



Corporation of the Municipality of Temagami

Memo No.
2019-M-018

Memorandum to Council

Staff

Committee

Subject: Second Units

Agenda Date: January 10, 2019

Attachments:

- Decisions of Council
- Clarification from Christopher Brown Ministry of Municipal Affairs
- Previous Memo's & MHBC Reports provided to Council
- Various correspondence

RECOMMENDATION

This memorandum is:

BE IT RESOLVED THAT Council receive Memo 2019-M-018 regarding Second Units; AND FURTHER THAT Council adopt the proposed Official Plan Amendment as provided by MHBC; NOW THEREFORE BE IT RESOLVED THAT Council direct Staff to prepare the Notice of Open House & Public Meeting; AND FURTHER THAT the notices shall be posted on the Municipal Website, Office Bulletin Board, Temiskaming Speaker, Sun Media (North Bay Nugget), Temagami Lakes Association (TLA) and Cassel's Lake Association (CALA).

PROCEDURE

As per s. 17.1 of the *Planning Act*, R.S.O. 1990, c.P.13 "A copy of the current proposed official plan amendment shall be submitted to the Minister at least 90 days before the given notice under this section." This notice to the Ministry of Municipal Affairs must include the proposed OPA amendment along with the Notice to the Public.

- *S. 17 (18) Timing of Open House: no later than seven days prior to the public meeting*
- *S. 17 (19) Timing of a Public meeting: no earlier than 20 days after the requirement of giving notice to the ministry.*
- *S.17 (23) Notice of adoption: no later than 15 days after the day the OPA is adopted.*
- *S.17 (24) Right to appeal: 20 days after the giving of notice of adoption of the plan (15 days as per s.17 (23))*

Notice of a Public Meeting & Open House *O. Reg. 543/06:*

- *3.4 (a & b) Notice shall be given by: personal service, ordinary mail, fax, email, posting a notice that is clearly visible at public accesses, and highways.*
- *3.7 Notice can also be given by publishing a notice in the newspaper or by any other means deemed appropriate by the clerk.*
- *3.8 every person or public body who made a written request*
- *9.3 The Secretary of every school board*
- *9.4 The Secretary of every natural gas utility – Union Gas*
- *9.6.1 Every propane operator/operation*
- *9.7 The Secretary of the railway that is 300 metres*
- *9.8 The Executive Vice-President, Law and Development of Ontario Power Generation (OPG)*
- *9.9 The Secretary of Hydro One Inc.*
- *9.11 Parks Canada*

➤ 9.15 The Chief of every First Nation Council

INFORMATION

At the regular Council meeting held on November 23, 2017 Council received Memo 2017-M-103 (**attached**) included in that Memo was the second unit info sheet from the Ministry of Municipal Affairs (MMA), s. 16(3) Excerpt of the *Planning Act, R. S. O, 1990, c.P.13*, and two excerpts from the MMA presentation held on September 6, 2017.

In 2011 the Strong Communities through Affordable Housing Act, 2011 amended the *Planning Act* to require that municipalities permit second units in their official plans & zoning by-laws. These changes took effect on January 1, 2012. This amendment helps the housing development initiative and employment securement, by reducing costs for construction of a new dwelling that has a second unit. In 2016, the province updated the Long-Term Affordable Housing Strategy amending the Development Charges Act, 1997. This amendment releases second units in new dwellings from development charges, as currently existing second units within an existing dwelling are exempted.

A second unit can be defined as a self-contained residential unit, with a private kitchen, bathroom facilities and sleeping areas, the dwelling or structure must be ancillary to the main dwelling. Some of these second units can be basement apartments, granny flats, in-law apartments. Second units are used to increase efforts in affordable rental accommodation and to help with ageing communities like Temagami.

Second Units must comply with all applicable law such as: Ontario Building Code, Fire Code, Municipal Property Standards by-laws etc.

The *Planning Act* provides that OP policies and ZBL implementation should allow second units in detached, semi-detached and row houses if an ancillary (secondary) building or structure, which does not already have a second unit. **(Refer to S.16 (3) Excerpt of the Planning Act – Second Unit)**

The Provincial Policy Statement, 2014 (PPS) gives direction and promotes the growth of vigorous communities as noted in s.1.1.1. Section 1.4.3 of the PPS gives direction to municipalities to allow all types of housing and give a variety of mixed housing types, including second units.

The Municipality of Temagami is exempt from the Minister's approval of Official Plan Amendments (except for 5 or 10 year reviews); however, the Ministry of Municipal Affairs must receive a draft copy of the proposed plan and all notices required under section 17, at least 90 days prior to the notice of the public meeting. Notice of the Public Meeting, information and material shall be made available to the public at least 20 days prior to the public meeting. Written Notice of the decision must be given within 15 days after the date of adoption followed by the 20 day appeal period process.

The "Second units" info sheet provided by the MMA (**attached**), provided examples of various official plan designations and zoning by-law interpretations.

The Planning Advisory Committee meeting held on October 30, 2017 had much discussion on the second unit legislation and why this wasn't incorporated during the Official Plan Review, which began in 2009 and was adopted in 2013. The Committee passed the following motion by recorded vote:

17 – 25

MOVED BY: B. Leudke

SECONDED BY: C. Dwyer

BE IT RESOLVED THAT *the Planning Advisory Committee recommends to Council to perform a housekeeping amendment in the official plan and zoning by-law to incorporate the existing legislation dealing with second units; AND WHEREAS the benefits of second units are to allow homeowners to earn additional income to help meet the cost of homeownership; support changing demographics by providing more housing options for extended families or elderly parents, or for a live-in caregiver; help create mixed-income communities, which support local businesses and local labour markets; make more efficient use of the existing infrastructure, including public transit where it exists or is planned; make more efficient use of the existing housing stock; create jobs in the construction/renovation industry and assist municipalities in meeting their goals regarding affordable housing, intensification and density targets and climate change mitigation and greenhouses gas emissions reduction; AND WHEREAS however; they may be circumstances where second units may not be appropriate given other planning considerations and policies, particularly relating to health and safety or the natural environment.*

MEMBERS	YEAS	NAYS
C. Dwyer	<input checked="" type="checkbox"/>	
J. Hasler	<input checked="" type="checkbox"/>	
J. Kenrick	<input checked="" type="checkbox"/>	
B. Leudke	<input checked="" type="checkbox"/>	
L. Hunter		<input checked="" type="checkbox"/>
C. Rannie		<input checked="" type="checkbox"/>
B. Graham	<input checked="" type="checkbox"/>	
Chair D. Burrows	<input checked="" type="checkbox"/>	

Carried

At the November 23, 2017 regular Council meeting Council passed the following motion by recorded vote regarding Memo2017-M-103 (**attached**):

17-704

MOVED BY: D. Burrows

SECONDED BY: R. Prefais

WHEREAS *the Planning Advisory Committee (PAC) passed resolution 17-25 at their October 30, 2017 meeting which PAC recommends to Council to initiate a housekeeping amendment to the Official Plan and Zoning By-Law to incorporate the existing legislation dealing with second units; NOW THEREFORE BE IT RESOLVED THAT Council receive Memo 2017-M-103; AND FURTHER THAT Council adopt the recommendation of PAC and direct Staff to commence an Official Plan Amendment Application.*

MEMBERS	YEAS	NAYS
D. Burrows	<input checked="" type="checkbox"/>	
J. Harding	<input checked="" type="checkbox"/>	
B. Koski	<input checked="" type="checkbox"/>	
C. Lowery		<input checked="" type="checkbox"/>
D. O'Mara	<input checked="" type="checkbox"/>	
R. Prefasi	<input checked="" type="checkbox"/>	
Mayor L. Hunter		

CARRIED

At the January 23, 2018 PAC meeting staff provided an update on the progress of the second unit OP amendment and informed the Committee that she was seeking guidance from the planning consultant regarding the review, how to proceed and what the next steps were.

January 31, 2018 correspondence received from MHBC (**attached**), on the process of how to proceed by getting the amendment completed. A follow up memorandum (**attached**) was provided to PAC at the February 22, 2018 meeting from staff, giving a brief summary of the process and steps to be taken.

At the PAC meeting held on February 22, 2018 clarification was to be sought from the Ministry of Municipal Affairs regarding second unit. Clarification was received from Christopher Brown, dated September 29, 2017 (**attached**) and staff provided this correspondence to the Committee. His definition of a second unit was “*self-contained residential units with a private kitchen, bathroom facilities & sleeping areas within dwellings or within a structures ancillary to a dwelling.*”

At the March 13, 2018 PAC meeting the Committee did not have consensus as to where the second unit policies should be permitted. The Committee did not have consensus on the draft OPA for second units and the Committee passed the following motion by recorded vote:

18-20

MOVED BY: B. Leudke

SECONDED BY: B. Graham

BE IT RESOLVED THAT *the second unit policies be included in all five neighbourhoods in the Official Plan Amendment; AND FURTHER THAT the policies regarding second units be drafted and implemented as part of the official plan review.*

MEMBERS	YEAS	NAYS
C. Dwyer	<input checked="" type="checkbox"/>	
J. Hasler		<input checked="" type="checkbox"/>
J. Kenrick		<input checked="" type="checkbox"/>
B. Leudke	<input checked="" type="checkbox"/>	
L. Hunter		
C. Rannie		<input checked="" type="checkbox"/>
B. Graham	<input checked="" type="checkbox"/>	
Chair D. Burrows	<input checked="" type="checkbox"/>	

CARRIED

At the Committee of the Whole Council meeting held on March 13, 2018 Council passed the following motion 18-081 (**attached**) by recorded vote:

18-081

MOVED BY: R. Prefasi

SECONDED BY: D. Burrows

WHEREAS PAC has requested that Council deal with the issues of second units by allowing them in all neighbourhoods; THEREFORE BE IT RESOLVED THAT Council direct staff to begin the process of amending the Temagami’s Official Plan to allow second units in all neighbourhoods.

MEMBERS	YEAS	NAYS
D. Burrows	<input checked="" type="checkbox"/>	
J. Harding	<input checked="" type="checkbox"/>	
B. Koski		
C. Lowery		<input checked="" type="checkbox"/>
D. O’Mara		
R. Prefasi	<input checked="" type="checkbox"/>	
Mayor L. Hunter		<input checked="" type="checkbox"/>

CARRIED

At the April 12, 2018 PAC meeting discussion took place regarding timing of open house, notice to the public, and what can be advertised along with the notice of a public meeting. Clarification was to be sought from Christopher Brown, MMA. Please find **attached** correspondence from Christopher Brown dated April 19, 2018 regarding what is required to be provided to the Ministry.

At the May 24, 2018 regular Council meeting, Council received MHBC report dated April 11, 2018 and passed the following motion:

18-175

MOVED BY: B. Koski

SECONDED BY: J. Harding

BE IT RESOLVED THAT Council *receive MHBC- Planning Report – Secondary Suites and Summary of OPA Process – 11 April, 2018*; AND FURTHER THAT Council *direct staff to continue with the preparation of the draft Official Plan Amendment, which will include policies to be implemented into the Municipality’s Official Plan to permit second units, in anticipation of a Public Meeting to be held at a Council Meeting in June of 2018.*

CARRIED

18-186 (As Amended)

MOVED BY: B. Koski

SECONDED BY: C. Lowery

BE IT RESOLVED THAT Council *receive the MHBC Report and draft OPA by-law re Second Unit Policies dated May 10, 2018*; AND FURTHER THAT *the report be sent to PAC for their comments back to the Committee of the Whole Meeting.*

Further corresponded from Christopher Brown, MMA dated June 4, 2018 (**attached**) was received as per a telephone conversation between myself, and Chair Lorie Hunter to gain clarity on second units.

At the June 12, 2018 PAC meeting the Committee further discussed the Chair of PAC, Planning Consultant and the Planning Clerk to discuss and ensure the consultant had a clear understanding of Council’s direction. The Committee passed the following motion by recorded vote:

18-48

MOVED BY: C. Dwyer

SECONDED BY: B. Leudke

WHEREAS at the regular Council meeting dated March 13, 2018 Council passed resolution 18-081 by recorded vote to allow second units in all neighbourhoods; NOW THEREFORE BE IT RESOLVED THAT the Planning Clerk and the Planning Advisory Committee Chair meet with the Planning Consultant to discuss and review the current policies for sleep cabins and develop policies for second units based on our current policies; AND FURTHER THAT the Planning Consultant to provide PAC with draft policies for the official plan amendment and draft policies for a zoning by-law amendment; AND FURTHER THAT the Planning Consultant attend a meeting by phone.

MEMBERS	YEAS	NAYS
C. Dwyer	<input checked="" type="checkbox"/>	
B. Graham	<input checked="" type="checkbox"/>	
J. Hasler	<input checked="" type="checkbox"/>	
J. Kenrick		<input checked="" type="checkbox"/>
B. Leudke	<input checked="" type="checkbox"/>	
C. Rannie		<input checked="" type="checkbox"/>
Chair L. Hunter	<input checked="" type="checkbox"/>	

CARRIED

Due to the Fire Situation PAC meetings were postponed, until the information was provided by MHBC. MHBC provided another report on Second Units and draft OPA Amendment on August 8th. Due to scheduling conflicts a PAC meeting was unable to be called to review this information. This is the latest information received from MHBC.

Prepared by:

Reviewed by:

Tammy Lepage, Planning Clerk/Deputy Clerk
Name, Position

Craig Davidson, Treasurer/Administrator
Name, Position