

NOTICE OF DECISION OF DRAFT PLAN OF SUBDIVISION

The Corporation of the City of Sarnia, pursuant to Subsection 51(37) of the Planning Act

File Number: SD1-2024
Owner: 10000545448 Ontario Inc.
Location & Description: West side of Marion Avenue, close to the intersection of Old Lakeshore Road and Marion Avenue, described as Part 2, Plan 25R-11393, PT Block 40, Plan 772 as prepared by SBM Geomatics, dated April 4, 2024.

TAKE NOTICE that the Council of The Corporation of the City of Sarnia granted Draft Approval to Plan of Subdivision SD1-2024, on July 8, 2024, subject to the conditions noted below.

The purpose and effect of the Draft Plan of Subdivision is to subdivide the subject property for the creation of seven (7) vacant residential lots on an existing public right of way.

Sarnia City Council considered all written submissions received on this application, the effect of which helped Sarnia City Council to make an informed decision.

Appeals Process

When and how to file an appeal

If you intend to appeal this decision of Council to the Ontario Land Tribunal (OLT), a Notice of Appeal must be filed with the City Clerk of The Corporation of the City of Sarnia, 255 Christina Street North, P.O. Box 3018, Sarnia, Ontario, N7T 7N2, no later than 20 days from the date of this Notice. Any Notice of Appeal must include the reasons for the appeal, together with the required [filing fee](#), pursuant to *the Ontario Land Tribunal Act, 2021, S.O. 2021*. A copy of an appeal form is available from the [Ontario Land Tribunal website](#). Please note the Tribunal will only accept filing fee payments by certified cheque, money order or credit card payable to the Minister of Finance.

The last day for filing a Notice of Appeal is **4:30 p.m. on the 6th day of August 2024.**

Who can file an appeal?

Only individuals, corporations and public bodies may appeal decisions in respect of a Draft Plan of Subdivision to the Ontario Land Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf.

Right of applicant or public body to appeal Conditions of Draft Plan of Subdivision

The applicant, the Minister of Municipal Affairs, or any public body that has made oral submissions at the public meeting or made written submissions to the Council of the Corporation of the City of Sarnia before the proposed Draft Plan of Subdivision was approved may, at any time before the approval of the Final Plan of Subdivision, appeal any of the conditions imposed by the Council of the Corporation of the City of Sarnia to the Ontario Land Tribunal by filing a notice of appeal with the Clerk of the Corporation of the City of Sarnia.

No person or public body shall be added as a party to the hearing of the appeal of the decision of the approval authority, including the lapsing provisions or changes to the conditions, unless the person or public body, before the decision of the approval authority, made oral submissions at a public meeting or written submissions to the Council, or made a written request to be notified of changes to the conditions or, in the Ontario Land Tribunal's opinion, there are reasonable grounds to add the person or public body as a party.

How to receive Notice of Changed Conditions

The conditions of an approval of a Draft Plan of Subdivision may be changed at any time before the final approval is given. You will be entitled to receive notice of any changes to the conditions of approval of the proposed Draft Plan of Subdivision if you are the Owner, or if you have made a written request to be notified of changes to the conditions of approval of the Proposed Plan of Subdivision.

Additional information about the applications is available for review online at: www.speakupsarnia.ca/marion-ave.

If no appeals are filed, the decision of the Council of the Corporation of the City of Sarnia to give draft approval of this plan of subdivision shall be deemed to have been made on the day after the last day for appealing the decision.

If you have any questions or require additional information, please contact Kay Grant at 519.332.0330 Ext. 3289.

DATED this 18th day of July 2024.

Yours truly,

A handwritten signature in blue ink, appearing to read 'Eric Hyatt', with a stylized flourish extending to the right.

Eric Hyatt

Manager of Planning & Development Services

DISCREETED
Version: 004-00-05, 2/19/00

FILE No.: _____													
Subject to the conditions, if any, set forth in our letter dated _____ day of _____ 20____ this draft plan is approved under Section 51 of the Planning Act this _____ day of _____ 20____.													
<p>KEY MAP NOT TO SCALE</p> <p>OLD LAKESHORE ROAD ARTHUR STREET GREEN STREET BAY STREET CENTRE ST. FIRST STREET SECOND STREET ROAD 1000</p> <p>SUBJECT SITE</p>													
<p>DRAFT PLAN OF SUBDIVISION OF PART OF BLOCK 40, PLAN 772 IN THE CITY OF SARNIA (GEOGRAPHIC TOWNSHIP OF SARNAIA) COUNTY OF LAMBTON</p> <p>DESIGNATED AS PART 2, 25R-11393</p> <p>SCALE 1:300 0 5 10 20 SCALE IN METRES</p> <p>SBM GEOMATICS LTD ONTARIO LAND SURVEYORS 2024</p>													
<p>SCHEDULE OF LAND USE:</p> <table border="1"><thead><tr><th>LOTS/BLOCKS</th><th>LAND USE</th><th># UNITS</th><th>AREA (ha)</th></tr></thead><tbody><tr><td>1, 1-7</td><td>SINGLE FAMILY</td><td>7</td><td>0.366</td></tr><tr><td>TOTAL:</td><td></td><td>7</td><td>0.366</td></tr></tbody></table>		LOTS/BLOCKS	LAND USE	# UNITS	AREA (ha)	1, 1-7	SINGLE FAMILY	7	0.366	TOTAL:		7	0.366
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<p>ADDITIONAL INFORMATION REQUIRED UNDER SECTION 51(17) OF THE PLANNING ACT:</p> <table border="0"><tbody><tr><td>A - As shown on plan</td><td>G - As shown on plan</td></tr><tr><td>B - As shown on plan</td><td>H - Water Supply: Municipal</td></tr><tr><td>C - As shown on plan</td><td>I - Soils: Clayey Silt Till</td></tr><tr><td>D - Proposed Uses: Residential</td><td>J - As shown on plan</td></tr><tr><td>E - Adjacent Uses: Institutional & Residential</td><td>K - Municipal Services: All as required, including sanitary sewers</td></tr><tr><td>F - As shown on plan</td><td>L - As shown on plan</td></tr></tbody></table>		A - As shown on plan	G - As shown on plan	B - As shown on plan	H - Water Supply: Municipal	C - As shown on plan	I - Soils: Clayey Silt Till	D - Proposed Uses: Residential	J - As shown on plan	E - Adjacent Uses: Institutional & Residential	K - Municipal Services: All as required, including sanitary sewers	F - As shown on plan	L - As shown on plan
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<p>OWNER'S CERTIFICATE:</p> <p>I HEREBY AUTHORIZE THE FIRM OF SBM GEOMATICS TO SUBMIT THIS DRAFT PLAN OF SUBDIVISION TO THE CITY OF SARNIA, LAMBTON COUNTY.</p> <p>1000545448 ONTARIO INC.</p> <p>April 22, 2024 DATE</p> <p>MIKE CLAWSON PRESIDENT</p>													
<p>SURVEYOR'S CERTIFICATE</p> <p>I CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN</p> <p>APRIL 4 2024 DATE</p> <p>GAVIN P.T. SEAMAN ONTARIO LAND SURVEYOR</p>													
<p>METRIC:</p> <p>DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO INTERNATIONAL FEET BY DIVIDING BY 0.3048.</p> <p>AREAS ON THIS PLAN ARE IN HECTARES AND CAN BE CONVERTED TO ACRES BY MULTIPLYING BY 2.471054.</p>													
<p>sbm GEOMATICS LTD.</p> <p>1599 Adelaide St. N, Unit 203 London, ON N6X 4E8 Tel: (519) 814-1134 Fax: (519) 471-0034</p> <p>Survey By: JH/JL Conf. File: SBM6-23-0085 Mylon Page: Five Date: 1005054448 Drawn By: J.L.D. Checked By: B.P.T.S./J.A.H. Plan Size: ARCH-D File No.: SBM6-23-0085_DPS</p>													

N 88° 42' 00" W 34.951

N 88° 35' 35" W 34.559

PLAN 25R-11393

PART 1,

LOT 1
0.0527 ha.

34.58

LOT 2
0.0527 ha.

34.58

LOT 3
0.0527 ha.

34.58

LOT 4
0.0527 ha.

34.58

LOT 5
0.0527 ha.

34.58

LOT 6
0.0527 ha.

34.58

LOT 7
0.0498 AC

N 78° 49' 15" W 15.502

15.510
N 78° 49' 15" W

PLAN

BLOCK

LOT 15

LOT 14

LOT 13

MARION AVENUE
(ESTABLISHED BY PLAN 772) (20.117m WIDE)

20.117

143.310

N 72° 43' 25" E

67.064

N 17° 24' 25" E

LOT 34

LOT 33

LOT 32

LOT 31

LOT 30

LOT 29

LOT 28

LOT 27

LOT LIMIT

BLOCK 42

LOT LIMIT

LOT 11

CONDITIONS OF DRAFT PLAN APPROVAL

Draft Plan of Subdivision SD1-2024

Un-numbered Lot, Marion Avenue, City of Sarnia

Part 2, Plan 25R-11393, PT Block 40, Plan 772

That Sarnia City Council grants Draft Approval to Plan of Subdivision Application SD1-2024, subject to the following:

1. This approval applies to the proposed draft plan of subdivision located on the west side of Marion Avenue, close to the intersection of Old Lakeshore Road and Marion Avenue and more particularly described as Part 2, Plan 25R-11393, PT Block 40, Plan 772, City of Sarnia, County of Lambton, as prepared by Strik, Baldinelli and Moniz for the development of 7 detached residential lots (Lots 1-7), fronting onto Marion Avenue, City of Sarnia.
2. That the Owner shall enter into a Subdivision Agreement, pursuant to s. 51(26) of the *Planning Act* with the City of Sarnia, to satisfy all conditions, financial or otherwise of the City, regarding matters as the City may consider necessary, including payment of development charges, the provision of municipal services, landscaping and fencing, etc., required for the development of the subdivision. The said agreement shall be registered against the lands to which it applies.

Servicing

3. The Owner shall ensure that municipal sanitary sewers, storm sewers and water distribution services be provided as shown in the SBM Consulting Engineers - Functional Servicing Report dated April 19, 2024, subject to the satisfaction of the Manager of Engineering and in keeping with the Ministry of the Environment, Conservation and Parks (MECP) standards.
4. That the Owner provides utility layout (communication/hydro/gas) drawings.
5. That the Owner shall prepare and submit for review and approval by the Manager of Engineering a plan for sediment and erosion control for the construction phase of this subdivision that is consistent with the proposed plans for sediment and erosion control outlined in the Stormwater Management Plan.

6. That regular inspections are conducted once every two weeks and after each sizable storm event of all stormwater quality and sediment and erosion control measures to maintain a Log which shall be made available for review by the City upon request; said Log shall state the name of the inspector, date of inspections and the rectification or replacement measures that were undertaken to maintain the stormwater quality and sediment measures; inspections are to continue until the assumption of services by the municipality or until site construction conditions warrant cessation of the visits.
7. That stormwater best management practices be implemented, which shall include rainwater harvesting with roof downspouts constructed to divert rainwater to a vegetated area, away from the foundations and storm water system, of all residential buildings.
8. The Owner's professional engineer shall provide inspection services during construction for all works that would be assumed by the City and shall supply the City with a Certification of Completion of Works upon completion, in accordance with the plans accepted by the Manager of Engineering.
9. The owner/developer provides Enbridge Gas Inc. with the necessary easements and/or agreements required by Enbridge for the provision of gas services for this project, in a form satisfactory to Enbridge.

Open Space

10. That the Owner shall prepare and submit for review and approval by the General Manager of Community Services, a Landscape Plan for all boulevard rights-of-way within the subdivision. The landscape plan shall include a minimum of one native deciduous boulevard tree for each residential lot. At its expense, the Owner shall be responsible for boulevard tree planting shown on the landscape plan, to the satisfaction of the City, at no cost to the City.
11. The subdivision agreement shall include provisions that the Owner provide proof, to the satisfaction of the General Manager of Community Services, that all trees and vegetation planted by the Owner are warranted for two years and shall replace any trees and vegetation that are not disease-free and healthy immediately prior to the expiry of the two years.

Hydrogeological/Geotechnical

12. That a Geotechnical Investigation be provided to address all geotechnical issues with respect to the development of this plan, including, but not limited to, servicing, grading and drainage of the subdivision, road pavement structure, dewatering, foundation design, removal of existing fill (including but not limited to organic and deleterious materials) and the placement of new engineering fill. The Owner shall implement all recommendations from the final reports.
13. That the subdivision agreement contains provisions that a regular program of geotechnical inspections and testing shall be carried out during construction to confirm that the conditions being encountered are consistent with the results of the boreholes, to determine that the intent of the design recommendations provided are being met and that the various project specifications are consistently being achieved.
14. That all municipal taxes and local improvements including interest and penalties thereon be paid to date, as well as any outstanding legal, water and weed accounts.
15. Draft plan approval will lapse three (3) years plus one day from the date of the giving of the notice of decision. Subsection 52(33) of the *Planning Act* provides that the approval authority may extend draft approval. If an extension to draft approval is required, it is the Owner's responsibility to request the extension to the City of Sarnia a minimum of 90 days prior to the expiration, with reasons in support of the extension.
16. That the owner shall agree in the subdivision agreement to pay to the City five percent (5%) of the value of the lands in cash-in-lieu of parkland dedication as required under subsection 51.1(3) of the *Planning Act* prior to the issuance of a building permit. The Owner shall submit an appraisal of the subject lands, in accordance with Section 42 of the *Planning Act*, prepared by an accredited appraiser for approval by the City and the approved appraisal shall form the basis of the cash-in-lieu payment.
17. That the Owner shall agree in the subdivision agreement that, prior to the issuance of a Building Permit, the Owner shall pay to the City the sum of \$957.75 as a contribution towards the storm outlet.
18. That the Owner shall agree in the subdivision agreement, that all lots to be left vacant shall be graded, seeded, maintained and signed to prohibit dumping and trespassing.

19. The Owner shall cause the following warning clauses to be included in a schedule to all offers of purchase and sale, or lease for all lots/blocks within the entire Plan:

"Purchasers and/or tenants are advised that mail delivery will be via PO Box at the Brights Grove Post Office."
20. Where the Owner proposes to proceed with the construction of a model unit prior to the registration of the Plan, the Owner shall enter into an agreement with the City, outlining the conditions, and shall fulfill relevant conditions of that agreement prior to issuance of a Building Permit.

Clearances

1. That prior to final approval, the General Manager of Community Services shall advise in writing how Condition **16** have been satisfied.
2. That prior to final approval, the General Manager of Engineering & Operations shall advise in writing how Conditions **3-8, 10-13 and 17** have been satisfied.
3. That prior to final approval, Enbridge Gas Inc. shall advise in writing how Condition **9** has been satisfied.
4. That prior to final approval, confirmation is required in writing from the City's Tax Department how Condition **14** has been satisfied.

Notes to Draft Approval

1. If, during the building or constructing of all buildings or works and services within this subdivision, any deposits of organic materials or refuse are encountered, the Owner shall report these deposits to the Manager of Engineering and Chief Building Official immediately. If required by the Manager of Engineering and Chief Building Official, the Owner shall at his own expense retain a professional engineer competent in the field of methane gas to investigate these deposits and submit a full report to the Manager of Engineering and Chief building Official. Should the report indicate the presence of methane gas then all of the recommendations of the engineer contained in any such report submitted to the Manager of Engineering and Chief Building Official shall be implemented and carried out under the supervision of the professional engineer, to the satisfaction of the Manager of Engineering and Chief Building Official and at the expense of the Owner, before any construction progresses in such an instance. The report shall include provision for an ongoing methane gas monitoring program, if required, subject to the approval of the Manager of Engineering and review for the duration of the approval program.
2. If a permanent venting system or facility is recommended in the report, the Owner shall register a covenant on the title of each affected lot to the effect that the Owner of the subject lots must have the required system or facility designed, constructed and monitored to the specifications of the Manager of Engineering, and that the Owners must maintain the installed system or facilities in perpetuity at no cost to the City. The report shall also include measures to control the migration of any methane gas to abutting lands outside the Plan.
3. Should any contamination or anything suspected as such, be encountered during construction, the Owner shall report the matter to the Manager of Engineering. The Owner shall hire a geotechnical engineer to provide, in accordance with the requirements of latest *Ministry of Environment, Conservation and Parks (MECP) Guide: Site Assessment, Cleanup of Brownfields, Filing of Records of Site Condition*, "Schedule A - Record of Site Condition", as amended, including "Affidavit of Consultant" which summarizes the site assessment and restoration activities carried out at a contaminated site, and file appropriate documents to the Ministry in this regard with copies provided to the City. The City may require a copy of the report should there be City property adjacent to the contamination.

4. Should any contaminants be encountered within this Plan, the Owner shall implement the recommendations of the geotechnical engineer to remediate. Removal and/or disposal of any contaminants within the proposed Lot in this Plan forthwith shall be undertaken under the supervision of the geotechnical engineer to the satisfaction of the City at no cost to the City.
5. For a comprehensive set of ministry drainage related documentation requirements, the owner's consultant should refer to the following websites:

<http://www.mto.gov.on.ca/english/publications/drainage/stormwater/index.shtml>
6. Should archaeological resources be found on the property during construction activities, all work must cease, and both the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries and the City of Sarnia Planning and Development Services Department shall be notified immediately.
7. In the event that human remains are encountered during construction activities, the Owner must immediately cease all construction activities and shall contact the Sarnia Police Services and the Registrar of the Cemeteries Regulation Unit of the Ontario Ministry of Public and Business Service Delivery and Procurement.