



THE CORPORATION OF THE TOWN OF COBOURG

**BY-LAW 059-2021**

**A BY-LAW TO APPROVE A DRAFT PLAN OF SUBDIVISION WITH CONDITIONS (LANDS SOUTH OF KERR STREET – KWENDILL HOLDINGS LTD.)**

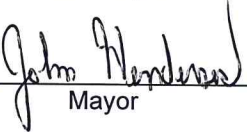
**WHEREAS** the Council of the Corporation of the Town of Cobourg held a Public Meeting in accordance with the Planning Act, R.S.O. 1990, c.P. 13, as amended, on the 14<sup>th</sup> day of June, 2021 regarding an application by RFA Planning Consultants Inc. on behalf of Kwendill Holdings to approve a Draft Plan of Subdivision on a 6.21 ha parcel of vacant Industrial land east of 650 Division Street (Home Hardware) & the CNR Spur Line, west of 569 D’Arcy Street (Limpact International) (hereinafter referred to as the “Subject Lands”);

**AND WHEREAS** the Council of the Corporation of the Town of Cobourg duly considered the applicant’s background documentation, including a Planning Justification Report, municipal staff’s Planning Report, and all other relevant background information surrounding the subject matter, and deems it advisable to grant Draft Approval of the Plan of Subdivision, subject to detailed conditions;

**NOW THEREFORE** the Municipal Council of the Corporation of the Town of Cobourg, in accordance with the provisions of Section 51 of the Planning Act, R.S.O. 1990 as amended, hereby enacts as follows:

1. Draft Approval of a Plan of Subdivision generally located on the 6.21 ha parcel of vacant industrial land located east of 650 Division Street (Home Hardware) & the CNR Spur Line, west of 569 D’Arcy Street (Limpact International), is hereby granted, subject to the conditions as affixed hereto as Schedule “A”;
2. 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 on this 26<sup>th</sup> day of July, 2021.

  
\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Municipal Clerk

Certified that this is a true copy of By-law<sup>059</sup>- 2021 as enacted and passed by the Council of the Corporation of the Town of Cobourg on 26 day of July 2021.

  
\_\_\_\_\_  
Municipal Clerk

### Schedule "A"

1. This approval applies to the Draft Plan of Subdivision, as shown in red on the Plan prepared by Sylvester & Brown Ontario Land Surveyor Ltd., dated March 16, 2021 (attached hereto as **Figure 1**), and consisting of:
  - 6 lots; and,
  - 12 blocks.
  
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 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, sedimentation controls, and road infrastructure;
  - stormwater management, including the design and conveyance of stormwater from lands internal and external to the draft plan, sustainable 'green' infrastructure, low-impact development stormwater systems and/or other sustainable drainage measures, all in accordance with the specifications and requirements of the Town of Cobourg and the Ganaraska Region Conservation Authority (GRCA);
  - the allocation, collection and treatment of wastewater in accordance with the specifications and requirements of the Town of Cobourg;
  - facilities for active transportation, including pedestrian and bicycle circulation (trails and sidewalks, connections);
  - urban built form, landscape and streetscape design measures;
  - fencing, screening and other buffering measures, including noise impact mitigation, where applicable;
  - consideration of enhanced site and building design measures with an emphasis on sustainability, accessibility and visitability;
  - site construction operations management planning;
  - cost-sharing, easements, agreements, condominium requirements (where applicable), financial securities and other development operations and performance measures as may be required to develop the site;
  - easements that may be required by the applicable authority;

The Town of Cobourg reserves the right to modify, or 'red-line', at its discretion and in consultation with the owner, acting reasonably, 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, grading and servicing, 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 design/pattern in order to satisfy the applicable policies, guidelines and standards of the Town of Cobourg and agencies.

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.

3. The owner shall agree in writing to satisfy the Town of Cobourg's urban design objectives of the Official Plan as reflected in the Official Plan and Urban & Landscape Design Guidelines. The development will be subject to architectural controls, and the Town will require the preparation of architectural plans and details which demonstrate that the aforementioned objectives will be achieved upon the implementation of the subdivision via Site Plan Approval.
  
4. 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, or

alternatively provide payment equal to 2% of the value of the land otherwise required to be conveyed.

5. Prior to the final approval of the draft plan, the Town of Cobourg 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. Any such easements as may be required for utility or drainage purposes shall be granted to the appropriate utility authority.
6. Prior to the final approval of the draft plan, the appropriate zoning shall be in place to the satisfaction of the Town of Cobourg.
7. Any necessary daylighting triangles, road widening, and access blocks shall be shown on the final plan and be dedicated to the appropriate authority.
8. 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.
9. Prior to the final approval of the draft plan, Union/Enbridge Gas shall confirm to the Town that satisfactory arrangements, financial and otherwise, have been made with Union Gas for any gas facilities serving this draft plan of subdivision which are required by the Town of Cobourg to be installed. The owner shall agree in the subdivision agreement, in words satisfactory to Union/Enbridge Gas, to grant to Union/Enbridge Gas any easements that may be required for gas services and related facilities.
10. 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.
11. Prior to the final approval of the draft plan, the County of Northumberland shall confirm to the Town that satisfactory arrangements, financial and/or otherwise, have been made with the County of Northumberland regarding the following matters:
  - i) the owner acknowledges and agrees that municipal waste collection services within the subdivision shall not be provided by the County, and that private on-site waste collection and removal is required for the lots and blocks in the subdivision, and the owner shall advise all purchasers within the subdivision with an appropriate statement in all Offers and Agreements of Purchase and Sale of this requirement.
  - ii) 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 any plans and reports required and approved by the County;
12. 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) such reports, plans and/or other documentation associated with stormwater management, erosion/sedimentation control and other matters under the jurisdiction and authority of the GRCA to their satisfaction and approval. Notwithstanding the generality of the foregoing, 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 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);
    - a hydrologic analysis including all design flow events, 2 to 100 year inclusive, routed through the SWM facilities;

- 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.

13. 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, plans and/or other documentation that the GRCA considers necessary to ensure the appropriate development of the subdivision lands in accordance with Provincial and GRCA policies and regulations, including but not limited to a requirement that the owner maintain all erosion and siltation control devices and stormwater management facilities in good repair prior to, during and after the construction period in a manner satisfactory to the GRCA.
14. That the owner agrees to pay all GRCA detailed technical review fees in accordance with the current GRCA Fee Schedule, and further agree to obtain all necessary GRCA permits required under Ontario Regulation 168/06.
15. 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.
16. That prior to final approval of the draft plan, Canadian National (CN) Railway and Canadian Pacific Railways (CPR) shall be satisfied that appropriate terms, conditions and/or warning clauses are inserted into the Subdivision Agreement in accordance with the requirements of the appropriate railway as part of the detailed subdivision review process of the Town, and in accordance with Provincial Guidelines and railway requirements.
17. 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 Culture to the Town indicating that all archaeological resource concerns have met licensing and resource conservation requirements.
18. That prior to final approval of the draft plan, the Town of Cobourg is to be advised in writing by Bell Canada how Condition #8 has been satisfied.

19. That prior to final approval of the draft plan, the Town of Cobourg is to be advised in writing by Union Gas how Condition #9 has been satisfied.
20. That prior to final approval of the draft plan, the Town of Cobourg is to be advised in writing by Canada Post how Condition #10 has been satisfied.
21. That prior to final approval of the draft plan, the Town of Cobourg is to be satisfied in writing by the County of Northumberland how Condition #11 has been satisfied.
22. That prior to final approval of the draft plan, the Town of Cobourg is to be advised in writing by the Ganaraska Region Conservation Authority how Condition #'s12, 13, & 14 have been satisfied.
23. 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 #15 has been satisfied.
24. That prior to the approval of the draft plan, the Town of Cobourg is to be satisfied in writing by CN Railway and CP Railway how Condition #16 has been satisfied.
25. 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 #17 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 File Numbers.
2. We suggest that the Applicant make themselves 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:

Ken Thajer, Planning & Regulations Co-ordinator  
 Ganaraska Region Conservation Authority  
 P.O. Box 328  
 Port Hope ON L1A 3W4

B. Gillispie, Developmental Roads Manager  
 County of Northumberland  
 Traffic and ROW Management  
 555 Courthouse Road  
 Cobourg, Ontario K9A 5J6

D. Campbell, Land Use Planning Manager  
County of Northumberland  
Land Use Planning Department  
600 William Street  
Cobourg, ON K9A 3A5

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

Stephen McGraw, Delivery Planner  
Canada Post/Postes Canada  
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

Mary Jane Patrick, Analyst, Land Services  
Union Gas Limited  
50 Keil Drive North  
Chatham, Ontario  
N7M 5M1

Canadian Pacific Railway  
40 University Avenue  
Toronto ON M5J 1T1

Canadian National Railway  
Engineering & Environmental Services  
1 Administration Road  
Concord ON L4K 1B9

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

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 **July 26, 2024.**

Figure 1

