

APPENDIX A: Written submissions received after Public Meeting

October 27, 2017

Mr. Harold O’Krafka
Director of Development Services

Mr. Andrew Martin
Manager of Planning/EDO

Development Services
Planning Division
60 Snyder’s Road West
Baden, ON N3A 1A1

Dear Mr. O’Krafka and Mr. Martin,

Re: City of Waterloo Comments
Official Plan Amendment 9
Township of Wilmot

Thank you for the opportunity to review proposed Official Plan Amendment (OPA) 9 which is intended to bring the Township of Wilmot Official Plan into conformity with the Region of Waterloo Official Plan and Provincial plans and policies.

City staff is generally supportive of the proposed amendment. The following specific comments are for your consideration (**bolded** text illustrates new wording).

1. Policy 6.7.5.1 reads as follows: *“The construction of any new Township Roads will conform to recommended standards outlined in the Township Construction Guidelines, and will be subject to the approval of the Township. Where Township roads intersect Regional or Provincial roadways, the Township will co-operate with the respective road authority to ensure that the design of the Township road complements the design of the intersecting roadway.”*

While there are no changes proposed to this policy, City staff note that there are several Township roads that intersect with City roads (e.g. Wilmot Line and Wideman Rd., and Wilmot Line and Conservation Dr). To ensure that the Township roads will be designed to complement City/Township intersections, staff recommend that the second line of this policy be modified to read: *“Where Township roads intersect with **City**, Regional or Provincial roadways ...”*.

2. Section 7.2, New Mineral Aggregate Applications

- A) Staff notes that the policies in this section are not numbered sequentially and there appears to be two policies labelled as 7.2.2. (on page 82 and 84).
- B) There are several policies within Section 7.2 which specify when studies are required in support of development applications to establish new mineral aggregate operations. Where development is proposed in proximity to the shared municipal boundary between the Township of Wilmot and the City of Waterloo, or where lands within the City are included in study boundaries for the development application (e.g. noise/dust/vibration studies), or where cumulative impacts may negatively affect lands, resources, ecological features, or hydrogeological functions within the City, the City should be consulted. Such studies should be completed to the satisfaction of the City, in addition to other agencies as appropriate. In this regard, Staff note that Policy 7.2.1.2 requires studies to be submitted *“to the satisfaction of the Township, the Region or the appropriate agency having jurisdiction over the issue addressed by the study.”* We recommend that Policy 7.2.1.2 read: *“to the satisfaction of the Township, the Region **and/or any other public** agency having jurisdiction over the issue addressed by the study **or that may be affected by the issue addressed by the study such as adjacent municipalities.**”*

There are several other policies within this section that require studies to be submitted only to the satisfaction of the Township and/or Region. Examples of such policies include 7.2.1.4, 7.2.2.7, and 7.4.1 c). These policies, and any other policies within this section where lands within the City may be affected, should be modified such that the studies are also submitted to the satisfaction of “other affected public agencies”.

- C) Policy 7.2.2.5 states that new mineral aggregate operations or wayside pits and quarries may be permitted within Environmentally Sensitive Landscapes where it can be demonstrated “to the satisfaction of the Township, in consultation with the Region, the Province, and the Grand River Conservation Authority” that there will be no adverse environmental impacts on various environmental features and landscape level ecological functions and connectivity. Given that landscape level impacts could affect lands within the City, staff recommends that this policy be modified to require the City or “other affected public agencies” to also be consulted.
3. Chapter 8, Environmental Management Policies. There are several policies that specify when an Environmental Impact Statement (EIS) is to be completed. These policies state that the EIS is to be completed either in consultation with or to the satisfaction of the Province, the Region and /or the Grand River Conservation Authority. There could be instances where a local natural heritage feature within the City of Waterloo may be impacted. In addition, the City may have information about an environmental feature or the lands subject to an EIS that could assist the Township in determining whether to waive the requirement for an EIS. For these reasons, City staff are of the opinion that such policies should be modified to specify that an EIS is completed to the satisfaction of or in consultation with (whichever is appropriate) the City or “other affected public agencies”. Staff recognize that this approach has been taken in Policy 8.1.1.4, however this policy only speaks to boundary interpretations and there could be other circumstances where the City should either be consulted and/or have the opportunity to review

and comment on an EIS. Staff suggests that modifications in this regard be made to Policy 8.1.2.10, 8.1.2.11, 8.1.3.4, 8.1.3.5, 8.1.5.3, 8.1.5.8, 8.4.1.1, 8.4.2.1, 8.4.2.3, and any other policy where City lands may be affected.

Thank you for the opportunity to provide these comments on the OPA 9. Should you have any questions, please do not hesitate to contact the undersigned.

Sincerely,



JOEL COTTER BES MCIP RPP

Director • Planning Approvals Division • Integrated Planning & Public Works
CITY OF WATERLOO
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E: joel.cotter@waterloo.ca

Andrew Martin

From: David Witzel
Sent: Monday, October 23, 2017 4:03 PM
To: Andrew Martin
Subject: RE: 1145 Christner Road - Official Plan Update

Hi Andrew,

My apologies for not reaching out to you earlier. I may be too late for my comments to be considered.

I was wondering if you can provide me with the reasoning for removing our address from future development? I have no plans to develop over the next number of years, however, if there is a chance to develop down the road – 20-30 years, I would like that option to be available. I understand that this review process will take place at regular intervals, so it likely is not critical at this point.

Are you able to provide the reasoning as it pertains to 1145 Christner Road, and what steps would need to be taken to have it included either now or in the future?

Thanks,
dw

Check out a sample of what we have been up to on our new website: www.witzeldyce.com



David Witzel, P. Eng., P.E.



November 6, 2017

Harold O'Krafka
Director of Development Services
Township of Wilmot
60 Snyder's Road West
Baden, ON
N3A 1A1

**Re: Proposed Official Plan Amendments
Conformity Review (OPA 9) and Settlement Boundary Rationalization (OPA 10)
Township of Wilmot**

Dear Mr. O'Krafka,

Grand River Conservation Authority (GRCA) staff have had an opportunity to review the above noted Official Plan Amendments.

We note that the proposed changes under OPA 9 are for conformity with the Regional Official Plan and we have no comments or concerns. We wish to provide the following comments for your consideration regarding the Rationalization Exercise completed under OPA 10:

1. GRCA staff support the removal of lands that are undevelopable from the Settlement Boundary. In general, GRCA staff have no comments or concerns with the following parcels:
 - Country Side Line – 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20
 - Lisbon – 1
 - Phillipsburg – 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15
 - St. Agatha – 16, 17, 18, 19, 20, 21, 22, 23, 24
 - New Hamburg – 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, 36, 37
 - Luxemburg – 38
 - Baden – 41, 44, 46, 47, 48, 49, 50
 - Petersburg – 51, 52, 53, 54, 55
 - Shingletown – 56, 57, 58, 59, 60, 61, 62
 - Mannheim – 63, 64
 - Haysville – 65, 66, 67
 - New Dundee – 68, 69, 70, 71, 72, 73, 74, 75, 76, 77
2. It appears that the proposed adjustment to the Countryside Line will result in two parcels (12 and 13) becoming available for future development. It is our understanding that prior to a settlement area expansion to bring these lands into the Settlement Boundary, applicable supporting studies, such as a subwatershed study or equivalent, will be considered. It is anticipated that the GRCA will be approached upon initiation of any

future subwatershed planning for this area and will have an opportunity to participate in any studies as needed.

3. Please be advised that Parcel 30 contains areas regulated by the GRCA due to the presence of a watercourse and floodplain. GRCA permission will be required to develop within the regulated area. The floodplain proper, as well as a 15 metre setback from the watercourse, is considered non-developable under current GRCA policy. We note that safe access may not be feasible from Waterloo Street due to the floodplain and may need to be provided elsewhere.
4. It is unclear from the Baden Rationalization Map whether Parcels 39 and 40 contain any GRCA regulated area. The Description for Parcel 40 suggests that the boundary considers the GRCA regulation limit; therefore, we assume that these parcels have been delineated to exclude the areas of interference for the existing wetlands. If not, we should advise that future development of these lands may require GRCA permission under Ontario Regulation 150/06.
5. GRCA staff support the removal of Parcel 44 from the Settlement Boundary, as it eliminates undevelopable floodplain. Based on discussions with Township staff, it is our understanding that the boundary of Parcel 42 will not be amended to remove the floodplain. As such, please be advised that Parcel 42 contains GRCA regulated area associated with the watercourse and floodplain. GRCA permission will be required for development within the regulated area. The floodplain proper, as well as a 15 metre setback from the watercourse, is considered non-developable under current GRCA policy.
6. While it appears that the boundary of Parcel 43 excludes the floodplain, the edge of the property may still be regulated by the GRCA. Since these lands are being added for development, please be advised that the floodplain will need to be addressed at the development stage and a GRCA permit may be required depending on refinement of the floodplain boundary and the nature of the proposal.
7. We have no objection to adding Parcel 45 into the Settlement Boundary; however, please be advised that the parcel contains floodplain and is located adjacent to a watercourse. GRCA permission will be required for development within the regulated area associated with these features. The floodplain proper, as well as a 15 metre setback from the watercourse, is considered non-developable under current GRCA policy.

We trust the above is of assistance. If you have any questions or concerns regarding this letter, please do not hesitate to contact the undersigned.

Sincerely,



Kaitlyn Rosebrugh
Resource Planner - Grand River Conservation Authority
519-621-2763 ext. 2292 | krosebrugh@grandriver.ca

c.c. Andrew Martin, Township of Wilmot (email)



HERITAGE WILMOT

October 24th, 2017

Harold O'Krafka
Director of Development Services
Township of Wilmot
60 Snyder's Road West
Baden, ON N3A 1A1

**RE: TOWNSHIP OF WILMOT OFFICIAL PLAN REVIEW – REQUEST FOR
COMMENTS**

Further to your recent correspondence, the Heritage Wilmot Advisory Committee has reviewed and discussed the proposed revisions to the Township Official Plan as outlined in draft Official Plan Amendment (OPA) 9 and OPA 10. The proposed amendments were introduced to the Committee at our August meeting, discussed in more detail during our September meeting, and also discussed during our October meeting.

In general, the Committee was of the opinion that the policy amendments proposed in OPA 9 were reflective of the current direction contained in the Provincial Policy Statement (PPS) and the revised Region of Waterloo Official Plan. The policies support the overall goal of conserving significant cultural heritage resources (built heritage, cultural heritage landscapes, and archaeological resources). The Committee discussed some minor revisions to the policies, and we have included a marked up version of the policies proposed for revision in the attached document.

Thank you for providing Heritage Wilmot with the opportunity to review the proposed Official Plan Amendments. Thank you for considering our input, and I would be pleased to discuss any questions you may have regarding the comments.

Best regards,

Nick Bogaert, Chairperson
Heritage Wilmot Advisory Committee
Email: nbogaert@mhbcplan.com

Tracy Loch, Curator/Director
Township of Wilmot
Email: tracy.loch@wilmot.ca

THE CORPORATION OF THE TOWNSHIP OF WILMOT

60 Snyder's Road West, Baden, Ontario N3A 1A1

Phone: 519-634-8444 Fax: 519-634-5035 Toll free: 1-800-469-5576 Website: www.heritagewilmot.ca

Heritage Wilmot comments regarding draft Official Plan Amendment #9
October 2017

The following represents the comments from the Heritage Wilmot Advisory Committee, pursuant to discussions that occurred at our meetings and further review by members.

Note: any proposed policy changes are shown in **highlight**.

Detailed comments

- 1. Revise Chapter 9 introduction to include “restore” after protect in the second-last line.**
- 2. Revise 9.1.1 as follows:**
 - 9.1.1 The Township will set an example to the community by **conserving** promoting the **conservation of** and enhancing *cultural heritage resources* using the provisions of the Ontario Heritage Act, the Planning Act, the Environmental Assessment Act, the Funeral, Burial and Cremation Act and the Municipal Act.
- 3. Revise 9.1.2 as follows:**
 - 9.1.2 The Township ~~Council~~ will establish and maintain a Municipal Heritage Committee (**Heritage Wilmot Advisory Committee**) to provide consultation **and recommendations** regarding the designation, **restoration**, demolition, or alteration of buildings, structures, landscapes and sites of architectural, **cultural**, or historic **value**, interest or significance.
- 4. Revise the title of 9.2 to replace “Registry” with “Register”. (note: this should be a global change as well)**
- 5. Revise 9.2.1 as follows:**
 - 9.2.1 The Township, in consultation with the **Heritage Wilmot Heritage Committee**, will prepare, publish and periodically update a *Heritage ~~Registry~~ Register* of the Township’s *cultural heritage resources*. The *Heritage ~~Registry~~ Register* will include:
- 6. Revise introduction of 9.2.2 to replace “the Wilmot Heritage Committee” with “Heritage Wilmot”.**
- 7. Add “craftsperson” to 9.2.2.d, after the term “interior designer”.**
- 8. Remove “well preserved” from 9.2.2 b, e, f, g, h, and k.**

9. Add the following new criteria at the end of 9.2.2”

- n) It meets other criteria established or accepted by the Province of Ontario.

10. Revise the title of 9.3 to read “Designation of Cultural Heritage Resources”.

11. Revise the introduction of 9.3.1 as follows:

- 9.3.1 The Township **in consultation with Heritage Wilmot** will regulate the demolition, removal or alteration of buildings of historic and architectural interest or value included in the ~~Inventory of Heritage Resources~~ **Heritage Registry Register**. For these purposes Council may:

12. In 9.3.1 b) and c), the policy reference should be 9.2.2 instead of 9.2.1.

13. Revise 9.3.2 a) as follows:

- a) a significant number of the buildings, **sites, structures, landscapes** reflect an aspect of the history of the community by nature of location and historical significance **and/or socio-cultural context** of **the** setting;

14. Add “a” before the start of 9.3.2 b).

15. Add “the” before the start of 9.3.2 c).

16. Revise 9.4.2 to include “in consultation with Heritage Wilmot” after “The Township” at the start of the section.

17. Revise 9.5.1 to replace “the Municipal Heritage Committee” with “Heritage Wilmot”.

18. The numbering following 9.5.4 should be corrected, as it skips to 9.5.6.

19. In 9.5.9, we recognize that the wording “Aboriginal communities” comes from the Provincial Policy Statement, but “Indigenous” may be more current.

20. Revise 9.7.1 as follows:

- 9.7.1 All licensed, private, abandoned or legally closed cemeteries will be ~~designated~~ **included** in the Township’s ~~Inventory of Heritage Resources~~ **Heritage Registry Register** and will be encouraged to be retained **in as close to** their original condition and location **as possible, or restored.**

21. Add a new sub-section to the end of Chapter 9 as follows (also appears in ROP):

9.8 Scenic Roads

9.8.1 The Township recognizes that many roads within Wilmot are characterized by natural, cultural heritage and recreational features that contribute to the scenic value of the roads. During any construction or upgrades, the Township will, wherever feasible, endeavour to protect and/or enhance the scenic value of such features along Township roads.

9.8.2 The Township will work with the Region of Waterloo to protect the scenic values of Regional Roads, including the view from the road to prominent heritage buildings or natural landscape features.

9.8.3 The Township will protect the scenic values of roads under their jurisdiction.

22. Add a new sub-section to the end of Chapter 9 as follows:

9.9 Historic Settlement Areas

9.9.1 The Township recognizes that there are a number of historic settlement areas within Wilmot, some of which no longer exist.

9.9.2 The Township will support efforts to recognize and celebrate the history of these historic settlement areas, and will work with Heritage Wilmot and the Region of Waterloo in such efforts.

23. Add a new sub-section to the end of Chapter 9 as follows:

9.10 Arts, Culture and Heritage Master Plan

9.10.1 The Township will collaborate with the Region of Waterloo and other interested stakeholders in the development of an Arts, Culture and Heritage Master Plan as outlined in the Regional Official Plan.

9.10.2 The Township will incorporate recommendations from an Arts, Culture and Heritage Master Plan into this Official Plan as applicable.



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October 20, 2017

Mayor Armstrong and Members of Council
c/o Mr. Harold O'Krafka
Director of Development Services
Township of Wilmot
60 Snyder's Road West,
Baden, ON N3A 1A1

Dear Mayor Armstrong and Members of Council:

**COMMENTS ON TOWNSHIP OF WILMOT OFFICIAL PLAN CONFORMITY
AND BOUNDARY RATIONALIZATION EXERCISE
NH PROPERTIES INC.**

On behalf of our client, NH Properties Inc., please accept this letter regarding Township of Wilmot Staff Report No. DS 2017-10 with regard to the Township of Wilmot's Settlement Boundary Rationalization and Official Plan Conformity exercises.

Our client owns the lands legally known as Part Lot 20, Concession south of Snyder's Road, Township of Wilmot (on the eastern side of New Hamburg), which are approximately 40 hectares in size. The subject lands are shown on Figure 1.

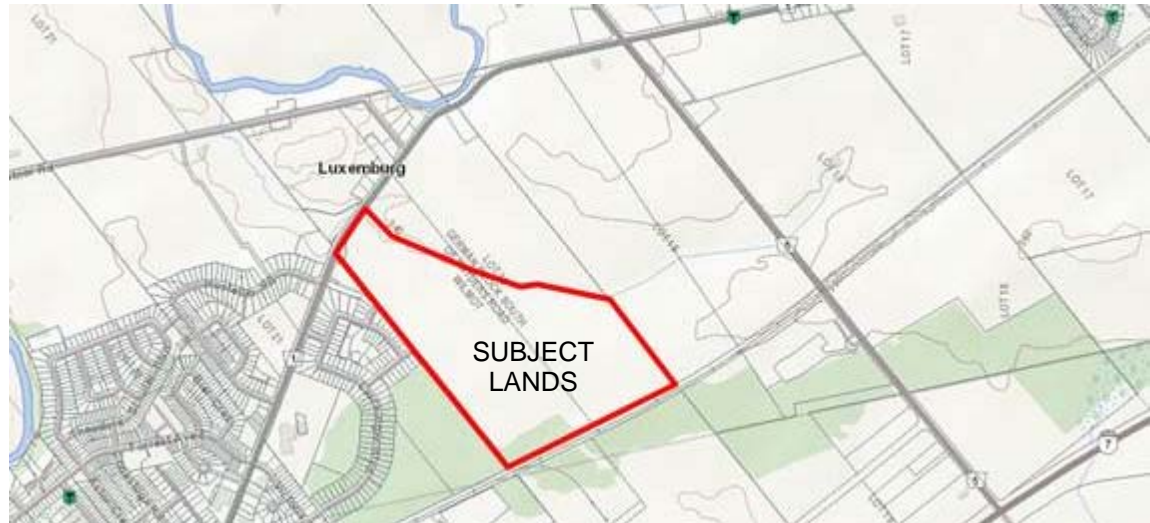


Figure 1: Subject Lands

The subject lands are bound by Snyder's Road to the north and have connections to Charles Young Avenue and Ingold Avenue to the west. Lands east of the site are predominantly used for agricultural purposes, in addition to an industrial facility (Nachurs Alpine) and the Township Recreation Complex on Nafziger Road. Given the location of the Countryside Line of the ROP, our client purchased the property with the intent on developing a residential subdivision on the subject lands. Having said that, our client supports Township staff's recommendation to Township of Wilmot Council to have the majority of the subject lands included within the rationalized boundaries of the New Hamburg Urban Area.

Mayor Armstrong and Members of Council
c/o Mr. Harold O'Kafka – October 20, 2017

COMMENTS ON BOUNDARY RATIONALIZATION EXERCISE / PROPOSED OFFICIAL PLAN AMENDMENT NO. 10

On our client's behalf, we have undertaken a review of Township of Wilmot Staff Report No. DS 2017-10 and offer the following comments on the Township's Proposed Boundary Rationalization Exercise.

1. Supportive of Township's general approach and direction of Boundary Rationalization Exercise

Based on our preliminary review of Township of Wilmot Staff Report No. DS 2017-10, we are supportive of the general approach being undertaken by the Township. Specifically, we are satisfied with the general direction to focus growth towards existing serviced settlements (and away from un-serviced areas) where development is more appropriate from land use planning perspective and within the current Provincial and Regional land use planning policy framework.

2. Supportive of recommendation to include the majority of the subject lands within proposed settlement boundary

As shown on Figure 2, below, the majority of our client's lands are proposed to be added/included within the Proposed Settlement Boundary (shown as "Parcel 30").

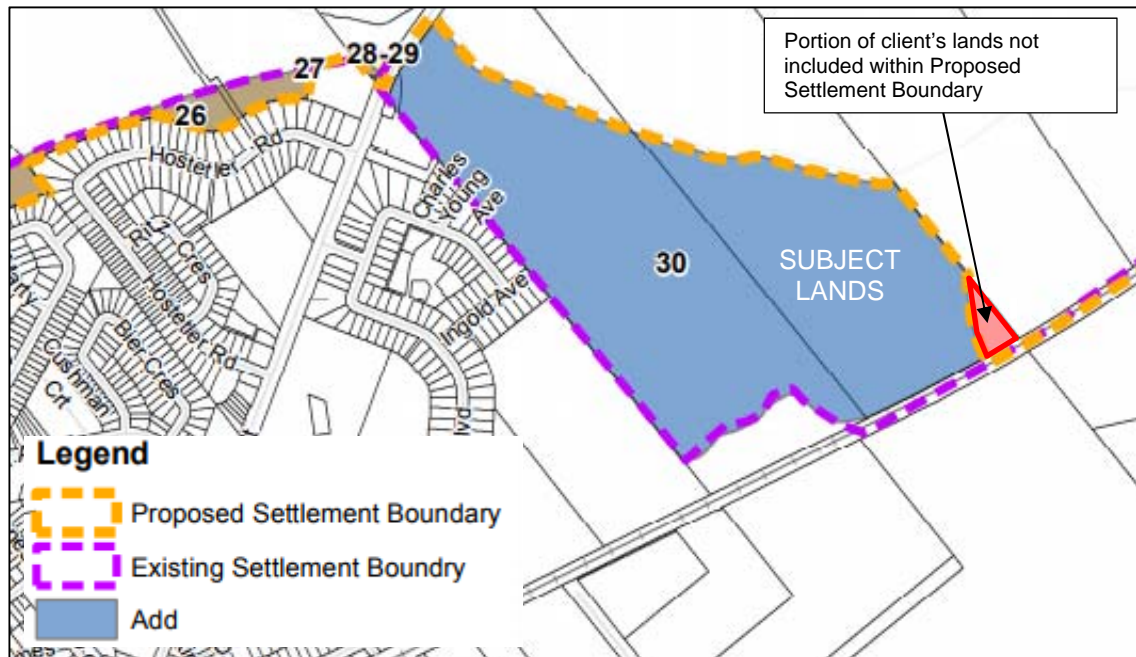


Figure 2: Proposed Settlement Boundary

According to the Township Staff Report, Parcel 30 “represents about 45% of the residentially designated lands removed from the Rural Settlement Areas and elsewhere within the Township Urban Areas. The north boundary follows the limit of the floodplain in that area. The east boundary follows the existing property line as well as a 300 metre setback from the Nachurs Alpine operation. There are no MDS 1 implications (that is, there are no abutting livestock operations that would be impacted by extending the RSA boundary).”

We concur with the recommendation to include Parcel 30 within the Proposed Settlement Boundary, given the location of the site adjacent to an existing residential subdivision and its contextual location between the New Hamburg and Baden Urban Areas. In our opinion, this location is well-suited for future urban development as:

- The subject lands are located within the existing Countryside Line as set out in the

Mayor Armstrong and Members of Council
c/o Mr. Harold O'Krafka – October 20, 2017

Regional Official Plan, which indicates that the future development of the subject lands has been contemplated by the Region for the current planning horizon;

- The subject lands features two (2) existing street connections to the residential subdivision to the west (Charles Young Avenue and Ingold Avenue) as well as frontage onto Snyder's Road to the north;
- Municipal water and wastewater services can easily be extended to the subject lands;
- There are no identified Core Environmental Features present on the site;
- The subject lands are located between the existing New Hamburg Urban Settlement Area and the Baden Urban Settlement Area, with convenient access to amenities in both communities;
- The subject land has access to Snyder's Road, which is a Regional Road providing access to other communities in the Township and the Urban Areas of Kitchener and Waterloo;
- The subject lands are located along Grand River Transit Bus Plus Route 77, which follows Snyder's Road into Kitchener (potential for integration of a future transit connection); and,
- The Township has identified two (2) conceptual trail corridors through the subject lands in its Trails Master Plan (2013).

3. Request that small south-east corner of subject lands also be included within settlement area boundary

As noted in comment 2 above, the east boundary of the Proposed Settlement Boundary as it relates to our client's lands has been determined using a 300 metre setback from the nearby Nachurs Alpine operation located on Nafziger Road, and accordingly excludes a small portion of our client's lands from the Proposed Settlement Area (shown on Figure 2). It is understood that this boundary was determined using guidelines prepared by the Ministry of Environment and Climate Change (MOECC), which establishes a broad-strokes approach to separation of incompatible uses.

Notwithstanding this, it is our opinion that the exclusion of this small portion of our client's lands is premature at this stage, and will result in a settlement area boundary which is not aligned with property or concession boundaries, and which will result in irregular settlement and land use boundaries. Accordingly, we are requesting and recommending that this small portion of the property be included within the Proposed Settlement Area Boundary.

In our opinion, a more logical approach would be to determine the Proposed Settlement Boundary based on the existing property fabric. In this approach, prior to any development of the subject lands, it would be incumbent on our client to determine required setbacks from the Nachurs Alpine facility based on appropriate studies (i.e., land use compatibility, noise, odour etc.) and in accordance with applicable public land use policies.

Moreover, we note that there is work currently being undertaken on a Preliminary Development Concept for the subject lands. As part of this exercise, our client's engineering consultants (MTE) have conceptually identified this portion of the subject lands as a potential preferred location for a future Stormwater Management Facility (i.e., Stormwater Pond) given the low-lying grading/topography of this portion of the site. Stormwater ponds are not considered sensitive uses within the context of the MOECC's D-Series Guidelines, and as such would not require the same degree of separation (i.e., Stormwater ponds can be located closer to the Nachurs Alpine operation) as more sensitive land uses.

Based on the above, we recommend that the small south-east portion of our client's lands also be added to the Settlement Area Boundary.

Mayor Armstrong and Members of Council
c/o Mr. Harold O'Kafka – October 20, 2017

COMMENTS ON OFFICIAL PLAN CONFORMITY REVIEW / PROPOSED OFFICIAL PLAN AMENDMENT NO. 9

On our client's behalf, we have undertaken a review of Township of Wilmot Staff Report No. DS 2017-10 and offer the following comments on the Township's Official Plan Conformity Review as it relates to our client's lands.

1. Supportive of Proposed Urban Area Boundary and Designated Greenfield Area Designations on Map 2.2 of the Draft Official Plan

As shown on Figure 3, the majority of the subject lands (with the exception of the small south-east portion of the site) have been identified as within the Urban Area Boundary and the Designated Greenfield Area by Map 2.2. of the proposed updated Official Plan. If approved as currently proposed, the use and development of the subject lands would be subject to the applicable policies of the Official Plan (2.5.3 – Designated Greenfield Areas).

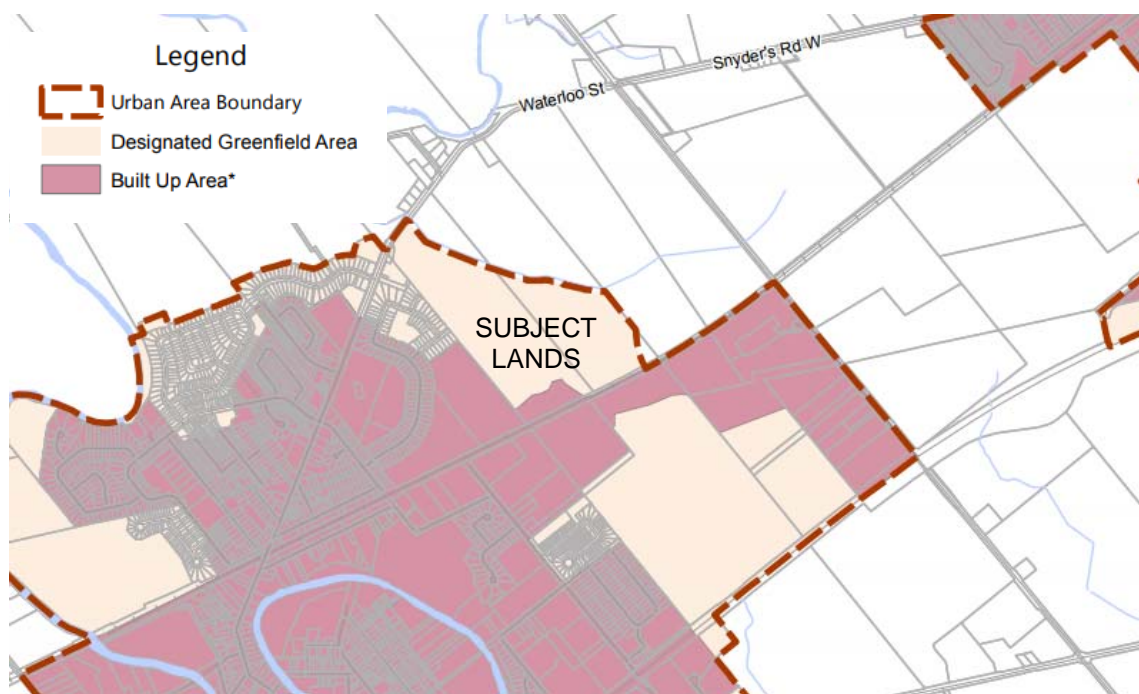


Figure 3: Proposed Map 2.2., Official Plan Amendment 9

In our opinion, the inclusion of the subject lands within the Urban Area Boundary and Designated Greenfield designation is appropriate for the subject lands, and consistent with the recommendations of the Boundary Rationalization Exercise.

Likewise, it is our opinion that the proposed policy direction set out in Section 2.5.3 of the draft Official Plan is appropriate and in conformity with the applicable policies of the Regional Official Plan.

2. Supportive of recommendation to designate the subject lands as Urban Residential on Map 4.2 of the Draft revised Official Plan

We also note that Map 4.2 of the proposed Official Plan designates the majority of the subject lands (with the exception of the small south-east portion of the site) as "Urban Residential", as shown of Figure 4.

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c/o Mr. Harold O'Kafka – October 20, 2017

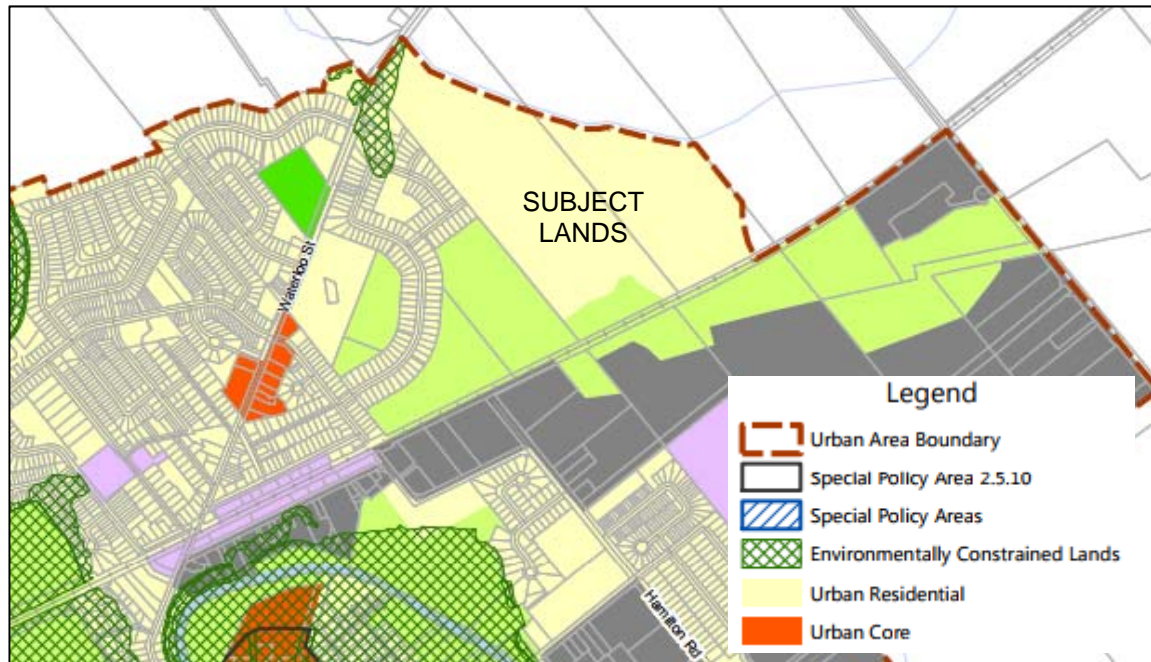


Figure 4: Proposed Map 4.2., Official Plan Amendment 9

If approved as currently proposed, the Urban Residential land use designation would permit new residential development and related land uses. Within this designation, Section 2.5.6 of the proposed Official Plan provides that a mix of housing types and densities will be encouraged.

We are supportive of the proposed Urban Residential land use designation proposed for the site, and are satisfied that the land use designation will allow for the type of residential development contemplated by our client for the use of the subject lands.

3. Request that small south-east corner of subject lands also be included

We understand that the boundaries of the proposed Official Plan correspond to the Settlement Boundaries currently proposed as part of the Township's Boundary Rationalization Exercise. Further to the earlier comment/request to have the small south-east portion of the subject lands included within the Proposed Settlement Boundary, we are requesting that all maps of the proposed Official Plan be updated to include this portion of the site.

LAND USE COMPATIBILITY

As detailed earlier in this report, the subject lands are located in close proximity to a number of industrial facilities, all of which are located south of the site beyond the rail line. Nearby industries include: Pestell Group, Nachurs Alpine, and Riverside Brass. As part of the background review and to support eventual development of a preliminary development concept, our client has retained R.J. Burnside and Associates who have conducted a preliminary assessment of air, dust, and odour as well as noise and vibration impacts of neighbouring uses and the adjacent rail line on the subject lands to address public policies and requirements relating to land use compatibility.

Based on R.J. Burnside and Associates initial findings and measurements, it was demonstrated that residential development may be compatible with the surrounding industries with respect to air quality and dust, but mitigation may be required for noise and/or vibration at the southern portion of the site. This preliminary work has been undertaken to demonstrate the appropriateness of including the subject lands within the Settlement Boundary and to identify the types of studies that and/or mitigation actions that could be required towards the eventual development of the site. The extent of specific mitigation measures would be determined through the development process (i.e., Plan of Subdivision or other Planning Act applications) in accordance with any applicable

Mayor Armstrong and Members of Council
c/o Mr. Harold O'Krafka – October 20, 2017

Provincial, Regional or industry accepted standards. It is expected that the requirement for such study would be outlined at the mandatory Pre-Submission Consultation Meeting.

In advance of this letter, we were made aware that one nearby business (Pestell Group) raised concerns with the inclusion of our client's lands within the Settlement Boundary and Urban Residential land use designation of the proposed Official Plan until such time as a land use compatibility assessment is undertaken in accordance with the MOECC's D-Series Guidelines.

In our opinion, this detailed level of assessment should be undertaken during the development application stage, and not during a high-level policy exercise. Further, it is anticipated that the Region and/or the Township would require this type of assessment as part of any complete Planning Act application, and our client is prepared to undertake these studies at the appropriate time. We note that it is not uncommon for residential developments to be located within relatively close proximity to industrial/employment uses, subject to appropriate mitigation. Of note, we recognize that Pestell Group is located immediately north of an existing residential subdivision, which was developed within the past decade.

We also find it ironic that the same company that is requesting that a land use compatibility assessment did not cooperate when asked for the types of information (noise, vibration, odour etc.) when requested for it earlier in the year as part of our preliminary review and analysis. In our opinion, requesting this type of study while not cooperating when asked for the information required for this type of analysis seems peculiar/unfair.

CONCLUSIONS

On behalf of our client, NH Properties Inc. we would like to thank the Township for the opportunity to comment on the Township of Wilmot's Boundary Rationalization Exercise and Official Plan Conformity Exercise.

As detailed in this letter, our client, NH Properties Inc., is generally satisfied with the directions and recommendations set out in the Township of Wilmot's Boundary Rationalization Exercise and Official Plan Conformity Review Exercise, and the recommendation to include the majority of their lands within the Settlement Boundary of the New Hamburg Urban Area. Notwithstanding the above, this letter requests that the remaining portion of their lands (the small south-east corner of the site) also be considered for inclusion within the Settlement Boundary.

We trust the comments and recommendations as set out in this letter will be considered at the Statutory Public Meeting on October 23, 2017 and towards the refinement of the Boundary Rationalization and Official Plan Conformity Exercises, and kindly request that we be notified of all matters related to these projects moving forward. Should you have any questions about the comments or recommendations set out in this letter, please do not hesitate to contact the undersigned.

Sincerely,

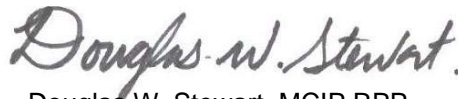
IBI GROUP



David Galbraith,
Planner

DG/DWS/baw

cc: Mike Schout, NH Properties Inc.



Douglas W. Stewart, MCIP RPP
Associate – Manager, Planning

October 30,2017

Township of Wilmot

Official Plan Conformity Review.

Map 5.7 Petersburg Rural Settlement Area Draft

To Township Planning:

Andrew Martin and Harold O'Kafka

I would like to comment on the Rural settlement area of Petersburg.

The village of Petersburg currently has settlement core areas on three sides of the main intersection only, according to the current map 5.7. On the non settlement core area on the south-east corner of the village intersection, there are 2 businesses operating in a settlement residential area. Sanas Health operates at 1164 Notre Dame Drive and C-Clear Pools operates at 1170 Notre Dame Drive. Would it not make sense to have all 4 sides of village core to be settlement core, considering that there are existing business in the area. I also question why the existing church on the North east side of the village at 1716 Snyder's Road is not part of the settlement core as well. Perhaps redrawing the boundaries of the settlement core area would be in order, to encompass existing business and to allow for future business opportunity to be developed in the village. Our firm owns property at 1611 Snyder's Road and a portion of this lot, the south east side of Snyder's Road by Alder creek is an area we wish to develop and for our own purposes, would like this area to be included in settlement core as well. For a small village, there is substantial Industrial land in the town limits. Either changing some of these land into a commercial mix or adding more area as commercial space would help this village remain and develop into a vibrant community, just beyond the city limits.

Thank you,

Karin Demerling

1494807 Ontario Inc.

Paul E. Grespan
(519) 571-8800, Ext. 219
pgrespan@mgbwlaw.com

Leanne Currie, Law Clerk
(519) 571-8800, Ext. 217
Leanne@mgbwlaw.com



File No. 31031

Via Email

November 20, 2017

Mr. Harold O'Krafka
Township of Wilmot
60 Snyder's Road West
Baden, ON N0B 1G0

Dear Mr. O'Krafka:

**RE: Settlement Boundary Rationalization, ROP Conformity Exercise and Related
Amendment to the Township of Wilmot Official Plan**

Thank-you for the email follow-up of November 2, 2017.

We are aware of the zoning and to be clear, the Zoning By-law was interpreted to be industrial from the limit of the most recent plant expansion.

As you are aware, in respect of the use of the unopened road allowance, there is a long standing agreement with the Township (now embodied in an agreement and registered as instrument number WR468665) permitting Pestell to use the road allowance as access until such time as it becomes an open public road.

Regardless, your comments reinforce the need for a policy framework that protects existing employment lands as required by Provincial policies. In consideration of existing development including the spur line, minor adjustments to the buffer limits and area of influence could be considered. These minor adjustments don't change the primary issue which is compatibility and anticipating and preventing land use conflicts before they occur.

Please see attached revised mapping.

Yours truly,

MCCARTER GRESPAN BEYNON WEIR PROFESSIONAL CORPORATION

Per:

Paul E. Grespan

/lc
Encl

CC: Randy Coulombe - Pestell
Paul Britton - MHBC



Proposed Settlement Boundary



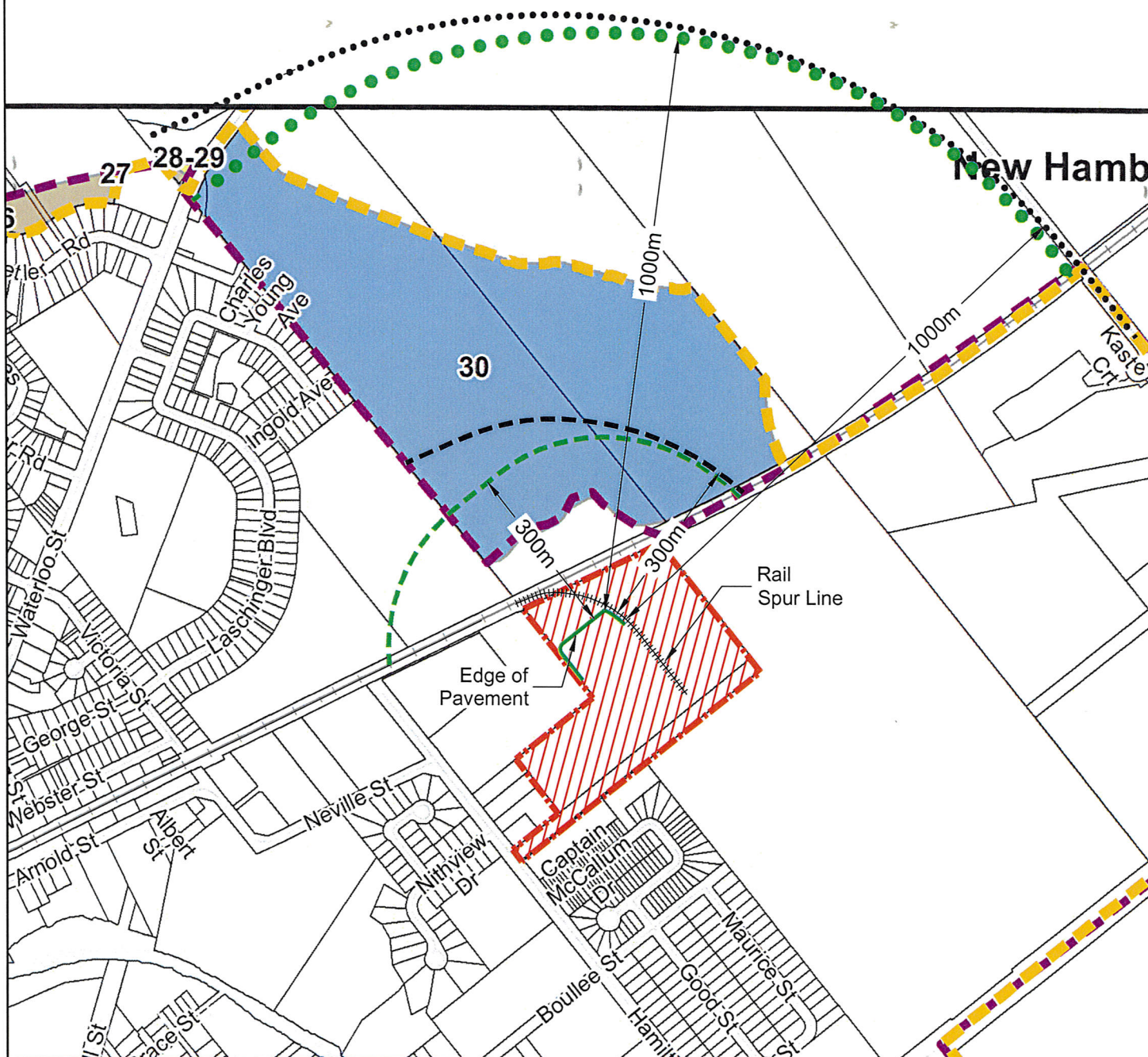
Add



Remove



Existing Settlement Boundary



D-6 Guidelines

LEGEND



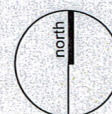
Subject Lands



D-6 Guideline
Recommended Minimum Separation Distances (MDS) Buffer
Class III = 300 metres



D-6 Guideline
Potential Influence for Industrial Areas
Class III = 1000 metres



Pestell Group
141 Hamilton Street
(Town of New Hamburg)
Township of Wilmot
Regional Municipality of Waterloo

Base Map Source:
Township of Wilmot Report No. DS 2017-10 Proposed OPA 10 Settlement Boundary Rationalization
(June 26, 2017)

DATE: November 7, 2017

FILE: 13205A

SCALE 1 : 10,000

DRAWN: DGS

Paul E. Grespan
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Leanne Currie, Law Clerk
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File No.

Via Email and Regular Mail

October 23, 2017

Mr. Harold O'Krafka
Township of Wilmot
60 Snyder's Road West
Baden, ON N0B 1G0

Dear Mr. O'Krafka:

**RE: Settlement Boundary Rationalization, ROP Conformity Exercise and Related
Amendment to the Township of Wilmot Official Plan**

We are writing in on behalf of the Pestell group and in response to the Township's rationalization and ROP conformity exercises. We confirm that our clients (Don J. Pestell Limited, Pestell Minerals & Ingredients Inc. and Pestell Pet Products Inc. (Pestell)) attended the Public Open House on October 16, 2017, to express concerns with the rationalization and proposed residential designation of what has been identified as "Property 30" on the New Hamburg Rationalization Map. Property 30 is in close proximity to the Pestell lands, which are municipally addressed as 141 Hamilton Road, New Hamburg. The attached map identifies the location of Property 30 relative to Pestell's lands. Our clients are concerned that the proposed rationalization and residential designation of Property 30 may negatively impact Pestell's current operation, operational changes which will occur over time and future expansions that are anticipated.

Pestell's lands are zoned and designated for industrial purposes. Pestell's business involves manufacturing, processing, warehousing and shipping. Existing buildings are large in scale and are a result of considerable investment with additional investment anticipated. Raw and unfinished products are stored outside and there is continuous trucking to and from the site. The facility currently operates 24-hours a day, 5 days a week. Truck traffic to and from the site occurs 7 days a week and rail deliveries and shipments take place 5 days a week. Other buildings and structures include bins, conveyors, elevators, cyclones and a train loading facility which is planned to be expanded in the future. A number of structures are elevated and are sources of noise. Facilities have been intentionally oriented northerly and towards Property 30 to minimize incompatibilities with residential development located to the south.

The Provincial policy framework provides for the protection of employment areas. Reference is made to Policy 1.3.2.1 of the Provincial Policy Statement which provides that:

“Planning authorities shall plan for, protect and preserve *employment areas* for current and future uses and ensure that the necessary *infrastructure* is provided to support current and projected needs.”

The land use planning framework recognizes that one of the best means of protecting employment lands is to prevent the encroachment of sensitive land uses.

The Provincial Policy Statement and the Regional Official Plan contain policies that relate to land use compatibility. Policy 1.2.6.1 of the PPS provides that:

“*Major facilities* and *sensitive land* uses should be planned to ensure they are appropriately designed, buffers and/or separated from each other to prevent or mitigate *adverse effects* from odour, noise and other contaminants, minimize risk to public health and safety and to ensure the long-term viability of *major facilities*.”

Policy 2.G.10 of the Regional Official Plan (ROP) provides that:

“Area municipalities will establish policies in their official plans to prevent or minimize potential adverse effects due to the encroachment of sensitive land uses and potentially incompatible uses on one another. Such policies may include requirements for noise and other applicable technical studies, building setbacks, separation distances, berms, security fencing and noise attenuation and other measures.”

The land use compatibility policy framework has been implemented by provincial guidelines and in this regard, reference is made to the ‘D’ series of guidelines identifying Guideline D-6 (Compatibility between Industrial Facilities and Sensitive Land Uses). The D series of guidelines generally speak to preventing incompatibility. Guideline D-6 establishes the principle of “Existing and Committed Industrial Land Use”. Pestell is an “Existing and Committed Industrial Land Use” and as a result, the residential proponent is tasked with minimizing or preventing encroachment upon Pestell’s existing facility. We confirm our understanding that there have been no studies or analysis demonstrating the compatibility of residential development in proximity to Pestell’s use, the surrounding employment area or the active rail line which defines the southerly limits of Parcel 30.

The Province’s Land Use Capability Guidelines provide for the identification of influence areas for industrial land uses as well as minimum separation distances from “Existing and Committed Industrial Land Uses”.

In consideration of the nature of our clients’ use, the 24-hour/7 day a week operation, elevated noise sources, significant truck traffic and train loading facility, Pestell is considered to be a

Class III industrial land use with a potential influence area of 1,000 metres and a minimum separation distance of 300 metres. These distances are shown on the attached plan.

We request that land use schedules and mapping for Property 30 identify the potential influence area of 1,000 metres. We also request the extent of the Township Urban Area rationalization and the extent of the residential designation proposed for Property 30 be reduced such that lands within the minimum 300 metre separation distance remain designated for agricultural purposes.

We have reviewed the Township's proposed implementation of the Region's Land Use Compatibility policies. Proposed Policy 6.1.2 confirms the Township intends to prevent or minimize potential adverse effects between incompatible uses. We support this policy intent. Unfortunately, the proposed policy provides little, (if any) guidance regarding how this will occur and how the policy will otherwise be implemented. We request that Policy 6.1.2 be revised to address these issues. The policy should make provision for the "Existing and Committed Industrial Land Use" framework as outlined in Provincial guidelines. The policy should require the delineation of potential influence areas around "Existing and Committed Industrial Land Uses" and require the proponent of sensitive land uses to undertake studies as necessary to determine whether or not potential influence areas should be adjusted and to determine and implement those measures that are required to reduce, eliminate or otherwise intercept adverse effects. Pestell would be content if these policies were applied only to Property 30.

In summary, Pestell has made a significant investment in their facilities, further investment is anticipated and the facilities and operation will evolve over time. Pestell's industrial use and the ability to make changes should be protected. The protection of employment uses is specifically contemplated by the planning framework which is in place. Provincial guidelines provide that the best way to protect "Existing and Committed Industrial Uses" is to prevent incompatibilities in the first instance. Provincial guidelines provide the framework for addressing compatibility between industrial facilities and sensitive land uses. We respectfully request that the Township in respect of the proposed designation, implement Provincial policies, related guidelines as well as Regional Official Plan policies.

We ask that you circulate this letter to Township Council as input to the public meeting scheduled for October 23, 2017, at which time we understand a decision will not be made.

Yours truly,

MCCARTER GRESBAN BEYNON WEIR PROFESSIONAL CORPORATION

Per:

Paul E. Grespan

/lc
Encl

CC: Randy Coulombe - Pestell
Paul Britton - MHBC

Andrew Martin

From:
Sent: Wednesday, October 25, 2017 1:44 PM
To: Andrew Martin
Subject: Settlement boundary review

Hi Andrew,

I am the owner of the property at Lot 20 Bleams Rd N. I regret I was unable to attend the public meeting on October 23 regarding the proposed amendments.

According to the map the existing Settlement boundary line on the west side of our farm is adjoining three other properties that at some point may be interested in purchasing additional land.

Would it be an issue if I would want to sell the land to an adjoining property owner if the settlement boundary is moved back to the property line?

Thanks ,
Stewart Good

Sent from my Bell LG device over Cana! da's largest network.