

Owner: Domus Developments (London) Inc.
Applicant: CJDL Engineering Ltd.
File No.: 34T- SO2401
Municipality: Southwold
Subject Lands: Part of Lots 16, Range 1 & 2
South of Union Road (Geographic Township of
Southwold in the Township of Southwold,
County of Elgin)

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

No.	CONDITIONS
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1. This approval applies to the draft plan of subdivision, prepared and certified by Jason Wilband, Ontario Land Surveyor, dated April 20, 2024, which illustrates:
 - 53 lots for single detached dwellings
 - 25 lots for semi-detached dwellings totalling 50 units
 - 2 blocks for future medium density residential dwellings
 - 1 block for open space
 - 1 block for stormwater management and a pumping station
 - 13 blocks for 0.3 metre reserves

2. That the Owner be required to enter into a development agreement with the municipality wherein the owner agrees to satisfy all the requirements financial and otherwise, including but not limited to: the payment of fees and development charges, provision of roads, installation and capacity of services, sanitary sewerage collection system, storm water collection system, water distribution system, utilities, stormwater management facilities, sidewalks, active transportation facilities, traffic signage, streetlighting system, pavement markings, temporary lot drainage, temporary drainage systems at limits of subdivision phases, fencing, buffering, retaining walls, and trees for the development of the lands within the plan, all in accordance with approved drawings and specifications.

3. That the development agreement between the Owner and the Municipality contain provisions requiring financial contributions be made and/or secured to the Municipality including all required letters of credit, cash securities and insurances (for a period of time up to and including two years after final completion of all required municipal infrastructure and services). Development Charges, Securities (100% of estimated work on public lands), Water Connection Fees, Deposit for legal fees, costs incurred by the Township, Cash in lieu of parkland and all other associated fees to be paid upon submission of signed agreement.

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4. That the development agreement between the Owner and the Municipality be registered against the title of the lands to which it applies prior to the registration of the plan of subdivision.
5. That the development agreement contains provisions to the satisfaction of the Municipality regarding the phasing or timing of the development. That the Owner shall submit plans showing any revised phasing to the Municipality for review and approval if this subdivision is to be developed in more than one registration.
6. That prior to final approval by Elgin County, the County is to be advised by the Municipality that this proposed subdivision conforms to the zoning by-law in effect. The Owner shall provide to the Municipality a table of lot areas and lot frontages certified by an Ontario Land Surveyor confirming compliance with the Zoning By-law.
7. That the Owner shall provide easements as may be required for services, utility or drainage purposes, and where required by the Municipality, daylight corners and/or 0.3 metre reserves shall be shown on the final plan and conveyed in a form satisfactory to the Municipality and the relevant agency.
8. That the Owner provide to the municipality all servicing plans and reports for the review and final approval by the Municipality in accordance with the Development Standards Manual to the satisfaction of the Municipality.
9. That the development agreement, between the Owner and the Municipality, contain provisions, to the satisfaction of the Municipality and the Kettle Creek Conservation Authority, that stipulates, that prior to obtaining final approval, for any phase of the development, that the Owner, will finalize an engineering analysis, to identify stormwater quality and quantity measures, as necessary to control any increase in flows in downstream watercourses, in accordance with any relevant municipal/provincial, standards or guidelines, in consultation with the applicable authority.
10. That the development agreement, between the Owner and the Municipality, contain provisions, to the satisfaction of the Municipality, that stipulates, that prior to obtaining final approval, for any phase of the development, that the Owner, will finalize the following plans and reports in accordance with any relevant municipal/provincial, standards or

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guidelines, in consultation with the applicable authority and the satisfaction of the Municipality:

- a) Grading Plans;
- b) Site Servicing Plans;
- c) Erosion and Sediment Control Plans;
- d) Phasing Plans;
- e) Sanitary and Storm Area Plans – showing pre and post tributary areas, outlets stormwater management calculations, etc.;
- f) Subdivision Plans;
- g) Details and Notes Plans as Required;
- h) Plans and Profiles
- i) Photometric Plans; and
- j) Any other plans deemed necessary by the Township.

11. That the development agreement between the Owner and the Municipality contain provisions, that requires, that the Owner will establish a legal stormwater outlet under the provisions of the Drainage Act in consideration of the necessary road upgrades and stormwater management, to service the subject lands, and shall request any required apportionments under the same, to the satisfaction of the Municipality.

12. That prior to final approval, the Municipality shall confirm that reserve sewage treatment conveyance capacity and water supply capacity is available for all lots in the proposed development.

13. That the development agreement between the Owner and the Municipality shall contain the following clause:

“The Owner acknowledges that an oil, gas or water well ("Well") that is improperly constructed, maintained or abandoned presents a safety risk to humans as well as a potential risk to pollute groundwater resources. The Owner represents and warrants that it has researched the Oil, Gas and Salt Resources Library and the Ministry of Environment, Conservation and Parks Well Records (together the "Records") and has made itself aware of the presence of any Well on the lands. The Owner acknowledges that not all Wells are recorded or located accurately in the Records. The Owner further represents and warrants that it has:

- a) systematically searched the subject lands for potential Well sites; and

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- b) taken all other necessary steps to ensure that there are no other Wells on the subject lands and that any Well found has been or will be capped in accordance with the applicable legislation, regulations, guidelines or orders, the proof of which shall be submitted to the Municipality.

In the event that an improperly constructed, maintained or abandoned Well is found upon or within any lands either conveyed to the Municipality as a requirement of the development agreement or lands which become owned by and/or under the jurisdiction of the Municipality as a result of the registration of the plan of subdivision, the Owner covenants and agrees to indemnify and save harmless the Municipality for all costs incurred relating to the capping, repairing or otherwise remediating of such Well in accordance with the applicable legislation, regulations, guidelines or orders. It is the intention of the parties that this provision shall survive the closing of any transaction related to the transfer of the applicable lands.”

- 14.** That the development agreement between the Owner and the Municipality shall contain a provision requiring the installation of perimeter fencing. The location, type, height of the fencing shall be shown on the appropriate drawing, to the satisfaction of the Municipality. Fencing shall be installed prior to final approval by the County, the cost of materials and installation shall be included in the calculation of securities and will be held to ensure completion.
- 15.** That the subdivision agreement between the Owner and the Municipality contain a provision requiring the owner to notify in writing each person who first offers to purchase any subdivided lot within the plan of subdivision of all approved development charges, including development charges for school purposes, relating to any such lot pursuant to Section 59(4) of the Development Charges Act, 1997, and the Education Act.
- 16.** That the development agreement between the Owner and the Municipality shall contain a provision, to the satisfaction of the Municipality, that there be a notice/warning clause in every agreement of purchase and sale advising purchasers to be aware of adjacent agricultural land and uses. The warning clause should, at minimum, contain the following information:

New residents acknowledge:

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- The nearby agricultural operations and agree to support the “right to farm” principle;
 - That adjacent farms deploy the use of frost windmills which operate to circulate air to prevent fruit from freezing and further these machines can generate unfamiliar and loud noise when in operation;
 - That adjacent farms utilize and house specialized seasonal farm workers to maintain the crop;
 - That farming operations use sprays to ensure healthy crops; these are all approved for safe use by Health Canada;
 - That specialized farming equipment is used and are permitted to be on adjacent roadways; and
 - That manure may be applied to adjacent farms which can produce unpleasant odours; farmers follow strict nutrient management plans.
- 17.** That prior to final approval by Elgin County, the Owner shall submit for review and approval by the Municipality, a draft of the final M plan.
- 18.** That the development agreement between the Owner and the Municipality contain provisions, that requires, that the Owner, installs the stormwater management measures, for any phase of the development, identified in the final engineering analysis completed, as part of the development for the site and undertake to implement the recommendations contained therein, to the satisfaction of the Municipality and the Kettle Creek Conservation Authority.
- 19.** That prior to final approval the Kettle Creek Conservation Authority is provided construction details for the proposed pumping station on Block 82, including confirmation of final grade elevations for review and approval to the satisfaction of the Kettle Creek Conservation Authority.
- 20.** That prior to undertaking construction or site alteration activities, any necessary permits or approvals, be received, from the Kettle Creek Conservation Authority.
- 21.** The subdivision agreement shall require that the owner consult with Canada Post to determine suitable permanent locations for the Community Mail Boxes and these will then be indicated on the appropriate servicing plans.

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- 22.** The subdivision agreement shall require the owner, prior to offering any units for sale/rent, to display a map on the wall of the sales office in a place readily accessible to potential owners/renters that indicates the location of all Community Mail Boxes within the development, as approved by Canada Post.
- 23.** The subdivision agreement shall require the owner to include, in all offers of purchase / rental, a statement which advises the purchaser/renter that mail will be delivered via Community Mailbox and also notes the locations of all Community Mail Boxes within the development, and to notify affected owners/renters of any established easements granted to Canada Post to permit access to the Community Mailbox.
- 24.** The subdivision agreement shall require the owner to provide a suitable and safe temporary site for a Community Mailbox until curbs, sidewalks and final grading are completed at the permanent Community Mailbox locations. Canada Post will provide mail delivery to new residents/tenants as soon as the homes/businesses are occupied.
- 25.** The subdivision agreement shall require the owner to provide the following for each Community Mailbox site and to include these requirements on the appropriate servicing plans:
- Any required walkway across the boulevard, per municipal standards;
 - Any required curb depressions for wheelchair access, with an opening of at least two to three metres (consult Canada Post for detailed specifications); and
 - A Community Mailbox concrete base pad per Canada Post specifications.
- 26.** If the development includes plans for (a) multi-unit building(s) with a common indoor entrance, the developer must supply, install, and maintain the mail delivery equipment within these buildings to Canada Post's specifications. If there are over 100 units, a mail room will be required.
- 27.** That prior to final approval the Township of Southwold shall advise in writing how conditions 1 to 18 have been satisfied.

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28. That prior to final approval the Kettle Creek Conservation Authority shall advise in writing how conditions 18 to 20 have been satisfied.

29. That prior to final approval Canada Post shall advise in writing how conditions 21 to 26 have been satisfied.

NOTES TO DRAFT APPROVAL:

1. It is the owner's responsibility to fulfill the conditions of draft approval.
2. It is suggested that the applicant be aware of section 144 of the *Land Titles Act* and subsection 78(10) of the *Registry Act*.

Subsection 144 (1) of the *Land Titles Act* requires that a plan of subdivision of land that is located in a land titles division be registered under the *Land Titles Act*. Exceptions to this provision are set out in subsection 144(2).

Subsection 78(10) of the *Registry Act* requires that a plan of subdivision of land that is located only in a registry division cannot be registered under the *Registry Act* unless that title of the owner of the land has been certified under the *Certification of Titles Act*. Exceptions to this provision are set out in clauses (b) and (c) of subsection 78(10).

3. The owner is advised that in the event that deeply buried archaeological remains should be discovered during construction, it is recommended that archaeological staff of the Ontario Ministry of Tourism, Culture and Sport be notified immediately. Similarly, in the event that human remains should be encountered during construction, it is recommended that the proponent immediately notify the Ontario Ministry of Tourism, Culture and Sport and the Registrar of the Cemeteries Regulation Unit of the Cemeteries Branch.
4. The Ontario Land Surveyor responsible for preparing the final plan for registration should contact the Township of Southwold regarding the preparation of the final plan to ensure the requirements of draft approval are properly addressed in the preparation of the final plan and that the final plan prepared contains sufficient geodetic information to locate the plan within the UTM Coordinate System, North American Datum 1983,

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- prior to submitting the plan for final approval. A digital copy of the final plan, in a form satisfactory to the Township of Southwold, is required as part of the final plan submission.
5. Inauguration, or extension of a piped water supply, a sewage system or a storm drainage system, is subject to the approval of the Ministry of the Environment under Sections 52 and Section 53 of the *Ontario Water Resources Act*.
 6. The owner is hereby advised that the review of this plan of subdivision did not include groundwater, soil or atmosphere testing to fully discount the possibility that waste materials and/or other contaminants are present within or in close proximity to this subdivision. If either the owner or the Municipality requires such assurance before proceeding with this plan of subdivision, a team of consultants should be retained to conduct any necessary investigations.
 7. The Ministry of the Environment, Conservation and Parks must be advised immediately should waste materials or other contaminants be discovered during the development of this plan of subdivision. If waste materials or contaminants are discovered, a further approval under Section 46 of the *Environmental Protection Act* may be required from that Minister.
 8. The owner is advised that if any unplugged petroleum wells or associated works are identified during the development of the site, the owner shall notify the Petroleum Resources Centre of the Ministry of Natural Resources and Forestry. The owner shall plug the wells and rehabilitate the surface according to the Provincial Standards of the *Oil, Gas and Salt Resources Act*. The Ministry of Natural Resources and Forestry recommends that no structures be built immediately over a plugged petroleum well.
 9. The owner is advised to contact Bell Canada at planninganddevelopment@bell.ca during the detailed utility design stage to confirm the provision of communications / telecommunications infrastructure needed to service the development.
 10. 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 the approved draft plan of subdivision. In the event that no such network infrastructure exists, in

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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.

11. It is suggested that the Municipality register the subdivision agreement as provided by subsection 51(26) of the *Planning Act*, against the land to which it applies, as notice to prospective purchasers.
12. Clearances are required from the following agencies:

Clerk
Township of Southwold
35663 Fingal Line
Fingal, Ontario N0L 1K0

Kettle Creek Conservation Authority
44015 Ferguson Line
St. Thomas, ON N5P 3T3

Delivery Services Officer
Delivery Planning
Canada Post Corporation
955 Highbury Ave
London, ON N5Y 1A3

If the agency's condition concerns a clause in the subdivision agreement, a copy of the agreement should be sent to them. This will expedite clearance of the final plan. A copy of the agreement is also required by the County of Elgin.

13. All measurements on subdivision and condominium final plans must be presented in metric units.

The final plan must be submitted digitally in AutoCAD (DWG) and Portable Document Format (PDF) with the appropriate citation from the Planning Act used.

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The AutoCAD (DWG) file must be consistent with the following standards:

- Georeferenced to the NAD83 UTM Zone 17M 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.

The final plan approved by the County of Elgin 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 Elgin under Section 51 (58) of the Planning Act, R.S.O. 1990, on this ___ day of _____ 20__.

Manager of Planning

14. The approval of this draft plan of subdivision File No. 34T-SO2401 will lapse on **May 14, 2027**, pursuant to subsection 51(32) of the *Planning Act*, as amended. It is the responsibility of the owner to request an extension of the draft approval if one is needed. A request for extension should be made at least 60 days before the approval lapses since no extension can be given after the lapsing date. The request should include the reasons why an extension is needed and a resolution in support of the extension from Council of the Township of Southwold.
15. The final plan approved by the County of Elgin must be registered within 30 days or the County may withdraw its approval under subsection 51(59) of the *Planning Act*.