

**A BY-LAW TO ADOPT AMENDMENT NO. 77 TO THE OFFICIAL PLAN OF THE COBOURG PLANNING AREA (ELGIN-DENSMORE SECONDARY PLAN EXTENSION OF D'ARCY STREET, 2020910 ONTARIO LTD.)**

1. THAT the Municipal Council of the Corporation of the Town of Cobourg, in accordance with the provisions of Sections 17 and 22 of the *Planning Act, R.S.O. 1990* as amended, hereby enact as follows:
  - 1) AMENDMENT NO. 77 to the Official Plan of the Town of Cobourg is hereby adopted;
2. THAT this By-law will come into force and take effect upon final approval in accordance with the requirements of the *Planning Act, R.S.O. 1990, c.P. 13* as amended.

READ and passed in Open Council this 10<sup>th</sup>, day of September, 2018.

  
MAYOR

  
MUNICIPAL CLERK

**AMENDMENT NO. 77  
TO THE OFFICIAL PLAN OF  
THE CORPORATION OF THE TOWN OF COBOURG**

**Table of Contents**

Statement of Components

<b>PART I</b>	<b>The Preamble</b>
I-1	Purpose
I-2	Location
I-3	Basis
<b>PART II</b>	<b>The Amendment</b>
II-1	Introduction
II-2	Details of Amendment
II-3	Implementation and Interpretation
<b>PART III</b>	<b>The Appendices</b>

## THE STATEMENT OF COMPONENTS

**PART I – THE PREAMBLE** does not constitute part of the Amendment.

**PART II – THE AMENDMENT** consisting of the attached schedules and text constitutes Amendment No. 77 to the Official Plan of the Town of Cobourg.

**PART III – THE APPENDICES** do not constitute part of this Amendment. The appendices contain supporting information and background reports which form part of the basis for the Amendment.

## **PART I – THE PREAMBLE**

### **1. PURPOSE**

The purpose of this Amendment is to refine the basis for the development of the extension of D'Arcy Street for the 2020910 Ontario Ltd. (LeBlanc Enterprises) site (the "Site"), within the Elgin-Densmore Secondary Plan, to reflect a development proposal for the Site.

### **2. LOCATION**

The Site is located at the north end of D'Arcy Street, north of Elgin Street in the southeastern quadrant of the Elgin-Densmore Secondary Plan, and is comprised of 2.1 hectares of land. The Site can be described as having east and west components, bisected by D'Arcy Street. The west component is an infill lot proposed to accommodate a single detached dwelling, as well as the turnaround for D'Arcy Street. The east component is a proposed subdivision for 23 single detached dwellings on freehold lots accessed by a condominium road. The Midtown Creek and Nickerson Woods are north of the Site, and an existing residential subdivision is to the south of the Site on Nickerson Drive.

### **3. BASIS**

The Site is wholly located within the built boundary of the urban settlement area of Cobourg and subject to the policies of the Elgin-Densmore Secondary Plan, which forms part of the Town of Cobourg Official Plan. The Secondary Plan provides the basis for the development of the Parkview Hills Community. The Site is one of the last blocks to be developed within the Secondary Plan area.

In support of the development proposal, updated technical studies were prepared, including:

- Planning Report
- Environmental Impact Study
- Functional Servicing Report
- Stormwater Management Report
- Traffic Impact Study
- Tree Report
- Stage 1&2 Archaeological Assessment

The application and supporting background documentation was reviewed in detail, and it was concluded that the proposed amendment is appropriate, desirable and represents good planning for the following reasons:

- i) The proposal will satisfy the key directives of the Planning Act, Provincial Policy Statement, Places To Grow Growth Plan, County of Northumberland Growth Management Strategy, the County Official Plan and the Cobourg Official Plan, most notably relating to the provision of a full range of housing in an urban, serviced and built-up area of the municipality at a density that will maintain and enhance the character of the existing residential area; utilize existing infrastructure, and provide high quality urban design as part of a complete neighbourhood.

- ii) The proposal conforms to the policies of the Official Plan, Elgin-Densmore Secondary Plan and Urban and Landscape Design Guidelines with respect to community design, sustainability, natural heritage protection, stormwater management and municipal infrastructure. The proposal would form a logical, compatible extension of the existing built form in the Nickerson Drive area. It is in close proximity to existing arterial roads, community facilities and open space trail network, and will support transit, recreation and active modes of transportation.
- iii) The small area of land subject to the OPA at the west end of the site, was placed in an overlay designation of "Lands to be Retained in Private Ownership" and "Environmental Conservation Area". It is proposed that it be re-designated to 'Special Residential' in keeping with the balance of the Site. At that time of the designation in the early 1990's, the lands subject to the OPA were devoid of vegetation but located within the Midtown Creek floodplain as defined at the time by the Ganaraska Region Conservation Authority (GRCA). Today, it contains early successional trees and was reviewed by the Authority for floodplain characteristics and flood flows using digital Lidar mapping that updated the natural hazard limit for the Midtown Creek. As a result, these lands are no longer within the floodplain of the Midtown Creek and are not deemed as a flood hazard area by the Conservation Authority.
- iv) An Environmental Impact Study (EIS) was prepared by the applicant's consultant, to address Section 12.13 of the Secondary Plan in order to demonstrate that there will be no negative impacts or disruptions to natural systems. The EIS prepared by Michalski Nielsen indicates that the land does not contain any sensitive species or significant habitat that requires protection, and that appropriate regard has been considered for the protection of on-site and off-site natural features associated with the riparian corridor of Midtown Creek and that the proposed development will not pose adverse impacts on Nickerson's Woods. There are no changes to the Town-owned Nickerson Woods lands. The Conservation Authority acting as the Town's review agency has confirmed that the EIS conforms to all relevant planning policy, and that the proposal is satisfactory, subject to conditions of draft approval and detailed design.
- v) The EIS offers a number of detailed recommendations that can be implemented through the Subdivision Agreement with the Town. All building envelopes will be setback a minimum of 30 metres from the top of bank of the Midtown Creek, as requested by the Conservation Authority.

This amendment has been prepared in accordance with these conclusions.

## **PART II – THE AMENDMENT**

### **1. Introduction**

All of this part of the document entitled Part II – The Amendment consisting of the following text and attached schedule designated Schedule “1” constitutes Amendment No. 77 to the Official Plan of the Town of Cobourg.

### **2. Details of the Amendment**

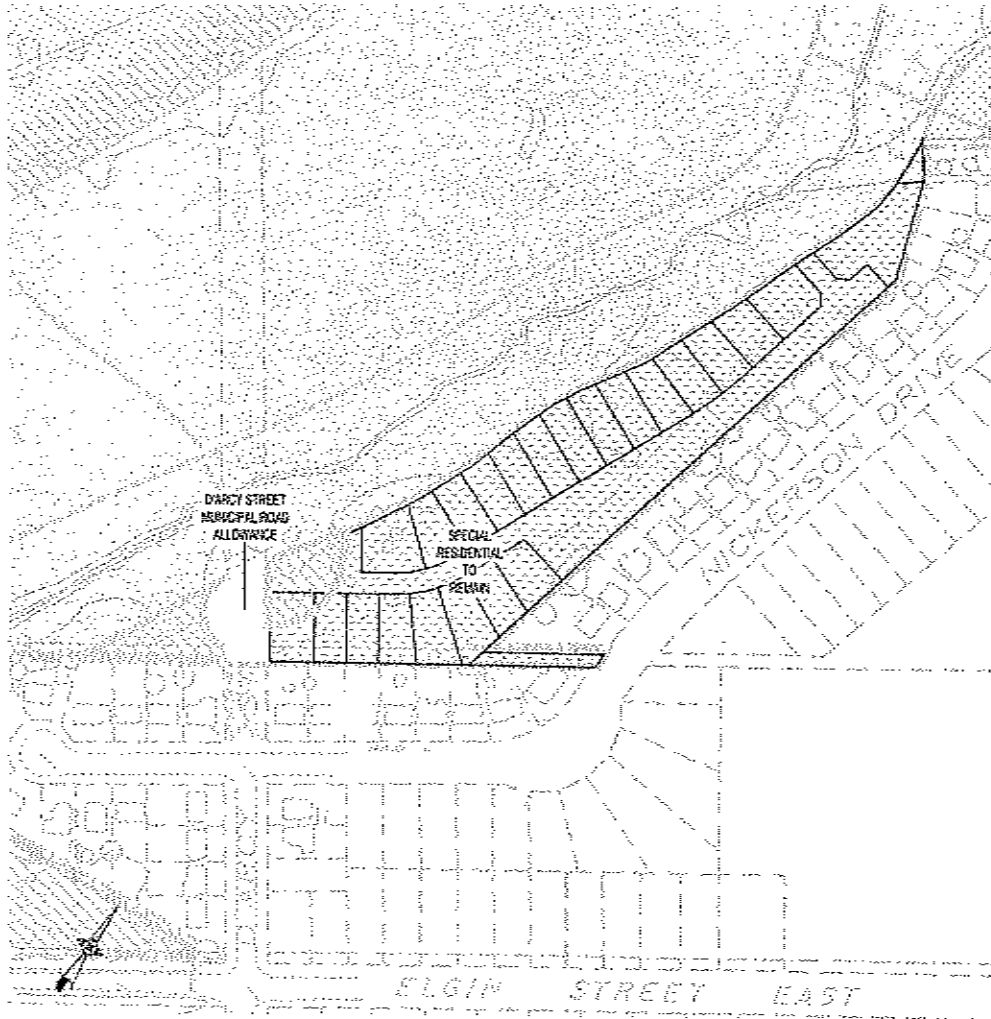
The Official Plan of the Town of Cobourg is hereby amended as follows:

2.1 By amending Schedule ‘H’ to the Elgin-Densmore Secondary Plan, Cobourg Official Plan from “Environmental Conservation Area” and “Lands to be Retained in Private Ownership” to “Special Residential”.

### **3. Implementation and Interpretation**

The implementation and interpretation of this amendment shall be in accordance with the respective policies of the Official Plan of the Town of Cobourg.

Schedule I to OPA 77



**LEGAL DESCRIPTION:**  
 PARTS E, E & 7, PLAN OSR-3761  
 PART OF BLOCKS A & B  
 REGISTERED PLAN 527  
 TOWN OF COCHARS  
 COUNTY OF NORTH BRITAIN

**LEGEND:**  
  
 LANDS TO BE RETAINED  
 IN PRIVATE OWNERSHIP  
 TO BE REDESIGNATED  
 'SPECIAL RESIDENTIAL'  
 PROPOSED LOT FABRIC

**Schedule 1**  
**OFFICIAL PLAN AMENDMENT 77**  
 LEDLANC ENTERPRISES



MAP CREATED USING DATA PROVIDED BY TOWN OF COCHARS OFFICIAL PLAN  
 SCHEDULE 1 FOR THE EUSH-DEANMORE SECONDARY PLANNING AREA

### **PART III – THE APPENDICES**

The Planning Report, dated June 19, 2018, and the following reports and other supporting documentation associated with Application File OPA-01-14 and the proposed Amendment are held in the offices of the Planning Department, Victoria Hall, 55 King Street West, Cobourg, Ontario, K9A 2M2 during regular office hours.

- Planning & Sustainability and Urban Design Report, prepared by RFA Planning Consultant Inc., updated March, 2018;
- Environmental Impact Study, prepared by Michalski Nielsen Associates Limited, updated April 2018;
- Functional Servicing Report, prepared by D.M Wills Associates Limited, updated March, 2018;
- Traffic Impact Study, DM Wills Associates Limited, April 2014;
- Stormwater Management Report, Greenland Consulting, updated November 2017;
- Tree Report prepared by Cressman Tree Maintenance and Landscaping, updated February 2018;
- Stage 1/2 Archaeological Assessment, Ground Truth Archaeology, September 2013.