

April 6, 2021

Julie Stewart, Planner
County of Lanark
99 Christie Lake Road
Perth, ON K7H 3C6

Dear Julie:

**RE: Plan of Subdivision Application 09-T-17003
Part Lot 20, Concession 4, Beckwith
Applicant: Steve Smith**

ZanderPlan has been retained to assist with a revised Draft Plan of Subdivision application in the Township of Beckwith. The lands are located at Part of Lot 20, Concession 4, in the Township of Beckwith; the primary frontage is on County Road 17/Derry Side Road, while the north end of the property fronts to Ferguson Road.

BACKGROUND

The original subdivision application to create 24 lots was filed to the County of Lanark in 2017, supported by a number of studies and reports including a planning rationale prepared by Stantec, an archaeological assessment prepared by Stantec, a servicing brief and stormwater management report prepared by Stantec, a geotechnical assessment prepared by exp, a hydrogeology and terrain analysis study prepared by exp, and an environmental impact statement prepared by Stantec. A statutory public meeting was held in March of 2018, and comments were received from a variety of agencies including the Rideau Valley Conservation Authority and the Ministry of Natural Resources and Forestry.

During the review process, a number of concerns were raised regarding the unevaluated wetlands, organic soils, and other natural features located on the property, and it was determined that the full site could not be developed. As a result, the applicant worked with his project team to develop a revised plan for nine (9) single dwelling lots, all fronting to the existing road network. The revised concept for a 9-lot plan was reviewed with MNRF and RVCA staff, who were supportive. The revised concept plan was also reviewed with Township staff and Council, and with County staff during the winter of 2019/20, and the County of Lanark provided a letter to the applicant on February 27, 2020, which indicated what new/revised information would be required to support the amended Draft Plan submission. Mr. Smith proceeded to undertake revised reports and plans to submit to the County. On March 10, 2020, a letter was sent from the Township of Beckwith to the County of Lanark, advising that, upon further review,

the Township had concerns with the revised plan for a 9-lot subdivision, citing conformity with the Township's Official Plan as a concern. Since that time, there have been several discussions with Beckwith Township Council regarding the Official Plan policies and the conformity of the revised plan of subdivision. This report addresses the Township's Official Plan, summarizes the changes and addresses the updated studies and reports to support the revised Draft Plan submission for a 9-lot subdivision.

REVISED PROPOSAL

The revised plan of subdivision includes a total of nine lots, all fronting to existing roads. Eight of the lots front to and are proposed to have direct access to Derry Side Road/County Road 17. The ninth lot is located at the corner of Derry Side Road and Ferguson Road and will have driveway access to Ferguson Road. The lots are varying in size from 4062 square metres to 6217 square metres in size, and all have sufficient room for the development of a house, well and septic system, as described in greater detail below.

ENTRANCES

The revised plan includes three shared entrances and two single entrances to the County Road, along with one entrance directly to Ferguson Road. In April of 2020, entrance inquiries were filed with the County of Lanark Public Works Department, and the Department confirmed in a letter dated September 15, 2020 that all five entrance locations were approved. A copy of the Department's letter is included in this submission.

TOWNSHIP OF BECKWITH OFFICIAL PLAN

Conformity with the Township's Official Plan was raised as a concern by staff, and was discussed in further detailed with Township Council at several meetings. Of particular concern was whether the creation of nine lots fronting directly to existing roads, rather than to a new internal street, would meet the intent of the Plan's policies. The Official Plan policies, described in greater detail below, reference frontage to a County Road as a key aspect. In order to address this matter and as noted above, Mr. Smith submitted entrance inquiries to the County of Lanark Public Works Department in April of 2020. The 9-lot plan includes three shared entrances and two single entrances to the County Road. The northernmost lot, at the corner of the County Road and Ferguson Road, would have an entrance directly off of Ferguson Road. In addition to getting approval for the proposed entrances to the County Road, the proximity of the entrances to the intersection at County Road 17 and Ferguson Road was also discussed with Public Works staff. In a letter from the County dated September 15, 2020, staff confirmed that all proposed entrance locations to the County Road were approved.

The 9-lot concept plan was subsequently presented to Beckwith Council again on October 20, 2020, along with the confirmation of the road entrance locations from the County Roads Department. At the October meeting, staff and Council again expressed concern with the revised plan conforming to the Township's Official Plan policies. Specific reference was made to four Official Plan policies, consistent with the March 10, 2020 letter from Beckwith staff. Council requested further clarification on conformity with these policies and the potential for a precedent to be created, should the revised plan be supported. A report dated November 23, 2020 was prepared by ZanderPlan to address the relevant Official Plan policies, and was discussed with Township Council on December 15th. At that time, staff were requested by Council to discuss the proposal with the Township's planning consultant. No further information or feedback was received by the applicant from the Township; however, it is understood that the Township sent a letter to the County of Lanark expressing ongoing concern with the proposed concept. This letter was not copied to or provided to the applicant.

The Township indicated concern with four specific sections of their Official Plan, which are addressed below.

Section 4.5.1(vi) of the Official Plan states:

Strip development along Township roads in the rural area will be discouraged.

The proposed lots would all front to an existing County Road in the rural area of the Township, not to a Township road. The Township's policies do not provide any definition for "strip development" which could be used to interpret this policy. There is no indication of how many lots in a row might be considered "strip development", nor any indication of what spacing, separation or lot size would reduce the potential impact of "strip development." Further, the policy does not say that the development of a row of lots in a "strip" formation is prohibited, it states that it is "discouraged." There are numerous locations in the rural areas of Beckwith Township where there are multiple lots located in a row, and this proposal would not be out of character with those existing lots. In addition, as this is a County Road, the support of the County Roads Department is important in ensuring safety and separation between entrances. The proposed entrances include three shared entrances, which will result in greater separation between the entrances than what is evident in other areas of strip development in the Township, where each lot has its own entrance.

Section 4.5.1(vii) of the Official Plan states the following:

The creation of a lot having access only to a provincial highway or a county road will generally be discouraged. In special circumstances where there is no other alternative available, such lot may be considered provided that the County or the Ministry of Transportation has approved the

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proposed entrance. The policies and guidelines of the Ministry of Transportation or the County of Lanark will apply in such circumstances.

This policy indicates that creating lots which front directly to a County Road will be “discouraged”, but it does not indicate that this is prohibited. As noted, while the original plan of subdivision included a new interior street, it has been determined that this is not possible due to the natural heritage constraints on the site. Therefore, there is really no alternative available for the development of this property than to have direct access to the County Road. The policy allows this in circumstances where the County has approved the entrances, which has already been confirmed.

Section 4.5.2(i) of the Official Plan states:

In other than Community Development Areas, entrances will not be permitted on a Township road within 150 metres of the intersection with a County Road unless approval is received from the County Engineer.

The revised 9-lot plan includes a new entrance for the northernmost lot that will access directly to Ferguson Road, at a distance less than 150 metres from the intersection with the County Road. As indicated, the County Roads Department has confirmed that all proposed entrance locations to the proposed subdivision are acceptable.

Section 4.5.3(i) of the Official Plan states the following:

Access to lots in a subdivision will be from internal roads. Where necessary for design purposes or where there is no other alternative available, access to lots in a subdivision may be considered on an existing road of an appropriate standard where the Township and the authority having jurisdiction are satisfied that such access is appropriate.

As noted, the original subdivision plan which was prepared and supported by numerous studies and reports including an internal road. Through the review process, it was determined that the internal road was not permitted due to the natural heritage constraints, and therefore the only viable option is to create lots which front to the existing roads. As indicated, the approval authority for Derry Side Road, being the County of Lanark, has already confirmed that the proposed entrance locations are acceptable.

While direct access to the County Road for the proposed subdivision lots may not be ideal, the Township’s Official Plan policies do not expressly prohibit it, and further, the authority for the road, being the County of Lanark, has accepted the proposed entrance locations for the nine lots. A significant amount of professional work and financial investment went into the original

subdivision application for a 24-lot subdivision with an internal street. The application was deemed complete and was circulated for public and agency comment and review. It was through this process that concern was raised regarding the local wetland and other natural features, and confirmed that development of residential lots with an internal street would not be supported. The developer had no alternative but to consider different lot configurations. Due to the extent of the site constraints, there were not other reasonable ways to develop the site without creating lots which front directly to the County road; there is insufficient room on the site to accommodate an internal road.

Mr. Smith followed all of the required steps and consultations for a plan of subdivision application with the Township of Beckwith and County of Lanark, and was eventually required to reduce to the size of the subdivision to address agency comments. The revised subdivision avoids the natural heritage features which are of concern to RVCA and MNRF, but does result in lots without frontage to an internal road. It is evident that this 9-lot subdivision with direct access to the County Road would not likely have been supported from the beginning, due to the Official Plan policies. However, Mr. Smith is not at the beginning of this project. The application has been through extensive review, comment and analysis, and as a result this project has been forced to evolve and has been reduced to 9-lot plan with direct frontage to the County Road as there really are no alternatives to avoid the natural heritage features.

A significant concern expressed by the Township of Beckwith was whether this plan would set a precedent for future subdivision development on existing Township roads. Given the well-documented history of this project, it is unlikely to create a precedent for other property owners and developers in the Township. A mandatory pre-consultation on a similar subdivision application in the Township would inevitably raise these Official Plan policies for any project that proposed direct access to the County Road, and all alternatives would need to be investigated before any design or other professional work was completed. Council and staff would have early opportunity on new projects to express concern and objection with a subdivision that fronted to an existing Township road. However, Mr. Smith's subdivision has a detailed and unique history which can clearly show that he tried to create a subdivision with an internal street network, which was deemed to be unsupportable.

Overall, the proposed 9-lot subdivision with lots fronting directly to County Road 17 complies with the policies of the Township's Official Plan. The entrance locations have been approved by the County of Lanark, the lots are not out of character with other rows of lots in the Township, and all alternatives for lot creation have been explored. The Official Plan policies do not prohibit "strip development" nor do they prohibit the creation of lots with direct access to a County Road. This project is unlikely to establish a precedent as there is a significant amount of history which

can be referenced on this project which led to the proposal for 9-lots fronting directly to the County Road. The project did not start out with this configuration; the revised proposal has come as a result of review and feedback from commenting agencies. Reasonable alternatives for lot configuration have been explored; however, there is insufficient room on the site, as a result of the constraints identified by the review agencies, to accommodate an internal road.

BECKWITH TOWNSHIP ZONING BY-LAW

The subject lands currently fall within the Rural (RU) designation in the Township's Zoning By-law. It is anticipated that a Zoning Amendment to the Residential zone as a condition of Draft Plan Approval. The Residential (R) zone requires a minimum lot area of 4000 m² and a minimum lot frontage of 45 metres. All the lots in the revised subdivision plan would meet/exceed these requirements. It is understood that the applicant filed an application for Zoning By-Law Amendment to the Township of Beckwith in October of 2017; the status of this application will need to be confirmed, but can be addressed after Draft Plan approval.

PROVINCIAL POLICY STATEMENT, 2020

The *Provincial Policy Statement (PPS, 2014)*, issued under the authority of Section 3 of the *Planning Act*, provides policy direction on matters of Provincial interest related to land use planning and development and provides for appropriate development while protecting resources of provincial interest. Planning decisions made in Ontario are required to be consistent with the policies in the PPS.

Section 1.0 Building Strong Healthy Communities speaks to "efficient development and land use patterns", "avoiding development and land use patterns which may cause environmental or public health and safety concerns" and to achieving "cost-effective development patterns" by using infrastructure efficiently. The revised subdivision plan will bring nine new housing units to the Township, will efficiently use the land and the existing road and utility infrastructure, and avoids the natural heritage features that warrant protection. This would be a cost-effective means of using existing infrastructure and services. Per Section 1.1.5, "residential development, including lot creation that is locally appropriate" is permitted. The proposed lots are of similar size to other lots in the Township and are locally appropriate. Per Section 1.4, the creation of nine lots will add to the supply of housing opportunities in the Township. And, per Section 1.6.6. the lots will be serviced with individual wells and septic systems as there are no municipal services available. The lots will be sloped to drain from west to east, with stormwater to be captured in the roadside ditches. Section 1.6.7.2 notes that "efficient use should be made of existing and planned infrastructure". The proposed subdivision will use the existing road network and available utilities efficiently.

Section 2.0 speaks to the Wise Use and Management of Resources, and in particular to natural heritage features such as wetlands, woodlands, wildlife habitat and valleylands. In order to address the natural heritage features, an updated Environmental Impact Study was completed by Gemtec. The report considers the natural heritage features as well as the potential for Species at Risk (SAR) habitat on the site and breeding bird surveys. After extensive analysis, the report concludes that “impacts to the natural environment are anticipated to be minimal” as a result of the nine lot subdivision. The report includes a series of avoidance and mitigation measures which can be implemented through the Draft Plan conditions. These include proposed building envelopes on each lot, a 15-metre buffer to the watercourse and local wetlands, and a number of general mitigation measures to be implemented on each lot, such as restrictions on tree and vegetation removal. Best Management Practices are also included. These measures are intended to protect the natural heritage features and functions identified in the PPS.

Section 2.2 speaks to Water. Surface water will be managed on site, draining to the existing roadside ditches, with detailed design to come after Draft Plan approval. Hydrogeology and groundwater have been addressed through the updated Hydrogeology, Terrain Analysis and Impact Assessment Report prepared by EXP. This Report concluded that the site could adequately support private wells and septic systems, with specific recommendations to be implemented through the Draft Plan conditions. The lands do not represent agricultural lands per Section 2.3, and there are no known mineral or petroleum resources per Section 2.4, or any mineral aggregate resources per Section 2.5. In order to address Section 2.6 around Cultural Heritage and Archaeology, an Archaeological Assessment was completed in 2017 by Stantec. The Stage 1 Study prepared by Stantec concluded that the site “exhibits a moderate to high potential for the identification and recovery of Euro-Canadian archaeological resources” and as such a Stage 2 Assessment was recommended. This Stage 2 Assessment can be completed after Draft Plan approval.

Section 3.0 of the PPS speaks to Protecting Public Health and Safety, and in particular to natural hazards such as floodplain and erosion hazards, which are not present on or within proximity to the subject property. There are also no known human made hazards such as mine hazards or oil, gas or salt hazards on the site, per Section 3.2.

Overall, the proposed 9-lot subdivision is consistent with the policies in the 2020 Provincial Policy Statement.

SUMMARY

The applicant is proposing to reduce the size of the Draft Plan of subdivision to nine lots, all of which will front to and have direct access to existing County and Township roads. The revised

subdivision plan conforms to the policies in the County and Township Official Plan, and is consistent with the policies in the 2020 Provincial Policy Statement. The supporting reports and plans have been updated to reflect the revised Plan and are included in the submission.

Should you require any additional information, please don't hesitate to contact the undersigned.

Sincerely,

A handwritten signature in blue ink that reads "Tracy Zander". The signature is written in a cursive style and is enclosed within a light blue dashed rectangular border.

Tracy Zander, M.Pl, MCIP, RPP