

## Attachment #13

### Conditions of Draft Plan of Subdivision Approval

1. The Subdivider shall prepare the final plan on the basis of the approved draft plan of subdivision, prepared by The Biglieri Group Ltd., identified as Project No.: 23046, dated September 19, 2024, which shows 2 employment blocks, 2 open space blocks, 3 road widening blocks, and a block for a private access road.
2. The Subdivider shall submit plans showing the proposed phasing to the Region of Durham for review and approval, if this subdivision is to be developed by more than one registration.
3. The Subdivider shall grant to the Region of Durham, 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.
4. 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.
5. Prior to entering into a Regional 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.
6. 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.
7. 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 based on stormwater techniques which are appropriate and in accordance with provincial guidelines.
  - b. The intended means to maintain appropriate water balance for the subject lands and to the adjacent hydrologic features as part of this development. This includes agreeing to an appropriate predevelopment infiltration condition and providing effective post development infiltration techniques to match this target.

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- c. The intended means to design, install, access, maintain and monitor any proposed Low Impact Development (LID) measures as part of this development.
  - d. 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 suspended solids in any water because of on-site, or other related works.
8. The Subdivider agrees that Compensation Planting Plans and Wetland Plans will be provided and approved by the Town and Central Lake Ontario Conservation Authority for the proposed wetland removals.
9. That the Subdivider shall agree to install all approved planting and restoration plans identified within the Compensation Planting Plans and Wetland Plans to the satisfaction of the Town of Whitby and Central Lake Ontario Conservation Authority. All planted areas will be protected with appropriate fencing to avoid any disturbance to this area during subsequent construction.
10. The Subdivider shall obtain all necessary permits from Central Lake Ontario Conservation Authority required through Ontario Regulation 41/24, or any successor regulations made under the Conservation Authorities Act.
11. 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.
12. 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 7, 8 and 9 to the satisfaction of the Central Lake Ontario Conservation Authority.
  - b. The Subdivider agrees to maintain all stormwater management and erosion and sedimentation control measures 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.

- d. To expedite clearance of Condition 12, a copy of the fully executed subdivision agreement between the area municipality and the owner should be submitted to the Authority.
13. Prior to final acceptance of the Draft Plan of Subdivision, the Functional Servicing and Stormwater Management Report must be updated to the satisfaction of Engineering Services.
14. The Subdivider acknowledges that the Wetland Compensation boundaries may change due to the Stormwater Management comments. These comments shall be addressed prior to Draft Plan approval.
15. The Subdivider shall convey the following to the Town:
  - a. Blocks 3 and 4 for open space conveyance.
  - b. Blocks 5, 6, and 7 for road widening conveyance along Conlin Road West and Garrard Road.
16. The Subdivider shall be responsible for bus transit stop installation and associated pedestrian facility connections along the frontage of the subject property at the intersection of Conlin Road and Garrard Road. The Subdivider shall coordinate with the Durham Region Transit for the exact location of the bus transit stops.
17. The Subdivider shall be responsible for maintaining the existing Town roads in an acceptable condition throughout the duration of construction and/or until such time as the Town roads are reconstructed. 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 construction of both the subdivision development and the reconstruction of the Town owned road(s) is known.
18. The Subdivider shall provide Cash-in-lieu of Parkland based on a rate of 2% of the development site area for commercial/industrial uses.
19. The Subdivider shall provide a certified land appraisal to the Town prior to executing the subdivision agreement, in order to calculate the cash-in-lieu of parkland to be paid. The land appraisal and land value will be considered valid for up to one year. If the land appraisal is older than one year, then an updated appraisal or adjustment to the land value may be requested at the discretion of the Town.
20. The Subdivider agrees to convey open space blocks 3 & 4 to the Town in a physical condition to the satisfaction of the Parks Planning and Development Department, upon registration of the plan of subdivision.
21. The Subdivider shall ensure that a Letter of Credit is provided for all the Compensation Plans including the Wetlands and Enhancement Plantings.

22. The Subdivider shall ensure prior to any site alteration, that the Restoration and Enhancement Plan is approved by the Town and Central Lake Ontario Conservation Authority.
23. The Subdivider shall provide a Tree Preservation Plan in coordination with Erosion and Silt Control fencing. Fencing is to be inspected and approved by the Town of Whitby & CLOCA in advance of any on-site grading works.
24. The Subdivider shall, in advance of any tree clearing, provide the Town with evidence of permission for proposed removals offsite and on neighbouring properties.
25. The Subdivider shall, in advance of any tree clearing, provide the Town with an appraisal for the municipal trees to be removed. Town Forestry Staff to review and confirm the appraisal.
26. The Subdivider agrees that as soon as grading works are complete and prior to registration of the subdivision, the approved Compensation Plans will be implemented and stabilized to the satisfaction of Town of Whitby & CLOCA. Given that access may be restricted once construction of the buildings begins, it is recommended that implementation occur prior to construction commencing and access to these areas be restricted.
27. The Subdivider shall ensure the success and management of the Restoration Plan is monitored for a 3-year period by the Landscape Consultant. Annual inspections with and reporting to both the Town and CLOCA is required during this period.
28. The Subdivider shall ensure that any hazardous trees along the edges of the limit of development are identified in advance and wherever adjacent to proposed development; on-site review with staff from the Town's Forestry staff (Operations) and landscape inspection (Planning) is required prior to anticipated removals and throughout the development process.
29. The Subdivider shall convey protected and undevelopable lands to the Town where, in public ownership, the lands will be protected in perpetuity. This includes all areas where proposed NHS restoration is to occur (Block 3 & 4 on the Draft Plan).
30. The Subdivider shall ensure all adjacent boulevards are urbanized, topsoiled, fine-graded, sodded and provided with buffer tree planting. Should the Road Widening process not allow timely and coordinated planting of Street Trees, Cash in lieu could be contributed to the Town for future planting.
31. 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.
32. 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.

33. 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.
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 Plan of Subdivision 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. 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	Yes
Hydrogeological Study	Yes	Yes	Yes
Noise Impact Study	Yes	Yes	-
Phase One Environmental Site Assessment	Yes	Yes	-
Archaeological Assessment	Yes	Yes	-
Sustainability Report	Yes	-	-

Transportation Impact Study	Yes	Yes	-
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39. A vehicular easement will be required to provide access to 949 Conlin Road. This easement will require land division approval and be designed to the Town's satisfaction.

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 1-6 have been satisfied.
- b. The Central Lake Ontario Conservation Authority, how conditions 7-12 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.