



PLANNING & DEVELOPMENT

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To: Warden and members of County Council – Day 1

From: Craig Metzger, Senior Planner

Date: October 20, 2021

Re: South Huron Official Plan Amendment OPA 19 and Plan of Subdivision 40T20006
Part Lots 2-4, Lake Road East Concession, Stephen Ward, Municipality of South Huron
Address: 70786 Bluewater Highway
Owner: Tridon Properties Ltd. Applicant: Baker Planning Group (c/o Caroline Baker)

This report is submitted for the Council meeting on November 3, 2021.

RECOMMENDATIONS

The Council of the County of Huron **approve** Amendment No. 19 to the Municipality of South Huron Official Plan; and further that the Notice of Decision be circulated.

The Council of the County of Huron **grant draft plan approval** to Plan of Subdivision file 40T20006 with the attached conditions; and further that the Notice of Draft Plan Approval be circulated.

BACKGROUND

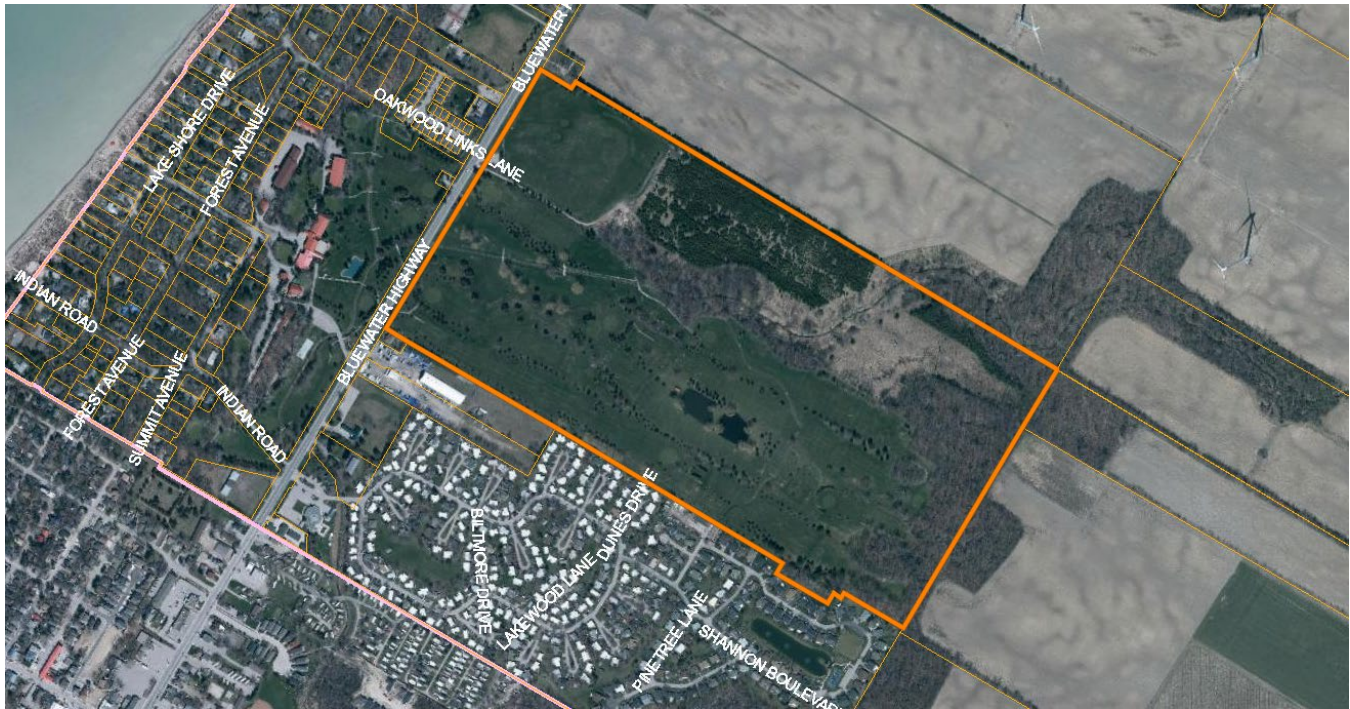
Three planning applications were submitted in 2020 to convert the subject lands from its recreational use as a golf course to a residential use (see Figure 1 on the following page for an air photo showing the property's location). The applications include an amendment to the South Huron Official Plan, an amendment to the South Huron Zoning By-law, and a draft plan of subdivision for the lands north of the stream that runs through the middle of the property (the Walker Drain). The County of Huron is the approval authority for the official plan amendment and plan of subdivision applications while the Municipality of South Huron is the approval authority for the zoning by-law amendment application.

South Huron Council adopted Official Plan Amendment No. 19 (OPA 19) and recommended the draft plan of subdivision for approval with conditions at their October 4, 2021 Council Meeting.

The applications were supported by the submission of a Planning Justification Report, Archaeological Assessment, Traffic Impact Study, Housing Market Demand Assessment, Geotechnical Investigations Report, Environmental Impact Study, Preliminary Stormwater Management Report, and Functional Servicing Report. Addendums/updates to the traffic

and functional servicing reports were provided in response to questions from staff and agencies.

Figure 1. Location of Subject Property (outlined in orange)



Official Plan Amendment

The subject lands are currently designated Recreational and Natural Environment in the South Huron Official Plan and are located within the Port Blake Planning Area. The purpose of the OP amendment is to:

- 1) bring this property into the Port Blake Planning Area Settlement Area;
- 2) re-designate the land intended to accommodate residential uses as “Low Density Residential” and “Medium Density Residential” with site-specific policies;
- 3) specify that the Regional Market Area (i.e. the housing market area for planning purposes) for the Port Blake Planning Area to be Huron County and Grand Bend; and,
- 4) refine the boundaries of the “Natural Environment” designation and “Floodplain” overlay to reflect the findings of the site-specific technical studies.

Figure 2 on the following page identifies the location of the Port Blake Planning Area (an area for which the South Huron Official Plan has specific policies on how it is to be developed), the Port Blake Settlement Area, and the subject lands.

Figures 3 & 4 on the following pages show the proposed designation changes for the subject lands and the resulting mapping from this proposed Official Plan amendment.

Figure 2. Port Blake Planning Area, Port Blake Settlement Area, and Subject Lands



Figure 3. Official Plan Amendment Designation Changes

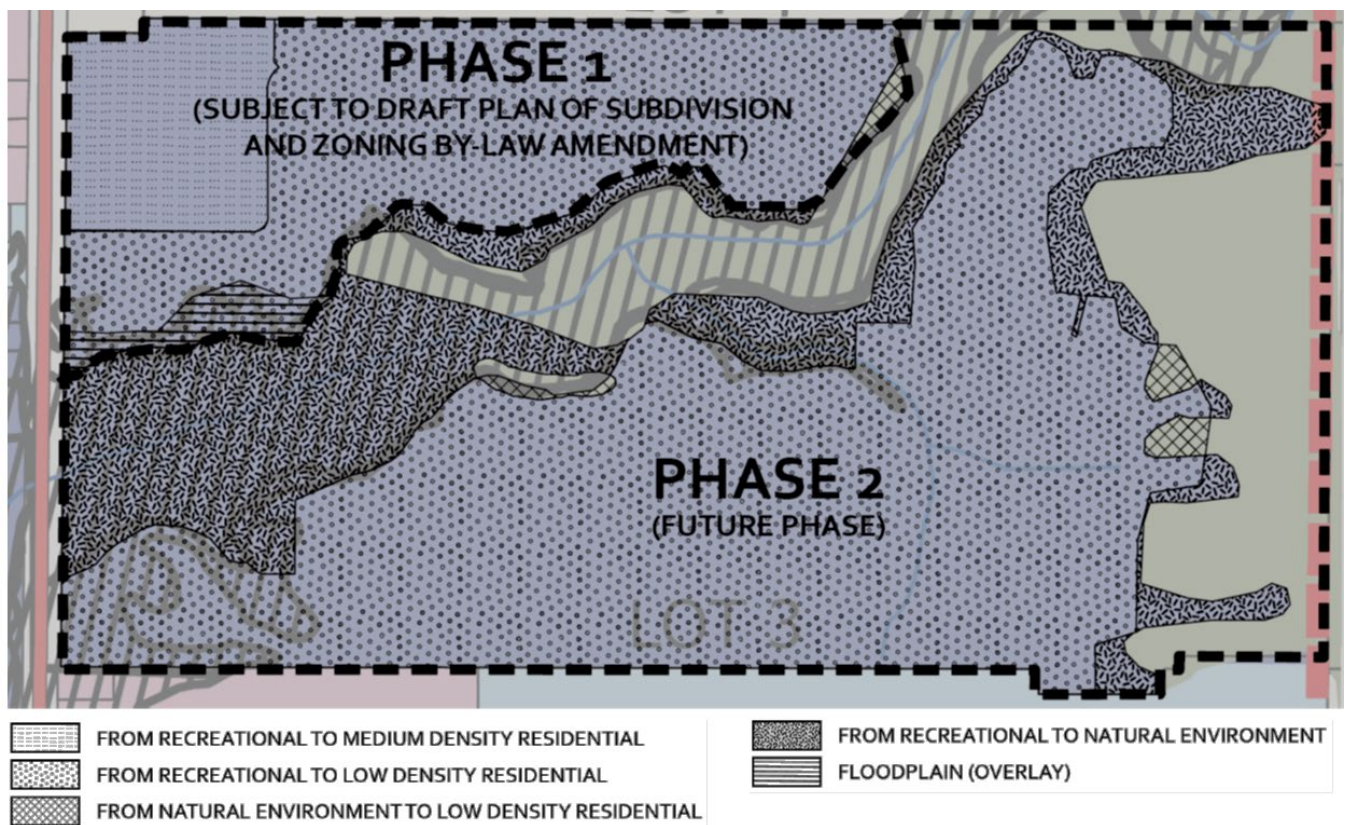
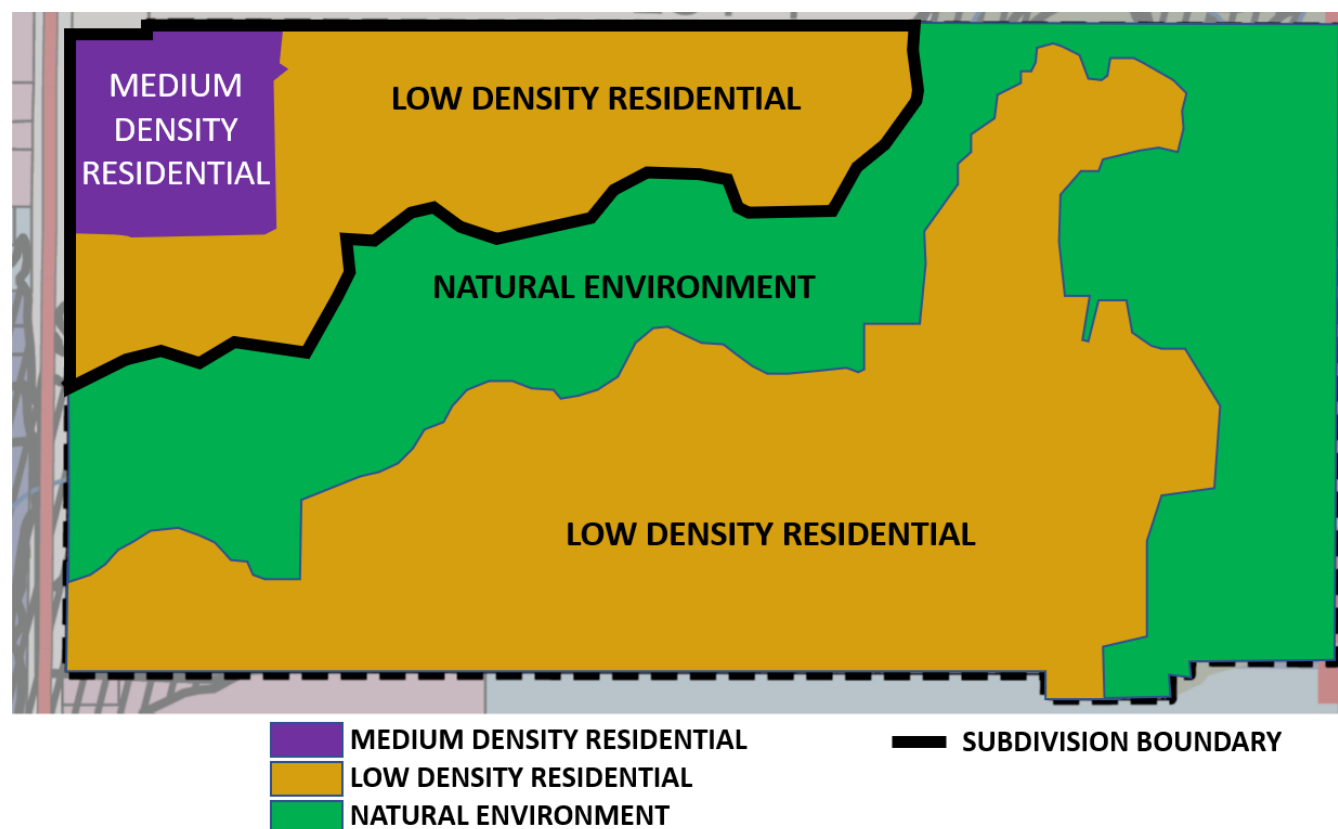


Figure 4. Official Plan Designations after OPA



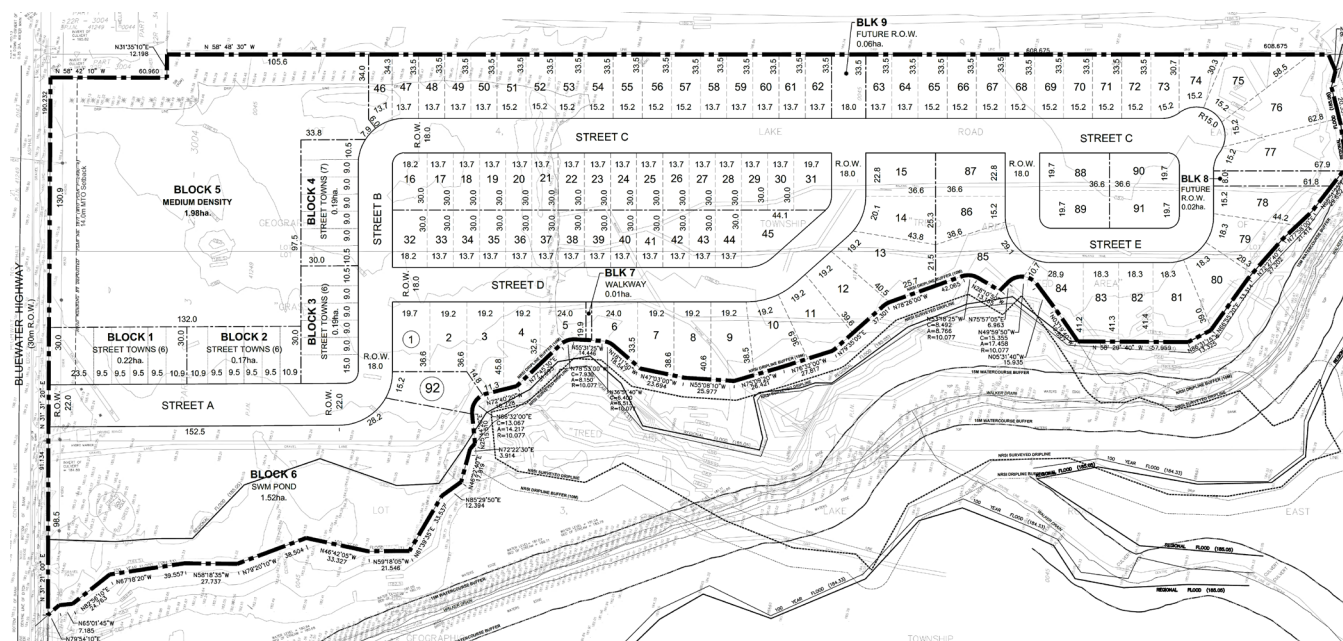
Plan of Subdivision

The subdivision application is to create 97 lots/blocks for 188 residential dwellings (92 single detached, 25 street townhouses, and a cluster of 71 stacked townhomes/multiple attached), a stormwater management pond, and new municipal roads. These lands are approximately 12 hectares (30 acres) and are located north of the Walker Drain. Access to the subdivision is proposed to be directly from Bluewater Highway (Provincial Highway 21). The layout of the proposed subdivision is shown in Figure 5 on the following page.

The conditions of draft plan approval for the subdivision outline the requirements to be met by the developer before the subdivision can receive final approval and the various lots and blocks created. The recommended conditions attached to this report address various aspects such as roads, storm water management, easements and blocks to be created and transferred, servicing, financial requirements, phasing, the subdivision agreement to be entered into, cash-in-lieu of park land, fencing (the north boundary of Block 5 is to be fenced) and the conditions requested by the various agencies. The developer has three years after draft plan approval is granted to meet the conditions and receive final approval; otherwise draft plan approval lapses.

South Huron staff reviewed the applications, support their approval, and provided input on the recommended subdivision conditions.

Figure 3. Proposed Plan of Subdivision



PUBLIC & AGENCY COMMENTS

A joint public meeting using Zoom was hosted by the County of Huron and the Municipality of South Huron on February 8, 2021 and was livestreamed as well. County Councillor John Grace was in attendance on behalf of the County of Huron. There were 16 members of the public in attendance at the public meeting providing comments on the applications.

There have been a considerable number of comments submitted from the public regarding the applications. Using the Clerk's Record submitted by South Huron with the OP amendment by-law, a separate document containing the comments received has been prepared and accompanies this report. Comments were provided prior to, at, and following the public meeting expressing concerns, objections and other comments related to the applications.

All comments were read, reviewed, and considered in the decision-making process, including the development of this report.

Public Comments

Comments received from members of the public indicating concerns or objections to the applications since the applications were deemed to be "complete" covered the following topics:

Topic	Response
Flooding impacts on and off property Climate change impacts	Ausable Bayfield Conservation Authority, who have flood control and natural hazard responsibilities, has no objections and accepted the preliminary stormwater report.

Traffic impacts and traffic study	Paradigm Transportation Solutions' Traffic Impact Study and Addendums were accepted by the Ministry of Transportation who has responsibility for Bluewater Highway and is requiring the developer to pay for necessary highway improvements.
Noise impacts/pollution Construction impacts	Noise impacts, whether from construction or from those living in the development, are not anticipated to be any different from what is normally found in a new residential neighbourhood.
Infrastructure capacity availability	South Huron staff have confirmed that the necessary water and sewage capacity is available. The developer is to pay for the extension of the trunk sanitary sewer to service the subdivision.
Availability of services to accommodate additional residents	Services are available through the immediate area, including Grand Bend, as well as the surrounding area (Exeter is only 20 minutes away).
Existing recreational areas and beaches impact	The development will have access to the proposed trails on the Developer's abutting property to the south.
Wildlife and naturalized areas loss	Natural heritage areas were assessed through the NRSI Environmental Impact Study. The area designated "Natural Environment" is expanding considerably through the OP amendment.
Financial implications for South Huron	South Huron staff did not raise any concerns regarding potential financial impacts.
Existing & proposed housing separation	Block 5 north boundary fence is required to separate the subdivision from the existing residence to the north. No other residences are close to the subdivision and the development pattern for the lands south of the Walker Drain will be set through a separate, future subdivision application.
Environmental assessment for previous golf course use	The Zoning by-law amendment includes a holding symbol that will be removed once a satisfactory environmental site assessment is completed.
Need for housing	Established through the Housing report from N. Barry Lyon Consultants.
Long-term resident attraction rather than seasonal residents	There are no restrictions on permanent versus seasonal residents and the development should improve housing availability for this area.

South Huron should purchase property	South Huron has chosen not to purchase the property.
New residents' differing community values leading to trespassing and vandalism	Values of new residents are unknown and there are means of reducing trespassing and vandalism (fencing, for example).
Archaeology assessment	Addressed through Lincoln Environmental Consulting's Stage 1-2 Archaeological Assessment.
Development name shouldn't include "Oakwood"	Name of the subdivision has been changed to "Huron Meadows".
Non-compliance with planning documents	Planning document compliance is addressed in the "Review" section of this report.
Housing speculation and potential housing price correction impacts	A housing price correction is unlikely to offset the significant housing shortage South Huron and the broader Huron County area have been experiencing.
Suggest health and wellbeing study to assess the pre and post construction impacts of proposed subdivision on neighbours	A potential health and wellbeing study was considered but is not something undertaken for previous developments.
Mislabeling of Grand Cove Estates as a mobile home park	Grand Cove Estates is a manufactured housing park. As both manufactured homes and mobile homes are forms of permanent housing this discrepancy is not considered to materially affect the planning applications.
Shortfall in parkland	The Planning Act allows a Municipality to receive up to 5% of a proposed subdivision for parkland or accept the equivalent as cash-in-lieu instead of providing the land. South Huron has decided to accept cash-in-lieu as other parks and recreational areas are available.
Potential over development of medium density block (Block 5) and street townhouse blocks (Blocks 1-4)	The medium density block is to have the stacked townhouses in the centre of the block surrounded by street townhouses on three sides which provides height compatibility with surrounding residential properties. The location and design of the common outdoor amenity area as well as ground floor amenity area is addressed through site plan approval. The zoning for the street townhouse blocks (Blocks 1-4) is similar to recent street townhouse developments, such as the South Pointe (Pinnacle) subdivision in Exeter.

40% of single detached lots will be less than R1 zone minimum lot area and frontage, particularly between Streets C & D.	The zoning for the single detached lots is similar to the single detached lots in the Buckingham Estates subdivision in Exeter.
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In addition to the comments of concern and objection, there were two submissions received in support of the applications based on the housing and residents it will bring to the area.

Agency Comments

Agencies expressing initial concerns with the applications included the Ausable Bayfield Conservation Authority (ABCA) and the Ontario Ministry of Transportation (MTO).

ABCA's initial comments indicated they were not opposed to the official plan amendment but were concerned with the subdivision due to natural hazard concerns related to the Walker Drain and stormwater management for the proposed development. However, after their review of the preliminary stormwater management plan and revised draft plan of subdivision, ABCA has no objections to the applications.

The Ministry of Transportation was initially concerned with the proposal to have two accesses to the lands (one north of the Walker Drain and one south) due to the reduced spacing between the entrances when compared to MTO policy. However, after receiving and reviewing an enhanced traffic impact study their concerns have been addressed. MTO does have standard conditions to be attached to subdivision approvals and these have been incorporated into the recommended conditions of draft plan approval.

The Ministry of Heritage, Sport, Tourism, and Cultural Industries provided correspondence that the fieldwork and reporting for the archaeological assessment submitted for the proposed development is consistent with Ministry standards and guidelines and the report has been entered into the Ontario Public Register of Archaeological Reports.

The Municipality of Lambton Shores indicated they have no objections to the applications. They did have a couple questions of clarification that were responded to by the applicant and Lambton Shores did provide subsequent correspondence that their questions and concerns had been adequately addressed.

Enbridge Gas and Canada Post provided comments outlining conditions and notes for the subdivision approval. No concerns were expressed by either agency.

The following agencies had no concerns with the applications: Huron Perth Catholic District School Board and HydroOne.

REVIEW

Planning Act

Section 2 of the Planning Act requires approval authorities, such as municipalities, to have regard to matters of provincial interest when making decisions on planning applications. The subject applications further the provincial interest by:

- a) protecting ecological systems since the environmental impact study concluded that no negative impacts to natural features or their ecological functions are anticipated;
- b) not impacting agricultural resources as agricultural lands are not being removed from production since the subject lands were used as a golf course and, in addition, there are no additional Minimum Distance Separation (MDS) impacts on neighbouring agricultural operations;
- c) not impacting mineral resources as there are no significant resources on the property;
- d) not impacting archaeological resources as the archaeological study did not find archaeological resources;
- e) using the existing municipal water service and sewage system capacity for the development;
- f) continuing the orderly development of the Port Blake Planning Area as an extension of the significant existing residential development to the south and west of the subject lands using the existing road network for access;
- g) a range of housing types are proposed, including single detached, street townhouses, and stacked townhomes; and
- h) ensuring development is outside of the flooding hazard area.

Section 51(24) of the Planning Act outlines subdivision-specific criteria that regard is to be had to when considering issuing draft plan approval. These criteria include the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality along with about a dozen additional listed items. The proposed subdivision meets these criteria as the requirements of Section 2 of the Act have been met (as discussed earlier), the subdivision is not premature and conforms to the official plan (assuming OPA 19 is approved), the land is suitable for residential uses, the road network (both proposed streets and Highway 21) is adequate, natural areas are protected, flood-prone hazardous areas are avoided, services are available (municipal, utilities, schools), and the lot/block layout and dedications are appropriate.

The applications meet the requirements of the Planning Act.

Provincial Policy Statement, 2020 (PPS)

Decisions made on planning applications are required to be consistent with the Provincial Policy Statement, 2020 (PPS) and its relevant policies.

Policy 1.1.1 outlines the many factors that contribute to a healthy, liveable and safe community which the proposed OP amendment and plan of subdivision advance.

Policies 1.1.2, 1.1.3.1, & 1.1.3.2 speak to ensuring sufficient land is available to accommodate projected future land uses and that settlement areas are the focus of growth and development with appropriate densities and mix of lands uses while efficiently using land and resources along with other considerations which these applications meet. The emphasis on efficiency is reinforced through Policy 1.1.3.6 which speaks to new development being adjacent to existing development and efficiently using land, infrastructure and public service facilities.

Policy 1.1.3.8 outlines the requirements for an expansion of a settlement area which includes a comprehensive review at a level of detail that corresponds with the complexity and scale of the development proposal. The review is to demonstrate that sufficient opportunities to accommodate growth and market demand are not available through intensification, redevelopment and lands designated for development; the necessary, sustainable infrastructure and services for the development are planned or available; impacts on agricultural land and operations are minimized; and compliance with Minimum Distance Separation (MDS) setbacks are met. In support of the application, the applicant originally submitted a May 2020 housing market research study prepared by Gregory Thompson. Subsequently material from N. Barry Lyons Consultants Limited (NBLC) was submitted in August 2020 establishing that for development in Port Blake the regional housing market should include Grand Bend. A further report by NBLC in February 2021 was also submitted encompassing the earlier report and assessing the market demand for housing within Port Blake's regional market area. This 2021 report assessed both planned and current development patterns, forecasted and market demand, and land supply and noted that the development will be supported with full municipal servicing and no impacts to prime agricultural land. Through the NBLC material, in combination with the applicant's planning justification report, the requirements of a comprehensive review reflective of the scale and complexity of this proposed development have been met in support of the proposed settlement area expansion.

Policy 1.2.6.1 addresses avoiding/minimizing odour, noise and other contaminants, as well as minimizing the risk to public health and safety. The subdivision has been designed to achieve this by avoiding development in the hazardous flooding area. As well, the placement of the stormwater management pond at the front of the development reduces the amount of housing next to any noise from Highway 21.

Policy 1.4.3 provides for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of the regional market area. The NBLC and planning justification reports mentioned earlier address this policy. It is also noted that this development will increase the availability of a new housing type, stacked townhomes, in South Huron and thereby expand the range of housing types available.

Policy 1.7.1 identifies how long-term economic prosperity should be supported which includes "encouraging residential uses to respond to dynamic market-based needs and

provide necessary housing supply and range of housing options for a diverse workforce” which this proposed development does as shown in the market demand assessment.

The proposed development satisfies policy 2.1.1 (protecting natural features and areas for the long term), policy 2.2.2 (protecting surface water sources), and policy 2.6.2 (conservation of significant archaeological resources) through the studies completed in support of the applications, the design of the subdivision, and the designations to ensure development avoids these areas.

The applications are consistent with the Provincial Policy Statement, 2020.

Huron County Official Plan (County OP)

The Huron County Official Plan (County OP) contains general policies at the county-wide level and also provides guidelines to local municipalities for the development of local official plans. The local official plans are required to conform to the County OP.

Policy 2.3.4 permits the expansion of a settlement area boundary through a supportive comprehensive review and the policies found in Section 7 of the County OP. Section 7 is the County OP’s Settlement Patterns section with policy 7.3.2 encouraging housing intensification and affordability. Servicing in settlements areas is addressed in policy 7.3.4 and includes directing development to fully serviced Settlement Areas and the use of phasing. Policy 7.3.3 speaks directly to settlement area boundary expansions and has similar requirements to what is found in the Provincial Policy Statement. As discussed in that section of this report, the proposed official plan amendment meets the comprehensive review requirement. The applications meet these County OP requirements.

The proposed development satisfies policy 3.3.6 (preservation of significant archaeological resources), policy 3.3.9 (transportation land use considerations), policy 6.3.4 (protecting surface water sources), policies 6.3.7 through 6.3.9 (protecting natural features and areas for the long term), and policy 6.3.10 (watercourse protection) through the studies completed in support of the applications, the design of the subdivision, and the designations to ensure development avoids areas of concern.

The applications conform to the County of Huron Official Plan.

South Huron Official Plan

The South Huron Official Plan (South Huron OP) has many similar policies to what are found in the PPS and County OP. There are requirements for environmental impact studies and their components (policies 5.4.5.2.3 and 5.4.9), the protection of watercourses (policy 5.4.6), avoiding natural hazards including flooding hazards (policies 5.4.8.1 and 11.2.2), and a supportive comprehensive review for settlement area boundary expansions (policy 7.4.7), all of which the proposed applications satisfy.

Policies with respect to infrastructure and servicing (policies 11.1.3.1 and 11.1.3.2) including new subdivisions being on full municipal sewage and water services, a development agreement being entered into and registered on title, an integrated road system, and a traffic impact study requirement have also all been met by the proposed development.

Policy 7.4.4.3.3 outlines a number of actions to make housing more affordable that are reflected in the design of the proposed development, specifically increasing density through reduced lot size and the construction of a variety of dwelling types including medium to high density dwelling types.

Policy 7.4.5 requires development to be contiguous with existing development and connected to municipal water and sewage services as is proposed by these applications. The area being re-designated to Residential is contiguous with Grand Cove Estates to the south and the proposed subdivision is the first of the two phases contemplated to develop this property. The subdivision is also directly across Highway 21 from the existing Oakwood Links townhouse condominium development.

The Port Blake Planning Area (PBPA) is specifically addressed in Section 7.10 of the South Huron Official Plan with 7.10.1 introducing the PBPA, including indicating a secondary plan will be completed for the Area along with a comprehensive review. It also notes that the Designated Service Area for the Oakwood Sanitary Pumping Station includes lands on both the east and west sides of Bluewater Highway. The east side lands include the subject property. Policy 7.10.4.1 prohibits new residential development until such time as full municipal services are available and a secondary plan has been adopted. Full municipal services are available for this property. The applicant has submitted a comprehensive review and policy amendments/additions to function as a scoped secondary plan for the subject lands to align with this policy.

The areas next to Highway 21 in the PBPA are similar to a PII settlement area as noted in 7.10.1. Policy 7.8.4.3.6 details the requirements for residential uses in the PII settlement areas, such as permitting low, medium, and high density residential uses and their development criteria which the proposed development meets.

The applications conform to the South Huron Official Plan.

Huron County Residential Intensification Guidelines

The Huron County Residential Intensification Guidelines (RIG) have been produced “as a framework to guide the planning and design of residential intensification projects within the County” and includes guidelines on new neighbourhoods in Section 5. The applications are in line with several of the recommendations found in the RIG such as a variety of housing types and built form, roof line transitions, and garage placements. The opportunity to incorporate other recommendations will come at the site plan approval stage for the street townhouses and stacked townhomes.

Planning Documents Review Comments

As a result of the circulation of the applications, the planning consultants for Oakwood Park Association Inc. provided preliminary comments that the applications do not meet the requirements of the PPS, County OP or South Huron OP; in particular:

1. The tests and comprehensive review requirement of PPS policy 1.1.3.8 and the similar policies in the both the County OP and the South Huron OP for a settlement area boundary expansion have not been met.
2. The Official Plan Amendment is not a Secondary Plan as envisaged by the Planning Act or the South Huron OP and is therefore not a Secondary Plan and is both premature and not in the public interest. The secondary plan is to be initiated by the Municipality (not a private party) and the focus is too narrow. Services have not been extended through entire Port Blake Planning Area as required by the South Huron OP. The Planning Act prohibits a municipality from undertaking any work not in conformity with the OP (Sec. 24(3)).
3. As a result, the applications do not comply with Sections 2(p), 22(2.1.2), 24(3), and 51(24) of the Planning Act.

In response to the above comments, the requirements with respect to a settlement area expansion and the comprehensive review were discussed earlier in this report with the conclusion being that the requirements have been met.

With respect to the comments that the amendment is not a “Secondary Plan” as envisaged by the Planning Act, it is noted the reference to and description of a secondary plan in the Act is only found in Section 22(2.1.1) and 22(2.2.2) that were added to the Act in 2017 after the reference to a secondary plan in the South Huron OP had been added years earlier. In addition, the applicant has provided a legal opinion (subsequently confirmed by South Huron’s solicitor) that the definition of a secondary plan in the Planning Act is restricted to the circumstances outlined in Section 22(2.1.1) in the Act which are not the circumstances of this OP amendment application. As a result, the definition of a secondary plan in the Planning Act does not apply to restrict the OP amendment from meeting the OP’s intention of a secondary plan.

The proposed amendment to the South Huron OP does not remove the requirement for a secondary plan for the broader Port Blake Planning Area (PBPA). Rather, the amendment is proposed as a scoped secondary plan within the PBPA to permit the development of the subject property for the proposed residential uses as a complement and precursor to the larger secondary plan outlined in the Official Plan. The studies and analysis in support of the property establish that the official plan amendment is not premature. It is in the public interest for the amendment to be approved.

Regarding the comment that the applications do not comply with various sections of the Planning Act, after a review of the material in light of the planning requirements:

- a) The application submission has established that the subject lands are an appropriate location for growth and development (Section 2(p) of the Act);

b) Section 22.1.2 of the Act does not restrict the composition or extent of a secondary plan as contained in the South Huron OP; and

c) The requirements of Section 51(24) for the subdivision application have been met.

In addition, Section 24(3) is complied with as there are no public works being undertaken that do not conform with the South Huron OP since the proposed amendment would permit the residential development and its servicing. The applications do comply with the Planning Act requirements.

CONCLUSION

As the applications have been found to comply with the Planning Act, be consistent with the Provincial Policy Statement, 2020, and conform to both the Huron County Official Plan and the South Huron Official Plan, the following recommendations for their approval are submitted for Council's consideration:

The Council of the County of Huron approve Amendment No. 19 to the Municipality of South Huron Official Plan; and further that the Notice of Decision be circulated.

The Council of the County of Huron grant draft plan approval to Plan of Subdivision file 40T20006 with the attached conditions; and further that the Notice of Draft Plan Approval be circulated.

Sincerely,

Craig Metzger
Senior Planner

DRAFT PLAN APPROVAL FOR PLAN OF SUBDIVISION

File: 40T20006

Developer: Baker Planning Group for Tridon Properties Ltd.

Lower Tier: Municipality of South Huron

Subject Lands: Part Lots 2-4, Lake Road East Concession, Stephen Ward, Municipality of South Huron, County of Huron

Date of Draft Approval: November 3, 2021

WHEREAS the application for subdivision 40T20006 has been circulated according to the Delegation Orders of the Minister of Municipal Affairs and the County of Huron's Procedures Manual;

AND WHEREAS the application affects an area designated for residential development in the Municipality of South Huron Official Plan;

AND WHEREAS any issues raised during the circulation of the application are addressed by the following conditions to draft approval;

NOW, THEREFORE the Council of the Corporation of Huron hereby issues draft approval to file 40T20006 which pertains to Part Lots 2-4, Lake Road East Concession, Stephen Ward, Municipality of South Huron and the following conditions shall apply.

The County of Huron's conditions, amendments, and administration requirements to final approval for registration of this subdivision (File 40T20006) are as follows (the following conditions must be met prior to final approval):

CONDITIONS

Description

1. This approval applies to the draft plan dated October 20, 2021. The subdivision consists of 92 lots/blocks intended for single detached dwelling development, 4 blocks for multiple attached dwelling development, 1 block for future medium density residential development, 1 block for stormwater management, 1 block for a walkway, 2 blocks for right of ways, and road allowances for 5 streets; on an area of 12.2 hectares.

Phasing

2. The subdivision may be registered in phases per a phasing plan acceptable to the Municipality of South Huron.
3. That any road or stormwater management and drainage infrastructure required for the independent development of either phase shall be completed to the satisfaction of the Municipality of South Huron prior to the registration of the respective Phase.

General

4. That the subdivision be named to the satisfaction of the Municipality of South Huron.

5. That South Huron Official Plan Amendment No. 19 be in full force and effect to the satisfaction of the County of Huron.

Roads

6. That roads be developed to a standard acceptable to the Municipality of South Huron.
7. The road allowances shown on the draft plan shall be dedicated to the Municipality of South Huron.
8. The roads shown on the draft plan be named and numbered for 911 purposes to the satisfaction of the Municipality of South Huron and the County of Huron
9. Any deed ends and/or open sides of road allowances created by this Plan of Subdivision shall be terminated in 0.3 metre reserve to be conveyed to and held in trust by the Municipality of South Huron until required for future road allowances or the development of adjacent land.

Easements and Blocks

10. Any easements required for municipal services, including a 15 metres wide easement adjacent to the Highway 21 right-of-way across the entire property frontage south of Street A and a 14 metres wide easement adjacent to the Highway 21 right-of-way across the property frontage north of Street A to facilitate future trunk sanitary sewer installation, will be provided by the Developer to the satisfaction of the Municipality of South Huron.
11. Any easements as may be required for any utility purposes, including but not limited to electricity, telecommunications, cable, gas and hydro shall be granted by the Developer gratuitously to the appropriate authorities to their satisfaction.
12. Blocks 8 and 9 shall be dedicated to the Municipality of South Huron for future road access.
13. Block 7 shall be dedicated to the Municipality of South Huron for a walkway.

Municipal Drain

14. Section 65 of the Drainage Act be addressed to the satisfaction of the Municipality of South Huron.

Subdivision Agreement

15. The Developer shall enter into a Subdivision Agreement with the Municipality of South Huron which shall list all requirements, including financial or otherwise for the development of the subdivision plan including but not limited to the following:
 - a. provisions for phases;
 - b. provision for roads to a standard acceptable to the Municipality of South Huron and for the naming of such roads;
 - c. provisions for the allocation of municipal reserve capacity for water and sewer that is coordinated with the phases;
 - d. provisions for the installation of and connection to municipal services (water, sanitary and storm systems);
 - e. provision of storm water management facilities;

- f. provision of grading and drainage plans and related installations;
 - g. provision of trees and landscaping on streets and any other public areas;
 - h. provision of sidewalks;
 - i. provision of public access to the proposed trails on the Developer's abutting property to the south;
 - j. provision of a temporary, asphalt cul-de-sac including a temporary guiderail type barricade installed as per OPSD 912.532 if the subdivision is developed in phases and the cul-de-sac is required by the phasing plan;
 - k. provide for the following 2 notices to be registered on title for the residential lots/blocks:
 - i. *Purchasers/tenants are advised that due to the proximity of the adjacent Grand Bend Wind Farm facility, noise from the facility may at times be audible.*
 - ii. *Purchasers/tenants are advised that due to the proximity of the adjacent Dark Horse Estate Winery, noise from the facility, including noise from pest-scaring devices, may at times be audible.*
 - l. provisions to address requirements by other review agencies;
 - m. see Condition 31 regarding Canada Post; and
 - n. other such matters as determined by the Municipality of South Huron.
16. A copy of the Subdivision Agreement shall be provided to the County of Huron, Planning and Development Department, prior to final approval.
17. The Subdivision Agreement shall be registered against the lands to which it applies by the Municipality of South Huron, and paid for by the Developer.

Engineering Drawings

18. Prior to final approval of each phase and sub-phase, the Developer shall submit for approval subdivision design drawings (including preliminary design sketches for all public works and services within the entire subdivision as per the Function Servicing Report), prepared and certified by a Professional Engineer to the satisfaction of the Municipality of South Huron.

Servicing

19. That the Developer agrees in writing to satisfy all requirements, financial and otherwise, of the Municipality of South Huron concerning the provision of roads, installation of services, drainage, and water and sewage capacity.
20. That a street lighting plan be submitted and approved by the Municipality of South Huron.
21. The Developer shall enter into an agreement with Hydro One Networks Inc. regarding electrical services and supply.
22. That Hay Communications, Bell Canada or any other communication provider selected by the Developer, advise the Municipality of South Huron that satisfactory arrangements

have been made for the installation of underground communication facilities on the site and connecting facilities to the site and the developer sign a letter of understanding with the communication provider. The Developer shall confirm with the Municipality of South Huron the number and location of services provided.

23. The Developer agrees to provide Enbridge Gas Inc. (operating as Union Gas) the necessary easements and/or agreements required by Enbridge Gas for the provision of gas services for this project, in a form satisfactory to Enbridge Gas.

Storm Water Management

24. Prior to final approval, the Developer shall submit the following reports prepared by a qualified professional engineer, and completed to the satisfaction of the Municipality of South Huron and the Ausable Bayfield Conservation Authority:

- a. A final storm water management plan;
- b. Details regarding the maintenance of any stormwater management facilities.
- c. A storm water management Maintenance Manual.

25. Prior to final approval, the Developer shall submit the following reports, prepared by a qualified professional engineer, and completed to the satisfaction of the Municipality of South Huron and the Ausable Bayfield Conservation Authority:

- a. A final overall lot grading and drainage plan;
- b. A final erosion and sedimentation control plan.

26. Block 6 shall be dedicated to the Municipality of South Huron for the purposes of stormwater management following the complete construction of all facilities outlined in the stormwater management plan including any facilities located on lands currently owned by the Municipality of South Huron.

Zoning

27. The subject lands be zoned to the satisfaction of the Municipality of South Huron.

Park Land

28. Cash in lieu of parkland be conveyed to the Municipality of South Huron as per Section 51.1 of the Planning Act.

Fencing

29. That the Developer shall agree to fence the northern side of the Medium Density Block (Block 5) adjacent to the existing residential property to the satisfaction of the Municipality of South Huron.

Canada Post

30. Prior to final approval, the Developer shall consult with Canada Post to determine suitable permanent locations for the Community Mail Boxes and that the locations will be indicated on the appropriate servicing plans.

31. The Subdivision Agreement shall contain the following clauses:

- a. *The Developer covenants and agrees to provide the Municipality of South Huron with evidence that satisfactory arrangements, financial and otherwise, have been made with Canada Post Corporation for the installation of Community Mail Boxes (CMB) as required by Canada Post Corporation and as shown on the approved engineering design drawings/Draft Plan at the time of sidewalk and/or curb*

installation. The Developer further covenants and agrees to provide notice to prospective purchasers of the locations of CMBs and that home/business mail delivery will be provided via CMB, provided the Developer has paid for the activation and equipment installation of the CMBs;

- b. The Developer agrees, prior to offering any units for sale, to display a map on the wall of the sales office in a place readily accessible to potential homeowners 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 and sale a statement which advises the purchaser 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 homeowners 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 as soon as the homes are occupied.*
- e. The Developer agrees to provide the following for each Community Mail Box site and to include these requirements on the appropriate servicing plans:*
 - Any required walkway across the boulevard, per Municipal standards;*
 - Any required curb depressions for wheelchair access, with an opening of at least two metres (consult Canada Post for detailed specifications); and*
 - A Community Mailbox concrete base pad per Canada Post specifications.*

Ministry of Transportation (MTO)

- 32. The Developer shall convey by deed, free and clear of all liens, mortgages, and encumbrances to the MTO visibility triangles at the intersection of Highway 21 and Proposed Street A and a 0.3 m reserve extending across the entire highway frontage. These are to be shown as separate blocks.
- 33. Prior to final approval the Developer shall submit to MTO for review and approval, a copy of a Stormwater Management Report/Plan.
- 34. That prior to final approval, the Developer shall submit to MTO for review and approval, a copy of a Traffic Impact Study. Highway improvements as a result of the development are the financial responsibility of the Developer.
- 35. That prior to final approval, the Developer shall enter into a Legal Agreement with the Ministry of Transportation whereby the Developer agrees to assume financial responsibility for the design and construction of all necessary highway improvements as outlined in the Traffic Impact Study.

Financial Requirements

- 36. The Developer shall pay any outstanding charges to the Municipality of South Huron prior to final Approval.
- 37. The Developer acknowledges that the Grand Bend Sewage Treatment Facility Cost Recovery By-law applies to all lots and dwelling units in this development and is paid at

the time of the Building Permit application to the satisfaction of the Municipality of South Huron.

38. Reimbursement by the Developer of any legal, and/or engineering and consulting fees and disbursements incurred by the Municipality of South Huron in connection with the review or approval of this plan of subdivision, shall be made.
39. Reimbursement by the Developer of any legal, and/or engineering and consulting fees and disbursements incurred by the County of Huron in connection with the review or approval of this plan of subdivision, shall be made.

Clearances

40. The County is to be advised in writing by the appropriate agencies that the foregoing conditions have been satisfied (see Notes to Draft Approval for addresses of agencies).

ADMINISTRATION

The Developer has three (3) years from the date of draft approval of this plan of subdivision to obtain final approval from the County. If final approval is not obtained before three (3) years from the date of draft approval, and in the absence of an extension applied for by the Developer and approved by the County, then the draft approval shall be deemed to be void.

NOTES TO DRAFT APPROVAL

1. It is the applicant's responsibility to fulfill the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the County of Huron Planning and Development Department, quoting the County file number.
2. An application for final approval of the Plan of Subdivision must be submitted to the County of Huron with copies of the required clearance letters. Be advised the County of Huron requires a minimum of two weeks to review an application for final approval of a Plan of Subdivision.
3. A copy of the final M-Plan is required by the County of Huron and the Municipality of South Huron.
4. It is the responsibility of the Developer to provide the approval body with the required information and fees to extend this draft approval. Should this information and fees not be received prior to the lapsing date, the Draft Plan Approval will lapse. There is no authority to revise the approval after the lapsing date and a new subdivision application under Section 51 of the Planning Act will be required.
5. An updated review of the plan and revisions to the Conditions of Approval may be necessary if an extension is to be granted.
6. Ausable Bayfield Conservation Authority (ABCA) notes to draft approval:
 - a) The Developer is cautioned that storm water management blocks may be subject to change based on the final storm water management plan.
 - b) Formal written permission from ABCA under Ontario Regulation 147/06 is required for all storm water-related facilities within this regulated area, including the storm water management pond, grading, storm outlet features, etc.

7. Ministry of Transportation (MTO) notes to draft approval:

- a) An MTO Building and Land Use Permit is required. As a condition of MTO permits, the following will be required:
 - The Proponent shall submit an acceptable Site Plan, Grading Plans, Drainage Plan and Site Servicing Plan for MTO review and approval. These plans shall clearly identify all structures/works and parking (existing and proposed).
 - MTO requires all buildings, structures and features integral to the site to be located a minimum of 14 metres from the highway property limit, inclusive of landscaping features, fire-lanes, parking and storm water management facilities.
- b) Municipal services may be permitted to cross Highway 21 at MTO approved locations. New parallel installations should be constructed outside of MTO right-of-way. Prior to construction, the municipality shall submit for review and approval, copies of engineering drawings and geotechnical investigation. Open cut installations on Highway 21 will not be permitted. An MTO encroachment permit will be required to complete this work.
- c) The grading/drainage plans shall identify any storm drain infrastructure including - outlets, swales, tiles, direction of flow, etc. A Storm Water Management Report is required for MTO review and approval.
- d) Any/all signage visible from Highway 21, including temporary development signs, must be identified on the plans, must conform to MTO policies and guidelines, and will require a valid MTO Sign Permit before installation.

8. Clearances are required from the following:

Municipality of South Huron 322 Main Street South Exeter, ON, N0M 1S6 Conditions #2-4, 6-10, 12-15, 17-20, 22, 24-29, 36-38	Canada Post 955 Highbury Ave London, ON, N5Y 1A3 Conditions #30, 31
County of Huron Planning & Development Department 57 Napier Street, 2 nd Floor Goderich, ON, N7A 1W2 Conditions #5, 8, 16, 39, 40	Bell Canada (if applicable) F1-575 Riverbend Drive Kitchener, ON, N2K 3S3 Conditions #11, 22
Hydro One Networks Inc. Underground Subdivisions Department 420 Welham Road Barrie, ON, L4N 8Z2 Conditions #11, 21	Hay Communications (if applicable) 72863 Blind Line P.O. Box 99 Zurich, ON, N0M 2T0 Conditions #11, 22
Ausable Bayfield Conservation Authority 71108 Morrison Line, R.R. #3 Exeter, ON, N0M 1S5 Conditions #24, 25	Ministry of Transportation West Operations Branch Corridor Management Section West 659 Exeter Road London, ON, N6E 1L3 Conditions #32-35
Enbridge Gas Inc. 50 Keil Drive North Chatham, ON, N7M 5M1 Conditions #11, 23	

