

ONTARIO LAND TRIBUNAL
Tribunal ontarien de l'aménagement du territoire

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

Applicant/Appellant: Caivan (Perth GC) Limited
Subject: Request to amend the Official Plan – Failure to adopt the requested amendment
Description: To permit 940 single-detached dwellings and townhomes, a nine-hole golf course, park and open space areas.
Reference Number: OPA-01-2023
Property Address: 141 Peter Street, Part of Lots 26 & 27, Concession 1, Part Lots 25, 26 & 27, Concession 2, Geographic Township of Bathurst, and Part Lot 1 of Southeast Half Lot 1, Concession 1, Part Lot 1 in Southwest Half Lot 1, Concession 2, Geographic Township of Drummond, now in the Town of Perth, County of Lanark.
Municipality / UT: Town of Perth / County of Lanark
OLT Case No.: OLT-23-000939
OLT Lead Case No.: OLT-23-000534

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

Applicant/Appellant: Caivan (Perth GC) Limited
Subject: Request to amend the Zoning By-law – Refusal or neglect to make a decision
Description: To permit 940 single-detached dwellings and townhomes, a nine-hole golf course, park and open space areas.
Reference Number: ZBL-03-2023
Property Address: 141 Peter Street, Part of Lots 26 & 27, Concession 1, Part Lots 25, 26 & 27, Concession 2, Geographic Township of Bathurst, and Part Lot 1 of Southeast Half Lot 1, Concession 1, Part Lot 1 in Southwest Half Lot 1, Concession 2, Geographic Township of Drummond, now in the Town of Perth, County of Lanark.
Municipality / UT: Town of Perth / County of Lanark
OLT Case No.: OLT-23-000940
OLT Lead Case No.: OLT-23-000534

PROCEEDING COMMENCED UNDER subsection 51(34) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended.

Applicant/Appellant: Caivan (Perth GC) Limited
Subject: Proposed Plan of Subdivision – Failure of Approval Authority to make a decision
Description: To permit 940 single-detached dwellings and townhomes, a nine-hole golf course, park and open space areas.
Reference Number: 09-T-22001
Property Address: 141 Peter Street, Part of Lots 26 & 27, Concession 1, Part Lots 25, 26 & 27, Concession 2, Geographic Township of Bathurst, and Part Lot 1 of Southeast Half Lot 1, Concession 1, Part Lot 1 in Southwest Half Lot 1, Concession 2, Geographic Township of Drummond, now in the Town of Perth, County of Lanark.
Municipality / UT: Town of Perth / County of Lanark
OLT Case No.: OLT-23-000534
OLT Lead Case No.: OLT-23-000534
OLT Case Name: Caivan (Perth GC) Limited v Lanark County

WITNESS STATEMENT OF DARYL KELEHER, BA, BURPL, MCIP, RPP

Qualifications and Retainer

1. I am the Principal of Keleher Planning & Economic Consulting Inc., which was established in May 2023.
2. I was previously employed by Altus Group Economic Consulting from December 2007 to May 2023.
3. I am a land economist and urban planner specializing in public policy, land economics, and municipal finance. My areas of expertise includes planning policy and economic analysis of urban issues.
4. I hold a Bachelor of Arts (Honours Economics) from Wilfrid Laurier University (2002), and a Bachelor of Urban and Regional Planning from Ryerson University (2007).
5. I am a full member of the Canadian Institute of Planners (MCIP) and am a Registered Professional Planner (RPP) with the Ontario Professional Planners Institute (OPPI).
6. Attached as Appendix “A” and Appendix “B” are copies of my Curriculum Vitae and Acknowledgement of Expert’s Duty, respectively.

7. I have previously been qualified before the Ontario Land Tribunal and its predecessors, to provide expert witness testimony in the areas of municipal finance and land use planning.
8. I was retained by Caivan (Perth GC) Limited in April 2024 to review matters related to land economics and municipal finance. I had previously been retained by Caivan for this project while I was employed at Altus Group, having completed a Fiscal Impact Study under that engagement.
9. I will respond to the following issues:
 - 9.1. **Issue 2:** *Is it appropriate to introduce the proposed number of residential units without conducting a comprehensive review to assess:*
 - a) *the need for the increase in population over the identified planning horizon of the Town's Official Plan;*
 - b) *opportunities to address demonstrable need through intensification, redevelopment and existing designated growth areas; and*
 - c) *the demands on infrastructure and public service facilities that the development will create?*
 - 9.2. **Issue 3:** *Is the Application consistent with the Provincial Policy Statement, 2020 (and 2023 if this version of the PPS is in force and effect when this matter is heard by the Tribunal)?*
 - a. *The application of the "consistency with" test will consider, but not be limited to the following policies of the PPS, 2020:*
 - i. *Policy 1.1.1;*
 - ii. *Policy 1.1.2;*
 - iii. *Section 1.1.3;*
 - iv. *Section 1.4;*
 - v. *Policy 1.6.4;*
 - vi. *Policy 1.6.8; and*
 - vii. *Section 3.1*
 - 9.3. **Issue 4:** *Does the Application conform to the policies of the County of Lanark Sustainable Communities Official Plan (SCOP)?*

a. The application of the conformity test will consider, but not be limited to the following policies of the of the SCOP:

i. Policy 1.1 Population Projections and Distribution, as amended by Amendment No. 8 to the SCOP;

ii. Appendix 2 – Historical and Projected Population by Municipality, as amended by Amendment No. 8 to the SCOP;

9.4. **Issue 5:** *Does the Application conform to the policies, purpose and intent of the Town of Perth Official Plan (the “Official Plan”)?*

a. The application of the conformity test will consider, but not be limited to the following policies of the Town of Perth Official Plan:

i. 2.4 Official Plan Review Process;

ii. 2.6 Planning Period;

iii. 3.1 Population;

iv. 3.2 A) Housing;

v. 3.4 C) Infrastructure and Public Service Facilities;

9.5. **Issue 17.** *Would the approval of the applications constitute good planning in the greater public interest?*

Documents To Be Referred To

10. I may refer to the following documents:

10.1. Planning Act

10.2. Provincial Policy Statement, 2020

10.3. Watson & Associates, Presentation to County Council re: Lanark County – 2023 Growth Study – Area Municipal Growth Allocations, (May 22, 2024);

10.4. Lanark County – Planning Department Information Report, (May 2024);

10.5. Lanark County, Sustainable Communities Official Plan (2012), as amended;

10.6. Town of Perth Official Plan (comprehensive update, 2019);

- 10.7. Altus Group, Perth Golf Course Fiscal Impact Study, (February 7, 2023);
 - 10.8. DSEL, Functional Servicing Report for Caivan (Perth GC) Limited, (February 2023);
 - 10.9. CGH Transportation, Transportation Impact Study, (February 2023);
 - 10.10. Draft Plan of Subdivision, (June 12 2024);
 - 10.11. Jp2g Consultants, Infrastructure Master Plan, Western Annex in the Town of Perth, (November 2019);
 - 10.12. DSEL, Lagoon Capacity Analysis, (February 2023).
11. I have also reviewed the witness statements of Liz Howson and Planning Justification Reports authored by WSP.

Review of Issue 2: Housing Need and Demand on Infrastructure

12. Issue 2 relates to whether it is appropriate to introduce the proposed number of units without conducting a comprehensive review to assess need for population, intensification opportunities and demands on infrastructure.

Issue 2: Is it appropriate to introduce the proposed number of residential units without conducting a comprehensive review to assess:

- a) the need for the increase in population over the identified planning horizon of the Town's Official Plan;*
- b) opportunities to address demonstrable need through intensification, redevelopment and existing designated growth areas; and*
- c) the demands on infrastructure and public service facilities that the development will create?*

Demands on Infrastructure and Public Service Facilities

13. The demands on infrastructure and public service facilities has been estimated based on the Functional Servicing Report prepared by DSEL, and the Transportation Report prepared by CGH.
14. Development of these lands is contemplated by the Town through annexation of the lands, Official Plan Amendments, the Town's Infrastructure Master Plan, which involves the assessment of demands on infrastructure and public service facilities.

15. The implications of these demands on the Town's finances has been analyzed through the preparation of the Fiscal Impact Study ("FIS Report") that I authored while employed at Altus Group, dated February 7, 2023.
16. The FIS Report found that the 939 residential units would:
 - 16.1. Generate \$8.8 million in development charges (DCs) for the Town, and \$1.3 million in DCs for the County;
 - 16.2. Based on the IMP, require installation of transportation works estimated to cost \$25.7 million, or \$9.7 million according to the proposed approach to transportation works for the subject development;
 - 16.3. Based on the IMP, require \$26.6 million in capital costs for watermain, stormwater management works and wastewater management works.
 - 16.4. Provide significant contributions to the repayment of debt for the SAGR (approximately 83% of the repayment requirements);
 - 16.5. On an annual basis, generate operating revenues and incremental operating expenditures that results in an additional \$1.5 million in net revenues (of \$625 per capita) for the Town to utilize by either reducing property taxes, expanding municipal services, reduce any existing infrastructure deficits, accelerate debt repayment schedules or accumulate reserves, or some combination thereof.
17. The FIS Report was based on the February 2023 plan, which included plans for a twinned Peter Street bridge. Figure 13 from the FIS Report utilized \$5.0 million in capital costs to derive the estimated lifecycle costs from the work.
18. As noted in the evidence of Liz Howson, the draft plan of subdivision had three significant differences from the February 2023 version, being:
 - 18.1. The construction of a second bridge on the north side of the subject lands as per the IMP;
 - 18.2. Provision of an affordable housing block; and
 - 18.3. Adjustments to the boundary of the natural heritage system (NHS).
19. Of the above three changes only the addition of a second bridge would have any impact on the estimates presented in the February 2023 FIS. Figure 8 from the FIS Report summarizes the IMP capital costs for bridge crossings and estimates the total cost of both crossings would be \$11,025,000, which after adjustments would amount to \$20.9 million. Less the \$5.0 million in capital costs already considered in the FIS Report, the second bridge would add \$15.9 million for which lifecycle costs would

need to be added to the analysis in the FIS Report. Based on the ratio of capital costs to lifecycle costs for the \$5.0 million bridge considered in the FIS Report, the second bridge would add \$498,900 in annual lifecycle costs.

Figure 1

**Difference in Capital Costs for Consideration in FIS Report,
Perth GC**

Category	% Adj.	IMP	FIS Report	Cost Increase - Second Bridge
Transportation		\$ 11,025,000		
Engineering	15%	\$ 1,653,750		
Utilities	10%	\$ 1,102,500		
Property	1%	\$ 110,250		
Town Costs	5%	\$ 551,250		
Misc.	5%	\$ 551,250		
Subtotal		\$ 14,994,000		
Contingency	40%	\$ 5,997,600		
Capital Costs		\$ 20,991,600	\$ 5,000,000	\$ 15,991,600
Annual Lifecycle Costs			\$ 156,000	\$ 498,938
Ratio			32.1	

Source: KPEC based on IMP, Altus FIS Report

20. Though the FIS report noted the findings of the 2019 IMP and the recommended second bridge, it did not consider the financial implications of this infrastructure work. From a financial perspective, given the substantial estimated annual surplus and the fiscal implications of the twinned bridge work of approximately \$1.5 million, the additional \$498,900 in annual lifecycle costs from the second bridge would not change my conclusions that the development of the subject lands would be expected to generate a positive fiscal impact on the Town's finances.

21. In my opinion, the demands of the proposed development on infrastructure and public service facilities have been adequately assessed in the February 2023 FIS and those findings would persist with the changes to the plan done through May 2024. The subject development would not significantly differ from a typical greenfield development in terms of infrastructure needs.

Need for Increased Population and Opportunities to Address Demonstrable Need

22. The Watson & Associates presentation from May 22, 2024 to County Council made numerous references to the Ontario Ministry of Finance population forecasts, and the forecasts from MOF are similar to the forecasts to 2051 undertaken by Watson. The current 2046 forecasts from MOF are 107,400 persons, while the May 2024 presentation uses three scenarios:

- 22.1. Low Scenario – 1.2% annual growth rate – 2051 forecast of 98,300 persons or 9,100 persons less than the MOF forecasts to 2046;
 - 22.2. Medium Scenario – 1.5% annual growth rate – 2051 forecast of 106,600 persons, or 800 persons less than the MOF forecasts to 2046;
 - 22.3. High Scenario – 1.7% annual growth rate – 2051 forecast of 114,500 persons, or 7,100 persons more than the MOF forecasts to 2046.
23. The Ministry of Finance’s projection for the Lanark Census Division to 2046, over the past four iterations of the study, has seen the County’s projection increase in each subsequent version:

Figure 2

MOF Projection Version	Lanark County Population Forecast, 2046	Change from Previous
Summer 2020	87,100	n.a.
Spring 2021	98,000	10,900 (12.5%)
Summer 2022	103,100	5,100
Spring 2023	107,400	4,300

24. If the County’s projections continue to be understated and increased year-over-year like it has since 2020, adding over 20,000 persons to the County’s growth forecast, growth in expectations for County-wide growth upwards of another 10,000 to 20,000 persons would result. The figure below shows changes to Ministry of Finance forecasts since 2020, where the growth rate in the Lanark CD increased from an annual average of 0.7% to 1.4% through four iterations of the Ministry’s forecasts.
25. The table below provides four additional scenarios should the average annual increase escalate from the current forecast of 1.4% per year, in increments of 0.1% to as high as 1.8%. At 1.8%, the County’s 2046 forecast would be 120,228 persons, or nearly 13,000 persons higher than currently forecast, and over 33,000 persons more than forecast in Summer 2020.

Figure 3

Recent Ministry of Finance Forecasts for Lanark Census Division, 2016-2046 and Long-Term Implications of Increased Growth Expectations

MOF Forecast Version	2016	2046	2016-2046 Growth	% Growth 2016- 2046	Average Annual Growth Rate	Difference from Previous Scenario
Summer 2020 MOF	70,400	87,100	16,700	23.7%	0.7%	
Spring 2021 MOF	70,400	98,000	27,600	39.2%	1.1%	10,900
Summer 2022 MOF	70,400	103,100	32,700	46.4%	1.3%	5,100
Spring 2023 MOF	70,400	107,400	37,000	52.6%	1.4%	4,300
Assumed Escalation Continues						
1.5% Growth Rate	70,400	110,041	39,641	56.3%	1.50%	2,641
1.6% Growth Rate	70,400	113,340	42,940	61.0%	1.60%	3,299
1.7% Growth Rate	70,400	116,735	46,335	65.8%	1.70%	3,395
1.8% Growth Rate	70,400	120,228	49,828	70.8%	1.80%	3,493

Source: KPEC based on Lanark County - 2023 Growth Study - Area Municipal Growth Allocations, (May 22, 2024)

26. Should the MOF continue to find that their recent forecasts have understated, the current estimates for 2046 would themselves be understated relative to projected needs.

27. The Watson presentation also set out, in discussing the purpose of the growth allocation exercise:

Forecasting growth is not intended to constrain municipalities. It is meant as a guiding document to, in part, ensure that there is a sufficient amount of serviced urban land to accommodate long-term growth.

These growth forecast allocations can be thought of as minimums that each municipality strives to achieve.

Nothing is stopping a municipality from exceeding these targets.

Growth forecasts are intended to provide our best estimate of future growth, to ensure that each municipality is adequately prepared to accommodate growth through infrastructure planning, capital plans, and urban land requirements.

28. The Watson presentation notes that growth forecasts are minimums that municipalities are to strive to achieve, and that those forecasts are only used to guide infrastructure planning, but that ‘nothing’ would stop a municipality from exceeding those targets, though they may require revision to policy documents, infrastructure master plans, and capital funding tools. I agree with this characterization of optimal growth planning – plan to achieve the minimum, but be accepting of going beyond the minimum where this represents good planning.

29. Slide 5 of the Watson presentation shows that the County's population growth rate over the 2016-2022 period was 1.6% per year, indicating escalating growth rates in the County, as the longer-term growth rate since 2001 was just 0.8% per year.
30. The 1.6% growth rate seen in the County since 2016, if extrapolated to 2046, would equate to a 2046 forecast of 113,340 persons, or more than 43,000 persons in growth compared to 2016.
31. The current County OP forecast to 2051 is 106,600 persons. A 1.6% per year increase over 2016 population would result in 122,700 persons, or 16,100 persons more than the County's current OP.
32. The Watson presentation characterizes a "High Scenario" as having a County-wide growth rate of 1.7% per annum to 2051, and a "Medium Scenario" as being a 1.5% annual growth rate. Therefore, a 1.6% growth rate could be considered a "Medium-High" scenario, and more likely than the "High Scenario" summarized on Slide 7 of the Watson presentation.
33. The table on slide 10 of the Watson presentation shows building permits in the County of 349 units per year from 2012-2016 (with a mix of 78% low-density, 13% medium-density and 9% high-density), and 640 units per year from 2017-2023 (with a mix of 57% low-density, 17% medium-density and 26% high-density). To achieve the Medium Forecast scenario in the Watson presentation, Slide 8 indicates that an annual average of 550 units would be required County-wide.
34. From 2024 to 2046, at 550 units per year, the County will need to achieve 12,100 housing units. Slide 16 of the Watson presentation shows a current development pipeline of 5,650 units. Therefore, the County's pipeline represents just a 10.3-years supply of housing supply relative to projected needs. The PPS requires:
 - 34.1. Sufficient land to be made available to accommodate a range and mix of land uses to meet projected needs for up to 25 years
 - 34.2. Maintain the ability to accommodate residential growth for a minimum of 15 years through intensification, redevelopment and lands designated and available for residential development;
 - 34.3. Maintain land with servicing capacity for at least 3 years, through lands zoned to facilitate intensification and lands in draft approved and registered plans.
35. This analysis assumes that all of the units in the County's current inventory will be approved and built at current estimated unit counts, will receive planning approvals, and that the distribution of supply geographically, size and form matches the market demand in each local municipality.

36. The largest supply shown on Slide 16 is in Carleton Place, and as shown in Slide 17, Carleton Place would be required in the Medium Forecast to increase housing production from 89 units per year to 164 units per year. Under the “Medium-High” scenario, the annual housing production required would increase further.
37. Based on CMHC data on Housing Completions, Carleton Place has averaged 212 housing completions per year over the 2017-2023 period (the extent of data availability through CMHC).

Figure 4

Housing Completions by Year and Dwelling Type, Town of Carleton Place, 2017-2023

Year	Singles / Semis	Rows	Apartments	Total
2017	69	28	-	97
2018	69	76	3	148
2019	36	-	-	36
2020	96	195	340	631
2021	245	98	6	349
2022	63	25	52	140
2023	13	71	-	84
Total	591	493	401	1,485
Annual Avg.	84	70	57	212

Source: KPEC based on CMHC Housing Portal

38. Likewise, Perth is required to increase housing production from historic levels of 23 units per year to 64 units per year from 2021-2051. This increase amounts to a needed average increase of 39 units per year.
39. Over a 30-year span, 64 units per year equates to 1,920 units. Slide 16 of the Watson presentation shows an existing supply of 1,000 units in the Town of Perth, which includes units “under review”, in which case would appear to include development potential on the subject lands.
40. The Town’s additional housing mix to 2051 is estimated to be 660 low-density units, 410 medium-density units, 740 apartments and stacked towns, and 100 secondary units.
41. Slide 19 shows the average annual growth rate for Perth of 1.6% per year, consistent with the Medium-High growth scenario. County-wide the forecast is for annual growth of 1.5% per year.
42. In my opinion, the need for increased population has been assessed, and in addition to the finding that both the County and Town need additional population to achieve planning forecasts, the County’s consultant indicates that population forecasts embedded in Official Plans are minimums, which I agree with. To that end, the

proposed development presents an opportunity to address existing and future housing needs, and the proposal should not be reduced or refused on the basis of housing need alone.

Lagoon Capacity Analysis

43. The Lagoon Capacity Analysis presented by DSEL, dated February 2023, indicates that based on a forecast of 458 new residential units from other development in the Town and 1000 units on the subject site, each to the year 2050, that the Lagoon would be at approximately 83% of capacity. This forecast assumes that the subject lands would see 50 units built per year from 2025-2044.

Figure 5

Forecast Used for Estimating Take-Up of Sewage Lagoon Capacity

Year	Units			Total
	Existing	Perth GC	Rest of Perth	
2022	3,270	-	-	3,270
2023	3,270	-	34	3,304
2024	3,270	-	68	3,338
2025	3,270	50	83	3,403
2026	3,270	100	98	3,468
2027	3,270	150	113	3,533
2028	3,270	200	128	3,598
2029	3,270	250	143	3,663
2030	3,270	300	158	3,728
2031	3,270	350	173	3,793
2032	3,270	400	188	3,858
2033	3,270	450	203	3,923
2034	3,270	500	218	3,988
2035	3,270	550	233	4,053
2036	3,270	600	248	4,118
2037	3,270	650	263	4,183
2038	3,270	700	278	4,248
2039	3,270	750	293	4,313
2040	3,270	800	308	4,378
2041	3,270	850	323	4,443
2042	3,270	900	338	4,508
2043	3,270	950	353	4,573
2044	3,270	1,000	368	4,638
2045	3,270	1,000	383	4,653
2046	3,270	1,000	398	4,668
2047	3,270	1,000	413	4,683
2048	3,270	1,000	428	4,698
2049	3,270	1,000	443	4,713
2050	3,270	1,000	458	4,728
Growth 2022-2050	-	1,000	458	1,458
Watson Presentation 2021-2051				1,910

44. The forecasts used in estimating capacity of the existing sewage system appear to be in-line with the Town's forecasts to 2051 as shown in the Watson presentation. In my opinion, the forecasts presented in the Lagoon Capacity Analysis, would in my opinion, be a realistic scenario that can be used to plan for utilization of existing sewage capacity.

Issue 3: Provincial Policy Statement

45. Issue 3 seeks to understand whether the Application is consistent with the Provincial Policy Statement, 2020, making reference to some specific policies. My evidence will review how the Application is consistent with the relevant policies for my areas of expertise:

Issue 3: Is the Application consistent with the Provincial Policy Statement, 2020 (and 2023 if this version of the PPS is in force and effect when this matter is heard by the Tribunal)?

46. Policy 1.1.1 of the Provincial Policy Statement, 2020 (PPS) sets out how healthy, livable and safe communities are sustained:

- a) *promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) *accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
- c) *avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;*
- d) *promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;*
- e) *ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;*

47. The two main areas relevant to my areas of expertise as it relates to my evidence in this hearing are the sufficiency of land supply and the cost-effectiveness and optimization of infrastructure.

48. Policy 1.1.2 of the PPS states that sufficient land to accommodate an appropriate range and mix of land uses to meet projected years is to be made available for a horizon of up to 25 years.

1.1.2 Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years, informed by provincial guidelines. However, where an alternate time period has been established for specific areas of the Province as a result of a provincial planning exercise or a provincial plan, that time frame may be used for municipalities within the area.

Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas.

Nothing in policy 1.1.2 limits the planning for infrastructure, public service facilities and employment areas beyond a 25-year time horizon.

49. Relevant policies in Section 1.1.3 include an emphasis on land use patterns that efficiently use land and resources.

1.1.3.1 Settlement areas shall be the focus of growth and development.

1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

a) efficiently use land and resources;

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;

1.1.3.6 New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

50. As it relates to my opinion on the issues, the development of the subject lands represents densities that efficiently uses land and resources with respect to the indications of the estimated impact on the Town's finances once built-out. The subject lands are within the Town's settlement area and have been planned for growth.

51. Section 1.4 of the PPS deals with Housing, with policy 1.4.1 requiring municipalities with planning authorities to maintain the ability to accommodate residential growth for a minimum of 15 years, and a 3-year supply of lands zoned, drafted approved or registered plans.

To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:

- a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and*
- b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.*

Upper-tier and single-tier municipalities may choose to maintain land with servicing capacity sufficient to provide at least a five-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.

52. Policy 1.4.3 requires municipalities to provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area. The PPS directs municipalities to not just consider municipal-specific needs, but across the entire regional market area.

Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

- a) establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households and which aligns with applicable housing and homelessness plans. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities*
- b) permitting and facilitating:*
 - 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and*
 - 2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;*

53. While Perth is not part of the Ottawa Census Metropolitan Area, other parts of Lanark County are. However, the regional market area could be considered to be the

entirety of the County, or a broader area. Accordingly, policy 8.1.3.9 of the Town of Perth Official Plan refers to the “County of Lanark regional market area” when referring to PPS definitions of affordable housing, which also refer to regional market areas:

8.1.3.9 Affordable Housing

a) Access to affordable housing is recognized as a human right and provision of affordable housing in the market is an investment that benefits the greater community. Discrimination against proponents or occupants of affordable housing units is an expression of intolerance that is not acceptable to the Town of Perth.

Council will support affordable housing through such measures as:

1. Working with local housing authorities to monitor and assess the need for social assisted housing e.g. periodic surveys, analysis of waiting lists etc.

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

- 25% of all new rental housing to be affordable to households up to the 60th income percentile of rental housing households for the County of Lanark regional market area, and*

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

54. Given the direction in the PPS to look at housing needs on a regional market area basis, my response to Issue 3 with respect to consistency with PPS policies regarding adequate housing supply and need for additional housing will be considered after evaluation of County OP policies regarding projected population in the County elsewhere in my witness statement.

55. However, it is my opinion that the Application is consistent with other PPS policies regarding objectives such as:

55.1. Efficient development which sustains the financial well-being of the Province and municipalities (as indicated by the Fiscal Impact Study);

55.2. Accommodates a range and mix of residential types that are appropriate for market-based demand across the regional market area;

55.3. Ensures that the necessary infrastructure and public service facilities are available or will be available to meet current and projected needs;

55.4. Provides the County and the Town with sufficient land to accommodate an appropriate range and mix of land uses to meet projected years is to be made available for a horizon of up to 25 years.

Issue 4: Lanark County OP Projections

56. Issue 4 deals with the conformity of the Application to the County Official Plan – given the direction in the PPS to

Issue 4: *Does the Application conform to the policies of the County of Lanark Sustainable Communities Official Plan (SCOP)?*

a. *The application of the conformity test will consider, but not be limited to the following policies of the of the SCOP:*

i. *Policy 1.1 Population Projections and Distribution, as amended by Amendment No. 8 to the SCOP;*

ii. *Appendix 2 – Historical and Projected Population by Municipality, as amended by Amendment No. 8 to the SCOP;*

57. Policy 1.1 of the Sustainable Communities Official Plan (SCOP), as amended through OPA 8, provides for the County's population projection to 2038 of 96,443 persons.

58. Appendix 2 to the SCOP as amended through OPA 8 provides for the historical and projected population by municipality, which is summarized in the figure below.

Figure 6

Projected Population to 2038, Lanark County, Policy 1.1 of SCOP

Municipality	Policy 1.1 - SCOP					Actual Growth 2016-2021			
	2016	2038	Change 2016-2038	% Change	Annual Average (2016-2038)	2021 Census	Change 2016-2021	Annual Change 2016-2021	As % of 2016-2038 Required
Beckwith	7,644	14,262	6,618	87%	301	9,021	1,377	275	92%
Carleton Place	10,644	20,964	10,320	97%	469	12,517	1,873	375	80%
Drummond North Elmsley	7,773	12,549	4,776	61%	217	8,183	410	82	38%
Montague	3,761	4,857	1,096	29%	50	3,914	153	31	61%
Mississippi Mills	13,163	21,122	7,959	60%	362	14,740	1,577	315	87%
Lanark Highlands	5,338	7,507	2,169	41%	99	5,737	399	80	81%
Tay Valley	5,665	7,097	1,432	25%	65	5,925	260	52	80%
Perth	5,930	8,085	2,155	36%	98	6,469	539	108	110%
Total County	59,918	96,443	36,525	61%	1,660	66,506	6,588	1,318	79%

Municipality	Required Pace of Growth 2021-2038				Increase to Annual Growth Due to 2016-21 Growth
	2021	2038	Change 2021-2038	Annual Average (2021-2038)	
Beckwith	9,021	14,262	5,241	308	2.5%
Carleton Place	12,517	20,964	8,447	497	5.9%
Drummond North Elmsley	8,183	12,549	4,366	257	18.3%
Montague	3,914	4,857	943	55	11.3%
Mississippi Mills	14,740	21,122	6,382	375	3.8%
Lanark Highlands	5,737	7,507	1,770	104	5.6%
Tay Valley	5,925	7,097	1,172	69	5.9%
Perth	6,469	8,085	1,616	95	n.a.
Total County	66,506	96,443	29,937	1,761	6.1%

Source: KPEC based on 2021 Census, SCOP OPA 8

59. The County is forecast to grow by 36,525 persons over the 2016-2038 period, or 1,660 persons per year. Over the 2016-2021 period, population has grown by only 1,318 persons per year, requiring growth from 2021-2038 to be 6% higher at 1,761 persons per year to make up the shortfall experienced County-wide since 2016.

60. Policy 1.1 of SCOP indicates that the County is expected to experience an annual growth rate of 3% per year. The growth rate experienced in the County over the 2016-2021 period, despite growth being behind pace of the 2038 forecasts, was 2.1% per year. The County's projections to 2051 would see the annual rate of growth be just 1.5% per year.

61. If the County is to achieve its 2038 planning forecasts, it may need to rely on some municipalities exceeding its forecasts to offset those municipalities that to-date have fallen substantially behind pace, or may fall behind pace in the future.

Issue 5: Town Official Plan Conformity

62. Issue 5 deals with conformity of the application to the Town's Official Plan:

Issue 5: Does the Application conform to the policies, purpose and intent of the Town of Perth Official Plan (the "Official Plan")?

a. The application of the conformity test will consider, but not be limited to the following policies of the Town of Perth Official Plan:

ii. 2.6 Planning Period;

iii. 3.1 Population;

iv. 3.2 A) Housing;

v. 3.4 C) Infrastructure and Public Service Facilities;

63. Policy 2.6 of the Town OP sets out the Town's growth forecast to 2038 as being based on the County's allocation to the Town:

The Planning Period for this revised Official Plan is 2014 to 2034. However, the Town will undertake public consultation and Council will determine the need to revise the Plan every five years as per the requirements of Section 26 of the Act. Any revisions of the Plan necessary to remain consistent with the Planning Act and/or the Provincial Policy Statement shall be undertaken at the time of a five year review.

Notwithstanding the above paragraph, 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.

64. Policy 3.1 of the Town OP states that:

The Target population of 8,085 persons by the year 2038 was derived from the 2017/2018 Comprehensive Review undertaken by the County of Lanark and set out in the Lanark County Sustainable Communities Official Plan, Appendix 2. This target population builds upon the population analysis undertaken by the Town in 2014 (Town of Perth Population Projection to 2041) which demonstrated that Perth is very likely to experience a positive rate of growth.

The Town's population is expected to expand because of Perth's proximity to the Ottawa and Kingston markets, representing a potential market from which to attract retirees to anticipate life-style developments. There is also potential to attract people commuting to the Ottawa area due to the quality of life and character that Perth offers. Further diversification of the Town's economic base in the area of business services, tourism, finance, consulting and health care professionals and skilled trades will generate employment growth. Finally, the widening of Highway 7 to Carleton Place has reduced commuting time to Ottawa improving the attraction of the Town for both commuters and retirees.

Several properties were annexed into the Town in 2009 and added into the inventory of residential lands available for future development. An option for improved access to the development in the easterly side of Town with a new arterial road will allow for additional phases of development. In addition, the Town has completed a servicing Master Plan to facilitate development in the

northerly portion of the Town and has completed Phase I of the expansion of the lagoon upgrade would establish a design population of 10,500, if needed.

The Town will continue to monitor the rate of growth to ensure that the designated land supply and infrastructure capacity is appropriate for, and continues to support, development demand and projected growth.

65. Policy 3.2A of the Town OP states that:

The land supply for housing will be met through a combination of intensification, redevelopment and green-field development. The land supply designated "Residential" within the Town has potential for 1,135 lots/units. The available supply of designated land is anticipated to be sufficient for the projected housing demand that corresponds with the population target of 8,085. The Town has also identified certain lands as "Future Development" on Schedule 'A'. The "Future Development" lands are included within the Town's Urban Settlement Boundary to permit long term infrastructure planning and may only be considered for future residential development when Lanark County increases the Town's growth allocation beyond the 8,085 persons.

The land available for housing supply has the flexibility to provide substantial variety in the mix and density of housing types (ie. Singles, two-unit dwellings, town houses, apartments). Intensification and redevelopment will be focused on the downtown (ie. Upper storeys of the Central Area District), converted institutional buildings, second units in dwellings and large lots in established residential neighborhoods. Green-field housing will be directed to the future extension of Perthmore Glen in the east; to the secondary plan area north of Highway #7; and to the areas annexed in 2009 to the west.

66. Policy 3.4C of the Town OP relates to the expansion of sanitary treatment capacity through a project known as the "Submerged Active Growth Reactor" (SAGR), which increased the capacity of the existing lagoon system to a population equivalent of 8,100 persons, and up to 10,500 persons with a fourth cell.

C) Sanitary treatment capacity, essential to growth, was greatly expanded in 2018 with the addition of a "Submerged Active Growth reactor" (SAGR). This addition to the sanitary treatment system increased the treatment capacity of the existing lagoon system to a population equivalent of 8,100. With the addition of a fourth cell to the SAGR, the population equivalent could be increased to 10,500 persons. This capacity is anticipated to be sufficient to accommodate the design population of 8,085 persons. It is necessary for the Town to continue to be vigilant in removing stormwater from the sanitary collection system to ensure the maximum benefit of the sanitary treatment system to support the growth and development of the community.

67. The DSEL Lagoon Capacity Analysis estimates that with the full build-out of the subject lands by 2044, and an additional 458 units built in other areas of the Town to 2050, that the Town's population would reach 9,677 persons by 2050. Based on the capacity of the SAGR with a fourth cell of 10,500 persons, there would be sufficient capacity made available in the Town.

Summary of Opinion / Issue 17

68. In my opinion, in summary regarding the issues raised, and in direct response to Issue 17, the approval of the applications would constitute good planning in the greater public interest in that it will efficiently use and optimize the use of existing and new infrastructure, sustain the financial well-being of the Town, help address general shortages of housing need for low-density and medium-density housing in the Greater Ottawa area and Lanark County.
69. In my opinion, planned growth in the County and Town needs to be consistent with Ministry of Finance population projections and minimum requirements in the PPS for designated and available lands.

A handwritten signature in black ink, appearing to read "JH Kel".

June 12, 2024

SIGNATURE

DATE

APPENDIX A
CURRICULUM VITAE

DARYL KELEHER, MCIP, RPP, PLE

Principal, Keleher Planning & Economic Consulting Inc.

B.A. (Honours Economics) / B.U.R.Pl.

CURRICULUM VITAE

Overview:

Mr. Keleher is a registered professional planner (RPP) and professional land economist (PLE) with a specialty in provincial and municipal planning policy, land economics, and municipal finance. His areas of expertise include:

- Municipal finance, including specialization in municipal development charges, parkland dedication, community benefits charges, education development charges, property taxation policy, etc.;
- Fiscal Impact studies;
- Economic impacts of development and planning policy;
- Economic development strategy;
- Housing policy;
- Provincial and municipal planning policy;
- Employment land needs analyses.

Mr. Keleher has testified before the Ontario Land Tribunal numerous times, as well as at its former iterations (Local Planning Appeals Tribunal and Ontario Municipal Board). He has also testified at the Nova Scotia Utility and Review Board (NSUARB).

Employment History:

- **Keleher Planning & Economic Consulting**, Principal (May 2023 – present)
- **Altus Group Economic Consulting**, Senior Director (December 2007 to May 2023)
- **Canadian Urban Institute**, Research Planner (May 2007 – December 2007)
- **ACNielsen Canada**, Data Specialist (September 2002 – August 2005)

Education History:

- **Toronto Metropolitan University**, Bachelor of Urban and Regional Planning, 2007
- **Wilfrid Laurier University**, Bachelor of Arts (Honours Economics), 2002

Memberships:

- Canadian Institute of Planners, Full Member (MCIP)
- Ontario Professional Planners Institute, Full Member (RPP)
- Association of Ontario Land Economists (PLE)

Examples of Experience:

Involvement in Major Secondary Plan and Redevelopment Project Teams

- Golden Mile Secondary Plan, City of Toronto;
- East Harbour, City of Toronto;
- Agincourt Mall Redevelopment, City of Toronto;
- Lakeview Community, City of Mississauga;
- Downsview Secondary Plan, City of Toronto;
- Tewin, City of Ottawa;
- Southwest Georgetown, Town of Halton Hills
- Erin Village, Town of Erin
- Northern Expansion Lands, City of Brantford
- 48-2 Secondary Plan, City of Brampton
- Glendale Secondary Plan, Town of Niagara-on-the-Lake
- North Oakville Secondary Plan, Town of Oakville;
- Mayfield Tullamore Secondary Plan; Town of Caledon;
- Palermo Village, Town of Oakville;

Fiscal Impact Studies:

- St. George community (Brant County)
- South Fergus Secondary Plan (Centre Wellington)
- Nith Peninsula Redevelopment (Brant County);
- Health Sciences & Technology District, (Town of Oakville);
- Abbotsford Tech District, (Abbotsford, BC);
- Lakeport Beach, (Township of Alnwick/Haldimand);
- Appleby West Lands, (City of Burlington);
- 1200 King Road Lands, (City of Burlington); and
- Tutela Heights, (City of Brantford).

Economic Study of Municipal Employment Land Conversion Requests

- 279-285 Yorkland Blvd., City of Toronto;
- Bramalea GO & Steeles Redevelopment (Emerald Heights), City of Brampton;
- 3389 Steeles Avenue West, City of Toronto;
- 7 Tippet Road, City of Toronto;
- 1890 Eglinton Avenue East, City of Toronto; and

Housing Issues Reports:

- Oval Court Redevelopment, (City of Burlington);
- 299 Glenlake Avenue, (City of Toronto);
- 1990 Bloor Street West, (City of Toronto);
- Various parcels within Ninth Line lands, (City of Mississauga);
- 2030 Caroline Street, (City of Burlington);

APPENDIX B

ACKNOWLEDGEMENT OF EXPERTS DUTY



Ontario
Ontario Land Tribunal
Tribunal ontarien de l'aménagement du territoire

Acknowledgment Of Expert's Duty

OLT Case Numbers	Municipality
OLT-23-000534 OLT-23-000939 OLT-23-000940	County of Lanark Town of Perth

1. My name is Daryl Keleher. I live at the Town of Milton, in the Region of Halton, in the Province of Ontario.
2. I have been engaged by or on behalf of **Caivan (Perth GC) Limited** to provide evidence in relation to the above-noted Ontario Land Tribunal ('Tribunal') proceedings.
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;
 - c. to provide such additional assistance as the Tribunal may reasonably require, to determine a matter in issue; and
 - 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 May 28, 2024

Signature