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| <b>Applicant:</b>     | 2219260 Ontario Inc.         | <b>Date of Decision:</b>    | DRAFT |
| <b>File No.:</b>      | 39T-LB2002                   | <b>Date of Notice:</b>      | DRAFT |
| <b>Municipality:</b>  | Township of Lucan Biddulph   | <b>Last Date of Appeal:</b> | DRAFT |
| <b>Subject Lands:</b> | Lots 27 and 29, Concession 5 | <b>Lapsing Date:</b>        | DRAFT |

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

| <b>No.</b> | <b>Conditions</b>  |
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| 1.         | <p>That this approval applies to the draft plan of subdivision prepared and signed by Thomas J Stirling, O.L.S., O.L.I.P. dated November 21, 2022, which shows:</p> <ul style="list-style-type: none"> <li>• sixty one (61) lots for single detached dwellings ( lots 1 to 61);</li> <li>• one (1) block for medium density development (Block 62);</li> <li>• three (3) blocks for future single / semi-detached dwellings (Blocks 70 - 72);</li> <li>• one (1) blocks for a linear park (Blocks 73);</li> <li>• two (2) blocks for future linear parks (74, 75);</li> <li>• seven (7) blocks for 0.3 metre reserves (Blocks 63 – 69);</li> <li>• three (3) blocks for road widening (Blocks 76-78); and</li> <li>• future municipal road allowances.</li> </ul>  |
| 2.         | <p>That the development of the Plan may be phased, but if it is, the staging and the servicing of each state shall be to the satisfaction of the Township of Lucan Biddulph (the “Municipality”) and, for the purposes of this condition, the development of a stage of the Plan may only proceed when the Municipality is satisfied that all of the external infrastructure/services for that stage are “In place” as described in condition no. 5.</p>   |
| 3.         | <p>That the Subdivision Agreement between the Owner and the Municipality include provision that the “H” holding provision not be removed and the building permits not be issued for the Plan of Subdivision 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.</p> |
| 4.         | <p>That the Plan of Subdivision shall be developed on full municipal services, including sanitary sewers, municipal water and urban storm water management practices. Prior to final approval of the development, the Municipality shall confirm that full municipal services are ‘in place’ as described in Condition No. 3.</p>  |
| 5.         | <p>That within 15 days following the issuance of the draft plan approval by the County of Middlesex (the “County”), the registered and beneficial owner at that time of the land covered by the Plan (the “Owner”) 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:</p> <ol style="list-style-type: none"> <li>a. that wastewater conveyance or treatment does not exist for the entirety of the draft plan, and that while the Municipality has plans to expand the existing waste water treatment facility, no financial commitment or timeline have been established to ensure servicing availability within the lapse period, or at any time;</li> </ol>                                |

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- b. that draft plan approval does not imply or include a commitment by the Municipality to provide servicing for the development of all or any part of the Plan of Subdivision within such lapse period, or at any time;
  - c. that draft plan approval does not imply or include any commitment by the Municipality to allocate water and/or 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 No. 4 above to accommodate that part or all of the Plan of Subdivision that is proposed for registration;
  - d. 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 (a), (b) and (c) above and of receiving a copy of the draft plan conditions which acknowledgement will be produced by the Owner to the Municipality on request.
6. That the Owner be required to enter into a legally binding agreement(s) to permit the installation of a shared stormwater sewer across Part of Lot 29, Concession 5, which shall be transferred to the Municipality through an easement, to connect to the existing regional stormwater management facility on the lands legally described as Block 47, Plan 33M653 for the portion of lands subject to the applicable watershed discharge, or alternatively, that the Owner demonstrate to the satisfaction of the Municipality how they will connect the subdivision catchment area to the Municipal regional stormwater management facility legally described as Block 47, Plan 33M653.
7. That the Owner be required to enter into an agreement to establish the terms and conditions for use of the Municipal regional stormwater management facility lands legally described as Block 47, Plan 33M653.
8. That the Owner agrees to construct a multi-purpose trail, as part of a larger trail system, within the County Road 47 road allowance (Saintsbury Line), both to the satisfaction of the County of Middlesex, and Township of Lucan Biddulph.
9. That the Owner be required to submit a tree plan which includes a minimum of one (1) tree per dwelling unit across the draft Plan of Subdivision.
10. That prior to final approval, the Approval Authority is to be advised by the Municipality that appropriate zoning is in effect for this proposed subdivision.
11. That a subdivision agreement shall include a provision to require municipal addresses to be posted on a sign in/on the exterior of the building under construction so it is visible from the curb of the road allowance until it can be affixed to the building in a permanent fashion for emergency responders to find the address they are responding to, this shall include permanent and temporary road name and municipal address signage during all stages of construction, to the satisfaction of the County of Middlesex.

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12. That the Owner 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.
13. 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 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 Municipal Development Charges in accordance with the Municipality's Development Charge By-Law.
14. That the developer construct all rights-of-way to municipal standards and to the satisfaction of the Municipality, which may include the introduction of traffic calming measures.
15. If necessary, that the Owner shall enter into an agreement with Canada Post Corporation for the installation of community mailboxes, which is to include a requirement to notify all prospective lot purchases or leases of mailbox locations.
16. The Owner 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.
17. 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 development charges related to the development, pursuant to Section 59(4) of the Development Charges Act.
18. That the Subdivision Agreement shall contain a clause that easements as may be required for access, utility, servicing, or drainage purposes shall be granted to the appropriate authority or agency, at the expense of the Owner.
19. That the Subdivision Agreement shall contain a clause which requires that arrangements shall be made to the satisfaction of the Municipality for the relocation of any utilities that may be required as a result of the development of the subject lands, such relocation shall be undertaken at the expense of the Owner.
20. 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.
21. That the Owner convey up to 5% of the land included in this plan to the Municipality for park purposes.

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22. That the Owner be required to dedicate lands measured up to 18 m from the centreline of construction of County Road 47 (Saintsbury Line) to the County of Middlesex for the purposes of road widening if the right of way is not already to that width.
23. That the Owner be required to dedicate a 0.3 metre reserve along all lots fronting onto Saintsbury Line (County Road 47) save and accept the internal road access to the lands.
24. That the Owner be required to conduct a noise study to determine and mitigate any impacts from the traffic on Saintsbury Line (County Road 47), which shall be addressed in the subdivision agreement.
25. That the Owner be required to construct, at their sole expense, left and right turn lanes at both access points to the subdivision from Saintsbury Line (County Road 47), to the satisfaction of the County of Middlesex.
26. That the Owner be required to submit grading, servicing and storm water management plans to the County of Middlesex for approval, depicting no negative impacts on Saintsbury Line (County Road 47) as part of the Plan of Subdivision.
27. That the Owner shall not accept any Offer to Purchase of any lot as shown on the Plan of Subdivision, unless the Owner shall have given such offer or, prior to making such offer, the following warning: "Warning: The subject property is located near potential sources of noise, odour, dust and similar adverse impacts and nuisances arising from neighbouring agricultural, industrial and commercial uses despite the fact that such operations may be operating in accordance with the Municipality's Zoning By-law and all other applicable law."
28. That prior to final approval, the Municipality shall advise the County of Middlesex that the Subdivision Agreement between the Municipality and the Owner provides for the following:
  - a. 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
  - b. the inclusion of any measures necessary to implement stormwater quality controls not subject to regulations pursuant to the Ontario Water Resources Act.
29. That prior to final approval, the Owner shall submit for the review and approval of the Ausable Bayfield Conservation Authority and the Municipality the following:
  - a) a final Stormwater Management Plan shall be completed by a qualified professional engineer, to meet the stormwater quantity and quality criteria of the Ausable Bayfield Conservation Authority. Such plan shall also consider site grading, erosion control measures, Best Practices (BMP's) of the industry, safe and legal drainage outlet, and ownership and provisions for the future maintenance of any drainage facilities;
  - b) detailed site / lot grading and drainage plans prepared by a qualified professional engineer to meet the requirements of the Ausable Bayfield Conservation Authority and the Municipality; and,

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- c) a Final Erosion and Sediment control plan be prepared, detailing the means whereby erosion will be controlled on-site and in downstream areas both during and after construction, to be approved by the Ausable Bayfield Conservation Authority prior to construction.
- 30. That prior to final approval, the Municipality shall be advised in writing by the Owner, how conditions 1-29 have been satisfied.
- 31. That prior to final approval, the County is to be advised in writing by the Township of Lucan Biddulph, how conditions 1 through 31 have been satisfied.
- 32. That prior to final approval, the County is to be advised in writing by the Ausable Bayfield Conservation Authority how conditions 28 and 29 have been satisfied.

#### NOTES TO DRAFT APPROVAL

1. 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 Owner 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.
2. 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.
3. It is suggested that the applicant be aware of:
  - a) subsection 144 (1) of The Land Titles Act, which requires all new plans be registered in a land titles system;
  - b) subsection 144 (2) - allows certain exceptions.
4. 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.
5. The Ministry of Environment must be advised immediately should waste materials or other contaminants be discovered during the development of this plan of subdivision.
6. It is the applicant's responsibility to obtain the necessary permits from the ABCA in accordance with Ontario Regulation 171/06 made pursuant to Section 28 of the Conservation Authorities Act. No building permits shall be issued until such time as clearance is received by the ABCA.
7. A copy of the subdivision agreement must be provided to the County of Middlesex (Planning Department) prior to final plan approval.
8. 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.
9. When the zoning by-law amendment required in Condition 10 is being prepared, reference

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to this subdivision application file number should be included in the explanatory note. This will expedite the County of Middlesex and other agencies' consideration of the by-law.

10. Clearance is required from the following agencies:

Township of Lucan Biddulph | 270 Main Street, Lucan, ON N0M 2J0

Ausable Bayfield Conservation Authority | 71108 Morrison Line, RR 3, Exeter, ON N0M 1S5

11. All measurements in subdivision final plans must be presented in metric units.
12. 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*

*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\_\_.*

*\_\_\_\_\_  
Director of Planning and Development"*

13. 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.
14. The final plan approved by the County of Middlesex must be registered within 30 days or the County may withdraw its approval under Subsection 51(59) of the Planning Act.