

ISSUE DATE:

Nov. 25, 2009



PL081357

Ontario
Ontario Municipal Board
Commission des affaires municipales de l'Ontario

EAD Lakeshore Developments Inc. has appealed to the Ontario Municipal Board under subsection 51(39) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from a decision of the Town of Oakville to refuse approval of a proposed plan of subdivision on lands composed of 3047 Lakeshore Road West, in the Town of Oakville
Approval Authority File No. 24T-07004
OMB File No. PL090295

EAD Lakeshore Developments Inc. has appealed to the Ontario Municipal Board under subsection 51(39) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from a decision of the Town of Oakville to refuse approval of a proposed plan of condominium on lands composed of 3047 Lakeshore Road West, in the Town of Oakville
Approval Authority File No. 24CDM-07009
OMB File No. PL090296

EAD Lakeshore Developments Inc. has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to the Official Plan for the Town of Oakville to redesignate land at 3047 Lakeshore Road West by adding specific provisions to the Residential Low Density designation permitting multiple attached dwellings and a residential density of 34 units per hectare to permit a 24 unit townhouse development consisting of five townhouse blocks
Approval Authority File No. Z.1731.39
OMB File No. PL081357

EAD Lakeshore Developments Inc. has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's refusal or neglect to enact a proposed amendment to Zoning By-law 1984-63 of the Town of Oakville to rezone lands respecting 3047 Lakeshore Road West by adding specific provisions to the R03 zone permitting the development of a plan of subdivision and plan of condominium to permit a 24 unit townhouse development consisting of five townhouse blocks
OMB File No. PL081358

APPEARANCES:

Parties

EAD Lakeshore Developments Inc.

Town of Oakville

Region of Halton

Counsel

W. Friedman

D. Baker

D. Beck

**MEMORANDUM OF ORAL DECISION DELIVERED BY J.V. ZUIDEMA ON
OCTOBER 22, 2009 AND ORDER OF THE BOARD**

At the outset of the hearing, the Board was requested on consent of the parties to adjourn the proceedings for a day in order for the parties to finalize a settlement. That was completed and the Board received as Exhibit 1(a), duly executed Minutes of Settlement which appended proposed draft planning instruments for the Board's approval. Those proposed draft instruments were: an official plan amendment which was necessary in order to recognize the increased density of the proposed development; a zoning by-law amendment, a draft plan of subdivision with conditions and a draft plan of condominium.

The Board heard from Mr. Behar who was presented jointly on behalf of the parties to provide opinion evidence to support the settlement. Mr. Behar was qualified and accepted as an expert in land use planning. He explained his involvement in the project having been retained in late 2005 and having worked with both the development team and various officials from the Town of Oakville to achieve a proposed development, which he opined met the requirements of the Town's Official Plan policies as well as being consistent with the 2005 Provincial Policy Statement. Mr. Behar opined that not only did the proposed instruments before the Board constitute good planning, they also conformed to the Region of Halton's Official Plan as well as the Growth Plan for the Greater Golden Horseshoe. Mr. Behar's testimony was not challenged by any other expert planning opinion. Mr. Behar recommended the draft documents explaining that they met the requirements of the *Planning Act*, citing specifically s. 51(24).

The Board heard that the subject property is municipally known as 3047 Lakeshore Road West in the Town of Oakville. It is a large irregular parcel of approximately 0.7132 ha in size. A small portion is to be purchased from the Town and this is included in the total size indicated. It has 48.7 m of frontage along Lakeshore Road West and a depth of approximately 118 m. At the rear, the property has a width of 67.07 m. Currently a dilapidated single-family home exists. It is proposed that this dwelling will be removed and an infill development of 15 single detached residential dwellings on a privately-owned condominium road will be constructed. The

development was originally to be 23 townhouses situated on 5 Blocks but this was reduced to 15 single detached dwellings as a result of negotiations with the Town and dialogue with neighbouring landowners. Mr. Behar described the details of the proposed development and testified that the architecture and style will complement the surrounding neighbourhood homes. The proposed dwellings are to be comprised of stone and brick, 2 storeys in height and of a range in size from 2150 square feet to 2900 square feet. Each will have a two-car garage and space had been designated for visitor parking. A landscaped parkette is to be included as part of the common elements.

Aside from Mr. Behar, Messrs. Rob McMahon and Guy D'Arcy testified. These gentlemen live in the vicinity of the proposed development and each objected to the proposal. Mr. McMahon has lived in the area most of his life and despite the settlement achieved with the Town, would rather see the parcel remain with only one single-family dwelling on it. Mr. D'Arcy moved into the area only a couple of years ago and acknowledged that the parcel would be redeveloped but was concerned that not enough attention had gone into addressing potential traffic problems, which in his view would arise as a result of the development. Each individual testified in their capacity as a lay-person and both were candid that they did not have planning or engineering expertise. The Board appreciates their concerns but determines that their evidence is not sufficient to successfully undermine that of Mr. Behar.

As such, the Board accepts and relies on Mr. Behar's uncontested expert planning opinions to endorse the settlement and approve the proposed draft planning instruments before it.

THEREFORE THE BOARD ORDERS THAT the appeal is allowed in part and Amendment No. 302 to the Official Plan for the Town of Oakville is modified as set out in Appendix "B" to Exhibit 1(a), appended as Attachment "1" to this Order, and as modified is approved;

AND FURTHER THE BOARD ORDERS THAT the appeal against By-law 2009-164 of the Town of Oakville is allowed in part, and By-law 2009-164 is amended as set out in Appendix "C" to Exhibit 1(a), appended as Attachment "2" to this Order. In all other respects, the Board orders that the appeal is dismissed;

AND FURTHER THE BOARD ORDERS THAT the appeal is allowed and the draft plan of subdivision along with the draft plan of condominium shown on the plan prepared by MBPD Planning & Design Inc. dated October 20, 2009 comprising of Lot 48, Registered Plan M-10 in the Town of Oakville as set out in Appendix "A" of Exhibit 1(a), appended as Attachment "3" to this Order, is approved subject to the fulfillment of the conditions set out in Appendix "D" of Exhibit 1(a), appended as Attachment "4" to this Order;

AND THE BOARD ORDERS that pursuant to subsection 51(56.1) of the *Planning Act*, the Town of Oakville shall have the authority to clear the conditions of draft plan approval and to administer final approval of the plan of subdivision and plan of condominium for the purposes of subsection 51(58) of the *Act*. In the event that there are any difficulties implementing any of the conditions of draft plan approval, or if any changes are required to be made to the draft plan, the Board may be spoken to.

These are the Board's Orders.

"J.V. Zuidema"

J.V. ZUIDEMA
VICE CHAIR



OAKVILLE

THE CORPORATION OF THE TOWN OF OAKVILLE**BY-LAW NUMBER 2009-163****OFFICIAL PLAN AMENDMENT 302**

A By-law to adopt an amendment to the Official Plan
of the Oakville Planning Area, Official Plan
Amendment 302 (3047 Lakeshore Road West)
File No. Z1731.39

COUNCIL ENACTS AS FOLLOWS:

1. The attached Amendment Number 302 of the Official Plan for the Oakville Planning Area is hereby adopted.
2. Pursuant to Subsection 17(27) of the Planning Act, R.S.O. 1990, c.P.13 as amended, this Official Plan Amendment comes into effect upon the day after the last day for filing a notice of appeal, if no appeal is filed pursuant to Subsections 17(24) and (25). Where one or more appeals have been filed under Subsection 17(24) and (25) of the said Act, as amended, this Official Plan Amendment comes into effect when all such appeals have been withdrawn or finally disposed of in accordance with the direction of the Ontario Municipal Board.
3. In the event that the Regional Municipality of Halton, being the Approval Authority, declares this Official Plan Amendment to be not exempt, the Clerk is hereby authorised and directed to make application to the Approval Authority for approval of the aforementioned Amendment Number 302 to the Official Plan for the Oakville Planning Area.

PASSED this ____ day of October, 2009

MAYOR

CLERK



Official Plan Amendment

Number 302

**to the
Official Plan
of**

**The Corporation
of the
Town of Oakville**

Town of Oakville
Official Plan Amendment No. 302

Part 1, Constitutional Statement

Part 1 and Part 2 do not constitute operable parts of this amendment.

Part 3, "The Amendment", is part of this amendment.

Part 2, The Preamble

1. **Purpose**

The purpose of this amendment is to redesignate the lands located on the north side of Lakeshore Road West, east of Mississauga Street and west of Triller Place, known municipally as 3047 Lakeshore Road West from Residential Low Density to Residential Low Density (22 units per site ha.) to permit the lands to be developed for 15 single detached residential units on a condominium road.

2. **Location**

The lands are located in the Bronte Community. West of Third Line, on the north side of Lakeshore Road West, east of Mississauga Street. The lands are municipally known as 3047 Lakeshore Road West and legally described as Part of Lot 48, Registered Plan M-10.

3. **Basis**

The Official Plan Amendment permits an increase in density to 22 units per site hectare to allow the lands to be developed for 15 single detached residential dwellings and a landscaped parkette. The scale of development is compatible with the existing neighbourhood and the proposed development consists of lots with areas and frontages that are consistent with the surrounding area.

Part 3, The Amendment

The Official Plan for the Town of Oakville is hereby amended by the following:

Text Changes:

Item 1 Part E, Section 1.2.1 d) Bronte Community is amended by adding a new subsection x) as follows:

- "x) Notwithstanding the Residential Low Density designation, a residential development will be permitted on the lands located on the north side of Lakeshore Road West, east of Mississaga Street, provided that the overall density of the development does not exceed 22 units per site hectare. "

Item 2 Figure I2, Bronte Community, Land Use, West of Third Line, is amended as shown on Schedule "A" as follows:

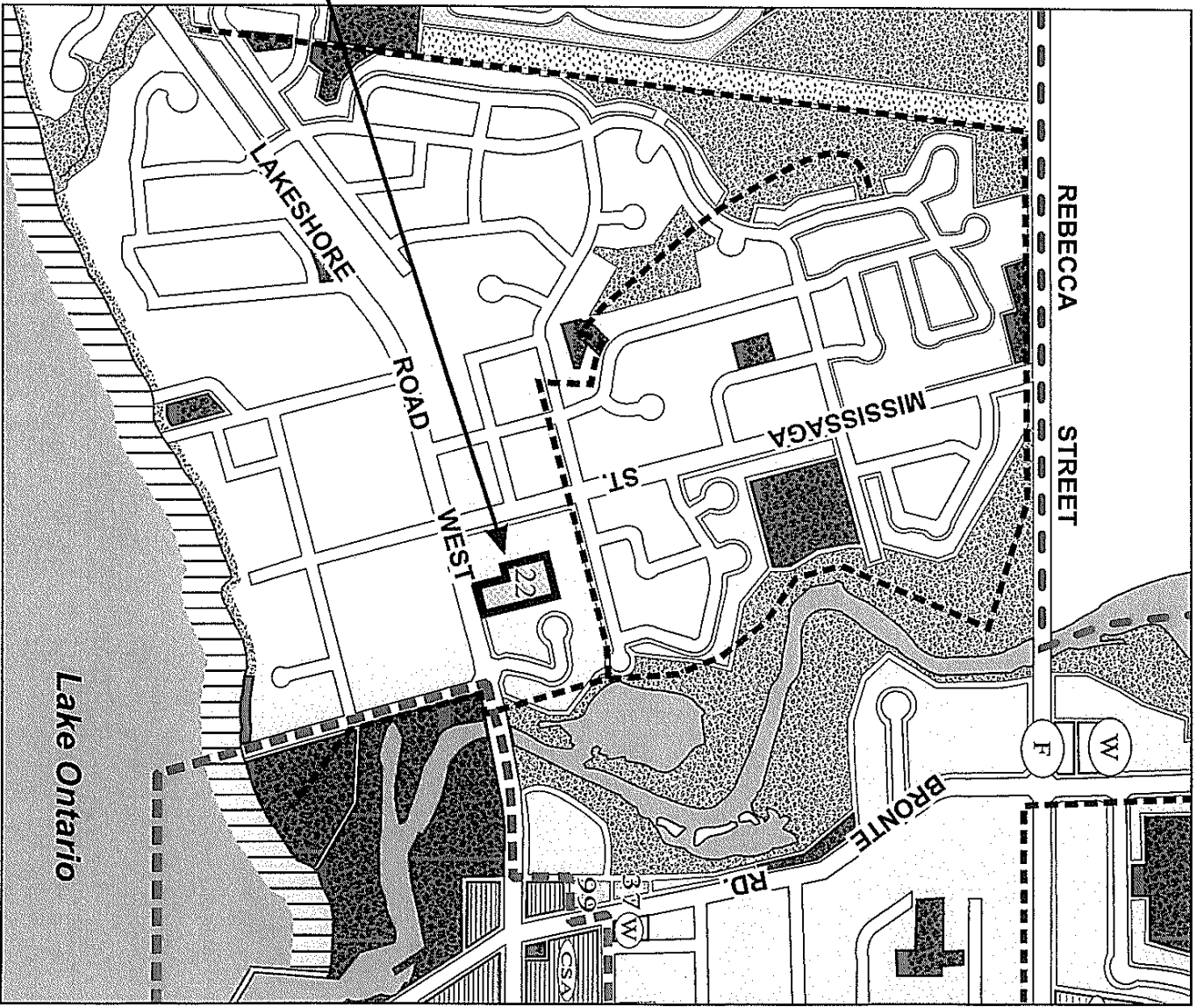
- (i) Area "A" is amended from "Residential Low Density" to "Residential Low Density (22 units per site ha.) as shown on Schedule "A" to this Amendment.

Schedule A O.P.A. No. 302

Legend:

- Residential Low Density (6-17 units per site ha.)
- Residential Low Density (6-20 units per site ha.)
- Residential Medium Density (units per site ha. as shown)
- Residential High Density (units per site ha. as shown)
- Community Shopping Area
- Community Facility/Institutional
- Place Of Worship/Daycare
- Firehall
- Private Open Space
- Further lands subject to Linear Waterfront Park System
- Parkland
- Natural Area
- Shoreline Protection Area
- Cycleway / Walkway
- Community Improvement Area
- Community Boundary

**FIGURE 12
LAND USE
Bronte Community
West of Third Line
AREA "A"**



Town of Oakville
Official Plan
Planning Services Department
Technical Services Business Unit

October 2009



OAKVILLE

THE CORPORATION OF THE TOWN OF OAKVILLE

BY-LAW NUMBER 2009-164

A by-law to amend the Town of Oakville’s Comprehensive Zoning By-law 1984-63, as amended, to permit the development of lands described as 3047 Lakeshore Road West for 15 single detached residential condominium units (EAD Lakeshore Developments Inc. File No. Z.1731.39).

COUNCIL ENACTS AS FOLLOWS:

1. This by-law applies to the lands municipally known as 3047 Lakeshore Road West as identified on Schedule ‘A’ to this by-law.
2. Map 91(1) of By-law 1984-63, as amended, is further amended by rezoning the lands identified on Schedule ‘A’ from R03 to H29-R11, SP 89 (840).
3. By-law 1984-63, as amended, is further amended by adding to Section 90 a new Subsection H29-R11, SP 89 (840)as follows:

H29. EAD Lakeshore Developments Inc. 3047 Lakeshore Road West

| Zoning Designation | Special Provision | Zoning Map |
|--------------------|-------------------|------------|
| R11 | 840 | 91(1) |

a) Permitted Uses (Prior to “H” Removal)

For such time as the “H” symbol is in place, these lands shall only be used for existing permitted uses, buildings and structures or a sales centre.

b) Regulations (Prior to “H” Removal)

For such time as the “H” symbol is in place, these lands shall be subject to the regulations of the R03 zone.

c) Conditions for "H" Removal

The "H" symbol shall, upon application by the landowner, be removed by way of an amending zoning by-law, from all or part of the lands when the following condition has been satisfied:

Halton Region's Commissioner of Legislative and Planning Services, or his or her designate, is satisfied that:

- a) an update to the Functional Servicing Report dated February 2008 has been provided to the satisfaction of Halton Region's Development Project Manager;
- b) a Servicing Agreement has been entered into between the Owner and the Region of Halton which provides, among other matters, for the completion of the upgrades to the Marine Drive Sanitary Sewage Pumping station which are necessary to accommodate the station capacity requirements to service the development, and which provides for the sharing of costs for such upgrades on a basis which is satisfactory to the Region.

4. By-law 1984-63, as amended, is further amended by adding to Section 89 a new Subsection (840) as follows:

| Special Provision | Applies to / Location | By-law Number |
|--------------------------|---|----------------------|
| 840 | <u>EAD Lakeshore Developments Inc.</u> 3047 Lakeshore Road West Part of Lot 48, Registered Plan M-10 | (2009-164) |

5. The land to which By-law 2009-164 applies may be used for the uses permitted in the general provision of By-law 1984-63, as amended, subject to applicable regulations, except where in conflict with the following regulations in which case the following regulations will apply.

- a) For the lands zoned R11, SP 89(840)

Regulations

- i) Maximum Number of Units 15;
- ii) Minimum Flankage Yard Setback 1.5 m;
- iii) Notwithstanding Section 40(7)(h), porches, open or covered by a roof, located on the same level as the main floor level of the dwelling unit or lower, with or without foundations, including the access stairs, connecting the porch to the ground may project into the required yard to a point 1.5 m from the flankage property lines;
- iv) Minimum Aggregate Side Yards per lot in total for both side yards 1.8 m;

-
- v) Minimum Separation Distance between Dwellings 1.2 m;
 - vi) Maximum Garage Floor Area (for lots with less than 12 m of frontage) 33 m²;
 - vii) Maximum Floor Area/Lot Ratio (Interior Lots) 72%;
 - viii) Maximum Floor Area/Lot Ratio (Corner Lots) 68%;
 - ix) Where a driveway is provided on a corner lot, no part of that driveway may give access to the street at a point closer than 5.8 m from the corner;
 - x) Minimum Required Visitor Parking – 2 parking spaces; and,
 - xi) For the purposes of establishing compliance with the zoning regulations, common element roadways shall be considered as public streets for zoning purposes only.

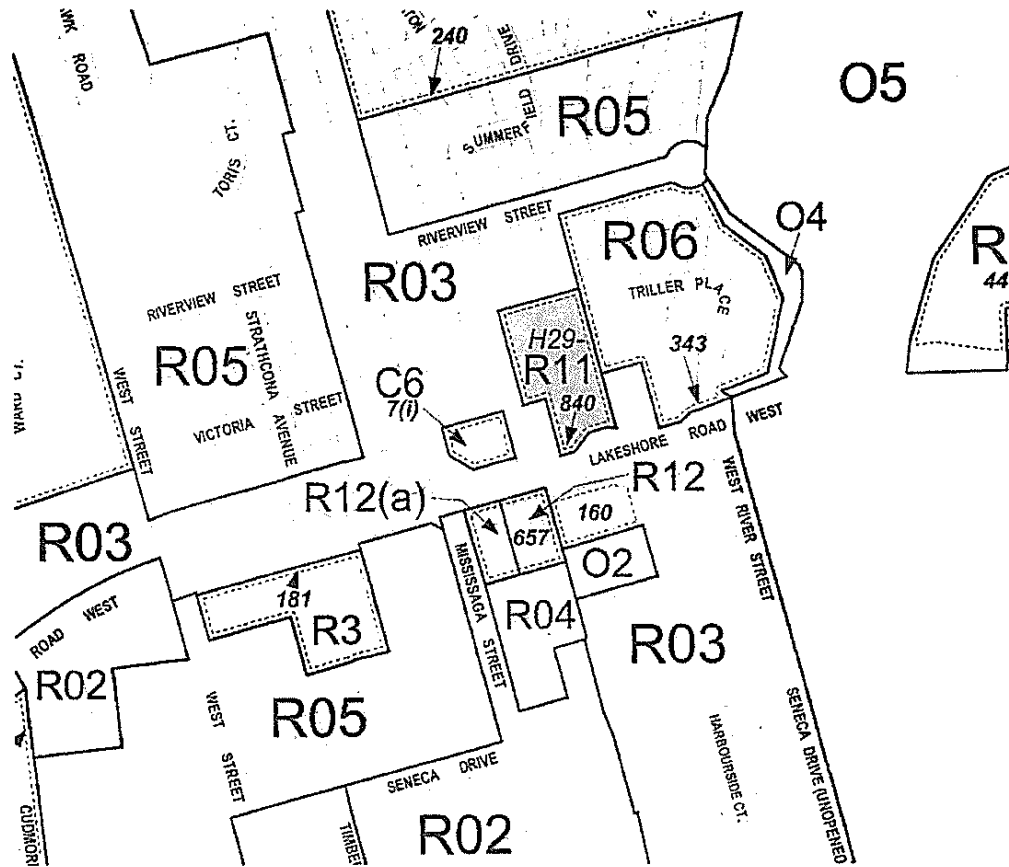
6. This By-law comes into force upon the day it is passed if no appeal is filed pursuant to the Planning Act, R.S.O. 1990, c.P.12, as amended. Where one or more appeals have been filed under the Planning Act, R.S.O. 1990, c.P.13, as amended, this By-law comes into effect when all such appeals have been withdrawn or finally disposed of, whereupon the By-law, except for those parts which are repealed or amended by the Ontario Municipal Board pursuant to the Planning Act, R.S.O., c.P.13, as amended, shall be deemed to have come into force on the day it was passed. Where Council has adopted an amendment to the Official Plan (Official Plan Amendment Number 302), this By-law shall be deemed to have come into force the day it was passed if the Minister approves the amendment to the Official Plan.

PASSED this ___ day of October, 2009

MAYOR

CLERK

SCHEDULE "A"
To By-law 2009-164

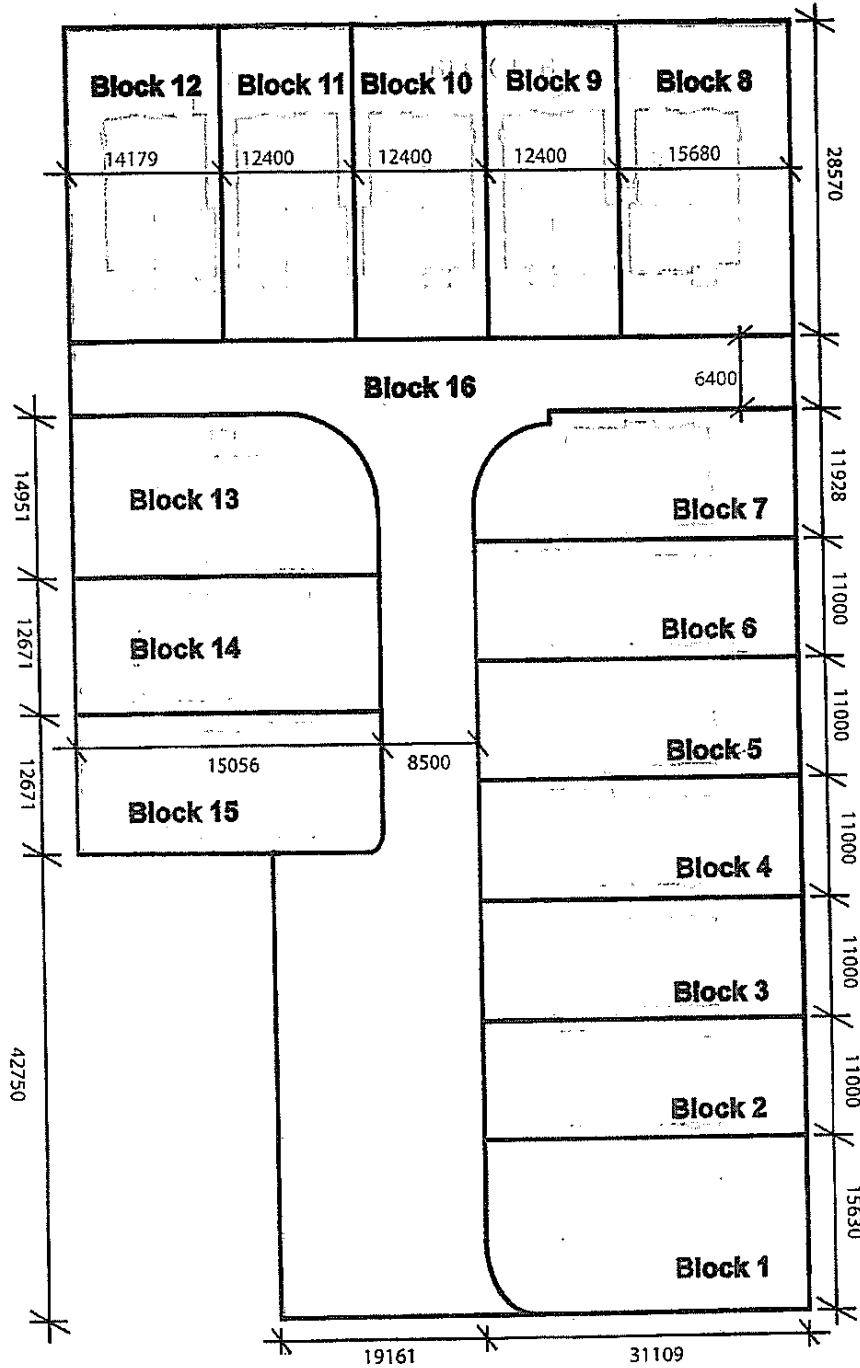


PROPOSED AMENDMENT

 AFFECTED LANDS

EXCERPT FROM MAP
91 (1)


SCALE 1 : 4000



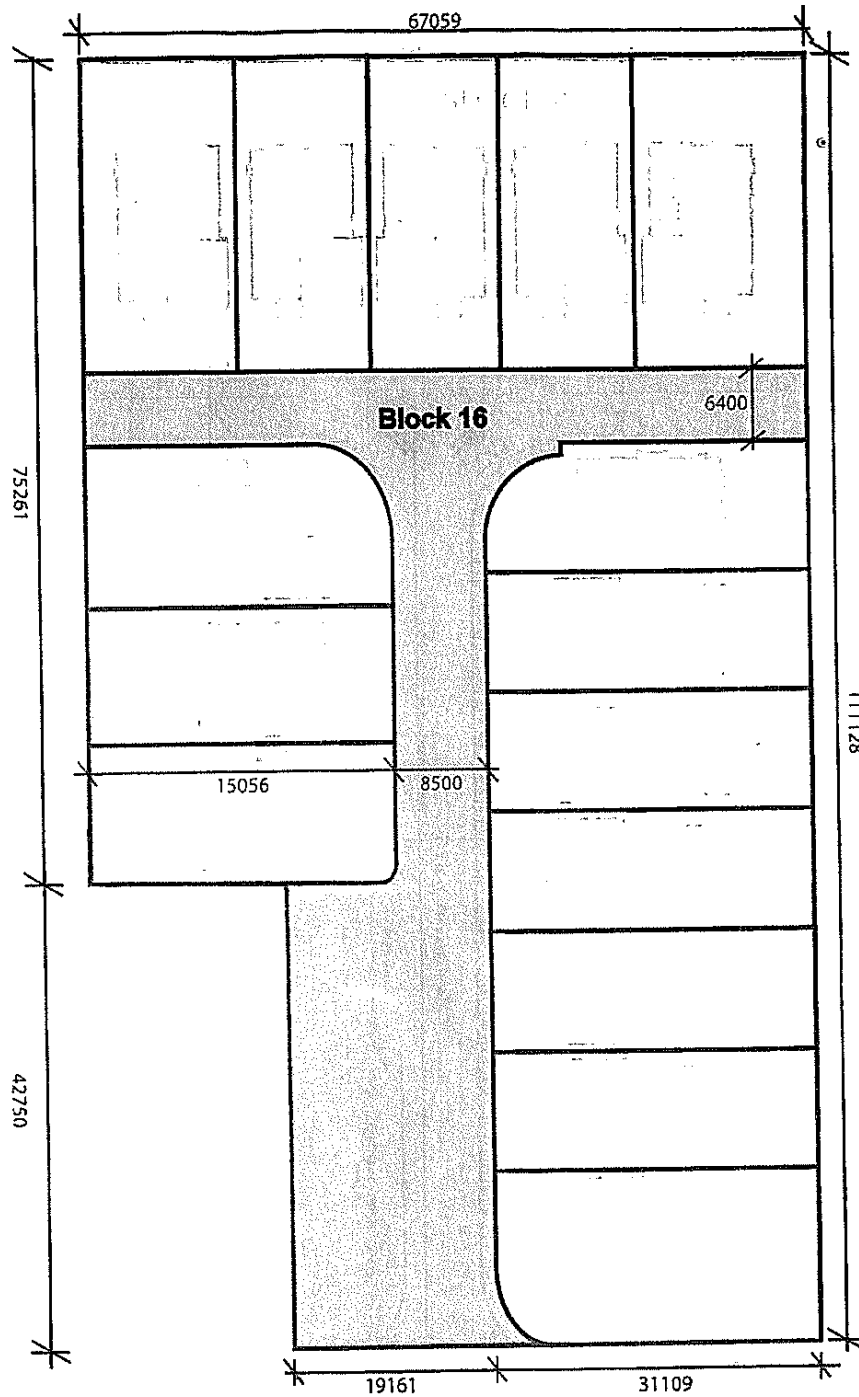
Draft Plan of Subdivision

Kingsway Village - EAD Lakeshore Developments Inc.
 Proposed 15 Units detached single family homes
 October 20, 2009




M Behor Planning & Design Inc
 40 Vogell Road, Unit 46
 Richmond Hill, Ontario L4B 3N6
 T 905.292.1064 F 905.292.7633

| SCHEDULE OF LAND USE | | | |
|------------------------|-------------|---------|--------------|
| Land Use | LOTS/BLOCKS | AREA m2 | AREA (HA) |
| RESIDENTIAL | BLOCK 1 | 493.46 | 0.048 |
| | BLOCK 2 | 331.53 | 0.033 |
| | BLOCK 3 | 331.32 | 0.033 |
| | BLOCK 4 | 331.32 | 0.033 |
| | BLOCK 5 | 350.92 | 0.035 |
| | BLOCK 6 | 330.71 | 0.033 |
| | BLOCK 7 | 333.62 | 0.033 |
| | BLOCK 8 | 447.91 | 0.045 |
| | BLOCK 9 | 354.27 | 0.035 |
| | BLOCK 10 | 354.27 | 0.035 |
| | BLOCK 11 | 354.27 | 0.035 |
| | BLOCK 12 | 405.09 | 0.041 |
| | BLOCK 13 | 387.46 | 0.039 |
| | BLOCK 14 | 381.72 | 0.038 |
| | BLOCK 15 | 381.16 | 0.038 |
| ROADS/OPEN SPACE | BLOCK 16 | 1656.6 | 0.166 |
| TOTAL UNITS | 15 | | |
| TOTAL AREA (HA) | | | 0.713 |



Draft Plan of Condominium

Kingsway Village - EAD Lakeshore Developments Inc.
 Proposed 15 Units detached single family homes
 October 20, 2009

 Common Elements Block



M. Behar Planning & Design Inc.
 40 Vogell Road, Unit 46
 Richmond Hill, Ontario L4B 3N6
 T: 905.292.1064 F: 905.292.7633

| SCHEDULE OF LAND USE | | | |
|------------------------|-------------|---------|--------------|
| Land Use | LOTS/BLOCKS | AREA m2 | AREA (HA) |
| ROADS/OPEN SPACE | BLOCK 16 | 1656.8 | 0.166 |
| TOTAL AREA (HA) | | | 0.166 |

**TOWN OF OAKVILLE CONDITIONS FOR FINAL APPROVAL
FOR THE REGISTRATION OF THE PLAN OF SUBDIVISION BY
EAD LAKESHORE DEVELOPMENTS INC.**

This approval applies to the draft plan of subdivision (File 24T-07004/1731) prepared by M. Behar Planning and Design Inc dated October 16, 2009 showing 15 lots and a single common element condominium block. The Town of Oakville conditions applying to the approval of the final plan for registration of Subdivision (24T-07004/1731) are as follows:

| <i>CONDITIONS</i> | <i>CLEARANCE AGENCY</i> | <i>TIMING OF CLEARANCE</i> |
|---|-------------------------|---|
| GENERAL | | |
| <p>1. The owner enter into a subdivision agreement(s) with the Town and the Region of Halton to satisfy all requirements: financial; engineering; and otherwise of the Town of Oakville and the Region of Halton including but not limited to, the phasing of the plan for registration, the installation of services, drainage, the provision of roads, watermains, wastewater mains, stormwater facilities and utilities to the satisfaction of the Development Services Department and the Region of Halton.</p> <p>The Owner hereby covenants and agrees that this agreement shall be deemed by the parties hereto and their successors and assigns, to constitute "other applicable law" within the meaning of the <i>Building Code Act</i>, 1992, S.O. 1992, c.23, as amended, or any successor or replacement legislation and the Town's Chief Building Official shall not be required to issue, and the Owner hereby covenants and agrees not to request the issuance of, any building permit with respect to the Owner's lands or any part thereof until such time as the Owner has, in the unfettered opinion of the Town, fully complied with all such provisions of this agreement as are capable of compliance prior to construction of dwellings. This provision may be pleaded as an estoppel in any Court application brought by the Owner to compel issuance of a building permit.</p> | OAK (DS) RMH(PPW) | Final Approval/ Subdivision Agreement |
| 2. That the owner provides confirmation to the satisfaction of the Town's Finance Department that all outstanding property taxes have been paid prior to plan registration. | OAK(F) | Registration |
| 3. The owner will provide to the Town postponements of any outstanding encumbrances in favour of the Subdivision Agreement with the Town. | OAK (L) | Subdivision Agreement |
| 4. The owner provide a certificate signed by the surveyor and the owner 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 (DS) | Final Approval |
| ZONING | | |
| 5. That all lots within the plan meet or exceed the minimum requirements of the approved Zoning By-law. | OAK (Z) | Final Approval |
| HERITAGE RESOURCES | | |

- 6. The owner shall carry out a heritage resource assessment of the subject property and, if recommended, mitigate/ salvage/ excavate any significant heritage resources to the satisfaction of the Regulatory Operations Unit of the Ministry of Culture. No grading or other soil disturbances shall take place on the subject property prior to the letter of release from the Regulatory Operations Unit of the Ministry of Culture to the Region indicating that all heritage concerns have been satisfied.

MC₂CR
RMH (PPW) Subdivision Agreement

ENVIRONMENT

- 7. That the owner agree to implement the recommendations of the Stormwater Management Addendum Report prepared by IBI Group, dated October 8, 2009, to the satisfaction of the Town
- 8. That prior to final approval, or any servicing or grading of the site, the owner is required to submit an updated Phase I Environmental Site Assessment (ESA) to the Region for review and approval. Depending on the results of the Phase I ESA, additional reports may be required. If imported fill is to be used within the subdivision limits and external works that service the subdivision, the owner is responsible for its environmental quality and must provide to the Region's satisfaction, a document to certify that all fill material meets the applicable MOE standards as per Ontario Regulation 153/04. In addition, the owner is required to provide a letter of reliance from a Qualified Person to the Region of Halton.

OAK (DS) Site Alteration

RMH (PPW) Subdivision Agreement

PARKLAND & OPEN SPACE

- 9. **(Cash-in-lieu)**
That the owner agrees that the required parkland will be calculated at the rate of 5 percent of the land proposed for residential development, including the areas shown as Landscape Open Space/ Parkette/ Buffers. The parkland dedication will be taken as cash-in-lieu and the value of the land shall be determined as of the day before the day of the approval of the draft plan of subdivision.

OAK (POS) Subdivision Agreement

STORMWATER MANAGEMENT

- 10. That the owner prepares and implements a detailed report on storm water management to the satisfaction of the Conservation Halton and the Development Services Department.
- 11. That storm sewerage, lot grading and street grading must be in conformity with the Town of Oakville's Storm Drainage Policies and Criteria Manual and to the satisfaction of the Planning Services Department in accordance with the Development Engineering Procedures and Guidelines Manual.
- 12. That the owner will design, construct and have in operation all necessary flood control facilities prior to the issuance of any building permits to the satisfaction of the Development Services Department.
- 13. That all storm water outfall structures be to the satisfaction of the Oakville Development Services Department, and the Oakville Parks and Open Space Department.

OAK (DS) Pre-Servicing

OAK (DS) Subdivision Agreement

OAK (DS) Final Approval/
Subdivision Agreement

OAK (DS)(POS) Final Approval/
Subdivision Agreement

LANDSCAPING & TREE PRESERVATION

- | | | | |
|-----|--|------------------|-----------------|
| 14. | That the owner agrees not to remove or disturb any trees on the subject property without the approval from the Town. | OAK (DS)(POS) | Site Alteration |
| 15. | That the owner implement a tree preservation plan to the satisfaction of the Town of Oakville prior to the issuance of a site alteration permit and/or prior to receiving approval from the Town to pre-service the subject phase of development | OAK (DS)(POS) | Site Alteration |
| 16. | That prior to final approval, the Owner prepare a landscaping plan and implement such plan including providing adequate landscaping in the form of a landscaped buffer including a grouping of a minimum of 1.8metre tall coniferous trees at the termination of the east and west ends of the private condominium road, to the satisfaction of the Town of Oakville Planning Services Department. | OAK (DS)(PS) | Pre-Servicing |
| 17. | That the owner prepare and submit to the Town a grading plan showing the existing and proposed grades at the base of the trees to the satisfaction of the Parks and Open Space Department. | OAK (POS) | Site Alteration |

ROADS & TRANSPORTATION SYSTEMS

- | | | | |
|-----|--|----------|--------------------------------|
| 18. | That the owner convey a 2.94 metre road widening on Lakeshore Road to the satisfaction of the Town prior to plan registration. | OAK (DS) | Subdivision Agreement |
| 19. | That the Owner acquire from the Town of Oakville, approximately 224m ² of surplus land adjacent to Lakeshore Road West in the vicinity of 3047 Lakeshore Road West. | OAK (L) | Prior to Subdivision Agreement |
| 20. | That the proposed street name be to the satisfaction of the Town of Oakville. | OAK (EC) | Subdivision Agreement |
| 21. | That the owner agree to implement the recommendations of the noise study to the satisfaction of the Town. | OAK(DS) | Subdivision Agreement |
| 22. | That the owner provides a route for construction vehicles to access the subject land to the satisfaction of the Development Services Department. | OAK (DS) | Site Alteration |

WATER & WASTE WATER SERVICES

- | | | | |
|-----|--|-----------|-----------------------|
| 23. | Upon draft approval, Halton Region services within the plan of subdivision may be installed provided that the Regional Subdivision Agreement has been executed, appropriate financial security has been posted and all relevant fees paid to the satisfaction of the Region. If Regional services are installed prior to subdivision registration, the owner agrees to provide Halton Region "as constructed" drawings of those services, certified by a professional engineer, before registration takes place. | RMH (PPW) | Subdivision Agreement |
| 24. | That prior to final approval, the owner obtain water and wastewater servicing permits from Halton, pay all the necessary fees associated with the permits and meet all of the service permit requirements including the installation of all water meters, to the satisfaction of Halton Region's Development Project Manager. | RMH (PPW) | Subdivision Agreement |

25. That the owner acknowledges, in writing, that registration of all or part of this plan of subdivision may not take place until notified by Halton Region's Development Project Manager that sufficient water capacity and wastewater plant capacity exist to accommodate this development and sufficient storage and pumping facilities and associated infrastructure relating to both water and wastewater are in place. RMH (PPW) Subdivision Agreement
26. That the owner agrees that a warning clause shall be included in the registered portion of the Regional Subdivision Agreement and in subsequent offers of purchase and sale on all dwellings within the proposed development and, registered on title as follows:

"Purchasers are hereby advised that upgrades to the Marine Drive Sanitary Sewage Pumping Station which are necessary to accommodate the station capacity requirements to service the development are required prior to any development occurring and completion of this work may affect the timing of the occupancy of the dwelling units"
27. That a detailed engineering submission be prepared and submitted to Halton Region's Development Project Manager for review and approval for any external works required to service this property prior to the preparation of the Regional subdivision and/or servicing agreement. RMH (PPW) Subdivision Agreement
28. That the driveway and access design be in conformity with the Towns Driveway Entrance Criteria (By-law 1988-220) to the satisfaction of the Town OAK (DS) Subdivision Agreement
- FIRE SAFETY & PREVENTION**
29. That the owner agree that no development will proceed on any of its lands until adequate services are available including adequate water pressure to the satisfaction of the Town's Fire Department. OAK (FD) Final Approval/ Subdivision Agreement
30. That the owner provides a fire break plan and other fire prevention measures to the satisfaction of the Town of Oakville. OAK (FD) Subdivision Agreement
- HYDRO**
31. That the owner agree to prepare a master plan covering electrical loading and staging for the site using the services of a qualified electrical consultant and contractor. This plan must be approved by Oakville Hydro. OH Subdivision Agreement

POSTAL SERVICE

- | | | | |
|---------------------------|---|----------|---|
| 32. | That the owner/developer agree to provide the following for each Community Mailbox site and include these requirements on appropriate servicing plans: an appropriately sized sidewalk section (concrete pad), as per municipal standards and Canada Post standards, to place the Community Mailboxes on (a copy of the Standards will be provided upon request). The developer further agrees to provide these cement pads during sidewalk pouring and will notify Canada Post of the locations as they are completed; any required walkway across the boulevard, as per municipal standards; any required curb depressions for wheelchair access; multiple Blocks will have the appropriate Canada Post Delivery Policy applied as the required information becomes available and it is requested that information be provided to Canada Post by the Developer. | CP | Final Approval |
| 33. | The owner/developer further agrees to determine and provide and fit up a suitable temporary Community Mailbox locations(s) which may be utilized by Canada Post until the curbs, sidewalks and final grading have been completed at the permanent CMB site locations (a gravel area with a single row of patio stones – spec to be provided). This will enable Canada Post to provide mail service to new residences as soon as homes are occupied. The developer further agrees to fit up the temporary area 30 to 60 days prior to the first occupancy and notify Canada Post of the first occupancies at this time. (The developer should provide evidence of how they intend to co-ordinate this activity in a timely manner to a safe and clean usable area). | CP | Final Approval |
| SOIL & GRADING | | | |
| 34. | That all blocks for which there are no immediate building permit applications be graded, seeded, and maintained to the satisfaction of the Development Services Department. | OAK (DS) | Subdivision Agreement |
| 35. | That the owner agrees to prepare a Soil Management Plan with the objective of minimizing excess soil generated from the site to the satisfaction of the Development Services Department. | OAK (DS) | Site Alteration |
| 36. | That the owner constructs a board on board wood fence around the perimeter of the Lands to a height of not less than 2.0 metres and otherwise permitted under the Town's Fence By-law, prior to occupancy of any dwelling on the Lands. Any portion of the fence over 1.8 metres may be 40% open construction; | OAK (DS) | Pre-Servicing |
| 37. | That the owner agree to obtain a site alteration permit under By-law 2008-124 prior to any earth moving activities. | OAK (DS) | Site Alteration |
| WARNING CLAUSES | | | |
| 38. | That the owner shall include on all offers of sale and purchase, a statement which advises the prospective purchaser that the following street in the area is designated as bus routes, and that bus stops and shelters may be installed along this street: Lakeshore Road | OAK(T) | Sale of dwelling units/ Sales Office/ Subdivision Agreement |

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| 39. | That the owner shall include on all offers of purchase and sale a statement that advises the prospective purchaser that mail delivery will be from a designated Community Mailbox. The owner/developer further agrees to determine to consult with Canada Post Corporation to determine suitable locations for the placement of Community Mailboxes and to indicate these locations on appropriate servicing plans. | OAK (DS) CP | Sale of dwelling units/ Sales Office/ Subdivision Agreement |
| 40. | That the owner agree to make arrangements with the Region of Halton regarding the provision of garbage pick-up from the private road. | OAK RMH (PPW) | Subdivision Agreement |
| 41. | That the owner shall place the following notification in all offers of purchase and sale for all lots/units and in the Town's subdivision agreement, to be registered on title: a) Prospective purchasers are advised that the schools on sites designated for the Halton District School Board in the community are not guaranteed. Attendance at schools in the area yet to be constructed is also not guaranteed. Pupils may be accommodated in temporary facilities and/or be directed to schools outside of the area. b) Prospective purchasers are advised that school buses will not enter cul-de-sacs and pick-up points will be generally located on through streets convenient to the Halton District School Board. Additional pick-up points will not be located within the subdivision until major construction activity has been completed. c) Prospective purchasers of lots/units abutting, fronting and adjacent to the school block are advised that temporary facilities/portables may be sited on the school site in order to accommodate pupils in excess of the school building capacity. | HDSB | Sale of dwelling units/ Sales Office/ Subdivision Agreement |

Those in cases where offers of purchase and sale have already been executed, the owner must send a letter to all purchasers which includes the above statement.

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| 42. | That the owner agrees that a clause will be inserted into the Subdivision Agreement, and all offers of purchase and sale for residential lots and units, stating that "Catholic school accommodation may not be available for students residing in this area, and that you are notified that students may be accommodated in temporary facilities and/or bussed to existing facilities outside the area." Further, the clause will specify that the "Halton Catholic District School Board will designate pick-up points for the children to meet the bus on roads presently in existence or other pick-up areas convenient to the Board." | OAK (DS)HCDSB | Sale of dwelling units/ Sales Office/ Subdivision Agreement |
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MISCELLANEOUS NOTICES & SIGNS

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| 43. | That the owner shall supply, erect and maintain signs advising prospective purchasers that the school site is not guaranteed and that pupils may be directed to schools outside of the area. Specific wording to be provided by the Halton District School Board and Halton Catholic District School Board. | HDSB HCDSB | Sale of dwelling units/ Sales Office/ Subdivision Agreement |
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SURVEY REQUIREMENTS

44. The owner shall agree in the Town's subdivision agreement to deposit mylars and digital discs (.dwg file format) of the registered plan of subdivision to the satisfaction of the Town, and that prior to registration of the plan, the owner's surveyor shall submit to the Town horizontal co-ordinates of all boundary monuments for the approved draft plan of condominium. These co-ordinates are to be based on 6 degree UTM Projection, NAD83 Datum and shall match the layering outlined in the Schedule N of the condominium agreement. Exemptions and alternatives to this can only be granted by the local municipal Engineering Services Section. OAK (DS) Final Approval
45. That the owner agree to provide a certificate signed by the surveyor and the owner 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 (A) Final Approval
- CLOSING CONDITIONS**
46. That no work occurs on the site until the owner has entered into a Subdivision Agreement with the Town. Pre-servicing may occur in accordance with the Town's pre-servicing policy. OAK (DS)
47. 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 (A)
48. Prior to signing the final plan the Director of Planning Services shall be advised by the Region of Halton that conditions 1, 6, 8, 23, 24, 25, 26, 27, and 40 have been carried out to their satisfaction with a brief but complete statement detailing how each condition has been satisfied. OAK (A)
RMH (PPW)
49. Prior to signing the final plan the Director of Planning Services shall be advised by the Halton District School Board that conditions 41 and 43 inclusive have been carried out to their satisfaction with a brief but complete statement detailing how each condition has been satisfied. OAK (A)
HDSB
50. Prior to signing the final plan, the Director of Planning Services shall be advised by The Halton Catholic District School Board that condition 42 and 43 have been carried out to their satisfaction with a brief but complete statement detailing how the condition has been satisfied. OAK (A)
HCDSB
51. Prior to signing the final plan the Director of Planning Services shall be advised by Canada Post that conditions 32, 33 and 39 have been carried out to their satisfaction with a brief but complete statement detailing how each condition has been satisfied. OAK (A)
CP

52. Prior to signing the final plan the Director of Planning Services shall be advised by The Ministry of Citizenship, Culture and Recreation that condition 6 has been carried out to their satisfaction with a brief but complete statement detailing how each condition has been satisfied. OAK (A)
MC₂CR
RMH (PPW)
53. Prior to signing the final plan, the Director of Planning Services shall be advised by Oakville Hydro that condition 31 has been carried out to their satisfaction with a brief but complete statement detailing how the condition has been satisfied. OH
54. Prior to signing the final plan, the Director of Planning Services shall be advised by Oakville Fire Department that conditions 29 and 30 have been carried out to their satisfaction with a brief but complete statement detailing how the condition has been satisfied. OAK (FD)
55. All of the above conditions shall be satisfied within 3 years of the granting of draft approval, being *Month Day, Year*. OAK (A)

NOTES – The owner is hereby advised:

1. The owner/agent, their successors and assigns are hereby notified the Development Charges of the Town of Oakville are payable in accordance with the applicable Development Charges By-laws, upon issuance of a building permit, at the rate in effect on the date issued.
2. An electrical distribution line operating at below 50,000 volts might be located within the area affected by this development or abutting this development. Section 186 - Proximity - of the Regulations for Construction Projects in the Occupational Health and Safety Act, requires that no object be brought closer than 3 metres (10 feet) to the energized conductor. It is the proponent's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the electrical conductors can raise and lower without warning depending on the electrical demand placed on the line. Warning signs should be posted on the wood poles supporting the conductors stating "DANGER – Overhead Electrical Wires" in all locations where personnel and construction vehicles might come in close proximity to the conductors.
3. Fees are required by Halton Region and may be required by the Local Municipality for each extension to draft approval and for major revisions to the draft plan or conditions.
4. Regional Development Charges and Surcharges are payable in accordance with the applicable Regional Development Charge By-law and are required at the following stages: Subdivision Agreement: Water, Wastewater and Surcharges (including any Blocks intended for future development at the maximum density permitted under the applicable zoning by-law). Building Permit Issuance: All remaining Region-wide Development Charges in effect on the date of issuance. Note: Any building permits which are additional to the maximum unit yield which is specified by the Subdivision Agreement are subject to all Regional Development Charges (including water, wastewater and surcharges not collected at the subdivision agreement) prior to the issuance of the building permit, at the rate in effect at the date of issuance. **It should be noted that a development agreement and any other agreements may be required to collect Regional Development Charges in advance of these two stages.**

5. Educational Development Charges are payable in accordance with the applicable Education Development Charge By-law and are required at the issuance of a building permit. Any building permits which are additional to the maximum unit yield which is specified by the Subdivision agreement are subject to Education Development Charges prior to the issuance of a building permit, at a rate in effect at the date of issuance.

LEGEND – CLEARANCE AGENCIES

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| BC | Bell Canada |
| CP | Canada Post |
| HCDSB | Halton Catholic District School Board |
| HDSB | Halton District School Board |
| CH | Conservation Halton |
| ENB | Enbridge Pipeline |
| CN | Canadian National Railway |
| MCzCR | Ministry of Citizenship, Culture and Recreation |
| OAK (A) | Town of Oakville – Planning Administration |
| OAK (F) | Town of Oakville - Finance |
| OAK (L) | Town of Oakville – Legal |
| OAK (DS) | Town of Oakville – Development Services 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 (PPW) | Regional Municipality of Halton – Planning and Public Works Department |
| TCPL | TransCanada Pipeline |