

TO: Mayor and Members of Council
FROM: Storey Samways Planning Ltd.
DATE: August 15, 2008
SUBJECT: Planning Services Report

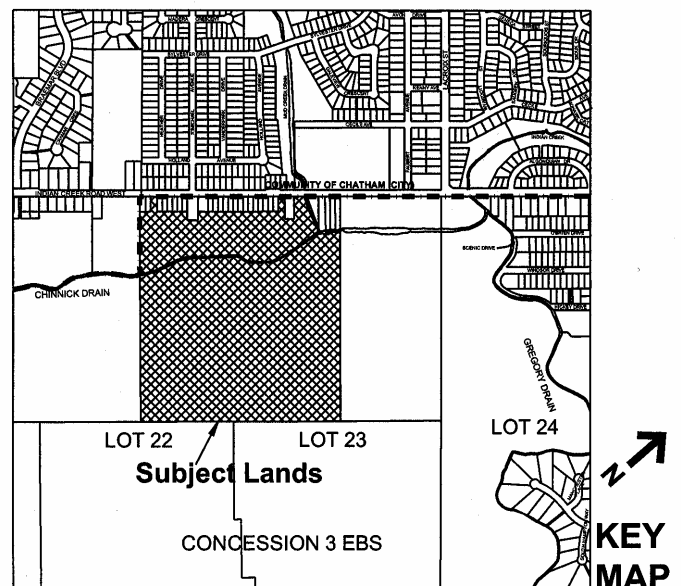
**GENERAL FILE INFORMATION AND
KEY MAP:**

Applications: Draft Plan of Subdivision
(36T-08503) & Zoning By-
law Amendment
(D-28 RA/41/08/O)

Hansen#: 4778

Applicant: 1174506 Ontario Ltd.

Location: 120 Indian Creek Rd W.
Part of Lots 22 & 23,
Concession 3 EB, Lot 2,
Plan 476, Part 1, RP 24R
5007 & Part 1, RP 24R 1419



Roll Numbers: 3650 110 011 08700, 3650 110 011 40300

Community: Raleigh (South Kent)

RECOMMENDATIONS:

It is recommended that:

1. Council give draft approval for the proposed residential plan of subdivision, File 36T-08503, in Part of Lots 22 and 23, Concession 3, E.B., Lot 2, Plan 476, Part 1 RP 24R 5007 and Part 1, RP 24R 1419, in the Community of Raleigh, subject to the conditions set out in Schedule "A", and;
 - a) final approval of Official Plan Amendment 18 (OPA 18);
 - b) that the Mayor and Clerk be authorized to sign the Draft Plan of Subdivision;
 - c) that the Mayor and Clerk be authorized to execute the Subdivision Agreement;

- d) that upon satisfaction of all conditions of draft approval, the Mayor and Clerk be authorized to sign the Final Plan of Subdivision;
 - e) that upon satisfaction of all servicing requirements, the Director of Engineering be authorized to execute a Certificate of Completion for the Development;
 - f) that the applicant complete an archaeological assessment on the lands to be developed and obtain a Certificate of Clearance from the Ministry of Culture prior to the undertaking of any works on the subject lands.
2. Council approve zoning by-law amendment application D-28 RA/41/08/O pertaining to the draft plan of subdivision to rezone the subject lands to a site specific "OS-5, Open Space" and adopt the by-law.

DESCRIPTION OF PROPOSAL:

The subject property is a 148 acre parcel located on the south side of Indian Creek Road West, just outside of the Chatham Urban boundary. The property is currently used as an 18 hole golf course & driving range (Links of Kent). In February of 2006 Council approved OPA 18 (Raleigh) to establish special policies on the subject lands to permit the development of residential uses to be incorporated into the existing golf course. The OPA was appealed by the Ministry of Municipal Affairs and Housing (MMAH) and a local developer and is currently waiting for the scheduling of an Ontario Municipal Board (OMB) Hearing. The applicant would like to proceed with the application for draft approval of the plan of subdivision and zoning by-law amendment on the property so that, if appealed, these matters can also be dealt with at the same Hearing. Since Council did approve OPA 18 and has policies to guide consideration of the pending applications it is my opinion that Council can consider approval subject to approval of OPA 18 by the OMB.

The proposed subdivision would be located to the south of existing residential development that backs onto the golf course, between the existing dwellings and the Chinnick Drain with the remaining development located on the westerly most 50 acres of the subject property currently used as a driving range. The intent of the development is to have a unique residential development in Chatham-Kent which integrates residential development and an existing operating golf course. One of the key policies of OPA 18 was that the majority of the development was to have an unobstructed view of the golf course hence the more elongated linear layout of the proposed subdivision to maximize exposure to the golf course. Much of the development in the subdivision is to be of a townhouse and semi-detached dwelling type. However, in order to maintain maximum flexibility to adjust to market demand the developer is requesting that the option of single detached development also be permitted.

In order for the project to proceed, the following approvals are required:

1. Draft approval of the subdivision.
2. An amendment to the zoning by-law to implement the draft plan of subdivision.
3. Final approval of OPA 18 by the Ontario Municipal Board.

BACKGROUND:

Subject Land	Total Area – 148 acres Area proposed for development – 30 acres± Proposed Development - 56 residential blocks for townhouse, semi-detached and/or single detached dwellings Servicing – full municipal services will be required, servicing availability is currently under review with regard to possible upgrades. Density – 1 dwelling unit per acre as per OPA 18 policies
Surrounding Uses	North – residential South - agricultural East – golf course with vacant lands and agricultural beyond that West – institutional, residential and agricultural
Official Plan	Open Space in the Raleigh OP with special policies added by OPA 18 to permit residential development in combination with the existing golf course
Existing Zoning	“OS, Open Space” and “OS-2, Open Space”

CONSULTATION:

At the time of writing, no unfavourable comments have been received from any of the agencies canvassed. The Technical Advisory Committee (TAC) supports the application in principle, subject to the recommended draft conditions set out in Schedule “A”, however a number of issues were raised with the design and layout as follows:

Engineering and Public Works

The design layout of the streets was questioned from an operation standpoint, most notably the fountain feature located just inside the main entrance to the subdivision. The question of responsibility for the maintenance of this pond was raised, particularly considering its location and the assumption that the municipality typically assumes ownership of the roadways once constructed. Its use as part of the stormwater management system was also questioned but not objected to. Snow removal operations were also noted as a concern. Other issues identified involved road widths, daylight corners and island placements which can be addressed to the municipality’s

satisfaction in the final plan. Lastly the secondary access standards were also a concern given that the plan shows only one entrance to the subdivision.

Comment: With any subdivision design operational and maintenance concerns on the part of the municipality are certainly understandable as unique or creative layouts can present challenges. However, developments whether it is industrial, commercial or residential are all looking to increase marketability and compete with other developers to sell lots. Unique and creative designs can also be a good marketing tool for a municipality. In fact much of the justification in the Official Plan Amendment report centred around the development of a unique residential development not currently available within Chatham-Kent. A subdivision not unlike a commercial storefront needs to grab the attention of potential customers. Unique features such as grand entrances, water features, and tree lined boulevards are all trappings that can draw a person into a subdivision to view the homes available in the development.

The issue of secondary access has become a major point of discussion with subdivisions as of late. The goal of secondary access is both operational and to ensure an alternative entrance point for emergency services. However, I do not believe that this standard should be rigidly applied if acceptable alternatives can be explored or there are unique development challenges on a particular property that make providing full secondary access impractical from both the developer's and municipality's standpoint. There are properties in the municipality that cannot initially provide secondary access for such reasons as:

- i. shape of the property;
- ii. location of a property on the edge of a built-up area where future development may be several years off or never occur;
- iii. feasibility such as additional bridge crossings, purchase of additional lands or the construction of large sections of roads several years in advance of development;
- iv. need to maximize usage of road frontage, i.e developing on both sides of a street.

It is not my position to advocate that the development should proceed without secondary access however I do believe that the developer has presented an alternative by widening the proposed walkway along the Chinnick Drain and providing a link between Block 8 and 9 to the easterly cul-de-sac street. This access would be designed solely for emergency service access and not a general public access. The conceptual plan presented as part of the earlier OPA application did show two accesses to the proposed development. However, this

design required two bridge crossings of the Chinnick Drain, made inefficient use of the available road frontage, did not align with any existing streets to the north and each street abutted existing residential lots on both sides potentially impacting on four dwellings versus the present design which impacts on two. From further review of this plan it too would not have met the criteria of the secondary access policies.

Ministry of Municipal Affairs and Housing (MMAH)

MMAH has submitted comment regarding the plan of subdivision and zoning by-law amendment (See Appendix "A"). As expected they have objected to these applications, "as they seek to implement Official Plan No. 18 to the Raleigh Official Plan which has been appealed to the Ontario Municipal Board".

Comment: Since Council did approve OPA 18 and has policies to guide consideration of the pending applications it is my opinion that Council can consider approval based on approval of OPA 18 by the OMB. Should the appeal be upheld by the OMB then the plan of subdivision and zoning by-law amendment would not come into effect. The applicant is fully aware of this risk and hopes to deal with the pending applications in addition to the OPA appeal should they to be appealed to the Board.

Bell Canada

Bell Canada has requested that the developer ensure that there is adequate wire-line communication/telecommunication infrastructure available with the proposed development and that any necessary easements be provided.

Comment: The provision of easements for all utility providers is a standard condition in all subdivision agreements.

Public Comment

An open house was held, by the applicant, on August 11, 2008 to present the subdivision design to the surrounding area residents. All residents within 800 ft., approximately 155 residents, were notified of the meeting. 25 people were in attendance most of whom were the existing residents on the south side of Indian Creek Road West who presently back onto the golf course. Many of these same residents had attended an open house held at the golf course in 2006 prior to the Official Plan Amendment approvals.

Comment: The bulk of the questions at the open house focused on many of the technical details of the subdivision such as the entrance location, stormwater management, fencing, trees, timelines for construction, type of dwellings, setbacks and traffic. (See Appendix "B") Many of these issues, I believe, were addressed to the satisfaction of the attendees. The one resounding issue that

seemed to be echoed by many of the residents was that of the loss of the view of the golf course.

In the OPA policies established for the development of the residential subdivision on the golf course a limitation of one storey was placed on the height of new dwellings to the north of the Chinnick Drain. In addition the density of development was limited to townhouses of three units maximum and a separation between each unit of 20 ft. is required. This policy was put in place in an effort to minimize the impact on the existing lots on the south side of Indian Creek Road West. The intent was to limit the scale of the new development and provide a more open development to minimize the loss of view. The second part of this issue was a question regarding whether alternative locations for the development had been considered.

From the beginning the proposed development was always intended to be located on the westerly side of the property or what was commonly known as the new nine on the golf course. This area was chosen because of the location of the existing sanitary pump station located to the west at Indian Creek Public School. It was also chosen because the golf course on this portion of the subject property was relatively new and not as well developed as the course on the land to the east. The golf course is an integral part of the development plan for the property and it is hoped that the impact of the residential development on the continued operation of the golf course could be minimized by concentrating the development on one area of the property.

As with any development on the fringe of an urban area new development often raises issues for existing residents who, right or wrong, hoped that development would not occur to the rear of their property. Although this expectation may not be realistic in the long term efforts are often made by both the developer and municipality to minimize the impact on existing residential properties which I believe is the case here.

ANALYSIS:

Community Strategic Plan

The recommendations in this report support the following objectives(s) and strategic directions:

B: Economy - We are a prosperous community

B1: Promote and market Chatham-Kent.

B2: Make Chatham-Kent a business-friendly community and a desirable leisure destination.

- B3: Maintain and enhance new and existing infrastructure to support economic and smart growth opportunities.

Desired Outcomes/Propose Activities

- Develop leisure/cultural venues that support a progressive community and business attraction activities.
- Develop Chatham-Kent as the business and leisure destination of choice in Ontario.
- Attract new economic and land development opportunities.

The recommendations will not adversely impact on the remainder of the Community Strategic Plan.

Provincial Policy Statement

There were a number of issues of Provincial interest raised by the proposed residential development which were addressed in the OPA report and are included below.

- 1) Section 1.6.4.2 states that, municipal sewage services and municipal water services are the preferred form of servicing for settlement areas.

Comment: *the proposed residential development will be on full services and this is one of the development policies in the proposed amendment.*

- 2) Section 2.3.5.2 states that, impacts from any new or expanding non-agricultural uses on agricultural operations and land should be mitigated to the extent feasible.

Comment: *the existing non-agricultural use has co-existed for many years with the surrounding agricultural uses. The developer does not plan to expand the golf course. However the introduction of residential uses in combination with the golf course will intensify the use and introduce a new use not currently interacting with the surrounding agricultural lands. Therefore, the final design of the development will utilize the golf course layout to act as a buffer between the new residential uses and the existing agricultural operations. This is incorporated in the special policies of the proposed amendment. A minimum setback of 45 metres (150 ft.) is proposed from the existing golf course property lines to all new lots.*

- 3) Section 3.1 Natural Hazards

3.1.1 Development shall generally be directed to areas outside of, hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards.

The Lower Thames Valley Conservation Authority (LTVCA) is responsible for the review of applications with regard to issues of natural hazard. Their original comments are attached as Appendix "C" and can be summarized as follows:

- a) a stormwater management plan be completed and filed with the municipality;
- b) that the stormwater system be designed to maintain or reduce the current flow of stormwater into the Chinnick Drain.
- c) a grading and fill plan;
- d) that all new development is subject to the minimum opening elevation prescribed by the Authority.

Comment: *the applicant was made aware of the LTVCA's concerns regarding the proposed development. Each of these issues will be addressed as part of the conditions of draft approval in Schedule "A".*

Section 2.6, Cultural Heritage and Archaeology notes the following:

Significant built heritage resources and significant cultural heritage landscapes shall be conserved.

Development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential if the significant archaeological resources have been conserved by removal and documentation, or by preservation on site.

Comment: This issue was not addressed in the OPA as it is more appropriate to address it as part of actual development plans. Because of the proximity of the subject lands to the Chinnick Drain the lands may have archaeological potential. The Ministry of Culture has indicated that an archaeological assessment is necessary. Completion of this assessment is included as a condition in the subdivision agreement and a certificate of clearance will be required from the Ministry of Culture prior to any development proceeding.

Official Plan

Official Plan Amendment 18 added special policies to the Open Space designation of the subject lands to permit the development of residential uses to be integrated into the existing golf course. The proposed plan of subdivision and zoning by-law amendment will conform with the policies of OPA 18, once approved. Since Council approved OPA 18 and generally supports the proposed development it should not view consideration of the plan of subdivision or zoning by-law amendment premature.

Plan of Subdivision

Section 51(24) of the Planning Act sets out those matters Council must have regard for when considering a draft plan of subdivision. Among other things, these relate to Provincial interests, timing of development, adequacy of utilities, municipal services and school facilities, need for public-purpose land within the plan, conservation of natural resources, flood control and design features. Comments on these matters are as follows:

Design Features and Compatibility - The proposed subdivision consists of a total of 56 blocks for residential development. The bulk of the plan is to develop 3 to 6 unit townhouses which would then be sold as individual freehold units. However the zoning for the property would also permit semi-detached and single detached dwellings. This allows some flexibility for the developer to adjust to changing market conditions. The specifics of the lot area, frontage and setback requirements are outlined in the amending by-law for each type of dwelling. The size of the new lots located along the rear of the existing development on the south side of Indian Creek Road West will be somewhat smaller than the single detached lots; however, the existing lots were developed on partial services. The new development will be on full municipal services. In addition, the total number of units will likely be the same as or less than the total number of existing dwellings which presently stands at 25.

Phasing – The proposed plan of development is to start the development in the northwest corner and move south along the west lot line and then back up toward Indian Creek Rd. Development of the roads and services within the subdivision will correspond with the number of dwellings being marketed.

Municipal Services - all municipal services will be designed in accordance with the Municipality's Development Servicing Requirements and to the satisfaction of the Municipal Engineer. Specifically:

- **Sanitary Sewers** – There is an existing sanitary sewer pump station located approximately 200 metres. This is the closest and most feasible connection option for the proposed subdivision. A review of the capacity at this pump station is being undertaken by the developer, in consultation with the PUC. The details of that review will be available for presentation to Council by the September 15th meeting.
- **Storm Water Management** - a storm water management plan is required for the subdivision.
- **Water** – Municipal water is already in place along Indian Creek Road West and no supply issues were noted during the review process.
- **Sidewalks/Curbs/Street Lights** - The installation of a sidewalk along one side of

each of the new streets will be required. The new road will also require full curb and gutter to Municipal standards. Street lighting will also be required.

Parkland Dedication – The parkland requirement in this case will be for the extension of the existing walkway/bikepath along Mud Creek to continue along the Chinnick Drain to Street “A”. The majority of the pathway will be 3 metres in width. A portion of the pathway from Indian Creek Road West to the end of Street “B” will be 6 metres in width and also serve as an emergency access route (secondary access) to the subdivision. The municipality has requested that the pathway be dedicated to the municipality once constructed. This dedication would be approximately 5.8 % of the total development, satisfying the 5% parkland dedication requirement.

Other Issues – TAC identified some minor technical issues during the review of the latest plan submission. The designer of the plan believes that most of these issues have been or can be addressed to the satisfaction of the municipality in the final revised plan.

All other aspects of Section 51(24) have been reviewed and provided for, where applicable, in the recommended conditions of approval. Accordingly, in my opinion the requirements of Section 51(24) have been satisfied.

Zoning By-law

The subject lands are currently zoned “OS, Open Space” and “OS-2, Open Space”. The proposed amendment would rezone the property to a site specific “OS-5, Open Space” which would continue to permit the golf course and associated uses and establish the necessary regulations for the development of single, semi-detached or townhouse development.

Conclusion

On the basis of the foregoing, we support the applications for draft approval and rezoning.

FINANCIAL IMPLICATIONS:

There will be a substantial change in property taxes anticipated as a result of this application.

Prepared by:

Robert Brown, MCIP, RPP
Storey Samways Planning Ltd.

Reviewed by:

Evelyn Bish, BA,
Acting General Manager
Community & Development Services

Reviewed by:

Ralph Pugliese, MCIP, RPP, DPA
Director, Planning Services

Reviewed by:

C.D. Weldon
Chief Administrative Officer



Looking northwest across the subject lands toward rear of the existing development on Indian Creek Road West



Looking north across the subject lands toward the existing development on Indian Creek Road West



Looking north across the area of the subject lands to be developed from the rear of the subject property



Looking north along the boundary between the operational portion of the golf course and the lands to be developed



Looking east along the Chinnick Drain



Looking north across the lands to the north of the Chinnick Drain



Looking northwest along a portion of the existing dwelling abutting the subject lands



Looking north across the location of the main entrance to the proposed development.



Looking west along the rear of the remaining dwellings abutting the subject property



Looking south toward the location of the trail connection across Indian Creek Road West



Looking south from St. Michael Ave and the location of the main entrance to the development on the south side of Indian Creek Road West



Looking north at the location of the sanitary sewer pump station to be used to service the proposed development

Appendix "A"
(MMAH Comment)

**Ministry of
Municipal Affairs
and Housing**

Municipal Services Office -
Western

659 Exeter Road, 2nd Floor
London ON N6E 1L3
Tel. (519) 873-4020
Toll Free 1-800-265-4736
Fax (519) 873-4018

**Ministère des
Affaires municipales
et du Logement**

Bureau des services aux municipalités -
région de l'Ouest

659, rue Exeter, 2^e étage
London ON N6E 1L3
Tél. (519) 873-4020
Sans frais 1 800 265-4736
Télééc (519) 873-4018



August 5, 2008

Ms. Elinor Mifflin, Clerk
Municipality of Chatham-Kent
P. O. Box 640
Civic Centre, 315 King Street West
Chatham, ON, N7M 5K8

Subject: Combined Application for Plan of Subdivision and Zoning By-law Amendment
Community of Chatham/Former Township of Raleigh
Owner: 117406 Ontario Limited
120 Indian Creek Rd. West
Our File: 36-DP-6003-06002
Your File: D-28, RA/41/08/O, 36T-08503

Dear Ms. Mifflin:

We recently became aware of the notice of a plan of subdivision and related zoning by-law amendment for lands located on the south side of Indian Creek Road West, noted above.

Based on the information in the notice, the purpose and effect of the subdivision and zoning change would be to create 48 blocks for the development of three and four unit townhouses (148 in total) to be developed primarily on the westerly portion of the subject lands.

MMAH objects to the approval of these applications as they seek to implement Official Plan Amendment No. 18 to the Raleigh Official Plan which has been appealed to the Ontario Municipal Board by MMAH for lack of consistency with the Provincial Policy Statement, 2005.

Accordingly, we request that we be given notice of Council's decision on the plan of subdivision application pursuant to O. Reg. 544/06, s. 9 (2) and notice of Council's decision on the zoning by-law amendment pursuant to O. Reg. 545/06, s. 6 (8). If you have any questions or comments, please contact me at 519-873-4026, or Tammie Ryall, planner, at 519-873-4031, e-mail Tammie.Ryall@ontario.ca.

Yours truly,

Bruce Curtis, MCIP, RPP
(A) Regional Director
Municipal Services Office – Western

cc Ralph Pugliese, Director of Planning Services
Mr. Robert Brown, Planner, Storey Samways Planning Ltd. ✓

Appendix "B"
(Open House Minutes)

Open House – August 11, 2008, 7:00pm Links of Kent

Re: Subdivision Plan

Location : Links of Kent Clubhouse

Minutes: taken by Robert Brown

Approximately 25 people in attendance

The following is a list of the questions/concerns raised by the attendees.

- 1) Will the subdivision be phased?

Yes, the development will start in the northwest corner and move south along the west lot line and then back up toward Indian Creek Rd.

- 2) Location and design of the main access to the subdivision

Entrance is over an existing double lot (100 ft. wide) and will be a two lane entrance with landscaping and some form of other fence or wall.

- 3) Will there be a four way stop at the intersection of Indian Creek and St. Michaels as a result of the development?

There will only be a stop sign at the entrance to the subdivision

- 4) Will the subdivision be on full services?

Yes, sanitary will be located on the south side of Indian Creek Rd. coming from the existing pump station.

- 5) Will there be side walks in the subdivision?

Yes, on at least one side as required by C-K.

- 6) Will residents on the south side of Indian Creek Rd. be required to hook into the sewer system as a result of the development?

No there has been no indication that this will be a requirement.

- 7) What is the time frame of the development?

Three to five years with a hopeful start date of June of 2009.

8) Will there be fencing or trees along the back of the existing resident's lots?

This is to be determined.

9) What is the height limit of the new dwelling?

Dwellings immediately to the rear of the existing residence on Indian Creek Rd are limited to one storey as per the OPA requirements.

10) How is drainage being handled?

A stormwater management plan will be required.

11) Issue of heavy equipment traffic during construction, dust, noise, timing of work

This is an unavoidable side effect of development however the municipality does require that reasonable measures be taken to reduce impacts.

12) What is the proximity of the new dwelling to the rear of the existing development?

The new lots are located 30 feet from the rear of the existing lots.

13) Loss of view of golf course for existing residents on Indian Creek Rd.

The developer understands that this is an issue of concern but has no answer.

14) Have alternative locations been looked at elsewhere on the property?

Yes however this location is the most economical to service and develop without a significant impact to the operation of the golf course.

15) Who is the target market for the development?

Retirees

16) Will this be a gated community?

No

17) What is the size of the new dwellings?

Approx 1,400 sq. ft.

18) Will trees be removed from the golf course?

There will be some tree removal and some tree relocation

19) Are there design controls on the dwelling types in the subdivision?

There will be a subdivider's agreement which will control design.

20) Issue with increase in traffic on Indian Creek Rd as a result of the development?

Indian Creek Road is an arterial road and the movement of traffic is its primary function.

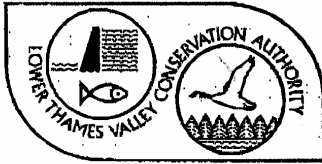
21) Will the developer be purchasing existing lots on Indian Creek Rd.?

In the future this is a possibility but not at present.

22) Will this be a retirement community?

It is geared toward retirees but is not limited to a retirement community.

APPENDIX "C"
(LTVCA Comment)



CHAIRMAN
Brian King
Municipality of Chatham-Kent

VICE-CHAIRMAN
Stan Lidster
Township of Southwold

The Thames - A Canadian Heritage River



The Canadian Heritage Rivers System



July 29, 2008

BY FAX ONLY - 1 PAGE

Storey Samways Planning Ltd.
330 Richmond Street, Suite 204
Chatham, Ontario
N7M 1P7

Attn: **Robert Brown**

Re: **Zoning Amendment RA/41/08/O**
& Plan of Subdivision 36T-08503
Part Lot 22 & 23, Concession 3 EB
120 Indian Creek Road West (Links of Kent)
Community of Raleigh
Municipality of Chatham-Kent

Please be advised that the above mentioned zoning amendment and plan of subdivision has been reviewed by this office. The Authority is responsible for addressing the Natural Hazard Section of the Provincial Planning Policy Statement as well as the Conservation Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation, R.S.O. 152/06 under the Conservation Authorities Act. After reviewing our files and mapping, staff has determined that the property in question is subject to the Authority's Development and Alterations to Shorelines and Watercourses portion of the regulation. Also, the lands adjacent to the Chinnick Drain have been identified as a Critically Regulated Area by the Authority. An application from this office is required prior to any works/construction taking place within and/or adjacent to the watercourse or its associated flood plain. The issue of concern within this area is flooding and erosion.

The above noted lands may be subject to flooding under regulatory storm conditions. Any proposed structure(s) must be flood proofed to a minimum elevation of 180.70 metres Canadian Geodetic Datum for the lowest opening into structure(s) to protect against damages from flood waters.

The Authority is also an acting agent for the Department of Fisheries and Oceans with regards to the Federal Fisheries Act. If any shoreline/in-water works are proposed, an application from this office will be required prior to any works/construction taking place within and/or adjacent to the water.

I trust this is satisfactory, but if you should have any questions, or require more information, please call the office.

Yours truly

Valerie Towsley
Resource Technician

SCHEDULE "A"

August 15, 2008

FILE NO: 36T-08503

APPLICANT: 1174506 Ontario Ltd.

The Corporation of the Municipality of Chatham-Kent's conditions to final plan approval for registration of this subdivision, File 36T-08503, are as follows:

CONDITIONS

1. That this approval applies to the attached draft plan of subdivision prepared by Thames Valley Engineering and dated June 11, 2008, which shows a total of 56 residential blocks and 1 block for road allowances.
2. That the road allowances shown on the draft plan as Street "A", Street "B" and Street "C" shall be dedicated as public highways.
3. That the lots be named and numbered to the satisfaction of the Municipality.
4. That prior to final approval, the land is to be zoned to reflect the residential uses proposed, with site and building regulations appropriate to those uses, and that the final plan shall conform with the Municipality's zoning by-law as thereby amended.
5. That the Owner agree in writing to satisfy all the requirements, financial and otherwise, of the Municipality concerning the provision of paved roads, sidewalks/pathways and installation of services and drainage and in accordance with Municipality's Development Servicing Requirements and to the satisfaction of the Municipal Engineer prior to final registration.
6. That the subdivision agreement between the Owner and the Municipality be registered against the lands to which it applies once the plan of subdivision has been registered.
7. That such easements as may be required for access, walkways/bikepaths, utility or drainage purposes shall be granted to the appropriate authority.
8. That if any underground or overhead utility line, pipeline, drain or other facility must be relocated, replaced or otherwise altered as a result of the subdivision, this shall be at the Owner's sole cost and expense.
9. That any dead ends and open sides of road allowances created by this Draft Plan shall be terminated in 0.3 m reserves to be conveyed to, and held in trust by the Municipality.

10. That a sign showing the location of the lots be erected at the entrance to the subdivision at a location satisfactory to the Municipality.
11. That the Owner provide a soil report, indicating the suitability and stability of the soils for the proposed development, to be prepared by a professional engineer at the Owner's sole cost and expense.
12. That the Subdivision Agreement between the Owner and the Municipality include, as an attached schedule, the soil report described in Condition 10.
13. That the Subdivision Agreement between the Owner and the Municipality make reference to any special requirements recommended in the soil report described in Condition 10.
14. That the Subdivision Agreement between the Owner and Municipality include a clause that at the time of Building Permit application the Chief Building Official may require additional Geo-Technical investigation before building permits are issued.
15. That the Subdivision Agreement between the Owner and the Municipality contain provisions for the looping of water mains satisfactory to the Municipality.
16. That the Owner provide a 5% parkland dedication. Such parkland dedication shall be in the form of the bikepath/pathway as show on the plan. Once constructed to the satisfaction of the Municipality the bikepath/walkway is to be conveyed to the Municipality.
17. That the Owner enter into a Subdivision Servicing Agreement satisfactory to the Municipality of Chatham-Kent to comply with the engineering review of the construction drawings and will provide for:
 - a. the installation of a gravity sanitary sewer line along the south side of Indian Creek Road West to the existing sanitary sewer pump station located at Indian Creek Road Public School;
 - b. the installation of a concrete side walks on one side of all new streets as show on the plan;
 - c. the installation of street lights;
 - d. a storm water management plan be completed to the satisfaction of the Municipality;
 - e. improvements and connection of Street "A" to Indian Creek Road West to the satisfaction of the Municipality .

18. That the Subdivision Agreement between the Owner and the Municipality includes a clause requiring the planting of one tree per lot in accordance with the policy recommended by the General Manager, Infrastructure and Environmental Services in a report dated May 8, 2001 and later amended in a report dated Sept. 7, 2001.
19. That the Subdivision Agreement between the Owner and Municipality include a clause that appropriate dust, dirt and control measures be applied during construction and for any unpaved road surfaces.
20. That the Subdivision Agreement between the Owner and Municipality include a clause that all vacant lots not under construction or being actively cultivated be grass seeded for weed control.
21. The Owner shall agree in the Agreement, in words satisfactory to the applicable telecommunications provider, to grant the telecommunications provider any easements that may be required for telecommunications services. Easements may be required subject to final servicing decisions. In the event of any conflict with the existing telecommunications provider facilities or easements, the owner/developer shall be responsible for the relocation of such facilities or easements.
22. The Developer shall include in the final plan a 7 m x 7 m easement, the precise location of which shall be to the satisfaction of the Municipality. Bell Canada and the Developer.
23. That the Developer, prior to commencing any work within the Plan, 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 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 the Developer shall be required to demonstrate to the Municipality that sufficient alternative communication/telecommunication facilities are available with the proposed development to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services.
24. The Owner shall be required to enter into an agreement (Letter of Understanding) with the telecommunications provider complying with any underground servicing conditions imposed by the municipality, and if no such conditions are imposed the owner shall advise the municipality of the arrangement made for such servicing.

25. That the Subdivision Agreement between the Owner and the Municipality be registered against the lands to which it applies once the plan of subdivision has been registered.
26. That the Owner shall agree to provide the Lower Thames Valley Conservation Authority with the necessary confirmation of adherence to the flood-proofing requirements.

NOTES TO DRAFT APPROVAL:

1. It is the applicant's responsibility to fulfill the conditions of draft approval and to ensure that any required clearance letters are forwarded by the appropriate agencies to the Municipality, quoting the plan of subdivision file number.
2. That the applicant should be aware of the following subsections of the Land Titles Act, R.S.O. 1990, c.L.5:
 - a) Subsection 144(1) requires all new plans 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.
3. All measurements on the subdivision final plan must be presented in metric units.
4. Council, at its discretion, may withdraw the draft approval or change the conditions of approval at any time before final approval is given (Subsection 51(44) of the Planning Act).
5. The applicant or any public body may, at any time before final approval is given, appeal any of the conditions of approval to the Ontario Municipal Board by filing with the Municipality a notice of appeal setting out the reason(s) for the appeal, accompanied by the fee required by the Board (Subsection 51(59) of the Planning Act).
6. Prior to final approval, a hard copy and electronic copy of the draft plan, must be submitted to the telecommunications provider for review and comment.