

COMMUNICATION 132027

Received from: Niki Dwyer, MCIP RPP, Director of Development Services
Addressed to: Committee of the Whole
Date: February 23, 2021
Topic: Bodnar Subdivision Extension, 1st Request

SUMMARY

The Municipality is in receipt of a request by Cavanagh Developments regarding an extension of the Bodnar Subdivision draft plan approval which is presently scheduled to lapse on May 12, 2021.

Cavanagh has been steadily working to clear conditions of draft approval in recent months, most significantly including the finalization and municipal acceptance for the civil engineering designs for the subdivision. These designs have been certified by the Town and were forwarded to the Ministry of Environment, Conservation and Parks for approval and issuance of an Environmental Compliance Approval (ECA) on October 15, 2020. It is anticipated that the issuance of an ECA may take as long as six (6) months.

Following the issuance of an ECA, the developer is eligible to apply to the Town for the execution of a Subdivision Agreement. This agreement is required to be approved and sanctioned by Council and will include, but not be limited to, the following special conditions identified in draft approval:

1. The provision of a phasing plan to the Town's satisfaction;
2. Fencing to be installed adjacent to existing residential lands;
3. The widening of Lake Avenue to permit parallel parking;
4. The addition of 107 new trees to be planted in A. Roy Brown Park;
5. The payment of cash in lieu of parkland;
6. The requirement for rain barrels and Low Impact Design (LID) elements on a site by site basis;
7. The transfer of certain lands to the Town (i.e. pumping stations, pathways, roads etc.);
8. The implementation of any recommendations from the supporting studies and reports submitted and accepted at Draft Approval.

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 practice 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 scope.

Documents prepared in support of the application dated from late 2017, with draft approval issuance in May 2018.

The only legislation or policy change to occur during the draft approval has been the Provincial Policy Statement. Having reviewed the scope of the submitted studies and reports, there has been negligible modifications impacting the documents on file. At this time no further updates are deemed necessary however staff reserves the right to request further updates at future requests for extension should local policies (the Official Plan) be amended.

STAFF RECOMMENDATION

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

THAT Staff be instructed to inform the County of Lanark.