



COUNTY OF WELLINGTON

PLANNING AND DEVELOPMENT DEPARTMENT
ALDO L. SALIS, BES, MSc, RPP, MCIP, DIRECTOR
T 519.837.2600
T 1.800.663.0750
F 519.823.1694

ADMINISTRATION CENTRE
74 WOOLWICH STREET
GUELPH ON N1H 3T9

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

Approval Authority: County of Wellington

File Number: 23T-13002 Avila Investments Limited

IN THE MATTER OF AN APPLICATION for Draft Plan of Subdivision being Part Park Lots Q & R, Survey MacDonald's Mount Forest; Part Lot 2, Concession WOSR, Divisions 3 & 4; geographic Arthur Township; being Part 1 on Reference Plan 61R-7881, Township of Wellington North, in the County of Wellington

TAKE NOTICE that the Corporation of the County of Wellington gave approval for an application for draft plan of subdivision Wellington County File No. 23T-13002 on the 2nd day of October, 2018 under Section 51(31) of the Planning Act, R.S.O. 1990, c.P.13, as amended in respect of Part Park Lots Q & R, Survey MacDonald's Mount Forest; Part Lot 2, Concession WOSR, Divisions 3 & 4; geographic Arthur Township; being Part 1 on Reference Plan 61R-7881, Township of Wellington North, in the County of Wellington subject to conditions of approval.

AND TAKE NOTICE that any person or public body may appeal the decision to approve or refuse the draft plan of subdivision, the lapsing provision (if applicable) or any of the conditions of the approval of the draft plan of subdivision (is applicable) to the Local Planning Appeal Tribunal, by filing with the Director of Planning and Development for the County of Wellington, not later than October 22, 2018 at 4:30 p.m. a written notice of appeal setting out the reasons for appeal.

AND THAT the applicant or any public body may, at anytime before the approval of the final plan of subdivision, under Section 51(58) of the Planning act, appeal any of the conditions imposed by the Corporation of the County of Wellington by filing with the Director of Planning and Development a written notice of appeal that must set out the reasons in support of the appeal, accompanied by a certified cheque or money order the applicable fee of \$300.00, made payable to the Minister of Finance of Ontario.

You will be entitled to receive notice of any changes to the conditions of approval of the draft plan of subdivision if you have either made a written request to be notified of the decision to approve or refuse to approve the draft plan of subdivision, or made a written request to be notified of changes to the conditions of approval of the draft plan of subdivision.

NOTE: Only individuals, corporations or public bodies may appeal decision in respect to a proposed plan of subdivision to the Local Planning Appeal 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.

A copy of the draft plan, decision, including the conditions, is attached. Additional information regarding the proposed plan of subdivision is available to the public for inspection in the Planning and Development Department of the County of Wellington, as well as at the Municipal Offices for the Township of Wellington North during regular business hours.

DATED at the City of Guelph, County of Wellington Administration Centre, this 2nd day of October, 2018

Aldo Salis, R.P.P., M.C.I.P.
Director of Planning and Development

THE CORPORATION OF THE COUNTY OF WELLINGTON

DECISION OF THE CORPORATION OF THE COUNTY OF WELLINGTON

With respect to an application by Avila Investments Limited pursuant to the provisions of Section 51 of the Planning Act, R.S.O. 1990 as amended for approval of a residential plan of subdivision, being Part Park Lots Q & R, Survey MacDonald's Mount Forest; Part Lot 2, Concession WOSR, Divisions 3 & 4; geographic Arthur Township; being Part 1 on Reference Plan 61R-7881, Township of Wellington North in the County of Wellington.

Draft Approval has been granted on October 2, 2018 subject to the following conditions:

CONDITIONS OF APPROVAL FOR DRAFT PLAN OF SUBDIVISION 23T-13002

No.	Condition
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1. THAT this draft approval applies to the draft plan, County of Wellington File No. 23T-13002, as **dated March 28, 2018, Prepared by JL Cox Planning Consultants Inc.**, showing Single Detached Residential Lots 1 – 116, 131 – 245 (being 231 lots); Semi-Detached Residential Lots 117-130, 246-261 (being 60 lots); Street Townhouse Units Blocks 262 – 268 (being 120 units); Commercial Use Blocks 269 – 270 (2.953 ha); Open Space Block 271 (2.574 ha); Walkway Block 272 & 274 (0.144 ha); Storm Water Management Block 273 (1.722 ha); Roads Street A-G (6.420 ha); Widening/Reserves Blocks 275, 276 & 279-285 (0.187 ha); Daylight Triangles Blocks 277 & 278 (0.008 ha); Hydro Substation Block 286 (0.060 ha) being a total of 411 residential units on 31.142 hectares of land.
2. THAT the plan proposed for registration for any phase within the subdivision shall be reviewed and accepted by the Township of Wellington North prior to the County of Wellington's granting final approval of such plan or phases.
3. THAT the street(s) shown in this draft plan shall be dedicated to the Township of Wellington North. They shall be named to the satisfaction of the Township of Wellington and where those streets are not extensions of existing streets that such new street names shall not be duplicates in spelling or phonetic sounding of street names elsewhere in the County of Wellington.
4. THAT any dead ends 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 the Township of Wellington North.
5. THAT prior to final approval by the County of Wellington, the County of Wellington is to be advised by the Township of Wellington North that appropriate zoning is in effect for this proposed subdivision.
6. THAT the Owner conveys up to 5% of the land included in the plan to the municipality for park purposes under section 51.1(1) of the Planning Act. Alternatively, the municipality may accept cash in lieu of all or a portion of the conveyance and, under section 51.1(3) of the Planning Act, the municipality is authorized to do so.

7. THAT the Owner agrees to satisfy the requirements of the Township of Wellington North in reference to parkland dedication by conveying Block 271 at time of registration of the first phase and further that the Owner will complete a trail and implementation plan as provided in the subdivision agreement.
8. THAT the Owner agrees to convey to the Township of Wellington North walkway Blocks 272 and 274 at time of registration of the first phase.
9. THAT such easements and/or agreements as may be required for servicing, access, utility or drainage purposes shall be granted to the appropriate authority.
10. THAT the Owner enter into a development agreement with the Township of Wellington North for the purposes of satisfying all the requirements of the Township, financial and otherwise including but not limited to the provision of roads and the installation of services and drainage, the planting and preservation of trees, and the provision of fencing. Without limiting the generality of the foregoing, the agreement shall contain wording to the satisfaction of the Township that addresses the following matters which shall be included within the declaration and all Purchase and Sale Agreements related to this plan of subdivision to:
 - a) Contain phasing arrangements acceptable to the Township of Wellington North.
 - b) Contain provisions whereby the Owner shall 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 include provisions that all damage or maintenance required to surrounding streets as a result of such traffic shall be at the Owner's cost.
 - c) Provide for the installation of a piped water supply system **a piped waste water collection system** and a sewage pumping station, subject to the approval of the Ministry of the Environment **and Climate Change**, and furthermore, shall provide for the Township of Wellington North to assume ownership and operation of the system.
 - d) 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 Township, County and Education development charges.
 - e) Be registered against the lands to which it applies; and that a copy of the subdivision agreement as registered be filed with the County.
 - f) Contain provisions for the completion and maintenance of the works in accordance with the approved plans and reports noted in Condition 13 (SVCA).
 - g) Contain provisions for the completion and implementation of a trail plan.
 - h) Contain provisions whereby the Owner shall make satisfactory arrangements with Wellington North Power for the provisions of electrical servicing which may include property for a sub-station and an easement for access over Block 269.
 - i) Contain provisions to address the provision of adequate sidewalks, lighting and snow removal and which are satisfactory to the Upper Grand District School Board and to the Township of Wellington North in respect of the means whereby the children can walk safely to school or to school bus "student collection areas".
 - j) Advise all purchasers of residential units and/or renters of same, by inserting the following clause in all offers of Purchase and Sale/Lease, until such time as a permanent school is assigned:

"Whereas the Upper Grand District School Board has designated this subdivision as a Development Area for the purposes of school accommodation, and despite the best

efforts of the Upper Grand District School Board, sufficient accommodation may not be available for all anticipated students from the area, you are hereby notified that students may be accommodated in temporary facilities and/or bussed to a school outside the area, and further, that students may in future have to be transferred to another school.”

- k) THAT the Owner agrees to fulfill its Undertaking given to Elsa Mann dated December 9, 2009 and duly acknowledged by the Township in respect of private well water supplies at 931 and 947 Bentley Street and the Owner shall undertake remedial measures if required. The monitoring period shall be 12 months from completion of services and shall be subject to the owners of 931 and 947 Bentley Street providing pre-construction access and testing of the private wells.
- 11. THAT prior to final approval and registration of any phase of the plan, the Township of Wellington North shall confirm to the satisfaction of the County of Wellington that an adequate water supply is available and has been allocated for the applicable plan or phase or that satisfactory arrangements have been made to ensure that an adequate water supply will be **provided** when required.
- 12. THAT prior to final approval and registration of any phase of the plan, the Township of Wellington North shall confirm to the satisfaction of the County of Wellington either that adequate sewage capacity is available and has been allocated in the sewage collection system for the subject plan or phase, or that satisfactory arrangements have been made to ensure that adequate capacity will be **provided** when required.
- 13. THAT prior to any grading or construction on the site and prior to the registration of the plan, the owners or their agents submit the following plans and reports to the satisfaction of the Saugeen Valley Conservation Authority **and the Township of Wellington North**:
 - a) A final stormwater management report in accordance with the Preliminary Stormwater Management and Servicing Report;
 - b) An erosion and siltation control plan in accordance with the December 2006 Erosion and Sediment Control Guidelines for Urban Construction, indicating the means whereby erosion will be minimized and silt maintained on site throughout all phases of grading and construction.
 - c) Detailed lot grading and drainage plans.
- 14. THAT prior to final approval by the County of Wellington, the Owner agrees in writing satisfactory to the Upper Grand District School Board to provide the Upper Grand District School Board with a digital file of the plan of subdivision in either **ARC/INFO** export or **DXF** format containing the following information: parcel fabric, and street network.
- 15. THAT prior to final approval by the County of Wellington, the County of Wellington is to be advised in writing by the Upper Grand District School Board that the Owner and the School Board have reached an agreement regarding the supply and installation of a school board information sign (at the Owner's expense) affixed to the permanent development sign on the subject land.
- 16. THAT the Owner/Developer provide to Union Gas the necessary easements and/or agreements required for the provision of gas services in a form satisfactory to Union Gas.

17. THAT prior to final approval by the County of Wellington, the Owner shall submit to the Ministry of Transportation the following:

- a) A copy of a Traffic Impact Study indicating the anticipated traffic volumes and their impact upon the intersection of Highway 6 and Street A, and the intersection of Highway 6 and Bentley Street.
- b) The Owner has agreed that highway improvements identified from MTO review and analysis of a Traffic Impact Study will be the financial responsibility of the Owner and a Legal Agreement will be required to be entered into between the owner and MTO. The Legal Agreement shall be secured with a Letter of Credit.
- c) The Owner shall provide for a 4.575m widening extending across the entire highway frontage with Blocks 269, 270 and portion of Block 262, and dedicate as public highway on the Owner's certificate on the final plan. The widening shall be shown as Blocks on the Draft Plan.
- d) The Owner shall provide for visibility triangles at the intersection of Highway 6 and Bentley Street, and the intersection of Highway 6 and Street A, and dedicate as public highway on the Owner's certificate on the final plan. The visibility triangles shall be shown as Blocks in the draft Plan.
- e) The Owner shall convey to the Ministry of Transportation by deed, free and clear of all liens, mortgages, and encumbrances, a 0.3m reserve extending across the entire widened highway frontage with Blocks 269, 270 and Block 262. The reserve shall be shown as Blocks on the Draft Plan.
- f) The Owner shall submit for review and approval a Draft Plan identifying as Blocks the lands required for road widening purposes, visibility triangles, and 0.3m reserves.
- g) The Owner shall submit for review and approval, a copy of a Final Stormwater Management Report/Plan indicating the intended treatment of the calculated stormwater runoff.
- h) The Owner shall submit for review and approval final Grading Plans and Final Servicing Plans.
- i) The Owner shall submit for review and approval, a draft copy of the M-Plan for the subdivision.

18. THAT prior to final approval by the County of Wellington, the Owner agrees in writing satisfactory to Canada Post Corporation to:

- a) Consult with Canada Post and **Township of Wellington North** to determine suitable permanent locations for the Community Mail Boxes. The owner will then indicate these locations on the appropriate servicing plans.
- b) 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) Include on all offers of purchase and sale, a statement that advises the prospective purchasers that mail will be delivered via Community Mail Box. The owner 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) Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision;
- e) Provide the following for each Community Mail Box site and to include these requirements on the appropriate servicing plans:

- i) Any required walkway across the boulevard, per municipal standards.
 - ii) Any required curb depressions for wheelchair access, with an opening of at least two metres.
19. THAT the Owner shall agree in the Subdivision Agreement, in words satisfactory to the telecommunication provider, to grant them any easements that may be required for telecommunication services. Easements may be required subject to final servicing decisions. In the event of any conflict with existing telecommunication facilities or easements, the owner/developer shall be responsible for the relocation of such facilities or easements. Note cabling easement may be required.
20. THAT the Owner shall prepare a baseline Hydrogeology and Impact Assessment to monitor the impacts of servicing of the subject lands on the private well water supplies located at 931 and 947 Bentley Street.
21. THAT the Owner provide, to the satisfaction of the County of Wellington Planning Department, a copy of the final plan of subdivision created in Autocad (.dwg) format and submitted on CD (compact disc) media or by email.
22. THAT the Owner's surveyor provides to the County of Wellington a copy of the deposited Reference Plan submitted to the Land Registry/Titles Office for Wellington (No. 61) for "First Registration Under the Land Titles Act, R.S.O. 1990, c.L.5".
23. 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 (*being 2 mylars and 4 white prints – one white print with Ontario Surveyors Association sticker attached*) to the Director of Planning and Development for the County of Wellington prior to the lapsing date.
24. THAT, if final approval is not given to this draft plan No. 23T-13002 within five (5) years of the day of draft approval and if no extensions have been granted pursuant to subsection 51(33) of the Planning Act, draft approval shall lapse under subsection 51(32) of the Planning Act, R.S.O. 1990. If the Owner wishes to request an extension to draft approval, a written explanation, together with a resolution from the Township of Wellington North must be received by the Director of Planning for the County of Wellington prior to the lapsing date of October 3, 2023. 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.
24. THAT the County of Wellington be advised in writing by the **Township of Wellington North** that conditions **1 through 13** have been satisfied.
25. THAT the County of Wellington be advised in writing by the **Saugeen Valley Conservation Authority** that condition **13** has been satisfied.
26. THAT the County of Wellington be advised in writing by the **Upper Grand District School Board** that conditions **14 and 15** have been satisfied.
27. THAT the County of Wellington be advised in writing by the **Union Gas** that condition **16** has been satisfied.

28. THAT the County of Wellington be advised in writing by the **Canada Post Corporation** that condition **18** has been satisfied.
29. THAT the County of Wellington be advised in writing by the **Wellington North Power Inc.** that condition **10 h)** has been satisfied.
30. THAT the County of Wellington be advised in writing by the **Ministry of Transportation** that condition **17** has been satisfied.
31. THAT the Owner remit to the County of Wellington the applicable final approval fee when the final plan is being presented to the County of Wellington for the County's consideration for final plan approval.

NOTES to DRAFT PLAN 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 Wellington, quoting the County of Wellington's draft plan file number **23T-13002**.
2. We suggest that you make yourself aware of the following subsections of the Land Titles Act:
 - i) subsection 143(1) requires that all new plans be registered in a Land Titles system if the land is situated in a land titles division; and
 - ii) subsection 143(2) allows certain exceptions.
3. If the agency condition concerns (a) condition(s) in the subdivision agreement, a copy of the agreement should be sent to them. This will expedite clearance of the final plan.
4. Payment of clearance letter fees may be required from the clearing agencies before the clearance letter is issued: please contact the appropriate agency for information in this matter.
5. 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 the 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.
6. The Developer is hereby advised that prior to commencing any work within the Plan, the Developer must confirm that sufficient wire-line communication/telecommunication infrastructure is currently available within the proposed development to provide communication/ telecommunication in service to the proposed development. In the event that such infrastructure is not available, the Developer is hereby advised that the Developer may be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure. If the Developer elects not to pay for such connection to and/or extension of the existing communication/telecommunication infrastructure, the alternative communication/ telecommunication facilities are available within the proposed development to enable, at a minimum, the effective delivery of communication./telecommunication services for emergency management services (i.e.911 Emergency Services).
7. Clearances are required from the following agencies:

**Township of Wellington North
Saugeen Valley Conservation Authority
Upper Grand District School Board
Union Gas
Wellington North Power Inc.
Ministry of Transportation
Canada Post Corporation**

8. All measurements in the subdivision final plan must be presented in metric units.
9. It is the Owner'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 Wellington, attention of the Director of Planning, 74 Woolwich Street, Guelph, ON N1H 3T9.
10. The final plan approved by the County of Wellington must be registered within 30 days of final approval, otherwise the County of Wellington may withdraw its approval under subsection 51(59) of the Planning Act, R.S.O. 1990, as amended.