



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-2022-004
For	Fast Holdings Ltd. c/o Fred Hasan
In Respect Of	KINCARDINE CON C PT LOT 59;PLAN 210 LOT 83 PT LOT 85 RP;3R2074 PT PART 1 (Tiverton Village), Municipality of Kincardine
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-2022-004 for Fast Holdings Ltd. on lands legally known as KINCARDINE CON C PT LOT 59;PLAN 210 LOT 83 PT LOT 85 RP;3R2074 PT PART 1 (Tiverton Village), prepared by GSP Group on February 9, 2022, signed by the Owner on March 17, 2022.

Lot Layout and Density

2. That this approval is in accordance with the 'Land Use Schedule' on the Plan of Subdivision, prepared by GSP Group on February 9, 2022, signed by the Owner on March 17, 2022.

Roads, Grading, Servicing and Stormwater Management

3. That the road allowances, road widenings, stormwater management block and open space block shown on this Plan be conveyed free and clear of all encumbrances to the Municipality of Kincardine; and, that an easement in favour of the Municipality of Kincardine be placed over the stormwater conveyance block.
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 (note: a 20-metre wide access needs to be left open to the

Additional Lands Owned by Applicant both east and west of the stormwater conveyance block).

5. That all roadways, sidewalks, 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.
12. That the stormwater management block and stormwater conveyance block be fenced, or an approved alternative means of demarcation provided, to the satisfaction of the Municipality of Kincardine.

Environmental Considerations

13. That a Landscape Plan be prepared by a qualified professional and implemented by the Owner to the satisfaction of the Municipality of Kincardine.
14. 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.
15. That prior to development or site alteration, the Owner provide written correspondence from a qualified professional indicating that the recommendations in the Scoped Environmental Impact Study Report (Sections 5.0 through 7.0, WSP Canada Inc., dated March 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 other agencies as may be required.

16. 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 Scoped Environmental Impact Study Report (Sections 5.0 through 7.0, WSP Canada Inc., dated March 2022, as may be amended) to the satisfaction of the County of Bruce and Municipality of Kincardine in consultation with other agencies as may be required.

Parkland and Open Space

17. 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 the Municipality's Official Plan.
18. That Patterson Park 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.
19. That the open space block be fenced, or an approved alternative means of demarcation provided, abutting all residential lots or blocks to the satisfaction of the Municipality of Kincardine.
20. That a trail system, if required by the Municipality, be designed by a qualified professional and installed by the Owner to the standards of the Municipality of Kincardine and other agencies/ministries as required.

Lot Addition

21. That the Owner supply a legal opinion with respect to the mechanism for ensuring the Block 51 lot addition will merge with the adjacent parcel, together with an acknowledgement and direction of the owners of the abutting parcel to be enlarged, to the satisfaction of the County of Bruce.

Subdivision Agreement

22. 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.
23. 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, landscape 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.

24. 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.

25. 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

26. 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. "Stormwater Management Facility

Purchasers are advised that a municipal stormwater management facility and conveyance corridor are located on Blocks 47 and 48. The stormwater management facility and conveyance corridor may be left in a naturally vegetated condition and will be accessed by the Municipality of Kincardine 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 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."

d. "Municipal Park and Pumping Station

Purchasers are advised that a municipal park and pumping station are located in Patterson Park, which fronts onto Maple Street. As such, noise, light and other effects associated with park, pumping station 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. "Open Space

Purchasers are advised that there are open space lands located west of Patterson Park on Block 46. The open space lands will be left in a naturally vegetated condition and may contain a trail for public use. As such, noise and other effects associated with trail use activities may be expected during the days and evenings throughout the year. The open space lands and trail will be accessed by the Municipality of Kincardine for maintenance purposes which, from time-to-time, may include heavy construction vehicles."

Easements

27. 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

28. 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.

29. 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.

30. 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.

31. 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.

Canada Post

32. That the Owner consult with Canada Post to determine suitable permanent locations for the placement of Community Mailboxes and to indicate these locations on appropriate servicing plans.
33. That the Owner confirm to Canada Post that the final secured permanent locations for the Community Mailboxes will not be in conflict with any other utility, including hydro transformers, bell pedestals, cable pedestals, flush to grade communication vaults, landscaping enhancements (tree planting) and bus pads.
34. That the Owner install concrete pads at each of the Community Mailbox locations as well as any required walkways across the boulevard and any required curb depressions for wheelchair access as per Canada Post's concrete pad specification drawings.
35. That the Owner agree to prepare and maintain an area of compacted gravel to Canada Post's specifications to serve as a temporary Community Mailbox location. This location will be in a safe area away from construction activity in order that Community Mailboxes may be installed to service addresses that have been occupied prior to the pouring of the permanent mailbox pads. This area will be required to be prepared a minimum of 30 days prior to the date of first occupancy.
36. That the Owner communicate to Canada Post the excavation date for the first foundation (or first phase) as well as the expected date of first occupancy.
37. That the Owner agree, prior to offering any of the residential units for sale, to place a "Display Map" on the wall of the sales office in a place readily available to the public which indicates the location of all Canada Post Community Mailbox site locations, as approved by Canada Post and the Municipality of Kincardine.
38. That the Owner agree to include in all offers of purchase and sale a statement, which advises the prospective new home purchaser that mail delivery will be from a designated Community Mailbox, and to include the exact locations (list of lot #s) of each of these Community Mailbox locations; and further, advise any affected homeowners of any established easements granted to Canada Post.
39. That the Owner be responsible for officially notifying the purchasers of the exact Community Mailbox locations prior to the closing of any home sales with specific clauses in the Purchase offer, on which the homeowners do a sign off.

Saugeen Valley Conservation Authority

40. 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 and Drainage Plans;
- b. Final Stormwater Management Report; and
- c. Final Sediment and Erosion Control Plans.

41. 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:

- a. Final Lot Grading and Drainage Plans;
- b. Final Stormwater Management Report; and
- c. Final Sediment and Erosion Control Plans.

Bluewater District School Board

42. 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 student busing is at the discretion of the Student Transportation Service Consortium of Grey-Bruce.
- b. 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.
- c. 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

43. 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.

Archaeology

44. 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.

45. That the Subdivision Agreement between the Owner and its successors and the Municipality of Kincardine identify the open space blocks as areas having high archaeological potential and outline the following requirements prior to development or site alteration should development or site alteration be proposed in those areas:
- a. That the Owner provide a Stage 2 Archaeological Assessment that has included engagement with the Saugeen Ojibway Nation 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.

Phasing and Lapsing

46. 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.
47. 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.
48. That the Draft Approval for Plan of Subdivision S-2022-004 for Fast Holdings Ltd. 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

49. 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.
50. 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

51. That prior to Final Approval, the Owner 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

52. 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 20 inclusive, 22 to 28 inclusive, 46, 47, and 49 to 51 inclusive);
- b. Electricity Service Provider (condition 29);
- c. Gas Utility Provider (condition 30);
- d. Telecommunications and Cable Service Provider (condition 31);
- e. Canada Post (conditions 32 to 39 inclusive);
- f. Saugeen Valley Conservation Authority (conditions 40 to 41 inclusive);
- g. Bluewater District School Board (condition 42); and
- h. Saugeen Ojibway Nation (condition 43).

Note that the County of Bruce has a direct role in the clearance of conditions 1, 2, 14 to 16 inclusive, 21, 44 to 48 inclusive, 51 and 52.

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.