



County of Bruce
Subdivision and Condominium

Approval Procedures

An Applicant's Guide

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BRUCE

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Introduction

The County of Bruce is the 'Approval Authority' for Plans of Subdivision and Condominium Descriptions in accordance with the Planning Act, R.S.O. 1990, as amended. The process of dividing land by registered Plan of Subdivision is governed by Section 51 of the Act and the associated regulations. Therefore, all applications made for Plans of Subdivision and Condominium Descriptions within the County are submitted to the County of Bruce (the 'Approval Authority') c/o the Director of Planning & Development.

This document will provide the Applicant with information on the Plan of Subdivision/Condominium Plan Approval processes in the County of Bruce. It is intended to provide an overview of the steps taken to make application and obtain a decision on a specific proposal.

Note: Applicants are strongly urged to seek their own independent legal advice concerning any legal matters raised by new applications, including the meaning of references made to legislation within this document. Often, independent professional Planning advice is also required.

1.0 Before Applying: Pre-Consultation

1.1 Discussions With Local Council and Planning Staff

Application forms may be obtained from the County of Bruce Planning and Development Department. To facilitate the review process, it is strongly recommended that the Applicant consult local municipal staff and County Planning staff before the application is formally submitted. Pre-Consultation is of significant benefit, since the Applicant will become more familiar with the requirements of the County and the affected municipality and will be better able to provide necessary information with the application. A pre-consultation meeting with all affected parties is recommended and can be scheduled by the County prior to the submission of an application.

1.2 Conformity with Official Plan(s) and Zoning By-law(s)

Circulation of an application will not normally take place unless the application conforms to the County Official Plan or the Local Official Plan in effect or is the subject of a concurrent application(s) to amend the Official Plan(s). It is the general policy of the County that if the proposal is not permitted in the applicable Official Plan, then the application is considered to be incomplete and therefore cannot be accepted. Where an Official Plan Amendment is required, the necessary application must be filed prior to, or concurrently with, the subdivision/condominium application. If a Zoning Bylaw Amendment is required, this may take place at any time prior to the granting of final Plan approval, provided the application conforms to the Official Plan(s).

1.3 Provincial Policy

The application must be consistent with the Provincial Policy Statements as issued under Section 3 of the Planning Act. If the application has not taken Provincial Policy Statements into account, justification for the variance must be provided.

1.4 Certification of Titles

Certification of property titles under the Certification of Titles Act will be necessary before the final approved Plan of Subdivision can be registered. Since certification of titles can be costly and time-consuming, it is suggested that the Applicant discuss this with a solicitor and surveyor as soon as possible.

2.0 The Application

- 2.1 The application form, proposed Draft Plan, and any required background studies are to be submitted to the Planning and Development Department. Subsection 51(17) of the Planning Act, as amended, describes the information that must be incorporated on the proposed Draft Plan (see Section 4.0 of this Guide).
- 2.2 The application must be completed by the property owner or authorized agent. Where it is being made by the agent, written authorization from the property owner must accompany the application and be shown on the face of the Draft Plan.
- 2.3 It is the responsibility of the Applicant to research and evaluate the site and the proposal to ensure that the development will be consistent with the health, safety, and welfare of present and future residents, either owners or tenants. Sufficient studies for the proper consideration of the application should be carried out prior to making formal application, and these should be included with the application. If further studies are needed to properly review the application, the Applicant will be notified of the need to have this work completed and submitted.
- 2.4 If in the opinion of the Planning & Development Department, the application (including the Form and/or Plans and supporting studies or documentation) is incomplete, they will be returned to the Applicant for completion, correction or clarification prior to processing. The reason for this requirement is to ensure that commenting agencies have adequate information on which to base their comments. This generally helps to avoid undue delay in the Approval process.
- 2.5 Exemptions under Section 9(6) of the Condominium Act

Pursuant to Section 9 of the Condominium Act, an application for Approval of a Condominium Description is to follow the same Planning Approval process as subdivisions. However, the Approval Authority may exempt applications from the full Approval process or any part of the Approval process deemed unnecessary. A request for exemption from the full process may be granted as long as: i) existing Official Plan policies and Zoning By-law provisions permit the development; ii) servicing issues can be properly dealt with through a Site Plan Control Agreement; and iii) the exemption is for a building(s) that has already been constructed.

Please note that a proposal to convert a rental property to condominium tenure may require additional notification to current tenants.

3.0 Application Fees

- 3.1 The application must be accompanied by the application fee set by County Council. The purpose of the fee is to recover part of the administrative costs involved in processing applications. The current fees are attached to the Application Form.
- 3.2 This fee may be paid by cheque or money order payable to the 'Treasurer, County of Bruce.
- 3.3 An application will be deemed incomplete if the relevant fees have not been paid.

4.0 Draft Plan Requirements

- 4.1 The application shall include:
 - 3 copies of the completed Application Form;
 - 3 copies of the Draft Plan with the information outlined in Section 4.2 below;
 - 1 copy of Draft Plan reduced to 8-1/2" x 14";
 - 3 copies of Reports/Studies that accompany the Application including:
 - o A Planning Report which addresses how the development is 'consistent with' the Provincial Policy Statement (Section 10 of the Application) and conforms to the policies and provisions of the Official Plan and Zoning By-Law;
 - o A Hydrogeological Report when required by Section 12 of the Application;
 - o A Servicing Options Study when required by Section 12 of the Application;
 - o A Stormwater Management Report when required by Section 13 of the Application.
 - 1 copy of the registered deed to title for subject lands.
 - 1 electronic copy of the proposed plan, sent via electronic file transfer, or submitted on USB or CD. Digital Mapping must be submitted in either Esri shapefile or geodatabase format projected to NAD83 UTM Zone 17N. Vector lines must be topologically clean, area features mapped as closed polygons, and attribute data entered to a consistent standard. AutoCAD submission is acceptable in place of Esri, if all other requirements are met
 - As a condition of Final Approval, you will also be required to provide a digital copy of the Final Approved Plan in a format acceptable (see above) to the Bruce County Planning Department.

If further copies are needed, the Applicant will be notified.

- 4.2 In accordance with Section 51(17) of the Planning Act, as amended, the Draft Plan must be drawn to scale and show the following:

4.2.1 Title

The following items shall be included in the title block:

- a) The original township name, lot and concession number;
- b) If applicable, the Crown grant where the proposed Plan of Subdivision is located;
- c) If the current proposal is a re-submission, the previously assigned file number shall be given;
- d) The scale of the Plan indicated in metric. The chosen scale shall be appropriate to

show all information clearly;

- e) The date the Plan was prepared. If the Plan has been revised and re-submitted, the original date and the dates of any revisions must also be shown;
- f) Certification of the boundaries of the land proposed to be subdivided by an Ontario Land Surveyor;
- g) The signature of the owner and where the application is made by an agent, a signed statement of authorization made by the owner.

4.2.2 Streets

- a) Locations, widths and names of the proposed highways within the proposed Subdivision and of existing highways on which the proposed Subdivision abuts must be shown.

4.2.3 Key Map

- a) On a small Key Map, on a scale of not less than one centimetre to 100 metres, show all of the land adjacent to the proposed Subdivision that is owned by the Applicant or in which the Applicant has an interest, every Subdivision adjacent to the proposed Subdivision, and the relationship of the boundaries of the land to be subdivided to the boundaries of the township lot or other original grant of which such land forms the whole or part.

4.2.4 Proposed Land Use and Density

- a) Indicate the purpose for which the proposed lots are to be used; the number of lots for each use; and, the density of development for the proposal.

4.2.5 Abutting Land Uses

- a) Indicate the existing uses of all adjoining lands.

4.2.6 Lot Size

- a) Show the dimensions and layout of the proposed lots.

4.2.7 Site Features

- a) Natural and artificial features such as buildings or other structures or installations, railways, highways, watercourses, drainage ditches, wetlands and wooded areas, significant natural areas, ANSIs, aggregate resource areas, petroleum resource areas, flood plains and swamps, defined top of bank which are within or adjacent to the land proposed to be subdivided must be shown.

4.2.8 Water Supply

- a) Indicate the availability and nature of domestic water supplies, i.e., private or communal wells or municipal water supply.

4.2.9 Soils

- a) The nature and porosity of the soil.

4.2.10 Contours

- a) Existing contours or elevations as may be required to determine the grade of the highways and the drainage of the land proposed to be subdivided.

4.2.11 Sewage Disposal

Municipal Sewage Collection & Treatment System:

- a) Indicate if municipal sewers are available to the land proposed for development;
- b) If sewers are to be installed, but not connected until a trunk sewer is available, information regarding timing should be provided in the application;

Private On-site or Communal Sewage Systems:

- a) If private on-site sewage systems (septic tank systems) are proposed, a separate Plan showing the location of each leaching bed and 100% contingency area may be required. It is probable that a Hydrological Report and/or Servicing Options Statement, conducted by a qualified individual will be required to be submitted with the Subdivision application. See Section 12 'Sewage Disposal and Water Supply' in the Application Form for further guidance.

4.2.12 Stormwater Management

- a) The way in which surface water is to be directed, collected and managed on-site must be indicated on the Draft Plan. If the storm sewers are to be installed but not connected until a trunk sewer is available, information regarding timing should be provided in the application.

4.2.13 Easements, Rights-of-Way and Restrictive Covenants

- a) The nature, location and extent of any restrictions affecting the land proposed to be subdivided, including restrictive covenants or easements must be disclosed.

- 4.3 An application for Approval of a Condominium Description is to be accompanied by a Plan that provides the applicable information required by Subsection 51(17) of the Planning Act and also shows details such as the location of buildings, the number of stories, surface parking, common areas and access points.

5.0 Process of Application Review and Approval

5.1 Application

The Applicant is solely responsible for accuracy of all information provided pursuant to these Guidelines. Moreover, it is the sole responsibility of the Applicant to fill in all of the particulars required and to supply all Plans necessary to submit a complete application. Where additional copies

of the Plan are subsequently requested by the Planning & Economic Department, the Applicant will be responsible for supplying them.

An official acknowledgment of receipt of a completed application will be given by the Planning & Development Department.

5.2 Agency/Ministry - Request for Comment

Following official receipt of the completed application, the County will circulate the application and Plans to the local municipality, various agencies, commissions and authorities as may be affected in order to obtain information and recommendations. In most circumstances, County Planning staff will request review agencies to respond within twenty (20) days of receiving the Draft Plan. An extension may be granted if requested by the commenting agency.

The following is a list of agencies that would generally be given an opportunity to comment on the proposed Plan.

- ❖ First Nation Reserves
- ❖ Bruce Grey Health Unit (where applicable)
- ❖ Bruce Grey Separate School Board
- ❖ Bluewater School Board
- ❖ Ministry of Municipal Affairs and Housing
- ❖ Conservation Authority
- ❖ Telecommunications Suppliers
- ❖ Union Gas
- ❖ Cable TV Supplier
- ❖ and other agencies, e.g. Ontario Hydro, Municipal Utilities, Pipeline companies, etc., as required or as appropriate.

5.3 Notice of Public Meeting

Notification of the application and a public meeting to consider the application is required by the Planning Act. Owners of property within 120 metres must be notified of the date and time of the public meeting at least 14 days in advance of the meeting.

The Planning & Development Department will provide notice by personal service or pre-paid first class mail service to every owner of land within 120 metres of the area covered by the proposed Plan and every owner of land within 120 metres of any lands owned by the developer which abut the subject lands.

The Applicant shall be responsible for posting a notice which is clearly visible and legible from a public highway or other place to which the public has access, or at every separately assessed property in the area to which the proposed Plan of Subdivision would apply. The completed sign is to be erected on the site by the Applicant in the manner described above. The Planning Department shall supply the information to be included on the sign/notice.

Any person or public body that has submitted a written request for notice of an application will also be sent a notice from the Planning & Development Department. Neighbouring municipalities are notified if they are within one (1) kilometre of the subject lands.

It is strongly recommended that the Applicant or agent attend this public meeting in the event there are questions that require clarification.

5.4 Planning Department Report

The commenting agencies may identify concerns or may request that the County impose various conditions on the Approval of the Draft Plan. Planning staff will review the comments and requests for conditions that are received and prepare a report recommending Approval or refusal of the application with appropriate conditions.

The Applicant and the local municipal staff will be advised of the comments received during the review process and will have opportunities to discuss them with County staff. Conditions requested by agencies are in most cases recommended by County Planning staff for inclusion. The Applicant and the affected municipality may request that conditions be amended before Final Approval is given. All agencies that request a copy of the decision are notified. If requested conditions are not included, the requesting agency may appeal the Draft Approval decision to the Local Planning Appeal Tribunal (LPAT). Other Ministries may appeal through the Ministry of Municipal Affairs and Housing. It is most likely, however, that requested conditions will be included in the staff recommendation unless they are clearly not relevant to the proposed subdivision.

Conditions will normally include such matters as the completion of the stormwater management and engineering reports by the Applicant's consultants and the signing of a Subdivision Agreement with the host municipality to guarantee completion of work associated with the development, and other items intended to ensure that the development will be carried out in a manner consistent with the public interest.

Note: Following Draft Approval, any conditions to the Draft Approval may be modified. Subsection 51(47) of the Planning Act provides that minor changes, as determined by the Approval Authority, may be made without further notice. Changes that are considered to be major are subject to the same procedures respecting review and possible appeal as the original conditions.

5.5 Public Meeting

Under Section 51(21) of the Planning Act, the County of Bruce has requested that the local municipality having jurisdiction over the land that is proposed for the subdivision hold the Public Meeting.

At the Public Meeting, the Planning & Development Department presents a Report to Council/Planning Committee including the proposed Draft conditions. Members of the public present at the Public Meeting may present their concerns/petitions to Council/Planning Committee. The Applicant is also invited to present any concerns or provide clarification to Council/Planning Committee when requested.

Section 3(5) of the Planning Act requires that the local municipality shall *be consistent with* policy statements issued by the Minister of Municipal Affairs and Housing and approved by the Lieutenant-Governor in Council. Section 51(24) of the Planning Act also requires that when a Draft Plan of

Subdivision is considered, it must be consistent with the health, safety, convenience and welfare of the present and future inhabitants of the municipality and to,

- a) the effect of development of the proposed Subdivision on matters of provincial interest as referred to in section 2 of the Planning Act;

- b) whether the proposed Subdivision is premature or in the public interest;
- c) whether the Plan conforms to the official Plan and adjacent Plans of subdivision, if any;
- d) the suitability of the land for the purposes for which it is to be subdivided;
- e) the number, width, location, and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed Subdivision with the established highway system in the vicinity and the adequacy of them;
- f) the dimensions and shapes of the proposed lots;
- g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
- h) conservation of natural resources and flood control;
- i) the adequacy of utilities and municipal services;
- j) the adequacy of school sites;
- k) the area of land, if any, within the proposed Subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes; and
- l) the physical layout of the Plan having regard to energy conservation.

Based on the comments and information presented, Council/Planning Committee may make a recommendation/resolution to the County of Bruce on the proposed Draft Plan of Subdivision.

No later than 15 days after the Public Meeting is held, the local municipality forwards the prescribed information and material as required by Section 51(21) of the Planning Act to the County of Bruce.

5.6 County of Bruce - Approval

After receipt of the prescribed information and material from the local municipality, the County of Bruce Planning and Development (PDC) Committee will meet to review the information submitted. Please note that this Committee meets only once per month. Draft Plan Approval cannot be granted without the consent of this Committee. A decision on the Draft Plan cannot be made by the PDC Committee any sooner than 14 days after the local Public Meeting.

Any person or public body may make additional written submissions to the County before a decision is made.

The County of Bruce may at its discretion give, or refuse to give, approval to the Draft Plan of Subdivision.

5.7 Notification of Decision

A Notice of Decision of Draft Approval must be issued by the County of Bruce within 15 days of the decision of the PDC Committee to the Applicant, each person or public body that made written submissions or requested notice of the decision, an affected municipality or any other person or public body prescribed. Any person or public body may, not later than 20 days after the Notice of Decision is given, appeal the decision of the County to the Local Planning Appeal Tribunal.

Section 51(53) of the Planning Act, however, provides that the Local Planning Appeal Tribunal may dismiss an appeal without hearing it, if in the Board's opinion, the appeal is not based on land use planning principles; the appeal is not made in good faith or is frivolous or vexatious; the appeal is only made for the purpose of delay; the proposed Subdivision is premature; the appellant did not make oral or written submissions to the local municipality or the County of Bruce before the decision was given; the appellant has not paid the prescribed fee for an appeal; or the appellant has not responded to the Local Planning Appeal Tribunal's requests for further information.

5.8 Clearing of Draft Conditions

Depending on the work that must be carried out in clearing the draft conditions, considerable time may lapse between Draft Approval and Final Approval. During this time, there may be requests

(from agencies, the local municipality or the Applicant) to modify the conditions of Draft Approval. If the changes are not considered minor by the County of Bruce, notification of all persons and public bodies that previously made written submissions, or requested notification of changes, must be carried out. The same appeal procedures, including the right of the owner to appeal to the LPAT, apply as for the original submission.

Draft Approval can also lapse if the conditions are not fulfilled within three years. If the Applicant is unable to clear the conditions in time, a request may be made, not fewer than 60 days before expiry to extend the period of Draft Approval.

6.0 Final Approval

All of the conditions of Draft Plan Approval must be met before Final Approval can be granted. Agencies that originally request conditions must indicate in writing that their conditions have been met prior to Final Approval.

The Applicant is responsible for addressing all of the Conditions of Draft Approval. All conditions must be satisfied prior to applying for Final/Part Approval. The County will not process any application for Final/Part Approval until all of the required clearance letters and other required information has been submitted.

An Application for Final Approval/Part Approval of the Plan of Subdivision is available from the County Planning Department.

A separate application fee is applied for each partial 'phase' of the Draft Plan of Subdivision that is brought forward for Final Approval. Please note that some of these procedures (such as Certification of Titles) can be time consuming. Legal and survey advice, along with consultation with Land Registry is strongly recommended.

7.0 Assistance

If you have any questions regarding the application or if you need to speak to County staff, please contact the Planning and Development Department at one of the following locations:

The **Peninsula Hub Office** serves the following local municipalities:

Municipality of Arran-Elderslie (former Arran, Elderslie, Tara, Paisley and Chesley);
Municipality of Northern Bruce Peninsula (former Eastnor, Lindsay, St. Edmunds and Lion's Head);
and
Town of South Bruce Peninsula (former Albemarle, Amabel, Hepworth and Wiarton)

Bruce County Planning & Development Department
268 Berford Street
Box 129,
WIARTON, Ontario N0H 2T0
Phone: (519) 534-2092 Fax: (519) 534-1174

E-Mail: bcplwi@brucecounty.on.ca

The **Inland Hub Office** serves the following local municipalities:

Municipality of Brockton (former Brant, Greenock and Walkerton)
Township of Huron-Kinloss (former Huron, Kinloss, Lucknow and Ripley); and
Municipality of South Bruce (former Mildmay, Teeswater, Carrick, and Culross);

Bruce County Planning and Development Department
30 Park Street,
P. O. Box 848,
WALKERTON, Ontario, N0G 2V0
Phone: (519) 881-1782 Fax: (519) 507-3030

E-Mail: bcplwa@brucecounty.on.ca

The **Lakeshore Hub Office** service the following location municipalities:

Municipality of Kincardine (former Kincardine Township, Bruce, Tiverton and Kincardine);
Town of Saugeen Shores (former Saugeen, Port Elgin and Southampton).

Bruce County Planning and Development Department
1243 MacKenzie Road,
PORT ELGIN, Ontario N0H 2C6
Phone: (226) 909-1601 Fax: (519) 832-9000

E-Mail: bcplpe@brucecounty.on.ca

Summary

This list sets out the various administrative steps that comprise the basic framework of the Approval process. Note that the administrative steps may be altered or amended by the Planning and Development Department where/when required depending upon the circumstances of each application.

1. Pre-consultation (local municipal staff, County Planning staff, and affected Ministries and Agencies)
2. Receipt of Application.
3. Request for additional information from the Applicant (if required).
4. Acknowledgement letter to Applicant when application is deemed to be complete.
5. Formal circulation to the affected local municipality, various agencies, ministries, etc.
6. Public notification of Draft Plan application and of a Public Meeting to property owners within 120 metres of the subject property is sent out at least 14 days before a meeting is held by local council or planning committee to review the Draft Plan of Subdivision.

It is intended that the Public Notice of Application and Notice of Public Meeting will be contained in a single notice.

7. Preparation of a Planning Report (with recommendations regarding conditions of Draft approval)
8. Copy of Planning Report including conditions of Draft Approval forwarded to Applicant and local municipality, agencies and ministries when required.
9. Public Meeting and consideration by local municipal council.
10. Prescribed information forwarded to the County of Bruce within 15 days of the Public Meeting.
11. Decision regarding the Draft Plan of Subdivision/Condominium application made by the PDC Committee of the County of Bruce.
12. Notice of Draft Plan Decision sent within 15 days of decision.
13. 20 day appeal period begins the day the Notice of Decision is given.
14. Fulfilling conditions including the preparation and signing of Subdivision agreement with the affected municipality.
15. Final Approval of Plan of Subdivision or Condominium. County of Bruce will forward the Plans to be registered within 30 days of Final Approval.