

MIDHURST DRAFT PLAN OF SUBDIVISION
CONDITIONS OF APPROVAL
SP-T-1001: Bell-Coutts-Rusdor

No. Conditions

DRAFT PLAN

1. This approval applies to the proposed draft plan of subdivision located at E1/2 LT 13 CON 3 Vespra except Forced Rd; Springwater, PT LT 13 CON 3 Vespra as in RO753919, T/W RO753919; Springwater, and PT LT 14 CON 3 Vespra PT 1, 51R27412; Township of Springwater, County of Simcoe, prepared by Malone Given Parsons Ltd. dated June 16, 2014, which includes the following:
 - 569 Low Density Single Detached Residential Lots (Lots 1-569)
 - 341 Townhouse Residential Units (Blocks 570-614)
 - 1 Block for Mixed Use (Block 615)
 - 1 Block for Public Elementary School (Block 616)
 - 4 Blocks for Parks (Blocks 617-620)
 - 1 Block for Parkette (Block 621)
 - 2 Blocks for Open Space (Block 622-623)
 - 1 Block for Environmental Protection Area (Blocks 624)
 - 1 Block for Environmental Protection 10m Buffer (Block 625)
 - 2 Blocks for Walkways (Blocks 626-627)
 - 1 Block for Servicing (Block 628)
 - 2 Blocks for Road Widening (Block 629-630)
 - 7 Blocks for 10m Laneways (Blocks 631-637)
 - 1 Block for Future Road (Block 638)
 - 16 Streets (Streets "A" to "P")

HEADINGS

2. The headings inserted in these draft plan conditions are inserted for convenience only and shall not be used as a means of interpreting these draft plan conditions.

TOWNSHIP OF SPRINGWATER

AGREEMENTS and FINANCIAL REQUIREMENTS

3. It is anticipated that the full build-out of the Secondary Plan Area will occur over a long-term planning horizon. The progression of development within the Secondary Plan Area will be based on a sustainable and logical progression of development in accordance with Provincial, County, and Township Official Plan policies and the Long Term Financial Plan for the Township. Prior to any further approvals for the subject development, the Township shall be satisfied that all agreements are executed to ensure that required community facilities, recreational facilities, schools, emergency facilities along with required infrastructure and public facilities are available and implementable in a timely and cost effective manner such that there is no financial impact on the Township.

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4. The Owner shall enter into a Subdivision Agreement with the Township of Springwater (“**Township**”) in which the Owner agrees to satisfy all requirements and conditions of the Township, financial and otherwise, to the satisfaction of the Township and subject to the direction and recommendations contained within the following studies, such that there are no financial impacts to the Township.
 - Development Charges Study Update
 - Long Range Financial Plan
 - Library and Facilities Assessment
 - Parks and Recreational Master Plan Update
 - Fire and Emergency Services Master Plan
 - Community Improvement Plan (CIP)
5. In order to ensure conformity with the provisions of the Midhurst Secondary Plan and to ensure that future growth can proceed in a financially sustainable manner, as demonstrated in the Township’s Long Range Financial Plan, property owners are required to enter into agreements or make satisfactory arrangements with the Township for the provision of funds including but not limited to schools, parks, roads/road improvements, external services, sewer and water infrastructure, community facilities and stormwater management facilities. Draft plan conditions will not be released where funds are not secured to Council’s satisfaction to provide for the services to support development.
6. In order to secure for the timely and financially sustainable provision of the services required to support development, property owners will be required to enter into one or more agreements, which may include a developer cost sharing agreement as a condition of approval for the development of their lands. Such agreements will provide for the equitable distribution of the associated costs of the aforementioned community and infrastructure facilities, including that of land. The Township will not be a party to any developer cost sharing agreements amongst property owners but will require satisfactory proof that property owners have fulfilled their commitments under such agreements.
7. Prior to any further approvals for the subject development, an updated development charges by-law must be in full force to ensure that services required to support development within the Midhurst Secondary Plan area are provided for in a manner that is financially sustainable to the Township and shall be based on the Long Term Financial Plan that is to be approved by Council. The Long Term Financial Plan shall include an assessment of: infrastructure cost requirements to accommodate the Secondary Plan development including phasing; timing of infrastructure emplacement; and methods of financing including but not limited to an area specific or updated Township wide Development Charges By-law and developer front-ending or accelerated payment agreements.
8. Prior to any further approvals for the subject development, the Township shall be satisfied as to availability of water and sewer capacity to accommodate the subject development. This may require front-ending or accelerated payment agreements or other tools which ensure that funding is in place to deliver these services in a timely manner.

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9. The Subdivision Agreement shall be registered by the Township against the lands to which it applies as provided under the *Planning Act*, prior to final approval of the plan of subdivision. A copy of the executed Subdivision Agreement shall be provided to the County of Simcoe (“**County**”).
10. Prior to final approval, an agreement between the Midhurst Landowners Group, Township and County, if necessary, shall be executed which facilitates the construction of all required infrastructure (water, wastewater, transportation) being recommended through the Municipal Class Environmental Assessment (E.A) process for the Midhurst Secondary Plan Area which includes, but is not limited to responsibilities, costs, securities and funding mechanisms also subject to the recommendations of the Long Range Financial Plan.
11. The Owner shall agree in the Subdivision Agreement to execute the Midhurst Landowners Group Cost Sharing/Funding Agreement(s), and that prior to final approval, the Owner provide to the Township confirmation from the Trustee that it is in good standing according to those agreement(s).
12. The Owner shall agree in the Subdivision Agreement that all applicable Development Charges will be submitted in accordance with the Township’s Development Charges By-law, the County of Simcoe Development Charges By-law and Education Charges By-law subject to any applicable development charge credits and any other agreements with the Township and County.
13. The Owner shall agree in the Subdivision Agreement to pay all processing and administration fees in accordance with the policies and by-laws in effect at the time payment is due.
14. The Owner shall agree in the Subdivision Agreement to enter into an external works agreement, where applicable, prior to the final approval of the phase of subdivision to which said external works agreement relates.
15. Prior to any site alteration including grading or subdivision servicing, the Owner shall enter into a Subdivision Agreement registered on title, satisfactory to the Township or any other appropriate authority, as applicable, before any development within the plan may proceed. Pre-servicing agreements may also be considered for core infrastructure (sewage treatment, water treatment, external roads) at the sole discretion of the Township subject to the satisfaction of adequate conditions of approval.
16. The Subdivision Agreement shall be executed and registered on title before final approval and may deal with matters including, but not limited to, the following to the satisfaction of the applicable authorities:
 - a) Engineering works which include municipal services;
 - b) Professional services including preparation of reports, plans, inspections, certifications and approval;

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- c) Hydrogeological Report;
- d) Stormwater Management Reports and Plans;
- e) Functional Servicing Report;
- f) Archaeological Assessments;
- g) Traffic Impact Assessment;
- h) Environmental Impact Studies;
- i) Storm sewers, road widening and reconstruction (as required for the particular phase of development);
- j) Neighbourhood Design Plan;
- k) Construction Mitigation Plan;
- l) Securities, cash contributions, development charges;
- m) Emergency services and provision of firefighting equipment;
- n) Land dedications and easements, reserves;
- o) Fencing, buffer blocks and plantings;
- p) Hydro, Utilities;
- q) Grading seeding and/or sodding;
- r) Parks/Trails/Walkways;
- s) Tree Preservation Plans (hedgerows, trails, parks, commercial development);
- t) Warning clauses, signed entry features, signage to identify (EP) limits on applicable residential lots.

17. Prior to any site alteration, final approval, the Owner shall submit all supporting materials as required by the Township or any applicable authority prepared by a qualified professional and shall agree to implement the recommendations of the reports, studies and plans in the subdivision agreement to the satisfaction of the Township and any other applicable authority.

LAND TRANSFERS AND EASEMENTS

18. The Owner shall agree in the Subdivision Agreement that such land transfers/conveyances and easements as may be required for roads, trails, park land, open space, environmental protection lands, walkways, access, drainage, servicing (water and sanitary), stormwater management, utilities, and construction purposes shall be designated to the satisfaction of, and granted to the appropriate agencies and authorities, free and clear of all encumbrances, save and except such encumbrances as may be permitted by the Township in its sole discretion, to the satisfaction of the Township.

ZONING

19. Prior to final approval, the Township shall confirm to the Approval Authority that the lands within this Draft Plan of Subdivision have been appropriately zoned in a zoning by-law that has come into effect in accordance with the provisions of the *Planning Act* R.S.O., 1990, which reflects the layout of the proposed final M-Plan.

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20. In accordance with Section 5.9 f) and 5.10 g) of the Secondary Plan, Site Plan Control is required for all High Density Mixed Use Blocks and Laneway Townhouse Blocks developed by way of Plan of Condominium not including street Townhouse Blocks.
21. Where a Holding (“H”) symbol appears on the zoning schedule, Council shall only consider removal of the “H” symbol upon the Township being satisfied that adequate water, wastewater, stormwater, transportation, community and emergency services and facilities are, or can be made available to service those lands, and that the following have been completed or addressed to the satisfaction of the Township:
- a) Completion of the Municipal Class Environmental Assessment process;
 - b) Phasing plan;
 - c) Architectural Control Guidelines (Residential and Commercial Development);
 - d) Execution of required agreements which may include but are not limited to subdivision and required financial agreements;
 - e) Site plan approval shall be obtained for lands zoned Urban Residential 3 (“UR3”) or Mixed Use and for all Condominium Townhouse Blocks (excepting Townhouse Blocks with street dependent driveway access) in accordance with Architectural Controls prepared for the Midhurst Planning area and the Township;
 - f) Update to the 2014 Springwater Township Development Charges to address the requirements of growth related to the Midhurst Secondary Plan;
 - g) Required studies including a Long Range Financial Plan, updated Master Parks and Recreation Master Plan, Fire Master Plan, Library and Facilities Assessment, Neighbourhood Design Plan to deal with building location, special landscaping/building treatments, parking in accordance with Urban Design Guidelines of the Midhurst Secondary Plan.

PHASING

22. The Owner shall submit detailed plans showing proposed phasing of the plan of subdivision, and a schedule certified by an Ontario Land Surveyor indicating the areas and frontages of the Lots and Blocks to the satisfaction of the Township prior to final approval of the plan or any phase thereof.
23. Prior to final approval a phasing plan shall be prepared by the Midhurst Landowners Group (MLG) for lands contemplated for development.
24. The Owner shall provide all necessary servicing easements related to each phase to service the property prior to final approval of the plan or any phase thereof.
25. The Owner shall prepare a Phasing Plan to the satisfaction of the Township and the County which shall provide a timetable for the construction of infrastructure, relative to the anticipated demand for such infrastructure to demonstrate the time frame to which development is to occur. The Subdivision Agreement shall provide wording to this effect and shall also contain requirements as specified within Section 9.2 b) of the Midhurst Secondary Plan which directs that the first phase of development is to be of a sufficient scale to efficiently and cost effectively provide all of the required infrastructure for a total of

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3,850 new dwelling units plus employment generating uses within the designated greenfield area and limited infill within the built up area. A hold provision shall be established on the balance of lands beyond the first phase on lands designated for urban uses until such time as the criteria within Section 9.2 f) of the Midhurst Secondary Plan is addressed to the satisfaction of the County and the Township.

26. The Owner acknowledges and covenants in the Subdivision Agreement that the Township requires that a Schedule be provided within the Agreement to establish phases for the release of subdivision lands for the purposes of development that are designed to minimize the conflict between site servicing, home construction and dwelling unit occupancy.
27. Prior to final approval, the Owner is responsible for the preparation of a Neighbourhood Design Plan to the satisfaction of the Township in accordance with Section 9.7.1 of the Midhurst Secondary Plan which includes, but is not limited to the following.
 - a) Detailed Street Block and Land Use Plan
 - b) Comprehensive streetscape and open space plan
 - c) Sidewalk mobility plan
 - d) Urban Design and Architectural Control Guidelines
28. Prior to final approval, the Owner shall agree in the Subdivision Agreement to be responsible for preparing a plan demonstrating the provision of adequate fire separation during construction to the satisfaction of the Township.
29. Prior to final approval, the Owner shall agree in the subdivision agreement to provide provisions within the architectural control guidelines requiring additional storage space within garages and larger garages with functional entry into the garage from inside the dwelling to the satisfaction of the Township.
30. Prior to final approval, the Owner shall prepare a Construction Mitigation Plan including a traffic route to satisfaction of the Township or where applicable to the satisfaction of the County.
31. The Owner shall agree in the subdivision agreement to construct the full extent of Street 'A' as part of the first phase of this development to provide optimal access for emergency services and connectivity. The Owner shall agree through the subdivision agreement that the details and standards related to the construction of the full extent of Street "A" shall be determined at the detailed design stage.

WATER AND SANITARY SERVICES

32. Prior to any site alteration or final approval, Phases 3 and 4 of the Municipal Class Environmental Assessment for Water and Wastewater infrastructure and Transportation associated with the Midhurst Secondary Plan shall be successfully completed.

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33. Prior to any site alteration or final approval, the Owner shall agree in the Subdivision Agreement or External Works Agreement with the Township to complete the engineering design of the Water, Wastewater and Transportation Infrastructure identified in the Phases 3 and 4 of the Municipal Class Environmental Assessment for Water, Wastewater and Transportation infrastructure associated with the Midhurst Secondary Plan, to the satisfaction of the Township, as may be required. In addition, the Owner shall further agree in the Subdivision Agreement or External Works Agreement to construct the approved works required by this subdivision, to the satisfaction of the Township. Where applicable, such works shall be constructed at the Landowners expense and may be subject to Development Charge Credits.
34. Prior to any site alteration the Owner shall provide the Approval Authority and the Township with a copy of the Environmental Compliance Approval from the Ministry of the Environment relating to the municipal water and sanitary systems for the plan of subdivision or phase thereof.
35. Prior to final approval of the Plan or any phase thereof, the Township shall confirm to the Approval Authority in writing that there is sufficient water and sanitary capacity available.
36. Prior to any site alteration or final approval, unless otherwise approved by the Township, the Owner shall submit a Functional Servicing Report prepared by a qualified Professional Engineer, to the satisfaction of the Township.
37. The Owner shall agree in the Subdivision Agreement to carry out the recommendations contained in the approved Functional Servicing Report.
38. Prior to any site alteration and final approval, the Owner shall submit a Hydrogeological Report prepared by a qualified Professional Hydrogeologist, to the satisfaction of the Township.
39. The Owner shall agree in the Subdivision Agreement to carry out the recommendations contained in the approved Hydrogeological Report.
40. The Owner shall agree in the Subdivision Agreement to carry out or cause to be carried out a well monitoring program to monitor water levels during construction of the subdivision in accordance with the provisions of the Hydrogeological Report.
41. The Owner shall agree in the Subdivision Agreement to prepare engineering design drawings, to the satisfaction of the Township, as may be required for the subject lands in accordance with the most recent Township Engineering Standards and the recommendations of the Functional Servicing Report and Hydrogeology Report. In addition, the Owner shall further agree in the Subdivision Agreement to construct the approved works, to the satisfaction of the Township of Springwater. Such works shall be constructed at the Owner's expense and may be subject to development charge credits.

STORMWATER MANAGEMENT

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42. Prior to any site alteration and final approval, a comprehensive stormwater management plan that conforms to the Midhurst Comprehensive Stormwater Management Plan (Midhurst Master Drainage Plan) and identifies sufficient outlets needed to accept stormwater and maintains high levels of ecological integrity from a water course perspective within the Midhurst Secondary Plan Area shall be prepared and submitted to the satisfaction of the Township and the Nottawasaga Valley Conservation Authority.
43. The Owner shall agree in the Subdivision Agreement to carry out the recommendations of the Midhurst Comprehensive Stormwater Management Plan (Midhurst Master Drainage Plan) to the satisfaction of the Township and the Nottawasaga Valley Conservation Authority for works to be located inside and outside of this subdivision plan that are required for this subdivision, including the recommendations of the Water Balance Study and recommendations relating to the stormwater management facilities to be located within the subdivision plan.
44. Prior to any site alteration and final approval, the Owner shall submit a Stormwater Management report, prepared by a qualified Professional Engineer that conforms to the Midhurst Comprehensive Stormwater Management Plan (Midhurst Master Drainage Plan) in addition to typical standards, examines and provides opportunities for Low Impact Development solutions, to the satisfaction of the Township and the Nottawasaga Valley Conservation Authority in accordance with applicable MOE, and Township Engineering Standards.
45. Provision of snow dumps shall be provided to the satisfaction of the Township of Springwater.
46. The Owner shall agree in the Subdivision Agreement to carry out the recommendations of the approved Stormwater Management report.
47. The Owner shall agree in the Subdivision Agreement to convey all stormwater management pond block(s) to the Township, at no cost, free and clear of encumbrances.
48. The Owner shall agree in the Subdivision Agreement to obtain any necessary permits from the Township of Springwater and Nottawasaga Valley Conservation Authority prior to any site alteration.
49. The Subdivision Agreement shall contain a provision, in wording acceptable to the Township, requiring that stormwater management and construction mitigation control measures be approved, constructed and operational prior to site alteration with the exception of site alteration to install such measures.
50. Prior to any site alteration or final approval, the Owner shall prepare to the satisfaction of the Township of Springwater, in consultation with the County of Simcoe and the Nottawasaga Valley Conservation Authority:
 - a) A detailed Storm Water Management Report;

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- b) An Erosion and Sediment Control Plan;
- c) Construction Impact Mitigation Plan;
- d) A detailed Grading Plan; and
- e) Tree Preservation Plan.

ARCHITECTURAL CONTROL/URBAN DESIGN, TREE PLANTING

- 51. The Owner shall agree in the Subdivision Agreement to retain a certified Architect to prepare Architectural Design Guidelines for residential and commercial development that establishes a high standard of design / built form in keeping with the character of Midhurst, to the satisfaction of the Township and implemented through the subdivision agreement consistent with municipal initiatives.
- 52. The Owner shall retain a design consultant to formulate Architectural Control guidelines to be submitted to the Township for approval prior to the commencement of the sales and marketing program, and prior to the execution of the Subdivision Agreement for the first phase and subsequent phases of development of any phase of the subdivision. Architectural Control Guidelines shall be consistent with Township initiatives regarding architectural controls.
- 53. The Owner shall agree in the Subdivision Agreement to retain a certified Architect to verify that development is being facilitated in accordance with established Architectural Guidelines and Urban Design Guidelines prior to the issuance of building permits.
- 54. The Owner shall agree in the Subdivision Agreement to design, locate and construct neighbourhood entrance features to the satisfaction of the Township subject to final approval of the Neighbourhood Design Plans by the Township.
- 55. The Owner shall agree in the Subdivision Agreement to prepare and implement recommendations of a landscaping plan for parks and public spaces which includes tree preservation to the satisfaction of the Township.
- 56. The Owner shall agree in the Subdivision Agreement to submit a Tree Planting Plan in accordance with the Township of Springwater Engineering Standards, prepared by a qualified Landscape Architect in good standing with the O.A.L.A., to the satisfaction of the Township. The size, spacing and species selected shall be to the satisfaction of the Township. A combination of plantings and fences may be considered to the satisfaction of the Township.

DISPLAY MAPS

- 57. The Owner shall agree in the Subdivision Agreement that prior to offering any of the residential lots for purchase, to place a "Display Map" on the wall of the sales office in a place visible to the public, which indicates the approved location of all: sidewalks, walkways, trails, parks, schools, commercial lands, open space areas, environmental protection areas, watercourses, stormwater management ponds, community mailboxes, noise attenuation measures, and surrounding land uses.

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PARKLAND, OPEN SPACE and ENVIRONMENTAL PROTECTION

58. The Owner shall agree in the Subdivision Agreement to convey suitable lands to the Township of Springwater for the purposes of parkland and to construct Park/Parkette Blocks 617 - 621 to the satisfaction of the Township, subject to the Long Range Financial Plan and the update to the Parks and Recreation Master Plan.
59. The Owner shall agree in the Subdivision Agreement that parks shall be designed to the satisfaction of the Township subject to the recommendations of the update to the Parks and Recreation Master Plan at the expense of the Owner.
60. The Owner shall agree in the Subdivision Agreement to retain a qualified Landscape Architect to prepare and implement recommendations of a landscape plan for Open Space naturalized areas which are to consist of low maintenance vegetation to the satisfaction of the Township.
61. The Owner shall agree in the Subdivision Agreement to provide signage to delineate specific park and open space blocks to the satisfaction and at the discretion of the Township.
62. The Owner shall agree in the Subdivision Agreement to construct required parks consistent with phasing of development and acknowledge that the first occupancy permit will be withheld until such time as required parks are constructed as per park design to the satisfaction of the Township. A Park Phasing Plan shall be submitted to the satisfaction of the Township and implemented through the subdivision agreement.
63. The Owner shall agree in the Subdivision Agreement that all Lots and/or Blocks within the plan to be left vacant for longer than twelve months shall be stabilized to the satisfaction of the Township. Park Blocks 617 - 621 shall be graded, seeded and maintained, until assumption, to the satisfaction of the Township of Springwater.
64. The Owner shall agree in the Subdivision Agreement to convey to the Township or other public agency, free and clear of encumbrances, save and except permitted encumbrances, and at no cost, Blocks 624 and 625, for environmental protection purposes and Blocks 622 and 623 for open space purposes. The Owner shall further agree that the conveyances of the said Blocks are not to be included as part of the parkland dedication calculation.
65. Prior to final approval of any phase, the Owner shall retain a "qualified person" as defined in O. Reg. 153/04 to perform a Phase I Environmental Site Assessment ("Phase I ESA") in compliance with the Phase I ESA Standard designated as CAN/CSA Z768-01 published by the Canadian Standards Association and dated November 2001, as amended with respect to any lands to be transferred or dedicated to the Township in that phase.

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66. Prior to the Township accepting the transfer or dedication of any Lands the Phase 1 ESA report of the qualified Person must be completed and provided to the Township and a determination made as to whether further investigative work is required.

TRAILS

67. Prior to final approval, the Owner shall submit a Comprehensive Trails Master Plan prepared by a qualified professional, to the satisfaction of the Township.
68. The Owner shall agree in the Subdivision Agreement to carry out the recommendations contained in the approved Comprehensive Trails Master Plan to include passive and active transportation that provides detailed design for construction subject to the update to the Parks and Recreation Master Plan and the Long Range Financial Plan.
69. The Owner shall agree in the Subdivision Agreement to convey, free and clear of encumbrances, save and except such encumbrances as may be permitted by the Township in its sole discretion, and at no cost to the Township, lands for trail purposes, to the satisfaction of the Township. The Owner shall further agree that the conveyances of said Trail Blocks are not to be included as part of the parkland dedication calculation except for those trails located within Park Blocks 617 - 621.
70. The Owner shall agree in the Subdivision Agreement to design and construct at no cost and to the satisfaction of the Township and the County, an active transportation trail to be designated and signed accordingly. The trail within such Trail Blocks shall be constructed in conjunction with the development of the first phase of the subdivision and shall be completed in accordance with the approved Phasing Plan. Required Trail Blocks shall be constructed to a minimum of 3 metres in width with a compacted crushed limestone screening and must be disability accessible. The trail shall be designed to be compatible with existing features and constructed to minimize environmental impacts. Where applicable, the owner shall prepare a tree study to the satisfaction of the Township to determine the health of existing trees, the extent of root growth and drip line to establish appropriate setbacks from mature trees (Hedge Rows) located along key trails. The final trail route will be determined through the preparation of a Trail Routing Plan by the Owner, to the satisfaction of the Township.
71. The Owner shall agree in the Subdivision Agreement that the design, construction and implementation of Trails are subject to the recommendations of the Long Range Financial Plan and the update to the Parks and Recreation Master Plan.

FENCING

72. The Owner shall agree in the Subdivision Agreement to design and construct suitable fencing, as may be required by the Township along the lot lines of all residential Lots and/or Blocks abutting walkways, parks, parkettes, school sites, mixed use/commercial lands, stormwater management blocks, municipal servicing facilities and designated natural environmental areas and open spaces, in accordance with the Township of Springwater Engineering Standards, to the satisfaction of the Township of Springwater.

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73. The Subdivision Agreement shall contain wording to the satisfaction of the Township requiring that any fencing required under the Draft Plan Condition noted above for walkways, parks and parkettes be erected on the Township land.

WARNING CLAUSES

74. Where applicable, the Owner shall agree in the Subdivision Agreement to include a clause within all Offers of Purchase and Sale Agreements with prospective purchasers of lots adjacent to a public walkway or park, advising of the potential for exposure to night lighting and noise that may occur in the walkway or park from time to time, to the satisfaction of the Township of Springwater.
75. Where applicable, the Owner shall agree in the Subdivision Agreement to include a clause within all Offers of Purchase and Sale Agreements with prospective purchasers of lots with single car garages stating that the garage represents one parking space as per the requirements of the zoning by-law and that parking by-laws may be established during certain seasons restricting the total number of cars that can be parked on each lot to the satisfaction of the Township.
76. Where applicable, the Owner shall agree in the Subdivision Agreement to include a clause within all Offers of Purchase and Sale Agreements with prospective purchasers of lots adjacent to outdoor recreation uses including gun clubs and active agricultural operations surrounding the Midhurst Settlement Area advising of the potential of dust, potential odour, outdoor ambient noise and slow moving traffic to the satisfaction of the Township of Springwater.
77. Where applicable, the Owner shall agree in the Subdivision Agreement to include a clause within all Offers of Purchase and Sale Agreements with prospective purchasers of lots adjacent to employment or industrial uses, advising of the potential for exposure to noise and dust that may occur, to the satisfaction of the Township of Springwater.
78. Where applicable, the Owner shall agree in the Subdivision Agreement to include a clause within all Offers of Purchase and Sale Agreements with all prospective purchasers advising that all school sites represent potential sites and that other land uses may result if the school boards determine that the school sites are not required, to the satisfaction of the Township of Springwater.
79. Where applicable, the Owner shall agree in the Subdivision Agreement to include a clause within all Offers of Purchase and Sale Agreements advising prospective purchasers that private laneways are subject to a Common Elements Condominium Corporation and agreements for maintenance, snow removal and garbage pick-up. Owners are advised that all laneways are to be kept free and clear of vehicles to ensure that emergency service, snow removal and waste collection vehicles have continued access and that failure to comply with this clause will result in ticketing and potentially towing.

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80. Where applicable, the Owner shall agree in the Subdivision Agreement to include a clause within all Offers of Purchase and Sale Agreements advising prospective purchasers that a local airport is located in close proximity to Midhurst Settlement Area resulting in potential noise impacts.

TRANSPORTATION AND ROADS

81. Prior to final approval, the Owner shall submit a Traffic Impact Study prepared by a qualified Professional Engineer, to the satisfaction of the Township.
82. The Owner shall agree in the Subdivision Agreement to carry out the recommendations contained in the approved Traffic Impact Study. Where applicable, such improvements shall be constructed at the Owner's expense and may be subject to development charge credits.
83. That the Owner shall agree in the Subdivision Agreement to design and construct all roads and services in accordance with the Township's latest development standards and specifications, to the satisfaction of the Township.
84. The Owner shall agree in the Subdivision Agreement that all road allowances, daylight triangles and road widenings required and included within this Plan of Subdivision shall be dedicated as public highways on the Plan for final approval and shall be deeded to the Township or County, to the satisfaction of the Township or County.
85. The Owner shall agree in the Subdivision Agreement that external roads, including Doran Road and Russell Road shall be upgraded including asphalt removal and reinstatement in accordance with the approved Municipal Class Environmental Assessment and if damage occurs from construction traffic, as deemed necessary by the Township.
86. The Owner shall agree in the Subdivision Agreement to convey, free and clear of encumbrances, save and except permitted encumbrances, and at no cost to the Township, land for the purpose of 0.3m reserves, to the satisfaction of the Township of Springwater.
87. The Owner shall agree in the Subdivision Agreement that the 20m and 23m wide municipal road allowances included within this Plan of Subdivision shall be named to the satisfaction of the Township of Springwater, in accordance with the Township of Springwater Road Naming Policy.
88. Prior to final approval, the Owner shall agree in the Subdivision Agreement that a municipal numbering system be assigned to the satisfaction of the Township of Springwater with regard to 911 emergency servicing. The Owner shall also agree in the Subdivision Agreement to display the lot number and corresponding assigned municipal address in a prominent location on each lot.

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89. That prior to final approval, Streets "A" through "P" be named to the satisfaction of the Township with regard to 911 emergency servicing and in accordance with the Township of Springwater Road naming policy.
90. Prior to final approval, the Owner shall, ensure that all dead ends and open sides of road allowances, and other exterior side yard flankages of the Lots and Blocks, as required, within this Plan of Subdivision shall be terminated in 0.3 metre reserves to be conveyed to the Township.
91. The Owner shall agree in the Subdivision Agreement, within each phase of the subdivision, that any road that is not a through street at the completion of the phase will be terminated in a hammer head or temporary turning circle in accordance with Township Engineering Standards, or other condition as determined by the Township. The Owner shall also agree that Building Permits will not be issued for Lots on which hammer heads or temporary turning circles are constructed, unless appropriate arrangements are made with the Township. Further, the Owner agrees to include a notice in all Offers of Purchase and Sale of those Lots abutting a hammer head or temporary turning circle, advising them of its proposed use as a hammer head or turning area and that the road may or will be extended.
92. The Owner shall agree in the Subdivision Agreement that any hammer heads or temporary turning circles required to be constructed may be subject to an easement in favour of the Township, to be released at commencement of construction of the adjacent phase.
93. The Owner shall prepare a tree preservation plan to the satisfaction of the Township that verifies the drip line and health of the trees within the hedgerows located in Blocks 617, 619, and 620 including the hedgerow located on the east and north side of Street 'A' on 'Other Lands Owned by the Applicant, to establish appropriate setbacks for the construction of roads and trails so as to ensure the health of the hedgerow. The Owner shall agree to implement the recommendations of the tree preservation plan through the subdivision agreement and, where possible, facilitate measures to ensure that the health of the existing hedgerow is not negatively impacted during or after construction resulting from the placement of roads, sidewalks and trails.

WALKWAYS

94. The Owner shall agree in the Subdivision Agreement to convey, free and clear of encumbrances, save and except such encumbrances as may be permitted by the Township in its sole discretion, and at no cost to the Township, Blocks 626 and 627 for the purpose of a pedestrian walkway, to the satisfaction of the Township of Springwater.
95. The Owner shall agree in the Subdivision Agreement to construct all trails associated with the development in accordance with an approved Neighbourhood Design Plan to the satisfaction of the Township.

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COMMON ELEMENTS CONDOMINIUM LANEWAYS and PARCELS OF TIED LAND

Single-Detached Lots

96. The Owner shall agree in the Subdivision Agreement that Laneway Blocks are to be developed, established and maintained as private common element condominium roads.
97. Single-detached lots 1, 2, 319-344, 420-445, 474-489 and 550-569 that are accessed by a private common elements condominium laneway (Blocks 631 and 633-637) shall be Parcels of Tied Land (POTL's) to the Common Elements Condominium Corporation. Prior to final approval of a subdivision plan containing these lots and block, the Owner shall submit a Draft Plan of Common Elements Condominium Application to the Approval Authority for approval and completion of the release of part lot control process, if applicable. The Draft Plan of Subdivision and Draft Plan of Common Elements Condominium shall be registered concurrently.
98. Prior to final approval, Laneway Blocks that are subject to site specific designs and supporting documentation to be prepared by the Owner, shall be to the satisfaction of the County and the Township to ensure that all Laneway Blocks are designed to provide for the efficient removal of snow, unobstructed access for municipal vehicles, such as fire and garbage trucks and recognizing that redline revisions may be required, which could result in the reduction of lots to satisfy this condition.
99. A holding provision shall be established on laneway dependent single-detached residential lots subject to the completion of the Plan of Condominium/Common Elements process, the establishment of fire routes by law and clearance from the County and the Township or other arrangements (e.g. site plan agreements) satisfactory to the Township.
100. Prior to the commencement of laneway dependent development, to ensure emergency services and other public service vehicles have uninterrupted access to those single-detached lots and townhouse units with garages abutting private common elements condominium laneway blocks, the Township shall pass a by-law designating the lanes as "fire routes" prohibiting on-street/on-lane parking and that the Owner shall provide and install "no parking" signage on all lanes, to the satisfaction of the Township.
101. Laneway Blocks shall be signed (stop signs, directional, fire routes, no parking etc.) at the expense of the Owner including traffic calming measures as required to improve safety, to the satisfaction of the Township.
102. The Township will not accept Laneway Blocks as part of the municipal road system and Laneway Blocks are to be developed, established and maintained as private common elements condominium roads.

Townhouses

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103. The Owner shall agree in the Subdivision Agreement that the Laneway Blocks are to be developed, established and maintained as private common element condominium roads.
104. Townhouse Units located within Townhouse Blocks 570-580, 585-596 and 599-614 shall be Parcels of Tied Land (POTL's) to the Common Elements Condominium Corporation. Prior to final approval of a subdivision plan containing these lots and block, the Owner shall submit a Draft Plan of Common Elements Condominium Application to the Approval Authority for approval. The Draft Plan of Subdivision and Draft Plan of Common Elements Condominium shall be registered concurrently.
105. Prior to final approval, Laneway Blocks that are subject to site specific designs and supporting documentation to be prepared by the Owner, to the satisfaction of the County and the Township to ensure that all Laneway Blocks are designed to provide for the efficient removal of snow, unobstructed access for municipal vehicles such as fire and garbage trucks recognizing that redline revisions may be required, which could result in the reduction of lots to satisfy this condition.
106. A hold provision shall be established on laneway dependent Townhouses subject to the completion of the Plan of Condominium/Common Elements process, completion of the release of part lot control process, as applicable or other arrangements (e.g. site plan agreements), and the establishment of fire routes by-law, requiring clearance from the County and the Township.
107. Prior to the commencement of laneway dependent development, to ensure emergency services and other public service vehicles have uninterrupted access to those single-detached lots and townhouse units with garages abutting private common elements condominium laneway blocks, the Township shall pass a by-law designating the lanes as "fire routes" prohibiting on-street/on-lane parking and that the Owner shall provide and install "no parking" signage on all lanes, to the satisfaction of the Township.
108. Laneway Blocks shall be signed (stop signs, fire routes, directional and no parking etc.) at the expense of the developer including traffic calming measures to improve safety, to the satisfaction of the Township.

UTILITIES

109. The Owner shall agree in the Subdivision Agreement to prepare and submit an overall utility coordination plan showing the location of all required utilities, including on-site drainage facilities, streetscaping, and community mailboxes – such location plan shall be prepared to the satisfaction of the applicable authority in accordance with the requirements of those utility providers (including: natural gas, hydro, and telecommunications service providers) that will conduct works within the subdivision.
110. The Owner shall agree in the Subdivision Agreement to provide sites for community mailboxes to service the Subdivision and that it is the responsibility of the developer/builder to provide the concrete pad for the placement of the community mailboxes in accordance with the requirements as provided by Canada Post.

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111. The Owner shall agree in the Subdivision Agreement to provide such easements as may be required for utility or drainage purposes to the appropriate authority.
112. Prior to final approval, the Owner shall provide written confirmation to the Township of Springwater that satisfactory arrangements, financial and otherwise, have been made with necessary utility companies for any facilities serving this draft plan of Subdivision.
113. The Owner shall agree in the Subdivision Agreement to locate all utilities (telephone lines, local power, other cable services) underground and is encouraged to explore the provision of fibre optic cable or enhanced telecommunication technologies.

ARCHAEOLOGICAL

114. Prior to final approval or any site alteration occurring, the Owner shall carry out an Archaeological Assessment of the subject property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. The Archaeological Assessment Report shall be prepared by a licensed professional consultant archaeologist in accordance with standards and guidelines as set by the Ministry of Tourism, Culture and Sport, and that all archaeological fieldwork and report recommendations are consistent with the conservation, protection and preservation of the cultural heritage of Ontario. Prior to final approval, the Owner shall provide the Township and the Approval Authority with a copy of the Archaeological Assessment Report(s) and the Ministry's letter acknowledging the review and acceptance of the Report into the Ontario Public Register of Archaeological Reports.
115. The Owner shall agree in the Subdivision Agreement that prior to final approval, no site alteration or development may occur on Blocks 624 – 625 until such time as acceptance from the Ministry of Tourism, Culture and Sport has been obtained for Archaeological Assessment Report(s).

BELL CANADA

116. The Owner shall agree in the Subdivision Agreement, in wording satisfactory to Bell Canada, to grant Bell Canada any easements that may be required for communication/telecommunication services. Easements may be required subject to final servicing decisions. In the event of any conflict with existing Bell Canada facilities or easements, the Owner/Developer shall be responsible for the relocation of such facilities or easements.

CANADA POST

117. The Owner covenants and agrees to provide the Township with evidence that satisfactory arrangements, financial and otherwise, have been made with Canada Post Corporation for the installation of Community Mail Boxes (CMB) as required by Canada Post Corporation and as shown on the approved draft plan of subdivision, at the time of sidewalk and/or curb installation. The Owner further covenants and agrees to provide notice to

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prospective purchasers of the locations of CMB's and that home/business mail delivery will be provided via CMB, provided the Owner has paid for the activation and equipment installation of the CMBs.

118. The Owner shall include in all offers of purchase and sale a statement which advises the purchaser that mail will be delivered via Community Mail Boxes (CMBs) and to notify affected homeowners of any established easements granted to Canada Post to permit access to the CMBs.
119. The Owner shall consult with Canada Post to determine suitable permanent locations for the CMBs and the Owner shall further indicate these locations on the appropriate servicing plans.
120. The Owner shall agree in the Subdivision Agreement to display a map on the wall of the sales office in a place readily accessible to potential homeowners that indicates the location of all CMBs within the plan or phase thereof, as approved by Canada Post.
121. The Owner shall agree in the Subdivision Agreement to provide a suitable and safe temporary site for a CMB until curbs, sidewalks and final grading are completed at the permanent CMB locations. Canada Post will provide mail delivery to new residents as soon as the homes are occupied.
122. The Owner shall agree in the Subdivision Agreement to provide the following for each CMB site and to include these requirements on the appropriate servicing plans:
 - a) Any required walkway across the boulevard, per municipal standards;
 - b) Any required curb depressions for wheelchair access, with an opening of at least two metres, as specified by Canada Post.
 - c) A CMB concrete base pad per Canada Post specifications.

COUNTY OF SIMCOE

123. Prior to final approval, the Owner shall arrange to provide the County of Simcoe with a copy of the Midhurst Comprehensive Stormwater Management Plan (Midhurst Master Drainage Plan) as approved by the Nottawasaga Valley Conservation Authority and the Township.
124. Prior to final approval, the Owner shall submit to the County of Simcoe external servicing plans for all works within any County Road right-of-way, to the satisfaction of the County.
125. The Owner shall agree in the Subdivision Agreement, in wording satisfactory to the County that the Owner and/or its agents, shall obtain a Road Occupancy Permit from the County of Simcoe prior to the commencement of any servicing or other works within any County Road right-of-way in the area, in association with the servicing of this development.

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- 126.** The Township of Springwater Class Environmental Assessment (Phase 3 and 4) for the Midhurst Water, Wastewater & Transportation Infrastructure will determine if any servicing facilities are to be located within County Road right-of-ways and on properties abutting County Roads. The Owner shall agree in the Subdivision Agreement, in wording satisfactory to the County, that if servicing infrastructure is proposed within the County Roads System or on properties abutting the County Road, the Owner shall arrange to provide the County with copies of all servicing drawings and site plans for review and approval. For properties containing servicing infrastructure (i.e. sewage treatment facility, sewage pumping station, water treatment plant) abutting County Roads, the site plans must be designed to ensure conformity with the requirements of the County Entrance By-law, County Road Setback By-law and County policies relating to road widening, daylighting triangles and 0.3m reserve requirements. Furthermore, the Owner, as a member of the Midhurst Landowners Group shall enter into any legal agreements required by the Township and the County to address servicing and the above noted County interests. The Owner will convey, or arrange to convey to the County by R-Plan, at no cost, a fee simple, unencumbered interest in any lands that may be required by the County along the County Road frontage of any property containing municipal infrastructure.
- 127.** Either on the final M-plan or on a reference plan that is prepared based on the final M-Plan, the Owner shall identify temporary turning circles or hammer-head turnarounds at all dead-ends and cul-de-sacs on municipal roads to facilitate the safe turnaround of County of Simcoe waste collection vehicles and emergency services vehicles, to current County and Township standards, to the satisfaction of the County. A copy of the proposed final M-plan or reference plan showing the temporary turning circles or hammer-head turnarounds shall be provided to the County for review and approval.
- 128.** The Owner shall agree in the Subdivision Agreement, in wording satisfactory to the County that the County of Simcoe is not required to provide waste collection service to the municipal roads until such time as the municipality assumes the road. The County may, however, commence waste collection services on the municipal roads once some level of residency begins and prior to the municipality assuming the road, subject to a request being made and regular access being available on the road. The Owner acknowledges that should municipal road access be blocked due to road construction, parked vehicles, insufficient snow removal, etc., service disruptions will occur, and the Owner/Developer will be responsible for providing waste collection services.
- 129.** The Owner shall agree in the Subdivision Agreement, in wording satisfactory to the County of Simcoe, that prior to approval of any site plan for the commercial or mixed use blocks, copies of the site plan drawings shall be provided to the County of Simcoe for review and approval, identifying waste storage areas and collection points, to the satisfaction of the County.
- 130.** All residential single-detached lots and residential townhouse blocks that abut the private common elements condominium laneways identified as Blocks 631 through 637 will be Parcels of Tied Land (POTL's) to a Common Elements Condominium Corporation. Prior to final approval, the owner shall demonstrate to the satisfaction of the County of Simcoe

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that the private common elements condominium laneways have been designed in accordance with the requirements of the County of Simcoe's Waste Collection Design Standards 2013, as amended. Furthermore, the Owner shall demonstrate that County waste collection vehicles can safely manoeuvre the length of the paved laneway in all weather conditions and with consideration to other structures and obstacles proposed within the private 10m wide right-of-way, including, but not limited to: street trees, light standards, utility boxes, curbing and snow accumulation. All private common elements condominium laneways must be two-way travel. In the event that the condominium laneway design does not meet the County's minimum requirements, the plan shall be red-line revised such that the County's requirements are met, to the satisfaction of the County. The Owner shall agree in the Subdivision Agreement, in wording satisfactory to the County that minor modifications to the laneway blocks within the plan may be necessary to ensure compliance with the County's Waste Collection Design Standards which may result in the loss of residential lots/units.

131. The Owner shall agree in the Subdivision Agreement, in wording satisfactory to the County, to include a clause in all Offers of Purchase and Sale Agreements with prospective purchasers of those single-detached lots and townhouse blocks/units abutting private common elements condominium laneway blocks, that while the County of Simcoe is not obligated to provide waste collection services to private common elements condominium laneway blocks, the County may potentially be able to provide this service to the laneways and is therefore requiring that the laneway blocks be designed such that all laneways may be serviced. Where a Common Elements Condominium Corporation would like the County to provide waste collection services to these condominium laneways, the Common Elements Condominium Corporation is required to make application to the County of Simcoe for such services, with confirmation that the development has been designed and built to comply with the County of Simcoe's Waste Collection Design Standards at the time of application, to the satisfaction of the County. The Owner acknowledges that if the County is not able to provide waste collection service due to non-compliance with the requirements of the County's Waste Collection Design Standards, or following the commencement of service to the development, the laneway function changes such that collection services would be impacted, the County reserves the right to decline services in the development or disrupt service until such time as the problem is addressed. It will then be the sole responsibility of the Common Elements Condominium Corporation to arrange for waste collection services through a private contractor, to be paid for by the Condominium Corporation.

ENBRIDGE GAS DISTRIBUTION INC.

132. The Subdivision Agreement between the Owner and the Township shall include provisions to the satisfaction of Enbridge Gas Distribution Inc. indicating that:
- a) The Developer is responsible for preparing a composite utility plan that allows for the safe installation of all utilities, including required separation between utilities;
 - b) Streets are to be constructed in accordance municipal standards and consistent with composite utility plans previously submitted and approved by all utilities;

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- c) The developer shall grade all streets to final elevation prior to the installation of the gas lines and provide Enbridge Gas Distribution Inc. with the necessary field survey information required for the installation of the gas lines; and,
- d) The developer shall provide current Township approved road cross-sections showing all Utilities in the configuration proposed for all of the street widths within the development. The gas location must be a minimum of 0.6 metres from the street line.

HYDRO AUTHORITY

133. The Owner shall agree in the Subdivision Agreement, in wording satisfactory to the applicable Hydro Authority, that:

- a) all electrical servicing requirements will be provided as underground services to the satisfaction of the applicable Hydro Authority;
- b) the Developer will be responsible for all costs of any relocation or revisions to the applicable hydro facilities necessary to accommodate the plan, and all costs of supplying an electrical distribution system to and in the plan of subdivision that are not otherwise paid for by a hydro utility.

NOTTAWASAGA VALLEY CONSERVATION AUTHORITY

134. Prior to submission of detailed design, site alteration and final approval, the Comprehensive Stormwater Management Plan (Midhurst Master Drainage Plan) must be completed by the Township and accepted by the NVCA. Nottawasaga Valley Conservation Authority. This report shall provide Secondary Plan wide guidance addressing cumulative impacts on the following: stormwater management including best management practices (Low Impact Development); ensure no flooding or erosion impacts including an erosion and sediment transport threshold analysis; nutrient management with no increase in nutrients; adaptive management plan, including a monitoring program which addresses any impacts; and, ensures the long term protection and enhancement of surface and groundwater resources.

135. Prior to final approval, the Owner shall submit to the satisfaction of the Nottawasaga Valley Conservation Authority and Township of Springwater in conformity with the Midhurst Comprehensive Stormwater Management Plan:

- a) A detailed Stormwater Management Report that addresses satisfactory best management practices (Low Impact Development) and meets the requirements of other guidance documents including the final Midhurst Comprehensive Stormwater Management Plan.
- b) A detailed Erosion Control Plan(s).
- c) A detailed Grading Plan(s).
- d) A detailed Geotechnical Report.
- e) A detailed Erosion and Sediment Transport Threshold Analysis.
- f) A detailed Water Balance Report.

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- g) A detailed Adaptive Management Plan including a comprehensive implementation plan with specific assessment targets, monitoring criteria and thresholds, adaptive action requirements and processes, describing who does what when, including data analysis and reporting and implementation funding.
 - h) A detailed Nutrient Management Plan, including recommended actions, offset strategies (as required), owner funding, to meet the nutrients management targets.
 - i) A detailed Landscape/Planting/Enhancement Plan(s) for the stormwater management facilities and open space/environmentally protected areas including compensatory enhancement measures.
- 136.** That if required the draft plan be revised in order to meet the requirements of the above conditions including, but not limited to, loss of lots to provide for larger/additional stormwater pond block(s), flooding/erosion setbacks and/or providing blocks for Low Impact Development measures to the satisfaction of the Nottawasaga Valley Conservation Authority and the Township of Springwater.
- 137.** The Owner shall agree in the Subdivision Agreement to carry out or cause to be carried out the recommendations and measures contained within the plans and reports set out above.
- 138.** The Owner shall agree in the Subdivision Agreement, in wording acceptable to the Nottawasaga Valley Conservation Authority, to ensure that proper erosion and sediment control measures will be in place prior to any site alteration. The Agreement must contain a provision stating that all major stormwater management facilities must be in place prior to the creation of impervious areas such as: graded/compacted lands, roads and buildings.
- 139.** The Owner shall agree in the Subdivision Agreement to engage a qualified professional to certify in writing that the works were constructed in accordance with the plans, reports and specifications, as approved by the Nottawasaga Valley Conservation Authority.
- 140.** The stormwater management facilities, natural hazard and natural heritage areas, and any easements required for stormwater drainage purposes shall be dedicated/conveyed to the Township, at no cost to the Township.
- 141.** Prior to any site alteration, a permit under the *Conservation Authorities Act*, shall be obtained from the Nottawasaga Valley Conservation Authority.
- 142.** That the Nottawasaga Valley Conservation Authority is notified in writing through a copy of the passed zoning by-law including its text and schedule that natural hazard areas, natural heritage features and stormwater management facilities have been appropriately/restrictively zoned (e.g. Open Space, Environmental Protection (EP)).

ROGERS COMMUNICATIONS

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- 143.** Prior to final approval of the Plan of Subdivision, the Developer/Owner will, at its own cost, grant all necessary easements and maintenance agreements required by the CRTC-licensed telephone companies and broadcasting distribution companies intending to service the Subdivision (collectively “the Communication Service Providers”). Immediately following final approval of the Plan of Subdivision, the Developer/Owner will cause these documents to be registered on title.
- 144.** Prior to final approval of the Plan of Subdivision, the Developer/Owner will, with consultation with the applicable utilities and Communications Service Providers, prepare an overall composite utility distribution plan that shows the locations of all utilities infrastructure for the Subdivision. The timing and phasing of installation are also to be confirmed.

SIMCOE COUNTY DISTRICT SCHOOL BOARD

- 145.** The owner shall agree in the Subdivision Agreement to include in all Offers of Purchase and Sale/Agreements of Purchase and Sale a statement that advises prospective purchasers that the public schools on designated sites in the community are not guaranteed. Attendance at schools yet to be constructed in the area is also not guaranteed. Pupils may be accommodated in temporary facilities and/or be directed to schools outside of the area.
- 146.** The owner shall agree in the Subdivision Agreement to include in all Offers of Purchase and Sale/Agreements of Purchase and Sale a statement that advises prospective purchasers that school busses will not enter cul de sacs and that pick-up points will generally be located on through streets, suitable to the Board. Additional pick-up points will not be located within the subdivision until major construction activity has been completed.
- 147.** The Owner shall agree in the Subdivision Agreement to include a clause in all Offers of Purchase of Sale Agreements advising all potential purchasers that Block 616 represents a potential school site and that residential and/or institutional uses may be established on the site in the event that the site is not required by the school board.
- 148.** Prior to final approval, the owner shall have made an agreement, satisfactory to the Simcoe County District School Board for the transfer of a Public elementary school site, being Block 616 on approved draft plan SP-T-1001 and having an area of 2.43 hectares.
- 149.** The owner shall agree in the Subdivision Agreement in wording satisfactory to the Simcoe County District School Board:
- a) To grade the Public School site to conform to the overall grading plan of the subdivision and in doing so to replace any topsoil disturbed in the grading process and at the same time sod/seed the same lands minimum 200 mm thick);
 - b) Not to stockpile or remove topsoil on the Public School site unless agreed to by the Board, as set out in an agreement;

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- c) To construct a chain link fence along all boundaries of the school block, including road frontages and to install a gate to the satisfaction of the Board at such time as the school site has been delineated;
 - d) To erect and maintain a sign on the Public School site at such time as the relevant access roads are constructed, indicating the date has not been set for the construction of the school, and that the school site is not guaranteed and that pupils may be directed to schools outside of the area; and
 - e) To provide the foregoing at no cost to the Board.
- 150.** The owner shall agree in the subdivision agreement to submit to the Simcoe County District School Board, at no cost to the Board, a report from a qualified consultant concerning:
- a) The suitability of Block 616 for construction purposes, relating to soil bearing factors, surface drainage, topography, and environmental contaminants; and
 - b) The availability of natural gas, electrical, fibre optics (in accordance with the SCAN Network), water, storm sewer, and sanitary sewer service with adequate service connections at the lot line.
- 151.** That the owner shall agree in the Subdivision Agreement, in wording acceptable to the Simcoe County District School Board, that the services referred to in the condition above shall be installed to the mid-point of the school site frontage and positioned as designated by the Board, at no cost to the Board.
- 152.** The Township shall confirm with the Simcoe County District School Board (Simcoe County District School Board) the following:
- a) The availability of a satisfactory water supply; and
 - b) An acceptable method of sewage and storm water disposal.
- 153.** That prior to final approval, the owner shall submit to the Simcoe County District School Board for review and approval a copy of the engineering plans which indicate the storm drainage system and the overall grading plans for the lands within this draft plan of subdivision.
- 154.** That prior to final approval, the local hydro authority shall have confirmed in writing to the Simcoe County District School Board that adequate electrical capacity, including supply voltage, will be supplied to the school site frontage by the developer at no cost to the Simcoe County District School Board.
- 155.** That prior to final approval, the Owner shall enter into an option agreement (the "Option Agreement") to the satisfaction of the Simcoe County District School Board for the purchase and sale of a public elementary school site of the size, shape and location shown as Block 616 on the approved draft plan (the "Elementary School Site"). The Option Agreement shall provide that the option to purchase the Elementary School Site shall be exercised no later than seven years from the date that the first building permit has been issued for a residential dwelling unit (not including a model home) in the development phase that contains the Elementary School Site. The Option Agreement shall further provide that the purchase price of the Elementary School Site shall be based

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on the fair market value of the Site as of the date that the Simcoe County District School Board exercises the option to purchase, which value shall reflect the servicing of the Site that has been completed in accordance with Conditions 149 through 154.

- 156.** The Owner shall agree in the subdivision agreement to provide the Township with a first right of refusal of Block 616 if the Simcoe County District School Board determines that Block 616 is not required. The terms of the right of first refusal shall be set out in the subdivision agreement. At a very minimum, these terms shall include a requirement that the Block be purchased at fair market value at the time of acquisition of the Block by the Township and shall require that the Township exercise its right of first refusal within eighteen (18) months of the Township being notified that that school site is not required by the Simcoe County District School Board.

SIMCOE MUSKOKA CATHOLIC DISTRICT SCHOOL BOARD

- 157.** That the owner include in all offers of purchase and sale a clause advising prospective purchasers that 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 neighbourhood school's area.
- 158.** It is understood that an elementary school site for the Simcoe Muskoka Catholic District School Board, which will serve this development among others, is being provided by the Midhurst Rose Alliance developer as Block 1091 on the Midhurst Heights Development subdivision (File Numbers SP-T-0703, SP-T-0705 and SP-T-0904). Therefore, prior to final approval, the Simcoe Muskoka Catholic District School Board shall confirm, in writing, to the Township that an agreement for the Catholic elementary school site (Block 1091) for future potential purchase by the Board has been satisfied.

FINAL APPROVAL

- 159.** Subject to the conditions set forth herein, this Draft Plan is approved under Section 51 of the *Planning Act* R.S.O. 1990, Chapter P.13, as amended. Final approval shall be granted by the Approval Authority (Ontario Municipal Board), which shall include the ability to red-line the Plan for minor adjustments to lot lines should it become necessary, with confirmation by the County to the Ontario Municipal Board that the Owner has addressed all conditions to the satisfaction of all appropriate agencies and authorities. The plan may be registered in phases.

M-PLAN

- 160.** A copy of the proposed final M-Plan shall be forwarded to the Township of Springwater and the Approval Authority for review and approval.

CLEARANCE

- 161.** Prior to final approval, the Approval Authority is to be advised in writing by the Township of Springwater how Conditions 3 through 115 and 160 have been satisfied.

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- 162.** Prior to final approval, the Approval Authority shall be advised in writing by Bell Canada how Condition 116 has been satisfied.
- 163.** Prior to final approval, the Approval Authority shall be advised in writing by Canada Post how Conditions 117 through 122 have been satisfied.
- 164.** Prior to final approval, the Approval Authority shall be advised in writing by the County of Simcoe how Conditions 123 through 131 and 159 have been satisfied.
- 165.** Prior to final approval, the Approval Authority shall be advised in writing by Enbridge Gas how Condition 132 has been satisfied.
- 166.** Prior to final approval, the Approval Authority shall be advised in writing by Hydro One Networks Inc. how Condition 133 has been satisfied.
- 167.** Prior to final approval, the Approval Authority shall be advised in writing by the Nottawasaga Valley Conservation Authority how Conditions 134 through 142 have been satisfied.
- 168.** Prior to final approval, the Approval Authority shall be advised in writing by Rogers Communications how Conditions 143 and 144 have been satisfied.
- 169.** Prior to final approval, the Approval Authority shall be advised in writing by the Simcoe County District School Board how Conditions 145 through 156 have been satisfied.
- 170.** Prior to final approval, the Approval Authority shall be advised in writing by the Simcoe Muskoka Catholic District School Board how Conditions 157 and 158 have been satisfied.

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NOTES TO DRAFT APPROVAL:

1. This draft approval is for a period of five (5) years. The Owner is on “Notice” that he is to apply for any extension at least sixty (60) days prior to lapsing date. This approval may be extended pursuant to Subsection 51(33) of the Planning Act, but no extension can be granted once the approval has lapsed.
2. 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 Planning Act, R.S.O. 1990. If the Owner wishes to request an extension to the draft approval, a written explanation, together with a resolution from the Council of the Township of Springwater and a supporting letter from the Approval Authority (County of Simcoe), must be received by the Ontario Municipal Board, sixty (60) days prior to the lapsing date.
3. It is the applicant’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 Approval Authority, quoting file number **SP-T-1001**.
4. The Owner must acknowledge that it has reviewed, understands and agrees to comply with the requirements of Section 144 of the Land Titles Act and subsection 78(10) of the Registry Act.
5. Subsection 144(1) of the Land Titles Act requires that a plan of subdivision 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).
6. Subsection 78(10) of the Registry Act requires that a plan of subdivision that is located 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 Clause (b) and (c) of Subsection 78(10).
7. The Subdivision Agreement shall be registered on title as provided by Subsection 51(26) of the Planning Act, R.S.O. 1990 against the land to which it applies, as notice to prospective purchasers.
8. All measurements in the subdivision’s final plans must be presented in metric units.
9. All deeds to be conveyed must be free and clear of encumbrances except for permitted encumbrances.
10. The Approval Authority and the Township of Springwater have specific requirements for the submission of digital drawings. Contact the Approval Authority and Township for additional information.

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11. A Development Charge, adjusted to the date of payment, with respect to municipal services shall be calculated and payable in accordance with the policies of the Township of Springwater, the County of Simcoe, and the applicable School Boards at building permit issuance.
12. The Nottawasaga Valley Conservation Authority will require a copy of the executed subdivision agreement prior to the clearance of draft plan conditions.
13. The Owner shall agree, prior to final plan approval, to pay all development fees to the conservation authority as required in accordance with the Nottawasaga Valley Conservation Authority's fees policy, under the Conservation Authorities Act.
14. Clearance letters are required from the following agencies:

Township of Springwater

2231 Nursery Road
Minesing, ON L0L 1Y2

County of Simcoe

Administration Centre
1110 Highway 26
Midhurst, ON L0L 1X0

Nottawasaga Valley Conservation Authority

8195 8th Line
Utopia, ON L0M 1T0

Simcoe County District School Board

1170 Highway 26 West
Midhurst, ON L0L 1X0

Simcoe Muskoka Catholic District School Board

46 Alliance Boulevard
Barrie, ON L4M 5K3

Enbridge Gas

Distribution Planning
500 Consumers Road
North York, ON M2J 1P8

Bell Canada

Right-of-Way Control Centre
Floor 5 – Blue, 100 Borough Drive
Scarborough, ON M1P 4W2

Rogers Communications

1 Sperling Drive P.O. Box 8500

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Barrie, ON L4M 6B8

Hydro One Networks Inc.

P.O. Box 5700
Markham, ON L3R 1C8

Canada Post Corporation

Delivery Services
73 Morrow Road
Barrie, ON L4N 3V0

15. If agency conditions form part of the Subdivision Agreement, a copy of the Agreement shall be sent to those agencies. This will expedite clearance of the final plan.
16. Please note that an updated review of the plan, and revision of the conditions of approval, may be necessary if an extension is to be granted.
17. Subject to the conditions set forth above, this Draft Plan is approved under Section 51 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended.