



DEVELOPMENT SERVICES *Staff Report*

REPORT NO: DS 2024-05

TO: Council

SUBMITTED BY: Harold O’Krafka, MCIP RPP PLE
Director of Development Services

PREPARED BY: Andrew Martin, MCIP RPP
Manager of Planning and Economic Development

REVIEWED BY: Sharon Chambers, CAO

DATE: March 4, 2024

SUBJECT: Official Plan Amendment Application 01/23 and Zone Change
Application 01/23, Schneider Family and Rare Charitable Research
Reserve, Wilmot Line and Carmel-Koch Road

RECOMMENDATION:

THAT Council endorse the proposed year-round and seasonal parking restrictions on Carmel-Koch Road, Wilmot Line, and Berlett’s Road, the speed reductions and heavy truck prohibitions on Wilmot Line, as well as the traffic calming measures proposed for the intersection of Wilmot Line and Wideman Road as outlined in report DS 2024-05; and that staff be directed to update the Traffic and Parking By-law as required;

and

THAT Council adopt Official Plan Amendment No. 12 to change the designation of a portion of the subject properties from Rural Areas to Ecological Conservation Area and direct staff to forward Official Plan Amendment No. 12 to the Region of Waterloo for approval;

and,

THAT Council approve Zone Change Application 01/23 made by the Schneider Family and Rare Charitable Research Reserve, affecting lands with the municipal addresses of 567 Wilmot Line, 585 Wilmot Line, and 1236 Carmel-Koch Road, to:

1. Rezone lands proposed to be transferred to Rare Charitable Research Reserve, from Zone 1 (Agricultural) to Zone 11 (Open Space) prohibiting buildings and structures and limiting uses to the following:
 - a. Wildlife Sanctuary
 - b. Farming, but not including the raising or maintaining of livestock, fur farming, fish farming, or greenhouse farming, within Agricultural Use Areas illustrated within a conservation easement in favour of the Township, GRCA, or Region.
 - c. Uses set out in a conservation easement in favour of the Township, GRCA, or Region, provided such uses are not less restrictive than those uses set out in the zoning.
2. Reduce the minimum lot area and frontage requirements for each of the retained lots as follows:
 - a. 567 Wilmot Line: area of 5.6ha and frontage of 88m
 - b. 585 Wilmot Line: area of 1.2ha and frontage of 135m
 - c. 1236 Carmel-Koch Road: 4.9ha and frontage of 140m

SUMMARY:

This report considers applications for amendments to the Township Official Plan and Zoning By-law filed by Rare Charitable Research Reserve (Rare) on behalf of the Schneider family.

The Schneider family intends to donate portions of three existing agriculturally zoned properties to Rare and retain the portions of these three properties that currently contain dwellings and other outbuildings as illustrated on the map included as Attachment A to this report.

The official plan amendment application proposes to change the designation of the donation lands from Rural to a new Ecological Conservation Area designation to further strengthen the existing prohibitions to development that already apply to the lands to be donated.

To implement the proposed official plan designation, the zone change application proposes to rezone the donation lands to Zone 11 (Open Space) with restricted uses. The application also proposes to reduce the required lot frontage and area requirements for each of the proposed retained estate residential lots.

This report summarizes solutions available to address concerns related to right-of-way safety, on-street parking, and pedestrian activity.

BACKGROUND:

A Public Meeting was held with respect to these applications on May 29, 2023. Notice that the applications would return to Council for a decision was given by email on February 21, 2023, to those individuals who provided written comments received by Development Services staff prior

to February 21, 2023. The following is a summary of comments received prior to the writing of this report.

Public

At the time of finalizing this report, 34 letters and emails of support for the transfer of lands to Rare had been received by the Planning division. These letters and emails are included as Attachment B.

Agencies

Region of Waterloo:

Comments at the time of the May 2023 Public Meeting requested a reduction in the size of the proposed retained parcels or additional rationale for the lot sizes and configurations. Further, the Region requested that zoning for the severed lands include a holding provision to prevent construction of buildings or site alteration without the completion of an archeological assessment and an environmental impact study.

The Region provided updated comments in September 2023 advising that they had no outstanding issues with the applications.

With respect to original concerns regarding lot areas of the retained parcels, the Region concluded that they were satisfied with the applicant's response regarding lot sizes siting land needs for residential uses, septic system requirements, geothermal heating, and existing agricultural uses as sufficient justification.

With respect to the need for an archeological assessment, the Region concluded that given the donation lands would remain undisturbed, an Archeological Assessment is not required. As given no development is proposed for the retained lands, an Archeological Assessment is not required as part of these development applications. The Region recommends that the zoning for the retained lands include setbacks to limit new buildings to be located within or close to the existing building envelopes to minimize the potential impact to archaeological resources.

With respect to the need for an environmental impact study (EIS), given the zoning restrictions will limit uses to conservation coupled with a conservation agreement, the Region was satisfied that an EIS, and by extension the holding zone is not required.

GRCA: Recommending approval of the applications.

REPORT:

On behalf of the Schneider family, Rare has filed applications to amend the Township Official Plan and for changes to the Township Zoning By-law.

The map included as Attachment A, illustrates the plans for the Schneider family to donate portions of three existing agriculturally zoned properties to Rare (identified as Severed Lands

on Attachment A). The Schneiders would retain the portions of these three properties that currently contain dwellings and other outbuildings (identified as Retained Lands on Attachment A).

The Region of Waterloo Official Plan (ROP) contains policies specific to conveyance of lands for the purpose of conserving environmental features. ROP policies require that such conveyances be designated and zoned in the area municipal official plan and zoning by-law to prohibit any use not related to conservation. As well the ROP requires that the conveyed lands be subject to a conservation easement.

Official Plan Amendment and Zoning

To implement the ROP policies, the official plan amendment application proposes to change the designation of the proposed severed lands from Rural Areas to a new Ecological Conservation Area designation to further strengthen the existing prohibitions to development that already apply to the lands to be donated.

The zone change application consists of two separate matters. To accompany the new official plan designation, the associated zone change application proposes to rezone the donation lands to Zone 11 (Open Space) with restricted uses. The zoning of the retained estate residential lots would remain Zone 1 (Agriculture), but amendments are required to reduce the minimum lot area and frontage requirements for these lots.

Initial concerns raised by the Region of Waterloo prior to the public meeting have since been addressed as outlined within the background section of this report. Ultimately the Region is satisfied that the proposed official plan designation and associated zoning maintain intent of the ROP policies facilitating the severance of lands for conservation purposes.

Conservation Easement

The conservation easement, required by policies within the ROP, will differentiate between Ecological Conservation Areas and Agricultural Use Areas within the donation lands. The Agricultural Use Areas (B, F, and H polygons identified in the image on the next page) are those current agricultural fields which have been used for generations for crop production or livestock grazing. The zoning would limit farming uses within the donation lands to the specific agricultural use areas to be identified in the conservation easement with farming uses limited to field crops, horticulture and orchard/vineyard type uses. The keeping of livestock would be prohibited both in the zoning and conservation easement based on the request of the Schneider family.

Ultimately, the establishment of a conservation easement would be implemented as a condition of the future consent applications and would be required to be completed to the satisfaction of both the Township and Region of Waterloo.



Draft schedule to be contained within the conservation easement identifying habitat polygons.

Parking

Since Rare and the Schneider family first approached the Township in 2020 regarding their plans for the donation of lands to Rare, the Township has consistently indicated that dedicated parking is needed to support the continued public use of the Schneider lands.

Accompanying the current applications, Rare provided a document intended to highlight options to address parking with three solutions: do nothing, close property to the public, develop a long-term strategy and master plan for the area. This document does not adequately address the need to ensure safe parking and safe pedestrian access to the donation lands. Deferral of a solution to a later date does not address current risk and liability.

Consideration of these options was provided in report DS 2023-08, and further summarized below.

Closing property to public

Prohibition of public access to the property would certainly be a loss to the many people that have enjoyed the generosity of the Schneider Family for the last several decades. In their comments, Rare speaks to the difficulties and of enforcement of unauthorized access and the undue hardship that would create; Township staff agree with those concerns. The Township also reasonably cannot ensure that the property is not open to the public in the future and as such this option would not address public access and parking.

Do nothing

Staff sought comments from the Waterloo Region Municipalities Insurance Pool (WRMIP) with respect to the existing on-street parking situation. The WRMIP represents the Region of Waterloo and its seven area municipalities.

Comments received from the WRMIP identified that, from a risk management perspective, a designated parking lot would be preferred whereby parking takes place outside of the road allowance improving safety and reduce conflicts between pedestrians and vehicles. If parking is provided within the road allowance (on-street parking), recommendations include:

- Providing wider shoulders to permit parking.
- Installing adequate signage to identify where parking is permitted.
- Amending by-laws to permit on street parking.
- Lowering speed limits in area.
- Installing signs prior to parking location outlining risk to drivers of parking in the area.
- Establish and document a higher standard of care for maintaining the location.

The WRMIP comments highlight that a do-nothing approach to address parking is not a suitable option.

Long-term parking strategy

While there were a number of suggested scenarios provided under the option of creating a long-term strategy for parking, the current development applications warrant a solution to address safe parking and pedestrian access for parking now and not further in the future. While solutions can be further refined over the fullness of time, simply allowing an application to proceed without any solutions in place would not be appropriate.

Parking needs

Township staff recognize that the ongoing efforts of both the Schneider family and Rare to preserve these ecologically sensitive lands are of significant benefit to the natural environment. The lands also have been, and continue to be, generously made available for public use for hiking and cross-country skiing. Although not advertised, the lands are well known and at times their use results in significant parking needs, which are presently met by parking along public roads – primarily Carmel-Koch Road in the Township and Wideman Road in Waterloo. The popularity and recent heightened public interest in the property have highlighted the safety issues with parking on Carmel-Koch Road and crossing Wilmot Line.

Some changes have been made in recent years to limit parking in certain areas along Carmel-Koch Road, but the current applications really have highlighted the existing deficiencies and the need to ensure a more fulsome solution can be achieved to improve safety for pedestrians, motorists, and road operations. To suggest that status quo is sufficient because certain activities have occurred for many years really is a short-sighted argument. The Township is being asked to permit the establishment of three estate residential lots and ultimately create a large publicly accessible property with no defined access or provision for parking. The development application process provides opportunities to correct known issues and properly plan for future and long-term use.

The Township zoning by-law contains parking regulations for a number of uses ranging from private homes to public arenas. The regulations are based on building sizes. To date, the Township has not considered a development application that involves a large publicly accessible property without a building. That said, as with any development application, the merits of existing regulations are considered and amended as necessary based on the site-specific uses proposed. With respect to the proposed donation lands, while no buildings are proposed or permitted, that is not to suggest that there are no associated parking needs.

Township staff recognize that through the majority of the year, there are limited parking demands for the Schneider lands. However, when winter conditions are ideal for cross-country skiing, parking is significant along Carmel-Koch Road. The shoulders of the road are not sufficient to accommodate parking without interfering with the travelled portion of the road. Given sight line restrictions both with respect to corners and hills, the opportunity for conflict between motorists, pedestrians, and winter maintenance equipment is significant. In the summer months, as a result of fewer visitors and more ideal driving conditions, this potential for conflict is reduced.

As outlined in report DS 2023-08, staff suggested that one solution was for Rare to create a small parking facility, similar to those available to Walker Woods and Baden Hills (approximately 12 vehicles), that would address most of the parking needs for the donation lands. Providing an opportunity to temporarily expand the available area for parking to accommodate the larger number of visitors during the peak winter season, such as use of a field, would then address temporary parking needs with little impact and need for permanent maintenance.

There are other examples in Wilmot Township wherein seasonal demands for parking have resulted in the property owner providing temporary off-street parking to address safety concerns with on-street parking. There is a farm close to Mannheim that experiences high visitor volumes in the fall. The popularity of the location grew and the number of visitors parking along the road in front of the farm resulted in significant safety concerns. Parking was subsequently prohibited along the road. To accommodate the peak visitor times, the property owner provided parking in a portion of their field. Access to the field is only provided during peak times and blocked from public access when not needed. Despite there being no buildings involved, parking demands still existed for this property.

Similarly, within the Petersburg Regional Forest, the use of the Hydrocut Trails has grown significantly over the years. While there are no buildings within the property, the need to provide parking became apparent given conflicts with on-street parking and use of roadways and private laneways at both the east and west entrance to the property. Parking facilities were provided, and subsequently expanded, to address seasonal demands.

Staff have presented this temporary parking solution as an option to Rare and the Schneider family, but there has been no effort to provide or work towards a similar solution in this instance. Staff have confirmed that opportunities would exist on portions of the donation lands and/or the retained estate residential lots should Rare or the Schneider family wish to provide such a temporary facility.

The primary matter to be addressed is safety and liability to the Township of Wilmot. A do-nothing approach will not satisfy this requirement. As such, staff suggest that the Township address the concern through mechanisms within its control. This solution would involve a combination of parking prohibitions, speed reductions and stop controls applicable to Berlett's Road, Carmel-Koch Road and Wilmot Line.

Carmel-Koch Road and Berlett's Road

Limited opportunity exists to provide safe year-round on-street parking on Carmel-Koch Road and Berlett's Road. Widening of these roads to create on-road parking outside of the travelled portion of the road would require significant and potentially invasive work. ROP policies require an Environmental Impact Study (EIS) for site alterations and road construction within the Environmentally Sensitive Landscape. It is anticipated that widening either road would require significant study with limited opportunity to demonstrate no adverse environmental impact.

An investment in this type of work, along with heightened maintenance obligations if a solution was in fact achievable, in staff's opinion is not appropriate given the costs, resource allocations, and ultimately no Township control as to whether the Rare will continue to provide public access to the donation lands.

As a result, staff propose that, during the winter season, parking on both sides of Carmel-Koch Road be prohibited. Limited opportunity in areas currently permitted for parking may be appropriate during other times of the year given lower visitor frequency. Additional signage

providing advanced warning of on-street parking and associated speed reductions are considered to be a viable solution during the summer months.

Berlett's Road, both with respect to available space along the road as well as site lines, is not deemed safe for parking at any time of the year and as such parking prohibitions are proposed to be year-round.

The limits and details of proposed parking prohibitions are illustrated on Attachment C. Upon receipt of Council endorsement of these proposed parking restrictions, the work would be completed over the course of Q2 and Q3 2024. It is important to note that, regardless of whether the development applications were to proceed, these operational changes are still required to be implemented given the ongoing liability that these applications have highlighted.

Wilmot Line and Wideman Road

The Township of Wilmot and City of Waterloo staff have been working towards an agreeable solution to address traffic speeds on Wilmot Line and to address safety of pedestrians crossing Wilmot Line from Wideman Road.

Combined, Waterloo and Wilmot staff have come to a tentative solution that addresses the majority of existing concerns related to this segment of Wilmot Line and its intersection with Wideman Road. Ultimate solutions may occur through a phased approach, but the initial plan will provide measurable improvement.

The solution includes the following key measures:

1. heavy truck prohibitions on Wilmot Line,
2. speed reductions on Wilmot Line in the area of Wideman Road and Carmel-Koch Road, and
3. three-way stop controls at this intersection of Wideman Road and Wilmot Line, including advanced warning signs.

A future phase of improvements including additional traffic calming and pedestrian crossing facilities at Wideman Road will continue to be discussed outside of the review of these development applications. Staff anticipate compliance measures may be needed at the intersection to ensure the all-way stop control creates a safe operating environment with pedestrian crossings, including potential for interim lighting. Should significant modifications be proposed to the initial scope of work, further reporting would be provided to Council relating to additional scope of work proposed, along with associated costs and timing. As Council is aware, Wilmot Line is planned to be subject to an Environmental Assessment (EA) in 2026. As such, any further major upgrades to the entire road will be considered at that time.

The limits and details of proposed parking prohibitions, stop controls and speed reductions are illustrated on Attachment C. Upon receipt of Council endorsement of the initial improvements on Wilmot Line, the work would be completed over the course of Q2 and Q3 2024. It is important to note that, regardless of whether the development applications were to proceed, these operational changes are still required to be implemented given the ongoing liability that

these applications have highlighted. Further consideration of traffic calming at the intersection would be targeted for Q2 2025. The EA for Wilmot Line is scheduled for 2026.

Next steps

This staff report highlights a solution to address the majority of on-street parking and safe pedestrian movement concerns that presently exist and are only anticipated to grow over time. Should Council adopt the official plan amendment and approve the zone change application, staff will forward the Township official plan amendment to the Region of Waterloo for their final approval. A copy of the proposed Official Plan Amendment and Zoning By-law amendment are included as Attachment D and E, respectively.

At the same time, Rare and the Schneider family would be able to file three consent applications to separate the donation lands from the retained estate residential lots. The consent applications could then be considered at an April meeting of the Committee of Adjustment.

Conditions of consent would include requirements that the Township Official Plan Amendment be finally approved by the Region of Waterloo and that a conservation easement be finalized with Region of Waterloo and secured over the entirety of the donation lands.

ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:

Facilitating the donation of lands to the Rare Charitable Reserve furthers environmental stewardship and conservation of this environmentally sensitive landscape and assists in achieving the goal of environmental protection.

Ensuring public safety and municipal liability concerns are addressed is part of responsible governance.

FINANCIAL CONSIDERATIONS:

The application fees, established by the Township of Wilmot Fees and Charges By-law, were collected at the time of application.

The operational changes discussed within this report as they apply to Berlett's Road, Carmel-Koch Road, and Wilmot are required to be implemented independent of any decision on these development applications to address the ongoing liability that these applications have highlighted.

The proposed changes to the first phase intersection control of Wideman Road and Wilmot Line, introduction of heavy truck prohibition and speed reduction signage are an unbudgeted expense of \$15,000. Further, Wilmot Line/Wideman intersection improvements are estimated at approximately \$35,000. With cost sharing through the Boundary Road agreement and cross-billing with the City of Waterloo, the Township share of these costs would be 50% of the \$50,000 estimate, or \$25,000.

Other additional signage on Carmel-Koch Road and Berlett's Road are anticipated to be approximately \$5000. This cost is not subject to the cost sharing agreement and needs to be fully funded by the Township.

The total cost to the Township of the proposed first phase works are estimated at \$30,000. Due to the nature of the proposed works, the funding should be in the operating budget. This funding is not currently provided within the draft 2024 operating budget. Further phasing of works, if needed, may need to be considered for funding at a later date.

Report, IS-2024-05 "Wilmot Line re-gravelling", also being considered at the March 4, 2024 Council meeting, may provide funding support for this project. That report includes the following optional proposed motion: "THAT Council approve the carry-forward of \$49,000 of approved operational funding from 2023 intended for Wilmot Line re-gravelling and apply this funding as necessary to the works outlined in report DS-2024-05 as an operational expense and funding in 2024."

In the event Council determines that the Wilmot line funding be used for Wilmot Line re-gravelling, additional funding needs to be added to the draft budget by way of the following amendment to the resolution of this report: "THAT the 2024 DRAFT Operating Budget be amended to add \$30,000 of costs for Infrastructure Services to complete the work outlined in report DS-2024-05, funded by additional tax levy funding."

ATTACHMENTS:

Attachment A	Property location map
Attachment B	Public comments
Attachment C	Proposed changes on Carmel-Koch Road, Berlett's Road and Wilmot Line
Attachment D	Proposed Official Plan Amendment
Attachment E	Proposed Zoning By-law Amendment