

From: [Ariens, John](#)
To: [Clerks](#)
Cc: [Wilmot Landowners](#)
Subject: FW: Letter to Mayor Salonen and Members of Township Council
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Attachments: [image001.png](#)

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Good Morning—please include this email as correspondence on the agenda for the pending Oct 21st meeting of Wilmot Council.

Thanks: John Ariens MCIP,RPP

Dear Mayor Salonen and Members of Wilmot Council:

Subject: Wilmot Land Assembly

The efforts to assemble lands in Wilmot Twp are in direct contravention of the Ontario Planning Act and should be stopped immediately. All “public works” have to comply with Regional and Municipal Official Plans and any assembly for employment uses does not.

An Official Plan is a long range planning document that sets out how and where a municipality is expected to grow and develop over a multi-year planning horizon. Official Plans set out local policies and growth objectives while also implementing Provincial planning goals and policies.

In 2021 the Region began a review exercise to update the Regional Official Plan (ROP) to guide long term growth to 2051. Based on the Regions web site, key objectives included:

- How and where growth could occur
- What kind of housing is needed
- How to continue to host a variety of jobs that residents need
- How to protect farmland, our environment and plan for climate change.

With respect to population and employment the Region retained consulting firms to complete a Municipal Comprehensive Review (MCR) and a Lands Needs Assessment (LNA). These studies are required by the Province to confirm or justify any urban expansions for either residential or employment purposes. A MCR/LNA is an “accounting” type of exercise which determines how much land is available and how much land is needed to meet Provincial targets. Only when the MCR/LNA determines that there is not enough land available to meet the targets will an urban boundary expansion be supported for either more residential or employment lands.

The Regional Studies identified that by 2051 Wilmot Twp would have a slight shortage of employment lands and therefore 15ha (36acres) of new employment lands were proposed on the west side of Nafziger Rd immediately north of the CN tracks and to the east of New Hamburg. This modest employment expansion was included in ROP Amendment No 6 (the new updated ROP) as approved by Regional Council. Based on this modest expansion Wilmot Twp will meet its Provincial employment targets and based on other modifications the rest of Waterloo Region was also meeting Provincial employment targets **without these additional 770 acres**. The need or justification for these 770 acres becoming employment is simply not there based on their own studies!

In April of 2023, the Minister of Municipal Affairs and Housing, approved ROP Amendment No 6 which is now the new ROP in effect.

The new ROP is therefore only a 1 ½ years old and is meant to guide growth up to 2051. With respect to the 770 acres in Wilmot, the new ROP designates these lands primarily as Prime Agriculture. **The 770 acres are not designated for any type of employment use** as the new ROP did not include these 770 acres as being needed for employment purposes up to the 2051 planning horizon. Prime Agricultural lands are to be protected for agricultural uses only. The Township Official Plan also does not designate these lands for any employment use and efforts to implement this use also contravene the Township Plan.

The Ontario Planning Act is the statute that regulates Planning activities in Ontario. It contains the following key requirement:

Public works and by-laws to conform with plan

24 (1) Despite any other general or special Act, where an official plan is in effect, no public work shall be undertaken and, except as provided in subsections (2) and (4), no by-law shall be passed for any purpose that does not conform therewith. R.S.O. 1990, c. P.13, s. 24 (1); 1999, c. 12, Sched. M, s. 24.

No public works can be undertaken and no by-law can be passed **that does not conform with the Regional and Township Official Plans**. The 2 exceptions noted in the above do not apply to this situation as they deal with pending amendments and existing Zoning By-laws.

The Act defines public work as follows:

“public work” means any improvement of a structural nature or **other undertaking** that is within the jurisdiction of the council of a municipality or a local board;

The acts of hiring a consulting firm for initiating farmer contact, purchasing farm land for employment lands, hiring consultants for soils and archeological studies on former corn fields, hiring farmers to destroy a corn crop are all **other undertakings** to implement an employment use that is NOT PERMITTED by the ROP and TwpOP and is thereby in contravention of the Ontario Planning Act. How can the Region and Township undertake these public works when the intended outcome contravenes their own Plans? This entire acquisition/expropriation process contravenes the Planning Act.

Regional and Township Councils are clearly ignoring their own (and recently updated) Plans and in doing so are in contravention of the Planning Act. This action is circumventing proper planning and needs to stop immediately.
Thank you: John

John Ariens, MCIP, RPP



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