

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: June 08, 2021

CASE NO(S): PL171189

The Ontario Municipal Board (the “OMB”) and the Local Planning Appeal Tribunal (the “LPAT”) is continued under the name Ontario Land Tribunal (the “Tribunal”), and any reference to the Ontario Municipal Board or Board or Local Planning Appeal Tribunal in any publication of the Tribunal is deemed to be a reference to the Tribunal.

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Orangeville Highland Limited et al.
Subject:	Request to amend the Official Plan - Failure of the Town of Orangeville to adopt the requested amendment
Existing Designation:	“Open Space”, “Medium Density Residential”, “Open space Conservation”, “Open space Recreation”
Proposed Designated:	Site specific- to be determined
Purpose:	To permit redevelopment and intensification of the subject site for a residential community
Property Address/Description:	Part of East Half Lot 3, Concession 2 WHS
Municipality:	Town of Orangeville
Approval Authority File No.:	OPZ 5/10
OMB Case No.:	PL171189
OMB File No.:	PL171189
OMB Case Name:	Orangeville Highland Limited Et Al vs. Orangeville (Town)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Orangeville Highland Limited et al.
Subject:	Application to amend Zoning By-law No. 22 - 90 - Refusal or neglect of the Town of Orangeville to make a decision
Existing Zoning:	Development “D”

Proposed Zoning:	Site specific – to be determined
Purpose:	To permit redevelopment and intensification of the subject site for a residential community
Property Address/Description:	Part of East Half Lot 3, Concession 2 WHS
Municipality:	Town of Orangeville
Municipality File No.:	OPZ 5/10
OMB Case No.:	PL171189
OMB File No.:	PL171190

PROCEEDING COMMENCED UNDER subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Orangeville Highland Limited et al.
Subject:	Proposed Plan of Subdivision - Failure of the Town of Orangeville to make a decision
Purpose:	To permit redevelopment and intensification of the subject site for a residential community
Property Address/Description:	Part of East Half Lot 3, Concession 2 WHS
Municipality:	Town of Orangeville
Municipality File No.:	S1/10
OMB Case No.:	PL171189
OMB File No.:	PL171191

Heard: May 19, 2021 by video hearing

APPEARANCES:

Parties

Orangeville Highland Limited et al.

Town of Orangeville

Counsel

Scott Snider and Anna Toumanians

Andrew Biggart

DECISION DELIVERED BY S. BRAUN AND ORDER OF THE TRIBUNAL

INTRODUCTION

[1] The matter before the Tribunal concerns the settlement of an appeal pursuant to s. 22(7), s. 34(11) and s. 51(34) of the *Planning Act* ("Act") by Orangeville Highlands

Limited et al. (“Applicant”) in relation to the Town of Orangeville’s (“Town”) failure to make decisions regarding applications for an Official Plan Amendment (“OPA”), Zoning By-law Amendment (“ZBL”) and Plan of Subdivision approval. The applications relate to lands legally described as Part of Lot 3, Concession 2, WHS, Town of Orangeville.

[2] The subject property is located on the north side of Hansen Boulevard, west of highway 10 in the Town, in the County of Dufferin. The property is approximately 17.95 hectares (“ha”) and is currently vacant. It has a combined frontage of approximately 443 metres (“m”) on Hansen Boulevard and varying depths ranging from 353.2 m to 367.5 m.

[3] The northern limit of the property is bounded by the Town boundary between Orangeville and the Town of Mono and the lands north of the boundary consist of existing estate residential development within the Town of Mono. To the west of the subject property are two-storey single detached dwellings. To the east is a shopping centre, the Orangeville Mall. To the south is Hansen Boulevard and two-storey single detached, semi-detached and townhouse dwellings.

[4] In addition to the Orangeville Mall, which includes a Metro Grocery Store and Shoppers Drug Mart, the property is located within walking distance of First Street, which is a north/south corridor containing a mix of retail, personal service, office, restaurant, institutional and cultural uses. The subject lands are located within close proximity to various schools (elementary and secondary), an arena, the YMCA, various parks and places of worship, as well as the Ontario Court of Justice and the County of Dufferin Paramedic Services.

[5] Hansen Boulevard and First Street are designated as Major Collector Roads in the Town’s Official Plan (“OP”) and can accommodate two lanes of traffic as well as bicycle and turning lanes. Hansen Boulevard includes bicycle lanes and pedestrian sidewalks on both sides of the road. There are also trails along Hansen Boulevard and

throughout the surrounding neighbourhood, including a trail through the natural heritage system within the subject property.

APPLICATION HISTORY

[6] The original applications were filed in June 2010 and a formal public meeting was held on March 7, 2011. In October 2017, a revised Draft Plan of Subdivision was submitted to the Town in response to comments received on the proposal. The Town failed to make a decision on the applications within the legislated timelines and the matters were appealed to the Tribunal. Further revisions were made to the proposal and on September 10, 2018, another formal public meeting was held.

[7] Thereafter more revisions took place, further informal meetings were held and, in late 2019 and early 2020, the Applicant and the Town participated in successful settlement discussions, which led to the submission of another revised Draft Plan of Subdivision.

[8] On May 25, 2020, Town Council was presented with a staff report summarizing the settlement. The settlement was endorsed subject to two additional matters to be dealt with through new Draft Plan Conditions.

PARTICIPANTS

[9] The Tribunal held a pre-hearing conference (“PHC”) in June 2018, at which time, the Credit Valley Conservation Authority (“CVCA”) was granted party status¹ and participant status was granted to 10 individuals. A case management conference (“CMC”) took place in February 2019 and four individuals were added to the list of participants. The Tribunal received written participant statements in advance of this settlement hearing from Angela Banks (Exhibit 2) and Dorothy Pedersen (Exhibit 4).

¹ The CVCA withdrew as a party in January of 2020.

[10] Counsel for the Applicant and for the Town confirmed that although the Tribunal had granted participant status to Karen Morrison at one of the above hearing events, she had not been included on the list of participants. Ms. Morrison contacted the Tribunal in relation to this omission in advance of today's settlement hearing and was advised to file a written request for participant status as well as her intended participant statement, which she did. Under the circumstances and with the consent of the parties, the Tribunal formally added Ms. Morrison to the list of participants and received her statement (Exhibit 3).

THE PROPOSED DEVELOPMENT

[11] The development proposal ("development") currently before the Tribunal is for a Residential Plan of Subdivision (Exhibit 1, Tab F) consisting of an estimated 541 residential units in varying built forms with a proposed density of 89.1 units per ha. The development will be serviced using municipal water and sewer systems and includes: 93 townhouse units; two blocks of back-to-back townhouses, totalling 26 units; two blocks of stacked condominium townhouses, totalling 88 units; and two apartment blocks with a total of 334 apartment units divided amongst five buildings (two 5-storey buildings and three 6-storey buildings).

[12] The development also includes a 15.4 acre natural open space/conservation area containing wooded area and wetlands; 5.19 acres of open recreational space contained in two park areas (including one dog park); an approximately 3 acres stormwater management pond; and a walkway block at the north end of the property providing access to the open space conservation area.

PLANNING EVIDENCE

[13] The Tribunal heard contextual and land use planning evidence from Karen Bennett in support of a proposed implementing ZBL and Draft Plan of Subdivision with Conditions which would permit the development. Ms. Bennett is a registered professional planner with 22 years of experience and is a member of the Ontario Professional Planning Institute and Canadian Institute of Planners. She testified that she took carriage of this file in her capacity as a senior planner with Glen Schnarr & Associates Inc. in May 2017. She further testified that since that time, she has been involved in all aspects of same, including presenting at a public meeting held on September 10, 2018 and at Town Council on May 25, 2020. The Tribunal qualified Ms. Bennett to provide opinion evidence in land use planning.

OPA – Withdrawn

[14] Ms. Bennett explained that when the applications were originally filed in 2010, an OPA was required because the design layout included a park located on the east side of the property, which was inconsistent with the Town OP Land Use Schedule. Since then, the proposal has undergone a number of revisions and the park is now to be located on the west side of the property, which conforms with both the Land Use Schedule and OP policy directives.

[15] Counsel for the Town confirmed that an OPA is no longer required and the Tribunal's attention was drawn to a Staff Report of May 25, 2020 (Exhibit 1, Tab I) confirming same. As such, the appeal in relation to the OPA was withdrawn at the hearing.

Proposed ZBL, Draft Plan of Subdivision and Conditions

[16] The subject lands are currently zoned 'D' (Development Zone). Ms. Bennett explained this zoning is typically used as a 'placeholder zone' for lands that are targeted for future urban development.

[17] The proposed implementing ZBL would rezone the property from 'D' to:

- 'OS2' (Open Space Conservation and Storm Water Management), in relation to the approximately 15 acres of natural conservation/open space area which includes the woodlot and wetlands;
- 'OS1' (Open Space Recreation), in relation to the two proposed parks of approximately 5 acres; and
- (site specific) 'RM1' (Multiple Residential Medium Density), in relation to the proposed residential development on the site.

The implementing ZBL would permit townhouse and stacked townhouse dwellings, (which are not currently recognized townhouse types in the Town's Comprehensive Zoning By-law) and establish a number of site specific exceptions to the parent 'RM1' zone applying performance standards relating to the proposed development (for example, minimum lot frontages and setbacks and maximum heights for the townhouses and apartment buildings).

[18] In addition to the foregoing, a holding provision is proposed, which can only be lifted upon confirmation of sufficient water supply and sewage treatment capacity to service the development. Based on Ms. Bennett's review of the functional servicing report, she testified that the lands are serviceable, but noted the aforementioned holding provision represents an added degree of assurance in this regard.

[19] Ms. Bennett further testified that the Draft Plan of Subdivision includes a variety of Conditions relating to zoning; phasing; technical reporting (including engineering, transportation, landscaping and urban design); and satisfaction of external agencies, such as the CVCA. She drew the Tribunal's attention to Conditions 55 and 56 and explained that they address the two new matters identified in the Town Council's Resolution of May 25, 2020, as noted above at paragraph [8].

Applicable Legislation and Policies

[20] Ms. Bennett provided an Affidavit (Exhibit 1) which reviews a detailed planning analysis and rationale which formed the basis for her opinion that the proposed implementing ZBL, Draft Plan Approval and related Conditions have regard for matters of provincial interest under s. 2 of the *Act*, as well as regard for the criteria for Plans of Subdivision under s. 51(24) of the *Act*, are consistent with the Provincial Policy Statement, 2020 ("PPS"), conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 ("GP"), and conform to both the County of Dufferin OP and the Town OP. At the hearing, she provided a brief overview of the foregoing.

[21] With respect to matters of Provincial interest enumerated in s. 2 of the *Act*, she noted the subject lands are currently identified for urban development within the Town and County OPs; the open space natural conservation area will preserve and protect existing ecological and natural heritage systems; Conditions 55 and 56 in the Draft Plan of Subdivision will achieve energy efficiency and reductions in potable water usage; and the design and location of the development will support both public and active transportation.

[22] Ms. Bennett also briefly reviewed criteria set out in s. 51(24) of the *Act*, opining that the Plan of Subdivision and related Conditions demonstrate sufficient regard for same. The subject lands are intended for medium density residential growth at a range of 75 to 99 units per ha (as noted in the Town OP) and the development proposed will

achieve a density of 89.1 units per ha. The open space natural conservation area will protect and preserve existing natural heritage features and there will be two park blocks conveyed for public purposes.

[23] With respect to the PPS, Ms. Bennett noted the development is to be located within a growth area identified with the Town and County OPs and will include a range and mix of built forms and housing options, as well as open space parks and a conservation area to protect the natural heritage features of the area. She also noted that she had reviewed stormwater management and hydrogeological analyses completed in relation to the proposal and was satisfied that these demonstrate consistency with PPS policies speaking to the protection of water, groundwater and water resource systems. As such, she opined that the proposed planning instruments and the development are consistent with the PPS.

[24] Ms. Bennett opined that, as the proposed development is to be located in a settlement area, will optimize the use of available infrastructure (including transit) and provide a range and mix of housing, it will contribute to the development of a complete community. As such, she concluded the proposal and the instruments before the Tribunal conform to the GP.

[25] In her opinion, the proposal and the planning instruments required to implement same also conform to both the County and the Town OPs. The development is to be located in an Urban Settlement Area identified in the County OP; will provide an adequate mix of land uses and housing types; and its proximity to the Orangeville Mall and the First Street corridor will provide residents with access to a range of services within a short walking distance. The Town OP includes a site-specific density policy in relation to the area (E8.66). It prescribes a minimum density of 75 and a maximum density of 99 units per net residential ha. Ms. Bennett reiterated the proposed development has a density of 89.1 units per ha, therefore meeting this OP policy

directive. Ms. Bennett opined that the layout of the development, proposed setbacks and buffers achieves appropriate transition and compatibility with the surrounding area.

[26] Overall, Ms. Bennett's professional planning opinion is that the proposal represents good planning and is in the public interest.

Participant Statements

[27] Ms. Bennett advised the Tribunal that she had reviewed all three participant statements in advance of the hearing, which included concerns in relation to: a perceived lack of opportunity for public participation and engagement in this development process; greenhouse gas emissions; the density of the proposal and the potential for negative environmental, traffic and water runoff impacts; the need to consider a June 2020 CVCA Subwatershed study in relation to the proposed development; and a retaining wall to be constructed along the west side of the property.

[28] Ms. Bennett testified that there had been ample opportunity for public engagement through a number of formal and informal meetings and a great deal of public participation did occur, as detailed in her Affidavit under the heading Planning Process to Date (paragraphs 36-51).

[29] With respect to concerns about the proposed density and potential impacts of same, Ms. Bennett explained that the subject lands are in a Greenfield area designated for growth in the County and Town OPs and the proposed density of 89.1 units per ha is squarely in the middle of the minimum and maximum densities prescribed for these lands in the Town OP. She again opined that the natural environment including the woodlot and wetlands will be protected with the large planned open space/conservation block. In terms of traffic impacts, Ms. Bennett testified that traffic studies had been completed and concluded that the existing road network could meet future traffic needs.

She noted that such studies were based upon traffic forecasts in relation to an earlier iteration of the proposal which included a higher density (623 residential units).

[30] Ms. Bennett briefly addressed concerns regarding climate and greenhouse gas emissions, noting the compact design of the proposed development, which is located on a bus route and within walking distance of a variety of retail and service locations. She discussed the opportunities for transit and active transportation on bicycle and walking trails in the area and opined that there would be less vehicular traffic and associated emissions. In addition, she highlighted Conditions 55 and 56, which promote water and energy conservation. Based on the foregoing, Ms. Bennett opined that climate and emission concerns in relation to the proposed development have been adequately addressed.

[31] She also discussed a retaining wall, which is proposed to be constructed along the west side of the property. She explained that the wall is required in order to provide extra support and prevent soil erosion as a result of a grade differential between the subject property and properties to the west. Based on her review of the functional servicing report, Ms. Bennett opined the retaining wall is appropriate for maintaining the stability of the lands and will prevent soil and debris from spilling down onto the site and eroding away the rear yards.

[32] With respect to groundwater, stormwater and the June 2020 CVCA study, Ms. Bennett reiterated that hydrogeological and stormwater analyses had been completed, which included consideration of the most significant storm events. She testified that the conclusions of same were that the stormwater management infrastructure proposed for this development can suitably accommodate water runoff, including during the most significant storms.

[33] Moreover, she highlighted a number of the Draft Plan of Subdivision Conditions, including but not limited to: Conditions 14, 16, 18, 39, 42 and 44, explaining that both the Town and the CVCA must receive and be satisfied by a number of reports, including a stormwater management implementation, functional servicing and hydrogeology. She testified that the CVCA is in agreement that approval of the Draft Plan of Subdivision should be granted and will be working with the developer toward the clearance of applicable Conditions.

[34] She opined that the proposed holding provision and the Draft Plan of Subdivision Conditions are sufficient to satisfy the June 2020 CVCA Subwatershed Report and to address the participants' concerns with respect to water and stormwater.

DECISION

[35] Based on the uncontroverted expert opinion evidence provided by Ms. Bennett, the Tribunal is satisfied that the proposed ZBL has regard to the matters of Provincial interest set out in s. 2 of the *Act* and, pursuant to s. 3(5) of the *Act*, that the ZBL and the proposed development it will permit, are consistent with the PPS, conform to the GP, the County OP, the Town OP and overall, represent good planning in the public interest.

[36] Further, the Tribunal is satisfied that the Draft Plan of Subdivision and Conditions have due regard for the criteria set out in s. 51(24) of the *Act* as well as the matters of Provincial interest in s. 2 of the *Act*, are consistent with the PPS, conform with the GP, the County OP and the Town OP and overall represent good planning in the public interest. The Tribunal is also satisfied that the Conditions are reasonable having regard to the nature of the proposed development.

[37] In reaching the decision to approve the ZBL and Draft Plan of Subdivision and Conditions, the Tribunal has considered the decisions of the Town Council, including the decision to approve the proposed settlement and the supporting material before it when such decisions were made.

[38] The Tribunal is also satisfied, on the basis of the testimony of Ms. Bennett, that the concerns raised by the various participants in this matter have been considered and are adequately addressed through specific Conditions and the holding provision proposed.

ORDER

[39] The Tribunal Orders that:

1. The appeal filed by Orangeville Highlands et al. pursuant to s. 22(7) of the *Planning Act* is withdrawn.
2. Town of Orangeville Zoning By-law No. 22-90 is amended in accordance with Schedule A attached hereto.
3. The draft Plan of Subdivision by Orangeville Highlands et al. is approved in accordance with Schedule B attached hereto and subject to the Conditions of Approval attached as Schedule C. Pursuant to s. 51(56.1) of the *Planning Act*, the final approval of the plan of subdivision for the purposes of s. 51(58) is to be given by the Town of Orangeville.

4. The Schedules attached to this Order shall form part of this Order.
5. The Tribunal may be spoken to should any matters arise respecting the implementation of this Order.

"S. Braun"

S. BRAUN
MEMBER

Ontario Land Tribunal

Website: www.olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal.

Schedule A



The Corporation of the Town of Orangeville

By-law Number

**A By-law to amend Zoning By-law No. 22-90 as amended,
with respect to Part of Lot 3, Concession 2 (W.H.S),
Town of Orangeville, County of Dufferin
(Orangeville Highlands Limited and
Brucedale Investments Inc.
File No. OPZ 5/10)**

Whereas authority is given to the Local Planning Appeal Tribunal by Section 34 and 36 of the Planning Act, R.S.O. 1990, c. P. 13, as amended, to pass a By-law to permit the use of land and to impose a holding symbol (H) and authority is given to Council to remove a holding symbol (H) when Council is satisfied that the conditions relating to the holding symbol have been satisfied;

And whereas the Local Planning Appeal Tribunal, pursuant to an Order issued on _____ in connection with Case No. PL171189, amended Zoning By-law No. 22-90, as amended, to permit Part of Lot 3, Concession 2 (W.H.S.) to be developed for a plan of subdivision to create 541 dwelling units, comprised of 207 townhouse dwellings and 334 apartment dwellings, together with community park blocks, a stormwater management facility, an open space conservation area and an internal public street network on this property.

Therefore, the Local Planning Appeal Tribunal orders as follows:

1. That Schedule "A", Maps A3 and A4 to Zoning By-law No. 22-90, as amended, is hereby further amended by rezoning the lands as depicted on Schedule "A" attached to this By-law.
2. That Section 24 of Zoning By-law No. 22-90, as amended, is hereby further amended by adding a new Section 24.223 as follows:

"24.223 **Permitted Uses:**

Notwithstanding the provisions of Section 12.1 (Permitted Uses), the following uses shall also be permitted in addition to the Permitted Uses of Section 12.1 for the lands zoned Multiple Residential Medium Density (RM1) Zone, Special Provision 24.223:

Back-to-Back Townhouse Dwelling

Stacked Townhouse Dwelling

For the purposes of this by-law, a *Back-to-Back Townhouse Dwelling* shall be defined as follows:

“DWELLING, BACK-TO-BACK TOWNHOUSE” means a building containing four or more dwelling units divided by vertical common walls above grade, including a common rear wall, each of which has an independent entrance, either directly or through a common vestibule.

Townhouse Dwellings:

Notwithstanding the provisions of Section 12.2 (*Townhouse Dwellings* on a Public Street) to the contrary, the following regulations shall apply to the lands zoned Multiple Residential Medium Density (RM1) Zone, Special Provision 24.223:

Regulations for *Townhouse Dwellings* having frontage to Individual Dwelling Units from a Public Street

- | | |
|---------------------------------|----------------------------------|
| 1) Lot Area (minimum) | 130 sq.metres per dwelling unit. |
| 2) Lot Frontage (minimum) | 5.0 metres per dwelling unit |
| 3) Front Yard (minimum) | |
| • To front wall of dwelling | 4.5 metres |
| • To garage | 6.0 metres |
| 4) Exterior Side Yard (minimum) | 2.5 metres |
| 5) Interior Side Yard (minimum) | 1.2 metres |
| 6) Rear Yard (minimum) | 6.0 metres |
| 7) Building Height (maximum) | 13.0 m |

Back-to-Back Townhouses:

Notwithstanding the provisions of Section 12.2 (*Townhouse Dwellings* on a Public Street) to the contrary, the following regulations shall apply to the lands zoned Multiple Residential Medium Density (RM1) Zone, Special Provision 24.223:

Regulations for *Back-to-Back Townhouse Dwellings* having frontage to Individual Dwelling Units from a Public Street

- | | |
|---------------------------|--------------------------------|
| 1) Lot Area (minimum) | 95 sq.metres per dwelling unit |
| 2) Lot Frontage (minimum) | 7.0 metres per dwelling unit |
| 3) Front Yard (minimum) | |

- To front wall of dwelling 4.5 metres
- To garage 6.0 metres
- 4) Exterior Side Yard (minimum) 2.5 metres
- 5) Rear Yard (minimum) 0.0 metres
- 6) Building Height (maximum) 14.0 metres

Stacked Townhouses:

Notwithstanding the provisions of Sections 12.3(4), 12.3(6) and 12.3(7) (Other Permitted Residential Uses) to the contrary, the following regulations shall apply to the lands zone Multiple Residential Medium Density (RM1) Zone, Special Provision 24.223:

Regulations for *Stacked Townhouse Dwellings*

- 1) Exterior Side Yard (minimum) 3.0 metres
- 2) Rear Yard (minimum)
 - To a side wall of a building
 - i) 2.0 metres from a lot line abutting an Open Space Conservation (OS2) Zone;
 - ii) 5.0 metres from any other lot line.
 - To a rear wall of a building 5.0 metres
- 3) Building Height (maximum) 14.5 metres
- 4) Interior Side Yard (minimum)
 - To a side wall of a building 2.0 metres
 - To a rear wall of a building 5.0 metres

Multiple Dwellings:

Notwithstanding the provisions of Sections 2.84, 12.3(3), 12.3(4), 12.3(5), 12.3(6), and 12.3(7) (Other Permitted Residential Uses) to the contrary, the following regulations shall apply to the lands zoned Multiple Residential Medium Density (RM1) Zone, Special Provision 24.223:

Regulations for *Multiple Dwellings*

The front lot line shall be deemed the lot line dividing the lot from Hansen Boulevard.

- 1) Front Yard 5.0 metres
- 2) Interior Side Yard (minimum) 6.0 metres
- 3) Rear Yard (minimum) 6.0 metres
- 4) Building Height (maximum) 25 metres or six storeys, whichever is the lesser, for any building within 60 metres of the centerline of Street 'A' / Victor Large Way extension; and 20 metres, or five storeys,

- | | |
|--|---|
| | whichever is the lesser, for all other buildings. |
| 5) Number of dwelling units
(Maximum) | 340 dwelling units |

Regulations for All Lands in the Multiple Residential Medium Density (RM1) Zone, Special Provision 24.223

The following regulations shall apply to all the lands zoned Multiple Residential Medium Density (RM1) Zone, Special Provision 24.223

Maximum Density:

- | | |
|---------------------|----------------------|
| 1) Maximum density: | 99 units per hectare |
|---------------------|----------------------|

Parking Area Regulations:

In addition to the provisions of Section 5.17.1(a) (Parking Space Requirements), the following regulations shall apply:

- 1) For stacked townhouse dwellings, an additional 0.20 parking spaces per dwelling unit shall be provided for visitor parking spaces.

Yard Encroachments:

Notwithstanding the minimum required front, exterior side, interior side and rear yards, the following encroachments are permitted:

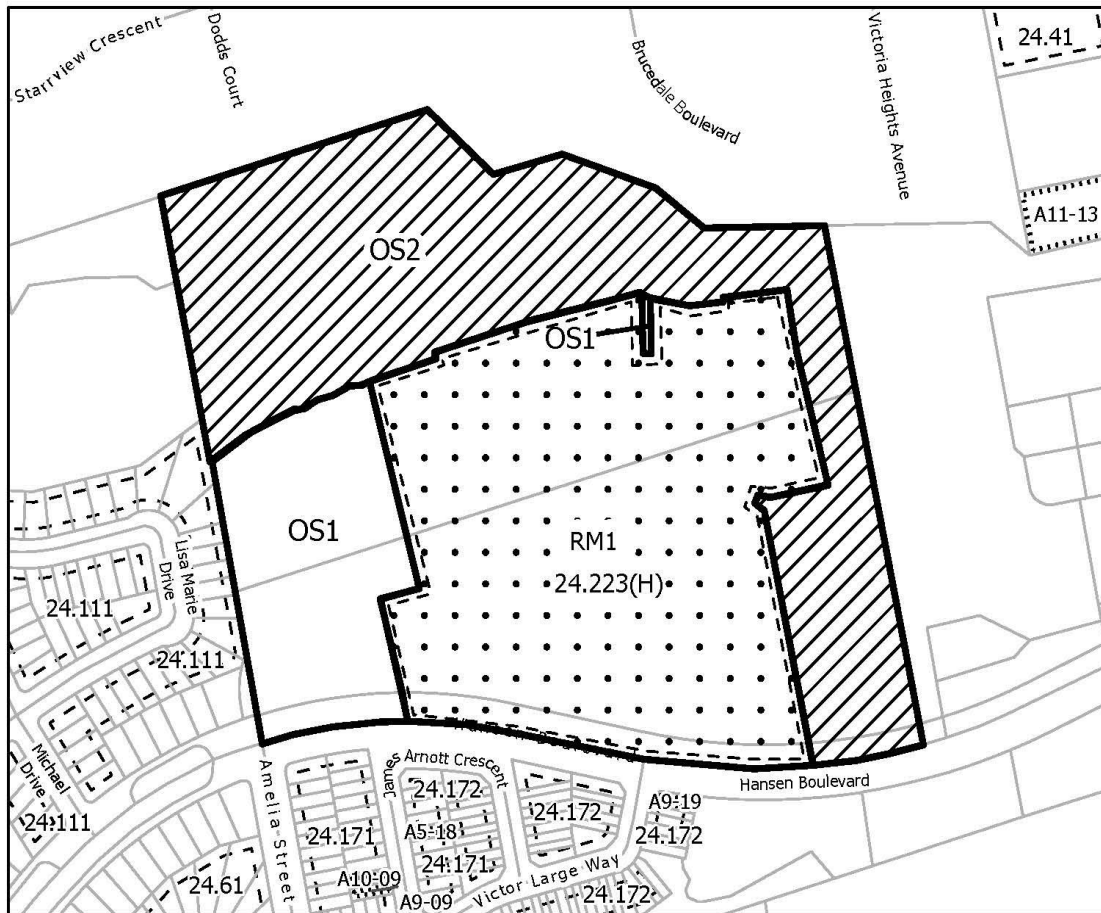
- 1) An enclosed or unenclosed porch, deck, associated stairs or balcony may encroach on the minimum front yard and rear yard requirement up to a combined maximum distance of 2.5 metres;
- 2) An enclosed or unenclosed porch and associated stairs may encroach on the minimum exterior side yard requirement up to a maximum of 1.5 metres; and,

Holding Symbol

The Holding Symbol (H) shall only be removed from all or a portion of the lands when the Town is satisfied that:

- a) there is sufficient water supply and sewage treatment capacity to service the development or portion thereof as the case may be; and
- b) plans to fully service and develop the lands have been submitted and approved by the Town.

PASSED by the Local Planning Appeal Tribunal,
pursuant to an Order issued on _____
in connection with Case No. PL171189



The Corporation of The Town of Orangeville
Schedule 'A' Town of Orangeville Zoning By-law 22-90






Schedule **"A"** to by-law

Passed the _____ day of _____

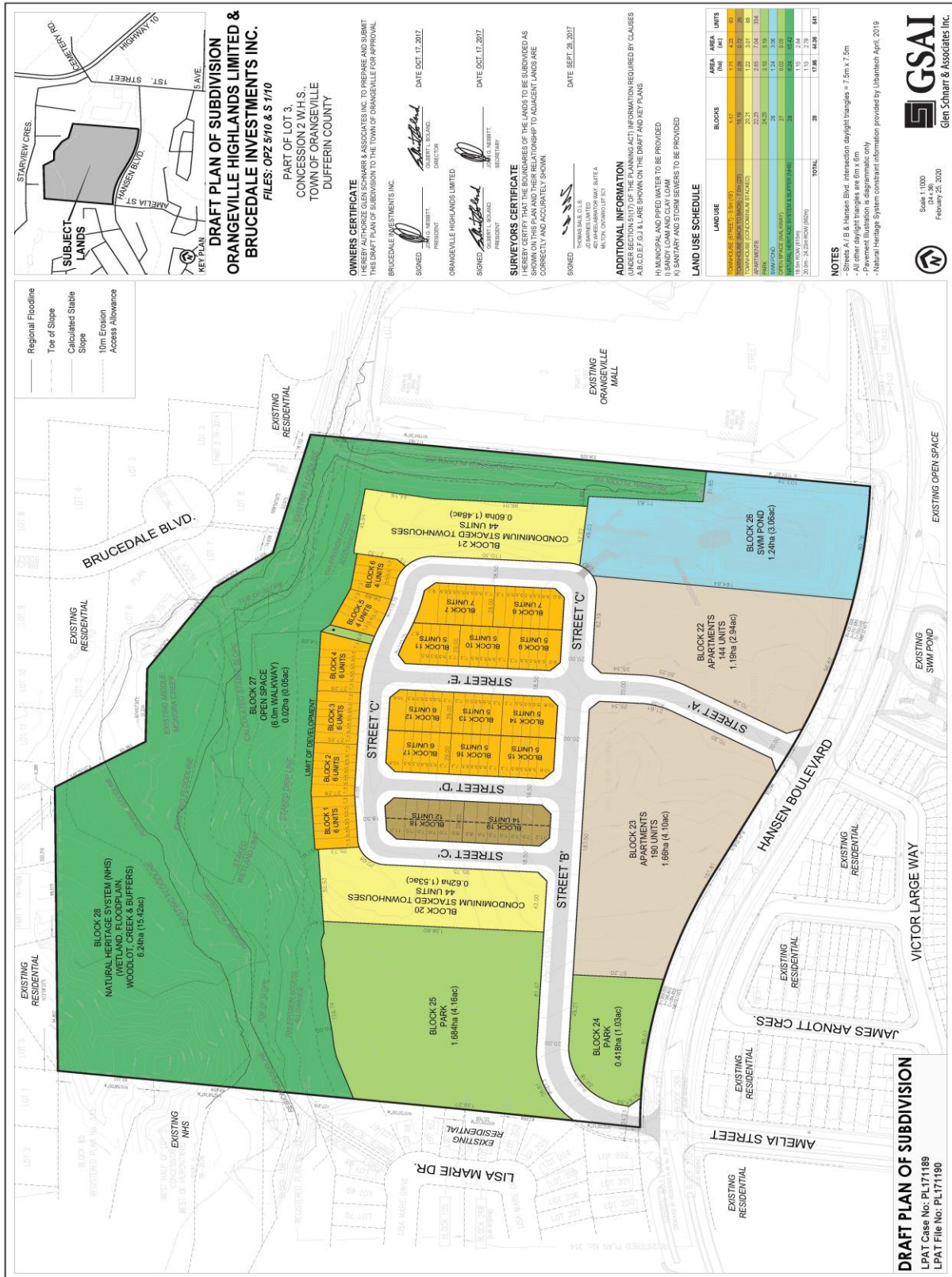
Mayor

Clerk

-  Lands to be rezoned from Development (D) Zone to Open Space - Conservation (OS2) Zone
-  Lands to be rezoned from Development (D) Zone to Open Space - Recreation (OS1) Zone
-  Lands to be rezoned from Development (D) Zone to Multiple Residential Medium Density (RM1) Zone, S.P. 24.223(H)

Zoning Map Nos. A3 and A4
This is a reference map only

Schedule B



Schedule C

CONDITIONS OF DRAFT APPROVAL
Orangeville Highlands Ltd. and Brucedale Investments Inc.
Orangeville Highlands, Phase 2
Part of Lot 3, Concession 2, W.H.S.
File: S-1/10

Pursuant to Subsection 51(31) of the Planning Act, this approval applies to the draft plan of subdivision prepared by Glen Schnarr & Associates Ltd., dated February 25, 2020 ("the Plan"), submitted on behalf of Orangeville Highlands Ltd. and Brucedale Investments Inc. (the "Owner") for the property described as Part of the Lot 3, Concession 2, W.H.S., and illustrating:

- 93 Street townhouses	Blocks 1 to 17
- 26 Back-to-back Townhouses	Blocks 18, 19
- 88 Stacked Townhouses	Blocks 20, 21
- Apartment Blocks (334 units)	Blocks 22, 23
- Parkland	Blocks 24, 25
- Stormwater management facility	Block 26
- Open Space	Block 27
- Natural Heritage System	Block 28
- Internal street network	Streets 'A' to 'E'

This draft approval shall lapse if the plan has not been registered within three (3) years of the Council decision, or, in the event of an appeal, with a period of three years from the date of a Local Planning Appeal Tribunal (LPAT) order approving the draft plan of subdivision. The Town may grant an extension of draft approval as its discretion.

The conditions applying to the approval of the final plan for registration are set out below.

Agreements

1. That the Owner enters into a subdivision agreement, and such other agreements as may be required or appropriate, to satisfy all of the requirements, financial and otherwise of the Town of Orangeville (the "Town") with respect to the development.

Zoning

2. That the plan conforms to the amending zoning by-law enacted by the Town, and that this condition be considered capable of fulfillment only once the amending zoning by-law is in force with all levels of appeal exhausted.
3. That prior to final approval of the plan, the Owner will provide a surveyor's certificate indicating the areas and frontages of all lots in the plan, for the purpose of establishing the conformity of the lots with the Zoning By-law.

Street Naming

4. That prior to final approval of the plan, all streets shall be named to the satisfaction of the Town and the County of Dufferin.

Phasing

Orangeville Highlands, Phase 2
Part of Lot 3, Concession 2, W.H.S.
File: S-1/10

Conditions of Draft Approval

5. That prior to final approval of the Plan, in the event that the development of the property is to be phased, a detailed development phasing plan shall be submitted prior to final approval of the first phase of development. The Phasing Plan shall indicate the sequence of development, the land area in hectares, the number of lots and blocks in each phase, grading to minimize the total soil area exposed at a given time and construction of public services, to the satisfaction of the Town.
6. That the Owner agrees, in the subdivision agreement, that acting reasonably in order to reduce the extent of disruption on purchasers occupying units within the subdivision, construction shall proceed sequentially such that the first lots/blocks to be build are those most interior within the Plan and the last lots to be built are those nearest to the egress to the Plan.

Parkland Dedication

7. That the Owner agrees to convey parkland to the Town pursuant to the requirements of the Planning Act. The Owner shall agree in the subdivision agreement, to provide unit counts for each block for the purpose of tracking parkland dedication requirements and providing for credit or additional conveyance at a later date as necessary.

Archaeological Evaluation

8. That prior to final approval, and prior to the initiation of any grading to any lands included in the Plan, a preliminary archaeological evaluation of the entire area within the Plan shall be carried out at the Owner's expense, and the same report shall identify any significant archaeological sites found as a result of the assessment. The archaeological assessment report shall be carried out by a licensed archaeologist and prepared according to the requirements of the Ministry of Tourism, Culture and Sport (MTCS). The archaeological assessment shall be submitted to the Town and the said Ministry for review and approval.
9. That the Owner agrees, in the subdivision agreement, that no development or grading shall occur on any site identified as being archaeologically significant as a result of the archaeological evaluation carried out on the property, until such time as protective and mitigative measures of all significant archaeological sites have been fulfilled to the satisfaction of the MTCS and the Town.

Pre-Servicing

10. The Owner agrees to prepare a construction traffic access and control plan for all phases of servicing and building construction to the satisfaction of the General Manager of Infrastructure Services (GMIS). Any costs related to the implementation of such a plan shall be borne by the Owner. Any repair of damage or maintenance required to surrounding streets as a result of such traffic shall be at the Owner's

cost.

11. The Owner further agrees that no work, including, but not limited to tree cutting, grading or filling, will occur on the lands until such time as the Owner has obtained written permission from the GMIS or has entered into a Subdivision Agreement with the Town. The Owner further agrees that prior to any grading or construction on the site, the Owner enters into an Engineering Services Agreement with the Town, to be registered on title, satisfactory to the Town's Solicitor, which includes all requirements, financial and otherwise, to the satisfaction of the Town of Orangeville.
12. Prior to any development or grading of the site, the developer shall submit to the Town, a report indicating how regular dust suppression will be accomplished during the construction phase of the subdivision.
13. That any domestic, observation or other wells located within the lands be properly abandoned in accordance with current Ministry of the Environment, Conservation and Parks (MECP) Regulations and Guidelines to the satisfaction of the GMIS. Any boreholes drilled for hydrogeological or geotechnical investigations must also be properly abandoned.
14. The Owner shall prepare an overall site drainage and grading plan, satisfactory to the GMIS, for the entire subdivision, prior to any grading or construction on the site. Such a plan will be used as the basis for a detailed lot grading plan to be submitted prior to the issuance of any building permit within the subdivision.
15. That the Developer constructs, installs and maintains erosion and sediment control facilities, satisfactory to the GMIS, prior to any grading or construction on the subdivision lands in accordance with a plan that has been submitted to and approved by the GMIS.

Engineering

16. That prior to final approval, the Owner agrees to prepare or cause to prepare, by a qualified Consulting Engineer(s) and submitted to the Town and Credit Valley Conservation ("CVC") for approval, the following reports, based on Terms of Reference as approved by the Town and CVC:
 - a. A **Functional Servicing Report** that addresses water distribution, sanitary collection, storm sewage collection and stormwater management to confirm that the existing municipal services are adequately sized to accommodate the demands associated with the proposed development.

- b. **Stormwater Management Implementation Report** to be completed to the satisfaction of the Town and CVC, and must address quality and quantity control of post-development flows up to and including the 100-year storm, and demonstrate how the Regional Storm will be conveyed through the development in accordance with Ontario Provincial Standards and Specifications and Town Standards. The report will describe in detail the means whereby stormwater will be conveyed from the site to a receiving body, and also the means whereby erosion, sedimentation and their effects will be contained and minimized on the site both during and after the construction period.

The Stormwater Management Implementation Report will take the effects of climate change into consideration, pursuant to any applicable policies, standards and/or guidelines of the Province, CVC and Town.

- c. An **Operations Maintenance and Monitoring Program** for the stormwater management facility, which shall provide a monitoring procedure and schedule for all stormwater management facilities / works immediately after all stormwater management facilities / works become operational.
- d. A **Siltation, Sedimentation and Erosion Control Report** to provide recommendations for the control, maintenance and monitoring of sediment during all phases of construction and to address erosion control issues specific to the draft plan of subdivision for all sloped areas and wetland protection, the sediment removal efficiency of temporary ponds, and address post construction water quality from storm ponds to document temperature and sediment removal efficiency.
- e. A **Construction Management Plan** prior to any site alteration, which shall include the following as a minimum:
- i. Central coordinating point of contact, with contact information to be made available for public questions or complaints;
 - ii. A tracking and documentation plan for any complaints and respective responses;
 - iii. A communication and enforcement plan for any trades, contractors and delivery providers
 - iv. Parking plan for trades and delivery activities
 - v. Office space (construction trailers)
 - vi. Working hours of operation, staging areas and periods of activity
 - vii. Storage plan for construction materials and any debris/refuse
 - viii. Noise and dust control/suppression
 - ix. Site access plan that includes mud and debris management as a result of the construction on site

- f. That the Owner agrees to provide three second order, second level **Horizontal and Vertical Controls** prepared by an Ontario Land Surveyor, in locations within the proposed subdivision to the satisfaction of the Town.
 - g. A **Tree Inventory and Preservation Plan and Assessment** Report that documents and inventories all existing trees within the Plan and provides an assessment of significant trees to be preserved together with the proposed methods of tree preservation, remedial planting and removal of invasive species. The Owner shall agree in the Subdivision Agreement to undertake the measures identified in the approved Tree Inventory and Assessment Plan and Report to the satisfaction of the Town
 - h. A **Phase 1 Environmental Site Assessment (ESA)** and if required, a Record of Site Condition (RSC) acknowledged by the Ministry of Environment, Conservation and Parks for the whole site or parts thereof, to the satisfaction of the Town, including all reports required to obtain the RSC.
17. Recommendations from the reports will be implemented in the detailed design process to the satisfaction of the Town. All reports and studies must refer to the draft plan of subdivision prepared by Glen Schnarr and Associates Inc. as draft approved by the Town.
 18. That prior to final approval of the Plan, the Owner agrees to design and construct additional Low Impact Development measures (LID) within the Park blocks 24 and/or 25 to ensure pre-development infiltration rates are maintained within the Wellhead Protection Q1/Q2 area applicable to the subject lands, as identified in the Approved Source Protection Plan for the CTC Source Protection Region. These additional LID features will be designed to compensate for any infiltration losses anticipated for privately-owned LID's within the Plan. The final design and location of LID measures will be incorporated into the subdivision detailed design drawings to the satisfaction of the Town.

Transportation

19. That the Owner agrees in the subdivision agreement, to implement the recommendation of the Traffic Impact Study and any recommendations of the Town's peer review consultant, to the satisfaction of the Town. The Owner further agrees to fulfill all requirements of the Town with regard to the design, construction, site works and attainment of approvals with respect to vehicular site access, additional traffic control measures, traffic signals and other measures as may be identified within existing and proposed roads.
20. That the road allowances included in the draft plan be shown and dedicated as public highway's and that prior to the registration of any phase of the subdivision, the Town shall receive a letter from the O.L.S. preparing the plan that certifies that the layout of the roads in the plan conforms to the Ontario Geometric Design Criteria,

with the exception of the road widths which shall comply with the widths shown on the approved draft plan of subdivision.

21. That daylight triangles be shown on the engineering drawings and dedicated to the Town, as required, to improve visibility at all intersections of roads and corner blocks.
22. That the Owner agrees in the subdivision agreement, to make the appropriate upgrades to the Amelia Street/Street 'B' Intersection, Victor Large Way/Street 'A' Intersection and Hansen Boulevard, as necessary to facilitate the connections of Streets 'A' and 'B' to the existing intersections, in accordance with the Town's Municipal Design Standards, to the satisfaction of the Town
23. That the Owner agrees to provide concrete sidewalks to Municipal Standards, on both sides of Street "B" and Street "A" from the limits of the existing sidewalk, as may be required by the Town.
24. That the Owner agrees to connect Street "A" (Victor Large Way) to Hansen Boulevard and Amelia Street/Street "B" such that the intersections are constructed at a minimum of 85 degrees or as close to 90 degrees as possible and approved by Transportation and Development Staff.
25. That the Owner agrees, in the subdivision agreement, to install traffic signals for the Victor Large Way / Street 'A' and Hansen Boulevard intersection in accordance with the Town's standards prior to final approval of the Plan.
26. That the Owner agrees to construct 2.5 metre wide, asphalt multi-purpose trailways within and through Block 27 (Open Space-Walkway) and Block 26 (Stormwater management facility), connecting to sidewalks and/or other trails as appropriate, to the satisfaction of the Town.
27. That the Owner agrees to construct concrete sidewalks as directed by the Town during detailed design review, on Hansen Boulevard adjacent to the development, and on both sides of Streets 'A' and 'B', as required by the Town, to facilitate accessible and safe pedestrian movement.
28. That the Owner agrees, in the subdivision agreement, to construct a transit stop lay-by at a location to be determined by Orangeville Transit and to the satisfaction of the Town. The Town will construct any associated bus stop pads, shelters, signs, etc.

Servicing

29. That prior to final approval of the plan, the Town will allocate water supply and sewage treatment capacity to the development. This allocation is at the sole discretion of the Town and will not be made until such time as the Town is satisfied

that there is adequate water supply and sewage treatment capacity to service the proposed development.

30. That no works or servicing occur on the site until the Owner has made arrangements satisfactory to the Town, including, but not necessarily limited to, the posting of securities for the desired works and services and/or the fulfillment of the requirements of the Town's Topsoil Removal By-law, as updated or amended.

Noise Study

31. That the Owner agrees, prior to final approval of the plan, to retain a suitably accredited acoustical consultant to investigate the noise levels on the site and make recommendations to ensure that the Province's recommended sound level limits for the proposed residential land uses are maintained.
32. That the Owner agrees, in the subdivision agreement, to implement the recommendations of the approved acoustical report and construct the required noise attenuation features to the Town's current standards.

Landscaping and Fencing

33. That prior to final approval, the Owner shall submit to the satisfaction of the Town a Master Landscape Plan prepared by a suitably accredited landscape architect. This plan shall address the following:
 - a. Street trees on the boulevards;
 - b. the landscaping of Blocks 27 (open space) and Block 26 (stormwater management pond);
 - c. a design of the trailway connections through Blocks 27 and other blocks as may be identified by the Town, including Hansen Boulevard, Street 'C' and Street 'B'; and
 - d. the landscaping treatment along the road allowance of Hansen Boulevard and Street 'B';
34. That the Owner agrees, in the subdivision agreement, to implement the approved Master Landscape Plan.
35. That the Owner agrees, in the subdivision agreement, to install a 1.5 metre high, black vinyl chain link fence in accordance with the Town's standards, along the boundaries of Blocks 20, 21, 24, 25, 27 and 28, as directed for these blocks by the Town during the detailed engineering review.
36. That the Owner agrees, in the subdivision agreement, not to store or stockpile any soil or material, other than topsoil to be used for parks, on Park Blocks 24 and 25.

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37. That the Owner agrees, in the subdivision agreement, to construct the Park blocks 24 and 25 to meet the overall grading and drainage plans and to pre-park facility development conditions at their sole expense. Construction of the park blocks shall also include:
- a. any required Low Impact Development measures as specified by the detailed design review; and
 - b. a pre-determined amount of topsoil stockpiling as identified by the Town during the detailed design review,
- to the satisfaction of the Town.
38. That the Owner agrees, in the subdivision that all lots to be left vacant for a period of time as determined by the Town shall be graded, seeded, maintained, signed and, if required, fenced to prohibit dumping and trespassing.

Credit Valley Conservation

39. That the Functional Servicing Report and associated hydraulic analysis be updated based on the revised post-development outflows from the stormwater management pond.
40. That the implementing Zoning by-law shall contain provisions which will place all lands within Block 28 in an appropriate designation such that the natural heritage system is protected in perpetuity.
41. That the portions of the Natural Heritage System on the property (Block 28) be gratuitously dedicated to the Town of Orangeville, as appropriate.
42. Prior to the registration of any phase of this plan and any site grading and servicing in the respective phases, that the following information be prepared to the satisfaction of the Town of Orangeville and CVC:
- a. A stormwater Management (SWM) Implementation Report consistent with the recommendations of the approved Functional Servicing Report (FSR) and the Hydrogeology report.
 - b. Detailed engineering and grading plans prepared by a professional engineer for the respective phase and/or overall draft plan of subdivision in accordance with the approved FSR and SWM Implementation Report.
 - c. Plans/reports demonstrating the overall water balance will be met including the details of LID mitigation measures and water balance staging, as appropriate.

-
- d. Plans/reports demonstrating the details of stormwater management facilities in Block 26 and drainage feature modifications in Block 28 and their associated outfalls, including the fulfillment of all requirements for the issuance of permits pursuant to Ontario Regulation 160/06.
 - e. Appropriate sediment and erosion control measures be implemented as approved by the Town and CVC.
 - f. A dewatering plan based on direction from a qualified engineer.
 - g. Plans/reports demonstrating the details in accordance with the recommendations and proposed mitigation measures of the Environmental Impact Study, Addendum and subsequent Response letter:
 - i. Plans/reports demonstrating the details of the proposed wetland, including a supporting feature-based water balance if necessary, as per the approved EIS and to the satisfaction of CVC.
 - ii. Plans/reports demonstrating the details of the proposed drainage feature enhancement as per the approved EIS and to the satisfaction of CVC.
 - iii. Fulfilling all requirements for the issuance of a permit pursuant to Ontario Regulation 160/06 for any proposed modifications and enhancements in the drainage feature and wetland creation.
 - h. Satisfactory landscape plans for offsetting/mitigation plantings to be implemented as approved by the Town and CVC.
 - i. A monitoring program on groundwater conditions/base flow contributions including but not limited to:
 - i. Continuous monitoring to determine the high seasonal groundwater elevations on site, particularly at the locations of the SWM Pond Block and in the location of the proposed wetland creation.
 - ii. A schedule for monitoring during and for a defined period after construction.
43. The Owner is to obtain all necessary permits for development within the CVC Regulated Area in accordance with Ontario Regulation 160/06.
44. Prior to the registration of any phase of the plan, the following information will be prepared to the satisfaction of the Town and CVC:

- a. Plans/reports demonstrating the details of the proposed trails within or adjacent to the NHS, including fulfilling all of the requirements for the issuance of a permit pursuant to Ontario Regulation 160/06.
- b. That prior to final approvals written correspondence from qualified professional(s) be provided confirming that the stormwater management facilities and associated mitigation measures required by the approved FSR and/or SWM Implementation Report have been constructed and operational as per the approved design including the operation of the pond liner, berms, and proposed earthworks have been built as per design of the geotechnical engineer.
- c. That the Engineering Servicing Agreement between the Owner and the Municipality contain provisions, wherein the Owner agrees to:
 - i. Carry out the works noted in Conditions #39 through 43 above.
 - ii. That a Warning Clause be included in the Agreements of Purchase and Sale advising that the future landowners of Lots abutting the NHS (Block 28) and SWM (Block 26) that the adjacent public land will remain as a low maintenance environment.
 - iii. That a Homeowner's Factsheet describing the benefits of some landscape naturalization for lots backing onto the NHS, as an educational tool to promote enhancement, be completed and included as part of the Purchase of Sale Agreement prior to closing.

Plan Modifications and Conveyances

45. That prior to final approval, the Owner shall dedicate all lands to be conveyed to the Town 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:
 - a. That the Street "A", Street "B", Street "C", Street "D" and Street "E" road allowances be conveyed to the Town as delineated on the plan in a condition to the satisfaction of the Town.
 - b. That the final Plan be modified to provide 0.3m reserves along:
 - i. the flankages (i.e. exterior side lot lines) of Blocks 7 to 19; and
 - ii. the frontages and flankages of Blocks 20, 21, 22 and 23 on Streets "A", "B" and "C" and Hansen Boulevard;
- to ensure that the Municipality controls the access to those Blocks and that

the 0.3 metre reserves be conveyed to the Town in a condition satisfactory to the Town. The 0.3m reserves do not affect the ability of the Owner to access or utilize any lots or Blocks within the Plan in accordance with the approved Construction Management Plan pursuant to Condition No. 16 e).

- c. That any other 0.3 metre reserves, as may be required by the Town upon the review of the engineering drawings, be shown on the final Plan and conveyed to the Town in a condition satisfactory to the Town.
- d. That any daylight triangles, as may be required by the Town upon the review of the final engineering drawings, be shown on the final Plan and conveyed to the Town in a condition satisfactory to the Town.
- e. That the Owner agrees, in the subdivision agreement, to provide access easements adjacent to the end row house units on Blocks 1 to 17 inclusive, in favour of the owners/occupants of the interior units of each respective block, and in favour of all units in the respective blocks across the rear of said blocks.
- f. That the Owner convey to the Town all parkland (Blocks 24 and 25), open space (Block 27), Natural Heritage System (Block 28) as delineated on the Plan in a condition satisfactory to the Town.

Utilities

- 46. That the Owner will make satisfactory arrangements with Bell Canada, Rogers Communications, Enbridge Gas and Orangeville Hydro, and all applicable public utilities, to ensure the appropriate utility distribution and servicing of this development including the provision of any easements required by the Town to accommodate the servicing.

Display Mapping

- 47. The Owner agrees, in the subdivision agreement, that prior to executing any offer of purchase and sale with prospective purchasers, the Owner shall prepare and prominently display or cause to be displayed, a plan on a wall of the sales office, to the satisfaction of the Town, showing the following information:

For the Lands within the Plan

- a. All lots or blocks in a colour coded form that identify all land use types in their respective locations;
- b. The identification and location of all surrounding land uses, both existing and as designated/proposed in accordance with the Town's planning documents;

- c. those lots or blocks that are the subject of specific recommendations in the approved noise report, i.e. relating to noise attenuation measures and/or warning clauses;
- d. the type, location and material of all required fencing and noise attenuation features;
- e. all sidewalks and trailways;
- f. on-street parking provision for all roads;
- g. The location of all stormwater management and infiltration measures situated on private lots;
- h. the location or potential location of all Community Mailboxes;
- i. all regulatory and/or traffic control signage;
- j. the following statement in **BOLD CAPITAL TYPE**

**THIS MAP IS BASED ON INFORMATION AVAILABLE AS OF date
 AND MAY BE REVISED WITHOUT NOTIFICATION TO PURCHASERS.**

**CONSTRUCTION OF HOMES (EXCLUDING MODEL HOMES) CANNOT
 COMMENCE UNTIL THIS PLAN OF SUBDIVISION HAS BEEN
 REGISTERED AND BUILDING PERMITS HAVE BEEN ISSUED**

For all lands within 100 metres of the subdivision

- k. any existing or proposed open space, park or stormwater management blocks and trailways;
 - l. the land use designation of lands in accordance with the Town's Official Plan;
 - m. any major easements (i.e. Hydro corridors, Trans Canada Pipelines, etc.); and,
 - n. any arterial and collector roads including the number of lanes and bicycle lanes.
48. In the alternative, if a sales office does not exist, the Owner shall provide evidence that the Sales Office Plan has been included in promotional advertising material (i.e. brochures, websites, etc.), to the satisfaction of the Town.
49. That the Owner agrees, in the subdivision agreement, that it will update or cause to be updated, the Display Plan, at its expense, from time to time, as conditions change and as required by the Town, and will submit the revised plan to the Town

for prior approval.

50. The Owner agrees, in the subdivision agreement, to prominently display or cause to be displayed an above-ground utility plan on a wall of the sales office, once finalized and signed by the GMIS showing the locations of all catch basins, hydro transformers, utility boxes, street lights and fire hydrants within the subdivision.

Block Identification

51. That prior to final approval of the Plan, the Owner shall install a sign to be not less than 1.2 metres by 1.2 metres on all parkland, open space, high density residential, medium density residential, and stormwater management facility blocks, to clearly advise of the future use and function of these blocks, to the satisfaction of the Town and at locations to be determined by the Town. A clause shall be included in the Subdivision Agreement stating that the Owner shall maintain these signs in good condition until such time as the land is developed.

Warning Clauses

52. The Owner agrees to include the following warning clauses in on all offers of purchase and sale for lots within this plan:
- a. "The purchaser and/or tenant(s) acknowledges that mail delivery to this lot will be provided from a Community Mailbox, to be located *[describe location by municipal address and reference to a lot or block number]*.
 - b. "The purchaser and/or tenant(s) acknowledges that the Town will, by By-law, prohibit parking on both sides of Street "A" and "B" (or as to be named on the final Plan) and in proximity to all street corners in accordance with the By-law. Parking will be prohibited on one side of the street for all other street areas within this plan of subdivision. Generally, parking is prohibited on the side of the street that has fire hydrants."
 - c. "The purchase and/or tenant(s) acknowledges that the Town will construct and install traffic signals at the intersection of Street A and Hansen Boulevard and that the signals will include Accessible Pedestrian Signals that will have audible instructions for pedestrians that are visually impaired".
 - d. "The purchaser and/or tenant(s) acknowledges that street tree planting is a requirement of the subdivision agreement and trees are planted on the public boulevard in accordance with the approved street tree planting plan. The Town will not accept requests for changes to tree species types or the elimination of a street tree. Utility locations, setbacks and driveway locations may reduce the number of street trees planted on the municipal boulevard to avoid conflicts with public utilities."

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- e. "The purchaser and/or tenant(s) acknowledges that parking is not permitted on the public sidewalk, and accordingly, the location of the sidewalk in front of the property, if applicable may preclude two vehicles from parking end to end between the curb and the house."
 - f. "The purchaser and/or tenants acknowledge that Town owned natural features and storm water treatment facilities will be left in a naturally vegetated condition and will receive minimal maintenance. Uses such as private picnic, barbeque or garden areas; storage of materials and/or dumping of refuse or ploughed snow; cutting or removal of vegetation are not permitted on these lands. In addition, direct access to Town owned natural features and stormwater management facilities through such means as private rear yard gates is prohibited"
53. The Owner agrees to include in all offers of purchase and sale of residential lots within this plan, information to the satisfaction of the Town and Credit Valley Conservation related to the stormwater management design, including low impact development (LID) measures within the Plan.
54. The Owner agrees to include in all offers of purchase and sale of residential lots within this plan until the permanent separate elementary school for the area has been completed the following warning clauses:
- "Whereas, despite the best efforts of the Dufferin-Peel Catholic District School Board, sufficient accommodation may not be available for all anticipated students from the area, you are hereby notified that students may be accommodated in temporary facilities and/or bussed to a school outside of the neighbourhood, and further, that students may later be transferred to the neighbourhood school."
- "That the purchasers agree that for the purposes of transportation to school, the residents of the subdivision shall agree that children will meet the bus on roads presently in existence or at another place designated by the Dufferin-Peel Catholic District School

Water Conservation and Energy Efficiency

55. That prior to final approval, the Owner shall submit to the satisfaction of the Town, a Water Conservation Plan, which contains the following:
- a. An analysis and recommendations for strategies including water efficient landscaping, water efficient fixtures and appliances, that reduce potable water consumption on average for all units within the Plan, by a minimum of 20% lower than the Ontario baseline average residential per capita daily water usage rate for the five (5) year period of 2013 to 2017; and

- b. An implementation framework, which may include, but not be limited to measures such as information to be included in a homeowner's manual, a pre-approval process for building permit application submissions to ensure that the recommended water conservation and efficiency measures, as in 55. a. above, are incorporated into the building permit application process.
- 56. That prior to final approval, the Owner shall prepare and submit to the satisfaction of the Town, an Energy Efficiency Assessment, which shall evaluate and recommend measures and strategies to achieve low energy use intensities and reduced energy demands through measures that may include, but may not be limited to:
 - a) Building orientation and solar controls;
 - b) thermal effectiveness of the building envelope;
 - c) daylighting design strategies;
 - d) energy sharing opportunities for multi-unit developments;
 - e) high efficiency mechanical systems (efficient HVAC systems, heat recovery, lighting solutions); and/or
 - f) weather protection and insulation measures.

The Energy Efficiency Assessment shall demonstrate how the units in the plan can achieve on average, an overall minimum 10% reduction in energy consumption relative to the Ontario Building Code requirements in effect as of the date of draft plan approval.

Urban Design and Architectural Control

- 57. That the Owner agrees, in the subdivision agreement, to incorporate and implement the content of the reports prepared by John G. Williams Limited, Architect, entitled "Orangeville Highlands – Phase 2 Urban Design Brief", dated April 16, 2019 and "Response to 3rd Submission Review Comments (Urban Design Brief)", dated December 4, 2019 (the "Urban Design and Built Form Guidelines") in the detailed design process with respect to matters including but not limited to: streetscape design criteria; landscape elements and location; gateway elements; stormwater management facility; open space network and parks, as well as architectural design criteria including building siting, massing and form, architectural elements, priority lot dwellings and other design issues unique to the proposed development and necessary mechanisms for their implementation, to the satisfaction of the Town.
- 58. That the Owner agrees, in the subdivision agreement, to hire a Control Architect, at the Owner's expense, to review and approve all design elements to ensure compliance with the architectural, streetscape and landscape design guidelines in accordance with the Urban Design and Built Form Guidelines. The Owner or builder(s) shall submit plans, elevations, details, landscape drawings and any other required documents to the Control Architect in sufficient detail to assess compliance.

The selection of the Control Architect shall be subject to the approval of the Town's Manager of Planning, or their designate. The Town reserves the right to replace the Control Architect at its sole discretion, should inadequate review and enforcement by the Control Architect become evident. The provisions of the Control Architect review process will be specified in the subdivision agreement, or any other agreement with the Owner as may be appropriate, consistent with the Implementation recommendations of the Urban Design and Built Form Guidelines.

59. That the Owner agrees, in the subdivision agreement, that building permit applications will not be accepted and building permits will not be issued by the Town without certification by the Control Architect, to the satisfaction of the Town that the Architectural Design Review, as set out in the Urban Design and Built Form Guidelines, has been complied with.

Canada Post

60. That the Owner will consult with Canada Post to determine suitable locations for the placement of Community Mailboxes and to indicate these locations on appropriate servicing plans.
61. The Builder/Owner/Developer will confirm to Canada Post that the final secured permanent locations for the Community Mailboxes will not be in conflict with any other utility; including hydro transformers, bell pedestals, cable pedestals, flush to grade communication vaults, landscaping enhancements (tree planting) and bus pads.
62. The Owner will install concrete pads at each of the Community Mailbox locations as well as any required walkways across the boulevard and any required curb depressions for wheelchair access as per Canada Post's concrete pad specification drawings.
63. The Owner will agree to prepare and maintain an area of compacted gravel to Canada post's specifications to serve as a temporary Community Mailbox location. This location will be in a safe area away from construction activity in order that Community Mailboxes may be installed to service addresses that have occupied prior to the pouring of the permanent mailbox pads. This area will be required to be prepared a minimum of 30 days prior to the date of first occupancy.
64. The Owner will communicate to Canada Post the excavation date for the first foundation (or first phase) as well as the expected date of first occupancy.
65. The Owner agrees, prior to offering any of the residential units for sale, to place a "Display Map" on the wall of the sales office in a place readily available to the public, which indicates the location of all Canada Post Community Mailbox site locations, as approved by Canada Post and the Town of Orangeville.

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66. The Owner agrees to include in all offers of purchase and sale, a statement advising the prospective new home purchaser that mail delivery will be from a designated Community Mailbox, and to include the exact locations (list of lot #s) of each of these Community Mailbox locations and further, advise any affected homeowners of any established easements granted to Canada post.
67. The Owner/Developer will be responsible for officially notifying the purchasers of the exact Community Mailbox locations prior to the closing of any home sales with specific clauses in the purchase offer, on which the homeowners will sign off.

Rogers Communications Inc.

68. Prior to registration of the plan of Subdivision, the Developer/Owner will, at its own cost, grant all necessary easements and maintenance agreements required by those CRTC-licensed telephone companies and broadcasting distribution companies intending to serve the Subdivision (collectively, the "Communications Service Providers"). immediately following registration of the Plan of Subdivision, the Developer/Owner will clause these documents to be registered on title.
69. Prior to registration of the plan of Subdivision, the Developer/Owner will, with consultation with the applicable utilities and Communications Service Providers prepare an overall utility distribution plan that shows the locations of all utility infrastructure for the Subdivision, as well as the timing and phasing of installation.

Enbridge Gas Distribution Inc.

70. Enbridge Gas Distribution requests that the following conditions be included in the subdivision agreement:
 - a. The Owner is responsible for preparing a composite utility plan that allows for the safe installation of all utilities, including required separation between utilities.
 - b. Streets are to be constructed in accordance with composite utility plans previously submitted and approved by all utilities.
 - c. The Owner shall grade all road allowances to as close to final elevation as possible, provide necessary field survey information and all approved municipal road cross sections, identifying all utility locations prior to the installation of the gas piping.
 - d. It is understood that the natural gas distribution system will be installed within the proposed road allowance. In the event that this is not possible, easements will be provided at no cost to Enbridge Gas Distribution Inc.
71. The applicant shall contact Enbridge Gas Distribution's Customer Connections

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department by emailing SalesArea20@enbridge.com for service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping (including, but not limited to: tree planting, silva cells, and/or soil trenches) and/or asphalt paving.

If the gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for temporary gas pipe installations pertaining to phase construction, all costs are the responsibility of the applicant.

72. In the event a pressure reducing regulator station is required, the applicant is to provide a 3 metre by 3 metre exclusive use location that cannot project into the municipal road allowance. The final size and location of the regulator station will be confirmed by Enbridge Gas Distribution's Customer Connections department. For more details contact SalesArea20@enbridge.com.

Upper Grand District School Board

73. The Owner agrees that Education Development Charges shall be payable prior to the issuance of a building permit.
74. The Owner agrees to provide the Upper Grand District School Board with a digital file of the plan of subdivision in either ARC/INFO export or DWG format containing parcel fabric and street network.
75. The Owner shall agree in the subdivision agreement that adequate sidewalks, lighting and snow removal (on sidewalks and walkways) will be provided to allow children to walk safely to school or to a designated bus pickup point.
76. The Owner and the Upper Grand District School Board reach an agreement regarding the supply and erection of a sign (at the developer's expense and according to the Board's specifications) affixed to the permanent development sign advising prospective residents about schools in the area.
77. The developer shall agree in the subdivision agreement to advise all purchasers of residential units and/or renters of same, by inserting the following clause in all offers of Purchase and Sale/Lease.
78. "In order to limit liability, public school buses operated by the Service de transport de Wellington-Dufferin Student Transportation Services (STWDSTS), or its assigns or successors, will not travel on privately owned or maintained right-of-ways to pick up students, and potential busing students will be required to meet the bus at a congregated bus pick-up point."

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79. That the applicant shall agree in the development and/or servicing agreement or

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condominium declaration to include the following warning clauses in all offers of purchase and sale of residential units:

80. "Whereas, despite the best efforts of the Dufferin-Peel Catholic District School Board, sufficient accommodation may not be available for all anticipated students from the area, you are hereby notified that students may be accommodated in temporary facilities and/or bussed to a school outside of the neighbourhood, and further, that students may later be transferred to the neighbourhood school."; and
81. "That the purchasers agree that for the purpose of transportation to school, the residents of the subdivision shall agree that children will meet the bus on roads presently in existence or at another place designated by the Board."

Clearances

82. Prior to the registration of the final plan, clearance will be required from the following agencies to indicate that their conditions have been satisfied:

AGENCY	CONDITIONS
Bell Canada	46
Canada Post	60 to 67
Credit Valley Conservation	39 to 44
Dufferin-Peel Catholic District School Board	79 to 81
Enbridge Gas Distribution Inc.	46, 70 to 72
Ministry of Tourism, Culture and Sport	8 and 9
Orangeville Hydro	46
Rogers Communications Inc.	46, 68 and 69
Upper Grand District School Board	73 to 78