



Town of Newmarket

Agenda

Council Workshop - Electronic

Date: Tuesday, March 30, 2021
Time: 1:00 PM
Location: Streamed live from the Municipal Offices
395 Mulock Drive
Newmarket, ON L3Y 4X7

1. Notice

In accordance with the Town's Procedure By-law, no decisions are to be made but rather this meeting is an opportunity for Council to have informal discussion regarding various matters.

At this time, the Municipal Offices remain closed to the public. This meeting will be streamed live at newmarket.ca/meetings.

2. Additions & Corrections to the Agenda

3. Conflict of Interest Declarations

4. Items

4.1. Development and the Environment

Note: The following individuals will be in attendance to provide a presentation on this matter:

- Jason Unger, Director, Planning & Building Services, Town of Newmarket
- Karen Whitney, Director, Community Planning & Development Services, York Region
- Scott Lister, Program Manager, Source Water Protection, York Region
- Melinda Bessey, Director, Planning, Lake Simcoe Region Conservation Authority (LSRCA)

5. Adjournment



Council Workshop #2: Development and the Environment

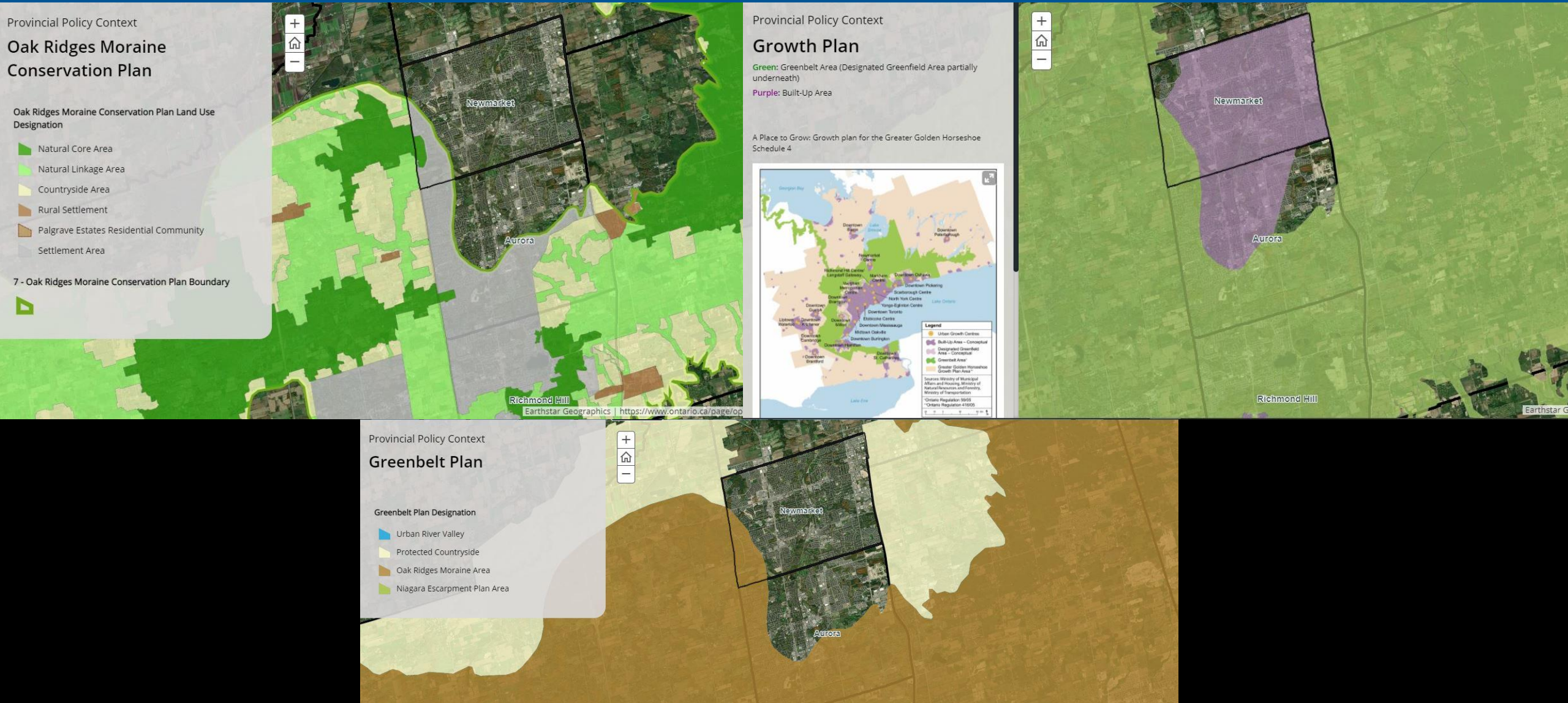
Introduction

Agenda

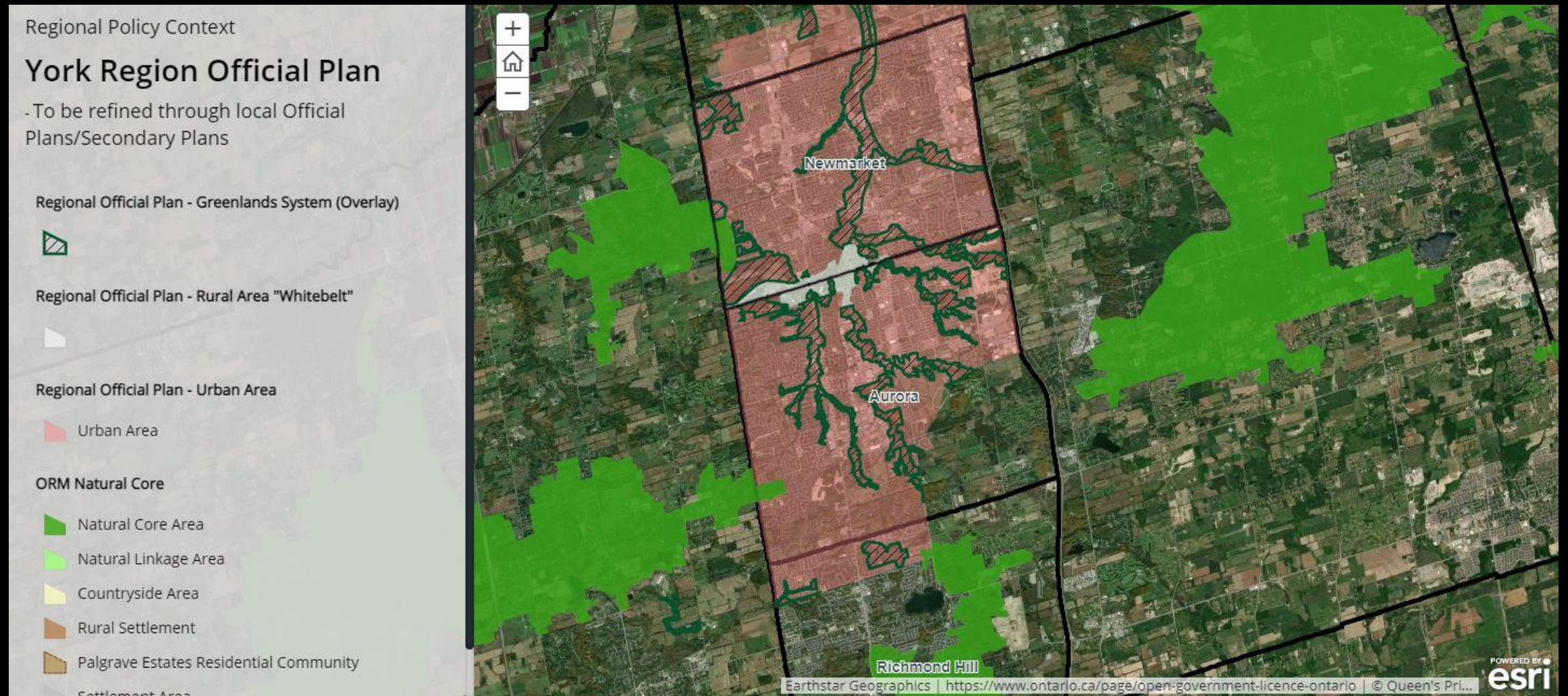
- Town of Newmarket
- York Region
- LSRCA
- Questions

Oak Ridges Moraine Conservation Plan, Growth Plan, Greenbelt Plan,

3



York Region Official Plan








Urban Lands, Rural (Whitebelt) Lands, Greenlands

Town Official Plan





Local Policy Context

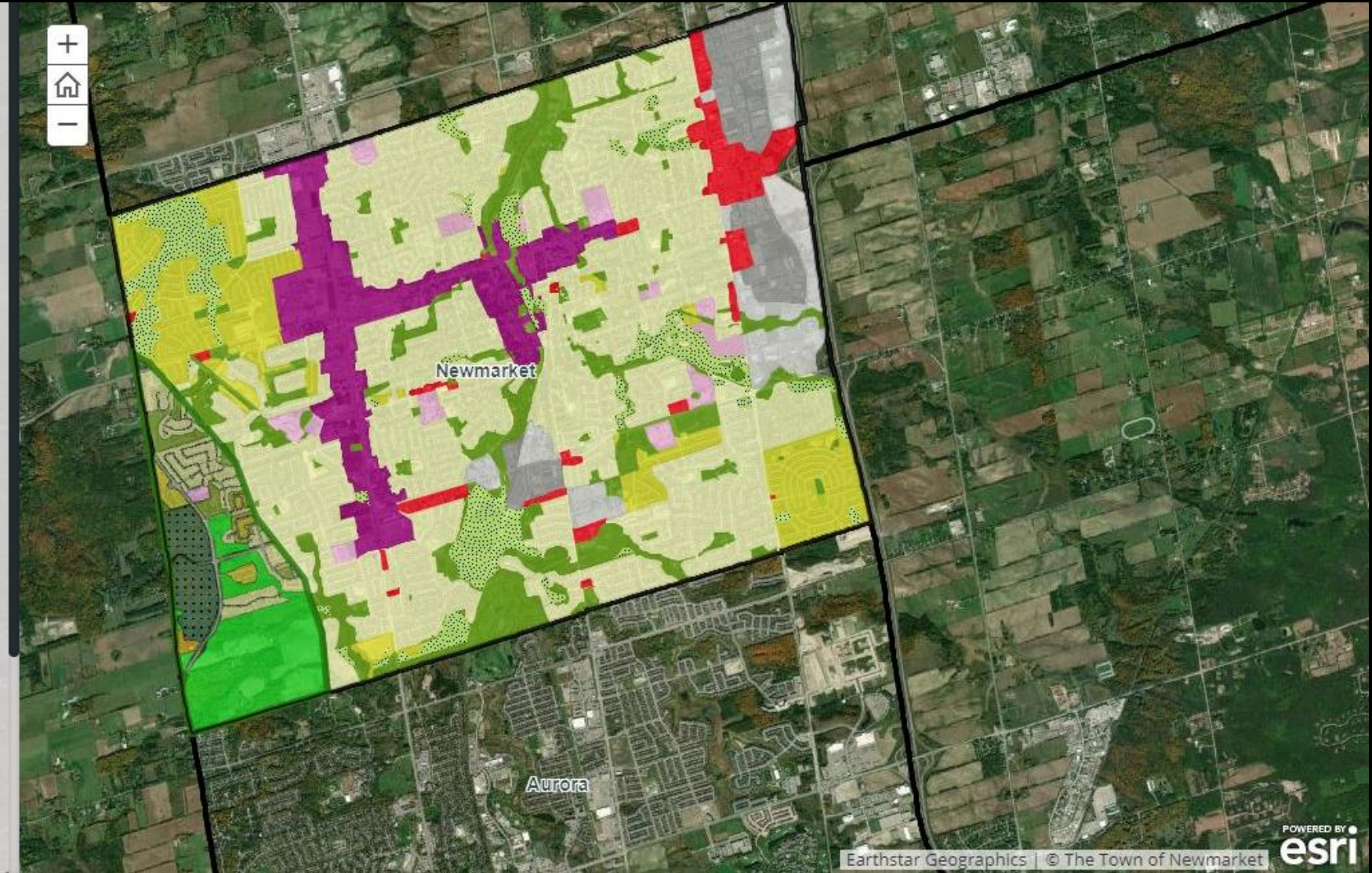
Town Official Plan

Oak Ridges Moraine OPA 28 Land Use

-  Natural Core Area - Oak Ridges Moraine
-  Environmental Protection Area - Oak Ridges Moraine
-  Park/Open Space (Oak Ridges Moraine)
-  Public/Separate Elementary School (Oak Ridges Moraine)
-  Estate Residential (Oak Ridges Moraine)
-  Medium Density Residential (Oak Ridges Moraine)
-  Low Density Residential (Oak Ridges Moraine)

Newmarket Official Plan Land Use

-  Oak Ridges Moraine
-  Urban Centre
-  Open Space
-  Natural Heritage System



What do we hope to answer today?

How does development happen in York Region and Newmarket in relation to environmental matters?

Working Together to Protect the Environment

York Region

- Sourcewater & Wellhead Protection

LSRCA

- Water Balance
- Woodlots
- Phosphorus

Town

- Low Impact Development
- Tree Protection/Compensation



York Region's Role in Plan Review

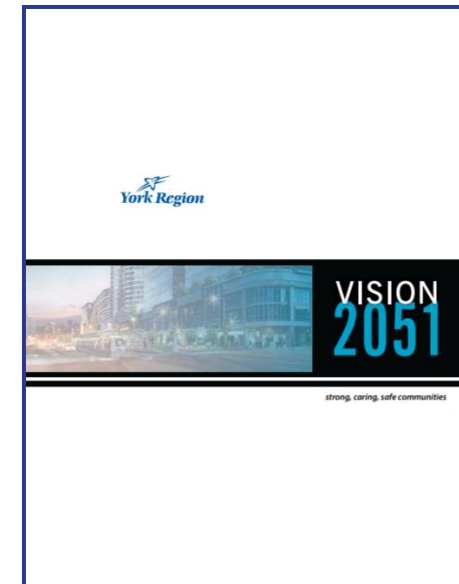
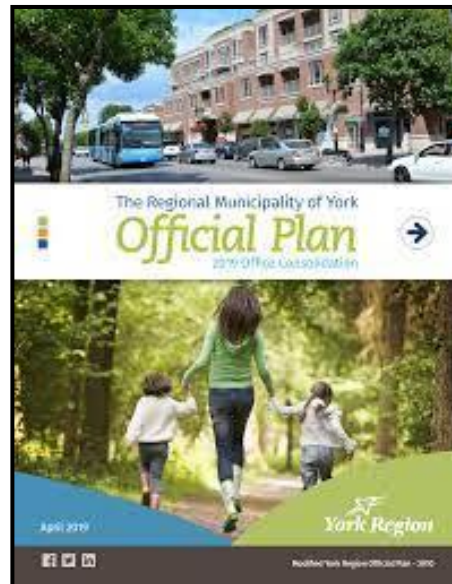
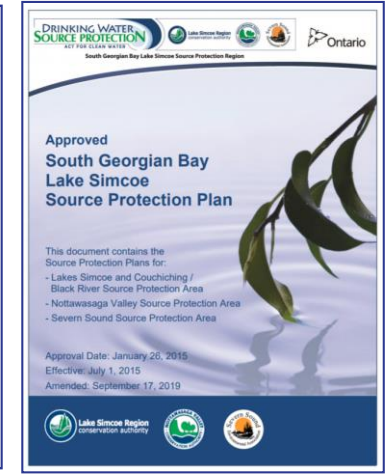
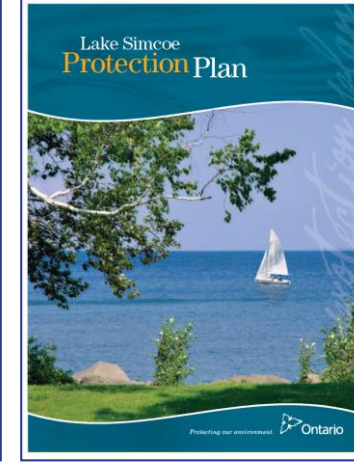
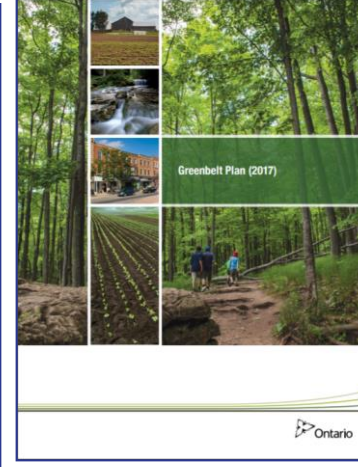
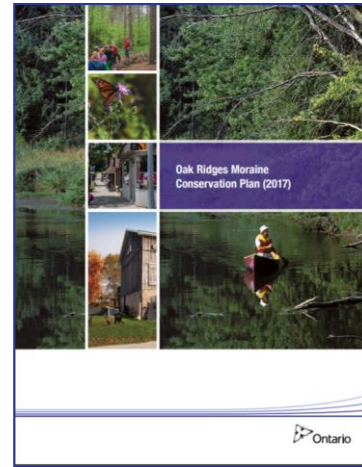
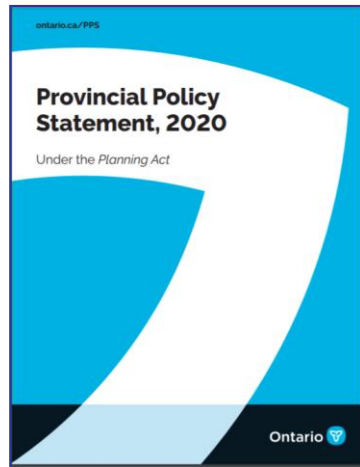
Town of Newmarket Council Workshop: Development and the Environment
March 30, 2021

Karen Whitney, MCIP, RPP
Director, Community Planning & Development Services

Scott Lister, P.Geo, MSc
Program Manager, Source Water Protection



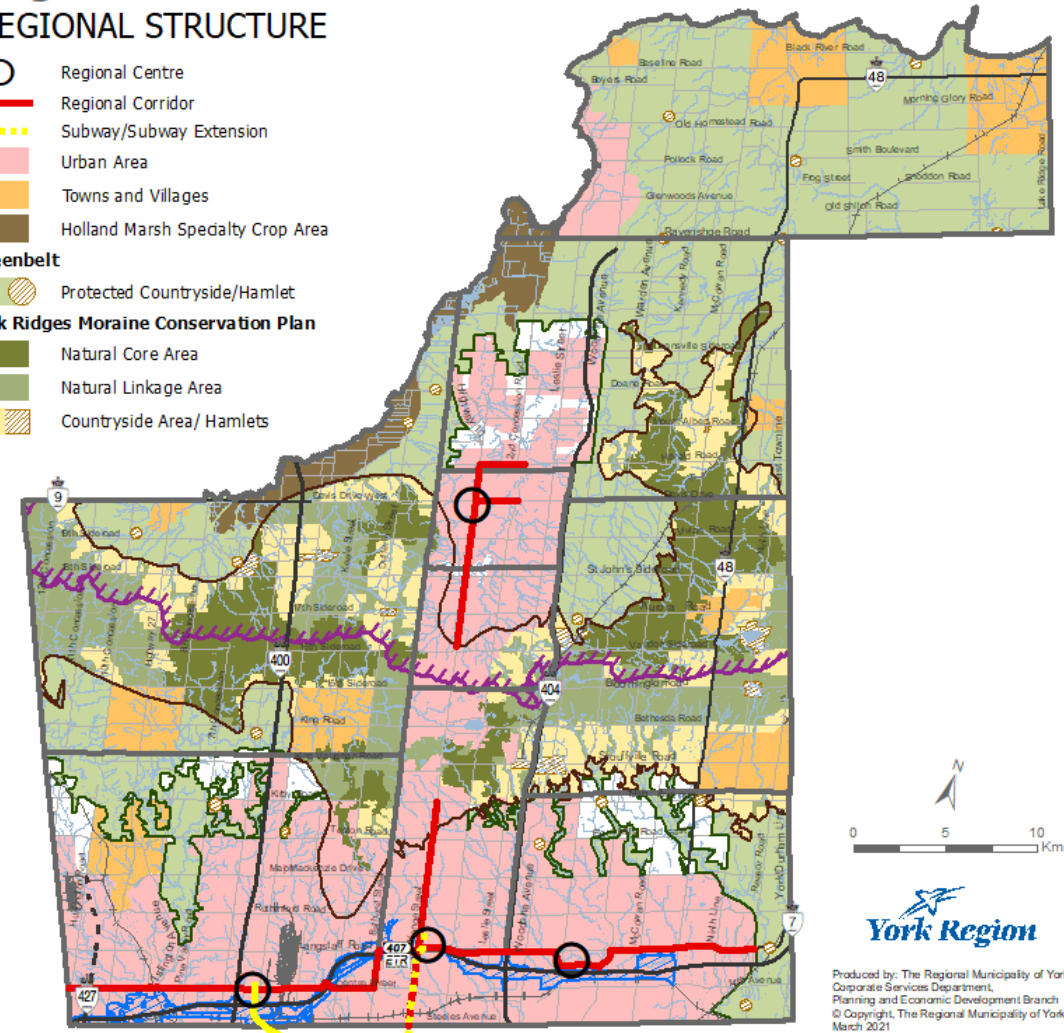
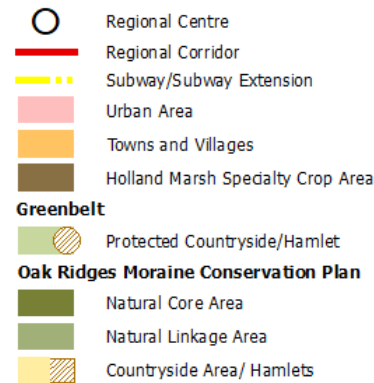
YORK REGION'S ROLE IN PLAN REVIEW



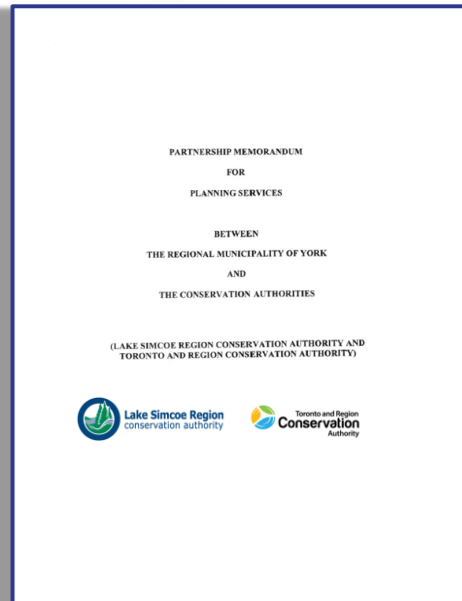
YORK REGION'S ROLE IN PLAN REVIEW

- **Provincial Plan and Regional Official Plan conformity**
- **Commenting Agency** – All applications under the *Planning Act*
- **Approval Authority** – All local Official Plans and Official Plan Amendment, with exceptions
- **Engineering Approvals** – Any works within the Regional right-of-way or impacting Regional infrastructure related to development

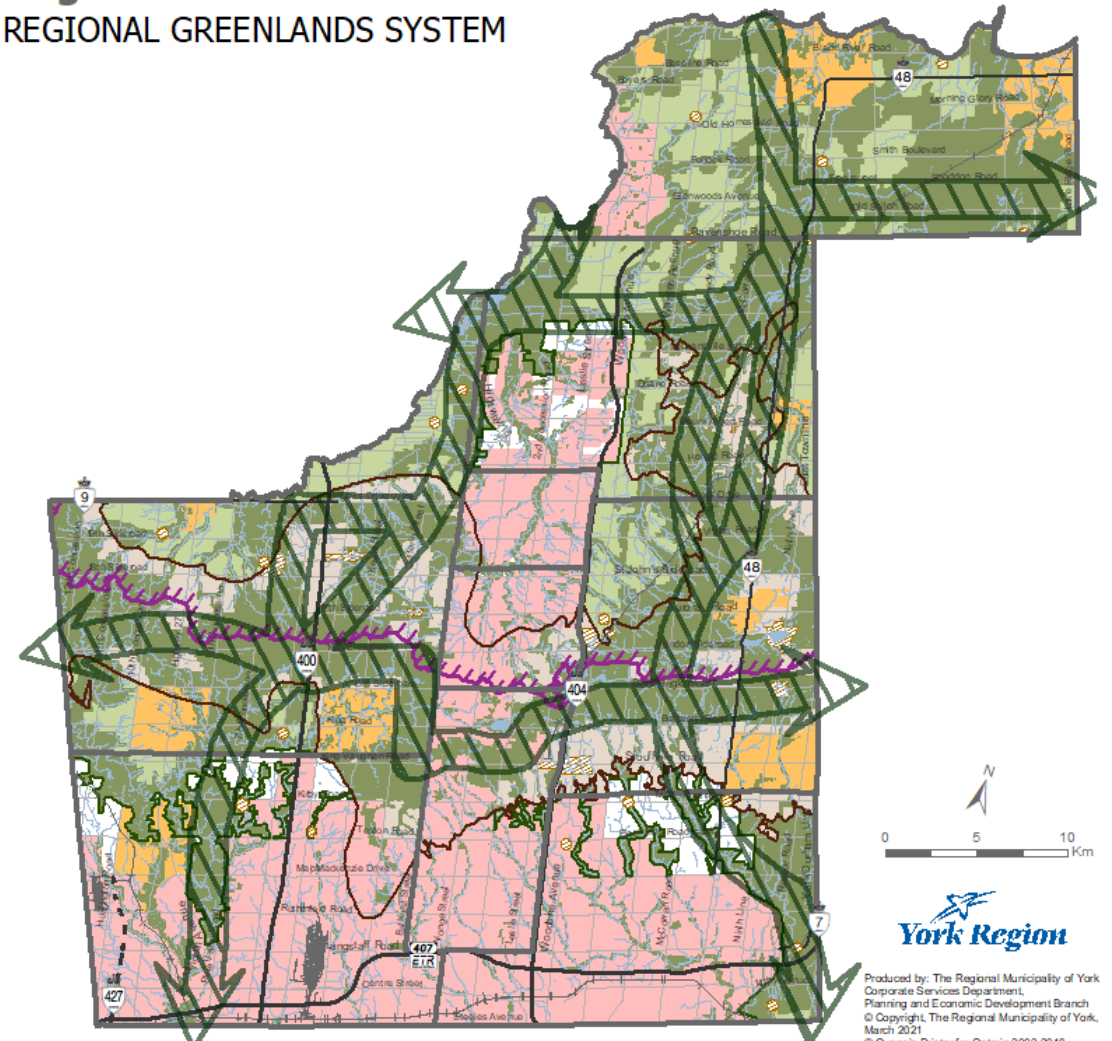
Regional Official Plan REGIONAL STRUCTURE



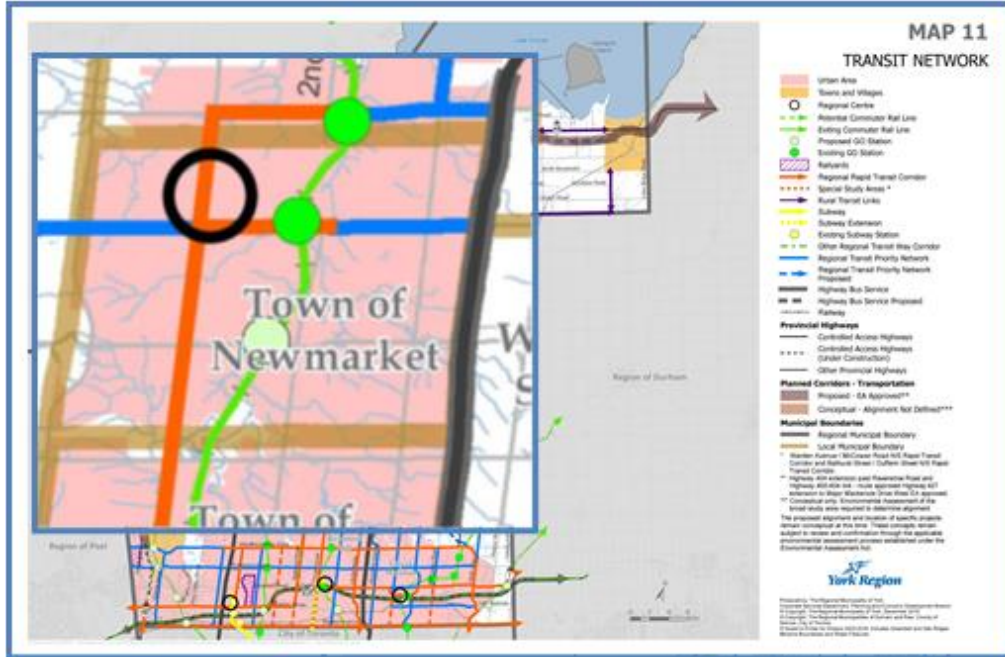
YORK REGION'S ROLE IN GROWTH AND THE ENVIRONMENT



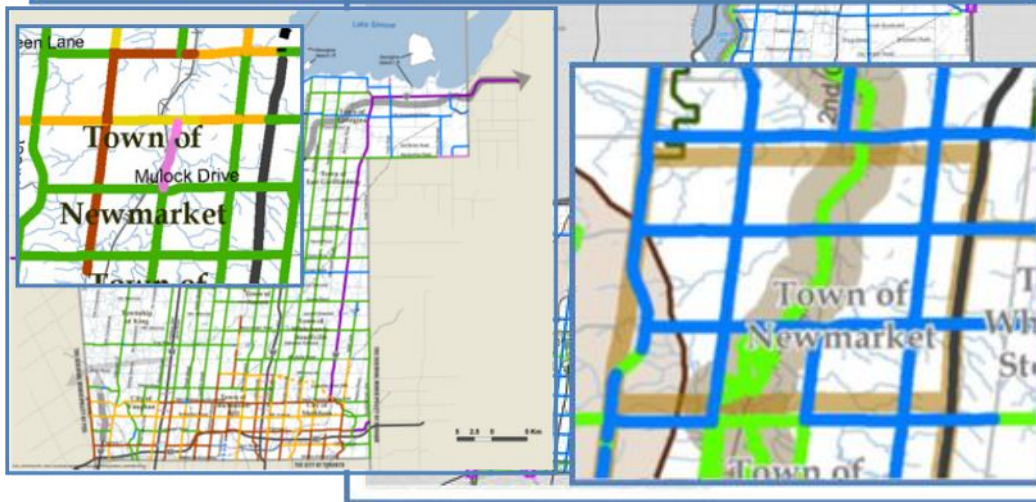
Regional Official Plan REGIONAL GREENLANDS SYSTEM



YORK REGION'S ROLE IN GROWTH AND TRANSPORTATION



The Regional Municipality of York
Transportation Master Plan

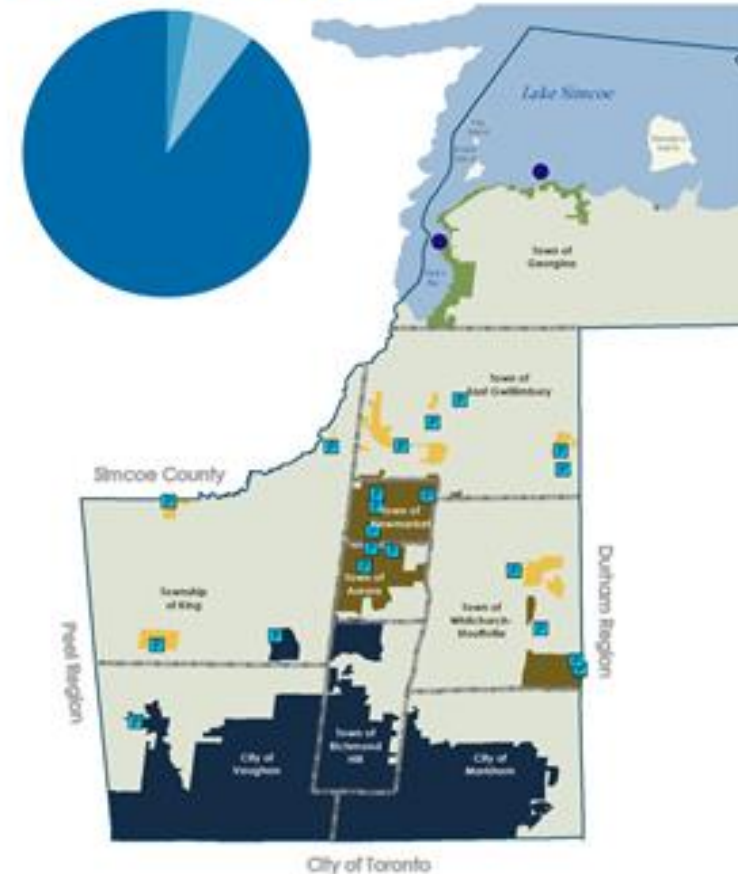


WATER SOURCES IN YORK REGION

RESPONSIBLE FOR WATER SUPPLY & DISTRIBUTION

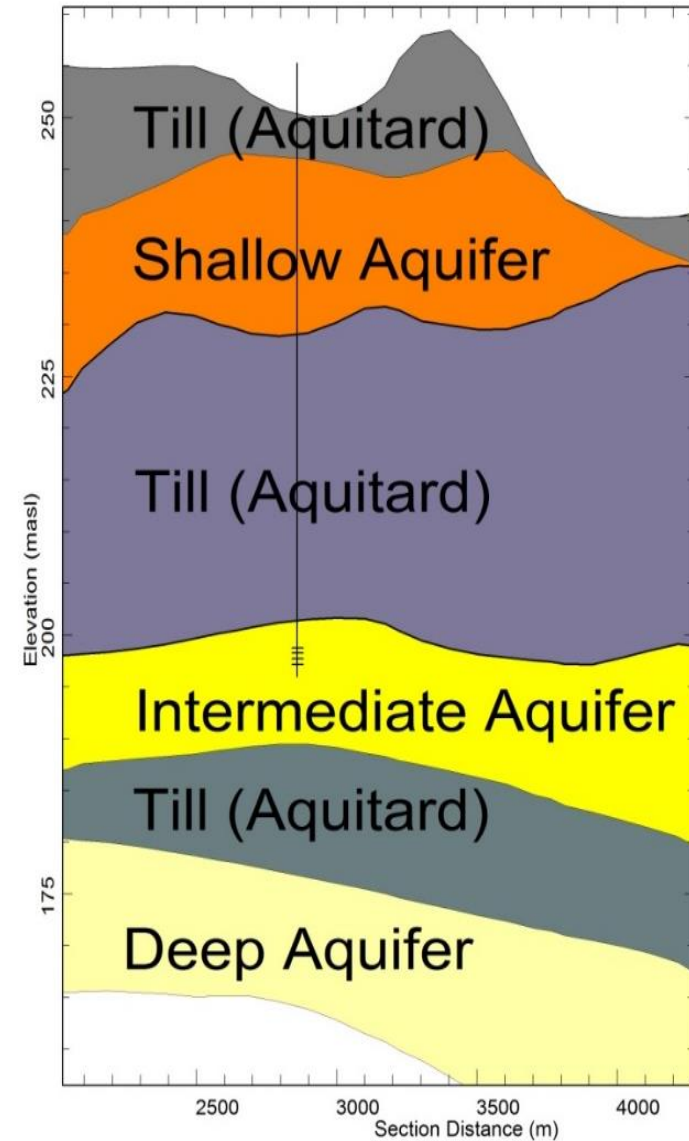
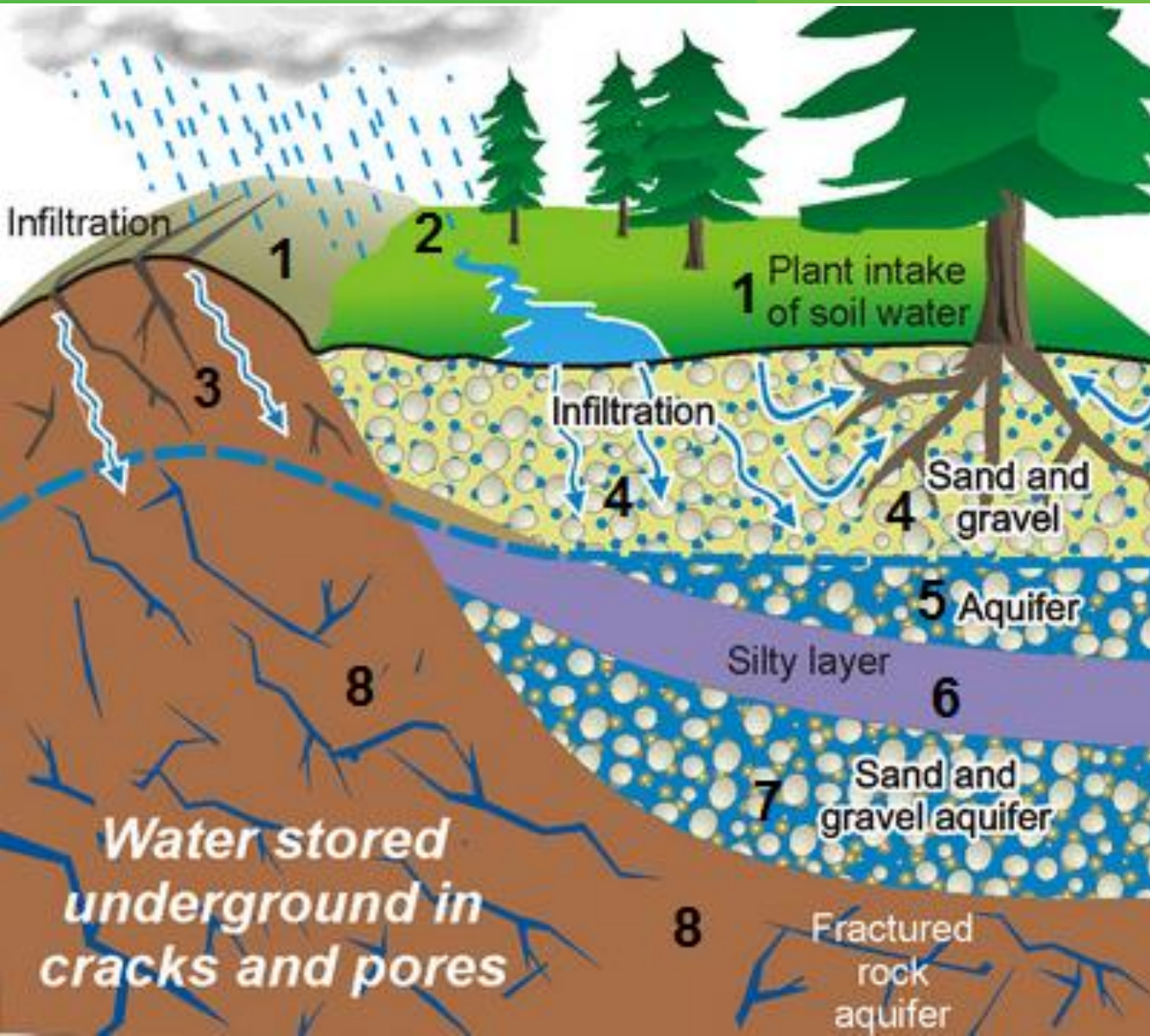
- 41 groundwater wells
- 2 lake-based intakes
- 2 Lake Ontario connections from adjacent municipalities Toronto and Peel
- Blended (Groundwater and Lake Ontario)

LAKE SIMCOE 3%
GROUNDWATER 7%
LAKE ONTARIO 90%



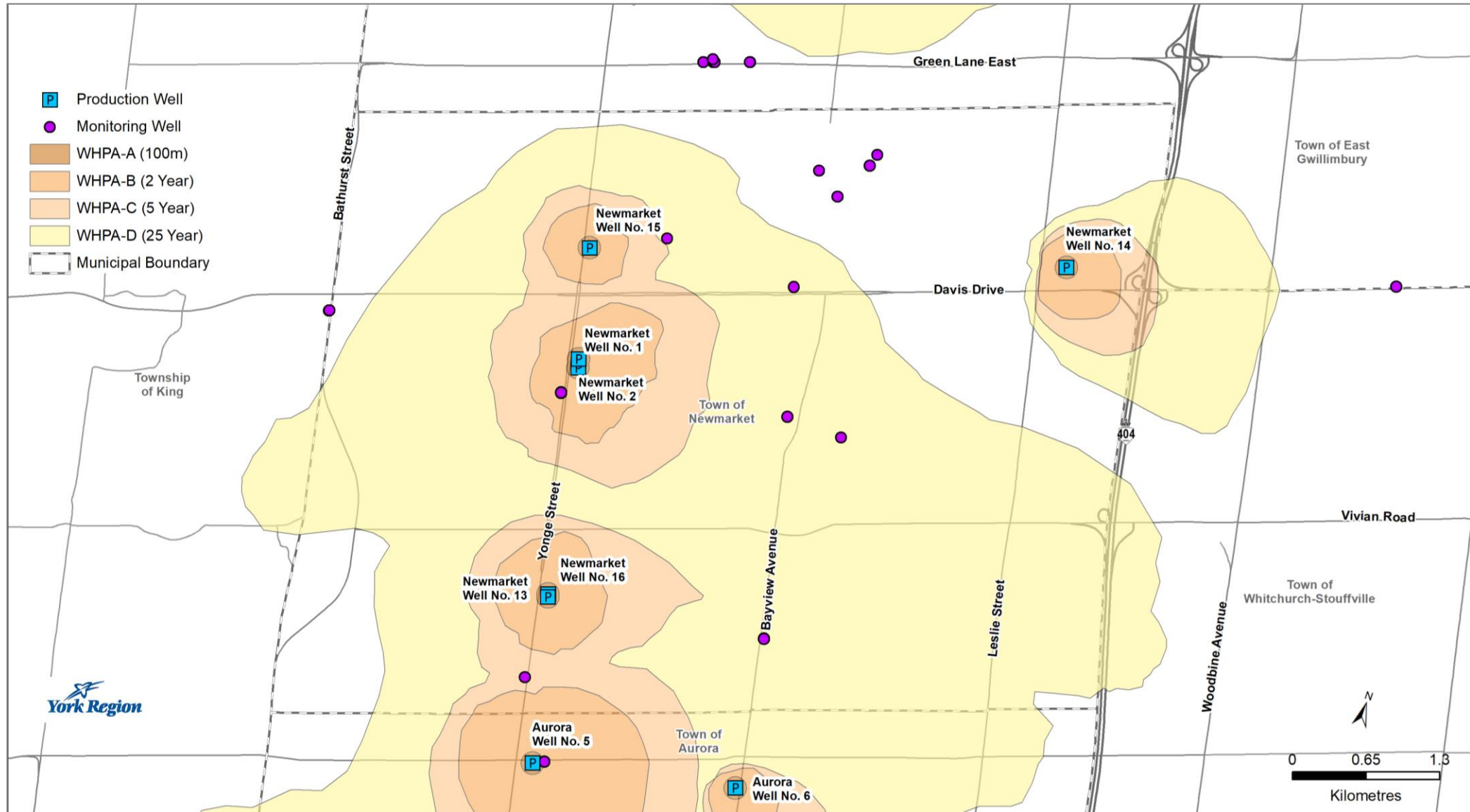
GROUNDWATER IN NEWMARKET

14



WELLHEAD PROTECTION AREAS

15



THANK YOU



LSRCA PLAN REVIEW SERVICES

Town of Newmarket Council

Tuesday March 30, 2021

Melinda Bessey, MSc, MCIP, RPP

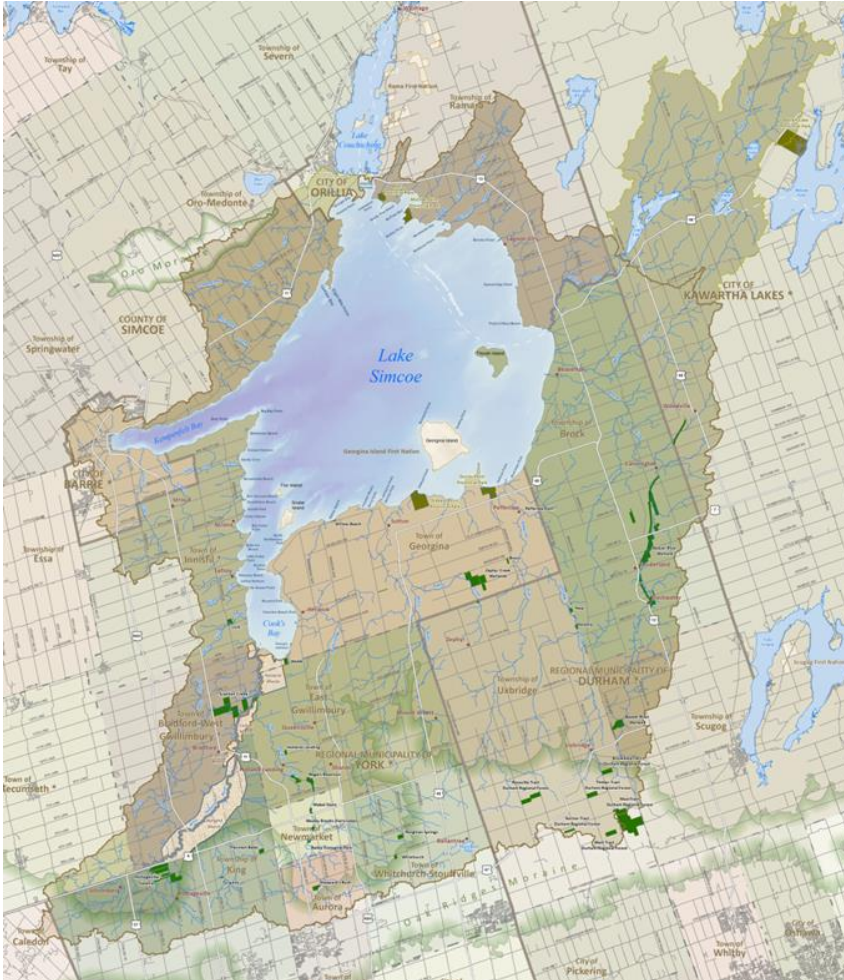


Lake Simcoe Region
conservation authority



Member of Conservation Ontario

Agenda



1. Introductory Comments
2. MOU between The Town and LSRCA
3. Natural Heritage Review
4. Hydrogeology Review
5. Engineering Review
6. Regulations
7. We are glad you asked...
8. Questions from Council



Memorandum of Understanding

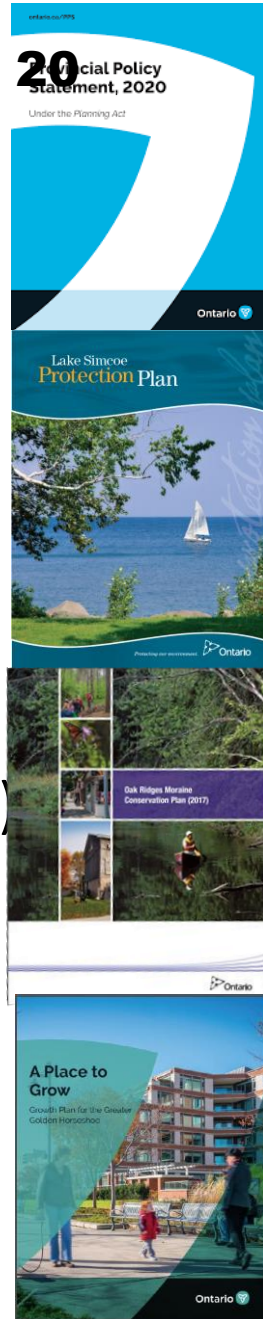
- Outlines the roles and responsibilities for the Town and LSRCA with respect to review of applications made under the *Planning Act*
- The Municipality is the **Approval Authority** for applications made under the *Planning Act*
- *LSRCA is the **Approval Authority** for applications made under the Conservation Authorities Act*
- ***Planning First Principle!***



Memorandum of Understanding

Under Subsection 3(6) of the Planning Act, LSRCA provides comments in the context of:

- Provincial Policy Statement
- Lake Simcoe Protection Plan (LSPP) (Note: Difference policies for settlement areas vs non-settlement areas)
- Oak Ridges Moraine Conservation Plan
- Growth Plan for the Greater Golden Horseshoe
- Region and Town OP



Memorandum of Understanding

For clarity, we review the circulated applications from the following perspectives:

- Natural hazard lands (e.g. flooding, erosion, steep slopes)
- Natural heritage (e.g. significant woodlands, wetlands)
- Water quality and quantity
- Source water protection (e.g. significant groundwater recharge areas)
- Subwatershed Plan recommendations



Memorandum of Understanding

From a stormwater management perspective, we review circulated applications in the context of:

- Town's SWM Master Plan in accordance with 4.5-SA of the LSPP
- Subwatershed Evaluations under 8.3-SA of the LSPP
- Designated Policies 4.8-4.11 of the LSPP
- Provincial policies and guidance manuals
- LSRCA Technical Guidelines for Stormwater Management Submissions
- Transfer of Review for Environmental Compliance Approval (stormwater)



Natural Heritage Review

What is a Natural Heritage Feature and Area?

Significant Wetlands	Fish Habitat
Significant Woodlands	Significant Valleylands in Ecoregions 6E and 7E
Habitat of Endangered and threatened species	Significant Wildlife Habitat
Significant Areas of Natural and Scientific Interest (ANSI), which are important for their environmental and social values as a legacy of the natural landscape of an area	*PPS (2020) Abridged Definition



Natural Heritage Review - Process

- Proponent's consultant provides a proposed Terms of Reference (TOR) for a proposed Natural Heritage Evaluation (NHE) / Environmental Impact Study (EIS)
- LSRCA confirms TOR
- LSRCA and Proponent's consultant confirm feature boundaries on site
- Proponent provides NHE/EIS as part of a complete application under the Planning Act
- LSRCA reviews per the MOU between the Town and LSRCA and provides comments to Town staff



Hydrogeological Reviews

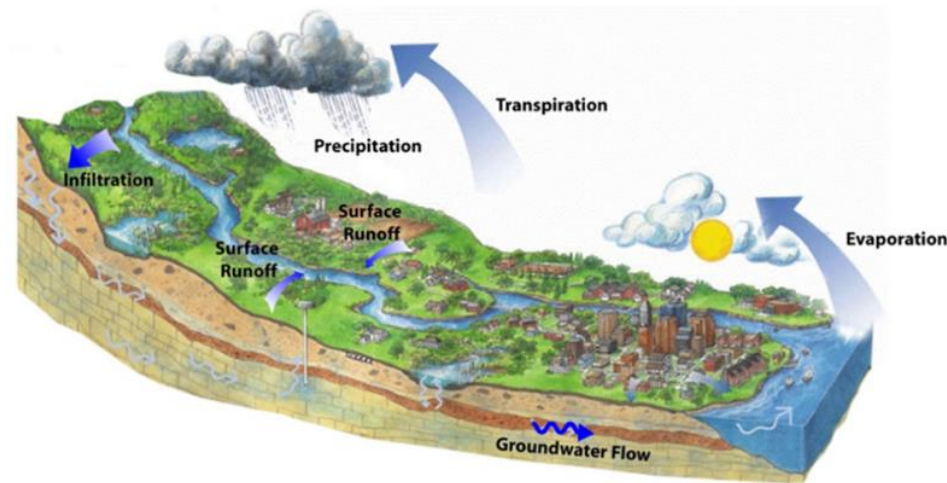


LSRCA Reviews Water balances (Maintenance of Recharge) for all major development required by:

1. *Oak Ridges Moraine (ORM)*
2. *Lake Simcoe Protection Plan (LSPP):*
 - Significant Groundwater Recharge Areas (6.40-DP)
 - Ecologically Significant Groundwater Recharge Areas (6.40-DP)
3. *Source Protection Plan (SPP):*
 - Policy LUP-12 (WHPA-Q2/York Region's Recharge Management Area)



Water Balance/Recharge



- Recharge is required to replenish our groundwater supply/aquifers
- The water balance is a tool used to compare the amount of rain water that infiltrates before and after development to determine the loss of recharge
- The loss of recharge can be related to the loss of pervious cover (vegetation, grass, etc.)
- Policies require that existing recharge must be maintained through mitigation (e.g. Low Impact Development/LIDs)

Engineering Review: Stormwater Management

The LSRCA works with our municipal partners and the development community to promote [Low Impact Development \(LID\)](#) as an innovative stormwater management approach that treats, infiltrates, filters, and retains runoff at the source. The objective of LID is to reduce stormwater run-off, a major source of pollution in Lake Simcoe.

Proponents proposing development/redevelopment projects are required to consult with the LSRCA regarding their stormwater management plans



Engineering Review: Stormwater Management

- LSRCA's SWM Guidelines encourage the treatment of stormwater to be entirely through LID in an attempt to eliminate wet stormwater ponds
- A worst-case scenario would involve dry stormwater ponds which are only required for use during large storm events (Mosaik)
- Encourage the incorporation of LIDs in the outer 50% of buffers to Natural Heritage Features in an attempt to reduce proposed wet-ponds



What is Phosphorus Offsetting?

- This is the so-called *Zero Export policy* which is the basis for achieving a net reduction in the Urban Phosphorus load.
- This policy provides strong incentive for innovation in the design of new urban development projects.
- Based on the final approved Stormwater plan, a cost to achieve “Zero Export” will be assessed
- Payment of the agreed upon amount will be required as a condition of approval (Planning Act)
- Revenue collected will go to retrofit existing urban fabric with goal of reducing Phosphorus. Added value – flood attenuation



Regulations



Permits under s.28 of the Conservation Authorities Act are issued after planning approval. The permitting process is carried out in conjunction with the Planning review process, LSRCA cannot support anything through a Planning Act Application which we would not be able to support and issue a permit for.

PLANNING FIRST PRINCIPLE!

Regulations

The following work requires permission in a regulated area:

- the construction, reconstruction, erection or placing of a building or structure of any kind;
- changes that would alter the use, or potential use, of a building or structure;
- increasing the size of a building or structure, or increasing the number of dwelling units in the building or structure
- site grading;
- the temporary or permanent placing, dumping or removal of any material originating on the site or elsewhere;
- the straightening, changing, diverting or interfering with the existing channel of a river, creek, stream or watercourse; or changing or interfering with a wetland.



Good
Question,
Glad You
Asked



What areas of jurisdiction does the Conservation Authority have over development ?

- LSRCA is a commenting agency who provides comments to the Approval Authority (The Town) per our MOU
- LSRCA has jurisdiction over lands which are regulated under Ontario Regulation 179/06 as made by the *Conservation Authorities Act*
- Proposed development with the Regulated Area is required to be in accordance with LSRCA Watershed Development Guidelines



How Far Must Development be From a Natural Heritage Feature?

YROP – 2.2.15

That on the Oak Ridges Moraine the vegetation protection zone shall be a minimum of 30 metres for wetlands, seepages areas and springs, fish habitat, permanent streams, intermittent streams, significant valleylands, significant woodlands, sand barrens, savannahs and tallgrass prairies and kettle lakes

How Far Must Development be From a Natural Heritage Feature?

YROP - 2.2.18

That within the Natural Heritage System of the Protected Countryside of the Greenbelt Plan, the vegetation protection zone shall be a minimum of 30 metres for wetlands, seepage areas and springs, fish habitat, permanent and intermittent streams, lakes, and significant woodlands



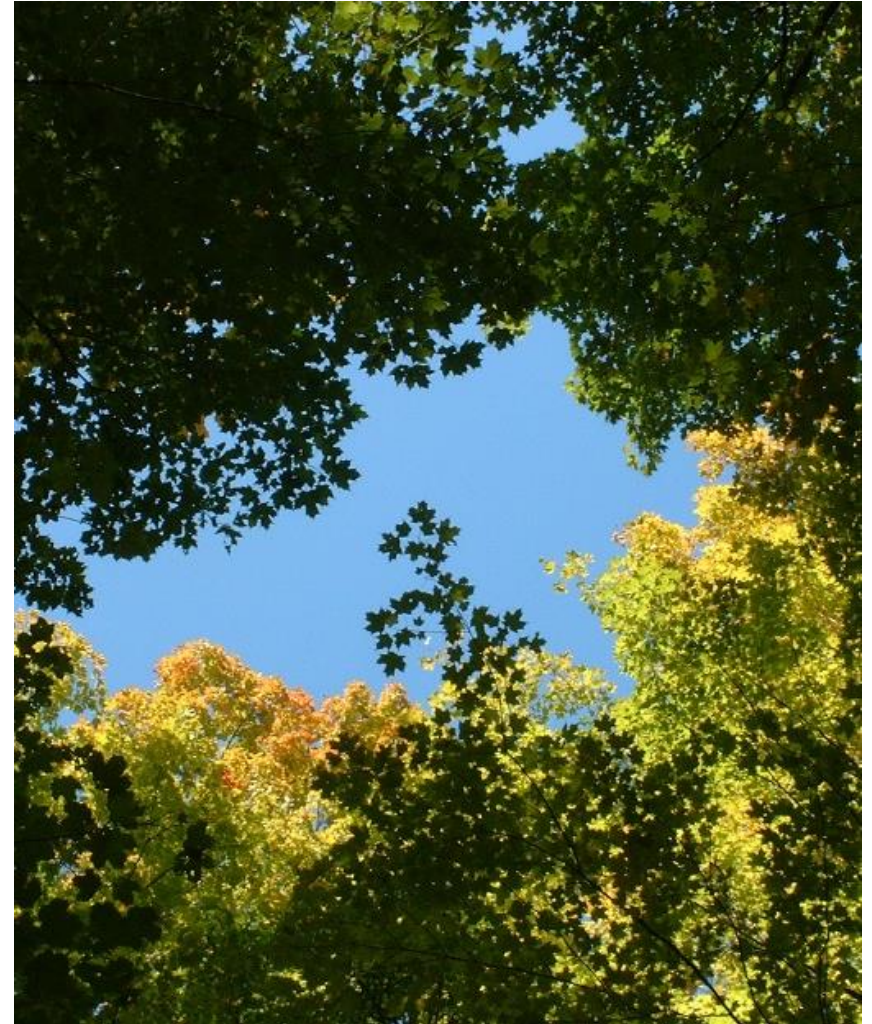
How Far Must Development be From a Natural Heritage Feature?

Woodlands – 10m

Town of Newmarket Official Plan –
9.3.2

This buffer will be comprised of a 3 metre wide strip from the tree dripline to rear lot line, to be maintained in a naturally vegetated state, plus a 7 m setback (within the lot) to the nearest building or structure. No grading is to occur within 3 metres of the dripline.

Where an EIS concludes that a greater buffer be established, that buffer shall apply.



How Far Must Development be From a Natural Heritage Feature?

Wetlands – 15m

Town Of Newmarket Official Plan
– 9.3.3



A minimum 15 metre buffer will be provided between all wetlands and any proposed development. This buffer will be measured from the edge of the wetland to the lot line and will be maintained in a naturally vegetated state. Where an EIS concludes that a greater buffer be established, that buffer shall apply.

What are Phosphorus Offsets?

Where Zero Phosphorous Export cannot be demonstrated, the developer shall be required to provide phosphorous offsetting to the LSRCA:

Offset ratio = 2.5:1

Offset value = \$35,000/kg/year

Offset Calculation = (ratio (2.5) * P deficit in kg * \$35,000 + 15% administration fee)



What are the Requirements Around Tree Removal?

- Woodlots are not a “regulated” feature and therefore are not governed by Ontario Regulation 179/06 as made by the *Conservation Authorities Act*
- LSRCA reviews natural heritage features in the context of the MOU between the Town and the LSRCA
- York Region Forest Conservation By-law
- Town of Newmarket Woodlot By-law





Questions?