



Regional Municipality of Waterloo

Planning and Works Committee

Minutes

Tuesday, April 9, 2019

9:05 a.m.

Council Chamber

150 Frederick Street, Kitchener

Present were: Chair T. Galloway, L. Armstrong, E. Clarke, J. Erb, S. Foxtton, M. Harris, H. Jowett, K. Kiefer, G. Lorentz, J. Nowak, K. Redman, S. Shantz and B. Vrbanovic

Absent: D. Jaworsky, K. McGarry and S. Strickland

Declarations of Pecuniary Interest Under The Municipal Conflict of Interest Act

None declared.

Request to Remove Items from Consent Agenda

In response to a question regarding Active Transportation projects with COR-FSD-19-15/TES-TRS-19-08, Investing in Canada Infrastructure Program, Craig Dyer, Chief Financial Officer, clarified they are linked to transit and meet the criteria, however it will be confirmed through the process.

Motion to Approve Items or Receive for Information

Moved by S. Foxtton

Seconded by K. Kiefer

That the following items be received for information:

- Myers Road Reconstruction, City of Cambridge – Information Package in Advance of Public Consultation Centre

- Dundas Street and Main Street Improvements, City of Cambridge – Information Package in Advance of Public Consultation Centre
- King Street East (Highway 401 to Freeport Bridge) and Sportsworld Drive (King Street East to Gateway Park Drive) Reconstruction, City of Kitchener - Information Package in Advance of Public Consultation Centre #1
- TES-DCS-19-07, 2019 Construction Activity in Waterloo Region

And that the following items be approved:

- That the Regional Municipality of Waterloo direct staff to submit an application for funding from the Federation of Canadian Municipalities as part of the Green Municipal Fund for the Membrane Aerated Biofilm Upgrades at the Hespeler Wastewater Treatment Plant.
- That the Regional Chair and Clerk be authorized to execute any and all agreements and ancillary documents relating to the Investing in Canada Infrastructure Program, to the satisfaction of the Regional Solicitor and the Chief Financial Officer, as set out in report COR-FSD-19-15/TES-TRS-19-08 dated April 9, 2019.
- That Council of The Regional Municipality of Waterloo approve the expropriation of lands for the purpose of the proposed reconstruction of Fischer-Hallman Road in the City of Kitchener in the Regional Municipality of Waterloo as detailed in report PDL-LEG-19-23 dated April 9, 2019, described as follows:

Fee Simple Partial Taking:

- i. Part of Lot 9, Beasley's New Survey, being Part 6 on 58R-19939, Part of PIN 22723-0026 (LT) (380-388 Plains Road, City of Kitchener);
- ii. Part of Lots 152 and 153, German Company Tract, being Parts 1, 2 and 3 on 58R-19938, Part of PIN 22723-0078 (LT) (1384 Huron Road, City of Kitchener);
- iii. Part of Lot 153, German Company Tract, being Parts 4 and 5 on 58R-19938, Part of PIN 22723-0078 (LT) (1384 Huron Road, City of Kitchener);
- iv. Part of Block 1, Plan 58M-466, being Part 6 on 58R-19941, Part of PIN 22607-1650 (LT) (Part of Vacant Land, Corner of Fischer-Hallman Road and Seabrook Drive, City of Kitchener);
- v. Part of Lot 5, Registrar's Compiled Plan 1471, being Parts 7, 8, 9, 10, 11 and 12 on 58R-19942, Part of PIN 22607-2284 (LT) (1340 Fischer-Hallman Road, City of Kitchener);
- vi. Part of Lot 6, Registrar's Compiled Plan 1471, being Part 2 on 58R-19941, Part of PIN 22607-2190 (LT) (Vacant Land, Fischer-Hallman Road, City of Kitchener);
- vii. Part of Lot 156, German Company Tract, being Part 4 on 58R-19941, Part of PIN 22607-1644 (LT) (1548 Fischer-Hallman Road, City of Kitchener);

Permanent Easement – Hydro Anchor:

The right and easement, being an easement in gross, for itself, its successors and assigns and anyone authorized by it, in perpetuity to, at any time enter upon the following properties for purposes of constructing, laying down, installing, inspecting, repairing, altering, enlarging, replacing, correcting, operating, and maintaining hydro installations and infrastructure, both under ground and overhead, including cables, pipes, conduits of all kinds, all necessary poles, supporting wires and braces and other equipment and appurtenances thereto, herein referred to as the utility plant, which may be determined necessary from time to time through, over, upon, along and across the lands, and for all such purposes the free, unimpeded and unobstructed access for itself, its successors and assigns, servants, agents, contractors, workers and anyone authorized by it, and vehicles, supplies and equipment at all times and for all purposes and things necessary for or incidental to the exercise and enjoyment of the right and easement:

- viii. Part of Block 1, Plan 58M-466, being Part 7 on 58R-19941, Part of PIN 22607 1650 (LT) (Part of Vacant Land, Corner of Fischer-Hallman Road and Seabrook Drive, City of Kitchener);

Temporary Easement:

The right and easement, being a temporary easement in gross, for the free and unobstructed, right, interest and easement terminating on the 30th day of November, 2025, subject to renewal as may be required, for itself, its successors and assigns, and anyone authorized by it, on, over, under and through the following properties for the purposes of archaeological studies, excavation, construction, installation, replacement, alteration, grading, and landscaping as required in connection with construction of the road improvements, and all related improvements, and works ancillary thereto and for such purposes, the free, unimpeded and unobstructed access to the lands at all times by employees, agents, contractors, workers and anyone authorized by it, and vehicles, supplies and equipment at all times and for all purposes and things necessary for or incidental to the exercise and enjoyment of the right and easement:

- ix. Part of Lots 152 and 153, German Company Tract, being Part 6 on 58R-19938, Part of PIN 22723-0078 (LT) (1384 Huron Road, City of Kitchener);
- x. Part of Block 1, Plan 58M-466, being Part 5 on 58R-19941, Part of PIN 22607-1650 (LT) (Part of Vacant Land, Corner of Fischer-Hallman Road and Seabrook Drive, City of Kitchener);
- xi. Part of Lot 5, Registrar's Compiled Plan 1471, being Parts 1, 2, 3, 4, 5, and 6 on 58R-19942, Part of PIN 22607-2284 (LT) (1340 Fischer-Hallman Road, City of Kitchener);

- xii. Part of Lot 6, Registrar's Compiled Plan 1471, being Part 1 on 58R-19941, Part of PIN 22607-2190 (LT) (Vacant Land, Fischer-Hallman Road, City of Kitchener);
- xiii. Part of Lot 156, German Company Tract, being Part 3 on 58R-19941, Part of PIN 22607-1644 (LT) (1548 Fischer-Hallman Road, City of Kitchener);

And that staff be instructed to register a Plan of Expropriation for the property within three months of the granting of the approval to expropriate the property, as required by the Expropriations Act;

And that the registered owners be served with a Notice of Expropriation and a Notice of Possession for the property after the registration of the Plan of Expropriation and the Regional Solicitor is authorized to take any and all actions required to enforce such Notices including but not limited to any application pursuant to Section 40 of the Expropriations Act;

And that the Regional Solicitor is authorized to enter into an agreement with the registered owners, or to make an application under Section 39 of the Expropriations Act, to adjust the date for possession specified in the Notice of Possession as may be required;

And that all above-referenced fee simple partial takings situated adjacent to an existing Regional public highway be acquired for road widening purposes and therefore be deemed to form part of the adjacent public highway in accordance with subsection 31(6) of the Municipal Act, 2001;

And that if no agreement as to compensation is made with an owner, the statutory Offer of Compensation and payment be served upon the registered owners of the property in the amount of the market value of the interests in the land as estimated by the Region's appraiser in accordance with the Expropriations Act;

And that the Regional Solicitor be authorized to execute any Indemnity agreement or other document related to payment of the statutory Offer of Compensation;

And further that the Regional Solicitor be authorized to discontinue expropriation proceedings or any part thereof, in respect of the above described lands, or any part thereof, upon the registration on title of the required documentation to complete the transaction or if determined by the Commissioner of Transportation and Environmental Services that such lands, or any part or interest thereof, are not required for the subject Project.

- That Council of The Regional Municipality of Waterloo approve the expropriation of lands for the purpose of the construction of the extension of Phase 1 of River Road (Regional Road 56), in the City of Kitchener in the Regional Municipality of Waterloo as detailed in report PDL-LEG-19-25 dated April 9th, 2019, described as follows:

Fee Simple Partial Taking:

- i. Part of Lot 6 Registrar's Compiled Plan 1524, being Part 1 on Reference Plan 58R-20041 (Part of PIN 22731-0057 (LT)) (1 Chandaria Place, City of Kitchener);
- ii. Part of Lot 6 Registrar's Compiled Plan 1524, being Parts 2-5 on Reference Plan 58R-20041 (Part of Pin 22731-0058 (LT)) (1 Chandaria Place, City of Kitchener);
- iii. Part of Lot 9 Registrar's Compiled Plan 1524, being Part 13 on Reference Plan 58R-20041 (Part of Pin 22731-0060 (LT)) (190 Goodrich Drive, City of Kitchener);
- iv. Part of Lot 6 Registrar's Compiled Plan 1524 being Part 34 on Reference Plan 58R-20124 (Part of PIN 22731-0057 (LT)) (1 Chandaria Place, City of Kitchener);

Temporary Easement – Grading:

The right and easement, being a temporary easement in gross, for the free and unobstructed, right, interest and easement terminating on the 31 construction, installation, replacement, alteration, grading, and landscaping as required in connection with the proposed Phase 1 construction of the extension of River Road (Regional Road 56), from Manitou Drive to Hidden Valley Road/Wabanaki Drive, and all related improvement works ancillary thereto and for such purposes, the free, unimpeded and unobstructed access to the lands at all times by employees, agents, contractors, workers and anyone authorized by it, and vehicles, supplies and equipment at all times and for all purposes and things necessary for or incidental to the exercise and enjoyment of the right and easement::st day of December, 2023, for itself, its successors and assigns, and anyone authorized by it, on, over, under and through the following properties for the purposes of excavation,

- v. Part of Lot 6 Registrar's Compiled Plan 1524, being Parts 6 and 7 on Reference Plan 58R-20041 (Part of PIN 22731-0058 (LT)) (1 Chandaria Place, City of Kitchener);
- vi. Part of Lot 9 Registrar's Compiled Plan 1524, being Part 12 on Reference Plan 58R-20041 (Part of Pin 22731-0060 (LT)) (190 Goodrich Drive, City of Kitchener);

And that staff be instructed to register a Plan of Expropriation for the property within three months of the granting of the approval to expropriate the property, as required by the *Expropriations Act*;

And that the registered owners be served with a Notice of Expropriation and a Notice of Possession for the property after the registration of the Plan of Expropriation and the Regional Solicitor is authorized to take any and all actions required to enforce such Notices including but not limited to any application pursuant to Section 40 of the *Expropriations Act*;

And that the Regional Solicitor is authorized to enter into an agreement with the registered owners, or to make an application under Section 39 of the *Expropriations Act*, to adjust the date for possession specified in the Notice of Possession as may be required;

And that all above-referenced fee simple partial takings situated adjacent to an existing Regional public highway be acquired for road widening purposes and therefore be deemed to form part of the adjacent public highway in accordance with subsection 31(6) of the *Municipal Act, 2001*;

And that if no agreement as to compensation is made with an owner, the statutory Offer of Compensation and payment be served upon the registered owners of the property in the amount of the market value of the interests in the land as estimated by the Region's appraiser in accordance with the *Expropriations Act*;

And that the Regional Solicitor be authorized to execute any Indemnity agreement or other document related to payment of the statutory Offer of Compensation;

And further that the Regional Solicitor be authorized to discontinue expropriation proceedings or any part thereof, in respect of the above described lands, or any part thereof, upon the registration on title of the required documentation to complete the transaction or if determined by the Commissioner of Transportation and Environmental Services that such lands, or any part or interest thereof, are not required for the subject Project.

Carried

Regular Agenda Resumes**Reports – Planning, Development and Legislative Services**

- a) PDL-LEG-19-24, Proposed Surplus Declaration - 24, 32 and 34 Mill Street, Kitchener

Moved by B. Vrbanovic

Seconded by L. Armstrong

That the Regional Municipality of Waterloo declare the following properties surplus to the needs of the Regional Municipality of Waterloo:

- (a) 24 Mill Street described as Part Lots 6 and 7, Plan 89, City of Kitchener, Regional Municipality of Waterloo, being Parts 31 and 38, on Reference Plan 58R-16727, part of PIN 22499-0547 (LT);
- (b) 32 Mill Street described as Part Lots 8 and 9, Plan 89, City of Kitchener, Regional Municipality of Waterloo, being Part 30, on Reference Plan 58R-16727, part of PIN 22499-0547 (LT); and
- (c) 34 Mill Street described as Part Lots 8, 9 and 10, Plan 89, City of Kitchener, Regional Municipality of Waterloo, being Parts 28, on Reference Plan 58R-16727, part of PIN 22499-0557 (LT) and 29, on Reference Plan 58R-16727, part of PIN 22499-0547 (LT);

Carried

Reports – Transportation and Environmental Services

- a) TES-WMS-19-01, Reducing Litter and Waste in Our Communities: Discussion Paper Comments

Regional Chair K. Redman added an amendment to the motion in regards to plastic waste creating waste disposal concerns and included a request to the Province for confirmation on the timing for full implementation of extended producer responsibility and that staff come back with a report investigating legal mechanisms, including by-laws, for the possible banning of single-use plastics in Waterloo Region.

Moved by K. Redman

Seconded by E. Clarke

That The Regional Municipality of Waterloo (Region):

- support the province's goal to decrease the amount of waste going to landfill, increase the province's overall diversion rate and reduce greenhouse gases from the waste sector; and,
- endorse Report TES-WMS-19-01, dated April 9, 2019, as the Region's comments on the Reducing Litter and Waste in Our Communities: Discussion Paper and that Report TES-WMS-19-01 be submitted to the Ministry of Environment, Conservation and Parks (MECP).

Whereas plastic waste is an urgent environmental issue creating waste disposal concerns and threatening the health of waterways and oceans,

The Regional Municipality of Waterloo requests the following:

That the Federal Government and the Provincial Government of Ontario exercise the leadership required to adequately address waste generation issues that are significantly beyond the control of individual municipalities;

And that the Region of Waterloo requests that the Province of Ontario provide confirmation on the timing for full implementation of extended producer responsibility;

And that further that Regional staff investigate the legal mechanisms, including by-laws, for the possible banning of single-use plastics in the Region of Waterloo.

Carried, as Amended

- b) TES-DCS-19-06, Snyder's Road Improvements Christian Street to Gingerich Road, Village of Baden, Wilmot Township

Moved by L. Armstrong

Seconded by S. Foxton

That the Regional Municipality of Waterloo take the following actions with respect to the proposed improvements on Snyder's Road (Regional Road 1) between Christian Street and Gingerich Road in the Village of Baden, Wilmot Township:

- a) approve the Recommended Design Alternative for Snyder's Road Improvements as outlined in Report TES-DCS-19-06; and
- c) upon completion of construction, amend the Region's Traffic and Parking By-law 16-023 as amended to,
 - a) Add to Schedule 1, No Parking, on both sides of Snyder's Road (Regional Road 1), from Christian Street to Foundry Street (Regional Road 51);

- b) Add to Schedule 1, No Parking, both sides of Snyder's Road (Regional Road 1), from Sandhills Road to Gingerich Road (Regional Road 6);
- c) Add to Schedule 7, Accessible Parking for Persons with Disabilities, on the south side of Snyder's Road (Regional Road 1) from 113 meters east of Foundry Street (Regional Road 51) to 120 meters east of Foundry Street (Regional Road 51); and
- d) Add to Schedule 22, Reserved Cycling Lanes Anytime on both sides of Snyder's Road (Regional Road 1) from Christian Street to Gingerich Road (Regional Road 6).

Carried

Information/Correspondence

- a) Council Enquiries and Request for Information – no items pending

Next Meeting – April 30, 2019

Adjourn

Moved by J. Erb

Seconded by M. Harris

That the meeting adjourn at 9:12 a.m.

Carried

Committee Chair, T. Galloway

Committee Clerk, J. Rudy