

COMMITTEE OF THE WHOLE SEPTEMBER 18, 2006

**ZONING BY-LAW AMENDMENT FILE Z.95.032
DRAFT PLAN OF SUBDIVISION FILE 19T-95098
KLEINBURG RESIDENTIAL ESTATES LTD.
REPORT #P.2005.34**

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment File Z.95.032 (Kleinburg Residential Estates Ltd.) BE APPROVED, specifically to amend By-law 1-88 for the subject lands shown on Attachment #3, as follows:
 - a) rezone Lots 1 to 21 inclusive from A Agricultural Zone to RR(H) Rural Residential Zone with the Holding Symbol "(H)" to provide for 21 lots for detached dwelling units with minimum lot frontages of 30m for Lots 1 to 5 inclusive and 8 to 21 inclusive and minimum lot frontages of 25m for Lots 6 and 7, and minimum lot areas of 0.38h for Lots 1 to 21 inclusive and require that prior to the removal of the Holding Symbol "(H)", the Owner submit an application and receive approval for an amendment to the Official Plan to allow development on individual private wells on an interim basis, until municipal water supply can be provided;
 - b) rezone Block 22 from A Agricultural Zone to RR(H) Rural Residential Zone with the Holding Symbol "(H)" and require that prior to the removal of the Holding Symbol "(H)", that Block 22 be developed with the adjacent lands to the north and east and that water supply capacity shall be identified and allocated by the City;
 - c) rezone Block 23 from A Agricultural Zone to OS1 Open Space Conservation Zone to provide for a minimum 5m wide ecological buffer adjacent to the open space/valleyland;
 - d) rezone Block 24 from A Agricultural Zone to OS2 Open Space Park Zone to provide for a 9m wide walkway; and;
 - e) include any necessary zoning exceptions that may be required to implement the approved Draft Plan of Subdivision.
2. THAT Draft Plan of Subdivision File 19T-95098 (Kleinburg Residential Estates Ltd.), as shown on Attachment #3, BE APPROVED, subject to the conditions set out in Attachment #1 to this report. The conditions of approval include specific conditions requiring the Owner to pre-construct the water distribution system and the individual internal lot connections and the requirement to decommission the private wells once the additional water supply capacity becomes available from the Kleinburg-Nashville Community Water System.
3. THAT for the purposes of notice, the implementing subdivision agreement for Draft Plan of Subdivision 19T-95098 (Kleinburg Residential Estates Ltd.), shall contain a provision that parkland shall be dedicated and/or cash-in-lieu of the dedication of parkland equivalent to 5% of the value of the subject lands be paid, prior to the issuance of a Building Permit, in accordance with the Planning Act and the City's approved "Cash-in-Lieu of Parkland Policy". The Owner shall submit an approved appraisal of the subject lands, in accordance with Section 42 of the Planning Act, 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 with respect to the allocation of water supply capacity shall apply:

"IT IS HEREBY RESOLVED THAT Draft Plan of Subdivision 19T-95098 (Kleinburg Residential Estates Ltd.) be allocated water supply capacity from the Kleinburg-Nashville Community Water System of the York Water Supply System, for a total of 21 residential units following the execution of a subdivision agreement to the satisfaction of the City, and subject to additional water supply capacity becoming available from the Kleinburg-Nashville Community Water System as confirmed by the Region of York."

5. THAT the Owner enter into an agreement with the City to be registered on title, indicating that Lots 1 to 21 inclusive and Block 22 in Draft Plan of Subdivision 19T-95098 (Kleinburg Residential Estates Ltd.), will not be offered for sale by the Owner or purchasers until the Holding "H" provision has been removed which is subject to an available potable water supply source being identified and approved.

Economic Impact

There are no requirements for new funding associated with this report.

Purpose

The Owner has submitted applications for the subject lands shown on Attachment #2 as follows:

1. An application to amend the Zoning By-law, specifically By-law 1-88, to rezone the subject lands shown on Attachment #3 from A Agricultural Zone to:
 - RR(H) Rural Residential Zone with the Holding Symbol (H) Lots 1 to 21 inclusive;
 - RR(H) Rural Residential Zone with the Holding Symbol (H) for Block 22;
 - OS1 Open Space Conservation Zone for Block 23; and,
 - OS2 Open Space Park Zone for Block 24.

2. An application for Draft Plan of Subdivision approval for the subject lands shown on Attachment #3 consisting of the following:
 - 21 lots for single detached dwelling units with frontages ranging from 25m to 100.9m and lot areas ranging from 0.38ha to 0.54ha;
 - 1 block (0.56ha) to be developed with the adjacent lands to the north and east for future residential use;
 - 1 block (0.26ha) for a 5m wide open space buffer; and,
 - 1 block (0.07ha) for a 9m wide walkway.

Background - Analysis and Options

The subject lands shown on Attachment #2 are located on the east side of Huntington Road, north of Nashville Road, in Part of Lots 26 and 27, Concession 9, City of Vaughan. The subject lands have an area of 10.8ha and frontage of approximately 20m on each of Richard Lovat Court and Huntington Road.

The subject lands are designated "Suburban Residential" with a "Neighbourhood Park" overlay designation adjacent to the valley by OPA #601 (Kleinburg-Nashville Community Plan), and "Natural Heritage System within the Protected Countryside" by the Greenbelt Plan. The east part of the subject lands are designated "Protected Countryside" by the Greenbelt Plan as shown on Attachment #2. The lands are zoned A Agricultural Zone by By-law 1-88. The surrounding land uses are:

North - agricultural (A Agricultural Zone)
South - estate residential (RR Rural Residential Zone)
West - CP rail line (M3 Transportation Industrial Zone); Huntington Road
East - Humber River/valley lands (OS1 Open Space Conservation Zone and Protected Countryside)

Public Hearing

On May 13, 2005, a Notice of Public Hearing was mailed to all property owners within 120 metres of the subject lands, and to the Kleinburg and Area Ratepayers' Association. Comments have been received from: the owner of 800 Nashville Road (Attachment #2), dated June 2, 2005, concerning his request to change his current access located on Nashville Road by obtaining road access through the proposed plan of subdivision; from KLM Planning Partners Inc., dated June 6, 2005, advising that they want assurances that their client's lands directly abutting the subject lands to the north will not be adversely affected by the proposal and will have services extended to their lands; and from the EMC Group Limited dated June 7, 2006, requesting that their client's lands further north of the subject lands be considered as part of the comprehensive development plan. These responses will be addressed in this report.

The recommendation of the Committee of the Whole to receive the Public Hearing report on June 8, 2005, and to forward a comprehensive report to a future Committee of the Whole meeting, was ratified by Council on June 15, 2005.

Official Plan

i) Land Use Designation

The subject lands as shown on Attachment #4 are designated "Suburban Residential" with a "Neighbourhood Park" overlay designation adjacent to the valley by OPA #601 (Kleinburg-Nashville Community Plan). The Official Plan permits detached residential dwellings, schools and park/open space uses. The Official Plan requires estate residential subdivisions within lands designated "Suburban Residential" to have a range of lot sizes related to the site's topography, vegetation and soil characteristics to retain a semi-rural residential character. The subject lands as shown on Attachment #3 provide for a range of lot areas and configurations in accordance with the Official Plan.

The Official Plan requires that new development shall provide for linkages between public open space, where possible, and to woodlands and river valleys in order to provide continuous open space corridors. A 9m wide walkway as shown on Attachment #3 is being provided in the northeast portion of the plan, which will provide a public linkage to the Humber River valley/open space system in accordance with the Official Plan.

ii) Residential Density/Servicing

The Official Plan permits a maximum residential density of 2 units/ha, and a minimum lot size of 0.4ha. The density calculation includes the lands for local and primary roads, dwelling units, land for environmental linkages located on tableland and tableland valley buffer areas. The Official Plan includes the provision where statistics/requirements may vary by 5%, except for the density requirements. The plan of subdivision proposes 21 dwelling units on 10.8ha, resulting in a residential density of 1.94 units/ha and a minimum lot area of 0.38ha, which is a 5% reduction from 0.4ha. The proposed plan of subdivision conforms to the maximum density and minimum lot size requirements of the Official Plan.

The Official Plan requires lands designated "Suburban Residential" to be serviced by private sewage septic system with a lot area of sufficient size to accommodate two septic tile beds and municipal water system. The subdivision plan is proposed to be serviced by well water on an

interim basis and by private individual sewage septic systems. In order to allow for the usage of private individual wells for water supply for the plan shown on Attachment #3, the Owner shall be required to submit an application to amend the Official Plan to allow the interim use of well water subject to the Owner designing and constructing a complete municipal water system up-front in accordance with all City standards and criteria to allow for individual lot connection and supply once water supply capacity becomes available and is formally allocated to the draft plan. The by-law to facilitate the plan and final draft approval cannot occur until the Official Plan Amendment is approved and in effect. Conditions of draft approval have been included in this respect in Attachment #1. The details respecting the interim servicing are discussed later in this report.

iii) Greenbelt Plan

The subject lands as shown on Attachment #2 are designated "Natural Heritage System within the Protected Countryside" by the Greenbelt Plan. In accordance with Section 5.2 of the Greenbelt Plan, only applications that have been submitted on or after December 16, 2004, are required to conform to the Greenbelt Plan. The subject applications were submitted on March 27, 1995, and therefore are not subject to the Greenbelt Plan.

Zoning

The subject lands shown on Attachment #2 are currently zoned A Agricultural Zone by By-law 1-88. To facilitate the proposed plan of subdivision, as shown on Attachment #3, a by-law amendment is required to rezone the subject lands from A Agricultural Zone to the following zones in accordance with the standard requirements of Schedule "A1" in By-law 1-88, and the following exceptions:

a) Residential Lands

- i) Lots 1 to 21 inclusive as shown on Attachment #3 are to be rezoned from A Agricultural zone to RR(H) Rural Residential Zone with the Holding Symbol (H) to facilitate the development of 21 detached dwelling units; and,
- ii) Block 22 as shown on Attachment #3 is to be rezoned from A Agricultural Zone to RR(H) Rural Residential Zone with the Holding Symbol "H" to facilitate future residential development.

The RR Rural Residential Zone facilitates a detached dwelling with the following standards:

- Minimum Lot Frontage 45m
- Minimum Lot Area 4000m² (0.40ha)
- Minimum Front Yard 15m
- Minimum Rear Yard 15m
- Minimum Interior Side Yard 4.2m
- Minimum Exterior Side Yard 9m
- Maximum Building Height 9.5m

The Owner is requesting the following exceptions, which are supported by the Development Planning Department, to facilitate the proposed mix of lot frontages, lot areas and lot configurations within the subdivision plan:

- Minimum Lot Frontage 30m
- Minimum Lot Frontage For Lots 6 and 7 25m
- Minimum Lot Area 3800m² (0.38ha)

The majority of the proposed lots range in frontage between 35m and 100.9m. Three lots are proposing lot frontages of 61.8m, 81m and 100.9m due to the irregular configuration of the lots. There are 2 pie-shaded lots with curved front lot lines resulting in lot frontages of 25m, and 2 lots

with frontages between 30m and 34m. The proposed reduction in the lot area from 4000m² to 3800m² is in accordance with the Official Plan and applies to two-thirds of the lots in the draft plan.

Canadian Pacific Railway (CPR) requires a minimum setback of 30m from its right-of-way for residential dwellings to address noise and vibration attenuation requirements. Exceptions to the By-law to address the noise and vibration requirements are as follows:

- Minimum Yard Setback from CPR Right-of-Way
For Lots 15 to 18 inclusive and Block 22 30m

b) Holding Symbol (H)

Lots 1 to 21 inclusive and Block 22 are proposed to be zoned RR(H) Rural Residential Zone with the Holding Symbol "(H)" for 21 detached dwelling units. Prior to the removal of the Holding Symbol "(H)", the Owner is required to resolve the issue of allowing the development to proceed without municipal water and in the alternate to be serviced by private wells. An application must be made and approved to amend the Official Plan to provide for the plan to proceed on individual private wells based on the commitment by the Owner to design and construct a complete municipal water system up-front in accordance with all City standards and criteria to allow for individual lot connection and municipal water supply once water supply capacity becomes available and is formally allocated to the plan. A condition has been included in Attachment #1 stating that no lots and/or blocks will be offered for sale by the Owner or purchasers until servicing capacity has been identified and allocated by the City.

Block 22 is proposed to be zoned RR(H) Rural Residential Zone with the Holding Symbol "(H)" for future detached dwelling units and can only be developed with the lands to the north and east in order to create lots with frontage and access onto a future street. A clause will be included in the implementing zoning by-law limiting the use of the lands zoned with the Holding Symbol "(H)" to a use legally existing as of the date of enactment of the implementing by-law. The Holding Symbol (H) shall not be removed until Block 22 can be developed with the lands to the north and east.

c) Walkway/Open Space Blocks

The subdivision plan includes a 9m wide walkway (Block 24) as shown on Attachment #3, which will be rezoned to OS2 Open Space Park Zone to facilitate a pedestrian linkage to the Humber River valley/open space system. The plan also includes a minimum 5m wide open space planted buffer to the rear of Lots 1 to 5 inclusive and the 9m walkway block, and a 9m wide open space planted buffer to the rear of Lot 6 as shown on Attachment #3, which will be rezoned to OS1 Open Space Conservation Zone to address City and Toronto and Region Conservation Authority (TRCA) requirements.

The Development Planning Department supports the proposed rezoning and the zoning exceptions, which are consistent with those provided for in the existing zoning by-laws for the Richard Lovat Court and Charles Cooper Court subdivisions to the south of the subject lands as shown on Attachment #2 and are in keeping with the intent of the Official Plan.

Subdivision Design

The 10.8ha draft plan of subdivision shown on Attachment #3 is comprised of the following:

- 21 lots for detached dwelling units with frontages ranging from 25m to 100.9m and lot areas ranging from 0.38ha to 0.54ha;
- 1 block for future residential development;
- 1 block for a 9m wide walkway; and,
- 1 block for a 5m wide planted open space buffer.

The plan proposes two 20m local roads being Street "A" and Street "B" as shown on Attachment #3. Street "A" traverses the subject lands in an east-west direction with the west extension turning north and terminating at the north end of the plan in a bulb, providing street access for the lands to the north when these lands develop. Street "B" is the northerly extension of Richard Lovat Court, which intersects with Street "A" to the west and terminates in a cul-de-sac to the north.

The development details for the draft plan of subdivision are as follows:

Lots 1 - 21 (Detached Units)	8.55ha
Block 22 (Future Residential Lands)	0.56ha
Block 23 (Open Space Buffer)	0.26ha
Block 24 (9m Walkway)	0.07ha
0.3 Metre Reserves (Blocks 25 & 26)	0.01ha
<u>Streets (Local Road)</u>	<u>1.35ha</u>
Total Draft Plan Area	10.80ha

The Owner will be required to provide urban design and architectural design guidelines for the subject lands with respect to the street network, public/private streetscape realm and built form. A streetscape and open space/landscape master plan will be required.

The comments received at the Public Hearing respecting the lands to the north of the subdivision plan, as shown on Attachment #3, have been addressed with Street "A" terminating in a bulb at its north limit and facilitating a future road extension northward to allow road access for the adjacent northerly lands to develop. With respect to the owner of 800 Nashville Road, no direct road connection is being provided from the subject lands to 800 Nashville Road. The owner of 800 Nashville Road already has access to Nashville Road located approximately 150m west of Charles Cooper Court, adjacent the east side of the CP Rail line.

The Development Planning Department is satisfied with the proposed subdivision design subject to the comments in this report, and the conditions of approval in Attachment #1.

Engineering Department

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

i) Environmental Site Assessment (ESA)

The Phase 1 Environmental Site Assessment (Phase 1 ESA) for the plan was prepared and peer reviewed. The Phase 1 ESA was conducted in accordance with CSA Standard, Phase 1 Environmental Site Assessment Standards Z768-01, with the four principal components, i.e., records review, site visits and interviews, evaluation of information, and reporting. The Phase 1 ESA, to allow the proposed use in the plan, is satisfactory to the City.

ii) Engineering Services

The City Engineering Department has reviewed the Master Environmental Servicing Plan - Kleinburg Residential Estates (MESP) dated August 2005 by Valdor Engineering Inc. on behalf of the Owner. The plan is located in the Kleinburg-Nashville Service Area of the York Region Water Distribution System. The plan can be provided with a looped water supply by extending the existing 300mm diameter watermain on Huntington Road and connecting to the existing 200mm diameter watermain on Richard Lovat Court. However, due to the present water servicing capacity restriction in the Kleinburg-Nashville Service Area, the plan can proceed on individual private wells based on the commitment by the Owner to design and construct a complete municipal water system up-front in accordance with all City standards and criteria to allow for

individual lot connection and supply once servicing allocation capacity becomes available and is formally allocated to the plan.

iii) Sanitary Sewer

Presently there are no municipal sanitary sewers available to service the plan. Permits for the proposed private on-site sewage disposal systems are required to be reviewed and approved by the City's Building Standards Department.

iv) Storm Drainage

The Master Environmental Servicing Plan (MESP) proposes the construction of a stormwater outlet down into the valley slope within the plan to service both the subject plan and abutting external tributary lands. Prior to subdivision approval, the applicant shall provide a stormwater management report for review and approval by the City. This report shall describe the proposed drainage system to develop the plan and include, but not be limited to, the following items:

- i) plans illustrating the proposed system and its connection into the existing storm system;
- ii) stormwater management techniques that may be required to control minor or major flows; and,
- iii) proposed methods for controlling or minimizing erosion and siltation on-site and in down stream areas during and after construction.

The Owner is advised that the City does not allow the use of oil/grit separators (OGS) within the right-of-way as a permanent municipal facility to address water quality control. Other methods of dealing with stormwater quality control will need to be explored.

v) Roads

The MESP proposes to construct the road network using the current City road design standards within the plan. The termination of Street "A" will require the design and construction of a temporary cul-de-sac and include a minimum 6m wide emergency road access to Huntington Road.

The Engineering Department has no objections to the approval of the proposed subdivision, subject to the conditions of approval in Attachment #1.

Parkland/Cash-in-Lieu

The parkland dedication for the draft plan of subdivision shall be dedicated and/or cash-in-lieu of the dedication of parkland paid, in accordance with the Planning Act and the City's approved "Cash-in-Lieu of Parkland Policy". The plan as shown on Attachment #3 is not proposing a park. The entire plan is under-dedicated by 0.54ha in parkland. Therefore, cash-in-lieu of the dedication of parkland will be required for the subject lands. The Parks Department has no objections to the approval of the draft plan, subject to the conditions of approval in Attachment #1.

Archeological Assessment

The Cultural Services Department requires that prior to final approval of the subdivision or prior to the initiation of any grading, an archaeological evaluation is to be undertaken in accordance with the Ministry of Citizenship, Culture and Recreation's approved Archaeological Assessment Technical Guidelines, for approval by the City and Ministry. Conditions of draft approval have been included in this respect in Attachment #1.

The Region of York

The Region of York has no objections to the approval of the proposed subdivision, subject to the conditions of approval in Attachment #1.

Toronto and Region Conservation Authority (TRCA)

The TRCA has reviewed the proposal, including the Master Environmental Servicing Plan (MESP). The TRCA requires the provision of a 5m to 9m wide planted buffer between the rear lot lines of Lots 1 to 6 inclusive and the top-of-the bank, which will address the TRCA's environmental concerns. Addendums/revisions to the MESP are required to address some outstanding water management and ecological concerns. The implementing zoning by-law is to provide for the 5m which planted buffer. The TRCA has no objections to the approval of the draft plan, subject to the conditions of approval in Attachment #1.

Canadian Pacific Railway

Canadian Pacific Railway (CPR) has provided noise and vibration mitigation measures to ensure the safety of residents, which are required for any residential development in proximity of the MacTier Subdivision, which is a principal main line. The conditions of draft approval respecting CPR requirements are included in Attachment #1.

Agency Comments

Canada Post and Power Stream have advised that they have no objections to the draft plan of subdivision, subject to the conditions of approval set out in Attachment #1.

Relationship to Vaughan Vision 2007

This staff report is consistent with the priorities set forth in Vaughan Vision 2007, particularly 'A-5', "Plan and Manage Growth".

Conclusion

The Development Planning Department has reviewed the proposed applications to amend the Zoning By-law and for approval of Draft Plan of Subdivision 19T-95098 in accordance with the applicable policies of the Official Plan, the requirements of the Zoning By-law, and the area context. The proposed draft plan of subdivision consisting of 21 lots for detached dwelling units with frontages ranging from 25m to 100.9m and lot areas ranging from 0.38ha to 0.54ha on approximately 10.8ha, as shown on Attachment #3 is an appropriate form of development for the subject lands and conforms to the policies of OPA #601 (Kleinburg-Nashville Community Plan). Furthermore, the proposed plan is consistent with the overall pattern of development in the surrounding community. The subdivision will be serviced on private septic system, and in the interim on private well water services until such time as full municipal water service is available in the area, at which time the applicant will be responsible to decommission such interim private service and transition towards the municipal service. The subject lands will be zoned with the Holding Symbol "(H)", and prior to lifting the Holding Symbol "(H)" the Owner is required to submit an application to amend the Official Plan to proceed on individual private wells on an interim basis, rather than serviced municipal water supply. The zoning by-law cannot be enacted and the plan cannot receive final approval until the Official Plan Amendment is final and in effect.

The Development Planning Department can support the approval of the Zoning By-law Amendment Application and the proposed draft plan of subdivision, subject to the conditions of approval as set out in Attachment #1.

Attachments

1. Conditions of Approval
2. Location Map
3. Draft Plan of Subdivision 19T-95098
4. OPA #601 (Kleinburg-Nashville Community Plan) - Land Use Schedule

Report prepared by:

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Grant Uyeyama, Manager of Development Planning, ext. 8635

Respectfully submitted,

JOHN ZIPAY
Commissioner of Planning

MARCO RAMUNNO
Director of Development Planning

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ATTACHMENT NO. 1

CONDITIONS OF APPROVAL

**DRAFT PLAN OF SUBDIVISION 19T-95098
KLEINBURG RESIDENTIAL ESTATES LTD.
PART OF LOTS 26 & 27, CONCESSION 9, 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-95098, ARE AS FOLLOWS:

City of Vaughan Conditions

1. The Plan shall relate to the Draft Plan of Subdivision, prepared by Humphries Planning Group Inc., dated March 15, 2005 and revised on May 11, 2006.
2. Lots 1 to 21 inclusive and Block 22 are subject to a separate agreement restricting the sale of said Lots and Block by the Owner or subsequent purchasers pending the removal of the Holding Symbol "(H)" with the submission by the Owner of an application to amend the Official Plan to proceed on individual private wells based on the commitment by the Owner to design and construct a complete municipal water system up-front in accordance with all City standards and criteria to allow for individual lot connection and municipal water supply once water supply capacity becomes available and is formally allocated to Plan.
3. 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. The zoning categories to be applied are as follows:
 - a) rezone Lots 1 to 21 inclusive from A Agricultural Zone to RR(H) Rural Residential Zone with the Holding Symbol (H) and require that prior to the removal of the Holding Symbol "(H)" the Owner submit an application to amend the Official Plan to proceed on individual private wells based on the commitment by the Owner to design and construct a complete municipal water system up-front in accordance with all City standards and criteria to allow for individual lot connection and municipal water supply once water supply capacity becomes available and is formally allocated to Draft Plan;
 - b) rezone Block 22 from A Agricultural Zone to RR(H) Rural Residential Zone with the Holding Symbol (H), and require that prior to the removal of the Holding Symbol (H), that Block 22 be developed with the adjacent lands to the north and east, and that water and sewage servicing capacity shall be identified and allocated by the City; and,
 - c) rezone Block 23 from A Agricultural Zone to OS1 Open Space Conservation Zone;
 - d) rezone Block 24 from A Agricultural Zone to OS2 Open Space Park Zone;
 - e) include any necessary zoning exceptions that may be required to implement the approved Draft Plan of Subdivision.
4. The Owner shall pay any and all outstanding application fees to the Development Planning Department, in accordance with Tariff of Fees By-law 89-2006.
5. 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.

6. The Owner shall acknowledge that parkland shall be dedicated and/or cash-in-lieu paid in accordance with Section 51 of the Planning Act and conform to the City's "Cash-In-Lieu of Parkland Policy".
7. The road allowances included within this Plan shall be dedicated as public highways without monetary consideration and free of all encumbrances.
8. The road allowances within this Plan shall be named to the satisfaction of the City, in consultation with the Regional Planning and Development Services Department. Proposed street names shall be submitted by the Owner for approval by Council and shall be included on the first engineering drawings.
9. The road allowances included in the Plan shall be designed in accordance with City standards for road and intersection design, temporary turning circles, daylighting triangles and 0.3 m reserves. The pattern of streets, and the layout of lots and blocks shall be designed to correspond and coincide with the pattern and layout of abutting developments.
10. The Owner agrees that all part blocks within the Plan shall only be developed in conjunction with abutting part blocks of adjacent draft plans.
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. The Owner shall agree in the subdivision agreement that the final engineering design(s) may result in minor variations to the Plan (e.g., 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 in a subdivision agreement that the location and design of the construction access shall be approved by the City and the Region of York, if required.
14. 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.
15. Prior to final approval, the Owner shall submit a soils report, and the Owner shall agree to implement the recommendations of such report, as approved by the City. 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.
16. Prior to the initiation of grading, and prior to registration of this draft plan of subdivision or any phase thereof, the Owner shall submit to the City for approval, the following:
 - a) a detailed engineering report that describes the storm drainage system for the proposed development within this draft plan of subdivision, which report shall include:
 - i) the manner in which stormwater will be conveyed from the site, including how this subdivision will be tied into existing development;
 - ii) plans illustrating how this drainage system will tie into the surrounding drainage systems; and indicating whether it is part of an overall drainage scheme, how external flows will be accommodated, and the design capacity of the receiving system;
 - iii) the location and description of all outlets and other facilities;

- iv) stormwater management techniques which may be required to control minor and major flows; and,
 - v) proposed methods of controlling or minimizing erosion and siltation on-site and in downstream areas during and after construction.
- b) the Owner shall agree in the subdivision agreement to carry out, or cause to carry out, the recommendations set out in any and all of the aforementioned reports to the satisfaction of the City.
17. The Owner shall agree in the subdivision agreement that no building permits will be applied for or issued for any lot or block, until the City is satisfied that adequate road access, municipal water supply, sanitary sewer and storm drainage, recycling pickup, garbage pickup, snow removal, fire service and emergency service inclusive, is provided for the proposed development to the satisfaction of the City.
18. Prior to final approval of the Plan, the Owner shall pay its 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 development of the Plan.
19. Prior to final approval of the Plan, an environmental noise impact and vibration study prepared at the Owner's expense shall be submitted to the City for review and approval. 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 recommendations set out in the approved noise report to the satisfaction of the City.
20. Prior to final approval of the Plan, the Owner shall submit to the satisfaction of the City, a listing prepared by an Ontario Land Surveyor of all the lot and block areas, frontages and depths in accordance with the approved Zoning By-law for all the lots and blocks within the Plan.
21. Notwithstanding the provisions (Subsection 5.1) generally included within the subdivision agreement, the City may issue model home building permits provided that the land is zoned to the satisfaction of the City and the relevant conditions (Subsection 5.18) of the subdivision agreement are fulfilled.
22. Prior to the issuance of a building permit for any lot or block, the Owner's consulting engineering shall certify, to the satisfaction of the Engineering Department and the Building Standards Department that the lot grading complies with the City of Vaughan lot grading criteria and the driveway as shown on the plan submitted for the construction of the building on that particular lot or block conforms in terms of location and geometry (i.e., width, etc.) with the approved or amended and subsequently approved Construction Drawings.
23. 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; and,
- 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 Development Planning Department, at 2141 Major Mackenzie Drive, (905) 832-8585."

"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.]

24. Prior to final approval of the Plan, the Owner shall provide confirmation that satisfactory arrangements have been made with a suitable telecommunications provider to provide their services underground at the approved locations and to the satisfaction of the City. The Owner shall provide a copy of the fully executed subdivision agreement to the appropriate telecommunication provider.
25. No building permit shall be issued until the Owner has provided proof that a restriction has been registered that prevents the transfer of the lot or block without the consent of the City where such transfer is to be restricted by any other provision of this agreement.
26. Prior to the issuance of a building permit for any lot or block within the Plan, including Walkway Block 24, the Owner shall submit for review and approval a Phase II Environmental Site Assessment Report in accordance with the Ministry of Environment's Guidelines for Use at Contaminated Sites in Ontario (June 1996, as amended), and the City's Guideline, Phase II Environmental Assessment, Proposed Parkland, City of Vaughan for the walkway blocks located within the Plan to the satisfaction of the City. Required 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.

In the event that remediation is required, a Remediation Action Plan will be submitted for review and approval by the City and an acknowledged Record of Site Condition shall be received from the Owner prior to issuance of a building permit.

The Owner shall carry out or cause to be carried out the recommendations contained in the report(s) and ensure that adequate field inspection is provided to validate the recommendations in the Phase II Environmental Site Assessment to the satisfaction of the City.

The Owner shall reimburse the City for the cost of the City's peer review of the environmental site assessment report(s).

27. Prior to final approval of the Plan, the Owner shall design and construct a looped water supply by extending the existing 300mm diameter watermain on Huntington Road, with internal individual lot connections, and connect to the existing 200mm diameter watermain on Richard Lovat Court to the satisfaction of the City. Also, the Owner shall submit to the City for review and approval the

detailed design of the municipal water distribution system and an associated implementation report detailing as follows:

- a) adequacy of supply and proper looping to satisfy all City municipal water supply criteria upon decommissioning of the private wells;
 - b) how the water distribution system will be constructed to allow for the transition between private wells and the municipal supply once servicing allocation has been confirmed and allocated by the City;
 - c) the decommissioning of the private wells once municipal water is available;
 - d) how the internal plumbing system (within the private property) will be designed and constructed to allow for the transition between the municipal and private supply; and,
 - e) the estimated total costs associated with the above noted construction requirements.
28. The Owner shall agree in the subdivision agreement that:
- a) the private sewage disposal systems shall be installed in accordance with the requirements of the Region of York Health Services Department and the City, and the regulations of the Ministry of the Environment (M.O.E.);
 - b) a detailed site plan showing the grades, location of all buildings and premises, wells, sewage disposal systems and other pertinent information shall be submitted with each application for a private sewage disposal system;
 - c) a consultant, such as a private sewage disposal contractor, who is familiar with the installation of private sewage disposal systems, shall be retained to submit the necessary site plan with each application for approval of a private disposal system; and,
 - d) no structures, including swimming pools, accessory building or automatic water sprinklers shall be located within the primary and reserve tile bed areas.
29. The Owner shall agree in the subdivision agreement that:
- a) individual drilled wells shall be installed on each lot in accordance with the requirements of the Region of York Health Services Department and the City; and,
 - b) no building permit shall be applied for or issued for any lot until:
 - i) a hydrology consultant has certified that a drilled well has been constructed on the lot in accordance with construction and grading requirements which meet or exceed current applicable regulations made under the Ontario Water Resources Act; and,
 - ii) the well has been tested for all parameters as specified by the Region of York Health Services Department and a hydrology consultant has certified that all applicable parameters stated in the current Ontario Drinking Water Objectives have been met.
30. Prior to final approval of the Plan, the Owner shall provide the City with a letter of credit separate from the municipal services letter of credit for the estimated construction costs associated with the decommissioning of all private wells and the transition to a fully functional municipal water distribution system. The costs associated with this letter of credit shall be detailed to the satisfaction of the City. Said letter of credit shall be held by the City until such time that servicing allocation capacity has been confirmed and all construction works related to the decommissioning

of all private wells and the transition to the municipal water distribution system have been completed by the Owner and certified by the Consultant to the satisfaction of and at no cost to the City.

31. Prior to assumption of the Plan and following water-servicing allocation by the City, the Owner shall decommission all private wells and provide the connection for all existing and/or proposed residential units within the Plan to be converted to the municipal water distribution system to the satisfaction of the City.
32. Prior to final approval of the Plan, the Owner shall provide the design and construction of a temporary cul-de-sac at the north termination of Street "A" and include a minimum 6m wide emergency road access to Huntington Road, to the satisfaction of the City.
33. Prior to final approval of the Plan, the Owner shall covenant and certify to the City that they are not aware of any soil, groundwater or sediment contamination on or within lands to be conveyed to the municipality which could interfere with its intended use.
34. Prior to final approval, the Owner shall submit a Record of Site Condition acknowledged by an Officer of the Ministry of the Environment.
35. Prior to the transfer of any lot or block on the Plan, the Owner shall submit to the City satisfactory evidence that the appropriate warning clauses required by the subdivision agreement have been included in the offers of purchase and sale or lease for such lot or block.
36. Prior to final approval of the Plan, the City and Region of York Transportation and Works Department Water and Wastewater Branch shall confirm that adequate water supply is available to accommodate the proposed development.
37. Prior to final approval of the Plan, the Owner shall provide a Water Supply Analysis for review and approval by the City.
38. Prior to final approval of the Plan, or commencement of construction within the Plan, whichever comes first, the Owner shall submit a detailed hydrological impact study that identifies, if 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.
39. Prior to the initiation of grading or stripping of topsoil and prior to final approval, the Owner shall submit an Erosion and Sedimentation Control Plan including 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 walkway blocks.
40. Prior to final approval of the plan, 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.
41. The Owner shall agree that all disturbed lands within the Plan left vacant six (6) months following completion of overall grading shall be top soiled to a minimum depth of 100mm, seeded, maintained and signed to prohibit dumping and trespassing, to the satisfaction of the City.
42. 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.

43. No part of any noise attenuation feature or any other fence shall be constructed partly on or within any public highway, park or open space. Fences adjacent to public lands shall be constructed entirely on private lands. The maintenance of noise attenuation features or fencing shall not be the responsibility of the City or the Region of York and shall be maintained by the Owner until assumption of the services in the Plan. Thereafter, the maintenance by the noise attenuation fence shall be the sole responsibility of the lot owner. Landscaping provided on the Regional Road right-of-ways by the Owner or the City for aesthetic purposes shall be approved by the Region and maintained by the City with the exception of the usual grass maintenance.
44. a) Prior to final approval, the Owner shall satisfy all technical, financial and other requirements of PowerStream Inc. (formerly Hydro Vaughan Distribution Inc.), its successors and assigns, 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 PowerStream Inc. 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 PowerStream Inc. and the City.
45. 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 roads within the Plan may have been constructed using Alternative Development Standards. In April 1995, the Ministry of Housing and the Ministry of 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."
 - "Purchasers and/or tenants are advised that public transit routes have not been determined for the area within the Plan, however, internal streets may be subject to public transit bus traffic."
 - "Purchasers and/or tenants are advised that the primary roads within the development area are expected to support more traffic than local roads and, if demand warrants, transit routes in the future."
 - "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 locations for boulevard trees 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 the 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 the water supply to all individual residential units will be initially provided by individual private wells. These wells will remain operational until such time that the City and Region of York confirm

water-servicing allocation capacity. Upon confirmation of servicing allocation capacity, the Developer shall decommission all private wells and provide the connection to the municipal water supply system. All financial obligations associated with the decommissioning of the private wells and transition to the municipal water supply system will be the Developer's responsibility at no cost to the homeowner or the City or the Region."

- "Purchasers and/or tenants are advised that they are required to grant access to their lands to the Owner/Developer to allow them to decommission the wells and complete the transition to the municipal water supply system once servicing allocation capacity is confirmed by the City of Vaughan and Region of York."
- "Purchasers and/or tenants are advised that a building permit will not be issued for an individual lot in the plan until the Region of York Health Services Department and the City have approved the sewage disposal system for the lot."
- "Purchasers and/or tenants are advised that no structures, including swimming pools, accessory building or automatic water sprinklers, shall be located within the primary and reserve tile bed areas."
- "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 where Canadian Pacific Railway (CPR) company, or its assigns or successors in interest, has a right-of-way within 300 metres from the subject lands, and there may be future alterations or expansions to the rail facilities or operations which may affect the living environment of the residents in the vicinity, notwithstanding any noise and vibration attenuating measures included in the development and individual dwelling(s); CPR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way."
- "Purchasers and/or tenants are advised that driveway widths and curb cut widths are governed by City of Vaughan By-law 1-88, as amended, as follows:
 - a) The maximum width of a driveway shall be 6m measured at the street curb, provided circular driveways shall have a maximum combined width of 9m measured at the street curb.
 - b) Driveway in either front or exterior side yards shall be constructed in accordance with the following requirements:

Lot Frontage	Maximum Width of Driveway
6.0 – 6.99m	3.5m
7.0 – 8.99m	3.75m
9.0 – 11.99m ¹	6.0m
12.0 m and greater ²	9.0m

¹The Lot Frontage for Lots between 9.0 – 11.99m shall be comprised of a Minimum of 33% Landscaped Front or Exterior side yard and a minimum sixty percent (60%) of the Minimum Landscaped Front or Exterior side yard shall be soft landscaping in accordance with Paragraph 4.1.2.

²The Lot Frontage for Lots 12.0 m and greater shall be comprised of a Minimum of 50% Landscaped Front or Exterior side yard and a minimum sixty percent (60%) of the Minimum Landscaped Front or Exterior side yard shall be soft landscaping in accordance with Paragraph 4.1.2."

- "Purchasers and/or tenants are advised that proper grading of all lots/blocks in conformity with the Subdivision Grading Plans is a requirement of this subdivision agreement.

The City has taken a Letter of Credit from the Owner for security to ensure all municipal services including, but not limited to lot grading, are constructed to the satisfaction of the City. Direct cash deposit from the Purchasers to the City and/or Owner, for lot grading purposes, is not a requirement of this subdivision agreement."

- "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 fencing and/or noise attenuation features along the lot lines of lots and blocks abutting public lands, including public highway, laneway, walkway or other similar public space, 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 0.3m reserve, as shown on the Construction Drawings.

The City has taken a Letter of Credit from the Owner for 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 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."

b) abutting or in proximity of a walkway block:

- "Purchasers and/or tenants are advised that the lot abuts a "pedestrian walkway" and that noise and lighting should be expected from the designed active use of the walkway."

c) abutting or in proximity any open space, valley lands or woodlots:

- "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."

46. Prior to final approval, the Owner shall provide a tree preservation study to the satisfaction of the City. The study shall include an inventory of all existing trees, assessment of significant trees to be preserved and proposed methods of tree preservation. The Owner shall not remove trees, without written approval by the City.
47. Prior to final approval of the plan, the Owner shall prepare a detailed Edge Management/Rehabilitation Plan Study for the perimeter of the valley/open space blocks and tableland woodlot. The study shall include an inventory of 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 tree vegetation without written approval by the City.
48. 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 plan.
49. The Owner shall agree in the subdivision agreement to erect a permanent 1.5m high black vinyl chain link fence or approved equal along the limits of the residential lots that abut a walkway (Block 24), and open space/valley lands (Block 23) in the plan.
50. The Owner shall convey Walkway Block 24 to the City, free of all costs and encumbrances for pedestrian access into the open space/valley.
51. The Owner shall convey Open Space Buffer Block 23 to the City or the TRCA, free of all costs and encumbrances for a planted buffer to the open space/valley lands.
52. The Owner shall agree in the subdivision agreement to prepare and implement approved Urban Design Guidelines and a Landscape Master Plan for the plan.
53. The Owner shall agree in the subdivision agreement that:
 - a) all development shall proceed in accordance with the Council 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; and,
 - 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.
54. The Owner shall agree in the subdivision agreement to pay the City at the time of registration of the plan an additional voluntary payment at the rate of \$1,000.00 per residential dwelling unit plus \$500.00 for each future residential dwelling unit contained on a part lot in the plan, which is to be combined with the abutting part lot in an adjacent plan to form a building lot, as per Schedule "I" in accordance with the "Voluntary Woodlot Contribution Policy".
55. That prior to final approval of a plan of subdivision, and prior to the initiation of any grading to any lands included in the plan of subdivision, a preliminary archeological evaluation of the entire area within the proposed plan of subdivision shall be carried out at the Owner's expense, and the same report shall identify any significant archaeological sites found as a result of the assessment. The archaeological assessment report shall be carried out by a licensed archaeologist and

prepared according to the Ministry of Citizenship, Culture and Recreation approved Archaeological Assessment Technical Guidelines, dated 1993. The archaeological assessment shall be submitted to the municipality and the said Ministry for review and approval.

Prior to final approval or registration of the development application or plan of subdivision, the Owner by way of development application or subdivision agreement, shall agree that no development or grading shall occur on any site identified as being archaeologically significant as a result of the archaeological evaluation carried out on the property, until such time as protective and mitigative measures of all significant archaeological sites have been fulfilled to the satisfaction of the Ministry of Citizenship, Culture and Recreation (Archaeological Unit) and the municipality.

Region of York Conditions

56. The Owner shall agree in the subdivision agreement that prior to the individual lot service connections being put into service, York Region shall confirm that adequate water supply servicing capacity is available and has been allocated by the City for the Plan or any phase thereof.
57. Prior to final approval of the Plan, a hydrogeological report will be required to ensure there will not be adverse impacts on the existing private and Regional wells in the area, and to the on-going Regional groundwater exploration project in Kleinburg. Monitoring of all existing wells in the area prior, during and after construction is required.
58. Prior to final approval of the Plan, the Owner shall submit to the City and Region for review and approval the detailed design of the municipal water distribution system and an associated implementation report detailing:
 - a) how the water distribution system will be constructed to allow for the transition between private wells and the municipal supply once servicing allocation has been confirmed and allocated by the City; and,
 - b) the decommissioning of the private wells once municipal water is available.
59. The following shall be registered on title for Lots 1 to 21 inclusive and Block 22:

"Purchasers and/or tenants are advised that they are required to grant access to their lands to the Owner/Developer to allow them to decommission the wells and complete the transition to the municipal water supply system once servicing allocation capacity is confirmed by the City of Vaughan and Region of York."
60. The Owner shall agree in the subdivision agreement that prior to the installation of municipal service connections to the Municipal/Regional Water Supply System the following shall occur:
 - a) York Region has advised in writing that the following Regional projects have been completed: the Additional Water Supply Works in Kleinburg and the Kleinburg Storage Facility; or,
 - b) the City of Vaughan approves a transfer of servicing allocation to this development that is not dependent upon the completion of infrastructure; or,
 - c) the Regional Commissioner of Transportation and Works confirms servicing allocation for this development by a suitable alternative method.
61. Prior to registration, the City shall confirm that the lands are zoned appropriately or a Section 34(5) Municipal Wide By-law has been enacted such that the City will issue building permits only once the servicing capacity has been confirmed.

62. 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 service not being available when anticipated.
63. 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.
64. The Owner shall provide a solicitor's certificate of title to the Region's 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.
65. 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 and DC-0005(a)-060.

Toronto and Region Conservation Authority Conditions

66. The Owner shall agree that:
 - a) prior to final approval and prior to any works commencing on the site, the Owner shall 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 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;
 - 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 plans for the subject lands; and,
 - vi) stormwater 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) to implement the recommendations set out in the aforementioned report(s) to the satisfaction of the City and TRCA.
 - c) the Draft Plan of Subdivision shall be subject to red-lined revision in order to meet these requirements, if necessary.
67. That the Owner provide restoration planting plans for the 5m buffer between the rear of Lots 1 to 6 inclusive, the staked top-of-bank/dripline and any areas in the valley disturbed in association with the construction of the outfall, to the satisfaction of TRCA.

68. That all lands below the staked top-of-bank/dripline and within the 5m buffer (eastern side of the subject property) be rezoned into an open space or other suitable zone category, which has the effect of prohibiting development, to the satisfaction of TRCA.
69. That the 5m wide Open Space Buffer Block 23 be dedicated to the TRCA or the City free of all charges and encumbrances.
70. That the Owner implement groundwater infiltration monitoring for a minimum of one year post development, to the satisfaction of TRCA.
71. That the Owner address all outstanding water management and ecology concerns to the satisfaction of TRCA.
72. 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 erect a permanent fence to the satisfaction of TRCA for Lots 1 to 6 inclusive (eastern portion of the lots abutting the Open Space Buffer Block 23; and,
 - d) to provide a copy of the executed subdivision agreement to the TRCA.

Canadian Pacific Railway

73. Berm, or combination berm and noise attenuation fence, having extensions or returns at the ends, to be erected on adjoining property, parallel to the railway right-of-way with construction according to the following:
 - a) minimum total height 5.5m above top-of-rail;
 - b) berm minimum height 2.5m and side slopes not steeper than 2.5 to 1; and,
 - c) fence or wall to be constructed without openings and of a durable material weighing not less than 20kg per sq.m of surface area.

No part of the berm/noise barrier is to be constructed on railway property.

A clause should be inserted in all offers of purchase and sale or lease, and to be registered on title or included in the lease for each dwelling affected by any noise and vibration attenuation measures, advising that any berm, fencing, or vibration isolation features implemented are not to be tampered with or altered, and further, that the Owner shall have the sole responsibility for and shall maintain these features.

Dwellings must be constructed such that the interior noise levels meet the criteria of the appropriate Ministry. A noise study should be carried out by a professional noise consultant to determine what impact, if any, railway noise would have on residents of proposed subdivisions and to recommend mitigation measures, if required. The Railway may consider other measures recommended for the study.

74. Setback of dwellings from the railway right-of-way to be a minimum of 30m. While no dwelling should be closer to the right-of-way than the specified setback, an occupied building such as a garage, may be built closer. The 2.5m high earth berm adjacent to the right-of-way must be provided in all instances.

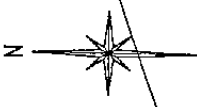
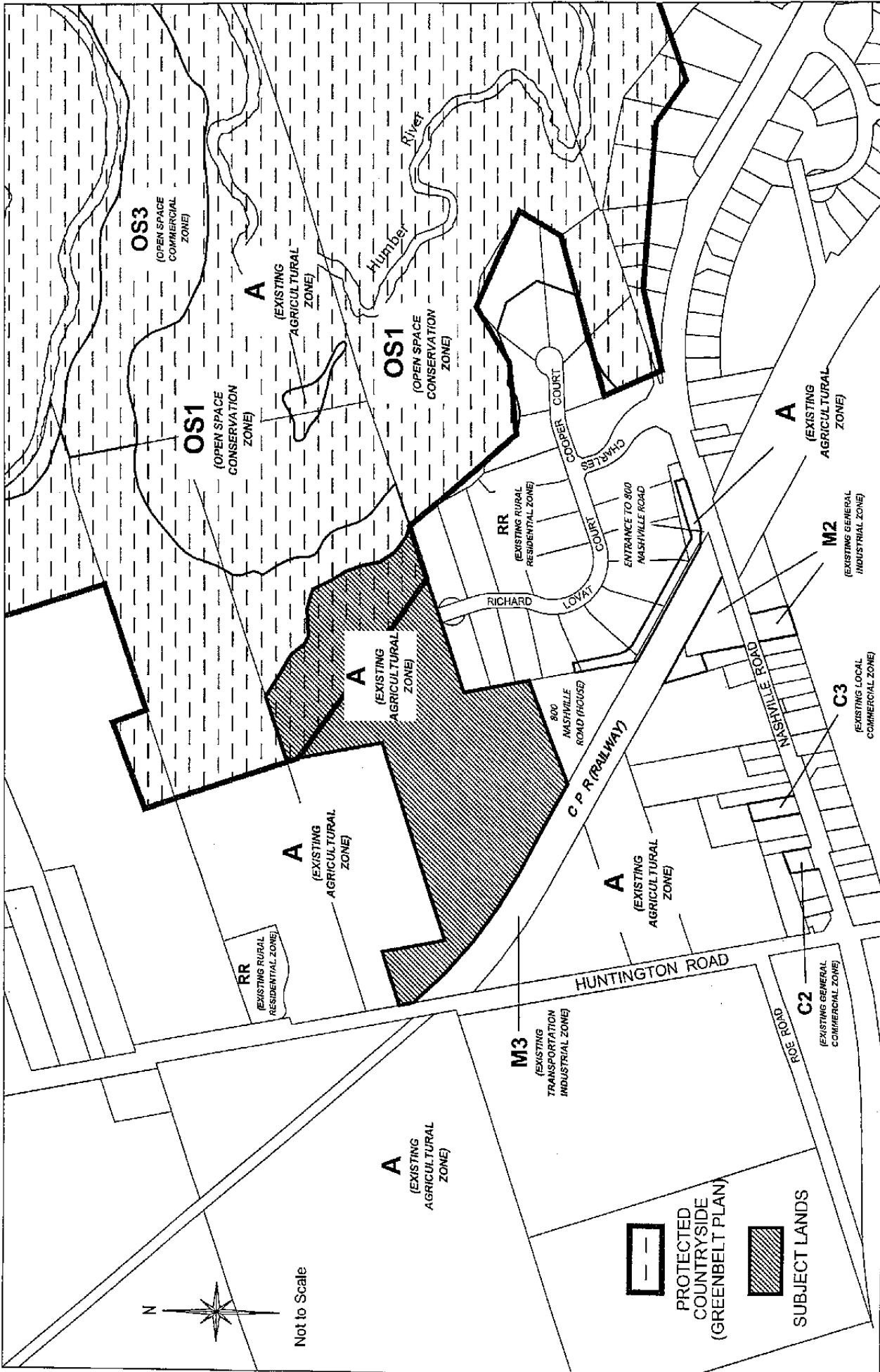
75. Ground vibration transmission to be estimated through site tests. If in excess of the acceptable levels, all dwellings within 75m of the nearest track should be protected. The measures employed may be:
- a) support the building on rubber pads between the foundation and the occupied structure so that the maximum vertical natural frequency of the structure on the pads is 12Hz;
 - b) insulate the building from the vibration originating at the railway tracks by an intervening discontinuity or by installing adequate insulation outside the building, protected from the compaction that would reduce its effectiveness so that vibration in the building became unacceptable; or
 - c) other suitable measures that will retain their effectiveness over time.
76. A clause should be inserted in all offers of purchase and sale or lease and in the title deed or lease of each dwelling within 300m of the railway right-of-way, warning prospective purchasers or tenants of the existence of the Railway's operating right-of-way, the possibility of alterations including the possibility that the Railway may extend its operations, which expansion may affect the living environment of the residents notwithstanding the inclusion of noise and vibration attenuation measures in the design of the subdivision and individual units, and that the Railway will not be responsible for complaints or claims arising from the use of its facilities and/or operations.
77. Any proposed alterations to the existing drainage pattern affecting railway property must receive prior concurrence from the Railway and be substantiated by a drainage report to be reviewed by the Railway.
78. A 1.83m high chain link security fence be constructed and maintained along the common property line of the Railway and the development by the developer at his expense, and the developer is made aware of the necessity of including a covenant running with the lands, in all deeds, obliging the purchasers of the land to maintain the fence in a satisfactory condition at their expense.
79. Any proposed utilities under or over railway property to serve the development must be approved prior to their installation and be covered by the Railway's standard agreement.

Canada Post Conditions

80. The Owner shall agree to:
- a) provide the following for each community mailbox site, as shown on the servicing plans, to the satisfaction of Canada Post:
 - 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) notify the purchaser/renter of the exact final and temporary community mailbox location(s); and,
 - d) provide a copy of the executed subdivision agreement to Canada Post.

Other Conditions

81. 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 80 inclusive, for each phase proposed for registration; furthermore, the required clearances may relate to lands not located within the phase sought to be registered.
82. The City shall advise that Conditions 1 to 55 inclusive, have been satisfied; the clearance letter shall include a brief statement detailing how each condition has been met.
83. The Region of York shall advise that Conditions 56 to 65 inclusive, have been satisfied; the clearance letter shall include a brief statement detailing how each condition has been met.
84. The Toronto and Region Conservation Authority shall advise that Conditions 66 to 72 inclusive, have been satisfied; the clearance letter shall include a brief statement detailing how each condition has been met.
85. Canadian Pacific Railway shall advise that Conditions 73 to 79 inclusive, have been satisfied; the clearance letter shall include a brief statement detailing how each condition has been met.
86. Canada Post shall advise that Condition 80 has been satisfied; the clearance letter shall include a brief statement detailing how the condition has been met.



Not to Scale

FILE No.:
19T-95098 &
Z.95.032

August 29, 2006

City of
Vaughan

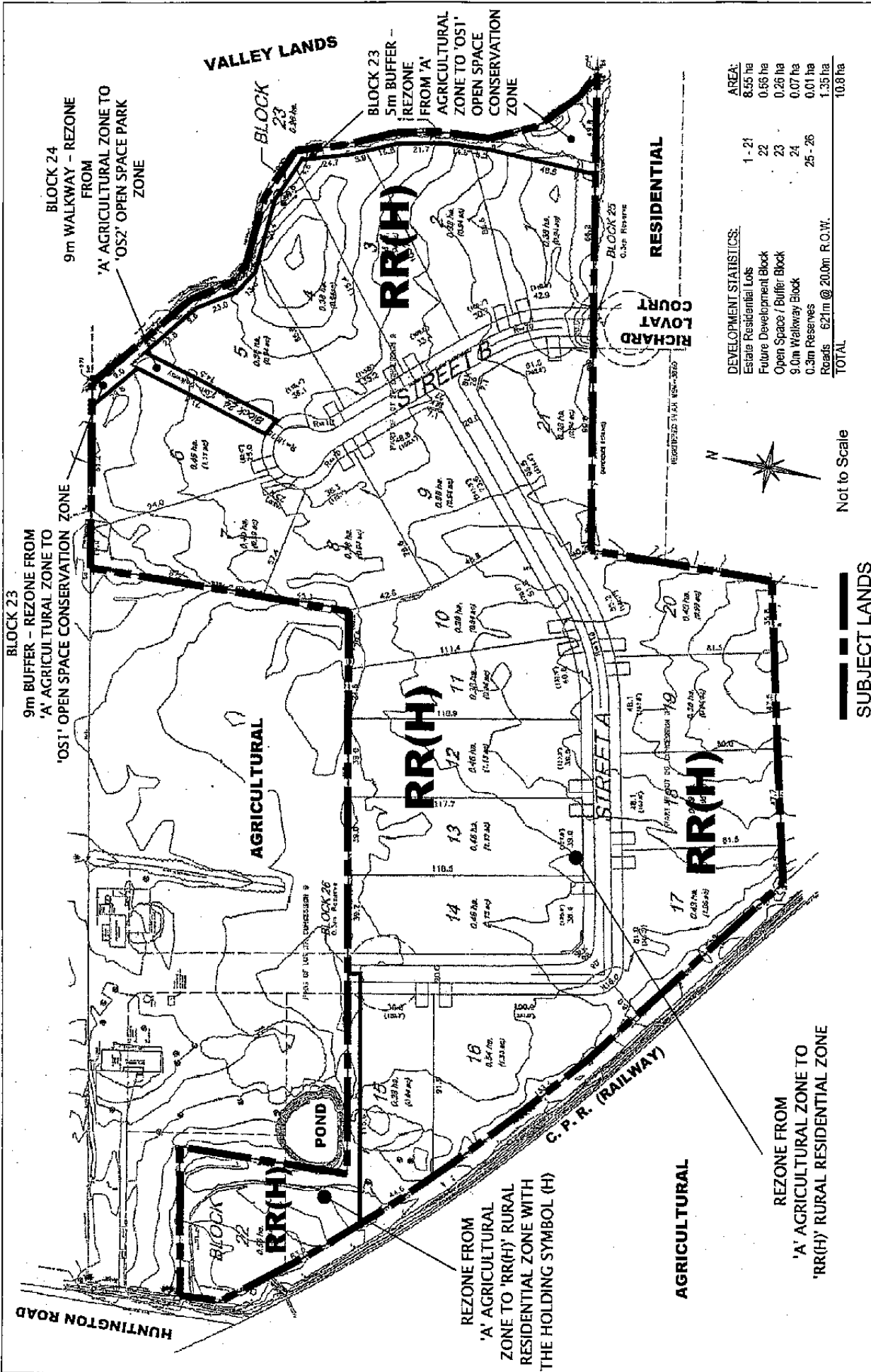
Development Planning Department

Location Map

Part Lots 26 & 27,
Concession 9

APPLICANT:
KLEINBURG RESIDENTIAL ESTATES LTD.

MAPITY: ATTACHMENTS\19\19T-95098\Z-95.032



Attachment 3

FILE No.:
19T-95098 &
Z.95.032

September 8, 2006

City of Vaughan

Development Planning Department

Draft Plan of Subdivision 19T-95098

Part Lots 26 & 27,
Concession 9

APPLICANT:
KLEINBURG RESIDENTIAL
ESTATES LTD.

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