



Staff Report

Planning and Development Services - Planning

Report To: Committee of The Whole
Meeting Date: November 14, 2016
Report Number: PDS.16.149
Subject: Taylor Consent B08 2014
Prepared by: Michael Benner, Director of Planning and Development Services

A. Recommendations

THAT Council receive Staff Report PDS.16.149, entitled "Taylor Consent B08 2014";

THAT Council authorize staff to explore a connection to the Beaver River Trail from the eastern end of Alice Street East that includes adjacent landowner consultation, and;

THAT should the Alice Street East connection to the Beaver River Trail be deemed to be viable, that Council authorize an amendment to the conditions of consent for file B08 2014 removing Condition 5 and replacing Condition 6 with the following condition:

"That the Applicant shall make payment of cash-in-lieu of applicable parkland dedication for the severed parcel, pursuant to Section 51.1 of the Planning Act, as further endorsed by Town Council policy."

B. Overview

The report addresses proposed changes to the conditions of consent application B08 2014 pertaining to the dedications of lands for parkland purposes.

C. Background

In October 2015, Council considered a report to facilitate the creation of a new residential lot; and a request to consider a related Application for Zoning By-law Amendment by Mr. and Mrs. Taylor. That application was approved through the following resolution:

Moved by: Michael Seguin Seconded by: Gail Ardiel

THAT Council authorize Consent No. B08-2014, subject to the following conditions:

1. That the Applicant meet all the requirements, financial and otherwise of the Town.

2. That the Applicant provide a description of the land which can be registered in the Land Registry Office.
3. That the Applicant shall make payment of Water, Wastewater and Road and Related Service Components of the applicable Town-wide Development Charges, at full-cost recovery rate.
4. That land use permit(s) shall be obtained by the owner(s) and issued by the Town's Engineering and Public Works Department for the severed parcel, to ensure that access is obtained to the proposed new lot from Alice Street East.
5. That the Applicant transfer to the Town a 2.0 metre land dedication along Lot 153, Plan 1023, with a reduced angular taper at the northerly extent of the dedication to the Elgin Street Road Allowance and with an increased angular taper at the southerly extent of the dedication to the Russell Street Road Allowance, in order to assemble additional lands for parkland purposes and a future public trail use, to the satisfaction of the Town.
6. That the Applicant shall make payment of cash-in-lieu of applicable parkland dedication for the remaining percentage portion of lands not captured under Condition #5, pursuant to Section 51.1 of the Planning Act, as further endorsed by Town Council policy.
7. That the applicant successfully apply to the Town to amend the Zoning By-law to permit the proposed new lot fabric and recognizing the existing natural hazard lands along the Mill Pond, inclusive of Town Council enacting a Zoning By-law Amendment and having such By-law Amendment come into full force and effect pursuant to the Section 34 of the Planning Act.
8. That all conditions noted above shall be fulfilled within one year of the Notice of Decision so that the Town's Clerk is authorized to issue the Certificate of Consent pursuant to Section 53(42) of the Planning Act, Carried.

The Taylors, through their consultant, Kristine Loft, have been fulfilling the conditions of approval but have become concerned with the application of Condition 5, being a transfer of 2.0 metres of land adjacent to the Mill Pond for trail purposes. The transfer of these lands, if completed, would place a formal trail in very close proximity to the Taylor's existing residence. The close proximity of the trail was not truly recognized until the trail was surveyed and marked on the property.

The extension of the Beaver River Trail north from Arthur Taylor Lane to Elgin Street South along the Mill pond has been the preferred staff position for this portion of the trail system. Accordingly, staff requested the trail connection through the Taylor consent application knowing that the connection would require extensive buffering and screening for the Taylor residence.

On October 17, 2016, Kristine Loft of Loft Planning Inc. provided a deputation to Council regarding the Taylor consent and their concerns over the trail location. Mrs. Loft also noted that the Taylors were concerned with condition 5 but were not provided any additional options at the time of the initial staff report. Following the deputation Council postponed the lapsing period for the Taylor consent to January 15, 2017 to afford additional time to address the matter.

D. Analysis

On October 28, 2016, Mrs. Loft met with the Director of Community Services and the Director of Planning and Development Services to further discuss this matter. During that meeting it was noted that limited table lands are available between the top of the slope of the Mill pond and the Taylor property boundary. Accordingly, 2 metres of lands would need to be dedicated along the western edge of the Taylor property to accommodate the trail. This dedication would result in the trail being located in very close proximity to the Taylor home, and it was acknowledged that extensive screening would be planted along the Taylor property in proximity of their residence and driveway. Nonetheless, this location is concerning the Taylors as they fear that the enjoyment of their residence will be disrupted by trail use. Mrs. Loft also noted that the Taylors may abandon the consent if condition 5 was retained.

It was also noted that an alternate trail connection could be constructed from the end of Alice Street to the existing Beaver River Trail as noted on Attachment "1" to this report. This connection would result in a shorter length of trail needing to be constructed but may result in opposition from the residences fronting Alice Street. Accordingly, it would be important to consult with the landowners along Alice Street prior to any final decisions being made on this alternative by Council.

Should it be determined that the Alice Street East trail connection is appropriate, condition 5 of the Taylor consent approval would no longer be necessary. Condition 6, of the consent approval would need to be amended to include a full cash-in-lieu payment of the parkland dedication. This parkland dedication fee is valued at 5% of the assessed value of the severed lands prior to consent pursuant to Section 51.1 of the Planning Act, as further endorsed by Town Council policy.

Accordingly, staff recommend that the Council authorize staff to explore the potential a trail connection to the Beaver River Trail off of the eastern end of Alice Street East prior to consideration of any changes to the conditions of consent. If Council is amenable to a trail connection off of Alice Street East, in place of a trail connection along the Taylor's property, staff also recommend that condition 5 of the consent approval be removed and Condition 6 be amended to require a full parkland dedication fee.

E. The Blue Mountains Strategic Plan

Goal #3: Support Healthy Lifestyles

F. Environmental Impacts

N/A

G. Financial Impact

Parkland dedication requirements will assist in the development of a new trail connection to the Beaver River Trail.

H. In consultation with

Director of Community Services

I. Attached

1. Subject lands and Trail Connection graphic

Respectfully Submitted,

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Director of Planning and Development Services

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