



County of Bruce  
Planning & Development Department  
brucecounty.on.ca  
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-2021-010
<b>For</b>	The Lindston Group Inc.
<b>In Respect Of</b>	PLAN 10 PT PARK LOT 5 AND 6; RP 3R10182 PARTS 1 AND 2 Geographic Township of Kincardine Municipality of Kincardine
<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-2021-010 for the Lindston Group Inc. on lands legally known as PLAN 10 PT PARK LOT 5 AND 6; RP 3R10182 PARTS 1 AND 2 (Geographic Township of Kincardine), now in the Municipality of Kincardine, prepared by Burnside Engineering, dated April 9, 2021.

## Lot Layout and Density

2. That this approval is in accordance with the 'Land Use Schedule' on the Plan of Subdivision, prepared by Burnside Engineering dated April 9, 2021.

## Servicing, Stormwater Management, Public Roads, Walkways, Streetlighting & Future Development.

3. Sidewalks shall be installed on one side of the local streets in a location and standard approved by the Municipality of Kincardine
4. Before any lots, blocks, roads, service corridors, 0.3 metre reserves, identified in this Plan are conveyed to the Municipality of Kincardine, they shall be free and clear of encumbrances.

5. All street and public lighting fixtures shall be dark-sky compliant.
6. The Owner agrees to transfer to the Municipality the following blocks, free and clear of encumbrances:
  - Block 34 as a Stormwater Management (SWM) Block
  - Blocks 35 and 36 as 0.3 metre reserves
7. The Owner agrees to dedicate the road allowances as identified as 'Street A' on the Plan to the Municipality, free and clear of encumbrances, and that the street be named to the Municipality's satisfaction.
8. Temporary turning circles or other approved turnarounds, shall be installed, if required by the approved phasing/staging of the subdivision, to the Municipality's satisfaction. Provisions for the design, construction, and decommissioning of the turnarounds shall be incorporated in the subdivision agreement.
9. The Owner acknowledges that Draft Approval is not a commitment by the Municipality of Kincardine to water or sanitary servicing capacity generally.
10. Watermains shall be looped as required by the Municipality of Kincardine.
11. Fire hydrant leads shall be extended on appropriate easements or Blocks from the existing Golf Links Road watermain to 'Street A'.
12. The Owner shall prepare an erosion control plan to the Municipality's satisfaction.
13. All internal and external services and upgrades to existing services required for the development of this Plan shall be designed by a qualified professional to the Municipality of Kincardine satisfaction and in accordance with the Municipality's Development Manual and constructed/installed at the owner's expense.

### **Parkland / Open Space**

14. That the Owner conveys land in the amount required pursuant to Kincardine's Official Plan for park purposes. Alternatively, the Municipality of Kincardine may accept cash-in-lieu for the said conveyance and under provisions of Kincardine's Official Plan. The Municipality may also accept a combination of land and cash to satisfy this requirement.

### **Easements**

15. That the Owner agrees to grant such easements as may be required for utility or drainage purposes to the Municipality of Kincardine or other appropriate authority.

## **Subdivision Agreement**

16. That the Owner enter into an agreement with the Municipality of Kincardine to satisfy all the requirements of the Municipality, and including matters required in these conditions of approval and may also include the following to the satisfaction of the Municipality of Kincardine:
  - i. the contribution to or the making of any required off-site improvements.
  - ii. Cost sharing for servicing provided to service external lands
17. That the Subdivision Agreement be registered by the Municipality of Kincardine against the land to which it applies and a copy of the registered agreement be forwarded to the County of Bruce at the time of Final Approval of the Plan.

## **Staging and Lapsing**

18. That the Owner agrees to stage any development of the Plan in a manner satisfactory to the Municipality of Kincardine and County of Bruce.
19. The Owner shall prepare a Phasing Plan, if deemed necessary by the Municipality, outlining the timing of the required studies, and the design and timing of construction of all amenities and services (road construction, services, sidewalks, etc.).
20. That the Draft Approval for Plan of Subdivision S-2021-010 for the Lindston Group Inc in the Municipality of Kincardine 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 Municipality of Kincardine; and
  - b. For any subsequent phases, five (5) years after the date of Final Approval of the preceding phase.

## **Utilities & Canada Post**

21. An overall utility distribution plan shall be prepared and submitted for approval to the satisfaction of the Municipality of Kincardine.
22. The Owner agrees to make satisfactory arrangements with the appropriate electric provider for the provision of permanent or temporary electrical services to this Plan.

23. The Owner agrees to make satisfactory arrangements for the provision of permanent or temporary telecommunications services and cable services to this Plan.
24. The Owner agrees to make satisfactory arrangements for the provision of permanent or temporary gas services to this Plan.
25. The Owner agrees to make satisfactory arrangements for the installation of postal boxes, if deemed necessary by Canada Post. The location and design of postal boxes shall be jointly approved by Canada Post and the Municipality of Kincardine.

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

26. That the County of Bruce be advised by the Municipality of Kincardine that the Plan of Subdivision conforms to the Municipality of Kincardine Official Plan approved under the Planning Act.
27. That the County of Bruce be advised by the Municipality of Kincardine that the Plan of Subdivision conforms to the Zoning By-law approved under the Planning Act. Holding provisions, pursuant to Section 36 of The Planning Act may be used in conjunction with any zone category to be applied to the subject lands in order to ensure that development does not occur until such time as the Holding “H” symbol is removed in accordance with the provisions of The Planning Act. The Zoning By-law shall specify the terms under which Council may consider the removal of the Holding “H” symbol.

### **Notices & Warning Clauses**

28. That the Subdivision Agreement between the Owner and the Municipality of Kincardine include the requirement for the following Notice / Warning Clauses to be included in all offers of purchase and sale for residential lots on the Plan:

#### **“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 Municipality of Kincardine and Saugeen Valley Conservation Authority.”

#### **“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 Municipality of Kincardine and Saugeen Valley Conservation Authority.”

“Bluewater District School Board

1. “That the owner(s) 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.”
2. “That the owner(s) shall agree in the Subdivision Agreement to include in all Offers of Purchase and Sale a statement advising prospective purchasers that student busing is at discretion of the Student Transportation Service Consortium of Grey-Bruce.”
3. “That the owners(s) 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 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.”

## **Other**

29. All disturbed lots or blocks to be left vacant for longer than thirty (30) days shall be graded, seeded and maintained to the satisfaction of the Municipality of Kincardine.

## **Digital Plan Submission**

30. That prior to Final Approval the Owner shall submit to the Municipality of Kincardine and County of Bruce a digital file of the Plan to be registered in a format approved by the Municipality of Kincardine and County of Bruce.

## **Saugeen Valley Conservation Authority**

31. That prior to any grading or construction on the site, and prior to Final Approval, the owner shall submit to the Saugeen Valley Conservation Authority for their review and approval, the following plans, and reports, prepared by a qualified consultant to the satisfaction of the SVCA:

a. A “Final Servicing and Stormwater Management Report” and “Lot Grading Plan” in accordance with the prevailing Ministry of Environment planning and design guidelines and other related technical criteria as determined by the SVCA. The Final Report/Plans shall detail the method that will be used to control surface water flow and groundwater dewatering plans within the development lands and abutting properties during and following construction. The final plan shall include recommendations of the “Technical Memorandum – Flood Analysis” (RJ Burnside, September 29, 2021) and the “Environmental Impact Study” (EIS) (NRSI, 2018), “EIS Addendum” (NRSI, September 28, 2021), and as summarized in the “EIS Summary of Recommendations” (NRSI, November 4, 2021).

b. An ‘Erosion and Sedimentation Control Plan’ indicating the means whereby erosion will be minimized, and sediment contained on-site and from abutting properties throughout all phases of grading and construction and shall include a maintenance plan and provision for timely revegetation of the site. The plan shall also detail the methods that will reduce any negative impacts to water quality and shall include recommendations of the “Environmental Impact Study” (EIS) (NRSI, 2018), “EIS Addendum (NRSI, September 28, 2021)”, and as summarized in the “EIS Summary of Recommendations” (NRSI, November 4, 2021).

c. A “Tree Protection Plan” designed by a certified arborist to the satisfaction of the SVCA that includes the location of tree protection fencing in accordance with the recommendations of the “EIS Addendum” (NRSI, September 28, 2021, and the “EIS Summary of Recommendations” (NRSI, November 4, 2021).

d. A “Landscape / Restoration Planting Plan” designed by a qualified ecologist that shall include the recommendations of the “Environmental Impact Study” (EIS) (NRSI, 2018), EIS Addendum (NRSI, September 28, 2021), and as summarized in the “EIS Summary of Recommendations” (NRSI, November 4, 2021).

e. A letter from a qualified ecologist indicating Block 34 and the location for the SWM pond and by-pass channel has been inspected for the presence of any federally, provincially, or regionally significant vegetation species in accordance with the EIS Addendum (NRSI, September 28, 2021), and as summarized in the “EIS Summary of Recommendations” (NRSI, November 4, 2021); and that it is confirmed none of these species are present; or that, the impacts to these species can be mitigated. Should endangered or threatened species be identified, the applicant will need clearance from the Ministry of Environment, Conservation, and Parks (MECP) directly.

32. That prior to Final Approval, the Saugeen Valley Conservation Authority review the wording in the Draft Subdivision Agreement between the Owner and the Municipality of Kincardine to ensure the Agreement addresses all the requirements of the Saugeen Valley Conservation Authority; and that, the Subdivision Agreement contain provision with wording acceptable to the SVCA, including;

a) The Owner agrees to carry out, or cause to be carried out, the works recommended in the approved plans and final reports as noted in 31 a), b), c), d), and e).

### **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. Municipality of Kincardine (conditions 3 to 21; 26 to 30 inclusive)
- b. Electricity Service Provider (conditions 22);
- c. Gas Utility Provider (condition 24);
- d. Telecommunications and Cable Service Provider (condition 23);
- e. Canada Post (condition 25);
- f. Saugeen Valley Conservation Authority (conditions 31 to 32).

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 34. 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.



7. The Owner is advised that Draft Approval is not a commitment by the Municipality of Kincardine to water or sanitary servicing capacity.