



County of Bruce
Planning & Development Department
1243 MacKenzie Road
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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 the following application:

File Number	S-2022-015
For	JHT2INV Development Inc. c/o John Hood Tidman
In Respect Of	PLAN INVERHURON LOTS 6 TO 10;E VICTORIA ST W ALBERT ST, Municipality of Kincardine (Bruce 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 Plan of Subdivision File S-2022-015 for JHT2INV Development Inc. on lands legally known as PLAN INVERHURON LOTS 6 TO 10;E VICTORIA ST W ALBERT ST, Municipality of Kincardine (Bruce Township), prepared by D. Culbert Ltd. Ontario Land Surveyor on May 18, 2022.

Lot Layout and Density

2. That this approval is in accordance with the 'Notes and Legend' on the Plan of Subdivision, prepared by D. Culbert Ltd. Ontario Land Surveyor on May 18, 2022.

Roads, Grading, Servicing and Stormwater Management

3. That the road allowances, road widenings and parkland blocks shown on this Plan be conveyed free and clear of all encumbrances to the Municipality of Kincardine.
4. That any dead ends and open sides of road allowances created by this Plan be terminated in a 0.3m reserve to be conveyed free and clear of all encumbrances to the Municipality of Kincardine.
5. That all roadways, lighting, internal and external services, and any upgrades to existing roadways or services be designed by a qualified professional and constructed by the

Owner to the standards of the Municipality of Kincardine and other agencies/ministries as required.

6. That lot grading, stormwater management controls, and erosion and sediment controls be designed by a qualified professional and implemented by the Owner to the standards of the Municipality of Kincardine and other agencies/ministries as required.
7. That all disturbed lots or blocks to be left vacant for longer than thirty (30) days be graded, seeded and maintained to the satisfaction of the Municipality of Kincardine.
8. That the streets be named to the satisfaction of the Municipality of Kincardine.
9. That temporary roads, temporary turning circles or other approved turnarounds be installed by the Owner, if required by the approved phasing/staging of the subdivision, to the satisfaction of the Municipality of Kincardine. Provisions for the design, construction, and decommissioning of the temporary roads, temporary turning circles or other approved turnarounds shall be incorporated in the subdivision agreement.
10. That all street and public lighting fixtures be dark-sky compliant to the satisfaction of the Municipality of Kincardine.
11. That the Owner acknowledge that Draft Approval is not a commitment by the Municipality of Kincardine to water or sanitary servicing capacity generally.

Environmental Considerations

12. That a Tree Retention Plan be prepared by a qualified professional and implemented by the Owner to the satisfaction of the County of Bruce and Municipality of Kincardine.
13. That an Edge Management and Restoration Planting Plan be prepared by a qualified professional and implemented by the Owner to the satisfaction of the County of Bruce and Municipality of Kincardine.
14. That prior to development or site alteration, the Owner provide written correspondence from a qualified professional indicating that the recommendations in the Environmental Impact Study (Sections 8.2.1 through 8.2.10, Sumac Environmental Consulting Ltd., dated May 2022, as may be amended) has/is/continues to be followed to the satisfaction of the County of Bruce and Municipality of Kincardine in consultation with the Saugeen Valley Conservation Authority, Ontario Parks, Saugeen Ojibway Nation Environment Office and Historic Saugeen Métis Lands, Resources and Consultation Department.
15. That the Subdivision Agreement against the land to which it applies include a clause requiring the Owner to carry out or cause to be carried out the recommendations in the Environmental Impact Study (Sections 8.2.1 through 8.2.10, Sumac Environmental Consulting Ltd., dated May 2022, as may be amended) to the satisfaction of the County of Bruce and Municipality of Kincardine in consultation with the Saugeen Valley

Parkland

16. That the Owner convey land in the amount required pursuant to the Municipality of Kincardine Official Plan for parkland purposes. Alternatively, the Municipality of Kincardine may accept cash-in-lieu for said parkland conveyance or a combination of parkland and cash-in-lieu to satisfy this requirement under the provisions of Municipality's Official Plan.
17. That the parkland lot be fenced, or an approved alternative means of demarcation provided, abutting all new residential lots or blocks to the satisfaction of the Municipality of Kincardine.

Subdivision Agreement

18. That the Owner and its successors enter into an Agreement with the Municipality of Kincardine to satisfy all the requirements, financial or otherwise of the Municipality of Kincardine, 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.
19. That the Subdivision Agreement against the land to which it applies 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, stormwater management plan, tree retention plan, edge management and restoration planting plan and other plans, as may be required, to the satisfaction of the Municipality of Kincardine and the County of Bruce. A Certificate of Completion may be requested from a qualified professional to demonstrate the works have been satisfactorily completed.
20. That the Subdivision Agreement against the land to which it applies 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.
21. That the Municipality of Kincardine 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 at the time of Final Approval of the Plan.

Notices and Warning Clauses

22. That the Subdivision Agreement between the Owner and its successors and the Municipality of Kincardine 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 Municipality of Kincardine and acceptance by the Saugeen Valley Conservation Authority."

b. "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 acceptance by the Saugeen Valley Conservation Authority where the subject lot is within the Saugeen Valley Conservation Authority's regulatory limit."

c. "Tree Retention

Purchasers are advised that the existing vegetation on the lot may only be removed in accordance with the approved Tree Retention and Edge Management and Restoration Planting Plans. Changes or alterations to the approved Tree Retention Plan or Edge Management and Restoration Planting Plan shall require the prior approval of the County of Bruce and Municipality of Kincardine."

d. "Municipal Park

Purchasers are advised that a municipal park is located in the Plan of Subdivision. As such, noise, light and other effects associated with park and maintenance activities may be expected during the days and evenings throughout the year which, from time-to-time, may include heavy construction vehicles."

e. "Provincial Park

Purchasers are advised that Inverhuron Provincial Park is located to the west of Jordan Road. As such, noise, light and other effects associated with park and maintenance activities may be expected during the days and evenings throughout the year which, from time-to-time, may include heavy construction vehicles."

Easements

23. That the Owner agree to grant such easements as may be required for utility, drainage, snow storage and/or turn-around purposes to the Municipality of Kincardine or other appropriate authority.

Utilities and Canada Post

24. 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.
25. 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.
26. 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.
27. 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.
28. 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.

Saugeen Valley Conservation Authority

29. 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 Saugeen Valley Conservation Authority:
 - a. Final Lot Grading, Drainage, and Sediment and Erosion Control Plans; and
 - b. Final Functional Servicing Report.
30. That the Subdivision Agreement between the Owner and the Municipality of Kincardine contain provisions with wording acceptable to the Saugeen Valley Conservation Authority relating to the final Lot Grading, Drainage, and Sediment and Erosion Control Plans, and final Functional Servicing Report.

Bluewater District School Board

31. That the Owner agree in the Subdivision 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 subdivision, to promote active transportation and safe walking routes to the satisfaction of the Municipality of Kincardine in consultation with the Bluewater District School Board.

Saugeen Ojibway Nation

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

Archaeology

33. 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.
34. That the Subdivision Agreement between the Owner and its successors and the Municipality of Kincardine identify the 30-metre buffer around the Little Sauble River as an area having high archaeological potential and outline the following requirements prior to development or site alteration:
- a. That the Owner provide a Stage 2 Archaeological Assessment that has included engagement with the Saugeen Ojibway Nation and the Historic Saugeen Metis in accordance with their processes and standards, which has been completed by

an archaeologist licensed in the province of Ontario and has been confirmed by the appropriate Ministry to have been accepted into the Ontario Public Register of Archaeological Reports; and

- b. That the recommendations of the Stage 2 Archaeological Assessment (if any) have been implemented to the satisfaction of the Municipality of Kincardine in consultation with the Saugeen Ojibway Nation and the Historic Saugeen Metis.

Phasing and Lapsing

35. That the Owner agree to phase any development of the Plan in a manner satisfactory to the Municipality of Kincardine and the County of Bruce.
36. The registration of this Plan may proceed in phases, and in accordance with a Phasing Plan, acceptable to the Municipality of Kincardine and the County of Bruce.
37. That the Draft Approval for Plan of Subdivision S-2022-015 for JHT2INV Development 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.

Official Plan and Zoning By-law

38. 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.
39. 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.

Digital Plan Submission

40. 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

41. 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. County of Bruce (conditions 1, 2, 12 to 15 inclusive, 19, 33 to 37 inclusive and 40 to 41 inclusive);
- b. Municipality of Kincardine (conditions 3 to 24 inclusive, 28, 34 to 36 inclusive and 38 to 40 inclusive);
- c. Electricity Service Provider (condition 25);
- d. Gas Utility Provider (condition 26);
- e. Telecommunications and Cable Service Provider (condition 27);
- f. Canada Post (condition 28);
- g. Saugeen Valley Conservation Authority (conditions 29 to 30 inclusive);
- h. Bluewater District School Board (condition 31);
- i. Saugeen Ojibway Nation (condition 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. 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.