

APPENDIX C
CONDITIONS OF DRAFT PLAN APPROVAL

Town File No.'s: 24T-12002/1506
Draft Plan dated
July 30, 2012 and revised on March 6, 2013

**TOWN OF OAKVILLE CONDITIONS OF DRAFT APPROVAL
FOR THE REGISTRATION OF CARTERRA (1455 Joshua's Creek Drive)**

This approval applies to the draft plan of subdivision (24T-12002/1506) prepared by Cunningham McConnell Limited dated July 30, 2012 and revised on March 5, 2013 illustrating 13 blocks. The conditions applying to the approval of the final plan for registration are as follows:

<i>CONDITIONS</i>	<i>CLEARANCE AGENCY</i>
CONDITIONS TO BE MET PRIOR TO PREGRADING/SERVICING	
1. That the Owner shall carry out a heritage resource assessment (archaeological survey) of the subject property and, if recommended, mitigate/salvage/excavate any significant resources to the satisfaction of the Regulatory Operations Unit of the Ministry of Tourism, Culture and Sport. No grading or other soil disturbance shall take place on the subject property prior to the letter of release from the Regulatory Operations Unit of the Ministry of Tourism, Culture and Sport, being submitted to the Town of Oakville and the Regional Municipality of Halton. The Owner shall provide Halton Region with an update to the letter dated July 12, 2010 in the form of a release letter from the Regulatory Operations Unit of the Ministry of Tourism, Culture and Sport, regarding the heritage resource assessment.	MTCS RMH (LPS)
2. That the Owner shall have an Environmental Audit undertaken by a qualified professional engineer to ensure that the land is suitable for the proposed use. If in the opinion of the professional engineer, the Environmental Audit indicates the land may not be suitable for the proposed uses, the engineer must so advise the Town of Oakville and Regional Municipality of Halton. The Owner undertakes to do further investigative studies and to do all work required to make the lands suitable for the proposed use and any land to be conveyed to the Town including roads, stormwater management facilities, parks and the natural heritage system. The Owner agrees to submit an addendum to the Phase 2 ESA report and any additional environmental reports (if needed) to demonstrate the site meets Table 1 MOE Standards, or other such suitable provisions be made to the satisfaction of the Region.	OAK (DE) RMH (LPS)
3. That the Owner shall conduct a survey of the property to identify all existing wells related to the former use of the lands. The Owner further agrees to decommission any existing wells in accordance with Ministry of Environment Guidelines prior to commencing the development of these lands to the satisfaction of the Region's Development Project Manager.	RMH (LPS)
4. That the Owner shall conduct a survey of the property to identify all existing private septic systems related to the former use of the lands. The Owner further agrees to decommission any existing private septic systems in accordance with Ministry of Environment Guidelines prior to commencing the development of these lands to the satisfaction of the Region's Development Project Manager.	RMH(LPS)
5. That the Owner shall prepare and implement a tree preservation plan , prior to site alteration, to the satisfaction of and the Development Engineering Department. Further, the owner shall not disturb or remove trees without written permission from the Town.	OAK (DE)
6. That the Owner shall not install any municipal services on the site until the Owner has entered into a Preservicing Agreement or Subdivision Agreement with the Town. Pre-servicing may occur in accordance with the Town's pre-servicing policy.	OAK (DE)(CH)

CONDITIONS TO BE MET PRIOR TO FINAL APPROVAL/REGISTRATION

7.

That the Owner enter into a standard form **subdivision agreement** to the satisfaction of the Town to address all matters related to the financial and construction obligations and build out of the subdivision, including but not limited to, development charge reimbursements, works to be completed on behalf of the Town, subdivision assumption and maintenance and monitoring of stormwater management facilities, warning clauses, etc.

(PS)(DE)
8.

That the Owner shall provide a **certificate signed by the surveyor** and the Owner stating that the plan proposed to be submitted for registration is the same as the latest (most recent) draft approved plan and, if the plans are not the same, that any differences between the proposed registered plan and the latest draft plan are accepted by the Town.

OAK(DE)
9.

That the Owner shall provide confirmation to the satisfaction of the Town’s Finance Department that **all outstanding property taxes and outstanding debts** have been paid prior to plan registration.

OAK(F)
10.

That the Owner shall **dedicate all lands to be conveyed to the Town, Regional Municipality of Halton or other authority** free of charge and with clear title (free and clear of encumbrances) and any necessary easements. A Certificate of Title shall be provided, in a form satisfactory to the Town, Region or other authority.

OAK(DE, L)
RMH (LPS)
- To Region - any lands within 23.5 m of the centre line of the original 66 ft right of way of Upper Middle Road (Regional Road 38) that are part of the subject property.
- To Region - a daylight triangle measuring 15 m along Upper Middle Road (Regional Road 38) and 15 m along Ford Drive (Regional Road 13).
- To Region - any lands within 17.5 m of the centre line of the original 66 ft right of way of Ford Drive (Regional Road 13) that are part of the subject property.
- That easements be provided for any watermain internal and/or external to the site that are not located in any existing road right of way and that these easements be dedicated to the Region for the purpose of watermain protection.
- To Town - For Open Space - Blocks 5, 7, 8 and 9
11.

That the owner prepare and agree to **implement the following studies** to the satisfaction of the Town (and the Regional Municipality of Halton and MTO where applicable):

OAK(DE)
RMH
MTO
CH
- Traffic Impact Study has been completed by a qualified Transportation consultant for each phase. The study must be completed as per Halton’s Traffic Impact Study Guidelines and the all assumptions and recommendations must be to the satisfaction of Transportation Services. Any road or intersection improvements recommended by Halton Region, the Town and/or MTO are the sole financial responsibility of the developer.
- Street Signage and Pavement Marking Plan including any updates
- Functional Design Study including any updates
- EIR/FSS to the satisfaction of Halton, Town and MTO
- Master FSR and SWM report including any updates
- Composite Utility Plan
12.

That the Owner shall prepare a **detailed engineering submission** to be submitted to the Region’s Development Project Manager for review and approval prior to the preparation of the Regional subdivision agreement.

RMH(LPS)

The Owner is required to design and construct an external local watermain on Joshua’s Creek Drive from the current terminus northward to Upper Middle Road (Regional Road 38) to the satisfaction of the Region’s Development Project Manager.

The Owner is required to design and construct an external local sanitary sewer on the North Service Road from the current terminus northward to proposed Road “A” to the satisfaction of the Region’s Development Project Manager.

The Owner is required to size and construct the stormwater management facility to accommodate storm water drainage from the future reconstruction of Upper Middle Road (Regional Road 38) to the satisfaction of Region’s Development Project Manager.

13.

That the Owner acknowledges, in writing, that registration of all or part of this plan of subdivision may not take place until notified by the Region’s Development Project Manager that:

a)

sufficient **Water and Wastewater Plant capacity** exists to accommodate this development; and,

b)

sufficient storage and pumping facilities and associated infrastructure relating to both water and wastewater are in place.

RMH(LPS)
14.

That the Owner shall provide Union Gas Limited the **necessary easements and/or agreements required by Union Gas Limited** for the provision of gas services for this project, in a form satisfactory to Union Gas Limited.

UG
15.

The Owner shall confirm that **sufficient wire-line communication / telecommunication infrastructure** is currently available within the proposed development to provide communication / telecommunication service to the proposed development. In the event that such infrastructure is not available, the Developer is hereby advised that the developer may be required to pay for the connection to and/or extension of the existing communication / telecommunication infrastructure. If the Developer elects not to pay for such connection to and/or extension of the communication / telecommunication infrastructure, the Developer shall be required to demonstrate to the municipality that sufficient alternative communication / telecommunication facilities are available within the proposed development to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services (i.e. 911 Emergency Services).

BC (Cogeco)
16.

That the Owner shall provide **digital discs of the registered plan of subdivision** with the following coordinate system UTM NAD 83 Zone 17 to the Regional Municipality of Halton and the Town of Oakville, and approved wetland delineation/stable top of bank delineation/flood plain/meander belt to Conservation Halton, prior to registration of the plan.

OAK (DE)

RMH (LPS)

CH
17.

That the Owner shall provide the Town with evidence that satisfactory arrangements, financial and otherwise, have been made with Canada Post Corporation for the **installation of Community Mail Boxes (CMB)** as required by Canada Post Corporation, prior to registration of the plan.

CP
18.

That the Owner shall provide the Town, together with the final plan, **a list of lot and block widths, depths and areas prepared by an Ontario Land Surveyor**, to ensure all lot and blocks meet or exceed the minimum requirements of the approved Zoning By-law. The Owner shall agree to revise the draft plan as required in order to comply with all provisions of the approved Zoning By-law.

OAK(Z)
19.

That the Owner design, construct, and have in operation (including vegetation) all **stormwater management** blocks to the satisfaction of the Development Engineering Department and Conservation Halton.

OAK (DE)

(CH)
20.

That the Owner shall enter into a **subdivision agreement** and satisfy all requirements, financial and otherwise, **of the Regional Municipality of Halton**, including but not limited to, the phasing of the plan for registration, investigation of soil contamination and soil restoration, the provision of roads and the installation of water and sanitary sewer services, utilities and drainage works. This agreement is to be registered on title to the lands.

RMH (LPS)

That the Owner be responsible for the environmental quality of any additional imported fill required with the subdivision limits and external works that service the subdivision to the satisfaction of the Region. Documents must be submitted to Halton Region certifying that all fill material meets applicable MOE standards per Regulation 153/04.

The Owner agrees that warning clauses shall be included in the registered portion of the Regional Subdivision Agreement and, in all subsequent offers of purchase and sale on all buildings and building units within this development and, registered on title regarding potential high water pressure within the subdivision.

21.

That prior to registration of the plan, the Owner’s surveyor shall submit to the Town **horizontal co-ordinates of all boundary monuments**. These co-ordinates are to be based on 6 degree UTM Projection, NAD83 Datum. Exemptions and alternatives to this can only be granted by the Engineering and Construction Department.

OAK (EC)
22.

That all public streets (Street A and B) within the subdivision be named to the satisfaction of the Engineering and Construction Department and in accordance with **Street Names** for Public Roads procedure.

OAK (EC)
23.

That an **Environmental Impact Assessment (EIA) or Woodland Restoration and Enhancement Plan** be completed or other suitable arrangements be made to the satisfaction of Halton Region’s Senior Planner – Environmental to demonstrate that the size and configuration and buffer requirements for Open Space Blocks 7 and 8 is appropriate.

RMH(LPS)
24.

That any land dedications, easements or requirements requested by Oakville Hydro be satisfied to the satisfaction of Oakville Hydro.

(OH)
25.

That the requirements of Conservation Halton’s letter dated September 23, 2013 be addressed to the satisfaction of Conservation Halton.

CH
26.

That the implementation details regarding the Joshua’s Creek Arena land exchange between the Town and the owner involving Blocks 6, 12, 13 and Street B shall be resolved to the satisfaction of the town prior to registration. Town owned land (Block 12) is to be conveyed to the owner in exchange for the transfer of Block 6 to the Joshua’s Creek Arena (Block 13). All works associated with the land transfer including intersection works, signalization, engineering works, parking lot and driveway design, lighting and potential modifications to the rear arena entrance will be at the sole cost to the owner. Construction works will be undertaken with minimal disruption to the arena operation.

POS
(OAK) PS
27.

That the owner agree to incorporate any redline revisions which may be required to the draft plan in order to satisfy the requirements of any supporting reports, studies or Town requirements to the satisfaction of the Town.

(OAK) PS
28.

That the owner agree to urbanize at no cost to the Town the east side of Joshua’s Creek Drive from Upper Middle Road to the southerly limit of their property to the satisfaction of the Director of Development Engineering.

(OAK) DE

CLOSING CONDITIONS

29.

Prior to signing the final plan the **Director of Planning Services** shall be advised that all conditions have been carried out to the satisfaction of the relevant agencies, and that a brief but complete statement detailing how each condition has been satisfied has been provided.

OAK(PS)
30.

Prior to signing the final plan the Director of Planning Services shall be advised by the **Regional Municipality of Halton** that conditions 1, 2, 3, 4, 10, 11, 12, 13, 16, 20 and 23, have been carried out to their satisfaction with a brief but complete statement detailing how each condition has been satisfied.

OAK(PS)
RMH(LPS)
31.

Prior to the signing of the final plan the Director of Planning Services shall be advised by the **Conservation Halton** that conditions 6, 11, 16, 19, and 25 have been carried out to their satisfaction with a brief but complete statement detailing how the conditions has been satisfied.

OAK(PS)
CH

32.

Prior to signing the final plan, the Director of Planning Services shall be advised by the **telecommunications provider** that condition 15 has been carried out to their satisfaction with a brief but complete statement detailing how the condition has been satisfied.

OAK(PS)
BC
33.

Prior to signing the final plan the Director of Planning Services shall be advised by **Canada Post** that condition 17 has been carried out to their satisfaction with a brief but complete statement detailing how the condition has been satisfied.

OAK(PS)
CP
34.

Prior to signing the final plan the Director of Planning Services shall be advised by the **Ministry of Tourism, Culture and Sport** that condition 1 has been carried out to their satisfaction with a brief but complete statement detailing how the condition has been satisfied.

OAK(PS)
MTCS
RMH(LPS)
35.

Prior to signing the final plan, the Director of Planning Services shall be advised by **Oakville Hydro** that condition 24 has been carried out to their satisfaction with a brief but complete statement detailing how the condition has been satisfied.

OH
36.

Prior to signing the final plan, the Director of Planning Services shall be advised by **Union Gas** that condition 14 has been carried out to their satisfaction with a brief but complete statement detailing how the condition has been satisfied.

UG
- All of the above conditions shall be satisfied within 3 years of the granting of draft approval, being Day Month , 2016.

OAK(PS)

NOTES:

1.

That the Owner shall obtain a Permit from Conservation Halton, pursuant to Ontario Regulation 162/06, for any development or site alteration within the regulated area including, but not necessarily limited to, dumping of fill, grading, stormwater outfalls, and watercourse crossings.
2.

That the Owner shall obtain a site alteration permit under By-law 2008-124, as it may be amended from time to time or any successor thereto, prior to any earth moving activities. Matters to be addressed as part of the site alteration permit shall include but not be limited to confirmation of construction access, installation and maintenance of erosion and sediment controls, mud tracking, stabilization, grading and seeding of non-development blocks.
3.

Payment of cash-in-lieu of parkland in accordance with the applicable by-law will be payable prior to the first building permit issuance in accordance with the provisions of Section 42 of the Planning Act.

LEGEND – CLEARANCE AGENCIES

BC	Bell Canada
CP	Canada Post
HCDSB	Halton Catholic District School Board
HDSB	Halton District School Board
CH	Conservation Halton
MTCS	Ministry of Tourism, Culture and Sport
OAK (A)	Town of Oakville – Planning Administration
OAK (F)	Town of Oakville - Finance
OAK (L)	Town of Oakville – Legal
OAK (DE)	Town of Oakville – Development Engineering Department
OAK (PS)	Town of Oakville – Current Planning Services
OAK (LR)	Town of Oakville – Long Range Planning

OAK (Z)	Town of Oakville – Building Services Department, Zoning Section
OAK (FD)	Town of Oakville – Fire Department
OAK (POS)	Town of Oakville – Parks and Open Space Department
OAK (EC)	Town of Oakville – Engineering and Construction Department
OAK (T)	Town of Oakville – Transit
OH	Oakville Hydro
RMH (LPS)	Regional Municipality of Halton – Legislative and Planning Services
UG	Union Gas