

To: Chair Eady, Mayor Burrow and Members of Council
From: Leslie Drynan, Administrator

Subject: Proposed Campus Elizabethtown Development
(Rows Corners Fairgrounds) Update

RECOMMENDATION

THAT, Report A-24-60 Proposed Campus Elizabethtown Development (Rows Corners Fairgrounds) Update be received.

BACKGROUND

The purpose of this report is to provide Committee with a status update on Campus Elizabethtown, the attainable workforce housing development proposed for Rows Corners Fairgrounds.

The process to date, to which Council has been involved, is detailed below.

DATE	PROCESS
March 2023	<ul style="list-style-type: none"> Strategic Plan discussions commenced <u>View Strategic Plan (Economic Development Initiative No. 2, pg. 6)</u>
April 2023	<ul style="list-style-type: none"> <u>Opportunities Report: A-23-37 Opportunities for Rows Corners</u>
May 2023	<ul style="list-style-type: none"> <u>RFP 2023-001 Rows Corner Park Land Master Plan</u>
August – December 2023	<ul style="list-style-type: none"> Due Diligence Period (Completion of Studies by Campus Habitations Team)

December 2023	<ul style="list-style-type: none"> • <u>Extension Request</u> • <u>Extension Approval</u> • Submission of Site Plan • <u>Media Release – Campus Habitations</u> • <u>Campus Habitations Press Kit</u> • <u>Press Event (Youtube)</u>
January 2024	<ul style="list-style-type: none"> • <u>Report A-24-003: Preliminary Site Plan</u> • <u>Report A-24-004: Community Infrastructure and Housing Accelerator (CIHA) Tool Option</u> • <u>By-law No. 24-02 First & Second Reading of Land Lease</u> • <u>Public Meeting</u> • <u>By-law No. 24-02 Third Reading of Land Lease</u> • Circulation of Site Plan to Commenting Agencies • Formal Discussions Begin with Brockville re Water/Sewer Services
February 2024	<ul style="list-style-type: none"> • <u>Report A-24-013 Request for Community Infrastructure and Housing Accelerator (CIHA) Order (Supported by Resolution No. 035-24)</u> • Preparations for Follow-Up Public Meeting with Developers
March 2024	<ul style="list-style-type: none"> • <u>Notice of Community (Public) Meeting – Meet Campus Habitations</u> • <u>Media Release: Housing Enabling Water Systems Fund Joint Application</u>

DISCUSSION/OPTIONS

On April 19, 2024 the Housing Enabling Water Systems Fund (HEWSF) joint application was successfully submitted along with all supporting documents to the Ministry of Infrastructure.

In late April 2024, the Ministry of Municipal Affairs and Housing (MMAH) announced that as part of the proposed *Cutting Red Tape to Build More Homes Act, 2024*, the government was proposing to amend the Planning Act to remove the Minister's authority to make Community Infrastructure and Housing Accelerator orders. It was however noted that a Minister's Zoning Order (MZO) could still be used to regulate the use of the land and the erection, location and use of any building or structure on the land and the Ministry had introduced a new zoning order framework to help guide how requests would be received and considered going forward.

Since the end of April, Township staff have compiled information in response to requests from MMAH regarding the transition of a CIHA request to a Minister's Zoning Order, with the most recent interaction being mid-September 2024. All correspondence is attached hereto and forms part of this report.

On August 7, 2024, the City of Brockville and Township of Elizabethtown-Kitley were advised that the application under the HEWSF was not approved for funding. The correspondence indicated that the intake was highly competitive and demand for funding exceeded available funding.

The letter further explained that projects that were approved were those that most closely aligned with provincial assessment criteria and requirements. The provincial assessment criteria included reviewing projects based on housing outcomes, project readiness, critical health and safety aspects, the technical merit of the proposed project, financial capacity and efficiencies through joint projects.

In response to the overwhelming interest from municipalities, the province announced the launch of a second intake for HEWSF, the deadline being November 1, 2024. City of Brockville staff, as the primary applicants/owner of the infrastructure are participating in a debrief with the Ministry on Friday to determine whether the joint project meets the criteria. Township staff will follow-up following the debrief and report verbally on the outcome at the meeting.

In the meantime, representatives from Campus Habitations are actively working with their consulting teams on Plan B options to support servicing the proposed development, in addition to proceeding with the necessary archaeological assessments and updating the EIS based on a new regulation that came into effect on January 1, 2024. Township staff working with ministry representatives to complete the record of site condition.

FINANCIAL IMPLICATIONS

None.

LINK TO STRATEGIC PLAN

This initiative is linked directly to Priority Two, specifically Economic Development Initiatives 2 and 3, in challenging the status quo of current land assets to maximizing value and decisions for Township owned properties (specifically Rows Corners Fairgrounds), while prioritizing growth, streamlining development, and supporting developers in initiating new projects.

OTHERS CONSULTED

None.

ATTACHMENTS

24-06-06 Campus Elizabethtown CIHA-MZO Request Follow-up

24-07-11 Implementation Mitigation Measures

24-09-09 Confirmation of MZO Requirements



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June 6, 2024

Ministry of Municipal Affairs and Housing
Municipal Services Office – East
Attn: Jen Liptrot, Regional Director, Eastern Municipal Services Office
Michael Elms, Manager, Community Planning & Development
Damien Schaefer, Municipal Planner

Dear Jen, Mike and Damien,

Re: Response Summary to Questions Posed by MMAH regarding the Minister's consideration of an MZO Order for the proposed Campus Elizabethtown Development at Rows Corners (3826 County Road 6)

Firstly, thank you for taking the time to meet with Mayor Brant Burrow, Planners Jim Hutton, Michael Czarny and myself on May 30, 2024, to discuss next steps on the proposed Campus Elizabethtown MZO.

In addition to the comprehensive details submitted as part of our CIHA Request on February 20, 2024, we are pleased to provide additional information based on the new zoning order framework for Minister Calandra's consideration.

Question No. 1: Rationale for why the project requires ministerial zoning relief rather than following municipal planning processes

Response: The proposed development on the subject site, known locally as Rows Corners Fairgrounds, a 30-acre parcel of land located at 3823 County Road 6, is made up of 14 - 3 story residential type buildings with an approximate building area of 600m² each, containing a variety of 1-, 2- & 3-bedroom apartments for a total of 320 apartments (representing well over 600 individual "suites" / beds). Additionally, the project proposes construction of a commercial building fronting onto County Road 6. The proposed development will provide on-site car parking using at grade parking lots. As the scale of the site is large (12 ha), the development proposes a new interior ring road surrounding a central park area to provide amenity space to each individual building cluster and encourage ample green space for use by the site occupants. The design also incorporates several recreational amenities.

In alignment with the Township's Strategic Plan, Provincial Policy Statement and Provincial government's housing priorities, this development will bring to the region a desperately needed housing solution of scale which is specifically targeted at local workforce needs and aligns with CMHC affordability guidelines.

The lands are currently designated Rural in the Township Official Plan and zoned Open Space (OS) in accordance with the Township Zoning By-law. During the development pre-consultation phase with the United Counties of Leeds and Grenville in December 2023, it was determined that this proposed development aligned with the priorities of the provincial MZO framework.

Shortly thereafter however, during a meeting with MMAH East Region staff, the Township and Counties were notified that the MZO Framework had been paused, and the Township was encouraged to explore the CIHA option to support expediting the project. Without support from the province, the development, which is a necessity today due to the housing crisis, would be subject to approximately 18-months of approvals (Township Official Plan Amendment, Township Zoning By-law Amendment and County Official Plan Amendment).

Given that all stakeholders (Township, United Counties, City of Brockville, Campus Habitations, St. Lawrence Economic Development Commission, neighbouring municipalities, local industry + employers) are eager to see this development come to fruition, ideally commencing in 2024, the order was sought from the Minister of Municipal Affairs and Housing to seek relief from the United Counties of Leeds and Grenville Official Plan and Township Official Plan and Zoning By-law.

It is our opinion that the proposed development is in line with the intention of the planning documents guiding development with the Province of Ontario, United Counties of Leeds and Grenville and the Township of Elizabethtown-Kitley. The project reflects good planning practice and is an example of the types of development that are being successfully implemented in other areas within the province and neighboring provinces.

The project responds to a number of planning documents enacted by the Township of Elizabethtown-Kitley including the Official Plan, and Provincial Policy Statement which encourage increased efforts for housing development strategies. This project also responds to the needs of the Township, adjacent City of Brockville and Region in providing much need housing stock.

Although revisions are sought for a number of provisions in the Official Plan and Zoning Bylaw this development does not propose structures which will negatively impact the surrounding areas. The revisions to the OP and ZBL would also not set a negative precedent for future development.

We note that our public consultation on this development has been extremely robust and that there is broad support for the proposal, save and except for a small number of localized concerns from immediate neighbours. In our experience, the proponent has been consistently responsive to feedback on their proposal, and we appreciate their commitment to practical mitigation measures which will address the concerns raised.

It is our collective hope that zoning relief would reduce the approval processing timeframe for this important regional development from approximately 18-months to 6-8 months.

Question No. 2: Description of any downstream approvals required

Response: The Township's Planning team continues to actively work through the site plan application and has circulated the plan and respective reports to internal and external agencies for comments. The draft site plan was supported by the following reports:

- Planning Rationale
- Environmental Impact Statement
- Geotechnical Investigation
- Traffic Impact Study
- Conceptual Servicing and Stormwater Management Report

The subject site is located near the boundaries of a Provincially Significant Wetland and Provincially Significant Woodland. In accordance with the PPS, an Environmental Impact Statement was conducted and concludes that:

- No negative impacts on the integrity of the local and significant wetlands or fish habitat are anticipated as a result of the proposed development provided all recommended mitigative measures are enacted and best management practices followed.
 - No development is slated to occur within significant woodlands. As such, woodlands on-site will continue to meet the significant woodlands status based on contiguous size and ecological function.
-

Question No. 3: Justification for the exemption of the application of provincial and local land use policies to downstream approvals

Response: None requested.

Question No. 4: Anticipated timelines for downstream approvals

Response: It is anticipated that site plan approval, inclusive of all recommendations within the submitted studies, will be granted by Township officials by the end of June 2024.

Upon receipt of building permit application(s), the Township's Building Department is committed to review and issue approvals within the mandated timeframes of the Ontario Building Code.

The Township of Elizabethtown-Kitley and the City of Brockville submitted a joint application through the provincial government's Housing Enabled Water Systems (HEWS) Fund in April 2024. The purpose of this application is to financially support the extension of City of Brockville water and wastewater services to the site for development. The province has indicated that successful proponents will be notified later this month, or in July.

While we await news on the HEWS funding, and to ensure that the proposed development remains progressive in order to facilitate the developer's ability to have shovels in the ground this fall, the collective stakeholders have been actively working on alternate options for servicing, should funding not be available.

One example is split servicing through the installment of a Newterra wastewater treatment system with localized discharge. These systems are a proven technology; however, they typically get caught up in a long approval process. We understand that efforts are underway to reduce the red tape associated with the deployment of these systems, but the updating of the regulations remains in the early stages (if it has begun at all). This type of delay remains an identified risk should HEWS funding not materialize. Unfortunately, we are powerless to mitigate the delays in this type of scenario as the approval process rests with the Province.

In the event of a split system approach, it would still remain favourable to derive "source" water by way of a service extension of the nearby municipal service in the City of Brockville. Hydrogeological studies have suggested that it would be otherwise challenging to meet the required fire suppression flows using local wells and aquifers. Although the extension of water service from the City of Brockville would not be a trivial expense, the extent of excavation required would be dramatically reduced (compared to a full water/sewer service) since the water service is fully functional when buried closer to the surface – whereas the wastewater requires

depths reaching 7-8 meters. The terrain in our area involves a significant amount of rock just below the surface.

Again, the timelines to acquire approval from the Province for a split system approach are beyond our control.

Question No. 5: Anticipated timing for project completion

Response: Q3 2024 – Phase 1 construction starts concurrent with infrastructure start, consisting of 5 building, 140 units and 248 suites, to be completed and ready for tenant move-in, including the central campus amenities by Q4-2025 (latest being Q1-2026)

It is worth noting that the proponent is eager to accelerate their full build-out in the event that some nearby transformative economic development opportunities of scale (billions of dollars of investment, with hundreds of jobs) come to fruition. These initiatives are nearing the completion of their due diligence efforts, and the associated jobs will create further demand and opportunity in the housing sector throughout the region.

Question No. 6: Commitment that if a zoning order is made, the landowner will notify the minister 30 days in advance of the sale of any land it applies to

Response: The Township of Elizabethtown-Kitley owns the subject property. In January 2024, the Township executed a long-term land lease of Rows Corners with Campus Habitations. The lease includes provisions for annual rent payments, utilities, taxation, and potential purchase options. The Township commits that if a zoning order is made, we will notify the minister 30 days in advance of the sale of any land it applies to. Should Campus Habitations choose to exercise their purchase option, the Township will ensure that this commitment is part of the land sale.

Once again, we thank you for the opportunity to provide additional information for consideration by Minister Calandra. Should further details be required, please do not hesitate to reach out.

Yours sincerely,



Leslie Drynan
Administrator/Clerk

cc: Hon. Steve Clark, MPP Leeds-Grenville-Thousand Islands & Rideau Lakes
Cherie Mills, Manager of Planning Services, United Counties of Leeds and Grenville
Jim Hutton, Planner, Township of Elizabethtown-Kitley
Michael Czarny, Planner, Township of Elizabethtown-Kitley
Raffaele Freddi & Marc Koran, Campus Habitations

From: [Leslie Drynan](#)
To: [Schaefer, Damien \(MMAH\)](#)
Cc: [Jim Hutton](#); [Michael Czarny](#)
Subject: Implementation - Mitigation Measures - GEMTEC Environmental Impact Statement - Proposed Residential Development - Campus Habitations - Rows Corners
Date: July 11, 2024 3:15:00 PM
Attachments: [image002.png](#)

Hello Damien,

Further to your inquiry (Teams meeting of July 11, 2024) pertaining to the implementation of the mitigation measures of **Section 7.0 Recommended Avoidance and Mitigation Measures** (pg 28 of EIS), the Township intends to take the following measures:

- In accordance with Section 41 of the Planning Act, prior to the issuance of a building permit for the property, the Township's approval of a site plan and a site plan agreement will be required;
- The approved site plan and site plan agreement will be registered on the title of the property so that it will apply to current and future owners of the property;
- The EIS will be included as an Appendix to the site plan agreement; and
- The site plan agreement will include a clause requiring the proponent to update the Township on a regular basis on the implementation of the mitigation measures of Section 7 of the EIS.

These steps are intended to ensure that the following conclusions of Section 8.0 of the EIS are achieved:

8.0 CONCLUSIONS

The proposed project supported by this EIS is the proposed residential development on an existing 11.93 ha property. The residential development will include 38 residential dwellings, a small commercial space, park and amenity space, 4.28 ha of landscaped greenspace, internal roadways and parking, septic tank and bed installation, and a stormwater management area. The proposed development is presented on Figure A.5 of Appendix A.

Based on the results of the impact analysis, impacts to the natural environment are anticipated to be minimal. Provided that mitigation measures recommended in Section 7 are implemented as proposed, no significant residual negative impacts are anticipated from the proposed future development.

Following review of the information pertaining to the natural heritage features of the site, the following general conclusions are provided by GEMTEC in regards to the Environmental Impact Statement.

- No significant negative impacts to natural heritage features identified on-site, including provincially significant and local wetlands, significant woodlands, significant wildlife habitat, fish habitat, and species at risk from future residential development are anticipated.
- The proposed project complies with the natural heritage policies of the Provincial Policy Statement.
- The proposed development complies with the natural heritage policies of the Township of Elizabethtown-Kipley Official Plan and the United Counties of Leeds and Grenville Official Plan.

If you have any questions, please do not hesitate to contact Jim, Michael or I.

Sincerely,

Leslie



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September 10, 2024

Sent by Email

Ministry of Municipal Affairs and Housing
c/o Jen Liptrot, Mike Elms and Damien Schaefer,

Re: Follow-up Confirmation re: Township Oversight of MZO Obligations

The purpose of this communication is to follow-up with on the meetings of July 26 and September 5, 2024, between Ministry and Township officials, with respect to the requested MZO for the property known as Rows Corners Fairgrounds, located at 3826 County Road 6, hereinafter referred to as Campus Elizabethtown.

On behalf of the Township of Elizabethtown-Kitley, I offer the following as clarification and confirmation on the three specific points outlined below that were brought to our attention by the Ministry of the Environment, Conservation and Parks (MECP) and the Ministry of Citizenship and Multiculturalism (MCM):

1. Record of Site Condition

Under the Environmental Protection Act and O. Reg 153/04, when the use of a property is changing from a less sensitive use (eg. a community use such as a fairground) to a more sensitive use such as residential, there is a mandatory requirement to complete a record of site condition.

Township Action

Given that the Township has retained ownership of the lands at 3826 County Road 6, having entered into a long-term land lease agreement with Campus Habitations, the Township will make application to the Ministry of Environment, Conservation and Parks (MECP) Permissions Branch to ensure compliance with applicable law under the Building Code prior to a building permit being issued.

2. Authorization under the *Endangered and Threatened Species Act*

Representatives from the Species at Risk Branch of the Ministry of the Environment, Conservation and Parks (MECP) have confirmed that the EIS Report prepared by GEMTEC appears reasonable; that neither sections 9 nor 10 of the *Endangered and Threatened Species Act* (ESA) will be contravened for the species identified, including SAR Bats, Blanding's Turtle, Bobolink, and Eastern Meadowlark. Therefore, authorization is likely not required for these species. At the time the EIS was prepared, the protections for Black Ash had not come into effect.

Township Action

As of January 2024, protections for Black Ash are now in effect and MECP has prepared guidance material to inform the identification and protection of this species.

The Township will work with the proponent and their consultant to further assess the presence of Black Ash on the site and will submit the amended EIS report to MECP for review. This will help to ensure no future work is undertaken on the site which may contravene the Act.

3. Archaeological Assessment(s)

The subject lands were screened against the Ministry of Citizenship and Multiculturalism (MCM's) *Criteria for Evaluating Archaeological Potential* and were determined to contain archaeological potential. MCM staff recommend a Stage 1 and 2 archaeological assessments be completed to determine the presence of any potential significant archaeological resources.

Township Action

In accordance with MCM's screening checklist, the subject lands have been determined to have archaeological potential based on the proximity of a watercourse, a historic transportation route, and documented early settlement. The Township will notify and request that the proponent undertake a Stage 1 archaeological assessment. If it is determined during the Stage 1 archaeological assessment that no further work is needed, then a standalone Stage 1 report will be submitted. A stage 2 archaeological assessment will be completed if necessary. The Township will convey however to the proponent that it is most efficient to combine the Stage 1 and 2 in a single assessment and report.

In conclusion, we wish to reiterate the importance of this development to Elizabethtown-Kitley. It will bring to the region a desperately needed housing solution of scale which is specifically targeted at local workforce needs and aligns with CMHC affordability guidelines, whilst acknowledging the significant recreational history of the property.

The Township and representatives from Campus Habitations look forward to completing the tasks outlined above, in anticipation of a favourable response from Minister Calandra on the Ministers Zoning Order request.

Yours sincerely,



Leslie Drynan
Administrator (CAO)/Clerk

cc: Brant Burrow, Mayor
Jim Hutton, Planner, Township of Elizabethtown-Kitley
Michael Czarny, Planner, Township of Elizabethtown-Kitley
Raffaele Freddi & Marc Koran, Campus Habitation