

NOTICE OF DECISION

On Application for Approval of Draft Plan of Subdivision under Subsection 51(37) 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.

PUBLIC AND AGENCY COMMENTS RECEIVED ON THE FILE

All written and oral submissions received on the application were considered; the effect of which helped to make an informed recommendation and decision.

WHEN AND HOW TO FILE A NOTICE OF APPEAL

Notice to appeal the decision to the Ontario Land Tribunal 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 required by the Tribunal as prescribed under the Ontario Land Tribunal Act, and
3. Include the completed appeal forms from the Tribunal's website.

WHO CAN FILE A NOTICE OF APPEAL

Only individuals, corporations or public bodies may appeal decisions in respect of a proposed plan of subdivision to the Ontario Land Tribunal. 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 on its behalf.

No person* or public body shall be added as a party to the hearing of the appeal of the decision of the approval authority, including the lapsing provisions of the conditions, unless the person or public body, before the decision of the approval authority, made oral submissions at a public meeting or written submissions to the council, or made a written request to be notified of changes to the conditions or, in the Ontario Land Tribunal's opinion, there are reasonable grounds to add the person or public body as a party.

*Notwithstanding the above, only a 'person' listed in subsection 51(48.3) of the Planning Act may appeal the decision of the County of Grey to the Ontario Land Tribunal (OLT) as it relates to the proposed plan of subdivision. Below is the prescribed list of 'persons' eligible to appeal a decision of the County of Grey related to the proposed plan of subdivision as per subsection 51(48.3) of the Planning Act. These are changes that have been made to the Planning Act by the province. A link to the revised Planning Act can be found here - <https://www.ontario.ca/laws/statute/90p13>. For more information about these changes, please visit the OLT website or contact OLT - <https://olt.gov.on.ca/about-olt/>

The prescribed list of 'persons' eligible to appeal a decision of the County on the proposed plan of subdivision as per subsection 51(48.3) of the Planning Act is as follows:

1. A corporation operating an electric utility in the local municipality or planning area to which the plan of subdivision would apply.
2. Ontario Power Generation Inc.

3. Hydro One Inc.
4. A company operating a natural gas utility in the local municipality or planning area to which the plan of subdivision would apply.
5. A company operating an oil or natural gas pipeline in the local municipality or planning area to which the plan of subdivision would apply.
6. A person required to prepare a risk and safety management plan in respect of an operation under Ontario Regulation 211/01 (Propane Storage and Handling) made under the Technical Standards and Safety Act, 2000, if any part of the distance established as the hazard distance applicable to the operation and referenced in the risk and safety management plan is within the area to which the plan of subdivision would apply.
7. A company operating a railway line any part of which is located within 300 metres of any part of the area to which the plan of subdivision would apply.
8. A company operating as a telecommunication infrastructure provider in the area to which the plan of subdivision would apply.

RIGHT OF APPLICANT OR PUBLIC BODY TO APPEAL CONDITIONS

The following may, at any time before the approval of the final plan of subdivision, appeal any of the conditions imposed by the approval authority to the Tribunal by filing a notice of appeal with the approval authority: the applicant; any public body that, before the approval authority made its decision, made oral submissions at a public meeting or written submissions to the approval authority; the Minister; or the municipality in which the subject land is located.

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 made a written request to be notified of changes to the conditions.

RELATED APPLICATIONS

Township of Southgate Zoning By-law Amendment C1-20.

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.

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-2019-04 has been granted **DRAFT APPROVAL**. The County's conditions of final approval for registration of this draft plan of subdivision are as follows:

General Requirements

1. That the final plan shall conform to the Draft Plan of Subdivision File No. 42T-2019-04 prepared by GM BluePlan Engineering dated March 2019 (last revised March 18, 2021) showing:
 - a. 29 single detached lots (Lots 1 to 29)
 - b. 1 lot associated with the golf course/golf club (Lot 30)
 - c. 3 blocks for stormwater management (Blocks 31 to 33)
 - d. ~~1 block associated with the dock (Block 34)~~
 - e. 1 future road (shown as Sunny Rock Drive)

The legal description of the subject lands is Part of Lots 2, 3 & 4, Concession 21, Part of Part 1, Parts 2 and 3, RP 16R-11219, Township of Southgate, geographic Township of Egremont, County of Grey.

2. 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, drainage, parkland, security, and other matters as determined by the Township.
3. That prior to final approval the owner enter into a Subdivision Agreement with the Township, to be registered on title to the property and then upon each lot once the plan has been registered.
4. That the road allowances included in this draft plan shall be shown and dedicated as public highways to the Township of Southgate. All roads and entrances shall be designed and constructed to a standard acceptable to the Township, and such design shall be included in the subdivision agreement. The owner agrees to provide detailed plans and specifications indicating that the roads and drainage will be constructed to the standards of the Township.
5. That the streets shall be named, subject to final approval of Township Council, and provided that such new street names are not duplicates of street names or phonetic sounding street names elsewhere in the County of Grey.
6. That any dead ends, daylighting triangles at street intersections and open sides of road allowances created by this draft plan shall be terminated in 0.3m reserves to be conveyed to, and held in trust, by the Township of Southgate.
7. **That Blocks 31-33 be deeded to the Township for stormwater management purposes.** ~~That the ownership and maintenance of the Stormwater management blocks (Blocks 31 to 33) and the dock block (Block 34), be established as common elements through a condominium exemption process with the Lots being 'parcels of tied land'. The subdivision agreement shall include provisions with respect to recognizing that these blocks will be common element blocks and that any easements required by the Township to provide any future access to the blocks be included as part of the subdivision agreement to the satisfaction of~~

the Township of Southgate and the County of Grey. Requirements related to general maintenance of Blocks 31-33 (i.e. access for grass cutting and related care of the blocks) shall be stipulated in a separate agreement between the Developer and the Township which may include provision for an access easement.

8. That the Owner agrees to satisfy the requirements of the Township of Southgate in reference to parkland dedication in a manner satisfactory to the Township of Southgate and pursuant to the provisions of the Planning Act. R.S.O. 1990 as amended and that the Subdivision Agreement contain a provision to effect this.
9. That the proposed subdivision is zoned appropriately. This zoning shall have a holding provision for all the lands save and except the stormwater management areas and the golf course lot. The holding provision may be removed upon entering into, and registration of, a subdivision agreement.
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 any necessary temporary works such as turning circles and sidewalk/trail connections, or temporary easements. The phasing plan shall also identify any lots which may be temporarily constrained by 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.
11. That all easements and or agreements for drainage, gas line, telecommunication, or utility purposes shall be dedicated to the appropriate authority or public authority. Should the relocation of any utilities be required as a result of this development, that all associated costs be at the Developer's expense.
12. The owner agrees to enter into a subdivision agreement for the subject lands and include provisions that include the following:
 - a) That the Subdivision Agreement between the Owner and the Township of Southgate contain provisions with wording acceptable to the Saugeen Valley Conservation Authority relating to the Final Lot Grading and Drainage Plan, Final Stormwater Management Report, Final Sediment and Erosion Control Plan, and mitigation and recommendations from the Environment Impact Assessment (EIA) prepared by SAAR Environmental.
 - b) That the owner(s) agree in the Subdivision Agreement to include in all Offers of Purchase and Sale a statement advising prospective purchasers that accommodation within a public school in the community is not guaranteed and students may be accommodated in temporary facilities; including but not limited to accommodation in a portable classroom, a "holding school", or in an alternate school within or outside of the community.
 - c) That the owners(s) agree in the Subdivision Agreement to include in all Offers of Purchase and Sale a statement advising prospective purchasers that if school buses are required within the Subdivision in accordance with Board Transportation policies, as may be amended from time to time, school bus pick up points will generally be located on the through street at a location as determined by the Student Transportation Service Consortium of Grey Bruce.

- d) That the Owner(s) shall agree in the Subdivision Agreement to provide pedestrian linkages throughout the subdivision to accommodate and promote safe walking routes.
 - e) That the recommendations of the Visual Impact Assessment are included in the subdivision Agreement.
 - f) That the Phasing of the subdivision is identified in the subdivision agreement.
 - g) That a provision be included to ensure that wells are drilled to a depth of between 15mbgs and 45mbgs (as per recommendation of the Hydrogeological report) and that some form of water disinfection system be utilized such as UV or chlorination.
 - h) That a Landscape plan be provided as part of the Subdivision Agreement that indicates a Tree Planting Plan and Tree Retention Plan using tree species that are natural to Ontario.
 - i) That a schedule be included in the subdivision agreement which would outline special provisions to be included in an Environmental Management Plan (EMP) to be created by the Applicant's consultants (Planning Consultant, EIA Consultant and Engineering Consultant), in consultation and to the satisfaction of the Township and SVCA, which will serve as a land stewardship document for future landowners outlining best practices including, but not limited to:
 - i. limiting or prohibiting certain types of fertilizers with higher concentrations of phosphorus for all lots within the subdivision;
 - ii. limitations on shoreline clearing adjacent to the lake and the camp;
 - iii. minimizing any potential impacts to the lake associated with using the lake for recreational purposes;
 - iv. maintenance procedures associated with the septic systems;
 - v. upgrading the side yard swales to enhanced grass swales on Lots 1 to 12;
 - vi. and recommended grasses to be planted and maintained on the proposed lots closest to the lake and the creek (Lots 1 to 12).
13. The Owner agrees to provide a letter indicating how the application has satisfied the provisions of the Endangered Species Act ("ESA"), including demonstration that the methods, protocols and recommendations are in accordance with provincial requirements together with confirmation from the Ontario Ministry of Natural Resources and Forestry that the requirements of the ESA have been met.
14. That prior to final approval by the County of Grey or any grading or construction on the site and prior to registration of the plan, the owners or their agents submit the following plans and reports to the satisfaction of the County of Grey, Saugeen Valley Conservation Authority and the Township as applicable:
- a. A final Stormwater Management Report in accordance with the 2003 Ministry of Environment Report entitled "Stormwater Management Practices Planning and Design Manual" and in keeping with the Functional Servicing and Stormwater Management Report.
 - b. Detailed lot grading and drainage plans showing existing and proposed grades.
 - c. An Erosion and Siltation Control Plan in accordance with the Saugeen Valley Conservation Authority's Guidelines for sediment and erosion control, indicating the means whereby erosion will be minimized, and silt maintained on-site throughout all phases of grading and construction.

- d. The submission and approval of a Development, Interference with Wetlands and Alterations to Shorelines and Watercourses permit from the SVCA prior to any grading within the regulated area.
 - e. 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.
 - f. Landscape plan which includes a Tree Planting Plan and Tree Retention Plan using tree species that are natural to Ontario.
15. That the Owner, as part of the subdivision agreement, shall agree in writing acceptable to the Township of Southgate
- a. To maintain all stormwater management and erosion and sedimentation control structures in good repair and operating order throughout all phases of construction.
 - b. To investigate any well interference complaints received by the Developer, Developers Agents, Ministry of the Environment, Conservation and Parks (MECP) 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 MECP 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.
 - c. That all outdoor lighting and street lights be designed to minimize the impact on dark skies.
 - 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 restriction to be imposed by the Township upon Final Acceptance of the subdivision.
 - iii. Illustrating the location of proposed public walkways, trails, parks, fences, community mailbox locations and other significant features that may be of interest to prospective purchasers.
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 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.
18. 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.
19. 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, Conservation and Parks Regulations and Guidelines to the satisfaction of the Township prior to final approval.

20. That the subdivision agreement includes provisions that requires the developer to 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.
21. All imported fill is to meet Ministry of Environment, Conservation and Parks Table 2 criteria for development lands.
22. 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.
23. 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 West of the subdivision and golf course lands 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."
24. The Owner shall make satisfactory arrangements with Canada Post and the Township, for the installation of Canada Post Community Mailboxes and shall indicate these locations on the appropriate servicing plans. The applicant shall further provide the following for the Community Mailboxes:
 - a. An appropriately sized sidewalk section (concrete pad), per Canada Post standards, to place the mailbox on, plus any required vehicle lay-bys, walkway access and/or curb depressions for wheelchair access.
 - b. A suitable temporary Community Mailbox location which may be utilized by Canada Post until the final grading have been completed at the permanent Community Mailbox Site locations to enable Canada Post to provide mail service to new residences as soon as homes are occupied.
 - c. 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.
 - d. 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
 - e. The developer agrees to provide the following for each Community Mail Box site and to include these requirements on the appropriate servicing plans:
 - iv. Any required walkway across the boulevard, per municipal standards

- v. Any required curb depressions for wheelchair access, with an opening of at least two metres (consult Canada Post for detailed specifications)
- vi. A Community Mailbox concrete base pad per Canada Post specifications.

25. The Owner shall agree in the Subdivision Agreement to the following:

- a. Should previously unknown or unassessed deeply buried archaeological resources be uncovered during development, such resources may be a new archaeological site and therefore subject to Section 48 (1) of the Ontario Heritage Act. The proponent or person discovering the archaeological resources must cease alteration of the site immediately and engage a licensed archaeologist to carry out archaeological fieldwork, in compliance with sec. 48 (1) of the Ontario Heritage Act;
- b. That anyone working on the subject lands who uncovers a burial site containing human remains shall cease fieldwork or construction activities and immediately report the discovery to the police or coroner in accordance with the Funeral, Burial and Cremation Services Act.

26. The Draft Plan conditions acknowledge that **at the locations of proposed Lots 1 and 7** on the draft development drawings will have ~~a residences~~ located on the property and prior to subdivision approval. It is the responsibility of the applicant to ensure the residences ~~is~~ **are** properly situated in the final plan of subdivision for approval ~~related~~ **ive** to property line setbacks, road design and property access to Lots 1 and ~~6~~ **7**. **The residences established on Lots 1 and 7 will be subject to the requirements of a Model Home Agreement between the Developer and the Township.**

27. That prior to final approval, that the 6 cottages to the south of the dock are to be demolished and removed from the property and that zoning provisions be included for ~~the dock block (Block 34)~~ **the relevant portion of Lot 6**, as part of the zoning **amendment**, to indicate that two of the existing cottages/buildings can be retained **as a change room use** to support the use of the Wilder Lake **for recreational purposes**, ~~dock as a change room and gathering space and to support property events~~, but neither structure can be used for the purpose of overnight accommodations.

28. Prior to final approval, the County is advised in writing from the Saugeen Valley Conservation Authority that Draft Plan Conditions 10(a),10(h) 10(i) and 14 have been addressed to their satisfaction.

29. Prior to final approval, the County is advised in writing from Canada Post that Draft Plan Condition 24 has been addressed to their satisfaction.

30. Prior to the signing of the final plan by the County of Grey, the County is to be advised that all Draft Plan conditions have been carried out to the Township's satisfaction.

31. If final approval is not given to this plan within three (3) 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 along with the applicable application fee and a resolution from the local municipality must be received.

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 or consultations are required from the following agencies, as well as the appropriate agency or authority providing utilities or services:
 - Township of Southgate
185667 Grey County Road 9
Dundalk, ON, N0C 1B0
 - Saugeen Valley Conservation Authority
1078 Bruce Road 12
Formosa, ON, N0G 1W0
 - Canada Post Corporation
300 Wellington Street
London, ON, N6B 3P2
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, Conservation and Parks under the Ontario Water Resources Act, RSO 1990, as amended.
6. All measurements in subdivision final plans must be presented in metric units.
7. 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.

DRAFT