

Attachment 1

City of Guelph feedback on Minister's reversal of Official Plan Amendment 80 decision

City Council Report 2023-459 and the following provides the City of Guelph's feedback on the Minister's reversal of the decision to approve Official Plan Amendment 80 (OPA 80). Overall, staff are supportive of the reversal and the approval of OPA 80 as adopted by City Council. These comments address each of the 18 modifications in order as set out in the Minister's decision dated April 11, 2023.

Modifications and Comment

1. Modification to Section 1.3.1 and the Glossary to replace the term Ontario Municipal Board with the Ontario Land Tribunal.

Comment: No concerns.

2. Modifications to Section 4.1.1.7, 4.1.1.17, 4.1.2.4, 4.1.2.5, 4.1.2.7, 4.1.3.2.6, 4.1.3.2.7, 4.1.3.2.9, 4.1.3.2.10, 4.1.3.4.6, 4.1.4.2.2, 4.1.4.3.2, 4.1.4.4.3, to remove references to the provincial government or the Grand River Conservation Authority (GRCA).

Comment: No concerns.

3. Modification to Section 4.1.3.5.1, 4.1.3.5.2, 4.1.3.5.3 to remove references to MNDMNR (Ministry of Northern Development, Mines, Natural Resources and Forestry) and the GRCA and replace with the Federal Department of Fisheries and Ocean (DFO).

Comment: Further discussion required with Ministry staff to discuss rationale for this modification and the DFO's role in identifying fish habitat.

4. Modification to Section 4.1.3.9.1 bullet i) to delete reference to seasonal concentration areas. This modification also deleted references to the GRCA and MNDMNR and replaced with Province in Sections 4.1.3.9.5, 4.1.3.9.6, 4.1.3.9.7, 4.1.3.9.10.

Comment: Staff are not supportive of this modification to delete references to seasonal concentration areas as criteria for designation of significant wildlife habitat and note that further discussion with Ministry staff is warranted and that the appropriate time to consider modifications to the natural heritage system policies would be during a City initiated review of these sections of the Official Plan.

5. Modification to Sections 4.1.7.2.1 and 4.1.7.2.2 to delete reference to MNDMNR.

Comment: No concerns.

6. Modification to section 5.9.1 to include policy direction for establishing priority routes for goods movement.

Comment: No concerns. However, Chapter 5 Movement of People and Goods of the Official Plan was not within the scope of OPA 80 and will be comprehensively reviewed through a future City initiated Official Plan amendment and the policy addition would be appropriately considered at that time.

7. Modification to Section 9.1.3 b) to include objective to maintain and enhance connections to the agri-food network and agricultural system.

Comment: No concerns.

8. Modification to glossary to add terms agricultural system and agri-food network.

Comment: No concerns.

9. Modification to delete Item 114 of OPA 80 that changed the designation for 41-45 George Street.

Comment: Staff Agree with the Minister's decision to revert the designation of 41-45 George Street back to its former designation and not accept City Council's July 11, 2023 decision to down-designate the property. However, this was not supported by Council, further discussion with Ministry staff is required.

10. Modification to add a new Item 115 to OPA 80 to revise Section 9.4.6 Service Commercial to amend permitted uses.

Comment: Do not support the Minister's revisions to Section 9.4.6 as it was not within the scope of OPA 80 and would appropriately be considered through a City initiated review of commercial land use designations.

11. Modification to Schedule D Downtown Secondary Plan Building Heights to change the minimum and maximum heights, to delete portions of policy 11.1.7.2.2 and to delete portions of policy 11.1.7.7. Residential 1 Areas; and to add a new Section 11.1.4.5.5 to provide policy for reducing minimum parking requirements in the zoning bylaw.

Comment: Do not support the Minister's revisions to the Downtown height schedule to introduce a maximum height of 23 storeys. The growth management analysis (including Land Needs Assessment, Housing Analysis, Residential Intensification Study and Employment Study) demonstrated that changes to the land use schedule and height and density policies were not required to meet the A Place to Grow policy and density requirements. Changes to the height schedule are best addressed through a comprehensive review with consideration for the policy framework of the secondary plan, ongoing heritage conservation district studies (Downtown and Ward West), urban design guidelines and supporting studies. Proponents may apply for site specific OPAs and may demonstrate appropriateness of changes to land

use permissions through a complete application with supporting studies and opportunity for public consultation.

No concerns with the addition of the policy addressing parking minimums. A City initiated zoning amendment to reduce parking regulations was considered and approved at the September 26, 2023 City Council meeting and is now under appeal to the OLT.

12. Addition of new Item 116 to modify the land use designation of 230 Willow Road and part of 100 Ridgewood Avenue.

Comment: While the change in land use designation is generally supportable, it is appropriately considered through a site specific Official Plan Amendment with supporting studies demonstrating that high density residential could be accommodated on the site.

13. Modification to Schedule B: Guelph Innovation District Secondary Plan Land use to change the land use designations west of the Eramosa River, and modification add new items 97.1 and 97.2 to amend policy 11.2.4.8 Main Street and Policy 11.2.6.1.8 b).

Comment: Do not support revisions to the land use schedule for the Guelph Innovation District Secondary Plan. Changes to the land use schedule have not been considered through a public process with supporting studies and were not contemplated through OPA 80 background studies and reports. Increases to residential lands are not required within the GID area to meet the City's population forecasts or housing unit requirements to the year 2051. The land use modifications conflict with the approval of the employment area designations on Schedule 1b of OPA 80 and with the policy framework set out in the GID Secondary Plan. It is unclear how the vision, objectives and policies of the GID will be met with the revised land use schedule. It is appropriate for land use changes to be considered during the Block Plan process and development applications when supporting studies are completed to allow for proper assessment of any proposed amendments through a public process.

14. Modification to add a new item 97.3 and 97.4 to amend Schedule C Guelph Innovation District Secondary Plan Built Form Elements and policy 11.2.6.3.2.4 e)

Comment: As noted above for modification 13.

15. Modification to create new Items 117 through 126 to add a new policy 9.13.3.13 384 Crawley Road and to modify Schedule 2, 3, 4, 4a, 4b, 4c, 4d, 4e and 6 to allow for industrial development without consideration for any policies of the Official Plan.

Comment: Do not support site specific land use amendments through Ministry modification and agree with the reversal of this modification. The appropriate process is a Planning Act application with public consultation as the changes are in conflict with the PPS and Planning Act.

16.Modification to Schedule 2 Land Use Plan to include revisions made by the Minister's modifications.

Comment: Do not support the Minister's modifications to Schedule 2 as per comments on individual modifications.

17.Modification to create a new Item 127 to include a new policy 4.4.1.37 for the Special Policy Area

Comment: No concerns with the addition of this policy to ensure that land use planning decisions have the approval of the appropriate Ministries.

18.Modification to create new Items 128 and 129 to change Schedule 2 Land Use and add a new policy 9.13.3.14 to change the land use designation of 280 Clair Road West.

Comment: Do not support the site specific land use designation change that would introduce sensitive residential land uses into an industrial area within a protected employment area and Provincially Significant Employment Zone. Agree with the Minister's proposal to reverse this land use change.

Circumstances or projects reliant on modifications

There are no circumstances or projects where construction has already begun that are reliant on the modifications to the Official Plan.

General Comments

OPA 80 as adopted by Council, supports a balanced approach to land use planning which provides sufficient lands designated for housing, employment and services needed to support resident's daily lives based on a projected population of 208,000.

The Minister's proposed modifications would increase the City's forecasted population by approximately 8,000 to 10,000 by the year 2051 without consideration for the City's ability to service the additional population. Particularly concerning is that changes to land use were not considered in relation to the Water Supply Master Plan given that the City is ground water dependent. The master plan indicated that supply is constrained and increasing population beyond the 2051 projection (208,000 residents) could impact ability to supply water to meet demands of future residents and businesses of Guelph.