



PLANNING AND DEVELOPMENT DEPARTMENT
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
Application for Approval of Draft Plan of Subdivision
Under Subsection 51(37) of the Planning Act

Approval Authority: County of Wellington

File Number: 23T-15004 – Breymark Homes inc. (Clark-Heinmiller)

IN THE MATTER OF AN APPLICATION for Draft Plan of Subdivision Redline being Lots 16 to 19 (Inclusive), and Lots 22 to 42 (Inclusive) and Clark Street, Zulu Street, Ontario Street, reserve (Closed by by-law 793 – INST BN175) and Part of Lorne Street McComb's Survey, geographic Town of Palmerston, now Town of Minto 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-15004 on October 23, 2025 under Section 51(31) of the Planning Act, R.S.O. 1990, c.P.13, as amended in respect of Lots 16 to 19 (Inclusive), and Lots 22 to 42 (Inclusive) and Clark Street, Zulu Street, Ontario Street, reserve (Closed by by-law 793 – INST BN175) and Part of Lorne Street McComb's Survey, geographic Town of Palmerston, now Town of Minto in the County of Wellington subject to conditions of approval.

PUBLIC INPUT: There were no written submissions received and considered by the County of Wellington.

RELATED APPLICATIONS – Town of Minto Zoning By-law application File ZBA 2023-02.

AND TAKE NOTICE that an appeal to the Ontario Land Tribunal in respect to all or part of this Draft Plan of Subdivision may be made by filing a notice of appeal with the County of Wellington either via the Ontario Land Tribunal e-file service (first-time users will need to register for a My Ontario Account) at <https://olt.gov.on.ca/e-file-service/> by selecting **Wellington County** as the Approval Authority or by mail 74 Woolwich Street, Guelph, ON N1H 3T9, no later than 4:00 p.m. on **November 12, 2025**. The filing of an appeal after 4:00 p.m., in person or electronically, will be deemed to have been received the next business day. The appeal fee of \$1,100.00 (per Application) can be paid by certified cheque/money order to the **Minister of Finance, Province of Ontario**. If you wish to appeal to the Ontario Land Tribunal (OLT) or request a fee reduction for an appeal, forms are available from the OLT website at www.olt.gov.on.ca. If the e-file portal is down, you can submit your appeal to landdivisioninfo@wellington.ca

AND THAT the applicant or any public body may, at any time 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 as directed above.

Any of 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; the applicant; the Minister; the municipality; any public body that, before the appeal authority made its decision, made oral submissions at a public meeting, if one was held, or written submissions to the approval authority.

Who Can File An Appeal

As per Section 51(39) the following may file an appeal of the decision with the approval authority: a specified person, a public body and the registered owner, if before the plan was adopted made oral submission at a public meeting or written submission to the Council; the Minister; the municipality; and in the case of a request to amend the plan, the person or public body that made the request.

PLANNING ACT REGULATIONS (O.Reg 544/06, as amended)

Section 9(4)

- i. You will be entitled to receive notice of any changes to the conditions of approval of the proposed plan of subdivision if you have made a written request to be notified of changes to the conditions.

- ii. No person or public body shall be added as a party to the hearing of an appeal regarding any changes to the conditions of approval unless the person or public body, before the approval authority made its decision, made oral submissions at a public meeting, if one was held, or written submissions to the approval authority, or made a written request to be notified of the 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.

Section 9(5)

- i. 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 or 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.

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 Town of Minto.

during regular business hours.

DATED at the City of Guelph, County of Wellington Administration Centre, this October 23, 2025



Sarah Wilhelm, RPP, MCIP
Manager of Policy Planning

THE CORPORATION OF THE COUNTY OF WELLINGTON
DECISION OF THE CORPORATION OF THE COUNTY OF WELLINGTON

With respect to an application by Breymark Homes Inc. (Clark-Heinmiller) pursuant to the provisions of Section 51 of the Planning Act, R.S.O. 1990 as amended for approval of a plan of subdivision, being Lots 16 to 19 (Inclusive), and Lots 22 to 42 (Inclusive) and Clark Street, Zulu Street, Ontario Street, reserve (Closed by by-law 793 – INST BN175) and Part of Lorne Street McComb's Survey, geographic Town of Palmerston, now Town of Minto in the County of Wellington. The Corporation of the County of Wellington has granted draft approval to this draft plan of subdivision subject to the following conditions:

**CONDITIONS OF APPROVAL FOR
DRAFT PLAN OF SUBDIVISION 23T-15004 (REDLINE)**

No. Condition

- 1 THAT this redline revision draft approval applies to County of Wellington File No. 23T-15004, draft plan Project No. 22101, as lastly revised on February 28, 2025 by Cuesta Planning Consultants, boundary certified by Greg Ford, O.L.S. and showing Lots 16 to 19 (Inclusive), and Lots 22 to 42 (Inclusive) and Clark Street, Zulu Street, Ontario Street, reserve (Closed by by-law 793 – INST BN175) and Part of Lorne Street McComb's Survey, geographic Town of Palmerston, now Town of Minto with 42 Street Townhouse units in 9 Blocks (Blocks 1-7); 40 Stacked Townhouse units (Blocks 8, 9); 2 Stormwater Management/Utility Corridor Blocks (Block 10, 11); 1 Temporary Road Block (Block 12) and roads being a total area of 3.10 hectares.
- 2 THAT the plan proposed for registration for any phase within the subdivision shall be reviewed and accepted by the Town of Minto prior to the County of Wellington's granting final approval.
- 3 THAT prior to final approval by the County of Wellington, the County of Wellington is to be advised by the Town of Minto that appropriate zoning is in effect for this proposed subdivision.
- 4 THAT the streets and reserves shown in this draft plan shall be dedicated to the Town of Minto. They shall be named to the satisfaction of the Town of Minto 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. Any dead ends and open sides of road allowances created by this draft plan shall be terminated in 0.30 metre reserves to be conveyed to and held in trust by the Town of Minto.
- 5 THAT the Owner satisfies the requirements of the Town of Minto for parkland dedication, or the equivalent cash in lieu of, as provided for under the Planning Act, R.S.O. 1990, as amended.
- 6 THAT Block 10 be transferred to the Town of Minto for utility maintenance/access purposes in accordance with the Town of Minto Municipal Servicing Standards.
- 7 THAT Block 11 be transferred to the Town of Minto for stormwater management / drainage / access purposes in accordance with the Town of Minto Municipal Servicing Standards.
- 8 THAT Block 12 be transferred to the Town of Minto for temporary road access in accordance with the Town of Minto Municipal Servicing Standards. Further, that provision be made in the subdivision agreement that upon the buildout of Clark Street, additional phases of development, and closing of the temporary access, the Town convey the future right of way (former Block 12) to the applicant in whole or in part, to the satisfaction of the Town of Minto.
- 9 THAT prior to grading or servicing on the site, access be provided to 65 Lorne ST N to the satisfaction of the Town of Minto.

- 10 THAT such easements, conveyances and agreements as may be required for servicing, access, utilities, fire protection facilities and drainage purposes shall be granted to the appropriate authority.
- 11 THAT prior to any grading or servicing on the site, the Owner submit the following plans and reports to the satisfaction of the Town of Minto:
 - a) A final detailed Stormwater Management Report in accordance with the specifications outlined in "Maitland Valley Conservation Authority Stormwater Management Guide" and the 2003 Ministry of the Environment Report entitled "Stormwater Management Practices Planning and Design Manual".
 - b) A final detailed Erosion and Sedimentation Control Plan, indicating the means whereby erosion will be minimized and maintained on site throughout all phases of grading and construction; including a monitoring and maintenance plan and provision for timely revegetation of the site.
 - c) A final detailed lot grading and drainage plan showing the limits of all grading, including existing and proposed grades and information on the proposed minimum underside of footings elevation.
 - d) A construction traffic access and control plan for all phases of servicing and building construction to the satisfaction of the Town and/or County. All damage or maintenance required to surrounding streets as a result of such traffic shall be at the Owners cost
 - e) A final traffic impact study be submitted, addressing the design of future Clark Street and the closing of the temporary access on Ontario St.
- 12 THAT the Owner enters into a Subdivision Agreement with the Town of Minto for the purposes of satisfying all the requirements, financial and otherwise, of the Town of Minto. The agreement shall be registered against the lands which it applies; and a copy of the subdivision as registered be filed with the County of Wellington. Without limiting the generality of the foregoing, the subdivision development agreement shall contain provisions which are satisfactory to the Town of Minto concerning the provision of roads, signage, installation of municipal services, payment of frontage fees towards existing sanitary, water and storm sewer services where applicable, storm water management and drainage, the planting and preservation of trees, the release of securities and include provisions which address the following:
 - a) That wording acceptable to the Town of Minto be included addressing the completion and maintenance of the works in accordance with the approved plans and reports noted in Condition No. 11 above throughout all phases of grading and construction.
 - b) That a detailed geotechnical investigation be prepared to the satisfaction of the Town of Minto's Engineer.
 - c) That the fencing of the stormwater management area Block 11 is to the satisfaction of the Town of Minto.
 - d) That 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 the land is transferred, of all the development charges related to this plan of subdivision.

- e) That the Owner provides detailed road design, including but not limited to road width, turning radius, sidewalks, and streetlights.
 - f) That management of the field drainage tile is addressed in the stormwater management plan.
 - g) That provision is made for a secondary emergency access road from Clark Street to Mary Street.
 - h) That provision is made for “dark sky” lighting.
 - i) That provision is made for demolishing the southernmost barn on the retained Heinmiller farm.
 - j) That Block 12 be transferred to the Town of Minto for temporary road access in accordance with the Town of Minto Municipal Servicing Standards. Further, that provision be made in the subdivision agreement that upon the buildout of Clark Street, additional phases of development, and closing of the temporary access, the Town convey the future right of way (former Block 12) to the applicant in whole or in part, to the satisfaction of the Town of Minto.
 - k) That the owner erects a subdivision sign on the property containing the following information: Identifying all proposed uses within the draft approved plan of subdivision. Identifying off street parking restrictions to be imposed by the Town upon final acceptance of the subdivision. Illustrating the location of proposed sidewalks, public walkways, trails, fences and community mailbox locations
 - l) That provision is made for watermain looping including appropriate stubbing for future connections.
 - m) That provision is made for road access through the development for future phases of development including closing Ontario St and constructing Clark St to the satisfaction of the Town of Minto and County of Wellington.
- 13 THAT the subdivision agreement between the Owner and the Town of Minto be registered by the Town of Minto against the lands to which it applies; and further, that a copy of the subdivision agreement as registered be forwarded to the County of Wellington.
- 14 THAT the owner shall make satisfactory arrangements with the appropriate provider of electricity, telephone, natural gas, cable televisions and other utilities for the provision of such services to this plan of subdivision.
- 15 THAT the final M-Plan to be registered include 0.3 m (1ft) reserves to be provided to the Town as required.
- 16 THAT prior to final approval and registration of any phase of the plan, the Town of Minto shall confirm to the satisfaction of the County of Wellington that an adequate water supply and sewage capacity is available and has been allocated for the applicable plan or phase or satisfactory arrangements have been made to ensure that an adequate water supply and sewage capacity will be available when required.
- 17 THAT the owner shall obtain approvals for access onto Main Street (Wellington Rd. 123) for proposed Ontario Street, from the Office of the County Engineer.

18 THAT the owner/developer provide to Enbridge Gas the necessary easements and/or agreements required by Enbridge for the provision of gas services for this project, in a form satisfactory to Enbridge.

19 THAT the owner agrees in writing satisfactory to the Upper Grand District School Board to the subject to the following conditions:

- That Education Development Charges shall be collected prior to the issuance of a building permit(s).
- That the developer shall agree, upon registration of the plan, to provide the Upper Grand District School Board with a digital file of the plan of subdivision in either ARC/INFO export or DWG format containing parcel fabric and street network
- That the developer shall agree in the subdivision agreement that adequate sidewalks, lighting, and snow removal (on sidewalks and walkways) will be provided to allow children to walk safely to school or to a designated bus pickup point.
- That the developer shall agree in the subdivision agreement to advise all purchasers of residential units and/or renters of same, by inserting the following clause in all offers of Purchase and Sale/Lease:

“In order to limit liability, public school buses operated by the Service de transport de Wellington-Dufferin Student Transportation Services (STWDSTS), or its assigns or successors, will not travel on privately owned or maintained right-of-ways to pick up students, and potential busing students will be required to meet the bus at a congregated bus pick-up point.”

- That the developer shall supply, erect, and maintain a sign (at its expense and according to the Board’s specifications) affixed to the permanent development sign advising prospective residents that students may be directed to schools outside the neighbourhood.
- That the developer shall agree in the subdivision agreement to 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.”

20 THAT the Owner acknowledges and agrees to convey any easement(s) as deemed necessary by the telecommunication provider to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to telecommunication provider.

- 21 THAT the Owner agrees that should any conflict arise with existing telecommunication provider facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.
- 22 THAT prior to final approval, the Owner shall provide written confirmation from an authorized service provider that communications/telecommunication facilities will be provided within the proposed development to enable, at a minimum, the delivery of communications/telecommunications services for emergency management services (i.e. 9-1-1 Emergency) in accordance with CRTC requirements.
- 23 THAT the County of Wellington confirm that the removal of trees necessary for the creation of a stormwater management area in Block 11, is exempted under Section 3.1 (d) of the Wellington County Forest Conservation By-law 5115-09.
- 24 THAT the Owner shall provide the County of Wellington an AUTOCAD 'dwg' digital file for the final plan to be registered.
- 25 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".
- 26 THAT the Owner's surveyor shall provide to the County of Wellington a written undertaking to provide to the County of Wellington a mylar, 2 white prints and electronic version of the final plan of condominium as registered in the Land Titles Office for Wellington (No. 61) should such documents not be forwarded to the County of Wellington by the local Land Registrar's office after registration of the plan.
- 27 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) to the Director of Planning and Development for the County of Wellington prior to the lapsing date.
- 28 THAT if final approval is not given to this redline revision draft plan No. 23T-15004 within three (3) years of draft approval and if no extensions have been granted pursuant subsection 51(33) of the Planning Act, draft approval shall lapse under subsection 51(32) of the Planning Act R.S.O. 1990. If any extension is requested, a written explanation together with a resolution from the Town of Minto must be received by the Director of Planning for the County of Wellington prior to the lapsing date of October 24, 2028.
- 29 THAT the County of Wellington be advised in writing by the Town of Minto that conditions 2 - 15 have been satisfied.
- 30 THAT the County of Wellington be advised in writing by the Wellington County Engineering Department that condition 17 has been satisfied
- 31 THAT the County of Wellington be advised in writing by the Enbridge Gas how condition 18 has been satisfied.
- 32 THAT the County of Wellington be advised in writing by the Upper Grand District Wellington School Board how condition 19 has been satisfied.
- 33 THAT the County of Wellington be advised in writing by the Wellington County Planning Department how condition 16 and 23 have been satisfied.
- 34 THAT the County of Wellington be advised in writing by the telecommunication provider that conditions 21 and 22 have been satisfied.

- 35 THAT the Owner/Developer 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 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 plan of subdivision file number (23T-15004).
2. Clearances are required from the following agencies:

Town of Minto
Wellington County Engineering Department
Enbridge Gas
Upper Grand District School Board
Wellington County Planning Department
Bell/Telecommunication Provider

If the agency condition relates to a condition(s) in the subdivision agreement, a copy of the subdivision agreement should be sent to them. This will expedite the clearance of the final plan.

3. The costs of any relocations or revisions to Hydro facilities which are necessary to accommodate this subdivision will be borne by the developer.
4. 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.
5. The Owner is advised to contact Bell Canada at planninganddevelopment@bell.ca during the detailed utility design stage to confirm the provision of communication/telecommunication infrastructure needed to service the development.
6. It shall be noted that it is the responsibility of the Owner to provide entrance/service duct(s) from Bell Canada's existing network infrastructure to service this development. In the event that not such network infrastructure exists, in accordance with the Bell Canada Act, the Owner may be required to pay for the extension of such network infrastructure.
7. If the Owner elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development.
8. The final plan approved by the County of Wellington must be registered within 30 days of final approval or the County of Wellington may withdraw its approval under subsection 51(59) of the Planning Act, R.S.O. 1990 as amended.
9. 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 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, the Developer shall be required to demonstrate to the municipality that sufficient 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).

10. 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.