

Applicant: Meridian Credit Union (Mortgagee In Possession)

File No.: 42T-2012-03

Municipality: Town of The Blue Mountains

Location: Lots 59, 110, 111 and 112 and Part of Lots 86, 89, 99 and Part of Block D (Closed by By-law),
Plan 529, Town of The Blue Mountains, County of Grey (Geographic Township of Collingwood)

Date of Decision: May 20, 2014

Date of Notice: May 28, 2014

Last Date of Appeal: June 17, 2014

NOTICE OF DECISION

On Application for Approval of Draft Plan of Subdivision 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 subdivision to the Ontario Municipal Board. A Notice of Appeal may not be filed by an unincorporated association or group. However, a Notice of Appeal may be filed in the name of an individual who is a member of the association or group.

RIGHT OF APPLICANT OR PUBLIC BODY TO APPEAL CONDITIONS

The applicant or any public body may, at any time before the final plan of subdivision 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 subdivision may be changed at any time before the final approval is given.

You will be entitled to receive notice of any changes to the conditions of the approval of draft plan of subdivision 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 subdivision, or
- (2) make a written request to be notified of changes to the conditions of approval of the draft plan of subdivision.

GETTING ADDITIONAL INFORMATION

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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.

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

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Block Plan of Subdivision File No. 42T-2012-03 has been granted **draft approval**.

The conditions of final plan approval for registration of this Draft Plan of Subdivision are as follows:

No. Conditions

1. That this approval applies to the Draft Plan of Subdivision, File No. 42T-2012-03, prepared by Lloyd & Purcell Ltd. Ontario Land Surveyors Revision 11, dated April 29, 2014 providing for the creation of a total of 25 Blocks, including three (3) single family dwelling Blocks (Blocks 5, 17 and 18), five (5) townhome Blocks (Blocks 1, 3, 4, 11 and 12), two (2) mix-use residential/commercial Blocks (Blocks 19 and 24), two (2) commercial Blocks (Blocks 21 and 25), two (2) institutional Blocks (Blocks 15 and 23), nine (9) open space/park Blocks (Blocks 2, 6 to 10, 16, 20 and 22), one (1) storm water management Block (Block 13) and one (1) road widening block (Block 14) within Lots 59, 110, 111 and 112, Part of Lots 86, 87, 88, 89, 113 and 114, Part of Block D (Closed by By-law), Registered Plan 529, Town of The Blue Mountains, County of Grey.
2. A Master Development Agreement, in a form satisfactory to the Town of The Blue Mountains, County of Grey, Grey Sauble Conservation Authority, Ministry of Transportation and the Niagara Escarpment Commission shall be executed by the Owner in advance of any further planning approvals addressing matters including, but not limited to, financial matters; works/infrastructure; provision of recreational space and/or amenities; parkland dedication or cash in-lieu thereof; shoreline dedication or cash in lieu thereof; conveyances and other dedications; master storm water management plan/study; servicing; road design; tree retention and landscaping, including a Master Concept Plan; an Environmental Impact Study addressing endangered species and actual setbacks or buffer areas from the Provincially Significant Wetland; and, a Traffic Impact Study.
3. A Subdivision Agreement, in a form satisfactory to the Town of The Blue Mountains shall be executed by the Owner to satisfy all financial, legal, and engineering matters, including storm water management, grading, drainage, landscaping, tree preservation and the installation of municipal services, and other requirements of The Town of The Blue Mountains, County of Grey, Grey Sauble Conservation Authority, Ministry of Transportation and the Niagara Escarpment Commission including the payment of all applicable Town and County development charges in accordance with their applicable Development Charges By-law. Final approval may

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be required in stages, however the Master Development Agreement needs to be registered against the properties associated with the entire block plan prior to consideration of blocks being registered in stages.

4. That provision be included in the Subdivision Agreement requiring that a Common Element Condominium Corporation (CECC) be established and that Block 13 be conveyed to and maintained by the CECC. The Common Element Condominium Corporations (CECCs) will be created with each phase in order to tie in parcels of tied land (POTL's).
5. That the Owner agree to participate financially, on a proportionate share basis, in the Highway 26 Environmental Assessment (Grey Road 21 to Grey Road 19).
6. That the stream corridors, natural heritage features and any easements required for drainage purposes within Blocks 2, 6, 7, 8, 9, 10, 16, 20 and 22 shall be dedicated to the Town of The Blue Mountains.
7. That prior to final approval, the County is advised by the Town of The Blue Mountains that the subject lands are appropriately zoned to implement the subject plan.

Road, Servicing and Grading Requirements

8. That Streets A, B, C, D and E be conveyed to the Town as public highways.
9. That Streets A, B, C, D and E be named to the satisfaction of The Town of The Blue Mountains in accordance with the Town's Street Naming Policy.
10. The horizontal and vertical alignments of all roads and underground services including their intersection geometrics shall be designed to The Town of The Blue Mountains Engineering Standards. In this regard, revisions to the road pattern and intersection alignments may be required.
11. The Owner shall convey all road allowances, road widenings, daylighting, pathways and 0.3 metre reserves as identified on the final plan to the appropriate road authority.
12. Prior to the initiation of any site grading or servicing and prior to the registration of the plan, submit for the approval of the Town's Engineering and Public Works Department, Grey Sauble Conservation Authority, Ministry of Transportation and the Niagara Escarpment Commission the following:

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- a. A detailed engineering, drainage and servicing report which describes the storm water drainage system and servicing for the proposed development on the subject lands. The report shall include but not be limited to, the following:
 - i. Plans illustrating how the drainage system will tie into the drainage of surrounding properties with ensuring that the system will not negatively impact the surrounding properties;
 - ii. How external flows will be accommodated and the design capacity of the receiving system including the control of the existing ditch system and measures taken so as to address flooding.
 - iii. Location and description of all outlets and other facilities which may require permits.
 - iv. Proposed methods for controlling or minimizing erosion and siltation on-site and/or in downstream areas during and after construction, including how the features and functions of the Provincially Significant Wetland and Significant Woodlands will be maintained.
 - v. A detailed design plan for the construction of proposed wetlands and watercourse crossings, including provisions for wildlife movement from the site to other natural areas in the vicinity;
 - vi. A Detailed naturalized Planting Plan for the storm water management facility and drainage corridor Blocks.
- b. Overall grading plans for the subject lands

The above information shall be incorporated into the Master Development Agreement and Subdivision Agreement as deemed appropriate by the Town of The Blue Mountains.

13. Agree in the Subdivision Agreement, in wording acceptable to the Town of The Blue Mountains, Grey Sauble Conservation Authority, Ministry of Transportation and the Niagara Escarpment Commission:

- a. To carry out, or cause to be carried out, all the works referred to in condition 11;
- b. To obtain the necessary permits from the Grey Sauble Conservation Authority;

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- c. To obtain the necessary permits from the Ministry of Transportation;
 - d. To obtain any necessary authorizations from the Department of Fisheries and Oceans for any harmful alteration, disruption or destruction of fish habitat; and,
 - e. Prior to the initiation of any grading or construction on the site, to erect any silt fencing as referred to or required by condition 11.
14. Storm water overland flow routes shall be kept within roads or approved walkways only.
 15. Prior to the initiation of any site grading or servicing and prior to registration of this plan, submit to the satisfaction of the Town's Engineering and Public Works Department and the Grey Sauble Conservation Authority a detailed soils investigation of the site prepared by a qualified geotechnical engineer. A copy of this report shall also be submitted to the Town's Chief Building Official.
 16. Prior to the initiation of any site grading or servicing, the Owner shall provide a report identifying all existing water wells and private sewage disposal systems on the lands. The Owner shall provide verification to the satisfaction of the Town that all wells and septic systems identified have been decommissioned in accordance with all applicable laws and regulations.
 17. Prior to the registration of the Plan, arrangements shall be made to the satisfaction of the Town for any relocation of utilities required by the development of the subject lands, to be undertaken at the Owner's expense.
 18. Prior to the registration of the plan, arrangements shall be made to the satisfaction of the Town of The Blue Mountains for any upgrades, relocation of utilities, or other external works, to be undertaken at the Owner's expense.
 19. Prior to the approval of any engineering drawings, arrangements shall be made to the satisfaction of the Town for a suitable construction traffic route.
 20. The works/infrastructure within this subdivision, including street lighting, shall be designed and constructed in accordance with the Town of The Blue Mountains Engineering Standards or as otherwise approved by the Town.

Ministry of Transportation/The Town of The Blue Mountains Requirements re Highway 26:

21. That prior to final approval an updated Traffic Impact Study shall be completed indicating the anticipated traffic volumes and their impact upon intersections, including the intersection of Highway 26 and Streets 'A', 'B' and 'D'. This Traffic Impact Study shall be completed to the satisfaction of the Ministry of Transportation, the County of Grey, and the Town of The Blue Mountains and implement any requirements identified in the said study. The Traffic Impact Study as it relates to the proposed intersection of Street A/B and Long Point Road shall also be completed to the satisfaction of the Town of Collingwood. The Owner should be aware that any highway improvements will be the financial responsibility of the Owner.
22. That prior to final approval, the Owner shall enter into an agreement with the Ministry of Transportation whereby the Owner agrees to assume financial responsibility for the design and construction of the new Streets 'A', 'B' and 'D' entrances and all necessary associated highway improvements.
23. Prior to final approval, the Owner shall submit to the Ministry of Transportation, the County of Grey, and the Town of The Blue Mountains for their review and approval, a Storm Water Management Report indicating the intended overall storm water management strategy and infrastructure needs for the subdivision.
24. Prior to final approval, two visibility triangle Blocks (new ROW) at the intersection of Highway 26 at Street 'D', measuring 20 m (along Highway 26) by 6 m (along Street 'D') are to be established on the Draft Plan and be dedicated as a public highway on the Owner's certificate on the final M-Plan to be deeded to the Ministry of Transportation.
25. Prior to final approval, one visibility triangle Block (new ROW) at the intersection of Highway 26 at Long Point Road (Street 'B') measuring 20 m (along Highway 26) by 6 m (along Long Point Road) is to be established on the plan in the northwest quadrant and be dedicated as a public highway on the Owner's certificate on the final M-Plan to be deeded to the Ministry of Transportation.
26. Prior to final approval, Block 14 (Road Widening) as illustrated on the draft plan is to be dedicated as a public highway on the Owner's certificate on the final M-Plan to be deeded to the Ministry of Transportation.

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27. Prior to final approval, additional Blocks for road widening may be identified by the Ministry of Transportation and/or The Town of The Blue Mountains along the entire frontage of Highway 26, as identified from the outcome of The Town of The Blue Mountains Environmental Assessment and Preliminary Design Study in the Craigeleith area along the Highway 26 corridor.
28. Prior to final approval, a 0.3 m reserve extending across the entire Highway 26 frontage (with the exception of the proposed street access connections) is to be conveyed by deed to the Ministry of Transportation.
29. Prior to the final approval, the Owner and the Town of The Blue Mountains shall enter into a Subdivision Agreement that includes the following conditions of the Ministry of Transportation:
 - a. Prior to individual Block development or further subdivision of a Block, the Ministry of Transportation will require from the individual Block Owner, for its review and approval, a Traffic Impact Study indicating the anticipated traffic volumes and their impact upon the intersections of Highway 26 and Street 'D' and Highway 26 and Long Point Road (Street 'B').
 - b. Prior to individual Block development or further subdivision of a Block, the individual Block Owner or the Town of The Blue Mountains shall enter into a Legal Agreement with the Ministry of Transportation whereby the Block Owner agrees to be responsible, financial and otherwise, for the design and construction of all warranted and associated highway improvements.
 - c. Prior to individual Block development or further subdivision of a Block, the Ministry of Transportation will require from the individual Block Owner, for its review and approval, a Storm Water Management Report indicating the intended overall storm water management strategy and infrastructure needs for the Block.
 - d. Prior to individual Block development or further subdivision of a Block, the Ministry of Transportation will require from the individual Block Owner, for its review and approval, the submission of site plans, site-servicing plans, grading plans, for the proposed development.

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Park and Open Space Requirements:

30. The Owner shall convey parkland, or cash-in-lieu thereof in accordance with the provisions of the *Planning Act*.

Landscape, Fencing and Streetscape Requirements:

31. Prior to the registration of the plan, the Owner shall complete a Tree Preservation Plan and a Landscape Plan prepared by a Qualified Landscape Consultant to the satisfaction of the Town of The Blue Mountains, Niagara Escarpment Commission, and the Grey Sauble Conservation Authority.

The Tree Preservation Plan and Landscape Plan shall be prepared in concert with the drainage and grading plan and shall demonstrate how each of the Blocks will be developed to ensure the existing vegetation will be maintained so as to address Natural Heritage buffers as much as reasonably possible.

The Owner shall save and/or remove any trees and vegetation on the subject lands as required by the Tree Preservation Plan and/or Landscape Plan. Restoration plans using native species and an edge management strategy will be addressed as part of the Tree Preservation Plan and the Landscape Plan.

The said plans shall be incorporated into the Subdivision Agreement and shall apply to individual development of the Blocks.

32. The Owner shall provide fencing to the satisfaction of The Town of The Blue Mountains so as to separate development Blocks from Open Space, Park, Natural Heritage Blocks and/or related buffers areas.

33. That prior to the design of Street B, or any development adjacent or contiguous to Highway 26, the Owner, at its sole cost and expense, shall prepare a streetscape design to satisfaction of The Town of The Blue Mountains that addresses building facades, building massing/relationships, on-site parking location/orientation, lighting, plantings, fencing and adjacent streetscape furnishings.

Other:

34. That prior to final approval, an Archaeological Assessment Stage 2, and further Stages if recommended by the Stage 2, be prepared by a licensed professional archaeologist, and completed in accordance with the Ministry of Tourism, Culture and Sport Guidelines, and that the Town of The Blue Mountains and the County of

Grey be furnished with a copy of a letter from the Ministry of Tourism, Culture and Sport to the professional archaeologist receiving the Archaeological Assessment.

35. That prior to final approval the Owner submit a study addressing the potential Eastern Meadowlark and Blanding's Turtle habitats to the Ministry of Natural Resources Midhurst District Office, which addresses the requirements of the *Endangered Species Act* and Ontario Regulation 65/12 with such study being to the satisfaction of the Town of The Blue Mountains, County of Grey, Grey Sauble Conservation Authority and the Niagara Escarpment Commission. Mitigation measures as suggested in the SAAR Environmental peer review comments dated January 24, 2014 should be considered as part of this Study and incorporated in the subdivision agreement.
36. The Owner complete Block specific environmental studies prepared by a qualified individual prior to Block specific development with such studies addressing Natural Heritage matters such as Species at Risk and adequate buffering/setbacks to the Provincially Significant Wetlands and that such studies be to the satisfaction of the Town of The Blue Mountains, County of Grey, Grey Sauble Conservation Authority and the Niagara Escarpment Commission.
37. The Owner prepare a Block specific Visual Impact Assessment and a Massing/Shade Analysis prior to Block 15 development with such assessment and analysis being to the satisfaction of The Town of The Blue Mountains. The Visual Impact Assessment shall also be prepared to the satisfaction of the Niagara Escarpment Commission.
38. The Owner complete a Commercial Market Analysis prior to proceeding with commercial development beyond the first 2,000 square metres of commercial development with such Analysis being to the satisfaction of The Town of The Blue Mountains.
39. The Owner to obtain the required permits from the Grey Sauble Conservation Authority under Ontario Regulation 151/06 for site alterations and construction of buildings within the regulated area.
40. That prior to any further planning approvals the Owner prepare a Noise Impact Study as may be required and to the satisfaction of The Town of The Blue Mountains.

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41. The Owner shall include the following statements in all offers of purchase and sale for all lots and blocks within the plan:
 - a. That Blocks 2, 6 to 10, 16, 20 and 22 will be developed for open space/park purposes.
 - b. That Blocks 2, 16 and 20 are part of a Provincially Significant Wetland, buffer area and wildlife corridor and shall be left in a naturalized state.
42. Prior to registration, the Owner shall remove any existing buildings from the site.
43. The Owner shall make satisfactory arrangements with Canada Post and the Town's Engineering and Public Works department, for the method of mail delivery and/or installation of Canada Post Community Mailboxes and shall indicate these locations on the appropriate servicing plans. The Owner shall further provide the following for the Community Mailboxes if required:
 - a. An appropriately sized sidewalk section (concrete pad), per Canada Post standards, to place the mailbox on, plus any required walkway access and/or curb depressions for wheelchair access.
 - b. A suitable temporary Community Mailbox location which may be utilized by Canada Post until the curbs, sidewalks and final grading have been completed at the permanent Community Mailbox Site locations to enable Canada Post to provide mail service to new residences as soon as homes are occupied.
44. That prior to final approval, the County is advised in writing by the Grey Sauble Conservation Authority how conditions 2, 12, 13, 15, 31, 35, 36 and 39 have been satisfied.
45. That prior to final approval, the County is advised in writing by the Niagara Escarpment Commission how conditions 2, 12, 13, 31, 35 to 37 have been satisfied.
46. That prior to final approval, the County is advised in writing by the Ministry of Transportation how conditions 2, 12, 13, 21 to 29 have been satisfied.
47. That prior to final approval, the County is advised in writing by the Town of Collingwood condition 20 as it relates to the proposed intersection of Street A/B and Long Point Road has been satisfied.

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48. That prior to final approval, the County is advised in writing by the Town of The Blue Mountains how conditions 2 to 42 have been satisfied.
49. 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 along with the applicable application fee and a resolution from the local municipality must be received.

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 42T-2012-03.
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.

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3. Clearances are required from the following:

Town of The Blue Mountains
32 Mill Street
Thornbury Ontario, N0H 2P0

Grey Sauble Conservation Authority
237897 Inglis Falls Road, RR#4
Owen Sound, Ontario, N4K 5N6

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

Ministry of Transportation
Engineering Office
659 Exeter Road
London Ontario, N6E 1L3

Town of Collingwood
97 Huronontario Street
P.O. Box 157
Collingwood, Ontario

4. It is suggested you make yourself aware of the following subsections of the Land Titles Act:

- a. subsection 144(1) requires all new plans to be registered in a Land Titles system if the land is situated in a land titles division; and
- b. subsection 144(2) allows certain exceptions.

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

5. It is suggested that the municipality register the subdivision agreement as provided by subsection 51(26) of the Planning Act against the land to which it applies, as notice to prospective purchasers.
6. The owner's consultant in preparing the Traffic Impact Study should refer to the Ministry of Transportation's website for a comprehensive set of traffic related documentation requirements to assist in preparing their report:
http://www.mto.gov.on.ca/english/engineering/management/corridor/TIS_Guidelines_EN.pdf The Owner should be aware that any highway improvements identified from the Ministry of Transportation's review and analysis of the Traffic Impact Study will be the responsibility, financial and otherwise, of the owner.
7. The owner's consultant in preparing the Stormwater Management Report should refer to the Ministry of Transportation's website for a comprehensive set of ministry drainage related documentation requirements to assist in preparing their report: <http://www.mto.gov.on.ca/english/engineering/drainage/index.shtml>

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8. The owner is advised that to facilitate the transfer by deed of the 0.3 metre reserve across the entire Highway 26 frontage, that a preliminary M-plan, draft deed and draft certification of title are to be submitted to the Ministry of Transportation for its review and approval prior to registering the M-Plan and/or registration of the deed. Once approved, the property owner's solicitor, on behalf of the Ministry of transportation, can register the deed and execute the certification of title. The 0.3 metre reserve shall be deeded to the Ministry of Transportation free and clear of all encumbrances.
9. Under the Public Transportation and Highway Improvement Act, Ministry of Transportation permits are required for all grading/construction located within 800 metres of the Highway 26 highway (property) limit. The Ministry of Transportation will require that all new commercial buildings and structures, both above and below ground, including stormwater management ponds/facilities, be setback a minimum of 14.0 metres from the Highway 26 highway (property) limit.
10. Under the Public Transportation and Highway Improvement Act, Ministry of Transportation permits are required for all visible signs proposed to be located within 400 metres of the Highway 26 highway (property) limit.
11. Portions of the Plan may be subject to the Grey Sauble Conservation Authority's 'Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses' Regulation. As such, written permission may be required from the Authority prior to any development occurring on the subject property.
12. All measurements in subdivision final plans must be presented in metric units.
13. The final plan approved by the County must be registered within thirty (30) days or the County may withdraw its approval under subsection 51(59) of the Planning Act RSO 1990, as amended.