

Mayor Jan Liggett and Members of Council
City of Cambridge
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Date: May 9, 2023

Our Ref: 135894

Subject: Request for Delegation – Official Plan Amendment Application Fee
Robert and Nicole Dixon - 110 Royal Oak Road, City of Cambridge

Dear Mayor Liggett and Members of Council,

On behalf of our clients, Nicole and Robert Dixon, we request a delegation at the May 16, 2023 Council Meeting to respectfully request the fees for a pending Official Plan Amendment application be waived, based on the details provided below.

Background

Our clients live at 110 Royal Oak Road and applied for consent to sever their property on October 13, 2021. See Figure 1 below showing the location of the subject property. The application proposed the severance of the existing property to create a new lot having a lot area of approximately 4,047 m² (1.00 acre) and the retained lot, developed with the current residence of our client, would have a lot area of approximately 3,767 m² (0.93 acres). Both the severed and retained lots would have a lot width of 35.4 metres (116 feet). The R1 Zone applies to areas of the City that may not be serviced by municipal water and wastewater services, which is the case with the existing built residential cluster bounded by Royal Oak Road and Cherry Blossom Road shown on Figure 1. The minimum lot size regulations in the R1 Zone is 3,000 m² (0.74 acres) and minimum lot width is 30 metres (98.5 feet), established to permit minimum lot sizes and a residential dwelling on the lot which is serviced by private well and wastewater (septic) system. Both the proposed severed and retained lot sizes exceed the minimum lot area and lot width regulations of the R1 Zone.

The original City staff report that went to the Committee of Adjustment meeting on November 10, 2021 recommended approval and noted ***“Planning staff is of the opinion that the general intent of the City’s Official Plan is maintained”***. However, the Region of Waterloo submitted comments on the day of the Committee of Adjustment meeting and stated that in order to be consistent with Regional Official Plan Policy, Regional Staff did not support approval of the proposed consent application without the provision of municipal water and wastewater services.

At the November 10, 2021, Committee of Adjustment meeting, the application was deferred “sine die”, to give time for the owner/applicant to submit a Functional Servicing Report to the satisfaction of the Region of Waterloo demonstrating how both the severed and retained parcels will be serviced by municipal water and wastewater services.

Following the Committee of Adjustment decision, IBI Group (now Arcadis) continued to consult with City and Regional staff to resolve the servicing issue. On March 29, 2022, IBI Group submitted a request to modify the proposed conditions of approval. This request concluded the subject property has "as-of-right" zoning permission to be developed as a single detached dwelling on private services provided the owner can obtain required approval/permits for the installation of a private water and sanitary septic system in accordance with the Ontario Building Code. This comment also recognized the following:

- The subject property is zoned R1 which specifically applies to low density areas in the City where public water supply and sanitary sewage disposal facilities are not available.

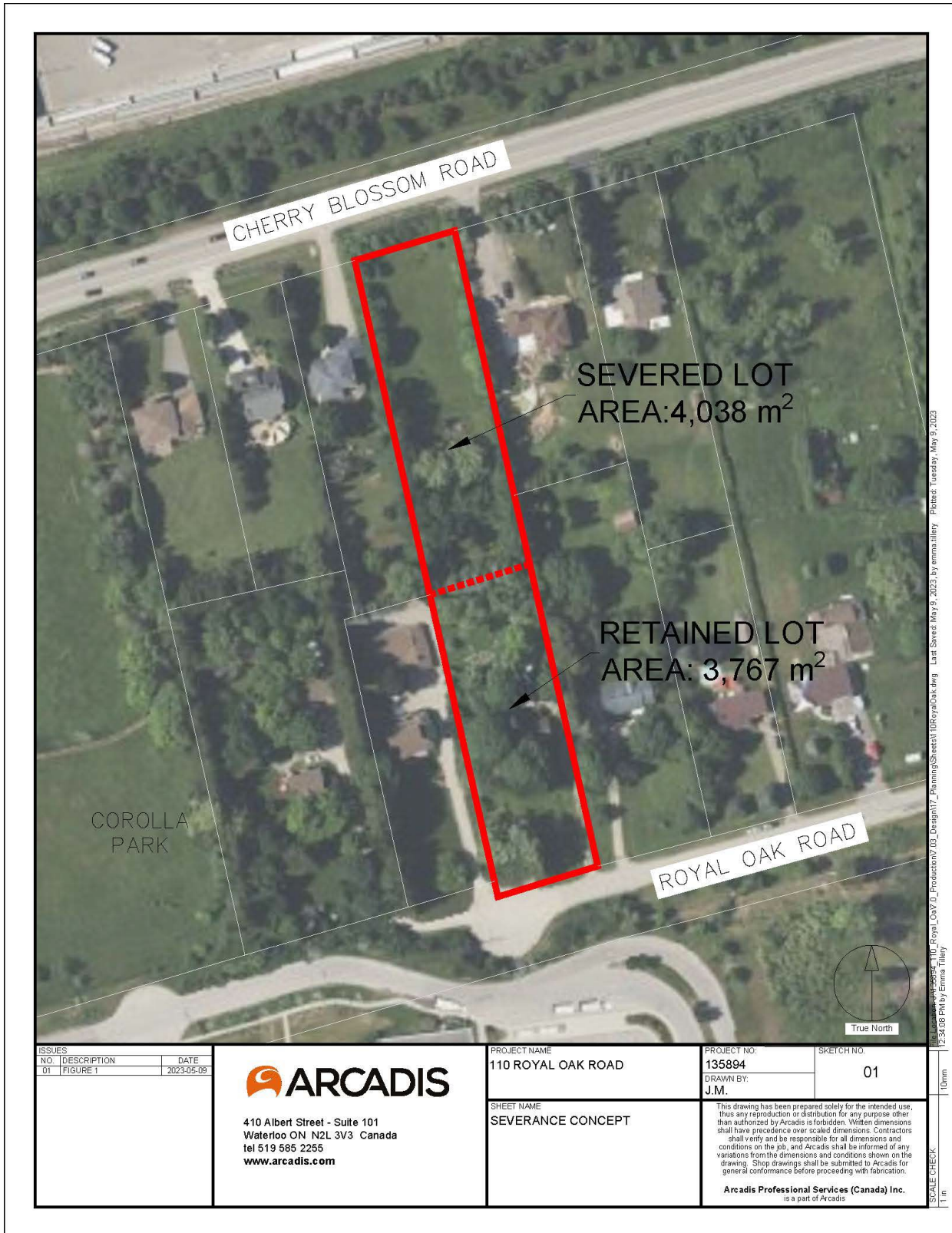


Figure 1: Aerial Imagery of 110 Royal Oak Road (Source: GeoWarehouse)

Mayor Jan Liggett and Members of Council
City of Cambridge
May 9, 2023

- Both the severed and retained lots meet the minimum lot size and frontage regulations.
- A Scoped Hydrogeological Assessment conducted by CVD Engineering concluded that the proposed lot can be adequately serviced by a septic system and private well without impacts to groundwater quality and neighbouring wastewater (septic) systems.

On August 18, 2022, the Regional Municipality of Waterloo adopted Regional Official Plan (ROP) Amendment 6 by By-Law 09-025. On November 22, 2022, IBI Group met with City and Regional staff to discuss the applicability of Policy 2.J.8, which allows for residential infill development on private services, subject to the following:

- (a) it is demonstrated to the satisfaction of the Region that the extension of servicing from a municipal water and/or wastewater system is not feasible;
- (b) the site is not located within Wellhead Sensitivity Area 1, a High Microbial Risk Management Zone, or a Surface Water Intake Protection Zone 1 described in Chapter 8;
- (c) studies prepared in accordance with the Regional Implementation Guidelines for Source Water Protection Studies and accepted by the Region, demonstrate that such services can operate satisfactorily on the site and will not have a negative impact on groundwater resources;
- (d) it is demonstrated to the satisfaction of the area municipality's Chief Building Official that the site conditions are suitable for the long-term provision of such services with have no adverse effects; and
- (e) the development application complies with Policies 5.B.8 and 5.C.6 as applicable

The proposal satisfied all the above conditions and a Scoped Hydrogeological Assessment was prepared specifically to satisfy subsection (c). At the request of Regional staff, the Scoped Hydrogeological Assessment was peer reviewed by RJ Burnside at the expense of the Dixons. On March 17, 2023, Regional staff confirmed that Policy 2.J.8 has been satisfied pending documentation from the City's Chief Building Official that the site conditions are suitable for the long-term provision of private services (Policy 2.J.8 clause d).

ROPA 6 was approved by the Province on April 12, 2023 and includes Policy 2.J.8. Based on this, Regional staff have no further concern with the subject application subject to the City of Cambridge Committee of Adjustment consideration and application of appropriate conditions.

However, the City of Cambridge Official Plan has a remaining Policy 8.4.6.10 that, similar to the previous Regional Official Plan Policy, 8.4.6.10 states: *Lands in a Low/Medium Density Residential designation where a piped municipal water supply and/or wastewater systems have not yet been made available may be used for the following uses:*

- a) *an existing residential use; and*
- b) *any use accessory to a permitted use; and Council may pass by-laws to restrict the use of such lands to such interim uses until a piped municipal water supply and sanitary sewers have been made available.*

At a meeting we attended along with Mr. and Mrs. Dixon on April 5, 2023 with City of Cambridge staff, they advised of the need for an Official Plan Amendment due to Policy 8.4.6.10 noted above that still remains within the City of Cambridge Official Plan. On April 27, 2023, City staff advised the City's related application fees and the process to request a fee reduction. The City fees would be as follows:

- City Official Plan Amendment application fee is \$19,600 (for a "minor technical amendment").
- Regional application fee applicable for any local Official Amendment fee whether a minor or major amendment is \$7,000.

At our meeting with City staff on April 5, 2023, we discussed the rationale and the process to request waiving related City fees based on the fact that the City Planning Fee Schedule is something that is reviewed and established annually by City Council and not at the City staff level. Requesting the City related "minor amendment" Official Plan Amendment fee be waived in this case is based on the following:

Mayor Jan Liggett and Members of Council
City of Cambridge
May 9, 2023

- As required by The Planning Act of Ontario, the City of Cambridge will need to update its Official Plan to be in conformity with the Regional Official Plan policy 2.J.8. The Official Plan update will need to include a similar policy to ROPA #6 including policy 2.J.8 which allows for residential infill development on private services. We have been previously advised by City staff that the City's Official Plan review and update is to start this fall to bring the City Official Plan in full conformity with ROPA #6. In other words, it is a formality that the City's Official Plan will be revised to include similar policies in 2.J.8 of the Regions Official Plan.
- The Official Plan Amendment application fees are excessive given this policy will be added through the City initiated Official Plan review over the next 12 months at no cost to the property owners.
- Technical amendment to add policy requiring very limited staff review, particularly in this case given that the application was submitted approximately 18 months ago and extensively reviewed by City and Regional staff over this time period.
- The property owners, Mr. and Mrs. Dixon, have been residents of Cambridge at this location for almost 75 years. They are an elderly couple, not developers, looking to sell the severed portion of their property to pay for upgrades/improvements to their existing home so that they can continue to live there.
- The length of time for this process and related studies completed over the last 18 month has cost the Dixon's over \$35,000. Now to add another \$19,600.00 in City fees for something that will be completed as a formality in the next 12 to 18 months is a significant further financial hardship to them.
- We will be similarly requesting Regional Council t waive the related Regional Official Plan review/amendment fee of \$7,000.00 as it is excessive particularly given that recent ROPA #6 approved by the Province on April 12, 2023 permits such a limited development based on conditions noted above and said conditions have already been met by Mr. and Mrs. Dixon.


Respectfully, based on the foregoing we request Cambridge City Council waive the required fee of \$19,600.00 in this case.

Sincerely,

ARCADIS PROFESSIONAL SERVICES (CANADA) INC.



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DB/VL/baw

cc: Nicole and Robert Dixon
David Schooley

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