



Corporate Services

City File No.: 22.114368.000.00.PLAN

Regional File No: SUBP.22.M.0015

Refer to: Kathryn Cymbalisty, Planner

August 19, 2022

Mr. Stephen Lue
Senior Development Manager
Planning and Urban Design Department
City of Markham
101 Town Centre Boulevard
Markham, ON L3R 9W3

Attention: Stacia Muradali, Development Manager (East District)

**Re: Draft Plan of Subdivision
 SUBP.22.M.0015 / PLAN 22 114368
 Part of Lot 31, Concession 7
 5474 and 5662 19th Avenue
 (Flato Upper Markham Village Inc.)
 City of Markham**

This letter is in response to your circulation and request for comments for the above-captioned proposed draft plan of subdivision application prepared by BOUSFIELDS INC. (Drawing Number 2131-10dp-MZO2, dated March 11, 2022), on behalf of Owner, Flato Upper Markham Village Inc. (Flato Developments Inc. with Wyview Group). The subject lands, municipally known as 5474 and 5662 19th Avenue, are generally located on the northeast corner of McCowan Road and 19th Avenue and wholly within the City of Markham. It is noted that the subject lands are on the south side of the municipal boundary between the City of Markham and the Town of Whitchurch-Stouffville, and are within the study area of the Whitchurch-Stouffville Highway 48 Corridor Visioning Exercise being led by the Town of Whitchurch-Stouffville in consultation with the City of Markham and York Region that is currently under review.

This application is being submitted in association with an approved Minister's Zoning Order (O. Reg. 172/21) that created residential and open space zones. This application is related to other approved Minister's Zoning Orders that are located within the study area of the Highway 48 Corridor. The proposal will facilitate the development of a subdivision comprised of 900 residential units (233 single detached units, 244 townhouse units and 423 apartment units that

will include seniors housing), and blocks for parks, servicing, stormwater and public road within a 43.5 ha site.

Minister's Zoning Order (MZO)

On March 5, 2021, the Minister of Municipal Affairs and Housing (MMAH) issued the Minister's Zoning Order Number (O. Reg.) 172/21 for the 43.9 hectares of lands owned by Flato Developments Inc. that were designated as Countryside and Greenway within the City of Markham's Official Plan 2014 (MOP). Since the MZO supersedes the MOP, an amendment to the City's Official Plan is not required. The approved MZO permits residential, office, retail, and recreational uses, together with accessory buildings, uses and structures on the lands. The subject lands are currently zoned in accordance with the approved MZO as Open Space One ("OS1"), Residential Two ("R2") and Residential Four ("R4") zones, which prevails over its previous zoning of Agricultural One ("AG1") and Open Space One ("OS1") zones.

Toronto and Region Conservation Authority (TRCA)

York Region relies on the Toronto and Region Conservation Authority (TRCA) to review and provide comments on its behalf relating to the natural environment and source water protection, as appropriate, in accordance with association provincial, regional and local policies along with technical guidelines and best management practices. As outlined in the TRCA's comment letter to the City dated July 20, 2022, TRCA staff consider the draft plan of subdivision and any conditional approvals thereof, to be premature and that comments and outstanding issues need to be addressed to their satisfaction. Specifically, TRCA staff note that the Master Environmental Servicing Plan (MESP) is not currently approved. They note that it is critical that the MESP be finalized and approved prior to the advancement or conditional approval of the proposed draft plan of subdivision, as it must comply with the overall planning and design criteria established by the MESP. This is further restated by the Region and communicated within the attached Memorandum of Technical Comments.

Regional Technical Review Comments

The proposed Draft Plan of Subdivision application was considered by staff from various Regional Departments including Infrastructure Asset Management, Transportation and Infrastructure Planning, Transit, Development Engineering and Water Resources. Please see the attached Memorandum of Technical Comments that must be acknowledged and addressed prior to final approval.

Lapsing Provision

York Region requests that the City of Markham apply a lapsing provision to the draft plan, pursuant to Section 51(32) of the *Ontario Planning Act*, and that York Region be provided an opportunity to comment on any proposed extensions of the approval.

Summary

While we understand the Owner/Applicant is seeking approval of this application, York Region considers this application premature until comments and outstanding issues identified by the Region and the TRCA have been appropriately addressed. However, should City Council choose

to approve this application prior to the finalization of the EA, we are providing the attached comments, schedule of pre-conditions and schedule of clauses/conditions

We request a copy of the notice of decision, draft approved plan, and the conditions of draft approval should the plan be approved.

Should you have any questions regarding the above or the attached conditions please contact Kathryn Cymbalisky, Planner, at extension 71556 or through electronic mail at kathryn.cymbalisky@york.ca.

Yours truly,



Karen Whitney, MCIP, RPP
Director, Community Planning and Development Services

KC/

Attachments (5): Memorandum – Technical Comments
 Schedule of Pre-Conditions
 Schedule of Clauses and Conditions
 Development Engineering Marked-up Draft Plan
 Development Engineering Marked-up FSR

Copy to: Shakir Rehmatullah, Flato Upper Markham Village Inc. (shakir@flatogroup.com)
 Michelle Bates, Toronto and Region Conservation Authority (michelle.bates@trca.ca)
 Hena Kabir, Town of Whitchurch-Stouffville (hena.kabir@townofws.ca)

YORK-#13999306



MEMORANDUM – TECHNICAL COMMENTS

**Re: Draft Plan of Subdivision
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Regional Infrastructure Asset Management, Transportation and Infrastructure Planning, Transit, Development Engineering, and Water Resources staff have reviewed the above noted Draft Plan of Subdivision with supporting material and offer the following technical comments to be addressed prior to final approval. These comments are not an approval and are subject to modification. It is intended to provide information to the Owner/Applicant regarding the Regional requirements that have been identified to date and must be addressed to the satisfaction of the Region.

Infrastructure Asset Management (IAM)

IAM Management staff have reviewed the proposed Draft Plan of Subdivision dated prepared by BOUSFIELDS INC. (Drawing Number 2131-10dp-MZO2, dated March 11, 2022) in conjunction with the Functional Servicing Report (FSR), Figure 4B External Sanitary Servicing Plan and Figure 4D External Water Servicing Plan documents prepared by Crozier Consulting Engineers (dated March 2022) and have the following comments:

1. The FSR proposes that water servicing to subject development is proposed to be provided through the expansion of the Region's Stouffville Zone 2 water system.
2. The FSR identifies that the preferred option for wastewater servicing for both interim and ultimate development scenarios include a pumping station and a forcemain connecting the to the existing sanitary system near Rougeview Sewage Pumping Station and twinning of the Regional YDSS West Leg sewer. The FSR notes that the ultimate size of the sewage pumping station will be designed to accommodate flows from the larger Highway 48 Block.
3. With respect to the above noted comments, the Owner must acknowledge the following:
 - a. York Region's infrastructure planning for ultimate servicing of the subject lands is primarily through the North Markham Water and Wastewater Servicing projects as identified in the Region's water and wastewater master plans (construction anticipated 2032-2041). Specifically, water servicing to the subject lands is planned to be through future expansion of pressure district 7 (PD 7). Similarly, the wastewater plans are based on servicing these lands through the future North Markham Sewer on McCowan Road.

As such, both water and wastewater servicing for ultimate build out of the Hwy 48 Block, including the subject lands shall be consistent with the Region's servicing strategy for the area.

- b. The Region is currently in discussions with staff from the Town of Whitchurch-Stouffville and City of Markham to explore suitable servicing strategies to accommodate near-term growth needs in the area through the Master Environmental Servicing Plan process for the Hwy 48 Block.
4. Residential development in the City of Markham requires servicing capacity allocation prior to final approval. If the City of Markham does not grant this development allocation from the existing capacity assignments to date, then the development may require additional regional infrastructure based on conditions of future capacity assignment, which may include:
 - Duffin Creek WPCP Outfall Modification – 2023 expected completion
 - Other projects as may be identified in future studies.

The timing of the above infrastructure is the current estimate and may change as each infrastructure project progresses and is provided for information purposes only.

Transportation and Infrastructure Planning

Transportation Planning staff have reviewed the Traffic Impact Study Letter, prepared by CF Crozier (dated March 11, 2022) in conjunction with the draft plan of subdivision and have the following comments:

5. The MESP shall be fully completed. This is to ensure that required improvement and proponents are identified in a timely manner that is consistent with the development phasing of the block.
6. It is encouraged that the City of Markham and the Town of Whitchurch-Stouffville protect for a continuous east-west midblock collector road.
7. The Region has concerns with the proximity of Street 'T' and Lane 'BB' and the frequency of vehicles backing up onto 19th Avenue. The Owner will be required to provide a median that restricts movements to right-in/right-out movements only.
8. The Owner is advised that the intersection to McCowan Road shall be designed and constructed with both dedicated left-turn and dedicated right-turn lanes. The Owner shall provide a preliminary detailed design showing the proposed configuration in a Transportation Study Addendum.

Transit Comments

9. The Owner is advised to coordinate with the City of Markham to provide sidewalk facilities connecting from the internal road network to the Regional road network:
 - From Street 'A' to 19th Avenue

- From Street 'O' to 19th Avenue
- From Street 'T' to 19th Avenue
- From Street 'B' to McCowan Road

10. Future YRT transit services are planned to operate on the following roadways in the vicinity of the subject lands:

- McCowan Road
- 19th Avenue

Development Engineering

Development Engineering staff have reviewed proposed Draft Plan of Subdivision dated prepared by BOUSFIELDS INC. (Drawing Number 2131-10dp-MZO2, dated March 11, 2022) along with the Functional Servicing Report (FSR) prepared by Crozier Consulting Engineers (dated March 2022) and have the following comments:

11. Please see the attached marked-up Draft Plan (Red-line Drawings DP-1stSC.pdf) for specific comments. The above noted proposed Draft Plan of Subdivision is not acceptable by the Region and shall be revised to the satisfaction of the Region.
12. Please see the attached marked-up FSR (Red-Lined Documents FSR-1stSC.pdf) for specific comments.
13. The External SAN Servicing Option B is not acceptable and is premature to be considered it as the preferred option because it has not obtained Region and MTO approval. Please note that the Alignment of the proposed City's SAN sewer on McCowan Rd (Regional ROW) and 19th Ave (to be uploaded to Region) is subject to Region's review and approval. The proposed City's SAN sewer should be located within Development Blk's easement and NOT within the Regional ROW. MTO approval is required for the City's Hwy 48 SAN as Hwy 48 is owned by MTO.
14. Currently, 19th Avenue is a City's right-of-way (ROW) and it will be uploaded to the Region in the future. The City has to ensure the following land conveyance is obtained for 19th Avenue:
 - a) a widening across the full frontage of the site where it abuts McCowan Road of sufficient width to provide a minimum of 20.5 metres from the centreline of construction of McCowan Road and any lands required for additional turn lanes at the intersections;
 - b) a 15 metre by 15 metre daylight triangle at the Street A and 19th Avenue intersection;
 - c) a 15 metre by 15 metre daylight triangle at the Street O and 19th Avenue intersection;
 - d) a 15 metre by 15 metre daylight triangle at the Street T and 19th Avenue intersection; and,
 - e) a 0.3 metre reserve across the full frontage of the site, except at the approved access location, adjacent to the above noted widening, where it abuts 19th Avenue and adjacent to the above noted widening(s).

Water Resources

Water Resources have reviewed the application and have the following comments for the proposed Draft Plan of Subdivision application as it relates to Source Protection policy. Should the proposal change and/or the application be amended, Water Resources will require recirculation for comment and/or approval.

Source Water Protection Vulnerable Areas:

- TRCA, WHPA-Q DGL, HVA (partial), SGRA (partial)

15. Please note the property is located partially within a Significant Groundwater Recharge Area (SGRA). As such the CTC Source Protection Plan water quantity recharge policy and York Region Official Plan Low Impact Development policy 2.3.41 will apply. The proponent should maximize infiltration at the site using best management practices. The use of the following resource is encouraged: Low Impact Development Stormwater Management Planning and Design Guide by Credit Valley Conservation Authority. The contact person for the scoping, review and approval of the water balance for Source Protection Plan conformity is the City of Markham's Environmental Engineering Group. The approving body for compliance with the policy will be the local municipality.

16. Please note the property is located partially within a Highly Vulnerable Aquifer (HVA). As such, should the proposed major development include bulk fuel ($\geq 2500L$) or bulk chemicals ($\geq 500L$) within the HVA, a Contaminant Management Plan (CMP) will be required prior to Draft Plan of Subdivision approval, for Water Resources review and approval.

If a CMP is not required, a letter prepared by a qualified professional will be required in its place stating that the above noted activities will not be occurring.

Salt Management:

17. As the site is within a vulnerable area, Water Resources recommends the use of a contractor who is certified by Smart About Salt, and use of best management practices identified within the "TAC Synthesis of Best Management Practices for Salt and Snow" are followed:

<http://tac-atc.ca/en/bookstore-and-resources/free-resources-and-tools/syntheses-practice>

If the proposed development includes a parking lot, Water Resources recommends following the Parking Lot Design Guidelines:

<https://www.lsrca.on.ca/Shared%20Documents/reports/Parking-Lot-Design-Guidelines-Salt-Reduction.pdf>

Schedule of Pre-Conditions
Draft Plan of Subdivision SUBP.22.M.0015 / PLAN 22 114368
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(prepared by BOUSFIELDS INC., Drawing Number 2131-10dp-MZO2, dated March 11, 2022)

The following pre-conditions are applicable in the event that the draft plan approval is given prior to Council approval of adequate servicing allocation to the subject development and are to be satisfied prior to or concurrent with Draft Plan Approval:

1. Prior to or concurrent with draft plan approval, the Owner shall enter into an agreement with the City of Markham, which agreement shall be registered on title, committing the Owner to:
 - A. Not enter into any agreements of purchase and sale with end users (*) for the subject lands until such time as:
 - a. i. York Region has advised in writing that it is no earlier than twelve (12) months prior to the expected completion of all water and wastewater infrastructure required to support the Region's capacity assignment pertaining to the City's allocation used for the subject development; and
 - ii. The Council of the City of Markham has allocated adequate available water supply and sewage servicing capacity to the subject development;or,
 - b. the City of Markham approves a transfer of servicing allocation to this development that is not dependent upon the construction of infrastructure;or,
 - c. the Regional Commissioner of Public Works and the City of Markham confirm in writing that there is adequate servicing capacity for this development by a suitable alternative method and the City of Markham allocates the capacity to this development.
 - AND
 - B. Not enter into any agreements of purchase and sale with non end users for the subject lands unless the agreement of purchase and sale contains a condition that requires the purchaser and any subsequent purchasers to enter into a separate agreement with the City of Markham, which agreement shall be registered on title, committing the Owner to the same terms as set out in item A above.

2. Prior to draft plan approval, the Owner shall enter into an indemnity agreement with York Region, which agreement shall be registered on title, agreeing to save harmless York Region from any claim or action as a result of York Region granting draft approval of Plan of Subdivision PLAN 22 114368 / SUBP.22.M.0015, or any phase thereof, including, but not limited to claims or actions resulting from, water or sanitary sewer service not being available when anticipated. The agreement shall include a provision that requires all subsequent purchasers of the subject lands, who are not end-users, to enter into a separate agreement with York Region as a condition of the agreement of purchase and sale, agreeing to indemnify York Region on the same terms and conditions as the owner.

(*) the term 'end users' for the purpose of the above noted pre-conditions is defined as the eventual homeowner who is purchasing an individual lot containing a dwelling for the purpose of occupancy.

Schedule of Clauses and Conditions
Draft Plan of Subdivision SUBP.22.M.0015 / PLAN 22 114368
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City of Markham

(prepared by BOUSFIELDS INC., Drawing Number 2131-10dp-MZO2, dated March 11, 2022)

Clauses to be Included in the Subdivision Agreement

1. The Owner shall save harmless York Region from any claim or action as a result of water or sanitary sewer service not being available when anticipated.
2. The Owner shall acknowledge in the subdivision agreement that the Region makes no commitment to advance or fund the construction of any Regional infrastructure to service the subject development. The Region's water and wastewater servicing plans for the North Markham area at the time of issuing these conditions are as per the 2022 Water and Wastewater Master Plan and Capital Plan.
3. The Owner shall agree that the water and wastewater infrastructure required to service the subject subdivision, or any phase thereof will not incur any cost to the Region.
4. The Owner shall agree, in wording satisfactory to the Region, that any infrastructure required to service the subdivision or any related or subsequent development application(s) under the Planning Act will not incur cost to the Region for any part associated with this approval.
5. The Owner shall agree, in wording satisfactory to Development Engineering, to implement all recommendations provided in the updated Transportation Study, including the TDM measures, the satisfaction of the Region.
6. The Owner shall agree, in wording satisfactory to Development Engineering, that Site Plan Application approval from the Region is required to be in place before the commencement of any site alteration or construction works for Block 276 development abutting McCowan Road.
7. The Owner shall agree to reserve unobstructed locations for the future construction of passenger standing areas/shelter pads identified below:
 - On Street: 19th Avenue
At Street: Street 'T'
Location: NE corner
Standard Specifications: YRT 1:03
 - On Street: 19th Avenue
At Street: Street 'O'

Location: NE corner
Standard Specifications: YRT 1:03

- On Street: 19th Avenue
At Street: Street 'A'
Location: NE corner
Standard Specifications: YRT 1:03
- On Street: McCowan Road
At Street: Street 'B'
Location: SE corner
Standard Specifications: YRT 1:03

8. The Owner shall agree to advise all potential purchasers of the existing and future introduction of transit services in this development. The Owner/consultant is to contact YRT Centre (tel. 1-866-668-3978) for route maps and the future plan maps.
9. The Owner shall agree where enhanced landscape features beyond street tree planting, sod and concrete walkways are proposed in the York Region Right-Of-Way by the Owner or the area municipality, these features must be approved by Development Engineering and shall be maintained by the area municipality. Failure to maintain these landscape features to York Region's satisfaction will result in the area municipality incurring the cost of maintenance and/or removal undertaken by the Region.
10. The Owner shall agree, in wording satisfactory to Development Engineering, to implement the noise attenuation features as recommended by the noise study and to the satisfaction of Development Engineering.
11. The Owner shall agree, in wording satisfactory to Development Engineering, that where berm, noise wall, window and/or oversized forced air mechanical systems are required, these features shall be certified by a professional engineer to have been installed as specified by the approved Noise Study and in conformance with the Ministry of the Environment, Conservation and Parks guidelines and the York Region Noise Policy.
12. The following warning clause shall be included in a registered portion of the Subdivision Agreement with respect to the lots or blocks affected:

"PURCHASERS ARE ADVISED THAT DESPITE THE INCLUSION OF NOISE ATTENUATION FEATURES WITHIN THE DEVELOPMENT AREA AND WITHIN THE INDIVIDUAL BUILDING UNITS, NOISE LEVELS WILL CONTINUE TO INCREASE, OCCASIONALLY INTERFERING WITH SOME ACTIVITIES OF THE BUILDING'S OCCUPANTS".

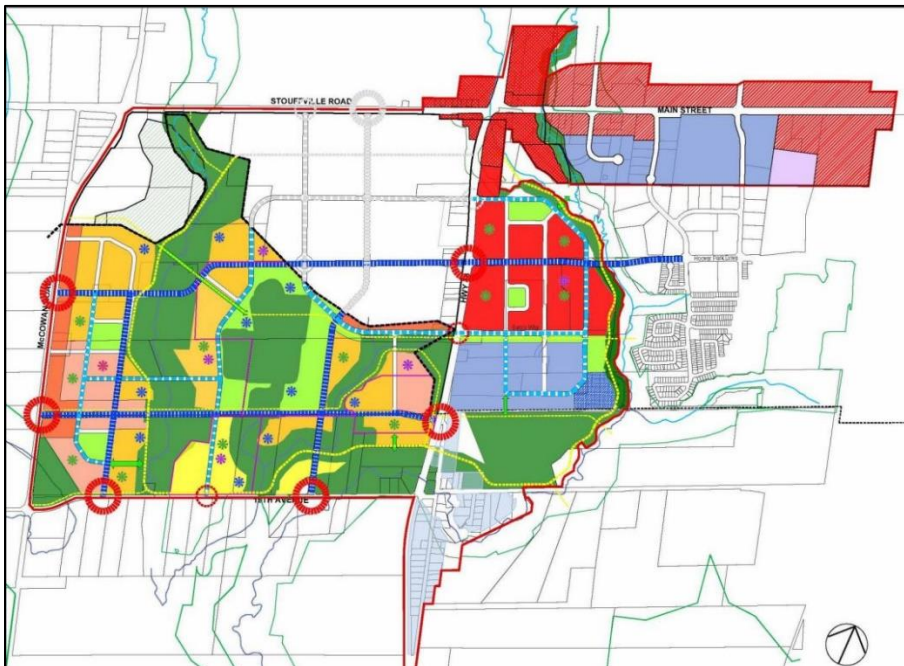
13. The Owner shall agree, in the wording satisfactory to Development Engineering, that the Owner will be responsible for determining the location of all utility plants within York Region right-of-way and for the cost of relocating, replacing, repairing and restoring any

appurtenances damaged during construction of the proposed site works. The Owner must review, or ensure that any consultants retained by the Owner, review, at an early stage, the applicable authority's minimum vertical clearances for aerial cable systems and their minimum spacing and cover requirements. The Owner shall be entirely responsible for making any adjustments or relocations, if necessary, prior to the commencement of any construction.

Conditions to be Satisfied Prior to Final Approval

14. The road allowances included within the draft plan of subdivision shall be named to the satisfaction of the City of Markham and York Region.
15. The Owner shall provide a Master Environmental Servicing Plan (MESP) for review and approval, to the satisfaction of the Region.
16. The Owner shall demonstrate that the water and wastewater infrastructure improvements identified in the approved MESP for the Hwy 48 Block are provided to the satisfaction of the Region.
17. In the event that the water and/or wastewater services are being provided through Town of Whitchurch-Stouffville owned infrastructure, the Owner shall confirm to the Region that the City of Markham has entered into an intermunicipal servicing agreement with the Town of Whitchurch-Stouffville.
18. The Functional Servicing Report shall be updated to conform to the water and wastewater servicing strategy in the approved MESP for the Hwy 48 Block and submitted to York Region for review to their satisfaction.
19. The Owner acknowledges and agrees that the final engineering design(s), and/or the approved MESP, or otherwise, may require the Owner to submit for approval any red-line revisions deemed necessary to the satisfaction of the Region.
20. The Owner shall provide to the Region the following documentation to confirm that water and wastewater services are available to the subject development and have been allocated by the City of Markham:
 - a) A copy of the Council resolution confirming that the City of Markham has allocated servicing capacity, specifying the specific source of the capacity, to the development proposed within this draft plan, or any phase thereof.
 - b) A copy of an email confirmation by City of Markham staff stating that the allocation to the subject development remains valid at the time of the request for regional clearance of this condition.

21. The Owner shall provide a detailed phasing plan (including population and infrastructure) for the full buildout of the subdivision and any associated future applications, to the satisfaction of the Region prior to final approval.
22. The Owner shall provide an electronic set of the final engineering drawings showing the watermains and sewers for the proposed development to the Community Planning and Development Services division and the Infrastructure Asset Management Branch for record.
23. The Owner shall demonstrate that the infrastructure improvements identified in the approved Master Environmental Servicing Plan (MESP), Transportation Study and Transportation Mobility Plan have been provided to the satisfaction of the Region.
24. The Owner shall demonstrate that the draft plan of subdivision will implement, and is prepared in accordance with, the collector road network identified in the Highway 48 and Stouffville Road Framework, to the satisfaction of the Region.



25. The Owner shall provide an updated Transportation Study that addresses comments provided, to satisfaction of the Region.
26. The Owner shall submit engineering plans for York Region's approval that identify on the plan the transit requirements.
27. The Owner shall have prepared, by a qualified professional transportation consultant, a functional transportation report/plan outlining the required road improvements for this subdivision. The report/plan, submitted to Development Engineering for review and approval, shall explain all transportation issues and shall recommend mitigative measures for these issues.

28. Prior to final approval and concurrent with the submission of the subdivision servicing application (MECP) to the area municipality, the Owner shall provide a set of engineering drawings and reports, for any works to be constructed on or adjacent to the York Region road, to Development Engineering, Attention: Manager, Development Engineering, that includes the following drawings:
- a) Plan and Profile for the York Region road and intersections;
 - b) Cross Section on York Region right-of-way at 20m interval where the site is abutting;
 - c) Grading and Servicing Plans;
 - d) Intersection/Road Improvements, including the recommendations of the Transportation Report;
 - e) Construction Access Design;
 - f) Utility and underground services Location Plans;
 - g) Signalization and Illumination Designs;
 - h) Line Painting;
 - i) Traffic Control/Management Plans;
 - j) Erosion and Siltation Control Plans;
 - k) Landscaping Plans, including tree preservation, relocation and removals;
 - l) Arborist Report;
 - m) Sidewalk locations, concrete pedestrian access to existing and future transit services and transit stop locations as required by York Region Transit/Viva;
 - n) Functional Servicing Report;
 - o) Stormwater Management Report;
 - p) Water supply and distribution report and model; and,
 - q) Transportation Study.
29. The Owner shall submit a detailed Development Charge Credit Application to York Region, if applicable, to claim any works proposed within the York Region right-of-way. Only those works located in their ultimate location based on the next planning upgrade for this right-of-way will be considered eligible for credit, and any work done prior to submission without prior approval will not be eligible for credit.
30. The location and design of the construction access for the subdivision work shall be completed to the satisfaction of Development Engineering and illustrated on the Engineering Drawings.
31. The Owner shall demonstrate, to the satisfaction of Development Engineering, that all existing driveway(s) along the Regional road frontage of this subdivision will be removed as part of the subdivision work, at no cost to York Region.
32. The Owner shall demonstrate, to the satisfaction of Development Engineering, that elevations along the streetline shall be 0.2 metres above the centreline elevations of the York Region roadway, unless otherwise specified by Development Engineering.

33. The Owner shall have prepared, by a qualified Tree Professional, a Tree Inventory and Preservation / Removals Plan and Arborist Report identifying all existing woody vegetation within the York Region Right-Of-Way to be removed, preserved or relocated. The report / plan, submitted to Development Engineering for review and approval, shall adhere to the requirements outlined in the York Region Street Tree and Forest Preservation Guidelines and shall be to the satisfaction of York Region Natural Heritage and Forestry Staff.
34. The Owner shall have prepared, by a qualified professional Landscape Architect, landscape design plans detailing landscape works and street tree planting in the York Region Right-Of-Way as required by any and/or all of the following, York Region's Streetscaping Policy, York Region's Street Tree Preservation and Planting Design Guidelines, any prevailing Streetscape Masterplan or Secondary Plan or as required by Urban and Architectural Design Guidelines.
35. The Owner shall engage the services of a consultant to prepare and submit for review and approval, a noise study to the satisfaction of Development Engineering recommending noise attenuation features.
36. Where noise attenuation features will abut a York Region right-of-way, the Owner shall agree, in wording satisfactory to York Region's Development Engineering, as follows:
 - a) That no part of any noise attenuation feature shall be constructed on or within the York Region right-of-way;
 - b) That noise fences adjacent to York Region roads may be constructed on the private side of the 0.3 metre reserve and may be a maximum 2.5 metres in height, subject to the area municipality's concurrence; and,
 - c) That maintenance of the noise barriers and fences bordering on York Region right-of-way shall not be the responsibility of York Region.
37. The Region requires the Owner submit a Phase One Environmental Site Assessment ("ESA") in general accordance with the requirements of the *Environmental Protection Act* and O. Reg. 153/04 Records of Site Condition, as amended ("O. Reg. 153/04"). The Phase One ESA must be for the Owner's property that is the subject of the application and include the lands to be conveyed to the Region (the "Conveyance Lands"). The Phase One ESA cannot be more than two (2) years old at: (a) the date of submission to the Region; and (b) the date title to the Conveyance Lands is transferred to the Region. If the originally submitted Phase One ESA is or would be more than two (2) years old at the actual date title of the Conveyance Lands is transferred to the Region, the Phase One ESA will need to be either updated or a new Phase One ESA submitted by the Owner. Any update or new Phase One ESA must be prepared to the satisfaction of the Region and in general accordance with the requirements of O. Reg. 153/04. The Region, at its discretion, may require further study, investigation, assessment, delineation and preparation of reports to determine whether any action is required regardless of the findings or conclusions of the submitted Phase One ESA. The further study, investigation, assessment, delineation and subsequent reports or documentation must be

prepared to the satisfaction of the Region and in general accordance with the requirements of O. Reg. 153/04. Reliance on the Phase One ESA and any subsequent reports or documentation must be provided to the Region in the Region's standard format and/or contain terms and conditions satisfactory to the Region.

The Region requires a certified written statement from the Owner that, as of the date title to the Conveyance Lands is transferred to the Region: (i) there are no contaminants of concern, within the meaning of O. Reg. 153/04, which are present at, in, on, or under the property, or emanating or migrating from the property to the Conveyance Lands at levels that exceed the MOECC full depth site condition standards applicable to the property; (ii) no pollutant, waste of any nature, hazardous substance, toxic substance, dangerous goods, or other substance or material defined or regulated under applicable environmental laws is present at, in, on or under the Conveyance Lands; and (iii) there are no underground or aboveground tanks, related piping, equipment and appurtenances located at, in, on or under the Conveyance Lands.

The Owner shall be responsible for all costs associated with the preparation and delivery of the Phase One ESA, any subsequent environmental work, reports or other documentation, reliance and the Owner's certified written statement.

38. Upon registration of the plan, the Owner shall convey the following lands to York Region for public highway purposes, free of all costs and encumbrances, to the satisfaction of the Regional Solicitor:
- a) a basic 36 metre right-of-way for this section of McCowan Road. All property lines shall be referenced from a point 18.0 metres from the centerline of construction on McCowan Road and any lands required for additional turn lanes at the intersections;
 - b) a widening across the full frontage of the site where it abuts McCowan Road of sufficient width to provide a minimum of 18 metres from the centreline of construction of McCowan Road and any lands required for additional turn lanes at the intersections;
 - c) a 15 metre by 15 metre daylight triangle at the Street B and McCowan Road intersection; and,
 - d) a 0.3 metre reserve across the full frontage of the site, except at the approved access location, adjacent to the above noted widening, where it abuts McCowan Road and adjacent to the above noted widening(s).
39. The Owner shall provide a solicitor's certificate of title in a form satisfactory to York Region Solicitor, at no cost to York Region with respect to the conveyance of the above noted lands to York Region.
40. The Owner shall demonstrate, to the satisfaction of Development Engineering, that all local underground services will be installed within the area of the development lands and not within York Region's road allowance. If a buffer or easement is needed to accommodate the

local services adjacent to York Region's right-of-way, then the Owner shall provide a satisfactory buffer or easement to the Area Municipality, at no cost to the Region.

41. The Owner or the Owner's authorized representative shall submit a Statutory Declaration that no contaminant, pollutant, waste of any nature, hazardous substance, toxic substance, dangerous goods, or other substance or material defined or regulated under applicable environmental laws is present at, on, in or under lands to be conveyed to the Region (including soils, substrata, surface water and groundwater, as applicable): (i) at the time of conveyance, at a level or concentration that exceeds the Environmental Protection Act O. Reg. 153/04 (as amended) full depth generic site condition standards applicable to the intended use of such lands by the Region or any other remediation standards published or administered by governmental authorities applicable to the intended land use; and (ii) in such a manner, condition or state, or is emanating or migrating from such lands in a way, that would contravene applicable environmental laws.
42. The Owner shall provide an executed copy of the subdivision agreement with the local municipality to the Regional Corporate Services Department, outlining all requirements of the Corporate Services Department.
43. For any applications (Site Plan or Zoning By-Law Amendment) completed after January 1, 2020 the Owner shall enter into a Development Charge Rate Freezing Agreement with York Region to freeze/lock in the Development Charge rate at the time the site plan application or Zoning By-law Amendment is deemed complete submission, satisfy all conditions, financial and otherwise, and confirm the date at which Regional development charge rates are frozen; Regional Development Charges are payable in accordance with Regional Development Charges By-law in effect at the time that Regional development charges, or any part thereof, are payable. Please contact Fabrizio Filippazzo, Manager, Development Financing Administration to initiate a Development Charge Agreement with York Region.
44. The Regional Corporate Services Department shall advise that Conditions 1 to 43 inclusive, have been satisfied.

