



Committee Report



PLANWELL

To: Chair and Members of the Planning Committee
From: Sarah Wilhelm, Manager of Policy Planning
Date: Thursday, November 09, 2023
Subject: **County Official Plan Review – Provincial Reversal of OPA 119 Modifications**

1.0 Purpose

The purpose of this report is to address the Provincial reversal of their modifications to County Official Plan Amendment 119 (County Growth Structure). A separate report addresses the proposed Provincial reversal of Greenbelt Plan changes that were made in December 2022.

2.0 Background

On October 23, 2023 the Minister of Municipal Affairs and Housing announced that his office has reviewed past Provincial decisions on Official Plans to ensure that they were made “in a manner that maintains and reinforces public trust.” Minister Calandra determined that the Province failed to meet that test and said that they will be introducing legislation to reverse Provincial changes to official plans for several municipalities, including Wellington County. This reversal impacts the Provincial decision on Official Plan Amendment 119 (OPA 119) and would restore it back to the version adopted by County Council. In a related statement (attached), the Province noted that they would consider the following exceptions: where “construction has begun” or where doing so “would contravene existing provincial legislation and regulation”.

The County Planning Director and Manager of Policy Planning participated in a teleconference call with Deputy Minister Greenberg and her Municipal Affairs and Housing senior staff on Friday, October 27, 2023. The Deputy Minister confirmed the following:

- The intent of the Province is to go back and approve OPA 119 as it was originally adopted by County Council without the Provincial modifications.
- The effective date of this new Provincial approval will need to be determined.
- Municipalities have until December 7, 2023 to provide comments regarding the two exceptions noted above.
- Consideration of municipal costs related to Provincial modifications will be considered beyond the 45-day commenting deadline.

A letter of November 2, 2023 from the Minister (attached) clarifies the scope and process for winding back Official Plan Amendment modifications. In it, the Minister reconfirmed that the Ministry will consider information about projects where construction has begun. They will also seek feedback about changes that the municipality would like to see made to the official plan, based on the modifications that the Province had previously made, and which the municipality supports.

The letter further states that “Lower-tier municipal feedback on the original plan submitted to the Province will be important to supporting its implementation.”

The Minister will introduce draft legislation to reverse the modifications. The legislation will be posted on the Environmental Registry of Ontario (ERO). This provides an additional avenue for commenting to the Province.

3.0 OPA 119 – County Growth Structure

OPA 119 set the stage for considering future growth in Wellington County by implementing the recommended growth structure from the technical work completed as part of Phase 1 of the County’s municipal comprehensive review (MCR). The amendment did not include urban expansions or employment conversions as these matters were to be addressed as part of the County’s technical work (Phase 2 land needs assessment and Phase 3 urban expansion review) and implemented through future phased Official Plan Amendments.

OPA 119 was adopted by County Council on May 26, 2022 but required approval of the Minister of Municipal Affairs and Housing (MMAH) prior to coming into force and effect. The Provincial review lasted over 10 months and on April 11, 2023 the Minister issued a decision to approve the OPA, with 33 modifications (link to Provincial decision: ero.ontario.ca/notice/019-5635).

County and Member Municipality staff were not made aware of, or consulted on, several significant modifications primarily dealing with urban boundary expansions. Staff is unaware of any technical evaluations completed by the Province to ensure that the expansions met current Provincial, County and local policy, municipal servicing requirements, etc. The Provincial approach failed to recognize the decision-making authority and accountability of municipal elected officials in the area of community planning. The Provincial decision was final and could not be appealed.

4.0 Discussion

The Province has made it clear that all modifications will be reversed, except where it wouldn’t align with legislation or regulations (e.g. the Greenbelt Act) but that they would accept information about “projects that area already underway”. On this basis, staff advise of the following:

Provincial Modifications to be Reversed	Status of Development
Urban Expansions in Fergus and Elora/Salem	- No development applications filed and no planning approvals have been obtained for any of the affected properties.
Urban Expansion in Rockwood	- No development applications filed and no planning approvals have been obtained for any of the affected properties.
Urban Expansion in Clifford	- Severance application filed, but no planning approval has been obtained for any of the affected properties. - No other development applications filed and no other planning approvals have been obtained.

Provincial Modifications to be Reversed	Status of Development
Employment Conversion in Arthur	<ul style="list-style-type: none"> - No planning approvals have been obtained. - Official Plan Amendment and Zoning By-law Amendment applications appealed to Ontario Land Tribunal. - Employment conversion not supported by MCR Phase 2 Report prepared by Watson & Associates Land Economists Ltd.

Staff's position for the examples above is that each modification should be reversed.

However, there are two circumstances where development approvals have been granted on the assumption of conformity prior to the Government's announcement that should be considered for reinstatement:

Provincial Modifications to be Reinstated	Status of Development
Changes to the existing policy area text and mapping for the Fergus Golf Course Recreational/ Residential Area in Centre Wellington	<ul style="list-style-type: none"> - Rezoning approved in July 2023. - Draft approval of subdivision and condominium applications granted October 5, 2023.
Employment Conversion in Elora (22 Park Road)	<ul style="list-style-type: none"> - Lot line adjustment provisionally approved to amalgamate development lands. - Local Official Plan Amendment for the employment conversion and a Zoning By-law Amendment are under review. - Employment conversion supported by MCR Phase 2 Report prepared by Watson & Associates Land Economists Ltd.

Some of the Ministry's administrative modifications to OPA 119 (numbered 1 through 19) meet existing Provincial policy and staff would support their reinstatement. These modifications deal with matters such as Indigenous consultation, employment area protection, additional urban centre expansion criteria, support for a diverse range and mix of housing and additional definitions.

To meet the Government's stated objective to not contravene existing Provincial legislation (e.g. the Greenbelt Act), staff also support reinstatement of the following modifications in Puslinch:

- Greenbelt Plan removals (and an addition elsewhere) for the Regionally Significant Economic Development Study Area
- Deferral of consideration of identifying the historic Hamlet of Puslinch until a future Greenbelt Plan review

Staff also note that modifications to OPA 119 were made to implement the Provincial expansion of the Greenbelt Plan in Erin to help make up for the removal of 15 parcels of land for development purposes in December 2022. Our commentary on Bill 136 – Greenbelt Statute Law Amendment Act, 2023 and Environmental Registry posting 019-7739 is provided in a separate report (PD2023-33).

There are other areas of impact that will require additional consultation with Provincial staff, such as the effective date of the new Provincial approval and determination of municipal costs. There may also be additional information from the Province or Member Municipalities which becomes available before Committee or Council's consideration of this report. If necessary, staff will advise of such matters.

The implications of the reversal of OPA 119 modifications on the Official Plan Review are highlighted separately in Progress Report 10 (PD2023-35).

5.0 Recommendations

That the County Official Plan Review – Provincial Reversal of OPA 119 Modifications report be received for information;

That the report be circulated to Member Municipalities so that they have the report to assist if responding to the Ministry under separate cover; and

That staff work with the Province to recover municipal costs.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Sarah Wilhelm', with a stylized flourish at the end.

Sarah Wilhelm, RPP, MCIP
Manager of Policy Planning

Attachment 1: October 23, 2023 Statement, Minister of Municipal Affairs and Housing

Attachment 2: November 2, 2023 Letter, Minister of Municipal Affairs and Housing

STATEMENT

On Winding Back Changes to Official Plans

October 23, 2023

Municipal Affairs and Housing

TORONTO — Today, Paul Calandra, Minister of Municipal Affairs and Housing, released the following statement:

“Since becoming Minister of Municipal Affairs and Housing, I have made it a priority to review past decisions, including minister’s zoning orders and official plans, to ensure that they support our goal of building at least 1.5 million homes in a manner that maintains and reinforces public trust.

In reviewing how decisions were made regarding official plans, it is now clear that they failed to meet this test. In response, as soon as I am able, I will be introducing legislation that would reverse the official plan decisions for Barrie, Belleville, Guelph, Hamilton, Ottawa and the City of Peterborough, the Regional Municipalities of Halton, Niagara, Peel, Waterloo and York, as well as Wellington County. This legislation would wind back provincial changes to official plans and official plan amendments, except in circumstances where construction has begun or where doing so would contravene existing provincial legislation and regulation. This includes winding back changes to urban boundaries.

To ensure that the reset plans match our shared ambitions to build more homes, especially now that municipalities have made their housing pledges, we will be asking impacted municipalities to submit changes and updates to those plans to ministry staff within 45 days of today, including information on projects that are already underway.

In recognition of the costs incurred by municipalities arising out of this decision, the province will work with impacted municipalities to assist with related planning and staffing costs.” 0

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234-2023-5307

November 2, 2023

**Re: Announcement Impacting Provincial Decisions on Municipal Official Plans/
Official Plan Amendments**

Dear Sir, Madam:

Since becoming the Minister of Municipal Affairs and Housing, I have made it a priority to review past decisions related to land use planning, including official plans and minister's zoning orders, to ensure that these earlier decisions support our goal of building at least 1.5 million homes in a manner that maintains and reinforces public trust.

In November 2022 and April 2023, the ministry issued decisions on official plans impacting the cities of Barrie, Belleville, Guelph, Hamilton, Ottawa and Peterborough, the regional municipalities of Halton, Niagara, Peel, Waterloo and York, and Wellington County. As a result of my review of these decisions, on October 23, 2023, I announced my intent to introduce legislation as soon as possible that would reverse the province's changes to these plans.

For clarity, the proposed legislation will, if passed, bring into effect the official plans or official plan amendments as adopted by municipal council without provincial modifications, except for any modifications that are necessary to protect matters of public health and safety, or which are required to align with legislation or regulations.

The ministry appreciates that the decisions that were made in November 2022 and April 2023 are currently in effect, and I understand that many municipalities are working to actively implement the decisions. I also appreciate that productive collaboration and coordination between the ministry and your municipality is going to be needed to ensure clarity going forward.

As stated in my announcement on October 23, 2023, we are providing 45 days for municipalities to submit information about the modifications to the official plans that were originally submitted to the Ministry, including:

1. Circumstances or projects where construction has already begun in relation to the official plan or official plan amendment decisions, particularly those projects that are directly reliant on the modifications made to the plan through the ministry's decision; and

2. If there are changes that the municipality would like to see made to the official plan, based on the modifications that the province had previously made, and which you support. Lower-tier municipal feedback on the original official plan submitted to the province will be important to supporting its implementation.

We are asking mayors of impacted single and lower tier municipalities to submit this feedback, including proposed changes and updates to the official plans/official plan amendments, to ministry staff **by December 7, 2023**. Please submit feedback to the following email address: MMAHOfficialPlans@Ontario.ca.

To ensure the province receives the necessary feedback within the 45-day window, we will accept changes directly from heads of council of single and lower-tier municipalities, including to official plans that were originally submitted with council endorsements from upper-tier municipalities. Heads of council may choose to seek a council endorsement of their proposed changes, but that is not required.

While I intend to introduce legislation prior to the conclusion of the 45-day period, please rest assured that municipal feedback received during the 45-day window, and through consultation on the legislation, will be carefully considered to determine the best approach for moving forward, including if further legislative steps or the use of other provincial tools are required.

We are also interested in receiving information and supporting documentation that outlines related planning costs that may have been incurred by your municipality arising out of the provincial decisions. This information can be submitted to the ministry outside of the 45-day window through municipal staff.

Official plans are an important tool for addressing Ontario's shortage of housing. To that end, as you prepare your feedback, I encourage you to ensure your proposed approach to meet your housing targets is ambitious and reflective of the serious need to get more homes built quickly. In particular, I encourage you to look for opportunities to systematically increase density and align this density with existing and planned transit within your municipality. Getting more homes built faster will help more people in your municipality find a home that meets their needs and budget and help municipalities access funding under Ontario's all-new \$1.2 billion Building Faster Fund.

If your staff have questions or concerns, ministry staff are available to discuss this matter further. Please have municipal staff contact the ministry at the email address above and we will connect you with the relevant staff in my ministry.

Thank you,



Hon. Paul Calandra
Minister of Municipal Affairs and Housing