



December 11, 2018

Donald Leitch CAO/Clerk
Municipality of Central Elgin
450 Sunset Dr.
St. Thomas ON N5R 5V1

Re: Notice of Draft Approval for a Plan of Subdivision
Seaglass in Port Stanley, Wastell Developments Inc.
Proposed Draft Plan of Subdivision
Lot 15, Range 1 South of Lake Road and
Part of Lot B, Registered Plan No. 117
Geographic Township of Southwold
Municipality of Central Elgin
County of Elgin
Owner: 2526485 Ontario Inc.

The above draft plan was approved on November 27, 2018. A copy of the conditions of approval and the draft plan are attached for your records.

When the applicant has fulfilled the conditions with which you are concerned, the County requires a clearance letter that includes a brief but complete statement indicating how each of the conditions has been satisfied.

Yours truly,

Steve Evans
Manager of Planning

cc Joe Gordon, Kettle Creek Conservation Authority
Canada Post, Delivery Services Officer
Jim McCoomb, Planner

<input checked="" type="checkbox"/> Clerk/Corp	<input checked="" type="checkbox"/> Date Rec.: _____
other: _____	File # _____
Dir. Finance <input type="checkbox"/>	Name/Subject: _____
other: _____	_____
Dir. Physical <input type="checkbox"/>	other: _____
other: _____	_____
Dir. Fire <input type="checkbox"/>	<input type="checkbox"/> Council <input type="checkbox"/> Agenda <input type="checkbox"/>
other: _____	DEC 17

County of Elgin
Administrative Services
450 Sunset Drive
St. Thomas, ON N5R 5V1
Phone: 519-631-1460
www.elgincounty.ca

Applicant: Monteith Brown Planning Consultants **Date of Decision:** November 27, 2018
Seaglass in Port Stanley **Date of Notice:** December 11, 2018
File No.: 34T-CE1801 **Last Date of Appeal:** January 2, 2019
Municipality: Central Elgin **Lapsing Date:** November 27, 2021
Subject Lands: Lot 15 Range 1 South of Lake Road
and Part of Lot B, R.P. # 117
Geographic Township of Southwold,
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NOTICE OF DECISION

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

Approval of a Draft Plan of Subdivision in respect of the subject lands noted above was given by the County of Elgin on November 27, 2018. A copy of the conditions for final approval is attached. Council considered all written and oral submissions received on this application, the effect of which helped Council to make an informed decision.

When and How to File an Appeal

Notice to appeal the decision to the Local Planning Appeal Tribunal must be filed with the County of Elgin no later than 20 days from the date of this notice as shown above as the last date of appeal.

The notice of appeal should be sent to the attention of the Manager of Planning, at the address shown below and it must,

- (1) set out the reasons for the appeal, and
- (2) be accompanied by the fee prescribed under the Local Planning Appeal Tribunal Act in the amount of \$300.00, payable by certified cheque to the Minister of Finance, Province of Ontario.

Who Can File an Appeal

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

Right of Applicant or Public Body to Appeal Conditions

The applicant or any public body may, at any time before the final plan of subdivision is approved, appeal any of the conditions imposed by the County of Elgin by filing with the Manager of Planning a notice of appeal.

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 approval of draft plan of subdivision if you have either,

- (1) made a written request to be notified of the decision, or
- (2) made a written request to be notified of changes to the conditions of approval of the draft plan of subdivision.

Other Related Applications:

Zoning By-Law 2296

Getting Additional Information

Additional Information about the application is available for public inspection during regular office hours at the County of Elgin at the address noted below.

Mailing address for Filing a Notice of Appeal

County of Elgin
450 Sunset Drive, 3rd Floor
St. Thomas, ON N5R 5V1
Attention: Manager of Planning
Telephone: (519) 631-1460
Fax: (519) 633-7661
Email: sevans@elgin.ca

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The conditions and amendments to final plan of approval for registration of this Subdivision as provided by the County of Elgin are as follows:

No.	CONDITIONS
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1. That this approval applies to the draft plan of subdivision, prepared by Monteith Brown Planning Consultants and certified by T. McNeil, Ontario Land Surveyor, dated October 10, 2018, which shows:
 - 146 single detached residential building lots (Lots 1-146 inclusive)
 - Blocks 147-150 – (Apartment Residential Blocks)
 - Blocks 151&152 – (Parkland)
 - Block 153 – (Storm Water Management)
 - Blocks 154&155 – (Future development)
 - Block 156 – (Natural Heritage)
2. That the road allowances included on the draft plan shall meet the standards of the Municipality of Central Elgin and be shown and dedicated as public highways on the final plan submitted for approval and registration.
3. The streets within the draft plan of subdivision shall be named to the satisfaction of the Municipality of Central Elgin.
4. That the owner enters into a subdivision agreement, pursuant to the authority of section 51(26) of the *Planning Act*, as amended, with the Municipality of Central Elgin wherein the owner agrees to satisfy all the requirements, financial and otherwise, of the Municipality of Central Elgin concerning the installation of services including roads, sanitary sewerage collection system, water distribution system, utilities and stormwater management facilities for the development of the lands within the plan.
5. That the subdivision agreement, where required, contain a provision, prepared to the satisfaction of the Municipality, regarding phasing or timing of the development.
6. That the subdivision agreement between the owner and the Municipality of Central Elgin be registered against the lands to which it applies once the plan of subdivision

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has been registered.

7. That the owner convey up to five percent (5%) of the land included in this plan to the Municipality for park or other recreational purposes or alternatively the Municipality may require cash-in-lieu of all or a portion of the conveyance.
8. That prior to final approval the Municipality shall advise that appropriate zoning is in effect for the plan of subdivision.
9. That the owner shall provide easements as may be required for services, utility or drainage purposes in a form satisfactory to the Municipality or utility and where required by the Municipality, daylight corners and street reserves shall be shown on the final plan and conveyed in a form satisfactory to the Municipality.
10. That the subdivision agreement between the owner and the Municipality contain a provision requiring the owner to install geodetic monuments within the subdivision. The number, specifications and location of the monuments are to be approved by the Director of Physical Services for the Municipality of Central Elgin prior to final plan approval and registration.
11. That the Subdivision Agreement between the Owner and Municipality shall contain provisions requiring:
 - a) The owner to include a statement informing the persons who first purchase a unit following final approval of all the approved development charges, including development charges for school purposes, relating to any such unit within the draft plan of subdivision pursuant to Section 59(4) of the Development Charges Act, 1997
 - b) All services, which in the opinion of the municipality are necessary for the development of the lands within the Plan, such services being hereinafter called the "necessary services" shall be in place before development begins.
 - c) Notwithstanding b), development may begin before all necessary services are in place if the Municipality is satisfied that adequate arrangements have been made to ensure that the necessary services shall be provided in a timely manner as development proceeds. Adequate arrangements shall include the passing of an area-specific development charge by-law pursuant to Section 2 of the

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Development Charges Act, 1997, and the entering into of a front-ending agreement under section 44 of the Development Charges Act, 1997, which by-law and agreement relate to the necessary services.

12. That prior to final approval, the Municipality shall confirm that there is uncommitted reserve sewage and water treatment capacity to service the development and that the proposed arrangements for stormwater management are acceptable and can be assumed by the Municipality.
13. That the subdivision agreement between the Owner and the Municipality contain provisions regarding the development, implementation, installation, dedication and maintenance of the storm water management facilities requiring the owner to:
 - a) Provide a storm water management report satisfactory to the Municipality based on the preliminary report, *Servicing Report, Seaglass in Port Stanley, George Street, Port Stanley, Wastell Homes, Ricor Engineering Ltd., March 3, 2018, Project #1004-6.*
 - b) conduct regular inspections every two weeks and after each sizeable storm event of all sediment and erosion control recommendations in the approved storm water management plan/report and maintain an inspection log which shall state the name of the inspector, date of inspections and the rectification or replacement measures which were undertaken to maintain the sediment and erosion control measures. The inspections shall continue until the assumption of services by the Municipality or until site construction warrants cessation of the visits;
 - c) identify the Municipality of Central Elgin and the Kettle Creek Conservation Authority as the site contacts responsible for monitoring schedule to be implemented in b) above; and
 - d) provide the Municipality of Central Elgin and the Kettle Creek Conservation Authority a written update of sediment and erosion control inspections and maintenance activities following all storm events.
14. That the subdivision agreement between the owner and the Municipality shall include a provision requiring the implementation of the recommendations of report, *Wastell Homes, Geotechnical Report, Final, George Street, Port Stanley, Project Number LON00014790-slope, exp Services Inc.*

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15. The Municipality requires implementation of the recommendations of the scoped Environmental Impact Study (EIS) report, *Seaglass in Port Stanley Scoped Environmental Impact Study, Project No. 1823, Natural Resource Solutions Inc. February 2018.*
16. That prior to any development and/or site alterations taking place on the subject lands a permit shall be obtained from the Kettle Creek Conservation Authority as required under Regulation 181/06.
17. Prior to final approval, the owner shall contact the licensed communication/telecommunication service providers within the Municipality prior to commencing any work within the plan, and confirm that sufficient wire line communication/telecommunication infrastructure is currently available to provide communication/telecommunication service to the proposed development. In the event that such infrastructure is not available, the owner is hereby advised that the owner may be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure. If the owner elects not to pay for such connection to and/or extension of the existing communication/telecommunication infrastructure, the owner 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 Services). The owner shall provide the Municipality with written confirmation from the licensed service providers that communication / telecommunication infrastructure will be available to the plan.
18. That prior to final approval, arrangements shall be made to the satisfaction of the Municipality for the relocation of any utilities that may be required as a result of the development of the subject lands, such relocation shall be undertaken at the expense of the Owner.
19. That prior to final approval the Owner shall ensure that the requirements of Canada Post as set out below are satisfied.
 - a) The owner shall:

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- i) include in all offers of purchase and sale, a statement that advises the prospective purchaser that mail will be delivered via a community mail box;
 - ii) note the locations of the community mail box within the development; and,
 - iii) notify affected homeowners of any established easements granted to Canada Post to permit access to the community mail box.
- b) The owner further agrees to:
- i) consult with Canada Post to determine suitable permanent locations for the community mail box, which locations shall be indicated by the developer on the appropriate servicing plans;
 - ii) prior to offering any units for sale, display a map on a wall of the sales office in a place readily accessible to potential homeowners that indicates the location of the community mail box within the development, as approved by Canada Post;
 - iii) provide a suitable and safe temporary site for a community mail box until curbs, sidewalks and final grading are completed at the permanent community mail box location;
 - iv) provide Canada post with the excavation date for the first foundation/first phase as well as the date development work is scheduled to begin;
 - v) provide the expected installation date for the community mail box pad; and
 - vi) provide the following for the community mail box and to include these requirements on the appropriate servicing plans:
 - Any required walkway across the boulevard, per municipal standards;
 - Any required curb depressions for wheelchair access, with an opening of at least two metres (consult with Canada Post for detailed specifications).
20. That the Subdivision Agreement between the Owner and the Municipality shall include a clause that the Owner agrees to inform all Purchasers of residential lots by including a condition in all Purchase Agreements stating that the construction of additional public school accommodation is dependent upon funding approval from the Ontario Ministry

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of Education, therefore the subject community may be designated as a "Holding Zone" by the Thames Valley District School Board and pupils may be assigned to existing schools as deemed necessary by the Board.

Holding Zone is defined by a geographic boundary, within an attendance area (usually with high concentrations of new or imminent development), for which the Trustees have approved that students residing in it are to attend a specified school based on available capacity, until such time as long-term accommodation and related revised attendance areas can be established.

21. That prior to final approval, the owner shall carry out an archaeological assessment of the subject property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resource found. No grading or other soil disturbances shall take place on the subject property prior to the Owner's Licensed Archaeologist providing a letter to the Municipality and the County indicating that there are no further concerns for impacts to archaeological sites on the subject lands. This is to be accompanied by a Ministry of Tourism, Culture and Sport letter indicating that the licensee has met the terms and conditions for Archaeological Licensing and that the report has been entered into the Ontario Public register of archaeological reports.
22. That prior to final approval of the plan of subdivision, the Clerk of the Municipality of Central Elgin shall advise in writing how conditions 1 to 18, 20 and 21 have been satisfied.
23. That prior to final approval of the plan of subdivision, Canada Post shall advise in writing how condition 19 has been satisfied.
24. That prior to final approval of the plan of subdivision, Kettle Creek Conservation Authority shall advise in writing how conditions 13, 14 and 16 have been satisfied.

NOTES TO DRAFT APPROVAL:

1. It is the applicant's responsibility to fulfill the conditions of draft approval.
2. It is suggested that the applicant be aware of section 144 of the *Land Titles Act* and subsection 78(10) of the *Registry Act*.

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Subsection 144 (1) of the *Land Titles Act* requires that a plan of subdivision of land that is located in a land titles division be registered under the *Land Titles Act*. Exceptions to this provision are set out in subsection 144(2).

Subsection 78(10) of the *Registry Act* requires that a plan of subdivision of land that is located only in a registry division cannot be registered under the *Registry Act* unless that title of the owner of the land has been certified under the *Certification of Titles Act*. Exceptions to this provision are set out in clauses (b) and (c) of subsection 78(10).

3. The owner is advised that in the event that deeply buried archaeological remains should be discovered during construction, it is recommended that archaeological staff of the Ontario Ministry of Tourism, Culture and Sport be notified immediately.

Similarly, in the event that human remains should be encountered during construction, it is recommended that the proponent immediately notify the Ontario Ministry of Tourism, Culture and Sport and the Registrar of the Cemeteries Regulation Unit of the Cemeteries Branch.

4. The Ontario Land Surveyor responsible for preparing the final plan for registration should contact the Director of Physical Services for the Municipality of Central Elgin regarding the preparation of the final plan to ensure the requirements of draft approval are properly addressed in the preparation of the final plan and that the final plan prepared contains sufficient geodetic information to locate the plan within the UTM Coordinate System, North American Datum 1983, prior to submitting the plan for final approval. A digital copy of the final plan, in a form satisfactory to the Municipality, is required as part of the final plan submission.
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 under Sections 52 and Section 53 of the *Ontario Water Resources Act*.
6. The owner is hereby advised that the review of this plan of subdivision did not include groundwater, soil or atmosphere testing to fully discount the possibility that waste materials and/or other contaminants are present within or in close proximity to this subdivision. If either the owner or the Municipality requires such assurance before proceeding with this plan of subdivision, a team of consultants should be retained to conduct any necessary investigations.

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7. The Ministry of the Environment, Conservation and Parks must be advised immediately should waste materials or other contaminants be discovered during the development of this plan of subdivision. If waste materials or contaminants are discovered, a further approval under Section 46 of the *Environmental Protection Act* may be required from that Minister.
8. The owner is advised that if any unplugged petroleum wells or associated works are identified during the development of the site, the owner shall notify the Petroleum Resources Centre of the Ministry of Natural Resources and Forestry. The owner shall plug the wells and rehabilitate the surface according to the Provincial Standards of the *Oil, Gas and Salt Resources Act*. The Ministry of Natural Resources and Forestry recommends that no structures be built immediately over a plugged petroleum well.
9. Should the owner or the Municipality require underground Bell Canada facilities to serve this subdivision, the owner must confirm with the Municipality that satisfactory arrangements have been made with Bell Canada for underground services. The owner is also advised that, should any conflicts with the existing Bell Canada facilities or easements arise, the owner shall be responsible for realignments or relocation. Further, the owner is to provide easements as required to service this subdivision.
10. It is suggested that the Municipality register the subdivision agreement as provided by subsection 51(26) of the *Planning Act*, against the land to which it applies, as notice to prospective purchasers.
11. Clearances are required from the following agencies:

Mr. Donald Leitch, CAO/Clerk
Municipality of Central Elgin
450 Sunset Drive
St. Thomas, ON N5R 5V1

Delivery Services Officer
Delivery Planning
Canada Post Corporation
955 Highbury Ave
London, ON N5Y 1A3

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Mr. Joe Gordon, Director of Operations
Kettle Creek Conservation Authority
44015 Ferguson Line
St. Thomas, ON N5P 3T3

If the agency's condition concerns a clause in the subdivision agreement, a copy of the agreement should be sent to them. This will expedite clearance of the final plan. A copy of the agreement is also required by the County of Elgin.

12. All measurements on subdivision and condominium final plans must be presented in metric units.

The final plan must be submitted digitally in AutoCAD (DWG) and Portable Document Format (PDF) with the appropriate citation from the Planning Act used.

The AutoCAD (DWG) file must be consistent with the following standards:

- Georeferenced to the NAD83 UTM Zone 17M coordinate system.
- All classes of features must be separated into different layers.
- Each layer should be given a descriptive name so that the class of feature it contains is recognizable.

The final plan approved by the County of Elgin must include the following paragraph on all copies (3 mylars and 4 paper) for signature purposes:

Approval Authority Certificate

This final plan of subdivision is approved by the County of Elgin under Section 51 (58) of the Planning Act, R.S.O. 1990, on this ____ day of _____ 20__.

Manager of Planning

13. The approval of this draft plan of subdivision File No. 34T-CE1801 will lapse on **November 27, 2021**, pursuant to subsection 51(32) of the *Planning Act*, as amended. It is the responsibility of the owner to request an extension of the draft approval if one is needed. A request for extension should be made at least 60 days

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before the approval lapses since no extension can be given after the lapsing date. The request should include the reasons why an extension is needed and a resolution in support of the extension from Council of the Municipality of Central Elgin.

14. The final plan approved by the County of Elgin must be registered within 30 days or the County may withdraw its approval under subsection 51(59) of the *Planning Act*.