



## Regular Council Meeting

<b>To:</b>	Mayor and Council
<b>Date:</b>	February 20, 2024
<b>From:</b>	Karen Ellis, Director of Planning and Wayne Hancock, Director of Public Works
<b>Report Number:</b>	PEB 2024-06
<b>Subject:</b>	Vargas Properties Inc. Official Plan Amendment and Plan of Subdivision Applications Report- File Nos. OPA-04-21 and 15T-21005

### Recommendations:

1. That Council approve By-law No. 2024-09 to adopt Official Plan Amendment No. 15 to the Township of Cavan Monaghan; and
2. That Council authorize the submission of the adopted Official Plan Amendment to Peterborough County for review and approval; and
3. That Council receive and consider any public comments received on February 20, 2024; and
4. That Council support the approval of Application 15T-21-005 subject to the draft plan conditions provided in Attachment No. 6 to this Report and any revisions thereto required from public comment received on February 20, 2024.

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### Overview:

Vargas Properties Inc. applied to the Township of Cavan Monaghan and the County of Peterborough for approval of an official plan amendment application and a plan of subdivision application (File Nos. OPA-04-21 and 15T-21005) for lands located at the south-east corner of the Fallis Line East road allowance and County Road 10 in part of Lot 13, Concession 5 (Cavan).

A key map of the property location is provided as Attachment No. 1 to this Report.

The Township also received an application for a zoning by-law amendment for the subject lands (File No. ZBA-10-21). The zoning by-law amendment application was superseded with the approval of Ministerial Zoning Order (O. Reg. 250/22 and Map 304) on April 1,

2022. A copy of the Ministerial Zoning Order is included in Report Planning 2022-41 provided as Attachment No. 5 to this Report.

Supporting documentation for both the Official Plan and Plan of Subdivision Applications has been submitted to the Township of Cavan Monaghan and the County of Peterborough. Updated supporting documentation has been received as the plan of subdivision has been revised to address public and agency comments. All of this information is available for review on the Peterborough County website at:

<https://www.ptbocounty.ca/Modules/News/index.aspx?FeedId=29a3fecc-631e-49e2-998c-635bcda7fd55&page=2&newsId=bede38e3-3f08-473e-a54f-3cbb00e8cc6f>

## **Plan of Subdivision**

The lands subject to the plan of subdivision application are approximately 29.48 hectares (72.85 acres) in size with approximately 300 metres (984 feet) of frontage on County Road 10 and approximately 580 metres (1903 feet) of frontage on the future extension of Fallis Line East.

The proposed plan consists of 263 residential units consisting of 128 single detached dwellings, 55 street townhouses, and 80 units in a mixed use block. One (1) stormwater management block, two (2) natural heritage system blocks, one (1) parkland block, one (1) walkway block, and one (1) road widening block are also included in the Plan.

The draft plan of subdivision is provided as Attachment No. 2 to this Report. The layout of the plan of subdivision is based on the Council motion R-2023-314 of November 20, 2023 to connect Street "A" to Coldbrook Drive. A copy of Report PEB 2023-48 that discussed options for the road network is provided as Attachment No. 3 to this Report.

The development is proposed to be serviced by piped water and wastewater services. Access to the development will be provided through the creation of internal roads 'A' to 'D'. The road allowances are 20 metres (66 feet) for Street 'A' and 18 metres (59 feet) wide for streets 'B', 'C' and 'D'. The portion of Street 'B' adjacent to County Road 10 will be 25 metres (82 feet) wide.

## **Official Plan Amendment**

A site specific Official Plan Amendment is required to expand the Millbrook Settlement Area boundary, realign land use designations and add an exception policy to specify that the regulations of the MZO shall guide development of the subject lands.

As drafted, Official Plan Amendment No. 15 amends Section 4.1.8 of the Cavan Monaghan Official Plan by adding subsection 4.1.8 b) that shall read as follows:

### **"4.1.8 Site Specific Policies**

- b) Southeast Corner of Fallis Line & County Road 10

Part of Lot 13, Concession 5 (Cavan)  
Vargas Subdivision

The lands subject to Ministerial Zoning Order (O. Reg. 250/22 & Map 304) are identified on Schedules 'A' and 'A-1' as subject to Policy 4.1.8 b). If there is a conflict between the policies of the Cavan Monaghan Official Plan and the regulations contained within the Ministerial Zoning Order, then the text and mapping of the Ministerial Zoning Order shall prevail. Development on the lands subject to a Ministerial Zoning Order shall occur within the terms of a Subdivision Agreement between the Township and the landowner, as appropriate.

Notwithstanding the provisions of Section 4.1.3 a) and 4.4.3 herein, the maximum building height for single, semi-detached and townhouse dwellings shall be three (3) storeys and the maximum building height for apartment buildings and mixed-use apartment buildings shall be four (4) storeys.

Development in the "Community Commercial" Designation shall be in accordance with the regulations associated with the "Commercial/Mixed Use Zone" of the Ministerial Zoning Order (O. Reg. 250/22 & Map 304).

In addition to the uses permitted in Section 4.4.2 the following uses shall also be permitted: banks and financial institutions; liquor stores; post offices; personal services; business professional and medical offices as a primary use; and dwelling units in mixed-use buildings.

Policy 4.4.3 a) to d) shall not apply.

Those lands located outside of the "Community Zone" and "Commercial/Mixed Use Zone" of the Ministerial Zoning Order (O. Reg. 250/22 & Map 304) shall be subject to the policies of the Natural Heritage System policies in Section 6 of the Official Plan.

Notwithstanding the policies of Section 8.3, the boundaries of the Millbrook Settlement Area shall be expanded to include all lands subject to the Ministerial Zoning Order (O. Reg. 250/22 & Map 304)."

In addition, Schedules "A" and "A-1" to the Official Plan are being amended. Schedule 'A' of the Township of Cavan Monaghan Official Plan is amended by changing the land use designations on the subject lands from "Agricultural" to "Millbrook Urban Settlement Area" and amending the location of the "Settlement Area" to include all of the subject lands.

Schedule 'A-1' is amended by changing the land use designations on the subject lands from "Agricultural", "Residential", "Community Commercial", "Institutional Special Policy Area #1", "Natural Core Area" and "Natural Linkage Area" to "Residential", "Community Commercial", and "Natural Core Area".

Schedules 'A' and 'A-1' are further amended by adding a text box reference for Section 4.1.8 b) as it applies to the subject lands. The proposed mapping changes can be seen on Schedules "1" and "2" in the complete copy of the Official Plan Amendment No. 15 provided as Attachment No. 4 to this Report.

### **Notice**

A public meeting for both the Official Plan Amendment and Plan of Subdivision Applications was held on August 2, 2022. Report Planning 2022-41 presented at the public meeting is provided as Attachment No. 5 to this Report.

The Notice of Complete Applications and Notice of Public Meeting was published in the Millbrook Times in July of 2022 and posted on the Peterborough County and Township of Cavan Monaghan websites. Notice was also provided by first class prepaid mail to all assessed persons within 120 metres (400 feet) of the subject lands, to all required Ministries and Agencies and to Township Management Staff.

In addition to the statutory public meeting, a virtual neighbourhood information meeting was held on May 18, 2022. Notice of the neighbourhood meeting was provided by email, first class prepaid mail and advertisement on the Township website.

The Notice complies with the requirements of the Planning Act.

### **Township Departments Comments**

The draft plan of subdivision and official plan amendment applications have gone through a number of revisions/updates to address Township and other agency comments. These revisions/updates were circulated to Staff each time.

The current version of the plan of subdivision satisfies Township Staff requirements with the implementation of draft plan conditions presented in Attachment No. 6 to this Report. The proposed Official Plan Amendment is required to permit the approval of the proposed Plan.

### **Agency Comments**

The Township received comments from Canada Post, Enbridge, Ontario Hydro, Bell, Kawartha Pine Ridge District School Board, Nexicom, Otonabee Conservation – Engineering, Biology and Planning, Peterborough County Public Works, and the Ministry of Tourism, Culture and Sport. All of these agency comments have been considered by Township Staff, Peterborough County Staff and peer review consultants, and the Developer/Owner consulting team. The Plan of Subdivision has been revised to address comments and/or draft plan conditions are proposed to address the outstanding issues.

## **Public Comments**

As per Planning Report 2022-41, prior to the public meeting, the Township received several inquiries from area residents about the Applications and some written and verbal objections to the Applications. The objections relate to the size, scope and scale of the proposed development. No member of the public spoke at the Public Meeting on August 2, 2022.

The proposed Official Plan Amendment and Plan of Subdivision Applications reflect the Ministerial Zoning Order currently in place. Technical comments about the Application have been addressed through the submission of new information and/or the implementation of draft plan conditions.

## **Planning Context**

### **1. Provincial Policy Statement (PPS)**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS focuses growth and development within urban and rural settlement areas while supporting the viability of rural areas. The PPS encourages the development of healthy, livable and safe communities.

The policies of the PPS that apply to the Official Plan Amendment and Plan of Subdivision Applications include:

- Settlement Areas
- Housing and Land Use
- Public Service Facilities and Infrastructure
- Public/Open Space & Natural Heritage/Hazards
- Agricultural Lands

Settlement areas are defined as urban areas and rural settlement areas within municipalities (such as cities, towns, villages and hamlets) that are:

- a) built up areas where development is concentrated and which have a mix of land uses; and
- b) lands which have been designated in an official plan for development over the longer term planning horizon provided for in policy 1.1.2.

Millbrook has been identified as the primary settlement area for Cavan Monaghan Township because of its historic role as the centre of commerce for the area, the ability to create a complete community and the existing piped water and sanitary sewer system.

Section 1.1.2 of the PPS requires that sufficient land be made available to accommodate an appropriate range and mix of land uses to meet project needs for a time horizon of up to 20 years. Settlement areas are the focus of growth and development and their vitality

and regeneration must be promoted. Portions of the subject lands are currently included in the Millbrook Settlement Area and designated to permit a range of land uses.

An expansion of the settlement area boundary is required to permit the entirety of the development. An expansion of the settlement area may be considered outside of a municipal comprehensive review provided the expansion satisfies a number of criteria.

Official Plan Amendment No. 15 to the Township's Official Plan adjusts the settlement area boundary. The proposed Amendment satisfies the criteria because the proposal results in no-net increase of land within the settlement area. Much of the area being added will be designated Natural Core. These lands will be dedicated to the Township.

The settlement area boundary expansion must support the Township's ability to meet intensification and redevelopment targets established by the Township. At full build out, the proposed development will achieve a density target suitable to the Township.

In prime agricultural areas, the lands cannot comprise specialty crop areas, alternate locations must be evaluated and it determined there are no reasonable alternatives, minimum distance separation requirements (MDS) must be addressed and impacts from the proposed development on adjacent agricultural operations must be mitigated. The portions of the subject lands currently designated Agricultural are not a specialty crop area, the lands are isolated from other agricultural lands by natural heritage features and urban land use designations, the size of the parcel is too small to be a viable agricultural holding, the proposal satisfies the MDS requirements and there will be minimal impact on agricultural operations adjacent to the property because of the natural heritage lands.

The settlement area to which lands are being added must be appropriately serviced and capacity must be available to service the lands. The Township's Master Servicing Plan has confirmed that the Township has sufficient reserve capacity for both water and wastewater to service the proposed development.

The PPS encourages efficient land use and development patterns to support healthy, livable and safe communities. The policies require the provision of an appropriate range and mix of housing types and densities to meet the expected requirements of future residents. The Official Plan Amendment and Plan of Subdivision Applications are consistent with this policy direction because they represents logical extension of existing development, appropriate densities are proposed, there is a range and mix of housing types (single detached, street townhouses and mixed use commercial). In addition, a variety of commercial uses within walking distance of the development will be provided.

The effective use of public service facilities is also addressed by the PPS. Community services offered in Millbrook include arenas, a public library, fire services, a school, places of worship and a variety of commercial uses. As noted above, water and wastewater servicing is also available. With the approval of the Official Plan Amendment and the already approved Ministerial Zoning Order, opportunities for a larger range of commercial uses (i.e. bank) will be provided.

The PPS also includes policy direction on the wise use and management of resources including natural heritage features and water. Natural features and areas must be protected for the long term. An Environmental Impact Study (EIS) was completed for the proposed development. Provided that mitigation measures are implemented, no natural features or functions of the natural heritage system will be significantly impacted by the proposed development.

The plan of subdivision involves environmental protection blocks in the vicinity of Baxter Creek. These blocks of land are to be transferred to the Township as part of the subdivision approvals process. A draft plan condition has been included to prohibit site alteration and soil disturbance in these blocks.

Block 144 is a proposed walkway. Additional details regarding the connection of the subdivision lands to Buckland Drive is to be provided by the Developer/Owner. This requirement will be included in the Subdivision Agreement for the file.

The PPS also provides direction on agricultural lands. Prime agricultural lands should be protected. An Agricultural Impact Assessment was completed for these Applications. As indicated above, the agricultural policies have been satisfactorily addressed.

The Applications are consistent with PPS policies.

## 2. Growth Plan for the Greater Golden Horseshoe (GGH)

The Growth Plan for the Greater Golden Horseshoe (GGH) was enacted by the Province of Ontario in 2006 and updated in 2017, 2019 and 2020. The document builds on the PPS to establish a unique land use planning framework for the GGH that supports the achievement of complete communities, a thriving economy, a clean and healthy environment, and social equity. The Plan informs decision-making regarding growth management and environmental protection in the GGH.

The PPS and the GGH are about complete communities and protecting agriculture, water resources and natural areas. Growth is directed to built-up areas where the capacity exists to best accommodate the expected population and employment growth while providing strict criteria for settlement area boundary expansions. Municipalities must plan for community infrastructure to support growth. Sustainable water and wastewater services must be available to support the future growth.

In this regard, new multiple lots for residential development are directed to settlement areas. The Plan speaks to the need for multi-unit residential developments that incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes.

The proposed official plan amendment and plan of subdivision applications provide for single detached residential units, street townhouses and residential units in mixed use building. The proposed plan of subdivision will add to the supply of residential lots in the

Township, in a designated settlement area. The lots will be developed on municipal piped water and sewer services in accordance with Township requirements and standards.

The proposed development is located outside of the floodplain for Baxter Creek. The Environmental Impact Study confirmed that with the implementation of mitigation measures, no natural features or functions in the natural heritage system will be significantly impact.

Blocks 141 and 141 are part of the natural heritage system. These blocks will be dedicated to the Township. A clause is proposed to be included in the Subdivision Agreement specifying that no development, site alteration, or soil disturbance is permitted (without further archeological assessment) outside of the lands which were studied from an archeological perspective per the Stage 1-2 Archeological Assessment prepared by AECOM and dated August 24, 2023.

The Applications conform to the Growth Plan.

#### Peterborough County Official Plan

Millbrook is identified as a settlement area in the Peterborough County Official Plan. Lower tier municipalities must designate a sufficient supply of land for residential, industrial, commercial, recreational/open space and institutional uses in their municipalities to accommodate their projected growth over a minimum 20 year time-frame. Currently, approximately 17% of the County's growth is allocated to the Township of Cavan Monaghan.

Settlement Area boundary expansions are permitted provided there is no net increase in Settlement Area within in the Township. The expansion of the Settlement Area is addressed in the PPS section.

The proposed plan of subdivision is located on lands partially designated for development in the Township's Official Plan. With the approval of Official Plan Amendment No. 15, the lands subject to development will be included in the Millbrook Settlement Area.

The Township's Master Servicing Study has been completed. That Study indicates that there is sufficient water and wastewater capacity to service the proposed subdivision.

Official Plan Amendment No. 15 and Plan of Subdivision Application 15T-21005 conform to the County of Peterborough Official Plan.

#### Township of Cavan Monaghan Official Plan

An important purpose of the new Official Plan is to build a sense of community throughout the Township, with the Plan guiding the future of the Township as a single entity, with a common purpose and common objectives.



The lands subject to the Official Plan Amendment and Plan of Subdivision Applications are currently designated Residential, Community Commercial, Institutional Special Policy Area #1, Natural Core Area, Natural Linkage Area and Agricultural in the Township of Cavan Monaghan Official Plan.

The permitted uses in the Residential designation include single detached, semi-detached, duplex, three-plex, four-plex, street, block and stacked townhouses, apartment dwellings, long term care facilities, retirement home and special needs housing. Approximately 30 percent of new housing within the designation must be multiple unit buildings including semi-detached, townhouses or apartments to provide a variety of housing choices. The maximum density permitted is 35 units per gross net hectare with a maximum height of 3 storeys above grade.

The draft plan of subdivision proposes a mix of single detached dwellings, street townhouses, and residential units in a mixed use building to improve housing choice and accessibility. The density of the development and conforms to Official Plan policy. The Official Plan Amendment does, however, include a policy that permits a maximum height of 4 storeys for the mixed use building.

The Township may impose architectural control for residential developments with more than 8 units. Architectural design guidelines are prepared to ensure that there is a variety of housing types and styles to avoid replication of similar housing designs. The draft plan conditions include a condition for the submission of architectural design guidelines.

Official plan policy requires indigenous trees to be planted on both sides of new streets with a minimum spacing of 10 metres. Street lighting must be dark sky compliant, limited in height to a pedestrian scale and should be spaced between 18 and 20 metres apart. Condition Nos. 21f) and 12 speak to these requirements.

The Natural Heritage System that was applied to lands on the Oak Ridges Moraine has been adapted to apply to all lands in the Township of Cavan Monaghan. The Natural Heritage System designation includes significant wildlife habitat, wetlands, woodlands, areas of natural and scientific interest, buffer areas around these features and lands that link the areas.

A portion of the property contains significant wetlands and woodlands. These areas are included in the Natural Heritage designation of the Official Plan. Proponents of development within the Natural Heritage designation must demonstrate that the proposed development will not:

- Lead to a reduction of the size of or fragment significant woodlands;
- Have a negative impact on significant natural heritage features and related ecological functions; and

- Lead to species loss or negative impacts on endangered, threatened or rare species and/or their habitat.

Otonabee Conservation (ORCA) Staff reviewed the Natural Heritage Evaluation on behalf of the Township of Cavan Monaghan. ORCA staff identified a number of draft plan conditions required to protect the integrity of the natural heritage features. In addition, the proposed Township draft plan conditions prohibit soil disturbance and site grading activities within these Blocks (without further archeological assessment) outside of the lands which were studied from an archeological perspective per the Stage 1-2 Archaeological Assessment prepared by AECOM and dated August 24, 2023.

Official Plan Amendment No. 15 to the Cavan Monaghan Official Plan and draft plan of subdivision 15T-21005 conform to the Township Official Plan with the implementation of draft plan conditions included in Attachment No.6.

**Financial Impact:**

Applicable application fees have been submitted with the official plan amendment and draft plan of subdivision applications. The proposed draft plan conditions contain a requirement that the Developer/Owner agree to satisfy all development requirements of the Township, financial and otherwise, concerning the provision of roads, installation of services, drainage and landscaping. Financial securities will be collected at the pre-servicing agreement and/or subdivision agreement stages of the approvals process.

**Attachments:**

- Attachment No. 1: Key Map
- Attachment No. 2: Draft Plan of Subdivision
- Attachment No. 3: Report PEB 2023-48
- Attachment No. 4: Official Plan Amendment No. 15
- Attachment No. 5: Report Planning 2022-41
- Attachment No. 6: Draft Plan Conditions

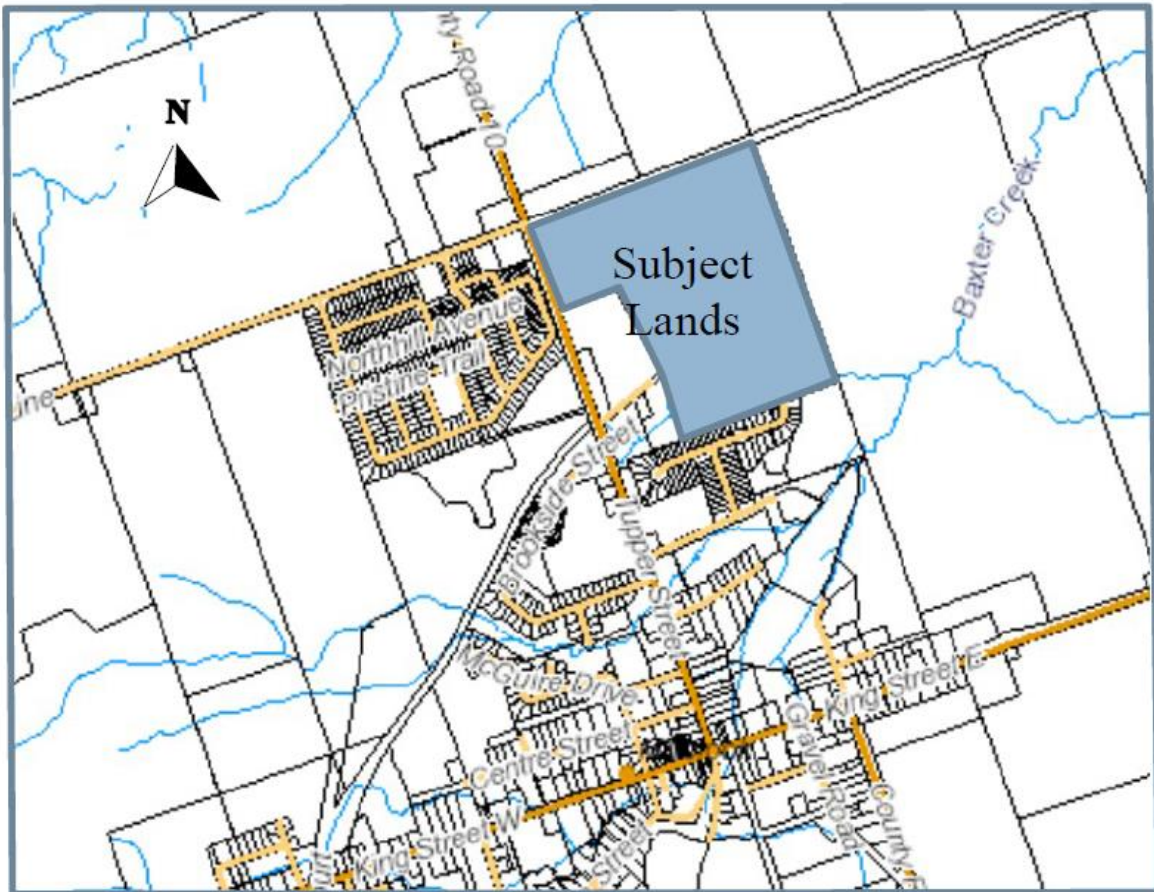
Respectfully Submitted by,

Karen Ellis  
Director of Planning

Wayne Hancock  
Director of Public Works

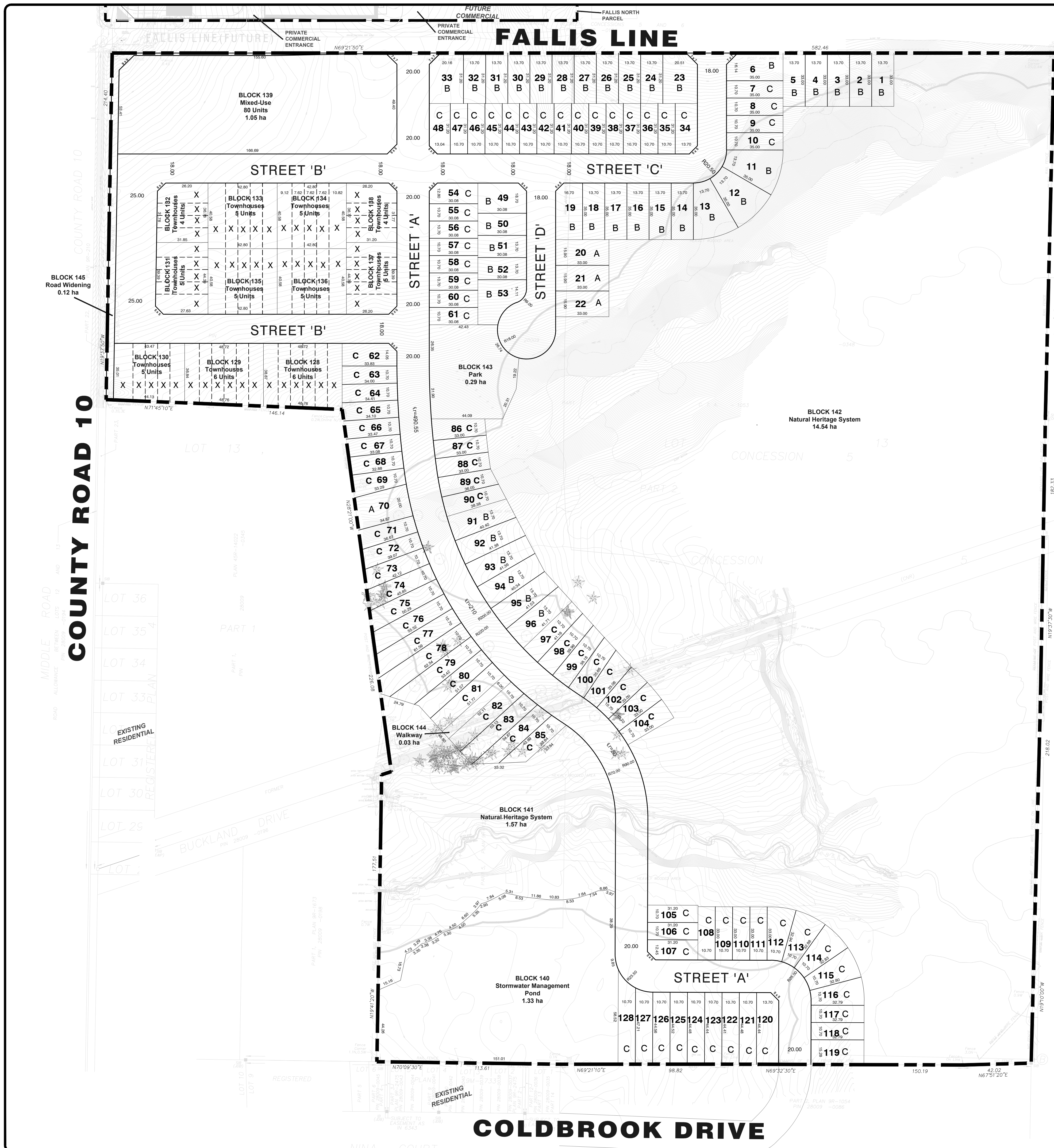
Yvette Hurley  
Chief Administrative Officer

Attachment No. 1: Key Map





# Attachment No. 2: Draft Plan of Subdivision



Schedule of Land Use			
Description		Lot / Block No.	Residential Units Area (ha)
Minimum Lot Width 10.7m (35')	C	7-10, 34-48, 54-69, 71-90, 97-128	87 3.64
Minimum Lot Width 13.7m (45')	B	1-6, 11-19, 23-33, 49-53, 91-96	37 1.89
Minimum Lot Width 15.9m (52')	A	20-22, 70	4 0.22
<b>Total Single Detached</b>			<b>128 5.75</b>
Street Townhouse Minimum Lot Width 7.62m (24')		128-138	55 1.74
Mixed-Use		139	80 1.05
<b>Net Developable Total</b>			<b>263 8.54</b>
Stormwater Management Pond		140	1.33
Natural Heritage Systems		141, 142	16.11
Park		143	0.29
Walkway		144	0.03
Road Widening		145	0.12
Right of Way		Streets A-D	3.05
<b>Total Site Area</b>			<b>29.47</b>

**TITLE:**  
**DRAFT PLAN OF SUBDIVISION**

**LEGAL DESCRIPTION:**  
DRAFT PLAN OF SUBDIVISION  
PART OF LOT 13  
CONCESSION 5  
TOWNSHIP OF CAVAN  
COUNTY OF PETERBOURGH

**KEY PLAN:**

**REQUIRED INFORMATION:**  
AS REQUIRED UNDER SECTION 51(17) OF THE PLANNING ACT R.S.O. 1990.

(a) SEE PLAN (g) SEE PLAN  
(b) SEE PLAN (h) PIPED WATER TO BE PROVIDED  
(c) SEE KEY MAP (i) CLAY LOAM SOIL  
(d) SEE SCHEDULE OF LAND USE (j) SEE PLAN  
(e) SEE PLAN (k) SANITARY & STORM SEWERS TO BE PROVIDED  
(f) SEE PLAN (l) SEE PLAN  
NOTE: CONTOURS RELATE TO CANADIAN GEODETIC DATUM

**SURVEYOR'S CERTIFICATE:**  
I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATE AND CORRECTLY SHOWN IN ACCORDANCE WITH A PLAN OF SURVEY PREPARED BY IBW SURVEYORS

DATE: December 13, 2023  
DAVID COMERY  
ONTARIO LAND SURVEYOR

**IBW SURVEYORS**  
71 MEARNS COURT, BOWMANVILLE, ONTARIO, L1C 4N4  
IBWSURVEYORS.COM | 1.800.667.9695

**OWNER'S CERTIFICATE:**  
I HEREBY AUTHORIZE THE BIGLIERI GROUP LTD. TO PREPARE AND SUBMIT THIS DRAFT PLAN OF SUBDIVISION TO THE COUNTY OF PETERBOURGH

DATE: December 13, 2023

**FALLIS LINE PETERBOURGH COUNTY**

**APPROVAL STAMP:**

**REVISIONS**

No.	Description	Date	Int.
5	Created Connection to Coldbrook Drive	2023 11 02	EC
4	Revision	2023 07 25	EC
3	Revision	2022 11 29	EC
2	Revision	2022 02 09	JS
1	Issues for DPS Revision	2022 02 09	JS

PROJECT No.: 20699  
DATE: November 29, 2022  
SCALE: 1:2500  
DRAFTED BY: EC CHECKED BY: MP  
DRAWING No.: **DP-01**

**BIGLIERI GROUP**  
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thebiglierigroup.com





### Regular Council Meeting

<b>To:</b>	Mayor and Council
<b>Date:</b>	November 20, 2023
<b>From:</b>	John F. Connolly, Executive Director, Planning & Development and Wayne Hancock, Director of Public Works (Joint Report)
<b>Report Number:</b>	PEB 2023-48
<b>Subject:</b>	Vargas Subdivision – Road Connection Report

#### Recommendations:

1. That Council receive as information the Joint Report Planning & Development and Public Works Report PEB 2023-48 Vargas Subdivision – Road Connection Report; and
2. That Council support the recent preferred Option 1 that would connect a public access from Street “A” in the Vargas Draft Plan of Subdivision to Coldbrook Drive.

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#### Overview:

Recently, as part of Staff’s discussions with the developer and his consultants regarding the most recent submission (4<sup>th</sup>) of the Vargas Draft Plan of Subdivision, the possibility of a road connection between Street ‘A’ and Coldbrook Drive emerged as a feasible option. Previously, Staff had made comments on earlier submissions that supported a road layout that ended with a cul-de-sac configuration at the end of Street ‘A’ versus a connection to Coldbrook Drive. However, new information and design considerations presents an alternative that now provides an engineering solution to allow for the road connection. Therefore, we now have a viable option for Council’s consideration and support.

#### Background:

CSU Development and Vargas Properties Inc. applied to the County of Peterborough for approval of two (2) Plans of Subdivisions and associated Official Plan Amendments (OPAs) located on lands fronting Fallis Line West and Fallis Line East. Both of these proposals are mostly within the Millbrook Urban Settlement Area and were deemed complete by the County in July and September of 2021 respectively.

At the same time, applications were submitted to the Township of Cavan Monaghan for the corresponding zoning by-law amendments for the above-noted subdivisions and OPAs. These zoning by-law amendment applications were then superseded through the approval of a request for a Minister’s Zoning Order (MZO), which was supported by

Council on February 22, 2022 and approved by the Minister of Municipal Affairs & Housing on April 1, 2022 (Ontario Regulation 250/22). The approved MZO (see Attachment No. 1 – MZO Map Only) covers not only the lands which formed the plan of subdivision applications but also included a larger portion of land that is now zoned commercial on the northeast corner of County Road 10 and Fallis Line East. The discussion today has no effect on the MZO or the commercial development.

Even with the MZO in place, the processing and decisions on the OPAs and Plans of Subdivision continues to follow the normal land use planning and approval process under the Planning Act. The lands designated commercial on the northeast corner of County Road 10 and Fallis Line East will also follow the appropriate planning process under the Planning Act however, review and approval will be through Site Plan Approval process now that the proper zoning is in place and no OPA is required to move forward.

#### Status of Applications:

As of the date of this Report, the CSU Development application has been revised through three (3) submissions to reflect comments, questions and revisions requested by agencies and approval authorities. There are no outstanding technical comments on the CSU Development application from Staff and review agencies. The Vargas Properties Inc. application has been revised through four (4) submissions that also reflect comments, questions and revisions requested by agencies and approval authorities. In addition, the commercial application that compliments these applications is scheduled for an initial pre-consultation meeting this month (November).

This Report only focuses on the issue of a road connection of Street 'A' and Coldbrook Drive. Council's direction is required so that both (CSU & Vargas) applications can be brought forward to Council for draft plan approval in the coming months.

#### **Discussion:**

These proposals are not only tied together through the approved MZO but have been deliberately designed to present Council with a concept and vision that supports a combination of residential, commercial and employment development for this part of Millbrook. Council has indicated that as Millbrook grows, it must balance both the residential (homes) and commercial (employment) needs of the Township. These proposals will provide that balanced growth required for a complete community.

As such, the Vargas portion of the development proposal (see Attachment No. 2) has been planned so that it will bring existing servicing (water and wastewater) from Coldbrook Drive across the southern portion of the property limits, along Street 'A' to the northern limit of the property where it will service the mixed commercial and employment development. Logically, this path for servicing will also include residential development along this south to north configuration and support future employment to the north.

#### Vargas Properties Inc.

As part of the normal land use planning process, the Vargas Properties Inc. development proposal has evolved and adjusted over time based on comments, questions and revisions provided by agencies and approval authorities. Based on

comments received through the circulation process, the re-submission (second submissions) was revised from the original submission and then presented to the broader public through a (virtual) public information meeting that was held on May 18, 2022 (Note: this meeting has been viewed more than 1,070 times on the Township's YouTube channel).

In addition, a statutory public meeting (as prescribed under the Planning Act) was held before Council on August 2, 2022. Comments made during that meeting as well as those received by circulated agencies led to a third submission for both applications in November/December of 2022. For Vargas, a fourth submission was received in July and August of this year and is the most recent formal version of this part of the development proposal (see Attachment No. 2).

At the August 2, 2022 Regular Council meeting, members of Council asked a number of questions of the developer, the consultant and Staff regarding certain aspects of the development proposals. At this time, the road layout ended with a cul-de-sac configuration at the end of Street 'A' versus a road connection to Coldbrook Drive.

#### Township Staff Comments (Vargas)

The original Vargas submission contained a road layout design that connected Street 'A' on the subject property to Coldbrook Drive on the Veltri subdivision. Township Staff reviewed this matter and identified (amongst other matters) a number of considerations with the Roads/Layout and Planning aspects of the proposed road connection. The relevant excerpts from Staff's comments are provided below:

##### Roads/Layout

- The road layout raises a specific issue of the proposed 90 degree corners at the bottom of Street 'A' designed to accommodate the grade. Street 'A' is designed at 6.5% which is steep.
- There is concern about having Street 'A' interfering with the Natural Core and Natural Linkage Zones at the southernmost portion of the property. There is also concern about extending the residential component from Coldbrook Drive from the south to the wooded area of Blocks 77 and 79.
- The grade of Street 'A' from north to south is significant and there is concern about traffic as it approaches the extension of Coldbrook Drive, if the design does not change and the stream crossing is supported.
- The current layout and connection would require a water crossing which may or may not be supported by Otonabee Region Conservation Authority (ORCA).
- Road crossing and comments around the NC and NL should be addressed to ORCA. This includes more information and concern of crossing Baxter Creek.
- Staff identify the need to discuss the road layout connection based on a proposed extension of Coldbrook to Street "A". The proposed connection is not supported at this time.

##### Planning:

- Concern of residential lots identified in Natural Heritage System on east side of Street 'A'.

It should be noted that when the Veltri subdivision was approved and Coldbrook Drive was extended from Nina Court, there was consideration that future development to the

north (i.e., Vargas) might connect to this extension of Coldbrook for traffic and servicing purposes. In light of the Vargas application, Staff expressed concern with the overall traffic volumes that will be generated from the proposed commercial development at the northeast corner of County RD. 10 & Fallis Line as well as the residential development along Street 'A'. Staff were also concerned that Street 'A' might act as a collector roadway for through traffic from the residential to the south and beyond. This could create higher traffic volumes and possible speeding concerns.

As a result, in the re-submission (second submission), the consultant responded to comments made by Staff and Otonabee Conservation (ORCA) by indicating that the limits of development in the south-eastern corner of the site had been modified by removing the connection of Street 'A' to Coldbrook Drive. In this design, Street 'A' ended as a cul-de-sac at the southern portion of the subject site. In subsequent submissions, a pedestrian connection and then walkway block between Street 'A' and Coldbrook Drive was identified to accommodate extending servicing and allowing for emergency service vehicles (see Attachment No. 2).

Following the August 2, 2022 Council public meeting, Staff followed-up the developer and consultants to inquire of the feasibility of connecting Street 'A' with Coldbrook Drive given Council's questions and comments (noted above). In response, the consultant shared a technical engineering memo (see Attachment No. 3) indicating that options to connect the proposed road to [Coldbrook] had been evaluated and that the connection was not possible due to grading and stormwater management reasons.

That technical memo further explained that while grading may not be the ultimate determining factor, a number of significant drainage and stormwater management related issues would be an issue namely; increased pollution, erosion and risk of downstream flooding. In short, the engineering memo indicated that this would also impact the function of existing storm water management facility to the south of the proposed storm water management facility which "won't be deemed acceptable by ORCA" or the downstream residents" (see Attachment No. 3, page 2).

Staff accepted this technical explanation as to why the road connection could not be accommodated and indicated that the road pattern (i.e., cul-de-sac) was acceptable. The addition of the pedestrian connection and later a walkway block for emergency service vehicles in subsequent submissions was seen as an acceptable design by Staff. This was the option presented at the statutory public meeting of August 2, 2023.

### **Analysis:**

On November 8, 2023, Staff met with the developer, his consultants and ORCA staff to discuss the feasibility and engineering considerations with respect to the road layout and a possible public road connection. Based on these discussions, a connecting road could be designed to permit not only emergency service vehicles but also the public. This new approach is consistent with Council's suggestion at the August 2, 2022 meeting and is being brought this forward for Council's consideration and direction.

### **Status Quo (null option):**

- This option maintains the current road layout and configuration with Street 'A' ending in a cul-de-sac (as per Attachment No. 2).



- The lot fabric will stay the same as recently submitted with a pedestrian walkway block for servicing, active transportation and emergency service vehicle access.
- This option does not provide the road connectivity as discussed at the August 2, 2022 Council public meeting but maintains optimizing the stormwater management facility and addressing water quality and quantity on the subject site.

#### Option 1: Road Connection with Subject Site Enhancements (preferred)

- This option will connect Street 'A' to Coldbrook Drive (see Attachment No. 4).
- The lot fabric will change based on the revised road layout. This new road layout will accommodate servicing, automobile and pedestrian traffic as well as providing emergency service vehicle access along the road connection.
- This option doesn't maintain the current stormwater management facility design because it will require other enhancements to make this revised design work.
- These enhancements include creating a road high-point and other stormwater drainage measures to ensure overland flows do not spill onto Coldbrook Drive. This is a benefit because the existing storm sewers and stormwater management facility on Coldbrook were not designed to account for the larger drainage area and volume of water.
- Other enhancements include setting up high-capacity road catch basins and catch basins at the rear of some of the lots backing onto Coldbrook Drive.
- These catch basins will be connected to a sewer outlet that will discharge east along an easement at the very southeast end of the Vargas subdivision (beside Lot 119 – see Attachment No. 4) to the wetland on the east.
- The sewer outlet will be equipped with erosion-mitigation measures (i.e., a level spreader) in order to minimize impacts.
- While these enhancements may not be as optimal as the current design (i.e., Status Quo), the enhancements and revised design is preferred because it will allow all water quality and quantity factors to be addressed on the subject site and ensure no risk of downstream impacts onto Coldbrook Drive due to the road connection.
- A preliminary draft design has been completed to inform this Report. If Council directs Staff to pursue this option, then additional engineering design and planning work will also be required to update the stormwater management facility. The Traffic Impact Study will also have to be updated to now consider the road network connectivity.

#### **Council Direction:**

Staff are seeking Council's direction to connect Vargas subdivision Street A to Coldbrook Drive as delineated in the preferred option (Option 1). This is a change from the current design that was presented in August 2<sup>nd</sup>, 2022 and now before Council for support. This new enhanced design incorporates other engineered stormwater facility/outlets while providing road connectivity.

In addition, this option is preferred because it focuses on a road design with engineering enhancements that can be accommodated on the subject site and not include any further works that may be required on Coldbrook Drive or within the approved Veltri Subdivision with its supporting stormwater management facility. However, this will require the developer to redesign the supporting engineering documents.

Based on the November 8 discussion, Option 1 provides the road connection identified by Council which is now feasible based on the new design and engineering enhancements. This option is also supported in principle by Township Staff, the consultant and ORCA staff.

**Financial Impact:**

None to the Township at this time.

**Attachment:**

Attachment No. 1 – Minister’s Zoning Order (April 1, 2022 – Map Only)  
Attachment No. 2 – Vargas Developments – Revised Site Plan (July 2023)  
Attachment No. 3 – Technical Memo – Valdor Engineering (October 4, 2022)  
Attachment No. 4 – Revised Site Pan – Road Connection Option 1 (Draft)

Respectfully Submitted by,

John F. Connolly  
Executive Director, Planning & Development

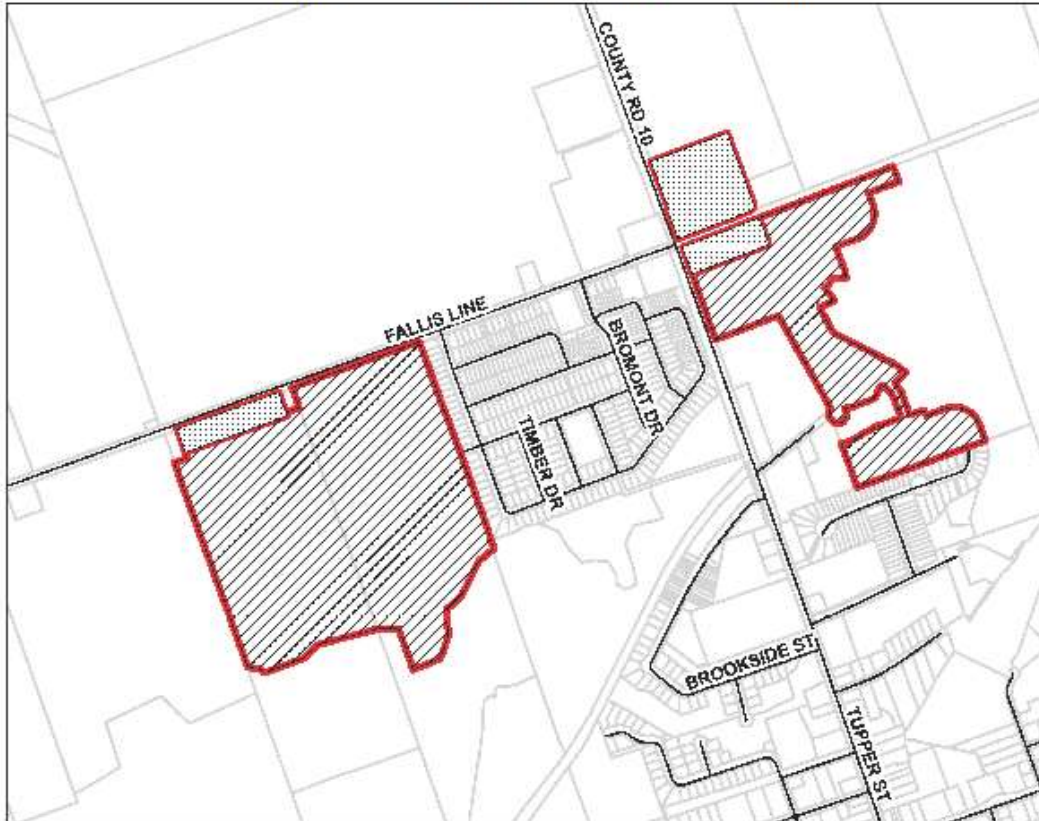
Wayne Hancock  
Director of Public Works

Reviewed by,

Yvette Hurley  
Chief Administrative Officer

# Attachment No. 1 – Minister’s Zoning Order (MZO – Map Only)

Part of Lots 11 and 13, Concession 5; and Part of Lot 13, Concession 6,  
Township of Cavan Monaghan, County of Peterborough



## MAP No. 304

Map filed at the office of the Ontario Ministry of Municipal Affairs and Housing, 777 Bay St., Toronto, Ontario,

Planning Act

Ontario Regulation: 250/22

Date: April 1, 2022

Original Signed By: Minister of Municipal Affairs and Housing

## LEGEND

- Roads
- Subject Lands
- Commercial/Mixed Use Zone
- Community Zone
- Parcels



Map North (Degrees): 0°

0 75 150 300

Metres

1 cm equals 110 metres

### Map Description:

This is map no. 304 referred to in a Minister's Zoning Order. It shows lands which are located in, Part of Lots 11 and 13, Concession 5; and Part of Lot 13, Concession 6, Township of Cavan Monaghan, County of Peterborough.

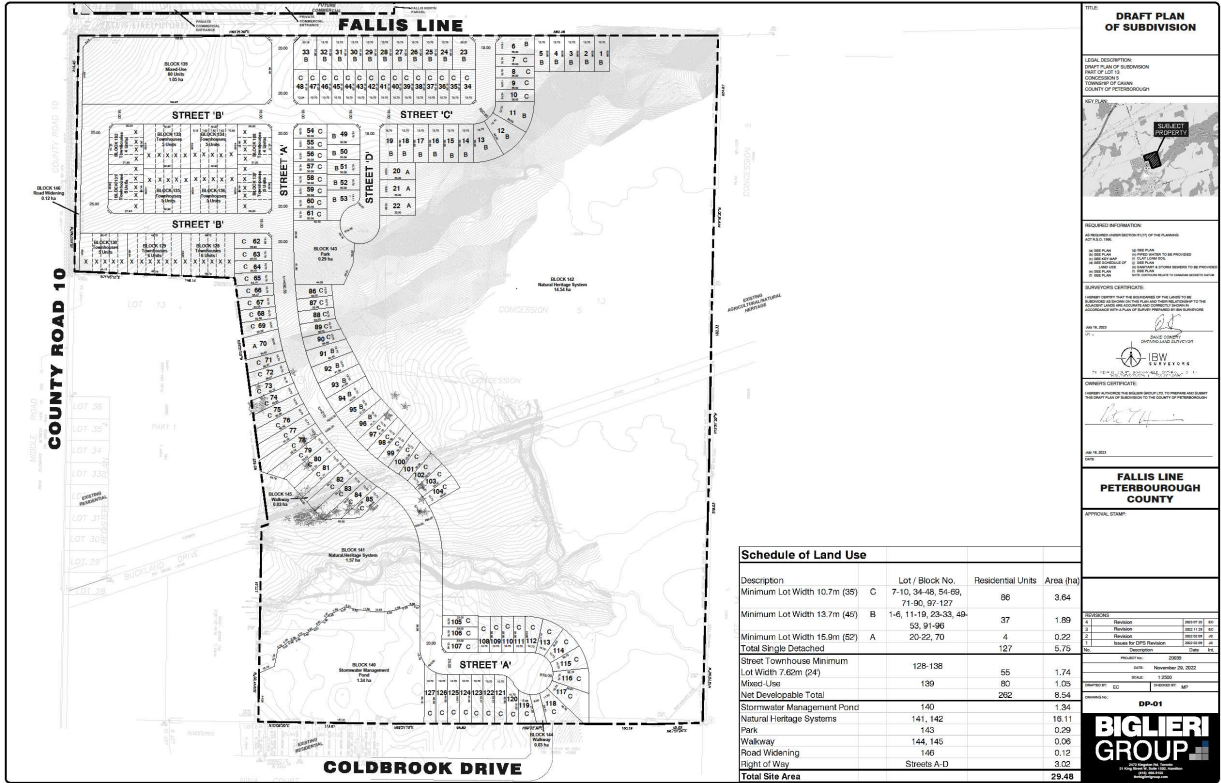
We are committed to providing accessible customer service (<https://www.ontario.ca/page/accessible-customer-service-policy>). On request, we can arrange for accessible formats and communications supports. Please contact MMAH by email ([mininfo@ontario.ca](mailto:mininfo@ontario.ca)) for regulation details.

### THIS IS NOT A PLAN OF SURVEY

Information provided by the Ministry of Municipal Affairs and Housing, under licence with the Ministry of Natural Resources.  
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# Attachment No. 2 – Vargas Site Plan (July 2023)



## Attachment No. 3 – Technical Memo (Valdor Engineering – October 4, 2022)

**John Connolly**

---

**From:** Oliver Beaudin <OBeaudin@Valdor-Engineering.com>  
**Sent:** October 4, 2022 12:16 PM  
**To:** Peter Zourntos  
**Subject:** 19121\_Explanation why road can't connect to South

File: 19121

Hi Peter,

Here is a brief explanation of why it is not possible to connect the road to the south:

We confirm that options to connect the proposed road (Street A) to the existing road (Nina Court) at the south-east end of the proposed development have been evaluated. However, this connection is not possible due to grading and stormwater management reasons.

As per the requirements of the Township and the Otonabee Region Conservation Authority (ORCA), the proposed development must be serviced by a stormwater management pond (SWM pond) to achieve water quality, quantity and erosion control before discharging to the watercourse (a tributary of Baxter Creek). The SWM pond must be located at the lowest site location (in this case the south side of the watercourse) so that all drainage can make its way to the pond. This leads to the two following options:

Option 1:

The SWM pond is located in the south-east corner of the site, closest to the downstream end of the watercourse. The benefit of this option is that it's optimal for achieving drainage to the SWM pond. However, a pond in this location means there can't be a road connection to the south.

Option 2 (Proposed Option):

The SWM pond is located in the south-west corner of the site, upstream of the proposed road crossing. The benefit of this option is that it's a more efficient use of the available land given the 30 m setbacks to the watercourse and wetland. However, it means that the road located in the south-east corner must slope towards the pond to ensure drainage is conveyed to the pond.

Several grading scenarios were evaluated for Option 2 to determine if it's possible to connect the road south to Nina Court. It was ultimately concluded that while it is possible from a grading perspective to connect the roads, the result would be that drainage would not be properly captured by the SWM pond (i.e., the road would be sloping away from the pond instead of towards it). This would lead to a number of significant drainage and stormwater management related issues, such as:

- The required water quality, quantity and erosion control objectives would not be met, causing increased pollution and erosion within the watercourse, as well as increasing the risks of downstream flooding.
- The overland flows to Nina Court would be significantly increased, likely leading to surface flooding of private property, and possibly overloading the existing storm sewer, which could lead to basement flooding.
- The total amount of water draining to the existing SWM pond at the wastewater treatment plant would be significantly increased, and would likely exceed the design capacities of the pond. This would likely cause the existing SWM pond to not work as intended (the water quality, quantity and erosion control

objectives would not be met), but could also cause significant damage to the facility (increased flows could put excessive strain on the emergency spillway, which could ultimately lead to a berm failure).

For the reasons discussed above, we maintain that a road connection to Nina Court is not possible without causing significant drainage and stormwater management issues, which won't be deemed acceptable by ORCA or the downstream residents.

Regards,

**Oliver Beaudin, P.Eng.**  
Project Manager, Water Resources



**VALDOR ENGINEERING INC.**

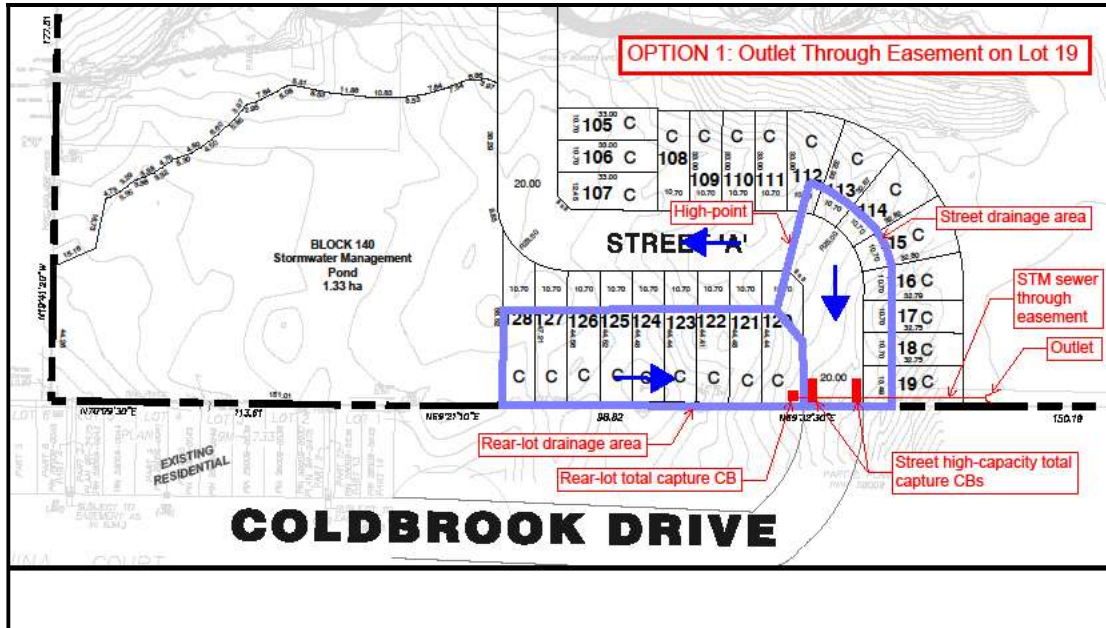
Head Office: Greater Toronto Area  
571 Christie Road, Unit 4, 2<sup>nd</sup> Floor  
Woodbridge, Ontario, L4L 6A2  
Tel: 905-264-0034 x104 Fax: 905-264-0069  
E-Mail: [obeaudin@valdor-engineering.com](mailto:obeaudin@valdor-engineering.com)  
URL: [www.valdor-engineering.com](http://www.valdor-engineering.com)

Branch Office: Peterborough & The Kawartha  
580 The Queensway, Unit 1  
Peterborough, Ontario K9J 7H2

Valdor Engineering Inc. accepts no responsibility whatsoever for any inaccuracy of error which the attached electronic file(s) may contain, any loss of information in whole or in part during the transfer, the transmission of any virus(es) with the file(s), or for any damage or loss which any person may suffer as a result of reliance upon any information which may be contained therein. Any use of which a party makes of this information or any reliance on decisions made based on such information, are the responsibility of such parties.



## Attachment No. 4 – Revised Site Plan with Road Connection (Option 1)



(Note: This is close up of what a possible Street 'A' – Coldbrook Drive Connection (See Option 1 in Report) might look like before detailed supporting engineering design has been completed)

**Attachment No. 4: Official Plan Amendment No. 15**

Official Plan Amendment No. 15  
(Vargas Subdivision)

to the

Official Plan for the Township of Cavan Monaghan

February 2024



**Certificate**

**Official Plan Amendment No. 15  
Township of Cavan Monaghan Official Plan**

The attached map and explanatory text, constituting Amendment No. 15 to the Township of Cavan Monaghan Official Plan was prepared by the Council of the Township of Cavan Monaghan and was adopted by the Township of Cavan Monaghan by By-law No. 2024-09 in accordance with the provisions of Section 21 of the Planning Act, R.S.O., 1990, as amended, on the 20th day of February, 2024.

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**Matthew Graham, Mayor**

**Corporate Seal  
of Municipality**

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**Cindy Page, Clerk**

This Amendment to the Township of Cavan Monaghan Official Plan which has been prepared and adopted by the Council of the Township of Cavan Monaghan is hereby approved in accordance with the provisions of Section 17 of the Planning Act, R.S.O., 1990, as amended, as Amendment No. 15 to the Township of Cavan Monaghan Official Plan.

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**Date**

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**Iain Mudd  
Director of Planning  
County of Peterborough**

## **Adoption By-law for Official Plan Amendment No. 15**

### **By-law No. 2024-09**

The Council of the Township of Cavan Monaghan, in accordance with the provisions of Section 17 of the Planning Act, R.S.O., 1990, as amended, hereby enacts as follows:

1. Amendment No. 15 to the Township of Cavan Monaghan Official Plan consisting of the attached text and maps (Schedules “1” and “2”) is hereby adopted.
2. That the Clerk is hereby authorized and directed to make application to the Peterborough County Planning Department for approval of the aforementioned Amendment No. 15 to the Township of Cavan Monaghan Official Plan.
3. This By-law shall come into force and take effect on the day of the final passing thereof, subject to the approval of the Peterborough County Council.

Enacted and passed this 20th day of February, 2024.

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Matthew Graham  
Mayor

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Cindy Page  
Clerk

## **The Statement of Components**

**Part A – The Preamble** does not constitute part of this Amendment.

**Part B – The Amendment** constitutes Amendment No. 15 to the Township of Cavan Monaghan Official Plan.

**Part C – The Appendices** do not form part of this Amendment. These appendices contain the record of the public involvement associated with the Amendment, including agency comments.

## Part A – The Preamble

### 1. Purpose:

The purpose of Amendment No. 15 to the Township of Cavan Monaghan Official Plan is to expand the Millbrook Settlement Area boundary, realign land use designations, and add an exception policy to specify that the regulations of Ministerial Zoning Order (O. Reg. 250/22 & Map 304) shall guide development on the subject lands. The changes will permit the development of a 263 residential lot/unit plan of subdivision on the subject lands.

### 2. Location:

The Amendment applies to the property located at the southeast corner of Fallis Line and County Road 10, in part of Lot 13, Concession 5 (Cavan) as shown on the Key Map attached hereto.

### 3. Basis:

#### i) Proposal

The lands subject to the Application are approximately 29.48 hectares (72.85 acres) in size with approximately 300 metres (984 feet) of frontage on County Road 10 and approximately 580 metres (1903 feet) of frontage on the future extension of Fallis Line. The land is legally described as Part of Lot 13, Concession 5 (Cavan), Township of Cavan Monaghan.

The property is currently vacant.

Official Plan Amendment No. 15 will change the land use designation on a portion of the subject lands from “Agricultural”, “Residential”, “Community Commercial”, “Institutional Special Policy Area #1”, “Natural Core Area” and “Natural Linkage Area” to “Residential”, “Community Commercial”, and “Natural Core Area”. The Amendment will also align the “Natural Core” designation with the limits of the MZO and expand the Millbrook Settlement Area Boundary.

The addition of an exception policy related to the regulations of the Ministerial Zoning Order and the maximum height permitted for multi-unit residential buildings is also proposed.

A Planning Justification Report for the Application and subsequent addendums are provided as Attachment No. 1 to this Amendment.

ii) Public Consultation

A public meeting is required to be held under Sections 17 and 22(b) of the Planning Act, R.S.O. 1990, as amended, as a minimum toward the fulfillment of the requirements for public consultation. A non-statutory Public Open House was held on May 18, 2022 and a Statutory Public Meeting was held on August 2, 2022. An additional opportunity for public comment was provided on February 20, 2024.

iii) Agency Review

All agency comments received are included in the Appendix.

Key Map



## Part “B” – The Amendment

### Introductory Statement

All of this part of the document entitled Part “B” – The Amendment consisting of the following text and attached maps designated as Schedules “1” and “2” constitute Amendment No. 15 to the Official Plan for the Township of Cavan Monaghan.

### Details of the Amendment

The Official Plan for the Township of Cavan Monaghan is amended as follows:

1. Schedule ‘A-1’ of the Township of Cavan Monaghan Official Plan is amended by changing the land use designations on the subject lands in part of Lot 13, Concession 5 (Cavan) from “Agricultural”, “Residential”, “Community Commercial”, “Institutional Special Policy Area #1”, “Natural Core Area” and “Natural Linkage Area” to “Residential”, “Community Commercial”, and “Natural Core Area” as shown on Schedule “1”, attached.
2. Schedule ‘A’ of the Township of Cavan Monaghan Official Plan is amended by changing the land use designations on the subject lands in part of Lot 13, Concession 5 (Cavan) from “Agricultural” to “Millbrook Urban Settlement Area” and amending the location of the “Settlement Area” to include all of the subject lands as shown on Schedule “2” attached.
3. Schedules ‘A’ and ‘A-1’ of the Township of Cavan Monaghan Official Plan are further amended by adding a text box reference for Section 4.1.8 b) as it applies to the subject lands in part of Lot 13, Concession 5 (Cavan) as shown on Schedules “1” and “2” attached.
4. Section 4.1 of the Township of Cavan Monaghan Official Plan is amended by adding a new subsection, namely subsection 4.1.8 b), immediately following subsection 4.1.8 a) that shall read as follows:

#### “4.1.8 Site Specific Policies

- b) Southeast Corner of Fallis Line & County Road 10  
Part of Lot 13, Concession 5 (Cavan)  
Vargas Subdivision

The lands subject to Ministerial Zoning Order (O. Reg. 250/22 & Map 304) are identified on Schedules ‘A’ and ‘A-1’ as subject to Policy 4.1.8 b). If there is a conflict between the policies of the Cavan Monaghan Official Plan and the regulations contained within the Ministerial Zoning Order, then the text and mapping of the Ministerial Zoning Order shall prevail. Development on the lands subject to a Ministerial Zoning Order shall occur within the terms of a Subdivision Agreement between the Township and the landowner, as appropriate.

Notwithstanding the provisions of Section 4.1.3 a) and 4.4.3 herein, the maximum building height for single, semi-detached and townhouse dwellings shall be three (3) storeys and the maximum building height for apartment buildings and mixed-use apartment buildings shall be four (4) storeys.

Development in the “Community Commercial” Designation shall be in accordance with the regulations associated with the “Commercial/Mixed Use Zone” of the Ministerial Zoning Order (O. Reg. 250/22 & Map 304).

In addition to the uses permitted in Section 4.4.2 the following uses shall also be permitted: banks and financial institutions; liquor stores; post offices; personal services; business professional and medical offices as a primary use; and dwelling units in mixed-use buildings.

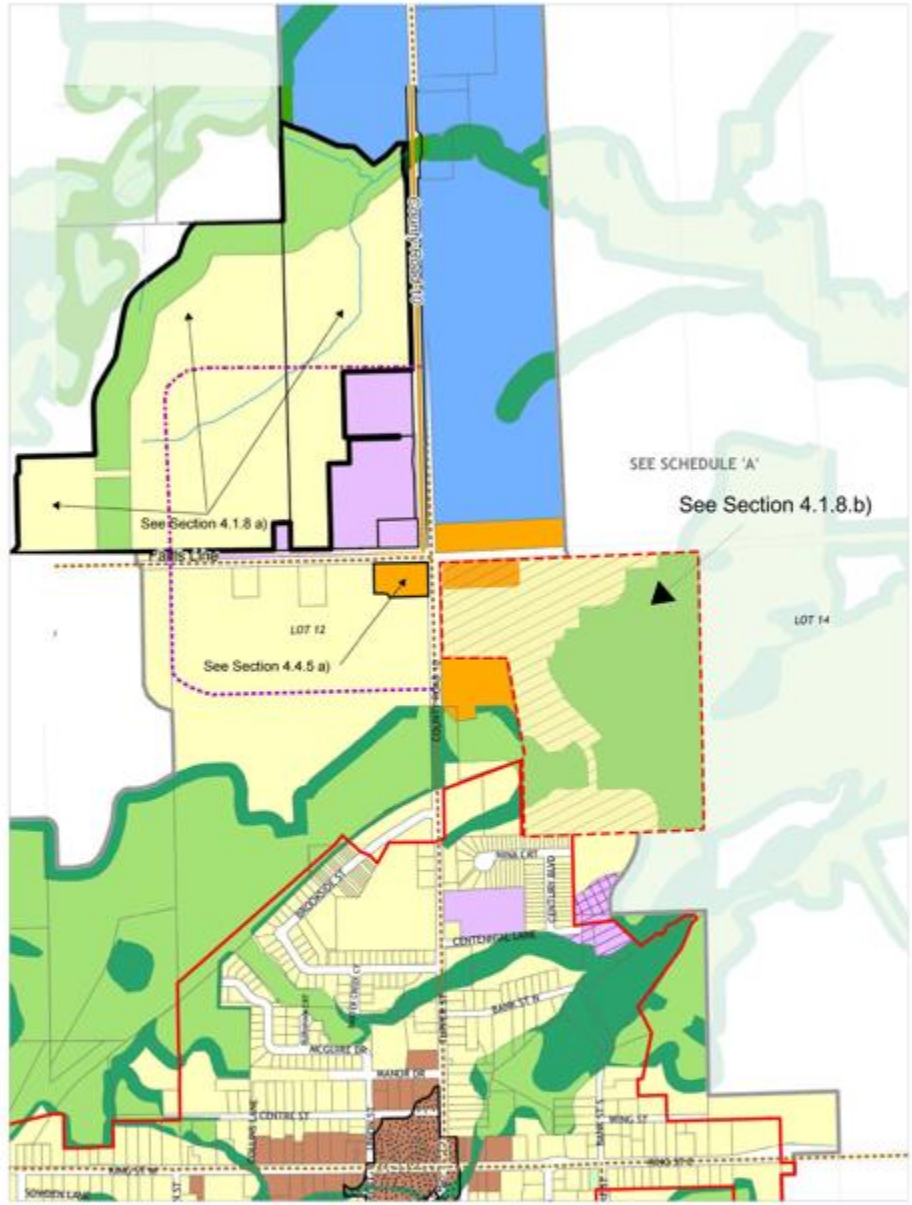
Policy 4.4.3 a) to d) shall not apply.



Those lands located outside of the “Community Zone” and “Commercial/Mixed Use Zone” of the Ministerial Zoning Order (O. Reg. 250/22 & Map 304) shall be subject to the policies of the Natural Heritage System policies in Section 6 of the Official Plan.

Notwithstanding the policies of Section 8.3, the boundaries of the Millbrook Settlement Area shall be expanded to include all lands subject to the Ministerial Zoning Order (O. Reg. 250/22 & Map 304).”

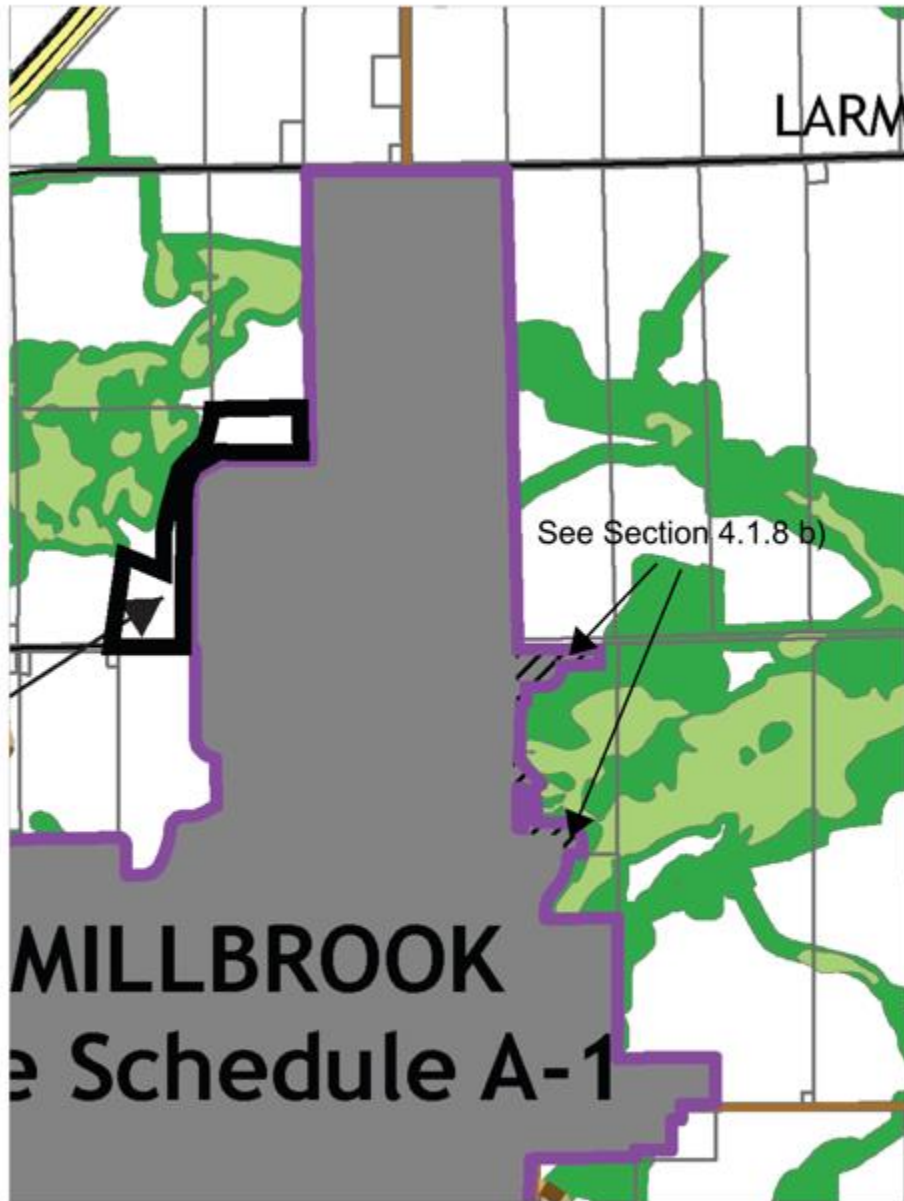



Schedule "1"



-  From Agricultural, Residential, Community Commercial, Institutional Special Policy Area #1, Natural Core Area and Natural Linkage Area to Residential (yellow), Community Commercial (orange), and Natural Core (green)
-  Subject Site

Schedule "2"



 Added to MILLBROOK Area



Regular Council Meeting

Table with 2 columns: Field (To, Date, From, Report Number, Subject) and Value (Mayor and Council, August 2, 2022, John F. Connolly, Executive Director, Planning & Development, Planning 2022-41, CSU & Vargas Developments – Public Meeting)

Recommendations:

- 1. That Council review and consider all public and agency verbal and written comments received regarding these applications, and
2. That proposed Official Plan Amendments and Plans of Subdivision be presented to Council at a future date for consideration.

Overview:

CSU Development and Vargas Properties Inc. applied to Peterborough County for approval of two (2) subdivisions on Fallis Line West and Fallis Line East mostly within the Millbrook Urban Settlement Area. The developer also applied to the Township of Cavan Monaghan for the associated zoning by-law amendments. This Report presents background information for the Applications and outlines the public engagement process to date.

Application Details:

CSU Developments

On July 28, 2021, the County provided notice of a complete application for CSU Developments for the subject properties identified as 787 and 825 Fallis Line West in the Township of Cavan Monaghan. This original application is for an Official Plan Amendment (OPA-03-21), Zoning By-law Amendment (ZBA-09-21) and a Plan of Subdivision (15T-21007) for the subject lands to permit the creation of a 696 unit subdivision of single detached dwellings, townhouses and residential apartments on the 49.2 ha(121.58 ac) subject lands. In addition, a portion of the subject properties would expand the Millbrook Settlement Area boundary to encompass the development.

In support of the applications, the following documentation was submitted:

- Draft Plan prepared by The Biglieri Group, dated June 8, 2021;
• Planning Rationale Report prepared by The Biglieri Group, dated July, 2021;

- Agricultural Impact Assessment prepared by Clark Consulting Services dated May 2021;
- Functional Servicing Report prepared by Valdor Engineering Inc. dated June, 2021;
- Geotechnical Investigation Report prepared by GHD Ltd. dated March 23, 2021;
- Environmental Impact Study prepared by GHD Ltd. dated May 28, 2021;
- Stage 1 Archaeological Assessment prepared by AECOM Canada Ltd., dated March 2021;
- Hydrogeological Investigation Report prepared by GHD Ltd., dated March 28, 2021;
- Phase One ESA prepared by GHD Ltd., dated March 5, 2021;
- Fiscal Impact Study, prepared by Watson and Associates Economists Ltd., dated July 2, 2021; and
- Traffic Impact Study prepared by Asurza Engineers Ltd., dated June 11, 2021.

Since this initial submission, as a result of peer review and agency comments on this initial submission, a second submission has been received by the County and Township. Of note, the number of residential units changed from the original submission (696 units to 669 units – see Attachment No. 1).

Vargas Properties Inc.

On September 9, 2021, the County provided notice of a complete application for Vargas Properties Inc. for the subject lands identified at the corner of County Road 10 and Fallis Line East. The original application is for an Official Plan Amendment (OPA-04-21), Zoning By-law Amendment (ZBA-10-21) and a Plan of Subdivision (15T-21005) for the subject lands to permit the creation of a mixed-use commercial/residential development that includes a commercial block, 70 residential lots and 10 townhouse dwellings on the subject lands.

In support of the applications, the following documentation was submitted:

- Draft Plan prepared by The Biglieri Group, dated April 27, 2021;
- Planning Rationale Report prepared by The Biglieri Group, dated April, 2021;
- Agricultural Impact Assessment prepared by Clark Consulting Services dated April 2021;
- Functional Servicing Report prepared by Valdor Engineering Inc. dated April, 2021;
- Geotechnical Investigation Report prepared by GHD Ltd. dated March 8, 2021;
- Environmental Impact Study prepared by GHD Ltd. dated May 28, 2021;
- Stage 1 Archaeological Assessment prepared by AECOM Canada Ltd., dated April 2021;
- Fiscal Impact Study, prepared by Watson and Associates Economists Ltd., dated July 21, 2021; and,
- Traffic Impact Study prepared by Asurza Engineers Ltd., dated April 28, 2021.

Since this submission, as a result of peer review and agency comments on this initial submission, a second submission was received on June 1, 2022. Of note, the configuration of residential and commercial land uses has changed significantly (see Attachment No. 2). This is in part because of review and comments but also because

the developer attained land holdings adjacent to this development proposal, which changed the configuration of the proposed commercial development and was the subject of a requested to support a Minister's Zoning Order (MZO) on February 22, 2022.

All of this information is available for review in the County Planning Department Office and the Township Planning & Economic Development Office as well as both organizations websites. Links to the websites are as follows:

Peterborough County:

<https://www.ptbocounty.ca/Modules/News/Search.aspx?feedId=29a3fecc-631e-49e2-998c-635bcda7fd55>

Township of Cavan Monaghan:

<https://www.cavanmonaghan.net/Modules/News/en?CategoryNames=Planning%20Notices&page=3>

#### Additional Land Holdings – Vargas Properties

Vargas Properties has owned an approximately 5-acre property at the northeast corner of County Road 10 and Fallis Line East. This property had not been included in the aforementioned CSU Developments or Vargas Properties applications. However, in January of 2022, the proponent secured additional land holdings on the east side of County Road 10 (between Fallis Line East and Larmer Line), and north of Fallis Line East. These lands have no municipal address but are at the northeast corner of County Road 10 and Fallis Line East and consist of approximately 72 acres in size, which are predominately vacant at this time.

These new land holdings as well as the other roughly 5 acre property were added to the current Applications undergoing review the planning process and were part of a request for a Minister's Zoning Order (MZO).

#### Minister's Zoning Order (MZO)

As noted earlier, at its Regular Meeting of February 22, 2022, Council passed a resolution to support a request for an MZO for the aforementioned Applications, which also brought in some of the additional land holdings at the request of the developer. On April 1, 2022, the Minister of Municipal Affairs & Housing (MMAH) approved Ontario Regulation 250/22 (MZO) for the subject lands (Attachment No. 3).

With approval of the MZO, the need for the aforementioned zoning by-law amendments has been superceded but the processing and decisions on the OPAs and Plans of Subdivision continues and will follow the normal Planning Act process.

## **Public Engagement Process:**

Peterborough County published a Notice of Complete Application concerning the Plan of Subdivision in the local newspaper and on its website. Notice of the Complete Application together with the Draft Plan of Subdivision was circulated by email to the required Ministries and Agencies for review and comment. The Applicant has also provided a second submission (re-submission)

In addition, the Applicant hosted a virtual neighbourhood information meeting on Wednesday, May 18, 2022. Notice of the neighbourhood information meeting was emailed and sent by mail to area residents and advertised on the Township website ahead of the virtual meeting. Notwithstanding the limited attendance at the virtual meeting, the meeting was recorded and posted on the Township of Cavan Monaghan's YouTube channel and as of the date of writing this Report, has received more than 1,000 views.

For the public meeting, Notice of the Applications was circulated by first class prepaid mail, to all assessed persons within 120 metres (400 feet) of the lands subject to the Applications, to all required ministries and agencies and to all Township Department Directors. The Notice of Public Meeting was also posted on the County and Township websites and published in the Millbrook Times newspaper (Attachment No. 4). The Notice complies with the requirements of the Planning Act.

As of the writing of this Report, the Township has received several inquiries from area residents requesting further information about the Applications. The Township has also received some written and verbal objections to the Applications. The objections are largely with respect to the size, scope and scale of the proposed development as well as the ability of the Township to accommodate this magnitude of growth. A complete summary and analysis of the public comments received will be provided in a future report.

Agency comments regarding the Applications have been and continue to be received by County and Township Staff. A fulsome discussion and analysis of agency comments will be provided in a future report.

## **Financial Impact:**

None.

## **Attachment:**

- Attachment No. 1 – CSU Developments – Revised Site Plan
- Attachment No. 2 – Vargas Developments – Revised Site Plan
- Attachment No. 3 – Minister's Zoning Order (April 1, 2022)
- Attachment No. 4 – Advertisement, Public Meeting (Millbrook Times)

Respectfully Submitted by,

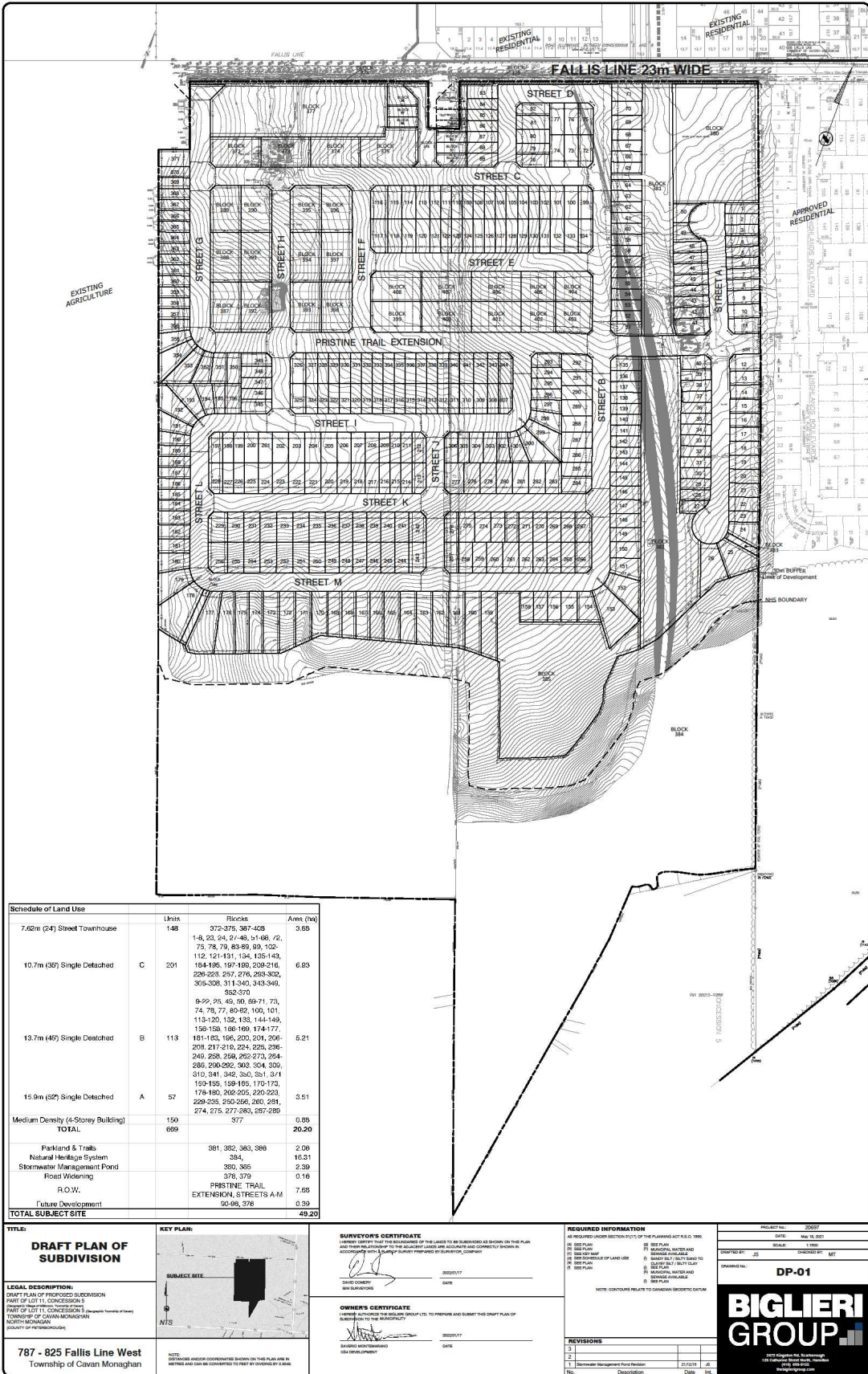
Reviewed by,

John F. Connolly  
Executive Director, Planning & Development

Yvette Hurley  
Chief Administrative Officer

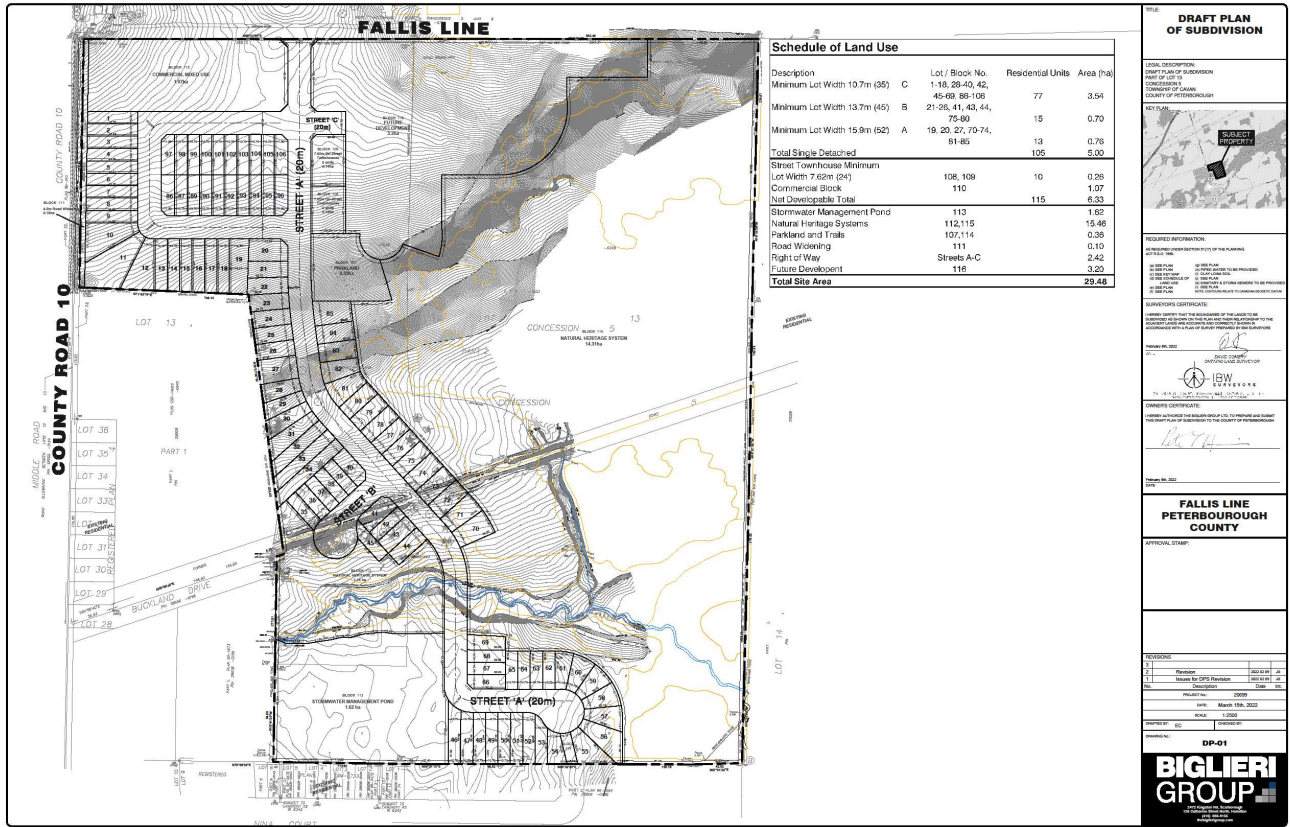


# Attachment No. 1 – CSU Site Plan (revised)





# Attachment No. 2 – Vargas Site Plan (revised)



Schedule of Land Use			
Description	Lot / Block No.	Residential Units	Area (ha)
Minimum Lot Width 10.7m (35)	C 1-13, 29-40, 42, 45-69, 89-106	77	3.54
Minimum Lot Width 13.7m (45)	B 21-26, 41, 43, 44, 75-80	15	0.70
Minimum Lot Width 15.9m (52)	A 19, 20, 27, 70-74, 81-85	13	0.78
<b>Total Single Detached</b>			
Street Townhouse Minimum Lot Width 7.62m (25)	108, 109	10	0.28
Commercial Block	110	115	1.07
<b>Net Developable Total</b>			<b>6.33</b>
Stormwater Management Pond	113		1.92
Natural Heritage Systems	112, 115		15.46
Parkland and Trails	107, 114		0.38
Road Widening	111		0.10
Right of Way	Streets A-C		2.42
Future Development	116		3.20
<b>Total Site Area</b>			<b>29.48</b>

**DRAFT PLAN OF SUBDIVISION**

**LEGAL DESCRIPTION**  
 DRAFT PLAN OF SUBDIVISION  
 PART OF LOT 13  
 CONCESSION  
 COUNTY OF PETERBOURGH

**REQUIRED INFORMATION**

**CONVEYING CERTIFICATE**

**CONVEYING CERTIFICATE**

**FALLS LINE PETERBOURGH COUNTY**

**REVISIONS**

No.	Description	Date
1	Revision	2022-03-01
2	Issue for 2D/3D Issuance	2022-03-01

DATE: March 19th, 2022  
 SCALE: 1:500  
 PROJECT NO: 22-0000

**BIGLIERI GROUP**

# Attachment No. 3 – Minister’s Zoning Order

## ONTARIO REGULATION 250/22

made under the

### PLANNING ACT

Made: April 1, 2022

Filed: April 1, 2022

Published on e-Laws: April 1, 2022

Printed in *The Ontario Gazette*, April 16, 2022

## ZONING ORDER - TOWNSHIP OF CAVAN MONAGHAN

### Definition

1. In this Order,

“zoning by-law” means the Township of Cavan Monaghan Zoning By-Law No. 2018-58.

### Application

2. This Order applies to lands in the Township of Cavan Monaghan in the County of Peterborough, in the Province of Ontario, being the lands identified on a map numbered 304 and filed at the Toronto office of the Ministry of Municipal Affairs and Housing located at 777 Bay Street.

### Community Zone

3. (1) This section applies to the lands located in the area shown as the Community Zone on the map referred to in section 2.

(2) Every use of land and every erection, location or use of any building or structure is prohibited on the lands described in subsection (1), except for:

- (a) the uses permitted in the Urban Residential One (UR1) Zone and the Urban Residential Two (UR2) Zone under section 3.2 of the zoning by-law;
- (b) townhouse dwellings;
- (c) multiple dwellings;
- (d) apartment dwellings;
- (e) long-term care facilities;
- (f) retirement homes;
- (g) the uses permitted in the Open Space (OS) Zone set out in section 10.2 of the zoning by-law; and
- (h) infrastructure uses.

(3) The zoning requirements respecting setbacks set out in section 11.30 of the zoning by-law do not apply to the uses, buildings or structures permitted under subsection 3 (2).

(4) Despite the zoning by-law, the following requirements apply to the uses, buildings or structures permitted under clause 3 (2) (a):

1. The minimum lot area is 270 square metres for uses permitted in the Urban Residential One (UR1) Zone under the zoning by-law.
2. The minimum lot area is 162 square metres for uses permitted in the Urban Residential Two (UR2) Zone under the zoning by-law.

(5) Despite the zoning by-law, the following requirements apply to the uses, buildings or structures permitted under clause 3 (2) (b):

1. The minimum lot area is 250 square metres per unit.

(6) Despite the zoning by-law, the following requirements apply to the uses, buildings or structures permitted under clauses 3 (2) (a) and (b):

1. The minimum lot frontage is 6 metres.
2. The maximum lot coverage for all buildings is 55 per cent of the lot area.
3. The maximum building height is 11 metres.

4. The minimum landscaped open space is 20 per cent of the lot area.
  5. The minimum front yard setback is 4.5 metres.
  6. The minimum rear yard setback is 6 metres.
  7. The minimum exterior side yard setback is 2.5 metres.
  8. The minimum interior side yard setback is 1.2 metres on one side and 0.6 metres on the other side.
  9. Despite paragraph 8, there is no minimum interior side yard setback for a common wall between dwelling units.
  10. Clause (1) in the portion of the zoning by-law named Tables 3B and 3C Additional Regulations does not apply.
- (7) Despite the zoning by-law, the following requirements apply to the uses, buildings or structures permitted under clause 3 (2) (e) to (f):
1. The minimum lot frontage is 30 metres.
  2. The minimum landscaped open space is 20 per cent of the lot area.
  3. The maximum lot coverage for all buildings is 55 per cent of the lot area.
  4. The maximum building height is 14 metres not including mechanical penthouses, rooftop amenities and other structures set out in section 11.12.1 of the zoning by-law.
  5. The minimum front, rear, exterior side and interior side yard setback is 3 metres.
  6. The minimum required parking is 1 parking space per dwelling unit and 0.25 visitor parking spaces per dwelling unit.
  7. A maximum of 1 loading space is required.
  8. Table 3A Additional Regulations, regarding amenity area requirements, in the zoning by-law applies.
- (8) The zoning requirements set out in section 10.3 of the zoning by-law for the Open Space (OS) Zone apply to the uses, buildings or structures permitted under clause 3 (2) (g).

**Commercial/Mixed Use Zone**

4. (1) This section applies to the lands located in the area shown as the Commercial/Mixed Use Zone on the map referred to in section 2.

(2) Every use of land and every erection, location or use of any building or structure is prohibited on the lands described in subsection (1), except for,

- (a) the uses permitted in the Community Commercial (CS) Zone under section 5.2 of the zoning by-law;
- (b) art galleries;
- (c) artists studios;
- (d) building supply stores;
- (e) financial institutions;
- (f) mobile refreshment vehicles;
- (g) personal service establishments;
- (h) places of worship;
- (i) postal or courier outlets;
- (j) printing or publishing establishments;
- (k) motor vehicle repair garages;
- (l) business offices;
- (m) beer, liquor, wine and cannabis stores;
- (n) dwelling units in mixed-use buildings; and
- (o) live/work dwelling units.

(3) Despite the zoning by-law, the following requirements apply to the uses, buildings or structures permitted under subsection (2):

1. The minimum lot area is 360 square metres.
2. The minimum front, rear, exterior side and interior side yard setback is 3 metres.

3. Despite paragraph 2, there is no minimum interior side yard setback where two commercial uses are situated on adjoining lots.
4. Despite paragraph 2, there is no minimum rear yard setback where the building or structure is adjacent to a public or private laneway.
5. The maximum building height is 14 metres not including any mechanical penthouses, rooftop amenities or any of the structures listed in section 11.12.1 of the zoning by-law.
6. There is no maximum floor area requirement.
7. The zoning requirements respecting setbacks set out in section 11.30 of the zoning by-law do not apply.

**Terms of use**

5. (1) Every use of land and every erection, location or use of any building or structure shall be in accordance with this Order.

(2) Nothing in this Order prevents the use of any land, building or structure for any use prohibited by this Order if the land, building or structure is lawfully so used on the day this Order comes into force.

(3) Nothing in this Order prevents the reconstruction of any building or structure that is damaged or destroyed by causes beyond the control of the owner if the dimensions of the original building or structure are not increased or its original use altered.

(4) Nothing in this Order prevents the strengthening or restoration to a safe condition of any building or structure.

**Repealed by-law**

6. This Order is deemed for all purposes, except the purposes of section 24 of the Act, to be and to always have been a by-law passed by the council of the Township of Carleton Place.

**Commencement**

7. This Regulation comes into force on the day it is filed.

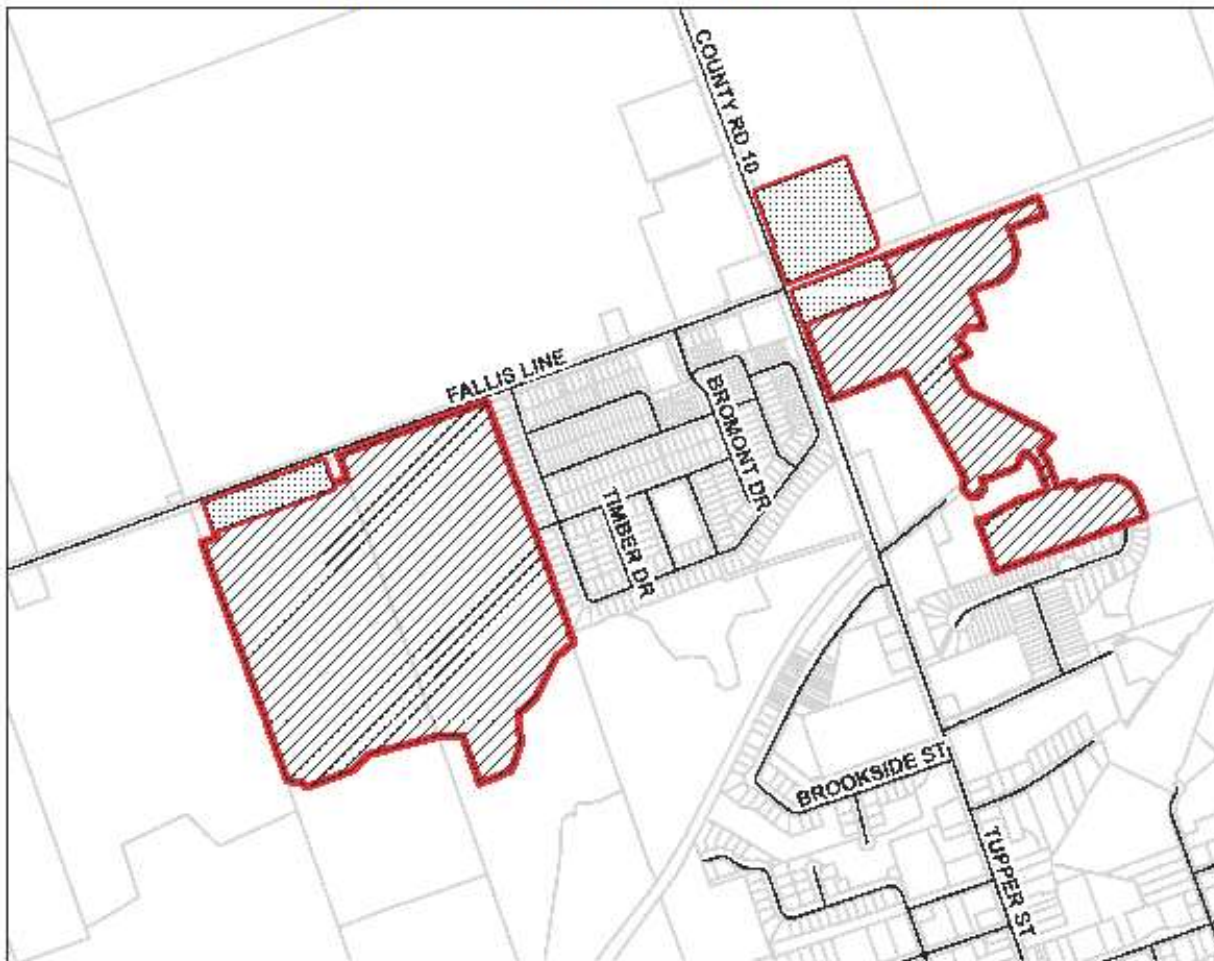
Made by:

STEVIE CLARK  
*Minister of Municipal Affairs and Housing*

Date made: April 1, 2022

[Back to top](#)

**Part of Lots 11 and 13, Concession 5; and Part of Lot 13, Concession 6,  
Township of Cavan Monaghan, County of Peterborough**



**MAP No. 304**

Map filed at the office of the Ontario Ministry of Municipal Affairs and Housing, 777 Bay St., Toronto, Ontario,

Planning Act

Ontario Regulation: 250/22

Date: April 1, 2022

Original Signed By: Minister of Municipal Affairs and Housing

**LEGEND**

- Roads
- Subject Lands
- Commercial/Mixed Use Zone
- Community Zone
- Parcels



Map North (Degrees): 0°

0 75 150 300  
Metres

1 cm equals 110 metres

**Map Description:**

This is map no. 304 referred to in a Minister's Zoning Order. It shows lands which are located in, Part of Lots 11 and 13, Concession 5; and Part of Lot 13, Concession 6, Township of Cavan Monaghan, County of Peterborough.

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**THIS IS NOT A PLAN OF SURVEY**  
Information provided by the Ministry of Municipal Affairs and Housing, under licence with the Ministry of Natural Resources.  
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# Attachment No. 4 – Notice – Millbrook Advertisement

July 2022

THE MILLBROOK TIMES – SERVING CAVAN-MONAGHAN AND SURROUNDING COMMUNITIES SINCE 1987

PAGE 3



## The Corporation of the County of Peterborough and the Township of Cavan Monaghan Notice of Complete Application for Official Plan Amendments and Notice of Public Meeting Concerning the Proposed Plans of Subdivision and Official Plan Amendments File Nos. 15T-21007 (OPA-03-21) and 15T-21005 (OPA-04-21)

Take notice that the Corporation of the County of Peterborough has received application No. 15T-21007 (CSU Developments) and application No. 15T-21005 (Vargas Properties) for approval of Plans of Subdivision under Section 51 of the Planning Act, R.S.O. 1990, as amended. The Corporation of the Township of Cavan Monaghan has also received applications for Official Plan Amendments for these proposed subdivisions under Section 17(15) of the Planning Act, R.S.O. 1990, as amended. The applications have been assigned file numbers Official Plan Amendments OPA-03-21 and OPA-04-21 respectively. Both applications were assigned file numbers Zoning By-law Amendments ZBA-00-21 and ZBA-10-21 respectively, which are no longer being processed as they have approved through Minister's Zoning Order (Ontario Regulation 250/22), dated April 1, 2022.

The Plans of Subdivision and Official Plan Amendments apply to lands located in Part of Lots 11, Concession 5 (CSU) and Part of Lot 13, Concession 5 (Vargas) of the Cavan Ward. The Key Map below indicates the location of the subject lands to the above-noted Applications.

The purpose of this Notice is to inform the public of the nature of the Applications, invite public input, advise how to provide comments on the Applications, and to advise the public of future notification and appeal rights. Please note that the County of Peterborough is the approval authority for the Plans of Subdivision and the Official Plan Amendment. As noted earlier, previously, the Zoning By-law Amendments for these applications were approved through Minister's Zoning Order (Ontario Regulation 250/22) on April 1, 2022.

### Purpose and Effect of the Applications

Subdivision Application 15T-21007 (OPA-03-21) proposes approval of 669 residential units in the form of 148 townhouse units; 371 single detached dwellings; and 150 residential units within a 4-storey building. The proposed development will include 13 internal roads, contain parkland and trails as well as 2 stormwater management pond blocks. This application applies to 49.2 hectares (121.6 acres) of land at 787 and 825 Falls Line.

Subdivision Application 15T-21005 (OPA-04-21) proposes approval of 178 residential units in the form of 48 townhouse units; and 128 single detached dwellings along with a commercial mixed use block. The proposed development will include 4 internal roads, contain parkland and trails as well as a stormwater management pond block. This application applies to 29.48 hectares (72.8 acres) of land at southeast corner of Falls Line and County Road 10.

Through the issuing of Minister's Zoning Order (Ontario Regulation 250/22) on April 1, 2022, the developable portions of the subject lands (both properties) are zoned Commercial/Mixed Use and Community Zone. The Commercial/Mixed Use Zone permits a wide range of uses permitted in the Community Commercial (C5) Zone with some exceptions. The Community Zone permits the uses as permitted in the Urban Residential One (UR-1) and Urban Residential Two (UR-2) zone as well as Open Space (OS) uses. The Plan of Subdivision Applications have been revised to comply with the zoning designations delineated in the Minister's Zoning Order (MZO).

The proposed Official Plan Amendments seek to coordinate the Official Plan designations on the subject lands to the zoning designations outlined in the MZO. For the CSU subject lands, the OPA proposes to expand the Millbrook Settlement Area boundary by 31 hectares (76.0 acres) and change that portion of the current OP designation from Agricultural to Residential to accommodate the proposed development. The current portions of the lands designated Natural Linkage Area and Natural Core will remain unchanged through the proposed OPA.

The CSU proposed development also seeks to connect to municipal water and wastewater when there is sufficient capacity to expand and service this portion of the subject lands. For wastewater, if there is not sufficient available treatment capacity in the existing Water Wastewater Treatment Plant (WWTP), a second treatment facility is being proposed on the subject site, which would be phased to service future development. The Township has retained a consultant that is currently conducting a Master Servicing Study which will inform current and future capacity for water and wastewater for Millbrook including this proposed development. The study is to be completed later this year, this part of the proposed development would not proceed until water and wastewater allocation is available.

The proposed Official Plan Amendment for the Vargas subject lands would result in part of the subject lands currently designated Agricultural being brought into the Millbrook Settlement Area boundary and re-designated as residential. In addition, the current Institutional Special Policy Area #1 will be re-designated to residential, as those lands are no longer required for the WWTP. The current portions of the subject lands designated Natural Linkage Area and Natural Core will remain unchanged. The Community Commercial and Residential designations will be revised to reflect Commercial/Mixed Use and Community Zones consistent with the approved MZO.

For this application, it is anticipated that there is sufficient water and wastewater capacity in the WWTP to service this development. The previously identified Master Servicing Study is underway and will confirm servicing.

### Public Meeting

During the COVID-19 pandemic, the Municipal Office has limited public access and the Council of the Township of Cavan Monaghan will hold an electronic public meeting in accordance with the requirements of the Planning Act, R.S.O. 1990, as amended as follows:

**Meeting Date:** Tuesday, August 2, 2022  
**Location:** Township of Cavan Monaghan Council Chambers  
988 County Road 10, Millbrook  
**Time:** 1:00 p.m. Via Zoom  
**To Speak at the Public Meeting or Provide Written Comments**

If you wish to speak to the application at the public meeting, please contact the Clerk by email at [cpage@cavanmonaghan.net](mailto:cpage@cavanmonaghan.net) no later than 4:00 p.m. on the business day prior to the scheduled meeting and you will be provided with an invitation to join the meeting using your computer or phone. The Township is using Zoom for electronic meetings and it is the responsibility of the interested member of the public to have technology in place to connect to the meeting.

Any person may "attend" the electronic/virtual public meeting and/or make a verbal or written representation either in support of or in opposition to the proposed Plans of Subdivision and/or Official Plan Amendments. If you are unable to "attend" the meeting, written submissions may be submitted and should include a request for further notice, if desired.

Although possible for members of the public to "attend" a meeting electronically, and provide verbal submissions, we would encourage you to communicate with Council by forwarding written comments in support or opposition to [cpage@cavanmonaghan.net](mailto:cpage@cavanmonaghan.net).

If you wish to view the public meeting in real time, but do not wish to speak to the application, the meeting will be hosted on the Township YouTube Channel at:

[https://www.youtube.com/channel/UJk8cGK2GvckFHWz\\_0\\_KaleQ?view\\_as=subscriber](https://www.youtube.com/channel/UJk8cGK2GvckFHWz_0_KaleQ?view_as=subscriber)

The meeting will also be recorded and available after the meeting for public viewing on the same platform.

Personal information as defined by the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) is collected under the authority of the Municipal Act, 2001, and in accordance with the provision of MFIPPA. Personal information collected in relation to materials submitted for an agenda will be used to acknowledge receipt, however, please be aware that your name is subject to disclosure by way of publication of the agenda. If you have questions about this collection, use and disclosure of this information, please contact the Clerk's Department at 705-932-9326.

In accordance with the Accessibility for Ontarians with Disabilities Act, the Township of Cavan Monaghan is pleased to accommodate individual needs of anyone wishing to attend Council meetings. Please call 705-932-9326 or email the Township Clerk if you require an accommodation to ensure your needs are met prior to the meeting.

### The Right to Appeal

If a person or public body does not make oral submissions at a public meeting or make written submissions to the County of Peterborough in respect of the proposed Plans of Subdivision or to the Township of Cavan Monaghan in respect of the proposed Official Plan Amendments before the approval authority gives or refuses to give approval to the draft plans of subdivision or Official Plan Amendments, the person or public body is not entitled to appeal the decision of the approval authority to the Ontario Land Tribunal.

If a person or public body does not make oral submissions at a public meeting or make written submissions to the County of Peterborough in respect of the proposed Plans of Subdivision or to the Township of Cavan Monaghan in respect of the proposed Official Plan Amendments, before the approval authority gives or refuses to give approval to the draft plans of subdivision or Official Plan Amendments, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

### To Be Notified

If you wish to be notified of the decision for any or all of the applications, you must make a written request to the County of Peterborough regarding the Subdivision applications and the Official Plan Amendment applications. Such a request should note the Peterborough County File No. 15T-21007 (OPA-03-21) and/or 15T-21005 (OPA-04-21) for the proposed Plans of Subdivision and Official Plan Amendments.

### Other Related Applications

There are no other additional related applications.

### For More Information

Additional information about the proposed Plans of Subdivision and proposed Official Plan Amendments are available for inspection online at:

<https://www.ptbcocounty.ca/Modules/News/index.aspx?feedid=29a3fccc-831e-49e2-998c-635b0da7fd55&page=3&newsid=ef60420-51cb-4ce2-933b-8daf286833ec>

<https://www.ptbcocounty.ca/Modules/News/index.aspx?feedid=29a3fccc-831e-49e2-998c-635b0da7fd55&page=3&newsid=bedc38e3-3f08-473e-a54f-3cbb00e8c0ff>

Additional information concerning the applications is available for public inspection during regular office hours at the County of Peterborough and Township of Cavan Monaghan Municipal Offices at the addresses shown below.

<b>County of Peterborough</b> County Court House 470 Water Street Peterborough, ON K9H 3M3 Tel: (705) 743-0380	<b>Township of Cavan Monaghan</b> 988 County Rd 10 Millbrook ON L0A 1G0 Tel: (705) 932-9326
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Dated this 27<sup>th</sup> day of June, 2022



## **Attachment No. 6 – Draft Conditions of Approval - Vargas Subdivision**

### 1) Draft Plan

That this approval and conditions apply to the draft plan of subdivision (Project Number 20699, last revised November 2<sup>nd</sup> 2023), prepared by Biglieri Group and signed by the Owner and the Surveyor on December 13, 2023, showing a total of:

- One Forty Five (145) Lots and Blocks (1-145 inclusive)
- One Hundred Twenty Eight (128) – Residential Single Density (Lots 1-128)
- Fifty Five (55) – Residential Townhouse units (Blocks 128-138)
- Eighty (80) – Mixed Use Units (Block 139)
- One (1) Stormwater Management Pond (Block 140) – transfer to Township
- Two (2) Natural Heritage System Blocks (Blocks 141, 142) – transfer to Township
- One (1) Parkland Block (Block 143) – transfer to Township
- One (1) Six Metre (6m) Walkway Block (Block 144)
- One (1) Road Widening Block (Block 145)
- Four (4) Internal Roads Streets (A – D)

### 2) Water Allocation

- a) The Developer/Owner shall acknowledge in the Subdivision Agreement that draft plan approval does not in itself constitute a commitment by the Township of Cavan Monaghan to provide servicing access to the Township's water supply. Plans may proceed to registration provided that there is sufficient residual capacity and capability to service the development. The Developer/Owner shall acknowledge in the Subdivision Agreement that plant capacity may be allocated for new development on a priority basis at the time of payment of Development Charges in accordance with the Act. The Township has completed its Master (Water and Wastewater) Servicing Study and has been advised by its consultant (R.V. Anderson) that there is sufficient existing capacity available for all of the proposed units and commercial mixed uses;

- b) At all times, the granting of service allocation and the acceptance of a Development Charge payment is conditional on the continued availability of service capacity and the ability of the Township to provide same. Should service capacity no longer be available to commit to the development, in whole or in part, through whatever circumstances, the Township may remove or adjust the quantity of service allocation to this development, up to the time of registration of the Plan, by advising the Developer/Owner and refunding the applicable Development Charges; and
- c) Prior to final approval and registration of the Plan or any Phase thereof, the Township shall confirm to the Approval Authority, in writing, that there is sufficient water capacity available to service the entire plan of subdivision or phase based on existing commitments, allocations and actual usage as determined by the Township's monitoring of water flows.

3) Water Servicing

- a) The Developer/Owner shall agree in the Subdivision Agreement to design the water supply and distribution system to accommodate lateral connections to the future commercial development proposed on the north side of Fallis Line East to the satisfaction of the Township's Director of Public Works;
- b) The Developer/Owner shall agree in the Subdivision Agreement to use best efforts to install water laterals to the satisfaction of the Township's Director of Public Works in accordance with the Township's Standards. The associated road repairs/resurfacing works shall be completed at the Developer's/Owner's expense; and
- c) On the general plan, watermains are to be located within the road allowance to minimize road crossings for services. These are to be located and submitted for approval with detailed design.

4) Sanitary Sewage Services

- a) Prior to final approval and registration of the Plan, the Developer/Owner agrees to provide for an appropriate sanitary conveyance system, including the provision of servicing facilities external to the plan where required, to the satisfaction of the Township's Director of Public Works; and
- b) The Developer/Owner agrees to grant an easement to the Township of Cavan Monaghan for access to the sanitary conveyance system, in terms satisfactory to the Township of Cavan Monaghan, and that the easement shall be removed from title when it is no longer required by the Township of Cavan Monaghan.



5) External Services

- a) The Developer/Owner's consultant shall provide overall engineering drawings of external sanitary drainage areas, water servicing areas, storm drainage areas. The plans will be submitted for approval prior to initiating detailed design of underground infrastructure for the subdivision; and
- b) The Developer shall provide an overall utility composite drawing, showing hydro, gas, cable and Canada mail boxes for approval. The consultant will also provide detailed designs for Hydro One, Enbridge & cable.

6) Phasing

- a) The Developer/Owner shall provide a Phasing Plan acceptable to the Township. This Plan will include servicing and phasing of registration.

7) Zoning

- a) The lands within this Draft Plan of Subdivision have been appropriately zoned through Minister's Zoning Order (MZO – 250/22) that has come into effect in accordance with the provisions of the Planning Act. The Approval Authority is to be advised, in writing, by the Township of Cavan Monaghan that the property has been rezoned with appropriate restrictions for the lands within the plan of subdivision; and
- b) The Developer/Owner shall agree in the Subdivision Agreement that minor modifications to the Plan of Subdivision may be necessary to ensure compliance with the implementing Zoning By-law and the service standards of the Township of Cavan Monaghan, which may result in a redline revision or the reduction in the number of lots or their reconfiguration.

8) Parkland & Environmental Lands

- a) For the park block, confirmation of servicing, grading, sodding, fencing and landscaping on site is required and date of the completion of these works shall be noted in the subdivision agreement. In addition, a concept plan shall be approved as part of the approval process;
- b) The Developer/Owner shall dedicate Block 143 (Park) to the Township as a Park to the Township;
- c) The Developer/Owner shall dedicate Blocks 141 and 142 (Natural Heritage System) to the Township;
- d) The Developer/Owner shall dedicate Block 144 (walkway) to the Township for future connection to Buckland Drive (as walkway with access to the trail system network as noted below);

- e) The Developer/Owner is to provide information and details on how the walkway system (Block 144) will connect with Buckland Drive;
  - f) The Developer/Owner shall identify any trails and/or connections in the draft Plan of Subdivision;
  - g) The parkland dedication for this subdivision may be less than the required amount. Under dedication of parkland shall be recognized in the Subdivision Agreement with a provision that the under dedication of parkland amount may be addressed through over provision on other lands in the vicinity of the subject lands.
  - h) The Developer/Owner shall dedicate Block 140 (Stormwater Management) to the Township.
- 9) External Road Improvements
- a) The Developer/Owner will be required to provide a legal survey of the section of Fallis Line East road allowance, presently unopened. This survey will include a cul-de-sac at the most easterly limit;
  - b) Plans - The Developer/Owner shall be required to provide an intersection plan configuration & details for the intersection of Fallis Line and County Road 10 for the ultimate condition of the intersection. The plans shall include left & right turning lanes, ductwork for the future street lighting, traffic signals and sidewalk/cross walks locations.  
  
Jurisdiction - As the intersection is under the jurisdiction of the County of Peterborough, the Plan will need to be confirmed with the County of Peterborough;  
  
Timing - Installation of the intersection works will be completed in coordination with the completion of Towerhill Phase 2 (Towerhill North) Subdivision. The Township and the Developer/Owner may agree to front end additional work on the east side of County Road 10 beyond what is needed to support Towerhill Phase 2 (Towerhill North) Subdivision. However, works not needed for (a) operational purposes or (b) to avoid throwaway costs, need not necessarily be constructed with the completion of Towerhill Phase 2 works.
  - c) The Developer/Owner shall be responsible to design and construct Fallis Line East to its easterly limit. The full road allowance for the cul-de-sac shall be dedicated and built. Any road widening beyond 8.5 metres will be paid through Development Charge Credits. The Subdivision Agreement may include a clause or wording to permit the phased construction of the road based on grading and the availability of lands external to the subdivision.

- d) The Developer/Owner shall agree in the Subdivision Agreement to complete the following external road improvements at the Developer's/owner's expense and to the satisfaction of the Township's Director of Public Works and County of Peterborough Public Works. External works are subject to Development Charge Credits:
- i. Road widening at the intersection of County Road 10 and Fallis Line East to be provided based on turning lanes required per the approved Traffic Impact Study and a road widening (Block 145),;
  - ii. Fallis Line East is to be constructed with a 20 metre right-of-way with any additional turn lanes and tapers as necessary per the approved Traffic Impact Study;
  - iii. provision of a minimum paved width of 10 metres on Fallis Line; and
  - iv. urbanization of Fallis Line East, including the construction of a concrete sidewalk, as per the Township of Cavan Monaghan Servicing Standards, to the Township of Cavan Monaghan's satisfaction.

10) Internal Roads

The Developer/Owner shall agree in the Subdivision Agreement to complete the following at the Developer's/Owner's expense and to the satisfaction of the Township's Director of Public Works or designate:

- a) Streets A, B, C and D will be constructed as local residential roads;
- b) the Developer/Owner will be required to provide a profile and cross section for the service road along the east side of County Road 10;
- c) the Township supports ORCA's requirement of a submission (for approval) of the water crossing at Street 'A' (as prepared by Water's Edge, dated July 18, 2023);
- d) the road allowances included in this draft plan be shown and dedicated as public highways on the final plan;
- e) the roads included in this draft plan be named to the satisfaction of the Township of Cavan Monaghan;
- f) the Township is open to a list of suggested street names which will be reviewed with emergency services to ensure there are no other streets with same/similar names elsewhere in the Township/County;

- g) any easements required to provide municipal services to the development shall be granted to the Township of Cavan Monaghan and these easements shall be in locations and of such widths as determined by the Township;
- h) the daylighting triangles be 5 metres by 5 metres for local roads;
- i) any areas to be set aside for daylighting triangles shall be shown and dedicated as public roads on the face of the M Plan;
- j) road allowance widths for a portion of Street 'B' will be 25 metres (where adjacent to County Road 10);
- k) road allowance width for Street 'A' will be 20 metres wide. The Township requests sidewalks on both sides of this street;
- l) all other internal road allowance widths (unless noted above) will be 18 metres wide;
- m) as per the geotechnical report, pavement structures shall be constructed as specified. The pavement structures outlined in the Geotechnical Report will meet Township standards; and
- n) detailed engineering drawings for roads and infrastructure will need to be submitted for review and final sign off by the Township Director of Public Works.

11) Sidewalks

The Developer/Owner shall agree in the Subdivision Agreement to install concrete sidewalks on every street. The sidewalk network must be continuous and connect to the existing sidewalk network.

- a) The extension of Fallis Line will be required to be 10 metres in width with sidewalk on both sides of street. This will be reviewed as part of the detailed engineering;
- b) The Developer/Owner will be responsible to build the roadway and be responsible to construct to 8.5 metres wide. The oversizing of the roadway to 10.0 m will be a development charge credit and paid for by the Township;
- c) Sidewalk locations will be detailed on overall general plan for approval by this Department and the Township. A detailed plan and full review is required prior to sign off for inclusion in the subdivision agreement; and
- d) The Developer is responsible to urbanize and construct sidewalk along the Fallis Line Frontage of the plan. This will include sidewalks, street lighting and landscaping.

12) Street Lighting

- a) The Developer/Owner shall agree in the Subdivision Agreement to provide dark sky compliant LED street lighting;
- b) The Township requires streetlights to be on the same side of the street as the sidewalks (i.e., Township of Cavan Monaghan Municipal Standard);
- c) The Developer/Owner will be required to provide cash-in-lieu for urbanization of roadway including sidewalk & street lighting along the east side of County Road 10. It is noted that DC credits may be applicable and will be further explored through the subdivision agreement. As such, the final amount of the contribution will be resolved as part of the Subdivision Agreement; and
- d) Street lighting shall be detailed on a street lighting plan and approved by the Township. Street lighting standard will be as per the approved standard in the Towerhill South or other approved style of equal standard and shall be outlined in the urban design guidelines.

13) Fencing

- a) The Developer/Owner shall agree in the Subdivision Agreement to provide fencing in accordance with the Township of Cavan Monaghan standards (1.8 metre high wood panel fencing and 1.5 metre high black vinyl chain link fencing);
- b) The Developer/Owner's consultant shall provide an overall plan of all fencing (both Chain Link & Wood Screen Fence). This will be submitted for approval.

14) Sediment and Erosion Control

- a) Prior to any site alteration, construction or final approval of the Plan, the Developer/Owner shall prepare, to the satisfaction of the Township of Cavan Monaghan, the Otonabee Region Conservation Authority and the County of Peterborough, the following:
  - i. A sediment and erosion control plan that details the measures that will be implemented before, during and after construction to minimize soil erosion and sedimentation, to reduce potential post construction slope failures and/or erosion effects. The Sediment and Erosion Control Plan should also include measures for re-vegetation of disturbed soils immediately following site disturbance; and
  - ii. A Final Grading Plan indicating elevations and lot drainage patterns;
- b) The Developer/Owner shall agree to construct and install all erosion and siltation control devices prior to the commencement of any building construction or the stripping of any soil on any lot. Erosion and siltation control

devices shall be installed in accordance with Plans approved by the Township of Cavan Monaghan in consultation with the ORCA (Otonabee Region Conservation Authority);

- c) The Developer/Owner shall inspect and repair such control devices at the end of each day to ensure that such devices remain in good repair during the construction period, to the satisfaction of the Township of Cavan Monaghan;
- d) The Developer/Owner agrees to provide the final lot grading plan, to the Township Director of Public Works and Chief Building Official or designates, prior to the issuance of any building permits; and
- e) The Developer/Owner agrees to provide lot grading plans for each lot at the time of building permit issuance and certification that the individual lot grading plans conform to the overall grading plan to the Township Director of Public Works and Chief Building Official or designates.

#### 15) Stormwater Management

- a) Prior to any site alteration, construction or final approval of the Plan whichever occurs first, the Developer/Owner shall prepare, to the satisfaction of the Township of Cavan Monaghan, the Otonabee Region Conservation Authority and Peterborough County, the following detailed design items pertaining to stormwater management:
  - i. Developer shall be required to provide a detailed stormwater management report to be reviewed during the detailed design engineering submission;
  - ii. A detailed design submission of the proposed stormwater management system; and
  - iii. A complete drainage design plan including lot grading and drainage plans.
- b) The Developer/Owner agrees to transfer Block 140 to the Township at no cost at the time of registration;
- c) The Developer shall be required to provide full stormwater management plans with a full report for final approval as a condition of the subdivision agreement. This will include full sediment control plan and location of all sediment control fencing;
- d) The detailed Stormwater Report as noted in ORCA's comments shall require approval by the Township as a condition of approval; and
- e) The Developer shall provide details for fencing surrounding the Stormwater Management Block.

#### 16) Architectural Control

Prior to final approval and registration of the development, the Developer/Owner agrees to submit Architectural Control Guidelines for the development, prepared by a qualified professional, and selected by the Township of Cavan Monaghan. The Developer/Owner shall agree in the subdivision agreement to the implementation of the approved Architectural Control Guidelines to ensure that municipal design objectives are achieved, including, but not limited to, the objective that a variety of dwellings are constructed within the Plan. The primary purpose of the Guidelines is to promote Millbrook's community values and expectations for housing design. Such designs are to be consistent with the policies of the Township of Cavan Monaghan Official Plan and have regard to existing residential development in the surrounding area.

#### 17) Urban Design Guidelines

The Developer/Owner shall agree to provide urban design guidelines acceptable to the Township for matters such as street name blades, entrance features, etc.

#### 18) Health and Safety

- a) The Developer/Owner agrees to ensure that access routes for the proposed buildings comply with articles 3.2.5.5 and 3.2.5.6 of the Ontario Building Code; and
- b) The Developer/Owner agrees to satisfy the Township Fire Chief as to the requirements for fire breaks during building construction.

#### 19) Adjacent Agricultural Lands

The Developer/Owner agrees to place notice on all offers of purchase and sale advising property owners that the subject lands are located nearby agricultural lands and that from time to time normal agricultural practices may result in noises, odours and dust that may adversely affect the enjoyment of the properties within the Plan of Subdivision.

#### 20) Groundwater Monitoring

The Developer/Owner shall agree to undertake a groundwater monitoring program to the satisfaction of the Township of Cavan Monaghan to ensure that the development does not impact the water supply of the adjacent dwellings. The Developer will provide well monitoring for all wells as recommended by geotechnical and hydrogeological consultants.

In the event that there is a disruption in the water supply on adjacent lands during construction and development of the subdivision, upon being advised by the Township that there has been interference with an adjacent water supply, the Developer/Owner shall provide, to the Township's satisfaction, an alternate source

of potable water to the dwelling within 24 hours until such time as it is determined that the development has not caused the interference.

## 21) Landscape Plans

- a) The Developer/Owner shall agree to engage the services of a Landscape Architect to prepare comprehensive drawings including but not limited to streetscape, landscape, entrance features, fencing, restoration, naturalization, details and specifications, all to the satisfaction of the Township of Cavan Monaghan;
- b) The Developer/Owner shall provide a landscape plan for the entire plan of subdivision that will include all landscape strips along Fallis Line East. Specific landscaping and privacy fencing will be required along the rear lots of Blocks 120-128 and Lot 119 (houses on Coldbrook Drive in neighbouring development);
- c) The Developer/Owner shall convey Blocks 141, 142 to the Township of Cavan Monaghan for the purposes of natural heritage protection. Further, a clause will be included in the subdivision agreement specifying that no development, site alteration, or soil disturbance is permitted (without further archeological assessment) outside of the lands which were studied from an archeological perspective per the Stage 1-2 Archeological Assessment prepared by AECOM and dated August 24, 2023;
- d) The Developer/Owner shall convey Block 143 to the Township of Cavan Monaghan for park or other recreational purposes in accordance with the provisions of the Planning Act. The parkland (Block 143) shall be serviced, graded, sodded, fencing and landscaped to the Township's satisfaction prior to being dedicated to the Township;
- e) The Developer/Owner agrees to complete the parkland grading, fencing and sodding mentioned in part c) of Block 143 prior an agreed upon date as required to satisfy the requirements of the Planning Act, R.S.O. 1990 c.P.13, as amended; and
- f) The Developer/Owner agrees to provide indigenous trees on both sides of new streets with a minimum spacing of 10 metres or as detailed in Landscaping Plans approved by the Township.
- g) The Developer/Owner's consultant will provide a detailed landscaping plans as required for the subdivision including all Streets as well as Blocks 140, 143, 144 all blocks on the plan (i.e. stormwater management pond area). Again this plan will be approved by the Township and referenced in the Subdivision Agreement.



## 22) Signage

The Developer/Owner agrees to be responsible for posting signage on the property addressing Emergency Services Assistance, and posting all other required municipal signage to the satisfaction of the Township of Cavan Monaghan.

## 23) Utility Distribution Plan

The Developer/Owner shall coordinate the preparation of an overall utility distribution plan to the satisfaction of all affected authorities and the Township of Cavan Monaghan. The Developer will provide an overall utility composite drawing, showing hydro, gas, cable and Canada mail boxes for approval. The consultant will also provide detailed designs for Hydro one, Enbridge & cable.

The Developer/Owner is required to provide vertical control network throughout the subdivision and all as-constructed drawings to be submitted digitally to the Township.

## 24) Development Charges

- a) The Developer/Owner agrees that the Subdivision Agreement will contain provisions that development charges, processing and administration fees be paid in accordance with the current Township of Cavan Monaghan policies and By-law; and
- b) The Subdivision Agreement between the Developer/Owner and the Township of Cavan Monaghan shall include provisions whereby all Offers of Purchase and Sale will include information that satisfies Subsection 59(4) of the Development Charges Act.

## 25) Final Plans

- a) The Developer/Owner agrees to provide to the Township of Cavan Monaghan, the registered Plan of Subdivision, and all other associated plans, referring to horizontal control surveys UTM (Zone 17) NAD83. These plans are to be provided in both hard copy (3 copies) and digital format;
- b) Ontario Land Survey certification at completion of subdivision; and
- c) The Developer/Owner shall submit complete and detailed engineering drawings, design and accompanying reports for review by the Township of Cavan Monaghan.

## 26) Access to the Site (during Construction)

- a) Construction traffic shall use Fallis Line East to access the site.

## 27) Financial

- a) The Developer/Owner shall agree in writing to satisfy all development requirements of the Township, financial and otherwise, concerning the provision of roads, installation of services, drainage and landscaping. Without limiting the generality of the foregoing, the Developer/Owner shall provide such securities, in a form acceptable to the Township, as the Township may require to secure the performance of the obligations imposed by these conditions and the Subdivision Agreement; and
- b) The Developer/Owner shall agree to register the subdivision agreement on title at the Developer's/Owner's expense.

## 28) Fire Protection

- a) The developer will be required to confirm all data for the required fire flows, which will be required to accommodate this development;
- b) The Developer/Owner agrees to enter into an agreement to install a sprinkler system in the Mixed Use Block (Block 139). This agreement will be necessary to state that the hydrants will be operational and tested according to the NFPA Standards for Fire hydrants prior to the construction of any buildings and records will be supplied to the Director of Public Works and the Fire Chief; and
- c) The Township will consider four (4) storey development of the Mixed Use Block (Block 139) provided fire prevention and safety measures are implemented during construction.

## 29) Mixed Use Block

Development of the Mixed Use Block (Block 139) will be considered at a future date through Site Plan Approval. This Block will include a mixture of commercial and residential uses (a portion of which are to be affordable units).