

COUNTY OF HURON SUBDIVISION AND CONDOMINIUM APPROVAL PROCEDURES AN APPLICANT'S GUIDE

Introduction

This document will provide the applicant with information on the Plan of Subdivision/ Condominium approval process in the County of Huron. It is intended to provide an overview of the steps required to make and obtain a decision on an application.

Subdivisions

When you divide a piece of land into two or more parcels in order to sell one or more, you are subdividing property, and the provisions of the Planning Act come into play.

To subdivide land you need approval of a plan of subdivision from Council of the County of Huron.

Subdivision approval ensures that:

- the land is suitable for its proposed new use;
- the proposal conforms to the local official plan and provincial legislation; and
- communities are protected from developments which are inappropriate or may put undue strain on community facilities, services or finances.

A plan of subdivision is generally required where an applicant wants to create three or more lots.

A registered plan of subdivision creates new, separate parcels of land and can be legally used for the sale of lots.

Condominiums

A condominium plan is like a plan of subdivision in that it is a way of dividing property. Similarly, condominiums must be approved by Council of the County of Huron.

Condominiums are a form of property ownership in which title to a unit is held by an individual together with a share of the rest of the property, which is common to all owners.

Under Section 50(3) of the Condominium Act, an application for approval of a Condominium Description is to follow the same planning approval process as subdivisions.

PLAN OF SUBDIVISION/CONDOMINIUM PROCESS IN HURON COUNTY

1. Before Applying / Pre-consultation

A pre-consultation meeting with the applicant, municipal staff, county planning staff and affected agencies is required prior to the submission of an application. This meeting is of significant benefit, since this meeting will establish the information and material that is required by the County and affected municipality in order to process the plan of subdivision or condominium application. This meeting can be used to review a concept plan and outline any studies (i.e. traffic impact study, stormwater management report, etc.) that will be required to be submitted with the application. Required studies must be completed prior to making formal application.

All applications are reviewed against the Planning Act, the Provincial Policy Statement, the County Official Plan and Municipal Official Plan. In some cases, the applicant may require an Official Plan Amendment and a Zoning By-law Amendment. These applications may be submitted and processed concurrently with a plan of subdivision/condominium application. Decisions on concurrent applications will be made at an appropriate time in the plan of subdivision process.

2. The Application

The application form, proposed draft plan and any required background studies are to be submitted to the County of Huron Planning & Development Department.

The applicant is solely responsible for the accuracy of all information provided pursuant to these guidelines.

The application must be accompanied by the application fee set by County Council.

Draft Plan Requirements

For circulation purposes:

- the application shall include 5 copies of the plan or sets of plans;
- 5 copies of the plan or set of plans reduced to an 8.5"x11" format of a quality suitable for further reproduction.
- Electronic copy of the plans

In accordance with Section 51(17) of the Planning Act the plan must be drawn to scale and show the following:

Title

The following items shall be included in the title block:

- the municipality name, lot and concession number;
- scale of the plan indicated in metric;
- date plan was prepared. If the plan has been revised and resubmitted, the original date and dates of any revisions must also be shown;
- certification of boundaries of land proposed to be subdivided by Ontario Land Surveyor;

Streets

- location, widths and names of streets within the development and existing streets/highways on which the development abuts

Key Map

- on a small key plan (scale not less than 1cm:100m) show all of land surrounding the development and indicate existing uses of adjoining lands

Proposed Land Use and Density

- indicate purpose for which the proposed lots are to be used, the number of lots and density of development

Lot Size

- show approximate dimensions and layout development

Site Features

- natural and artificial features such as buildings, railways, highways, watercourses, drainage ditches, wetlands and wooded areas, significant natural areas, ANSIs, floodplains, swamps, defined top of bank which are within or adjacent to the land proposed to be developed

Water Supply

- indicate the availability and nature of domestic water supplies, ie., private or communal wells or municipal water supply

Soils

- nature and porosity of the soil

Contours

- existing contours or elevations as may be required to determine grade of roads and drainage of land proposed to be developed

Municipal Services

- indicate if municipal services (water & sewer) are available to the land proposed for development

Stormwater Management

- the way surface water is to be directed, collected and managed on-site must be determined

Easements, Rights-of-way and Restrictive Covenants

- nature, location and extent of any restrictions affecting land proposed to be developed

Buildings and Parking

- show location of buildings, number of storeys
- show surface parking and access points

Completeness of Application

Within 30 days of receiving the application and fee, the County shall notify the applicant and the clerk of the municipality in which the land is located that all required information has been received or has not been received, as the case may be.

3. Circulation of Application

Following official receipt of a complete application, the County will circulate the application and plans to the affected local municipalities, agencies, Ministries and authorities in order to obtain comments.

The following is a list of agencies that would generally be given an opportunity to comment on the proposed plan.

- Local School Boards
- Ministry of Municipal Affairs
- Local Conservation Authorities
- Huron County Health Unit
- Ministry of Agriculture and Food
- Ministry of Natural Resources
- Ministry of Citizenship, Culture and Recreation
- Ministry of the Environment
- Ministry of Transportation
- Telecommunication Suppliers
- Union Gas
- Cable TV Suppliers
- Other agencies, e.g. Ontario Hydro, Municipal Utilities, Railways, Pipeline companies, etc. as required or appropriate.

4. Public Notice and Meeting

Notice of the application will be circulated to land owners within 120 metres of the land proposed to be developed. Notice of application for approval will be circulated in accordance with the Planning Act.

The Planning Act requires that a public meeting be held prior to an approval authority making a decision on an application.

A public meeting will be held at the local municipality. It is strongly recommended that the applicant or agent attend this public meeting in the event there are questions that require clarification.

Planning staff will review comments and concerns from the public, as well as reviewing agency comments and requests for conditions. The planner, in consultation with the Municipality and agencies, will recommend conditions to draft plan approval. The planner will prepare a report to the Municipality recommending Municipal Council pass a resolution of support for either approval or refusal of the application and appropriate conditions.

The Municipal Clerk will forward this resolution and other materials on to the County of Huron Planning & Development Department.

5. Draft Plan Approval

Council of the County of Huron is the approval authority for draft plans of subdivision and condominium descriptions.

Following the local public meeting, the materials related to the public meeting are forwarded to the County of Huron. A planner presents the application to a committee of Council and provides a report which lists the recommended conditions and a recommendation as to whether the application should be granted or denied draft approval.

Matters to be Considered by the Approval Authority

Under Section 51(24) of the Planning Act, in considering a draft plan of subdivision an approval authority shall have regard, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to:

- a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2 of the Planning Act;
- b) whether the proposed subdivision is premature or in the public interest;
- c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- d) the suitability of the land for the purposes for which it is to be subdivided;
- e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;
- f) the dimensions and shapes of the proposed lots;
- g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
- h) conservation of natural resources and flood control;

- i) the adequacy of utilities and municipal services;
- j) the adequacy of school sites;
- k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;
- l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and
- m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of the Planning Act.

Notice of Decision

The County of Huron will send out a notice of decision of draft approval to the applicant, the municipality, agencies and anyone requesting notice of the decision within 15 days of the decision of County Council.

Right to Appeal

Any person or public body may, not later than 20 days after the notice of decision is given, appeal the decision of the Approval Authority to the Local Planning Appeal Tribunal.

6. Process to Obtain Final Approval

Following draft plan approval, the process of clearing conditions begins.

Draft Approval Meeting

After obtaining draft approval, the applicant will meet with Municipal staff and the County planner to review draft conditions and discuss the process to clear conditions. It is the responsibility of the applicant to request this meeting.

Clearing Conditions

Among the conditions is usually the requirement that the applicant (owner of the lands) enter into an agreement with the local municipality regarding matters such as the construction of roads, servicing and parkland dedication. Applicants may be required to provide a letter of credit in order for the local municipality to ensure that all of the conditions are fulfilled.

For each condition that is attached to draft plan approval, the notice of decision describes which agency is responsible for clearing the condition. A clearance agency may be the Municipality, the Conservation Authority or utility companies. The applicant is encouraged to work cooperatively with each clearance agency in order to fulfill the conditions of draft approval. The applicant must obtain letters clearing the conditions from the applicable agencies.

Changing Conditions and Lapsing

Depending on the work that must be carried out in clearing the conditions, considerable time may lapse between draft approval and final approval. During this time, there may be requests to change the conditions of draft approval. If the changes are considered minor by the approval authority, then no notification is required. If major changes to conditions are required, the approval authority shall give written notice. Such changed conditions are subject to appeal to the Local Planning Appeal Tribunal.

If the conditions of draft plan approval are not fulfilled within 3 years, draft plan approval can lapse.

Responsibility

The responsibility for fulfilling the conditions of draft approval rests solely with the applicant, as does the timing involved.

7. Application for Final Approval

When conditions of draft approval have been met the applicant must forward the following information to the County of Huron Planning & Development Department:

- Submit an application to obtain final or phased approval for the plan of subdivision and condominium.
- Copies of all clearance letters received from clearance agencies.
- Final M-plan must be accompanied by a surveyor's certificate setting out the frontages and areas for all of the lots and blocks on the plan.
- Final plan of subdivision stamp or condominium description stamp must be on the appropriate sheets. Please have your surveyor contact the Planning Department for the appropriate wording for the stamp.

If the M-plan submitted to the Planning Department for Final Approval does not match the draft plan approval drawing, final approval will not be granted by the County of Huron. An application for a minor or major revision to the draft plan of subdivision will be required.

The draft M-plan or condominium plan of survey must be reviewed by the Land Registry Office for technical clearance prior to final submission to the County of Huron Planning & Development Department. Failure to obtain technical clearance may delay the registration of the plan/description.

Timing to Obtain Final Approval

If the application for final approval is complete, the County of Huron Planning & Development Department requires a minimum of 2 weeks to process the application and obtain signatures from the approval authority.

Registration of Plan of Subdivision or Condominium Description

Following obtaining final approval, copies of the plan of subdivision and condominium plan of survey will be returned to the applicant or agent. The registration of the plan will be carried out by the applicant and registration fees will also be the responsibility of the applicant.

Please note that some of these procedures (such as Certification of Titles) can be time consuming. Legal and survey advice, along with consultation with Land Registry staff is strongly recommended.

8. Following Registration – Fulfillment of the Municipal Subdivision/Condominium Agreement

The applicant must fulfill all the requirements and obligations of the agreement that was signed with the Municipality. The development agreement will spell out the timing, payment and responsibility for installation of services and infrastructure.

After the plan has been registered, the applicant can legally start to sell lots or units. Before a building permit will be issued, the applicant must provide documentation to the Chief Building Official that the plan has been registered at the Land Registry office.

9. Assistance

If you have questions at any time throughout the application process or if you need to speak to County staff about your application, please contact the County of Huron Planning & Development Department:

Phone: 519-524-8394 x3
Fax: 519-524-5677

Correspondence should be addressed to:

County of Huron Planning & Development Department
57 Napier Street, 2nd Floor
Goderich, ON, N7A 1W2

10. Summary

This table outlines the basic framework of the approval process. This table should be read in conjunction with County of Huron Subdivision and Condominium Approval Procedures - An Applicant's Guide

Steps	Phase	Description of Phase	Primary Contact During this Phase
1	Pre-consultation	<ul style="list-style-type: none"> A pre-consultation meeting with the applicant, municipal staff, county planning staff and affected agencies is required prior to the submission of an application. Concept plan can be review and required studies will be identified. 	County of Huron Planning & Development Department, Municipality
2	Application	<ul style="list-style-type: none"> The application form, proposed draft plan and any required background studies are to be submitted to the County of Huron Planning & Development Department. If the application is incomplete, it will be returned to the applicant for completion, correction or clarification prior to processing. Payment of application fee required. 	County of Huron Planning & Development Department
3	Circulation	<ul style="list-style-type: none"> Following receipt of a complete application, the County will circulate the application and plans to the affected local municipalities, agencies, Ministries and authorities in order to obtain comments. 	County of Huron Planning & Development Department
4	Public notice and meeting	<ul style="list-style-type: none"> Notice of application for approval will be circulated in accordance with the Planning Act. A public meeting will be held at the local municipality. 	County of Huron Planning & Development Department and Municipality
5	Draft Approval	<ul style="list-style-type: none"> Following the local public 	County of Huron

Steps	Phase	Description of Phase	Primary Contact During this Phase
		<p>meeting, the application is forward to the County of Huron. County Council is the approval authority for plan of subdivisions and condominiums.</p> <ul style="list-style-type: none"> • A presentation of the application is made to a committee of Council. County Council decides whether to approve, and what conditions should be attached, or deny the application. • The decision is made a minimum of 14 days after the public hearing. 	<p>Planning & Development Department</p>
6	Notice of Decision	<ul style="list-style-type: none"> • Notice of draft plan decision is sent within 15 days of the decision. 	<p>County of Huron Planning & Development Department</p>
7	Appeal Process	<ul style="list-style-type: none"> • 20 day appeal period begins the day the Notice of Decision is given. • Appeals to the Local Planning Appeal Tribunal are filed at the County of Huron Planning & Development Department 	<p>County of Huron Planning & Development Department and Local Planning Appeal Tribunal</p>
8	Draft Plan Approval Meeting	<ul style="list-style-type: none"> • After obtaining draft approval, the applicant will meet with Municipal staff and the County planner to review draft conditions and discuss the process to clear conditions. 	<p>County of Huron Planning & Development Department, Municipality and other Clearance Agencies, as required</p>
9	Fulfilling Conditions	<ul style="list-style-type: none"> • The applicant is encouraged to work cooperatively with each clearance agency in order to fulfill the conditions of draft approval. • A clearance agency may be the Municipality, the Conservation Authority or utility companies. • The applicant must obtain 	<p>Municipality, Conservation Authority and other Clearance Agencies</p>

Steps	Phase	Description of Phase	Primary Contact During this Phase
		<p>letters clearing the conditions from the applicable agencies.</p>	
10	Application for Final Approval	<ul style="list-style-type: none"> • When conditions of draft approval have been met the applicant must provide the County of Huron Planning & Development Department with clearance letters and required number of plans in order to obtain final approval. • The County of Huron Planning & Development Department requires 1 - 2 weeks to process the application. 	County of Huron Planning & Development Department
11	Registration	<ul style="list-style-type: none"> • Following obtaining final approval, copies of the plan of subdivision and condominium plan of survey will be returned to the applicant or agent. The registration of the plan will be carried out by the applicant and registration fees will also be the responsibility of the applicant. 	Land Registry Office
12	Fulfillment of the Municipal Subdivision/ Condominium Agreement	<ul style="list-style-type: none"> • The applicant must fulfill all the requirements and obligations of the development agreement that was signed with the Municipality. 	Municipality