

DEPUTATION REQUEST

REGIONAL COUNCIL
SEPTEMBER 16, 2021

Subject: Alternate 2051 Forecast & Land Needs Assessment Scenarios

Spokesperson: Phil Pothen

Name of Group or person(s) being represented (if applicable):
Environmental Defence, Ontario Environment Program

Brief summary of issue or purpose of deputation:

See written submission.

OFFICE OF THE REGIONAL CLERK
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environmental
defence

September 15, 2021

York Regional Council
% Regional Clerk
17250 Yonge Street,
Newmarket ON L3Y 4W5

Attention Chair and York Regional Council Members,

**re: Alternate 2051 Forecast and Land Needs Assessment Scenarios
Item F.1, York Region Council Special Meeting, September 16th**

I am a land use planning and environmental lawyer, and I lead research and policy analysis regarding smart growth and sound land-use planning in Ontario for Environmental Defence a leading national environmental organization that works at the federal, provincial and municipal levels to safeguard our freshwater, create livable communities, tackle climate change and build a clean economy. I am writing to urge you in the strongest terms to reject Settlement Area Boundary Expansion (vote "no" on Items F.1 (1) and (2)) and instead direct staff to return for a decision at a later date after preparing and consulting on a growth concept which accommodates the next 30 years of York Region's new homes and workplaces within its existing Settlement Area Boundaries.

Environmental Defence is intervening in this regional discussion because what Council is being asked to approve is a dangerous abandonment of any meaningful effort or progress towards smarter growth. Despite strong-arming from developers and government officials, the law itself allows York Region to forgo Settlement Area Boundary expansion and handle growth within existing boundaries. However, rather than ratcheting down the rate of outward expansion, and redirecting growth to complete existing neighborhoods, voting for Item F.1 or any of the alternatives explored would commit York Region to more than double the rate at which countryside is destroyed presently.

Lack of Meaningful Consultation on Alternatives

To start with, York Region must not approve this option today because, contrary to what is being reported to you, there has not been meaningful consultation. Peer municipalities like Hamilton and Halton Region "hit the brakes" to allow aggressively-publicized and relatively successful public consultations on fleshed out



zero-sprawl options. In contrast, York's consultation excludes any meaningful alternatives to sprawl, and we've been informed that what is listed here as the consultation period on whether to extend the settlement boundary York Region's proposal went unnoticed by even the most engaged watchers of municipal politics. Now, a final recommendation is being rushed through, with just a week's notice, at a surprise Special Meeting of Regional Council. Despite the magnitude of this decision, residents were given only the barest minimum notice to register for a deputation, or submit one in writing.

In substantive terms, as well, York Region must refuse to approve settlement area boundary expansion, because the proposed expansion options would destroy and catastrophically degrade huge swathes of York Region's remaining farmland, forests and wetlands and natural heritage, including lake Simcoe, abandon the Region's commitments to tackle climate change, and squander the jobs and growth that are needed to free the Region's existing neighborhoods of car dependency.

Large Scale Destruction of Countryside and Contamination of Lake Simcoe

While York Region paved over roughly 6400 acres between 2001 and 2019 that's just over 355 acres per year, the new plan would see the region burn through a further 25,000 acres by 2051 - that's 791.5 acres per year - more than twice the past rate. That is because it would add roughly 5000 acres to the 20000 acres *already* opened for development. The extra boundary expansion proposed today would paving some of the last unbuilt headwaters of the Rouge and Don rivers, and they would destroy quality farmland that Ontario and Canada simply cannot spare.

Of particular concern, this plan would see a huge number of people and a huge area of sprawl forced into **the sensitive Lake Simcoe watershed, which simply doesn't have the capacity for more sewage** or runoff. Environmental NGOs Rescue Lake Simcoe Coalition, Save the Maskinonge, PACT-POW, Simcoe County Greenbelt Coalition and Environmental Defence warned York and the province in a joint letter of January 19th, that there is presently no sustainable way to increase sewage capacity in Upper York Region, and that no further settlement expansion should be directed to that part of York Region. As noted by the Rescue Lake Simcoe Coalition, this is not just an environmental objection to this proposal, but also a legal objection. Policy LSPP 4.1-DP of the Lake Simcoe Protection Plan prescribes that "For a proposed settlement area expansion, establishment of a new settlement area or a development proposal outside of a settlement area that requires an increase in the existing rated capacity of a sewage treatment plant or the establishment of a new sewage treatment plant, an environmental assessment of the undertaking shall be completed or approved prior to giving any approvals for the proposal under the Planning Act



or the Condominium Act, 1998. Bill 306, York Region Wastewater Act, 2021 is actually set to prohibit any decision on the environmental assessment “Upper York Sewage Solutions” proposal, or any action in respect of the undertaking itself, and to foreclose any legal action by municipalities or developers in the event that they suffer losses as a result.

Abandoning Existing York Region Neighborhoods

Separate from its implications for the countryside, squandering half the next 30 years of growth on more sprawl would be a betrayal of York Region’s climate obligations, and of the people who live in York Region already . That is because all the next 30 years’ growth is desperately needed to complete existing neighborhoods, which have not yet developed the densities (90-100/ha) and mix of uses, quite achievable in low-rise forms, that GTA experience shows are required for the majority of people to rely on active transportation.

The climate change implications of leaving York Region’s neighborhoods in their existing state are obvious. There is no reliable path to ending climate change that does not involve weaning most residents of urban areas off motor vehicles by 2051. As of the last census, there was no part of York Region’s built up area where the majority of residents commuted by transit, bike or on foot, and there were only a few tiny slivers of land where that modal share exceeded even 30%.

Choosing to waste half York Region’s growth on outward sprawl, and leave many existing neighborhoods without transit and active transportation-supporting densities also denies residents the way of life they say they want. While a strong majority of York Region residents say they “simply can’t get by without a car” as things stand, 80% of those with an opinion (64%, vs. 16% who disagree) say they’d “much prefer” to live in a neighborhood where they “didn't need to use a car to do [their’] shopping, recreation, entertainment, or commutes to work or school.” 69% of existing York region residents with an opinion either way said the “GTA should accommodate new workplaces and homes in existing neighbourhoods and make transit, walking, and biking, more of an option” rather than “on undeveloped land, outside of existing built-up areas, so people can live in neighbourhoods with easy access for cars”.

It is Legal and Arguably Mandatory for York Region to Accommodate Growth without a Settlement Area Boundary Expansion

As I am, as far as I know, the only land use planning lawyer registered to delegate on this matter, it falls on me to underline for you all that York Regional Council *is* legally entitled to decide to accommodate growth without expanding the Settlement Area Boundary. You must not conflate any communications you may have received from Ministry staff, or the recommendations of a particular consultant, with the legal requirements of the Land Needs Assessment Methodology for the Greater Golden Horseshoe. Legally speaking, for reasons I have articulated elsewhere, and



which have been accepted by other Regional municipalities, those *documents* do leave regional governments enough discretion to approve Plans which forgo any further boundary expansion, without actually contravening them. That is especially clear in York Region, where there is ample unused Designated Greenfield Area, and where much of the existing built-up area has ample capacity for infill.

Beyond this, however, there is a case to be made that York Region is actually obliged to forgo further Settlement Area Boundary Expansion. The Provincial Policy Statement, which still applies and remains mandatory in the present Review process, militates strongly against squandering new workplaces and homes on boundary expansion where they could be used to try and bring the existing suburban built up areas up to transit- and pedestrian-supportive use mixes and densities.

That is in part PPS 1.1.3.8 prescribes that;

- A planning authority may identify a settlement area or allow the expansion of a settlement area boundary only at the time of a comprehensive review and **only where it has been demonstrated that: a) sufficient opportunities to accommodate growth and to satisfy market demand are not available through intensification, redevelopment and designated growth areas** to accommodate the projected needs over the identified planning horizon;

However it is also because York Region's obligations under PPS 1.1.3.2 apply to existing built up areas, as well as new development. That Policy requires that:

- Land use patterns within settlement areas shall be based on densities and a mix of land uses which: a) efficiently use land and resources; b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; c) minimize negative impacts to air quality and climate change, and promote energy efficiency; d) prepare for the impacts of a changing climate; e) support active transportation; f) are transit-supportive, where transit is planned, exists or may be developed.

In our submission, it plainly is very possible for York Region to accommodate sufficient growth within existing neighborhoods, including new single- and semi-detached homes, such as garden and laneway suites, and to increase development density within the existing Designated Greenfield Area, to obviate any Settlement Area Boundary expansion. A survey we commissioned this year shows that actual support for the infill required to accommodate housing demand within existing neighborhoods far exceeds opposition. Among those with an opinion either way, 91% of York Region residents support adding more single, or semi-detached homes within their *own* neighborhoods, 83% support units in buildings of up to 3 storeys, and 63% in buildings of up to 6 storeys.



York Region has a choice, and the right choice is to use the next 30 years to fix its 20th century planning mistakes, not to double down on them, as the proposal before Council would do. Vote no to settlement area boundary expansion, and direct staff to produce a new, fixed-boundary, alternative.

Sincerely,

A handwritten signature in black ink, appearing to read 'Philip Pothen', with a horizontal line drawn through the middle of the signature.

Philip Pothen, J.D., M.L.A.,
Ontario Environment Program Manager,
Environmental Defence