



Shaping Guelph: Official Plan Review

Policy Paper

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Official Plan Review policy paper

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Executive Summary

Under section 26 of the Planning Act, municipalities are required to review their Official Plans every five years, or ten years after the approval of a new Official Plan, 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.

This paper provides an overview of changes to relevant provincial policy and legislation since the City's last comprehensive Official Plan update. This includes changes to the Planning Act, Provincial Policy Statement, Ontario Heritage Act, and Clean Water Act/Source Protection Plan.

Once this review is complete and City master plans and other necessary background studies are finished, a subsequent Official Plan amendment, or amendments, will be initiated to incorporate any changes that may be needed to the Official Plan.

Although the City's Official Plan is already in conformity with much of the updated polices and legislation, some changes are required. This paper discusses the specific updates, outlines the City's current Official Plan policies and details policy approaches to address the updates. These updates cover a variety of topics including housing, employment, a changing climate, natural heritage systems, water resources, and cultural heritage.

This OPR is being completed in conjunction with the City's municipal comprehensive Official Plan review, known as Shaping Guelph. Shaping Guelph is exploring what Official Plan updates are necessary to meet the policies and targets in A Place to Grow: Growth Plan for the Greater Golden Horseshoe (APTG).

Now is the appropriate time to initiate the five-year review of the City's Official Plan given the amount of time that has passed since the last five-year Official Plan review was undertaken; the changes to the provincial legislation, policy and plans; and the requirements to conform with APTG by July 2022.

Following the receipt of this policy paper by Council, community and stakeholder conversations about this paper will be held virtually and through [Guelph's online engagement platform](#). These conversations will inform the changes that are needed to the Official Plan as outlined in this paper and obtain input to inform the Official Plan amendment that, at this time is anticipated to be released later in 2021 or early 2022.

1. Purpose and structure of the policy paper

The Planning Act requires municipalities to review their Official Plans (OP) 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 (PPS).

This paper provides an overview of changes to the Planning Act, PPS, Ontario Heritage Act, and Clean Water Act/Source Protection Plan since the last comprehensive OP update. This paper also includes a summary of the Shaping Guelph project which is addressing matters of OP conformity with A Place to Grow: Growth Plan for the Greater Golden Horseshoe (APTG).

This paper discusses specific changes needed to the OP to address the topics of housing, employment, a changing climate, natural heritage systems, and water resources as a result of both the PPS and APTG. In addition to these specific topics, other changes are required to the Official Plan to conform to other aspects of the PPS, as well as the Planning Act, Heritage Act, and Clean Water Act. Finally, this paper outlines OP updates that are required to respond to municipal and other legislative changes. This paper provides a summary of changes to the Planning Act and Ontario Heritage Act that do not require implementation in the OP. This paper concludes with next steps in the OP review process.

2. What is an Official Plan?

An 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.

3. Guelph's previous 5-year Official Plan review

The City's last 5-year OP review was undertaken in three phases:

- phase 1 resulted in OP amendment 39 and dealt with conformity to the 2006 Growth Plan. It was approved by the Ministry of Municipal Affairs and Housing in November 2009
- phase 2 resulted in OP amendment 42 and implemented the City's Natural Heritage Strategy. It was approved by the Ontario Municipal Board in June 2014

- phase 3 resulted in OP amendment 48 and represented the final phase of the five-year review. It was approved by the Ontario Municipal Board in October 2017 and is in force and effect with the exception of a few policies that are still under appeal on a site-specific basis.

4. Scope of Review

The scope of the OP review is focused on satisfying the requirements of section 26 of the Planning Act. This includes ensuring that the OP is in conformity with the Planning Act, the PPS, Ontario Heritage Act, APTG and the Clean Water Act/Source Protection Plan.

Once these requirements are satisfied and City master plans and other necessary background studies are complete, a subsequent OP amendment, or amendments, will be initiated to incorporate any changes that may be needed to 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 plan updates.

In June 2020, Council endorsed a [draft vision and principles for growth](#) as part of the Shaping Guelph process. This draft vision and principles is a companion to the city's Community Plan – a plan that culminated in a shared community vision with community values and strategic directions related to what the community wants Guelph to become over the next 10 to 20 years. Together, the Official Plan and Community Plan will create a strong foundation that will guide the future of Guelph. In addition to guiding Shaping Guelph, the draft vision and principles for growth will also 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 requirements to conform with APTG by July 2022.

5. Changes to the Official Plan to respond to the Planning Act

5.1. The Planning Act and amendments

The Planning Act is provincial legislation that sets out rules for land use planning across the province. It includes rules for establishing, updating, and amending, among other things, OPs and zoning bylaws. The Planning Act also outlines processes and timelines and rights of appeal to the Local Planning Appeal Tribunal (LPAT), for all types of development applications such as plans of subdivision, site plans, OP and zoning bylaw amendments. The Planning Act tells municipalities what things must be in an OP and other things that municipalities can consider in OP. It also requires the inclusion of enabling policies within an OP for the use of tools

available in the Act, such as inclusionary zoning and development permit systems. The Planning Act requires that municipalities review their OP every five years to ensure that it continues to conform to provincial policies and plans.

Changes have been made to the Planning Act through several amendments and new regulations, including Bill 139 (Building Better Communities and Conserving Watersheds Act), Bill 108 (More Homes More Choice Act), O.Reg 232/18 (Inclusionary Zoning), O.Reg 299/19 (Additional Residential Units), O.Reg 509/20 (Community Benefits Charges and Parkland), since the last OP review. Generally these changes have:

- required that municipalities permit additional residential units within and on the same lot as a single detached, semi-detached and rowhouse (townhouse) dwelling
- removed the ability for municipalities to require community benefits in exchange for additional height and density, referred to as height and density bonusing
- provided for the use of inclusionary zoning only within Major Transit Station Areas or areas covered by a development permit system
- introduced the ability for municipalities to pass a bylaw to collect community benefits charges
- shortened timelines for the processing of certain types of development applications, and
- changed the types of things that can be appealed to the LPAT and the reasons for appeals.

The changes to the Planning Act that require implementation in the OP are discussed below. An overview of the other changes to the Planning Act that do not require implementation in the OP are discussed at the end of this paper.

5.2. Additional residential dwelling units

5.2.1. Planning Act changes

The Planning Act now requires that municipalities permit additional residential units in their OP and zoning bylaws in both a primary dwelling and an ancillary building or structure in effect permitting three residential units on one residential property. Additional residential units are required to be permitted in the same building and on the same lot as a single detached dwelling, semi-detached dwelling, and rowhouse dwelling. The Planning Act also stipulates that municipalities:

- may not require there to be a relationship between the persons occupying the additional residential unit and the owner of the property (e.g. a suite for an older parent is not treated differently than an income-producing unit rented to an unrelated person)
- may not restrict the creation of an additional residential unit based on the date of construction of the primary or ancillary building, and
- may not require more than one parking space for each additional residential unit, and must permit parking spaces in tandem.

5.2.2. Current Official Plan Policy framework

In December 2020, Council approved an OP amendment and Zoning Bylaw amendment to implement the additional residential dwelling unit requirements of the Planning Act. These amendments allow additional residential dwelling units within and on the same lot as a detached, semi-detached and rowhouse dwelling and permit a maximum of three residential units on one residential property.

No additional amendments to the OP are needed to comply with these provisions of the Planning Act.

5.3. Height and density bonusing

5.3.1. Planning Act changes

Prior to recent changes to the Planning Act, municipalities could pass a bylaw under Section 34 of the Planning Act and enter into agreements to permit increases in height and density and require community benefits in exchange. In order to use bonusing as a tool, a municipality was required to have enabling policies in their OP. Bill 108 removed the ability for municipalities to bonus.

5.3.2. Current Official Plan policy framework

Section 9 of Guelph's OP currently allows for additional height and density to be considered through bonusing in all of its residential land use designations, within its Commercial Mixed-use Centre, Mixed-use Corridor, Neighbourhood Commercial Centre and Mixed Office/Commercial land use designations. Section 11.1 allows for additional height and density to be considered on certain lands within the Downtown Secondary Plan, and Section 11.2 provides for the same within the Guelph Innovation District Secondary Plan. Section 10.7 of the OP, which also applies to the Downtown Secondary Plan, and the Guelph Innovation District Secondary Plan, provides the enabling policies and a process for considering and implementing bonusing as well as items that are eligible to be considered as community benefits.

5.3.3. Necessary Official Plan updates

As bonusing is no longer permitted, the OP will need to be updated to remove all references to height and density bonusing.

5.3.4. Proposed policy approach

Policies within section 9 that permit additional height and density through bonusing as well as policies within the Downtown Secondary Plan and Guelph Innovation District Secondary Plan, and the enabling bonusing policies in section 10 will need to be removed from the OP to conform to the Planning Act as amended through Bill 108.

5.4. Inclusionary Zoning

5.4.1. Planning Act changes

Section 16(4) and section 35.2 of the Planning Act allows municipalities to pass bylaws (under section 34) to require affordable housing units within developments where an Official Plan contains enabling policies. These bylaws are referred to as inclusionary zoning. These bylaws may contain provisions regarding how long these units must remain affordable and for maintaining their affordability once sold or leased. Inclusionary zoning bylaws are only permitted to be used within a protected Major Transit Station Area or an area covered by a Development Permit System (Planning Act s.16(5)) and are only permitted to apply to developments or redevelopments that have more than 10 residential units.

In order to pass an inclusionary zoning bylaw, a municipality must:

- Have their protected Major Transit Station Area delineated in their Official Plan and or have an area subject to a Development Permit System delineated in their Official Plan
- Prepare an assessment report in accordance with the requirements of O.Reg 232/18 of the Planning Act. An assessment report is required to include an analysis of:
 - Demographics and population
 - Household incomes
 - Existing and planned housing supply
 - Housing types and unit sizes that may be needed to meet anticipated demand for affordable housing
 - Current average market price and rent for each housing type, and
 - Potential impacts of the housing market and financial viability of development and redevelopment

The above assessment report requirements may necessitate the preparation of other studies such as a housing analysis and updates to the city's Affordable Housing Strategy.

- Amend their Official Plan to set out the approach to authorize inclusionary zoning

5.4.2. Current Official Plan policy framework

The OP does not contain policies to enable the use of inclusionary zoning bylaws.

5.4.3. Necessary Official Plan updates

To enable the use of inclusionary zoning in Guelph the steps outlined in section 5.4.1 would need to occur following Council direction to proceed with implementation of inclusionary zoning. This is a project that could be initiated following the OPR.

5.4.4. Proposed policy approach

Prior to establishing implementing policies in the OP, the City must establish boundaries for its protected Major Transit Station Area. This will occur through the Shaping Guelph process. Once this has occurred, the process to establish an inclusionary zoning bylaw as outlined in O. Reg 18/232 to the Planning Act must be followed as outlined in section 5.4.1.

Given the process required by the Planning Act to consider and implement inclusionary zoning, this OP review will include the delineation of Guelph's protected Major Transit Station Area as recommended through the Shaping Guelph process. Following the implementation of a boundary for Guelph's protected Major Transit Station Area, a work plan to assess inclusionary zoning could commence should Council direct the implementation of inclusionary zoning.

6. Changes to the Official Plan to respond to A Place to Grow: Growth Plan for the Greater Golden Horseshoe

The OP conforms to the Growth Plan for the Greater Golden Horseshoe (2006). In May 2019, the Province repealed and replaced the Growth Plan with the APTG and Amendment 1 was approved with an effective date of August 28, 2020. APTG guides growth and development within the Greater Golden Horseshoe to 2051.

To bring the City's OP into conformity with APTG, it is necessary to complete a municipal comprehensive review (MCR) that will, among other things, determine:

- where and how Guelph will grow to accommodate its forecast population and employment to 2051
- a plan to achieve the intensification target for the built-up area and density targets for the designated greenfield area, urban growth centre, and major transit station area
- delineate a boundary for Guelph's Major Transit Station Area
- delineate and establish minimum density targets for strategic growth areas, and
- delineate and establish minimum density targets for employment areas.

This work is occurring through Shaping Guelph. Changes to the OP to conform to APTG will be considered and recommended through the local growth management strategy being prepared through Shaping Guelph. In particular, section 3 which provides policies related to growth plan conformity will be reviewed. As outlined in the scope of this OP review, the recommendations from Shaping Guelph will be incorporated into the draft OP amendment in the next phase of this review. As such, this policy paper does not outline changes required to the OP to conform to APTG.

7. Changes to the Official Plan to be consistent with the Provincial Policy Statement 2020

7.1. The Provincial Policy Statement and amendments

The 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 provides direction on development and land use patterns. This includes placing importance on urban and rural settlement areas as focal points for population and employment growth, while minimizing land consumption. An overarching theme of the PPS is to align growth in a manner that maximizes the efficient use of infrastructure and public service facilities. The City's OP conforms to the 2014 PPS, however, the PPS was updated in 2020.

The changes to the PPS introduced in 2020 were intended to support Ontario's Housing Supply Action Plan and changes to the land use planning system including Bill 108, More Homes, More Choice Act, 2019 and A Place to Grow: Growth Plan for the Greater Golden Horseshoe. According to the Province, the policy changes 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 certainty; support rural, northern and Indigenous communities; and, support the economy and job creation. The changes to the PPS generally include the following:

- enhanced municipal engagement with Indigenous communities (PPS, policy 1.1.2 and 2.6.5)
- modifications to the housing policies to encourage residential intensification and increased housing options (PPS, policies 1.1.1, 1.1.3.8, 1.4.1, 1.4.3, 1.7.1)
- modifications to the employment lands policies to provide additional protection for employment uses (PPS, policy 1.3)
- modifications to the servicing policies to provide more options for servicing (PPS, policy 1.6.6)
- introduction of the requirement to plan for the impacts of a changing climate (PPS, Vision, policies 1.1.1, 1.1.3.2, 1.6, 1.8.1, 2.2.1 and 3.1.3)
- modifications to natural heritage system policies related to surface water and fish habitat, and habitat for endangered and threatened species (PPS, policy 2.1)
- requirement to identify a water resource system (PPS, policy 2.2.1), and
- modifications to the natural and human-made hazard policies (PPS, policy 3.1).

7.2. Enhanced municipal engagement with Indigenous communities

7.2.1. PPS requirements

The amended policies (PPS, policy 1.2.2) require, rather than encourage (as stated in the 2014 PPS), engagement with Indigenous communities on planning matters when section 35 Aboriginal or treaty rights are affected. Further, the amended policies (PPS, policy 2.6.5) require engagement with Indigenous communities, rather than consideration of their interests (as stated in the 2014 PPS), when identifying, protecting and managing cultural heritage and archaeological resources. These amendments recognize the importance of building constructive, cooperative relationships through meaningful engagement with Indigenous communities to facilitate knowledge-sharing in land use planning processes and decisions.

7.2.2. Current Official Plan policy framework

Currently the OP includes policies that require the City to notify the Six Nations of the Grand River and the Mississaugas of Credit First Nations at the commencement of an Archaeological Master Plan and further invite both First Nations to participate in the Master Plan process (policy 4.8.6.5). Additionally, both First Nations are to be provided notification in regards to the identification of burial sites and significant archaeological resources relating to the activities of First Nations ancestors (policy 4.8.6.6). The OP does not contain any other policies requiring the City to engage with Indigenous communities.

7.2.3. Required Official Plan updates

While the City has and will continue to engage with Indigenous communities on land use planning, formally acknowledging our responsibility to engage with Indigenous communities in the Official Plan would be appropriate.

Further, the City has developed a statement of acknowledgement that recognizes that Guelph is located on the traditional territory of the Mississaugas of the Credit First Nation and of the Anishinabek peoples. The statement of acknowledgement provides context that the history of Guelph does not start at the point of European contact. It begins long before and includes the Anishinaabe, Attawandaron, Haudenosaunee and Métis peoples, who continue to live in and around Guelph to the present day. Including an acknowledgment that Guelph is located on the traditional and treaty territory of the Mississaugas of the Credit First Nation would be appropriate. Relationship-building with treaty and Indigenous partners is also underway as part of the City's intergovernmental efforts. Lessons learnt from this engagement will be incorporated into the Official Plan, where appropriate, as the City continues to strengthen ties and advance reconciliation with its Indigenous counterparts.

7.2.4. Proposed policy approach

Recommendations for Official Plan policy updates that result from engagement with Indigenous communities will be incorporated into the resulting Official Plan amendment. At this time it is proposed that section 2.1 Strategic Directions, particularly 'Connecting with our Past', be updated to recognize and acknowledge that Guelph is located on the traditional territory of the Mississaugas of the Credit First Nation of the Anishinabek Peoples and that rights holders continue to maintain vital interests in development. This would provide appropriate recognition that the history of Guelph does not start at the point of European contact. It begins long before and includes the Anishinaabe, Attawandaron, Haudenosaunee and Métis peoples, and continues to the present day. Additional history to provide context should be included in this section as well.

Section 4.8 Cultural Heritage Resources of the OP should be amended to include a policy requiring the City to engage with Indigenous communities and consider their interests when identifying, protecting and managing cultural heritage and archaeological resources.

Section 10 Implementation of the OP should be modified to add a section and policies to acknowledge:

- the traditional territory of the Indigenous peoples on which Guelph is located
- the Aboriginal and treaty rights of Indigenous communities and individual rights holders
- the importance of building sustainable, constructive and cooperative relationships with Indigenous communities on a foundation of mutual respect, and
- the requirement to engage with Indigenous communities on planning matters when section 35 Aboriginal or treaty rights are potentially affected.

7.3. Municipal Servicing

7.3.1. PPS requirements

Through amendments to policy 1.6.6 of the PPS, flexibility has been introduced into the existing servicing hierarchy outlined in the PPS for water and wastewater servicing. The hierarchy identifies the following:

- provision of full municipal services within a settlement area is the preference;
- where municipal services are not available, planned or feasible, private communal services are the preferred form of servicing;
- where neither municipal services nor private communal services are available, planned or feasible, individual on-site services may be considered. Within settlement areas, private services may be used for infilling and minor rounding out of existing development, and
- partial services are only permitted in certain limited circumstances.

The intent of the amendments was to clarify that the servicing hierarchy is not rigid and to introduce some flexibility in applying the hierarchy while continuing to protect public health and safety.

Policy 1.6.6.7 of the PPS was amended to include a new policy requiring municipalities to integrate stormwater management planning with planning for sewage and water services, ensure optimization, feasibility and financial viability of systems, and prepare for the impacts of a changing climate. Enhanced direction for mitigation of risks to human health, safety, property and the environment has also been provided through the amendments, as well as additional references to green infrastructure.

Policy 1.6.8.5 was also added to the PPS to promote the co-location of linear infrastructure where appropriate.

7.3.2. Current Official Plan policy framework

Section 6 of the OP sets out the City's servicing policies. Specifically, policy 6.1.19 of the OP prohibits development on private services with very limited exceptions including failed individual on-site services (policy 6.1.20) and the Glenholme Estate Residential area of the Guelph Innovation District (policy 11.2.6.3.6.4).

Section 6.4 of the OP sets out the City's stormwater management objectives and policies which recognize the importance of integrating stormwater management with watershed planning.

The OP does not currently have any policies promoting the co-location of linear infrastructure.

7.3.3. Required Official Plan updates

Recognizing that Guelph is a groundwater-based community, section 6.1 of the OP should not be amended to introduce additional flexibility with respect to the servicing hierarchy. Private services should continue to be prohibited except in the very limited circumstances currently identified in the OP (policy 6.1.19 and 6.1.20). This is also in keeping with the Grand River Source Protection Plan requirements for all new development to connect to municipal services.

Section 6.1 of the OP should be modified to add a policy promoting the co-location of linear infrastructure. Upon the completion of the servicing master plans that are currently in process, the City may want to consider strengthening this policy to require the co-location of linear infrastructure, wherever possible, in a future amendment to the OP.

Section 6.4 of the OP should be modified to add a policy requiring stormwater management planning to be integrated with planning for water and wastewater servicing.

7.3.3.1. Proposed policy approach

Modify section 6.1 to add a policy promoting the co-location of linear infrastructure.

Modify section 6.4 to add a policy requiring stormwater management planning to be integrated with planning for water and wastewater servicing.

7.4. Natural and human-made hazards

Council directed staff to explore the feasibility of amending the policies and regulations that prevent structures from being built in floodplains through the Official Plan update, in consultation with the Grand River Conservation Authority, so as to enable the consideration of structures associated with trails and improved trail connectivity. As such, staff have included a review of the PPS requirements pertaining to flooding hazards.

7.4.1. PPS Requirements

Natural and human-made hazards pose threats to human health, safety, and well-being. Natural hazards are naturally occurring processes that create unsafe conditions for development and are generally identified as flooding, erosion, and unstable soils.

Section 3.1 of the PPS states that development is to be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards. Planning for and mitigating potential risk to public health or safety or of property damage from natural hazards, including the risks that may be associated with the impacts of a changing climate, is also required.

7.4.2. Flooding hazards

Section 3.1.2 of the PPS does not allow for development and site alteration within a floodway regardless of whether the area of inundation contains high points of land not subject to flooding. Section 3.1.4 of the PPS allows for flexibility to consider development and site alteration in certain areas within the flooding hazard along river, stream, and small inland lake systems, where:

- a special policy area has been approved, and
- the development is limited to uses which by their nature must locate within the floodway, including floodway and/or erosion control works or minor additions or passive non-structural uses which do not affect flood flows.

Section 3.1.6 of the PPS permits development and site alteration in the flood fringe, where the two zone concept for flood plains is applied, subject to appropriate flood proofing to the flooding hazard elevation or other flooding hazard standard approved by the Minister of Natural Resources and Forestry.

7.4.3. Current Official Plan Policy Framework

The City's existing OP policies in section 4.4 utilize a two zone concept for flood protection. This establishes different levels of restrictions on development and site alteration based on the degree of flood risk. This includes prohibiting development and site alteration in areas of the floodway.

The OP also includes a special policy area which allows for limited forms of development in accordance with the special policy area policies. Any change or modification to the OP policies, land use designations or boundaries applying to a special policy area must be approved by the Ministers of Municipal Affairs and Housing and Natural Resources and Forestry prior to the approval authority approving such changes or modifications. No changes to the City's special policy area are being considered through the OP update, such changes are outside the scope of this review.

The City's flood plain policies were modernized to reflect the terminology of the 2005 PPS through OPA 48, but no changes were made to flood policy requirements overall. Updates to the PPS in 2014 and 2020 did not make changes to the flooding requirements beyond adding in new requirements to plan for the risks that may be associated with the impacts of a changing climate.

7.4.4. Required Official Plan updates

Aside from the changes to the OP outlined in the climate change section, further changes are not required to the flood plain policies to be consistent with the PPS. In addition, there have been no changes to the PPS that would allow for permitting structures within floodways. The City's OP policies must be consistent with the PPS, including section 3.1, and existing OP policies achieve this.

7.4.5. Proposed Policy Approach

Update the City's natural hazard policies, including for floodplains to reflect section 3.1.2 of the PPS to plan for and mitigate potential risk to public health or safety or of property damage from natural hazards, including the risks that may be associated with the impacts of a changing climate.

7.4.6. Wildland fire hazards

7.4.6.1. PPS Requirements

After flooding, wildland fires are the second most frequent type of reported natural disaster in Canada. The PPS includes a new requirement that development be directed outside of areas considered unsafe, due to the presence of hazardous forest types for wildland fire, unless mitigation measures are implemented.

The 2014 PPS introduced section 3.1.8 and requirements to consider hazardous forest types for wildland fire. Hazardous forest types for wildland fire as defined by

the PPS means “forest types assessed as being associated with the risk of high to extreme wildland fire using risk assessment tools established by the Ontario Ministry of Natural Resources, as amended from time to time”. In 2017, the Province of Ontario released the Wildland Fire Risk Assessment and Mitigation Reference Manual. This recommends that OPs include policies that recognize wildland fire hazards as risks to public health and safety, and as hazards that should be avoided.

Wildland fire assessment and mitigation standards as defined by the PPS: “means the combination of risk assessment tools and environmentally appropriate mitigation measures identified by the Ontario Ministry of Natural Resources and Forestry to be incorporated into the design, construction and/or modification of buildings, structures, properties and/or communities to reduce the risk to public safety, infrastructure and property from wildland fire”.

7.4.6.2. Current Official Plan Policy Framework

The City’s OP does not include policies relating to hazardous forest types for wildland fire.

7.4.6.3. Required Official Plan updates

In order to reflect updates to provincial policy the OP update will need to examine guidance and develop policies for the consideration of hazardous forest types for wildland fire in relation to development either being directed away from these areas or appropriately mitigated, as applicable to the City of Guelph.

7.4.6.4. Proposed Policy Approach

Develop a policy-based framework within section 4.4 of the OP to satisfy the minimum requirements from the PPS and supporting provincial guidance that:

- incorporates the applicable defined terms from the PPS including “hazardous forest types for wildland fire” and “wildland fire assessment and mitigation standards, and
- introduces policies to direct development away from unsafe areas, as identified through a development application, to determine the presence of hazardous forest types for wildland fire and/or require implementation of appropriate mitigation.

7.5. Definitions

7.5.1. PPS requirements

The PPS introduced changes to the following terms/definitions:

- Areas of archaeological potential
- Built heritage resource
- Comprehensive review
- Conserved

- Cultural heritage landscape
- Defined portions of the flooding hazard along connecting channels
- Endangered species
- Flooding hazard
- Habitat of endangered species and threatened species
- Hazardous forest types for wildland fire
- Heritage attributes
- Major facilities
- Municipal sewage services
- Municipal water services
- Negative impacts
- On-farm diversified uses
- Partial services
- Planned corridors
- Protected heritage property
- Provincial and federal requirements
- Public service facilities
- Residential intensification
- Significant
- Special needs
- Special Policy Area
- Threatened species
- Transit-supportive
- Woodlands

The PPS introduced the following new terms and associated definitions:

- Agricultural System
- Agri-food network
- Impacts of a changing climate
- Wildland fire assessment and mitigation standard

7.5.2. Current Official Plan policy framework

Section 12 of the OP is a Glossary of terms which have a specific technical meaning within the OP. Some of the defined terms match or are similar to defined terms in the PPS that have been introduced or modified including the following:

- Areas of potential archaeological resources
- Built heritage resource
- Municipal Comprehensive Review (PPS - comprehensive review)
- Conserved
- Cultural heritage landscape
- Endangered species
- Flooding hazard
- Heritage attributes
- Municipal sewage services
- Municipal water
- Negative impacts
- Partial Services
- Protected heritage property
- Public service facilities
- Residential intensification
- Significant
- Special Needs Housing (PPS – special needs)
- Threatened species
- Transit-supportive
- Woodlands

7.5.3. Required Official Plan updates

Any terms that are defined in both the PPS and the OP, as identified in the list above, should be reviewed and the OP definition should be updated as necessary to ensure that it is consistent with the PPS.

7.5.4. Proposed policy approach

Updates to existing OP definitions to be consistent with the PPS definition are recommended. Where there is a city specific use of a term, the city definition would be incorporated where appropriate. New terms/definitions introduced in the PPS will be incorporated into the OP through new definitions and/or updates to existing or through the introduction of new policies where necessary.

8. Changes to the Official Plan to respond to both the PPS and APTG

8.1. Residential intensification and increased housing options

8.1.1. PPS requirements

The PPS policies related to housing continue to encourage residential intensification but have been amended to accommodate both affordable and market-based housing to meet projected housing needs with an overall goal of increasing available housing within the Province (PPS policy 1.1). The definition of residential intensification now includes new housing options such as additional residential dwelling units, tiny homes and multi-unit residential buildings. The definition of residential intensification also recognizes that housing options can also include a variety of arrangements and forms such as life lease housing, co-ownership housing, co-operative housing, community land trusts, land lease community homes, affordable housing, etc. (PPS Section 6.0 definitions).

The PPS also requires municipalities to maintain the ability to accommodate residential growth for a minimum of 15 years, increased from 10 years, through intensification and redevelopment (PPS policy 1.4.1). The minimum requirement for at least a three-year supply of residential units through lands zoned to facilitate intensification and redevelopment, and land in draft approved and registered plans, has not changed. However, municipalities may choose to maintain at least a five-year supply of these lands that would be available for development in the shorter term (PPS policy 1.4.1).

8.1.2. APTG requirements

APTG (policy 2.2.1.4) strives for complete communities that provide a diverse range and mix of housing options to accommodate people at all stages of life, and accommodate the needs of all household sizes and incomes. APTG (Section 2) requires that the majority of a municipality's growth be directed to settlement areas. Settlement areas are urban areas and rural settlement areas that are built up where development is concentrated and which have a mix of land uses and lands designated in the OP for development. Guelph's settlement area includes a built-up area and a designated greenfield area. A built-up area is an area where development already existed in 2006 (the date of the first Provincial Growth Plan). A designated greenfield area refer to lands within a settlement area outside of the built-up area that have been designated in an OP for development.

APTG encourages intensification (which is adding more residential units than already exist) generally throughout the built-up area and within strategic growth areas, like downtowns, major transit station areas, and nodes and corridors.

As part of Shaping Guelph, a [Housing Analysis and Strategy](#) was released in February 2021 as a technical input to Guelph's APTG conformity work.

8.1.3. Current Official Plan Policy Framework

The OP includes policies that encourage a mix and range of housing types and residential intensification (OP policies 3.6, 3.7). Section 9 includes residential land use designations that permit a range of housing types throughout the city. The OP also includes a defined term for "residential intensification".

8.1.4. Required Official Plan updates

Certain aspects of OP Chapter 3, in particular section 3.6 Housing Supply, should be modified to conform to the PPS and APTG. Additionally, modifications to certain land use policies (Section 9) may be necessary to implement these amended PPS policies and as a result of work completed through Shaping Guelph.

The affordable housing policies in the OP, together with the City's Affordable Housing Strategy, are consistent with the PPS as the PPS affordable housing policies have not been amended.

8.1.5. Proposed policy approach

Modify section 3.6 of the OP to ensure that the policies are consistent with revised wording in the PPS to provide for both market based and affordable housing. Section 3.6 will also need to be modified to address the requirement to provide a 15 year supply of lands designated and available for residential intensification.

8.2. Protection of employment lands

8.2.1. PPS requirements

The PPS amended the employment planning policies (PPS policy 1.3) to now include the following:

- new policy encouraging municipalities to facilitate conditions for economic investment (PPS policy 1.3.1c)
- enhanced policies to support mixed-use development where appropriate (PPS policy 1.3.1 a, d)
- new policy encouraging municipalities to assess locally-identified employment areas to ensure designations are appropriate at the time of the OP review or update (PPS policy 1.3.2.2)
- new policy requiring municipalities to plan for appropriate transition between employment areas and adjacent non-employment areas (PPS policy 1.3.2.3)
- new policy requiring municipalities to prohibit residential and prohibit or limit sensitive land uses that are not ancillary to the primary employment uses in employment areas planned for industrial/manufacturing uses (PPS policy 1.3.2.3), and
- New policy setting out tests for conversion of land in employment areas outside of a MCR process (PPS policy 1.3.2.5).

In addition to the employment planning policies identified above, the amendments to the PPS modified the land use compatibility policies to provide additional protection for employment lands as follows:

- PPS policy 1.2.6.1 changed from encouraging to requiring that land use compatibility be considered when planning major facilities and sensitive land uses to avoid, if possible, adverse effects from odour, noise and other contaminants in accordance with provincial guidelines, standards and procedures, and
- new PPS policy 1.2.6.2 added tests for municipalities to apply when sensitive land uses are proposed adjacent to existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment uses.

The intent of these new policies and amendments is to protect the long-term viability of existing or planned industrial, manufacturing or other employment uses that are vulnerable to encroachment by discouraging the development of proposed sensitive land uses in proximity to the employment uses. Through the identification of 'employment areas', additional protection from conversion to non-employment uses is provided.

8.2.2. APTG requirements

Building on the requirements of the PPS, APTG requires the identification and protection of employment areas for employment purposes. Residential uses are prohibited and other sensitive uses must be limited. APTG has also identified Provincially Significant Employment Zones that represent employment areas

throughout the Greater Golden Horseshoe area of provincial significance. A Provincially Significant Employment Zone has been identified in Guelph and includes the Hanlon Business Park, the Hanlon Creek Business Park, and the Southgate Business Park.

As part of Shaping Guelph, an [Employment Lands Strategy](#) was released in December 2020 as a technical input to Guelph's APTG conformity work.

8.2.3. Current Official Plan Policy Framework

The OP includes policies that identify the importance of employment lands as part of fostering a complete and healthy community. Currently, policy 3.14.2 only permits the conversion of employment lands to non-employment uses through a MCR and only if the conversion of those lands meets the criteria outlined in that policy.

While the term 'employment area' is defined in the OP in a consistent manner with the PPS, employment areas have not been formally identified within the city.

While land use compatibility is generally considered throughout the OP, specific policies to address land use compatibility between employment areas and sensitive land uses are not currently included in the OP.

8.2.4. Required Official Plan updates

Certain aspects of OP Chapter 3 (in particular section 3.14 Employment Lands) should be modified to ensure that the policies are consistent with the PPS and the results of Shaping Guelph APTG conformity work, including the identification of employment areas and protection of employment lands. Additionally, modifications to certain employment land use policies (Chapter 9) may be necessary to implement the amended employment PPS policies, and the results of the Shaping Guelph APTG conformity work, including the provincially significant employment zone and any related updates to schedules.

8.2.5. Proposed policy approach

Modify section 3.14 of the OP to ensure that the policies are consistent with revised wording and policy direction provided by PPS Policy 1.3 and to recognize the provincially significant employment zone identified in APTG.

Modify section 9.5, Employment Designations, of the OP, to add an objective and general policy to ensure consistency with the PPS particularly with respect to land use compatibility and transition between employment areas and sensitive land uses.

8.3. Planning for the impacts of a changing climate

8.3.1. PPS requirements

The PPS recognizes that addressing climate change is essential for strong, healthy, livable, and safe communities, as well as for long-term economic prosperity. The PPS identifies that efficient development patterns optimize the use of land, resources and public investment in infrastructure and public service facilities. These land use patterns promote a mix of housing, employment, parks and open spaces and transportation choice that increase the use of active transportation and transit before other modes of travel. These land use patterns also support the financial well-being of the Province and municipalities over the long-term, and minimize the undesirable effects of development, including impacts on air, water and other resources. These efficient development patterns also permit better adaptation and response to the impacts of a changing climate.

The PPS introduced a new definition for 'impacts of a changing climate' which means the present and future consequences from changes in weather patterns at local and regional levels including extreme weather events and increased climate variability. The intent of the amendments to the PPS with respect to climate change was to enhance various policies to require municipalities to prepare for the impacts of climate change. The applicable sections of the PPS are as follows:

- section 1.1.1 of the PPS outlines that Healthy, liveable and safe communities are sustained by preparing for the regional and local impacts of a changing climate
- section 1.1.3 of the PPS requires that urban areas such as Guelph plan for land use patterns with a density and mix of land uses which minimize impacts to air quality and climate change, and promote energy efficiency, as well as prepare for the impacts of a changing climate
- section 1.6 of the PPS requires that infrastructure and public service facilities be provided in an efficient manner that prepares for the impacts of a changing climate while accommodating projected needs, including the provision of sewage, water and stormwater systems, including the promotion of green infrastructure, such as the urban forest, to complement infrastructure
- section 1.8 of the PPS focuses on energy conservation, air quality and climate change. This section requires that energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate shall be supported through land use and development patterns which:
 - a) promote compact form and a structure of nodes and corridors
 - b) promote the use of active transportation and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas
 - c) focus major employment, commercial and other travel-intensive land uses on sites which are well served by transit where this exists or is to be developed, or designing these to facilitate the establishment of transit in the future

- d) focus freight-intensive land uses to areas well served by major highways, airports, rail facilities and marine facilities
 - e) encourage transit-supportive development and intensification to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion
 - f) promote design and orientation which maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation and green infrastructure, and
 - g) maximize vegetation within settlement areas, where feasible.
- section 2.2 of the PPS requires municipalities to protect, improve or restore the quality and quantity of water using a variety of tools and approaches including preparing for the impacts of a changing climate to water resource systems at the watershed level, and
 - section 3.0 of the PPS requires municipalities to prepare for the impacts of a changing climate that may increase the risk associated with natural hazards such as a flooding hazard in order to mitigate potential risk to public health and safety or of property damage.

Overall, the PPS requires municipalities to address climate change through land use patterns and densities, energy efficiencies, resilient infrastructure and public facilities, greenhouse gas emission reduction, active transportation, transit, maximize urban vegetation, and preparing for extreme weather events.

8.3.2. APTG Requirements

APTG requires the consideration of a changing climate through the City's work to conform to APTG. Through Shaping Guelph, growth scenarios prepared to consider ways that Guelph can accommodate its forecast growth will be evaluated based on a number of criteria, including criteria that consider a changing climate.

8.3.3. Current Official Plan Policy Framework

Climate Change Policies

The City's existing Official Plan includes a section on climate change (Section 4.6) which recognizes that climate change is predicted to have significant negative impacts on human health and safety, property, the natural and cultural environment and the economy. The objective of this section is to provide policy direction to increase community resiliency to climate change recognizing that addressing climate change requires two complementary sets of strategies: mitigation and adaptation.

Mitigation involves actions to reduce greenhouse gas emissions and actions to reduce or delay climate change. The City's approach to mitigation is already embedded throughout the OP including policies addressing the natural heritage system, transportation, urban structure, urban design and land use.

Adaptation involves actions to minimize vulnerabilities to the impacts of climate change and includes planning and strategic decisions that anticipate changes in temperature, precipitation, severe weather and increased variability in these both globally and locally. This section of the OP recognizes that climate adaptation is particularly important to infrastructure planning, flood protection, emergency management and planning for secure access to water and food.

The policy direction included in the current OP identifies that the City will target reducing annual greenhouse gas emissions by 60% from 2007 levels to 7 tonnes of carbon dioxide (equivalent) per capita by 2031 (Section 4.6.1). This target is based on the Community Energy Plan adopted by Council in 2007 (discussed further below).

Community Energy Policies

The current Official Plan also includes a section on Community Energy (Section 4.7). This section was based on the Community Energy Plan (CEP) that the City adopted in 2007. The CEP outlined the City's path to climate change mitigation through reductions in energy consumption and greenhouse gas emissions. At the time of adoption the CEP established progressive targets for both energy conservation and reduction in greenhouse gas emissions. In 2010, the CEP was renamed to the Community Energy Initiative (CEI) to signify the transition from plan to implementation. The Community Energy policies and objectives included in the OP are based on the CEI and recognize the integrated nature of land use, transportation and energy policies when planning to reduce energy use and for climate change mitigation. The policy direction included in this section of the current OP identifies that the City will target reducing Guelph's overall energy use by 50% from 2007 levels to 34 megawatt hours (equivalent) per capita by 2031.

8.3.4. Required Official Plan updates

While the City's Official Plan includes climate change policies (Section 4.6) and community energy policies (Section 4.7) which recognize the relationship between land use, transportation, the natural heritage system and planning for climate change, modifications to these two sections of the Official Plan should be made to improve consistency with the PPS. This would include updating wording to recognize the new definition of planning for the 'impacts of a changing climate' and recognizing that this must occur at both the local and regional level.

Further, modifications to these sections should be considered to recognize the Community Energy Initiative Update completed in May 2018, including the City's new targets for energy conservation and greenhouse gas reductions which are that Guelph will become a net zero carbon community by 2050 and that the Corporation of the City of Guelph will strive to achieve one hundred percent of its energy needs through renewable sources by 2050.

8.3.5. Proposed policy approach

Update sections 4.6 and 4.7 of the OP to ensure the wording of the policies are consistent with the updated wording in PPS, including the newly defined term 'impacts of a changing climate'. In addition, continue to ensure that policies are embedded throughout the OP to address the integrated nature of planning for the impacts of a changing climate through land use patterns and densities, energy efficiencies, protection of the natural heritage and water resource systems, resilient infrastructure and public facilities, greenhouse gas emission reduction, active transportation, transit, road networks, zero emissions vehicle infrastructure, maximizing urban vegetation, and preparing for extreme weather events.

Sections 4.6 and 4.7 of the OP would be further updated to recognize the May 2018 Council Resolutions that Guelph will become a net zero carbon community by 2050 and that the Corporation of the City of Guelph will strive to achieve one hundred percent of its energy needs through renewable sources by 2050.

Given the ongoing work to conform to APTG through Shaping Guelph, additional OP policies may be recommended for amendment or inclusion in response to APTG requirements to address the impacts of a changing climate.

The policy approach to updating the OP with respect to climate change will include the following combination:

- including land use and density policies informed by the Shaping Guelph work into Chapters 9 and 10 of the OP, and
- embedding climate change policies throughout the OP, particularly related to energy and water efficiencies, protection of the natural heritage and water resource systems, resilient infrastructure and public facilities, greenhouse gas emission reduction, active transportation, transit, road networks, zero emissions vehicle infrastructure, maximizing urban vegetation, including the management and enhancement of the urban forest, and preparing for extreme weather events.

With this combined approach, the City's OP will be updated with additional and/or stronger policies to address climate change mitigation and adaptation.

8.4. Natural Heritage System

8.4.1. PPS Requirements

Section 2.1 of the PPS requires municipalities to identify natural heritage systems in Ecoregions 6E and 7E. The City of Guelph is located within Ecoregion 6E. The policies prohibit development and site alteration in significant wetlands and significant coastal wetlands. Development shall not be permitted in significant woodlands, significant valleylands, significant wildlife habitat, significant areas of natural and scientific interest and coastal wetlands (in Ecoregions 5E, 6E and 7E that are not significant) unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

Development and site alteration is not permitted in fish habitat, except in accordance with provincial and federal requirements as per section 2.1.6 of the PPS. Similarly, development and site alteration are not permitted in habitat of endangered and threatened species except in accordance with provincial and federal requirements in accordance with section 2.1.7.

Development and site alteration is not permitted on lands adjacent to natural heritage features and areas unless the ecological function of the adjacent lands have been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

8.4.2. APTG Requirements

Similarly, section 4.2.2 of APTG has identified a natural heritage system for the growth plan area. However, the natural heritage system contained in APTG does not include settlement areas, like Guelph.

In settlement areas, municipalities are required by APTG to protect natural heritage features and areas in a manner that is consistent with the PPS and may also continue to protect any other natural heritage system or identify new systems in a manner that is consistent with the PPS. It should be noted that the more detailed policies within APTG for key hydrologic features, key hydrologic areas and key natural heritage features also do not apply to Guelph as a settlement area.

8.4.3. Current Official Plan Policy Framework

The City's long-term prosperity, environmental health and social well-being depend on conserving biodiversity and protecting natural heritage, water and cultural heritage resources for their economic, environmental and social benefits.

The City has already identified a natural heritage system within the OP in section 4.1. The City's natural heritage system is made up of a combination of natural heritage features and areas including: significant wetlands and other wetlands, significant woodlands and cultural woodlands, significant wildlife habitat including ecological linkages and habitat of locally significant species, significant valleylands, significant areas of natural and scientific interest, surface water features and fish habitat, habitat of endangered and threatened species and restoration areas as well as wildlife crossings.

The policies contained in section 4.1 and 4.2 of the OP protect natural heritage features and areas for the long term, and maintain, restore, and where possible, improve the biodiversity and connectivity of natural heritage features and areas, and ecological functions of the natural heritage system, while recognizing and maintaining linkages between and among natural heritage, surface water and groundwater features.

These policies include requirements for environmental studies where development is proposed within or on adjacent lands to natural heritage features and areas to

demonstrate that there will be no negative impacts on the natural features or on their ecological functions. All the existing natural heritage system policies meet the minimum requirements as outlined in the PPS. As it relates to many of the City's significant natural heritage features, the City's current policies go beyond the minimum requirements of the PPS, meaning they are more protective.

There have been updates to the PPS with respect to two natural features: surface water and fish habitat, and habitat for endangered and threatened species. It is these two specific changes that will be looked at as part of the Official Plan review.

No changes have been identified for the City's natural heritage system policies to address APTG.

8.4.4. Surface water and fish habitat

8.4.4.1. PPS changes

The PPS only allows for development and site alteration in fish habitat where it is in accordance with provincial and federal requirements. This language was revised to reflect changes made to the federal Fisheries Act. The Fisheries Act was updated in 2012 and again in 2019, these changes have included: moving away from the implementation framework of having Conservation Authorities in Ontario issue some approvals under the Fisheries Act for the protection of fish habitat; modernization of how the prohibition against the harmful alteration, disruption or destruction of fish habitat is assessed and processed by the Department of Fisheries and Oceans (DFO); and reinstatement (in 2019) of comprehensive protections for all fish and fish habitat.

8.4.4.2. Required Official Plan updates

The City's current fish habitat and surface water policies (Section 4.1.3.5) as established through OPA 42, reflect the requirements and process under the previous framework (PPS, 2005 and the Fisheries Act prior to 2012). The Official Plan policies for surface water features and fish habitat should be updated to reflect/respond to these legislative and policy changes to ensure appropriate integration with provincial and federal requirements.

8.4.4.3. Proposed Policy Approach

Update the definition of fish habitat and the related policies in section 4.1.3.5 to align with the requirements of the PPS.

Review and update policies 4.1.3.5.4 through 4.1.3.5.12 to ensure alignment with the requirements under the Fisheries Act.

8.4.5. Habitat for endangered and threatened species

8.4.5.1. PPS changes

The PPS only allows for development and site alteration in habitat of endangered species and threatened species where it is in accordance with provincial and federal requirements. This reflects ongoing changes and an overall evolution of how the Province is implementing the Endangered Species Act. Similarly, there have also been evolving approaches from 2012 through 2019 for the implementation of the federal Species at Risk Act, including greater alignment between it and the Fisheries Act.

8.4.5.2. Required Official Plan updates

The City's current OP policies (Section 4.1.3.3) refer to the protection of "significant" habitat of endangered and threatened species which is an older term previously found within the PPS that was removed as part of the 2014 update to the PPS.

8.4.5.3. Proposed policy approach

The OP policies within section 4.1.3.3 for endangered and threatened species should be updated to reflect the updated approach within the PPS to only allow development and site alteration where it is in accordance with provincial and federal requirements.

8.5. Water resource system

8.5.1. PPS requirements and changes

Section 2.2 of the PPS requires municipalities to protect, improve or restore the quality and quantity of water using a variety of tools and approaches including:

- using watershed planning, minimizing potential negative impacts including cross-jurisdictional and cross watershed impacts
- preparing for the impacts of a changing climate to water resource systems at the watershed level
- identifying water resource systems and maintaining linkages and related functions among groundwater features, hydrologic functions, natural heritage features and areas, and surface water features including shoreline area
- restrict development to protect drinking water supplies and protect, improve or restore vulnerable surface and groundwater, sensitive surface water features and sensitive groundwater features, and their hydrologic functions
- planning for efficient and sustainable use of water resources, through practices for water conservation and sustaining water quality
- ensuring consideration of environmental lake capacity, where applicable, and

- ensuring stormwater management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces.

The PPS also establishes that mitigation measures and/or alternative development approaches may be required in order to protect, improve or restore sensitive surface water features, sensitive groundwater features, and their hydrologic functions.

The PPS, 2014 introduced modified policies and requirements for ensuring the protection, improvement and restoration of the quality and quantity of water by:

- evaluating and preparing for the impacts of a changing climate to water resource systems at the watershed level
- identifying water resource systems consisting of groundwater features, hydrologic functions, natural heritage features and areas, and surface water features including shoreline areas, which are necessary for the ecological and hydrological integrity of the watershed, and
- ensuring stormwater management practices minimize stormwater volumes and contaminant loads and maintain or increase the extent of vegetative and pervious surfaces.

The above modified policies and requirements were included in the PPS 2020.

8.5.2. APTG Requirements

Section 4.2.1 of APTG includes similar requirements to the PPS to identify water resource systems for long term protection of key hydrologic features, key hydrologic areas, and their functions.

APTG defines water resource systems as: a system consisting of groundwater features and areas and surface water features (including shoreline areas), and hydrologic functions, which provide the water resources necessary to sustain healthy aquatic and terrestrial ecosystems and human water consumption. The water resource system will be comprised of key hydrologic features and key hydrologic areas.

APTG also stipulates that watershed planning or equivalent will inform:

- the identification of water resource systems
- the protection, enhancement, or restoration of the quality and quantity of water;
- decisions on allocation of growth, and
- planning for water, wastewater, and stormwater infrastructure.

Additionally, APTG indicates that planning for large-scale development in designated greenfield areas, including secondary plans, will be informed by a subwatershed plan or equivalent.

APTG also indicates that municipalities will consider the Great Lakes Strategy, the targets, and goals of the Great Lakes Protection Act, 2015, and any applicable

Great Lakes agreements as part of watershed planning and coastal or waterfront planning initiatives.

It should be noted that the more detailed policies in APTG for key hydrologic features, key hydrologic areas and key natural heritage features do not apply to Guelph because Guelph is a settlement area.

The requirements for identifying water resource systems were similarly added into the Growth Plan in 2017 into section 4.2.

The APTG made further refinements in 2020 in section 4.2.1 clarifying that watershed planning or the equivalent will inform the identification of water resource systems and the protection, enhancement or restoration of the quality and quantity of water. It also clarified that planning for large scale development, including secondary plans, within designated greenfield areas will be informed by a subwatershed plan or equivalent.

8.5.3. Current Official Plan Policy Framework

Guelph is reliant on the protection of groundwater resources for its long-term water supply. The city is also reliant on the broader ecosystems that form the Speed and Eramosa River watersheds to sustain the community with the provision of many ecological goods and services, including assimilating discharge from the City's wastewater treatment plant and the City's stormwater, protection from the impacts of flooding, and processing and storing carbon. To this end, the City has a long-established history and continues to be a recognised leader in sustainably managing our water resources as part of the City's green infrastructure.

The City's OP establishes the policies for protection of natural heritage features and areas, and surface and groundwater features that form and support its water resources in section 4.3.

The City's existing OP policies already address many of the requirements of the PPS and APTG, including using watershed planning as the meaningful scale for integrated and long-term planning, and as a foundation for considering cumulative impacts of development. The City also already recognises and considers linkages and related functions among groundwater features, hydrologic functions, natural heritage features and areas and surface water features, through its water resource policies and the natural heritage system.

8.5.4. Required Official Plan updates

Section 4.3 should be updated to incorporate a systems-based approach for water resource planning that reflects the requirements of the PPS and APTG. Updates to the OP policies support aligning the OP with APTG and the PPS. Policies will also need to be updated to respond to the other changes outlined above and incorporated into section 4.3 regarding planning for a changing climate, stormwater

management and the role of subwatershed planning when planning for large scale developments.

8.5.5. Proposed Policy Approach

Policies will be included in section 4.3.2 of the OP that identify a water resource system through a policy-based framework that incorporates features based on provincial policy and existing technical studies and information (i.e., subwatershed studies and the Tier 2 and Tier 3 Water Budget Analysis completed as part of the Source Water Protection study process). This will need to include consideration of the defined terms associated with water resource systems from both the PPS and APTG including:

- water resource system
- groundwater features
- hydrologic functions
- surface water features
- natural heritage features and areas, including shorelines areas
- key hydrologic features and key hydrologic areas, and
- significant groundwater recharge areas.

The inclusion of features within a water resource system should be based on the following criteria:

- that the features are necessary for the ecological and hydrological integrity of the watershed as per the PPS, and
- that they provide the water resources necessary to sustain healthy aquatic and terrestrial ecosystems and human water consumption in accordance with APTG.

Water resource system policies should also consider:

- supporting policies for implementation to support the protection of water quality and quantity, such as encouraging reducing the use and reliance on chlorides (salt), the continuation of water supply optimization, and
- recognizing that watershed planning projects including updates to existing studies will be used to map and refine features forming part of the water resource system.

The proposed water resource system policies should also integrate with the other water related policies in the OP including the natural heritage system (Section 4.1 and 4.2) watershed planning (Section 4.3.1), source water protection (Section 4.3.3) and stormwater management (Section 6.4).

Additional policies should also be included within section 4.3.1 of the OP that:

- recognize the City will evaluate and prepare for the impacts of a changing climate to water resource systems at the watershed level
- acknowledge that large-scale development in designated greenfield areas, including secondary plans, will be informed by a subwatershed plan or equivalent, and

- incorporate consideration of the Great Lakes Strategy, the targets, and goals of the Great Lakes Protection Act, 2015, and any applicable Great Lakes agreements as part of watershed planning and coastal or waterfront planning initiatives.

Also, include policy within section 6.4. of the OP that commits to ensuring stormwater management practices minimize stormwater volumes and contaminant loads and maintain or increase the extent of vegetative and pervious surfaces.

9. Changes to the Official Plan to respond to the Clean Water Act and the Grand River Source Protection Plan

9.1. The Clean Water Act

The purpose of the Clean Water Act is to protect existing and future sources of drinking water. The Act establishes a risk-based process using a watershed framework to identify vulnerable areas and associated drinking water threats and issues through the preparation of assessment reports; and requires the development of policies and programs to eliminate or reduce the risks posed by identified drinking water threats through the preparation of source protection plans. Under the Act, a science-based assessment report is the technical basis upon which a source protection plan is prepared. A source protection plan contains policies to address the drinking water threats identified in the assessment report. The scope and type of policy options that can be considered in the development of a source protection plan is established by a series of technical rules that are part of the regulations under the Clean Water Act.

The Assessment Report for the Grand River Watershed was first approved by the Province on August 16, 2012. This is the document that identifies the threats and vulnerabilities in relation to the City's water supply sources that require policies to be prepared. In order to respond to new or changing threats in the future, it is required under the Clean Water Act that the Assessment Report be updated based on new or updated data and technical information from time to time.

9.2. The 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 Clean Water Act.

The plan includes the identified wellhead protection areas (WHPAs) and vulnerabilities from the Grand River Assessment Report and establishes corresponding policies for the protection of the water quality of Guelph's drinking water supply.

9.2.1. Current Official Plan Policy Framework

The City has existing policies within section 4.3.3. of the OP that speak to source water protection. These policies were included through OPA 48 ahead of the completion of the Grand River Source Protection Plan. These policies established a general implementation framework including interim policies for transition and incorporated the WHPA from the approved Assessment Report in the OP on schedule 7.

9.2.2. Required Official Plan updates

Some of the policies from the Source Protection Plan are intended to be implemented through planning tools and require updates to the City's OP to support implementation. This will include adding updated references and technical information within the OP based on the approved Assessment Report and Source Protection Plan.

9.2.3. Proposed Policy Approach

The policies within section 4.3.3 of the OP will need to be updated to further clarify specific requirements through the Source Protection Plan including:

- requiring that private wells are decommissioned when they are no longer in use, as part of development applications
- requiring that a waste survey report is required for new industrial, commercial and institutional uses, as part of complete application requirements
- requiring the assessment and mitigation of impacts from transport pathways, including geothermal systems, as part of a complete application, based on where it is a significant drinking water threat
- restricting the use or storage of specific types of chemicals and compounds (such as fuels, organic solvents and dense non-aqueous phased liquids) at or above specific amounts and based on their location and the vulnerability of the location as included in the approved Assessment Report
- restricting new road salt storage facilities of more than 5,000 tonnes based on their location and the vulnerability of the location as included in the approved assessment report, and
- Requiring development to connect to municipal services where available and prohibit septic systems of a specified size, where located in close proximity to municipal water supply wells.

Changes to incorporate all source water protection requirements that rely on planning tools for their implementation will be incorporated through the OP review. Where these requirements apply to complete applications, section 10.18 of the OP will also be updated.

Additional work to develop policies to support completed technical studies identifying WHPA and vulnerabilities for protection of water quantity threats as it relates to Guelph's drinking water supply is ongoing and will be incorporated into the Assessment Report for the Grand River Watershed and the Grand River Source

Protection Plan through a future amendment. A subsequent amendment to include related policies into the OP may be required at that time.

10. Changes to the Official Plan to respond to the PPS and Ontario Heritage Act

This section outlines changes to the Ontario Heritage Act (OHA) and any required changes to the Official Plan as a result. Changes to the OHA were introduced through new regulations in Bill 108 - the More Homes, More Choice Act, 2019, which amended the Ontario Heritage Act (OHA) however these changes have not yet come into force. The information provided in this section will only be considered through the OPR if the effective date is proclaimed by the Lieutenant Governor prior to the preparation of the draft OPA.

The changes provided through Bill 108 provide improved provincial direction on how to use the OHA, clearer rules and tools for decision making, and support consistency during an appeals process. Property owners and the public will now have new rights to appeal municipal heritage decisions and new strict timelines are introduced that councils must meet when considering heritage bylaws.

The PPS 2020 also introduced updates to policies and changes to definitions that will require further updates to the OP.

Section 4.8 of OP sets out the policy framework for the conservation of cultural heritage resources through policies that direct how the City identifies, manages, promotes, and enhances cultural heritage assets in Guelph. This section of the OP will be reviewed and updated where applicable to better align the City's policies with the recent updates to provincial policy and provincial legislation.

10.1. Ontario Heritage Act and amendments

The general purpose of the OHA is to provide 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, landscapes. Under the OHA, municipalities also have the ability to place additional controls over the alteration, demolition, or removal of these cultural heritage assets, and provide interim protection to non-designated properties that have cultural heritage value from demolition. The OHA further allows municipalities to establish local heritage review committees and enter into agreements with property owners to maintain their heritage assets.

The amendments made to the OHA through the More Homes, More Choice Act (Bill 108) include:

- a new set of principles to guide municipal decisions
- new timelines to issue a notice of intent to designate
- new timelines to designate a property

- new application requirements
- new tools for municipalities for alteration, removal or demolition of heritage structures
- changes to the municipal register of cultural heritage properties
- new mandatory content for designating bylaws, and
- new rights of appeal to the designation of properties.

Details on these changes along with potential impacts to the City of Guelph's heritage processes regulated under the OHA and potential updates to the cultural heritage policies contained in section 4.8 of the OP are summarized below.

10.2. New set of principles to guide municipal decisions

10.2.1. Ontario Heritage Act changes

Amendments to the OHA are set to give authority to prescribe principles that municipal councils must consider when making decisions to designate properties and districts. These principles are intended to help councils better understand what to focus on when making decisions under the Act. The proposed principles are consistent with Ontario's policy framework for cultural heritage conservation. These principles are to be established by municipalities, however, the provincial government will be bringing forward new regulations that will provide additional guidance on the heritage principles.

Under proposed new OHA regulations, the principles that councils must consider during the decision-making process to designate a property or district include:

- an assessment of the cultural heritage value or interest and whether it should be protected and conserved for all generations
- decisions affecting the cultural heritage value or interest of a property or heritage conservation district should:
 - minimize adverse impacts to the cultural heritage value or interest of the property or district
 - be based on research, appropriate studies and documentary evidence, and
 - demonstrate openness and transparency by considering the views of all interested persons and communities.

Conservation of properties of cultural heritage value or interest should be achieved through identification, protection and wise management, including adaptive reuse where appropriate.

10.2.2. Current Official Plan Policy Framework

Section 4.8.2 and 4.8.3 include policies regarding the designation of heritage properties and heritage conservation districts. In the case of a heritage designation under Part IV of the OHA, the policies reference that a property may be designated where, in Council's opinion, the property meets one of the prescribed criteria established by a regulation under the OHA. For heritage conservation districts, the

Official Plan outlines steps that the city shall take when considering a heritage conservation district.

10.2.3. Necessary Official Plan updates

The new principles that must be considered by Council when designating properties or districts will be identified and may be implemented through a set of new policies in section 4.8 of the OP or through reference to the OHA, as appropriate.

10.2.4. Proposed policy approach

Revise policies in section 4.8.2 (Heritage Designation) that list principles which must be considered by Council when designating properties or districts to reflect the new principles or provide reference to the OHA.

10.3. New requirements for applications to alter or demolish buildings or structures

10.3.1. Ontario Heritage Act changes

The changes to the Ontario Heritage Act also propose a new timeline of 60 days for a municipality to respond to a property owner about the completeness of their application to alter, demolish, or remove a building or structure on a designated property. The 60-day timeline for determining if the application is complete and has commenced begins when the application has been received by the municipality.

The amendment also allows the province to set out the minimum requirements that municipalities use to determine whether an application is complete. Municipalities will also have the ability to build upon these minimum requirements. A clear set of requirements will provide greater clarity and consistency for property owners when submitting their application. These additional requirements will need to be introduced through a resolution of Council, a bylaw, or through enabling policies in the OP.

The minimum requirements to determine the completeness of an application to alter or demolish a building or structure on a designated property are set by the OHA, which at a minimum will include:

- applicant details
- the name of the municipality
- a description of the property, including the address and legal description
- photographs that identify the existing buildings, structures and heritage attributes that are affected by the application and their condition
- a site plan or scaled drawing that identifies the location of the proposed alteration, demolition or removal
- descriptions of the proposed alteration, demolition or removal
- reasons for the proposed alteration, demolition or removal

- the potential impacts of the proposed alteration, demolition or removal to the heritage attributes of the property
- all technical cultural heritage studies that are relevant to the proposed alteration, demolition or removal, and
- an affidavit or a sworn declaration by the applicant certifying that the information required under this section and provided by the applicant is accurate.

10.3.2. Current Official Plan Policy Framework

Policies 4.8.9 through 4.8.12 outline specific cultural heritage assessments, plans or reviews that may be required for certain development applications. Section 10.18 of the Official Plan includes complete application requirements for cultural heritage resources for development applications under the Planning Act. There are currently no policies that address complete application requirements for applications to alter, demolish or remove a building or structure on a designated property.

10.3.3. Necessary Official Plan updates

The OP will be updated to address the list of application requirements as detailed in the OHA, and any additional local requirements.

10.3.4. Proposed policy approach

New policies will be added in section 4.8 and or section 10 of the OP to address the legislative changes to requirements to deem an application complete that proposes to alter, demolish, or remove a building or structure on a designated property.

Any additional local application submission requirements identified by the City will be considered by Council through a resolution or the adoption of a bylaw rather than through OP policy. The OP policies will reference the proposed Council resolution or passing of a bylaw to address any additional local requirements that go beyond the minimum requirements set by the legislative requirements of the OHA or any applicable guidance.

10.4. New tools for municipalities for alteration, removal, and demolition of heritage attributes

10.4.1. Ontario Heritage Act changes

The OHA allows municipalities control over the demolition or removal of a building or structure on designated properties. Whenever a property owner wishes to demolish or remove a building or structure on a designated property, Council approval is required.

The removal or demolition of any heritage attributes on a designated property could impact the cultural heritage value or interest of a property. Amendments to the OHA will provide expanded control of designated properties by requiring Council

approval for the alteration or removal of any heritage attributes on a designated property, including those that are not a building or structure, such as landscape elements like trees. Removal or demolition of any attributes that have cultural heritage value could impact the cultural heritage value or interest of a property. Council must now consider the impact of the removal or alteration to the overall cultural heritage value or interest of the property.

Prior to the proposed amendments, when Council approved the demolition or removal of a building or structure on a designated property, the Act required Council to repeal the designating bylaw, even in instances where the building or structure did not contribute to the heritage value or interest of a property. Amendments to the Act are proposed to recognize that repealing the designation bylaw may not be necessary when only certain heritage attributes have been removed or altered, or where buildings or structures that do not have heritage value or interest are removed or demolished and the property still retains its cultural heritage value or interest. Council must determine the impact that the alteration, demolition, or removal of the heritage attributes on the property's overall cultural value or interest. This determination will identify whether no changes to the designation bylaw are required, or whether the bylaw needs to be amended, or repealed. Council's determination is not appealable to the LPAT.

In instances where Council has agreed to the removal of a building or structure from a designated property to be relocated to a new property, Council would be permitted to follow a streamlined and abbreviated process for designating the property where the structure is to be relocated. The decision by Council to designate the new property and the designation bylaw would not be appealable to the LPAT.

10.4.2. Current Official Plan Policy Framework

Sections 4.8.1 and 4.8.2 outline the management of alteration and demolition of heritage attributes on designated properties.

10.4.3. Necessary Official Plan updates

Sections 4.8.1 and 4.8.2 will be reviewed and updated where necessary to ensure alignment with the new OHA regulations when they come into effect.

10.4.4. Proposed policy approach

Section 4.8.1 and 4.8.2 of the OP will be reviewed and updated where necessary to align with the new OHA regulations that manage the alteration, demolition, or removal of heritage attributes on designated properties. A general policy may be added to section 4.8.2 to align with any OHA regulations or guidance on requirements for designated properties where relocation of a building or structure is proposed.

Further to this, the definition of heritage attributes will also need to be updated to reflect that heritage attributes now also include elements on the property that are not buildings or structures, such as landscape features.

10.5. Changes to the Municipal Register of Cultural Heritage Properties

10.5.1. Ontario Heritage Act changes

Currently, the OHA requires that municipalities maintain a list of all designated properties and districts. The Act also allows municipalities to include properties that have not been designated, but are of cultural heritage value or interest.

Guelph's official list of culturally or historically important properties is called the Municipal Register of Cultural Heritage Properties (heritage register). The heritage register helps track cultural heritage resources and plan for their conservation. The heritage register includes information about all designated as well as properties that are not designated, but may have cultural heritage value or interest. Property owners planning to remove or demolish a building or structure on non-designated properties must give the City at least 60 days to consider whether long-term protection of the property should be sought through a formal designation process. Listing a non-designated property on the heritage register does not impact the process for building renovations, and does not necessarily mean the property will be designated under the OHA.

Amendments to the OHA will require municipalities to notify an owner of a non-designated property if their property has been included in the register due to its cultural heritage value or interest. These property owners may object to the property being listed in the register. An objection would be reviewed by municipal council who will make the decision as to whether the property should continue to be included in the register or whether it should be removed.

10.5.2. Current Official Plan Policy Framework

Section 4.8.1 and 4.8.5 include policies regarding Guelph's heritage register. These policies include directions to maintain a heritage register, outline how properties can be added or removed from the heritage register and policies for the demolition of properties listed on the heritage register.

10.5.3. Necessary Official Plan updates

Section 4.8.1 and 4.8.5 policies will be reviewed to ensure they align with the new regulations of the OHA and updated where applicable, once they are in effect.

10.5.4. Proposed policy approach

Section 4.8.1 and 4.8.5 (Heritage Register) will be reviewed to address the OHA changes that enable property owners to object to their property being listed on the heritage register.

10.6. Archaeological Management Plans

10.6.1. PPS changes

The PPS encourages municipalities to consider and promote their cultural heritage and archaeological resources through an archaeological management plan (AMP). An AMP consists of detailed maps of all areas of archaeological potential within a municipality. They also include a strategy to identify areas where known archaeological sites are present, areas where there may be potential for archaeological resources to be present, and archaeologically sensitive areas, such as locations of sensitive cultural remains that may include cemeteries.

AMPs include detailed maps of all areas of archaeological potential within a municipality. They also include a strategy to identify areas where known archaeological sites are present, areas where there is potential for archaeological resources to be present and archaeologically sensitive areas, such as the specific locations of sensitive cultural remains (e.g., cemeteries).

These plans serve as a tool to assist municipalities in processing development applications and other municipal land development projects, ensuring that areas of archaeological importance are conserved. AMPs may also be used to identify areas that require an archaeological assessment prior to the land development process.

10.6.2. Current Official Plan Policy Framework

Section 4.8.6 includes policies that recognize archaeological resources and reference the City’s Archaeological Master Plan from 2001. Policies within this section outline when an archaeological assessment is required and also outline notification and invitation to participate for Indigenous communities for future Archeological Master Plans.

10.6.3. Necessary Official Plan updates

The Official Plan currently does not include policies enabling the City to develop an archaeological management plan. The policies only reference an existing Archaeological Master Plan and requirements to work with Indigenous communities when an Archaeological Master Plan is commenced.

10.6.4. Proposed policy approach

A new enabling policy will be introduced to section 4.8.6 (Archaeological Resources) of the OP to provide direction for the development of an archaeological management plan. Policies in Section 4.8.6 will be updated where there are references to an Archaeological Master Plan. Section 10.18 (pre-consultation and complete application requirements) of the Official Plan already details that archaeological assessments may be required as part of a development application, so no updates are necessary to this section.

11. Changes to the Official Plan to respond to municipal and other legislative changes

11.1. Environmental Assessments

An environmental assessment (EA) is a decision-making process used to look at potential alternatives and impacts of specific activities on the environment. In Ontario, this process is legislated by the Environmental Assessment Act and its regulations. The purpose of this Act is to provide for the protection, conservation, and wise management of the environment in Ontario. It is intended to minimize or avoid adverse environmental effects before they occur and incorporate environmental, social, and economic factors into decision making. Under the Act, classes of EAs can be established which set out a standardized planning process for classes or groups of activities. It applies to projects that are carried out routinely and have predictable environmental effects that can be readily managed. One type of class EA is the Class EA for Municipal Infrastructure Projects, which is the one used and followed by the City.

Class EAs can be completed in a manner to ensure compliance with other environmental legislation. The Class EA process can be used to create efficiencies and avoid duplication by integrating the Class EA process and other formal approval processes, such as the Planning Act. That said the Class EA process also does not replace or exempt the formal processes of other applicable federal, provincial and municipal legislation and bylaws. This includes the requirements of both the PPS and ATPG.

The Environmental Assessment Act and its regulations are currently being updated, including the Class EA framework.

11.1.1. Current Official Plan Policy Framework

The Planning Act requires all municipal public works to conform to the City’s OP, including those completed through an EA. As such, the City’s OP includes direction on how and where infrastructure is planned and permitted. Application of some of the existing natural heritage system policies within section 4.1.2 of the OP has created uncertainty in how to address specific OP requirements through EA

processes where infrastructure is not currently permitted within certain natural heritage features and areas including their respective buffers.

11.1.2. Necessary Official Plan updates

Through the OP update, section 4.1.2, should be clarified to specify that essential City infrastructure projects, where subject to an EA, may be permitted within the natural heritage system.

11.1.3. Proposed Policy Approach

Clarify within section 4.1.2 of the natural heritage system policies that City infrastructure where essential and subject to an EA is permitted as a use. Such infrastructure would still be required to demonstrate no negative impact to the feature or its ecological or hydrological functions in accordance with the PPS requirement.

The OP update should also consider requiring such undertakings to provide a net ecological gain to the natural heritage features and areas, in addition to demonstrating no negative impact.

The OP update may also consider ongoing updates to the Environmental Assessment Act and its regulations based on the status of information available as the OP update proceeds.

11.2. Advisory committees

The Planning Act requires, and the OHA provides, for municipalities to establish Planning Advisory Committees and Municipal Heritage Committees respectively. The purpose of these committees are to provide advice to Council regarding specific policy planning matters, in the case of a Planning Advisory Committee, and cultural heritage matters as outlined in the OHA for a Heritage Committee. There are no requirements in the Planning Act or the OHA to include any policies in OPs about the use, organization, or mandates of advisory committees. The governance of these committees is typically done through bylaws or terms of reference or the like.

The City of Guelph also has an advisory committee that provides advice to Council on matters related to the City's natural heritage system. On July 8, 2019, City Council disbanded the City's Environmental Advisory Committee and River Systems Advisory Committee and created the Natural Heritage Advisory Committee.

11.2.1. Necessary Official Plan updates

Section 4.8 of the OP sets out the policy framework for the conservation of cultural heritage resources through policies that direct how the City identifies, manages, promotes, and enhances cultural heritage assets in Guelph. Section 4.8.7, which was updated as part of OPA 48 in 2012, contains policies that outline the roles and areas of responsibility for the City's heritage committee. These specific roles and

responsibilities of the committee are also detailed in a terms of reference, with the most recent update approved by Council in 2017, a bylaw establishing the committee, and are further governed by the City's procedural bylaw and the advisory committee meeting procedures.

To reduce redundancy and the number of required administrative updates when the roles and responsibilities to Guelph's heritage committee are reviewed in the future, section 4.8.7 of the OP will be removed. The Heritage Guelph Committee Terms of Reference, the City's procedural bylaw and the advisory committee meeting procedures will all continue to govern the roles and responsibilities of the committee.

There are currently no reference to the Planning Advisory Committee in the OP. Given that the Planning Act does not require any implementing policies in the OP regarding the establishment of or procedures for Planning Advisory Committees, no updates to the OP are needed.

With respect to the Environmental Advisory Committee, currently the environmental study requirements policies within section 4.2 of the OP include references to this committee. These references should be removed given the disbandment of the Committee. Policy references do not need to be created for the Natural Heritage Advisory Committee as the committee's mandate establishes its purpose and role, which is separate from the OP.

11.3. Clarifying integration and implementation between the Official Plan and the City's tree bylaw

11.3.1. Current Official Plan Policy Framework

The urban forest represents a valuable asset that forms part of the City's green infrastructure. The policies in section 4.1.6 of the OP includes policies for the protection of trees that form part of the natural heritage system and the urban forest. The policies within section 4.1.6 are intended to support the City's Urban Forest Management Plan and implement the requirements of the City's Private Tree Protection Bylaw and encourage the retention and protection of trees through development, site alteration and capital projects.

The City's [Private Tree Protection Bylaw](#) (tree bylaw) establishes the regulatory framework and requirements to control the injury or destruction of trees on private property, including associated compensation.

11.3.2. Necessary Official Plan updates

In some instances, the policies in the OP do not align with the City's tree bylaw. In the context of development applications, this has created confusion around the application of OP policy and the requirements of the tree bylaw. The policies need

to be updated to reflect the provisions of the City's tree bylaw and provide clarity on how the two integrate.

11.3.3. Proposed Policy Approach

Update the policies within section 4.1.6 to clarify that the tree bylaw establishes the regulatory framework to control tree removals, including where they integrate into Planning Act applications, and that it is the bylaw that establishes the basis for the City to require tree compensation on private property.

Update section 4.1.6.4 to clarify that where there are vegetation compensation requirements for trees on private property these are regulated under the tree bylaw and are to be prepared in accordance with City standards such as the Tree Technical Manual.

Policy updates will be mindful of the upcoming tree bylaw review and will propose clarifications in a manner that is not overly prescriptive to avoid the need for additional changes following the outcomes of the tree bylaw review.

Further updates to the OP to incorporate potential changes related to the update of the City's Urban Forest Management Plan will be considered through a future amendment.

12. Other Planning Act and Ontario Heritage Act Changes

As outlined in sections 5 and 10, changes were made to the Planning Act and OHA through Bill 108 that are not required or necessary to be implemented through the OP. This section provides an overview of these changes.

12.1. Planning Act

12.1.1. Community benefits charges

Community benefits charges (CBC) were introduced in the Planning Act in 2019. CBCs allow municipalities to fund various community services that are not funded through development charges, such as parking structures or culture and tourism structures (e.g. Guelph Civic Museum). CBCs are not permitted to be collected on developments that are less than 5 storeys in height or ones that include less than 10 residential units. CBCs can only be collected after a CBC strategy has been prepared and a CBC bylaw passed. The process and timeline for exploring a CBC bylaw was outlined through a [Council information report](#) (item 1.3) in February 2021.

12.1.2. Development application processing timelines

Bill 108 amended the Planning Act, to change the timelines for processing certain types of development applications. A summary of the changes is provided in table 1.

Table 1 Planning Act development application processing timelines

Development application type	Pre Bill 108 Planning Act processing times	Post Bill 108 Planning Act processing times
Official Plan amendment	210 days	120 days
Zoning Bylaw amendment	150 days	90 days
Subdivision	180 days	120 days

12.1.3. Appeals to the Local Planning Appeals Tribunal (LPAT)

The Planning Act sets out when and for what reasons an appeal to the LPAT may be submitted. Since the City’s last OP review, the Planning Act regulations with respect to appeals has changed on two occasions. First, through Bill 139, appeals were restricted to planning decisions where it was thought that the decision was inconsistent with the PPS or did not conform to a provincial plan or the City’s OP. The Planning Act, as amended through Bill 108, now states that in addition to appeals made for the above-mentioned reason, appeals can also be made for many other reasons, such as that the decision doesn’t represent good planning.

12.2. Ontario Heritage Act

12.2.1. New rights of appeal to the designation of properties

As noted previously, the changes to the OHA have not yet been proclaimed to be in force by the Lieutenant Governor.

Owners of a designated property can apply to a municipal council to repeal a bylaw designating the property. Municipal councils may decide to refuse the application or consent to it and pass a repealing bylaw. Prior to amending the OHA, an objection was referred to the Ontario Conservation Review Board (the CRB) for a public hearing. However, because the nature of the objection was not considered a formal appeal, councils were only required to consider the findings of the hearing when making their final determination, and council remained the final approval authority. There were no further rights to appeal council’s final decision.

The OHA will be amended to change the process of objection. When a property owner submits an application to repeal a designation bylaw, municipalities must

provide notice of that application. Any person is permitted to submit an objection to the application to council. Councils then must make a decision on the application to repeal the bylaw within 90 days after the period of notice of objection ends. If the property owner or any other person disagrees with council's decision, the Act now allows for the decision to be appealed to the LPAT. LPAT's decisions would be final and LPAT becomes the final approval authority. If a bylaw is appealed, the new amendments to the Act also permit the LPAT to amend or repeal the bylaw.

When it comes to notices of intention to designate, there are no appeals allowed where council is unable to meet the timelines required to make a decision on a new designation bylaw. In this instance, the Notice of Intention to Designate (NOID) would be deemed withdrawn, but would not restrict council from repeating the process.

All final decisions that concern the heritage status of a property are now appealable to the LPAT.

12.2.2. New mandatory content required for designating bylaws

Municipalities will follow a prescribed mandatory content for all bylaws designating properties. The intent of these changes are to bring greater consistency by defining the content that all municipalities across Ontario must include in their designating bylaws. This will provide greater clarity for members of the general public and affected property owners.

To ensure that all designating bylaws align with the new OHA regulations once they come into effect, the City will ensure that each designating bylaw contains the following:

- identifying the property, including the municipal address of the property; the legal description of the property, including the property identifier number that relates to the property, and; a general description of where the property is located within the municipality, for example, the name of the neighbourhood in which the property is located and the nearest major intersection to the property
- a site plan, scale drawing, aerial photograph or other image that identifies each area of the property that has cultural heritage value or interest
- must set out the statement explaining the cultural heritage value or interest of the property which must identify which of the criteria for determining cultural heritage value or interest are met and must provide additional explanation that identifies how each criterion is met
- a description of the heritage attributes of the property which must explain how each heritage attribute contributes to the cultural heritage value or interest of the property, and
- may list any physical features of the property that are not heritage attributes.

The updated requirements for designating bylaws are best implemented through other planning and implementation tools, but through this review, there may be

opportunity to reference, or address these changes at a high level through updates to OP policy.

12.2.3. New timelines to issue a notice of intention to designate

Proposed OHA regulations state that municipalities will have 90 days to issue a NOID on a property following receipt of a complete application for an OP amendment, zoning bylaw amendment, or plan of subdivision on that property. This new timeline is intended to allow for sufficient discussion to occur with the land owner or land developer prior to designation, at an early stage in the development process. Municipalities are prohibited from issuing a NOID on properties subject to this new legislation outside of the 90-day timeline.

This new regulation also allows for exceptions to the 90-day timeline for a NOID for the following reasons:

- mutual agreement between the municipality and the property owner who made the application under the Planning Act
- when there are administrative restrictions preventing a NOID within the original 90-day timeline. This would apply in cases of a declared emergency or where a municipal heritage committee would be unable to provide its recommendations to council. The timeframe would be extended by 90 days
- new and relevant information that could impact the heritage value or interest of the property and requires further investigating. Councils are permitted to extend the timeline through a resolution that would allow for up to 180 days of the passing of the council resolution to ensure there is enough time to gather, analyze, and consider the new and relevant information, and
- if an applicable development application is withdrawn, the 90-day NOID restriction is no longer relevant and would not apply.

12.2.4. New timelines to designate a property

Amendments to the OHA introduce a new requirement that designation bylaws must be passed within 120 days following the NOID. A few exceptions to this requirement are outlined below:

- mutual agreement on an alternate extended timeline between the municipality and the property owner
- in the case of a declared emergency where the municipality is unable to meet the 120-day timeline, and
- new and relevant information that could impact the heritage value or interest of the property and requires further investigating. Councils are permitted to extend the timeline through a resolution that would allow for up to 180 days of the passing of the council resolution to ensure there is enough time to gather, analyze, and consider the new and relevant information.

If a council does not make a decision within the 120 day period, the NOID is considered withdrawn. Municipalities are permitted to reissue a new NOID for the property.

13. Conclusions and next steps

Guelph's OP already conforms to much of the updated pieces of legislation and the PPS as outlined throughout this paper. Some changes are required to the OP to respond to specific aspects of the Planning Act, PPS, Clean Water Act/Source Protection Plan, and Ontario Heritage Act.

In May, following the receipt of this policy paper by Council, community and stakeholder conversations about this paper will be held virtually and through [Guelph's online engagement platform](#). These conversations will inform the changes that are needed to the OP as outlined in this paper and obtain input to inform the OP amendment that, at this time is anticipated to be released later in 2021 or early 2022.