

Special Council Meeting

Minutes

January 4, 2022, 5:00 P.M.

Virtual Location

Members Present: Mayor L. Armstrong
Councillor A. Hallman
Councillor C. Gordijk
Councillor B. Fisher
Councillor J. Gerber
Councillor J. Pfenning

Staff Present: Chief Administrative Officer S. Chambers
Director of Information and Legislative Services/Municipal Clerk
D. Mittelholtz
Manager of Information and Legislative Services/Deputy Clerk T.
Murray
Director of Corporate Services P. Kelly
Fire Chief R. Leeson
Director of Development Services H. O'Krafka
Manager of Planning and Economic Development A. Martin

1. MOMENT OF SILENCE

2. TERRITORIAL ACKNOWLEDGEMENT

Councillor B. Fisher read the Territorial Acknowledgement

3. ADOPTION OF THE AGENDA

Moved by: Councillor J. Gerber

Seconded by: Councillor B. Fisher

THAT the Agenda, as amended, for the January 4, 2022, Special Meeting of Council, be adopted.

Carried

4. DISCLOSURE OF PECUNIARY INTEREST UNDER THE MUNICIPAL CONFLICT OF INTEREST ACT

Councillor J. Pfenning advised of a Pecuniary Interest under the Municipal Conflict of Interest Act and noted that she would not be participating during Report No. DS 2022-001 and her camera would be shut off.

5. PUBLIC MEETINGS

5.1 REPORT NO. DS 2022-001

The CAO outlined the report.

Mr. David Falletta, Mr. Michael DeBiasio and Mr. Ramsey Shaheen, Cachet Developments Inc. provided an overview of the proposed MZO. Their presentation is attached as Appendix A.

Barbara Schumacher appeared as a delegation on behalf of 50by30 Waterloo Region, her written submission is attached as Appendix B.

Doug Jones and Stephanie Goertz appeared as delegations on behalf of Food Systems Round Table, their written submission is attached as Appendix C.

Stephanie Goertz appeared as a delegation on behalf of the Nith Valley Ecoboosters. She focused on the alignment with the vision of the Township; suggesting that this development does not align with the vision. She noted that a new vision and community engagement for the Township. She noted that the proposed development is proposing a 15 minute community and that this development does not fit this model. She raised concerns of the proposed transit hub and questioned if there were discussions with local Indigenous communities to ensure there are no concerns with the land.

Kevin Thomason appeared as a delegation, his presentation is attached as Appendix D.

Clarification was provided that members of Council and staff did not request the MZO; it is a process that is driven by the developer and that Council is subject to the timelines set out as such.

Kevin Eby appeared as a delegation, his presentation is attached as Appendix E. In response to a question, Mr. Eby noted that the original intent of an MZO were to make planning decisions in municipalities without a planning process in place, he noted that they have been used for large scale developments such as moving forward with a hospital development to respond to community needs and noted that in this application it is a benefit to the developer. Mr. Eby responded to another question from Council regarding threat of no growth without the approval of an MZO, noting that there are other opportunities.

Sean Campbell appeared as a delegation on behalf of Hold the Line WR. Mr. Campbell noted there are positive elements of the proposal for smart intensification, noting that building up is good for communities; however, noted there are concerns such as the abandonment of the planning process. He suggested including all voices and engaging the community that have the expertise. He expressed his concerns for the application and the lack of full information provided in the application in particular with the responsibility for managing the affordable housing.

Mark Reuseer appeared as a delegation on behalf of Waterloo Federation of Agriculture, his written statement is attached as Appendix F.

Rory Farnan appeared as a delegation, his written statement is attached as Appendix G.

Linda Laepple appeared as a delegation on behalf of the National Farmers Union, her presentation is attached as Appendix H.

Andrew Wilson appeared as a delegation, his presentation is attached as Appendix I.

Barry Wolfe appeared as a delegation, his presentation is attached as Appendix J.

Kae Elgie appeared as a delegation, her presentation is attached as Appendix K.

Greg Michalenko appeared as a delegation, noting that he has concerns similar in nature to the previous delegations. He advised that an MZO would prevent other bodies for comment and set a precedent. He noted

that with the climate crisis building communities will have to take new measures.

The applicant and representatives, Ramsey Shaheen, David Falletta and Michael DeBiasio to provide the following clarifications:

- the plan to develop the property has been in the planning stages since late 2020, with no intention to apply for an MZO, that was initially contemplated in November 2021. The need for housing in an affordable manner is challenging and this will help accommodate growth in the Region.
- public engagement and input is important to coming up with the best solution
- these lands were left out of the last MZR
- the process for draft plan of subdivision process will take time as the review required by appropriate agencies and Regional levels
- clarified that the urgency for this application is the developer has no recourse on the MZR process with the Region and the housing crisis is driving the need
- the developer advised that consultations with the Indigenous Community would occur before the approval of the MZO and a stage one archeological study is being done prior to those consultations
- clarified that the buildings would be 6 storey's high that would create a main street feel, as well as to achieve the greenfield development density requirements
- the development site is surrounding by two main roads, main amenities and there has been trail donations to the Township
- transit, mixed use community is an important aspect to maintain a sustainable development
- the fertilizer plant is a constant which is why residential lands uses are proposed north of the trail and will be implemented through the development approval process
- the intention is to hear feedback from the community on the proposed masterplan
- they are willing to pay a fee if it is required

- the objective is to offer a choice to the market with balance in housing options and the MZO approach was taken to provide the variety of housing markets

Mr. Shaheen noted that until these lands are brought into the urban boundary, they are unable to bring the lands forward by filing a traditional zoning application, he noted the MZO will allow for the subject lands to be brought into the urban boundary.

The CAO advised that process questions from Council can be brought forward to the Township Solicitor.

The Director of Development Services outlined the report.

Discussion surrounding amending the recommendation. An amended recommendation was drafted and approved.

Moved by: Councillor A. Hallman

Seconded by: Councillor C. Gordijk

THAT Report DS 2022-001 be received for information;

THAT Council set a date of January 10, 2022, for an education session with the Township Solicitor respecting Minister's Zoning Order's (MZO);

THAT Council hold an information gathering Special Council Meeting on February 14, 2022; and further,

THAT Council set February 28, 2022, to make a decision on the final recommendation on the MZO request.

Carried

5.1.1 Appendix B

5.1.2 Appendix C

5.1.3 Appendix D

5.1.4 Appendix E

5.1.5 Appendix F

5.1.6 Appendix G

5.1.7 Appendix H

5.1.8 Appendix I

5.1.9 Appendix J

5.1.10 Appendix K

6. REPORTS

6.1 FIRE SERVICES

6.1.1 REPORT NO. FD 2022-01

The Fire Chief outlined the report and provided an overview of the type of apparatus and the purpose of such, he noted that no additional equipment will be required.

Moved by: Councillor J. Pfenning

Seconded by: Councillor B. Fisher

THAT the contract for supply and delivery of two (2) Rescue Apparatus, be awarded to Commercial Emergency Equipment Company (Pierce) as per their proposal, at a total cost of \$1,279,980, plus HST, and further

THAT staff be provided pre-budget approval to incorporate additional funding of \$136,250 within the 2022 Capital Program for the replacement of Rescue Apparatus at Station 1 (Baden); and further

THAT staff be provided pre-budget approval to incorporate \$651,250 into the 2023 Capital Program for the replacement of Rescue Apparatus at Station 3 (New Hamburg).

Carried

7. CONFIRMATORY BY-LAW

Moved by: Councillor B. Fisher

Seconded by: Councillor C. Gordijk

THAT By-law No. 2022-01 to Confirm the Proceedings of Council at its Special Meeting held on January 4, 2022, be introduced, read a first, second, and third and finally passed in Open Council.

Carried

8. ADJOURNMENT

Moved by: Councillor C. Gordijk

Seconded by: Councillor A. Hallman

THAT we do now adjourn to meet again at the call of the Mayor.

Carried

Wilmot Village

1265 and 1299 Waterloo Street

Wilmot Township

January 4, 2022

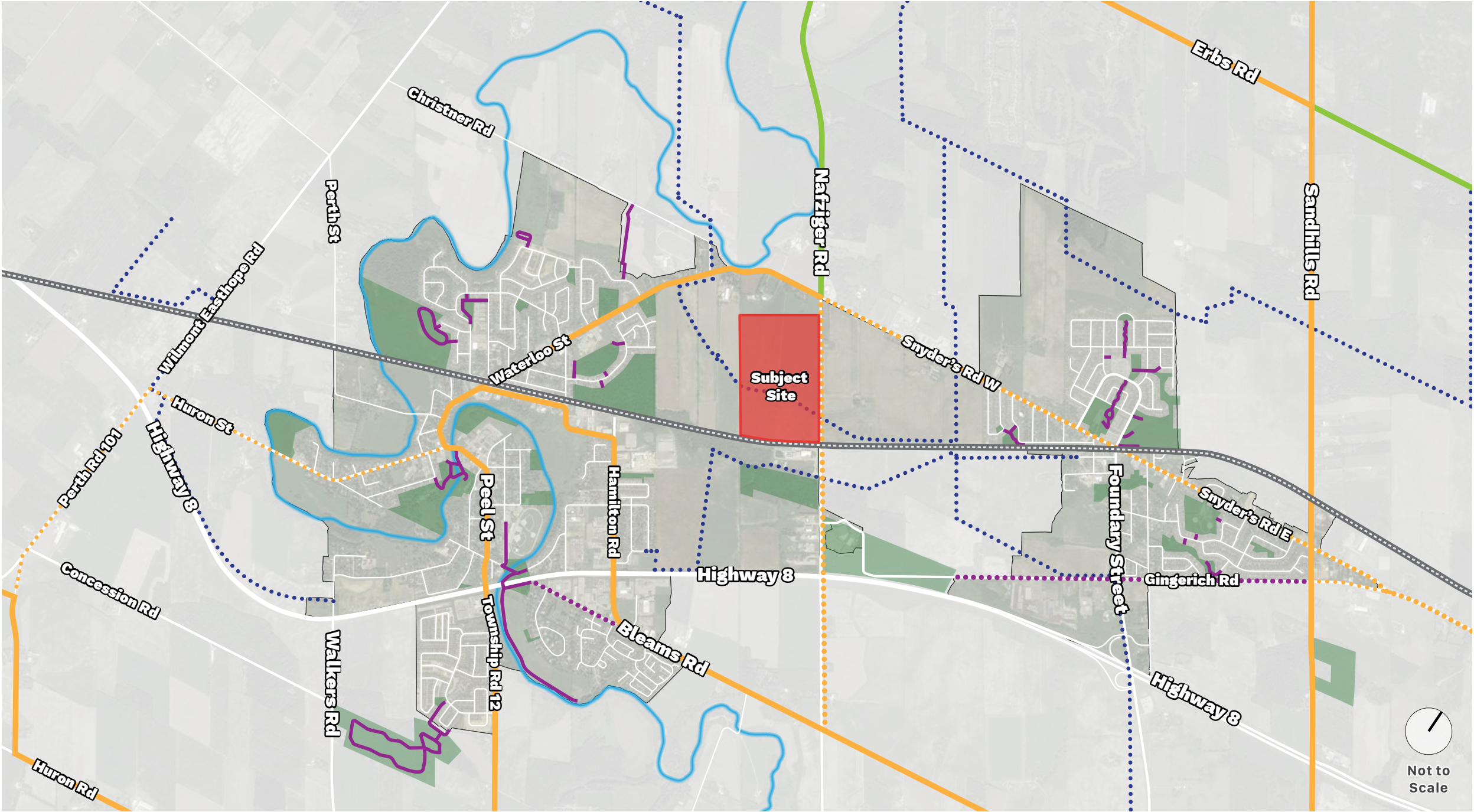


Site & Surroundings



Existing Urban Structure

Cycling Network, Trial Network, Parks and Open Spaces



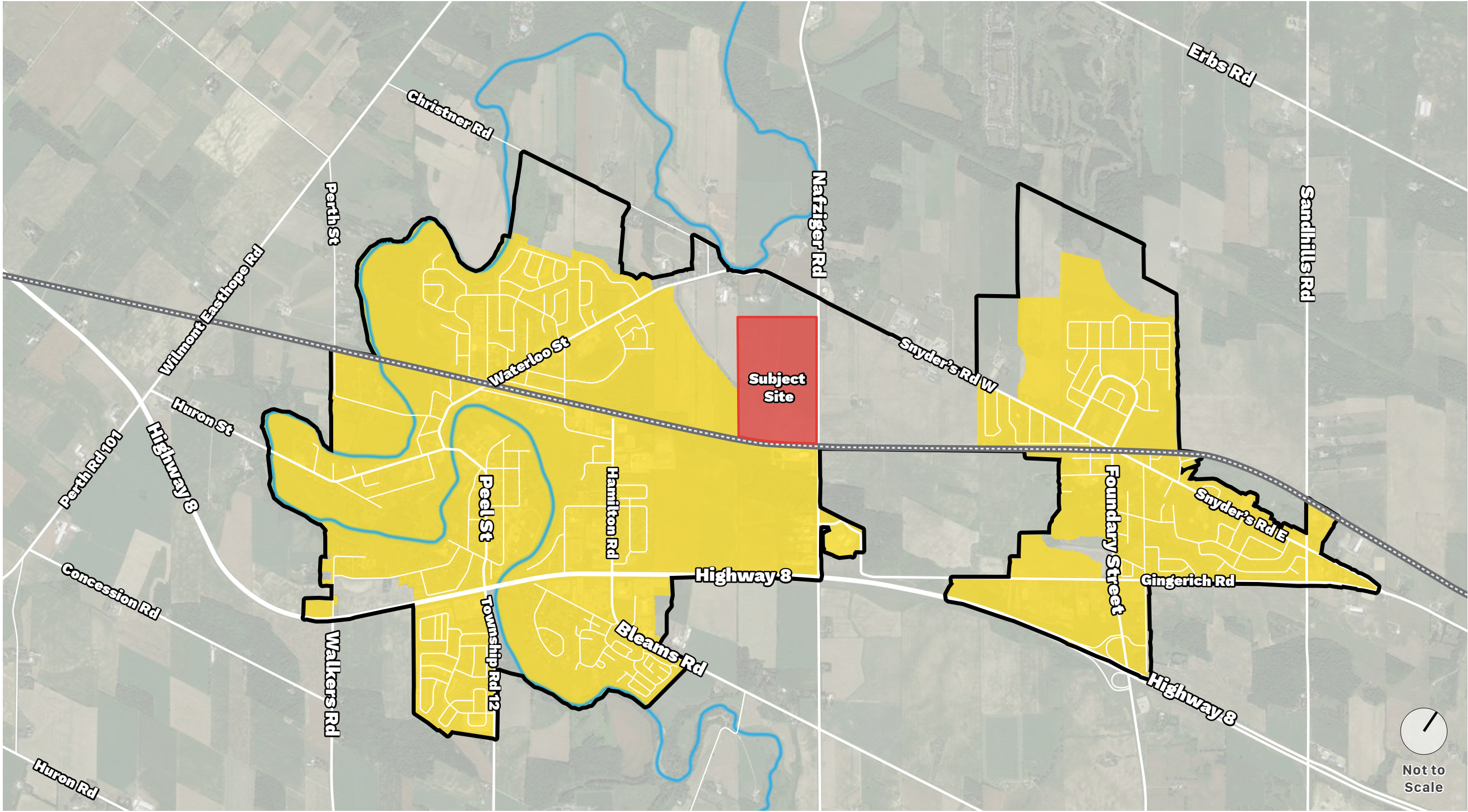
- Legend**
- Subject Site

 Trail
- SWM, Open Space and Parkland
-
- Future Boulevard Multi-Use Trail

 Planned Cycling Route Future On Road Cycling Opportunities Existing Cycling Route

Existing Urban Structure

Surrounding Urban Areas



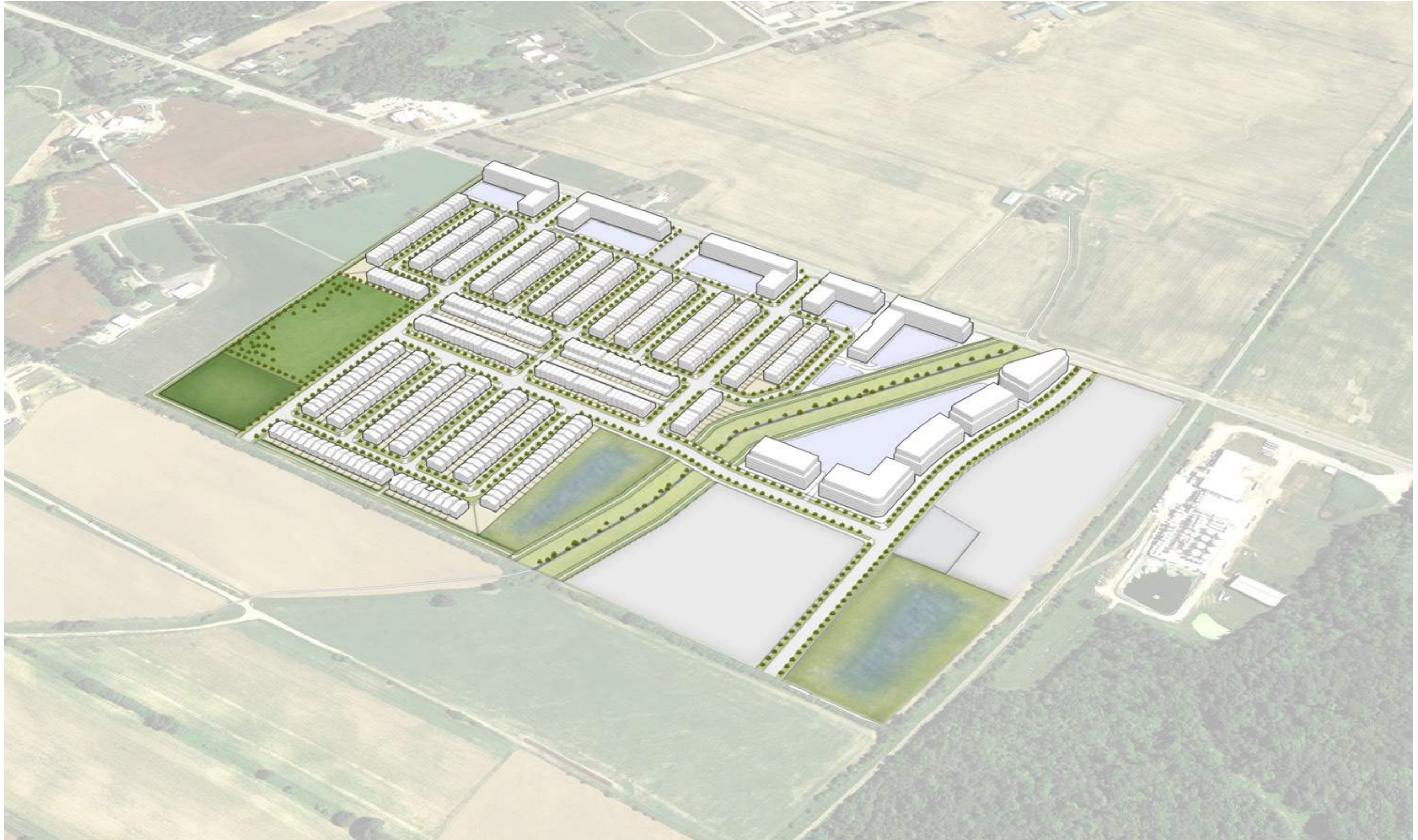
Legend ■ Subject Site ■ Urban Area — Countryside Line

The Masterplan



The Masterplan

Axonometric View Looking North



Thank you, Mayor and Councillors, for the opportunity to speak to you and the citizens of Wilmot. I am representing 50by30WR. I will recommend that Wilmot Council pass a motion similar to the motion regarding MZO's unanimously approved on May 11, 2021 by the City of Cambridge.

To begin I will remind you of the report by Ontario's Auditor General Bonnie Lysyk. The December 1, 2021 News Release entitled *Ministers' Zoning Orders Disrupt Land Use Plans That Took Years to Create*: reads in part:

Ministers' Zoning Orders (MZO's) are being used to fast-track development, overriding provincial and municipal plans which have taken years of technical studies and public consultation... In the two-year period from March 2019 to March 2021, 44 MZO's were issued. Prior to this, MZO's were issued about once a year...

"The willingness of the province to make decisions that do not align with municipal plans has upended the certainty that both the municipal and development communities need," said Lysyk. "Municipal land-use plans and the infrastructure required to support these decisions can take years to design, fund and consult with the community..." End quote.

The numerous changes to the Province's Growth Plan and the province's intervention through MZO's have undermined the Plan's long-term vision, environmental protections and the principles needed to rein in urban sprawl in the Greater Golden Horseshoe.

Further reading from the news release: Land-use planning guides decisions about where and what type of development can occur—where to build homes, factories, hospitals, schools, roads and other infrastructure—and where development should not occur. Effective land-use planning can meet the needs of communities and the people who live in them, while safeguarding agricultural lands, wetlands, forests, and distinctive natural features and landscapes. The report found that "enhanced" MZO's can now override a requirement for municipalities to examine the design and technical aspects of a proposed development to ensure it is compatible with the surrounding area, a process known as site plan control. The lack of transparency in issuing MZO's opens the process to criticisms of conflict of interest and unfairness. There is no formal process that interested parties are required to follow to request an MZO, and there are no established criteria against which the Minister assesses requests for MZO's...End quote.

I will not go on to discuss the details of the twelve recommendations made in the Auditor's report. My purpose is to remind you of problems with MZO's identified by the Auditor General.

Now I will present 50by30's recommendation:

Whereas, Council's discussion about this MZO has been Scheduled after the deficiencies of the MZO process have been brought to the public's attention by the Auditor General of Ontario. As noted by Environmental Defence the "Auditor General Lysyk confirmed that

Minister Clark has been pushing forward with inflated suburban growth targets and sprawl MZOs, with full knowledge they would undermine the long-term vision of the Growth Plan, lead to widespread loss of farmland and natural areas, put stress on water resources and increase car-dependency that fuels climate change."

Whereas, The Jan. 4th 2022 meeting was announced just before Christmas with short notice of the meeting agenda, when the focus of citizens is on family celebrations, could be perceived as a strategy to avoid public involvement let alone debate.

Whereas, An MZO undertaken by Wilmot now could be interpreted as an attempt to bypass first tier government oversight especially given that the Regional Official Plan Review is currently underway with a deadline in July 2022.

Whereas, **The Wilmot-Tavistock Gazette Reporting On Wed, Apr 7th, 2021 By Nigel Gordijk**
Quotes Andrew Martin, the Township's Manager of Planning. "We have (planning) policies that are there to protect agriculture, to prevent urban sprawl, and the Countryside Line policies that frame the city of Waterloo to prevent it from growing." Further the reporter writes: ... Martin said he's not a fan of (MZOs) because they remove the public from the process. "You may not always like what you hear, you may not always get the type of feedback you're looking for, but you're almost always going to get feedback negatively if you remove the ability for people to comment."

Therefore, 50by30WR recommends Wilmot Council ask staff to develop policies that allow for public consultation, heritage impact assessments, environmental impact assessments (particularly relating to the Township of Wilmot's and the Region's commitment to reduce GHG emissions by 50% by 2030) and consultation with agencies before an MZO comes to council for support.

Thank you for your attention and consideration.
Barbara Schumacher
50by30WR research lead.

Presentation to Wilmot Township Jan 4, 2022

Doug saying

Steph saying

FSRT WR Delegation Jan 8

Hi my name is Doug Jones, I am not only an advisor with the Food System Roundtable but also am the Chair of the Waterloo Region Community Garden Network.

Today I am representing the Food System Roundtable along with a Board member, Stephanie Goertz.

Thank you for having us tonight

Farmland provides us with food, fuel, fibre and more, and practically every Ontarian and Canadian relies on it in some way or another.

Various Organizations, Post Secondary Education Departments, and Not for profits are studying how our policies such as land use planning impact our local food system, as well as the national food system. We are lucky in Waterloo Region to have an abundance of farmland.

When looking to the future we need to better understand how our decisions impact the Province, the Country and the world around us. This needs to be built into our vision of Wilmot. We are not an isolated entity.

Yes, this development only uses up approximately 43 hectares of land. In the grand scheme of how much land that is... it isn't that big... but you need to consider how much 43 hectares of prime farmland is when compared to how much prime farmland actually exists and how much we are losing bit by bit. in Ontario we lose over a thousand acres of farmland every week to non-agricultural development like urban sprawl and aggregate extraction.

This rate of loss is unsustainable and will impact future generations. Is this the Future we see for Wilmot? One that undervalues our land, and the generous soil at our fingertips?

This 1,000 acres of farmland a day only accounts for what is lost by non-agricultural development; this doesn't take into account land lost to soil degradation due to harmful farming practices as well as Climate Change effects such as drought and flooding. Other factors across

Climate Change is changing the face of the planet and creating havoc around the world, leaving areas once fertile into barren ground. Forest fires, massive flooding, draught, and insect infestation.

People and organizations around the world are reacting to the lose of their farmland by circumstances they have no control over and trying to find more land. This of course leads to ecosystems all over the world being torn up and destroyed, such as the bulldozing of the Amazon rainforest

Meanwhile, here in Waterloo Region, where we are so lucky not to be ravaged by many of these devastating climate events, we in turn choose to destroy our farmland in order to create more urban sprawl, when there are alternatives.

Not only does farmland produce food but it also produces fibres and fuels and is an integral part in filtering and storing water, mitigating the effects of floods, sequestering carbon, and even provide habitat for wildlife. Some species at risk, like the Bobolink, actually depend on farmlands for habitat, and can often be found nesting and foraging in pastures and hayfields. I did not read anything in the report about the impact this development would have on the migration or habitat of animals or how this would change the local ecosystem.

Water Levels: Flooding in New Hamburg.

As just mentioned farmland is important in reducing flooding.

When reviewing the council agenda I did not see any mention by the development company or staff about how the paving of this area would affect flooding in New Hamburg.

When you look at the Grand River Conservation Authority Maps it shows that the area planned for this development actually has the highest amount of run-off that can occur, over 400 mm/yr.

There is also a watershed that runs through this area near the train tracks. I did not see any information completed by staff to indicate what impact this development would have on this.

Reports and interactive maps created by other research organizations are showing that flooding will not be decreasing but instead will increase as weather impacts and other climate related factors get worse.

Will this be addressed if the MZO is accepted?

Agri-Food Hub

A feature that has been highlighted numerous times in not only the developers report but our staff report is what is being termed an Agri-Hub. When reading the

report I was curious to learn more. The words thrown together, agri-hub, sounded like something that could benefit the community.

Until I found in the report that this Agri-hub is just a green space where people could plant gardens and where a farmers market could go. Does this mean that this will just be a grass field as shown in their drawing?

I find it frustrating that they chose to use a buzz word such as agri-hub to describe a field. It is a great way to get media attention. Also, a great way to get people, who don't actually read the report, to think that the developers are creating unique features for our community. Creating a grass covered area does not mean anything will be done in this area. Someone else, another business, or a not for profit would need to create the farmers market or the garden beds.

Organizations around the world are scrambling to raise funds and to protect farmland, there are a number of Ontario organizations doing this as well. The reason they are doing this is because they know there will be food shortages and they are trying to reduce the number of people that will go hungry and who then turn to food banks and other services..

They are doing this because municipalities keep approving developments paving over farmland.

How can council realistically say that this development meets the vision of Wilmot? I hope the vision of Wilmot isn't one where we only think of ourselves, one that ignores and rejects the impacts of climate change, one that jumps at flashy words without doing its research, one that is stuck in the past and unwilling to adjust to changing times.

I hope the future of Wilmot is one where the community and Township work together to envision a new future, a future that not only prioritizes our farmland but is proactive in protecting it.

Presentation to the Township of Wilmot
January 4, 2022
MZO Request for 1265 and 1299 Waterloo Street,
New Hamburg
Special Council Meeting

Honourable Mayor, Councillors, and Guests,

My name is Kevin Thomason. I am Wilmot resident and I was shocked to find a notice posted to the Wilmot Township website late on Christmas Eve about this Special Council Meeting for an MZO request. The announcement was only one sentence with few details.

While MZO's have become so ubiquitous and despised elsewhere in Ontario, we have largely avoided them around here – with the exception of the Blair Amazon warehouse fiasco still unfolding in Cambridge, to the dismay of their Mayor and Council, and the Glass Plant MZO disaster in Stratford.

The timing of this Wilmot MZO is incredibly concerning –announced at Christmas, with the Special Council Meeting being held right at dinner-time on the first day back, with little ability to reach Staff or Councillors over holidays to get answers, and no opportunity for local media to

inform the public - all during the most serious COVID-19 outbreak of the pandemic.

For the first week concerned citizens could learn almost nothing – not even Councillors that we finally reached had any knowledge other than the MZO was likely for some sort of development leapfrogging the Pfenning Organic Farm.

When Township Staff briefly returned between Christmas and New Year's, we finally started to get some information and at 6:30pm on December 29th a Staff Report was finally released that was a staggering 158 pages in length including consultant's reports, maps, and studies – certainly someone had been working on this for a long time.

Even more astonishing is the scope and scale – this is homes for thousands of people, in an entirely new village with apartment buildings, senior's homes, employment lands, stores, a transit hub, and even an Agri-hub – whatever that is.

Unfortunately, while it initially appears that this MZO is just about two beautiful farms, it could have far-reaching consequences for the entire province. It appears that the sole purpose of this MZO is to bypass the Regional Official Plan Review that is currently underway, and destroy the proper regional growth and infrastructure planning process, by having the Minister randomly order the approval of these developments, in isolation, with little regard to all the integrated

planning, environmental assessments, and public engagement usually required.

This absurd use of this Christmas Eve MZO by Wilmot and developers to get growth at any cost could be considered Planning Terrorism.

Should this MZO bomb be approved by Wilmot, it will likely set off a chain reaction of competing MZO's from previously co-operative neighbours such as North Dumfries and Wellesley Townships. Tremendous animosity will likely ensue as area developers and municipalities all race for their own MZO's to get their desired growth too, and 40+ years of shared success here in Waterloo Region will be at jeopardy.

Wilmot will have pulled the trigger and launched an unprecedented attack on our Regional Government and neighbours – purposely seeking to cut them out and bypass our upper-tier with this MZO – destroying the ability for the Region of Waterloo to guide growth, intensify our core areas, co-ordinate plans, protect our countryside, and continue our incredible success.

Almost everything that we take for granted today is a result of good planning, collaborative governments, and communities working together, that will no longer exist when it is a free-for-all of developer greed, and municipalities bypassing local and regional planning

processes, for an avalanche of MZO's from the Minister and Premier, who we know are so eager for development at any cost.

So much of our success in Waterloo Region has come from doing this integrated, progressive planning better than most others – creating the smart growth, balance and results that most other communities only dream of. However, people too often underestimate how long it takes to create good things, and how quickly it can all be destroyed.

There are numerous other concerns. While these proposed developments have all the current jargon, shiny objects, and hot buttons, it actually appears to be more of a design for a Prison Camp of Commuters with row after row of square boxes crammed as closely together as possible, with little greenspace or creativity.

The only parks are located in the furthest corners and as distant from the senior's home as possible. Lots are so narrow that entire front lawns will be almost all driveway and so close together there will be little ability for on-street parking or even grass. This is not progressive or award-winning. We need a more compelling and desirable community – not the cheapest possible.

There are also concerns about the Alpine Fertilizer Plant, pressures on the Countryside Line, the need to intensify existing communities, better utilize our existing infrastructure, and ensure that we are living within

the carrying capacity of the our already overwhelmed Nith River watershed – particularly as we face an uncertain climate future.

There are so many troubling questions about the rush, the MZO, the holiday announcement, and if this sort of destruction of prime farmland even appropriate anymore?

According to the provincial government there are only two reasons for using Minister's Orders – protecting provincial interest, or overcoming potential barriers and delays to critical projects. These proposed developments meet neither of these criteria, nor is there any evidence of this presented in any of these planning documents, or even any justification for the use of an MZO.

As well, the Minister has stated publicly that he expects before a City Council requests an MZO they;

- Consult in their community and ensuring public awareness,
- engage with the Conservation Authority, and
- engage with indigenous communities,

Little of which appears to have happened before tonight for this MZO request.

The Regional Official Plan Review is still underway. The Land Needs Analysis and population allocations still haven't even been started yet - let alone any decisions finalized. There is plenty of opportunity to have

these developments considered– particularly if they are as compelling as the applicant states.

If things don't work out in the Regional Official Plan, there is still the ability to do an MZO at that point.

And, if a MZO is refused by either Wilmot, or even the Minister, there is still a one-time 40 hectare Urban Boundary Expansion available under the Planning Act that could be also utilized for these developments.

In Conclusion,

There are no shortage of options.

It's shameful to see developers trying to use an MZO to force this development here, and the outrage in our community is already significant. We don't want to see such important decisions shaping the future of our community for decades being undertaken in such a manner. This is not who we are or how we do things.

Please reject this unfortunate Christmas Eve MZO, and the attack on planning it invokes. It is not in the best public interest, nor the Township's best interest.

Please require the developers follow the proper planning processes, so that we can all continue to collaboratively build our world-class

communities, without the random interventions of Queen's Park, being beholden to the Minister, destroying decades of regional cooperation, and regretting the use of MZO's like so many other communities.

Thank you,

Kevin Thomason

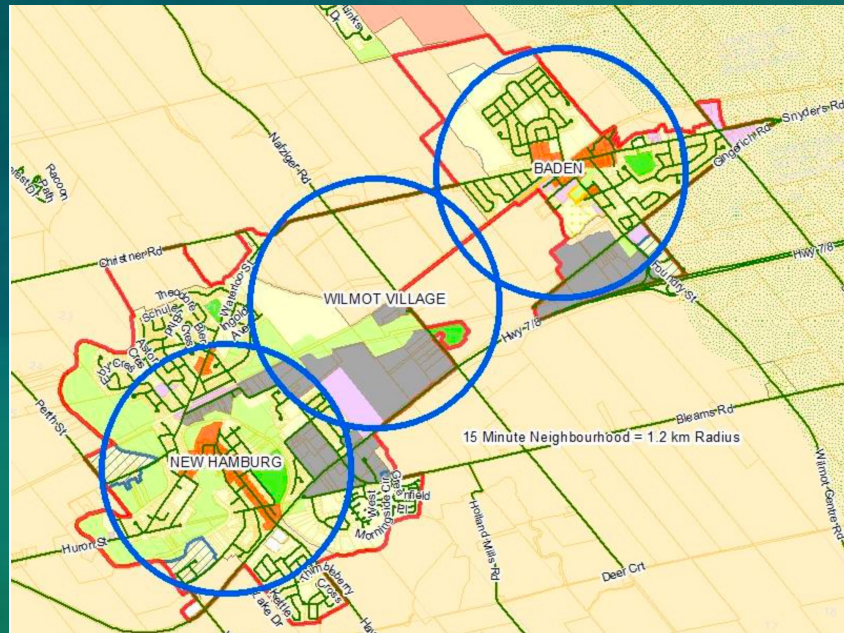
1115 Cedar Grove Road

Waterloo, Ontario N2J 3Z4

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E-mail: kevinthomason@mac.com

Wilmot Village – Proposed MZO



Presentation to Township of Wilmot Special Council Meeting
(January 4, 2022)

Kevin Eby, RPP

“A rising tide lifts all boats”

John F. Kennedy

RELATIONSHIPS MATTER

- No where in the Province have various levels of government worked together better than in this region
- The eight municipalities and the residents and businesses that live and operate here have all benefitted from our collective successes
- I sense there are concerns about the Township's on-going relationship with the Region that are showing through as part of this process
- If you have a problem, work to nurture the relationship, don't do something that will knowingly exacerbate it further

IT CAN WORK

- Together we worked to stop the outward movement of Kitchener and Waterloo into Wilmot and out onto the Waterloo Moraine
- Together we worked to plan for and provide needed infrastructure, including the recent and future expansions of capacity in the New Hamburg/Baden WWTP
- Together we worked to develop the boundary rationalization policies that have helped maximize the growth potential in Wilmot's Urban Areas

Has it been perfect?

Absolutely not.

But whether we like it or not:

We are all in this together and
will rise or fall with the tide we
collectively create

Regional Official Plan MCR Process

- Is mandated by the Growth Plan and has been on-going for over a year. It is to be completed by July 2022.
- \$100,000s have been spent on studies
- 100s if not 1,000s of people have been participating
- Key components (arguably THE key components) of the MCR are the determination of the need for urban expansions and distribution of forecast population and employment
- **THIS PROCESS IS ON-GOING WITH NO DETERMINATIONS HAVING YET BEEN MADE**

LOTS OF PEOPLE WILL CARE

- The public will care. The consultation process is seriously flawed and this MZO will potentially trigger other municipalities/developers doing the same to protect themselves from this form of planning piracy
- Other municipalities will care. This potentially circumvents or restricts their ability to have consideration given to urban expansions in their municipalities
- The Region and ROP Review participants will care. This blows a hole in the MCR process
- People running for office in the next provincial and municipal elections should care ...

Doing something just because
you can does not make it right.

Presentation to Wilmot Township Council
December 4, 2022
Preserving Farmland while Providing a Place to Live

Honourable Mayor, Members of Council, Staff and Guests,

My name is Mark Reusser and I farm on Huron Road near New Dundee. I am here today in my capacity as Vice-President of the Waterloo Federation of Agriculture. I am also Vice-President of the Ontario Federation of Agriculture which represents more than 38,000 farms and farm families in Ontario.

Thank you for the opportunity to comment on our township's decision to deliberate the potential endorsement of a Ministerial Zoning Order and also the opportunity to encourage you, both elected and staff, to plan well, to plan collaboratively with the Region of Waterloo, protect what is good and set an example for the rest of Ontario.

We live in a special place here in Waterloo. Our urban towns and cities are arguably the most innovative, dynamic, and prosperous municipalities in Ontario, if not all of Canada. At the same time, surrounding our urban footprints, is the most fertile, productive, and prosperous agricultural community in Canada. A culture of good planning, countryside lines, the Protected Countryside designation, Environmentally Sensitive Landscapes (ESL's), an innovative official plan, and densities that surpass provincial targets, all contribute to the Region's remarkable success.

The content of Waterloo's Regional Official Plan and that of the accompanying lower tier plans are responsible for our unique position as a leader in Ontario. Our plans are the template for good planning, farmland protection and prosperity in municipalities throughout Ontario.

The agricultural community is concerned that MZO's, that are neither consistent with the Provincial Policy Statement nor the Regional Official Plan, are short sighted, threaten farmland, and deny people a true housing choice. Furthermore, MZO's weaken the local planning process by providing developers with a "work around" that circumvents good planning and fosters an environment where we and future generations are saddled with the ongoing and permanent costs associated with decisions made in haste in the absence of proper adherence to a plan.

Good planning and official plans that intensify development save farmland, save the natural landscape and promote sustainability. If the towns and cities in Waterloo Region had not experienced 40 years of good planning and instead had the same urban densities as cities such as Atlanta, Dallas, Denver or Orlando, our urban footprint here in Waterloo Region would cover all of North Dumfries Township, all of Wilmot, all of Woolwich, all of Wellesley and an additional two townships. There would have been no land left in Waterloo Region for agriculture. That would have been a tragedy.

Only 5% of Ontario's landmass is suitable for agriculture. We are currently losing 175 acres per day to development or 64,000 acres annually. Is there not inherent value in preserving the very land that sustains and feeds us through good and careful planning?

Sprawl, especially sprawl that is done in the absence of proper planning, consultation and a clear long term vision for the future, results in, not only the loss of farmland but also denies families a true choice of where to live. The default location to live and purchase a home has long been in the suburbs, because it was cheaper. Cheaper only because development charges and assessment rarely if ever cover the true long term costs of servicing green field development. Recent studies in the city of Ottawa indicate that, over the long term, it may be up to 600% cheaper to service development within the urban footprint as opposed to that in the suburbs.

Real choice, in terms of where to live, requires that servicing costs be allocated fairly and that affordable intensification take place within the urban footprint.

If we as a community really want to preserve farmland and the rural natural landscape, we need to build complete and livable communities in the context of the Regional Official Plan,

- Enact policies that ensure density targets are met or exceeded.
- Promote policies that entice more people to live in higher density locations, thus making it unnecessary to expand urban boundaries.
- Remove and reduce red tape involved in intensifying development in the appropriate locations within the urban footprint.
- Support official plans that enable affordable, appropriate higher density home ownership options, with all of the amenities, within a complete urban community inside the urban footprint.

Minister Clark has stated clearly that if a municipality doesn't endorse an MZO, he will not approve it. So the power resides with you, council members.

In conclusion,
Thank you for the work that you do, continue to be an example for the rest of the Province.
Continue to improve and set the bar high.
Be courageous as you make tough and difficult choices.
Cultivate a culture of good planning.
Be bold, be visionary, don't be afraid to innovate.
Never stop speaking forcefully and eloquently to those with money and power.

And finally, remember that there is only one landscape and that people, the natural environment and agriculture all have to share it.

Please politely decline to endorse the MZO that we have before us.

Wilmot Township Council Meeting

Minister's Zoning Order (MZO) Request

1265-1299 Waterloo Street, New Hamburg

Rory Farnan

Delegation - Resident - Wilmot Township

2022-01-04

Minister's Zoning Orders (MZOs)

- **Weaken** local decision making
- **Override** local planning authority
- **Silence** public engagement
- **Eliminate** opportunity for appeal
- **Shortcut** environmental protections

“Proposals for MZOs under the Planning Act have the potential to have **significant** effect on the environment”

Ontario Auditor General Bonnie Lysyk (November 2021)

Source: <https://www.thestar.com/politics/provincial/2021/11/22/public-ignored-on-mzos-ontarios-auditor-general-says-in-new-report-on-the-environment.html>

MZOs Facing Widespread Opposition



Stratford mayor announces he won't seek re-election in 2022

Ultimately, that backlash surrounding the timing of the MZO ... out under Ontario's Municipal Act when council improperly convened in closed...

4 days ago



Pickering votes to ask the province to revoke special order that fast-tracked development on wetlands

The ball is now in the province's court to amend the minister's zoning order, or MZO, that allowed for the destruction of the Duffins Creek...

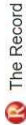
Mar 23, 2021



Indigenous group launches legal action over Ford government's use of MZO to fast-track development

A MZO is a provincial planning tool that allows the housing minister to rezone a piece land to fast-track development, while bypassing public...

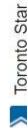
1 month ago



Six Nations not consulted on MZO for controversial warehouse ...

Residents in the area, organized as Blair Engaged, continue to push Cambridge council to ask the province to revoke the zoning order because the...

Oct 19, 2021



Ford government 'deliberately' avoided public consultations on environment, auditor concludes

In 2020, the government issued an MZO for a warehouse and other buildings at the ... Green Party Leader Mike Schreiner said "the lack of...

1 month ago



MZO vs. Wilmot Strategic Pillars

Community Engagement?

Economic Prosperity?

Environmental Protection?

Quality of Life?

Does this process align with Wilmot's **commitment** to an inclusive Community?



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

T: 519-634-8444
F: 519-634-5044

Minister's Zoning Order (MZO) Frequently Asked Questions

What is a Minister's Zoning Order (MZO)?

Section 47(1) of the Planning Act permits the Minister to exercise any of the powers granted to Councils by sections 34 (zoning), 38 (interim control) or 39 (temporary use) without the requirement to carry out public consultation.

Can an MZO be appealed?

No. An MZO is not subject to appeal to the Ontario Land Tribunal.

Who Initiates an MZO?

MZO's are initiated by, or on behalf of, land owners, who also submit the request to the Ministry of Municipal Affairs and Housing (MMAH) as it is a Provincially led process. The municipality does not initiate an MZO, nor does it submit the request to the Minister.

What is the role of the municipality in the MZO process?

A municipality, through its Council, is often asked to indicate whether they support or oppose the request to the Minister.

Quick Facts on MZO's

- No public consultation required.
- No advance notice required.
- No requirement to hold a hearing.
- No ability to appeal.
- No need to conform with PPS or Official Plans



Case Study: Mississauga

Mississauga a ‘cautionary tale’ as cities sprawl out across Southern Ontario

“Growth should pay for growth, but ultimately, growth doesn’t pay for growth”

Mississauga Mayor Bonnie Crombie

“The Sprawl Ponzi Scheme”

- Generate development fees by opening up Farmland.
 - Once new infrastructure built, it was the City's (financial) responsibility to maintain, repair.
 - Unsustainable rates of new development fees based on sprawl.
-
- **Resulted in Special Levy, and a dramatic rise in Property Tax.**

Source: The Globe and Mail - Oliver Moore - 2022-01-01

<https://www.theglobeandmail.com/canada/article-mississauga-a-cautionary-tale-as-cities-sprawl-out-across-southern/>

Conclusion

- Development requires thoughtful consultation, thorough, transparent environmental & economic assessments.
- Wilmot Council needs to maintain accountability of local zoning decision making.
- The public should have a seat at the table in shaping our future communities.
- MZO's are counterproductive to the Planning process, create animosity, mistrust.

Council must vote against endorsing the proposed Applicants MZO request.

This meeting was set for information sharing for the support of a MZO to remove 106 acres of rare farmland from our planet, forever.

The National Farmers Union stands for Strong Communities. Sound Policies. Sustainable farms. I am Linda Laepple, director of the NFU Local chapter Waterloo Wellington.

It takes one acre to feed a person and Waterloo Region has over 600 000 people and about 200 000 acre of farmland left (which includes Gravel pits in the statistics) If Municipalities within the Region are asked to continue rezoning land at the current rate, then in 7 generations there would be **not one acre** left to grow any food.

Farmers feed cities, was once a slogan. Life in the city is only possible because we farmers do. But today with input costs drastically rising, labor issues, climate uncertainties, aging farmers **and a shrinking land base**, for many farmers it's no longer worth the effort to feed the city.

This MZO like many others, is paving the **highway to hunger**.

There is a need to feed people, a need to house people and there are opportunities. For example; Report 44 of the Ontario Soil Survey reads on page 42:

*Gravel pits have no **agricultural** value. With proper rehabilitation procedures, they can be used as sites for industries, houses, shopping centers, parks, etc.(end of quote"*

Therefore we would like to ask the Region and Township to **pioneer and develop policies** that allows forward thinking housing developers **trade** agricultural fertile land they own, for already harvested gravel pits and other brown fields to develop vibrant, sustainable, communities.

Please, at all levels of Government, rethink and reject **Colonial style rape** on our best soils, our **life giving Mother Earth**, so future generations still stand a chance.

The idea of designing a village rather than a standard, subdivided bedroom community, is a good one. **But is this the right place?**

The next door chemical plant, just across the railroad tracks at the south end of the proposed site, is a major anchor enabling us a modern carefree life as it manufactures (to name a few);

- fertilize to grow massive amounts of cheap food,
- deicing liquids for roads and airplanes that lets us travel whenever we please,
 - liquid ammonia for waste water plants to get our waste out of site out of mind
 - components for fracking fluid, to reach hard to get natural gas resources so we can effortless heat our homes.

But how good is the idea of combining a foreign owned chemical plant, storing large amount of highly toxic material such as anhydrous ammonia and a brand new village?

Accidents can and have happened in fertilizer and chemical plants. We all have heard of instances where a blind eye and death ears have led to disasters.

Since this MZO doesn't allow for proper local planning it should not be named Wilmot Village. It should carry the name of him or her pushing and approving this application so we know who is liable if anything goes wrong.

It is interesting to note that **Fertilizer Canada**, an industry association representing Canadian manufacturers, wholesalers and retail distributors have developed codes of practice guidelines for the establishment of a new hydrous ammonia storage and handling facility. Their codes require a distance of **500 meters** to the nearest farm house and **1.5 km** to the nearest settlement for safety and liability reasons. <https://fertilizercanada.ca/wp-content/uploads/2015/07/Fertilizer-Canada-Anhydrous-Ammonia-Implementation-Guide-Final.compressed.pdf>

The Current Government's regulations on the other hand, The Railway Safety act [Anhydrous Ammonia Bulk Storage Regulations \(justice.gc.ca\)](http://www.justice.gc.ca/eng/rp-pr/t/rr/rrs/rrs.html) apply to new installations and additions or changes to existing installations, as of February 1, 1965 and still measure everything in feet. These outdated regulations read as follows: *It is **recommended** that the distance of storage tanks with water capacities exceeding 2,000 Imperial gallons from schools, hospitals, theatres, residential areas or other similar places of public assembly be not less than **300 feet**.*

Which would be applied by the planners if approved, a current industry code of practice or some 60 year old recommendations? Don't think we needed seatbelts in 1965 either.

A New chemical plant such as the one operating at this location, would never be allowed to be built there today for safety concerns even without any nearby settlements. But the other way around everything and everyone is safe?

In Bad times and a higher population we see vandalism growing. In good times we see fireworks glowing and blowing. Even routine operation at the fertilizer and chemical plant release toxins for example when unloading railroad tankers and the hoses are emptied, bleated afterwards. A worker described it for me:

Transfers are done with heavy-duty hoses. Rail cars hold about 72 tonnes in pressure rised tanks, (250psi compared to a car tire around 35psi psi) the trucks carry lesser amounts. Transferring ammonia has many risks that require painstaking oversight. Anhydrous ammonia is shipped as a liquid and wants to become a gas with tremendous expansion capacity. It can be immediately lethal if it gets out. Wind vanes at the site show us where to stand and which way to run. End of quote.

My question: Where will you stand when the wind blows in the wrong direction?

Thank you for listening

Wilmot MZO Application – Delegation Notes – January 4, 2022.

Thank you, Council.

My name is Andrew Wilson. I live in New Hamburg.

Can you please display the slide I emailed to the township. Thank you.

We were very concerned to learn that this Special Council meeting was hastily arranged for today to discuss a MZO application for development on agricultural property in Wilmot. We have some thoughts regarding this application for Council to consider.

Question 1: Why now? What is the urgency?

- Why right in the holiday break?
- There has been insufficient time for Wilmot councillors and residents to digest the implications of this project. For example, is there sufficient infrastructure, such as sewage above and beyond currently committed development?
- In addition, is there not a risk that something critical will be missed?

Question 2: Why a Minister's Zoning ORDER?

- I understand that an MZO is for urgent development critical for a community, such as the rebuilding of a collapsed parking garage in Elliot Lake. The development of this farmland does not appear to be urgent. Why not follow the usual practices for making decisions about development proposals?
- Furthermore, the keyword is ORDER. I understand that once an MZO is issued, there is no ability to appeal, adjust or modify the application. Wilmot will have to provide infrastructure and services for this development and won't have any ability to ask for changes to correct problems. The staff report says "the draft plan of subdivision is also a public process which allows for public input". My understanding that with an MZO, this is not the case.

Question 3: Further to "a risk of something critical could be missed" - What about potential toxic fumes from the chemical fertilizer plant adjacent to the proposed development?

- The fumes could be from the manufacturing process or from a leak in a storage facility. What chemicals are stored there and what regulations

apply to how close this plant can be to a residential area? Perhaps the current location of the fertilizer plant is due to such regulations. For example, Fertilizer Canada documents state that anhydrous ammonia, a common component of fertilizer, needs to be stored 1.5 km from any town boundary or any building intended to be occupied by people. Recommended best practices is 3 km. Is there anhydrous ammonia storage at the fertilizer plant? This needs to be checked. If an MZO is issued, environmental protections are bypassed. There will not be any ability to make any changes to the development to address any such problems.

Question 4: How does this application fit within the upcoming Regional Official Plan Update?

- The Region is in the midst of updating its Official Plan. Will this development application fit within the guidelines of that plan? Would it be allowed under the lens of the new Official Plan? This MZO could risk destroying the collaborative relationship Wilmot has with the Region and the other municipalities.

Question 5: How does this development fit into Wilmot's commitment to action on climate change?

- The township recently agreed to taking action on climate change including reducing greenhouse gas emissions by 50% by 2030. This development will result in more vehicles on the roads and limit our ability to achieve reduced emission targets and to act on climate change. This is not an infill project, that enhances and uses existing amenities and infrastructure, where people can get to those facilities without having to get into a vehicle.

I ask that Council reject this request for an MZO. There appears to be lots of reasons this project should follow proper regular procedure. It is not urgent. The development application should fit within the new Regional Plan and meet all Wilmot planning guidelines and all environmental laws. I see no need for an MZO at this time.

Thank you for your time.

Delegation to Wilmot Council re. Cachet Developments' MZO Application
January 4, 2022

Thank you, for this opportunity to present to Council. I am Barry Wolfe. My wife and I live in Baden. Based on the superb quality of delegate presentations provided so far, Wilmot citizens can be very proud of the motivated citizens we already have living here.

I will be speaking quicker than my preferred rate to present as much as I can for consideration. A lot of my prepared package will not get presented in the 7 minutes allotted.

Thank you also to previous speakers for many informed comments – they made several points about accuracy and conflicting statements that I'm going to try skip as I go and hope I get it all in.

Here are the topics that I will be covering re. the MZO authorization application:

- everyone wants a place to live.
- density
- height
- ground-related perspective
- probability of completion on a timeline
- where's the archaeological assessment?
- who pays for what?
- **Public Consultation and a Traditional Zoning Application Process**
- An estoppel is a legally binding precedent
- low hanging fruit
- 4 recommended motions for consideration

Everyone wants a place to live.

Additional living space is needed in Wilmot.

Potential development in Wilmot would be good, *depending on the details of what, where, how much, and **how** it is done.*

Developers play an essential role in communities' growth and assume some risks which they attempt to mitigate using their experience, connections and any possible method of getting approvals through quickly and cheaply.

Reasonable profit for business is good.

Fiscal due diligence and not using a MZO process by a municipality is best.

Cachet Developments, from Concord – GTA - has a vision of what it sees for Wilmot and **how** it wants to implement it. Their presentation makes a first

Delegation to Wilmot Council re. Cachet Developments' MZO Application
January 4, 2022

impression as it comes with multi-colour maps, overhead layout sketches and a lot of consultants' documentation and charts which are presented as rationale for their vision. Superficially there appears to be everything all 2,030.9 of the prospective inhabitants would want, on 43.21 hectares out in the country.

43



BE AWARE OF WHAT YOU'RE GETTING INTO

Never step into water until you know how deep it is, where the stepping stones are, or what exactly is in the water!

Cachet Developments has provided its evidence of what people want in Wilmot Township. On page 103, their urbanMetrics consultants' report

Delegation to Wilmot Council re. Cachet Developments' MZO Application January 4, 2022

- “The Region of Waterloo has seen significant net in-migration from municipalities in the GTA, likely due, in part, to the limited supply of ground-related housing (single-detached, semi-detached and row units) in GTA municipalities and increasing house prices, which is impacting affordability. By comparison, the Region of Waterloo is losing residents to neighbouring communities in the south and west, as these individuals search for more affordable ground-related housing.”

notes that people are looking for “**ground-related**” housing. The 3 examples of desirable housing – single-detached, semi-detached and row units - are all close to the ground, 2-storeys max., maybe with a basement. People are pulled to Wilmot because they want ground. They want their own ground-based living space.

Let’s check the sketch and ‘test the waters’.

DENSITY

Based on the sketch on page 43, which does not have a sizing scale, it describes 5 of the residential and mixed-use buildings, representing 800 of the 1200 units (67% of all units) as being 6-storeys tall. If one uses the “upper range” numbers on the page 44 chart, which would increase the density to 1500 units, then 950 of the 1500 units (64%) of all units are 6-storey tall.

Therefore, if there are 1200 units, then 2/3rds of potential residents, or 1,353.933 persons will be living in a 6-storey building.

If there are 1500 units, then proportionately the population rises to 2,538.6258 and 1,692.41667 of residents would be in a high-rise 6-storey building. (75 ½ fee high)

Who plans living space based on fractional portions of a person in a unit?

Cachet does not tell us whether they would do that by making each unit smaller, or adding more storeys to each building, or adding units somewhere that are not placed on the sketch? Does that 2nd option mean that the park has to be eliminated or gets smaller, that the medical building becomes residential, or the employment zone gets reduced or eliminated? With an MZO you’ll never know

Each unit in four of the five buildings are presently designed to hold 1.276 people each. Each unit in the fifth building is presently designed to hold 2.369 people. **Only 100 of the 1200 units, single-family houses, are designed to accommodate 3 persons, and that 100 is designed for only 3 persons.** So much for the concept of two parents and 2 kids and a pet or two. **This is not a “family-oriented development and thus is not a “complete community”!** (page 42)

Density Targets Are Too Big

Cachet's proposed plan, in its present form, is dependent on a fundamental requirement - a **minimum** density of 65 persons and jobs per hectare of surface space and a minimum of 1200 residential units, on a footprint of 43.21 hectares, to meet their desired profit goals.

The current Wilmot official plan sets 45 pj/ha as the minimum density, Waterloo Region sets 60 pj/ha as its long-term goal and the traditional provincial benchmark comparator is the Golden Horseshoe target of 50 pj/ha. It appears that this application requires the rural community of Wilmot to leapfrog beyond all long-term target minimums in the entire province – and they want approval now, with a ‘hurry-up and sign the NZO application right now’ push.

Not only would Wilmot have to amend its official plan to allow such a high-density **minimum**, it would also have to amend building height allowances, and potentially what construction materials are allowed for a 6-storey building (wood frame versus poured concrete?). There are probably others I'm not aware of but professional staff would identify through the traditional application process.

The present 65 pj/ha is their proposed absolute minimum – the starting point for Cachet development. It could evolve so that this space ends up with 70, 75 pj/ha, or 1500, 2000+ residential units crammed into the space, or whatever the developer pushes through. Because **there is no maximum**, Wilmot staff and Council would have no legal recourse to insist on how the space is developed with a lower density. Wilmot could negotiate, but we citizens would have no legal right of final denial or approval.

HEIGHT

A question might be, “**Does a 6-storey, 75 ½ feet, high-rise building meet the definition of ‘ground-based’ living which is factor pulling people toward Wilmot?**”

The only structures I’m aware of in Wilmot that might be 6-storeys are farm silos. The B&W mill building in New Hamburg is only 4-storeys plus a cupola. There are **ZERO** buildings in Wilmot, that are used for people to live their **complete** lives in, that are 6-storeys high. And that, I postulate, is why people are attracted to Wilmot. People who are **ground-related** want to live here. Just like the developer’s consultants told it and us.



The Masterplan

Axonometric View Looking West



A ground-related view of the proposal.

Cachet Developments has provided, on pages 83 & 84, 2 axonometric views (as from an airplane at an angle), but the buildings' heights are not drawn to relative scale and appear lower, squashed closer to the ground, than reality. They, noticeably, did not provide an artist's or architectural sketch, at **ground level**, of the view of the complex while driving along Nafziger Road.

What Cachet Developments and its Toronto-based consulting firm visualizes is a "complete community" (page 42). What I see, when looking from Nafziger Road, from my **ground-related** perspective, is a row of 6-storey buildings, each 2-storeys higher than the B&W grain mill in New Hamburg, extending from the rail tracks to the cemetery corner.

I see **Scarborough** plunked down in the middle of a farm field in Wilmot Township. If Scarborough was perceived as a complete community, the GTA

wouldn't be coming to Wilmot. If you make Wilmot into Scarborough, you no longer have Wilmot.

You no longer have Wilmot Township!

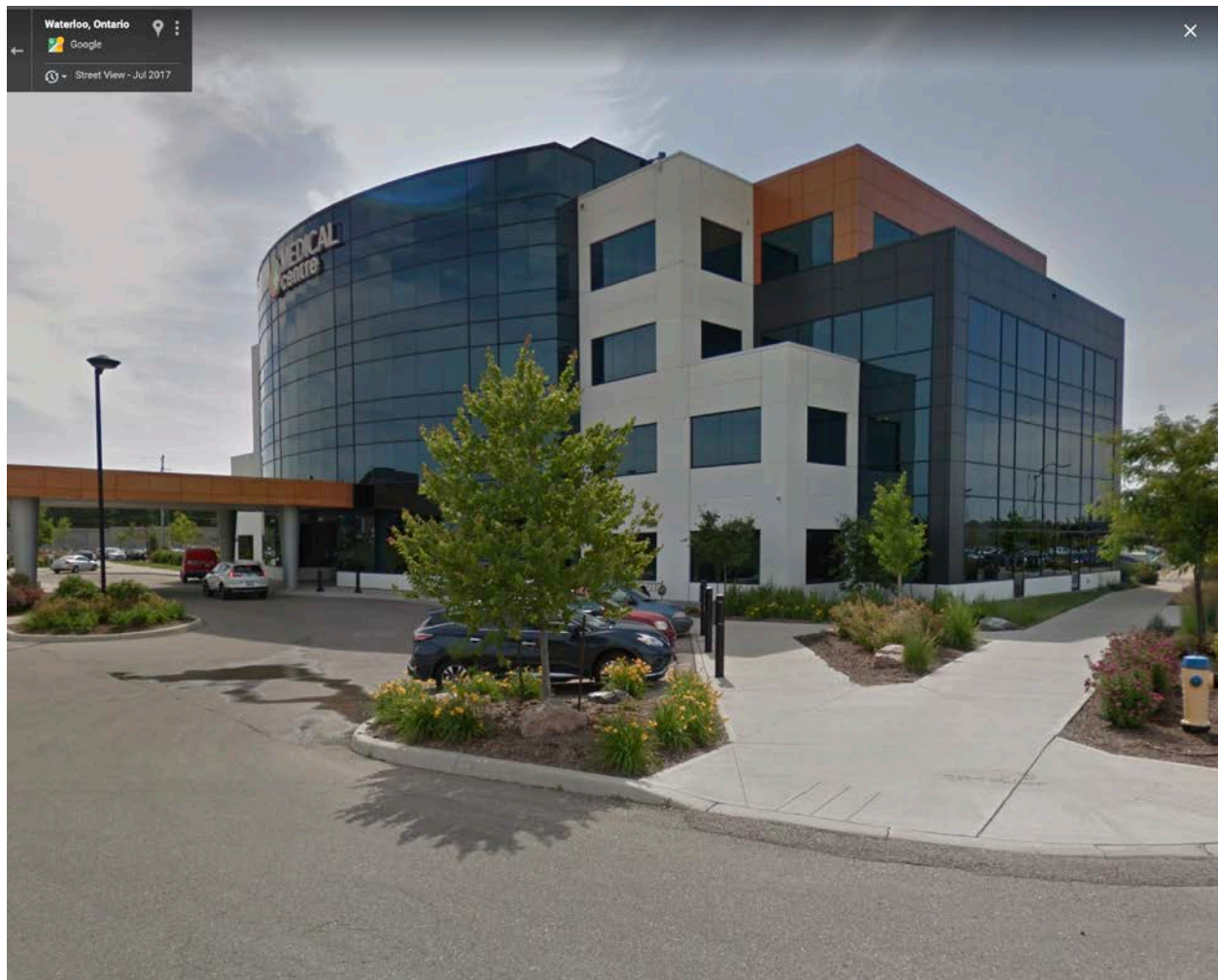
One can conclude that Cachet's own documentation refutes its own espoused goals in this MZO application. 6-storeys, 5-storeys, 4-storeys are not the desired ground-related structures.

It must be recognized that the developer has hired some consultants who have done a huge amount of work. A lot of this is potentially useful background research. (which Wilmot got for free if you don't count the fact that Cachet didn't pay the \$5,000 fee because it was a MZO application, not the usual process), This background research could be used in considering a different approach to development that does not have such a high-density ratio and buildings that were not 6-storeys high

PROBABILITY OF COMPLETION ON A TIMELINE?

The vision presented by Cachet, is not a time defined 'plan'. It implies that this request is a visionary sketch of what **might** be at some undefined time in the future.

a) **Medical Building:** There is provision for a 6-storey building described as "medical". When is this going to be built and by whom? Does the developer have a sub-contractor willing to **complete construction** on this 6-storey building simultaneously with the residential occupations? Where does the developer or its builder plan to get all the medical professionals to fill such a building? Council has publicly acknowledged that it cannot attract a developer to build a medical building anywhere in Baden itself. Does Council actually think that a developer from Concord, GTA, is going to be able to find a builder willing to take that risk for a location in the middle of greenfield, and only 2,030.9 potential inhabitants? **There is no demographic or business case to be made for a medical building that is described as being bigger (taller / 6-storeys and longer) than the medical building at Ira Needles 4-storeys!** Ira Needles draws on the entire population of Kitchener, Waterloo, and surrounding townships including Wilmot.



EXISTING 4-STOREY MEDICAL BUILDING AT IRA NEEDLES

b) **Mixed-Use / Employment:** There is 3.41 ha set aside for future employment opportunities. The rationale in the cover documents is that people who live here will be able to work here, and thus it becomes “**complete community**”. It’s implied that the community will be complete because it will be self-supporting. If you buy in, move there, you will be able to walk to work there. The population projection is for 2,030.9 persons. Eliminate the seniors. Are they suggesting that 1,000 or more people are going to find work on site that will pay them enough to live there? Do the local Chambers’ of Commerce agree that this is a practical option in the short run (less than 5 years)? Council must ask them.

c) **4 Office Buildings:** The application indicates that there will be four 6-storey office buildings located here. If we guess at 50 people per storey, times 6-storeys, times 4 buildings, that’s 1200 people working

there. Are they all going to work AND live there? Remember, that 800 of the living units are designed for one person. Are 2/3 of the office workers, assumed to be living there, going to be "singles"? In 4 buildings, with 6-storeys each, you are going to need somewhere between 24 – 72 different businesses attracted to Nafziger Road and set up there. How successful has the local Chamber been so far in attracting businesses? How long do you estimate it will take to fill 4 office towers? No builder is going to construct 4 6-storey office buildings without signed commitments from future tenants. It's about the money, remember! Do you really believe that a builder is going to complete construction of 4 office buildings and fill them in any less than 40 years? I lived on Good Street in New Hamburg between 1980 and 1990. I was waiting then for the available business land space to fill in. It still has openings. This vision of these all being completed in time for everyone to move into the residences is not just a pipe dream, it's a "wobbly-smoke" pipe dream.

c) **Transit-Hub**: This is a good concept! It provides a transit **option** for people there. However, if you have 4 office buildings each 6-storeys high, and a 6-storey medical building, there will be a huge number of people arriving and leaving at the same time periods each day, because the employees will **NOT** all be living there.

The transit portion of the consultant's report was vague and aspirational, it did not have any demographic or potential time-of-day scheduling projections anywhere. There are not enough buses and is not enough road width on Nafziger Road to accommodate this vision. This is a vision. It is **NOT** a realistic, practical plan. It is a request to bypass public input so that the developer can contract with builders to build single-family homes, rear-lane townhouses, traditional townhouses, mixed-use towers and then leave the rest for later. The return on investment comes from the residential portion. That's where the developer loses interest and dumps the rest on the vision to "future potential". By then it and the builders are gone and there's empty space for "later". Later will not come for 40 years or more.

THIS IS NOT A COMPLETE COMMUNITY. THIS IS A 'PROJECT' THAT WILL BE INCOMPLETE FOR THE NEXT 20 YEARS.

ARCHAEOLOGICAL ASSESSMENT REPORT

There is no archaeological assessment study reported in the documentation submitted. In the context of recent Wilmot history, this appears to be a significant omission?

AFFORDABILITY

Affordability is another targeted concept in development applications, because there is a real identified need for segments of our communities.

Affordability, in the past has been a result of two strategies:

- 1) Subsidies provided by the Federal, Provincial and Municipal governments. These governments have taken monies generated from all the usual taxation sources, depending on the level of government (including, residential, commercial, industrial, agricultural assessments, sales taxes, income taxes, special levies, etc.) and then distributing it to subsidize identified targets. It is my understanding that those government subsidies / transfers of money, no longer exist. Therefore the developer must have another strategy of how it plans to provide for the viability of this 6-storey building on into the future.
- 2) Spreading costs within a project onto other portions of the development. Just as roads are paid for in the lot purchase price, so too are subsidies potentially paid. However, how to continue to subsidize an entire building from such a small development seems problematic.

WHO PAYS FOR WHAT

A useful life rule is “Follow the money”

There is no indication of the development costs that the developer is willing to take responsibility for. Physical infrastructure costs are part of a developer's responsibility and **there is no indication for what the developer is willing to pay**

The proposed lands are situated in a relatively isolated spot. The MZO application deals with essential services (page 50) that must be in place before the Cachet's proposed development is able to have residents legally move in. **These essential services have costs.** At the Ira Needles Developments, for example, the essential support infrastructure costs were and are being carried by the developer(s). As the developer of this proposed Nafziger Road development, will Cachet Developments be paying for the required services costs for:

- i) stormwater management ponds, (page 50)
 - ii) **on site pumping station**, sanitary and other wastewater sewers and connecting lines to treatment plants, I understand that there is NOT a sewage line along Nafziger at present so that is a huge potential cost. (page 50)
 - iii) storm water sewers, (page 50)
 - iv) potable watermain and connecting lines to sources, (page 50)
 - v) provision and installation of appropriate traffic control signage (traffic lights and / or roundabouts) at the central access and the southern access where the transit hub is located, (page 50)
 - vi) widening of Nafziger Road in anticipation of increased and potentially congested north-south traffic flow, (page 50)
 - vii) installation of at least 2 'storage lanes' to accommodate traffic congestion for those north-bound vehicles waiting to enter the proposed development area off Nafziger Road, and provide for traffic exiting the proposed development onto Nafziger Road both to north and south, (page 50)
 - viii) installing, safety security, and maintenance of the SWM Pond of 2.09 ha at the south end of the proposed development, (page 43)
 - ix) play equipment, benches, walkways at the park at the north end, (page 43)
 - x) provision and installation of fencing of the perimeter, and appropriate landscaping throughout the development (page 43)?
- If the answer to any or all of the above costs questions is, "No. Cachet Developments will not pay for these development costs.", then **who do they think will pay to provide these services** to allow Cachet to make a maximized profit on only building high density buildings which do not have even enough living space to accommodate families?

Public Consultation and a Traditional Zoning Application Process

If this developer is honestly sincere in its stated goals, then it does not need a MZO. It can follow the proven path of detailed transparent public consultation and a traditional zoning application that includes accountability steps along the way.

I suggest that there is no *emergency* demand to build 1200 – 1500+ residential units in Wilmot Township. If the MZO application is denied and the traditional zoning application process is followed, no one is going die, or

be seriously injured, or be denied oxygen, food and water. Cachet is still able to develop this valuable land, BUT has to do it differently.

A Red-Herring

The statement that Waterloo Region has to put final approval on a subdivision plan anyway is, in reality, a red-herring. It's a distraction. Once a MZO is authorized by Wilmot, then transferred via Waterloo Region to a politician in Toronto, there is no real opportunity for going back. The broad parameters and permissions are determined.

OPINION: Based on observations of events over several years, it is my opinion that the present governing party has demonstrated a pattern of ignoring or undermining regulations regarding environmental protections and enhancement, and removing regulatory procedures that were designed to carefully monitor what and where various types of development were allowed to move forward. The provincial government has shown an apparent desire to see density intensification and thus would probably encourage and thus rubber-stamp applications such as the one before us now. It may already be applying pressures onto lower-tier bodies that the general public is unaware of?

Page 26 of the agenda package includes this declaration from the MZO authorization generously submitted by the developer for the township to approve in a by-law:

“Deemed by-law

15. (1) This order is deemed for all purposes, except the purposes of the section 24 of the Act, to be and to always have been a by-law passed by the Council of the Township of Wilmot.

Commencement

16. This Regulation comes into force on the day it is filed.”

ESTOPPEL

If a MZO is signed, all local control over this area of land by Wilmot citizens is gone forever. It would create a legal precedent, limiting Council forever into the future, as an estoppel. **Estoppel** is a legal principle which precludes a person or body (such as Wilmot Township), from asserting something contrary to what is implied by a previous action or statement (verbal or

written) of that person or by a previous pertinent judicial determination. In other words, if 6 Wilmot councilors, up for election this year, authorize this MZO, Wilmot citizens are screwed forever. No going back. The Township's lawyers can confirm my observation?

As the staff report clearly states on page 12, "The process of the Minister using an MZO does not support Community Engagement as it excludes public notice and rights of appeal. The exclusion of appeal rights within the MCR process is a similar troubling concern. While recent requirements that Municipal Councils indicate support or opposition to an MZO proposal appear on the surface to introduce some measure of community engagement, they fall short of the standards the public typically expects in local Council planning processes."

The professional staff, upon whom Council is required to depend for their advice is clearly stating that the MZO process can be flawed and falls short of the standards of acceptable behaviour demanded by citizens / taxpayers of its elected representatives. The staff have been carefully neutral in the report.

LOW HANGING FRUIT

Anyone with bargaining experience might wonder:

- a) Is this MZO application just an opening bid by the developer, and it is prepared to settle, later in the process for fewer storeys and lower densities? Is it prepared to settle for 5-storeys, or 4-storeys, or 3-storeys depending on how much resistance it gets at various stages?
- b) If the developer gets an authorizing by-law from Wilmot for this MZO application for 6-storeys, will it use its lawyers to argue vehemently all the way along to keep as many buildings as possible, with as many storeys as possible, and with as high a density as possible?
- c) Why would a developer submit a MZO application with a density level (65) which is widely known to be excessive to Wilmot's (45), Waterloo Region's (60), the Golden Horseshoe's (50) density levels, unless it was prepared to negotiate downward or it has some other goal?

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d) If Wilmot declined this application in its present form, and used the traditional approvals method, might Wilmot get what is best for Wilmot, lower levels and lower densities?

e) If Wilmot Councillors approving this MZO application now, and don't ensure that the developer has to negotiate with Wilmot first, will our citizens ever know?

f) What external forces exist on Wilmot Council from the Province and the Region that might pressure Council into a quick MZO authorization by-law that Wilmot tax payers will never hear about?

There is no one going to die, go hungry, be homeless as a result of using the traditional development process. There is no emergency or urgency for this development.

There are a lot of concepts that need revision:

- There is no archaeological assessment study reported in the documentation submitted;
- A minimum 65 pj/ha is excessive, **does not comply** with the provincial benchmark, **exceeds** the Waterloo Region long-term into the future goal, and is **incompatible** with Wilmot Township's own 45 pj/ha target.
- 6-storey buildings are too high;
- 67% of all living units only accommodate one person comfortably – not a family-oriented complete community;

The **deal-breaker** ideas:

- It depends on the use of a MZO;
- A MZO creates an unacceptable legal **estoppel** for Wilmot citizens;
- There is no financial presentation of how each item is to be paid for.

This proposal is contradictory in that it espouses certain values and visionary aspirations, but rebuts those aspirations with its own data:

- The project is NOT ground-related – it is mostly high-rise buildings;
- It does NOT create a “*complete community*” – none of the units will accommodate a family of 4 plus pets, and most are silos, boxes with doors where only one person can live comfortably;

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This package is only visionary. Visions are useful when brain-storming without commitments. This presentation is like the bird's-eye picture, just a sketch of possible options. It is NOT A PLAN. It has more questions than answers. It does not define who is responsible for what, and there are a lot of known and as yet unknown "what's" to be implemented in this vision.

This vision does have potential, but in NOT IN THE FORM OF A MZO, and not with its present densities and building heights.

This MZO application does not meet even its own defined criteria. The density targets are unreasonable in their extreme over-reach (they're too high) and lack defined maximum densities.

In principle, development is good. Additional housing is needed in Wilmot.

There is, in my opinion, a lot of very useful data in the provided support documentation that must be selectively sieved through to get to the useful stuff. Some "**good**" ideas:

- A transit hub;
- A medical facility; (although too tall)
- Offices; (although too tall)
- Mixed-use / Employment area; (no height specified)
- Seniors; (too tall)
- Park;
- Agir Hub.

Council needs to 1) receive the submission, 2) table it definitely until after the next election or after scheduling another consultation meeting with the public, then 3) schedule another public meeting for Council discussion, deliberation and vote to defeat the application, and 4) in the mean-time direct staff to investigate with the developer an alternative model that uses the traditional method of full and transparent public consultation.

- 1) Wilmot Council should pass 4 separate motions, before moving on with its agenda tonight, in the following sequence:
 - i) Moved by, etc., that, Report DS 2022-001 be received for information.
 - ii) Moved by, etc. that Report DS 2022-001, and any potential subsequent actions regarding its implementation, be tabled definitely

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until at least 30 calendar days after the results are known of the next Municipal election, October 24, 2022, in Wilmot Township.

- iii) Moved by, etc., that Council, in consultation with Wilmot professional staff, set and widely advertise a series of dates for educational purposes of members of Council and interested citizens of the Municipality of Wilmot, respecting all implications of Minister's Zoning Orders (MZO).
- iv) Moved by, etc. that Wilmot professional staff be directed to consult as soon as practical with Cachet Developments, and report to Council, seeking alternate potential development strategies, that do not include a MZO, for the properties described as Cachet Developments (NH INC.) and Cachet Developments (NH WEST INC. 1265 and 1299 Waterloo Street.

THANK YOU FOR YOUR TIME

See comparison photos below which show urban development with a mix of low-rise and high-rise buildings.

The first 2 show core Kitchener at the corner of Charles and Victoria Streets with access the GRT, rapid transit surface rail transit, and wide streets, typical of that area.

The next 1 shows the core area of New Hamburg, with the highest building, B&W Feed mill, and row buildings along the main arteries, with all buildings no higher than 3-storeys. The main street buildings have residential above the retail, commercial units at street level.

The last one shows what happens to high-density wooden buildings after a few years = a high level of retro-active or on-going maintenance is required.

I have added an Appendix A, which was not intended for public discussion, but is my perspective on how development is financed. It is an FYI item, which is probably within the knowledge base of most, if not all, councillors.

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**VICTORIA @ CHARLES 8-STOREY BUILDING WITH SURFACE RAIL
AND PARKING**

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4-STOREY BUILDINGS WITH SURFACE RAIL AND PARKING

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**NEW HAMBURG 3-STOREY MAIN STREET; 3 -STOREY GRAIN WITH
CUPOLA = 4-STOREYS**

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THIS IS WHAT HAPPENS WHEN YOU BUILD WITH WOOD

APPENDIX A

Development, Developers, Builders, Buyers, Taxpayers

The following reflects only the author's understandings. This is a 'generic' overview, and does not make any implications, accusations, allegations about any particular person, organization, developer, etc..

Developers are generally in the business of converting land surface from what exists at any point in time into something else. There may be areas of land that have something located on it, and the developer will remove or convert it into something else.

In inhabited areas there is usually an existing structure which is removed or converted into something else if it is deemed to be a profitable action. In 'open' areas the vacant space is built upon from its vacant state.

Often developers will look for 'open' land that does not have anything built on it and purchase it for future development. If a large project is envisioned by a developer, it will seek out and purchase large tracts such as farm land, greenfields, bush lots, wet areas that can be affordably filled by grading soil from nearby areas – preferably on the tract itself.

Developers are taking a risk that the land they purchase or make a legal agreement for future closure on, will appreciate in market value from the time of 'purchase' until it is sold. In the recent decades the risk of land depreciating has been non-existent and market values have increased exponentially. It is widely recognized by all with any connection to marketing real estate, that it is the developer that has the greatest likelihood of making the largest long-term profits in a development project.

Developers have investment expenses before they sell and determine profit:

- Land acquisition;
- Application fees to municipality;
- Zoning change fees;
- Building permits;
- Regional development fee;
- Provincial education fee?
- Archaeological study;

- Consultants' fees.

It is extremely rare for a development company to use its own capital / cash instruments to purchase land for future development. The optimum business practice is to use other entities' monies. A developer will borrow money, often using other instruments as collateral, and the carrying costs are managed and reconciled between the developer and its accountants reporting to the Canadian Revenue Agency. In any case, a developer does assume a financial risk when undertaking a project.

An experienced or well-informed developer mitigates that risk by how it bundles the initial borrowing, how it 'plans' the development (what, how many, how tall, how big or small each portion / unit, how many units it can place within the land space), and how it manages the regulatory and supervisory processes in place.

There are regulatory pieces of legislation for the entire province, for specific types of geography, and different geo-political regions such as counties, regions, cities, townships.

Astute developers will acquire land in areas that are most likely to generate the most profit by:

- minimizing the cost of the land originally;
- find land that is vacant;
- find land that is available in suitably-sized parcels that can be combined if necessary;
- avoid municipalities that have large populations of aware and involved citizens, politicians and a large professional staff that have individual specialties and thus, that can make the approvals process detailed, lengthy and require a lot of overview time before the land units / lots in the 'plan' are approved, and sold to sub-contractors for building, and thus sale;
- implement an approvals process that is least likely to legally permit widespread involvement by the public citizens / taxpayers who have to live with the resulting environment and pay for fallout costs unforeseen by the Municipal staff or were overridden by the process itself;
- the traditional zoning and sub-division approval process takes more time and is riskier for a developer because it requires public notification PLUS ongoing ability to determine approvals;

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- the easiest, fastest process is a MZO, because once a municipality passes a by-law of support, it is on its slide through a regional government process, and off to a provincial politician. Once it leaves a municipality's control at the very start, it is really out of their hands – it can have some input, but can be overridden by a higher-tier government that has connections and influences with unknown inputs;
- if a developer approaches a municipality for a zoning change and subdivision approval, the fastest and cheapest route is a MZO. Using a MZO application a developer does not even have to cover the municipality's own legal costs and staff time (\$5,000 and higher) to review the request. In other words, the developer has tossed its normal business costs onto the local tax payers.
- (A recent president bragged to his citizens / tax payers, "Of course I don't pay taxes. A smart business man does not pay taxes. Taxes are for little people. Paying fees and taxes is stupid!", and a previous Prime Minister wrote, "What's in it for me?" in a book.)

After a developer has received approval to proceed the land units / lots are sold to sub-contractors who do the actual construction of buildings, facilities on the land. The sale of these land units is where a developer makes its profit. Because its actual 'input costs' are 'relatively' small even after buying the land, (remember the land was originally purchased for very much less than its present market value for sale) its 'mark-up' to the sub-contractor / builder can be very large. This is why the developer makes the proportionately largest profit in any community development.

The lot-buying 'builders' then make their profit by calculating their cost to purchase each space unit / lot, adding their real expenses for overhead, materials and labour, and adding whatever margin they can. The builder then markets each unit on a lot, selling each at whatever the market will bear. In the case of multi-unit buildings such as townhouses or multi-level apartment buildings for example, each individual apartment or townhouse is sold separately.

Thus, a builder will buy from the developer a lot size that is large enough (in the original municipal approval) to build as many saleable units within the given space as possible. An astute developer presents a 'plan' to the municipality that allows for defined minimums but no maximums for how many people can be placed into a unit of space. Thus, if a municipality has

a defined minimum of 45 pj/ha (person jobs per hectare of land), it is to the advantage of the developer to request a larger number, a much greater degree of density, placing more people into a smaller space. If a developer can get approval from the municipality, for example of 65 pj/ha, then it can sell each unit of land to the builder at a much higher price, because it knows that the developer can cram more units into a smaller space, meaning there are more units to sell, meaning the builder makes more profit. It's almost like magic, with the approval of a by-law by a Council, the developer's nickel can be converted into a dime or quarter.

The larger the number of units the developer can get at the front end, the larger to profit for both the developer and builder at the back end. Of course, a builder can market its units at a desired price, but if the units are perceived by the public as not being attractive, then the units will not sell at all, or at another market's price.

In large units such as apartment buildings there are great economies of scale by using one foundation for all 50 or 100 units, fewer inputs for potable water, and outputs for sewage, fewer inputs for energy, etc. and simply connecting everything together as per building codes provincially and in the municipality. If a builder is 'permitted', because there is no maximum number of units that be put into a unit of space, a builder will make more, smaller units on each level / storey, and add as many storeys as possible. This *may*, but does not necessarily make the purchase price of each unit any less, it just means it sells more units for the same price.

The developer plays a role here by putting as many storeys as it thinks it can get away with from the municipality. Thus, 3-storeys is better than 2, and 6-storeys is better than 3. It does not matter what the surrounding environment looks like, if a developer can negotiate it, it will put a city into the countryside.

This is where the definition of "affordability" hits reality. It is not the municipality or the developer that sets the price of a unit built, it is the 'builder' determining what the market will carry, and more is obviously better than less. The developer, as stated, has set the stage for greater profit for itself and the builder by allowing for more units to be sold in the same piece of land. But it is the builder that sets the final sale price, unless the municipality has negotiated specific numbers at the very beginning that determine the outcome. It is a negligent developer that does not mention "*affordability*" in

any proposal. An astute developer knows that Councils are receptive to the concept because developers know that it is only a conscientious council that actually directs its professional staff to do the detailed cost / benefit analysis of the project, and does not trust that the colour pictures and detailed charts from consultants will come true.

Hint: Verify first, conduct the complete approval process with ongoing public consultation, then trust! Trust comes after the development has been legally turned over to the municipality. Before that, "it's just business".

The development of any piece of land is a negotiation between a developer and the local government which represents the interests of its citizens.

On any issue of development, it is the responsibility of a Council to provide full opportunity for all citizens / tax payers, to whom it is accountable under law, to provide ongoing input. Sometimes, it is the case that a Council believes in their hearts that they know what is best for their citizens / tax payers in spite of what they may hear from the 1 – 10% of voices that talk out to them. Sometimes, hubris kicks in for Councils and they conclude that they have only heard from "the usual voices", and the other 99% would agree with whatever they decide. (Hubris: excessive pride or self-confidence or, in Greek, defiance of the gods. Hubris results in nemesis – downfall, injury, retributive justice)

Thus, a developer will try to eliminate any accountability to the citizens / tax payers by eliminating them from the process. This is obviously because it takes longer to complete a project, and there are usually changes that the citizens / tax payers require to make the project compatible with their community's environment. Thus, a developer will use the MZO process if it can get away with it. When the citizens provide nemesis, retributive justice, it is too late and is imposed upon the council members, and the developer still gets its profit.

Re: REPORT NO. DS 2022-001

Kae Elgie

Waterloo Ontario

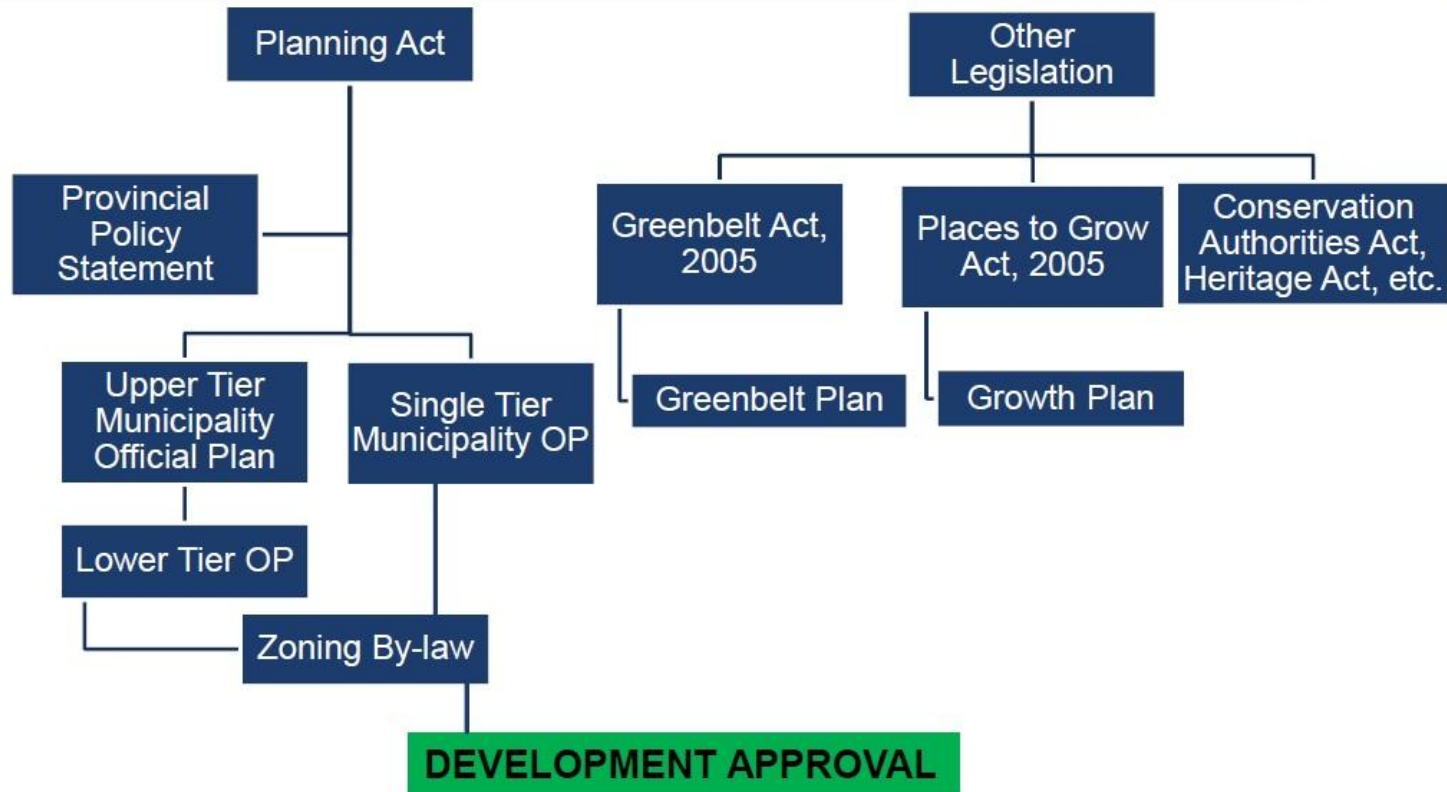
Zoning bylaws

Minister's zoning orders

- The *Planning Act* gives the Minister of Municipal Affairs and Housing the authority to control the use of any land in the province.
- Zoning orders can be used to protect a [provincial interest](#)
- or to help overcome potential barriers or delays to critical projects.

Land Use Planning in Ontario

BLG

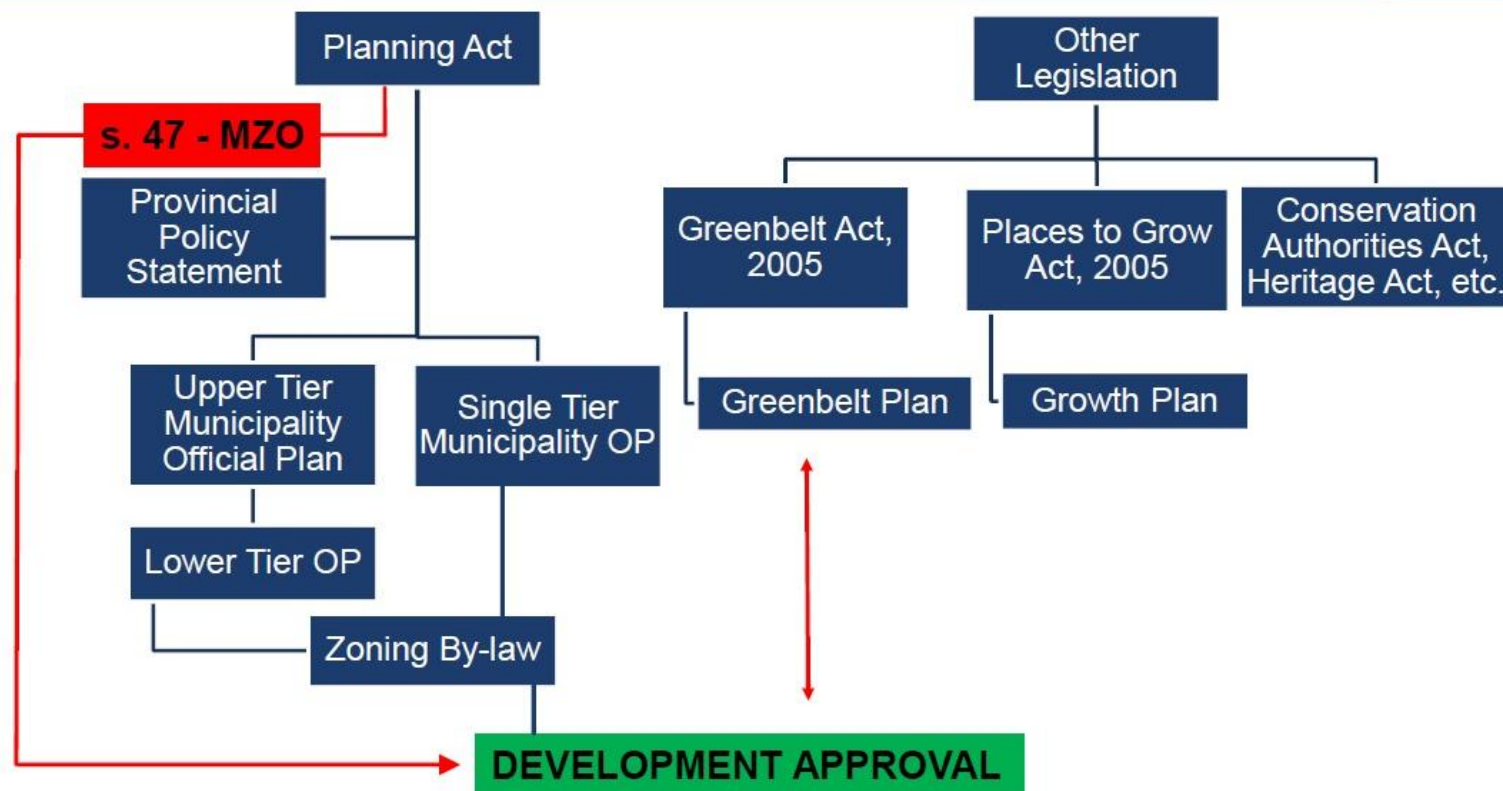


7

This is an oversimplified diagram for illustrative purposes only

Source: April 2021 presentation to Association of Municipal Managers, Clerks and Treasurers of Ontario
<https://www.amcto.com/getattachment/fd91eac4-c3ba-4e77-ad0d-256b6c2dd2dc/.aspx>

Land Use Planning in Ontario



Weighing the benefits

- What are the advantages to citizens?
- Is it worth skipping the time to ask the detailed questions?
- What are the advantages to the developer?



**IF IT SEEMS
TOO GOOD
TO BE TRUE**

read the fine print to see what it will cost you!

A cautionary tale from Waterloo



RIM PARK (a)

- In 2000 Waterloo signed an agreement with MFP Financial Services to develop RIM Park.
- Total cost was thought to be \$113 million, financed at a rate of 4.7 per cent.
- A reporter for the *Record* spotted some bad math and revealed that the true interest rate was 9.2 per cent and the total cost to Waterloo taxpayers could reach \$227 million.

<https://www.macleans.ca/news/canada/kitchener-meets-its-waterloo/>

RIM PARK (b)

- Waterloo's entire council, including the mayor, was tossed out in the 2003 civic election.

<https://www.macleans.ca/news/canada/kitchener-meets-its-waterloo/>

- Regional Coun. Sean Strickland is the only member of the council that approved the financing deal who remains in local politics.

Strickland said he learned from the experience to question information put before him as a politician.

- The financial fallout of RIM Park will continue to daunt Waterloo taxpayers until the end of September 2031.

<https://www.therecord.com/news/waterloo-region/2013/10/19/rim-park-inquiry-report-10-years-later.html>

What's the rush?

- Please take the time to learn from Waterloo's rush to build a great community facility
- Take the time for more – and more – and more – public engagement, more questioning eyes
- Read the fine print, do the math, to see what it will cost you to support the **ongoing** infrastructure costs
- *Maybe the bad-math-spotting reporter is still around?*

**IF IT SEEMS
TOO GOOD
TO BE TRUE**

read the fine print to see what it will cost you!