

April 22, 2022

**Township of Cavan Monaghan**

Cavan Monaghan Municipal Office,  
988 County Rd 10  
Millbrook, ON  
LoA 1Go

**Attention: John Connolly, Executive Director, Planning & Development**

**County of Peterborough**

470 Water Street  
Peterborough, ON  
K9H 3M3

**Attention: Iain Mudd, Manager of Planning**

**RE: S.E. Corner of Fallis Line and Country Road 10  
County File: 15T-21005 & Town File: OPA-04-21  
OPA, ZBLA, DPS re-submission  
TBG Project No. 20697**

On behalf of our client, Vargas Properties Inc., The Biglieri Group Ltd. ("TBG") is pleased to re-submit Local Official Plan Amendment as well as Draft Plan of Subdivision Applications for lands located at the Southeast Corner of Fallis Line and County Road 10 in the Township of Cavan Monaghan ("Subject Site"). The following cover letter provides a list of documents being re-submitted to both municipalities. It also provides responses to select planning comments from the Township of Cavan Monaghan which required a long form response. Lastly, please note that the project team has prepared a Consolidated Response to Comments Chart document, which should be reviewed by all commenting parties with respect to responses to their comments.

## **SUPPORTING DOCUMENTS**

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As part of the re-submission, please find enclosed the following:

- Ten (10) copies of this cover letter including further planning analysis (5 copies to County, 5 copies to the Township);
- Twenty (20) full size copies of the Draft Plan, prepared by The Biglieri Group Ltd., (15 copies to County, 5 copies to the Township);
- Twenty (20) full size copies of the Master Plan, prepared by The Biglieri Group Ltd., (15 copies to County, 5 copies to the Township);
- Five (5) copies of the Master Plan prepared by The Biglieri Group Ltd., reduced to 8.5 x 14 – Submitted to the County;
- Five (5) copies of the Draft Plan prepared by The Biglieri Group Ltd., reduced to 8.5 x 14 – Submitted to the County;
- Six (6) copies of the Draft Plan prepared by The Biglieri Group Ltd., reduced to 8.5 x 11 – (3 copies to County, 3 copies to the Township);
- Six (6) copies of the Master Plan prepared by The Biglieri Group Ltd., reduced to 8.5 x 11 – (3 copies to County, 3 copies to the Township);

- Ten (10) copies of the Environmental Impact Study, prepared by GHD Ltd., and dated April 18, 2022 (5 copies to County, 5 copies to the Township);
- Ten (10) copies of the revised Functional Servicing Report, prepared by Valdor Engineering Inc., and dated April 2022 (5 copies to County, 5 copies to the Township);
- Ten (10) copies of the updated Geotechnical Investigation Report, prepared by GHD Ltd., and dated March 11, 2022 (5 copies to County, 5 copies to the Township);
- Ten (10) copies of the Consolidated Response to Comments Chart, prepared by the project team and compiled by the Biglieri Group.

## **LONG FORM RESPONSE TO PLANNING COMMENTS FROM THE TOWNSHIP**

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### ***Comment 1.0 - Planning***

***A Record of Site Condition will be needed for the former rail trail lands.***

See detailed responses from GHD in the response to comments tracker.

### ***Comment 2.0 – Planning***

***Detailed engineering and grading will be required after draft plan approval has been received.***

Noted.

### ***Comment 3.0 - Planning***

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

### ***Comment 5.0 - Planning***

***Concerns with EIS and environmental elements – NC, NL and NHS impacts. Crossing of Baxter Creek. More information and discussion with ORCA is required.***

### ***Comment 1.0 – OPA Application***

***PRR needs to address natural heritage policies in OP with regard to proposed development pattern.***

It should be noted at the onset that the TBG Planning Rationale Report, dated April 2021, included a detailed review of the policies of the Township of Cavan Monaghan Official Plan (the “OP”) commencing on page 26 and ending on page 33. This included a summary of policies related to the Natural Heritage System and an assessment of conformance. The responses below should be considered supplementary information based on further information available in the revised EIS based on ORCA comments. The responses should be read in conjunction with the rationale and analysis included in the April 2021 Planning Rationale Report.

Section 2.2.1 of the OP provides high level policies regarding Natural Heritage inclusive of (among other items) identifying a continuous NHS system (b), protecting groundwater resources (c), and protecting public health and public safety from water related hazards (d). Section 3 of the Township OP sets out general development policies and criteria. Policy 3.1.g. requires that there be no negative impacts on significant natural heritage features or their functions. Section 3.8 provides more specific policies regarding hazardous lands. This section notes that development or site alteration is not to occur on lands that are hazardous (3.8.1) and that adjacent development shall be designed and constructed to preserve the natural function and flow characteristics of the adjacent waterway (3.8.1e).

Section 6 of the OP provides detailed policies as related to the Natural Heritage System of the Township. The easternmost portions of the Subject Site are identified on Schedules A and A-1 as Natural Core (NC) area and Natural Linkage (NL) area. Section 6.2 provides general policies for the

Natural Heritage System and notes that an EIS is to determine the appropriate minimum vegetation protection zone (MVPZ) to protect Key Natural Heritage Features or Key Hydrologic Feature and their functions (6.2d)i)). Further policy 6.2e) states that new infrastructures is permitted within the Natural Heritage System provided it (among other items) assists in accommodating growth and economic development (this is further permitted by policy 6.3.2d). However, policy 6.2f) notes that stormwater ponds are not permitted in floodplains, MVPZ or within 30m of rivers/streams.

Per Section 6.3 Natural Core Areas include areas with the highest concentration of sensitive and/or significant natural features and functions. Natural Core Areas are to be managed as a connected and integrated natural heritage system. The Natural Core Area designation also applies to lands that form a natural 30 metre vegetative protective buffer zone for significant natural heritage features. Where development is proposed in the Natural Linkage Areas an Environmental Impact Study is required (Section 6.3.3 (b)). The EIS will identify planning, design and construction practices that ensure that no buildings or other site alterations will impede the movement of plants and animals among Key Natural Heritage Features, Hydrologically Sensitive Features and adjacent lands.

Per Section 6.4, the Natural Linkage Areas designation applies to lands forming a 120-metre vegetative protective buffer zone for Key Natural Heritage Features lands. The Natural Linkage Areas designation forms part of a central corridor system that supports or has the potential to support the movement of plants and animals and provide linkages to natural heritage features. The central function and purpose of Natural Linkage Areas is to provide a natural buffer from key natural heritage features and a linkage between these features in the Township (Section 6.4.3(a)). Where development is proposed in the Natural Linkage Areas an Environmental Impact Study is required (Section 6.4.3 (b)).

Section 6.7 of the OP provide general development criteria for applications for development within the Natural Heritage System. This section notes that the precise boundaries of features may be amended through site specific study without amendment to the plan (6.7.1c) and that development and site alteration shall be prohibited therein except for passive uses and required infrastructure (6.7.1e). Further, natural heritage evaluations are to demonstrate that development will have no adverse effect on Features and related functions, identify design practices that will maintain the health, diversity and size of Features; demonstrate how connectivity within and between Features will be maintained; and, specify the dimensions of the required minimum vegetation protection zone (6.7.1h)

Firstly, it should be noted that upon receipt of, and in response to, ORCA and Town comments the limits of development in the south-eastern corner of the site as well as the western edge of Street "B" have been appropriately modified.

Secondly, the development respects the floodplain and required setback as stipulated in the FSR, Section 4.5. As indicated in the FSR the regulatory flood plain will be entirely contained within open space blocks and therefore the proposed lots are protected from flooding. A 2.4 m wide by 1.5 m high concrete box culvert, embedded by 0.30 m, is proposed at Street "A" to accommodate the watercourse. This culvert has been sized to convey the regional flow. The Stormwater Management Pond is also located outside of the floodplain. The pond itself is also located outside of the 30m woodlot and wetland MVPZs.

As required by policy an EIS has been prepared by GHD which assesses the natural features identified on the property and studies the functions and features of the wetlands, watercourses and woodlots. The EIS makes recommendations to prevent impacts to these features from the proposed development. The EIS describes potential impacts of the development to natural features and identifies appropriate buffers and mitigation measures.

With regards to Baxter Creek, the EIS notes that the form and function of Baxter Creek and its headwater drainage features will be protected by a minimum 30 m natural buffer from the high-water mark, with the exception of the proposed road crossing and 23.1m long concert box culvert and stormwater outfall (Appendix I). The EIS recommends that a condition of draft approval be included to ensure that permits are obtained from DFO and ORCA and that the development is in compliance with the Fisheries Act and Conservation Authorities Act. The crossing is required in order to provide sanitary and water services to development to the north including the employment lands north of Fallis Line.

Seven wetland ELC vegetation types were identified in the study area. These were Community 5 (MAM2-10), Community 6 (SWD4-3), Community 10 (SWC1-2), Community 11 (SWD2-1), Community 14 (SWC1-1), Community 16 (MAM3-9) and Community 18 (SWD4-3). The characteristics of each of these communities are described in Section 3.2.1.2 of the EIS. Woodland vegetation types were found across much of the study area. The boundaries of these woodland communities were delineated in the field and are depicted on Figure 1.1 of the EIS. The contiguous woodland area that would be considered a significant woodland includes all numbered communities except Community 1 (CUM1-1), 2 (CUM1-1), 3 (No code), 21 (CUW1), 22 (CUW1), 23 (CUM1-1) and the Agricultural corn and built-up areas. An analysis of the functions provided by the significant woodland can be found in Section 4.5, Table 8 of the EIS.

A compensation plan will be prepared and submitted for Township and ORCA approval with the extent of any disturbance to wetlands and/or their buffer as shown in Figures 2.1 and 3 of the EIS. Preliminary mapping of the extent of the woodlands/wetlands can be identified in Figure 3.1 of the EIS. Discussions with ORCA staff and details of the wetland removal and compensation options will be detailed in the Compensation Plan. GHD will work with ORCA to ensure a net gain in wetland on site to satisfy ORCA policies 7.1 (7) and 7.2 (8). There are several areas where the MVPZ line creates wider buffer areas and some where it is slightly less than 30 m. GHD's EIS recommends buffer offsetting, being planting all the buffer areas with native vegetation. This will create an 'average 30 m buffer' with several areas with greater opportunities for restoration and plantings. GHD does recommend that an edge management plan and buffer planting plan be prepared to address any areas where the development envelope encroaches on wooded areas or narrow buffer areas. There are also some opportunities where invasive species management may also be beneficial. Managing for swallowwort (dsv), black locust and buckthorn may benefit some of the communities in the southern part of the property. The proposed development has been placed outside of the woodland areas providing these functions. Development is not proposed within 30-meters of the coniferous or deciduous forests that have been delineated in the study area. Further discussion with the agencies will define areas where restoration or denser plantings are needed. There are several areas where the line creates wider buffer areas and some where it is slightly less than 30 m.

In summary, GHDs recommendation is to plant all the buffer areas with native vegetation. This will create an 'average 30 m buffer' with several areas with greater opportunities for restoration and plantings. Figure 3 of the EIS shows the areas where removal of forest edge is proposed and where compensation woodland and wetland can be created.

In summary the EIS concludes that the proposed development will not result in negative impacts on identified natural heritage features or their functions, provided the mitigation measures described in Sections 5 and 7 are implemented.

**Comment 4.o - Planning**

***There needs to be a better justification of the proposed extension to Coldbrook Drive and connection to Street 'A'.***

Further to discussions with staff in December of 2021 the Coldbrook extension has been removed. A pedestrian connection to Coldbrook has been provided and will also accommodate extension of the Sanitary and Water sewers northwards through the Subject Site.

**Comment 6.o - Planning**

***Proposed commercial block is supported but is being proposed in a reduced commercial zone "footprint". The PRR needs to justify why commercial is reduced when the GMS identified need for additional employment lands. This proposal reduces so that it can accommodate residential. This needs to be better explained and justified.***

**Comment 7.o - Planning**

***There has to be a balance of commercial, employment and residential. This has to be better explained in PRR.***

Since drafting of these comments, an MZO has been issued for various lands in northern Millbrook, including the Subject Site (Being Ontario Regulation 250/22 and Map No. 304). The MZO has the effect of redistributing commercial lands across several sites in northern Millbrook as can be seen in Figure 1 below. The revised Draft Plan of Subdivision and Master Plan being submitted at this time both comply with applicable zoning as issued in the MZO, specifically with regards to the sizing and location of Block 110. The Official Plan Amendment application now seeks to coordinate the Official Plan designations on the Subject Site with the zoning designations found in the MZO. Please see Appendix 1 for further details. Note that in redistributing commercial lands across several sites in northern Millbrook the MZO has improved walkability in the community, located larger commercial sites in more appropriate topographical locations, and has maintained a similar amount of commercial land in terms of area as in the approved Official Plan.

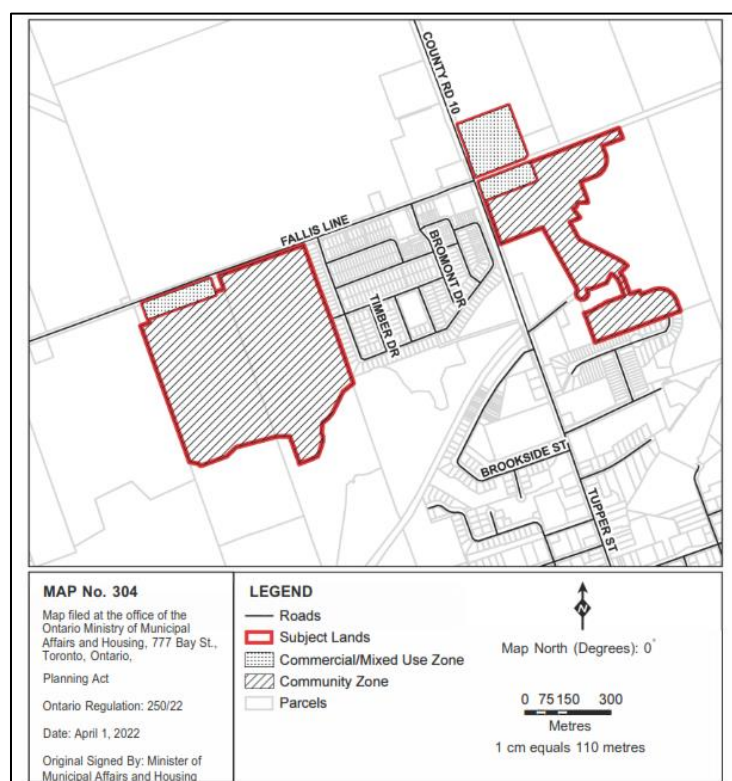


Figure 1 - Ministry Zoning Order Map No. 304

**Comment 8.o - Planning**

***How will affordable housing issue be addressed? Planning Justification Report indicates that the subdivision has been designed with a range of single-detached and townhouse dwellings, more details are required for townhouse blocks on the latter proposed development as well as any information regarding affordable housing.***

The Cavan Monaghan Official Plan defines Affordability as:

- (a) "in the case of ownership housing, the least expensive of housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for low and moderate income households; or housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area;
- (b) in the case of rental housing, the least expensive of: a unit for which the rent does not exceed 30 percent of gross annual household income for low and moderate income households; or a unit for which the rent is at or below the average market rent of a unit in the regional market area."

The proposed development will provide affordable housing through the provision of housing units for sale which are at least 10 percent below the average purchase price of a resale unit in the regional market area. This will be accommodated through provision of townhouse units. Specifically, 48 townhouse units are proposed of 178 total units in the master plan, representing 27% of units. Affordability may also be accommodated via mixed-use development on Block 110 as is permitted by the MZO. Note that development details for Block 110 will be determined through a separate site plan process for those lands. The Site Plan is to comply with zoning as provided through the MZO.

**Comment 9 – Planning**

***With regards to PRR, questions about:***

***o Housing, concern of severing a Key Natural Heritage Feature (not allowed in OP) and demonstration/justification of transportation uses, parkland dedication, impacts on NH policies (NC/NL).***

Regarding housing, see responses to comment 8 above.

Regarding KNHFs, and impact of NH policies see responses to comments 3 and 5 above.

Regarding parkland dedication, note that a 0.33ha parkland block has been added to the proposed development connecting Street 'A' and future Street 'D'. The park block also provides views into the natural heritage system. In total 0.36ha of parkland is proposed in the Draft Plan of Subdivision, which represents ~2.5% of developable land (not including the NHS and road widenings). Further, between the Fallis East and Fallis West sites total parkland dedication is above 5% as shown in the chart below:

	Fallis East	Fallis West	Total
Parkland	0.36ha	2.06ha	2.42ha
Developable*	14.01ha	32.72ha	46.73ha
Parkland %	2.56%	6.29%	5.17%

\* not including NHS and road widenings per discussions with Town staff.

**Comment 10 - Planning**

***PRR has to address the ultimate development design with medium density residential units and proposed five (5) storeys.***

Development details for Block 110 will be determined through a separate site plan process for those lands. Site Plan to comply with zoning as provided through the MZO. Maximum height for Block 110 per the MZO is 4-storeys, similar to approvals for Towerhill North.

**Comment 11.0 - Planning**

***The proposed development will adjust the Millbrook Settlement Area by bringing some agricultural land to the subject development. While the Planning Rationale Report (PRR) identifies this, more information and a greater justification needs to be provided to address why the expansion and why here? Again, this expands to bring agricultural into the Settlement Area for residential but the entire site is reducing the commercial for residential and then brings more land in for residential without justifying the "trade off" here.***

It should be noted at the onset that the TBG Planning Rationale Report, dated April 2021, included a policy-by-policy review of the PPS and Growth Plan tests related to adjustments of Settlement Area boundaries outside of a comprehensive review including PPS policies 1.1.3.9 a)-d) and Growth Plan policies 2.2.8.4 a)-e). Please refer to the original planning rationale report for this analysis which commences on page 8 of the report and concludes at page 20. The responses below should be considered supplementary information and read in conjunction with the rationale and analysis included in the April 2021 Planning Rationale Report.

**GMS**

As a foundational element of the requested adjustment, it should be stated at the onset that the Cavan Monaghan Growth Management Study identifies the need for an additional 178ha (440 acres) of Settlement Area expansion up to the year 2041. As such, the proposed Settlement Area adjustment will help Cavan Monaghan efficiently and effectively meet housing supply demand in the next 5 – 10 years, while promoting an efficient urban landscape that maintains a strong connection to the Natural Heritage systems in vicinity.

**Agricultural Considerations**

Please refer to the AIA prepared by Clark Consulting as well as the original Planning Rationale Report. In addition to the analysis located there-in with respect to the specific tests of the Growth Plan and PPS; TBG provides the following supplementary analysis. As can be seen in Figure 1 below, the Millbrook Settlement Area is largely surrounded by Prime Agricultural Areas (per OMAFRA) to the north, east, south and west. The only location where Prime Agricultural Areas are not found immediately adjacent to the Settlement Area boundary is south-west of the Settlement Area. However, these lands south-west of the Settlement Area are included within the MNRF's Natural Heritage System (also see Figure 2 below). As such, any future expansion of the Millbrook Settlement Area (as will be required to support the projections of the Growth Plan to 2041, and therefore also to 2051), will necessarily involve expansion into Prime Agricultural lands. Lastly, the portions of the Subject Site which are to be added to the Urban Area are designated Agricultural per the County and Township Official Plans. However, the portion of the site designated as such is isolated from other rural uses by proposed Urban Lands to the west, south and north, and from the larger agricultural system to the east by natural heritage features.



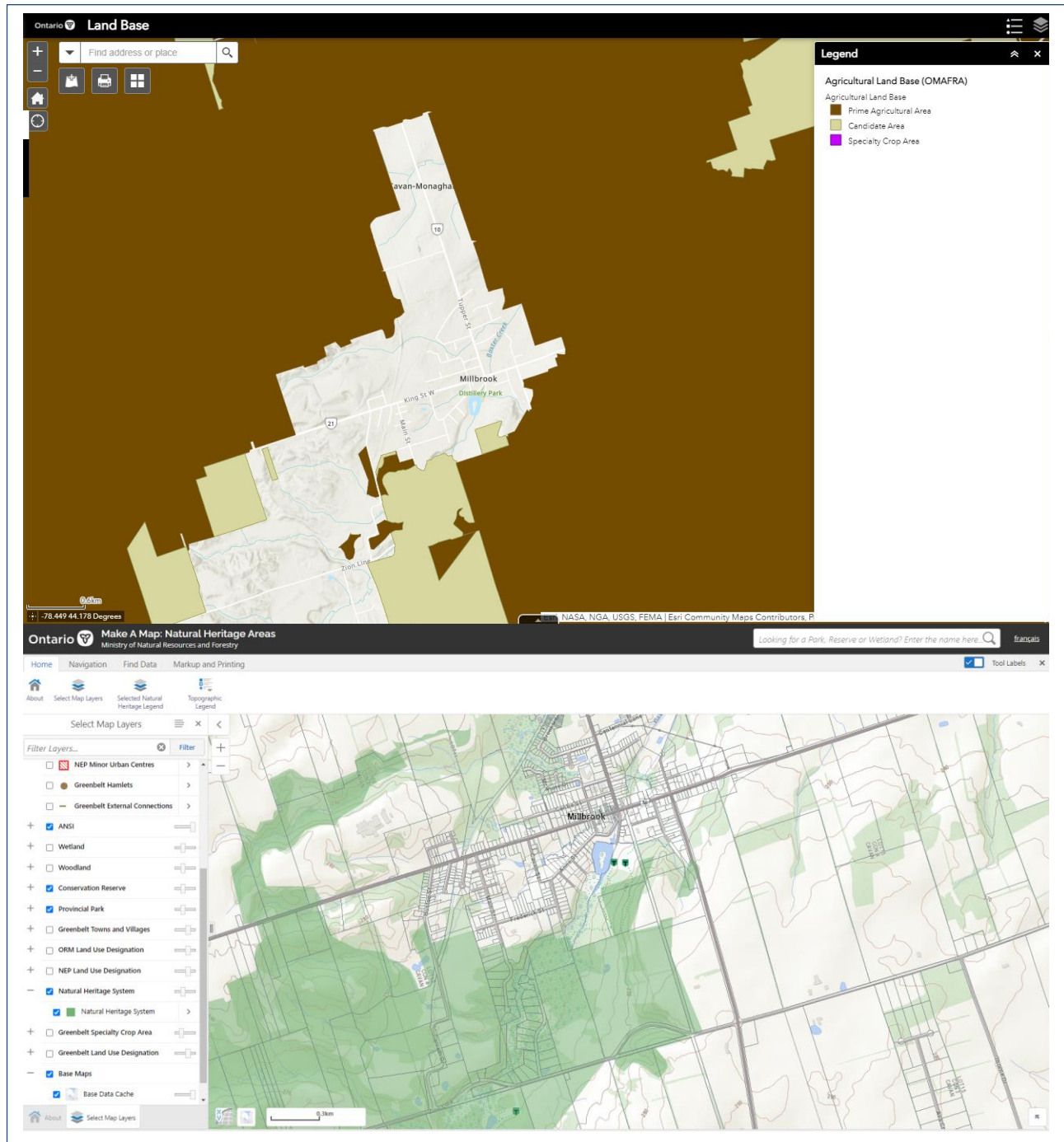


Figure 2 – Agricultural Land Base (OMAFRA) & Natural Heritage Areas (MNR) - Millbrook

### Leapfrogging & Rounding Out

Consideration of other sites for residential development outside of the Settlement Area have been made. Any potential location which involves leapfrogging from existing developed urban lands, over Agricultural or Natural Heritage System Lands, or leapfrogging lands which are within the boundary but not currently developed, should immediately be discounted as leapfrog development. Such leapfrogging will encourage other parties to develop the greenfield spaces in-between resulting in more agricultural lands being impacted and requiring costly servicing extensions. This discounts much of the lands to the north-east, north-west, south-west and south-east. In addition, lands to the west of the subject site are within the Oak Ridges Moraine and Greenbelt plan and are not suitable for residential development per the policies of those provincial plans.

### Adjacencies

The portion of the subject site outside of the Urban Boundary can be connected to current infrastructure which services the balance of the Subject Site, and the town of Millbrook at large. Alternative sites in Millbrook would not be as proximate to proposed capital works and would therefore require new capital work to expand existing networks. As such, the proposed settlement boundary adjustment will contribute to an efficient Settlement Area and a uniform urban landscape in Northern Millbrook.

### Conclusion

The proposed Settlement Area Boundary Adjustment will create a continuous urban landscape, does not constitute leapfrogging undeveloped, agricultural, or natural heritage lands, will help to mitigate the impacts of sprawl, and create a denser urban landscape while also satisfying market demand for residential development as identified in the Cavan Monaghan Growth Management Study. Lastly, the development represents a logical rounding out of the Millbrook Settlement Area.

#### **Comment 12 – Planning**

***The conceptual master plan identifies a range of housing including possible apartment dwellings of 5 storeys. OP only permits 3 storeys and while 4 storeys was just approved for Towerhill North, why 5 storeys and why here?***

#### **Comment 13 – Planning**

***Township will consider four (4) storey developments in apartment blocks provided fire prevention and safety measures are implemented during construction (see earlier comment). The current building height needs to be addressed in the official plan amendment application and PRR.***

MZO has provided for 4-storey development on Mixed-Use Block 110 as requested in these comments and as approved on the Towerhill North development. As noted above further design for the Mixed-Use block will be explored through the Site Plan process and will be consistent with the zoning issued through the MZO.

#### **Comment 14 – Planning**

***PRR references the CM Zoning By-law 2004-62 which has been replaced by 2018-58, as amended. There is also a spelling mistake in that title 4.6 of PRR.***

Noted. Governing Zoning is now per Ontario Regulation 250/22 and Map No. 304.

## CONCLUSION

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We trust you will find all in order, however if you have any questions or require additional information, please contact us at your earliest convenience.

Respectfully,

THE BIGLIERI GROUP LTD.

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Anthony Biglieri, RPP, MCIP  
Firm Principal

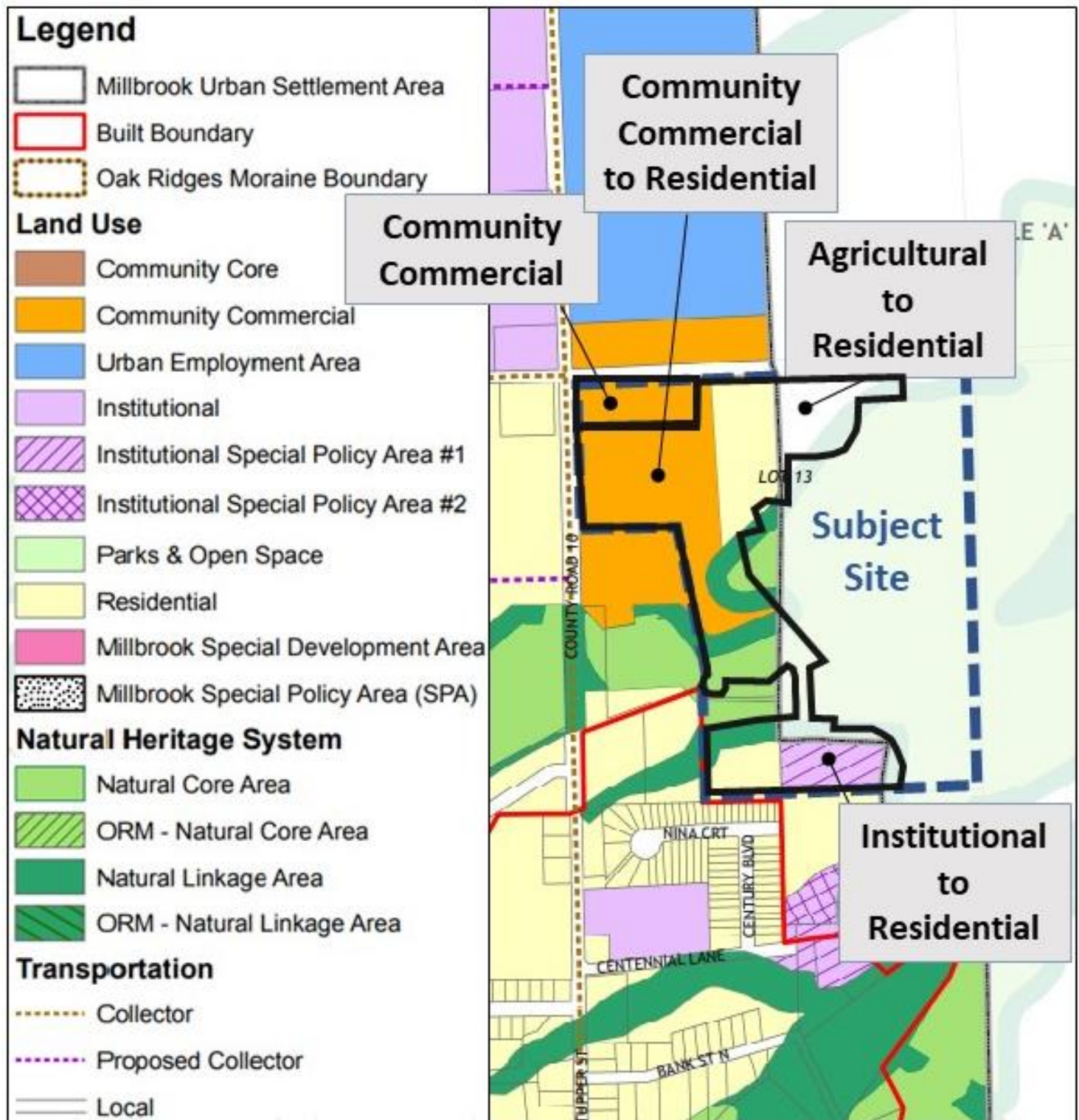
A handwritten signature in blue ink, appearing to read 'Michael Testaguzza', with a stylized, cursive script.

Michael Testaguzza, RPP, MCIP  
Senior Planner

A handwritten signature in black ink, appearing to read 'Lorin Komers', with a stylized, cursive script.

Lorin Komers, M.Pl  
Planner

## APPENDIX 1 – REVISED OPA





## APPENDIX 2 – TRAILS MAP

