

Attachment #4

Conditions of Draft Plan Approval

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 Candevcon Limited, identified as project number E16008, dated July 2016, which illustrates eight lots for single detached residential dwellings and a road, Street 'A'.
2. The Subdivider shall submit plans showing the proposed phasing to the Region of Durham and the Town of Whitby for review and approval if this subdivision is to be developed by more than one registration.
3. The Subdivider shall grant such easements as may be required for utilities, drainage and servicing purposes to the appropriate authorities.
4. The test well "TW1" must be properly abandoned in accordance with the requirements of the Ministry of the Environment, Conservation and Parks Regulation 903 and a copy of the Well Water Record must be provided to the Region of Durham Health Department. These requirements are to be included in a Subdivision Agreement between the Subdivider and the Town of Whitby, to the satisfaction of the Region of Durham.
5. The dug well (no 4606413) on the adjoining lands owned by the proponent must be abandoned in accordance with the requirements of the Ministry of the Environment, Conservation and Parks Regulation 903 and a copy of the Well Water Record must be provided to the Region of Durham Health Department. These requirements are to be included in a Subdivision Agreement between the Subdivider and the Town of Whitby, to the satisfaction of the Region of Durham.
6. That prior to final approval of the plan, 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 private sewage disposal systems and drilled wells, roads and other Regional services, including:
 - a) The Subdivider at its "cost" shall make arrangements to obtain all required approvals and to have constructed in accordance with the Ontario Building Code and the Ministry of the Environment, Conservation and Parks, complete in every detail, the following private services (hereinafter referred to as the "private services"): a) Sewage systems; b) Drilled wells;
 - b) The private services shall be installed in accordance with the Region's requirements and all such installations will be made throughout in a good workmanlike manner;

- c) The Subdivider shall register a restriction, in a form satisfactory to the Regional Solicitor, on the title of the Lands under Section 118(1) of the Land Titles Act immediately after the registration of the Plan. This restriction shall prevent the transfer of any of the lands and shall be removed from title only with the consent of the Region, such consent to be given upon the following terms and conditions:
 - i) Provided the Region is satisfied that the transfer is from the Subdivider to another subdivider and/or developer and a new restriction is being registered; or
 - ii) The Subdivider has provided a water well record to the Region, which validates that a drilled well has been constructed on the lot for which the consent is sought; or
 - iii) A Letter of Credit in the amount of \$15,000 has been deposited with the Region for each lot for which the consent is sought.
 - d) The Letter of Credit shall be kept in good standing until the Subdivider has provided the Region with certification, in a form satisfactory to the Region, that validates the drilled wells have been constructed. As drilled wells are constructed on individual lots, the Region will authorize the release of the Letter of Credit accordingly;
 - e) In the event that the Subdivider defaults in the installation of the drilled wells as set out herein, the Region may, without further notice to the Subdivider, proceed to draw upon the Letter of Credit to remedy such default;
 - f) The Subdivider agrees that the employees or agents of the Region may enter upon the Lands at any time, for the purpose of inspection, repair or completion of the private services. Such entry shall not be deemed an acceptance of any of the private services by the Region, nor an assumption by the Region of any liability in connection therewith nor a release of the Subdivider from any of its obligations under this agreement.
7. The Subdivider shall satisfy all requirements, financial and otherwise, of the Region of Durham and the Town of Whitby. This shall include, among other matters, the execution of a Subdivision Agreement between the Subdivider and the Town of Whitby concerning the provision and installation of subsurface sewage disposal systems, drilled wells, roads and other local services, including:
- a) The Subdivider agrees that prior to the issuance of a Building Permit, a drilled well shall be installed on each lot by a well driller licensed by the Ministry of the Environment, Conservation and Parks;

- b) The Subdivider agrees to strictly adhere to the site servicing plan as submitted by Gunnell Engineering Ltd. and titled "Overall Site Plan Preliminary Sewage System Layouts" dated April 18, 2019;
 - c) The Subdivider agrees to retain a qualified professional engineer to design the private sewage systems. The professional engineer shall complete and provide the design of individual private sewage systems for each lot to the Regional Health Department for approval in accordance with the Ontario Building Code;
 - d) The Subdivider agrees that the professional engineer shall conduct on-site soil tests on the primary sewage system area to determine the permeability of the soil and the elevation of the high ground water table. The professional engineer shall provide a soil analysis describing grain size, soil classification, coefficient of permeability and estimated time (in min/cm) to the Regional Health Department for review and approval;
 - e) The Subdivider agrees that the Subdivider's engineer shall site-supervise all stages of construction of the private sewage systems and upon completion, shall provide in writing to the Regional Health Department a letter stating that the sewage system was installed as per the design and the Ontario Building Code.
8. 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:
 - i) the use of stormwater techniques which are appropriate and in accordance with provincial guidelines
 - ii) the recommendations of the Lynde Creek Master Drainage Study as approved by the Central Lake Ontario Conservation Authority for the design of any stormwater management facilities
 - b) the 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.
9. The Subdivider shall satisfy all financial requirements of the Central Lake Ontario Conservation Authority. This shall include Application Processing Fees and Technical Review Fees owing as per the approved Authority Fee Schedule.

10. The subdivision agreement between the Subdivider 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 8 to the satisfaction of the Central Lake Ontario Conservation Authority.
 - b) The Subdivider agrees to maintain all storm water 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) The Subdivider agrees to advise the Central Lake Ontario Conservation Authority 48 hours prior to commencement of grading or the initiation of any on-site works.

In order to expedite clearance of condition No.10 a copy of the fully executed subdivision agreement between the Town of Whitby and the Subdivider should, be submitted to the Authority.

11. The Subdivider shall be responsible for design and construction to the Towns' standards of the 20 metre right-of-way public road leading into the proposed development, including all required utilities, from the existing Wilson House Drive to the west limit of the proposed development.
12. The Subdivider shall be responsible for providing a stormwater easement on Lot #5, south of the proposed Street 'A' and along the west limit of the proposed development to the Town. The easement shall be sized to the Town's satisfaction.
13. All non-regulatory fencing and acoustic barriers shall be installed wholly on private property and all operation and maintenance of said fencing shall be the responsibility of the private property owners.
14. The Subdivider shall provide Geotechnical and Hydrogeological information in support of the proposed stormwater management strategy that may include infiltration trenches, open bottom storage and perforated storage pipes.
15. The Subdivider shall provide the Town with a deposit (amount to be determined at time of first peer review) for all peer review costs. The Town will administer payments to the 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.
16. Construction access shall be off Wilson House Drive.
17. The Subdivider shall be responsible for adjustment and reconstruction of all existing private driveways that may be affected by the development related construction works.

18. The Subdivider will be responsible for providing a Construction/Traffic Management Plan. The Subdivider shall designate a temporary area onsite for the purpose of construction staff parking and the storage of construction materials and equipment. The parking of vehicles or the storage of construction materials on any adjacent public road allowance is not permitted. As a part of Construction Management Plan proposal any proposed construction access through the existing residential areas shall be specifically approved by the Public Works Department.
19. Prior to commencement of any earthworks, as a part of erosion control plan/strategy, the Subdivider will be responsible for providing a comprehensive dust mitigation plan covering all stages of earthworks and construction.
20. The Subdivider will be responsible for all hydro poles, luminaries and hydro requirements for this proposed subdivision and shall enter into a separate agreement with Elexicon Energy Inc. accordingly.
21. The Subdivider will provide the Town with a full street lighting design, complying with the latest version of the RP-8 Roadway Lighting Design standard, for the Town's review and approval. Street lighting shall utilize LED technology as per Town specifications.
22. The Subdivider shall provide the Town with a full electrical design (primary, secondary and streetlight) for this development. All aspects of the secondary electrical design and street light design will be peer reviewed by the Town. The Subdivider will be financially responsible for the peer review cost including a 15% administrative fee (as per Town bylaw #7220-17).
23. The Subdivider shall prepare and submit a separate Stormwater Management Report at the detailed design stage to the satisfaction of the Town.
24. The Subdivider shall remove all existing buildings and structures from the proposed subdivision lands prior to any works commencing ,on site.
25. Any concerns raised through future re-submissions of any reports related to this development shall be addressed (including plan changes, if required) by the Subdivider to the satisfaction of the Public Works Department.
26. The Subdivider shall agree to implement the recommendations of the reports submitted in support of the application.
27. Grading and stormwater management design for the proposed development shall be revised at the detailed design stage to address Public Works requirements/engineering comments
28. The Subdivider shall be responsible to enter into a separate agreement(s) with benefitting parties, to which the Town is not a party, to address cost sharing for

external services and/or the oversizing of services should such oversizing be required.

29. The Subdivider shall provide a copy of the approved lot grading siting to each lot purchaser prior to closing.
30. The Subdivider shall be responsible for satisfying any additional requirements identified by the Public Works Department, not specifically listed above.
31. That the Subdivider provide cash-in-lieu of parkland dedication at 5% of the land area, which is consistent with the Town's Official Plan policy 4.9.4.3.a) and the Department's standard practice. In the alternative, should the draft plan of subdivision be approved after such date as the relevant provisions of the "More Homes, More Choice Act, 2019, S.O. 2019, c. 9 - Bill 108" take effect regarding cash-in-lieu of parkland and community benefits charges, then the Subdivider shall provide the equivalent amount of cash-in-lieu of parkland through the Town's Community Benefits Charge By-law as permitted by the Planning Act and its regulations.
32. 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/Stormwater Management Report/Grading Plan	Yes	Yes	Yes
Hydrogeological Report	Yes	-	Yes
Noise Report	Yes	Yes	-
Environmental Impact Study/Natural Heritage Evaluation	-	-	Yes
Geotechnical Report	Yes	-	-

33. That the Subdivider provide a Firebreak Lot Plan to the satisfaction of the Whitby Fire and Emergency Services Department.
34. That the new home construction be designed to meet the Energy' Star standards or equivalent.
35. The architectural review for the Plan of Subdivision will be administered by the Planning and Development Department, wherein, the Subdivider will be responsible for the fees incurred by the Town based on a hourly fee in accordance with the fees by-law.

36. 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 2, 3, 4, 5, 6 and 7 have been satisfied; and,
 - b) The Central Lake Ontario Conservation Authority how Conditions 8, 9 and 10 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.