

STAFF REPORT

THE CORPORATION OF THE TOWN OF COBOURG



Report to:	Mayor and Council Members	Priority:	<input type="checkbox"/> High <input checked="" type="checkbox"/> Low
Submitted by:	Glenn McGlashon, MCIP, RPP Director, Planning & Development Planning Department gmcglashon@cobourg.ca	Meeting Type:	Open Session <input checked="" type="checkbox"/> Closed Session <input type="checkbox"/>
Meeting Date:	May 31, 2021		
Report No.:	Planning and Development-005-21-2		
Submit comments to Council			

Subject/Title: Villages of Central Park (Cobourg East Community) – Tribute (Cobourg) Limited, Authorization of a Site Alteration Agreement

RECOMMENDATION:

THAT Council receive this Report for information purposes; and,

FURTHER THAT Council endorse the By-law affixed to the Report as Appendix I which authorizes the Mayor and Municipal Clerk to enter into a Site Alteration Agreement with Tribute (Cobourg) Limited to address all relevant municipal and agency requirements associated with the Stage 2 site alteration and earthworks program on the Villages of Central Park development site generally located at Brook Road North and Elgin Street East, subject to the finalization of details by municipal staff and partner review agencies.

1. STRATEGIC PLAN

N/A

2. PUBLIC ENGAGEMENT

In July of 2018, Cobourg Municipal Council granted approval of an Official Plan Amendment and Zoning By-law Amendment for the development of a 1,500 -1,700 unit mixed-use, neighbourhood-oriented community on a 107.3 hectare area of land generally located in the area of Brook Road North and Elgin Street East, known as Villages of Central Park (Rondeau). Council also granted approval of a draft plan of subdivision with conditions for Phase 1 comprised of up to 182 units located in the south-western quadrant

of the subject lands. The aforementioned approvals followed a Planning Public Meeting which was held in June of 2018 in accordance with the provisions of the Planning Act, R.S.O 1990, c.P. 13, as amended. A formal presentation was also made to the current Council on April 8, 2019 by The Planning Partnership to provide an overview of the project and answer questions.

In September of 2019, Council received an application for Clearance of Draft Plan of Subdivision Conditions from Rondeau (Cobourg) Ltd. (RCL) for final approval of the Phase 1 draft plan. The *Planning Act* does not prescribe any statutory public notice or engagement requirements for applications to clear conditions of Draft Plan of Subdivision Approval, as these particular applications are recognized as being a detailed, technical review of matters relating to a draft approved subdivision development, including servicing, grading, stormwater management, tree protection and landscaping, utility coordination, and agency conditions to name a few. The application particulars are posted on the Planning Applications page of the Planning & Development website, and approval of all Agreements associated with developments, including pre-servicing and subdivision agreements, are considered by Council in open session prior to final approval.

On February 16, 2021, Council received a Report from the Planning Department regarding proposed tree removals and a multi-stage Work Plan by Rondeau Cobourg Limited (now Tribute (Cobourg) Limited) for the subdivision lands located on the north side of Elgin Street East at Brook Road North. At its meeting dated February 22, 2021, Council authorized the execution of a Tree Removal Agreement to facilitate Stage 1 of the Work Plan, being the removal of trees and brush, on the subject lands. This Report is to update Council on the status of Stage 2 of the Work Plan, being the alteration of the site (earth removal/re-location/stockpiling works).

3. PURPOSE

The purpose of this Report is to provide Council with an overview of the requested approvals by Tribute (Cobourg) Limited (TCL) for the development lands, specifically the site alteration works in Stage 2 of the Work Plan.

4. ORIGIN AND LEGISLATION

Section 51(26) of the *Planning Act* authorizes the municipality to enter into agreements imposed as a condition to the approval of a plan of subdivision and the agreements may be registered against the land to which it applies.

5. BACKGROUND

The overall Villages of Central Park development lands have an area of 107.3 hectares, and are generally located in the area of Brook Road North and Elgin Street East. The draft approved Phase 1 lands are located in the south-west quadrant of the development, east of Denton Drive and north of Elgin Street East. See *Figure 1 -- Key Map* below.

The Villages of Central Park - Phase 1 Lands are designated as “Living Area, “Village Square”, “Elementary School” and “Environmental Protection” in the Cobourg East Community Secondary Plan (OPA 76), and zoned “Cobourg East Low Density Residential

(CER1) Zone,” “Institutional (I-8) Zone”, “Open Space (OS) Zone”, and “Environmental Constraint (EC) Zone” in the Comprehensive Zoning By-law No. 85-2003.

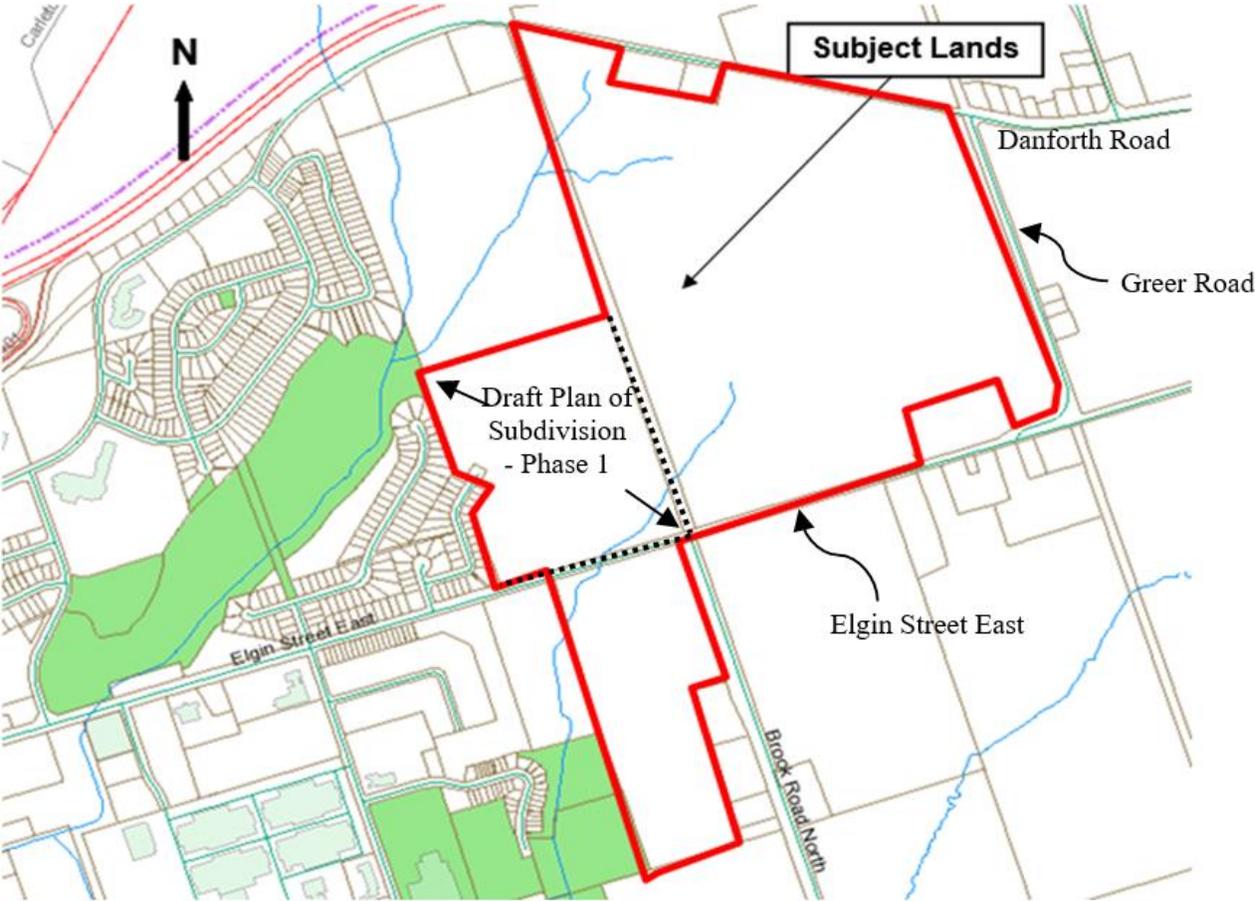


Figure 1 – Key Map

As indicated above, TCL proposes the phased development of a 1,500 -1,700 unit mixed-use, neighbourhood-oriented community on the 107 ha site. The site is currently comprised of a mix of open farm field/meadow, fence/hedgerows, successional and scrub vegetation, woodlots, marsh and creek tributary. The central woodlot, creek/marsh valley, and Nickerson Woods and Elgin Street/Brook Road North woodlots collectively comprise approx. 27 ha (67 ac) or approx. 25% of the total development area, which will be conveyed to the Municipality to form part of its greenlands/open space system. An additional 15 ha (37 ac) of public parkland and open spaces (stormwater management ponds, trail-heads) within the development will contribute to the Municipality’s open space system, for a total of approx. 40% of the overall site being dedicated and maintained as public open space (see Figure 2 – Overall Community Master Plan).

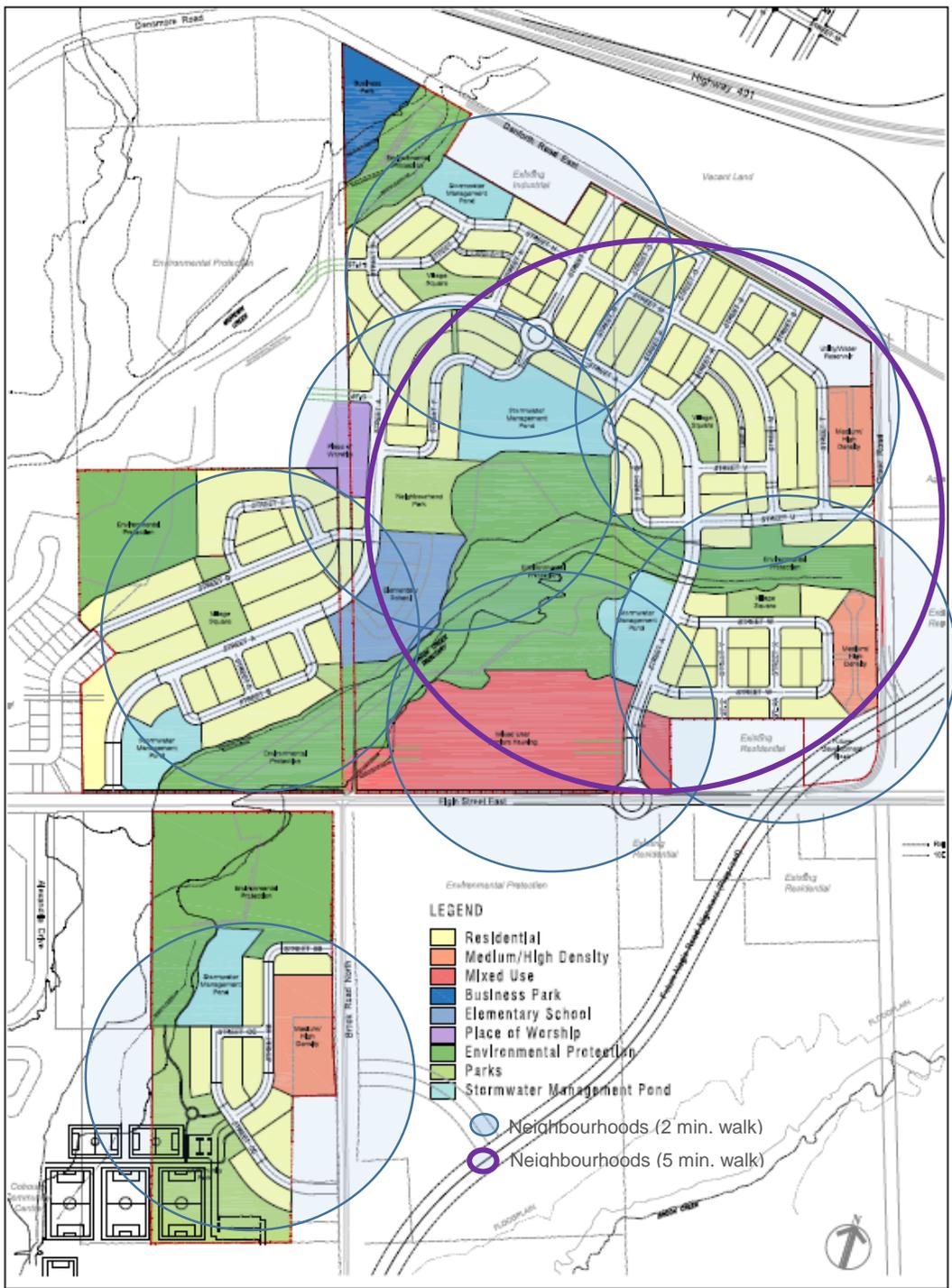


Figure 2 – Overall Community Master Plan

The application provides technical details relating to the development of the Phase 1 subdivision lands, which will consist of up to 182 dwelling units, with associated streets, open space, park space, elementary school site, environmental protection area, and stormwater retention area. Phase 1 forms part of a multi-phase development schedule, as shown in *Figure 3 -- Draft Plan of Subdivision Phasing Plan* below.

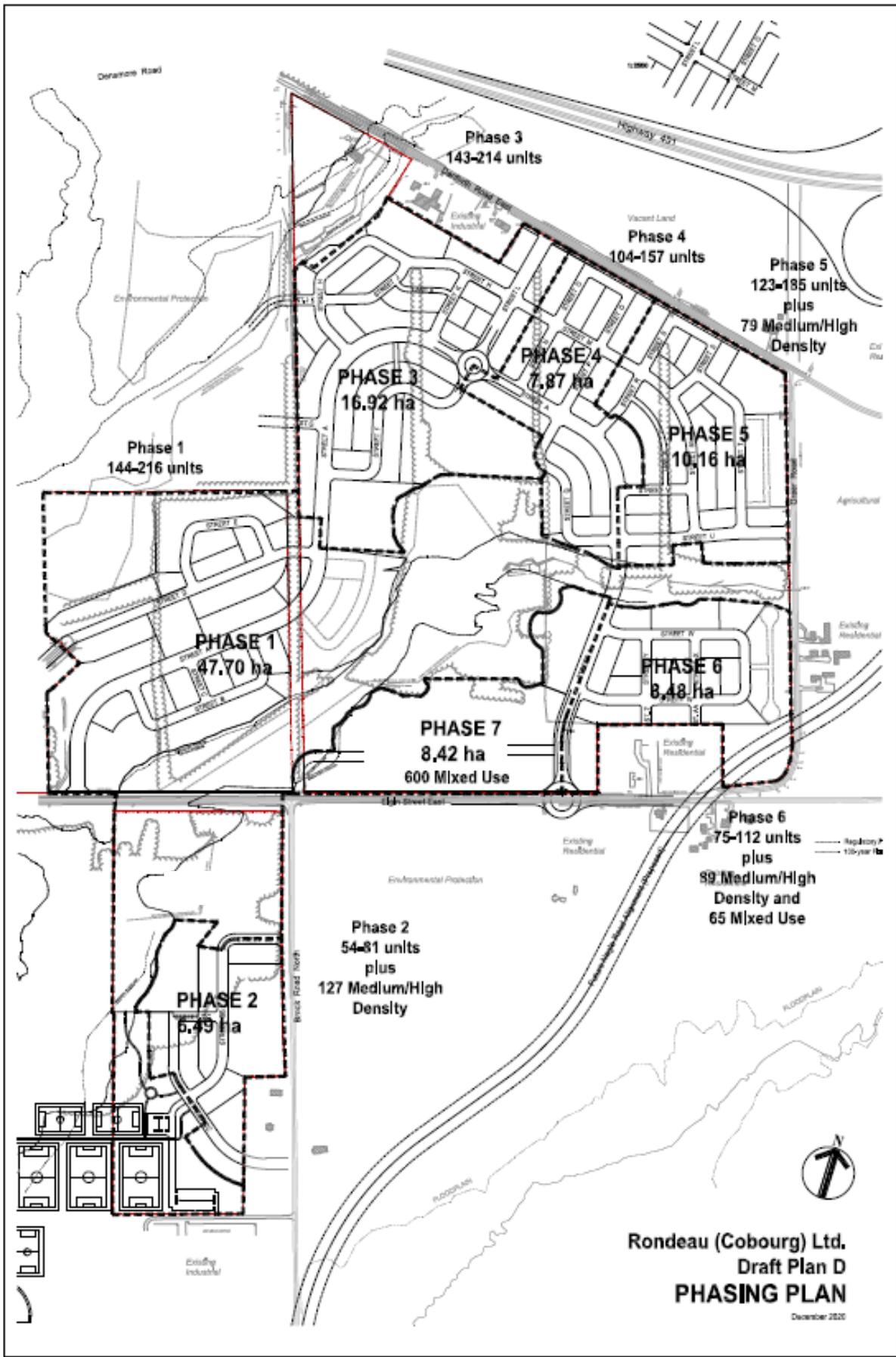


Figure 3 – Draft Plan of Subdivision Phasing Plan

The following plans and reports have been submitted in support of the applications:

- Draft M-Plan – Phase 1 prepared by DFP Surveyors Ltd;
- Development Phasing Plan prepared by DG Biddle and Associates Ltd.;
- Civil Engineering Drawings prepared by DG Biddle and Associates Ltd.;
- Comprehensive Servicing and Stormwater Management Report prepared by DG Biddle and Associates Ltd.;
- Natural Heritage Systems Analysis prepared by Niblett Environmental (now GHD);
- Tree Inventory & Preservation Plan (TIPP), Arborist Report and Landscape Analysis prepared by Henry Kortekaas & Associates Inc. and The Planning Partnership;
- Edge Management Plan prepared by Henry Kortekaas & Associates Inc.;
- Landscape Master Plans prepared by Henry Kortekaas & Associates Inc. and The Planning Partnership;
- Geotechnical Report prepared by V.A. Wood Associates Ltd;
- Phase 1 Hydrogeological Impact Assessment prepared by PGL Environmental Consultants;
- Noise Report for Phase 1 prepared by YCA Engineering Limited;
- Technical Design Brief: Tributary of Brook Creek Realignment prepared by Geomorphix;
- Technical Design Drawings for Brook Creek prepared by Geomorphix;
- DeWatering Plan prepared by PGL Environmental Consultants;
- Soils Management Plan by D.G.Biddle and Associates Ltd..

Since the submission of the application for Clearance of Draft Plan Conditions in 2019, the proponent has been involved in numerous discussions and meetings with the Development Review Team (DRT) in an effort to satisfy the technical aspects of the development and clear the conditions of draft plan approval. The Phase 1 review is still underway and it is anticipated that the staff report on the final approval will proceed to Council later in 2021.

In the meantime, an interim Agreement which authorized the removal of a number of trees on the development site in what is referred to as Stage 1 of the Work Plan was approved by Council in February of 2021. The approved tree removal works have now been completed by TCL in accordance with the Tree Removal Agreement and associated conditions and Permits. It should be noted that the tree removals did not affect the environmentally-sensitive floodplain or woodlot lands which are protected under the Official Plan and Zoning By-law.

6. ANALYSIS

As TCL prepares to finalize Phase 1 of its subdivision project, they are seeking approval for Stage 2 of the Work Plan which will facilitate the removal of over 600,000 m³ earth from the Phase 1 subdivision lands and its placement in Phases 3 – 5 of the subdivision (to the north of Phase 1). Stockpiling of some excess soil will be placed in the Phase 7 lands and approx. 95,000 m³ of soil will be exported to two (2) approved off-site locations outside the municipality.

Detailed plans and reports have been submitted by D.G. Biddle & Associates and PGL Environmental Consultants in support of the earthworks program. Given the nature and scope of the request, the documentation was circulated to the Development Review Team (DRT), including the Engineering Department, Parks & Forestry Department, County of Northumberland and the Ganaraska Region Conservation Authority (GRCA) for review. A number of technical comments were provided however, in general, the proposed site alteration works were deemed to be acceptable with specific conditions relating to implementation of appropriate erosion and sedimentation controls, de-watering procedures, tree protection zones, designated haul routes, required Permits, performance securities and insurance.

Normally, tree removals, site alterations and servicing associated with a development site form part of a consolidated development approvals program and are encapsulated within a Pre-Servicing Agreement as approved by Council. Given the unique circumstances associated with the extensive pre-development works required to facilitate development on the Phase 1 lands, and the timing of the final draft plan approvals process, the development approval process has been split into three (3) stages:

1. Stage 1 – Tree Removal (March, 2021 – Status: Complete)

The first stage of the development Work Plan -- the tree removal program -- was required prior to the commencement of the earthworks program, and has now been completed.

2. Stage 2 – Site Alteration/Earthworks (Spring, 2021 -- Fall, 2021)

The second stage of the development Work Plan is the site alteration and earthworks program. This process can only commence upon the finalization of all engineering and other technical issues associated with the earthworks program and following approval by municipal staff, GRCA, County of Northumberland and other relevant partner review agencies, and Council. A Site Alteration Agreement and applicable Permits are required to address all relevant municipal and agency conditions (ie. soil management plans, construction regulations, haul routes, performance security, permits and insurance). The key points associated with this site alteration program are as follows:

- The recommended site alteration/earthworks in Stage 2 allow for the implementation of the earthwork operations required for the development of Phase 1 of the subdivision, specifically the movement of approximately 680,000 m³ of soil (refer to Figure 4 – Soil Removals Plan below) to various areas of the development site and two off-site locations;
- Given the significant quantity of earth to be moved in Phase 1 (Cut Area 1), the primary fill area is located within the areas designated Phases 3, 4 & 5, depicted as Fill Areas 1 and 2 on Figure 5 – Soil Alterations Overview below.
- Two surplus soil stockpile areas will be created in Phase 7 for future re-use (see Figure 5);

- Retaining as much material generated by the earthworks program on-site is good soil management practice and minimizes impacts associated with stockpiling or transporting fill to off-site locations. Approx. 95,000 m³ of soil will need to be transported to approved off-site locations;
- Appropriate Permits will be required from the GRCA, Town of Cobourg and County of Northumberland.

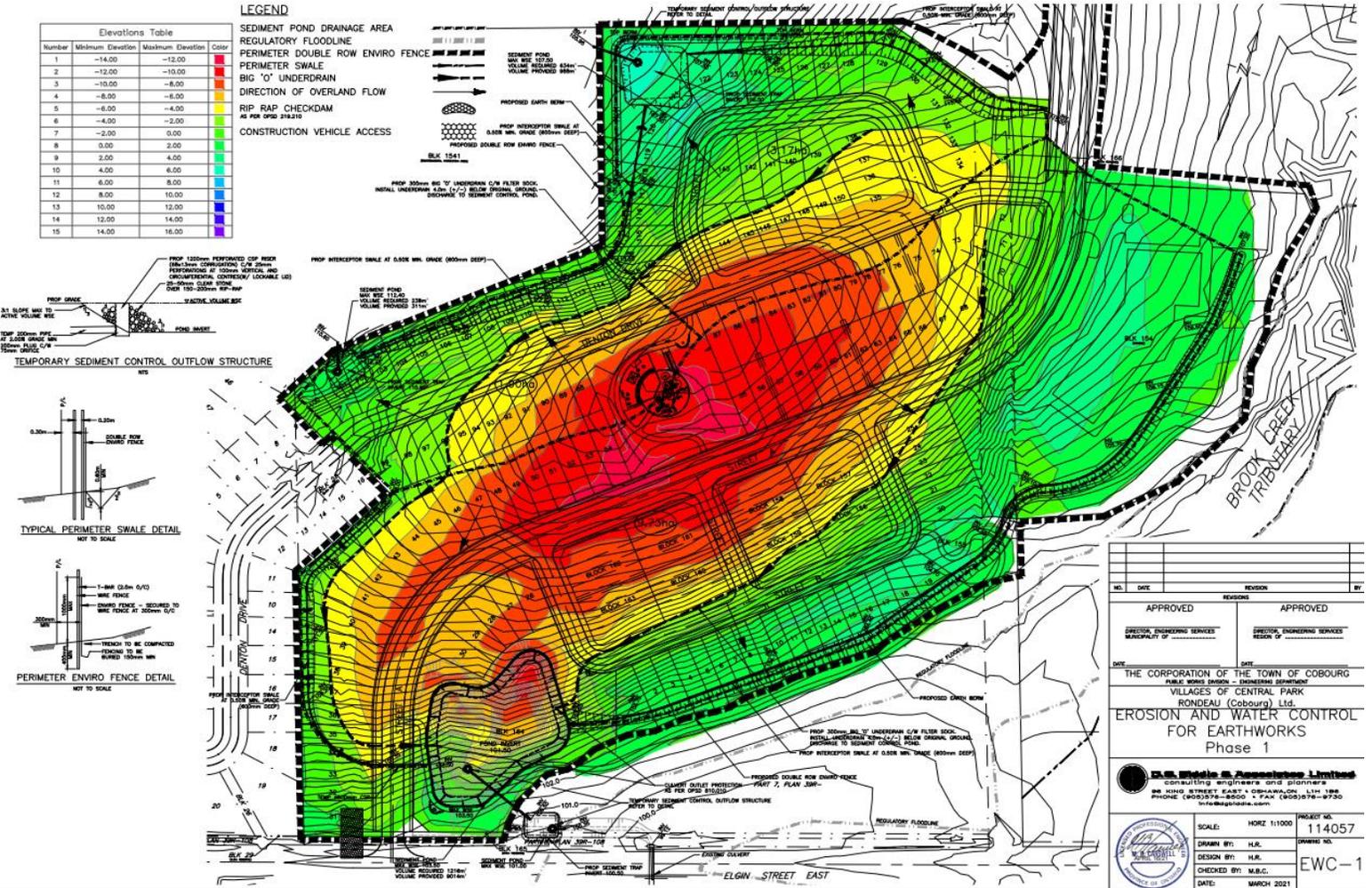


Figure 4 – Soil Removals Plan

(Note: darker orange/red colour depicts highest soil removal quantities, lighter yellow/green colour depicts lowest soil removal quantities, while green/blue generally represents fill areas to level the site.)

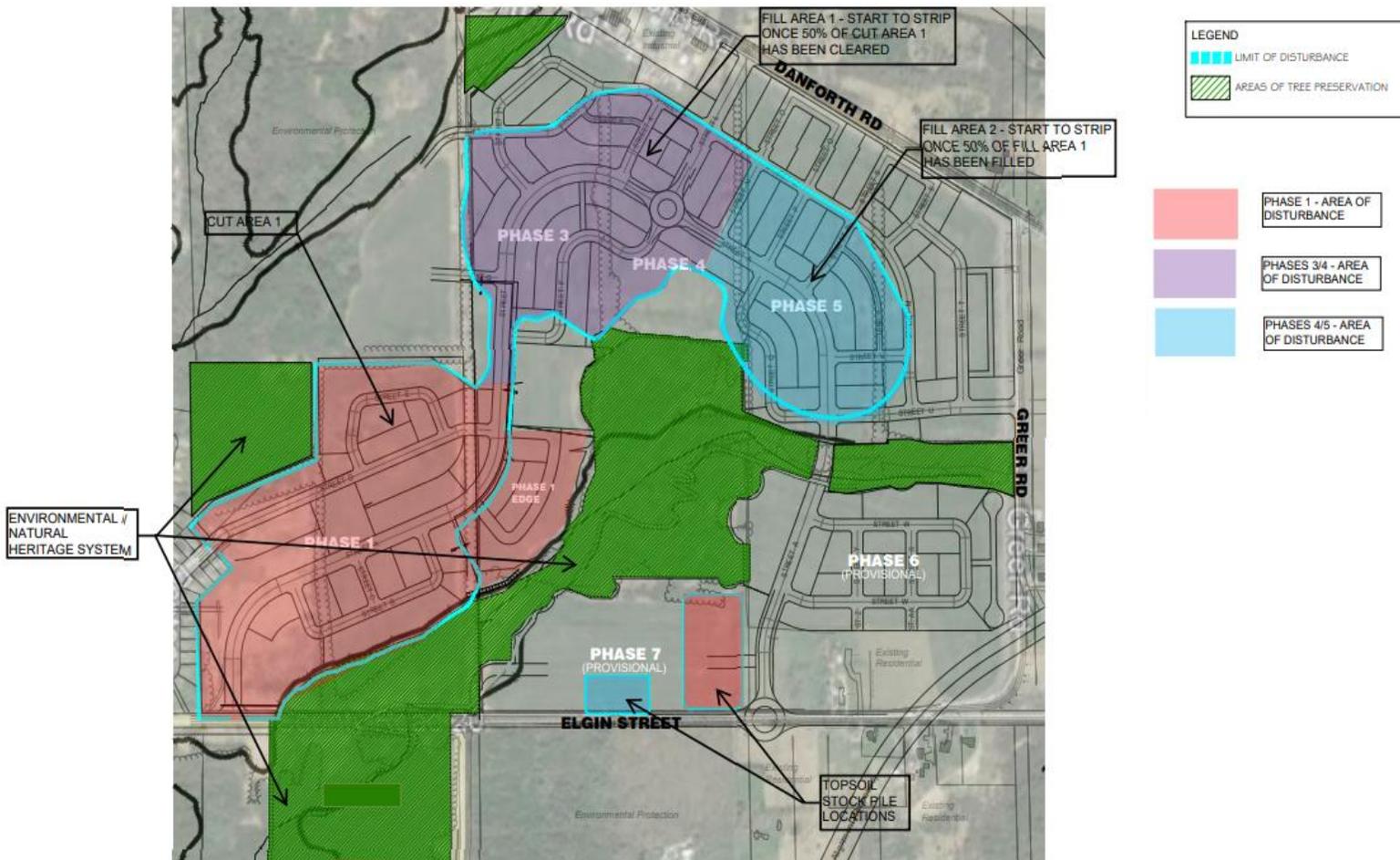


Figure 5 – Site Alteration Overview

TCL is seeking Stage 2 approval now to facilitate the proposed earthworks program which is expected to take approximately 6 months to complete. A further, separate tree removal/site alteration program is planned for the area shown as Phase 2 of the subdivision (see *Figure 3* above) in the late Summer/early Fall of 2021 and will be subject to DRT review and Council approval.

3. Stage 3 – Final Clearance of Conditions and Authorization of Pre-Servicing & Subdivision Agreements (Winter, 2022 – Summer, 2022)

The third and final stage of the proposed Work Plan consists of final clearance of draft plan conditions and approval of all technical engineering, landscape, transportation and planning details associated with the draft plan of subdivision to the satisfaction of the Municipality, County, GRCA, Lakefront Utility Services Inc., MoECP and other authorities having jurisdiction. A staff report authorizing the execution of a Pre-Servicing Agreement & Subdivision Agreement will need to be approved by Council, which will lay out the framework of terms and conditions for the installation of roads, sewers, stormwater management pond, creek channelization/restoration, and landscaping, and ultimately allow Building Permits to be issued. The approvals for Stage 3 may occur in the mid to latter half of 2021, however the implementation of the work will not likely occur until 2022.

Comment/Opinion:

The Development Review Team (DRT), particularly Engineering, County, GRCA, and Forestry, undertook an evaluation of the proposed site alteration works within the context of sound engineering practices and environmental stewardship and resource management. The Site Alteration Work Plan under Stage 2 is highly technical and involves the submission and review of detailed engineering reports and plans, as well as the implementation of accepted approaches in areas of soil and water management, erosion and sedimentation controls, tree protection measures, environmental protection and construction/operations management. The DRT is satisfied with the comprehensiveness of the submission and the approach proposed for the earthworks program, subject to the inclusion of conditions and permitting requirements as part of a Site Alteration Agreement.

7. FINANCIAL IMPLICATIONS/BUDGET IMPACTS

There are no anticipated adverse financial implications or budget impacts to the Municipality as a result of the request for a Site Alteration Agreement. The owner has submitted the requisite application fee and deposit of \$15,250.00 for the Phase 1 Clearance of Draft Plan Conditions. As part of the Site Alteration Agreement, the owner will be required to submit a performance security and insurance to cover defaults, damages and risk/liability. All costs associated with the preparation and registration of the Agreement will be borne by Tribute (Cobourg) Limited.

8. CONCLUSION

In collaboration with the Development Review Team, the proposed site alterations/earthworks in Stage 2 of the multi-stage Work Plan are comprehensive, methodical and appropriate. Appropriate conditions will be included in the Site Alteration Agreement to address all technical aspects of the Stage 2 works, including but not limited to: soil and water management; erosion and sedimentation controls; tree protection measures; environmental protection; construction/operations planning and requirements; performance security; and, insurance requirements, all to the satisfaction of municipal staff and partner review agencies.

Report Approval Details

Document Title:	Villages of Central Park (Cobourg East Community) - Planning and Development-005-21-2.docx
Attachments:	<u>Appendix I</u> Site Alteration Agreement Authorizing By-law

Report Approval Details

Document Title:	Site Alteration Agreement - Villages of Central Park (Cobourg East Community).docx
Attachments:	- Appendix I - Site Alteration Agreement Authorizing By-law.pdf
Final Approval Date:	May 20, 2021

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

Tracey Vaughan, Chief Administrative Officer - May 20, 2021 - 10:44 AM