

## Staff Report 2024-0259

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Meeting Date: May 14, 2024

Subject: Proposed Official Plan Amendment, Weston Consulting Inc. on behalf of Shanontown Development Inc., 12461 McLaughlin Road, Ward 2, File No. POPA 2024-0001

Submitted By: Rob Hughes, Senior Planner, Strategic Policy Planning, Planning & Development Department

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### RECOMMENDATION

That Official Plan Amendment Application POPA 2024-0001, for the property at 12461 McLaughlin Road on Schedule 'A' to Staff Report 2024-0259, be refused.

### REPORT HIGHLIGHTS

- An Official Plan Amendment Application was submitted by Weston Consulting on behalf of Shanontown Development Inc. on January 31, 2024. The application was deemed complete on February 6, 2024;
- The Official Plan Amendment application proposes to amend text within the Mayfield West Phase 2 Secondary Plan (specifically Section 7.14.4.8.4) of the Town's Official Plan. This policy speaks to obligations of landowners within the Secondary Plan area regarding cost sharing and associated agreements;
- A Public Meeting was conducted on March 19, 2024, in accordance with the *Planning Act*;
- Planning staff has reviewed the subject Official Plan Amendment application taking into consideration applicable policies and is of the opinion that the proposal is not consistent with the Provincial, Regional and Town planning documents. The proposal does not represent good planning nor is it in the public interest. It is recommended that Council refuse the application.

### DISCUSSION

The purpose of this report is to recommend that Council refuse the Official Plan Amendment application as filed by Shanontown Development Inc. for lands located at 12461 McLaughlin Road, for reason as further detailed within the subject report.

### Subject Lands

The subject lands, municipally known as 12461 McLaughlin Road, are located on the east side of McLaughlin Road, south of Old School Road and north of Mayfield Road, at Tim Manley Avenue. The property is split by the former right-of-way of the Orangeville Railway Development Corporation (see Schedule "A" – Location Map). The property is approximately 56.2 ha (138.9 ac) in size and is currently agricultural (vacant).

The lands are located within Mayfield West Phase 2 Secondary Plan area, for which portions have been developed for urban residential use. Other surrounding lands remain agricultural, open space and rural residential.

The lands are also subject to associated Draft Plan of Subdivision (File 21T-17008C) and Zoning By-law Amendment (File RZ 2017-0013) applications, which are currently under review by the Town. The purpose of these applications is to develop a portion of the property with a range of residential uses and densities, totaling approximately 673 dwellings, along with associated park, open space and stormwater management blocks.

## **APPLICATION BACKGROUND INFORMATION**

### **General Application Information**

On January 31, 2024, the Town of Caledon received the subject Official Plan Amendment (OPA) application from Weston Consulting on behalf of Shanontown Development Inc. The application was deemed complete on February 6, 2024. The submission of the subject formal OPA planning application followed completion of the Town's Pre-Consultation (DART) Review process for proposed Official Plan Amendments.

A Statutory Public Meeting was held on March 19, 2024, where members of the public (principally other landowners within the Mayfield West Secondary Plan area) raised concerns regarding the impact of the proposal on development within the Mayfield West Phase 2 Secondary Plan community (see Public Meeting section below for details).

### **Proposed Official Plan Amendment Application**

The applicant is proposing to amend text within the Mayfield West Phase 2 Secondary Plan (specifically Section 7.14.4.8.4) of the Town's Official Plan. This policy speaks to obligations of landowners within the Secondary Plan area regarding cost sharing and associated agreements. Section 7.14.4.8.4 of the Official Plan specifically indicates the following:

*"Prior to the draft approval, registration of any plan of subdivision or plan of condominium or final approval of any site plan application or the approval of any application under the Planning Act, the Plan Area landowners' Cost Sharing Group trustee shall provide the Town with confirmation, in writing, that the owner of such lands is in good standing with the Plan Area landowners' Cost Sharing Group."*

The applicant is requesting that this policy of the Official Plan be struck and replaced with the following wording (see Schedule C for details):

*“Prior to the draft approval, registration of any plan of subdivision or plan of condominium or final approval of any site plan application or the approval of any application under the Planning Act, the Plan Area landowners’ shall make satisfactory arrangements in appropriate agreements securing its financial obligations for specific hard infrastructure works completed external to lands, all subject and consistent with the applicable provisions of the Planning Act, R. S. O. 1 990, c. P. 1 3. and that these specific external works and their financial obligations shall be identified in a subdivision agreement to the satisfaction of the Town of Caledon, acting reasonably.”*

### **Mayfield West Phase 2, Stage 1 Secondary Plan – OPA 222**

As noted above, the subject lands are located within the boundary of the Mayfield West Phase 2 Secondary Plan. Located north of Mayfield Road, east of Chinguacousy Road, south of the Etobicoke Creek and west of Hurontario Street, the Stage 1 Plan was approved through the adoption of OPA 222 by Caledon Council in November 2015. The area was planned to be a complete community that incorporated a mix of residential densities, parks and open spaces, schools and employment opportunities that was compact, pedestrian and cyclist friendly, and transit oriented. The total area of the Plan amounted to 251.3 ha with an envisioned built-out population of just under 10,500 people, an employment target of 1,164 jobs and approximately 3,335 dwellings.

Planning for the area began in 2008 with the original framework endorsed by Council in September 2013, and changes to the Regional Official Plan approved in September 2014 (Regional Official Plan Amendment No. 29). OPA 222 was appealed to the Ontario Municipal Board (OMB) by four appellants, which was resolved by settlement confirmed in an order issued by the OMB in May 2017. Since approval of the OPA, a number of Zoning By-law Amendments and residential Draft Plans of Subdivision were received by the Town, for which many have now been approved and registered with development proceeding.

### **MW2 OPA 222 Financial Considerations – Financial and Development Charge Credit Agreement**

In support of development in the Secondary Plan area, a number of plans and studies were conducted. This included the submission and review of a Fiscal Impact Assessment. This Assessment projected a \$47 million shortfall in revenues for the Town over the long-term (17 years) based on assumptions on growth-related capital and operating costs, taking into account the timing of property tax revenues. The largest portion of the shortfall was attributed to transit services (\$26.5 million).

In view of the above and to mitigate the balance of the projected revenue shortfall, Town staff negotiated a Financial and Development Charge Credit Agreement (Financial Agreement) with the Mayfield West Phase 2 landowners. The Financial Agreement

required the Mayfield West Phase 2 landowners to up-front capital infrastructure costs, provide land for specific public infrastructure at no cost, and provide funding for specific capital and operating items (see below for details).

The Financial Agreement was drafted on the basis of a number of guiding principles, including that growth within the community shall pay for growth within itself, lands outside of the community shall not contribute to the cost of growth within the community, and that current taxpayers outside of the community will not pay for any infrastructure covered by the Agreement. Final execution of the Financial Agreement took into full consideration the provisions of the *Development Charges Act* (DC Act), being compliant with all applicable requirements.

Specifically, the agreement included the following costs and responsibilities, as reported directly to Council in 2015:

- 1) Landowner up-fronting of approximately \$36,000,000 of road works (with certain works subject to future Development Charge credits as subdivisions proceed to registration and Building Permits);
- 2) Landowner payment for the Town's non-growth portion of road works and studies of approximately \$6,000,000;
- 3) Conveyance of land for affordable housing (Habitat for Humanity and the Region of Peel/Peel Living), with an estimated cost \$4,700,000 (approximately 2.9 ha);
- 4) Conveyance of 0.8 ha of land for a Transit Hub, and capital contributions towards a transit hub/bus shelters throughout the community, along with contributions towards operating costs for Transit in the community (approx. \$6,000,000);
- 5) Town Marketing and Community Building campaign contribution (\$400,000);
- 6) Contribution to the Comprehensive Adaptive Management Plan program for the long term monitoring of various environmental matters in the community (\$700,000);
- 7) Landowner Letter of Credit (LC) cash flow for the construction of the Mayfield West Phase 2 recreational facility should the Town not have sufficient development charge funds to proceed with the facility in a timely manner (\$10,000,000);
- 8) Railway gates at the railway crossing along Tim Manley (approx. \$1,900,000).

In addition, the Financial Agreement committed Mayfield West Phase 2 landowners to the following more unquantified matters, including:

- 1) The community-wide delivery of parkland in accordance with *Planning Act* requirements, to maximize opportunities based on location and to avoid separate cash-in-lieu circumstances;
- 2) The funding of expropriation requirements that were to arise, which later translated into ongoing matters connected with the Tim Manley Avenue and McLaughlin Road widening.

The Financial Agreement was originally executed by eight parties in a cooperative manner dated November 10, 2015. Three additional parties have entered into Financial Agreements since that time which contained amendments that allowed for conformity with changes made to the DC Act that came into effect in 2016. One of these parties was A-Major Homes (Ontario) Inc., which staff understand to be a related company to Shanontown Development Inc. A-Major Homes advised of no objection in becoming a participating member as directed by OPA 222 and the Financial Agreement.

As per OPA 222 and in tandem with the execution of the above Financial Agreement, the developers within Mayfield West Stage 2 established a cost sharing group, known as Mayfield Station Landowners Group Inc. (Landowners Group). Administered by a Trustee, the Landowners Group then developed a private Mayfield West Phase 2 Development Area Cost Sharing Agreement (Cost Sharing Agreement) dated November 9, 2015, to ensure that all developers within the community contributed their proportionate and equitable share of all financial obligations connected with approval of the Secondary Plan area. This also included the conveyance of land for public uses and related construction expenses. The Town is not a party to this Agreement. It is staff's understanding that the Cost Sharing Agreement ensures the equitable sharing of costs related to the financial commitments as prescribed within the Financial Agreement. The Trustee is responsible for advising the Town if members are in good standing, prior to development application approval.

### **Applicant Planning Justification Report**

In support of the subject Official Plan Amendment application, the proponent submitted a Planning Justification Report prepared by Weston Consulting Inc. This report concluded that satisfactory arrangements can be made within the bounds of the *Planning Act* directly with the Town to secure its financial obligations, through the execution of a subdivision agreement, without the need of entering a group cost sharing arrangement. It also concludes that being responsible for off-site obligations is unreasonable and an overreach given there is no direct benefit and the *Planning Act* does not necessitate the requirement. Reasons for not wanting to join the group to follow through with the commitments specified in the Official Plan and the Financial Agreement are not identified. The report as well does not outline who would be responsible for covering Shanontown's proportionate share of the broader benefits being achieved within the community, as per OPA 222 and the Financial Agreement.

### **PLANNING REVIEW**

Documents that have been considered by the Town in its review of the proposed application include the *Planning Act*, Provincial Policy Statement, 2020, A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020, the Region of Peel Official Plan,

and the Town of Caledon Official Plan. Supporting technical studies and reports as provided by the applicant as well as comments and recommendations provided by internal departments, external review agencies and the public also informed the review of the application.

Through the review of the subject Official Plan Amendment application, which provides for an approach that deviates from that first set out through the adoption of OPA 222 and the associated Financial Agreement, Planning staff have identified a number of significant planning concerns. Accordingly, staff are recommending that the subject OPA application be refused as it is not in the public interest or represent good planning. A fulsome review of the applicability of Provincial, Regional and Town documents is outlined below, with significant concerns outlined within the Caledon Official Plan component of the report.

**Ontario *Planning Act*, R.S.O 1990, c.P.13 (the Act)**

The *Planning Act* is the primary legislation within Ontario that provides the framework for governing land use planning, decision making and associated processes. This would include the review and approval of Official Plan Amendments, Zoning By-law Amendments and Draft Plan of Subdivisions. Section 2 of the Act identifies a number of matters of provincial interest that a municipality shall have regard for in carrying out its responsibilities. This list includes amongst others the following:

1. The orderly development of safe and healthy communities (clause h);
2. The adequate provision of a full range of housing, including affordable housing (clause j);
3. The protection of the financial and economic well-being of the Province and its municipalities (clause l);
4. The co-ordination of planning activities of public bodies (clause m);
5. The resolution of planning conflicts involving public and private interests (clause n);
6. The appropriate location of growth and development (clause p).

The establishment of planning processes as prescribed by the Town in the Official Plan (as per OPA 222) and the associated Financial Agreement for development within Mayfield West Stage 2 Secondary Plan were reviewed and approved through *Planning Act* requirements, consistent with all matters of provincial interest (including those noted above) and other relevant policies. This included the direction by Caledon Council for development within the community to be through developer led cost sharing mechanisms and associated financial obligations, which the Act does not prohibit. Approval of the application by not requiring participation in the Landowners Group in good standing will compromise the ability of the Town and landowners to properly deliver on commitments identified within the Secondary Plan area and Financial Agreement as envisioned, for reasons as further noted below.

**Provincial Policy Statement, 2020 (PPS 2020)**

The PPS 2020 provides policy direction on matters of provincial interest related to land use planning and development. The PPS, 2020 contains policy direction on the efficient use of land to support sustainable, strong, livable, healthy and resilient communities while protecting the environment, public health and safety and facilitating growth. All land use planning decisions shall be consistent with the PPS 2020.

The PPS 2020 contains policies that speak to the appropriate delivery of infrastructure and public service facilities, that sustains the financial well-being of municipalities over the long term. In this regard, planning for infrastructure and public service facilities shall be coordinated and integrated with land use planning and growth management. The Town has taken this approach in proceeding forward with the establishment of cost sharing mechanisms and processes in cooperation with developers in the Mayfield West Stage 2 community.

**Places to Grow Growth Plan for the Greater Golden Horseshoe, 2020 (Growth Plan)**

The Growth Plan, in conforming to the PPS 2020, contains similar, although refined, policy direction to the PPS 2020. The Growth Plan provides policy direction for implementing the Province' s vision for building stronger, prosperous communities.

In keeping with the PPS 2020, the Growth Plan contains policies that speak to the appropriate delivery of infrastructure and public service facilities, in a sustainable way that takes into consideration the financial well-being of municipalities over the long term. As noted above, the Town has taken this approach in proceeding forward with the establishment of cost sharing mechanisms and processes in cooperation with developers in the Mayfield West Stage 2 area.

**Region of Peel Official Plan, 2022**

The Region of Peel Official Plan designates the subject property as Mayfield West Phase 2 Settlement Area on Schedule “E-2”, Regional Structure. In regard to development, the Region’s Official Plan provides for specific policies directing area municipalities to include more detailed objectives and policies in the local municipal official plans. This includes cost sharing and financial matters.

The Region indicated in comments provided for the subject OPA that the proposed “amendment to Section 7.14.4.8.4 may have impacts to the delivery of public infrastructure to support the Mayfield West Phase 2 community including impacts to the sequencing and timing of the infrastructure, agreed upon shared costs and allocation of land from the

landowners for community services and affordable housing.” (see Schedule B – Comment Sheet for details).

### **Town of Caledon Official Plan**

The subject lands are located within the Mayfield West Phase 2 Secondary Plan Area (Section 7.14 and Schedule B-2 of the Official Plan) where the property is designated (within the 2031 Settlement Boundary) as Environmental Policy Area, Low-Density Residential, Medium-Density Residential, High-Density Residential, Open Space Policy Area and Stormwater Pond Facility. As noted above, the relevant policies and land use permissions came into effect with the passing of Official Plan Amendments 222 and 255.

As previously noted, the subject application does not propose any land use changes for the property, but to amend text within the Mayfield West Phase 2 Secondary Plan, specifically the replacement of wording within Section 7.14.4.8.4 (see Schedule C). This policy speaks to the obligations of landowners within the Secondary Plan area regarding cost sharing and associated agreements. Associated Sections of the Official Plan that provide context are as follows:

#### Section 7.14.4.2: Finance and Agreements

7.14.4.2.1 - Prior to or concurrent with submission of the first plan of subdivision or site plan application in the Secondary Plan Area, the Secondary Plan Area landowners shall enter into an agreement or agreements or have made other satisfactory arrangements for the provision of funds or the provision of services or both associated with the MW2 Fiscal and Economic Impact Assessment.

7.14.4.2.2 - The Town, the Region of Peel and/or other government agency may require front-end, accelerated payment, and/or other cost-sharing agreements with landowners as conditions of approval to ensure that development proceeds only in a manner that optimizes the use of transportation, municipal water and wastewater infrastructure and does not outpace their ability to finance and construct new transportation, municipal water and wastewater infrastructure required for development to occur in the Secondary Plan Area in an orderly, timely, and cost effective manner.

#### Section 7.14.4.8: Secondary Plan Area Landowners’ Cost Sharing Group Agreement(s)

7.14.4.8.1 - A Secondary Plan Area landowners’ Cost Sharing Group shall be established to ensure orderly and timely development in the Secondary Plan Area, and the costs associated with such development are fairly and equitably distributed among all landowners in the Secondary Plan Area.



7.14.4.8.2 - The costs associated with development include, but are not limited to, the cost of studies to inform and support the planning of the area, as well as the cost to acquire land in order to implement this Plan in the Secondary Plan Area.

7.14.4.8.3 - The Secondary Plan Area landowners are required to enter into a cost sharing agreement or agreements among themselves.

7.14.4.8.4 - Prior to the draft approval, registration of any plan of subdivision or plan of condominium or final approval of any site plan application or the approval of any application under the Planning Act, the Secondary Plan Area landowners' Cost Sharing Group trustee shall provide the Town with confirmation, in writing, that the owner of such lands is in good standing with the Secondary Plan Area landowners' Cost Sharing Group.

Approval of OPA 222 with requirements for the associated Financial Agreement was done with full consideration of the *Planning Act*, PPS 2020, Growth Plan and the Regional Official Plan. It is staff's opinion that the proposed Official Plan Amendment should be refused as not being good planning and not being in the public interest, for the following reasons as summarized below:

1. The plan for the Mayfield West Stage 2 community commencing in 2008 and up to approval by the Ontario Municipal Board in 2017 always envisioned a framework in which financial obligations and responsibilities of development would be borne by those responsible for its development, and not the greater community or taxpayer base. In this regard, it was identified that the fairness of shouldering these responsibilities was best accommodated through a cooperative partnership with the developers using cost sharing mechanisms. This approach itself also provided a basis for fairness amongst the development community, where proportionate costs and land matters would be shared.

The subject proposal is a substantial departure from this approach whereby Shanontown is proposing to not be fully committed to the objectives and parameters of development in Mayfield West Stage 2 as outlined in OPA 222 and the Financial Agreement, and to be responsible for matters generally only connected with their lands. This may leave the Town in a position where the fulsome expected commitments of OPA 222 and the Financial Agreement as previously envisioned are either delayed or not achieved, and/or the development community is forced to shoulder a larger unequal share. This is an unfair and unequitable approach to development, in particular given how advanced planning and construction within portions of the community has progressed, and where substantive investments have been made by existing members of the Landowners Group expecting to recoup costs from all those benefitting.

2. The existence of a developer led landowners group cost sharing process to advance development is a well-established practice in Ontario, and within Caledon itself. This includes the Mayfield West Stage 1 development, focused on Kennedy Road south of Old School Road and north of Mayfield Road to the east of the subject lands. Development has been occurring for over 18 years in this area based on a successful implementation of a cost sharing group that appropriately administers the equitable and fair sharing of costs and responsibilities. To date, no landowner has looked to alter this process.

Approval of the subject application would be a complete departure of this longstanding and reliable approach and may set a negative precedent for other development areas in the Town moving forward. With the adoption of the new Official Plan, Caledon will be subject to extensive growth over the next several decades. Staff would recommend that now is not the time, without appropriate review and input from all impacted parties, to alter the means of how development occurs through prescribed and established developer led cost sharing arrangements.

3. The Mayfield West Phase 2 Secondary Plan area is a well-planned complete community that took into full consideration the appropriate and fulsome distribution on a community wide basis of all facilities including parks, open spaces, schools, a community centre and trails. The location of these uses was designed to take advantage of appropriate planning principles, including existing natural features and topography. This approach has maximized their location in regard to proximity to residents and size. The Financial Agreement confirms this achievement by providing for the full securement and dedication of parkland as required by the *Planning Act*.

The fragmentation of landowners and the corresponding submission of associated development applications within the Secondary Plan area could not have accommodated this cooperative planning approach without the benefit of a Landowners Group and Financial Agreement. Establishment of the Group has allowed for a fair, equitable and reasonable way of distributing parkland and other land uses and associated costs amongst all landowners, as prescribed by OPA 222 and the Financial Agreement. Consideration of the application once again compromises this approach, forcing other landowners to accommodate costs and land uses without compensation that Shanontown should also carry.

The amount of parkland within the Shanontown plan is proportionately less than the remainder of the Secondary Plan area. Without being a member of the Cost Sharing group in good standing, the proponent will benefit from parkland provided elsewhere without fully contributing. At this stage of the planning process, this is an unfair approach to addressing parkland dedication within the community, which

- unfairly impacts other landowners who have previously committed to an equitable approach in planning their own development, in consultation with the Town and public.
4. As noted above, a significant component of the Financial Agreement is connected with the front ending of the construction of roads and other infrastructure including stormwater management and servicing works. Specifically, the downstream external infrastructure was oversized to support development on the Shanontown lands. The proposed amendment will place the Town in the position of having to attempt to extract payment through other methods. Conditions of draft plan approval is not a satisfactory approach as staff do not wish to include and/or police any group cost sharing arrangements through a municipal agreement. The establishment of a landowners group allows for the Town to be separate from the necessity of developers ensuring that all their costs and expenses associated with development are handled and maintained in a fair and equitable way.
  5. One of the key foundations of the Mayfield West Stage 2 Secondary Plan policies and the Financial Agreement was the accommodation of affordable housing, which included as noted above providing lands for both Habitat for Humanity and the Region of Peel. The Shanontown OPA proposal would result in the proponent not being a contributor, where all other members of the Landowners Group would be obligated to assist. It is only appropriate and fair that all developer participants in the community contribute their fair share, whether it be in lands or monetary compensation, to this important land use need.
  6. Similar to affordable housing objectives, another key element of the Secondary Plan and Financial Agreement was the support of transit. This included the conveyance of lands for a transit hub in addition to capital contributions towards bus shelters along with supplementing operating costs. Again, the Shanontown OPA proposal would result in the proponent not being a contributor, where all other members of the Landowners Group would be obligated to assist. Given how fundamentally important transit services will be to this growth area, it is only appropriate that all developer participants contribute their fair and equitable share.
  7. As noted above, Town and Region expropriation measures have taken place in the Secondary Plan Area to allow for development to proceed. As per the Financial Agreement, the cost of these measures is the responsibility of the Landowners Group. Certain expropriation matters have included lands owned by the applicant, with significant amounts of monies being involved. It is expected that future expropriations may be required, in particular from non-participating landowners. It is only fair that all landowners benefitting from the expropriations be responsible to financially contribute their equitable share.

As noted above, Caledon Council and the OMB directed staff through the approval of OPA 222 to process and review development applications in accordance with the fulsome provisions of the Official Plan. This included the requirement for the establishment of cost sharing mechanisms and processes in coordination with developers in the area, to ensure a fair and equitable approach to delivering infrastructure and services in the Mayfield West Stage 2 community. The Landowners to date have cooperatively worked with the Town and each other to deliver on the commitments made in OPA 222 and the Financial Agreement. A departure from this process will compromise the ability of both the Town and Landowners Group to deliver on critical matters as prescribed within OPA 222 and the Financial Agreement. The proposed OPA does not represent good planning nor is it in the public interest. Accordingly, it is recommended that Council refuse the application.

### Consultation

#### Notice of Application and Public Meeting

In accordance with the *Planning Act*, a Notice of Application and Public Meeting was placed in the Caledon Citizen newspaper on February 22, 2024. The Notice was also mailed to all landowners within 120 m (393.7 ft) of the subject property on February 22, 2024. A notice sign was posted on the property on February 15, 2024. In addition, the Notice was posted on the Town's website.

#### Public Meeting

A statutory Public Meeting was held on March 19, 2024 in accordance with the requirements of the *Planning Act*. The Town received six written responses on the application, and one individual spoke to the matter at the Public Meeting. Messaging within the comments received was similar, being in opposition to the application. Below are summarized concerns as identified within the submissions:

- The Cost Sharing Agreement was established by the Landowners Group to ensure that developers within the MW2 Secondary Plan Area proportionately share all costs, charges, securities, and expenses related to the approval of the MW2 Secondary Plan, the conveyance of land for public uses, and its related construction costs;
- The proposed application would exempt Shanontown from contributing their fair share of costs incurred by the Landowners Group for developing elements of the community for which Shanontown has already substantially benefitted;
- Community uses are to be shared equitably among the landowners pursuant to the Cost Sharing Agreement. This arrangement allows the MW2 Community to be constructed and implemented in accordance with good planning and community principles, rather than individual landowner benefits, based on the collective cooperation and commitments of the landowners under the Cost Sharing Agreement;

- Should Shanontown be exempted from participation in the Landowners Group and the Cost Sharing Agreement, the participating owners in the Landowners Group are otherwise left to bear Shanontown's share of the above costs, among various other commitments, such as substantial front-ending costs and cash flow securities;
- The Landowners Group has made numerous attempts to have Shanontown join the Landowners Group and the Cost Sharing Agreement, however, were advised by Shanontown that they were unable to do so due to ongoing legal matters;
- Any endorsement of the proposed Official Plan Amendment to remove the obligation to participate in the Landowners Group and Cost Sharing Agreement would set an unwanted precedent within the Town;
- Without a requirement to be in good standing with the cost sharing group, Shanontown will benefit from the amount of parkland provided on a community-wide basis and provided elsewhere in the MW2 Community or Secondary Plan, without having to contribute to the cost of providing such land;
- Expropriations have taken and will take place for which removing the obligation to participate in the Landowners Group and Cost Sharing Agreement would allow Shanontown to benefit from the expropriation which was funded by the Landowners Group without the need to contribute to the expropriation costs. It is imperative for all MW2 Secondary Plan Area developers to contribute to all expropriation costs;
- It is requested that Town Council refuse Shanontown's application for an OPA on the basis that it does not represent or result in a fair allocation of community development costs among the MW2 Community landowners and compromises the certainty currently afforded to the Town and developers that community development costs will be shared in a manner that is fair and equitable.

#### Agency and Department Review

The subject OPA application was circulated to external agencies and internal departments for review and comment. Comments are attached to this report as Schedule B, Agency and Department Comment Sheet.

### **FINANCIAL IMPLICATIONS**

There are no financial comments connected with this application.

### **COUNCIL WORK PLAN**

#### **Strategic Plan 2023-2035**

This report is directly related to the following priority in Caledon's 2023-2035 Strategic Plan:

## **Staff Report 2024-0259**

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Community Vitality and Livability Sustainable Growth: To plan for complete communities as required under the Growth Plan.

### **ATTACHMENTS**

Schedule A: Location Map

Schedule B: Agency and Department Comment Sheet

Schedule C: Applicant Draft Official Plan Amendment Document