



# Planning and Development

595 9<sup>th</sup> Avenue East, Owen Sound ON N4K 3E3  
519-372-0219 / 1-800-567-GREY / Fax 519-376-7970

April 7, 2021

Ms. Debra Walker  
MHBC Ltd.  
7050 Weston Road, Suite 230,  
Woodbridge, Ontario, L4L 8G7

**\*\*Sent Via Email\*\***

Dear Ms. Walker:

**RE:** Plan of Subdivision  
County of Grey File # 42T-2018-08 White Rose Park  
Part Lot 227, Concession 2 SWTSR, geographic Township of Proton  
Township of Southgate  
Owner: 2570970 Ontario Inc. o/a White Road Park

Pursuant to Subsection 51(31) of the Planning Act R.S.O. 1990, as amended, the above noted draft plan of subdivision is hereby given draft approval. The list of conditions that must be fulfilled prior to final approval are also attached. The County staff report that was presented to Committee of the Whole on March 25, 2021 can also be found on the County website at - <https://www.grey.ca/council/agendas-minutes>

The approval of this draft plan will lapse on **March 25, 2024**. The approval may be extended pursuant to Subsection 51(33) of the Act, but no extension can be granted once the approval has lapsed.

Please see the attached Notice of Decision for further information regarding this decision.

Yours truly,

A handwritten signature in black ink, appearing to read "Randy Scherzer".

Randy Scherzer, MCIP, RPP  
Director of Planning & Development  
(519) 372-0219 ext 1237  
[randy.scherzer@grey.ca](mailto:randy.scherzer@grey.ca)

cc. all by email

Ministry of Municipal Affairs and Housing  
Township of Southgate  
Grand River Conservation Authority  
Canada Post  
White Rose Park

Applicant: 2570970 Ontario Inc.

File No.: 42T-2018-08

Municipality: Township of Southgate

Location: Part Lot 227, Concession 2 SWTSR, Township of Southgate geographic Township of Proton

Date of Decision: March 25, 2021

Date of Notice: April 7, 2021

Last Date of Appeal: April 27, 2021

## **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 Local Planning Appeal 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 Local Planning Appeal 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 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 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 Local Planning Appeal 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 Local Planning Appeal Tribunal (LPAT) 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 recent 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>.

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For more information about these recent changes, please visit the LPAT website or contact LPAT - <https://elto.gov.on.ca/tribunals/lpat/about-lpat/>.

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 – (no file number yet associated)

### **GETTING ADDITIONAL INFORMATION**

**Applicant: 2570970 Ontario Inc.**

**File No.: 42T-2018-08**

**Municipality: Township of Southgate**

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Additional information about the application is available for public inspection during regular office hours in the Planning & Development Office at the address noted below. Please contact the Planning Office at 519-376-2205 or 1-800-567-GREY to schedule an appointment to review the information.

**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**

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Plan of Subdivision File No. 42T-2018-08 has been granted draft approval. The County's conditions of final approval for registration of this draft plan of subdivision are as follows:

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### **General Requirements**

1. That the final plan shall conform to the Draft Plan of Subdivision File No. 42T-2018-08 prepared by MHBC Planning, dated May 11, 2020 showing:
  - a. Twelve (12) 40 ft single detached lots,
  - b. Eighteen (18) 30 ft single detached lots,
  - c. Twenty-four (24) 19.5 ft townhouse lots, all to gain access off roads to be constructed as part of the overall development shown on Streets 'A', 'B', 'C', and 'D',
  - d. Four blocks to create 'senior dwellings' (Block 58, 59, 10, & 11), with frontage on Street 'C',
  - e. A Stormwater Management Block (Block 60), and
  - f. A Future Development Block (Block 12).

The legal description of the subject lands is Part Lot 227, Concession 2 SWTSR, geographic Township of Proton, Township of Southgate, County of Grey.

2. That a subdivision agreement be entered into to the satisfaction of the Township of Southgate and registered on title.

### **Servicing, Grading and Road Requirements**

3. That the road allowances included in this draft plan shall be shown and dedicated as public highways to the Township of Southgate.
4. That any Stormwater Management and open space blocks be deeded to 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

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to be conveyed to, and held in trust, by the Township of Southgate.

### **Parkland and Open Space Requirements**

7. That the Owner agrees to satisfy the parkland dedication requirements of the Township of Southgate in a manner satisfactory to the Township and pursuant to the provisions of the Planning Act. R.S.O. 1990 as amended.
8. That the proposed subdivision is zoned appropriately. This zoning shall have a holding provision for all the lands requiring access to municipal services. The holding provision may be removed in phases, upon entering into a subdivision agreement and when adequate municipal water and sewer capacity are available and allocated by bylaw.
9. That the Zoning contain a provision to limit the size of entrance and driveways to assist with snow storage.
10. That the owner agrees in writing to satisfy all the requirements, financial and otherwise, of the Township of Southgate and without limiting the generality of the foregoing, the provision of roads, installation of services, installation of sidewalks and trails and drainage.
11. The Owner shall develop a phasing plan to the satisfaction of the Township. The phasing plan shall address matters including but not limited to the allocation of servicing, any necessary temporary works such as turning circles, sidewalk and trail connections, or temporary easements. The phasing plan shall also identify any lots which may be temporarily constrained by development because of the phasing. The subdivision agreement between the Owner and the Township shall contain provisions satisfactory to the Township to address phasing arrangements acceptable to the Township, including that servicing shall only be allocated to phases which are being registered and for which securities are provided.
12. That such conveyances and easements as may be required by an appropriate authority for municipal servicing, utility or drainage purposes shall be granted to the appropriate authority.
13. The Owner and the Township shall acknowledge in the Subdivision Agreement that sewage and water allocation is not available to service the entire subdivision. The Township is undertaking the necessary approvals to provide the required servicing. Final approval shall only be given to each phase of the development where sanitary and water services are available and constructed to the subdivision or financially secured.
14. That prior to the final approval and registration of the phases of the plan, the

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Township of Southgate allocate by by-law water supply capacity and sewage treatment plant capacity.

## Natural Environment

15. That the developer prepares and submits a Native Tree planting and landscaping plan for approval by the Township. The plan will specifically provide for additional tree planting in the park and open space areas as well as the provision of trees for individual lots. These plans will form part of the approved plans in the subdivision agreement.
16. 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.
17. 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, Grand River 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 (July 2020, Triton Engineering Services Limited).
  - b. Completion of a feature-based water balance, evaluation of downstream stormwater receivers, and mitigation of any negative impacts completed to the satisfaction of the GRCA and Township and its Engineers.
  - c. Detailed lot grading and drainage plans showing existing and proposed grades.
  - d. An Erosion and Siltation Control Plan in accordance with the Grand River 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.
  - e. The submission and approval of a Development, Interference with Wetlands and Alterations to Shorelines and Watercourses permit from the GRCA prior to any grading within the regulated area.

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- f. A detailed Hydrogeological report that provides an assessment of ground water level monitoring data from on-site piezometers. Data collected shall be of sufficient duration to establish reasonable high-water table conditions under normal or above normal climatic (precipitation) conditions. The report shall, based on the observed seasonal fluctuating inground water levels (typically highest in the spring), provide a predicted 'high' groundwater elevation across the site as well as an interpreted high groundwater elevation on a lot by lot basis. The interpreted high groundwater elevation for each lot is intended to ensure a minimum vertical separation of 0.3 metres from the underside of the proposed basement floor elevation to the seasonal high groundwater elevation for each given lot. Proposed lot grading plans for the development shall provide the minimum recommended separation on all lots in conformance with Township standards. Where this is not feasible due to local site constraints, other groundwater management practices such as groundwater drainage system (i.e. 3<sup>rd</sup> pipe system) may be implemented provided it can be demonstrated, to the satisfaction of the Township, that it will function under local site-specific conditions in the short and long term. Any proposed alternative groundwater management practice will require Township approval.
  - g. 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.
  - h. A Traffic Impact Study which identifies all required access locations and improvements required to accommodate the site traffic and includes an assessment of off-site traffic impacts and recommendations for mitigation of these impacts. This Traffic Impact Study shall be submitted prior to final approval and shall be completed to the satisfaction of the Township and County as applicable.
18. That the Owner as part of the subdivision agreement, shall agree in writing acceptable to the Township of Southgate
- a. To undertake all works according to the plans and reports approved under Condition No. 14, 15 and 16 above.
  - b. To maintain all stormwater management and erosion and sedimentation control structures in good repair and operating order throughout all phases of construction until Final Acceptance of services has been granted by the Township of Southgate. The Owner is responsible to satisfy all requirements of the Environmental Compliance Approval until Final

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Acceptance has been granted.

- c. 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.
  - 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 sidewalks, public walkways, trails, parks, fences, community mailbox locations and other significant features that may be of interest to prospective purchasers.
19. 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.
20. 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.
21. That the developer shall include in the subdivision agreement and insert in all agreements of purchase and sale or lease for each lot/dwelling in the subdivision "servicing capacity currently does not exist for the entire development. This could lead to a delay in the timing of final approval and the construction of any given

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dwelling within the subdivision” This clause is no longer required when sufficient servicing capacity exists for the entire development.

22. That the subdivision agreement between the Owner and the Township of Southgate address servicing financing to ensure the construction and financing of all external services which are necessary to provide appropriate levels of service to this plan of subdivision. Details of these external services are to be confirmed as part of detailed design.
23. 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.
24. 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.
25. 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.
26. All imported fill is to meet Ministry of Environment, Conservation and Parks Table 2 criteria for development lands.
27. 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.
28. 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 North of the subdivision are being utilized for normal agricultural operations that may result in noise, dust, odour and other potential nuisances associated with livestock or agricultural uses. These normal agricultural practices may occasionally affect the living environment of residents near agricultural operations.”

#### **Utilities and Canada Post**

29. The Owner shall make satisfactory arrangements with Canada Post and the

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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 curbs, sidewalks and 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.
30. That the Owner shall agree in the Subdivision Agreement that the Recommendations and Mitigation measures identified in the Environmental Impact Study prepared by SAAR Environmental be implemented to the satisfaction of the Township and Grand River Conservation Authority.
31. 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.

## **Administration**

32. Prior to final approval, the County is advised in writing from the Grand River Conservation Authority that Draft Plan Conditions 17 and 30 have been addressed to their satisfaction.
33. Prior to final approval, the County is advised in writing from Canada Post that Draft Plan Condition 29 has been addressed to their satisfaction.
34. Prior to the signing of the final plan by the County of Grey, the County is to be

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advised that all Draft Plan conditions have been carried out to the Township's satisfaction.

35. 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.

36. That the Owner shall provide the Township of Southgate and County of Grey with digital copies of the Final Plan in a format acceptable to the Township and the County.

## 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 the proponents' 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 near 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 Road 9, RR 1  
Dundalk, ON N0C 1B0

Grand River Conservation Authority

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400 Clyde Road, P.O. Box 729  
Cambridge, ON N1R 5W6

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.

