

**CELA’s comments on the Proposed Amendment to the Growth Plan for the  
Greater Golden Horseshoe, 2017  
ERO Number 013-4504  
And on the Proposed Framework for Provincially Significant Employment  
Lands  
ERO Number 013-4506**

**PART I-Introduction**

The Canadian Environmental Law Association is a legal aid clinic which represents low income clients and vulnerable communities in the courts and at tribunals on a broad range of environmental issues. Since it was founded in 1970, land-use planning has been an integral component of CELA’s case work. CELA lawyers have represented individuals and citizen groups in appeals under the *Planning Act* in relation to official plans, zoning by-laws, subdivision plans, as well as other planning instruments. Many of CELA’s cases have involved the protection of water quality and quantity, preserving prime agricultural lands, safeguarding ecosystems, and ensuring the implementation of proper land-use planning principles in Ontario.

In addition to litigation CELA also undertakes law reform work and has been actively involved in provincial planning initiatives, including the periodic review of the Provincial Policy Statements (PPS) issued under the *Planning Act* and the Development Charges System Review undertaken by the Ministry of Municipal Affairs and Housing (MMAH). CELA lawyers have appeared before the Standing Committee on General Government in relation to the review of the *Aggregates Resources Act* and filed submissions on Bill 139, *Building Better Communities and Conserving Watersheds Act, 2017* and Bill 66, *Restoring Ontario’s Competitiveness Act, 2018*. More recently, CELA counsel attended the MMAH’s multi-stakeholder consultations on the *Planning Act* and the PPS held in January and February 2019. A CELA counsel also attended the Minister’s forum on the Housing Supply Action Plan and filed comments on the government document titled “Increasing Housing Supply in Ontario.”

The purpose of this brief is to provide comments on the Proposed Amendment 1 to the Growth Plan for the Greater Golden Horseshoe, 2017 (the Growth Plan) and the Proposed Framework for Provincially Significant Employment Lands which were placed on the Environmental Registry of Ontario (ERO) by MMAH on January 15, 2019 with comments due on February 28, 2019.

## **PART II- Proposed Amendment to the Growth Plan**

ERO posting ERO 013-4504 states that Proposed Amendment 1 to the Growth Plan seeks to achieve the following objectives:

- Provide greater flexibility so that municipalities will be able to move forward faster on the implementation of the Growth Plan, and meet the deadline to update their official plan to conform to the Growth Plan by July 1, 2022.
- Respect the ability of local governments to make decisions about when and where to add new land for housing to ensure that there is enough housing supply to meet demand.
- To provide a more flexible framework for focusing investments around transit infrastructure in order to enable municipalities to plan to increase the supply of housing and jobs near transit faster and more effectively.
- Ensure that municipalities will have the ability to implement the Growth Plan in a manner that better reflects their local context while protecting the Greenbelt.

## **PART III – General Comments on the Proposed Amendment**

The Growth Plan provides a framework for managing growth in the Greater Golden Horseshoe (GGH) by establishing intensification and density requirements for development, and mitigation of adverse environmental impacts associated with urban sprawl.

Sprawling development has resulted in significant negative environmental, economic, and social consequences. The Neptis Foundation's August 2002 analysis on continuing urban sprawl development in the Toronto region, for instance, projected loss of agricultural lands and ecologically significant areas, increased traffic congestion, increased transportation-related greenhouse gas emissions, and infrastructure construction and maintenance costs.

Unfortunately, the proposed amendment to the Growth Plan weakens and deletes key provisions which are intended to manage growth in southern Ontario and prevent urban sprawl. These include the reduction in intensification and density targets which

are intended to direct growth to built-up areas and curb low density urban sprawl. In fact, references to “urban sprawl” have been deleted and replaced with the term “unmanaged growth.” This seems to imply that low density sprawl, provided it is “managed”, would be permissible under the proposed amendment.

The principle of integrated growth management, which requires certain key policies in the Plan be reviewed and implemented in a comprehensive manner through the official plan process, would no longer apply under the proposed amendment. These policies include the conversion of employment lands for non-employment uses as well as the expansion of settlement areas.

Provisions in the Growth Plan that provide specific direction to address and mitigate the impacts of climate change by reducing greenhouse gases have also been significantly weakened. The references to “low carbon” and “net zero communities, for example, have been deleted from the Plan and instead replaced with the term “environmentally sustainable.” Without a meaningful definition of this term, however, it will be impossible to establish a benchmark to assess the province’s performance to reduce greenhouse gases and advance sustainability.

These amendments are also fundamentally at odds with the document titled “A Made in Ontario Plan” (Plan) which was released by the Ontario Ministry of Environment, Conservation and Parks on November 29, 2018. The Plan explicitly states that “the climate is changing. Severe rain, ice and wind storms, prolonged heat waves and milder winters are much more common. Forests, waters and wildlife across the province are and will continue to be significantly impacted by these changes.” Furthermore, the Plan states that the Ontario government will “[r]eview land use policies and laws to update policy direction on climate change resilience. This will help make the way our communities are planned and designed more responsive and adaptive to changing weather conditions...” Unfortunately, the proposed amendment seriously undermines the land-use provisions in the Growth Plan which are intended to help communities address the impacts of climate change.

Changes to the overall vision of the Plan has seen the removal of the need to balance growth with environmental and social considerations. Under the section in the Growth Plan titled “Vision for the GGH” the reference to “clean and healthy environment and social equity” has been removed and instead the sentence now states “... communities will be supported by a strong economy that puts people first.” This revision fails to recognize that social equity considerations are, in fact, integral to sustainable development and that the needs of all residents, including low-income residents, should be considered and addressed in any viable housing strategy. It is

noteworthy that the proposed amendment makes no mention of the need to create more affordable housing in Ontario.

Finally, the proposed amendment places an emphasis on the need for enough housing supply that reflects market demand. However, the empirical data indicates that there is, in fact, an ample supply of land in the province to accommodate housing needs. A 2017 report by the Neptis Foundation, titled “An Update on the Total Land Supply: Even More Land Is Available for Home and Jobs in the Greater Golden Horseshoe” found that the “total unbuilt supply of land to accommodate housing and employment to 2031 and beyond now stands at almost 125,600 hectares... Most of that land is in the Designated Greenfield Area contiguous to existing built up urban areas, where full municipal water and wastewater servicing is available or planned.” Considering these findings, the need to facilitate and expedite settlement area expansion is questionable. More detailed comments on the proposed amendment are provided below.

## **PART IV- Specific Comments on the Proposed Amendment**

### **(a) Intensification and Density Targets**

The intensification target for built-up areas and the density target for designated greenfield areas has been reduced. Under the current Growth Plan there is a blanket requirement that 60% of all new residential development occur within built-up areas. The intensification target has been reduced to 50% in Barrie, Brantford, Guelph, Orillia and Peterborough (City), Durham, Halton, and Niagara. The more urbanized areas such as Hamilton, Peel, Waterloo and York will have a minimum intensification target of 60%. (CHECK THIS)

In designated greenfield areas the density target (residents and jobs per hectare) of 80 has been replaced with 60 for Hamilton, Peel, York and Waterloo; 50 for Barrie, Brantford, Guelph, Orillia, Peterborough (City) Durham, Halton, and Niagara; and 40 for Kawartha Lakes, Brant, Dufferin, Haldimand, Northumberland, Peterborough (County), Simcoe and Wellington.

A provincial government document titled “Draft Guidance to support implementation of the Growth Plan for the Greater Golden Horseshoe, 2017: Application of the Intensification and Density Targets” highlights the importance of intensification and density targets for managing growth in southern Ontario. The document states that “Growth Plan targets are meant to slow the outward expansion of settlement areas (areas designated for development). The targets also protect important resources such as farmland, water systems, wetlands, and woodlands.

According to the document, “[p]lanning for intensification and density targets will also have a significant impact on addressing climate change and achieving provincial emission reduction goals.”

CELA is, therefore, concerned that a reduction in intensification and density targets will undermine these objectives and promote urban sprawl. Given the centrality of the intensification and density targets in achieving the Plan’s growth management objective, CELA strongly recommends that the intensification and density requirements in the Growth Plan be retained.

**CELA Recommendation No. 1** CELA recommends that the intensification and density requirements in the Growth Plan be retained.

**(b) Conversion of Employment Lands in advance of a Comprehensive Municipal Review**

The proposed amendment will allow municipalities to convert lands within the employment areas of a designation that permits non-employment uses in advance of a municipal comprehensive review (MCR) process. The conversion can take place provided it can be demonstrated that there is a need, no adverse effects on the viability of an employment area or achievement of minimum intensification and density targets would occur, there are existing or planned infrastructure and public services in place, and a significant amount of jobs are maintained on the lands.

CELA does not object to the conversion of lands within employment areas to allow for non-employment uses. However, we are concerned that allowing this to occur in advance of an MCR, as it will undermine the principle of integrated growth management, a key feature of the Growth Plan. Integrated growth management is critical to ensure that development proceeds in an environmentally, socially and fiscally sustainable manner. Under the Growth Plan certain key policies, such as the conversion of employment lands for non-employment uses and settlement area boundary expansions, must be implemented in an integrated and comprehensive manner through an MCR. The MCR process establishes a framework for managing growth, by considering such things as population and employment forecasts, an assessment of the availability of land, as well as infrastructure needs. It is an iterative process which allows for orderly and efficient planning whereby municipalities can undertake research and analysis, engage in public consultation, produce background studies, and formulate policies in an integrated and comprehensive manner. Consequently, CELA recommends that the provisions in the current Growth Plan which require conversion of employment areas for non-employment uses be undertaken only within the MCR process be maintained.

CELA further recommends that use of employment areas for residential development should ensure “complete communities” as defined in the Growth Plan. This would ensure that development establishes mixed-use neighborhoods that “offer and support opportunities for people of all ages and abilities to conveniently access most of the necessities for daily living.” Complete communities should provide for access to employment, recreation, shopping services, public facilities, and schools by multi-modal transportation, such as walking, cycling, and public transit.

**CELA Recommendation No. 2** CELA recommends that the conversion of employment areas for non-employment uses occur only during an MCR process.

**CELA Recommendation No. 3** Housing development on lands that were previously designated as employment areas should be utilized to build complete communities as opposed to low density residential development that would lead to urban sprawl.

### **(c) Settlement Area Boundary Adjustments and Expansions**

The proposed amendment to the Growth Plan would allow municipalities to undertake settlement boundary expansions that are no larger than 40 hectares outside an MCR process. In addition, municipalities will be allowed to adjust settlement area boundaries outside the MCR if there is no net increase in land within the settlement area. The proposed amendment also reduces the number of background studies that need to be undertaken prior to boundary expansion.

CELA is of the firm view, for reasons provided above, that settlement boundary adjustments or expansions need to occur during an MCR process as currently required in the Growth Plan. Moreover, a land needs assessment must be undertaken prior to any adjustment or expansion of settlement areas to assess whether it is necessary, to calculate the amount of land needed, and to forecast growth. CELA also recommends that adjustments or boundary expansion of settlement areas facilitate the establishment of complete communities.

CELA is concerned about the removal of the requirement for several studies, such as an “agricultural impact assessment” and a “completed environmental assessment”, to assess the feasibility and the most appropriate location for the proposed expansion. These background studies which are required in the Growth Plan are essential to the planning process and help ensure land-use planning decisions are based on complete and accurate information.

The requirement in the Growth Plan that a settlement areas boundary expansion and associated servicing should not “negatively impact” the water resource system, including the quality and quantity of water, has been considerably weakened. The proposed amendment only requires that it be “demonstrated to avoid, or if avoidance is not possible, minimize and mitigate negative impacts on watershed conditions.”

Given that water contamination can causes serious ill-health and even deaths, CELA strongly urges that the current wording in the Growth Plan be retained. The requirement that the water resource system not be negatively impacted is consistent with Ontario’s *Clean Water Act* which adopts a multi-barrier approach to water protection. A multi-barrier approach requires as a first step that drinking water be protected at its source. Consequently, land-use planning decisions must ensure that the sources of drinking water in Ontario’s lakes, rivers and groundwater are protected from potential contamination or depletion, as opposed to simply “minimized or mitigated.” This is necessary as it can be very difficult, and sometimes impossible, to reverse the impacts of water contamination.

**CELA Recommendation No 4** Settlement boundary expansion and adjustments need to be undertaken as part of an MCR process to ensure growth can occur in an environmentally, socially and economically sustainable manner

**CELA Recommendation No. 5** The current requirement for studies under the Growth Plan should be retained to ensure that land use planning decisions are based on complete and accurate information.

**CELA Recommendation No. 6** The requirement that settlement boundary expansions and associated servicing should not “negatively impact the water resource system, including the quality and quantity of water” is essential to safeguard public health and the environment and should remain in the Growth Plan.

#### **(d) Watershed Planning**

The proposed amendment to the Growth Plan references the need for “watershed planning or equivalent” in the provisions that relate to waste and wastewater systems as well as water resources systems. However, there is no definition of what constitutes an “equivalent” to watershed planning. CELA recommends that the term equivalent in the context of watershed planning be defined.

**CELA Recommendation No. 7** The term “equivalent” in the context of watershed planning needs to be defined.

## **Part V – Proposal for Provincially Significant Employment Lands**

ERO posting ERO 013-4506 provides the following description of its proposal for a new designation of “provincially significant employment lands”:

The Province is proposing a new approach to protecting its key employment areas from conversion that involves identifying some of them as provincially significant employment zones.

The proposed provincially significant employment zones would apply to employment areas that:

- Are designated employment areas and are inside existing settlement area boundaries (i.e., no Greenbelt lands are included in provincially significant employment zones);
- May be vulnerable to conversion pressures (e.g. to residential conversion);
- May be facing encroachment by sensitive land uses that could threaten the existing employment uses; or
- Are needed in the region to attract new investment and retain existing industries.

Additional criteria related to site use may include:

- Located near highways, railways, intermodal facilities, transit and/or other major transportation infrastructure to support the movement of people and goods;
- High concentration of employment and/or economic output, and play an economically strategic role to the region;
- Support industrial uses, which are sensitive to encroachment; or
- Contiguous zones and contain large continuous developable, constraint-free lands (e.g. >10 acres).

Finally, in identifying the proposed provincially significant employment zones the province reviewed and included the agri-food support network and mapped important employment hubs identified by the Ontario Ministry of Agriculture, Food and Rural Affairs. Conversions of agri-food businesses to other uses within these hubs could critically impact the sector.

The mapping also takes into account the Greenbelt and specialty crop areas to ensure they are excluded from provincially significant employment zones.

CELA submits that there are potential advantages in this new approach of identifying provincially significant employment lands. If done well, and taking this brief description at face value, the approach would be focused on existing employment lands and seek to avoid their loss to competing uses where they are located in important areas such as near key transportation infrastructure. Protecting these lands could also avoid future pressure on other “greenfield” lands or lands that should be protected for other values such as those identified in the proposal including agricultural lands, greenbelt lands. Furthermore, we agree that avoiding building yet more highways and encroaching on the limited remaining land base in the Greater Golden Horseshoe for new transportation corridors when these already exist is good policy.

**CELA Recommendation No. 8:**

CELA’s specific submission in respect of this proposal is to recommend that the province add an explicit factor to its consideration of designation of provincially significant employment lands, namely the creation of better employment opportunities for under-employed youth and adults.

**CELA Recommendation No. 9:**

In this respect we recommend that consideration of provincial designation accompany ensuring of planning for good and affordable, multi-modal transportation to the employment lands from a range of housing types and tenure in the community.

**CELA Recommendation No. 10:**

In the event that such transportation does not already exist in the community, CELA recommends that the province work with the community in question through its infrastructure programs to ensure timely development of these transportation options as part of its demonstration of the provincial interest in these designated lands.

**PART VI- Conclusion and Recommendations**

The overall direction of the Growth Plan to prevent urban sprawl and manage growth in the GGH to prevent and reduce adverse environmental and human health impacts has been fundamentally weakened by the proposed amendment.

The reduction of the intensification and density requirements significantly undermines the framework to manage growth in southern Ontario.

In addition, the removal of the requirement that certain key policies be implemented in an integrated manner through the MCR process undermines the need to ensure land-use planning decisions balance development with environmental protection and social and economic considerations.

A summary of CELA recommendations on the proposed amendment are below.

**CELA Recommendation No. 1** CELA recommends that the intensification and density requirements in the Growth Plan be retained.

**CELA Recommendation No. 2** CELA supports the conversion of employment areas for non-employment uses provided these conversions occur only during the municipal comprehensive review process as stipulated in the current Growth Plan.

**CELA Recommendation No. 3** Housing development on lands that were previously designated as employment areas should be utilized to build complete communities as opposed to low density residential development that would lead to urban sprawl.

**CELA Recommendation No 4** Settlement boundary expansions and adjustments need to be undertaken as part of a municipal comprehensive review process to ensure growth can occur in an environmentally, socially and economically sustainable manner.

**CELA Recommendation No. 5** The current requirement for studies under the Growth Plan should be retained to ensure that land use planning decisions are based on complete and accurate information and conform to the objectives of the Growth Plan.

**CELA Recommendation No. 6** The requirement that settlement boundary expansions and associated servicing should not “negatively impact the water resource system, including the quality and quantity of water” is essential to safeguard public health and the environment and should remain in the Growth Plan.

**CELA Recommendation No. 7** The term “equivalent” in the context of watershed planning needs to be defined.

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