

Applicant:	2822954 Ontario Inc. c/o Jeff Fung	Date of Decision:	Draft
File No.:	39T-NM2201	Date of Notice:	Draft
Municipality:	North Middlesex	Last Date of Appeal:	Draft
Subject Lands:	Concession 19, Lot 7		

The conditions and amendments to final plan of approval for registration of this Subdivision, file no. 39T-NM2201, 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 15, 2023 and showing:
 - a. Lots 1 to 98 for single detached dwellings
 - b. Blocks 99 to 108 for future medium density residential development
 - c. Blocks 109 for future road connections
 - d. Block 110 for stormwater management

Municipal Servicing

2. 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 3.
3. 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 development of the Plan of Subdivision. This may include the requirement to enter into a front-end financing or cost sharing agreement to facilitate infrastructure needs.
4. 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 3.

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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;
 - 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.

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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 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.

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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 storm water management 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.
 - 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.

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

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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 the recommendations of the Land Use Compatibility Assessment completed by Dillon Consulting and the recommendations of the Peer Review completed by SLR Consulting (Canada) Ltd. be implemented through 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 or block using language recommended by the Land Use Compatibility Assessment and Peer Review. At a minimum, this should include the following:

"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."

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Roads

30. That all streets shall be named, and the lots and townhome blocks 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.
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. In Addition, 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 is required, and will 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 to 19 have been satisfied.

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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
 - 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.

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- 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.
 - 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.