

## CONDITIONS OF DRAFT PLAN OF SUBDIVISION APPROVAL

**Owner:** Lord Elgin Estates Developments Ltd.  
**File No:** 41T-2011-1.44  
**Municipality:** Saugeen Shores  
**Subject Lands:** Part of Lots 46 to 50 Lake Range, geographic Township of Saugeen  
**Date of Draft Approval:** **September 28, 2011**

The Council of the Corporation of the County of Bruce hereby issues Draft Approval to Subdivision File No. 41T-2011-1.44, which pertains to Part of Lots 46 to 50 Lake Range, Town of Saugeen Shores (geographic Township of Saugeen). The following conditions have been established by the County of Bruce and must be met prior to the granting of Final Approval:

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No.	Condition
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1. That this approval applies to Plan of Subdivision File 41T-2011-1.44 for Lord Elgin Estates Developments Ltd. in the Town of Saugeen Shores prepared by MHBC (dated ~~September 21, 2011~~ February 5, 2025).

### Lot Layout and Density

2. That this approval applies to the 'Area Schedule' on the Plan dated ~~September 21, 2011, referenced as 9 December 14, 2020 Redline Revision ~ Blocks 60 + 70~~ February 5, 2025.
3. That the Final Plan for registration shall incorporate a density no ~~greater~~ less than the ~~maximum~~ minimum density numbers identified on the Plan dated ~~September 21, 2011~~ February 5, 2025.

### Public Roads, Walkways, Trails, Drainage/Service Corridors, Open Space

4. That the road allowances and road widenings shown on this Plan be dedicated to the Town of Saugeen Shores as a public highway on the Final Plan.
5. That the streets shall be named to the satisfaction of the Town of Saugeen Shores.
6. That sidewalks be installed:
  - i. On one side of the local streets in a location and standard approved by the Town of Saugeen Shores.
  - ii. On both sides of collector roads in a location and standard approved by the Town of Saugeen Shores.
  - 5-iii. External to the Plan of Subdivision, where required by the Town of Saugeen Shores.
7. That all street and public lighting fixtures be dark-sky compliant to the satisfaction of the Town of Saugeen Shores.
8. That Site Visibility Triangles at the intersections of all roads be conveyed to the Town of Saugeen Shores, as required by the Town of Saugeen Shores, and be provided free and clear of encumbrances.
9. That temporary turning circles or other approved turnarounds be installed, if required by the approved phasing/staging of the subdivision, to the satisfaction of the Town of

Saugeen Shores. Provisions for the design, construction, and decommissioning of the turnarounds shall be incorporated in the subdivision agreement.

6.10. Prior to servicing or registration of each phase, whichever occurs first, the Owner agrees to submit an operational analysis and functional design for the proposed roundabouts to the satisfaction of the Town of Saugeen Shores. In the event that it is determined through the operational analysis and/or the functional design that additional property is required to construct the roundabouts, the final plan shall provide the required property to the Town.

7.11. That before any lots, blocks, roads, walkways, trails, service corridors, 0.3 metre reserves (including the termination points of dead ends and open sides of road allowances) identified in this Plan are conveyed to the Town of Saugeen Shores, they shall be free and clear of encumbrances to the satisfaction of the Town of Saugeen Shores.

Lands to be conveyed may include:

- i. Blocks 59-67, being blocks for Walkways, Parks and Linear Parks (identified on the Plan as Blocks 73-76, 61-69-60-68)
- ii. Blocks 71-76, being blocks for walkways
- iii. Blocks 77-78, being blocks for archaeological sites
- ~~iv.~~ Blocks 77 and 78 76 and 77 79, as a blocks for open space
- ~~v.~~ Block 70 69 68, as a block for future development. Prior to the registration of the phase with Block 70 69 68, the owner agrees to consult with the Town of Saugeen Shores to determine the need for an a street and/or linear park extension of Street Nine through Future Development Block 70 69 68 to the adjacent lands.
- ~~iv.~~ 0.3 metre reserve for Block 60 abutting Waterloo Street and Devonshire Road [Section iv. REMOVED as per Redline Revision approved March 2021]
- ~~v.~~ vi. All blocks containing trails
- vii. Blocks 69-70, being blocks for stormwater management
- ~~vi.~~ viii. Block 110 of Plan of Subdivision File 41T-2008-6.44
- ~~vii.~~ ix. That a third access to an existing year-round maintained municipal road shall be constructed prior to permitting construction of the 251<sup>st</sup> dwelling unit within the Plan.
- ~~x.~~ Blocks 82 80-85, being a 0.3 metre reserves abutting Concession 10 across Block 57
- ~~viii.~~ xi. Block 86, being a block for road widening purposes.

Conveyance of lands shall be in accordance with the Phasing Plan (identified in Condition ~~40~~15.vii).

## **Parkland & Open Space**

8.12. That the Owner conveys land in an amount not exceeding, in the case of a subdivision proposed for commercial or industrial purposes, 2%, and in all other cases 5%, of the land included in the plan to the Town of Saugeen Shores for park or other public recreational purposes pursuant to the provisions of Section 51.1(1) of the Planning Act R.S.O. 1990. Alternatively, the Town of Saugeen Shores may accept cash-in-lieu for the said conveyance and under provisions of Section 51.1(3) of the Planning Act, R.S.O. 1990, the Town of Saugeen Shores is hereby authorized to do so. The Town may also accept a combination of land and cash to satisfy this requirement.

While the amount of land on the Plan being dedicated for parkland exceeds 5% the Town is not obligated to credit the Owner for the surplus.

13. That the parks, linear parks and walkways be fenced, or an approved alternative means of demarcation or landscaping provided, abutting all new residential lots or blocks to the satisfaction of the Town of Saugeen Shores.

## Easements

9-14. That the Owner agrees to grant such easements as may be required for utility or drainage purposes to the Town of Saugeen Shores or other appropriate authority.

## Subdivision Agreement

40-15. That the Owner enter into an Agreement with the Town of Saugeen Shores to satisfy all the requirements of the Town of Saugeen Shores, in accordance with Section 51(26) of the Planning Act, and may include the following:

- i. **Stormwater Management Plan** prepared by a technically qualified consultant.
  - 1) The Plan shall detail the methods that will be used to control surface water and erosion and sedimentation within the development lands and abutting properties during and following construction. The report shall also detail the methods that will reduce any negative impacts to water quality
  - 2) Block 110 of Plan of Subdivision File 41T-2008-6.44 shall be integrated with this Plan and the stormwater management facility proposed for the location shall be integrated in the Subdivision Agreement. The phasing for integration will be to the satisfaction of the Town of Saugeen Shores.
  - 2)3) Stormwater management facilities shall be fenced, or an approved alternative means of demarcation provided, to the satisfaction of the Town of Saugeen Shores.
- ii. **Lot Grading Plan** prepared by a technically qualified consultant.
- iii. **Erosion and Sediment Control Plan** prepared by a technically qualified consultant.
- iv. **Soils/Hydrogeological Report** prepared by a technically qualified consultant. The Report shall assess soil types and ground water levels relative to construction of services and establishing elevations for houses, and shall be prepared and submitted for approval to the standards and satisfaction of the Town of Saugeen Shores.
- v. **Trails Plan** prepared by a technically qualified consultant. All trails are to be developed to municipal standards and shall be contained on a road allowance, or contained on an easement, or in a dedicated block, in favour of the Town of Saugeen Shores.
- vi. **Archaeological Sites**  
The Town of Saugeen Shores may enter into an acceptable usage agreement with the developer regarding the future use and maintenance of Blocks ~~77-76 and 78-77~~ 77 and 78.
- vii. **Phasing Plan** prepared by a technically qualified consultant. The Owner agrees to submit a phasing plan to be included in the Subdivision Agreement to the satisfaction of the Town of Saugeen Shores to provide detail on infrastructure requirements internal and external to the development for each phase, prior to the registration of each phase. The Plan shall identify when the Town is to assume infrastructure / stormwater management facilities.

viii. **Traffic Impact Study** prepared by a technically qualified consultant.  
The Owner shall submit to the Town of Saugeen Shores for review and approval, a final Traffic Impact Study indicating the anticipated traffic volumes generated by the subdivision and their impact upon the existing and proposed road network. The study shall identify any additional works that may be required to deal with traffic impacts, including timing of improvement, analysis and geometric adequacy of the appropriateness of the existing local residential roads connecting the development and adjacent collector roads, and such requirements, as established to the satisfaction of the Town of Saugeen Shores, shall be incorporated in the works to be constructed at the owner's expense. Such works may be subject to partial recovery through the Development Charges By-law.

ix. **Road Improvements / Servicing**

The owner shall complete the following improvements:

- 1) 10<sup>th</sup> Concession Road
- 2) Devonshire Road to be extended from Highway 21 to the development during Phase 2
- 3) Construction of a third access to an existing year-round maintained municipal road shall be constructed prior to permitting construction of the 251<sup>st</sup> dwelling unit
- 4) The developer shall be responsible for the construction and installation of a watermain loop between Bruce Street and Highway 21 to the Town's satisfaction.

Such works may be subject to full or partial recovery through the Development Charges By-law.

x. **External Improvements**

That prior to registration of any phase which requires off-site improvements, the owner agrees to provide the appropriate financial resources for the development related portion of the off-site improvements based on the Development Charges By-law, as amended, to the satisfaction of the Town of Saugeen Shores. If sufficient money is not allocated from the appropriate Town Development Charge Account(s) to permit the Town to fund the growth-related portion of the off-site improvements and the owner wishes to proceed, the Town and owner may enter into a front-ending agreement.

xi. **Notices & Warning Clauses**

- i. That the Subdivision Agreement between the Owner and the Town of Saugeen Shores include the requirement for the following Notice / Warning Clause to be included in all offers of purchase and sale for residential units/lots within a 150 metre radius of the sewage pumping station on the Plan:

*“Sewage Pumping Station*

*Purchasers are advised that a sewage pump station is located in proximity to the subdivision. Purchasers are advised that nuisances associated with the normal operation of a sewage pump station may occur from time to time and throughout the year.”*

- ii. That the Subdivision Agreement between the Owner and the Town of Saugeen Shores include the requirement for the following Notice / Warning Clause to be included in all offers of purchase and sale for

residential units/lots abutting the stormwater management blocks on the Plan:

“Stormwater Management Facilities on Adjacent Lands  
Purchasers are advised that a stormwater management facility for the management of stormwater runoff is located on adjacent lands. The stormwater management facility may be left in a naturally vegetated condition and will be accessed for maintenance purposes which, from time-to-time, may include heavy construction vehicles.”

iii. That the Subdivision Agreement between the Owner and the Town of Saugeen Shores include the requirement for the following Notice / Warning Clauses to be included in all offers of purchase and sale for residential units/lots on the Plan:

“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 Town of Saugeen Shores and Saugeen Valley Conservation Authority.”

iv. That the Subdivision Agreement between the Owner and the Town of Saugeen Shores include the requirement for the following Notice / Warning Clauses to be included in all offers of purchase and sale for residential units/lots on the Plan:

“Municipal Parks and Walkways  
Purchasers are advised that municipal parks and walkways are 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.”

16. 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.

14-17. That the Town of Saugeen Shores 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-upon Final Approval of the Plan.

#### **Utilities and Canada Post**

12-18. That the Owner agrees to make satisfactory arrangements with the appropriate electricity provider for the provision of permanent or temporary electrical services to this Plan.

~~13.19.~~ That the Owner agrees to make satisfactory arrangements with the appropriate gas provider for the provision of permanent or temporary ~~telecommunications services,~~ gas ~~and cable~~ services to this Plan.

20. That the Owner agrees to make satisfactory arrangements with the appropriate telecommunications and cable service providers for the provision of permanent or temporary telecommunications services and cable services to this Plan.

i. Rogers Communications specifically requested:

i. That the Owner agree in the Subdivision Agreement to (a) permit all CRTC-licensed telecommunications companies intending to serve the Subdivision (the "Communications Service Providers") to install their facilities within the Subdivision, and (b) provide joint trenches for such purpose.

ii. That the Owner agree in the Subdivision Agreement to grant, at its own cost, all easements required by the Communications Service Providers to serve the Subdivision, and will cause the registration of all such easements on title to the property.

iii. That the Owner agree in the Subdivision Agreement to coordinate construction activities with the Communications Service Providers and other utilities, and prepare an overall composite utility plan that shows the locations of all utility infrastructure for the Subdivision, as well as the timing and phasing of installation.

iv. That the Owner agree in the Subdivision Agreement that, if the Owner requires any existing Rogers facilities to be relocated, the Owner shall be responsible for the relocation of such facilities and provide where applicable, an easement to Rogers to accommodate the relocated facilities.

14.21. That the Owner provides an overall utility distribution plan to the satisfaction of the Town of Saugeen Shores including the necessary easements and/or agreements required for the provision of utilities.

15.22. 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 postal boxes shall be jointly approved by Canada Post and the Town of Saugeen Shores.

### **Phasing and Lapsing**

16.23. That the Owner agrees to phase any development of the Plan in a manner satisfactory to the Town of Saugeen Shores and the County of Bruce, and in accordance with the Phasing Plan. The Registration of the Plan of Subdivision may proceed in phases.

17.24. That the Draft Approval for Plan of Subdivision 41T-2011-1.44 for Lord Elgin Estates Developments Ltd. in the Town of Saugeen Shores shall lapse as follows:

- i. For the first phase, five (5) years after the date of Draft Approval (that being September 28, 2011) unless it has been extended by the County of Bruce; and
- ii. For any subsequent phases, five (5) years after the date of final approval of the preceding phase.

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

48-25. That the County of Bruce be advised by the Town of Saugeen Shores that the Plan of Subdivision conforms to the Town of Saugeen Shores Local Official Plan approved under the Planning Act.

49-26. That the County of Bruce be advised by the Town of Saugeen Shores that the Plan of Subdivision conforms to the Zoning By-law approved under the Planning Act.

### **Saugeen Valley Conservation Authority (SVCA)**

20-27. That prior to Final Approval by the County, the Owner shall submit for review and approval to the SVCA the following:

- i. **Stormwater Management Report** prepared by a technically qualified consultant, in accordance with the prevailing Ministry of the Environment planning and design guidelines and other related technical criteria as determined by the SVCA. The Report shall detail the methods that will be used to control surface water flow within the development lands and abutting properties during and following construction. The report shall also detail the methods that will reduce any negative impacts to water quality, and shall also address any potential impacts to the streams below the Nipissing Bluff.

In the event that the Report recommends the establishment of any stormwater works, including detention or retention facilities, the Subdivision Agreement between the Owner and the Town of Saugeen Shores shall contain a provision whereby the Town will assume ownership, operation and maintenance responsibility of same in perpetuity.

- ii. **Lot Grading Plan** prepared by a technically qualified consultant, in accordance with the prevailing Ministry of the Environment planning and design guidelines and other related technical criteria as determined by the SVCA.

28. That the Subdivision Agreement between the Owner and the Town of Saugeen Shores contain provisions with wording acceptable to the SVCA addressing the approved report and plan as noted in Condition 2027.

### **Bluewater District School Board**

29. That the Owner agree to register the draft plan of subdivision with the agreed upon school site, currently known as Block 58 on the draft plan, with no less than 2.861 hectares in area. The implementing Zoning By-law will identify that Block 58 may be used for institutional or high density residential purposes.

30. That the Owner agree in the Subdivision Agreement to include in all Offers of Purchase and Sale, the following statements to the satisfaction of the Bluewater District School Board advising prospective purchasers that:

- i. Student busing is at the discretion of the Student Transportation Service Consortium of Grey-Bruce.

24-ii. If school buses are required within the Subdivision in accordance with Board Transportation policies, as may be amended from time to time, school bus pickup points will generally be located on the through street at a location as determined by the Student Transportation Service Consortium of Grey Bruce.

31. That the Owner agree in the Subdivision Agreement to include in all Offers of Purchase and Sale, the following statements to the satisfaction of the Bluewater District School Board advising prospective purchasers that:

- i. The purchaser acknowledges and accepts that Block 58 is a future potential school site and will be maintained and developed as such.
- ii. The purchaser acknowledges and accepts that noise, dust, and truck traffic are normal circumstances during the construction of a school, and once the school is constructed noise, exterior lighting, portable classrooms, and increased traffic on neighbouring streets during peak A.M. and P.M. hours and during special events are normal operating conditions for a school.
- iii. Temporary facilities/portables may be placed on the lands in order to accommodate students in excess of the capacity of the school building.

### **Digital Plan Submission**

22-32. That prior to Final Approval the Owner shall submit to the County of Bruce a digital file of the Plan to be registered in AutoCAD 14 ('dwg' or 'dxf') format referenced to NAD83 UTM, and in 'pdf' format, to the satisfaction of the County of Bruce Planning Department and the Town of Saugeen Shores.

### **Clearance Conditions**

33. 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:

- i. Town of Saugeen Shores (conditions 4 to 17 inclusive, 21 to 23 inclusive, 25, 26 and 32);
- ii. Electricity Service Provider (condition 18);
- iii. Gas Utility Provider (condition 19);
- iv. Telecommunications and Cable Service Providers (condition 20);
- v. Canada Post (condition 22);
- vi. Saugeen Valley Conservation Authority (conditions 27 to 28 inclusive);
- vii. Bluewater District School Board (conditions 29 to 31 inclusive).

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.

~~1. That prior to Final Approval, the County of Bruce is to be advised by the Town of Saugeen Shores that Condition Nos. 4-16, 18-19, and 22 inclusive have been carried out to their satisfaction. The clearance letter from the Town of Saugeen Shores shall include a brief but complete statement detailing how each condition has been satisfied.~~

~~2. That prior to Final Approval, the County of Bruce is to be advised by Saugeen Valley Conservation Authority that Condition Nos. 20 and 21 have been carried out to their satisfaction. The clearance letter shall include a brief but complete statement detailing how each condition has been satisfied.~~

3-34. That prior to Final Approval, the County of Bruce is to be advised by the Ontario Ministry of Culture that an archaeological assessment has been completed to their satisfaction, and that no further assessment is required.

**GENERAL NOTES TO DRAFT APPROVAL:  
Subdivision File No. 41T-2011-1.44**

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 ~~Economic~~–Development Department quoting the appropriate subdivision file number.
2. 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 we have 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 print(s) 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.

3. You are advised to consult the Land Registrar for requirements for registration prior to applying to the County of Bruce for Final Approval.
- ~~3.4.~~ Inauguration, or extension of a water works or sewage 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, as may be amended.
- ~~4.5.~~ Clearances are required from the following agencies: agencies listed under "Clearance Conditions" of this approval.

~~**Town of Saugeen Shores**  
600 Tomlinson Drive  
PO Box 820  
Port Elgin, ON N0H 2C0~~

~~**Saugeen Valley Conservation Authority**  
1078 Bruce Road 12,  
PO Box 150  
Formosa, ON N0G 1W0~~

~~**Ontario Ministry of Culture**  
Southwest Archaeological Office  
900 Highbury Avenue  
London, ON N5Y 1A4~~

- ~~5.6.~~ 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 authority 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. ~~There is no authority to revise the approval after the lapsing date. A new subdivision application under Section 51 of the Planning Act will be required.~~

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.

**NOTES TO DRAFT APPROVAL FROM THE TOWN OF SAUGEEN SHORES  
FOR INFORMATION PURPOSES ONLY:  
Subdivision File No. 41T-2011-1.44**

The Owner is advised that Draft Approval is not a commitment by the Town of Saugeen Shores to water or sanitary servicing capacity.