

Presented To:	Planning Committee
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Request for Decision

Phase 1 Official Plan Review Update

Resolution

THAT the City of Greater Sudbury receives the Phase 1 Draft of the Official Plan Five Year Review;

AND, THAT Staff be directed to commence public engagement on the Phase 1 Draft Official Plan Five Year Review as described in the Report dated April 7th, 2016 from the General Manager of Infrastructure Services and report back to Council with a summary of the consultation and a recommended Official Plan Five Year Review Amendment for adoption in the fall of 2016;

AND FURTHER THAT Staff be directed to initiate a separate Official Plan Amendment and Zoning By-law amendment for Secondary Suites in June of 2016, following the public consultation for the Phase 1 Draft Official Plan Five Year Review.

Purpose:

This report provides an overview of the Five Year Official Plan Review process to date, including public consultation, background studies and discussion papers. It also provides a summary of the proposed changes that have been incorporated into the Phase 1 Draft of the Official Plan Five Year Review. Additionally, the report proposes additional public engagement to receive input on the Phase 1 Draft Official Plan Five Year Review prior to bringing an amendment forward for Council's consideration in the fall of 2016. Finally the report recommends that a separate Official Plan and Zoning By-law amendment be brought forward regarding secondary suites.

Background:

Shortly after amalgamation, the City of Greater Sudbury set out to replace the 1978 Official Plan for the Sudbury Planning Area and 12 other land use planning policy documents with a single, consistent, efficient and effective policy framework in the form of a new Official Plan (the Plan).

The Plan was developed over a four-year time period, involving several technical background studies, considerable consultation and extensive policy harmonization. It establishes goals, objectives and policies to manage and direct physical change and its effects on the social, economic and natural environment for the next 20 years.

Signed By

Report Prepared By

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The Plan was adopted by City Council in 2006 and approved, with modifications, by the Minister of Municipal Affairs and Housing (MMAH) in 2007. The Minister's decision on the Plan (and the Plan) was appealed in its entirety to the Ontario Municipal Board (the Board). The Board heard the appeals and issued three decisions on the Minister's decision and the Plan between December 2007 and April 2008. The majority of the Plan came "into effect" with the last of these three decisions.

Section 26 of the Planning Act (the Act) requires that municipalities revise their official plans at least every five years after the official plan comes into effect to ensure that it:

- Conforms with provincial plans (e.g. growth plans) or does not conflict with them, as the case may be;
- Has regard to matters of provincial interest articulated in Section 2 of the Act; and
- Is consistent with provincial policy statements issued under Section 3 of the Act.

The Phase 1 Draft Official Plan Five Year Review represents the culmination of four years of work by the City and the community. This process began with a Special Meeting of the Planning Committee in 2012 to establish the scope of the review. At this meeting many residents came forward to identify items that should be considered during this process, including lake water quality, climate change, cultural heritage, demographic changes and local food systems, amongst others.

Since this time, the City has undertaken 12 background studies to explore these issues in more detail. Each study was presented to Planning Committee (and in one case City Council) as they were completed. The City also continued to engage the community on specific policy issues as the review process progressed. To date, staff has held 12 meetings with various Advisory Panels, seven public open houses, one public input session and one day-long stakeholder workshop. Staff has also held more than 50 meetings with residents, landowners, developers, CANs, community stakeholder groups and public agencies. Additionally, well over 200 written submissions have also been received regarding the Official Plan. As a result of this effort, the Phase 1 Draft Official Plan Five Year Review addresses such questions as:

- How will our population, employment and land use needs grow and change over the next 20 years?
- Do we have enough land set aside to meet our short, medium and long term land needs?
- How can we provide a wide range of housing options to the community?
- How can we plan for an aging population?
- How can we continue to protect our watersheds, lakes and rivers?
- How can we support the creation of a local food system?
- How can we build our resilience to our changing climate?

The Planning Committee has been actively involved in the five year review, considering various elements at 15 meetings, including:

- June 21, 2011 - Official Plan Review Background and Overview;
- January 23, 2012 - Special Meeting under the Planning Act for Five Year Official Plan Review;
- February 27, 2012 – Official Plan Review Public Input Analysis;
- May 28, 2012 – City of Greater Sudbury Growth and Settlement Background Report and Issues Paper;
- February 25, 2013 – Climate Change and the Official Plan;
- March 4, 2013 – Position Paper on Local Food Systems and the Official Plan;
- May 27, 2013 – Population, Household and Employment Land Forecasts for the City of Greater Sudbury;
- June 24, 2013 – Growth and Settlement Policy Discussion Paper and Natural Heritage Report;
- October 28, 2013 – Second Units Policy Options & Housing and Homelessness Background Study;
- November 4, 2013 – Cultural Heritage Policy Discussion Paper and Rural Consent Policy Options;

- March 24, 2014 – Development of a Lake Water Quality Model for Greater Sudbury Lakes; and,
- November 24, 2014 – Rental Conversion Policy Options
- January 26, 2015 – Official Plan Review Update
- February 9, 2015 – Official Plan Review: Population, Growth and Housing
- February 23, 2015 – Official Plan Review: Local Food, Climate Change and Lakes

During this time, Planning Committee also considered other initiatives that will help shape the outcome of the five year review, including the release of the 2014 Provincial Policy Statement.

The Phase 1 Draft Official Plan Five Year Review, the public submissions, along with a summary of how they were considered in the Phase 1 Draft Official Plan are available on the City's website for public review and comment.

In late 2014, a draft of the Official Plan was provided to the Ministry of Municipal Affairs and Housing for a preliminary review of the proposed changes. MMAH provided staff with comments and met with staff in the summer of 2015 to discuss the comments. A summary of the MMAH comments and how they were incorporated into the Phase 1 Draft is available on the City's website.

Phase 2 of the Official Plan Review will align the Official Plan with the Transportation Background Study Update and the Water/Waste Water Master Plan once they are approved. At that time, staff will also bring forward any recommended land use policy changes associated with the Greater Sudbury Development Corporation's From the Ground Up 2015-2025. Phase 2 will also address any additional changes that may be required as a result of the passing of Bill 73, Smart Growth for Our Communities Act, 2015.

Phase 1 Draft Official Plan Five Year Review Overview:

Staff considered a number of policy improvements to the Plan, as described in the discussion papers presented to Planning Committee to date. Many of these proposed policy changes have been developed in consultation with the community. A general overview of the improvements to the land use planning related policies are described below within the context of the existing structure of the Plan.

Part I: Basis of the Official Plan

Chapter 1.0 - Introduction has been restructured to bring an augmented context section before an augmented purpose section. The Vision and Principles sections have also been expanded.

Part II: Managing Growth and Change

Chapter 2.0 - Urban Structure has been expanded to include a new section that speaks to the reinforcement of the city's urban structure. The proposed new section:

- Clarifies that the settlement area is the urban growth boundary, directs the majority of growth to the settlement area and speaks to the adequacy of the existing land supply;
- Establishes a built boundary, sets a new target for the amount of growth to be accommodated through intensification in the built boundary, and calls for ongoing monitoring in this area;
- Introduces new policies to guide future intensification in a manner that is consistent with and reinforces the existing and planned character of an area, while protecting the stability of established residential neighbourhoods;
- Calls for the creation of a comprehensive, city-wide Nodes and Corridors Strategy to guide the long-term intensification of key areas of the city; and,
- Introduces new policies to guide the creation of guest rooms and second suites. As discussed later in the report, second suite policies may be introduced as a separate amendment.

Chapter 3.0 - Living Area is refined to encourage an adaptable range of housing opportunities and housing types throughout the city.

Chapter 4.0 - Employment Areas is refined to bring the section that speaks to Downtown Sudbury in line with the new Downtown Master Plan; to recognize Regional Centres as strategic core areas; to differentiate between different scales of institutional uses; to recognize large scale institutional uses as strategic core areas; and, to connect various employment areas to the recommended Nodes and Corridors Strategy.

Chapter 5.0 - Rural areas includes Council's alternative policy framework to guide non-waterfront rural lot creation.

Chapter 6.0 - Agriculture has been re-positioned as part of a new section on Local Food Systems. This new section also:

- Speaks to local food as a system, while still protecting agricultural areas;
- Focuses on promoting urban food production and small scale farming;
- Encourages the development of a Local Food Action Strategy; and,
- Calls for programs to develop and maintain local food assets.

Chapter 7.0 - Parks and Open Space is revised to include:

- Recommendations from the Parks, Open Space & Leisure Master Plan Review;
- Input from the Final Report of the Greenspace Advisory Panel;
- Parkland dedication policies and requirements; and,
- New policies for park design that speak to:
 - o the needs of a diverse and aging population;
 - o the need to accommodate persons with disabilities;
 - o Crime Prevention Through Environmental Design (CPTED);
 - o sustainable maintenance and native plant species;
 - o active transportation connections; and,
 - o a linked open space system.

Part III: Protecting the Natural Environment

Chapter 8.0 - Water Resources is revised to reflect Greater Sudbury's Source Water Protection Plan. This section also includes policies that are protective of the City's surface waters, including a requirement for site plan control on all waterfront development on lakes and rivers as defined in the Plan.

Chapter 9.0 - Natural Environment is revised to ensure continued protection of natural heritage features and areas, consistent with new provincial policy direction and guidance documents.

Chapter 10.0 - Protecting Public Health and Safety is revised to incorporate concepts associated with climate change and climate change resiliency; to be more compatible with the revised Brownfield legislative framework; and, to speak to the issue of planning in and around wild land fire hazards.

Part V: Developing Quality of Place

Chapter 13.0 - Heritage Resources is revised to include policies to develop the City's Heritage Register; introduces policies regarding cultural heritage landscapes and cultural heritage assessments; and, updates policies to reflect changes to the Provincial Policy Statement.

Chapter 14.0 - Urban Design is revised to distinguish community and neighbourhood design from site and building design; includes new principles for site and building design; speaks to safety and accessibility; and,

calls for the creation of Urban Design Guidelines for the city. In addition to multiple instances throughout the Phase 1 Draft where policies are amended to create stronger connections to climate change, this section also contains new policies to address climate change along with the development of a climate change adaptation strategy.

Part VI: Healthy People, Healthy Places

Chapter 16.0 - Healthy Community and Chapter 17.0, Economic Development are revised and moved towards the front of the Plan to better highlight and strengthen the connection between land use planning and healthy communities and economic development.

A new section that speaks to planning for an aging population is introduced into the Plan. The proposed policies in this new section help ensure that Greater Sudbury is an elder-friendly community that facilitates "aging in place" by supporting the creation of age-friendly housing options; providing accessible, affordable and convenient public transportation; and, supporting an active lifestyle for an aging population.

Section 18.0 - Housing is updated to support the City of Greater Sudbury's Housing and Homelessness Plan, and the creation of a diversity of housing options in the city.

Policy revisions for Chapter 11.0, Transportation and Chapter 12.0, Utilities, both in Part IV, Investing in Infrastructure, will be initiated upon completion of the Transportation Background Study Update and the Water/Wastewater Master Plan as part of a Phase 2 amendment.

Next steps in the process

The key next steps to bring the five year review amendment forward for adoption are:

- Present the Phase 1 Draft of the Official Plan Five Year Review to Planning Committee and seek direction to proceed with the next round of public consultation;
- Undertake a public engagement process to obtain feedback on the Phase 1 Draft. This process will include holding 6 open houses across the community in addition to the use of the City's website and social media resources. This engagement process will also highlight the proposed second suite policies.
- Summarize public comments and prepare a draft amendment for Council's consideration in the fall of 2016. This will include undertaking a final round of public consultation including at least two public open houses and a public hearing as required by the Planning Act and the Official Plan;
- Adjust the draft Official Plan Amendment, as necessary;
- Table final Official Plan Amendment with Planning Committee and City Council for adoption in the fall of 2016; and,
- Upon Council adoption of Phase 1 Amendment, submit to the Ministry of Municipal Affairs and Housing for final decision.

Secondary Suites

As part of the *Strong Communities through Affordable Housing Act, 2011* being enacted in 2012, the *Planning Act* now requires municipalities to establish Official Plan policies and zoning by-law provisions allowing secondary suites in single, semi and row houses as well as in accessory structures in new and existing developments. The *Strong Communities through Affordable Housing Act, 2011* also amended the *Planning Act* to remove the ability to appeal the establishment of Official Plan policies and Zoning By-law regulations related to secondary units, except during a comprehensive review.

As part of undertaking the Housing and Homelessness Study, the issue of second suites was thoroughly investigated, including:

- Legislative and historical context;

- Rationale and benefits of second units;
- Feedback from stakeholders and public consultation; and,
- Potential impacts of Second Suite Policies;

A discussion paper on second suite policy options was brought forward to Planning Committee in October of 2013. The report recommended that the Official Plan contain policies that permit second suites in detached, semi-detached, street townhouses, row dwellings and accessory buildings, subject to a number of criteria, including:

- A restriction of one second suite per lot;
- Adequate servicing being available;
- Not being located on or adjacent to hazard lands;
- Not causing alterations to the main building exterior that would change the character of the existing neighbourhood; and,
- Satisfying all applicable requirements of the Zoning By-law, Building Code, Fire Code and Property Standards By-law.

Currently, property owners must apply for a rezoning to permit a second suite, with the Planning Act prohibiting the appeal of zoning by-laws permitting second suites. Since 2008, Planning Committee has considered 68 applications to permit second units, with 62 being approved.

Given the ability of second suites to provide affordable housing options in the City of Greater Sudbury, the fact that the Province has mandated through the Planning Act that Official Plans contain Second Suite policies and has shielded those policies from appeal and the fact that these policies would eliminate cost and delay for property owners in the City, staff recommend that a separate Official Plan and Zoning By-law Amendment be initiated. It is recommended that these amendments come forward for Planning Committee's consideration in late June after the above mentioned public consultation process has taken place so that any public input on second suites received in that process can be considered.