



REPORT TO: Mayor and Members of Council
DATE: April 26th, 2023
FROM: Stephanie Poirier, Planner
SUBJECT: Plan of Subdivision Application 39T-SM-2101 & Zoning By-law Amendment Application P5-2021
Owner: Utopia Custom Homes Inc.
Agent: Strik, Baldinelli, Moniz Ltd.

RECOMMENDATION:

THAT Plan of Subdivision 39T-SM-2101 and draft plan conditions be **ENDORSED** and forwarded to the County of Middlesex for consideration and approval;

AND THAT Zoning By-law Amendment Application P5-2021 be **GRANTED**.

PURPOSE AND EFFECT:

The purpose and effect of the draft Plan of Subdivision (File No.: 39T-SM-2101) is to create 27 lots for single detached dwellings, 13 lots for 26 semi-detached dwellings, two blocks for stormwater management, and two new public roads. Access is proposed from Stella Ave.

The purpose of the Zoning By-law Amendment (File No.: P5-2021) is to change the zoning of the following lots/blocks as shown on the draft plan:

- Lots 8-34 from the 'Future Residential- Holding Provision Two (FR-H-2) Zone' to the Residential First Density- Holding Provision One (R1(3) H-1) Zone' in order to facilitate 27 single detached dwellings;
- Lots 1-7 and 35-39 from the 'Future Residential- Holding Provision Two (FR-H-2) Zone' to the Residential Second Density- Holding Provision One (R2(H-1)) Zone' in order to facilitate 12 lots for 24 semi-detached buildings;
- Lot 40 from the 'Future Residential- Holding Provision Two (FR-H-2) Zone' to the 'Site Specific Residential Second Density- Holding Provision One (R2-3 H-1) Zone' in order to facilitate 1 lot for 2 semi-detached buildings where one of the units is proposed to have a deficient lot frontage of 8.2 m and;
- Blocks 42 & 43 from the 'Future Residential- Holding Provision Two (FR-H-2) Zone' to the 'Open Space (OS) Zone for stormwater management.

The draft plan of subdivision has been attached for information.

BACKGROUND:

The subject lands are located on the north side of Stella Ave, east of Appin Road in Glencoe. The lands are approximately 3.8 ha (9.4 ac) in size are currently vacant of any buildings and structures. Municipal services are available, subject to engineering and design. Surrounding land uses include residential, institutional, industrial, and agricultural.

The subject lands are designated 'Residential' within the Southwest Middlesex Official Plan and are zoned 'Future Residential- Holding Provision Two (FR-H-2) Zone' within the Southwest Middlesex Zoning By-law.

An Application for a Plan of Subdivision was deemed complete by the County of Middlesex on February 16th, 2021. The following supplementary documents were submitted as part of the application to this date:

- Planning Justification Report, revised March 2nd 2023
- Servicing & Stormwater Management Feasibility Study, revised September 21st 2022
- Noise Impact Study dated, December 20th 2021

A revised Zoning By-law Amendment Application was submitted to the Municipality of Southwest Middlesex and deemed complete on March 20th 2023.

The statutory public meeting for both applications was held on April 21st, 2021. The draft plan of subdivision and rezoning application have been revised since its original configuration and it currently includes the following attributes:

- 27 Single Detached Residential Lots (Lots 8-34)
- 13 Lots for 26 Semi Detached Dwellings (Lots 1-7 and 35-40)
- 2 Blocks for Stormwater Management (Blocks 42 & 43)
- 1 Blocks for road reserves (Block 41)
- 2 Public Streets (A-B)

The main revisions to the draft plan since the original submission (and the public meeting) are as follows:

- Number of single detached dwellings increased from 26 to 27; and
- Reconfiguration of lots, road layout, and stormwater management blocks.

POLICY:**The Provincial Policy Statement (2020)**

According to Section 3 of the Planning Act, as amended, decisions made by planning authorities "shall be consistent with" the PPS. The principal policies of the PPS that are applicable to the proposed development include:

Section 1.1.1 of the PPS speaks to 'Healthy Livable and safe communities' and how they can be sustained. Section 1.1.1b) states that 'accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs'.

1.1.3.1 Settlement Areas shall be the focus of growth and development.

1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion

Section 1.1.3.6 states that new development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

1.1.3.7 Planning authorities should establish and implement phasing policies to ensure:

- a) that specified targets for intensification and redevelopment are achieved prior to, or concurrent with, new development within designated growth areas; and
- b) the orderly progression of development within designated growth areas and the timely provision of the infrastructure and public service facilities required to meet current and projected needs

1.4.1 To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:

- a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and
- b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitable zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans

1.4.3 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area

Section 1.6 of the PPS speaks to servicing, where municipal services are the preferred form of servicing. More specifically, section 1.6.6.1a) states 'Planning for sewage and water services shall accommodate forecasted growth in a manner that promotes the efficient use and optimization of existing:

- a) municipal sewage services and municipal water services

Section 1.6.6.7 of the PPS speaks to stormwater management and that planning for stormwater management shall:

- a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;
- b) minimize, or, where possible, prevent increase in contaminant loads;
- c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;
- d) migrate risks to human health, safety, property and the environment;
- e) maximize the extent and function of vegetative and pervious surfaces; and
- f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.

County of Middlesex Official Plan

Section 2.3.2 speaks to the growth management hierarchy and consists of the following types of settlement areas: urban areas, community areas, and hamlets in agricultural areas. It is the goal of this plan that future development within settlement areas proceed on the basis of full municipal services.

The County of Middlesex Official Plan speaks to housing types in section 2.3.7. This section states that 'it is the policy of the County to encourage a wide variety of housing by type, size and tenure to meet projected demographic and market requirements of current and future residents of the County'.

The County of Middlesex Official Plan speaks to settlement areas in section 2.3.8. This section states 'urban areas and community areas shall be the focus for future growth including residential, commercial and industrial development'. The growth is anticipated to be serviced by municipal services, unless full services are not available.

2.3.8.1 Urban Areas either provide or demonstrate a strong potential to provide full municipal services. Urban Areas have the highest concentration and intensity of land uses in the County. Urban Areas are the focus for future growth and are expected to accommodate a significant portion of the projected growth over the planning period. New development, other than infilling, shall be fully serviced by municipal or communal water and sewage disposal systems.

2.4.5 The County of Middlesex does not fund or maintain sanitary sewer or water systems in the County. The County does however, promote efficient and environmentally responsible development which is supportable on the basis of appropriate types and levels of water supply and sewage disposal. The County encourages new development to proceed on the basis of full municipal services.

3.2.2 New development in Settlement Areas is encouraged to proceed by Plan of Subdivision.

4.5.1 County Council shall approve only those plans of subdivision or condominium which comply with the provisions of this Plan and the applicable local official plan. Under conditions of approval attached to plans of subdivision or condominium pursuant to the Planning Act:

- a) County Council shall require that the applicant(s) enter into appropriate agreements with the County or local municipality which may be registered against the title of the subject lands and which shall include such matters as services, financial requirements, County road facilities, dedication of land for public uses, exclusive of parks and other requirements to implement the provisions of this Plan; and
- b) the Council of the local municipality may require that the applicant(s) enter into appropriate agreements which shall be registered against the title of the subject lands, and may include such matters as, but not limited to, financial requirements, local roads, drainage, grading and landscaping, sidewalks and dedication of land for public uses and other requirements to implement the provision of this Plan and the local official plan.

Southwest Middlesex Official Plan

Section 3.4.4.1 states that the primary purpose of lands designated 'Residential' on Schedule 'C' shall be for residential purposes including a broad range of housing types and densities from single unit dwellings to low-rise apartment buildings. A range of dwelling types and ownership is encouraged to meet the diverse needs and preferences of existing and future residents as well as providing for affordable housing. A number of zones and regulations for various housing types shall be established in the Zoning By-Law.

Section 3.4.4.3 states that low density development (e.g. single unit dwellings, two unit dwellings) shall continue to be the dominant form of residential development. Development proposals shall be encouraged which:

- a) provide a creative, yet functional lot layout;
- b) create a sense of character and identity;

- c) result in attractive and distinctive streetscapes;
- d) incorporate public amenities and safety measures;
- e) facilitate pedestrian movement;
- f) utilize traffic calming measures;
- g) preserve and enhance natural features;
- h) ensure appropriate and effective buffering from adjacent nonresidential uses;
- i) minimize total road length and road surface within practical considerations for snowplowing, surface drainage and on-street parking;
- j) maximize energy saving criteria such as southern exposure for solar gain and landscaping and to minimize the adverse effects of winds.

Section 3.4.4.8 states that proposals for residential development other than infilling and minor extensions to existing development shall be submitted with the following information prior to their formal consideration by the Municipality:

- a) design population and conceptual layout including lot size and shape,
- b) housing form, mix and density,
- c) water supply requirements and connection to the municipal water supply system,
- d) availability and ability to connect to the sanitary sewage system,
- e) storm water management,
- f) parkland dedication or cash-in-lieu,
- g) retention/enhancement of natural features,
- h) buffering/screening provisions where required,
- i) impact on off-site municipal facilities and services;
- j) financial impact (benefits and costs) on the Municipality.

Section 8.2.3.1 states that approval of a plan of subdivision or condominium by the Municipality shall be subject to the following criteria being satisfied:

- a) The applicable land use designation and policies of this Plan and the County Plan,
- b) The requirements of the Planning Act,
- c) The entering into of a subdivider's/condominium agreement with the Municipality,
- d) The posting of sufficient financial security to ensure the protection of the Municipality.

Section 6.3.2 states that all development within settlement areas with the exception of Middlemiss shall be connected to, and serviced by, the municipal water supply system.

Section 6.4.1 states that all development within the Glencoe Urban Area and the Wardsville Community Area shall be connected to and serviced by the municipal sanitary sewage system.

Southwest Middlesex Zoning By-law

The applicant has applied to rezone the subject lands from the 'Future Residential- Holding Provision (FR-H-2) Zone, to the 'Residential First Density (R1(3)) Zone' to establish 27 single detached dwellings. The 'R1(3) Zone' requires a minimum lot frontage of 11 m and a minimum lot area of 320 m². The applicant has also applied to rezone a portion of the lands to the 'Residential Second Density (R2) Zone' to establish 12 lots for 24 semi-detached buildings, and a site specific 'R2-3 Zone' in order to establish one semi-detached dwelling where one of the units is proposed to have a deficient lot frontage of 8.2 m. The 'R2 Zone' requires a minimum lot frontage of 10.5 m per dwelling unit, and a minimum lot area of 300 m² per dwelling unit. The applicant has also applied to rezone the stormwater management blocks to the 'Open Space (OS) Zone.'

A holding provision will be placed on the subject lands to prevent development from proceeding until the completion of a development agreement, including registration of the document on title.

OTHERS CONSULTED:

Statutory Public Meeting

Notice of the public meeting was circulated to residents living within 120 m of the subject application on March 30th, 2021 as well agencies in accordance with the requirements of the Planning Act and the statutory public meeting was held on April 21st, 2021. Two members of the public attended virtually and spoke at the meeting and one written submission was received.

The comments received expressed general concern with regards to stormwater management and land use compatibility.

A summary of the principal concerns that can be addressed through the plan of subdivision process, as well as staff commentary, can be found below.

Summary of Public Concerns Discussed at Public Meeting:

Stormwater Management

Concerns were raised in regards to impacts of the proposed development on stormwater management for several abutting properties that outlet through the subject lands into the McDonald Kocur Drain.

Response: Subsequent to the public meeting the proponent provided a revised Stormwater Management Feasibility Study, taking into account existing catch basin and pre-development

flows. Staff are satisfied with the information provided at this time for the purposes of draft plan approval with it being noted that further engineering design would be required as part of the draft plan conditions/subdivision agreement.

Land Use Compatibility

Concerns were raised in regards to land use compatibility between the proposed development and abutting auto recycling business and the CN Rail.

Response: As part of the Planning Justification Report, the proponent included a D6-Series Analysis classifying the auto recycling business as a class II industrial use requiring a 70 m setback. The analysis provided concludes that the required separation distance is being maintained. Additionally, subsequent to the public meeting the proponent completed a Noise Impact Study in consultation with CN Rail. Staff are satisfied with the information provided at this time for the purposes of draft plan approval with it being noted that further analysis and clearance from CN would be required as part of the draft plan conditions/subdivision agreement.

Agency Comments

The following written comments from agencies has been received to date and the recommended draft plan conditions include wording to satisfy these comments.

Bell Canada (2021)

“Bell Canada has requested that the following be added to the subdivision agreement:

- i) The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.
- ii) The Owner agrees that should any conflict arise with existing Bell Canada facilities or easements within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost

They have also requested that the Owner contact Bell Canada at planninganddevelopment@bell.ca during the detailed utility design stage to confirm the provision of communication/telecommunication infrastructure needed to service the development. It shall be noted that it is the responsibility of the Owner to provide entrance/service duct(s) from Bell Canada’s existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the Bell Canada Act, the Owner may be required to pay for the extension of such network infrastructure. If the Owner elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development.”

CN Rail (2021)

Has stated that, “our main objective is to mitigate railway-oriented impacts such as noise, vibration, and safety hazards, to ensure that the quality of life of the future development’s residents and users is not negatively affected.”

“CN recommends implementing the following requirements as conditions of project approval:

- For the southern portion of the proposed subdivision located within the 150 m the Owner shall engage a consultant to undertake an analysis of noise. At a minimum, a noise attenuation barrier shall be adjoining and parallel to the railway rights-of-way, having returns at the ends, and a minimum total height of 5.5 metres above top-of-rail. Acoustic fence to be constructed without openings and of a durable material weighing not less than 20 kg. per square metre of surface area. Subject to the review of the noise report, the CN Rail may consider other measures recommended by an approved Noise Consultant.

- For all subdivision located within the 300 m of the CN right of way we recommend the insertion of the below clause in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each subdivision and dwelling:

“Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.”

Please take note that in the event of the proposal moving forward, CN will be seeking to enter into a development agreement with the owner, the registration of an environmental easement on title, as well as a warning clause.”

Conseil Scolaire Viamonde (2021)

Conseil Scolaire Viamonde has no comments on the proposal.

Thames Valley District School Board (2021)

The Thames Valley District School Board does not have any comments or concerns regarding the proposal from a student accommodation perspective.

County of Middlesex Emergency Services (2021)

- “That the proposed street name be submitted to the County Emergency Services Department for approval to ensure the street names are not duplicated in any other County Municipalities including the Municipality of Southwest Middlesex.

- That the approved street name be erected to Municipal standards when the appropriate infrastructure (roads, curb etc.) is in place so emergency responders can better identify the street location.
- That the new street that intersects with Stella Ave ensure the developer includes both street names when erecting the street signs at the present intersection meeting the new street. Signs to meet Municipal standards.
- That a NO EXIT sign be erected at the entrance at the new street intersection of street A entering the new development to provide information to emergency responders that it is not a through street.
- That proposed municipal addressing for the single detached dwellings and semi-detached dwellings of this draft subdivision be submitted for approval to the County Emergency Services Dept.
- When the development is at a point when building permits are being issued the municipal address should be posted on a sign (not building permit) in/on the exterior of the building lot 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 said address they are responding to.
- That fire hydrant locations be approved to standard and that the Municipal Fire Chief is copied for input and approval.
- That the appropriate infrastructure be in place for connecting to 911 call agency prior to occupancy of any structure.
- If there is access to block 40, Storm Water Management area that it be given a municipal street address and be posted at both entrances and be submitted for approval to the County Emergency Services Dept.”

Enbridge Gas (2021)

Enbridge Gas has requested that as a condition of final approval that the owner/developer provide to Union the necessary easements and/or agreements required by Union for the provision of gas services for this project, in a form satisfactory to Enbridge.

Hydro One (2021)

Hydro One has no concerns or comments on the proposal at this time.

Lower Thames Valley Conservation Authority (2021)

“The Lower Thames Valley Conservation Authority noted that the property in question is subject to the Authority’s Development and Alteration to Watercourses portion of the regulations. The issue of concern in this area is the waterway that outlets through this parcel to the Kocur

McDonald Drain to the east of the lands in question. A permit from this office will be required prior to any alteration and/or redirection of the waterway. This can be incorporated at the time the permit for the outlet of the SWM Pond into the tributary of the Kocur McDonald Drain takes place. Additionally, they provided the following comments in regards to the stormwater management feasibility study:

- The subject land is only 3.8 ha. The SWM Planning & Design Manual (MOECC (2003)) manual recommended minimum drainage area for dry ponds is 5.0 ha (Page 4-78/79: 4.6.5 Dry Ponds).
- Section 2.1.4.3 Rainfall Data - provided information about the 3 parameters of the IDF curve for different return periods only. But the calculations for total precipitation depth (mm) for different return periods are missing. Please provide the calculations.
- For water quality in the report it states: "Quality controls for the proposed development will be achieved with the use of an Oil & Grit separator unit which is proposed to be located upstream of the dry SWM pond to provide a minimum of 70% TSS removal". Please provide detailed calculations on how it is achieved."

Public Comments

At the time of writing the subject report, the following written submission was received from members of the public.

St. Charles Garnier Church

"We wish to comment with regard to the drainage of surface water from the St. Charles Church property at 244 Stella Street and the adjacent residences (250 Stella St, 253/259/261/271 Appin Road). Surface drainage from County Road 14 and these mentioned properties, naturally flows in an easterly direction across the subject development lands to the McDonald Kocur drain.

It has been suggested by staff "...that during the development, the drainage matter would be brought to the engineer that there is an existing drain that is serving the church property. The municipality will ask that the developer will contact you to establish an agreement to allow continued drainage." That approach to this drainage matter is unacceptable as there are multiple properties within this drainage area.

We would request that the municipality ensure the storm drainage design & approval of the development is adequate enough to accommodate drainage from the mentioned properties, west and north of the proposed subdivision."

ANALYSIS:

The Provincial Policy Statement (PPS), County of Middlesex Official Plan, and Southwest Middlesex Official Plan all encourage development within the settlement area boundaries on full municipal services. The subject lands are located within the settlement area of Glencoe and will

be fully serviced with municipal infrastructure. The lands are designated as Residential within the Southwest Middlesex Official Plan, zoned Future Residential within the Southwest Middlesex Zoning By-law, and are generally intended for residential development. Staff are of the opinion that the development is proposed to be located adjacent to the existing built-up area, has a compact form, mix of uses and densities that allow for the efficient use of land.

Staff have evaluated the proposal against Section 3.4.4.3 of the Southwest Middlesex Official Plan and are of the opinion that the proposed plan has a functional lot layout, will facilitate pedestrian movement, and maintains the character and identity of Glencoe.

The policy documents encourage municipalities to a variety of housing types in order to accommodate housing needs of current and future residents. Staff are of the opinion that the proposal both maintains the existing character of the settlement area of Glencoe, while also providing a limited range of housing options being single detached and semi-detached.

The lots for single detached dwellings range in size with frontages 11 m – 17 m with areas ranging from 385 m² – 612 m². Staff are satisfied that the proposed 'Residential Density One (R1(3)) Zone' is appropriate for the single detached dwellings as all zoning standards are being met or exceeded.

The lots for the semi-detached dwellings, with the exception of lot 40, have frontages of 10.5 m or greater per dwelling unit and lot areas ranging from 338 m²-610 m² per dwelling unit. Staff are of the opinion that the 'Site Specific Residential Density Two (R2-3) Zone' to permit a frontage of 8.2 m for one of the units on block 40 is considered to be appropriate as the external side yard and internal side yard setbacks are capable of being maintained, while still providing room for a building envelope which meets to minimum dwelling size standards. Staff are satisfied that the proposed 'Residential Density Two (R2) Zone' is appropriate for the remainder of the semi-detached dwellings as all zoning standards are being met or exceeded.

Staff are in support of the request zone change for blocks 42 and 43 to the 'Open Space (OS) Zone' to reflect the stormwater management use of the lands.

As part of the rezoning application, staff recommend that a Holding Provision (H-1) apply to the lands as a whole, which requires the completion of a subdivision agreement prior to the removal of the H-1, in order to ensure proper and orderly development.

The concerns raised by the public can be addressed through the planning process and the comments received from the agencies can be addressed within the draft plan conditions and ultimately within the subdivision agreement. The proposed plan has also been revised during the process to address some of the comments received.

Staff are therefore in a position to recommend support for the proposed draft plan and rezoning applications as the proposal is considered to be consistent with the Provincial Policy Statement, and in conformity with the County of Middlesex and Southwest Middlesex Official Plans and Zoning By-law.

RELATIONSHIP TO STRATEGIC PLAN:

☒ TARGET – an increase of 320 homes in the municipality over a sixteen-year period (four terms of council)

ATTACHMENT(S):

- Draft Plan of Subdivision
- Planning Justification Report
- Servicing & Stormwater Management Feasibility Study
- Noise Impact Study
- Written Submissions (2021)
- By-law
- Schedule A

Applicant: Utopia Custom Homes Inc.
File No.: 39T-SM-2101
Municipality: Southwest Middlesex
Subject Lands:

Date of Decision:
Date of Notice:
Last Date of Appeal:

The conditions and amendments to final plan of approval for registration of this Subdivision, file no. 39T-SM-2101, are as follows:

No. Conditions

1. That this approval applies to the draft plan of subdivision prepared by Strik, Baldinelli, Moniz dated January 27th 2023 and showing:
 - a. 27 Single Detached Residential Lots (Lots 8-34)
 - b. 13 Lots for 26 Semi Detached Dwellings (Lots 1-7 and 35-40)
 - c. 2 Blocks for Stormwater Management (Blocks 42 & 43)
 - d. 1 Blocks for road reserves (Block 41)
 - e. 2 Public Streets (A-B)
2. That the development of the draft plan of subdivision shall be undertaken in phases to the satisfaction of the Municipality.
3. 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 and approved by the Municipality for use in connection with the development of the Plan of Subdivision; this undertaking shall be at the sole expense of the Owner.
4. That all streets shall be named and the lots addressed to the satisfaction of the Municipality and the County. This shall include permanent and temporary road name and municipal address signage during all stages of construction which shall be a requirement of the Subdivision Agreement.
5. 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.
6. 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 landsto which it applies once the plan of subdivision has been registered.
7. That the Subdivision Agreement satisfies 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, construction access, the provision and installation of full municipal water and sanitary services, the installation of off-site future service connections along the adjacent re-constructed roads, 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, if any, in accordance with the Municipality’s Development Charge By-Law.

Applicant: Utopia Custom Homes Inc.
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8. 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 purchasers of the mailboxes' location(s).
 9. 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.
 10. 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, if any, related to the development, pursuant to Section 59(4) of the Development Charges Act.
 11. 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 Owner.
 12. 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 Owner. This shall include, but not be limited to, the relocation of the existing overhead hydro line that crosses the property.
 13. That prior to final plan approval, an acoustical report prepared by a qualified professional engineer is completed to determine the noise levels on site and the required noise control measures. The required noise control measures shall be incorporated into the subdivision agreement. This report shall be done to the satisfaction of CN Rail and the Municipality.
 14. That the subdivision agreement between the owner and the municipality shall contain a provision whereby the owner agrees to include a warning clause in all offers to purchase, agreement of sale and purchase or lease of each lot as follows:

'Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way'.
 15. That the owner be required to enter into a development agreement with CN Rail and grant an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN, to the satisfaction of CN Rail.
 16. That prior to final approval, the developer shall submit a storm water management plan, a Sediment and Erosion Control Plan and Final Detailed Servicing and Grading Plans to the satisfaction of the Municipality, the County and the Lower Thames Valley Conservation Authority for approval and if required, the subdivision agreement contain provisions implementing the plan.
 17. That prior to final approval, the Municipality shall advise the County of Middlesex that the

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Subdivision Agreement between the Municipality and the Owner provides for the following:

- a. municipal assumption and ownership of any facilities required for the detention and enhancement of storm water quality, and for the purpose of ensuring perpetual maintenance and operation; and
 - b. the inclusion of any environmental protection measures recommended in the final storm water management plan required by condition number 16 that are not capable of being addressed under the Ontario Water Resources Act.
18. That prior to final approval, a Licensed Archaeologist shall provide a letter to the Municipality 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.
 19. That prior to final approval, the Owner shall submit for review and approval of the Municipality a detailed geotechnical investigation of the site prepared by a qualified geotechnical engineer for the entire subject land prior to the initiation of any site grading or servicing; including a hydrogeological opinion, which if determined warranted by the Municipality, shall provide a full hydrogeological investigation at the Owner's expense; and agree in the subdivision agreement to remove any matter, which is determined during soil investigations as being hazardous.
 20. That the developer construct all rights-of-way and all infrastructure to municipal standards and to the satisfaction of the Municipality.
 21. That the Owner convey up to 5% of the land included in this plan to the Municipality for park purposes. Alternatively, the Municipality may require cash-in-lieu of all or a portion of the conveyance.
 22. That prior to final approval, the County is to be advised in writing by the Municipality how conditions 1 through 22 have been satisfied.
 23. That prior to final approval, the County is to be advised in writing by the Lower Thames Valley Conservation Authority how condition 16 has been satisfied.
 24. That prior to final approval, the County is to be advised in writing by CN Rail how conditions 13-15 have been satisfied.

NOTES TO DRAFT APPROVAL

1. Draft approval for this plan of subdivision is for a period of three years from the date of decision. Any request made by the Owners 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 fulfil the conditions of the draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the approval authority.
3. We suggest you make yourself aware of the following subsections of the Land Titles Act:
 - a) Subsection 144(1) requires all new plans be registered in a Land Titles system if the land is situated in a land titles division; and

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File No.: 39T-SM-2101
Municipality: Southwest Middlesex
Subject Lands:

Date of Decision:
Date of Notice:
Last Date of Appeal:

- b) Subsection 144(2) allows certain exceptions.
4. When the Zoning By-law required in condition 5 is being prepared, reference to this subdivision application T-file number should be included in the explanatory note.
 5. Clearance is required from the following agencies:
 - Municipality of Southwest Middlesex
 - Lower Thames Valley Conservation Authority
 - CN Rail
 6. 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.
 7. The Ministry of Environment and Climate Change must be advised immediately should waste materials or other contaminants be discovered during the development of this plan of subdivision.
 8. All measurements in subdivision final plans must be presented in metric units.
 9. The final plan approved by the County of Middlesex must include the following paragraph on all copies (3 Mylars and 4 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 _____, 201 .*

*_____
Director of Planning"*

10. 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.
11. 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.