

February 27, 2019

By Email Only to regionalclerk@york.ca

Regional Council
York Region Administrative Centre
17250 Yonge Street
Newmarket, ON
L3Y 6Z1

Dear Chairman Emmerson and Members of Regional Council,

**Re: Regional Council Meeting – February 28, 2019
Item G.2 Committee of the Whole Meeting February 21, 2019 -
Recommendation J.4
Regional Staff Review and Comments on Growth Plan Amendment 1
Comments from Rice Group**

We are counsel to Rice Group (“Rice”). Rice is a well-known development company with significant landholdings and development projects within York Region.

We have reviewed the Regional Staff Report titled “*Comments on Proposed Amendment 1 to the Growth Plan*” which was considered and endorsed by the Committee of the Whole at its meeting on February 21, 2019 (the “Staff Report”). We are writing to provide our client’s concerns and comments on the Staff Report and its recommendations for the Region’s submission to the Province on proposed Amendment 1 to the *Growth Plan for the Greater Golden Horseshoe, 2017* (“Amendment 1”).

Specifically, Rice does not agree with the recommendations in the Staff Report to remove the policies added in Amendment 1 which would allow the Region to approve adjustments or expansions to settlement area boundaries and employment area conversions outside of a municipal comprehensive review (“MCR”).

Rice supports the policies added in Amendment 1 to allow for changes to urban boundaries, through adjustments and limited expansions, to be made in advance of an MCR. Rice also supports the new policies which are proposed to be added to allow for conversion of land within Employment Areas in advance of an MCR. These changes give the Region greater flexibility, in appropriate circumstances, to bring land forward for development earlier in order to meet the Region’s housing demand and promote job creation.

Staff's recommendation to oppose these new policies would take away this flexibility and require that any settlement area adjustments/expansions or employment conversions be dealt with only through the lengthy MCR process, even in cases where the Region supports them.

As Council is well aware, the last MCR process resulted in the Regional Official Plan, 2010 which was adopted by the Region in 2009 and not fully approved until many years later due to outstanding appeals to the Ontario Municipal Board. A new Regional MCR process is now underway, with a target date for Council adoption in mid-2020, over 10 years after the adoption of the current Official Plan.

Given the significant length of time between MCR's, it would be extremely beneficial to the Region to have the ability to approve settlement expansions or employment conversions in the interim in appropriate cases. The Region should support this opportunity in its comments to the Province.

Rice also disagrees with Staff's recommendation that the potential for settlement area expansions outside of MCR's should be limited to a total of 40 hectares. The new policies in Amendment 1 provide that individual expansions be limited to 40 hectares but do not impose a total cap on the Region. The Region may want to retain the flexibility to approve limited expansions in a number of its local municipalities outside of the MCR process. There is no reason to limit this flexibility and require the 40 hectare limit to apply as a total across the Region.

In respect of the employment conversion policies, Staff suggest that there is a "one-time window" to approve employment conversions outside of an MCR and that the Amendment 1 policies should be revised to clarify that. However, this is not what the proposed policies say. There is no indication in the Amendment 1 policies that the MCR exemption is meant to be a one-time opportunity. Further, there is no reason for the Region to give up the flexibility afforded to it in Amendment 1 and allow conversions only once in the potential 10 year or longer period between MCRs.

The proposed Amendment 1 introduces new tiered intensification and density targets which vary by Region. For York Region, the proposed intensification target is the highest level of 60%, which is supported by Staff. The Staff Report notes that from 2006 to 2017 the Region has averaged an annual intensification rate of 48%. Based on this evidence of historical performance over the last 10 years, it is Rice's view that a 50% intensification target would be more reasonable for the Region and would give the Region greater flexibility in its growth planning. We note that the intensification targets are minimums and would not prevent the Region from achieving higher rates, if possible and where circumstances allow it.

Finally, the proposed Amendment 1 does not seek to change the definition of MCR, introduced in the 2017 Growth Plan, which limits an MCR to a process conducted by the

upper-tier municipality. Staff appear to support the maintenance of the current definition of MCR and request that settlement boundary expansions and employment conversions only be done through the Region's MCR process. Rice has made submissions to the Province requesting that the definition of MCR revert back to the definition as it was before the 2017 Growth Plan, where an MCR could be conducted by either an upper- or lower-tier municipality. Returning this decision making authority to the local municipalities will assist the Region and allow the local municipalities to efficiently address their needs for housing and employment space at the local level.

Thank you for your consideration of our client's comments. We encourage Regional Council to reject the Staff Report recommendations identified above and amend the Region's submission to the Province on Amendment 1 accordingly.

Yours truly,
DAVIES HOWE LLP



Meaghan McDermid

copy: Client