Regular Council

Planning Report

To:	**Mayor And Council**
Department:	Planning
Meeting Date:	December 13, 2023
Subject:	PLA 2023-56: 7723 Highway 89 Zoning By-law Amendment and Non-Residential Plan of Subdivision (Z-19/22 and D-12-PIL/22) Decision

RECOMMENDATION

THAT Staff report PLA 2023-56 dated December 13, 2023 regarding 7723 Highway 89 Zoning By-law Amendment and Non-Residential Plan of Subdivision (Z-19/22 and D-12 PIL/22) Decision be received;

THAT Council approve the Zoning By-law Amendment for the removal of the Open Space Conservation (OSC) Zone; and

THAT Council grant draft approval of the plan of subdivision subject to the conditions identified as Attachment 1, attached to this report.

PURPOSE/BACKGROUND

The Owner, Pilla Investment Inc., and agents Ellen Farris and Jamie Robinson of MHBC Planning have applied for an amendment to the Township of Adjala-Tosorontio's Zoning By-law 13-14, which amended the Township Zoning By-law 03-57, requesting the removal of an open space conservation zone, while also amending the holding provision to facilitate a plan of subdivision for non-residential development. The applicants have also filled the appropriate plan of subdivision application concurrently with the proposed amendment to the Zoning By-law, to initiate the process of the proposed non-residential plan of subdivision. The subject property, 7723 Highway 89, is currently designated as Employment in the Township's Official Plan and zoned both Employment One Hold (E1-(H1-1)) and Open Space Conservation in the Township Zoning By-law. The proposal to remove the Open Space Conservation (OSC) Zone requires the submitted Zoning By-law Amendment Application, while the proposal to create twenty-three (23) lots requires the Plan of Subdivision Application.

The subject lands are 29 hectares (71 acres) situated directly south of Highway 89 and west of Concession Road 7. The lands slope from west to east and are currently developed with an existing dwelling and a number of accessory buildings clustered via a gravel driveway from Highway 89. Access off Concession Road 7 provides access to the existing Home Hardware on an eastern portion of the subject lands.

The Subject Lands are surrounded by the following land uses:

NORTH: Highway 89, industrial and commercial uses, and agricultural uses.

EAST: Concession Road 7, industrial and commercial uses, existing single-detached residential dwellings, and the settlement area of Alliston.

SOUTH: Existing rural residential and agricultural uses.

WEST: Existing rural residential uses, and construction yard and concrete batching plant.

ANALYSIS AND DISCUSSION

Planning Policy Analysis

The *Township's Official Plan and Zoning By-law 03-57* are issued in accordance with *Sections 16 and 34* of *the Planning Act, R.S.O. 1990, c. P.13*, and as per *Section 22 and 34 (10)* of the A*ct*, an Official Plan and Zoning By-law may be amended. When a municipality receives an amendment to its respective Official Plan and Zoning By-law the decision must conform to the other applicable planning legislation, as issued under the *Planning Act*. In Ontario, planning legislation is done through a hierarchical system in which the *"Minister"*, as described in the *Planning Act*, may issue a *Provincial Policy Statement*, in which all other legislation must conform with.

Further to this because the Township of Adjala-Tosorontio is a lower tier municipality, all planning legislation at the lower tier level must conform to the *County of Simcoe's Official Plan*, therefore requiring any amendments to conform to the County of Simcoe's Official Plan. Any decisions on planning matters must be consistent with the previously mentioned hierarchy, but also must conform with other applicable provincial legislation. Below is a summary of the hierarchy of planning legislation which will form the basis of the analysis for this application, and are applicable to this property:

1. The Planning Act, R.S.O. 1990, c.P.13
2. Provincial Policy Statement - 2020
3. A Place to Grow Growth Plan for the Greater Golden Horseshoe – 2020
4. County of Simcoe Official Plan, 2023
5. Township of Adjala-Tosorontio's Official Plan, 2000
6. Township of Adjala-Tosorontio's Zoning By-law, 2003

Provincial Policy Statement

Section 3 of the *Planning Act, R.S.O. 1990, c. P.13*, allows the Minister the ability to issue Provincial Policy Statements, with respect to planning matters of provincial interest. Section 3 (5) and (6) require that all decisions of Council, are consistent with the policies in the Provincial Policy Statement, and further require that all comments or advice on planning matter given by Council, be consistent with the policies in the policy statement. The *Provincial Policy Statement 2020* ***(PPS)*** is the current iteration of the policy statement and the proposed By-law Amendment **(ZBA)** and Draft Plan of Subdivision **(DPOS)** must conform to the policies outlined within the statement.

The PPS classifies lands and differentiates uses to ensure that the policies are being applied appropriately throughout the various diversified lands of Ontario. Section 1.0 of the PPS, *Building Strong Healthy Communities,* describes how municipalities are to plan for complete communities taking into consideration the differentiating land uses that form the composition of a community from residential uses to industrial uses, and everywhere in between. The policies contained within this section are required to be followed for all proposals throughout the municipality, and any new proposed land use must demonstrate its compliance with the PPS.

The PPS designates the subject lands as *Rural Lands*, with permitted uses being agricultural uses, residential uses, home occupations, cemeteries, and other rural land uses, which promote the appropriate use of the lands. The proposed land use for creation of twenty-three (23) industrial/commercial lots complies with all the policies of section 1.1.5 of the PPS as it introduces a new economic opportunity to the Township and each lot will be supported by individual well and septics.

1.1.5.3 Recreational, tourism and other economic opportunities should be promoted.

1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

1.1.5.5 Development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure.

1.1.5.6 Opportunities should be retained to locate new or expanding land uses that require separation from other uses.

1.1.5.7 Opportunities to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.

1.1.5.8 New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.

The Township of Adjala-Tosorontio is a rural municipality, with limited municipal servicing for water and wastewater, therefore requiring any of the proposed non-residential uses to rely on private servicing. The applicant has submitted a functional servicing report indicating the capability for the site to support the potential non-residential subdivision, therefore complying with policies 1.1.5.4 and 1.1.5.5 of the PPS. Further to this, the PPS provides policy identifying that if there is a need to erect a building or install a sewage system in the future, private servicing is suitable, as per 1.6.6.4.

1.6.6.4 Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not available, planned or feasible, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In settlement areas, individual on-site sewage services and individual on-site water services may be used for infilling and minor rounding out of existing development.

In addition to the policies regarding servicing with respect to infrastructure, the PPS provides policy direction pertaining to the requirement to manage stormwater as per policy 1.6.6.7.

1.6.6.7 Planning for stormwater management shall:
a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;
b) minimize, or, where possible, prevent increases in contaminant loads;
c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;
d) mitigate risks to human health, safety, property and the environment;
e) maximize the extent and function of vegetative and pervious surfaces; and

f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.

The applicant's agent submitted a Functional Servicing and Storm Water Management Report prepared by Crozier and Associates, which outlined how the applicant intends to adhere to the maintenance of storm water on the subject lands. The prepared report indicated the necessary grading requirements for the plan, while also noting the storm water management pond within the area. Staff note that the Township's Drainage Consultant, agree with the location/requirement of the storm water management pond and outlet. The final engineering details will be completed through the review of the engineering drawings and "Accepted For Construction Drawings", will be included in the subdivision agreement.

Further to the review of the plan of subdivision and initial grading comments, it should be noted that each lot well be subject to the Site Plan Control Process, as per Section 41 of the Planning Act and the Township's Site Plan Control By-law 23-30. A site grading plan will need to be submitted and approved by Staff as part of the approval process, prior to the use and any on-site alteration occurring. The Site Plan Control agreement will contain language regarding necessary elevations, as well as mentioned required security deposits to ensure that the works completed are to the satisfaction of Township Staff, and engineers.

Based on this information, Staff are satisfied with the proposal's compliance with the PPS with respect to storm water management, with the understanding that both a Subdivision Agreement and Site Plan Control Agreement will be required.

In addition to the above mentioned policies it should be noted that the lands are within an Employment Area of the Township, and therefore the policies of Section 1.3 Employment within the PPS is applicable. The proposed plan of subdivision enables the ability to have a variety of different uses within the Employment area, as opposed to the subject lands being developed for a single use. The Township's Zoning By-law already permits a variety of light industrial uses, therefore pre-determining some already recognized compatible as-of-right uses within the area. The plan of subdivision and potential for different uses is supported by the PPS specifically by policy 1.3.1(b) as the subdivision enables there to be more sites for economic employment opportunities.

1.3.1 Planning authorities shall promote economic development and competitiveness by:

a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;

b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;

c) facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;

d) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities, with consideration of housing policy 1.4; and

e) ensuring the necessary infrastructure is provided to support current and projected needs.

Section 2.0 of the PPS, *Wise Use and Management of Resources,* describes how municipalities are to plan to protect Ontario's natural resources and environment. The site did not present any significant natural heritage, water, or minerals based on the information presented to the municipality and therefore there were no concerns with respect to sections 2.1, 2.2, 2.4 and 2.5 of the PPS. Section 2.6 of the PPS outlines the requirements for the protection of Cultural Heritage and Archeology, which required the applicant to submit an archeological assessment prepared by AMICK Consultants, which determined that upon completion of the Stage 2 assessment that the proposal met the provincial requirements and that there were no further assessments warranted. Staff believe that the proposal does not conflict with the requirements of section 2.0 of the PPS.

Section 3.0 of the PPS, *Protecting Public Health and Safety,* provides policy ensuring that land use planning matters take into consideration both natural and human-made hazards, with respect to planning decisions. The subject lands did not contain any identifiable hazards, as per the pre-consultation comments received from the Nottawasaga Valley Conservation Authority (NVCA) and therefore complies with the policies contained within section 3.0 of the PPS.

Based on the information provided, it is Staff's opinion that the proposed re-zoning of the environmental area and proposed subdivision development conforms to the Provincial Policy Statement 2020.

The Growth Plan

Section 6 of the Places to Grow Act, 2005, S.O. 2005, c. 13, allows the Minister, as described in the act, to issue a growth plan which contains policies related to growth such as density, affordable housing, the protection of sensitive housing and more. Section 14 of the act requires that all decisions made under the *Planning Act, R.S.O. 1990, c. P.13,* must conform to the policies contained in a growth plan. *A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2020* **(Growth Plan),** is the current growth plan which affects not only the subject lands effected by this application and decision, but also the entirety of the Township of Adjala-Tosorontio.

Remaining consistent with the PPS, Section 2 of the Growth Plan: *Where and How to Grow*, categorizes and differentiates lands with different land use designations, with different policies affecting the respective lands. Section 2.2.5 *Employment* describes the objectives for employment uses within Ontario, and provides achievable directives for municipalities when considering the introduction of new or expanding employment opportunities to a municipality. The applicant's agent describes the complexity of planning within the Rural context, while specifically identifying the complexity within the Township of Adjala-Tosorontio with respect to designated employment areas and the Growth Plans directive to direct employment uses to settlement areas. While the policy directs employment land uses to settlement areas, the proposed development is within the Township's existing Employment Lands and therefore is the appropriate place for facilitating non-residential development. Policy 2.2.5.1(a) and 2.2.5.1(b) speaks directly to the appropriate location of employment uses, noting that the location should plan for future employment uses and growth while also noting to utilize existing employment areas.

2.2.5 Employment
1. Economic development and competitiveness in the GGH will be promoted by:
a) making more efficient use of existing employment areas and vacant and underutilized employment lands and increasing employment densities;

b) ensuring the availability of sufficient land, in appropriate locations, for a variety of employment to accommodate forecasted employment growth to the horizon of this Plan;
c) planning to better connect areas with high employment densities to transit; and
d) integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment.

Due to the location of the subject lands being contained within the Township's Employment Lands the proposed ZBA and DPOS conform to the requirements for employment land uses with respect to the Growth Plan as the proposal enables the lands to be utilize more efficiently without necessitating an expansion to the area.

The subject lands are outside of a settlement area, and would be classifies as *Rural Areas,* as per section 2.2.9 of the Growth Plan, with policy 2.2.9.3 being applicable as stated below:

Subject to the policies in Section 4, development outside of settlement areas may be permitted on rural lands for:
a) the management or use of resources;
b) resource-based recreational uses; and
c) other rural land uses that are not appropriate in settlement areas provided they:
i. are compatible with the rural landscape and surrounding local land uses;
ii. will be sustained by rural service levels; and
iii. will not adversely affect the protection of agricultural uses and other resource-based uses such as mineral aggregate operations.

As discussed previously in the analysis of the PPS, the proposed uses are supported by a Functional Servicing Report which demonstrates the ability to be sustainable without municipal servicing. Due to there being no proposed introduction of a new use to the Township's existing Employment Lands, the proposed subdivision will be compatible with the rural landscape. Additionally the submission of the Functional Servicing Report satisfies section 3.2.7.2 as it is a required study to facilitate a plan of subdivision.

3.2.7.2. Proposals for large-scale development proceeding by way of a secondary plan, plan of subdivision, vacant land plan of condominium or site plan will be supported by a stormwater management plan or equivalent, that:

a) is informed by a subwatershed plan or equivalent;
b) incorporates an integrated treatment approach to minimize stormwater flows and reliance on stormwater ponds, which includes appropriate low impact development and green infrastructure;
c) establishes planning, design, and construction practices to minimize vegetation removal, grading and soil compaction, sediment erosion, and impervious surfaces; and
d) aligns with the stormwater master plan or equivalent for the settlement area, where applicable.

Based on the information provided, it is Staff's opinion that the proposed development conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019.

<u>County of Simcoe Official Plan</u>

The Township of Adjala-Tosorontio is the lower tier municipality, with the upper tier municipality being the County of Simcoe. As such, the County has powers for various approvals delegated to them under the Planning Act, as authorized by the Minister. Section 16 (34) of the Planning Act, requires

that the Official Plan of the lower tier municipality conform to the policies of the upper tier municipality, and as a result all decisions made under the Planning Act, must conform to the policies contained within the County of Simcoe Official Plan. The County of Simcoe Official Plan was adopted in 2008, however it received approval from the former Ontario Municipal Board (OMB) in 2016. As the Township's Official Plan is being updated, it is important to note that in the case of discrepancies and conflicts between the upper and lower tier municipal official plans, the policies contained in the upper tier municipality's official plan prevails where a conflict exists.

The subject lands are designated as Rural in the County of Simcoe Official Plan, as per Schedule 5.1 – Land Uses. The Rural designation promotes rural industrial and commercial land uses as per the criteria in 3.7.5 of the County of Simcoe Official Plan.

> ***3.7.5*** *Other rural land uses such as rural industrial and rural commercial development that cannot be located and are not appropriate in a settlement area may be permitted in the Rural designation and also subject to the following additional criteria:*
> *The proposed use must:*
> *a) generate minimal traffic or be in the proximity of an arterial road or highway;*
> *b) have sewage and water service needs suitable for individual services;*
> *c) not be located on prime agricultural lands except for land uses otherwise permitted in the Agricultural designation;*
> *d) for rural industrial uses, not be located in the proximity of residential or other incompatible uses in accordance with applicable guidelines for industrial use and distance separation; and*
> *e) for rural commercial uses, must primarily serve the travelling public and tourists to the area on the basis of convenience and access.*
>
> *Local official plans shall also contain policies which require applicants to consider, as part of their development application, matters such as site hydrogeology, stormwater management, and spills containment.*

The analysis of both the PPS and Growth Plan addressed the technical comments with respect to servicing and storm water management. The applicant has submitted a traffic study, which demonstrates that there will be minimal traffic generated therefore requiring minimal improvements to the site regarding signalization. Due to the proximity and proposed direct access to Highway 89, the Ministry of Transportation of Ontario (MTO) was circulated the application, and did provide comments and conditions which were captured in the draft conditions proposed for the development. Staff note that the conditions will be incorporated through the subdivision agreement and through the site plan control agreement, as these agreements will be required prior to site alteration occurring.

The County of Simcoe further provides language within their Official Plan to recognize the existing Rural Employment Areas within local municipalities as per 3.7.6.

> *3.7.6 Rural employment areas that are identified in local municipal official plans as of November 25, 2008 may continue to be recognized, at the discretion of the local municipality. Such rural employment areas may expand in accordance with Section 3.7.7.*

The Township of Adjala-Tosorontio's Official Plan established the designated Employment Area in April 2008, therefore being recognized by the County of Simcoe, as a designated area for employment uses.

Based on the information provided, it is Staff's opinion that the proposed development conforms to the County of Simcoe's Official Plan.

Township of Adjala-Tosorontio Official Plan

The Township of Adjala-Tosorontio's Official Plan, 2000, is the guiding document for all land uses and proposed development. The Official Plan contains both policies and objectives, pertaining to permitted land uses in various designated areas throughout the municipality, as well as a broad standard for developments and the studies required to support a proposed development. The Township's Official Plan is required by the Planning Act to be consistent with the PPS, Growth Plan and County Official Plan.

The Township's Official Plan was amended in 2008 to establish an Employment Area, with the intent of directing commercial and residential units to an acceptable location within the municipality. The subject property is located within this area and is designated as Employment, in the Township's Official Plan, as per the amendment to Schedule A-4. Land uses and development must adhere to policies specifically contained in Section 4.9, and any other general policies contained in the plan.

The applicant is not proposing any new uses in the area, and section 4.9 does not prohibit plans of subdivisions within the Employment Area with the only policy speaking to subdividing land being 4.9.17.

4.9.17 Strip development will be discouraged on Provincial and County Roads through control of entrances, placement of berms and landscaping.

The Township's Official Plan does not contain a definition for strip development, however Staff advise that the County's definition and use of the term strip development is not offended as the lots proposed are for non-residential uses, where the term is in reference to the creation of residential lots.

With respect to the proposed configuration of the development sections 4.9.1.9 and 4.9.10 outline how entrances and new service roads are to be incorporated into the subdivision.

4.9.1.9 No new private entrances will be permitted from Highway 89 or County Road 50 without written consent by the appropriate approval authority. The creation/upgrade of new commercial entrances and/or the upgrading of existing residential or farm entrances to commercial standards will need to be supported by a Traffic Impact Study and be subject to review and approval of the MTO or the County of Simcoe at current MTO or County standards.

4.9.1.10 New service roads or access from intersecting public roads may be appropriate but subject to a Traffic Impact Study (TIS) to the satisfaction of the Township and approval authorities. The TIS will have regard to spacing requirements between intersections according to MTO, County and Township standards. Joint accesses for adjacent lots may be considered to provide safe access to properties.

The applicants have designed the proposed plan of subdivision in a manner which will result in all entrances being from the proposed public road, which will be assumed by the municipality. The applicant submitted a Traffic Impact Study as part of a complete application for the proposed development which included correspondence with the MTO regarding the requirements in relation to signalization of the proposed road. The MTO was not opposed to the development and have provided

conditions to be captured in the subdivision agreement, which are reflected in the attached draft plan conditions.

Further to the policies in relation to the design, the Official Plan contains the requirement for development to go through the process of Site Plan Approval, which each individual lot will be subject to submitting an application and being approved. The Official Plan requires various studies to be submitted with each application, which will be reviewed by staff and it consultants at the time of application submission. The applicant has submitted all of the necessary studies to consider the potential uses and impact that may be permitted as-of-right but updated studies will still be required at the time of the site specific use being proposed.

Based on the information provided, it is Staff's opinion that the proposed development conforms to the Township's Official Plan.

Township of Adjala-Tosorontio Zoning By-law

The Township of Adjala-Tosorontio Zoning By-law, 03-57, is a by-law which provides clear and specific direction for both land uses and structures throughout the municipality. The Zoning By-law enforces the policies and objectives of the Official Plan through specific requirements with respect to land uses and the regulation of the location, size, and height of structures.

The subject property was amended by By-law 13-14, which imposed the permitted uses and zoning standards for the Employment Area. The subject property is zoned as Employment One Hold (E1-(H1)) and Open Space Conservation (OSC) in the Township's Zoning By-law.

The proposed amendment is to remove the zone designated as OSC while also removing a provision in the Zoning By-law pertaining to the subdivision of land that has a holding provision. At the time of writing their report, Staff did not receive updated correspondence from the Nottawasaga Valley Conservation Authority (NVCA), however during the initial pre-consultation of this application, it was determined that there was not an environmental feature on the property and they did not oppose to the re-zoning to remove the protection.

While the applicant is not proposing any new zoning standards the Township's Zoning By-law has a provision which restricts the subdividing of lots in relation to lots designated as having a hold, as per 21.5.3.

> *21.5.3 Any land that is subject to the Holding symbol 'H' shall maintain its lot area and lot frontage as it existed on the day of passing of this zoning by-law.*

The applicant and their agent did not initially request the removal of this provision, however upon the preparation of this report, Staff recognized that the policy would hinder the proposed plan of subdivision application. Staff advised the applicant's agent that rather than apply to remove the hold for the subject lands, it is more appropriate to request the removal of the policy and keep the holding provision on the subject lands and utilize the already submitted Zoning By-law Amendment application. It was always the intention of the applicant to have individual purchasers develop the lots and the purchasers will be required to remove the holding provision, in addition to going through the Site Plan Control Process.

Based on the information provided, it is Staff's opinion that although the proposed development is altering the provisions of the Township of Adjala-Tosorontio's Zoning By-law, the proposed

development does not offend the intent of the Zoning By-law and complies with the Township's Official Plan.

Standard Conditions of Draft Plan Approval will be imposed where as all Conditions must be met within three years from the date of approval of the Draft Plan.

LEGAL IMPLICATIONS

The proposed amendment and plan of subdivision are applications made under the Planning Act, R.S.O. 1990, c. P.13, and as such can be subject to an appeal to the Ontario Land Tribunal (OLT), based on Council's decision.

FINANCIAL IMPLICATIONS

An appeal to Council's decision will result in the financial implications associated with an appeal to OLT.

POLICY IMPLICATIONS

This report was prepared to determine the proposed development's consistency with the applicable planning legislation which effects the subject lands. The decision made by Council will solely affect the subject property, as the amendment and plan of subdivision are a site-specific amendment/development, which does not affect the applicable legislation, or set precedent for all development throughout the municipality.

COMMUNITY BASED STRATEGIC PLAN IMPLEMENTATION

Economic Development - to promote economic opportunities that meet the needs of the community and are financially and environmentally sustainable., Effective Governance - to provide governance that is responsive to the needs of its residents in a manner that is open, transparent and fiscally responsible.

CONSULTATIONS

Internal Departments

Engineering

While we have a number of outstanding comments on this submission (from the perspective of servicing, SWM, transportation, archaeological and geotechnical/hydro-G), I believe these can generally be addressed through the detailed design process and/or through development of final draft plan conditions.

Building Department

No Objection

External Agencies

Bell Canada

We have reviewed the circulation regarding the above noted application. The following paragraphs are to be included as a condition of approval:

"The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.

The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost."

Upon receipt of this comment letter, the Owner is to provide Bell Canada with servicing plans/CUP at their earliest convenience to planninganddevelopment@bell.ca to confirm the provision of communication/telecommunication infrastructure needed to service the development.

It shall be noted that it is the responsibility of the Owner to provide entrance/service duct(s) from Bell Canada's existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the Bell Canada Act, the Owner may be required to pay for the extension of such network infrastructure.

If the Owner elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development.

Enbridge
This response does not constitute a pipe locate, clearance for construction or availability of gas.

The applicant shall contact Enbridge Gas Inc.'s Customer Connections department by emailing SalesArea50@Enbridge.com to determine gas availability, service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping (including, but not limited to: tree planting, silva cells, and/or soil trenches) and/or asphalt paving.

If the gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for temporary gas pipe installations pertaining to phased construction, all costs are the responsibility of the applicant.

In the event that easement(s) are required to service this development, and any future adjacent developments, the applicant will provide the easement(s) to Enbridge Gas Inc. at no cost.

Ministry of Transportation Ontario (MTO)

We have reviewed the materials included with this resubmission for the Pilla Subdivision and find them to be generally acceptable.

Please request however that the applicant include the 14m setback line on the site grading and servicing drawings, and add a 0.3m reserve across the Highway 89 frontage on the draft plan of subdivision.

Risk Management Officer

- Recognizes the Subdivision and Zoning By-law Amendment applications at 7723 Highway 89, Adjala-Tosorontio to establish twenty-three (23) industrial lots. There are no significant drinking water threats associated with this location.

County of Simcoe

The County notes that waste management is not usually conducted within these types of developments.

Nation Huronne-Wendat

After review of archeological assessment, we withdraw our request on monitoring construction.

Hydro One

Have reviewed the documents concerning the noted Plan and have no comments or concerns at this time.

Public Meeting

The Township of Adjala-Tosorontio, held a public meeting, as prescribed under the Planning Act, for this application on January 11, 2023. Township staff did not receive any letters of support or opposition for the proposal. Callan Rose, 4849 Concession Road 7, was present to advise of no concerns with the development but of the drainage in the area.

Council had a few questions about the current drainage in the area, the stormwater management capacity to hold drainage from existing commercial uses on adjacent properties and wanting to fix the drainage issue prior to approval of the proposal.

The applicant has since submitted a resubmission to address some of the comments/concerns received.

Based on the information provided in both the comments from the circulation of the application and the comments received from the public meeting, it is staff's opinion that there are no concerns with the application with respect to the land use.

NEXT STEPS

Council will need to make a majority decision on the proposed amendments as presented, and adopt the respective by-laws. If approved, the applicant will need to wait for the 20-day period of no appeal to pass before the amendment to the Zoning By-law is considered complete. If no appeal is received, the applicant will have three years to satisfy the conditions of the draft plan approval. Each individual lot will also require site plan approval.

CONCLUSION

The proposed amendment to the Township of Adjala-Tosorontio's Zoning By-law, is consistent with Provincial, County and the Township's development for non-residential uses. The proposed plan of subdivision will be a benefit to the municipality and does not pose compatibility issues with the surrounding area. For this reason, Staff believe that this application represents "good planning", subject to meeting the necessary requirements for development agreed to at the time of the site plan approval process.

ATTACHMENTS:

Attachment 1 - Draft Plan Conditions

Prepared By: Jaclyn Cook, Planning Technician

Approved By:

Robin Reid, Clerk	Approved - 05 Dec 2023
Nelson Santos, CAO	Approved - 05 Dec 2023

Conditions of Draft Plan of Subdivision Approval (December 1st, 2023)

Applicant: Pilla Investments

File Number: D12/PILL/22

Municipality: Township of Adjala-Tosorontio

Subject Lands: 7723 Highway 89

Legal Description: ADJALA-TOSORONTIO CON 6 PT; LOT 32 RP 51R39971 PT PART 1; RP 51R40869 PART 2

No.	Condition

1) That this approval applies to the draft plan prepared by, MHBC Planning dated, June 20, 2023 and includes the following:

   a) Twenty-Three (23) commercial/industrial lots (Lots 1 to 23),
   b) One (1) stormwater management areas (Block 24)
   c) One (1) 30 metres right-of-way (Street 'A')
   d) Two (2) 20 metres right-of-way (Street 'B' and 'C')

2) That the Owner shall agree in writing to satisfy all the requirements, financial and otherwise, of the Township of Adjala-Tosorontio and shall make satisfactory arrangements with the Township of Adjala-Tosorontio regarding land dedications, detail design, construction of streets and municipal servicing within the Plan.

3) That the Owner shall enter into servicing, development, subdivision and other necessary agreements, satisfactory to the Township of Adjala-Tosorontio or any other appropriate authority prior to any development within the plan. These agreements may deal with matters including but not limited to the following:

   - engineering, construction, and conservation works which include municipal services;
   - hydro-electric;
   - storm water management, storm drainage facilities;
   - road widening and reconstruction;
   - monitoring wells;
   - cash contributions, levies (development charges), securities or letters of credit;
   - emergency services;
   - land dedications and easements, reserves;
   - parking;
   - noise abatement;
   - fencing, sidewalks, berming, buffer blocks and planting;

- grading and sodding;
- signed entry features;
- parkland, tree preservation and hoarding;
- culvert removal,
- warning clauses, and
- the details of which are indicated in correspondence from appropriate commenting agencies and departments.

4) That the Township of Adjala-Tosorontio shall confirm that the subdivision agreement has been registered by the municipality against the lands to which it applies as provided for in the Planning Act.

5) That the Owner agrees that development charges, processing and administrative fees be paid in accordance with the County of Simcoe, Simcoe County District School Board, Simcoe Muskoka Catholic District School Board and Township of Adjala-Tosorontio policies and the by-laws in effect at the time of final approval and upon issuance of a building permit.

6) That the Owner shall convey/dedicate, free of cost and encumbrances, any required road or highway widening, 0.3 metre reserves, walkways, sight or daylight triangles, buffer blocks and utility or drainage easements to the Township of Adjala-Tosorontio or any other authority in accordance with the policies and procedures of that body.

7) The Owner agrees that the proposed streets shall be named to the satisfaction of the Township of Adjala-Tosorontio. Further, the selection of street names shall be made having consideration of 911 emergency response.

8) The Owner agrees that the subdivision agreement will contain clauses to ensure that a municipal numbering system be assigned to the satisfaction of the Township of Adjala-Tosorontio with regard to a 911 emergency servicing; and that the Owner agrees in the subdivision agreement to display the lot number and corresponding municipal address in a prominent location on each lot in a manner that makes the address fully visible for emergency servicing.

9) That the Owner shall, upon registration of the plan of subdivision, convey up to 2% of land or cash-in-lieu to the Township of Adjala-Tosorontio for park or other recreational purposes.

10) That a copy of the proposed Final Plan is to be forwarded to the Township of Adjala-Tosorontio for their review and approval.

11) That Bell Canada or Rogers Communication shall confirm that satisfactory arrangements, financial and otherwise, have been made with Bell Canada or Rogers Communications for any communication facilities serving this draft plan of subdivision which are required by the Township of Adjala-Tosorontio to be

installed underground. A copy of such confirmation shall be forwarded to the Township of Adjala-Tosorontio.

12) That the Owner shall agree in the subdivision agreement, in wording satisfactory to Bell Canada or Rogers Communication, to grant to Bell Canada or Rogers Communications any easements that may be required for telecommunication or other services and should there be any conflict with existing communication facilities or easements, the Owner shall be responsible for rearrangements or relocation.

13) That prior to final approval, confirmation be received from Canada Post that the applicant has made satisfactory arrangements for the installation of a central mail facility, if required, in the development.

14) Prior to final approval, a drainage plan be prepared by the Owner's consultant to the satisfaction of the Nottawasaga Valley Conservation Authority, Ministry of Environment, County of Simcoe and the Township Engineer. This plan will show how surface water will be controlled on and off the site and will include swales and/or easements, where necessary. Any necessary erosion control measures will be shown. This approved plan will form part of the subdivision agreement with the Township of Adjala-Tosorontio.

15) Prior to final approval, a general lot grading plan be prepared by the Owner's consultant to the satisfaction of the Township Engineer. This approved plan will form part of the subdivision agreement with the Township of Adjala-Tosorontio.

16) Prior to final approval the Owner's consultant shall prepare a general site development plan to the satisfaction of the Township of Adjala-Tosorontio. This site plan will be in conformity with Conditions 13 and 14 and contain the following information:

    a) A building envelope for the commercial/industrial buildings.
    b) Envelopes for the sewage system sites including mantles, as required.
    c) Location and type of proposed water wells.
    d) Header invert elevation for each sewage system, as required.
    e) Drainage swales and lot gradients.
    f) This approved plan will form part of the subdivision agreement with the Township of Adjala-Tosorontio.

17) That the Owner agrees that all roads and services within the proposed development will be constructed to the satisfaction of the Township of Adjala-Tosorontio, including curb & gutter, hot asphalt, granular, streetlights, traffic signs, driveway approaches, sodded boulevards, boulevard trees and landscaping.

18) Prior to Final Approval of the Draft Plan, the Owner shall submit landscape

plans to the satisfaction of the Township of Adjala-Tosorontio. These plans are to be prepared by a qualified landscape architect in good standing with the Ontario Association of Landscape Architects (OALA) and shall include street tree planting, concept layout plan for all park blocks and planting and fencing of the stormwater management facility.

19) The Owner agrees that the subdivision agreement shall contain clauses with wording to the satisfaction of the Township of Adjala-Tosorontio that building permits will not be applied for until the Township of Adjala-Tosorontio is satisfied that adequate water, wastewater treatment, utilities and roads are available to service the lots within the development.

20) The Owner agrees that the subdivision agreement will contain clauses with wording satisfactory to the Township of Adjala-Tosorontio to the effect that any works required in the approved plans will be carried out by the Developer, at no cost to the Township of Adjala-Tosorontio, unless otherwise agreed upon.

21) Prior to final approval of the Draft Plan, the Owner shall prepare an updated Functional Servicing Report and provide details on the private servicing per #16 should be provided to the satisfaction of the Township of Adjala-Tosorontio. Any requirements resulting from this Report and the comments resulting from a peer review by the Township of Adjala-Tosorontio shall be incorporated into the subdivision agreement.

22) The Owner will submit a construction management plan which includes temporary stormwater management and ESC provisions to the satisfaction of the Township of Adjala-Tosorontio which demonstrates the staging of the construction of services and the location for construction access points within the development.

23) The Owner agrees that the subdivision agreement will contain clauses with wording satisfactory to the Township of Adjala-Tosorontio to the effect that all lots or blocks that are left vacant for longer than 12 months, shall be maintained and/or restored by the Owner to the satisfaction of the Township of Adjala-Tosorontio.

24) The Owner agrees that the subdivision agreement will contain clauses with wording satisfactory to the Township of Adjala-Tosorontio to the effect that the Township of Adjala-Tosorontio will not be responsible for any cost for the provision of stormwater management facilities.

25) The Owner agrees that the subdivision agreement will contain clauses with wording satisfactory to the Township of Adjala-Tosorontio to the effect that any works required in the approved plans shall be carried out by the Developer, at no cost to the Municipality, unless otherwise agreed upon.

26) The Owner agrees that the subdivision agreement will contain clauses with wording satisfactory to the Township of Adjala-Tosorontio to the effect that the stormwater management facility and drainage outlets (if required) be constructed to the satisfaction of the Township of Adjala-Tosorontio and the Nottawasaga Valley Conservation Authority.

27) The Owner shall provide wording in the subdivision agreement to the effect that the Owner will provide to the Township of Adjala-Tosorontio a soils report prepared by a geotechnical consultant which recommends the material and methods necessary for the construction of roads and services to meet Township of Adjala-Tosorontio standards including but not limited to the construction of the stormwater management facilities, wastewater treatment and disposal facilities and construction of buildings.

28) The Owner shall agree to provide wording in the subdivision agreement to the satisfaction of the Township of Adjala-Tosorontio to engage a professional engineer qualified in the area of the required certification, to administer and inspect all works and to certify in writing that the works were constructed in accordance with the plans, reports and specifications, as approved by the Ministry of the Environment, Conservation and Parks, Nottawasaga Valley Conservation Authority, the Ministry of Transportation and the Township of Adjala-Tosorontio.

29) The Owner shall agree to provide clauses with wording satisfactory to the Township of Adjala-Tosorontio that the Owner will submit a Phase 1 Environmental Site Assessment Report, stating soils are clear of all contaminants, prepared by a professional engineering consultant or equivalent, in accordance with the Ministry of the Environment, Conservation and Parks guidelines or other guidelines as appropriate, for all lands to be conveyed to the Township of Adjala-Tosorontio, to the satisfaction of the Township of Adjala-Tosorontio.

30) The Owner shall agree to provide clauses with wording satisfactory to the Township of Adjala-Tosorontio that secure any external or internal easements necessary to the construction of storm drainage works to the satisfaction of the Township of Adjala-Tosorontio.

31) The Owner agrees that the subdivision agreement will contain clauses with wording satisfactory to the Township of Adjala-Tosorontio to the effect that electric, telephone, gas and television cable services and any other form of telecommunication services shall be constructed at no cost to the Township of Adjala-Tosorontio as underground facilities within the public road allowances or within other appropriate easements as approved on the Composite Utility Plan, to the satisfaction of the Township of Adjala-Tosorontio and authorized agencies.

32) The Owner agrees that the subdivision agreement will contain clauses with wording satisfactory to the Township of Adjala-Tosorontio to the effect that individual lot owners may be required to obtain the services of a qualified professional engineer to prepare a detailed site development plan to the satisfaction of the Township of Adjala-Tosorontio prior to the issuance of a sewage system permit. This site plan will be in conformity with Conditions 13 to 15 above, and will contain the following information:

I. The location of the proposed buildings and any other structures on the lot.

II. The location, size and header invert elevation of the sub-surface sewage system and all engineering design criteria and standards pertaining thereto.

III. The existing and proposed grades of the disturbed areas on the lot after buildings, drainage and sewage works have been completed.

IV. Type and location of water well.

V. The engineer may be required to check the elevations of the building footings, prior to further construction, to ensure conformity with the approved plans noted above, and

VI. The engineer may be required, prior to the issuance of a final inspection report, to certify to the Township of Adjala-Tosorontio, in writing, that the installed works have been carried out in accordance with the approved plans.

33) That prior to any site alteration, the following shall be prepared to the satisfaction of the Nottawasaga Valley Conservation Authority and the Township of Adjala-Tosorontio:

I. An Erosion and Sedimentation Control Plan,
II. A Detailed Grading Plan, and
III. A Detailed Storm Water Management Plan.

34) No grading or other soil disturbances shall take place on the subject property prior to the Ministry of Tourism, Culture and Sport confirming in writing to the Approval Authority that all archaeological resource concerns have met licensing and resource confirmation requirements.

35) The Owner shall agree in the Subdivision Agreement to the following:

a) Should previously unknown or unassessed deeply buried archaeological resources be uncovered during development, such resources may be a new

archaeological site and therefore subject to Section 48(1) of the Ontario Heritage Act. The proponent or person discovering the archaeological resources must cease alteration of the site immediately and engage a licensed archaeologist to carry out archaeological fieldwork, in compliance with Section 48(1) of the Ontario Heritage Act

b) Anyone working on the subject lands who uncovers a burial site containing human remains shall cease fieldwork and/or construction activities and immediately report the discover to the police or coroner in accordance with the Funeral, Burial and Cremation Services Act.

36) The Owner agrees that the subdivision agreement shall contain clauses with wording satisfactory to the Township of Adjala-Tosorontio to the effect that any major works required in the approved plans noted in Conditions 13, 14 and 33 will be carried out by the developer.

37) That the Owner shall agree in the subdivision agreement, in wording acceptable to the Nottawasaga Valley Conservation Authority and the Township of Adjala-Tosorontio, that site alteration and construction will occur in accordance with the construction management plan.

38) That the Owner shall agree in the subdivision agreement, in wording acceptable to the Nottawasaga Valley Conservation Authority, to carry out or caused to be carried out the recommendations and measures contained within the plans and reports set out in Conditions 33 and 37

39) That the Owner shall agree that easements required for drainage purposes shall be granted to the Township of Adjala-Tosorontio. Once determined through technical study, the location of easements, if any, shall be identified on the final plans. This may require red line revisions.

40) That 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 and the Township of Adjala-Tosorontio.

41) That the subdivision agreement between the Owner and the Township of Adjala-Tosorontio shall include provisions whereby all Offers of Purchase and Sale will include information that satisfies subsection 59**(**4) of the Development Charges Act (Please see Note 7, below)

42) That prior to any site alteration, a final detailed storm water management plan shall be prepared to the satisfaction of the Nottawasaga Valley Conservation Authority, Ministry of the Environment, County of Simcoe and the Township of Adjala-Tosorontio.

43) That the Owner shall agree that no trees are removed or damaged prior to plan registration, or during any phase of the servicing and construction of the site, without prior approval from the County of Simcoe and Township of Adjala-Tosorontio.

44) The Owner agrees that the subdivision agreement shall contain clauses with wording satisfactory to the Township of Adjala-Tosorontio to the effect that any major works required in the approved plan will be carried out by the developer.

45) That the Owner shall agree in the subdivision agreement that all streets are graded to final elevation prior to the installation of the gas lines, and provide the necessary field survey information required for the installation of the gas lines, all to the satisfaction of Enbridge Consumers Gas.

46) That the Owner shall agree in the subdivision agreement that all the natural gas distribution system will be installed within the proposed road allowances and easements will not be required.

47) That the Owner shall submit and have approved by the Township of Adjala-Tosorontio and the Ministry of Transportation Ontario a Traffic Impact Study. The completion of the approved Study may require the applicant to enter into financial agreements with the Ministry of Transportation Ontario prior to execution of the subdivision agreement with the Township in the event road improvements are required to be undertaken.

48) That the Owner agrees that the draft plan approval of the development is for a period of five (5) years. The Owner acknowledges that any extensions be applied at least 60 days prior to lapsing.

49) That prior to final approval, the Township of Adjala-Tosorontio is to be advised in writing by the Nottawasaga Valley Conservation Authority how Conditions 14, 26, 28 & 33 have been satisfied.

50) That prior to final approval, the Township of Adjala-Tosorontio is to be advised in writing by the Ministry of the Environment, Conservation and Parks how Conditions 13 & 43 have been satisfied.

51) That prior to final approval, the Township of Adjala-Tosorontio is to be advised in writing by Bell Canada or Rogers Communication how Conditions 11, 12 & 31 have been satisfied.

52) That prior to final approval, the Township of Adjala-Tosorontio is to be advised in writing by Canada Post, how Condition 13 has been satisfied.

53) That prior to final approval, the Township of Adjala-Tosorontio is to be advised in writing by Enbridge Consumers Gas how Conditions 33, 45 & 46 have been

satisfied.

54) That prior to final approval, the Township of Adjala-Tosorontio is to be advised in writing by the Hydro Electric agency, how Condition 33 has been satisfied.

55) That prior to final approval, the Approval Authority is to be advised in writing by the Township of Adjala-Tosorontio how Conditions 2-11, 14-39, 41, 42, 43-49, 49 & 59 have been satisfied.

56) That the Owner agrees prior to final approval, to create and transfer to the Township of Adjala-Tosorontio at no cost, a fee simple, unencumbered interest in the following:

a) Block 24 for stormwater management purposes.

57) The owner further agrees to the following special conditions:

a) That the Owner shall agree in the Subdivision Agreement to construct a fence or provide landscape buffering on lots 1-4 and 13-25, to the satisfaction of the Township of Adjala-Tosorontio, which will then be maintained by the owner of the respective lots.
b) That the Owner further agrees in the Subdivision Agreement, that the fencing and landscape buffering described above, will be constructed prior to the development of the respective individual lot.
c) That the Owner further agrees that the Subdivision Agreement shall include warning clauses that the maintenance of the constructed fencing and landscape buffering is the responsibility of the individual lot owner.
d) That the Owner agrees in the Subdivision Agreement, to conduct sampling based on provincial regulations to ensure Ontario Drinking Water Quality Standards (ODWQS)
e) That the Owner agrees in the Subdivision Agreement, to follow best management practices in the application, handling and storage of pesticides, fertilizers, chemicals, snow and road salt on the property.
f) That the Owner agrees in the Subdivision Agreement, that the development of each lot is subject to the Township of Adjala-Tosorontio's Site Plan Control By-law, and that additional studies for the proposed development may be requested by the Township of Adjala-Tosorontio in accordance with the provisions of the Township Official Plan.

Ministry Transportation Ontario

58) That prior to final approval, the owner shall submit a detailed stormwater management report for Ministry of Transportation review and approval, in accordance with the following MTO drainage guidelines: SydneyEnterprise: Portal (gov.on.ca) (under the drainage tab).

59) That prior to final approval, the owner shall submit preliminary site grading / servicing / drainage / electrical (including photometric) plans for Ministry of Transportation review and approval.

60) That prior to final approval, the owner shall submit a traffic impact study for Ministry of Transportation review and approval.

61) That prior to final approval, the owner shall enter into a legal agreement with the Ministry of Transportation whereby the owner agrees to assume financial responsibility for the construction of the street entrance and all necessary associated highway improvements (unless prior agreements have been established and approved by the Township and MTO).

62) That prior to final approval, calculated daylight triangles and a 0.3 m reserve extending across the entire highway frontage (with the exception of the proposed street entrance) be conveyed by deed to the Ministry of Transportation (all deeds must be free and clear of all encumbrances).

63) That prior to final approval, the owner shall submit a draft M-Plan for MTO review and approval.

Bell Canada

64) The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.

65) The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.

Nation of Huronne-Wendat

66) That the Owner agrees that the Huronne-Wendat be notified of excavation or earthworks and invited to send construction monitors. This shall be completed by Owner of each lot.

NOTES:

1. 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 the file number (DI2/PILL/22)

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

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

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

3. It is suggested that the municipality register the subdivision agreement 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.

4. All measurements in subdivision and condominium final plans must be presented in metric units.

5. For your information, easements required for utility or drainage purposes should be granted to the appropriate authority.

6. All deeds to be conveyed must be free and clear of encumbrances.

7. A Development Charge, adjusted to the date of payment, with respect to water supply services, sanitary sewer services, storm drainage services, transportation services and electrical power or energy services shall be calculated and payable in accordance with the policies of the Township.

8. The Township of Adjala-Tosorontio requires all engineering drawings to be submitted in an electronic format suitable to the County of Simcoe as well as a hard copy. The County of Simcoe has specific requirements for the submission to digital drawings. Contact the Planning Department for additional information.

9. The Nottawasaga Valley Conservation Authority will require a copy of the executed subdivision agreement prior to the clearance of draft plan conditions.

10. Clearances are required from the following agencies:

    a. The Township of Adjala-Tosorontio
       P.O. Box 94, 2821 Highway 50
       Loretto ON L0G 1L0

b. The Nottawasaga Valley Conservation Authority
   8195 8th Line
   Utopia, ON L0M 1T0

c. The Ministry of the Environment
   Southwestern Regional Office
   659 Exeter Road, 2nd Floor
   London, Ontario
   N6E 1L3

d. Canada Post
   Delivery Planning
   193 Church Street, Suite 200
   Oakville, ON L6J 7S9

e. Enbridge Consumers Gas
   500 Elgin Mills Road East
   Richmond Hill, ON L4C 5G1

f. Bell Canada
   Right of Way
   136 Bayfield Street
   Barrie, ON L4M 3B1

g. Ministry of Transportation Ontario
   Central Operations Branch
   Corridor Management Section
   7th Floor
   159 Sir William Hearst Avenue
   Toronto, ON M3M 0B7

11. If agency conditions concern conditions of the subdivision agreement, a copy of the agreement should be sent to them. This will expedite clearance of the final plan.

12. Please be advised that the approval of this draft plan three years and of the development is for a period of three (3) years and will lapse on April 5th, 2026. This approval may be extended pursuant to subsection 51(33) of the Planning Act.

13. MTO Building & Land Use permits are required for all buildings / structures within 45m of the limits of Highway 89 and within a 395m radius of the centrepoint of any intersection with Highway 89 (including Highway 89 / Street d), in accordance with Section 38(2)(a) of the PTHIA. MTO permits are also required prior to site grading / servicing / internal road construction, including storm ponds, and for site signs. MTO Encroachment permits are

required for construction of any required highway improvements, as well as for any proposed servicing or utility connections within Highway 89 ROW.

14. All buildings and structures (above and below ground), including land uses considered integral to site operations (eg. ponds, drainage features, drive-thrus, loading docks, fire routes, etc.) must be setback a minimum of 14m from Highway 89 ROW limits. Wells must be setback a minimum of 30m.

15. It is the responsibility of the Owner to provide entrance/service duct(s) from Bell Canada's existing network infrastructure to service this development.

    If no such network infrastructure exists, in accordance with the Bell Canada Act, the Owner may be required to pay for the extension of such network infrastructure.

    If the Owner elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development.