



DEVELOPMENT SERVICES *Staff Report*

REPORT NO: DS 2024-07

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: Bill 162, Get it Done Act, 2024: Comments on changes to the
Official Plan Adjustments Act, 2023 (ERO number 019-8273)

RECOMMENDATION:

THAT Report DS-2024-07 be forwarded to the Ministry of Municipal Affairs and Housing and submitted on the ERO as the Township of Wilmot’s response to Schedule 3 of Bill 162 being changes to the Official Plan Adjustments Act, 2023; and

THAT the map included as Attachment 3 of Report DS-2024-07, form the basis for the approved Community Area, Employment Area, and Countryside Line boundary for the Baden and New Hamburg Township Urban Areas; and

THAT no changes be made to the Township’s Rural Settlement Area boundaries; and

THAT implementation of the new Community Area and Employment Area lands follow the completion of a Secondary Plan by the Township of Wilmot and that site specific official plan amendments not be permitted to designate the additional lands within the Township Official Plan; and

THAT the Secondary Plan be permitted to include staging provisions based on such factors deemed necessary by the Township of Wilmot including wastewater servicing capacity, parks and recreation needs, and school accommodation requirements.

SUMMARY:

On February 20, 2024, the Province posted the Get It Done Act, 2024 - Amending the Official Plan Adjustments Act, 2023 (Schedule 3 of Bill 162) on the Environmental Registry of Ontario (ERO) for a thirty-day commenting period ending March 21, 2024. Subsequently a letter was received from the Honourable Paul Calandra, Minister of Municipal Affairs and Housing on February 23, 2024 requesting comments. A copy of his letter is included as Attachment 1.

Proposed amendments to the Official Plan Adjustments Act, 2023 follow consultation with affected municipalities, and, if passed, would update official plans in response to municipal feedback.

The Township of Wilmot is appreciative that the Province provided the opportunity for the Township to present its longstanding vision for the community directly to the Province and is extremely pleased that the Act adopts most of the Township's recommended community area boundary adjustments. This is certainly a significant step forward in supporting the ability to fully plan for the future growth between the Baden and New Hamburg Urban Areas and to assist with providing more housing in the Province.

One area that continues to be of significant importance to the Township is the balance of residential growth with employment opportunities. The proposed modifications do not include requested adjustments to expand the employment area between Baden and New Hamburg. Regional approval of ROPA 6 provided limited additional Employment Area within the Township. Staff remain of the opinion that the inclusion of the lands west of the Baden Trunk sewer alignment, south of the CN railway, and north of Highway 7/8 are imperative to ensuring the opportunity to balance residential growth with employment opportunities within the community and the greater Waterloo region. Their inclusion also allows for a more complete Secondary Planning process wherein full integration of servicing, road networks, and active transportation corridors can be realized.

To assist with implementing the local designation of lands, the Township requested that the Province include language such that:

1. site specific official plan amendments not be permitted to designate the additional lands within the Township Official Plan, and
2. the Secondary Plan be permitted to include staging provisions based on such factors deemed necessary by the Township of Wilmot including wastewater servicing capacity, parks and recreation needs, and school accommodation requirements.

Wording of this nature was not included, but would ideally be added to assist with logical planning and implementation.

Lastly, Map 3, Employment Area, as proposed to be replaced, appears to have made modifications to the Township's Rural Settlement Areas which were never contemplated and

are not specifically discussed within the Act. Township staff believe the mapping may have been an inadvertent inclusion, but highlight this as a desired correction before final approval of the Act.

BACKGROUND:

On November 2, 2023, the Honourable Paul Calandra, Minister of Municipal Affairs and Housing provided a letter to municipalities advising that the Province will be reversing its decisions made on Official Plans in November 2022 and April 2023. A subsequent letter was received on November 16, 2023 requesting feedback on proposed legislation to implement the reversal.

The Minister requested comments from single tier and lower tier municipalities regarding whether there are changes that the municipality would like to see made to the official plan, based on the modifications that the province had previously made, and which are supported by the municipality. The Minister also requested input on proposed legislation to reverse the ministerial decisions on official plans and any implementation considerations associated with the reversals.

On November 27, 2023 Council endorsed the recommendations of report DS 2023-19 which provided detailed comments on the longstanding direction from the Township of Wilmot with respect to logical and orderly planning for the Township. The report summarized changes to ROPA 6 made by the Province that align with the Township's vision for the community, changes that should be reconsidered, and further modifications that would support the Township's ability to increase housing supply and employment opportunities both in the short and long term of the community.

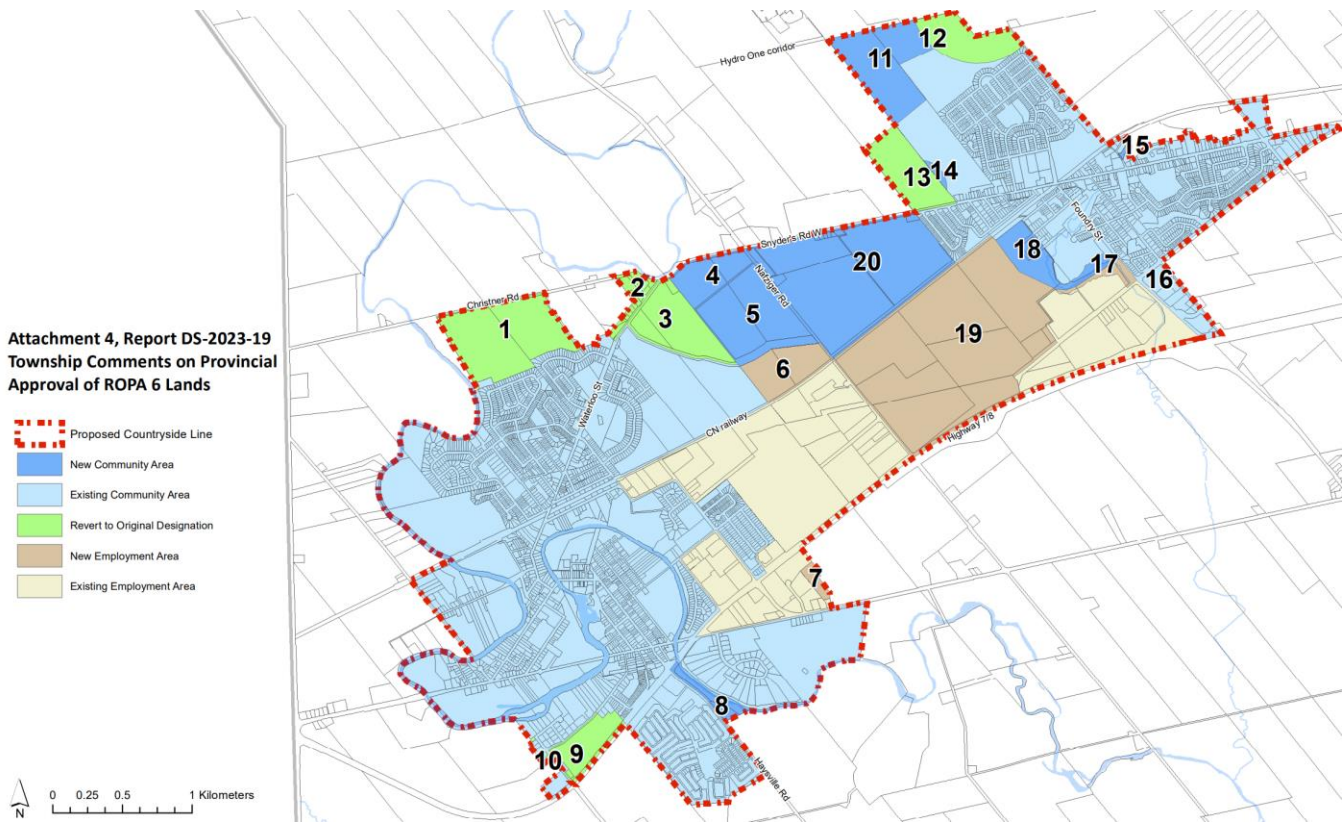
In response to municipal feedback, on February 20, 2024, the Province posted the Get It Done Act, 2024 - Amending the Official Plan Adjustments Act, 2023 (Schedule 3 of Bill 162) on the Environmental Registry of Ontario (ERO) for a thirty-day commenting period ending March 21, 2024. Subsequently a letter was received from the Honourable Paul Calandra, Minister of Municipal Affairs and Housing on February 23, 2024 requesting comments. A copy of his letter is included as Attachment 1.

REPORT:

This section of the report summarizes the changes that the Province has made to the Baden and New Hamburg Community Areas and Employment Areas. It further highlights changes that were not implemented and continue to be a Township priority. Lastly, it identifies changes that were made to the Rural Settlement Area boundaries that are requested not to be implemented.

Summary of changes

The image on the following page is the map from report DS 2023-19 that numerically identified recommended changes to the Township Urban Areas.

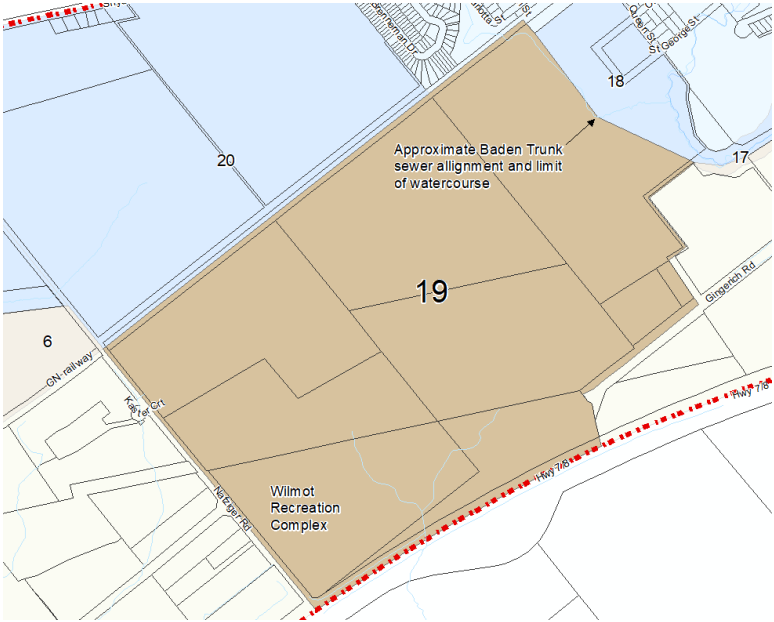


At a high level, the following is a summary of how changes requested by the Township are reflected in the February 20, 2024 Provincial update.

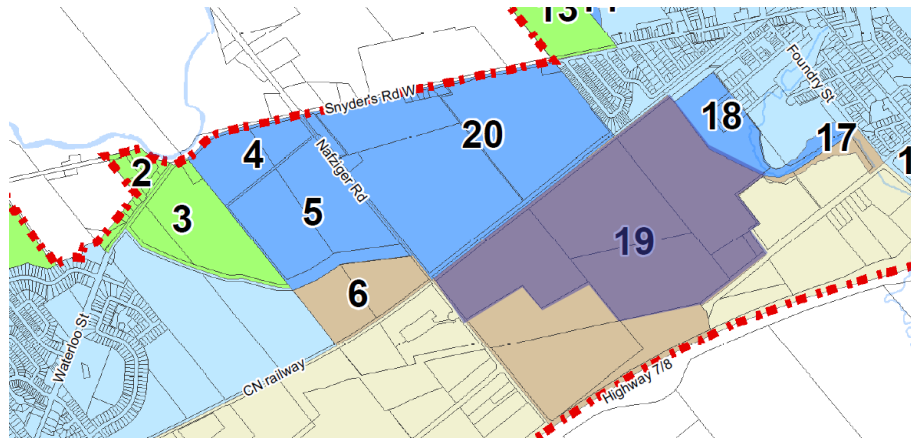
Map identifier	Purpose	Provincial status
1,2,3	Exclude from designation	Implemented
4,5	Designate as Community Area	Implemented
6	Designate as Employment Area	Implemented
7	Change from Community Area to Employment Area	Not implemented
8	Designate as Community Area	Implemented
9,10	Exclude from designation	Implemented
11	Designate as Community Area	Implemented
12,13	Exclude from designation	Implemented
14	Designate as Community Area	Implemented
15	Designate as Community Area	Not implemented
16	Change from Employment Area to Community Area	Not implemented
17	Designate as Community Area and Employment Area	Not implemented
18	Designate as Community Area	Not implemented
19	Designate as Employment Area	Not implemented
20	Designate as Community Area	Implemented

At a more granular level, the following provides further information on those changes that were not implemented and why staff continue to support their inclusion as logical, consistent with the previous summary provided in report DS 2023-19.

Priority inclusion: employment lands

19	<p>These lands were not included in the Minister’s original approval, or the most recent modification, but do form part of the Township’s longstanding vision for the area. The approval of ROPA 6 provided limited additional Employment Area. Inclusion of the lands west of the Baden Trunk sewer alignment, south of the CN railway, and north of Highway 7/8 will provide additional opportunity to balance residential growth with employment opportunities within the community. As such, the Township would request that these lands be included as Employment Area.</p> <p>For more logical boundary configuration and simplicity of mapping, the Township’s Wilmot Recreation Complex lands and Schmidt Woods would be contained within this Employment Area as opposed to an “island” of Community Area. For the purpose of Provincial level mapping, lands within the Urban Area are required to be either Community Area or Employment Area. This does not suggest that they have development potential and their inclusion as Major Recreation and Core Environmental Feature, respectively, within the Township Official Plan emphasizes their continued protection.</p>	
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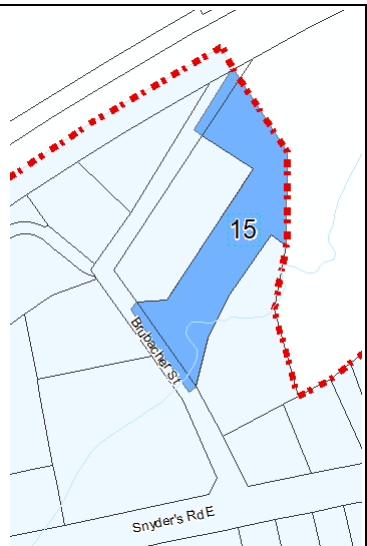
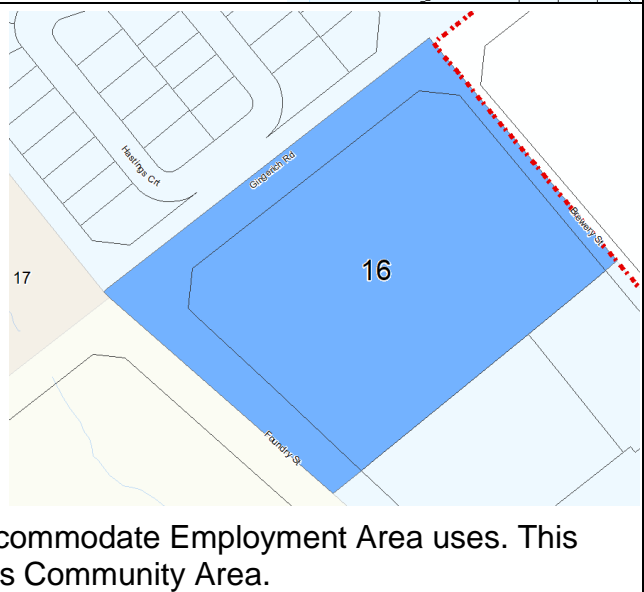
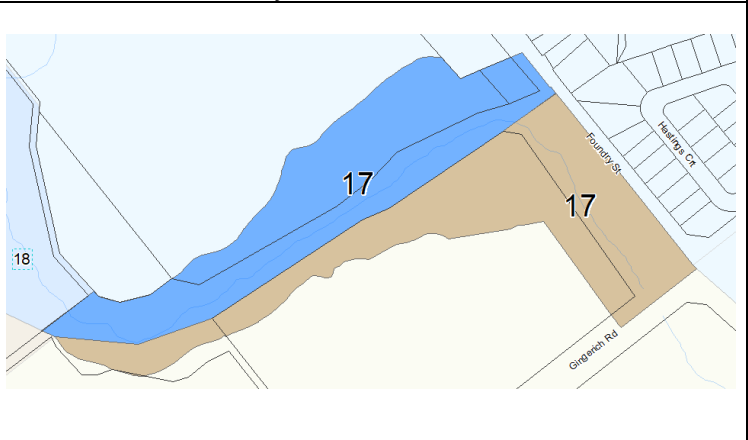
The developable portion of this area (which excludes Schmidt Woods and the WRC) highlighted in purple below represents approximately 90ha of unconstrained lands. The lands are located in a prime location with potential rail connectivity, access to a four-lane provincial highway, and potential for full integration with existing and planned municipal water and wastewater infrastructure.



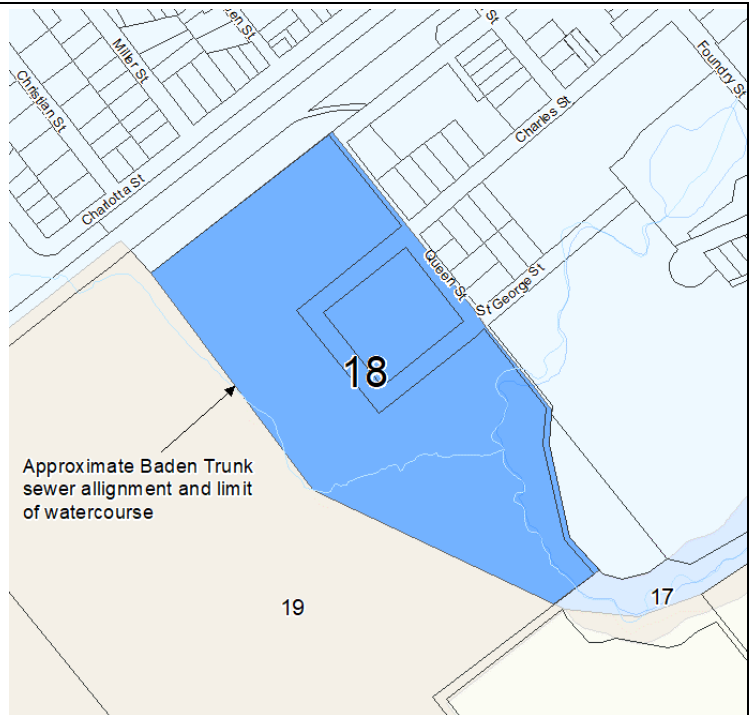
The inclusion of these employment lands serves to facilitate a balanced approach to community growth, remains consistent with the Township’s vision for over 20 years to achieve concentrated growth between Baden and New Hamburg, and ultimately assists with filling a void in readily available employment lands within the greater Waterloo region.

Other requested inclusions

<p>7</p>	<p>This area represents lands between existing industrial/commercial uses and an existing watercourse. The lands in theory provide opportunity for expansion to those existing abutting businesses as occurred with the business immediately north (at the time of expansion of Hanson GM, now John Bear). The Minister’s original approval included these lands as Community Area, but they would more logically be included as Employment Area.</p>	
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<p>15</p>	<p>These lands were not included within the Minister’s original approval. That said, given the opportunity to comment on the refinement of urban boundaries, Area 15 represents a very minor adjustment to the Community Area boundary and the Countryside Line. The boundary adjustment reflects lands to be utilized for a planned rental housing development in the area and will clean up what can be attributed to the scale of a minor drafting error.</p>	
<p>16</p>	<p>This area was included in ROPA 6 and the Minister’s decision as Employment Area. Employment Areas are intended to represent lands where most industrial activities such as manufacturing, logistics and warehouses are located. Community Areas represent lands where most housing, commercial, retail and institutional growth is located. Planned development for about half of this property includes self storage and other potential commercial uses. Given the topography of the property, the remaining potential for development on the other half of the property is limited and certainly does not accommodate Employment Area uses. This parcel would more logically be designated as Community Area.</p>	
<p>17</p>	<p>This area was identified as Community Area in the Minister’s approval. The lands in this area consist primarily of floodplain lands. That said, their inclusion in the Urban Area creates a logical boundary for development. Staff recommend that the area north of the creek be identified Community Area and south of the track as Employment Area reflective of the adjacent planned land uses.</p>	

18 These lands were not included in the Minister’s approval, but do form part of the Township’s longstanding vision for the area. Inclusion of the lands between Baden’s Mill district urban growth area and the existing watercourse and planned routing of the Baden trunk sewer to be within the countryside line and as Community Area will allow greater opportunity to support growth and intensification within the urban growth area. The development of the area aligns with currently planned servicing infrastructure improvements.



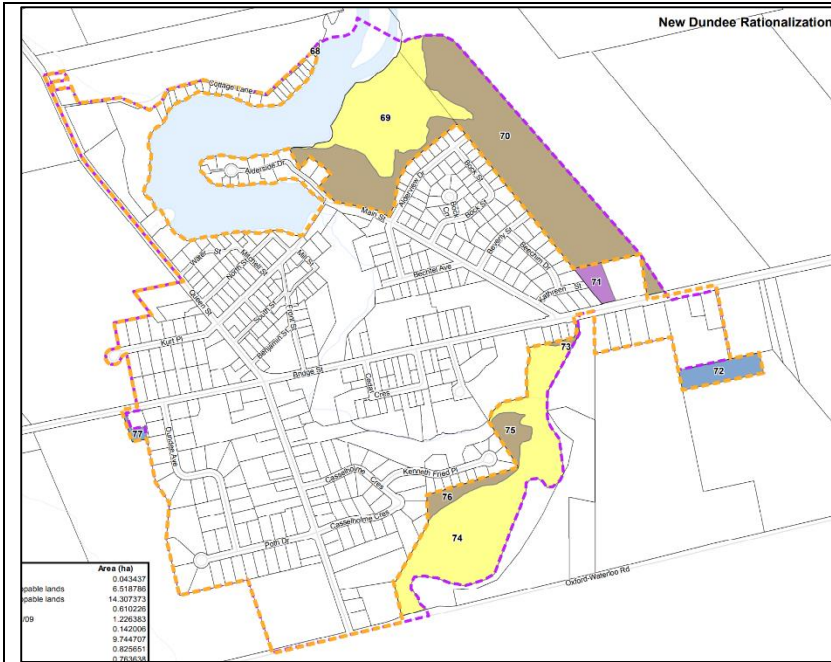
To ensure logical and orderly planning of the community, Township staff continue to recommend that the Province specifically provide direction that lands not be designated in the local official plan through site specific official plan amendments, but rather following the Township’s planned secondary planning process. The secondary plan would include staging provisions based on such factors deemed necessary by the Township of Wilmot including wastewater servicing capacity, parks and recreation needs, and school accommodation requirements.

Rural Settlement Areas

The proposed Map 3 (Attachment 2 to this report) included changes to the Township’s Rural Settlement Areas. The changes appear to reflect the former boundaries of the Rural Settlement Areas prior to the 2019 Township rationalization and official plan conformity amendment. While there is no language in Bill 162 to suggest that modifications were being made to Rural Settlement Areas, their depiction on Map 3 provides some confusion.

On Map 3, each of the Township’s Rural Settlement Areas appear to reflect their pre 2019 boundary. Luxemburg is missing entirely from the map.

To highlight an example of this boundary change, three images on the following page are provided of the New Dundee Rural Settlement Area.

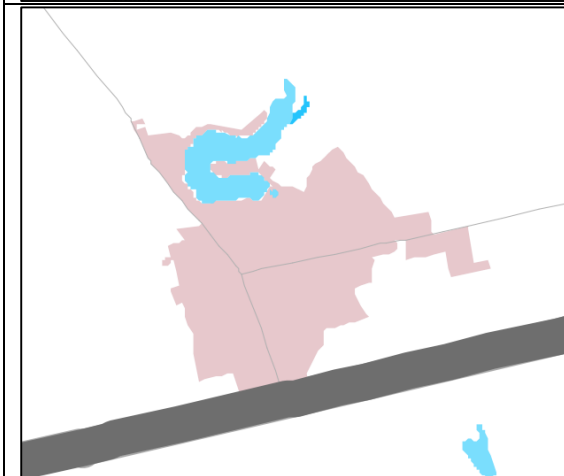


This image is from the 2019 rationalization exercise.

The brown and yellow areas were removed from the settlement area and the blue was added.

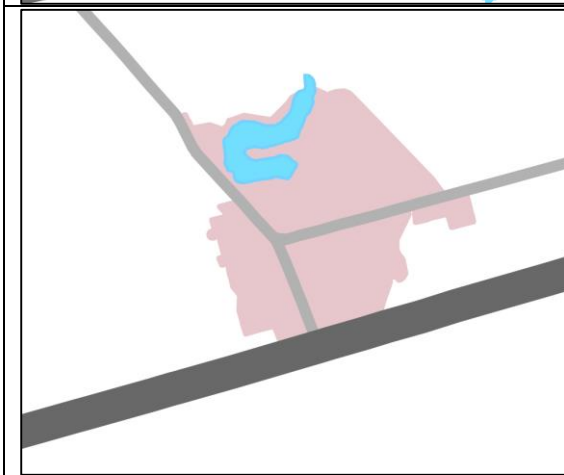
The original boundary is shown with the purple dashed line.

The resulting boundary was the orange dashed line.



This image is from Map 3 as originally approved by the Region of Waterloo in ROPA 6.

The pink area reflects the rationalized boundary from 2019.



This image is from Map 3 as proposed by Bill 162.

The pink area reflects the former boundary of New Dundee before the 2019 rationalization

Township staff recommend that the rural settlement boundaries not be amended through Bill 162.

Final comment

Township staff appreciate the continued opportunity to work with the Ministry to achieve the Township vision that has not been possible to realize through several iterations of Regional Official Plans. The plan as approved by the Province, with Township refinements, provides for short and long term concentrated growth between Baden and New Hamburg, the maximum utilization of wastewater servicing capacity, and balanced opportunities for residential and employment growth in the Township. The plan provides certainty with respect to continued growth of the Township and integrated long-term planning of the community.

ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:

Considering and providing input to the Province on matters of concern to Council in respect of the long term growth of Wilmot Township provides for economic prosperity and sustenance of quality of life while maximizing environmental protection and the efficient and fiscally responsible use of infrastructure resources.

FINANCIAL CONSIDERATIONS:

The Province's approved Urban Area, as proposed to be refined by the Township, provides opportunity to undertake a focused secondary planning process that will set out long term staging of development within the Township Urban Area. Designation of lands between the communities of Baden and New Hamburg will fully integrate the urban area and provide basis for further municipal investments and planning for roads and active transportation needs, servicing infrastructure, and parks and recreation needs.

The 2024 Capital Justification Request Form for the Baden/New Hamburg Greenfield Secondary Plan & Intensification Analysis includes a total of \$435,000 for Secondary Planning activities funded as follows: Development Charges (2024) \$151,200, Tax Funded Growth Infrastructure Reserve Fund (2025) \$58,800, and further 2025 funding of \$225,000 to be determined during the 2025 budget process.

ATTACHMENTS:

- Attachment 1: Letter from Minister of Municipal Affairs and Housing
- Attachment 2: Map of boundaries proposed by Bill 162
- Attachment 3: Township Requested Urban Area