

Applicant: JMCD Holdings Inc.
File No: Z-01-19SUB; 14T-19001
Municipality: Town of Cobourg
Location: King St. E. & Willmott St. (n/w corner) – East Village Phase 5

Date of Decision: September 9, 2019
Date of Notice: September 24, 2019
Last Date of Appeal: October 15, 2019

NOTICE OF DECISION

On Application for Approval of Draft Plan of Subdivision/Condominium
Subsection 51(37) of the Planning Act

Draft Approval of a Plan of Subdivision to the application in respect of the subject lands noted above has been given by the Council of the Corporation of the Town of Cobourg. A copy of the Draft Plan conditions is attached.

Note: Cobourg Municipal Council considered submissions from area landowners and municipal advisory committees regarding high density land uses, building height, visual aesthetics/gateway image, stormwater management, drainage, traffic, sustainability and the environment, and affordable/accessible housing, plus two (2) submissions in support of the development plans, which were all taken into account by Council during their deliberations on the Draft Plan of Subdivision. Based on the municipal staff report and all other information available to Cobourg Municipal Council, Draft Approval of the Plan of Subdivision was granted by Cobourg Municipal Council with the conditions attached.

Appeals

Notice to appeal the decision to the Local Planning Appeal Tribunal must be filed with the Municipal Clerk of the Corporation of the Town of Cobourg no later than 20 days from the date of this notice as shown above as the last date of appeal.

The notice of appeal should be sent to the attention of the Municipal Clerk, at the address shown below and it must;

- 1) set out the reasons for the appeal; and
- 2) be accompanied by the prescribed fee under the Local Planning Appeal Tribunal Act in the amount of \$300.00, payable by certified cheque to the Minister of Finance, Province of Ontario.

Who can File an Appeal

Only public bodies and those persons listed in Section 51(48.3) of the Planning Act, as amended, (ie. electric or natural gas utility, Ontario Power Generation, Hydro One, railway company, telecommunication provider, etc.) may appeal the decision of the Town of Cobourg in respect of a proposed Plan of Subdivision to the Local Planning Appeal Tribunal. An appeal may not be filed by a person not otherwise prescribed in the Planning Act. No prescribed person or public body shall be added as a party to the hearing of an appeal of the decision of the Town of Cobourg, including the lapsing provisions or the conditions, or changes to the conditions, unless the prescribed person or public body, before the decision of the Town of Cobourg, made oral submissions at a public meeting or written submissions to the Town of Cobourg Municipal Council or, in the Local Planning Appeal Tribunal's opinion, there are reasonable grounds to do so.

Right of Applicant, Prescribed Person or Public Body to Appeal Conditions

The applicant, the Minister of Municipal Affairs and Housing, or a person listed in Section 51(48.3) of the Planning Act or a public body that, before Cobourg Municipal Council made its decision, made oral submissions at a public meeting or written submissions to the Town of Cobourg, may at any time before the final plan of subdivision is approved appeal any of the conditions imposed by the Town to the Local Planning Appeal Tribunal by filing with the Municipal Clerk of the Town of Cobourg a notice of appeal.

How to Receive Notice of Changed Conditions

The conditions of the approval of a draft plan of subdivision may be changed by the Town of Cobourg at any time before the final approval is given. You will be entitled to receive notice of any changes to the conditions of draft approval of a plan of subdivision if you have:

- 1) made a written request to be notified of changes to the conditions of approval of the Draft Plan of Subdivision.

No notice of changes to the conditions of the approval of a draft plan of subdivision is required by the Town of Cobourg if, in the opinion of the Town, the change(s) to the conditions is minor.

Appeal of Changes to Conditions

The applicant, the Minister of Municipal Affairs and Housing, or a person listed in Section 51(48.3) of the Planning Act or a public body that, before Cobourg Municipal Council made its decision, made oral submissions at a public meeting or written submissions to the Town of Cobourg, may at any time before the final Plan of Subdivision is approved appeal any of the changed conditions imposed by the Town of Cobourg to the Local Planning Appeal Tribunal by filing with the Municipal Clerk of the Town of Cobourg a notice of appeal.

Other Related Application for an amendment to the Official Plan and Zoning By-law

File number OPA-01-19 (Official Plan) & Z-01-19 (Zoning By-law)

Getting Additional Information

Additional information about the application is available for public inspection during regular office hours at the Town of Cobourg Planning Department, Victoria Hall, 55 King Street West, Cobourg, (905) 372-1005.

Mailing Address for Filing a Notice of Appeal

The Corporation of the Town of Cobourg
55 King Street West
Cobourg ON K9A 2M2

Attention: Brent Larmer, Municipal Clerk

Applicant: JMCD Holdings Inc
File No: Z-01-19 SUB; 14T-19001
Municipality: Town of Cobourg
Location: King St. E. & Willmott St. (n/w corner) – East Village Phase 5

Date of Decision: September 9, 2019
Date of Notice: September 24, 2019
Last Date of Appeal: October 15, 2019

NOTICE OF DECISION

On Application for Approval of Draft Plan of Subdivision/Condominium
Subsection 51(37) of the Planning Act

Notice of Decision Sent to:

Director
Ministry of Municipal Affairs and Housing
Rockwood House
Postal Bag 2500
8 Estate Lane
Kingston, ON K7M 9A8

Dwayne Campbell
County of Northumberland
860 William Street
Cobourg ON K9A 3A9

Ken Thajer
Ganaraska Region Con. Authority
P.O. Box 328
Port Hope ON L1A 3W4

Hydro One Networks Inc.
Land Use Planning Section
P.O. Box 4300
Markham, ON L3R 5Z5

Director
Kawartha Pine Ridge District School Board
1994 Fisher Drive, P.O. Box 719
Peterborough ON K9J 7A1

Conseil scolaire de district catholique Centre-Sud
110 Drewry Avenue
Toronto, ON M2M 1C8
Tel.: 416 397-6564 ext: 73625

M. and R. Nonnekes
452A King Street East
Cobourg ON K9A 1M6

V. and R. McLaughlin
7 Fitzhugh Lane
Cobourg ON K9A 4N5

T. Williams
185 Carroll Crescent
Cobourg ON K9A 5P7

Z. Wood
Goldmanco Incorporated
1989 Leslie St.
North York, ON M3B 2M3

G. Mitchell
217 Ruttan Terrace
Cobourg ON K9A 5X7

T. Marrocco
340 King Street West
Cobourg ON K9A 2N5

Lynn C. Bilton
403 – 243 Ruttan Terrace
Cobourg ON K9A 5X6

Cogeco
111 Goodfellow Road
Peterborough, ON K9J 7X1

Mary Jane Patrick
Enbridge Gas Inc., operating as Union Gas
50 Keil Drive North
Chatham, ON N7M 5M1

Canada Post/Postes Canada
Attn: Stephen McGraw
Delivery Service Officer / Agent de Service a la Livraison
P.O Box 8037 Ottawa T CSC
Ottawa, ON K1G 3H6

Dereck Paul, President
Lakefront Utility Services Inc/Lakefront Utilities Inc.
207 Division Street
Cobourg ON K9A 4L3

Josie Tomei
Canadian Pacific Railway
800-1290 Central Parkway West
Mississauga, ON L5C 4R3

Canadian National Railway
CN Affaires juridiques / Law Department
935, rue de La Gauchetière Ouest
15e étage
Montréal (Québec) H3B 2M9

Bell Canada
Attn: Circulations Intake, Planning & Design
MMM Group Limited
100 Commerce Valley Drive West
Thornhill, ON L3T 0A1

P.V.N.C.Catholic District School Board
1355 Lansdowne Street West
Peterborough, ON K9J 7M3

Applicant: JMCD Holdings Inc.
File No: Z-00-19 SUB; 14T-19001
Municipality: Town of Cobourg
Location: King St. E. & Willmott St. (n/w corner) – East Village Phase 5

Date of Decision: September 9, 2019
Date of Notice: September 24, 2019
Last Date of Appeal: October 15, 2019

1. This approval applies to the Draft Plan of Subdivision, as shown in red on the Plan, prepared by RFA Planning Consultants Ltd., dated April 17, 2019 (attached hereto as **Figure 1**), and consisting of:

- 30 Lots to be used for freehold single detached dwelling units;
- 13 Blocks to be used for freehold semi-detached dwelling units;
- 12 Blocks to be used for freehold townhouse dwelling units;
- 6 Blocks to be used for multiple “10-plex” buildings;
- 1 Block with an area of 1.417 ha to be reserved for an apartment complex;
- 1 Block with an area of 0.756 ha in the south-central quadrant of the Draft Plan abutting King Street East to be utilized for stormwater management purposes;
- 1 Block with an area of 0.24 ha in the western quadrant of the Draft Plan for a central neighbourhood park to be dedicated to the Town of Cobourg for parkland purposes under the *Planning Act* (total of 5.4% for the Phase 1 – 5 lands combined);
- 2 Blocks with a combined area of 0.43 ha for road allowance dedications; and,
- Various public road rights-of-way with a combined area of 2.3 ha to be dedicated to the Town of Cobourg;

The Town of Cobourg Municipal Council has allocated sanitary sewage treatment capacity for the draft plan to a *maximum* of **334** units on the condition that the owner enters into an allocation agreement with, and on terms satisfactory and at no cost to, the Town. The foregoing agreement shall be incorporated into the subdivision agreement.

2. The owner shall agree in writing to satisfy the requirements of the Town of Cobourg and any other municipality and/or approval authority that has jurisdiction, and subsequently enter into a subdivision agreement and/or a development agreement with the Town of Cobourg pursuant to the Planning Act, RSO 1990 c.P 13, as amended, which shall be registered on title to the subject lands once the plan of subdivision has been registered. Without limiting the generality of the foregoing, the owner shall agree in writing to satisfy all the requirements, financial and otherwise, of the Town and any other municipality and/or authority that has jurisdiction concerning matters internal and external to the draft plan, including but not limited to:

- the provision, installation and staging of services (including utilities), drainage, grading and road infrastructure, including street design to reflect a “complete streets” priority;
- stormwater management, including the design and conveyance of stormwater from lands external to the draft plan, sustainable ‘green’ infrastructure, low-impact development stormwater systems and other sustainable development measures, all in accordance with the specifications and requirements of the Town and GRCA;
- the allocation, collection and treatment of wastewater in accordance with the specifications and requirements of the Town;
- facilities for active transportation, including pedestrian and bicycle circulation (trails and sidewalks);

- urban built form, landscape and streetscape design measures;
- park design, stormwater management facility design, landscaping and other improvements;
- tree protection, removals, re-planting, edge management/buffering, and other matters relating to the appropriate stewardship of natural heritage systems;
- habitat and nest protection, where applicable;
- consideration of the provision of housing which is affordable, accessible and sustainable;
- cost-sharing arrangements, financial securities and other development performance measures;
- easements that may be required by the applicable authority;
- archaeological resource conservation;
- construction and emergency access;
- noise impact mitigation; and,
- subdivision phasing;

All costs incurred by the Town and any other municipality and/or approval authority that has jurisdiction which are associated with the planning, design, peer review and inspection of said works shall be borne by the owner.

The Town of Cobourg reserves the right to modify, or 'red-line', at its discretion the draft plan of subdivision and/or conditions thereto prior to final approval based on an evaluation by the Town and relevant agencies of detailed engineering plans, reports, or other applicable documentation, particularly related to stormwater management and natural heritage protection, and may impose special conditions in the subdivision agreement that it deems reasonable in accordance with the Planning Act, R.S.O. 1990, c.P. 13, as amended. The aforementioned modifications to the draft plan may include, but are not limited to, changes to the lotting and/or road pattern and possible removal/re-location/expansion of lots, blocks and roads in order to satisfy the applicable policies, guidelines and standards of the Town and agencies.

3. The owner shall agree in writing to satisfy the Town of Cobourg's urban design objectives of the Official Plan and Urban & Landscape Design Guidelines, including, but not limited to:

- the creation of high quality, pedestrian-friendly streetscapes and landscapes;
- the provision of attractive building designs and dwelling forms which are sympathetic to the surrounding neighbourhood and reflect the quality image of the community;
- the careful design and placement of dwellings in relation to existing natural heritage resources; and,
- the careful design and placement of dwellings in relation to the street to enhance the sense of place and minimize the impact of garages.

The development will be subject to architectural controls, and the Town will require the preparation of architectural plans, guidelines and details which demonstrate that the aforementioned objectives will be achieved upon the implementation of the subdivision via a subdivision agreement and/or a development agreement.

4. That prior to final approval of the draft plan, the Town of Cobourg and the Ganaraska Region Conservation Authority (GRCA) shall be satisfied that the recommendations of the

Environmental Impact Study, dated November 2018, prepared by Cambium Inc, and any Addenda thereto and related studies, are implemented in accordance with applicable Provincial, GRCA and Town policies, guidelines, regulations and standards as part of the detailed subdivision review process of the Town, and that appropriate conditions and/or clauses are included in the subdivision agreement to address the aforementioned requirements.

5. The owner shall convey the land on the plan identified for park purposes to the Town of Cobourg in accordance with Section 51.1(1) of The Planning Act, R.S.O. 1990, c.P. 13.
6. That prior to final approval of the draft plan, Canadian National (CN) Railway and Canadian Pacific Railways (CPR) shall be satisfied that appropriate conditions and/or warning clauses are inserted into the subdivision agreement in accordance with the recommendations contained within the Environmental Noise Analysis Update Report, dated December 2018, prepared by Valcoustics Canada Ltd., and any Addenda thereto, that may be required as part of the detailed subdivision review process of the Town, and in accordance with Provincial Guidelines and railway requirements.
7. Prior to the final approval of the draft plan, the Town shall be satisfied that satisfactory arrangements, financial and otherwise, have been made with the appropriate utility authority for any utility facilities serving this draft plan of subdivision which are required by the appropriate utility authority to be installed underground. Any such easements as may be required for utility or drainage purposes shall be granted to the appropriate utility authority.
8. Temporary turning circles (min. 13.0 m radius) shall be required at any dead-ends of road allowances to the satisfaction of the Town of Cobourg.
9. The road allowances included in this draft plan shall be shown and dedicated as public highways.
10. The streets shall be named to the satisfaction of the Town of Cobourg and the County of Northumberland.
11. Prior to the final approval of the draft plan, the appropriate zoning shall be in place to the satisfaction of the Town of Cobourg.
12. Any necessary daylighting triangles, road widening, and walkway blocks shall be shown on the final plan and be dedicated to the appropriate authority; and that any dead ends and open sides of any road allowances created by this draft plan shall be terminated in 0.3 m reserves to be conveyed to, and held in trust, by the Town of Cobourg.
13. Prior to the final approval of the draft plan, Bell Canada shall confirm to the Town that satisfactory arrangements, financial and otherwise, have been made with Bell Canada for any Bell facilities serving this draft plan of subdivision which are required by the Town of Cobourg to be installed underground. The owner shall agree in the subdivision agreement, in words satisfactory to Bell Canada, to grant to Bell Canada any easements that may be required for telecommunication services and/or Fibre Optic digital switching equipment sites.

14. Prior to the final approval of the draft plan, Canada Post shall confirm to the Town that satisfactory arrangements, financial and otherwise, have been made with Canada Post for any postal facilities servicing this draft plan of subdivision which are required to be installed.
15. Prior to the final approval of the draft plan, the County of Northumberland shall confirm to the Town that satisfactory arrangements, financial and otherwise, have been made with the County of Northumberland regarding the following matters:
 - i) That the pavement structure for the public roadways within the plan of subdivision shall be designed to accommodate highway vehicle loading for waste collection vehicles.
 - ii) That the owner acknowledges and agrees that waste collection services within the subdivision shall not be provided until such time as the public roads are assumed for maintenance by the local municipality and shall advise all purchasers within the subdivision with an appropriate statement in all Offers and Agreements of Purchase and Sale of this requirement.
 - iii) The Owner shall agree in the Town of Cobourg subdivision agreement to remove a temporary access to Brook Road which services other developments external to this subdivision at such time as the proposed road allowance to access King Street is constructed. The temporary access shall be removed to the satisfaction of Northumberland County.
16. Prior to the final approval of the draft plan, the County of Northumberland is to be satisfied that appropriate clauses are contained within the Subdivision Agreement which require the owner to implement or cause to be implemented the recommendations and measures contained within the plans and reports required and approved by the County in accordance with Condition #15.
17. Prior to the commencement of any grading, construction on site, or final registration of the plan, whichever occurs first, the owner shall submit to the Ganaraska Region Conservation Authority (GRCA) reports, plans and/or other documentation which describes and confirms the following to the satisfaction of the GRCA:
 - (i) a detailed Stormwater Management Implementation Report supporting the detailed design which includes the following to the satisfaction of the GRCA:
 - a detailed hydraulic analysis of the proposed outlet structures from the stormwater management (SWM);
 - revised hydrologic analysis including all design flow events, 2 to 100 year inclusive, routed through the SWM facilities;
 - a hydraulic gradeline analysis for the 5 year event and sewers oversized to ensure that flows are contained below the obvert of the pipe;
 - a 100 year hydraulic gradeline analysis to confirm that basement elevations are not surcharged, and an overland flow analysis that identifies sags, any sewer oversizing required, and confirmation that flows can be conveyed

safely to the SWM facilities within the municipal rights-of-way;

- confirmation that all flows from the proposed development will be treated by the SWM facilities;
- (ii) an Erosion and Siltation Control Report and Plan detailing the means by which erosion and sedimentation and their effects will be minimized and contained on the site during and after construction in accordance with Provincial Guidelines. The report will need to outline:
- the protection measures required;
 - the timing of the removal of devices tied to areas that have been stabilized;
 - details for temporary outlet structures, decommissioning and sediment removal/disposal protocols following MOE-EPA Guidelines; and,
 - all actions to be taken to prevent an increase in the concentration of solids in any water body as a result of on-site, or other related works, to comply with the Canada Fisheries Act;
- iii) Any other studies and/or drawings that the GRCA considers necessary to ensure the appropriate development of the subdivision lands in accordance with Provincial and GRCA policies and regulations.
18. That the owner agrees to pay all GRCA detailed technical review fees in accordance with the current GRCA Fee Schedule on a per phase basis, and further agree to obtain all necessary GRCA permits required under Ontario Regulation 168/06.
19. Prior to the final approval of the draft plan, the GRCA is to be satisfied that appropriate clauses are contained within the subdivision agreement which require the owner to implement or cause to be implemented the recommendations and measures contained within the reports, and any addenda thereto, as required and approved by the GRCA;
20. Prior to the final approval of the draft plan, the GRCA is to be satisfied that appropriate clauses are contained within the subdivision agreement which require the owner to maintain all erosion and siltation control devices in good repair prior to and during the construction period in a manner satisfactory to the GRCA.
21. That prior to final approval of the draft plan, the owner shall carry out a detailed archaeological resource assessment of the draft plan lands and mitigate, through avoidance or documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, filling, or any form of soil disturbances, shall take place on the draft plan lands prior to the issuance of a letter from the Ministry of Tourism, Culture and Sport to the Town indicating that all archaeological resource concerns have met licensing and resource conservation requirements.
22. Prior to the final approval of the draft plan, Lakefront Utility Services Inc. (LUSI) and Lakefront Utilities Inc. (LUI) shall confirm to the Town that satisfactory arrangements, financial and otherwise, have been made with LUSI and LUI for any facilities serving this draft plan of subdivision which are required to be installed. The owner shall agree in the

subdivision agreement, in words satisfactory to LUSI and LUI, to implement the requirements of LUSI and LUI and to grant to LUSI and LUI any easements that may be required for electrical and/or water services.

23. Prior to the final approval of the draft plan, Enbridge Gas, operating as Union Gas, shall confirm to the Town that satisfactory arrangements, financial and otherwise, have been made with Enbridge/Union Gas for any gas facilities serving this draft plan of subdivision. The owner shall agree in the subdivision agreement, in words satisfactory to Enbridge/Union Gas, to grant to Enbridge/Union Gas any easements that may be required for gas utility services and/or infrastructure required to service the draft plan of subdivision.
24. That prior to final approval of the draft plan, the Town of Cobourg is to be advised in writing by Bell Canada how Condition #13 has been satisfied.
25. That prior to final approval of the draft plan, the Town of Cobourg is to be advised in writing by Canada Post how Condition #14 has been satisfied.
26. That prior to final approval of the draft plan, the Town of Cobourg is to be advised in writing by the County of Northumberland how Condition #'s 10, 15 and 16 have been satisfied.
27. That prior to final approval of the draft plan, the Town of Cobourg is to be advised in writing by the Ganaraska Conservation Authority how Condition #'s 4, 17, 18, 19 and 20 have been satisfied.
28. That prior to final approval of the draft plan, the Town of Cobourg is to be advised in writing by the Ministry of Tourism, Culture and Sport how Condition # 21 has been satisfied.
29. That prior to final approval of the draft plan, the Town of Cobourg is to be satisfied in writing by the Lakefront Utility Services Inc. and Lakefront Utilities Inc. how Condition #22 has been satisfied.
30. That prior to final approval of the draft plan, the Town of Cobourg is to be satisfied in writing by Enbridge/Union Gas how Condition #23 has been satisfied.
31. That prior to final approval of the draft plan, the Town of Cobourg is to be satisfied in writing by Canadian Pacific Railway and Canadian National Railway how Condition #6 has been satisfied.

NOTES TO DRAFT APPROVAL

1. It is the Applicant's responsibility to fulfill the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the Municipality, quoting the '14T' File Number.
2. We suggest that the Applicant make yourself familiar with Section 144 of the Land Titles Act and Subsection 78(10) of the Registry Act.

Subsection 144(1) of the Land Titles Act requires that a plan of subdivision of land that is located in a land titles division be registered under the Land Titles Act. Exceptions to this provision are set out in Subsection 144(2).

Subsection 78(10) of the Registry Act requires that a plan of subdivision of land that is located only in a registry division cannot be registered under the Registry Act unless that title of the Owner of the land has been certified under the Certification of Titles Act. Exceptions to this provision are set out in clauses {b} and {c} of subsection 78(10).

3. The Subdivision Agreement should be registered under Subsection 51(26) of the Planning Act, R.S.O. 1990, c.P.13 against the land to which it applies as notice to prospective purchasers.
4. A permit will be required under the Ganaraska Region Conservation Authority's Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ont. Reg. 168/06) prior to any development or site alteration on the subject property.
5. The Ganaraska Region Conservation Authority notes that temporary sediment control ponds must be capable of accommodating 125 cubic metres per hectare of contributing drainage area for a period of not less than 12 hours, or removing particle sizes down to 40 microns.
6. Clearances are required from the following agencies:

Mr. Ken Thajer
Ganaraska Region Conservation Authority
P.O. Box 328
Port Hope ON L1A 3W4

D. Campbell
County of Northumberland
860 William Street
Cobourg ON K9A 3A9

Janice Young
Bell Canada
Network Property Services
F 13-100 Borough Drive
Toronto ON M1P 4W2

Canada Post/Postes Canada
Attn: Stephen McGraw
Delivery Service Officer / Agent de Service a la Livraison
P.O Box 8037 Ottawa T CSC
Ottawa, ON K1G 3H6

D. Paul, President
Lakefront Utility Services Inc/Lakefront Utilities Inc.
207 Division Street
Cobourg, Ontario
K9A 4L3

Josie Tomei
Canadian Pacific Railway
800-1290 Central Parkway West
Mississauga, ON L5C 4R3

Susanne Glenn-Rigny, MCIP, RPP, OUQ
Agente principale/Senior Officer
Planification et développement communautaires/
Community Planning and Development
CN Affaires juridiques/Law Department
935, rue de La Gauchetière Ouest
15e étage
Montréal (Québec) H3B 2M9

Ministry of Tourism, Culture and Sport - Archaeology
Hearst Block, 9th Floor
900 Bay Street
Toronto, ON M7A 2E1

Mary Jane Patrick
Enbridge Gas Inc., operating as Union Gas
50 Keil Drive North
Chatham, ON N7M 5M1

7. All measurements in subdivision plans and condominium final plans must be presented in metric units.
8. The final plan approved by the Town must be registered within 30 days or the Municipality may withdraw its approval under Subsection 51(59) of the Planning Act, R.S.O. c.P.13, 1990.
9. This draft approval shall be in force and effect until **September 30, 2022**.

Figure 1

