

**THIS AGREEMENT** made this            day of            , 2021

**BETWEEN: NELSON JAMES DESJARDINE**

and

**HURON SHORES INVESTMENTS INC**

(Hereinafter called the "Owner")

**OF THE FIRST PART**

**AND**

**THE CORPORATION OF THE MUNICIPALITY OF LAMBTON SHORES**

(Hereinafter called the "Municipality")

**OF THE SECOND PART**

**WHEREAS** the Municipality has enacted a Site Plan Control By-law pursuant to the provisions of Section 41 of the Planning Act, 1990;

**AND WHEREAS** Section 41 of the Planning Act requires the Owner to:

- (a) submit development plans to the Municipality for approval under Section 41(4) of the Act: and
- (b) authorizes the Municipality to require the Owner to enter into an agreement respecting the provision of the services and the approval of the plans and drawings under Section 41(7) of the Act;

**AND WHEREAS** the Owner represents and warrants that they intend to develop lands described in Schedule 'A' to this Agreement (hereinafter called the "Lands");

**AND WHEREAS** the Owner of the "Lands" has submitted plans to the Municipality for approval in accordance with subsection (4) of Section 41;

**NOW THEREFORE** the parties hereto agree as follows:

1. The following Schedules are hereby declared to form part of this Agreement and are attached hereto:

Schedules

Description

"A"

-

being a legal description of the land affected hereinafter referred to as the "Lands".

- "B" - being a site plan, showing the location of existing features on the "Lands" and the plans showing the new facilities, works and matters to be provided on the "Lands", herein after referred to as the "Site Plan".
- "C" - being elevations showing the architectural design and character of the building to be constructed on the "Lands".
- "D" - being a landscaping plan, showing a representation of the standard of the landscaping and fencing to be provided and existing trees to be preserved on the "Lands".
- "E" - being an arborist's report with recommendations for preserving certain trees on the "Lands".
- "F" - being the drinking water license and drinking water permit for the municipal drinking water system.

2. The attached Schedules "B", "C" and "D" are hereby approved by the Municipality subject to the following conditions:

(a) **GENERAL**

- (i) The Owner hereby agrees that the development shall be carried out and completed in accordance with the attached Schedules. Any item or feature which is not specifically shown on the Schedules or described in this Agreement shall be deemed to be prohibited and will only be permitted through an amendment to this Agreement.

(b) **PAVING DRIVEWAYS & PARKING AREA**

- (i) The Owner shall pave with asphalt, concrete or other hard surface material approved by the Municipality, those portions of driveway and parking areas and walkways on the "Lands", as shown on Schedule "B", the "Site Plan", to the reasonable satisfaction of the Municipality. No driveway or parking areas shall be used as such unless they are so paved or surfaced. The Owner shall so construct and maintain the surface of all fire lanes on the "Lands" so that the surface will support fire apparatus weighing 18 tonnes under all weather conditions.

(c) **VEHICULAR ACCESS**

The Owner shall provide and maintain vehicular access to and from the Lands only as shown on Schedule “B”, the Site Plan, and to the satisfaction of the Municipality. The Owner shall prohibit any other vehicular access to and from “the Lands”. The access to and from the Lands shall include access for service vehicles including trucks, garbage trucks, delivery vehicles, shuttle buses and any other vehicles that require access to the lands as a course of business or for resident guest services including visitors and residents.

(d) **LANDSCAPING**

The Owner shall landscape the “lands”. Schedule “D”, the “Landscaping Plan”, does not show the approved lot layout, but provides the standard of landscaping and plant materials required for the site. It also shows the existing trees that are to be preserved on site, which are also described in Schedule “E”. All plant materials shall be installed and maintained in a healthy condition to the satisfaction of the Municipality. No underground sprinkler systems shall be located on the Municipality’s or County’s right-of-way.

(e) **LIGHTING**

The Owner shall install and maintain facilities for the lighting, including floodlighting, of the “Lands” or of any buildings or structures including signs thereon to the reasonable satisfaction of the Municipality. Any exterior lighting of the building, parking areas or signs shall comply with Municipal Policy #89 - Dark Sky Policy, shall have its intensity controlled, and shall be directed away from the adjacent properties and streets to the reasonable satisfaction of the Municipality.

(f) **OPEN STORAGE AND GARBAGE**

The Owner hereby agrees that there will be no open storage carried out on the “Lands” unless it is within an area specifically designated for such purposes and shown on Schedule “B”, the “Site Plan”.

(g) **SERVICING, GRADING AND INSPECTION**

(i) The Owner shall provide for the construction and maintenance of sewers, water mains, roads, site grading, driveway installation, and service connections as designed, certified and shown in Schedule “B”, the “Site Plan”, and as per the Municipality of Lambton Shores Engineering Standards and Specifications including those included in Schedule “F”.

- (ii) Surface drainage shall be accommodated on the "Lands" and shall not drain onto adjoining property, except where the Owner has the specific permission of the adjoining property owner to convey surface drainage through an adjoining property to reach a natural drainage feature. The Owner shall be responsible to ensure that the proposed development and final grading of the site do not in any way adversely affect the drainage of adjoining properties. The Owner agrees to indemnify the Municipality against any claims that may arise from the development with respect to alterations in the direction, quantity, or quality of surface drainage or storm water.
- (iii) The Owner's consultant shall provide inspections for the installation of all site services in accordance with the Municipality of Lambton Shores' Engineering Standards and Specifications. All work on Municipal property shall be coordinated with the Municipality and will require full time inspection by the consultant. Full Time Inspection shall include, but not be limited to sewer, water main and road installation on the public right-of-way and road and right-of-way reinstatement in order to verify depths of materials and finished product.
- (iv) Full time inspection is not a requirement for site stripping or the removal of pavement, curb and gutter, and sidewalks.
- (v) The preceding does not absolve the Owner or the Owner's consultant of responsibility for being aware of all activities related to this development. Ignorance of on-site activities will be no excuse for variance from the Site Plan, Municipal specification, or any statute under law, nor for the consultant abdicating responsibility for provision of a letter of certification upon project completion.
- (vi) Any water mains shall be inspected and tested up to and including the water meter(s) in accordance with the Municipality of Lambton Shores Engineering Standards and Specifications.
- (vii) Any service connections shall be in accordance with the Municipality of Lambton Shores Engineering Standards and Specifications.
- (viii) Site services shall be provided as required in Schedules "B" and "F". No alterations shall be made unless they are minor and receive the prior approval of the Municipal Director of Community Services.

### 3. **OCCUPANCY**

- (a) The Owner shall notify the Municipality at least one week prior to the proposed occupancy date in order to arrange for a site inspection to be conducted.

- (b) The Owner and Encumbrancer shall not occupy or use or permit to be occupied or used any new building on the "Lands" before the provisions of this Agreement are complied with.
- (c) Substantial completion of the site is required before occupancy is allowed by the Municipality. The Municipality may permit the occupation or use of any new building or extension or a parking lot before all the provisions of this Agreement are complied with, subject to the following conditions being satisfied:
  - i) all off-site services required by this Agreement affecting the "Lands" have been completed to the satisfaction of the Municipality and in compliance with the terms and conditions of this Agreement;
  - ii) the Owner or Encumbrancer deposits with the Municipality a certified cheque, in an amount equal to the value of any outstanding works, in order to secure the completion of the provisions of this Agreement after occupancy has commenced, including the landscaping. The amount shall be determined by the Owner's engineer and approved by the Municipality. Notwithstanding the aforementioned permission, the Owner and Encumbrancer shall not occupy or use or permit to be occupied or used any new building or extension or parking lot on the "Lands" before all of the work, except landscaping, in the Municipality's right-of-way is complete.
- (d) The Owner hereby authorizes the Municipality to carry out the completion of any of the provisions of this Agreement and to use the funds secured by the said cheque for this purpose, if the Owner fails to complete the said work within the time agreed to in writing between the Municipality and the Owner at the time the Owner provides such cheque. Upon completion of the work, any unused balance shall forthwith be returned to the Owner and, should the funds deposited be insufficient, the Owner shall forthwith pay to the Municipality such sum as may be required to make up the total cost of the work. Failure to pay the amount within 30 days after the account has been submitted will result in the cost being added to the tax bill for the "Lands" and collected in like manner as municipal taxes.

#### 4. **SPECIAL PROVISIONS**

##### Parcel consolidation

- a) The Owner acknowledges that no building permit shall be issued until the various parcels making up the Lands, as identified in Schedule "A", are merged on title and assigned a single property identification number at the

land registry office. The Owner shall request that the Municipal Council pass a deeming by-law pursuant to Section 50(4) of the *Planning Act*, respecting Lots 2 to 8, Plan 540. The Municipal Council hereby agrees to pass said by-law, upon request. The Owner agrees to register the parcels in the same name and interest, register the deeming by-law once passed, and take such other measures as may be necessary to cause the parcels' merger in title. The requirements of this clause do not apply if the retirement home development has been severed from the balance of the lands prior to a building permit application.

#### Natural heritage

- b) The Owner agrees to save certain existing trees within the development footprint and road allowance as identified in Schedules "D" and "E" by minimizing disruption to the trees' root zones by following the recommended precautions and grading noted in the Schedules, particularly in Schedule "E".
- c) Until further development approvals are obtained with appropriate additional environmental evaluations, the Owner agrees to remove no trees or vegetation and make no site alteration outside the project's development envelope except as necessary for the provision of items required by this agreement, including stormwater management facilities and outlet.
- d) The Owner shall implement recommendations made in the Environmental Impact Study produced for the Lands by BioLogic, dated May 27, 2019 with respect to:
  - i) Meeting any requirements made by the Ministry of Environment Conservation and Parks under the *Endangered Species Act*.
  - ii) Relocating plants from within the project's development area to other portions of the property.
  - iii) Measures to be taken before permitting any use of the balance of the lands as an amenity area or open space use by future residents of the proposed building, including the creation of trails or boardwalks, including measures such as resident education through signage and brochures and the creation of a woodlands/natural heritage management plan.
  - iv) The appropriate locations for soil stock piles and the use of silt fences and soil-stabilizing vegetation.
  - v) No tree removal occurring between April 1 and August 31.

- vi) The method by which to install silt fencing to avoid trapping fish when conducting work at the Old Ausable Channel for installation of a storm water outlet.
- vii) Post-construction monitoring of stormwater management facilities for possible impacts to the Old Ausable Channel and other natural heritage features.

In addition, the Owner agrees to implement all recommendations of the Ministry of Environment Conservation and Parks related to compliance with the *Endangered Species Act* as noted in the EIS Addendum produced by Dave Hayman of MTE Consultants Inc, dated September 30, 2021.

Further, the Owner agrees to develop and maintain the subject lands with regard for with the Management Plan for the Old Ausable Channel available through the Ausable Bayfield Conservation Authority.

#### Site Preparations

- e) The Owner agrees to provide access to the existing building to the rear of the project boundary from the new street as shown on the “Removals” drawing in Schedule “B”.
- f) Prior to the removal of any buildings identified to be removed on the “removals” drawing in Schedule “B”, the Owner shall obtain designated substance surveys and conduct demolition in accordance with the survey’s findings.
- g) The Owner shall decommission existing wells within the project’s development boundary.
- h) The Owner shall cap abandoned service laterals at the lot line. The Municipality agrees to remove the laterals within the road allowance when the mains are replaced as part of future Municipal capital projects.

#### Geotechnical Report

- i) The design of the building shall incorporate the recommendations of the geotechnical report produced for the Lands by Alton Associates (Division of Terrapex), dated April 10, 2019.

#### Fencing

- j) The Owner agrees that the fence to be constructed along the entire south property line will be a solid wood board fence and constructed in compliance with Municipal By-law 80 of 2008.

### Construction operations

- k) The Owner shall obtain the written approval of the Municipal Engineer prior to implementing the traffic management plan included in Schedule "B". Unless special permission is granted by the engineer, a minimum of one lane of traffic in each direction must remain open during the period commencing the 12<sup>th</sup> day of June through to and including the 8<sup>th</sup> day of September.
- l) The Owner agrees that hours of construction shall comply with municipal noise by-laws.

### Future street

- m) The Owner agrees to construct the entrance driveway and the underground infrastructure to Municipal standards of a public road including the provision of securities and the supervision required in Section 2 g), particularly 2 g) iii), of this agreement. Provided the works are satisfactorily constructed and a sufficient period of time has elapsed to show the works to be free of deficiencies, the Municipality agrees to assume the works and a 20 metre wide road allowance as a public highway at such time as it becomes necessary to provide access for the further development of the rear portion of the Lands. The Owner agrees to retain ownership and maintenance of the future street until such time as development approvals are in place for a degree of development on the balance of the lands that justifies the Municipality's assuming the road.

### Stormwater

- n) The Owner shall provide facilities for stormwater management consistent with the Functional Servicing Report produced for the Lands by AGM, dated April 9, 2019 as revised August 24, 2021, and in addition shall provide goss traps in the parking lot catch basins and a stormceptor up stream of the underground storage system, as shown on Schedule "B".
- o) The Owner shall create and implement a monitoring program of the stormwater management system to ensure the long-term effectiveness of the underground chamber facility. All aspects of the monitoring program shall be in accordance with the Isolator Row O&M Manual created by Advanced Drainage Systems. At minimum, the monitoring program shall include:
  - i) Following a rainfall event of at least 55mmm of precipitation, the maximum water level, maximum discharge, and drain down time will be recorded and compared to expected facility performance. This will be done a maximum of four times during the two year monitoring period.

- ii) Isolator row inspections to be carried out every 6 months for the first year, followed by a reduced interval dependent on sediment accumulation in the first year. If sediment accumulation exceeds 75mm depth throughout the length of the isolator row, a clean out is required in accordance with the procedures in the manufacturer's manual.
- iii) Inspect Nyoplast structures directly connected to chamber system on the same frequency as isolator row inspections and remove sediment build up in sumps as required.
- iv) A report/maintenance log should be prepared for each inspection which represents all monitoring, inspections and maintenance activities for the preceding 6 months.

#### Sanitary Sewage

- p) The Municipality hereby allocates 4 litres per second of sanitary effluent flow to the proposed building identified in Schedules "B" and "C". The Owner warrants that its estimated sanitary effluent flow for the proposed building do not exceed 4 litres per second. Should actual flows be observed to exceed this, the Owners commits to taking such measures as may be reasonably necessary to reduce the flows. The Owner acknowledges that any further development of the Lands beyond the structure proposed by this agreement will be subject to the Municipality, at its sole discretion, allocating additional sanitary capacity.

#### Water & Watermain Testing

- q) The Owner agrees to construct and install water mains as shown on Schedule "B", including all appurtenances, at the expense of the Owner, in accordance with the current Municipal standards. The water distribution system shall include water mains, fire hydrants, necessary valves and appurtenances, including private service connections as shown on the approved plans. All private connections shall be equipped with tracer wire.
- r) The Owner acknowledges that the existing water system owned by the Municipality of Lambton Shores is prescribed as a Municipal Drinking Water system by Section 2 of O.Reg. 172/03 and as such it is operated under conditions contained in both a Drinking Water Licence and a Drinking Water Works Permit (DWWP). As a portion of the water system being constructed by the Owner will potentially be assumed by the Municipality at a future time, the Owner is required to ensure the aforementioned conditions are met at all times during the construction of the water distribution system. A copy of the Licence and DWWP is contained in Schedule "F".

- s) The Owner acknowledges that the Municipality makes no warranty about the Municipal water system's capacity to supply water to the proposed development. Prior to the issuance of any building permit, the Owner shall provide estimated water supply needs based on detailed building designs and shall satisfy the Municipality that the development's water needs are within the Municipal water system's capacity.
- t) The Developer shall not extend a water service to any building prior to the approval of the water service connection by the Municipal Engineer and the issuance of a building permit for the lot.
- u) All water mains that are or may be assumed as public water mains shall be inspected and tested up to and including the water meter(s) in accordance with the Municipality of Lambton Shores Engineering Standards and Specifications by the Municipality which are as follows:
  - (i) Contractor:
    - 1. Must ensure a backflow prevention unit that has a current testing certificate is installed at any connection point to the Lambton Shores Water System.
    - 2. Must use a meter to record the volume of water used in the commissioning of new waterlines.
    - 3. Must ensure a Lambton Shores Representative is given 24 hours' notice to operate all system valves.
    - 4. Must provide all equipment and product to conduct swabbing, pressure test, super chlorination and de-chlorination of new waterline.
    - 5. Must ensure that only Certified Drinking Water Chlorine is to be used and is available at ANCHEM Laboratories (1-800-387-9799)
  - ii) Developer/Contractor Engineer:
    - 1. Must witness all work related to waterline and sanitary connections and commissioning to ensure it complies with AWWA Standards.
    - 2. Must witness and record pressure testing, super chlorination and de-chlorination activities to ensure compliance with AWWA Standards.
  - iii) Lambton Shores Representative:

1. Must operate all system valves in Lambton Shores' water system.
  2. Must ensure the super chlorination concentrations comply with AWWA Standards.
  3. Must take all Bacti samples before commissioning the new waterline and retain the chain of custody for those samples.
  4. Must report back to contractor/developer as soon as the sample results are known.
- v) The Owner's water distribution system must be flow tested to NFPA 291 standard and a report submitted to the Municipality within 5 working days of the Owner's water distribution system being connected to the Municipality's drinking water system. If the Subdivider does not submit the report to the Municipality within 5 working days, the Municipality may utilize the Owner's deposit to complete the work.

#### Other Agency Approvals

- w) The Owner agrees to preserve on site the archaeological resources identified on the development lands and shown on Schedule "B". No development shall be permitted within the 10 metre buffer area around the archaeological resource until the Owner has provided the Municipality with a Ministry of Culture Tourism and Sports letter of concurrence.
- x) Further to section 12 of this Agreement, more specifically, the Owner agrees to obtain any required permits, approvals or concurrence, and furnish documentation of same, from:
- i) The Ausable Bayfield Conservation Authority pursuant to Regulations under the *Conservation Authorities Act*.
  - ii) The Ministry of Culture Tourism and Sports respecting archaeological assessment.
  - iii) The Department of Fisheries and Oceans respecting a stormwater management outlet to the Old Ausable Channel and any approvals required under the federal *Species at Risk Act*.
  - iv) Canada Post with respect to the location of facilities for mail delivery.
- y) The Owner agrees not to commence development of the lands and that no building permit will be issued with respect to the lands until the Owner has

applied for and obtained a zoning by-law amendment to remove the Holding provision from the northerly portion of the subject lands.

5. **FUTURE MAINTENANCE**

The Owner hereby agrees to maintain to the satisfaction of the Municipality and at the sole risk and expense of the Owner, those facilities, works or matters required to be provided for in this Agreement.

6. **COMPLETION**

Unless the Municipality agrees in writing to an extension, the agreement shall lapse and the agreement shall be null and void, if:

- a) A building permit is not obtained for the development proposed by this agreement within two (2) years of the date of the execution of this agreement;
- b) Said building permit is revoked under Section 8 (10) of the Building Code Act for failure to seriously commence, for discontinuation, or for substantial suspension of construction; or
- c) The works to be completed under this agreement are not substantially completed within five (5) years of the date of the execution of this agreement.

In the event this agreement lapses, any deposits given to the Municipality as security for site works shall be retained by the Municipality.

7. **STREET CLEANING**

The Owner shall be responsible for cleaning the sidewalk and roadway along the street in the vicinity of the "Lands" to remove all dirt, mud and debris which, in the opinion of the Municipality, has been deposited thereon as a result of the construction activities on the "Lands". Such cleaning shall be done at the end of each day if required or otherwise as determined by the Municipality. If the Owner is unable or unwilling to clean the sidewalk or street to the reasonable satisfaction of the Municipality, the Owner hereby authorizes the Municipality to clean the sidewalk and street as required by the Municipality and the Owner agrees to pay the Municipality all costs associated with the cleaning operation performed by the Municipality.

8. **DEPOSITS, SECURITIES AND PAYMENTS**

- (a) Prior to the issuance of a building permit, the Owner shall deposit with the Municipality the sum of \$4,000.00 which sum shall be held in trust by the Municipality and from which any engineering review and supervision fees shall be paid during the development process. The Municipality may call upon the Owner from time to time to replenish the account. Any sum

remaining in the account after the site has been completed in compliance with this Agreement to the satisfaction of the Municipality, shall be refunded to the Owner. The amount invoiced to the Municipality for the above fees in connection with the work required under this Agreement shall include an accounting of the services performed and shall be open to challenge by the Owner in proceedings that may be taken in the name of the Municipality with notice to the Municipality providing that payment in full has been made of the disputed account before such proceedings are taken.

- (b) Prior to the issuance of a building permit, the Owner shall pay to the Municipality a legal deposit of \$1000.00 to cover any miscellaneous legal fees incurred by the Municipality and as a security for the registration on title of this agreement and also the deeming by-law required in Section 4 of this Agreement.
- (c) Prior to the issuance of a building permit, the Owner shall deposit with the Municipality a security in the form of a certified cheque or letter of credit, equal to 100% of the value (including HST) of the work to be done on Municipal property and the work to be completed in the area to be potentially conveyed to the Municipality as a future road allowance. The Owner's consultant shall provide an estimate of the work's cost to be approved by the Municipality. The security shall be returned in part upon substantial completion to the satisfaction of the Municipality of the works required by this agreement on the Lands in the value of the works completed on Municipal lands and the balance returned upon final completion of all works required under this agreement.
- (d) Prior to the issuance of a building permit, the Owner shall pay a development charge pursuant to Municipal By-law 1 of 2008 in the amount of \$30.51 per square metre of the building's gross floor area. The Municipality will permit a credit of \$65,842.60 against the charge for the 5 dwelling units being removed. These rates are based on current rates and shall be adjusted to reflect any change in rates in the applicable development charges that may occur before the development commences.
- (e) Prior to the issuance of a building permit, the Owner shall pay a cash-in-lieu of parkland dedication fee of \$30,000.00. This shall satisfy conditions of consent related to the severance of the retirement home development from the balance of the lands. Additional parkland dedication requirements may apply to the balance of the lands at such time as they may seek development approvals.

## 9. **INDEMNIFICATION**

- (a) This Agreement and the provisions thereof do not give to any person acquiring any interest in the "Lands" any rights against the Municipality or

the Municipal Engineer with respect to the failure to perform any obligations under this Agreement or the failure of the Municipality to force any such persons to perform any obligations under this Agreement or any negligence of any such persons in the performance of the said obligations. The only duty and responsibility of the Municipal Engineer arising out of this Agreement is to the Municipality and the Agreement and any work or service done or performed by the Municipal Engineer under this Agreement does not in any way create any liability on the part of the Municipal Engineer to the Owner or any person acquiring any interest in the "Lands".

- (b) The Owner covenants that he will indemnify and save harmless the Municipality from any and all claims, demands, actions and causes of action, whether the same shall be successful or unsuccessful and from all costs to which the Municipality may be at, suffer, or be put to in respect of any such action, cause of action, claim or demand in any way arising out of or alleged to arise out of any work, service, operation or thing constructed, installed, repaired, maintained or done or omitted to be done or negligently done by the Owner, his servants, agents, contractors or subcontractors under them, in respect of the said works and services, whether or not the same shall be required to be done under the terms of this Agreement, and including (without limiting the generality of the foregoing) the alteration of any grade or existing level construction, maintenance or repair of any road.
- (c) The Owner or his contractor shall, at his own expense, obtain and lodge with the Municipality a certificate of insurance satisfactory to the Municipality indemnifying the Municipality and the Owner with cross liability endorsement, against any claim for public liability, personal injury, including death, or property damage to limits of \$5,000,000, inclusive for any one accident arising in any way out of the construction, installation, repair, or maintenance of the works and services required herein to be done. The said policy shall not be subject to lapse or cancellation without thirty days prior written notice to the Municipality. The Owner or his contractor shall, at this own expense, maintain the said policy of insurance in full force and effect until the works required on the Schedules are complete. Failure to procure and maintain the said policy of insurance shall constitute a default under this Agreement.

#### 10. **MAINTENANCE OF MUNICIPAL ROAD ALLOWANCES**

The Owner shall ensure that no earth, debris or excavated material shall be deposited within the limits of a Municipal/Provincial road allowance without permission in writing to do so from the Municipality. In the event that earth, debris or excavated material is deposited on the Municipal/Provincial roadway it shall be removed by the Owner immediately upon notification from the Municipality. If, the earth, debris or excavated material has not been removed from the road allowance

by the Owner, the Owner acknowledges and agrees that the Municipality may take it upon itself to remove the said earth, debris or excavated material. Notwithstanding this notice to the Owner, the Municipality may at anytime remove debris from the Municipal property, and the cost of such removal will be paid for by the Owner and may be deducted from the Owner's deposit fee or other securities held by the Municipality.

#### 11. **REGISTRATION**

- (a) Pursuant to subsection (10) of Section 41 of the Planning Act, 1990, the Municipality will require that the Owner register this Agreement against the "Lands" to which it applies and the Municipality is entitled to enforce the provisions hereof against the Owner, and subject to the provisions of the Registry Act and the Land Titles Act, any and all subsequent owners of the land. Prior to the issuance of any building permit on the "Lands", the Owner must satisfy the Municipality that this agreement has been registered on title.
- (b) Pursuant to subsection (11) of Section 41 of the Planning Act, 1990, Section 446 of the Municipal Act applies to any requirements made under clause 2 hereof and to any other requirements made under this Agreement.

- 12. Notwithstanding any of the provisions of this Agreement, the Owner shall be subject to all of the by-laws of the Municipality and shall construct all work in accordance with the requirements of the Municipality, the County of Lambton, the Ausable Bayfield Conservation Authority, and the Province of Ontario, including any requirement to obtain permits or other approvals.

- 13. Any notices required or permitted to be given pursuant to the terms of this agreement shall be, in the case of notice given by the Municipality, addressed to:

JK Development GP<sup>2</sup> Limited  
attention: John Knifton  
952 Kingston Rd Suite 203  
Toronto, Ontario, M4E 1S7

and in the case of notice given by the Owner, addressed to:

The Municipality of Lambton Shores  
R.R. #1, 9575 Port Franks Road  
Thedford, ON, N0M 2N0

#### 14. **AMENDMENT**

This Agreement may be amended at anytime with the consent, in writing, of the Municipality and the registered Owner of the "Lands" at the time of such amendment.

15. The provisions hereof shall ensure to the benefit of the parties hereto and their heirs, executors, administrators, successors and assigns. For clarity, in the event the existing Owner conveys the lands, the provisions of this agreement shall continue to apply to the new owner.

**IN WITNESS WHEREOF** the parties hereto have hereunto affixed their signatures and Corporate Seals attested to by the hands of their proper officers, duly authorized in that behalf.

**SIGNED, SEALED AND DELIVERED**

In the presence of:

**HURON SHORES INVESTMENTS INC.**

\_\_\_\_\_  
Nelson James Desjardine – I have the power  
to bind the corporation

**NELSON JAMES DESJARDINE**

\_\_\_\_\_  
Nelson James Desjardine

**THE CORPORATION OF THE  
MUNICIPALITY OF LAMBTON SHORES**

Authorized by By-law

\_\_\_\_\_  
Bill Weber, Mayor

(SEAL)

\_\_\_\_\_  
Stephanie Troyer-Boyd, Clerk

**SCHEDULE "A"****LEGAL DESCRIPTION OF THE LANDS AFFECTED BY THIS AGREEMENT**

Plan 540, Part Lots 2, 3, and 4 Excluding RP 25R5509 Part 1, (former) Village of Grand Bend, Municipality of Lambton Shores, County of Lambton.

(Known Municipally as 91 Ontario Street South, Grand Bend.)

- and -

Plan 540, Lot 5, (former) Village of Grand Bend, Municipality of Lambton Shores, County of Lambton.

(Known Municipally as 89 Ontario Street South, Grand Bend.)

- and -

Plan 540, Lot 6, (former) Village of Grand Bend, Municipality of Lambton Shores, County of Lambton.

(Known Municipally as 87 Ontario Street South, Grand Bend.)

- and -

Plan 540, Lot 7, (former) Village of Grand Bend, Municipality of Lambton Shores, County of Lambton.

(Known Municipally as 85 Ontario Street South, Grand Bend.)

- and -

Plan 540, Lot 8, (former) Village of Grand Bend, Municipality of Lambton Shores, County of Lambton.

(Known Municipally as 77 Ontario Street South, Grand Bend.)

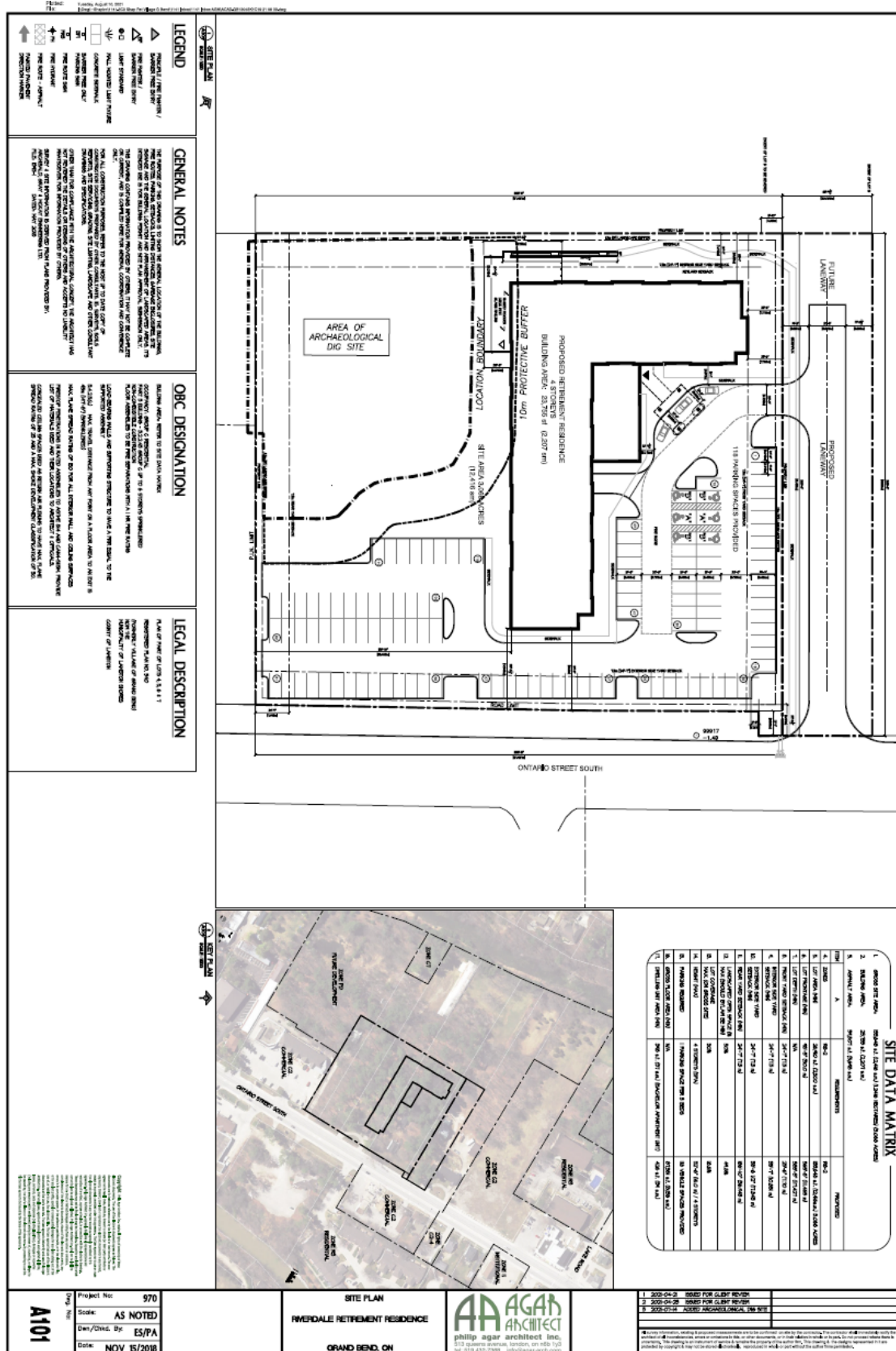
**Schedule “B”****SITE PLAN**

Consisting of the following drawing produced by Philip Aga Architect Inc., with the last revision date of July 14, 2021:

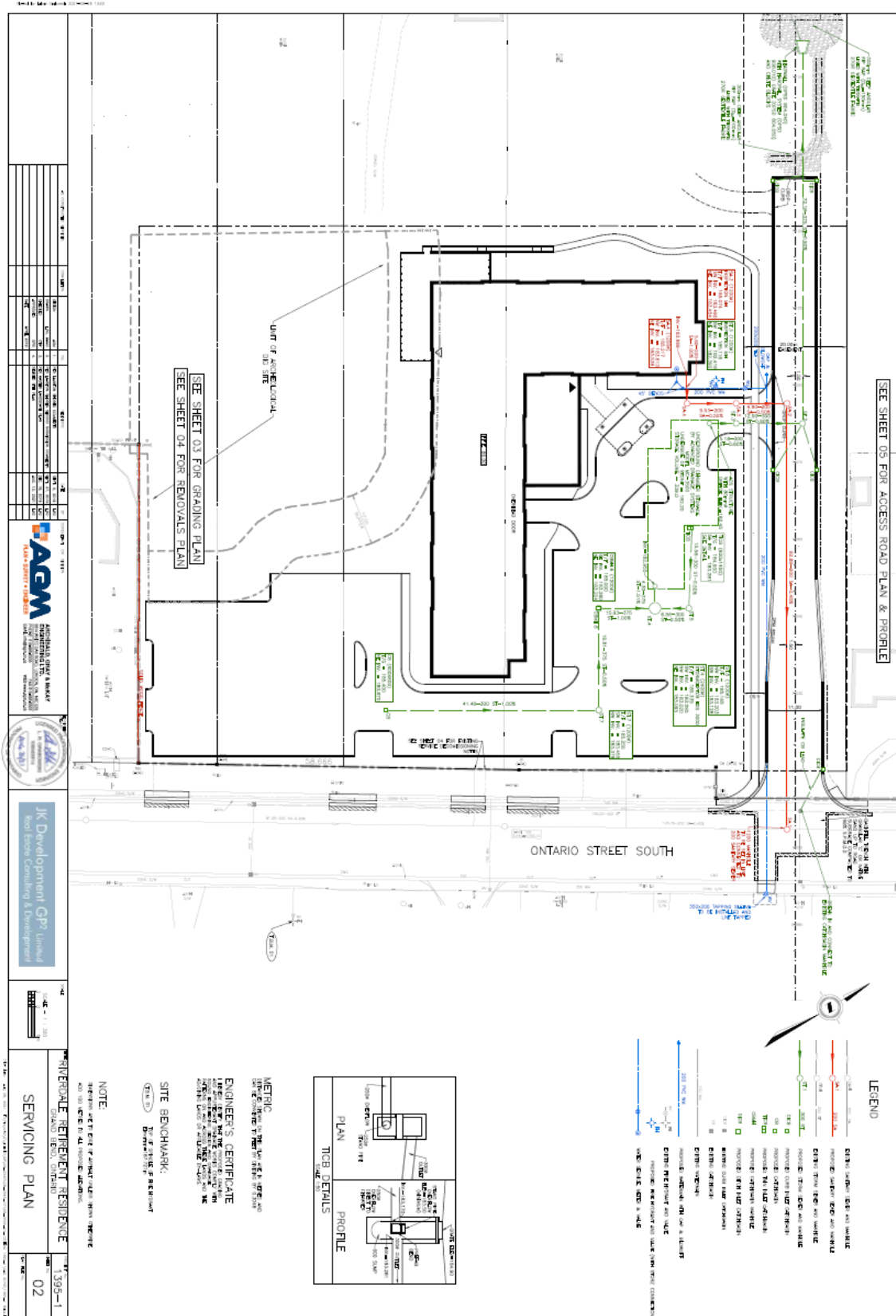
- Site Plan – Drawing A101

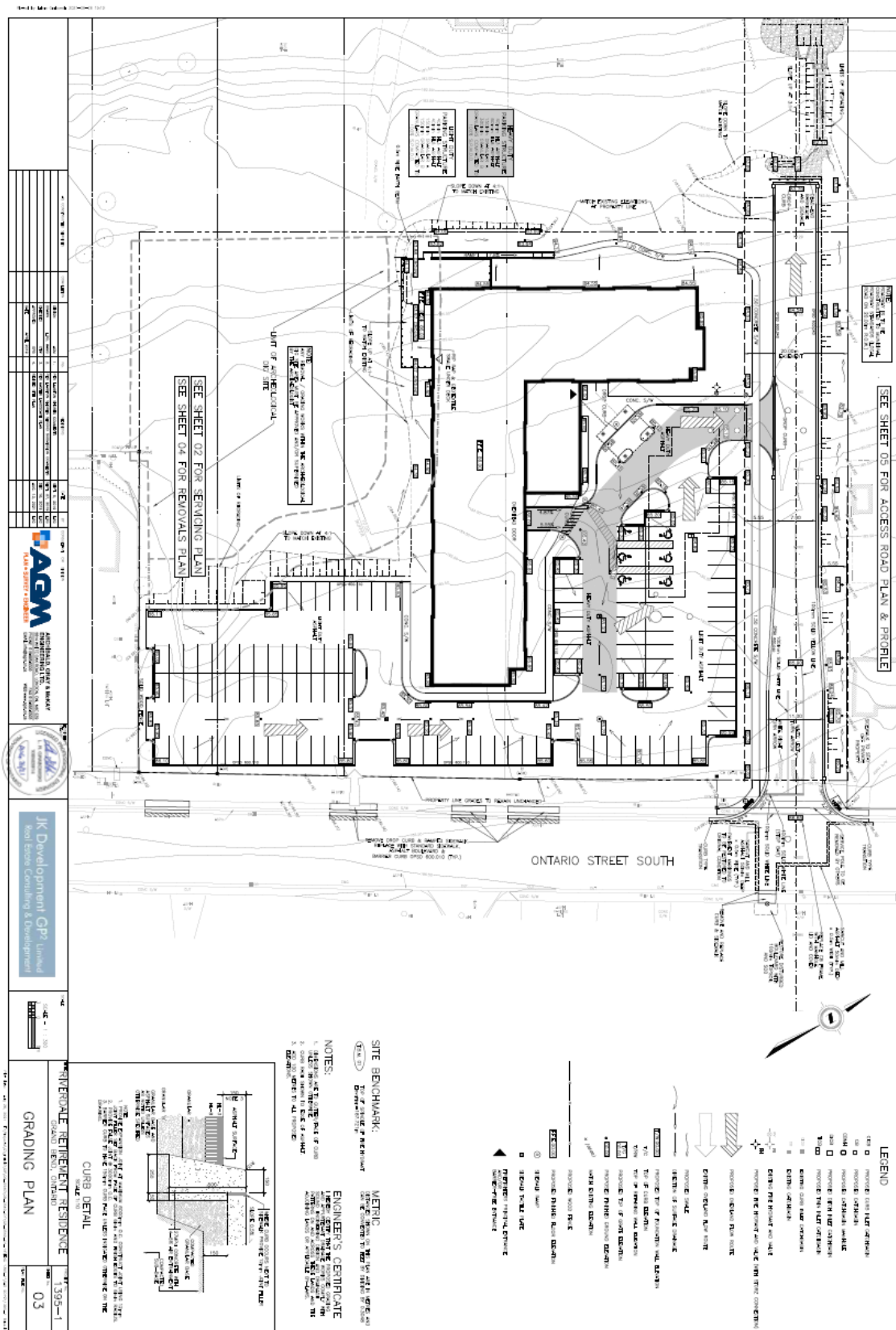
And consisting also of the following drawings produced by Archibald, Gray, & McKay Engineering Ltd., stamped August 26, 2021:

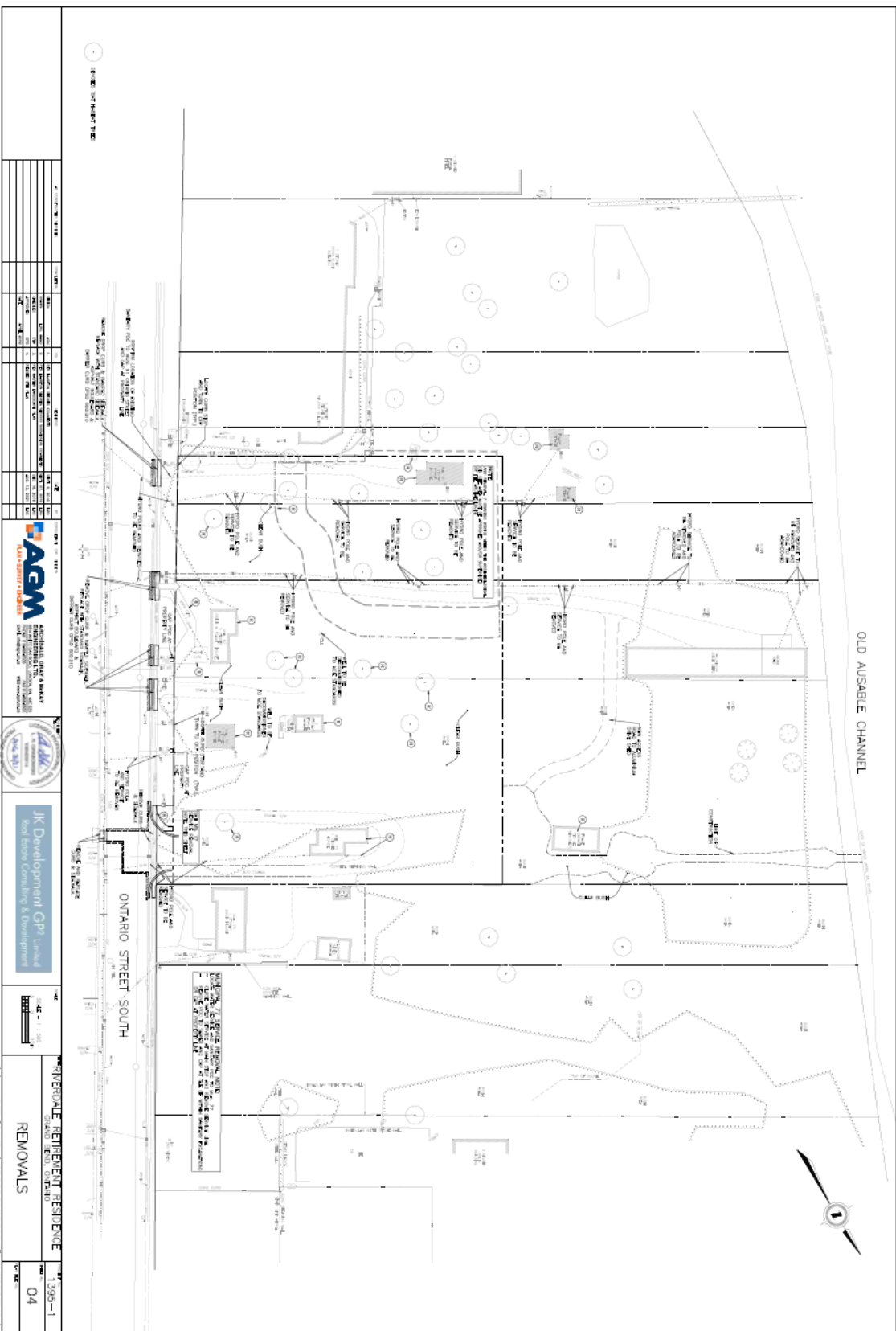
- General Notes
- Servicing Plan
- Grading Plan
- Removals
- Access Road
- Traffic Management Plan
- Erosions and Sediment Erosion Plan

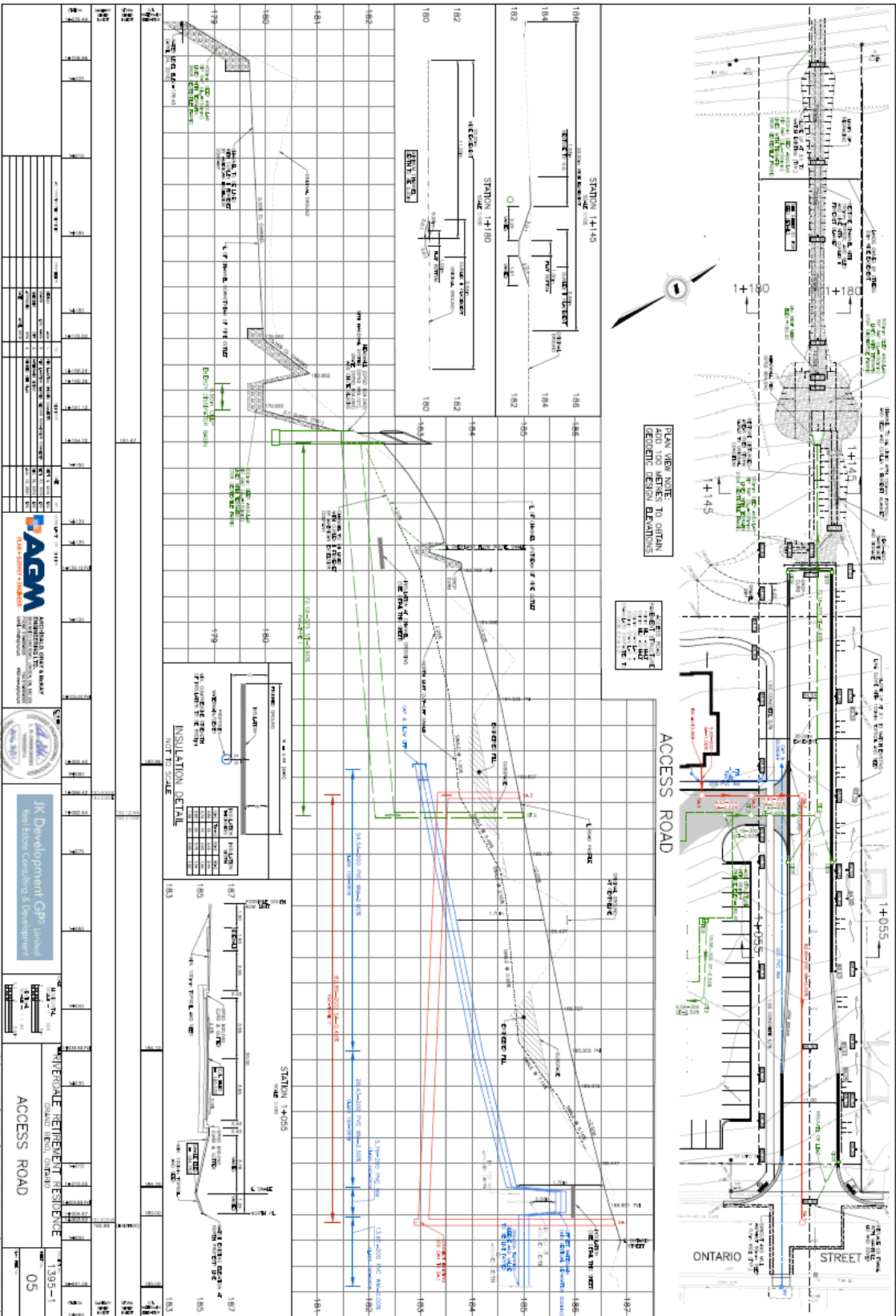


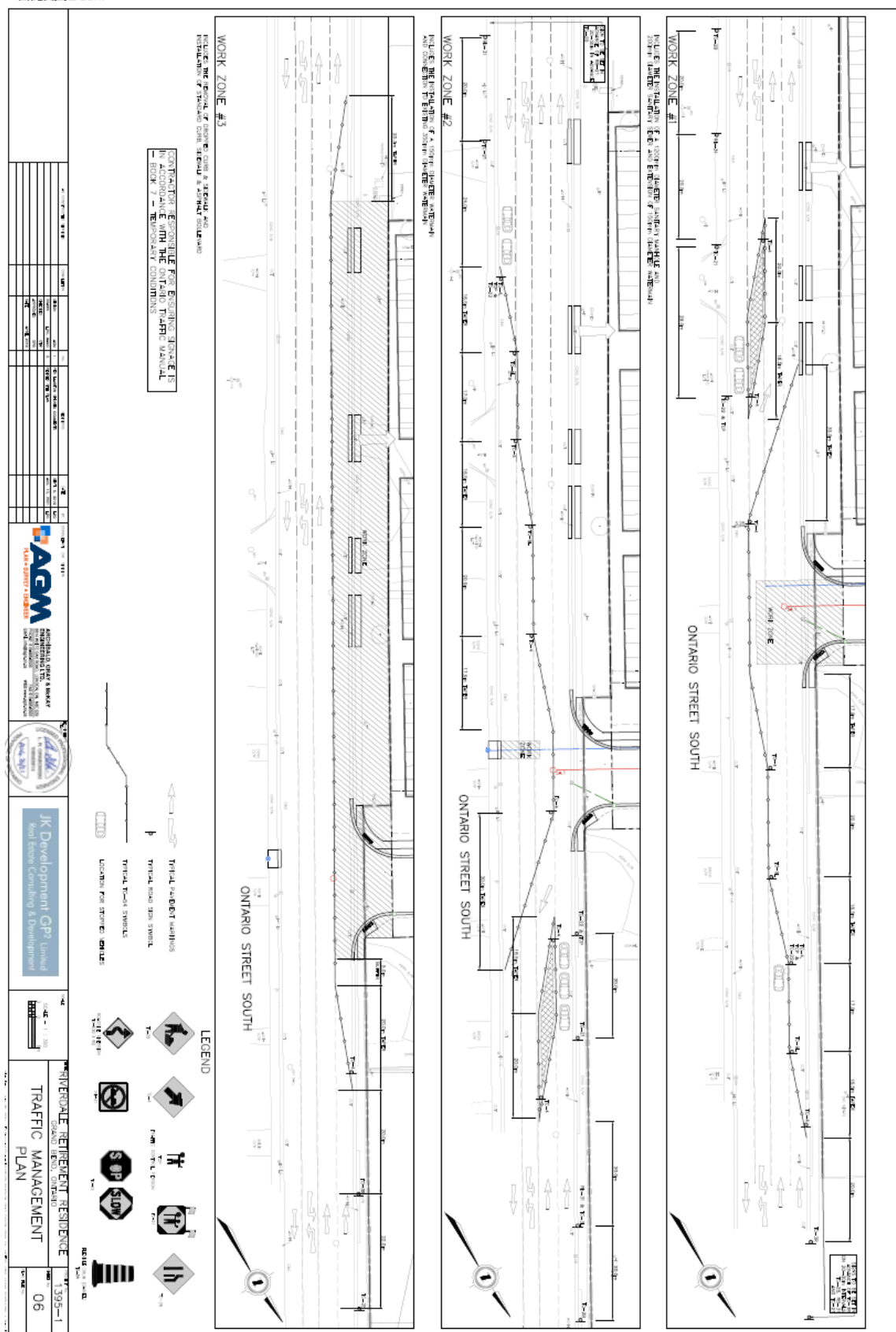


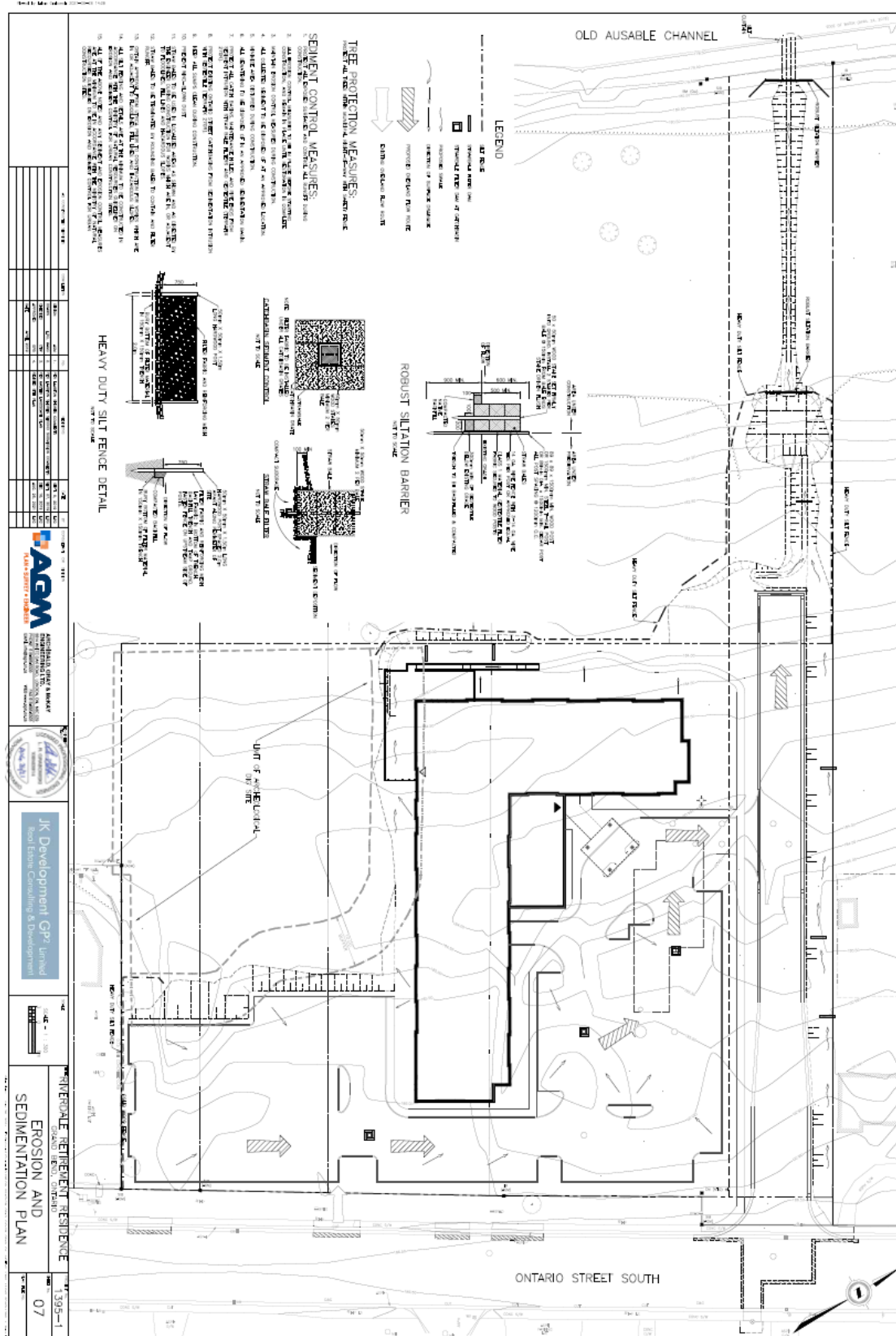




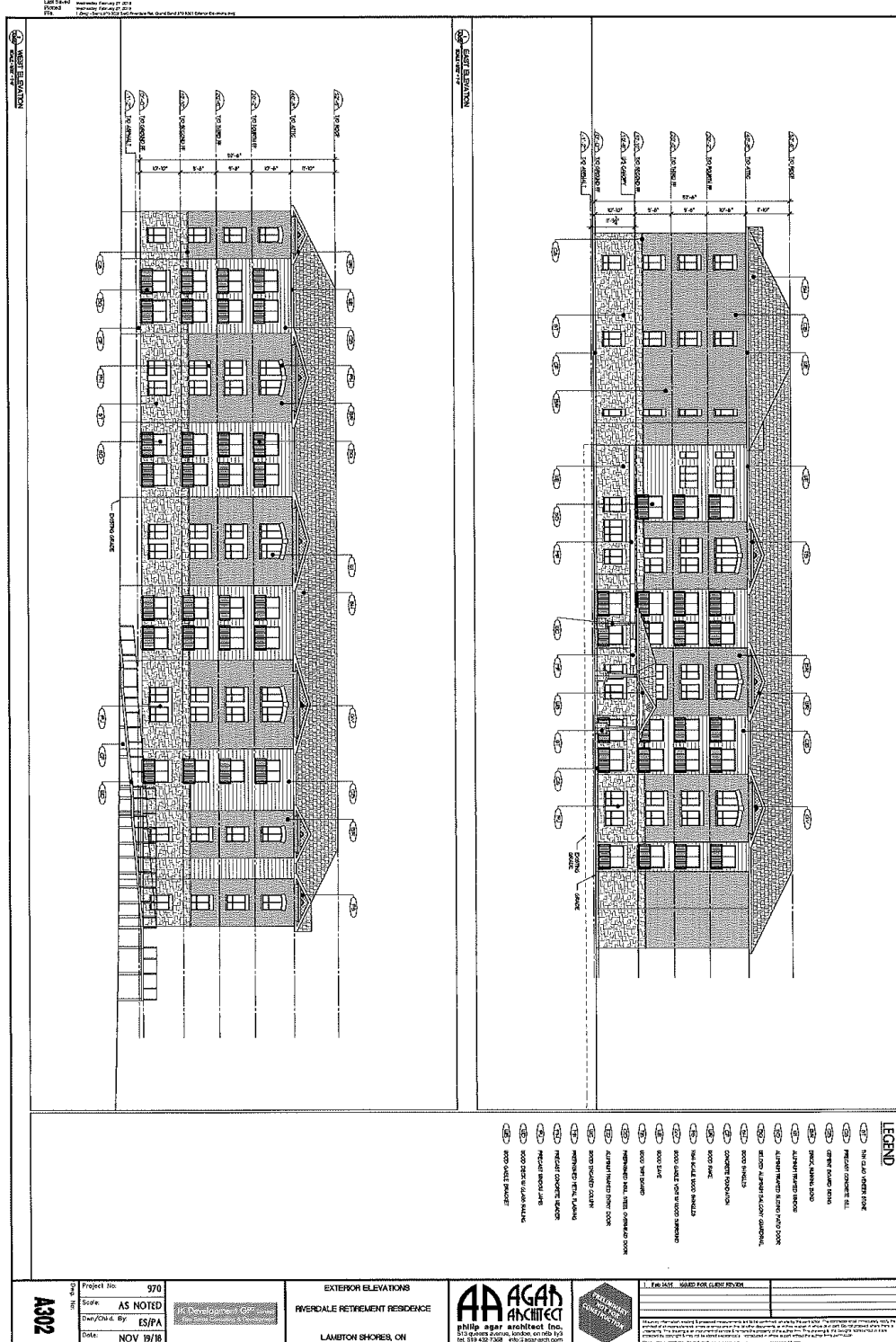


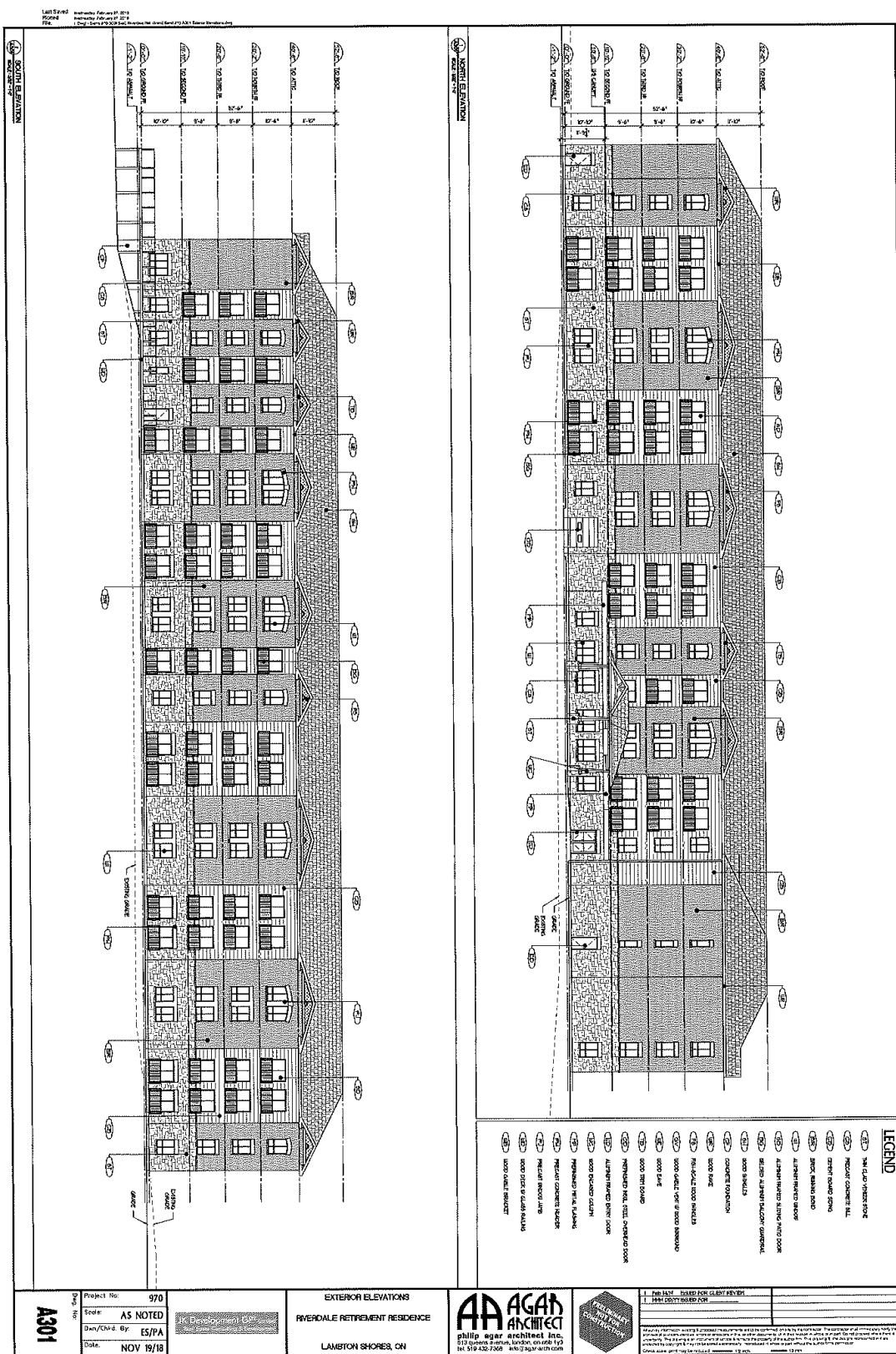


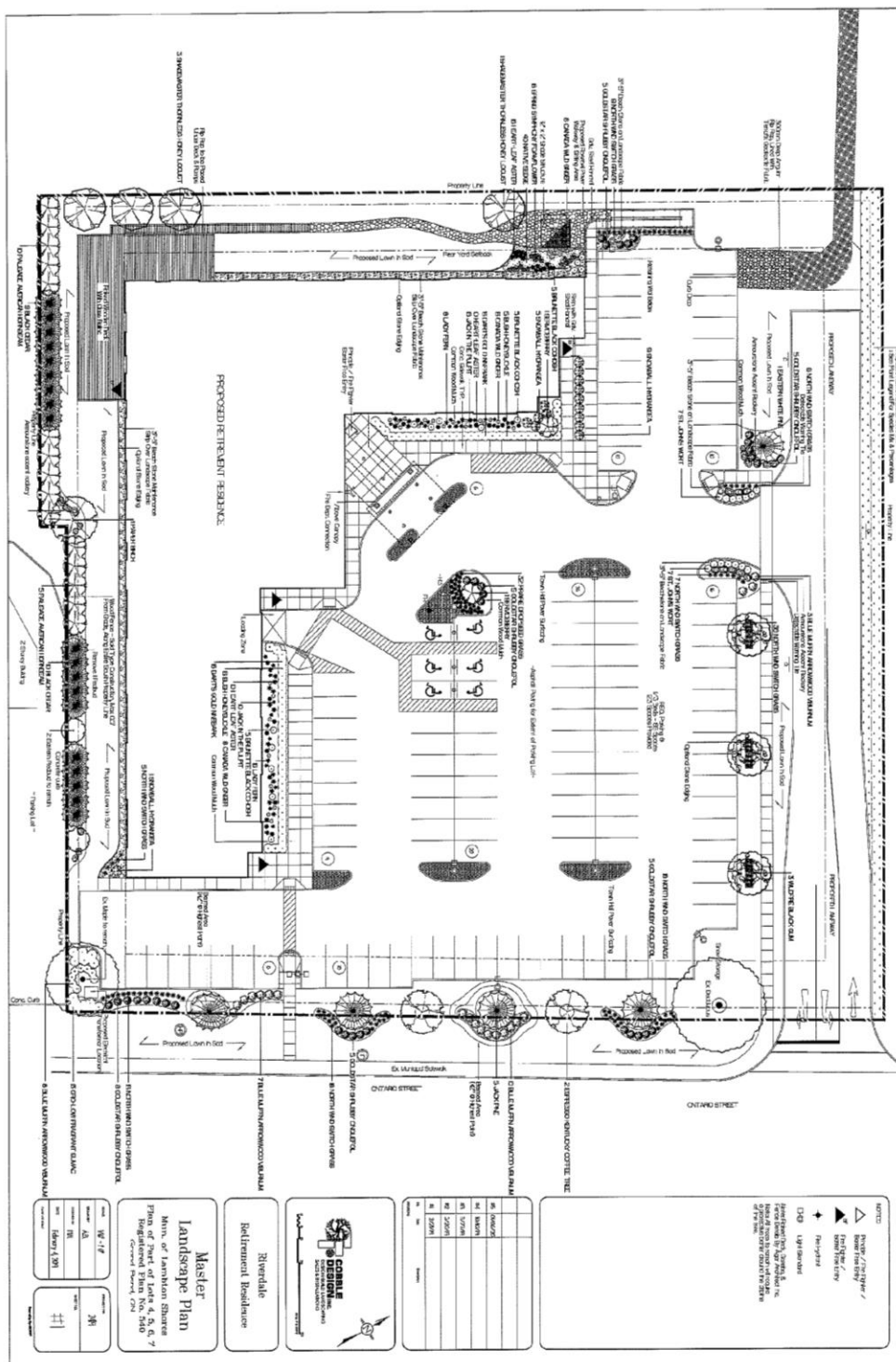




# **SCHEDULE "C"** **PROPOSED BUILDING'S ELEVATIONS**

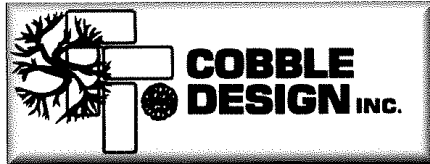








**SCHEDULE "E"**  
**ARBORIST REPORT**



December 17, 2019

**Project:** Riverdale Retirement Residence  
Ontario Street, Grand Bend  
Municipality of Lambton Shores

**ATTN:** Will Nywening, BA Urban Development  
Senior Planner, Municipality of Lambton Shores  
(519) 243-1400

In regards to the letter from Will Nywening dated September 12, 2019: we believe the efforts to save the trees that are currently noted on the landscape plan revised October 17, 2019 are feasible. Consequently, this includes the trees noted along Ontario Street: 1 Oak and 1 Maple tree, as well as the additional trees that were included along the South end of the property: 2 Canadian Redbud trees.

These trees were included due to their large size, current health, and specimen qualities. We believe saving these trees is feasible due to their location in relation to the proposed grading and excavation that will be done for the future parking lot and structure. Please note that the Red Oak that is noted to be saved has been documented by the arborist to have rot in the crotch of the tree, but accepts the tree as healthy enough to retain for the time being. The trees noted to remain, will require protective barriers surrounding the trees and their root masses.

We have not included any further trees other than these due to poor health, overcrowding, and due to existing low grades that they are presently set at.

We have had Tri-County Tree Service visit the site to confirm our findings. The owner of Tri-County Tree Service Jesse Kadlecik, ISA Certified Arborist #ON-1898A has been associated with Cobble Design for the past several years.

Respectfully Submitted;

Mike Needles, Landscape Consultant  
Jesse Kadlecik, ISA Certified Arborist

**SCHEDULE "F"****DRINKING WATER LICENCE AND DRINKING WATER WORKS PERMIT****MUNICIPAL DRINKING WATER LICENCE****Licence Number: 049-101****Issue Number: 2**

Pursuant to the *Safe Drinking Water Act*, 2002, S.O. 2002, c. 32, and the regulations made thereunder and subject to the limitations thereof, this municipal drinking water licence is issued under Part V of the *Safe Drinking Water Act*, 2002, S.O. 2002, c. 32 to:

**The Corporation of the Municipality of Lambton Shores****9575 Port Franks Road****Lambton Shores ON****N0M 2N0**

For the following municipal residential drinking water system:

**East and West Lambton Shores Distribution System**

This municipal drinking water licence includes the following:

<b>Schedule</b>	<b>Description</b>
Schedule A	Drinking Water System Information
Schedule B	General Conditions
Schedule C	System-Specific Conditions
Schedule D	Conditions for Relief from Regulatory Requirements

DATED at TORONTO this 16<sup>th</sup> day of December, 2015

Signature

Aziz Ahmed, P.Eng.  
Director  
Part V, *Safe Drinking Water Act*, 2002

### Schedule A: Drinking Water System Information

System Owner	The Corporation of the Municipality of Lambton Shores,
Licence Number	049-101
Drinking Water System Name	East and West Lambton Shores Distribution System
Schedule A Issue Date	December 16 <sup>th</sup> , 2015

The following information is applicable to the above drinking water system and forms part of this licence:

#### Licence

Licence Issue Date	December 16 <sup>th</sup> , 2015
Licence Expiry Date	December 15 <sup>th</sup> , 2020
Application for Licence Renewal Date	June 15 <sup>th</sup> , 2020

#### Drinking Water Works Permit

Drinking Water System Name	Permit Number	Issue Date
East and West Lambton Shores Distribution System	049-201	December 16 <sup>th</sup> , 2015

#### Permit To Take Water

Water Taking Locations	Permit Number	Issue Date
Not Applicable	Not Applicable	Not Applicable

#### Financial Plans

The Financial Plan Number for the Financial Plan required to be developed for this drinking water system in accordance with O. Reg. 453/07 shall be:	049-301
Alternately, if one Financial Plan is developed for all drinking water systems owned by the owner, the Financial Plan Number shall be:	049-301A

#### Accredited Operating Authority

Drinking Water System or Operational Subsystems	Accredited Operating Authority	Operational Plan No.	Operating Authority No.
East and West Lambton Shores Distribution System	Operations Management International Canada	049-401	049-OA1

## Schedule B: General Conditions

System Owner	The Corporation of the Municipality of Lambton Shores,
Licence Number	049-101
Drinking Water System Name	East and West Lambton Shores Distribution System
Schedule B Issue Date	December 16 <sup>th</sup> , 2015

### 1.0 Definitions

1.1 Words and phrases not defined in this licence and the associated drinking water works permit shall be given the same meaning as those set out in the SDWA and any regulations made in accordance with that act, unless the context requires otherwise.

1.2 In this licence and the associated drinking water works permit:

"adverse effect", "contaminant" and "natural environment" shall have the same meanings as in the EPA;

"alteration" may include the following in respect of this drinking water system:

- (a) An addition to the system,
- (b) A modification of the system,
- (c) A replacement of part of the system, and
- (d) An extension of the system;

"compound of concern" means a contaminant that, based on generally available information, may be emitted from a component of the drinking water system to the atmosphere in a quantity that is significant either in comparison to the relevant point of impingement limit or if a point of impingement limit is not available for the compound, then based on generally available toxicological information, the compound has the potential to cause an adverse effect as defined by the EPA at a point of impingement;

"Director" means a Director appointed pursuant to section 6 of the SDWA for the purposes of Part V of the SDWA;

"drinking water works permit" means the drinking water works permit for the drinking water system, as identified in Schedule A of this licence and as amended from time to time;

"emission summary table" means the table that was prepared by a Professional Engineer in accordance with O. Reg. 419/05 and the procedure document listing the appropriate point of impingement concentrations of each compound of concern emitted from a component of the drinking water system and providing comparison to the corresponding point of impingement limit;

"EPA" means the *Environmental Protection Act*, R.S.O. 1990, c. E.19;

"financial plan" means the financial plan required by O. Reg. 453/07;

**"licence"** means this municipal drinking water licence for the municipal drinking water system identified in Schedule A of this licence;

**"operational plan"** means an operational plan developed in accordance with the Director's Directions – Minimum Requirements for Operational Plans made under the authority of subsection 15(1) of the SDWA;

**"owner"** means the owner of the drinking water system as identified in Schedule A of this licence;

**"permit to take water"** means the permit to take water that is associated with the taking of water for purposes of the operation of the drinking water system, as identified in Schedule A of this licence and as amended from time to time;

**"point of impingement"** means any point in the natural environment that is not on the same property as the source of the contaminant and as defined by section 2 of O. Reg. 419/05;

**"point of impingement limit"** means the appropriate standard from Schedule 1, 2 or 3 of O. Reg. 419/05 and if a standard is not provided for a compound of concern, the appropriate criteria listed in the Ministry of the Environment and Climate Change publication titled "Summary of Standards and Guidelines to support Ontario Regulation 419: Air Pollution – Local Air Quality (including Schedule 6 of O. Reg. 419 on Upper Risk Thresholds)", dated February 2008, as amended;

**"procedure document"** means the Ministry of the Environment and Climate Change procedure titled "Procedure for Preparing an Emission Summary and Dispersion Modelling Report" dated July 2005, as amended;

**"Professional Engineer"** means a Professional Engineer who has been licenced to practice in the Province of Ontario;

**"provincial officer"** means a provincial officer appointed pursuant to section 8 of the SDWA;

**"publication NPC-300"** means the Ministry of the Environment and Climate Change publication titled "Environmental Noise Guideline: Stationary and Transportation Sources – Approval and Planning" dated August 2013, as amended;

**"SDWA"** means the *Safe Drinking Water Act*, 2002, S.O. 2002, c. 32;

"sensitive populations" means any one or a combination of the following locations where the health effects of nitrogen oxides emissions from emergency generators shall be considered using the point of impingement limit instead of the Ministry of the Environment and Climate Change screening level for emergency generators:

- (a) health care units (e.g., hospitals and nursing homes),
- (b) primary/junior public schools,
- (c) day-care facilities, and
- (d) playgrounds;

"subsystem" has the same meaning as in Ontario Regulation 128/04 (Certification of Drinking Water System Operators and Water Quality Analysts);

"surface water" means water bodies (lakes, wetlands, ponds - including dug-outs), water courses (rivers, streams, water-filled drainage ditches), infiltration trenches, and areas of seasonal wetlands;

## 2.0 Applicability

- 2.1 In addition to any other requirements, the drinking water system identified above shall be established, altered and operated in accordance with the conditions of the drinking water works permit and this licence.

## 3.0 Licence Expiry

- 3.1 This licence expires on the date identified as the licence expiry date in Schedule A of this licence.

## 4.0 Licence Renewal

- 4.1 Any application to renew this licence shall be made on or before the date identified as the application for licence renewal date set out in Schedule A of this licence.

## 5.0 Compliance

- 5.1 The owner and operating authority shall ensure that any person authorized to carry out work on or to operate any aspect of the drinking water system has been informed of the SDWA, all applicable regulations made in accordance with that act, the drinking water works permit and this licence and shall take all reasonable measures to ensure any such person complies with the same.

## 6.0 Licence and Drinking Water Works Permit Availability

- 6.1 At least one copy of this licence and the drinking water works permit shall be stored in such a manner that they are readily viewable by all persons involved in the operation of the drinking water system.

## 7.0 Drinking Water Works Permit

- 7.1 A drinking water works permit identified in Schedule A of this licence is the applicable permit on the date identified as the Schedule A Issue Date.

## 8.0 Financial Plan

- 8.1 For every financial plan prepared in accordance with subsections 2(1) and 3(1) of O. Reg. 453/07, the owner of the drinking water system shall:
- 8.1.1 Ensure that the financial plan contains on the front page of the financial plan, the appropriate financial plan number as set out in Schedule A of this licence; and
  - 8.1.2 Submit a copy of the financial plan to the Ministry of Municipal Affairs and Housing within three (3) months of receiving approval by a resolution of municipal council or the governing body of the owner.

## 9.0 Interpretation

- 9.1 Where there is a conflict between the provisions of this licence and any other document, the following hierarchy shall be used to determine the provision that takes precedence:
- 9.1.1 The SDWA;
  - 9.1.2 A condition imposed in this licence that explicitly overrides a prescribed regulatory requirement;
  - 9.1.3 A condition imposed in the drinking water works permit that explicitly overrides a prescribed regulatory requirement;
  - 9.1.4 Any regulation made under the SDWA;
  - 9.1.5 Any provision of this licence that does not explicitly override a prescribed regulatory requirement;
  - 9.1.6 Any provision of the drinking water works permit that does not explicitly override a prescribed regulatory requirement;
  - 9.1.7 Any application documents listed in this licence, or the drinking water works permit from the most recent to the earliest; and
  - 9.1.8 All other documents listed in this licence, or the drinking water works permit from the most recent to the earliest.
- 9.2 If any requirement of this licence or the drinking water works permit is found to be invalid by a court of competent jurisdiction, the remaining requirements of this licence and the drinking water works permit shall continue to apply.

- 9.3 The issuance of and compliance with the conditions of this licence and the drinking water works permit does not:
- 9.3.1 Relieve any person of any obligation to comply with any provision of any applicable statute, regulation or other legal requirement, including the *Environmental Assessment Act*, R.S.O. 1990, c. E.18; and
  - 9.3.2 Limit in any way the authority of the appointed Directors and provincial officers of the Ministry of the Environment and Climate Change to require certain steps be taken or to require the owner to furnish any further information related to compliance with the conditions of this licence or the drinking water works permit.
- 9.4 For greater certainty, nothing in this licence or the drinking water works permit shall be read to provide relief from regulatory requirements in accordance with section 46 of the SDWA, except as expressly provided in the licence or the drinking water works permit.

## 10.0 Adverse Effects

- 10.1 Nothing in this licence or the drinking water works permit shall be read as to permit:
- 10.1.1 The discharge of a contaminant into the natural environment that causes or is likely to cause an adverse effect; or
  - 10.1.2 The discharge of any material of any kind into or in any waters or on any shore or bank thereof or into or in any place that may impair the quality of the water of any waters.
- 10.2 All reasonable steps shall be taken to minimize and ameliorate any adverse effect on the natural environment or impairment of the quality of water of any waters resulting from the operation of the drinking water system including such accelerated or additional monitoring as may be necessary to determine the nature and extent of the effect or impairment.
- 10.3 Fulfillment of one or more conditions imposed by this licence or the drinking water works permit does not eliminate the requirement to fulfill any other condition of this licence or the drinking water works permit.

## 11.0 Change of Owner or Operating Authority

- 11.1 This licence is not transferable without the prior written consent of the Director.
- 11.2 The owner shall notify the Director in writing at least 30 days prior to a change of any operating authority identified in Schedule A of this licence.
- 11.2.1 Where the change of operating authority is the result of an emergency situation, the owner shall notify the Director in writing of the change as soon as practicable.

## 12.0 Information to be Provided

- 12.1 Any information requested by a Director or a provincial officer concerning the drinking water system and its operation, including but not limited to any records required to be kept by this licence or the drinking water works permit, shall be provided upon request.

## 13.0 Records Retention

- 13.1 Except as otherwise required in this licence or the drinking water works permit, any records required by or created in accordance with this licence or the drinking water works permit, other than the records specifically referenced in section 12 of O. Reg. 170/03, shall be retained for at least 5 years and made available for inspection by a provincial officer, upon request.

## 14.0 Chemicals and Materials

- 14.1 All chemicals and materials used in the alteration or operation of the drinking water system that come into contact with water within the system shall meet all applicable standards set by both the American Water Works Association ("AWWA") and the American National Standards Institute ("ANSI") safety criteria standards NSF/60, NSF/61 and NSF 372.
- 14.1.1 In the event that the standards are updated, the owner may request authorization from the Director to use any on hand chemicals and materials that previously met the applicable standards.
- 14.1.2 The requirement for the owner to comply with NSF 372 shall come into force no later than December 16<sup>th</sup>, 2017.
- 14.2 The most current chemical and material product registration documentation from a testing institution accredited by either the Standards Council of Canada or by the American National Standards Institution ("ANSI") shall be available at all times for each chemical and material used in the operation of the drinking water system that comes into contact with water within the system.
- 14.3 Conditions 14.1 and 14.2 do not apply in the case of the following:
- 14.3.1 Water pipe and pipe fittings meeting AWWA specifications made from ductile iron, cast iron, PVC, fibre and/or steel wire reinforced cement pipe or high density polyethylene (HDPE);
- 14.3.2 Articles made from stainless steel, glass, HDPE or Teflon®;
- 14.3.3 Cement mortar for watermain lining and for water contacting surfaces of concrete structures made from washed aggregates and Portland cement;
- 14.3.4 Gaskets that are made from NSF approved materials;
- 14.3.5 Food grade oils and lubricants, food grade anti-freeze, and other food grade chemicals and materials that are compatible for drinking water use; or

- 14.3.6 Any particular chemical or material where the owner has written documentation signed by the Director that indicates that the Ministry of the Environment and Climate Change is satisfied that the chemical or material is acceptable for use within the drinking water system and the chemical or material is only used as permitted by the documentation.

## 15.0 Drawings

- 15.1 All drawings and diagrams in the possession of the owner that show any treatment subsystem as constructed shall be retained by the owner unless the drawings and diagrams are replaced by a revised or updated version showing the subsystem as constructed subsequent to the alteration.
- 15.2 Any alteration to any treatment subsystem shall be incorporated into process flow diagrams, process and instrumentation diagrams, and record drawings and diagrams within one year of the substantial completion of the alteration.
- 15.3 Process flow diagrams and process and instrumentation diagrams for any treatment subsystem shall be kept in a place, or made available in such a manner, that they may be readily viewed by all persons responsible for all or part of the operation of the drinking water system.

## 16.0 Operations and Maintenance Manual

- 16.1 An up-to-date operations and maintenance manual or manuals shall be maintained and applicable parts of the manual or manuals shall be made available for reference by all persons responsible for all or part of the operation or maintenance of the drinking water system.
- 16.2 The operations and maintenance manual or manuals, shall include at a minimum:
- 16.2.1 The requirements of this licence and associated procedures;
  - 16.2.2 The requirements of the drinking water works permit for the drinking water system;
  - 16.2.3 A description of the processes used to maintain secondary disinfection within the drinking water system.
  - 16.2.4 Procedures for monitoring and recording the in-process parameters necessary for the control of any treatment subsystem and for assessing the performance of the drinking water system;
  - 16.2.5 Procedures for the operation and maintenance of monitoring equipment;
  - 16.2.6 Contingency plans and procedures for the provision of adequate equipment and material to deal with emergencies, upset conditions and equipment breakdown;
  - 16.2.7 Procedures for dealing with complaints related to the drinking water system, including the recording of the nature of the complaint and any investigation and corrective action taken in respect of the complaint;

- 
- 16.3** Procedures necessary for the operation and maintenance of any alterations to the drinking water system shall be incorporated into the operations and maintenance manual or manuals prior to those alterations coming into operation.

### Schedule C: System-Specific Conditions

System Owner	The Corporation of the Municipality of Lambton Shores,
Licence Number	049-101
Drinking Water System Name	East and West Lambton Shores Distribution System
Schedule C Issue Date	December 16 <sup>th</sup> , 2015

## 1.0 Additional Sampling, Testing and Monitoring

### Drinking Water Health and Non-Health Related Parameters

- 1.1 For a drinking water system or drinking water subsystem identified in column 1 of Tables 1 and 2 and in addition to any other sampling, testing and monitoring that may be required, sampling, testing and monitoring shall be undertaken for a test parameter listed in column 2 at the sampling frequency listed in column 3 and at the monitoring location listed in column 4 of the same row.

**Table 1: Drinking Water Health Related Parameters**

Column 1 Drinking Water System or Drinking Water Subsystem Name	Column 2 Test Parameter	Column 3 Sampling Frequency	Column 4 Monitoring Location
Not Applicable	Not Applicable	Not Applicable	Not Applicable

**Table 2: Drinking Water Non-Health Related Parameters**

Column 1 Drinking Water System or Drinking Water Subsystem Name	Column 2 Test Parameter	Column 3 Sampling Frequency	Column 4 Monitoring Location
Not Applicable	Not Applicable	Not Applicable	Not Applicable

### Environmental Discharge Parameters

- 1.2** Pursuant to Condition 10 of Schedule B of this licence, the owner may undertake the following environmental discharges associated with the maintenance and/or repair of the drinking water system:
- 1.2.1 The discharge of potable water from a watermain to a road or storm sewer;
  - 1.2.2 The discharge of potable water from a water storage facility or pumping station:
    - 1.2.2.1 To a road or storm sewer; or
    - 1.2.2.2 To a watercourse where the discharge has been dechlorinated and if necessary, sediment and erosion control measures have been implemented.
  - 1.2.3 The discharge of dechlorinated non-potable water from a watermain, water storage facility or pumping station to a road or storm sewer; and
  - 1.2.4 The discharge of potable water or non-potable water from a treatment subsystem to the environment where if necessary, the discharge has been dechlorinated and sediment and erosion control measures have been implemented.

## 2.0 Studies Required

Not Applicable

## 3.0 Source Protection

Not Applicable

### Schedule D: Conditions for Relief from Regulatory Requirements

System Owner	The Corporation of the Municipality of Lambton Shores,
Licence Number	049-101
Drinking Water System Name	East and West Lambton Shores Distribution System
Schedule D Issue Date	December 16 <sup>th</sup> , 2015

#### 1.0 Lead Regulatory Relief

- 1.1 Any relief from regulatory requirements previously authorized by the Director in respect of the drinking water system under section 38 of the SDWA in relation to the sampling, testing or monitoring requirements contained in Schedule 15.1 of O. Reg. 170/03 shall remain in force until such time as Schedule 15.1 of O. Reg. 170/03 is amended after June 1, 2009.

#### 2.0 Other Regulatory Relief

Not Applicable



## DRINKING WATER WORKS PERMIT

**Permit Number: 049-201**

**Issue Number: 4**

Pursuant to the *Safe Drinking Water Act*, 2002, S.O. 2002, c. 32, and the regulations made thereunder and subject to the limitations thereof, this drinking water works permit is issued under Part V of the *Safe Drinking Water Act*, 2002, S.O. 2002, c. 32 to:

### **The Corporation of the Municipality of Lambton Shores**

**9575 Port Franks Road  
Lambton Shores ON  
N0M 2N0**

For the following municipal residential drinking water system:

### **East and West Lambton Shores Distribution System**

This drinking water works permit includes the following:

<b>Schedule</b>	<b>Description</b>
Schedule A	Drinking Water System Description
Schedule B	General
Schedule C	All documents issued as Schedule C to this drinking water works permit which authorize alterations to the drinking water system

DATED at TORONTO this 3<sup>rd</sup> day of August, 2017

Signature

Aziz Ahmed, P.Eng.  
Director  
Part V, *Safe Drinking Water Act*, 2002

## Schedule A: Drinking Water System Description

System Owner	The Corporation of the Municipality of Lambton Shores
Permit Number	049-201
Drinking Water System Name	East and West Lambton Shores Distribution System
Schedule A Issue Date	August 3, 2017

### 1.0 System Description

- 1.1 The following is a summary description of the works comprising the above drinking water system:

#### Overview

The **East and West Lambton Shores Distribution System** is served by the Lake Huron Primary Water Supply System (LHPWSS) and Lambton Area Water Supply System (LAWSS) respectively, and consists of one (1) rechlorination system, two (2) booster pumping stations, one (1) storage reservoir, two (2) elevated storage tanks and distribution watermains.

### Pumping Stations

#### Northville Booster Pumping Station

Location	7810 Ravenswood Line
UTM Coordinates	NAD 83: UTM Zone 17: 43.170971m E, -81.882058 m N.
Equipment	Two (2) centrifugal pumps (duty/standby) rated at 49.0 L/s at a TDH of 78.7 m
Standby Power	One (1) 175 kW diesel generator 366 gallon capacity containment above ground tank assembly
Notes	A dechlorination system located for the waste streams from the chlorine residual analyzer and sample sink

### Storage Reservoirs

#### Arkona Stand Pipe

Location	8602 Townsend Line, Town of Arkona
UTM Coordinates	NAD 83: UTM Zone 17: 43.072220 m E, -81.825117m N.
Description	A 1,090 m <sup>3</sup> standpipe
Dimensions	7.3 m diameter
Notes	Connected to the Regional Trunk Main and providing level controls to the East Lambton Shores SCADA system and to the Northville Booster Pumping Station

### Storage Reservoirs and Pumping Stations

#### Coultis Road Reservoir and Booster Pumping Station

Location	South of Ravenswood Line and west of Coultis Road in the Village of Thedford
UTM Coordinates	NAD 83: UTM Zone 17: 43.170004m E, , -81.856765m N.
Description	One two celled underground reservoir, one high lift well and pumping system
Dimensions	Reservoir - 6.5 m x 28.2 m x 2.5 m SWD with a total usable volume of 909 m <sup>3</sup> .
	High lift well – 12.0 m x 6.0 m x 3.0 m SWD with a usable volume of 227 m <sup>3</sup>
Equipment	One (1) vertical turbine pump rated at 4.41 L/s at a TDH of 48.8 m
	Two (2) vertical turbine pumps each rated at 14.5 L/s at a TDH of 48.8 m
	One (1) vertical turbine pump rated at 37.85 L/s at a TDH of 48.8 m
Standby Power	One (1) 135 kW diesel emergency stand-by generator One 840 liters m <sup>3</sup> above ground containment tank assembly
Notes	One hydropneumatic pressure vessel with a usable volume of 4,300 L.

### Elevated Storage Tanks

#### Northville Elevated Tower

Location	West side of Port Franks Road approximately one (1) km south of Highway 21
UTM Coordinates	NAD 83: UTM Zone 17: 43.203206m N, -81.886347m E.
Description	Elevated water storage facility with rechlorination system and flow control valve located on-line with the Lake Huron Primary Water Supply System (LHPWSS) and operated either manually or automatically through a SCADA system located in the Northville Elevated Tower
Dimensions	Storage volume of 3,725 m <sup>3</sup>
Equipment	Rechlorination system consisting of two (2) metering pumps with variable flow control using sodium hypochlorite solution operated through a SCADA system
Standby Power	One (1) 12 kva propane emergency stand-by generator One 450 liter fuel storage tank, above ground propane tank
Notes	

**Watermains****1.2** Watermains within the distribution system comprise:**1.2.1** Watermains that have been set out in each document or file identified in column 1 of Table 1.

<b>Table 1: Watermains</b>	
<b>Column 1 Document or File Name</b>	<b>Column 2 Date</b>
Municipality of Lambton Shores Phase 4 Rural Water Servicing Water System Pressure Zones and Dead Ends	November 15, 2007

**1.2.2** Watermains that have been added, modified, replaced or extended further to the provisions of Schedule C of this drinking water works permit on or after the date identified in column 2 of Table 1 for each document or file identified in column 1.**1.2.3** Watermains that have been added, modified, replaced or extended further to an authorization by the Director on or after the date identified in column 2 of Table 1 for each document or file identified in column 1.

### Schedule B: General

System Owner	The Corporation of the Municipality of Lambton Shores,
Permit Number	049-201
Drinking Water System Name	East and West Lambton Shores Distribution System
Schedule B Issue Date	August 3, 2017

#### 1.0 Applicability

- 1.1 In addition to any other requirements, the drinking water system identified above shall be altered and operated in accordance with the conditions of this drinking water works permit and the licence.
- 1.2 The definitions and conditions of the licence shall also apply to this drinking water works permit.

#### 2.0 Alterations to the Drinking Water System

- 2.1 Any document issued by the Director as a Schedule C to this drinking water works permit shall provide authority to alter the drinking water system in accordance, where applicable, with the conditions of this drinking water works permit and the license.
- 2.2 All Schedule C documents issued by the Director for the drinking water system shall form part of this drinking water works permit.
- 2.3 All parts of the drinking water system in contact with drinking water which are:
  - 2.3.1 Added, modified, replaced, extended; or
  - 2.3.2 Taken out of service for inspection, repair or other activities that may lead to contamination,

shall be disinfected before being put into service in accordance with a procedure approved by the Director or in accordance with the applicable provisions of the following documents:

  - a) The ministry's Watermain Disinfection Procedure, effective Aug.23 2016
  - b) AWWA C652 – Standard for Disinfection of Water-Storage Facilities;
  - c) AWWA C653 – Standard for Disinfection of Water Treatment Plants; and
  - d) AWWA C654 – Standard for Disinfection of Wells.
- 2.4 The owner shall notify the Director within thirty (30) days of the placing into service or the completion of any addition, modification, replacement or extension of the drinking water system which had been authorized through:
  - 2.4.1 Schedule B to this drinking water works permit which would require an alteration of the description of a drinking water system component described in Schedule A of this drinking water works permit;

- 2.4.2 Any Schedule C to this drinking water works permit respecting works other than watermain; or
- 2.4.3 Any approval issued prior to the issue date of the first drinking water works permit respecting works other than watermain which were not in service at the time of the issuance of the first drinking water works permit.
- 2.5 For greater certainty, the notification requirements set out in condition 2.4 do not apply to any addition, modification, replacement or extension in respect of the drinking water system which:
  - 2.5.1 Is exempt from subsection 31(1) of the SDWA by subsection 9.(2) of O. Reg. 170/03;
  - 2.5.2 Constitutes maintenance or repair of the drinking water system; or
  - 2.5.3 Is a watermain authorized by condition 3.1 of Schedule B of this drinking water works permit.
- 2.6 The owner shall notify the legal owner of any part of the drinking water system that is prescribed as a municipal drinking water system by section 2 of O. Reg. 172/03 of the requirements of the licence and this drinking water works permit as applicable to the prescribed system.
- 2.7 For greater certainty, any alteration to the drinking water system made in accordance with this drinking water works permit may only be carried out after other legal obligations have been complied with including those arising from the *Environmental Assessment Act*, *Niagara Escarpment Planning and Development Act*, *Oak Ridges Moraine Conservation Act*, 2001 and *Greenbelt Act*, 2005.

### 3.0 Watermain Additions, Modifications, Replacements and Extensions

- 3.1 The drinking water system may be altered by adding, modifying, replacing or extending a watermain within the distribution system subject to the following conditions:
  - 3.1.1 The design of the watermain addition, modification, replacement or extension:
    - a) Has been prepared by a Professional Engineer;
    - b) Has been designed only to transmit water and has not been designed to treat water;
    - c) Satisfies the design criteria set out in the Ministry of the Environment and Climate Change publication "Watermain Design Criteria for Future Alterations Authorized under a Drinking Water Works Permit – June 2012", as amended from time to time; and
    - d) Is consistent with or otherwise addresses the design objectives contained within the Ministry of the Environment and Climate Change publication "Design Guidelines for Drinking Water Systems, 2008", as amended from time to time.

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- 3.1.2 The maximum demand for water exerted by consumers who are serviced by the addition, modification, replacement or extension of the watermain will not result in an exceedance of the rated capacity of a treatment subsystem or the maximum flow rate for a treatment subsystem component as specified in the licence, or the creation of adverse conditions within the drinking water system.
  - 3.1.3 The watermain addition, modification, replacement or extension will not adversely affect the distribution system's ability to maintain a minimum pressure of 140 kPa at ground level at all points in the distribution system under maximum day demand plus fire flow conditions.
  - 3.1.4 Secondary disinfection will be provided to water within the added, modified, replaced or extended watermain to meet the requirements of O. Reg. 170/03.
  - 3.1.5 The watermain addition, modification, replacement or extension is wholly located within the municipal boundary over which the owner has jurisdiction.
  - 3.1.6 The owner of the drinking water system consents in writing to the watermain addition, modification, replacement or extension.
  - 3.1.7 A Professional Engineer has verified in writing that the watermain addition, modification, replacement or extension meets the requirements of condition 3.1.1.
  - 3.1.8 The owner of the drinking water system has verified in writing that the watermain addition, modification, replacement or extension meets the requirements of conditions 3.1.2 to 3.1.6.
  - 3.2 The authorization for the addition, modification, replacement or extension of a watermain provided for in condition 3.1 does not include the addition, modification, replacement or extension of a watermain that:
    - 3.2.1 Passes under or through a body of surface water, unless trenchless construction methods are used;
    - 3.2.2 Has a nominal diameter greater than 750 mm;
    - 3.2.3 Results in the fragmentation of the drinking water system; or
    - 3.2.4 Connects to another drinking water system, unless:
      - a) Prior to construction, the owner of the drinking water system seeking the connection obtains written consent from the owner or owner's delegate of the drinking water system being connected to; and
      - b) The owner of the drinking water system seeking the connection retains a copy of the written consent from the owner or owner's delegate of the drinking water system being connected to as part of the record that is recorded and retained under condition 3.3.

- 3.3 The verifications required in conditions 3.1.7 and 3.1.8 shall be:
- 3.3.1 Recorded on "Form 1 – Record of Watermains Authorized as a Future Alteration", as published by the Ministry of the Environment and Climate Change, prior to the watermain addition, modification, replacement or extension being placed into service; and
  - 3.3.2 Retained for a period of ten (10) years by the owner.
- 3.4 For greater certainty, the verification requirements set out in condition 3.3 do not apply to any addition, modification, replacement or extension in respect of the drinking water system which:
- 3.4.1 Is exempt from subsection 31(1) of the SDWA by subsection 9(2) of O. Reg. 170/03; or
  - 3.4.2 Constitutes maintenance or repair of the drinking water system.
- 3.5 The document or file referenced in Column 1 of Table 1 of Schedule A of this drinking water works permit that sets out watermains shall be retained by the owner and shall be updated to include watermain additions, modifications, replacements and extensions within 12 months of the addition, modification, replacement or extension.
- 3.6 The updates required by condition 3.5 shall include watermain location relative to named streets or easements and watermain diameter.

#### 4.0 Minor Modifications to the Drinking Water System

- 4.1 The drinking water system may be altered by adding, modifying or replacing the following components in the drinking water system:
- 4.1.1 Raw water pumps and treatment process pumps in the treatment system;
  - 4.1.2 Coagulant feed systems in the treatment system, including the location and number of dosing points;
  - 4.1.3 Valves;
  - 4.1.4 Instrumentation and controls, including SCADA systems, and software associated with these devices;
  - 4.1.5 Filter media, backwashing equipment and under-drains in the treatment system; or,
  - 4.1.6 Spill containment works.
- 4.2 The drinking water system may be altered by adding, modifying, replacing or removing the following components in the drinking water system:
- 4.2.1 Treated water pumps and associated equipment;
  - 4.2.2 Re-circulation devices within distribution system storage facilities;

- 4.2.3 In-line mixing equipment;
  - 4.2.4 Chemical metering pumps and chemical handling pumps;
  - 4.2.5 Chemical storage tanks (excluding fuel storage tanks) and associated equipment; or,
  - 4.2.6 Measuring and monitoring devices that are not required by regulation, by a condition in the Drinking Water Works Permit, or by a condition otherwise imposed by the Ministry of the Environment and Climate Change.
- 4.3 The drinking water system may be altered by replacing the following:
- 4.3.1 Raw water piping, treatment process piping or treated water piping within the treatment subsystem;
  - 4.3.2 Fuel storage tanks and spill containment works, and associated equipment; or
  - 4.3.3 Coagulants and pH adjustment chemicals, where the replacement chemicals perform the same function;
    - a) Prior to making any alteration to the drinking water system under condition 4.3.3, the owner shall undertake a review of the impacts that the alteration might have on corrosion control or other treatment processes; and
    - b) The owner shall notify the Director in writing within thirty (30) days of any alteration made under condition 4.3.3 and shall provide the Director with a copy of the review.
- 4.4 Any alteration of the drinking water system made under conditions 4.1, 4.2 or 4.3 shall not result in:
- 4.4.1 An exceedance of a treatment subsystem rated capacity or a treatment subsystem component maximum flow rate as specified in the licence;
  - 4.4.2 The bypassing of any unit process within a treatment subsystem;
  - 4.4.3 A deterioration in the quality of drinking water provided to consumers;
  - 4.4.4 A reduction in the reliability or redundancy of any component of the drinking water system;
  - 4.4.5 A negative impact on the ability to undertake compliance and other monitoring necessary for the operation of the drinking water system; or
  - 4.4.6 An adverse effect on the environment.
- 4.5 The owner shall verify in writing that any addition, modification, replacement or removal of drinking water system components in accordance with conditions 4.1, 4.2 or 4.3 has met the requirements of the conditions listed in condition 4.4.

- 4.6 The verifications and documentation required in condition 4.5 shall be:
- 4.6.1 Recorded on "Form 2 – Record of Minor Modifications or Replacements to the Drinking Water System", as published by the Ministry of the Environment and Climate Change, prior to the modified or replaced components being placed into service; and
  - 4.6.2 Retained for a period of ten (10) years by the owner.
- 4.7 For greater certainty, the verification requirements set out in conditions 4.5 and 4.6 do not apply to any addition, modification, replacement or removal in respect of the drinking water system which:
- 4.7.1 Is exempt from subsection 31(1) of the SDWA by subsection 9.(2) of O. Reg. 170/03; or
  - 4.7.2 Constitutes maintenance or repair of the drinking water system.
- 4.8 The owner shall update any drawings maintained for the drinking water system to reflect the modification or replacement of the works, where applicable.

## 5.0 Equipment with Emissions to the Air

- 5.1 The drinking water system may be altered by adding, modifying or replacing any of the following drinking water system components that may discharge or alter the rate or manner of a discharge of a compound of concern to the atmosphere:
- 5.1.1 Any equipment, apparatus, mechanism or thing that is used for the transfer of outdoor air into a building or structure that is not a cooling tower;
  - 5.1.2 Any equipment, apparatus, mechanism or thing that is used for the transfer of indoor air out of a space used for the production, processing, repair, maintenance or storage of goods or materials, including chemical storage;
  - 5.1.3 Laboratory fume hoods used for drinking water testing, quality control and quality assurance purposes;
  - 5.1.4 Low temperature handling of compounds with a vapor pressure of less than 1 kilopascal;
  - 5.1.5 Maintenance welding stations;
  - 5.1.6 Minor painting operations used for maintenance purposes;
  - 5.1.7 Parts washers for maintenance shops;
  - 5.1.8 Emergency chlorine and ammonia gas scrubbers and absorbers;
  - 5.1.9 Venting for activated carbon units for drinking water taste and odour control;
  - 5.1.10 Venting for a stripping unit for methane removal from a groundwater supply;

- 5.1.11 Venting for an ozone treatment unit;
  - 5.1.12 Natural gas or propane fired boilers, water heaters, space heaters and make-up air units with a total facility-wide heat input rating of less than 20 million kilojoules per hour, and with an individual fuel energy input of less than or equal to 10.5 gigajoules per hour; or
  - 5.1.13 Emergency generators that fire No. 2 fuel oil (diesel fuel) with a sulphur content of 0.5 per cent or less measured by weight, natural gas, propane, gasoline or biofuel, and that are used for emergency duty only with periodic testing.
- 5.2 The owner shall not add, modify or replace a drinking water system component set out in condition 5.1 for an activity that is not directly related to the treatment and/or distribution of drinking water.
  - 5.3 The emergency generators identified in condition 5.1.13 shall not be used for non-emergency purposes including the generation of electricity for sale or for peak shaving purposes.
  - 5.4 The owner shall prepare an emission summary table for nitrogen oxide emissions only, for each addition, modification or replacement of emergency generators identified in condition 5.1.13.

#### Performance Limits

- 5.5 The owner shall ensure that a drinking water system component identified in conditions 5.1.1 to 5.1.13 is operated at all times to comply with the following limits:
  - 5.5.1 For equipment other than emergency generators, the maximum concentration of any compound of concern at a point of impingement shall not exceed the corresponding point of impingement limit;
  - 5.5.2 For emergency generators, the maximum concentration of nitrogen oxides at sensitive populations shall not exceed the applicable point of impingement limit, and at non-sensitive populations shall not exceed the Ministry of the Environment and Climate Change half-hourly screening level of 1880 ug/m<sup>3</sup> as amended; and
  - 5.5.3 The noise emissions comply at all times with the limits set out in publication NPC-300, as applicable.
- 5.6 The owner shall verify in writing that any addition, modification or replacement of works in accordance with condition 5.1 has met the requirements of the conditions listed in condition 5.5.
- 5.7 The owner shall document how compliance with the performance limits outlined in condition 5.5.3 is being achieved, through noise abatement equipment and/or operational procedures.

- 5.8 The verifications and documentation required in conditions 5.6 and 5.7 shall be:
- 5.8.1 Recorded on "Form 3 – Record of Addition, Modification or Replacement of Equipment Discharging a Contaminant of Concern to the Atmosphere", as published by the Ministry of the Environment and Climate Change, prior to the additional, modified or replacement equipment being placed into service; and
  - 5.8.2 Retained for a period of ten (10) years by the owner.
- 5.9 For greater certainty, the verification and documentation requirements set out in conditions 5.6 and 5.8 do not apply to any addition, modification or replacement in respect of the drinking water system which:
- 5.9.1 Is exempt from subsection 31(1) of the SDWA by subsection 9.(2) of O. Reg. 170/03; or
  - 5.9.2 Constitutes maintenance or repair of the drinking water system.
- 5.10 The owner shall update any drawings maintained for the works to reflect the addition, modification or replacement of the works, where applicable.

## 6.0 Previously Approved Works

- 6.1 The owner may add, modify, replace or extend, and operate part of a municipal drinking water system if:
- 6.1.1 An approval was issued after January 1, 2004 under section 36 of the SDWA in respect of the addition, modification, replacement or extension and operation of that part of the municipal drinking water system;
  - 6.1.2 The approval expired by virtue of subsection 36(4) of the SDWA; and
  - 6.1.3 The addition, modification, replacement or extension commenced within five years of the date that activity was approved by the expired approval.

## 7.0 System-Specific Conditions

- 7.1 The following are authorized under this permit:
- Not Applicable

## 8.0 Source Protection

- 8.1 Not Applicable