



Application for Approval of a Plan of Subdivision or Condominium Description under Section 51 of the Planning Act

Instructions:

Become familiar with the Provincial Policy Statement before completing this form and submitting the application.

Table B (Significant Features Checklist) is intended to assist the County to determine whether significant provincial features or circumstances may be affected by a development proposal which proposes to change the use of a specific site. It describes potential background information needs.

Completeness of the Application:

The information in this form that must be provided by the applicant is indicated by black arrows on the right side of the section numbers. This information is prescribed in the Schedule to Ontario Regulation 196/96 made under the *Planning Act*. The mandatory information must be provided with appropriate fee and draft plan. If the mandatory information, including the draft plan and fee are not provided, the County will return the application or refuse to further consider the application.

The application form also sets out other information (e.g. technical information or reports) that will assist the County and other Public Bodies in their planning evaluation of the development proposal. To ensure a timely and thorough review, this information should be submitted at the time of the application. In the absence of this information it may not be possible to do a complete review within the legislated time frame for making a decision. As a result, the application may be refused.

Submission of the Application

The County requires:

- 3 copies of the completed application (1 should be unbound and suitable for reproduction)
- 15 copies of the draft plan (90 cm x 60 cm)
- 2 copies of the draft plan (21.5 cm x 28 cm)
- 6 bound copies of any information/reports, if indicated as needed when completing the relevant sections of this form. 1 copy should be unbound and suitable for reproduction. The nature of the information/reports varies with the type of land use and topographic features
- Additional reports as requested by staff at pre-consultation meeting
- Memory stick with electronic version of all items being submitted
- 1 page summary of planning report
- List of all documents being submitted with title, author and date
- Applicable fees as indicated by the County

For help:

For assistance completing the application form and/or preparing a draft plan for submission, please contact:

County of Lennox & Addington
97 Thomas Street East
Napanee ON K7R 4B9
Telephone: 613-354-4883 ext 3234
Facsimile: 613-354-3112
E-mail: spaul@lennox-addington.on.ca

Please complete appropriate box(es)

1. Application Information

1.1 Name of Owner(s) – Owner’s authorization is required if applicant is not the owner.

Name of Owner(s)	Home Phone	Business Phone
Address	Postal Code	Fax Number

1.2 Agent/Applicant – Name of the person who is to be contacted about the application, if different than the owner (this may be a person or firm acting on behalf of the owner).

Name of Owner(s)	Home Phone	Business Phone
Address	Postal Code	Fax Number

2. Location of the Subject Land(s)

2.1 Complete the applicable information and boxes.

Local Municipality			
Concession No.	Lot Number(s)	Registered Plan No.	Lot(s)/Block(s)
Reference Plan No.	Part Number(s)	Name of Street/Road	Street Number

2.2 Are there any easements or restrictive covenants affecting the subject lands?

No Yes If yes, describe the easement or covenant and its effect:

3. Proposed and Current Land Use

3.1 Is the application for approval of a plan of subdivision or a condominium? Check applicable box.

Plan of Subdivision Condominium

Description: _____

3.2 Complete Table A on Proposed Land Use

Table A – Proposed Land Use

Proposed Land Use	Number of Units or Dwellings	Number of Lots and/or Blocks on the Draft Plan	Area (ha.)	Density (Units/ Dwellings per ha.)
Residential – Detached				
Residential – Semi-detached				
Residential – Multiple Attached				
Residential – Apartment				
Residential – Seasonal				
Residential – Mobile Home				
Residential – Other (specify)				
Commercial				
Industrial				
Park, Open Space	Nil			Nil
Institutional (specify)				Nil
Roads	Nil			
Other (specify)				
Total				

3.3 What is the current use of the subject land?

None Yes If yes, specify the uses: _____

3.4 How is the subject land currently designated in any applicable Official Plan?

Local Official Plan _____
County Official Plan _____

3.5 Has there been an industrial use or commercial use on the subject land or adjacent land?

3.6 Has the grading of the subject land been changed by adding earth or other material?

Yes No Unknown

3.7 Has a gas station been located on the subject land or adjacent land at any time?

Yes No Unknown

3.8 Has there been petroleum or other fuel stored on the subject land or adjacent land?

Yes No Unknown

3.9 Is there any reason to believe that the subject land may have been contaminated by former uses on the site or adjacent sites?

Yes No Unknown

3.10 What information did you use to determine the answers to the above questions?

3.11 If yes to (3.5), (3.6), (3.7), (3.8), or (3.9), a previous use inventory showing all former uses of the subject land or, if appropriate, of the adjacent land, is needed.

Is the previous use inventory attached? Yes No

4. Additional Information for Condominium Applications Only

	Yes	No
4.1 Has a site plan for the proposed condominium been approved?	<input type="checkbox"/>	<input type="checkbox"/>
4.2 Has a site plan agreement been entered into?	<input type="checkbox"/>	<input type="checkbox"/>
4.3 Has a building permit for the proposed condominium been issued?	<input type="checkbox"/>	<input type="checkbox"/>
4.4 Has construction of the development started?	<input type="checkbox"/>	<input type="checkbox"/>
4.5 If construction is completed, indicate the date of completion:	<input type="checkbox"/>	<input type="checkbox"/>
4.6 Is this a conversion of a building containing residential units?	<input type="checkbox"/>	<input type="checkbox"/>

5. Consultation with Local Planning Authority(ies)

	Yes	No
5.1 Has the draft plan of subdivision or condominium description that is the subject of this application been presented to Council?	<input type="checkbox"/>	<input type="checkbox"/>
5.2 Have you confirmed with the local municipality that the proposed development meets all requirements of the applicable official plans? (If an official plan amendment is needed, it should be submitted prior to or concurrently with this application). Has a building permit for the proposed condominium been issued? Has construction of the development started?	<input type="checkbox"/>	<input type="checkbox"/>

6. Status of Other Applications under the *Planning Act*

6.1 Has the subject land ever been the subject of a previous application for approval of a plan of subdivision or consent?

No Yes

If yes and if known, indicate the application file number and the decision made on application:

6.2 Is the subject and also the subject of a proposed official plan or plan amendment that has been submitted for approval?

No Yes

If yes and if known, indicate the application file number and the status on the application:

6.3 Is the subject land also the subject of an application for a consent, approval of a site plan, minor variance, zoning by-law or zoning order amendment?

No Yes

If yes and if known, indicate the application file number and the status on the application:

6.4 Are the water, sewage, or road works associate with the proposed development subject to the provisions of the Environmental Assessment Act?

No Yes

If yes, will the notice of public meeting for this application be modified to state that public meeting will address the requirements of both the Planning Act and Environmental Assessment Act?

7. Provincial Policy

7.1 Briefly explain how this proposal has regard to the principles of the Provincial Policy Statement issued under the Planning Act. Use additional pages if needed and attach to this application.

7.2 Table B below lists the features or development circumstances of interest to the County. Complete Table B and be advised of the potential information requirements in the noted section.

Table B – Significant Features Checklist

Features of Development Circumstances	(a) If a feature, is it on site or within 500 metres OR b) If a development circumstance, does it apply?		If a feature, specify distances in metres.
	Yes	No	
Non-farm development near designated urban or rural settlement areas			
Industrial			
Landfill sites			
Sewage treatment plant			
Water stabilization pond			
Active railway line			
Controlled access highways or freeways including designated future ones			
Operating mine site			
Non-operating mine site			
Electric transformer station			
High voltage electric transmission line			
Transportation and infrastructure corridors			
Prime agricultural land			
Agricultural operations			
Mineral aggregate resources			
Mineral and petroleum resource area			
Existing pits and quarries			
Significant wetlands			
Significant: fish habitat, woodlands, valley lands, areas of natural and scientific interest, wildlife habitat			
Sensitive groundwater recharge areas, headwaters and aquifers			
Significant built heritage resources and cultural heritage landscapes			
Significant archaeological resources			
Erosion hazards			
Floodplains			
Hazardous sites (1)			
Rehabilitated mine sites			

Features of Development Circumstances	(a) If a feature, is it on site or within 500 metres OR b) If a development circumstance, does it apply?	If a feature, specify distances in metres.
Contaminated sites		

(1) Hazardous sites – property or lands that could be unsafe for development or alteration due to natural occurring hazard. These hazards may include unstable soils (sensitive marine clays (Leda), organic soils, or unstable bedrock (Karst topography)).

7.3 For applications that include permanent housing (i.e. not seasonal) complete Table C – Housing Affordability. For each type of housing and unit size complete the rest of the row. If lots are to be sold as vacant lots, indicate lot frontage. Information should be based on the best information available at the time of application. If additional space is needed, attach on a separate page.

Table C – Housing Affordability

For example: semi-detached – 10 units; 1000 sq.ft/5.5 metres, \$119,900

Housing	# of units	Unit Size (sq.ft) and/or lot frontage	Estimated Selling Price/Rent
Semi-detached			
Link/Semi-detached			
Row or Townhouse			
Apartment Block			
Other Types of Multiples			

7.4 Is there any other information that may relate to the affordability of the proposed housing, or the type of housing needs served by the proposal?

No Yes

If yes, explain in Section 9.1 or attach a separate page.

8. Servicing

8.1 Indicate in a) or b) the proposed servicing type for the subject land. Select the appropriate servicing type from Table D.

a) Indicate the proposed sewage disposal system

b) Indicate the proposed water supply system

c) Title of servicing information reports

Attached

Table D – Sewage Disposal and Water Supply

Service Type		Yes	No
Sewage Disposal	a) Public piped sewage system		
	b) Public or private communal septic		
	c) Individual septic system(s)		
	d) Other		
Water supply	a) Public piped water system		
	b) Public or private communal well(s)		
	c) Individual well(s)		
	d) Communal surface water		
	e) Individual surface water		
	f) Other		

8.2 Indicate in a), b), and c) the proposed type of storm drainage and access for the subject land. Select the appropriate type from Table E.

a) Indicate the proposed storm drainage system.

b) Indicate the proposed road access.

c) Is there water access proposed?

No Yes

If yes, attach a description of the parking and docking facilities to be used and the approximate distance of these facilities from the subject land and the nearest public land.

Attached

d) Is the preliminary stormwater management report attached?

No Yes

If not attached as a separate report, in what report can it be found?

Table E – Storm Drainage, Road Access and Water Access

**Agreement to Indemnify
The County of Lennox & Addington**

I / We _____, the Owner(s) of lands described as

in the Town / Township of _____ agree to reimburse and indemnify the County of Lennox & Addington (hereinafter referred to as the County) for all fees and expenses incurred by the County to process the requested _____ application (including the review of all preliminary reports submitted in support of said application) including any expenses attributable to proceedings before the Ontario Municipal Board or a court or other administrative tribunal, if necessary, to defend the County's decision where the County appears in support of the Owner's application.

Without limiting the foregoing, such fees and expenses shall include the fees and expenses of consultants, engineers, lawyers and such other professional and technical advisors as the County may, in its absolute discretion acting reasonably, consider necessary or advisable to more properly process and support the application.

Registered Owner or Authorized Agent

Date

Subdivision/Condominium Approval Procedure

A Guide for Applicants

April 2016



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97 Thomas Street East
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INTRODUCTION:

Ontario Regulation 177/14 delegated approval authority powers for Plans of Subdivision/ Condominium from the Province of Ontario to the County of Lennox & Addington (the “County”). The Regulation applies to all in-process and new applications. The County has subdivision/ condominium approval authority, including part-lot control, for the following local municipalities (the “Townships”):

- Township of Addington Highlands; and,
- Township of Stone Mills.

The County has the responsibility to grant draft approval and final approval for plans of subdivision and condominium, to grant changes to draft conditions of plan of subdivision and condominium and to approve extensions to those approvals, and to grant approval for exemptions and amendments to condominium descriptions.

This Guide has been prepared to assist the public and the development community in understanding the process associated with the submission of these various applications. Reference to relevant legislation (e.g. the *Planning Act*, *Condominium Act*, etc.), the Provincial Policy Statement, 2014 and Provincial Regulations and Guidelines should be undertaken if more specific information is required. In the event of any discrepancy, the Provincial legislation, regulations and guidelines prevail.

1. PRIOR TO SUBMITTING AN APPLICATION

1.1. PRE-CONSULTATION PROCESS

As permitted by the *Planning Act* Section 51(16.1), the applicant must pre-consult with County staff. Pre-consultation is of significant benefit since the applicant will become more familiar with the requirements and expectations of the County and with those of the local municipality where the subject lands are situated (‘the affected municipality’).

Pre-consultation usually takes the form of an initial contact with the Clerk of the County followed by a meeting between the County, the applicant, the affected municipality, and any agencies or ministries that may provide input regarding the application. No fee is charged for pre-consultation.

As part of the pre-consultation process, the County may identify any site-specific matters of Provincial interest that relate to the development proposal and outline what reports and assessments will be required to address these interests. The affected municipality will identify reports and assessments necessary to satisfy its local concerns. While it may not be possible to identify all issues at the pre-consultation meeting due to the timing of the meeting and its preliminary nature, the involvement of the County and staff of the affected municipality at this

early stage will assist with business decisions regarding the property and with the preparation of any subsequent application.

1.2. CONFORMITY WITH THE OFFICIAL PLANS AND ZONING BY-LAWS OF THE LOCAL MUNICIPALITIES AND OF THE COUNTY

The County and each Township have their own Official Plans and each of the Townships also has a Zoning Bylaw. If a proposal does not conform to one or both of the applicable Official Plans, then any application for plan of subdivision/condominium cannot be accepted. Should a development proposal be the subject of a concurrent application to amend one or more Official Plans, this issue of prematurity must be addressed in the required planning report (see Section 2.1 of this Guide). Circulation of an application for approval of a plan of subdivision/condominium will not normally take place until such amendment(s) has been adopted by the affected municipality and/or the County.

Zoning for development lands must conform to the zoning bylaw of the affected municipality. If a zoning bylaw amendment is required in order to implement the proposed development, an application for a zoning bylaw amendment may be filed concurrently with the subdivision/condominium application. Such rezoning will be processed by the affected local municipality at a point in the development process that is acceptable to both applicant and local municipality. Approval of a zoning bylaw amendment is the responsibility of the Township. However, the County may comment on an application for a zoning bylaw amendment.

1.3. RENTAL HOUSING AND THE CONDOMINIUM PROCESS

Conversion of rental housing to condominium tenure is governed by the *Planning Act* Section 51(25), by the *Condominium Act*, 1998 Sections 9(4) and 9(5), and by the *Tenant Protection Act*, 1997 Section 54. The process of condominium conversion is subject to the approval process of the *Planning Act*. Applications for a plan of condominium must be consistent with the corresponding requirements of the Provincial Policy Statement and all Official Plans. Persons considering converting rental units to condominium tenure should consult a solicitor before making any required applications to the affected municipality or the County.

If an applicant makes an application for approval in respect of a property that includes a building or related group of buildings containing one or more premises that is used as a rented residential premises or that has been used as a rented residential premises and is vacant, the County may, after consulting with the affected municipality, require the applicant to have a person who holds a certificate of authorization within the meaning of the *Professional Engineers Act* or a certificate of practice within the meaning of the *Architects Act* or other qualified person inspect the property and report to the County regarding all matters that the County considers to be of concern.

1.4. PROVINCIAL POLICY AND APPLICABLE REGULATIONS / GUIDELINES

The County will determine compliance of planning applications to the policy interests of the

Province as set out in Section 2 of the *Planning Act*, the relevant Policy Statements adopted under Section 3 of the *Planning Act* including the Provincial Policy Statement, 2014 and any implementation guidelines as they relate to the imposition and clearance of conditions required to protect these Provincial interests. These documents are available for review on the Ministry of Municipal Affairs and Housing website at www.mah.gov.on.ca.

Participation by the applicant in the pre-consultation process as outlined in this Guide will ensure that a discussion of relevant policy matters and identification of issues resulting from these various policies and guidelines are undertaken early in the development process. Any decision arising from a development proposal must be consistent with the Provincial Policy Statement, 2014.

1.5. PROPERTY BOUNDARY CERTIFICATION PROCESS

It is strongly recommended that the applicant be aware of Section 144 of the *Land Titles Act* and Section 78(10) of the *Registry Act*. Property boundary certification confirms the property limits of the land being considered for land development. Prior to a plan being granted final approval by the County, it must be satisfied that the certification process has been appropriately addressed. This is accomplished by certification (signature) of property boundaries on a plan of survey by an Ontario Land Surveyor (OLS). Where easements are to be established or where reserves along boundaries are required by the County, reference plans certified by an OLS will be required for registration of any plan of subdivision/condominium.

For most properties developed after 1992 within Lennox & Addington County, the *Land Titles Act* will prevail as the applicable legislation to certify boundaries of a property. Section 144(1) of the *Land Titles Act* requires that a plan of subdivision/condominium that is located in a land titles division be registered under the *Land Titles Act*.

Section 78(10) of the *Registry Act* requires that a plan of subdivision/condominium of land that is located only in a registry division cannot be registered under the *Registry Act* unless the title of the owner of the land has been certified under the *Certification of Titles Act*. Exceptions to this provision are set out in Section 78(10) (b) and (c). Since the confirmation of property boundaries can be costly and time-consuming, it is recommended that the applicant discuss this process with a solicitor and an Ontario Land Surveyor early in the land development process.

2. SUBMITTING AN APPLICATION

The information that must be provided by the applicant in the various documents that comprise the application package is prescribed in Schedule 1 to Ontario Regulation 544/06 made under the *Planning Act*. The requirements of Schedule 1 are attached to this guide as Appendix A.

It is the responsibility of the applicant to provide a complete application package. Where additional copies of the proposed draft plan or assessments or reports are subsequently requested by the County, the applicant will be responsible for supplying them.

2.1. APPLICATION PACKAGE

A complete application package comprises the following:

1. A completed, signed and commissioned application form
2. A planning report and a 1-page executive summary of the report
3. A proposed draft plan certified by an Ontario Land Surveyor
4. A serviceability/hydrogeological report
5. A preliminary storm water management report
6. Other assessments and reports as required pursuant to the pre-consultation process
7. Application fee and a cost recovery deposit as established by the County of Lennox & Addington Tariff of Fees.

The **application form** is available from the County and on its website (see Section 8.0 of this Guide for full contact information).

The application form must be completed with original signatures by the property owner or an authorized agent. Where application is being made by an agent, written authorization from the property owner for such agent must accompany the application.

The **executive summary** of the planning report shall provide a summary of the pertinent details of the proposed development and may be used for purposes of circulation to the various agencies and ministries.

The completed application form and the executive summary must be provided as unbound documents suitable for reproduction purposes (i.e. not as part of any bound planning report).

A **planning report** is intended to assist County staff in the review of the application in light of the policies and provisions of Section 51(24) of the *Planning Act*, the Provincial Policy Statement, and the Official Plans and Zoning Bylaw of the affected municipality. The report will provide a clear understanding of the proposal and will highlight any information specific to the proposal. It will place the development in context within its community and will examine the impact of the proposal on the surrounding community, services and institutions as well.

The report must be prepared by a qualified planner.

A detailed description of the requirements for a planning report is attached to this Guide as Appendix B.

The **proposed draft plan** must include the information required by Section 51(17) of the *Planning Act*. It must be completed based on a boundary survey certified (signed) by an Ontario Land Surveyor. The owner of the lands or the authorized agent must also sign the proposed draft plan.

The requirements for the proposed draft plan are included in the guide as Section 3.0 and in section 51(17) of the *Planning Act*.

A **serviceability/hydrogeological report and a preliminary storm water management report** must be included with the application. These reports must be completed by a qualified professional. The requirements for these reports are described in Appendix C to this Guide.

Other assessments and reports are required to support the review of the application. These may be identified through the pre-consultation process or as a result of comments received

from circulation of the application to various ministries and agencies.

All assessments and reports are required to be completed by a qualified professional. The preparation and cost of such studies are the responsibility of the applicant. The County may require a peer review of any assessments and reports. The cost of such peer review is the responsibility of the applicant and will be removed from the cost recovery deposit. The need for a peer review and the appointment of a peer reviewer are at the discretion of the County.

A detailed description of the requirements for various reports and assessments is attached to this Guide as Appendix C. Other assessments and reports not listed in Appendix C may be required by the County.

Fees are prescribed by a tariff of fees bylaw approved by the County, as amended from time to time. Fees are intended to cover some of the administrative costs of processing an application. A cost recovery deposit is prescribed by the bylaw. The cost recovery deposit is intended to cover the costs of any public meetings as required by the *Planning Act* or the County and to defray all external costs related to processing an application, including costs of peer reviews. The applicant should be familiar with the County tariff of fees that provides additional information regarding the cost recovery deposit.

The application fee and the cost recovery deposit can be paid through a single cheque made payable to the County of Lennox & Addington. An application package will not be considered until the required fees and the cost recovery deposit have been paid.

The County of Lennox & Addington tariff of fees is attached to this Guide as Appendix D.

3. PLANS OF SUBDIVISION

3.1. SUBMISSION OF MATERIALS

To assist in the circulation of the application, the proponent shall submit:

- a) 15 copies of the plan or sets of plans (minimum size 90 cm x 60 cm) - folded (approx. 30 cm x 20 cm) and drawn at a scale of not less than 1:750;
- b) 2 copies of the plan or sets of plans (minimum 21.5 cm x 28cm - must be legible when reproduced);
- c) 3 copies of the completed, signed and commissioned application form along with 6 copies of the executive summary, both to be submitted independent of any bound planning or other report;
- d) Supporting information reports - number of copies of each to be determined in consultation with County staff – a minimum of 6 bound copies will be required for most documents;
- e) 1 unbound copy of the information/reports, if applicable, submitted in a form suitable for reproduction purposes;
- f) Applicable fees as indicated made payable to the County of Lennox & Addington;
- g) List of all documents submitted including title, author, date; and
- h) A digital copy on a memory stick of all documents listed above including the application and plan.

3.2. INFORMATION REQUIRED ON THE PROPOSED DRAFT PLAN OF SUBDIVISION

The following list of information outlines the requirements for the draft plan of subdivision. In accordance with Section 51(17) of the *Planning Act*, the plan must be drawn to scale and show the following information.

3.2.1. BOUNDARIES

Show the boundaries of the land proposed to be subdivided, as certified by an Ontario Land Surveyor.

3.2.2. TITLE BLOCK

Include the following information in a title block:

- a) Name of municipality where subject lands are located b) lot and concession number of location of subject lands;
- b) Crown grant where the proposed plan of subdivision is located, if applicable;
- c) Any previously assigned file number, if the current proposal is a re-submission;
- d) The scale of the plan in metric and legibly shown;
- e) Date of preparation of the plan and dates of any revisions;
- f) Signature of an Ontario Land Surveyor certifying the boundaries of the land proposed to be subdivided; and
- g) A signature of the Owner(s) and, where the application is made by an agent, a signed statement of authorization (signature) by the Owner.

3.2.3. INTERNAL ROADS

Include the following information on the blocks established for internal roads:

- a) Location and widths of the proposed internal roads within the proposed subdivision and of nearby and abutting local roads and/or highways which the proposed subdivision abuts;
- b) Proposed internal roads labeled A, B etc. (request approval of street names in a separate letter to the municipality); and
- c) 0.3 metre reserves that may be required at road endings or along lot lines that are to be dedicated to the municipality to prevent access.

3.2.4. KEY MAP

Include the following information on a key plan on the right side of the draft plan at a scale of not less than 1 cm: 100 metres:

- a) All of the land adjacent to the proposed subdivision;
- b) All the adjacent land that is owned by the applicant or in which the applicant has an interest;
- c) All subdivisions adjacent to the proposed subdivision and the relationship of the boundaries of the land to be subdivided to those subdivisions; and
- d) All boundaries of the municipal lot or other original grant of which such land forms the whole or part.

3.2.5. ABUTTING LAND USES

Indicate the existing uses of all abutting lands.

3.2.6. BLOCK SIZE / USE TABLE

Show the following information in a table on the draft plan:

- a) Dimensions (area and frontage) and use of each block and
- b) The layout of the proposed lots, internal roads, storm water management facility locations, proposed parkland or other uses as numbered blocks

3.2.7. SITE FEATURES

Show the following information on the plan:

- a) All natural and artificial features such as buildings or other structures or installations, railways, highways, watercourses, drainage ditches, wetlands, water bodies and wooded areas which are within or adjacent to the land proposed to be subdivided;
- b) Watercourses, drainage patterns, swamps, flood limits, wooded areas, high water mark, the defined top of bank; and
- c) The nature and porosity of the soil.

3.2.8. WATER SUPPLY

Indicate the availability and nature of domestic water supplies (i.e. private or communal wells or municipal water supply) to demonstrate the following:

- a) If municipal water is proposed, provide the diameter of the water main and the location of the main in relation to the subject lands and
- b) Where private or communal water supply systems are proposed, a hydrogeological report as described in Appendix C shall be submitted.

3.2.9. CONTOURS / DRAINAGE / STORM WATER MANAGEMENT

Show the following drainage-related information:

- a) All existing contours or elevations as may be required to determine the grade of all roads and
- b) The drainage of the land proposed to be subdivided.

3.2.10. SEWAGE DISPOSAL

Show the following information:

- a) Diameter of the sewer main and its location in relation to the subject lands if the proposal anticipates the connection to and the use of a municipal sewage treatment system and

- b) The location of a leaching bed and second (contingency) bed area for each lot where private sewage systems (septic tanks or communal systems) are proposed.

3.2.11. EASEMENTS, RIGHTS-OF-WAYS AND RESTRICTIVE CONVENANTS

Show and describe the nature, purpose, location and extent of any restrictions affecting the land proposed to be subdivided including:

- a) Rights-of-way;
- b) Restrictive covenants; and
- c) Easements.

This information should be provided in the planning report as well.

3.2.12. MUNICIPAL SERVICES

Indicate the municipal services available or to be available to the land proposed to be subdivided.

4. PLAN OF CONDOMINIUM

4.1. APPROVAL OF A CONDOMINIUM DESCRIPTION (PLAN)

An application for approval of a condominium description is to be accompanied by a plan that provides the applicable information required by section 51(17) of the *Planning Act* and as set out in section 3.0 of this Guide. The plan should also show details such as the location of the building, the number of storeys, surface and underground parking, and access points.

4.2. APPROVAL OF AN AMENDMENT TO A CONDOMINIUM DESCRIPTION

Pursuant to Section 9(3) of the *Condominium Act*, the County must approve a condominium description and/or an application for an amendment to a condominium description.

Registration

(3) *A description or an amendment to a description shall not be registered unless,*

(a) the approval authority has approved it; or

(b) the approval authority has exempted it from those provisions of sections 51 and 51.1 of the Planning Act that would normally apply to it under subsection (2) and it is accompanied by a certificate of exemption issued by the approval authority. 1998, c. 19, s. 9 (3).

Application for an amendment to a description shall be made to the County in a letter giving details regarding location of the subject lands, owner and applicant with full contact information, a copy of the amended condominium description (plan), a boundary survey of the subject lands, and appropriate fees as established in the tariff of fees.

4.3. APPROVAL OF AN EXEMPTION TO FULL APPROVAL PROCESS FOR A CONDOMINIUM DESCRIPTION

Pursuant to Section 9(6) of the *Condominium Act*, an application for exemption of description ('condo exemption') may be made to the County.

Application for exemption

- (6) *Before making an application under section 51(16) of the Planning Act, the owner of a property or a person authorized in writing by the owner of the property may apply to the approval authority to have the description or any part of the description exempted from those provisions of sections 51 and 51.1 of the Planning Act that would normally apply to it under subsection (2). 1998, c. 19, s. 9(6).*

The County may exempt a description or any part of it from the full approval process as set out in Section 51 and 51.1 of the *Planning Act*, where deemed appropriate. For example, a condominium description may be exempted from the requirement to hold a public meeting, if such meeting has been held as part of another planning application and the County is satisfied that sufficient public input was received at that meeting. A condominium description is not exempt from completing technical requirements for development such as a serviceability/hydrogeological report or storm water management report.

Normally, a request for exemption from the full process may be granted as long as the existing Official Plan(s) and Zoning Bylaw provisions permit the development and as long as servicing can be dealt with through the site plan review process (Section 41 of the *Planning Act*) and implementing agreements.

Application for condominium exemption shall be made to the County in a letter giving details regarding location of the subject lands, owner and applicant with full contact information, a copy of the plan of subdivision (if applicable) in which a block requested for exemption is located, a boundary survey of the subject lands, a site plan (if located on a block in a plan of subdivision), information that supports the request for approval including a copy of any draft conditions (if located on a block within a plan of subdivision) or registered plan number, and appropriate fees as established in the County's tariff of fees.

5. PROCEDURE AFTER SUBMISSION

5.1. CIRCULATION

Upon receipt of an application package, County staff will review the application to determine if all required items have been submitted. If required items have not been submitted, the County will inform the applicant and may return the package to the applicant.

If the application package is deemed to be complete, the application and proposed draft plan will be circulated to appropriate agencies and ministries for comment. Commenting bodies are normally given 30 days by the County to provide feedback.

Once comments from circulation have been received, County staff will request a public

meeting date. A statutory public meeting as required under the *Planning Act* Section 51(20) (b) will be scheduled by the County.

5.2. PUBLIC NOTICE AND PUBLIC MEETING

Owners of property within 120 metres of all boundaries of the subject lands will be notified of the date and time of the public meeting at least fourteen (14) days prior to the meeting. A notice will be placed in a local newspaper(s) with general circulation in the area of the subject lands. Costs to place the notice will be removed from the cost recovery deposit.

The County will make every effort to hold the public meeting at the municipal office having jurisdiction over the subject lands. The County will hear the application and a decision will be made regarding approval or denial at a subsequent meeting of Council.

County staff will prepare a report summarizing the comments from the circulation of the application. The report is provided for the public meeting and is a public document once County members have received it.

The applicant (agent) will be provided the opportunity to speak at the public meeting to offer explanatory material and answer questions from the County regarding the application. It is recommended that the applicant (agent) and any technical support such as the consulting hydrogeological engineer attend the public meeting in the event that there are issues that require clarification.

Members of the public in attendance will also be given the opportunity to ask questions, raise concerns or express opinions regarding the application. Written submissions from the public and government agencies will also be received prior to the meeting and read aloud at the meeting.

5.3. RENDERING A DECISION

The County has been delegated the authority to decide on the appropriateness of a subdivision/condominium application. There are three possible courses of action. These are:

- a) Defer the application, pending the receipt of outstanding information; or
- b) Grant draft plan approval of the application; or
- c) Deny the application.

A decision cannot be made at the public meeting, as the purpose of the public meeting is to receive input and information. The County will render a decision based upon the conformity of the proposal with the Official Plans, the Provincial Policy Statement and the implementing guidelines, public and government authority input, and consideration of matters identified in Section 51(24) of the *Planning Act*.

5.4. DRAFT APPROVAL

If the application is approved, it is granted draft plan approval. The approval of any application is typically subject to conditions (draft conditions) related to the development of the land. These conditions may be revised at any time by the County, subject to appeal by the applicant.

Draft conditions normally require the completion of engineering design matters, the posting of securities and the execution of agreements. Normally the major agreement with the affected municipality will be a subdivision agreement, which will provide detail regarding completion of requirements such as road construction and the value of securities to be posted with the municipality. The affected municipality, approval authority, agency, government ministry or authority may all request the imposition of various draft conditions.

One of the notes to draft approval is called a lapsing clause. It provides a timeframe within which all conditions must be fulfilled. Draft approval will lapse if all conditions are not cleared within this period of time. The lapsing period is three years from the date of draft plan approval. If an applicant is not able to clear all conditions within the lapsing period, a written request may be made to the County to grant an extension of the lapsing date. The County will consult with the affected municipality to determine its support for the extension before granting such a request. An extension may be granted for a time period not exceeding three years. An extension may also be denied, particularly if the applicant has not been making progress towards clearing conditions. It is the responsibility of the applicant to ensure that a request for extension of the lapsing period is received by the County at least three months before the lapsing date. Should the draft approval lapse, a new application for draft approval will be required.

The applicant or any public body has the right to appeal any or all conditions of development to the Ontario Municipal Board at any time prior to the granting of final approval if he/she believes that the terms are not fair or relative to the scale and form of the proposed development.

5.5. Notification of Decision

A Notice of Decision of draft approval must be provided to the applicant, to each person or public authority that made written submissions or requested a Notice of Decision, and to the affected municipality or any other individual or public body as prescribed by regulations to the *Planning Act*. Any person or public body may appeal the decision of the County to the Ontario Municipal Board not later than twenty (20) days after the Notice of Decision is issued.

5.6. CLEARING CONDITIONS

The draft conditions will provide direction as to what agencies and ministries must provide sign-off or clearance of various conditions. It is the responsibility of the applicant to provide sign-off or clearance letters as required by the draft conditions. Once the County has received all such letters, final approval may be granted.

Depending on the nature of the work to be carried out or on the priorities of the applicant, considerable time may pass between draft plan approval and final approval.

During this time, there may be requests from agencies, the affected municipality or the applicant to modify the draft conditions. If the requested modifications are deemed by the

County to be other than minor in nature, then notice of the amended draft conditions must be circulated to all interested parties.

The process of amending the draft conditions is often called 'red-lining'. Should an applicant wish to amend (red-line) a draft-approved plan and/or conditions, application should be made in a letter to the County explaining the requested amendments along with documentation to support such a request.

An additional public meeting(s) may be required at the discretion of the County at any time prior to final approval.

It should be noted that the County has the right under the *Planning Act* Section 51(44) to withdraw draft approval or amend draft conditions at any time prior to final registration, subject to appeal by the applicant to the Ontario Municipal Board under Section 51 (48) of the *Planning Act*.

Amended conditions are subject to an appeal period to the Ontario Municipal Board under Section 51(48) of the *Planning Act*.

6. FINAL APPROVAL

When all conditions of draft plan approval have been signed-off or cleared, the County is in a position to grant final approval of the plan of subdivision/condominium. Upon request from the applicant to the Clerk of the County, staff will provide a memo for presentation to the Registry Office. There is a fee for final registration that is listed in the County Tariff of Fees as attached to this Guide as Appendix D.

The applicant should check with the local Registry Office to determine the number of copies required for signature by County and for deposit at the Registry Office. The applicant will be responsible for the registration of the Plan with the local Registry Office and any associated fees. The plan must be registered within 30 days of final approval or the County may withdraw its approval.

7. APPEALS TO THE ONTARIO MUNICIPAL BOARD

Applicants and the public are advised that Section 51(39) of the *Planning Act* contains provisions permitting the right of appeal of decisions to the Ontario Municipal Board regarding plans of subdivision/condominium. Such appeals must be filed directly with the County. For more information on the rights of appeal, contact the County office.

8. ASSISTANCE

If assistance is required to attain a better understanding of information related to the subdivision/condominium process, please contact the County.

Telephone:(613) 354-4883 ext 3234
Facsimile: (613) 354-3112
E-mail: spaul@lennox-addington.on.ca

County of Lennox & Addington
97 Thomas Street East
Napanee ON K7R 4B9

9. FEES

Fees are charged by the County for various applications. These are outlined in the Tariff of Fees attached to this Guide as Appendix D.

Appendix A

Schedule 1 - Information and Material to be provided with an Application under Section 51 (17) of the *Planning Act*

1. The name, address, telephone number and, if applicable, the e-mail address of the owner of the subject land, and of the agent if the applicant is the owner's authorized agent.
2. The date of the application.
3. A description of the subject land, including such information as the municipality, or the geographic township in unorganized territory, concession and lot numbers, reference plan and part numbers, and street names and numbers.
4. Whether there are any easements or restrictive covenants affecting the subject land.
5. If the answer to section 4 is yes, a description of each easement or covenant and its effect.
6. If known,
 - a. whether the subject land was ever the subject of an application for approval of a plan of subdivision under section 51 of the Act, for a consent under section 53 of the Act, for a minor variance, for approval of a site plan, or for an amendment to an official plan, a zoning by-law or a Minister's zoning order; and
 - b. if the answer to clause (a) is yes, the file number and status of the application.
7. The total number of lots or blocks shown on the draft plan, and the number of lots or blocks shown on the draft plan for each of the following uses:
 1. Detached residential.
 2. Semi-detached residential.
 3. Multiple attached residential.
 4. Apartment residential.
 5. Seasonal residential.
 6. Mobile home.
 7. Other residential.
 8. Commercial.
 9. Industrial.
 10. Institutional.
 11. Park or open space.
 12. Roads.
 13. Other.
8. The total number of units or dwellings shown on the draft plan, and the number of units or dwellings shown on the draft plan for each of the uses listed in section 7, except the uses described in paragraphs 11 and 12 of that section.
9. In hectares, the total area of land shown on the draft plan, and the area of land shown on the draft plan for each of the uses listed in section 7.
10. The total number of units or dwellings shown on the draft plan per hectare, and the number of units or dwellings shown on the draft plan per hectare for each of the uses listed in section 7, except the uses described in paragraphs 11 and 12 of that section.
11. The total number of parking spaces shown on the draft plan, and the number of parking spaces shown on the draft plan for each of the uses listed in section 7, except the uses described in paragraphs 1, 2, 11 and 12 of that section.
12. If the application is for approval of a condominium description, the number of parking

- spaces shown on the draft plan for detached and semi-detached residential use.
13. If one of the uses referred to under section 7, 8, 9, 10 or 11 is identified as “other residential”, “institutional” or “other”, a description of the use.
 14. The current designation of the subject land in the applicable official plan.
 15. Whether access to the subject land will be:
 - a. by a provincial highway, a municipal road that is maintained all year or seasonally, another public road or a right of way; or
 - b. by water.
 16. If access to the subject land will be by water only, the parking and docking facilities to be used and the approximate distance of these facilities from the subject land and the nearest public road.
 17. Whether water will be provided to the subject land by a publicly owned and operated piped water system, a privately owned and operated individual or communal well, a lake or other water body or other means.
 18. If the plan would permit development of more than five lots or units on privately owned and operated individual or communal wells,
 - a. a servicing options report; and
 - b. a hydrogeological report.
 19. Whether sewage disposal will be provided to the subject land by a publicly owned and operated sanitary sewage system, a privately owned and operated individual or communal septic system or other means.
 20. If the plan would permit development of five or more lots or units on privately owned and operated individual or communal septic systems,
 - a. a servicing options report; and
 - b. a hydrogeological report.
 21. If the plan would permit development of fewer than five lots or units on privately owned and operated individual or communal septic systems, and more than 4500 litres of effluent would be produced per day as a result of the development being completed,
 - a. a servicing options report; and
 - b. a hydrogeological report.
 22. If the plan would permit development of fewer than five lots or units on privately owned and operated individual or communal septic systems, and 4500 litres of effluent or less would be produced per day as a result of the development being completed, a hydrogeological report.
 23. Whether the subject land contains any areas of archaeological potential.
 24. If the plan would permit development on land that contains known archaeological resources or areas of archaeological potential,
 - a. an archaeological assessment prepared by a person who holds a licence that is effective with respect to the subject land, issued under Part VI (Conservation of Resources of Archaeological Value) of the *Ontario Heritage Act*; and
 - b. a conservation plan for any archaeological resources identified in the assessment.
 25. Whether storm drainage will be provided by sewers, ditches, swales or other means.
 26. If the application is for approval of a condominium description,
 - a. whether a site plan for the proposed condominium has been approved and whether a site plan agreement has been entered into;
 - b. whether a building permit for the proposed condominium has been issued;
 - c. whether the proposed condominium is under construction or has been completed;

- d. if construction has been completed, the date of completion; and
 - e. whether the proposed condominium is a conversion of a building containing residential rental units, and in that case the number of units to be converted.
27. Whether the plan is consistent with policy statements issued under subsection 3 (1) of the Act.
 28. Whether the subject land is within an area of land designated under any provincial plan or plans.
 29. If the answer to section 28 is yes, whether the plan conforms to or does not conflict with the applicable provincial plan or plans.
 30. If the applicant is not the owner of the subject land, the owner's written authorization to the applicant to make the application.
 31. An affidavit or sworn declaration by the applicant that the information required under this Schedule and provided by the applicant is accurate.

Appendix B

Guidelines for Preparing and Submitting a Planning Report

A planning report is required in all application packages for approval of a plan of subdivision/plan of condominium. An application will not be considered until a planning report has been submitted which addresses all items described in this Guide.

1. Rationale

- a) The *Planning Act* requires that all planning decisions meet the requirements of the *Planning Act* and be consistent with policies issued under the *Planning Act*. A planning report is intended to assist planning staff in its review of an application in accordance with the policies and provisions of Section 51(24) of the *Planning Act*, the Provincial Policy Statement, and the Official Plans of the County and local municipality and the Zoning Bylaw of the local municipality. Planning staff will evaluate the development based on good planning and engineering principles.
- b) A planning report is not intended to be a business case or a personal analysis for the proposed development.
- c) A planning report must be prepared by a qualified planner. A list of Registered Professional Planners may be found on the website of the Ontario Professional Planning Institute (OPPI) at www.ontarioplanners.on.ca.

2. Contents

- a) Provide an overview of the proposal and describe how it is appropriate for the site and how it will function well to meet the needs of intended future users.
- b) Indicate whether other planning approvals are required and what applications have been/will be filed with the affected local municipality (e.g. zoning bylaw amendment).
- c) Provide a physical description of the site including current and previous land use(s) on and surrounding the site. Include site features or attributes (e.g. natural heritage features, nature and location of easements/rights-of-way etc.).
- d) Describe how the proposal is consistent with the Provincial Policy Statement, 2014 and other matters of Provincial interest (Section 2 of the *Planning Act*), and other pertinent Provincial legislation and policies (documents are available on Ministry of Municipal Affairs and Housing website at www.mah.gov.on.ca).
- e) Describe how the proposal conforms to the purpose, intent and goals of the any applicable Official Plan(s) and applicable municipal studies (e.g. master drainage plan).
- f) Provide a list of assessments and reports that were completed previously and that are being submitted in support of the application. Provide a summary of the contents and conclusions of each and planned follow-up, if any.
- g) Provide a detailed analysis of any perceived constraints to development.
- h) Provide an analysis of the compatibility of the proposed development with the existing adjacent development and land use designations.
- i) Describe the impact of the proposal on municipal services (e.g. sewage collection and treatment systems, water distribution and treatment systems, utilities, roads, schools, parks and open spaces).
- j) Provide a map of the location of the lands subject to the application and place this location in an area context.

Appendix C

Requirements for Reports and Assessments for All Applications for Draft Approval of Plans of Subdivision and Condominium

These requirements apply both to applications for red-lined draft approval and to applications for initial draft approval. All assessments, reports and plans must be prepared by qualified professionals. If sufficient information is not provided, the item will be returned to the applicant for revision.

The need for reports and assessments will be identified at the pre-consultation stage of development to the extent possible at that time. In some cases, the need for some assessments and reports may not be evident until comments are received from circulation of an application to ministries and agencies or until additional processing of an application begins. Applicants will be notified at the earliest possible time of the need for further assessments or reports.

All documents may be peer-reviewed by a qualified professional at cost to the applicant. The peer reviewer is determined by the County.

1. Planning Report

This is required for all applications. See Appendix B to this Guide for more details.

2. Serviceability/Hydrogeological Report

Either a serviceability (servicing options) or a hydrogeological report is required for all applications.

For applications for development sites that are located on full municipal services, a serviceability report will be submitted to assess the capability of the water and sanitary systems to support the proposed development. It will outline proposed connections to existing municipal infrastructure and address the availability of capacity in the municipal system to accommodate the servicing needs of the proposed development.

For applications for development sites that are located where full municipal services are not available, a hydrogeology report will be submitted to assess the capability of the site (soils etc.) to support proposed development on the basis of private services. Such report will be required in support of the application in order to verify the availability of potable water necessary for the proposed use. The report will review the cumulative impact of development on the groundwater with respect to the supply of water to the proposed development and also the existing development.

Where the cumulative impact of development is in question, extensions of existing groupings of uses shall be required to substantiate the capacity of the soils to assimilate waste without impairing the groundwater which may simultaneously be expected to provide a water supply to the proposed development and existing development on a sustainable basis.

This report will be peer-reviewed by a qualified professional of the County's choosing and costs shall be paid by the applicant from the cost recovery deposit.

3. Storm Water Management (SWM) Report

A storm water management report will be required for all applications, unless specifically waived by the conservation authority. A preliminary report shall be submitted at the time of application. A final report will normally be required as a condition of draft approval. All storm water runoff must be controlled to the specified run-off rate required by the conservation authority. This report will be peer-reviewed by the appropriate conservation authority. There is no charge for such review.

4. Traffic/Transportation Impact Report

A traffic/transportation impact report will be required for all development bordering County roads, unless specifically waived by the County. The affected municipality may also require a traffic impact report. A traffic impact/transportation report will provide an assessment of the adequacy of existing or future transportation systems to accommodate additional traffic generated by the proposed development. It will recommend any improvements required to the roadway system in order to maintain a satisfactory level of service.

5. Tree Inventory and Preservation Report

A tree inventory and preservation report will be required for all properties containing woodlots, tree stands or hedgerows. It must identify and provide a surveyed location for all existing trees, their type, size and condition, those trees proposed to be removed and retained, and methods to be used to maximize tree preservation. Replacement trees may be required by the County in compensation for trees that must be removed due to condition or that may be removed to accommodate development. The inventory and study must be prepared by a qualified arborist certified by the International Society of Arboriculture (ISA). A list of qualified arborists may be found at the website of the ISA at www.isa-arbor.com.

6. Environmental Impact Report

An environmental impact report will be required which will identify the presence and/or habitat of threatened or endangered species, significant wetlands, significant woodlands, significant valley lands, wildlife habitat, significant areas of natural and scientific interest, and significant and non-significant coastal wetlands within and adjacent to the proposed development lands. The County may also require such a report based on knowledge of the site and/or perceived impact of development. It must include a description of the natural environment that will be affected by the proposed development, an assessment of the expected impacts on the environment, a list of assumptions used in the assessment, and recommendations regarding the actions necessary to prevent, mitigate or remedy the effects on the environment.

7. Geo-technical Report

A geo-technical report will be required where there are steep slopes on the development site. It may also be required to provide recommendations for the design and construction of the site including roads. A geo-technical report will evaluate and confirm soil types and subsurface conditions including groundwater levels, depth of refusal, and soil-bearing capacity.

8. Noise and/or Vibration Report

A noise and/or vibration report will be required where a sensitive land use (residential) is to occur in close proximity to a rail corridor or highway/major road or where a noise source (commercial or industrial use) is proposed adjacent to an existing sensitive land use. The report will demonstrate compliance with Ministry of the Environment and Climate Change Guidelines or how these can be achieved.

9. Phase I Environmental Site Assessment

A phase I environmental site assessment (Phase I ESA) and report is generally required for all areas of the subdivided lands intended for residential occupancy or conveyance as park land, roadway or storm water management infrastructure. The Phase I ESA will provide assurances that the environmental quality of the soils and groundwater within the lands intended for development are compatible with the intended land use as described in Ontario Regulation 153/04, as amended. The Phase I ESA will be carried out in accordance with the regulation and shall be up-to-date.

10. Phase II Environmental Site Assessment/Record of Site Condition

A phase II assessment and report are required where a phase I assessment identifies the need for further investigation. Site remediation plans or other follow-up assessments may also be required.

11. Archaeological Assessment/Report

A Stage I archaeological assessment and report will be required based on County determination of archaeological potential according to a review of the Ministry of Tourism, Culture, and Sport Checklist to Determine Archaeological Potential. A Stage I assessment completed by an archaeologist licensed in Ontario will be required if the site is deemed to have archaeological potential. Should the Stage I assessment indicate the need for further assessment, a Stage II assessment and report will be required. This may determine the need for further assessment and completion of Stage III and IV reports. Any archaeological report at any stage requires that the Ministry provide a clearance letter regarding the report, thereby permitting development of the site to proceed.

12. Heritage Impact Report

A heritage impact report is required for development on or adjacent to protected heritage

property. A register of protected heritage property is kept by each municipality. The report will assess the heritage attributes of the protected heritage property, demonstrate how its heritage attributes will be conserved and what mitigating measures or alternative development approaches may be required to protect the resource. The report must be completed by a member of the Canadian Association of Heritage Professionals. A list of members may be found at www.caphc.ca .

APPENDIX D
County of Lennox & Addington

Tariff of Fees Authorized by By-law 2016-XX

LAND USE PLANNING	Proposed Fee
Subdivision/Condominium	
Processing of an application for subdivision or condominium	
a) Up to 20 developable lots/blocks/units	a) \$2,000.00
b) 21 to 50 developable lots/blocks/units	b) \$3,000.00
c) More than 50 developable lots/blocks/units	c) \$4,000.00
Exemption for plan of condominium (regardless of number of units/blocks)	\$1,000.00
Plan Revision – major (re-circulation required)	\$1,250.00
Plan Revision – minor (re-circulation not required)	\$500.00
Extension of Draft Approval	\$500.00
Final Plan Approval	\$300.00
Refundable Deposit	\$2,500.00
Amendment to the County Official Plan	
Processing of a private application to amend the County Official Plan	\$1,000.00
Processing of an application to amend the County Official Plan initiated by Greater Napanee, Loyalist, Addington Highlands, or Stone Mills.	\$0.00
Refundable Deposit	\$500.00