

STAFF REPORT

THE CORPORATION OF THE TOWN OF COBOURG



Report to:	Mayor and Council Members	Priority:	<input checked="" type="checkbox"/> High <input type="checkbox"/> Low
Submitted by:	Glenn McGlashon, MCIP, RPP Director, Planning & Development gmcglashon@cobourg.ca	Meeting Type:	Open Session <input checked="" type="checkbox"/> Closed Session <input type="checkbox"/>
Meeting Date:	February 16, 2021		
Report No.:	Planning and Development-005-21		
Submit comments to Council			

Subject/Title: Villages of Central Park - Rondeau (Cobourg East Community), Authorization of a Tree Removal Agreement

RECOMMENDATION:

THAT Council receive this Report for information purposes; and,

FURTHER THAT Council endorse the By-law affixed to the Report as *Appendix II* which authorizes the Mayor and Municipal Clerk to enter into a Tree Removal Agreement with Rondeau (Cobourg) Ltd. to address all relevant municipal and agency requirements associated with the removal of trees on the Villages of Central Park development site in accordance with the detailed Tree Inventory & Preservation Plan (TIPP), Arborist Report and Related Landscape Analysis prepared by Henry Kortekaas & Associates Inc. and The Planning Partnership, 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 216 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.

3. PURPOSE

The purpose of this Report is to provide Council with an overview of the requested approvals by RCL for the development lands, specifically the tree removals in Stage 1 of the proposed 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.

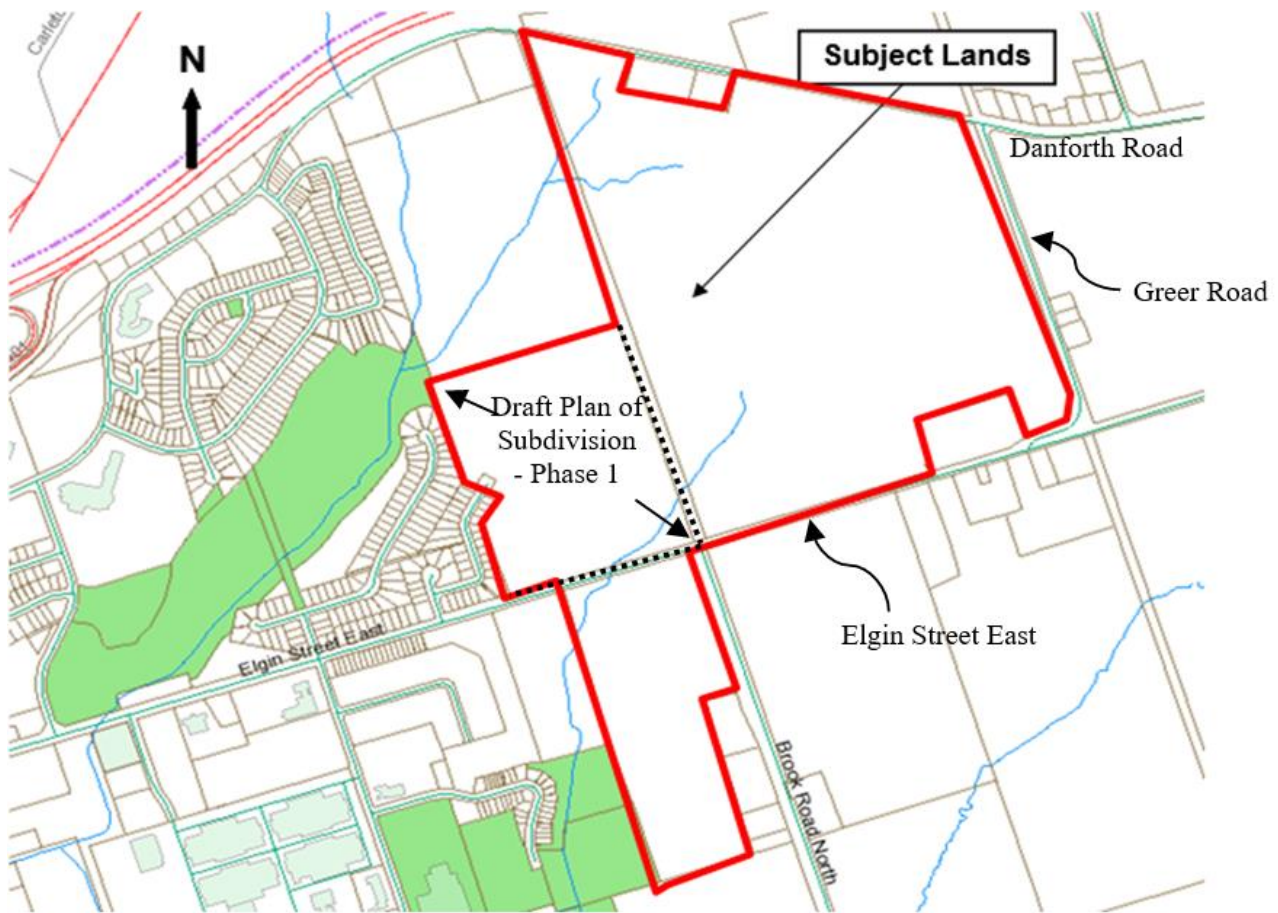


Figure 1 – Key Map

As indicated above, RCL propose 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*).

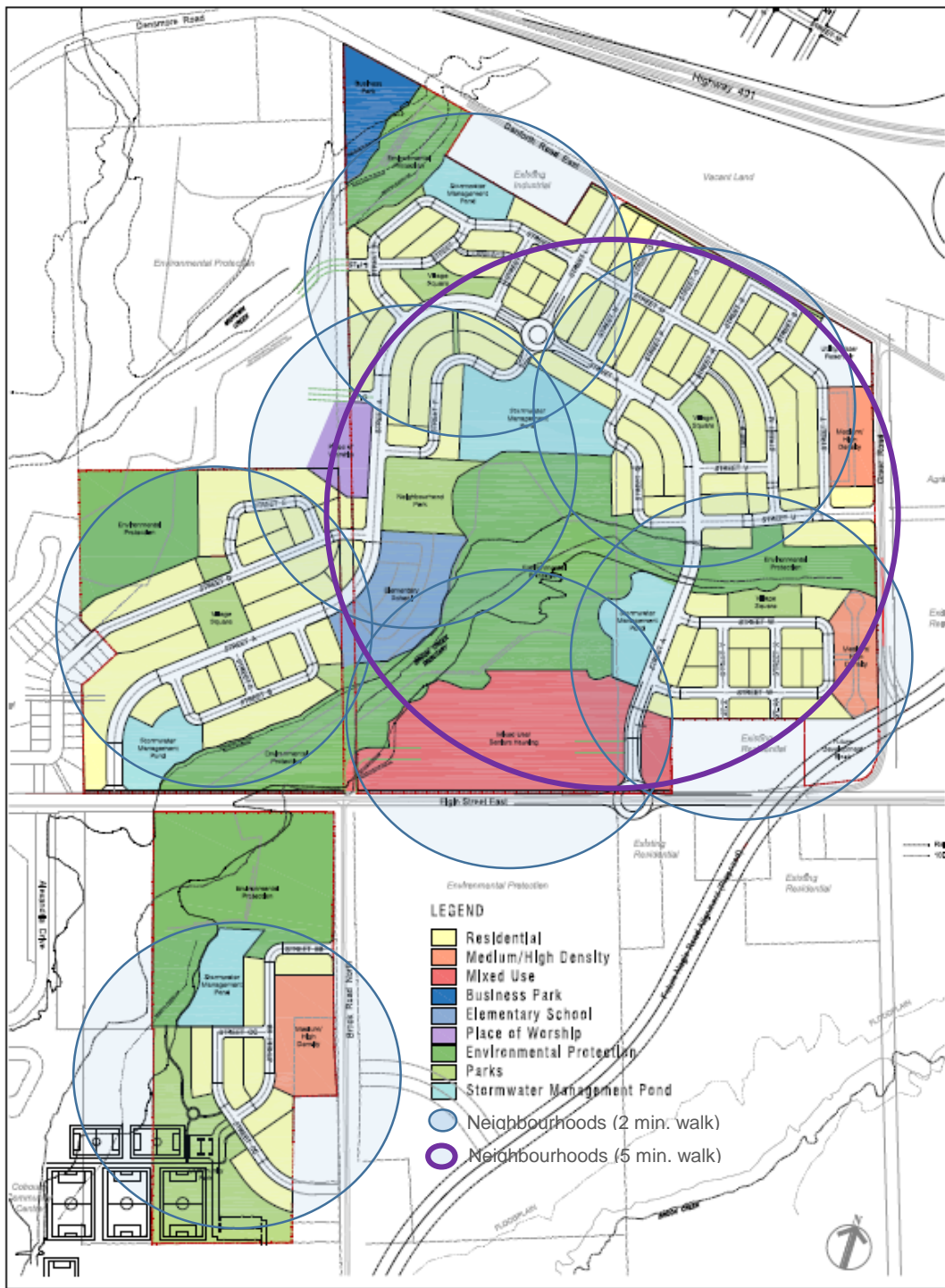


Figure 2 – Overall Community Master Plan

The application provides technical details relating to the development of the Phase 1 subdivision lands, which will consist of up to 216 dwelling units, with associated streets, open space, park space, 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.

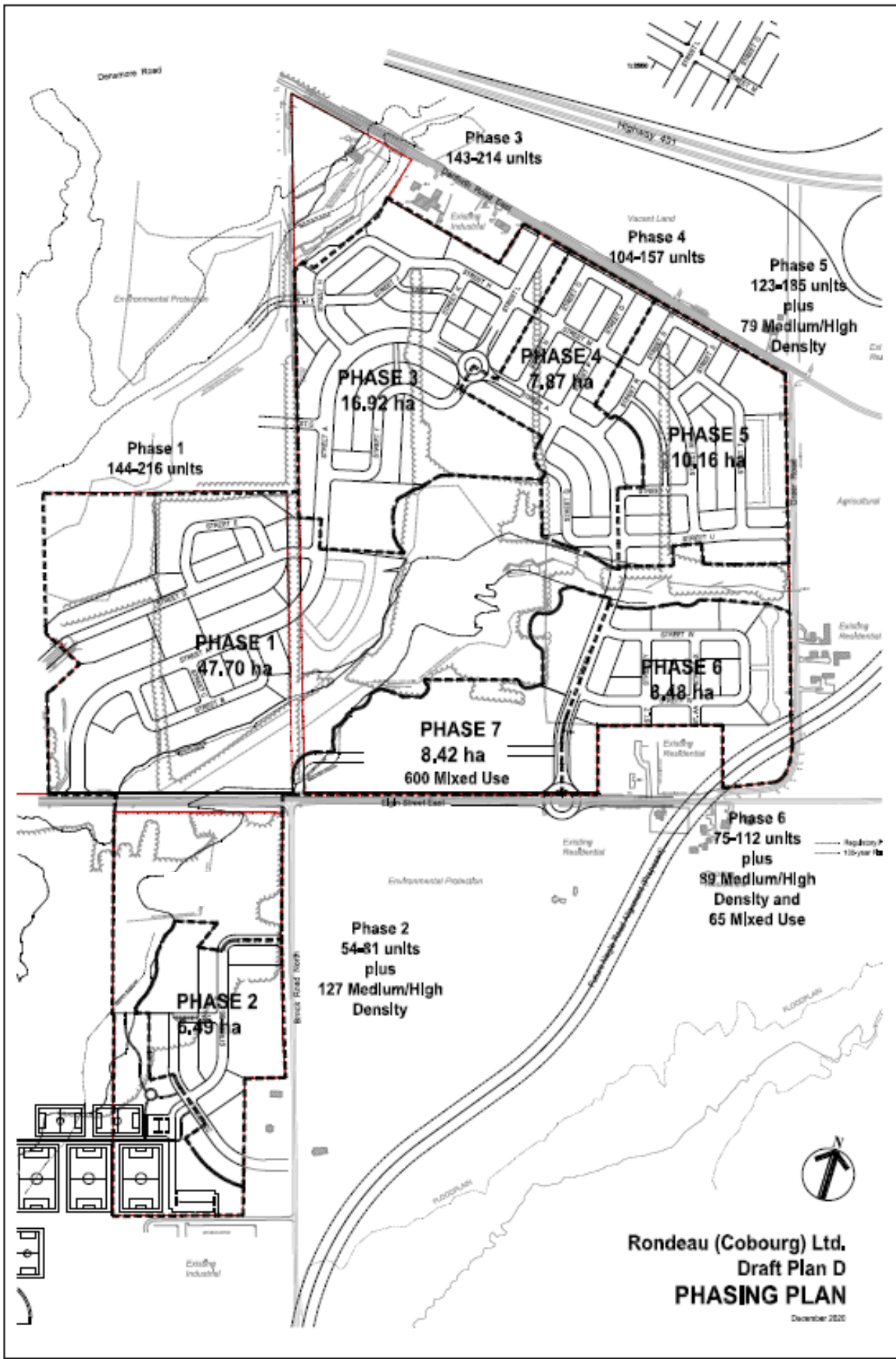


Figure 3 – Draft Plan of Subdivision Phasing Plan

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;

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, RCL has requested approval of an interim Agreement which authorizes the removal of a number of trees on the development site in advance of the migratory bird breeding season which begins in mid-April (April 15 to August 15 as per the Environment Canada guideline), and in advance of final subdivision approval by Council. The tree removals do not affect the environmentally-sensitive floodplain or woodlot lands which are protected under the Official Plan and Zoning By-law. Further discussion will occur in Section 6 below.

6. ANALYSIS

As RCL prepares to finalize Phase 1 of its subdivision project, they are seeking approval for a multi-stage development Work Plan which will facilitate tree removals on site in order to avoid the restrictions associated with the migratory bird breeding season this Spring. The tree removals are also required to support an extensive “cut and fill”, or earthworks, program as part of a future Site Alteration Permit/Agreement and Pre-Servicing Agreement to facilitate the development of the Phase 1 lands.

Henry Kortekaas and Assoc Ltd. (HKAL) and The Planning Partnership (TPP) have submitted a detailed Tree Inventory & Preservation Plan (TIPP), Arborist Report and Related Landscape Analysis in support of the tree clearing program. Given the nature of the request, the report was circulated to the Manager of Parks & Forestry and the Ganaraska Region Conservation Authority (GRCA) for review. A number of technical comments were provided however, in general, the proposed tree removals were deemed to be acceptable with conditions specific to installation of appropriate tree protection zones, the implementation of proper erosion and sedimentation controls, and the formulation and approval of a comprehensive landscape re-planting plan.

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 Council¹. Given the unique circumstances and time constraints involved with the upcoming bird breeding season, the need for extensive earthworks on the Phase 1 lands, and the timing of the final draft plan approvals process, RCL is requesting that the development approval process be split into three (3) stages:

1. Stage 1 – Tree Removal (March, 2021)

The first stage of the development Work Plan is the tree removal program. Tree clearing is required prior to the commencement of earthworks and is a time sensitive operation as the trees need to be removed prior to the migratory bird breeding season as per the Environment Canada guideline (April 15 to August 15).

The principles behind this tree removal program are as follows:

- The recommended tree clearing program allows for the implementation of the earthwork operations required for Phase 1 involving the movement of approximately 680,000 m³ of soil to various areas of the development site;
- Given the significant quantity of earth to be moved in Phase 1, the recommended area to place fill is within the areas on the RCL lands designated Phases 2, 3, 4, 5, & 6 as shown on Figure 2 – Draft Plan of Subdivision Phasing Plan above. 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.
- Limiting the tree removal and placement of fill to Phase 1 alone is not physically achievable given the significant quantities involved and physical constraints.
- The trees to be removed are located outside of sensitive environmental protection and floodplain areas as identified by the Natural Heritage Systems analysis conducted by GHD (formerly Niblett Environmental) in 2016, including the central woodlot, creek valley, Nickerson Woods and Elgin Street/Brook

¹ Sites that are not subject to a development application under the *Planning Act* would be required to apply to the Manager of Parks & Forestry for a Tree Removal Permit.

Road woodlots collectively comprising 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. Refer to Appendix I – Tree Inventory & Preservation Plan for a general plan overview of removal and preservation areas.

- The tree removals include approx. 54 significant individual field and ‘edge’ trees greater than 30 cm diameter at breast height (DBH), however a large component also includes the removal of tree and shrub groupings, clusters, groves and hedgerows containing smaller and/or successional species of sumac, buckthorn, cedar, ash, poplar, aspen and birch within the open fields and perimeter. A comprehensive and robust replanting plan will be implemented as part of the Landscape Master Plan for each Phase of development.
- The tree clearing operation is limited to tree removal only – no stumping, topsoil removals, pre-servicing or other site alterations or works are proposed at this stage.
- Appropriate Permits will be required from the GRCA and County of Northumberland.
- An I.S.A. Certified Arborist is to be on-site at all times to supervise the tree removal operation.

RCL is seeking a Stage 1 approval now in order to meet the deadlines imposed by the Migratory Bird Act. Failure to meet the deadline will delay the project by at least a year.

2. Stage 2 – Site Alteration/Earthworks (Spring, 2021 -- Winter, 2021/22)

The second stage of the development Work Plan will be the site alteration and earthworks program. This process would commence only after all engineering and other technical issues associated with the earthworks program are approved by municipal staff, GRCA, County of Northumberland and other relevant partner review agencies and, ultimately, Council. A Site Alteration/Fill Agreement and Permit will be required to address all relevant municipal and agency conditions (ie. construction regulations, performance security, permits and insurance). While this scope of this work needs to be addressed in a timely fashion, it is not as time sensitive as the tree removal works.

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

As with all development proposals in the municipality, Forestry and Planning staff undertook evaluations of the proposed tree removal works within the context of the goals, objectives and recommendations of the Urban Forestry Master Plan (UFMP) and the Official Plan in the areas of environmental stewardship and resource management. The UFMP and Tree Preservation By-law recognize that not all trees can be protected, nor should be protected, depending on species (invasive species and Ash), health (decay, structure, insects), ecological environment/context, construction impact, and value. An important component of natural heritage systems stewardship is identifying what is valuable, and seeking ways to protect it.

The Natural Heritage System study by GHD identified areas of significant resource value within the central woodlot and the natural corridors leading east and south-west from the woodlot, and the woodlot south of Elgin Street East. In addition, the northward extension of the Nickerson Woods woodlot was identified as a high value in the north-western section of the site. These important natural heritage resources encompass not only significant plant and wildlife communities and ecological systems but also significant heritage trees from an environmental and arboriculture point of view and are to be preserved.

As indicated above, a total of 27 ha (67 ac) of ecologically-sensitive woodlot and creek/marsh valleyland is being protected, representing $\frac{1}{4}$ of the overall development lands. The addition of other public parkland and open spaces (village squares, neighbourhood parks, trail linkages, trail-heads, and stormwater management ponds) within the development will contribute another 15 ha (37 ac) to the Municipality's open space system, for a total of approx. 40% of the site being dedicated and maintained as public open space.

The Arborist Report has indicated that the majority of the existing trees to be removed are foreign or invasive (Buckthorn, Scots Pine), successional growth and scrub vegetation, are in poor health or condition, or are Ash trees that are infested with the Emerald Ash Borer and should be removed. There are some significant specimens being removed within and along the edges of fields (outside of protected EP areas) where protection was not feasible due to development impacts.

It is important to note that, as part of the final approvals submission for Phase 1, the development will be subject to the implementation of a Landscape Master Plan which provides a comprehensive vegetation planting and compensation plan for the phase, including streets, parks and open spaces, stormwater management ponds, forest edge management/buffering, creek restoration and tree replacement/compensation. In total, the development of Phase 1 alone will result in approx. 900 -- 1,000 trees and approx. 2,500 – 3,000 shrubs being planted.

Each successive phase of development will include the review and approval of a further Landscape Master Plan by Council, which will add to the overall vegetation proposed for the development and contribute to the enhancement of the Town's urban forest and tree canopy. The above reflects the commitment of the owner and the Municipality in practicing effective and responsible environmental stewardship.

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 Tree Removal 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 Tree Removal Agreement, the owner will be required to submit a performance security and insurance to cover defaults, damages and risk/liability.

8. CONCLUSION

In collaboration with the Manager of Parks & Forestry, GRCA and municipal staff, the proposed multi-stage approach by RCL for conducting tree removals on the development site via a Tree Removal Agreement is comprehensive, methodical and appropriate. Stage 1 of the Work Plan will avoid the Spring migratory bird breeding season and facilitate the timely advancement of the site alteration and construction program for Phase 1 of the Villages of Central Park community. Appropriate conditions will be included in the agreement to address tree protection, erosion and sedimentation controls, performance security, insurance requirements and construction regulations.

The 2nd Stage of the Work Plan will involve the review and consideration of the technical design details associated with site alteration and earthworks required for Phase 1 later in the Spring of 2021, including Fill/Site Alteration Agreement & Permit requirements, and technical engineering details, culminating with a further staff report for approval by Council.

Finally, the Work Plan concludes in Stage 3 with the Clearance of Conditions of Draft Plan Approval and the approval by Council of a Pre-Servicing & Subdivision Agreement, including all technical engineering, landscape and planning details to the satisfaction of municipal staff and partner review agencies, in or around the latter half of 2021 for construction of infrastructure in the Winter of 2022.

Report Approval Details

Document Title:	Villages of Central Park (Cobourg East Community) - Planning and Development-005-21.docx
Attachments:	APPENDIX I TREE INVENTORY AND PRESERVATION PLAN.pdf APPENDIX II TREE REMOVAL AGREEMENT BY-LAW.pdf
Final Approval Date:	Feb 4, 2021

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

Tracey Vaughan, Chief Administrative Officer - Feb 4, 2021 - 4:22 PM