

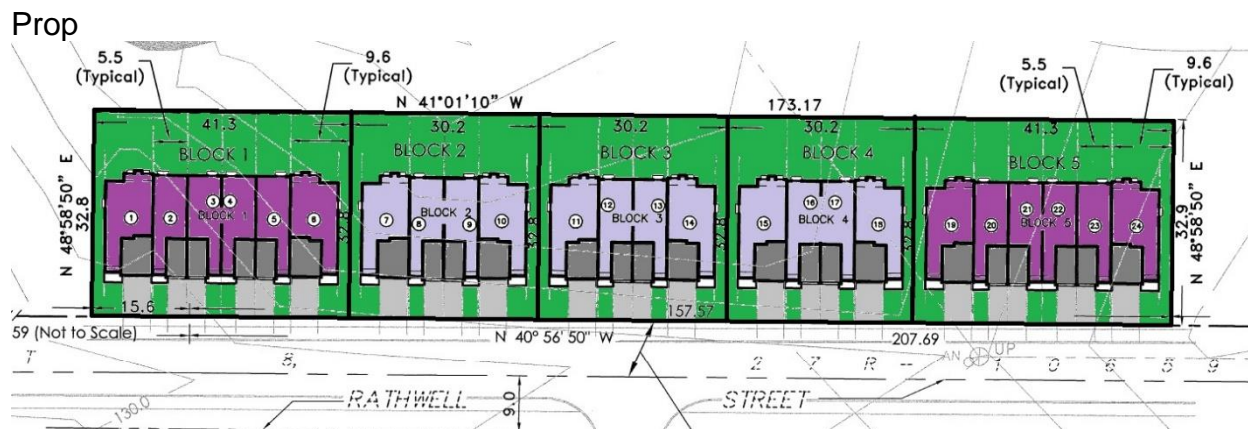
COMMUNICATION 132086

Received from: Niki Dwyer, MCIP RPP, Director of Development Services
Addressed to: Committee of the Whole
Date: June 22, 2021
Topic: Carmichael Farms Subdivision – Phase 1 (Pegasus)
Draft Approval Municipal Conditions

SUMMARY

The Town has received a request by Pegasus to finalize the draft municipal conditions pertaining to Phase 1 of the Carmichael Farms Subdivision. Phase 1 of the subdivision will result in the creation of 24 townhomes fronting onto Rathwell Street immediately east of the Miller's Crossing Subdivision.

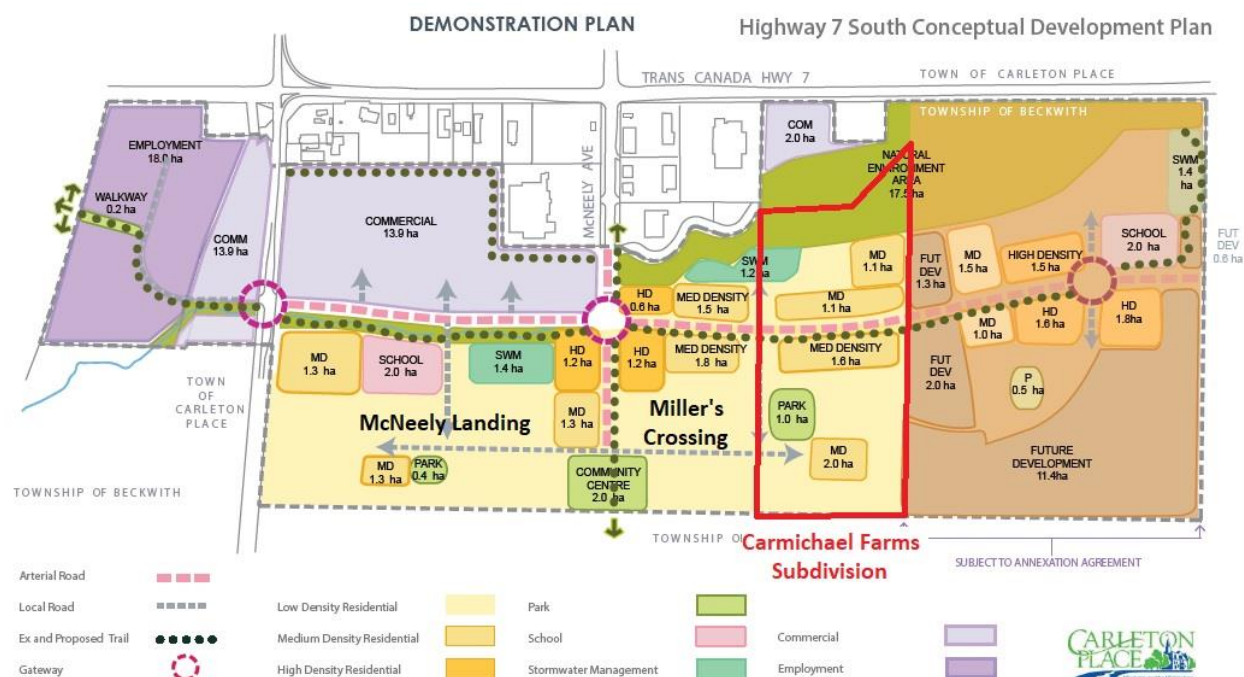
Figure 1 – Proposed Lotting Plan



Council approved a set of draft conditions for Phase 1 of the subdivision on August 7, 2018 which were forwarded to the County of Lanark (the approval authority). The applicant, through his solicitor, objected to the conditions pertaining to cost-sharing for the construction of water and wastewater infrastructure and the construction of Captain A. Roy Brown Blvd. Through a series of discussions with the proponent and the Town's solicitors, an agreed upon set of revised conditions has been drafted. Prior to formally providing the revisions to the County of Lanark, staff seek Council's ratification.

Council should also be aware that a draft of the larger Carmichael Farms Subdivision has also been circulated to staff and the County, however the plans are very preliminary and are subject to change significantly. Notwithstanding this fact, it is not anticipated that the design and construction of the 24 townhomes will impede the cohesion of the final subdivision plan. The entire subdivision site covers an area of ± 23 ha and is envisioned to be composed of low-medium density residential uses with greenspaces north and south of Captain A. Roy Brown Blvd.

Figure 2 – Highway 7 South Conceptual Plan



COMMENTS

Staff has reviewed the conditions with the Town's solicitor and have similarly reviewed the reports and studies which were submitted as part of the complete application in 2017. The draft conditions were updated to reflect the cost sharing negotiations as well as to capture mitigative measures associated with recommendations in the Archaeological Study. With the execution of the revised Cost Sharing By-law by the joint proponents, Pegasus' objection to Conditions 12, 14, 15, 16 and 17 have been resolved.

Phase 1 of Carmichael Farms relies heavily on infrastructure which has already been installed in Rathwell Street by Cardel as part of the completion of their own development. Pegasus and Cardel will coordinate the transfer responsibilities for the final lift of asphalt, curbing and final inspections prior to the assumption of the roadway by the Municipality which will occur following the completion of the construction of the 24 townhomes.

The Engineering Manager has reviewed the servicing studies and civil engineering plans completed for works within the Rathwell road allowance and has no concerns or objections to the design's ability to accommodate the townhomes. Further studies and reports are required as a condition of draft approval in order to rationalize on-site works and connections to the services within the road.

STAFF RECOMMENDATION

THAT Council direct staff to provide the draft conditions for Phase 1 of the Carmichael Farms Subdivision to the County of Lanark as outlined in the Director of Development Services' Report dated June 22, 2021.

ATTACHMENTS

1. Draft Conditions Phase 1

ATTACHMENT 1 – DRAFT CONDITIONS

Updates shown in red.

CONDITIONS FOR DRAFT APPROVAL CARMICHAEL FARM SUBDIVISION - PHASE 1 Part Lot 16, Concession 10

The Town of Carleton Place conditions of draft approval are as follows:

General		Comment
1	This approval applies to the draft plan certified by Fairhall, Moffatt and Woodland Limited dated March 13, 2018 for 5 Blocks (24 townhouse units).	
2	The Owner shall enter into a Subdivision Agreement, to satisfy all requirements, financial and otherwise, of the Town of Carleton Place, including but not limited to, the phasing of the plan for registration, the provision of roads, installation of services and utilities, and drainage.	
3	If final approvals are not given to this plan within three years of the draft approval date, and no extensions have been granted, the draft approval shall lapse.	
4	Prior to registration of the Plan of Subdivision, the Town of Carleton Place shall be satisfied that the processing fee and security requirements have been paid in full.	
5	Upon registration of the Plan of Subdivision, the Owner shall submit to the Town of Carleton Place a chronoflex reduction of said plan. The reduction shall be to a size of 8 ½" x 14".	
6	The Owner shall provide the final plan intended for registration in a digital form that is compatible with the Town of Carleton Place's computerized system.	
Development Permit By-law		
7	Prior to registration of the plan of subdivision, the proposed plan of subdivision shall conform with a Development Permit By-law approved under the Planning Act, with all possibility of appeal to the LPAT exhausted.	
Further Studies and Reports		
8	<i>The Owner shall provide an avoidance and protection strategy for the sensitive site identified in the Archaeological Assessment including short-term and long-term measures.</i>	
Municipal Infrastructure - General		
9	The Owner shall have a full-time construction inspector in attendance on site during construction activities, with qualifications satisfactory to the Town of Carleton Place.	
10	Upon completion of the installation of works, the Owner shall provide the Town of Carleton Place with Mylar(s) and an electronic	

	copy of "as-built" plans in the form of an AutoCad file geo-referenced to NAD83, UTM Zone 18.	
11	Prior to registration of the plan of subdivision, Rathwell Street shall be designed and constructed to the satisfaction of the Town of Carleton Place complete with all necessary sanitary sewers, storm sewers, watermain, granulars, base course asphalt and streetlighting required to service the subject lands as per plans approved by the Manager of Engineering.	
12	The Developer shall be in good financial standing and participate in and comply with a cost shared project and the cost sharing agreements and amending agreements referenced in Conditions 14, 15, 16 & 17 below between the Town and other benefitting property owners to provide off site works required for the subdivision including, but not limited to, extending roads and services to the site all to the satisfaction of the Town of Carleton Place.	
Municipal Infrastructure - Roads		
13	Prior to the registration of the Plan of Subdivision, the Developer shall demonstrate to the satisfaction of the Town, that there is sufficient capacity in the road system to provide access from the proposed subdivision to connect with Hwy 7 and/or Hwy 15.	
14	<p>Prior to the registration of the Plan of Subdivision, the Developer shall:</p> <ul style="list-style-type: none"> (a) comply with all of its obligations under the Cost Sharing Agreement – Road Infrastructure – Town of Carleton Place – South of Highway 7 dated August 8, 2016 and registered as Instrument No. LC166952 (the "Roads Agreement"); (b) make all payments required pursuant to Section 6.1 (a) of the Roads Agreement; (c) dedicate to the Town all lands which the Developer is required to dedicate pursuant to Section 6.2 of the Roads Agreement; and, (d) obtain the letter of release contemplated in Section 6.1(b) of the Roads Agreement. 	
15	The Developer hereby acknowledges and agrees that the Roads Agreement requires amendments to reflect current circumstances. The Developer further acknowledges receipt of a draft Amended and Restated Roads Agreement and agrees to work with the Town and the other counterparties to the Roads Agreement to finalize and complete the registration of the Amended and Restated Roads Agreement.	
Municipal Infrastructure – Services		
16	<p>Prior to the registration of the Plan of Subdivision, the Developer shall:</p> <ul style="list-style-type: none"> (a) comply with all of its obligations under the Cost Sharing Agreement – Core Services (Water and Sewer) – Town of 	

	<p>Carleton Place – Highway 7/McNeely dated July 8, 2016 and registered as Instrument No. LC166951 (the “Core Services Agreement”); and,</p> <p>(b) remit to the Town any outstanding balance of the “Initial Funding Advance” and/or “Initial Funding” allocated to the Developer as required pursuant to Section 9.1 of the Core Services Agreement.</p>	
17	The Developer hereby acknowledges and agrees that the Core Services Agreement requires amendments to reflect current circumstances. The Developer further acknowledges receipt of a draft Amended and Restated Core Services Agreement and agrees to work with the Town and the other counterparties to the Core Services Agreement to finalize and complete the registration of the Amended and Restated Core Services Agreement.	
Municipal Infrastructure – Sidewalks, Walkways and Fencing		
Design Considerations – Environmental Impact Statement/Tree Conservation Report		
18	The Owner shall implement to the satisfaction of the Town of Carleton Place, all recommendations from the Environmental Impact Study and Tree Conservation Report prepared by DST Consulting Engineers entitled "Detailed Environmental Impact Statement and Tree Conservation Report Highway 7 South Lands" and dated July 2014.	
Municipal Infrastructure – Streetscaping and Landscaping		
19	The Owner shall prepare a street landscape plan which will also indicate any trees to be conserved as per the Tree Conservation Report for the land on the Plan of Subdivision. Upon approval of the landscaping requirements, the Owner shall implement the landscaping plan to the satisfaction of the Town of Carleton Place.	
Municipal Infrastructure - Parkland		
20	The Owner shall provide parkland dedication equivalent to 1ha per every 300 homes as outlined in the Town's Official Plan and that the area of the 24 townhomes subject to this application be counted towards a parkland dedication for the large Carmichael Farms subdivision approval.	
Utilities, Easements and Right of Ways		
21	The Owner shall submit a reference plan illustrating all easements to the satisfaction of the Director of Development Services.	
22	The Owner shall be required to coordinate the preparation of an overall composite utility distribution plan showing the location (shared or otherwise) and installation, timing and phasing of all required utilities (on-grade, below-grade or above-grade), including on-site drainage facilities and streetscaping). Such location plan shall be prepared to the satisfaction of all affected authorities and shall consider their respective standards and specification manuals, where applicable. The composite utility plan	

	shall be prepared and approved by the respective utility providers, including the Town of Carleton Place, prior to the installation of any of the service lateral connections for any of the affected utilities.	
23	The Owner shall be responsible for any municipal costs associated with administering the required easements.	
Design Considerations – Stormwater Management		
24	Prior to registration of the subdivision plan, or prior to an application for a Certificate of Approval for any stormwater works (whichever comes first), the Owner shall prepare a Stormwater Site Management Plan. The Stormwater Site Management Plan shall be in conformity with the phasing of development and identify the sequence of its implementation in relation to the construction of the subdivision and shall be completed to the satisfaction of the Town of Carleton Place and the Mississippi Valley Conservation Authority.	
Design Considerations – Sediment and Erosion Control		
25	The Owner shall submit a detailed sediment and erosion control plan, prepared by a civil engineer, licensed in the Province of Ontario, to the Manager of Engineering for approval.	
Grading and Drainage		
26	The Owner shall submit detailed grading and drainage plans for the subdivision, prepared by a Civil Engineer licensed in the Province of Ontario, to the Manager of Engineering for approval.	
27	The Owner shall have a topographical survey completed beyond the boundaries of the subdivision lands to determine existing ground contours or elevations adjacent to the development for the purposes of drainage water control. Where adjacent lands are currently under development, the approved proposed grades shall be identified and used in determining the treatment at the common boundary. Where adjacent lands are either developed or not currently under development, the existing grades shall be maintained at the property line and the developer shall ensure that the existing drainage courses of these adjacent lands are not negatively affected. The developer shall obtain all necessary access permissions to carry out this work at the Owner's cost.	
28	The Owner shall retain the services of a Civil Engineer or Ontario Land Surveyor to certify to the Manager of Engineering that the final lot grading conforms with the approved grades on the grading and drainage plan.	
29	The Owner shall submit an as-built grading plan showing actual ground elevations to geodetic datum at front, rear and side of houses, driveway at curb and at garage, all lot corners, finished floor elevation, swale inverts and top and bottom of retaining walls,	

	if required. The grades must be taken under the supervision of a Civil Engineer or Ontario Land Surveyor.	
Servicing - General		
30	The Owner shall confirm that there is sufficient capacity for all services within the municipal system.	
Sanitary, Storm Sewer and Water Services		
31	Upon completion of the installation of all works, the Owner shall provide the Town of Carleton Place with mylar(s) and an electronic copy of the "as-built" plan(s), certified under seal by a professional engineer.	
Groundwater Protection – Blasting Operations		
32	<p>In the event of any blasting operations, the following paragraphs shall apply:</p> <p>Prior to any blasting operation, the Developer shall sample and record results from any well located in the vicinity of the subdivision area based on testing parameters established by the Town and a qualified hydrogeologist, as described in a well-monitoring plan approved by the Director of Public Works. The Developer shall comply with all recommendations made by the hydrogeologist.</p> <p>Any complaints from area residents regarding damage to their property, including the deterioration of ground water quality, will be investigated by the Town and/or the Town's consultant at the Developer's expense. This investigation will be initiated within two days and all efforts will be made to have the preliminary results of the investigation made available to all parties within two weeks. Based on the results of the investigation, the Developer shall proceed with the appropriate corrective action, making every effort to begin work less than two weeks following completion of the investigation.</p> <p>In addition, if ground water quality deteriorates, the Developer shall immediately arrange to provide a temporary potable water supply for all affected residents, without waiting for the results of the investigation. The temporary water supply shall remain in place at the Developer's expense until the corrective action is completed or until it is determined that the Developer did not cause the damage.</p>	
33	Prior to any blasting operation the Owner shall deposit security in the amount of \$10,000.00 with the Town, sufficient to make good any damage to other property, including private wells. If the Town deems that corrective action is appropriate, the Town may perform the corrective work and fund the cost from the security deposited by the Developer. Security deposited with the Town shall be	

	retained by the Town for a period of two years following acceptance of the works.	
Closing Conditions		
34	The draft final plan shall be submitted to the Director of Development Services for approval prior to the commencement of the Subdivision Agreement.	
35	At any time prior to final approval of the subdivision plan for registration, the Town of Carleton Place may, in accordance with Section 51 (43) of the Planning Act, R.S.O. 1990, amend, delete or add to the conditions and this may include the need for amended or new studies.	
36	The Subdivision Agreement shall state that the conditions run with the land and are binding on the owners, heirs, successors and assigns.	
37	Prior to registration of the plan of subdivision, the Town of Carleton Place shall be satisfied that all Conditions have been fulfilled.	
38	Upon registration of the plan of subdivision, the Owner shall submit to the Town of Carleton Place a digital copy of the registered plan (in NAD83 datum).	