Present were: Chair J. Wideman, L. Armstrong, J. Brewer, T. Cowan, D. Craig, R. Deutschmann, T. Galloway, J. Haalboom, B. Halloran, R. Kelterborn, G. Lorentz, C. Millar, J. Mitchell, K. Seiling, S. Strickland, C. Zehr

MOTION TO GO INTO CLOSED SESSION

MOVED by J. Brewer
SECONDED by T. Cowan

THAT a closed meeting of the Planning and Works and Administration and Finance Committees be held on Tuesday, May 29, 2012 at 8:30 a.m. in the Waterloo County Room, in accordance with Section 239 of the Municipal Act, 2001, for the purposes of considering the following subject matters:

a) receiving of advice subject to solicitor-client privilege related to a By-law
b) proposed or pending acquisition of land in the City of Kitchener
c) proposed or pending disposition of land in the City of Waterloo
d) receiving of advice subject to solicitor-client privilege related to terms and conditions of a construction contract

CARRIED

MOTION TO RECONVENE IN OPEN SESSION

MOVED by T. Cowan
SECONDED by T. Galloway

THAT the meeting reconvene into Open Session.

CARRIED

DECLARATIONS OF PECUNIARY INTEREST UNDER THE MUNICIPAL CONFLICT OF INTEREST ACT

None declared.

a) Proposed ROPP Amendment Regarding the Breslau Rural Settlement Area in the Township of Woolwich
John Lubczynski, Principal Planner, provided a power point presentation. A copy is appended to the original minutes. He explained the history of development in the Breslau Rural Settlement Area and provided an overview of the application.

DELEGATIONS

a) Bill Green, GSP Group addressed Committee on behalf of Thomasfield Homes, using a power point presentation. A copy is appended to the original minutes. He explained the purpose of the amendment and the timing of the application as it relates to the ROP which is under appeal to the Ontario Municipal Board ("OMB"). He advised that his clients are seeking to advance their application under a separate approval process since the ROP appeals will be lengthy.

A member posed questions to B. Green with respect to the timing of the application, a potential appeal, as well as the effect that population allocations would have on the ROP and the rest of the Region.

b) Amanda Kosloski, Armstrong Hunter, addressed Committee as agent for Empire Communities, a property owner in the Breslau area. She expressed support for the application and commented that it was appropriate to facilitate development in the area and established a framework for the Township to work toward.

c) Greg Romanick, Stantec, addressed Committee on behalf of Spaenaur, a property owner within the Breslau area, and also expressed support for the application to facilitate development in the Breslau area.

d) Paul Puopolo, IBI Group, addressed Committee on behalf of property owners in the Breslau area. He indicated his concerns about the application and felt that it was premature to precede the ROP with respect to population allocations because it could affect the land budget under consideration by the OMB and there are other land use matters to be decided first. However, P. Puopolo advised that they are in support of the removal of the residential dwelling unit cap.

REPORT – PLANNING, HOUSING AND COMMUNITY SERVICES - COMMUNITY PLANNING

a) Report P-12-059, Statutory Public Meeting - Proposed ROPP Amendment Regarding the Breslau Rural Settlement Area in the Township of Woolwich

Kevin Eby, Director, OMB Appeals & King/Victoria Hub, advised that the Breslau area is not specified in any of the ROP appeals. It was suggested that if the land budget and population allocations were amended under the ROP, that it would come back. It was noted that the amendment does not change any designations from industrial to residential.

Subsequently, K. Eby confirmed that the OMB has decided that the new ROP planning horizon would be 2031 rather than 2029. As a result, the population allocations are being looked at and will be heard by the OMB in about a year. There is an obligation under the Growth Plan to ensure that the land currently designated for urban is properly utilized before any expansions occur. It has been the Region’s practice not to restrict the development of land entirely based on the servicing allocations. For example, the Region approved the Rosenberg Plan in the City of Kitchener which proposed more development than the 1995 Region Official Policies Plan.
would permit. The Region has allowed the process to continue on and the basis is that individuals have the right to appeal to the OMB. In closing, K. Eby indicated that the amendment the applicant is seeking, Regional Council had already approved through the new ROP.

Received for information.

INFORMATION/CORRESPONDENCE

The following submissions were distributed at the meeting and are appended to the original minutes.

a) Letter dated May 28, 2012 from Denise Baker, Townsend and Associates, with respect to Report P-12-059, Statutory Public Meeting - Proposed ROPP Amendment Regarding the Breslau Rural Settlement Area in the Township of Woolwich

b) Letter dated May 28, 2012 from Robert Howe, Goodmans, with respect to Report P-12-059, Statutory Public Meeting - Proposed ROPP Amendment Regarding the Breslau Rural Settlement Area in the Township of Woolwich

ADJOURN

MOVED by S. Strickland
SECONDED by J. Haalboom

THAT the meeting adjourn at 9:42 a.m.

CARRIED

COMMITTEE CHAIR, J. Wideman

COMMITTEE CLERK, J. Reid
PUBLIC MEETING

Proposed ROPP Amendment
Breslau Rural Settlement Area

May 29, 2012
Purpose of Amendment

• Re-designate Breslau from a "Rural Settlement Area" and "Industrial/Commercial Area" to "Township Urban Area";
• Delete development cap that limits Breslau to 1,250 units;
• Revise other associated policies and mapping;
• No change to the existing limits of the Breslau settlement area;
• No new land use designations within Breslau
Proposed Township Urban Area
Associated ROPP policies and mapping

- Delete development cap limits Breslau to a maximum of 1,250 units;
- Revise Schedule 2 to add the "Breslau Wetland Complex";
- Revise Schedule 3 to remove the "Prime Agricultural Areas" designation within the settlement area.
Next Steps

- Continue to work with the applicant, the Township of Woolwich, the City of Kitchener and other parties;
- Review all comments received from the public and circulation agencies;
- Prepare follow-up staff report later this year;
- Provide final recommendations for Regional Council's consideration
Proposed ROPP Amendment
Breslau Settlement Area
Purpose of this Amendment

• a) To re-designate the Breslau Settlement Area from ‘Rural Settlement Area 35.’ and ‘Industrial/Commercial Area E. Industrial Area – Regional Road 17’ to ‘Township Urban Area’ on Map No. 6 – Settlement Pattern;

• b) To amend the relevant policies of Section 7.5 Rural Settlement Areas and Industrial/Commercial Areas to delete reference to ‘Breslau’ and remove the residential development cap in Section 7.5.1.10;

• c) To amend Map No. 2 – Provincially Significant Wetlands to add the Breslau Wetland Complex;

• d) To amend Map No. 3 – Agricultural Resource Areas to remove the ‘Prime Agricultural Areas’ designation within the settlement area.
Why this Amendment now?

- The Council adopted and Minister approved ROP is under appeal.

- The Township of Woolwich’s Breslau Secondary Plan is underway.

- Development applications by Thomasfield Homes and Empire Communities have been submitted to the Township and Region.

- Regional approval of a Township of Woolwich Official Plan Amendment is frustrated by the ROP appeals.

- A separate approval process is desirable.
How does this Amendment differ from the ROP?

- In substance it does not differ from the new ROP.
- The limit of the Breslau Settlement Area is not changing - the current ROPP provides for the municipality to define the settlement area - it has been defined in the Township of Woolwich Official Plan.
- There is no settlement area expansion provided in this Amendment.
- The new ROP designates the Breslau Settlement Area as ‘Urban Area’, the only equivalent term in the 1995 ROPP is ‘Township Urban Area’.
- The new ROP provides for density targets within greenfield development areas, this Amendment removes the residential dwelling unit cap of 1250 units in the 1995 ROPP.
- The new ROP includes current mapping of Provincially Significant Wetlands, this Amendment updates the 1995 ROPP mapping.
- All of the planning considerations applying to this Amendment have been previously approved by Regional Council’s adoption of the new ROP.
What difference will this Amendment make?

• By proceeding with this application, if approved, the Township of Woolwich’s Breslau Secondary Plan and Official Plan Amendments can be approved by the Region without waiting for the outcome of the ROP appeals.

• If this Amendment is approved but appealed, the focus of any appeal is narrowed to the matters associated with this Amendment only, limiting the time required for a hearing.

• Development applications in Breslau can be considered by the Region without waiting for the outcome of the ROP appeals. Approval of this Amendment does not fetter the Township’s and Region’s consideration of these development applications.

• Employment land, housing, commercial development and public infrastructure, including the GO Transit station, school site, parks and the protection of significant natural areas is being delayed by the lengthy ROP appeals unrelated to development in this designated settlement area.
May 28, 2012

Sent via E-mail

Regional Municipality of Waterloo
150 Frederick Street
2nd floor
Kitchener, Ontario
N2G 4J3

Attention: Ms. Kris Fletcher, Regional Clerk
Members of Region of Waterloo Council

Dear Sirs and Mesdames:

Re: Proposed Amendment to the Regional Official Policies Plan
Breslau Rural Settlement Area, Township of Woolwich

We are the solicitors for Mattamy Development Corporation.

We are writing regarding the proposed amendment to the Regional Official Policies Plan (ROPP) initiated by Thomasfield Homes Ltd., to re-designate Breslau from a “Rural Settlement Area” and “Industrial/Commercial Area” to a “Township Area”, to delete the existing development cap that limits Breslau to a total of 1,250 dwellings units, and to revise other associated policies and mapping accordingly. Please be advised that we do not support the proposed amendment.

Currently, the matters of population allocation and settlement boundaries in the new Regional Official Plan are under appeal before the Ontario Municipal Board. Our client is an appellant in these proceedings. Although the proposed amendment does not change the settlement area boundary of Breslau, it does propose a change in settlement classification and may affect matters related to the population allocation forecasts, which are currently subject to appeal.

We respectfully request that the Region defer making a decision on the above noted ROPP amendment, as this would be premature given the appeals to the new Regional Official Plan.

Furthermore, we respectfully request notice of any future meetings or decisions with respect to the proposed ROPP amendment. We also reserve the right to raise additional issues with the proposed amendment as it progresses through the planning process.
Thank you in advance for your consideration of this submission.

Yours truly,
TOWNSEND AND ASSOCIATES

For: Denise Baker

cc: Client
    Paul Lowes
    Audrey Jacob
May 28, 2012

Our File No.: 09-0456

Via Email

Mayor & Members of Council
Regional Municipality of Waterloo
150 Frederick Street, 2nd Floor
Kitchener, ON N2G 4J3

Attention: Ms. Kris Fletcher, Regional Clerk

Dear Ms. Fletcher:

Re: Thomasfield Homes Ltd. (“Thomasfield”) Proposed Amendment to Regional Official Policies Plan (“ROPP”) Breslau Rural Settlement Area – Township of Woolwich

We are solicitors for Activa Holdings Inc. (“Activa”), the owner of lands throughout the Region of Waterloo (the “Region”). We are writing on behalf of Activa to provide comments on the above-referenced application for an amendment to the in-force 1995 Regional Official Policies Plan (the “ROPP Application”).

We understand that the ROPPA application is seeking to: re-designate the Breslau Settlement Area from “Rural Settlement Area 35” and “Industrial/Commercial Area E” to “Township Urban Area”; to delete the existing Breslau residential development cap of 1250 dwelling units; and to revise other associated mapping and policies including the deletion of Breslau from the Prime Agricultural Area designation. We also understand that Thomasfield has applied to the Township of Woolwich (the “Township”) for a local official plan amendment, rezoning and subdivision approval to permit a mixed-use development, including employment uses and approximately 885 new residential units, on a site of approximately 135 ha which is currently designated “Urban Area” in the Township Official Plan but zoned for industrial uses in the Township’s Zoning By-law.

Activa is one of several parties with outstanding appeals before the Ontario Municipal Board (the “Board”) in relation to the proposed new Region of Waterloo Official Plan (the “ROP”), which was adopted by Regional Council in June 2009 and approved by the Province with modifications in December 2010 (the “ROP Appeals”). Among the significant issues that have been raised in the ROP Appeals are the supply of residential and employment lands in the Region, and the allocation of population (as well as intensification and density targets) to the area municipalities.
The first phase of the ROP hearing addressing land budget issues is scheduled to commence in July 2012. During this phase, the Board will consider whether additional residential and employment lands are required for the Region to achieve its provincially-mandated population and employment forecasts to 2031. Among other issues, the Board will determine whether the existing dwelling unit cap in Breslau should be removed, and whether the vacant employment lands in the Region (including the Thomasfield lands in Breslau) are sufficient to accommodate the Region’s employment land needs to 2031 without requiring a further settlement area expansion as proposed in the ROP. Once a determination has been made regarding expansions to the Region’s 2031 urban boundary, the Board will be asked to determine how much of the Region’s overall population forecast should be allocated to the Township of Woolwich and the other area municipalities in a later phase of the hearing.

The population forecast currently assigned to the Township is 24,600 persons to 2016, pursuant to Table 7.1 of the ROPP. However, based on the Township’s 2011 census population and the existing vacant lots in registered and draft approved plans of subdivision, the actual population of the Township has already far exceeded its allocation. Accordingly, there is no basis to delete the current residential unit cap in Breslau without also assigning additional population to the Township. Moreover, the expansion of the Region’s “Township Urban Area” boundary and the removal of Category A1 employment lands (as the Thomasfield lands were categorized in the Region’s 2006 Industrial and Business Park Vacant Land Inventory and Demand Analysis), should only be considered in the context of a municipal comprehensive review. Clearly, these are all matters which should be addressed as part of the ROP appeals.

According to the Notice of Public Meeting, the main reason for the ROPPA Application is to permit the Township to continue to plan for additional population and employment growth within Breslau in advance of the ROP coming into force. In our view, this does not represent good land use planning.

The land use planning issues engaged by the ROPPA Application overlap with the issues raised in the ROP appeals. Given that the ROPP is intended to be superseded by the ROP, and that the policy amendments proposed by the ROPPA Application will have significant implications for future residential and employment development in both the Township and the Region as a whole, it would be premature and inappropriate to consider the ROPPA Application in advance of, or in isolation from, the Board’s consideration of the ROP appeals.

Accordingly, we respectfully request that the ROPPA Application be refused, or at least deferred, so that the proposed policy amendments can be considered in a broader context as part of the ROP appeals. Should Regional Council choose to approve the ROPPA Application, our client will have no choice but to appeal this decision to the Board to ensure that its rights are not prejudiced in advance of the hearing of the ROP appeals.
Thank you for considering our submission, and kindly ensure that we are provided with notice of any decision made by Regional Council, or any further meetings or reports, in relation to the ROPPA Application.

Yours very truly,

Goodmans LLP

[Signature]

Robert D. Howe

cc: Mr. Larry Masseo, Activa Holdings