



Planning Study/Analysis in support of:

Proposed Residential Development at 1490 County Road 28, and 1683 Moore Drive – Official Plan Amendment and Draft Plan of Subdivision

Prepared for: RIC (Moore Drive) Inc. and RIC (Highway 28) Inc.

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1.0 EXECUTIVE SUMMARY

C2 Planning is retained by Romspen Investments Corporation (Moore Drive) Inc. the owners of land municipally addressed as 1490 County Road 28, and 1683 Moore Drive in the Township of Cavan Monaghan in the County of Peterborough (the “Subject Lands”, “Site”).

The Subject Lands comprise two lots municipally known as 1490 County Road 28, and 1683 Moore Drive (the “Subdivision Lands”) north of 1382 County Road 28 (the “Kawartha Downs Lands”). The Subdivision Lands are north of the Fraserville Hamlet, and west of the Peterborough County Airport.

This Planning Rationale is submitted in support of an Official Plan Amendment (“OPA”) application to the Township of Cavan Monaghan and the County of Peterborough to facilitate the development of the Lands for a residential development which proposes lots comprising of 328 detached homes, 66 semi-detached homes, and 123 block townhomes for a total of 517 residential lots.

The OPA is required to redesignate the Lands as “Residential” in the Township of Cavan Monaghan Official Plan (“Township Official Plan”) Schedules the portions of the Subdivision Lands now zoned for residential uses. The Subject Lands are outside of the *Settlement Area* boundary of the Growth Plan and are designated employment lands that require a land use designation to *Residential*. The Draft Plan, submitted by D.G. Biddle and Associates, will facilitate the creation of residential lots and associate blocks on the Subject Lands.

The OPA and Draft Plan is applied for to align the policy framework in accordance with the Ministerial Zoning Order (“MZO”) (Ontario Regulation 160/22) granted for the Subject Lands on March 4, 2022. The MZO zoned the Subdivision Lands and a northerly portion of the Kawartha Downs Lands for residential uses and provided land use permission for residential building types on the Subdivision Lands.

Proposed Draft Plan of Subdivision and Residential Official Plan Amendment for the Subdivision Lands (1490 County Road 28, and 1683 Moore Drive)

The Subdivision Lands are currently zoned for *Residential* uses, however designated in the Township Official Plan as *Commercial Entertainment*, with portions of the Subject Lands designated as *Natural Core and Natural Linkage Areas* in the Cavan Monaghan Official Plan (“Township Official Plan”).

Through the MZO, the Subdivision Lands were rezoned to permit residential uses. The current zoning permits detached, semi-detached, semi-detached linked dwelling and townhouses on the Subdivision Lands. Those *Natural Core and Natural Linkage Areas* were not rezoned to permit any use other than those uses that are permitted for *Natural Core and Natural Linkage Areas* in the Zoning By-law and the Township Official Plan and will remain protected from development.

2.0 INTRODUCTION

RIC (Moore Drive) Inc. and RIC (Highway 28) Inc. are the owners of approximately 108.15 hectares of land located south of Highway 115 and Peterborough County Road 28 comprising three separate parcels including Part of Lots 22 and 23, Concession 8, in the Township of Cavan Monaghan in the County of Peterborough, described municipally as 1382 County Road 28, 1490 County Road 28, and 1683 Moore Drive, respectively. The Site is surrounded by lands designated for *Commercial Entertainment*, *Rural Employment* and *Rural lands, Agricultural, Hamlets (Fraserville)*, and existing *Natural Linkage* and *Natural Core Areas*.

The proposed OPA will provide the regulatory context for the Subdivision Lands to permit residential development. The planned residential development will provide a broad range of housing types providing more choices to the community than conventional housing in the area.

The current zoning for the Subdivision Lands, the *Residential Zone*, permits detached, semi-detached, semi-detached linked dwelling and townhouses. The *Natural Core* and *Natural Linkage Areas* were not rezoned and continue to prohibit any use, other than those uses that are permitted for *Natural Core* and *Natural Linkage Areas* in the Township Official Plan. They will remain protected from development. The OPA is submitted to the County and Township requesting to redesignate the Subdivision Lands currently designated as *Commercial Entertainment* to *Residential*, pursuant to the boundaries of the *Residential Zone* in Map 299 accompanying Ontario Regulation 160/22, the MZO issued for the Lands.

The purpose of this Planning Rationale is to evaluate the merits of the proposed Official Plan Amendment as applying to the Lands in relation to all applicable Provincial, regional, and municipal policies. As such, the Report will evaluate the Proposal regarding consistency/conformity to the relevant policies of the Provincial Policy Statement (2020), the Growth Plan for the Greater Golden Horseshoe (2020, as amended), the County of Peterborough Official Plan (1994, as amended 2020), and the Township of Cavan Monaghan Official Plan (2013, as amended 2021), and the Township of Cavan Monaghan Zoning By-law 2018-58 (2018, as amended 2022). The 2022 Hemson Growth Analysis Report and the 2020 Cavan Monaghan Growth Management Strategy is also considered.

3.0 SUBDIVISION LANDS: CONTEXT AND LOCATION

3.1 Subject Lands

The Subdivision Lands are located approximately 700m south of Highway 115 on Peterborough County Road 28, comprising two separate parcels including Part of Lots 22 and 23, Concession 8, in the Township of Cavan Monaghan in the County of Peterborough, described municipally as 1490 County Road 28, and 1683 Moore Drive, respectively.

The Subdivision Lands are located within Treaty Lands of the Williams Treaties First Nations. Signatories of the Williams Treaties include Beausoleil First Nation, Georgina First Nation, Rama First Nation, Scugog Island First Nation, Curve Lake First Nation, and Hiawatha First Nation.

The frontage on Moore Drive is approximately 449m, and on County Road 359m. The Subject Lands include a total of 59.96 hectares (148.16 acres), and the total proposed residential developable area of the Subdivision Lands is determined to be 19.76 hectares (48.83 acres). The developable area has factored in the development constraints, such as required setbacks to natural features. A breakdown of each parcel and the developable area is provided in the table below:

Parcel	Owner	Municipal Address	Area (ha)
1	RIC (Moore Drive) Inc.	1683 Moore Drive	41.49
2	RIC (Highway 28) Inc.	1490 County Road 28	18.07
		Total Area (ha)	59.96
		Total Developable Area of the Subdivision Lands (ha)	19.76

3.2 Context

The Subdivision Lands are north of the Fraserville Hamlet, which is centred on Syer Line and County Road 28. They are bordered by Moore Drive to the north, Peterborough County Road 28 to the east, Syer Line to the south, and properties used for agricultural uses and natural areas to the north, west and east of the Site.

The Subdivision Lands contain a residential house, shed, barn and gravel parking lot located west of County Road 28, a residential house, barn foundation and gravel driveway located south of Moore Drive, maintained lawns surrounding both residential properties, six agricultural fields, four overgrown fallow fields which were partially reploughed, a northwestern forested section, an northeastern forested section, a southwestern forested section, a northeastern pond, two small marshes in a northwest forest, and a southern swamp.

The Subdivision Lands are adjacent to (within 120 m of) the following mapped natural heritage and hydrologic features: a drainage feature, a watercourse, Cavan Creek Provincially Significant Wetland ("PSW"), unevaluated wetlands, Significant Woodlands, and habitat for endangered and threatened species. The Site is within Ecoregion 6E of Ontario. contains two rural residential homes, agricultural fields and natural areas. Adjacent land uses include residential, commercial (entertainment), agricultural, recreational, and protected wetland. The Lands' topography extends from 200 m above sea level (ASL) to 215 m ASL. Overall, the Subdivision Lands are relatively flat but contains many small lowland areas of variable size and an upland area towards the middle of the Site. To the south, they slope slightly downwards towards the Cavan Creek Wetland.

3.2.1 Current Official Plan Land Use Designations

The County of Peterborough Official Plan (2020 consolidation) designates the lands as *Rural Landscapes* and directs further land use authority to the lower-tier Municipality's (Cavan Monaghan) Official Plan.

All of the Subject Lands are designated in the Township of Cavan Monaghan's Official Plan (2021 Consolidation) as "*Commercial Entertainment*," with portions of the Subject Lands as "*Natural Linkage Area*" and "*Natural Core Area*", recognizing a *Natural Heritage System*. A southerly section of the Kawartha Downs Lands (1490 County Road 28) are designated as *Agricultural*.

3.2.1.1 Current Commercial Entertainment Land Use Designation

The Subdivision Lands are designated as "*Commercial-Entertainment*" in the Township Official Plan. The areas designated as "*Commercial Entertainment*" recognize the existing *Commercial Entertainment* complex known as Kawartha Downs Raceway and the Shoreline Slots north of the Hamlet of Fraserville.

The *Commercial Entertainment* designation currently allows an expansion of the *Commercial Entertainment* uses and encourages a clustering of *Commercial Entertainment* activities and land uses. The *Commercial Entertainment* designation permits:

- *hotels and motels;*
- *meeting facilities;*
- *convention facilities;*
- *gaming facilities;*
- *theatres and entertainment auditoriums;*
- *recreation facilities and supporting uses and services such as parking, restaurants, and associated accessory uses.*

The Subdivision Lands require an OPA to redesignate the lands from *Commercial Entertainment* to *Residential* on Schedule A of the Township Official Plan. This will facilitate the future residential development and reflect the *Residential Zone* approved by the Ministry of Municipal Affairs and Housing by a Ministerial Zoning Order ("MZO").

The Kawartha Downs Lands to the south (1382 County Road 28) will maintain the existing *Commercial Entertainment* designation however requires an Official Plan Amendment to the *Commercial Entertainment* land use policies to include the Additional Uses approved in the MZO that are not currently permitted in the *Commercial Entertainment* land use policies. A concurrent OPA is being submitted for the Kawartha Downs Lands.

3.2.1.2 Natural Core and Natural Linkage Areas Designations on the Lands

Portions of the Subdivision Lands are designated as "*Natural Core and Natural Linkage Areas*". Both the redevelopment of the Kawartha Downs Lands to the south and the proposed residential development on the Subdivision Lands do not propose any development or redesignations of the *Natural Core and Natural Linkage Areas*, protecting their function in the province's *Natural Heritage System*.

The land uses permitted in the Township Official Plan for those designations are as follows:

Natural Core Areas

- existing agricultural operations
- forest, wildlife and fisheries management
- Watershed management and flood and erosion control projects (conditional use)
- Transportation, infrastructure, and utilities (conditional use)

- Passive low intensity recreational uses
- Archaeological activities
- Single-detached dwellings and accessory uses on existing lots of record (conditional use)
- Home-based business as an accessory use
- Existing agricultural operations and expansions to existing agricultural buildings and structures and accessory uses (conditional use)

Natural Linkage Areas:

- Agriculture, agriculture related and secondary uses
- Forest, wildlife and fisheries management;
- Watershed management and flood and erosion control projects (conditional use)
- Transportation, infrastructure, and utilities (conditional use)
- Passive low intensity recreational uses
- Archaeological activities
- Single-detached dwellings and accessory uses on existing lots of record (conditional use)
- Home-based business as an accessory use
- Small-scale home industry as an accessory use
- Bed and breakfast establishments as an accessory use to a single-detached dwelling;
- Farm vacation homes as an accessory use within a single-detached dwelling;
- Existing agricultural operations and expansions to existing agricultural buildings and structures and accessory uses (conditional use)
- New aggregate operations and wayside pits by Official Plan Amendment only

3.2.2 Current Zoning - Ministerial Zoning Order – Ontario Regulation 160/22

3.2.2.1 Ministerial Zoning Order (Ontario Regulation 160/22) March 4, 2022 (“MZO”)

In December 2021, the Township of Cavan Monaghan’s Council requested the Minister of Municipal Affairs and Housing (“MMAH”, “Minister”) to rezone the Subdivision Lands for residential uses, and for the Kawartha Downs lands to permit expanded *Entertainment Commercial Zone* uses.

On March 4, 2022, the Minister approved the request, and the Subdivision Lands were rezoned from “A – Agricultural” under Township of Cavan Monaghan Zoning By-law No. 2018-58 to “Residential Zone” under Ontario Regulation 160/22 (“O.Reg.160/22”).

The MZO also authorized the additional uses requested to be included in the *Entertainment Commercial* zoning for the Kawartha Downs Lands, permitting additional uses that would be accessory and complementary to the existing Racetrack and Casino. The *Entertainment Commercial Zone* provides for and regulates the Kawartha Downs Lands in accordance with the *Commercial Entertainment* land use designation in the Township Official Plan.

The MMAH reviewed the request by the Township Council to rezone the lands in relation to the planning policies and deemed that the requested rezoning of the Subdivision Lands and Kawartha Downs Lands is consistent with the PPS and conforms to the Growth Plan.

3.2.2.2 Entertainment Commercial Zone for the Kawartha Downs Lands

The in-force zoning for areas of the Kawartha Downs Lands is “*Entertainment Commercial Zone* pursuant to Ontario Regulation 160/22. The *Entertainment Commercial Zone*, including those uses approved in the MZO for the Kawartha Downs Lands permit:

- assembly halls
- art galleries
- artisan studios
- banquet halls
- commercial fitness centre;
- commercial recreation use;
- commercial schools or studios
- community centres
- conservation uses
- craft breweries
- equestrian uses
- existing motor vehicle and horse racing facilities;
- farmer's markets
- gaming facility;
- hotel/motel;
- low intensity recreational uses
- medical offices
- mobile canteen;
- mobile refreshment vehicles
- motor vehicle gas bar
- outdoor commercial patios
- personal service establishments
- place of entertainment
- public school
- restaurant
- retail stores
- riding schools or boarding stables
- theatre
- trade and convention centre
- outdoor concert Venue/Amphitheatre, (as currently requested by an amendment to the MZO to permit this use.)

3.2.2.3 Residential Zone permissions for the Subdivision Lands

The in-force zoning for areas of the Subdivision Lands is “Residential Zone” pursuant to Ontario Regulation 160/22, the Ministerial Zoning Order.

The residential land use permissions are for the following uses on the Subdivision Lands, subject to site and building zoning standards as provided in the MZO:

- detached dwellings
- semi-detached dwellings
- semi-detached linked dwellings; and
- townhouses.

3.2.2.4 Open Space Zone permissions for the Subdivision Lands

The MZO also authorized uses permitted in the “OS – Open Space Zone” on the Subdivision Lands, those being uses that provides for and regulates built and natural settings for recreation, parks, and conservation areas, such as:

- agricultural uses
- community garden
- conservation use
- emergency service facility
- forest management
- low intensity recreational uses
- private park
- public park
- public use
- stormwater management facility.

3.2.2.5 Natural Core and Natural Linkage Zones maintained on the Lands

The Natural Core and Natural Linkage Zones implement the Natural Core and Natural Linkage Areas designation in the Township Official Plan. Certain areas on the Subject Lands are zoned as Natural Core and Natural Linkage Zone. The MZO, rezoning the Lands for Residential and Entertainment Commercial Zones, do not include the area on the Lands zoned as Natural Core and Natural Linkage in order to protect and maintain

the existing *Natural Heritage System*. The permitted uses in the *Natural Core* and *Natural Linkage Zones* on the Lands are as follows:

a) *Natural Core Zone*:

- agricultural uses (conditional)
- conservation uses
- dwelling, single detached (conditional)
- forest management
- home business
- low intensity recreational uses

b) *Natural Linkage Zone* (all uses are conditional uses):

- agricultural uses
- agriculture related uses
- agri-tourism use
- bed and breakfast establishment
- conservation use
- dwelling, single detached
- forest management
- home business
- home industry
- low intensity recreational uses

3.2.3 Township of Cavan Monaghan Zoning By-law 2018-58 (“Zoning By-law”)

The regulations and permissions of the Township’s Zoning By-law continue to apply, in addition to the regulations provided in the MZO. This means where the MZO is silent, the provisions of the Zoning By-law continue to be in force and effect, so the regulations pertaining to Administration, General Provisions, Parking and Loading Regulations, Definitions, Holding Provisions, and Temporary Use Provisions continue to be applicable on the Lands.

The MZO is specifically related to the areas identified on MZO Map 299. The Zoning By-law Land use permissions and the zoning/development requirements of the OS – *Open Space Zone* and C4 – *Entertainment Commercial* continue to apply on the Subject Lands and regulate, among other things, building size, coverage, height and scale. Additionally, the zoning requirements for the *Natural Core* and *Natural Linkage Zone* areas on the Subject Lands are not amended by the MZO.

3.2.4 Transportation Network

The Subdivision Lands has frontages onto two roads – Moore Drive and County Road 28. Schedule A of the Township Official Plan classifies Moore Drive, the east-west 20m right-of-way accessing the Subdivision Lands to the north, as a Township Road; Moore Drive ends at County Road 28, however continues east to the Peterborough Airport via Moncreif Line. Moore Drive also continues west until the Highway 115 exchange and on-ramp.

County Road 28, the north-south 36m right-of-way (varies) accessing the Subdivision is classified as a County Road County Road 28 and extends northwards to the Highway 115 exchange.

3.2.5 Peterborough Airport – Noise Exposure Forecast

There are no land use and built form compatibility issues with the Peterborough Airport, such as development within the *Noise Exposure Forecast* (NEF) contours or federal height restrictions associated with the airport. Peterborough Municipal Airport is located more than 2 km away, and no part of the subject lands are within the NEF/NEP 25 noise contours; therefore, aircraft noise would cause negligible noise impacts upon the site and surroundings, and the MZO-approved residential uses on the Subdivision Lands.

3.2.6 Conservation Authority Regulation

As the Subdivision Lands contain wetlands and watercourses, they are within the jurisdiction of the Otonabee Region Conservation Authority (“ORCA”), which regulates the *Natural Heritage* features within the Subject Lands under Ontario Regulation 167/06: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses. ORCA also has governance over discharges to waterways under Section 53 of the Ontario Water Resources Act, R.S.O. 1990 c. O.40 regarding stormwater management and wastewater systems.

4.0 PROPOSALS AND APPLICATIONS

There are two requests for Planning Approval related to the Subdivision Lands:

1. A site-specific OPA is proposed to re-designate the Subdivision Lands from *Commercial Entertainment* to *Residential* to have the policies in the Township Official Plan be consistent with the *Residential Zone* approved by the MZO;
2. A draft Plan of Subdivision is sought to be approved and is also submitted along with the OPA for the Subdivision Lands (residential development) and is prepared by D.G. Biddle and Associates.

4.1 OPA and Draft Plan for the Subdivision Lands

The Subdivision Lands are currently zoned for *Residential Zone* uses, however, is designated in the Township Official Plan as *Commercial Entertainment*, with portions of the Lands designated as *Natural Core* and *Natural Linkage Areas*. The *Commercial Entertainment* designation does not permit the *Residential Zone* and *Open Space Zone* uses permitted in the MZO. The *Residential Zone* permits detached, semi-detached, semi-detached linked dwelling and townhouses on the Subdivision Lands. The existing *Natural Core* and *Natural Linkage Areas* were not rezoned and continue to allow the uses that are permitted for *Natural Core* and *Natural Linkage Areas* and will remain protected from development.

The Residential OPA will facilitate the implementation of the Draft Plan, and the future homes will provide nearby housing for the employees of the Kawartha Downs revitalization, as well as other residents seeking housing within the County and wider Greater Toronto Area. The diverse housing stock in terms of type, tenure, density and affordability will, in our opinion, meet the varied needs of residents and the community.

The residential development proposed on the Subdivision Lands will provide 517 new dwelling units and will provide a mix of housing opportunities in the Township of Cavan Monaghan. The Draft Plan for the Subdivision Lands (“Draft Plan”) include the following low-rise residential development components:

- The development of 123 townhouses;
- The development of 66 semi-detached homes; and
- The development of 328 detached homes;

The development is proposed to be fully serviced with a water and sanitary sewage system utilizing a Newterra package plant system, or equivalent. The road cross-section would be fully urbanized (curb/gutter and sidewalks). The development is to proceed in phases with commercial entertainment redevelopment proceeding prior to the residential development. Both developments will be served by a common water supply, but differing wastewater systems.

The Draft Plan will contain linkages to the existing road network on County Road 28 and Moore Drive. The Draft Plan has been designed to preserve natural features, including the adjacent *Natural Linkage* and *Natural Core Areas* within, and surrounding the Subject Lands to the west. These lands would remain protected and are proposed to be transferred the Township.

4.1.1 Required Approvals for the Subdivision Lands (Residential Zone)

The Subdivision Lands are zoned “*Residential*” pursuant to the MZO (O.Reg.160/22). As such, the residential development requires a site-specific OPA application redesignating the lands from “*Commercial-Entertainment*” to “*Residential*”, or another special residential area designation in the Township Official Plan.

The Rural and Cultural Landscapes policies of the County Official Plan will require a site-specific policy area to recognize the MZO-permitted residential uses of the Subdivision Lands. A Zoning By-law Amendment is not required, as the MZO already provides the zoning permission for residential uses proposed on the Subdivision Lands in the Draft Plan of Subdivision accompanying the OPA application.

The MZO also provides the lot frontage, lot size, and development standards for the residential uses permitted on the Subdivision Lands. Considering the above, and in terms of land use permissions, and OPA application is being submitted to facilitate the development and have the Residential zoning permission and must be consistent with the Provincial Policy Statement 2020 (“PPS”) and conform to the A Place to Grow: A Growth Plan for the Greater Golden Horseshoe 2019, as amended (“Growth Plan”).

Additionally, a Draft Plan of Subdivision is required to subdivide the Site into developable Lots and Blocks (in accordance with the approved zoning from O. Reg. 160/22) as well as to create additional blocks associated with natural heritage features, stormwater and sanitary infrastructure, roads and road widenings, and parkland. In considering a draft plan of subdivision, regard shall be had to Criteria contained in Section 51 (24) of the Planning Act, R.S.O. 1990, c. P.13.

4.1.2 Indigenous Consultation

The Subdivision Lands are located within Treaty Lands of the Williams Treaties First Nations. Signatories of the Williams Treaties include Beausoleil First Nation, Georgina First Nation, Rama First Nation, Scugog Island First Nation, Curve Lake First Nation, and Hiawatha First Nation.

Consultation and ongoing communication with the Curve Lake and Hiawatha First Nations will continue throughout the planning process, consistent with PPS Policy 1.2.2 and conforming to Growth Plan Policy 5.2.3.4.

4.1.3 Joint Pre-Application Consultation

On November 19, 2021 a joint pre-consultation meeting was held with the County, Township, Otonabee Region Conservation Authority (ORCA), and the Ministry of Transport of Ontario. The County noted that an Official Plan Amendment would be required to support the subdivision unless the development could be justified as an expansion to the settlement area of Frasersville, and that lot creation through plan of subdivision still needs to be an application made to the County. The joint pre-consultation meeting minutes and checklist provide the required reports and studies in support of the proposed development on the Subdivision Lands.

5.0 SUPPORTING TECHNICAL STUDIES

5.1 Servicing Options Report and Functional Servicing Report

Cambium Inc. prepared a Feasibility Study for Wastewater Servicing for the Kawartha Downs Lands, and Clearford Water Systems prepared an Interim Report for Wastewater and Wastewater Treatment Servicing. The Cambium Wastewater Report included a discussion of continued use of the existing on-site system, and an expansion of the sub-surface beds to service the entire development. Their conclusion was no suitable on-site area sufficient to provide sub-surface disposal to service the proposed residential development. The commercial development is sufficiently serviced. The Cambium report noted there was insufficient capacity for subsurface disposal of all sanitary wastewater from the combined residential and

commercial redevelopment. There is adequate capacity to manage the entirety of the flows from the redeveloped commercial side. The commercial site shall be serviced via an expanded wastewater treatment and disposal system which shall require an amendment to ECA no. 2018-5TXLQ5.

Clearford prepared a Functional Servicing Report, dated August 2022. Their reports conclude that the site is presently provided with on-site water and wastewater sanitary servicing, including a packaged wastewater treatment plant with a rated capacity of 60 cubic metres per day (m³/d) and shallow, subsurface disposal trench. The existing on-site systems will not provide sufficient capacity to service the proposed new entertainment complex and residential development, and new servicing is required. This is as wastewater generated at the site is presently pumped from the equalization tanks and hauled for off-site disposal at a municipal wastewater treatment facility due to the condition of the existing equipment. Communal or decentralized servicing will be provided for both the entertainment and residential components. A modular, packaged wastewater treatment system was determined to be a viable option to provide sanitary servicing for the site (Cambium 2021). The use of a modular treatment system will provide the ability to scale the treatment provided to match the build-out of the development, avoiding the problems associated with providing too large or too small of a treatment system and permitting phased development of the site as well as demonstrating the ability to meet the expected stringent effluent limits associated with a surface water receiver in this area. The expanded site development shall be serviced by a modular membrane bioreactor packaged treatment system.

D.G Biddle also prepared a Functional Servicing Report, dated June 1, 2022. They conclude that for the Subdivision Lands, sanitary services can be provided by a gravity sewer to the site's low point where it will connect to a sanitary pumping station before exiting the site via a 250mm sanitary force main which convey sanitary sewage to the proposed wastewater treatment system and from there to the disposal beds. Water services will connect to a new water treatment facility to be constructed off-site and turned over to the municipality. RIC intends to construct an off-site groundwater treatment and supply system, with the long-term objective to transfer ownership to the municipality.

5.2 Hydrogeological Studies

In June 2022 Cambium Inc. prepared a Water Supply Summary Report for the Subdivision Lands which includes a hydrogeological assessment. The water supply assessment was completed in support of a proposed re-development and includes a general review of available surrounding hydrogeological and water supply information and an evaluation of the results of pumping tests conducted on two on-site wells. Their report notes that A provincially significant wetland ("PSW") is located within the boundaries of the Site. The PSW was identified as Cavan Creek Wetland. Existing Ministry of Natural Resources and Forestry ("MNR") PSW mapping shows two pieces of the PSW on the property, one extending eastward into the property from the western property boundary, in the central portion of the Site and the other extending southward onto the property from the northwest corner. There are several setback areas associated with the wetlands present on-site that should be considered as part of development on the property. Available information indicates that there is fine- to medium-grained sediments located at surface on the Site. The on-site unevaluated wetland is assumed to be sourced both from surface runoff and shallow groundwater discharge. Cambium recommends that the proponent investigate off-site municipal supply well potential; the Township of Cavan Monaghan recently undertook a study to investigate the possibility of providing a Municipal Supply to the Fraserville Settlement Area.

5.3 Geotechnical Study

A Geotechnical Investigation Report by Cambium Inc., dated August 2022 is submitted with the application documents. The geotechnical investigation was completed to determine subsurface conditions at the Site to provide preliminary geotechnical recommendations for development. Further geotechnical investigation may be required at the Site as development plans advance. Additional boreholes may be required in areas of substantial cut, if multi storey buildings are proposed as part of the development, where shallow saturated soil conditions were observed.

5.4 Stormwater Management Plan

A preliminary Stormwater Management Report by D.G. Biddle and Associates dated June 1, 2022 is submitted with the Application Documents. It is provided to the Township, County and the ORCA to confirm that the necessary infrastructure is available to service the Subdivision Lands. D.G. Biddle is of the opinion that the approval agencies will be able to issue positive comments and conditions of draft approval for the Draft Plan of Subdivision. They note that with the proposed development, there will be an increase in impervious surfaces resulting in an increase in stormwater runoff over pre-development conditions. D.G. Biddle concludes that the implementation of a stormwater management wet pond for the western lot fabric will provide Level 1 quality control as well as attenuate all post-development flows to the pre-development levels. The implementation of a dry stormwater management pond for the eastern lot fabric in conjunction with an orifice control device is proposed to attenuate all post development flows to the pre-development levels, and that temporary sediment controls during construction can be managed using perimeter enviro fence, construction vehicle access route, and good engineering practices.

5.5 Market Analysis/Justification Study

A Market Analysis/Justification Study has been prepared by Watson and Associates on August 18, 2022. Their economic impact analysis concluded that the proposed development is estimated to have 390,475 sq. ft. of non-residential buildings. The total construction value of \$301.3 million, representing \$194.5 million for the residential development and \$106.8 million for the non-residential development. The projected population of the the residential development is 1,396 persons. The jobs that are projected to be generated are 165 jobs, of which 117 are considered direct employment and 48 are indirect employment.

In terms of taxes generated, the total tax revenue would be \$2,026,873, and the proposed development is estimated to generate a surplus of approximately \$727,723 annually with respect to tax-supported services. The potential development charges revenue is calculated at \$4,544,289.

From a water and wastewater servicing perspective, three scenarios were examined: a standalone system, an area-specific billing system, or a combined billing system with Millbrook. Under a standalone system, there would be no expenditure or revenue impacts to the Township as the proposed development would be privately owned and operated. Under an area-specific system, the Township would assume the proposed development's water and wastewater system with the annual bill per customer is estimated at \$2,647 per year. Under the combined billing with Millbrook, the Township would also assume the proposed development's water and wastewater systems, with the combined annual bill per customer for both Millbrook and the proposed development is estimated at \$2,055 per year.

Some of the works related to the proposed development, such as roads, sidewalks, etc., are a direct developer responsibility as per the Townships local service policy., However once those works are assumed, Watson notes that the Township will incur lifecycle costs associated with the future replacement of the works at the end of their useful life. There are several other indirect development-related capital costs listed in the Report, namely for services related to a highway, fire protection, police, parks and recreation, and library services.

5.6 Environmental Impact Analysis and Phase 1 and 2 Environmental Assessment

An Environmental Impact Study was completed by Cambium Inc. on May 27, 2022, for all the Subject Lands. The Subject Lands contain or is adjacent to (within 120 m of) a drainage feature, a watercourse, Cavan Creek Provincially Significant Wetland (PSW), unevaluated wetlands, Significant Woodlands, and habitat for endangered and threatened species.

The EIS concludes that potential negative impacts associated with the proposed development and site alteration can be appropriately minimized, provided that the recommendations in Section 7.0 of the EIS are followed. The proposed development complies with applicable provincial policy and can be carried out in

a way that will not adversely impact natural heritage and hydrologic features and functions identified on or adjacent to the subject Site.

A Phase II Environmental Site Assessment was conducted by Trafalgar Environmental Consultants and a report completed on September 1, 2021 for the Kawartha Downs Lands. The objective of the Phase II ESA was to ascertain the presence of any subsurface environmental impact at the site that may have resulted from use of the site as a racetrack. Based on the results of their investigation, the historical activities on the property have resulted in minor environmental impact to the Kawartha Downs Lands.

A Phase II Environmental Site Assessment was prepared on September 30, 2021 by Cambium Inc. for the Subdivision Lands. The Phase 2 ESA concluded that the laboratory analysis results and discussion present through Section 4.0 of the Report indicated that all analyzed contaminants of potential concern in the submitted soil and groundwater samples met the Table 1 SCS of the Soil, Ground Water and Sediment Standards for Use Under Part XV.1 of the Environmental Protection Act (MOE, 2011b).

5.7 Archaeological Study

Stage 1 and 2 Archaeological Studies were completed by Northeastern Archaeological Associates on August 31, 2022. The Stage 1 research indicates that the property is of high archaeological potential because of its proximity to historic transportation routes, its proximity to a secondary water source, the indication of structures on historic mapping within the subject property, previously identified archaeological sites within the subject property, and proximity to registered archaeological sites. Areas of environmental significance were not assessed as they are being transferred to the Township of Cavan-Monaghan. A Stage 3 excavation is recommended to be carried out on a limited basis on certain historic sites on the Lands as identified in the Study. The Archaeological Study recognizes Indigenous Knowledge of the Michchi Saagiig (Mississauga Anishinaabeg), and that the lands are located within the Treaty Lands of the Williams Treaty First Nations. Signatories of the Williams Treaties include Beausoleil First Nation, Georgina First Nation, Rama First Nation, Scugog Island First Nation, Curve Lake First Nation, and Hiawatha First Nation.

5.8 Noise Impact Study

SS Wilson Associates prepared a Noise Control Feasibility Study for the *Commercial Entertainment* uses that are proposed on the Kawartha Downs Lands. The ambient noise environment surrounding the subject site is primarily due to road traffic upon Highway 28 and Highway 115. There are no nearby rail lines. Peterborough Municipal Airport is located more than 2 km away, and no part of the subject lands are within the NEF/NEP 25 noise contours; therefore, aircraft noise causes negligible noise impacts upon the site and surroundings.

There are no nearby sources of stationary noise of any significance, other than the Kawartha Downs and Speedway facility and racetrack itself. The scope of their report is primarily focused upon the noise impact of the outdoor amphitheater entertainment venue upon the existing and proposed residential dwellings around the Subject Lands. The noise from the outdoor amphitheatre is considered likely to be the most significant future source of noise upon the subject property following redevelopment. The Study considered noise impacts to the future second-storey window of proposed residential dwellings located north of the subject site. The implementation of a covered roof structure and outdoor noise controls will produce an acoustic environment that is very similar to the noise exposure generated by the previous racetrack operation, at times causing a relatively imperceptible increase. SS Wilson Associates concludes that it is feasible to achieve reasonable sound level limits at the existing and future noise-sensitive points of reception, with the implementation of outdoor noise control features, and special design of the outdoor amphitheatre and sound system.

5.9 Traffic Study

A Traffic Impact Study ("TIS") from DM Wills Associates Limited was prepared on August 16, 2022. The TIS investigates and evaluates the impact of the proposed residential development. The background

traffic operation and the traffic operation with the consideration of the traffic generated from the development at the intersections of CR 28 and Moore Drive and Syer Line were assessed. Based on the analysis completed, the new trips generated by the development will have a significant impact on the traffic operation at the entrances of the recreational development on CR 28 and at the intersection of CR 28 and Moore Drive. On the other hand, the impact on Syer Line is not significant given the assumption that no direct access from the development to Syer Line. Based on their analysis and to address all the above impacts, DM Wills recommended that:

- At the CR 28 intersection with Moore Drive, a left turn lane for the northbound traffic and a right turn taper for the southbound traffic are needed;
- At the intersection of CR 28 and Moore Drive, a full width right turn lane for the southbound traffic is needed in addition to a left turn lane for the northbound traffic;
- At the intersection of CR 28 and Moore Drive, it is recommended to consider the installation of a traffic signal at this intersection;
- At the secondary entrance of the recreational development, a full width right turn lane for the southbound traffic and a left turn lane for the left turn traffic are needed; and
- At the main entrance of the recreational development, a traffic signal is warranted.

5.10 Agricultural Impact Assessment

An Agricultural Impact Assessment was completed by Clark Consulting Services and dated May 2021. The AIA assesses the impact of development of the Site on the surrounding agricultural system and notes that the development proposals are to be on land designated in the Official Plan for *Commercial Entertainment* uses, meaning that the intent for local Councils that the lands are going to be developed for purposes other than active agriculture. In terms of minimum separation distance formulae, no livestock barns would be negatively impacted by the proposed development, and there are no active livestock facilities adjacent to the proposed development. Clark also concludes that negative impacts would be modest in terms of traffic, but because of the revitalization, there may be positive spin-off for local farms because of the proximity to a horse racing facility that would require bedding and feed from local farmers.

5.11 Minimum Distance Separation Calculation (where barns exist within 1km)

PPS Policy 1.1.5.8 requires that new land uses, including the creation of lots and new or expanding livestock facilities, shall comply with the minimum distance separation (MSD) formulae. The proposed residential uses will comply with the MSD formulae to reduce incompatibility concerns about odour from livestock facilities. In this case, the MDS 1 Formulae (Formulae and Guidelines for Livestock Facility and Anaerobic Digester Odour Setbacks, Publication 853, Ministry of Agriculture, Food and Rural Affairs) is required to be applied as the proposal is to rezone and eventually redesignate land to permit development in rural lands presently zoned or designated for agricultural use. The zoning of the lands proposed for the residential development, and the properties surrounding the lands, are zoned for Agricultural uses. The Agricultural Impact Assessment concludes that there are no abutting livestock facilities that are impacted by the expansion area. The lands further west abutting the proposed development do not contain any livestock operations. A review of lands abutting the Subject Lands do not reveal any livestock operations or agricultural buildings that have the potential to house livestock.

OPA and DRAFT PLAN OF SUBDIVISION LANDS

6.0 SUBDIVISION LANDS – PLANNING ANALYSIS

The Subdivision Lands are zoned as a “Residential Zone” pursuant to the MZO (O.Reg.160/22). As such, the residential development requires a site-specific OPA application redesignating the lands from “Commercial-Entertainment” to “Residential” in the Township Official Plan (“Residential OPA”). A Zoning By-law Amendment is not required, as the MZO already provides the zoning permission for residential uses, and provides the lot frontages, lot sizes, and other development standards for the residential uses permitted on the Subdivision Lands. The Residential OPA must be consistent with the Provincial Policy Statement 2020 (“PPS”) and conform to A Place to Grow: A Growth Plan for the Greater Golden Horseshoe 2019, as amended (“Growth Plan”) and the County’s Official Plan.

Additionally, a Draft Plan of Subdivision is required to subdivide the Site into developable lots and blocks (in compliance with the approved zoning from O. Reg. 160/22) as well as to create additional blocks associated with natural heritage features, stormwater and sanitary infrastructure, roads and road widenings, and parkland. In considering a draft plan of subdivision, regard shall be had to Criteria contained in Section 51 (24) of the Planning Act, R.S.O. 1990, c. P.13. as well as the relevant policies of both the County Official Plan and Township Official Plan for Draft Plan of Subdivision.

6.1 Hemson Consulting Growth Analysis Report, 2022

A Growth Analysis Report (March 28, 2022) was prepared by Hemson Consulting for the County of Peterborough (the “Hemson Report”). The Growth Analysis Report determines the long-term growth outlook for the County of Peterborough based on a 30-year time horizon and population and employment forecasts prescribed by the Provincial Plan A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 (the Growth Plan). It also calculates the amount of urban land required to accommodate the growth outlook. The Hemson Report notes that:

“Based on the Land Needs Assessment (LNA) the County of Peterborough does not require additional Community Area or Employment Area on a County-wide basis to accommodate long-term population and employment growth to 2051 established by Schedule 3 to the Growth Plan. However, additional land is required at the local level.”

“The County’s population will grow by 18,200, from 63,800 in 2021 to 82,000 in 2051. The rate of population growth will be faster over the next 30 years than it was over the last 30 years.”

“...Cavan Monaghan requires additional land in order to meet its housing allocation. The additional land need requirement is 74.7 hectares, which is sufficient to accommodate 1,365 housing units.”

“The County, in consultation with the Township of Cavan Monaghan and subject to the requisite studies under Growth Plan policy 2.2.8, should consider identifying a settlement boundary expansion to the settlement area of Millbrook, in Cavan Monaghan, to accommodate the Community Area land need requirement of 74.7 hectares. These lands may be subject to an excess lands overlay pursuant to Growth Plan policy 2.2.1.6.”

In the Hemson Report, Table 1 notes that growth in the County from 2021 to 2051 will be an increase of 18,200 persons. The proposed OPA will support the growth anticipated, provided 517 dwelling units for an estimated population of 1,396 residents, or 7.6% of the County’s anticipated population growth through to 2051. The Hemson Report notes that 27% of new housing units would be allocated to Rural Areas and that 34% of residential growth in the County is allocated to Cavan Monaghan through to 2051, and that Cavan Monaghan requires additional land to provide for the residential growth. The Hemson Report concludes that there is a need for 1,355 dwelling units, and they are currently without land allocations in Cavan Monaghan. This is in addition to the land that is already allocated for development in designated greenfield areas in the Township.

The Hemson Report recommends that settlement area expansion should occur in the settlement area of Millbrook. Proposed is a residential subdivision that is not within a settlement area, however in this case the zoning has already been reviewed and approved via MZO. This permits residential uses on the Subdivision Lands and provides the additional land that would alleviate required land allocation. The Hemson Report says that the additional land need requirement in Cavan Monaghan is 74.7 hectares, sufficient to accommodate 1,365 housing units; the approved MZO for residential uses on the Subdivision Lands comprises 19.4 developable hectares and 517 housing units, reducing the additional land need requirement by 26% and providing 38% of the dwelling units required through to 2051 in Cavan Monaghan in an appropriate location.

6.2 Growth Management Strategy 2020, Township of Cavan Monaghan

Watson and Associates Economists Ltd. prepared a Growth Management Strategy (“GMS”) for the Township in May 2020. The overall objectives were to provide a comprehensive assessment of the Township’s long-term population, housing and employment growth potential. It also provided an evaluation of whether there is an adequate supply of urban and rural lands to accommodate long term demand and satisfy the Township’s near term and longer-term employment growth objectives and policy. The GMS also contains strategic recommendations to manage and plan for growth within the context of provincial, County and Township planning policy framework.

The GMS reported that the assumed total population of the Township would increase to 15,550 by 2041. The GMS notes that recent infrastructure projects, such as the completion of the Highway 407 extension to Highway 115, provides further opportunity for residents from the G.T.A. to relocate to the Township while still maintaining a relatively reasonable commute to work. The results of this GMS have shown that there is no foreseeable need for additional Employment Area expansion in the Township’s Rural Areas. This means that the proposed Residential OPA and Draft Plan, in converting the *Commercial Entertainment* designation for residential uses, will have no negative impact on the viability of employment lands in the Township.

The GMS also assessed the allocation of long-term population, housing and employment growth between the Millbrook Urban Settlement Area and remaining rural areas of the Township. It also notes that Peterborough County, through to 2041, will have a population of 76,000 residents and 24,000 jobs. This was increased in the most recent 2020 Growth Plan Amendment, which provides an additional 10,000 residents and 2,000 jobs through to 2051, for a total of 86,000 residents and 26,000 jobs.

As the Growth Plan targets have increased the number of residents for the County, the proposed Draft Plan will contribute to the attainment of the 2051 residential population target. The proposed development is projected to accommodate approximately 1396 additional residents in 517 dwellings, based on the 2016 Census data of 2.7 persons per household in the Cavan Monaghan Census Area. This represents about a 14% contribution to the additional population now targeted from 2041 through to 2051 for the County in the Growth Plan. Per Policy 1.4, the Township Official Plan directs that 70% of household growth is to the Millbrook Urban Settlement Area, and limited growth in the Hamlet areas. This provides that an additional 30% of the household growth can be accommodated in other areas of the Township, such as where the Draft Plan of Subdivision is proposed. This also supports the GMS conclusion that as the surrounding commuter-shed grows, Cavan Monaghan will continue to be a desirable location for workers to live, leading to steady population growth in the Township.

The GMS calculated that the estimated unit yield of the Township’s residential greenfield development opportunities is estimated at 367 units in the Millbrook Urban Settlement Area. Within the Millbrook Urban Settlement Area, the GMS calculated that the estimated unit yield of the residential intensification opportunities in Millbrook is at just over 100 units. This means that to accommodate the future growth of the Township and County through to 2051 (now with updated population targets), additional areas of the Township should be designated for residential uses. This could accommodate the projected additional 10,000 residents projected to 2051, on top of the 76,000 determined in the Growth Plan for 2041. Cavan Monaghan is expected to have 41% of population growth in the County over the next three decades, and

34% of the residential unit growth allocation of the County, according to the more recent 2022 Hemson Report.

In 2016, Peterborough County's population was approximately 58,700 people. The Growth Plan, through to 2051, projects a population of 86,000 people, and increase of 27,300 people. In the County Official Plan, the allocation of that population growth to Cavan Monaghan is 16%, or 4,368 persons of that 2051 population. The 2022 Hemson Report notes that 34% of population growth is to occur in Cavan Monaghan, far beyond and just more than double that is provided in the County Official Plan. This represents an increase of 9,282 persons (9,650 persons in the 2022 Hemson Report).

The GMS anticipated in 2020 that the Township's overall total of residential supply opportunities would be approximately 1,830 units. This provides, based on a 2016 Census average of 2.7 persons per household, a population of 4,941 persons. This means that there is a need to provide an additional 1608 dwelling units (at 2.7 persons per household) to house the remaining increase of 4,341 persons in Cavan Monaghan, through to 2051. The proposed Draft Plan will contribute to the provision of those dwelling units for the additional population allocations to Cavan Monaghan through to 2051.

In 2020, new housing development opportunities were largely concentrated on designated greenfield area lands in Millbrook (approximately 92% or 1,690 units), of which approximately 74% (1,360 units) are in the development approvals process. With the growth forecasts in the Growth Plan are now through to 2051, the Draft Plan, providing an additional 517 dwellings housing approximately 1,396 residents, will support the allocation of population growth by the County to the Township of Cavan Monaghan.

6.3 Provincial Policy Statement

The Provincial Policy Statement ("PPS") provides overall policy direction on matters of provincial interest related to municipal land use planning and development decisions. The PPS was issued under Section 3 of the Planning Act, 1990 and provides Provincial direction in terms of land use planning and development in Ontario. The current PPS came into effect on May 1st, 2020. Decisions related to planning matters, including Official Plan Amendments and MZO's made under the Planning Act, shall be consistent with the PPS. In our opinion, the *Residential* land use designation and the Draft Plan for the Subdivision Lands is consistent with the relevant policies of the PPS. The relevant policies are evaluated below.

6.3.1 Land Use Policies

Policy 1.1.1 of the PPS provides:

"that Healthy, liveable and safe communities are sustained by: a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term; b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs; c) avoiding development and land use patterns which may cause environmental or public health and safety concerns; and h) promoting development and land use patterns that conserve biodiversity."

A zoning order has been approved, rezoning the lands for residential uses, and has been determined by the MMAH to be consistent with the relevant policies of the PPS. Zoning By-laws, whether by amendment or Ministerial Order, must be consistent with the PPS. A draft plan of subdivision is proposed, along with a Residential OPA, to permit a range of housing options, in the form of detached, semi-detached and block townhomes. The natural areas on the Subdivision Lands will provide a buffer between the residential development and the existing and revitalized Kawartha Downs Lands. The MZO and the Draft Plan and Residential OPA restricts all development to occur within the required *Natural Core and Natural Areas* land use designation and zoning setbacks. The MZO permits land uses in the *Open Space Zone* under Section 10.2

of the Township's Zoning By-law, permitting recreation, park and open space uses on the Subdivision Lands to meet long term needs of the future residents of the Township and County.

6.3.2 Rural Areas and Lands Policies

Rural areas means a system of lands within municipalities that may include rural settlement areas, rural lands, prime agricultural areas, natural heritage features and areas, and resource areas. Rural lands means lands which are located outside settlement areas and which are outside prime agricultural areas. The Subject Lands are located outside settlement areas and outside of any prime agricultural areas, and as such, are defined as rural lands in both the PPS and Growth Plan. In the PPS, the Subdivision Lands are also defined as rural areas.

With respect to rural areas, the PPS provides the following policy direction in Section 1.1.4 Rural Areas in Municipalities, and Section 1.1.5 Rural Lands in Municipalities:

1.1.4.4 Growth and development may be directed to rural lands in accordance with policy 1.1.5, including where a municipality does not have a settlement area.

In approving the MZO, the MMAH decided that development was going to be directed to the Subdivision Lands where a settlement area does not currently exist in the County of Peterborough and the Township of Cavan Monaghan, consistent with the Policy. The Draft Plan and the Residential OP are consistent with the Rural Lands Policies, which permit in Policy 1.1.5.2 residential development, including lot creation, that is locally appropriate. With respect to rural lands, the PPS provides the following direction in Section 1.1.5 Rural Areas in Municipalities:

1.1.5.1 When directing development on rural lands, a planning authority shall apply the relevant policies of Section 1: Building Strong Healthy Communities, as well as the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

1.1.5.2 On rural lands located in municipalities, permitted uses are: c) residential development, including lot creation, that is locally appropriate;

1.1.5.4 Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.

1.1.5.5 Development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure.

1.1.5.6 Opportunities should be retained to locate new or expanding land uses that require separation from other uses.

1.1.5.8 New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.

PPS Policy 1.1.4.4 and 1.1.5.2. permits growth and development to be directed to areas outside of settlement areas, as well as residential development and lot creation on rural lands in municipalities that are locally appropriate. The Draft Plan and Residential OPA is locally appropriate. They will support the achievement and operation of the revitalized Kawartha Downs Raceway and the Shoreline Slots lands by providing a residential development that will contribute to achieving the County's residential population targets provided in the Growth Plan through to 2051, by allowing the available growth to be shifted geographically within the Township.

Regarding PPS Policy 1.1.5.4 and 1.1.5.5, the Draft Plan and Residential OPA is appropriate for the planned and available infrastructure and can be sustained by rural service levels supplanted with on-site servicing in the form of modular and adaptable Newterra servicing systems. As stated above, the sanitary

sewer on County Road 28 will provide for future servicing south from Highway 115 and road improvements to service the Peterborough Airport.

Site servicing for the project will be new systems constructed to service the development with the intent to turn them over to the municipality. RIC (Moore Drive) Inc. and RIC (Highway 28) Inc. also commit to the payment of any costs and fees typical of redevelopment and new development, and the proportionate share of RIC (Moore Drive) Inc. and RIC (Highway 28) Inc.'s infrastructure and servicing costs associated with the proposed development. The necessary infrastructure to service the Kawartha Downs Lands is currently provided, and infrastructure is proposed to be provided to support the projected needs, as described in the engineering reports accompanying the OPA and Draft Plan applications. They describe that the Subject Lands are presently provided with on-site water and wastewater sanitary servicing, including a packaged wastewater treatment plant. Communal or decentralized servicing is proposed to be provided for both the entertainment and residential components. The residential development is proposed to be serviced by a modular packaged treatment system (Newterra or equal). The Applicant intends to construct an off-site groundwater treatment and supply system, with the long-term objective to transfer ownership to the municipality.

PPS Policy 1.1.5.8 requires that new land uses, including the creation of lots and new or expanding livestock facilities, shall comply with the minimum distance separation (MSD) formulae. The proposed residential uses will comply with the MSD formulae to reduce incompatibility concerns about odour from livestock facilities. In this case, the MDS 1 Formulae (Formulae and Guidelines for Livestock Facility and Anaerobic Digester Odour Setbacks, Publication 853, Ministry of Agriculture, Food and Rural Affairs) is required to be applied as the proposal is to rezone and eventually redesignate land to permit development in rural lands presently zoned or designated for agricultural use.

The properties surrounding the lands are zoned for *Agricultural* uses. There are no abutting livestock facilities that are impacted by the expansion area. The lands further west abutting the proposed development do not contain any livestock operations. A review of lands abutting the Subdivision Lands do not reveal any livestock operations or agricultural buildings that have the potential to house livestock.

6.3.3 Indigenous Engagement

The PPS requires in Policy 1.2.2 that Indigenous communities shall be engaged and coordinate with them on land use planning matters. Consultation and ongoing communication with the Curve Lake and Hiawatha First Nations will continue throughout the planning process, and an Indigenous consultant has been retained by the Applicant to facilitate the engagement and consultations, consistent with the Policy.

6.3.4 Employment Areas Policies

The Draft Plan and Residential OPA are being applied for must be consistent with the regulatory direction provided by the MMAH for the Subdivision Lands. The Subdivision Lands have already been approved for residential uses in the MZO, and so the regulatory context for the conversion of the lands as already occurred. The Subdivision Lands, although currently designated as *Commercial Entertainment* (a *Rural Employment* sub-designation in the Township Official Plan) requires amendment to non-employment (*Residential or other special Residential Area*) designation.

As such, PPS Policy 1.3.2.5 applies: the lands within existing employment areas may be converted to a designation that permits non-employment uses, provided that the area has not been identified as provincially significant through a provincial plan exercise or as regionally significant by a regional economic development corporation working together with affected upper and single-tier municipalities and subject to the following:

1.3.2.5 a) there is an identified need for the conversion and the land is not required for employment purposes over the long term; b) the proposed uses would not adversely affect the overall viability of the employment area;

and c) existing or planned infrastructure and public service facilities are available to accommodate the proposed uses.

1490 County Road 28 and 1683 Moore Drive are not identified as provincially significant, for example, as a Provincially Significant Employment Zone (“PSEZ”) by the Minister of Municipal Affairs and Housing. In this case, proposals for conversions of the employment lands for non-employment uses are permissible, subject to consistency with the PPS and conformity with the Growth Plan’s employment areas conversion policies. The proposal concentrates employment uses on a portion of the lands while proposing residential development to financially support it.

Regarding PPS Policy 1.3.2.5 a), there is an identified need for the conversion in that new residential development will be provided to achieve the Growth Plan’s population target through an additional 82,000 residents in the County through to 2051 and supporting the additional 26,000 jobs to be added to Peterborough County. The 2022 Hemson Report states that the County does not require additional *Employment Areas* on a County-wide bases, thereby further supporting the conversion and the Draft Plan and Residential OPA’s consistency with the PPS Policy.

The Hemson Report states that “*Based on the Land Needs Assessment (LNA) the County of Peterborough does not require additional Community Area or Employment Area on a County-wide basis to accommodate long-term population and employment growth to 2051 established by Schedule 3 to the Growth Plan. However, additional land is required at the local level.*”

“...Cavan Monaghan requires additional land in order to meet its housing allocation. The additional land need requirement is 74.7 hectares, which is sufficient to accommodate 1,365 housing units.”

The Hemson Report says that the additional land need requirement in Cavan Monaghan is 74.7 hectares, sufficient to accommodate 1,365 housing units; the approved MZO for residential uses on the Subdivision Lands comprises 19.4 developable hectares and 517 housing units, reducing the additional land need requirement in Cavan Monaghan.

Regarding PPS Policy 1.3.2.5 b), the proposed residential development would not adversely affect the overall viability of the adjacent northerly rural employment areas, nor the rural employment lands maintained as *Commercial Entertainment* on the Kawartha Downs Lands. The land uses permitted in the Township’s Official Plan north of the proposed residential development include agriculturally-related industrial uses, processing and storage of agricultural commodities, light manufacturing, processing of semi-manufactured goods, assembly of manufactured goods, warehousing, wholesale distribution centres, transportation terminals, accessory professional or business offices and research facilities, small scale restaurants, auto repair and rental operations and business service and supply operations.

Additionally, essential residences for the owner, caretaker or security officials may be permitted on *Rural Employment lands*. These *Rural Employment* uses are considered commercial service and light industrial uses. In some cases, the permitted industrial uses north of the proposed residential development are, at most, Class 1 Industrial Uses under the Ministry of Environment and Climate Change’s D-6-1 Series Guidelines Industrial Categorization Criteria. The D-Series Guidelines provide that the minimum separation distances to Class 1 Industrial Uses are 20 metres, with a potential influence area of 70 metres. The proposed residential subdivision will be located more than 20 metres from any adjacent northerly *Rural Employment* lands lot line. The proposal will not adversely affect the overall viability of the northerly *Rural Employment Lands*.

Regarding PPS Policy 1.3.2.5 c), the proposed residential development shall be provided water from an off-site municipal source supply. Water shall be provided to the site via a dedicated supply main and water shall be stored on site in dedicated on-grade storage facilities, provided with booster chlorination systems to ensure adequate provision of secondary disinfection, and distributed to the development areas by on-site pumping systems with in-line instrumentation to ensure continuous monitoring of water quality, flow and pressure. Firefighting water shall be provided for the site through on-site storage and pumping in the distribution system. Wastewater generated on site shall be collected by conventional gravity sewers and

pumped to the communal wastewater treatment facility by a minimum of two pumping stations. The wastewater treatment system is expected to be enclosed and provided with odour control due to the proximity to sensitive uses on the site.

Where there is any stated need for additional infrastructure and public service facilities to accommodate the proposed residential development, RIC (Moore Drive) Inc. and RIC (Highway 28) Inc. will provide the additional and required infrastructure and public service facilities that would be identified through the planning review process.

6.3.5 Housing Policies

The Draft Plan proposes 517 additional housing units in the Township of Cavan Monaghan, with a range and mix of housing options and low-rise densities in the form of single detached, semi-detached and block townhomes. The County and the Township, in considering the approval of the Draft Plan and Residential OPA to redesignate the Subdivision Lands for residential uses, is consistent with the policy intent to permit and facilitate all housing options for current and future residents. It would permit and facilitate all types of low-rise residential intensification and redevelopment.

1.4.3 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by: b) permitting and facilitating:

1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and

2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3; c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs; d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed; f) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

The MZO provides development standards for the Subdivision Lands, and provides zoning requirements in Clause 3.(3), regarding: minimums for lot areas, lot frontage, yard setbacks, landscaped open space; and maximums for building height and lot coverage. These development standards will facilitate residential intensification, redeveloping the Subdivision Lands with compact forms of residential development which are approved to include semi-detached homes and townhomes. Risks to public health and safety are avoided with the proposed development, as no hazard lands or natural areas are proposed to be developed and will be maintained by providing appropriate development setbacks to the *Natural Core and Natural Linkage Areas* on the Subdivision Lands.

6.2.6 Public Spaces, Recreation, Parks, Trails and Open Space Policies

The Draft Plan is consistent with the following PPS policies regarding public spaces, recreation, parks, trails and open spaces:

1.5.1 Healthy, active communities should be promoted by: a) planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity; b) planning and providing for a full range and equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources; d) recognizing provincial parks, conservation reserves, and other protected areas, and minimizing negative impacts on these areas.

The Residential OPA will be drafted to include the uses permitted in Clause 3 (2)(e) of the MZO, which are the uses permitted in the Township's Zoning By-law in the Open Space Zone, which include community gardens, conservation uses, low intensity recreational uses, private and public parks. The Draft Plan and Residential Designation recognizes the existing *Natural Core and Linkage Areas*, as protected areas, and in avoiding development within any of the natural area setbacks, minimizes negative impacts upon those areas. Walkways, trails, and linkages are proposed within the Draft Plan.

6.3.7 Infrastructure and Public Service Facilities

Infrastructure: means physical structures (facilities and corridors) that form the foundation for development. Infrastructure includes sewage and water systems, septage treatment systems, stormwater management systems, waste management systems, electricity generation facilities, electricity transmission and distribution systems, communications/telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities.

Public service facilities means *land, buildings and structures for the provision of programs and services provided or subsidized by a government or other body, such as social assistance, recreation, police and fire protection, health and educational programs, long-term care services, and cultural services. Public service facilities do not include infrastructure.*

Policy 1.6.1 provides that ***Infrastructure and public service facilities shall be provided in an efficient manner that prepares for the impacts of a changing climate while accommodating projected needs.***

Planning for infrastructure and public service facilities shall be coordinated and integrated with land use planning and growth management so that they are: a) financially viable over their life cycle, which may be demonstrated through asset management planning; and b) available to meet current and projected needs.

1.6.2 Planning authorities should promote green infrastructure to complement infrastructure.

1.6.3 Before consideration is given to developing new infrastructure and public service facilities: a) the use of existing infrastructure and public service facilities should be optimized; and b) opportunities for adaptive re-use should be considered, wherever feasible.

1.6.4 Infrastructure and public service facilities should be strategically located to support the effective and efficient delivery of emergency management services, and to ensure the protection of public health and safety in accordance with the policies in Section 3.0: Protecting Public Health and Safety.

1.6.5 Public service facilities should be co-located in community hubs, where appropriate, to promote cost-effectiveness and facilitate service integration, access to transit and active transportation.

The Draft Plan includes infrastructure and public service facilities. A public park, Catherine Moore Park, is proposed in the centre of the Draft Plan providing recreation for the area residents. The Draft Plan contains two stormwater management ponds. The infrastructure and public service facilities proposed in the Draft Plan are examples of green infrastructure, which include parks, stormwater management ponds, preserve natural heritage areas, street trees, and parklands, all of which will provide ecological and hydrological functions and processes. There are no existing examples of infrastructure or public service facilities on the Subdivision Lands to optimize or be considered for adaptive re-use. New infrastructure, green infrastructure and public service facilities are proposed in the Draft Plan. The proposed public service facilities will be located both on the Subdivision Lands, as well as in the adjacent and southerly Kawartha Downs Lands. The public service facilities are co-located in the Kawartha Downs Lands, which are currently zoned to permit community centres and recreational facilities to support the future residents.

6.3.8 Sewage, Water and Stormwater Policies

The Draft Plan will optimize the use of existing municipal water services and will represent a logical extension of these services to the extent that they are presently available. As planning for reserve sewage system capacity is ongoing through the Township of Cavan Monaghan's Master Servicing Study, and further as provision for a wastewater treatment plant is being provided through the application, the proposal is consistent with the servicing policies of the PPS. New systems are to be constructed to service the development with the intent to turn them over to the municipality. The existing on-site systems will not provide sufficient capacity to service the proposed new entertainment complex and homes, and so new servicing is required. This is as wastewater generated at the site is presently pumped from the equalization tanks and hauled for off-site disposal at a municipal wastewater treatment facility due to the condition of the existing equipment.

1.6.6.1 Planning for sewage and water services shall: a) accommodate forecasted growth in a manner that promotes the efficient use and optimization of existing:

1. municipal sewage services and municipal water services; and

2. private communal sewage services and private communal water services, where municipal sewage services and municipal water services are not available or feasible;

b) ensure that these systems are provided in a manner that:

1. can be sustained by the water resources upon which such services rely;

2. prepares for the impacts of a changing climate;

3. is feasible and financially viable over their lifecycle; and

4. protects human health and safety, and the natural environment; c) promote water conservation and water use efficiency; d) integrate servicing and land use considerations at all stages of the planning process; and e) be in accordance with the servicing hierarchy outlined through policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5. For clarity, where municipal sewage services and municipal water services are not available, planned or feasible, planning authorities have the ability to consider the use of the servicing options set out through policies 1.6.6.3, 1.6.6.4, and 1.6.6.5 provided that the specified conditions are met.

1.6.6.3 Where municipal sewage services and municipal water services are not available, planned or feasible, private communal sewage services and private communal water services are the preferred form of servicing for multi-unit/lot development to support protection of the environment and minimize potential risks to human health and safety.

1.6.6.7 Planning for stormwater management shall: a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term; b) minimize, or, where possible, prevent increases in contaminant loads; c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure; d) mitigate risks to human health, safety, property and the environment; e) maximize the extent and function of vegetative and pervious surfaces; and f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.

Clearford prepared a Functional Servicing Report in August 2022. Their reports conclude that the site is presently provided with on-site water and wastewater sanitary servicing, including a packaged wastewater treatment plant with a rated capacity of 60 cubic metres per day (m³/d) and shallow, subsurface disposal trench. Communal or decentralized servicing shall be provided for both the entertainment and residential components. A modular, packaged wastewater treatment system was determined to be a viable option to

provide sanitary servicing for the site. The use of a modular treatment system will provide the ability to scale the treatment provided to match the build-out of the development, avoiding the problems associated with providing too large or too small of a treatment system and permitting phased development of the site as well as demonstrating the ability to meet the expected stringent effluent limits associated with a surface water receiver in this area. The expanded site development shall be serviced by a modular MBR packaged treatment system. The Applicant intends to construct an off-site groundwater treatment and supply system, with the long-term objective to transfer ownership to the municipality.

6.3.9 Airports Policies:

SS Wilson Associates prepared a Noise Control Feasibility Study for the *Commercial Entertainment* uses that are proposed on the Kawartha Downs Lands. The ambient noise environment surrounding the subject site is primarily due to road traffic upon Highway 28 and Highway 115. There are no nearby rail lines. Peterborough Municipal Airport is located more than 2 km away, and no part of the subject lands are within the NEF/NEP 25 noise contours; therefore, aircraft noise causes negligible noise impacts upon the site and surroundings and is consistent with Policy 1.6.9.2:

1.6.9.2 Airports shall be protected from incompatible land uses and development by: a) prohibiting new residential development and other sensitive land uses in areas near airports above 30 NEF/NEP; b) considering redevelopment of existing residential uses and other sensitive land uses or infilling of residential and other sensitive land uses in areas above 30 NEF/NEP only if it has been demonstrated that there will be no negative impacts on the long-term function of the airport; and c) discouraging land uses which may cause a potential aviation safety hazard.

6.3.10 Long-Term Economic Prosperity Policies

1.7.1 Long-term economic prosperity should be supported by:

a) promoting opportunities for economic development and community investment-readiness;

b) encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce;

The Draft Plan and the Residential OPA to facilitate it will promote economic development as it will financially support the revitalization of the Kawartha Downs Lands. It would encourage residential uses that respond to market-based needs and will provide housing supply and a range of housing options in the form of detached, semi-detached and town homes for an increased workforce arising from the jobs created as part of the Kawartha Downs revitalization.

6.3.11 Natural Heritage Policies

PPS Section 2.0 contains policies for the protection of natural heritage, water, agriculture, minerals and petroleum, mineral aggregate resources, cultural heritage, and their protection for the long term.

Section 2.1 of the Provincial Policy Statement protects the form and function of natural heritage features as defined by the PPS. Natural heritage features included in the PPS are provincially significant wetlands (PSW), significant coastal wetlands, significant woodlands, significant valleylands, significant wildlife habitat (SWH), significant areas of natural and scientific interest (ANSI), fish habitat, and the habitat of endangered and threatened species. Development within other natural heritage features and on lands adjacent to all natural heritage features are permitted only if demonstrated that there will be no negative impacts on the feature or their ecological function.

2.1.1 Natural features and areas shall be protected for the long term.

2.1.2 The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.

2.1.8 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

Section 2.2 of the PPS protects the quality and quantity of water, including the form and hydrologic function of sensitive surface water features and sensitive ground water features. The Draft Plan and the Residential OPA proposes no development on any natural heritage features, provincially significant wetlands and woodlands, or on any lands designated as Oak Ridges Moraine Areas, Aquifers, Wellheads, Significant Aggregate Resources, Natural Linkage, Natural Core Areas, and Prime Agriculture in the Township's Official Plan. The Otonabee Region Conservation Authority will review the planning applications.

The Environmental Impact Study concludes that the development proposed on the Subdivision Lands complies with the PPS and GPGGH, and that regarding Section 2.1 of the PPS, the proposal is consistent with the Natural Heritage Policies as the proposed development and site alteration is not proposed within the: Provincially Significant Wetland ("PSW"); significant woodlands; Significant Wildlife Habitat ("SWH"); and fish habitats. Additionally, the development and site alteration within habitat of threatened species has been designed in accordance with provincial and federal requirements. The proposed development and site alteration has recommended development setbacks that ensure no negative impacts to the natural features or their ecological functions.

6.3.12 Protecting Public Health and Safety Policies

PPS Section 3.0 contains policies regarding natural and human-made hazards. The lands are not considered hazard lands nor lands that are identified by the Township's Official Plan as having flooding and/or erosion hazards, nor have the lands been identified as mine hazards; oil, gas and salt hazards; former mineral mining operations, mineral aggregate operations or petroleum resource operations. The PPS Section 3.0, in this case, does not apply.

6.3.13 Conclusion on the Provincial Policy Statement

With the above, the proposed Official Plan Amendment and Draft Plan of Subdivision is consistent with the relevant Policies of the the PPS and recommend their approval.

6.4 Growth Plan for the Greater Golden Horseshoe (2020)

The A Place to Grow: Growth Plan for the Greater Golden Horseshoe ("GGH") is a growth plan to provide a framework for implementing Ontario's vision for building stronger, prosperous communities by better managing growth in this region. It establishes the long-term framework for where and how the region will grow, while recognizing the realities facing our cities and smaller communities and acknowledging what governments can and cannot influence.

The Growth Plan for the Greater Golden Horseshoe 2019 was approved under the Places to Grow Act, 2005 to take effect on May 16, 2019. Amendment 1 (2020) to the Growth Plan for the Greater Golden Horseshoe 2019 was approved by the Lieutenant Governor to take effect on August 28, 2020. A Place to Grow Plan builds on the Provincial Policy Statement (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 Growth Plan informs decision-making regarding growth management and environmental protection in the GGH.

The PPS provides overall policy directions on matters of provincial interest related to land use and development in Ontario, and applies to the GGH, except where the Growth Plan or another provincial plan provides otherwise. As provided for in the Places to Grow Act, 2005, the Growth Plan prevails where there is a conflict between the Growth Plan and the PPS. The only exception is where the conflict is between policies relating to the natural environment or human health. In that case, the direction that provides more protection to the natural environment or human health prevails. This Plan is to be read in its entirety and the relevant policies are to be applied to each situation.

6.4.1 Policies for Where and How to Grow:

The Growth Plan states that strong, healthy and prosperous rural communities are also vital to the economic success of the GGH and contribute to our quality of life. It recognizes and promotes the important role of rural towns and villages as a focus of economic, cultural, and social activities that support surrounding rural and agricultural areas across the GGH. Healthy rural communities are important to the vitality and well-being of the larger region.

2.2.1.1 Population and employment forecasts contained in Schedule 3 or such higher forecasts as established by the applicable upper-or single-tier municipality through its municipal comprehensive review will be used for planning and managing growth in the GGH to the horizon of this Plan in accordance with the policies in subsection 5.2.4.

2.2.1.2 d) development will be directed to settlement areas, except where the policies of this Plan permit otherwise;

2.2.1.4 Applying the policies of this Plan will support the achievement of complete communities that: a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities; b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes; c) provide a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes; d) expand convenient access to: i. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation; ii. public service facilities, co-located and integrated in community hubs; iii. an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and iv. healthy, local, and affordable food options, including through urban agriculture; e) provide for a more compact built form and a vibrant public realm, including public open spaces; g) integrate green infrastructure and appropriate low impact development.

Regarding Policy 2.2.1.2 d), Rural Areas Policy 2.2.9.6 permits that new multiple lots or units for residential development will be directed to settlement areas but may be allowed on rural lands in site-specific locations with approved zoning or designation in an official plan that permitted this type of development as of June 16, 2006. The proposed development, as a Draft Plan and to be facilitated by a site-specific Residential OPA, is permitted in the Growth plan for the Subdivision Lands. The details and rationale are discussed further below.

6.4.2 Policies for Employment

The existing designation for the Subdivision Lands in the Township Official Plan is *Commercial Entertainment*. This is a *Rural Employment Area* sub-designation, and as such, the Subdivision Lands are classified as employment areas pursuant to the PPS's and Growth Plan's definition of *Employment Areas: Areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities. (PPS, 2020)*. So, the Policies for Employment are relevant in this situation and must be evaluated. The MZO permitted the conversion of the Subdivision Lands from employment zoning to residential zoning. On a Policy basis, the Draft Plan proposes

redesignation from *Commercial Entertainment* to a site-specific *Residential* designation in the Township Official Plan and is conversion of *Rural Employment* areas to non-employment use.

The proposed residential uses are proposing the conversion of the lands currently designated for employment uses to non-employment (residential) land uses. As such, Growth Plan Policy 2.2.5.10 a) applies and the MMAH has determined that the proposed residential development conforms to the Policy: the lands within existing employment areas may be converted to a designation that permits non-employment uses, provided that the area has not been identified as provincially significant through a provincial plan exercise or as regionally significant by a regional economic development corporation working together with affected upper and single-tier municipalities and have been assessed by MMAH to conform to the following Policies:

2.2.5.10 Notwithstanding policy 2.2.5.9, until the next municipal comprehensive review, lands within existing employment areas may be converted to a designation that permits non-employment uses, provided the conversion would: a) satisfy the requirements of policy 2.2.5.9 a), d) and e); b) maintain a significant number of jobs on those lands through the establishment of development criteria and; c) not include any part of an employment area identified as a provincially significant employment zone unless the part of the employment area is located within a major transit station area as delineated in accordance with the policies in subsection 2.2.4.

Policy 2.2.5.9 a) there is a need for the conversion; d) the proposed uses would not adversely affect the overall viability of the employment area or the achievement of the minimum intensification and density targets of this Plan, as well as the other policies of this Plan; and e) there are existing or planned infrastructure and public service facilities to accommodate the proposed uses.)

A conversion of the *Commercial Entertainment* lands to permit *Residential* uses in the Zoning By-law is already approved by the MZO. The MMAH has considered the conversion and reviewed it in relation to the relevant Growth Plan policies and has determined that the lands are suitable for conversion to residential uses. The proposed OPA to redesignate the Subdivision Lands for residential uses brings the *Residential Zone* into conformity with the Township Official Plan consistent to the decision by MMAH in that the Lands are suitable for residential uses.

Regarding Policy 2.2.5.10 c) the Subdivision Lands are not identified as provincially significant, such as by being designated as a *Provincially Significant Employment Zone* ("PSEZ") by the Minister of Municipal Affairs and Housing. In this case, the MMAH has determined that the employment lands are to be used for non-employment (residential) uses through their approval of the MZO. The proposal concentrates employment uses on a portion of the lands (Kawartha Downs Lands) while proposing residential development (Subdivision Lands) to financially support it.

Regarding and Growth Plan Policy 2.2.5.9 a), the MMAH identified the need for the conversion in that the proposed residential development will contribute to the achievement of the Growth Plan's population target for Peterborough County. That Growth Plan target is an additional 82,000 residents in the County through to 2051, of which the Draft Plan proposes to add approximately 1396 residents, or 1.7 percent of the Growth Plan targeted residential population of the County through to 2051. The proposed Kawartha Downs revitalization will also provide additional employment, contributing to the Growth Plan Target of 26,000 jobs targeted for Peterborough County through to 2051.

Regarding Growth Plan Policy 2.2.5.9 d), the MMAH has determined that the proposed residential development would not adversely affect the overall viability of the adjacent northerly rural employment areas. The land uses permitted in the Township's Official Plan north of the proposed residential development include agriculturally related industrial uses, processing and storage of agricultural commodities, light manufacturing, processing of semi-manufactured goods, assembly of manufactured goods, warehousing, wholesale distribution centres, transportation terminals, accessory professional or business offices and research facilities, small scale restaurants, auto repair and rental operations and business service and supply operations. The permitted industrial uses are Class 1 Industrial Uses under the Ministry of Environment and Climate Change's D-6-1 Series Guidelines Industrial Categorization Criteria. The D-Series Guidelines provide that the minimum separation distances to Class 1 Industrial Uses are 20 metres, with a potential influence

area of 70 metres. The proposed residential subdivision will be located more than 20 metres from any adjacent northerly *Rural Employment* lands and are outside of the minimum separation distances between those uses. As such, the proposal will not adversely affect the overall viability of the northerly areas zoned and designated as *Rural Employment* areas in the Township Official Plan.

Regarding Growth Plan Policy 2.5.9 e), there are existing infrastructure and public service facilities that will service the residential uses, supported with additional infrastructure and public services facilities that will be identified in the Site Plan stage, or before. Where there is any stated need for additional infrastructure and public service facilities to accommodate the proposed residential development, the Applicant commits to working with the Municipalities, the Otonabee Region Conservation Authority, First Nations and the Province to provide additional or required infrastructure and public service facilities that would be identified through the review of the planning applications. Site servicing for the project is anticipated to proceed by municipal water and sewer by extending existing infrastructure to the Subject Lands. The Applicant also commits to the payment of any costs and fees typical of redevelopment and new development, and the proportionate share of the Applicant's infrastructure and servicing costs associated with the proposed development. The necessary infrastructure to service the Residential Subdivision Lands will be provided, and infrastructure is proposed to be provided to support the projected needs, as described in the engineering reports accompanying the OPA and Draft Plan applications. Communal or decentralized servicing is proposed to be provided for both the entertainment and residential components. The residential development is proposed to be serviced by a modular packaged treatment system (Newterra or equal). The Applicant intends to construct an off-site groundwater treatment and supply system, with the long-term objective to transfer ownership to the municipality.

Regarding Growth Plan Policy 2.2.5.10 b), the proposed residential development will support the revitalization of the Kawartha Downs Lands, in that a significant number of jobs will be maintained, and more employment densities and jobs provided as part of the expanded *Commercial Entertainment* complex to the south of the Subdivision Lands. The revitalization of the Kawartha Downs Lands proposes a maximization of the employment potential of the lands as part of the intensified *Commercial Entertainment* use. At the same time, the residential subdivision proposal will provide a significant number of construction jobs and ancillary maintenance work and continued servicing jobs when the entire development is realized.

6.4.3 Policies for Housing

The Draft Plan proposes 517 additional housing units in the County and in the Township. In this case, the Growth Plan's Housing Policies are applicable in this situation and those relevant Growth Plan Housing policies are provided below.

2.2.6.1 Upper-and single-tier municipalities, in consultation with lower-tier municipalities, the Province, and other appropriate stakeholders, will: a) support housing choice through the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan by: i. identifying a diverse range and mix of housing options and densities, including additional residential units and affordable housing to meet projected needs of current and future residents; b) identify mechanisms, including the use of land use planning and financial tools, to support the implementation of policy 2.2.6.1 a); e) implement policy 2.2.6.1 a), b), c) and d) through official plan policies and designations and zoning by-laws.

2.2.6.2 .Notwithstanding policy 1.4.1 of the PPS, 2020, in implementing policy 2.2.6.1, municipalities will support the achievement of complete communities by: a) planning to accommodate forecasted growth to the horizon of this Plan; b) planning to achieve the minimum intensification and density targets in this Plan; c) considering the range and mix of housing options and densities of the existing housing stock; and d) planning to diversify their overall housing stock across the municipality.

There are no minimum intensity and density targets provided in the Growth Plan for *Rural Lands* classification for the Subdivision Lands. However, the proposed development will achieve the minimum density target of 40 persons and jobs per hectare, as provided in the designated greenfield areas in the Township. In the areas of the Subdivision Lands zoned by the MZO as *Residential*, the overall gross residents per hectare is

proposed to be approximately 47 persons per hectare. Policy 5.2.5.1 states that the minimum intensification and density targets can be alternative targets that have been permitted by the Minister. In this case, an alternative target, where none is provided in the *Rural Lands* Policies of the Growth Plan, is now established by the Minister in granting the MZO's permission for residential land uses on the Subdivision Lands.

The Draft Plan proposes a range and mix of housing options and the Residential OPA seeks to permit them, and these housing options are provided pursuant to the MZO's residential building type permissions. They include detached homes, semi-detached homes, and townhomes. These are all examples of housing that provides differing densities, and diversity the housing stock across both the County and the Township. As of the 2016 Census, there are 3,005 detached homes, 20 semi-detached homes, and 35 row houses in Cavan Monaghan, so the Draft Plan will introduce an increased mix and range of housing options, as directed by the Growth Plan.

The MZO, permitting these residential uses, is a planning mechanism as a land use planning tool that the MMAH used to implement Policy 2.2.6.1 through the zoning by-law, that now seeks inclusion through the Township Official Plan Policies and designations for Residential uses. In approving the Draft Plan and Residential OPA, the County and Township will support the achievement of complete communities, accommodating a portion of the County's forecasted growth, minimum intensification and density targets and diversify the overall housing stock in the County.

6.4.4 Rural Areas Policies

Pursuant to Section 2.2.9, and the definition in the Growth Plan for *Rural Lands: Lands which are located outside settlement areas and which are outside prime agricultural areas*, the Lands are considered as *Rural Lands* in the Growth Plan. It is important to note that the Subdivision Lands are not in a settlement area. At this time, the proposed Draft Plan and Residential OPA in not proposing any expansion of a *settlement area* nor any minor rounding out of a *settlement area*.

The requested Residential OPA and Draft Plan proposes new multiple lots or units for residential development, which is permitted on *rural lands* in site-specific locations with approved zoning or designation in an official plan that permitted this type of development as of June 16, 2006. The Township Official Plan's land use designation as of June 16, 2006 did not permit residential uses, however Ontario Regulation 160/22 issued on March 4, 2022 by the Minister of Municipal Affairs and Housing permits residential uses, and is now a location with approved zoning that permits residential development.

2.2.9.6 New multiple lots or units for residential development will be directed to settlement areas, but may be allowed on rural lands in site-specific locations with approved zoning or designation in an official plan that permitted this type of development as of June 16, 2006.

The proposal seeks a site-specific redesignation from *Commercial Entertainment* to *Residential* in the Township's Official Plan, that is not in a *rural settlement area*. The existing Subdivision Lands is designated for intensification and development in the form of *Commercial Entertainment* development. This means the Subdivision Lands are also intended by the Township to be an area where development is concentrated (along with the Kawartha Downs Lands).

The Draft Plan and the supporting Residential OPA is consistent with the intent to development the Subdivision Lands and will introduce a mix of residential land uses which conforms to the *Rural Lands* Policies. We note that the policies of the Settlement Area Boundary Expansions in Section 2.2.8 of the Growth Plan do not apply, as the Draft Plan and Residential OPA do not propose and *settlement area* boundary expansions and are permitted pursuant to Policy Rural Areas Policy 2.2.9.6.

6.4.5 Policies for Infrastructure to Support Growth

The Growth Plan provides an additional policy framework on top of the PPS, for transportation, water and wastewater, servicing, and stormwater management in Section 3.2. Below are the relevant policies applicable to the proposed Draft Plan and Residential OPA:

3.2.2. The transportation system within the GGH will be planned and managed to: f) provide for the safety of system users.

3.2.3 In the design, refurbishment, or reconstruction of the existing and planned street network, a complete streets approach will be adopted that ensures the needs and safety of all road users are considered and appropriately accommodated.

3.2.6.2 2. Municipal water and wastewater systems and private communal water and wastewater systems will be planned, designed, constructed, or expanded in accordance with the following: b) the system will serve growth in a manner that supports achievement of the minimum intensification and density targets in this Plan; c) a comprehensive water or wastewater master plan or equivalent, informed by watershed planning or equivalent has been prepared to: i. Demonstrate that the effluent discharges and water takings associated with the system will not negatively impact the quality and quantity of water; ii. identify the preferred option for servicing growth and development, subject to the hierarchy of services provided in policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5 of the PPS,2020, which must not exceed the assimilative capacity of the effluent receivers and sustainable water supply for servicing, ecological, and other needs; and

3.2.7.2 Proposals for large-scale development proceeding by way of a secondary plan, plan of subdivision, vacant land plan of condominium or site plan will be supported by a stormwater management plan or equivalent, that: a) is informed by a sub watershed plan or equivalent; b) incorporates an integrated treatment approach to minimize stormwater flows and reliance on stormwater ponds, which includes appropriate low impact development and green infrastructure; c) establishes planning, design, and construction practices to minimize vegetation removal, grading.

3.2.8 2 Public service facilities and public services should be co-located in community hubs and integrated to promote cost-effectiveness.

The proposed Draft Plan provides for a new street network within the development, connected to Moore Drive and County Road 28. The proposed new roads are planned to achieve a 20m right-of-way, which will include active transportation options as an alternative to private vehicles. The road network for the development area has been predominately oriented in a south to north manner, running parallel with the topography.

Currently, there is no existing municipal sanitary sewer along Moore Drive or County Road 28 to service the Subdivision Lands. The Draft Plan proposes to drain through new internal sanitary sewers where the sanitary sewer will connect to a proposed sanitary pumping station. The sanitary sewers have been designed as per Township of Cavan-Monaghan design specifications. Currently, there is no existing municipal water system along Moore Drive or County Road 28 to service the Subdivision Lands. The proposed development is to be serviced by extending the watermain from the Township of Cavan-Monaghan municipal facility.

The planned water and wastewater systems is proposed as a combination of public and private services, shared with a Newterra, or equivalent, modular membrane bioreactor treatment system which is scalable to size of the proposed residential development. This is supporting the achievement of the minimum intensification and density target of the MZO. The Functional Servicing Report and Stormwater Management Plan provided by D.G. Biddle and Associates further explores the water and wastewater servicing proposed for the Draft Plan. The proposed storm sewer system has been designed as per Township of Cavan Monaghan engineering criteria. Stormwater runoff from the proposed development will be captured by a conventional storm sewer network consisting of a positive drainage surface and minor storm sewer network. Post-development flows are proposed to discharge to the stormwater management pond in the southwest

corner of the site. The internal minor system has been designed to convey the 5-year return frequency event in accordance with the Township of Cavan-Monaghan design standards.

Public service facilities and public services will be provided both within the Draft Plan, as parks and open spaces are proposed. They will also be provided nearby, as the MZO permitted community uses on the Kawartha Downs Lands that facilitate the inclusion of public service facilities and public services to be co-located in the nearby community hub.

6.4.6 Policies for Protecting What is Valuable

The Growth Plan contains policies regarding a provincial Natural Heritage System (“NHS”), key hydrologic features (“KHF”), key hydrologic areas (“KHAs”), and key natural heritage features (“KNHFs”). In this case, the proposed Draft Plan is on lands adjacent to Key Natural Heritage Features, and so the Policies in Section 4.2.4 of the Growth Plan are relevant to the proposed Draft Plan and Residential OPA.

Per Policy 4.2.4.1, outside of settlement areas, a proposal for new development or site alteration within 120 metres of a key natural heritage feature within the Natural Heritage System for the Growth Plan or a key hydrologic feature will require a natural heritage evaluation or hydrologic evaluation that identifies a vegetation protection zone, which: a) is of sufficient width to protect the key natural heritage feature or key hydrologic feature and its functions from the impacts of the proposed change; b) is established to achieve and be maintained as natural self-sustaining vegetation; and c) for key hydrologic features, fish habitat, and significant woodlands, is no less than 30 metres measured from the outside boundary of the key natural heritage feature or key hydrologic feature.

The Environmental Impact Study concludes that the proposal demonstrates conformity to the Policy 4.2.4.1 as the development and site alteration is not proposed within a key hydrologic feature. The proposed development is located outside of the PSW and local wetland features. The vegetation protection zone (“VPZ”) is of sufficient width to protect the hydrologic features and their functions from the impacts of the proposed development. A VPZ is established to achieve and be maintained as natural self-sustaining vegetation and for key hydrologic features and fish habitat, and the VPZ is no less than 30 m from the outside boundary of the identified key natural heritage feature and key hydraulic features. The proposed development will maintain a minimum setback of at least 30 metres from each stream as measured from the outside boundary of the key hydrological feature and *Natural Core and Natural Linkage Zones* on the Subdivision Lands. The VPZ will be established within the setback to protect the stream and its functions from the impacts of the proposed development.

6.4.7 Policies for Agricultural Systems

The Agricultural Impact Statement notes that the development proposals are to be on land designated in the Official Plan for *Commercial Entertainment* uses, meaning that the intent for local Councils that the lands are going to be developed for purposes other than active agriculture. Since the Draft Plan and Residential OPA is proposed where agricultural uses and non-agricultural uses interface, Policy 4.2.6.4 is relevant:

4.2.6.3 Where agricultural uses and non-agricultural uses interface outside of settlement areas, land use compatibility will be achieved by avoiding or where avoidance is not possible, minimizing and mitigating adverse impacts on the Agricultural System. Where mitigation is required, measures should be incorporated as part of the non-agricultural uses, as appropriate, within the area being developed. Where appropriate, this should be based on an agricultural impact assessment.

The AIA concludes that negative impacts would be modest in terms of traffic, but because of the revitalization, there may be positive spin-off for local farms because of the proximity to a horse racing facility that would require bedding and feed from local farmers. In terms of minimum separation distance formulae, no livestock barns would be negatively impacted by the proposed development, and there are no active livestock facilities adjacent to the proposed development.

4.2.6.5 The retention of existing lots of record for agricultural uses is encouraged, and the use of these lots for non-agricultural uses is discouraged.

The Subdivision Lands are designated in the Township's Official Plan for non-agricultural uses, so the long term vision are for the lands to be redeveloped with a mix of land uses including employment, commercial and residential.

6.4.8 Growth Plan Targets

The revitalization of the Kawartha Downs site will provide hundreds of new jobs. The residential component, proposing 517 new dwelling units considers an average household size of 2.7 persons per household for Cavan Monaghan (2016 Census) for a total estimated residential population of 1396 persons, or 1.7% of Peterborough County's distribution of total population to 2051 (total: 86,000 residents). The residential component represents a minimum density of 47 residents per gross site hectare and therefore achieves at least the minimum density target of 40 residents and jobs combined per hectare.

5.2.5.1 The minimum intensification and density targets in this Plan, including any alternative targets that have been permitted by the Minister, are minimum standards and municipalities are encouraged to go beyond these minimum targets, where appropriate, except where doing so would conflict with any policy of this Plan, the PPS or any other provincial plan.

A key point in Policy 5.2.5.1 is that the minimum intensification and density targets can be alternative targets permitted by the Minister. In this case, an alternative target, where none is provided in the Rural Lands Policies of the Growth Plan, is established by the Minister in granting the MZO's permission for Residential land uses on the Subdivision Lands.

The Millbrook Settlement Area growth plan population and employment targets are allocated by the County of Peterborough through to 2041, whereas the Growth Plan (2020 Consolidation) now provides distribution of population and employment targets through to 2051. The additional growth target allocations are effectively provided in the Township as part of the proposed revitalization of the Kawartha Downs Lands and in the proposed residential development.

6.5 County of Peterborough Official Plan (2020 Office Consolidation) ("County Official Plan")

The County Official Plan is prepared by the County of Peterborough to direct and guide the actions of local municipalities and the County in policy planning and physical planning on a very broad basis. The County Official Plan serves as the upper tier Official Plan for the County and implements a strategic approach to land use planning based on a watershed planning process. The County OP contains policies which guide the type and location of land uses in the County to 2031. The County OP was originally approved by the Ministry of Municipal Affairs & Housing in 1994 and has since undergone various amendments with the most recent office consolidation dated March 2020. A new draft County Official Plan is under review and subject to approval by County Council in 2022.

6.5.1 County Official Plan Land Use Designation – Rural and Cultural Landscapes

The Lands are considered as *Rural and Cultural Landscape* in the County Official Plan. They are lands that are outside of an identified settlement area, that are not shoreland areas, natural heritage features, used for transportation purposes, physical services and utilities, or recreation of open space purposes.

A site-specific policy area is proposed for the residential development on the Subdivision Lands within the Policies of the *Rural and Cultural Landscapes* to the County Official Plan and is required for the area of the Subdivision Lands in order to permit the proposed residential development.

The goal of the *Rural and Cultural Landscape* areas is to preserve and enhance the rural character of the County as a cultural resource and ensure the viability of the agricultural industry. Some of the relevant

objectives are to permit an amount and type of development in the rural area consistent with maintaining its rural and cultural landscape; to provide for limited rural development and to ensure that such development does not threaten the quality or quantity of ground and surface water; to ensure that the agricultural industry remains viable.

Specific policies contained in Policy 4.3.3.1 and Policy 4.3.3.2 are relevant to the Draft Plan and Residential OPA: include:

Policy 4.3.3.1

- ***Rural areas will generally be the focus of resource activity, resource based recreational activity and other rural land uses. The County, recognizing the need for growth on a limited basis, will permit non-agricultural related uses in the rural community outside prime agricultural areas and other agricultural areas designated in local plans in accordance with Section 4.3.3.2 which reflect the cultural and rural character of the area, promote a variety of living and employment opportunities for the rural community and do not negatively impact on the natural environment that cannot be located in settlement areas;***
- ***Development shall be appropriate to the infrastructure which is planned or available, and shall avoid the need for unjustified and/or uneconomical expansion of this infrastructure;***
- ***New land uses, including the creation of lots, and new or expanding land use facilities, shall comply with the minimum distance separation formulae.***
- ***New land uses, including the creation of lots, shall comply with the Source Water Protection policies of Section 5.7 where applicable.***

Policy 4.3.3.2

- ***Local plans will designate on map schedules other rural lands separate from any prime agricultural and other agricultural areas identified;***

The proposed Draft Plan and site-specific policy area conforms to the above policies. Although the *Rural Landscapes* is generally for rural land uses, the Township Official Plan has already designation for the Subdivision Lands to be redeveloped for *Commercial Entertainment* uses. The *Rural Landscape* policies do not preclude the Draft Plan and Residential OPA to the Town's Official Plan to allow residential development on the Subdivision Lands. The Draft Plan and Residential OPA is facilitate growth on a limited basis, providing a 1.7% increase in the County's total targeted residential population through to 2051, as provided in the Growth Plan.

The County Official Plan policies support the promotion of a variety of living opportunities for Cavan Monaghan, a rural community, and will not negatively impact the natural environment pursuant to the conclusions of the EIS accompanying the Applications. The Draft Plan also proposes environmental setbacks to key natural heritage features. The proposed Draft Plan, as explained in detail above regarding the servicing policies in the PPS and Growth Plan, that the development will be appropriate for the infrastructure that is planned to be constructed by the Applicant as part of the Draft Plan and Kawartha Downs Revitalization and build upon available servicing levels.

6.5.2 County Official Plan Housing Policies

The goal of the County Official Plan's housing policies is to provide opportunities for a range of housing by type and density to be built throughout the County to respond to the varying needs of the permanent population based on demographic, income, market and special needs considerations. According to the Growth Plan, the County is to achieve a target to accommodate housing for 86,000 residents by 2051. The policies relevant to the proposed Draft Plan and Residential OPA are:

Policy 5.1.3.1 General Policies

- ***The County shall encourage cooperation among various levels of government and the private and non-profit sectors in order to achieve these housing targets;***
- ***Local municipalities shall provide a range and mix of housing in their municipalities to accommodate their projected growth over a 20 year time-frame;***
- ***The County shall ensure, in partnership with the local municipalities, that appropriate information and other opportunities are made available for the private, public and non-profit sector to supply a full range of housing types;***

Policy 5.1.3.2 Residential Intensification

- ***The County shall encourage local municipalities to permit residential intensification developments where servicing, the physical potential of the building stock, and the physical potential of the site(s), are deemed appropriate and suitable for intensification;***
- ***Residential intensification development forms include, but may not be limited to conversion, infill, redevelopment, the creation of rooming, boarding and lodging houses, garden suites and the creation of accessory apartments;***
- ***The County will support intensification by encouraging municipalities to make infrastructure investments and use available financing tools.***

In approving the Draft Plan and the Residential OPA, the County would encourage cooperation between the Township of Cavan Monaghan who requested the lands to be zoned for residential uses through an MZO, and the Ministry of Municipal Affairs and Housing, who supported that request and approved the MZO. The Draft Plan and OPA will facilitate the achievement of the County's housing targets, while providing a range and mix of housing to accommodate the projected growth of the Township and the County to 2051.

This would be an opportunity for the County to secure and supply an increased range of housing types from the private sector. The MMAH and the Township have deemed the site appropriate for residential intensification through the request and the enactment of the MZO in March of 2022. Policy 5.1.3.2 notes that residential intensification forms include redevelopment of the Subdivision Lands, which is proposed in this Draft Plan and Residential OPA to round out the Planning Act Approvals required pursuant to consistency with the MZO land use permissions. Infrastructure investments will be secured by the Township as part of the redevelopment of both the Kawartha Downs and Subdivision Lands.

6.5.3 County Official Plan Land Use Compatibility Policies:

The Peterborough Airport is in proximity to the Subdivision Lands. In this case, the County Official Plan provides policies regarding these potential land use conflicts. Regarding Airports Policy 5.5.3.2, there are no land use and built form compatibility issues with the Peterborough Airport, such as development within the Noise Exposure Forecast (NEF) contours or federal height restrictions associated with the airport. Peterborough Municipal Airport is located more than 2 km away, and no part of the subject lands are within the NEF/NEP 25 noise contours; therefore, aircraft noise would cause negligible noise impacts upon the site and surroundings, and the MZO-approved residential uses on the Subdivision Lands.

Pursuant to Section 7.2.3 in relation to Minimum Distance Separation, and as stated above in the evaluating the PPS policies, the proposed Draft Plan will comply with the MSD formulae to reduce incompatibility concerns about odour from livestock facilities. There are no abutting livestock facilities that are impacted by Draft Plan. The lands further west abutting the proposed development do not contain any livestock operations. A review of lands abutting the Subdivision Lands do not reveal any livestock operations or agricultural buildings that have the potential to house livestock.

Regarding Criteria for Evaluating the Draft Plan and Residential OPA contained in Sections 7.9 and 7.13 of the County Official Plan, the Draft Plan is compatible with existing scale of development in the area, as there are intensified uses existing and permitted within the vicinity of the Subdivision Lands. To the west are agriculturally zoned lands that will not be impacted by the residential development, as concluded in the Agricultural Impact Assessment. To the south, the Kawartha Downs Lands are developed with intensified *Commercial Entertainment* uses, which are proposed to be further intensified. To the north, are lands designated for employment intensification in the Rural Employment area designation. The proposed residential development must be reviewed by the Township for compatibility of the proposed development with environmental areas, and the Otonabee Region Conservation Authority's for compatibility to their regulations. We do note that the EIS and ESA Phase 1 and Phase 2 reports conclude that the proposal satisfies all environmental setbacks to key natural heritage features. The proposed interior roads are designed to the Township's 20m right-of-way standards for interior roads, and in order to support the Draft Plan, certain improvements must be implemented to Moore Drive and County Road 28, as outlined in the Traffic Impact Study. All lots have frontages on interior roads that are to be developed to municipal standards. No lots have direct access to Moore Drive or County Road 28. Existing levels of municipal services may not exist, however will be provided as part of the redevelopment of the Subdivision Lands, as well as part of the Kawartha Downs Revitalization. The proposal may require substantial upgrading, as determined by the Township, however cost shall be borne by the Applicant in the implementation of any required servicing.

6.6 New County of Peterborough Official Plan

The New County of Peterborough Official Plan (the "New County Official Plan") was adopted by County Council on June 29, 2022, and at the time of the writing of this Rationale, is not yet approved by the Minister of Municipal Affairs and Housing.

6.6.1 Land Use Designations not applicable to the Township of Cavan Monaghan

Section 1.5.1 of the New County Official Plan states that The Township of Cavan Monaghan maintains its own Official Plan and that the policies of Section 3.5.7 (Consents), Section 3.13 (Urban Fringe Area), Section 4 (Land Use Designations) and Section 11 (Local Component) of the New County Official Plan do not apply to Cavan Monaghan, with the exception of Section 4.1.2.3 (Agricultural System in Cavan Monaghan).

All other policies of the New Official Plan will apply to Cavan Monaghan, though the Township may further elaborate or provide additional local direction and/or criteria for consideration on similar policies through its own Official Plan.

With all of the above, the land use designations and applicable policies of the New County Official Plan do not apply, and all policy and development standards are directed by the New County Official Plan to be implemented by the Township Official Plan. Where the current County Official Plan designates the Lands as *Rural and Cultural Landscapes*, the new County Official Plan removes the land use designation. The New County Official Plan then directs that the Township's Commercial Entertainment designation policies are the sole applicable land use designation policies for the Subdivision Lands, or as otherwise amended by the Township.

6.6.2 New County Official Plan Growth Targets

The New County Official Plan provided growth forecasts for the County of Peterborough through to 2051 with a population of 82,000 and employment of 26,000 persons. Cavan Monaghan is to have 34% of the population growth as reflected in the Hemson Report. The development of the Subdivision Lands and the homes that it will provide will contribute to the achievement of the population targets in the New County Official Plan.

6.7 Township of Cavan Monaghan Official Plan (2020 Office Consolidation)

The Subdivision Lands are subject to the Township of Cavan Monaghan Official Plan. The Township Official Plan was originally approved by the County of Peterborough in 2013 and has since been amended over time with the most recent office consolidation dated October 2021. The goals, objectives and policies contained in this Plan are intended to guide the decisions of public authorities and private interests to maintain the Township as a livable and attractive community. The Township Official Plan will serve as the basis for managing change in the Township to the year 2031.

Most of the Subdivision Lands are designated as “*Commercial Entertainment*” in the Township Official Plan. The Draft Plan proposes to redesignate the Subdivision Lands to *Residential*, or a site-specific special Residential Designation pursuant to the boundaries provided in the MZO Map 299, and avoiding the *Natural Core and Natural Linkage Areas* designations.

The land use permissions for the *Commercial Entertainment* designation are outlined in Section 3.2.1.1 of this Report, however, are not relevant in this analysis for the Subdivision Lands, as the land use designation is proposed to be amended to permit the MZO-approved residential land uses.

The proposed residential development will conform to the strategic directions for residential growth and housing targets, as contained in Sections 2.2.1 and 2.1.2. The Draft Plan and Residential OPA, together with the approved MZO will provide an increased diverse housing stock of detached, semi-detached and townhomes, providing a range of residential building types, tenure, densities and affordability. This will maintain an adequate supply of land for residential development. It will be a new development that will include a range of housing sizes and designs that offers housing opportunities at a range of prices in the local marketplace.

The proposed residential development achieves the goals of sustainable development, contained in Section 2.5. Sustainable development means ensuring that the environment, the community, and the economy are preserved and maintained in a manner that will ensure that resources are available to meet the needs of future generations. The careful management of resources, ecological integrity, connectivity, and biodiversity is achieved by the proposed development setbacks to the natural heritage features in the Subdivision Lands. The financial well-being of the Township will be improved with a development providing additional tax base, as well as a new community cohesion, character and quality of life will be established.

Section 3.1 contains General Development Criteria that are to be evaluated Prior to development occurring including considerations for soil and drainage, source water protection, water supply, sewage, services, traffic, grading, impacts of the proposed use on adjacent lands, setbacks, buffers, minimum separation distances with livestock facilities and impacts on significant natural features or their ecological functions. As evaluated above, in relation to the PPS and Growth Plan Policies, the Draft Plan and Residential OPA considers these factors, and the supporting reports conclude that the Draft Plan is appropriate.

Section 3.8.1 provides that lands within a natural heritage system or having an identified environmental constraint is encouraged to be transferred to a public authority. All lands that are in the *Natural Core and Linkage Areas and Zones* on the Subdivision Lands are planned to be transferred to the Township as part of the Draft Plan.

Section 3.12 contains policies for land use compatibility. As previously evaluated, the AIA and Noise Reports submitted in support of the Draft Plan and Residential OPA conclude that there are no or limited impact with existing and planned land uses, subject to appropriate mitigation measures. The Draft Plan respects all D-Series Guideline minimum setbacks from the Rural Employment lands to the north of the Subdivision Lands, which permit a range of Class I industrial uses.

Section 3.14.6 contains more detailed Subdivision and Condominium Development Policies, in particular:

b) The creation of new lots by subdivision or condominium outside of Millbrook and the Hamlet designations are not permitted unless specifically provided for in this Plan;

The proposed Draft Plan is to create new lots by subdivision outside of Millbrook and the Hamlet designations. The proposed Residential Official Plan Amendment is requested to specifically provide the appropriate land use designation in the Township Official Plan to permit the uses approved in the Minister's Zoning Order (O. Reg 160/22). Approval by the Township and County for a redesignation to permit residential uses on the Subdivision Lands would have the effect of the Draft Plan of Subdivision conforming to Policy 3.14.6 b).

c) Prior to the consideration of an application for Plan of Subdivision or Condominium, Council shall be satisfied that: i) the approval of the development is not premature and is in the public interest; ii) the lands will be appropriately serviced with infrastructure, schools, parkland and open space, community facilities and other amenities, as required; iii) the density of the development is appropriate for the area; iv) the subdivision or condominium, when developed, will be easily integrated and connected with existing development in the area; v) the subdivision or condominium conforms with the environmental protection and growth management policies of this Plan; vi) the proposal conforms to Section 51 (24) of the Planning Act, as amended; and, vii) The applicable criteria in Section 3.14.1 shall be satisfied. d) Prior to the registration of any Plan of Subdivision or Condominium, a Subdivision Agreement or Condominium Agreement between the landowner and the Township will be required. Applicants are encouraged to pre-consult with the approval authority prior to submitting an application;

In our opinion, the approval of the Draft Plan and Residential OPA is not premature, as the Ministry of Municipal Affairs and Housing has duly reviewed the merits of the requested residential zoning for the Subdivision Lands and have already approved the use of the lands for residential purposes via the MZO. The proposal is in the public interest as it will provide the financial support for the revitalization of the Kawartha Downs Lands, increasing the housing mix and range of dwelling types in the Township and County. It will also provide jobs and increased employment and economic development opportunities in the Region. It will be a focus for community services, recreational activities, and social gatherings.

The low-rise and low-scale dwellings that can be constructed pursuant to *Residential Zone* standards provides an appropriate density for the area, building upon existing infrastructure, provision of new schools (as secured in any Site Plan or other agreements), parklands and open space, community facilities and other amenities. The Draft Plan is integrated with existing development in the area, providing roadway access to Moore Drive and County Road 28, and connecting to the Kawartha Downs Lands. The Draft Plan and Residential OPA respects all environment and natural heritage feature setbacks and will not impact sensitive lands. As with all of the analysis provided pursuant to the relevant PPS and Growth Plan policies, in our opinion the Draft Plan has regard to the Criteria set out in Section 51(24) of the Planning Act.

6.7.1 Draft Official Plan Amendments for the Subdivision Lands – Township Official Plan

An OPA is required to re-designate portions of the Subdivision Lands from *Commercial Entertainment* to a site-specific “*Kawartha Downs Residential Development Area*” designation or another similarly named designation that reflects the unique nature of the approval requested. The boundaries of the *Kawartha Downs Residential Development Area* are proposed to align with the *Residential Zone* boundaries as they appear on Ontario Regulation 160/22 Map 299.

An OPA is also required to include a policy framework in the Township Official Plan for the Kawartha Downs Residential Development Area. The existing framework places the Subdivision Lands under Section 5 *Countryside Areas*, and so the policy framework must fall under the *Countryside Areas* policies, unless as Township and County staff contemplate another special designation or policy framework. The following provides a preliminary policy framework for the proposed OPA, and serves as a point of further discussion, elaboration, and refinement:

1. Addition of “*Kawartha Downs Residential Development Area*” to the list of land use designations in Section 5, Page 82 of the Township Official Plan;

2. Addition of a new Section 5.X., to include policies for the “Kawartha Downs Residential Development Area” with the following draft Official Plan text:

5.X. KAWARTHA DOWNS RESIDENTIAL DEVELOPMENT AREA

The Kawartha Downs Residential Development Area applies to the lands within the boundaries of the Residential Zone as provided in Map 299 of Ontario Regulation 160/22, and as identified generally on Schedule A and more specifically on Schedule F, Map X. The Kawartha Downs Residential Development Area is a planned residential development that provides residential focus in a rural area, supporting the revitalization of the southerly Kawartha Downs development.

5.X.X Objectives

It is the objective of this designation to:

- a) *Encourage the provision of a range of housing types and opportunities to accommodate persons with diverse social and economic backgrounds, ages, needs and desires.*
- b) *Promote the efficient use of existing and planned infrastructure by creating the opportunity for various forms of residential intensification, where appropriate;*
- c) *Ensure that the Kawartha Downs Residential Development Area permits a variety of complementary and compatible land uses including special needs housing, community facilities, schools, small scale commercial and institutional uses and open space areas; and,*
- d) *Establish a comprehensive set of design guidelines and policies that foster the establishment of an urban environment that is safe, attractive, energy efficient and in harmony with nature.*

5.X.X Permitted Uses

Land in the Kawartha Downs Residential Development Area designation may be used for the following:

- a) *Single detached dwellings*
- b) *Semi-detached dwellings*
- c) *Semi-detached linked dwellings*
- d) *Townhome dwellings*
- e) *Home-based businesses*
- f) *Public institutional uses such as schools, places of worship and community halls*
- g) *Uses permitted in the Open Space Zone under Section 10.2 of the Zoning By-law, namely:*
 - i) *Agricultural uses*
 - ii) *Community garden*
 - iii) *Conservation use*
 - iv) *Emergency service facility*
 - v) *Forest Management*
 - vi) *low intensity recreational uses*
 - vii) *Private and Public Parks*
 - viii) *Public use*
 - ix) *stormwater management facility*

The Draft Framework is limited to the objectives and permitted uses, with further policies to be developed with Township and County Staff as the Official Plan Amendment and Draft Plan applications progress. It is recommended that consideration is to be had to other existing residential area policies in the Township Official Plan that would guide the further refinement of the *Kawartha Downs Residential Development Area*

policies. The *permitted uses* listed above reflect the uses that have been permitted by the MZO for the Subdivision Lands.

6.8 Minister's Zoning Order – Ontario Regulation 160/22

The Subdivision Lands are zoned for residential and open space uses. The MMAH issued the MZO and concluded that the requested zoning for permit residential uses of the Subdivision Lands had regard to the matters of provincial interest provided in Section 2 of the Planning Act, was consistent with the relevant policies of the PPS and conformed to and did not conflict with the Growth Plan.

The residential land use permissions are for the following uses on the Subdivision Lands, subject to site and building zoning standards as provided in the MZO:

- detached dwellings
- semi-detached dwellings
- semi-detached linked dwellings; and
- townhouse dwellings.

The MZO provided development standards for the above residential uses, and are described in the table below:

	Single Detached Dwellings	Semi-Detached Dwellings	Semi-Detached Linked Dwellings	Townhouse Dwellings
Minimum Lot Area	325 m ²	325 m ²	325 m ²	240 m ²
Minimum Lot Frontage	7.5 m	7.5 m	7.5 m	7.5 m
Maximum Building Height	11 m	11 m	11 m	11 m
Minimum Landscaped Open Space	20 %	20 %	20 %	20 %
Minimum Front Yard Setback*	6 m	6 m	6 m	6 m
Minimum Exterior Side Yard Setback	2.5 m	2.5 m	2.5 m	2.5 m
Minimum Interior Side Yard Setback**	1.2 m	1.2 m	1.2 m	1.2 m

* There is no minimum interior side yard setback for a common wall between dwelling units

** Where an attached private garage is closer to the front lot line than a dwelling, the maximum difference in the front yard setbacks of the dwelling, measured to the nearest wall or porch, and the garage is 1 metre.

The MZO also authorizes uses permitted in the “OS – Open Space Zone” on the Subdivision Lands, those being uses that provides for and regulates built and natural settings for recreation, parks, and conservation areas, such as:

- agricultural uses
- community garden
- conservation use
- emergency service facility
- forest management
- low intensity recreational uses
- private park
- public park
- public use
- stormwater management facility.

The *Natural Core and Natural Linkage Zones* are maintained in the Subdivision Lands, and are not amended by the MZO. They implement the *Natural Core and Natural Linkage Areas* designation in the Township Official Plan to protect and maintain the existing Natural Heritage System in the Subdivision and Kawartha Downs Lands.

The regulations and permissions of the Township's Zoning By-law continue to apply, in addition to the regulations provided in the MZO. This means where the MZO is silent, the provisions of the Zoning By-law continue to be in force and effect, so the regulations pertaining to Administration, General Provisions, Parking and Loading Regulations, Definitions, Holding Provisions, and Temporary Use Provisions continue to be applicable on the Lands.

7.0 CONCLUSIONS

This Planning Study/Analysis has reviewed the merits of the proposed Draft Plan and Official Plan Amendments to redesignate the Subdivision Lands to permit the residential uses in the Township Official Plan. All of the above components are sought for the Subdivision Lands pursuant to the Ministerial Zoning Order (Ontario Regulation 160/22).

In approving the MZO, the Minister of Municipal Affairs and Housing reviewed a request of the Township of Cavan Monaghan to zone the lands to permit residential uses on the Subdivision Lands. The Minister deemed that the requested uses and *Residential Zone* is consistent with and conforms to the policy framework as provided by the Provincial Policy Statement 2020, A Place to Grow: A Growth Plan for the Greater Golden Horseshoe 2020, the County of Peterborough Official Plan 2020 Office Consolidation, and the Township of Cavan Monaghan Official Plan. In our opinion and with all of the above, the Draft Plan has regard to the Criteria for Subdivision as listed in Section 51(24) of the Planning Act and considers the findings of the 2020 Township Growth Management Strategy and the 2022 County Growth Analysis Report.

It is intended that the proposed OPA and Draft Plan will help to revitalize the economic viability of the area and enhance the Kawartha Downs Speedway and the Shoreline Slots property. At the same time, the proposal's residential component will serve the housing needs of the employees to the expanded *Commercial Entertainment* facility to the south of the Subdivision Lands. The diverse housing stock in terms of type, tenure, density and affordability is required to meet the varied needs of residents and the community. While there is sufficient room within the Millbrook Urban Settlement Area of Cavan Monaghan to satisfy residential development pursuant to the Growth Plan, this target can also be provided by adjusting any unused density and population targets from the Millbrook Urban Settlement Area into the Subdivision Lands.

With the Subdivision Lands and the lands to the south (Kawartha Downs Lands) being all under the ownership of RIC, any infrastructure can be planned comprehensively, such as stormwater and wastewater management and functional site servicing. Agreements would also be secured through the Draft Plan for 1683 Moore Drive and 1490 County Road 28 in a comprehensive and consolidated fashion that would result in efficiencies for development. Where there is any stated need for additional infrastructure and public service facilities to accommodate the proposed residential development, RIC (Moore Drive) Inc. and RIC (Highway 28) Inc. commit to working with the Municipalities, the Otonabee Region Conservation Authority, First Nations and the Province to provide additional or required infrastructure and public service facilities that would be identified through the review of the Draft Plan and Official Plan Amendment Applications.

Lands that are regulated by the Otonabee Conservation Authority will not be developed and all natural heritage systems shall be protected, including the provision of appropriate natural heritage system setbacks. The Draft Plan has been formulated to preserve natural features, including the adjacent *Natural Core Linkage and Natural Core Areas* within, and surrounding the Subject Lands to the west. The residential development Subdivision Lands proposes no new development on any natural heritage features, provincially significant wetlands and woodlands, or on any lands designated as Oak Ridges Moraine Areas, Aquifers, Wellheads,

Significant Aggregate Resources, Natural Linkage, Natural Core Areas, and Prime Agriculture in the Township's Official Plan.

The proposal will add jobs to the Township and County's economic base, provide new and enhanced economic development opportunities, provide a range of low-rise residential dwelling types for all stages of life and family sizes, and support the revitalization of a long-standing *Commercial Entertainment* fixture, the Kawartha Downs, in the Region. The Draft Plan contributes to alleviating the land shortfalls for housing that exists in the Township, as concluded in the 2022 Growth Analysis Report. Cavan Monaghan requires additional land in order to meet its housing allocation in the County, through to 2051.

The proposal will be a development that provides opportunities for economic growth and residential development that is compatible with the character and environment of the community. The proposal supports a range of job opportunities and a broad range of commercial and service facilities explicitly geared to meet the needs of residents of the Township, and opportunities to improve and enhance the quality of tourist facilities and the variety of tourism-related businesses in the Township while recognizing the importance of culture and environment to the economy of the Township.

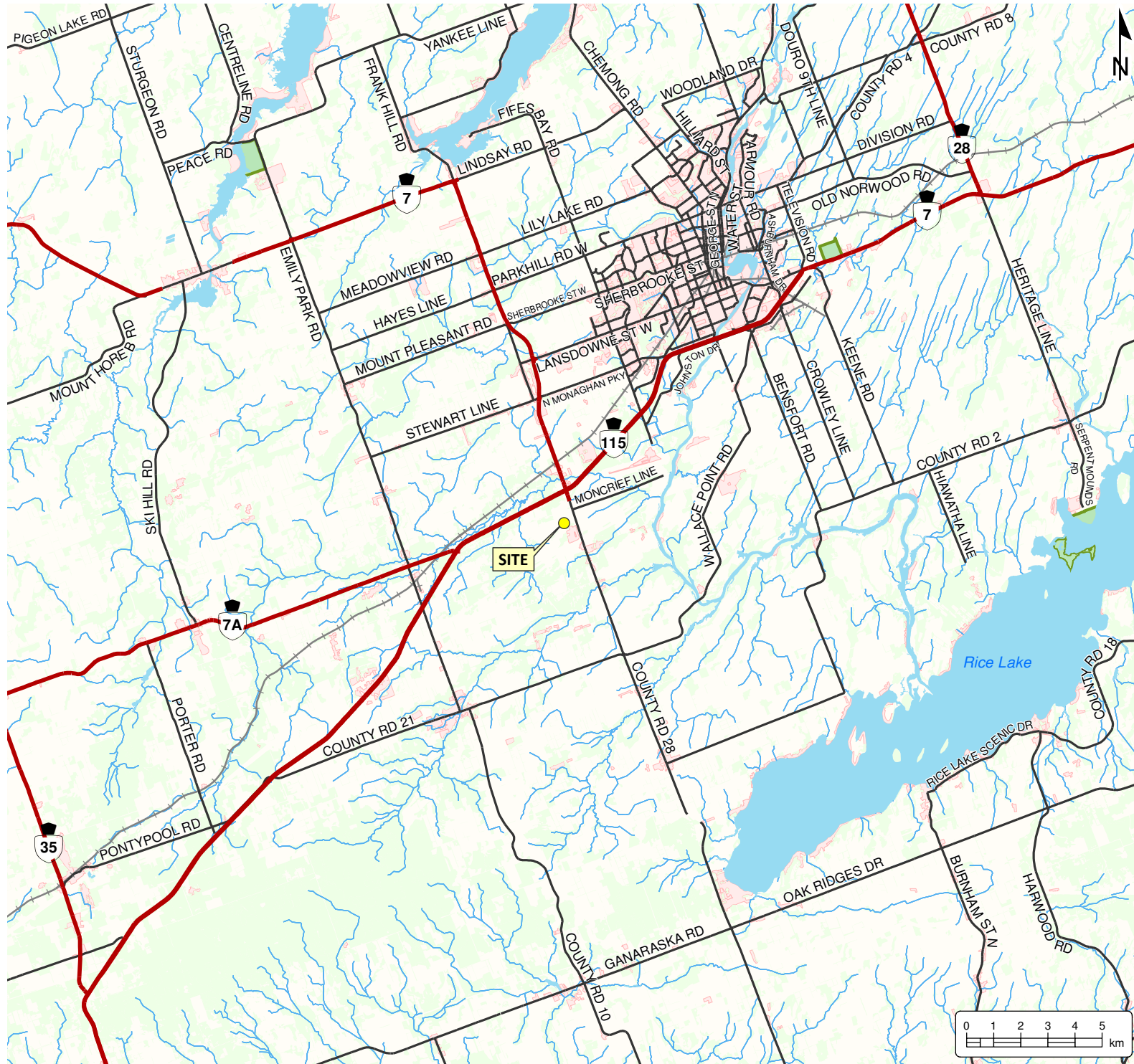
Based on the above Planning Study/Analysis and through the evaluation of the proposed Official Plan Amendments and Draft Plan required to implement the Minister's Zoning Order, that the proposal should be approved and represent good planning.

Christian Chan, Planner (OPPI/MCIP Candidate)
C2 Planning Land Use Planners
Suite 138 – 157 Adelaide Street West
Toronto ON
M5H 4E7

8.0 APPENDICES

8.1 Subject Lands

8.1.1 Key Plan, Site Location (Cambium 2021)



PHASE I ENVIRONMENTAL SITE ASSESSMENT

RIC (MOORE DRIVE) INC. &
RIC (HIGHWAY 28) INC.
1683 Moore Drive & 1490 County Road 28,
Fraserville, Ontario

LEGEND

- Highway
- Major Road
- +— Railroad
- Watercourse
- Water Area
- Provincial Park
- Wooded Area
- Built Up Area

Notes:
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194 Sophia Street
Peterborough, Ontario, K9H 1E5
Tel: (705) 742.7900 Fax: (705) 742.7907
www.cambium-inc.com

SITE LOCATION MAP

Project No.: 12579-002	Date: July 2021
Scale: 1:200,000	Projection: NAD 1983 UTM Zone 17N
Created by: MAT	Checked by: BATS
Figure: 1	

8.1.2 Aerial Image of the Lands (Cambium 2021)



AERIAL IMAGE

RIC (MOORE DRIVE) INC. &
RIC (HIGHWAY 28) INC.
1382 Highway 28, 1490 Highway 28,
& 1683 Moore Drive,
Cavan, Ontario

LEGEND

Site (approximate)

Notes:
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Peterborough, Ontario, K9H 1G5
Tel: (705) 742.7900 Fax: (705) 742.7907
www.cambium-inc.com

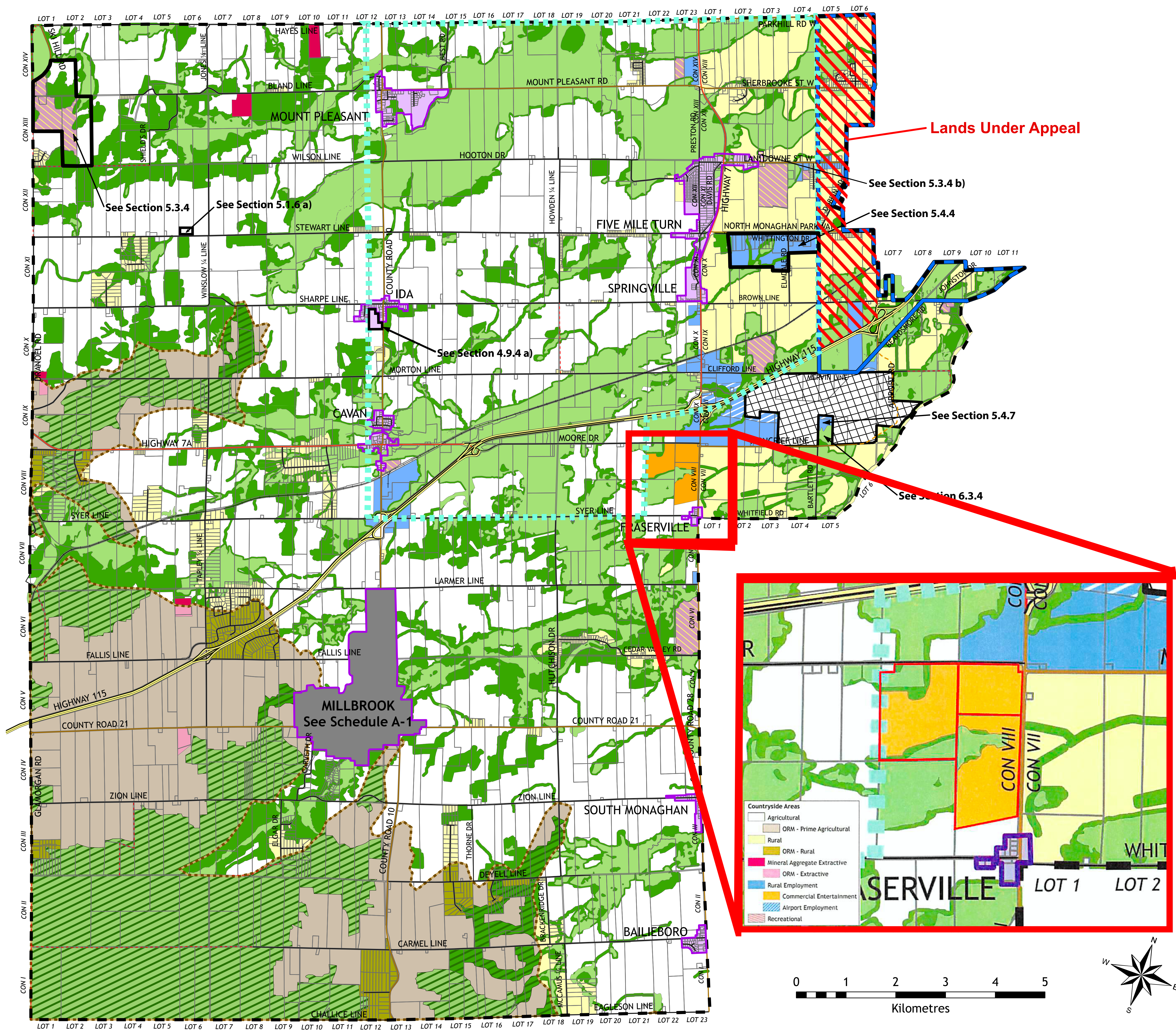
August 2021

Scale: 1:10,000 Projection: NAD 1983 UTM Zone 17N

Created by: Checked by:

8.1.3 Schedule A1 – Township of Cavan Monaghan Official Plan

Township of Cavan Monaghan Official Plan - Schedule 'A' Land Use






Legend

- Settlement Area
- Hamlet
- Millbrook Urban Settlement Area
- Countryside Areas
 - Agricultural
 - ORM - Prime Agricultural
 - Rural
 - ORM - Rural
 - Mineral Aggregate Extractive
 - ORM - Extractive
 - Rural Employment
 - Commercial Entertainment
 - Airport Employment
 - Recreational
- Natural Heritage System
 - Natural Core Area
 - ORM - Natural Core Area
 - Natural Linkage Area
 - ORM - Natural Linkage Area
- Oak Ridges Moraine Boundary
- Urban Rural Fringe
- Special Study Area No. 1 (See Section 2.6)
- Peterborough Airport
- Transportation
 - Freeway
 - King's Highway
 - County Road
 - Proposed Arterial Road
 - Township Road
 - Private Road
 - Railway

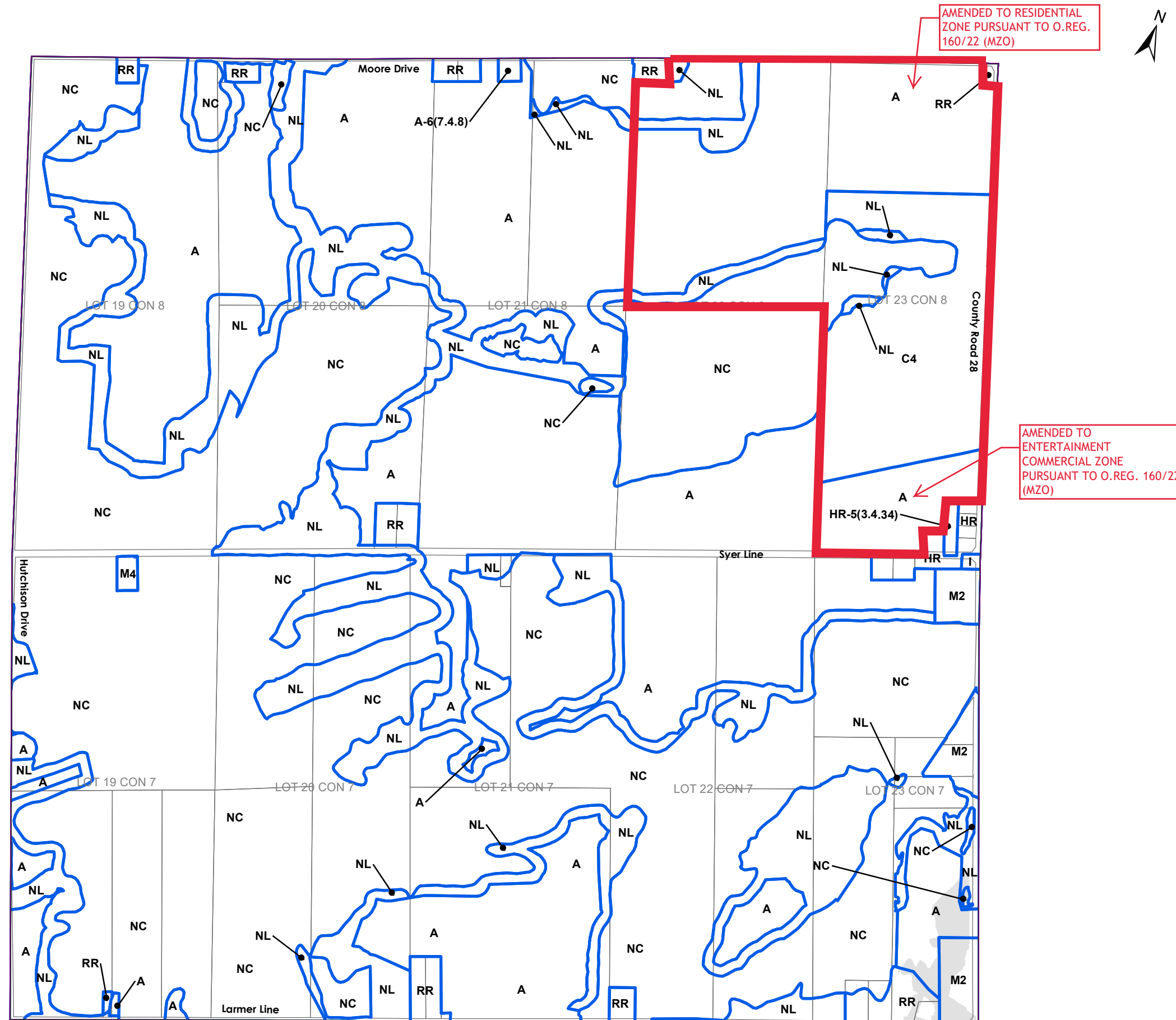
8.1.4 Schedule D4 - Township of Cavan Monaghan Zoning By-law 2018-58

Legend

-  Land Parcels
-  Zoning
-  Floodplain Overlay

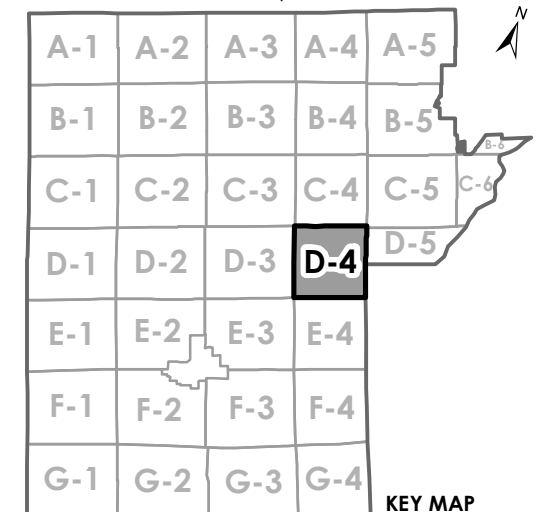
Zone Description

- A - Agricultural
- C4 - Entertainment Commercial
- HR - Hamlet Residential
- I - Institutional
- M2 - Rural Employment
- M4 - Disposal Industrial
- NC - Natural Core
- NL - Natural Linkage
- RR - Rural Residential



0 200 400 600 800 m

1:12,500



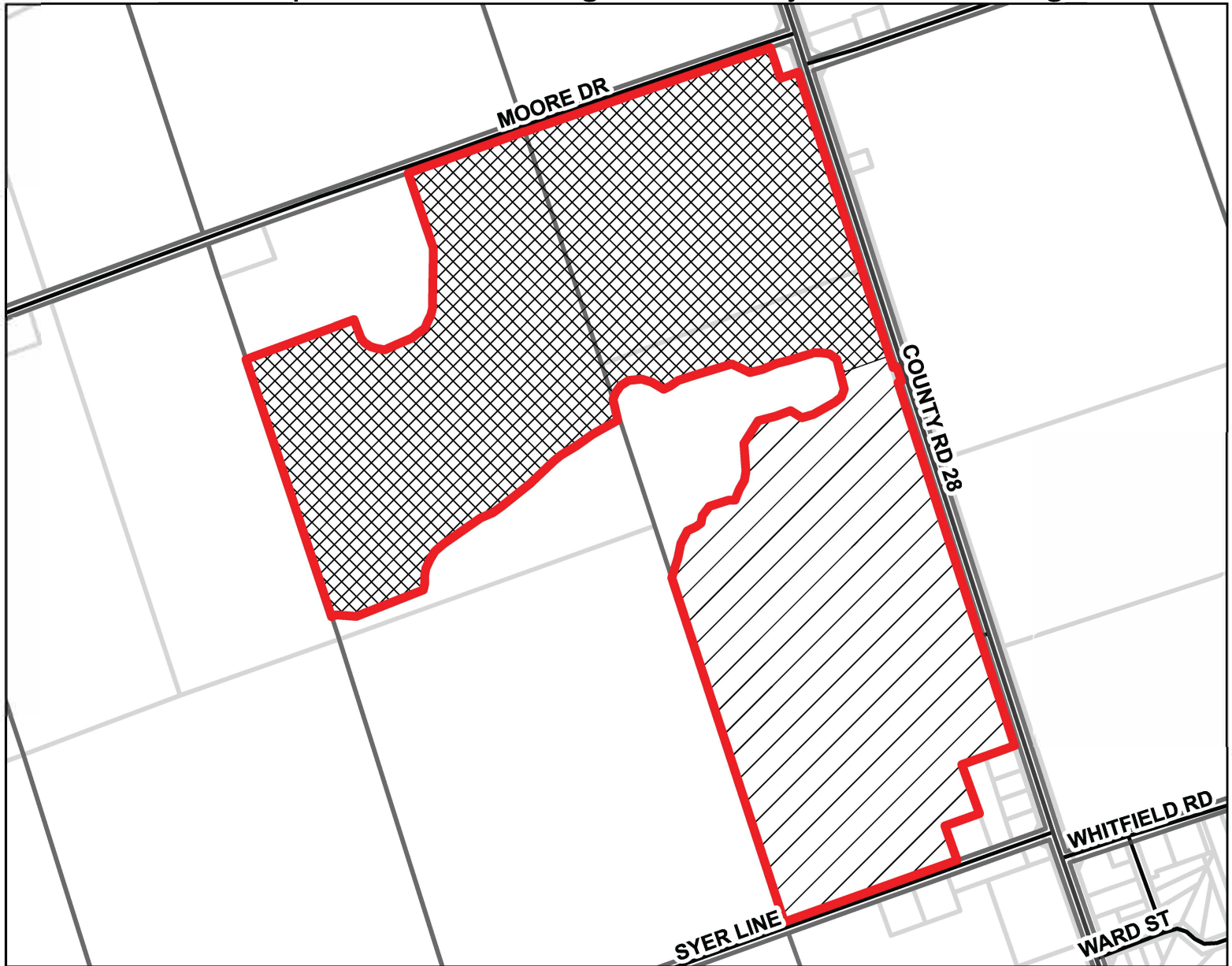
Schedule A Zoning By-law

Township of Cavan Monaghan
Zoning By-law No. 2018-58

Map D-4

8.1.5 Ontario Regulation 160/66 (Minister's Zoning Order) Map 299

Part of Lots 22 and 23, Concession 8,
Township of Cavan Monaghan, County of Peterborough



MAP No. 299

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

Planning Act

Ontario Regulation: 160/22

Date: March 4, 2022

Original Signed By: Minister of
Municipal Affairs and Housing

LEGEND

-  Subject Lands
-  Entertainment Commercial Zone
-  Residential Zone
-  Lot & Concession
-  Roads
-  Ownership Parcel



Map North (Degrees): 0°

0 75 150 300
Metres

1 cm equals 103 metres

Map Description:

This is map no. 299 referred to in a Minister's Zoning Order. It shows lands which are located in, Part of Lots 22 and 23, Concession 8, 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) for regulation details.

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8.1.6 Ontario Regulation 160/66 (Minister's Zoning Order)



ONTARIO REGULATION 160/22

made under the

PLANNING ACT

Made: March 4, 2022

Filed: March 4, 2022

Published on e-Laws: March 7, 2022

Printed in The Ontario Gazette: March 19, 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 299 and filed at the Toronto office of the Ministry of Municipal Affairs and Housing located at 777 Bay Street.

Residential Zone

3. (1) This section applies to the lands located in the area shown as the Residential 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) single detached dwellings;
- (b) semi-detached dwellings;
- (c) semi-detached linked dwellings;
- (d) townhouse dwellings; and
- (e) uses permitted in the Open Space (OS) Zone under section 10.2 of the Zoning By-law.

(3) The zoning requirements for uses permitted under clauses (2) (a) to (d) are as follows:

- 1. The minimum lot area is 325 square metres per unit for uses permitted under clauses (2) (a) to (c).
- 2. The minimum lot area is 240 square metres per dwelling unit for uses permitted under clause (2) (d).
- 3. The minimum lot frontage is 7.5 metres per dwelling.
- 4. The maximum building height is 11 metres.
- 5. The minimum landscaped open space is 20 per cent of the lot area.
- 6. The minimum front yard and 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.
- 9. Despite paragraph 8, there is no minimum interior side yard setback for a common wall between dwelling units.
- 10. Where an attached private garage is closer to the front lot line than a dwelling, the maximum difference in the front yard setbacks of the dwelling, measured to the nearest wall or porch, and the garage is 1 metre.

(4) The zoning requirements for the uses permitted under clause (2) (e) are those set out in section 10.3 of the Zoning By-law.

Entertainment Commercial Zone

4. (1) This section applies to the lands located in the area shown as the Entertainment Commercial 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 Entertainment Commercial (C4) Zone under subsection 5.2 of the Zoning By-law;
- (b) assembly halls;
- (c) art galleries;
- (d) artisan studios;
- (e) banquet halls;
- (f) low intensity recreational uses;
- (g) medical offices;
- (h) personal service establishments;
- (i) retail stores;
- (j) farmer’s markets;
- (k) riding schools or boarding stables;
- (l) commercial schools or studios;
- (m) community centres;

- (n) craft breweries;
- (o) equestrian uses;
- (p) outdoor commercial patios; and
- (q) conservation uses.

(3) The zoning requirements set out in section 5.3 of the Zoning By-law for the Entertainment Commercial (C4) Zone apply to the uses permitted under subsection (2).

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 and its original use is not altered.

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

Deemed 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 Cavan Monaghan.

Commencement

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

Made by:

STEVE CLARK

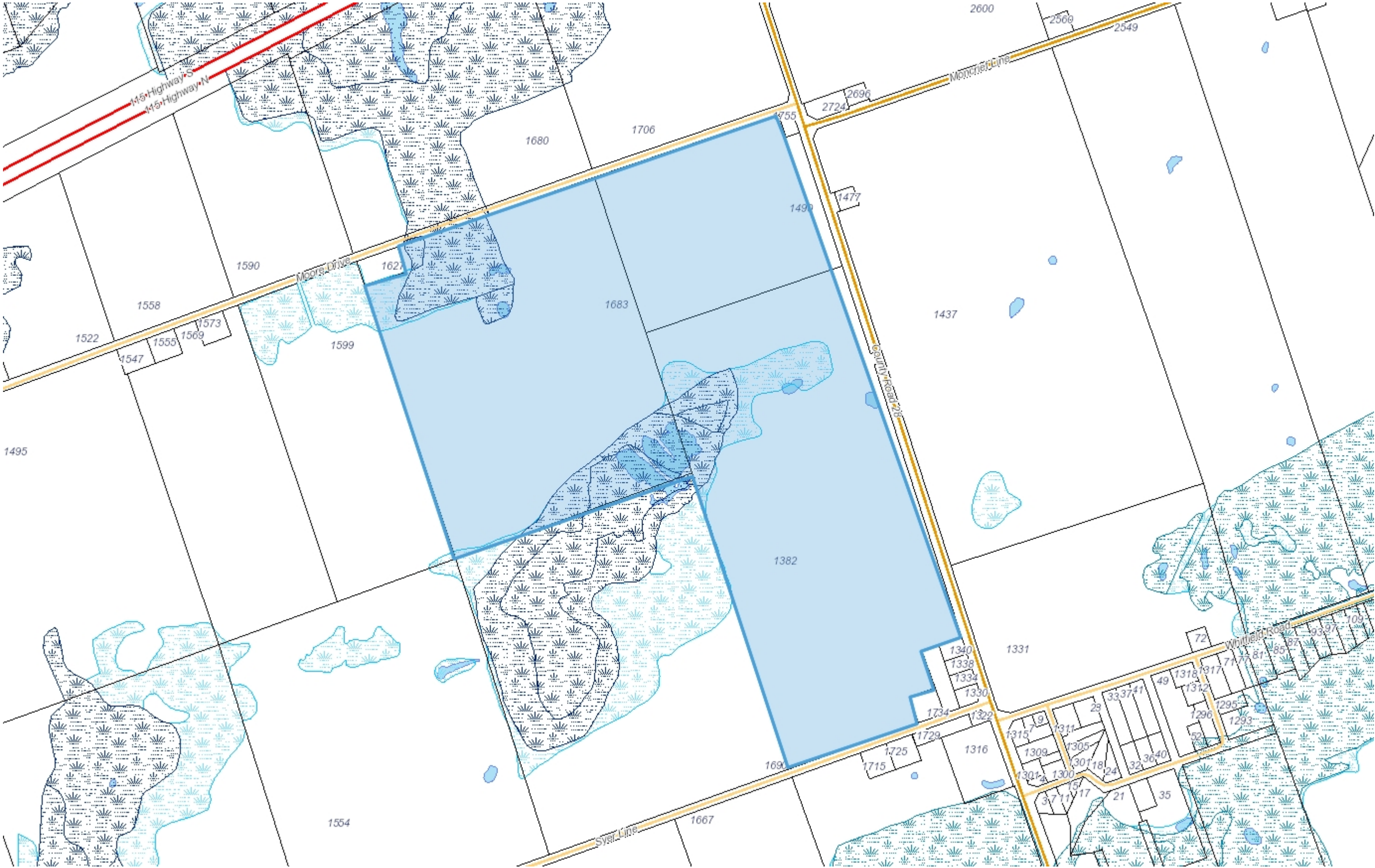
Minister of Municipal Affairs and Housing

Date made: March 4, 2022

8.1.7 County of Peterborough Wetland Map



County of Peterborough



- Legend**
- Roads < 50,000**
- PRIV ; Private; PRIV
 - City Arterial
 - City Collector and Local
 - City Owned Unclassified
 - Provincial
 - County
 - Township
 - Water Access Only
- Outside Roads < 50,000**
- Major Roads
 - Local Roads
- First Nations**
- Civic Address
 - Parcel Fabric
 - Parcel First Nations - Canada I
 - Clean Water Act Policies Apply
 - Provincially Significant Wetland
 - Locally Significant Wetlands
 - Non-evaluated Wetlands
 - Lakes - Local Scale
 - Municipal Boundary - Upper Ti
 - <all other values>
 - COUNTY OF PETERBOROUGH

1: 8,682

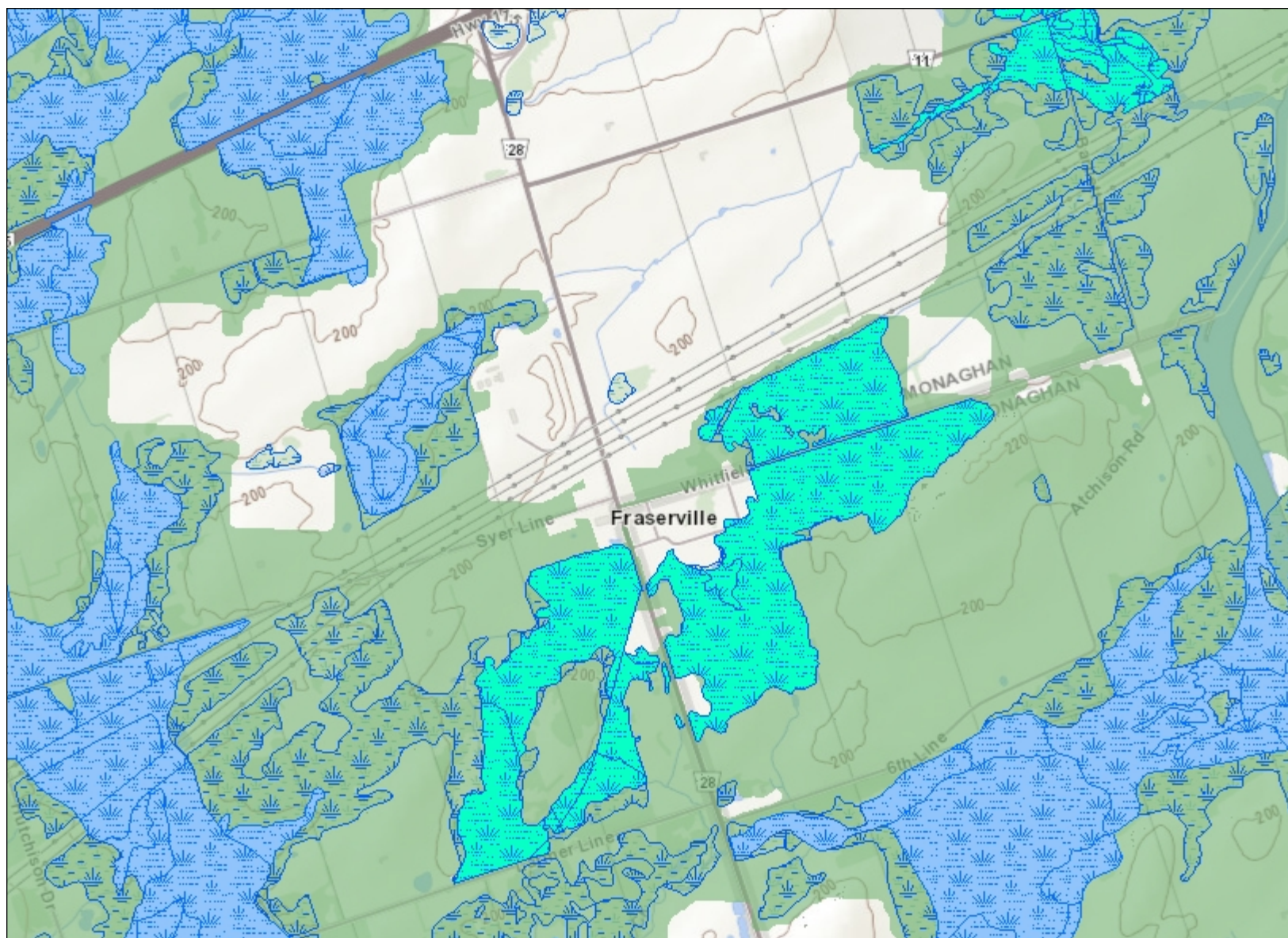


Notes

This map was automatically generated using Geocortex Essentials.

441.0 0 220.52 441.0 Meters

8.1.8 MNRF Natural Areas Map, 2021



Legend

- Assessment Parcel
- Woodland
- Conservation Reserve
- Provincial Park
- Natural Heritage System
- Ecoregion
- Wetland**
 - Provincially Significant Wetland Evaluated
 - Non - Provincially Significant Wetland Evaluated
 - Unevaluated Wetland
- Area of Natural Heritage & Scientific Interest (ANSI)**
 - Provincially Significant Life Science ANSI
 - Provincially Significant Earth Science ANSI
- Greenbelt Plan**
 - Boundary
 - Greenbelt External Connections
- Land Use Designations**
 - Protected Countryside
 - Greenbelt Towns and Villages
 - Greenbelt Hamlets
 - Urban River Valley
 - Greenbelt Specialty Crop Area
- Niagara Escarpment Plan (NEP)**
 - Boundary
 - Parks and Open Space System
- Land Use Designations**
 - Escarpment Natural Area
 - Escarpment Protection Area
 - Escarpment Rural Area
 - Mineral Resource Extraction Area
 - Escarpment Recreation Area
 - Urban Area
 - Minor Urban Centre
- Oak Ridges Moraine Conservation Plan (ORM)**
 - Boundary
- Land Use Designations**
 - Natural Core Area
 - Natural Linkage Area
 - Countryside Area
 - Rural Settlement
 - Palgrave Estates Residential Community
 - Settlement Area

1.3 0 0.66 1.3 Kilometers

This map should not be relied on as a precise indicator of routes or locations, nor as a guide to navigation. The Ontario Ministry of Natural Resources and Forestry (OMNRF) shall not be liable in any way for the use of, or reliance upon, this map or any information on this map.

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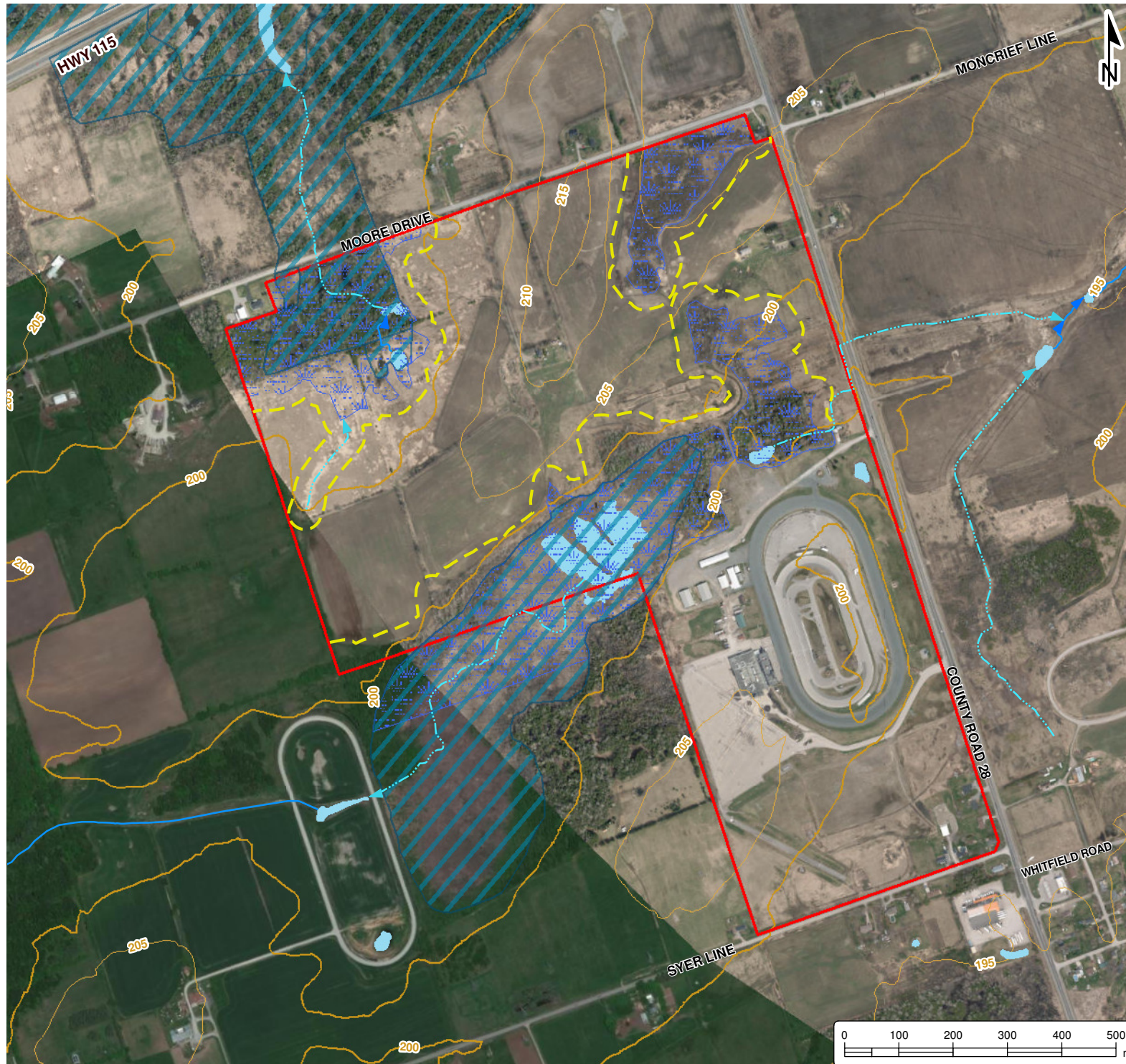


This map may not display all features listed in the legend because the feature layer was not turned on at the time the map was made; the features do not exist in the geographic range; or features have not been mapped. Absence of a feature in the map does not mean they do not exist in this area.

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GTA 2005 / SWOOP 2006 / Simcoe-Muskoka-Dufferin © FirstBase Solutions, 2005 / 2006 / 2008
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8.1.9 Cambium Watercourse Setback Map, 2021



FEASIBILITY STUDY FOR WASTEWATER SERVICING

ROMSPEN INVESTMENT
CORPORATION
Kawartha Downs and Speedway
Fraserville, Ontario

LEGEND

- 30m Development Wetland Setback
- Watercourse, Intermittent
- Watercourse, Permanent
- Contour 5m Interval (Major)
- Contour 5m Interval (Minor)
- Water Area
- ▨ Wetland Community
- ▤ Provincially Significant Wetland
- ▭ Subject Property (111.03 ha) (approximate)

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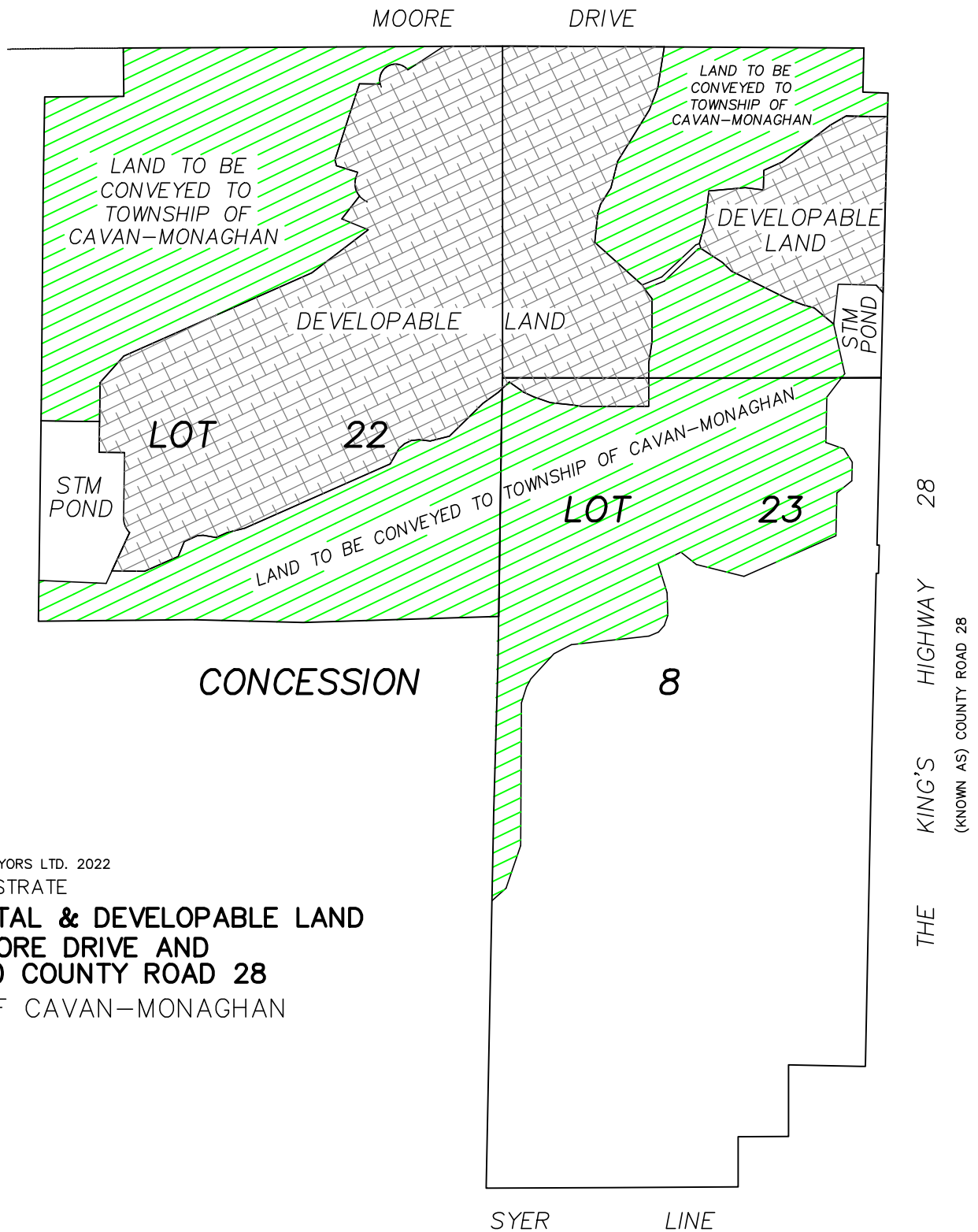


194 Sophia Street
Peterborough, Ontario, K9H 1E5
Tel: (705) 742.7900 Fax: (705) 742.7907
www.cambium-inc.com

SITE PLAN

Project No.: 12579-001	Date: October 2021
Scale: 1:10,000	Rev.: NAD 1983 UTM Zone 17N
Created by: MAT	Checked by: KW
Figure: 1	

8.1.10 Map of Environmental and Developable Land of the Subject Lands



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SKETCH TO ILLUSTRATE

**ENVIRONMENTAL & DEVELOPABLE LAND
OF 1683 MOORE DRIVE AND
1382 & 1490 COUNTY ROAD 28
TOWNSHIP OF CAVAN-MONAGHAN**

CAUTION

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THIS PLAN IS NOT AN ORIGINAL UNLESS EMBOSSED BY A SURVEYORS SEAL

NOTE

PROPERTY DIMENSIONS SHOWN HEREON ARE IN ACCORDANCE WITH REFERENCE PLAN 45R-17309 AND IS AN ACCURATE REPRESENTATION OF THE LAND INTENDED TO BE CONVEYED TO KAWARTHA LAND TRUST (IBW PROJECT NUMBER A-033742).



IBWSURVEYORS.COM | 1.800.667.0696

PARTY CHIEF: CS | DRAWN BY: NS | CHECKED BY: AR | PLOT DATE: MAY 31, 2022
FILE NAME: A-033742-SKETCH_v5

8.2 Subdivision Lands (1683 Moore Drive and 1490 County Road 28)

8.2.1 Aerial Image of the Subdivision Lands



PHASE I ENVIRONMENTAL SITE ASSESSMENT

RIC (MOORE DRIVE) INC. &
RIC (HIGHWAY 28) INC.
1683 Moore Drive & 1490 County Road 28
Fraserville, Ontario

LEGEND

Site (approximate)

Notes:
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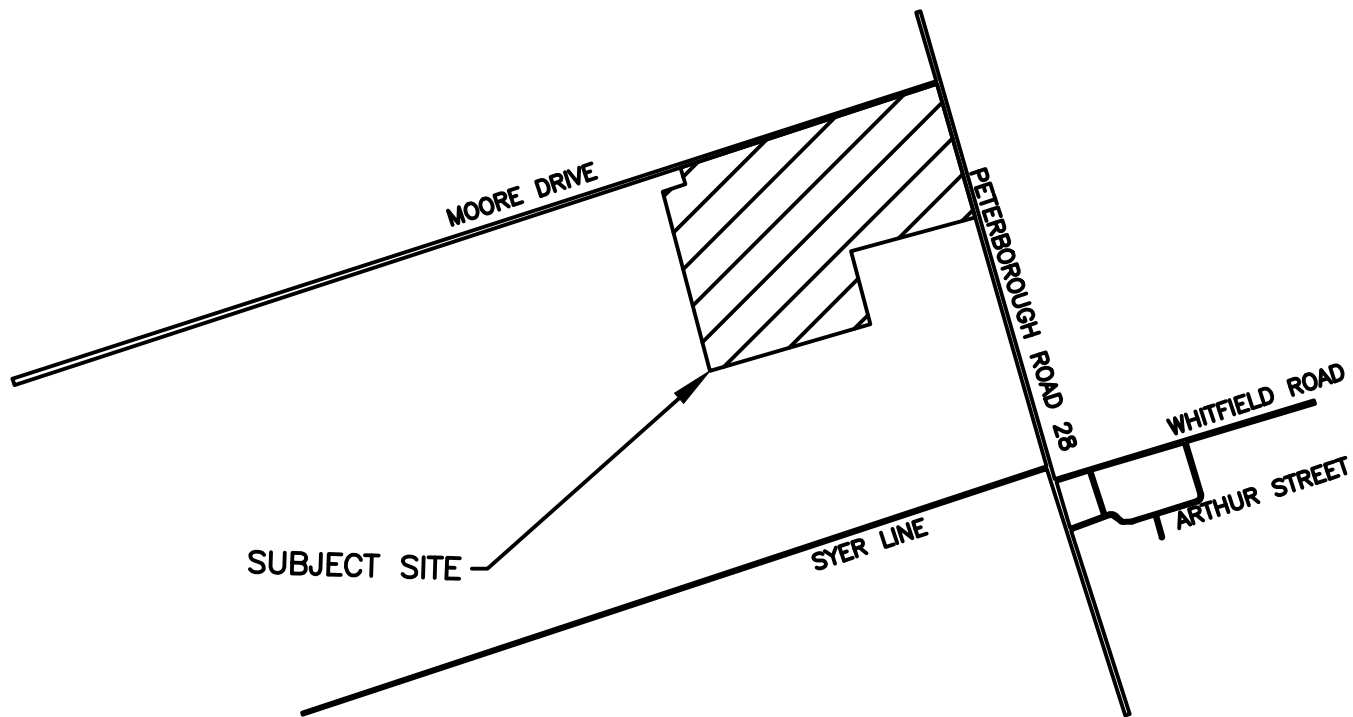


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2020 AERIAL IMAGERY

Project No.:	12579-002	Date:	July 2021
Scale:	1:7,000	Rev.:	
Created by:	MAT	Projection:	NAD 1983 UTM Zone 17N
Checked by:	BATS	Figure:	6

8.2.2 D.G. Biddle - Site Location Plan of the Subdivision Lands



TOWNSHIP OF
CAVAN—MONAGHAN

1683 MOORE DRIVE & 1490 COUNTRY ROAD 28

SITE LOCATION PLAN



D.G. Biddle & Associates Limited

consulting engineers and planners

96 KING STREET EAST • OSHAWA, ON • L1H 1B6
PHONE (905) 576-8500 • FAX (905) 576-9730

info@dgbiddle.com

SCALE
DRAWN
DESIGN
CHECKED
DATE

N.T.S.
M.H.
M.H.
F.H.V.
MAR 2022

PROJECT
121073

DWG

FIG 1

8.2.3 Surveys of the Subdivision Landd

8.2.4 Site Photos of the Subdivision Lands

Site Photos – Subdivision Lands



Photo 1 1490 County Road 28 from roadway, dyed diesel AST visible at barn, July 2021.



Photo 2 1490 County Road 28 dyed diesel AST, July 2021.

Site Photos – Subdivision Lands



Photo 3 Agricultural field south of 1490 County Road 28, July 2021.



Photo 5 Vacant land south of 1490 County Road 28, July 2021.

Site Photos – Subdivision Lands



Photo 7 Moore Drive facing east, July 2021.



Photo 8 1683 Moore Drive, July 2021.

Site Photos – Subdivision Lands

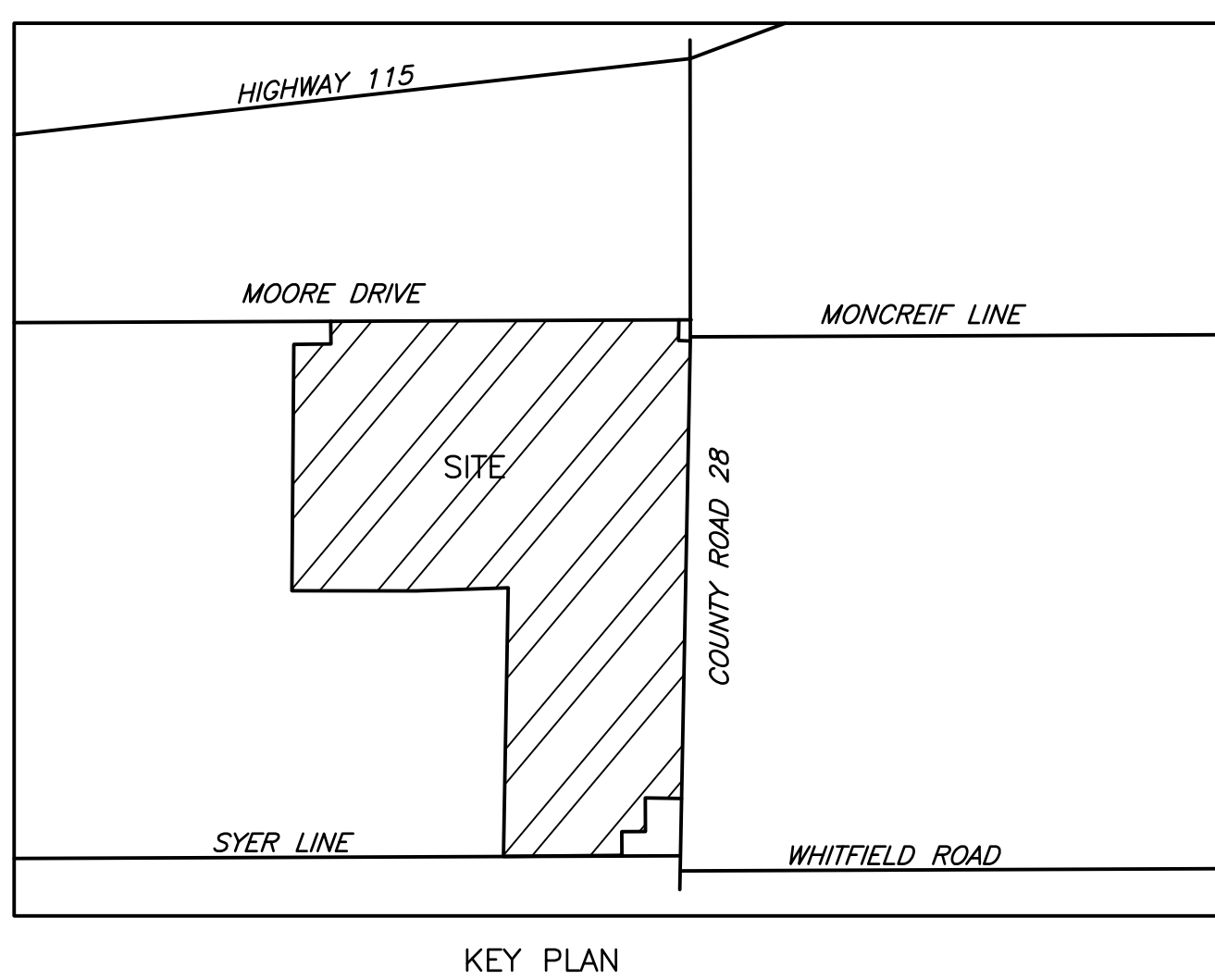


Home on County Road 28 on the Subdivision Lands, December 2021



Looking west on Moore Drive, December 2021

8.2.5 Draft Plan of the Subdivision Lands



LAND USE SCHEDULE				
PROPOSED USE	LOT/BLK #	# OF LOTS/BLKS	# OF UNITS	AREA (ha)
LOW DENSITY RESIDENTIAL				
SINGLE DETACHED (11,12m)	1-213, 231-237, 254-361	328	328	14.14
SEMI DETACHED (10m)	214-230, 238-253	33	66	2.27
MEDIUM DENSITY				
BLOCK TOWNHOUSES (7.5m)	362-387	26	123	3.35
TOTAL RESIDENTIAL		387	517	19.76
NON RESIDENTIAL				
PARK	389	1		0.83
WALKWAY	390	1		0.10
LANDSCAPE STRIP	391	1		0.23
STORMWATER	392, 393	2		2.58
OPEN SPACE	394-396	3		4.20
ROAD	397	1		0.10
ROADS	20.0m ROW			8.48
TOTALS		398	517	74.13

ADDITIONAL INFORMATION REQUIRED UNDER
SECTION 51 OF THE PLANNING ACT

E	NORTH	-RESIDENTIAL/AGRICULTURAL
	SOUTH	-RESIDENTIAL
	EAST	-AGRICULTURAL
	WEST	-AGRICULTURAL/VACANT
H		-PIPED MUNICIPAL WATER
I		-TILL
K		-ALL MUNICIPAL SERVICES A

OWNER'S AUTHORIZATION	
1/WE	RIC (Moore Drive) Inc. & RIC (Highway 28) Inc. BEING THE REGISTERED OWNER OF THE SUBJECT LANDS HEREBY AUTHORIZE D.G.BIDDLE & ASSOCIATES LTD

TO PREPARE AND SUBMIT A DRAFT PLAN
OF SUBDIVISION FOR APPROVAL

SIGNED _____

DATE _____

[illegible]

SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THE BOUNDARY
OF THE LANDS TO BE SUBDIVIDED AS
SHOWN ON THIS PLAN AND THEIR
RELATIONSHIP TO ADJACENT LANDS ARE
ACCURATELY AND CORRECTLY SHOWN

IBW Surveyors

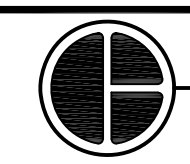
SIGNED _____

DATE _____

PROPOSED

DRAFT PLAN

1683 MOORE DRIVE, 1328 & 1490 COUNTY ROAD 28
TOWNSHIP OF CAVAN MONAGHAN
PETERBOROUGH COUNTY



D.G. Biddle & Associates Limited
consulting engineers and planners
96 KING STREET EAST • OSHAWA, ON L1H 1B6
PHONE (905) 576-8500 • FAX (905) 576-9730

SCALE: 1:1500

DRAWN BY: F.H.V

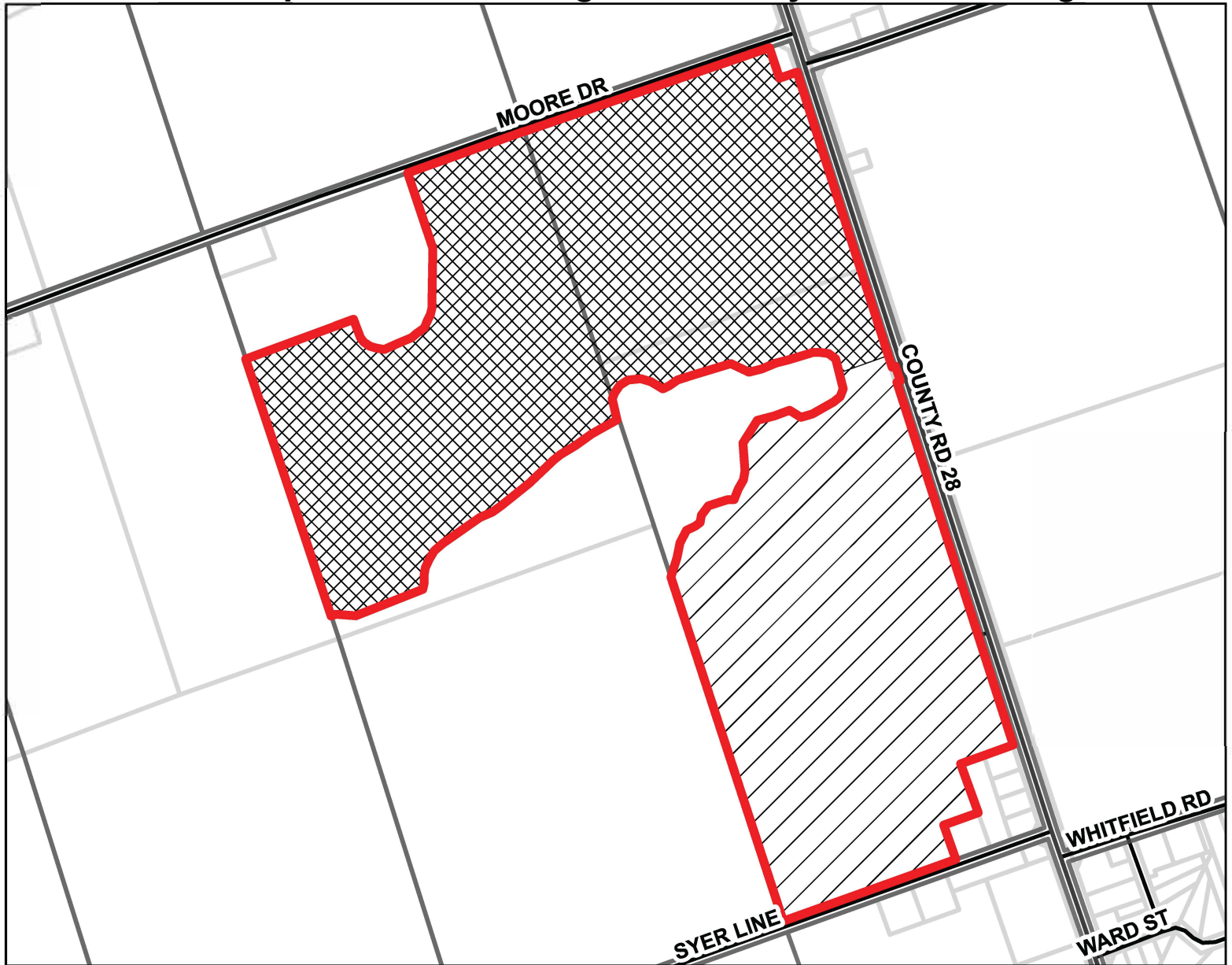
CHECKED BY: M.F.

PLOT DATE: 02/06/2022

DP-1



8.2.6 Schedule A1 Township of Cavan Monaghan Official Plan: OPA Map

**1683 MOORE DRIVE, 1382 and 1490 COUNTY ROAD 28
Township of Cavan Monaghan, County of Peterborough**



**OFFICIAL PLAN
AMENDMENT to
SCHEDULE A of the
TOWNSHIP OF CAVAN
MONAGHAN OFFICIAL
PLAN**

LEGEND

-  Subject Lands
-  COMMERCIAL ENTERTAINMENT
-  "SPECIAL RESIDENTIAL" (or other)
-  Lot & Concession
-  Roads
-  Ownership Parcel



Map North (Degrees): 0°

0 75 150 300
Metres

1 cm equals 103 metres