

Phase Two of the Official Plan Review

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Recommended by:	General Manager of Growth and Infrastructure
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Report Summary

This report provides a recommendation regarding the first draft of the official plan amendment related to Phase Two of the Official Plan Review. Staff is seeking direction to commence public consultation on this first draft.

Resolution

THAT the City of Greater Sudbury directs staff to commence public engagement on the first draft of Phase Two of the Official Plan Five Year Review, including circulation to the Minister of Municipal Affairs and Housing, as outlined in the Report entitled “Phase Two of the Official Plan Review”, from the General Manager of Growth and Infrastructure, presented at the Planning Committee meeting on December 13, 2021.

Relationship to the Strategic Plan, Health Impact Assessment and Community Energy & Emissions Plan (CEEP)

Proceeding with Phase Two of the Official Plan review is consistent with Council’s Strategic Objectives 1.2 and 7.4 which seek to “Update the Official Plan to reflect the Transportation Background Study Update and Water and Wastewater Master Plan”, and to “Review the Official Plan and other corporate policies to ensure they are appropriately aligned with the strategic objective of community vibrancy”, respectively.

Taken together, the policies of the Official Plan help achieve the following CEEP goals: creating compact, complete communities (Goal 1); enhancing transit service to increase transit mode share to 25% by 2050 (Goal 7); and, achieving 35% active mobility transportation mode share by 2050 (Goal 8).

Financial Implications

There are no financial implications associated with this report.

Background

The Official Plan is a blueprint to help guide Greater Sudbury's development over the next twenty years. It establishes long-term goals, shapes policy and outlines social, economic, natural and built environment strategies for the City. It is the document that contains policies that enable or guide the development of certain studies as set out in Council's 2019-2027 Strategic Plan, including Community Improvement Plans and Nodes and Corridors Studies.

The City's current and in-effect Official Plan was adopted by City Council in 2006 and was approved, with modifications, by the Minister of Municipal Affairs and Housing (MMAH) in 2007. Section 26 of the Planning Act requires Council to revise the City's Official Plan every five years (or ten years if it's a new official plan) to ensure it:

- a) conforms with provincial plans or does not conflict with them, as the case may be;
- b) has regard to the matters of provincial interest listed in Section 2 of the Planning Act; and,
- c) is consistent with provincial policy statements issued under Section 3 of the Planning Act.

Unlike other official plan amendments dealt with by the City, major amendments made pursuant to Section 26 of the Planning Act are not exempt from the Province's approval. Decisions by the Province on these major amendments are not subject to appeal.

The Review of the Official Plan began in 2012 and involved extensive study, public consultation, and reports to Planning Committee and Council. Council directed staff to undertake the Review in two phases. Phase One considered growth and settlement; lake water quality; source water protection; climate change; planning for an aging population; local food systems and natural and built heritage. On April 25, 2019, the Province approved, with modifications, Phase One of the City's Official Plan Review.

Special Meeting of Council

Council held a Special Meeting on June 26, 2019 to launch Phase Two of the Official Plan Review (See Reference 1). Council directed staff to:

- Undertake Phase Two of the Official Plan Review in accordance with the requirements of Section 26 of the Planning Act; and,
- Consider any issues or comments related to the Official Plan identified by the public at the Planning Committee meeting on June 26, 2019 or through formal submissions to the City, including those issues previously identified by Council, and report back to Planning Committee with a draft official plan amendment and proposed public consultation strategy by the end of September, 2019.

Scope of Phase Two Official Plan Amendment

A Red-line version of the Official Plan and a first draft Phase Two Official Plan Amendment (OPA) are included as Attachments A and B to this report. As noted in the June 26, 2019 meeting, the draft OPA has considered the land use planning recommendations of both the Transportation Master Plan (TMP) and the Water and Wastewater Master Plan (WWMP). Staff also considered land use policy changes associated with the Greater Sudbury Development Corporation's *From the Ground Up*, the Community Energy and Emissions Plan (CEEP) and other corporate strategic documents (See References 2, 3, 4).

Since the Special Meeting of Council in June, 2019, the Province has enacted new planning legislation and has issued a new Provincial Policy Statement (See Reference 5). Per the Planning Act, these must also be considered as part of an official plan review.

Transportation Master Plan Related Changes

Staff considered Appendix M of the Transportation Master Plan, which contains a number of policy recommendations related to the Official Plan. In general, the language in the draft amendment has been

updated to reflect the current state of initiatives (e.g. the Sidewalk Priority Policy, the Rural to Urban Road conversion criteria), and language used in the Complete Streets Policy and the Transportation Demand Management Plan. The planned roadway improvements have been updated as some of the proposed projects have already been completed or the limits of the improvements have been redefined.

Proposed Schedule 9 - Active Transportation Network (see Attachment E) has been updated to introduce the 'Recommended 2031 Cycling and Pedestrian Network' (Figure 67) of the Transportation Master Plan. Language on the schedule and in the draft OPA has been included to reflect that this network is the starting point for the City's analysis, and not necessarily the final projected network.

The active transportation programs in the existing OP are proposed to be deleted as there are many programming elements already outlined in the Transportation Demand Management Plan from 2018.

South Bay Road Extension

Council passed the following resolution on December 13, 2016:

"THAT those sections of the South Bay Road extension that would be on City, Nickel District Conservation Authority / Conservation Sudbury, or institutionally owned lands, be removed from the Transportation Master Plan."

Figure 85 of the Transportation Master Plan Update include a yellow-shaded polygon above the South Bay Road Extension Lands (See page 7 of 11 of Reference 6). It also included the following caption:

"The City should conduct an environmental assessment (EA) to confirm the need for this corridor relative to other options. If the need is identified, the EA will also define the corridor for the Southern University Link within the approximate envelope shown in yellow. This would facilitate and (sic) orderly development plan which is in line with the long term road network concept for the area."

Staff is recommending an amendment to Schedule 7 of the Official Plan (See Attachment C). The amendment removes the proposed roads from the lands outlined in the above-noted Council resolution and adds a circle over the area and text which states that "The City should conduct an Environmental Assessment (EA) to determine the most appropriate solution to provide an alternative access and road network capacity to the South Bay Road Area."

Montrose Avenue North

Council passed the following resolution on December 13, 2016:

"WHEREAS The City of Greater Sudbury' has prepared a Draft Transportation Plan which focuses on a sustainable transportation network for vehicles, pedestrians and cyclists along with their projected needs up until the year 2031.

AND WHEREAS the Draft Transportation Plan recommends that Montrose Avenue North connect to the Maley Drive Extension, currently under construction;

AND WHEREAS residents in the Montrose Avenue North area remain concerned that this network connection will negatively impact the character of their residential neighbourhood;

AND WHEREAS City Council recognizes these concerns and, in 2015, directed City Staff to incorporate a meandering design of Montrose Avenue to the Maley Drive Extension in order to address these same concerns;

AND WHEREAS the City of Greater Sudbury's Official Plan, the blueprint to guide future community growth and development, identifies the Maley Drive Extension and Montrose Avenue North connection;

AND WHEREAS, pursuant to Section 24 of the Planning Act, any public work undertaken or by-law passed by a municipality shall conform to its Official Plan;

AND WHEREAS, the City of Greater Sudbury's Official Plan is undergoing a "five year review", pursuant to Section 26 of the Planning Act, to ensure that the policies in the Official Plan continue to reflect local and provincial priorities;

NOW THEREFORE BE IT RESOLVED THAT the main motion be further amended and that City Staff be directed to prepare a traffic impact study which will: drill down to inform the detailed design and to include new policies in the Official Plan (during the second phase of the Official Plan Review program) to guide the design and construction of Montrose Avenue North as a complete street, and which maintains and protects the residential character of the neighbourhood including appropriate lane widths, identifies traffic calming measures including meandering, sidewalks, bicycle infrastructure, street trees and street lighting, and which will encourage local traffic use."

Staff recommends the addition of a new section 11.2.2.3 Montrose Avenue North as follows:

"11.2.2.3 Montrose Avenue North

1. Schedule 7, Transportation Network illustrates the approximate alignment of Montrose Avenue North.

Montrose Avenue North shall be designed and constructed as a complete street which:

- a. includes sidewalks and bike lanes on both sides;
 - b. includes street trees and lighting;
 - c. includes no on-street parking;
 - d. would have one lane of traffic in each direction with a lane width of approximately 3.5m; and,
 - e. includes slight bends that would be 50m in length compared to a direct connection.
2. The City shall ensure public consultation on the detailed design of Montrose Avenue North."

Similar to the South Bay Extension amendment above, staff is recommending an amendment to Schedule 7 of the Official Plan (See Attachment C). The amendment adds a circle over the area and text which refers the reader back to the above proposed section 11.2.2.3.

The City commissioned a study to assist in transportation analysis and planning for Montrose Avenue North. The study examined three scenarios related to Montrose Ave North: 1) no connection of Montrose to Maley Drive; 2) a direct connection of Montrose Ave to Maley Drive; 3) a 'meandering' connection of Montrose to Maley Drive. The study and its findings are included as Attachment G to this report.

The proposed new section responds directly to Council's resolution.

Water and Wastewater Master Plan Related Changes

Staff considered Sections 6.4.1 and 7.2.1 of the WWMP (See Reference 3).

New development in urban areas will be developed in accordance with the Water and Wastewater Master Plan, based on the principles of sequential development, progressive extensions, improvement, rehabilitation and economical utilization of the City water supply and sanitary sewer systems. Language has been updated to reflect current terminology, for example at present the Official Plan refers to "water and sewer services" whereas the current accepted terminology is "water and wastewater services". A technical amendment has been made to restrict connections on watermains within 1300m of the Wanapitei Water Treatment Plant and Falconbridge well pump house no. 7 which is dedicated to provide contact time for

water treatment purposes. These changes are reflected on proposed Schedule 10 – Water and Wastewater Services Area (Attachment F).

Allocation of Capacity

Through the WWMP it was recommended that servicing capacity for development be allocated by the City at the draft plan approval stage and expire with the draft approval. At present, the City has a large number of subdivisions that were granted draft plan approval without formal allocation of servicing capacity. Some of these subdivisions may have received their initial approval as early as the 1970s and in addition to servicing capacity, may not have been designed to today's standards with respect to lot frontages, stormwater management, neighbourhood active transportation connections etc.

The proposed approach will include policies that demonstrate the City is moving towards a process that includes a review of capacity sooner in the approval process. As a recommended step forward, staff is proposing to include language with respect to reviewing capacity at the approval and renewal stage, as well as committing to consistent monitoring.

From the Ground Up Related Changes

Staff considered the *From the Ground Up* changes and is proposing changes throughout the OP, including in the Opportunities, Vision, Employment and Downtown sections of the OP. Planning Committee will have an opportunity to consider further changes to the Official Plan as the Employment Land Strategy (ELS) is nearing completion. When that report comes forward, staff will be seeking direction from Council to incorporate recommendations from the ELS into the Phase Two review, where appropriate.

Community Energy and Emissions Plan (CEEP) Changes

Staff reviewed the Community Energy and Emissions Plan and is proposing changes throughout the OP to ensure alignment between the two plans, including the Sustainable Development, General Policies for Living Areas, Mixed Use Commercial, Investing in Infrastructure, Transportation, Waste Management, Utilities and Communications, Energy Efficiency Programs, Quality of Place, Neighbourhood Design and Housing sections of the OP. These changes reflect the need to increase the community's resilience to climate change and working towards a target of net-zero greenhouse gas emissions. Where no changes were proposed it was determined that those sections were already in alignment with the CEEP (see Attachment H).

New Legislation

As noted above, the City must consider any legislative changes and their impact on local official plans. Staff has reported on such changes in the past and the City has subsequently made amendments to either the official plan, zoning by-law or both (e.g. secondary and tertiary dwelling units, tandem parking, etc).

Bill 108 and 197

The City recently made Bill 108-related changes to the official plan and zoning by-law. These include changes to the secondary and tertiary dwelling unit policies and tandem parking, for example. There are some outstanding changes that require amendments to the official plan. Specifically, staff is recommending the removal of "Section 37 Provisions" (height and density bonusing) as the section in the Planning Act was deleted and replaced by Community Benefits Charges (started in Bill 108 and continued in Bill 197).

Provincial Policy Statement, 2020

Land use planning in Ontario takes place within a "policy-led" system where the Province establishes its interests in land use planning through a provincial policy statement and requires that the decisions made by planning approval authorities and boards, such as the Ontario Land Tribunal (OLT), align with these

interests.

The PPS is issued under section 3 of the Planning Act (the Act), and sets out policies regarding matters of provincial interest, such as managing natural resources, providing efficient infrastructure, and safeguarding public health and safety (see Reference 5). Section 3 of the Act currently requires that decisions on land use planning matters “be consistent” with the PPS.

On July 22, 2019 the Province released its proposed changes to the PPS for review and comment. The Province indicated that the proposed changes were designed to:

- encourage the development of an increased mix and supply of housing;
- protect the environment and public safety;
- reduce barriers and cost for development and provide greater predictability and supporting the economy and job creation; and,
- support rural, northern and indigenous communities;

Staff presented a review and analysis of the then proposed 2019 PPS on October 8, 2019 (See Reference 7). The report concluded that the proposed changes generally align with Council’s strategic goals and existing plans and processes, with a few exceptions. This report was endorsed by City Council and submitted to the Province for its consideration prior to the October 21, 2019 comment deadline.

The Province released the 2020 PPS on February 28, 2020. It came into effect on May 1, 2020 (See Reference 5). Attachment I focuses on the changes made to the PPS and outlines how the Phase Two amendment considered the PPS changes.

Formal Submissions (June 29, 2019 – November 1, 2021)

The City received formal submissions from stakeholders and members of the public at the Special Meeting of Council. The City has also received additional comments since that meeting. These comments, along with staff’s response and recommendations, can be found in Attachment J to this report.

It should be noted that there were outstanding comments from Phase One of the Official Plan Review. At the time, staff had noted that these comments would be addressed as part of Phase Two of the Review as these comments related to the Transportation Master Plan or Water and Wastewater Master Plan. These comments are included as Attachment L.

Ongoing Review

This initial draft of the Phase Two OPA will be further refined in subsequent drafts. Specifically, the next draft may include supplementary amendments based on comments received from internal and external stakeholders. Topics to be further explored include, but are not limited to, the following:

- Land Use Compatibility
- Employment Lands
- Water and Wastewater Servicing
- Secondary Dwelling Units
- Private Roads
- Parkland Dedication
- Comprehensive Reviews
- Natural Hazards

Nickel District Conservation Authority

The draft OPA was circulated to the Nickel District Conservation Authority (‘Conservation Sudbury’). Conservation Sudbury is in the process of aligning their practices with new and associated regulations

related to recent legislated changes. They will therefore refrain from providing technical comments on the draft OPA at this time. They anticipate, however, to provide comments that reflect the changes introduced by O.Reg 686/21, specifically policies that generally:

- a) describe and identify the natural hazards and their risks (promote public awareness of natural hazards and their risks); and,
- b) provide direction for development within and adjacent to natural hazards (manage the risks related to natural hazards, including preventing or mitigating those risks).

Next steps in the process and Public Consultation Strategy

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

- Undertake a public engagement process to obtain feedback on the Phase Two Draft. This process will include holding open houses across the community, as permitted per public health guidance, in addition to the use virtual open houses and the use of the City's Over-To-You website and social media resources;
- Circulate the Phase Two Draft to the Ministry of Municipal Affairs and Housing for its provincial review. Per the Planning Act, the Ministry requires at least 90 days to review a proposed official plan;
- Engage Indigenous Communities on Phase Two Official Plan Review matters;
- Summarize comments received and prepare a final draft amendment for Council's consideration in the fall of 2022.
- Subject to Council direction, undertake 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 Spring of 2023; and,
- Upon Council adoption of Phase Two Amendment, submit to the Ministry of Municipal Affairs and Housing for final decision under the Planning Act.

Summary

The City is required to undertake a Five-Year Review of its Official Plan. Phase One of this review concluded in April, 2019, and Phase Two was launched by way of a Special Meeting on June 26, 2019.

This report presents the first draft of Phase Two of the Official Plan Review. The review has considered the Transportation Master Plan, the Water and Wastewater Master Plan, From the Ground Up, the Community Energy and Emissions Plan, Council direction, new legislation and regulations, and early public feedback. Staff is seeking direction to commence public consultation on the first draft official plan amendment for Phase Two of the Official Plan Review.

Resources Cited

1. "Launch of Phase Two of the Official Plan Review", report presented at the June 26, 2019 Special Meeting of Council
<https://pub-greatersudbury.escribemeetings.com/filestream.ashx?documentid=2747>
2. Transportation Master Plan
<https://www.greatersudbury.ca/live/transportation-parking-and-roads/road-plans-and-studies/transportation-master-plan/>
3. Water and Wastewater Master Plan

<https://www.greatersudbury.ca/live/water-and-wastewater-services/projects-plans-reports-and-presentations/water-wastewater-master-plan/>

4. From the Ground Up
<https://investsudbury.ca/wp-content/uploads/2020/02/FTGU-Strategic-Plan-2015.pdf>
5. Provincial Policy Statement, 2020
<https://www.ontario.ca/page/provincial-policy-statement-2020>
6. Figure 85, Transportation Master Plan
https://www.greatersudbury.ca/sites/sudburyen/assets/File/Transportation%20Study%20Report%20Implementation_Greater%20Sudbury%20Transportation%20Study%20Report%20December%202016-15.pdf
7. “Proposed Changes to the Provincial Policy Statement”, report presented at the October 8, 2019 Council Meeting.
<https://pub-greatersudbury.escribemeetings.com/filestream.ashx?documentid=1972>

ATTACHMENTS

- A. Red-Line Version of Official Plan
- B. Draft Phase Two Amendment
- C. Proposed Schedule 7 – Transportation Network
- D. Proposed Schedule 8 – Road Right of Way Widths
- E. Proposed Schedule 9 – Active Transportation Network
- F. Proposed Schedule 10 – Water and Wastewater Serviced Areas
- G. Montrose Avenue Extension Transportation Analysis – November 2020
- H. Community and Energy Emissions Plan (CEEP) Proposed Amendments
- I. 2020 Provincial Policy Statement (PPS) Proposed Amendments
- J. Staff Response to Public Comments
- K. Public Comments from June 29, 2019 – November 1, 2021
- L. Outstanding Comments from Phase One (2012-2019)