

Addendum to Report PDR-PCD-04-16

To: Chair McQueen and Members of the Planning and Community Development Committee
From: Randy Scherzer, Director of Planning
Meeting Date: November 10, 2016
Subject: **Flato East Subdivision (42T-2015-05)**
Status: Recommendation adopted by Committee as presented per Resolution PCD137-16; Endorsed by County Council November 22, 2016 per Resolution CC150-16;

Recommendation

Whereas all written and oral submissions received on the applications were considered; the effect of which helped to make an informed recommendation and decision;

- 1. Now therefore be it resolved, that Addendum to Report PDR-PCD-04-16 be received; and**
- 2. That in consideration of the draft plan of subdivision application 42T-2015-05 for lands described as Part of Lots 233 and 234, Concession 1, (geographic Township of Proton), Township of Southgate, and the matters to have regard for under Subsection 51(24) of the Planning Act, the Grey County Planning and Community Development Committee approves this plan of subdivision to create 311 single detached dwelling lots and 190 townhouse dwellings (for a total of 501 residential units), subject to the conditions set out in the Notice of Decision.**

Background

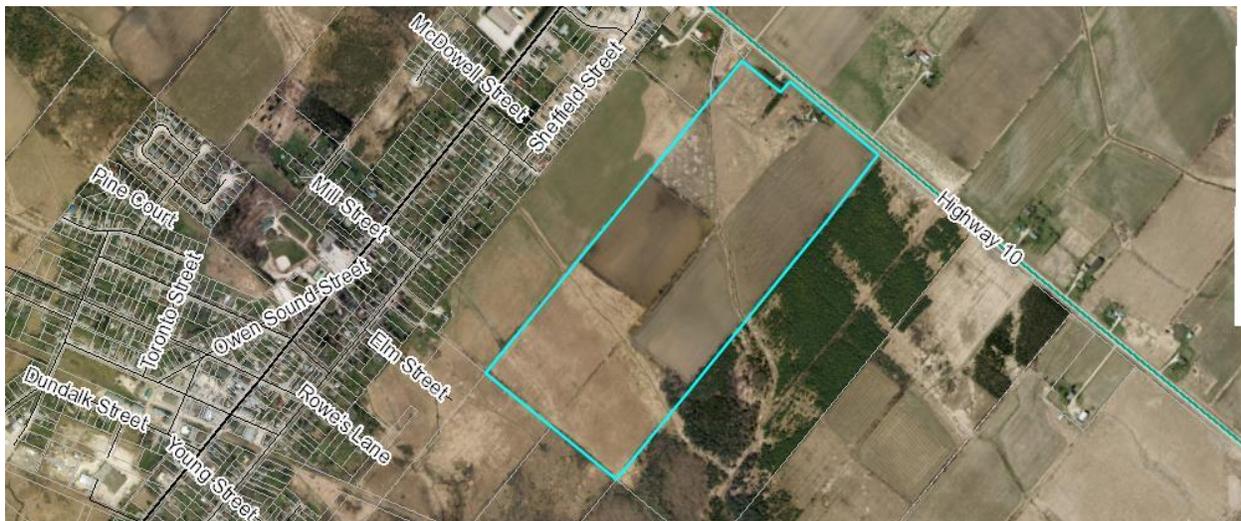
The County has received a plan of subdivision application (42T-2015-05) from Flato Dundalk Meadows Inc (c/o Shakir Rehmatullah). The planning consultant for the proposed development is MHBC. The initial Plan of Subdivision application proposed to create a total of 496 residential units, consisting of 302 single detached units and 194 townhouse units on approximately 40.2 hectares (99.3 acres) of land, in the Township of Southgate. A revised submission was submitted earlier this year to address

comments raised by agencies and the public. The revised submission proposes to create a total of 501 residential units, consisting of 311 single detached units and 190 townhouse units. The plan also proposes to create a number of park and open space blocks, stormwater management blocks, road widening blocks, blocks for future right-of-ways and a number of internal streets (see Map below).

The proposed subdivision would gain access off of Highway 10 and would also connect to the draft approved subdivision to the west known as Flato West – 42T-2006-10 (see Map 1 below) as well as the proposed plan north of the subject lands known as Flato North (42T-2016-05) all owned by the same owner of the subject lands. Please see Map 3 below which shows a concept plan of Flato West, Flato East and Flato North.

The subject lands are designated as 'Primary Settlement Area' and 'Hazard Lands' in the County Official Plan. The County Plan also maps a small portion of the subject property as significant woodlands as well as identifies a stream that transects the property. There is an existing dwelling on the subject lands which is proposed to be removed. The majority of the subject lands have been historically farmed with some portions of the property remaining in a natural state.

Map 1: Aerial View of the Subject Lands



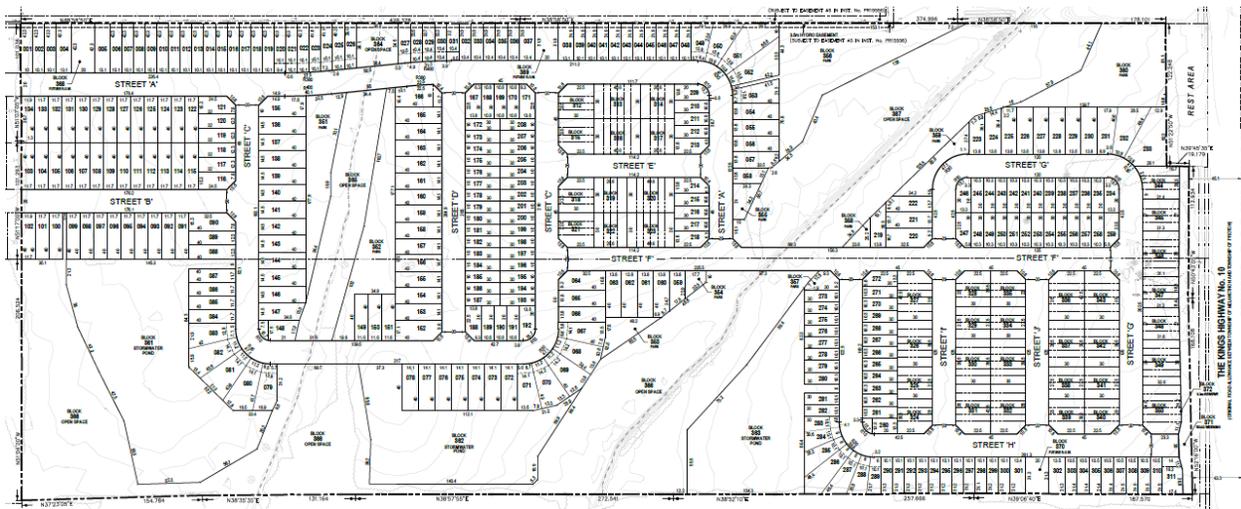
The following background and technical reports were submitted, including revised reports to reflect the revisions made to the plan:

1. a Planning Justification Report and letter outlining the revisions made to the plan;
2. a Preliminary Storm Water Management and Floodplain Assessment Report; plus a revised report;

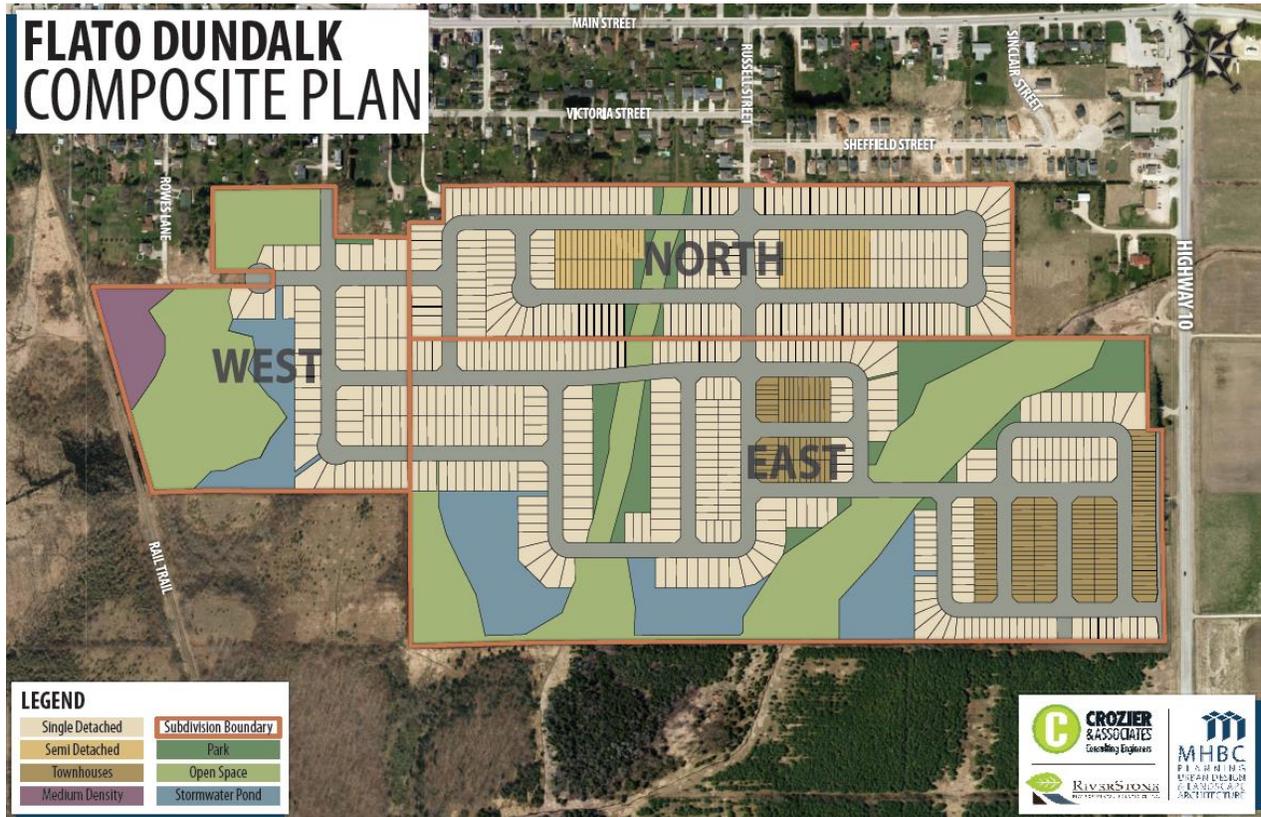
3. a Functional Servicing Report and Preliminary Geotechnical Investigation Letter;
4. Traffic Impact Study, plus a revised Study;
5. Revised Water Balance Assessment;
6. Hydrogeological Study and Groundwater Monitoring
7. Stage 1 and Stage 2 Archaeological Assessment
8. Environmental Impact Study; and
9. a Draft Plan of Subdivision

Copies of the background reports and the proposed plan have been posted on the County website at the following link: [Proposed Plan and Background Studies](#)

Map 2: Proposed Plan of Subdivision



Map 3: Concept Plan of Flato West, Flato East and Flato North



Public and Agency Comments Received

As part of the planning application process, no written comments were received by members of the public. There were members of the public that made oral submissions at the public meeting. The following are the comments raised by the public at the Public Meeting:

- Drainage and stormwater management concerns, including stormwater management pond safety
- Traffic concerns
- Concerns regarding soil and the importation of fill
- Dewatering concerns
- Costs to service the lands and any road upgrades required
- Phasing of the development

As part of the planning application process comments were received by the following groups, agencies, and public bodies.

Grand River Conservation Authority (GRCA)

Comments were received from GRCA on February 29th, May 6th, and October 21st, 2016. Initially GRCA raised some concerns with the proposed development primarily as it relates to an unidentified wetland on the subject lands, comments/questions with respect to the proposed stormwater management facilities, and floodplain/hazard land concerns. The Applicant's consultant submitted a revised submission including updated reports to address the initial concerns and questions raised by GRCA. In the most recent comments from GRCA dated October 21, 2016, GRCA notes that they are satisfied with the majority of the subdivision with the exception of several lots east of the Foley Municipal Drain. In order to address these concerns, GRCA has recommended some specific conditions for the lots in question east of the Foley Municipal Drain. GRCA has also provided some other recommended conditions of draft approval which have been incorporated into the conditions attached to this report.

Ministry of Transportation Ontario (MTO)

Initial comments were received from MTO on March 17, 2016. At the time MTO was concerned with the proposed Highway 10 access and concerns with respect to stormwater management. The applicant submitted revised plans and reports to address the initial comments raised by MTO. In a letter dated September 2, 2016, MTO indicates that they are satisfied with the proposed access to Highway 10. MTO still identifies concerns with respect to stormwater management and recommends that a condition be included in the subdivision agreement. A condition has been added to address this matter. MTO also recommends revisions to the 0.3 metre reserves along the frontage of the Highway as well as revisions to the visibility triangles. Conditions have been added to address these matters prior to final approval. MTO has provided suggested conditions of draft approval as well as notes to the draft approval which have been incorporated into the attached draft notice of decision and conditions of draft approval.

County of Grey Transportation Services Department

Comments were received from the County Transportation Services Department on January 25, 2016, February 16, 2016 and July 22, 2016. The County Transportation Services department noted that they have no concerns with proposed stormwater management as all flows are directed away from the County Road. They note that any changes from the proposed development configuration may require an updated Traffic Impact Study. They note that an updated Traffic Impact Study may be required to encompass any potential development of lands to the northwest (Flato North). They also note that it MTO does not grant access on Highway 10, an updated Traffic Impact Study will be required to reassess the impact to the County Road. As noted above, MTO has granted access on to Highway 10.

Six Nations of the Grand River (Six Nations)

In comments dated March 4, 2016, the Six Nations note that the subject lands are within their treaty lands which are subject to unresolved land right issues of the Six Nations. They note that the unresolved treaty claim is the responsibility of the Crown in Right of Canada and the Crown in Right of Ontario to resolve. Six Nations notes that they are concerned about any development relating to land, water and resources which occur throughout their treaty territory and any archaeological issues associated with such developments. They requested a meeting with the County, the Township and the Proponent. A meeting was held earlier this year and the meeting went quite well. The proponent identified some areas where they can work together with Six Nations including the enhancement of tree cover on the subject lands. The preparation of a Tree Planting and Landscaping Plan has been added as a condition of draft plan approval. The Applicant's Consultant has also noted that they have received verbal acceptance from Six Nations regarding the Archaeological Assessment.

Historic Saugeen Metis (HSM)

In emails dated January 21, 2016, February 25, 2016 and July 25, 2016, the Historic Saugeen Metis indicates that they have no objection or opposition to the proposed development. They note particular interest with the Stage 2 Archaeological Assessment and request notification when this study becomes available. A copy of this study has been circulated to the Historic Saugeen Metis.

Township of Melancton

The Township of Melancton provided comments to the County on March 18, 2016. The comments included a staff report prepared by the Township's Planner. In the report, the Township Planner notes that the proposed subdivision poses not direct issue to neighbouring lands in the Township of Melancton, which are primarily used for agricultural purposes. The report notes that urban style development in the manner proposed can lead to compatibility issues with existing agricultural uses, however the report notes that the development being proposed is occurring in a settlement area and in a manner contemplated by the Southgate Official Plan.

Ministry of Municipal Affairs (MMA) and Ministry of Environment and Climate Change (MOECC)

Comments have been provided by MMA and MOECC on March 23, 2016, April 29, 2016 and July 20, 2016. MMA and MOECC provided comments on the following matters:

Water and Wastewater

Currently the Township does not have a sufficient supply of water and wastewater to service the entire proposed development. MOECC recommends that the County only issue conditional draft approval to the phase of the draft plan where sufficient uncommitted reserve sewage capacity and/or water capacity is currently available. MOECC also recommends that the County defer the issuance of conditional draft approval to the balance of the subdivision until such time as the Class EA processes for sewage and water are complete.

Following issuance of these comments, a meeting was held between the MMA/MOECC, the Township, the County and the proponent to determine the best approach to resolve this matter. Although MMA/MOECC continue to recommend that draft approval only be given to a phase of the subdivision based on current servicing availability, there is merit in this particular situation to consider a different approach given the size of the development and given the potential phasing of the overall development. Should Flato North receive draft approval, the first phase could be a combination of lots within Flato East and Flato North. By only draft approving a certain number of lots within Flato East it could affect the overall development of these sites from an infrastructure perspective, a stormwater management perspective, and an access perspective.

There is also merit in considering the development as a whole whereby the conditions of draft approval deal with the entire development as opposed to only the first phase. The Township is also in the process of completing two Class Environmental Assessments (Class EA) – one for the provision of potable water and one for the treatment of sanitary sewage. It should also be noted that servicing capacity for water technically exists for the entire development, however the Township's Engineer has indicated that there is a need for water supply redundancy as they believe that the current municipal wells may require more frequent maintenance and may be taken out of service more frequently given the pending growth and development.

Draft approval for the entire development should only be considered if the risk of draft approving the entire development can be mitigated whereby final approval of any given lot could only proceed when servicing capacity becomes available. The Township has worked with their solicitor to develop wording within the subdivision agreement that would protect the Township's interests. The recommended conditions of draft approval identify the fact that final approval can only be given if servicing capacity is available. A condition has also been added requiring that the Township zone each phase with a holding provision and the removal of the holding will only be done once servicing is available.

Source Water Protection

MOECC recommended that the County consult with the appropriate Conservation Authority/Source Protection Authority prior to issuance of draft approval. County staff have reviewed the approved Source Water Protection plan for this area and notes that the wellhead protection area is outside of the proposed development. It is recommended that the Township consult with the Source Water Protection Authority with respect to the Class EA process for the water and wastewater as the wellhead protection areas could change depending upon on the location of the proposed new municipal well.

Eco Park

MOECC recommends that the County confirm whether all portions of the subject property meet the separation distances recommended in MOE's Guideline D6. In looking at the D-6 Guideline, it appears that there is an adequate separate distance (over 300 metres) between the proposed residential lots and the Eco Park.

Stormwater Management/Water Balance

MOECC notes that they require re-worked calculations on the water balance in order to complete their review of the revised preliminary stormwater management plan. Revised water balance calculations have been provided to the MOECC. A condition has been added requiring a clearance letter from MOECC with respect to the detailed stormwater management plan prior to final approval.

Canada Post

In comments dated January 25, 2016, Canada Post notes that they will provide mail delivery service to the subdivision through centralized Community Mail Boxes (CMBs). Conditions have been added to address these comments.

Township of Southgate

The Township of Southgate provided a copy of their staff report which was presented to the Township Council on November 2, 2016 and Township Council supported the Staff report. The Township Staff Report indicates that the proposed plan of subdivision can be approved with sufficient conditions to protect the Township's interests, in particular the allocation of Township water and waste water services. The conditions of draft approval as attached to the Township Staff Report have been incorporated in the attached conditions of draft approval.

Planning Policy Analysis

Planning decisions in Ontario must have regard for matters of Provincial Interest under the *Planning Act*, be consistent with the Provincial Policy Statement (PPS) 2014, and conform to the goals and objectives of any official plans governing the lands. In this case the County of Grey Official Plan and the Township of Southgate Official Plan are applicable to the subject lands.

The Planning Act

Section 1.1 of the *Planning Act* outlines the purposes of the Act. The purposes of the Act promote sustainable economic development in a healthy natural environment within a land use planning system, led by provincial policy and matters of provincial interest. Section 2 of the *Planning Act* outlines matters of Provincial Interest, which decision makers must be consistent with when carrying out their responsibilities under the Act. The most relevant matters of provincial interest to this application are: (a) the protection of ecological systems, including natural areas, features and functions; (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems, (h) the orderly development of safe and healthy communities, (j) the adequate provision of housing, including affordable housing, (p) the appropriate location of growth and development, and (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians.

- (a) There is a small portion of the subject lands that contains 'significant woodlands'. There is also a stream and an unnamed tributary that transects the property as well as Provincially Significant Wetlands adjacent to the subject lands. The proposed plan protects the features and the adjacent lands by maintaining these features on site. The subject lands have been identified as Open Space blocks which will be deeded to the Township.

- (f) The subject development will be serviced by municipal water and municipal sewer services. Servicing capacity is currently not available to service the entire development. Given the reasons stated previously, there is merit in considering draft approving the entire development subject to strict conditions that would phase the development and only allow development to proceed when servicing becomes available. The Township's solicitor is confident that any risks associated with draft approving the entire development can be mitigated with clauses in the Subdivision Agreement. Conditions have been added to address this matter.

The proposed road pattern of the subdivision provides connections to the Flato West approved development, connection to Highway 10 as well as future connections to the north and to the south. In consultation with both MTO, County and Township staff, the proposed road network can be considered efficient subject to the conditions of draft approval.

- (h) The subject development is within the 'Primary Settlement Area' designation in the County Official Plan. Within this land use designation the County Plan defers to the detailed land use policies found within the Town's Official Plan. The County Plan does however recommend an average development density of 20 units per net hectare for new development within Dundalk. When you exclude the Open Space blocks, the Parkland blocks, and the Stormwater Management Pond blocks, the net density for the proposed development is just under 20 units per hectare. When you factor in that some of these units may contain secondary suites in the future, the density could well exceed 20 units per hectare.
- (j) It is not known if any of the housing being proposed will fall within the affordable range for ownership. It is conceivable that the proposed dwellings could accommodate secondary suites or apartments which could offer affordable rental housing, or that the townhouse units may offer an affordable home ownership unit.
- (p) The subject lands are located in a designated settlement area and have been designated for residential growth. The development has been proposed at a density which offers efficient residential growth, while respecting and maintaining environmental features on-site.

In very close proximity to the subject lands are some commercial establishments which would offer shopping opportunities to the proposed residences. It is expected however that as this plan is built out, that more commercial opportunities will be required. This development will likely spark some downtown revitalization as well as the construction of new commercial businesses. The Township should ensure that there is adequate supply of commercial land designated and zoned within the Township Official Plan and Zoning By-law. There will also be an increased demand on schools, local hospitals and recreational complexes as this development proceeds. The school boards are aware of the proposed developments and will continue to monitor the progress of the developments. Conditions have been added to ensure that the school boards remain connected as the development proceeds.

(q) Southgate does not have any public transit. Connections have been left in this proposed draft plan of subdivision to the north and the south, to accommodate future development. A condition has been added to ensure that sidewalks and trail connections are considered as part of the subdivision agreement and the phasing of the development.

The subject plan of subdivision application, with the attached conditions of draft approval, would have regard for matters of Provincial Interest under *The Planning Act*.

Provincial Policy Statement

A key goal of the PPS is directing new growth to serviced settlement areas, and promoting the vitality of such settlement areas through re-development, infill and intensification. The subject lands have been designated for residential growth and are within a settlement area.

Section 1.6.6.1 of the PPS outlines the servicing hierarchy to be utilized in the Province of Ontario. At the top of the hierarchy are municipal water and sewer services. The proposed development will be serviced by municipal water and sewer services as they become available.

Section 2.1 of the PPS speaks to the long-term protection of significant natural heritage features. As noted above some features were identified on-site and adjacent to the site. Based on the EIS and the technical review by the GRCA, the features are being protected in a manner which is consistent with the PPS.

Section 2.6 of the PPS speaks to the protection of cultural and archaeological resources within the Province. A Stage 1-2 Archaeological Assessment was completed on this property. As part of this assessment, 'no archaeological resources were encountered, and therefore no further archaeological assessment of the study area is warranted'. The Stage 2 Archaeological Assessment notes that the Provincial interest in archaeological resources with respect to the proposed undertaking has been addressed.

Section 3.1 of the PPS directs development away from areas of natural hazard. GRCA has reviewed the proposed subdivision and is generally satisfied that the proposed development is outside of areas of natural hazard save and except for a few lots east of the Foley Drain. A condition has been added to address the outstanding questions with respect to these lots prior to final approval being considered. The conditions also indicate that the lands will be appropriately zoned, including zoning the hazard lands as identified by GRCA.

It can be concluded that the proposed plan of subdivision application, with the attached conditions of draft approval, is consistent with the PPS.

County of Grey Official Plan

The proposed plan of subdivision is designated as 'Primary Settlement Area' and 'Hazard Lands' within the County Official Plan. Within the Primary Settlement Area designation the County Plan generally defers to the detailed land use policies and development standards of the Township's Official Plan.

Section 2.6.3(5) of the County Plan requires an overall average development density of 20 units per net hectare within Primary Settlement Areas such as Dundalk. The lot density matter has been covered off in both the *Planning Act* and PPS discussions above.

As per section 2.8.2 of the County Plan, the proposed development will remain outside of the Hazard Lands portion of the property. As noted above, the zoning will be adjusted to reflect more accurate hazard zone boundaries based on comments received from Grand River Conservation Authority.

Section 5.2 County Road policies from the Plan have been addressed through the review by the Township, County Transportation Services, and MTO.

Section 5.3 of the County Plan provides a similar servicing hierarchy to that found in the PPS, which has been noted above.

Appendix B of the County Official Plan identifies significant woodlands on a small portion of the subject lands as well as a stream that transects the property. There is also an unnamed tributary that has been identified on the subject lands. The proposed plan of subdivision has been designed to maintain these features. GRCA has reviewed the submitted studies, including the Environmental Impact Study, and is satisfied with the proposed plan of subdivision subject to conditions of draft plan approval that have been incorporated into the recommended conditions.

Section 6.12.1 of the County Plan addresses criteria to be considered in any new plan of subdivision or condominium. Specifically section 6.12.1(a)(vi) of this section states;

"The street pattern of the proposed plan and how it fits with the surrounding neighbourhood. Plans which utilize a grid pattern or a modified grid pattern shall be considered more favourably than those with a curvy street pattern or cul-de-sacs,"

As noted above the subject lands will have connections to the west and east with future connection to the north and south. The proposed road network generally follows a modified grid pattern which is preferred.

Section 6.12.1(a)(xi) speaks to the provision of usable parkland and green space. There are a number of parkland blocks that have been identified on the proposed plan that will be deeded to the Township of Southgate.

Section 6.12.1(b)(c) and (d) of the Plan speak to the provision of a range of housing, including affordable housing. The proposed townhouse units may offer a more affordable housing ownership.

Many of the remaining policies in the County Plan mimic those discussed above in the review of the *Planning Act* and the PPS. A further in-depth review of those same policies in the County Plan will not be provided below.

The proposed plan of subdivision application, with the attached conditions of draft approval, conforms to the goals and objectives of the County of Grey Official Plan.

Financial/Staffing/Legal/Information Technology Considerations

At this point there are no financial, staffing, legal or Information Technology considerations beyond those normally encountered in processing a plan of subdivision application. The County has collected the requisite fee for the application.

Should the application be appealed to the Ontario Municipal Board (OMB) additional financial, legal, or staff resources may be required. However it should also be noted that unless the County refuses the application, the County would not by default be a party to an OMB hearing on this matter, as per the County's OMB attendance policy.

Link to Strategic Goals/Priorities

Action 2.10, under Goal 2 of the County's Strategic Plan requires the continued management of growth and the application of sound land use planning principles. There will be protections in place on this application, through the conditions of draft approval, which help ensure the application is aligned with the County's strategic goals.

Attachments

Notice of Decision and Draft Conditions

Respectfully submitted by,

Randy Scherzer
Director of Planning

Applicant: Flato Dundalk Meadows Inc. (c/o Shakir Rehmatullah)
Municipality: Township of Southgate
Location: Part of Lots 233 and 234, Concession 1 (Geographic Township of Proton)
Date of Decision:
Last Date of Appeal:

File No.: 42T-2015-05
Date of Notice:

NOTICE OF DECISION

On Application for Approval of Draft Plan of Subdivision

under Subsection 51(16) of the Planning Act

Draft Plan Approval, is hereby given by the County of Grey for the application regarding the above noted lands. A copy of the Decision is attached.

WHEN AND HOW TO FILE A NOTICE OF APPEAL

Notice to appeal the decision to the Ontario Municipal Board must be filed with the County of Grey no later than 20 days from the date of this notice, as shown above.

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

- (1) set out the reasons for the appeal,
- (2) be accompanied by the fee prescribed under the Ontario Municipal Board Act, and
- (3) Include the completed appeal forms from the Board's website.

WHO CAN FILE A NOTICE OF APPEAL

Only individuals, corporations or public bodies may appeal decisions in respect of applications for approval of draft plans of subdivision to the Ontario Municipal Board. A Notice of 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 Grey to the Ontario Municipal Board by filing with the Director of Planning and Development of the County, or her delegate, 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 the approval of draft plan of subdivision if you have either,

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

GETTING ADDITIONAL INFORMATION

Additional information about the application is available for public inspection during regular office hours in the Planning & Development Office at the address noted below or by calling 519-376-2205 or 1-800-567-GREY.

Applicant: Flato Dundalk Meadows Inc. (c/o Shakir Rehmatullah)

File No.: 42T-2015-05

Municipality: Township of Southgate

Location: Part of Lots 233 and 234, Concession 1 (Geographic Township of Proton)

Date of Decision:

Date of Notice:

Last Date of Appeal:

ADDRESS FOR NOTICE OF APPEAL

County of Grey

595-9th Avenue East

OWEN SOUND, Ontario N4K 3E3

Attention: Mr. Randy Scherzer, MCIP RPP

Director of Planning & Development

Plan of Subdivision File No. 42T-2015-05 has been granted draft approval. The County's conditions of final approval for registration of this draft plan of subdivision are as follows:

No. Conditions

1. That this approval applies to the draft Plan of Subdivision as prepared by MHBC Planning dated December 11, 2015 and revised July 5, 2016, showing 501 residential lots, 311 lots for detached dwellings (Lots 1 to 311) and 190 residential lots for townhouse dwellings within Blocks 312 to 350, ten park blocks (Blocks 351 to 360), three stormwater pond blocks (Blocks 361 to 363), four Open Space Blocks (Blocks 364 to 367), three future right of way blocks (Blocks 368 to 370), one road widening block (Block 371) and 0.3 metre reserve(s) (Block 372), and Streets 'A' to 'J'.
2. That Blocks 351 to 370 be deeded to the Township of Southgate and that Blocks 371 and 372 (road widening and 0.3 metre reserve(s) blocks) be deeded to the Ministry of Transportation.
3. That the road allowances included in this draft plan shall be shown and dedicated to the Township of Southgate as public highways.
4. That the streets shall be named, subject to final approval of Township Council, and provided that such new streets names are not duplicates of street names or phonetic sounding street names elsewhere in the County.
5. That any dead ends, daylighting triangles at street intersections and open sides of road allowances created by this draft plan shall be terminated in 0.3 metre reserves to be conveyed to, and held in trust, by either the Township of Southgate or the Ministry of Transportation, as appropriate.
6. That the Owner agrees to satisfy the requirements of the Township in reference to parkland dedication in a manner satisfactory to the Township in pursuant to the provisions of the Planning Act, R.S.O 1990 as amended.
7. That prior to final approval by the County, the County is to be advised by the Township and the Grand River Conservation Authority that the proposed subdivision is zoned appropriately. This zoning shall have a holding provision for all the lands requiring access to municipal services. The holding provision may be removed in phases, upon entering into a subdivision agreement and when adequate municipal water and sewer capacity are available.

8. That the Owner agrees in writing to satisfy all the requirements, financial and otherwise, of the Township of Southgate and without limiting the generality of the foregoing, the provision of roads, installation of services, installation of sidewalks and trails, and drainage.
9. That prior to the final approval and registration of the phases of the plan, the Township of Southgate allocate by by-law water supply capacity and sewage treatment plant capacity.
10. The Owner shall develop a phasing plan to the satisfaction of the Township. The phasing plan shall address matters including but not limited to the allocation of servicing, any necessary temporary works such as turning circles, sidewalk and trail connections, or temporary easements. The phasing plan shall also identify any lots which may be temporarily constrained from development as a result of the phasing. The subdivision agreement between the Owner and the Township shall contain provisions satisfactory to the Township to address phasing arrangements acceptable to the Township, including that servicing shall only be allocated to phases which are being registered and for which securities are provided.
11. The Owner and the Township shall acknowledge in the Subdivision Agreement that sewage and water allocation is not available to service the entire subdivision. The Township is undertaking the necessary approvals to provide the required servicing. Final approval shall only be given to each phase of the development where sanitary and water services are available and constructed to the subdivision or financially secured.
12. That such conveyances and easements as may be required by an appropriate authority for municipal servicing, utility or drainage purposes shall be granted to the appropriate authority.
13. That the developer prepare and submit a Tree Planting and Landscaping plan for approval by the Township to satisfy the comments raised by Six Nations. The plan will specifically provide for additional tree planting in the park and open space areas as well as the provision of trees for individual lots.
14. That prior to final approval by the County of Grey or any construction or grading on the subject property, the Owner or its agent shall submit the following plans or reports to the Grand River Conservation Authority (if required), the Ministry of the Environment and Climate Change (if required), the Ministry of Transportation (if

required), and to the Township of Southgate for review and approval:

- a) Lot grading and drainage control plans that show the limits of all grading including existing and proposed site grades and drainage;
- b) A storm servicing plan showing the layout of the storm sewer system;
- c) A final Stormwater Management Report and Plans in accordance with the Stormwater Management Practices Planning and Design Manual (Ministry of the Environment, 2003) and in keeping with the Preliminary Servicing and Stormwater Management Report (dated June 2016 prepared by CF Crozier and Associates). The report shall include an assessment of the impacts on off-site watercourses and municipal drains and show how the infiltration function will be protected or maintained.
- d) Erosion and sedimentation control plans in accordance with the Grand River Conservation Authority's Guidelines for sediment and erosion control which show how the exposed soils, sediments, and eroded materials will be minimized and retained on site during all phases of construction and how the infiltration function will be protected or maintained. Plans should include maintenance requirements for all employed devices.
- e) Completion of a Final Floodplain Study and required works consistent with the June 2016 Floodplain Assessment Report by Croziers and Associates and associated modelling to the satisfaction of the GRCA and through with the submission and approval of permission from the GRCA (only required for Lots 219 to 225).
- f) An Environmental Implementation Report (EIR) to the satisfaction of the Grand River Conservation Authority in consultation with the Township of Southgate. The EIR should include the above noted reports, monitoring, and mitigation outlined in the EIS. The EIR should also provide on-going shallow groundwater monitoring and inspection and reporting scheduled during construction.
- g) The submission and approval of a Development, Interference with Wetlands and Alterations to Shorelines and Watercourses permit from the GRCA prior to any grading within the regulated area.
- h) A detailed Hydrogeological report that provides an assessment of groundwater level monitoring data from on-site piezometers. Data collected

shall be of sufficient duration to establish reasonable high water table conditions under normal or above normal climatic (precipitation) conditions. The report shall, based on the observed seasonal fluctuation in groundwater levels (typically highest in the spring), provide a predicted 'high' groundwater elevation across the site as well as an interpreted high groundwater elevation on a lot by lot basis. The interpreted high groundwater elevation for each lot is intended to ensure a minimum vertical separation of 0.3 metres from the underside of the proposed basement floor elevation to the seasonal high groundwater elevation for each given lot. Proposed lot grading plans for the development shall provide the minimum recommended separation on all lots in conformance with Township standards. Where this is not feasible due to local site constraints, other groundwater management practices such as a groundwater drainage system (i.e. 3rd pipe system) may be implemented provided it can be demonstrated, to the satisfaction of the Township, that it will function under local site-specific conditions in the short and long term. Any proposed alternative groundwater management practice will require Township and GRCA approval.

- i) An environmental rehabilitation plan addressing protective measures to be taken during construction to ensure retained wetlands and woodland areas will not be impacted.
- j) Engineering design drawings for all works to be constructed as part of the development including any off-site works that are the responsibility of the Owner.
- k) If the Owner intends to import fill from off the subject site for use on the site, the Developer shall prepare and implement a Soil Testing, Site/Soil Management, and Reporting Protocol. If grading is proposed prior to implementation of the Subdivision Agreement, a Site Alteration Permit Agreement with the Township will be required.
- l) Detailed access plans to Highway 10 at the time the access is required for the applicable phase;
- m) Prepare and implement a construction traffic access and control plan for all phases of servicing and building construction to the satisfaction of the Township and MTO. All damage or maintenance required to surrounding streets because of such traffic shall be at the developer's costs.

- n) A Traffic Impact Study which identifies all required access locations and improvements required to accommodate the site traffic, and includes an assessment of off-site traffic impacts and recommendations for mitigation of these impacts. This Traffic Impact Study shall be submitted prior to final approval of each phase and shall be completed to the satisfaction of the Township, MTO and County Transportation Services.
15. That the subdivision agreement between the Owner and the Township shall agree in writing acceptable to the Township the following matters:
- a) To undertake all works according to the plans and reports approved under Condition 14 above;
- b) To maintain all storm water management and erosion and sedimentation control structures in good repair and operating order throughout all phases or construction until Final Acceptance of services has been granted by the Township. The Owner is responsible to satisfy all requirements of the Environmental Compliance Approval (ECA) until Final Acceptance has been granted.
- c) To investigate any well interference complaints received by the Developer, Developer's Agents, Ministry of Environment and Climate Change or the Township, from the start of construction until final acceptance of the first phase of the subdivision. The results of each investigation shall be submitted for review to the Township and the Ministry of the Environment and Climate Change within 60 days of the complaint being received. The Owner shall be required to pay for any well interference assessment, completed to the satisfaction of the Township. If determined to be a valid complaint, acceptable well interference mitigation to a complaint may include well deepening and/or pump lowering. The Owner agrees to reimburse the cost of any mitigation.
- d) To erect a subdivision sign on the property containing the following information:
- i. Identifying all proposed uses within the draft approved plan of subdivision and adjacent uses
 - ii. Identifying off street parking restrictions to be imposed by the Township upon Final Acceptance of the subdivision

- iii. Illustrating the location of proposed sidewalks, public walkways, trails, parks, fences and community mailbox locations.
16. That the subdivision agreement between the Owner and the Township shall contain provisions whereby the Owner shall make satisfactory arrangements with the appropriate providers for the provision of permanent and/or temporary hydro, telephone, natural gas, internet and cable television services to this plan.
17. That the Owner obtains final approval from the Ministry of Transportation for the proposed permanent access of Street 'H' to Highway 10, that the Owner meet all conditions required by MTO, and constructs and completes any required access upgrades to Highway 10 and the entrance from Highway 10 at the time of the applicable phase.
18. That the subdivision agreement between the Owner and the Township of Southgate contain wording to the effect that all agreements of purchase and sale shall ensure that all persons who make first purchases of land within the plan of subdivision after final approval of the subdivision plan, are informed when land is transferred, of all the development charges related to this development, including the County's development charges.
19. That the subdivision agreement between the Owner and the Township of Southgate be registered against the lands to which it applies, and that a copy of the registered subdivision agreement be filed with the County of Grey and the Ministry of Transportation.
20. That the subdivision agreement between the Owner and the Township address servicing financing in order to ensure the construction and financing of all external services which are necessary to provide appropriate levels of service to this plan of subdivision. Details of these external services are to be confirmed as part of detailed design.
21. That the Owner pays the cost of supplying and erecting street name and traffic control signs in the subdivision, to the satisfaction of the Township.
22. That any domestic wells and boreholes drilled for hydrogeological or geotechnical investigations within the limits of the draft plan of subdivision be properly abandoned by the Owner, when no longer required, in accordance with the Ministry of Environment and Climate Change Regulations and Guidelines to the satisfaction of the Township.

23. That the developer shall submit a report prepared by a Professional Engineer to the satisfaction of the Chief Building Official certifying all structural fill placed below proposed building locations. This report shall include the following information: lot number, depth of fill, top elevation of fill and the area approved for building construction from the street line.
24. That the developer shall submit a report prepared by a Professional Engineer to the satisfaction of the Chief Building Official providing an opinion on the presence of soil gases (radon and methane) in the plan of subdivision in accordance with applicable provisions contained in the Ontario Building Code.
25. That the developer shall include in the subdivision agreement and insert in all agreements of purchase and sale or lease for each dwelling in the subdivision “The lands to the south and east of the subdivision are being utilized for normal agricultural operations that may result in noise, dust, odour and other potential nuisances associated with livestock or agricultural uses. These normal agricultural practices may occasionally affect the living environment of residents in close proximity to agricultural operations”.
26. That the developer shall include in the subdivision agreement and insert in all agreements of purchase and sale or lease for each lot/dwelling in the subdivision – “Servicing capacity currently does not exist for the entire development. This could lead to a delay in the timing of final approval and the construction of any given dwelling within the subdivision”. This clause is no longer required when sufficient servicing capacity exists for the entire development.
27. A Noise Impact Assessment will be required with respect to traffic noise on Highway 10 to be completed to the satisfaction of MTO and the Township.
28. That prior to final approval by the County of Grey, the County of Grey is advised in writing by the Bluewater District School Board and the Bruce Grey Catholic School Board that the Owner and the School Board have reached an agreement regarding the supply and erection of a sign (at the Owner’s expense) affixed to the subdivision sign advertising residents that the students may be directed to schools outside the neighbourhood.
29. That the Owner shall complete to the satisfaction of Canada Post the following:
 - a) Include on all offers of purchase and sale a statement that advises the prospective purchasers:

- i. That home/business mail delivery will be from a designated Centralized Mail Box (CMB);
 - ii. That the developers/owners be responsible for officially notifying the purchasers of the exact CMB locations prior to the closing of any home sales.
 - b) The Owner further agrees to:
 - i. Work with Canada Post to determine and provide temporary suitable CMB locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision
 - ii. Determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on the appropriate maps, information boards posted in the subdivision. Maps are also to be prominently displayed in the sales office showing specific Centralized Mail Facility locations

Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.
 - c) That the installation of island(s) or median(s) on the streets or roadways adjacent to the easement(s) chosen for CMB use be prohibited.
30. The following conditions shall be addressed to the satisfaction of the Ministry of Transportation:
 - a) That prior to final approval an 8 metre widening extending across the entire highway frontage (with the exception of the proposed street opening) be established as Blocks and dedicated as public highway on the owner's certificates and the final plan. A draft of the final Plan of Subdivision must be submitted to MTO for review
 - b) The prior to final approval, visibility triangles with minimum dimensions to be designed in accordance with the Geometric Design Standards Manual for Ontario Highways, be dedicated as public highway under the owner's

certificate on the final plan. A draft of the final Plan of Subdivision must be submitted to MTO for review.

- c) That prior to final approval, a 0.3 metre reserve extended across the entire highway frontage including the visibility triangles (with the exception of the proposed street opening) be conveyed by deed to the MTO. All reserves by deed must be free and clear of all mortgages, liens, and encumbrances. The reserve must be illustrated as Blocks on the Plan of Subdivision. A draft of the final Plan of Subdivision must be submitted to the MTO for review. A draft of the transfer of deed and certification of title conveying the Blocks to the MTO must be submitted for review and approval prior to being registered.
 - d) That prior to final approval of any given phase, the owner shall submit to MTO and the County Transportation Services for their review and approval a copy of the Traffic Impact Study (TIS) indicating the anticipated traffic volumes and their impact upon the intersection of Highway 10 and the proposed street and the intersection of Highway 10 and Main Street. The TIS shall include the traffic generated by all the contributing Flato lands.
 - e) That prior to final approval of the applicable phase that requires access to Highway 10, the owner shall enter into a legal agreement with the MTO whereby the owner agrees to assume financial responsibility for the design and construction of the new street entrance and all necessary associated highway improvements.
 - f) That prior to final approval of the applicable phase that requires access to Highway 10, the owner shall submit to the MTO for their review and approval, a copy of the detailed drainage/storm water management plan/report indicating that intended treatment of the calculated runoff.
 - g) The Owner will ensure that the MTO receives a draft copy of the Subdivision Agreement that is to be executed between the Owner and the municipality for the proposed development in order to verify that these conditions are included in the agreement.
 - h) The Owner will ensure that the MTO receives written confirmation from the municipal approval authority stating that this proposed development has received all approvals as may be necessary from other agencies.
31. That consistent with the County of Grey's current provisions for processing and

approving plans of subdivision the Owner's surveyor shall agree to provide to the County a digitized disk of this final plan to be registered in a computerized format which is compatible with Autocad ".dwg" file.

32. That the Owner's surveyor provide to the County a copy of the deposited Reference Plan which had been submitted to the Land Registry/Land Titles Office for Grey for "First Registration Under the Land Titles Act, R. S. O. 1990, c.L.5".
33. If final approval is not given to this plan within three years of the draft approval date, and no extensions have been granted, draft approval shall lapse under Subsection 51(32) of the Planning Act, RSO 1990, as amended. If the owner wishes to request an extension to draft approval, a written explanation together with the applicable application fee and a resolution from the Township of Southgate must be received by the County of Grey Director of Planning, prior to the lapsing date. Please note that an updated review of the Plan and revisions to the conditions of approval may be necessary if an extension is to be granted. Servicing availability will also be a consideration as to whether or not draft approval will be extended.
34. That prior to final approval being given, the County is advised in writing by the Township of Southgate how Conditions 2 to 33 have been satisfied.
35. That prior to final approval being given, the County is advised in writing by the Grand River Conservation Authority how Conditions 7, 14 and 15 have been satisfied.
36. That prior to final approval being given, the County is advised in writing by the Bluewater District School Board how Condition 28 has been satisfied.
37. That prior to final approval being given, the County is advised in writing by the Bruce Grey Catholic School Board how Condition 28 has been satisfied.
38. That prior to final approval being given, the County is advised in writing by Canada Post how Condition 29 has been satisfied.
39. That prior to final approval being given, the County is advised in writing by the Ministry of Transportation how Conditions 2, 5, 14, 15, 17, 19, 27 and 30 have been satisfied.
40. That prior to final approval being given, the County is advised by the Ministry of

Environment and Climate Change how Conditions 14 and 15 have been satisfied.

41. That prior to final approval being given, the County is advised in writing from the County Transportation Services Department how Condition 14(n) and 30(d) has been satisfied.
42. The Owner shall obtain a letter from the Ministry of Tourism, Culture and Sport that the Archaeological Assessment has been entered in the Ontario Public Register of Archaeological Reports, which is to be shared with the Township of Southgate and the County of Grey.
43. THAT the Owner have prepared by an Ontario Land Surveyor a final plan in accordance with the Surveys Act, and with the Registry Act or the Land Titles Act, as the case may be and have provided that plan to the County of Grey prior to the lapsing date the mylars and white prints necessary for final approvals and registration.
44. That the Owner remit to the County the applicable final approval fee when the final plan is being presented to the County for the County's consideration for final approval.

NOTES TO DRAFT APPROVAL

1. It is the applicant's responsibility to fulfil the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the County of Grey, quoting the County file number.
2. An electrical distribution line operating at below 50,000 volts might be located within the area affected by this development or abutting this development. Section 186 - Proximity - of the Regulations for Construction Projects in the Occupational Health and Safety Act, requires that no object be brought closer than 3 metres (10 feet) to the energized conductor. It is proponent's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the electrical conductors can raise and lower without warning, depending on the electrical demand placed on the line. Warning signs should be posted on the wood poles supporting the conductors stating "**DANGER**

- **Overhead Electrical Wires**” in all locations where personnel and construction vehicles might come in close proximity to the conductors.

3. Clearances are required from the following:

Township of Southgate, 185667 Grey Road 9, RR 1, Dundalk, ON, N0C 1B0

Grand River Conservation Authority, 400 Clyde Road, P.O. Box 729, Cambridge, ON N1R 5W6

Ministry of Transportation, Corridor Management Section, Engineering Office, 659 Exeter Road, London, ON, N6E 1L3

Canada Post, 955 Highbury Avenue, London, ON, N5Y 1A3

Ministry of Environment and Climate Change (c/o Ministry of Municipal Affairs), 659 Exeter Road, 2nd Floor, London, ON N6E 1L3

Bluewater District School Board, P.O. Box 190, 351 1st Avenue North, Chesley, ON, N0G 1L0

Bruce Grey Catholic District School Board, 799 16th Avenue, Hanover, ON, N4N 3A1

County Transportation Services, 595 9th Avenue East, Owen Sound, ON, N4K 3E3

4. We suggest you make yourself aware of the following subsections of the Land Titles Act:

- a) subsection 144(1) requires all new plans to 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.

The subdivision plan for Registration must be in conformity with the applicable Ontario Regulation under The Registry Act.

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 and Climate Change under the Ontario Water Resources Act, RSO 1990, as amended.

Applicant: Flato Dundalk Meadows Inc. (c/o Shakir Rehmatullah)

File No.: 42T-2015-05

Municipality: Township of Southgate

Location: Part of Lots 233 and 234, Concession 1 (Geographic Township of Proton)

Date of Decision:

Date of Notice:

Last Date of Appeal:

6. All measurements in subdivision final plans must be presented in metric units.
7. That the applicant contact Canada Post at the address below for the supply and installation of Community Mailboxes (CMB). The location of these CMB's will require the approval of the Township of Southgate.

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

8. The final plan approved by the County must be registered within thirty (30) days or the County may withdraw its approval under subsection 51(32) of the Planning Act RSO 1990, as amended.
9. MTO Notes:
 - a) MTO Building and Land Use permits are required prior to the commencement of construction of any component of the subdivision including use off the lands for stockpiling of material and pre-grading
 - b) An MTO entrance permit is required for construction of the new street access.
 - c) All structures integral to the subdivision shall be setback a minimum of 14 metres from the widened highway property limit.
 - d) MTO may require a security fence along the west limit of Highway 10 should noise barriers not be required.
 - e) All site signing visible from the Highway requires MTO permits prior to installation.