

October 7, 2022

Hon. Steve Clark  
Minister of Municipal Affairs and Housing  
777 Bay Street - 17th Floor  
Toronto, Ontario  
M7A 2J3

Dear Minister Clark;

**Re: Halton Region Official Plan Amendment 49  
Environmental Registry Posting Number 019-5684  
Ministry Reference 21-OP-215006  
Settlement Area Expansion - Community Area  
South Georgetown - Halton Hills  
Modification of Plan, or Referral to Tribunal**

**Submission Supports Inclusion of South Georgetown Lands, and Is  
Based Upon Altus Report Alternate Land Needs Assessment,  
Identifying Need for 2565 HA of New Settlement Area for Community  
Area Purposes**

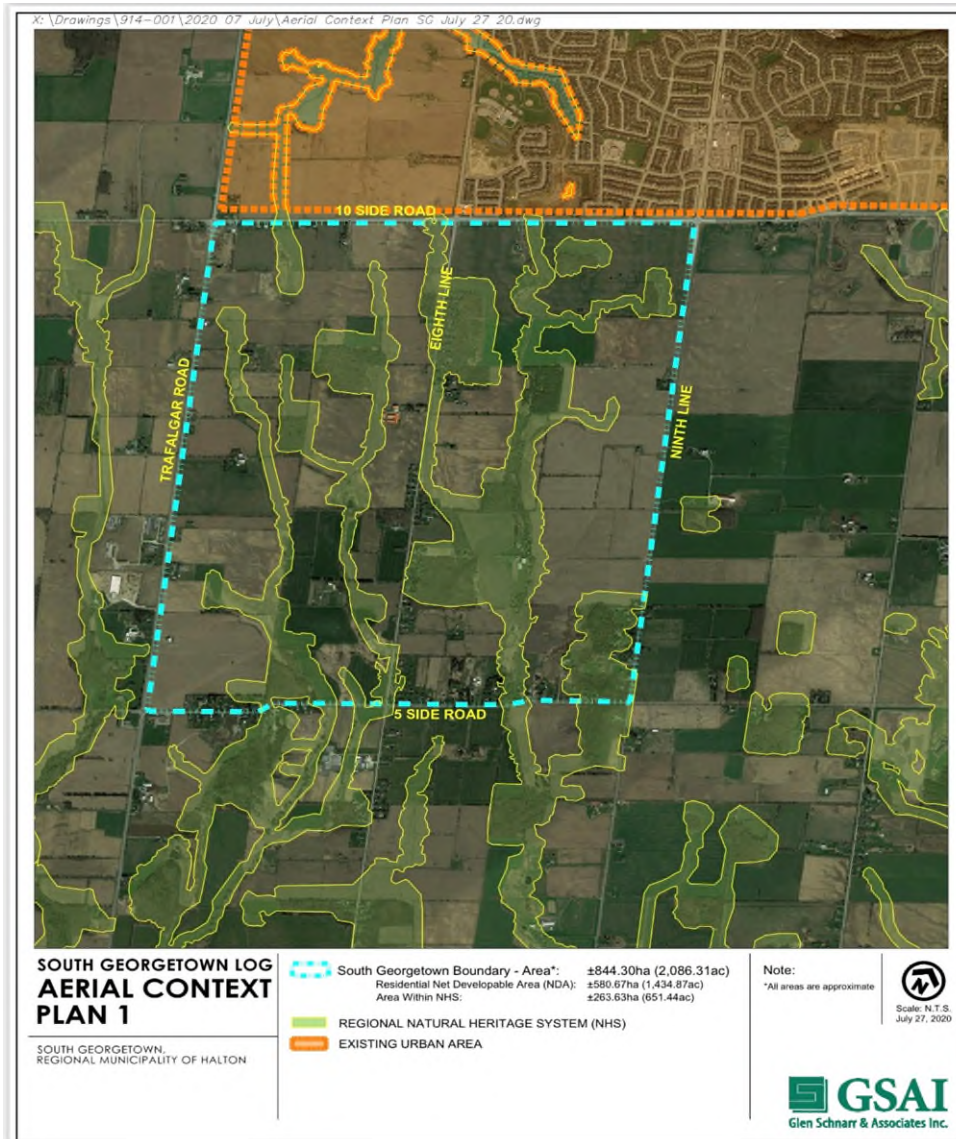
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We act for the South Georgetown Landowners Group, owners of land located generally east of Trafalgar Road, west of Ninth Line, south of 10 Side Road and north of 5 Side Road.

GSAI Planning have submitted a report through the Environmental Registry, on behalf of the South Georgetown Landowners Group, on September 30, 2022.

With this submission, we are also including a report from Altus Group Economic Consulting. The Altus report includes an alternative land needs assessment, which conforms with the Provincial Land Needs Assessment Methodology, and establishes a need for 2565 HA of new settlement area for community area purposes. This Altus Land Needs Assessment is significant as, unlike the work before the Region, it properly follows provincial policy and the prescribed methodology.

A map showing the South Georgetown lands is below:



The Region of Halton has adopted an Official Plan Amendment following their Municipal Comprehensive Review that does not conform with the Growth Plan for the Greater Golden Horseshoe, and did not follow the provincial Land Needs Assessment Methodology. It is now before the Minister for his consideration.

Contrary to the professional advice of the Region's Planners and Planning consultants, the Official Plan includes no settlement area expansion to the year 2041, and leaves decisions on the planning horizon of 2051 to a later point. Neither element is in conformity with the Growth Plan requirements.

The Altus report provides an independent Land Needs Assessment that conforms to the requirements of the Growth Plan and the Provincial Land Needs Assessment Methodology. The Altus analysis follows the various requirements of the Provincial Policy Statement and the Land Needs Assessment Methodology, including the requirement to deliver a market-based supply of housing to the extent possible, while still conforming to policy.

The Minister should modify the Region's adopted Official Plan to include the 2565 hectare settlement area expansion for community area reflecting the findings of an independent Land Needs Assessment undertaken by Altus Group Economic Consulting, OR the Minister should refer the matter to the Ontario Land Tribunal for a hearing.

### **Halton Regional Official Plan Amendment 49 Does Not Conform to the Growth Plan, or Provincial Policies and is Based Upon an Anti-Growth Approach**

Halton is an increasingly attractive destination for families seeking their first home - especially in the municipalities of Milton and Halton Hills.

Milton was seeking to have all of their "whitebelt" lands included in urban area, and Halton Hills landed on a compromise position asking to add some community area and employment area by settlement area expansion.

A "political deal" had been brokered towards the end of the Region's Official Plan Review process. This was reflected in Halton's so-called "Preferred Growth Option". This saw some settlement area being added to Halton Hills and Milton, as a compromise with the southern municipalities. While providing less new settlement area than a properly conducted land needs assessment would produce, it did recommend 1120 HA of new community area and 1170 HA of new employment area.

However, at Regional Council, this “deal” was abandoned, and a motion sponsored by the Mayors of Oakville and Burlington resulted in the adoption of a “no new settlement area” Official Plan.

### **The Growth Plan and Land Needs Assessment Methodology Require Municipalities to Deliver a Market-Based Supply of Housing “To the Extent Possible”**

The Growth Plan and the Provincial Policy Statement on Land Use Planning require that housing be delivered in a market based supply fashion. That includes delivering a full range and mix of housing types to meet market demand.

This was a policy change by the Government, and reflected the need to address Ontario’s increasing housing supply crisis. The new policies were also intended to more closely reflect what Ontario residents actually wanted in their housing.

However, some municipalities and planners have preferred to ignore these policy changes, and carry on as if the old policies remain in place unchanged.

In the case of Halton, Regional staff attempted to propose a “compromise” between the the old and new policies - resulting in a settlement area expansion, but one that falls far short of the expansion that would result from properly following the prescribed provincial methodology.

### **Halton’s Consultants Set Out a Range of Options for Settlement Expansion**

The consultant for the Region, Hemson, are also the consultants for the province for the Growth Plan Schedule 3 forecasts.

In Hemson’s work for Halton [Land Needs Assessment and Municipal Allocation, February 2021], they did a market-based forecast. This concluded that, from 2021 to 2051, the market need would be for 173,500 new units. Singles and semi’s would be 50.1% of that, with row housing another 25.2% (over 75% grade-related housing according to the market). Apartments would only represent 24.6% of that market demand.

Region planning staff then identified 4 growth concepts, three of which exceeded the Growth plan requirements (and as a result did not comply with the market-based forecast “to the extent possible”):

Concept 1 - 60% Densification (21,800 new grade-related units required in DGA - 1460 HA)

Concept 2 - 70% Densification (11,700 new grade-related units required in DGA - 730 HA)

Concept 3 - 80% Densification (0 new grade-related units required in DGA - 0 HA)

Concept 4 - 50% Intensification (32,700 new grade-related units required in DGA - 2080 HA)

Altus Growth Plan Conformity - 50% Intensification (77,308 new grade-related units required in DGA - 2565 HA)

Only Concept 4 of the Hemson options considered by Council appeared to be remotely close to conformity with the Growth Plan. That being said, it would still be delivering 50,000 fewer grade-related units than the Hemson market-based forecast prepared for the province. The provincial forecast by Hemson exceeds somewhat the requirement for new grade-related units identified by Altus in an independent analysis.

The Altus Growth Plan Conformity option is an independent Land Needs Assessment using the provincial methodology and following the policy requirements of the Growth Plan. It is discussed further below.

### **Halton Staff Brought Forward a Preferred Growth Concept Compromise Proposal**

A strong campaign was waged by no-growth anti-housing activists pressing for a no settlement area expansion option. Regional staff were directed to study this, and ultimately rejected such an approach, as bad planning, and not acceptable under provincial plans and policies. However, they did bring forward a compromise Preferred Growth Concept.

The Preferred Growth Concept would see more than 85% of new housing units within the Region's existing urban areas. It would add 1120 HA of new community area, and 1170 HA of new employment land added to the settlement area. This would include 16,600 units to be accommodated in new settlement area (about half of what Hemson's close to Growth Plan option would require). Apartments would represent more than 50% of the growth - more than double the market-based forecast.

Based on the land yield used by Halton and Hemson (14.19 units per gross hectare), **about 2300 hectares of new community area would be required under Hemson's Growth Plan compliant concept.** This is close to the 2,080 HA identified in the original option 4.

### **Halton Council Chose a Politically-Driven No Settlement Area Expansion Option**

On February 16, 2022, instead of adopting the Preferred Growth Option, Halton Council directed staff to bring forward an official plan amendment with no settlement area expansion to 2041, and any decisions on growth beyond that horizon to be left for a future municipal comprehensive review. Both aspects of this decision are not in conformity with the Growth Plan requirement to accommodate market-based growth, to the extent possible, to a horizon of 2051

On June 15, 2022, Halton Region adopted Regional Official Plan Amendment 49, giving effect to the no settlement area expansion direction from Council.

### **Hemson Technical Report for Growth Plan Undertaken for the Province Forecasts a Need in Halton for 144,600 New Grade-Related Units Between Now and 2051**

The province's consultant's for the Growth Plan Schedule 3 population growth forecasts were Hemson Consulting. In August 2020, they released their technical report regarding those forecasts.

The forecasts for Halton anticipate a need for 194,600 new dwelling units between 2021 and 2051.

Of that, 94,800 (or 48.7%) of the required new housing would be single-detached. Once row housing demand is added, the total of grade-related units would be 144,600 (74%) of the total demand. Only 50,000 apartments and accessory units are required (26% of the total demand).

These numbers are in stark contrast to the no settlement area expansion model in the Region's Official Plan Amendment 49, that will result in virtually no new singles and semi's, and only a small number of infill townhomes. Simply put, the Halton Official Plan comes nowhere close to meeting the expectations set out by the provincial consultants in their technical report.

### **Halton's Staff Recommended Preferred Growth Option Did Not Conform with The Land Needs Assessment Methodology, By Not Including a Market-Based Supply of Housing, and By Not Establishing Logical Settlement Boundaries, Following Concession Blocks**

As identified above, the preferred growth option identified by Halton Planning Staff fell far short of delivering a market-based supply of housing as required by the Provincial Policy Statement and the Land Needs Assessment Methodology. The Altus report outlines numerous ways in which the Region's work is not in conformity with provincial plans and policies.

In addition, the preferred Growth Option proposed to establish a settlement area boundary in South Georgetown that did not follow logical boundaries, despite that requirement in the Land Needs Assessment Methodology. The Methodology provides as follows:

*The area for settlement area boundary expansion is then adjusted upwards in a minor way, if necessary, to ensure logical boundaries of the settlement area. This will generally be an arterial or concession road or other man-made or natural definable feature. The intent is to establish logical settlement area boundaries and avoid partial neighbourhoods or irregular servicing boundaries. Such adjustments would require slight increases to the forecast assumed in implementing this assessment.*

In the Preferred Growth Option mapping (below) produced by Halton planning, the settlement area expansion on the south side of Georgetown in Halton Hills (shown circled in yellow) extends only part way into a concession block, against no discernible man-made or natural feature. This is not in conformity with the instructions of the Land Needs Assessment Methodology.

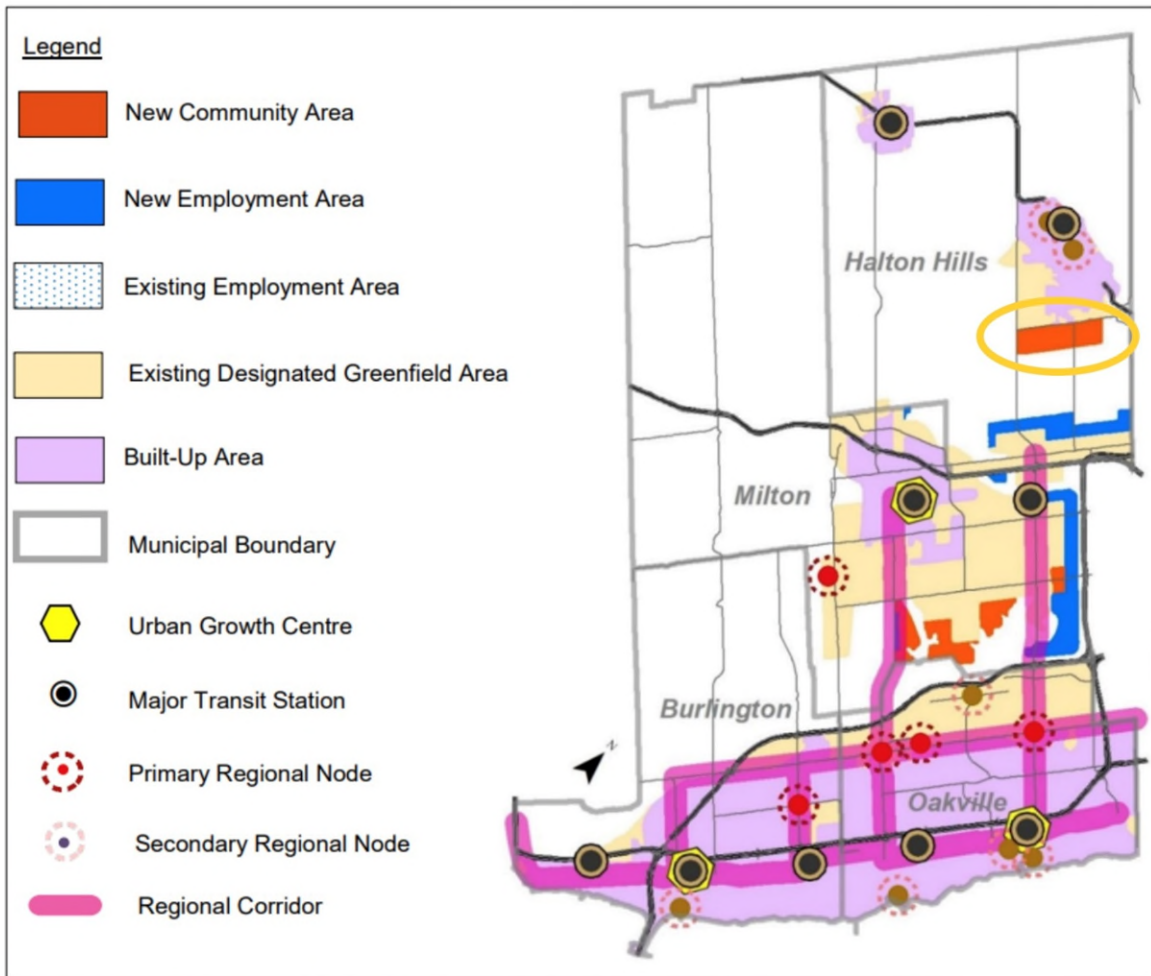


Figure 5: Map of Preferred Growth Concept, Draft Recommendation, February 2022

To properly follow the Land Needs Assessment Methodology, that settlement area expansion should extend down to the next concession or arterial road - that is south to 5th Side Road.



## **Alternative Land Needs Assessment (Altus) Demonstrates Conformity with the Growth Plan and Land Needs Assessment Methodology**

Altus Group Economic Consulting has prepared an independent and alternate land needs assessment report. This report clearly establishes the failure of Halton Region's land needs work to properly follow the requirements of the Provincial Land Needs Assessment Methodology. In addition, Altus conducts an independent Land Needs Assessment that is in conformity with the requirements of the Growth Plan and the mandatory provincial methodology. The findings of the Altus Land Needs Assessment is that there is a requirement for 2,565 hectares of new community area settlement area expansion.

It is notable that, while the Altus analysis conforms with the Provincial requirements by providing a market-based supply supply of housing to the extent possible, that is still far less land than what a pure market-based forecast would deliver. The effect of provincial policy, including both the density target and the intensification target, is to significantly constrain what the market would produce if unconstrained by policy. Altus reports that a pure market forecast would yield a land supply requirement of 5,324 hectares over the horizon of the plan. The impact of the Growth Plan policies is to reduce that number to just 2,565 hectares of new community area settlement expansion - less than half of what the market would produce in the absence of the policy constraints.

## **Province Can Modify the Adopted Plan, or Refer It to The Land Tribunal for a Hearing**

Under section 3 of the planning act, the Minister, in carrying out his responsibilities and making planning decisions, must act in conformity with provincial plans (in this case the Growth Plan for the Greater Golden Horseshoe), and consistent with the Provincial Policy Statement on land Use Planning. A decision to approve the official plan adopted by Halton Council will not be consistent with the Provincial Policy Statement, or conform with the Growth Plan.

The Provincial Policy Statement in policy 1.1.1.b) requires municipalities to accommodate a “market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing and housing for older persons)”. The Halton official plan does not provide this market-based range and mix including single-detached housing.

The Growth Plan requires, in policy 2.2.1.5, that municipalities must use the Land Needs Assessment Methodology to determine the need for land to accommodate growth over the horizon of the Official Plan (now 2051). The methodology, on page 9, while allowing for adjustments to the market-based supply forecast to achieve the density and intensification targets of the Growth Plan, requires “ensuring the provision of a market-based supply of housing to the extent possible”. That means that, if the plan’s numbers depart from a market-based supply more than is necessary to achieve 50% intensification and 50 people and jobs per hectare in the Greenfield Area, the plan will NOT be in conformity with the Growth Plan.

On page 13, the methodology explains an aspect of this in more detail. The methodology says that the market-based forecast should be adjusted to meet the density targets of the Growth Plan “while still providing a full range and mix of housing options to meet the market-based demand of housing that meets the current and future needs of residents”, and if that is not possible, an alternative density target should be sought.

Thus, the Minister cannot approve the Official Plan as adopted by Halton and be following the requirements of section 3 of the planning act to act in conformity with the Growth Plan, and consistent with the Provincial Policy Statement.

Only an addition of 2565 HA community area settlement area expansion, based upon the Altus Land Needs Assessment, would satisfy the requirements of the Growth Plan (including the Land Needs Assessment Methodology) and the Provincial Policy Statement on Land Use Planning.

## **The South Georgetown Landowners Lands are Optimal, from a Planning Perspective, to be Included in the Settlement Area Expansion**

Below are a number of considerations setting out why the South Georgetown lands represent the optimal location for any settlement area expansion for community area purposes in Halton Hills.

### **Lands are Supported by Neighbouring Transportation Corridors**

Like the Georgetown settlement area to the north, the subject lands are bordered for their full length on the west by Trafalgar Road. Trafalgar is identified as a Transportation Corridor in the Official Plan including for public transit. Establishing development for more of the length of the Corridor will make efficient use of that transportation corridor.

The Highway 413 route is identified just to the east of the subject lands. It represents good planning to have the development closer to this major public infrastructure investment.

Consider the below Growth Plan Policies:

*2.2.1.3 Upper- and single-tier municipalities will undertake integrated planning to manage forecasted growth to the horizon of this Plan, which will:*

...

- b) be supported by planning for infrastructure and public service facilities by considering the full life cycle costs of these assets and developing options to pay for these costs over the long-term;*
- c) provide direction for an urban form that will optimize infrastructure, particularly along transit and transportation corridors, to support the achievement of complete communities through a more compact built form;*

### **Efficient Use of Servicing Infrastructure**

The major infrastructure in terms of services in Halton region runs up Trafalgar Road, along the western border of the subject site. Provincial policy calls for settlement area expansions to be selected in a way that makes efficient use of infrastructure. Including the South Georgetown lands in settlement area will result in efficient utilization of public infrastructure investment.

### **Complete & Compact Communities**

The extension of the Settlement Area further south, to include the whole of the South Georgetown Landowners Block, results in a logical compact and complete community, as the Georgetown Area becomes more contiguous with Brampton to the East, and the Halton Hills Development to the South along the 401 corridor.

With employment likely to be contemplated along the 413 corridor, the adjacent development in South Georgetown would provide a ready supply of labour, in close proximity, with shorter commute times - resulting in a more complete community.

### **Accommodating Needed Public Services**

Georgetown is in need of a new major sports and recreation campus, and a new hospital site. The South Georgetown Landowners Group has publicly committed to accommodate such uses in their lands. No such commitment has been forthcoming any other lands in Halton Hills.

### **Ability to Deliver Housing Supply Earlier**

The land ownership in the South Georgetown area is composed of a number of experienced developers, acting as a cohesive landowners group, who are anxious to actually proceed to development. The lands west of Trafalgar Road, for example, have a different ownership structure, with more viable farming, making it less likely that housing would be delivered to the market at an early stage. Inclusion of the South Georgetown lands will deliver increased housing supply to the market sooner.

## **South Georgetown Lands are of Lower Value to the Local Agricultural Economy**

The lands in the South Georgetown Landowners Block are fragmented smaller parcels, which have received little recent capital investment. They are now mostly owned by developers, and future development is anticipated. They represent an example of urban fringe effects. It is far better for to retain the high quality agricultural operations elsewhere, rather than drive their replacement - and to direct development to the lands of lesser agricultural value in the South Georgetown Landowners Block.

Other potential settlement area expansion lands (for example, on the west side of Trafalgar Road) represent much better agricultural operations than those in South Georgetown. The west side of Trafalgar Road has large scale agriculture operations that are visibly the recipients of continual, recent and ongoing capital investment.

## **Trafalgar Road as a Stable Western Boundary**

Previous settlement area expansions have respected the role of Trafalgar Road as the Western Boundary, and filled in the space from Trafalgar to the future 413 corridor. It is logical and sensible to maintain and extend these principles, filling in an existing gap in the urban structure. Going west of Trafalgar instead does the opposite - opening up a larger gap in the "horseshoe" of settlement area, and in the process of moving west, destabilizing even more land to the west of Halton, expanding the periphery edge of settlement area (and resulting in a larger "urban fringe" area where agriculture becomes destabilized).

## **Conclusion: A Proper Land Needs Assessment Requires a Settlement Area Expansion of 2565 HA for New Community Area in Halton - The South Georgetown Lands Represent An Optimal Location for Settlement Area Expansion**

The independent Land Needs Assessment from Altus establishes a need for 2565 HA of new community area. To satisfy this need, the contribution from Halton Hills could include all the lands recommended in the Region's Concept four, plus the balance of the South Georgetown whitebelt lands south to 5 Side Road.

The South Georgetown lands make the most sense for inclusion in the settlement area from a planning policy perspective, including the considerations in the Growth Plan for selecting lands for settlement area expansion.

The Minister should use his approval powers to modify Halton ROPA 49 to include the South Georgetown lands in the settlement area as community area.

**The Options available to the Minister are as follows:**

- 1). Modify the Halton Official Plan to reflect a settlement area expansion of 2565 HA for community area, including the South Georgetown lands; or**
- 2). Refer the Halton Official Plan to the Ontario Land Tribunal for a decision.**

If option 2 is selected, the Minister should, in the referral, advise the Tribunal of his concern that the Region of Halton did not properly follow the Land Needs Assessment Methodology - in particular, the Methodology's requirement for "ensuring the provision of a market-based supply of housing to the extent possible" (page 9 of the provincial Methodology) and "providing a full range and mix of housing options to meet the market-based demand of housing that meets the current and future needs of residents" (page 13).

Sincerely,

AIRD & BERLIS LLP



Hon. Peter Van Loan  
Partner

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