

Attachment 4 – (Revised) Conditions of Draft Approval

AN APPLICATION FOR APPROVAL UNDER SECTION 51 OF THE PLANNING ACT

FILE # 38C-03001 LS

In the case of an application for approval of a vacant land condominium as made under Section 50 (2) of the Condominium Act (as amended) and Section 51 of the Planning Act, R.S.O. 1990 (as amended), as it affects the property on Part of Lot 76, Concession Lake Road West, Municipality of Lambton Shores (formerly the Town of Bosanquet) as made by Reflection Shores Developments Inc.(Sifton Properties Limited)

DECISION: **DRAFT APPROVED** with the following conditions, which shall be fulfilled prior to Final Approval of this Plan of Vacant Land Condominium.

- ** Conditions 1, 2, 3, 12, 16, 17, 18, 19 and 21 were amended in June 15, 2006, also Council deferred Conditions 10 and 11 pending completion of the West Lambton Shores Servicing Study.**
- ** On May 19, 2009 Council amended Condition 21 and deferred Conditions 10 and 11 pending discussion on the proposed West Lambton Sanitary Servicing Area Project.**
- ** On May 16, 2011 Council amended the Conditions of Approval by:**
 - a) Amend Condition 9 to include the following clause:**
 - iv) To satisfy the Municipality with respect to the provision of municipal sanitary sewers and municipal sewage treatment capacity in compliance with the Forest and Area Sanitary Sewage Servicing Master Plan;**
 - b) Delete conditions 10 and 11 and renumber the conditions following; and**
 - c) Extend the lapsing date for Draft Plan of Vacant Land Condominium File No. 38T-03001(LS) (Revised) to June 15, 2013.**
 - d) Extend the lapsing date for Draft Plan of Vacant Land Condominium File No. 38T-03001(LS) (Revised) to June 15, 2015.**
- ** On May 2, 2013 Council amended the Conditions of Approval by extending the lapsing date for Draft Plan of Vacant Land Condominium File No. 38T-03001(LS) (Revised) to June 15, 2015.**
- ** On April 14, 2015 Council amended the Conditions of Approval by extending the lapsing date for Draft Plan of Vacant Land Condominium File No. 38T-03001(LS) (Revised) to June 15, 2017.**

**** On June 6, 2017 Council amended the Conditions of Approval by extending the lapsing date for Draft Plan of Vacant Land Condominium File No. 38T-03001(LS) (Revised) to June 15, 2019.**

**** On May 28, 2019 Council amended the Conditions of Approval by extending the lapsing date for Draft Plan of Vacant Land Condominium File No. 38T-03001(LS) (Revised) to June 15, 2021.**

**** On June 15, 2021 Council amended the Conditions of Approval by extending the lapsing date for Draft Plan of Vacant Land Condominium File No. 38T-03001(LS) (Revised) to June 15, 2023.**

The Municipality's amended conditions of final approval for registration of this plan of condominium are as follows:

Conditions:

1. That this approval dated June 15, 2006 applies to the revised plan of vacant land condominium prepared by Lambton Shores and shown on Attachment 5 to Planning Report No. 21-2006 dated June 8, 2006 by Patti Scherer, Senior Planner, which shows a total of sixty one (61) vacant land condominium units and eight blocks which consist of two storm water management blocks (Blocks 62 and 63) 3 walkways (Blocks 64, 65, and 66), an open space shoreline block (Block 67), a common element block intended for a clubhouse (Block 68) and a block for sewage treatment facility (Block 69).
2. That the draft plan be revised to reflect the top of bank as determined by staff and shown on Attachment 5 to Planning Report No. 21-2006 dated June 8, 2006 by Patti Scherer, Senior Planner and that a 30 metre setback from the revised top-of- bank be required for all dwellings and buildings in excess of 10 square metres.
3. That the width of the road and servicing right-of-way be reduced to 9 metres.
4. That the names of the private roads shown on the plan be compatible with the County-wide 9-1-1 addressing system.
5. That the lands be rezoned in the Municipal Zoning By-law to provide for the type of residential development proposed and to preserve the appropriate portions of the common element block as open space.
6. That the Owner agrees to provide a parkland dedication or cash-in-lieu to the satisfaction of the Municipality of Lambton Shores. The Owner also agrees that in the event the Owner requests an extension of draft approval, the date for calculation of cash-in-lieu of parkland will be from the date of the extension of draft approval, if applicable.
7. That easements, as may be required for utility or drainage purposes, shall be granted to the appropriate authority.

8. That the Owner agrees to enter into a condominium agreement with the Municipality to satisfy all the requirements of the Municipality of Lambton Shores, financial and otherwise, including such matters as construction of the private road and provision of services. This agreement shall be registered on title to each of the vacant land condominium units.

9. That the Owner agrees:

- i) To submit a final storm water management plan (that addresses water quality and quantity, erosion and sedimentation controls to be in place during and after construction) for review and approval by the Municipality of Lambton Shores, the Ministry of the Environment (M.O.E.) and the St. Clair Region Conservation Authority.
- ii) To submit final grading and drainage plans (that address grading and drainage for each unit, natural vegetation areas and erosion control measures) for review and approval by the Municipality.
- iii) That the provisions of the approved final storm water management plan must be incorporated into the condominium agreement with the Municipality.

**** iv) To satisfy the Municipality with respect to the provision of municipal sanitary sewers and municipal sewage treatment capacity in compliance with the Forest and Area Sanitary Sewage Servicing Master Plan.**

~~*10. That a Certificate of Approval be obtained for the proposed sewage treatment facility from the Ministry of the Environment. **~~

~~*11. That the Condominium Agreement between the Owner and the Municipality include provisions relating to the operation of the sewage treatment facility by the Owner, and also include provisions for the Owner to provide to the Municipality sufficient financial security to allow for the operation of the sewage treatment facility by the Municipality in the event of default in its obligations in that regard by the Owner. **~~

10. That the Owner retain a qualified consultant to complete a geo-technical report and an environmental report relating to the impact of development, construction and three walkways on and the stability and long-term management of the wooded slope abutting the Lake Huron shoreline to the satisfaction of the Municipality and St. Clair Region Conservation Authority.

11. That the Condominium Agreement between the Owner and the Municipality incorporate the provisions from the Environmental Report referred to in Condition 10 above relating to the preservation and management of the wooded slope.

12. That the Owner carry out an archaeological assessment of the subject property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No grading or other soil disturbances shall take place on the subject property prior to the Ministry of Culture confirming that all archaeological resource concerns have met licensing and resource conservation requirements. All archaeological reports shall be prepared to the satisfaction of the Ministry of Tourism, Culture and Recreation.

13. That the condominium declaration prepared for this development be submitted to the Municipality of Lambton Shores for review.
14. That prior to final approval, the Municipality is to be advised in writing by the County of Lambton, how Condition 4 has been satisfied.
- ~~15. That prior to final approval, the Municipality is to be advised in writing by the Ministry of Environment, how Conditions 9 and 10 have been satisfied.~~
15. That prior to final approval, the Municipality is to be advised in writing by the St Clair Region Conservation Authority how Conditions 9 and 10 have been satisfied.
16. That prior to final approval, the Municipality is to be advised in writing by the Ministry of Tourism, Culture and Recreation, how Condition 12 has been satisfied.
17. That upon requesting Final Plan approval from the Municipality, the Owner shall submit one original plan, four transparent duplicates, six white paper copies, two 3 1/4" micro floppy diskettes of the final plan (compatible with AutoCad).
18. This Draft Approval shall lapse if Final Approval or an extension of Draft Plan Approval is not obtained by June 15, 2023.

Mayor

Clerk

June 15, 2021
Date

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 Municipality of Lambton Shores, quoting the file number.

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

2. **Standard Notes: Ministry of the Environment**

- a) The Ministry of the Environment advise that their review of this condominium did not include soil, groundwater or soil atmosphere testing to discount the possibility that waste materials and other contaminants are present within or in close proximity to this condominium. If either the Owner or the Municipality require this assurance

before proceeding any further with this plan of condominium, a team of consultants should be obtained to conduct the appropriate investigations.

- b) The Ministry of Environment advise that they must be notified immediately should waste materials or other contaminants be discovered during the development of this plan of condominium. If waste materials or contaminants are discovered, a further approval under the Environmental Protection Act may be required from the Ministry of the Environment.

3. **Additional Notes:**

The Owner is hereby advised:

That pursuant to Section 69 of the Planning Act, the Owner will be required to pay a fee to the Municipality of Lambton Shores for each Final Approval of the Plan of Condominium. Fees may also be required for major revisions to the draft plan or conditions.

4. Clearance is required from the:

County of Lambton
789 Broadway Street
Wyoming, Ontario N0N 1T0

Ministry of Environment - Southwest Region Office
733 Exeter Road
London, Ontario
N6E 1L3

Ministry of Culture – Southwest Archaeological Field Office
Heritage & Libraries Branch
900 Highbury Avenue
London, Ontario N5Y 1A4

St. Clair Region Conservation Authority
205 Mill Pond Crescent
Strathroy, Ontario
N7G 3P9

If the agency condition concerns items in the subdivision agreement, a copy of the agreement should be sent to them to expedite clearance of the Final Plan.