



MEMORANDUM

To: Mayor and Members of Council

From: Arvin Prasad, Commissioner of Development Services

Prepared by: Darryl Lyons, MCIP, RPP, Manager, Policy, Policy & Research ext. 2459

Date: December 9, 2019

Re: Growth Plan, 2019 Clarification from Minister of Municipal Affairs and Housing on Urban Expansions

RECOMMENDATION:

1. That the memorandum entitled “Growth Plan, 2019 Clarification from Minister of Municipal Affairs and Housing on Urban Expansions” be received.

BACKGROUND:

In January 2019, the Province released Proposed Amendment 1 to the Growth Plan, 2017 proposing a number of key policy changes. Council provided comments on Proposed Amendment 1 in late February 2019. The Province released its decision on Proposed Amendment 1 in the form of A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019 (Growth Plan, 2019), which took effect on May 16, 2019.

York Region is required to bring its official plan into conformity with the Growth Plan, 2019 by July 1, 2022. Markham is required to bring its official plan into conformity with the Region’s Official Plan within one year of it coming into effect. York Region, in consultation with area municipalities, is in the process of completing its 2041 municipal comprehensive review (MCR) conformity exercise to the Growth Plan, 2019.

DISCUSSION:

On November 12, 2019, the Minister of Municipal Affairs and Housing sent a letter to Heads of Council within the Greater Golden Horseshoe providing clarification on the government’s position regarding two policy matters in the Growth Plan, 2019: the municipal comprehensive review process and settlement boundary expansions up to 40 hectares outside of a municipal comprehensive review process (refer to Appendix ‘A’ for a copy of the letter).

Municipal Comprehensive Review Process

The Growth Plan, 2019 defines an MCR as “a new official plan or an official plan amendment, initiated by an upper-or single-tier municipality under Section 26 of the Planning Act that comprehensively applies the policies and schedules of the Plan”. The Minister’s letter outlines the government’s position that

municipalities may choose to undertake a phased municipal comprehensive review (MCR) through multiple official plan amendments, rather than a single official plan amendment. This clarification has no anticipated impact on Markham's planning policy process as MCR's can now only be undertaken at the regional level.

40-Hectares Settlement Boundary Expansion Policy

The Growth Plan, 2019 through policy 2.2.8.5 now provides that a settlement area boundary expansion may occur outside of an MCR for up to 40-hectares of land provided certain provisions are met such as:

- The lands that are added will be planned to achieve at least the minimum greenfield density target (50 people and jobs/ha measured across York Region)
- The location of the settlement area boundary expansion will be identified based on the comprehensive application of all of the policies in this Plan, including certain specified matters (e.g. sufficient infrastructure, avoiding key hydrologic areas, agricultural areas and the natural heritage system for the Growth Plan, 2019 where possible)
- The affected settlement area is not a rural settlement area or in the Greenbelt Area
- The settlement area is serviced by municipal water and wastewater systems and there is sufficient reserve capacity to service the lands; and,
- The additional lands and associated forecasted growth will be fully accounted for in the land needs assessment associated with the next MCR.

Previously, the language of policy 2.2.8.5 was not clear as to who could initiate an up to 40-hectare settlement area boundary expansion and whether there was any limit on its use. The Minister's letter clarifies the government's position that there is no limit to how often a municipality can undertake settlement boundary expansions of up to 40-hectares outside of a MCR and that these settlement boundary expansions may be municipally or privately initiated.

The letter confirms a significant Growth Plan policy shift that could result in ad hoc urban expansions being approved throughout the Region without demonstrated need and outside of a comprehensive growth management planning process which was a pillar of the original Growth Plan in 2006.

Based on this clarification, York Region and the City of Markham may receive privately initiated planning applications for settlement boundary expansions of up to 40 hectares, which would be difficult to review outside of a comprehensive land needs analysis. In addition, it is staff's position that unlimited and uncoordinated site-specific urban expansions could result in a redirection of growth from centres and corridors planned around major transit investments (Markham Centre, Langstaff Gateway, Cornell, etc) to greenfield areas, and less efficient use of infrastructure investments in general.

It should be noted that York Region is currently completing a land needs assessment to determine how it will accommodate its 2041 population and employment forecasts that are outlined in the Growth Plan, 2019. It is anticipated that York Region will release the draft land needs assessment, including 2041 population and employment forecasts for each lower-tier municipality, in late Q1 2020 which would inform whether there is any need for additional urban land in Markham or elsewhere in the Region to 2041.

Current Regional Requirements for a Settlement Boundary Expansion

The policies of the in-force York Region Official Plan and Markham Official Plan, 2014 require completion of a regionally initiated MCR for a proposed expansion of the 'Urban Area'. In accordance with the *Planning Act*, a municipally or privately initiated settlement boundary expansion would require an approved amendment to the York Region Official Plan before the City could adopt an amendment to the Markham Official Plan for such an expansion. The *Planning Act* also does not allow appeals to the Local Planning Appeal Tribunal of a lack of decision or refusal of a privately initiated settlement area boundary expansion application.

ATTACHMENTS:

Appendix 'A': Growth Plan, 2019 Clarification Letter from Minister of Municipal Affairs and Housing