

To: COUNCIL

Meeting Date: 12/5/2023

Subject: 23-351-CD – Recommendation Report – Response to Letters from the Honourable Paul Calandra, Minister of Municipal Affairs and Housing Regarding Official Plan Decisions

Submitted By: Hardy Bromberg, Deputy City Manager – Community Development

Prepared By: Hardy Bromberg, Deputy City Manager – Community Development

Report No.: 23-351-CD

File No.: Not Applicable

Wards Affected: All Wards

RECOMMENDATION(S):

THAT Report 23-351-CD be received for information;

AND THAT Council endorse the Mayor to submit this resolution, report and the attached letter found in Appendix G to the Minister of Municipal Affairs & Housing prior to the December 7th, 2023 deadline so as to inform the Minister of Municipal Affairs & Housing the position of Council in response to his call for feedback from the Mayor;

AND FURTHER THAT a copy of this resolution be forwarded to the Region of Waterloo, MPP Mr. Brian Riddell and MPP Ms. Jess Dixon.

EXECUTIVE SUMMARY:

Purpose

The purpose of this report is to:

1. Summarize Regional Official Plan Amendment No. 6 (ROPA No. 6), as adopted by the Region of Waterloo, on August 18, 2022;
2. Summarize the Minister of Municipal Affairs and Housing’s revisions to ROPA No. 6, and subsequent reversal of decision; and
3. Provide a draft response to the Minister’s request for comment (Appendix G).

Key Findings

- On August 18, 2022, the Region of Waterloo adopted Regional Official Plan Amendment No. 6 to plan for growth to year 2051.
- On April 11, 2023, the Ministry of Municipal Affairs and Housing approved ROPA No. 6 with modifications. Modifications that affect Cambridge include urban boundary expansions in north Cambridge, site specific development permissions for a property on Queen Street, and an employment conversion of lands on Main Street.
- On November 18, 2023, the province introduced draft legislation that will have the effect of reversing the previously approved Ministry modifications to ROPA No. 6, bringing the original adopted plan by the Region into effect.
 - Notwithstanding this, the Minister of Municipal Affairs & Housing has asked heads of council for comment on the modifications made by the Province, to consider in advance of enacting the above noted reversal legislation.
- In response to this request for feedback staff recommend that the province reinstate Areas #2, #3, #4 on Map 1 (Appendix A) to the urban boundary and reinstate the conversion of 1140 Main Street from employment to enable the city to determine the future use of the land.

Financial Implications

If ROPA No. 6 is supported by council subject to the modifications, the city could begin the necessary background work to support the readiness of these lands for future development. This includes, but is not limited to:

- a) Master Environmental Servicing Plan (MESP) - to determine the preferred approach for servicing and infrastructure requirements;
- b) Subwatershed Studies – to understand and protect the natural environmental features, drainage patterns and watercourses that exist within the area;
- c) Secondary Plans – to determine the future land uses for the new community; and

- d) Updated Master Plans – as master plans are updated, such as the Parks, Transportation, Recreation & Culture, they would be able to include these lands as part of that future planning of the city.

Through the above studies, full financial implications including revenue and capital projects would be identified. Staging of development could be implemented, and growth-related costs could then be captured in a future Development Charges By-law.

STRATEGIC ALIGNMENT:

Strategic Action

Objective(s): PLANNING FOR GROWTH - Provide for a mix of development, uses and amenities in order to meet the needs of a changing and diverse population

Strategic Action: Lay the foundation for future community-building

OR

Core Service

Program: Not Applicable

Core Service: Not Applicable

Reviewing the Provincial amendments to ROPA No. 6 allows Council to reassess how future growth can be accommodated within our own boundaries and balances the needs of the community not only of today, but responsibly for the future.

BACKGROUND:

Region of Waterloo approval of ROPA No. 6:

On August 18, 2022, the Region of Waterloo adopted ROPA No. 6. This amendment established certain growth-related principles and designated lands for employment and residential growth across the entire Region for the time period through to 2051 (See Appendix A for map related to Cambridge).

The initial ROPA No. 6 submission by the Region of Waterloo had the following impacts on Cambridge:

- Projected population growth is 68,900 people (from 146,000 to 214,900) by 2051;
- 10 hectares of residential land added;

- A 187 hectare expansion for employment land within the North Cambridge area; and
- Increased annual intensification rate from 45% to 65% and increased greenfield density from 55 people/jobs per hectare to 66.

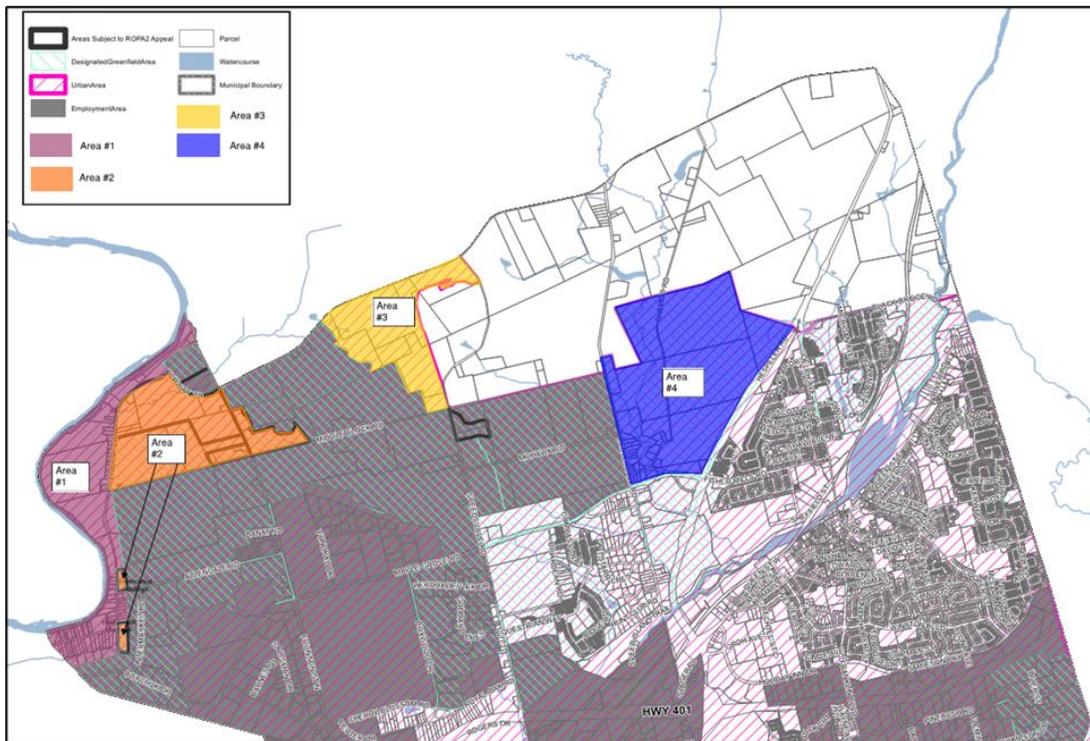
The Minister of Municipal Affairs and Housing’s modifications to ROPA No. 6:

On April 11, 2023, the Ministry of Municipal Affairs and Housing approved ROPA No. 6 with modifications. The following is a summary of the modifications impacting the City of Cambridge:

1. Expansion of the Urban Boundary in 4 Areas:

The Ministry modified ROPA No.6 by adding 4 areas of land to the urban area in north Cambridge, as illustrated in Map 1 at Appendix B and reproduced below:

- Area 1: Land between Riverbank Dr. and the Grand River
- Area 2: Land in north Cambridge, which was subject to the outstanding Regional Official Plan Amendment No. 2 (ROPA No. 2).
- Area 3: Land north of Middle Block Road, south of Kossuth Road and west of Speedsville Road
- Area 4: Land north of Maple Grove Road and west of Hespeler Road



Map 1 – Provincial Amendment to Expand Urban Boundary

The effect of the boundary expansions, if maintained, is that most land within the City of Cambridge, up to the Countryside Line, is within the urban area.

2. Addition of Site-Specific Development Permissions for 241 Queen Street West:

ROPA No. 6 was also modified by adding site-specific development permissions for 241 Queen Street West (Appendix C – Site Specific Policy Modifications). The policy requires the City to permit high density residential and institutional uses on the property with the following development provisions:

- Maximum building height of 85 m (approximately 25 storeys)
- No maximum number of dwelling units
- Maximum coverage of 30 percent
- A minimum floor space index of 1.2 and maximum of 2.9
- No minimum lot frontage

The effect of this policy is that the City is obligated to permit development of 241 Queen Street West. within the above noted parameters.

3. Employment Land Conversion:

ROPA No. 6 was also modified by removing 1140 Main Street (Appendix D) from an Employment Area designation under the Region's Official Plan. It would be helpful if the Minister would consider site specific policies to develop these lands as high rise residential and mixed-use.

Planning Statute Law Amendment Act, 2023 - Proposed Legislation to Reverse Previous Decisions on Municipal Official Plans:

On October 23, 2023, the Minister of Municipal Affairs and Housing announced that legislation will be introduced to reverse the amendments made by the Ministry on ROPA No. 6. The announcement noted a 45-day period for municipalities to submit comments to the Ministry. On November 2, 2023 the Minister issued a further letter (Appendix E) clarifying that the result of the proposed legislation will be to bring into effect the Official Plans as originally adopted.

Subsequently, on November 16, 2023, the Minister introduced the *Planning Statute Law Amendment Act, 2023* (Appendix F). The Minister has requested feedback on the legislation and the intent to restore ROPA No. 6 without the Province's amendment. The deadline for municipal comments is December 7, 2023.

EXISTING POLICY / BY-LAW(S):

Planning Act:

The *Planning Statute Law Amendment Act, 2023* has been introduced by the Ministry of Municipal Affairs and Housing as an amendment to the *Planning Act*. The effect of this legislation, if passed, would be to reverse the previous modifications to ROPA No. 6 by the Minister.

The proposed legislation also introduces immunity provisions to help mitigate legal risk to municipalities because of this legislation. These may include decision in making, amending, or revoking of minister's zoning orders (MZOs). At this time staff are not aware of any MZOs that may be made, amended or revoked in Cambridge.

City of Cambridge Official Plan:

The City of Cambridge Official Plan will need to be updated to implement ROPA No.6 in whatever final form it takes.

It is challenging for the city to initiate this work due to the uncertainty of the province's initial modification to ROPA No.6, subsequent proposed reversal of modifications and now request for feedback on modifications.

Master environmental servicing plans and secondary plans will need to be undertaken to implement the changes to ROPA No. 6. If Council wishes to explore an expanded urban boundary, these plans would be rescoped to include some of the revised lands, while other boundary expansions would require their own separate studies. The full impact is dependent upon the outcome of the ROPA No. 6 changes

ANALYSIS:

The potential inclusion of additional areas has been reviewed based on completing existing communities and neighbourhoods, reinforcing the principles of a 15 minute neighbourhood, provision of a mix of housing and housing affordability; continuing to design neighbourhoods and locations of residential areas that could support transit; and leverage existing infrastructure. An overview of the ROPA No. 6 modifications made by the Province is as follows (please reference Map 1 on Appendix B):

Area #2 - Land in North Cambridge, which was Subject to the Outstanding ROPA No. 2:

The addition of these lands to the urban boundary completes the residential node in the area and satisfies outstanding Ontario Land Tribunal disputes in a satisfactory manner. The addition of these lands also supports future transit from the Preston area past the

employment lands, towards the airport and future Breslau GO station. Servicing and infrastructure are already in proximity.

Area #3 – Land North of Middle Block Road, South of Kossuth Road and West of Speedsville Road:

The addition of these lands would also add ridership to future public transit from the Preston neighbourhood, through the Conestoga College Trades Campus up to the airport, as well as the proposed GO Station in Breslau while respecting the Countryside Line within ROPA 6.

Area #4 – Land North of Maple Grove Road and West of Hespeler Road:

The addition of these lands would allow the city to begin the required background studies to create a well planned expansion to the Hespeler community, including specific land use, proper densities, park/trail/road systems and municipal servicing strategies and policies. In order to enable these lands for development a Master Environmental Servicing Plan (MESP) and Secondary Plan to determine environmental constraints, transportation, servicing and land uses is required. Expansion of capacity at the nearby Hespeler Wastewater Treatment plant is also required to service these lands. An update to the City's Transportation Master Plan should also be completed in order to account for the development of these lands and understand the implications on the City's transportation network. Therefore, if the Minister is to bring these lands into the urban area, policies should also be introduced into the Regional Official Plan to restrict development applications at this location until the necessary MESP and Secondary Plan is complete and sanitary capacity at the Hespeler Wastewater Treatment plant is available.

These lands have been identified as future development in the Regional Growth Management Strategy since 2003 and could help deliver the infrastructure needed to expand the employment lands to the west. Including both Area #3 and Area #4 supports future public transit from the Hespeler neighbourhood to the airport, as well as the proposed GO Station in Breslau.

Amendments related to 1140 Main Street – Employment Land Conversion:

The Province has proposed converting these lands from an employment area to enable other uses such as commercial/residential, subject to a future planning decision by the city. Adjacent lands are part of a secondary plan scheduled for completion at the end of this year and could allow up to 20 storey residential structures. Council previously passed a resolution on April 6, 2021 requesting that the Region remove this property from the employment area. This Provincial amendment would satisfy council's request.

Area #1 – Land between Riverbank Drive and the Grand River:

The Province has also proposed adding these land to the urban boundary. However, the inclusion of these lands along the Grand River would not result in the creation of a significant amount of additional residential dwelling units. The reasons include:

- Does not align with our housing pledge.
- Past Council direction – in 2018 City Council did not support the inclusion of these lands within the urban boundary based on the environmental constraints and character.
- Environmental constraints – much of these lands fall within the floodplain or are subject to steep slopes and environmental features making significant redevelopment within this area difficult and unlikely.
- Character – Riverbank Drive and the surrounding homes make up a unique rural residential enclave along the banks of the river within the city. The City's Heritage Master Plan identifies Riverbank Drive as being a scenic road. Adding this area to the urban area boundary and the resulting reconstruction/servicing of this road would undermine the character of this area valued by the community.

For the reasons outlined, it is recommended that these lands not form part of the urban boundary.

Site specific policy applied to 241 Queen Street West:

The Provincial ROPA No. 6 modifications also contained a site-specific policy applied to the lands at 241 Queen Street West. Although this land is appropriate for future development, unlike the other lands, there is no public process in the development of these lands, if included in the amendment.

The amendments by the Province obligate the city to approve a significant redevelopment without understanding how the site can operate in a transparent and consultive manner. The following issues remain unresolved:

- The property is within the flood fringe of the Speed River and following a public planning process allows the city to ensure adequate flood mitigation measures are in place;
- The property has limited frontage on a public road and therefore resolving access to the site is an important piece of following a public planning process;
- It has been requested repeatedly of the landowner to file a planning application, and to date they have chosen not to do so.

- A railway extends across the frontage of the property and determining how to navigate over this privately held land subject to Federal regulations also impedes any short-term redevelopment of this site.

ADDITIONAL CONSIDERATION

The Minister of Municipal Affairs & Housing has encouraged heads of council to be **ambitious and reflective** of the serious need to get more homes built quickly. He encourages opportunities to systematically increase density and align this density with existing and planned transit. It is therefore under this premise that one additional amendment be considered.

Highway 8 cuts through the City from Highway 401 towards the southern portion of Cambridge. These lands could absorb additional density not currently recognized by planning policy. Should these lands be designated with some site specific policy for increased density, it is anticipated that development interest would increase, and further housing stock could be added to the city. As this area is not within any of our established neighbourhood areas yet is adjacent to our southern bypass it has great potential for high rise density. In addition, there are 2 new schools and a library currently being built within the nearby lands encompassing our sports complex due to open in 2026.

Accordingly, it is recommended that this additional modification to ROPA No. 6 be considered by council to submit to the Province.

FINANCIAL IMPACT:

Allowing the urban boundary to expand to the Countryside Line permits the city to begin the studies and background work on the preferred alternatives to servicing, allows the ability to undertake a more comprehensive city-wide transportation planning, better active transportation and trail network, and identify environmental constraints within the area. This work cannot begin on lands that are not within the urban boundary. The full scope of the costs and potential revenue are dependent upon the final approved version of ROPA No. 6.

PUBLIC VALUE:

The Region's Countryside Line, which was used to create the Province's approved ROPA 6 boundaries, already established a future long term growth boundary. Allowing the City of Cambridge to stage development, and plan for growth in a holistic manner may achieve more efficient transportation networks, servicing infrastructure and planned growth instead of incremental boundary changes. A well-developed staged plan can

ensure proper urban growth to these boundaries with proper densities, planning for transit and active transportations.

ADVISORY COMMITTEE INPUT:

Advisory Committees Consulted:

Not Applicable.

PUBLIC INPUT:

Posted publicly as part of the report process.

INTERNAL / EXTERNAL CONSULTATION:

There was no internal/external consultation undertaken.

CONCLUSION:

This report summarizes the adopted Regional Official Plan Amendment No. 6 to plan for growth to 2051, the Minister's decision and modifications and subsequent proposed reversal of decision, as well as the ability to share with Council options for feedback to the Minister of Municipal Affairs & Housing in supporting how and where growth can be accommodated specific to Cambridge. A draft response to Minister Calandra is attached as Appendix G which includes the recommendations in this report.

REPORT IMPACTS:

Agreement: **No**

By-law: **No**

Budget Amendment: **No**

Policy: **Yes**

APPROVALS:

This report has gone through the appropriate workflow and has been reviewed and or approved by the following as required:

Director

Deputy City Manager

ATTACHMENTS:

1. 23-351-CD Appendix A – Urban Boundary Expansions in Cambridge as originally approved by ROPA No. 6
2. 23-351-CD Appendix B – Ministry Modified ROPA No. 6 Urban Boundary Expansion
3. 23-351-CD Appendix C – Site-Specific Policy Modification for 241 Queen Street West
4. 23-351-CD Appendix D – Employment Conversion modification for 1140 Main Street
5. 23-351-CD Appendix E – November 2, 2023 correspondence from the Minister of Municipal Affairs and Housing
6. 23-351-CD Appendix F – November 16, 2023 correspondence from the Minister of Municipal Affairs and Housing
7. 23-351-CD Appendix G – Draft response from Mayor to the Minister of Municipal Affairs and Housing on modifications to ROPA No. 6