

ONTARIO LAND TRIBUNAL

PROCEEDING COMMENCED UNDER subsection 22(7) and 34(11) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended.

Applicant and Appellant: Caivan Perth (GC) Ltd.

Subject: Official Plan, Zoning By-law and Subdivision (Appealed)

Property Address: 141 Peter Street, Town of Perth

Municipal File no.: OPA-01-2023, ZBL-03-2023, SUB-01-22

OLT Case no.: 09-25-23-4185

OLT Case Name: Town of Perth vs. Caivan GC Ltd.

WITNESS STATEMENT OF JOANNA BOWES, MCIP, RPP

JUNE 12, 2024

A. INTRODUCTION AND RETAINER

1. I, Joanna Bowes, am a professional land use planner working in the Province of Ontario. I have been a municipal land use planner for 8 years.
2. I have been a full member of the Canadian Institute of Planners (MCIP) and the Ontario Professional Planners Institute (RPP) since 2016 in the Province of Ontario. My Curriculum Vitae is attached to this witness statement as Appendix A and my executed Acknowledgement of Expert Duty is attached as Appendix B.
3. I have been practicing as a land use planner in Ontario since 2016 and have experience in all types of planning applications under the Planning Act. I process all planning matters in the Town of Perth including Official Plan amendments, zoning by-law amendments, Site Plan Control, Minor Variances, Subdivision, Consent and Part Lot Control. I have worked in both rural and urban municipalities. I have not yet provided expert testimony before the Ontario Land Tribunal or any other board.
4. I am a part of the development support team, coming in part way through the pre-consultation process for this development. I prepared, in consultation with Lanark County comments on this development as well as a planning report for the Public Meeting held August 10, 2024.

B. PROJECT OVERVIEW

5. The applicant is proposing to develop the lands located at 141 Peter Street (Perth Golf Course) in the Town of Perth with 940 residential units (excluding any ARU's) and affordable housing. The subject land is approximately 300 ha in size, and is currently operating as a golf course. The club house is on municipal services, but the remainder of the property is not serviced.

6. There were three (3) applications filed in support of the proposed development.

7. The first application was an Official Plan Amendment (OPA) to the Town of Perth Official Plan, requested in order to add a section (8.10 Western Annex Lands). The subject property is designated as Residential, Special Study Area, New Residential Area, Parks and Open Space, Environmental Protection and Floodplain. Additionally, Source Water Protection Policies (IPZ 9), Significant Woodlands and Provincially Significant Wetland policies apply in the Town of Perth Official Plan. What is proposed in the applicants Official Plan Amendment does not comply with population allocation numbers, nor does it reflect what is being proposed in the subdivision application.



8. The second application was a Zoning By-law Amendment to the Town of Perth Zoning By-law No. 3358 requesting to rezone the subject property from R1-h, Open Space-h, Environmental Protection, Floodplain, IPZ9, significant woodlands and Provincially Significant Wetland to Western Annex Lands site specific zoning which provides different permitted uses, zone requirements and additional requirements. This represents a significant variation from the current zoning and does not reflect what is proposed through the plan of subdivision.
9. The third application was for a 940 unit (excluding ARU and affordable housing) residential subdivision comprised of single family dwellings and townhouse units. Contrary to the Town's current land use planning documents, no semi-detached units or other types of housing or other non-residential uses are proposed.
10. A public meeting was held on August 10, 2023 to review the Official Plan Amendment and Zoning By-law Amendment applications only as the applicant had already appealed the Plan of Subdivision for non-decision. The Official Plan Amendment and Zoning By-law Amendment were presented publicly at Algonquin College and by Zoom before Town Council. The peer reviews provided by that date were presented, along with written and oral submissions. The applicant made no comments through either their planner Nadia De Santi or through their Vice President Susan Murphy, although both were in attendance by Zoom. No decision was made by Council as they determined that relevant information was missing from the submission.
11. Staff were preparing a formal Committee of the Whole meeting at the time the applicant appealed the non-decision of Official Plan and Zoning By-law amendments on September 8, 2023.

C. AREA CONTEXT

12. The subject property is located on the back 9 holes of the Perth Golf Course Lands. The property is surrounded to the east, across the river with downtown Perth businesses and predominantly low density, low rise residential buildings; to the south and west by Grants Creek and the Provincially Significant Grants Creek wetland in conjunction with rural and agricultural lands, and to the north by Christie Lake Road with both residential and institutional uses, including the County of Lanark Administration Building and Seniors Long Term Care complexes located in Tay Valley Township.
13. The subject property is approximately 300 ha in size and is only accessible by the Peter Street Bridge.

14. The property is surrounded by, and includes Provincially Significant Wetlands, wetlands, flood plain, significant wildlife habitat and significant wood land that comprise habitat for endangered and threatened species throughout.
15. A golf club house and parking lot is at the main entrance located in close proximity to the Peter Street Bridge. Three of the front nine holes are deemed to be cultural heritage attributes by the Heritage Study submitted by the applicant.
16. The site has access to water and sanitary services, but significant upgrades by the applicant are required for a project of this magnitude.
17. The property has been a golf course since 1890. Prior to this the land were used for a cheese factory (1839-1890).

D. APPLICATION PROCESS

18. A Master Infrastructure Plan was completed in 2019 specifically for these lands.
19. The site was brought into the settlement boundary in 2019 by the County of Lanark. The Town of Perth brought in a limited amount of lands into the settlement boundary and deemed the rest as Special Policy Area. A comprehensive review was required to be able to develop the remainder of the lands. The intent was that any developer would not need a County Official Plan Amendment, only one from the Town of Perth.
20. The applicant and project team participated in a Development Support Team meeting pre-consultation with former Town of Perth Planner Bradley Wright and Town staff on July 8, 2021 which revolved mostly around servicing.
21. The applicant and project team, including the County and RVCA, participated in further pre-consultation discussions on November 25, 2021 that discussed issues such as development fees, secondary plan, holistic development of lands, mixed use and varying densities with additional housing options, servicing, second access bridge, wetlands and other constraints including floodplain, fire protection, looping, trails and parkland.
22. The applicant and project team followed up with a subdivision pre-consultation on January 14, 2022 with the Town of Perth and the County of Lanark. Town of Perth was being represented by Tracy Zander from ZanderPlan, with Julie Stewart from the County of Lanark for planning matters. Discussion revolved around re-purposing of the golf clubhouse, proposing singles and back to back townhomes, 650-800 units proposed.

Applicant noted Phase 1 could be constructed within the current OP designation (the lands that were within the settlement area), staff mentioned that an agreement for the land for a second, separate bridge land would be required between County, Tay Valley, Perth and the applicant. Lastly expansion of lagoon and contribution toward an elevation water tower were reviewed.

23. Several other meetings were held by consultants and Town staff, County of Lanark and RVCA on June 1, 2022, September 16, 2022, October 24, 2022 and finally February 24, 2023. The general concerns staff identified included but were not limited to:
- a second access point and update of current Peter Street bridge
 - affordable housing
 - concerns about lot layout
 - Infrastructure capacity
 - requirement for comprehensive review
 - Low Impact Design
 - water tower contribution
 - agreement between land owners re: second bridge
 - mixed uses
 - built form
 - phasing
 - comprehensive review
 - lagoon expansion

The general consensus from staff was supportive but particular issues needed to be addressed and additional information was required.

24. On April 24, 2023 specific comments relating to the applications were sent to the applicant outlining the issues. No response was received.
25. The OPA and ZBL application and supporting documents were filed with the Town on March 6, 2023 and deemed complete on May 8, 2023. A notice of complete application was provided through the paper on May 19, 2023. No meaningful consultations for these specific applications occurred.
26. The applicant concurrently started their Environmental Assessment Process, without the Town's involvement through an advertisement in the newspaper with a notice of commencement and public consultation set for the same night as their delegation to Committee of the Whole on March 7, 2023. To the Town's knowledge no follow up has occurred on this item to date.

27. Public notice of the August 10, 2023 public meeting for the Official Plan and Zoning by-law applications was provided on July 7, 2023.
28. Numerous responses were received prior to, at, and after the public meeting held on August 10, 2023. Public comments are provided in the book of documents.
29. The statutory public meeting was held on August 10, 2023 and was well attended both in person and on zoom. The public was presented with information regarding the project.
30. Municipal Council received a staff report for the August 10, 2023 meeting with no formal decision as additional information was required. This report is included in the book of documents.
31. On August 15, 2023 Council passed motion # 23-169 with no formal decision. This motion is included in the book of documents.
32. The applicant appealed the non-decision on September 8, 2023, 124 days after the application was deemed complete.

Supporting documents include the following:

33. The supporting documents included in the complete OPA and ZBL applications consisted of the following:
 - a) Planning Justification Report, entitled "Western Annex Lands, 141 Peter Street, Planning Rationale, Official Plan Amendment, Zoning By-law Amendment, and resubmission of Draft Plan of Subdivision" prepared by WSP, dated February 2023.
 - b) Urban Design Brief- Second Submission, entitled "Western Annex Lands- 141 Peter Street" prepared by NAK design strategies, dated February 2023.
 - c) Transportation Impact Study, entitled "Western Annex Lands- 141 Peter Street" Prepared by CGH Transportation, dated February 2023.
 - d) GRDD Redline, entitled "Perth Golf Course- Caivan Perth GRDD Redline, dated January 21, 2023.
 - e) Technical Memorandum, entitled "Perth Golf Course Access Options", prepared by CGH Transportation and dated November 24, 2022.
 - f) Peter Street Bridge Crossing, entitled "Caivan Perth- Peter Street Bridge Crossing", prepared by HP Engineering and dated May 24, 2022.
 - g) Survey 27R-8644, prepared by John Goltz Surveying Inc, and dated February 23, 2005.

- h) Survey 27R10185, prepared by McIntosh Perry and dated December 13, 2012.
- i) Slope Stability Assessment, entitled "Slope Stability Assessment, Proposed Residential Development, 141 Peter Street, Perth, ON, prepared by GEMTEC and dated February 17, 2023.
- j) Hydrologic Impact Assessment, entitled "Grants Creek Wetland Integrated Hydrologic Impact Assessment, Perth Western Annex Lands, prepared by JFSA, GEMTEC Kilgour & Associates Ltd an DSEL and dated March 2023.
- k) Hydrologic and Hydraulic Conditions Report, entitled "Caivan Perth Development –Hydrologic and Hydraulic Conditions Report" prepared by J.F.Sabourin and Associates Inc. and dated February 2023.
- l) Hydrogeological Investigation, entitled "Hydrogeological Investigation Proposed Residential Development, 141 Peter Street, Perth. ON" prepared by GEMTEC and dated February 22, 2023.
- m) Heritage Impact Assessment, entitled "Heritage Impact Assessment- Perth Golf Course" prepared by WSP and dated March 23, 2022.
- n) Geotechnical Investigation, entitled "Geotechnical Investigation, Proposed Residential Development, 141 Peter Street, Ottawa, ON", prepared by GEMTEC and dated February 3, 2023.
- o) Functional Servicing Report, entitled "Functional Servicing Report for Caivan (Perth GS) Limited Proposed Residential Subdivision- Town of Perth" prepared by DSEL and dated February 2023.
- p) Fluvial Geomorphology and Erosion Hazard Assessment, entitled "Fluvial Geomorphology and Erosion Hazard Assessment Tay River and Grants Creek, 141 Peter Street, Perth, ON prepared by Geo Morphix Ltd and dated February 19, 2023.
- q) Fiscal Impact Study entitled "Perth Golf Course Fiscal Impact Study" prepared by Altus Group and dated February 7, 2023.
- r) Environmental Site Assessment entitled "Phase 2 Environmental Site Assessment Perth Golf Course 141 Peter Street, Perth, ON" prepared by GEMTEC and dated April 8, 2022.
- s) Environmental Impact Study entitled "Environmental Impact Study for the Proposed Development of the Western Annex Lands (141 Peter Street) in Perth, ON" prepared by Kilgour and Associates Ltd and dated February 23, 2023 Version 3.
- t) Archeological Assessment, entitled "Original Report, Stage 2 Archeological Assessment Perth Golf Course Property" prepared by Matrix Heritage and dated November 22.
- u) Archeological Assessment, entitled "Original Report, Stage 3 Archeological Assessment: Flett Farm and Perth Golf Course Property" prepared by Matrix Heritage and dated December 2022.
- v) 3 plan of subdivision pages

- w) Response to comments received from Town/County on Draft Plan of Subdivision Submission on August 9, 2022 Perth GC Ltd, 141 Peter Street.

Description of the Official Plan Amendment and Conformity to the Provincial Policy Statement (PPS)

34. The following sections of the Provincial Policy Statement (2020) under which this application was filed are relevant to my planning opinion.
35. Section 1.1. “Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns” reviews items such as promoting efficient development land use patterns which sustain the financial well-being of the province. It looks to items such as the provision of an appropriate affordable and market based range and mix of housing types, including multi-unit housing and affordable housing. While the proposed Official Plan Amendment outlines that these items are permitted and therefore is consistent with the Provincial Policy Statement in this regard, the subdivision that is under appeal does not reflect a mix of housing or affordable units. This part of the Provincial Policy Statement also looks to accommodate institutional, recreation and park and open spaces to meet long-term needs. The Official Plan Amendment meets the requirements for recreation and park and open space needs, but does not consider institutional uses such as schools/daycare.
36. Section 1.1.1 c of the PPS states that Healthy, livable, and safe communities are sustained by avoiding development and land use patterns which may cause environmental or public health and safety concerns. It is my opinion that a twinned bridge alone is not an adequate point of access and that the Infrastructure Master Plan completed in 2019 should be followed. Peer review of the applicant’s proposal has indicated that the twinned bridge as a stand alone is insufficient and unsafe. National Fire Protection Association (NFPA) standards support the peer review stance. The Director of Environmental Services, peer reviewers (Novatech) and the Director of Protective Services/Fire Chief do not support a single point of access even if the access bridge is twinned. There are policies within the Provincial Policy Statement and Official Plan (specifically related to this access –Town OP 8.1.4.5) that indicate a twinned bridge is not acceptable and a second bridge as per the Infrastructure Master Plan 2019 is required at the start of the project. These items will be discussed in later sections of this witness statement.

37. Section 1.1.2 states that sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet the projected needs for a time horizon of up to 25 years, informed by provincial guidelines. In this case, there is no real mix of land uses. The bulk of the subdivision is residential. There are items in the proposed Official Plan and Zoning By-law that speak to “maintaining a nine-hole golf course and contemplates additional functions for the club house”. Within the same supporting document (applicant’s Planning Rationale) the applicant indicates “the re-imagined golf course also offers opportunities for retail or service uses at the gateway...the proposed Official Plan Amendment also enables neighbourhood level commercial uses by permitting them...” The proposed plan of subdivision does not include any proposals for a commercial site or other non-residential uses and there is a contradiction within the report noting the maintenance of the golf course while at the same time noting opportunities for retail/service uses. The body of the proposed Official Plan Amendment additionally states that reference to the golf course is to be removed. The proposed zoning by-law does not provide a section relating to commercial zone requirements.

Within the body of the proposed Official Plan Amendment at Section 8.10.4.1 the applicant appears to be allowing for small-scale neighbourhood servicing commercial uses such as convenience stores, coffee shops, professional offices (again not present in the Plan of Subdivision proposal). It does not contemplate neighbourhood serving uses such as public service and institutional uses such as daycare, places of worship, libraries and schools which would benefit a community that is expected to hold approximately 2,500 people - a community in and of itself.

Multiple uses are proposed within the body of the proposed zoning by-law amendment under 23.1 including clinic, convenience store, restaurant/spa, conference rooms and wellness center. However, no zone requirements for any of these have been provided by the applicant, and no lots or blocks have been provided within the Plan of Subdivision that would include any of these uses.

38. Section 1.1.3- settlement areas speaks to using resources wisely and to promote efficient development patterns, protect resources, promote greenspaces, ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures. 1.1.3.2 goes on to say that land use patterns within settlement areas shall be based on the densities and mix of land uses which:

- a) Efficiently use land and resources

This is a low to medium density development and therefore does not effectively use the land.

- b) Are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion. The Corporate Services Director/Treasurer for the Town of Perth has noted that based on the assumption that operating contributions are retained to fund replacement of Caivan (Western Annex) based capital expenditures and that Council will allow the MPAC market value reassessment to flow through to additional tax revenues for the annex (not cut tax rates) the Town will gain \$655,000 per annum.

Development proposed in a flood plain does not meet the requirements of preparing for the impacts of climate change. Additionally, as per the peer review of Rob West from Oakridge Environmental Ltd significant woodlands, wetlands and other habitat that act as carbon sinks are to be removed. While mitigation has been suggested it is unlikely to provide the same level of mitigation as the current functioning ecosystem.

- c) Prepare for impacts of a changing climate; Development proposed in a floodplain does not meet the requirements of preparing for climate change.
- d) Support active transportation. Cycling routes are not available on some of the local streets proposed within the plan of subdivision

The development therefore is not consistent with this policy.

1.1.3.4 states that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, which avoid or mitigate risks to public health and safety.

This policy is not satisfied. No determination of a second access location, development outside of floodplain or other public health and safety features have been provided. The application is premature without understanding this information and how it might affect the plan of subdivision.

1.1.3.6 outlines that new designated growth areas should occur adjacent to the existing built up area and should have compact form, mix of uses and densities that allow for efficient land, infrastructure and public service facilities. While the development is within the County Official Plan's growth area, under the Town's Official Plan Amendment 16, through which this application was filed, a comprehensive review is required. The Official Plan Amendment proposed by the applicant lists a potential mix of uses and densities but that is not reflected in the plan of subdivision application. Public service facilities are not contemplated and determining the location of

infrastructure and lotting is premature without having specific locations of the floodplain or other constraints on the site. The policy is not met.

1.1.3.8- A planning authority may identify a settlement area or allow the expansion of a settlement area boundary only at the time of a comprehensive review and only where it has been demonstrated that:

a) sufficient opportunities to accommodate growth and to satisfy market demand and not available through intensification, redevelopment and designated growth areas to accommodate projected needs over the identified planning horizon

b) the infrastructure and public service facilities which are planned or available are suitable for the development over the long term, are financially viable over their life cycle and protect public health and safety and the natural environment;

While the Lanark County Sustainable Official Plan notes that these lands fall within the Settlement Area, the Official Plan Amendment 16 of the Town of Perth requires a comprehensive review to determine the need and justification for new lands being designated growth area. Some infrastructure planning has been completed by the Town of Perth through the Infrastructure Master Plan for these lands, but only Phase 1 and 2 of the EA process has occurred, while Phase 3 and 4 are not specifically required under a Class B project, detailed design and securing of land are required. As such, the infrastructure (pipes, roadways, bridges) cannot have their location confirmed as the application is premature by not having an approved floodplain or constraints map from the Environmental Impact Statement provided by the developer. Stormwater is another major component of this proposed development as outlined in the peer review by Mark Bissett.

With respect to the provision of public service facilities none have been provided, where they may be required given the context and scope of this development. The witness statement of the Director of Protective Services/Fire Chief notes that this needs to be determined through appropriate studies.

1.1.3.9 Notwithstanding policy 1.1.3.8, municipalities may permit adjustments of settlement area boundaries outside a comprehensive review provided:

d) the settlement area to which lands would be added is appropriately serviced and there is sufficient reserve infrastructure capacity to service the lands.

At this stage, with floodplain unknown and constraints map recently provided as part of Rob West's peer review witness statement it is not possible to determine how, at this point, the lands will be serviced.

It is important, as outlined in the Witness Statement by the County of Lanark Planning Consultant that sufficient infrastructure is reserved for infill and redevelopment opportunities. The proposed development should not be allowed to remove all the available capacity at the expense of other more efficient forms of development within the settlement area.

39. Section 1.4 of the PPS - Housing - speaks to providing an appropriate range and mix of housing options and densities for the projected requirements of current and future residents of the regional marketing area. The proposed Official Plan Amendment notes permitted uses such as residential and specifies to “permit a variety of housing types, sizes and densities to meet diverse household needs”. The applicant further indicates in the proposed Official Plan Amendment that additional dwelling units will be permitted in all single detached, semi-detached, row house and townhouse dwellings...” No high-density options such as apartments, and/or stacked townhouses have been proposed in the subdivision application. Semi-detached are also not proposed. No variety of housing types or densities are truly proposed within the plan of subdivision. ARUS are implied but not indicated, affordable housing has not been provided. In fact, a statement in “Response to comments received from Town/County on Draft Plan of Subdivision Submission on August 9, 2022 Perth GC Ltd, 141 Peter Street.” notes that, “No affordable housing is proposed. Houses will be priced at market rates however the applicant plans to rough-in fixtures to allow for additional dwelling units within single detached dwellings and townhomes which provides rental housing options and can offset mortgages costs.”

Since that time, in their letter dated March 1, 2024, the applicant has proposed one block of affordable housing without indicating the number of units it is proposed to hold. It appears that it would be insufficient given the area of the proposed block. The Town Official Plans requires 25% of the development be affordable (approx. 250 units). The applicant's proposal and studies also do not discuss whether they, or another party, will be developing it, nor do they indicate what mechanisms would be provided to ensure that it is in fact affordable or that it will remain so.

Additionally, the applicant had indicated additional residential units would located in the existing homes. If these are proposed in the basement, review of the water table reviewed, as in some places it is less than 1 m below ground, which is not surprising given the land it is proposed to be built on. These units would be slab on grade or an extensive amount of fill will be required to be brought in and approved by the Rideau Valley Conservation Authority. As of the drafting of this witness statement, no application has been filed with the Rideau Valley Conservation Authority for cut and fill and no decision has been made by the Board of Directors with respect to proposed

changes to the floodplain with new information having been provided May 31, 2024 still under review.

The proposed Official Plan Amendment does indicate that they will “encourage residential development with a mix of incomes and a general density target of 19 dwelling units per gross hectare”. A mix of incomes has yet to be addressed. The current Town of Perth Official Plan notes 19 dwelling units per gross hectare as being low density with the targets for low density being 15-25 units per gross hectare. The applicants Official Plan Amendment contradicts itself in statements made in 8.10.4.2 Residential Policies 1) and 2).

40. The proposal appears to meet the requirements of Section 1.5 of the PPS - Public Spaces, Recreation, Parks, Trails, and Open Spaces - as it provides public streets and facilities which are safe, foster social interaction, and with the exception of the 16.75 m streets, facilitate active transportation and connectivity. We await detailed design to ensure this is the case. The Town encourages redesign of those streets to allow for 18.5 m right of way as has been recommended by the Jennifer Luong, Nova Tech traffic engineer. Additionally, the applicant has provided a full range of built and natural settings for recreation and has proposed parks, open space areas, trails, and linkages within walking distance from the proposed homes. Access and lookouts have been provided for public access to shorelines. A more thorough review is to occur at detailed design.

Access of emergency service vehicles may be problematic with respect to providing public streets that are safe as outlined in Section 1.5 as per Jennifer Luong’s witness statement.

- e) Section 1.6 of the PPS - Infrastructure and Public Service Facilities states that infrastructure should be financially viable over the life cycle which can be demonstrated through asset management planning. The Director of Corporate Services Director/Treasurer for the Town of Perth has noted that based on the assumption that operating contributions are retained to fund replacement of Caivan (Western Annex) based capital expenditures and that Council will allow the MPAC market value reassessment to flow through to additional tax revenues for the annex (not cut tax rates) the Town will gain \$655,000 annually. See attached spread sheet.

41. The applicant has proposed, where feasible, the use of green infrastructure (LIDS) throughout the project. Details have not been provided, but will be required at detailed design if approval of the subdivision occurs.

42. Section 1.6.4 of the PPS states that infrastructure and public service facilities should be strategically located to support the effective and efficient delivery of

the emergency management services, and to ensure the protection of public health and safety.

Director of Protective Services/Fire Chief has noted that based on the information provided, the existing water connection at the site would not provide sufficient water flow for fire protection (see witness statement from Mark Bissett). Further details are required to meet minimum flow rates. Based on the information provided by the Director of Protective Services/Fire Chief recommends that an assessment be conducted to determine the impact of the land use change on fire protective services. The assessment should be conducted by a person with qualifications acceptable to the Fire Chief. The assessment shall be conducted at the expense of the applicant be addressed as outlined in the following:

1. Are the current system and staff able to handle the increased call volume likely to be generated by the build out resulting from the land use change?
2. In order to maintain an acceptable level of fire department and emergency response times within the response area, is the current fire station located and designed to service the changing demands brought about by this development? Are additional stations required given the growth is expected to be around 1/3 of the current population of the Town? Is land required within the development for this?
3. Are there adequate fire apparatus and staffing to meet the increased service demands likely to be generated by build out?
4. Will the development introduce a need for special services not currently within the capability of the fire department?
5. Is there a phasing plan in place where these concerns can be addressed over a period of time?

If the determination is made through the assessment that the fire department cannot maintain its current level of service delivery while also providing services to the proposed development, then the applicant must determine how to mitigate the impact of fire service delivery.

43. Section 1.6.6 of the PPS - Sewage, Water and Stormwater is relevant to this development. It is intended to be connected to water and sewer services and currently, there are no concerns with capacity once the 5th Submerged Attached Growth Reactor (SAGR) cell is constructed, bringing the available capacity for use by a population of 10, 500. However, no 5th SAGR cell has been constructed, nor is there indication as per the County of Lanark Witness Statement of the timing or requirements for the water tower in order to supplement the current municipal water supply system for this development.
44. Section 1.6.8 of the PPS - Planning Authorities- provides that planning authorities shall plan for and protect corridors and rights-of-way for

infrastructure including transportation, transit and electricity-generating facilities and transmission systems to meet current and projected needs. The Town of Perth, in conjunction with Jp2g Consultants Inc. initiated and completed the Infrastructure Master Plan (IMP) in 2019 which outlines several options for servicing and bridges within the Western Annex lands. By doing so, the Town has tried to uphold this section of the Provincial Policy Statement. This is contrary to what the applicant originally proposed i.e. no second, separate bridge connecting to the Lanark County Administration Building lands.

45. In order for a second, separate bridge to be constructed (as proposed in the applicant's revised proposal of March 1, 2024), the Environmental Assessment Act process needs to occur. Although a notice of commencement has been issued, to the Town's knowledge, the process has not moved forward, through either the Town or the Province. No other information has been made available with respect to the exact location, time frames, phasing, and how this may or may not work in conjunction with servicing. Without these details, confirming a feasible second, separate bridge access, the proposed Official Plan Amendment does not meet this section of the PPS.

As mentioned above, in discussing the NFPA, at full build out the development may require a third access. This option will also need to be explored. Studies will be required to demonstrate the viability of bridge access with additional details. Until this is completed, the request to develop is premature.

46. Section 1.8.1 f) Energy Conservation, Air Quality and Climate Change
"Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns which: promote design and orientation which maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation and green infrastructure".

The Town of Perth awaits additional detailed designs with respect to this area. The EIS peer review notes that there are many natural heritage features in the form of wetlands, and significant woodlands. These are known to act as carbon sinks. The EIS notes that these areas should be maintained for their significant habitat, but they can also be maintained to help reduce greenhouse gas emissions.

47. Section 2.1 of the PPS - Natural Heritage is a critical component of this property and the applicant has provided multiple studies with respect to ensuring the most significant of the natural heritage features are maintained. Section 23.3.7f of the proposed Zoning By-law Amendment is not consistent with the PPS. It should be noted that a small portion of lots (616, 617 and 618) as well as an 80 m section of street A connecting to the Peter Street Bridge are proposed within the Provincially Significant Wetland. The road specifically is within 12.5 m. A 275 m long area of "Street A" is in close proximity to the wetland. All stormponds are shown to be located in the floodplain. Therefore, although the text of the proposed zoning amendment appears to comply with this section, the development as proposed is premature -with insufficient information having been provided to the RVCA with respect to the subwatershed boundary, Provincially Significant Wetland, other wetlands and floodplain. No cut and fill application has been submitted and May 31, 2024 a revision to the applicant's original floodplain information was provided but, at the date of the drafting of this witness statement, had not been reviewed by the RVCA.

Although this application was not filed under new Ontario Regulation 41/24, it should be noted that this regulation, passed June 2024, requires that all wetlands are to be protected by a 30 m setback, not just Provincially Significant Wetlands. This supports the outcome of Rob West's peer review noting development for the PSW should be kept out of the 30 m setback. It also strongly promotes that the basic 15m setback for all unevaluated wetlands needs to be strongly adhered to.

48. Section 2.2 of the PPS - Water - states that Planning Authorities shall protect, improve, or restore the quality and quantity of water by using the watershed as a meaningful scale for integrated and long-term planning, to minimize potential negative impacts, including cross-jurisdictional and cross-watershed impacts. This project, while in the Town of Perth, has the potential to affect sub-watersheds. Multiple studies have been provided to the Applicant that have been reviewed by the Rideau Valley Conservation Authority (RVCA). However, the review of these studies hinge on the determination of the floodplain which has not been approved.

49. Section 2.2.1 states that "Planning authorities shall protect, improve or restore the quality and quantity of water by evaluating and preparing for the impacts of a changing climate to water resource systems at a watershed level". Negative ecological impacts will occur on the natural heritage systems, which in turn have the potential to impact the hydrology as supported by the witness statement of Rob West of Oakridge Environment Ltd. ROB EMAIL

50. Section 2.6 of the PPS - Cultural Heritage and Archeology Section 2.6.1 notes "Significant built heritage resources and significant cultural heritage landscapes shall be conserved" as well as noting that development shall not be permitted on lands containing archeological resources unless they have been preserved." Studies have been completed on both the Perth heritage golf course as well as on the lands for development. The applicant has provided stage 3 archeology which notes that a stage 4 assessment is required. This section additional notes that planning authorities shall note permit development and site alteration on adjacent lands to protected heritage property (Flett Farm) except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved. It is my opinion that if the stage 3 assessment is requiring a stage 4 assessment, this must be completed prior to development or site alteration on either the lands or lands adjacent. This portion of the PPS has not been satisfied, but can be through draft conditions
51. Section 3.1 of the PPS - Natural Hazards note that development shall generally not be permitted within natural hazard areas. As per the witness statement of Eric Lalande from the Rideau Valley Conservation Authority the development is capable of and should be directed away from the floodplain. He notes that the proposed plan of subdivision is not consistent with the PPS and the application can be considered premature given that the floodplain has not been appropriately addressed.

Description of the Official Plan Amendment and Conformity to the Lanark County Sustainable Communities Official Plan (SCOP)

52. Section 1.1 Population Projections and Distribution notes that Lanark County is expected to see moderate growth over the next 20 years. The County Sustainable Communities Official Plan OPA 8 allocated the Town of Perth a population of 8,050 people by the end of 2038. This was incorporated into the approved OPA 16 for the Town of Perth, under which this development proposal was made.
53. Section 2.4 Settlement Area Boundary Expansions states that when considering expansions to a settlement area boundary that increases the total development potential of the community the local council shall ensure that there is sufficient information to allow for a comprehensive review of the proposed expansion. The proposed development will likely be at the proposed population target. It is also noted that the County has prepared, although not yet approved, the growth allocation targets for 2024. Another point the SCOP outlines that is critical for boundary expansion, is a study

which establishes water, wastewater and stormwater servicing requirements on the basis of population projections and which examines municipal financial impacts and environmental impacts which would result from the proposed expansion. OPA 16 boundary expansion was approved, leaving a Special Study area in place in order to address stormwater issues which was challenging given the converging watercourses, complex flooding and the provincially significant wetland. As a result, in OPA 16 the additional vacant lands at the golf course (11.19 ha) were not included in the new residential lands as they were deemed to be cost prohibitive. OPA 16 when drafted met the PPS 2014 under which it was done, as well as PPS 2020 and the SCOP.

54. 2.6.1 of the SCOP settlement area land use policies outline various requirements to be demonstrated through development including the following: provide a range and mix of low, medium and high density housing, to provide for neighbourhood facilities and amenities which are appropriate to a residential living environment, to provide for mixed use communities. While this speaks to communities as a whole, given the context and scale of this development, it should be demonstrated that these items will be provided. The applicants proposed Official Plan Amendment considers these, but they are not provided for within the application for the plan of subdivision.
55. Section 3.3.4.5 of the SCOP, under Planning Framework, notes that the implementation of this plan through zoning regulations, subdivisions and condominium control and consents shall be based on the following criteria: permit and zone a range of housing types and sizes and ensure protection of natural heritage features. 3.3.4.6 continues to note that "Lot frontage, depth and area shall meet local zoning requirements". These policies have not been met.
56. Section 4.4.1 (3) Water, Waste Water and Stormwater Services, states that "the allocation of infrastructure capacity for infill and economic development purposes is encouraged". This is a greenfield site and as per the applicants Official Plan Amendment Application they are looking to have capacity allocated specifically to them. If all of the capacity is removed from infill and intensification as written in the applicant's Official Plan Amendment, there would be no allocation of infrastructure capacity for the infill/intensification areas.
57. Section 5.0 Natural Heritage Features deemed significant are indicated on the SCOP Schedule A and include provincially significant wetlands. The document states at Section 5 "It is especially important to Lanark County that the characteristics that made these significant features be retained for the benefit of future generations." The development is proposed to occur

surrounding, and in some cases, into, both the 30 m setback and within the Provincially Significant Wetland itself. This development does not meet this policy as per the witness statements of Anthony Hommick and Rob West.

58. Section 5.3 states "It is Lanark County's overall goal that the County's natural heritage features be both conserved and protected from negative impacts of development. Principles that form the basis of policies that achieve this goal are as follows: The County's significant natural heritage features shall be protected from the negative impacts of development. The EIS of both the applicant, as well as the peer reviewer indicate that there will be negative impacts to the natural heritage features including but not limited to floodplain, wetlands, provincially significant wetland, significant woodlands as well as many species at risk and significant habitat.

Rob West's peer review noted that there will be a negative effect to headwaters, Provincially Significant Wetland, Fish Habitat and Significant Wildlife Habitat. This development does not comply with the SCOP nor does the information as it relates to significant wildlife habitat comply with the Significant Wildlife Habitat Mitigation Support Tool.

59. Endangered or Threatened Species Habitat is discussed under Section 5.5.2 of the SCOP. Much of this site houses various species as well as their habitat. No constraint mapping was provided by the applicant, however, peer reviewer Rob West has compiled a constraint map after multiple site visits and review of the developers document. The SCOP notes that where habitat is found development and/or site alteration is prohibited, further it states that approval authorities shall, subject to federal and provincial legislation, refuse development applications where the development review process, which can include an Ecological Site Assessment, confirms the existence of significant habitat of endangered or threatened species as approved by MECEP. Development may occur within 120 m of the habitat subject to an EIS. As the applicant has not provided a constraints map, it is difficult to determine the buildable area and where development, including roadways, lotting and infrastructure can be located. This indicates an additional reason to consider these applications premature.

60. Section 5.5.5 Significant Wildlife Habitat outlines that no site alteration or development is to occur within Significant Wildlife Habitat unless it can be demonstrated through an EIS that there will be no negative impact. As above, without a constraint map, it would be impossible to know where the Significant Wildlife Habitat is, and therefore, the applicant would be unable to appropriately determine buildable area, lot patterns, road network and appropriate servicing. The Town's peer reviewer has now clearly outlined in

mapping significant wildlife habitat and confirms that this development will develop large tracks of this habitat without the ability to appropriately compensate it under the SWHMiST recommendations for residential developments.

61. Section 5.5.7 Fish Habitat outlines that no development or site alteration is to occur within 120 m of fish habitat unless it can be demonstrated through an EIS that there will be no negative impact. The development proposed is within 120 m of fish habitat as confirmed by Rob West, peer reviewer with Oakridge Environmental Ltd and it is expected that there will be significant disruption and disturbance of the habitat which will require permitting from Department of Fisheries and Oceans.
62. Section 8.2.9 Affordable Housing states that County Council and local councils will provide for affordable housing by enabling a full range of housing types and densities to meet projected demographic and market requirements of current and future residents of the County. The applicant provided a March 1, 2024, letter indicated an affordable housing block with no additional information. The draft plan of subdivision however does not provide a full range of housing types and densities. No apartments were contemplated with the Official Plan Amendment. A broader range of housing types would enhance affordability and be an important step towards conformity with The Town of Perth's Official Plan policy.
63. Section 7.3 of the SCOP notes that Development and site alteration is prohibited in floodplains subject to erosion hazards except in accordance with the policies respecting development and site alteration in such areas established by the CA having jurisdiction over the lands in question. Eric Lalande, of the Rideau Valley Conservation Authority, having jurisdiction over the lands, notes that a balance cut and fill can be applied for, but the application has not been submitted to date. As such the application is premature as lotting, servicing and road networks are proposed within the floodplain and final confirmation of floodplain boundaries has yet to be confirmed.
64. The applicant submitted a revised floodplain to the Rideau Valley Conservation Authority May 31, 2024 immediately prior to the witness statements were required. As such no formal comments can be made at this time. The applicant is providing information in real time as issues are appearing which is another indication of prematurity.

Description of the Official Plan Amendment and Conformity to the Town of Perth Official Plan

65. The subject property is designated as Residential, Special Study Area, New Residential Area, Parks and Open Space, Environmental Protection and Floodplain. Additionally, the Source Water Protection Policies (IPZ 9), Significant Woodlands and Provincially Significant Wetland Policies of the Town of Perth Official Plan apply.
66. The applicant proposed to remove the Special Study Area designation, amend the current Section 8.1.5 of the New Residential Designation to remove reference to Golf Course, add a new Section (8.10) to the Official Plan titled "Western Annex Lands" with a note that Section 8.10 will take precedence over any other section of the Official Plan, and amend the Schedules.
67. Section 2.4 reviews the Official Plan process and notes that the County of Lanark undertook a Comprehensive Review in 2017 resulting in Perth being allocated a hard cap total population of 8085 persons by the year 2038. Considering the residential development projects approved and underway currently together with the applicants proposed development, the Town would exceed these growth numbers. Currently the Town's population is approximately 6,400 people. The applicant's proposal, together with the other approved developments, would bring that number to 8,323 under a conservative estimate (1.83 people per house hold) or 11,768 using the number for Ontario (2.9) (these numbers were calculated excluding the new affordable housing block proposed and any ARUs). The allocation would therefore be exceeded under the current OPA 16 under which this application was applied for.
68. Section 2.6 notes "... the design population of 8,085 and the designated vacant residential land base and residential infill opportunities are based on the County's growth allocation to the Town of Perth to the year 2038. Both the County and Town are working on comprehensive reviews. The County Growth Allocations were brought forward to the Economic Development Committee on May 22, 2024 and the Official Plan Update, including comprehensive review will be brought to a Special Committee of the Whole on June 11, 2024.
69. Section 3.1 notes again the population will grow to be 8085 people by 2038. It also notes that the SAGR lagoon, when fully built out, can sustain a population of 10,500. Considering the growth estimate in point 56) there is a possibility that the Town of Perth would be at or beyond capacity. It is

important to note that the application was filed under OPA 16 and that no formal approval of an updated Official Plan has occurred. However, the draft report presented on June 11, 2024 ultimately determined that the population by 2036 could exceed 11, 133 people.

70. Section 3.4 - Infrastructure and Public Service Utilities states that all new development will be serviced with municipal sanitary, stormwater facilities and municipal water. This development and the proposed Official Plan amendment will be on municipal services. This section further states that the design, development, management, maintenance, and replacement of all municipal infrastructure has been incorporated into the Town's Asset Management Plan to ensure that the infrastructure is financially viable over the life cycle. The Director of Corporate Services/Treasurer has advised that specifically in relation to asset management that the Town anticipates an annual estimated deficit of \$715,000 to be borne by the tax payers based on annualizing the capital replacement costs and increased full time employees required to support the development.
71. Section 4.4 notes that the Council's strategy for economic development includes promoting business retention and growth. The proposed Official Plan amendment supports home-based business and neighbourhood commercial use as well as directing traffic towards the downtown core. Construction traffic, while not being reviewed by the board should be considered by BIA membership. Parking for home based business is not provided within the proposed lots on the plan of subdivision.
72. Section 5.1 Functional Support policies notes that in making planning decisions, Council should ensure the infrastructure is adequate and has the capacity to support both existing and new development. Mark Bissett outlines in his report that both inaccurate and insufficient information exist in the reports presented by the applicant to determine whether or not there is sufficient capacity and infrastructure. This policy is not met.
73. Section 5.2 - Sewage and Water states that Council shall require all development to be serviced by municipal water and sewer and that the plant capacity is available to accommodate the new development and will not cause environmental or surcharge elsewhere in the system. The applicant has provided multiple studies that have been peer reviewed. Environmental Services feels that there is sufficient capacity in the system to provide the allocation requested. Mark Bissett, the Town's servicing peer reviewer commented on the submitted documents with respect to water supply that:

“The proposed water distribution design is a viable solution that complies with regulatory criteria and provides two connections to the existing network, but it may be vulnerable to cascade failure. Cascade failure is a failure in the system of interconnected parts, in which the failure of one of few parts leads to the failure of other parts, and eventually the whole system.”

The peer review endorses the recommendations of the 2019 Infrastructure Master Plan that water connections be located at a separate crossing of the Tay River with a connection near Inverness and North Street, rather than through the twinning of the Peter Street bridge as originally proposed by the applicant. The peer review additionally notes that both the functional servicing report and IMP identify the need for a future reservoir expansion and/or water tower to supplement the current municipal water supply system. This should be reviewed during detailed design. With respect to wastewater collection, the peer reviewer identified a potential hybrid approach between the Town’s IMP and the applicant’s proposal that discharges to the Peter Street Bridge and to the Cockburn Pump station with modified upgrades. The alternative leads to major public disruption during construction of the force main on Rogers Road. The witness statement submitted by Mark Bissett outlines that inaccurate and insufficient information has been provided by the applicant. This policy is not met.

In addition, fire protection must be considered, given the water system does not provide redundancy, the hazard present is that possible loss of all water to the development area until water systems can be repaired. See witness statement of Mark Bissett.

74. The second, separate point of access bridge is intended to support the infrastructure for municipal servicing. Municipal servicing, including looping, cannot be determined until the location of the bridge can be determined. EA is still required, amongst other items before appropriate looping can be determined.
- 75.5.2g.5 “The proponent is fully financing the servicing extension and is willing to complete a front-end agreement with respect to the allocation of residual servicing capacity. This has not yet been discussed between the Developer and Town staff. H) of this section notes “An objective of the Town with respect to the allocation of water supply and sanitary sewage treatment capacity is to distribute residential treatment capacity in an equitable manner to the various green-field areas within the Town. The Council also wishes to avoid the allocation of capacity in a manner that effectively limits or directs development potential exclusively to any one area of the Town for an extended period. “ Section 8.10.3.6 of the proposed Official Plan Amendment proposed by the

developer notes that they want no restrictions on sanitary allocations. This is contrary to the current Official Plan. The applicant has provided studies with respect to capacity numbers and feels that there is sufficient capacity for all developments within the Town. The peer review by Mark Bissett indicates that information related to capacity is both inaccurate and incomplete and thus additional information is required before making a final determination.

76. Of note, the applicant cannot yet confirm the area of buildable land as they are unclear as to floodplain restrictions and wetland boundaries as well as soil conditions. As such, it is unclear how many homes may be available to build. In order to provide for a complete community, additional blocks may be required for other uses. Allocation could go up or down depending on the outcome.
77. Not only are there 660 proposed additional units (many of which are infill) and 13 Industrial/Commercial/Institutional projects with approval or under construction, but the Town is also seeing considerable infill development beginning to happen. Infill is the highest and best use of land per the PPS and policy documents. As such, the Tribunal should consider not only greenfield but particularly infill development when considering capacity allocations. In essence, the applicant's Official Plan is requesting capacity be designated to them. Consideration must be given to other development, and specifically infill/intensification as directed by the PPS.
78. Section 5.3 of the Official Plan - Stormwater Management and Drainage. The applicant has provided technical studies that have been peer reviewed. Both the Town's peer reviewer (Mark Bissett) and the Rideau Valley Conservation Authority note that as the revised floodplain has not been approved, it is premature for the for stormwater management and drainage to be designed. The peer reviewer does not support the use of oil and grit separators as proposed and recommends storm drainage is routed to a wet pond for quality treatment. The peer review Mark Bissett, notes that if the applicant uses the oil and grit separator they may not achieve the objective of the Town of Perth Official Plan. They also note the Rideau Valley Conservation Authority would have to approve the applicants proposed floodplain, which, as above, has not yet been approved. Without the floodplain being appropriately delineated, it is premature to develop a constraint map that will necessarily lead to the design of the subdivision. Additionally the information provided to Mark Bissett in his witness statement has lead him to the conclusion that this policy is not able to be met as incorrect and insufficient information have been provided by the applicant to date.

79.

80. Sections 5.5.3 and 5.5.4 of the Official Plan discuss Collector and Local Roads set specific widths for roadways. The proposed Official Plan Amendment conforms to these policies of the current Official Plan. However, the roads existing today do not match the current requirements as outlined by the Ontario Traffic Manual as per the witness statement of Jennifer Luong. With respect to proposed roads, she advises that there are known issues with 16.75 m ROW and townhouses, and notes the issues will increase given Perth does not have a transit system. Adding a sidewalk to 16.75m ROW will not be possible, and as such she suggests an 18.5 m ROW with sidewalk to be provided for local roads with townhouses on both sides.
81. Section 5.5 of the Official Plan lists under table 5.5 D the characteristics of the Town's road classification system, provided as appendix 3 to the Official Plan. It is the opinion of Jennifer Luong, Traffic Engineer for Novatech and peer reviewer that "Peter and Lustre Lane do not conform to the collector road standards outlined in Appendix 3 of the Official Plan. In my opinion, these streets cannot safely or adequately accommodate the proposed development based on a single access connection. Regardless of whether the existing Peter Street Bridge is twinned or not. It is likely that the development can be accommodated if a second bridge is provided as contemplated in the Town of Perth's 2019 Infrastructure Master Plan (IMP) However, this is dependent on the location of the second crossing and the corresponding road connections on the other side of the Tay River across from the development. The applicant's 2023 Transportation Impact Study (TIS) should be updated to consider the impacts of the proposed second crossing location outside the vicinity of the existing Peter Street Bridge".
82. Sidewalks are discussed in Section 5.5.7 of the Official Plan. The section states that sidewalks constructed to an appropriate standard may be constructed on one side for any local road or collector road. While this language does not expressly require a sidewalk, staff strongly recommend that sidewalks be provided all roads. This is currently not proposed in the Official Plan in diagrams under Section 8.10.8.2 and on Schedule C below. The proposed road way with no sidewalk (16.5 m roadway) is precisely where many of the Townhouse units are being proposed to be located. . The functionality of the proposed parking standards has not been demonstrated. A parking study should be conducted to assess the impacts of the proposed parking reduction. Jennifer Luong notes above that there are known issues with 16.75 m ROW and townhouses, and notes the issues will increase given Perth does not have a transit system. Adding a sidewalk to 16.75m ROW will not be possible, and as such she suggests an 18.5 m ROW with sidewalk to be provided for local roads with townhouses on both sides.

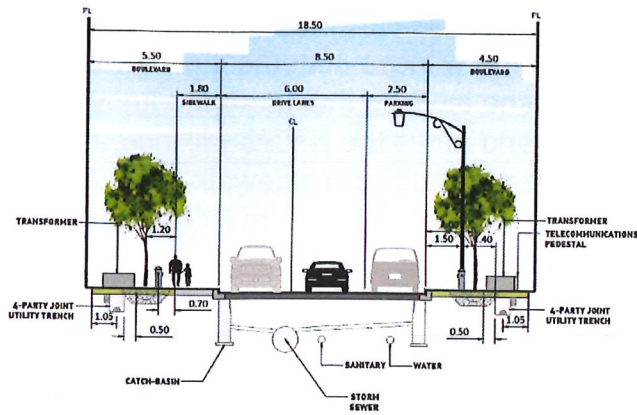


Figure 4-6: 18.5m Local Street Cross-section

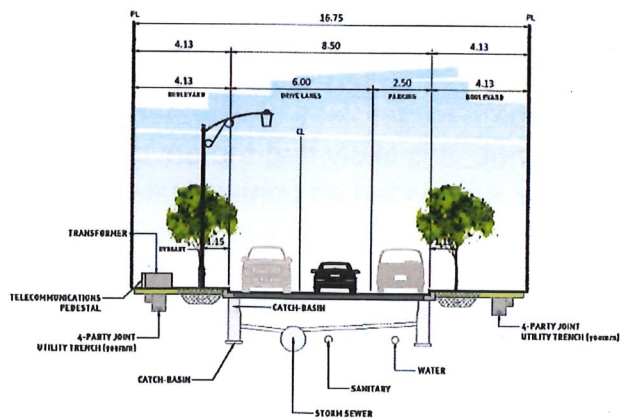


Figure 4-7: 16.75m Local Street Cross-section

83. Additionally, this section states that new development shall evaluate methods to encourage and meet the needs of multi-modal transportation. This would include continuous linkages between residential neighbourhoods and other uses. Having the sidewalks on all 16.75 m streets will help meet this requirement of the Official Plan.

84. Section 5.9 discusses Energy and Resource Efficiency and Community Sustainability. Various statements are made throughout this section that require the applicant to indicate how their proposals have taken into account community sustainability (fiscally and environmentally), energy conservation and environmental protection. Energy through design should be explored.

85. Section 5.9.1.b) under Objectives for Energy Conservation and Community Sustainability for Caivan Ltd. to respond to, "Individuals and representatives

of the development industry when filing planning applications will be expected to demonstrate how their development proposals have taken into account the applicable principles of this plan with regard to community sustainability, energy conservation and environmental protection".

86. The applicant stated that the southern exposure of a number of the dwellings (for heating) and street trees (for cooling) would address energy conservation. They also pointed to their energy-conserving construction process. However, as per the Environmental Impact Assessment Peer Review the applicant is proposing the removal of significant environment including large portions of significant woodland, and significant wildlife habitat and encroaching in the floodplain and Provincially Significant Wetland setback.
87. Section 5.10.1 of the Official Plan - Source Water Protection Policies. The development lands are within the Source Water Protection Area IPZ 9. The applicant has submitted studies which have been reviewed by the Rideau Valley Conservation Authority. Residential uses are permitted within the IPZ 9 zone as are storm ponds. The RVCA has no current concerns with impact on the IPZ 9 zone. They note that changes are forthcoming with respect to reviews but those would only potentially impact new subdivisions. The proposal meets the requirements of this policy.
88. Section 6 of the Official Plan indicates the goals statement for heritage is "To preserve Perth's built, cultural and natural resources while ensuring its growth and economic prosperity...". The proposal meets the intent of this policy.
89. Section 6.8.1 - Archeological Assessment An archeological assessment stage 1-3 has been completed for the lands on the Flett Farm site. Many artifacts were found and a stage 4 review and removal of artifacts and sign-off from the Province is still outstanding. As such the proposed development does not yet conform to this policy.
90. Section 7.0 of the Official Plan - Public Health and Safety. Under this Section, policies such as Environmental Protection and Floodplains are explored. They do however propose stormponds in the floodplain and portions of some roads and lots. Comments from the Rideau Valley Conservation Authority are explored later in this report. Ultimately, a determination of the floodplain location has not been reached, thus the application is premature to move forward.
91. Section 7.2 outline that all development has a high regard for the public health and safety through mitigating adverse effects or by prohibiting development in unsafe places. Eric Lalande from RVCA notes that the uses

permitted within the floodplain are not consistent with this policy. Additionally, no floodplain has been determined.

92. Section 7.3.2.4 Further states that no new buildings are permitted to be constructed within the floodplain with the exception of flood control structures, low impact buildings such as a gazebo, dock, garden..." Eric Lalande from RVCA notes in his witness statement that no floodplain has been determined and the proposed uses are not consistent with the Official Plan.
93. Section 7.4 - Contaminated Sites notes that a Record of Site Condition will be required prior to the development of the site. Phase 1 and Phase 2 Environmental Site Assessments have been completed. The assessment notes that some contamination has been found. The applicant will be working through the process to clean up the site and receive a Record of Site Condition prior to issuance of building permits.
94. Section 8.0 is a large section in the Official Plan dealing with Designation and Development Policies. 8.1.1 a) states "*Residential neighbourhoods are the building blocks of a community. The intent of the Plan is to develop new neighbourhoods with a mix of housing types designed to meet a range of housing needs. Residential design principles will be used to ensure compatibility between housing of different types, densities, and heights and to ensure the safety and comfort of residents. Lotting patterns will be designed to ensure convenient vehicular and pedestrian flows and access to schools, parks, and commercial areas. ...*"
95. The proposed OPA allows for a range of housing types and a small neighbourhood commercial use at the golf club, and consideration for ensuring the safety of residents from natural hazards has been reviewed. Multi modal transportation has been provided for; however, these high-level Official Plan policies are not implemented in the applicant's plan of subdivision where no mix of housing, increased densities or affordable housing needs are reflected. They have not, subject to the EA process, provided safe access and egress to the site (see section 8.1.3.10(8), nor have they provided convenient or functional vehicular and pedestrian flows as outlined by Jennifer Luong's Witness Statement. They have also not provided a mix of uses that include commercial and institutional. This is a 940-unit subdivision plus potential ARUs that will hold approximately 2,500 people. This is a community that requires safety, functionality and more than one major type of land use. While the wording in the Official Plan Amendment is consistent with some of the current Official Plan policies, the proposed plan of subdivision applied for does not propose a complete community. For example:

96. Directing all traffic towards Perth downtown, while viewed as beneficial in some circumstances, does not support the idea of a walkable, healthy and environmentally conscious community.
97. As noted in comments from the public, residents of the subdivision, who will represent approximately 1/3 of the current population of Perth, would benefit from a daycare in the subdivision as the existing residents of Perth already struggle to find daycare.
98. Other options to consider would be a neighbourhood store, library or potentially emergency services/environmental services location. The proposed subdivision does not reflect what is outlined in the proposed Official Plan policies or zoning amendment.
99. The applicant has provided a variety of conveniently located parks such that each area is within a 5-minute walking distance, and also linkages which are supportive of pedestrian and cycling activities.
100. The following table contrasts the uses contemplated in the OPA with the uses provided for in the plan of subdivision:

8.10 Western Annex Lands OP Uses Listed As				Subdivision
Residential Uses	Including- row houses, townhouses	Density of 19 units/ha	ARU permitted in SFD, semi detached, rowhouse and townhouse	Only indicates SFD and Townhouse, ARUs likely not feasible in many cases (insufficient area in rear yards and high water table for basement ARU's) This is not a mix of housing and density.

Parks and Rec facilities				Park space provided
Home Based Business				-
Golf Course Club House				-
Small Scale neighbourhood serving uses	Neighbourhood commercial vs neighbourhood servicing			Nothing provided.
Municipal services and utilities				yes
Continued operation of the golf course				Noted in the OP 8.10 to remove the words Golf Course from policy 8.1.4.2

101. Section 8.1.3 of the Official Plan - Residential Area Designation - discusses the appropriate range and mix of housing types and densities, but adds that particular attention should be made to the availability of an adequate supply of affordable housing or other specific accommodation needs. This section also mentions the provision of conveniently and appropriately located neighbourhood servicing land uses in residential areas.

102. Section 8.1.3.4 of the Official Plan - Densities are as follows:

Low density 15-25 units per gross hectare. The proposed Official Plan Amendment is within this range at 19 units per gross hectare. Medium density is 25-60 units per gross hectare. High density is 60-100 units per gross hectare.

103. These densities are key when reviewing Section 8.1.3.5 – Housing Mix which notes that the Town’s objective is to achieve a mmix of housing densities of 60-65% low density, 15-25% medium density and 10-20% high density. While these targets are meant for Perth as a whole, Section 8.1.3.5 b states the Council will ensure that developing neighbourhoods are planned comprehensively to achieve the desired mix. Further, it notes properties over 2 ha will develop with a mix of housing types. Again, while reviewing the proposed Official Plan Amendment, it may come close to meeting these targets in the sense of having the possibility of low and medium density, but

without permitting apartments, stacked towns, or other types of high-density development, the target densities will not be met. This again illustrates that while the proposed OPA may meet many of the policy requirements, the plan of subdivision as submitted does not. Given the scale of the ultimate development proposed these policies must be met to ensure that the Town can achieve these policy goals.

104. Affordable Housing is explored under Section 8.1.3.9 of the Official Plan :

“a) Access to affordable housing is recognized as a human right and the provision of affordable housing in the marking is an investment that benefits the greater community.

2. Ensure the creation of affordable housing when approving new residential development and redevelopment to meet the targets of:

- 25% of all new ownership to be affordable to households up to the 60th income percentile for the County of Lanark regional market area.

Proponents of larger subdivisions and other housing projects with a substantive number of housing units will demonstrate the extent of affordable housing being provided. When there is a known shortage of affordable housing the Town may require an applicant to prepare an affordable housing market evaluation report to demonstrate how the development will contribute to addressing the targets in part 2 above.”

No affordable housing is contemplated in this development either through the OPA/ZBL or plan of subdivision. Council is to ensure that affordable housing is supported. The applicant is suggesting rough-ins for homes in the basement to help offset costs of home ownership. They have not however indicated if they will be providing items such as appropriate HVAC, smoke alarms, fire separations etc. or whether they will be expecting the homeowner to provide this. More clarification is needed on this point from the applicant. In its revised proposal submitted March 1, 2024 the applicant proposed an affordable housing block which is unlikely to meet the 25% target, although no unit count has been provided it is assumed that between 60 and 75 units could fit on the parcel. Depending on final units count somewhere between 200 and 250 affordable units are required to be provided. Additionally, affordable housing should be spread throughout the development and integrated within the community as a whole.

105. Given the recent Perth and District Community Foundation's *Vital Signs Report* on Lanark County determined that, "24 percent of households found

themselves in dwellings that were not suitable, required major repairs or were costing them more than 30 percent of their income".

106. Leaving affordable housing up to individual homeowners rather than it being directly provided by the developer does not appear to meet the requirements of the Perth Official Plan.
107. Section 8.1.3.10 - Residential Design Principles notes the importance of planning communities that are safe, functional and have a sense of human scale. Prominent natural features are to be maintained as visual landmarks within Perth. Additionally lotting patterns for subdivisions and the placement of buildings should match the existing topography and conserve vistas, visual landmarks and landscapes which exhibit heritage. This appears to have been mostly addressed through the proposed OPA. However, roadways, as will be discussed below will require widening for access for emergency vehicles. Parking may also cause a concern with the functional flow of traffic and blockage of emergency vehicles Jennifer Luong from Nova Tech the peer reviewer for the Town states that during the initial phases of development with a twinned crossing at Peter Street Bridge, the one lane section of Peter St west of Lustre Lane is a limiting factor in terms of traffic. Peter Street cannot function at any higher capacity than a local road. A proposed cross section is required for review from the developer on this topic. It has not been submitted to date of the drafting of the witness statement. Additional Right of Way would be required for a higher level of functionality (collector).
108. The Towns IMP indicated a threshold of 120 units prior to the second crossing, NFPA standards 1141 identified a threshold of 100 units for a single access. The peer reviewer Jennifer Luong notes that based of the Institute of Transportation Engineers trip generation states outlined in Table 1 of TIS 110 units is the threshold. As such Jennifer Luong suggests that 110 dwelling units is recommended as the appropriate number of units that can be accommodated by a twinned bridge prior to the completion of a second crossing outside the vicinity of the Peter Street Bridge.
109. The Town's Director of Protective Services/Fire Chief states that "in order for the ingress/egress to the subdivision to be sufficient from an emergency services perspective, a second, separate bridge access is required before any more than 100 units are occupied. In addition, both the second access and the existing Peter Street access into the subdivision should be constructed to meet the required emergency access widths under the National Fire Protection Association standards".

110. Section 8.1.3.10(8) states all new proposals for residential development shall provide adequate vehicular access and circulation for firefighting and other emergency vehicles and equipment. The peer review by Jennifer Luong of Novatech Engineering noted the proposed twinned bridge "still constitutes a single point of access for the entire development. A blockage on either side of the bridge will still leave the development with no alternative access point." In addition, it is the opinion of the Director of Protective Services/Fire Chief that a blockage would render the access inoperable either for additional emergency vehicle access or for occupants of the site. It is the opinion of the Director of Protective Services/Fire Chief that "the proposed single access point, whether twinned or not, does not provide adequate vehicular access and the circulation of for firefighting or other emergency vehicles and based on the proposal, at minimum a second access is required.
111. Further, when a residential project exceeds 600 homes (which the proposal will be, at a minimum 940 units) a third access may be required. It is the opinion of the Fire Chief that the proposed single access point does not provide adequate vehicular access and circulation for firefighting or other emergency vehicles and based on the proposal, at minimum a second access is required. From a traffic perspective, Novatech has noted 200 homes is the maximum number of homes that should be constructed before the second separate bridge, and recommends that it be done in conjunction with the primary access for emergency egress and for construction traffic. Phasing is required.
112. The second public access is required to be installed as remote from the primary access as possible to qualify as a second access. Without these adjustments, adequate vehicular access would not be sufficient under NFPA standards.
113. The current planning rationale report indicates a clear driving width of 6 m, whereas 7.4 m is the recommended minimum width if 2 lanes are proposed. NFPA 1140 indicates that for emergency vehicle access, roadways shall have a minimum clear width of 3.7 m for each lane of travel, excluding shoulders and parking and be constructed with an asphalt driving surface designed to support a load of 38, 556 kg. Parking, bike lanes or other conditions must not interfere with the minimum width driving surface. Curves shall not reduce the width of the roadway and provisions shall be made for drainage, snow banks, parking, utilities and the like such that they do not impinge on the minimum clear width. The current proposal does not appear to meet these conditions even on their 23 m collector street cross section as seen below.

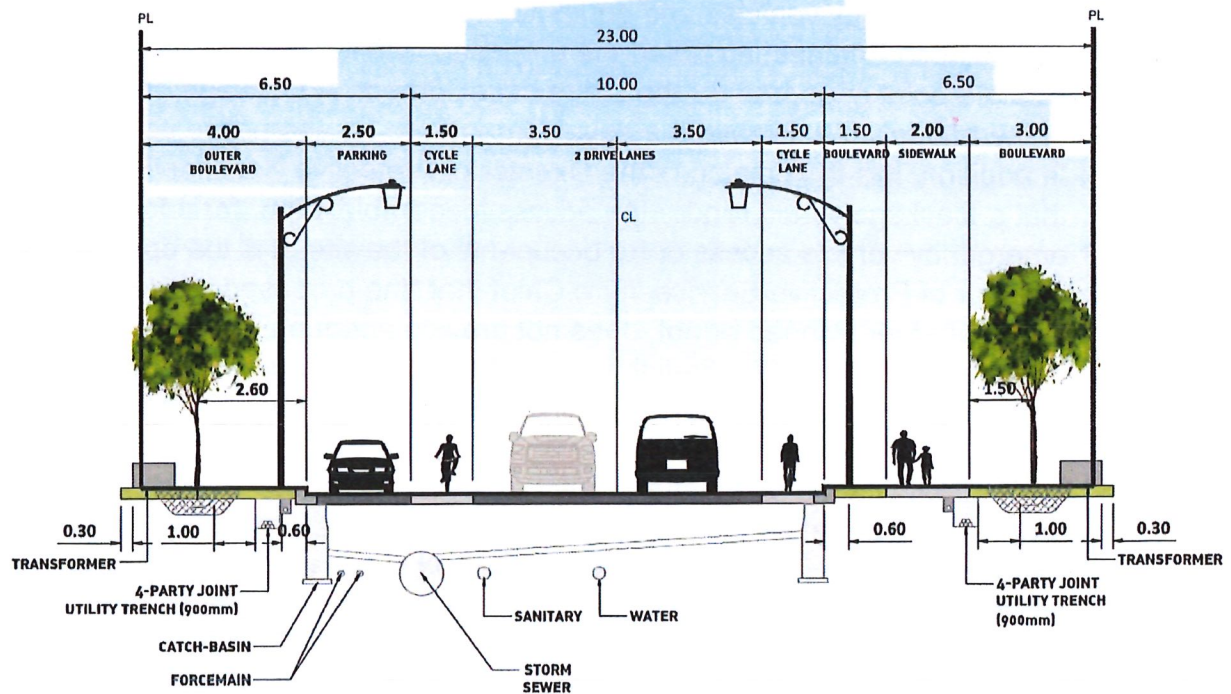


Figure 4-5: 23.0m Collector Street Cross-section

114. Of note, NFPA uses codes and standards that are considered best practice, evidence based and are used throughout North America. Ontario has adopted many NFPA codes and standards. Currently Perth Fire Department has adopted NFPA standard for their training.
115. With respect to 8.1.3.10 of the Official Plan Jennifer Luong, peer reviewer additionally states that the proposed ingress/egress crates unacceptable traffic impacts on adjacent streets “This would create unacceptable conditions for residents along those streets on a daily basis and in the event of an emergency”.
116. Jennifer Luong additionally notes that “a recent collision at the Wilson Street/Sunset Boulevard intersection on Tuesday, May 14, 2024 resulted in a closure of Wilson Street between Highway 7 and Sunset Boulevard. The road closure was in place from 3:30pm on Tuesday, May 14 to approximately 4:00pm on Wednesday, May 15 while the collision was under investigation. Detours were in place to divert traffic to Drummond Street and police advised the public to expect delays and avoid the area. We understand that the arterial road closure caused lengthy traffic delays and congestion throughout the Town. In our opinion, this type of impact can be expected when there is

limited redundancy in the arterial and collector road network. Incidents like the collision at Wilson Street/Sunset Boulevard highlight the importance of connectivity and alternate routes. In the event of an emergency, a development with 940 units and a single access to Peter Street could result in safety concerns for residents of the development, the neighboring community, and the downtown core”.

117. Section 8.1.3.10 Residential Design Principles outlines the importance of planning communities that are safe, functional and have a sense of human scale. Some of the aspects outlined under this section include, but are not limited to:

Prominent natural features such as the Perth Long Swamp, Tay River, Grant's Creek Wetland, urban woodlots, watercourses and their tributaries will be maintained as visual landmarks within Perth. Residential developments which border these features will integrate these features into the design. This may include using such features as a natural visual border, by using these features to enhance open space or provide passive recreational opportunities, by providing shelter belts against wind and areas to maintain biodiversity. These areas are recognized as important wildlife habitat areas and in some cases, as wildlife corridors. These areas are not being protected as per the Environmental Impact Statement Peer Reviewer Rob West.

Landscaping and open space: all residential development shall include a generous area devoted to open space to be utilized as privacy areas for occupants, snow storage areas and landscaped areas. Medium and high density residential and non-residential development in designated residential areas shall incorporate a landscaping plan into any development proposal. Existing natural vegetation will be conserved wherever possible and/or enhanced with additional tree planting along street boulevards using healthy native species stock.

The proposed Zoning Amendment leaves limited greenspace opportunities for snow storage, privacy areas and landscaped areas. Removal of natural vegetation is proposed throughout the site with limited replacement that will not harm other significant wildlife habitat (Rob West peer review).

Row-house and Townhouses should be mixed with other housing forms so that they do not dominate an entire neighbourhood. Townhouses should have front walls parallel to the street, with front doors and windows facing the street, and preferably both streets on a corner lot. Townhouses should be located at least 3m, and at most 5.5 m, from the edge of the right-of-way. u. Access should be provided via a rear lane to avoid the dominance of garages and driveways on the street. Projects with units above the ground floor (stacked townhouses) will feature consolidated parking areas with a single

entry per street face (multiple driveways or entrances will be discouraged). Porches, stairs, canopies and other entrance features shall be permitted to encroach into the required front yard setback when a rear lane is provided. In situations where a laneway cannot be provided, units should have a minimum width of 6 m and driveways for every two units will abut and alternate with front yard green space m. Townhouses may be permitted in blocks to a maximum of eight units or a maximum length of 46 m provided that, where blocks exceed three units, each two unit grouping shall feature varied or different architectural elements (such as roofline or fenestration) and articulated front building walls (varied set-backs) will be used to express individual units. Long and unbroken strips of development with no variation in roof line or building setback are not compatible with existing and preferred streetscapes and are not permitted. Projects with units above the ground floor (stacked townhouses) should be limited to a four 4) storey design or a maximum height equivalent thereto.

Currently as displayed in the plan of subdivision, the proposed development does not meet the above policies as outlined.

118. Section 8.1.3.13 – “Neighbourhood Serving Uses” Neighbourhood serving uses include uses that are complementary and normally associated with a residential environment and shall include public services and institutional use such as schools, daycare centers, health care clinics, places of worship, and libraries as well as neighbourhood commercial uses. Neighbourhood commercial uses include convenience stores, small-scale coffee shops, professional offices, and other similar uses. While the proposed OPA meets the intent of the current Official Plan by allowing both home-based businesses and small-scale neighbourhood-serving commercial uses, it does not allow neighbourhood-serving uses (schools, daycare, health clinics, places of worship etc.). The plan of subdivision submitted indicates only one block of neighbourhood commercial uses which is to expand uses at the golf course clubhouse. As noted in discussion of Section 8.1.1 a) this does not enable the Town to provide a complete community. Neighbourhood servicing uses are required. Given the intent of the Official Plan Section is “ It is the intent of Council to permit neighbourhood serving uses in the Residential Areas designation which are complementary and normally associated with a residential environment, the proposed Official Plan is not consistent with the Official Plan for the Town of Perth.

119. Section 8.1.3.20 - Parks, Open Space and Natural Areas have been provided in this development and therefore it conforms to this section of the Official Plan. Additional work will need to be reviewed and approved through detailed design.

120. The removal of Section 8.1.4 to be replaced by proposed 8.10 to be reviewed below.
121. Section 8.6 - Environmental Protection Area Designation This designation is discussed with the proposed Official Plan Amendment Section 8.10.6. While they have given consideration to many of the Environmental Protection areas through the OPA, the subdivision does not appear the required setbacks in a number of areas including provincially significant wetlands, fish habitat, species at risk, significant woodlands, significant habitat and the habitat of threatened and endangered species. The applicant did not provide a constraints map so in many cases it is difficult to determine where these areas are impacted. There are some indications that setbacks are have not been respected as per the peer review report submitted by Rob West of Oakridge Environmental Ltd.
122. The intent of 8.6 is to “conserve the ecological values of existing significant natural heritage features and to enhance biodiversity and integrity of natural heritage attributes such as wildlife corridors and connectivity through land use planning decisions. The impact of policies will be to strengthen the natural heritage system as an integral component of the Town’s land use pattern” The objectives listed include identifying and protecting lands that encompass natural heritage features through appropriate classification and appropriate setbacks for development. The peer reviewer Rob West notes that appropriate setbacks have not been provided and the natural heritage system as a whole is not strengthened through this development.
123. Section 8.6.4 - Natural Heritage Feature Policies outlines the requirements for an Environmental Impact Study (EIS) to be performed for all natural heritage feature areas including fish habitat, shoreline alteration, significant woodlands, endangered species and their habitat. The applicant has provided an EIS which notes the following: six (6) types of Significant Wildlife Habitat were identified on site including breeding and nesting and habitat for special concern and rare wildlife. 8 out of 9 potential species at risk were observed. The Town’s peer review ecologist, Rob West has noted that while a thorough gathering of information has been completed, the applicant has not indicated on an overlay of the land where the areas of significance are located and that this information is necessary for the planners and engineers to understand the buildable areas and the specific requirements and buffering for those constraints. The requirements outlined in the Town Official Plan with respect to Natural Heritage Features policy mirrors those of the County of Lanark Sustainable Communities Official Plan. No constraints map has been provided. This points to a prematurity issue. If no constraints map was

provided to the applicant they would have been unable to appropriately lay out their road networks, servicing and lotting. As part of the peer review, Rob West laid out areas of significant habitat for various endangered and threatened species including Eastern Gray Ratsnake, Black Ash, Butternut, Blandings Turtle, Little Brown Myotis and Tri-coloured bat, midland painted turtle and eastern musk turtle, golden winged warbler, eastern wood-pewee and wood thrush. The development in many instances impacts both the species and their habitat.

124. 8.6.4a) 1 identifies Grant's Creek Wetland and Perth Long Swamp as provincially significant wetlands. Grants Creek specifically has been noted as fish habitat and thus worthy of protection.

125. Section 8.6.4 g) Shoreline Management states "The Tay River and its tributaries, the blueberry creek and grants creek , are natural heritage resources that serve and important ecological function within the watershed ... Urban land uses and urban activities have compromised the ecological function of the riparian zone of the Tay and to a lesser extent its tributaries. The intent of the plan is to provide for the restoration and rehabilitation of the shoreline of the Tay River and protection of shoreline areas through an integrated management approach which consists of the following measures:

IV) the Town will cooperate with other levels of government, and the private sector to upgrade drainage and stormwater management systems to reduce contaminant and other discharges into the tay River and its tributaries with priority given to discharge locations where water quality impacts are identified or the best water quality improvement outcomes can be achieved.

V) reduce or replace hard surfaces adjacent to the shoreline which lead to uncontrolled runoff into the river

VI) require increased setbacks from the shoreline for new buildings

126. The applicant is proposing construction within 15 m of the shoreline, where the Rideau Valley Conservation Authority typically required 30 m not further than the required 30 m. Additionally, as per the request in the Official Plan, impermeable surfaces are not to be considered which is in direct contradiction to v).

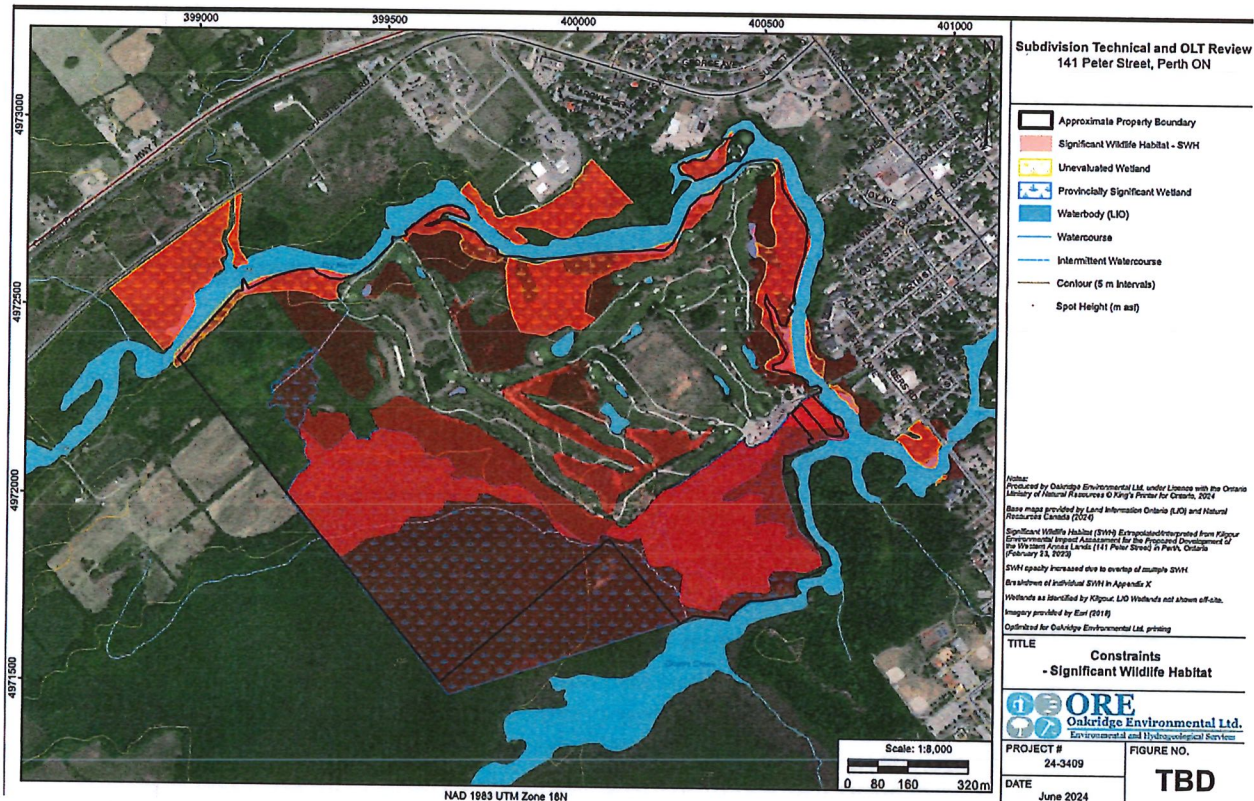
The Town has very clearly laid out the importance of the natural heritage features not only for aesthetic purposes which are also mentioned, but especially for ecological function and the protection of water quality.

127. It should be noted that with reference to section 8.6.4 Negative Impact is defined as:

Negative Impacts: means a. In regard to water quality means degradation to the quality and quantity of water, sensitive surface water features and sensitive ground water features, and their related hydrologic functions, due to single, multiple or successive development or site alteration activities;

b. In regard to fish habitat, any permanent alteration, disruption or destruction of fish habitat, except where it has been authorized under the Fisheries Act. Any alteration, disruption or destruction proposal extending over more than one breeding season will be considered to be permanent and the municipality will apply the guiding principle of no net loss of productive capacity; Rob West, peer reviewers from Oakridge Environmental Ltd notes that in this case the permanent alterations would be the loss of headwaters and crossing of Tay River and these would see new structures being constructed within and directed adjacent to fish related waterways.

c. in regard to other natural heritage features and areas, degradation that threatens the health and integrity of the natural features or ecological functions for which an area is identified due to single, multiple or successive development or site alteration activities. Constraints mapping created by Rob West of Oakridge Environmental illustrates the constraints identified on-site that the development would impact (see witness statement). The negative impacts would be related to removing the existing headwater drainage course on-site which contain fish. These actions would be considered the harmful alteration, disruption and destruction of fish habitat (HADD). This will require permission from Department of Fisheries and Oceans.



128. The proposed development will remove large areas of significant wildlife habitat and encroach into both significant wetland and woodland setbacks. The provinces Significant wildlife habitat mitigation support tool (SWHMIST). Rob West, peer reviewer from Oakridge Environmental notes that the proposed development does not comply with the SWHMIST recommendations for residential development.

129. 8.8 The Special Study Area Designation was considered to be accommodate future residential and neighbourhood development after 2038 “As such these areas are not within the urban settlement boundary under this Plan or the Lanark County Sustainable Communities Official Plan. Lands within this designation will be considered for inclusion in the Town’s urban service boundary whenever a comprehensive review of this plan is undertaken in accordance with the PPS and/or in conjunction with a comprehensive review of growth for and update of the SCOP.

130. Both the Town of Perth and the County is undergoing these required studies to confirm if these lands should be added. No approvals have yet been given.

Currently, the proposed development does not meet the permitted uses on this section.

131. 8.8.3 states that “lands within the Special Study Area will be required to accommodate future development at urban densities including: all forms of residential development, neighbourhood commercial uses, institutional uses and community service uses, and parks and open space uses” as well as d) the impact of development on Natural Heritage Features and other areas subject to the policies under Section 8.6 must be considered prior to any change in this designation.

132. The proposed OPA by the applicant removes this section to replace it with West Annex Lands Policies and do not consider Section 8.6 of the current Official Plan. While the proposed Official Plan does consider some of those uses there needs to be a sufficient mix of both housing types and uses.

133. Section 9.12.15.1 Plans of Subdivision

d) An application for development of a plan of subdivision will only be supported when: the subdivision design, the density of the development proposed and the supporting documentation demonstrate that the proposed subdivision will comply with the policies of this plan; and

134. There are adequate municipal services and utilities available to support the proposed development, and more specifically, but without limiting the preceding, the Town has adequate residual sanitary sewage treatment, sanitary sewage collection and water supply capacity available to dedicate to the full extent of the development proposed.

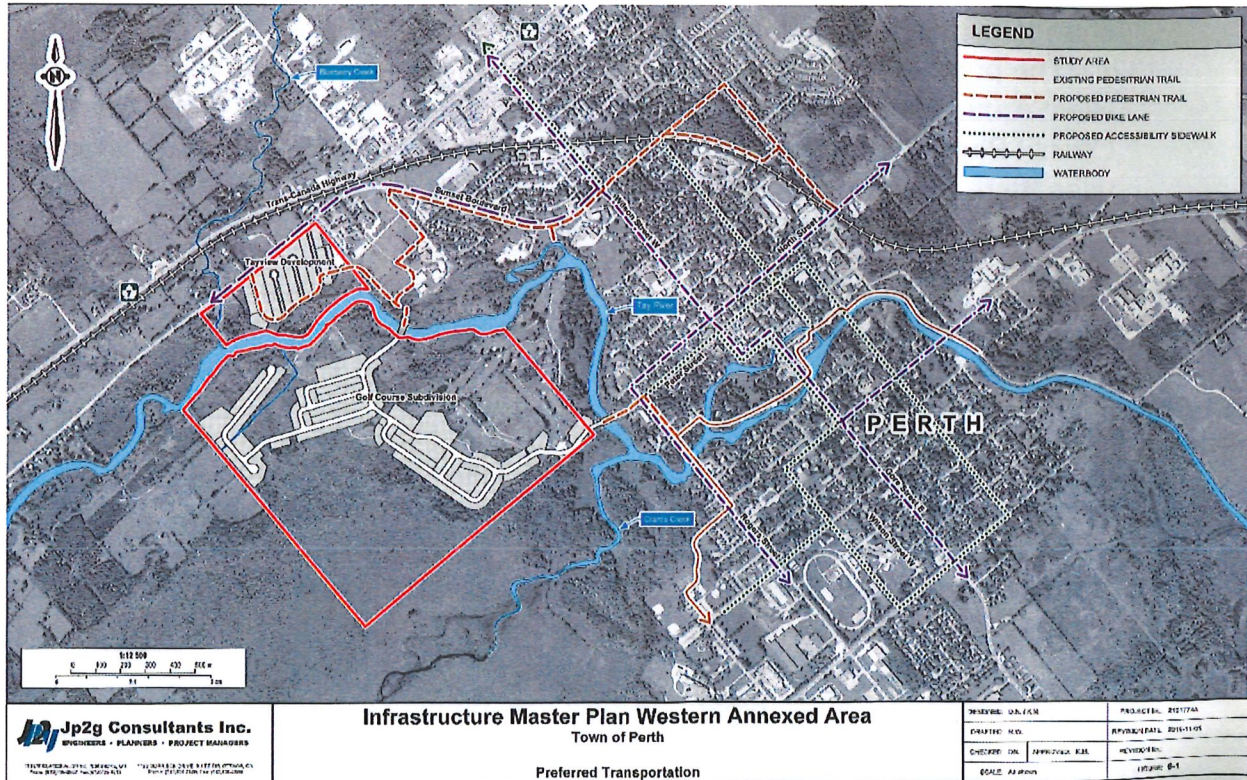
135. The proposed development, specifically the design, density and supporting documentation does not demonstrate that it can comply with the policies of the Town of Perth Official Plan.

I Conformity to the Town of Perth’s Infrastructure Master Plan

136. In 2019, Town of Perth and Jp2g Consultants Inc produced the Perth Infrastructure Master Plan (IMP) which was a study that included the Western Annex Lands or Perth Golf Course Lands and a few other lands in the area.

137. Several options were reviewed and ultimately, as depicted below, two bridge crossings at two separate locations was deemed the preferred option for the water distribution network, storm sewer network, transportation, active transportation, and sanitary sewer. At that time (2019) a one (1) bridge system was contemplated, however, it was believed that only 120 units would be constructed at the Golf Course not 940 plus potential additional units. At that time, with far less unit count, the Traffic Impact Study (completed as part of the IMP) noted that “Option 1 which proposed that all trips from the Perth Golf Course Community along with existing trips from the Perth Golf Course would enter and exit the lands by the existing bridge crossing the Tay River and access which is an extension of Peter Street. This would result in one

access point to the development which would not be acceptable for emergency access.” Later in the report it notes, again, for 120 units “... the single connection option to the existing water distribution system does not provide adequate fire protection in the higher density areas ...at ultimate build out...”



138. The applicant’s revised concept of March 1, 2024 suggests a second bridge as a possibility but fails to provide time frames for build out, at what phase/stage, location or other details, including completing the EA process. Without having a real determination of floodplain and sensitive habitat location and an EA it is premature to assume where this bridge may go. Approvals by the RVCA for cut and fill permits will be required prior to issuance of draft approval.

139. Peer Reviewer Jennifer Luong notes “The Town’s IMP considered the impacts of 120 units using the existing Peter Street bridge and 530 units using a new bridge to the Lanark County office (second crossing). The IMP suggested that this would result in the lowest impact on peter Street residents and surrounding neighbourhood. It is my opinion that a pair of one way bridges with a single road on either side is not good planning for the development of approximately 940 residential units. It would not provide safe access in the event of a road closure, long term infrastructure replacement or maintenance”.

140. Peer reviewer Jennifer Luong additionally states “In my opinion, a second crossing outside the vicinity of the existing Peter Street Bridge represents good transportation planning and it provides safe access to the development. However, the Environmental Assessment must be completed before the Draft Plan of Subdivision can be approved. The location of the second crossing informs the proposed road pattern, lot fabric, and developable area. These elements must be determined for Draft Plan Approval”. The Town, through the IMP prepared steps 1 and 2 for the Class B EA process. Detailed design and securing of the lands has not yet occurred.

141. Traffic Engineer, peer review continues to state that the Lanark County Office, the Perth Community Care Centre, and the Lanark Lodge nursing home are located in Tay Valley Township. A bridge crossing at the Lanark County Office and a road connection to Sunset Boulevard involve a joint jurisdiction road allowance between Lanark County, Tay Valley Township, and the Town of Perth. I understand that County Council has not expressly considered the potential use of its property for a future bridge crossing or road, and neither has Tay Valley or Perth. The County has indicated that, to their knowledge, they have no obligation to allow a future road or open the allowance as a public road. Successful negotiations for the land and access are critical to the proposed development. Approval of the plan based on a second crossing is premature until the consent of the parties is granted for the use of the lands under their authority.

142. The recent events of July 14, 2023 when at least one (1) tornado touched down in Barrhaven highlights the need for reliable emergency access. As noted, the peer review, completed by Novatech Engineering’s Jennifer Luong concluded that the twinned bridge solution “constitutes a single point of access for the entire development. A blockage on either side of the bridge will still leave the development with no alternative access point”. The same can be said in areas where forest fires are common and single access routes out are difficult and dangerous to navigate.

Proposed Official Plan Amendment (see attached proposal):

143. The applicant is proposing to amend the current Town of Perth Official Plan in the following manner:

1. Remove the Special Study Area which was put in place to ensure that future development of these lands would occur only after a comprehensive review of the Town of Perth Official Plan was completed and to ensure consideration of natural heritage features was given.

2. Amend Section 8.1.4 of the New Residential Area Designation to remove reference to the Perth Golf Course.

This section currently reads “The New Residential Area is anticipated to meet the mid to long term growth and settlement needs of the Town. The intended land use pattern will be predominantly residential but will include an appropriate mix of public service facilities and neighborhood serving commercial uses essential to a well-planned residential community and will also seek to retain and support re-development of existing land uses, particularly the Perth Golf Course.”

3. Add a new Section (8.10 Western Annex Lands) specifically for this development to provide the applicant’s policy direction and guidance on housing, parks and open space, transportation, servicing, and environmental protection. The effect of this section is to provide policies for the Western Annex Lands as well as to note that in the event of a conflict with any other policy in the current Town of Perth Official Plan, **the new proposed section will take precedence.**
4. Amend Schedules A and B (mapping) of the Official Plan to include items specifically for the lands owned by the applicant with respect to proposed road classification, hazard lands overlay and to re-designate the lands from Special Study Area, Residential-h, Parks and Open Space and Environmental Protection to Residential, Parks and Open Space and Environmental Protection.
5. To add a Schedule C to the Official Plan whose purpose is to provide the applicants concept plan to guide future development for the lands.

144. Removing the Perth Golf Course indicates that the applicant no longer intends that the land be designated as “New Residential Area” (notes “as the lands are not designated new residential area”) but replace it with their proposed 8.10 “Western Annex Lands” designation. The outcome will be that all the policies found in Section 8.1.4 (New Residential Lands) will not be applied to the Western Annex Lands (development lands). The policies which would no longer apply include the following:

8.1.4 Policies	Corresponding Polices in Proposed 8.10
8.1.4.1 a development proceeds on water/sanitary sewer	Yes, but with no restriction on sanitary allocation as per applicants’s proposed Section 8.10.3.6
8.1.4.1 b Rational orderly development, environmentally responsible	8.10.3.2 and 8.10.3.7

8.1.4.1 c in accordance with servicing capacity and integrated with planning for Town's long-term growth	No corresponding clause in applicants proposed 8.10 Western Annex Lands
8.1.4.1 d) development is cost effective and fiscally sustainably in long term in accordance with AMP	No corresponding clause in applicants proposed 8.10 Western Annex Lands
8.1.4.1 e) ensure servicing in new development areas complies with all regulatory requirements	No corresponding clause in applicants proposed 8.10 Western Annex Lands
8.1.4.1 f) servicing capacity is allocated in an equitable manner that achieves reasonable distribution of capacity/development potential amongst greenfield sites and is duly assigned to on site or area such that it precludes development in another	No restriction on sanitary allocation 8.10.3.6
<p>8.1.4.2 a) seeking to retain and support redevelopment of existing land uses, particularly Perth golf course.</p> <p>Mix of housing types and densities</p> <p>Development may only proceed when urban infrastructure is available</p>	<p>Remove Golf Course from New Residential Area</p> <p>8.10.3.1 does not meet</p> <p>No corresponding clause in applicants proposed 8.10 Western Annex Lands</p>
8.1.4.2 b) Town may consider approval prior to build out in other areas, proponent must demonstrate proposed development is comprehensively planned cost effective, efficient sustainable and integrated into projected growth needs	No corresponding clause in applicants proposed 8.10 Western Annex Lands
<p>8.1.4.3 a) Mix of housing, density increase to medium or high-density housing types where much of property is not suitable for development by virtue of floodplain or Environmental Protection Med density is defined as 25-60 per gross hectare. High density is defined as 60-100 units per gross hectare.</p> <p>Retention and redevelopment of existing golf course and continuation and development of commercial uses typically associated with golf course will be contemplated.</p>	<p>8.10.4.2 General target density of 19 units/gross hectare. Does not meet, no mix of housing</p> <p>8.10.4.1 Permitted uses include golf course club house, but not golf course.</p> <p>8.10.4.2 Permit continued operation of golf course including club house and support.</p>

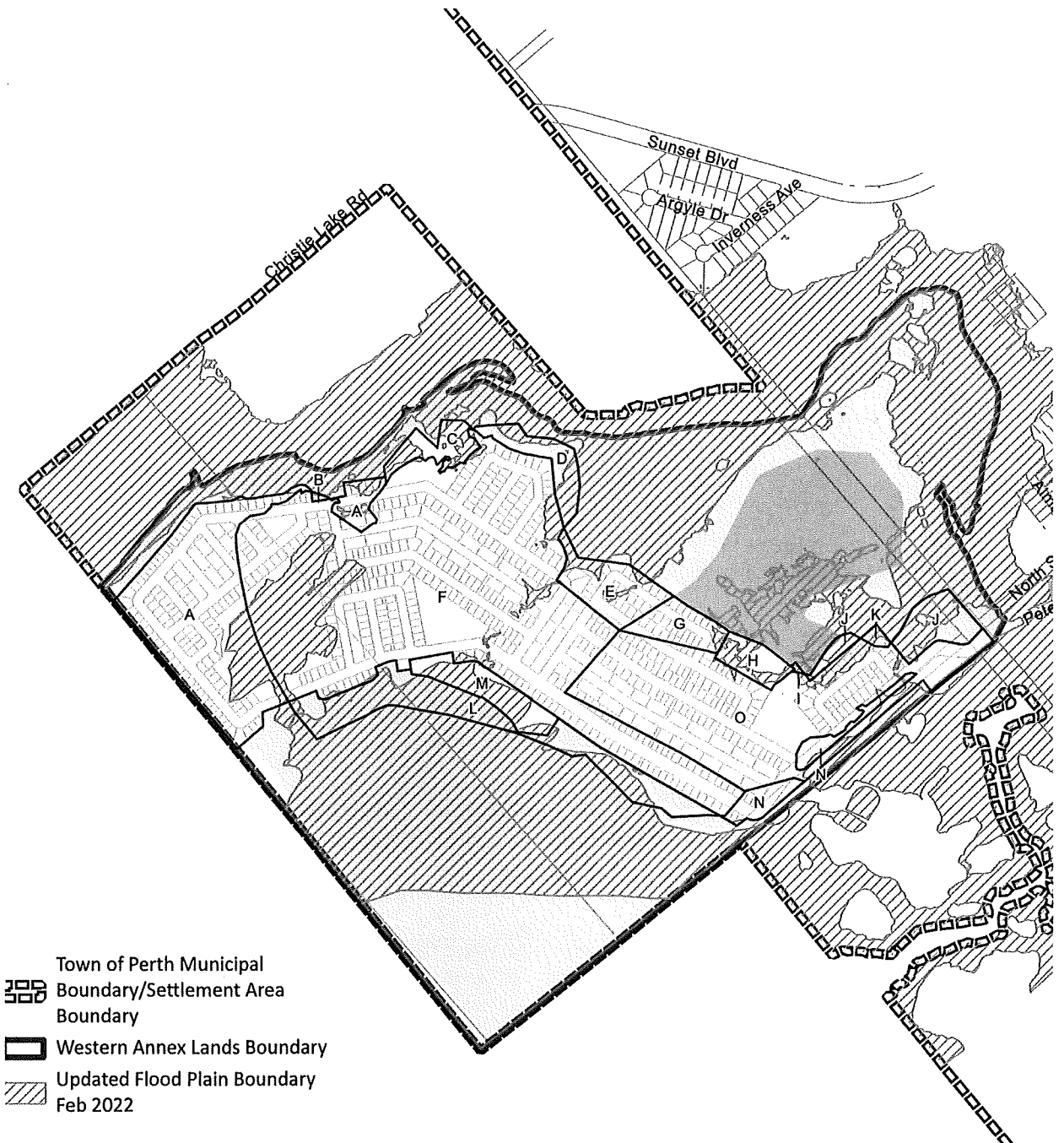
	<p>Re-development and expansion of the clubhouse to include neighbourhood commercial uses which serve the broader community.</p> <p>8.10.6.1 Permitted uses in EP include existing golf course.</p> <p>8.10.10.4 Should the golf course and its operations cease to exist due to financial or other matters, the lands shall be available for development in keeping with proposed section 8.10.</p>
8.1.4.3 b subdivision of land, construction of new buildings, expansion of existing buildings only permitted when town has established adequate residual capacity	No restriction on sanitary allocation 8.10.3.6
8.1.4.4 a) All new development shall be connected to municipal services	8.10.3.6
8.1.4.4 b) all lands within the designation shall be placed in one or more zone categories that limits expansion of existing uses and prohibits new uses/development until water/sewer is extended and adequate capacity is allocated	No restriction on sanitary allocation 8.10.3.6
8.1.4.4 d) new SAGR adds capacity to 8,085	Peer review on capacity. No corresponding clause in applicants proposed 8.10 Western Annex Lands
8.1.4.5 a) Access Constraints – lands within the new residential area designation in proximity to the Tay River have inadequate road access to accommodate the safe and efficient movement of people and goods unless an additional road access is constructed. This is particularly a concern for the Perth Golf Course lands. b)The rezoning of land within this area for new development shall limit the number of residential units and shall be based in part on traffic management capacity of the existing Peter Street Bridge and the associated Peter Street Road corridor to	<p>No corresponding policy exists. If the current policy is replaced by 8.10 there will be no applicable Official Plan policy requiring a second access for safe and efficient movement of goods and people.</p> <p>Applicant has implemented a less restrictive version of this clause as 8.10.3.2</p>

<p>accept additional traffic without a reduction in the level of service. The zoning amendment should not proceed until such time as a new primary access corridor has been established either by plan of subdivision, acquisition of a corridor by the Town of Perth or by identification of a specific road corridor in a completed formal Master Plan for the lands annexed to the westerly side of Perth</p> <p>c) Further, no development shall be permitted in this designation (New Residential Area Designation) on lands abutting or adjacent to either shoreline of the Tay River unless the proponent demonstrates that any such development will not or reduce options for the creation of a new vehicle access corridor to the lands in the New Residential Area designation on the south-westerly side of the Tay River.</p>	
<p>8.1.4.5 b) The rezoning of land within this area for new development shall limit the number of residential units and shall be based in part on the traffic management capacity of the existing Peter Street Bridge and associated Peter Street Road corridor to accept additional traffic without a reduction in the level of service. The zoning amendment should not proceed until such time as a new primary vehicle access corridor has been established by a plan of subdivision, acquisition of a corridor by the Town of Perth or identification of a specific corridor in a completed formal Master plan for the lands annexed to the westerly side of Perth</p>	<p>Subdivision under appeal for non-decision at County level.</p> <p>No corresponding clauses in 8.10, and therefore Town loses ability to be concerned with traffic access, level of service etc.</p> <p>Peer review discussed in Witness Statement</p> <p>No reference to Town of Perth Master Plan indicating second bridge.</p>
<p>8.1.4.5 c) no development shall be permitted in this designation on lands abutting or adjacent to either shoreline of the Tay River unless the proponent demonstrates that any such development will not impede or reduce options for the creation of a new vehicle access corridor</p>	<p>No corresponding clause in applicants proposed 8.10 Western Annex Lands</p>

145. From this chart it becomes clear that to replace the Town's Section 8.1.4 New Residential Area designation will result in significantly less control over development with respect to access, safety, allocation of capacity for water/sanitary among other issues. The provision in the applicant proposed section 8.10.1 overrides anything else in the Town's current official plan is also concerning.
146. As above, the items listed in the chart will not be up for discussion, but rather allow the development to move forward without those items being considered and reviewed. 146. It also would exempt other existing sections of the current Official Plan such as Public Health and Safety, Heritage Conservation, Strategy for Economic Development, Functional Support policies such as sewage and water, waste management, transportation, utility corridors, energy, resource efficiency and community sustainability, designation and development policies (Special Study Area, New Residential Growth area) and tools of implementation to name a few. It would additionally exclude any other items added to the Official Plan as time passes. A perfect example of items added to Official Plans would be Source Water Protection Policies.
147. Section 8.1.4.5 as seen in the chart above addresses access constraints. Traffic Engineer Jennifer Luong from Novatech and peer reviewer notes that the Municipal Class Environmental Assessment (MCEA) process must be completed and the lands be secured for the proposed second crossing location prior to Draft Plan Approval. This is also consistent with the Town of Perth's IMP.

Proposed Zoning Amendment

148. The Developer is proposing to make the following changes to the Town of Perth Zoning By-law: (i) Add a new Section, Section 23 to the existing Zoning By-law Amendment called Residential Western Annex Lands (R-WAL). The general intent is to allow for primarily residential uses and permit different development standards. Permitted uses are proposed to include: accessory buildings and structures, additional dwellings, clinic, convenience/confectionary store, golf clubhouse and ancillary uses (restaurant, spa, and conference rooms), home-based business, semi-detached dwellings, single detached dwellings, parks, public use or public service facility, row house and townhouse, and wellness center. (ii) Schedule changes are also proposed as was the case with the Official Plan. See below proposed Schedule A.



<h1>CAIVAN</h1>	<p>Area F, M to be rezoned from Open Space Holding (OS-h) to Residential – Western Annex Lands (R-WAL)</p>	<p>DRAFT</p> <p>N</p> <p>0 100 200</p>
	<p>Areas B, D, and L to be rezoned from Open Space Holding (OS-h) to Environmental Protection Area (EP)</p>	
<p>Western Annex Lands</p> <p>Schedule A</p> <p>Draft Zoning Bylaw Amendment</p> <p>Prepared by WSP February 2023</p>	<p>Area O to be rezoned from Residential First Density Holding (R1-h) to Residential - Western Annex Lands (R-WAL)</p>	
	<p>Areas J to be rezoned from Residential First Density Holding (R1-h) to Environmental Protection Area (EP)</p>	
	<p>Areas A, C, E, K, and N to be rezoned from Environmental Protection Area (EP) to Residential – Western Annex Lands (R-WAL)</p>	
	<p>Areas G, H, and I to be rezoned from Open Space Holding (OS-h) to Residential – Western Annex Lands (R-WAL)</p>	

149. Many of these proposed changes are to change lands from Environmental Protection, Open Space, and First Residential Holding to Residential Lands. It also proposes changing some Open Space Lands and Residential First Density Holding to Environmental Protection. Within the Environmental Protection Zone the following uses are proposed to be permitted: conservation uses, existing golf course, low impact recreation trails and boardwalks, temporary structures supporting educational activities, passive recreational activities that do not require site alteration, flood mitigation works and infrastructure, linear servicing infrastructure, passive non-structural uses which do not affect flood flows, non-structural recreational uses including pathways and golf course playing surfaces and non-structural conservation and educational activities. These uses are in line with and similar to the uses currently permitted under the current Environmental Protection Designation. The zone requirements will be reviewed later in the report; however, of note the Developer has provided zoning standards (setbacks, lot coverage, etc.) for single detached dwellings and semi-detached/row house townhouses, but has not provided zone requirements for the remainder of the uses they propose under this zoning by-law such as accessory buildings/structures, clinic, convenience/confectionary store, and wellness centre. It is indicated in their current submission of the subdivision plan, that while those uses are permitted, the Developer has not considered them in the proposed plan of subdivision development.

150. Proposed Zoning Compliance with Provincial Policy Statement Compliance (PPS): Please see the Official Plan Amendment notes above for Sections: 1.1, 1.4, 1.7, 2.1, 3.1

151. Proposed Zoning Compliance with the Lanark County Sustainable Communities Official Plan

152. Please see the Official Plan Amendment notes above for Sections 2.6, 3.3.4.5, 5.0, 5.3, 5.5, 8.29, 7.3

153. Proposed Zoning Compliance with Town of Perth Official Plan

154. Please see the Official Plan Amendment notes above for Sections 4.4 and all of Section 8

Proposed Zoning Compliance with existing Town of Perth Zoning:

155. Residential Design Principles notes the importance of planning communities that are safe, functional and have a sense of human scale. Prominent natural features are to be maintained as visual landmarks within Perth. Additionally, lotting patterns for subdivisions and the placement of

buildings should match the existing topography and conserve vistas, visual landmarks and landscapes which exhibit heritage. Staff have some concerns related to the Section 23.3 Zone requirements with relation to the functionality of the lots/roads which will be discussed further. As mentioned above however, generally the Developer has made an effort to provide a sense of human scale, provide lookouts while maintaining natural features. 8.1.3.10 (10) still under Residential design principals notes that all residential development shall include a generous area devoted to open space to be utilized as privacy areas for occupants, snow storage areas and landscape areas.

156. Section 8.1.3.10 (18) notes that Townhouse units should be mixed with other housing forms so that they do not dominate an entire neighbourhood..

157. Zoning By-law: A major part of zoning aside from recognizing use, is to determine the zone requirement for the particular use. Below are the depictions of the proposed setbacks and zone provisions Section 8.0 Built Form Design from the Urban Design Brief submitted by the developer.

Zone Standards for a Single Family Home

Zone Standards	Current Perth ZBL	Proposed ZBL WAL	Variation
Min Dwelling Lot	366 Sq m regular lot 420 sq m corner lot	137 square m No consideration for lot size distinction between corner lot and other lots	299 sq m smaller for regular lot 283 sq m smaller for corner lot
Minimum Lot Frontage	12.2 m regular lot 14 m corner lot	9.4 m	2.8 m smaller for regular lot 4.6 m smaller for corner lot
Minimum Front Yard	6m	3m	½ current allowable setback from road allowance
Minimum Interior Side Yard	1-2 storeys, 1.2 m on each side	1.2 m on one side, min 0.6m on the other	Total of 0.6 m shorter combined sides.
Minimum Exterior Side Yard	4.5 m	2.5 m	Shorter by 2 m
Minimum Rear Yard	6 m	6m, but may be reduced to 4.5 m for up to 50% of the lot width	-

		provided total exceeds 33 sq m	
Maximum Height	10.6	14.0	3.4 m higher than current allowable
Maximum Lot Coverage	40 % for all buildings and structures including house, shed, deck etc.	55% for house	15% more lot coverage excluding potential desks/sheds No zoning provisions for them items in the proposed zoning by-law.
Impervious Surface	Max 60% of the lot	Propose impervious surface does not apply to Western Annexed lands	Potential for 100% impervious surface.
Parking requirements	2 per dwelling unit, 2.6m x 5.5 m	No dimensions indicated. Unlikely as per diagrams and floor layout that there would be available space in the garage provided (steps down into garage required). ½ a parking space per unit with rear end of car to be proposed in permitted public right of way	AODA requirements may not be met. Cannot confirm is parking meets zoning requirements.
Landscape Open Space	4.24e) In any residential zone at least 50% of the front yard shall be devoted to landscaped open space. If there is a conflict between max.driveway width and landscaping then landscaping shall prevail.	23.3 c) any front yard not required for a driveway, a walkway up to 1.8m in width or covered by a permitted projection permitted in subsection f), shall be landscaped with soft landscaping.	Variations.

	<p>In any zone where there is a conflict between a minimum yard or setback requirement and the minimum width of a landscaped open space area...required under the provisions of this subsection the landscaping provisions shall prevail</p>	<p>Permitted projections listed as porch or balcony.</p>	
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158. The applicant has shown the following drawings to be representative of their proposed zoning standards:

35' Single Detached

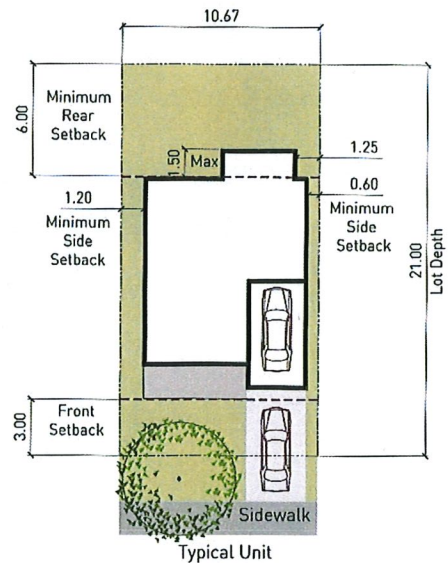
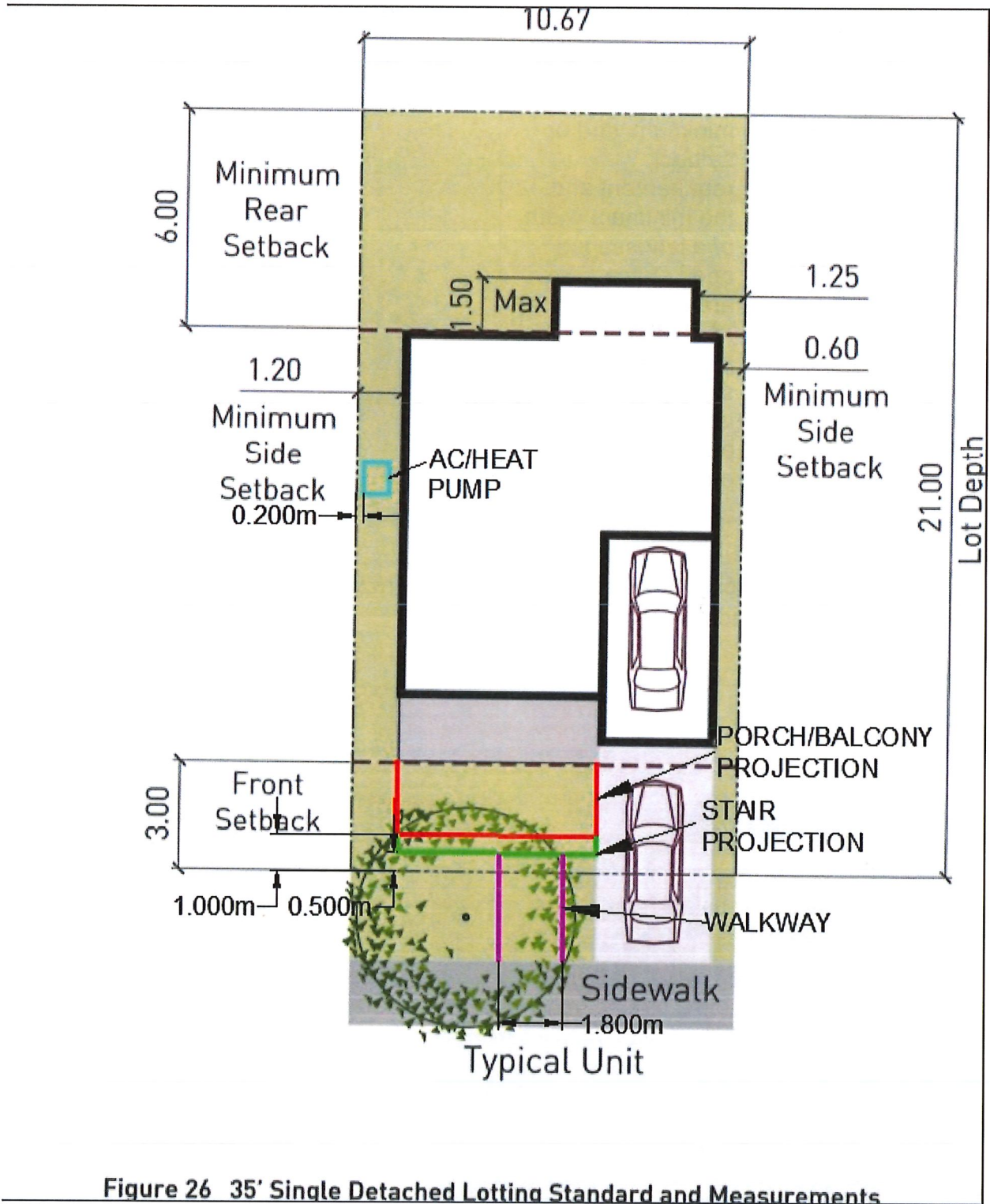


Figure 26 35' Single Detached Lotting Standard and Measurements

159. Below is the rendition completed by the Town that indicates the other setbacks requested in their zoning by-law that were not included on the sketch by the applicant.



41' Single Detached Corner Unit

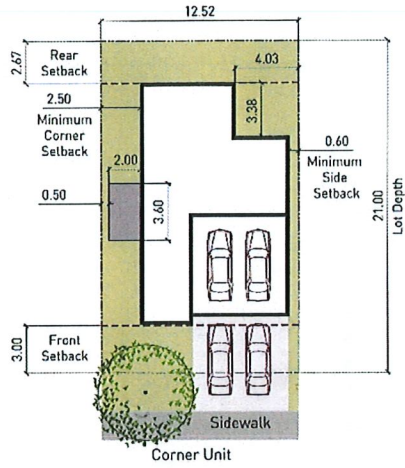


Figure 27 41' Single Detached Lotting Standard and Measurements

Dwellings on corner lots and at community gateway entrances typically have the highest degree of public visibility within the streetscape and are important in portraying the image, character, and quality of the neighbourhood. Streetscape quality is enhanced with the rear yard bump out, additional windows, and architectural articulation.



Figure 28 41' Single Detached Elevation Sample

50' Single Detached

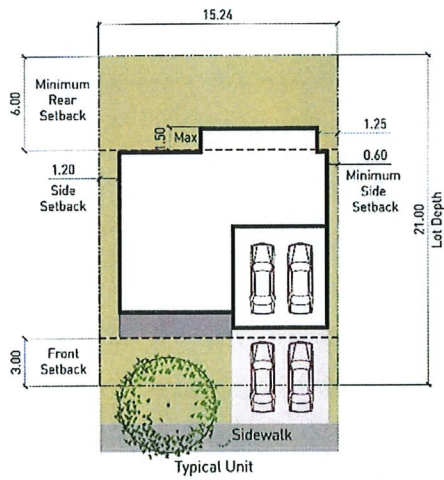


Figure 31 50' Single Detached Lotting Standard and Measurements



Figure 32 50' Single Detached Elevation Sample

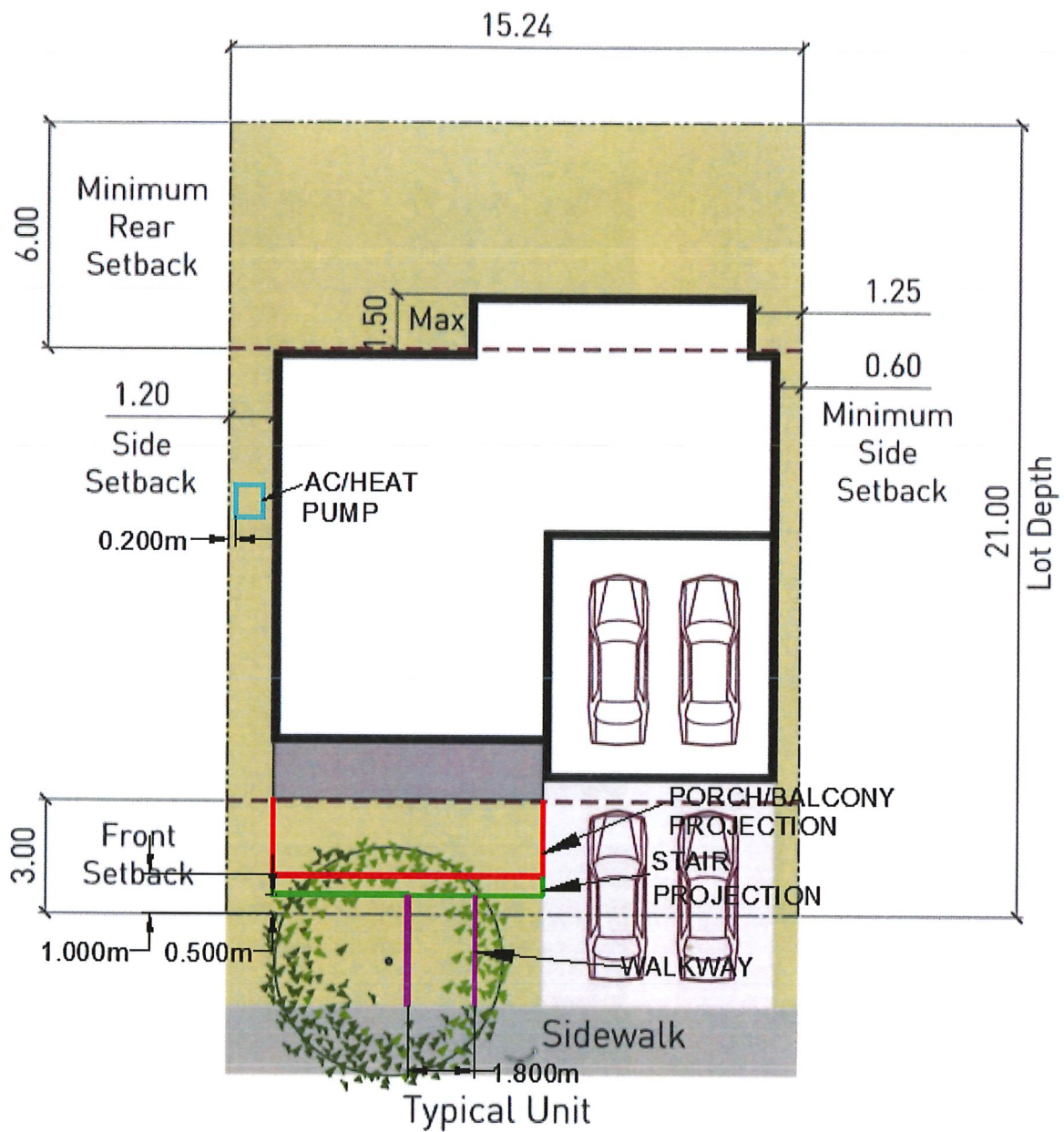
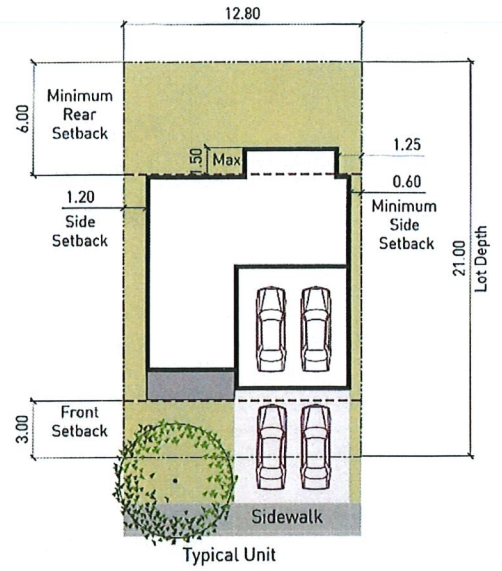


Figure 31 50' Single Detached Lotting Standard and Measurements

42' Single Detached



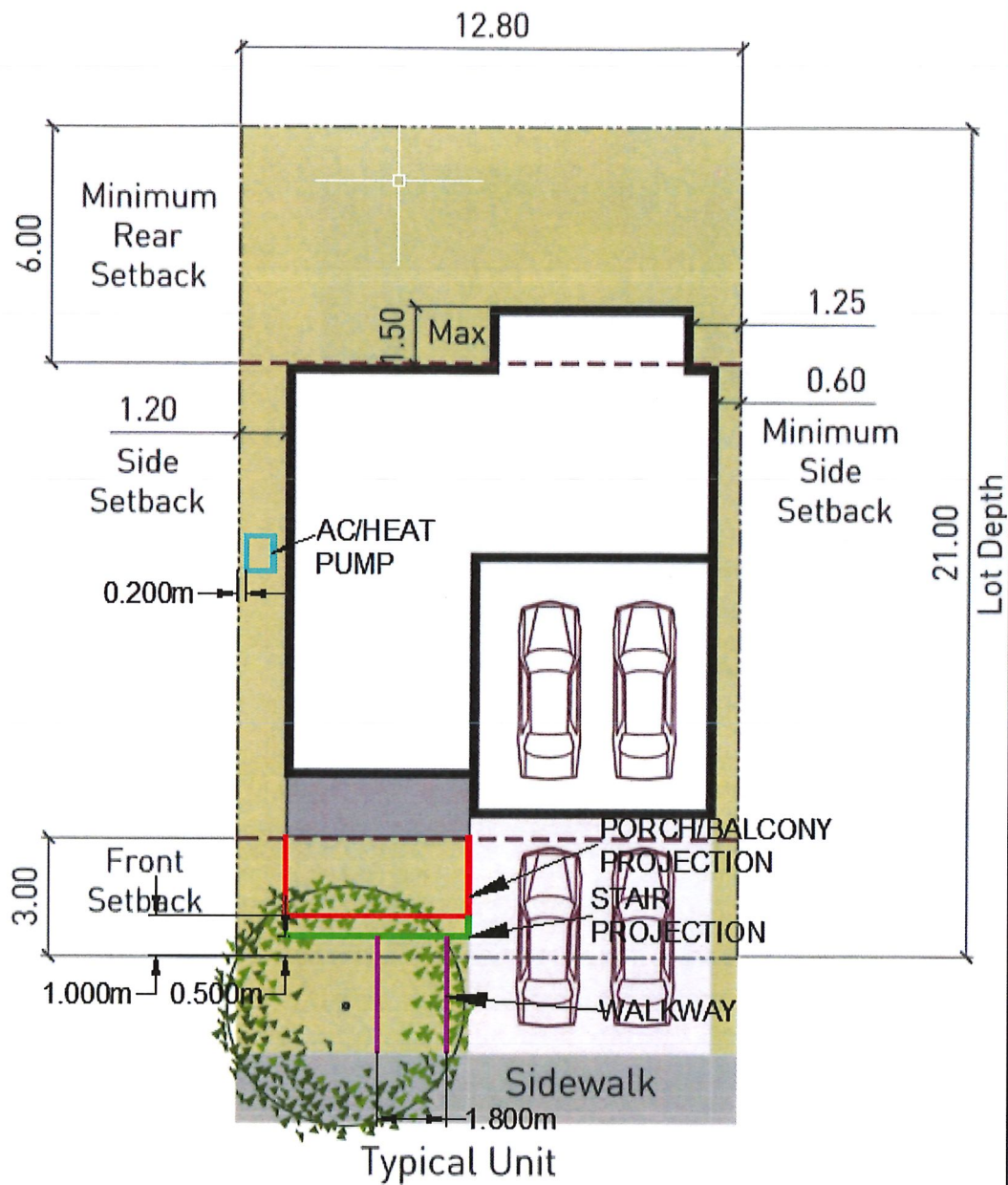
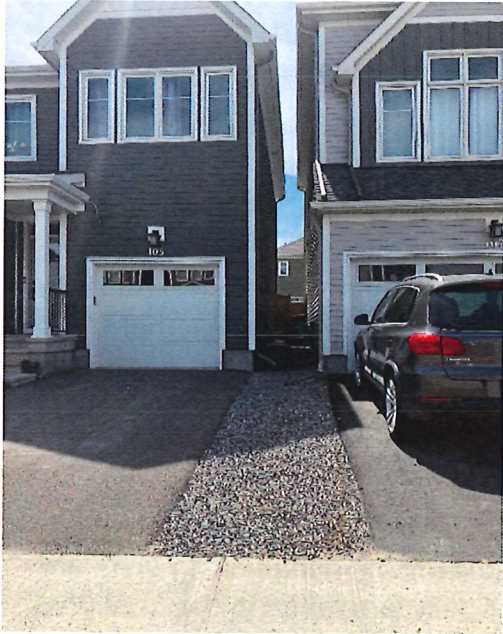


Figure 29 42' Single Detached Lotting Standard and Measurements

160. The Town has provided their interpretation of the zoning and had included items such as permitted projections and walkways. As was noted above no zoning standards were provided for decks and sheds and so these items could not be indicated on the drawings.

Zone Standards for Semi –Detached/Row Houses/Townhouses

161. Zone standards for semi-detached homes were provided but no diagrams were provided by the applicant, nor were semi-detached homes included in the plan of subdivision. Similar to the single family zoning, zone standards for semi-detached, Row Houses and Townhouses proposed the minimum lot frontage was to be lowered 7.3 m, the minimum interior side yard is indicated at 0 m. While this makes sense for interior yards between homes, there is no indication of setback between lot lines on either end of the rows.
162. Maximum lot coverage is listed at 65%. No zone standards were provided for decks and sheds. The same permitted projections and walkways are permitted allowing steps to be 0.5 m from the front lot line and porches and balconies to be within 1 m of the lot line. Similarly, air conditioning units are permitted within 0.2 m of any lot line. Specifically in relation to the front yard, all of these proposed setbacks cause significant concern in relation to snow storage and also potential damage of property from snow removal operations.
163. Trees are proposed to be located on public property which is not supported by the Town. No indication of how the proximity of trees to infrastructure will be handled to maintain the functionality of the underground infrastructure.
164. The 0.6m minimum between houses raises on going future concerns regarding wall and roof maintenance as well as for overland discharge patterns. The below picture taken in 2023 of the applicants development indicates the close proximity of the homes and exemplifies the challenges for maintenance.



165. It should be noted that many of the proposed townhomes are located on 16.75 m streets with no sidewalks, although the drawings indicate a sidewalk. Novatech peer reviewer Jennifer Luong indicates that the streets with townhouses facing townhouses are more likely to result in parking complaints, with the highest demand for traffic and lowest supply of on-street parking. Mixing of the dwelling unit types has been advised as appropriate to help with traffic and parking issues.



24' Standard Townhomes

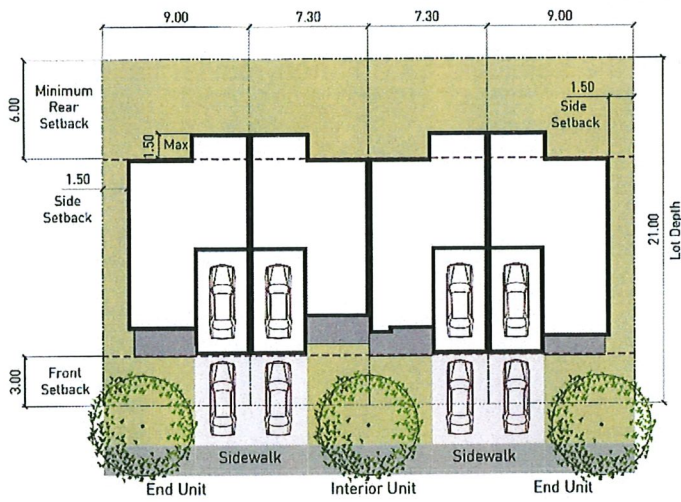


Figure 23 24' Standard Townhome Lotting Standard and Measurements



Figure 24 24' Standard Townhome Elevation Sample

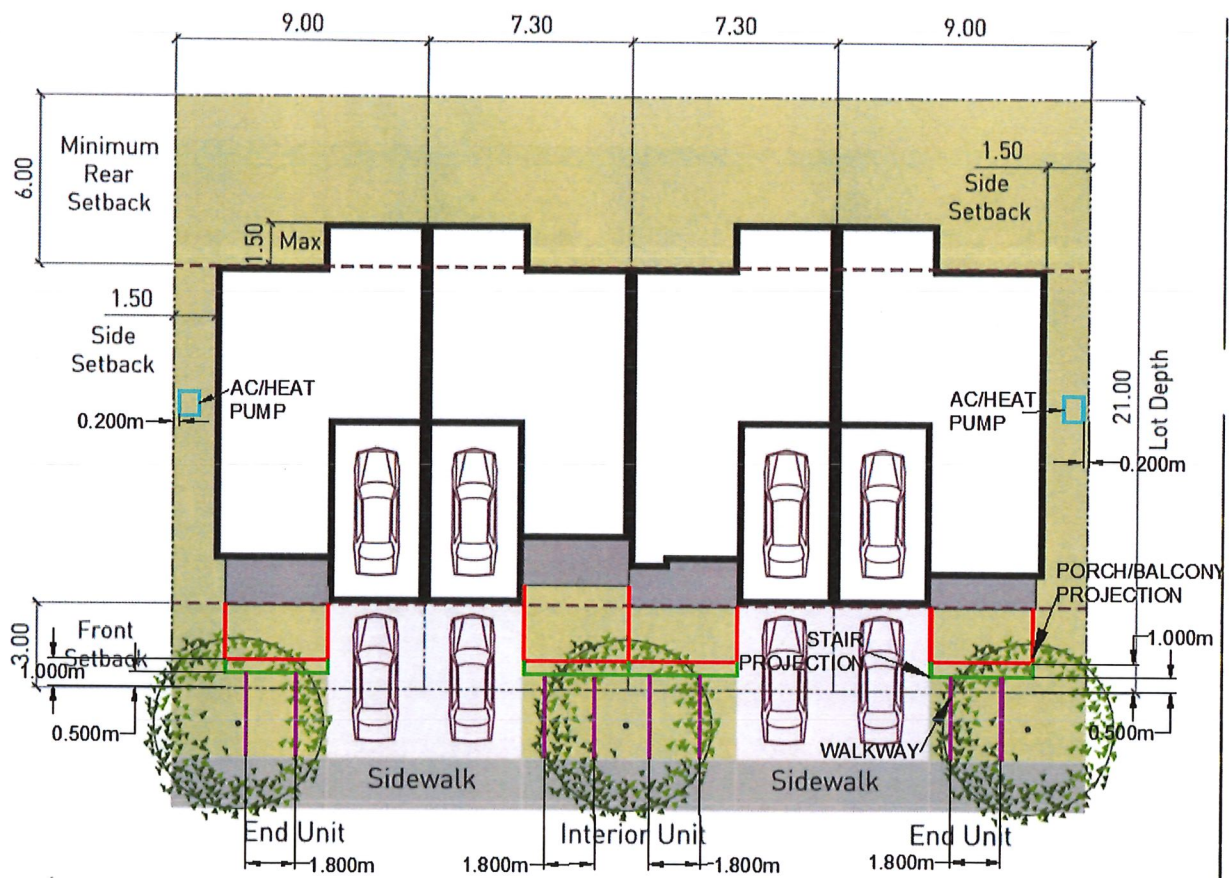


Figure 23 24' Standard Townhome Lotting Standard and Measurements

No zone standards have been proposed by the applicant for any non-residential uses.

OpenPlan™ Designs

In creating a community with increased lot widths, Caivan's OpenPlan™ designs will allow for increased on-street parking opportunities between separated or paired driveways, on all local and collector streets, as demonstrated in **Figure 39**, which shows a sample area.

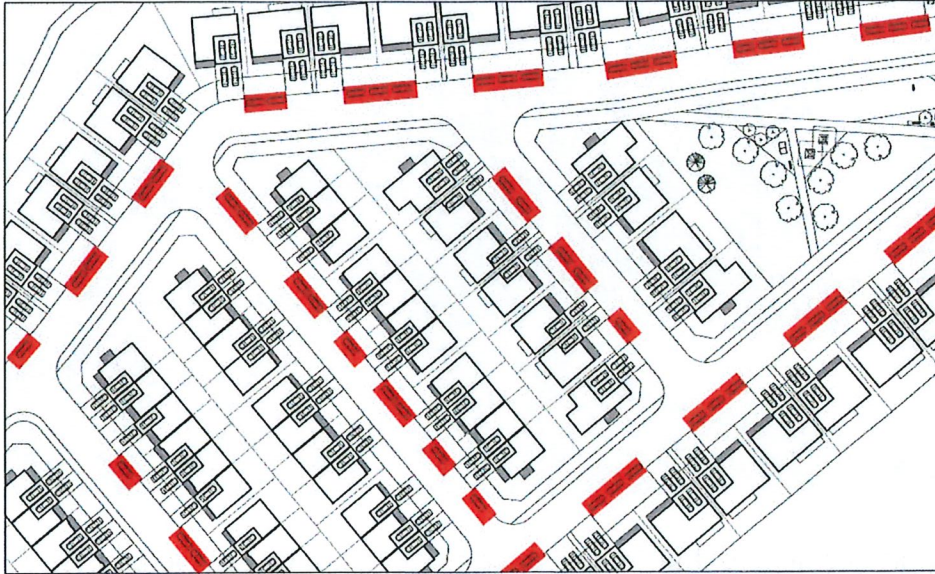
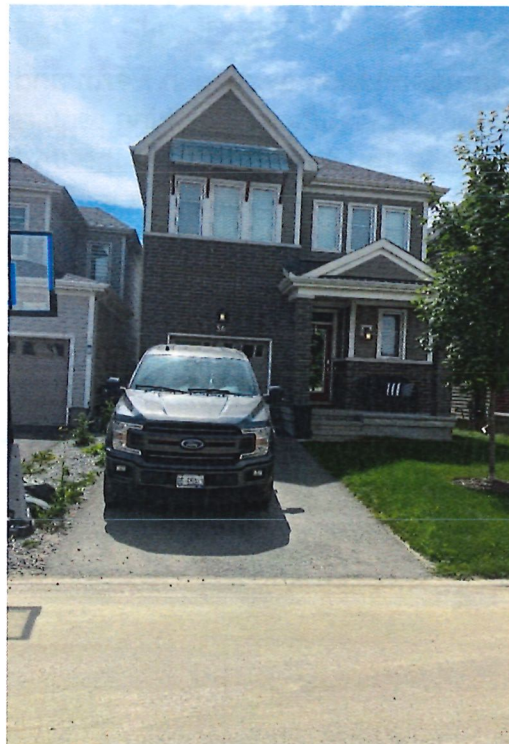


Figure 39 On-Street Parking Demonstration Plan

166. While the applicant has recognized that there may be some ways to solve parking concerns this plan does not account for winter conditions.
167. There is no transportation system in Perth and so the population is reliant on cars. The proposed insufficient parking requirements, due to the narrow streets narrow streets and limited room in the driveway leads to functionality issues and emergency management issues. No off- street parking requirements and provisions have been provided as part of the Traffic Impact Statement.
168. Snow storage is another consideration. If the front of the lots are filled with cars, porches, and other permitted projections and sidewalks (if provided) have vehicles overhanging them, snow storage becomes a major consideration that has not be appropriately addressed (Mark B).



169. It is clear in this picture that AODA standards will not be able to be met. A wheelchair, stroller or other device will not be able to have a clear path of travel if the vehicles hang over the sidewalk. This does not meet either AODA requirements even if the sidewalk itself does.



170. The Town of Perth Zoning By-law outlines the minimum parking requirements (2 spaces per unit) with an additional parking space requirement for a home based business. Section 4.35.3 defines driveways as commencing at the street line and extending along the front yard. Section 3 defines the street line as the limit of the road allowance and further defines the front yard as the yard between the front lot line and the main wall of the building. The minimum parking space dimensions are 2.6 m by 5.5 m.
171. Jennifer Luong notes in her peer review that garage sizes are currently unknown, but assumes that they will meet the minimum requirement when the grading and number of stairs are developed. She notes insufficient parking spaces for any parking within the front yard. The proposed townhouses and single family homes (35' singles) have one parking space, less than the requirements in the by-law. She believes that approximately 400 units out for the 940 units or 40% of the development will not have appropriate parking which will lead to parking spill over. She also notes that there is no transit in the Town of Perth. She further indicates that no lots have more than 2 spaces. The planning rationale submitted by WSP indicates that the development will support downtown commercial uses as home based businesses are proposed. No lots have sufficient space to accommodate a home based business.
172. Ms. Luong further notes that the Townhouses will result in the most parking complaints and that a mixing of the housing types would help absorb some of the concerns. Jennifer Luong notes that the functionality of the proposed parking standards has not been demonstrated. A parking study should be completed to assess the impacts of the proposed parking reduction.

My response to the issues list is as follows:

173. Floodplain: No application has been submitted or approved so determining engineering, street layout and design is premature.
174. While it is understood that the application would necessitate the realignment of the floodplain through earthworks, supporting information has not been provided through the Planning Act application and an application for development activity under the Conservation Authorities Act has not been submitted. It is premature to conclude that realignment of the floodplain is achievable in accordance with applicable policies and guidelines. Modification to natural hazards is not taken lightly, and where determined to be appropriate, should be approached from a perspective of minimizing influence on natural processes, and not by maximizing development potential.

Predicating a subdivision on modification to natural hazards should not form the basis for future “available development lands”, particularly where lands are available outside of a hazard are available.

175. Second Separate Bridge:

- Phase 1 and 2 have been completed by the Town in the IMP 2019. Detailed design and several agreements to secure land must be entered into prior to the construction of the bridge.
- Separate bridge needs to be considered through floodplain, EIS results (no constraint map provided), Emergency Management, inclusive of waterlooping discussions, phasing etc.
- Jennifer Luong, traffic engineer for Novatech and Anthony Homick, consultant planner for the County note that notwithstanding the 2019 TMP County Council has not expressly considered the potential use of its property for a future bridge crossing or road, nor have Tay Valley and Perth in relation to the joint jurisdiction road allowance that would connect it out to Christie Lake Rd. No agreement in principal or in detail has been explored.
- Additionally, there is no obligation to allow a future road and/or open toe allowance as a public road.
- Approval of the plan on the basis of a future second bridge is premature until the consent of the parties involved in granted for this use of lands under their authority.
- At a minimum the development, beyond the Peter St bridge capacity, should be contingent on successful negotiations for land and access via conditions.
- This may impact the noted stage of the EA forces as the TMP may not be able to stand for the first two steps if the land access cannot be granted and a new review of alternatives is required.

173. Twinned bridge: EA/EIS/Serviceing would also need to be completed prior to moving forward with constructing twinned bridge- premature.

-would have to be done in conjunction with roads widenings (eg. Peter St for traffic capacity)

174. Natural Heritage Features/Species at Risk/Habitat:

-no fulsome constraints map provided to determine buildable area. Until this is completed design of any time of submission is premature.

-no approved servicing or access point through the wetland to additional lots without an EA and permits from the Conservation Authority

-constraints map prepared by peer reviewer indicates significant work needs to be completed and considered when determining the buildable area and location of bridges and servicing.

175. Traffic:

“Peter Street and Lustre Lane cannot safely and adequately accommodate the development based on a single access connection. A single access connection is not good planning for the development of approximately 940 residential units. It would not provide safe access in the event of a road closure, long-term infrastructure replacement, or maintenance. Caivan has indicated that they intend to include a second crossing outside the vicinity of the existing Peter Street bridge as part of the plan of subdivision. The Environmental Assessment for the second crossing must be completed prior to Draft Plan approval. A proposed cross section for the widening of Peter Street west of Lustre Lane is required and hasn't been submitted to date. Based on the narrow ROW, 110 dwelling units is recommended as the appropriate number of units that can be accommodated with a twinned bridge at the existing Peter Street crossing prior to the construction of a second crossing outside the vicinity of the existing Peter Street Bridge. An acceptable construction route should also be determined for the initial phases of development in consultation with the Town. The functionality of the proposed parking standards has not been demonstrated. A parking study should be conducted to assess the impacts of the proposed parking reduction and any parking spillover. The appeals filed by the applicant should be refused.”
Jennifer Luong, Novatech Eng.

176. Water/wastewater/storm/Capacity Allocation-

The applicant should provide a second watermain connection in general conformance with the IMP for reasons of public safety (fire protection). The proposed design does not provide appropriate system redundancy and presents an unacceptable risk. The applicant should provide two wastewater forcemains from the proposed pump station to the discharge outlet near Roger Road and Jessie Drive to improve operating conditions, system reliability, and future repairs. The applicant should update their analysis of water tower infrastructure using design parameters from the IMP for growth. The purpose is to identify when the upgrades are required and establish a Phase 1 development limit until the environmental assessment, design and construction work is complete. The applicant should update their analysis of the wastewater lagoon using design parameters from the IMP. The purpose is to identify when the facility upgrades are required and if the Caivan development will trigger this work.

Currently, the infrastructure does not exist to support the development of the full-build out of the subdivision. Upgrades would be required to expand the Town's reservoir and/or water tower to supplement the current municipal water supply system. Upgrades would also be required to the sewage treatment plant in the form of a fifth submerged attached growth reactor.

-location of water, wastewater, storm to be determined once buildable area is determined.

-Storm ponds cannot be in floodplain as indicated.

-Capacity to be allocated throughout Town and not just to this one area.

Many infill projects are on the go which the PPS is supportive of providing capacity to. Additional information required- premature.

177.Zoning- zoning application to be revised in conjunction with the Town.

-lands to be placed on hold

178. Affordable Housing- no details provided. Premature. Appears to not be enough room provided on block suggested to meet 25% requirement in the Town's Official Plan.

Mix of uses- revise draft plan

Mix of housing- revise draft plan

Special study area- questions must be answered- premature to change zoning

Draft Plan of Subdivision

178.The approval authority, the County of Lanark Consultant Planner has stated the following:

"Section 51(24) of the Planning Act requires that, in considering a draft plan of subdivision, regard shall be had to a number of criteria. These relevant criteria will be discussed in order.

Criterion (a) requires consideration of the effect of development of the proposed subdivision on matters of provincial interest as referred to in Section 2 of the Planning Act. As discussed earlier in this witness statement, there are matters in Section 2 that remain unaddressed and, without more conclusive information, the subdivision should not be approved.

Criterion (b) requires consideration of whether the proposed subdivision is premature or in the public interest.

In my professional opinion, this criterion is the one that most clearly encapsulates why the subdivision that is before the Tribunal should not be approved. There are several reasons why the proposed subdivision should be considered premature that have been articulated elsewhere in this witness statement, but they will be discussed again.

The second bridge is required to alleviate concerns from a traffic and public safety perspective. While the applicant's proposal to include a second bridge is positive, and it may be possible to construct, there is no assurance that the bridge can be located exactly where it has been shown on the revised concept plan. The bridge will require the completion of an environmental assessment and negotiations between two separate municipalities and the County of Lanark. There is further no assurance that these stakeholders agree to construct the bridge where proposed, if at all.

The second bridge is a fundamental part of the feasibility of redeveloping the golf course with the intensity of development that has been proposed. If the bridge needs to be sited in another location, this may impact the proposed road layout/network, lotting pattern and overall developable area. It is therefore premature to consider approving the subdivision without first knowing where the new bridge is going to go.

The application is also proposing cutting and filling to alter the elevation of the current floodplain to facilitate the subdivision. Currently, portions of the stormwater management facilities are located within the floodplain. The applicant has not yet applied for a cut/fill permit from the RVCA and it is therefore not know if the permit will be granted. Therefore, portions of the development as currently proposed, are located within the floodplain. If the permit is not granted, the subdivision layout will need to change. Again, it is premature to approve the subdivision without the knowledge that a cut/fill permit is achievable.

The applicant has now proposed to include a 0.61-hectare affordable housing block. There has not been enough detail provided with respect to number of units/unit mix for the proposed affordable units to determine if what is being envisioned is appropriate. Approving the subdivision without more information on the proposed affordable units is premature.

While it appears that the natural heritage experts are mostly in agreement with one another on matters within that area of expertise, no "constraints map" has been submitted to date by the applicant. A constraints map, which is typically included in an Environmental Impact Study/Assessment, provides a visual representation of any environmentally sensitive features or areas on site and is used to inform a subdivision or site layout. Without confirmation of the constraints on a plan, it is premature to approve the subdivision.

Criterion (c) requires consideration of whether the plan conforms to the official plan and adjacent plans of subdivision, if any.

As discussed, the proposed plan does not conform to the County's official plan, in particular policies related to natural heritage, natural hazards and public health and safety.

Criterion (d.1) requires consideration of if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing.

As discussed in several areas in this witness statement, the suitability of the proposed units cannot be evaluated because no further information has been provided in this regard beyond the proposed 0.61-hectare block.

Criterion (h) requires consideration of conservation of natural resources and flood control.

As discussed, the subdivision application that is currently being advanced is showing dwellings, roads and stormwater management facilities within the 100-year floodplain. In the event that a cut/fill permit is not issued by the RVCA, the subdivision will not be able to be constructed as designed"

Until these outstanding items are completed and incorporated into the design, the applications premature and should not be approved.

Prepared by:

A handwritten signature in cursive script that reads "Joanna Bowes".

Joanna Bowes
MCIP, RPP
Director of Development Services
Town of Perth

Exhibit A – CV

Resume of
Joanna Emily Charlotte Bowes
110 Burns Lane, RR1
Carleton Place, ON K7C 3P1
(613)804-1129, joannabowes72@gmail.com

Objective: To broaden my current experience and knowledge as a land use planner and to use my education and abilities to their full potential.

Experience:

Town of Perth: Director of Development Services (May 16, 2022-present)

- Responsible for project management and overall day to day responsibility for the, comprehensive Official Plan, Zoning By-law and all other planning related legislation
- Provides professional review/assessment of all planning related matters and makes appropriate recommendations to the Committee of Adjustment and Council
- Responsible for negotiating and preparing development related Agreements including, but not limited to, Subdivision/Condominium, Site Plan Control and Encroachment Agreements. Responsible for the preparation of studies and policies relating to the timing of physical development (land uses) in the municipality including boundary restructuring proposals.
- Reports to the Chief Administrative Officer and advises various Committees and Council on all land use planning matters including legislation, regulations, policies, guidelines and programs as well as any changes or amendments to these matters.
- Presents planning evidence on behalf of the Town before the Courts, the Ontario Local Planning Appeal Tribunal (LPAT) and other hearings pertaining to land use development.
- maintains beneficial relationships with senior government authorities, neighbouring municipalities, and other agencies as required.
- Liaises daily with public and private sector representatives and all Town Directors and other staff as required.
- Administers and enforces the Town's Official Plan, Zoning By-law, Site Plan Control, Subdivision/Condominium Agreements and Encroachment Agreements, including the processing of complaints, violations, court appearances, and monitoring of same, and processing and making recommendations on all minor variance applications.
- Supervises and provides management direction to the Chief Building Official

Township of Lanark Highlands: Manager of Planning and Building (Nov. 15, 2021 – May 15, 2022)

- Coordinate all planning and development within the Town

- Organize effective operation of the Planning/Building functions in conjunction with other town departments, external agencies, developers, Council and members of the public
- Administer and enforce Official Plan, Zoning By-law, agreements and other development related by-laws
- Prepare planning reports to Committee with input from Development Review Team. Arrange for implementation of decisions
- Provide technical advice to Chief Administrative Officer and Council with respect to orderly growth and development of municipality
- Seek and provide legal advice on development related matters to Council and Administration
- Manage Council and public relations and inquiries as they relate to development in a considered manner, conscious of context and audience
- Provide advice in policy formulation including the development and maintenance of Official Plan, Zoning By-law, and other development related by-laws
- Supervise applicable office staff under direct control including consultants relate to planning and GIS
- Coordinate the development of planning related studies, policies and by-laws for Council's consideration with strategic oversight and with long term visioning for the department in mind
- Analyze and evaluate all major planning applications for the Town
- Serve as delegated authority for review and comment regarding Land Division requests
- Actively encourage appropriate development within the Town by assisting the public and developers with development proposals
- Provide planning information related to land use planning matters and pertinent legislation to Committees, Council, staff and the general public.
- Processes complaints and follows up on violations of the Development Permit By-law and other planning documents
- Prepares subdivision agreements with input from the Development Review Team and external agencies.
- Provide outreach to Chamber of Commerce, Business Improvement Association and local realtor groups

Township of Montague: Acting Clerk Administrator Maternity Contract (Dec. 1, 2020 – Oct. 14, 2021)

- Responsible for full-time staff of 10 and 3 contractors/consultants, 3 summer students
- Act as Council's principle policy advisor
- Ensure that all meetings are held in accordance with the Municipal Act and other relevant legislation
- Prepare reports and recommendations for Council, Committee, Committee of Adjustment, Police Services Board and other public meetings
- Provide advice and guidance on municipal legislation, by-law, policies, corporate agreements
- Prepare and maintain documents of Council and Committees including agenda, minutes, reports, correspondence and background material
- Draft and maintain corporate files for review

- Foster proactive, effective, positive and professional relationships with Council members, department heads, general public as well as solicitor, auditor and other officials of Provincial and Federal standing and those officials in external agencies
- Develop corporate strategic plans, annual departmental goals and objectives and measure outcome
- Coordinate health and safety policies
- Provide direct administrative guidance to all municipal departments
- Lead and facilitate regular meetings of staff to establish direction, teamwork and effective communication, developing strategy, formulate goals/objectives and policies/procedures
- Fosters and continually improves a positive employer/employee relationship and productive work environment
- Provide input into budget and funding proposals
- Commissioner of Oaths

Township of Carleton Place: Manager of Development Services (July 28, 2015- Nov 2020)

- Coordinate all planning and development within the Town
- Organize effective operation of the Planning/Building functions in conjunction with other town departments, external agencies, developers, Council and members of the public
- Administer and enforce Official Plan, Development Permit By-law, agreements and other development related by-laws
- Prepare reports to Committee of planning related applications with input from Development Review Team. Arrange for implementation of decisions
- Provide technical advice to Chief Administrative Officer and Council with respect to orderly growth and development of municipality
- Seek and provide legal advice on development related matters to Council and Administration
- Manage Council and public relations and inquiries as they relate to development in a considered manner, conscious of context and audience
- Provide advice in policy formulation including the development and maintenance of Official Plan, Development Permit By-law, and other development related by-laws
- Supervise applicable office staff under direct control including consultants relate to planning and GIS
- Coordinate the development of planning related studies, policies and by-laws for Council's consideration with strategic oversight and with long term visioning for the department in mind
- Analyze and evaluate all major planning applications for the Town
- Serve as delegated authority for review and comment regarding Land Division requests
- Actively encourage appropriate development within the Town by assisting the public and developers with development proposals
- Provide planning information related to land use planning matters and pertinent legislation to Committees, Council, staff and the general public.
- Complete site inspections when necessary, with respect to potential violations, security release
- Processes complaints and follows up on violations of the Development Permit By-law and other planning documents

- Prepare and monitor the Planning department operating and capital budgets and provides oversight in accordance with the procurement policy
- Prepares subdivision and development permit agreements with input from the Development Review Team and external agencies.
- Improve appreciation, preservation and enhancement of cultural, human and natural heritage assets by working closely with, and attending Urban Forest and River Corridor Committee, Heritage Committee, Environmental Committee
- Provide outreach to Chamber of Commerce, Business Improvement Association and local realtor groups
- Work with Mayor and CAO to help with economic development

Town of Carleton Place: Building and Planning Technician (Feb 22, 2010-Aug 2015)

- Preparation of by-laws for Council, development permit agreements and development permits for Class 1, 1a, 2 and 3 applications
- Preparation of notices, circulation lists, technical mapping and reports
- Indicate outstanding deficiencies in building and planning applications
- Review and approve site plans and verify development permit compliance for issuance of building permits
- Provide general planning information to the public, developers, councillors with respect to development inquiries and future development and growth in the municipality
- Draft compliance reports
- Process appeals to the Ontario Municipal Board

Tay Valley Township – Administrative Assistant – Planning (Mar 13, 2006- Feb 18, 2010)

- Secretary-Treasurer for the Committee of Adjustment
- Presentation for development applications to both Council and Committee of Adjustment
- Answer preliminary planning, building and septic related inquiries
- Process and commented on site plan, zoning by-law amendment, severance and minor variance applications
- Maintain and update records for building, planning and septic application
- Create notices for public meeting and notice of passing
- Prepare and distribute Council agenda and minutes
- Civic addressing
- Health and Safety Representative

United Counties of Leeds and Grenville: Assistant to the Secretary-Treasurer of the Land Division Committee (Nov 2005- March 2005)

- Work with the Planning Act, Conflict of Interest Act, Freedom of Information and Protection of Privacy Act
- Maintained and updated records for Land Division Committee

- Prepared and circulated application packages, notices of hearing, committee agendas

Rideau Valley Conservation Authority/Ottawa Septic System Office (2004-2005)

- Conducted site visits related to severances and minor variances (urban and rural)
- Answered general questions relating to septic systems, building code regulations, environmental issues
- Organized and processed septic permit applications

Education:

2016 Received RPP MCIP

2011-2014 Ontario Professional Planners Institute, Full Member MCIP RPP (54493)

2010 Association of Manager, Clerks and Treasurers of Ontario: Municipal Administration Program Units 1-4 Completed

2009 Ministry of Municipal Affairs and Housing: Sewage System Inspector, General Legal, House BCIN (37399)

2006 Association of Managers, Clerks and Treasurers of Ontario: Primer on Planning

2002-2005 Trent University: Graduated with an honours degree in Environmental Studies with a specialization in Politics, Policy and Law.

2000-2001 University of New Brunswick: Bachelor of Arts Program

2015-2019 Completed OPPI Courses: Planer at the OMB, Understanding Legislation and Planner as Facilitator

Skills:

- CGIS and ArcView GIS
- Accessibility for Ontarians with Disabilities Act
- Microsoft Office Suite
- Analyze and make timely decisions while taking into account all relevant facts, goals, constraints and risks in any given situation
- Excellent verbal and written skills
- Excellent organizational and time management skills
- Shows discretion and judgement when handling sensitive information

Exhibit B – Acknowledgment



Ontario
Ontario Land Tribunal

ACKNOWLEDGMENT OF EXPERT'S DUTY

Case Number	Municipality
OLT-23-000534	Town of Perth

1. My name is Joanna Bowes. I live at the Town of Carleton Place in the County of Lanark in the Province of Ontario
2. I have been engaged by or on behalf of the Town of Perth to provide evidence in relation to the above-noted OLT proceeding.
3. I acknowledge that it is my duty to provide evidence in relation to this proceeding as follows:
 - a. to provide opinion evidence that is fair, objective and non-partisan;
 - b. to provide opinion evidence that is related only to matters that are within my area of expertise; and
 - c. to provide such additional assistance as the OLT may reasonably require, to determine a matter in issue.
 - d. not to seek or receive assistance or communication, except technical support, while under cross examination, through any means including any electronic means, from any third party, including but not limited to legal counsel or client.
4. I acknowledge that the duty referred to above prevails over any obligation which I may owe to any party by whom or on whose behalf I am engaged.

Date April 15, 2024

Joanna Bowes
Signature