

# Staff Report



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To	<b>Committee of the Whole</b>
Service Area	Infrastructure, Development and Enterprise Services
Date	Monday, May 3, 2021
Subject	<b>Official Plan Review – Policy Directions</b>

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## Recommendation

1. That the Official Plan Review policy paper, attached as Attachment-2 to the “Official Plan Review – Policy Directions” report dated May 3, 2021, be received.
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## Executive Summary

### Purpose of Report

This report publicly releases the [Official Plan Review policy paper](#) for community and stakeholder engagement, and for Council review and consideration.

### Key Findings

The Official Plan Review (OPR) focuses on satisfying the requirements of [Section 26 of the Planning Act](#). This includes ensuring that the Official Plan (OP) is in conformity with the Planning Act, the Provincial Policy Statement (PPS), A Place to Grow: Growth Plan for the Greater Golden Horseshoe (APTG), the Clean Water Act (CWA) and Grand River Source Protection Plan and the Ontario Heritage Act (OHA).

The policy paper provides an overview of the changes to the legislation, plans and policies outlined above. Some of these changes require updates to the Official Plan and others may require changes to processes, timelines, or other municipal bylaws, plans, or guidelines. The policy paper outlines changes to Official Plan policies that are necessary and proposed policy approaches for the Official Plan updates.

Community and stakeholder engagement on the OPR policy paper is planned for May and June 2021 and will include a virtual event(s) and online consultation through [Have Your Say Guelph](#), the City’s online engagement platform.

### Financial Implications

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

The Official Plan 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 APTG conformity work (Shaping Guelph) 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.

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# Report

## Background

On November 9, 2020, a special meeting of Council was held to initiate the review and update of the Official Plan. That meeting was supported by a report titled "[Special meeting of Council to commence the five-year review of the Official Plan](#)" which outlined the scope of the Official Plan review (OPR).

The OPR is focused 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 (PPS), A Place to Grow: Growth Plan for the Greater Golden Horseshoe (APTG), the Clean Water Act (CWA) and Grand River Source Protection Plan and the Ontario Heritage Act (OHA). Following the November 9, 2020 special meeting of Council, it was determined that the amendments made to the OHA through the More Homes, More Choice Act (Bill 108) should also be incorporated into the scope of the OPR. Details regarding the OHA changes are outlined in this report and the OPR policy paper (Attachment 2).

Following this OPR, a subsequent Official Plan amendment (or amendments) will focus on incorporating other legislative requirements and city-approved plans and studies into the Official Plan. 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 the city's APTG conformity work, these will also guide the OPR.

## Overview of proposed Official Plan policy approaches

[Attachment-2](#) includes the OPR policy paper which provides an overview of changes to the Planning Act, Provincial Policy Statement (PPS), Clean Water Act (CWA), Grand River Source Protection Plan, Ontario Heritage Act (OHA), and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (APTG). Some of these changes require updates to the Official Plan and others may require changes to processes, timelines, or other municipal bylaws, plans, or guidelines. The policy paper outlines Official Plan policies that are necessary to update to conform to these changes in Provincial legislation and plans. The policy paper also outlines proposed policy approaches for the Official Plan updates. A summary of the required updates to achieve conformity are outlined below.

The following topics require updates to the Official Plan to conform to more than one of the Acts or plans outlined above:

- residential intensification and increased housing options (PPS, APTG)
- protection of employment lands (PPS, APTG)
- planning for the impacts of a changing climate (PPS, APTG)
- water resources (PPS, APTG), and
- source water protection (CWA, Grand River Source Protection Plan)

## Planning Act

Several amendments to the Planning Act have been made since the last OPR, including Bill 139, Bill 108 and several regulations passed under the Planning Act. Amendments that require changes to the Official Plan include how and where

additional residential dwelling units (i.e. accessory apartments) are to be permitted; the removal of a municipal tool to increase height and density in exchange for community benefits (i.e. bonusing); and inclusionary zoning. In December 2020 Council approved an amendment to the Official Plan and the Zoning Bylaw to conform to the Planning Act changes for additional residential dwelling units.

### **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 (APTG) and Amendment 1 was approved with an effective date of August 28, 2020. APTG guides growth and development within the Greater Golden Horseshoe over the next 30 years. APTG 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.

To bring Guelph's Official Plan into conformity with APTG, 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. Guelph's MCR is happening through the [Shaping Guelph](#) project. Shaping Guelph includes several background studies, some of which will also address updated requirements in the PPS. These background studies include:

- A 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.

Municipalities are required to have their Official Plans updated to conform to APTG by July 1, 2022. Shaping Guelph is underway and will result in a growth management strategy for the City that will inform the 5-year review of the Official Plan. Recommended changes to the Official Plan as part of Shaping Guelph will be incorporated into the OPR Official Plan amendment.

At this time it is anticipated that, at a minimum, Chapter 3 – Planning a Complete and Health Community, of the Official Plan will be updated to conform to APTG.

### **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 PPS 2020 includes new and/or updated policies in the areas of:

- Enhanced municipal engagement with Indigenous communities
- Residential intensification and increased housing options
- Protection of employment lands
- Providing more options for servicing
- Planning for the impacts of a changing climate

- Natural heritage system policies related to surface water and fish habitat, and habitat for endangered and threatened species
- Requirement to identify a water resource system
- Natural and human-made hazard policies
- Archaeological management plans, and
- Definitions related to the topics outlined above. A list of modified and new PPS definitions are included in Attachment 2.

Changes to the Official Plan are needed to:

- Acknowledge that Guelph is located on Indigenous territory lands and reflect our responsibility to engage with Indigenous communities on planning matters
- Ensure that policies are consistent with revised PPS language to provide for both market based and affordable housing and to ensure that the city provides a 15 year supply of lands that are designated and available for residential intensification
- Protect the long-term viability of existing and planned employment areas including land use compatibility and transition between employment areas and sensitive land uses
- Promote the co-location of linear infrastructure and require that stormwater planning be integrated with planning for water and wastewater servicing
- Improve consistency with respect to the impacts of a changing climate, specifically recognizing the city's commitment to become a net zero community by 2050 and that the Corporation of the City of Guelph will strive to achieve 100 per cent of its energy needs through renewable sources by 2050
- Ensure alignment with the PPS and Fisheries Act for development and site alteration in fish habitat
- Ensure alignment with the PPS for development and site alteration in habitat of endangered species and threatened species
- Incorporate a systems-based approach for water resource planning
- Update natural hazard policies, including floodplains, to plan and mitigate potential risk to public health, safety, or property damage including risks associated with the impacts of a changing climate
- Update natural hazard policies to include policies for wildland fire hazards
- Provide direction to the city to undertake an archaeological management plan, and
- Reflect changes to and new definitions introduced in the PPS

### **Clean Water Act/Grand River Source Protection Plan**

The Grand River Source 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 protecting 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 Official Plan 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 Protection Plan through a future amendment to the Source Protection Plan. A subsequent amendment to include related policies into the Official Plan may be required at that time.

## **Ontario Heritage Act**

The [Ontario Heritage Act](#) (OHA) provides municipalities with the tools to identify, designate, and protect built and archaeological interests that are of cultural heritage value such as properties, structures, districts, and streetscapes. The OHA provides municipalities with the ability to place additional controls over the alteration, demolition, or removal of cultural heritage assets; allows for interim protection to non-designated properties that have cultural heritage value from demolition; and allows municipalities to enter into agreements with property owners to maintain heritage assets. The OHA also allows municipalities to establish local heritage review committees.

Changes to the OHA through Bill 108 that require potential updates to the Official Plan include:

- A new set of principles to guide municipal decisions to designate properties and districts
- New requirements for applications to alter or demolish buildings or structures on a designated property
- New tools for municipalities for alteration, removal, and demolition of heritage attributes, and
- Notification requirements for properties included on the municipal register of cultural heritage properties

The changes to the OHA outlined above are not yet in effect and a date of enactment remains to be determined.

Changes to the Official Plan are needed to:

- Revising policies to list principles that Council must consider during the decision making process to designate a property or district
- Include complete application requirements for applications to alter, demolish or remove a building or structure on a designated property
- Add a general policy to align with OHA regulations or guidance on requirements for designated properties where relocation of a building or structure is proposed
- Address OHA changes that enable property owners to object to their property being listed on the heritage register

## **Other municipal and legislative changes**

Additional changes to the Official Plan are being proposed to provide clarity and reduce redundancy and administrative Official Plan updates. These changes include

- Providing clarity as to when essential municipal infrastructure, subject to an environmental assessment, is a permitted use when located in certain natural heritage features, areas and buffers,
- Removing references to the roles and responsibilities of advisory committees that are governed by the City's procedural bylaw and/or terms of reference, and
- Providing clarity on the integration and implementation between the Official Plan and the City's tree bylaw.

## **Next Steps**

- May/June 2021
  - Indigenous engagement on the OPR and policy paper
  - Community engagement on the OPR policy paper

- Consultation with City advisory committees (Planning Advisory Committee, Natural Heritage Advisory Committee, and Heritage Guelph)
- Q3 2021 to Q1 2022 – draft Official Plan policies and Official Plan amendment to be prepared and released for community and stakeholder review and comment, including the statutory open house and statutory public meeting required by the Planning Act
- Q2 2022 – recommended Official Plan amendment to be brought forward for Council decision

## **Financial Implications**

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

The Official Plan 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 APTG conformity work (Shaping Guelph) 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**

### **Consultation with City departments and service areas**

To inform the policy paper consultation has occurred with staff from the following City departments and service areas:

- Economic Development and Tourism
- Engineering and Transportation Services
- Environmental Services
- Facilities and Energy Management
- Parks
- Finance
- Legal, Realty and Court Services
- Strategy, Innovation and Intergovernmental Services

### **Community Engagement**

Community and stakeholder engagement on the OPR policy paper is planned for May and June 2021 and will include a virtual event(s) and online consultation through Have Your Say Guelph, the City's online engagement platform. The policy paper will also be presented to the city's Planning Advisory Committee, Heritage Guelph, and the Natural Heritage Advisory Committee for their comments.

Notice for this Council meeting and the upcoming engagement was provided through City News and by sending a notice to all those people that have requested to be on the project mailing list. The feedback from the community, as well as Council, will inform the draft policies that implement the provincial amendments.

### **Indigenous Engagement**

The importance of building constructive, cooperative relationships through meaningful engagement with Indigenous communities to facilitate knowledge-sharing in land use

planning processes and decisions is recognized. Accordingly, an engagement consultant specializing in Indigenous engagement has been retained for the Official Plan Review, as well as the municipal comprehensive review. The Indigenous engagement consultant will also be supported by the community engagement consultant team already retained for these projects.

### **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 OPR Policy Paper May 3, 2021 CoW

[Attachment-2 Shaping Guelph Official Plan Review policy paper](#)

### **Departmental Approval**

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