

Applicant:	1960726 Ontario Inc.	Date of Decision:	PRELIMINARY
File No.:	39T-SC2201	Date of Notice:	PRELIMINARY
Municipality:	Strathroy-Caradoc	Last Date of Appeal:	PRELIMINARY
Subject Lands:	Part of Lot 17 Concession 2	Lapsing Date:	PRELIMINARY

The conditions and amendments to final plan of approval for registration of this Subdivision as provided by the County of Middlesex are as follows:

No. Conditions

PLAN REFERENCE

1. That this approval applies to the draft plan of subdivision prepared and signed by Thomas J. Stirling, OLS (Archibald, Gray & McKay Ltd.) dated October 16, 2024, which shows:
 - Lots 1 to 54 for single detached dwellings
 - Block 55 and 56 for natural heritage;
 - Block 57 for 0.3 metres reserve; and
 - 2 Public roads Streets “A” and “B”.

SERVICING – FULL MUNICIPAL SERVICES

2. No development of the Plan of Subdivision may begin until all external infrastructure and services required for the development of the Plan of Subdivision are in place; including municipal water supply, treatment and conveyance infrastructure and sewage treatment and waste water conveyance infrastructure. For the purpose of these conditions, services being “in place” means that the infrastructure exists and is operational to the satisfaction of the Municipality and that capacity in such infrastructure has been formally allocated by the Municipality for use in connection with the development of the Plan of Subdivision. External capacity of any services will be formally allocated through the execution of a Subdivision Agreement for each phase of the development as Municipal capacity allows. Should the Municipal Engineer deem there to be insufficient external capacity for any of the required municipal services, the Municipality has no obligation to provide such capacity within the lapse period, or at any time.
3. That, in connection with all financing proposals and commitments and all offers and agreements of purchase and sale made by or to the Owner involving all or any part of the land covered by the Plan of Subdivision that has not been registered, there shall be a written acknowledgement given by the other party or parties of item Condition 2 above and of receiving a copy of the draft plan conditions which acknowledgement will be produced by the Owner to the Municipality on request.
4. Within 30 days following the issuance of the draft plan approval by the County, the registered and beneficial owner at that time of the land covered by the Plan shall provide to the Municipality a written acknowledgement that any development of the Plan of Subdivision shall be on the basis of full municipal services and:

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- i. that no wastewater conveyance or treatment exist to accommodate development of the Plan and that the Municipality has no plan nor the financial resources to provide same within the lapse period, or at any time;
- ii. that draft plan approval does not imply or include a commitment by the Municipality to provide servicing for the development within such lapse period, or at any time;
- iii. that draft plan approval does not imply or include any commitment by the Municipality to allocate sewage treatment and/or conveyance capacity to accommodate development of all or any part of the Plan of Subdivision within such lapse period, or at any time; and that registration of all or part of the Plan of Subdivision shall not take place until confirmation has been received by the County from the Municipality that full municipal servicing is "in place" as described in Condition 2 above to accommodate that part or all of the Plan of Subdivision that is proposed for registration;
- iv. that, in connection with all financing proposals and commitments and all offers and agreements of purchase and sale made by or to the Owner involving all or any part of the land covered by the Plan of Subdivision that has not been registered, there shall be a written acknowledgement given by the other party or parties of items 4.i., 4.ii. and 4.iii. above and of receiving a copy of the draft plan conditions which acknowledgement will be produced by the Owner to the Municipality on request.

SERVICING – STORMWATER MANAGEMENT

5. The stormwater management plan will be reviewed to the satisfaction of the Lower Thames Valley Conservation Authority, and the Municipality, and shall obtain the necessary approvals from the Ministry of the Environment, Conservation and Parks (MECP).
6. That prior to final approval, the Municipality shall advise the County that the Subdivision Agreement between the Municipality and the Developer provides for the following:
 - municipal assumption and Ownership of any facilities required for the retention and enhancement of storm water quality, and for the purpose of ensuring perpetual maintenance and operation; and
 - the inclusion of any environmental protection measures recommended in the final storm water management plan that are not capable of being addressed under the Ontario Water Resources Act.

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7. That prior to final approval, the Developer shall submit for the review and approval of the Municipality and the Lower Thames Valley Conservation Authority a Final Stormwater Management Report and Plan, a Sediment and Erosion Control Plan and Final Detailed Servicing and Grading Plans; and the Developer will agree in the Subdivision Agreement to implement to the satisfaction of the Municipality the Stormwater Management Plan, Sediment and Erosion Control Plan and Detailed Servicing and Grading Plans as approved by the Municipality and by the Lower Thames Valley Conservation Authority.
8. During all servicing and building construction of the Subdivision, the Developer shall implement sediment and erosion control measures to the satisfaction of the Municipality and the Lower Thames Valley Conservation Authority.
9. That prior to final approval, that the Developer shall obtain any necessary approval(s) under the Drainage Act to facilitate legal outlet to discharge stormwater.

MUNICIPAL ADDRESSING AND EMERGENCY SERVICES

10. That the streets be named and the lots addressed to the satisfaction of the Municipality in consultation with the County. This shall include permanent and temporary road names and municipal address signage during all stages of construction which shall be required through the subdivision agreement.
11. The Developer shall enter into an agreement with the appropriate service providers for the installation of underground communication / telecommunication utility services for these lands to enable, at a minimum, the effective delivery of the broadband internet services and communication / telecommunication services for 911 Emergency Services.

ZONING

12. That prior to final approval, the County is to be advised by the Municipality that appropriate zoning is in effect for the Plan of Subdivision.
13. That prior to final approval, the Developer shall provide to the Municipality confirmation from an Ontario Land Surveyor retained by the Developer at no cost to the Municipality that the lot areas and lot frontages conform to the Zoning By-law requirements of the Municipality.
14. That the Developer erect a sign to the satisfaction of the Municipality, within 90 days of the Draft Approval date, depicting the approved Draft Plan of Subdivision and Zoning.

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SUBDIVISION AGREEMENT

15. That the Developer and the Municipality enter into a subdivision agreement (“Subdivision Agreement”) pursuant to Section 51 (26) of the Planning Act to be registered on title of the lands to which it applies prior to the Plan of Subdivision being registered. Further that the Subdivision Agreement shall include provisions that it will also be registered against the lands to which it applies once the plan of subdivision has been registered.
16. That the Subdivision Agreement satisfy all requirements of the Municipality related to financial, legal, planning and engineering matters including but not limited to; grading and drainage, planting of trees, landscaping, provision of community mailboxes, fencing, buffering, street lighting and other amenities, the provision and installation of full municipal water, storm and sanitary services, the installation of underground electrical services, and other matters which may be required by the Municipality respecting the development of the Plan of Subdivision, including the payment of Development Charges in accordance with the County’s Development Charge By-Law, the Municipality’s Development Charge By-Law, and any applicable Education Development Charge By-Law.

The Developer shall not commence any work on the lands, including filling, grading, removing trees and/or top soil, installing any works, or constructing any buildings or structures until they have entered into a Site Alteration and Pre-Servicing Agreement and / or Subdivision Agreement with the Municipality.

17. That the Subdivision Agreement shall contain a clause that requires that the final grading design will ensure that the underside of house footing foundations will be a minimum of 100 mm above the highest water table surface, as inferred from water levels in all available on-site monitoring wells, measured over a period of no less than 18 months that includes two full spring seasons of data results and considers all current data if more is available over multiple years to the satisfaction of the Municipality.
18. All costs related to the plan of subdivision shall be at the expense of the Developer, unless specifically stated otherwise in this approval.

DEVELOPMENT CHARGES

19. That the Subdivision Agreement shall ensure that the persons who first purchase the subdivided land after the final approval of the plan of subdivision are informed, at the time the land is transferred, of all the County, Municipal and Education development charges related to the development, pursuant to Section 59(4) of the Development Charges Act.

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TRANSPORTION – ACCESS / INTERSECTION IMPROVEMENTS / BIKE LANES

20. That the road allowances shown on the draft plan shall be dedicated as public highways to the Municipality free of all encumbrances and at no cost to the Municipality.
21. That dead ends and open sides of road allowances created by the registration of any Phase of the Subdivision shall be terminated in 0.3 metre reserves which are to be conveyed to the Municipality free of all encumbrances and at no cost to the Municipality.
22. That any temporary turning circles created by the registration of any Phase of the Subdivision shall be subject to a turning circle easements in favour of the Municipality in priority to all encumbrances and at no cost to the Municipality.
23. Sidewalk shall be included on one side of Streets A and B for the full lengths of the roads. The side of the road will be determined through the detailed design phase.
24. That the Developer be required to construct the road extensions shown on the draft plan relative to the unopened road allowances to the satisfaction of the Municipality, at the sole expense of the Developer.

SOIL INVESTIGATION

25. That prior to final approval, the Owner shall:
 - a. Prior to the installation of any site servicing or grading, submit for the approval of the Municipal Engineer, a detailed soils investigation of the site prepared by a Geotechnical Engineer,
 - b. Agree in the subdivision agreement to remove any matter, which is determined during soil investigations as being hazardous, at a time and in a manner to the satisfaction of the Municipality and the Ministry of the Environment.

ARCHAEOLOGY

26. That prior to final approval, a Licensed Archaeologist shall provide a letter to the Municipality and the County indicating that there are no concerns for impacts to archaeological sites on the subject lands. This is to be accompanied by a Ministry of Tourism, Culture and Sport letter indicating that the licensee has met the Terms and Conditions for Archaeological Licensing and that the report has been entered into the Ontario Public Register of Archaeological Reports.

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CANADA POST

27. If necessary, that the Developer shall enter into an agreement with Canada Post Corporation for the installation of community mailboxes. The subdivision agreement shall include a requirement to notify all prospective lot purchasers of the mailbox(es) location.

UTILITIES

28. That such easements as may be required for utility, servicing, or drainage purposes shall be granted to the appropriate authority, at the expense of the Developer.

29. That prior to final approval, arrangements shall be made to the satisfaction of the Municipality for the relocation of any utilities required for the development of the Plan, which relocation shall be undertaken and provided at the expense of the Developer.

STUDIES

30. That prior to final approval, the Developer provide any required updates to the following studies to the satisfaction of the Municipality:

- Hydrogeological study
- Geotechnical study
- Stormwater management report
- Servicing report
- Water Balance Report
- Development Assessment Report / Environmental Impact Study

PARKLAND DEDICATION

31. That the Developer convey up to 5% of the land included in this plan to the Municipality for park purposes and shall include but not be limited to Block 118 of Draft Plan 39T-SC1702. Blocks 55 and 56 shall not be included in the dedication calculation. The Municipality will accept cash-in-lieu for the remain portion of the conveyance.

FENCING

32. Fencing shall be installed at the at the interface of all lots that are adjacent to Blocks 55 and 56(natural heritage feature and buffers) prior to lots being sold, as recommended by the Development Assessment Report prepared by Natural Resource Solutions Inc.. The fence line should be included on the grading plans, approved by the Municipality. Fencing shall be installed on property line or offset slightly to the private side. All fencing between private property and open space blocks will be deemed to be the responsibility of the lot owner.

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NATURAL ENVIRONMENT

33. Construction best management practices as described in the Development Assessment Report will be implemented through the subdivision agreement. Regular monitoring of erosion and sediment control measures shall be undertaken by the Developer.
34. The future ownership and management of the woodland / wetlands and their associated buffers shall be addressed within the subdivision agreement to ensure the protection of the features in their natural state in perpetuity.
35. A planting plan for the ecological buffer and compensation area shall be prepared by a qualified biological consultant and implemented through the subdivision agreement. The plan should include recommendations for appropriate native plant species, a timeline for planting and monitoring, measures of success, and adaptive management. The plan shall meet or exceed the requirements of all applicable court order(s) issued in relation to the County of Middlesex Woodland Conservation By-law for this property and should be reviewed by the Municipality and the County. In the event of any conflict between the requirements of the court order(s) and municipal requirements, the court order(s) shall prevail.
36. An informational package shall be provided to new homeowners by the developer as described in the Development Assessment Report, and educational signage shall be installed as appropriate along the buffers of the natural features. This material should address issues pertaining to water quality, including rear-yard development such as pools, and the maintenance of lawns related to the conveyance of water to the wetland. This material shall be to the satisfaction of the Municipality and will be implemented through the subdivision agreement.
37. The subdivision agreement shall include provisions for protecting the ecological and natural heritage features of the lands, and to implement the recommendations the Development Assessment Report dated November 2021 completed by Natural Resource Solutions Inc.
38. The Owner shall comply with all tree replanting and maintenance obligations imposed by any applicable court order(s). The Owner shall also submit a signed and dated written acknowledgment confirming that compliance with the court order(s) will proceed concurrently with the subdivision development and that the development does not supersede, modify, or delay the Owner's obligations. This acknowledgment shall be provided to the satisfaction of the County.

REGULATED AREA

39. The Developer acknowledges that any site alteration or development on lots located within the area regulated by the Lower Thames Valley Conservation Authority, under Ontario

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Regulation O. Reg. 152/06, will require further review and approval by the Lower Thames Valley Conservation Authority prior to any commencement of works.

WARNING CLAUSE

40. That the Subdivision Agreement shall include a provision that requires a clause be included in all agreements of purchase and sale or lease of Lots and part of Blocks notifying future owners / lessors that normal farm practices, as outlined in the Farming and Food Production Protection Act, 1998, as amended or replaced, are engaged in and occur in the area of the property and shall require the purchaser or lessor, as a condition of any aforementioned agreement of purchase and sale or lease, to acknowledge and accept that normal farm practices, as outlined in the Farming and Food Production Protection Act, 1998, as amended or replaced, are engaged in and occur in the area of the property.

GENERAL

41. That prior to final approval, the Owner shall make arrangements with the affected property owner(s) to the west, being the lands subject to draft plan of subdivision application 39T-SC-1901, for the construction of any portions of services or grading situated on private lands outside this plan, and shall provide satisfactory easements over these works, as necessary, all to the specifications and satisfaction of the municipality, at no cost to the municipality.
42. This draft plan of subdivision shall not proceed prior to the registration of plan of subdivision file no.39T-SC1702.

CLEARANCES

43. That prior to final approval, the County is to be advised in writing by the Municipality how conditions 1 through 42 have been satisfied.
44. That prior to final approval, the County is to be advised in writing by the Lower Thames Valley Conservation Authority how conditions 5, 7, 8, 35, and 38 have been satisfied.

NOTES TO DRAFT APPROVAL

- a. Draft approval for this plan of subdivision is for a period of five (5) years from the date of decision. Any request made by the Developer to the Approval Authority to extend the lapsing date must be made 60 days prior to the lapsing date and include a written confirmation from the municipality endorsing the extension.
- b. It is the applicant's responsibility to fulfill the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the approval authority, quoting the file number.

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- c. It is suggested that the applicant be aware of:
- subsection 144 (1) of The Land Titles Act, which requires all new plans be registered in a land titles system;
 - subsection 144 (2) - allows certain exceptions.
- d. Inauguration, or extension of a piped water supply, a communal sewage system or a storm water management system, is subject to the approval of the Ministry of Environment under Section 52 and Section 53 of the Ontario Water Resources Act.
- e. The Ministry of Environment must be advised immediately should waste materials or other contaminants be discovered during the development of this plan of subdivision.
- f. A copy of the subdivision agreement must be provided to the County (Planning and Development Department) prior to final plan approval.
- g. If the agency's condition concerns a condition in the subdivision agreement, a copy of the agreement should be sent to them. This will expedite clearance of the final plan.
- h. When the zoning by-law amendment required in Condition 12 is being prepared, reference to this subdivision application file number should be included in the explanatory note. This will expedite the County and other agencies' consideration of the by-law.
- i. Clearance is required from the following agencies:
- Municipality of Strathroy-Caradoc | 52 Frank Street, Strathroy, ON N7G 2R4
 - Lower Thames Valley Conservation Authority | 100 Thames Street, Chatham, ON
- j. All measurements in subdivision final plans must be presented in metric units.

PLAN OF SUBDIVISION

1. The final plan approved by the County of Middlesex must include the following paragraph on all copies (1 mylar and 1 paper) for signature purposes:

"Approval Authority Certificate

File No. _____

This Final Plan of Subdivision is approved by the County of Middlesex under Section 51(58) of the Planning Act, R.S.O. 1990, on this _____ day of _____, 202__.

Durk Vanderwerff

Director of Planning and Development"

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2. The final plan must be submitted digitally in AutoCAD (DWG) and Portable Document Format (PDF) with the appropriate citation from the Planning Act used. The AutoCAD (DWG) file must be consistent with the following standards:
 - Georeferenced to the NAD83 UTM Zone 17N coordinate system.
 - All classes of features must be separated into different layers.
 - Each layer should be given a descriptive name so that the class of feature it contains is recognizable.

 3. The final plan approved by the County must be registered within 30 days or the County may withdraw its approval under Subsection 51(59) of the Planning Act.
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