



Staff Report for CAO Delegated Authority

Date of Report: August 22, 2018

Report Number: DA.18.044

Department: Planning and Regulatory Services
Division: Development Planning

Subject: DA.18.044 – Request for Direction – Zoning By-law Amendment and Draft Plan of Subdivision Applications – Sundance (Richmond Hill) Estates Inc. – Town Files D02-16027 and D03-16009 – LPAT Case PL171200

Owners:

Sundance (Richmond Hill) Estates Inc.
3190 Steeles Avenues East, Unit 304
Markham, ON L3R 1G9

Agent:

Malone Given Parsons Ltd.
140 Renfrew Drive, Suite 201
Markham, ON L3R 6B3

Location:

Legal Description: Part of Lot 5, Concession 2, E.Y.S.
Municipal Address: 12860 Leslie Street

Purpose:

A request for direction concerning proposed Zoning By-law Amendment and draft Plan of Subdivision applications to permit a residential development comprised of 32 single detached dwellings on the subject lands.

Recommendations:

- a) That the Local Planning Appeal Tribunal be advised as follows:
 - (i) That Council supports the revised Zoning By-law Amendment application submitted by Sundance (Richmond Hill) Estates Inc. for lands known as Part of Lot 5, Concession 2, E.Y.S. (Municipal

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Address: 12860 Leslie Street), Town File D02-16027, for the reasons outlined in Staff Report DA.18.044;

- (ii) That Council supports the revised draft Plan of Subdivision application submitted by Sundance (Richmond Hill) Estates Inc. for lands known as Part of Lot 5, Concession 2, E.Y.S. (Municipal Address: 12860 Leslie Street), Town File D03-16009, for the reasons outlined in Staff Report DA.18.044, subject to the conditions of draft approval as set out in Appendix C and the payment of the applicable processing fee in accordance with the Town's Tariff of Fees By-law; and,**
- (iii) That the Local Planning Appeal Tribunal delegate authority to the Town to clear conditions of draft plan approval and to issue final subdivision approval for the proposed development.**
- b) That 112 persons equivalent of servicing allocation (32 single detached dwelling units) be assigned to the subject lands, to be released by the Commissioner of Planning and Regulatory Services in accordance with By-law 109-11; and,**
- c) That appropriate Town staff be directed to appear at the Local Planning Appeal Tribunal in support of Council's position concerning the subject applications.**

Contact Person:

Denis Beaulieu, Manager of Development – Subdivisions, phone number 905-771-2540

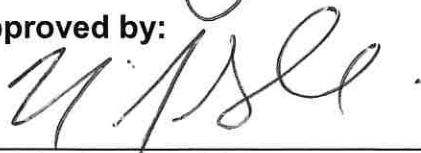
Report Approval:

Submitted by:



John DeVries, Acting Commissioner of Planning and Regulatory Services

Approved by:



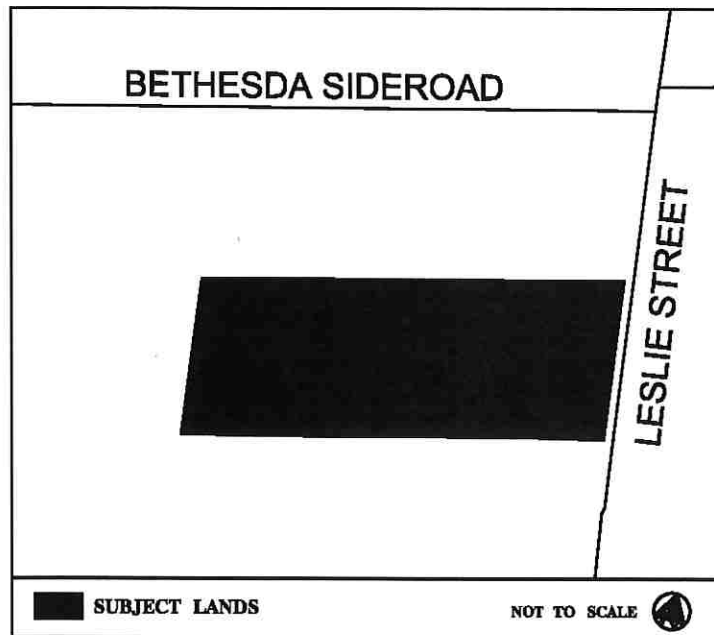
Neil Garbe, Chief Administrative Officer

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), Town Solicitor (as required), Commissioner, and Chief Administrative Officer. Details of the reports approval are attached.

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Location Map:

Below is a map displaying the property location. Should you require an alternative format call the person listed under “Contact Person” above.



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Background:

The subject Zoning By-law Amendment and draft Plan of Subdivision applications were considered at a Council Public Meeting held on June 21, 2017 (refer to Appendix A). The main issues raised at the public meeting pertained to the delineation of development limits and the implementation of minimum vegetation protection zones pursuant to the *Oak Ridges Moraine Conservation Plan (ORMCP)*.

On November 2, 2017, the applicant filed appeals of its Zoning By-law Amendment and draft Plan of Subdivision applications to the (then) Ontario Municipal Board (OMB), now the Local Planning Appeal Tribunal (LPAT). A Pre-hearing Conference was held on July 11, 2018 to identify Parties and Participants, and the LPAT was advised that the Parties were working towards a settlement of the appeals. In this regard, the applicant has filed a revised development proposal and supporting studies which satisfactorily address the comments and concerns initially raised by Town departments and external agencies. The LPAT has scheduled a Settlement Hearing by teleconference on August 28, 2018.

The purpose of this report is to seek direction from Council regarding the subject applications pursuant to the CAO's Delegated Authority during the Summer Recess.

Summary Analysis:

Site Location and Adjacent Uses

The subject lands are located on the west side of Leslie Street, south of Bethesda Sideroad, and contain natural heritage features, agricultural fields and a single detached dwelling that is proposed to be retained by the applicant (refer to Map 1). The lands have approximately 198 metres (650 feet) feet of frontage on Leslie Street and a total lot area of 10.17 hectares (25.13 acres).

Surrounding uses include natural heritage features and agricultural uses on lands that are also subject to planning applications to facilitate urban development within the West Gormley Secondary Plan area. In this regard, the abutting lands to the southwest are subject to a draft approved Plan of Subdivision (File D03-03018) by Dickson 48 Property Inc. which proposes a range of low and medium density residential uses. The abutting lands to the southeast are subject to a draft Plan of Subdivision application (File D03-17006) by Cal-Leslie Developments Inc. which proposes low and medium density residential uses. Lastly, the abutting lands to the north are subject to a Zoning By-law Amendment application (File D02-15030) by the Estate of William H. Worden and Yvonne W. Worden which proposes a mixed use, high density residential development that is currently awaiting disposition by the LPAT. The lands to the west are owned and managed by the Toronto and Region Conservation Authority (Swan Lake, Oak Ridges Corridor Conservation Reserve).

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Revised Development Proposal

The applicant is seeking the LPAT's approval of its revised Zoning By-law Amendment and draft Plan of Subdivision applications to facilitate a residential development comprised of 32 single detached dwellings, a new public street connected to the adjacent draft approved subdivision to the south, a natural heritage system block to be dedicated to the TRCA, and a block to be retained in the applicant's ownership (refer to Map 6). The following is a summary outlining the relevant statistics of the applicant's revised development proposal based on the plans and drawings submitted to the Town:

- **Total Lot Area:** **10.17 hectares (25.13 acres)**
 - **Single Detached Lots:** **1.81 hectares (4.47 acres)**
 - **Natural Heritage System Block:** **5.0 hectares (12.36 acres)**
 - **Other Lands Owned by Applicant:** **2.92 hectares (7.22 acres)**
 - **Street:** **0.44 hectares (1.09 acres)**
- **Total Number of Units:** **32**
 - **Singles (12.8 metres or 42 feet):** **29**
 - **Singles (15.2 metres or 49.9 feet):** **3**
- **Proposed Residential Density (Net):** **17.68 uph (7.16 upa)**

The revised draft Plan of Subdivision incorporates the following modifications:

- the limits of development are now entirely contained within the Settlement Area designation in accordance with the *Oak Ridges Moraine Conservation Plan*;
- the proposed development incorporates the required Minimum Vegetation Protection Zone (MVPZ) or buffer in accordance with the *Oak Ridges Moraine Conservation Plan*, based on the limits of natural heritage features staked by the TRCA;
- the draft Plan of Subdivision incorporates a natural heritage system block (Block 33) that will be dedicated to the TRCA to protect the natural heritage features and functions therein; and,
- the draft Plan of Subdivision includes a block (Block 34) that will be retained in the ownership of the applicant. This block is actively farmed and includes a single detached dwelling and an accessory building. A portion of the lands are designated for urban development, which the applicant is not proposing to pursue at this time.

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Planning Analysis:

Town of Richmond Hill Official Plan

The subject lands are designated **Residential Low Density, Residential Medium Density, Residential Mixed Use, Oak Ridges Moraine Natural Linkage Area** and **Oak Ridges Moraine Natural Core Area** on Schedule A (Land Use Plan) to the West Gormley Secondary Plan (refer to Map 3).

The **Residential Low Density, Residential Medium Density** and **Residential Mixed Use** designations in the West Gormley Secondary Plan correspond to the **Settlement Area** limits established through the *Oak Ridges Moraine Conservation Plan* (ORMCP). The remaining lands designated **Oak Ridges Moraine Natural Linkage Area** and **Oak Ridges Moraine Natural Core Area** are shown in the West Gormley Secondary Plan for contextual reasons only, and remain subject to the policies and restrictions of the ORMCP.

The **Residential Low Density** designation permits single and semi-detached dwellings, duplexes, triplexes, quadruplexes, street townhouses and other low-rise housing forms to a maximum density of 25 units per net residential hectare (10 units per acre) and a maximum building height of 3.5 storeys. The proposed single detached dwellings on the subject lands conform to the relevant land use, density and height policies.

The **Residential Medium Density** designation permits semi-detached dwellings, street townhouses, block townhouses and other low-rise housing forms to a maximum density of 60 units per net residential hectare (24 units per acre) and a maximum building height of 4 storeys. No development is currently proposed in this designation, which will retain its existing zoning and be contained within the limits of Block 34 on the Plan of Subdivision.

The **Residential Mixed Use** designation permits a range and mix of commercial and residential uses that are designed to be consistent with the applicable policy framework in effect at the time servicing capacity is available. The policies require the preparation and approval of a Concept Plan/Tertiary Plan by the Town prior to the adoption of a Zoning By-law. No development is currently proposed in this designation, which will retain its existing zoning and be contained within the limits of Block 34 on the Plan of Subdivision.

The **Oak Ridges Moraine Natural Core Area** designation permits fish, wildlife and forest management, conservation and flood and erosion control projects, agricultural uses, infrastructure uses, home businesses and home industries, bed and breakfast establishments, on-farm diversified uses, agriculture-related uses, low-intensity recreational uses and unserviced parks pursuant to the relevant policies of the Official Plan and the ORMCP. No development is proposed in this designation, which will retain its existing zoning and be contained within the limits of Block 33 on the Plan of Subdivision.

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The **Oak Ridges Moraine Natural Linkage Area** designation permits fish, wildlife and forest management, conservation and flood and erosion control projects, agricultural uses, transportation, infrastructure uses, home businesses and home industries, bed and breakfast establishments, on-farm diversified uses, low intensity recreational uses, unserviced parks, mineral aggregate operations and wayside pits, and agriculture-related uses pursuant to the relevant policies of the Official Plan and the ORMCP. No development is proposed in this designation, which will retain its existing zoning and be contained within the limits of Blocks 33 and 34 on the Plan of Subdivision.

The policies of the West Gormley Secondary Plan also provide that lands designated **Oak Ridges Moraine Natural Core Area** and **Oak Ridges Moraine Natural Linkage Area**, including required buffers from natural heritage and hydrological features, shall be dedicated to a public authority in order to ensure their long term protection. In this regard, Block 33 on the draft Plan of Subdivision contains all natural heritage features and buffers on the subject lands, and will be conveyed to the TRCA as a condition of approval. Block 34 on the draft Plan of Subdivision is actively farmed and contains an existing single detached dwelling that continues to be occupied by the former owner and vendor of the subject lands. The applicant is proposing to retain this block in private ownership to allow the current use of these lands to continue. In this regard, the applicant has been advised that staff will be seeking the dedication of the remaining natural linkage lands to a public authority at such time as development applications are submitted for the lands in the **Residential Mixed Use** designation.

Given all of the above, staff is of the opinion that the applicant's revised development proposal conforms to the Official Plan and the *Oak Ridges Moraine Conservation Plan*.

Revised Zoning By-law Amendment

The subject lands are zoned **Urban (UR) Zone**, **Oak Ridges Moraine Natural Core (ORMNC) Zone** and **Oak Ridges Moraine Natural Linkage (ORMNL) Zone** in accordance with By-law 128-04 (Oak Ridges Moraine Zoning By-law), as amended (refer to Map 2).

The applicant is proposing to rezone a portion of the subject lands from the current **Urban (UR) Zone** to **Residential Wide Shallow One (RWS1) Zone**, **Residential Wide Shallow Two (RWS2) Zone** and **Open Space (O) Zone** in accordance with By-law 54-15 (West Gormley Zoning By-law), as amended (refer to Appendix B). No site specific development standards or exceptions are being sought to facilitate the single detached dwelling lots, however, the following site specific exceptions are required to facilitate the creation of Block 34 (Other Lands Owned by Applicant):

- a reduced minimum rear yard setback from 7.5 metres (24.6 feet) to 7 metres (22.97 feet) in order to recognize the location of an existing accessory building on the subject lands; and,

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- a minimum lot area of 2.9 hectares (7.17 acres), whereas the minimum lot area within the **ORMNL** and **UR Zones** is defined as being the area of the lot as it existed on November 15, 2001.

The requested site specific exceptions serve to facilitate the conveyance of Block 33 (Natural Heritage System) to the TRCA, as well as the applicant's retention of an existing single detached dwelling and actively farmed portions of the property until such time as further development is proposed on the remaining developable lands.

Given all of the above, staff is of the opinion that the proposed Zoning By-law Amendment application implements the submitted draft Plan of Subdivision, conforms to the Official Plan and the *Oak Ridges Moraine Conservation Plan*, and represents good planning.

Revised Draft Plan of Subdivision

The revised draft Plan of Subdivision proposes to facilitate a residential development comprised of 32 single detached dwellings, a new public street connected to the adjacent draft approved subdivision to the south, a natural heritage system block to be dedicated to the TRCA, and a block to be retained in the ownership of the applicant (refer to Map 6).

Subject to the conditions of draft approval contained in Appendix C attached hereto, staff is of the opinion that the draft Plan of Subdivision application conforms to the Official Plan and the *Oak Ridges Moraine Conservation Plan*, and has appropriate regard for the criteria under Section 51(24) of the *Planning Act*.

Department and External Agency Comments:

All circulated Town departments and external agencies have indicated no objections and/or have provided conditions of draft approval with respect to the proposed Zoning By-law Amendment and draft Plan of Subdivision applications, including York Region and the Toronto and Region Conservation Authority, as well as the Town's Development Engineering Division and Park and Natural Heritage Planning Section. The schedule of draft plan conditions is attached as Appendix C.

Interim Growth Management Strategy:

Council has approved and implemented a comprehensive strategy comprised of eight growth management eligibility criteria as a means of assessing and prioritizing development applications for the receipt of servicing allocation. The criteria are as follows:

1. *Providing community benefits and completion of required key infrastructure.*
2. *Developments that have a mix of uses to provide for live-work relationships.*
3. *Developments that enhance the vitality of the Downtown Core.*
4. *Higher-order transit supportive development.*

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5. *Developments that represent sustainable and innovative community and building design.*
6. *Completion of communities.*
7. *Small scale infill development.*
8. *Opportunities to provide affordable housing.*

The applicant has submitted a Sustainability Performance Metrics Tool in support of fulfilling the requirements of IGMS Criteria 5 (Sustainable and Innovative Community and Building Design), demonstrating an overall application score of 33 points which represents a “good” score for a draft Plan of Subdivision application. As the submission was filed in 2016, staff will need to complete another review to ensure that it is current and that the proposed sustainability measures are achievable. An updated submission or additional details may be requested of the applicant prior to finalization of a Sustainable Building Design Agreement to secure the works (if necessary) and subdivision registration. Given that the initial submission exceeds the established minimum threshold score, staff recommends that 112 persons equivalent of servicing allocation (32 single detached dwellings) be assigned to the subject lands at this time.

Financial/Staffing/Other Implications:

The recommendations of this report do not have any financial, staffing or other implications.

Relationship to the Strategic Plan:

The recommendations of this report are aligned with **Goal One – Stronger Connections in Richmond Hill** in working towards stronger connections of natural corridors and green spaces, **Goal Two – Better Choice in Richmond Hill** in facilitating a range of housing options, and **Goal Four - Wise Management of Resources in Richmond Hill** by protecting green spaces and using land responsibly.

Conclusion:

The applicant is seeking approval of Zoning By-law Amendment and draft Plan of Subdivision applications from the Local Planning Appeal Tribunal in order to facilitate the construction of a residential development comprised of 32 single detached dwellings on its landholdings. In this regard, the LPAT has scheduled a Settlement Hearing by teleconference on August 28, 2018.

Staff has evaluated the applicant’s revised development proposal and is of the opinion that the Zoning By-law Amendment and draft Plan of Subdivision applications conform to the Official Plan and *Oak Ridges Moraine Conservation Plan*, are appropriate and represent good planning. On this basis, staff recommends that the LPAT be advised that Council supports the applications, subject to the conditions of draft approval outlined in Appendix C. Additionally, it is recommended that servicing allocation be assigned to the subject lands and that appropriate Town staff be directed to appear at the LPAT hearing in support of Council’s position concerning the subject applications.

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Attachments:

The following attached documents may include scanned images of appendixes, maps and photographs. If you require an alternative format please call contact person listed in this document.

- Appendix A, Extract from Council Public Meeting C#23-17 held June 21, 2017
- Appendix B, Draft Zoning By-law
- Appendix C, Schedule of Draft Plan Conditions
- Map 1, Aerial Photo
- Map 2, Existing Zoning
- Map 3, West Gormley Secondary Plan – Schedule A – Land Use Plan
- Map 4, West Gormley Development Concept
- Map 5, Original Draft Plan of Subdivision
- Map 6, Revised Draft Plan of Subdivision

Extract from Council Public Meeting
C#23-17 held June 21, 2017

Appendix	A
SRPRS	DA.18.044
File(s)	D02-16027, D03-16009

3.4 Request for Comments – Zoning By-law Amendment and Draft Plan of Subdivision Applications – Sundance (Richmond Hill) Estates Inc. – Part of Lot 5, Concession 2, E.Y.S. – 12860 Leslie Street – File Numbers D02-16027 and D03-16009 – (Staff Report SRPRS.17.113)

Mary Filipetto of the Planning and Regulatory Services Department provided an overview of the proposed Zoning By-law Amendment and Draft Plan of Subdivision applications to facilitate the creation of thirty-two (32) single detached lots, a new public road, a future mixed use residential block and a natural heritage block on the subject lands. Ms. Filipetto advised that staff's recommendation was that the staff report be received for information purposes only and all comments be referred back to staff.

Matthew Cory, Malone Given Parsons, agent for the applicant, provided additional information related to the proposed development and public road including site location and adjacent uses, and advised that they had been working with staff and the TRCA to address any comments. He advised that changes had been made to the road geometry, a reduction made in lot depths, and addressed the requirement for a 30 metre Minimum Vegetation Protection Zone buffer to the woodlot. Mr. Cory noted that they were working within the policies of the West Gormley Secondary Plan and were in attendance to hear all comments and answer any questions.

Mike Manett, MPlan Inc., on behalf of the owners of the Worden property located at 1393 Bethesda Sideroad, expressed concerns with the notification regarding the applications for 12860 Leslie Street and that in his opinion the staff report did not provide appropriate context for the entire West Gormley Secondary Plan area as the Worden property was not correctly referenced. Mr. Manett advised that issues they had with the information within the staff report would be provided to staff and submitted his written request to receive notification of this matter in the future.

Moved by: Councillor Beros
Seconded by: Regional and Local Councillor Spatafora

That staff report SRPRS.17.113 with respect to the Zoning By-law Amendment and draft Plan of Subdivision applications submitted by Sundance (Richmond Hill) Estates Inc. for lands known as Part of Lot 5, Concession 2, E.Y.S. (municipal address: 12860 Leslie Street), File Numbers D02-16027 and D03-16009, be received for information purposes only and that all comments be referred back to staff.

Carried

The Corporation of the Town of Richmond Hill

By-law 99-18

A By-law to Amend By-law 128-04, as amended, and

By-law 54-15, as amended, of

The Corporation of the Town of Richmond Hill

Appendix	B
SRPRS	DA-18.044
File(s)	D02-16027, D03-16009

Whereas a Local Planning Appeal Tribunal Hearing was held on August 28, 2018 to consider the proposed Zoning By-law Amendment described herein;

The Local Planning Appeal Tribunal hereby approves as follows:

1. That By-law 128-04, as amended, of The Corporation of the Town of Richmond Hill, be and is hereby further amended by:
 - a) removing those lands shown as "RWS1", "RWS2" and "O" on Schedule "A" to this By-law 99-18 (the "Lands") and any provisions of By-law 128-04, as amended, that previously applied to the Lands shall no longer apply to the Lands; and,
 - b) adding the following to Section 7 – Exceptions:

"7.8 Part of Lot 5, Concession 2, E.Y.S.

Notwithstanding any inconsistent or conflicting provisions of By-law 128-04, as amended, the following special provisions shall apply to the lands zoned "Oak Ridges Moraine Natural Linkage (ORMNL) Zone" and "Urban (UR) Zone" and more particularly shown as "ORMNL" and "UR" on Schedule "A" to By-law 99-18 and denoted by a bracketed number (7.8):

i)	Minimum Lot Area:	2.9 hectares (7.17 acres)
ii)	Minimum Required Rear Yard:	7.0 metres (22.97 feet)"
2. That By-law 54-15, as amended, of The Corporation of the Town of Richmond Hill, be and is hereby further amended by:
 - a) expanding the boundaries to include the Lands shown as "RWS1", "RWS2" and "O" on Schedule "A" to this By-law 99-18; and,
 - b) rezoning the Lands to "Residential Wide Shallow One (RWS1) Zone", "Residential Wide Shallow Two (RWS2) Zone" and "Open Space (O) Zone" as shown on Schedule "A" to this By-law 99-18.
3. All other provisions of By-law 128-04, as amended, and By-law 54-15, as amended, not inconsistent with the foregoing, shall continue to apply to the lands shown on Schedule "A" attached hereto.
4. The imperial measurements found in this by-law in brackets are provided for information purposes only and are intended to be an approximate conversion of the metric measurements. The metric or SI measurements shall be deemed to be the standards established by this by-law and, wherever there is a variance between the metric or SI measurements and the imperial measurements, the metric or SI measurement shall apply.
5. Schedule "A" attached to By-law 99-18 is declared to form a part of this by-law.

The Corporation of the Town Of Richmond Hill

Explanatory Note to By-Law 99-18

By-law 99-18 affects lands described as Part of Lot 5, Concession 2, E.Y.S., municipally known as 12860 Leslie Street.

By-law 128-04, as amended, of The Corporation of the Town of Richmond Hill, currently zones the lands "Oak Ridges Moraine Natural Core (ORMNC) Zone", "Oak Ridges Moraine Natural Linkage (ORMNL) Zone" and "Urban (UR) Zone".

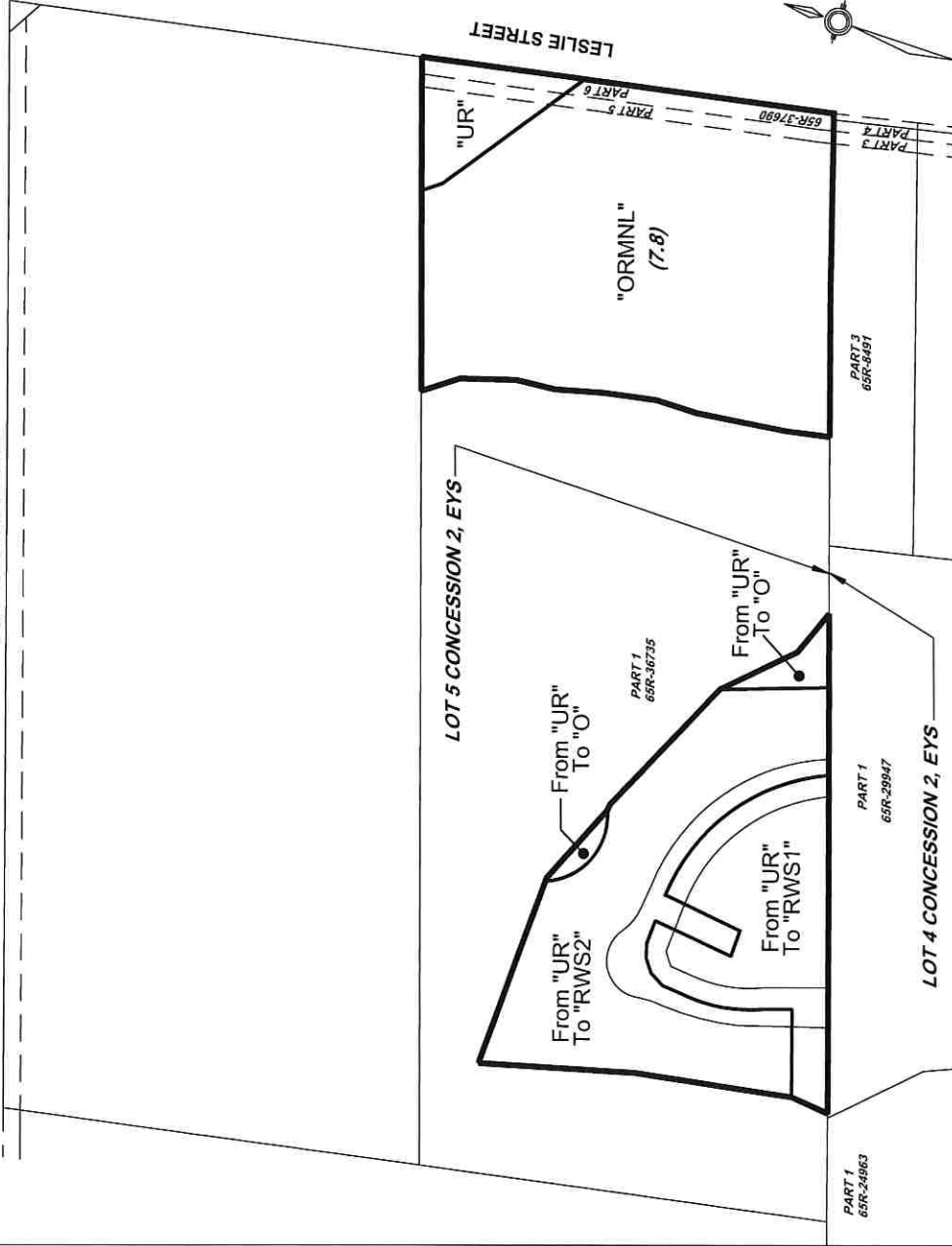
By-law 99-18 will have the effect of rezoning part of the lands from "Urban (UR) Zone" under By-law 128-04, as amended, to "Residential Wide Shallow One (RWS1) Zone", "Residential Wide Shallow Two (RWS2) Zone" and "Open Space (OS) Zone" under By-law 54-15 (West Gormley Zoning By-law), as amended, to facilitate the approval of a draft Plan of Subdivision comprised of 32 single detached dwelling lots.

By-law 99-18 will also have the effect of implementing site specific provisions on a proposed block that is zoned "Oak Ridges Moraine Natural Linkage (ORMNL) Zone" and "Urban (UR) Zone", and currently accommodates a single detached dwelling, an accessory building and an agricultural use.

BETHESDA SIDEROAD

SCHEDULE "A" TO BY-LAW 99-18

This is Schedule "A" to By-Law
99-18 approved by the Local
Planning Appeal Tribunal on the
Day of , 2018



— AREA SUBJECT TO THIS BY-LAW

2_16027A.DGN
DB/SS

Appendix	C
SRPRS	DA-18-044
File(s)	D02-16027, D03-16009

The Corporation of the Town of Richmond Hill

Schedule of Conditions

Draft Plan of Subdivision

File 19T(R)-06009

Sundance (Richmond Hill) Estates Inc.

Part of Lot 5, Concession 2, E.Y.S.

Town of Richmond Hill

Town of Richmond Hill

Development Planning Division

1. Approval shall relate to a draft Plan of Subdivision prepared by Malone Given Parsons Ltd., having Project No. 15-2479, dated August 30, 2016 with a revision date of July 3, 2018, incorporating the following revisions:
 - a) any revisions, if necessary, to meet the requirements of York Region pursuant to Condition 69 herein; and,
 - b) any revisions, if necessary, to meet the requirements of the Toronto and Region Conservation Authority pursuant to Condition 88 herein.
2. The lands within this draft Plan of Subdivision shall be appropriately zoned by a zoning by-law which has come into effect in accordance with the provisions of the *Planning Act*.
3. Prior to final approval of the Plan, the Owner shall provide the Town with evidence in the form of an Ontario Land Surveyor Certificate that:
 - a) any existing buildings or structures on the lands as of the date of final approval, are situated so as to comply with applicable zoning by-laws after registration of the plan; and,
 - b) all lot frontages and lot areas within the plan comply to the applicable zoning by-law.
4. a) The road allowances included within this draft Plan of Subdivision shall be named to the satisfaction of the Town and the York Region Planning and Development Services Department. The Owner shall agree in the Subdivision Agreement that all street names shall be identified to the satisfaction of the Town prior to construction of any buildings.

- b) The Owner shall agree in the Subdivision Agreement that no building permit application will be submitted for any individual lot or block until the Owner has submitted architectural design plans of the building facades, for all lots and/or blocks within the plan and obtained the approval of the Town through the Architectural Design Control process. Such architectural design plans shall be in accordance with Town approved Architectural Design Control Guidelines. The Owner shall agree to build in accordance with the approved plans.
- 5. The Owner shall enter into a Sustainable Building Design Agreement, if required to do so by the Town, to implement the sustainability components approved as part of the allocation of municipal servicing capacity for the proposed development on the subject lands.

Development Engineering Division

- 6. The road allowances and road widenings included within this draft Plan of Subdivision shall be dedicated as public highways to the Town without monetary consideration and free of all charges and encumbrances.
- 7. Any dead ends or open sides of road allowances created by this draft Plan of Subdivision shall be terminated in 0.3 metre reserves, to be conveyed to the Town without monetary consideration and free of all charges and encumbrances.
- 8.
 - a) Prior to final approval of the draft plan or any portion thereof, the Owner shall enter into one or more Subdivision Agreements with the Town in order to satisfy the financial, servicing and other requirements of the Town, including the construction and installation of municipal services (including, inter alia, roads, curbs, gutters, sidewalks, watermains, sanitary sewers, storm sewers, street lights, traffic lights, street names, regulatory signs and pads for bus shelters) at the Owner's expense, both upon the lands within the draft plan and upon lands external thereof, provision of insurance, payment of Development Charges and prepayment of Local Improvement charges as required by the Town.
 - b) The owner shall agree in the Subdivision Agreement to pay all processing fees in accordance with the Town's Tariff of Fees By-Law with respect to the subdivision of lands, and shall pay any new or additional costs or fees imposed upon the Town by the Province of Ontario or The Regional Municipality of York which relate to the lands within the draft plan and which may arise prior to the final execution of the Subdivision Agreement. Payment of applicable Regional, Educational and Town-wide Development Charges will be required prior to the issuance of any building permit upon the subdivision lands.
- 9. Prior to final approval of the draft plan or in any portion thereof, the Owner shall enter into an agreement with the distributor as that term is defined in the *Electricity Act*, 1998, respecting the provisions of electric service and streetlighting.

10. Such easements as may be required for utility, municipal servicing, drainage purposes or grading/alteration (including placement or removal of fill material and retaining wall structures), shall be granted to the Town or other appropriate authority in priority to all charges and encumbrances. Such easements to be conveyed to the Town, the Region, the Province or the Toronto and Region Conservation Authority shall be conveyed without monetary consideration.
11. Prior to entering into any agreement with any telecommunications service provider, any natural gas or electricity service distributor or transmitter or any other public utility provider for the use of any lands within the Plan, which is to be deeded or dedicated to the Town, the Region, Her Majesty the Queen in the Right of the Province of Ontario or any other public authority, including, inter alia, land which is to be dedicated to the Town, the Region, Her Majesty the Queen in the Right of the Province of Ontario as public highways, the Owner shall obtain the approval of the Town of the location of any services permitted by such agreement and the wording of the agreement.

Wherever any agreement with a telecommunications service provider, any natural gas or electricity service distributor or transmitter or any other public utility provider for the use of any lands within the Plan, and any easement which has been transferred or is to be transferred to a telecommunications service provider, any natural gas or electricity service distributor or transmitter or any other public utility provider for the use of any lands within the Plan, permits or will permit the installation of aboveground services or facilities, prior to entering into the agreement or transferring such easement, the Owner shall obtain the approval of the Town of the design of such services and facilities. The Owner shall agree in the Subdivision Agreement to not construct or permit to be constructed any aboveground services or facilities inconsistent with or not in accordance with approved design drawings.

The Owner shall agree in the Subdivision Agreement to provide evidence satisfactory to the Town that the aforesaid restrictions have been complied with prior to registration of the Subdivision Agreement.

12. The Owner shall agree in the Subdivision Agreement to obtain the approval of the appropriate authority for the installation of electric, gas, telephone and telecommunication services and that the installation of those services shall be underground within the road allowances or within other appropriate easements.
13. The Owner shall permit any telephone or telecommunications service provider to locate its plant within the proposed subdivision prior to the registration provided the telephone or telecommunications services provider has executed a Municipal Access Agreement with the Town. The Owner shall ensure that any such provider will be permitted to install its plant so as to permit connection to individual dwelling units within the subdivision as and when each dwelling unit is constructed. The Owner shall agree to the foregoing in the Subdivision Agreement.
14. Public highways shall be designed in accordance with the Town's standards for road and intersection design, temporary turning circles, daylighting triangles, and

0.3 metre reserves. For public highways designated as local roads, curb radii shall be designed to provide a 9.5 metre pavement width within the horizontal curve at all changes in horizontal alignment between 60 to 90 degrees.

15. The Owner shall agree in the Subdivision Agreement that construction access shall be provided only in a location approved by the Town and the Regional Transportation Department.
16. The Owner shall agree in the Subdivision Agreement that all portions of public highways which are not paved and all drainage swales on public or private property shall be graded and sodded in accordance with the standards of the Town.
17. The Owner shall agree in the Subdivision Agreement to grade and seed all undeveloped lands within the plan, other than conservation lands, and to maintain, to the satisfaction of the Town, all undeveloped lands within the plan.
18. The Owner shall agree in the Subdivision Agreement that maintenance of any retaining walls constructed within this draft Plan of Subdivision shall be the responsibility of the Owner, and of subsequent Owners. Retaining walls shall not be constructed upon lands to be transferred to the Town, unless otherwise approved by the Commissioner.
19. Prior to final approval, a soils report with respect to the sufficiency and adequacy of the soil within the draft plan to sustain the municipal services and buildings and other structures to be constructed within the draft plan shall be submitted to the Town for review and approval.
20. The Owner shall provide to the Town, engineering drawings for, and shall agree in the Subdivision Agreement to install, to the satisfaction of the Town, watermains, sanitary sewage works, storm sewage works, adequate pavement width for roadways, curbs, gutters, sidewalks, street lighting, traffic signals, regulatory signs, street name signs, and any other services or facilities as required. The Owner shall not connect any watermain or sewer to existing municipal systems without the written approval of the Town. All lands to be conveyed to the Town for open space purposes and all easements shall be shown on the engineering drawings. The Owner shall obtain the approval of the Region and/or the Ministry of the Environment, by way of certificate of approval, for the installation of watermains, sanitary sewage works, and storm sewage works.

Further, the Owner shall agree in the Subdivision Agreement that the plan or any portion thereof shall not be granted final approval and registered until:

- a) adequate sanitary sewage is available as determined by the Town and has been allocated, by the Town, to the plan; and,
- b) adequate water supply capacity is available, as determined by the Town, and has been allocated, by the Town, to the plan.

And further, the Owner shall agree in the Subdivision Agreement that the Owner shall save harmless the Town and the Regional Municipality of York from any claim or action as a result of water or sanitary sewer service not being available when anticipated.

21. The Owner shall agree in the Subdivision Agreement that the sanitary and storm sewers shall be connected and drained to outlets approved by the Ministry of the Environment, the Region of York, the Town of Richmond Hill and where applicable, the Toronto and Region Conservation Authority.
22. The Owner shall agree in the Subdivision Agreement that the water distribution system for this draft Plan of Subdivision shall be looped within this draft Plan of Subdivision and with the existing watermain system on the periphery of this draft Plan of Subdivision as necessary, and that allowance shall be made for the future servicing of parcels of land abutting this draft Plan of Subdivision as required by the Town.
23. The Plan of Subdivision or any portion thereof shall not be given final approval for registration until such time as storm and sanitary sewer outlets, water distribution systems, and site access via local and collector road systems are available or other arrangements satisfactory to the Town have been made.
24. The Owner shall agree in the Subdivision Agreement that no building permits will be applied for or issued for any individual lot or block until the Owner has submitted an individual house siting and grading plan and obtained the approval of the Town for such individual lot or block plan showing inter alia, the driveway location(s) within the road allowance and the building(s) on the lot. The Owner shall agree to build in accordance with the approved plan.
25. The pattern of streets and the layout of reserve blocks within this draft Plan of Subdivision shall be designed to align precisely with the pattern and layout for existing plans or any adjoining proposed Plan of Subdivision.
26. The Owner shall agree in the Subdivision Agreement:
 - a) to be responsible for the proper drainage within this draft Plan of Subdivision and the effect of such drainage on all lands abutting this draft plan;
 - b) that all lot and block grading plans shall be prepared by the engineer for the Owner in accordance with the Town's Design Criteria and Design Standards and to provide individual lot grading plans for each lot on the plan prior to the issuance of building permits;
 - c) that for the purpose of preparation of the overall lot and/or block grading plans and the individual lot grading plans, the Owner shall comply with the Town policy with respect to usable yard criteria;
 - d) to develop the lands within the plan in accordance with the approved grading plans and individual lot grading plans; and,

- e) that the overall lot and/or block grading plans and the individual lot grading plans shall reflect the Tree Inventory and Management Plan and shall minimize grade changes in areas of trees to be retained.
27. The Owner(s) shall agree in the Subdivision Agreement to provide the Town with digital copies of the draft and final Plan of Subdivision and all reference plans in accordance with the Town's digital submission requirements. These plans shall be tied to horizontal control at a minimum of three (3) locations at the extreme corners of the plan. The Owner(s) shall agree in the Subdivision Agreement to provide as built engineering drawings (including tributary areas drawings), in accordance with the digital and hard copy submission requirements specified in Town Standards and shall include the database required to satisfy the Town's Infrastructure Management System.
28. Prior to final approval of the draft plan or any portion thereof, arrangements satisfactory to the Town shall be in place to provide for the following community services (at a time and with securities satisfactory to the Town and with the conveyance of the necessary lands or easements for the community services to the Town at a time satisfactory to it), which community services are in accordance with, or necessarily incidental to the Master Environmental Servicing Plan for the West Gormley Secondary Plan Area (MESP) and Functional Servicing and Stormwater Management Report prepared by SCS Consulting Group Ltd. (FSR):
- a) Construction of one primary means of public road access from the roads within the draft plan to Leslie Street, together with all appurtenant watermain(s), sanitary sewer(s) and storm drainage sewer(s) thereunder;
 - b) Construction of the piped water supply system and appurtenances external to the draft plan, including upgrades to the existing system, for the pressure district servicing the draft plan (to the satisfaction of the Region as well as the Town) and construction of the piped water supply system to service the draft plan, all as outlined in the MESP and FSR;
 - c) Construction of the sanitary sewer system and appurtenances external to the draft plan to an established inlet and construction of sanitary sewers and appurtenances to service the draft plan, all as outlined in the MESP and FSR;
 - d) Construction of the stormwater system to service the draft plan, including Storm Water Management (SWM) Facilities as shown in the MESP and FSR, together with required outlet(s) to the existing watercourse(s) for stormwater management and municipal servicing purposes; and,
 - e) Conveyance of all lands external to the draft plan required for municipal servicing purposes, all as outlined in the MESP and FSR.
29. Prior to final approval of the Plan of Subdivision or any portion thereof, the Owner shall enter into one or more agreements, satisfactory to the Town, pertaining to the provision of the community services referenced in Condition 28, which said

agreement(s) shall address, among other things, credits under the Development Charges Act to the satisfaction of the Town.

30. Prior to final approval of the Plan of Subdivision or any portion thereof, one or more by-laws enacted by the Town under the Development Charges Act providing for development charges for boundary road improvements shall have been enacted as provided for under that Act.
31. Prior to final approval of the Plan of Subdivision or any portion thereof, the Owner shall provide evidence satisfactory to the Commissioner of Planning and Regulatory Services that the Owner has executed a cost sharing agreement with other owners within the West Gormley Secondary Plan area for the provision of community services within or external to the plan.
32. Prior to any grading, stripping or servicing of the lands included within the draft plan, the Owner shall provide a detailed Stormwater Management Report. This report shall be completed to the satisfaction of the Commissioner of Planning and Regulatory Services and shall address:
 - a) the selection of stormwater management source, conveyance, low impact development and end-of pipe practices to be implemented within and external to the draft plan to address water quantity, water quality, and erosion control;
 - b) the protection of groundwater quality and quantity including a water balance analysis and provision of low impact development measures to maintain predevelopment groundwater recharge;
 - c) the stormwater management design, inspection, operation and maintenance procedures and associated costs;
 - d) monitoring plans, programs, equipment, procedures and associated costs required to address stormwater management performance in accordance with the requirements of the Master Environmental and Servicing Plan (MESP) and Functional Servicing Report (FSR); and,
 - e) erosion and sediment control measures to be implemented before stripping and grading of the subject lands to protect downstream watercourses and environmental features.

Such report(s) shall utilize as guidelines the Ministry of the Environment Stormwater Management Planning and Design Manual, and the Town of Richmond Hill Stormwater Management Design Criteria. The Owner shall incorporate the recommendations of this report into the applicable engineering plans to be prepared for approval by the Commissioner of Planning and Regulatory Services. The Owner shall agree in the Subdivision Agreement to implement the recommendations of the Stormwater Management Report and to undertake the performance monitoring program specified in the MESP and FSR and to provide appropriate securities to carry out or cause to be carried out the performance monitoring program.

33. The Owner shall agree in the Subdivision Agreement:
- a) to demonstrate that, prior to assumption of municipal services, all Stormwater management facilities are performing in accordance with their approved design to the satisfaction of the Commissioner of Planning and Regulatory Services; and,
 - b) to satisfy the quality and quantity performance monitoring requirements during construction and for assumption specified in the Town of Richmond Hill Stormwater Management Design Criteria.

Noise Study

34. The Owner shall engage the services of a certified noise consultant to complete a noise study recommending noise control features satisfactory to the Town, the Regional Transportation and Works Department and in accordance with Ministry of the Environment and Energy noise guidelines.
35. The Owner shall agree in the Subdivision Agreement that the noise control features recommended by the study referred to in Condition 34, shall be implemented as approved. Prior to final approval of the Plan of Subdivision, a copy of the fully executed Subdivision Agreement shall be forwarded to the Regional Transportation and Works Department.
36. Where the noise study has determined that a noise level of between 55 dBA to 60 dBA will remain, despite the implementation of the recommendations of that study, the following warning clause shall be included in the registered Subdivision Agreement with respect to the lots or blocks affected:

“Purchasers are advised that despite the inclusion of noise control features within the development area and within the individual building units, noise levels may continue to be of concern, occasionally interfering with some activities of the building occupants.”

Such clause shall be required to be included in all offers of purchase and sale for the lots or blocks affected.

37. Where the noise study has determined that noise attenuation fences will be constructed onto lots or blocks within the plan, the following warning clause shall be included in the registered Subdivision Agreement with respect to the lots or blocks affected:

“Purchasers are advised that where noise attenuation fences are shown on the plans attached to the Subdivision Agreement with the Town (Schedule “B”), it is the requirement of the Town that such noise attenuation fences be constructed on private property and that they be maintained by the individual owner of the lot(s) or block(s) to the satisfaction of the Town.”

Such clause shall be required to be included in all offers of purchase and sale for the lots or blocks affected.

Protection of Existing Wells

38. Prior to final approval, the Owner shall agree in the Subdivision Agreement to retain a qualified hydrogeologist to assess the condition of all private wells with respect to quantity of water produced and its quality for drinking purposes. The hydrogeologist will identify the potential area of impact of the proposed construction and assess and report on the potential for construction activity, associated with the servicing of the subdivision, to detrimentally impact any of the wells. In the event any of the identified wells deteriorate as a result of this development, as determined by the hydrogeological assessment, the Owner agrees to provide the services of a hydrogeologist to investigate claims and recommend appropriate solutions, in a timely manner, and that the cost of any or all investigations and remedies will be the sole responsibility of the Owner.

For lots with no frontage onto a public right of way, or abutting an adjacent subdivision ROW

39. Prior to final approval of the Plan either;
- a) Draft plans 19T-03018 and 19T-03019 in the form approved by the Town (or OMB) shall be registered and adequate road access to Leslie Street adjacent to the Plan (to the south) shall have been provided, together with storm, sanitary and water services, to the satisfaction of the Town; or,
 - b) The lands to form the public highway adjacent to the Plan (to the south) shall have been conveyed to the Town without cost and free of encumbrances, and arrangements satisfactory to the Town shall be in place for the construction of road access to Leslie Street, together with storm, sanitary and water services.

Policy Planning Division – Park and Natural Heritage Planning Section

40. The Owner agrees that no trees, vegetation or environmentally significant features within the draft plan shall be removed or altered without the written consent of the Town. Further, in the event that any trees, vegetation or environmentally significant features within the draft plan are removed or altered without the written consent of the Town, the Owner shall agree in the Subdivision Agreement to restore the lands and/or provide compensation to the municipality as required by the Town.
41. Prior to any grading, development, pre-servicing or site alteration, the Owner shall submit a Tree Inventory and Preservation Plan completed consistent with the Town's guidelines for the preparation of such reports and to the satisfaction of the Town.
42. The Owner shall agree in the Subdivision Agreement to implement the recommendations of Tree Inventory and Preservation Plan as finally approved by

- the Town, to pay all costs associated with implementation, to replace the loss of tree cover either through replanting and/or cash-in-lieu of planting, and provide associated securities upon request to guarantee undertaking of the work.
43. Prior to any grading, development, pre-servicing or site alteration, the Owner shall submit a Natural Heritage Evaluation or equivalent to the satisfaction of the Town.
 44. The Owner shall agree in the Subdivision Agreement to implement the recommendations of Natural Heritage Evaluation as finally approved by the Town, to pay all costs associated with implementation, and to provide associated securities as requested to guarantee undertaking of the work. In the event that construction of the subdivision does not commence within 3 years of draft plan approval, the Owner agrees to submit an update to the Natural Heritage Evaluation and to implement the recommendations of such update as approved by the Town.
 45. Prior to execution of the Subdivision Agreement, the Owner shall prepare and submit for approval to the Town landscape plans, which will provide for:
 - a) Landscaping traffic islands and circles;
 - b) Boulevard/street trees;
 - c) Planting, restoration and enhancement of all disturbed areas within the Block 33, or as recommended in the approved Environmental Impact Statement/NHE;
 - d) Permanent chain link fencing consistent with Town standards, where parkland, valleylands, natural heritage lands, stormwater management facilities and pedestrian walkway blocks abut non-municipal lands;
 - e) Any landscaping indicated in the applicants IGMS/Sustainability Metrics proposal;
 - f) Tree cover replacement; and,
 - g) Any other specific landscaping required.
 46. The Owner shall agree in the Subdivision Agreement to implement the Landscape Plans as finally approved by the Town, to pay all costs associated with implementation, and to provide associated securities as requested to guarantee undertaking of the work.
 47. The Owner shall agree in the Subdivision Agreement that topsoil used throughout the Plan will be fertile and consistent with Town standards. Further, the Owner shall confirm that such is the case by submitting reports and soil test results as requested by the Town. If the results of the reports and soil tests indicate that the topsoil is not fertile and/or does not meet Town standards, reports must recommend how the topsoil should be amended to meet such requirements.

48. The Owner shall agree in the Subdivision Agreement to convey to a public agency natural heritage system Block 33 (for environmental protection purposes).
49. The Owner shall agree in the Subdivision Agreement to maintain Block 33 in a manner and condition acceptable to the Town until such time as the above and below ground services associated with the subdivision are assumed by the Town or such earlier time as advised in writing by the Town. The Owner shall indemnify and save the municipality harmless with respect to any occurrence on or related to Block 33 until such time as the above and below ground services associated with the subdivision are assumed.
50. The Owner shall agree in the Subdivision Agreement that warning clauses will be included in all agreements of purchase and sale, and that information will be provided on all community information maps and promotional sales materials, providing notice as follows:
 - a) that encroachments of any kind are not permitted in natural heritage blocks, valleylands, valleyland buffers, stormwater management blocks, or park lands;
 - b) that Block 33 is to be naturalized and left in its natural state, provided the Purchasers acknowledge that nothing in this notice shall in any manner whatsoever preclude or be interpreted as precluding the Town or other public body from undertaking any improvements to the said lands at any further date; and,
 - c) that Block 33 is publically owned land and may be developed to include public walkways and trails and that such uses may result in increased vehicular and pedestrian traffic on the street and adjacent to or in the vicinity of the property and a high volume of pedestrian traffic on the walkways. Purchasers are further advised that properties adjacent to such Blocks may be affected by noise and lighting from such uses.

Regional Municipality of York

Conditions to be Included in the Subdivision Agreement

51. The Owner shall agree to save harmless York Region from any claim or action as a result of water or sanitary sewer service not being available when anticipated.
52. The Owner shall agree in wording satisfactory to Development Engineering, to implement the noise attenuation features as recommended by the noise study and to the satisfaction of Development Engineering.
53. The Owner shall agree in wording satisfactory to Development Engineering, that where berm, noise wall, window and/or oversized forced air mechanical systems are required, these features shall be certified by a professional engineer to have been installed as specified by the approved Noise Study and in conformance with the Ministry of Environment guidelines and the York Region Noise Policy.

54. The following warning clause shall be included in a registered portion of the Subdivision Agreement with respect to the lots or blocks affected:
- “Purchasers are advised that despite the inclusion of noise attenuation features within the development area and within the individual building units, noise levels will continue to increase, occasionally interfering with some activities of the building's occupants.”
55. Where noise attenuation features will abut a York Region right-of-way, the Owner shall agree in wording satisfactory to York Region's Development Engineering, as follows:
- a) That no part of any noise attenuation feature shall be constructed on or within the York Region right-of-way;
 - b) That noise fences adjacent to York Region roads may be constructed on the private side of the 0.3 metre reserve and may be a maximum 2.5 metres in height, subject to the area municipality's concurrence; and,
 - c) That maintenance of the noise barriers and fences bordering on York Region right-of-way shall not be the responsibility of York Region.
56. The Owner shall agree in wording satisfactory to Development Engineering, to be responsible to decommission any existing wells on the Owner's lands in accordance with all applicable provincial legislation and guidelines and to the satisfaction of the area municipality.
57. The Owner shall agree in wording satisfactory to Development Engineering that direct access to Block 34 will not be permitted, excluding the current direct access to the residential property located at 12860 Leslie Street.
58. The Owner shall agree in the Subdivision Agreement, in wording satisfactory to Development Engineering that the Owner will be responsible for determining the location of all utility plants within York Region right-of-way and for the cost of relocating, replacing, repairing and restoring any appurtenances damaged during construction of the proposed site works. The Owner must review, or ensure that any consultants retained by the Owner, review, at an early stage, the applicable authority's minimum vertical clearances for aerial cable systems and their minimum spacing and cover requirements. The Owner shall be entirely responsible for making any adjustments or relocations, if necessary, prior to the commencement of any construction.

Conditions to be Satisfied Prior to Final Approval

59. The road allowances included within the draft Plan of Subdivision shall be named to the satisfaction of the Town of Richmond Hill and York Region.
60. York Region shall confirm that adequate water supply and sewage capacity are available and have been allocated by the Town of Richmond Hill for the development proposed within this draft Plan of Subdivision or any phase thereof.

61. Prior to final approval, the engineering drawing(s) showing the layout of the watermain and sewers shall be submitted to the Region for review by the Infrastructure Asset Management Branch.
62. Prior to final approval, the Owner shall provide a Transportation Demand Management (TDM) Plan to address the following comments, to the satisfaction of the Region:
 - a) The TDM Plan shall include a TDM communication strategy, to assist the Region and the Town of Richmond Hill to effectively deliver the Information Packages and pre-loaded PRESTO Cards to residents. This strategy shall also include a physical location for distribution of the Information Packages and pre-loaded PRESTO Cards. The applicant is responsible for the coordination and for providing a venue for the distribution of PRESTO cards. Each event, approximately 4 hours of staff time, can serve approximately 100 residential units. The applicant shall coordinate specific event details with York Region/York Region Transit Staff allowing a minimum of 2 months' notice; and,
 - b) The TDM Plan shall include a TDM checklist that summarizes the programs and measures, estimated costs and responsibility of the applicant to implement TDM recommendations. Estimated costs for any items that are provided by the Region shall be identified as "To be Determined (TBD)".
63. The Owner shall provide a set of engineering drawings/studies, for any works to be constructed on or adjacent to the Leslie Street right-of-way, to the Corporate Services Department, Attention: Manager, Development Engineering, that includes the following drawings/studies:
 - a) Plan and Profile for Leslie Street and any intersections;
 - b) Grading and Servicing;
 - c) Intersection/Road Improvements, including the recommendations of the Traffic Report;
 - d) Functional Transportation Report/Plan;
 - e) Construction Access Design;
 - f) Utility and underground services Location Plans;
 - g) Signalization and Illumination Designs;
 - h) Line Painting;
 - i) Traffic Control/Management Plans;
 - j) Erosion and Siltation Control Plans;

- k) Landscaping Plans, including tree preservation, relocation and removals;
 - l) Requirements of York Region Transit/Viva;
 - m) Water distribution report; and,
 - n) Noise study.
64. Prior to final approval, the Owner shall submit a detailed Development Charge Credit Application to York Region, if applicable, to claim any works proposed within the York Region right-of-way. Only those works located in their ultimate location based on the next planning upgrade for this right-of-way will be considered eligible for credit, and any work done prior to submission without prior approval will not be eligible for credit.
65. Prior to final approval, the location and design of the construction access for the subdivision work shall be completed to the satisfaction of Development Engineering and illustrated on the Engineering Drawings.
66. The Owner shall demonstrate, to the satisfaction of Development Engineering, that all existing driveway(s) along the Regional road frontage of this subdivision will be removed as part of the subdivision work, at no cost to York Region, excluding the current direct access to the residential dwelling located at 12860 Leslie Street.
67. Prior to final approval, the Owner shall demonstrate, to the satisfaction of Development Engineering that elevations along the streetline shall be 0.2 metres above the centreline elevations of the York Region roadway, unless otherwise specified by Development Engineering.
68. Prior to final approval, the Owner shall submit drawings depicting the following to the satisfaction of York Region staff:
- a) All existing woody vegetation within the York Region road right-of-way;
 - b) Tree protection measures to be implemented on and off the York Region road right-of-way to protect right-of-way vegetation to be preserved;
 - c) Any woody vegetation within the York Region road right-of-way that is proposed to be removed or relocated. However, it is to be noted that tree removal within York Region road right-of-way shall be avoided to the extent possible/practical. Financial or other compensation may be sought based on the value of trees proposed for removal;
 - d) A planting plan for all new and relocated vegetation to be planted within the York Region road right-of-way, based on the following general guideline: Tree planting shall be undertaken in accordance with York Region standards as articulated in Streetscaping Policy and using species from the York Region Street Tree Planting List. These documents may be obtained from the Forestry Section. If any landscaping or features other than tree planting (e.g. flower beds, shrubs) are proposed in the York

Region right-of-way by the Owner or the area municipality for aesthetic purposes they must be approved by Development Engineering and shall be maintained by the area municipality with the exception of the usual grass maintenance; and,

- e) For landscape features not maintained to York Region's satisfaction, the area municipality will be responsible for the cost of maintenance or removal undertaken by the Region.
69. Prior to final approval, the Owner shall agree that the following lands will be conveyed to York Region for public highway purposes, free of all costs and encumbrances, to the satisfaction of York Region Solicitor:
- a) A widening across the full frontage of the site where it abuts Leslie Street of sufficient width to provide a minimum of 18.0 metres from the centreline of construction of Leslie Street.
70. Prior to final approval, the Owner shall provide a solicitor's certificate of title in a form satisfactory to York Region Solicitor, at no cost to York Region with respect to the conveyance of the above noted lands to York Region.
71. The Region requires the Owner to submit, in general accordance with the requirements of the Environmental Protection Act and O. Reg. 153/04 Records of Site Condition Part XV.1 of the Act (as amended) ("O. Reg. 153/04"), a Phase I environmental site assessment ("Phase I ESA") of the Owner's lands that are the subject of the application, including the lands to be conveyed to the Region (the "Conveyance Lands"). The Phase I ESA cannot be more than 2 years old as of the actual date title to the Conveyance Lands is transferred to the Region. If the Phase I ESA is linked to different phases of development and there will be multiple conveyances of lands, the Phase I ESA prepared in respect of a specific conveyance and phase of development cannot be more than two years old as of the actual date of transfer of title to the Region. If a Phase I ESA is or would be more than two years old as of the actual date of transfer of title to the Region, the Phase I ESA will need to be either updated or a new Phase I ESA obtained by the Owner in accordance with the requirements of this section. The Region, at its discretion, may require further study, investigation, assessment and delineation to determine whether any remedial or other action is required regardless of the findings or conclusions of the Phase I ESA. Any Phase II environmental site assessment required by or submitted to the Region must be prepared in general accordance with the requirements of O. Reg. 153/04 (as noted above). Reliance on the Phase I ESA and any subsequent environmental reports or other documentation prepared in respect of the environmental condition of the lands must be provided to the Region and: (i) will be addressed to "The Regional Municipality of York"; (ii) contain wording to the effect that the Region is entitled to rely on such reports or documentation in their entirety; and (iii) the terms and conditions of the reliance extended (including any wording seeking to limit liability) must be satisfactory to the Region.
72. The Owner shall also provide the Region's Development Engineering with a certified written statement from the Owner or the Owner's authorized

representative that no contaminant, pollutant, waste of any nature, hazardous substance, toxic substance, dangerous goods, or other substance or material defined or regulated under applicable environmental laws is present at, on, in or under lands to be conveyed to the Region (including soils, substrata, surface water and groundwater, as applicable): (i) at the time of conveyance, at a level or concentration that exceeds the Environmental Protection Act O. Reg. 153/04 (as amended) full depth generic site condition standards applicable to the intended use of such lands by the Region or any other remediation standards published or administered by governmental authorities applicable to the intended land use; and (ii) in such a manner, condition or state, or is emanating or migrating from such lands in a way, that would contravene applicable environmental laws.

The preparation and delivery of the Phase I ESA, any subsequent environmental reports, other documentation, reliance and the Owner's certified written statement shall be provided at no cost to the Region.

73. Prior to final approval, the Owner shall demonstrate, to the satisfaction of Development Engineering, that all local underground services will be installed within the area of the development lands and not within the Leslie Street road allowance. If a buffer or easement is needed to accommodate the local services adjacent to the Leslie Street right-of-way, then the Owner shall provide a satisfactory buffer or easement to the Area Municipality, at no cost to the Region.
74. The Owner shall enter into an agreement with York Region, agreeing to satisfy all conditions, financial and otherwise, of the Regional Corporation; Regional Development Charges are payable in accordance with Regional Development Charges By-law in effect at the time that Regional development charges, or any part thereof, are payable.

Toronto and Region Conservation Authority

75. That prior to any development, pre-servicing or site alteration, or registration of this plan or any phase thereof, the applicant shall submit and attain the approval of the TRCA for:
 - a) A detailed engineering report that describes the storm drainage system (quantity and quality) for the proposed development of the subject lands, and how it will comply with all related master environmental servicing plan, and TRCA requirements. This report shall include:
 - (i) plans illustrating how this drainage system will tie into surrounding drainage systems and storm water management techniques which may be required to control minor or major flows. Confirmation must be provided with respect to how target flows as identified in the related hydrologic studies will be achieved during and post-development;
 - (ii) appropriate Stormwater 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,

including how it relates to terrestrial and aquatic species and their habitat, in addition to natural features and systems. The existing drainage patterns should be maintained, to the greatest extent possible, and the existing ecological function of all headwater drainage features is to be maintained, consistent with TRCA's Guidelines;

- (iii) proposed methods for controlling or minimizing erosion and siltation on site and/or in downstream areas during and after construction, in accordance with the current Erosion and Sediment Control (ESC) guidelines utilized by the TRCA. ESC plans and a report addressing phasing and staging, consistent with TRCA's guidelines must be included;
 - (iv) location and description of all outlets and other facilities, grading, site alterations, development, infrastructure and watercourse alterations (on and off of the subject property), which are required to service or facilitate the development of the subject lands, which may require a permit pursuant to Ontario Regulation 166/06, the Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation, with all supporting technical information;
 - (v) detailed mapping of proposed stormwater management measures, with consideration for existing vegetation to be disturbed, grade differentials and grading required;
 - (vi) the integration of low impact development measures and the employment of source and conveyance controls to mimic to the extent possible, pre-development hydrology to the satisfaction of the TRCA;
 - (vii) design of flow dispersal measures associated with the stormwater management outlets to reduce potential erosion and maximize potential infiltration, and, the integration of a naturalized outlet channel, where applicable, to the satisfaction of the TRCA; and,
 - (viii) detailed design of all proposed infiltration and low-impact development measures that are to be employed, demonstrating that the requirements of the West Gormley MESP and TRCA's requirements, which include but are not limited to quality and quantity requirements, and hydrogeological requirements have been satisfied.
- b) Grading plans for the subject lands. These plans must indicate how grade differentials will be accommodated without the use of retaining walls within or directly adjacent to Block 33. Additionally, no grading shall be permitted within Block 33 for any purpose other than to provide for feature-based water balance measures.

- c) Plans illustrating that all works, including all grading, site alterations, construction staging, or materials associated with these activities, will not encroach or be placed within Block 33.
- d) The subject property is subject to policy REC-1 clause 2 (a) and (b) in the CTC Source Protection Plan and requires the submission of a site-specific water balance assessment for review by TRCA staff (on behalf of the Town of Richmond Hill) to mitigate development related impacts to infiltration.
- e) A Detailed Water Balance, Monitoring and Adaptive Management report and plan that must include a comprehensive assessment, and provide a monitoring program and adaptive management strategy associated with the adjacent wetlands. This report or reports shall include:

- (i) Detailed water balance (including feature-based water balance) report that will identify measures that will be implemented during construction and post-construction to: mimic the pre-development surface and groundwater water balance to the greatest possible extent; maintain pre-development flow regimes and hydroperiods (e.g. quality, volume, rate, duration, timing, frequency and spatial distribution of water) to significant natural features - including but not necessarily limited to wetlands, watercourses, woodlands; provide for on-site retention of stormwater management to the satisfaction of the TRCA. This study must provide detailed design of the system(s), and implementation information and measures, consistent with the West Gormley MESP.

Monitoring and mitigation proposed in the water balance report must be appropriate for the natural heritage features, flora and fauna. A component of the water balance report must include an ecological assessment of the sensitivity of the features and systems to variations, and potential impacts, and monitoring of boundary changes;

- (ii) A compilation of all available pre-development/baseline monitoring information, provide for on-going pre-development monitoring where possible, and utilizing the water balance report, provide a plan with measures to be implemented for maintaining the pre-development water balance (in accordance with the requisite water balance reports) during construction, and post-construction to the greatest practicable extent. Should the report not integrate at least 3 years of pre-development monitoring, the report must include a strategy for collecting sufficient baseline data prior to site disturbance. In the absence of sufficient pre-development monitoring, this report must also identify contingency measures and specific actions that may be taken within the development area to supplement and/or modify the quantity and quality of flows being directed to the wetlands on an on-going basis, should the monitoring program identify that the pre-development conditions

- and/or pre-development wetland characteristics are being adversely impacted, to the satisfaction of the TRCA. This report and plan must be consistent with the broader strategy for feature-based water balance and adaptive management addendum to the West Gormley MESP;
- (iii) A water balance monitoring report, which details a monitoring program to assess the functioning and effectiveness of proposed stormwater LID, source and conveyance measures. And, to provide the requisite funding for the long-term monitoring of this system (3 years once the facility is operational) to the satisfaction of the TRCA. A commitment to financing for the monitoring should be provided through the subdivision agreement; and,
 - (iv) For areas in which the pre-development catchments of adjacent wetland features are being affected by this development, an assessment of phasing opportunities relating to grading work to, where feasible, allow for additional pre-development monitoring of the wetlands to be completed.
- f) A ground water constraint assessment that will examine existing and proposed ground water levels in relation to the proposed development, underground construction and servicing and stormwater management infrastructure. Interactions between untreated (or insufficiently treated) surface and groundwater, shallow ground water, and dewatering requirements must be identified, with refinements and/or revisions made as necessary to the stormwater management system to mitigate against any potential impacts, to the satisfaction of the TRCA. No permanent dewatering of groundwater or interflow associated with any component of this development shall be permitted. All underground construction and infrastructure must be designed to not require permanent dewatering, and any potential impacts to the groundwater system that may result from the development must be assessed and mitigated.

Prior to any development, pre-servicing or site alteration, or registration of this plan or any phase thereof:

- 76. That the applicant attain all Ontario Regulation 166/06 permits from the TRCA for all works proposed on the subject property for which permits would be required, and those related to any associated infrastructure or stormwater management works required to support this development that may be located off of the subject property.
- 77. That all stormwater outlets, including those associated with maintaining feature-based water balance to the wetlands on and adjacent to the property, be naturalized, be designed to incorporate TRCA's design guidelines, and be designed to provide additional enhancements to water quality, quantity control, thermal impacts mitigation, and habitat. Off-line wetlands, riparian plantings, flow dispersal measures, micro-topography creation and similar measures shall be employed where feasible to achieve these objectives. Where all such measures

are to be located on lands to be dedicated to TRCA all measures must be designed to be maintenance free, or appropriate long-term arrangements must be made with the TRCA.

78. That an adequate Environmental Impact Study (EIS) be completed for the subject property to the satisfaction of the TRCA.
79. The Block 33 be gratuitously dedicated to the TRCA, free of encumbrances.
80. That fencing satisfactory to the TRCA shall be erected on the rear lot lines of all lots and blocks adjacent to the natural heritage system, including but not necessarily limited to Lots 1-22, prior to occupancy of any of the associated dwellings.
81. That the Owner provides detailed plans for, and measures (including funding) for implementation of planting and enhancements within the Minimum Vegetation Protection Zones within Block 33 (Natural Heritage System).
82. That the Owner agree in the Subdivision Agreement, in wording acceptable to the TRCA:
 - a) to carry out, or cause to be carried out, to the satisfaction of the TRCA, the recommendations of the technical reports and plans referenced in TRCA's conditions, and to provide for any requirements as set-out in TRCA's conditions of draft approval, that extend beyond registration of this Plan;
 - b) to implement the requirements of the TRCA's conditions in wording acceptable to the TRCA;
 - c) to design and implement on-site erosion and sediment control in accordance with current TRCA standards;
 - d) to maintain all stormwater management and erosion and sedimentation control structures operating and in good repair during the construction period, and until assumption by the Town of Richmond Hill in a manner satisfactory to the TRCA;
 - e) to obtain all necessary permits pursuant to Ontario Regulation 166/06 from the TRCA, in addition to all necessary permits and approvals from Fisheries and Oceans Canada, and the Ministry of Natural Resources;
 - f) to implement all water balance/infiltration measures identified in the water balance study that is to be completed for the subject property;
 - g) to design a monitoring protocol and provide the requisite funding and permissions for the construction and long-term monitoring and maintenance of the water balance and infiltration measures on this site to the satisfaction of the TRCA;
 - h) to provide for the warning clauses and information identified in TRCA's conditions;

- i) that, where required to satisfy TRCA's conditions, development shall be phased within this Plan; and,
 - j) that prior to a request for registration of any phase of this subdivision - should this not occur within 10 years of draft approval of this plan - that the Owner consult with the TRCA with respect to whether the technical studies submitted in support of this development remain to meet current day requirements, and that the Owner update any studies, as required, to reflect current day requirements.
83. That the implementing zoning by-law recognize all natural feature and environmental buffer blocks, in an environmental protection or other suitable zoning category which has the effect of prohibiting development and structural encroachment, and ensuring the long term preservation of the lands in perpetuity, to the satisfaction of the TRCA.
84. That a warning clause be included in all agreements of purchase and sale, and information be provided on all community information maps and promotional sales materials for lots or blocks adjacent to TRCA lands, which identifies the following:
- a) that a Minimum Vegetation Protection Zone (MVPZ) buffer block is being provided between the rear lot line and the adjacent environmental protection lands, which will be owned by the Toronto and Region Conservation Authority. This buffer block is considered to be part of the publically owned environmental protection area, which is intended to be renaturalized, and will not be actively maintained and mowing of this area will not be completed or permitted. Uses such as private picnic, barbeque or garden areas; storage of materials and/or the dumping of refuse or ploughed snow are not permitted on these lands. In addition, access to the adjacent TRCA lands through the subject property is not permitted. Private rear yard gates are prohibited.
85. That clauses be included in the purchase and sale agreement for Lots 12-15, identifying that the rear lot lines on the subject property are irregularly shaped. And, that the Owners acknowledge that they have been duly advised by this clause that the adjacent natural heritage lands are not available for purchase to regularize the rear lot lines or to add to their lot area. Accordingly, the Owner(s) must accept the dimensions of their lots and configuration as it exists at the time of purchase, as being the final size and configuration.
86. To carry out, or cause to be carried out the cleaning-out and maintenance of all stormwater management infrastructure (best management practice measures and feature based water balance outlets) prior to the transfer of Block 33 to the TRCA, and prior to assumption of the subdivision by the Town of Richmond Hill.
87. That the size and location of all Low Impact Development (LID) stormwater management measures associated with this development be confirmed to the satisfaction of the TRCA. And, if required to meet TRCA requirements, red-line revisions be made to the plan to provide for necessary blocks within the Plan, or

modify their size or configuration into surrounding lands within this subdivision which are currently proposed for development.

88. That the draft plan be red-line revised, if necessary, in order to meet the requirements of TRCA's conditions, or to meet current established standards in place as of the date of a request for registration of the Plan or any phase thereof.

Ministry Of Culture

89. Prior to final approval, and prior to the initiation of any grading, the Owner shall carry out an archaeological assessment of the entire area within this draft Plan of Subdivision and shall prepare a report which will identify significant archaeological sites to the satisfaction of the Town of Richmond Hill and the Archaeology and Heritage Planning Unit of the Ministry of Culture.
90. The Owner shall agree in the Subdivision Agreement that no development or grading shall occur on any site identified as being archaeologically significant by the assessment referred to in Condition 89, until archaeological excavations of all significant sites within any phase for which final approval is sought has been carried out to the satisfaction of the Town of Richmond Hill and the Archaeology and Heritage Planning Unit of the Ministry of Culture.

Clearance Conditions

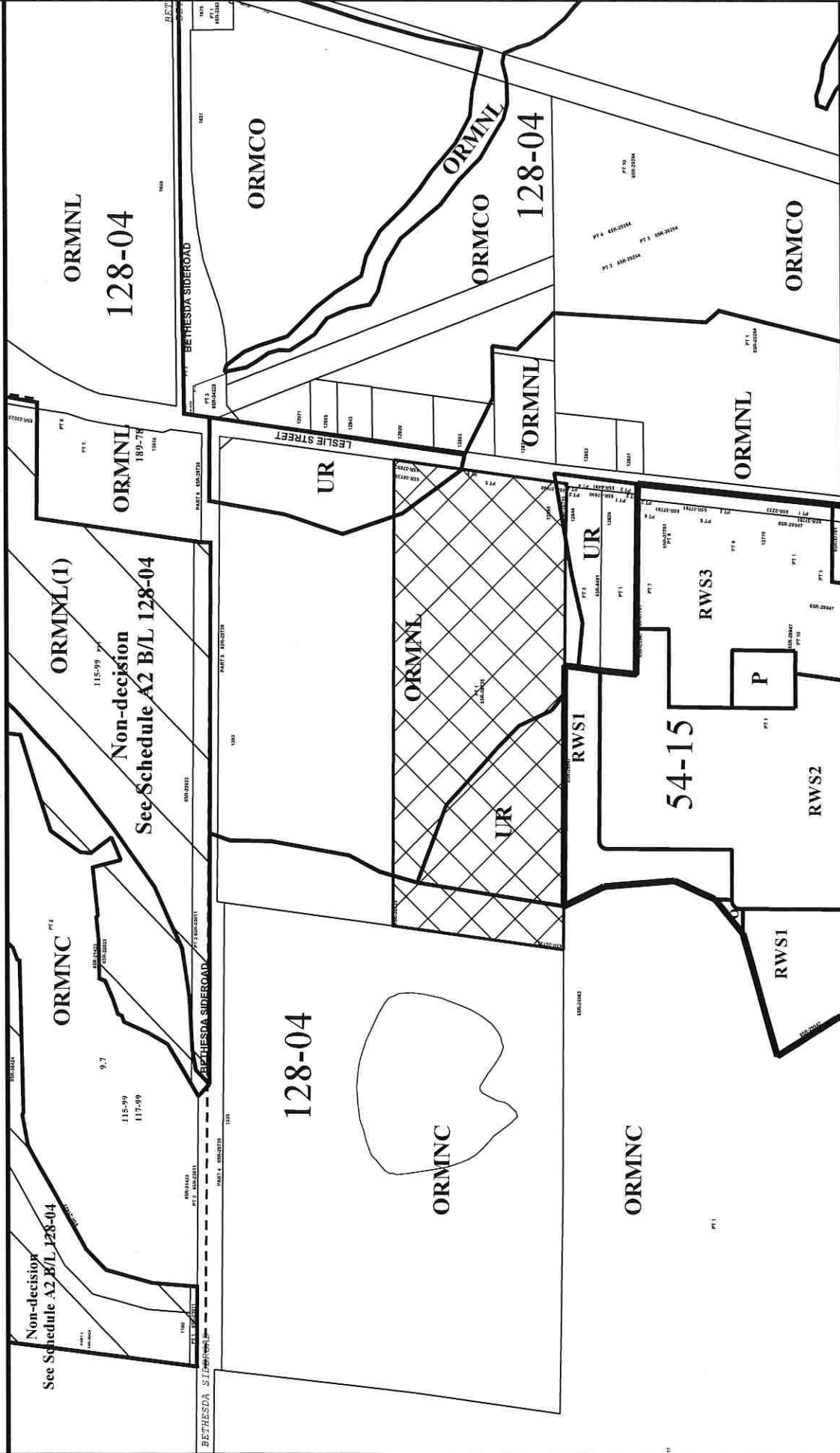
91. The Town of Richmond Hill shall advise that Conditions 1-50 inclusive have been satisfied; the clearance letter shall contain a brief statement detailing how each condition has been met.
92. The Regional Corporate Services Department shall advise that Conditions 51-74 inclusive have been satisfied; the clearance letter shall contain a brief statement detailing how each condition has been met.
93. The Toronto and Region Conservation Authority shall advise that Conditions 75-88 inclusive have been satisfied; the clearance letter shall contain a brief statement detailing how each condition has been met.
94. The Ministry Culture shall advise that Conditions 89 and 90 have been satisfied; the clearance letter shall contain a brief statement detailing how each condition has been met.

NOTE: Where final approval for registration has not been given within three (3) years after the date upon which approval to the proposed Plan of Subdivision was given, The Town of Richmond Hill may, in its discretion, and pursuant to the *Planning Act*, R.S.O. 1990, withdraw its approval to this proposed Plan of Subdivision, unless approval has been sooner withdrawn, but The Town of Richmond Hill may from time to time extend the duration of the approval.

SUBJECT LAND

**TOWN OF RICHMOND HILL
PLANNING AND REGULATORY
SERVICES DEPARTMENT**

MAP 2 - EXISTING ZONING



FILE NOS. D02-16027
D03-16009



BLOCK 06

TOWN OF RICHMOND HILL
PLANNING AND REGULATORY
SERVICES DEPARTMENT

 SUBJECT LANDS

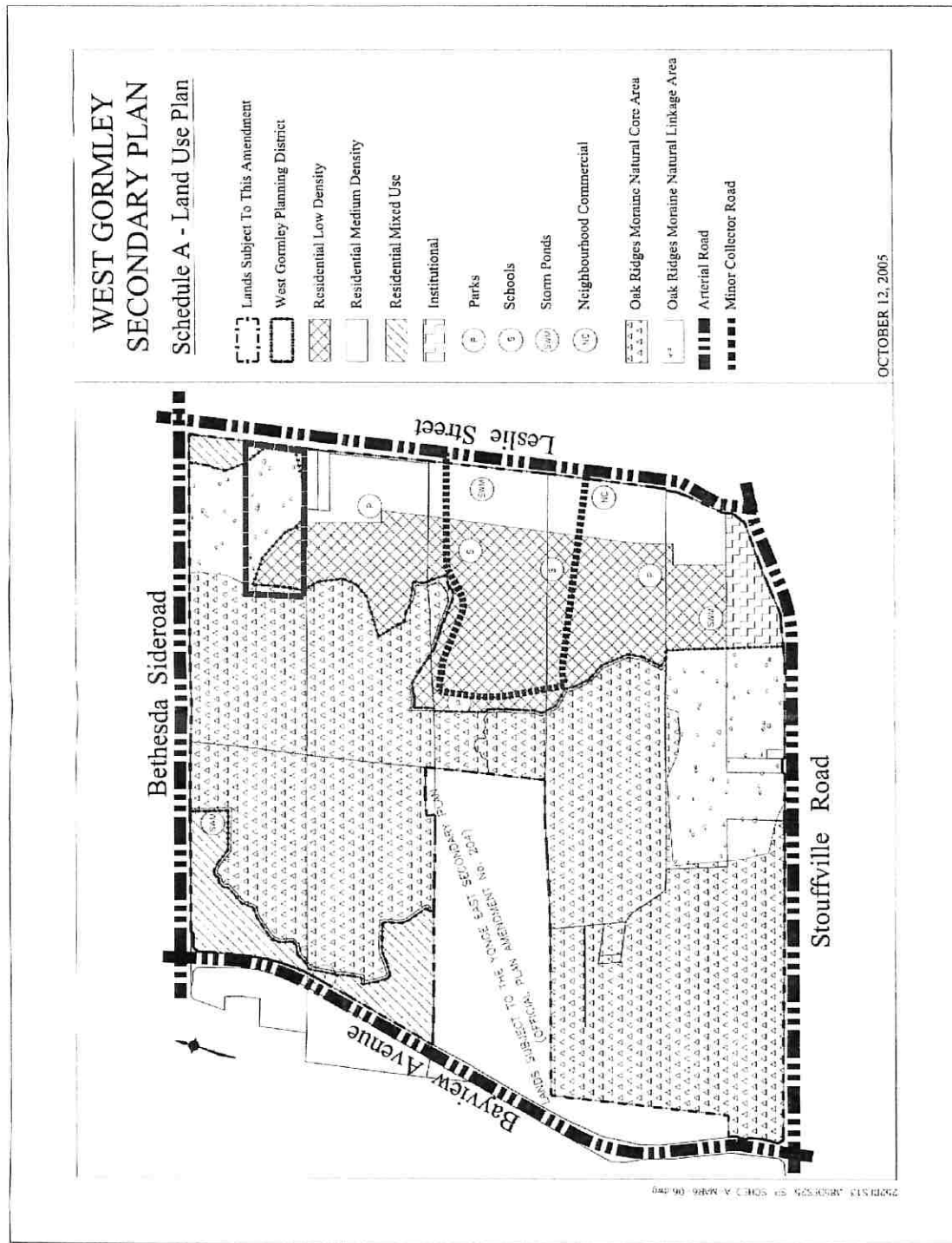
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MAP 3 - WEST GORMLEY SECONDARY PLAN - SCHEDULE A - LAND USE PLAN

JULY 2010

8-20

RICHMOND HILL OFFICIAL PLAN



File Nos. D02-16027
D03-16009

Block 06

TOWN OF RICHMOND HILL
PLANNING AND REGULATORY
SERVICES DEPARTMENT

Subject Lands

DB/SS DA.18.044

MAP 4 - WEST GORMLEY DEVELOPMENT CONCEPT

APPENDIX 1 TO THE WEST
GORMLEY SECONDARY PLAN

DEVELOPMENT CONCEPT

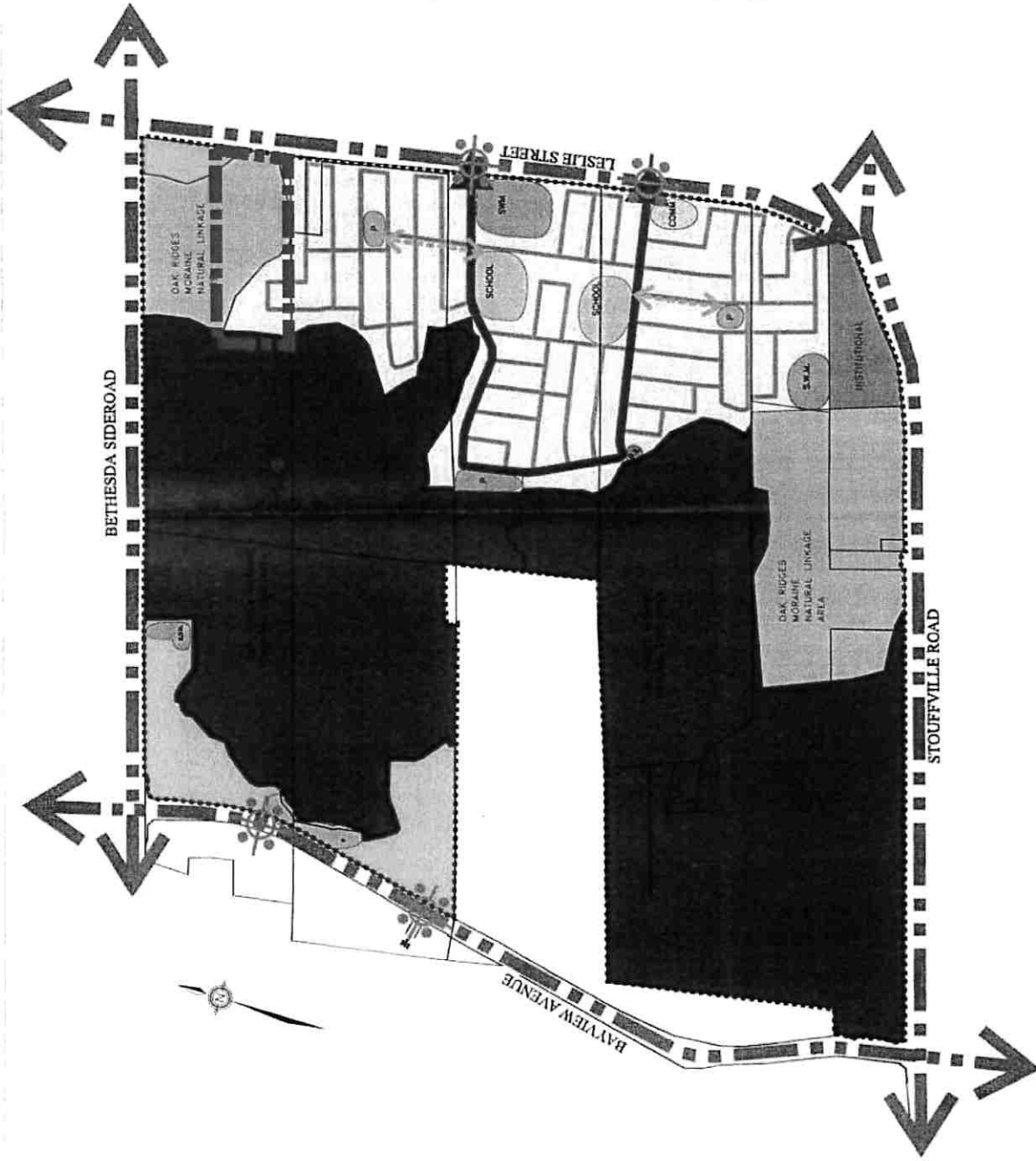
LEGEND

- SUBJECT LANDS
- ARTERIAL ROAD
- MINOR COLLECTOR ROAD
- LOCAL ROAD (CONCEPTUAL)
- PEDESTRIAN PARK/SCHOOL CONNECTOR
- POTENTIAL SIGNALIZED INTERSECTION

LAND USE

- LOW/MEDIUM DENSITY RESIDENTIAL
- RESIDENTIAL MIXED USE
- COMMERCIAL
- SCHOOL
- INSTITUTIONAL
- PARK
- OPEN SPACE
- STORMWATER MANAGEMENT POND
- ORM NATURAL CORE AREA
- ORM NATURAL LINKAGE AREA

OCT. 12, 2005



File Nos.D02-16027
D03-16009

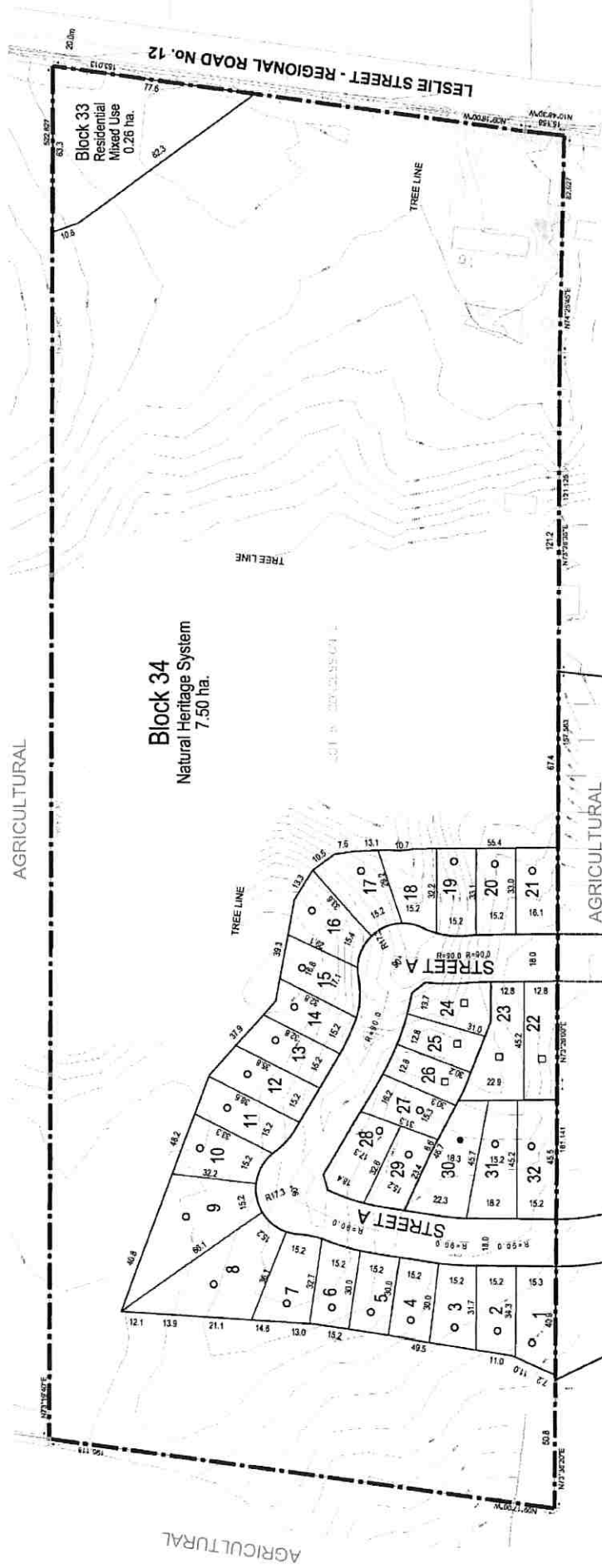
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**TOWN OF RICHMOND HILL
PLANNING AND REGULATORY
SERVICES DEPARTMENT**

SUBJECT AREAS

DB/SS DA.18.044

MAP 5 - ORIGINAL DRAFT PLAN OF SUBDIVISION



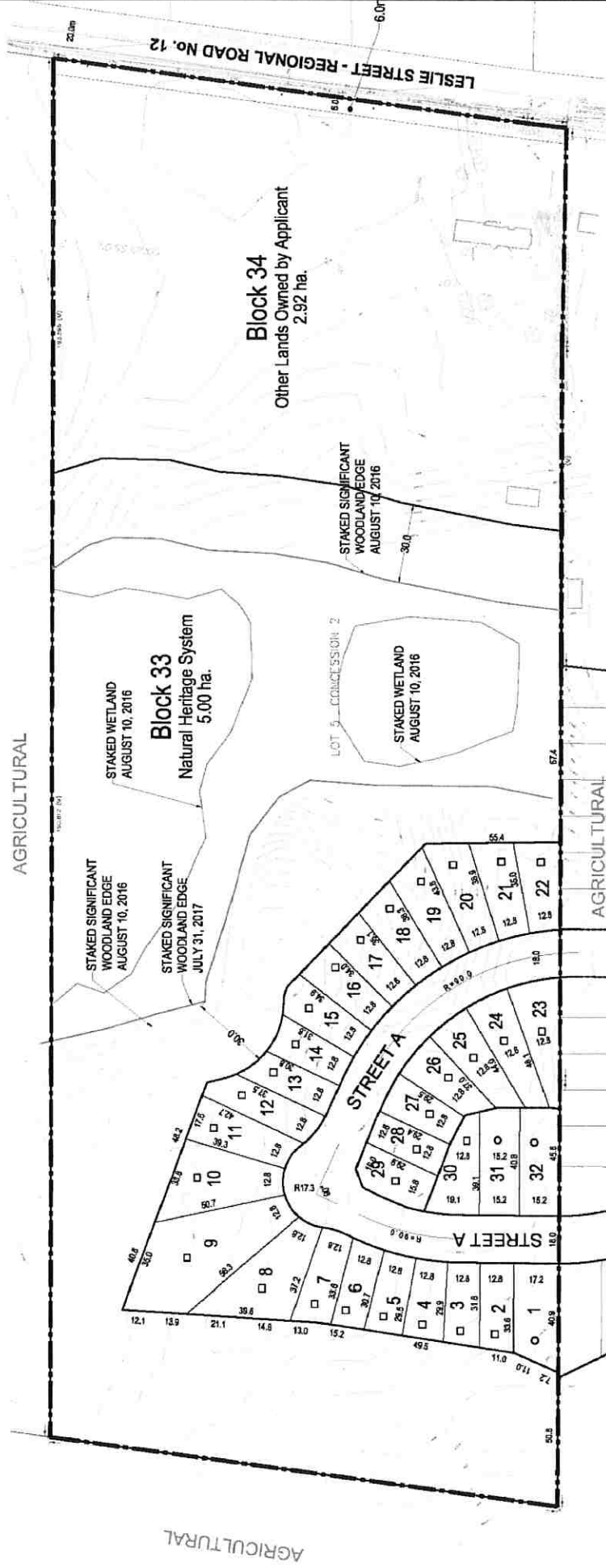
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File Nos. D02-16027
D03-16009

**TOWN OF RICHMOND HILL
PLANNING AND REGULATORY
SERVICES DEPARTMENT**

DB/SS DA.18.044

MAP 6 - REVISED DRAFT PLAN OF SUBDIVISION



Block 06

File Nos. D02-16027
D03-16009

**TOWN OF RICHMOND HILL
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SERVICES DEPARTMENT**

DB/SS DA.18.044