

DECISION

The conditions to final plan of approval for registration of this Subdivision (File No. 34T-SO2402) as provided by the County of Elgin are as follows:

No. Conditions

1. That this approval applies to the **draft plan of subdivision** prepared by **Kim S. Husted O.L.S., dated October 31, 2024**, that shows 46 lots for single detached residential units; 13 for semi-detached dwellings, three blocks for rowhouse residential development, ten blocks for future residential development, two open space blocks, one block for a storm water management easement and three blocks for pedestrian walkways for lands legally described as Part of Lot 15 Concession South East of The North Branch of Talbot Road, Geographic Township of Southwold, in the Township of Southwold, County of Elgin.
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 shall be paid at the time of building permits, Water connection fees due upon plan registration. Securities (100% of estimated work on public lands), Deposit for legal fees, costs incurred by the Township, and all other associated fees to be paid upon submission of signed agreement.**
4. That Securities be provided in a **Letter of Credit or a Surety Bond** to the satisfaction of the Township.

5. 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.
6. 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.
7. 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.
8. That the Owner shall provide **easements** as may be required for **services**, utility or drainage purposes, **including any private storm drainage from neighbouring residential properties and shared rear yard swales**, 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.
9. 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**.
10. That the Owner design any stormwater management facility to accommodate the entire Tributary Area, including the development east of the subject lands and the Horton Drain Catchment Area. The stormwater management facility is to include an outlet structure approved by the Township, maintenance road with turnaround area, and nutrient absorption considerations/capabilities. The stormwater management design submission shall include an Operations and Maintenance manual in accordance with the Township's Consolidated Linear Infrastructure-Environmental Compliance Approvals.
11. That the development agreement, between the Owner and the Municipality, contain provisions, to the satisfaction of the Municipality and the Lower Thames Valley 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.
12. 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 and submit a full set of **Engineering Drawings required as part of the Township**

Design Guidelines Manual, Section 3.2.3 – Engineering Drawings, including but not limited to the following:

- **Approved Draft Plan**
- **Grading Plans**
- **Site Servicing Plans**
- **Erosion and Sediment Control Plans**
- **Phasing Plans**
- **Sanitary and Storm Area Plans-** showing pre and post tributary areas, outlets storm water management, calculations etc
- **Details and Notes Plans as Required**
- **Plan and Profiles**
- **Photometric Plans**
- **Any other plans deemed necessary by the Township**

13. 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.
14. 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 Lower Thames Valley Conservation Authority.
15. That the Owner extend the outlet of the **Horton Drain** to the proposed stormwater management facility, including the removal and restoration of the existing temporary pond, and swales.
16. That prior to undertaking construction or site alteration activities, including but not limited to any, dwellings, accessory structures, pools, enclosed/covered decks, fill placement/excavation, etc., any necessary **permits** or approvals, be received, from the Lower Thames Valley Conservation Authority.
17. That the Owner complete an application for **Sewage Allocation** in accordance with By-law 2024-28. Connection fees due at plan registration.
18. 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.

19. That the Owner complete a **sidewalk connection** on Union Road from the sidewalk extension terminus on the west side of Union Road to Phase 1 of the development.
20. That the Owner complete a **multi-use path** connection to the existing park, and connect to the future development directly west, using the proposed road allowance connecting to Union Road.
21. That the draft Plan of Subdivision include and show any and all required **daylight/visibility triangles**, to the satisfaction of the Township.
22. That the development agreement between the Owner and the Municipality include the **transfer of designated Right-of-Ways** to the Township upon assumption.
23. That the development agreement between the Owner and the Municipality include the necessary easements and requirements, as needed, with any applicable **utilities and/or Canada Post**.
24. That the Owner convey to the Township, **Blocks 64 and 65**, which are to be zoned Open Space, for the protection of Natural Heritage, to the satisfaction of the Municipality.
25. That the Owner convey to the Township, **Block 66**, upon completion of the proposed roadway turnaround.
26. That the Owner convey to the Township, **Blocks 67 and 68**, upon assumption of their respective phases.
27. That the Owner **provide water, storm and sanitary services to Parts 5, 6 and 7 of Reference Plan 11R-10769** for a fee agreed upon in the Agreement, or alternatively the Owner provide the Township Contractor access to the site prior to installation of base asphalt to install such services.
28. That the Owner confirm that **wildlife capture** at the artificial ponds will occur prior to grading work, as recommended in the Environmental Impact Assessment prepared by Dillon Consulting Limited, dated October 2024.
29. That the recommendations presented in the submitted Geotechnical Investigation & Slope Stability Assessment prepared by EXP, dated September 2022, be implemented, as required, to the satisfaction of the Municipality.
30. That the recommendations presented in the submitted Environmental Impact Study prepared by Dillon Consulting Limited, dated October 2024, be implemented, as required, to the satisfaction of the Municipality.

31. That the development agreement between the Owner and the Municipality shall contain the following clause for Lots 1-4, as recommended in the Transportation Noise Assessment prepared by Dillon Consulting Limited dated October 2024:
- "Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment."; and
 - "This dwelling unit has been designed with the provision for adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment."
32. That the development agreement between the Owner and the Municipality shall contain the following clause, as recommended in the Geotechnical Investigation & Slope Stability Assessment prepared by EXP, dated September 2022:
- "Purchasers are advised that Owners must obtain permissions from the Lower Thames Valley Conservation Authority before beginning any development, site alteration, construction or placement of fill within the regulated area."
33. 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. No rear yard gates may be permitted of residential lots providing access into any surrounding open space lands, the storm water block, Union Road or the neighbouring lands to the south.
34. 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.
35. 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**.
36. That prior to final approval, the Owner shall submit a storm water management plan, a sediment and erosion control plan and final detailed servicing and grading plans to the satisfaction of the Lower Thames Valley Conservation Authority.
37. That prior to final approval, the Owner shall submit for review and approval, a geotechnical study of the site prepared by a qualified geotechnical engineer for the entire subject lands prior to the initiation of any site grading or servicing to the satisfaction of the Lower Thames Valley Conservation Authority.

38. That the subdivision agreement between the Owner and the Municipality shall include that permits from the Lower Thames Valley Conservation Authority be obtained prior to any works/construction taking place within the Conservation Authority's Regulated Area and an acknowledgement that setbacks will be required from the top of the bank of the ravine system for any proposed structures.
39. That the Owner acknowledges and agrees to convey to Enbridge Gas Inc. (operating as Union Gas) the necessary easements and/or agreements required for the provision of gas services to the new lots.
40. Prior to final approval, the Owner will provide to Bell Canada the necessary easements and/or agreements required 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.
41. Prior to final approval the Owner shall ensure that the requirements of Canada Post have been satisfied:
- a) The developer will consult with Canada Post to determine suitable permanent locations for the Community Mail Boxes. The developer will then indicate these locations on the appropriate servicing plans;
 - b) The developer agrees, 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;
 - c) The developer agrees to include in all offers of purchase/rental a statement which advises the purchaser/renter that mail will be delivered via Community Mail Box. The developer also agrees to note 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 Mail Box.
 - d) The developer will provide a suitable and safe temporary site for a Community Mail Box until curbs, sidewalks and final grading are completed at the permanent Community Mail Box locations. Canada Post will provide mail delivery to new residents/tenants as soon as the homes/businesses are occupied; and
 - e) The developer agrees to provide the following for each Community Mail Box site and to include these requirements on the appropriate servicing plans:
 - i. Any required walkway across the boulevard, per municipal standards;
 - ii. Any required curb depressions for wheelchair access, with an opening of at least two to three metres (consult Canada Post for detailed specifications);
 - iii. A Community Mailbox concrete base pad per Canada Post specifications.

42. Should the subdivision be approved, the developer is to provide notification of the new civic addresses as soon as possible to Canada Post.
43. The developer/owner is to provide Canada Post with the excavation date for the first foundation/first phase as well as the date development work is scheduled to begin and provide the expected installation date(s) for the CMBs.
44. That prior to final approval, the County of Elgin is to be advised in writing by the Municipality how conditions 1-35 have been satisfied.
45. That prior to final approval, the County of Elgin is to be advised in writing by the Lower Thames Valley Conservation Authority how conditions 36, 37 and 38 have been satisfied.
46. That prior to final approval, the County of Elgin is to be advised in writing by Enbridge Gas Inc. (operating as Union Gas) how condition 39 has been satisfied.
47. That prior to final approval, the County of Elgin is to be advised in writing by Bell Canada how condition 40 has been satisfied.
48. That prior to final approval, the County of Elgin is to be advised in writing by Canada Post how condition 41 has been satisfied.

Notes to Draft Approval:

1. That this approval applies to the **draft plan of subdivision** prepared by **Kim S. Husted O.L.S., dated October 31, 2024**, that shows 46 lots for single detached residential units; 13 for semi-detached dwellings, three blocks for rowhouse residential development, ten blocks for future residential development, two open space blocks, one block for a storm water management easement and three blocks for pedestrian walkways for lands legally described as Part of Lot 15 Concession South East of The North Branch of Talbot Road, Geographic Township of Southwold, in the Township of Southwold, County of Elgin.
2. It is the Owner's sole responsibility to fulfill the conditions of draft approval.
3. It is suggested that the Owner 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).

4. 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.

5. The Ontario Land Surveyor responsible for preparing the final plan for registration should contact the Municipality 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, prior to submitting the plan for final approval. A digital copy of the final plan, in a form satisfactory to the Municipality, is required as part of the final plan submission.
6. 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*.
7. 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 near 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.
8. 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.
9. 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.
10. Should the Owner or the Municipality require underground telecommunications facilities to serve this subdivision, the owner must confirm with the Municipality that satisfactory arrangements have been made with telecommunications provider for underground

services. The Owner is also advised that, should any conflicts with the existing telecommunications facilities or easements arise, the Owner shall be responsible for realignments or relocation. Further, the Owner is to provide easements as required to service this subdivision.

11. Clearances are required from the Township of Southwold, Lower Thames Conservation Authority, Enbridge (Union Gas) and Canada Post. 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.
12. All measurements on subdivision and condominium final plans must be presented in metric units.
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 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.
14. 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

15. The approval of this draft plan of subdivision File No. 34T-SO2402 will lapse on June 10, 2028, 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.
16. 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*.