



ITEM FOR: *Mayor & Members of Council*
DEPARTMENT: *Planning*
ITEM NO. 13.A.1.a
MEETING DATE: *April 4, 2011*
SUBJECT: Delzotto – Nottawa, Draft Plan Approval

RECOMMENDATION:

That Council authorize draft plan approval for the Delzotto development on Part of Lot 34 & 35, Concession 8, formerly Nottawasaga Township in accordance with the draft decision and conditions presented to Council as item 13.A.1.a of its agenda of April 4, 2011.

BACKGROUND:

The lands affected by the proposed draft plan approval are generally located in Lot 34 and 35, Concession 8, in the former Township of Nottawasaga, now Township of Clearview, within the south-east portion of the Nottawa urban settlement area.

This draft plan of subdivision is being considered as a result of applications submitted by Gian Delzotto for development for a new major development containing mixed residential units along with an area of mixed use commercial and residential land fronting along County Road 124. The development applications were originally made on May 30, 2006, to re-designate and draft approve a plan of subdivision to develop 2,625 units. Since that time, and through consultation with the Municipality, the applications have been modified to permit the development of no more than 500 residential units as well as commercial, open space and park uses. The related Official Plan amendment has already been adopted by Council and is currently at the County of Simcoe for approval.

The lands to be developed are located within the “Urban Settlement Area Boundary” community of Nottawa. Additional lands located outside the settlement boundary are incorporated into the proposed plan of subdivision for the purpose of community gardens, environmental lands, trails and open space amenities, and rural/agricultural employment lands.

CLEARVIEW STRATEGIC PLAN:

Consistent with:

- Strategic Action 2.1 – in regard to compatibility with “*Directions for Growth*”, the Township Growth Plan;

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- Strategic Action 2.2 – in regard to establishing community design policies;
 - Strategic Action 3.2 – in regard to facilitating the potential full servicing of the community of Nottawa;
 - Strategic Action 4.1 – in regard to the protection and sustainable management of natural resources; and,
 - Strategic Action 4.3 – in regard to establishing environmental management polices and requirements.

COMMENTS/ANALYSIS:

The Township of Clearview Council, following extensive community consultation, adopted an Official Plan Amendment for this proposal.

The requirements of the Official Plan with respect to development of these lands have been addressed by the applicant as part of the overall process in which information from the multiple comprehensive applications for official plan, zoning amendment and plan of subdivision have been submitted with requisite supporting studies and other information. The information submitted and accepted includes information with respect to storm water management, sewer and water services, provision of parkland, protection of environmental features, consideration of transportation matters reflecting both vehicular and pedestrian needs, and overall development efficiency of design and future maintenance.

The information has been provided to the public, the municipality and various other government agencies for review and comment. Design issues have been identified and addressed through agency and staff review. Public input has also been considered in design revisions. These include limiting growth to a maximum of 500 units as well as matters related to the detailed technical review of storm water management, open space and recreational lands design as well as overall subdivision design to promote an efficient land use pattern and mix of uses that promote a healthy, livable and safe community.

The Draft Plan of Subdivision has been designed to implement the adopted Official Plan Amendment policies. The proposed subdivision has been revised throughout the review process to ensure that the policies of the amendment are fully implemented and to address input received from the public and agencies.

Development is to be fully serviced in accordance with an approved servicing Environmental Assessment. The installation of servicing infrastructure for this proposal will also result in the potential to fully service the existing community. The developer has agreed to front-end primary servicing infrastructure costs on the basis that the municipality shall compensate for such costs only when, or if, the municipality utilizes the services. Servicing of the existing community will be an independently considered project which will involve its own community consultation process.

Additional information regarding the project is available in the attached proposed draft plan approval decision and associated conditions of draft plan approval.

The applicant has also completed a range of required studies which are available at the municipal offices for review. These documents, along with the applications, have been available for examination in our offices since being submitted.

FINANCIAL ANALYSIS:

The applicant is responsible for the costs of processing all applications and approvals. The applicant/developer will also be responsible for the costs associated with fully servicing the development through a subdivision agreement and associated requirements for deposits and securities. The project will result in additional collection of development charges for broader community services (not water or sewer related) as well as additional assessment.

The developer will also be front-ending primary municipal water and sewer infrastructure at no risk to the municipality. Development agreements will ensure that the municipality will only compensate the developer for front-ending cost on a fair basis when, or if, the oversized services are utilized by the municipality within a specified time-frame.

This oversized infrastructure would allow for the eventual servicing of existing areas of Nottawa. Although such servicing would be a separate municipal project which would involve further public consultation and separate approvals processes, a cost-estimate for such servicing has been prepared. It is estimated that the resulting cost for fully servicing a residential unit in the original community of Nottawa would be \$43,000.00 (2010 \$s). However, since the McKean subdivision already has partial servicing, it is anticipated that the cost of servicing those residential units would be \$29,200.00 (2010 \$s). These costs should be considered minimum costs and are for the primary services and in-road distribution infrastructure. There would be additional installation costs on private properties. These costs are estimates only and are subject to final design. They are also based on growth assumptions of a design population of 2,500 which incorporates the existing population, the current population and minimal additional infill and commercial growth. No additional residential greenfield development is incorporated.

It is anticipated that these costs would be higher without the economies of scale provided by the proposed development. The front-ending of primary servicing costs also enhances the feasibility of any potential servicing of the existing community.

SCHEDULES: Proposed Notice of Decision on Draft Plan of Subdivision and Associated Conditions of Approval, and proposed Draft Plan of Subdivision.

PREPARED BY: *Michael Wynia, MCIP, RPP*



NOTICE OF DECISION
On Application for Approval of Draft Plan of Subdivision
Subsection 51(37) of the Planning Act

Council of The Corporation of the Township of Clearview has given Draft Plan Approval to the following Plan of Subdivision:

Applicant:	Gian Delzotto
Owner:	1646882 Ontario Limited, 1642497 Ontario Limited, 1720122 Ontario Limited
File Number:	SD-2006-003
Legal Description of Subject Lands:	Part of Lot 34 and 35, Concession 8, formerly Township of Nottawasaga, now Township of Clearview
Related Files:	OP-2006-003
Date of Decision:	April 4, 2011
Date of Notice:	April 8, 2011
Last Date for Filing an Appeal:	April 28, 2011

Councils Approval is subject to the conditions attached to this notice.

Council's Decision is Subject to Appeal.

When and How to File An Appeal	<p>Notice to appeal the decision to the Ontario Municipal Board must be filed no later than 20 days from the date of this notice as shown above as the last date of appeal.</p> <p>The notice of appeal should be sent to the attention of the Clerk, at the address shown below and it must:</p> <ol style="list-style-type: none">1) set out the reasons for the appeal, and2) be accompanied by the fee prescribed under the Ontario Municipal Board Act in the amount of \$125.00, payable by certified cheque or money order, in Canadian funds, to the Minister of Finance, Province of Ontario. <p>If you wish to appeal to the OMB, a copy of an appeal form is available from the OMB website at www.omb.gov.on.ca.</p>
Right of Applicant or Public Body to Appeal Conditions	<p>The applicant or any public body may, at any time before the approval of the final plan of subdivision, appeal any of the conditions imposed by Township to the Ontario Municipal Board by filing with the Township a notice of appeal.</p>

Who Can File An Appeal

Only individuals, corporations or public bodies may appeal decisions in respect of a proposed plan of subdivision to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

No person or public body shall be added as a party to the hearing of the appeal of the decision of the approval authority, including the lapsing provisions or the conditions, unless the person or public body, before the decision of the approval authority, made oral submissions at a public meeting or written submissions to the council or, in the Ontario Municipal Board's opinion, there are reasonable grounds to add the person or public body as a party.

How to Receive Notice of Changed Conditions

The conditions of an approval of draft plan of subdivision may be changed at any time before the final approval is given.

You will be entitled to receive notice of any changes to the conditions of approval of the draft plan of subdivision if you make a written request to be notified of changes to the conditions of approval of the draft plan of subdivision.

No person or public body shall be added as a party to the hearing of the appeal of the decision of the approval authority, including the lapsing provisions or the conditions, unless the person or public body, before the decision of the approval authority, made oral submissions at a public meeting or written submissions to the council or, in the Ontario Municipal Board's opinion, there are reasonable grounds to add the person or public body as a party.

Getting Additional Information	Additional information about the application is available for public inspection during regular office hours at the Township of Clearview.
Mailing Address for Filing a Notice of Appeal	Township of Clearview, Box 200, 217 Gideon Street, Stayner, ON, L0M 1S0 Attention: Clerk Tel: 705-428-6230 Fax: 705-428-0288

Description of Draft Plan to Which Approval Has Been Granted:

PlanTitle:	Draft Plan of proposed Subdivision, Part of Lot 34 and 35, Concession 8 (geographic Township of Nottawasaga), Township of Clearview, County of Simcoe
Plan/Drawing Number:	MHBC-Mar 8- 2011.dwg
Plan Date:	March 8, 2011
Plan Prepared By:	MHBC – A.S.
Engineer:	C.F. Crozier and Associates Inc.
Planner:	MHBC Planning, Urban Design and Landscape Architecture
Surveyor:	P. Hofmann, I.M. Pastushak Limited
Purpose and Plan Number of Residential Lots/Blocks:	Residential Lots 1-192 Residential Condominium Blocks 193-195 (including 278 residential units)
Density of Residential Lots/Blocks:	470 units on 26.082 ha = 18 units/ha (net and not including mixed use area)
Purpose and Plan Number of Other Blocks:	Mixed Use Blocks 196-199 (including 30 residential units) Rural/Rural Industrial/Open Space Block 200 Open Space Block 201 Park Block 202

	Walkways Blocks 203-207 Drainage Blocks 208-211 Drainage /Trail Block 212-216 Stormwater Management Facility Block 217 Future Development Block 218 0.3 m Reserve Block 219
Roads:	Roads "A"- "E"
Note: A reduced copy of the approved Draft Plan is attached to this notice. A larger copy of the approved Draft Plan is available for viewing at the municipal offices.	

The Draft Plan submitted for review and approval has been approved subject to the following revisions:

Revisions to Draft Plan to Which Approval Has Been Granted:

1. Walkway Blocks 203-207 are to be adjusted to an 8m width with corresponding reductions in width and frontages of adjacent lots.
2. A road widening varying in width from 3m to 8m along frontage of County Road 124, providing an 18m right-of-way from road centre, and a 15m X 15m daylight triangle on both sides of each intersection with County Road 124, shall be conveyed to the County of Simcoe for road widening purposes, free and clear of all encumbrances with corresponding adjustments to Blocks 196, 197, 198, 199, 210, 211, 216 and 217. Provision of four additional 0.3m reserve blocks, being one in each of adjusted Blocks 196, 197, 210, 211 and 212 along the entire lot lines of County Road 124, shall also be provided.
3. Street "A" shall be modified to a width of 26m from County Road 124 to lot 134 with corresponding adjustments to the boundaries of Blocks 193 to 195 and 215.
4. The Wagner Road extension shall be converted to a block, of the same dimensions, for dedication to the municipality as parkland and walkway. The walkway shall link Street "B" to Blackburn Avenue.

That applicant is to provide the municipality with 25 copies of a revised draft plan showing the above revisions to the satisfaction of the municipality. The revised plan shall be circulated to commenting agencies for their information and future reference, but shall not require a further approval.

Note: These revisions and any associated conditions or requirements form part of the approval of the Draft Plan.

Subject to the conditions and notes set forth in the following, this Draft Plan is approved under Section 51 of the *Planning Act*, R.S.O. 1990, Chapter 13, as amended.

Title	Date	Signature
Mayor		
Clerk		
Director of Planning and Development		

Conditions of Draft Plan Approval	
A. General Conditions	
A1	That this draft approval shall lapse if Final Approval is not given to this Plan within five (5) years of the draft approval date, and no extensions have been granted.
A2	<p>That the Owner shall enter into a consolidated subdivision agreement with, and to the satisfaction of, the municipality to give effect to all relevant conditions of approval and any other matters regarding the proper development of the subdivision as specified by the municipality in such agreement. Accordingly, the conditions set out herein, shall be incorporated into the subdivision agreement, as applicable, to the satisfaction of the municipality in its sole and unfettered discretion, and shall be obligations of, and at the cost of, the Owner.</p> <p>The subdivision agreement shall deal with such matters as, but not limited to, the following: construction of works; Ownership of works; registration of the plan and agreement; use of inhibiting orders; servicing allocations; conditions for release of building permits; timing of works; works to be constructed and maintained; fees, deposits and payments to be made; securities and their administration; indemnities and insurance; the Owner's obligations; conditions for occupancy; general conditions of approval; special conditions of approval; the acceptance and assumption of works; conveyances, restrictive covenants and notices to title; and, all relevant administrative clauses.</p> <p>Conditions marked with an * must be incorporated, in whole or in part, in the subdivision agreement and/or completed as part of, or concurrently with, the registration of the Plan.</p>
A3	This approval is conditional upon OPA No.10, adopted by Council of the Corporation of the Township of Clearview, receiving approval. Should OPA No. 10 not be approved, this approval shall lapse 20 days after the date of notice of refusal or the notice of decision to not approve OPA No. 10.
A4*	A qualified professional is to be retained to prepare and submit all drawings and reports required for final approval and construction of the Plan; to inspect construction as necessary to ensure proper installation and compliance with municipal and other relevant authority standards; and, to certify in writing that the required works were constructed in accordance with the plans, reports and specifications, as approved by the municipality and all other relevant authorities.
A5	Approval of the Draft Plan is contingent upon the Owner satisfying all conditions of approval, such conditions being inter-related and inter-dependent and upon which the municipality has relied to significant extent in making its decision of approval. Therefore in the event of any request (including appeal) for alteration to a single condition, the municipality reserves the right to alter or add to these conditions, or withdraw its approval.

A6*	<p>Development of the Plan may occur in phases subject to the approval of the municipality of a comprehensive phasing plan. Phasing may be accomplished either by full registration and phasing clauses in the subdivision agreement or by partial registration. Phasing under full registration shall incorporate the use of inhibiting orders and other measures to ensure the proper and orderly development of the subdivision. Phasing by partial registration shall be undertaken on the basis that the draft plan approval and conditions shall continue to apply to remaining phases. Accordingly the lapse date and ability to alter conditions would be applicable to remaining phases.</p> <p>Phasing will require the preparation and submission for approval of the municipality of a phasing plan which shall form part of the subdivision agreement. This phasing plan must outline any necessary temporary works which may be required, including, but not limited to, utilities and municipal services, turning circles or alternative road endings, signage, fencing and landscaping. The phasing plan shall also provide for any additional temporary easements or conveyances necessitated to provide temporary works or services. The phasing plan shall also identify any lots which may be temporarily constrained from development as a result of the phasing and any temporary works required. Servicing shall only be allocated to phases which are being registered and developed and for which securities are provided.</p>
B. Financial and Administrative Conditions	
B1	All municipal and agency taxes, utilities and charges outstanding against the lands are to be paid prior to the registration of any plan of subdivision.
B2	All drainage charges (Drainage Act) and local improvement charges, municipal service fees and special service fees (Municipal Act) are to be commuted and/or paid, as applicable, prior to registration of any plan of subdivision.
B3	Applicable Final Approval fees and administrative charges, including deposits, are to be paid when making first submission for Final Approval of the Draft Plan.
B4*	All financial requirements of the municipality with respect to the approval and development of the subdivision are to be completed/submitted to the satisfaction of the municipality in its sole and unfettered discretion.
B5*	All processing and administrative fees, including securities and deposits, shall be paid in accordance with the municipal policies, administrative practices and by-laws in effect at the time of signing of the agreement, or applicability, or as otherwise stipulated in the agreement.
B6*	All applicable Development Charges are to be paid in accordance with the Municipal Development Charges By-law, County Development Charges By-law, and Education Development Charges By-law.
B7	All development approval fees of the Nottawasaga Valley Conservation Authority are to be paid as required in accordance with the Nottawasaga Valley Conservation Authority's fees policy, under the powers of the Conservation Authorities Act.
C. Conveyances and Transfers	
C1*	The road allowances shown as Streets "A" to "E" on the draft plan, shall be conveyed to the municipality free and clear of encumbrances.

C2*	Such easements or blocks as may be required for utility, stormwater management, drainage, parkland, a community facility and other construction purposes shall be conveyed to the municipality, and to other appropriate agencies or authorities, to their satisfaction, at no cost and free and clear of all encumbrances. This shall include all conveyances described herein and any additional conveyances which may be identified as a result of further plans and studies or necessitated to facilitate development of the lands.
C3*	Any dead ends and open sides of road allowance created by this Draft Plan shall be terminated in 0.3 metre reserves to be conveyed to and held, in trust, by the municipality.
C4*	Blocks 208 to 217 shall be conveyed to the municipality for stormwater management and drainage purposes, free and clear of all encumbrances. Block 17 may also include water and sewer servicing facilities (reservoirs/pumping stations) to the satisfaction of the municipality.
C5*	A road widening varying in width from 3m to 8m along frontage of County Road 124, providing an 18m right-of-way from road centre shall be conveyed to the County of Simcoe for road widening purposes, free and clear of all encumbrances.
D. Further Approvals	
D1	The lands shall be appropriately zoned for the proposed residential and mixed use development, stormwater management and drainage areas, and parkland.
D2	The stormwater management areas have been restrictively zoned so as to not permit development other than for flood and erosion control works, or conservation or recreational uses. A copy of the adopted zoning by-law is to be provided to the Nottawasaga Valley Conservation Authority.
D3	Blocks 196 to 199 shall be subject to a hold zone requirement which shall establishes as conditions of the removal of the hold: <ol style="list-style-type: none"> 1. The submission for municipal approval of a comprehensive planning study provides for mixed-use retail, office space and residential development; establishes a streetscape design; establishes architectural control requirements; and provides an integrated landscaping plan with a public open-space and entrance feature; and, 2. The submission and approval of a site plan and entering into of a site plan agreement with the municipality.
D4	The development of Blocks 193 to 199 shall be subject to the design policies, zoning requirements and design guidelines and standards of the municipality in effect at the time of further applications being made for their development.
E. Required Municipal Services and Works	

E1*	<p>Sanitary sewer and water supply allocation arrangements with the Town of Collingwood and/or the Town of New Tecumseth, as applicable, must be finalized to the satisfaction of the Township of Clearview and the Town of Collingwood and/or Town of New Tecumseth (where servicing is to be provided by the Town of Collingwood and/or Town of New Tecumseth by an agreement entered into by the Township of Clearview). Alternatively, full municipal or communal sewage and water treatment systems must be provided to the satisfaction of the municipality.</p> <p>Sanitary sewer and water supply allocations shall not be committed for this development until Final Approval of the Plan of Subdivision by the municipality and registration of the subdivision agreement, and when the municipality confirms that such allocations are available for such purposes.</p> <p>Sanitary sewer and water supply arrangements must include over-sizing to the satisfaction of the Township of Clearview at the cost of the Owner. The subdivision agreement shall establish a basis for over-sizing cost recovery on a basis satisfactory to the Township of Clearview where over-sized services are utilized within a specific time-frame as established in such an agreement. The Township of Clearview shall not be obligated in the agreement, or as a result of this approval, to utilize or compensate for over-sized services. As indicated in condition A6, servicing may be allocated to approved phases of development upon registration and provision of securities for the phase to which services are allocated.</p>
E2*	A final servicing plan shall prepared and submit for approval of the municipality by the applicant.
E3*	All internal and external services required for the development of this Plan shall be required to be designed by a qualified professional to the municipality's satisfaction and constructed/installed at the Owner's expense.
E4*	All streets shall be named to the satisfaction of the municipality.
E5*	Sidewalks, lanes and trails shall be designed and constructed in accordance with the municipality's specifications and requirements. Sidewalks shall be required along both sides of Streets "A", "B", "C", "E" and "G". A sidewalk shall be provided only on one side of streets "D" and "F" and shall be located on the northerly side of those streets. A sidewalk shall also be provided along the east side of County Road 124 from the south limit of the development to the north limit of the development. The internal walkways and trails shall also provide linkages through required external improvements to the satisfaction of the municipality to link Blackburn Avenue and Street "B" and to link the development to the Nottawa Public School.
E6*	Upgrades to existing services required for the development of this plan shall be required to be designed by a qualified professional to the municipality's satisfaction and constructed/installed at the Owner's expense.
E7*	A fence shall be installed to municipal specifications along the rear and side yard of any lot or block which abuts parklands, school lands, public walkways, or blocks of land to be developed for non-residential or multiple residential purposes.

E8*	A permanent solid decorative fence with a minimum height of 1.83 m shall be constructed in Blocks 197 and 212 along the north and east lot lines, and Blocks 196 and 198 along the south and east lot lines. The fence shall be constructed of stone, brick, concrete or a combination thereof and shall be designed and finished to the satisfaction of the municipality. An alternative barrier, or fence of alternative material, may be considered for approval by the municipality where the municipality is satisfied that such an alternative achieves the intent of this condition with respect to aesthetic, design and long-term maintenance considerations (e.g. lifespan, maintenance period, consistency of treatment and appearance). Wood fencing shall not be considered.
E9*	The development of Blocks 196 to 199 shall include a requirement to provide a public open space and entrance amenity to the satisfaction of the municipality in those blocks
E10*	<p>The Owner shall submit to the municipality for review and approval, a final traffic impact study indicating the anticipated traffic volumes generated by the subdivision and their impact upon the proposed road network and proposed intersections with County Road 124. The study shall identify any additional works that may be required to deal with traffic impacts, as a result of the development, and such requirements, as established to the satisfaction of the municipality, shall be incorporated in the works to be conducted at the Owner's expense.</p> <p>At a minimum, the Owner shall be required to upgrade to urban municipal standards from the intersection of County Road 124 and intersecting proposed new municipal internal roads.</p> <p>All road improvement requirements shall be incorporated into the subdivision agreement.</p>
F. Utilities	
F1*	An overall/composite utility distribution plan is to be prepared and submitted for approval to the satisfaction of all of the affected authorities.

F2*	<p>Bell Canada shall confirm that satisfactory arrangements, financial and otherwise, have been made with them for any facilities serving this draft plan of subdivision which are required by the municipality to be installed underground; a copy of such confirmation shall be forwarded to the Township.</p> <p>The Draft Plan of Subdivision shall be amended prior to final approval to provide a 8m X 8m facility easement with a precise location established to the satisfaction of the Township of Clearview and Bell Canada.</p> <p>Prior to commencing development the Developer must confirm that sufficient wire-line communication/telecommunication infrastructure is available within the proposed development to provide communication/telecommunication service to the proposed development. In the event that such infrastructure is not available, the developer may be required to pay for the connection to and/or extension of the existing communication/telecommunications infrastructure. If the Developer elects not to pay for such connection to and/or extension of the existing communication/telecommunication infrastructure, the developer shall be required to demonstrate to the municipality that sufficient alternative communication/telecommunication facilities are available within the proposed development to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services (i.e. 911 Emergency Services).</p> <p>Bell Canada requires one or more conduits of sufficient size from each unit to room(s) in which telecommunications facilities are situated and one or more conduits from room(s) in which the telecommunications facilities are located to the street line.</p>
F3*	<p>The Developer shall authorize Rogers Cable standard Letter of Understanding. The Developer shall be responsible for securing all necessary easements/right-of-ways over condominium property at no expense to Rogers Cable. The Developer shall utilize a supplied joint-use trench construction to be shared by shallow utilities.</p>
F4*	<p>Enbridge Gas Distribution Inc. shall confirm that satisfactory arrangements, financial and otherwise, have been made with them for any facilities serving this draft plan of subdivision which are required by the Township to be installed. A copy of such confirmation shall be forwarded to the Township.</p>
F5*	<p>All streets shall be graded to final elevation prior to the installation of the gas lines and the necessary field survey information required for the installation of the gas lines shall be provided, all to the satisfaction of the gas service provider.</p>
F6*	<p>All of the natural gas distribution system will be installed within the proposed road allowances so that easements shall not be required. Where not possible, or where services are provided in condominiums, easements shall be provided at no cost to Enbridge Gas Distribution Inc.</p>
F7*	<p>The hydro service provider shall confirm that satisfactory arrangements, financial and otherwise, have been made with them for any facilities serving this draft plan of subdivision which are required by the municipality to be installed underground; a copy of such confirmation shall be forwarded to the municipality.</p>

F8*	Confirmation is to be received from Canada Post that the applicant has made satisfactory arrangements for the installation of community mailboxes. A copy of such confirmation shall be forwarded to the municipality. Concrete pads are to be provided for the placement of the community mailboxes. Additional facilities such as curb cuts, walkways, shelters, landscaping and paved lay-bys shall be provided as and when required by the municipality.
F9*	All costs associated with plant or infrastructure relocations caused directly or indirectly by this development shall be borne by the Developer.
G. Parkland	
G1*	Blocks 201 and 202 shall be improved to the standards and requirements established by the municipality, and conveyed to the municipality for parkland and environmental purposes in order to satisfy parkland dedication requirements. Block 201 may also include water and sewer servicing facilities (reservoirs/pumping stations) to the satisfaction of the municipality. Notwithstanding this conveyance, the development of Blocks 193 to 199 shall also provide open space amenities to the satisfaction of the municipality, to be determined during further approvals of those blocks.
G2*	A public space design and landscaping plan is to be prepared and submitted to the municipality for approval. This plan shall be prepared for Blocks 201 and 202 for final approval purposes and shall be incorporated in the subdivision agreement. This plan shall be prepared for the development of Blocks 193 to 199 at the time of further approvals for the development of those lands and this requirement shall be incorporated into the subdivision agreement. All public spaces to be dedicated to the municipality are to be developed and conveyed to the municipality to municipal standards and free and clear of encumbrances.
G3*	A trails plan is to be prepared and submitted to the municipality for approval. All trails are to be developed and conveyed to the municipality to municipal standards and free and clear of encumbrances.
H. Environmental Protection and Sustainability	
H1*	A tree/environmental features protection plan is to be prepared and submitted for approval to the municipality. The tree protection plan is to be implemented throughout development of the Plan.

H2*	An environmental management plan is to be prepared and submitted to the municipality for approval. This environmental management plan will identify all habitat and environmental features and functions and recommend enhancement, rehabilitation and restoration measures to the satisfaction of the municipality and the Nottawasaga Valley conservation Authority with respect to stream and fish habitat management, groundwater seeps, wetlands, amphibian habitat, woodlands and significant wild life habitat. All required enhancement, restoration and rehabilitation measures shall be incorporated in the subdivision agreement and, if necessary for the purposes of environmental features protection, the draft plan shall be modified by red-line revision prior to final approval. The report shall be prepared and assessed for approval on the basis of a net environmental gain approach.
H3*	A construction spills control plan and construction waste and stockpile management plan are to be prepared and implemented through development of the Plan.
H4*	A soils/hydrogeological report to assess soil types and ground water levels relative to establishing elevations for houses and the need for and elevation of a foundation drain discharge system is to be prepared and submitted for approval to the standards and satisfaction of the municipality.
H5*	All disturbed lots or blocks to be left vacant for longer than a specified length of time shall be graded, seeded and maintained to the satisfaction of the municipality.
H6*	An energy efficiency assessment is to be prepared and submitted to the municipality for approval. The Plan shall identify construction and development recommendations to maximize the energy efficiency of the development during and following construction and is to be prepared to the standards and satisfaction of the municipality.
H7*	A water use and sanitary servicing efficiency assessment is to be prepared and submitted to the municipality for approval. The assessment shall identify construction and development recommendations to maximize the water use and treatment system efficiency of the development during and following construction and is to be prepared to the standards and satisfaction of the municipality.
H8*	A rainwater capture and re-use plan is to be prepared and submitted to the municipality for approval in conjunction with the stormwater management plan.

<p>H9*</p>	<p>Prior to any site alteration, the following shall be prepared to the satisfaction of the Nottawasaga Valley Conservation Authority, County of Simcoe and the municipality:</p> <ul style="list-style-type: none"> • a detailed Storm Water Management Report; • a detailed Erosion Control Plan; • a detailed Grading Plan; • a detailed landscaping plan for the storm water ponds and drainage corridor blocks; • a detailed geotechnical report for the storm water ponds; • a detailed channel design for the drainage corridor blocks; and, • a Construction Staging/Phasing Plan. <p>Notwithstanding the submission of the preliminary stormwater management report which demonstrates that there is a feasibility of appropriately controlling the quantity and quality of stormwater for the proposed development, the final stormwater management report shall consider the most current accepted engineering methods for ensuring environmentally sound control of water quality and quantity in effect at the time of submission and as reviewed with the municipality, County of Simcoe and Nottawasaga Valley Conservation Authority.</p> <p>This shall include, but not be limited to, details regarding: natural channel design; stormwater management including plunge pools/bioswales; and a reduced culvert length near the upstream end of the stormwater facility.</p> <p>The final stormwater management plan and works shall ensure that there are no detrimental impacts to adjacent or upstream and downstream lands as a result of the development of the site and alterations to drainage and infiltration.</p> <p>The draft plan, if necessary, shall be revised through red-line revision to the satisfaction of the Nottawasaga Valley Conservation Authority and municipality to give full effect to any recommendations of the above studies. This may include, but not be limited to, altered drainage corridor and stormwater management blocks.</p> <p>The recommendations of these reports shall be implemented, through requirements of the subdivision agreement, as works to be carried out by the Owner at the Owner's expense to the satisfaction of the Nottawasaga Valley Conservation Authority, County of Simcoe and municipality.</p>
<p>H10*</p>	<p>Proper erosion and sediment control measures will be in place prior to any site alteration. All major stormwater management facilities shall be in place prior to the creation of impervious features such as roads and buildings.</p>
<p>H11*</p>	<p>All major storm water management facilities (e.g. storm water ponds) must be in place prior to the creation of impervious areas such as roads and buildings.</p>
<p>H12*</p>	<p>All street and public lighting fixtures shall be dark-sky compliant.</p>

H13*	A community garden plan shall be prepared for Block 200 identifying an area and facilities for a community garden to the satisfaction of the municipality. The community garden shall be established as a separate block which shall be dedicated to the condominiums and lot owners as common property for the purposes of a community garden. This shall include provisions that the community garden shall be maintained by the condominium corporations but shall be open to the residents of the development/community. This may provide for a reasonable use fee (limited to a proportional share of maintenance costs) for use by residents who are not members of the condominium corporations.
I. Urban Design and Architectural Control	
I1*	An architect acceptable to the municipality shall be retained for the purposes of preparation of an architectural control plan to be approved by the municipality. Such firms shall be qualified to take on such work and have demonstrated experience in doing so. The architectural control plan shall have regard to the recommendations and concepts outlined in the design policies of the Official Plan, in effect at the time, and any published design guidelines of the municipality and shall be prepared to the municipality's satisfaction. The architectural firm shall be retained for these purposes at the Owner's expense, and shall perform all services to the satisfaction of the municipality acting reasonably and in good faith. Upon approval by the municipality, these Guidelines will form part of the Subdivision Agreement and shall govern the development of all elements of the subdivision including those elements which are subject to further approvals. The Architectural Control Guidelines shall be administered at the Owner's expense on individual builders of the development by a Control Architect retained by and reporting to the municipality. Prior to the issuance of a building permit, the Control Architect shall certify that the building plans for any building are consistent with the approved Guidelines.
I2*	Notwithstanding minimum front yard requirements generally established in the zoning by-law, staggered front yard depths shall be provided and this shall be incorporated into the architectural control plan.
I3*	A driveway location and control plan shall be prepared and submitted to the municipality for approval on all applicable lots.
J. Culture and Heritage	
J1	An archaeological assessment of the entire development property shall be prepared and submitted to the municipality and Ministry of Culture for the approval. Any impact on identified resources shall be mitigated, through preservation or resource removal and documentation. No demolition, grading or other soil disturbances shall take place on the subject property prior to the municipality and the Ministry of Culture confirming that all archaeological resource concerns have met licensing and resource conservation requirements.
J2	The Owner shall dedicate a block, to the satisfaction of the municipality, for a community facility in Block 197, Block 198 or Block 199. This may be a condition of final approval or may be incorporated into the subdivision agreement at the determination of the municipality upon negotiation of the subdivision agreement.
K. County of Simcoe	

K1*	In addition to the requirements for conveyances of Section C: <ul style="list-style-type: none"> a 0.3 m reserve is to be dedicated to the County of Simcoe across the entire frontage of County Road 124 (including daylighting triangles); and, a 15m X 15m daylight triangle on both sides of each intersection with County Road 124 is to be dedicated to the County of Simcoe.
K2	The Owner shall enter into an agreement with the County of Simcoe with respect to the improvements required to County Road 124 as a result of this development which shall be at the full cost of the Owner.
K3	A copy of the stormwater management report referred to in condition H9 shall be provided to the County of Simcoe for their review and approval as it relates to drainage related to County Road 124.
K4*	County of Simcoe Setback By-law N. 2840 requires that all above and below grade structures and buildings be located a minimum of 10m from the nearest County road allowance, unless otherwise approved by the municipality and County of Simcoe. This includes ponds, stormwater facilities and associated structures.
K5	The Owner shall submit to the County of Simcoe for their review and approval, a final traffic impact study indicating the anticipated traffic volumes generated by the subdivision and their impact upon the highway, including recommendations for widening and intersection improvements.
K6*	A southbound left turn lane will be required on County Road 124 at both of the proposed intersections and shall consist of 50 m of storage, a 40m parallel lane and a 115m taper lane.
K7*	A northbound right turn lane will be required on County Road 124 at both of the proposed intersections and shall consist of an 45m parallel lane and a 60m taper lane.
K8*	The traffic study submitted to satisfy condition K5 may identify additional intersection improvements to be undertaken by the Owner at their expense and such requirements shall be included in the subdivision agreement. Regardless of the requirements established in the review and approval of this study, underground duct work for future traffic signals must be included in the intersection improvements design and construction.
K9*	All entrances to commercial properties shall be from local roads. Not entrances to the county road shall be permitted.
L. Nottawasaga Valley Conservation Authority	
L1	Prior to any site alteration a permit under Ontario Regulation 172/06 shall be obtained from the Nottawasaga Valley Conservation Authority where applicable.
L2	A copy of the reports and plans referred to in condition H9 shall be provided to the Nottawasaga Valley Conservation Authority for their review and approval.
L3	The Owner shall obtain any necessary authorization from the Department of Fisheries and Oceans for any harmful alteration, disruption or destruction of fish habitat.
M. Simcoe County District School Board	

M1*	<p>All offers to purchase and sale shall include the following clauses:</p> <p><i>“Prospective purchasers are advised that the public schools on designated sites in the community are not guaranteed. Attendance at schools in the area yet to be constructed is also not guaranteed. Pupils may be accommodated in temporary facilities and/or directed to schools outside the area.”</i></p> <p><i>“Prospective purchasers are advised that school buses will not enter cul de sacs and that pick up points will not be located within the subdivision until major construction activity has been completed.”</i></p>
M2*	<p>Sidewalks and walkways designed to the satisfaction of the Township of Clearview will be provided within the Plan to connect to existing walkways accessing the Nottawa Elementary School.</p>
N. Simcoe Muskoka Catholic District School Board	
N1*	<p>All offers to purchase and sale shall include the following clauses:</p> <p><i>“Pupils from this development attending educational facilities operated by the Simcoe Muskoka Catholic District School Board may be transported to/accommodated in temporary facilities out of the neighborhood school’s area”.</i></p>
O. Warning Clauses and Notices in Agreement	
O1*	<p>The property title shall note such warning clauses as identified necessary by the municipality and other relevant agencies including, but not limited to, notices relevant to such matters as noise, odours, dust, servicing conditions or restrictions, proximity of public walkways and accesses, fencing, catchbasins and drainage, right of entry, future roads, and development charges.</p>
P. Required Reports, Plans and Drawings	

P1	<p>Notwithstanding any specific or more detailed reference made to required plans or drawings to be prepared and submitted for municipal approved as set out in the above conditions, the following drawings and plans shall be prepared and submitted to the municipality for approval (i.e. the following list is in addition to any of the specific or detailed requirements incorporated in the aforementioned conditions as applicable):</p> <ul style="list-style-type: none">• M-Plan and R-Plan;• General Servicing;• Overall Water Distribution;• Overall Sanitary Drainage;• Overall Lot Grading;• Street Plans;• Traffic Control and Signage Plan;• Stormwater Management;• Naturalized Channel Design;• Trails Plan;• Parkland Development;• Tree Protection and Retention Plan;• Spills Control and Remediation;• Fire Lot Control Plan;• Composite Utility Plan;• Hydro Servicing and Street Light;• Landscape Plans;• Driveway Location and Control Plan;• Community Garden Plan;• Phasing Plan; and• Standard Details.
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<p>P2</p>	<p>Notwithstanding any specific or more detailed reference made to required reports to be prepared and submitted for municipal approved as set out in the above conditions, the following reports shall be prepared and submitted to the municipality for approval (i.e. the following list is in addition to any of the specific or detailed requirements incorporated in the aforementioned conditions as applicable):</p> <ul style="list-style-type: none"> • Urban Design Guidelines and Architectural Control Plans; • Final Comprehensive Servicing; • Final Stormwater Management; • Erosion and Sediment Control; • Hydrogeological/Soils; • Archaeological; • Final Traffic Impact; • Environmental Management Report; • Construction Spills Control Plan; • Construction Waste and Stockpile Management Plan; • Energy Efficiency Assessment; • Water Use and Sanitary Servicing Efficiency Assessment; and • Rainwater Capture and Re-use Plan.
<p>P3</p>	<p>The Owner shall provide the municipality with a copy of any application, drawing, report or agreement submitted to another agency for the purposes of clearing or satisfying these conditions of draft plan approval.</p>
<p>Q. Other Conditions</p>	
<p>Q1</p>	<p>A sign is to be prepared and erected within the limits of the Plan to the satisfaction of the municipality depicting the approved Plan of Subdivision, within 90 days of the date of Draft Plan Approval. This sign shall stipulate that the approval is conditional and that no development shall be permitted until final approval has been granted and that no building permits shall be issued until requirements of the subdivision agreement have been met.</p>
<p>R. Clearance Letters</p>	

<p>R1</p>	<p>Prior to the final approval being given by the Township of Clearview the municipality must receive a clearance letter from the following agencies indicating how conditions applicable to their authority have been completed to their satisfaction.</p> <p>Clearance are required from the following:</p> <ul style="list-style-type: none"> • Nottawasaga Valley Conservation Authority; • Simcoe Muskoka Catholic District School Board; • Simcoe County District School Board; • Telecommunications Service Provider; • Gas Utility Provider; • Hydro Service Provider; • Canada Post; • County of Simcoe; and, • Ministry of Culture.
<p>R2</p>	<p>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. The Nottawasaga Valley Conservation Authority must receive a copy of the executed subdivision agreement prior to the final clearance of the draft plan conditions.</p>
<p>R3</p>	<p>Please be advised that the approval of this draft plan will lapse five (5) years after the date the plan is draft approved. This approval may be extended pursuant to subsection 51(33) of the <i>Planning Act</i>, but no extension can be granted once the approval has lapsed.</p> <p>If final approval is not given to this plan within five (5) years of the draft approval date, and no extensions have been granted, draft approval will lapse under Section 51(32) of the <i>Planning Act</i>, R.S.O. 1990. If the Owner wishes to request an extension to draft approval, a written requested and explanation must be received by the Clerk of The Corporation of the Township of Clearview ninety (90) days prior to the lapsing date. A processing fee, in effect at the time of the request, will apply.</p>

Notes to Draft Approval

1. It is the applicant's responsibility to fulfill the conditions of the draft approval and to ensure that the required clearance letters are forwarded to the Township of Clearview.

2. We suggest you make yourself aware of section 144 of the *Lands Titles Act* and subsection 78(10) of the *Registry Act*.

Subsection 144(1) of the Land Titles Act requires that a plan of subdivision of land that is located in a land titles division be registered under the *Land Titles Act*. Exceptions to this provision are set out in subsection 144(2).

Subsection 78(10) of the *Registry Act* requires that a plan of subdivision of land that is located only in a registry division cannot be registered under the *Registry Act* unless that title of the Owner of the land has been certified under the *Certification of Titles Act*. Exceptions to this provision are set out in clauses (b) and (c) of subsection 78(10).

3. The Township will register the plan, including any approved phases thereof, and the subdivision agreement(s) as provided by subsection 51(26) of The Planning Act R.S.O 1990 against land to which it applies, as notice to prospective purchasers.

4. The Township of Clearview will require the final plan of subdivision registration plans be submitted as follows:

- 4 sets of mylars
- 4 sets of paper prints (1 with AOLS stickers)
- 1 computer disk

5. The final plan approved by the Township of Clearview must be registered within 30 days or the Township will withdraw its approval under subsection 51(59) of the Planning Act, R.S.O. 1990.

6. All measurements in subdivision final plans must be presented in metric units.

DRAFT PLAN OF PROPOSED SUBDIVISION

PART OF LOT 34 AND 35, CONCESSION 8
(GEOGRAPHIC TOWNSHIP OF NOTTAWASAGA)
TOWNSHIP OF CLEARVIEW
COUNTY OF SIMCOE

OWNER'S CERTIFICATE

I HEREBY AUTHORIZE MACNAUGHTON HERMSEN BRITTON CLARKSON PLANNING LIMITED TO SUBMIT THIS PLAN FOR APPROVAL.
DATE: Mar 18/11
CLEARVIEW DEVELOPMENTS INC.

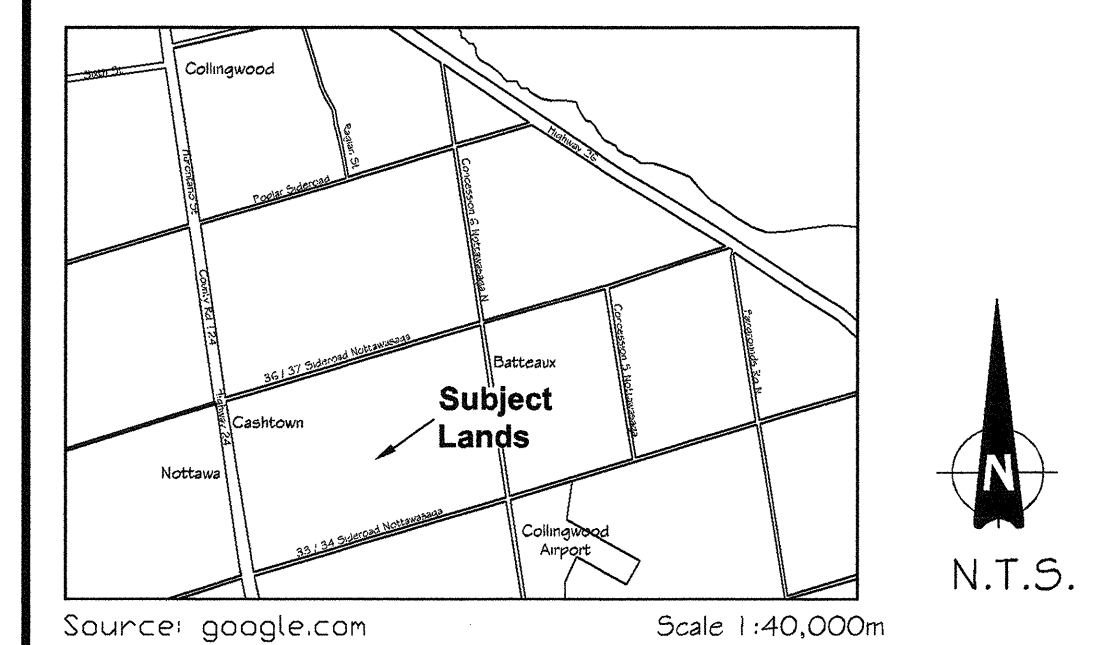
SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LAND TO BE SUBDIVIDED ON THIS PLAN AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.
DATE: March 17th 2011
P. HOFMANN
I.M. PASTUSHAK LIMITED

ADDITIONAL INFORMATION REQUIRED UNDER SECTION 51(17) OF THE PLANNING ACT R.S.O. 1990, c.P. 13, AS AMENDED

- A. AS SHOWN
- B. AS SHOWN
- C. AS SHOWN
- D. AS SHOWN
- E. AS SHOWN
- F. AS SHOWN
- G. AS SHOWN
- H. MUNICIPAL WATER SUPPLY
- I. LOAM
- J. AS SHOWN
- K. ALL SERVICES AS REQUIRED
- L. AS SHOWN

KEY PLAN



AREA SCHEDULE

DESCRIPTION	LOTS/BLKS	AREA (ha.)	UNIT COUNT
RESIDENTIAL LOTS	1 - 192	12.541	192
CONDOMINIUM RESIDENTIAL BLOCKS	193 - 195	13.541	
RESIDENTIAL CONDOMINIUM UNITS			278
MIXED USE	196 - 199	5.604	
RESIDENTIAL CONDOMINIUM UNITS			30
RURAL/RURAL - INDUSTRIAL/OPEN SPACE	200	19.840	
OPEN SPACE	201	17.241	
PARK	202	2.609	
WALKWAYS	203 - 207	0.175	
DRAINAGE/TRAIL	212 - 216	3.224	
STORMWATER MANAGEMENT FACILITY	217	6.336	
FUTURE DEVELOPMENT	218	0.011	
0.3m RESERVE	219	0.001	
ROADS	A - E	7.603	
TOTAL	219	89.109	500

Approval Stamp

NOTES:
CONTOUR INTERVAL: 1.0 METRE
ALL DIMENSIONS ARE IN METRES UNLESS OTHERWISE SHOWN.

March 6, 2011
Nov 16, 2009
May 25, 2009

SCALE 1:2000
DRAWN: A.S. DATE

