



County of Bruce  
Planning & Development Department  
1243 MacKenzie Road  
Port Elgin, ON N0H 2C6  
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226-909-5515

# Conditions Of Draft Approval Vacant Land Condominium

The Council of the Corporation of the County of Bruce hereby issues Draft Approval to the following application:

**File Number** S-2022-023  
**For** Bradstones Developments Inc.  
**In Respect Of** KINCARDINE CON A PT LOT 18;RP 3R10519 PART 1  
Municipality of Kincardine (Kincardine Township)  
**Date of Draft Approval** 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 Draft Plan of Vacant Land Condominium File S-2022-023 for Bradstones Developments Inc. in the Municipality of Kincardine, prepared by D. Culbert Ltd. on September 28, 2022, revised June 6, 2023.

## Lot Layout and Density

2. That this approval is in accordance with the 'Relevant Information' section on the Draft Plan of Vacant Land Condominium, prepared by D. Culbert Ltd. on September 28, 2022, revised June 6, 2023.

## Reserves

3. That a 0.3m reserve be conveyed, free and clear of all encumbrances, to the Municipality of Kincardine for the lands abutting Gingras Street.

## Condominium Agreement

4. That the Owner enter into an agreement with the Municipality of Kincardine to satisfy all the requirements of the Municipality, financial or otherwise, and including matters required in these conditions of approval.
5. That the Condominium Agreement between the Owner and the Municipality of Kincardine include the following clause to the satisfaction of the County of Bruce in

consultation with the Saugeen Ojibway Nation Environment Office: Should previously undocumented archaeological resources be discovered, they may be an archaeological site and therefore subject to Section 48 (1) of the Ontario Heritage Act. The proponent or person discovering the archaeological resources must cease alteration of the site immediately and engage with Saugeen Ojibway Nation Archaeology staff to pre-consult prior to obtaining a licensed consultant archaeologist to carry out archaeological fieldwork, in compliance with Section 48 (1) of the Ontario Heritage Act and in keeping with the Archaeological Standards of the Saugeen Ojibway Nation.

6. That the Municipality of Kincardine undertake to register the Condominium Agreement against the land to which it applies, and a copy of the Agreement be forwarded to the County of Bruce at the time of Final Approval of the Plan.

### **Notices & Warning Clauses**

7. That the Condominium 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 condominium units on the Plan:

- a. "Stormwater Management Facilities

Purchasers are advised that facilities for the management of stormwater runoff on the site are subject to an approved Stormwater Management Plan. No Owner of any unit shall alter, interfere with or remove any of the Stormwater Management Facilities located within the site 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."

- b. "Site Grading

Purchasers are advised that site grading is subject to an approved Grading Plan. No owner of any unit shall alter the grade or place or remove any fill material within any yard except in accordance with the approved Grading Plan. Changes or alterations to the approved Grading Plan shall require the prior approval of the Municipality of Kincardine."

### **Easements**

8. That the Owner agree to grant such easements as may be required for utility, drainage or other purposes to the Municipality of Kincardine or other appropriate authorities.
9. That the Owner agree to grant such easements within the proposed declaration for the condominium plan as may be required for maintenance access purposes to the rear yards of interior units to the satisfaction of the Municipality of Kincardine.

## **Utilities & Canada Post**

10. That the Owner provide an overall utility distribution plan to the satisfaction of the Municipality of Kincardine including the necessary easements and/or agreements required for the provision of utilities.
11. 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.
12. 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,
13. That the Owner agree to make satisfactory arrangements with the appropriate telecommunications and cable service providers for the provision of permanent or temporary telecommunications and cable services to this Plan.
14. That the Owner agree to make satisfactory arrangements for the installation of community mailboxes, if deemed necessary by Canada Post. The location and construction standard of community mailboxes shall be jointly approved by Canada Post and the Municipality of Kincardine.

## **Bluewater District School Board**

15. That the Owner agree in the Condominium Agreement with wording acceptable to Bluewater District School Board to:
  - a. Include in all Offers of Purchase and Sale a statement advising prospective purchasers that accommodation within a public school operated by Bluewater District School Board may include temporary facilities, including but not limited to, a portable classroom, a “holding school,” or directing students to an alternative attendance boundary.
  - b. Include in all Offers of Purchase and Sale a statement advising prospective purchasers that student busing is at the discretion of the Student Transportation Service Consortium of Grey-Bruce.
  - c. 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.
  - d. Provide sidewalks and pedestrian linkages throughout the Plan, to promote active transportation and safe walking routes to the satisfaction of the

Municipality of Kincardine in consultation with the Bluewater District School Board.

### **Staging and Lapsing**

16. That the Owner agree to stage any development of the Plan in a manner satisfactory to the Municipality of Kincardine and County of Bruce.
17. That the Owner prepare a Phasing Plan, if deemed necessary by the Municipality of Kincardine, outlining the timing of the required studies, and the design and timing of construction of all amenities and services (road construction, services, etc.).
18. That the Draft Approval for Vacant Land Condominium S-2022-023 for Bradstones Developments Inc. Inc in the Municipality of Kincardine shall lapse as follows:
  - a. 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.

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

19. That the County of Bruce be advised by the Municipality of Kincardine that the Plan of Vacant Land Condominium conforms to the Municipality of Kincardine Official Plan approved under the Planning Act.
20. That the County of Bruce be advised by the Municipality of Kincardine that the Plan of Vacant Land Condominium conforms to the Zoning By-law approved under the Planning Act.

### **Digital Plan Submission**

21. 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.

### **Clearance Conditions**

22. 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, 4, 6 to 10 inclusive, 16, 17, 19 to 21 inclusive)
  - b. Electricity Service Provider (condition 11);
  - c. Gas Utility Provider (condition 12);
  - d. Telecommunications and Cable Service Provider (condition 13);
  - e. Canada Post (condition 14); and
  - f. Bluewater District School Board (condition 15).

If agency conditions are incorporated into the Condominium 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 file number.
2. Clearance letters are required from the agencies listed under "Clearance Conditions" of this approval.
3. 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.

4. You are advised to consult the Land Registrar for requirements for registration prior to applying to the County of Bruce for Final Approval.
5. 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.
6. 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. 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.