



**Town of Orangeville
Planning Department**

**Subdivision
Procedures Manual**

October 2009

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1.0 Introduction

Since January 1993, the Town of Orangeville has held subdivision approval powers delegated by the Province. The Town has the authority to issue draft approval, set and clear conditions and grant final approval for registration.

In most instances where a public road allowance is being created, and there will be more than 3 lots created, a plan of subdivision will be required. Division of land by consent may be permitted where new lots will front onto an existing public road.

The purpose of this manual is to assist the public and the development industry in understanding how the Town processes subdivision applications. It provides a complete outline of the Town's subdivision approval process from pre-submission consultation through to registration of a plan.

The legal foundation for the processing of subdivision applications may be found in Section 51 of the Ontario Planning Act.

2.0 Pre-Application Consultation

Discussions with Town staff, and possibly key commenting agencies, should be held prior to any formal submission. The intent is to ensure a complete submission and to attempt to address as many issues as possible prior to the formal circulation of the plan for comments. Items to be considered at this stage include:

- the suitability of the land for the proposed use(s);
- conformity with the Provincial Policy Statement, the Places to Grow plan and the Town's Official Plan;
- the need for other applications under the Planning Act (a rezoning will generally be required as most vacant lands are not pre-zoned in Orangeville);
- general design and layout, consistent with the Neighbourhood Design policies of the Official Plan (see Schedule "A");
- determining the need and appropriate locations of park and school sites;
- unit types and appropriate zoning regulations;
- servicing, transportation and environmental issues;
- financial considerations;
- Environmental Management Plan and/or other background study requirements; and,
- the need for support materials in relation to any of the above items.

The pre-application meeting should include, at a minimum, the staff of the Planning and Public Works Departments; Credit Valley Conservation (CVC) staff should also be involved should there be issues related to flood and fill lines, affected watercourses and/or new stormwater management facilities.

As part of the pre-application consultation process, it may be appropriate for Planning and Public Works staff to meet with the owner/applicant on the site to assist in identifying issues and opportunities at an early stage. Such a meeting could include the staking of development limits relative to natural features in conjunction with Credit Valley Conservation.

3.0 Filing the Subdivision Application

To file an application, a form must be completed. It is suggested that the owner review the form with Town staff in person or fax a draft form to the Town for comments prior to formal submission.

The owner shall supply to the Town the following:

- 1 copy of a fully executed subdivision application. The application form, which is available from the Planning Department and on the Town's web site, identifies the Town's information requirements, including those prescribed by Ontario Regulation 196/96.
- 25 copies of the subdivision plan containing all information required by Section 51(17) of the Planning Act;
- a cheque made payable to the "Town of Orangeville" for its application fee;
- a cheque made payable to the "LA Signs Inc. 1901275 Ontario Inc." for the preparation of public notification signage, as required;
- a cheque made payable to "Credit Valley Conservation" for its application fee;
- 4 copies of a Background Servicing Report and the agreed-upon number of any other supporting studies; and,
- 3 copies of a boundary survey(s) of the lands subject to the application.

An application will not be deemed to be complete until all of the above have been provided to the Town.

4.0 Processing the Subdivision Application

Upon receipt of the proposed draft plan and application form, the Planning Department will check the application and supporting materials to ensure that they are complete. The Planning Department will then open a file and assign a file number.

The Town circulates the draft plan and copies of the background servicing studies as appropriate, to:

- CVC;
- the County of Dufferin;
- the Upper Grand District School Board;
- the Dufferin-Peel Catholic District School Board;
- the Conseil Scolaire de District Catholique Centre-Sud;
- five utilities (Hydro One, Orangeville Hydro, Bell Canada Access Network, Enbridge Consumers Gas and Rogers Cable);
- Heritage Orangeville;
- Canada Post;
- the Ministry of Municipal Affairs and Housing;
- the Ministry of Transportation (MTO) (if required); and,
- any adjacent municipalities that are within a one kilometre radius of the subject property.

There is also a corresponding internal distribution to various municipal departments.

As comments arising from the circulation of the notice are received, the Planning Department will pass them on to the owner. A meeting may be held to discuss possible modifications to the draft plan if required.

Certain components of the owner's submissions may be sent by the Town to outside consultants for review and comment. In such cases, the owner may be asked to deposit, with the Town, the outside consultants' review fees before work begins.

Upon receipt of all comments determined to be necessary from both the Town and external circulation, the Planning Department schedules a public meeting. An introductory staff report outlining the background information to the application is provided to Council for their information in preparation for the scheduled public meeting, and may include staff comments on preliminary issues associated with the application.

5.0 Public Consideration of Application

5.1 Neighbourhood Consultation Meeting

Early in the process, it may be appropriate for a neighbourhood consultation meeting to be held in order to obtain public input in the more formative stages of processing the application. The Planning Department will assist in setting up such a meeting or open house. The owner is expected to have exhibits prepared and to be in attendance to answer questions and consider suggestions.

All persons who would receive notice of a statutory public meeting and the members of Council are invited to the consultation meeting.

5.2 First Council Meeting

At this first meeting, Council considers a staff report on the proposal for the purposes of background information. The owner is not required to attend this meeting as it is meant to provide Council with background information on the proposal and clarify any issues with Planning Department staff. Typically, the public meeting has already been scheduled by this point.

5.3 Public Meeting at Council

A minimum of 20 days prior to the scheduled public meeting, the Town mails a written notice to the prescribed agencies and individuals (see sample notice attached as Schedule "B"), and publishes a notice in the two local newspapers.

The owner is expected to attend Council's public meeting to assist in presenting and explaining the details to the public and to respond to questions from Council.

After holding the public meeting, Council will typically refer the matter back to staff for a detailed report addressing the issues, including any raised by the public, together with recommendations and conditions of draft approval of the subdivision (as required). This report may not be brought forward at the meeting of Council immediately following the public meeting, as it may require adjustments to the plan, the gathering or development of additional information, and/or a number of discussions with the owner.

6.0 Draft Approval

Draft approval is a written commitment by the Town to the owner that the development can proceed provided that the imposed conditions are met. Typically, on the basis of a draft approval, the owner is required to enter into legally binding agreements (such as a subdivision agreement) with the Town to allow the development to proceed. Once draft approval has been given, the owner may begin marketing the sale of lots and enter into agreements of purchase and sale for conveying the proposed lots, but conveyances may only occur after the plan is registered. After draft approval, the owner may also proceed to lay out the roads and lots and begin site works provided that a Topsoil Removal Permit has been granted by the Public Works Department and the Town's requirements pertaining to that have been met.

Draft approval lists the conditions of approval and provides the name of the agency involved. The owner must comply with the conditions of draft approval to the satisfaction of the agency and the Town prior to final approval being granted. Conditions of draft approval indicate which agency must clear what conditions by providing a statement indicating how each condition has been satisfied. Typically, an owner will have up to three years to satisfy all conditions of draft approval. If a plan is not registered within three years, the Town may rescind draft approval. The owner has the ability to request, and Council has the ability to consider, extending draft approval for a further period, should the circumstances warrant.

Conditions of draft approval generally fall into two categories:

1. Those requiring certain actions prior to final approval; and,
2. Those requiring certain actions after final approval.

For conditions requiring action prior to final approval (e.g. the submission of a noise impact analysis) the owner should initiate the necessary action to have work completed, to the satisfaction of the Town, after draft approval to facilitate the clearance of these conditions.

Those conditions requiring action after final approval are usually dealt with through a subdivision agreement with wording acceptable to the Town and/or clearing authority.

After Council draft approves a plan of subdivision, the Planning Department circulates a notice (see sample attached as Schedule "C"), in accordance with the requirements of the Planning Act and Ontario Regulation 196/96.

Following the expiry of the legislated appeal period, the Mayor will sign the draft plan. The Planning Department will circulate the signed draft plan and the conditions of draft approval to the owner and all agencies that are required to provide clearances prior to registration. The owner will be asked to provide a sufficient number of copies of the draft approved plan to the Planning Department to facilitate that circulation.

As soon as possible after draft approval, the owner should approach the Planning Department regarding the selection of appropriate street names (see Street Naming Policy attached as Schedule “D”). The selection of street names or a street naming theme must be in accordance with the Policy or the subject of a Planning staff report to Council.

7.0 Water and Sewage Treatment Allocations

The granting of draft approval of a plan of subdivision does not signify that the Town has allocated water supply or sewage treatment capacity to all or any phase of the development. Rather, the conditions of draft approval will indicate that the allocations must be achieved before the plan may be registered.

The allocation of water supply and sewage treatment services is typically dealt with through the zoning amendment process. If Council approves a servicing allocation at the time of draft plan and zoning approval, there will be no Holding Symbol incorporated into the zoning. If Council does not approve an allocation (which is generally the case), a Holding Symbol will be incorporated into the respective zoning and a future application will be necessary to have the Holding Symbol removed when registration of the plan is imminent and sufficient water supply and sewage treatment capacities are available.

The procedure for obtaining a sewage treatment allocation is set out in Council's Sewage Treatment Allocation Policy (attached as Schedule “E”). A subdivision must have a water supply allocation and draft approval to be eligible for a sewage treatment allocation.

8.0 Subdivision Agreement

8.1 Agreement Contents

A sample subdivision agreement may be obtained from the Planning Department. The majority of the provisions are standard in nature with those specific to the subdivision being attached as schedules to the agreement.

The conditions of draft approval often contain a requirement that specified clauses be registered on title or included in all or certain offers of purchase and sale that warn potential purchasers of lands within the subdivision of conditions that may be experienced in the future (e.g. lack of local schools, lighting of adjacent parks, noise from an adjacent major road, etc.). The owner agrees to comply with these requirements by way of a separate agreement, the form of which is attached as a schedule to the subdivision agreement.

The subdivision agreement also contains a copy of the final M-plan as a schedule. The final M-plan should not be prepared until all details, including engineering design and street naming, have been approved; the Land Titles Office should also be contacted for its specifications prior to finalizing the M-plan. When the final M-plan is submitted to the Planning Department, it should be accompanied by a surveyor's certificate setting out the areas, frontages and use of all lots and blocks within the plan. The Planning Department

will use this information to determine zoning conformity and parkland dedication requirements.

8.2 Execution of Agreement

After the owner has executed the subdivision agreement and the Public Works Department has approved the engineering drawings, the Planning Department will prepare a by-law for Council's consideration authorizing the execution of a subdivision agreement by the Mayor and Clerk and granting the Mayor authority to sign the final M-plan once all conditions of draft approval have been cleared (a sample by-law is attached as Schedule "F").

8.3 Fulfilling Conditions for Registration

The conditions for releasing the final plan for registration are listed in the subdivision agreement. Although the Planning Department monitors the progress and advises the owner of any difficulties, the necessary work to facilitate the clearance of the conditions is primarily the responsibility of the owner. Accordingly, it is strongly recommended that the owner contact each of the agencies responsible for clearing the conditions and the owner satisfy him or herself that his or her understanding of the requirements matches that of each agency.

8.4 Part Lot Control Exemption

When registration appears imminent, it is appropriate for the owner to file an application for Part Lot Control exemption, if appropriate in the circumstances. The Town typically exempts from the Planning Act's Part Lot Control provisions those lots or blocks which will be developed with linked homes, semi-detached houses, townhouses, or narrow lots where maintenance easements will need to be registered. By having these lots or blocks exempted from Part Lot Control, an owner will not have to apply to the Committee of Adjustment for consent to convey individual parcels or easements.

9.0 Registration

Upon being advised in writing by all those circulated the final plan that their requirements have been satisfied, the Planning Department will prepare a release letter. This letter, under the signature of the Director of Planning, will advise the Clerk that the draft plan conditions have been fully satisfied and the respective manner by which they were. The Clerk will then ask the Mayor to sign the final M-plan.

The Town's solicitor and the owner's solicitor will oversee the registration of the plan, agreements, transfers and easements. The procedures for registration may be obtained from the Land Titles Office.

Typically, a condition of approval will include the transfer of lands and/or easements to the

Town. These documents will be reviewed by the Town's solicitor, and the conveyances will occur concurrently with plan registration.

Only after a plan has been registered and after any required Part Lot Control exemption by-law has been enacted and registered, may the conveyances of lots to builders or buyers begin, building permits be issued to permit construction, and municipal street numbers be assigned by the Planning Department.

10.0 Construction and Assumption of Works and Services

The owner is responsible for servicing the lands to be developed in accordance with the plans that have been approved by the Town. Cost sharing or other arrangements with respect to servicing will be covered by the subdivision agreement or a separate agreement.

Once the Town is satisfied that the services have been installed and all work that is to be done under the agreement(s) has been done to the Town's satisfaction and the prescribed maintenance period has expired, the Town will assume the municipal services.

The Town issues two certificates relating to the installation and ultimate assumption of the services; i.e. a Certificate of Preliminary Acceptance and a Certificate of Final Acceptance. The subdivision agreement sets out what services have to be installed prior to a Certificate of Preliminary Acceptance being issued.

The owner is responsible to maintain the services for a minimum of 2 years from the date of the Certificate of Preliminary Acceptance or until the Certificate of Final Acceptance has been issued. The subdivision agreement also identifies other maintenance work or costs the owner is responsible for during the maintenance period including, but not necessarily limited to, winter control, grass cutting, etc.

One of the conditions of registration is the posting, by the owner, of a financial security in an amount specified in the subdivision agreement. Generally, this amount will be equal to the estimated cost to install all of the services and complete all of the work the owner is required to do to develop all of the lands covered by the subdivision agreement. The total amount of the security to be posted initially may be reduced if certain works have been constructed or services installed prior to registration, or if the development is to be phased. In the latter case, restrictions are typically placed on the lands in the later phases which would preclude any transactions on those lands until the required securities have been posted with the Town.

The amount of the security held by the Town may be reduced after the Certificate of Preliminary Acceptance has been issued in accordance with procedures set out in the subdivision agreement. Subject to other agreements between the Town and owner, the securities are returned to the owner when the Certificate of Final Acceptance is issued.

Design Policies

Official Plan

E1.9 Neighbourhood Design

E1.9.1 The neighbourhood design policies of this Plan shall apply to both new development and to infill developments in existing built-up areas.

E1.9.2 The Town’s neighbourhoods will generally contain a mix of lot sizes in order to achieve visual variety and to accommodate a broader range of households. Concentrations of small lots will be avoided. The actual mix will be determined on a subdivision-specific basis having regard for the mix of lot sizes in the neighbourhood.

E1.9.3 When designing new residential neighbourhoods or considering changes to existing ones, Council will seek to integrate local vistas, heritage features, and natural and groomed landscapes to create a sense of place and foster neighbourhood identity. Wherever possible, public parks will enjoy full street frontage on one or more sides. Conservation lands also will enjoy frontage on public streets, or will be linked visually and functionally to the adjoining neighbourhood by attractive vista strips at strategic locations such as at the head of a street.

E1.9.4 Neighbourhood design will promote walking activity to lessen dependence on the automobile, promote human health, and strengthen community bonds by providing opportunities for casual encounters. Accordingly, the Town’s neighbourhoods will contain an interconnected street pattern designed to provide a variety of convenient walking routes. In particular, the neighbourhood’s focal points such as public open spaces, commercial facilities, schools, places of worship and bus stops will be designed to be conveniently accessible by foot from all dwellings.

E1.9.5 Turning circles will be avoided wherever possible owing to difficulties that have been experienced with snow clearing and removal operations. Where turning circles are inevitable, consideration will be given to the provision of a landscaped parking feature in the centre.

E1.9.6 Street trees will be planted at regular intervals to define the character of the street. Where space permits they will be located between the sidewalk and the curb to foster the creation of a canopy over the street.

E1.9.7 The visual prominence of garages occupying the front of a dwelling will be reduced or minimized by bringing forward other building elements such as

porches, the main front wall, or habitable space over the garage, and by controlling garage sizes on small lots. Reduced front yards for the main front wall of the dwelling, or yard encroachments for porches and verandahs may also be appropriate, in order that the garage may be recessed relative to other building elements.

- E1.9.8 The on-street parking supply for new residential neighbourhoods will be addressed prior to the granting of approval for a new subdivision to ensure that adequate parking is available for visitors. Wherever possible, driveways and municipal services will be arranged in a manner that maximizes potential on-street parking space.
[OPA 63]

Other Policies

- 1.1 To satisfy Section E1.9.8 of the Official Plan, an on-street parking supply of one space for each two small lots (i.e. those under 12 metres of frontage) will be provided within reasonable walking distance.
- 1.2 A typical condition of draft approval will be the preparation of a master landscaping plan to include street tree planting schemes and landscaping of parks, stormwater management facilities, entry features and boulevard areas beside single-loaded streets, acoustical fences, etc.
- 1.3 Where an interior lot adjoins the rear of a corner lot, the common lot line will be perpendicular or near-perpendicular to the street line, for a minimum distance back from the street line equivalent to the front yard requirement for the interior lot. The intent of this policy is to avoid situations where a tall fence enclosing the rear yard of a corner lot juts in front of a house located on the adjoining interior lot.
- 1.4 Where an interior lot is beside the rear lot line of a corner lot, the driveway on the interior lot will be located on the side of the lot away from the corner lot. The intent of this policy to improve visibility by maximizing the distance between a driveway and a tall fence that could be constructed to enclose the rear yard of the adjoining corner lot.

Sample Notice of Public Meeting

**Concerning a Proposed Plan of Subdivision and Amendment
to the Zoning By-law for the Town of Orangeville**

**Plan of subdivision application s1/07
Zoning amendment application z1/07
Orangeville Developer Ltd.
Part of Lot 1, Concession 1, W.H.S.**

Take notice that on Monday, February 26, 2007, on or about the hour of 7:00 p.m., the Council of the Town of Orangeville will consider the above applications. This public meeting will be held in the Council Chambers, Municipal Offices, 87 Broadway, Orangeville.

The subject property is located on the southeast corner of "A" Street and "B" Avenue and comprises a 10 hectare (24.7 acre) parcel of land (see location map). The applicant proposes subdivision and site-specific zoning by-law amendment applications to permit the development of the lands with 100 semi-detached and 100 townhouse residential units. Site-specific zoning provisions to the proposed R6 and RM1 zones are being requested to reduce the minimum lot frontage, lot area and interior side yard setbacks, and increase the maximum permitted lot coverage.

All persons interested in the above application are invited to attend the public meeting. Those persons who attend the public meeting will be given an opportunity to ask questions or to make an oral submission to Council. Written comments, addressed to the Mayor and Members of Council, may also be submitted either before or at the meeting.

This upcoming public meeting is the statutory public meeting required by the Planning Act before Council draft approves a plan of subdivision or enacts a zoning by-law amendment. If a person or public body that files an appeal of the decision of the Town of Orangeville in respect of a draft approved plan or a zoning by-law amendment does not make oral submissions at a public meeting or make written submissions to the Town of Orangeville before the proposed plan is draft approved or a zoning by-law amendment is enacted, the Ontario Municipal Board may dismiss all or part of the appeal.

If you wish to be notified of the draft approval of the plan of subdivision or enactment of the requested zoning by-law amendment, you must make a written request to the Clerk, Town of Orangeville, 87 Broadway, Orangeville, Ontario, L9W 1K1.

Additional information, including a background report, may be obtained by contacting xxxxxxxxxx, at (519) 941-0440 ext. xxx or xxxxxxxxx@orangeville.ca.

Sample Notice of Draft Approval

**Notice of Decision
Draft Plan of Subdivision, File S1/07
Orangeville Developer Limited**

This notice is to advise that the Council of the Town of Orangeville has made the decision to approve, with conditions, the above-noted plan of subdivision. Enclosed is a copy of the decision, approved plan and conditions. Additional information regarding the draft plan is available in the Orangeville Planning Department located in the Town's Municipal Offices at 87 Broadway during office hours.

Any written notice appealing the decision or any of the conditions must be filed with the Town Clerk within 20 days of the date of this notice together with the reasons for the appeal and the required Ontario Municipal Board (OMB) filing fee, in accordance with Section 51(39) of the Planning Act, R.S.O. 1990, c.P.13, as amended. The applicant, or any public body, may appeal any of the conditions of draft approval to the OMB by filing an appeal letter with the Town Clerk at any time prior to final approval.

You will be entitled to receive notice of any changes to the conditions of approval of the draft plan of subdivision if you have either made a written request to be notified of the decision to approve or refuse the draft plan or to be notified of changes to the conditions of draft approval.

Only individuals, corporations or public bodies may appeal decisions with respect to a proposed plan of subdivision to the OMB. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group. The Board may dismiss an appeal for reasons set out in Section 51(53) of the Planning Act.

The lands within the proposed plan of subdivision are also affected by zoning amendment Z1/07 that implements the development plan.

Street Naming Policy

As Adopted by Council on September 22, 1997, and Amended on June 25, 2001

The goal of the Town of Orangeville street naming policy is to assist the Town in the naming of the municipal streets in a manner that recognizes and promotes the heritage and identity of Orangeville.

The following criteria will be used for the selection of names to be added to the approved list of street names:

- Historical names that are proposed must be researched and recommended by Heritage Orangeville. The Town crest would accompany the name on the street sign to indicate its historical nature.
- Names of Orangeville residents who died in action during World Wars I and II and the Korean War, as provided by the Royal Canadian Legion, will be considered. A poppy would accompany the name on the street sign to identify that the street was named in honour of a veteran.
- Only surnames will be considered.

A developer/owner will be required to select at least 50% of the street names for a proposed subdivision from a list of street names which have been reviewed by the Planning Department, circulated externally, and approved by Council. This translates as follows.

Number of Streets Proposed	Number of Names To Be Selected From The List
1	0
2	1
3	1
4	2
5	2
6	3
7	3
8	4

The list of approved names can be obtained by contacting the Planning Department.

Any names submitted for a proposed development which are not on the approved list will be subject to review by the Planning Department to ensure compliance with four criteria.

1. Duplication - The proposed street name must not be a direct duplication of a street name within the Town boundaries or in the surrounding townships.
2. Pronunciation - The proposed street name must not be difficult to pronounce or be a name that can be pronounced in a number of different ways.
3. Spelling - The proposed street name must not be a name that is difficult to spell or be a name that can be spelled in a number of different ways.
4. Similar Sounding - The proposed street name must not sound similar to existing street names within the Town boundaries or in the surrounding municipalities as this may cause confusion in emergency calls.

The names will then be circulated to external public bodies/agencies for their review.

Where a particular theme for a proposed subdivision is contemplated, a developer/owner will not be required to select at least 50% of the proposed street names from the approved list. Instead, a developer/owner will be required to submit the requested theme and corresponding street names to the Planning Department for their review. The theme and suggested street names will be circulated to the County, emergency services, and other external public bodies/agencies for comment, and then forwarded to Council for approval.

The following street suffixes shall be assigned to the types of streets listed below.

Street Type	Description	Suggested Suffix
General	All streets other than those described below.	Boulevard, Way, Road, Street, Avenue, Drive
Local Road - Loop	A street which forms a loop and has two connections to a general street.	Crescent
Local Road - Cul-de-sac	Street which is not a thru-street.	Court, Place, Gardens
Local Road - Short Connector	Short street providing access to a development and where there are no lots fronting on same.	Gate

**Sewage Treatment Allocation Policy
Adopted by Council on September 20, 1999**

1. Introduction

The Town of Orangeville Water Pollution Control Plant has limited surplus capacity available for allocation to new residential development. Council has accordingly adopted this policy to ensure that allocations of sewage treatment capacity are made only to projects that are capable of proceeding in the immediate future. Where there are competing applications for allocation, the Council will weigh the relative merits of the projects by reference to various objectives related to fairness and the public interest.

2. Allocation Policy Applicability

This policy applies to all projects containing five or more residential units and requiring, in order to proceed, a rezoning or holding symbol removal. In the Orangeville context, all “greenfield” plans of subdivision fall into this category.

All projects that do not require a rezoning or removal of a holding symbol are considered already to have an allocation. Also, commercial, industrial, institutional and small-scale residential (i.e. up to four units) projects are considered already to have an allocation, regardless of zoning status.

3. Allocation Mechanism

The allocation of sewage treatment capacity is implemented by one of two methods depending on the zoning status of the subject property:

- a rezoning without a holding symbol, or
- the removal of a holding symbol.

An allocation of sewage treatment capacity is not inherent in the draft approval of a residential plan of subdivision, or in the granting of provisional consent. Accordingly, the conditions of draft approval or provisional consent will contain an express clause to this effect, indicating that the Town is not obligated to provide a sewage treatment allocation within the term of the draft approval or provisional consent. Such an allocation will be required, however, prior to release for registration.

4. Allocation Procedure

To obtain a sewage treatment allocation, the proponent must file a request for consideration by Council. The proponent’s supporting documentation should provide evidence that the project, or project phase, will proceed in the immediate future. The project, or project phase, must therefore be draft approved, or granted provisional consent, and have a water supply allocation.

Following Council approval of the application, the proponent must execute a sewage treatment allocation agreement acknowledging that the allocation will expire if the plan has not been registered within 18 months, or the consent finalized within 12 months. In this agreement, the proponent will also agree to warn all purchasers of lots that a final allocation of sewage treatment capacity has not yet been made to the project, or project phase.

Following execution of the sewage treatment allocation agreement, and the posting of letter of credit as required in the subdivision agreement for the project or project phase, the Town will proceed, as the case may require, to rezone the project, or project phase, to a residential zone without a holding symbol, or to remove the holding symbol from the residential zone. The Town will hold public meetings or give public notice as required by the Planning Act, and will not hold its customary public meeting for a holding symbol removal.

If the plan has not been registered, or the consent finalized, within the term of the agreement, Council is not obligated to grant an extension. In the event that Council decides not to extend the term of the agreement, the Letter of Credit will be returned to the Owner only following the coming into force of a zoning amendment to impose, or reinstate, a holding symbol on the zoning of the project, or project phase.

5. Competing Applications for Allocation

If there are competing applications for sewage treatment capacity which satisfy the criterion of immediacy, Council will assess the relative merits of the projects in relation to performance according to the following additional criteria:

- the infilling or extension of existing built-up area
- the provision of a collector road or the completion of existing local streets
- the provision of lands for a public park, trailway, recreational facility or social facility.
- the provision of lands for employment uses
- the dedication of lands for conservation purposes
- the provision of a variety of unit types and/or lot sizes
- prior investment in services
- neutral or positive financial impact on the Town
- other public benefits

**Sample By-law Authorizing
Execution of Agreement and Release of Final Plan**



The Corporation of the Town of Orangeville

By-law number _____ - 2007

A by-law to authorize the mayor and clerk to execute a subdivision agreement between the town of orangeville and orangeville developer limited and to authorize the mayor to sign the final m-plans upon the clearance of all conditions (Part of Lot 1, Concession 1 W.H.S).

Whereas Orangeville Developer Limited, hereinafter called "the Owner" is the registered and beneficial Owner of property described as Part of Lot 1, Concession 1 W.H.S., Town of Orangeville, County of Dufferin;

And whereas the Town draft approved the plan of subdivision on xxxxxxxx, 2007, subject to conditions;

And whereas this subdivision agreement is being entered into to satisfy the requirements of the Town;

Be it therefore enacted by the Municipal Council of the Corporation of the Town of Orangeville as follows:

1. The Mayor and Town Clerk are hereby authorized to execute a Subdivision Agreement between the Town of Orangeville and Orangeville Developer Limited in the same form or substantially in the same form as the agreement that forms Schedule "A" hereto, and to impress the corporate seal thereon.
2. The Mayor is hereby authorized to sign the final M-Plan upon certification by the Director of Planning that all conditions of approval have been cleared.

Read a first, second and third time and passed in open council this xx day of xxxxxxxx, 2007

Mayor

Clerk