

Provincial Planning Reform: Bill 108 Implementation

Background

In May of this year, the Government of Ontario introduced Bill 108, the *More Homes, More Choices Act, 2019*. The Bill proposed changes to 13 statutes, including the *Planning Act*, with the goal of increasing the supply and mix of housing. These proposed changes were presented to Planning Committee on June 10, 2019 (see Reference 1).

Since then, the Government brought the proposed changes to the *Planning Act* into effect, except for those relating to community benefit charges. Bill 108 was passed by the Legislature on June 6, 2019. Implementing regulations were filed on August 29, 2019. The proposed legislative changes to the *Planning Act* and implementing regulations came into force on September 3, 2019.

Additional changes to the planning system (e.g. Provincial Policy Statement, brownfield modernization) are anticipated and will be the subject of future staff reports.

Purpose

This report describes some key changes to the planning system that are now in effect and their implications for planning and planning service delivery in Greater Sudbury. The report recommends that the Official Plan and Zoning By-law be amended to reflect new additional residential unit permissions and that City Council adopt new service standards for major *Planning Act* applications.

Discussion

Planning for additional residential units

Municipal authority to allow additional residential units on certain properties has been expanded and strengthened. Previously, municipalities were required to permit one “second residential unit” in a detached, semi-detached and row house either in the main building or accessory building, subject to any standards that the municipality may impose (e.g. number of parking spaces per unit). In 2016, the City of Greater Sudbury amended its Official Plan and Zoning By-law, and created a registry system, for second units. Since this time, 45 units have been registered.

The recent changes require municipalities to permit two “additional residential units” in detached, semi-detached and row buildings either in the main building or an accessory building, for a total of 3 units per lot. The recent changes also establish

certain development standards for accessory residential units that prevail over corresponding municipal development standards where there may be a conflict. For example, additional residential units are to be served by one parking space, unless the municipal parking standard is lower. Similarly, the parking space may be a “tandem” parking space. Additional residential units are permitted regardless of whether the person occupying the primary or additional residential units is the owner of the lot or, in the case of an additional residential unit, related to the occupant of the primary residential unit.

It is recommended that staff be directed to update the City of Greater Sudbury's Official Plan and Zoning By-law to harmonize them with these recent changes to the *Planning Act*. It is anticipated that these changes will support and encourage Council's strategic directions to produce more affordable housing, intensify the built boundary and settlement area, foster transit supportive densities, and make more efficient use of municipal infrastructure and services. It is also anticipated that the changes will help reduce energy use and emissions through intensification and building retrofits.

Planning service standards and service levels

The Government is “encouraging” municipalities to improve their service levels and make decisions on land use planning matters sooner than before. These changes reduce timelines for appeals of non-decisions for “major” *Planning Act* applications by 30-40%. This is the second change to these timelines in the last few years. These changes are illustrated in Table 1.

The City of Greater Sudbury has traditionally adopted these timeframes as the legislative service standard for *Planning Act* applications. These standards are used to measure the efficiency of land use planning services and benchmarked against comparator municipalities through Municipal Benchmarking Network Canada. In 2018, 86% of development applications met the legislative service standards. This information is also used by Council each year when it reviews and confirms the service level through the budget process.

Without additional resources, the City of Greater Sudbury will not be able to maintain the same service level if the new timelines are adopted as the service standard for major land use planning applications. As illustrated in Table 2, service levels would decline significantly.

Given the above, it is recommended that the City establish new service standards for major land use planning applications, as follows:

- Official Plan Amendments – 180 days

- Zoning By-law Amendments – 120 days
- Subdivisions/Condominiums – 180 days

The recommended standards are the same standards that applied to major land use planning applications prior to April 3, 2018. These standards can be met with existing resources while generally maintaining existing service levels and Municipal Benchmarking Network Canada results. This change is also consistent with Council's strategic objective to strengthen business and development processes and services to support business growth. Although the recommended standards are greater than the timeframes for appeals of non-decisions that are in-effect, if historic trends continue, the risk of appeals of non-decisions increasing is low.

Other key changes

As previously reported, limitations of third party appeals of draft plan of subdivision approval are now in effect as are changes to the Local Planning Appeal Tribunal including the return to "de-novo" hearings, ability to introduce new evidence and examine witnesses at a hearing.

Conclusion and Recommendations

The Government has enacted changes to the *Planning Act* that are designed to increase the supply and mix of housing. These changes will affect how the City of Greater Sudbury plans for additional residential units and delivers land use planning services for major applications. It is recommended that the Official Plan and Zoning By-law be updated to include new additional residential unit requirements. It is further recommended that new service standards be adopted for major planning applications.

References

June 10, 2019 Staff Report on Bill 108:

(<https://agendasonline.greatersudbury.ca/index.cfm?pg=agenda&action=navigator&lang=en&id=1316&itemid=16966>)

Table 1. Changes in timelines for appeals of non-decisions since 2018

Application Type	Current Timeline (since June 6/19)	Former Timeline 1 (from Apr 3/18)	Former Timeline 2 (before Apr 3/18)
Official Plan Amendment	120 days	210 days	180 days
Rezoning	90 days	150 days	120 days
Draft Plan of Subdivision / Condominium	120 days	210 days	180 days

Table 2. Change in service level based on change in service standard, 2016-2018

Official Plan Amendments		Current Timeline	Former Timeline 1	Former Timeline 2
Year	# Applications	% Meeting Timeline	% Meeting Timeline	% Meeting Timeline
2016	11	28.6%	92.9%	90.9%
2017	8	71.4%	87.5%	87.5%
2018	7	57.1%	100%	85.7%

Rezoning		Current Timeline	Former Timeline 1	Former Timeline 2
Year	# Applications	% Meeting Timeline	% Meeting Timeline	% Meeting Timeline
2016	52	41.1%	82.19%	78.8%
2017	43	34.9%	86.0%	83.7%
2018	48	31.3%	77.1%	66.7%

Draft POS/Condo		Current Timeline	Former Timeline 1	Former Timeline 2
Year	# Applications	% Meeting Timeline	% Meeting Timeline	% Meeting Timeline
2016	1	0%	100%	100%
2017	2	0%	0%	0%
2018	2	0%	100%	100%