

**Council Attachment 1
(February 7, 2007)**

**Schedule of Pre-Conditions
(To be satisfied prior to draft plan approval being granted)**

19T-04K02

Part of Lots 34 and 35, Concession 9
Township of King

Re: Draft Plan of Subdivision prepared by
Evans Planning, Revision 9, dated October 13, 2005.

1. That prior to or concurrent with draft plan approval, the owner shall enter into an agreement with the Township of King, which agreement shall be registered on title, committing the owner not to enter into any agreements of purchase and sale with end users, for the subject lands until such time as:
 - a)
 - i. York Region has advised in writing that it is no earlier than twelve (12) months prior to the expected completion of the Schomberg Sewage Treatment Plant Expansion and the Schomberg Water Supply System Expansion; and,
 - ii. The Council of the Township of King has allocated adequate water supply and sewage servicing capacity to the subject development;
or,
 - b) the Township of King approves a transfer of servicing allocation to this development that is not dependent upon the construction of infrastructure; or,
 - c) the Regional Commissioner of Transportation and Works confirms servicing allocation for this development by a suitable alternative method.

Schedule of Conditions
19T-04K02
Part of Lots 34 and 35, Concession 9
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Evans Planning, Revision 9, dated October 13, 2005.

1. The road allowances included within the draft plan of subdivision shall be named to the satisfaction of the area municipality and the Regional Planning and Development Services Department.
2. Prior to registration, York Region shall confirm that adequate water supply and sewage servicing capacity are available and have been allocated by the Township of King 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.
3. The Owner shall agree in the subdivision agreement to save harmless the area municipality and York Region from any claim or action as a result of water or sanitary sewer service not being available when anticipated.
4. Prior to the registration of any residential lands the following shall occur:
 - York Region has advised in writing that it is no earlier than six (6) months prior to the expected completion of the Schomberg Sewage Treatment Plant Expansion and the Schomberg Water Supply System Expansion; or,
 - the Township of King approves a transfer of servicing allocation to this development that is not dependent upon the completion of infrastructure; or,
 - the Regional Commissioner of Transportation and Works confirms servicing allocation for this development by a suitable alternative method.
5. That all residentially zoned lands shall be placed under a holding symbol 'H' pursuant to the provisions of Section 36 of the Ontario Planning Act, which shall prohibit the development of the lands until the 'H' symbol has been lifted. The conditions for lifting the 'H' symbol shall include:
 - York Region advises in writing that it is no earlier than six (6) months prior to the expected completion of the Schomberg Sewage Treatment Plant Expansion and the Schomberg Water Supply System Expansion; or,

- the Township of King approves a transfer of servicing allocation to this development that is not dependent upon the construction of infrastructure; or,
 - the Regional Commissioner of Transportation and Works confirms servicing allocation for this development by a suitable alternative method.
6. The Owner shall have prepared, by a qualified professional transportation consultant, a functional transportation report/plan outlining the required York Region road improvements for this subdivision. The report/plan, to be submitted to the York Region Transportation and Works Department for review and approval, shall explain all transportation issues and shall recommend mitigative measures for these issues.
 7. The Owner shall agree in the subdivision agreement, in wording satisfactory to the Regional Transportation and Works Department, to implement the recommendations of the functional transportation report/plan as approved by the York Region Transportation and Works Department.
 8. The Owner shall submit detailed engineering drawings, to the Regional Transportation and Works Department for review and approval, that incorporate the recommendations of the functional transportation report/plan as approved by the Regional Transportation and Works Department. Additionally, the engineering drawings shall include the subdivision storm drainage system, erosion and siltation control plans, site grading and servicing, plan and profile drawings for the proposed intersections, construction access and mud mat design, utility and underground servicing location plans, pavement markings, electrical drawings for intersection signalization and illumination design, traffic control/construction staging plans and landscape plans.
 9. Prior to Final Approval, the Owner shall provide a set of engineering drawings, approved by the area municipality, which indicates the storm drainage system, the overall grading plans and all proposed accesses onto Regional roads, for all lands within this plan of subdivision, to the Regional Transportation and Works Department for verification that all York Region's concerns have been satisfied.
 10. 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 Regional road, to the Roads Branch, Attention: Manager, Development Approvals, that includes the following drawings:
 - a) Plan and Profile for the Regional 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.
11. 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 York Region Transportation and Works Department, Attention: Mrs. Eva Pulnicki, P.Eng.
12. The following lands shall be conveyed to The Regional Municipality of York for public highway purposes, free of all costs and encumbrances:
- a) a widening across the full frontage of the site where it abuts Highway 27 of sufficient width to provide a minimum of 18 metres from the centreline of construction of Highway 27, and
 - b) a 15 metre by 15 metre daylighting triangle at the northwest corner of Dr. Kay Drive and Highway 27, and
 - c) an additional 2.0 metre widening, 40 metres in length, together with a 60 metre taper for the purpose of a southbound right turn lane at the intersection of Dr. Kay Drive and Highway 27, and
 - d) a 0.3 metre reserve across the full frontage of the site where it abuts Highway 27 and the adjacent to the above noted widenings.
13. The location and design of the construction access for the subdivision work shall be completed to the satisfaction of the Regional Transportation and Works Department and illustrated on the engineering drawings.
14. Any existing driveway(s) along the Islington Avenue frontage of this subdivision not part of the final subdivision must be removed as part of the subdivision work, at no cost to York Region.
15. Access to Block 178 shall be via Dr. Kay Drive. No direct access shall be permitted to Highway 27.
16. Elevations along the streetline shall be set at 0.3 metres above the centerline elevation of Highway 27.
17. The Owner shall submit drawings depicting the following to the satisfaction of York Region staff:

- a) All existing woody vegetation within the Regional Road right of way,
 - b) Tree protection measures to be implemented on and off the Regional Road right of way to protect right of way vegetation to be preserved,
 - c) Any woody vegetation within the Regional Road right of way that is proposed to be removed or relocated. However, it is to be noted that tree removal within Regional Road right's 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 Regional 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 Regional 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, they will require the approval of the local municipality and be supported by a maintenance agreement between the municipality and York Region for area municipal maintenance of these features. In addition, the agreement should indicate that where the area municipality does not maintain the feature to the Region's satisfaction, the area municipality will be responsible for the cost of maintenance or removal undertaken by the Region.
18. 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 Regional Transportation and Works Department recommending noise attenuation features and the Owner shall agree to implement these noise attenuation features to the satisfaction of the Regional Transportation and Works Department.
19. The Owner shall agree in the subdivision agreement, in wording satisfactory to the Regional Transportation and Works Department, that prior to the release of any security held by York Region in relation to this plan of subdivision, and where 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.
20. 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".

21. Where noise attenuation features will abut a Regional right-of-way, the Owner shall agree in the subdivision agreement, in wording satisfactory to the Regional Transportation and Works Department, as follows:
- a) that no part of any noise attenuation feature shall be constructed on or within the Regional right-of-way;
 - b) that noise fences adjacent to Regional roads shall be constructed on the private side of the 0.3 metre reserve and may be 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 The Regional Municipality of York; 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 Regional Transportation and Works Department and shall be maintained by the area municipality with the exception of the usual grass maintenance.
22. The Owner shall agree in the subdivision agreement that the services to be installed within or in conjunction with the Plan shall provide for sidewalks which meet the local municipality's standards along the subject lands' frontage onto roadways that have/will have transit services, to the satisfaction of the York Region Transportation and Works Department.
- Future transit services are planned for the following roadway[s] or sections of:
- Highway 9
 - Highway 27
23. The Owner shall satisfy the York Region Transportation and Works Department that the services to be installed within or in conjunction with the Plan will provide a concrete pedestrian access connection from the internal roadway[s] to Regional roadway as follows:
- Connecting the east and west end of "Street B" to "Highway 9"
 - Connecting "Street G" to "Highway 27"
24. The concrete pedestrian access connection shall meet the local municipality's standards for sidewalks. The subdivision agreement shall provide that such pedestrian access connection shall be retained by the Owner unless the Region (prior to final approval of the Plan) enters into an agreement with the Owner providing for transfer of ownership to the Region. The concrete pedestrian access shall be provided at no cost to the Regional Municipality of York.

25. Prior to final approval or site plan execution, the Owner shall submit drawings showing, as applicable, the sidewalk location[s], concrete pedestrian access, passenger standing area[s] and shelter pad[s] to the satisfaction of York Region.
26. The Owner shall agree in the Subdivision Agreement to advise all potential purchasers of the existing and future introduction of transit services in this development as identified in condition 22. This includes potential transit routes, bus-stops and shelter locations. This shall be achieved through distribution of information/marketing materials (YRT route maps, Future Plan maps & providing YRT website contact information) at sales offices and appropriate notification clauses in purchase agreements. The YRT route maps and the Future Plan maps are available from YRT upon request.
27. Prior to final approval the Owner shall provide a copy of the subdivision agreement to the Regional Transportation and Works Department.
28. The Owner shall provide a solicitor's certificate of title to the Region's Corporate and Legal Services Department, to the satisfaction of the Regional Solicitor, at no cost to the Region, with respect to the conveyance of lands to York Region.
29. 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-laws DC-0005-2003-050 and DC-0005(a)-2005-060.
30. The York Region Planning and Development Services Department shall advise that Conditions 1 to 30 inclusive, have been satisfied.

Note:

York Region supports the Township of King applying a lapsing provision to the draft plan, pursuant to Section 51(32) of the Ontario Planning Act, and that York Region be provided an opportunity to comment on any proposed extensions of draft approval.