.
48. 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.
49. The Owner shall provide a set of engineering drawings for approval by the Region which indicates the subdivision storm drainage system, site grading and servicing, plan and profile for 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.
50. The Owner shall agree, where noise attenuation features will abut a Regional right-of-way, as follows:
 - a) that no part of any noise attenuation feature shall be constructed on or within the Regional right-of-way;
 - b) that any noise attenuation required fences adjacent to Regional roads shall be constructed only on the private side of the 0.3m reserve, to a maximum of 2.5m in height, subject to the area municipality's concurrence.
 - c) 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.

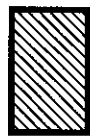
- d) that any landscaping provided on the Regional right-of-way by the Owner or the area municipality, must be approved by the Region and maintained by the area municipality, with the exception of the usual grass maintenance.
51. The Owner shall provide the following to the Region of York:
- i) a copy of the executed subdivision agreement to the Regional Transportation and Works Department; and
 - ii) 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.
52. 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-3-98-77.

Other Conditions

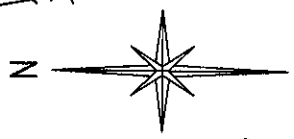
53. Final approval for registration may be issued in phases to the satisfaction of the City, subject to all applicable fees provided that:
- a) phasing is proposed in an orderly progression, in consideration of such matters as the timing of road improvements, infrastructure, schools and other essential services; and
 - b) all government agencies agree to registration by phases and provide clearances, as required in Conditions 1 to 52 inclusive, for each phase proposed for registration; furthermore, the required clearances may relate to lands not located within the phase sought to be registered.
54. The City shall advise that Conditions 1 to 43 inclusive, have been satisfied; the clearance letter shall include a brief statement detailing how each condition has been met.
55. The Regional York shall advise that Conditions 44 to 52 inclusive, have been satisfied; the clearance letter shall include a brief statement detailing how each condition has been met.



<p>ATTACHMENT '2' LOCATION MAP</p>		<p>FILE #: 19T-02V05 Z.02.063</p>	<p>REPORT #: LOCATION: PART OF LOTS 16 & 17, CON. 4</p>	<p>APPLICANT: CITY OF VAUGHAN PLANNING DEPARTMENT</p>	<p>DATE: 10/30/2002</p>
		<p>APPLICANT: CITY OF VAUGHAN PLANNING DEPARTMENT</p>		<p>SCALE: NOT TO SCALE</p>	<p>APPLICANT: FAIRBROOK DEVELOPMENTS INC.</p>



SUBJECT LANDS



C. N. R.

KEELE STREET

JANE STREET

WELLSVILLE AVENUE

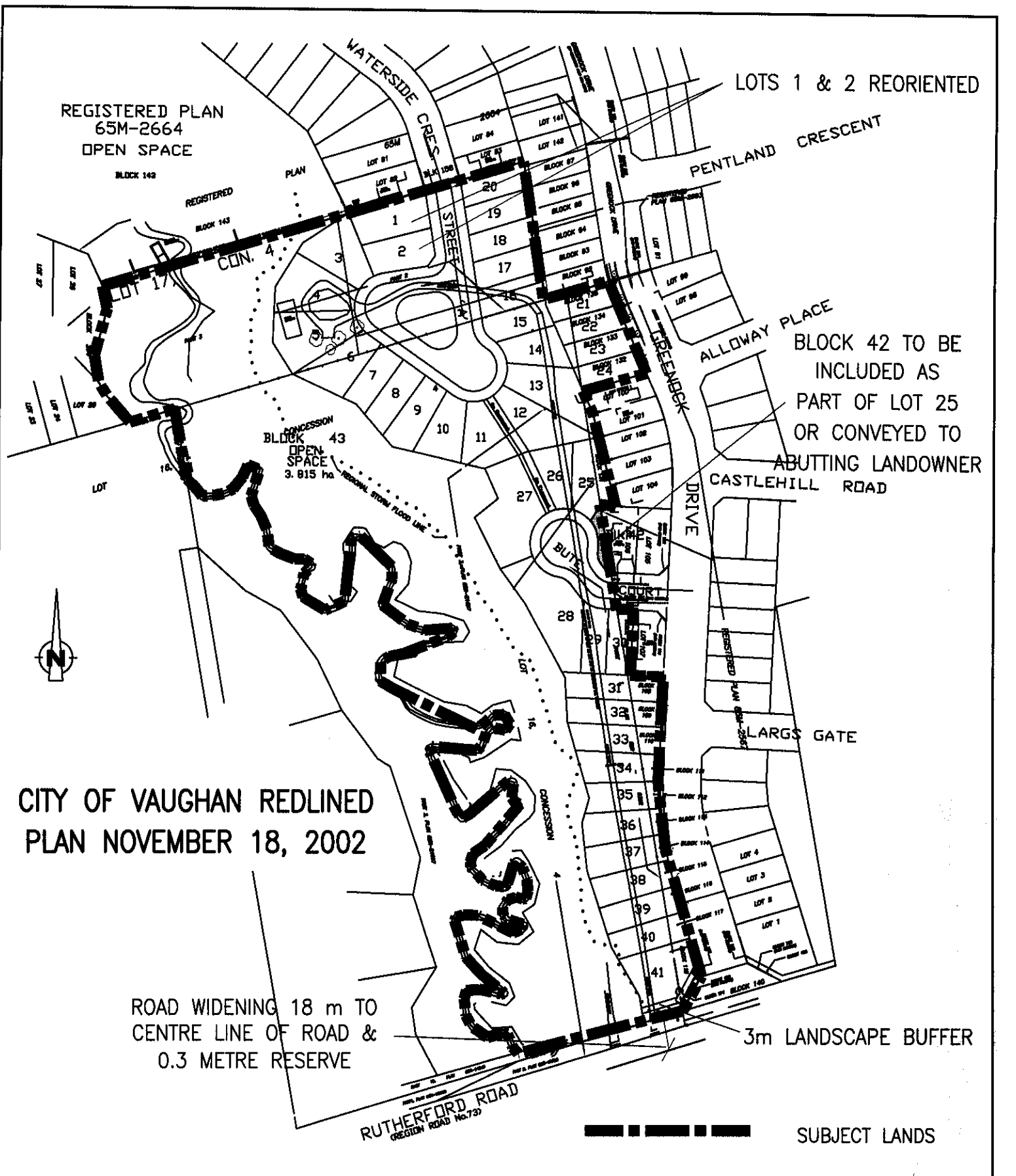
QUORN COCKSCRETT RD

JACOB KETTER PARKWAY

CASTLELAND

SPRINGDALE

SPRINGDALE



LOTS 1 & 2 REORIENTED

REGISTERED PLAN
65M-2664
OPEN SPACE

BLOCK 143

REGISTERED

PLAN

PENTLAND CRESCENT

CON. 4

BLOCK 42 TO BE INCLUDED AS PART OF LOT 25 OR CONVEYED TO ABUTTING LANDOWNER

CONCESSION OPEN SPACE 3.815 ha

ALLOWAY PLACE

CASTLEHILL ROAD



CITY OF VAUGHAN REDLINED PLAN NOVEMBER 18, 2002

ROAD WIDENING 18 m TO CENTRE LINE OF ROAD & 0.3 METRE RESERVE

3m LANDSCAPE BUFFER

RUTHERFORD ROAD
CREATION ROAD No.737



SUBJECT LANDS

ATTACHMENT '3' PROPOSED DRAFT PLAN OF SUBDIVISION	FILE #:	REPORT #:	DATE:
	19T-02V05 Z.02.083	LOCATION: PART OF LOTS 16 & 17, CON. 4	10/30/2002
		CITY OF VAUGHAN PLANNING DEPARTMENT	APPLICANT:
			FAIRBROOK DEVELOPMENTS INC.
			SCALE: NOT TO SCALE