



Town of Newmarket

Agenda

Committee of the Whole

Date: Monday, January 13, 2020
Time: 12:30 PM
Location: Council Chambers
Municipal Offices
395 Mulock Drive
Newmarket, ON L3Y 4X7

1. Additions & Corrections to the Agenda

Note: Additional items are marked by an asterisk*.

2. Declarations of Pecuniary Interest

3. Presentations & Recognitions

3.1 Proposed Ward Boundary Review

Note: Sarah Niezen, Records and Projects Coordinator will be in attendance to provide a presentation on this matter.

This presentation is related to Item 5.1.

4. Deputations

4.1 Climate Emergency Declaration Request - Drawdown Newmarket-Aurora

Note: Debbie Fletcher-Queen and David Kempton will be in attendance to provide a deputation on this matter.

5. Consent Items

5.1 Proposed Ward Boundary Review

1. That the report entitled Ward Boundary Review dated January 13, 2020 be received; and,
2. That Staff be directed to retain an independent consultant to conduct a ward boundary review; and,

3. That Council approve an expenditure on a ward boundary review to a maximum of \$100,000, and the use of Reserve Funds to offset the costs; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

5.2 Application for Draft Plan of Condominium (19CDMN-2019-002)

1. That the report entitled Application for Draft Plan of Condominium (19CDMN-2019-002) dated January 13, 2020 be received; and,
2. That approval be given to Draft Plan of Condominium 19CDMN-2019-002) subject to the Schedule of Conditions attached hereto and forming part of this report; and,
3. That Kerigan Kelly, Groundswell Urban Planners Inc., 95 Mural Street, Suite 402, Richmond Hill ON L4B 3G2 be notified of this action.

5.3 Site Specific Exemption to Interim Control By-law 2019-04 for 110 Niagara Street

1. That the report entitled Site Specific Exemption to Interim Control By-law 2019-04 for 110 Niagara Street dated January be received; and,
2. That Council approve the requested site-specific exemption to Interim Control by-law 2019-04 for 110 Niagara Street and adopt the attached exemption by-law.

5.4 Site Specific Exemption to Interim Control By-law 2019-04 for 730 Arthur Street

1. That the report entitled Site Specific Exemption to Interim Control By-law 2019-04 for 730 Arthur Street dated January 13th, 2020 be received; and,
2. That Council approve the requested site-specific exemption to Interim Control by-law 2019-04 for 730 Arthur Street and adopt the attached exemption by-law.

5.5 Stormwater Billing 2020 – Options

1. That the report entitled Stormwater Billing 2020 – Options, dated January 13, 2020 be received; and,
2. That Council approve the recommendation related to billing options contained in the report; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

*5.6 Item 6.1 of the Central York Fire Services - Joint Council Committee Meeting of

January 7, 2020 Draft Minutes

Note: Joint Council Committee Report 2020-01 attached for information purposes

1. That Fire Services Report 2020-01 titled Amendment to the Town of Newmarket By-law 2019-60 regarding Motor Vehicle Collision Cost Recovery Program dated December 20, 2019 be received; and,
2. That the Joint Council Committee (JCC) recommend to Newmarket and Aurora Town Councils that amendments to Newmarket By-law 2019-60 be adopted in accordance with Attachment 1 to this report; and,
3. That staff be authorized and directed to do all things necessary to give effect to this resolution.

5.7 Accessibility Advisory Committee Meeting Minutes of September 19, 2019

1. That the Accessibility Advisory Committee Meeting Minutes of September 19, 2019 be received.

5.8 Elman W. Campbell Museum Board Meeting Minutes of October 17, 2019

1. That the Elman W. Campbell Museum Board of Management Meeting Minutes of October 17, 2019 be received.

5.9 Newmarket Economic Development Advisory Committee Meeting Minutes of September 26, 2019

1. That the Newmarket Economic Development Advisory Committee Meeting Minutes of September 26, 2019 be received.

5.10 Newmarket Public Library Board Meeting Minutes of October 16, 2019 and November 20, 2019

1. That the Newmarket Public Library Board Meeting Minutes of October 16, 2019 and November 20, 2019 be received.

5.11 Outstanding Matters List

1. That the outstanding matters list be received.

6. Action Items

7. Reports by Regional Representatives

8. Notices of Motions

9. Motions

10. New Business

11. Closed Session (if required)

12. Public Hearing Matter (7:00 PM)

*12.1 693-713 Davis Drive - Zoning By-law Amendment Application

Note: Diarmuid Horgan, Candevcon Limited and Elyse Snyder, Kohn Architects will be in attendance to provide a presentation on this matter.

13. Adjournment



Proposed Ward Boundary Review

Prepared by: Sarah Niezen

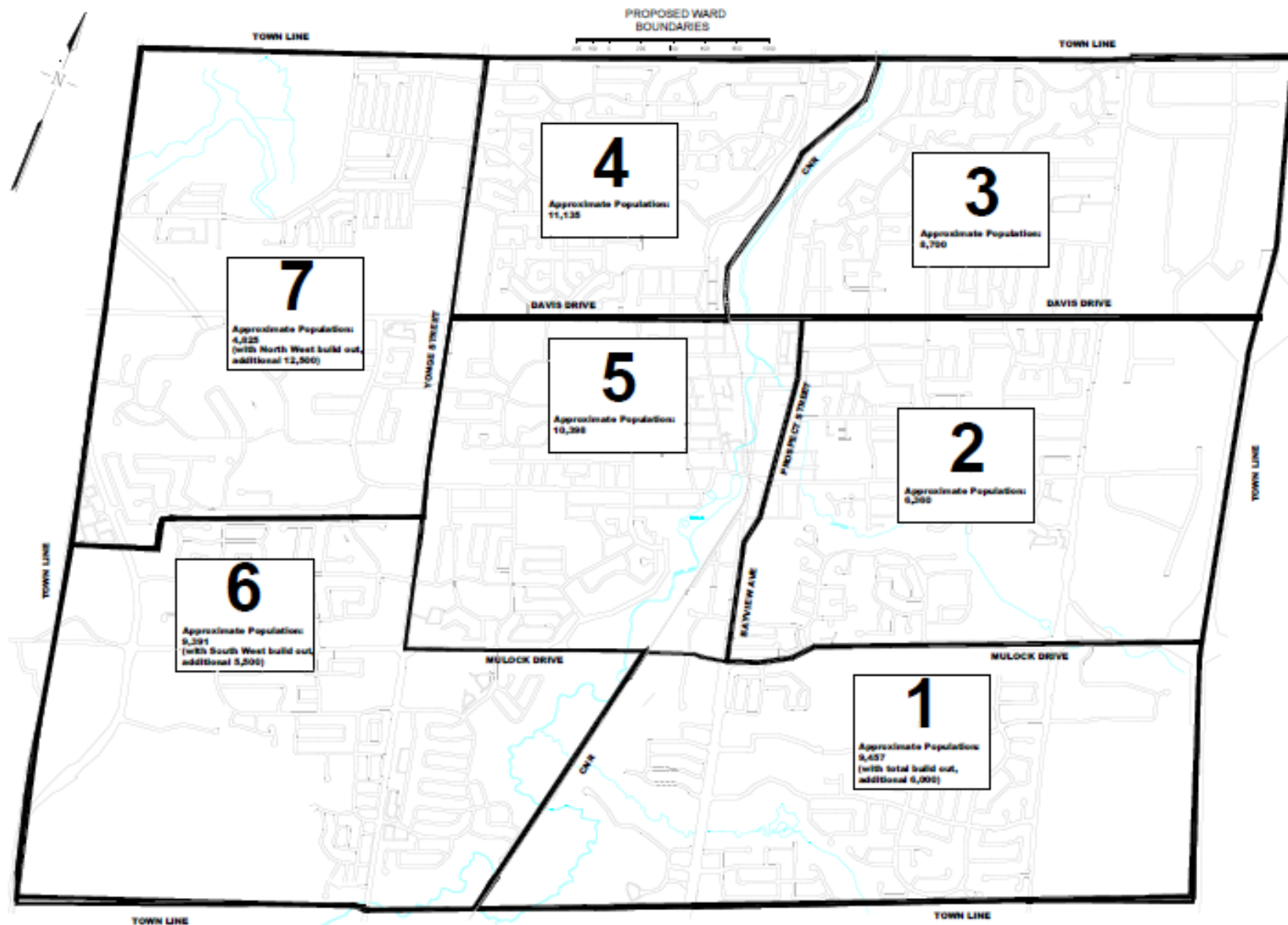
Department Name: Legislative Services

Date: January 13, 2020

Outline

- Current Ward System
- Overview of Legislative Framework
- Factors to consider in a Ward Boundary Review
- Current and Projected Ward Populations
- Engaging a Consultant
- Timeline
- Questions

TOWN OF NEWMARKET

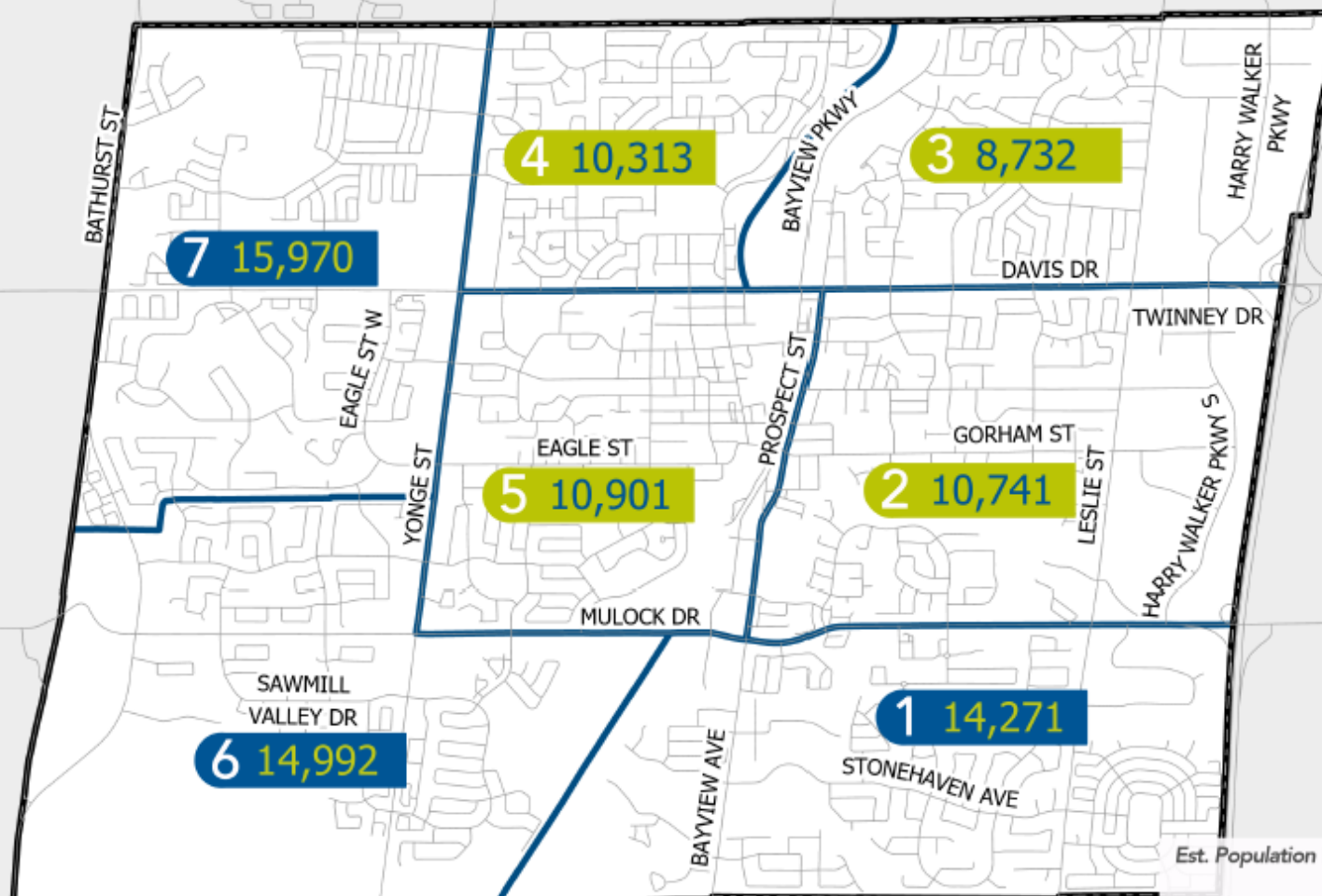


Legislative Framework

- Municipal Act, 2001
 - Divide or re-divide wards
 - Must provide public notice
 - Council decision may be appealed to LPAT
 - A by-law establishing new boundaries must be in force by January 1, 2022
 - If Council does not pass a by-law Electors may use a petition to request a change, and if Council does not pass a by-law, an application may be made to the LPAT

Factors to Consider in a Ward Boundary Review

1. Voter parity;
2. Protecting communities and neighbourhoods of interest;
3. Respecting physical features or natural barriers as boundaries;
4. Reviewing existing and proposed developments for future population growth projections; and,
5. Ward history



Estimated Population =

2016
Census
Population+ (# of New
Residential
Unit

x

of
Persons
Per Unit

derived from Statistics Canada's 2016
Population by Dissemination Area. In situations
where a DA crosses over 2 or more wards,
population is distributed based on the proportion
of address points found in the respective wards

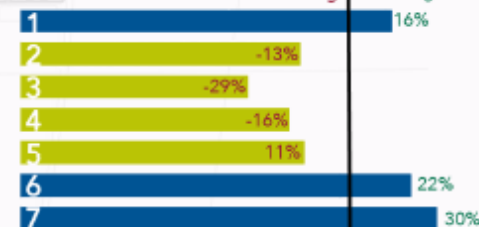
Building Occupancies
issued between
Jan 2017 - Sept 2019

based on York Region Long Range Planning's
Guidelines for Determining Population &
Employment Targets, Newmarket PPU
Estimate by House Type (July 2018 Version)

Est. Population By Ward

Avg. = 12,274

Under Avg. Above Avg.



Projected Ward Populations

Ward	Estimated Total Population (May 2019)	Deviation from Avg Pop (%) 2019	Estimated Population by 2022*	Deviation from average population 2022	Estimated population by 2026	Deviation from Average Population 2026
1	14,271	16%	14,271	10%	14,271	7%
2	10,741	-12%	10,941	-17%	11,214	-18%
3	8,732	-29%	8,732	-47%	8,732	-52%
4	10,313	-16%	10,722	-20%	11,085	-20%
5	10,901	-11%	11,427	-12%	12,339	-8%
6	14,992	22%	15,485	17%	15,485	14%
7	15,970	30%	18,402	30%	19,793	33%
Total	85,921		89,980		92,920	
Average	12,274		12,854		13,274	

- Used current development applications for projected numbers.
- Staff have not heard any concerns from Members of Council or the public in relation to the current structure.

Consultant to Conduct Review

The consultant would be responsible for:

- Undertaking a ward boundary review that will withstand legal scrutiny & possible LPAT appeals;
- Developing a public engagement strategy;
- Undertaking research to inform the ward boundary review process;
- Developing ward boundary options.
- Consultation with other municipal comparators undertaking similar ward or governance reviews
- Approximately \$100,000 to complete a comprehensive ward boundary review

Municipal Comparison Cost Review

Municipality	Scope	Cost
Aurora (ongoing)	From at-large to possible wards	\$60,000 Does not include LPAT contingency
Guelph (ongoing)	Governance review and ward boundary review combined	\$150,000
Ajax (completed in 2017)	Ward boundary review	\$30 – \$50,000 Staff completed part of the review internally.

Draft Timeline & Next Steps

Task	Date
Report to Council	January 13, 2019
RFP evaluation and contract	January 2020
Public consultation on current ward boundaries (Round I)	April - June 2020
Inform Council of new ward boundary options for public consultation	July 2020
Public consultation on new ward boundary options (Round II)	August – September 2020
Final report to Council with recommendations	November 2020
Enacting by-law	November 2020
Give notice to the public that the bylaw has passed.	November 2020
45-day Appeal Period ends	December 2020
Last day for notice(s) of appeals to be received	December 2020
Notice(s) of appeal to be forwarded to the LPAT by the Town	January 2021
Expected LPAT decision (within ~6 – 10 months)	July 2021 – November 2021

Recommendations

1. That Staff be directed to retain an independent consultant to conduct a ward boundary review; and,
2. That Council approve this expenditure to a maximum of \$100,000, and the use of Reserve Funds to offset the costs.

Questions and Discussion



Deputation and Further Notice Request Form

Please complete this form to speak at a meeting of Town Council or Committee of the Whole or to receive further notification regarding an item on the agenda. If filling out by hand please print clearly.

Please email to clerks@newmarket.ca, fax to 905-953-5100 or mail or drop off at Legislative Services Department, Town of Newmarket Municipal Offices, 395 Mulock Drive, PO Box 328, STN Main, L3Y 4X7

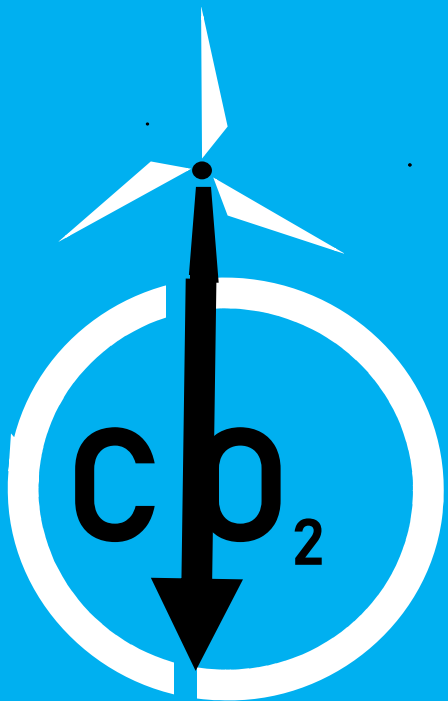
Name: Debbie Fletcher-Queen, Drawdown Newmarket-Aurora member.	
Organization / Group/ Business represented: Drawdown Newmarket -Aurora	
Address: [REDACTED]	Postal Code: [REDACTED]
Daytime Phone No: [REDACTED]	Home Phone: [REDACTED]
Email: [REDACTED]	Date of Meeting: Monday, January 13, 2020
Is this an item on the Agenda? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Agenda Item No:
<input checked="" type="checkbox"/> I request future notification of meetings	<input checked="" type="checkbox"/> I wish to address Council / Committee
Describe in detail the reason for the deputation and what action you will be asking Council/Committee to take (if applicable): Drawdown Newmarket-Aurora is a climate action group that will be requesting of Town Council to 1) declare a climate emergency and 2) to invoke discussion and planning towards creating a Climate Action Plan for purposes of promotion, education and implementation of mitigation and adaptation procedures.	
Do you wish to provide a written or electronic communication or background information <input type="checkbox"/> Yes <input type="checkbox"/> No Please submit all materials at least 5 days before the meeting.	

Deputation Guidelines:

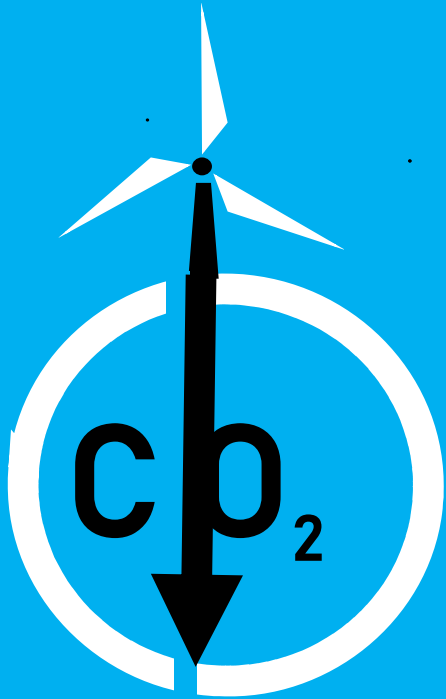
- Deputations related to items on the agenda can be accommodated up to and including the meeting day;
- Deputations related to items not on the agenda may be scheduled within sixty (60) days of receipt of this form;
- Deputations will not be heard on a matter decided upon by Council until ninety (90) days have passed from the date of the matter's disposition by Council;
- Deputations are limited to 5 minutes.

Be advised that all Council and Committee of the Whole meetings are audio-video recorded and live streamed online. If you make a presentation to Council or Committee of the Whole, your presentation becomes part of the public record and you will be listed as a presenter in the minutes of the meeting. We post our minutes online, so the listing of your name in connection with the agenda item may be indexed by search engines like Google.

Personal information on this form will be used for the purposes of sending correspondence relating to matters before Council. Your name, address, comments, and any other personal information, is collected and maintained for the purpose of creating a record that is available to the general public in a hard copy format and on the internet in an electronic format pursuant to Section 27 of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M.56, as amended. Questions about this collection should be directed to the Director of Legislative Services/Town Clerk, Town of Newmarket, 395 Mulock Drive, P.O. Box 328, STN Main, Newmarket, ON L3Y 4X7; Telephone 905 895-5193 Ext. 2211 Fax 905-953-5100



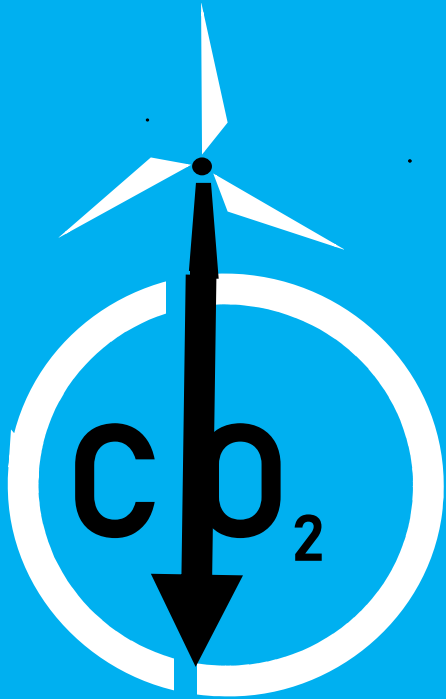
PROJECT
DRAWDOWN
NEWMARKET-AURORA



PROJECT
DRAWDOWN
NEWMARKET-AURORA

DRAWDOWN is

- A plan to reverse global warming
- Science-based
- Focused on practical solutions
- International



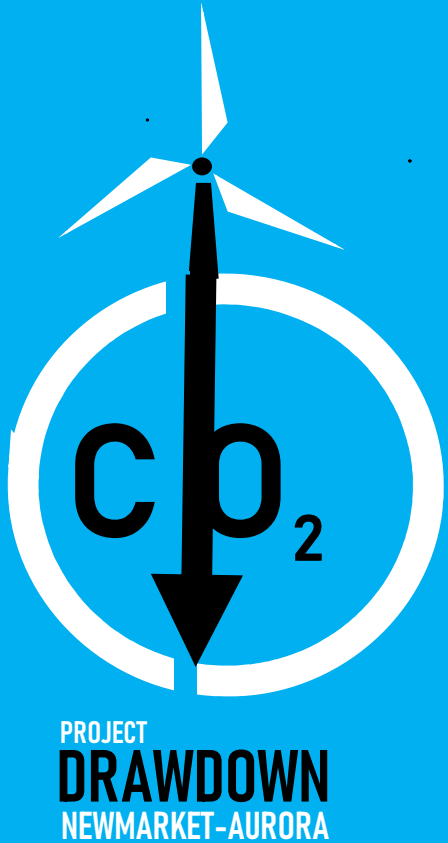
PROJECT
DRAWDOWN
NEWMARKET-AURORA

DRAWDOWN NEWMARKET-AURORA

is asking Newmarket Council
to declare a

Climate Emergency

We want to help Council deepen our collective
commitment to protecting our environment and
community from the impacts of climate change

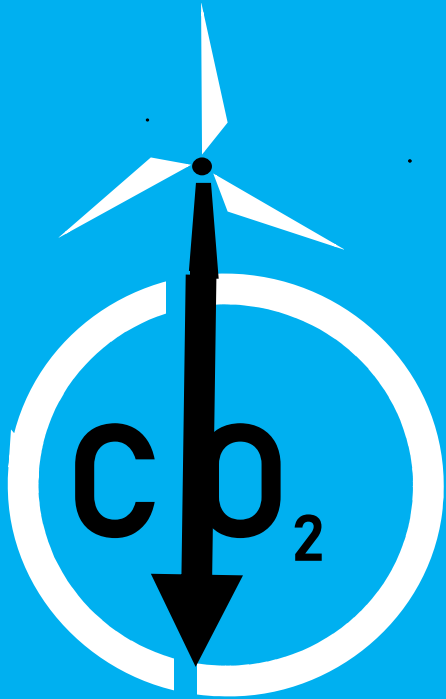


DRAWDOWN NEWMARKET-AURORA

is asking Newmarket Council
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Climate Emergency

This is a call to action



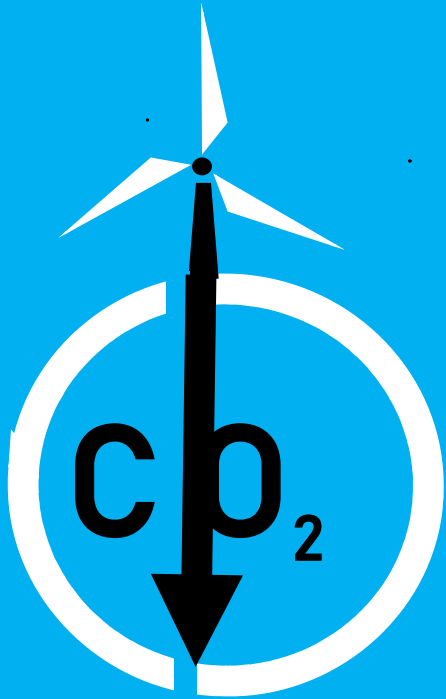
PROJECT
DRAWDOWN
NEWMARKET-AURORA

DRAWDOWN NEWMARKET-AURORA

Climate Emergency

Declaring a climate emergency ensures decisions on future municipal planning, development and operations will be viewed through the lens of a climate crisis.

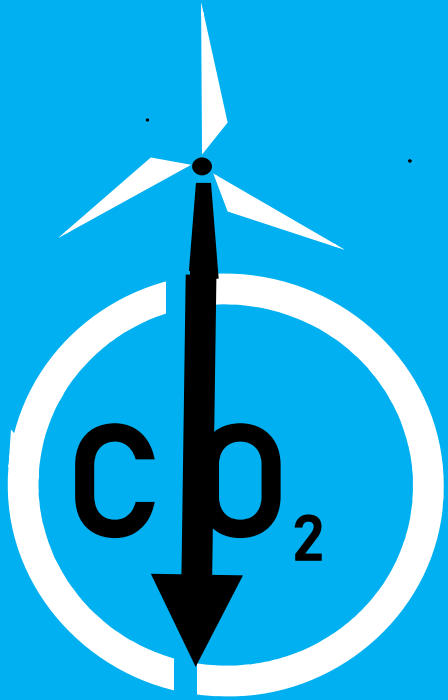
And right now nothing is more important than climate change.



PROJECT
DRAWDOWN
NEWMARKET-AURORA

We celebrate Newmarket's plans and achievements

- The Community Energy Plan, including the NEER home retrofit business case
- Storm water Management and Low Impact Development
- Transit infrastructure with future plans for electrification
- Twinney Drive Battery Energy Storage Facility
- LEAF Backyard Tree planting program
- Cycling infrastructure
- Solar panel installation on Magna Recreation Centre
- Recent acquisition of Mulock property for greenspace use



PROJECT
DRAWDOWN
NEWMARKET-AURORA

Climate Emergency

If not us, then who?



Town of Newmarket
395 Mulock Drive P.O. Box 328,
Newmarket, Ontario, L3Y 4X7

Email: info@newmarket.ca | Website: newmarket.ca | Phone: 905-895-5193

Proposed Ward Boundary Review Staff Report to Council

Report Number: 2020-05

Department(s): Legislative Services

Author(s): Sarah Niezen, Records and Projects Coordinator

Meeting Date: January 13, 2020

Recommendations

1. That the report entitled Ward Boundary Review dated January 13, 2020 be received; and,
2. That Staff be directed to retain an independent consultant to conduct a ward boundary review; and,
3. That Council approve an expenditure on a ward boundary review to a maximum of \$100,000, and the use of Reserve Funds to offset the costs; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Executive Summary

The Town of Newmarket has seen significant development and population growth in the past two decades. Newmarket's current ward boundaries were established in 2002 with a view toward recognizing the impacts of growth in different parts of the Town and its impacts on representation. Undertaking a ward boundary review at this time will allow for adjustments to ward boundaries that acknowledge that Newmarket has seen growth that varies strongly between wards, and that growth is projected to continue to exacerbate the representation imbalances between wards. As described in this report effective "voter representation" and "voter parity" are cornerstones of Canadian democracy and key considerations in a ward boundary review. Staff have reviewed current and projected population numbers and have determined that by the end of this term of

Council and through the next term significant variation in ward populations will result in ward populations exceeding the maximum level of deviation from the average.

Purpose

The purpose of this report is to provide Council with information on a ward boundary review for the Town and to provide direction to staff to proceed with a Request for Proposal (RFP) to engage a consultant to conduct a ward boundary review.

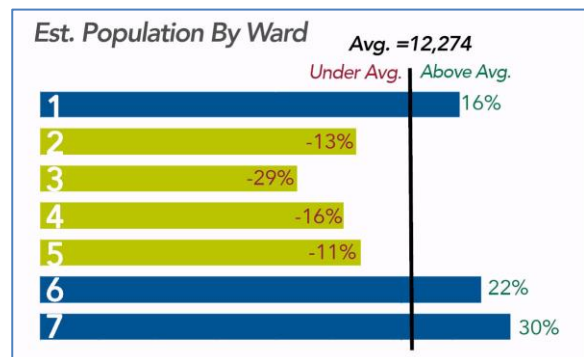
Background

Newmarket's current ward system boundaries were established by By-law 2002-62 for implementation following the 2003 Municipal Election. Corporate Services Report 2002-21 (see **Attachment A**) provided several options for the division of the Town into wards and provided an overview of the consultation and background information and criteria for a ward system.

The Municipal Act, 2001 ("The Act") gives municipalities the authority to determine the composition (including size) of Council, subject to certain parameters. Municipalities may determine ward boundaries through a process outlined in the Act. Residents may also petition Council to create or revise a ward structure, and a failure to act upon such a petition may be appealed to the Local Planning Appeal Tribunal (LPAT). Any Council decision with respect to ward boundaries may be subject to appeal through the LPAT

Primarily, a review of ward boundaries is intended to achieve "effective representation" or "voter parity" as established by the Supreme Court of Canada¹. The ward boundaries established in Newmarket in 2002 were established with significant variation, but with anticipated future development they were expected to meet the test of voter parity within 5 to 10 years. Further future development beyond the original 5 to 10 year projections including density increases, population shifts and intensification were not a factor that was considered at the time the ward boundaries were established.

Population size variances of between 25 to 33 percent are generally accepted as the maximum variance to achieve voter parity; that is to say, no ward should have population greater than 33% above the average for all wards or less than 33% below the average for all wards. Current ward populations fall within this range with a 29% variance in Wards 3 and 30% variance in Ward 7 as illustrated in the bar graph. Ward 3 is 29% below the



¹ Reference re Prov. Electoral Boundaries (Sask.), [1991] 2 SCR 158, 1991 CanLII 61 (SCC), <<http://canlii.ca/t/1fsl>>.

average ward population size and Ward 7 30% above. See **Attachment B** for a 2019 map showing population per ward. Future projected populations will cause wards to be at a greater variance to this range as is described later in this report.

Although the existing provincial legislation provides for municipalities to establish and amend ward boundaries on their own (subject to some statutory requirements and the role of the LPAT as described below), it is important to note that the provincial government has the ultimate authority in the determination of municipal ward boundaries, as well as Council size. Given the results of the Regional Review and the recent decision not to impose a top-down approach on municipalities it is possible that the Province will abide by this policy with respect to matters such as ward boundary reviews as well. Additionally, the Municipal Act requires York Region Council to review its governance structure by December 2020.

That said, the current legislation, as written, does provide for a municipality to establish and change ward boundaries and to determine the size of council on its own. In particular, the Act includes provisions relating to the following:

A municipality may establish and change its ward boundaries.

Subsection 222(1) states that a municipality is authorized to “divide or re-divide the municipality into wards or to dissolve the existing wards.”

A municipality is required to provide public notice of a Council-approved ward boundary by-law.

Subsection 222(3) provides that a municipality is required to give public notice that a ward boundary by-law has been passed within 15 days after the by-law is passed. The notice must specify the last date for filing a notice of appeal.

A Council-approved ward boundary by-law may be appealed to the Local Planning Appeal Tribunal.

Subsection 222(4) states that within 45 days of the ward boundary by-law being passed, it may be appealed to the LPAT by “the Minister or any other person or agency. The appeal is made by filing a notice of appeal with the municipality setting out the objections to the by-law and the reasons in support of the objections. The municipality is required to forward any notices of appeal to the LPAT within 15 days after the last day for filing the notice [Subsection 222(5)].

The timing for new ward boundaries to come into force, depends on when Council approves the ward boundary by-law.

Subsection 222(8) provides that a by-law to establish ward boundaries comes into force for the next regular election if the by-law is passed before January 1 of a regular election year and no notices of appeal are filed, or if any notices of appeal are withdrawn prior to January 1 of the election year, or if notices of appeal are filed and the LPAT issues an order to affirm or amend the by-law before January 1 of the election year. In all other

cases, except when a by-law is repealed by the Tribunal, the by-law comes into force for the second regular election after the by-law is passed.

In order for any ward boundary changes to be in effect for the **2022 Municipal Election**, any by-law establishing new ward boundaries must be in **force before January 1, 2022**. Specifically, if the by-law establishing new ward boundaries is appealed to the LPAT, the notices of appeal must be withdrawn, or the Tribunal must have issued an order to affirm or amend the by-law, before that date.

If Council opts to not proceed with a Ward Boundary Review, electors may use a petition to request a change to ward boundaries.

Under Subsection 223(1), electors in a municipality may at any time “present a petition to the council asking the council to pass a by-law dividing or re-dividing the municipality into wards or dissolving the existing wards.”

The petition requires the signatures of one per cent of the electors in the municipality or 500 of the electors in the municipality, whichever is less. Since one per cent of electors in Newmarket would be 567² electors, a petition to Newmarket Council asking for a ward boundary review would require 500 elector signatures.

If Council did not pass a by-law in accordance with the submitted petition within 90 days of receiving the petition, Subsection 223(4) provides that “any of the electors who signed the petition may apply to the Local Planning Appeal Tribunal to have the municipality divided or re-divided into wards or to have the existing wards dissolved.”

The Tribunal is required to hear the application, and may make an order “dividing or re-dividing the municipality into wards or dissolving the existing wards” [Subsection 223(5)].

Similar to the timelines under which a ward boundary by-law comes into force, the order of the LPAT with respect to a petition application would take effect for the following election if the order is made prior to January 1 of a regular election year (e.g., before January 1, 2022). The order of the Tribunal would be effective for the subsequent election if the order is made on or after January 1 of a regular election year but before Voting Day (e.g., on or after January 1, 2022).

Discussion

The process for revising or determining ward boundaries is founded in the principles of democracy and should be based on fair, impartial review, include public consultation and comply with the five factors described below:

1. Voter parity;
2. Protecting communities and neighbourhoods of interest;

² Based on elector data from the 2018 Municipal Election.

3. Respecting physical features or natural barriers as boundaries;
4. Reviewing existing and proposed developments for future population growth projections; and,
5. Ward history

Staff have not received any feedback from Council or the public with respect to concerns about Newmarket's ward boundaries. Staff have conducted a review of current and projected ward population numbers based on current planning applications. The table included as **Attachment C** outlines projected population growth by ward for this term and next term of Council.

These projections are based on current development proposals in the planning process, broken down by the type of dwelling and the average population size per dwelling type. These numbers are assumptions based on when planning approvals may be completed. Actual timelines for these development proposals are determined by the developers and based on a variety of factors such as development financing. This is intended only as an indicator of possible population growth. A ward boundary review would include a more complex analysis of demographic and economic factors which may result in different predictions.

As a result of the increased growth in Ward 7 and no growth projected for Ward 3 the projected deviation from average population is expected to increase in both wards with Ward 3 being overrepresented and Ward 7 underrepresented.

As a result of these projections staff are recommending a full ward boundary review be undertaken in this term of Council. Staff are not recommending a review of the Town's governance structure or Council composition at this time.

Engaging a Consultant

It is recommended that a consultant lead the ward boundary review in order to ensure that there are no perceptions of staff conflicts in determining ward boundary recommendations to Council. Most urban municipalities that have undertaken ward boundary reviews have typically engaged consultants to lead the review. (See budget impact section to see financial comparisons). Based on staff's research, a well-designed ward boundary review generally means a municipality does not have to conduct another review until 4 general Municipal Elections have passed (i.e., approximately 16 years). Given this, staff will begin planning for the next ward boundary review by establishing a financial reserve so that a ward boundary review can be conducted ahead of the 2038 Municipal Election.

The consultant would conduct research, develop and execute a work plan that includes broad public consultation. Findings and recommendations would be reported to Council. In addition, the consultant would be an expert witness, if necessary, in the event of one or more appeals to the LPAT of any new Council-approved by-law to revise ward boundaries, as described in this report.

The consultant's specific responsibilities would include as follows:

- Undertaking a ward boundary review that will withstand legal scrutiny and possible appeals to the LPAT;
- Developing a ward boundary review work plan and community engagement strategy;
- Undertaking required electoral, public policy and other research to inform the ward boundary review process;
- Implementing a two-stage broad engagement and consultation strategy with residents, communities, key stakeholders and Members of Council to elicit input on current ward boundaries and input on ward boundary options; and
- Developing ward boundary options and a recommended option for Council's consideration in the fall of 2020.

The full scope of the consultant's responsibilities can be found in the draft Terms of Reference in **Attachment D**.

Projected Timeline

Staff are seeking approval to retain a consultant in order to meet statutory timelines to have any new ward boundaries in place for the 2022 Municipal Election. Staff have mocked up a draft timeline based on other municipalities ward boundary reviews and the required legislated timelines (see **Attachment E**). This timeline may be subject to some modification by the consultant once they are brought on board but overall deadlines are not likely to shift significantly. As stated previously, in order for any new ward boundaries to be in place for the 2022 Municipal Election, a by-law must be in effect by January 1, 2022, and any appeals to the LPAT must be concluded by this date.

Conclusion

Newmarket is expected to continue to grow and is in a unique position of largely being built out and is planning for significant intensification in certain areas such as the Yonge Street & Davis Drive corridors. Along with growth, Newmarket has seen and will continue to see, increases in diversity and changes in demographics. All of these factors make this an ideal time to review our current ward boundaries. The ward boundary review will consider future growth and will establish a recommended timeframe for any future ward boundary reviews. In order to do this effectively Staff recommend engaging a consultant to lead the review and public consultation process.

Business Plan and Strategic Plan Linkages

This report is linked the long term financial sustainability pillar of the 2018 to 2022 Strategic Plan as it relates to ensuring continuous improvement and service levels for residents.

Consultation

The Planning and Building Services, Financial Services, and Economic Development Departments were consulted in the drafting of this report.

Human Resource Considerations

There are no additional human resources required.

Budget Impact

Based on other ward boundary reviews for municipalities of similar size, it is estimated that the consultant will cost approximately \$100,000. The use of the appropriate reserve fund to cover these costs will be determined by the Treasurer.

Based on other ward boundary reviews costs range based on the size of the municipality and the complexity of the review. For example Aurora has budgeted \$60,000 for their review which includes possibly moving from at-large to wards. In discussions with Aurora Staff, it has been suggested that this budget amount may be increased due to the complexity of their review. Guelph has budgeted \$150,000 for a review that includes a governance review consisting of a review of the composition of Council, role of councillors, including ranked ballot considerations, and employment status of all members of Council.

Municipality	Timeline for completion	Budget
Ajax	completed 2017	Approximately \$5 - \$10,000
Aurora	currently underway	\$60,000
Guelph	currently underway	\$150,000 (budget)
Hamilton	completed 2017	\$227,000 (actual)
Milton	completed 2016	\$64,000
Ottawa	currently underway	\$710,000 (min estimate budget)
Toronto	completed 2017	\$810,000 (actual)

Attachments

Attachment A - Corporate Services Report 2002-21

Attachment B - 2019 Ward Map showing current populations

Attachment C - Table showing projected population growth

Attachment D - Terms of Reference for consultant

Attachment E - Projected Timeline

Approval

Kiran Saini, Deputy Town Clerk

Lisa Lyons, Director of Legislative Services/ Town Clerk

Esther Armchuk, Commissioner of Corporate Services

Contact

For more information please contact Sarah Niezen at sniezen@newmarket.ca

Ewart, Karen

To: DiPassio, Florence
Cc: Unger, Jason
Subject: Item 43 Town Council Electronic Extract - May 13, 2002:
COMMITTEE OF THE WHOLE - MAY 6, 2002 - ITEM 33
corporate Services Report CS2002-21
Proposal to Establish a Ward System of Representation

File: 7.1.1 and 9.15.0
Pending Agenda File: Council Pending - Bylaw June 10

Town Council Electronic Extract - May 13, 2002:

Moved by Councillor Scott
Seconded by Councillor Kerwin

THAT Item 33 of the Committee of the Whole Minutes of May 6, 2002 regarding the proposed Ward System of Representation be referred back to staff further review to reflect the population of the wards.

MOTION LOST

Moved by Councillor Snow
Seconded by Councillor Woodhouse

THAT Item 33 of the Committee of the Whole Minutes of May 6, 2002 be adopted:

Councillor Scott requested a recorded vote.

1. COMMITTEE OF THE WHOLE - MAY 6, 2002 - ITEM 33
CORPORATE SERVICES REPORT CS2002-21
PROPOSAL TO ESTABLISH A WARD SYSTEM OF REPRESENTATION

- 1. THAT Corporate Services Report CS2002-21 dated April 18, 2002 regarding Proposal to Establish a Ward System of Representation be received.**
- 2. THAT Council adopt a seven ward system of representation for the Town of Newmarket as identified in Schedule B of the Committee of the Whole Minutes of May 6, 2002.**
- 3. THAT representation on Town Council consist of 1 representative for each ward;**
- 4. AND THAT the Mayor and Regional Councillor be elected at large;**
- 5. AND THAT the Town Clerk prepare the necessary by-law pursuant to the requirements of the *R.S.O. 1990, c.M45*.**

Files: 7.1.1 and 9.15.0

	YEA	NAY
Springstein	V	
Scott		V
Vegh	V	

Attachment A - Corporate Services Report 2002-21

Woodhouse	v	
Van Bynen	v	
Snow	v	
Kerwin	v	
Humeniuk (absent)	-	-
Taylor	v	
TOTAL	7	1

CARRIED



TOWN OF NEWMARKET

Corporate Services Department
information@town.newmarket.on.ca

April 18, 2002

CORPORATE SERVICES REPORT 2002-21

TO: Committee of the Whole Council

SUBJECT: Proposal to Establish a Ward System of Representation

ORIGIN: Director of Corporate Services
Director of Planning and Development

RECOMMENDATIONS

THAT Council provide direction to staff on the preferred alternative for the division of the municipality into wards.

BACKGROUND

At its meeting on March 25, 2002 Council adopted a recommendation to implement a ward system for the 2003 election. Council deferred a decision on a specific option for ward boundaries in order that the matter could be considered further. In addition, Council requested that Staff investigate the legality of the creation of ward Councillors and also the position of Councillor at large.

COUNCILLOR AT LARGE POSITION

The Director of Legal Services has reviewed the legal aspects of a Council composition that is a combination of Councillor(s) at Large with a Ward Councillor(s) and whether there are any municipal councils organized in that way in Ontario. She advises that section 29(6) of the Municipal Act provides that "The elected members, other than the head of council, may be elected by general vote, by ward or by a combination of the two, in accordance with a by-law passed by council." Therefore a Council comprised of a combination of at large and ward Councillor is permitted under Ontario law. We have not been able to find an example of a municipal council organized in that way in Ontario.

The Director of Corporate Services and Town Clerk has also reviewed the proposal to create Councillors at Large and Ward Councillors with respect to the election process. While there are no technical difficulties in operating an election for both Ward Councillors and Councillors at Large, there are a number of matters that should be addressed by Council before implementing such a position namely:

1. The role and responsibility of a Councillor at Large should be clearly understood by Council and the Administration.

-
2. A communications program would be required to educate the public on the role of the Councillor at Large prior to the election in order that the electorate could clearly understand the roles when selecting the positions of:

- a. Mayor
- b. Regional Councillor
- c. Ward Councillor
- d. Councillor at Large

WARD OPTIONS

Copies of the three ward proposals under consideration are attached to this report. Also attached, as Appendix "A" is background information regarding the ward system, the legislative requirements for implementation and comments on the ward boundary criteria as they apply to Newmarket.

DECISION MAKING PROCESS

Council had previously adopted the following decision making process in Report CS 2000-57:

Step 1

Staff will complete research on the community addressing the ward boundary criteria and prepare a draft report including various boundary options. (Completed)

Step 2

The draft report will be presented to Council for information and comment. (Completed November 19, 2001, Report CS2001-84)

Step 3

Should Council decide to proceed with a ward system, Staff would then conduct a public input process involving public meetings, written submissions, consultations with business and ratepayers groups and other community organizations. (Completed March 1, 2002)

Step 4

The results of the public input process will be presented to Council along with any further recommendations regarding potential ward boundary alignments. (Completed)

Step 5

Council may make a final decision on the implementation of a ward system and the proposed boundaries. (Decision made regarding the implementation of wards however, exact model for ward system not selected)

Step 6

If the decision of Council is to proceed with a ward system, the Clerk will organize a formal public meeting as required under the Municipal Act to receive input on the proposal.

Step 7

A bylaw will be presented to Council for a final decision on the implementation of a ward system.

The Town has now completed Step 4 and part of Step 5 and is in a position to make a decision regarding design of the ward system.

PUBLIC INPUT PROCESS

The components of the public input process implemented by the Town included following:

1. A public drop in center that was held on February 4th;
2. Invitations for comments appeared on the Town Page and in the Web Page continuously during January and February;
3. Information has been posted on the web site during January and February to allow residents to obtain information on the subject;
4. A public comment form was provided on the Web Site;
5. The report was circulated to existing ratepayers groups for comments;
6. A presentation was made to the Chamber of Commerce members lunch meeting in January 2002;
7. Subsequent to the decision by Council to implement a ward system, staff have advertised the April 22, 2002 Committee of the Whole meeting.

WRITTEN COMMENTS RECEIVED

Since Council considered the report on the public consultation process, we have received correspondence from Mr. Justin Frape and Mr. Grant McLeod and Mr. Chris Emanuel on the issue. Copies of their correspondence are attached.

CONCLUSIONS

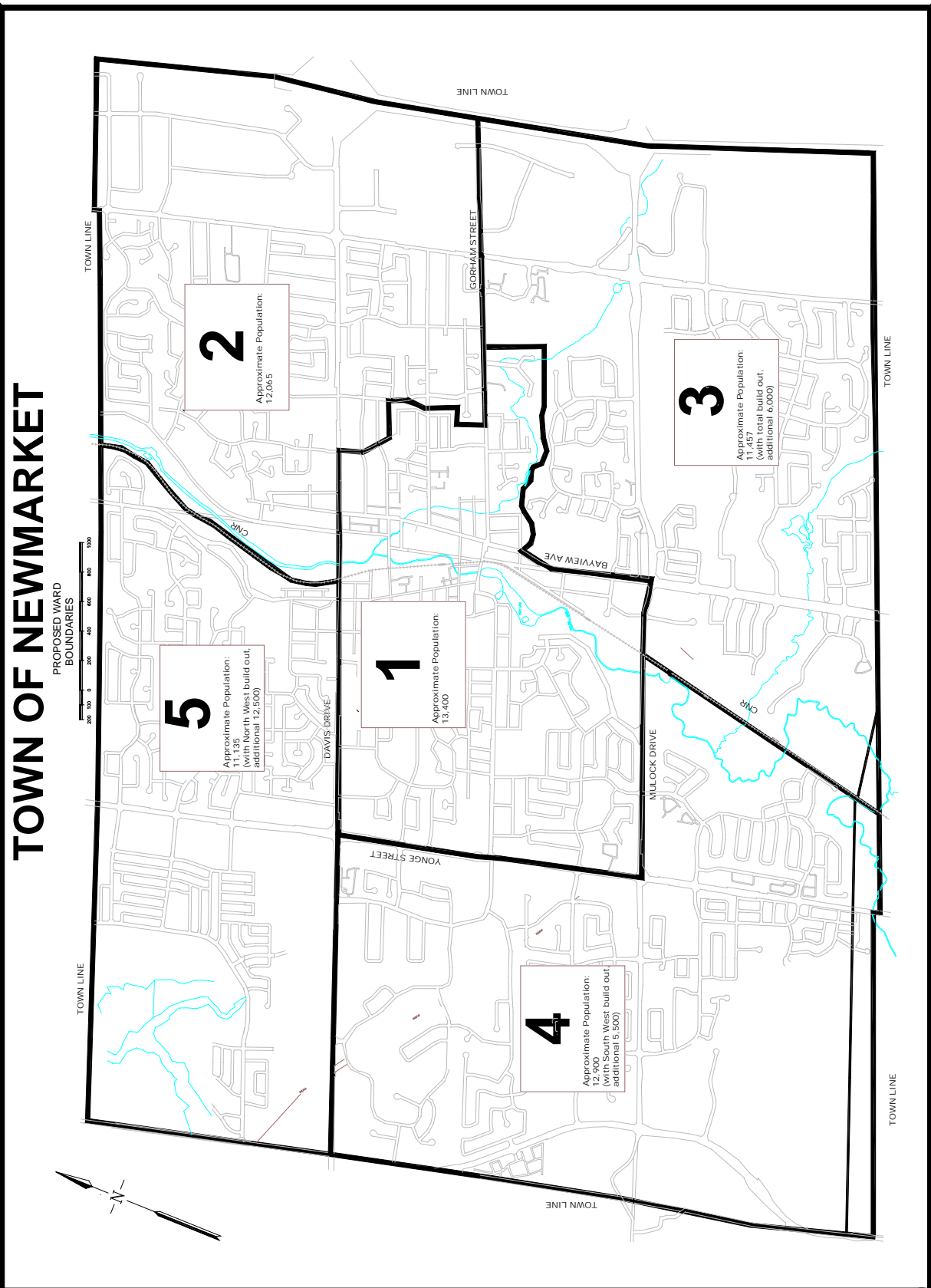
To implement the ward system, a specific ward alternative should be selected at this time and direction should be given for the Town Clerk to arrange a statutory meeting. Also a draft bylaw should be prepared for adoption after the public meeting.

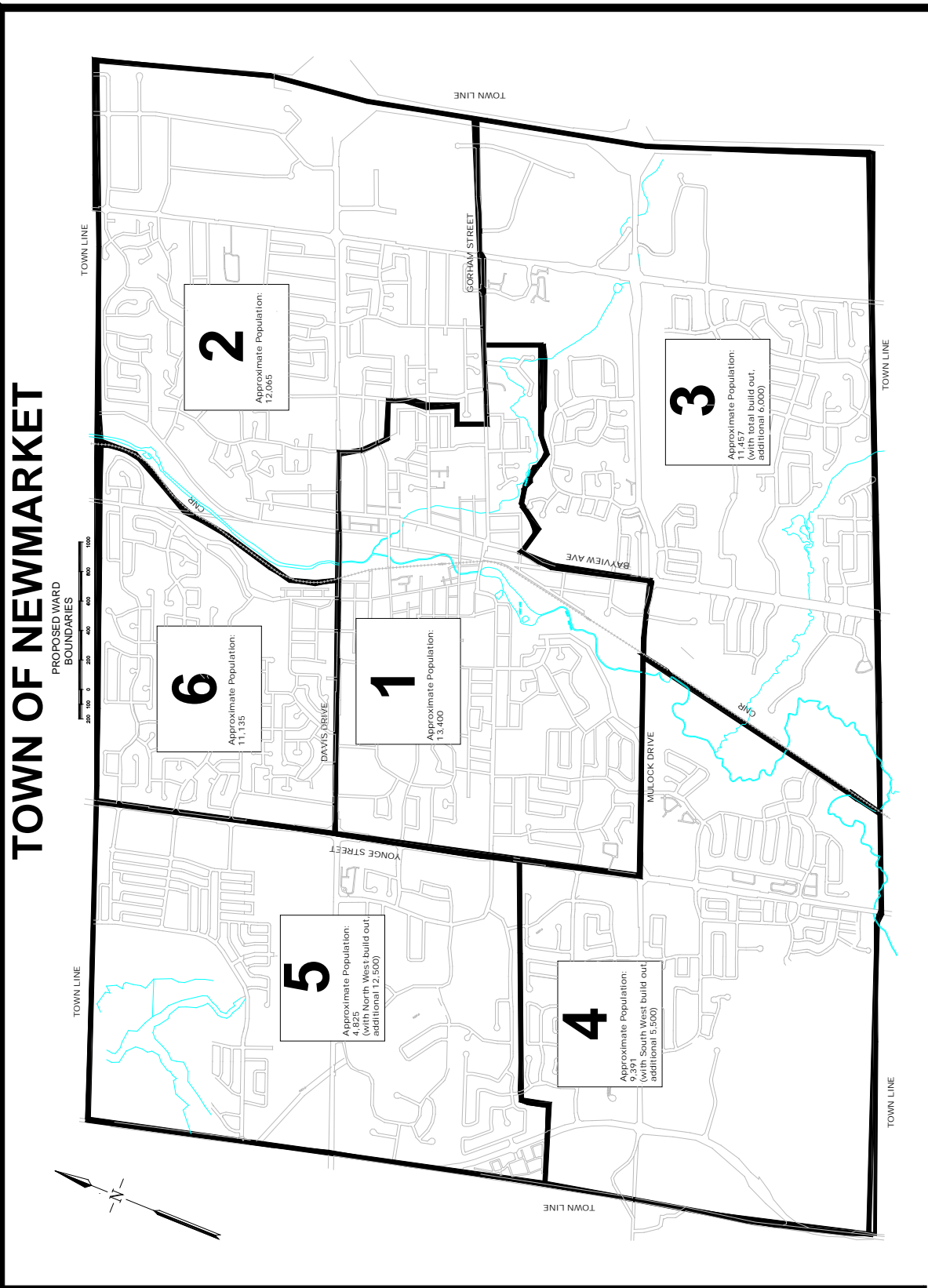
BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

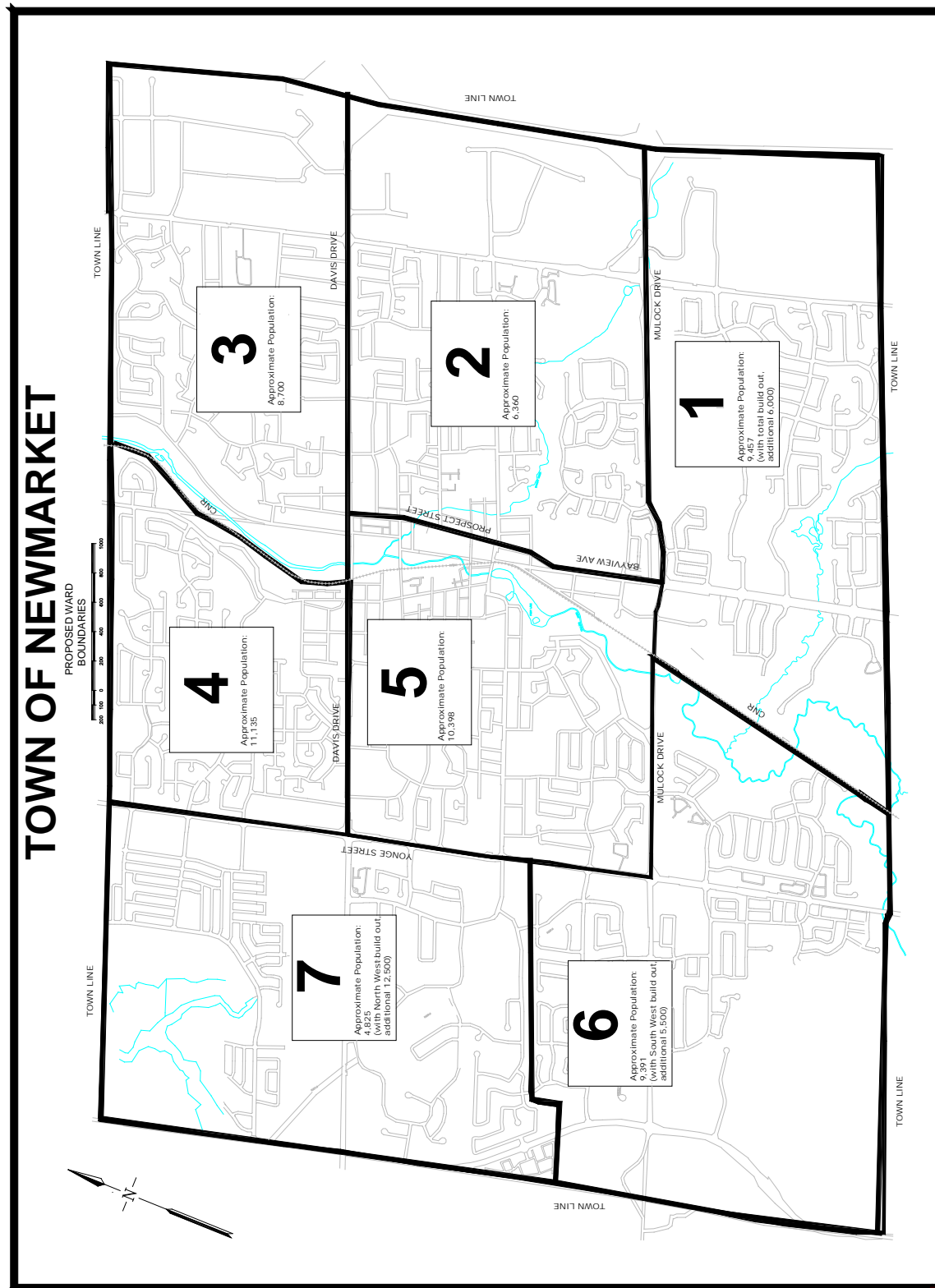
The review of the system of representation follows up on the direction of the previous and current Council to review the size and method of election of the Council.

COMMUNITY CONSULTATION POLICY

The municipality has now consulted with the community in conformity with the consultation policy.







APPENDIX "A"

BACKGROUND INFORMATION

During December of the year 2000, Council considered a report regarding the results of the vote on the ward question during the 2000 municipal elections. At that time Council gave the following direction to staff:

"THAT the Director of Corporate Services/Town Clerk and the Acting Director of Planning research available information regarding identifiable communities within the municipality and the geographic distribution of the municipality's population in order to present various options for the division of the municipality into wards that would address the following criteria:

- 1. Equitable distribution of population to provide for representation by population as nearly as possible:*
 - 2. Preservation of community integrity and function and recognition of settlement patterns and community groupings*
 - 3. Community or diversity of interests*
 - 4. Means of communication and accessibility*
 - 5. Topographical features*
 - 6. Distinct geographical boundaries, which provide for a compact and contiguous area and recognize special considerations including the scarcity, density or relative growth or loss of population.*
-
- 1. AND THAT the Director of Corporate Services/Town Clerk and the Acting Director of Planning be directed to conduct public meetings and invite public comments with respect to the various ward boundary options;*
 - 2. AND THAT following the public input process, staff be directed to present a report on the public input provided and draft proposals for ward boundaries for consideration of Council."*

Municipal Election Question Results

During the 2000 Municipal Elections, a question was placed before the electors respecting the division of the municipality into wards. The following was the result of the referendum:

“Are you in favour of the implementation of a ward system of representation for the Municipal Council of the Town of Newmarket?”

YES	8685	63.41%
NO	5012	36.59%

(Population at that time 67,653)

The question was placed on the ballot under the authority of the Local Democracy through Direct Referendum Act, which was introduced by the province in the year 2000. This legislation provides that the results of a referendum vote would be binding on the municipality if at least 50% of the eligible electors voted in the election. Since the voter turnout in the election was 35.97%, the result of the vote is not binding. It is therefore left to Council to make a decision on whether to implement a ward system.

The ward question has previously been placed on the ballot in the Town of Newmarket on the following occasions:

1982	Yes	3,231
	No	5,834

(Population at that time 30,953)

1985	Yes	5,125
	No	5,518

(Population at that time 33,186)

1992 Municipal Board Hearing on Ward Petition

During 1991 the Town received a petition requesting the Town to implement the ward system. The Town did not act on the request and the petitioners forwarded their request to the Ontario Municipal Board. The Board Hearing was conducted on March 2, 1992. The Board ruled that the evidence did not demonstrate a need for a ward system at that time.

Legislative Authority for Creation of Ward System

The Municipal Act provides in Section 13 (4) that a Council of a local municipality may pass a bylaw dividing the municipality into wards. Prior to passing the bylaw, the Council shall give notice of its intention to pass the bylaw and hold at least one public meeting to consider the matter. The Council must give consideration to any prescribed

criteria for establishing wards as may be established by the Minister. It has been determined that no such criteria has been established by the Minister.

In order to come into effect for the 2003 Municipal Elections, a ward boundary bylaw must be passed before January 1, 2003. Within 15 days of the passing of the bylaw, the Clerk must give notice to the electors that they may appeal the passing of the bylaw to the Ontario Municipal Board. The appeal to the Board must set out the objection to the bylaw and the reasons for the objection. If there is an objection, the Ontario Municipal Board shall hold a hearing and may dismiss the appeal or allow the appeal in whole or in part. If the Board allows the appeal it may make an order repealing all or part of the bylaw, or amending the bylaw or doing both, or the Board may make an order directing the Council to repeal all or part of the bylaw to amend the bylaw or to do both.

Ward Boundary Criteria

In establishing ward boundaries, a municipality should have regard to several criteria including the following:

1. Equitable distribution of population to provide for representation by population as nearly as possible:
2. Preservation of community integrity and function and recognition of settlement patterns and community groupings
3. Community or diversity of interests
4. Means of communication and accessibility
5. Topographical features
6. Distinct geographical boundaries that provide for a compact and contiguous area and recognize special considerations including the scarcity, density or relative growth or loss of population.

In order to establish boundary options that address the criteria, it is necessary for Council to consider available information on population distribution, identifiable communities and geographic boundaries. In addition it would be prudent to have regard for growth trends in the short and long term to establish boundaries that will recognize current developments.

Composition of Council

During the last term of Council, a proposal was brought forward to reduce the number of Local Councillors from seven to five. Since the matter was discussed after January 1, 2000, the Municipal Act would not allow an amendment to take place in time for the

November 2000 Municipal Elections. The previous Council provided the following direction to staff:

“WHEREAS the Province of Ontario has encouraged municipalities to implement measures to streamline and reduce government and to increase efficiency;

AND WHEREAS the Council of the Town of Newmarket is comprised of a Mayor, Regional Councillor and seven Councillors all of which are elected at large by voters throughout the municipality;

AND WHEREAS Section 29 (3) of the Municipal Act permits a Municipal Council to enact bylaws to change the number of elected members;

AND WHEREAS it is deemed appropriate to reduce the size of the Council of the Town of Newmarket by reducing the number of Local Councillors from seven to five;

AND WHEREAS Section 29 (11) of the Municipal Act provides that a bylaw passed after January 1 in the year of a regular municipal election does not come into force until after the next regular election;

THEREFORE BE IT RESOLVED by the Municipal Council of the Town of Newmarket as follows:

THAT staff initiate procedures to implement the reduction of the members of Council from seven to five effective after the next regular election.

When report CS2000-57 was considered by Council last March it was determined that the examination of potential ward boundaries would be undertaken in order to enable a review of the size of Council in the context of the representation of various segments of the community.

Examination of Ward Boundary Criteria

In order to present preliminary proposals for potential ward divisions, the Planning Department and the Corporate Services Department examined various information sources including, distribution of electors, demographic information, identifiable communities of interest, barriers to accessibility and communication, topographical features, geographic boundaries and future growth areas. The following observations are offered for consideration:

Equitable distribution of population

One of the criteria for the creation of wards is to distribute the population equitably in order to ensure as equal representation as possible. It should be understood that it is not necessary to create wards that are exactly equal in population at the expense of other factors such as topographic interests or communities of interest. It may be that the population in each ward could vary as much as 25% or 30% without seriously impacting the representative role or the equity in representation. This could also depend on the size of the ward and the inclusion of communities of interest. For instance, in municipalities that have an urban/rural split it is very common for the rural wards to be split from urban wards. This is based upon the concern that by including both urban and rural areas in one ward it may overshadow the interests of one segment of the ward. It is also common to have a significantly smaller population in the rural ward in order to prevent the ward from becoming unwieldy in its geographic area.

Within the options presented to Council, there are differences in the population; however it is not believed that they would be significant enough to impact on the principle of equity in representation. The models also include wards that contain areas for future development. While the populations in these wards are not as large as the wards in the developed areas of the community, development in these new areas will bring their populations into line with the other wards within the 5 to 10 year period.

Preservation of Existing Communities

The second criteria for the development of wards is the preservation of community integrity and function and the recognition of settlement patterns and community groupings. The historic downtown area of Newmarket is the most distinctly recognizable community in the municipality. Some other small historic settlements such as Bogartown or Bogartown do exist; however, these other historic settlements did not develop as a nucleus for a distinct community. They gave tended to be overshadowed by the development that has occurred from the core of the historic Main Street area to the extent that they are no longer recognized as a settlement.

Outside of the historic downtown Main Street business district, the only recognizable characteristics in settlement are residential subdivisions. These have been developed over the last 50 years and seem to almost form concentric rings around the downtown. These subdivision areas are distinguishable by the age and style of their housing and also by their orientation to neighbourhood parks and school districts. They do not in themselves form settlement communities that are large enough to be considered as separate political units. These subdivisions are sometimes closely tied with adjacent subdivisions depending upon the stage of their development, road networks, school districts, access to open space and recreational facilities and shopping districts. On their own these delineation's may not form firm political separations; however, may be used to define ward boundaries where it is necessary in order to maintain some equitable distribution of population within the wards in the absence of other means of delineation.

Community or Diversity of Interests

Staff have reviewed Census Data to identify social, economic, ethnic or cultural differences within the community. The data demonstrates that there are no significant communities of interest on this basis. While there exists some diversity in the population, there is no concentration of an identifiable homogeneous population that would warrant consideration for political representation. Newmarkets population is becoming more diverse; however, this diversity is made up of residents from a large variety of backgrounds and they are distributed throughout the community and not concentrated in specific neighborhoods.

Means of Communication and Accessibility

The Town of Newmarket is served by one dominant community newspaper, the Era-Banner, which also serves the Town of Aurora and the communities of Sharon and Holland Landing. Other smaller community newspapers have also served the municipality and have appeared and disappeared over time. One cable television provider serves the entire municipality. The community is therefore not divided by different means of public communication.

Within the community there do not appear to be any significant physical barriers to accessibility to the municipal government or municipal services.

Topographical Features

The topography of the Town of Newmarket is dominated by the Holland River, which runs north and south through the length of the municipality. Adjacent to the Holland River is the original Grand Trunk Railway that now serves primarily as a GO transit line. On either side of the Holland River the topography rises noticeably to peak at the eastern and western boundaries of the municipality.

The impact of this topography is not significant within the historic downtown where there are a number of vehicular and pedestrian connections. In addition, the orientation of the neighborhoods surrounding the downtown core towards the commercial district and its shopping and public amenities overcome the topographic barrier of the river.

Outside the historic downtown, the Holland River does create a significant topographic barrier. Within the areas north of Davis Drive and South of Water Street there are few pedestrian and vehicular linkages. In addition, in some areas, there are significant wetland areas and parkland that provide a natural barrier between neighbourhoods.

Distinct Boundaries with Compact and Contiguous Areas

A final criteria for wards is the requirement for distinct geographical boundaries that provide for a compact and contiguous area and recognize special considerations including the scarcity, density or relative growth or loss of population. The only distinct boundaries within the Town of Newmarket are the major road corridors of Davis Drive, Mulock Drive, Leslie Street, Bayview Avenue, Eagle/Water/Gorham Streets and Yonge Street and the Holland River in the north and south of the municipality. The Town of Newmarket is approximately 14 square miles in area and is approximately 70% urbanized. Any ward system would therefore contain compact areas. All areas in the municipality are relatively contiguous with the exception were the residential areas in the north and south are divided by the river valley.

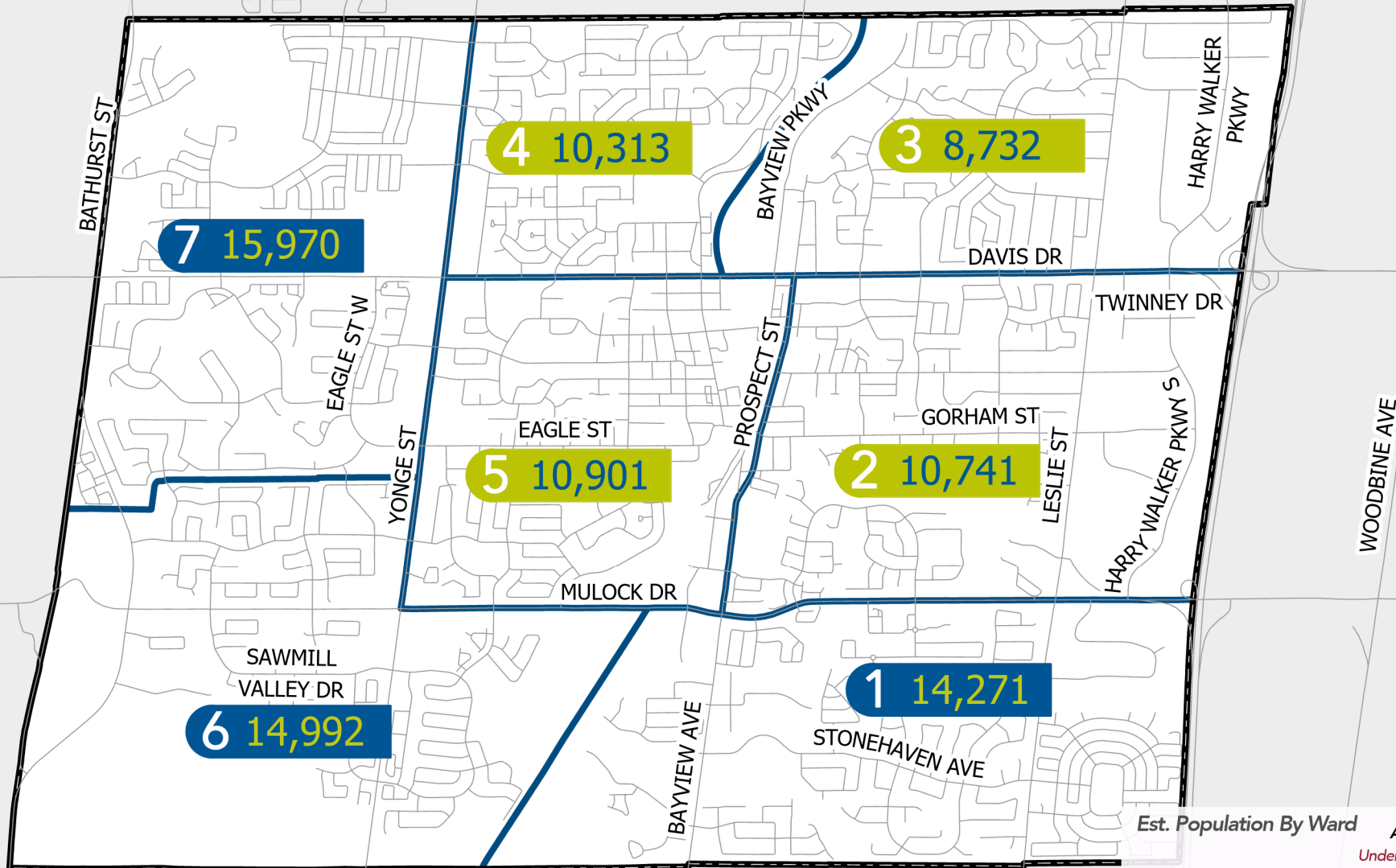
With respect to anticipated changes in the population, it will be necessary to recognize the significant growth that will occur in the northwest and southwest quadrants of the municipality in any ward design. Political divisions within those areas could contain smaller populations at this time in recognition of the growth in population anticipated in the next 5 to 10 years. Alternatively, wards could be created of a size equal to those in the developed areas provided that they are structured to permit their division to add an additional ward as the population grows.

Town of Newmarket Estimated Population by Ward (Sept 2019)

Total Estimated Population
85,921



Designed & Produced by
Information Technology – GIS
Printed: October, 2019



Estimated Population =

2016
Census
Population

+
of New
Residential
Unit

x

of
Persons
Per Unit

derived from Statistics Canada's 2016
Population by Dissemination Area. In situations
where a DA crosses over 2 or more wards,
population is distributed based on the proportion
of address points found in the respective wards

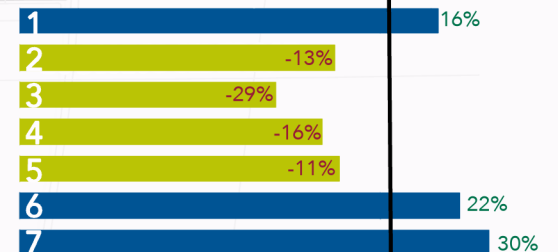
Building Occupancies
issued between
Jan 2017 - Sept 2019

based on York Region Long Range Planning's
Guidelines for Determining Population &
Employment Targets, Newmarket PPU
Estimate by House Type (July 2018 Version)

Est. Population By Ward

Avg. =12,274

Under Avg. Above Avg.



Attachment D - Estimated Ward Populations 2019, 2022 and 2026

Ward	Estimated Total Population (Sept 2019)	Deviation from Avg Pop (%) 2019	Estimated Population by 2022*	Deviation from average population 2022	Estimated population by 2026	Deviation from Average Population 2026
1	14,271	16%	14,271	10%	14,271	7%
2	10,741	-12%	10,941	-17%	11,214	-18%
3	8,732	-29%	8,732	-47%	8,732	-52%
4	10,313	-16%	10,722	-20%	11,085	-20%
5	10,901	-11%	11,427	-12%	12,339	-8%
6	14,992	22%	15,485	17%	15,485	14%
7	15,970	30%	18,402	30%	19,793	33%
Total	85,921		89,980		92,920	
Average	12,274		12,854		13,274	

These estimated numbers are based on a review of current development applications and their expected completion and occupancy dates. The number of new residential units in each application was multiplied by the average number of residents per unit, then an estimate was made as whether the development would be occupied by 2022 or 2026.

Attachment E - Terms of Reference for a Newmarket Ward Boundary Review – Consultant Led

Objective

To undertake a ward boundary review process for the Town of Newmarket. This includes broad engagement and consultation with Newmarket residents, communication with key stakeholders, and to develop ward boundary options and recommendations for Council's consideration.

Consultant Responsibilities

- Undertake a ward boundary review for Newmarket that is legally robust and will withstand legal scrutiny and possible appeals to the Local Planning Appeal Tribunal (LPAT);
- Undertake required electoral, public policy and other research to inform the ward boundary review process;
- Implement a two-stage broad engagement and consultation strategy with the public, communities, key stakeholders, the Mayor and councillors to elicit input on Newmarket's current ward boundaries and input on ward boundary options; and
- Develop ward boundary options and a recommended option for Council's consideration.

The consultant may consult academics, electoral, public policy and other experts during the ward boundary review process.

Project Parameters

The consultant will be responsible to undertake a ward boundary review within the following parameters:

- Develops a ward boundary review process, work plan and engagement and consultation strategy that does not assume a specific boundaries of wards;
- Applies the principle of "effective representation" as outlined by the Supreme Court of Canada and applied by the courts and the Ontario Municipal Board (OMB)/Local Planning Appeal Tribunal (LPAT) in developing ward boundary options;
- Considers and reflects the principles of geography, community history, minority representation, communities of interest, physical and natural boundaries in developing ward boundary options;
- Adheres to requirements set out in relevant OMB/LPAT and court decisions about undertaking municipal ward boundary reviews;
- Considers and accommodates Newmarket's projected growth and population shifts for a reasonable period of time;
- Builds on lessons learned through other ward boundary reviews and leading electoral and public policy research and advice;
- Considers key Town policies in the development of ward boundary options including the Official Plan, Secondary Plan;

**Attachment E - Terms of Reference for a Newmarket Ward Boundary Review –
Consultant Led**

- Includes at least two rounds of broad and comprehensive public consultation -- the first to provide information to support informed engagement and solicit feedback on existing ward boundaries, and the second to provide information and solicit feedback on ward boundary options;
- Works within any additional parameters established by Town Council
- Presents preliminary and final recommendations.

Attachment E - Projected Timeline

Task	Responsible	Estimated Dates
Report to Council - Council Decision required	Town Clerk	January 13, 2019
Request for Proposal evaluation and contract	Town Clerk	January 2020
Public consultation on current ward boundaries (Round I)	Consultant	April - June 2020
Inform Council of new ward boundary options for public consultation	Consultant	July 2020
Public consultation on new ward boundary options (Round II)	Consultant	August – September 2020
Final report to Council with recommendations - Council decision required	Consultant	November 2020
Enacting by-law	Town Clerk	November 2020
Give notice to the public that the by-law has passed	Town Clerk	November 2020
45-day Appeal Period ends	Town Clerk	December 2020
Last day for notice(s) of appeals to be received	Town Clerk	December 2020
Notice(s) of appeal to be forwarded to the Local Planning Appeal Tribunal by the Town - If applicable	Town Clerk	January 2021
Expected Local Planning Appeal Tribunal decision (within ~6 – 10 months) - If applicable	LPAT	July 2021 – November 2021

January 1, 2022 is the deadline for a by-law to be in force – appeal period must have elapsed and any appeals concluded



Town of Newmarket
395 Mulock Drive P.O. Box 328,
Newmarket, Ontario, L3Y 4X7

Email: info@newmarket.ca | Website: newmarket.ca | Phone: 905-895-5193

Application for Draft Plan of Condominium (19CDMN-2019-002) Staff Report to Council

Report Number: 2020-01

Department(s): Planning and Building Services

Author(s): L. Traviss, Senior Planner, Development

Meeting Date: January 13, 2020

Recommendations

1. That the report entitled Application for Draft Plan of Condominium (19CDMN-2019-002) dated January 13, 2020 be received; and,
2. That approval be given to Draft Plan of Condominium 19CDMN-2019-002) subject to the Schedule of Conditions attached hereto and forming part of this report; and,
3. That Kerigan Kelly, Groundswell Urban Planners Inc., 95 Mural Street, Suite 402, RICHMOND HILL ON L4B 3G2 be notified of this action.

Purpose

The purpose of this report is to recommend Council approve the attached Draft Plan of Condominium for Blocks 121 and 122 within the Marianneville Draft Plan of Subdivision.

Background

An application for draft plan of condominium has been submitted by Marianneville Developments Limited. The applicant received site plan approval and has subsequently entered into a site plan agreement dated January 15, 2019 for the development of 26 detached residential dwellings on the subject lands. The detached dwellings are now under construction and it is appropriate to approve the draft plan of condominium.

Discussion

Draft Plan of Condominium 19CDMN-2019-002 relates to a development containing 26

Application for Draft Plan of Condominium (19CDMN-2019-002)

detached residential dwellings – 10 within Block 121 and 16 within Block 122. The subject lands are located to the east and south of Mitchell Place and are shown on the attached Location Map. A copy of the draft plan of condominium, as recommended for approval, is also attached.

The subject lands are being developed by parcels of tied land whereby the only common elements are the private roads and associated boulevard areas. The remainder of the lands will be subdivided through the Part Lot Control Exemption process under the Planning Act and would have a freehold tenancy on the private roads. As noted above, the applicant has received site plan approval and has entered into a site plan agreement dated January 15, 2019 for the development of the detached dwellings on the subject lands. The dwellings are now under construction and it is appropriate to approve the draft plan of condominium.

Planning Considerations

This application for Draft Plan of Condominium proposes to identify and create the common elements for the condominium corporation which includes the roads and the boulevard areas which are to be maintained by the condominium corporation. The proposed Draft Plan of Condominium is appended to this report.

Application for site plan approval for the 26 detached dwellings on condominium roads was approved in principle by Council on April 24, 2017. The site plan agreement dated January 15, 2019 has been executed by the Town and all payments and securities required by the site plan agreement have been submitted.

The subject property is designated Emerging Residential in the Town's Official Plan. The Emerging Residential designation was put in place by the Ontario Municipal Board through its Order dated November 18, 2014. Detached dwellings are a permitted use in the Emerging Residential designation and the proposed Draft Plan of Condominium application conforms to the purpose and intent of the Official Plan.

The subject property is currently zoned R1-D-122 by the Ontario Municipal Board through its Order dated November 18, 2014, which permits the detached dwellings as approved through the site plan approval process. Council removed the holding provision from the zoning by-law as it relates to this development through By-law Number 2019-27 dated May 6, 2019.

Conclusion

Draft Plan of Condominium 19CDMN-2019-002 is recommended for approval subject to the conditions set out in the Schedule of Conditions attached to and forming part of this Report.

Business Plan and Strategic Plan Linkages

This application has linkages to the Community Strategic Plan as follows:
Application for Draft Plan of Condominium (19CDMN-2019-002)

Well-equipped and Managed: by providing opportunities for varied housing types, affordability and densities.

Consultation

N/A

Human Resource Considerations

N/A

Budget Impact

Operating Budget (Current and Future)

The appropriate planning application fees have been received for the draft plan of condominium. The Town has also received income from development charges and will receive assessment revenue through the development of this subdivision.

Capital Budget

There is no direct capital budget impact as a result of this report.

Attachments

1 – Schedule of Conditions

2 – Location Map

3 – Proposed Draft Plan of Condominium

Approval

Peter Noehammer, Commissioner, Development and Infrastructure Services

Jason Unger, Acting Director, Planning and Building Services

Adrian Cammaert, Acting Manager, Planning Services

Contact

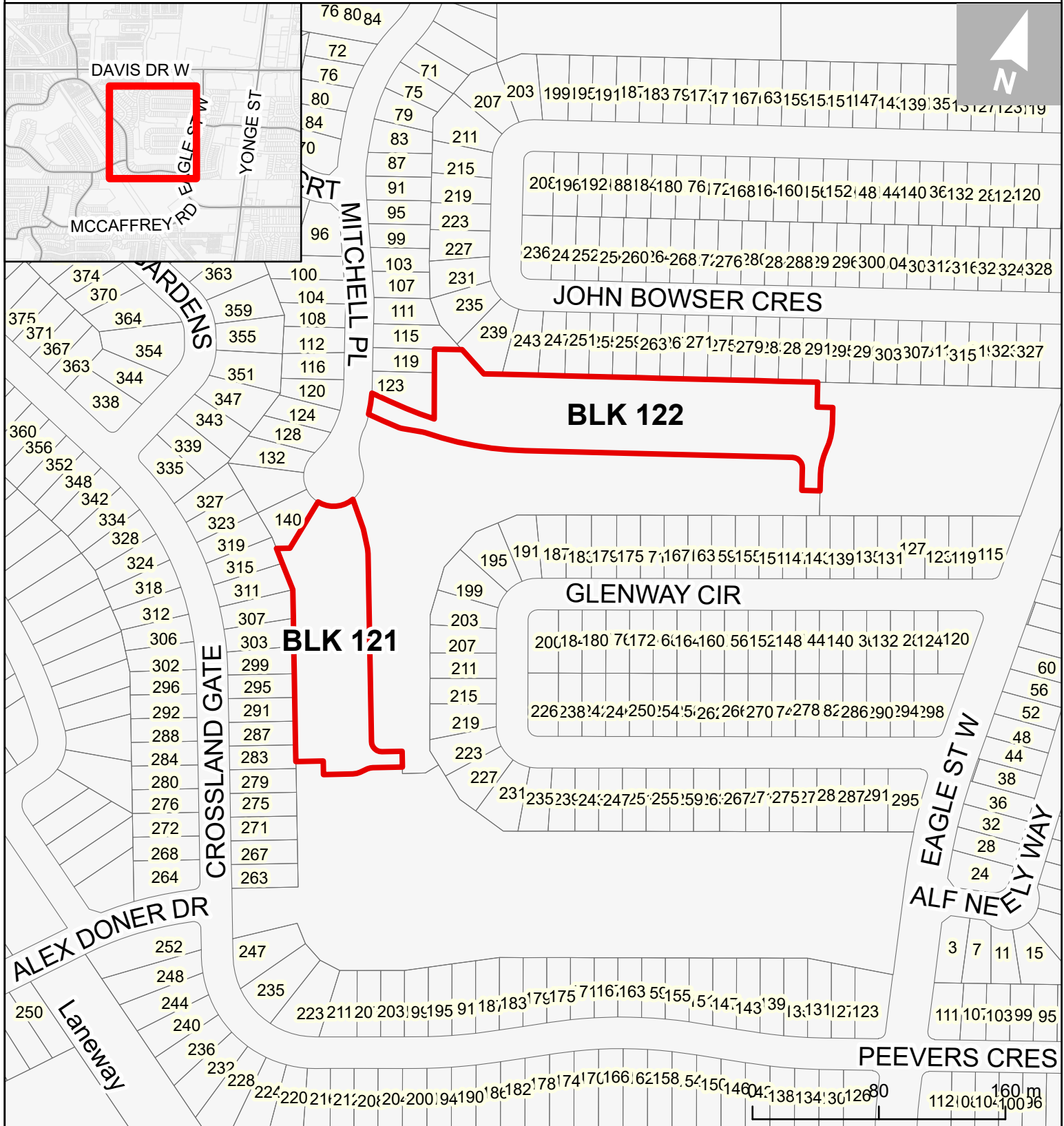
Linda Traviss, Senior Planner - Development

SCHEDULE OF CONDITIONS
DRAFT PLAN OF CONDOMINIUM 19CDMN-2019-002
MARIANNEVILLE DEVELOPMENTS LIMITED

1. Approval shall relate to the draft plan of condominium prepared by J.D. Barnes Limited, Reference Number 16-21-903-blk121-122-condo, signed by Marianneville Developments Limited on September 5, 2019.
2. The Owner shall provide confirmation from the Director of Engineering Services that the Owner has fulfilled all of its obligations under the Site Plan Agreement dated January 15, 2019, as amended from time to time, or in the alternative, that the Owner has provided sufficient financial security and appropriate completion schedules to ensure that the Site Plan Agreement will be complied with in a timely manner.
3. The Owner shall provide confirmation from the Municipal Solicitor that the Owner has fulfilled all of its obligations under the Site Plan Agreement dated January 15, 2019, as amended from time to time, or in the alternative, that the Owner has provided sufficient financial security and appropriate completion schedules to ensure that the Site Plan Agreement will be complied with in a timely manner.
4. The Owner shall provide an undertaking to the Municipal Solicitor that provides that no transfer of any Parcel of Tied Land (POTL) will occur until such time as interests in the common elements condominium have been registered against each of the POTLs and that the common element condominium subject to this approval will be registered against each of the POTLs identified in the registrable description.
5. Prior to registration, the Owner shall obtain any required minor variances to recognize any zoning deficiencies, if required.
6. Prior to final approval, the Owner shall submit a survey substantially in conformity with the plan set out in Condition Number 1 and in conformity with the requirements of the Condominium Act.

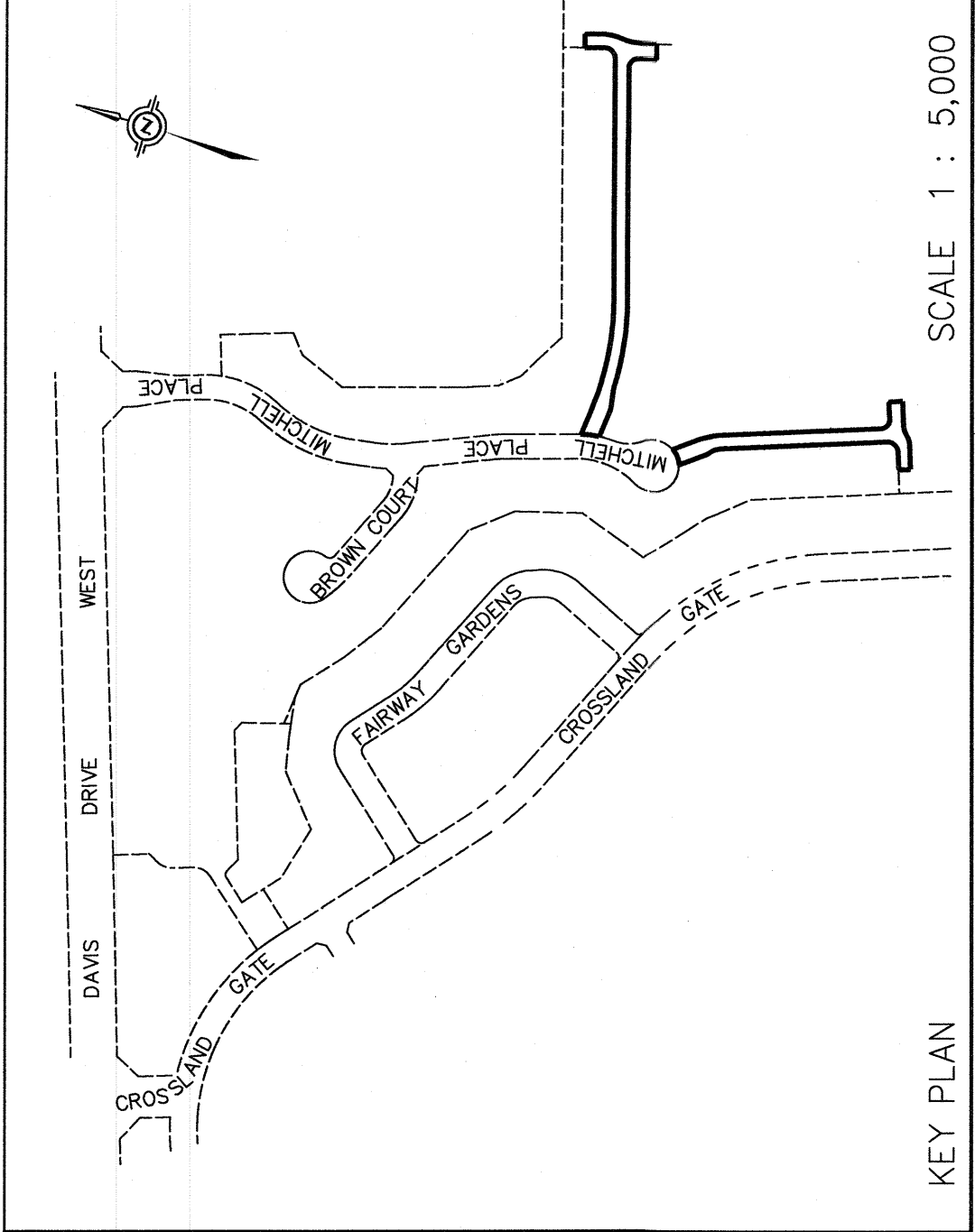
Location Map

Plan 65M-4587 Block 121 & 122



 Subject Lands

Designed & Produced by
Information Technology - GIS
Printed: 2019-11-20.



SCALE 1 : 5,000

DRAFT PLAN OF COMMON ELEMENTS CONDOMINIUM OF
PART OF BLOCKS 121 AND 122
REGISTERED PLAN 65M-4587
TOWN OF NEWMARKET
REGIONAL MUNICIPALITY OF YORK

SCALE 1 : 500
J.D. BARNES LIMITED

METRIC DISTANCES AND/OR COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

ADDITIONAL INFORMATION REQUIRED UNDER
SECTION 51 (17) OF THE PLANNING ACT.

- FOR A,B,C,E,F,G, AND J SEE DRAFT PLAN AND KEY PLAN
D WHERE PARTS OF THE CONDOMINIUM ARE SHOWN WITHIN THE BOUNDARIES OF AN ADJACENT CONDOMINIUM
H MUNICIPAL WATER IS AVAILABLE ON ADJACENT STREETS
I SILTY SAND
K SANITARY SEWERS AND SANITARY SEWERS ARE AVAILABLE ON ADJACENT STREETS
L ALL EASEMENTS AFFECTING THE SUBJECT SITE ARE SHOWN ON THE FACE OF THIS PLAN.

NOTES

1. THE PLAN WAS DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL-TIME NETWORK (RTN) OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010).

INTEGRATION DATA			
OBSERVED REFERENCE POINTS (ORP): UTM ZONE 17, NAD83 (CSRS) (2010.0)			
COORDINATES TO URBAN ACCURACY PER SECTION 14 (2) OF OREG 216/10.			
POINT ID	EASTING	NORTHING	
ORP ①	621 071.43	4 879 449.06	
ORP ②	621 233.40	4 879 497.21	
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.			

SITE STATISTICS

AREA OF COMMON ELEMENTS CONDOMINIUM = 0.5663 HECTARES
AREA OF PLANNED CONDOMINIUM WITHIN THE BOUNDARIES OF THE CONDOMINIUM = 0.5663 HECTARES
NUMBER OF PROPOSED PARCELS OF TIED LAND = 26
BUILDINGS AND STRUCTURES INCLUDED IN THE COMMON ELEMENTS = NONE
FACILITIES AND SERVICES INCLUDED IN THE COMMON ELEMENTS:
- 6.4m WIDE ASPHALT PAVED LANEWAY (BACK OF CURB TO BACK OF CURB)
- CONCRETE CURBS
- STORM SEWERS AND CATCH BASINS
- LIGHT POLES
- LANDSCAPED AREAS

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LAND TO BE DEVELOPED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

DATE: 2019-05-05
J.D. BARNES LIMITED
J.D. BARNES, SURVEYOR

OWNER'S CERTIFICATE

I HEREBY CONSENT TO THE SUBMISSION OF THIS PLAN FOR APPROVAL.
MARIANVILLE DEVELOPMENTS LIMITED

DATE: 2019-05-05
J.D. BARNES LIMITED
J.D. BARNES, SURVEYOR

ZONING: R1-D-123 BY BY-LAW 2014-25

J.D. BARNES
SURVEYING
LAND INFORMATION SPECIALISTS
LIMITED
10 HURONTARIO DRIVE, SUITE 101, MARKHAM, ON L3R 6B1
T: (905) 477-5500 F: (905) 477-5501
WWW.JDBARNES.COM

DRAWN BY: G. VIVIAN
CHECKED BY: GRS
REFERENCE NO.: 16-21-903-SHK-21-122-condo
FILE: G:\V\21-903-SHK-21-122-condo.dwg
DATED: 06/12/19



BLOCK 43, REGISTERED PLAN 65M-4553

BLOCK 42, REGISTERED PLAN 65M-4553

BLOCK 41, REGISTERED PLAN 65M-4553

BLOCK 40, REGISTERED PLAN 65M-4553

BLOCK 39, REGISTERED PLAN 65M-4553

BLOCK 38, REGISTERED PLAN 65M-4553

BLOCK 37, REGISTERED PLAN 65M-4553



Town of Newmarket
395 Mulock Drive P.O. Box 328,
Newmarket, Ontario, L3Y 4X7

Email: info@newmarket.ca | Website: newmarket.ca | Phone: 905-895-5193

Site Specific Exemption to Interim Control By-law 2019-04 for 110 Niagara Street Staff Report to Council

Report Number: 2020-02

Department(s): Planning Services

Author(s): Alannah Slattery

Meeting Date: January 13, 2020

Recommendations

1. That the report entitled Site Specific Exemption to Interim Control By-law 2019-04 for 110 Niagara Street dated January be received; and,
2. That Council approve the requested site-specific exemption to Interim Control by-law 2019-04 for 110 Niagara Street and adopt the attached exemption by-law.

Purpose

The purpose of this report is to recommend to Council the approval of a site specific amendment to Interim Control By-law 2019-04 for subject property 110 Niagara Street.

Background

Council passed Interim Control By-law 2019-04 on January 21, 2019. On May 27, 2019 Council approved a Site Specific Exemption Process for Interim Control By-law 2019-04. The exemption process consists of the review of proposed residential dwellings or additions within the subject area of the Interim Control By-law on a case-by-case basis, to determine their compatibility with existing neighbourhood character. Council approval is required to grant a site-specific exception from the Interim Control By-law.

Discussion

Planning Services have received a request for exemption from Interim Control By-law 2019-04, for subject property 110 Niagara Street. The applicant is proposing to remove Site Specific Exemption to Interim Control By-law 2019-04 for 110 Niagara Street

the existing partial half storey, to construct a full second storey on the existing dwelling. The proposed addition would be built within the existing building footprint. The proposed second storey addition would increase the gross floor area from approximately 213 square metres to approximately 278 square metres. The proposed addition would increase the building height from approximately 7.9 metres to approximately 8.8 metres.

Interim Control By-law 2019-04 prohibits the expansion of gross floor area of residential dwellings by 25% or more, and prohibits the increase in height of residential dwellings. The proposed addition would expand the gross floor area of the existing dwelling by approximately 30%, and would increase the height of the dwelling, as such an exemption from Interim Control By-law 2019-04 is being requested.

A map of the subject property, drawings of the proposed dwelling, and a street view image of the subject property and neighbouring dwellings can be found attached to this report.

Staff have reviewed the proposal and provide the following comments based on the exemption process as approved by Council.

Physical Character

- The subject property is zoned Residential Exception (R1-D-119) Zone which permits a maximum height of 10.0 metres for a two-storey dwelling. The proposed addition will increase the dwelling height to approximately 8.8 metres.
- The design of the roof of the proposed addition is consistent with existing slopes, ridges and rooflines of the neighbouring properties.
- Although the proposed addition will increase the gross floor area from 213 square metres to 278 square metres, the dwelling will be constructed using the existing building footprint, will be within zoning height requirements, and will be appropriate relative to the size of the lot.
- The proposed two-storey dwelling will be consistent in size and height with neighbouring properties.
- The proposed dwelling will meet the zoning requirements of the R1-D-119 Zone.
- The proposed dwelling will not result in over-development of the lot.

Streetscape Character

- The design of the proposed dwelling (style, height, mass) will result in a dwelling in-keeping with the existing character of the neighbourhood.
- The proposed second storey addition will be built using the existing footprint, maintaining existing street lines and a uniform built form with neighbouring dwellings.
- The proposed dwelling will not significantly change the character of the streetscape, which is comprised of moderately-sized one-and-a-half- and two-storey dwellings along Niagara Street.

Town staff are of the opinion that the proposed second-storey addition will not compromise the character of the neighbourhood. As such, staff recommend that the request for exemption of 110 Niagara Street from Interim Control By-law 2019-04 be approved by Council, and that the attached by-law be adopted.

Conclusion

It is recommended that Council grant a site-specific exception for 110 Niagara Street, Newmarket, from Interim Control By-law 2019-04 by adopting the attached exemption by-law.

Business Plan and Strategic Plan Linkages

The proposed development supports Council's 2018-2022 Strategic Priorities which aim to ensure a thriving community that is supportive of community engagement.

Consultation

Planning report 2019-03 states the following for neighbourhood circulation in regards to the ICB exemption process: "The Town will notify all abutting and adjacent property owners of the applicant's request for exemption from the ICB, and provide those property owners with 10 days to make a written submission to the Town for staff consideration." To date, staff have used 25 metres as a starting point, and filled in any gaps as deemed necessary, to implement the "abutting and adjacent" language from the staff report.

Beginning February 2020, the standard circulation distance for exemption requests will be expanded to a 50 metre radius of the subject property, to provide broader notice to neighbours. Staff note that the circulation distance for a minor variance application is 60 metres under the Planning Act. An exemption from the Interim Control By-law is a proposal that could have been built as-of-right before Interim Control By-law 2019-04, and is in conformity with the zoning by-law, and as such, generally may have a lesser impact on the surrounding neighbourhood than an application seeking to amend or vary the by-law standards. It is staff's opinion that a 50 metre circulation distance is adequate.

In regards to the subject application, notification was sent to neighbours within a 25 metre radius of the subject property. The notification map can be found attached to this report. Staff have not received any objections to the proposal.

Human Resource Considerations

N/A

Budget Impact

There is no budget impact associated with this report.

Attachments

- Location Map
- Neighbour Street-view
- Proposal
- Notification Map
- Proposed By-law

Approval

Adrian Cammaert, Acting Manager, Planning Services

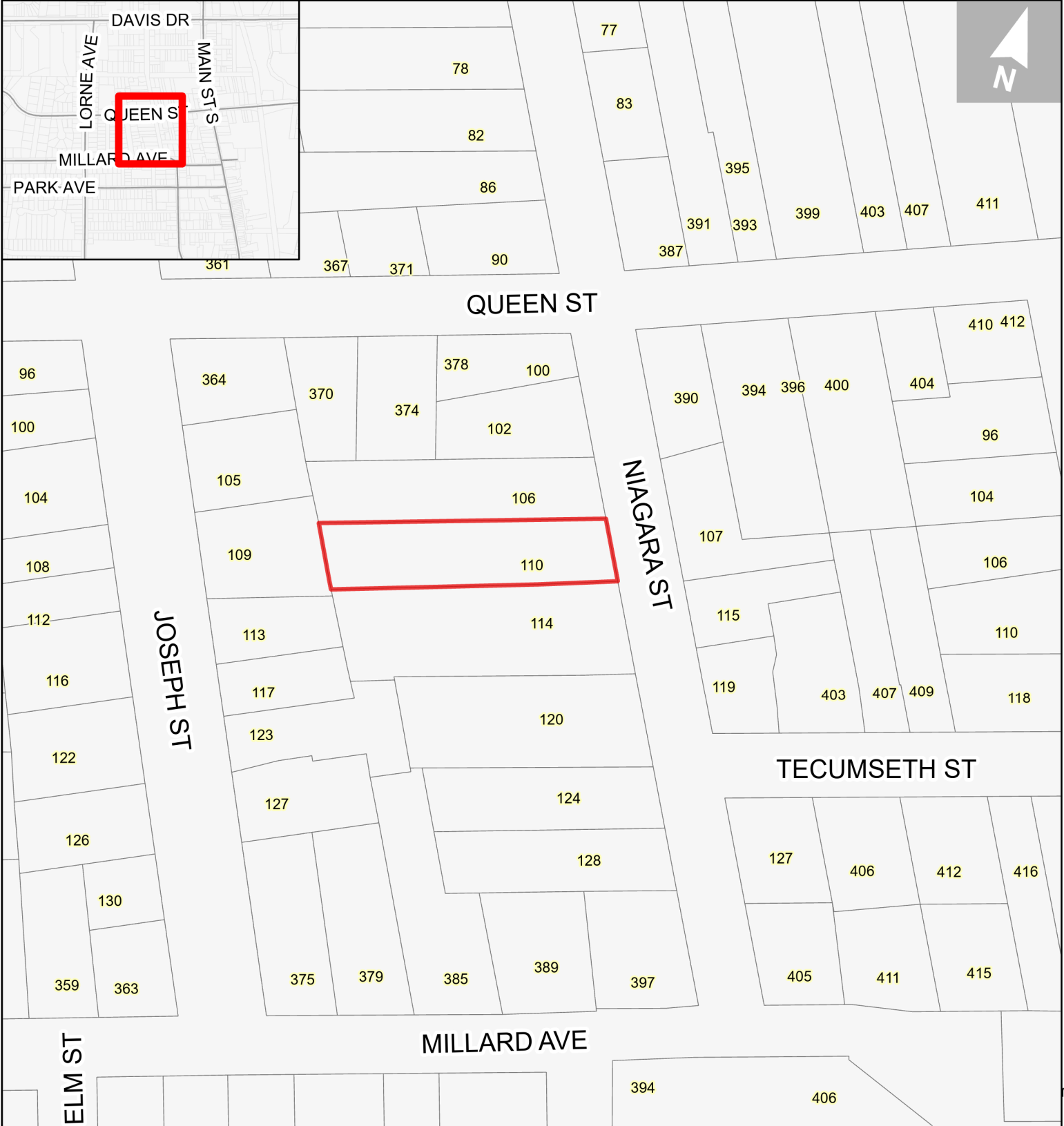
Jason Unger, Acting Director of Planning & Building Services

Peter Noehammer, Commissioner of Development & Infrastructure Services

Contact

Alannah Slattery, Planner, aslattery@newsmarket.ca

Location Map 110 Niagara Street

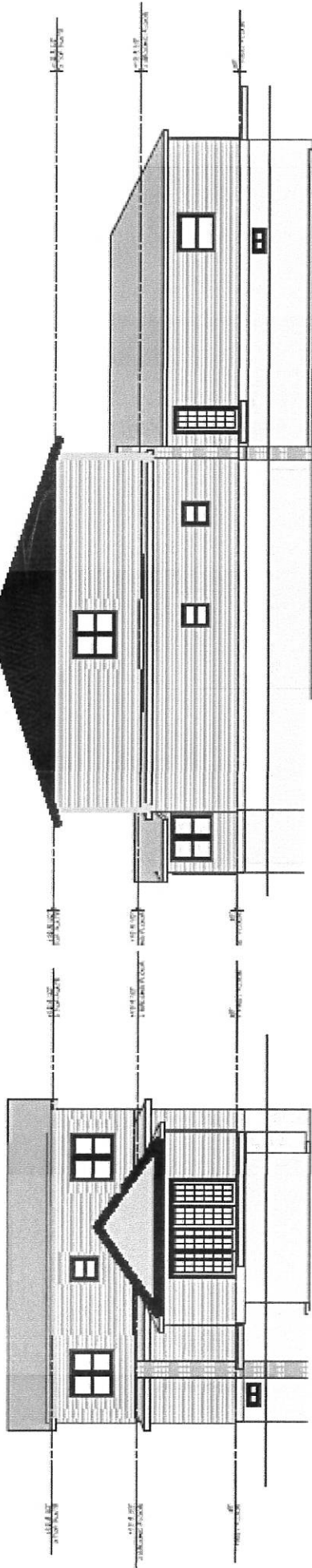


 Subject Lands



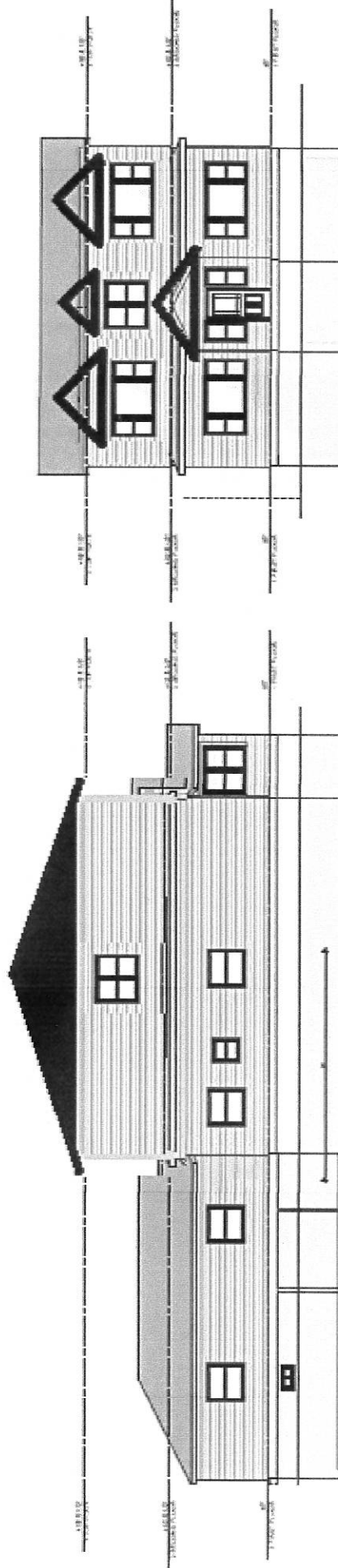
Information Technology - GIS
Printed: November, 2019

Roads, Railway, Municipal Boundary - Data, Analytics and Visualization Services Branch, Corporate Services, The Regional Municipality of York, 2019. All other data - © Town of Newmarket, 2019. Land Parcel Boundaries - © Teranet Inc. and its suppliers. All rights reserved. NOT A PLAN OF SURVEY. 2019. DISCLAIMER: This mapping is based on the POLARIS parcel fabric product compiled using Land Registry System records and recent surveys and control points where available. This mapping is a representation of the earth's surface and provides estimates of area and distance. It is not a substitute for a legal survey.



REAR ELEVATION

NORTH SIDE



SOUTH SIDE

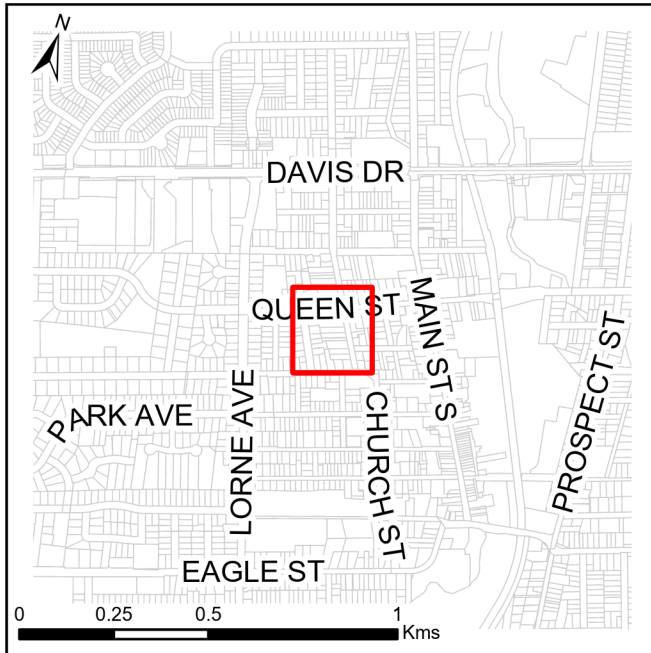
FRONT

110 Niagara St.



110 Niagara St.






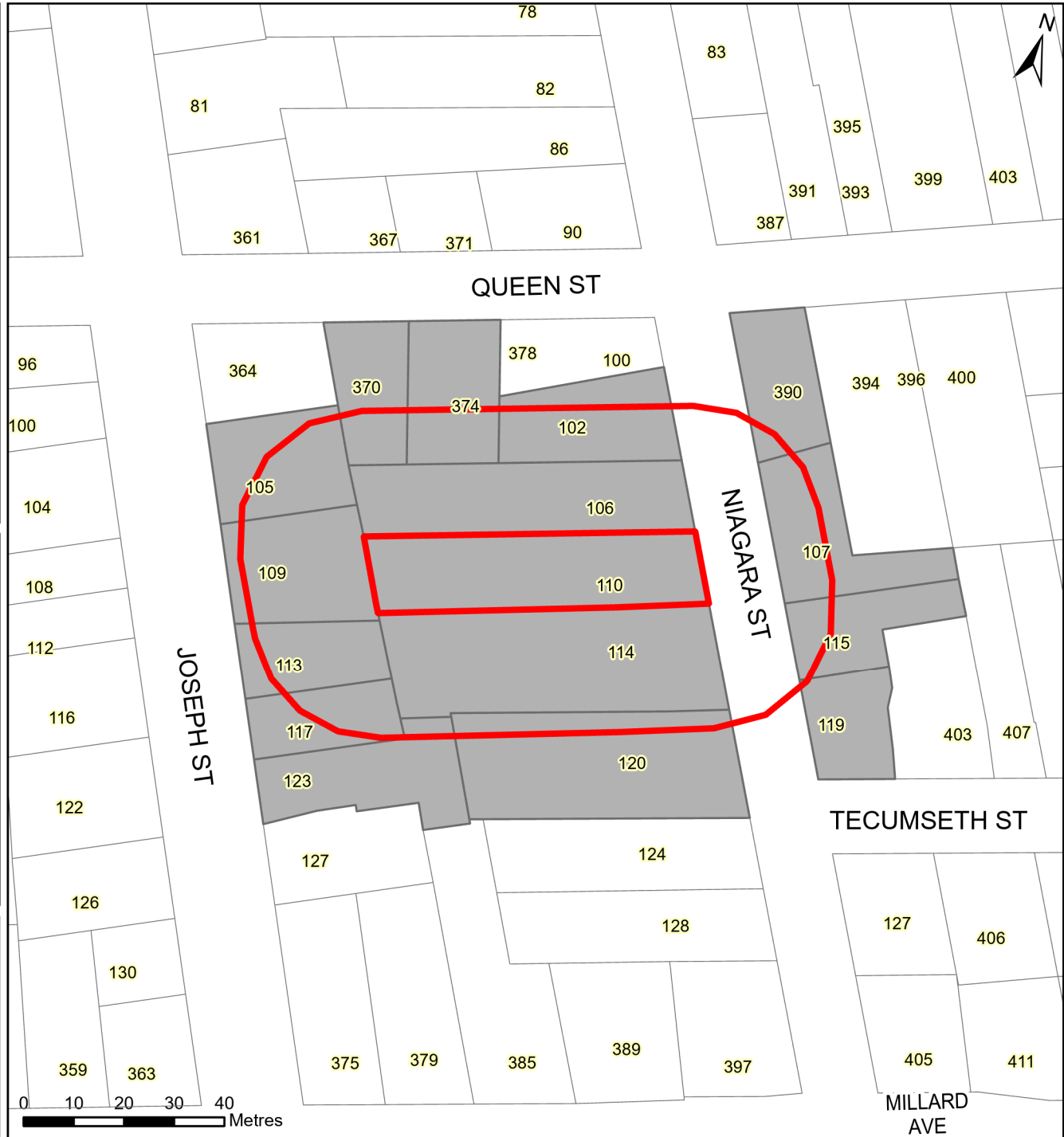


110 Niagara Street 25m Notification Map



Designed & produced by Information Technology - GIS
Printed: November, 2019

-  Subject Property & Buffer
-  Selected Properties
-  Property Line





Corporation of the Town of Newmarket

By-law 2019-

A By-law to grant a site specific exemption for the property with the Municipal address of 110 Niagara Street, Newmarket, from Interim Control By-law 2019-04.

WHEREAS on January 21, 2019. Council for the Town of Newmarket enacted Interim Control By-law No. 2019-04 to control the erection of, or additions resulting in, any large scale dwellings within defined areas of the Town of Newmarket.

AND WHEREAS on January 13, 2020 Newmarket Council considered a request for an exemption to Interim Control by-law 2019-04 for the property with the Municipal Address of 110 Niagara Street.

NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF NEWMARKET ENACTS AS FOLLOWS:

1. Interim Control By-law 2019-04 is hereby amended by adding the following section:

9b. Notwithstanding Section 1 of this By-law, on the lands described as 110 Niagara Street, Newmarket, there shall be permitted the construction of a second storey addition, resulting in a total Gross Floor Area not exceeding 280 square metres.

Enacted this 13^h day of January, 2020.

John Taylor, Mayor

Lisa Lyons, Town Clerk



Town of Newmarket
395 Mulock Drive P.O. Box 328,
Newmarket, Ontario, L3Y 4X7

Email: info@newmarket.ca | Website: newmarket.ca | Phone: 905-895-5193

Site Specific Exemption to Interim Control By-law 2019-04 for 730 Arthur Street Staff Report to Council

Report Number: 2020-03

Department(s): Development and Infrastructure Services/Planning and Building Services

Author(s): Alannah Slattery

Meeting Date: January 13, 2020

Recommendations

1. That the report entitled Site Specific Exemption to Interim Control By-law 2019-04 for 730 Arthur Street dated January 13th, 2020 be received; and,
2. That Council approve the requested site-specific exemption to Interim Control by-law 2019-04 for 730 Arthur Street and adopt the attached exemption by-law.

Purpose

The purpose of this report is to recommend to Council the approval of a site specific amendment to Interim Control By-law 2019-04 for subject property 730 Arthur Street.

Background

Council passed Interim Control By-law 2019-04 on January 21, 2019. On May 27, 2019 Council approved a Site Specific Exemption Process for Interim Control By-law 2019-04. The exemption process consists of the review of proposed residential dwellings or additions within the subject area of the Interim Control By-law on a case-by-case basis, to determine their compatibility with existing neighbourhood character. Council approval is required to grant a site-specific exception from the Interim Control By-law.

Discussion

Planning Services have received a request for exemption from Interim Control By-law 2019-04, for subject property 730 Arthur Street. The applicant is proposing to add a Site Specific Exemption to Interim Control By-law 2019-04 for 730 Arthur Street

single-storey addition to the rear of the existing one-and-a-half storey dwelling. The proposed addition will replace the existing rear yard deck.

The proposed single-storey rear addition would increase the gross floor area of the dwelling from approximately 275 square metres to approximately 428 square metres. The proposed addition would not be greater in height than the existing dwelling.

Interim Control By-law 2019-04 prohibits the expansion of gross floor area of residential dwellings by 25% or more, and prohibits the increase in height of residential dwellings. The proposed addition would expand the gross floor area of the existing dwelling by approximately 55%, as such an exemption from Interim Control By-law 2019-04 is being requested.

A map of the subject property, drawings of the proposed dwelling, and a street view image of the subject property and neighbouring dwellings can be found attached to this report.

Staff have reviewed the proposal and provide the following comments based on the exemption process as approved by Council.

Physical Character

- The subject property is zoned Residential Exception (R1-D-119) Zone which permits a maximum lot coverage of 25% for one-and-a-half storey dwellings. The proposed addition will increase the lot coverage to approximately 20%.
- The proposed rear addition will not increase the height of the dwelling, and the proposed roofline is consistent with existing slopes, ridges and rooflines of the neighbouring properties.
- The proposed addition will be constructed using building materials akin to the existing dwelling for a consistent building design.
- The proposed addition will meet all zoning requirements of the R1-D-119 Zone, including yard setbacks, height and coverage requirements.
- It is staff's opinion that the proposed addition will not result in the over-development of the lot.

Streetscape Character

- The design of the proposed rear addition (style, height, mass) will result in a dwelling in-keeping with the existing character of the neighbourhood, which is comprised of moderately-sized single- and one-and-a-half storey dwellings along Arthur Street.
- The proposed addition will be constructed to the rear of the existing dwelling, maintaining existing street lines and a uniform built form.
- The proposed addition will not be closer to the side lot line than the existing dwelling.
- The proposed rear addition will not be greater in height than the existing dwelling, reducing visibility from the street.

- The proposed dwelling will not significantly change the character of the streetscape, as it will be built to the rear of the existing dwelling and will be minimally visible from street view.

Town staff are of the opinion that the proposed dwelling will not compromise the character of the neighbourhood. As such, staff recommend that the request for exemption of 730 Arthur Street from Interim Control By-law 2019-04 be approved by Council, and that the attached by-law be adopted.

Conclusion

It is recommended that Council grant a site-specific exception for 730 Arthur Street, Newmarket, from Interim Control By-law 2019-04 by adopting the attached exemption by-law.

Business Plan and Strategic Plan Linkages

The proposed development supports Council's 2018-2022 Strategic Priorities which aim to ensure a thriving community that is supportive of community engagement.

Consultation

Planning report 2019-03 states the following for neighbourhood circulation in regards to the ICB exemption process: "The Town will notify all abutting and adjacent property owners of the applicant's request for exemption from the ICB, and provide those property owners with 10 days to make a written submission to the Town for staff consideration." To date, staff have used 25 metres as a starting point, and filled in any gaps as deemed necessary, to implement the "abutting and adjacent" language from the staff report.

Beginning February 2020, the standard circulation distance for exemption requests will be expanded to a 50 metre radius of the subject property, to provide broader notice to neighbours. Staff note that the circulation distance for a minor variance application is 60 metres under the Planning Act. An exemption from the Interim Control By-law is a proposal that could have been built as-of-right before Interim Control By-law 2019-04, and is in conformity with the zoning by-law, and as such, generally may have a lesser impact on the surrounding neighbourhood than an application seeking to amend or vary the by-law standards. It is staff's opinion that a 50 metre circulation distance is adequate.

In regards to the subject application, notification was sent to neighbours within a 25 metre radius of the subject property. The notification map can be found attached to this report. Staff have not received any objections to the proposal.

Human Resource Considerations

N/A

Budget Impact

There is no budget impact associated with this report.

Attachments

- Location Map
- Neighbour Street-view
- Proposal
- Notification Map
- Proposed By-law

Approval

Adrian Cammaert, Acting Manager of Planning Services

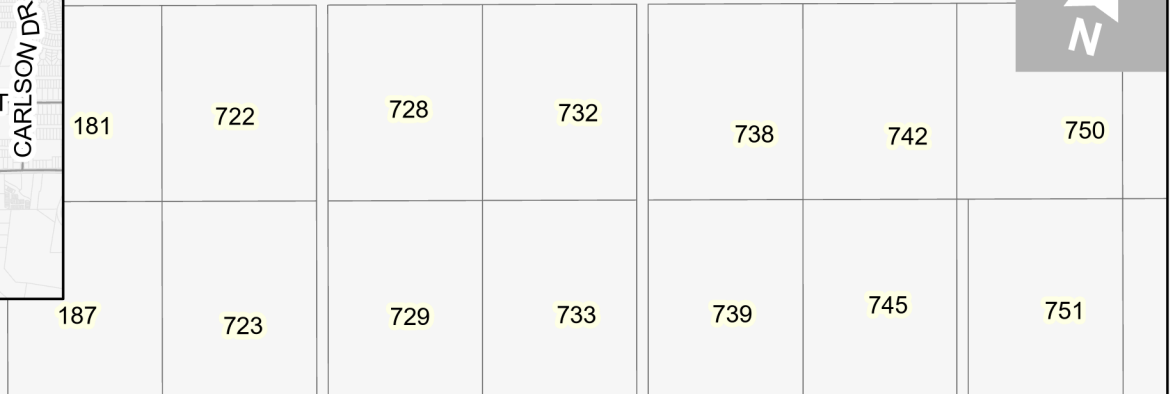
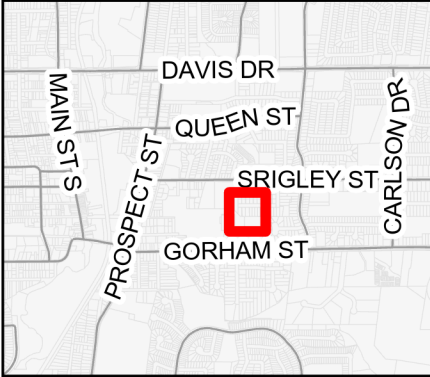
Jason Unger, Acting Director of Planning & Building Services

Peter Noehammer, Commissioner of Development & Infrastructure Services

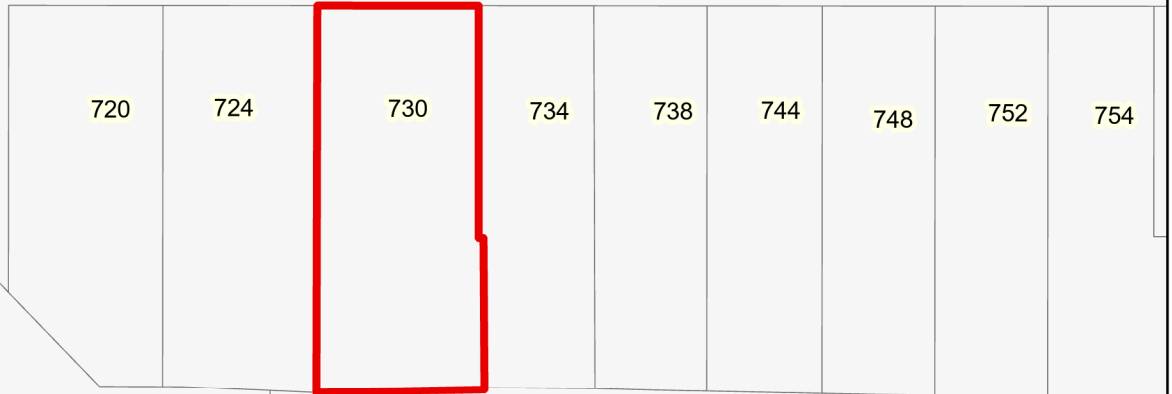
Contact

Alannah Slattery, Planner aslattery@newmarket.ca

Location Map 730 Arthur Street



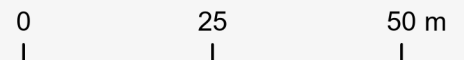
ARTHUR ST



MURIEL ST

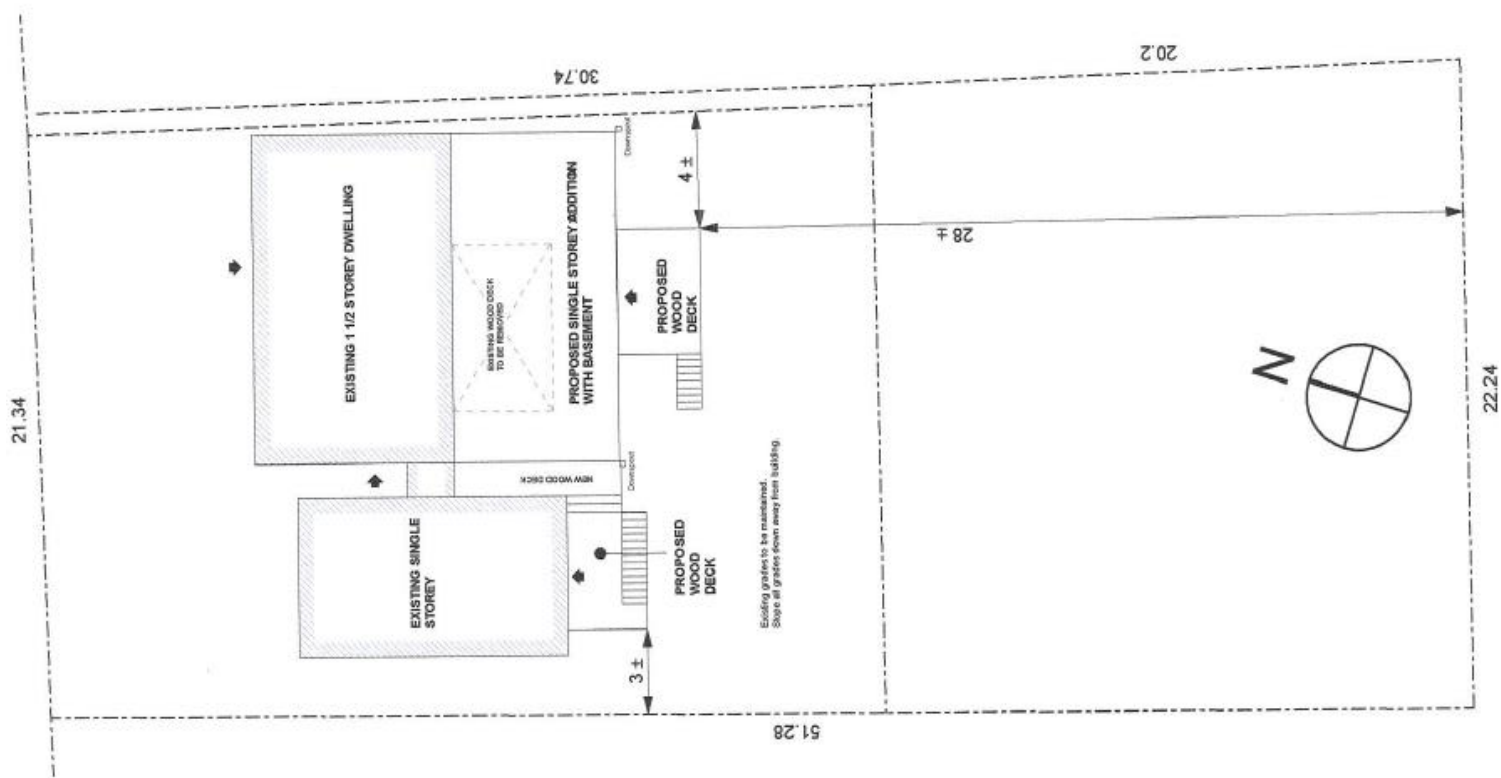
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233



 Subject Lands

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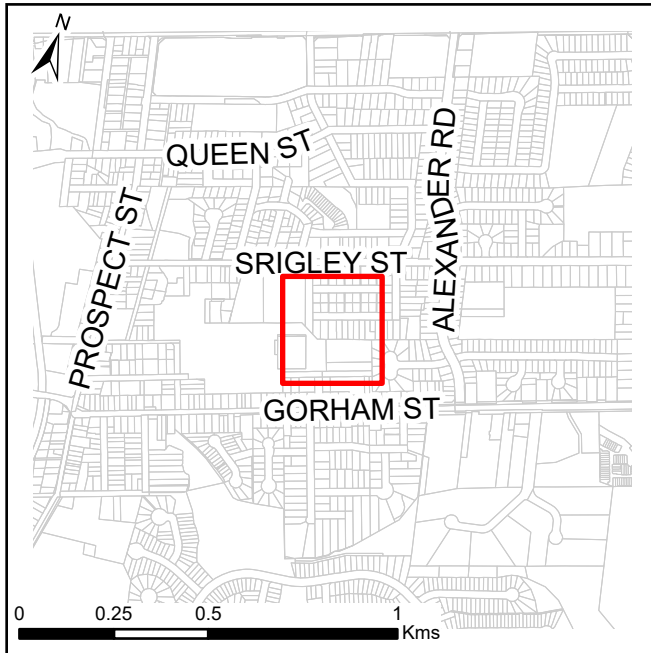


730 Arthur Street



730 Arthur Street



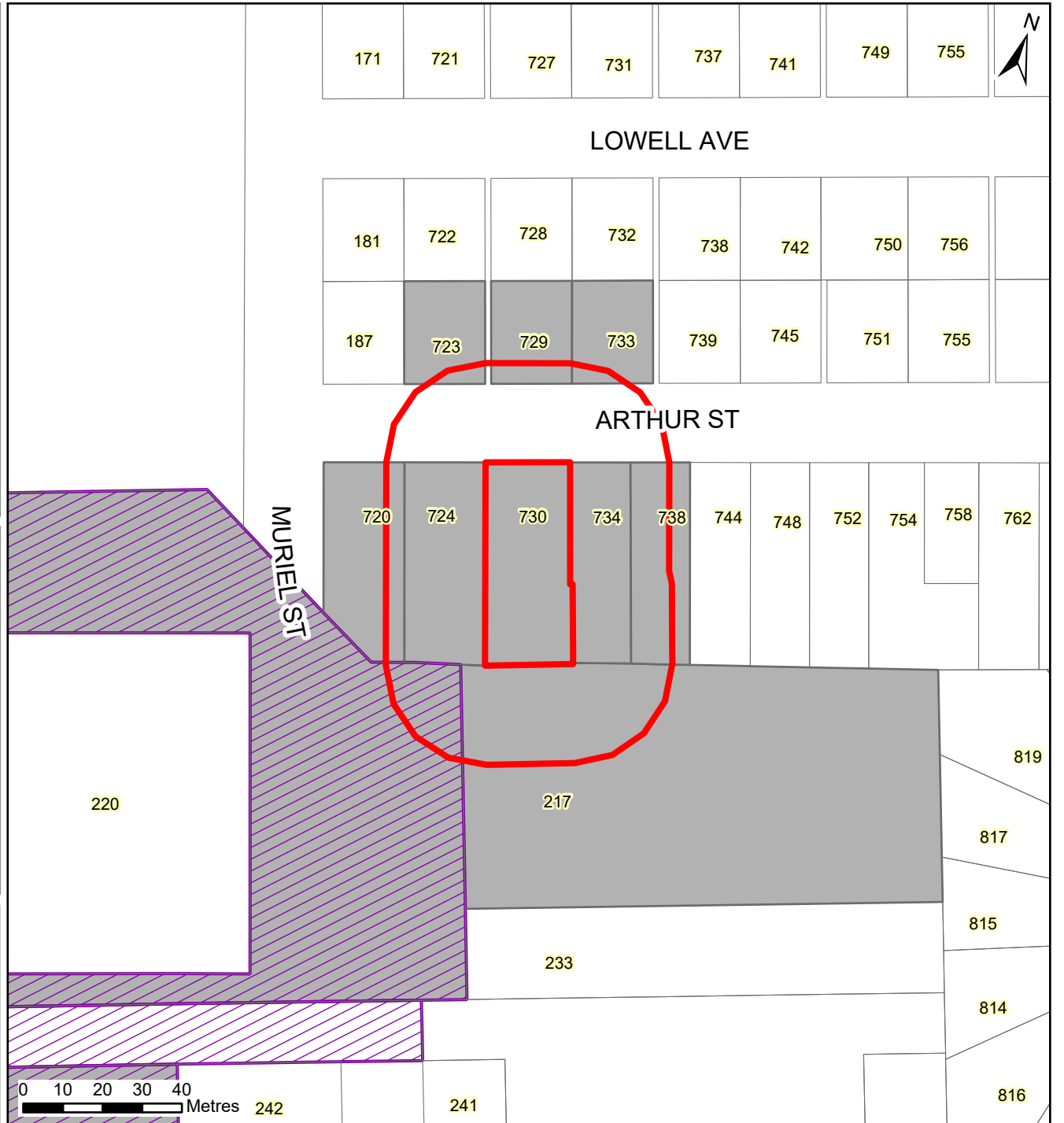


730 Arthur Street 25m Notification Map



Designed & produced by Information Technology - GIS
Printed: 2019-11-20

- Subject Property & Buffer
- Selected Properties
- Property Line





Corporation of the Town of Newmarket

By-law 2019-

A By-law to grant a site specific exemption for the property with the Municipal address of 730 Arthur Street, Newmarket, from Interim Control By-law 2019-04.

WHEREAS on January 21, 2019. Council for the Town of Newmarket enacted Interim Control By-law No. 2019-04 to control the erection of, or additions resulting in, any large scale dwellings within defined areas of the Town of Newmarket.

AND WHEREAS on January 13, 2020 Newmarket Council considered a request for an exemption to Interim Control by-law 2019-04 for the property with the Municipal Address of 730 Arthur Street.

NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF NEWMARKET ENACTS AS FOLLOWS:

1. Interim Control By-law 2019-04 is hereby amended by adding the following section:

9b. Notwithstanding Section 1 of this By-law, on the lands described as 730 Arthur Street, Newmarket, there shall be permitted the construction of a rear addition to the existing dwelling, resulting in a total Gross Floor Area not exceeding 430 square metres.

Enacted this 13^h day of January, 2020.

John Taylor, Mayor

Lisa Lyons, Town Clerk



Town of Newmarket
395 Mulock Drive P.O. Box 328,
Newmarket, Ontario, L3Y 4X7

Email: info@newmarket.ca | Website: newmarket.ca | Phone: 905-895-5193

Stormwater Billing 2020 – Options

Staff Report to Council

Report Number: 2020-04

Department(s): Financial Services, Corporate Customer Service, Corporate Communications

Author(s): Bonnie Munslow & Grace Marsh & Wanda Bennett

Meeting Date: January 13, 2020

Recommendations

1. That the report entitled Stormwater Billing 2020 – Options, dated January 13, 2020 be received; and,
2. That Council approve the recommendation related to billing options contained in the report; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Purpose

The purpose of this report is to provide Council with a summary of the evolution of a separate Stormwater billing charge and to outline the recommendation for the 2020 billing cycle and beyond.

Background

The Town of Newmarket is responsible for three types of services related to water;

- supply of potable water for consumption
- management of wastewater (sanitary sewers)
- management of stormwater runoff

Both the supply of potable water and the management of wastewater has been funded through a user pay system for many years and are currently charged on the Utility invoices produced and mailed to account holders by Newmarket Tay Hydro on the Town's behalf.

The focus of this report is the billing process related to the cost of managing stormwater runoff.

Under the direction of Council, the Town implemented a separate Stormwater Charge in 2017. Prior to the separate charge, stormwater management costs were funded primarily through the general property tax revenues and to a lesser degree, the water usage rates. The rationale for the change to a user pay system was to introduce a more fair and transparent system of billing so that properties producing a higher level of stormwater runoff (commercial and industrial properties) pay more than those with low and medium runoff levels.

A full analysis was presented to Council within report 2016-40 Joint Corporate Services/Development & Infrastructure Services Report on October 25, 2016 (copy attached) clearly demonstrating that for 2017 there would be a reduction of 2.6% in the property tax levy along with a 0.7% decrease in the water/wastewater rate. The implementation of the stormwater rate would use this room and be revenue neutral for 2017 and then adjusted as required in future years to meet the financial demands of stormwater management.

With this direction, staff calculated an annual Stormwater Charge and used the property tax bill as the mechanism for billing. It was shown on the tax bill in the Special Charges/Credits section and then added to the final tax levy on the bill. This approach generated minimal calls and inquiries.

In 2018 we learned that showing the Stormwater Charge as a Special Charge on the property tax bill was not in compliance with two pieces of legislation:

1. Ontario Regulation 75/01 of the Municipal Act, 2001, being a regulation that sets out the form and content required for tax notices, and
2. s.326 of the Municipal Act, 2001 which outlines the requirements for a Special Service.

Provincial legislation takes precedence over municipal by-laws, and therefore the Stormwater charge must be billed in an alternate way, and not on the property tax bill. Subsequently, in May 2019 the Stormwater Charge was changed. It was reflected on a separate invoice mailed directly to the homeowner which resulted in confusion and a large volume of calls, inquiries and complaints.

Discussion

Recommendation for Future Stormwater Invoicing

Staff have investigated a number of alternative processes or mechanisms to bill this important revenue source in 2020 and beyond. Factors for consideration include regulations related to billing, ease of payment, resident convenience, cost of processing/mailling, timing and transparency. It is recognized that a fulsome communications strategy is required in order to clearly explain to residents the Stormwater Charge, how it's calculated and the options for making payments. The timing of the 2020 billing is yet to be determined, however we are targeting the Fall of 2020 and we will ensure that the timing is consistent for future years and that clear, concise and thorough communication strategies are in place in a timely manner.

Option #1 (Recommended Option)

Include the annual one time Stormwater Charge on one of the Utility (hydro/water/sewer) invoices sent to each Hydro customer account.

Pros	Cons
<ul style="list-style-type: none">• Properties producing a higher level of stormwater runoff (commercial and industrial properties) pay more than those with low or medium runoff levels as was intended from the initial implementation.• No additional mailing/printing/costs• All water related fees on one bill (Hydro bill) with other user fees (consumed water, wastewater and stormwater)• No separate bill for the customer to manage• Payments made in the same manner as their hydro account.• Transparency of the user fee is achieved.	<ul style="list-style-type: none">• Homes that are tenant occupied (estimated at less than 15%) where the tenant is receiving the hydro/water bill, will be receiving a charge that possibly should be born by the property owner.• There will be some programming costs to modify Hydro's billing process to accommodate the change.• An increase in customer inquiries relating to Stormwater Charges may create challenges for Newmarket – Tay Hydro, depending on the levels.

Option #2 (Not recommended)

Retain the Stormwater fee as a separate charge and produce and mail a separate invoice along with the Property Tax bill as an insert.

Pros	Cons
<ul style="list-style-type: none"> Properties producing a higher level of stormwater runoff (commercial and industrial properties) pay more than those with low or medium runoff levels as was intended from the initial implementation. Invoice could be mailed with either the Interim or Final Tax Bill. The charge is billed and sent to the homeowner not tenants 	<ul style="list-style-type: none"> Possible increase of postage costs depending on weight of insert. Remains an additional invoice for the homeowner to pay. Risk that the invoice is discarded as simply information and late payment fees are incurred.

Option #3 (Not Recommended)

Revert back to including the cost of stormwater management in the general tax rate.

Pros	Cons
<ul style="list-style-type: none"> Simple solution No separate bill for the customer to manage No additional costs to make the change 	<ul style="list-style-type: none"> Lose the progress made towards education and recognition of the importance of stormwater management. Properties producing a higher level of stormwater runoff (commercial and industrial properties) are charged on the same basis as those with low or medium runoff levels. Lose the fairness achieved by applying a specific rate to a specific property type. Lose the transparency of a dedicated funding source for both billing and the budget process. Residents may question what could appear to be a tax increase.

Conclusion

In considering all the pros and cons listed above for the three options, staff is recommending Option #1 as the preferred option for billing of Stormwater Charges commencing in 2020. Staff will ensure a fulsome communication strategy is developed which will include targeted information for rental properties. Customer inquiries and feedback will be closely monitored and provided to Members of Council, on a regular basis. We will reassess our approach as necessary.

Business Plan and Strategic Plan Linkages

This report links to Newmarket's key strategic directions in being well managed through fiscal responsibility.

Consultation

Consultation has taken place within the Town between Financial Services, Customer Service, Engineering Services, Information Technology and Corporate Communications.

We have also consulted directly with Newmarket Tay Hydro Financial and Customer Service departments as well as with staff from Olameter (who create the invoices for utility bills) who are in agreement with our recommendation.

Human Resource Considerations

None.

Budget Impact

None.

Attachments

Joint Corporate Services/Development & Infrastructure Services Report Financial Services Report 2016-40 – Implementation of Stormwater Charge

Approval

Mike Mayes, CPA, CGA, DPA
Director of Financial Services

Esther Armchuk, LL.B
Commissioner, Corporate Services

Contact

Bonnie Munslow, Manager, Corporate Customer Service Ext: 2251

Grace Marsh, Supervisor, Property Tax & Assessment Ext: 2143

Wanda Bennett, Director Corporate Communications, Ext: 2041



CORPORATE SERVICES COMMISSION
Financial Services

TOWN OF NEWMARKET
395 Mulock Drive
P.O. Box 328
Newmarket, ON L3Y 4X7

www.newmarket.ca
mmayes@newmarket.ca
905.895.5193 ext 2102

October 25, 2016

JOINT CORPORATE SERVICES/DEVELOPMENT & INFRASTRUCTURE SERVICES
REPORT – FINANCIAL SERVICES – 2016-40

TO: Mayor Tony Van Bynen and Members of Council

SUBJECT: Implementation of Stormwater Charge

ORIGIN: Financial Business Analyst

RECOMMENDATIONS

THAT Corporate Services Report-Financial Services – 2016-40 dated October 25, 2016 regarding Implementation of a Stormwater Charge be received and the following recommendations be adopted:

- a) THAT Council adopt the Stormwater Management Services Charge by-law;**
- b) AND THAT staff recommend the 2017 Stormwater Rates be included with the 2017 User Fees and Charges By-law;**
- c) AND THAT Council authorizes staff to execute the communication strategy.**

COMMENTS

Purpose

The purpose of this report is to propose the adoption of the Fees and Charges for the Stormwater Management By-law. This charge will provide a transparent, dedicated, and stable funding source that will help the Town raise the financial capital necessary to maintain current service levels.

Budget Impact

\$227,000 will be removed from the rate supported budgets and \$1,418,000 (\$435,000 for operating costs and \$983,000 in capital contributions) will be removed from the tax supported budget. The charge will be revenue neutral in the first year and will be adjusted as necessary with further development of a financial plan as requested in annual budgets.

Summary

The implementation of the new fee will result in a 2.6% tax decrease and a 0.7% water and wastewater rate decrease

BACKGROUND

The Town provides a stormwater management service to protect the community and environment from stormwater runoff. Stormwater runoff is water that flows off properties mostly due to rain and snow events. Stormwater management services require a sufficient funding source to serve the community.

A stormwater charge will provide a funding source that is reliable, predictable, and fair to ensure the stormwater management service can continue to be effectively run in the future. In Financial Services Report - 2015-42, staff proposed options for different rate structures for the stormwater charge and requested to go out for public consultation. Staff provided an update on the public consultation process with Financial Services Report - 2016-05. Staff provided another update on the development of the charge with Financial Services Report - 2016-38.

ANALYSIS AND OPTIONS

Cost Drivers

The purpose of the charge is to fund the three major cost drivers for the service, which are environmental protection, aging infrastructure and flood prevention.

1. *Environmental Protection:*

As water runs off properties, it can carry contaminants with it. Runoff from urban and rural areas have upset Lake Simcoe's ecosystem. The Town recently completed a comprehensive stormwater management master plan, as per the regulatory requirements outlined in the Lake Simcoe Protection Act, to restore waterways and breeding grounds. The restoration projects will require new funding.

2. *Aging Infrastructure:*

The Town has 53 ponds, 55 kilometres of waterways and 225 kilometres of sewers that are maintained and replaced as they age. An estimated \$17 million is required over the next 10 years to replace assets that are reaching the end of their useful life. The existing funding level is likely to fall short to maintain current service levels.

3. *Flood Prevention:*

In some parts of Canada, severe weather events that used to happen every forty years now occur every six. As a consequence, damage from storm events has recently become the biggest cause for insurance claims in Canada. The funding provided by the rate will help us adapt and protect homes and businesses in Newmarket from severe weather events.

Public Consultation

The Town engaged the public by; issuing a press release, posting an advertisement on Facebook, sending invitations to key stakeholders, hosting a Public Information Centre (PIC), and having a presence at the Community Open House. Overall, the feedback on the direction of the project was positive. The Newmarket Chamber of Commerce and Newmarket Environmental Advisory Committee were consulted to refine the program.

1) *Social Media:*

The Facebook advertisement for the PIC was viewed over 10,000 times in the Newmarket area. The advertisement was “liked” 44 times, shared 34 times, clicked on 320 times for more information, and users left 18 comments. The comments provided a diversity of opinions on the potential rate. The Facebook advertisement is among the most successful in terms of views and interactions that the Town has issued.

2) *Public Information Centre:*

On October 27, 2015, the public information centre was attended by upward of a dozen residents. The majority of attendees were in favour of implementing a stormwater charge. A dedicated funding source for stormwater management resonated well with the participants. The major concerns raised by residents were; asset replacement, flood prevention, and environmental protection.

Many felt that there should be a credit program in place in order to incentivize low impact development (LID). LID is development that puts minimal strain on the stormwater management service by reducing the quantity and increasing the quality of the stormwater runoff from a property.

3) *Community Open House:*

The stormwater charge materials were presented at the Community Open House on December 3, 2015. The event was well attended, 55 residents signed in at the event and others attended the event but did not sign in. The residents at the open house had similar positive reactions to those expressed at the PIC.

4) *Focus Group in Partnership with The Newmarket Chamber of Commerce:*

On September 26, 2016, the Newmarket Chamber of Commerce hosted a focus group session with local businesses. Town staff selected 30 businesses at random and invited them to participate in a discussion on the potential implementation of the stormwater charge and changes to the water and wastewater rates. The delegates provided advice on how to better communicate the initiative and appreciated having the information presented to them.

5) *Newmarket Environmental Advisory Committee:*

On October 5, 2016, The Newmarket Environmental Advisory Committee (NEAC) was consulted at an informal meeting to comment on the overall stormwater charge program and to obtain their feedback on a residential credit program.

NEAC believes strongly that a residential incentive program is necessary to drive behaviour that reduces runoff from residential properties. They advised that the Town needs to encourage more actions in this area as we face the growing impacts of climate change.

The advisory committee also recognizes that a traditional credit program provides little incentive to reduce runoff while being very costly to administer. They believe there may be better ways than paying residential financial incentives which could eliminate or reduce associated staff time and costs.

Stormwater Charge as a User Fee

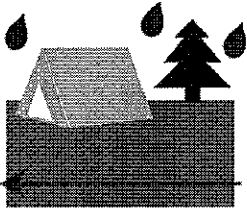

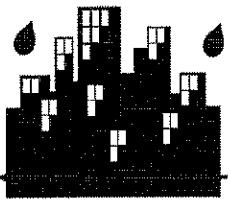
The stormwater charge will be calculated on a user fee basis. Customers will be charged based on what it costs to provide them with stormwater services. A key concept in stormwater management is imperviousness. Impervious surfaces do not absorb water. Such surfaces like roofs, driveways, and parking lots increase the amount of runoff from properties: therefore, properties with more impervious surfaces should pay more because the Town is responsible for managing the runoff.

Determining the amount of impervious area on every property is administratively costly. Therefore, staff recommended and developed a stormwater charge that is based on the average imperviousness, or runoff level, of different property groups. As noted earlier, the public feedback on this approach was positive

Based on public feedback, the stormwater charge calculation method is seen as fair in that properties are charged what they should be charged, yet it is not overly costly to administer.

For the purpose of the charge, all Newmarket properties are grouped into three runoff level groups. Natural areas are in the low runoff level group, residential and institutional properties are in medium runoff level group, and industrial and commercial properties are in the high runoff level group. Staff sampled and calculated the percent of impervious surfaces of 100 properties for each group to get an average. See Table 1 for graphics on the types of properties that fall into which runoff level group and each group's average imperviousness.

Table 1: How Properties Are Sorted into Runoff Groups

Low Runoff Level Group	Medium Runoff Level Group	High Runoff Level Group
		
Examples: Natural Areas, Vacant Properties, Golf Courses	Examples: Residential and Institutional	Examples: Commercial, Industrial and Mixed Use
9% Impervious	44% Impervious	88% Impervious

How to Calculate the Stormwater Charge

The stormwater charge is based on the property size and the runoff level group rate. See the equation below for how the stormwater charge is calculated for an individual property.

Equation 1:

$\text{Stormwater Charge} = \text{Size of Property} \times \text{Runoff Level Group Rate}$
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Based on this calculation, the larger the property the higher the charge. Equally, the higher the group rate a property falls under, the higher the charge.

Legal Considerations

Under the authority of the *Municipal Act, 2001*, the Town has authority to pass a “Fees and Charges” by-law for the purpose of funding stormwater management. As such, tax exempt property owners would be required to pay the stormwater management fee, just as tax exempt properties pay for water and wastewater services. Tax exempt properties include philanthropic organizations, places of worship, and long-term care homes.

For the stormwater charge to be considered a user fee, there must be sufficient correlation between the level of runoff from a property and the fee the property owner pays. Based on the public feedback, staff feels that this charge meets this condition.

Appendix 1 is the Stormwater Management Services Charge by-law supporting the implementation of the stormwater charge.

Implementation Strategy

To promote full transparency, staff are recommending that the stormwater charge be revenue neutral in the first year of implementation. This means that the total stormwater funding level will remain unaffected by the introduction of the new stormwater charge. It will simply be shifted from property taxes and water rates to the new charge.

In 2017, stormwater costs will be removed from property taxes and water and wastewater charges. The costs that are removed will then be supported by the stormwater charge. Once the charge is implemented, staff will develop a 6-year stormwater financial plan to determine the long-term funding requirements.

Financial Impact of Stormwater Charge

The Town’s current estimate in the 2017 stormwater budget is \$1,646,000. This comprises \$350,000 in operating costs, \$312,000 support costs and \$983,000 in capital costs. The operating and support costs are pulled from the 2016 budget. The capital cost is the average cost over 5 years, from 2011 to 2015.

The implementation of the new fee will result in a 2.6% tax decrease and a 0.7% water and wastewater rate decrease. With these costs, we may estimate the rates.

The final rate for 2017 will be recommended for adoption with the 2017 Fees and Charges By-law in December.

The Town completed its Capital Financing Sustainability Strategy in 2014 and the strategy recommended an annual asset replacement fund contribution of \$1,700,000. With the implementation of the stormwater charge, a new financial plan will be created to reach long term financial sustainability

Table 2 below illustrates the estimated average stormwater charge for each runoff level group in 2017.

Table 2: Estimated Average Stormwater Charge for 2017

	Low	Medium	High
Runoff Level Group Rate per square metre	\$ 0.013057	\$ 0.063835	\$ 0.127671
Average Size in square metres	14,200	600	3,720
Average Annual Fee	\$ 185	\$ 38	\$ 475

Because the stormwater charge is a user fee, the stormwater charge impacts different runoff groups differently. To see how properties would be impacted by moving stormwater funding from a taxation based fee calculation to a customer based fee calculation, see Table 3. This table illustrates that stormwater costs will be shifted away from medium runoff level properties to high and low runoff properties.

Please note: 'Total Annual Municipal Costs' includes annual property taxes (Town only) and water/wastewater fees for an average user. As stormwater costs are currently included in both the tax-supported and the rate-supported budgets, this is the appropriate benchmark.

Table 3: Impact of Implementing a Stormwater Charge

	Low	Medium	High
Total Annual Average Municipal Costs <i>without</i> Stormwater Charge	\$2,368	\$2,804	\$10,778
- Taxes	\$1,853	\$1,774	\$7,546
- Water and Wastewater	\$515	\$1,030	\$3,232
- Stormwater	N/A	N/A	N/A
Total Annual Average Municipal Costs <i>with</i> Stormwater Charge	\$2,499	\$2,790	\$11,014
- Taxes	\$1,803	\$1,729	\$7,330
- Water and Wastewater	\$511	\$1,022	\$3,209
- Stormwater	\$185	\$38	\$475
Change in Total Annual Average Municipal Costs (\$)	\$131	-\$14	\$236
Change in Total Annual Average Municipal Costs (%)	5.55%	-0.51%	2.19%

Credit Programs

High Runoff Level Group Program

To recognize significant runoff reductions, staff is proposing to implement a stormwater charge credit program for high level runoff properties. High runoff properties, largely commercial and industrial properties, may reduce their runoff by implementing low impact development features through the development approval process and it is important to acknowledge their contribution.

The credit program will clearly outline the benefits businesses can receive by reducing their runoff. This credit program will maximize the use of current engineering reports and site plan agreements, which will minimize the costs businesses need to incur to apply for the credit.

See Appendix 2 for the Stormwater Credit Program.

Residential Program

Based on public feedback, residents want to keep administration costs of the charge low. The City of Mississauga estimated for every \$1 in credits they would provide to residential customers through a residential credit program, \$4 would have to be spent on administration. The implementation of a credit program would increase the cost of providing the stormwater service and increase the overall stormwater charge.

The implementing features to reduce runoff in order to receive a credit would not be financially beneficial for residents. Assuming a resident installs a rain barrel for \$100 and reduces their runoff by 15%, they would receive an annual credit of \$4.50. There would be a payback period of 22 years. A stormwater credit would be costly for the Town to administer and would provide little incentive to residents to reduce their runoff.

There are a couple of local organizations that provide incentives for residents to reduce their runoff and the Town can raise awareness of these programs with the stormwater charge webpage.

Lake Simcoe Regional Conservation authority offers a Landowner Environmental Assistance Program (LEAP) to homeowners. Homeowners in the Lake Simcoe watershed may qualify for grants of 60 per cent of project costs for eligible rain garden projects, to a maximum of \$5,000. This is a much stronger incentive than the Town could provide through a residential stormwater credit program.

The Windfall Centre offers homeowners RAIN Home Visits. During the visit, the RAIN guide addresses specific concerns unique to each property. In consultation with the homeowner, a prioritized plan is created to manage stormwater and reduce the risk of flooding and would be drawn up and presented to the homeowner. Currently they are offering this program for free to residents of Newmarket, Aurora and Barrie.

Ultimately, the Town must balance its priorities and spend money in the most efficient way possible to maximize the public good.

Because a residential credit program would not provide a strong financial incentive to reduce runoff, staff is consulting with the Newmarket Environmental Advisory Committee to determine creative solutions for rewarding residents for reducing their runoff.

Public Communications

As detailed above, staff has gone through an extensive public consultation process with positive feedback. Pending Council approval of the charge, a new stormwater charge page and video will go live on the Town's website explaining why the Town is implementing a stormwater charge and how it works. A postcard will be sent out to households and businesses to deliver the same message. Advertisements will be in local news publications.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

This report links to Newmarket's key strategic directions in being Well Managed through fiscal responsibility.

CONSULTATION

Staff has formed a Task Force represented by Finance, Engineering, Communications, Information Technology and Customer Service to develop and implement the stormwater charge. Updates were regularly provided to the Utility Transition Task Force, which includes the departments above as well as Legal Services, Economic Development and Strategic Initiatives. Various departmental representatives were consulted as components of the project related to them.

HUMAN RESOURCE CONSIDERATIONS

While most of the work required to administer the stormwater charge can be absorbed by current staff, resources will be required to administer the proposed credit program. Namely, the program would require support from a Senior Environmental Coordinator and an LID Maintenance Worker. These items will be supported through fees of the application process and be proposed in the 2017 budget.

BUDGET IMPACT

Operating Budget (Current and Future)

\$227,000 will be removed from the rate supported budgets and \$435,000 will be removed from the tax supported budget. This item will be proposed in the 2017 budget.

Capital Budget

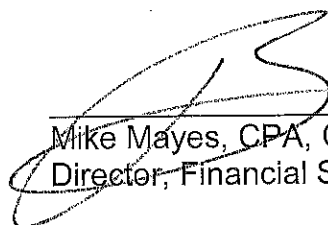
An annual contribution of \$983,000 to the tax supported asset replacement fund will go to the stormwater asset replacement fund. This item will be proposed in the 2017 budget.

CONTACT

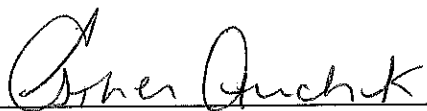
For more information on this report, contact: Mike Mayes at 905-953-5300, ext. 2102 or via e-mail at mmayes@newmarket.ca



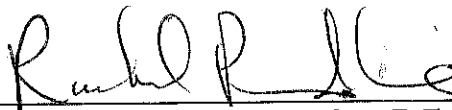
Kevin Yaraskavitch
Financial Business Analyst



Mike Mayes, CPA, CGA, DPA
Director, Financial Services/Treasurer



Esther Armchuk, LL.B.
Commissioner, Corporate Services



Rachel Prudhomme; B.Sc., P.Eng.
Director, Engineering Services



Christopher Kalimootoo
Director, Public Works Services



Peter Noehammer. P.Eng.
Commissioner, Development & Infrastructure services

KY/ne

Appendices

1. Stormwater Management Services Charge by-law (8 pages)
2. Stormwater Credit Program (4 pages)



**CORPORATION OF THE
TOWN OF NEWMARKET
BY-LAW NUMBER 2016-XX**

A BY-LAW TO ADOPT A STORMWATER MANAGEMENT SERVICES CHARGE BY THE TOWN OF NEWMARKET.

WHEREAS the *Municipal Act, 2001*, S.O. 2001 (the "Act"), authorizes a municipality to pass by-laws imposing fees and charges pertaining to a stormwater system pursuant to sections 9, 10, 11 and 391 of the Act;

AND WHEREAS Council deems it necessary and desirable to create a separate stormwater fee and charge to fund the operation, maintenance and capital projects pertaining to stormwater management;

AND WHEREAS the creation of a separate stormwater charge to fund stormwater management (the "Stormwater Charge") will bring greater transparency to the cost of providing and maintaining the stormwater management service with the Town;

AND WHEREAS it is deemed just that the cost of operating, maintaining and upgrading the stormwater management service is paid for by those who benefit from this service;

AND WHEREAS the Council desires to implement a credit program as an incentive for certain property owners to provide on-site stormwater management measures and to recognize existing properties with stormwater management measures already in place;

THEREFORE BE IT ENACTED by the Municipal Council of the Corporation of the Town of Newmarket as follows:

1. THAT the Stormwater Charge be imposed as set out under this bylaw and established through the annual Fees and Charges By-law.
2. AND THAT should any section of this by-law be declared invalid by a court of competent jurisdiction, such section shall be severed from this bylaw and the remainder of the by-law shall continue in full force and effect;
3. AND THAT this by-law shall come into full force and effect on January 1, 2017.

1. DEFINITIONS

1.1 In this by-law,

"Act" mean the *Municipal Act, 2001*, S.O. 2001

"Appeal" means a process by which a person challenges information that has been associated with the Stormwater Charge account.

"Applicant" means a property owner that submits a Stormwater Management Credit application on the Town approved form.

"Average Impervious Area Percentage" means the observed average Impervious Area Percentage within a Runoff Level Group.

"Billing Error" means an error in the preparation of the Stormwater Charge Account, resulting in an undercharge or overcharge caused by a gross or

manifest error in the preparation of the Stormwater Charge account that is clerical or factual in error, including transposition of figures, a typographical error or similar errors.

"By-law" means this Stormwater Management Fees and Charges By-law

"Council" means the Council for the Corporation of the Town of Newmarket

"Credit Program" means the Town's credit program which reduces the Stormwater Charges as an incentive to certain property owners that provide on-site stormwater management measures and as recognition of property owners that have existing properties with stormwater management measures already in place.

"Engineering Services" means the Town's Engineering Services Department of the Development and Infrastructure Services Commission.

"Impervious Area Percentage" means the percent of a property's area that is covered by impervious features. Rooftops and paved surfaces are impervious features.

"Material Change" means any change in the property's runoff characteristics since the Applicant's in the original Stormwater Management Credit application, any fact that was not expressly disclosed by the Applicant in the Stormwater Management Credit application process, or that the Applicant was not aware of at the time of the Stormwater Management Credit application, and which results in the subject property no longer being in substantial compliance with the objectives of the Credit Program, or no longer eligible for the current level of the Stormwater Management Credit approved by the Town.

"Person" includes an individual, sole proprietorship, partnership, corporation, municipal corporation, unincorporated association or organization, trust and a natural person in his or her capacity as a trustee, executor, administrator, or other legal representative.

"Runoff Level Group" means the grouping of properties that have a similar Impervious Area Percentages.

"Stormwater Funding Requirement" means the annual amount of funding required to for the Town to provide the Stormwater Management Service.

"Stormwater Management Service" means the work performed and the infrastructure used, controlled, maintained or operated by the Town to manage stormwater flow and drainage and all appurtenances thereto owned, and includes, but is not limited to, storm sewers, catch basins, storm service connections, drains, pipes, overland conveyance systems including road corridors, culverts, channels, ditches, rivers, streams, creeks, ravines and watercourses, stormwater management facilities including landscaping features, storage ponds or tanks, and oil and grease interceptors that control quantity or quality of stormwater runoff, pumping stations, outfalls, swales and all equipment laid within any highway or road allowance, Town right-of-way or easement or Town property used for the collection, transmission, detention and treatment of stormwater or uncontaminated water.

"Town" means the Corporation of the Town of Newmarket in the Regional Municipality of York or where the context requires the geographical jurisdiction of the Corporation of the Town of Newmarket in the Regional Municipality of York.

"Treasurer" means the Town Treasurer or his/her designate.

2. SCOPE

- 2.1 A stormwater charge (the "Stormwater Charge") is to be imposed upon all real property in the Town with the exception of real property owned by the Town and real properties that are legally exempt from municipal user fees and charges.

See Appendix C for the list real properties that are exempt from municipal user fees and charges.

3. DETERMINING STORMWATER CHARGE

- 3.1 The following equation shall be used to determine the Stormwater Charge:

$$\text{Stormwater Charge} = \frac{\text{Property Size} \times \text{Runoff Level Group Rate}}{\text{Rate}}$$

Property Size for non-condominium properties is determined by the Municipal Property Assessment Corporation and is the area identified on the tax roll for the subject property.

Property Size for condominium properties is the size of the condominium corporation's parcel divided by the number of condominium properties on the parcel.

Runoff Level Group rate is determined by the Runoff Level Group's Average Impervious Percentage and the Stormwater Funding Requirement. See Appendix B for the Average Impervious Percentages of the Runoff Level Groups.

- 3.2 The Runoff Level Group Rate shall be set out by Council in the Fees and Charges By-law.

4 STORMWATER CHARGE ADJUSTMENT

- 4.1 The Stormwater Charge may be revised in either of the following instances :
- a) An adjustment may arise whereby the Municipal Property Assessment Corporation updates the subject property's assessment resulting from an Appeal.
 - b) An internal adjustment may arise whereby the Town revises, modifies, or amends the Stormwater Charge due to various factors, including:
 - i. updates to the Municipal Property Assessment Corporation's assessment data for the subject property;
 - ii. updates to the Town's open space zoning by-law;
 - iii. updates to Runoff Level Groups' Average Impervious Percentage;
 - iv. updates to the procedure determining a properties' Runoff Level Group;
 - v. change in Stormwater Funding Requirement as approved by Council.

5 INVOICING

5.1 The Stormwater Charge shall be invoiced (the "Stormwater Charge Invoice") under the property's property tax bill and identified separately thereunder as a special charge.

5.2 The Stormwater Charge shall be payable upon receipt of the invoice included in the property's tax bill, and every owner in receipt of such invoice shall ensure payment thereof before the due date thereon.

5.3 The Treasurer shall have delegated authority and is authorized to adjust the Stormwater Charge with respect to any property, to the extent that it is deemed appropriate due a Billing Error. In this instance, the Stormwater Charge Invoice may be retroactively recalculated for a period not exceeding one (1) year from the date of detection of the Billing Error with resulting credits or charges to the property owner's stormwater account, and the decision of the Treasurer shall be final and binding.

6 STORMWATER CHARGE ADDED TO TAX ROLL

6.1 Pursuant to subsection 398(2) of the Act and in accordance with the Town's Fee and Charges By-law, the Stormwater Charge may be added to the tax roll of the property to which the Stormwater Charge applies and shall then be collected in the same manner as municipal taxes.

7 CREDIT PROGRAM

7.1 Property owners may be eligible to qualify for a Stormwater Charge credit (the "Stormwater Management Credit") where such users can clearly demonstrate to the Town that owner's stormwater facilities or best management practices provide the Town with cost savings that the Town would otherwise incur as part of its effort to manage stormwater.

7.2 Engineering Services shall be responsible for the administration of the Credit Program, and may prescribe all forms necessary to implement the Credit Program, and may amend such forms from time to time as it deems necessary with the approval of the Treasurer.

Credit Program Application

7.3 Participation in the Credit Program is by application only. Property owners must submit a Stormwater Management Credit application in a form approved by the Town and associated fees, if applicable, for consideration and qualification of the Stormwater Management Credit. The Stormwater Credit application will be reviewed and determined by Engineering Services.

7.4 Reductions to the Stormwater Charge made as a result of the approval of a Stormwater Management Credit application shall take effect in accordance with the following schedule:

- a) Stormwater Management Credit applications received within the first year of the applicable Stormwater Charge: Reductions that result from applications that are received on or before December 31, 2017 will be retroactive up to the later of (i) the date of the first billing of the Stormwater Charge, and (ii) the date on which the qualified stormwater management practices or measures were implemented into service, as determined by Engineering Services.
- b) Stormwater Management Credit applications received after the first year of the applicable Stormwater Charge: Reductions that result from applications that were received on or after January 1, 2018 will be

retroactive up to the later of (i) the date of receipt of the application by Engineering Services, and (ii) the date on which the qualified stormwater management practices or measures were implemented into service, as determined by Engineering Services.

Credit Program Expiration and Renewal

7.5 Stormwater Management Credits shall be in effect for a period of up to five (5) years from the date of approval by the Town, or as otherwise specified at the time of the said credit approval. Credits will expire if not renewed prior to the expiration date of the said credit approval.

7.6A Credit Program application must be resubmitted to the Town no later than three (3) months after any Material Change to the originally submitted Credit Program application which did not contain the Material Change information. Any late resubmission of the application may result in the discontinuance of the Credit Program amount. The Town may adjust (increase or decrease) the current credit amount.

7.7A Stormwater Management Credit may be renewed by a renewal application which must be submitted to the Town no later than three (3) months prior to the expiration date of the credit approval. Any late submission of the application may result in the discontinuance of the Stormwater Management Credit. The Town may adjust (increase or decrease) the current Stormwater Management Credit

Credit Program Inspections

7.8 The Town reserves the right to conduct site inspections, and may, at any reasonable time, enter and inspect any property benefiting from a Stormwater Management Credit to review eligibility and the Town may suspend, reduce or cancel the Stormwater Management Credit as a result of such site inspections.

Credit Program Suspensions, Reductions and Cancellations

7.9 A Stormwater Management Credit may be suspended, reduced or cancelled by the Town under the following circumstances:

- a. failure of an Applicant to meet the terms and conditions of the Stormwater Management Credit approval;
- b. failure of the applicant to maintain a stormwater management practice or measure as required by the terms and conditions of the Stormwater Management Credit approval;
- c. submission of inaccurate or false information by the Applicant;
- d. failure to submit a complete Stormwater Management Credit renewal application.

7.10 A reduction or cancellation of a Stormwater Management Credit may be appealed by the Applicant in writing to the Treasurer. The decision by the Treasurer shall be final and binding.

7.11 Where the Town has granted a Stormwater Management Credit and subsequently determines that a stormwater management practice or measure does not function as approved, the Applicant shall reimburse the Town the entire amount of the Stormwater Management Credit received in respect of the subject property from the later of (i) the date that the Credit Program application was approved, updated or renewed, and (ii) from the date of the last inspection of the subject property by the Town.

7.12 If the Stormwater Management Credit is cancelled by the Town, the Applicant may not re-apply for such a credit for a period of twelve (12) months.

8. APPEALS

8.1 A person who requests an Appeal will not be required to pay a service fee for any of the appeals outlined in Appendix A which outlines the Appeal processes

8.2 The filing of an Appeal does not negate the requirement for the appellant (the "Appellant") to pay the Stormwater Charge.

8.3 Adjustments made as a result of an Appeal shall take effect in accordance with the following schedule:

- a. Appeals received by the Town within the first year of the Stormwater Charge: adjustments that result from Appeals which were received before December 31, 2017 will be retroactive up to the date of the receipt of the Appeal by the Treasurer; and
- b. Appeals received by the Town after the first year of the Stormwater Charge: adjustments that result from Appeals which were received on or after January 1, 2018 will be retroactive up to the date of the receipt of the Appeal by the Treasurer.

ENACTED THIS XXTH DAY OF XXXX, 2016.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk

- Appendix A: Appeal process for the Stormwater Charge
- Appendix B: Average Impervious Percentages of Runoff Level Groups
- Appendix C: List of Properties Exempt from Municipal User Fees and Charges

Appendix A: Appeal process for the Stormwater Charge

Category	Explanation	Appeal Mechanism	Appeal Decision Made by
Legal Exemption	The entity occupying the subject property area is or is not legally subject to municipal fees and charges.	An Appellant must file a Stormwater Charge Appeal Application Form	Director of Financial Services or her/his delegate
Incorrect property size used to calculate charge	Property size used for calculation is or is not correct.	An Appellant must file a Stormwater Charge Appeal Application Form	Director of Financial Services or her/his delegate
Amount of Credit	The amount of credit approved for an applicant's property is or is not appropriate.	An Appellant must file a Stormwater Charge Appeal Application Form	Director of Engineering Services her/his delegate

Appendix B: Average Impervious Percentages of Runoff Level Groups

Runoff Level Group	Typical Property Type Examples	Average Impervious Percentage
Low level	Open Space, Vacant Land, Excess Land	9%
Medium level	Residential, Multi-Residential, Institutional	44%
High level	Commercial, Industrial, Parking Lot	88%

Appendix C: List of Properties Exempt from Municipal User Fees and Charges

1. District School Boards and School Authorities

Pursuant of section 53 of the *Education Act*, R.S.O. 1990, a by-law imposing fees and charges does not apply to a district school board or a

Stormwater Credit Summary

What is a Stormwater Credit?

Stormwater Credits are available to eligible property owners who have implemented stormwater and/or pollution prevention Best Management Practices (BMP's) to reduce impacts to the Town's Stormwater Infrastructure by controlling the quantity and quality of stormwater leaving their property.

The credit program is designed to acknowledge and reward High Level Runoff property owners who take initiatives that result in significantly less runoff than similar properties, resulting in a cost saving that the Town would otherwise incur as part of its effort to manage stormwater.

Participation in the credit program is by application only. Property owners must submit a stormwater credit application in a form approved by the Town for qualification and consideration of the credit. Credit applications will be determined by Engineering Services staff.

Eligibility

Properties which are classified as High, such as industrial and commercial properties, are eligible to receive a credit toward their stormwater management charge. Additional information is provided in the subsequent sections.

Credit Type

Applicants can apply for one of three credit types: New Credit, Credit Update or Credit Renewal.

1. New Credit

A stormwater management credit for a newly installed BMP or existing BMP for which a credit does not currently exist.

2. Credit Update

A stormwater management credit for an existing BMP where changes have been made or where additional BMP's have been added since the previously approved credit.

3. Credit Renewal

A stormwater management credit to renew the existing approved credit as part of the 5 year renewal requirement.

Stormwater Credit Categories

Stormwater Credits are provided by applying a new rate to the property. This is achieved if the applicant demonstrates that all or a portion of the site drains to an eligible BMP that meets the specific evaluation criteria (outlined below). Depending on the evaluation criteria met, the portion of the Site draining to an eligible BMP will be charged either the Low or Medium Class Rate.

An additional credit is available if applicants demonstrate existing Stormwater Management Facilities (SWMF) are being properly maintained and if the property demonstrates that there is significant Green Space on site.

Credit Evaluation Criteria

Credit Category	Evaluation Criteria	Credit Applied
Low Runoff Level Group Rate	The Low Class Rate is applied to the area of the property treated and/or directed to a BMP which will: <ol style="list-style-type: none"> 1. Reduce existing Peak Flow Rate by a minimum of 60% up to and including the 1:100 year storm and; 2. Capture and infiltrate the first 20mm of each Storm Event. 	Low Runoff Level Group Rate applied to area treated
Medium Runoff Level Group Rate	The Medium Class Rate is applied to the area of the property treated and/or directed to a BMP which will: <ol style="list-style-type: none"> 1. Reduce existing Peak Flow Rate by 30% for up to and including the 1:100 year storm and; 2. Capture and infiltrate the first 10mm of each Storm Event. 	Medium Runoff Level Group Rate applied to area treated
Pollution Prevention	Documentation which outlines onsite SWMF's and/or BMP's prevents pollutants from leaving the Site. This can occur in one of three ways: <ol style="list-style-type: none"> 1. Existing onsite private SWMF's are being maintained to ensure that they are performing as per the original facility designs. If no onsite SWMF exist then; 2. The implementation of an onsite Smart About Salt Program, including hiring Certified Smart About Salt contractors, or; 3. Other onsite BMP's are being implemented which provide; the long-term removal of 80% Total Suspended Solids defined as Enhanced Protection by the MOECC and prevent Phosphorus and other contaminants from leaving the Site. 	5% reduction
Significant Green Space	More than 25% of the site area is Green Space.	Low Runoff Level Group Rate applied to Green Space area.

Eligible and Non-Eligible BMP's

The intent of the Credit is to encourage the use of lot level stormwater controls through the use of Low Impact Development (LID) practices such as: permeable paving, soak-away pits, infiltration trenches, rain gardens, rain water harvesting, etc. By applying for the credit, the applicant shall demonstrate that implementing such practices will not have a negative impact on the natural environment or the Town's Stormwater Management Infrastructure.

Green space, grassed or landscaped areas, on the site will not qualify for a credit unless:

1. These areas are treating stormwater from non-green space areas AND meets the Evaluation Criteria for one of the Credit Categories or;
2. The Green Space area is more than 25% of the site's total parcel size and the space either contains trees, which contribute to the Town's urban canopy, or other significant natural heritage features. If the landowner has green space which contains mostly sod, but agrees to plant trees in that area in order to contribute to the Town's urban canopy, this would also qualify for the Green Space Credit.

Credit Example: New Credit Calculation

Existing parcel size	25,000 square metres
Current Land Classification	High Level Runoff
Current Rate based on Land Classification	\$0.24 per square metre*
Current Annual Stormwater Utility Fee	\$6,000/year (25,000 square metres x \$0.24)
Credit applying for	Low
Low Rate Credit	\$0.02 per square metre*
Area treated meeting the Low Credit Category Evaluation Criteria	5,000 square metres
Credit Calculation	20,000sq/m @ \$0.24/sq.m = \$4,800.00 5,000sq/m @ \$0.02/sq.m = \$100.00
New Annual Stormwater Utility Fee	\$4,900.00 per year (\$4,800.00 + \$100.00)
Total Annual Credit	\$1,100 per year

***Note: Class Rates used in the example are for demonstration purposes only. Rates are subject to change.**

Review

There is a \$50.00 application fee and only complete applications will be considered for review. Once a Credit Application is reviewed, the applicant will be provided with written notice to the address provided indicating if the application was approved or denied. If denied, the letter will state what Evaluation Criteria was not met. If approved, the letter will indicate the expected credit.

It is anticipated that Credit applications will be submitted at the same time as a Site Plan application. If landowners are requesting to make changes to the Town through the Site Plan process, this would be the ideal time to encourage applicants to implement practices that would result in a stormwater Credit.

Credits or new Rates will not be applied until after confirmation is made by the Town through an onsite inspection that the BMP has been installed and is operational. Please refer to the Town's Stormwater Management Charge By-law.

Material Changes

If credit approved BMP's are added, expanded, reduced, removed or in any way modified, such that their level of performance relative to their approved credit amount has changed; applicants must follow the Credit Update Application Process.

Credit Term and Expiry

Stormwater Credits will be limited to a maximum term as indicated in the Stormwater Management Fees and Charges Bylaw. Credits will expire if not renewed prior to the expiration of the Credit approval.

Maintenance and Inspections

The renewal application is focused on demonstrating that the installed BMP's are properly maintained and in a state of good repair. In order to receive the Credit on an ongoing basis, approved applicants must follow the Credit Renewal Application Process and BMP's will be subject to inspection by Town staff to ensure compliance.



CENTRAL YORK FIRE SERVICES

December 20, 2019

FIRE SERVICES REPORT 2020-01

To: Joint Council Committee

Origin: Central York Fire Services - Deputy Chief Rocco Volpe

Subject: **Amendment to the Town of Newmarket By-law 2019-60 regarding Motor Vehicle Collision Cost Recovery Program**

Recommendations

1. That Fire Services Report 2020-01 titled Amendment to the Town of Newmarket By-law 2019-60 regarding Motor Vehicle Collision Cost Recovery Program dated December 20, 2019 be received; and,
2. That the Joint Council Committee (JCC) recommend to Newmarket and Aurora Town Councils that amendments to Newmarket By-law 2019-60 be adopted in accordance with Attachment 1 to this report; and,
3. That staff be authorized and directed to do all things necessary to give effect to this resolution.

Comments

The purpose of this report is to provide JCC with a recommendation to amend By-law 2019-60 with respect to how invoicing is processed and revenue is collected through the Motor Vehicle Collision (MVC) Cost Recovery Program.

Fire Services Report 2019-03 MVC Cost Recovery Program recommended to Council that the at-fault driver be directly invoiced. Instead of invoicing the at-fault driver directly, which By-law 2019-60 states, it was recommended by the Finance Department to invoice the insurance company of the vehicle owner who was determined to be "at-fault" (via the police report).

Background

Subsequent to the passing of the By-law, further consultation was undertaken with Financial Services regarding the process to manage the invoicing and collection of the fees.

Finance staff had conferred with their colleagues in other municipalities and the general consensus is that when insurance companies are invoiced, rather than individuals, the invoices are paid in a shorter time frame with less Town intervention. It appears in practice that even if the incorrect insurance company is billed (due to fault being amended) the companies will simply forward the invoice on to the other party's insurer and payment is made.

Process for invoicing at-fault drivers involved in an MVC

After attending the scene of a collision, CYFS will record licence plates and document what services were rendered at the scene. The licence plate number will allow CYFS to access a police report through the Ministry of Transportation's database. Once the police report has been obtained, CYFS will work with the Town of Newmarket's Finance Department to issue an invoice directly to the "at-fault" party's insurance company.

If the at-fault party's insurance company does not pay, CYFS will have the ability to invoice the Registered Owner of the vehicle who was deemed "at-fault" by the police. The Registered Owner information will be obtained through the Ministry of Transportation's database. If the Registered Owner does not pay the invoice, it will be collected through a collection agency.

If there is no police report filed, CYFS will not issue an invoice, but will track these occurrences for a report back to a future JCC meeting.

Comparator Fire Services

Staff have completed a comparison of other Fire Services in York, Simcoe, Peel and Durham Regions and have determined that the following municipalities, Vaughan, Georgina, New Tecumseth and Orillia also directly bill insurance companies.

Financial Impact

Staff are expecting a positive financial impact from this change due to a reduced collection time and possibly lower collection costs.

Conclusion

CYFS supports the recommendation from Finance to move forward with invoicing insurance companies directly.

Consultation

The Senior Fire Management Team consulted with the Town of Newmarket Finance and Legal Department.

Impact on the Master Fire Plan

This report has no impact on the Master Fire Plan.

Contact

For more information regarding this report contact Deputy Chief Rocco Volpe at rvolpe@cyfs.ca

Attachments

Attachment 1 – Draft revisions to By-law 2019-60 (invoicing insurance companies directly)

Attachment 2 – Draft Corporation of the Town of Newmarket By-law 2019-60



Rocco Volpe, Deputy Chief
Central York Fire Services



Corporation of the Town of Newmarket

By-law 2020-XX

A By-law to amend By-law 2019-60, a By-law to establish and require payment of fees and charges for certain services provided by Central York Fire Services for emergency or non-emergency incidents.

Therefore be it enacted by the Council of the Corporation of the Town of Newmarket as follows:

1. That section 4 of By-law 2019-60 be amended as follows:

When a fee is imposed pursuant to this By-law, the amount of the fees owed to the **Corporation** shall be invoiced by the **Corporation** for the fees owed to (a) the insurance company of the vehicle owner who was determined to be at fault, or (b) if the payment is not made by the said insurance company or there is no insurance, payment shall be made by the owner of the vehicle who was determined to be "at-fault."

Enacted January 20, 2020.

John Taylor, Mayor

Lisa Lyons, Town Clerk

Corporation of the Town of Newmarket

By-law 2019-60

A By-law to establish and require payment of fees and charges for certain services provided by Central York Fire Services for emergency or non-emergency incidents.

Whereas The Corporation of the Town of Newmarket and The Corporation of the Town of Aurora have established a consolidated fire and emergency services department known as Central York Fire Services through By-law 2001-146 to deliver emergency and non-emergency services; and,

Whereas subsections 210(31) and (32) of the Municipal Act R.S.O. 1990, c. M.45, as amended, authorize a municipality to enact by-laws imposing fees and charges for services provided directly by the municipality to a user of services and to vary such fees and charges as the municipality considers appropriate; and,

Whereas section 220.1 of the Municipal Act, R.S.O. 1990, c. M.45, as amended, authorizes a municipality to impose fees or charges on any class of persons for services or activities provided or done by or on behalf of the municipality; and,

Whereas the Municipal Act, 2001 provides that a municipality may pass a by-law for imposing fees or charges for services or activities provided by or done on behalf of it; and,

Whereas the Town of Newmarket has enacted a Fees and Charges By-law 2018-64, as amended from time to time, to establish fees or charges for services or activities provided by or done on behalf of it.

Therefore the Municipal Council of the Corporation of the Town of Newmarket enacts as follows:

Definitions

Note: definitions have been bolded for convenience purposes.

1. In this By-law,
 - a) “at fault” means the motor vehicle deemed to be at fault in a motor vehicle collision by the police or by the Central York Fire Services attending at the motor vehicle collision;
 - b) “Central York Fire Services” means the consolidated fire department established for the Corporation of the Town of Newmarket and the Corporation of the Town of Aurora within the meaning of the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended, and is deemed to include any member of the Central York Fire Services;
 - c) “Corporation” means The Corporation of the Town of Newmarket;
 - d) “Deputy Fire Chief” means the person who has been appointed by Council to act in the place of the Fire Chief of the fire

department in their absence or in the case of a vacancy in the office;

- e) “Fire Chief” means the person who is ultimately responsible to Council for the delivery of fire protection services;
- f) “firefighting and/or emergency services” includes all services related or incidental to the prevention, control, and suppression of fires and the protection of lives and property;
- g) “motor vehicle” as defined in the Highway Traffic Act, R.S.O. 1990, c. H.8, as amended;
- h) “motor vehicle collision ” means Central York Fire Services attending the scene of a motor vehicle collision on any property in the Town of Newmarket or Town of Aurora;
- i) “owner” means the registered owner of property, or any person, firm or corporation having control over or possession of the property or any portion thereof, including mortgagee in possession, receiver and manager, trustee and trustee in bankruptcy;
- j) “police” means the York Regional Police or Ontario Provincial Police;
- k) “vehicle owner” means the registered owner of vehicle, or any person, firm or corporation having control over or possession of the vehicle or any portion thereof, including mortgagee in possession, receiver and manager, trustee and trustee in bankruptcy.

Motor Vehicle Collisions

- 2. When **Central York Fire Services** attend at the scene of a **motor vehicle** collision on a King’s Highway, Regional or Municipal road, or a private road and provide **firefighting and/or emergency services**, the **vehicle owner** of the **motor vehicle** deemed to be **at fault** in the **motor vehicle collision** shall pay to the **Corporation** the fees outlined in **Corporation’s** Fees and Charges By-law, as amended.
- 3. In the event that it is determined by **Central York Fire Services** or the **police** that a **vehicle owner** deemed to be **at fault** is not **at fault**, then **Central York Fire Services** reserves the right to deem another **motor vehicle** involved in the **motor vehicle collision** to be **at fault**, and as such that **vehicle owner** shall pay to the **Corporation** the fees as established by the Fees and Charges By-law, as amended.

Administration and Enforcement

- 4. When a fee is imposed pursuant to this By-law, the amount of the fees owed to the **Corporation** shall be invoiced by the **Corporation** for the fees owed to (a) the insurance company of the vehicle owner who was determined to be at fault, or (b) if the payment is not made by the said insurance company or there is no insurance, payment shall be made by the owner of the vehicle who was determined to be at fault.

5. Payment terms shall be net 30 days from the date of the invoice, after which time a finance charge of 1.25% per month (15% per annum) is applied to the outstanding balance monthly.
6. The fees imposed by this By-law may be waived or reduced where circumstances warrant with the approval of the **Central York Fire Services' Fire Chief** or **Deputy Fire Chief**.

Severability

7. Should any section of this By-law be declared invalid by a court of competent jurisdiction, such section shall be construed as being served here from and the remainder of the By-law shall continue in full force and effect.

Enacted this 30th day of September, 2019.

John Taylor, Mayor

Lisa Lyons, Town Clerk



Town of Newmarket

Minutes

Accessibility Advisory Committee

Date: Thursday, September 19, 2019

Time: 10:30 AM

Location: Council Chambers
Municipal Offices
395 Mulock Drive
Newmarket, ON L3Y 4X7

Members Present: Steve Foglia, Chair
Jeffrey Fabian
Patricia Monteath
Lawrence Raifman
Councillor Simon
M. De Benedictis, Inclusion Base Director

Members Absent: Linda Jones
Faye Longhurst
Richard Wilson

Staff Present: K. Saini, Deputy Town Clerk
P. McIntosh, Recreation Programmer - Seniors & Special Needs
J. Grossi, Legislative Coordinator
A. Walkom, Legislative Coordinator

The meeting was called to order at 10:31 AM.
Steve Foglia in the Chair.

1. Additions & Corrections to the Agenda

None.

2. Declarations of Pecuniary Interest

None.

3. Presentations & Deputations

None.

4. Approval of Minutes

4.1 Accessibility Advisory Committee Meeting Minutes of August 15, 2019

Moved by: Patricia Monteath

Seconded by: Councillor Simon

1. That the Accessibility Advisory Committee Meeting Minutes of August 15, 2019 be received.

Carried

5. Items

5.1 Multi-Year Accessibility Plan Update

The Legislative Coordinator provided a presentation to the Accessibility Advisory Committee outlining the Multi-Year Accessibility Plan for the Town of Newmarket. He provided a summary of the document and asked for the Members to provide feedback before presenting the draft plan to Council.

The Members provided feedback to Staff on various sections and projects in the Multi-Year Accessibility Plan.

Moved by: Patricia Monteath

Seconded by: Jeffrey Fabian

1. That the Accessibility Advisory Committee endorse the draft Multi-Year Accessibility Plan, as amended.

Carried

5.2 Old Town Hall Accessibility Audit Update

The Legislative Coordinator provided an update on behalf of the Project Consultant, Facility Maintenance. She outlined the completed items from

the Old Town Hall audit and items that are subject to future budget considerations.

5.3 Main Street Accessibility

The Members of the Accessibility Advisory Committee discussed the accessibility of the downtown area and asked for a meeting with the Main Street District Business Improvement Area Board of Management Chair to identify potential improvements.

5.4 Upper Canada Mall Accessible Washroom Project Update

The Accessibility Advisory Committee Chair provided the Members with an overview of the newly completed Upper Canada Mall Accessible Washroom and provided project details.

The Members discussed retrofitting Town of Newmarket facilities with accessible components.

6. New Business

6.1 Accessible Washrooms

The Members discussed accessible washrooms at various Town of Newmarket facilities and queried Staff regarding potential accessible improvements.

7. Adjournment

Moved by: Councillor Simon

Seconded by: Patricia Monteath

1. That the meeting be adjourned at 11:23 PM.

Carried

Steven Foglia, Chair

Date



Town of Newmarket

Minutes

Elman W. Campbell Museum Board of Management

Date: Thursday, October 17, 2019
Time: 7:30 PM
Location: Elman W. Campbell Museum
134 Main Street South
Newmarket, ON

Members Present: Jackie Playter, Chair
Councillor Morrison
Ron Atkins
Michelle Clayton-Wood
Norman Friend
Billie Locke

Members Absent: Ross Caister
Kathleen Jackson

Staff Present: W. Broydell, Curatorial Assistant
L. Schembri, Supervisor of Culture Services
A. Walkom, Legislative Coordinator

1. Call to order

The meeting was called to order at 7:30 PM. Jackie Playter in the Chair.

2. Regrets

3. Additions & Corrections to the Agenda

None.

4. Declarations of Pecuniary Interest

None.

5. Approval of Minutes

5.1 Elman W. Campbell Museum Board Meeting Minutes of September 19, 2019

Moved by: Billie Locke

Seconded by: Councillor Morrison

1. That the Elman W. Campbell Museum Board Meeting Minutes of September 19, 2019 be approved.

Carried

6. Business arising from the Minutes

6.1 Museum By-laws Discussion

The Board continued the discussion from previous meetings regarding the by-laws related to the founding of the Museum. The discussion concluded with the Members deciding that the Museum had functioned through the years, despite some ambiguity in the by-laws.

7. Correspondence and Communications

The Curatorial Assistant circulated the periodicals which had been received by the Museum.

Moved by: Ron Atkins

Seconded by: Billie Locke

1. That the correspondence be received.

Carried

8. Financial Report

Jackie Playter provided the financial report with an overview of the museum reserve, conservation reserve fund, and exhibit reserve fund.

Moved by: Billie Locke

Seconded by: Councillor Morrison

1. That the financial report be received.

Carried

9. Museum Report

The Curatorial Assistant provided an overview of upcoming Museum maintenance including preparations for the closure in January 2020.

The Curatorial Assistant provided an overview of recent and upcoming programs and events including Wee Fun Wednesdays, Culture Days, the Harvest Picnic and the Bring and Brag event to be held November 2.

Moved by: Ron Atkins

Seconded by: Michelle Clayton-Wood

1. That the Museum Report be received

Carried

10. Friends of the Museum Report

Billie Locke advised of a subcommittee which was formed to organize the upcoming Santa event. She also advised of the upcoming gift shop sale.

Moved by: Norman Friend

Seconded by: Ron Atkins

1. That the Friends of the Museum Report be received.

Carried

11. New Business

The Supervisor of Culture Services provided the Board with information regarding liability insurance coverage for both Board members and volunteers of the Museum.

12. Next Meeting

The next meeting of the Elman W. Campbell Museum Board is November 21, 2019.

13. Adjournment

The meeting adjourned at 8:23 PM.

Jackie Playter, Chair

Date



Town of Newmarket

Minutes

Newmarket Economic Development Advisory Committee

Date: Thursday, September 26, 2019

Time: 5:00 PM

Location: Cane Room
Municipal Offices
395 Mulock Drive
Newmarket, ON L3Y 4X7

Members Present: Donna Fevreau, Chair
Carin Binder
Steven Bruno
Marek Dabrowski
Beric Farmer
Brian Johns
Jessica Rawlley
Darryl Sills
Beth Stevenson
Mayor Taylor
Deputy Mayor & Regional Councillor Vegh
Edmund Yeung

Members Absent: Robert Bull
Patrick Horgan
Rod Scotland
Bri-Ann Stuart

Staff Present: I. McDougall, Commissioner, Community Services
C. Kallio, Economic Development Officer
E. Bryan, Business Development Specialist
J. Grossi, Legislative Coordinator

Donna Fevreau in the the Chair.
The meeting was called to order at 5:00 PM.

1. Additions & Corrections to the Agenda

None.

2. Declarations of Pecuniary Interest

None.

3. Presentations & Deputations

None.

4. Approval of Minutes

**4.1 Newmarket Economic Development Advisory Committee Meeting
Minutes of June 26, 2019**

Moved by: Carin Binder

Seconded by: Edmund Yeung

1. That the Newmarket Economic Development Advisory Committee Meeting Minutes of June 26, 2019 be approved.

Carried

5. Items

5.1 Setting the 2020-2024 Economic Development Strategic Plan Framework

5.1.1 Update on Staff Priorities and Focus, 2016-2020

The Economic Development Officer provided a presentation regarding Intelligent Community/Smart City, downtown growth and corporate relations. He also reviewed the 2016-2020 Priorities and Focus.

The Members of the Newmarket Economic Development Advisory Committee discussed marketing and new media, and innovative marketing for various demographics.

Moved by: Brian Johns

Seconded by: Edmund Yeung

1. That the Newmarket Economic Development Advisory Committee recommends to Council that their membership be increased by one (1) to attract a candidate with experience in the new media and millennial marketing sector.

Carried

5.1.2 2018-2022 Council Strategic Priorities and Economic Development

The Economic Development Officer reviewed the 2018-2022 Council Strategic Priorities and identified the specific ones that related to economic development.

5.1.3 Summary of NEDAC's Preliminary Assessment of Focus Areas

The Business Development Specialist reviewed the exercise from the June 26, 2019 meeting regarding the identification of top priorities of the Newmarket Economic Development Advisory Committee Members.

5.2 NEDAC Purpose and Vision Review

The Members of the Newmarket Economic Development Advisory Committee (NEDAC) discussed the current purpose and vision, and brainstormed innovative initiatives for this term.

5.3 Innovation, Collaboration, Urbanization: Refining the Three Pillars?

The Economic Development Officer reviewed the three economic development pillars and the proposed 2020 timelines for the 2020-2024 Economic Development Strategy.

6. Closed Session (if required)

Donna Fevreau advised that there was no requirement for a closed session.

7. New Business

None.

8. Next Meeting

8.1 Joint NEDAC & Council Workshop on October 22, 2019

9. Adjournment

Moved by: Beric Farmer

Seconded by: Brian Johns

1. That the meeting be adjourned at 6:37 PM.

Carried

Donna Fevreau, Chair

Date



Newmarket Public Library Board

Minutes

Date: Wednesday, October 16, 2019
Time: 5:30 PM
Location: Newmarket Public Library Boardroom
Newmarket Public Library
438 Park Avenue
Newmarket ON L3Y 1W1

Members Present: Darcy McNeill, Chair
Jane Twinney, Vice Chair
Kelly Broome
Darryl Gray
Leslee Mason
Victor Woodhouse

Regrets: Jane Twinney, Vice Chair
Art Weis

Staff Present: Linda Peppiatt, Deputy CEO
Todd Kyle, CEO
Lianne Bond, Administrative Coordinator

The meeting was called to order at 5:47 pm. In the absence of the Chair and Vice Chair, Board member Victor Woodhouse was elected to conduct the meeting.

1. Adoption of Agenda Items

- 1.1 Adoption of the Regular Agenda
- 1.2 Adoption of the Closed Session Agenda
- 1.3 Adoption of the Consent Agenda Items

Motion 19-10-61

Moved by Darryl Gray

Seconded by Kelly Broome

That agenda items 1.1 to 1.3 be adopted as presented.

Carried

2. Declarations

None were declared.

3. Deputation

- 3.1 Request for Library to create a Human Rights and Anti Harassment/Discrimination Policy

Motion 19-10-62

Moved by Kelly Broome

Seconded by Leslee Mason

That the deputation provided by Kayla Scott regarding the Library to create a Human rights and Anti Harassment/Discrimination Policy be received.

Carried

Motion 19-10-63

Moved by Darryl Gray

Seconded by Kelly Broome

That the C.E.O. report back to the Library Board at the next Board meeting with a response to the Board recommendations presented in the Deputation.

Carried

4. Consent Agenda Items

The Board Chair resumed chairing the meeting at 6:03 pm

- 4.1 Adoption of the Regular Board meeting minutes for Wednesday, September 18, 2019
- 4.2 Adoption of the Closed Session Minutes for Wednesday, September 18, 2019
- 4.3 Strategic Operations Report for September
- 4.4 Third Quarter Financial Statement
- 4.5 Monthly Bank Transfer

Motion 19-10-64

Moved by Victor Woodhouse

Seconded by Darryl Gray

That Consent Agenda items 4.1 to 4.5 be approved and adopted as presented.

Carried

5. Reports

There were no reports.

6. Business Arising

6.1 Library Board Action List

The C.E.O. will provide an update on item 2-15 Library facility and service delivery options at the next meeting.

Motion 19-10-65

Moved by Victor Woodhouse

Seconded by Leslee Mason

That the Library Board receive the Action List as presented

Carried

7. New Business

7.1 Reducing Barriers to Borrowing

A report outlining options in reducing barriers to borrowing was presented to the Library Board.

Motion 19-10-66

Moved by Darryl Gray

Seconded by Victor Woodhouse

That the Library Board approve the changes to the Borrowing Policy and associated practices as follows:

- a. Forgiving of unpaid debts after a two-year collection period, except for those over \$100, which would be forgiven after a five year period
- b. Arranging occasional amnesty periods in conjunction with a community benefit;

- c. Increasing renewal limits from three to five;
- d. Changing the card renewal threshold from one year to two;
- e. Eliminating fines for children's materials taken out on a child's card, and waiving historical fines meeting these conditions upon user request.

And That the Library Board include a long-term strategy related to fines for further discussion at future strategic planning.

Carried

7.2 eContent for Libraries Campaign and Resolution Request

A report regarding supporting the eContent for Libraries campaign and resolution request was presented to the Library Board.

Motion 19-10-67

Moved by Victor Woodhouse

Seconded by Leslee Mason

THAT the Library Board seek Newmarket Council's endorsement of a draft resolution outlined in Attachment 1, requesting the Town of Newmarket to:

- a. indicate their support for CULC's/CBUC's efforts to increase access to ebooks and other econtent for library users in Newmarket and across Canada
- b. call on the federal government to investigate the barriers faced by libraries in acquiring ebooks and other econtent and the problems that poses for vulnerable demographic groups in Canada; and
- c. ask the federal government to develop a solution that increases access to ebooks and other econtent across Canada and assists libraries in meeting the cost requirements to acquire ebooks and other econtent.

Carried

Appendix 1: Draft Resolution for Newmarket Council

WHEREAS, the Town of Newmarket recognizes the important role that libraries play in our community. Libraries and the early literacy programs that they run are integral to developing proficient readers and ensuring that children succeed in school. More and more, digital literacy programs run by libraries also help ensure that citizens can contribute to our digital world. Additionally, vulnerable demographic groups, including seniors, low income families, youth, and new Canadians rely on access to libraries as an important tool for their participation in the community – from

education to searching for jobs to consuming Canadian cultural materials, and

WHEREAS, libraries in our community recognize that our users increasingly seek to access ebooks and other e-content offered by multinational publishers, and that access to those publications is too often curtailed by prohibitively high licensing fees or else entirely denied to Canadian libraries, and

WHEREAS, libraries must be in a position to offer e-books and other e-content to their users as part of their service offering to our community, particularly given the contemporary rapid pace of digitization of educational and cultural materials.

Now, therefore be it resolved that the Town of Newmarket does hereby:

1. Indicate our support for the Canadian Urban Libraries Council in its efforts to increase access to ebooks and other econtent for library users in Newmarket and across Canada;
2. Call on the federal government to investigate the barriers faced by libraries in acquiring ebooks and other econtent and the problems that poses for vulnerable demographic groups in Canada; and
3. Further ask the federal government to develop a solution that increases access to ebooks and other econtent across Canada and assists libraries in meeting the cost requirements to acquire e-books and other e-content.

8. Closed Session (If Required)

9. Dates of Future Meetings

The Library Board agreed to move the meeting start time to 5:45 pm.

The next regularly scheduled Newmarket Public Library Board meeting will be held on Wednesday, November 20, 2018 at 5:45 pm in the Board room

10. Adjournment

Motion 19-10-68

Moved by Victor Woodhouse

Seconded by Leslee Mason

That there being no further business the meeting adjourn at 6:50 pm

Carried

Darcy McNeill, Chair

Todd Kyle, Secretary/Treasurer



Newmarket Public Library Board

Minutes

Date: Wednesday, November 20, 2019
Time: 5:45 PM
Location: Newmarket Public Library Boardroom
Newmarket Public Library
438 Park Avenue
Newmarket ON L3Y 1W1

Members Present: Jane Twinney, Vice Chair
Kelly Broome
Darryl Gray
Leslee Mason
Art Weis
Victor Woodhouse (left at 6:41 pm)

Members Absent: Darcy McNeill, Chair

Staff Present: Linda Peppiatt, Deputy CEO
Todd Kyle, CEO
Lianne Bond, Administrative Coordinator

The meeting was called to order at 5:45 pm. In the absence of the Chair, the Vice Chair conducted the meeting.

1. Adoption of Agenda Items

- 1.1 Adoption of the Regular Agenda
- 1.2 Adoption of the Closed Session Agenda
- 1.3 Adoption of the Consent Agenda Items

Motion 19-11-69

Moved by Art Weis

Seconded by Leslee Mason

That agenda items 1.1 to 1.3 be adopted as presented.

Carried

2. Declarations

None were declared.

3. Consent Agenda Items

3.1 Adoption of the Regular Board meeting minutes for Wednesday, October 16, 2019

3.2 Strategic Operations Report for October, 2019

3.3 Third Quarter Library Statistical Data

3.4 Monthly Bank Transfer

Motion 19-11-70

Moved by Victor Woodhouse

Seconded by Darryl Gray

That Consent Agenda items 3.1 to 3.3 be approved and adopted as presented.

Carried

4. Reports

There were no reports.

5. Business Arising

5.1 Response to Deputation of October 16, 2019

The Library Board reviewed the responses and recommendations to the October 16, 2019 deputation.

The deputant from the October 16, 2019 deputation was given the opportunity to provide a response the C.E.O.'s report. The Board directed the C.E.O. to follow-up on the deputant's responses.

Motion 19-11-71

Moved by Darryl Gray

Seconded by Victor Woodhouse

That the Library Board receive the report on Response to Deputation of October 16, 2019;

And That the Library Board authorize the C.E.O. to work with the Town of Newmarket to take action on staff training and on policy as outlined in the report;

And That the Library Board add the matter of recommended attributes of Board appointees to its action list with a target completion date of June, 2022;

And That the Library Board approve ceasing to record library cardholders' gender;

And That the Library Board consider diverse Board member recruitment in future strategic planning.

Carried

Motion 19-11-72

Moved by Kelly Broome

Seconded by Leslee Mason

That the Library Board receive the deputant's response to the Library Board report.

Carried

5.2 Library Version of York Region Inclusion Charter

A Library version of the York Region Inclusion Charter was presented to the Board.

Motion 19-11-73

Moved by Victor Woodhouse

Seconded by Art Weis

That the Library Board receive the report on the Library Version of the York Region Inclusion Charter.

Carried

5.3 Joint Information Report - Newmarket Public Library Effectiveness and Efficiency Review - Implementation Status Update

A Joint Information report to update Council on the ongoing implementation of the Newmarket Public Library's Effectiveness and Efficiency review has been prepared. The C.E.O. will look into whether the Board would be able to participate in the Request for Proposal process for a consultant to look at future facility needs analysis.

Motion 19-11-74

Moved by Darryl Gray

Seconded by Kelly Broome

That the Library Board receive the Joint Information Report - Newmarket Public Library Effectiveness and Efficiency Review - Implementation Status Update.

Carried

5.4 Leadership by Design Board Orientation Part 3

This item was deferred.

Motion 19-11-75

Moved by Leslee Mason

Seconded by Art Weis

That the Leadership by Design Board Orientation Part three be deferred.

Carried

5.5 Library Board Action List

The Library Board reviewed the Action List.

Motion 19-11-76

Moved by Kelly Broome

Seconded by Victor Woodhouse

That the Library Board receive the Action List as presented.

Carried

5.6 Reducing barriers to borrowing update

The C.E.O. advised the Library Board that previously reported elimination of fines on Children's material would exclude fines on Children's DVDs, video games, and devices. After further review this will no longer be the case and fines on all Children's material will be removed, effective January 1, 2020.

6. New Business

6.1 Proposed Dissolution of York Info Partnership

The C.E.O. provided an overview of recent developments that factored in to the decision to propose the dissolution of the York Info partnership.

Motion 19-11-77

Moved by Darryl Gray

Seconded by Victor Woodhouse

That the Library Board receive the report on the proposed dissolution of the York Info partnership;

And That the Library Board authorize the C.E.O. to take all necessary steps to give effect to the actions outlined in the report.

Carried

7. Closed Session

Motion 19-11-78

Moved by Leslee Mason

Seconded by Darryl Gray

That the Library Board move in to Closed Session at 6:35 pm for Labour relations and personal matters about an identifiable individual.

Carried

Motion 19-11-79

Moved by Darryl Gray

Seconded by Kelly Broome

That the Library Board move out of Closed Session at 6:43 pm.

Carried

Motion 19-11-80

Moved by Art Weis

Seconded by Leslee Mason

Motion arising from Closed Session:

That the Library Board receive the report on 2020 economic adjustment for non-union employees and update on Marketing and IT realignment agreement.

Carried

8. Dates of Future Meetings

8.1 The next Regular Board meeting is scheduled for Wednesday, December 18, 2019 at 5:45 pm in the Library Board room

9. Adjournment

Motion 19-11-81

Moved by Kelly Broome

Seconded by Art Weis

That there being no further business the meeting adjourn at 6:44 pm.

Carried

Jane Twinney, Vice-Chair

Todd Kyle, Secretary/Treasurer

Town of Newmarket

Outstanding Matters List (2018 – 2022 term of Council)

As of January 2, 2020

Q1, 2020				
1.	Meeting Date: Committee of the Whole – April 29, 2019 Subject: 2018-2022 Council Strategic Priorities	Recommendations: 2. That Staff report back to Council with respect to a fulsome, ongoing communications plan (completed) and an overall performance measurement approach intended to track and present progress. Responsible Department: ➤ Strategic Priority Staff Working Group	Q1, 2020	
2.	Meeting Date: Committee of the Whole – April 8, 2019 Subject: Hollingsworth Arena and Future Ice Allocation Considerations	Recommendations: 3. That the Town of Newmarket operate with six ice pads and report back annually on the status of ice allocations, and ability to accommodate users; and 6. That within six months staff bring back a report on any plans for public amenity use at this location; and, Responsible Department: ➤ Recreation & Culture Services	Q1, 2020	
3.	Meeting Date: Committee of the Whole – February 25, 2019 Subject: Recognition of the Widdifield Family	Recommendations: 1. That staff be directed to investigate options that will recognize the area east of the river and west of Doug Duncan Drive, that lies between Timothy and Water St to be recognized in some format by a commemorative plaque or other option that acknowledges and demonstrates the background and history of an area known to be Widdifield Park; and, 2. That Mike Widdifield of Newmarket be notified of any proposals. Responsible Department: ➤ Recreation / Parks	Q1, 2020	Information Report to be provided
4.	Meeting Date: Committee of the Whole – April 9, 2018 Subject: Council Remuneration	Recommendations: 1. That Council refer the consultant and staff report to the new term of Council to be considered along with updated information at that time and to allow for phasing of any further adjustments to occur if necessary; and, Responsible Department: ➤ Office of the CAO/Human Resources	Q1, 2020	

5.	Meeting Date: Special Committee of the Whole – May 14, 2019 Subject: Ranked Ballots	Recommendation: 3. That Staff report back to Council with respect to referendum questions for the 2022 Municipal Election; and, Responsible Departments: ➤ Legislative Services	Q1, 2020	
6.	Meeting Date: Committee of the Whole - September 23, 2019 Subject: Established Neighbourhoods Compatibility Study	Recommendation: Established Neighbourhoods Compatibility Study Responsible Department: ➤ Planning and Building Services	Q1, 2020	Special Committee of the Whole scheduled January 20, 2020
7.	Meeting Date: Committee of the Whole - August 26, 2019 Subject: Traffic & Parking Petitions	Recommendations: 1. That the petition regarding Parking Restrictions on Helmer Avenue be referred to Staff; and, 2. That the petition regarding Traffic Calming Measures/Speed Mitigation on Flagstone Way be referred to Staff; and, 3. That the petition regarding Traffic Calming Measures/Speed Mitigation on Simcoe Street be referred to Staff. Responsible Departments: ➤ Engineering	Q1, 2020	
8.	Meeting Date: Committee of the Whole - April 30, 2018 Subject: Heritage Designations - York Region Administrative Building and Newmarket Canal System	Recommendations: 1. The Strategic Leadership Team/Operational Leadership Team recommend that the following be referred to staff for review and report: a. That the Heritage Newmarket Advisory Committee propose to the Region of York that the Administration Centre building be designated, due to its noted architect; and, b. That the Heritage Newmarket Advisory Committee recommend the Town of Newmarket designate the Newmarket Canal system. Responsible Department: ➤ Planning and Building Services	Q1, 2020	
9.	Meeting Date: Committee of the Whole - September 23, 2019 Subject: All Way Stop at Dover Crescent and Burford Street	Recommendations: 1. That the traffic issue related to an all-way stop at Dover Crescent and Burford Street be referred to Staff. Responsible Departments: ➤ Engineering Services	Q1, 2020	

10.	Meeting Date: Council - September 9, 2019 Subject: All Way Stop at Dover Crescent and Burford Street	Recommendations: 1. That the deputation by Joseph Coupal regarding a Request for an All-way Stop at the Intersection of London Road and Harewood Boulevard be received and referred to staff Responsible Departments: ➤ Engineering Services	Q1, 2020	
11.	Meeting Date: Committee of the Whole - June 17, 2019 Subject: Protection of Trees on Private Property	Recommendations: 4. That following the internal and public consultation, issues identified in this report, together with comments from the public, and Committee, be addressed by staff in a comprehensive report to the Committee of the Whole with a draft by-law; and, Responsible Department: ➤ Planning Services	Q1, 2020	PIC at the iWonder Event completed.
12.	Meeting Date: Committee of the Whole – June 17, 2019 Subject: Youth Engagement, Diversity and Inclusivity, and Consultation on the Environment	Recommendation: 3. That staff be directed to plan a Climate Change Open House for Fall 2019 (completed) and a Spring 2020 e-Waste Collection event as part of a one-year pilot environmental consultation program and report back in 2020 with a review of this program; Responsible Departments: ➤ Engineering Services, Public Works Services	Q1, 2020	
Q2, 2020				
13.	Meeting Date: Committee of the Whole – March 18, 2019 Subject: Construction Vibration Issues	Recommendations: 5. That staff investigate options for existing sites where construction activity will cause significant vibrations. Responsible Departments: ➤ Planning and Building Services & Engineering Services	Q2, 2020	
14.	Meeting Date: Committee of the Whole – June 17, 2019 Subject: Ward 1 Traffic Petitions	Recommendation: 1. That the petitions regarding traffic issues in Ward 1 be received and referred to staff. <ul style="list-style-type: none"> • Atkins Drive – Speed Mitigation • Helena Court – Parking • Kingsmere Avenue – Stop sign Responsible Departments: ➤ Engineering Services	Q2, 2020	

15.	<p>Meeting Date: Committee of the Whole - September 23, 2019</p> <p>Subject: Derelict Properties</p>	<p>Recommendations:</p> <ol style="list-style-type: none"> 1. That Staff circulate an information report related to derelict properties, including information regarding demolition requirements and any impediments that may apply. <p>Responsible Departments:</p> <ul style="list-style-type: none"> ➤ Legislative Services ➤ Planning & Building 	Q2, 2020	
16.	<p>Meeting Date: Committee of the Whole - April 30, 2018</p> <p>Subject: Asset Replacement Fund Strategy</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> 1. That the Asset Replacement Fund Strategy be referred to staff for further information and be brought back to Council for consideration at a later date. <p>Responsible Departments:</p> <ul style="list-style-type: none"> ➤ Financial Services 	Q2, 2020	
17.	<p>Meeting Date: Council – December 5, 2016</p> <p>Subject: Report 2016-25 – 178, 170, 184, 188, 190 and 194 Main Street S.</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> 1. That in 120 days, staff be directed to bring back an amendment to the Heritage Conservation District Plan and By-law for consideration of Council that would outline the criteria which would need to be met by applicants in order to be considered for approval for a fourth storey set back from the street by a minimum of 15 (fifteen) feet. <p>Responsible Department:</p> <ul style="list-style-type: none"> ➤ Planning and Building Services 	Q2, 2020	
18.	<p>Meeting date: Committee of the Whole – March 19, 2018</p> <p>Subject: 500 Water Street Parking Information Report 2018-11 (Cachet Parking Lot)</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> 3. That the Community Centre Lands Task Force work form the basis of a report back to Council, to be brought forward in Q1/Q2, 2019. <p>Responsible Department:</p> <ul style="list-style-type: none"> ➤ Engineering Services/ Community Centre Lands Task Force 	Q2, 2020	

Q3, 2020				
19.	Meeting Date: (1) Committee of the Whole - November 6, 2017 (2) Committee of the Whole – April 9, 2018 (Temporary Parking Exemption Report) Subject: Residential Parking	Recommendations: (1) 1. That Development and Infrastructure Services Engineering Services and Planning and Building Services - Report 2017-45 dated November 6th, 2017 regarding Residential Parking Review be received and the following recommendations be adopted: c. That, subject to budget approval, staff be directed to undertake a review of the Parking By-law and report back to Committee of the Whole with recommendations on improvements to parking matters discussed in this report. (2) 5. That the Temporary Parking Exemption Program be implemented as a pilot project and reviewed as part of the overall residential parking review scheduled for Q1/Q2, 2019 Responsible Department: ➤ Planning and Building Services / Legislative Services	Q3, 2020	CW held on June 10, 2019
20.	Meeting Date: Committee of the Whole – November 4, 2019 Subject: Traffic Calming Measures/Speed Mitigation at William Roe Boulevard and Dixon Boulevard	Recommendation: 1. That the petition regarding Traffic Calming Measures/Speed Mitigation at William Roe Boulevard and Dixon Boulevard be referred to Staff. Responsible Departments: ➤ Engineering Services	Q3, 2020	
21.	Meeting Date: Committee of the Whole - February 26, 2018 Subject: Newmarket Public Library Study Implementation	Recommendations: 2. That Council refer the further consideration and direction with respect to library facility needs study to the 2018 – 2022 Council Strategic Priority setting process. Responsible Department: ➤ Community Services/Newmarket Public Library	Q3, 2020	

Q4, 2020				
22.	Meeting Date: Committee of the Whole - September 23, 2019 Subject: Town-Wide Mitigation Strategy - Traffic Calming Policy Public Consultation Report	Recommendations: 2. That Staff report back to Council in up to 12 months regarding various initiatives raised in this report. Responsible Departments: ➤ Engineering	Q4, 2020	
23.	Meeting Date: Committee of the Whole – November 4, 2019 Subject: Multi Use Pathways	Recommendation: 1. That Council direct Staff to report back in 2020 regarding the best practices and options for improving the signage and markings on the Tom Taylor Trail system. Responsible Departments: ➤ Public Works/Parks	Q4, 2020	
2021				
24.	Meting Date: Council – January 18, 2016 – Item 35 Subject: 2015-44 – Proposed Trail from Yonge Street to Rita's Avenue	Recommendation: 1. That staff provide alternate trail options for this area at a lower cost. 2. That Item 35 of the Council Minutes of December 14, 2015 being Joint Development and Infrastructure Services - Planning and Building Services and Engineering Services Report 2015-44 dated November 19, 2015 regarding a proposed trail from Yonge Street to Rita's Avenue be reconsidered; and, 3. That staff provide alternate trail options for this area at a lower cost, including the option of extending the trail through George Luesby Park along Clearmeadow Boulevard to Yonge Street and further connecting the trail from Flanagan Court/Rita's Avenue to the George Luesby Park Trail; and, 4. That staff also include in the report the option of installing lighting along the George Luesby Park Trail. Responsible Department: ➤ Planning and Building Services ➤ Engineering Services	2021	Deferred subsequent to VivaNext construction

25.	Meeting Date: Committee of the Whole - November 4, 2019 Subject: Parking Enforcement Initiative - Pay It Forward Program	Recommendation: 3. That Staff report back to Council within 18 months; and, Responsible Department: ➤ Legislative Services	2021	
26.	Meeting Date: Committee of the Whole – June 17, 2019 Subject: Single Use Plastics	Recommendation: 1. That Council direct staff to bring back a report which outlines the roles and responsibilities of the Province, the Region and the Town in relation to recycling and diversion and provides the following: a. information on what work is currently being done to address the reduction and eventual elimination of single use plastics; and, b. clear options for Council to consider to ensure the town is taking steps within its jurisdiction to reduce and eventually eliminate single use plastics. Responsible Departments: ➤ Public Works/Operations	TBD	



CONTEXT PLAN

693-713 DAVIS DRIVE
Newmarket, ON



SITE STATISTICS:	
Lot Area:	93,638 sf
Urban Park Area:	4,729 sf
Floor Space Index:	2.98
Lot coverage:	29.7%
No. of Storeys:	15
Building Height:	154ft
Podium Height	39ft
Total Gross Floor Area:	278,719 sf
Retail Area	11,302 sf
Residential Area	267,417 sf
Total Units:	318
1 Bedroom	198
2 Bedroom	112
3 Bedroom	8
Affordable Units	25%
Total Parking Spaces:	369
Surface	49
Underground	320
Total Bicycle Parking:	199
Surface	37
Underground	162
Total Amenity Space:	13,143 sf
Indoor Amenity	3,714 sf
Outdoor Amenity	6,523 sf

SITE PLAN
1:200




693-713 DAVIS DRIVE
Newmarket, ON



693-713 DAVIS DRIVE
Newmarket, ON


BRIARWOOD
DEVELOPMENT GROUP

 **CANDEVCON LIMITED**
CONSULTING ENGINEERS & PLANNERS


adesso design inc
landscape architecture

Kohn
Kohn Partnership Architects Inc.

Briarwood (NWMKT) INC.
Proposed Mixed Use Development
693-713 Davis Drive
Town of Newmarket

BONUSING JUSTIFICATION TO SUPPORT ZONING BY-LAW AMENDMENT TO PERMIT 15 STOREY BUILDINGS AND AN FSI OF 3.0

Policy 14.2.9 of the Newmarket Urban Centres

Secondary Plan states that the applicant may request a discretionary maximum height of 15 storeys and an FSI of 3.0 in exchange for the provision of Public Benefits, or cash in lieu of Benefits. The following Public Benefits are identified in the Secondary Plan as beyond what otherwise would be required.

- (a) Cultural Facilities
- (b) Special park
- (c) Public amenities within identified environmental open spaces
- (d) Public art
- (e) Structured parking for use by the public
- (f) Streetscape, gateway features, pedestrian mews and open space design enhancements
- (g) Private roads that are accessible to the public
- (h) Upgrades to and/or provision of community facilities
- (i) Other community facilities or human services identified by the Town as desirable
- (j) Inclusion of energy or water conservation measures beyond those required
- (k) Affordable housing beyond those required by the Secondary Plan or the York Region OP
- (l) Rental housing
- (m) Social housing

Policy 14.2.9(ii) of the Newmarket Urban Centres Secondary Plan (Regional Healthcare Centre) identifies the following criteria to be evaluated as justification for bonusing.

"a) represents good planning;

b) is consistent with the objectives of this Plan;

c) meets the applicable urban design and built form policies of this Plan;

d) represents appropriate development in the context of the surrounding character;

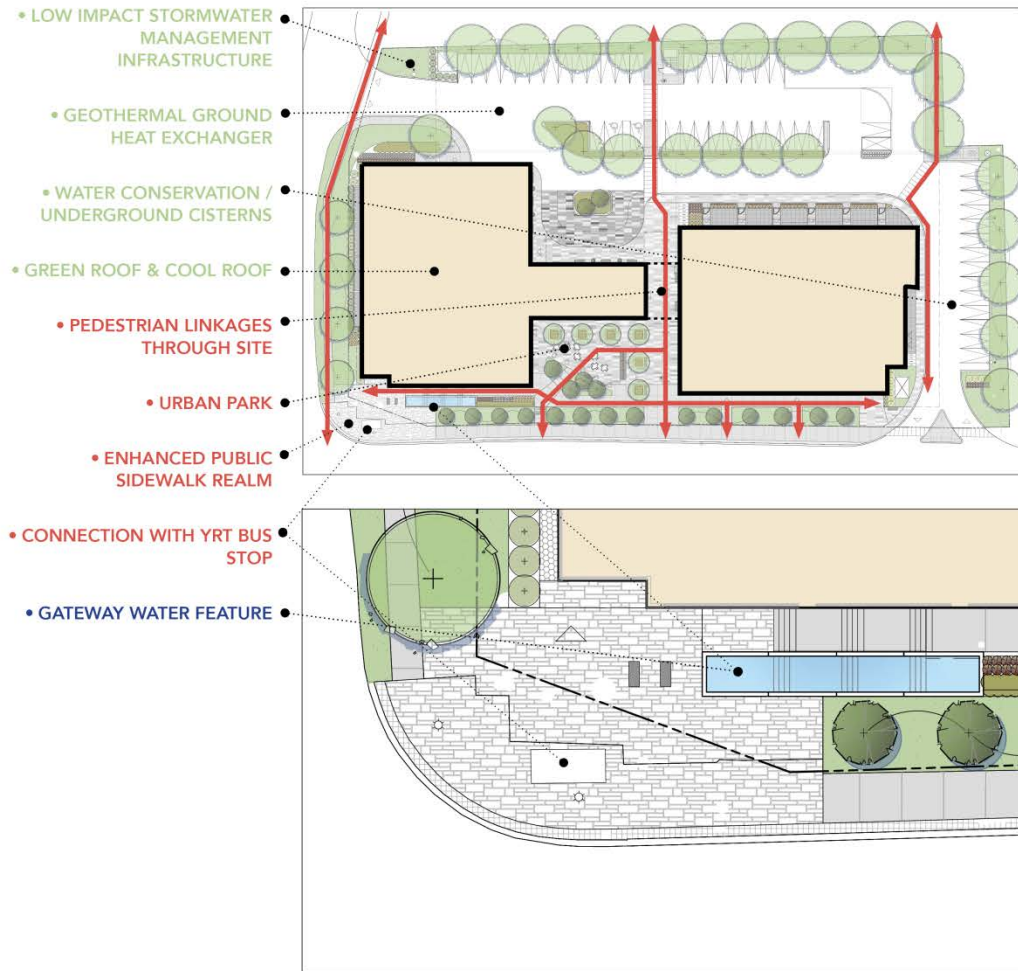
e) can be accommodated by existing or improved infrastructure; and

f) will not adversely impact the transportation network or, where cumulative impacts are identified such impacts are accommodated through road and transit improvements are to be provided prior to the time of development."

PROPOSED PUBLIC BENEFITS TO BE PROVIDED BY THE PROPOSED BRIARWOOD DEVELOPMENT.

- **Urban Park**
- **Gateway Water Feature**
- **Pedestrian Linkages (mews) from Davis Drive to the Hollingsworth Civic Arena lands**
- **Energy and Water Conservation Measures**
 - **Energy Efficient Measures**
 - **Water Conservation measures**
 - **Alternative Energy Use**
 - **Heat Island Mitigation**
- **Low Impact Development (LID) Stormwater Management**

PUBLIC BENEFITS



URBAN PARK




GATEWAY WATER FEATURE

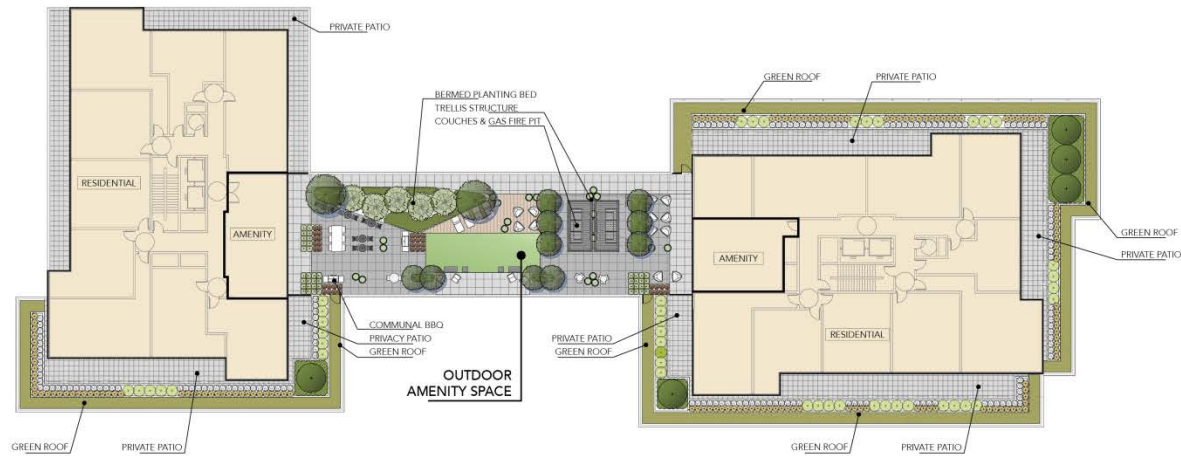
693-713 DAVIS DRIVE
Newmarket, ON


BRIARWOOD
DEVELOPMENT GROUP

 **CANDEVCON LIMITED**
CONSULTING ENGINEERS & PLANNERS


adesso design inc
landscape architecture

Kohn
Kohn Partnership Architects Inc.



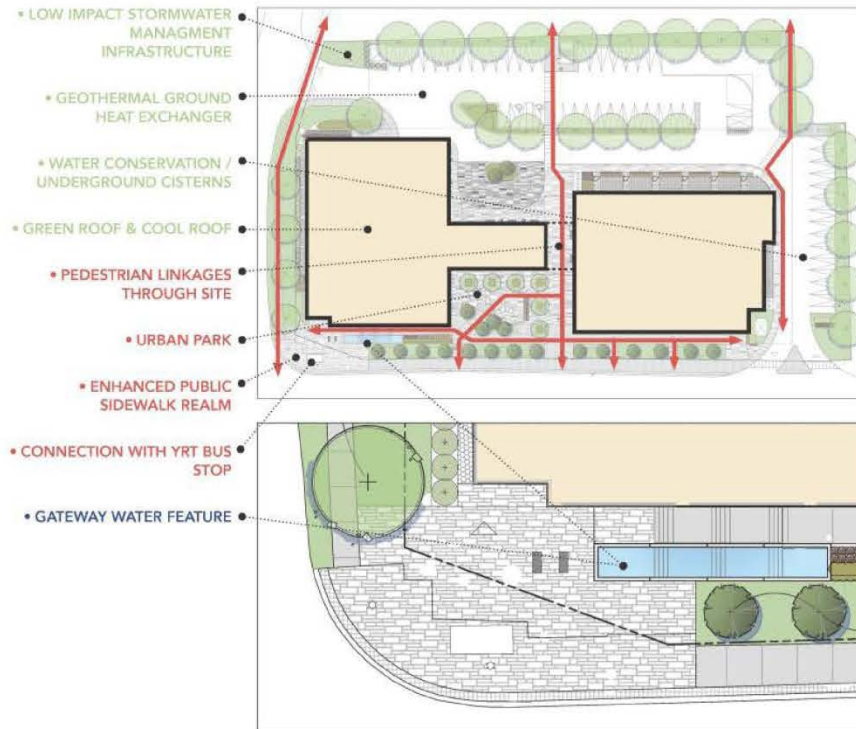
ROOF TERRACE PLAN
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693-713 DAVIS DRIVE
Newmarket, ON

PUBLIC BENEFITS

PROPOSED PUBLIC BENEFITS TO BE PROVIDED BY THE PROPOSED BRIARWOOD DEVELOPMENT.

- Urban Park
- Gateway Water Feature
- Pedestrian Linkages (mews) from Davis Drive to the Hollingsworth Civic Arena lands
- Energy and Water Conservation Measures
 - Energy Efficient Measures
 - Water Conservation measures
 - Alternative Energy Use
 - Heat Island Mitigation
- Low Impact Development (LID) Stormwater Management



URBAN PARK



GATEWAY WATER FEATURE

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