

## Attachment #11

### Conditions of Draft Plan – Subdivision Approval

#### DEV-23-23 (Z-07-23, SW-2023-02)

1. The Subdivider shall prepare the final plan and shall include a land use table on the basis of the approved draft plan of Subdivision, prepared by Miller Planning Services, identified as project 780 Garden Street, dated December 22, 2022, which illustrates 3 blocks.
2. The Subdivider shall name road allowances included in this draft plan to the satisfaction of the Region of Durham and the Town of Whitby.
3. The Subdivider shall submit plans showing the proposed phasing to the Region for review and approval, if this subdivision is to be developed by more than one registration.
4. The Subdivider shall grant to the Region, any easements required to provide Regional services for this development. The easements shall be in locations and of such widths as determined by the Region.
5. The Subdivider shall provide for the extension of such sanitary sewer and water supply facilities which are external to, as well as within, the limits of this plan that are required to service this plan. In addition, the Subdivider shall provide for the extension of sanitary sewer and water supply facilities within the limits of the plan which are required to service other developments external to this subdivision. Such sanitary sewer and water supply facilities are to be designed and constructed according to the standards and requirements of the Region of Durham. All arrangements, financial and otherwise, for said extensions are to be made to the satisfaction of the Region of Durham, and are to be completed prior to final approval of this plan.
6. Prior to entering into a Subdivision Agreement, the Region of Durham shall be satisfied that adequate water pollution control plant and water supply plant capacities are available to the proposed subdivision.
7. The Subdivider shall satisfy all requirements, financial and otherwise, of the Region of Durham. This shall include among other matters, the execution of a Subdivision Agreement between the Subdivider and the Region concerning the provision and installation of sanitary sewers, water supply, roads and other Regional services.

8. The Subdivider shall convey to the Region, free and clear of all encumbrances, sight triangle at Manning Road and Garden Street shown as Blocks 3 on the Draft Plan.
9. The Subdivider shall carry out an archaeological assessment of the subject property and mitigation and/or salvage excavation of any significant heritage resources to the satisfaction of the Ministry of Tourism, Culture, and Sport. No grading or other soil disturbance shall take place on the subject property prior to a letter of clearance from the Ministry of Tourism, Culture and Sport.
10. Prior to the finalization of this plan of Subdivision, the Subdivider must provide satisfactory evidence to the Region of Durham in accordance with the Region's Soil and Groundwater Assessment Protocol to address site contamination matters. Such evidence may include the completion of a Regional Reliance Letter and Certificate of Insurance. Depending on the nature of the proposal or the findings of any Record of Site Condition (RSC) Compliant Phase One Environmental Site Assessment (ESA), an RSC Compliant Phase Two ESA may also be required. The findings of the Phase Two ESA could also necessitate the requirement for an RSC through the Ministry of the Environment, Conservation and Parks, accompanied by any additional supporting information.
11. The Subdivider shall agree in the Town of Whitby Subdivision Agreement to implement the recommendation of the report, entitled "Environmental Noise Assessment" prepared by YCA Engineering dated July 2022, which specifies noise attenuation measures for the development. The measures shall be included in the Subdivision Agreement and must also contain a full and complete reference to the noise report (i.e. author, title, date and any revisions/addenda) and shall include warning clauses identified in the study.
12. That prior to any on-site grading or construction or final approval of the plan, the Subdivider shall submit to, and obtain approval from the Town of Whitby and the Conservation Authority for reports describing the following:
  - a. The intended means of conveying stormwater flow from the site, including use of stormwater techniques which are appropriate and in accordance with provincial guidelines; The stormwater management facilities must be designed and implemented in accordance with the recommendations of the Lynde Creek Master Drainage Study.
  - b. The intended means whereby erosion and sedimentation and their effects will be minimized on the site during and after construction, in accordance with provincial guidelines. The report must outline all actions to be taken to prevent an increase in the concentration of solids in any water body as a result of on-site, or other related works.

- c. The intended means to install, access, maintain and monitor any proposed Low Impact Development (LID) measures as part of this development.
13. The Subdivider shall satisfy all financial requirements of the Central Lake Ontario Conservation Authority.
14. The subdivision agreement between the Owner and the Town of Whitby shall contain, among other matters, the following provisions:
  - a. The Subdivider agrees to carry out the works referred to in Condition 12 to the satisfaction of the Central Lake Ontario Conservation Authority.
  - b. The Subdivider agrees to maintain all stormwater management and erosion and sedimentation control structures operating and in good repair during the construction period, in a manner satisfactory to the Central Lake Ontario Conservation Authority.
  - c. In order to expedite clearance of Condition 14 a copy of the fully executed subdivision agreement between the area municipality and the owner should be submitted to the Authority.
15. The Subdivider shall convey the following to the Town:
  - a. Block 3 for road widening on Garden Street.
16. That an easement shall be registered on Block 2 to permit both vehicular and pedestrian easement to Block 1 through future land division applications.
17. The Subdivider shall be responsible for concrete sidewalk and/or multi-use path installation in the following locations:
  - a. 1.8m-wide concrete sidewalk along the frontage of Manning Road including the diagonal section adjacent to the sight triangle. Further review and consideration of sidewalk placement is required and will be addressed through detail design / engineering.
18. The Subdivider shall be responsible for maintaining the existing Town roads in an acceptable condition throughout the duration of construction. The Subdivider may be required to provide the Town with securities to ensure roads are maintained to the Town's satisfaction. This is to be reviewed further when information regarding the timing of the townhouse construction.
19. Construction access shall be limited to Garden Street.
20. The Subdivider shall implement all recommended noise control measures identified in the Environmental Noise Assessment report and revise the plan as

required to accommodate recommended noise control measures prior to registration.

21. All non-regulatory fencing shall be installed wholly on private property and all operation and maintenance of said fencing shall be the responsibility of the private property owners.
22. All black vinyl chain link fences to delineate Town blocks, and open spaces from private property shall be designed and constructed in accordance with the relevant engineering standards.
23. All community mailboxes for the private developments shall be located within private properties.
24. The Subdivider shall provide a detailed engineering submission in accordance with Sections A2.00 and A3.00 of the Town of Whitby's Engineering Design Criteria. The engineering drawings must be set up as per the Town's CAD layering standards and object data requirements set out in Appendix A of the Design Criteria. The engineering drawings will not be accepted until it is confirmed that the drawing set-up conforms to this requirement. See Section J of Town of Whitby Design Criteria for Site Plan submission requirements.
25. The Subdivider shall confirm the details of all existing above and below grade infrastructure relevant to the proposed design. Existing details shall be confirmed in the field by a method determined by the Subdivider's consulting engineer in consultation with the Town. Acceptable methods include, but are not limited to, topographical surveys, locates, measure downs, sub-surface utility engineering (SUE) investigation Quality Level A (QL-A), also referred to as daylighting, to determine horizontal and vertical location. The Subdivider further acknowledges that any as-built information provided by the Town is for informational purposes only.
26. The Subdivider shall be responsible for all hydro poles, luminaries and hydro requirements for this proposed subdivision and shall enter into a separate agreement with Elexicon accordingly.
27. Any concerns raised through future re-submissions of the geotechnical and hydrogeotechnical reports for the site shall be addressed by the Subdivider to the satisfaction of the Engineering Services. This includes, but is not limited to, long term slope stability, confirmation of design parameters and preliminary layout for LID measures (proposed infiltration trenches), proposed stormwater management pond elevations relative to groundwater levels and the need / thickness of the impervious membrane or synthetic clay lining, foundation

construction requirements and recommended measures for Best Management Practices for municipal servicing construction. The plan must reflect changes required in this regard prior to registration.

28. The Subdivider shall implement a pre-construction survey/assessment, including a vibration monitoring program within the vibration zone of Influence (ZOI), on any adjacent buildings/structures/properties that may be affected by the construction activity, prior to commencing construction. The assessment shall be completed by a qualified person (QP) to the satisfaction of the Town and shall be provided to the Town prior to construction. Any waiving of this requirement shall be at the sole discretion of the Director of Engineering of the Town of Whitby.
29. The Subdivider shall provide the Town with a deposit for any necessary peer review costs with the amount to be determined at time of first peer review. The Town will administer payments to any Peer Review Consultant(s) and provide milestone billings back to the Subdivider. The Town may request additional deposits for the Peer Review funds if required. At the time of issuance of full engineering approvals, any remaining deposit will be returned to the Subdivider. This condition will be superseded at such time as the Town has a Peer Review By-law in place.
30. The Subdivider shall agree to implement the recommendations of all reports submitted in support of the application.
31. The Subdivider shall be responsible for satisfying any additional requirements identified by the Engineering Services not specifically listed above.
32. The Subdivider shall submit a land appraisal to the Planning and Development Department for review and approval to determine the Parkland Dedication / Cash-in-Lieu of the subject land. Please note that the calculation for the Parkland Dedication / Cash-in-Lieu will be for the new residential units only. The land appraisal is required at the cost of the Subdivider and will remain current for a maximum period of one (1) year. The land appraisal for the Parkland Dedication / Cash-in-Lieu shall be submitted for review and approval at the Site Plan Application stage.
33. The Subdivider shall consult with Canada Post to determine suitable permanent locations for Community Mail Boxes. The Subdivider will indicate these locations on the appropriate servicing plans.
34. That the Subdivider enter into a Subdivision Agreement for the subdivision, and a future Site Plan Agreement for each block with the Municipality and be

responsible for the fees associated with the preparation and registration of the Agreement, including any review required by Legal Services.

- 35. The required noise mitigation measures and warning clauses shall be included in the Subdivision Agreement and future Site Plan Agreements.
- 36. The Subdivider shall provide a tree preservation plan and install protective fencing in advance of any on-site grading works.
- 37. Through the Site Plan Agreement, the Subdivider shall complete the Whitby Green Standard performance measures as part of the construction of the approved development as detailed in Sustainability Rationale Report submitted by the proponent.
- 38. That the new home construction be designed to meet the Energy Star standards or equivalent.
- 39. The Subdivider shall prepare and implement the following reports and plans in accordance with the applicable guidelines to the satisfaction of the agencies noted:

Report	Town	Region	CLOCA
Functional Servicing and Stormwater Management Report	Yes	Yes	Yes
Geotechnical Investigation	Yes	-	Yes
Hydrogeological Study	Yes	-	Yes
Noise Impact Study	Yes	Yes	-
Phase One Environmental Site Assessment	-	Yes	-
Archaeological Assessment	-	Yes	-
Sustainability Report	Yes	-	-
Transportation Impact Study	Yes	-	-

- 40. The Subdivider shall satisfy all requirements, financial and otherwise, of the Town of Whitby, including among other matters, the execution of a subdivision agreement between the Subdivider and the Town of Whitby concerning the provision and installation of services, drainage and other local services.
- 41. Prior to final approval of this plan for registration, the Town of Whitby shall be advised in writing by:

- a) The Regional Municipality of Durham, how conditions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 have been satisfied.

b) The Central Lake Ontario Conservation Authority, how conditions 12, 13, and 14 have been satisfied.

Note

Please be advised that the approval of this draft plan will lapse three (3) years after the date the plan is draft approved. The approval may be extended pursuant to Section 51(33) of the Planning Act, but no extension can be granted once the approval has lapsed.

If final approval is not given to this plan within three (3) years of the draft approval date, and no extensions have been granted, draft approval will lapse under 51 (32) of the Planning Act, RSO, 1990, as amended. If the owner wishes to request an extension to the draft approval, a written request and explanation must be received by the Commissioner of Planning and Development 120 days prior to the lapsing date. A processing fee in effect at the time of request, shall apply.