



County of Bruce  
Planning & Development Department  
268 Berford Street,  
Wiarton, ON  
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-2023-030
<b>For</b>	Barry's Construction and Insulation Ltd.
<b>In Respect Of</b>	Pt Lts 18 & 19, Con 2 (Amabel) in the Town of South Bruce Peninsula
<b>Date of Draft Approval</b>	<b>Date</b>

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-2022-030 for Barry's Construction and Insulation Ltd. on lands legally known as Con 2 Part Lots 18 & 19, RP 3R1478, Part 1, (Amabel) Town of South Bruce Peninsula, prepared by Hewitt and Milne LTD. on September 7, 2023.

## Lot Layout and Density

2. That this approval is in accordance with the 'Draft Plan of Proposed Development' on the Plan prepared by Hewitt and Milne LTD. on September 7, 2023.

## Roads, Grading and Reserves

3. That all roadways, streets, lighting, internal and external services, and any upgrades to existing services be designed by a qualified professional and constructed by the Owner to the standards of the Town of South Bruce Peninsula and other agencies/ministries as required.
4. That all street and public lighting fixtures shall be dark-sky compliant to the satisfaction of the Town of South Bruce Peninsula.
5. That the owner enter into a cost sharing agreement with the Town of South Bruce Peninsula with respect to any road improvements, if deemed necessary.

## Parkland

6. That, if required by the Town of South Bruce Peninsula, the Owner conveys land in the amount of 5% of the land included in the plan to the Town of South Bruce Peninsula for park purposes pursuant to the provisions of Section 51.1(1) of the Planning Act R.S.O. 1990 c.P.13. Alternatively, the Town of South Bruce Peninsula may accept cash-in-lieu of the said conveyance and, under the provisions of Section 51.1(3) of the Planning Act R.S.O. 1990 c.P.13 the Town of South Bruce Peninsula is hereby authorized to do so.

## **Easements**

7. That the Owner agrees to grant such easements as may be required for utility, drainage, snow storage and/or turn-around purposes to the Town of South Bruce Peninsula or other appropriate authority.

## **Subdivision Agreement**

8. That the Owner and its successors enter into an Agreement with the Town of South Bruce Peninsula to satisfy all the requirements, financial or otherwise of the Town of South Bruce Peninsula, 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.
9. That the Subdivision Agreement against the land to which it applies shall include a clause requiring the Owner to carry out or cause to be carried out the works recommended in the roads plan, servicing plan, lot grading plan, erosion and sediment control plan, drainage plan, environmental impact study, stormwater management plan and other plans, as may be required, to the satisfaction of the Town of South Bruce Peninsula.
10. 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.
11. That the Subdivision Agreement contain a clause requiring that the shared swale through Lots 7 to 12 inclusive must be constructed by the Developer prior to the sale of the Lots.
12. That the Town of South Bruce Peninsula 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.
13. That the Subdivision Agreement between the Owner and its successors and the Town of South Bruce Peninsula 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
    - i. 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 Town of South Bruce Peninsula and acceptance by the Grey Sauble Conservation Authority."

b. "Lot Grading

- i. 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 Town of South Bruce Peninsula and acceptance by the Grey Sauble Conservation Authority."

c. "Wellhead Protection

- i. Purchasers of Lots 2, 3 and 4 are advised that the properties are within 100 meters of the wellhead and subject to provisions of the Clean Water Act including ensuring that;
  1. New Septic Systems are prohibited within 100 metres of the wellhead.
  2. No liquid fuel storage in fixed tanks (supply or heating) greater than 2500 L is permitted within 100 meters of the wellhead and storage of greater than 250L requires a Risk Management Plan.
  3. Furthermore the storage of certain chemicals (e.g. degreasers, wood strippers, etc.) greater than 25 litres are also prohibited."
  4. The excavation or drilling of water wells is not permitted within the 100 m setback to the wellhead."

## Utilities

14. That the Owner provide an overall utility distribution plan to the satisfaction of the Town of South Bruce Peninsula including the necessary easements and/or agreements required for the provision of utilities.
15. 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.
16. 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.
17. That the Owner agree to make satisfactory arrangements for the provision of permanent or temporary telecommunications and cable services to this Plan.
18. That the Owner agree that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.

## Canada Post

19. That the Owner agrees 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 Town of South Bruce Peninsula.

## **Natural Heritage**

20. Prior to final approval an EIS Addendum Report shall be submitted to the County. The report shall:
- a. confirm that the identified constraints and limits are upheld / implemented on the Site Plan;
  - b. Assess impacts associated with the proposed development / site plan including, as applicable, but not limited to limit of grading, stormwater / hydrologic impacts, servicing, outlets and water quality, habitat, occupancy impacts, etc.
  - c. If the time elapsed is greater than 5 years from conditional approval, surveys to verify site conditions may be required.
  - d. A Species at Risk screening to verify that there are no new Species at Risk listed since the time of approval with potential to be impacted by the proposed development / site alteration.

## **Grey Sauble Conservation Authority**

21. That prior to any site alteration/grading or construction on-site, and prior to Final Approval of the subdivision by the County, the Owner shall prepare the following reports/plans, completed to the satisfaction of the Grey Sauble Conservation Authority:
- a. All recommendations from the Environmental Impact Study must be followed, with written confirmation from the project ecologist/biologist that each recommendation has/is/continues to be followed;
  - b. Final Lot Grading, Drainage, Tree Retention, and Sediment and Erosion Control Plans; and
  - c. Final Functional Servicing Report.
22. That the Subdivision Agreement between the Owner and the Town of South Bruce Peninsula contain provisions with wording acceptable to the Grey Sauble Conservation Authority relating to the Final Lot Grading, Drainage, Tree Retention, and Sediment and Erosion Control Plans, and Final Functional Servicing Report.

## **Saugeen Ojibway Nation**

23. That prior to development or site alteration, the Saugeen Ojibway Nation Environment Office confirm that its interests related to archaeological resource potential and natural heritage features in the Plan area have been addressed.

## **Historic Saugeen Métis**

24. That prior to development or site alteration, the Historic Saugeen Métis Lands, Resources and Consultation Department confirm that its interests related to archaeological resource potential and natural heritage features in the Plan area have been addressed.

## **Archaeology**

25. That prior to development or site alteration, the Owner provide to the County of Bruce correspondence from the appropriate Ministry confirming that the Archaeological Assessment completed for the Plan area has been accepted into the Ontario Public Register of Archaeological Reports.

## **Phasing and Lapsing**

26. The registration of this Plan is not permitted in phases.
27. Draft Approval for Plan of Subdivision S-2022-030 for Barry's Construction and Insulation Ltd. in the Town of South Bruce Peninsula shall lapse 3 years from the date of approval.

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

28. That the County of Bruce be advised by the Town of South Bruce Peninsula that the Plan of Subdivision conforms to the Town of South Bruce Peninsula Local Official Plan approved under the Planning Act.
29. That the County of Bruce be advised by the Town of South Bruce Peninsula that the Plan of Subdivision conforms to the Zoning By-law approved under the Planning Act.

## **Digital Plan Submission**

30. That prior to Final Approval, the Owner shall submit to the County of Bruce and Town of South Bruce Peninsula a digital file of the Plan to be registered in Shapefile (shp) format referenced to NAD83 UTM.

## **Clearance Conditions**

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:

31. Town of South Bruce Peninsula (conditions 3 to 14 inclusive, 28 and 29);
32. Electricity Service Provider (condition 15);
33. Gas Utility Provider (condition 16);
34. Telecommunications and Cable Service Provider (conditions 17 and 18);
35. Canada Post (conditions 19);
36. Grey Sauble Conservation Authority (conditions 21 and 22);
37. Saugeen Ojibway Nation (condition 23);
38. Historic Saugeen Metis (condition 24).

# 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. 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.