

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: April 25, 2024

CASE NO(S).:

OLT-22-004307

PROCEEDING COMMENCED UNDER section 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant/Appellant: Marsville Estates Inc.
Subject: Application to amend the Zoning By-law –
Refusal or neglect to make a decision
Description: To permit the development of a 59-unit
residential subdivision
Reference Number: Z5-20
Property Address: 63076 County Road 3
Municipality/UT: East Garafraxa/Dufferin
OLT Case No.: OLT-22-004307
OLT Lead Case No.: OLT-22-004307
OLT Case Name: Marsville Estates Inc. v. East Garafraxa
(Township)

PROCEEDING COMMENCED UNDER section 51(34) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant/Appellant: Marsville Estates Inc.
Subject: Proposed Plan of Subdivision – Failure of
Approval Authority to make a decision
Description: To permit the development of a 59-unit
residential subdivision
Reference Number: S1-20
Property Address: 63076 County Road 3
Municipality/UT: East Garafraxa/Dufferin
OLT Case No.: OLT-22-004308
OLT Lead Case No.: OLT-22-004307

Heard: April 18, 2024, in writing

APPEARANCES:**Parties**

Marsville Estates Inc.

Township of East Garafraxa

CounselA. Jeanrie
S. BrazzellJ. Wilker
S. Floras**DECISION DELIVERED BY P. TOMILIN AND ORDER OF THE TRIBUNAL**

[Link to Order](#)

[1] This was a Hearing in the matter of the appeal by Marsville Estates Inc. (“Applicant” / “Appellant”) from the failure of the Township of East Garafraxa (“Township”) to make a decision within the statutory timeframes on applications for a Zoning By-Law Amendment and a Plan of Subdivision (“Applications”), pursuant to s. 34(11) and 51(34) of the *Planning Act* (“Act”), for the property municipally known as 63076 County Road 3 (“subject property” / “site”).

[2] Planning evidence was provided to the Tribunal by means of the written Affidavit of Darren Vella. Mr. Vella has over 24 years of experience in planning matters, including extensive experience in rural planning. After reviewing the qualifications and the signed Acknowledgement of Expert Duty, the Tribunal is satisfied that Mr. Vella is a qualified professional land use planner.

LOCATION AND SITE CONTEXT

[3] The subject property, is located at the southwest corner of County Road (“CR”) 3 and CR 24. It has a frontage of 641 metres (“m”) on CR 3 and 328 m of frontage on CR 24, and is approximately 26.1 hectares (“ha”) in size. The site has a vehicular access from both roads.

[4] The subject property is designated Community Settlement Area in the County of

Dufferin ("County") Official Plan ("OP"). It is designated Employment, Community Residential and Environmental Protection in the Township OP. The site is zoned Rural (RU) and Environmental Protection (EP) by the Township's Zoning By-law and is located within the Settlement Area of Marsville, which is a small rural hamlet containing a school, has a small residential population, and commercial/employment uses.

[5] Mr. Vella explained that the majority of the property (23.2 ha or 87.8%) was previously used for agricultural purposes and is currently vacant. A woodlot area is located in the southwest portion of the lot, covering 3.12 ha, or 11.9%, of the subject property. The County identifies a watercourse and woodlands as part of the County's Preliminary Natural Heritage System in the County OP. Ganarska Region Conservation Authority ("GRCA") identifies a small area in the north of the subject property as regulated area, and it is associated with the Butler Creek floodplain.

[6] Mr. Vella provided that the subject property is not located within the Greenbelt, the Oak Ridges Moraine, or the Niagara Escarpment Planning Areas. The site is located within the Greater Golden Horseshoe and is subject to the A Place to Grow: Growth Plan for the Greater Golden Horseshoe ("GP") and the Provincial Policy Statement, 2020 ("PPS").

HISTORY OF THE APPLICATIONS

[7] Mr. Vella provided an overview of the history of the Applications. He stated that the original proposal contemplated a larger development proposal in which the entirety of the lands were proposed for residential development. The application for Official Plan Amendment ("OPA") proposed to redesignate the Employment Land to Community Residential through an Employment Land Conversion and aimed to create an 80-unit residential subdivision with a stormwater management pond, a stormwater bypass channel for surface water drainage, and a public park. Two access points were proposed, one from CR 3 with another from CR 24 on five internal streets with right-of-way widths of 20 m.

[8] After receiving comments from the Township and external agencies, the Applicant revised the original proposal and resubmitted the application in February of 2021. The proposal was reduced to a 78-unit residential subdivision and maintained the stormwater management pond and bypass channel. The public park was relocated to a central location and the municipal road access point from CR 24 was replaced with an emergency exit only. The five municipal roads proposed under the original proposal were reduced to three municipal roads, with one main access from CR 3.

[9] The revised proposal was circulated for agency comments. Mr. Vella submitted that he met with Township staff, their consultants, and external agencies to discuss the proposal in order to resolve outstanding issues, following which the final submission was made in May, 2022, accompanied by the updated technical reports.

[10] Following the discussions, Mr. Vella submits that the proposed development was reduced to a 58-unit residential subdivision by deferring the OPA application based on the County undertaking a Municipal Comprehensive Review. The final submission requested the Township to review the modified Zoning By-law Amendment and Draft Plan of Subdivision applications, consisting of a stormwater management pond, bypass channel, public park and three municipal roads.

[11] Mr. Vella proffered that the final submission was circulated for municipal and agency comments. Based on comments received, the Applicant decided to file an Appeal, due to the Township Council's failure to make a decision within the required timeline under the Act. In the mean time, the Appellant has continued to work with the Township to resolve any remaining issues. As a result of discussions, a revised set of plans were agreed to and submitted to the Township on January 18, 2024. The Township Council and the Appellant reached an agreement on February 13, 2024.

LEGISLATIVE FRAMEWORK

[12] Under the applicable planning instruments, the Tribunal must be satisfied that the proposed development represents good planning, have regard for matters of provincial

interest under s. 2 of the Act, is consistent with the PPS, and conforms to the GP, the OPs and the applicable Zoning By-laws.

EVIDENCE

[13] In Mr. Vella's view, the proposed development has regard for the matters of provincial interest, as outlined in s. 2 of the Act.

[14] Mr. Vella is of the opinion that the proposed development will increase the supply of housing in the area while preserving the area's rural character by offering generously sized estate lots. He explained that the Applications propose single-detached residential development under the Hamlet Residential (HR) zone, with reduced lot areas and frontages in order to optimize site efficiency.

[15] Mr. Vella proffered that the proposed subdivision is not premature, as the lands have remained vacant for a number of years, and would introduce much needed housing into the market.

[16] It is Mr. Vella's opinion that the development proposal has regard for matters of provincial interest, including the orderly development of safe and healthy communities; the adequate provision of increasing housing stock; the appropriate location of growth and development; and the promotion of development that is designed to be sustainable, to support pedestrians and community building.

[17] Mr. Vella reviewed the applicable policies of the PPS, the GP, the County OP and Township OP, and s. 51(24) of the Act.

[18] In summary, in Mr. Vella's opinion, the development proposal has regard to matters of provincial interest in the Act, is consistent with the PPS and conforms with the GP; the County OP, and the Township OP.

[19] Mr. Vella provided that the proposed development will increase the housing supply, and would allow the community of Marsville to develop into a more complete community. He further provided that the proposed development would lead to the existing municipal water system upgrade that will benefit the entire community.

[20] Mr. Vella concluded that it is his opinion that the proposed development represents good planning, is in the public interest, and should be approved.

ANALYSIS AND FINDINGS

[21] The Tribunal accepts the uncontroverted professional opinion of Mr. Vella and finds that the proposed Zoning By-law Amendment and Draft Plan of Subdivision represent good planning, are consistent and/or conform with the higher-level policy documents, such as the PPS, the GP, the County OP, Township OP, and s. 51(24) of the Act.

ORDER

[22] **THE TRIBUNAL ORDERS** that the appeal is allowed in part and directs the municipality to amend By-law No. 60-2004. The Tribunal authorizes the municipal clerk of the Township of East Garafraxa to assign a number to this by-law for record keeping purposes;

[23] **THE TRIBUNAL ORDERS** that the appeal is allowed in part and the draft plan shown on the plan prepared by Innovative Planning Solutions dated December 20, 2023 comprising 63076 County Road 3, in the Township Of East Garafraxa, County of Dufferin is approved subject to the fulfillment of the conditions set out in Attachment 1 to this Order;

[24] **AND THE TRIBUNAL ORDERS** that pursuant to subsection 51(56.1) of the *Planning Act*, the Township of East Garafraxa shall have the authority to clear the conditions of draft plan approval and to administer final approval of the plan of

subdivision for the purposes of subsection 51(58) of the *Act*. In the event that there are any difficulties implementing any of the conditions of draft plan approval, or if any changes are required to be made to the draft plan, the Tribunal may be spoken to.

"P. Tomilin"

P. TOMILIN
MEMBER

Ontario Land Tribunal

Website: olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal ("Tribunal"). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

ATTACHMENT 1

Applicants: Marsville Estates Inc.
File Number: TWP File S1-20
Municipality: Township of East Garafraxa
Subject Lands: Lot 5, Concession 14

File Number: S1-20

The conditions and amendments to final plan approval for registration of this subdivision file number S1-20 are as follows:

Conditions

1. That this approval applies to the draft plan of subdivision prepared by Innovative Planning Solutions, as revised December 18, 2023.

The plan of subdivision S1-20 ("Plan") shows:

- 58 residential lots
 - Block 59 for Stormwater Management
 - Block 60 for Drainage Swale
 - Block 61 for Open Space
 - Block 62 for Walkway
 - Block 63 for Restricted Rural
 - Block 64 for Restricted Rural
 - Block 65 for 0.3m reserve
 - Block 66 and 67 for 0.3m reserve to be dedicated to Dufferin County
 - Block 68 for Lands to be dedicated to Dufferin County
 - Internal Street A
 - Internal Street B
 - Internal Street C
2. The Owner shall, prior to final approval, enter into a subdivision agreement to be registered on title to satisfy all requirements, including financial, servicing, environmental, and other requirements to the satisfaction of the Township of East Garafraxa ("Township").
 3. That before final approval, the Owner shall provide lot frontage and area information to the Township to ensure that all lots conform to the Zoning By-law.
 4. The subdivision shall be zoned to the satisfaction of the Township and such zoning shall be in full force and effect prior to final approval.
 5. The Owner shall agree that no works shall occur on the lands shown within the Plan until the Owner has entered into a subdivision agreement, a pre-servicing agreement or a model home agreement with the Township, unless otherwise agreed to by the Township in writing. The Owner shall also agree in the subdivision agreement or other agreements as referenced, to certain restrictions when undertaking the works and shall agree that tree clearing operations are only permitted between September 30 to March 31 of any given year.
 6. The Owner shall agree in the subdivision agreement with the Township that in the event that the future development of the property is to be phased, a

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detailed development Phasing Plan must be submitted prior to final approval of the first phase of development. The Phasing Plan shall indicate the sequence of development, the land area in hectares, the number of lots and blocks in each phase, grading to minimize the total soil area exposed at a given time and construction of public services, including the provision of water supply servicing, to the satisfaction of the Township. The Phasing Plan must also be reflected in all required reports mentioned in these conditions. The Phasing Plan will not include Lot 15, 41 and 42 as a developable lot in the first phase of development. The Owner shall also agree in the subdivision agreement that the Owner will not enter into an agreement of purchase and sale for any draft approved lot prior to registration of this Plan unless so authorized by the approved Phasing Plan and in no case may the Owner enter an agreement of purchase and sale of Lot 15 until the stormwater management analysis and floodplain analysis has been completed to the satisfaction of the Township.

7. The Owner acknowledges that Lot 15 will have a holding provision in the Zoning By-Law until the stormwater management analysis and floodplain analysis has been completed to confirm that Block 59 the stormwater management block is sufficient for the stormwater management facility and conveyance of regional flows for the draft plan including the addition of the Rural Lands which stormwater management facility shall permit an increased imperviousness coverage in comparison to Residential Lands to the satisfaction of the Township.
8. The Owner acknowledges that Lot 41 and 42 may be developed as as residential lots on the draft plan when the Township agrees at their sole discretion that the temporary turning circle is not required. The Owner agrees to maintain Lots 41 and 42 in a condition satisfactory to the Township, until such time as it is developed as residential lots and further planning justification supports removal of the temporary turning circle.. The Owner agrees that Lots 41 and 42 shall not be sold or conveyed until the final use of Block 63 has been confirmed and a thru road is constructed that eliminates the dead end road and requirement for a temporary turning circle.
9. The Owner shall agree in the subdivision agreement that Firebreak lots shall be to the satisfaction of the Fire Chief. The Owner agrees that no construction shall proceed on a lot, until the exterior finish cladding, roofing and windows on the abutting lot have been completed, unless otherwise approved by the Fire Chief.

DEDICATIONS

10. The Owner shall dedicate gratuitously to the Township all lands and easements required for the water supply and treatment system and all of the works and improvements which form the water supply and treatment system in accordance with the Township requirements and applicable legislation for the operation, maintenance and assumption of these works necessary to supply potable water and fire protection services to the lots shown within the Plan, and to future development that may be anticipated

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on the adjoining lands, owned by the Township located west of the Plan, legally described as PIN 34078-0114.

11. The Owner shall agree in the subdivision agreement to secure a temporary access and construction right of way from the Township across the Township lands legally identified as PIN 34078-0112 where internal Street A is shown, and to secure a temporary access and construction right of way from the Township across the Township lands legally identified as PIN 34078-0114 where a turning bulb is shown, for the purpose of permitting the design and construction of Internal Street A and a turning bulb, that meet Township standards for public highways, all of which shall be to the satisfaction of the Township Engineer and Township Solicitor.
12. The Owner shall dedicate the road allowances, Street 'B', and Street 'C' and that part of the road allowance on Street 'A' gratuitously, free and clear of any encumbrances, as a public highway (by Certificate on the Plan) to the satisfaction of the Township Solicitor. It is noted that almost the entirety of Street 'A' is already owned by the Township of East Garafraxa by PIN 34078-0112 and all improvements made by the Owner to design, build and construct Street 'A' as a public highway to Township standards, shall be dedicated gratuitously to the Township, (by certificate on the Plan).
13. The Owner agrees to dedicate gratuitously any required access and/or drainage easements to the satisfaction of the Township and any such dedications shall be to the satisfaction of the Township Engineer, or Solicitor.
14. The Owner agrees that Block 68 shall be dedicated gratuitously as a public highway (by Certification on the Plan) and Block 66 and 67 for 0.3m reserves to the County of Dufferin to the satisfaction of the Township solicitor.
15. The Owner agrees to dedicate gratuitously to the Township, free and clear of any encumbrances, Block 59 for stormwater management, Block 60 for the drainage swale, Block 61 (noting that Block 61 is already owned by the Township of East Garafraxa and such dedication refers to improvements made by the Owner to Block 61) for open space, Block 62 for a walkway and Block 65 for reserve, which gratuitous dedications shall be to the satisfaction of the Township Solicitor. The Owner shall further dedicate gratuitously to the Township, free and clear of any encumbrances, any additional lands should same be required to implement the Draft Plan of Subdivision and conditions of draft approval, which gratuitous dedications shall be to the satisfaction of the Township Solicitor.
16. The Owner agrees to provide for watermain looping to the satisfaction of the Township Engineer and shall agree in the subdivision agreement that watermain looping shall be provided on both a temporary and a permanent basis and agrees to dedicate such lands to the Township, as necessary, to the satisfaction of the Township Engineer to ensure a temporary and permanent looped water system.

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17. The Owner shall agree in a subdivision agreement to dedicate gratuitously all easements free and clear of any encumbrances to any public authority or utility, including, but not limited to the Township, cable, gas, hydro, or telecommunications companies, as may be required, (and with respect to cable and gas services subject to such services being available). It is recognized that these dedications are in addition to any easements that may be shown on the plan and any such dedications shall be to the satisfaction of the Township Solicitor.

PARKLAND –PAYMENT IN LIEU

18. The Owner shall satisfy the statutory 5% parkland requirement of the residential lands included in the plan, by providing payment of cash in lieu to the Township which shall be paid to the Township upon execution of the subdivision agreement. The Owner shall also satisfy the statutory 2% parkland requirement for the employment lands included with the area of the plan by providing payment of cash in lieu to the Township upon execution of this agreement.

ROADS

19. (a) The Owner shall design and construct internal Street 'A', Street 'B', and Street 'C' to Township standards, including meeting Township grading requirements, naming the road to the satisfaction of the Township.
 (b) The Owner shall design and construct the connection to Street 'A' to County Road 3 and Street 'B' to County Road 24 and make any necessary improvements to connect to the respective streets, to the satisfaction of the County.
20. The Owner acknowledges that notwithstanding that the lands where upon Street 'A' is shown in the plan are currently owned by the Township, the Owner shall, upon securing a temporary access and construction right of way from the Township, design, construct, and maintain Street 'A' as if it were in the Plan, and in the same way as Streets 'B' and 'C'. All works on Street 'A' Street 'B' and 'C' are local connections not to be funded through the Township's Development Charges (including not to be funded through Development Charges reserves).
21. The Owner shall provide standard pavement markings and traffic signage on all roads, and at all proposed intersections within and related to the plan of subdivision to the Township and County's satisfaction.
22. The Owner shall provide street lighting (Light Emitting Diode ("LED")) for the roads including temporary or permanent turning circles to the satisfaction of the Township and shall make operational the street lighting on all roads within 90 days of the issuance of the first building permit. It is acknowledged that the street lighting requirement for County Road 3 and

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Country Road 24 shall be restricted to the intersections of Street 'A' and Street 'B'.

23. The Owner shall agree in the subdivision agreement with the Township to locate and construct all driveways accessing municipal roads, including driveway aprons, all to the satisfaction of the Township Engineer. Driveways shall be limited to one access point from the municipal road. Driveway entrances shall not be permitted to connect to the adjacent County Roads.

FENCING

24. The Owner shall agree in the subdivision agreement with the Township to prepare a fencing plan and install appropriate fencing in accordance with that fencing plan all to the satisfaction of the Township. The Owner shall include post and wire fencing on the south boundary of the subject lands boarding agricultural field, black vinyl chain link fencing where each rear and side of the lots shown on the plan boarder Block 60, the stormwater management block, Walkway block all to the satisfaction of the Township.

STORMWATER MANAGEMENT

25. The Owner shall agree in the subdivision agreement with the Township to design and construct any required stormwater management facilities to the satisfaction of the Township and Grand River Conservation Authority. The stormwater management facility shall be designed to accommodate stormwater flow, conveyance and outfall from the adjoining lands owned by the Township, legally described as PIN 34078-0114 and the lands owned by the Township, where Street 'A' is to be designed and constructed, legally described as PIN 34078-0112. Stormwater management facilities shall be approved by the Ministry of the Environment, Conservation and Parks ("MECP") pursuant to Section 53 of the Ontario Water Resources Act, unless the Township has received, and works are authorized under the Township's Consolidated Linear Infrastructure Environmental Compliance Approval for the Township's Stormwater Management System. The Owner shall agree in the subdivision agreement to obtain such required approvals prior to construction of the stormwater management facilities occurring.
26. Prior to final approval of the plan, the Owner shall provide confirmation if Lot 15 is required for stormwater management or containment of peak flows from the drainage swale for major storms including the regional storm. If Lot 15 is not required at the sole discretion of the Township, the Township shall release the lot and allow it to be registered as a lot to be built upon. Alternatively, if it is required for stormwater management it shall be dedicated to the Township prior to Final Approval for it to be accepted by such terms as set out in the subdivision agreement for inclusion as part of the stormwater management facility.

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GRADING

27. The Owner shall agree that grading plans shall be prepared and submitted to the satisfaction of the Township prior to final approval; and that all such grading plans including the grading of roads meet all applicable standards, and shall be to the satisfaction of the Township and Township's Director of Public Works. Should such grading not be satisfactory, the Owner specifically agrees that the plan of subdivision shall be redlined, so as to make the grading acceptable and satisfactory to the Township. The Owner shall agree in the subdivision agreement with the Township to design and construct all grading, drainage, and servicing including the water supply system, under the Township's jurisdiction to the satisfaction of the Township. The Owner shall further agree and acknowledge that further design/lotting changes may be necessary within the draft plan of subdivision arising from the detailed grading plan. Recommendations of the detailed grading plan will be implemented to the satisfaction of the Township.
28. The Owner shall agree in the subdivision agreement to prepare a fill management plan in accordance with MECP's Management of Excess Soil – A Guide for Best Management Practices as well as Ontario Regulation 406/19 and the Soil Rules to the satisfaction of the Township should the plan require fill importation as determined during the detail design stage. The plan shall be prepared by a Qualified Person as defined in Ontario Regulation 153/04 and include provisions for road access, haul routes and monitoring, to comply with O Reg 406/19.

CONSTRUCTION AND SEDIMENT/EROSION CONTROL MEASURES

29. The Owner shall agree in the subdivision agreement with the Township to construct all works which must be considered temporary to facilitate the development of the subject property to the satisfaction of the Township and any other relevant public agency. These works may include but shall not be limited to, emergency access, temporary cul-de-sacs, temporary erosions control measures and temporary stormwater facilities.
30. The Owner shall agree in the subdivision agreement with the Township to erect temporary fencing, or snow fencing, as required on the property, prior to the commencement of site works, to the satisfaction of the Township and that such fencing remain in place until directed otherwise by the Township.
31. The Owner shall agree in the subdivision agreement with the Township to stabilize all disturbed soil within 90 days, or such other period as the Township may agree to taking into account standard engineering practices, of such soil being disturbed, control all noxious weeds, and maintain ground cover, and to keep the lands tidy and free of debris, all to the satisfaction of the Township.

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32. The Owner shall agree in the subdivision agreement with the Township to provide and maintain erosion and sediment control measures, as appropriate, prior to the commencement of topsoil stripping and during other construction activities to the satisfaction of the Township and GRCA.
33. The Owner shall agree in the subdivision agreement with the Township to provide to the Township sufficient securities for the maintenance and monitoring of sediment and erosion control measures, which securities shall be to the satisfaction of the Township.
34. The Owner shall agree in the subdivision agreement with the Township that topsoil, equipment, or materials may only be stockpiled to the satisfaction of the Township. The Owner further agrees there will be no stockpiling on any lands being conveyed to the Township or on any blocks or on other adjacent lands owned by the applicant without the written approval of the Township.
35. The Owner shall agree in the subdivision agreement to provide a mud tracking pad for construction vehicles at the site entrance, and to direct all construction traffic to and from the Draft Plan of subdivision lands, to the satisfaction of the Township Engineer

LANDSCAPING

36. The Owner shall agree in the subdivision agreement with the Township to have a qualified Arborist certify that all trees planted by the Owner and all existing trees located on lands to be deeded to the Township are disease free and healthy, after planting (if applicable) and prior to the assumption of public services, all to the satisfaction of the Township.

PLAN, MAPS AND BENCHMARKS

37. The Owner shall agree to deposit five (5) full size paper copies of the Registered Plan of Subdivision with the Township and provide the Township with computerized information in a format satisfactory to the Township. In addition, the subdivision agreement between the Owner and Township shall contain a provision whereby the Owner agrees to supply to the satisfaction of the Township, "as constructed" public services in a format suitable for use by the Township with the current version of AutoCAD being used by the Township/and or its consulting engineers.
38. The Owner shall agree in the subdivision agreement with the Township to provide two second order, second level Geodetic Benchmarks in suitable locations to the satisfaction of the Township.
39. The Owner shall prepare a Community Information Sign which shows the draft plan of subdivision together with surrounding land uses, which Community Information Sign shall be to the satisfaction of the Township Planner, and the Owner shall also obtain from the Township a Schedule

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with all notice clauses that the Township may require to be provided to potential purchasers of the lots, all of which is to occur prior to marketing or otherwise offering to sell any of the draft approved lots to builders or potential homebuyers. The approved Community Information Sign shall be posted in a prominent location in the sales office, if any, and a copy of the approved Sign and Schedule shall be provided directly to potential purchasers.

40. The Owner shall agree in the subdivision agreement to provide the approved Community Information Sign and obtain execution of the Schedule by each builder/homeowner which documents shall be submitted as part of the filings to the Township for its clearance of the requisite building permit application.

RETAINING WALLS

41. The subdivision agreement between the Owner and the Township and all offers of Purchase and Sale shall contain a clause stating that the maintenance of any retaining walls constructed within the Draft Plan of subdivision shall be the responsibility of the Owner and subsequent Owners, and that no retaining wall shall exceed a maximum height of 1.5 metres on the exposed face, unless any additional height is approved by the Township in writing. Retaining walls shall not be constructed upon lands to be transferred to the Township or other public authority, unless otherwise approved by the Township.

ENGINEERING AND TECHNICAL REPORTS

42. The Owner has prepared and submitted to the Township for approval, the reports listed below. Recommendations from these reports, as amended or modified to the satisfaction of the Township will be implemented in the detailed design process to the satisfaction of the Township and any other public body as noted below. All reports and studies must substantially conform to the draft plan of subdivision prepared by Innovative Planning Solutions dated as revised December 18, 2023, and may be further red-lined to address recommendations or requirements of the updated reports to the satisfaction of the Township

(a) recommendations of the Functional Servicing Report prepared by Valdor Engineer Inc. (May 2022), and any amendments or modifications thereto approved by the Township and GRCA, shall be implemented to the satisfaction of the Township and GRCA. The Owner agrees that all facilities for stormwater management purposes shall be operational to the satisfaction of the Township and GRCA, prior to the placement of the road granulars. The Owner acknowledges that monies shall be deposited and paid to the Township as contribution to the long-term maintenance of the stormwater facilities which amount shall be addressed in the subdivision agreement;

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- (b) recommendations of the Amended Baseline Ecological Assessment dated January 13, 2021, and any amendments or modifications thereto approved by the Township;
 - (c) recommendations of the Hydrogeological Investigation Report prepared by Palmer (February 2, 2021) and technical memoranda dated January 6, 2021, and any amendments or modifications thereto, shall be implemented to the satisfaction of the Township;
 - (d) recommendations of the Geotechnical Investigation prepared by Alston Geotechnical Consultants Inc. (April 13 2020), and any amendments or modifications thereto approved by the Township.
43. The Owner agrees to have prepared, by a qualified Consulting Engineer(s) or other professionals as noted below, and submitted to the Township for review and approval, at its cost the following reports and plans. All plans and reports must substantially conform to the draft plan of subdivision dated as revised December 18, 2023. Recommendations from reports, as amended or modified to the satisfaction of the Township, must be implemented to the satisfaction of the Township:
- (a) Functional Servicing Report – the report dated May 2022 prepared by Valdor Engineering Inc. shall be updated to reflect the draft plan dated as revised December 18, 2023. The updated report shall also address the following:
 - (i) Updated design considerations for additional dwelling units pursuant to the Township By-Law 26-2023.
 - (ii) Updated stormwater management modelling to include Township owned lands being 9.07 acres, described as PIN 34078-0114 East Garafraxa Concession 14, Part Lot 5, RP 7R5924 Parts 11 and 12 that will be conveyed to the stormwater management facility in Block 59. The design shall provide stormwater management for these lands owned by the Township to accommodate future development at a similar imperviousness as the Subdivision Lands. The updated modelling is also to consider and justify the imperviousness per lot to allow for additional dwelling units pursuant to Township By-Law 26-2023. The updated stormwater management modelling shall also address the increase imperviousness related to employment uses. The Owner agrees that Lot 15 has a holding provision until it is confirmed that the area is not required for stormwater management or for conveyance of major storms.
 - (iii) Provide detailed analysis between Lots 32 and Block 64 to confirm conveyance of any drainage area from land to the south. This

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may necessitate granting a drainage easement to the Township to the satisfaction of the Township solicitor.

- (iv) Include analysis to inlet and convey through a pipe the 100 year storm from Block 63 to the stormwater management pond as to provide a piped outlet to the stormwater management facility to the satisfaction of the Township Engineer with conveyance of emergency overflow to the ultimate outlet on County Road 3.
 - (v) Include culvert calculations sized based on MTO Directive B-100.
 - (vi) Include analysis confirming conveyance of the major system can be contained within the road right of way.
 - (vii) Updated Floodplain analysis to reflect the location of the channel in Block 59 and Block 60 to verify that all storms up to the regional storm is fully contained within the blocks. Any portions of the channel that are engineered within the regional flooding area shall have channel side slopes that have a maximum 25 percent slope, a minimum 1 metre wide shelf at a minimum of two locations on each side with a maximum 5 percent slope and a minimum 3.5 metre maintenance access route adjacent to the channel. The Owner shall further agree and acknowledge that further design/lotting changes may be necessary within the draft plan of subdivision to ensure that runoff for storms up to the regional storm are fully contained within the block.
 - (viii) Updated to address requirements of permitted authorizations under the consolidated linear infrastructure environmental compliance approval. The Township is in the process of obtaining such approval. Should the approval not be in place, the Owner acknowledges they shall be required to submit an environmental compliance approval to the MECP for the Stormwater Management System.
 - (ix) Updated wastewater servicing analysis to address Township By-Law 26-2023. It is acknowledged, at minimum, that a Level IV Treatment Unit with minimum nitrogen removal capabilities of 50% CAN/BNQ 3680-600 is required. The report shall confirm whether a Treatment Unit with minimum nitrogen removal capabilities of 75% is required. It is acknowledged that this assessment could be completed by an update to the Hydrogeological Report.
- (b) Traffic Impact Study – To reflect the draft plan dated as revised December 18, 2023 including impacts of the Employment Block and new entrance points to the County Roads and proximity to the East Garafraxa Public School. The plan shall confirm whether external upgrades are

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required thereto approved by the Township shall be implemented to the satisfaction of the Township and County.

- (c) Updated Geotechnical Report – To address any potential impact from groundwater and provide recommendations for the construction of the subdivision including pavement design of internal roads, design of the stormwater management facilities, requirements for subdrains, provide a minimum basement elevation for each lot in order to be above the seasonally high groundwater level. The report shall include additional groundwater monitoring levels with readings that incorporate spring measurements between April and June to the satisfaction of the Township.
- (d) Landscape Plan – Prepare plan, by a qualified Landscape Architect to the satisfaction of the Township, including the following components:
 - (i) Shall incorporate the trees to be preserved and any required protection measures during construction;
 - (ii) Tree inventory and compensation plan;
 - (iii) Shall include street tree planting along Street 'A', Street 'B', and Street 'C'. A minimum of one (1) tree per lot along the lot frontage, and (2) trees per lot along exterior side yards is required. All trees shall be planted on private property.
 - (iv) Shall provide a 1.8 metre high landscaped berm, which berm shall be planted to provide treed screening along those residential lots adjacent to Country Road 3 and to screen the lots that are adjacent to Block 63 and 64 to the satisfaction of the Township. The berm side slopes shall be a maximum slope of 33%. The screening between Blocks 63 and 64 and residential lots may include a noise privacy fence or a landscaped berm to the satisfaction of the Township.
 - (v) Incorporate a landscape plan for Block 59 and Block 60.
 - (vi) Shall include a fencing plan including the location of fencing, type of fencing, and details of installation to the satisfaction of the Township.
- (e) Noise Report – the report dated January 2021 prepared by LEA shall be updated to reflect the draft plan dated as revised December 18, 2023. The updated report shall address the employment use and any required warning clauses or mitigative measure for the adjacent lots and any limitations regarding future development of the employment lands.

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- (f) Operations and Maintenance Plan – for the Stormwater Management System incorporating elements within the consolidated linear infrastructure environmental compliance approval.
- (g) Homeowner’s Manual –Provides information regarding the characteristics of the septic systems proposed and the required operations and maintenance instructions. The Manual should also provide details with respect to the local environment and pay particular attention to the potential impacts of misuse of the private septic system on the environment.
- (h) Rural Building Design Guideline – The guideline shall confirm architectural requirements and shall specifically address mitigation measures to be implemented when the house is raised to maintain separation from groundwater to the satisfaction of the Township. Specifically, houses with raised basements shall be bi-level, such that no more than three (3) stairs are utilized outside of the house for access to the front door and any additional stairs required to reach the first floor shall be internal to the house.
- (i) Detailed Engineering drawings – Drawings, prepared by a qualified Engineer, shall reflect the recommendations of all reports and studies requested as conditions of approval. All aspects of the servicing design must be in accordance with the appropriate requirements of the applicable legislation, including any applicable Class Environmental Assessment. The Detailed Engineering drawings shall be incorporated as part of the approved drawings under the subdivision agreement and shall be completed and approved prior to the execution of the subdivision agreement, and prior to final approval of the plan of subdivision.
 - (i) Erosion and Sediment Control Plan – Provide recommendations for the control, maintenance, and monitoring of sediment during all phases of construction and to address erosion control issues. The plan shall include inspection requirements for dry weather periods (active and inactive construction phase), after significant storm events and significant snowmelt events, and after any extreme weather to the satisfaction of the Township.
 - (ii) Cut and Fill Plan – The plan shall show the amount of cut and fill required to achieve the grading and drainage including a summary table of cut/fill volumes. The plan shall be reviewed by the private septic system specialist in order to determine the effect of the grading on the operation of the leaching beds. The characteristics and placement method of imported fill to be placed in areas where the private septic systems are to be

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constructed shall be approved by the private septic system specialist and requirements included within the engineering plans. The size of the septic system envelopes as shown on the Master Development Plan shall consider the Cut and Fill Plan and the expected soil characteristics and groundwater levels.

- (iii) Grading, Plan and Profile, and Servicing Plans – The detailed engineering drawing set shall include all plans for grading, servicing and road construction. The stormwater management facility shall include a maintenance access road around the facility with connections to Street B and Street C.
- (iv) Master Development Plan – Plan shall illustrate building envelopes, suggested dwelling sittings, rear yard activity areas, driveways, private septic system envelopes with the corresponding grading and drainage requirements. The Master Development Plan shall be based on consideration of the soils and water table on site, as determined by groundwater monitoring and such other soils investigations to the satisfaction of the Township.
- (v) Street Lighting Plans – Plans shall set out the placement of street lighting and associated details including photometric analysis for the Subject Lands to the satisfaction of the Township.
- (vi) Composite Utility Plan – The Plan shall include all utilities being installed in the subdivision. All pedestals and transformers are to be placed near the property line on the back slope of the ditch. The Owner acknowledges and agrees to convey any easements as deemed necessary to the utility company(s) as required. The utility trenches be buried at a sufficient depth to ensure a 1.2m radius is maintained from the bottom of the ditch invert to the satisfaction of the Township.
- (vii) Pavement Markings and Traffic Signage Plan – It is acknowledged that the Owner's Engineer has prepared the cross section for the subdivision which consists of a rural cross section and a multi-use path on one side of the road. The Owner's Engineer is to provide a plan showing all pavement markings and traffic signage required for this cross section. The plan shall also consider the adjacent school and consult with the Upper Grand District School Board on appropriate access points including any requirement for a layby, entrance to the school, which improvements shall be incorporated along Street 'A' adjacent to the school to the satisfaction of the Township.

44. The Owner acknowledges and agrees that ensuring the suitability of land for its proposed uses is the Owner's responsibility. The Owner has

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submitted a Phase I Environmental Site Assessment, prepared by Watters Environmental Group Inc. dated April 2020. Prior to the final approval of the plan, the Owner shall:

- (i) Provide a letter of reliance in favour of the Township, to the satisfaction of the Township Solicitor for the Phase I Environmental Site Assessments, prepared by Watters Environmental Group Inc.
- (ii) File a Record of Site Condition (RSC) on the Provincial Environmental Registry for the subdivision lands including any lands to be conveyed to the Township. In addition, prior to the registration of the plan of subdivision, the Owner shall provide such environmental warranties and undertakings to the satisfaction of the Township Solicitor

45. The Owner shall agree that where a condition of approval requires the preparation of a report, study, or plan, the Owner shall:
- (a) carry out, or cause to be carried out, the study, report or plan, at the Owner's expense, prior to final approval, except in those circumstances that may be specifically authorized by the approving agency(s); and
 - (b) carry out, or cause to be carried out, the recommendation(s) or work(s) prescribed in the approved study, report, or plan, prior to final approval, except in those circumstances that may be specifically authorized by the approving agency(s).

SERVICING

46. The Owner shall specifically acknowledge and agree in the subdivision agreement that the Township is not agreeing to execute or enter into a responsibility agreement to provide public wastewater treatment for this development. It is also acknowledged that tertiary treatment systems (Level IV Treatment Systems) included as part of the private septic systems for the servicing of each lot, that the Township shall not be responsible for supervising, inspecting, monitoring, or guaranteeing that such systems are operational. The Subdivision Agreement between the Owner and the Township shall contain provision(s) that all lots will be made suitable for subsurface sewage disposal systems to the satisfaction of the Township. All installation of subsurface sewage disposal system(s) shall be in accordance with building permit(s) from the County of Dufferin.
47. The subdivision agreement shall also contain provisions with wording to the satisfaction of the Township that a detailed plot plan shall be approved by the Township prior to the issuance of municipal clearance for a building permit (which clearance is by the Township) that shows the building envelope, on-site sewage system, the proposed grading, the water service,

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and any other details that the Township may require, together with any other provisions that the Township may require for the proper construction, installation and operation of the on-site sewage system. The subdivision agreement shall also contain clauses regarding the requirement for a clause to be contained in the Agreement(s) of Purchase and Sale of the lot(s) advising that the lot is serviced by municipal water and a private sewage disposal system, and also advising the purchaser that an information package will be provided to the purchaser with detailed information regarding the operation of the private on-site sewage system including the nature, operation and maintenance of such systems, all to the satisfaction of the Township.

48. The Owner shall agree in the subdivision agreement that each of the lots shall be made suitable for the installation of an individual private subsurface sewage disposal system and the Owner shall install private septic system(s) on all building lot(s). In addition, the overall layout of the municipal water system and the private septic system(s) for the plan of subdivision shall be to the satisfaction of the Township and the detailed plot plan(s) as set out below shall be to the satisfaction of the Township. Should any lot be deemed by the Township to be unsuitable for such systems, such lot shall be combined with other lots or blocks, as the case may be.

The Owner further agrees to meet the following requirements in the design of the private septic system(s):

- (a) the engineering design team preparing the final engineering drawings for the subdivision shall include a specialist in private septic systems and lot grading to ensure the integration of sewage treatment considerations (including raised beds, if necessary) into the grading plans;
- (b) Septic systems shall be designed in accordance with the engineering reports prepared by the Owner's engineer. The Township and the Chief Building Official may approve any deviations from the approved design concept as they deem appropriate;
- (c) a primary area for the private septic system(s) shall be provided on each lot. The size of the areas provided shall be related to the percolation rate of the existing native soils and the dwelling characteristics;
- (d) leaching bed design shall be based on post-grading soils and water table conditions determined by a test pit excavated within the proposed leaching bed area and inspected by the Building Department and/or verified by report submitted by a Geotechnical Consultant to the satisfaction of the Chief building Official;

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- (e) consideration should be given to the potential for changes in the water table and the stormwater quantity and quality facilities. Wherever possible, the distance between leaching beds and the above should be maximized;
- (f) in order to prevent erosion of the leaching beds, the soils in the bed and related drainage swale areas shall be stabilized by hydro seeding immediately after bed construction. Any areas on raised beds each adjacent to and on the tapers shall be sodded immediately on completion;
- (g) the engineering plans shall include drawings indicating the amount of cut and fill required to achieve the grading and drainage required and these plans shall be reviewed and approved by the private septic system specialist in order to determine the effect of the grading on the operation of the leaching beds. The characteristics and placement method of imported fill to be placed in areas where the private septic systems are to be constructed shall be approved by the private septic system specialist and the Township and Chief Building Official;
- (h) during road and drainage system construction, vehicular traffic must be kept off the private septic system areas to prevent soil compaction. No building materials or soil should be stockpiled in private septic system envelopes;
- (i) where on-lot infiltration techniques, not to include soak-away pits, are proposed, consideration should be given to the potential impact of infiltration on the leaching beds;
- (j) prior to the issuance of a building permit for a private septic system, the following conditions must be fulfilled to the satisfaction of the Township and the Chief Building Official:
 - i) pre-grading has been completed to ensure that all leaching bed areas are adequately drained prior to the construction of a private septic system;
 - ii) a qualified consulting engineer, together with a specialist in the design and installation of private septic systems, shall be retained to submit the necessary detailed site plan with each application for a municipal approval of the detailed site plan and a building permit for the private septic system(s);
 - iii) the same consulting engineer and private septic system design specialist shall also be jointly responsible for:
 - 1. preparation of a detailed individual plot plan to be approved by the Township which illustrates all proposed buildings and structures, their elevation, the driveway and activity areas

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- (including showing any area proposed for a swimming pool), the septic tank, pump tank or siphon (if required), the detailed design of the leaching bed (and where a fully or partially raised leaching bed is proposed, a detailed cross-section), all existing and proposed grades including retaining walls or terraces, natural features and vegetation (existing and to be removed), the method of disposing of stormwater (drainage swales, directions and grades), water service location and all erosion control and sedimentation features, all of which must be shown. Existing and proposed grades must be provided.
2. obtaining approval from the Township indicating that the proposed grading conforms to the Master Development Plan. It is acknowledged that the Township at the municipal clearance for building permit stage may approve a detailed plot plan for a dwelling on a lot that varies from the Master Development Plan provided the Master Development Plan's integrity is not compromised:
 3. inspection of one or more test pits and the preparation of a grain size analysis and water table evaluation report. Where imported fill material is required, the consulting engineer/private septic system design specialist shall provide a detailed grain-size analysis report on the proposed fill and shall obtain Township and Chief Building Official approval prior to placement on the property;
 4. for raised beds, supervision of the laying out, excavation and scarification of the leaching bed bottom and placement of fill to ensure compliance with design and grading criteria; and
 5. prior to authorizing the construction of the leaching bed, the Consulting Engineer and private septic system design specialist will obtain confirmation that the dwelling has been constructed in the location and to the grades indicated in the approved site plan.
- (k) following the completion of construction, the Consulting Engineer and private septic system design specialist shall be responsible for:
- i. provision of a Certificate of Compliance for each lot within the subdivision stipulating that all grades and private septic system(s), including all its details have been constructed according to the approved detailed site plan and the approved design; and
 - ii. provision of certified "as constructed" drawings of the private septic system of each lot in a digitized electronic format acceptable to the Township, if so required by the Township.

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- (l) the Owner shall provide to the lot purchaser a copy of the site plan and a copy of the Home Owner's Manual for the private septic system (which Manual shall be approved by the Township), and a copy of the operating manual and the maintenance agreement for the private septic system;
 - (m) it is acknowledged that the primary responsibility of the Township is with respect to the general layout of the sewage system(s) and the grading of the plan of subdivision. It is acknowledged that the design of the individual private septic system(s) is subject to the Ontario Building Code Act and the regulations thereunder. Should any of the provisions of this condition conflict with the Ontario Building Code Act and the regulations thereunder, it is agreed that the Ontario Building Code Act and the regulations thereunder, as the case may be, govern;
49. The subdivision agreement between the Owner and the Township shall contain provision(s) incorporating the provisions of condition 48 to the satisfaction of the Township. The subdivision agreement shall also contain clauses regarding the requirement for a clause to be contained in the Agreement of Purchase and Sale for each lot advising that the lot is serviced by a municipal water and a private subsurface sewage disposal system and also advising the purchaser that an information package will be provided to the purchaser with detailed information regarding the nature, operation and maintenance of the private septic system, all to the satisfaction of the Township. The subdivision agreement shall also contain provisions that:
- (a) eaves trough, foundation drains and surface/stormwater drainage must not directed to, the sewage disposal system, nor onto, or into the ground surface in the vicinity of the tile bed area in order to limit the impact of stormwater on the operation of the leaching beds;
 - (b) the Owner shall not permit the installation of any underground lawn irrigation systems within the primary leaching bed area, or in any area which may detrimentally affect the operation and effectiveness of the leaching bed. The Developer agrees to insert a provision in any agreement of purchase and sale to this effect;
 - (c) no structures, including accessory buildings and swimming pools, and no landscaping involving decks, berms, foundations, paving stones or trees shall be located within the primary leaching bed area and no structures, including accessory buildings and swimming pools, shall be located in the reserve leaching bed area; and
 - (d) the front and side yards of residential lots extending to the rear limit of each house at a minimum are to be sodded. The balance of the lot is to be top soiled and hydroseeded or sodded.

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WATER SERVICING AND FIRE PROTECTION

50. The Owner acknowledges that the Township's existing municipal water system requires expansion, and there are no existing watermains near the subject lands. The Township completed a Municipal Class Environmental Assessment titled 'Marsville Water System Expansion Municipal Class Environmental Assessment (Schedule B)' to determine the preferred solution to expand the municipal water system. Without limiting the generality of the foregoing, the preferred solution includes two new wells, storage, and a new pumphouse/treatment site, and all related works that are not located on the subject lands. The Owner shall agree that the water supply system expansion shall be operational prior to final approval of the subdivision (or of any phase of the subdivision, if the development is phased) being granted. The Owner acknowledges that other landowners within Marsville that have applied to develop their lands, collectively the developers including the Owner or the Owner themselves, shall financially secure the project, which project shall not commence until the Township is satisfied that financial arrangements are in place for the design and construction of the project. The Owner acknowledges that the Township does not own the land required for the preferred solution located on CON 13 E PT LOT 5 and the Owner cannot proceed with site alterations including clearing or topsoil stripping until these lands have been dedicated to the Township or other arrangements have been made to the satisfaction of the Township Solicitor and Township Engineer and nothing in the granting of Draft Approval shall place any obligation on the Township to secure lands, or facilitate their acquisition, or commissioning the necessary expansion of the water system. The Owner further agrees in the subdivision agreement that there shall be no presale of any lots, by agreement of purchase and sale, following draft plan approval, until such time as the Township receives confirmation that the expansion of the existing municipal water system to service the Plan, or any phase of the Plan is financially secured, all to the satisfaction of the Township.
51. The Owner shall agree to incur the cost of the design, installation and construction of the expansion of the Township's existing water supply system, and all necessary appurtenances thereto to the satisfaction of the Township. The Owner shall agree that the Township Engineer shall design those components of the water supply system as required by the Township. The Owner shall agree that the water supply system, and all related works and improvements shall be operational or financially secured to the satisfaction of the Township prior to final approval of the subdivision (or of any phase of the subdivision, if the development is phased) being granted.
52. The Owner shall agree in the subdivision agreement that requirements for a municipal residential drinking water system under Part V of the Safe Water Drinking Act and O. Reg. 170/03 (Drinking Water Systems

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Regulation) shall apply in the design, construction and installation of the municipal water system all to the satisfaction of the Township Engineer.

53. The Owner acknowledges in the subdivision agreement that the Plan shall be serviced by full municipal water and may not proceed to Final Approval until the Township Engineer confirms that the Marsville municipal water system has capacity to service the subdivision with an adequate supply of potable water and fire protection services, and that arrangements have been made for satisfactory connecting watermains all to the satisfaction of the Township Engineer.
54. The Owner shall agree that the Township Engineer shall design those components of the water system outside of the Plan including, without limiting the generality of the foregoing, two new wells, storage, and a new pump house/treatment facility as required by the Township and is responsible for all costs associated with such design, tendering, construction, and site inspection services.
55. The Owner is to provide the subdivision with a looped water system to help ensure a safe, secure and reliable water supply. This can be accomplished with two or more feeds from the Township's water supply. Should the connection points not be readily available adjacent to the site, then the Owner shall be required to extend watermains to the site and acquire any necessary easements at their own cost for this purpose all to the satisfaction of the Township Engineer.
56. The Owner shall dedicate gratuitously to the Township all lands and easements required for the water supply system, all of which shall be free and clear of all encumbrances.
57. The Owner shall agree in the subdivision agreement to file digital drawings both in portable document format and AutoCAD of final approved construction drawings and as-constructed drawings to the satisfaction of the Township Engineer.
58. The Owner shall agree in the subdivision agreement to provide each dwelling on each Lot with a water meter. The Owner, or where the Lot is sold to a builder by the Owner, the builder, shall make arrangements with the Township for the type of water meter and shall install the water meters to the satisfaction of the Township. The Owner shall ensure the installation of the water meters are easily accessible for the Township. The Owner shall install an appropriate water shutoff prior to the water meter. Each dwelling shall be required to have installed a dual check valve (no lead) for premise isolation, complete with an expansion tank, and other such requirements of the Township Engineer.

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59. The Owner shall agree that no water may be provided or used in the municipal water system until a water meter is installed and operational. The Owner shall also agree in the subdivision agreement that the Township shall set the applicable water rates, and will require provisions to require the collection of water usage from dwellings prior to assumption of the municipal water system of the Township.
60. As a component of the Owner's agreement to satisfy all the requirements, financial or otherwise of the Township with regard to supply, distribution and storage of municipal drinking water, the Owner agrees in the subdivision agreement to reimburse the Township for invoices incurred for the operation, design, routine maintenance, review, supervision and approval of connections of each dwelling to the Local Water System, any system upgrades, any costs incurred to meter the dwellings all to the satisfaction of the Township Engineer.

WELL MONITORING

61. The Owner agrees that:
- (a) prior to any site alteration, it shall conduct a Preconstruction Survey of the static water level and quality of all wells, subject to the consent of the well owner, within the greater of:
 - i. 500 m of development area; and
 - ii. the expected area of influence as determined by a hydrogeologist.
 - (b) should the Township receive complaints regarding alleged well interference from properties within the vicinity of the property, the Township may require the Owner to update the preconstruction survey from time to time or, in the alternative, monitor the wells on which complaints have been received, (should the resident so permit); and
 - (c) the Owner further agrees to resolve any claims of well interruption, if any, due to the development of the subdivision. Should there be any such interruption to properties located in proximity to the draft plan, then the Owner agrees that it shall supply temporary water to the affected home(s), and if necessary shall implement a permanent solution such as, but not limited to, the installation of a new well or connection to the municipal water system, to the satisfaction of the Township and/or MECP, as the case may be.

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GRAND RIVER CONSERVATION AUTHORITY

62. Prior to any grading and servicing and/or registration of the plan, or any phases thereof, the Owner shall prepare to the satisfaction of GRCA and the Township
- (a) A Final Stormwater Management Report in accordance with the 2003 Ministry of Environment Report entitled, "Stormwater Management Practices Planning and Design Manual" and in keeping with the Functional Servicing Report (Valdor Engineering, dated April 2020, Rev. May 2022.)
 - (b) Detailed Lot Grading and Drainage Plans showing existing and proposed grades.
 - (c) An Erosion and Siltation Control Plan in accordance with the Grand River Conservation Authority's Guidelines for sediment and erosion control, indicating the means whereby erosion will be minimized and silt maintained on-site throughout all phases of grading and construction
 - (d) The submission and approval of a Development, Interference with Wetlands and Alterations to Shorelines and Watercourses permit from the GRCA prior to any grading within the regulated area.
 - (e) The submission of floodplain mapping and updated HEC-RAS modelling.
 - (f) Updated analysis mitigating the post-development infiltration deficit and maintaining runoff volumes to Brouwer Drain are required to ensure there are no negative impacts to flooding or erosion downstream of the proposed development.

UPPER GRAND DISTRICT SCHOOL BOARD

63. The Owner agrees to the following provisions, to be included in the Township's subdivision agreement, to the satisfaction of the Upper Grand District School Board:
- (a) Education Development Charges shall be collected prior to the issuance of building permit(s);
 - (b) Provide the Upper Grand District School Board with a digital file of the plan of subdivision in either ArcGIS (shapefile or geodatabase) format or DXF format using a projected geographic coordinated system, containing parcel fabric and street network;
 - (c) That the developer shall agree in the subdivision agreement that adequate sidewalks, lighting and snow removal (on sidewalks and walkways) will be provided to allow children to walk safely to school or to a designated bus pickup point. *(The Township will not be provided sidewalks in the development)*

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- (d) That the Owner and the Upper Grand District School Board reach an agreement regarding the supply and erection of a sign at the Owner's expense and according to the Board's specifications, affixed to the permanent development sign, subject to the approval of the Township, advising prospective residents about schools in the area.
- (e) The Owner agrees that construction vehicle access is restricted to the access point on County Road 24, in order to limit the construction vehicle traffic at the school and to reserve the access point on County Road 3 as a school bus pick up/drop off point if one is necessary during construction.
- (f) That prior to final approval of any phase or stage of the subdivision, a detailed design of the pedestrian connection from Street A to the school property be provided for review and approval by Board Staff. Further, the cost of construction of such pedestrian connection shall be borne fully by the developer.
- (g) That prior to final approval of any phase or stage of the subdivision, a revised traffic impact study, detailed grading plan and stormwater management report be provided to the Board's satisfaction.

DUFFERIN-PEEL CATHOLIC DISTRICT SCHOOL BOARD

- 64. That the applicant shall agree in the Servicing and/or Subdivision Agreement to include the following warning clauses in all offers of purchase and sale of residential lots:
 - (a) Whereas, despite the best efforts of the Dufferin-Peel Catholic District School Board, sufficient accommodation may not be available for all anticipated students from the area, you are hereby notified that students may be accommodated in temporary facilities and/or bussed to a school outside of the neighbourhood, and further, that students may later be transferred to the neighbourhood school.
 - (b) That the purchasers agree that for the purpose of transportation to school, the residents of the subdivision shall agree that children will meet the bus on roads presently in existence or at another place designated by the Board.

COUNTY OF DUFFERIN

- 65. The Owner to the satisfaction of the County shall ensure all intersection sight triangle dimensions meet the greater of either the Township's Official Plan, or the County of Dufferin's Entrance Policy 5-3-17.
- 66. The Owner to the satisfaction of the County shall ensure that no pedestrian infrastructure is directed to the County road where no pedestrian infrastructure exists to the satisfaction of the County.

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67. The Owner agrees to provide a Traffic Impact Study (TIS) to reflect the draft plan as revised December 18, 2023 and confirm any external road improvements to Dufferin County Roads 3 and 24.
68. The Owner agrees that 0.3m reserves along the entire development frontage on Dufferin County Road 3 & 24 shall be provided and shall be dedicated gratuitously to the County of Dufferin.
69. The Owner agrees to provide auto-turn movements to confirm the turning circle on Street 'A' accommodates waste collection.
70. The Owner agrees to redline the plan to provide driveway access for the existing vacant lot outside the plan in the south east corner to Street 'B'.
71. The Owner agrees to review the proximity of the East Garafraxa Public School Entrance(s) and must consider the relocation of the entrance(s) from Dufferin 3 to Street 'A' providing access from a lower volume local road.

ENBRIDGE GAS DISTRIBUTION

72. The Owner agrees to the following provisions, to be included in the Township's subdivision agreement, to the satisfaction of Enbridge Gas Distribution Inc.:
 - (a) the Owner shall contact Enbridge Gas Inc.'s Customer Connections department by emailing SalesArea20@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;
 - (b) easement(s) are required to service this development and any future adjacent developments. The Owner will provide all easement(s) to Enbridge Gas Inc. at no cost;
 - (c) the Owner will contact Enbridge Gas Distribution's Customer Connections department by emailing SalesArea20@enbridge.com prior to any site construction activities to determine if existing piping facilities need to be relocated or abandoned;
 - (d) in the event a pressure reducing regulator station is required, the Owner is to provide a 3 metre by 3 metre exclusive use location that cannot project into the municipal road allowance. The final size and location of the regulator station will be confirmed by Enbridge Gas Distribution's Customer Connections department. The Owner shall contact

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SalesArea20@enbridge.com for further details with respect to the foregoing.

Note: the Township shall be consulted with respect to any such location;

- (e) the Owner will grade all road allowances to as final elevation as possible, provide necessary field survey information and all approved municipal road cross sections, identifying all utility locations prior to the installations of the gas piping; and
- (f) Enbridge Gas Distribution reserves the right to amend or remove development conditions

BELL

73. The Owner agrees to the following provisions, to be included in the Township's subdivision agreement, to the satisfaction of Bell Canada:
- (a) 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.
 - (b) 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.
 - (c) The Owner is advised to contact Bell Canada at planninganddevelopment@bell.ca during the detailed utility design stage to confirm the provision of communication/telecommunication infrastructure needed to service the development.
 - (d) 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.
 - (e) If the Owner elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development.

CANADA POST

74. The Owner agrees to the following provisions, to be included in the Township's subdivision agreement, to the satisfaction of Canada Post, to undertake the following:

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- (a) consult with Canada Post to determine suitable locations for the placement of Community Mailboxes and to indicate these locations on appropriate servicing plans;
- (b) prior to offering any residential units for sale, to place a "Display Map" on the wall of the sales office in a place readily available to the public which indicates the location of all Canada Post Mailbox site locations, as approved by Canada Post and the Township;
- (c) include in all Offers of Purchase and Sale a statement which advises the prospective purchaser that mail delivery will be from a designated Community Mailbox and to include the exact locations (list of lot numbers) of each of the Community Mailbox locations;
- (d) provide the following for each Community Mailbox site and include these requirements on appropriate servicing plans:
 - i. an appropriately sized sidewalk section (concrete pad), as per Canada Post specifications, upon which to place the Community Mailboxes;
 - ii. any required walkway across the boulevard, as per municipal standards;
 - iii. any required curb depressions for wheelchair access, and;
 - iv. redline the plan to show a lay-by for vehicular traffic prior to final approval.

Note: the Township shall be consulted with respect to any such location

- (e) determine, provide and maintain a suitable and safe temporary Community Mailbox location(s) to be "fit up" prior to first occupancy. This temporary site will be utilized by Canada Post until the above-mentioned criteria is completed at the permanent Community Mailbox site locations. This will enable Canada Post to provide mail service to new residences as soon as homes are occupied

UTILITIES

- 75. The Owner agrees in the subdivision agreement to provide to the Township confirmation from the telecommunication company, cable company, gas company and Hydro One, that arrangements have been made to their respective satisfaction for the installation of such utilities and services, including underground services in the draft plan of subdivision.

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MINISTRY OF TOURISM AND CULTURE

76. No grading or other soil disturbance shall take place on the subject property prior to a letter of clearance from the Ministry of Tourism, Culture and Sport, with respect to archaeological assessment. It is acknowledged in the letter dated May 20, 2020 by Ministry of Heritage, Sport, Tourism, and Culture Industries that the Stage 1 report has been entered into the Provincial register of archaeological reports. It is acknowledged in the letter dated June 9, 2022 by the Ministry of Heritage, Sport, Tourism, and Culture Industries that the Stage 2 report has been entered into the Provincial register of archaeological reports.

ROGERS

77. Prior to registration of the plan of Subdivision, the Owner will, at its own cost, grant all necessary easements and maintenance agreements required by those CRTC-licensed telephone companies and broadcasting distribution companies intending to serve the Subdivision (collectively, the "Communications Service Providers"). Immediately following registration of the Plan of Subdivision, the Owner will cause these documents to be registered on title.
78. Prior to registration of the plan of Subdivision, the Owner will, with consultation with the applicable utilities and Communication Service Providers, prepare an overall utility distribution plan that shows the locations of all utility infrastructure for the Subdivision, as well as the timing and phasing of installation.

NOISE AND ODOUR

79. Prior to any grading or development, the Owner shall agree that construction activities will be undertaken in accordance with the standards contained in the Township Noise By-law and any other requirements contained within the subdivision agreement.
80. The Owner agrees to notice clauses to be contained within the subdivision agreement with the Township together with the provision of statements in all Offers of Purchase and Sale to provide notice to prospective purchasers regarding surrounding land uses. The clauses and statements are as follows and shall be updated to incorporate any additional warning clauses, or mitigative measures determined through an updated Noise Report:
- (a) potential noise disturbances and odour may emanate from neighbouring properties including those noises and/or odours caused by area agricultural operations, East Garafraxa Public School, County Road 3, County Road 24 and future Employment Blocks located adjacent and in the Subject Lands. The following clause shall be included:

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All Lots

"The purchasers/tenants are advised that lands in the vicinity of the subdivision are farm lands and may be used for the growing of crops and the raising and housing of livestock, and normal farm practices are to be anticipated on these lands including noise and odour."

"The purchasers are advised that the East Garafraxa Public School is near the subdivision and noise and increased traffic associated with school drop off and pick up times are to be anticipated on these lands"

"The purchasers are advised that County roads are adjacent to the subdivision lands. County roads are collector roads that are expected to have higher volumes of traffic."

"The purchasers are advised that employment blocks are within the subdivision lands and noise, odour, and increased traffic on Street B should be anticipated. The official plan designates Employment use within the plan adjacent to Lot 33, Lots 34-40, , and Lot 41."

Lots 10-14, 41-44, and Lot 15 if released for a building lot

"Purchasers/tenants are advised that sound levels due to increasing road traffic may on occasion interfere with some activities of the dwelling occupants as the outdoor sound levels exceed the sound level limits of the Ministry of the Environment, Conservation and Parks."

"This dwelling unit has been designed with the provision for adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound levels limits of the Ministry of the Environment, Conservation and Parks."

(b) together with the notice clauses to be part of the Schedule as set out in Condition39; and

(c) together with any other notice clauses that the Township may deem appropriate and proper.

FEES AND CHARGES

81. The Owner agrees to pay all Township and County of Dufferin fees, charges, levies and development charges as may be required for the development.
82. The Owner agrees to maintain its account in good standing with the Township for reimbursement to the Township of Township expenses for outside consultant and legal services rendered to obtain approval, review,

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processing, registration and implementation of this draft plan of subdivision.

CLEARANCE OF CONDITIONS

83. That prior to final approval, the Township is to be advised in writing by GRCA how Conditions 25 (as referenced within), 32 (as referenced within), 42(a) (as referenced within), and 62 have been satisfied.
84. That prior to final approval, the Township is to be advised in writing by Upper Grand District School Board how Condition 63 has been satisfied.
85. That prior to final approval, the Township is to be advised in writing by Dufferin-Peel Catholic District School Board how Condition 64 has been satisfied.
86. That prior to final approval, the Township is to be advised in writing by the County of Dufferin how Conditions 65-71 have been addressed.
87. That prior to final approval, the Township is to be advised in writing by Enbridge Gas Distribution Inc. how Condition 72 has been satisfied.
88. That prior to final approval, the Township is to be advised in writing by Bell how Condition 73 has been satisfied.
89. That prior to final approval, the Township is to be advised in writing by Canada Post how Condition 74 has been satisfied.
90. That prior to final approval, the Township is to be advised in writing by Rogers how Conditions 77 and 78 has been satisfied.
91. The Owner agrees that Draft Approval shall apply for three (3) years from the date of issuance of Draft Approval and shall lapse on the anniversary of the date of the issuance of Draft Approval, unless draft plan approval is extended prior to the lapsing date. If so required, application shall be made to extend draft plan approval prior to such lapsing, which may or may not be granted.

NOTES TO DRAFT APPROVAL

The Owner is hereby advised:

- a) that pursuant to Section 69 of the Planning Act, the Owner will be required to pay processing fees to the Township for each final approval of this Subdivision, in accordance with the Township By-law, as amended from time to time. Fees are also required by the Township for each application to extend Draft Approval and for Major Revisions to the Draft Plan or conditions;

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- b) that Township and County of Dufferin Development Charges will be payable in accordance with the applicable municipal Development Charges by-laws;
- c) that Development Charges of the respective School Boards and Hydro One are payable in accordance with their respective Development Charge requirements.
- d) the Township shall require that a Letter of Credit, the amount of which shall be determined in accordance with the Township's requirements, be provided by the Owner to the Township required within the Subdivision Agreement and as part of the execution of the Subdivision Agreement to ensure satisfactory completion of the project;
- e) a copy of the draft and the executed subdivision agreement should be provided by the Owner to GRCA, School Boards, Canada Post, Hydro One, Enbridge Gas Distribution Inc. and other utilities to facilitate the clearance of conditions;
- f) if so required, the Owner agrees to red-line revise the draft plan to meet the requirements of the conditions contained herein;
- g) it is the Owner'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 Township quoting the File Number S2-20;
- h) clearance is required from the following:
 - i. Township of East Garafraxa
065371 Dufferin County Road 3, Unit 2
East Garafraxa ON
L9W 7J8
 - ii. Grand Valley Conservation Authority
400 Clyde Road
PO Box 729
Cambridge, ON
N1R 5W6
 - iii. Upper Grand District School Board
500 Victoria Road North
Guelph, ON
N1E 6K2
 - iv. Dufferin-Peel Catholic District School Board
40 Matheson Boulevard West
Mississauga, ON
L5R 1C5

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- v. Enbridge Gas Distribution Inc.
500 Consumers Road
North York, ON
M2J 1P8
- vi. Bell Canada
- vii. Canada Post
193 Church Street, Suite 200
Oakville, ON
L6J 7S9
- viii. Ministry of Tourism and Culture
900 Highbury Avenue
London, ON
N5Y 1A4
- ix. Rogers
3573 Wolfedale Road
Mississauga, ON
L5C 1V8
- x. County of Dufferin
30 Centre Street
Orangeville, ON
L9W 2X1

- i) All measurements in the Final Plan of Subdivision must be presented in metric units.

Note re Registration

The Final Plan of Subdivision approved by the Township must be registered within (30) thirty days or the Township may withdraw his approval under Section 51(59) of the Planning Act.