

Memo To: City Council
Subject : Five Year Review of Official Plan
Date: November 9 2020
From Hugh Whiteley

**ENSURE PUBLIC ENGAGEMENT PROVIDES OPPORTUNITY TO INFLUENCE
DECISION-MAKING ON CONTENT OF THE UPDATED OFFICIAL PLAN
THROUGHOUT THE PROCESS**

During the preparation of the last updating of the Official Plan in OPA 42 and OPA 48 there was good public engagement in the initial phases of the OP update but later stages of the preparation of the draft new Official Plan were deficient in allowing public engagement during the final decision-making process.

In the case of OPA 42 the text of the Official Plan that was commented on by the public and approved by City Council in July 2010 was rewritten with many changes during the OMB appeal process. The rewrite was done by a technical group that included ecologists representing the interests of the numerous developers who had filed appeals and the expressed intent of the rewrite was to remove any Guelph-developed policies which exceeded the protective measures contained in the Provincial Policy Statement {Note: the PPS explicitly allows local policies to exceed PPS controls}

The absence of any public participation in the rewriting of OPA 42 resulted in the final version of the document deviating from policy directions that had been included in OPA 42 as a result of public engagement earlier in the process.

In the case of OPA 48 the initial public engagement for the Official Plan Update had been conducted for the entire Official Plan, starting in 2008. In 2010 the decision was made to first deal with the Natural Heritage Strategy portion of the Official Plan and OPA 42 was presented and approved by City Council.

After the approval of OPA 42 in July 2010 the public was assured that the updating of the rest of the Official Plan consisted only of minor housekeeping issues and policy decisions. Whether to impose controls on drive-through establishments was given as an example of the remaining issues. No further public engagements on the remaining Official Plan sections was conducted.

When the draft of OPA 48 was presented in January 2012 members of the public and City Council was presented with a complete redrafting of the previous OP with about 1/3 of the content rewritten and reordered. The rewrite was so complex that staff were reluctant to produce the usual version with strike-through and rewrite sections highlighted to allow easy identification of change.

Among the major changes contained in the rewriting of OP policies in OPA 48 was removal of the River Systems Management Master Plan as the guiding document for projects in the Speed and Eramosa river corridors and substitution of a narrow definition of open-spaces policies applied only to P2 P3 and P4 parks for the previous holistic definition of open space as all public and privately owned green spaces. The rewriting that occurred in both OPA 42 and OPA 48 without effective opportunity for public comment is a real barrier to full public participation in the preparation of an Official Plan and resulted in an Official Plan that in important ways failed to reflect the interests and values of Guelph residents.

In contrast to OPA 42 and 48 the public engagement process for OPA 43, the Downtown Secondary Plan was very successful in incorporating public input throughout the process and should be used as a model for the next OP Update.

ENSURE CONTENT OF OFFICIAL PLAN IS SUPPORTED BY COUNCIL-APPROVED MASTER PLANS AND POLICY STATEMENTS

The updating of the Official Plan envisioned for completion by July 2022 will focus on conformity with Provincial Policies and changes related to new Council-approved Master Plans will occur later. The need to have Official Plans conform to Council-approved Master Plans is thus not a major issue in this Official Plan Update but will be important in the subsequent Updates after 2022.

I raise attention to this issue in advance to alert Council to be vigilant in checking for the conformity to Council-approved Master Plans since there was a departure from this policy in the preparation of OPA 48.

As noted above OPA 48

IN THE MUNICIPAL COMPREHENSIVE REVIEW CORRECT ERRORS IN BUILT AREA BOUNDARIES THAT WERE MADE IN OPA 39

OPA 39, the Official Plan Update needed to show conformity with the Provincial Growth Plan, contains a Schedule showing the boundaries of the built up portion of the City. The Province prepared this map based on information provided by the city on which lands had final planning approval. The map produced by the Province appears in OPA 39 and in all subsequent Official Plans.

According to the technical rules provided by the Province the built-up area of the city was to include all lands on which development had been approved and, in addition, all other lands that had been given ‘final’ Designation in an Official Plan and subsequent ‘final’ zoning in a Zoning by-law. This means that the built up area included all lands that had been given the Designation Open Space and the Zoning P-1 Conservation.

In 1965 the City of Guelph annexed land from Puslinch Townships on the southwestern side of the City. The annexed area included all of the Kortright Waterfowl Park lands at the confluence of the Speed River and Hanlon Creek and the annexed area extended upstream over most of the Hanlon Creek watershed.

Following annexation the City requested the GRCA to conduct a preliminary study of the Hanlon Creek Watershed to determine what portion of the watershed should be reserved from development as open space. The resulting report recommended all of the valleylands along the creek, about 845 acres, be reserved from development as a Conservation Area. The Conservation area included all of the Kortright Waterfowl Park lands.

In January 1970 City Council adopted the development of the Hanlon Creek Conservation Area as the basis for landuse planning for the annexed area. The City then asked the GRCA to partner in a land acquisition project in Guelph. The GRCA agreed to be a partner in the project.

GRCA partnership allowed the Guelph Valleyland Project to take advantage of a Provincial program which provided 50% counterpart funding to Conservation Authorities for the purchase of valley lands. The Guelph Valleyland project continued until 1996 when the Province ended the counterpart funding of valleyland purchases. The Guelph Valleyland Project was the largest valleyland project in the Grand River watershed.

In 1975 the Kortright Waterfowl Park Lands were Designated Open Space in the Official Plan. The Open Space Designation remained on all of the Kortright lands in subsequent Official Plans. In 1977 the GRCA on behalf of the Guelph Valleyland Project purchased the Kortright Waterfowl Park to be the anchor property of the Hanlon Creek Conservation Area. The City supplied 80% of the local portion of the purchase cost with the GRCA covering 20 %.

The 116 acres of the Kortright Waterfowl Park Lands extend from the Speed River to Ptarmigan on both sides of Niska Road. In 1997 the whole of the Waterfowl Park Lands were zoned P-1 in keeping with the Open Space Designation. This completed the planning process for all of the Kortright lands with a “final” Designation of Open Space and a “final” P-1 Zoning in place from 1997.

In preparing information to submit to the Province for determination of the boundary of the built area the City informed the Province that the portion of the Kortright Lands on the north side of Niska Road were part of the built up area as land with final use determined. The Province accepted this information and the portion of the Kortright Lands on the north side of Niska are in the built area of the City.

The City incorrectly informed the Province that the Kortright Lands on the south side of Niska did not have a confirmed Designation and Zoning and as a consequence the Province incorrectly deemed the Kortright lands on the south side of Niska to be Greenfield Lands.

This error should be corrected as part of the current Official Plan update and the Open Space Designation erroneously removed from the lands in OPA 48 as a result of their misidentification as Greenfield lands should be restored.