

Report Overview

This report is requesting direction from Council on the matter of appeals received by Wealthpower Land Development Inc. (carrying on business as Bowmanville Village Inc.) on July 26, 2016. The appeals came forward as a result of the Municipality's lack of decision within the prescribed 180 days under the Planning Act. Since then, staff have been working with the applicant and their consulting team, in addition to the new owner of abutting land, in resolving land use planning and servicing matters.

This report provides an overview of all background reports and studies, agency and staff comments, and public consultation. The report includes recommended Conditions of Draft Approval and a proposed amendment to the Zoning By-law that can be presented to the Ontario Municipal Board. Subject to the revisions requested, the development is considered consistent with Provincial, Regional and Clarington planning policies and represents good planning.

1. Application Details

- | | |
|----------------------------|--|
| 1.1 Owner/ Applicant | Bowmanville Village Inc. |
| 1.2 Agent | D.G. Biddle & Associates Ltd. |
| 1.3 Proposal: | <u>Proposed Draft Plan of Subdivision</u>

To allow the development of a draft plan of subdivision for 95 single detached dwelling units

<u>Rezoning</u>

To rezone the lands from the existing Agricultural (A) zone to appropriate zones that permit the proposed uses. |
| 1.4 Area: | 10.67 hectares |
| 1.5 Location: | Part of Lot 17, Concession 1, Former Township of Darlington (West of McPhail Avenue and south of Woolacott Lane). (See Figure 1) |
| 1.6 Roll Number: | 1817 010 020 18520 |
| 1.7 Within Built Boundary: | No |

2. Background

- 2.1 On July 21, 2014 D.G. Biddle & Associates Ltd. submitted applications for a proposed draft plan of subdivision and rezoning, along with the necessary plans and supporting studies, on behalf of Bowmanville Village Inc.
- 2.2 The subject lands are located in the Darlington Green neighbourhood along the western edge of the Bowmanville urban area. The lands are located just south and west of an existing plan of subdivision where construction is nearing completion.
- 2.3 The following plans and studies received in support of the application are reviewed under Section 7 of this report:
- Planning Justification Report
 - Environmental Impact Study
 - Phase 1 Environmental Site Assessment
 - Traffic Impact Study
 - Noise Impact Study
 - Functional Servicing/Storm Water Management Report
 - Archaeological Assessment Reports
 - Tree Preservation Plan
 - Energy Conservation and Sustainability Brief
 - On-street Parking Plan
- 2.4 During the review of the applications, Staff raised significant concerns related to stormwater servicing, grading implications and protection of natural heritage features. The site presents many challenges due to existing service connections in McPhail Avenue and Woolacott Lanes, significant grade differences between the adjacent lots and subject lands, and coordinating this development with adjacent lands at 2356 Baseline Road.
- 2.5 On July 26, 2016, the landowner submitted appeals based on the Municipality's lack of decision on the proposed draft plan of subdivision and rezoning. A pre-hearing was held on October 19, 2016. Neighbouring residents attended the pre-hearing conference identifying concerns primarily related to the housing mix.
- 2.6 Following the pre-hearing conference, Staff, CLOCA, the applicant and their consulting team have been working towards amenable solutions regarding servicing, grading and the development limit. Recent discussions have included the owner of the neighbouring property, 2346 Baseline Road. These lands are intended to provide a service connection for a storm sewer to Green Road.

3. Land Characteristics and Surrounding Uses

- 3.1 The lands are vegetated but vacant of structures. There is an existing grade difference of just over 7 metres between the lowest point at the rear of existing lots along Remmington Street, and the highest point on the subject lands. The site significantly slopes again to the south and west towards the valley. (See Figure 2)

Figure 2 – Aerial Photograph of the Subject Lands



S-C-2014-0002

- 3.2 The Darlington Creek and associated natural features are part of a Natural Heritage System on the site.

3.3 The surrounding uses are shown in Figure 2 and outlined as follows:

- North: Single detached residential units with a registered Plan of Subdivision along Woolacott and Buxton Lanes and McBride Avenue.
- South: Single detached dwelling along Baseline Road, and lands in agricultural production south of Baseline Road with single detached dwellings and environmental features present.
- East: Single detached residential units with a registered Plan of Subdivision along Buttonshaw Street, McPhail Avenue, Kimble Avenue and Remmington Street, and a block of vacant land in separate ownership.
- West: Agricultural lands and environmental features, including woodlands and a watercourse in a valley system.

4. Provincial Policy

4.1 Provincial Policy Statement

The PPS identifies settlement areas as the focus of growth. Land use patterns shall be based on densities and a mix of land uses that efficiently use land, resources and infrastructure. Natural features, surface water features and groundwater features shall be protected.

Compact and diverse developments promote active modes of transportation such as walking and cycling. Publicly accessible built and natural settings for recreation, such as parklands and open space areas, encourage healthy and active communities.

The applications, subject to revisions, are consistent with the Provincial Policy Statement.

4.2 Provincial Growth Plan

The lands are located in a Greenfield Area outside of the Built Boundary. The Growth Plan establishes the target of 50 jobs and residents combined per net hectare in the Greenfield Area. This target is measured across the Region of Durham. The Growth Plan encourages the creation of complete communities that are compact and transit-supportive, offering a diverse mix of land uses, a range and mix of employment and housing types, high quality public open space and easy access to local stores and services. The Growth Plan supports the identification and protection of natural heritage features and areas that complement, link, or enhance natural systems. The proposed development will result in approximately 59 residents per hectare.

Based on the proposed revisions, the subject applications conform to the Growth Plan and will contribute towards the Region wide targets for the Greenfield area.

5. Official Plans

5.1 Durham Regional Official Plan

The Durham Regional Official Plan designates the subject lands Living Area, and Major Open Space. Key Natural Hydrologic and Heritage Features and High Aquifer Vulnerable areas exist in the area. Lands within the Living Area designation shall be used predominantly for housing purposes incorporating the widest possible variety of housing types, sizes, and tenure. Living Areas shall be developed in a compact form through higher densities and by intensifying and redeveloping existing areas, particularly along arterial roads. Key natural heritage and hydrologic features are to be protected. Greenfield Areas in the Lake Ontario Shoreline municipalities shall develop at a minimum gross density of 50 persons and jobs combined per hectare. Major Open Space should be protected including the natural heritage features contained within. Development applications in Major Open Spaces must provide supporting studies to meet the objectives of the Durham Regional Official Plan.

Based on the proposed revisions, the subject applications conform to the Durham Regional Official Plan.

5.2 Clarington Official Plan

The southwest portion of the subject land is designated Environmental Protection with the remainder of the lands being designated Urban Residential. The Urban Residential lands are predominately intended for housing purposes. Uses in the Environmental Protection Area designation are limited to low-intensity recreation and protection of natural features such as forest, wildlife and providing for management or erosion control and stormwater management. The Official Plan requires that a setback be determined from the natural features in consultation with the conservation authority.

The proposed subdivision is in the Darlington Green neighbourhood which has a housing target of 675 low, 375 medium, and 125 high-density housing units, in addition to 125 intensification units, for a total of 1,300 units.

An Environmental Impact Study is required to assess any development proposals within 120 metres of a natural heritage feature and to define the development limits, including buffers. The policies require a minimum 5 metre setback to any natural feature.

Green Road is a designated Type B Arterial Road, however the internal streets of the proposed draft plan of subdivision are local roads.

Subject to the proposed revisions, the subject applications conform to the Clarington Official Plan.

5.3 Clarington Official Plan as Amended by Amendment 107

On November 1, 2016, Council adopted the Official Plan Amendment 107 to bring the Clarington Official Plan into conformity with the Regional Official Plan, as amended, and provincial policies.

The amended Clarington Official Plan establishes urban structure typologies and built form directives for Centres, Corridors, Transportation Hubs, Waterfront Places, Edge of Neighbourhoods, Along Arterial Roads and Internal to Neighbourhoods. The subject lands are “Internal to the Neighbourhood”. Single-detached, semi-detached and limited townhouse units are permit (up to 3 storeys) with a minimum net density of 13 units per hectare.

The new environmental policies require a 15 metre minimum setback to woodlands, watercourses and valleylands. The policies also provide some flexibility to these setbacks under certain urban development scenarios.

Based on the proposed revisions to the proposal, the subject applications conform to the new Clarington Official Plan as amended by Amendment 107.

6. Zoning By-law

The subject lands are currently zoned Agricultural (A) under Zoning By-law 84-63. The submitted application to amend the Zoning By-law is necessary to implement the proposed draft plan of subdivision.

7. Summary of Background Studies

7.1 Planning Justification Report

This report provided planning rationale for the application and finds that the development is consistent with the Provincial Policy Statement and current Regional and Clarington planning policy and represents good planning. Minor revisions to the 2014 report were completed and resubmitted in 2015.

7.2 Environmental Impact Study

The EIS built upon study that was completed in 2007, updated field work and brought the study of the site up to current EIS standards.

The EIS involved updated field work and identified several vegetative communities, and identified those that are significant. The consultant reviewed the site for species of conservation concern, and identified a patch of “Provincially Rare” Rough Hawthorn that would impact the proposed development limit.

The report recommends a development limit that will impact the natural heritage features given grading and clearing. To mitigate impacts, the report recommends a compensation and restoration planting plan.

The EIS provides several recommendations that will be included in the conditions of draft approval. A homeowner's guide is recommended to educate new homeowners about the nearby environmentally sensitive areas. Construction of the subdivision will require special measures to limit impacts to these areas as well.

7.3 Traffic Impact Study

The study assessed the anticipated impacts of future and site-generated traffic for the proposed development. The study shows that the traffic generated by the proposed development will have no perceptible level of impact on the existing road network and no mitigation measures are required as a result of the proposed development.

7.4 Functional Servicing and Stormwater Management Report

The FSR/SWM report provided analysis of existing watermain and sanitary sewer connections along Woolacott Lane and McPhail Avenue. The plan can be serviced by connecting to existing water and sanitary services.

The lands are within a drainage area of the West Side Creek Stormwater Management Pond. Since the existing storm sewer in McPhail does not have capacity to accommodate stormwater for this site, preliminary servicing plans proposed a twinned storm sewer in McPhail Avenue to take stormwater to existing storm sewer in Green Road and eventually to the storm water management pond.

7.5 Noise Impact Study

The noise study assessed impacts of rail and road noise for the development. Noise impacts from Baseline Road will not require mitigation or warning clauses given the distance and vegetation between the development and Baseline Road. There are a limited number of lots at the north end of the development that will require warning clauses and ducting to accommodate air conditioning given their proximity to the CP Railway.

7.6 Archaeological Assessment

The site underwent a Stage 1, 2 and 3 Archaeological Assessment. The Stage 3 assessment concluded that the site would not benefit from further study and excavation and should be cleared for development.

7.7 Phase 1 Environmental Site Assessment

The assessment did not identify any areas of potential concern from a soils contamination perspective. No further study is required.

7.8 Tree Preservation Plan

The applicant's Environmental Consultant provided a preliminary opinion on Tree Preservation within the development area. Given the amount of grading required on most of the development area, tree preservation is unlikely. There may be opportunities to preserve trees at the edge of the development and would be determined once grading is finalized. A detailed Tree Preservation Plan will be required as part of the final approval process.

7.9 Energy Conservation and Sustainability Brief

This report provided preliminary plan for how the subdivision will achieve principles of energy conservation and environmental sustainability. The future home builder will be required to demonstrate compliance at the detailed design and construction phase.

7.10 On-street Parking Plan

The on-street parking plan demonstrated suitable visitor parking in accordance with the Municipal standard of 1 on-street space for every 4 single detached dwellings.

8. Public Notice and Submissions

- 8.1 The Public Meeting for these applications was held September 22, 2014. Public Notice was given by mail to each landowner within 120 metres of the subject site and public meetings were posted at three locations, being along Baseline Road and at the terminus of both Woolacott Lane and McPhail Avenue.
- 8.2 Several neighbouring residents contacted staff regarding this file requesting additional information. The residents who contacted staff are generally not in favour of the development and would prefer the lands to remain as is. While it appears to be understood the lands are privately owned, some residents are using the lands as public open space.
- 8.3 Six local residents spoke at the Public Meeting. Staff received seventeen written submissions and a petition signed by 30 households. The issues are summarized as follows:
 - Protect the lands, and retain as is, with public access
 - Adding more people will result in more traffic impacts
 - Environmental impacts
 - Replace townhouse units behind Buxton Lane with single detached units
 - Construction of Park
 - Grading and house design abutting existing lots
 - Impacts to property values
 - Privacy

9. Agency Comments

9.1 Regional Municipality of Durham

Regional Planning finds that the proposal generally conforms to PPS and Growth Plan. While increased densities could be supported, Regional Planning has no objection to the proposed development and has provided conditions of draft approval.

The Region's comments did not identify any concerns relating to water or sanitary servicing, transportation or transit.

9.2 Central Lake Ontario Conservation Authority

The Conservation Authority has reviewed the proposed draft plan of subdivision including the latest submission received March 28, 2017 as well as all of the technical environmental reports and has provided conditions of approval. The Conservation Authority is generally satisfied with the proposed development limit, as supported by the Environmental Impact Study, subject to refinements. A relocation and monitoring plan for the transplant of a provincially rare Rough Hawthorn will be required.

CLOCA is satisfied with the latest Functional Servicing and Grading Plans and will review the detailed engineering submission at the final approval stage. CLOCA is generally satisfied with the preliminary design direction for 2346 Baseline Road.

CLOCA supports appropriate setbacks to the large maple trees generally located in the northwest corner of the development and requires appropriate revisions to the proposal to ensure protection of the specimen trees and adjacent sugar maple community.

9.3 Kawartha Pine Ridge District School Board

Students generated by the subdivision will attend Dr. Ross Tilley Public School and Clarington Central Secondary School. Public sidewalks should be required for all proposed streets to facilitate pedestrian access.

9.4 Canada Post

Canada Post has provided their standard conditions of approval and will be consulted during the detailed design stage of the development.

9.5 Other Agencies

Bell, Enbridge Gas, and Rogers have no objections.

10. Departmental Comments

10.1 Engineering Services

Engineering Services is satisfied that the development can proceed subject to conditions of approval relating to:

Coordination with adjacent lands

The original plan to twin the storm sewer along McPhail Avenue is not supported. Engineering Staff are satisfied that an amenable solution can be coordinated between the owners of the subject lands and 2346 Baseline Road.

Servicing, Grading and Drainage

Staff are satisfied with the preliminary servicing, grading and drainage scheme. A new public street through 2346 Baseline Road will provide an appropriate storm sewer servicing corridor. The development will make use of existing water and sanitary sewer connections.

Through the detailed design, staff will continue to review grading to ensure it is completed in a satisfactory manner given a significant amount of slope on lands to be dedicated to the Municipality of Clarington. Dust mitigation will also need to be addressed.

Reimbursement for oversized or external works

Prior to development, the landowner will be required to compensate a developer for external storm sewers and downstream storm water management pond. The terms and conditions are reflected in a subdivision agreement entered into with the benefitting owner.

Park Block

The draft plan of subdivision includes the dedication of 2 park blocks which will form part of the parkland contribution for the development. The balance of the required 5% dedication will be required as a cash-in-lieu payment. The developer will be required to provide plans for the park block and will be required to construct the blocks to the satisfaction of Engineering Services.

Trail

The Owner will be required to prepare a plan identifying how a naturalized trail can be developed in the 6 m buffer between rear lot lines and the proposed grading to connect through the Open Space system. The applicant will be responsible for constructing the platform for the trail.

Traffic

The applicant has submitted a traffic study for the proposed development which has been reviewed and which is acceptable to the Engineering Service Department.

Parking

A parking plan for this development has been submitted which is acceptable to the Director of Engineering Services.

Other

Standard conditions of approval will be required regarding phasing, site alteration, road widenings, and entering into a subdivision agreement.

10.2 Other Departments

The Building Division, Clarington Operations, and Clarington Emergency and Fire Services have no objections to the applications.

11. Discussion

11.1 At this time Clarington Staff are satisfied that, subject to recommended revisions to the Draft Plan submitted (Figure 1), the outstanding issues relating to the development have been addressed and can be implemented through the appropriate conditions of approval, zoning by-law and the required subdivision agreement.

11.2 The major issues addressed during the review of these applications are as follows:

11.2.1 *Co-ordination with adjacent lands*

The most significant challenge during the review of this application was determining the appropriate stormwater servicing plan. Initially the applicant proposed to service the lands in isolation of other lands at 2346 Baseline Road. The applicant proposed twinning storm sewers along McPhail Avenue.

The twinning of storm sewers was not supported by Clarington Engineering because it would result in additional cost to maintain, and would be an inefficient use of infrastructure. Based on recent discussions, Staff prefer that storm sewer servicing occur via a new public street through 2346 Baseline Road, and eventually connecting to Green Road, south of McPhail Avenue. This new street will also better disperse traffic through the neighbourhood. Ongoing discussions are taking place with the adjacent landowner and a special condition of approval addresses the coordination of this storm sewer.

11.2.2 *Defining the Development Limit*

The applicant's Environmental Consultant, the Conservation Authority and Clarington Staff spent a considerable amount of time reviewing environmental impacts related to the development since the first submission.

On March 28, 2017, the applicant's consultant submitted a revised plan in response to issues identified at the prehearing conference October 19, 2016 and a site walk on March 21, 2017. The revised plan:

- Reduces development impacts to the west side of the property and drumlin by shifting development and associated grading to the east;
- Identifies an area for the relocation of the Provincially Rare Rough Hawthorn to help it survive through the development stage. The relocation will be monitored by the environmental consultant for 5 years following the first growing season;

drip-line and smaller calipers. There may be opportunity to maintain a modified version of Lot 33, provided the lot line(s) and all grading remains outside the drip-line and required buffer.

11.2.3 *Addressing public concerns*

The proposed development conforms to the applicable planning policies. The lands are designated for some residential development, while other lands will be protected. The revised draft plan of subdivision will address the public comments as follows:

- Creation of connections to the Open Space system so that existing and future residents will have access to the valley. The owner will also be required to construct a naturalized local trail system. Providing a formalized trail will reduce the number of people that will walk anywhere, thereby providing better protection to natural heritage features associated with the development.
- Environmental Impacts will be mitigated in accordance with the Environmental Impact Study as approved by CLOCA and the Municipality of Clarington.
- The traffic study did not identify any traffic impacts to be mitigated, and the existing road network is designed to accommodate the traffic generated. A future new local street through 2346 Baseline Road will further assist to distribute traffic efficiently to Green Road.
- The townhouse units have been removed from the proposed Draft Plan of Subdivision in favour of 10 metre single detached units.
- The park construction is nearing completion on adjacent lands to the east. Block 96 will be melded with the existing park block and the owner will be required to complete park construction on Block 96.
- The consulting engineer has provided cross-sections demonstrating grading between lots adjacent to the lots fronting Buttonshaw Street. There is a difference in grades, and the proposed units will be walkouts, however this is a common occurrence throughout the municipality. Figure 4 illustrates an engineered cross section showing the worst case scenario from a grading perspective (just west of Buttonshaw Street, at Remmington Street) while Figure 5 is an example of an existing condition for lots along Dodd Square and Millburn Drive, taken from Baseline Road.

Figure 4 – Cross-Section

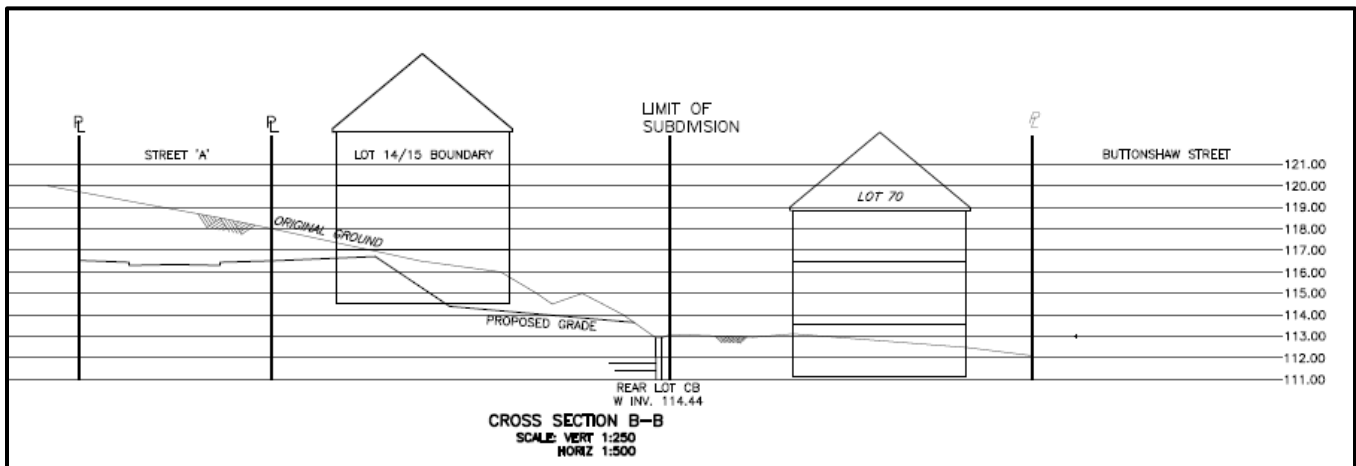


Figure 5 – Existing Three-Storey Walkout Condition adjacent to Two-Storey Dwelling



11.3 Draft Conditions of Approval to implement the development are included as Attachment 1. The conditions of approval would lapse three years following the date of draft approval.

11.4 A Zoning By-law Amendment is included as Attachment 2. The Zoning By-law amendment would change the zoning from Agricultural to Urban Residential zones that permit the 10.0, 11.3 and 12.0 metre single detached lots, subject to a holding provision.

The urban residential zones reflect current zoning standards used in newer subdivisions. The Holding provision will be utilized to ensure adequate access and services are in place prior to development and will be lifted by Council when the appropriate conditions are met.

All open space would be placed in the Environmental Protection Zone, while parkland will be recognized in a separate zone.

11.5 All taxes owing to the Municipality of Clarington have been paid in full.

12. Concurrence

This report has been reviewed by the Municipal Solicitor and the Director of Engineering Services who concur with the recommendations.

13. Conclusion

In consideration of all agency, staff and public comments, it is respectfully recommended that Staff be directed to take all steps necessary to seek approval from the Ontario Municipal Board for Draft Plan of Subdivision (S-C-2014-0002) and Zoning By-law Amendment (ZBA 2014-0023), generally as set out in Attachments 1 and 2, respectively.

14. Strategic Plan Application

The recommendations contained in this report conform to the Strategic Plan.



Submitted by:

David J. Crome, MCIP, RPP
Director of Planning Services



Reviewed by:

Curry Clifford, MPA, CMO
Interim CAO

Staff Contact: Anne Taylor Scott, Senior Planner, 905-623-3379 ext. 2414
or ataylorsscott@clarington.net

Attachments:

Attachment 1 – Proposed Conditions of Draft Approval

Attachment 2 – Proposed Zoning By-law Amendment

List of interested parties to be notified of Council's decision is on file in the Planning Services Department.

ATS/CP/av



CONDITIONS OF DRAFT APPROVAL

File Number: S-C-2014-0002

Issued for Review: March 29, 2017

Notice of Decision: _____

Draft Approved: _____

David J. Crome, MCIP, RPP
Director of Planning Services
Municipality of Clarington

Part 1 - PLAN IDENTIFICATION

1. The Owner shall have the final plan prepared on the basis of approved draft plan of subdivision S-C-2014-0002 prepared by D.G. Biddle & Associates Limited identified as job number _____, dated _____, 20 __, as revised in red [and dated _____], which illustrates

The redline revisions are:

1. Place Lots 31 and 32 in a block to be dedicated as Open Space.
2. Add a continuous 6 m buffer to the rear of Lot 33 to Lot 36 inclusive.

Part 2 – GENERAL

- 2.1 The Owner shall enter into a subdivision agreement with the Corporation of the Municipality of Clarington (the “Municipality”) that contains all of the terms and conditions of the Municipality’s standard subdivision agreement respecting the provision and installation of roads, services, drainage, other local services and all internal and external works and services related to this plan of subdivision. A copy of the Municipality’s standard subdivision agreement can be found at <http://clarington.net/documents/planning/subdivision-agreement-feb2014.pdf>
- 2.2 The Owner shall name all road allowances included in the draft plan to the satisfaction of the Municipality and the Regional Municipality of Durham (the “Region”).

- 2.3 All works and services must be designed and constructed in accordance with the Municipality's Design Guidelines and Standard Drawings.

Architectural Control

- 2.4 (1) The Owner shall be 100% responsible for the cost of any architectural design guidelines specific to this development, as well as 100% of the cost for the "Control Architect" to review and approve all proposed models and building permits, to the satisfaction of the Director of Planning Services.
- (2) No residential units shall be offered for sale to the public on the draft plan until such time as architectural control guidelines and the exterior architectural design of each building has been approved by the Director of Planning Services.
- (3) No building permit shall be issued for the construction of any building on any residential lot or block on the draft plan, until the architectural control guidelines for the development and the exterior architectural design of each building and the location of the building on the lot has been approved by the Director of Planning Services.

Marketing and Sales

- 2.5 (1) The Owner shall prepare a Land Use Plan which shows the draft plan and surrounding land uses. The Land Use Plan shall be in a format approved by the Director of Planning Services prior to any residential units be offer for sale to the public.
- (2) The Owner shall erect and maintain a sign on the development site and/or in the sales office which shows the Land Use Plan as approved by the Director of Planning Services.
- (3) The Owner shall submit its standard Agreement of Purchase and Sale to the Director of Planning Services which includes all warning clauses/ notices prior to any residential units being offered for sale to the public.
- (4) The Owner shall prepare and submit a Homeowner's Guide to the satisfaction of the Central Lake Ontario Conservation Authority and the Director of Planning Services. Once approved the Homeowner's Guide shall be provided to each homeowner at the time of closing. The Homeowner's Guide shall include information relating to the protection of natural heritage features and natural hazard lands in the neighbourhood and provide advice on good land stewardship principles. The guide shall also include any recommendations from the Environmental Impact Study and revisions thereto.

Site Alteration

- 2.6 Draft plan approval does not give the Owner permission to place or dump fill or remove fill from, or alter the grade of any portion of the lands within the draft plan. The Owner shall be required to obtain a permit from the Municipality under Site Alteration By-law 2008-114, as amended, for any such work. If any portion of the lands are within an area regulated by a conservation authority, the Owner shall obtain a permit from the conservation authority in addition to obtaining approval from the Director of Engineering Services regarding the intended haulage routes, the time and duration of the site alteration work and security relating to mud clean up, road damage and dust control, including the preparation of a Dust Management Plan in accordance with 4.11. After registration of a subdivision agreement, the provisions of the Municipality's standard subdivision agreement shall apply to any proposed site alteration on the lands covered by the subdivision agreement.

Part 3 - FINAL PLAN REQUIREMENTS

- 3.1 The following road allowances shown on the draft plan shall be dedicated to the Municipality upon registration of the final plan:
- (a) Street A
 - (b) Street B
- 3.2 The Owner shall transfer to the Municipality (for nominal consideration free and clear of encumbrances and restrictions) the following lands and easements:
- (a) Road Widening
 - A road widening as shown as Block 96 on the draft plan.
 - (b) Sight Triangles
 - A 5 metre x 5 metre sight triangle at the intersections and corners of all local streets as shown on the draft plan.
 - (c) Parkland Dedications
 - Park or other public recreational area shown as Blocks 97 and 94 on the draft plan.
 - (d) Open Space Lands as shown in Block 95, and Lots 31 and 32 on the draft plan.

Part 4 –PLANS AND REPORTS REQUIRED PRIOR TO SUBDIVISION AGREEMENT/FINAL PLAN REGISTRATION

The Owner shall submit the following plans and report or revisions thereof:

4.1 Phasing Plan

The Owner shall submit plans showing the proposed phasing to the Municipality and the Region for review and approval if this subdivision is to be developed by more than one registration. The Phasing Plan must show how the roads and associated infrastructure within each phase are intended to connect to subsequent phases of development, including the provision of temporary or transitional works such as temporary turning circles, external easements for temporary turning circles, and associated frozen lots. The Municipality shall require the preparation of a subdivision agreement for each phase of development.

4.2 Functional Servicing

The Owner shall submit a Functional Servicing Report, supported by appropriate studies and plans, satisfactory to the Director of Engineering Services and the Central Lake Ontario Conservation Authority. Such report shall assess and verify all aspects of the proposed development to ensure conformity with the Municipality's Engineering Design Guidelines and good engineering principles including:

- (1) Major and minor stormwater design including verifying existing sewers will accommodate the proposed flows and overland flow routes will be suitable;
- (2) Stormwater quantity and quality provisions, including verification of all capacities at the downstream Stormwater Management Pond;
- (3) Preliminary lot grading verifying maximum and minimum grades can be achieved with the proposed road configuration to avoid sloping between properties and cross sections demonstrating how the proposed lots will be accommodated with abutting lands;
- (4) Provision for interim functional servicing requirements for any potential Phasing of the development; and
- (5) All other aspects ensuring the proposed street layout and Works can be accommodated by existing infrastructure and abutting private lands while meeting all Municipal criteria.

4.3 Landscaping Plan

The Owner shall retain a qualified landscape architect to prepare and submit a Landscaping Plan, as part of the engineering submission, to the satisfaction of the Director of Engineering Services, the Director of Planning Services and the Central Lake Ontario Conservation Authority for review and approval. The Landscaping Plan shall reflect the design criteria of the Municipality as amended from time to time.

4.4 Plant Transplant Plan

The Owner shall submit and obtain approval from the Central Lake Ontario Conservation Authority and the Municipality of Clarington for a Transplant Plan for the Provincially Rare shrub species Rough Hawthorn (*C. scabrida* var. *asperifolia*)

and identify the required measures to be taken to maximize the success of the transplant.

4.5 Compensation and Restoration Plan

The owner shall submit to and obtain approval from the Central Lake Ontario Conservation Authority and the Municipality of Clarington for a Compensation and Restoration Plan for the encroachment into the natural heritage system. An Edge Management component is to be included, in accordance with the recommendation of the Environmental Impact Study completed by Aquafor Beech dated July 20 2016.

4.6 Monitoring Plan for Plant Transplant, Compensation and Restoration Areas

The Owner agrees to submit for review and approval from the Central Lake Ontario Conservation Authority and the Municipality of Clarington for a Monitoring Plan for the proposed compensation areas as well as the relocation of the Rough Hawthorn, which will assess the works undertaken in regards to productivity and success of the feature and the species.

4.7 Tree Preservation Plan

The Owner agrees to submit for review and approval a Tree Preservation Plan in accordance with the memo from Aquafor Beech dated July 18, 2014 subject to the approval of the Central Lake Ontario and the Municipality of Clarington, and based on the latest draft plan of subdivision undated and received March 28, 2017.

4.8 Noise Report

The Owner shall submit to the Director of Engineering Services, the Director of Planning Services and the Region of Durham Planning and Economic Development Department, for review and approval, an updated noise report, based on the preliminary noise report entitled Noise Impact Study prepared by D.G. Biddle & Associate Ltd., dated July 2014, Project No. 113026.

4.9 Environmental Sustainability Plan

The Owner shall submit an update of the Environmental Sustainability Plan based on the preliminary Environmental Sustainability Plan entitled Energy Conservation and Sustainability Plan prepared for Bowmanville Village Inc. dated June 2014 to the satisfaction of the Director of Planning Services. Such plan shall identify the measures that the Owner will undertake to conserve energy and water in excess of the standards of the Ontario Building Code, reduce waste, increase recycling of construction materials and utilize non-toxic, environmentally sustainable materials and finishes. The plan shall include the location of a shade tree, or provision for a voucher from a local nursery to allow the purchaser to acquire a shade tree to provide passive solar gain during the various seasons.

4.10 Soils Management Plan

Prior to Authorization to Commence, the Owner shall provide a Soils Management Plan for review and approval by the Director of Engineering Services. Such plan shall provide information respecting but not limited to any proposed import or export of fill to or from any portion of the Lands, intended haulage routes, the time and duration of any proposed haulage, the source of any soil to be imported, quality assurance measures for any fill to be imported, and any proposed stockpiling on the Lands. All imported material must originate from within the Municipality of Clarington. The Owner shall comply with all aspects of the approved Soils Management Plan. The Director may require the Owner to provide security relating to mud clean up, dust control and road damage

4.11 Dust Management Plan

Prior to Authorization to Commence Works, the Owner is required to prepare a Dust Management Plan for review and approval by the Director of Engineering Services. Such plan shall provide a practical guide for controlling airborne dust which could impact neighbouring properties. The plan must:

- (1) identify the likely sources of dust emissions;
- (2) identify conditions or activities which may result in dust emissions;
- (3) include preventative and control measures which will be implemented to minimize the likelihood of high dust emissions;
- (4) include a schedule for implementing the plan, including training of on-site personnel;
- (5) include inspection procedures and monitoring initiatives to ensure effective implementation of preventative and control measures; and
- (6) include a list of all comments received from the Municipality, if any, and a description of how each comment was addressed.

Part 5 –SPECIAL TERMS AND CONDITIONS TO BE INCLUDED IN THE SUBDIVISION AGREEMENT

5.1 Environmental Impact Study

The Owner agrees to carry out the requirements and recommendations of the Environmental Impact Study and any addenda as prepared by Aquafor Beech (last revised July 20, 2016) including the following recommendations and mitigation techniques:

- (1) Prior to site preparation, the Owner's Environmental consultant shall provide confirmation to the Municipality of Clarington that silt fencing has been installed around the limit of development to prevent runoff and encroachment into the natural features on the site. All construction and development related activities should be confined to the established limit of

development. Silt fencing should be regularly inspected and maintained in good working order throughout the construction period.

- (2) No stockpiles, brush, stumps or other construction materials or vehicles are permitted outside the developable limit.
- (3) The owner agrees to complete the Compensation and Restoration Plantings as approved by Central Lake Ontario Conservation Authority and the Municipality of Clarington prior to final grading of the subdivision.
- (4) The owner agrees to complete a Homeowner's Guide education in accordance with 2.5 (4).
- (5) All lighting shall be designed to minimize the amount of direct light shining into the natural wooded areas. Full cut-off and motion sensitive lights and full-cut off lighting are recommended. Lighting shall be a topic in the Homeowner's Guide required by Condition 2.5 (4).
- (6) Vegetation removals must take place outside the breeding season for birds which is generally mid-April to the end of July.
- (7) Only clean fill shall be used in keeping with the Site Alteration Permit/Soil Management Plan.
- (8) Standard mitigation measures shall be followed regarding the use of fuels and chemicals during the construction process to reduce the risk of groundwater or surface water contamination from accidental spills.

5.2 Transplant and Monitoring Plan

Prior to authorization to commence works within the proposed plan of subdivision, the owner shall provide confirmation to the Central Lake Ontario Conservation Authority and Municipality of Clarington that the Provincially Rare shrub species Rough Hawthorn grouping has been relocated in accordance with the requirements of the approved Transplant Plan prepared by Aquafor Beech.

5.3 Co-ordination with External lands

The Owner shall provide for the extension of storm sewer facilities which are external to, as well as within, the limits of this plan that are required to service this plan. In addition, the Owner shall provide for the extension of storm sewer facilities within the limits of the plan which are required to service other developments external to this subdivision. The Owner will design and construct the extension of storm sewer facilities from the Subdivision Lands to Green Road in accordance with standards and requirements of the Municipality of Clarington and the standard conditions in Part 2 of the Subdivision Agreement. In respect of the route over which that storm sewer connection will run, within 6 months of the draft approval of the Plan of Subdivision, the Municipality will confirm to the Owner that it has secured an easement over, or ownership of, a portion of the lands municipally known as 2346 Baseline Road which will allow the Owner to go on such lands and install the storm sewer along that route. If the Municipality does not provide this confirmation to the Owner within 6 months of the draft approval of the Plan of

Subdivision, the Owner shall be permitted to design and install a second storm sewer under McPhail Avenue to service this plan. All arrangements, financial and otherwise, including any arrangements for cost sharing and oversizing for said extensions are to be made to the satisfaction of the Municipality of Clarington, and are to be completed prior to final approval of this plan.

5.4 Endeavour to Collect

The owner acknowledges that certain works, services and facilities which directly benefit the Lands were constructed, paid for or otherwise provided by certain earlier developing landowners. These terms and conditions are included in a Subdivision Agreement between the Municipality of Clarington and Green-Martin Holdings Ltd., Aspen Springs West Ltd., and West Diamond Properties Inc. dated December 16, 2013. Costs will be based on an update to the following document:

Cost Sharing Report and Backup Documentation
Darlington Green Subdivision
Plan of Subdivision 18T-90051
Stormwater Management Pond, Storm Trunk Sewers, and Abutting McPhail Avenue Roads and Services
Municipality of Clarington

Prepared by D.G. Biddle and Associates Ltd. (Final Revision May 6, 2010)

The Owner further acknowledges that the Municipality undertook to use its best efforts to recover a proportionate share of the cost of such works, services and facilities from future benefitting owners and to reimburse the front-ending owners accordingly. An Authorization to Commence shall not be issued for any Works unless the Owner has paid to the Municipality its proportionate share of such works, services and facilities, which amount the Municipality shall hold in trust for and on behalf of the front-ending owners.

5.5 Parkland

- (1) The Owner shall convey Blocks 97 and 94 to the Municipality for park or other public recreational purposes in accordance with section 51.1 of the *Planning Act*, R.S.O. 1990, c.P.13.
- (2) The Owner agrees pay the Municipality an amount in lieu of conveying land for park or other public recreational purposes under section 51.1 of the *Planning Act*, R.S.O. 1990, c.P.13. The Owner acknowledges that this amount, represents 5% of the lands included in the draft plan, less the area of Blocks 97 and 94, and shall be based on the value of the Lands as of the day before the approval of draft Plan of Subdivision S-C-2014-0002.
- (3) For the undeveloped portion of Buttonshaw Parkette identified as Block 94, the owner shall prepare a detailed grading plan to illustrate how it will be blended into the existing park. The owner shall construct, and ensure the Engineering Drawings incorporate the final grades for the park including 200mm minimum topsoil and sod, fencing and any storm water sewer

servicing within the park. The owner shall construct a 2.4m wide asphalt walkway connecting the sidewalk on Street A to the existing park walkway.

- (4) The owner shall prepare a detailed grading plan for Block 97. The owner shall construct, and ensure the Engineering Drawings incorporate the final grades for the park including 200mm minimum topsoil and sod and fencing.
- (5) For purposes of the Subdivision Agreement, all works under the section 5.8(3) are considered a separate Works Component with a minimum maintenance period of 2 years.
- (6) The park works described in 5.5 (3) and 5.5 (4) shall be completed prior to the issuance of the first building permit within the plan.

5.6 Noise Attenuation

- (1) The Owner shall implement the noise attenuation measures recommended in the updated noise report entitled Noise Impact Study prepared by D.G. Biddle & Associate Ltd., dated July 2014, Project No.113026 (the "Noise Report").
- (2) The Owner shall not make an application for a building permit for any building on the Lands until an acoustic engineer has certified that the plans for the building are in accordance with the Noise Report.

5.7 Temporary Turning Circles

- (1) Temporary turning circles are required at phase limits where roadways are incomplete and any lots abutting temporary turning circles will be frozen and not eligible for building permits.
- (2) Where part of all of a temporary turning circle is on lands outside of the road allowances, the Owner shall convey an easement to the Municipality in a form satisfactory to the Municipal Solicitor. Such easement shall be released for nominal consideration when the turning circle is removed to the satisfaction of the Director of Engineering Services.
- (3) Where proposed road connects to existing temporary turning circle, the Owner shall restore all areas to municipal standards. This includes curbs, sidewalks, asphalt, drainage, boulevard topsoil and sod, street trees and streetlighting relocations, all to the satisfaction of the Director of Engineering Services.

5.8 Trail

The Owner shall be responsible for preparing a design showing that a 2.4 metre wide limestone walking trail is feasible in the 6 metre buffer between the rear lot lines and the proposed 3:1 slope to the satisfaction of the Municipality of Clarington. The Owner further agrees to provide the platform for a trail to the satisfaction of the Director of Engineering Services based on the approved plan.

5.9 Fencing

The Owner shall install non-gated fencing between any lots and Park or Open Space lands to the satisfaction of the Central Lake Ontario Conservation Authority and the Director of Engineering Services.

5.10 Bio-retention Swales

The Owner acknowledges and agrees that Bio-retention Swales are required to service the subject development. These swales are within lands to be dedicated to the Municipality of Clarington. The swales must be constructed as part of Base Works, and securities for the swales shall be held for 2 years (Stormwater Management Works).

5.11 Final Works Cost Estimate

The final works cost estimate shall include:

- (1) all work required as part of the Environmental Impact Statement including landscaping in open space areas, restoration and compensation and monitoring for the relocation of the Rough Hawthorn.
- (2) All work required as part of installing the bio retention swales in the Open Space block.

5.12 Frozen Lots

The Owner acknowledges and agrees that building permits are not available for Lots 33, and Lots 73-75 until the detailed grading, transplant, compensation and restoration and tree preservation plans required under Part 4, are approved to the satisfaction of the Central Lake Ontario Conservation Authority, the Director of Planning Services and the Director of Engineering Services. Approval of these plans may dictate revisions to the lot configuration, including possible loss of lot(s).

Part 6 – AGENCY CONDITIONS

6.1 Region of Durham

- (1) The Owner shall grant to the Region any easements required for provision of Regional services for this development and these easements shall be in the location and of such widths as determined by the Region.
- (2) The Owner 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 Owner 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. All arrangements, financial and otherwise, for said extensions

are to be made to the satisfaction of the Region, and are to be completed prior to final approval of this plan.

- (3) Prior to entering into a subdivision agreement, the Region shall be satisfied that adequate water pollution control plant and water supply plant capacities are available to the proposed subdivision.
- (4) The Owner shall satisfy all requirements, financial and otherwise, of the Region. This shall include, among other matters, the execution of a subdivision agreement between the Owner and the Region concerning the provision and installation of sanitary sewers, water supply, roads and other regional services.
- (5) The Owner shall carry out an Archaeological Assessment of the subject property and mitigation and/or salvage excavation of any significant heritage resources to the satisfaction of the Ministry of Tourism and Culture. No grading or other soil disturbance shall take place on the subject property prior to a letter of clearance from the Ministry of Tourism and Culture.

6.2 Conservation Authority

- (1) That prior to any on-site grading or construction or final approval of the plan, the Owner shall submit to and obtain approval from the Central Lake Ontario Conservation Authority for reports describing the following:
 - a. The intended means of controlling and conveying stormwater flow from the site, including the use of stormwater techniques which are appropriate and in accordance with provincial guidelines; and,
 - b. The intended means of providing water quality treatment for the site in accordance with provincial guidelines; and,
 - c. The means whereby erosion and sedimentation and their effects will be minimized on the site during and after construction, in accordance with provincial guidelines. The report must outline all actions to be taken to prevent an increase in the concentration of solids in any water body as a result of on-site, or related works;
 - d. A phased sediment control plan is submitted to detail each phase of the construction; and
 - e. Details on the types and use of Low Impact Development (LID) measures to be implemented within the development to assist in reducing stormwater runoff and encouraging infiltration.
- (2) That the Natural Heritage System, Block 98, be placed within a protective zoning.
- (3) The Owner shall satisfy all financial requirements of the Central Lake Ontario Conservation Authority and Municipality of Clarington. This shall include Application Processing Fees and Technical Review Fees as per the approved Authority Fee Schedule.

- (4) The subdivision agreement between the Owner and the Municipality of Clarington shall contain, among other matters, the following provisions:
- a. The Owner agrees to carry out the works referred to in Conditions 6.2(1) to 6.2(3), inclusive to the satisfaction of the Central Lake Ontario Conservation Authority.
 - b. The Owner agrees to maintain all stormwater and erosion and sediment control structures operating and in good repair during the construction period, in a manner satisfactory to the Central Lake Ontario Conservation Authority.

6.3 Ministry of Culture, Tourism and Sport

No demolition, grading or other soil disturbances shall take place on the lands prior to the Ministry of Culture, Tourism and Sport confirming that potential adverse impact to the archaeological resources identified in the archaeological assessment prepared by Northeastern Archaeological Associates Ltd. and dated June 12, 2014 have been addressed through measures such as preservation, resource removal, licensing and resource conservation requirements.

6.4 Canada Post Corporation

The Owner shall satisfy the following requirements of Canada Post Corporation and the Municipality with respect to the provision of mail delivery to the Subdivision Lands and the provision of community mailbox locations, as follows:

- (a) The Owner shall advise Canada Post as to the excavation date for the first foundation/first phase as well as the date development work is scheduled to begin.
- (b) If applicable, the Owner shall ensure that any street facing installs have a pressed curb or curb cut.
- (c) The Owner shall advise Canada Post as to the expected first occupancy date and ensure the site is accessible to Canada Post 24 hours a day.
- (d) The Owner will consult with Canada Post and the Municipality to determine suitable permanent locations for the Community Mail Boxes. The Owner will then indicate these locations on the appropriate servicing plans.
- (e) The Owner agrees, prior to offering any units for sale, to display a map on the wall of the sales office in a place readily accessible to potential homeowners that indicates the location of all Community Mail Boxes within the development, as approved by Canada Post.
- (f) The Owner will provide a suitable and safe temporary site for a Community Mail Boxes upon approval of the Municipality (that is levelled with appropriate sized patio stones and free of tripping hazards), until curbs, sidewalks and final grading are completed at the

permanent locations. Canada Post will provide mail delivery to new residents as soon as the homes or units are occupied.

- (g) Owner agrees to provide the following for each Community Mail Boxes and to include these requirements on the appropriate servicing plans (if applicable):
 - i) Any required walkway across the boulevard, per municipal standards; and
 - ii) Any required curb depressions for wheelchair access, with an opening of at least two meters (consult Canada Post for detailed specifications).

6.5 Utilities

- (1) The Owner shall coordinate the preparation of an overall utility distribution plan that allows for the safe installation of all utilities including the separation between utilities to the satisfaction of the Director of Engineering Services.
- (2) All utilities will be installed within the proposed road allowances. Where this is not possible, easements will be provided at no cost to the utility provider. Proposed easements are not permitted on lands owned by the Municipality unless it can be demonstrated that there is no other alternative. Such easements must not impede the long term use of the lands and will be at the discretion of the Director of Engineering Services.
- (3) The Owner shall cause all utilities, including hydro, telephone, and cable television within the streets of this development to be installed underground for both primary and secondary services.

Part 7 – STANDARD NOTICES AND WARNINGS

7.1 General

- (1) The Owner shall include a clause in Agreements of Purchase and Sale for all Lots informing the purchaser of all applicable development charges in accordance with subsection 58(4) of the *Development Charges Act, 1997*, S.O. 1997, C.27.
- (2) The Owner shall include the notices and warnings clauses set out in Schedule 3 of the Municipality's standard subdivision agreement in Agreements of Purchase and Sale for all Lots or Blocks.
- (3) The Owner shall include the following notices and warning clauses in Agreements of Purchase and Sale for the Lots or Blocks to which they apply:

7.2 Railway Noise

- (1) The Owner shall include the following notice in the Agreements of Purchase and Sale for Lots _____:

“Purchasers are advised that sound levels due to increasing rail traffic may interfere with some activities of the dwelling occupants as the sound levels will exceed the Ministry of Environment’s noise criteria.”

- (2) The Owner shall include the following notice in the Agreements of Purchase and Sale for Lots _____:

“This dwelling unit was fitted with a forced air heating system and the ducting etc. sized to accommodate a central air conditioning unit. The installation of central air conditioning by the homeowner will allow windows and exterior doors to be kept closed, thereby achieving indoor sound levels within the limits recommended by the Ministry of the Environment. (Note: The location and installation of the outdoor air conditioning device should be done so as to comply with noise criteria of MINISTRY OF ENVIRONMENT AND CLIMATE CHANGE publication NPC-216, Residential Air Conditioning Devices and thus minimize the noise impacts both on and in the immediate vicinity of the subject property).”

- (3) The Owner shall include the following notice in the Agreements of Purchase and Sale for Lots _____:

“The Owner shall insert a clause in all Offers of Purchase and Sale or Lease and in the title deed or lease of each dwelling within 300 m of the railway right-of-way, warning prospective purchasers or tenants of the existence of the Railway’s operating right-of-way; the possibility of alterations including the possibility that the Railway may expand its operations, which expansion may affect the living environment of the residents notwithstanding the inclusion of noise and vibration attenuating measures in the design of the subdivision and individual units, and that the Railway will not be responsible for complaints or claims arising from the use of its facilities and/or operations.”

- (4) The Owner shall include the following notice in the Agreements of Purchase and Sale for Lots _____:

“Metrolinx, carrying on business as GO Transit, and its assigns and successors in interest are the owners of lands within 300 metres from the land which is the subject hereof. In addition to the current use of the lands owned by Metrolinx, there may be alterations to or expansions of the rail and other facilities on such lands in the future including the possibility that GO Transit or any railway entering into an agreement with GO Transit to use the Metrolinx lands or Metrolinx and their respective assigns or successors as aforesaid may expand their operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwellings. Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under its lands.”

- (5) The Owner shall include the following warning clause in agreements of purchase and sale for Lots _____:

“Purchasers and tenants are notified that despite measures to attenuate noise caused by the adjacent railway, whistling from oncoming trains may be heard on a regular basis. Train whistling protocol is regulated and enforced by Transport Canada”.

7.3 Nearby Farm Operations

The Owner shall include the following warning clause in agreements of purchase and sale for Lots _____:

“**Farm Operations** – There are existing farming operations nearby and that such farming activities may give rise to noise, odours, truck traffic and outdoor lighting resulting from normal farming practices which may occasionally interfere with some activities of the occupants.”

7.4 Catchbasins

The Owner shall include the following notice in agreements of purchase and sale for Lots _____:

“**Catchbasin** – A catchbasin and associated underground piping has been installed on this lot. The catchbasin is designed to accept drainage from this lot and adjacent lots. The property owner must not impede or alter the catchbasin or the drainage patterns in any way.”

7.5 Chain Link Fencing

The Owner shall include the following notice in the agreements of purchase and sale for Lots _____:

“**Chain Link Fencing** – Chain link fencing is a required feature between this lot and the adjacent [park, open space or walkway]. This fencing must be located on the public portion of the abutting land and will be maintained by the Municipality after the developer has been released from any further responsibility for the fence.”

7.6 Privacy Fencing

The Owner shall include the following notice in the agreements of purchase and sale for Lots _____:

“**Privacy Fencing** – Privacy fencing is a required feature on this lot and it must be located on the shared property line. Maintenance of this privacy fencing is the shared responsibility of the abutting property owner after the developer has been released from any further responsibility for the fence.”

7.7 Canada Post Corporation

The Owner shall include the following notice in the agreements of purchase and sale for all lots:

“**Mail Service** - Purchasers are advised that Canada Post intends to service this property through the use of community mailboxes that may be located in several locations within this subdivision.”

Part 8 - CLEARANCE

- 8.1 Prior to final approval of the plan for registration, the Municipality’s Director of Planning Services shall be advised in writing by,
- (a) Region of Durham, how Conditions _____ have been satisfied;
 - (b) Central Lake Ontario Conservation Authority, how Conditions _____ have been satisfied;
 - (c) Ministry of Tourism, Culture and Sport, how Conditions _____ have been satisfied;
 - (d) Canada Post, how Conditions _____ have been satisfied;

Part 9 - NOTES TO DRAFT APPROVAL

- 9.1 Terms used in these conditions that are not otherwise defined have the meanings given to them in the Municipality’s standard subdivision agreement.
- 9.2 As the Owner of the proposed subdivision, it is your responsibility to satisfy all conditions of draft approval in an expeditious manner. The conditions of draft approval will be reviewed periodically and may be amended at any time prior to final approval. The Planning Act provides that draft approval, may be withdrawn at any time prior to final approval.
- 9.3 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 shall lapse and the file shall be closed. Extensions may be granted provided valid reason is given and is submitted to the Director of Planning Services for the Municipality of Clarington well in advance of the lapsing date.
- 9.4 Where an agency requirement is required to be included in the Municipal subdivision agreement, a copy of the agreement should be sent to the agency in order to facilitate their clearance of conditions for final approval of this plan. The addresses and telephone numbers of these agencies are:
- (a) Durham Regional Planning Department, 605 Rossland Road East, P.O. Box 623, Whitby, Ontario L1N 6A3 (905) 668-7721.
 - (b) Central Lake Ontario Conservation Authority, 100 Whiting Avenue, Oshawa, Ontario L1H 3T3 (905) 579-0411.

- (c) Ministry of Tourism, Culture and Sport, Culture Programs Unit, Programs and Services Branch, Culture Division, 401 Bay Street, Suite 1700, Toronto ON M7A 0A7.
- (d) Canada Post, Metro Toronto Region, 1860 Midland Ave. 2nd Floor, Scarborough ON, M1P 5A1.

Corporation of the Municipality of Clarington

By-law Number 20____ - _____

being a By-law to amend By-law 84-63, the Comprehensive Zoning By-law for the Corporation of the Municipality of Clarington.

Whereas the Council of the Corporation of the Municipality of Clarington deems it advisable to amend By-law 84-63, as amended, of the Corporation of the Municipality of Clarington for ZBA 2014-0023;

Now Therefore Be It Resolved That, the Council of the Corporation of the Municipality of Clarington enacts as follows:

1. Schedule '3' to By-law 84-63, as amended, is hereby further amended by changing the zone designation from:

"Agricultural (A) Zone" to "Holding - Urban Residential Exception ((H)R2-54) Zone";

"Agricultural (A) Zone" to "Holding - Urban Residential Exception ((H)R2-78) Zone";

"Agricultural (A) Zone" to "Holding – Urban Residential Exception ((H)R2-79) Zone"; and,

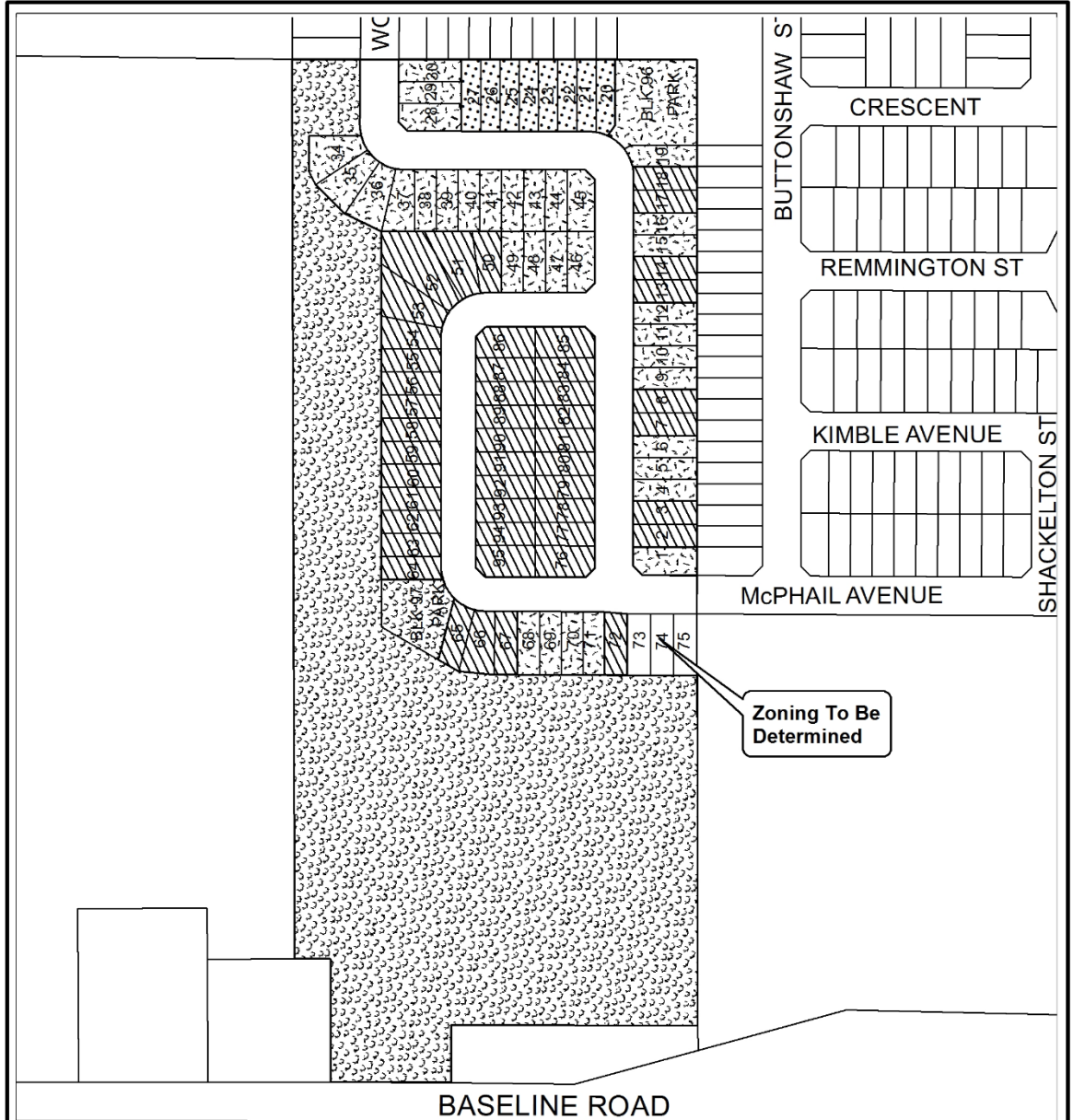
"Agricultural (A) Zone" to "Environmental Protection (EP) Zone" as illustrated on the attached Schedule 'A' hereto.





2. Schedule 'A' attached hereto shall form part of this By-law.
3. This By-law shall come into effect on the date of the passing hereof, subject to the provisions of Section 34 of the Planning Act.

By-Law passed in open session this _____ day of _____, 2017

Adrian Foster, Mayor

C. Anne Greentree, Municipal Clerk



-  Zoning Change From "A" To "(H)R2-54"
-  Zoning Change From "A" To "(H)R2-78"
-  Zoning Change From "A" To "(H)R2-79"
-  Zoning Change From "A" To "EP"



Adrian Foster, Mayor

Bowmanville • ZBA 2014-0023 • Schedule 3

C. Anne Greentree, Municipal Clerk