

Staff Report



To	City Council
Service Area	Infrastructure, Development and Enterprise Services
Date	Monday, November 9, 2020
Subject	Special meeting of Council to commence the five-year review of the Official Plan

Recommendation

1. That Staff be directed to proceed with the Section 26 Official Plan review as outlined in the report titled "Special meeting of Council to commence the five-year review of the Official Plan dated November 9, 2020".
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Executive Summary

Purpose of Report

The purpose of this report is to support a special meeting of Council to discuss revisions that may be required to the Official Plan as required by Section 26 of the Planning Act, provide the public with an opportunity to provide input at the outset of the process, and outline the requirements for the Official Plan review.

Key Findings

The City adopted its last comprehensive review of the Official Plan (OP) in June 2012 (OPA 48) which was approved by the Ontario Municipal Board (OMB) in October 2017 (with some exceptions).

The Planning Act (Section 26) requires that the City's OP be reviewed every five years (or ten years after the approval of a new OP) to, among other things, ensure that it conforms to Provincial legislation, policy and plans.

The OP review will be focused on Section 26 requirements and future OP amendments will focus on updating sections of the OP that are currently subject to master plan processes.

Since 2017, the Province has amended/updated the Planning Act and the Clean Water Act and has released a new Growth Plan and Provincial Policy Statement. The new Provincial Policy Statement (PPS) came into effect on May 1, 2020 and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) came into effect in 2019. The Growth Plan was subsequently amended with an effective date of August 28, 2020.

The City is required to update its OP to conform with the Growth Plan by July 1, 2022, as such, a focused approach to the OP review is necessary to ensure that required legislated updates, including the Growth Plan, are prioritized to meet the conformity deadline. Once these requirements are satisfied, future amendments to

the OP will focus on incorporating other legislative requirements and city approved plans and studies into the OP.

Financial Implications

The Official Plan review is funded through the approved capital budget, Capital Account PL0054, for costs associated with consultant services and community engagement.

The OP has significant financial implications as it sets population and employment forecasts, as well as density targets which are the driver to growth-related infrastructure planning and financing. A fiscal analysis of growth scenarios will be completed as part of the City's growth plan conformity work in 2021. The City is also updating a number of Master Plans, the Development Charge Bylaw and the Parkland Dedication Bylaw and will be implementing a new Community Benefit Charge Bylaw over the next two years in order to support the long-term financial planning for growth to 2051.

Report

Background

What is an Official Plan?

An Official Plan (OP) is a legal planning document required by the Planning Act. It establishes a vision for the future of a municipality and provides policy direction to manage future land use patterns and growth. An OP primarily deals with:

- How land can be used, whether it should be used for houses, industry, offices, commercial, parks, natural areas or a mix of uses;
- What services, like roads, sewers, parks and schools are needed; and,
- When, and in what order, parts of the municipality will grow

Reviewing and updating the Official Plan – what is required

The Planning Act (Section 26) requires municipalities to review their OPs every five years (or ten years after the approval of a new OP) to ensure that it:

- conforms with and does not conflict with provincial plans,
- has regard for matters of provincial interest, and,
- is consistent with the Provincial Policy Statement.

To initiate a five-year review of an OP, the Planning Act requires that a special meeting of Council, open to the public, be held to discuss revisions that may be required to the OP to meet the above. This report initiates the five-year review at a special meeting of Council.

The City's last five-year review

The City's last comprehensive OP review was undertaken in three phases:

Phase 1: Official Plan amendment 39 Growth Plan conformity was approved by the Ministry of Municipal Affairs and Housing in November 2009.

Phase 2: Official Plan amendment 42 Natural Heritage Strategy was approved by the Ontario Municipal Board in June 2014.

Phase 3: Official Plan amendment 48 final phase of the five-year review was approved by the Ontario Municipal Board in October 2017 with the exception of one

site specific appeal, one policy appeal and a few policies that are still under appeal on a site-specific basis.

Scope of the OP Review

In February 2020, [Information Report IDE-2020-16](#) was provided to Council. At that time, the scope of the OP review included: conformity and consistency with provincial legislation, plans and policies; all master plan updates or other city-approved plans and studies; and any other policies that may require updating.

Since that time, COVID-19 has had some effect on the project work schedules for required master plans and the growth management strategy. Also, the release and approval of Amendment 1 to the Growth Plan has required staff to review and revise project timing and deliverables to ensure that the requirements of the amended Growth Plan are met through the municipal comprehensive review (MCR) and the master plans. With a conformity deadline of July 1, 2022, it is no longer possible to complete the original scope of the OP review, including the delivery of master plans and draft Official Plan policies within the prescribed timeframe. As a result, the OP review will focus on satisfying the requirements of Section 26 of the Planning Act. This includes ensuring that the OP is in conformity and consistency with the Planning Act, the Provincial Policy Statement, the Growth Plan and the Clean Water Act/Source Protection Plan. Once these requirements are satisfied, a future OP amendment (or amendments) will focus on incorporating other legislative requirements and city-approved plans and studies into the OP. This includes amendments to update policies with respect to transportation, parks and open space, and municipal services which are currently the subject of master plans.

In June 2020, Council endorsed a [draft vision and principles for growth](#). In addition to guiding Growth Plan conformity work, these will also be used to guide the OP review.

It is the appropriate time to initiate the five-year review of the City's OP with the scope outlined above given the amount of time that has passed since the last five-year OP review was undertaken; the changes to the provincial legislation, policy and plans; and the time constraints for conformity with the Growth Plan.

The following provides a summary of the legislation, plans and policies that are required to be considered for this OP review:

Planning Act

Several amendments to the Planning Act have been made since the last OP review. These amendments have: removed height and density bonusing; modified parkland dedication requirements; introduced community benefit charges; shortened timelines for the processing of certain development applications; changed the types of matters and reasons for appeals to the Local Planning Appeals Tribunal (LPAT); among other matters.

Provincial Policy Statement 2020

The Provincial Policy Statement (PPS) is the consolidated statement of the provincial government's policies on land use planning that guides municipal decision making. Under the Planning Act municipal decisions on land use planning matters "shall be consistent with" the PPS. The PPS, 2020 came into effect on May 1, 2020.

The changes to the PPS were intended to support Ontario's Housing Supply Action Plan and the changes to the land use planning system including changes to the Planning Act and the Growth Plan. The changes that were made to the PPS were intended to: encourage the development of an increased mix and supply of housing; protect the environment and public safety; reduce barriers and costs for development and provide greater predictability; support rural, northern and Indigenous communities; and, support the economy and job creation.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe

In May 2019, the Province released A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) and Amendment 1 was approved with an effective date of August 28, 2020. The Growth Plan guides growth and development within the Greater Golden Horseshoe over the next 30 years. The Growth Plan requires that Guelph plan for a population of 203,000 and an employment base of 116,000 jobs in 2051. Guelph must also plan for a minimum intensification target of 50 per cent within its built-up area; a minimum designated greenfield area density target of 50 persons and jobs per hectare; and a minimum urban growth centre (downtown) density target of 150 persons and jobs per hectare to 2031.

Clean Water Act/Grand River Source Water Protection Plan

The Grand River Source Water Protection Plan brought policies into effect for the City of Guelph on July 1, 2016 following approval by the Province. The development and approval of the plan fulfills requirements under the provincial Clean Water Act. The plan identifies wellhead protection areas and vulnerabilities along with corresponding policies for protection the water quality of Guelph's drinking water supply. Some of these policies are intended to be implemented through planning tools and require updates to the City's OP in order to support implementation. Additional work to develop policies to support completed technical studies identifying well head protection areas and vulnerabilities for protection of water quantity as it relates to Guelph's drinking water supply is ongoing and will be incorporated into the Grand River Source Water Protection Plan through a future update to the plan.

OP Review and Growth Plan Conformity/Municipal Comprehensive Review

To bring Guelph's OP into conformity with the Growth Plan, it is necessary to complete a municipal comprehensive review (MCR) that will determine where and how Guelph will grow to 2051, and plan to achieve the targets for the built-up area, designated greenfield area, and urban growth centre. Municipalities are required to have their OPs updated to conform to the Growth Plan by July 1, 2022.

In October 2019, Council endorsed a process for the City's MCR. Several background studies have been or are currently being prepared as part of the MCR. These include:

- Updated vision and principles for growth
- A residential intensification analysis
- A housing analysis and strategy
- An employment lands strategy, and
- Growth scenario planning (based on a land needs assessment).

An overview of the scope of each of these studies was provided in report [IDE-2019-91](#).

The MCR work will result in a growth management strategy for the City and will inform the 5-year review of the OP. Recommended changes to the OP as part of the MCR will be incorporated into the 5-year review OP amendment.

OP Review process and proposed community engagement

The OP review will include the following:

- Release of a policy paper (or papers)
- Statutory Open House
- Statutory Public Meeting
- Council Decision Meeting

As noted above, aspects of Growth Plan conformity, including community engagement, will be completed through the MCR. The MCR will result in an updated growth management strategy for Guelph which will include recommended changes to the OP.

For potential amendments related to Planning Act, PPS and Sourcewater Protection Plan, a policy paper will be prepared detailing requirements to ensure the OP is consistent with and conforms to these documents as required.

Following this special meeting of Council to discuss revisions that may be required to the OP, staff will develop a fulsome community engagement plan to appropriately address all of the matters identified in this report, as well as any matters as directed by Council to consider as part of this process.

On a preliminary basis, it is intended that the above-mentioned policy paper will be released for public review and comment in the early part of 2021. If appropriate, a public workshop may be held to discuss the policy paper.

Following the receipt of comments, staff will begin preparing draft OP policies. The intent is to release the draft OP policies in late 2021 for public review and comment. At minimum, an open house and a statutory public meeting will be held before recommended policies are brought forward for Council's consideration.

In order to meet the deadline for conformity with the Growth Plan, a consolidated OP amendment including all items outlined in this report will be brought forward for Council's decision before the Province's deadline of July 1, 2022. The approval authority for a Section 26 update to the OP is the Minister of Municipal Affairs and Housing.

Project Next Steps

Q1/Q2 2021 – Policy paper(s) to be prepared and released for public review and comment

Q3/Q4 2021 – Draft Official Plan policies and OP amendment to be prepared and released for public review and comment

Q1/Q2 2022 – Recommended OP amendment to be brought forward for Council's consideration

Financial Implications

The five-year OP review update is funded through the approved capital budget, Capital Account PL0054, for costs associated with consultant services and community engagement consultations.

The OP has significant financial implications as it sets population and targets which are the driver to growth-related infrastructure planning and financing. A fiscal analysis of growth scenarios will be completed as part of the City's growth plan conformity work in 2021. The City is also updating a number of Master Plans, the Development Charge Bylaw and the Parkland Dedication Bylaw and will be implementing a new Community Benefit Charge Bylaw over the next two years in order to support the long-term financial planning for growth to 2051.

Consultations

The Planning Act requires that formal notice be provided for this special meeting of Council at least once a week in each of two separate weeks, and the last publication shall take place at least 30 days before the date of the meeting. Accordingly, notice was published in the Guelph Mercury Tribune on October 1, 2020 and October 8, 2020.

In addition to meeting the statutory requirements, notice was again provided in the Guelph Mercury Tribune on October 29, 2020.

A consultant has been retained to facilitate community engagement for the MCR and the OP review. Following this special council meeting a fulsome community engagement plan will be developed for the OP review. The community engagement plan and consultation process will go above and beyond the minimum statutory requirements of the Planning Act including engaging with the public and key stakeholders.

As encouraged by the PPS 2020, the engagement plan will include engaging with the appropriate Indigenous Communities.

The Planning Advisory Committee will be consulted at key stages during the review.

Internal consultations with staff from other City departments and service areas has taken place and will continue to occur throughout this process.

Strategic Plan Alignment

The five-year OP review will align with the following priorities within Guelph's Strategic Plan:

- Powering our future – The review and update of the OP will support a healthy economy.
- Sustaining our future – The review and update of the OP will assist in planning and designing an increasingly sustainable City as Guelph grows.
- Navigating our future – The review and update of the OP will assist in planning for a transportation network that connects us.
- Building our future – the review and update of the OP will assist in continuing to build a strong and vibrant community.

Attachments

Attachment-1: Staff Presentation Commencement of the Official Plan Review

Departmental Approval

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