



# The Corporation of the Town of Milton

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**Report To:** Council

**From:** Jill Hogan, Commissioner, Development Services  
Glen Cowan, Chief Financial Officer / Treasurer

**Date:** July 15, 2024

**Report No:** DS-054-24

**Subject:** Agerton Secondary Plan - Memorandum of Understanding and Funding Agreement

**Recommendation:** THAT Milton Council approve the Memorandum of Understanding between the Town of Milton and Agerton New Urban Land Ltd.;

THAT the Mayor and Town Clerk be authorized to sign any necessary documentation to the Memorandum of Understanding between The Corporation of the Town of Milton and Agerton New Urban Land Ltd.;

THAT the Mayor and Town Clerk be authorized to execute a funding agreement between the Town and Agerton New Urban Land Ltd., to facilitate the completion of updates to the Trafalgar Corridor and Agerton Secondary Planning background studies, including completion of an Annex to the Town's Master Environmental Servicing Plan together with such new studies as may be necessary, as described in this report, subject to the satisfaction of the Chief Financial Officer/Treasurer and the Town's Solicitor;

THAT delegated authority to award consulting contracts for peer reviews following confirmation of scope of work and costs be approved as outlined;

AND THAT the Manager, Purchasing and Supply Chain Management be authorized to execute the contract(s), as outlined by the purchasing by-law, and the Mayor and Town Clerk be authorized to sign any required paperwork.

## **EXECUTIVE SUMMARY**

The Agerton Secondary Plan and its supporting studies need to be refreshed and updated. Some new studies, including the Master Environmental Servicing Plan also need to be completed or initiated.

Town Staff is recommending that the attached MOU be approved to agree the respective roles and responsibilities of the Town and the Agerton landowners' group.

Staff is recommending that the Town enter into a funding agreement with the landowners' group to recover the costs of peer review by the Town and its consultants.

## **REPORT**

### **Background**

The Trafalgar Corridor, comprising the Agerton and Trafalgar Secondary Planning Areas, was originally planned to accommodate a combined population of 32,000 residents by 2031. Accordingly, the background studies prepared to support the Agerton and Trafalgar Secondary Plans assumed a population of 26,000 residents in the Trafalgar Secondary Plan Area and approximately 6,000 residents in the Agerton Secondary Plan Area.

Subsequently, the Trafalgar Secondary Plan was appealed to the Ontario Land Tribunal. As a result, the Trafalgar Secondary Plan is now planned to accommodate at minimum the entire population of 32,000 residents evaluated through the original background studies for the Trafalgar Corridor. Consequently, any population planned for the Agerton Secondary Planning area is over and above the quantum originally evaluate in the background studies.

The land use planning for the Agerton and the Trafalgar Secondary Planning Areas are at differing stages, with the planning for the Trafalgar Secondary Plan Area being further advanced than the Agerton Secondary Plan Area. Similarly, the Master Environmental Servicing Plan (MESP) is at different stages of completion for each of the Secondary Planning Areas.

In November 2021, Halton Region Official Plan Amendment 48 (ROPA 48) was approved. ROPA 48 implemented an employment land conversion for the "south-west quadrant" of the Secondary Plan (south of the rail corridor, west of Trafalgar Road). It also confirmed the identification of a proposed Milton Trafalgar GO Major Transit Station Area (MTSA).

## Background

The Draft Agerton Secondary Plan presented to a Public Meeting of Council on July 18, 2022, established the Town's goals, objectives and general growth management policy framework. The Council endorsed Draft Agerton Secondary Plan (2022) provides growth management policies to implement the 2031 planning horizon for a minimum target of 6,800 residents and 15,000 jobs (including 8,000 jobs within the Milton Trafalgar GO MTSA) and for a general target proportion of 45% residents and 55% jobs in the MTSA.

The Draft Agerton Secondary Plan (2022) identified the CPKC rail yards as future Urban Area. Through the Halton Regional Official Plan Amendment 49 (ROPA 49) the lands within the Milton-Trafalgar GO MTSA were extended to encompass the western portion of the CPKC lands, to a total gross area of 130.6 hectares. ROPA 49 sets a minimum density target of 150 residents and jobs combined per gross hectare. This equates to a minimum population target for the MTSA of 19,590 residents and jobs. In addition, the remainder of the rail yards were brought into the urban boundary as 'Employment Area'.

Concurrently, the Town is preparing a new Municipal Urban Structure and Local Growth Management Strategy as part of its emerging new Official Plan. To inform this work, the Town engaged Watson and Associates to prepare growth forecasts including population, employment and housing forecasts. Based on the Watson Study, the Agerton Secondary Plan is projected to accommodate a population of 14,100 residents and 17,500 jobs by 2051. Within the MTSA, the Study identifies a requirement for 6,600 jobs to be accommodated by 2051 with further capacity to provide an additional 2,800 jobs in the period beyond 2051. The Study forecasts a housing requirement of 6,570 units to be created within the MTSA by 2051.

## Discussion

The extension of the provincially directed planning horizon from 2031 to 2051; the new growth forecasts projected to 2051; the revised boundaries for the MTSA and urban employment lands; and associated changes to the Trafalgar Secondary Plan, all combine to mean that the Agerton Secondary Plan and its supporting studies need to be refreshed and updated. Some new studies, including the Master Environmental Servicing Plan (MESP) also need to be completed or initiated.

Typically, the Town would bear the full responsibility and costs for undertaking the entire Secondary Planning process, including any required studies. It would be inappropriate for the Town to fully divest itself of this crucial municipal responsibility. However, Staff has been discussing with the Agerton landowners' group a more collaborative approach and a sharing of roles and responsibilities. Whereby, the Town would protect its role as the municipal planning authority responsible for controlling the process and preparing the Secondary Plan.



## Discussion

But the landowners group would be responsible for commissioning updates to the background studies and would take a lead role in the completion of the Master Environmental Servicing Plan. In order to protect the Town's interests and due diligence, the Town and its consultants would peer review the studies and reserve the right to not accept the findings of the studies should there be an irreconcilable difference of professional opinion.

To this end, Town of Milton Staff and the Agerton landowners' group have discussed the opportunities for collaborative working arrangements and have prepared a Memorandum of Understanding. The landowners' would be responsible for undertaking most of the required Secondary Plan background studies at no cost to the Town. Staff are recommending that the Town enter into a funding agreement with the landowners to cover the costs of peer review by the Town and its consultants.

Staff are seeking authorization to proceed with a direct award to Malone Given Parsons to conduct a peer review of updates to the required Agerton Secondary Plan background studies and to proceed with a direct award to the original environmental team directly involved in the preparation of the main Trafalgar MESP to peer review the proposed Agerton Annex to the Trafalgar Corridor Master Environmental Servicing Plan. Subject to Council approval of the recommendations herein, Staff will initiate discussions to confirm the scope of work required to conduct the peer reviews and the associated costs.

The Staff recommended peer review consultants prepared the original background studies and completed the main body of the MESP work for the Town. Their knowledge of the Town will provide a more detailed level of insight into the work and their history of working with the Town will assist in completing this work in the required timeline.

In order meet the project schedule staff are recommending the delegated authority to award consulting contracts for peer reviews, following confirmation of the scope of work and costs. Staff will report the results back to Council for information.



### Financial Impact

As discussed within the report, the Memorandum of Understanding outlines that the landowners' are responsible for undertaking most of the required Secondary Plan background studies at no cost to the Town.

The Funding Agreement will establish that the landowner's group will also be responsible for any peer review costs undertaken by the Town. Budget amendments will be required within existing approved capital projects for any peer review costs and associated funding, which will be managed based on the authorities provided with the Town's existing Budget Management Policy No. 113. The costs associated with preparing a funding agreement will be recovered from the landowner's group through fees established within the Town's User Fee By-law.

Respectfully submitted,

Jill Hogan  
Commissioner, Development Services

Glen Cowan  
Chief Financial Officer / Treasurer

For questions, please contact:  
David Twigg

Phone: Ext. 2205

### Attachments

Attachment 1: Draft Memorandum of Understanding

Approved by CAO  
Andrew M. Siltala  
Chief Administrative Officer

### Recognition of Traditional Lands

The Town of Milton resides on the Treaty Lands and Territory of the Mississaugas of the Credit First Nation. We also recognize the traditional territory of the Huron-Wendat and Haudenosaunee people. The Town of Milton shares this land and the responsibility for the



# The Corporation of the Town of Milton

Report #:  
DS-054-24  
Page 6 of 6

## Recognition of Traditional Lands

water, food and resources. We stand as allies with the First Nations as stewards of these lands.

# Agerton Secondary Plan

## Background Studies and Master Environmental Servicing Plan

### *Preamble and Context*

The Town of Milton and the Agerton New Urban Land Ltd. landowners group (LOG) have agreed to develop this Memorandum of Understanding (MOU) to update the background studies for the Agerton Secondary Plan and to complete an Annex to the Town's Master Environmental Servicing Plan. The purpose of this MOU is to clearly identify the roles and responsibilities of each party as they relate to the Town-led Agerton Secondary Planning process.

The Trafalgar Corridor, comprising the Agerton and Trafalgar Secondary Planning Areas, was originally planned to accommodate a combined population of 32,000 residents by 2031. Accordingly, the background studies prepared to support the Agerton and Trafalgar Secondary Plans assumed a population of 26,000 residents in the Trafalgar Secondary Plan Area and approximately 6,000 residents in the Agerton Secondary Plan Area.

Subsequently, the Trafalgar Secondary Plan was appealed to the Ontario Land Tribunal. As a result, the Trafalgar Secondary Plan now accommodates the entire population of 32,000 residents evaluated through the original background studies for the Trafalgar Corridor.

The land use planning for the Agerton and the Trafalgar Secondary Planning Areas are at differing stages, with the planning for the Trafalgar Secondary Plan Area being further advanced than the Agerton Secondary Plan Area.

The Draft Agerton Secondary Plan presented to a Public Meeting of Council on July 18, 2022, established the Town's goals, objectives and general growth management policy framework. The Council endorsed Draft Agerton Secondary Plan provides growth management policies to implement the 2031 planning horizon for a minimum target of 6,800 residents and 15,000 jobs (including 8,000 jobs within the MTSA) and that achieves a general target proportion of 45% residents and 55% jobs in the MTSA.

The Halton Regional Official Plan (ROPA 49) expanded the lands within the Milton-Trafalgar GO MTSA to a total gross area of 130.6 hectares. ROPA 49 sets a minimum density target of 150 residents and jobs combined per gross hectare. This equates to a minimum population target for the MTSA of 19,590 residents and jobs.

Concurrently, the Town is preparing a new Municipal Urban Structure and Local Growth Management Strategy as part of its emerging new Official Plan. To inform this work, the Town has engaged Watson and Associates to prepare growth forecasts including population, employment and housing forecasts. Based on the Watson Study, the Agerton Secondary Plan is projected to accommodate a population of 14,100 residents and 17,500 jobs by 2051. Within the MTSA, the Study identifies a requirement for 6,600 jobs to be accommodated by 2051 with further capacity to provide an additional 2,800 jobs in the period beyond 2051. The Study forecasts a housing requirement of 6,570 units to be created within the MTSA by 2051.

Agerton Secondary Plan  
Background Studies and Master Environmental Servicing Plan

The Town's MESP for the Trafalgar Corridor has been completed to encompass both the Agerton and Trafalgar Secondary Plan Areas and has established guidance for managing the environmental and water-based systems of the respective areas. The information presented in the Town's MESP has provided a characterization of the existing natural and water-based systems within the respective areas, which is recognized to represent an update to the characterization provided in the parent Subwatershed Study. It is anticipated that refinements to the Agerton Secondary Plan may be completed subsequent to the completion of the Trafalgar Corridor MESP, which would appropriately require verification and refinement to the management recommendations advanced in the Town's MESP.



## Memorandum of Understanding

Between

**TOWN OF MILTON (otherwise known as the “Town”)**

and

**Agerton New Urban Land Ltd. (otherwise known as the “Landowners Group” (LOG))**

This Memorandum of Understanding (MOU) sets out the terms and understanding between the (partner) and the (partner) to prepare updates to the Trafalgar Corridor and Agerton Secondary Planning background studies, including completion of an Annex to the Town’s Master Environmental Servicing Plan (MESP) together with such new studies as may be necessary, to the satisfaction of the Town for the purpose of completing the Agerton Secondary Plan.

Both parties agree that the arrangements contemplated by this MOU do not constitute an enforceable agreement at law, but rather a general statement, at this time, as to the basis upon which the parties intend to proceed. The parties also agree that further agreements and documentation would need to be prepared and signed by the parties, if they wish to formalize these matters and legally bind the parties.

This MOU is conditional upon approval by the Council of the Town and the LOG.

**NOW THEREFORE** the Town and the LOG have agreed to enter into this MOU to update the Trafalgar Corridor and Agerton Secondary Planning background studies, including completion of an Annex to the Town’s Master Environmental Servicing Plan together with such new studies as may be necessary, having regard to projected growth in the Trafalgar Corridor (comprising the Agerton and Trafalgar Secondary Planning Areas) to a 2051 planning horizon.

This MOU will be accomplished by undertaking the following activities:

1. The Town shall retain full responsibility and control for the public secondary planning process and preparation of the Agerton Secondary Plan.
2. The Secondary Plan shall be prepared by the Town and its consultants with inputs from Agerton New Urban Ltd land owners group (the LOG).
3. The Town shall prepare a Project Work Program clearly identifying the Phases/Tasks that will need to be undertaken as part of the Secondary Plan process.

Agerton Secondary Plan  
Background Studies and Master Environmental Servicing Plan

4. The LOG, at its own cost, shall be responsible for commissioning such studies as agreed to by the Town and the LOG to support the Secondary Plan. (see Appendix A for the list of required studies).
5. The LOG, at its own cost, shall be responsible for updating the Town's Trafalgar Corridor MESP hydrologic modelling and assessments as it relates to the Agerton Secondary Plan area, accounting for more refined drainage boundaries and impervious coverages, siting of SWM facilities and potential locally specific guidance on natural features management / refinements including stream corridors, watercourse realignments and crossings. Furthermore, additional Agerton-specific guidance and direction will be developed on required scope for the next levels of studies including consideration of the number and location of DAEFSS undertakings, which can then take guidance from more detailed local Tertiary Plans. This additional guidance will be prepared as an Annex to the Town's Trafalgar Corridor MESP. The Annex would focus upon verifying and refining the impact assessment and associated management recommendations for the Agerton lands, and would not entail any update to the existing conditions characterization for those lands as presented in the Town's Trafalgar Corridor MESP. In addition, the Annex would undertake the additional analyses and establish recommendations for managing the watercourse at the intersection of Trafalgar Road and Derry Road per the guidance provided previously in the MESP, to accommodate the development of the major nodes at that intersection. Specific requirements of the Agerton Annex are provided in Appendix B.
6. The LOG, at its own cost, shall prepare terms of reference (TOR) and the corresponding work plan for approval by the Town and its consultants for the studies listed in Appendix A. The LOG shall cover the any costs incurred by the Town in reviewing the TOR and work plan.
7. The studies and TORs for the studies shall be prepared for the entire Secondary Plan area.
8. For the purposes of updating the population related background studies, the overall target population for the Trafalgar Corridor shall be assumed to be approximately 85,000 people and jobs by 2051. The overall target population for the Agerton Secondary Plan area shall be assumed to be approximately 32,000 people and jobs by 2051. Generally, a target proportion of 45% residents and 55% jobs shall apply to the Agerton Secondary Plan area. For the Milton Trafalgar MTSA, a target population (people and jobs) of 24,000 and a general target proportion of 60% residents and 40% jobs shall be assumed. For the target population of the MTSA, it shall be assumed that a proportion of the required jobs may be accommodated beyond 2051.
9. The studies shall be peer reviewed by the Town and its consultant team at the cost of the LOG. This shall include completion of a watershed-based hydrologic verification by the Town and its consultant team at the cost of the LOG.
10. The Town shall provide an estimate of the total costs of peer review, prior to commencement for approval by the LOG and may require that the LOG enter into a funding agreement for the costs of peer review. Such funding agreement to be approved by the Town and the LOG, acting reasonably.
11. The Town shall undertake consultation with applicable agencies and other stakeholders as appropriate and necessary.

Agerton Secondary Plan  
Background Studies and Master Environmental Servicing Plan

12. The Town reserves the right to require such revisions and updates to the studies as may be needed to the satisfaction of the Town, applicable agencies and other stakeholders as appropriate and necessary.
13. The studies shall comply with all applicable provincial and municipal regulations and guidelines.
14. In the event that the Town is unable to accept or agree to the LOG study findings, the Town maintains the right to proceed with its own or alternative recommendations. By entering into this MOU, the LOG is not waiving any rights it otherwise has under the *Planning Act*, or any other legislation, now or in the future.

***Reporting***

The Town will periodically evaluate effectiveness and adherence to the agreement. The parties intend to allow a period of 6 months from the date of MOU to complete the updated background studies. This 6 months' period may be extended upon agreement of the parties.

***Funding***

This MOU is not a commitment of funds or a guarantee of specific funding agreements.

***Duration***

This MOU is at-will and may be modified by mutual consent of authorized officials from the Town and the LOG. This MOU shall become effective upon signature by the authorized officials from the Town and the LOG and will remain in effect unless any Party, at any time, provides written notice of an intention to withdraw from it.

Date \_\_\_\_\_

Date \_\_\_\_\_

\_\_\_\_\_  
For and On Behalf of

Town of Milton.

\_\_\_\_\_  
For and On Behalf of

Agerton New Urban Land Ltd.