

COMMUNICATION 131109

Received from: Niki Dwyer, MCIP RPP, Director of Development Services
Addressed to: Committee of the Whole
Date: October 13, 2020
Topic: Taber Street Subdivision Extension, 3rd Request

SUMMARY

The Municipality is in receipt of a request by Cavanagh Developments regarding an extension of the Taber Street Subdivision (09-T-15003) draft plan approval which is presently scheduled to lapse on December 11, 2020.

Cavanagh is in the process of acquiring the property from the present owner (CP Rental and Property Management Thorbjornsson Group Ltd) who has granted them permission to file the extension request on their behalf.

The subdivision, which was originally envisioned to include four (4) blocks of townhomes (including a planned unit development) was approved in 2015 and has been subject to two (2) previous extensions by the developer.

Staff has met in a formal pre-consultation with the proponent who has indicated that they intend to initiate the development as soon as the land sale concludes.

COMMENT

Section 51(33) of the Planning Act permits that the approval authority (Lanark County) may grant extensions to a draft approval in increments of up to three (3) years. There is no upper limit on the number of extensions which may be granted, however best practices would indicate that where the governing land use policy has changed or the public interest in the site has evolved, a new public process in accordance with the Act should be used rather than an extension under Subsection 33.

Staff has reviewed the studies and reports which were included in the initial subdivision review as well as public comments received at the time and have concluded that the context of the development remains within the previously contemplated landscape.

In reviewing the governing land use planning policies, staff finds that the only document which has been updated is the Provincial Policy Statement (2019). The updated policy continues to support and prioritize infill development and the rounding out of settlement areas rather than the extension of settlement boundaries and encourages the focus of growth to be in serviced areas where no adverse impacts are created to the natural environment. The proposed subdivision of land on Taber Street fulfills these principals and can be concluded to be consistent with the Provincial Policy Statement.

Council received a staff report in October 2019 requesting a one (1) year extension of the subdivision by the present owner. In the report, the Manager of Development Services noted that any further request for extension would require an update of the Environmental Impact Statement and Species at Risk Assessment.

Staff has reviewed the supporting reports and have concluded that their findings remain valid. The initial study was conducted in 2014 and the author observed that the site had been recently “grubbed” and would now be considered a “cultural meadow”. The adjacent lands to the site were in a similar state and nominal species diversity was noted. No species at risk were identified at the time.

Since the commissioning of the report, the adjacent land has been developed as the Jackson Ridge Subdivision. The subject lands have been altered through the associated development of the Taber Street road allowance as well as the overall grading and drainage of the subdivision. At this time, there is little doubt as to the vulnerability or value of natural habitat on the subject lands. As a result, staff can conclude that there is little likelihood that a new EIS would find substantially different impacts from the proposed development of the Taber Street Subdivision.

The only remaining condition of draft approval to be fulfilled at this time is the execution of a subdivision agreement. Staff believes this can be completed relatively quickly once the ownership of the parcel has transferred.



Figure 1 - Subject Lands 2012 (looking west)



Figure 2 - Subject Lands 2020 (looking northwest)

STAFF RECOMMENDATION

THAT Council supports a one (1) year extension of the Draft Approval for the Taber Street Subdivision; and

THAT Staff be instructed to inform the County of Lanark.