



COUNTY OF WELLINGTON

COMMITTEE REPORT

To: Chair and Members of the Planning Committee
From: Jameson Pickard, Senior Policy planner
Date: Thursday, November 12, 2020
Subject: **OPA 112 Additional Residential Unit - Summary of Comments and Recommended Revisions**

1.0 Background:

In accordance with the *Planning Act*, in March, 2020 the draft Official Plan Amendment (OPA) 112 – Additional Residential Unit Policy was circulated to prescribed agencies for comment and an electronic Public Meeting was held on October 8, 2020. This meeting was lightly attended and no one spoke in opposition to the proposed Amendment (the Minutes are included in Attachment ‘A’).

This report is to summarize the comments that have been submitted, and the main revisions that are proposed by staff. The comments are shown in table form in Attachment ‘B’, and are available, in full, by contacting the Planning Department. Staff recommendations relative to the comments are also shown in Attachment ‘B’.

2.0 Purpose of the Amendment:

The purpose of this amendment is to update the County Official Plan to align with recent changes to the *Planning Act* regarding Additional Residential units. These *Planning Act* changes were made through Bill 108 - *More Homes, More Choice Act*, 2019 which amended the second unit provisions in section 16(3) of the Act. These changes took effect on September 3, 2019.

3.0 Discussion:

Since the original circulation of the proposed amendment, we received feedback from 10 commenting agencies and 2 members of the public. Most comments were supportive of the overall policy direction of OPA 112. Feedback from commenting agencies was minor in nature and directed at making the draft amendment more clear. Staff incorporated agency feedback into the draft amendment.

With regards to the public feedback received, comments were not supportive of the amendment from only a cultural heritage impact perspective, particularly in the Elora and Fergus urban centres. These comments are summarized in Appendix ‘B’. Planning staff are not recommending any changes to the OPA as a result of these comments for the reasons outlined below.

The County Official Plan currently supports residential intensification (which includes Additional Residential Units) that is compatible with surrounding areas and conserves cultural heritage and archaeological resources. The Official Plan lays out various policies in section 4.1 and 4.4 to ensure that our member municipalities have the ability to control, and when necessary prohibit, development that is not compatible or sympathetic to cultural heritage attributes recognized by the municipality. The cultural heritage policies are further implemented at the municipal level through the passing of heritage designation by-laws, building/demolition permit review and heritage permit processes.

The Additional Residential Unit policies are not to be read in isolation from the balance of the plan. When read together, the County Official Plan offers a comprehensive framework which requires protection of identified cultural heritage features when intensification is contemplated. This is a balanced approach which supports provincial objectives of protecting cultural heritage features, while supporting affordable housing and residential intensification where it is deemed appropriate.

County Staff have made one minor revision to section 4.4.6.2 of the draft amendment, based on internal discussions and feedback. This revision is intended to clarify that municipalities may permit an Additional Residential Unit as a standalone ancillary building or as part of an ancillary building. This addition will provide clarity to member municipalities when developing implementing zoning regulations for Additional Residential Units.

4.0 Additional Information:

Over the course of our review we received several informal comments and questions regarding Additional Residential Units. Staff felt it would be appropriate to document these questions and our responses.

- There is a concern that Additional Residential Units will take capacity at water and wastewater treatment plants.
 - These units will require some additional capacity, given that they will increase water consumption and wastewater disposal. Municipalities will need to consider these potential increases when developing their Additional Residential Unit regulations to ensure adequate servicing capacity is available. We note that most municipalities do set aside some capacity for infill development at their facilities, which would capture Additional Residential Units.

- Are Additional Residential Units subject to development charges?
 - Recent changes to the Development Charges Act have exempted Additional Residential Units from development charges, subject to specific criteria, contained in O. Reg 82/93 under the Development Charges Act.

- How many of these unit are in the County?
 - We do not have the exact number of Additional Residential Units in the County. We have reviewed building permit data provided by member municipalities between 2016 - 2019 and found that approximately 120 Additional Residential Units have been built in the County over this time period. This time frame corresponds with the time the Official Plan was updated with second unit provision through OPA 99.

5.0 Conclusion:

With the proposed amendment, the County Official Plan will be updated to implement the current *Planning Act* provisions regarding Additional Residential Units. Staff is satisfied that the final version of OPA 112 is ready to be adopted by County Council and is contained in Attachment 'C'.

Recommendation:

THAT a by-law adopting County of Wellington Official Plan Amendment 112 be approved.

Respectfully submitted,



Jameson Pickard
Senior Policy Planner

Attachment- A- Public Meeting Minutes
Attachment- B- Summary of Comments and Recommendations
Attachment- C- Final Draft of OPA 112 – Additional Residential Units.

Attachment 'A'

Public Meeting Minutes

COUNTY OF WELLINGTON
PUBLIC MEETING MINUTES
Additional Residential Unit Policies
11:00 am, Thursday October 8, 2020
County Administration Centre
Council Chambers

Planning Committee Members: Warden Kelly Linton, Councillors Alls (Chair), Campbell, Lloyd and McKay

Also present: Councillor O’Neill

County Staff: Donna Bryce, County Clerk; Nicole Cardow, Deputy Clerk; Jameson Pickard, Senior Policy Planner; Zachary Prince, Planner; Aldo Salis, Director of Planning and Development; Sarah Wilhelm, Manager of Policy Planning; Scott Wilson, CAO.

OPENING OF MEETING

Chair Allan Alls welcomed everyone to the meeting. The purpose of the meeting is to present the Additional Residential Unit Policies (ARU) to members of the public and County Council and receive public input on the proposed policies.

PUBLIC MEETING TO PRESENT AND RECEIVE PUBLIC INPUT

Mr. Jameson Pickard gave a brief overview of the changes to the Official Plan 112- Additional Residential Units. The main changes proposed through Official Plan Amendment 112 include revising the term “second unit” to “additional residential unit”; revising policies to authorize the use of up to three residential units on properties containing a single detached, semi-detached or row house; adding reference to Source Water Protection policies in Section 4.4.6 and adding language that clarifies municipalities can use site plan control for ARU’s in ancillary buildings. Municipalities will be required to have zoning provisions related to ensuring the ARU is within a building cluster on the property, that the size of the unit is subordinate to the main residence, and that the minimum distance separation formulae is met to adjacent livestock facilities.

COMMENTS FROM THE PUBLIC:

A written submission from Mr. Ian Rankin and Mr. Bob Jackson was received for consideration. Staff will bring feedback to Planning Committee and provide recommendation and a final draft of the amendment for consideration.

CLOSING

Chair Alls thanked everyone for attending the meeting and declared the public meeting closed at 11:20 am.

Attachment 'B'

Summary of Comments and Recommendations

| Agency/Date | Main Comment(s) | Staff Response |
|---------------------------------------|---|--|
| LOCAL MUNICIPALITIES | | |
| Centre Wellington - April 28, 2020 | <p><u>Section 4.4.6 Additional Residential Units</u></p> <p>Section 4.4.6 references the use of two residential units in a single detached dwelling, semidetached dwelling or townhouse, or in an ancillary building to one of these dwelling types. Our suggestion is that you refer to rowhouse as the Planning Act does. We believe a rowhouse is a specific type of townhouse, and that it is not intended that additional dwelling units be allowed in all townhouses.</p> | Staff revised the term “townhouse” to “rowhouse” to be consistent with the language in the Planning Act. |
| | <p><u>Section 4.4.6.1 Additional Residential Units Within a Main Residence</u></p> <ol style="list-style-type: none"> The opening paragraph as written could be interpreted as allowing the local municipalities to opt out of allowing additional dwelling units by using the term “may”. We suggest that the opening paragraphs be modified to read: <i>Local municipalities shall enact zoning provisions to allow one additional residential unit within a single detached dwelling, semi-detached dwelling or rowhouse on a property. Furthermore, Local Municipalities may enact zoning provisions to address the following matters...</i> We recommend deleting the phrase <i>without detracting from the visual character of the area</i>. We are required to permit tandem parking by the regulations under the Planning Act, so some of our power to regulate parking in such a way that the visual character is maintained has been taken away by the provincial regulations. Should Item “h” read: <i>whether a garden suite and additional residential unit <u>will be permitted on the same lot</u>.</i> | <ol style="list-style-type: none"> Staff revised the OPA in accordance with comment 1. Staff revised the OPA in accordance with comment 2. Staff revised the OPA to remove the word “not” in accordance with comment 3. |
| | <p><u>Section 4.4.6.2 Additional Residential Units Within an Ancillary Building or Structure</u></p> <ol style="list-style-type: none"> In addition to Item d, our recommendation is to include language that enables local municipalities to apply site plan control to new ancillary buildings that are intended to contain an additional dwelling unit. This may be a more appropriate way to addressing screening and buffering. | <ol style="list-style-type: none"> Staff added the following language to the end of section 4.4.6.2 – Additional Residential Units within an Ancillary building or Structure. “Municipalities may apply site plan control to additional residential units in ancillary buildings.” |

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| Township of Mapleton - May 8, 2020 | Request for comment received. | No action required. |
| Town of Erin - May 14, 2020 | No objections to the proposed amendment. | No action required. |

| Agency/Date | Main Comment(s) | Staff Response |
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| CONSERVATION AUTHORITIES | | |
| Halton Conservation Authority - April 10, 2020 | Conservation Halton has no objection to the amendment but would recommend that the wording in the last sentence of section 4.4.6.1 read <i>“An additional residential unit will not be allowed in a dwelling located within hazardous lands as defined and regulated by the local conservation authority.”</i> This ensures that persons are aware that the local conservation authority should be consulted prior to applying for an Additional Residential Unit. | Staff revised the draft amendment in accordance with the comments. |
| Saugeen Valley Conservation Authority - April 28, 2020 | SVCA finds the proposed Official Plan Amendment acceptable and is consistent with the Natural Hazard and Natural Heritage policies of the Provincial Policy Statement. | No action required. |
| Grand River Conservation Authority - May 1 st , 2020 | The Grand River Conservation Authority (GRCA) has reviewed the information and documentation provided in support of Official Plan Amendment 112 to the County of Wellington’s Official Plan. It is our opinion that the Amendment proposed is consistent with the policies of the GRCA and consistent with the Natural Hazards (3.1) Section of the Provincial Policy Statement. As such, we are in support of the proposed Official Plan Amendment to update policies for additional residential units. | No action required. |

| Agency/Date | Main Comment(s) | Staff Response |
|---|--|---------------------|
| ADJACENT MUNICIPALITIES | | |
| Grey County - April 16, 2020 | Grey County has no concerns with the subject application. | No action required. |
| Township of Perth East – April 22, 2020 | Township of Perth has no concerns or opposition to the proposed amendment. | No action required. |

| Agency/Date | Main Comment(s) | Staff Response |
|---|--|--|
| Source Water Protection and Emergency Management | | |
| Risk Management Official (RMO) – May 1, 2020 | The RMO noted, that septic systems are only a significant drinking water threats in a vulnerability score 10 or within a nitrate issue contributing area. The RMO’s comments outlined 3 options that could be added to the draft policies as it relates to new septic systems in vulnerable areas of the County. | In response, Staff added policy direction into section 4.6.6, which clarifies that Additional Residential units may be permitted in vulnerable areas under the Clean Water Act provided they can meet the applicable source water protection plan policies and source water protection policies of section 4.9.5 of the Official Plan. |
| County of Wellington Emergency Manager – April 30, 2020 | No concerns provided that Additional Residential units are not permitted in hazardous areas such as floodplains. | Additional Residential Units are not permitted in hazardous areas. |

| Agency/Date | Main Comment(s) | Staff Response |
|--|--|---------------------------------------|
| LANDOWNERS | | |
| This is a summary of the feedback that was provided, full comments have been provided to Planning Committee and are available for public review at the Planning Department. | | |
| Ian Rankine and Bob Jackson – September 29, 2020 | <p>Mr. Rankine and Mr. Jackson’s comments advise that the Township of Centre Wellington Official Plan designates Heritage Areas in the heritage towns of Elora & Fergus, which establish, support and maintain their cultural heritage value and interest and which foster the unique sense of place of these two low-rise 19th century small Ontario heritage towns.</p> <p>Mr. Rankine and Mr. Jackson’s comments note that OPA 112 is not in conformity with <i>Growth Plan-GGH 2020 “Protecting What is Valuable”</i> policy directive 4.2.7, which mandates that <i>cultural heritage resources</i>, such as the <i>Heritage Areas/cultural heritage landscapes</i> of the heritage towns of Elora & Fergus, will be <i>conserved</i>.</p> | Please refer to discussion in report. |

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| | <p>Mr. Rankine and Mr. Jackson’s comments further suggest that OPA 112 needs to include changes which would prohibit, on an interim basis, “Additional Residential Units within a Main Residence” and “Second Units within an Ancillary Building or Structure” within the defined geographical area of the designated Heritage Areas of Elora & Fergus. This prohibition should remain until all of the negative impacts of authorizing such “Additional Residential Units” within these Heritage Areas have been fully assessed and addressed through the Wellington County Official Plan Review process.</p> | |
| <p>Beverley Cairns - October 8, 2020</p> | <p>Ms. Cairns, strongly endorses the comments of Mr. Rankine and Jackson regarding the impacts of Additional Residential units on Cultural Heritage features in Elora and Fergus downtown areas.</p> <p>The Township is currently undertaking a cultural heritage landscape study, the results of which have not yet come to the public for review. The Township must give immediate regard to the section in the Places to Grow Act, which allows the Township discretion to give protection to heritage areas as mandated under the Ontario heritage Act. Any action on intensification must be deferred until this is completed with public citizen approval.</p> | <p>Please refer to discussion in report.</p> |

Attachment 'C'

Final Draft of OPA 112- Additional Residential Units

AMENDMENT NUMBER 112

TO THE

COUNTY OF WELLINGTON OFFICIAL PLAN

AMENDMENT NUMBER 112 TO THE COUNTY OF WELLINGTON OFFICIAL PLAN

INDEX

PART A - THE PREAMBLE

The Preamble provides an explanation of the proposed amendment including the purpose, location, and background information, but does not form part of this amendment.

PART B - THE AMENDMENT

The Amendment describes the changes and/or modifications to the Wellington County Official Plan which constitute Official Plan Amendment Number 112.

PART C - THE APPENDICES

The Appendices, if included herein, provide information related to the Amendment, but do not constitute part of the Amendment.

PART A - THE PREAMBLE

PURPOSE

The purpose of the amendment is to update the County Official Plan policies on Additional Residential Units.

LOCATION

The amendment applies to the entire County of Wellington.

BACKGROUND

Currently, the County Official Plan has policies which authorize the use of second units and provides criteria to be considered in establishing second units. The current policies reflect *Planning Act* provisions that were based on previous legislative changes brought forward through the *Strong Communities through Affordable Housing Act, 2011*.

BASIS

The *Planning Act* was recently amended through Bill 108 - *More Homes, More Choice Act, 2019* which amended the second unit framework in section 16(3) with new provisions for Additional Residential Units. Bill 108 received Royal Assent in the Ontario Legislature on June 6th, 2019 and the enabling regulations were proclaimed in to force on September 3, 2019.

The County Official Plan needs to be updated to address the new Additional Residential Unit requirements of the *Planning Act*.

IMPLEMENTATION AND INTERPRETATION

The implementation and interpretation of this Amendment shall be in accordance with the relevant policies of the County of Wellington Official Plan.

PART B - THE AMENDMENT

All of this part of the document entitled **Part B - The Amendment**, consisting of the following text constitutes Amendment No 112 to the County of Wellington Official Plan.

DETAILS OF THE AMENDMENT

The Official Plan of the County of Wellington is hereby amended as follows:

1. THAT the **TABLE OF CONTENTS** is amended by:
 - a) Deleting the phrase “Second Units” that follows heading **4.4.6** and replacing it with the phrase “Additional Residential Units”.
 - b) Deleting the phrase “Second Units within a Main Residence” following heading **4.4.6.1** and replacing it with the phrase “Additional Residential Units within a Main Residence”.
 - c) Deleting the phrase “Second Units within an Ancillary Building or Structure” following heading **4.4.6.2** and replacing it with the phrase “Additional Residential Units within an Ancillary Building or Structure”.
2. THAT section **4.4 HOUSING** is amended by:
 - a) Deleting the phrase “second units” from section 4.4.5 Affordable Housing and replacing it with “Additional Residential Units” in the fourth and fifth paragraph.
 - b) Deleting sub-section **4.4.6 Second Units** and replacing it with the following:

“4.4.6 Additional Residential Units

Additional Residential Units, also known as accessory or basement apartments, secondary suites or in-law suites are self-contained residential units with separate kitchen, bathroom and sleeping facilities. These units are subordinate in scale and function to the main residence on the property.

Additional Residential Units are an effective form of intensification and increase the stock of affordable rental housing; provide home owners with additional sources of income; and offer alternative housing options in the community.

Garden suites are temporary dwellings and are not considered Additional Residential Units under this Plan.

It is the policy of this Plan to authorize:

- a) The use of two residential units in a single detached dwelling, semi-detached dwelling or rowhouse; and
- b) The use of a residential unit in a building or structure ancillary to a single detached dwelling, semi-detached dwelling or rowhouse.

For additional clarity the intent of this policy is to allow up to a total of three residential units, which includes the primary dwelling unit, on eligible properties.

An Additional Residential Unit within a main residence or within an ancillary building on a property will not be permitted within hazardous lands as defined and regulated by the Local Conservation Authority.

An Additional Residential Unit will be required to be serviced by appropriate water and wastewater services in a manner that is acceptable to the local municipality. Additional Residential Units located within vulnerable areas designated under the Clean Water Act may be permitted subject to the applicable Source Protection Plan policies and the policies in section 4.9.5 of this Plan.

4.4.6.1 Additional Residential Units Within a Main Residence

Local municipalities shall enact zoning provisions to allow one Additional Residential Unit within a single detached dwelling, semi-detached dwelling or rowhouse on a property.

In developing zoning provisions for Additional Residential Units within a main residence, local municipalities should consider the following:

- a) that safe road access can be provided;
- b) the establishment of an Additional Residential Unit does not require the creation of an additional driveway access;
- c) that adequate off-street parking can be provided on site for both the main residence and additional residential unit;
- d) that any exterior alterations to the main residence, necessary to accommodate the Additional Residential Unit, are minimized to reduce visual impacts on the streetscape;
- e) that adequate amenity areas are provided for the main residence and Additional Residential Unit;
- f) the Additional Residential Unit meets the applicable Building Code, Fire Code and local property regulations; and
- g) whether a garden suite and Additional Residential Units will be permitted on the same lot.

4.4.6.2 Additional Residential Units Within an Ancillary Building or Structure

Local municipalities shall enact zoning provisions to allow one Additional Residential Unit within a building or structure that is ancillary to a single detached dwelling, semi-detached dwelling or rowhouse, provided that a residential unit does not already exist in an ancillary building on the property. For clarity, an Additional Residential Unit may be permitted as a separate standalone ancillary building or as part of an ancillary building. An Additional Residential Unit is prohibited from being severed from the property.

When developing zoning provisions to address Additional Residential Units in ancillary buildings local municipalities should give consideration to the items listed in section 4.4.6.1. and shall have zoning provisions to address the following:

- a) the Additional Residential Unit is located within the main building cluster on the property;
- b) the Additional Residential Unit will be clearly secondary to the main residence on the property; and
- c) Minimum Distance Separation formula is complied with, where applicable.

Local Municipalities may apply site plan control to Additional Residential Units in ancillary buildings.”

- 3. THAT section **6.4 PRIME AGRICULTURAL AREA** is amended by:
 - a) By deleting the phrase “Second units” in bullet f) under section **6.4.3 Permitted Uses** and replacing it with the phrase “Additional Residential Units”.
- 4. THAT section **6.9 COUNTRY RESIDENTIAL** is amended by:
 - a) Deleting the phrase “A second unit” in the last paragraph of section **6.9.2 Permitted Uses** and replacing it with the phrase “An Additional Residential Unit”.
- 5. THAT section **7.4 Hamlets** is amended by:
 - a) Deleting the phrase “a second unit” in the first paragraph of section **7.4.1 Permitted Uses** and replacing it with the phrase “An Additional Residential Unit”.
- 6. THAT section **7.5 URBAN CENTRES** is amended by:
 - a) Deleting the phrase “A second unit” in the third paragraph of section **7.5.5 Residential Use** and replacing it with the phrase “An Additional Residential Unit”.
- 7. THAT Section **8.3 RESIDENTIAL** is amended by:
 - a) Deleting the phrase “A second unit” in the third paragraph of section **8.3.3 Permitted Uses** and replacing it with the phrase “An Additional Residential Unit”.