



## **PLANNING AND BUILDING SERVICES**

**Town of Newmarket**

395 Mulock Drive

P.O. Box 328, STN Main

Newmarket, ON L3Y 4X7

www.newmarket.ca

planning@newmarket.ca

T: 905.953.5321

F: 905.953.5140

September 11, 2014

### **DEVELOPMENT AND INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES REPORT 2014-41**

**TO:** Committee of the Whole

**SUBJECT:** **Application for Zoning Bylaw Amendment and  
Draft Plan of Subdivision 19TN 2013-003  
North side of Davis Drive between Yonge Street and Bathurst Street (Toth Farm)  
Part of Lot 96, Concession 1, WYS  
Planning File: D12 13 22 & D14 13 22  
Sundial Homes (Davis) Limited**

**ORIGIN:** Planning and Building Services

---

#### **RECOMMENDATIONS**

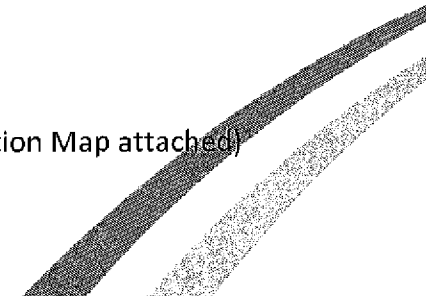
**THAT Development and Infrastructure Services/Planning and Building Services Report 2014-41 dated September 11, 2014 regarding Application for zoning bylaw Amendment and Draft Plan of Subdivision be received and the following recommendation(s) be adopted:**

- 1. THAT approval be given to Draft Plan of Subdivision 19TN-2013-003, subject to the schedule of conditions set out in Appendix "A" attached to and forming part of this Report;**
- 2. AND THAT staff be directed to prepare the necessary zoning bylaw amendment;**
- 3. AND THAT the approval for Draft Plan of Subdivision 19TN-2013-003 shall only be issued upon the execution of a "No Pre-Sales Agreement" by the Owner of the said Draft Plan with the Town of Newmarket;**
- 4. AND THAT Servicing allocation for be granted in the amount of 665 population to a maximum of 250 dwelling units.**
- 5. AND THAT Chris Matson, Matson, McConnell Ltd., 2430A Bloor Street West, Toronto, Ontario M6S 1P9 be notified of this action.**

#### **COMMENTS**

##### **Location**

Lands located on the east side of Bathurst Street, south of Davis Drive. (See Location Map attached)



## **Proposal**

An application for draft plan approval and zoning bylaw amendment has been submitted by Sundial Homes (Davis) Limited to rezone the 20.99 hectare subject lands from the Transitional (TR) zone to the Open Space (OS-1), Residential Detached Dwelling (R1), Residential Semi-Detached Dwelling (R2), Residential Townhouse Dwelling (R4) and a Residential 'Back to Back' townhouse Dwelling zone to permit a draft plan of subdivision containing 651 residential units consisting of single detached, semi-detached, on street townhouses and back to back townhouses on the subject lands. A location for a potential elementary school site has also been provided in the northeast corner of the proposed plan as requested by the York Region District School Board.

## **Statutory Public Meeting**

Council held the required statutory Public meeting on April 7, 2014 and public comments focused on the following:

Location of the proposed public elementary school site; concern with traffic management and alignment with the Secondary Plan policies; and concern relating to safe access to parks and playgrounds within the proposed development and a lack of sports fields nearby.

Public Elementary School: Positive comments were heard at the public meeting in relation to the proposed location of the school site. The York Region District School Board have requested a site within the plan for an elementary school and have provided draft plan conditions to this effect. The school site has been located in the northeast portion of the plan and has been sized to the Board's satisfaction. The detailed design of the school site will occur at such time the Board submits for site plan approval.

Traffic: In accordance with the approved Secondary Plan, a potential access to the Upper Canada Mall has been provided for on the proposed draft plan to the satisfaction of staff. This connection is intended to be realized at such time as the Mall redevelops.

Parks: In 2003, Committee of Adjustment application for Consent to Sever the Toth farm was approved to facilitate the Mattamy subdivision on the west half of the former Toth farm. At this time, 2.4 hectares of park land were dedicated to the Town to address the Planning Act parkland dedication requirements for the entirety of the Toth farm anticipating the redevelopment of the entire parcel. The applicant has met the requirement for parkland dedication under the Planning Act. While no additional parkland is proposed, as the School Board requested a site within the plan, additional recreational opportunities will be available in this location. Through the detailed engineering design, staff will ensure appropriate sidewalk and trail connections are made to both the school site and the existing parkland.

## **Official Plan Considerations**

### **2006 Official Plan**

The subject property is designated Emerging Residential in the 2006 Official Plan. Single and Semi-detached dwellings and townhomes are permitted uses in the emerging residential designation subject to the proper justification reports to the Town's satisfaction. The Official Plan indicates that the Emerging Residential designation may develop at low densities similar to the Stable Residential Areas while providing for a range of innovative and affordable housing types, zoning standards and subdivision

designs. There are 212 on street townhouse dwelling units and 324 back to back townhouse dwelling units proposed within the draft plan of subdivision which represents 80% of the total unit yield providing a significantly higher townhouse ratio than elsewhere in the Quadrant. The proposed density of this draft plan of subdivision is 31.5 units per net hectare which is above the typical 22-25 units per hectare for the existing developments in the area. While the proposed density is higher, the development has direct access to the regional road system and is in close proximity to the Town's urban centre where significantly denser development is anticipated. The supporting studies have been reviewed and accepted, indicating the road network can accommodate the traffic generated from the proposal.

The Official Plan also identifies the frontage the subject lands have on Davis Drive as well as along the mutual boundary with the Upper Canada Mall as a special Study area requiring the analysis of the interface of these boundary conditions. A potential location for combination of road access and pedestrian access to Upper Canada Mall has been provided for at the terminus of Street "C". This is consistent with the current direction of the Urban Centres Secondary Plan and is important for connecting communities. The interface along the Davis Drive frontage is proposed to be developed in a similar fashion as the Mattamy Subdivision further to the west.

The proposed rezoning and draft plan of subdivision application conforms with the purpose and intent of the Official Plan.

#### Zoning Bylaw Consideration

The Subject Property is currently zoned Transitional by Bylaw Number 2010-40, as amended. The Applicant wishes to rezone the Subject Property to the Open Space (OS-1), Residential Detached Dwelling (R1), Residential Semi-Detached Dwelling (R2), Residential Townhouse Dwelling (R4) and a Residential 'Back to Back' townhouse Dwelling zone with special provisions as they relate to lot, siting and building specifications.

#### Servicing Allocation

In an effort to support and promote the intensification of our urban centres as outlined in Provincial, Regional, and Town planning documents, and in support of the Vivanext bus rapid transit system currently under construction, it is important that the Town be in a position to assign servicing capacity to current intensification projects and to maintain a reserve, where possible, for future intensification projects. The Town's Servicing Allocation Policy is aligned with these goals, establishing the urban centres as the highest priority area for servicing allocation.

To that end, staff are recommending Council allocate for a first phase for this proposal in the amount of 665 population. This would convert to a maximum of 250 dwelling units. The proponent has committed to the requirements of the Town's servicing allocation policy.

Where Draft Plan Approval is given prior to the allocation of servicing, the Region of York require the owner to enter into an agreement with the Town that would restrict the owner from entering into agreements of purchase and sale with end users until such time as servicing has been allocated.

### Provincial Policy Statement

The Provincial Policy Statement supports improved land use planning and management, which contributes to a more effective and efficient land use planning system. The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Decisions affecting planning matters "shall be consistent" with this policy statement. The Provincial Policy Statement is intended to be read in its entirety and the relevant policies are to be applied to each situation.

The proposed draft plan of subdivision is consistent with the PPS by providing a mix of housing types within the settlement area of the Town of Newmarket that has been identified in the Official Plan for residential development.

This proposal appears to be consistent with the relevant provisions the Provincial Policy Statement (2005).

### Parkland

In 2003, Committee of Adjustment application for Consent to Sever the Toth farm was approved to facilitate the Mattamy subdivision on the west half of the former Toth farm. At this time, 2.4 hectares of park land were dedicated to the Town to address the Planning Act parkland dedication requirements for the entirety of the Toth farm anticipating the redevelopment of the entire parcel. To that end, appropriate parkland dedication has been provided for this proposed subdivision.

### Draft Plan Conditions

As a result of the circulation of the particulars of this proposal, the Planning Department has received comments from various agencies. In those instances where appropriate conditions have been recommended, they have been included in Appendix "A". The normal and usual Town of Newmarket and agency Conditions of Draft Plan approval are included in Appendix 'A' attached.

Conditions unique to this proposed development relating to traffic monitoring, financing of traffic signals, sidewalks/trails along Davis Drive and the timing for releasing lots requiring external grading are as follows:

- (1) Prior to registration of the first phase of this development the owner shall submit a Traffic Monitoring Study prepared by a qualified professional to the satisfaction of the Town of Newmarket and the Region of York. The study shall review and make recommendations regarding the current and future operation of the intersection of William Booth Avenue and Davis Drive and shall specifically review the timing for the installation of signals. It shall also make recommendations regarding ongoing monitoring of this intersection. The owner will be responsible for carrying out the ongoing monitoring to the satisfaction of the Town. The owner shall agree to install underground ducts for signals at this intersection when the intersection is initially constructed. The owner shall agree to make financial arrangements with the Region of York with respect to the cost to design and construct the signals such that the Town of Newmarket will not be responsible for any costs associated with this work.

- (2) The owner shall design a 3 metre wide asphalt trail (complete with a 1 metre recovery zone on each side of the trail) along with a 1.8 metre wide concrete sidewalk along the north side of Davis Drive. The limits shall be from the east limit of the plan of subdivision to the west side of the existing channel connecting to the existing or future trail and sidewalk as determined by the Director of Engineering Services. The owner shall be financially responsible for the cost to design and construct the trail and sidewalk.
- (3) The owner shall agree that a holding provision (H) shall be placed on the zoning of lots 71 to 91. The H will be not be removed until such time as the owner has demonstrated to the satisfaction of the Town's Director of Engineering Services that the lots can be graded in accordance with the Town's Engineering Standards.

#### Departmental and Agency Comments

The Town has received comments from various department and agencies and requested conditions of approval have been included.

#### BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

The development of this parcel of land is in accordance with the Newmarket Official Plan and has linkages to the Community Strategic Plan as follows: This application for Zoning By-Law Amendment and Draft Plan of Subdivision supports the Community Strategic Plan by being *Well*-balanced through the encouragement of an appropriate mix of lands uses and amenities, such as parks, to develop a sense of community within this subdivision; being *Well*-equipped by encouraging a variation of housing types and densities; being *Well*-planned & connected by controlling growth through a comprehensive Official Plan

#### CONSULTATION

As noted above, Council held the statutory public meeting for this proposal in accordance with the *Planning Act* on April 7, 2014.

#### BUDGET IMPACT

##### Operating Budget (Current and Future)

The appropriate planning application fees have been received for zoning bylaw amendment and draft plan of subdivision. The Town will also receive revenue from development charges and assessment revenue with the development of this subdivision.

##### Capital Budget

There is no direct capital budget impact as a result of this report.

#### CONTACT

For more information on this report, contact: Dave Ruggle, Senior Planner – Community Planning, at 905-953-5321, ext 2454; [druggle@newmarket.ca](mailto:druggle@newmarket.ca)

**Attachments**

- 1 - Location Map
- 2 - Proposed Draft Plan of Subdivision
- 3- Appendix "A" (Conditions of Draft Approval)



Commissioner, Development and  
Infrastructure Services

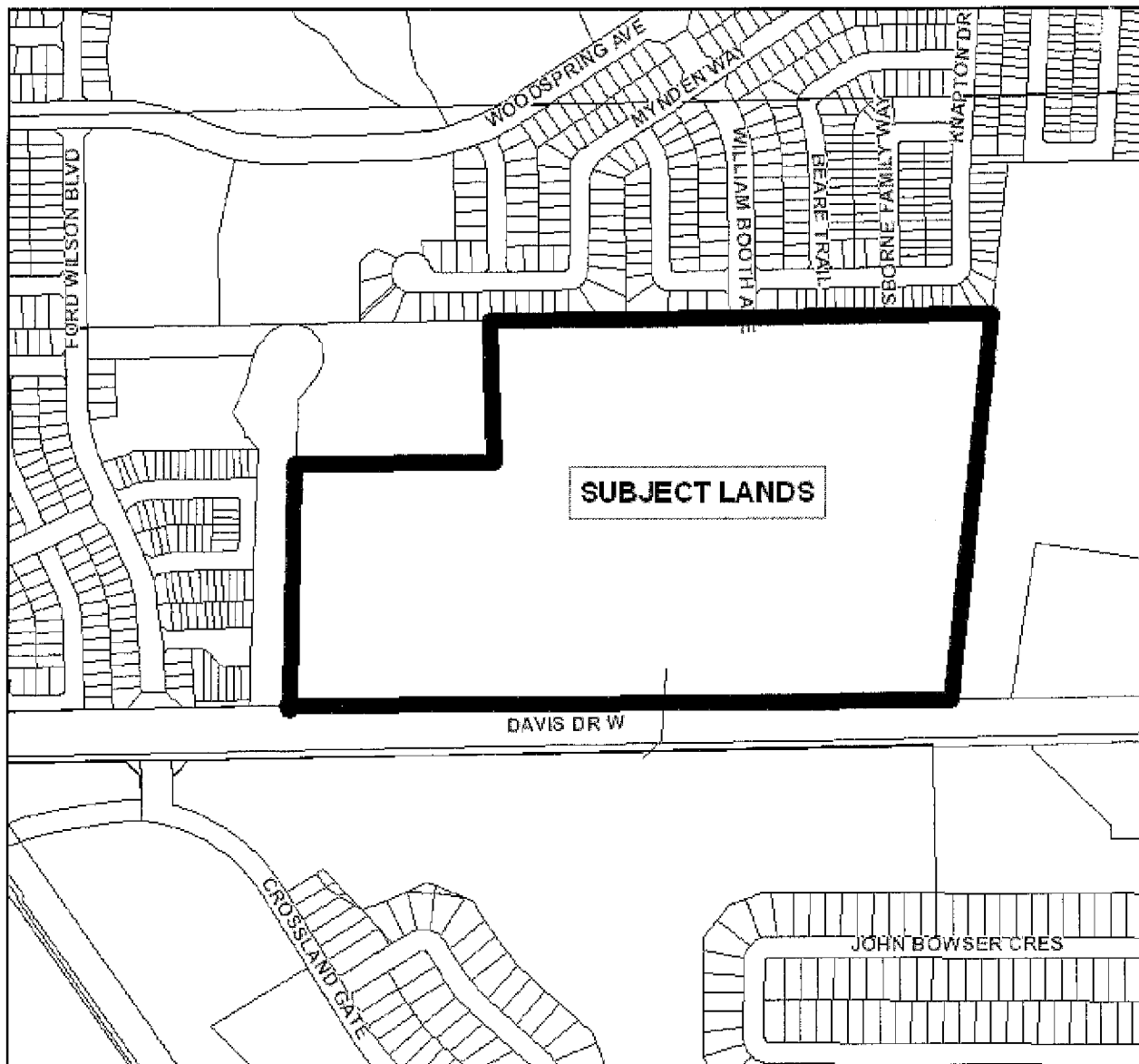


Director of Planning & Building Services



Senior Planner - Community Planning

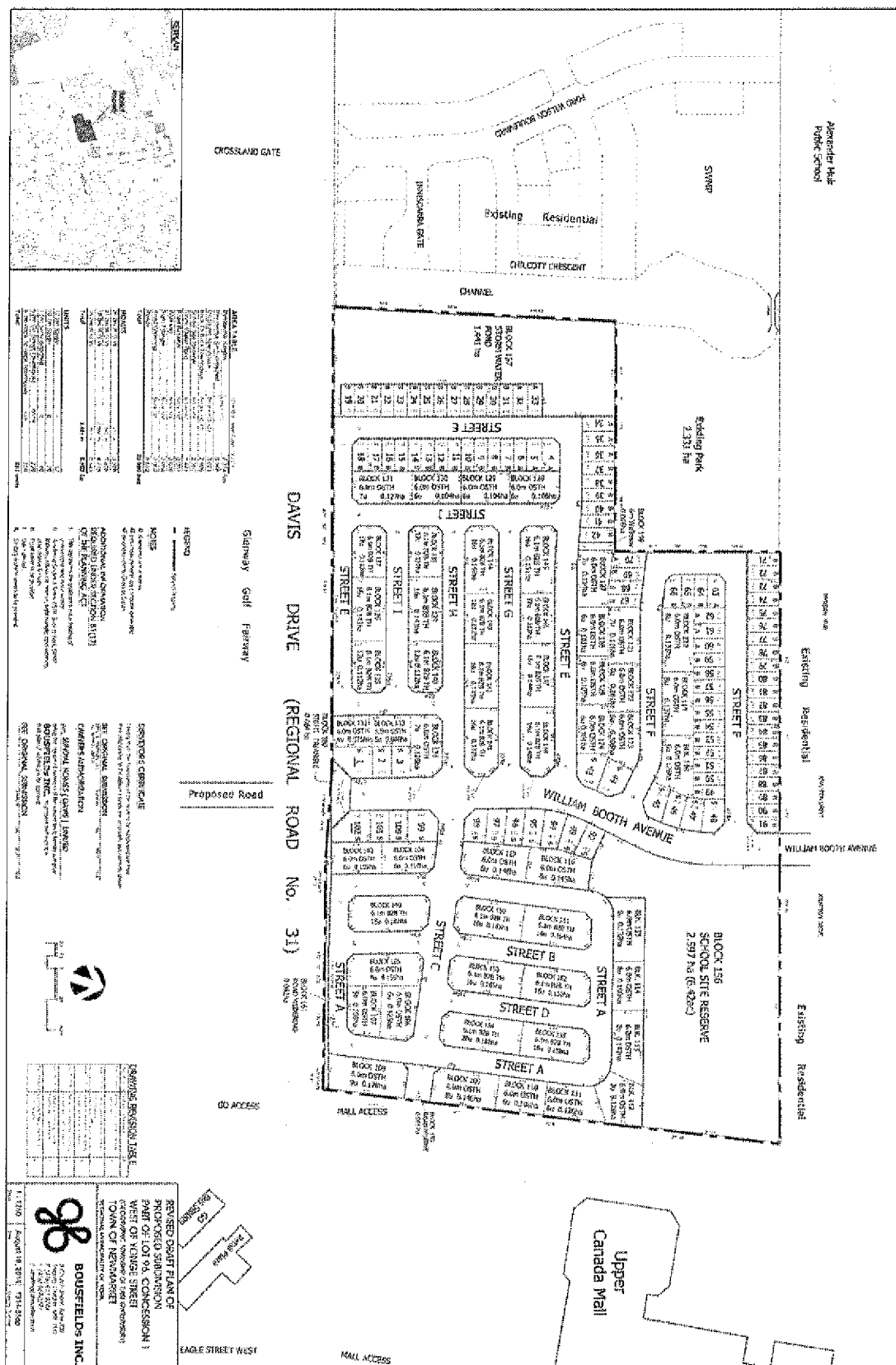
**LOCATION MAP**  
**North side of Davis Drive**  
**West of Yonge Street & East of Ford Wilson Blvd.**  
**Sundial Homes (Davis) Limited (Toth Farm)**



**TOWN OF NEWMARKET PLANNING DEPARTMENT**



Designed & Produced by: Urban Information Technology - GIS Sources: 2007 Canadian Ortho Imagery - © J.D. Barnes, Ltd. 2007 Orthophotography; Land Parcel Boundaries - © Telesat Inc. and its suppliers. All rights reserved. NOT A PLAN OF SURVEY. 2009: Municipal Boundary - Geomatics Data Inc., Planning and Development Services Department to The Regional Municipality of York, 2009.  
 DISCLAIMER: This mapping is based on the POLARIS parcel file products compiled using Land Registry System records and recent surveys and control points where available. This mapping is a representation of the land's surface and provides approximate areas and distance. It is not a substitute for a legal survey.





## APPENDIX "A"

Conditions of Draft Approval  
Plan of Subdivision 19TN 2013-003  
Sundial Homes Davis (Limited).  
Page 1

### THE CONDITIONS OF THE COUNCIL OF THE TOWN OF NEWMARKET TO BE SATISFIED PRIOR TO RELEASE FOR REGISTRATION OF PLAN OF SUBDIVISION 19TN 2013-003 ARE AS FOLLOWS:

#### General

- (1) That draft approval shall relate to the draft plan of subdivision prepared by Bousfields Inc., dated August 19, 2014 showing Lots 4 through 42 inclusive and Lots 49 through 91 for single detached units, Lots 1 through 3 inclusive, Lots 43 through 48 inclusive and Lots 92 through 102 inclusive for semi-detached units, Blocks 103 through 134 for on street townhomes, Block 135 through 155 for back to back townhomes, Block 157 for storm water management purposes, Block 158 for a Road Reserve, Block 159 for a walkway, Block 160 for a sight triangle and Block 161 for road widenings and Streets "A" through "J".
- (2) The road allowances included within this draft plan of subdivision shall be dedicated as public highways without monetary consideration and free of all encumbrances.
- (3) The road allowances included within this draft plan of subdivision shall be named to the satisfaction of the Town of Newmarket and the Regional Municipality of York.
- (4) 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 of Newmarket, without monetary consideration and free of all encumbrances, to be held by the Town of Newmarket until required for future road allowances or the development of adjacent lands.
- (5) The Owner shall enter into a subdivision agreement with the Town of Newmarket, agreeing to satisfy all conditions, financial and otherwise, of the Town of Newmarket; prior to final approval, the subdivision agreement will be registered by the Town of Newmarket against the lands to which it applies as provided for in the *Planning Act*.

## APPENDIX "A"

Conditions of Draft Approval  
Plan of Subdivision 19TN 2013-003  
Sundial Homes Davis (Limited).  
Page 2

- (6) The Owner shall agree in the Subdivision Agreement that lot geometry and street alignments and the total number of lots may have to be varied or adjusted to accommodate the Subdivision design, to the satisfaction of the Town and all other authorities having jurisdiction in the matter. The Owner shall further agree that as a result of revisions to the Plan of Subdivision it may be necessary to amend or revise the other conditions of draft approval accordingly.
- (7) Prior to final approval the Owner shall demonstrate that arrangements for the provision of external roads and municipal services have been made to the satisfaction of the Director of Engineering Services and all other authorities having jurisdiction.
- (8) The Owner shall agree in the Subdivision Agreement to make payment to the Town for all applicable Development Charges, in accordance with the Town's Development Charges By-law which is in effect at the time.
- (9) Prior to final approval, arrangements shall be made to secure permanent access to a public highway to this draft plan of subdivision by way of a dedicated, constructed and paved public roadway, to the satisfaction of the Director of Engineering Services, the Municipal Solicitor and, if applicable, the Regional Municipality of York.
- (10) 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*. The Holding provisions of Section 36 of the *Planning Act* may be used in conjunction with any zone categories to be applied to the subject lands in order to ensure that development does not occur until such time as the Holding "H" symbol is removed in accordance with the provisions of the *Planning Act*. The Zoning Bylaw Amendment shall specify the terms under which Council may consider the removal of the Holding "H" symbol, in accordance with Official Plan policy; said terms may include:
  - (i) Confirmation that there is sufficient servicing capacity to accommodate the draft plan or any phase thereof and that said servicing capacity has been allocated to the subject lands;
  - (ii) All required agreements between the Owner and the Town of Newmarket have been executed by both parties and can be registered on title;

## APPENDIX "A"

Conditions of Draft Approval  
Plan of Subdivision 19TN 2013-003  
Sundial Homes Davis (Limited).  
Page 3

- (iii) All necessary approvals have been received from all other agencies and/or government bodies;
- (iv) Represents a logical and orderly progression of development; and;

such other matters as may be deemed appropriate by the Council of the Town of Newmarket.

- (11) Such easements as may be required for public utility, servicing or drainage purposes shall be granted to the appropriate authority, without monetary consideration and free of all encumbrances.
- (12) Prior to Final Approval the Owner shall agree to prepare a Tree Preservation, Protection, Replacement and Enhancement Plan to the satisfaction and acceptance by the Town of Newmarket. The Owner shall further agree prior to Final Approval not to remove any trees without the written approval of the Director of Planning and Building Services of the Town of Newmarket, as directed by Council, and carry out or cause to be carried out the recommendations made in the said accepted Plan. In the event that a tree identified as "preserved" on the Plan is destroyed or irreparably damaged, as determined by the Town of Newmarket, as a result of construction, tree planting and/or other associated works, the Owner shall agree in the subdivision agreement to replace such a tree with one of suitable species, health and size to the satisfaction of the Town of Newmarket.
- (13) The Owner shall agree in the Subdivision Agreement that all lots or blocks to be left vacant for longer than a specified length of time, and all portions of public highways which are not paved, together with all drainage swales, shall be graded, seeded and/or sodded, and maintained to the satisfaction of the Director of Engineering Services. The Owner shall further agree in the Subdivision Agreement that the balance of lands subject to later phases of development shall be maintained in accordance with the Property Standards Policies and By-laws of the Town, and that such measures such as signage and/or fencing may be required to ensure no unauthorized dumping, filling or access in relation to the lands occurs.
- (14) Prior to final approval the Owner shall provide, to the satisfaction of the Town of Newmarket, comprehensive urban design/architectural design guidelines dealing with such matters as street furniture, streetscape,

## APPENDIX "A"

Conditions of Draft Approval  
Plan of Subdivision 19TN 2013-003  
Sundial Homes Davis (Limited).  
Page 4

boulevard planting, pedestrian linkages, bicycle paths, entrance features/enhanced boulevard treatments and architectural compatibility within the development and with adjacent development. Furthermore, the architectural design guidelines will make recommendations where three storey dwelling units abut two storey dwelling units at the rear yard.

- (15) The Owner shall agree in the subdivision agreement to establish an urban design/architectural review and implementation protocol to be carried out during the construction of the plan to the satisfaction of the Town of Newmarket
- (16) Prior to the registration of this draft plan of subdivision or any phase thereof, the Owner shall have a professional consulting engineer submit to the Town of Newmarket for review and acceptance a report or reports describing the manner in which stormwater will be conveyed from the site, including overland flow routes, storm drainage outlets and any other stormwater management techniques that may be required in accordance with the Provincial "Stormwater Quality Best Management Practices", the "Stormwater Management Practices Planning and Design Manual" and as outlined in the reports submitted in support of the draft plan application. The report shall address both water quantity and quality, particularly the impact of the proposed stormwater management techniques on the water quality of receiving waters as it relates to fish and fish habitat. In addition, the report or reports shall detail the means whereby erosion and siltation and their effect will be minimized on the lands within this draft plan of subdivision both during and after the construction period. Further, the Owner shall agree in the subdivision agreement to carry out or cause to be carried out, the recommendations and measures of the said report(s), as accepted by the Town, and 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 Town of Newmarket.
- (17) The Owner shall agree in the subdivision agreement to include a clause on all offers of purchase and sale in wording acceptable to the Town of Newmarket for any lots or blocks abutting the stormwater management facilities, the prime purpose of which is water quality and quantity control, advising of the function of the area and that the area will be left in its natural state to contribute to that function.
- (18) Prior to final approval a soils report shall be prepared, at the Owner's expense, to the satisfaction of the Town of Newmarket.

## APPENDIX "A"

Conditions of Draft Approval  
Plan of Subdivision 19TN 2013-003  
Sundial Homes Davis (Limited).  
Page 5

- (19) The Owner shall agree in the subdivision agreement to have a professional Consulting Engineer prepare an Engineering Report or Reports, to the satisfaction of the Town of Newmarket, identifying the specific means by which water distribution, sanitary drainage, including storm water management and overland flow routes, grading, roads and sidewalks will be provided, including the identification of any blocks and/or easements that will be required for municipal servicing and/or storm drainage. A water distribution analysis shall be included to confirm that flows and pressures in accordance with the Town of Newmarket Standard will be attained for all lots and blocks in this plan of subdivision. The report shall also analyse water quality and make recommendations regarding watermain sizing and looping required to ensure that potable water is available at all times once the watermain is commissioned in this subdivision. Further, the Owner shall agree in the subdivision agreement to be responsible, financially and otherwise, for the implementation of all recommendations set out in the said reports, as accepted, including any lot redesign that may be necessary, to the satisfaction of the Town of Newmarket and all other authorities having jurisdiction.
- (20) Prior to the first engineering submission the Owner shall have a Professional Consulting Traffic Engineer prepare, to the satisfaction of the Town of Newmarket and the Regional Municipality of York, a Traffic Report and Impact Study. The report shall address the internal and external traffic implications of this development, including but not limited to the functional classification and design of roadways proposed within this draft plan of subdivision and confirmation that the proposed road configuration can safely provide for vehicular, transit and pedestrian traffic. The report shall identify any external road improvements required for this subdivision, make recommendations for on-street parking locations and prohibitions, and provide an analysis of sight distances and stopping distances. The owner shall agree in the Subdivision Agreement to carry out, or cause to be carried out, the recommendations set out in the approved report, to the satisfaction of the Town.
- (21) The Owner shall agree in the subdivision agreement to have a qualified consultant prepare, to the satisfaction of the Town of Newmarket, a Noise Impact and Attenuation Study. Further, the Owner shall agree in the subdivision agreement that any noise attenuation measures including warning clauses and any noise control features, including landscaping, berming and/or screening for aesthetic purposes, which are recommended by the said approved study and as accepted by the Town, shall be implemented at the Owner's expense.

## APPENDIX "A"

Conditions of Draft Approval  
Plan of Subdivision 19TN 2013-003  
Sundial Homes Davis (Limited).  
Page 6

- (22) Prior to commencement of the construction including grading or pre-servicing of this plan or any portion thereof, the Owner shall submit to the Town of Newmarket a report from a Qualified Person (QP) as defined by the Ministry of the Environment, stating that to the best of the QP's knowledge all lands within the Plan of Subdivision, including all lands and easements to be conveyed to the Town and/or other public authority, and any lands to be used for development purposes or retained in private ownership, are free of any Hazardous Substance, as defined by the Town. A Phase 1 Environmental Site Assessment (ESA) specifically addressed to the Town, together with any subsequent Assessments as are required may be considered acceptable. The aforementioned Phase 1 ESA and related work shall be completed as per O. Reg. 153/04 as amended or a successor thereto. The Environmental Certification shall be accepted by the Town, and any other authority having jurisdiction in the matter, prior to the commencement of any development or construction on the lands, including any grading, pre-servicing, and/or model homes.
- (23) In the event that the Phase 1 ESA identifies the potential for any Hazardous Substance on, near or adjacent to the Plan, prior to Final Approval a Phase 2 Environmental Site Assessment, and/or a complete, full depth, "pristine state" clean-up of the site, including the preparation of and carrying out of a remediation/restoration plan for the Property or any affected lands nearby, and/or any other measures as deemed appropriate, shall be done to the satisfaction of the Town and any other governmental body having jurisdiction. Where a Phase 2 Environmental Site Assessment is required, it shall be done to CSA Standard CAN/CSA-Z769-00 under O.Reg. 153/04, or a successor thereto. The Owner shall agree in the Subdivision Agreement to implement such measures and/or any site clean-up and any related studies, reports and remediation plans and other requirements in accordance with all applicable Environmental Law, and at the Owner's sole expense.
- (24) The Owner shall agree in the Subdivision Agreement that where a Phase 1 ESA has been undertaken within the Plan, that did not identify any potential for any Hazardous Substance but where subsequent investigations identify Hazardous Substances on the lands within the Plan, a Phase 2 Environmental Site Assessment, and/or a complete, full depth, "pristine state" clean-up of the site, including the preparation of and carrying out of a remediation/restoration plan for the Property shall be carried out at the sole expense of the Owner, and to the satisfaction of the Town prior to any transfer of the lands and/or construction or development.

## APPENDIX "A"

Conditions of Draft Approval  
Plan of Subdivision 19TN 2013-003  
Sundial Homes Davis (Limited).  
Page 7

- (25) The Owner shall agree in the Subdivision Agreement that all Environmental studies, reports, assessments and certifications shall be subject to Peer review by the Town, at the Owner's expense.
- (26) The Owner shall agree in the Subdivision Agreement that in the event that a Hazardous Substance has been determined to exist on, or adjacent to, any portion of the Property intended to be conveyed to the Town, the Town, without relieving the Owner of the requirement to complete the transfer, may in its sole discretion instruct the Owner to do, one or more of the following:
  - (i) defer the transfer of some, or all, of the Property until such time as the clean-up requirements or other measures described herein have been completed to the Town's satisfaction;
  - (ii) provide a cash payment or other additional securities to guarantee the clean-up of the Property;
  - (iii) issue a stop work order on all construction and development related to a portion of, or the entire Plan of Subdivision;
  - (iv) undertake a Risk Assessment and/or provide a Record of Site Condition, in accordance with Ontario Regulation 153/04 under the Environmental Protection Act or a successor thereto;
  - (v) defer registration of a portion of, or the entire Plan of Subdivision;  
and
  - (vi) amend the Draft Conditions of Approval for the Plan of Subdivision to deal with any unforeseen environmental issues,

Further, the Owner shall agree in the Subdivision Agreement to carry out or cause to be carried out any of the foregoing, as may be directed by the Town. The Owner further agrees to cooperate with the Town in regards to their implementation.

## APPENDIX "A"

Conditions of Draft Approval  
Plan of Subdivision 19TN 2013-003  
Sundial Homes Davis (Limited).  
Page 8

- (27) Prior to any site grading and prior to final approval, a Study shall be prepared by a from a Qualified Person (QP) as defined by the Ministry of the Environment, that identifies and documents all sites and buildings of historical and/or archeological significance, and specifies preservation strategies for such sites and buildings within the Plan. This Study shall be prepared to the satisfaction of the Director of Planning and Building Services, in consultation with the Ministry of Tourism, Culture and Sport. Where suitable, such sites and/or buildings shall be incorporated into the development in a manner appropriate to their historical and/or archeological significance. The Owner shall agree in the Subdivision Agreement to carry out or cause to be carried out the recommendations and measures contained within the said Study, as accepted by the Town.
- (28) Prior to final approval, the Owner shall prepare, to the satisfaction of the Town of Newmarket, any additional studies as may be required.
- (29) The Owner shall agree in the subdivision agreement that the location and design of the construction access for the subdivision work shall be provided only as approved by the Town of Newmarket and, if applicable, the Regional Municipality of York.
- (30) Such lands as may be required for temporary road construction, permanent walkways and utility corridors and storm drainage shall be conveyed to the Town of Newmarket without monetary consideration and free of all encumbrances.
- (31) Prior to final approval and the commencement of construction, the Owner shall agree to provide to the Director of Engineering Services, for its review and acceptance, engineering drawings for, and to construct to the satisfaction of the Director Engineering Services, planned road works, watermain, sanitary and storm sewers, and stormwater management works, including approved connections to existing systems, both within and external to this draft plan of subdivision. In addition, the engineering drawings shall include site grading, construction access location(s), mud mat design, utility location plans and landscape plans. The designs contained within said engineering drawings shall be consistent with all Town accepted reports, studies, plans and recommendations, as contemplated in the other draft conditions contained herein. Such engineering designs shall also identify any lands external to this plan which are required to be conveyed or dedicated as easements to the Town of Newmarket either of a permanent or temporary nature.



## APPENDIX "A"

Conditions of Draft Approval  
Plan of Subdivision 19TN 2013-003  
Sundial Homes Davis (Limited).  
Page 9

Further, the Owner shall agree in the Subdivision Agreement to be responsible, financially or otherwise, for the construction of the above noted works. The said Subdivision Agreement shall also establish a mechanism, to the satisfaction of the Director of Engineering Services and the Municipal Solicitor, for any conveyances or dedications. Further, where any engineering infrastructure is required in environmental and/or open space areas, the Owner's consultant shall submit for the review and approval of the Town of Newmarket or any affected regulatory agency, alternative proposals which identify and evaluate the advantages and disadvantages of each alternative. Mitigation methods shall be considered and proposed which reduces impacts of the proposed works. The Owner shall agree in the Subdivision Agreement to carry out or cause to be carried out the Town accepted recommended proposals.

- (32) The Owner shall agree in the subdivision agreement that roads, services, and other works installed by the Owner shall be in accordance with the standards and specifications of the Town of Newmarket, and shall include watermains, sanitary sewage works, storm sewage works, adequate pavement width for roadways, curbs, gutters, street lighting, regulatory signs, street signs, transit facilities, community mail boxes, intersection design including daylighting or sight triangles and 0.3 metre reserves, temporary turning circles, and any other services or facilities as required.
- (33) The Owner shall provide a report to the satisfaction of the Director of Engineering Services and the Chief Building Official that confirms how adequate road access, sanitary sewers, storm drainage facilities and in particular, water supply and storage have been provided for to support the issuance of building permits and ultimately occupancy permits. Further, the Owner shall agree in the Subdivision Agreement that no building permits will be applied for, or issued, until the Director of Engineering Services and the Chief Building Official is satisfied that such services are available to service the proposed development, have been allocated by the Town, and such as has been confirmed by any other agency having jurisdiction.
- (34) The Owner shall agree in the subdivision agreement to grant access, on reasonable terms and conditions, to any telecommunications service provider indicating an interest to locate within a municipal right-of-way.
- (35) Prior to final approval, any telecommunications service provider intending to locate within a municipal right-of-way shall enter into a Municipal Access

## APPENDIX "A"

Conditions of Draft Approval  
Plan of Subdivision 19TN 2013-003  
Sundial Homes Davis (Limited).  
Page 10

Agreement with the Town of Newmarket to satisfy all conditions, financial and otherwise, or shall have made arrangements satisfactory to the Town of Newmarket for the execution of a Municipal Access Agreement.

- (36) The Owner shall agree in the subdivision agreement to make available to all perspective purchasers of residential units within the subdivision, and to display in a prominent location within the sales office, the following:
- (a) the latest version of the approved draft plan;
  - (b) the proposed location of any and all sidewalks, street furniture, community mail boxes, parks (including all recreational facilities to be provided), schools, open space areas, environmental protection areas, stormwater management facilities, landscaping, entranceway features, special features such as tiered retaining walls or similar structures, special lot grading, noise attenuation measures (both internal and external to the dwelling unit), erosion control facilities, buffer areas, watercourses, accurate representations of proposed and existing surrounding land uses within 150 metres of the boundaries of the draft plan, and any proposed warning clauses or restrictive covenants to be registered on title;
  - (c) a copy of the approved zoning by-law for the lands, together with the subdivision agreement (when approved by the Town of Newmarket); and
  - (d) any other requirements as may be set out in the Subdivision Agreement.

Further, the Owner shall agree to keep all of the above material up-to-date, and reflect the most current approvals, and/or submissions regarding the plan, and/or engineering design drawings. Prior to final approval, the owner shall provide a copy of all sales material and promotional literature currently used at the sales office, along with a letter from the Owner/Developer confirming that the sales and promotional literature complies with all Agency and Departmental approvals obtained to date to the Director of Planning and Building Services.

- (37) The Owner Shall Agree in the Subdivision Agreement to abide by any servicing allocation policy as approved by the Town and amended from time to time.

## APPENDIX "A"

Conditions of Draft Approval  
Plan of Subdivision 19TN 2013-003  
Sundial Homes Davis (Limited).  
Page 11

- (38) Prior to final approval, the York Region District School Board shall have confirmed to the Town of Newmarket that pupil places exist within the Town of Newmarket for all pupils emanating from the subdivision.
- (39) The Owner shall agree in the Subdivision Agreement to prepare, to the satisfaction of the Town, a Homeowner's Manual which shall be distributed to all purchasers which outlines:
  - (a) the Town's waste diversion and recycling programs and proper usage of the bins;
  - (b) the environmental sensitivity of the open space areas and trail systems and provides educational material regarding disturbances from residential development and the role that individual homeowners can have such as yard waste composting, reduced fertilizer and pesticide use, natural area re-vegetation, impacts of noise and lighting, domestic pet impacts and controls, invasive plant spreading and discharge of swimming pool water.
- (40) The Owner shall agree in the Subdivision Agreement to pay the Town the cost for the recycling containers (three recycling containers, one Blue box, one Green Bin and one Kitchen collector) required for the Plan of Subdivision and provide said containers to each purchaser at the time of occupancy.
- (41) The Owner shall include a clause in all offers to purchase and sale and within the Subdivision Agreement, in wording acceptable to the Town, for all lots or blocks which contain slopes in rear yards or side yards of 3:1 or steeper, advising of the impacts on the lot useable amenity areas.
- (42) Where required by the Town, the Owner shall agree in the subdivision agreement, where applicable, to cause warning clauses, in wording satisfactory to the Town, to be included in all offers of purchase and sale, and to be registered on title, for all lots or blocks within the Plan of Subdivision affected by the following matters:
  - (a) Mail from a Community Mailbox;
  - (b) Street trees;
  - (c) Traffic Calming Measures;
  - (d) Lots fronting on a collector road;
  - (e) Transit Routes;
  - (f) Temporary Cul-de-sacs and Turning Circles;
  - (g) Proximity to Active Farms and Agricultural Uses;

## APPENDIX "A"

Conditions of Draft Approval  
Plan of Subdivision 19TN 2013-003  
Sundial Homes Davis (Limited).  
Page 12

- (h) Stormwater Management Facilities;
  - (i) Subdivision Design Features and Landscaping Features and/or Special Features;
  - (j) Noise;
  - (k) Illumination of Athletic Fields;
  - (l) Lands abutting a trail system;
  - (m) Open Space Lands to remain in their natural state;
  - (n) Extended Footings and Engineered Fill;
  - (o) Lot Grading and Preservation of Existing Vegetation;
  - (p) Basement Walk-outs and Access to Rear Yard;
  - (q) Rear Lot Catch basins;
  - (r) Private Gates to Open Space Areas and Stormwater Management ponds; and
  - (s) Carbon Monoxide Detectors.
- (43) The Owner shall agree in the Subdivision Agreement to provide to all potential purchasers and future landowners, appropriate notice, warnings, and/or restrictions, in wording acceptable to the Town, where the Plan, or implementing design thereof, requires the construction or installation of any subdivision or landscape design features, special features and/or special landscape features, such as retaining walls, tiered retaining walls or similar structures, entrance features, special fencing, other special features or devices, special lot grading, excessive lot grading or the construction of other landforms. The manner of such notice, warnings, and/or restrictions, as determined by the Town, shall be set out in the Subdivision Agreement, and shall fully disclose the details of the said Features for all affected and/or abutting lots or blocks. The Owner shall agree in the Subdivision Agreement to guarantee the perpetual maintenance of the said Features, where required by the Town, with respect to the cost of maintenance and periodic renewal/replacement of such Features, and to provide for or maintain such Special Features in perpetuity. The Owner shall further agree in the Subdivision Agreement to provide easements in favour of the Town, for the purposes of maintenance, where required.
- (44) Customized house designs which respect the lot grading design will be required for all homes on lots where the grade differential between the front and rear of building exceeds 2.5 metres.

## APPENDIX "A"

Conditions of Draft Approval  
Plan of Subdivision 19TN 2013-003  
Sundial Homes Davis (Limited).  
Page 13

- (45) Prior to registration of the first phase of this development the owner shall submit a Traffic Monitoring Study prepared by a qualified professional to the satisfaction of the Town of Newmarket and the Region of York. The study shall review and make recommendations regarding the current and future operation of the intersection of William Booth Avenue and Davis Drive and shall specifically review the timing for the installation of signals. It shall also make recommendations regarding ongoing monitoring of this intersection. The owner will be responsible for carrying out the ongoing monitoring to the satisfaction of the Town. The owner shall agree to install underground ducts for signals at this intersection when the intersection is initially constructed. The owner shall agree to make financial arrangements with the Region of York with respect to the cost to design and construct the signals such that the Town of Newmarket will not be responsible for any costs associated with this work.
- (46) The owner shall design a 3 metre wide asphalt trail (complete with a 1 metre recovery zone on each side of the trail) along with a 1.8 metre wide concrete sidewalk along the north side of Davis Drive. The limits shall be from the east limit of the plan of subdivision to the west side of the existing channel connecting to the existing or future trail and sidewalk as determined by the Director of Engineering Services. The owner shall be financially responsible for the cost to design and construct the trail and sidewalk.
- (47) The owner shall agree that a holding provision (H) shall be placed on the zoning of lots 71 to 91. The H will be not be removed until such time as the owner has demonstrated to the satisfaction of the Town's Director of Engineering Services that the lots can be graded in accordance with the Town's Engineering Standards.
- (48) Prior to the first engineering submission the owner shall submit an updated Functional Servicing Report prepared by a qualified professional to the satisfaction of the Town's Director of Engineering Services. The owner shall agree in the Subdivision Agreement to carry out, or cause to be carried out, the recommendations set out in the approved report, to the satisfaction of the Town.
- (49) Prior to any disturbance taking place on site the owner shall submit and updated Environmental Site Assessment in accordance with Table 1 Mandatory Requirements for Phase One Environmental Site Assessment Reports in Part VI of Schedule D of Ontario Regulation 153/04, as amended.

## APPENDIX "A"

Conditions of Draft Approval  
Plan of Subdivision 19TN 2013-003  
Sundial Homes Davis (Limited).  
Page 14

### Regional Municipality of York Conditions

- (50) The road allowances included within the draft plan of subdivision shall be named to the satisfaction of the Town of Newmarket and York Region.
- (51) Prior to final approval, York Region shall confirm that adequate water supply and sewage servicing capacity are available and have been allocated by the Town of Newmarket for the development proposed within this draft plan of subdivision or any phase thereof. Registration of the plan of subdivision shall occur in phases based on the availability of water supply and sewage servicing allocation.
- (52) The Owner shall agree in the Subdivision Agreement that the Owner shall save harmless the Town of Newmarket and York Region from any claim or action as a result of water or sanitary sewer service not being available when anticipated.
- (53) Prior to final approval, the engineering drawing showing the layout of the watermains and sewers shall be submitted to the Capital Planning and Delivery Branch for review.
- (54) The Owner shall agree in the Subdivision Agreement that any direct connection to a York Region water or wastewater system requires Regional approval prior to construction, and engineering drawings showing details of the connection shall be submitted to the Capital Planning and Delivery Branch for approval.
- (55) For all lands, the Holding (H) provisions of Section 36 of the *Ontario Planning Act* shall be used in conjunction with all residential zone categories in order to ensure that final plan approval and development of these lands does not occur until such time as the Holding (H) symbol is removed in accordance with the provisions of the *Ontario Planning Act*. The Zoning Bylaw shall specify the terms under which Council may consider the removal of the Holding (H) symbol. Said terms shall include a minimum of the following:
  - The Town of Newmarket approves a transfer of servicing allocation to this development that is not dependent upon the completion of infrastructure; or,
  - York Region has advised in writing that the required infrastructure to support the capacity assignment associated with this development will be

## APPENDIX "A"

Conditions of Draft Approval  
Plan of Subdivision 19TN 2013-003  
Sundial Homes Davis (Limited).  
Page 15

completed within a time period acceptable to the Region (usually 6 to 36 months depending on the complexity of the development) to permit the plan registration; or,

- The Regional Commissioner of Environmental Services confirms servicing allocation for this development by a suitable alternative method and the Town of Newmarket allocates the capacity to this development.

(56) Prior to final approval, should any of the following land uses be proposed in association with the draft plan of subdivision application, York Region requires the completion and submission of a Risk Determination and Risk Management Plan to the Water Resources Branch of the Environmental Services Department. These land uses include the storage or manufacture or use of:

- a) Petroleum-based fuels and or solvents;
- b) Pesticides, herbicides, fungicides or fertilizers;
- c) Construction equipment;
- d) Inorganic chemicals;
- e) Road salt and contaminants as identified by the Province;
- f) The generation and storage of hazardous waste or liquid industrial waste, and waste disposal sites and facilities;
- g) Organic soil conditioning sites and the storage and application of agricultural and non-agricultural source organic materials; and,
- h) Snow storage and disposal facilities.

The Risk Assessment and Risk Management Plan documents must follow the York Region document *Guidance for Proposed Developments and Wellhead Protection Areas in The Regional Municipality of York (May 2013)*.

(57) Given the proximity of the subject site to York Region municipal production wells, prior to final approval, the Owner shall conduct a subsurface investigation to identify any need for dewatering and/or groundwater depressurization, and where applicable, submit a detailed dewatering plan prepared by a qualified professional to the Region for approval.

(58) Prior to final approval, the Owner shall have prepared, by a qualified professional transportation consultant, a functional transportation report outlining the required Regional road improvements for this subdivision. The report, submitted to the Transportation and Community Planning Department for review and approval, shall explain all transportation issues and shall recommend mitigative measures for these issues.

## APPENDIX "A"

Conditions of Draft Approval  
Plan of Subdivision 19TN 2013-003  
Sundial Homes Davis (Limited).  
Page 16

- (59) Prior to final approval, the Owner shall provide a written undertaking, to the satisfaction of the Transportation and Community Planning Department that the Owner agrees to implement the recommendations of the functional transportation report/plan as approved by the Transportation and Community Planning Department.
- (60) Prior to final approval and concurrent with the submission of the subdivision servicing application (MOE) to the area municipality, the Owner shall provide a set of engineering drawings, for any works to be constructed on or adjacent to the York Region road, to the Community Planning Branch, Attention: Manager, Development Approvals, that includes the following drawings:
  - a) Plan and Profile for the York Region road and intersections;
  - b) Grading and Servicing;
  - c) Intersection/Road Improvements, including the recommendations of the Traffic Report;
  - d) Construction Access Design;
  - e) Utility and underground services Location Plans;
  - f) Signalization and Illumination Designs;
  - g) Line Painting;
  - h) Traffic Control/Management Plans;
  - i) Erosion and Siltation Control Plans;
  - j) Landscaping Plans, including tree preservation, relocation and removals;
  - k) Requirements of York Region Transit/Viva
- (61) Prior to final approval, the Owner shall provide drawings for the proposed servicing of the site to be reviewed by the Engineering Department of the area municipality. Three (3) sets of engineering drawings (stamped and signed by a professional engineer), and MOE forms together with any supporting information shall be submitted to the Transportation and Community Planning Department, Attention: Mrs. Eva Pulnicki, P.Eng.
- (62) Prior to final approval, the location and design of the construction access for the subdivision work shall be completed to the satisfaction of the Transportation and Community Planning Department and illustrated on the Engineering Drawings.
- (63) Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Transportation and Community Planning Department, that all existing driveways along the Regional road frontage of this subdivision will be removed as part of the subdivision work, at no cost to York Region.



## APPENDIX "A"

Conditions of Draft Approval  
Plan of Subdivision 19TN 2013-003  
Sundial Homes Davis (Limited).  
Page 17

- (64) Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Transportation and Community Planning Department that elevations along the streetline shall be 0.3 metres above the centreline elevations of the York Region roadway, unless otherwise specified by the Transportation and Community Planning Department.
- (65) Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Transportation and Community Planning Department, that the Owner will provide the installation of visual screening between Street 'G' and Davis Drive and Street 'B' and Davis Drive consisting of either a screening fence or a combination of a berm and appropriate planting, to a minimum of 1.8 metres in height, to be located within the right-of-way of Street 'G' and 'B'. The Owner shall submit to the Transportation and Community Planning Department for review and approval, landscape plans showing the proposed planting for headlight screening purposes.
- (66) 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 rights 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 and included in the Subdivision Agreement, they will require the approval of the Town and be supported by a

## APPENDIX "A"

Conditions of Draft Approval  
Plan of Subdivision 19TN 2013-003  
Sundial Homes Davis (Limited).  
Page 18

Maintenance Agreement between the Town and the Region for Town maintenance of these features; any such Maintenance Agreement should indicate that where the area municipality does not maintain the feature to York Region's satisfaction, the area municipality will be responsible for the cost of maintenance or removal undertaken by the Region.

- (67) Prior to final approval, the Owner shall engage the services of a consultant to prepare and submit for review and approval, a noise study to the satisfaction of the Transportation and Community Planning Department recommending noise attenuation features.
- (68) The Owner shall agree in the Subdivision Agreement, in wording satisfactory to the Transportation and Community Planning Department, to implement the noise attenuation features as recommended by the noise study and to the satisfaction of the Transportation and Community Planning Department.
- (69) The Owner shall agree in the Subdivision Agreement, in wording satisfactory to the Transportation and Community Planning Department, 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.
- (70) 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".
- (71) Where noise attenuation features will abut a York Region right-of-way, the Owner shall agree in the Subdivision Agreement, in wording satisfactory to York Region's Transportation and Community Planning Department, as follows:
  - a) That no part of any noise attenuation feature shall be constructed on or within the York Region right-of-way;

## APPENDIX "A"

Conditions of Draft Approval  
Plan of Subdivision 19TN 2013-003  
Sundial Homes Davis (Limited).  
Page 19

- 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;
  - c) That maintenance of the noise barriers and fences bordering on York Region right-of-ways shall not be the responsibility of York Region; and
  - d) That any landscaping provided on York Region right-of-way by the Owner or the area municipality for aesthetic purposes must be approved by the Transportation and Community Planning Department and shall be maintained by the area municipality with the exception of the usual grass maintenance.
- (72) 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 Davis Drive West (Regional Road No. 31) of sufficient width to provide a minimum of 21.5 metres from the centreline of construction of Davis Drive West, and
  - b) A 15.0 metre by 15.0 metre daylight triangle at the NE and NW corners of Davis Drive West and William Booth Avenue, and
  - c) A 0.3 metre reserve across the full frontage of the site, except at the approved access location, adjacent to the above noted widening, where it abuts Davis Drive West and adjacent to the above noted widening, and
  - d) An additional 2.0 metre widening, 40.0 metres in length, together with a 60.0 metre taper for the purpose of a westbound right turn lane at the intersection of Davis Drive West and William Booth Avenue,
- (73) Prior to final approval, the Owner shall agree to prepare and submit to the Transportation and Community Planning Department for review and approval, a draft reference plan detailing 0.3 metre reserves adjacent to the throat and daylight triangles at Davis Drive and William Booth Avenue, that is required to be lifted to provide legal access to William Booth Avenue.
- (74) Prior to final approval, in order to determine the property dedications required to achieve the ultimate right-of-way width of Davis Drive West abutting the subject site, the applicant shall submit a recent plan of survey for

## APPENDIX "A"

Conditions of Draft Approval  
Plan of Subdivision 19TN 2013-003  
Sundial Homes Davis (Limited).  
Page 20

the property that illustrates the existing centre line of construction of Davis Drive West.

- (75) 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.
- (76) Prior to final approval, York Region requires the Owner to submit to it, in 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), a Phase I environmental site assessment prepared and signed by a qualified professional, of the Owner's lands and more specifically of the lands to be conveyed to York Region (the "Assessment"). Based on the findings and results of the Assessment, York Region may require further study, investigation, assessment and delineation to determine whether any remedial or other action is required. The Assessment and any subsequent environmental reports or other documentation prepared in respect of the environmental condition of the lands to be conveyed must be addressed to York Region, contain wording to the effect that York Region shall be entitled to rely on such reports or documentation in their entirety, and such reports or documentation shall be satisfactory to York Region.
- (77) Prior to final approval, the Owner shall certify, in wording satisfactory to the Transportation and Community Planning Department, that no contaminant, pollutant, waste of any nature, hazardous substance, toxic substance, dangerous good, or other substance or material defined or regulated under applicable environmental laws is present at, on, in or under all lands to be conveyed to York Region (including soils, substrata, surface water and groundwater, as applicable): (i) at a level or concentration that exceeds the *Environmental Protection Act* O. Reg. 153/04 full depth generic site condition standards applicable to the intended use that such lands will be put by York Region at the time of conveyance 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 emanating from such lands in such a way, that would result in liability under applicable environmental laws. The Assessment, any subsequent environmental reports or other documentation and the Owner's certification shall be done at no cost to York Region.
- (78) The Owner shall agree in the Subdivision Agreement, in wording satisfactory to the Transportation and Community Planning Department, to be responsible

## APPENDIX "A"

Conditions of Draft Approval  
Plan of Subdivision 19TN 2013-003  
Sundial Homes Davis (Limited).  
Page 21

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.

- (79) The Owner shall agree, prior to the development approval of Blocks 157, 132, Lots 1, 102, Blocks 103 and 108, that accesses to the above Blocks and lots shall be via local streets and no direct access shall be permitted to Davis Drive West.
- (80) Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Transportation and Community Planning Department that William Booth Avenue shall be designed to intersect Davis Drive West at a right angle, or on a common tangent and aligned with future entrance for Marianneville Developments (Glenway) at the south side of Davis Drive.
- (81) Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Transportation and Community Planning Department, that the throat width of William Booth Avenue shall be designed to accommodate one 5.0 metres inbound lane, 2.0 metre median island and two 3.5 metre outbound lanes for a distance of 60.0 metres from the widened limit of William Booth Avenue; no intersection or non-residential access shall be permitted on William Booth within 60.0 metres of the widened limit of William Booth Avenue
- (82) Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Transportation and Community Planning, that the right-of-way width of William Booth Avenue shall meet the requirements of the Town of Newmarket, including the pavement width of William Booth Avenue as noted in Condition 81.
- (83) Prior to final approval, the intersection of Davis Drive West and William Booth Avenue shall be designed to the satisfaction of the Transportation and Community Planning Department with any interim or permanent intersection works including turning lanes, profile adjustments, illumination and/or signalization as deemed necessary by the Transportation and Community Planning Department.
- (84) Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Transportation and Community Planning Department, that all local underground services will be installed within the area of the development lands and not within York Region's road allowance. If a buffer or easement is needed to accommodate the local services adjacent to York Region's Right of

## APPENDIX "A"

Conditions of Draft Approval  
Plan of Subdivision 19TN 2013-003  
Sundial Homes Davis (Limited).  
Page 22

Way, then the Owner shall provide a satisfactory buffer or easement to the Area Municipality, at no cost to the Region.

(85) The Owner shall agree in the Subdivision Agreement, in wording satisfactory to the Transportation and Community Planning Department 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.

(86) Prior to final approval, the Owner shall submit engineering plans for York Region's approval that identify on the plans the Transit requirements.

(87) Prior to final approval, the Owner shall satisfy the Regional Municipality of York Transportation Services Department that the services to be installed within or in conjunction with the Plan will provide for sidewalks on both sides of the roadway listed below, unless only one side of the street lies within the limits of the subject lands. The sidewalks shall meet the local municipality's standards, and be provided by the Owner along the subject lands' frontage onto roadway that have transit services.

Existing YRT/Viva transit services operate on the following roadway in the vicinity of the subject lands:

- Davis Drive

(88) Prior to final approval, the Owner shall satisfy the Regional Municipality of York Transportation Services Department and the area municipality that the services to be installed by the Owner within or in conjunction with the Plan will provide a concrete pedestrian access connection from the internal roadway to the Regional roadway as follows:

- Connecting 'Street A' to the sidewalk on Davis Drive (across from either Blocks 107, 105, or 149)
- Connecting 'Street E' to the sidewalk on Davis Drive (across from Block 131)

## APPENDIX "A"

Conditions of Draft Approval  
Plan of Subdivision 19TN 2013-003  
Sundial Homes Davis (Limited).  
Page 23

The concrete pedestrian access connection shall meet the local municipality's standards for sidewalks and shall be owned and maintained by the area municipality.

- (89) The Owner shall agree in the Subdivision Agreement to convey lands to the local municipality to provide for such pedestrian access connection referred to in Condition 88 above.
- (90) The Owner shall satisfy the Regional Municipality of York Transportation Services Department that the services to be installed within or in conjunction with the Plan will provide passenger standing areas/shelter pads identified below and shall be installed to the satisfaction of the local municipality and York Region Transit. The Region confirms that all such passenger standing areas/shelter pads shall be owned and maintained by the Region and that the local municipality shall have no responsibility for those, notwithstanding that they may be included in the Subdivision Agreement.

Subject to approval by YRT/Viva, passenger standing areas and shelter pads shall be provided at the following locations:

ON Street	AT Street	Location	Standard	Traffic Signal Request
Davis Drive (Westbound)	William Booth Avenue	NE Corner (Block 102)	YRT-1.02	Yes
Davis Drive (Westbound)	Street H	Across from Block 131	YRT-1.02	

The passenger standing areas/shelter pads shall be provided at no cost to York Region and shall be provided concurrently with construction of necessary sidewalks. The Owner may apply for a development charge credit, in accordance with the York Region - Road Works development charge credit guideline for passenger standing areas and shelter pads.

Landscaping should not interfere with the bus stops, passenger standing areas, shelters or corner sightlines. Bus stops located in front of the employment areas shall be incorporated into the landscape design.

## APPENDIX "A"

Conditions of Draft Approval  
Plan of Subdivision 19TN 2013-003  
Sundial Homes Davis (Limited).  
Page 24

The bus stop locations determined during the design phase are subject to change. Prior to construction of the passenger standing areas/shelter pads, the Owner/consultant shall confirm with YRT/Viva the final bus stop locations/requirements. The Owner/consultant is to contact YRT/Viva Facilities Supervisor (tel. 905-762-2111) to confirm final details.

- (91) Prior to final approval, the Owner shall submit drawings showing, as applicable, the sidewalk locations, concrete pedestrian access, passenger standing areas and shelter pads to the satisfaction of York Region.
- (92) The Owner shall agree in the Subdivision Agreement to advise all potential purchasers of the existing transit services in this development as identified in Condition 90. This includes current transit routes, bus stops and shelter locations. This shall be achieved through distribution of information/marketing materials (YRT/Viva route maps, Future Plan maps & providing YRT/Viva website contact information) at sales offices and appropriate notification clauses in purchase agreements. The YRT/Viva route maps and the Future Plan maps are available from YRT/Viva upon request.
- (93) The Owner shall satisfy the Regional Municipality of York Transportation Services Department that the services to be installed within or in conjunction with the Plan will include illumination in accordance with the local municipality's design standards along all streets which have transit services, sidewalks, pedestrian access and bus stop locations.
- (94) Prior to final approval, the Owner shall agree to provide direct shared walking and cycling connections from Street 'A', Street 'E' and William Booth Avenue to Davis Drive to promote the usage of non-auto travel modes.
- (95) Prior to final approval, the Owner shall agree to protect for a future vehicular connection to Upper Canada Mall as per the Newmarket Urban Centres Secondary Plan.
- (96) Prior to final approval, the Owner shall agree to provide direct pedestrian access from the proposed development to Upper Canada Mall to support active transportation.
- (97) Prior to final approval, the Owner shall agree to implement all measures and initiatives recommended in the supporting Transportation Impact Study (TIS) to support active transportation and public transit.



## **APPENDIX "A"**

Conditions of Draft Approval  
Plan of Subdivision 19TN 2013-003  
Sundial Homes Davis (Limited).  
Page 25

- (98) Prior to final approval, the Owner shall provide a copy of the Subdivision Agreement to the Regional Transportation and Community Planning Department, outlining all requirements of the Regional Transportation and Community Planning Department.
- (99) 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 prior to final approval in accordance with By-law # 2012-36.

### **York Region District School Board**

- (100) That prior to final approval, the owner shall have made Agreement satisfactory to the York Region District School Board for the transfer of a public elementary school site. The public elementary school site, Block 163, shall contain not less than 2.731 hectares (6.7 acres).
- (101) That the owner shall agree in the Subdivision Agreement in wording satisfactory to the York Region District School Board:
  - i) to grade Block 163 and in doing so compact, fill with clean material, replace any topsoil disturbed in the grading process and at the same time sod/seed the same lands to specifications determined by the Board;
  - ii) to remove any buildings on Block 163;
  - iii) to remove trees, as required to accommodate school layout;
  - iv) to provide a letter of credit pertaining to stockpiling and removal of topsoil, by taking the volume of topsoil to be stored upon the school site and multiplying such volume by 200% of the current market prices for waste material disposal, as set forth in the latest version of Hanscomb's Yardsticks for Costing, Cost Data for the Canadian Construction Industry, to the satisfaction of the York Region District School Board;
  - v) to remove stockpiled topsoil within 30 days of written notice by the Board and in doing so compact, fill with clean material, replace any topsoil disturbed in the grading process and at the same time sod/seed the same lands to specifications determined by the Board;
  - vi) to construct a galvanized chain link fence, Type II 1 ½ " mesh, 1.8 m high along all boundaries of the school blocks, including road frontage(s) at the discretion of the Board;

## APPENDIX "A"

Conditions of Draft Approval  
Plan of Subdivision 19TN 2013-003  
Sundial Homes Davis (Limited).  
Page 26

- vii) to construct the fences prior to the issuance of building permits for Phase 1 of the subdivision;
  - viii) to erect and maintain a sign on the public school site at such time as the relevant access roads are constructed, indicating that the date has not been set for the construction of the school;
  - ix) to provide a geotechnical investigation and Phase 1 and Phase 2 environmental site assessment conducted by a qualified engineer. For an elementary school site a minimum of eight boreholes shall be required and for a secondary school site a minimum of sixteen boreholes shall be required;
  - x) to provide the foregoing at no cost to the Board;
  - xi) to assume any upstream and downstream charges for hydro, natural gas, sanitary and storm drainage, and water supply.
102. That the owner shall submit to the York Region District School Board, at no cost to the Board, a letter from a qualified consultant concerning:
- i) the suitability of Block 163 for school construction purposes, relating to soil bearing factors, surface drainage, topography and environmental contaminants; and
  - ii) the availability of natural gas, electrical, water, storm sewer and sanitary sewer services.
103. That the owner shall agree in the Subdivision Agreement, in wording acceptable to the York Region District School Board that the services referred to in 102 ii) shall be installed to the mid-point of the frontage of the elementary school site and positioned as designated by the Board, at no cost to the Board.
104. That prior to final approval, the owner shall submit to the School Board an initial set of engineering plans for review and approval, and subsequently, a copy of the final engineering plans as approved by the Town of Newmarket which indicate the storm drainage system, utilities, and the overall grading plans for the complete subdivision area.
105. That prior to final approval, the local hydro authority shall have confirmed in writing to the Board that adequate electrical capacity will be supplied to the school site frontage by the developer at no cost to the Board.
- a) That prior to final approval, the local hydro authority shall have confirmed in writing to the Board that they are satisfied that payment for any upstream and downstream charges will be made by the original developer.

## APPENDIX "A"

Conditions of Draft Approval  
Plan of Subdivision 19TN 2013-003  
Sundial Homes Davis (Limited).  
Page 27

b) That the subdivision agreement include warning clauses advising the Town of Newmarket, property owners and purchasers of lots within the draft plan that unless the provincial funding model provides sufficient funds to construct new schools, there can be no assurance as to the timing of new school construction nor a guarantee that public school accommodation will be provided within the subject plan notwithstanding the designation of the school site.

c) That the York Region District School Board shall advise that conditions a) to h) inclusive have been met to its satisfaction. The clearance letter shall include a brief statement detailing how each condition has been satisfied or carried out.

### **Lake Simcoe Region Conservation Authority**

(106) Prior to final Plan approval and any major site alteration, the following shall be prepared to the satisfaction of the Lake Simcoe Region Conservation Authority:

- A detailed Stormwater Management Report
- A detailed Erosion and Sedimentation Control Plan
- A detailed Grading and Drainage Plan
- A detailed landscaping plan for the proposed stormwater pond
- A detailed geotechnical report for the proposed stormwater pond; and
- A detailed Rainscaping Report demonstrating the means to maximize the use of low impact development measures consistent with Policy 1.6.6.7 of the Provincial Policy Statement

(107) Prior to final plan approval, a detailed Water Balance Assessment in accordance with the LSRCA Hydrogeological Assessment Submission Guidelines shall be prepared to the satisfaction of the LSRCA and the Town of Newmarket demonstrating how the anticipated changes in water balance from the pre-development to post development will be minimized in accordance with Designated Policy 4.8d. of the Lake Simcoe Protection Plan.

(108) The Owner shall agree in the Subdivision Agreement to carry out or cause to be carried out the recommendations and requirements contained within the plans and reports as approved by the LSRCA.

## **APPENDIX "A"**

Conditions of Draft Approval  
Plan of Subdivision 19TN 2013-003  
Sundial Homes Davis (Limited).  
Page 28

- (109) The Owner shall agree in the Subdivision Agreement to retain a qualified professional to certify in writing that the works were constructed in accordance with the plans and reports as approved by the LSRCA.
- (110) The Owner shall agree in the Subdivision Agreement to ensure that proper erosion and sediment control measures will be in place in accordance with the approved Grading and Drainage Plan, and Erosion and Sediment Control Plan prior to any site alteration or grading.
- (111) The Owner shall agree in the Subdivision Agreement to maintain all existing vegetation up until a minimum of 30 days prior to any grading or construction on-site in accordance with 4.20b.-DP of the Lake Simcoe Protection Plan.
- (112) The Owner shall agree in the Subdivision Agreement to grant any easements required for storm water management purposes to the Town.
- (113) Prior to final plan approval, the Owner shall pay all development fees to the LSRCA in accordance with the approved fees policy, under the Conservation Authorities Act.
- (114) Prior to final plan approval, the Owner shall obtain a permit from the LSRCA for any development with an area subject to Ontario Regulation 179/06 under the Conservation Authorities Act.

### **Newmarket Hydro**

- (115) The Owner shall agree in the subdivision agreement to make such arrangements as are satisfactory to Newmarket Hydro for the provision of hydro-electric servicing, both overhead and underground and to convey such lands and/or easements as may be required, at no cost and free from encumbrances.

### **Bell**

- (116) The Owner agrees to provide one or more conduit or conduits of sufficient size from each unit to the room(s) in which the telecommunication facilities are situated and one or more conduits from the room(s) in which the telecommunications facilities are located to the street line.

## **APPENDIX "A"**

Conditions of Draft Approval  
Plan of Subdivision 19TN 2013-003  
Sundial Homes Davis (Limited).  
Page 29

### **Canada Post**

- (117) The Owner shall agree in the subdivision agreement to consult with Canada Post Corporation to determine suitable locations for the placement of Community Mailboxes and to indicate these locations on appropriate servicing plans.
- (118) The Owner shall agree in the subdivision agreement to include in all offers of purchase and sale a statement advising prospective purchasers that mail delivery will be from a designated Community Mailbox and to include the exact locations (list of lot numbers) of each of these Community Mailbox locations; and further advise any affected homeowners of any established easements granted to Canada Post.
- (119) The Owner shall agree in the subdivision agreement to provide the following for each Community Mailbox site and to include these requirements on appropriate servicing plans:
  - (a) an appropriately sized sidewalk section (concrete pad), as per Canada Post specifications to place the Community Mailbox;
  - (b) any required walkway across the boulevard, as per Town of Newmarket standards; and
  - (c) any required curb depressions for wheelchair access.
- (120) The Owner shall agree in the subdivision agreement to determine and provide a suitable temporary Community Mailbox location(s) to be "fit up" prior to first occupancy, which may be utilized by Canada Post until the criteria identified in Condition No. 119 is completed at the permanent Community Mailbox site location(s). The developer further agrees to "fit up" the temporary area 30 to 60 days prior to the first occupancy and notify Canada Post of the first occupancies at this time.

### **Enbridge Gas**

- (121) The Owner shall agree in the subdivision agreement to be responsible for preparing a composite utility plan that allows for the safe installation of all utilities, including required separation between utilities.

## APPENDIX "A"

Conditions of Draft Approval  
Plan of Subdivision 19TN 2013-003  
Sundial Homes Davis (Limited).  
Page 30

- (122) The Owner shall agree in the subdivision agreement to construct streets in accordance with composite utility plans previously submitted and approved by all utilities.
- (123) The Owner shall agree in the subdivision agreement to grade all streets to final elevation prior to the installation of the gas lines and provide Enbridge Gas Distribution Inc. with the necessary field survey information required for the installation of the gas lines.
- (124) The Owner shall agree in the subdivision agreement to provide current town approved road cross-sections showing all Utilities in the configuration proposed for all of the street widths within the development.

### Other

- (125) Final approval for registration may be issued in phases provided that:
  - a) phasing is proposed in an orderly progression; and
  - b) all agencies agree to registration by phases and provide clearances as required in Conditions 126 to 131 inclusive, for each phase proposed for registration by the Owner. The required clearances may relate to lands not located within the phase sought to be registered.
- (126) The Town of Newmarket shall advise that Conditions 1 to 49 inclusive and Conditions 125 to 133 inclusive have been satisfied.
- (127) The Region of York shall advise that Condition 3 and Conditions 50 to 99 inclusive have been satisfied.
- (128) The York Region District School board shall advise that Conditions 100 to 105 inclusive have been satisfied.
- (129) The Lake Simcoe Region Conservation Authority shall advise that Conditions 106 to 114 inclusive have been satisfied.
- (130) Newmarket Hydro shall advise that Condition 115 has been satisfied.
- (131) Bell shall advise that Condition 116 has been satisfied.

## APPENDIX "A"

Conditions of Draft Approval  
Plan of Subdivision 19TN 2013-003  
Sundial Homes Davis (Limited).  
Page 31

(132) Canada Post shall advise that Conditions 117 to 120 inclusive have been satisfied.

(133) Enbridge Gas shall advise that Conditions 121 to 124 inclusive have been satisfied.

ISSUED at Newmarket this     day of                     , 2014.

---

Richard Nethery, B.E.S., M.C.I.P., R.P.P.  
Director of Planning and Building Services

**NOTE:** WHERE FINAL APPROVAL FOR REGISTRATION HAS NOT BEEN GIVEN WITHIN THREE YEARS AFTER THE DATE UPON WHICH APPROVAL TO THE PROPOSED PLAN OF SUBDIVISION WAS GIVEN, THE TOWN OF NEWMARKET MAY, AT 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 NEWMARKET MAY FROM TIME TO TIME EXTEND THE DURATION OF THE APPROVAL.

THE LSRCA WILL REQUIRE THE FOLLOWING PRIOR TO THE ISSUANCE OF A CLEARANCE LETTER:

1. A COPY OF THE EXECUTED SUBDIVISION AGREEMENT
2. A COPY OF THE DRAFT M-PLAN
3. A LETTER FROM THE DEVELOPER'S PLANNING CONSULTANT DETAILING HOW EACH LSRCA CONDITION OF DRAFT APPROVAL HAS BEEN FULFILLED TO THE SATISFACTION OF THE CONSERVATION AUTHORITY.