

Owner: Seaside Waterfronts Inc.
Applicant: Seaside Waterfronts Inc.
File No.: 34T- WE1501
Municipality: West Elgin
Subject Lands: Concession 14, Part of Lot 6
(former Township of Aldborough), Port Glasgow,
Municipality of West Elgin

Date of Decision: May 11, 2021
Date of Notice: May 20, 2021
Last Date of Appeal: June 9, 2021
Lapsing Date: May 11, 2024

NOTICE OF DECISION

On Application for Approval of Draft Plan of Subdivision Subsection 51(37) of the *Planning Act*

Approval of a Draft Plan of Subdivision in respect of the subject lands noted above was given by the County of Elgin on May 11, 2021. A copy of the conditions for final approval and the draft approved plan is attached. Council considered all written and oral submissions received on this application, the effect of which helped Council to make an informed decision.

When and How to File an Appeal

Notice to appeal the decision to the Local Planning Appeal Tribunal (LPAT) must be filed with the County of Elgin no later than 20 days from the date of this notice as shown above as the last date of appeal.

The notice of appeal should be sent to the attention of the Manager of Planning, at the address shown below and it must,

- (1) set out the reasons for the appeal, and
- (2) be accompanied by the fee prescribed under the Local Planning Appeal Tribunal Act in the amount of \$1100.00, payable by certified cheque to the Minister of Finance, Province of Ontario.

Who Can File an Appeal

Only individuals, corporations or public bodies may appeal the decision in respect of a proposed plan of subdivision to the Local Planning Appeal Tribunal. An appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group.

Right of Applicant or Public Body to Appeal Conditions

The applicant or any public body may, at any time before the final plan of subdivision is approved, appeal any of the conditions imposed by the County of Elgin by filing with the Manager of Planning a notice of appeal.

How to receive Notice of Changed Conditions

The conditions of an approval of draft plan of subdivision may be changed at any time before the final approval is given.

You will be entitled to receive notice of any changes to the conditions of approval of draft plan of subdivision if you have either,

- (1) made a written request to be notified of the decision, or
- (2) made a written request to be notified of changes to the conditions of approval of the draft plan of subdivision.

Other Related Applications:

None.

Getting Additional Information

Additional Information about the application is available for public inspection during regular office hours at the County of Elgin at the address noted below.

Mailing address for Filing a Notice of Appeal

County of Elgin
450 Sunset Drive, 1st Floor
St. Thomas, ON N5R 5V1
Attention: Manager of Planning
Telephone: (519) 631-1460
Fax: (519) 633-7661
Email: npasato@elgin.ca

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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 by MTE Ontario Land Surveyors Limited, dated March 29, 2021, as redlined, which shows:
 - Thirteen (13) Residential Blocks;
 - One (1) Cluster Townhome Block;
 - Four (4) Street Row Housing Blocks;
 - Four (4) Street Row Housing or Quadraplex Blocks;
 - Four (4) Mixed Use Blocks;
 - One (1) Community Centre Block;
 - Two (2) Private Road Blocks;
 - Three (3) Open Space Blocks;
 - One (1) Open Space/SWM Block;
 - Five (5) Walkway and Services Blocks;
 - One (1) Walkway Block; and
 - Four (4) One-foot Reserve Blocks,
all serviced by Haven's Lake Road, Gray Line, Furnival Road and Douglas Street.
2. The approval for the draft plan of subdivision lapse after three years pursuant to section 51(32) of the Planning Act.
3. The municipal road allowances included on the draft plan shall meet the standards of the Municipality of West Elgin and be shown and dedicated as public highways on the final plan submitted for approval and registration.
4. The owner enters into a subdivision agreement, pursuant to the authority of section 51(26) of the *Planning Act*, as amended, with the Municipality of West Elgin wherein the owner agrees to satisfy all the requirements, financial and

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otherwise, of the Municipality of West Elgin concerning the installation of services including roads, sanitary sewerage collection system, water distribution system, utilities and stormwater management facilities for the development of the lands within the plan.

5. That the Owner must enter into a subdivision agreement, pursuant to the authority of section 51(26) of the *Planning Act*, as amended, with the Municipality wherein the owner agrees to satisfy all the requirements, financial and otherwise, of the Municipality respecting the conditions of approval set out herein, and the laying out and development of the site, the installation of facilities and services including roads, on-site sewage collection systems, which includes the following:
- a) The owner agrees to satisfy all financial requirements including outstanding Municipal Property taxes and invoices for services provided prior to issuance of building permits;
 - b) All development and onsite services must be constructed and maintained in accordance with the Municipal Class Environmental Assessment, Environmental Study Report Update, prepared by Gary Blazak and MTE, January 2020;
 - c) The development shall be serviced by municipal water with a connection and meter chamber at the property line at the developer's expense. The Municipality shall confirm that there is uncommitted reserve water treatment capacity to service the development;
 - d) The development shall be serviced by a privately owned and operated sewage system and sewage treatment plant as per the Municipal Class Environmental Assessment and shall be operated by a Ministry of the Environment, Conservation and Parks (MECP) licensed operator;
 - e) The development shall be serviced by Low Impact Development (LID) stormwater management measures, combined with decentralized stormwater management facilities for water quantity and quality and erosion control on the site's three sub-catchment areas;
 - f) Approval and license must be obtained from MECP for the privately owned and operated sewage treatment plant prior to any development requiring a building permit;

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- g) An Environmental Compliance Approval must be obtained from the MECP for storm water management in advance of any development same as above. That the Owner obtain an Environmental Compliance Approval from the Ministry of the Environment and Climate Change for storm water management prior to any development requiring a building permit. The subdivision agreement shall contain provisions regarding the development, implementation, installation, and maintenance of the storm water management facilities;
 - h) Any unplugged oil or gas wells discovered during the development process must be plugged in accordance with the Oil, Gas and Salt Resources Act;
 - i) Permits must be obtained for all Blocks within the regulation area from Lower Thames Valley Conservation Authority (LTVCA), as defined by the regulation under the Conservation Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation, O. Reg. 152/06 under the Conservation Authorities, prior to commencing any construction, as defined by the Conservation Authorities Act, and/or grading on the site;
 - j) On-site archaeological monitoring must be provided at the developer's expense during any physical excavation of the subject lands in accordance with the recommendations of the Archaeological assessment (stage 4), prepared by Mayer Heritage Consultants Inc., February 2008; Addendum to archaeological assessment (stages 1 to 3), March 2010 and 2013 (stage 4 investigation of location 15); Archaeological assessment (stages 1 & 2), Port Glasgow commercial block, prepared by Mayer Heritage Consultants Inc., February 2012; and, Archaeological assessment (stages 1 & 2), Port Glasgow stormwater management pond, prepared by Mayer Heritage Consultants Inc., October 2013;
 - k) Implementation of the recommendations of the environmental impact study (EIS), completed by Biologic Inc., May 2015 and November 2015 addendum, including on-site construction and post-construction monitoring program;
 - l) Erosion and sediment control plan(s) applicable to the proposed phase, to the satisfaction of the Municipality and the Lower Thames Valley Conservation Authority prior to commencement of any development, as defined under the Conservation Authorities Act, including grading and /or

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- site alteration works upon the subject lands;
- m) Regular inspection and reporting to the Municipality and the Conservation Authority for their approval. This condition only applies to construction of land within the Conservation Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation, O. Reg 152/06 under the Conservation Authorities Act;
 - n) Develop the property in accordance with the recommendations from the geotechnical assessment revised report, prepared by Golder Associates, May 2016;
 - o) Installation of geodetic monuments within the subdivision. The number, specifications and location of the monuments are to be approved by the Municipality; and
 - p) Phasing plans or details on timing of the development.

The subdivision agreement between the owner and the Municipality of West Elgin shall be registered against the lands to which it applies once any phase of the plan of subdivision has been registered.

- 6. That a lot grading plan for the perimeter of the blocks has been prepared and approved by the Municipality as part of the subdivision agreement.
- 7. Prior to final approval the Municipality shall advise that appropriate zoning is in effect for the plan of subdivision.
- 8. The owner shall provide easements as may be required for services, utility or drainage purposes in a form satisfactory to the Municipality or utility and where required by the Municipality, daylight corners and street reserves shall be shown on the final plan and conveyed in a form satisfactory to the Municipality.
- 9. That the owner conveys up to five (5%) of the land included in this plan for the Municipality for park or other recreational purposes or alternatively the Municipality may require cash-in-lieu of all or a portion of the conveyance.
- 10. That the Owner shall be responsible for implementing and maintaining sediment and erosion controls on the subject lands until such time as the subject lands are fully developed.

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- 11.** That the Owner explore other options for accessing Block 12 to the satisfaction of the Municipality.

- 12.** Prior to final approval, a Zoning by-law amendment is required to address the following:
 - a) A Holding provision for access is to be placed on Block 12 and Block 13;
 - b) A Holding provision to address setback from the Lake Erie shoreline and ravine and requiring a permit from Lower Thames Valley Conservation Authority (LTVCA) prior to site grading/development on Block 12; and
 - c) Type of permitted uses on Block 12.

- 13.** Prior to final plan approval, the owner shall undertake an evaluation of the downstream outlet into Lake Erie to determine how treated effluent flows from the SWM and waste water treatment facility will have sustained outlet into the lake (current issue of sand bar blocking the creek) to the satisfaction of the Municipality, the Ministry of the Environment, Conservation and Parks (MECP) and the Lower Thames Valley Conservation Authority.

- 14.** That the owner has entered into a Municipal Responsibility Agreement between the owner and the Municipality which will require sufficient financial assurance should the Municipality be required to assume the operation of the sewage collection and treatment systems (sanitary and storm) in the event of default by the owner prior to final approval of any phase of the plan.

- 15.** Prior to final approval, arrangements shall be made to the satisfaction of the Municipality for the relocation of any utilities that may be required as a result of the development of the subject lands, such relocation shall be undertaken at the expense of the Owner.

- 16.** Prior to final approval, a revised Traffic Impact Study will be required to address traffic on County Roads and any improvements or recommendations required, to the satisfaction of the County Engineer. The subdivision agreement between the owner and the Municipality shall contain provisions

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requiring the implementation of the recommendations.

17. The owner agrees to satisfy all financial requirements including outstanding Municipal Property taxes and invoices for services provided prior to final approval of the any phase.
18. That the owner shall provide easements as may be required for utility, servicing, or drainage purposes in a form satisfactory to the Municipality or utility.
19. Prior to final approval, the owner will provide to Enbridge the necessary easements and/or agreements required by Enbridge for the provision of gas services for this project, in a form satisfactory to Enbridge. Prior to final approval, Enbridge shall advise in writing how their conditions have been satisfied.
20. 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. Prior to final approval, Bell Canada shall advise in writing how their conditions have been satisfied.
21. 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

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- 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.

Canada Post shall advise in writing how their conditions have been satisfied.

- 22. Prior to final approval of the plan of subdivision, the Lower Thames Valley Conservation Authority shall advise in writing how conditions 5 i) and m), 12 b), and 13, have been satisfied.
- 23. Prior to final approval of the plan of subdivision, the Clerk of the Municipality of West Elgin shall advise in writing how conditions 1 to 15, 17 and 18 have been satisfied.

NOTES TO DRAFT APPROVAL:

- 1. It is the applicant's responsibility to fulfill the conditions of draft approval.

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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 Municipality of Central Elgin 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.
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*.

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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 and Climate Change 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. Should the owner or the Municipality require underground Bell Canada facilities to serve this subdivision, the owner must confirm with the Municipality that satisfactory arrangements have been made with Bell Canada for underground services. The owner is also advised that, should any conflicts with the existing Bell Canada 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.
10. 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.

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12. Clearances are required from the following agencies:

Jana Nethercott, Clerk
Municipality of West Elgin
22413 Hoskins Line
Rodney ON N0L 2C0

Enbridge Gas Inc.
50 Keil Dr N
Chatham ON N7M 5M1

Hydro One Networks Inc.
Facilities & Real Estate
P.O. Box 4300
Markham, ON L3R 5Z5

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

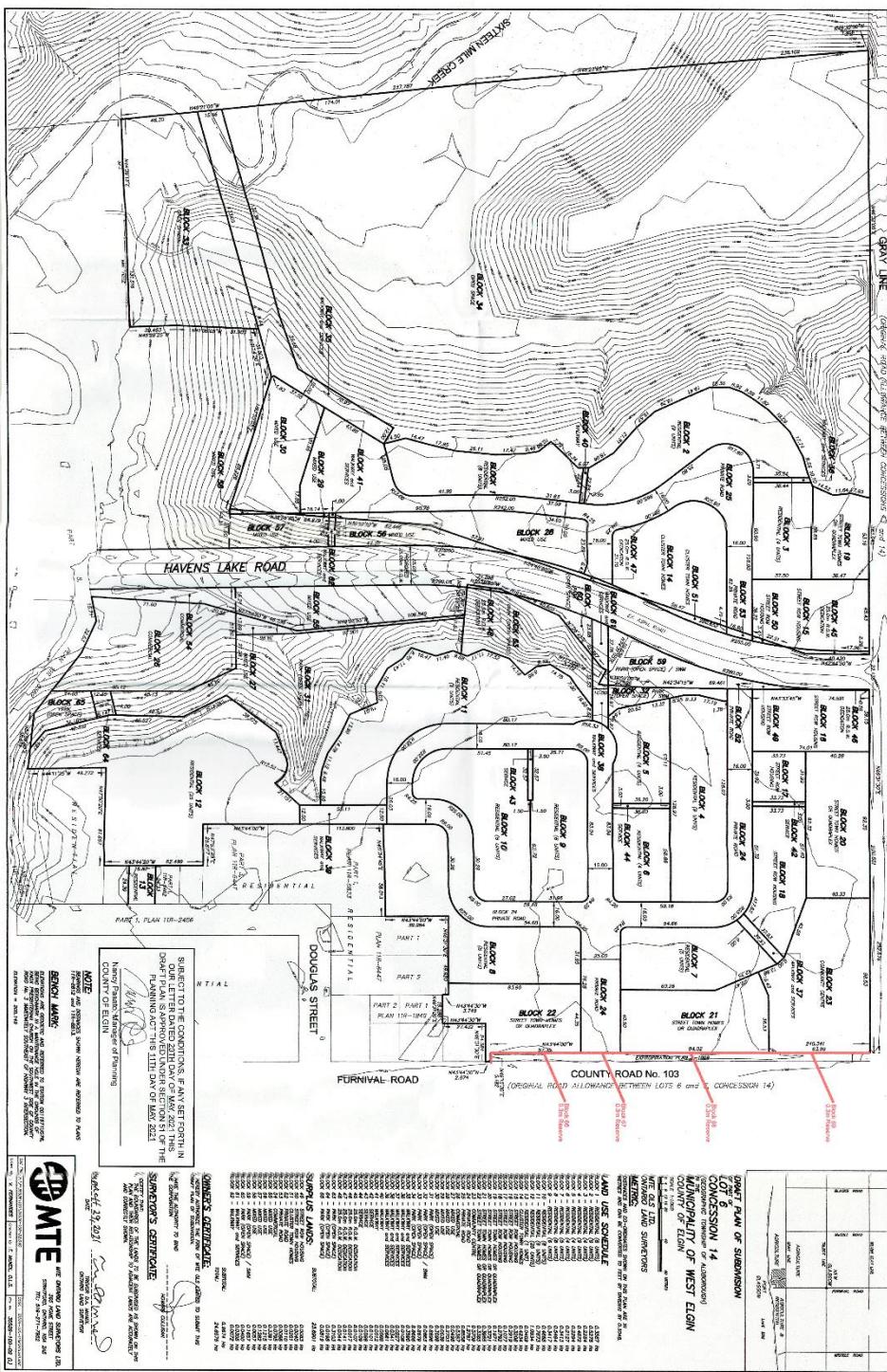
This final plan of subdivision is approved by the County of Elgin under Section 51 (58) of the Planning Act, R.S.O. 1990, on this ___ day of _____ 20__.

Manager of Planning

14. The approval of this draft plan of subdivision File No. 34T-WE1501 will lapse on **May 11, 2024**, 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 Municipality of West Elgin.
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*.

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Notice circulated to:

Mail

Seaside Waterfronts Inc
62 Ontario Road
Mitchell ON N0K 1N0

Caroline Baker Consulting
PO Box 23002
Stratford ON N5A 7V8

Warren Sheridan
707 Eagle Drive
Burlington ON L7T 2Z8

E-mail

Bill Veitch, Director, MTE BVeitch@mte85.com
Jana Nethercott, Clerk, Municipality of West Elgin jnethercott@westelgin.net
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Ryan Courville, Bell Canada planninganddevelopment@bell.ca
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Dolly Shetty, Hydro One, Dolly.Shetty@HydroOne.com
Valerie Towsley, Lower Thames Valley Conservation Authority valerie.towsley@ltvca.ca

*public emails on separate list