



*A People Place, A Change of Pace*  
**SHELBURNE**  
ONTARIO, CANADA

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**Meeting Date:** Monday, October 18, 2021

**To:** Mayor Mills and Members of Council

**From:** **Steve Wever, Town Planner**

**Report:** P2021-42

**Subject:** **Flato Shelburne One Meadows Inc.,  
Flato Shelburne Two Meadows Inc.,  
794613 Ontario Limited  
500 Main Street West (Highway 89)**

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### Recommendation

Be it resolved that Council receive Report P2021-42 as information.

### Background

Flato Shelburne One Meadows Inc., Flato Shelburne Two Meadows Inc., and 794613 Ontario Limited (collectively, "Flato") owns approximately 38 hectares of land north of Main Street West (Highway 89) between the former railway and 4<sup>th</sup> Line on the west side of Shelburne. The land is currently designated 'Non-Urban' and 'Natural Environment' in the Town of Shelburne Official Plan and is located outside of the designated Urban Area boundary.

Flato proposes to file planning applications to amend the Dufferin County and Town of Shelburne Official Plans to expand the urban area boundary to include a portion of its land in the urban area boundary. A Phase 1 development is proposed on 2.2 hectares of land at 500 Main Street West for a 93-unit seniors apartment building and a commercial plaza. Information regarding the proposed development was presented by Flato representatives and received by Town Council on October 19, 2020. Applications for Official Plan Amendment (OP 21/01), Zoning By-law Amendment (Z 21/03) and Draft Plan of Subdivision (DPS 21/01) for the proposed Phase 1 development were received on March 19, 2021 and the application fees on March 22, 2021.

The County of Dufferin is currently undertaking a Municipal Comprehensive Review (MCR) to review land needs to accommodate growth within the County and to determine if additional land is required for urban growth.

On September 28, 2020, Town Council directed staff to receive any applications submitted by Flato and to work through the process as outlined in the Planning Act, due to the many requests by seniors for more seniors housing and in light of the Growth Plan policies related to urban boundary expansions, and further that staff report back to Council on any progress for such application on a quarterly basis.

Report P2021-07 was received by Council on March 22, 2021, providing the Q1 2021 status update. This report summarizes the activities completed or commenced during Q2 and Q3 of 2021 and work in process for Q4.

## Analysis

Activities during last 2 quarters (Q2-Q3 2021):

- April-June 2021 (Q2):
  - The applications were reviewed for completeness to determine if all of the reports, drawings and other information set out in the Pre-Application Consultation Record was included in the Phase 1 applications.
  - In April, it was determined that some information was missing / the incorrect information was submitted and the applicant provided the correct information.
  - Staff consulted with the NVCA Risk Management Official (RMO) to confirm that source water protection requirements will be reviewed and determined through the application review process, and that the RMO did not require pre-application consultation with the RMO or further information for the purposes of determining if the application is complete.
  - As a related application for an amendment to the Dufferin County Official Plan was received by the County, which is subject to approval by the Ministry of Municipal Affairs and Housing, staff consulted with the Ministry of Municipal Affairs and Housing and the County of Dufferin to coordinate the review of the applications for completeness, and also to review servicing policy matters under the Growth Plan.

- The implications of the Growth Plan servicing policies for proposed urban area boundary expansions initiated outside of an MCR process, and the applicant's servicing allocation request for Phase 1, were considered and discussed to better understand the servicing implications and impacts of deeming applications complete for urban area boundary changes for development that exceeds the remaining reserve servicing capacity.
- As the applicant's servicing request for the proposed Phase 1 development had implications on other active developments in process, servicing allocation requests and renewals were invited from all interested development stakeholders which were considered by Council at a Special Meeting held on April 28, 2021.
- At the Special Meeting of Council Flato representatives indicated they are not requesting existing servicing allocations to approved developments to be re-allocated to Flato's proposed development and confirmed support for the Town's initiative to advance the WPCP upgrades to the design phase.
- Report DO 2021-03 was presented to Council on May 31, 2021, summarizing the servicing allocations requests/ renewals received.
- Council received Report DO 2021-03 and resolved:
  - To renew servicing allocations to three (3) previously approved subdivision developments (Fieldgate, Scone and 600 Main Street East)
  - To establish a servicing reserve of 51 m<sup>3</sup>/day for ICI development in the Stage 2 area and 10 m<sup>3</sup>/day for residential and mixed-use infill and intensification in the Stage 1 and 2 area, and
  - That applications in process for development that exceeds the remaining unallocated servicing capacity may continue to be processed on the basis of the ongoing environmental assessments and related design work for future infrastructure capacity upgrades and subject to holding provisions, conditions of approval, development agreements and/or other planning and legal instruments, as may be recommended by staff for Council consideration at the time of development approval, as appropriate.
- Per the above, the Flato applications, among other applications in process, are tied to the planned WPCP upgrades which involve approximately one year of engineering design and approvals and, if

approved to proceed construction, approximately two years for construction, for a minimum timeline of three years to provide the required reserve capacity.

- A Notice of Complete Applications was drafted, reviewed with the County's planning consultants, and ultimately finalized and issued deeming the applications complete on June 2, 2021.
- The following information regarding servicing capacity is enclosed with the Notice of Complete Applications:

"The urban area expansion is proposed under policy 2.2.8.5 of the Growth Plan for the Greater Golden Horseshoe (Office Consolidation 2020), and we note the following:

- Policy 2.2.8.5 d) of the Growth Plan requires that there is sufficient reserve infrastructure capacity to service the lands proposed for urban area expansion;
  - The determination of a complete application is not confirmation of sufficient reserve infrastructure capacity to service the subject land;
  - Based on available information at this time, the servicing of the subject land will depend on planned infrastructure capacity upgrades;
  - The requirements of the Growth Plan will be reviewed and considered further through the processing of the applications and may impact whether the land can be added to the urban area via the submitted County and Town Official Plan Amendment applications, or if the land can only be added to the urban area on the basis of planned infrastructure capacity via the Municipal Comprehensive Review (MCR) currently being completed by the County."
- Development Charges rates and the applicable interest rate in effect on the date that the applications were deemed complete were also confirmed with the Notice of Complete Applications, and it was noted that:
    - As the current development charges do not include the cost of certain infrastructure required to service the land beyond the current urban area boundary, including the subject land, it is expected that updated Town-wide development charges and/or

area-specific development charges will be required to include those costs;

- Since the development charges rates for the proposed development are frozen at current rates (with interest) as of the date of the complete application, front-ending or development charges credit/funding agreement(s) for the required infrastructure may not be possible unless an agreement is reached with the owner of the subject land under section 27 of the Development Charges Act on the timing and amount of development charges to include the costs of servicing land beyond the current urban area boundary comprehensively;
  - Alternatively, a funding agreement for the required infrastructure may be required outside of the Development Charges framework; and,
  - The timing of provision of the required infrastructure is dependent on adequate funding which is not known at this time;
- Regarding highway access, the information provided with the Notice of Complete Applications summarizes that:
    - The subject land has frontage on Main Street West (Highway 89) outside of the Town's connecting link and the proposed street access on the highway is within the jurisdiction and subject to the requirements of the Ministry of Transportation of Ontario (MTO);
    - The MTO has advised that a municipally-initiated Highway Access Management Plan (HAMP) is required, which may impact whether access will be permitted in the location proposed, the timing of when access requirements may be determined, and the timing of when decisions on the applications can be considered as well as related conditions of approval.
- July to September 2021 (Q3):
    - Public notice of the complete application and the application circulation materials were prepared, and notice was given and the applications were circulated to agencies on July 2, 2021.
    - Comments were received from the following:
      - Dufferin-Peel Catholic District School Board
      - Enbridge Gas
      - Bell Canada
      - Hydro One
      - Shelburne and District Fire Department

- Township of Amaranth
  - County of Dufferin Planning (WSP)
  - County of Dufferin Building
- County planning comments recommend that the Town should withhold decisions on the applications until a decision has been made on the proposed amendment to the Dufferin County Official Plan.
  - Comments have not yet been received from the NVCA, Ministry of Transportation (MTO), Ministry of Municipal Affairs and Housing (MMAH), Township of Melancthon, Upper Grand District School Board, Canada Post and Rogers Communications.
  - Town Engineering (SBA) review is ongoing and site meetings have been held with the applicants to review servicing requirements and the need for downstream sanitary sewer improvements. Regular planning and engineering coordination meetings are held to review and prioritize all active applications and engineering and planning reviews. With the high volume of applications and engineering submissions for active developments, engineering comments have not yet been finalized and issued, and are expected in the coming weeks.
  - Planning review of the submitted applications is ongoing and planning comments will be finalized and issued upon receiving the remaining agency and department comments.
  - Staff continue to consult regularly with the MTO to finalize the terms of reference and budget for the HAMP and the timing for initiating this process has been affected by the high volume of submissions that both the Town and MTO are processing and funding considerations and approvals with MTO.

#### Activities this quarter (Q4 2021):

- Follow-up with agencies and departments to obtain remaining circulation comments.
- Review comments and complete planning review and comments on submitted applications.
- Review, finalize and issue comments to applicant for review and further/revised submissions and information to address comments.

- Confirm arrangements with MTO and transportation consultant to initiate HAMP to review access requirements.

The timing of bringing forward a recommendation report on the applications will be dependent on the related County OPA approval and/or MCR to bring the land into the urban area. An update presentation regarding the County MCR is included in the County Council for October 14<sup>th</sup>. The presentation summarizes key findings of the County's Land Needs Assessment, indicating that up to 84 hectares of additional residential land and up to 9.4 hectares of additional commercial and institutional land is required in Shelburne to accommodate the forecast growth to the year 2051.

### Financial Impact

None identified at this time.

### Policies & Implications (if any) Affecting Proposal

Town of Shelburne Official Plan  
Town of Shelburne Zoning By-law 38-2007

### Consultation and Communications

Ongoing with senior staff and SBA Engineering, Flato representatives and consultations as needed with County, MTO and NVCA.

### Council Strategic Priorities

Council's Strategic Priorities has three Goals - Sustainable, Engaged and Livable. There are a total of 12 targets with the three Goals.

This report aligns with the Sustainable Goals within the Targets:

- T4 Promote balanced growth

### Supporting Documentation

N/A

Prepared by:

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Steve Weber, Town Planner

Reviewed by:

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Denyse Morrissey, CAO