

ONTARIO MUNICIPAL BOARD

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Eden Oak (Trailshead) Inc.
Subject:	Request to amend the Official Plan - Failure of the Town of The Blue Mountains to adopt the requested amendment
Existing	Designation: Residential/Recreation Area designation B3.7.6.17.
Proposed Designated:	Site specific to be determined
Purpose:	To permit a subdivision of semi-detached and townhouses and low rise multiple units and to increase the permissible unit yield.
Property Address/Description:	Pt Lots 158&173, Plan 529, Part 2, RP16R-1974, Etc.
Municipality:	Town of The Blue Mountains
Approval Authority File No.:	P1908
OMB Case No.:	PL160268
OMB File No.:	PL160268
OMB Case Name:	Eden Oak (Trailshead) Inc. v. The Blue Mountains (Town)

PROCEEDING COMMENCED UNDER subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Eden Oak (Trailshead) Inc.
Subject:	Proposed Plan of Subdivision - Failure of the Town of The Blue Mountains <i>County of Green</i> to make a decision
Purpose:	To permit a subdivision of semi-detached and townhouses and low rise multiple units and to increase the permissible unit yield. <i>ST</i>
Property Address/Description:	Pt Lots 158&173, Plan 529, Part 2, RP16R-1974, Etc. <i>D LFL</i>
Municipality:	Town of The Blue Mountains
Municipality File No.:	42T-2012-01
OMB Case No.:	PL160268
OMB File No.:	PL160270

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Eden Oak (Trailhead) Inc.
Subject:	Application to amend Zoning By-law No. 83-40 - Refusal or neglect of the Town of The Blue Mountains to make a decision
Existing Zoning:	R3 Zone and R3-h, OS1 and H Zones
Proposed Zoning:	R4 and R7 Zones and R4-h, R6-h, R7-h, OS1, OS2 and H Zones
Purpose:	To permit a subdivision of semi-detached and townhouses and low rise multiple units and to increase the permissible unit yield.
Property Address/Description:	Pt Lots 158&173, Plan 529, Part 2, RP16R- 1974, Etc.
Municipality:	Town of The Blue Mountains
Municipality File No.:	P2278
OMB Case No.:	PL160268
OMB File No.:	PL160269

MINUTES OF SETTLEMENT

Between:

Eden Oak (Trailhead) Inc.
("Eden Oak")

Of the First Part

and

The Town of The Blue Mountains
("Town")

Of the Second Part

The County of Grey *UP* *of*

WHEREAS Eden Oak made applications for amendments to the Town's Official Plan and Zoning By-law and sought draft plan of subdivision approval to permit the development of its lands described as Pt Lots 158&173, Plan 529, Part 2, RP16R-1974;

AND WHEREAS the Town having not made any decisions respecting the aforesaid applications, Eden Oak appealed same (hereinafter "Appeals") to the Ontario Municipal Board (hereinafter "OMB" and "Board");

AND WHEREAS the Board has scheduled a hearing of these Appeals which is set to commence on April 3, 2017;

AND WHEREAS Eden Oak and the Town (collectively the "Parties") entered into negotiations and wish to resolve these Appeals in a mutually beneficial manner that is in the public interest and represents good planning;

AND WHEREAS for good and valuable consideration, the sufficiency and receipt of which is hereby acknowledged, and the covenants contained herein; the Parties hereby agree as follows:

1.0 Bonus Payments

- 1.1 In full satisfaction of the bonusing policy respecting the \$5,000.00 per unit shoreline acquisition payment, Eden Oak shall pay \$550,000.00 (the "Shoreline Acquisition Payment") upon the Board's approval of the draft plan substantially in the form and content attached hereto and paid forthwith to the Town upon the issuance of a building permit for the first residential unit.
- 1.2 In full satisfaction of the bonusing policy respecting the \$2,000.00 per unit recreational facility payment, Eden Oak shall pay \$150,000.00 (the "Recreational Facility Payment") upon the Board's approval of the draft plan substantially in the form and content attached hereto and paid forthwith to the Town upon the issuance of a building permit for the 86th residential unit. The Appellant shall pay interest with respect to the Recreational Facility Payment at the rate of 5% per year compounded annually from the date of the issuance of OMB approval of the draft plan described above until such time as the issuance of a building permit for the 86th residential unit. This payment will be made regardless of any on-site recreational facilities Eden Oak constructs on its lands.
- 1.3 These aforementioned payments will be secured in a Section 37 Agreement to the Town's satisfaction prior to the OMB's decision taking effect.
- 1.4 The Shoreline Acquisition Payment and the Recreational Facility Payment will be accepted by the Town as being made in complete satisfaction of Eden Oak's bonus payment obligation respecting the development of 194 units on its Subject Property.

2.0 "New" Town OP Appeal

- 2.1 Eden Oak will, upon the OMB approval of the draft plan substantially in the form and content attached hereto, completely and unconditionally withdraw its current appeal against the "new" Town Official Plan.

3.0 OPA

- 3.1 The Parties agree with the form and content of the OPA attached hereto as Attachment "A".

4.0 ZBA

- 4.1 The Parties agree with the form and content of the ZBA attached hereto as Attachment "B".

5.0 Draft Plan and Conditions

- 5.1 The Parties agree with the form and content of the Draft Plan and Conditions attached hereto as Attachment "C".

6.0 Costs

- 6.1 Each party to otherwise bear their own costs.

7.0 OMB Hearing

- 7.1 Eden Oak shall provide at the Board hearing all planning evidence necessary to support of the resolution of the Appeals in conformity with the planning instruments attached hereto as Attachments "A", "B", and "C".
- 7.2 If required by the Board, the Parties will jointly make submissions to the Board in support of the agreement reached in these Minutes of Settlement.
- 7.3 The Parties agree not to seek costs against each other with respect to the Appeals before the Board.
- 7.4 The Parties agree that these Minutes may be filed with the Board as evidence of the intentions of the Parties and the agreement between them.
- 7.5 The Parties will jointly make submissions to the Board in support of a request that the Board direct the Town to amend its 2016 Official Plan in the form and content attached hereto as Attachment "D".

8.0 Other

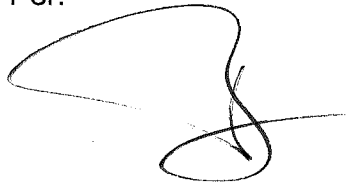
- 8.1 The Parties agree that these Minutes will enure to the benefit of and be binding on the Parties, and their respective successors and assigns.
- 8.2 The Parties acknowledge and agree that these Minutes may be executed by their respective solicitors, in counterparts, and, if so executed, these Minutes shall be of force and effect as if executed by the Parties themselves.

Dated: March 30, 2017

Eden Oak (Trailshead) Inc.

By its Solicitors Parente, Borean LLP

Per:

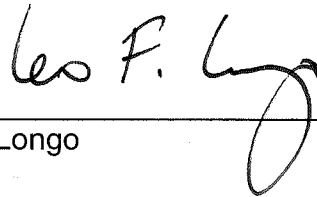


Gerard C. Borean

The Town of The Blue Mountains

By its Solicitors Aird & Berlis LLP

Per:



Leo F. Longo

28887774.2

*The Corporation of the County of Grey
By its solicitors*



Schedule "A"

**AMENDMENT NO. 32 TO THE
OFFICIAL PLAN OF THE
TOWN OF THE BLUE MOUNTAINS**

THE CONSTITUTIONAL STATEMENT

PART A - THE PREAMBLE does not constitute a part of this Amendment.

PART B - THE AMENDMENT consisting of the following text and maps constitutes Amendment No. 32 to the Official Plan for the Town of The Blue Mountains.

PART C - THE APPENDICES which does not constitute part of this Amendment. These Appendices contain the planning report, agency comments and public involvement associated with this Amendment.

PART A - THE PREAMBLE

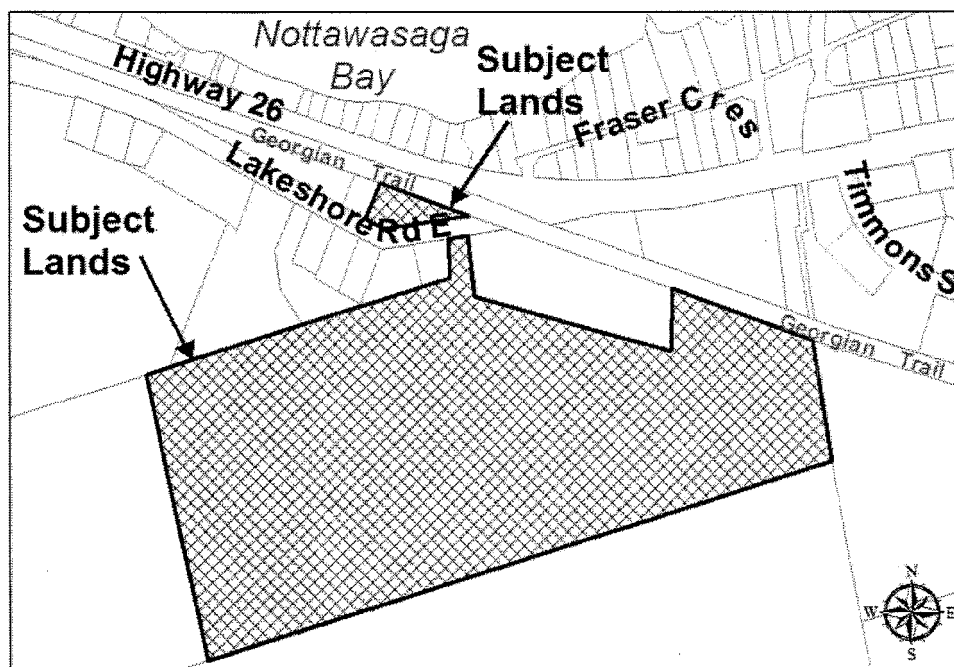
PURPOSE

The purpose of this Amendment is to enable a 194 residential unit semi-detached, townhouse and villa development known as Eden Oak (Trailhead) on the subject lands. An amendment is required to re-designate a portion of the subject lands from Residential Infilling to Recreational Residential and to establish a new maximum unit yield of 194 units on the lands.

LOCATION

The lands subject to this By-law are located on Part Lots 20 and 21, Concession 2 Town of The Blue Mountains and legally described as Plan 529 Part Lot 158 and Part Lot 173 shown as RP 16R-4636 Part 1 (Parcel 1) and Plan 529 Part Lot 174 shown as RP 16R-8571 Part 2 (Parcel 2) in the Town of The Blue Mountains (formerly the Township of Collingwood), County of Grey.

Subject Lands



BASIS

The development proposal for this land is to create a 194 unit residential development consisting of semi-detached dwellings, townhouses and villas on a public road system. The majority of the subject lands are designated Recreational Residential which permits semi-detached dwellings, townhouses and villas; however, this proposal exceeds the

maximum permitted density of 77 units as identified under Schedule 'B' to the Official Plan.

The proposed Official Plan Amendment would increase the maximum allowable density from 5 units per hectare to 12.3 units per hectare. 155 of the 194 units are considered Bonus Units and subject to the Bonusing provisions of Section 6.5.3 of the Official Plan requiring contributions to additional recreational lands and/or facilities, shorefront dedication or an alternative bonus provision to the satisfaction of Council.

PART B - THE AMENDMENT

All of this part of the document entitled "Part B - The Amendment" consisting of the following text constitutes Amendment No. 32 to the Official Plan of The Town of The Blue Mountains.

DETAILS OF THE AMENDMENT

The Official Plan is hereby amended as follows:

Item 1: **Schedule "A" Map 4 – Land Use Plan** is hereby amended by re-designating a portion of the subject lands from the Residential Infilling 'RI' designation to the Recreational Residential 'RR' designation as set out in Schedule A-32.

Item 2: **Schedule "B" – Maximum Unit Yields**

(a) Schedule "B" – Maximum Unit Yields is hereby amended by as follows:

- i. Service District 1 – Craigleith, Schedule "B" – Maximum Unit Yield Table is hereby amended by inserting thereto the following:

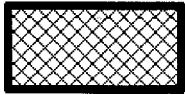
Property	Official Plan Designation	Area Designated (ha)	Maximum Unit Yield
A18a	RR	1.02	
A18b	RR	14.47	
A18c	RR	0.24	194

Schedule "B" – Map – is hereby amended by adding Property A18c on the subject lands and as shown on Schedule "B-32".

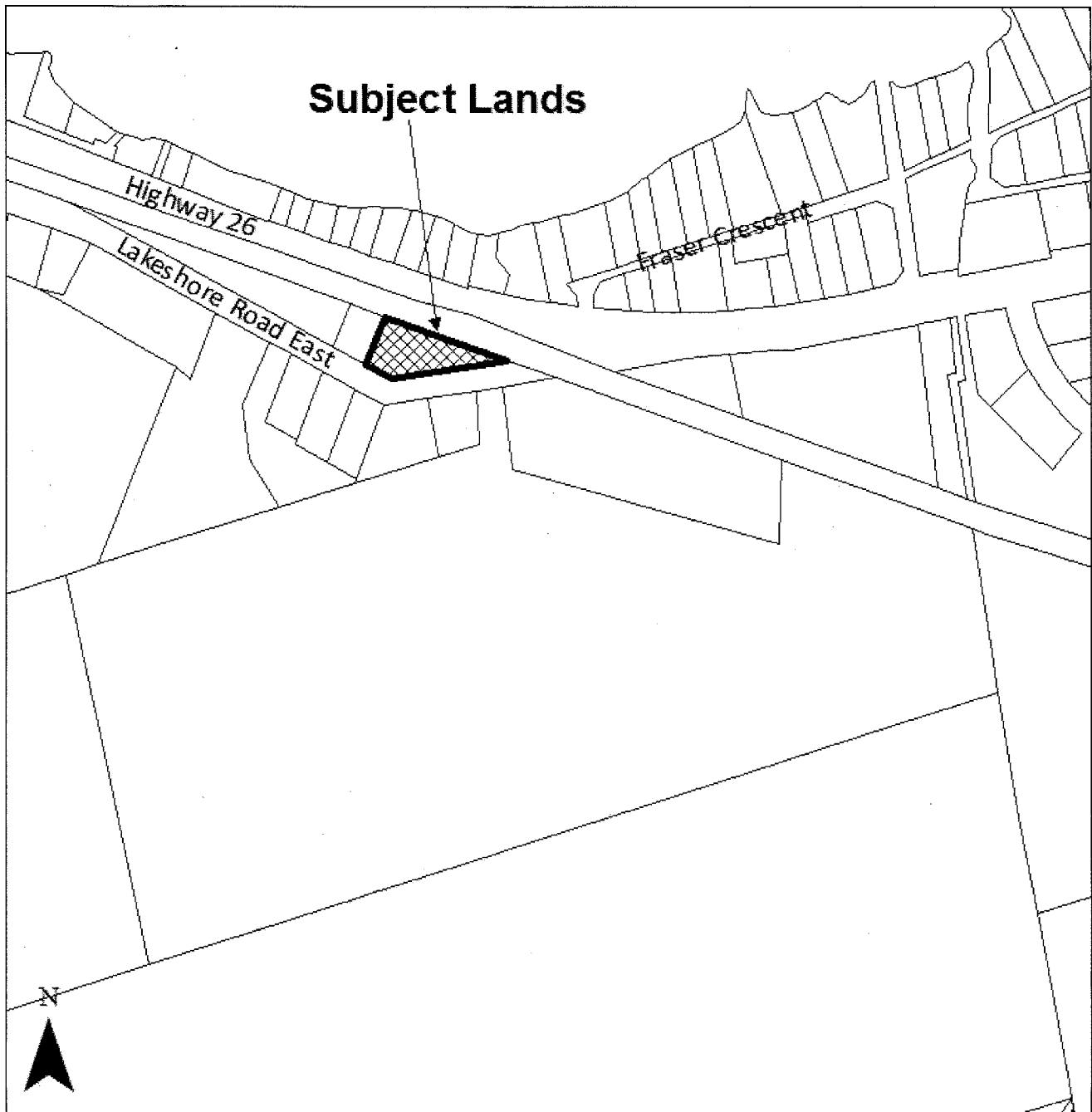
SCHEDULE 'A-32'

TOWN OF THE BLUE MOUNTAINS

OFFICIAL PLAN AMENDMENT No. 32



AREA RE-DESIGNATED TO RECREATIONAL RESIDENTIAL 'RR'



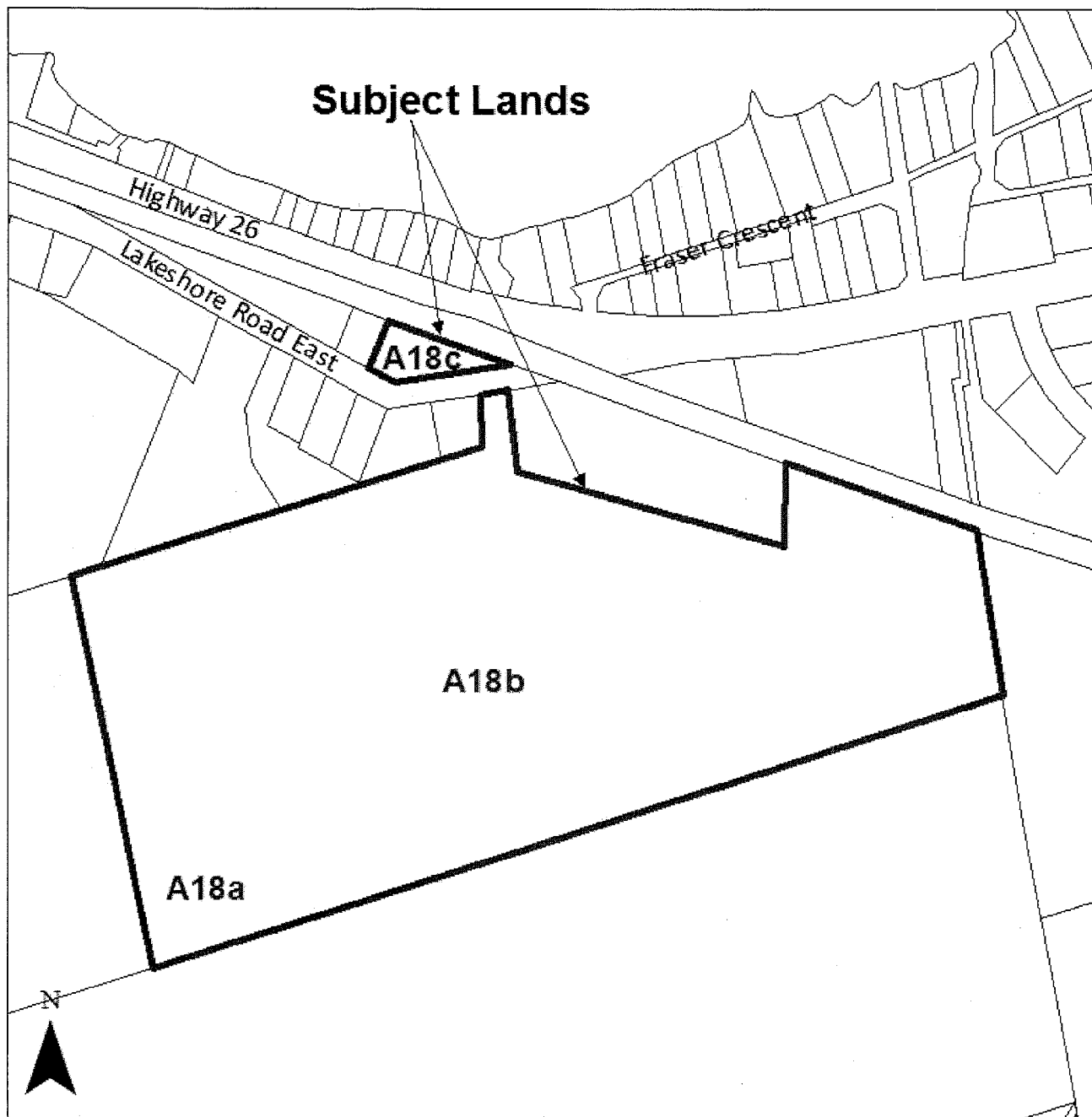
SCHEDULE 'B-32'

TOWN OF THE BLUE MOUNTAINS

OFFICIAL PLAN AMENDMENT No. 32



AREA AFFECTED BY THIS AMENDMENT



IMPLEMENTATION AND INTERPRETATION

The implementation and interpretation of this Amendment shall be in accordance with the respective policies of the Official Plan. The Amendment will be implemented through an amendment to the Zoning By-law and conditions of subdivision and/or condominium approval.

PART C - THE APPENDICES

The following Appendices do not constitute part of this Amendment. Such are included as information only supporting the Amendment.

1. Town of The Blue Mountains Planning Staff Report PL.17.06

Schedule B

The Corporation of the Town of The Blue Mountains

By-Law Number 2017 –

Being a By-law to amend Zoning By-law No. 83-40 which may be cited as "The Township of Collingwood Zoning By-law".

WHEREAS the Ontario Municipal Board deems it necessary in the public interest to pass a by-law to amend By-law No. 83-40;

AND WHEREAS pursuant to the provisions of Section 34 and 36 of the Planning Act, R.S.O. 1990, c. P.13, the By-law may be amended by the Ontario Municipal Board;

Now Therefore the Ontario Municipal Board hereby enacts as follows:

1. Map 24 to Schedule 'A' of the Township of Collingwood Zoning By-law 83-40 as amended, is hereby further amended by rezoning the subject lands to the Residential 'R4-275-h' Zone, Residential 'R4-276-h' Zone, Residential 'R6-275-h' Zone, Residential 'R7-275-h' Zone, Public Open Space 'OS1' Zone, Public Open Space 'OS1-277' Zone and Private Open Space 'OS2-277' Zone for those lands lying and being in the Town of The Blue Mountains, comprised of Plan 529 Part Lot 158 and Part Lot 173 shown as RP 16R-4636 Part 1 and Plan 529 Part Lot 174 shown as RP 16R-8571 Part 2.
2. Section 32 to the Zoning By-law of the Township of Collingwood, being By-law 83-40, as amended, is hereby amended by adding Exception 275, 276 and 277 as follows:

"275 Map 24 – Part Lot 20 and 21 , Concession 2 (Eden Oak - Trailhead)

A maximum of 190 residential units consisting of villa units, townhouse units and semi-detached units shall be permitted on these lands.

Notwithstanding the maximum height requirements for the Residential R6 Zone, for villa unit buildings a maximum permitted height of three (3) storeys and 11.1 metres shall be permitted. In the case of a pitched roof on a villa unit building, the maximum permitted height of 11.1 metres shall be measured at the midpoint of the pitched roof but in no circumstance shall the peak of the pitched roof be higher than 13.6m.

276 Map 24 – Part Lot 20 and 21 , Concession 2 (Eden Oak - Trailhead)

A maximum of 4 semi-detached units with a maximum building height of 8.1 metres shall be permitted on these lands.

277 Map 24 – Part Lot 20 and 21 , Concession 2 (Eden Oak - Trailhead)

No development or site alterations are permitted on these lands."
3. In accordance with the provisions of Section 37 of the Planning Act, Council authorizes an increase in density for 155 Bonus Units in exchange for cash-in-lieu for shoreline acquisition and additional recreational lands and/or facilities; as agreed to through a Bonusing Agreement between the Owner and Town of The Blue Mountains.
4. In accordance with the provisions of Section 36 of the Planning Act, R.S.O. 1990, c. P. 13, as amended, the Holding '-h' symbol shall not be removed from the whole or part of the lands until such time as the following has been completed:
 - i) Execution of a Subdivision Agreement;

- ii) Registration of a Plan of Subdivision;
- iii) Execution of a Section 37 Agreement.

Until such time as the Holding '-h' symbol is removed the lands shall only be used for those uses that existed as of the date of passing of this By-law.

- 5. Notwithstanding the requirements of Section 3 above, a maximum of six (6) model home(s) may be constructed prior to the removal of the Holding '-h' Symbol provided that the owner enters into a Model Home Agreement to the satisfaction of the Town of The Blue Mountains.
- 6. Schedule 'A1' is hereby declared to form part of this By-law.

APPROVED BY THE ONTARIO MUNICIPAL BOARD. ORDER: _____

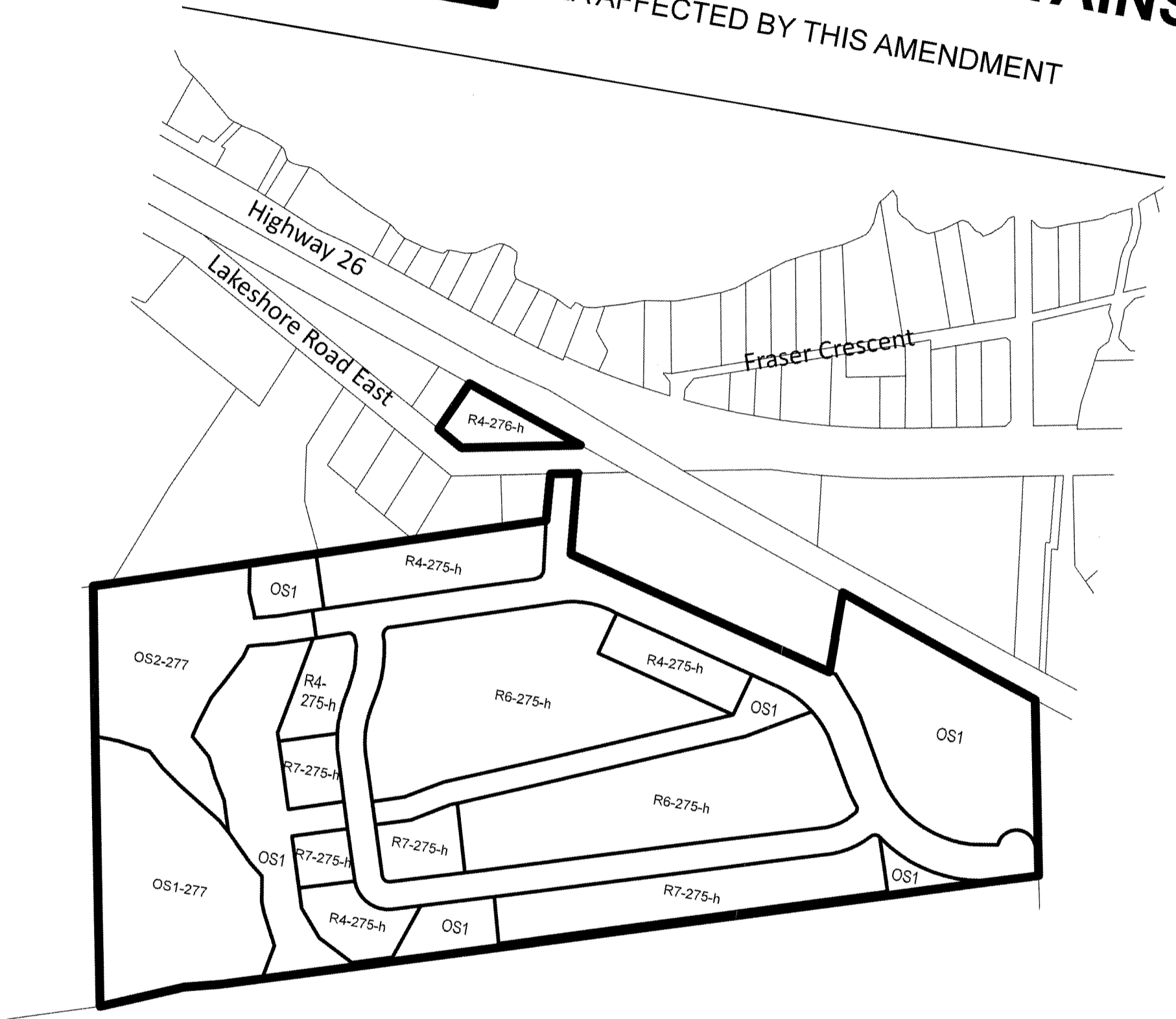
KEY MAP SCHEDULE 'A1'

BY-LAW No.

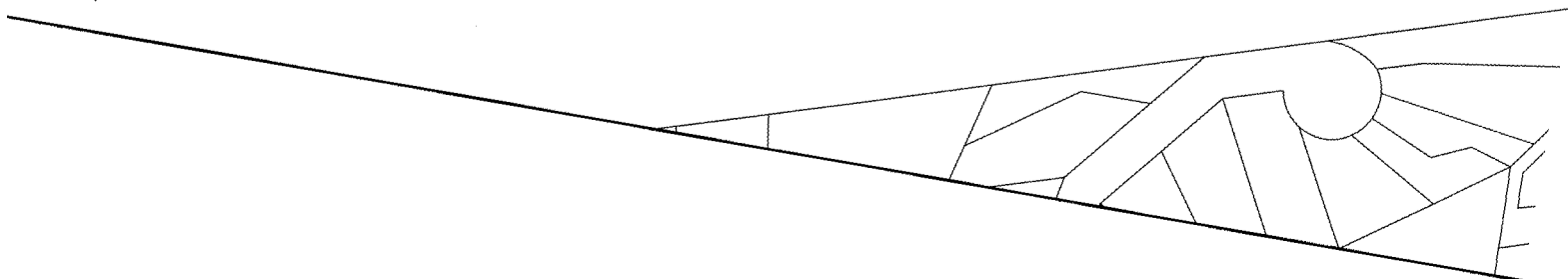
TOWN OF THE BLUE MOUNTAINS



AREA AFFECTED BY THIS AMENDMENT



N



SCHEDULE C

PL160268

DRAFT PLAN CONDITIONS

1. That this approval applies to the draft Plan of Subdivision File No. 42T-2012-01, as per drawing 573-06-DP23 prepared by D.C. Slade Consultants dated March 2017 showing 31 residential blocks, seven open space Blocks (10, 11, 16, 17, 30, 38 and 39), to provide for a maximum of 194 residential units, Block 37 as a Block for storm water management and Streets A, B and C on Part Lot 20, Concession 2, being Part Lots 158,173, 174 Registered Plan 529, (geographic Township of Collingwood) in the Town of The Blue Mountains, County of Grey.
2. That a suitable Subdivision Agreement be entered into between the Owner and the Town of The Blue Mountains. The agreement shall contain all matters set out as Conditions of Approval as deemed necessary in this Decision and any other matters as deemed appropriate by the Town of The Blue Mountains, including financial, legal, and engineering matters, including the installation of municipal services, landscaping and other requirements of the Town of The Blue Mountains, Grey Sauble Conservation Authority, Niagara Escarpment Commission and the County of Grey including the payment of all financial obligations.
3. That the Subdivision Agreement contain appropriate conditions regarding the requirements of the Ministry of Transportation as per their letter dated August 14, 2012 including provision of the construction of left hand turn lane on Highway 26 at a time prior to the issuance of the forty-first building permit for a residential dwelling unit and a detailed storm water management report. The Subdivision Agreement shall include details of phasing and the posting of securities for the works to be undertaken to the satisfaction of the Town and the Ministry of Transportation.
4. That the Subdivision Agreement contain a provision for phasing of the development such that not more than 85 units are permitted to be constructed until a second public road access to the lands has been secured and the municipality is satisfied with the proposed access to the adjacent lands, or a secondary access for emergency conditions is constructed to permit not more than 150 units.
5. That the Subdivision Agreement contain a provision for the Owner contribute to the Town's costs for completing the Environmental Assessment on Highway 26 adjacent to the lands on a pro rata basis.
6. That the Subdivision Agreement shall contain provisions related to the owner providing cash-in- lieu of parkland and recreation facilities in accordance with the Planning Act.
7. That prior to final approval of more than 40 units by the County confirmation that the Ministry of Transportation is in receipt of a contract package for intersection improvements, a copy of the final Environmental Screening report for the intersection improvements and a cost estimate for the intersection improvements must be provided to the County and the Town.
8. That prior to final approval by the County, that appropriate zoning is in effect for this proposed subdivision that conforms to the County of Grey Official Plan and the Town of the Blue Mountains Official Plan and that addresses, *inter alia*, the following:

- i. A 25 metre setback from the healthy butternut trees on the property;
 - ii. A 30 metre setback from the cold water stream;
 - iii. A 10 metre setback from the base of the Nipissing Ridge
 - iv. Any hazardous areas identified by the Grey Sauble Conservation Authority;
 - v. Restrictions on the size and height of buildings on Blocks 1 and 2;
 - vi. Increased height permission up to 3 storeys and 11.1 metres for the Villa Units. In the case of a pitched roof on a Villa Unit building, the maximum permitted height of 11.1 metres shall be measured at the midpoint of the pitched roof but in no circumstance shall the peak of the pitched roof be higher than 13.6m;
 - vii. The imposition of a Holding (-h) prefix to lifted upon identified conditions being met;
 - viii. Provisions for bonusing for higher density through the provision of additional recreational lands and/or facilities and shorefront dedication; cash- in-lieu; or alternative bonus provision to the satisfaction of Council for 155 units.
9. That prior to final approval by the County confirmation is received that any existing buildings or structures on the site have been removed to the satisfaction of the Town of The Blue Mountains.
 10. That the Subdivision Agreement include a requirement that prior to any site grading or servicing, that the Developer shall provide a report identifying all existing water wells and private sewage disposal systems on the subject property. The Developer shall verify to the satisfaction of the Town that all wells and septic systems identified have been decommissioned in accordance with all applicable laws and regulations.
 11. That all easements for drainage, servicing or utility purposes shall be dedicated to the appropriate authority.
 12. That the Subdivision Agreement include a clause requiring that the Developer agrees to relocate any existing utilities as a result of the subject development at the sole expense of the Developer.
 13. That the phasing details to be confirmed in the Subdivision Agreement shall include the requirement that Street A and the portion of Street B adjacent to the Chaseco Holdings Inc. lands be constructed and the associated municipal water and wastewater services be installed in the first phase of development prior to the occupancy of any residential unit on the lands, in accordance with the Easement and Shared Services Agreement dated June 29, 2005 and registered against title to the Eden Oak (Trailhead) Inc. lands as Instrument # 508167 and assigned to and assumed by Eden Oak (Trailhead) Inc. as described in Instrument # 526216.
 14. That the public streets shall be named to the satisfaction of the Town of The Blue Mountains.

15. That Blocks 10 and 16 be deeded to the Town of The Blue Mountains for environmental protection purposes.
16. That Block 30 and 37 be deeded to the Town of The Blue Mountains for stormwater management and open space purposes and that Block 39 be deeded to the Town of The Blue Mountains for future road purposes and open space purposes.
17. That Block 11 be included as a future common element (a private open space).
18. That Block 17 be deeded to the Town of The Blue Mountains as an open space/archaeological protection area at no cost to the Town. The subdivision agreement will provide that this Block is intended to be left undeveloped.
19. That prior to final approval by the County, the developer has prepared a detailed engineering and drainage report by a qualified consultant which describes the stormwater drainage system for the proposed development on the subject lands to the satisfaction of the Town of The Blue Mountains, Ministry of Transportation and the Grey Sauble Conservation Authority, and that said report be incorporated into the Subdivision Agreement with the Town. The report shall include:
 - i. Plans illustrating how the drainage system will tie into the drainage of surrounding properties;
 - ii. The stormwater management techniques which may be required to control minor and major flows;
 - iii. How external flows will be accommodated and the design capacity of the receiving system;
 - iv. Location and description of all outlets and other facilities which may require permits;
 - v. Proposed methods for controlling or minimizing erosion and siltation onsite and/or in downstream areas during and after construction;
 - vi. The technique to be utilized to ensure that all stormwater overland flow routes shall be restricted within roads or approved outlets only, and;
 - vii. That Block 30 and Block 37 be designed to incorporate a public trail
20. That prior to final approval by the County, the Developer has prepared a detailed soils investigation by a qualified geotechnical engineer to be submitted to the Town of The Blue Mountains.
21. That prior to final approval by the County the Developer shall submit to the Town the following:
 - i. A Phase 1 Environmental Site Assessment;
 - ii. A Phase 2 Environmental Site Assessment if required as a result of the Phase 1 ESA

- iii. A decommissioning report if contaminated material has been identified and is removed, or alternatively, a copy of the risk assessment together with a copy of the written acknowledgement of its acceptance by the Ministry of the Environment and Climate Change;
 - iv. A copy of a Record of Site Condition and confirmation of the filing of the record of Site Condition in the Environmental Site Registry.
- 22. That the Subdivision Agreement contain specific clauses related to the required Engineering Standards of the Town including but not limited to the following:
 - i. The appropriate horizontal and vertical alignments of all roads and underground services including their intersection geometrics;
 - ii. That suitable construction traffic routes are identified to the satisfaction of the Town;
 - iii. The street lighting system on all roadways be designed and constructed to the satisfaction of the Town.
- 23. That the Subdivision Agreement include a requirement that arrangements be made with Canada Post and the Town's Engineering and Public Works department for the provision of suitable mail delivery methods which may include the installation of Canada Post Community Mailboxes and that the locations be included on the appropriate servicing plans.
- 24. That should Community Mailboxes be required, that the Subdivision Agreement contain further clauses requiring that the Developer install an appropriately sized sidewalk section (concrete pad) per Canada Post specifications, to place the mailbox on, plus any required walkway access and/or curb depressions for wheelchair access and the provision of a temporary Community Mailbox location until curbs, sidewalks and final grading have been completed.
- 25. That prior to final approval, the developer prepare a Landscape Analysis, Trees Preservation and Landscape Plan by qualified consultant to the satisfaction of the Town of The Blue Mountains, the Grey Sauble Conservation Authority and the Niagara Escarpment Commission. The Landscape Plan shall include amongst other matters special provisions with regard to the reforestation of the open space blocks and stream corridor on Blocks 10, 16, 30 and 37, to ensure that the existing vegetation on the periphery of the site be maintained and protected during the development process and that said plan be incorporated into the Subdivision Agreement with the Town. The Landscape/Tree Preservation Plan will also need to address the protection of the Red Mulberry Tree identified within Block 1 and 2 to the satisfaction of the Ministry of Natural Resources and Forestry (MNRF) by identifying specific measures to protect the tree, including ensuring that the tree is not harmed or harassed during the construction phase and that its habitat is protected with appropriate buffers. Alternatively, a hybridity test could be conducted to the satisfaction of MNRF to determine if the tree is a true Red Mulberry.
- 26. That a road widening over Block 1 and Block 2 be dedicated to the Town to accommodate a minimum 80 metre centreline horizontal right of way radius on Lakeshore Road East.

27. That prior to any site alterations or construction, the box culvert under watercourse 7 is removed / replaced to the satisfaction of the Grey Sauble Conservation Authority.
28. That Block 11 is zoned in a holding category to ensure necessary environmental review is completed prior to site alteration or development of these lands.
29. That prior to final approval, a copy of the fully executed Subdivision Agreement between the developer and the municipality shall be provided to the County of Grey.
30. That prior to final approval being given, that the County is advised in writing by the Grey Sauble Conservation Authority, how Conditions 8, 19, 25, 27 and 28 have been satisfied.
31. That prior to final approval being given, that the County is advised in writing by the Niagara Escarpment Commission, how Condition 25 have been satisfied.
32. That prior to final approval being given, that the County is advised in writing by the Ministry of Transportation, how Conditions 3, 7 and 19 have been satisfied.
33. That prior to final approval being given, that the County is advised in writing by the Ministry of the Environment and Climate Change how Condition 21 has been satisfied, if that condition is required.
34. That prior to final approval being given, that the County is advised in writing by the Ministry of Natural Resources and Forestry how Condition 25 has been satisfied as it relates to the potential Red Mulberry tree.
35. That prior to final approval being given, that the County is advised in writing by the Town of The Blue Mountains how Conditions 2 to 29 have been satisfied.
36. If final approval is not given to this plan within five years of the draft approval date, and no extensions have been granted, draft approval shall lapse under Subsection 51(32) of the Planning Act, RSO 1990, as amended. If the owner wishes to request an extension to draft approval, a written explanation together with the applicable application fee and a resolution/letter of support from the local municipality and the County must be submitted to the Ontario Municipal Board, prior to the lapsing date. Please note that an updated review of the Plan and revisions to the conditions of approval may be necessary if an extension is to be granted.
37. That the owner, submit to the County of Grey with a computer disk containing a digitized copy of the Final Plan in a format acceptable to the County of Grey.
38. This plan may be registered in phases

NOTES TO DRAFT APPROVAL

1. It is the applicant's responsibility to fulfil the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the County of Grey, quoting the County file number.

2. An electrical distribution line operating at below 50,000 volts might be located within the area affected by this development or abutting this development. Section 186 - Proximity - of the Regulations for Construction Projects in the Occupational Health and Safety Act, requires that no object be brought closer than 3 metres (10 feet) to the energized conductor. It is proponent's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the electrical conductors can raise and lower without warning, depending on the electrical demand placed on the line. Warning signs should be posted on the wood poles supporting the conductors stating "**DANGER - Overhead Electrical Wires**" in all locations where personnel and construction vehicles might come in close proximity to the conductors.

3. Clearances are required from the following:

Town of The Blue Mountains
P.O. Box 310, 32 Mill Street
Thornbury, ON, N0H 2P0

Grey Sauble Conservation Authority
237897 Inglis Falls Road, Rural Route #4
Owen Sound, ON, N4K 5N6

Niagara Escarpment Commission
99 King Street East, P.O. Box 308
Thornbury, ON N0H 2P0

Ministry of Transportation
659 Exeter Road
London, ON N6E 1L3

Ministry of Environment and Climate Change
733 Exeter Road
London, ON N6E 1L3

Ministry of Natural Resources and Forestry
2284 Nursery Road
Midhurst, ON L9X 1N8

4. We suggest you make yourself aware of the following subsections of the Land Titles Act:
 - a) subsection 144(1) requires all new plans to be registered in a Land Titles system if the land is situated in a land titles division; and
 - b) subsection 144(2) allows certain exceptions.

The subdivision plan for Registration must be in conformity with the applicable Ontario Regulation under The Registry Act.

5. Inauguration or extension of a piped water supply, a sewage system or a storm drainage system, is subject to the approval of the Ministry of the Environment and Climate Change under the Ontario Water Resources Act, RSO 1990, as amended.
6. All measurements in subdivision final plans must be presented in metric units.
7. The final plan approved by the County must be registered within thirty (30) days or the County may withdraw its approval under subsection 51(32) of the Planning Act RSO 1990, as amended.

8. 28904647.1

