

EVALUATION REPORT

PLANNING DEPARTMENT

To: Mayor and Members of the Council,
Municipality of North Middlesex

From: Stephanie Poirier, Planner, County of Middlesex

Date: July 19th, 2023

**Re: Application for Plan of Subdivision 39T-NM-2201
Application for Zoning By-law Amendment ZBA-1-2023
West Williams Concession 19, Part Lot 7, Plan 562 Lots 53 to 55, West of
West Street & Plan 305, Park Lot 5 & Part 1 of Plan 33R-21265, being Part of
Lot 7, Concession 19
(Geographic Township of West Williams)**

Owner: 2822954 Ontario Inc. c/o Jeff Fung

Agent: Zelinka Priamo Ltd. c/o Katelyn Crowley

Purpose:

The purpose of this report is to provide Council with a recommendation on an Application for a Plan of Subdivision and a Zoning By-law Amendment Application for the subject lands legally described as West Williams Concession 19, Part Lot 7, Plan 562 Lots 53 to 55, West of West Street & Plan 305, Park Lot 5 & Part 1 of Plan 33R-21265, being Part of Lot 7, Concession 19, in Parkhill.

The purpose and effect of the draft Plan of Subdivision (File No.: 39T-NM-2201) is to create 98 lots for single detached dwellings, 10 medium density blocks containing a cumulative total of 66 street-facing townhouse units, one block for future road connection, one block for stormwater management, and three new public roads. Access is proposed from the extension of Park Street and Duke Street, as well as from Duchess Ave.

The purpose of the Zoning By-law Amendment (File No.: ZBA-1-2023) is to change the zoning of the following lots/blocks as shown on the draft plan:

- Lots 1-33 and 78-98 from the 'Future Development (FD) Zone' to the 'Residential Density One Exception (R1-20) Zone' in order to facilitate single detached dwellings with the following site specific zoning standards:
 - Minimum lot frontage of 12.0m, whereas 15.0m is permitted for single detached dwelling units;
 - Minimum lot area of 440.0m², whereas 460.0m² is permitted for single detached dwelling units; and,
 - Maximum gross floor area as a % of lot area of 60%, whereas 40% is permitted for single detached dwelling units.

- Lots 34-77 from the 'Future Development (FD) Zone' to the 'Residential Density One Exception (R1-21) Zone' in order to facilitate single detached dwelling with the following site specific zoning standards:
 - Minimum lot frontage of 9.0m, whereas 15.0m is permitted for single detached dwelling units;
 - Minimum lot area of 360.0m², whereas 460m² is permitted for single detached dwelling units; and,
 - Maximum gross floor area as a % of lot area of 65%, whereas 40% is permitted for single detached dwelling units.
- Blocks 99-109 from the 'Future Development Zone' to the 'Residential Density Two Exception (R2-4) Zone' in order to facilitate ten medium density blocks for future development of townhomes with the following site specific zoning standards:
 - Minimum lot area of 230m² per dwelling unit, whereas 300m² is permitted per dwelling.
 - Maximum lot coverage for all buildings of 45%, whereas 40% is permitted per dwelling.
 - Maximum gross floor area as a % of lot area of 75% per interior townhouse dwelling, whereas 55% is permitted per dwelling unit.
- Block 110 from the 'Future Development Zone' to the 'Parks and Recreation Exception (PR-2) Zone' in order to permit the stormwater management pond, recreation trail, and parkette.

The draft plan of subdivision has been attached for information.

In addition to the applications and the proposed draft plan, the submission included the following supporting documents:

- Planning Justification Report, Zelinka Priamo Ltd., dated August 23rd 2022, revised June 20th 2023
- Functional Servicing Report, Dillon Consulting, dated July 2022, revised April 2023
- Preliminary Stormwater Management Report, Dillon Consulting, dated July 2022, revised April 2023
- Traffic Impact Brief, Dillon Consulting, dated July 12th 2022, revised March 2023
- Land Use Compatibility Assessment, Dillon Consulting, dated July 2022, revised January 2023
- Arborist Report & Tree Preservation Plan, Dillon Consulting, dated April 2022

Background:

The subject lands consist of three parcels of land abutting Duchess Ave, located west of West Park Drive, between Prince Street and Elliot Drive, within the Urban Settlement Area of Parkhill. Cumulatively, the lands are approximately 9.12 ha (22.54 ac) in size, 1.49 ha (3.67 ac) of which were obtained through a lot addition of Consent File B1-2022. The lands are currently vacant of any buildings and structures.

The subject lands are designated 'Residential' within the North Middlesex Official Plan and contain Hazard Lands as per Schedule A and Schedule A1 of the North Middlesex Official Plan. The subject lands are zoned 'Future Development (FD) Zone' within the

North Middlesex Zoning By-law. A portion of the lands are regulated by the Ausable Bayfield Conservation Authority.

As Council may recall, the public meeting for Plan of Subdivision 39TNM2201 and Zoning By-law Amendment Application ZBA 1-2023 were held on January 18th 2023. Based on comments received, the site plan was revised from its original submission. The main revisions since the original submission are as follows:

- Number of single detached dwelling lots reduced from 103 to 98
- Number of medium density blocks increased from two to ten
- Number of townhomes increased from 50 to 66
- Recreational trail added to Block 110

Policy and Regulation Background:

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 states 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 previous 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

The subject lands are designated as an “Urban Area” within the County of Middlesex Official Plan. The following policies are applicable:

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.”

North Middlesex Official Plan

The subject lands are designated “Urban Settlement Area” within the North Middlesex Official Plan. The following policies are applicable:

“4.2 Community Design Policies

The following policies relate to the physical design of communities, and new applications for new development, including plans of subdivision, infill development proposals, and site plans within the Municipality.

- a) Through implementation of this Plan, the Municipality will seek to maintain and improve the physical design characteristics of the Settlement Areas in the context

- of new and existing development and stress a general high quality of settlement design throughout the Municipality.
- b) Through the review of development applications, including plans of subdivision, site plans and other development approvals, the Municipality will:
 - i. Ensure that new development is designed in keeping with the traditional character of the Settlement Areas, in a manner that both preserves the traditional image of the Settlement Areas and enhances the sense of place within the Municipality while maintaining the community image of existing settlement areas;
 - ii. Promote efficient and cost-effective development patterns that minimize land consumption, optimize energy efficiency, and are pedestrian oriented;
 - iii. Promote the improvement of the physical character, appearance and safety of streetscapes, civic spaces, parks;
 - iv. Encourage tree retention wherever possible and appropriate;
 - v. Strongly encourage design that considers, and wherever possible continues, existing and traditional street patterns and neighbourhood structure; and
 - vi. Request that proponents submit design guidelines with development applications, establishing how the policies of this Section have been considered and addressed. Such guidelines may also be required to address related issues of residential streetscaping, landscaping, setbacks, garage placement, and architectural treatment.
 - c) Adequate measures shall be taken to ensure that the permitted uses have no adverse effects on adjacent land uses. Adequate buffer planting shall be provided between any uses where land use conflicts might be expected, and such buffer planting may include provisions for grass strips and appropriate planting of trees and shrubs, berms or fence screening.
 - d) Designs that establish reverse lotting on Municipality roads, or require features such as noise attenuation or privacy fencing, are discouraged. Wherever possible, new residences will be oriented toward streets or parks. Access to County roads will be limited and require the approval of the County of Middlesex.
 - e) This Plan encourages compatibly scaled and designed infill developments within the Central Areas of Ailsa Craig and Parkhill, which enhance the traditional character and economic viability of such centres.
 - f) A high quality of architecture and site design for institutional uses such as schools, churches and libraries is encouraged.
 - g) Streetscaping that reflects the intended character of settlement areas is encouraged. In particular, traditional streetscaping in the Central Areas of Ailsa Craig and Parkhill will be encouraged.
 - h) A high quality of park and open space design is strongly encouraged. The lands for parkland dedication will be carefully selected to facilitate their use as a central focal point to new or existing neighbourhoods. Where possible, uses should front onto parks.”

“5.1.2 Urban Settlement Areas

The following policies apply to Urban Settlement Areas:

- a) All new proposed development shall be fully serviced by municipal water and municipal sewage disposal systems.

- b) Urban Settlement Areas shall have the highest concentration and intensity of land uses within the Municipality.
- c) Urban Settlement Areas shall be the focus of future growth by accommodating a significant portion of the planned growth and development over the horizon of this Plan.
- f) Where vacant land exists between the existing urban areas and the Urban Settlement Area boundary, development will proceed in a staged and sequential manner. The pattern of roads and orientation of future development shall be in keeping with the existing urban pattern. Access to County roads shall be subject to approval by the County of Middlesex.”

“5.2.1 Residential Land Use Designation Permitted Uses

The following policies relate to the uses permitted on lands designated Residential Area Land Use Designation on Schedule “A”.

- a) The predominant use of land in the Residential Area Land Use Designation shall be a variety of dwelling types, including single detached dwellings, semi-detached dwellings, duplex dwellings and similar low-profile residential buildings not exceeding two-and-a-half (2.5) storeys in height and two (2) dwelling units per property.
- b) While not the predominant use, medium density residential uses shall be permitted including triplex dwellings, fourplex dwellings, row or block townhouse dwellings, converted dwellings containing more than two dwelling units, walk-up apartments and similar medium profile residential buildings not exceeding four (4) storeys in height.”

“5.2.2 Residential Density & Locational Requirements

The appropriate residential density shall be based on the availability of services, compatibility with surrounding uses and locational factors. The following policies relate to residential density requirements.

- a) The maximum density within a low density residential area or the low density residential portion of a development shall not exceed 25 dwelling units per gross hectare.
- b) The maximum density within medium density residential development shall not exceed 40 dwelling units per gross hectare.
- c) New medium density residential development shall be subject to site plan control, in accordance with Section 9.6.6 of this Plan.
- d) New medium density residential developments and other uses that are similar in terms of profile, shall meet the following criteria:
 - i. The density, height and character of the development shall have regard to adjacent uses;
 - ii. The height and massing of the buildings at the edge of the medium density residential development shall have regard to the height and massing of the buildings in any adjacent low density residential area and may be subject to additional setbacks, or landscaping to provide an appropriate buffer;
 - iii. Subject to approval by the County of Middlesex, the development will be encouraged to have direct access to a County arterial or collector road, where possible and appropriate;

- iv. The water mains and sanitary sewers shall be capable of accommodating the development, or the proponent has committed to extend services at no expense to the Municipality;
- v. The development is adequately serviced by parks and school facilities;
- vi. In developments incorporating walk-up apartments, block townhouse dwellings and medium-profile residential buildings, on-site recreational facilities or amenities such as playground equipment may be required to service the development;
- vii. The development shall be designed and landscaped, and buffering shall be provided to ensure that the visual impact of the development on adjacent uses is minimized; and
- viii. Except for a triplex dwelling, fourplex dwelling or other similar small scale developments, a report on the adequacy of the road network to accommodate the expected traffic flows, and the adequacy of water and sewer services shall be prepared by the proponent and approved by the Municipality, and in the case of lands adjacent to a County Road, the County of Middlesex shall also approve the road network report.”

“5.2.4 Residential Area Policies

The following policies shall apply to lands designation Residential Area:

- a) Plans of subdivision shall be the preferred method of residential lot creation.
- b) Uses within the Residential Area Land Use Designation shall be required to develop on the basis of full municipal services, including but not necessarily limited to, municipal sewer, water and stormwater services.”

“5.2.5 General Housing Policies

It is the policy of the Municipality that:

- a) Intensification and redevelopment within the Settlement Areas will be encouraged to provide a greater mix and balance of residential housing types. In its consideration of such opportunities, the Municipality will be guided by municipal service, environmental, and transportation issues. Neighbourhood compatibility will also be considered relative to the physical characteristics and site design of intensification proposals. This will include such matters as building height and massing, lot coverage and parking. The County and the Municipality will require that 15 percent of all development occur by way of intensification and redevelopment.”

“9.6.5 Subdivision Control

The following policies shall apply to plans of subdivision:

- a) The provisions of the Planning Act relating to subdivision control, including subdivision agreements, shall be used by Council to ensure that the land use designations and policies of this Plan are complied with, and that a high standard of design is maintained in all development.
- b) Prior to approval of an application for plan of subdivision approval, the Municipality will confirm the availability of adequate servicing infrastructure and allocation in accordance with Section 8.3, waste collection and disposal services, and roads.
- c) Applications for plan of subdivision approval shall be considered premature if appropriate services and servicing capacity is not available. Additionally, Council

may consider other criteria as reason to deem an application for plan of subdivision approval to be premature.

- d) The review of plans of subdivision will be based in part on the consideration of the general community design policies included in Section 4.2 of this Plan.
- e) All lots within a plan of subdivision shall have frontage on a public road maintained on a year round basis, and constructed to an acceptable Municipal standard.
- f) Natural heritage features and areas shall be protected and preserved in the design of any plan of subdivision.
- g) Plans of subdivision shall be appropriately phased to ensure orderly and staged development.
- h) All plans of subdivision shall be subject to a subdivision agreement between the Municipality and the development proponent.
- i) Parkland dedication shall be provided pursuant to Section 9.10 of this Plan. Land to be dedicated for park purposes must be acceptable to the Municipality. Under no circumstances shall the Municipality be obligated to accept parkland being offered in a proposed plan of subdivision.
- j) The Municipality will consult with the County, Conservation Authority and relevant Provincial ministries in considering an application for approval of a plan of subdivision.”

Public Consultation:

Public Open House

Zelinka Priamo Ltd. held a public open house via zoom on December 1st 2022. Fewer than ten members of the public attended the meeting. Questions and concerns raised included but not limited to, construction and phasing of the development, traffic impacts/calming measures and existing road standards, visitor parking, parkland, tree removal, reduced zoning standards and lot size, and infrastructure capacity.

Statutory Public Meeting

Notice of the public meeting was circulated to residents living within 120 m of the subject application, as well as agencies, on December 19th, 2022 in accordance with the requirements of the Planning Act. The public meeting was held on January 18th, 2023. There were three members of the public who provided verbal comments at the public meeting, and three written submissions were received as part of the circulation process (attached for reference).

The comments received expressed general concern with regards to land use compatibility, traffic and road impacts, density and built form, pedestrian connectivity, infrastructure capacity, amenity space and tree retention, and Bill 23 changes to the Development Charges Act.

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:

Land Use Compatibility

Concerns were raised from Lafarge Canada Inc. in regards to land use compatibility between the industrial business and proposed residential development.

Response: A Land Use Compatibility Study was provided as part of the application submission and was peer reviewed by a 3rd party acoustical engineering company (SLR Consulting Ltd.) on behalf of the Municipality. The study provided recommended mitigation measures that will address land use compatibility in regards to noise and dust, including noise warning clauses within the subdivision agreement, air ventilation/AC units within residential units, acoustical barriers, and back yard fencing. The recommended draft plan conditions require that the mitigation measures included within the Land Use Compatibility Study be incorporated into the subdivision agreement, to the satisfaction of the Municipality.

Traffic and Road Impacts

Concerns were raised in regards to traffic and existing roads being able to accommodate the traffic and street parking.

Response: An updated Traffic Impact Brief has been submitted as part of the submission materials, which details estimated traffic counts, anticipated routes of traffic, and estimated destinations as a result of the proposed development. The recommended draft plan conditions will require the implementation of required traffic measures to the satisfaction of the Municipality.

Density and Built Form

Concerns were raised in regards to the proposed density of the site, including the proposed townhomes.

Response: The Provincial Policy Statement, County Official Plan, and North Middlesex Official Plan permit residential growth within settlement areas. A variety of housing options are encouraged to meet the needs of current and future socioeconomic demographics of the community. The location of the development is within the settlement area of Parkhill and abuts the existing residential built area of Parkhill to the east, maintaining orderly and appropriate growth within the settlement area. The overall density of the proposal is 18 residential units per hectare, which maintains the requirements of the Official Plan and is aligned with contemporary development patterns.

Pedestrian Connectivity

Concerns were raised in regards to pedestrian connectivity via sidewalks through the development proposal to the rest of the community.

Response: Subsequent to the public meeting, the draft plan has been revised to include sidewalk infrastructure along the west side of Duchess Ave and 'Street A' as well as along the north side of 'Street B'. The proposed sidewalk infrastructure will connect to the proposed recreational trail in Block 110, and to the existing sidewalk along Duke Street.

The recommended draft plan conditions would require sidewalks to be addressed through the subdivision agreement.

Infrastructure Capacity

Concerns were raised in regards to the capacity of the sanitary lagoons and the ability for the proposed development to tie into the system.

Response: Subsequent to the public meeting the applicant provided an updated Functional Servicing Report, which was peer reviewed by a 3rd party (CIMA +) on behalf of the Municipality. 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, and confirmation of adequate municipal services, would be required as part of the draft plan conditions/subdivision agreement. Prior to final approval, the County of Middlesex would require confirmation from the Municipality of North Middlesex that adequate municipal services are available.

Additionally, a holding provision is recommended to be placed on the subject lands as part of the rezoning application preventing homes from being constructed until adequate servicing become available.

Amenity Space and Tree Retention

Concerns were raised in regards to outdoor amenity space for the development. Additionally concerns were raised in regards to removal of existing trees within the unopened road allowances and development site.

Response: Subsequent to the public meeting, the applicant revised the draft plan to include a recreational trail in Block 110. Staff also recommend that this block be rezoned to the 'Parks and Recreation (PR) Zone' to recognize the stormwater management facility, the recreational trail, and allow for a parkette in the future should there be sufficient space to accommodate. It is also noted that the recommended draft plan conditions would require the developer to dedicate 5% of the land within the proposed plan and/or an equivalent cash payment in lieu of a dedication of land for park purposes in accordance with the Planning Act. In terms of private amenity space, no rear yard setback deficiencies have been requested, demonstrating appropriate rear yard amenity space is capable of being provided per residential unit.

As part of the submission materials the applicant has provided an Arborist Report & Tree Preservation Plan, which identifies which trees are intended to be removed and which trees are intended to remain as a result of the development. This Plan has been attached for reference. Additionally, the recommended draft plan conditions includes the requirement for a landscaping plan to be provided within the subdivision agreement for each phase of the development for municipal right of ways.

Bill 23: Changes to Development Charges Act

A concern was raised in regards to a proposed legislative change to the Development Charges Act and the potential to increase the burden on the Municipality to pay for infrastructure.

Response: Bill 23 made several legislative changes to various Acts, including the Development Charges Act. The recommended draft plan conditions requires that Development Charges be provided, based upon the provincial framework at the time, in accordance with the Development Charges Act.

Agency Comments (January 2023)

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

a) Hydro One

Hydro One indicated no comments or concerns with the proposed subdivision and rezoning at this time.

b) Bell Canada

"The following paragraphs are to be included as a condition of approval:

"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.

The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost."

The Owner is advised to 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."

c) Enbridge Gas

"It is Enbridge Gas Inc.'s (operating as Union Gas) request 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."

d) Canada Post

"Thank you for contacting Canada Post regarding plans for a new Subdivision development in Parkhill. Please see Canada Post's feedback regarding the proposal, below.

Service type and location

1. Canada Post will provide mail delivery service to the subdivision through centralized Community Mail Boxes (CMBs).

2. Canada Post will provide mail delivery service to the Apartments through centralized Lock Box Assembly.
3. The development includes plans for (a) multi-unit building(s) with a common indoor entrance(s). The developer must supply, install and maintain the mail delivery equipment within these buildings to Canada Post's specifications.

Municipal requirements

1. Please update our office if the project description changes so that we may determine the impact (if any).
2. Should this application be approved, please provide notification of the new civic addresses as soon as possible.

Developer timeline and installation

1. Please provide Canada Post with the excavation date for the first foundation/first phase as well as the date development work is scheduled to begin. Finally, please provide the expected installation date(s) for the CMB pads.

If you have any questions or concerns regarding these conditions, please contact me. I appreciate the opportunity to comment on this project."

e) Thames Valley District School Board

"TVDSB has no comments on the above-noted application at this time."

f) Chief Building Official

"No objection to this developments and no comments at this time."

g) County of Middlesex Emergency Services

"1) That proposed Municipal 911 addressing for this development of townhouses that face Duchess Ave have Duchess Ave 911 Municipal addresses and the proposed 911 Municipal addresses be submitted to the satisfaction of the Municipality of North Middlesex in consultation with the County of Middlesex Emergency Services Dept. for approval and is sequential in existing 911 Municipal numbering for existing Duchess Ave. This shall include temporary and permanent Municipal 911 address signage installation during all stages of construction which shall be required through the townhouse development agreement to ensure emergency responders can identify the Municipal 911 address from the road allowance for each unit. All permanent unit numbering to be located in the same exterior location of all units before occupancy is permitted.

2) That proposed Street "B" be given the existing street name of Park St and that the proposed street "C" be given the existing street name of Duke St.

3) That proposed Municipal 911 addressing for proposed street "B" be submitted to the satisfaction of the Municipality of North Middlesex in consultation with the County of Middlesex Emergency Services Dept. for approval and is sequential in numbering for existing Park St. Once approved this shall include temporary and permanent Municipal 911 address signage installation during all stages of construction which shall be required through the subdivision agreement to ensure emergency responders can identify the Municipal 911 address from the road allowance.

4) That proposed Municipal 911 addressing for proposed street "C" be submitted to the satisfaction of the Municipality of North Middlesex in consultation with the County of Middlesex Emergency Services Dept. for approval and is sequential in numbering for existing Duke St. Once approved this shall include temporary and permanent Municipal 911 address signage installation during all stages of construction which shall be required through the subdivision agreement to ensure emergency responders can identify the Municipal 911 address from the road allowance.

5) That proposed street "A" be given a proposed street name and be submitted to the Municipality of North Middlesex in consultation with the County of Middlesex Emergency Services Dept. for approval to ensure the street name is not duplicated in any other County Municipalities including the Municipality of North Middlesex.

6) That proposed 911 Municipal addressing for proposed street "A" be submitted to the satisfaction of the Municipality of North Middlesex in consultation with the County of Middlesex Emergency Services Dept. for approval. Once approved this shall include temporary and permanent Municipal 911 address signage installation during all stages of construction which shall be required through the subdivision agreement to ensure emergency responders can identify the Municipal 911 address from the road allowance.

7) That the appropriate infrastructure be in place for connecting to 911 call agency prior to occupancy of any structure.

8) That permanent "no exit" signs be posted and that it is visible and unobstructed at the following locations when nearing completion notifying emergency responders that it is not a through road.

1) street "B" @ street "A" at proposed lot 33 for west bound traffic.

2) Duchess Ave @ street "B" at proposed lot 86 for south bound traffic.

3) street "A" @ street "C" at proposed lot 43 for north bound traffic.

4) Duchess Ave at Duke St (118 Duke St) for north bound traffic unless Duchess Ave connects to existing Prince St.

9) That all of the approved street names once approved be erected (temporary/permanent) at all intersections to Municipal standards when the appropriate infrastructure (roads, curb etc.) is in place so emergency responders can better identify the street location. This is a must before issuing building permits to ensure street identification is in place prior to constructing of dwellings.

10) That proposed municipal 911 addressing on Duchess Ave for all the single detached dwellings of this draft subdivision be submitted to the satisfaction of the Municipality of North Middlesex in consultation with the County of Middlesex Emergency Services Dept. for approval. The proposed 911 Municipal addressing will have to take in to account of it joining up in the future with Elliot Dr. Once approved this shall include temporary and permanent Municipal 911 address signage installation during all stages of construction which shall be required through the subdivision agreement to ensure emergency responders can identify the Municipal 911 address from the road allowance.

11) That the proposed storm water management area /Block 112 be given a proposed 911 Municipal Address and it be submitted to the satisfaction of the Municipality of North Middlesex in consultation with the County of Middlesex Emergency Services Dept. for approval. Once approved this shall include temporary and permanent Municipal 911 address signage installation during all stages of construction which shall be required through the subdivision agreement to ensure emergency responders can identify the Municipal 911 address from the road allowance.”

h) North Middlesex Public Works Department

“Water

1. A functional servicing report (Dillon Consulting, July 2022) was provided which summarizes the design of water supply and distribution for the proposed development. At this time, the Municipality does not have comment or concern with the proposed water servicing. Further review will be completed through the detailed design phase of the project.

Roads

2. A Traffic Impact Brief/Memo (Dillon Consulting, July 12, 2022) was provided. At this time, the Municipality does not have comment or concern with the proposed transportation design. Further review will be completed through the detailed design phase of the project.

Sanitary Sewers and Servicing

3. There is currently limited wastewater treatment capacity at the Parkhill Lagoons. The remaining wastewater treatment capacity is inadequate to serve the full build-out of all of the proposed developments coming forward at this time and in the near future. Therefore, it is expected that each new proposed development will need to be reviewed in detail on a case-by-case basis to confirm whether there is adequate wastewater treatment capacity available to be reserved/allocated. It is noted that wastewater treatment capacity is currently formally allocated through execution of the subdivision agreement. At this time, the Municipality makes no guarantee that wastewater treatment capacity will be available for this development.

4. Further to comment 3 above, it is noted:

- a) That limited/insufficient wastewater treatment capacity exists 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;
- b) that draft plan approval does not imply or include a commitment by the Municipality to provide servicing for the development of the 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 wastewater treatment 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" 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.

5. A functional servicing report (Dillon Consulting, July 2022) was provided which summarizes the design of sanitary sewers for the proposed development. Further review of sanitary servicing and treatment capacity of the lagoons will be completed through the detailed design phase of the project.

Stormwater Management and Drainage

6. A functional servicing report (Dillon Consulting, July 2022) and Preliminary Stormwater Management Report (Dillon Consulting, July 2022) were provided which summarize the design of stormwater management for the proposed development. Further review will be completed through the detailed design phase of the project.

7. It is noted that, in addition to the Laurens Drain, a portion of the site is assessed to the Cameron-Gillies Drain. Both drains will require a Section 65 re-assessment per Drainage Act requirements.

8. The stormwater management pond must be sufficiently setback from the Laurens Drain to provide future maintenance access, to the satisfaction of the Municipality's Drainage Superintendent.

9. The Municipality has some questions/concerns related to the proposed underground storage for stormwater. More information will be required regarding details, assumption, record drawings, future maintenance requirements, etc., to be completed through the detailed design phase of the project."

Analysis:

The Provincial Policy Statement (PPS), County of Middlesex Official Plan, and North 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 Parkhill and will be fully serviced with municipal infrastructure. The lands are designated as 'Residential' within the North Middlesex Official Plan, zoned 'Future Development (FD)' within the North 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 residential uses and densities that allow for the efficient use of land.

The policy documents encourage municipalities to have a variety of housing types in order to accommodate housing needs of current and future residents. Staff are of the opinion

that the proposal will contribute to diversifying the types of housing available within the settlement area of Parkhill by offering single detached dwelling lots of differing sizes, as well as street facing townhomes.

Staff have reviewed the residential density and locational requirements of the North Middlesex Official Plan and are of the opinion that the proposal overall maintains an appropriate level of density at 18 residential units per hectare. In terms of scale and massing, both the R1 and R2 Zones permit a maximum height of 10.5 m, which can allow for a two storey building. The same height provisions apply to the existing single detached dwellings along Duchess Ave, Park Street, Centre Street, Duke Street, and Prince Street. In regards to buffering, the road allowance (Duchess Ave) as well as setbacks from property lines separates the townhome dwellings from the single detached dwellings on the east side of Duchess Ave. It is also noted that as part of the recommended draft plan conditions, a landscaping plan will be required for the municipal right of way.

The rezoning application proposes a site specific 'R1 Zone' for 53 of the single detached dwellings with a minimum lot area of 440 m², whereas the minimum is 460 m², a minimum lot frontage of 12 m, whereas the minimum is 15 m, and a maximum gross floor area as a % of lot area of 60%, whereas the maximum is 40%. Additionally the rezoning application proposes a site specific 'R1 Zone' for 43 of the single detached dwellings with a minimum lot area of 360 m², whereas the minimum is 460 m², a minimum lot frontage of 9 m, whereas the minimum is 15 m, and maximum gross floor area as a % of lot area of 65%, whereas 40% is permitted. Staff are of the opinion that the requested site specific provisions will result in some lots that are narrower in appearance and contain less landscaped open space in comparison to existing lots in Parkhill however, maintain an appropriate level of density, and contribute to a diverse housing stock as per the Official Plan direction. As part of the rezoning for the single detached dwellings, staff recommend that the minimum distance between driveways on two separate lots is 6m, in order to accommodate on street parking between neighbouring driveways. Through review of the concept plan provided as well as the submitted planning justification report, staff are satisfied that all other requirements of the 'R1 Zone' are capable of being met. Staff are therefore satisfied that the proposed 'Residential Density One Exception ((H)R1-20) Zone' and 'Residential Density One Exception ((H)R1-21) Zone' are considered to be appropriate for the proposed development of single detached dwellings.

The proposed rezoning application also seeks to rezone Blocks 99-109 to a site specific 'R2 Zone' for townhouse dwellings with a minimum lot area of 230 m², whereas the minimum required is 300 m², a maximum lot coverage for all buildings of 45%, whereas 40% is permitted per dwelling, and a maximum gross floor area as a % of lot area of 75% per interior townhouse dwelling, whereas 55% is permitted per dwelling unit. Staff have reviewed the concept plan provided for the medium density blocks, and are satisfied that the requested site specific zoning will result in appropriate residential dwelling lots.

Staff are of the opinion that the proposed 'PR Zone' for the establishment of the stormwater management pond, a recreational trail, and a future parkette is considered to be appropriate, and will result in a recreational space to serve the new and existing

community of Parkhill. Any future proposed buildings or structures will be evaluated against zoning criteria at the time of building permits, if applicable.

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

Based on the above analysis, staff are 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 North Middlesex Official Plans and Zoning By-law.

Recommendation:

THAT Plan of Subdivision Application 39T-NM-2201 and draft plan conditions be **ENDORSED** and forwarded to the County of Middlesex for consideration and approval;

AND THAT Zoning By-law Amendment Application ZBA 1-2023 be **GRANTED**.

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The conditions and amendments to final plan of approval for registration of this Subdivision, file no. 39T-NM-2201, are as follows:

No. Conditions

1. That this approval applies to the draft plan (the "Plan") of subdivision prepared by Zelinka Priamo Ltd. dated June 15th 2023 and showing:
 - a. Lots 1-98 for single detached dwellings
 - b. Blocks 99-108 for future medium density residential development
 - c. Blocks 109 for future road connections
 - d. Block 110 for stormwater management
 - e. Streets A, B, and C

Municipal Servicing

2. That the development of the Plan may be phased but, if it is, the phasing and the servicing of each phase, including townhome blocks, shall be to the satisfaction of the Municipality of North Middlesex (the "Municipality") and, for the purposes of this condition, the development of a phase of the Plan may only proceed when the Municipality is satisfied that all of the external infrastructure/services for that phase are "in place" as described in Condition 4.
3. That the Plan of Subdivision, including townhome blocks, shall be developed on full municipal services, including sanitary sewers, municipal water and urban stormwater management practices. Prior to final approval of each phase of the development, the Municipality shall confirm that full municipal services are "in place" as described in Condition 4.
4. That no development of the Plan of Subdivision, including townhome blocks, 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 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. This may include the requirement to enter into a front-ending or cost sharing agreement to facilitate infrastructure needs.
5. 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, including townhome blocks, shall be on the basis of full municipal services and:
 - a) That no wastewater conveyance or treatment exist or are planned 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;

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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 a 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 municipal servicing is "in place" as described in Condition 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 the other party or parties of items (a), (b), and (c) above and receiving a copy of the draft plan conditions which acknowledgement will be produced by the Owner to the Municipality on request.

Zoning

- 6. 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 and townhome blocks.
- 7. That prior to final approval, the Owner shall provide to the Municipality confirmation from an Ontario Land Surveyor retained by the Owner at no cost that the lot areas, lot frontages and lot depths conform to the zoning by-law requirements of the Municipality of North Middlesex.

Subdivision Agreement

- 8. 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 and townhome blocks have been registered.
- 9. That the Subdivision Agreement satisfies all requirements of the Municipality related to financial, legal, planning and engineering matters including but not limited to; detailed engineering and design works for the townhome blocks, lot grading and drainage, planting of trees, landscaping, sidewalks, 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 underground electrical services, and other matters which may be required by the Municipality respecting the development of the Plan of Subdivision and townhome blocks, including the payment of Municipal Development Charges, if any, in accordance with the Municipality's Development Charge By-Law.
- 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 the Subdivision Agreement shall include a provision that requires a clause be included

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in all agreements of purchase and sale or lease of Lots and 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.

Utilities/Canada Post

12. 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).
13. 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.
14. 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.
15. 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.

Stormwater Management

16. The Owner hereby agrees to promote the implementation of Stormwater Management (SWM) soft measure Best Management Practices (BMP's) within this Plan of Subdivision and townhome blocks, where possible, to the satisfaction of the Municipality. The acceptance of these measures by the Municipality will be subject to the presence of adequate geotechnical conditions within this Plan of Subdivision and the approval of the Municipality.
17. That prior to final approval, the developer shall submit a storm water management plan, a Sediment and Erosion Control Plan, a Lot Grading Plan, a detailed water modeling report (including fire flow calculations), and Final Detailed Servicing and Grading Plans for the Plan of Subdivision, including the townhome blocks, to the satisfaction of the Municipality, the County, and the Ausable Bayfield Conservation Authority for approval, and the subdivision agreement contain provisions implementing the plan.
18. Prior to final approval, a final stormwater management plan will need to be submitted to the satisfaction of the ABCA to meet the requirements of current ABCA Stormwater Management policies and guidelines. Such study will need to address water quantity and quality control requirements, temporary and permanent sediment and erosion control measures, both upstream and downstream impacts resulting from development. This list should not be considered exhaustive.

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- i. Detailed engineering submitted in support of the subdivision plan and servicing will need to establish a suitable erosion allowance (buffer) adjacent to the Laurens Drain, to the satisfaction of the ABCA.
 - ii. In the event that proposed site grading, servicing or development shall encroach within the Lauren Drain regional flood plain, suitable engineering study shall be completed to the satisfaction of ABCA to address impacts on the Lauren Drain and the flood plain, impact on flood plain conveyance and upstream and downstream lands.
 - iii. Suitable engineering study will need to be completed to the satisfaction of the ABCA to define a Regional floodline adjacent to the development plan. It will need to be shown through said study that all proposed lots are outside of Regional flood plain limits, and where roadways are concerned, safe access policies are met.
 - iv. Prior to any construction activity and development within the ABCA regulation limit, a permit under ABCA Regulation 147/06 will need to be issued by ABCA.
19. That prior to final approval of each phase, a Homeowners' Information Package be completed to the satisfaction of the Municipality and the Ausable Bayfield Conservation Authority and be included as a schedule to the Subdivision Agreement between the Municipality and the Owner for each respective phase. The Homeowners' Information Package is to inform homeowners about the stormwater management practices that have been implemented in the subdivision.
20. 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 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 17 that are not capable of being addressed under the Ontario Water Resources Act.

Drainage

21. That the owner initiate and assume all costs associated with the preparation of a revised assessment schedule for the Laurens Drain and Cameron-Gillies Drain in accordance with the Drainage Act, as amended, such costs to be paid in full to the Municipality prior to submitting a registered copy of the transfer.
22. That prior to final approval, the Owner shall obtain any necessary approval(s) under the Drainage Act to facilitate legal outlet to discharge Stormwater.
23. That prior to final approval, the Owner shall complete all necessary engineering reviews, studies, and analyses related to the proposed stormwater outlet to the Laurens Drain, to the satisfaction of the Municipality.

Soil Conditions

24. That prior to final approval, a Licensed Archaeologist shall provide a letter to the Municipality

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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.

25. 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, report on the stability of the soil, and its ability to sustain superimposed loads resulting from building and filling operations, 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.

Landscaping/Parkland

26. Prior to final approval, the Owner shall have its professional engineer submit a landscaping/amenity space plan for the stormwater management facility and recreational trail to be constructed within Block 110 at no cost and to the satisfaction of the Municipality.
27. That the Owner convey up to 5% of the land included in this plan to the Municipality for park purposes, the stormwater management facility shall not be included in the 5% land dedication. Alternatively, the Municipality may require cash-in-lieu of all or a portion of the conveyance, to the satisfaction of the Municipality.

Land Use Compatibility

28. That all recommendations included within the Land Use Compatibility Assessment completed by Dillon Consulting be included within the subdivision agreement, to the satisfaction of the Municipality.
29. That the subdivision agreement between the owner and the municipality shall contain a provision whereby the owner agrees to include warning clauses in all offers to purchase, agreement of sale and purchase or lease of each lot as follows:

"Purchasers/tenants are advised that due to the proximity of the adjacent industries Lafarge Canada Inc. and Beachwood Agri Services, noise from the industries Lafarge Canada Inc. and Beachwood Agri Services may at times be audible."

"Purchasers/tenants are advised that sound levels due to the adjacent industry Lafarge Canada Inc. and Beachwood Agri Services are required to comply with sound level limits that are protective of indoor areas and are based on the assumption that windows and exterior doors are closed. This dwelling unit has been supplied with a ventilation/air conditioning system which will allow windows and exterior doors to remain closed."

Roads

30. That all streets shall be named, and the lots and townhome blocks addressed to the satisfaction

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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.

31. That any open sides of road allowances, including any lands to be conveyed to the Municipality, created by this draft plan shall be terminated in 0.3 metre reserves to be conveyed to and held in trust by the Municipality.
32. That the developer construct all rights-of-way and all infrastructure to municipal standards and to the satisfaction of the Municipality. This includes the urbanization (including but not limited to sidewalks, curb and gutter, street lighting, ect.) of Park Street and Prince Street from West Park Drive to Duchess Ave, and may require entering into a cost-sharing agreement with the Municipality.
33. That the road allowances included in the draft plan shall be shown and dedicated as public highways.
34. That the Subdivision Agreement for each phase include a landscaping plan that illustrates how municipal right-of-ways are to be landscaped, to the satisfaction of the Municipality.
35. That the Owner dedicate to the Municipality Block 109 for a future road connection to the satisfaction of the Municipality.
36. The Owner shall provide engineering design and a road plan profile to the Municipality for the future development of Block 109; this plan shall be at no cost and to the satisfaction of the Municipality.
37. That prior to final approval, the County is to be advised in writing by the Municipality how conditions 1 through 36 have been satisfied.
38. That prior to final approval, the County is to be advised in writing by the Ausable Bayfield Conservation Authority how conditions 16-19 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 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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- 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 Conservation Authority in accordance with Ontario Regulation 171/06 made pursuant to Section 28 of the Conservation Authorities Act.
 - 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 6 is being prepared, reference to this subdivision application file number (39T-NM-2201) 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:
 - Municipality of North Middlesex
 - Ausable Bayfield Conservation Authority
 - 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 ____ 20 ____.

*Director of Planning and Development
Durk Vanderwerff
Middlesex County"*

- 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.

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- 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.

PRELIMINARY