



Town of Newmarket
395 Mulock Drive P.O. Box 328,
Newmarket, Ontario, L3Y 4X7

Email: info@newmarket.ca | Website: newmarket.ca | Phone: 905-895-5193

Natural Heritage System Boundary Refinement: Vacant Lot West of Yonge Street, South of the Hydro Corridor (Part of Lot 91, Concession 1, being Part of Part 2, Plan 65R-25710) Information Report

Report Number: 2018-30

Department(s): Planning and Building Services

Author(s): Matthew Peverini

Date: April 23, 2018

In accordance with the Procedure By-law, any member of Council may make a request to the Town Clerk that this Report be placed on an upcoming Committee of the Whole agenda for discussion.

Purpose

The purpose of this Report is to inform Council of the proposed refinement to the Natural Heritage System boundary and resulting tree removal on the privately-owned parcel of land, located northwest of the intersection of Yonge Street and Mulock Drive, north of the Mulock Estate property, in accordance with the Secondary Plan Ontario Municipal Board Settlement.

Background

The property is recognized as Part of Lot 91, Concession 1, being Part of Part 2, Plan 65R-25710 (see Attachment 1 – Location Map), and will herein be referred to as the ‘subject lands’. The subject lands have an area of 1.45 hectares, with primary access via an 8.5 metre wide driveway on Yonge Street. This access was created in 2017, in conjunction with the widening and upgrading of the Yonge Street Regional Corridor.

The subject lands are located within the Town of Newmarket Urban Centres Secondary Plan Study area. The subject lands fall within the “Yonge South” Character Area as outlined on Schedule 2: Character Areas; and are dually designated as “Natural Heritage System”, and “Mixed Use” by Schedule 3: Land Use (attached as Attachment 2), in the Town of Newmarket Urban Centres Secondary Plan.

Criterion Development Corporation (the property owner) is proposing to refine the Natural Heritage System designation's boundary on site, in an effort to increase its marketability as a developable parcel of land. This proposal would in result in:

1. A refined Natural Heritage System boundary that is setback further from Yonge Street;
2. An expanded area designated "Mixed Use"; and
3. The removal of trees on site in advance of a site plan application.

The Urban Centres Secondary Plan speaks directly to Natural Heritage and imposes a site-specific policy on the subject lands. Satisfaction of the policies as outlined by the Urban Centres Secondary Plan is required in advance of the proposal moving forward. This is discussed in the next section of this report.

Discussion

The Urban Centres Secondary Plan

The Town of Newmarket Urban Centres Secondary Plan envisions intensification and a mix of development along the Yonge Street and Davis Drive Regional Corridors. The Yonge South Character Area is envisioned to host higher density development with opportunities for office and retail uses.

The southern portion of the subject lands are currently designated "Natural Heritage System" by the Urban Centres Secondary Plan. Section 5.3.7 (ii) of the Secondary Plan speaks to Natural Heritage, and states:

"Minor refinements to these boundaries may occur through environmental study that demonstrates the appropriateness of the refinements to the satisfaction of the Town, in consultation with the relevant agencies. Such minor refinements will not require an amendment to this Plan".

Further, through the Ontario Municipal Board settlement process, a site-specific policy on the subject lands was included in the Secondary Plan which details:

"Access for the property to Yonge Street shall be permitted through the Natural Heritage System designation subject to submission of an environmental study to the satisfaction of the Town in consultation with the relevant agencies".

In an effort to promote marketability and development of this parcel, the property owner is seeking to refine the Natural Heritage System boundary in accordance with the above noted Secondary Plan policies.

Submitted Documentation

The property owner has submitted the following documents to support the proposed Natural Heritage System boundary refinement on the subject lands:

- Natural Heritage Assessment and Constraints Analysis prepared by Dougan & Associates Ecological Consulting and Design, dated June 2017;
- Tree Preservation and Protection Plan prepared by Dougan & Associates Ecological Consulting and Design, dated November 2017;
- Tree Preservation Plan Addendum prepared by Dougan & Associates Ecological Consulting and Design, dated January 17, 2018; and
- Sketch defining the edge of the 3 metre vegetative strip that will abut the 7 metre setback from the feature.

There were a total of 176 trees surveyed and assessed on site. Two development concepts were evaluated when proposing the boundary refinement. Both concepts occupy the same development envelope and effectively have an equivalent impact on the trees. Upon review of the sketch defining the new boundary and edge of the 3 metre vegetative strip that will abut the 7 metre setback from the feature (Attachment 3 to this Report), it has been determined that 56 trees can be preserved, with 9 potentially injured and 107 removed.

Staff and Agency Review

The Lake Simcoe Region Conservation Authority (LSRCA) provided the ecological technical review for this proposal. The LSRCA has reviewed the Tree Preservation and Protection Plan, and Tree Preservation Plan Addendum, and have confirmed that they are satisfied with the proposed concept and ecological offsetting as outlined in the documents.

As the LSRCA has deemed the submission material acceptable, Town Staff has informed the developer that the submitted information satisfies the policy requirements of Sections 5.3.7 (ii) and 15.0 Exception 3 (site-specific exception) in the Urban Centres Secondary Plan.

Town Staff has reviewed above noted submission material and advised the developer that the Town is satisfied with the proposed staking for the feature and buffer limit as outlined in Attachment 3.

Next Steps

The developer has been advised that no activity shall occur on the subject lands until Council has received this Information Report. Anticipated next steps following receipt of this Report by Council are outlined below.

1. Finalize tree removal limits and buffer / complete staking and fencing.
2. Inspection of staking and fencing to the satisfaction of the Town.
3. Determine total compensation value of trees to the satisfaction of the Town.
4. Preparation and execution of Agreements regarding tree compensation for the subject lands (and the site at the southwest corner of Yonge Street and Mulock Drive).

5. Criterion Development Corporation to circulate notice to area residents, Council, the Town of Newmarket Planning Department, the Town of Newmarket Customer Service Department, and the Director of Corporate Communications.
6. Criterion Development Corporation to remove trees.

Steps 1 and 2

The property owner is preparing a survey to finalize the tree removal limits and buffer outlined on the approved sketch reviewed by the LSRCA and Town Staff. Once finalized, the subject lands will be staked and tree protection fencing will be installed in accordance with the survey. Once installed, the property owner will be required to notify the Town, and Town Staff will inspect the completed works.

Step 3

The Town's Consulting Arborist has advised Planning Staff that the proposed tree compensation as outlined in Appendix 3 of the submitted Tree Preservation and Protection Plan prepared by Dougan & Associates Ecological Consulting and Design, (November 2017) satisfies the Town's Policy. The Report notes a required compensation value of 1,484.37 cm DBH, which equates to 247 trees with a minimum caliper of 60 mm. Trees that will be removed but not replaced will be subject to a cash-in-lieu amount of \$350 per 60 mm tree required for compensation.

As background, the LSRCA has advised the developer that their total cash-in-lieu value for ecological offsetting would be \$62,267.38. The developer has proposed a cash-in-lieu option for compensating for the loss of natural woodland features as a result of development. Approximately 0.58 hectares of woodland, based on the boundary approved in principal by the Town of Newmarket, would be removed, plus an additional 0.14 hectares of vegetation protection zone (VPZ) within the subject lands.

Compensation amounts for the Town will be confirmed prior to the preparation and execution of the Leading Site Plan Agreement.

Step 4

The property owner will be required to enter into leading site plan agreement(s) to be registered on title in advance of submitting a site plan application. This agreement will enact the Town's Tree Preservation, Protection, Replacement and Enhancement Policy to ensure that adherence to the policy is maintained on all new development sites within the Town.

In addition to the subject lands, the property owner also owns the parcel of land located at the southwest corner of the intersection of Yonge Street and Mulock Drive. Through a separate process, the property owner has removed trees on site in an effort to improve the site's marketability. It is further advised that the property owner enter into leading site plan agreement(s) on this site at this time to formalize previous commitments.

Step 5

The property owner will be required to circulate notice in advance of any tree removal to area residents, Council, Town of Newmarket Customer Service Department, and the Director of Corporate Communications.

Step 6

The property owner will commence with the removal of trees in accordance with the approved documents.

Conclusion

To conclude, Town Staff is satisfied that the proposal meets the intent of the policies outlined in the Urban Centres Secondary Plan. Further, commenting agencies are satisfied with the proposed boundary refinement and compensation values as provided by the property owner in their submission documents.

Business Plan and Strategic Plan Linkages

Well-planned and connected:

- Long-term strategy matched with a short-term action plan
- Strategic growth by way of a comprehensive Official Plan

Living Well:

- Environmental protection and natural heritage preservation

Consultation

Internally, consultation has occurred with Planning Staff regarding policy matters; and with the Supervisor, Forestry. Externally, there has been consultation with the Town's Consulting Arborist and LSRCA.

Human Resource Considerations

None.

Budget Impact

None.

Attachments

- 1 – Location Map
- 2 – Urban Centres Secondary Plan Schedule 3: Land Use
- 3 – Sketch defining the refined Natural Heritage System boundary

Contact

Matthew Peverini, Planner
mpeverini@newmarket.ca
(905) 953-5300 Ext. 2453

Approval



Matthew Peverini, BURPI, B.Sc.
Planner



Adrian Cammaert, MCIP, RPP, CNU-A
Senior Planner, Policy



Jason Unger, MCIP, RPP
Assistant Director of Planning

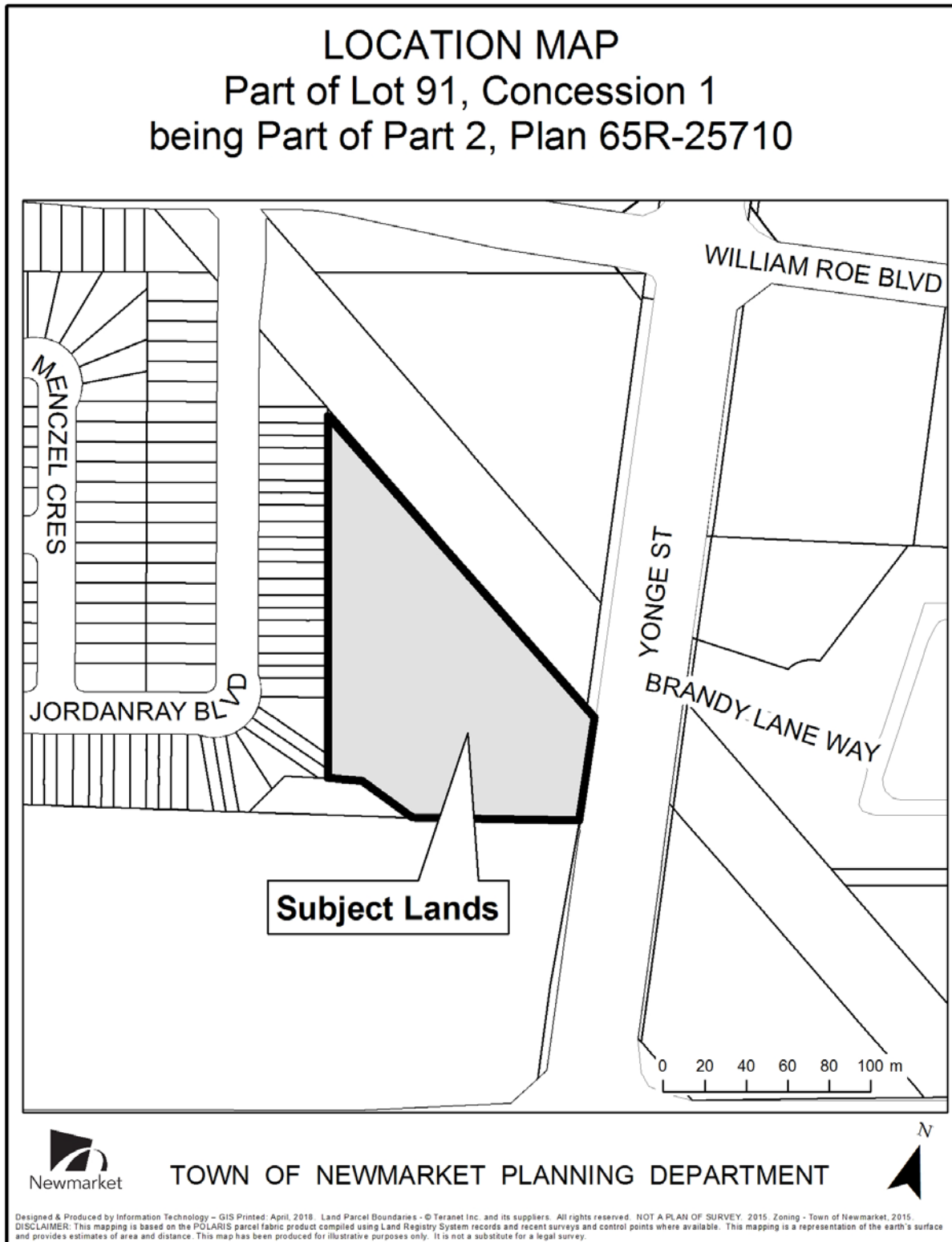


Richard Nethery, MCIP, RPP
Director of Planning & Building Services



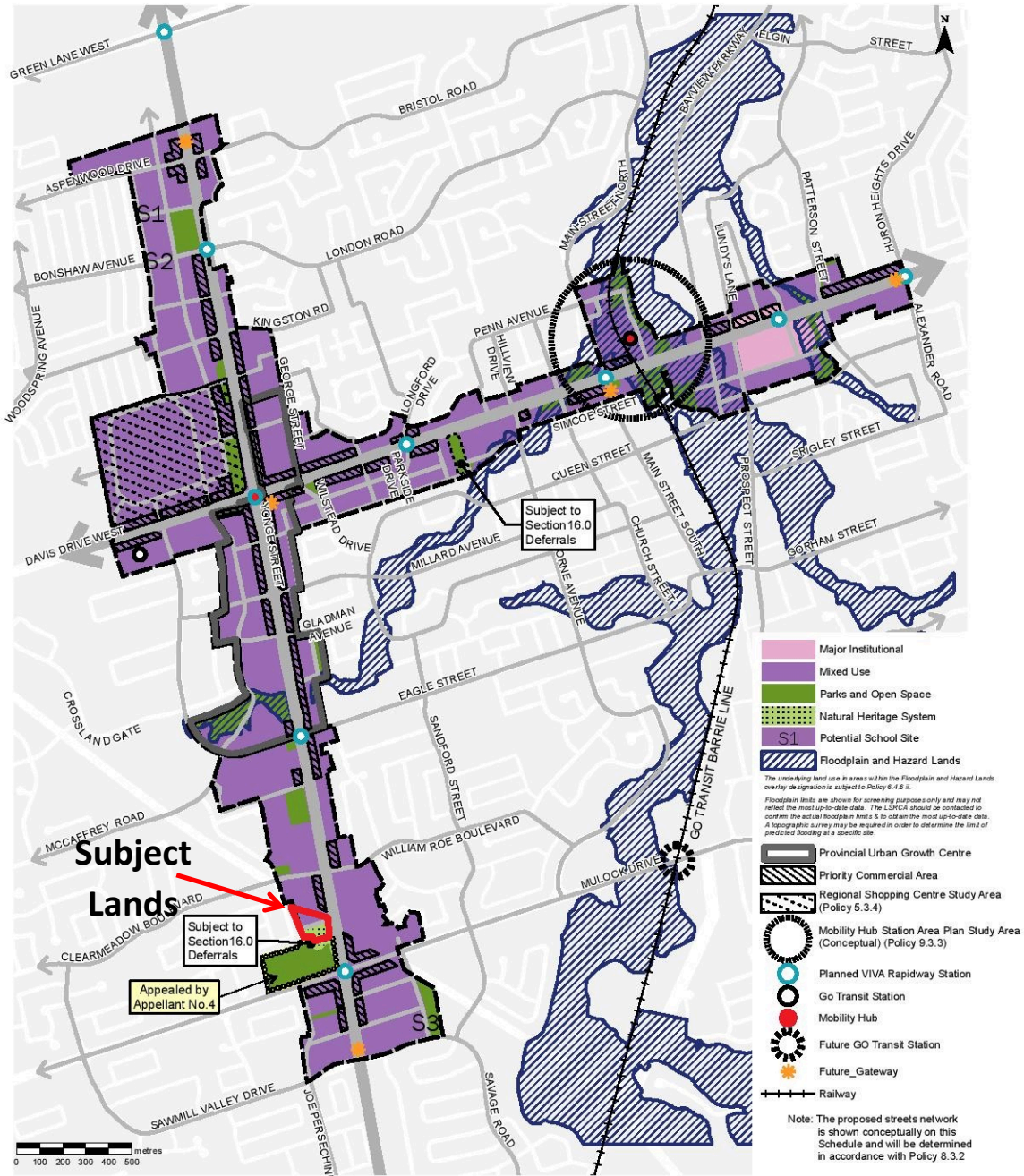
Peter Noehammer, P. Eng.
Commissioner, Development and
Infrastructure Services

Attachment 1 – Location Map



Attachment 2 – Urban Centres Secondary Plan Schedule 3: Land Use

SCHEDULE 3: LAND USE



Designed & Produced by Information Technology – GIS Printed: November 24, 2015. Source: Roads, Municipal Boundary, Railway, Waterbodies- Geomatics Division, Planning and Development Services Department © The Regional Municipality of York, 2011; Flood Plain - Lake Simcoe Region Conservation Authority. All other map layers - Town of Newmarket. **DISCLAIMER:** This document is provided by the Town of Newmarket for your personal, non-commercial use. The information depicted on this map has been compiled from various sources. While every effort has been made to accurately depict the information, data/mapping errors may exist. This map has been produced for illustrative purposes only. It is not a substitute for a legal survey.

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Attachment 3 – Sketch defining the refined Natural Heritage System boundary

