

STAFF REPORT

THE CORPORATION OF THE TOWN OF COBOURG



Report to:	Mayor and Council	Priority:	<input type="checkbox"/> High <input checked="" type="checkbox"/> Low
Submitted by:	Kaveen Fernando Planner II – Development Planning and Development Services kfernando@cobourg.ca	Meeting Type:	Open Session <input checked="" type="checkbox"/> Closed Session <input type="checkbox"/>
Meeting Date:	September 26, 2022		
Report No.:	OPA-01-21, Z-06-21, Z-06-21SUB		
Submit comments to Council			

Subject/Title: Applications to Amend the Official Plan and Zoning By-law and a proposed Draft Plan of Subdivision – New Amherst Stage 2, Phase 3

RECOMMENDATION:

THAT Council receive the Staff Report for information purposed;

FURTHER THAT Council be advised that the Planning and Development Advisory Committee (PDAC) has duly considered the application by the D.M. Wills Associates Limited on behalf of New Amherst Ltd. for the approval of an Official Plan Amendment, Zoning By-law Amendment and a Draft Plan of Subdivision for Stage 2, Phase 3 of the New Amherst neighborhood, the last phase of the development located on the west side of New Amherst Boulevard,

FURTHER THAT Council receive the memo from the Planning and Development Advisory Committee endorsing the conclusions of the Planning Report; and

FURTHER THAT Council approve the Official Plan amendment as submitted by New Amherst Ltd. and pass a by-law (Appendix IV) for the purposes of approving Official Plan Amendment No. 79 included as Appendix II

FURTHER THAT Council approve the Zoning By-law Amendment as submitted by New Amherst Ltd. and pass the Zoning By-law Amendment (Appendix V)

FURTHER THAT Council approve the proposed Draft Plan of Subdivision as submitted by New Amherst Ltd. and pass a By-law (Appendix II) that would have the effect of approving a 13.5 hectare draft plan of subdivision subject to draft plan conditions (Appendix I).

2. PUBLIC ENGAGEMENT

Sections 17, 22, 34 (10.4) & (13), and Section 51 (20) of the Planning Act, R.S.O. 1990, c.P.13, as amended prescribes statutory notice requirements for a complete Official Plan, Zoning By-law Amendment, and Draft Plan of Subdivision application, and for the scheduling of a public meeting.

Notice of complete applications and notice of a public meeting were provided together. According to the Town of Cobourg procedural By-law, the Municipality is required to give notice by either:

- a) Publication in a newspaper that is sufficient in the area which the application applies: or
- b) Personal or ordinary service mail to every landowner within 120 metres of the subject land, and by posting a notice, clearly from public highway or other place the public has access on the subject land, or a location chosen by the municipality.

The Municipality's notification procedures for complete applications and public meetings include both a) and b) above, including the posting of a sign on the frontage of the property, which meet and exceed the notice requirements prescribed by the *Planning Act*. In addition, the Town provides this Report to Council for information purposes in open session and posts relevant information regarding the development on its Planning Applications page of the municipal website (Planning & Development).

According to the notification procedure, the applicant has erected two public notice signs on County Road 2 (Highway 2/Elgin St W) frontage and along New Amherst Boulevard, and the Municipality followed the statutory notice requirements in accordance with the Planning Act R.S.O 1990, c.P.13, as amended, for New Amherst Stage 2, Phase 3, including convening a Public Meeting on September 27, 2021.

In addition to the scheduled Town of Cobourg public meeting, the Developer and their consulting team held a privately organized Open House on September 15th, 2021.

The following points were discussed during the Public Meeting:

- a public participant, raised a concern regarding preserving the Urban/Rural Transition Zone and the whether the proposed Draft Plan of Subdivision would be eliminating the vegetation buffer as a result of the submitted applications.
- The questions raised by public members were clarified by D.M.Wills Associated and Acting Director of Planning and Development to confirm that the

development would maintain the Urban/Rural Buffer Zone in accordance with policies and past decisions.

- The application was circulated to Township of Hamilton requesting comments regarding the Buffer Zone and a response letter was submitted in support to preserve the Urban/Rural Buffer zone, which was presented to Council members and public at the public meeting.

3. PURPOSE

The purpose of this report is to provide a planning analysis and justification regarding the submitted Official Plan and Zoning By-law Amendment applications and Draft Approval of a Plan of Subdivision for Stage 2, Phase 3 or the last phase of New Amherst Subdivision located on the west side of New Amherst Boulevard.

4. ORIGIN AND LEGISLATION

In June 2021, the Planning Department received an application for a combined Official Plan and Zoning By-law amendment, and an application for approval of a Draft Plan of Subdivision from D.M. Wills Associates Limited on behalf of New Amherst Ltd. for an approximately 13.5 Hectare (33.6 Acre) parcel of west of the existing New Amherst Residential Neighborhood. The application was deemed complete by Council at the Committee of Whole Meeting on July 19, 2021 and referred to Staff for a recommendation based on the review of the application. If Council has not made a decision within 120 days in the case of Official Plan and Draft Plan of Subdivision, and 90 days for the Zoning By-law Amendment, the applicant may appeal the applications to the Ontario Land Tribunal (OLT).

Given the comprehensive nature and extent of the application and supporting studies, the proposal underwent an extensive circulation, consultation and review process with the municipal staff Development Review Team (DRT) and relevant external agencies. While the timelines under the Planning Act have been exceeded, it was deemed necessary by both the applicant and the municipality to address outstanding concerns for servicing and drainage and ensure that the final proposal reflects the most current, accurate and comprehensive information available.

5. BACKGROUND

5.1 Owner/Applicant

New Amherst Limited

5.2 Agent

Deb Keay, Deana Keay and Katherine Van Beek
D.M. Wills Associates Limited

5.3 Property Address

Subject lands currently stretch north to south from the County Road 2/Elgin Street West to Kerr Street and spans over 13.5 hectare to the west of New Amherst Boulevard.

5.4 **Existing Land Use**

The subject lands are comprised of a mix of vacant, undeveloped land, field/meadow, scrub, scattered successional tree compartments and a stormwater management pond on the south side of Kerr Street. The lands are being used for storing of topsoil and building materials during the construction of adjacent approved phases.

5.5 **Surrounding Land Uses**

North: County Road 2/Township of Hamilton – Rural Lands

South: CP/CN Railway Tracks

East: New Amherst Stage Subdivision (Stages 1 and 2) – residential blocks, institutional blocks, and mixed-use along New Amherst Boulevard

West: Township of Hamilton – Rural Lands

5.6 **Proposal**

The subject property is a vacant, 13.5 hectare land, located between the western Town boundary and New Amherst Boulevard. New Amherst is proposing to complete the neighborhood with residential and mixed-use development to complete the New Amherst Subdivision. The developer intends on maintaining the existing low and medium density development forms, while proposing some high-density development where appropriate to achieve Official Plan density targets at the north and south ends of the project. Refer to **Schedule A** “Context Map”, **Schedule B** “Draft Plan of Subdivision” attached.

The subject property is designated Neighborhood Centre, Neighborhood General, and Neighborhood Edge in *Schedule AA - Land Use Designations* in the New Amherst Community Secondary Plan. Additionally, the northwest corner of the property is currently subject to the Minimum Distance Separation (MDS) Overlay Policy Area. The intent of MDS setback is to ensure appropriate separation between residential development and livestock barns. The applicant is proposing three amendments to the Official Plan and schedules;

- To remove the applicable Minimum Distance Setback (MDS) policies highlighted in Section 13.15 *Overlay Policy Area*, which is shown on *Schedule AA – Land Use Designations map* in New Amherst Secondary Plan;

- To re-designate a portion of Block 13 from “Neighborhood General” designation to “Neighborhood Centre” as highlighted under *Schedule AA – Land use Designation map*; and,
- To amend *Schedule BB – Residential Density Map* and portion of which is located within part of Block 13 from Low-Density Residential to Medium Density Residential and Neighborhood Commercial Density.

Refer to **Schedule C** "Proposed Official Plan Amendments" attached.

The vacant lands are zoned Neighborhood Residential 1 Holding (NR1-H), Neighborhood Residential 1 Holding 2 (NR1-(H-2)), Neighborhood Residential 2 Holding (NR2-H), Neighborhood Residential 2 Holding 2(NR2-(H-2)), Neighborhood Mixed Use Holding (NMU-H), Neighborhood Mixed Use Holding 2 (NMU-(H-2)) and Open Space (OS). The applicant is proposing following amendments to the Zoning By-law:

- Remove the Holding Exception Two (H-2) zone from Schedule A, Map 8 and removal of policy 25.10.2 to recognize the outdated MDS setbacks requirements that are no longer applicable to the New Amherst Development;
- Rezone the proposed 7.5 metre strip of vegetative buffer along the western border of subject lands from Neighborhood Residential 1 Holding (NR1[H]) Zone, Neighborhood Residential Holding Exception 2 (NR1 [H-2]) Zone, and Neighborhood Mixed-use Holding Exception 2 (NMU [H-2]) Zone to Urban Rural Transitions (B) Zone; and
- Rezone a portion of Block 13 from Neighborhood Residential Two Holding (NR2 [H]) to Neighborhood Mixed-use Holding (NMU [H]).

The Draft Plan of Subdivision would result in the development of up to 406 residential units with various typologies for the New Amherst neighborhood with following breakdown:

- Block A - Maximum of 120 units mixed development (subject to further planning approval)
- Blocks 1 & 5 - 68 semi-detached units
- Blocks 2 to 8 - 54 single detached units
- Block 12 - 11 townhouse units + 2 semi-detached units
- Block 13 - Maximum of 151-unit mixed-use development (subject to further planning approvals)
- Blocks 11, 14 and Block 17 – Open Space/Park
- Block 16 - Pumping Station - sanitary sewer
- Various Public Road Rights-of-way and private lanes

Figure 1 illustrates the conceptual Draft Plan for Stage 2 Phase 3 of the development and **Schedule B** “Draft Plan” provides the proposed lot and block allocation.

The following attachments are provided for reference purpose;

- Schedule “A”** - Context Map
- Schedule “B”** - Draft Plan of Subdivision
- Schedule “C”** - Planning Justification Report
- Schedule “D”** - Urban Design Report
- Schedule “E”** - Township of Hamilton Letter

The following Plans and reports were submitted in support of the application:

- OPA & ZBLA application;
- Draft Plan of Subdivision Application;
- Planning Justification Report, Sub. 3 - *Prepared by D.M. Wills Associates Ltd., July 2022;*
- Full Draft Plan - *Prepared by D.M. Wills Associates Ltd., July 2022;*
- New Amherst Functional Servicing Report - *Prepared by D.M. Wills Associates Ltd., February 2022;*
- Stormwater Management Implementation Report - *Prepared by D.M. Wills Associates Ltd., March 2018;*
- Stormwater Management Pond Capacity Analysis Report – *Prepared by D.M. Wills Associated Ltd., August 2022*
- New Amherst Traffic impact Study - *Prepared by D.M. Wills Associates Ltd., Ver 2 Dec 2021;*
- Arborist Report - *Prepared by GSP Group, May 2021;*
- Conceptual Development Plan - *Prepared by GSP Group, May 2021;*
- Conceptual Landscape Plan - *Prepared by GSP Group, June 2021;*
- Geotechnical Investigation Report - *Prepared by GHD Limited, June 2021;*
- Urban Design Brief - *Prepared by GSP Group, June 2021;*
- Drainage Options and Cross Sections – *Prepared by D.M. Wills Associated Ltd., August 2022.*

The following appendices are attached for the approval of Draft Plan:

- Appendix I – Conditions of Draft Approval
- Appendix II – Draft Plan Approval Enacting By-law
- Appendix III – Official Plan Amendment 79
- Appendix IV – Official Plan Amendment 79 Adopting By-law
- Appendix IV – Zoning By-law Amendment

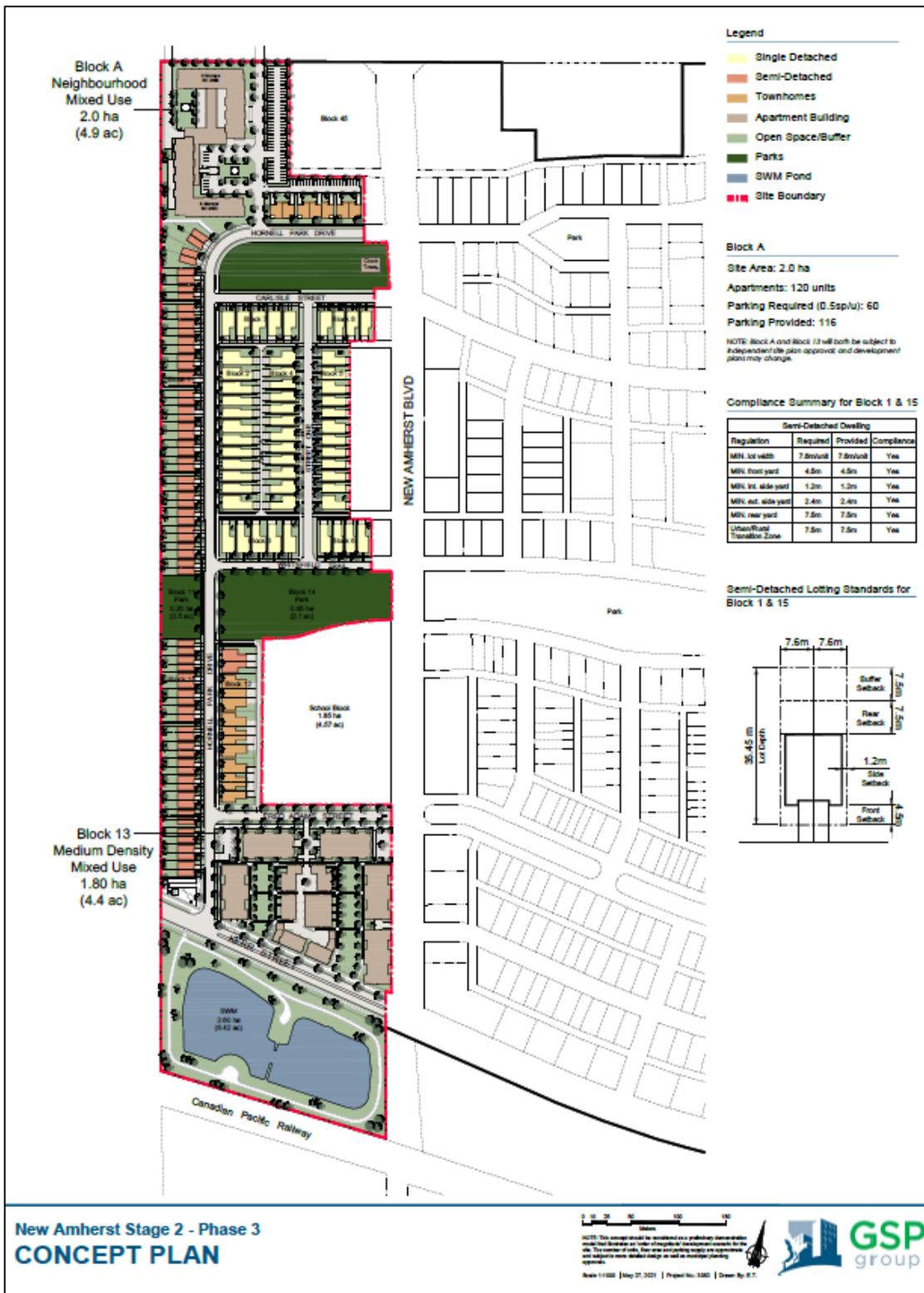


Figure 1: Development Concept Plan, Prepared by GSP Group

6. ANALYSIS

In considering the subject applications, an understanding of the provincial legislations and local policies is beneficial when reviewing the applications for approval amendment of the Official Plan, Zoning By-law, and for approval of a Draft Plan of Subdivision.

The background reports submitted with the subject application, particularly the Planning Justification Report (PJR), provide a comprehensive overview of the subject applications relative to relevant provincial and local policies and provide conclusions and opinions relating to conformity therewith. It is not the intent of this Planning Report to duplicate the review and analysis provided in these reports, however the following sections provide a general “high level” summary of relevant background and commentary from a municipal planning staff perspective and are intended to complement and be read in conjunction with the submitted reports.

6.1 Planning Act, R.S.O 1990,c.P. 13, as amended

Under the subdivision approval process of the Planning Act, the Municipality shall have regard to various criteria during the evaluation of a draft plan of subdivision as contained in Section 51(24) of the Planning Act. Planning staff have reviewed the applications in accordance with relevant Planning Act sections as well as matters of Provincial Interest under Section 2 of the Act, including such applicable matters as: the protection of ecological systems and natural features; adequate provision and efficient use of infrastructure; orderly development of safe and healthy communities; accessibility for persons with disabilities; adequate provision of educational, health, social, cultural and recreational facilities; adequate provision of a full range of housing; protection of public health and safety; appropriate location for growth and development; and promotion of sustainable and pedestrian friendly design, and be transit supportive. Section 6.2 below provide further commentary of the proposal relative to matters of Provincial Interest.

Municipal planning staff has reviewed the proposed Draft Plan of Subdivision and all available supporting background documentation considering criteria under Section 51 (24) of the Planning Act. The proposed Draft Plan represents an orderly development pattern on full urban municipal services and comprised of an appropriate density and mix of housing typologies for all ages. The street layout is reasonably permeable, providing many opportunities for pedestrian movement and connection to existing and proposed park blocks spanning east to west, and public open spaces. The final phase proposes to continue the park block which currently spans east to west, providing a connected park area and future connections westward. The proposed park blocks would satisfy the required 5% parkland dedication under the Planning Act. In my opinion, the proposed Draft Plan of Subdivision has appropriate regard to the matters outlined under the Planning Act.

6.2 Provincial Policy Statement (PPS), 2020 & Growth Plan 2019

The Planning Act requires the Council of a local Municipality shall be consistent with the Provincial Policy Statement (PPS) and shall conform to the Growth Plan, 2019, when carrying out applications such as a Plan of Subdivision.

In general, the primary directives of these documents include such issues as:

- fostering the development of complete communities which are strong,

sustainable, liveable, healthy and vibrant;

- promoting efficient, cost-effective, and transit-supportive land use and development patterns to minimize land consumption and servicing costs and support active transportation;
- accommodating an appropriate range and mix of residential (including second units, affordable housing, and seniors housing), employment, institutional, recreation, parks and open space and other uses to meet long term needs;
- facilitating intensification, redevelopment and compact built form;
- directing growth and development to urban settlement areas with full municipal services;
- improving accessibility for persons with disabilities and older persons;
- encouraging the proper use and management of significant natural and cultural resources; and,
- protecting public health and safety.

Sections 4.1 and 4.1.2 of the Planning Justification Report (PJR) prepared by D.M. Wills Associates (**Schedule “C”**) provides a comprehensive overview of applicable PPS and Growth Plan policies and planning rationale under Section 5.0 of the PJR.

Based on my review of the application for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision, including the supporting background information, it is my opinion that the applications would have appropriate regards to PPS and Growth Plan. Specifically, the proposal includes provision of wide range of housing types to satisfy the needs of current future residents in the community, including opportunities for both attainable ownership and rental accommodations. The subject lands are located within an urban, fully-serviced growth area of the municipality, proximity to a variety of amenities and services, park land and open spaces, and are suitably located to accommodate new development in an efficient, orderly fashion. For the past two plus decades, the New Amherst Development has been working within the Municipality to provide housing options in previous phases and has established a complete community.

In summary, I concur with the conclusions and opinions contained in the D.M. Wills Planning Report regarding conformity to matter of Provincial interested and the Growth Plan and the development is consistent with the PPS.

6.3 County of Northumberland Official Plan

The general purpose of the County of Northumberland Official Plan (the “County OP”) is to establish a broad, upper-tier policy framework intended to guide local municipalities in the preparation of their Official Plans, Official Plan Amendments and zoning By-laws; implement the PPS and Growth Plan at the County level; and, establish a framework for coordination and cooperation amongst local municipalities and the County on planning and development issues that cross municipal boundaries.

The County OP encourages each of the six (6) urban areas in the County to become complete communities, including the provision of convenient access to appropriate mix of jobs, local services, schools, health, transit, recreation, and open space for their residents. From this perspective, it is the objection of the County OP to:

- Protect, enhance, and maintain existing urban areas as diverse, livable, safe, thriving, and attractive communities;
- Promote the efficient use of land and infrastructure by directing most development to urban areas where full services are available;
- Encourage a range of complementary and compatible land uses in residential areas, including community facilities, schools, small-scale commercial uses, and recreational open space areas;
- Provide opportunities for a diversified economic base, including an appropriate mix of employment and institutional uses to meet long term needs;
- Establish an integrated transportation system that safely and efficiently accommodates various modes of transportation including public transit, cycling and walking;
- Provide for an interconnected system of public spaces that offer convenient and comfortable access and promote safe and healthy environments; and,
- Encourage a high standard of urban design;

Section 4.2 of the D.M. Wills Planning Report (**Schedule “C”**) provides a comprehensive analysis of application policies of the County OP, particularly the urban area population and employment forecasts, minimum density targets, housing mix, development objectives, natural heritage systems, servicing, and transportation considerations, for proposed Draft Plan of Subdivision application.

From a density perspective, the D.M. Wills Planning Report illustrates a gross density of the overall Draft Plan of Subdivision at 30 units/gross hectare and 78 persons/gross hectare (based on the 2021 Census Data of average family size of 2.6 persons per family). The minimum greenfield density of the Town of Cobourg

is 35 persons and jobs per hectare as outlined in the County to Northumberland Official Plan. The D.M. Wills Planning Report provide a breakdown of the unit and population allocations within proposed blocks, and the proposed exceeds the anticipated Northumberland County OP population and job targets. The development boats twice as high density compared to the other developments and established neighborhoods of municipality, which is consistent with the goal of intensifying growth relative to the historical lower density land use patterns.

It is my opinion that the proposed New Amherst Stage 2 Phase 3 Draft Plan of Subdivision provides a diverse mix of land uses and housing types at densities, which will accommodate projected needs over the long-term goals, offers many opportunities for public recreation and active transportation, promote efficient use of existing and planned infrastructure while contributing to the concept of complete communities. In my opinion, I concur with the D.M. Wills Planning Report that the proposal conforms to the County Official Plan.

6.4 Town of Cobourg Official Plan

The Official Plan is a broad policy document that establishes an overall planning framework or vision for the community, including policies for maintaining and enhancing the existing community structure and for managing changes. The Official Plan guides the municipality in implementing planning processes through a variety of mechanisms and approaches.

General

Some of the key principles of the Cobourg Official Plan include promoting compact, mixed-use development that is connected, sustainable, transit supportive, accessible, and friendly to alternative form of transportation. In addition, the Official Plan emphasizes high quality urban design, and provides that new development shall assist in the creation of high-quality streetscapes and provide sense of enclosure to the street by orienting building mass adjacent to the street frame and animate the street space. Section 4.2.2 of the D.M. Wills Planning Report provides a comprehensive analysis of applicable Secondary Plan Policies for the proposed development.

New Amherst Secondary Plan

The subject lands are designated Neighborhood Edge, Neighborhood Centre, Neighborhood General and recreational – Open Space as per Schedule AA of New Amherst Community Secondary Plan. Some of the key objectives of the Secondary Plan include the promotion of compact, walkable neighborhoods, mixed-uses and densities, high quality design, orderly, staged development patterns and integrating the community with existing and future developments. Throughout the New Amherst development, the new urbanism concept, where low, medium, and high-density developments are proposed, have been utilized in existing and proposed phases. A unique development concept in Cobourg where many of the low and medium developments are located closer to street and garages and parking

requirements are accommodated in the rear through privately owned laneways to create a “better eyes on the street” development. This concept has resulted in a uniform streetscape throughout New Amherst Neighborhood, creating a more walkable and attractive, compact development.

The D.M. Wills Planning Report provides a comprehensive analysis of applicable policies of each designation and differentiates the proposed development patterns accordingly. Given majority of the low-density designations such as Neighborhood Edge and Neighborhood General are concentrated in middle as illustrated within Draft Concept Plan, and proposed blocks with Neighborhood Centre designation where high density and mixed-uses are located adjacent to arterial road such as County Road Two/ Elgin Street West, Kerr Street and New Amherst Boulevard. The proposed Draft Plan is consistent with the housing policies of the Secondary Plan to include a high diversity of housing types and densities that service all economic and age groups. And additionally, the predominant form of housing permitted within the Secondary Plan is single detached, semi-detached, townhouses, and other low-rise, medium density residential types. Mixed-use and higher density development is encouraged along County Road Two/ Elgin Street West, Kerr Street and New Amherst Boulevard.

Based on the proposal and provided densities of 35 units per Hectare and approximately 78 persons per Hectare, the development exceeds the Secondary Plan minimum density targets of 35 persons per hectare. The proposed street patterns have been rearranged during the Stage 2 Phase 3 development to provide a uniform and consistent connection between existing streets in New Amherst Subdivision. The proposed street patterns consist of relatively short, interconnected streets with laneway access for semi-detached and townhouse developments at the rear, which form a compatible extension of the existing serviced built form and modified grid road patterns.

Accordingly, I concur with the planning rationale provided in the D.M. Wills Planning Report and the proposed Draft Plan, as the proposal is consistent with the New Amherst Community Secondary Plan policies, subject to approval of proposed amendments.

Landscape Buffer Zone

The New Amherst Community Secondary Plan contains specific policies which requests a 7.5 metre wide landscape buffer strip along the western boundary of much of New Amherst Development, formally identified as “Urban/Rural Transition Zone”. Such policies were developed in collaboration with the Town of Hamilton as part of the approval process of the Secondary Plan and implementing Zoning By-law during the OMB hearing in 1997. The applicable Secondary Plan policies are outline below:

New Amherst Community Secondary Plan Land Use Policies (Sec. 15.5.3):

- d) *The lands within the Neighbourhood Edge designation which are located to the west of Streets "Y" and "M" (Schedule "AA") should be zoned so as to provide for an "Urban/Rural Transition Zone" within a 7.5 metre (25 foot) setback from the rear lot line. Ancillary structures, such as garden sheds and appurtenances, such as swimming pools, shall be prohibited within this zone.*
- e) *Final approval of the lands located to the west of Streets "Y" and "M" shall be subject to Site Plan Approval. Site development plans shall include a landscape plan to be submitted to the Town for approval. The Township of Hamilton shall be consulted by the Town with respect to the approval of respective Site Plans.*
- f) *The landscape plans to be prepared further to Policy 13.5.3 e) shall include plantings using native coniferous and deciduous plant species within the portions of respective lots zoned "Urban/Rural Transition Zone."*

The Draft Plan identifies a dedicated 7.5 metre vegetation buffer however, given this is the last phase of the New Amherst Subdivision, the subject lands are anticipated to accommodate major overland stormwater flow from residential and commercial development to the east (CR 2 area) through the subject lands. As most of the development would be pervious lands, it is proposed to incorporate an overland flow route for the other phases of New Amherst development and other development within the Urban/Rural buffer zone. Planning Staff, partner Agencies and consultants have been working on 3 different options to accommodate an overland flow route for stormwater, while complying with the Official Plan policies listed above. The options proposed by the consultants locate the overland flow routes outside of the Urban/ Rural Buffer and the technical details of the channel to be finalized at the detailed design stage prior to entering into the Subdivision Agreement. This drainage along the buffer zone will be addressed through a set of comprehensive conditions included in the Subdivision Agreement to ensure the space continues to function appropriately over the long term. This has been an ongoing issue from the first phase of the development many years ago and is now being addressed.

Transportation

A Traffic Impact Study (TIS) was conducted D.M. Wills Associated Limited, which included assessments of roads, intersections, existing and future demands/impacts, and improvements and timing thereof. Further analysis of the specific technical details such as outlet of traffic volumes to County Road Two (2)/ Elgin Street West is to be further analyzed during the Clearance of Conditions stage. Specific Conditions from County of Northumberland and Town of Cobourg Engineering Department are included in the Conditions of Draft Plan Approval to ensure all issues would be captured and further reviewed at the detailed designed stage. The submitted studies are adequate for the approval of Draft Plan Approval However, any outstanding technical concerns raised through review agencies, departments and staff will be subjected to further review at the final approval and clearance stage. Accordingly, the Town of Cobourg and County of Northumberland

staff have provided conditions to be included in the Draft Conditions to ensure the outstanding concerns would be addressed through the Draft Plan Clearance Stage.

Overall, the TIS concludes that the existing and planned transportation network in the area is adequate to service the Draft Plan, subject to the above recommendation.

Municipal Servicing Infrastructure

A Functional Servicing Report (FSR), Stormwater Pond Capacity Analysis, and Stormwater Management Implementation Report were prepared by D.M. Will Associated Limited in support of the Draft Plan of Subdivision. As outlined in the D.M. Wills Planning Report, the development will be connecting to existing infrastructure where available and new infrastructure will be introduced where required.

The drainage of existing and proposed lots will outlet to the existing stormwater management pond on the south side of Kerr Street and the FSR has confirmed there is adequate capacity within the pond for the proposed Draft Plan flows. As part of the Stage 2 Phase 3 subdivision, a new sanitary sewage pumping station is required to accommodate the proposed capacity and is accommodated in Block 16 in the south-west corner of the site. The subject area is expected to accommodate stormwater flow from exterior lands being: Canadian Tire lands, Victoria Meadows or former CTC Lands Residential Subdivision and Commercial Block, and most of the interior storm flow through the existing stormwater pond to the south. This has been the direction of flows paths from the first phase of the development twenty years ago. The consultant has proposed various drainage and stormwater flow options for the subject properties, and finalization of such major overland flow routes, subject to further analysis and finalization through staff and partner agencies, at the detailed design and review stage.

Urban Design

For an urban design perspective, the Urban Design Guideline report prepared by GSP Group Inc., (**Schedule “H” – *Urban Design Report***) provides an overview of the design approach for the development and how it incorporates and responds to the Town’s community design objectives. The Draft Plan promotes the creation of pedestrian-scale neighborhoods and road patterns, a distinct community feel and identity, a safe accessible public open space network, and high-quality urban design streetscape and architectural built form. Although, the report provides a general overview of the proposed development adequate for Draft Plan Approval, a more specific review of applicable policies and guidelines to be reviewed and updated at the detailed design review stage and clearance stage.

Most of the low-density dwelling types would be consistent with the 1-2 storey height limit in accordance with the Zoning By-law requirements. The mixed-use blocked and high-density blocks proposed with the Draft Plan would be limited 3-5 storey developments with appropriate step-backs from adjacent low-density

developments. It should be noted that each high-density block would be subject to Site Plan Approval and review to ensure the proposed complies with Town of Cobourg policies, regulations, and guidelines. Both *Blocks 13 and A* are located abutting an Arterial Road and will be designed accordingly to fit the scale of the existing neighborhood.

Proposed Official Plan Amendment

D.M. Wills Associates Limited submitted an application for the following items and **Figure 2** provides a visual location of the proposed amendments:

- To remove the applicable Minimum Distance Setback (MDS) policies highlighted in Section 13.15 *Overlay Policy Area* and associated map, which is highlighted in *Schedule AA – Land Use Designations map* in New Amherst Secondary Plan; [*Section highlighted in Yellow*]

The proposal to remove the Minimum Distance Setback (MDS) policies that are applicable under Section 13.15 was implemented during the 1997 OMB decision to ensure any development complied with the required setback from a previous livestock use (barn) located within Hamilton Township. The subject property is located within the Urban Boundary and typically, MDS setbacks would only be utilized for agricultural lands uses and any proposed sensitive land uses within proximity. According to the updated Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) Implementation Guideline No. 36 “*Non-Application of MDS Within Settlement Areas*”, MDS I setbacks are not required for proposed land uses located within Settlement Areas. Town of Cobourg is surrounded by Township of Hamilton and existing land uses abutting the Urban Settlement Boundaries of the Town are identified to be Agricultural Land Uses and may continue to be used as such. I have reviewed the proposed Official Plan Amendment and the submitted amendment does not constitute a land use change. The subject lands have been deemed appropriate for sensitive land uses and as such, the proposal to remove the MDS setbacks would have minimal impact on the proposed development. A condition and a warning clause will be introduced as part of the Subdivision Agreement for potential owners of proposed lots located within the current MDS setback.

- To re-designate a portion of Block 13 from “Neighborhood General” designation to “Neighborhood Centre” as highlighted under *Schedule AA – Land use Designation map* and lastly; [*Section highlighted in Green*]

The proposed amendment to Schedule AA to re-designate the portion highlighted in green from Neighborhood General to Neighborhood Centre is to provide a uniform development throughout the block. Currently, two-thirds of the proposed block is designated Neighborhood Centre and the proposed to introduce apartment style units within the balance of the block requires the re-designation. I have reviewed the application and have no concerns as it

complies with direction of PPS, Growth Plan, and applicable Official Plan policies.

- To amend *Schedule BB – Residential Density Map* and portions of which is located within part of Block 13 from Low-Density Residential to Medium Density Residential and Neighborhood Commercial Density.

The proposed amendment to the Residential Density Map for Block 13 raises no concerns as it would be consistent with the proposed amendment to Land Use Designation Map to accommodate a higher density of residents and units

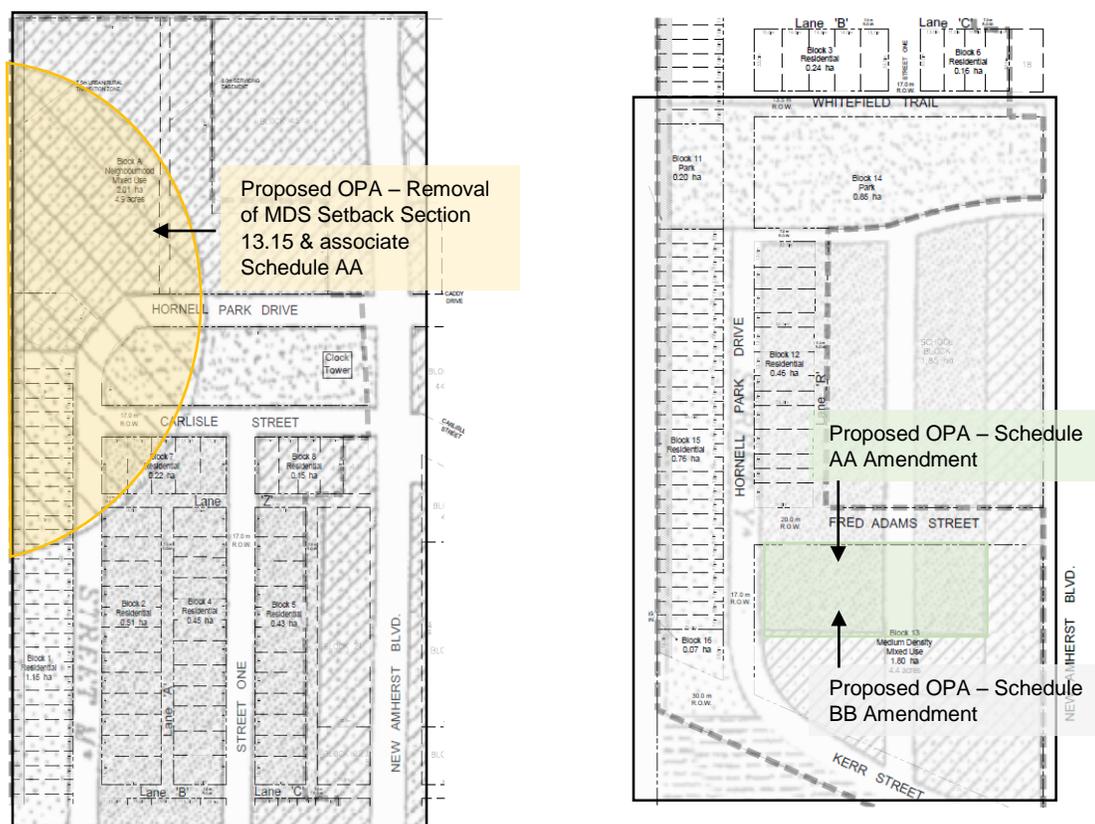


Figure 2: North and South sections of Draft Plan with Official Plan Designations

The excerpts attached above illustrates the proposed Official Plan Amendments with the Draft Plan of Subdivision.

Based on the above, it is my opinion that the proposed Draft Plan of Subdivision and corresponding amendments to Official Plan maintain the goals, objectives and intents of the Official Plan and New Amherst Community Secondary Plan, satisfy the application provisions of the Urban and Landscape Design Guidelines, subject to finalization of technical details at future review stage, and are desirable for the appropriate development of subject lands.

6.5 Town of Cobourg Comprehensive Zoning By-law

The subject property spans over approximately 13.5 hectares of area and contains multiple zones within the boundaries within the New Amherst Stage 2, Phase 3 development. The vacant lands are zoned Neighborhood Residential 1 Holding (NR1-H), Neighborhood Residential 1 Holding 2 (NR1-(H-2)), Neighborhood Residential 2 Holding (NR2-H), Neighborhood Residential 2 Holding 2 (NR2-(H-2)), Neighborhood Mixed Use Holding (NMU-H), Neighborhood Mixed Use Holding 2 (NMU-(H-2)) and Open Space (OS). D.M. Wills Planning Report (**Schedule C**) provides a comprehensive analysis of applicable zoning regulations and analysis. **Figure 3** showing portions of Town of Cobourg Zoning Map 8 illustrates the proposed Zoning By-law Amendments. Planning has reviewed and offer following analyses for each Zoning By-law Amendment:

- Remove the Holding Exception Two (H-2) Zone from Schedule A, Map 8 and removal of policy 25.10.2 to recognize the outdated provincial MDS setback policies that are no longer applicable to the New Amherst Development; [*highlighted in red*]
- Rezone the proposed 7.5 metre strip of vegetative buffer along western border of subject lands from Neighborhood Residential 1 Holding (NR1[H]) Zone, Neighborhood Residential Holding Exception 2 (NR1 [H-2]) Zone, and Neighborhood Mixed-use Holding Exception 2 (NMU [H-2]) Zone to Urban Rural Transitions (B) Zone; and [*highlighted in yellow*]

The proposed extension of the Urban Rural Buffer along the western property line to the frontage would provide an adequate buffer between the boundaries. There are no negative impacts from the proposed expansion of the B Zone.

- Rezone a portion of Block 13 from Neighborhood Residential Two Holding to (NR2 [H]) to Neighborhood Mixed-use Holding (NMU [H]). [*highlighted in Orange*]

Portions of Block 13 were subject to a Zoning By-law Amendment application in 2014 and By-law No. 012-2014 was approved by the Municipality. As per that By-law and part of what is now identified as Block 13 is proposed to be rezoned from Neighborhood Residential Two zone (NR2) to Neighborhood Mixed-use Holding (NMU [H]) zone. Along with the proposed block configuration of Block 13 this fills the space between the future school site and the stormwater management pond with a single development. There are no negative implications from the proposed zoning by-law amendment and it should be consistent throughout. As such, I would recommend that a Holding Symbol is introduced over the entirety of Block 13 to ensure orderly development within the Block, and it be subject to Site Plan Approval.

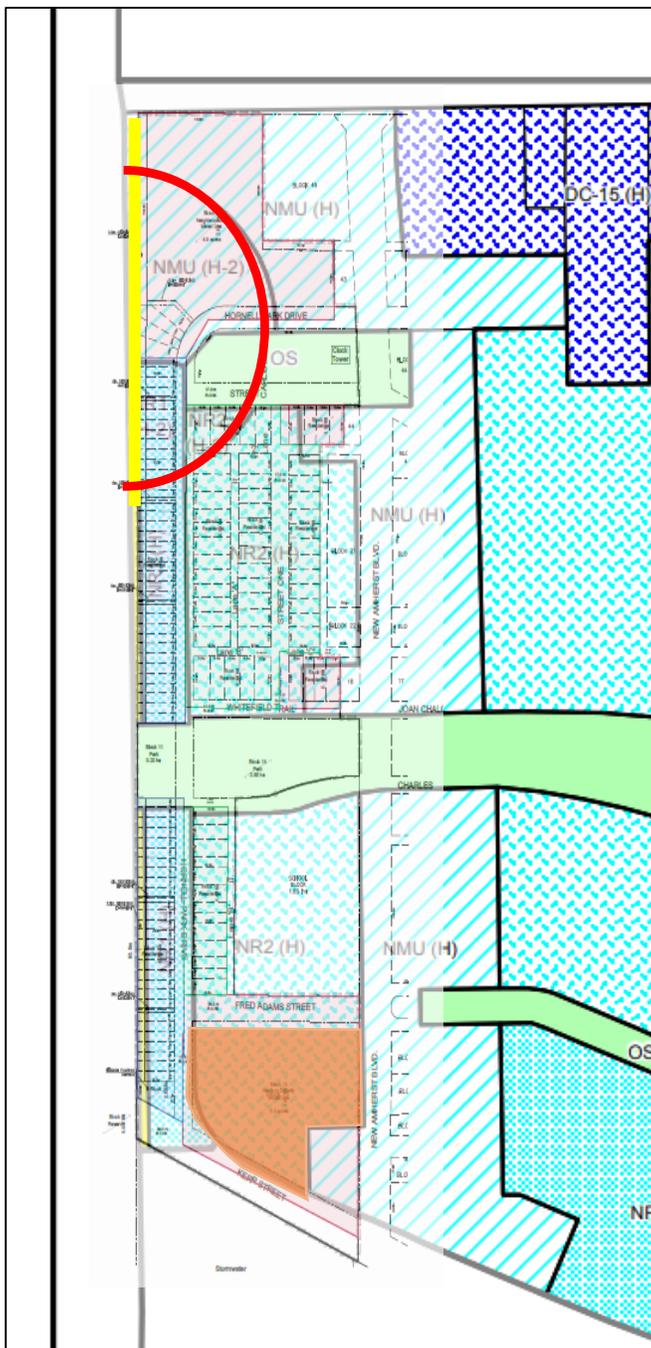


Figure 3 - Applicable zones within New Amherst Stage 2, Phase 3

The applicable Holding Exception Two (H-2) provisions were implemented in 1997 for a livestock barn operating at the time of decision, however, the use of the barn has then shifted to other agricultural uses as well as changes to the Provincial direction on MDS within Settlement Areas. I have reviewed the application and based on the applicable policies outlined in Minimum Distance Setback Guideline Version 853, MDS setbacks are not applicable to a development located within the Settlement Area. Provisions under Section 25.10.2 would no longer be applicable proposed development applications.

It is my opinion that the proposed amendments to the Zoning By-law are reasonably tailored to reflect the planned land use pattern outlined on the Draft

Plan and satisfy the intended community design objectives of the Official Plan, subject to final refinement by Planning Staff and final approval by Council.

6.6 Agency Comments

The applications were circulated to municipal department and external agencies, including the Town of Cobourg Development Review Team (DRT) and partner agencies. To date, all of the agencies who have responded with concerns with respect to the proposed amendments have had their issues dealt with or draft Conditions satisfactory to them implemented to ensure those concerns are met. The following agencies have reviewed and attached is a summary of key items:

Kawartha Pine Ridge District School District (KPRDSD)

The Kawartha Pine Ridge School Board has reviewed and had no objections to the submitted Draft Plan of Subdivision, Official Plan and Zoning By-law Amendment applications. However, provided a list of conditions/clauses to be included in the Draft Plan Conditions to be included in the Subdivision Agreement, and such items can be found on the Draft Plan Conditions attached.

Township of Hamilton

The applications were submitted to Township of Hamilton's attention for review and in particularly the proposed Urban/Rural Buffer zone along the west boundary line. The request was presented to Council of Township of Hamilton and the following resolution was passed:

RCRES:2021-35

Moved by Councillor Mark Lovshin, Seconded by Councillor Larry Williamson
It is recommended that the Council of the Corporation of the Township of Hamilton enacts as follows:

That Council receives Report CD 2021-16: Notice Public Meeting for New Amherst Community Secondary Plan Stage 2 - Phase 3 Subdivision Plan for information; and

That Council of the Township of Hamilton enacts as follows;

That Council supports the established policies with the New Amherst Community Secondary Plan that would ensure that an effective landscaped urban/rural buffer is established along the mutual boundary lines as agreed to by both the Township of Hamilton and the Town of Cobourg during the OMB Hearing in 1997.

Refer to **Schedule E** "*Township of Hamilton Comments*" attached.

7. FINANCIAL IMPLICATIONS/BUDGET IMPACTS

At the time of the application, there are no anticipated financial implications on the Municipality as a result of the Official Plan and Zoning By-law Amendment, and

the Draft Plan of Subdivision. The developer will be responsible for all infrastructure costs associated with servicing and developing the site. The applicant has submitted the requisite \$44,150.00 for applicant fees and deposits for complete applications.

8. CONCLUSION

Based on an evaluation of the applications relative to the applicable policy and regulatory framework, it is my opinion that the applications for amendments to the Official Plan and Zoning By-law and for conditional approval of a Draft Plan of Subdivision for New Amherst Stage 2 Phase 3 developments are appropriate, desirable and represent good planning for the following reasons:

- The proposal will satisfy the key directives of the *Planning Act*, Provincial Policy Statement, A Place To Grow Growth Plan, the County Official Plan and the Cobourg Official Plan, most notably relating to the provision of a full range of housing types in an urban, serviced area of the municipality at a density of ~78 persons/ha, which conforms to and exceeds the minimum greenfield intensification target of 35 persons and jobs/ha for the Town of Cobourg;
- The proposal generally conforms to the policies of the Official Plan and Urban and Landscape Design Guidelines with respect to land use, urban design, sustainability, housing, transportation, natural heritage protection, and municipal infrastructure;
- Inclusion of appropriate planning policies and controls for Block 13 and A is warranted to guide and regulate the development of each block, particularly relating to urban design and visual/height impact for medium/high density blocks and ensure that development achieves the highest quality design and conforms to the community design objectives of the Official Plan.
- Changes in Provincial requirements for Minimum Distance Separation (MDS) must be updated in our local documentation (OP and ZBL);
- The implementation of the proposed Draft Plan of Subdivision would result in a logical extension of the existing built urban fabric of the community and facilitate a desirable, orderly land use and development pattern;
- Approval of the Draft Plan of Subdivision will be contingent on developing a comprehensive set of draft plan conditions to ensure that all relevant municipal and agency requirements are fulfilled, including the registration of a Subdivision Agreement, prior to the release of the Holding (H) Symbol by Council and commencement of construction.

Report Approval Details

Document Title:	Council Approval Memo - New Amherst - Stage 2 Phase 3 .docx
Attachments:	<ul style="list-style-type: none">- Schedule A - Context Map.pdf- Schedule C - Planning Justification Report.pdf- Schedule D - Urban Design Report.pdf- Schedule E - Township of Hamilton Letter.pdf- Appendix III - OPA 79 - DRAFT - S2P3 New Amherst.docx- Appendix IV - OPA 79 Adopting Bylaw - S2P3 - New Amherst - DRAFT - Aug_29_22.docx- Appendix V - ZBLA New Amherst - Aug 29_22 - DRAFT.docx- Appendix II - Draft Plan Approval_Enacting by_law - New Amherst S2P3_Aug_29_22 (3).docx- Schedule B - Draft Plan.pdf- Appendix I - Draft Conditions - DRAFT - Sept. 12-22.docx
Final Approval Date:	Sep 16, 2022

This report and all of its attachments were approved and signed as outlined below:

Rob Franklin - Sep 16, 2022 - 9:57 AM

Anne Taylor Scott - Sep 16, 2022 - 10:31 AM

Tracey Vaughan, Chief Administrative Officer - Sep 16, 2022 - 10:38 AM