



County of Bruce  
Planning & Development Department  
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226-909-5515

# Conditions Of Draft Approval Plan Of Subdivision

The Council of the Corporation of the County of Bruce hereby issues Draft Approval to Following Application:

<b>File Number</b>	S-2020-006
<b>For</b>	Hellyn Development Inc.
<b>In Respect Of</b>	PLAN 36 PARK LOT 46 TO 50; ALBERT W/S (Lucknow) Township of Huron-Kinloss (Roll Number 410712000215200)
<b>Date of Draft Approval</b>	As per the County Decision Sheet

The following conditions have been established by the County of Bruce and must be met prior to the granting of Final Approval:

## Identification

1. That this approval applies to Plan of Subdivision File S-2020-006 for Hellyn Development Inc. on lands legally known as PLAN 36 PARK LOT 46 TO 50, ALBERT W/S (Lucknow), in the Township of Huron-Kinloss, prepared by GM BluePlan Engineering on June 8, 2020.

## Lot Layout and Density

2. That this approval is in accordance with the 'Land Use Schedule' on the Plan of Subdivision, prepared by GM BluePlan Engineering on June 8, 2020.

## Public Roads, Walkways, Servicing and Service Corridors

3. That the road allowances, road widenings, walkways and service corridors shown on this Plan be conveyed to the Township of Huron-Kinloss free and clear of all encumbrances, on the Final Plan, including Block 33 for stormwater management purposes.
4. That any dead ends and open sides of road allowances created by this Plan shall be terminated in a 0.3m reserve to be conveyed, free and clear of all encumbrances, to the Township of Huron-Kinloss.

5. That prior to the sale of Lots 20 and 21, and other lots as may be required, the owners acknowledge the lots contain a drainage easement by the Municipality and that the owners will need to provide access for stormwater management infrastructure and maintenance purposes.
6. That prior to the sale of Lots 1 and 28 and Blocks 29 and 32, the owners acknowledge that Block 33 is owned by the Township of Huron-Kinloss and that the block will be used as a stormwater management facility and will be accessed by the Township of Huron-Kinloss for maintenance purposes and that, from time-to-time, the block will be accessed by heavy construction vehicles.
7. That the streets shall be named to the satisfaction of the Township of Huron-Kinloss.
8. That all roadways, streets, sidewalks, and services shall be designed and constructed by the Owner to the standards of the Township of Huron-Kinloss.
9. That prior to development or site alteration on the proposed external drainage easement across 1288 Bruce Road 86: that the Owner prepare an Archaeological Assessment for those lands, that the Assessment be confirmed by the appropriate Ministry to have been accepted into the Ontario Public Register of Archaeological Reports, and that it be confirmed that the recommendations of the archaeological report (if any) have been implemented to the satisfaction of the Township of Huron-Kinloss.

### **Parkland**

10. That as per the Township of Huron-Kinloss Parkland Dedication/Cash in Lieu By-law, the Owner shall pay a sum for each new lot created that would be eligible for the acquisition of a building permit.

### **Easements**

11. That the Owner agrees to grant such easements as may be required for utility, drainage, snow storage and/or turn-around purposes to the Township of Huron-Kinloss or other appropriate authority.
12. That the Owner arrange for an easement to be registered on title across 1288 Bruce Road 86 for drainage purposes to the satisfaction of the Township of Huron-Kinloss prior to Final Approval of the Plan.
13. That the Owner provide to Enbridge Gas Inc. (operating as Union Gas) the necessary easements and/or agreements required by Union Gas for the provision of gas services for this project, in a form satisfactory to Enbridge Gas Inc.

## **Subdivision Agreement**

14. That the Owner and its successors enter into an Agreement with the Township of Huron- Kinloss to satisfy all the requirements, financial or otherwise of the Township of Huron- Kinloss, which may include, but shall not be limited to, the provision of parkland (or cash-in-lieu of land), roads, installation of services and facilities, lot grading, erosion and sediment control, drainage and the timing and payment of a development charge.
15. That the Subdivision Agreement against the land to which it applies shall include a clause prohibiting the Owner from registering a restrictive covenant under Section 119 of the Land Titles Act, or any other Act, that would prohibit, restrict or regulate any use(s) of the land otherwise permitted via the applicable Zoning By-law and that a Draft copy of the Subdivision Agreement be forwarded to the County of Bruce prior to registration of the Agreement.
16. That the Township of Huron-Kinloss undertake to register the Subdivision Agreement against the land to which it applies, and a copy of the Agreement be forwarded to the County of Bruce prior to Final Approval of the Plan.
17. That the Owner(s) shall agree in the Subdivision Agreement to provide sidewalks and pedestrian linkages throughout the subdivision to accommodate and promote safe walking routes to the nearby school property and elsewhere to the satisfaction of the Township of Huron-Kinloss in consultation with the Bluewater District School Board.

## **Utilities and Canada Post**

18. That the Owner provide an overall utility distribution plan to the satisfaction of the Township of Huron-Kinloss including the necessary easements and /or agreements required for the provision of utilities.
19. That the Owner agree to make satisfactory arrangements with the appropriate electricity service provider for the provision of permanent or temporary electricity services to this Plan.
20. That the Owner agree to make satisfactory arrangements with the appropriate gas service provider for the provision of permanent or temporary natural gas services to this Plan.
21. That the Owner agree to make satisfactory arrangements for the provision of permanent or temporary telecommunications and cable services to this Plan.
22. That the Owner agree to make satisfactory arrangements for the installation of postal boxes, if deemed necessary by Canada Post. The location and construction standard of community postal boxes shall be jointly approved by Canada Post and the Township of Huron-Kinloss.

## **Phasing and Lapsing**

23. That the Owner agree to phase any development of the Plan in a manner satisfactory to the Township of Huron-Kinloss and the County of Bruce.
24. The registration of this Plan may proceed in phases, and in accordance with the Phasing Plan, acceptable to the Township of Huron-Kinloss and County of Bruce.
25. That the Draft Approval for Plan of Subdivision S-2020-006 for Hellyn Development Inc. in the Township of Huron-Kinloss shall lapse as follows:
  - a. For the first phase, three (3) years after the date of Draft Approval unless it has been extended by the County of Bruce with the concurrence of the Township of Huron-Kinloss; and
  - b. For any subsequent phases, five (5) years after the date of Final Approval of the preceding phase.

## **Official Plan and Zoning By-law**

26. That the County of Bruce be advised by the Township of Huron-Kinloss that the Plan of Subdivision conforms to the Township of Huron-Kinloss Local Official Plan approved under the Planning Act.
27. That the County of Bruce be advised by the Township of Huron-Kinloss that the Plan of Subdivision conforms to the Zoning By-law approved under the Planning Act.

## **Notices and Warning Clauses**

28. That the Subdivision Agreement between the Owner and its successors and the Township of Huron-Kinloss include the requirement for the following Notice / Warning Clauses to be included in offers of purchase and sale for ALL Draft Approved Lots on the Draft Plan as follows:
  - a. "Stormwater Management Facilities  
Purchasers are advised that facilities for the management of stormwater runoff on the lot are subject to an approved Stormwater Management Plan. No owner of any lot shall alter, interfere with, or remove any of the Stormwater Management Facilities located within the lot except in accordance with the approved Stormwater Management Plan. Changes or alterations to the approved Stormwater Management Plan shall require the prior approval of the Township of Huron-Kinloss and acceptance by the Maitland Valley Conservation Authority."
  - b. "Stormwater Management Facility  
Purchasers are advised that a municipal stormwater management facility is located on Block 33. The stormwater management facility may be left in a

naturally vegetated condition and will be accessed by the Township of Huron-Kinloss for maintenance purposes which, from time-to-time, may include heavy construction vehicles."

c. "Lot Grading

Purchasers are advised that the grading of the lot is subject to an approved Lot Grading Plan. No owner of any lot shall alter the grade or place or remove any fill material within any yard except in accordance with the approved Lot Grading Plan. Changes or alterations to the approved Lot Grading Plan shall require the prior approval of the Township of Huron-Kinloss and acceptance by the Maitland Valley Conservation Authority."

29. That the Owner agree in the Subdivision Agreement to include in all Offers of Purchase and Sale a statement advising prospective purchasers that accommodation within a public school in the community is not guaranteed and students may be accommodated in temporary facilities; including but not limited to accommodation in a portable classroom, a "holding school", or in an alternate school within or outside of the community.

30. That the Owner agree in the Subdivision Agreement to include in all Offers of Purchase and Sale a statement advising prospective purchasers that if school buses are required within the Subdivision in accordance with Bluewater District School Board Transportation policies, as may be amended from time to time, school bus pick up points will generally be located on the through street at a location as determined by the Student Transportation Service Consortium of Grey Bruce.

### **Maitland Valley Conservation Authority**

31. The Owner shall provide outlet details for the stormwater management facility to the Maitland Valley Conservation Authority for review, and obtain written confirmation indicating those details are satisfactory. This written confirmation may coincide with permission given under Ontario Regulation 164/06 for the outlet.

### **Digital Plan Submission**

32. That prior to Final Approval the Owner shall submit to the County of Bruce and Township of Huron-Kinloss a digital file of the Plan to be registered in Shapefile (shp) format referenced to NAD83 UTM.

### **Clearance Conditions**

33. That prior to Final Approval being given by the County of Bruce, the County shall receive a clearance letter from the following agencies indicating how conditions applicable to their authority have been completed to their satisfaction:

- a. Township of Huron-Kinloss (conditions 3 to 12 inclusive, 14 to 18 inclusive, 22 to 28 inclusive, and 32);
- b. Bluewater District School Board (conditions 17, 29 and 30);
- c. Electricity Service Provider (conditions 11 and 19);
- d. Gas Utility Provider (conditions 13 and 20);
- e. Telecommunications and Cable Service Provider (conditions 11 and 21);
- f. Canada Post (condition 22);
- g. Maitland Valley Conservation Authority (condition 31).

If agency conditions are incorporated into the subdivision agreement, a copy of the draft agreement should be sent to them. This will expedite clearance of the Final Plan.

# General Notes To Draft Approval

1. It is the Owner's responsibility to fulfill the Conditions of Draft Approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the County of Bruce Planning and Development Department quoting the appropriate subdivision file number.
2. Final Approval – An 'Application for Final Approval' together with all supporting documentation, plans and the required filing fee must be submitted to the County of Bruce. If the plans comply with the terms of approval, and the County of Bruce has received the required agency clearances, the County's stamp of approval will be endorsed on the plan and it will be forwarded to the Registry Office for registration.

The number of mylar(s) and white paper prints as required for registration under the Registry Act must be submitted to the County of Bruce along with the 'Application for Final Approval'.

We strongly recommend that a 'draft' of the Final Plan be submitted to the County and the Registry Office for pre-clearance prior to the submission of any Application.

3. Inauguration, or extension of a water works is subject to the approval of the Ministry of the Environment under Section 52 and Section 53 of the Ontario Water Resources Act, R.S.O. 1990.
4. Clearance letters are required from the agencies listed under Item 33. Clearance Conditions of this approval.
5. Note that you will not be advised in writing of the lapsing date of the Draft Plan Approval. It is your responsibility to provide the approval body with the required information and fees to extend this draft approval. Should the information and fees not be received prior to the lapsing date, the Draft Plan Approval will lapse. There is no authority to revise the approval after the lapsing date. A new subdivision application under Section 51 of the Planning Act will be required. Please note that an updated review of the plan and revision to the Conditions of Approval may be necessary if an extension is to be granted.
6. Final Plans – When the survey has been completed and final plan prepared, to satisfy the requirements of the Registry Act, they should be forwarded to the County of Bruce. If the plans comply with the terms of approval, and we have received the required agency clearances, the County's stamp of approval will be endorsed on the plan and it will be forwarded to the Registry Office for registration. You are advised to consult the Land Registrar for requirements for registration prior to applying to the County of Bruce for Final Approval.