

Report PDR-PCD-01-15

To: Members of Planning and Community Development Committee
From: Scott Taylor, Senior Planner
Meeting Date: December 16, 2014
Subject: **Kerbel Plan of Condominium 42-CDM-2008-11 and Niagara Escarpment Plan Amendment PG 203-14**
Status: Recommendation adopted by Committee as presented per Resolution PCD04-15; Endorsed by County Council January 6, 2015 per Resolution CC23-15;

Recommendation(s)

WHEREAS the County has received plan of condominium application 42-CDM-2008-11 for lands described as Lots 7 and 8, and Part of Lot 9, Concession 2, geographic Township of Euphrasia, Municipality of Grey Highlands;

AND WHEREAS Municipality of Grey Highlands Official Plan Amendment 18 has been approved by the County of Grey;

AND WHEREAS the corresponding Development Permit applications have been approved by the Niagara Escarpment Commission;

AND WHEREAS the Niagara Escarpment Commission has recently requested comments on proposed Niagara Escarpment Plan Amendment PG 203-14 for these same subject lands;

NOW THEREFORE BE IT RESOLVED THAT Report PDR-PCD-01-15 be received;

AND THAT in consideration of the draft plan of condominium and the matters to have regard for under Subsection 51(24) of the Planning Act RSO 1990 as amended, the Grey County Planning and Community Development Committee hereby approves plan of condominium File 42-CDM-2008-11, subject to the conditions set out in the Notice of Decision;

AND THAT the County support proposed Niagara Escarpment Plan Amendment PG 203-14 to allow for the approval of a five-unit plan of condominium on the subject lands;

AND THAT staff be directed to forward this report onto the Niagara Escarpment Commission as the County of Grey's comments on Niagara Escarpment Plan Amendment PG 203-14.

Background

The subject property and application has a significant history to it. In the late 1980's a Niagara Escarpment Plan Amendment (NEPA) was proposed to allow for multiple dwelling units to be permitted on the property in specific locations around the lake. On February 23, 1990, NEPA 19 was approved by an Order-In-Council to permit 8 dwelling units on the subject lands. Although the NEPA approval has been in place for a number of years, the property has not been 'built-out' to the eight unit capacity.

In 2008 Dr. Jeffrey Kerbel, Diana Kerbel, Sharon Meyer and Howard Meyer came forward with an official plan amendment application to the Municipality of Grey Highlands Official Plan, and a corresponding plan of condominium application (42-CDM-2008-11) to the County of Grey, to permit an 8 unit plan of condominium on the subject lands. An official plan amendment to the County Official Plan was not needed as the County Plan generally defers to the detailed policies of the Municipal Official Plan and the Niagara Escarpment Plan for these lands. It should be noted that the subject applications were submitted prior to the completion of the County Official Plan Five Year Review Official Plan Amendment (OPA) 80. Consequently the applications are being tested against the County Official Plan as was approved by the Ontario Municipal Board in 2000.

The subject lands remain under development control through the Niagara Escarpment Commission (NEC), and as such corresponding development permit applications were also applied for at the NEC. The Commission approved a modified version of the development permit applications G/R/2013-2014/9015 on April 23, 2014, to permit up to 5 dwelling units on the subject lands. A note to the Commission's approval of the development permits also speaks to the Niagara Escarpment Plan being amended from the original 8 unit approval, to the new revised 5 unit approach.

Subsequent to the approval of the development permit applications, and noted within this approval, is the introduction of Niagara Escarpment Plan Amendment PG 203-14, which will amend the provisions of NEPA 19 to only allow for five residential units on-site, rather than the previous eight unit approval. The NEC is currently seeking comments on proposed NEPA PG-203-14. NEC staff have confirmed that the passing of NEPA PG-203-14 is not required for the County to contemplate an approval on County file 42-CDM-2008-11.

The OPA to the Municipality of Grey Highlands Official Plan was approved by the County on November 12, 2014. Similar to the development permit applications the County's approval reflected the revised five unit approach.

In support of the subject applications the developer submitted a number of technical studies and addendums including a planning report, an archaeological assessment, Minimum Distance Separation (MDS) calculations, stormwater management report, a karst topography assessment, an environmental impact assessment, an assimilative capacity study, and a draft plan of condominium. Materials related to the accompanying proposed plan of condominium application, including a copy of the draft plan of condominium, can be found on the County website at the below link:

[Link to the County's Website](#)

Surrounding the subject lands are a mixture of forested, farmed and residential lands (see map one below). The subject lands are approximately 200 hectares in size and completely encompass Duncan Lake. Sideroad 10D borders the subject lands to the north, while 3rd Line A borders the subject lands to the west.

The 5 dwelling units will gain access off of an internal condominium road which gains its access off of Sideroad 10D, with a secondary access off of 3rd Line A, both of which are municipally maintained roads. The subject lands are east of the Beaver Valley, roughly 4 kilometres northeast of Kimberley. Of the 5 total dwelling units being requested, two dwelling units already exist on-site. An existing private 'ring-road' around the lake exists currently on-site.

Map 1 – Air Photo of the Subject Property



A public meeting was held for the official plan amendment and plan of condominium applications on May 3, 2010.

Following the unit reduction revision to the applications, the County re-circulated a request for comments on August 8, 2014, with respect to the modified five unit proposal to agencies and members of the public who had requested notice of decision or meetings on OPA 18 or the plan of condominium application.

Public and Agency Comments Received

As part of the planning application process, the following members of the public submitted written comments or made verbal submissions at the public meeting;

- Friends of Duncan Lake,
- Vojka Glazar,
- Ann Ziegler and Robb McGuigan,
- Shirley Daly and Richard Frisby,
- Joan and John Merriam,
- Carolyn Pitts,
- Brian Damude,
- Terry Hughes,
- Sally M. Leppard,
- Rick Hall,
- Tom Jopling,
- Rachel Frisby,
- Cathy Little,
- Douglas Nadler,
- Johanna Noble,
- Sheila Thorson,
- Michael Abercrombie,
- Brian Luinstra – Huron Geosciences for the Friends of Duncan Lake,
- Joan Nuffield – Friends of Kolapore,
- Robert Patrick – Coalition On the Niagara Escarpment (CONE),
- Peggy Hutchison,
- Norman J. Wingrove – Blue Mountain Watershed Trust,
- Evelyn Ledsham and Donald Vaillancourt,
- Malcolm Kirk – Escarpment Biosphere Conservancy,
- Karen Rowe,
- Richard and Aileen Kemerer,
- Ryan Hayhurst & Laura Eusden – Niagara Escarpment Organics
- Chuck and Greta Simonato,
- Peter Owen,
- Amanda Bernhard,
- Alois and Renate Reissler,

- Antonia and Richard Andrews,
- Beverly Marchalle,
- Mesaco Holdings Inc.
- Bob Hann,
- Leslie and Bill McMullen,
- Carole Hill and Jim Lunt,
- Douglas Faughan,
- Cathy Innes,
- John and Clare Capon,
- Mike Lapenna,
- Heather Kehoe,
- Amanda Knight and Andreas Vergut,
- John and Diane Moody,
- Doreen Seiggel,
- Ralph McGuire,
- Barbara Dufton,
- Simon Frisby, and
- A petition signed by multiple members of the public.

It should also be noted that there were some letters which were signed by multiple signatories, some of which were unreadable based on the signatures.

A general summary of the concerns raised is as follows;

- impacts on Duncan Lake,
- concerns over historic pollution of Duncan Lake,
- increased pleasure craft use on the lake,
- concerns surrounding over-population of the lake,
- inadequate setbacks to the lake,
- impacts on the natural environment,
- impacts on endangered, rare or threatened species,
- the need for a full environmental impact study,
- concerns surrounding karst topography on-site,
- the need for a full karst study,
- impacts on ground and surface water,
- impacts on neighbouring wells and the surrounding aquifer,
- concerns over the size of the units being proposed,
- concerns over the number of people using the units, the property and the lake,
- concern over the number of units being proposed,
- concerns that the units could become rental resort units,
- concerns over future expansion,
- concerns over noise and motorized vehicle use on-site,

- concerns over degradation to the Niagara Escarpment,
- concerns over the need for this development in this location,
- impacts on neighbouring farm operations,
- concerns over the historical process surrounding NEPA 19,
- Grey Highlands and the County should not have to 'follow suit' on NEPA 19,
- concerns over the condominium road and the road standard needed for this future road,
- concerns over new septic systems being proposed, and
- concerns that the development will affect property values.

It should be noted that the majority of the above-noted comments are in relation to the eight unit proposal, rather than the revised five unit proposal.

As part of the planning application process comments were also received by the following;

- Grey Sauble Conservation Authority (GSCA) ,
- Ministry of the Environment and Climate Change (MOECC),
- Ministry of Natural Resources and Forestry (MNRF),
- Ministry of Municipal Affairs (MMAH),
- Municipality of Grey Highlands (multiple departments and municipal peer reviewer R.J. Burnside & Associates Limited),
- Historic Saugeen Metis,
- Metis Nation of Ontario,
- Hydro One,
- Bell,
- Rogers Communications,
- Bruce-Grey Catholic District School Board,
- Union Gas, and
- Niagara Escarpment Commission.

A number of the above-noted bodies initially expressed concerns with the proposed development. However, through addendum submissions, and the scaling back of the subject applications to the five unit proposal, there does not appear to be any further outstanding concerns from any of the above-noted agencies, utilities or groups. Agency comments have resulted in extensive conditions of approval on the Niagara Escarpment development permits. Many of the development permit conditions will also translate to recommended conditions of draft approval on the plan of condominium application, which have been included in the attached notice of decision and draft conditions.

Planning Policy Analysis

Planning decisions in Ontario must have regard for matters of Provincial Interest under the *Planning Act*, be consistent with the Provincial Policy Statement (PPS) 2014, and conform to the goals and objectives of any official plans governing the lands. In this case the Niagara Escarpment Plan, the County of Grey Official Plan and the Municipality of Grey Highlands Official Plan are all applicable to the subject lands.

The Planning Act

Section 1.1 of the *Planning Act* outlines the purposes of the Act. The purposes of the Act promote sustainable economic development in a healthy natural environment within a land use planning system, led by provincial policy and matters of provincial interest. Section 2 of the *Planning Act* outlines matters of Provincial Interest, which decision makers must be consistent with when carrying out their responsibilities under the Act. The most relevant matters of provincial interest to this application are: (a) the protection of ecological systems, including natural areas, features and functions; (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems, (h) the orderly development of safe and healthy communities, (j) the adequate provision of housing, including affordable housing, and (p) the appropriate location of growth and development.

- (a) Impacts on the natural environment have been minimized through the environmental impact assessment and its addendums, which were submitted with the plan of condominium application. A 30 metre setback to the banks of Duncan Lake is being required. Consultation with the GSCA, NEC, MOECC, and MNR have also aided in minimizing impacts in this regard. Additional implementation details are being addressed as part of the conditions of approval on the Niagara Escarpment development permits to help ensure adequate environmental protection. A water quality sampling program is also being required to obtain baseline data for future comparison and monitoring purposes, which will be done to the satisfaction of the MOECC and the NEC.
- (f) The subject development will be serviced by private individual on-site water and individual or communal septic services. A condition of approval on the development permit applications will require on-site tertiary treatment septic systems, with an add-on treatment unit to precipitate soluble phosphorus.
- (h) The subject development is within the 'Niagara Escarpment Plan Area' designation in the County Official Plan. Within this land use designation the County Plan defers to the detailed land use policies found within the Niagara Escarpment Plan and the Municipal Official Plan. It should be noted that NEPA 19 did permit this level of development, and the proposed NEPA PG

203 14 would scale this development back to the five unit proposal being contemplated by the plan of condominium application.

Furthermore, although the current County Official Plan no longer permits rural plans of subdivision, it should be noted that this application was submitted under the previous County Official Plan, which did contemplate rural plans of subdivision. In any event the debate is somewhat academic as although the lands are not within a designated settlement area; they are also not within the County's 'Rural' designation. The subject lands are designated as 'Niagara Escarpment Plan Area' in the County Official Plan.

The proposed development, with the accompanying conditions of draft approval, conforms to NEPA 19 and the proposed NEPA PG 203 14.

The draft plan of condominium would also conform to the recently approved Municipality of Grey Highlands OPA 18.

- (j) The proposed development would offer a recreational form of housing. It is highly unlikely that any of the housing being proposed would fall within the affordable range.
- (p) The subject lands are located outside of a designated settlement area in the County Official Plan. The County Plan does contemplate some limited residential development outside of settlement areas in the County. NEPA 19 gives explicit permission for residential development in certain locations on the subject property. Grey Highlands OPA 18 defers to the detailed locations as approved in the development permit applications for the unit locations on the subject property. The proposed units are contemplated by the Niagara Escarpment Plan and the County Official Plan.

The subject plan of condominium application, with the attached conditions of draft approval, would have regard for matters of Provincial Interest under *The Planning Act*.

Provincial Policy Statement

A key goal of the PPS is directing new growth to serviced settlement areas, and promoting the vitality of such settlement areas through re-development and intensification. The PPS also has policies pertaining to rural areas and lands. Section 1.1.5.2(c) of the PPS does permit limited residential development on rural lands within municipalities.

Section 1.6.6.1 of the PPS outlines the servicing hierarchy to be utilized in the Province of Ontario. At the top of the hierarchy are municipal water and sewer services. Where municipal water and sewer systems are not feasible there are permissions for private communal systems or individual on-site private systems. The proposed development

will be serviced via individual on-site systems, with the possibility for a private communal sewage disposal system. Through detailed background reports, and MOECC review, it has been demonstrated that site conditions are suitable for this type of servicing.

Section 2.1 of the PPS speaks to the long-term protection of significant natural heritage features. There have been a number of addendums to the Environmental Impact Assessment, in addition to detailed review by the MNRF, on this application. With the appropriate conditions applied to this development, it would appear that the development will be consistent with this section of the PPS.

Section 3.1 of the PPS directs development away from areas of natural hazard. Input was received from the GSCA at multiple points throughout the life of these applications, and the GSCA is generally satisfied with the current building envelopes.

It can be concluded that the proposed plan of condominium application, with the attached conditions of draft approval, is consistent with the PPS.

Niagara Escarpment Plan

The Niagara Escarpment Plan already contemplates this development through the previously approved NEPA 19. Furthermore the NEC has approved development permits G/R/2013-2014/9015 – 9019 to permit the five residential units. As noted above the NEC is now proposing to amend the provisions of the Niagara Escarpment Plan, which were granted through NEPA 19, to reduce the total permitted units on site to five residential units, to align with the development permit approvals. In this regard there would not appear to be any conflict with the policies of the Niagara Escarpment Plan, the proposed NEPA PG 203 14, or the development permit approvals.

County of Grey Official Plan

The subject property is designated as 'Niagara Escarpment Area' in the County Official Plan. As noted above, the County Plan generally defers to the Niagara Escarpment Plan and the Municipality of Grey Highlands Official Plan within this land use designation. The corresponding Grey Highlands OPA 18 has been approved by the County permitting the five residential units on-site.

The County Official Plan also identifies a 'Special Policy Area' (karst) on a portion of the subject lands. A karst study was completed by the proponent and reviewed by review agencies. Subject to certain conditions of approval which have been attached to the development permit applications and the draft plan conditions attached to this report; it would appear impacts on the karst environment have been mitigated.

Schedule B to the current County Plan, which is not in effect for this application, identifies some 'Significant Woodlands' and 'Other Identified Wetlands' on the subject

lands. As noted above an Environmental Impact Assessment and addendum were prepared in support of this development, and supported by review agencies.

In general the County Plan mimics the policy matters covered under the review of the *Planning Act* and the PPS.

The proposed plan of condominium application, with the attached conditions of draft approval, conforms to the goals and objectives of the County of Grey Official Plan.

Financial / Staffing / Legal / Information Technology

Considerations

At this point there are no financial, staffing, legal or Information Technology considerations beyond those normally encountered in processing a plan of condominium application. The County has collected the requisite fee for the application.

Should the application be appealed to the Ontario Municipal Board (OMB) additional financial, legal, or staff resources may be required. However it should also be noted that unless the County refuses the application, the County would not by default be a party to an OMB hearing on this matter, as per the County's OMB attendance policy.

Link to Strategic Goals / Priorities

Action 2.10, under Goal 2 of the County's Strategic Plan requires the continued management of growth and the application of sound land use planning principles. Through a lengthy review process, with a number of technical studies and a significant amount of public input, there have been changes made to this application which better align it with the County's strategic goals. Subject to the conditions placed on the applications through the development permit applications and the attached draft plan conditions, the proposed development would appear to align with the above-noted goal.

Attachments

Notice of Decision and Draft Conditions

Respectfully submitted by,

Scott Taylor, MCIP, RPP
Senior Planner

Director Sign Off: *Randy Scherzer*

Applicant: Dr. Jeffrey Kerbel, Diana Kerbel, Sharon Meyer, and Howard Meyer File No.: 42-CDM-2008-11
Municipality: Municipality of Grey Highlands
Location: Lots 7 and 8, and Part of 9, Concession 2, (Geographic Township of Euphrasia)
Date of Decision: Date of Notice:
Last Date of Appeal:

NOTICE OF DECISION

On Application for Approval of Draft Plan of Condominium

under Subsection 51(16) of the Planning Act

Draft Plan Approval, is hereby given by the County of Grey for the application regarding the above noted lands. A copy of the Decision is attached.

WHEN AND HOW TO FILE A NOTICE OF APPEAL

Notice to appeal the decision to the Ontario Municipal Board must be filed with the County of Grey no later than 20 days from the date of this notice, as shown above.

The notice of appeal should be sent to the attention of the Director of Planning and Development of the County, at the address shown below and it must,

- (1) set out the reasons for the appeal, and
- (2) be accompanied by the fee prescribed under the Ontario Municipal Board Act.

WHO CAN FILE A NOTICE OF APPEAL

Only individuals, corporations or public bodies may appeal decisions in respect of applications for approval of draft plans of condominium 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.

RIGHT OF APPLICANT OR PUBLIC BODY TO APPEAL CONDITIONS

The applicant or any public body may, at any time before the final plan of condominium is approved, appeal any of the conditions imposed by the County of Grey to the Ontario Municipal Board by filing with the Director of Planning and Development of the County, or her delegate, a Notice of Appeal.

HOW TO RECEIVE NOTICE OF CHANGED CONDITIONS

The conditions of an approval of draft plan of condominium 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 the approval of draft plan of condominium if you have either,

- (1) made a written request to be notified of the decision to give or refuse to give approval of draft plan of condominium, or
- (2) make a written request to be notified of changes to the conditions of approval of the draft plan of condominium.

GETTING ADDITIONAL INFORMATION

Additional information about the application is available for public inspection during regular office hours in the Planning & Development Office at the address noted below or by calling 519-376-2205 or 1-800-567-GREY.

Applicant: Dr. Jeffrey Kerbel, Diana Kerbel, Sharon Meyer, and Howard Meyer File No.: 42-CDM-2008-11
Municipality: Municipality of Grey Highlands
Location: Lots 7 and 8, and Part of 9, Concession 2, (Geographic Township of Euphrasia)
Date of Decision: Date of Notice:
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ADDRESS FOR NOTICE OF APPEAL
County of Grey
595-9th Avenue East
OWEN SOUND, Ontario N4K 3E3
Attention: Mr. Randy Scherzer, MCIP RPP
Director of Planning & Development

Applicant: Dr. Jeffrey Kerbel, Diana Kerbel, Sharon Meyer, and Howard Meyer **File No.:** 42-CDM-2008-11
Municipality: Municipality of Grey Highlands
Location: Lots 7 and 8, and Part of 9, Concession 2, (Geographic Township of Euphrasia)
Date of Decision: **Date of Notice:**
Last Date of Appeal:

Plan of Condominium File No. 42-CDM-2008-11 has been granted draft approval. The County's conditions of final approval for registration of this draft plan of condominium are as follows:

- | No. | Conditions |
|-----|--|
| 1. | That this approval applies to the draft Plan of Vacant Land Condominium File No. 42-CDM-2008-11, prepared by Rudy Mak, Ontario Land Surveyor, dated August 5, 2014 with a total of five (5) residential units, and common elements, including an internal road, on lands described as Lots 7 and 8, and the West Half of Lot 9, Concession 2 (geographic Township of Euphrasia) in the Municipality of Grey Highlands, County of Grey. |
| 2. | That the proposed internal road be named to the satisfaction of the Municipality of Grey Highlands. |
| 3. | As a requirement of development, the Owner will be responsible for entering into a Subdivision Agreement with the Municipality of Grey Highlands to satisfy all requirements, financial or otherwise of the Municipality. |
| 4. | That the Subdivision Agreement between the Owner and the Municipality of Grey Highlands shall be registered against the lands to which it applies prior to the registration of the Plan of Condominium. This shall be completed at the Owner's expense. |
| 5. | That the Owner shall convey 5% of the land and/or cash in lieu for Parkland Dedication purposes to the Municipality for parkland and/or trail purposes, to be negotiated. |
| 6. | That the Subdivision Agreement contain clauses recognizing that should human remains or other cultural heritage materials or features be discovered on-site that the requirements of the Ontario Heritage Act shall be adhered to. |
| 7. | That all easements and or agreements for drainage, gas line or utility purposes shall be dedicated to the appropriate authority or public authority. Should the relocation of any utilities be required as a result of this development, that all associated costs be at the Developer's expense. |
| 8. | That the construction and future maintenance including snow removal be confirmed to be adequate for emergency services and that a clause be incorporated into the Subdivision Agreement, to the satisfaction of the Municipality. |
| 9. | That prior to final approval, the developer implements the recommendations |

Applicant: Dr. Jeffrey Kerbel, Diana Kerbel, Sharon Meyer, and Howard Meyer **File No.:** 42-CDM-2008-11
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Date of Decision: **Date of Notice:**
Last Date of Appeal:

contained in the Environmental Impact Study prepared by Azimuth Environmental Consulting dated March 2011 and amended January 2013 and that final lot design should indicate the size of the lots to be developed in order to determine if additional hydrogeological testing of the proposed wells will be required, that the individual wells for each building site be installed and tested for quality and quantity prior to the issuance of a Building Permit for the respective sites and that these recommendations and all recommendations of the report be incorporated into the Subdivision Agreement, to the satisfaction of the Municipality. Should changes to the lot sizes be required a red-line revision to the draft plan of condominium may be required. The lot sizes shall be in accordance with Niagara Escarpment Commission Development Permits G/R/2013-2014/9015-9019, or any subsequent successors thereto.

10. That the Subdivision Agreement includes provisions for the utilization of fully raised tertiary treatment system(s), with an add-on treatment unit to precipitate soluble phosphorous, meeting the Ontario Building Code tertiary effluent criteria, and that the sewage system(s) shall maintain a minimum 30 metre setback from the high water mark of Duncan Lake and the banks of any watercourse.
11. That wording be included in the Subdivision Agreement to ensure that the development envelopes for all structures, including septic systems, will maintain a minimum 30 metre setback from the lake and the riparian wetland features to the satisfaction of the Grey Sauble Conservation Authority.
12. That wording be included in the Subdivision Agreement to ensure that appropriate sediment and erosion control are utilized and maintained to ensure that no sediment and/or other deleterious materials enter Duncan Lake or any surrounding watercourse and/or water body to the satisfaction of the Grey Sauble Conservation Authority.
13. That property is within the area of Niagara Escarpment Development Control and therefore any development shall be undertaken in accordance with Development Permits G/R/2013-2014/9015-9019, or any subsequent successors thereto, to the satisfaction of the Niagara Escarpment Commission; or wording is incorporated into the Subdivision Agreement to the satisfaction of the Niagara Escarpment Commission, which addresses Development Permits G/R/2013-2014/9015-9019.
14. That prior to final approval the County is advised in writing by the Grey Sauble Conservation Authority how Conditions 11 to 12 have been satisfied.
15. That prior to final approval the County is advised in writing by the Niagara Escarpment Commission how Condition number 13 has been satisfied.

16. That prior to final approval the County is advised in writing by the Municipality of Grey Highlands how Conditions 2 to 16 have been satisfied.
17. If final approval is not given to this plan within three 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 from the local municipality must be received by the County of Grey Director of Planning, 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.
18. That the owner, submit to the County of Grey with a computer disk containing a digitised copy of the Final Plan in a format acceptable to the County of Grey.

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:
Municipality of Grey Highlands
206 Toronto Street South, Unit 1
P.O. Box 409
Markdale, ON, N0C 1H0

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

Niagara Escarpment Commission
99 King Street East
Thornbury, ON, N0H 2P0

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 condominium 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 condominium final plans must be presented in metric units.
- 7. A portion of the subject lands are affected by Ontario Regulation 151/06: Development, Interference with Wetlands and Alteration to Shorelines and Watercourses regulation. As such permits are required from the Grey Sauble Conservation Authority prior to site alterations and/or construction within the affected area.
- 8. 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.