



Regional Municipality of Waterloo

Commissioner of Planning, Housing and Community Services

Date: March 29, 2019

Subject: Township of Wilmot Official Plan Amendment No. 9

Recommendation:

That the Regional Commissioner of Planning, Development and Legislative Services approve Official Plan Amendment No. 9 to the Official Plan of the Township of Wilmot, with modifications detailed in Attachment "A", and that the following certificate page be included in the amendment document:

Amendment No. 9

to the

Official Plan

of the

Township of Wilmot

Amendment No. 9 to the Official Plan of the Township of Wilmot, which has been adopted by the Council of the Township of Wilmot, is hereby approved with modifications in accordance with Sections 17, 21 and 26 of the Planning Act, R.S.O. 1990, Chapter p. 13, as amended, by the Regional Municipality of Waterloo.

Approval Date

Rod Regier
Commissioner of Planning,
Development and Legislative
Services

Date Approval Comes into Effect

REPORT

Official Plan Amendment No. 9 to the Official Plan of the Township of Wilmot (OPA 9) applies broadly to all lands within the Township, and was prepared in accordance with the Planning Act to bring the Township's Official Plan into conformity with Regional and Provincial land use policies.

The Township's existing Official Plan was last approved by the Region in 2004. Since then, there have been a number of changes in Provincial and Regional land use policy which need to be reflected in the Township's Official Plan. These include: the Provincial Policy Statement (2014) (PPS), the Growth Plan for the Greater Golden Horseshoe (2017) (the Growth Plan), and a new Regional Official Plan (2015) (the ROP) as amended by Regional Official Plan Amendment No. 1 (ROPA 1). Under Section 9 of the Planning Act, municipalities are required to review, and if necessary update their official plans, at least every five years to ensure conformity with Provincial and Regional land use policy.

The Township initiated the review of its Official Plan in 2016 and released a draft amendment for public review and comment in June 2017. This process culminated on December 11, 2017 when Township Council adopted OPA 9 by By-law No. 2017-54 and subsequently forwarded it to the Region for approval.

The adopted OPA 9 has been reviewed by Regional staff to ensure that the final adopted policies conform to the ROP, ROPA 1 and the Growth Plan and to ensure consistency with the PPS. Regional staff also reviewed Township staff report (Report DS-25) prepared for the December 11, 2017 Council meeting and are in agreement with the findings and recommendations therein related to conformity with the ROP and the Growth Plan and consistency with the PPS, subject to the modifications set out in this decision. A copy of the Township staff report is available on the Township's website.

Approval of OPA 9 will amend various maps in the Township's Official Plan to rationalize the boundaries of the Countryside Line, and the Baden and New Hamburg Township Urban Areas. Specifically, these changes are set out in Modifications 40, 41, 44 and 46 in the table below. Since the boundaries of these areas are also identified in the ROP, any proposed revisions in the Township's Official Plan could not be approved until the ROP had been amended. The ROP was amended by ROPA 1 to revise Map 3c and Map 7 of the ROP to facilitate the approval of OPA 9 as it relates to the boundaries of the Township Urban Areas (Baden and New Hamburg) and the Countryside Line. ROPA 1 was adopted by Regional Council on June 6, 2018. It was subsequently appealed to the Local Planning Appeal Tribunal by one appellant. This appeal has since been withdrawn and Regional Official Plan Amendment No. 1 came into effect on

February 26, 2019.

Other modifications to the Official Plan's maps include Modifications 42 and 43 which more accurately reflect the names of land use designations in the text of the Official Plan, and Modification 45 which updates the Mineral Aggregate Resource Area on Map 9 to the Official Plan to align with the Mineral Aggregate Resource Areas shown on Map 8 of the ROP.

A draft decision was sent to the Township on March 8, 2019. Township staff responded positively to the draft decision and made several suggestions for further changes which have been incorporated into the final decision.

Regional staff is satisfied that OPA 9, as modified, conforms to the ROP and the Growth Plan, and is consistent with the PPS. Accordingly, staff recommends that the Regional Commissioner of Planning, Development and Legislative Services approve OPA 9 as outlined in this report and the attached Decision.

PUBLIC CONSULTATION:

Any written submissions related to OPA 9 that were made to the Township of Wilmot prior to the Township's adoption of the amendment, or any oral submissions related to the amendment made at a public meeting, were considered and/or addressed by the Township of Wilmot. Since the Township's adoption of OPA 9, one written submission, one written submission was received and considered as part of this decision. Three requests for notice of decision were also received.

FINANCIAL IMPLICATIONS:

Pursuant to Regional By-law 01-028 (Commissioner's delegation by-law), this approval does not obligate the Regional Municipality of Waterloo to any financial costs over and above those contained in the current budget or the 10-Year Capital Forecast already approved by Regional Council.

OTHER DEPARTMENT CONSIDERATIONS:

Nil.

COMES INTO EFFECT:

Provided there are no appeals received by 4:30 p.m. on April 18, 2019, Official Plan

Amendment No. 9 of the Township of Wilmot would come into effect on April 19, 2019.

PREPARED BY:



David Welwood, MCIP, RPP
Principal Planner

APPROVED BY:



for
—

Rod Regier
Commissioner of Planning,
Development and Legislative Services

Decision

With respect to Official Plan Amendment No. 9 to the Township of Wilmot Official Plan Subsection 17 (34) of the Planning Act March 29, 2019

The Regional Commissioner of Planning, Development and Legislative Services hereby approves Official Plan Amendment No. 9 to the Township of Wilmot Official Plan, as adopted by By-law No. 2017-54 on December 11, 2017, subject to the following modifications, as shown in Part A of this Decision.

Part A of this draft Decision constitutes additions and deletions to the text of the Official Plan Amendment. Additions are shown in grey highlighting (example), and deletions are illustrated using a single strikethrough (example). Part B of this Decision identifies modifications to the schedules to the Official Plan. Part C indicates items that were deferred.

Part A: Regional Modifications to the Text of the Official Plan Amendment

Mod. No.	Details of the Modification
1	Official Plan Amendment No. 9 (OPA 9), as adopted, is modified by deleting text in strikethrough and by accepting text in red, subject to the modifications in this decision.
2	On page 1, the Table of Contents is modified as follows: "2.5.5 Urban Core Area Designation /Urban Growth Centre Designations-Overlay"
3	"3.7.2 Recreation and Tourism Designation Uses On page 14, Policy 1.8.4 is modified as follows: "The Township will maintain at all times where development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units. This supply will include, and may exclusively consist of, lands suitably zoned for <i>reurbanization</i> and/or land in draft and registered plans."
4	On page 17, Section 2.3.1 is modified as follows:

	“The Countryside is designated on Maps 2.1 and 10 and includes all of the rural and agricultural lands located outside of the Baden and New Hamburg Urban Areas, and Rural Settlement Areas, and the Recreation and Tourism designation. This area also includes a broad band of environmental features and productive agricultural lands designated as the Protected Countryside. The Protected Countryside designation is intended to permanently protect these valuable areas from future urban development. Specific policies for the Countryside and the Protected Countryside designations are outlined in Chapter 3.”
5	On page 20, Section 2.5.3.3 is modified as follows: “The Regional Official Plan establishes a region-wide minimum density target of 50 55 residents and jobs combined per hectare measured over the entire Designated Greenfield Area designated in the Regional Official Plan. The Township will contribute to achieving this density target by ensuring that Wilmot’s Designated Greenfield Areas are planned and developed to achieve the following density targets:” On page 21, Policy 2.5.4.1 is modified as follows:
6	“Future expansions to the boundaries of the Baden and New Hamburg Urban Areas are only permitted onto lands within the Countryside Line designated on Maps 2.1 and 10 of this Plan, and will be subject to the policies of Section 2.2.8 of the Growth Plan for the Greater Golden Horseshoe and all other applicable policies of the Regional Official Plan.” On page 21, the title of Policy 2.5.5 is modified as follows:
7	“2.5.5 Urban Core Area Designation / Urban Growth Centre Overlay” On page 22, Policy 2.5.5.2 is modified as follows:
8	“Future commercial development in the township will be encouraged to locate within the Urban Core Area designation and the Urban Growth Centre designations overlay. Minor service commercial or convenience commercial land uses may be permitted in other land use designations. In addition, specific commercial uses as noted in Policy 2.5.7.3 of this Plan may be located in the Highway Commercial designation.”

9	On page 22, Policy 2.5.5.3 is modified as follows: “Expansions to the Urban Core Area designation and the Urban Growth Centre designations overlay may be permitted through an amendment to this Plan. Any development that proposes to expand the Urban Core Area designation and the Urban Growth Centre designations overlay will:”
10	On page 22, Policy 2.5.6.2 as follows: “The Township Zoning By-law will regulate the type and density of residential development and specific secondary accessory uses in the Urban Residential designation.”
11	On page 24, Policy 2.5.8.2 is modified as follows: Lands within the General Industrial designation shall be for industrial uses that require open storage of goods and materials such as manufacturing, processing, assembling, repairing, wholesaling, warehousing, trucking and storage, and associated retail and ancillary facilities.
12	On page 24, Policy 2.5.9.4 is modified as follows: “Commercial uses to be permitted within Light Industrial areas shall not include retail outlets, which provide for day-to-day retail shopping needs normally found in the Urban Core Area designation or Urban Growth Centre designations overlay, nor for the location of shopping centres or the type of retail shopping that would normally be found within Highway Commercial areas.”
13	On page 30, Policy 2.6.3.1 is modified as follows: “The purpose of the Settlement Core Area designation is to provide for a mix of residential and commercial uses. This Plan encourages a range and mix of housing types, commercial and compatible uses in Settlement Core Areas.
14	On page 32, Policy 2.6.5.3 is modified as follows: “Commercial uses permitted within Dry Industrial/Commercial areas shall not include retail outlets, which provide for day-to-day retail shopping needs normally found in the Settlement Core Area, or the Urban Core Area designation or the Urban Growth Centre designations overlay, nor for the location of shopping centres

	or the type of retail shopping that would normally be found within Highway Commercial areas.”
15	On page 49, Policy 3.7.2.4 c) is modified as follows:
	“c) the lands to be severed have been designated in this plan and zoned in this Plan and the Township’s Zoning By-law to permit only the proposed use; and”
16	On page 49, Policy 3.7.2.5 e) as follows:
	“the severance lot addition will not result in an undersized farm that may not be commercially viable, as determined in accordance with Policy 3.3.1.”
17	On page 40, Policy 3.2.4 is modified by deleting the policy and renumbering subsequent paragraphs.
18	On page 47, Policy 3.6.2 is modified as follows:
	“Notwithstanding Policy 3.6.1, the Township will permit the addition of one self-contained, residential unit (i.e., secondary suites) in a single-detached dwelling or an ancillary structure located on a farm, except where infrastructure is inadequate or there are significant physical constraints.
19	On page 48, Policy 3.7.2 is modified as follows:
	“3.7.2 Recreation and Tourism Designation– Uses”
20	On page 48, Policy 3.7.2.1 is modified by deleting the policy and renumbering subsequent subsections.
21	On page 48, Policy 3.7.2.2 is modified by deleting the policy and renumbering subsequent subsections.
22	On page 48, Policy 3.7.2.3 is modified by deleting the words “by an amendment to this plan”.
23	On page 53, Policy 4.2.1 is modified as follows:
	“The Township will provide for a full range and mix of housing types, tenures and densities in all designations where residential land uses are permitted in order to accommodate the needs of current and future residents. The Township will:”
24	On page 59, Policy 6.1.2 is modified as follows:
	“The Township will prevent or minimize mitigate potential adverse effects from odour, noise and other

	contaminants, and minimize risks to public health and safety due to the encroachment of <i>sensitive land uses</i> and potentially incompatible uses on one another. Compatible uses may be encouraged as a buffer between <i>sensitive land uses</i> and industrial areas uses, where the intervening use is compatible within both industry the industrial use and the <i>sensitive land use</i> ."
25	On Page 57, Policy 6.1.7 is modified as follows: The Township, in consultation with the Region and the Province, may require separation distances, berming, screening, fencing, and/or other appropriate buffers to minimize mitigate both visual and noise impacts of a proposed development.
26	On page 78, Policy 6.11.1.3 is modified by deleting the policy and renumbering subsequent subsections.
27	On page 79, Policy 6.11.1.6 is modified as follows: Specific uses within the Open Space and Major Recreation and Recreation and Tourism designations will be regulated through the Township Zoning By-law.
28	On page 125, Policy 8.4 is modified as follows: "An <i>Environmental Impact Statement</i> is a document describing the effects of proposed activities on the environment. "Environment," in this case, is defined as the natural and physical environment and the relationship of people with that environment. This means that the "environment" considered in an <i>Environmental Impact Statement</i> includes land, water, air, structures, living organisms, environmental values at the site, and the social, cultural, and economic aspects. An "impact" is a change in consequence that results from an activity. Impacts can be positive or negative or both. An <i>Environmental Impact Statement</i> describes impacts, as well as ways to "mitigate" prevent, minimize or mitigate impacts. To "mitigate" as a means to lessen or remove negative impacts. Therefore, an <i>Environmental Impact Statement</i> is a document that describes the impacts on the environment as a result of a proposed action. It also describes impacts of alternatives as well as plans to prevent, minimize or mitigate the impacts."

29	On page 135, the first sentence under Chapter 9: CULTURAL HERITAGE RESOURCE MANAGEMENT is modified as follows: “The Township of Wilmot has a rich and diverse cultural heritage, including a range of historic-buildings <i>built heritage resources</i> and cemeteries, unique <i>Cultural Heritage Landscapes</i> and diverse archaeological sites.”
30	On page 137, Policy 9.3.1 is modified as follows: “The Township, in consultation with Heritage Wilmot, will regulate the demolition, removal or alteration of buildings or structures of historic and architectural interest or value included in the <i>Heritage Register</i> . For these purposes Council may.”
31	On page 140, Policy 9.5.9 is modified as follows: “The Township will consider the interests of First Nations and Métis communities in conserving cultural heritage and <i>archaeological-resources cultural heritage resources</i> .”
32	On page 145, subsection e) of Policy 10.3.4 is modified as follows: “e) this Plan is consistent with any judicial decisions, Ontario-Municipal-Board Local Planning Appeal Tribunal decisions and/or changes to provincial legislation.”
33	On page 146, subsection c) of Policy 10.6.1 is modified as follows: “development applications or proposals that otherwise comply with the relevant policies of this Plan may be refused on the basis of financial impact and burden on the Township, and lack of alignment with the Township’s asset management plan, if suitable mitigation measures are not available.”
34	On page 148, Policy 10.7 is modified by adding a new subsection 10.7.7 as follows: “10.7.7 A Public Consultation Strategy, satisfying the minimum requirements of the Planning Act, is required for all applications for an Official Plan Amendment, Zoning By-law Amendment, and/or Plan of Subdivision.”
35	On page 149, Policy 10.9.1 is modified as follows:

	“The Township will provide comments to the Region, adjacent municipalities or other applicable agencies with respect to matters of Township significance or interest relating to <i>development applications</i> submitted in accordance with the <u>Planning Act</u> or other provincial or federal legislation. These comments will be provided in accordance with the procedures established by the <i>Province</i>, the <u>Ontario Municipal Board</u> Local Planning Appeal Tribunal or other legal authority.”
36	On page 150, Policy 10.9.65 is modified as follows: “The Township may conduct a peer review of the reports and studies listed in Policy 10.9.3 or Schedule ‘A’ – Additional Information, where necessary, to determine whether the quality of the submission is satisfactory. Such peer reviews will be completed by an appropriate agency or professional consultant retained by the Township at the applicant’s expense. The Township may refuse the studies and reports if it considers the quality of the submission unsatisfactory.”
37	On page 161, the Planning section of Schedule A is modified as follows: Planning • Affordable Housing Report / Rental Conversion Assessment • <i>Agricultural Impact Assessment</i> • Detailed Property Assessment of Affordable Rental Housing • Farm Viability Study • Planning Report • Public consultation strategy • Land Use Study for Retail / Commercial Land Uses in Support of the Planned Community Structure or Retail / Commercial Impact Analysis • Retail Commercial Market Impact Study • Urban Design Report / Brief
38	On page 183, the Glossary is modified as follows: “Municipal comprehensive review – a new official plan, or an official plan amendment, initiated by the Region of Waterloo under Section 26 of the <u>Planning Act</u> that comprehensively applies the policies and schedules of the Growth Plan and the Provincial Policy Statement as applicable.”
39	On pages 169 to 191, the Glossary is modified by adding the following new terms and arranging them in

alphabetical order within the Glossary:

“Agricultural Impact Assessment – a study that evaluates the potential impacts of non-agricultural development on agricultural operations and the Agricultural System and recommends ways to avoid or, if avoidance is not possible, minimize and mitigate adverse impacts.”

“Agricultural System - The system mapped and issued by the Province in accordance with this Plan, comprised of a group of inter-connected elements that collectively create a viable, thriving agricultural sector. It has two components: 1. An agricultural land base comprised of prime agricultural areas, including specialty crop areas, and rural lands that together create a continuous productive land base for agriculture; 2. An agri-food network which includes infrastructure, services, and assets important to the viability of the agri-food sector.”

“Built heritage resources – one or more *significant* buildings, structures, monuments, installations or remains associated with architectural, cultural, social, political, economic or military history and identified as being important to the community. These resources may be identified through designation or heritage conservation easement under the Ontario Heritage Act, or listed by local, regional, provincial or federal jurisdictions.”

“Innovation hubs – locations that support collaboration and interaction between the private, public and academic sectors across many different economic sectors to promote innovation.”

“Negative Impact –

- a) In regard to water, degradation to the quality or quantity of surface or groundwater, key hydrologic features or vulnerable areas 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 to or destruction of fish habitat, except where, in conjunction with the appropriate authorities, it has been authorized under the Fisheries Act; and
- 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.”

“Natural Heritage System - The system mapped and issued by the Province comprised of *natural heritage*

features and areas, and linkages intended to provide connectivity (at the regional or site level) and support natural processes which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species, and ecosystems. The system can include *key natural heritage features*, *key hydrologic features*, federal and provincial parks and conservation reserves, other *natural heritage features and areas*, lands that have been restored or have the potential to be restored to a natural state, associated areas that support *hydrologic functions*, and working landscapes that enable *ecological functions* to continue.

“Other information and materials – the particular studies, reports, maps, plans and other documentation that may be required of the owner/applicant in addition to the requirements of sub-sections 22(4) and 51(17) of the Planning Act to satisfy the requirements of a complete application. The study requirements will be determined on a case-by-case basis through the *pre-submission consultation meeting*.”

“Pre-submission consultation meeting – the opportunity for staff to consult with an owner/applicant prior to the owner/applicant preparing an application, in order to outline the information and materials that the owner/applicant will be required to submit concurrently with the application form and prescribed fees.”

“Transit-supportive – Relating to development that makes transit viable and improves the quality of the experience of using transit. It often refers to compact, mixed-use development that has a high level of employment and residential densities. *Transit-supportive* development will be consistent with Ontario's Transit Supportive Guidelines.”

“Wayside pits and quarries – a temporary pit or quarry opened and used by or for a public authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.”

Part B: Modifications to Figures, Maps, and Schedules

Mod. No.	Figure, Map, or Schedule	Details of the Modification
40	Map 2.1	Map 2.1 is deleted and replaced with Map 2.1, dated March 29, 2019 and attached hereto.
41	Map 2.2	Map 2.2 is deleted and replaced with Map 2.2, dated March 29, 2019 and attached hereto.
42	Maps 4.1 and 4.2	The legend is modified as follows “Urban Core Area”

43	Map 4.1	The legend is modified as follows: "Urban Growth Centre Overlay"
44	Map 4.2	Map 4.2, adopted on December 11, 2017, is deleted and replaced with Map 4.2, dated March 29, 2019 and attached hereto.
45	Map 9	Map 9, adopted on December 11, 2017, is deleted and replaced with Map 9, dated March 29, 2019 and attached hereto.
46	Map 10	Map 10 is hereby modified by changing the land use designation of lands identified as "Recreation and Tourism" to Prime Agricultural and by deleting the words "Recreation and Tourism" on the legend; and, by changing the delineation of the Countryside Line to include the Wilmot Recreation Complex in accordance with Regional Official Plan Amendment No. 1.

Part C: Items Deferred

Def. No.	Details of the Deferral
1	Beginning on Page 39, no decision is being made with respect to Policy 3.2.1 (Agricultural System)
2	Beginning on Page 87, no decision is being made with respect to the words "or to increase the depth of extraction" in Policies 7.1.2.2, 7.1.2.3 and 7.2.4.1.
3	Beginning on Page 89, no decision is being made with respect to the entirety of Policies 7.2.3, 7.2.5.2, 7.2.5.4 and 7.4.2.
4	Beginning on Page 89, no decision is being made with respect to the last sentence of Policy 7.2.1, and the words "or increase the depth of extraction" in Policy 7.2.4.1.
5	Beginning on Page 96, no decision is being made with respect to the words "including the requirement for an amendment to this Plan and the Regional Official Plan in accordance with Policy 7.2.3," in Policy 7.4.1.
6	Notwithstanding Modification 46, a decision has not been made with respect to the Rural Areas Designation.







