



Town of Newmarket Agenda

Committee of the Whole - Electronic

Date: Monday, May 29, 2023
Time: 1:00 PM
Location: Streamed live from the Municipal Offices
395 Mulock Drive
Newmarket, ON L3Y 4X7

1. Notice

This meeting will be streamed live at newmarket.ca/meetings.

Public Input

Individuals who wish to submit input to Council in relation to an item on this agenda have the following options available.

1. Email your correspondence to clerks@newmarket.ca by end of day on May 24, 2023. Written correspondence received by this date will form part of the public record; or,
2. You are strongly encouraged to pre-register if you would like to make a deputation at the meeting. For more information regarding the options available, email your request and contact information to clerks@newmarket.ca.

2. Additions & Corrections to the Agenda

Note: Additional items are marked by an asterisk*.

3. Conflict of Interest Declarations

4. Public Hearing Matter(s)

There are no public hearing matters.

5. Presentations & Recognitions

*5.1 2024 Budget Process and Targets

Note: Andrea Tang, Manager, Finance and Accounting Services and Wanda Bennett, Director Corporate Communications will provide a presentation on this matter.

1. That the presentation provided by Andrea Tang, Manager, Finance and Accounting Services regarding the 2024 Budget Process and Targets be received.

6. Deputations

7. Consent Items

7.1 2024 Budget Process and Target

1. That the report entitled 2024 Budget Process and Target dated May 29, 2023 be received; and,
2. That the proposed budget schedule with a target budget adoption date of December 11, 2023, be approved; and,
3. That Council confirm the target for tax-supported operating budget; and,
4. That endorsement be given to staff to proceed with preparation of the 2024 budgets employing the structure as outlined in this report; and,
5. That the form and timing of budget submissions for all entities accountable to Council be subject to the process outlined in this report; and,
6. That the proposed community engagement plan for the 2024 budget be adopted; and,
7. That the Treasurer be authorized and directed to do all things necessary to give effect to this resolution.

7.2 Proposed Provincial Planning Statement

1. That the report entitled Proposed Provincial Planning Statement dated May 29, 2023 be received; and,
2. That Council authorize staff to submit this report to the Ministry of Municipal Affairs and Housing as the Town of Newmarket's comments on the proposed Provincial Planning Statement; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

7.3 Private Tree Protection By-law Amendment and Update

1. That the report entitled Private Tree Protection By-law Amendment and Update dated May 29, 2023 be received; and,
2. That proposed amendments to the Private Tree Protection By-law adopted;

and,

3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

7.4 Property Tax Rates and By-law for 2023

1. That the report entitled Property Tax Rates and By-law for 2023 dated May 29, 2023 be received; and,
2. That the property tax rates for 2023, as applied to the assessment roll returned in 2022 for 2023 taxation, be set for Town purposes as follows:

Residential	0.339362%
Multi-Residential	0.339362%
Commercial	0.452064%
Industrial	0.557639%
Pipeline	0.311873%
Farm	0.084840%

3. That the applicable Tax Rate By-law, attached as Appendix 'A' be forwarded to Council for approval; and,
4. That the Treasurer be authorized and directed to do all things necessary to give effect to this resolution.

*7.5 500 Water Street Request for Proposal

1. That the report entitled 500 Water Street Request for Proposals dated May 29, 2023 be received; and,
2. That staff be directed to issue a request for proposals to seek a new tenant for 500 Water Street on substantially the terms set out in this report; and,
3. That staff be directed to evaluate the proposals based substantially on the criteria listed in this report; and,
4. That staff be directed to finalize the terms of a new long-term lease based substantially on the terms set out in this report; and,
5. That the CAO be directed to execute the lease for 500 Water Street with the successful proponent; and,
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

7.6 Main Street District Business Improvement Area Board of Management Meeting Minutes of November 2, 2022

1. That the Main Street District Business Improvement Area Board of Management Meeting Minutes of November 2, 2022 be received.

7.7 Main Street District Business Improvement Area Board of Management Meeting Minutes of February 1, 2023

1. That the Main Street District Business Improvement Area Board of Management Meeting Minutes of February 1, 2023 be received.

8. Action Items

9. Notices of Motion

10. Motions Where Notice has Already been Provided

11. New Business

12. Closed Session (if required)

*12.1 500 Water Street Request for Proposals

Advice that is subject to solicitor-client privilege, including communications necessary for that purpose as per Section 239(2)(f) of the Municipal Act, 2001.

13. Adjournment

2024 Budget Process and Targets



Agenda

1. Proposed Schedule
2. Public Engagement
3. Capital Budget
4. Rate-Supported Operating Budget
5. Tax-Supported Operating Budget



1. Proposed Schedule

Date	Meeting	Item
September 11	CoW	Proposed increases to Recreation user fees and Licensing fees
October 2	CoW	Overview of the preliminary draft budgets
October 23	Special CoW	Capital and rate-supported operating budgets
November 13	Special CoW	Tax-supported operating budget
December 4	CoW	Presentation of the draft budgets and remaining fees and charges
December 11	Council	Approval of the 2024 budget

Report Recommendation 2:

That the proposed budget schedule with a target budget adoption date of December 11, 2023, be approved



2. Public Engagement

- Utilize tools such as:
 - Town page advertisements
 - Media releases
 - Website updates
 - E-newsletters
 - Social media campaigns
- Community engagement that may include:
 - Facebook live event
 - Budget-themed game or survey
 - In-person or virtual “drop-ins” for the community
 - Online engagement platform



Report Recommendation 6:

That the proposed community engagement plan for the 2024 budget be adopted

3. Capital Budget

- Capital Budget is approved funding for annual capital expenditures
- Capital Budget is comprised of two components:
 - Standard Program (limited by delivery capacity – capacity threshold set at \$26 million)
 - Major Projects (manage by dedicated project managers)
- Capital Spending Authority (CSA) is the total of all capital expenditures approved by Council and may span more than one year
- Considerations:
 - Budget to remain within the funding envelope
 - Capacity to deliver



3. Capital Budget

2024 Capital	\$ in millions
Approved CSA	
Standard Program	35.6
Major Projects	28.7
Total 2024 CSA	64.3
New 2024 requests	TBD



Currently exceeds capacity threshold of \$26 million

Staff will assess and prioritize the capital requests based on the availability of funding and operational capacity.



4. Rate-Supported Operating Budgets

- Water, Wastewater and Stormwater – will be based on the updated 10-year financial plans (to be tabled at the June 19 CoW)
- Updated financial plans will account for:
 - Region's annual increase (water and wastewater)
 - ARF costs as per AMP
 - 30% Capital inflation supplement
- Challenges in stormwater (exploring other funding mechanisms)
- Building Services – will incorporate, where applicable, results of the Development Application Approval Process (DAAP) review



Tax-Supported Operating Budgets

- Target below 3% will be challenging due to budgetary pressures from:
 - Inflation – 2024 forecast currently at 2.4%
 - ARF - 1% contribution, ideally 1.25% as per Asset Management Plan
 - Capital inflation supplement – full impact equivalent to 3.33% (to be addressed as part of the Reserve & Reserve Fund Review)
 - Potential budget implications from the updated Fire Master Plan
 - Report back on the 2023 budgeted stretch target of \$337k

Report Recommendation 3:

That Council confirm the target for tax-supported operating budget





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2024 Budget Process and Target Staff Report to Council

Report Number: 2023-35

Department(s): Financial Services

Author(s): Andrea Tang, Manager, Finance & Accounting / Deputy Treasurer

Meeting Date: May 29, 2023

Recommendations

1. That the report entitled 2024 Budget Process and Target dated May 29, 2023 be received; and,
2. That the proposed budget schedule with a target budget adoption date of December 11, 2023, be approved; and,
3. That Council confirm the target for tax-supported operating budget; and,
4. That endorsement be given to staff to proceed with preparation of the 2024 budgets employing the structure as outlined in this report; and,
5. That the form and timing of budget submissions for all entities accountable to Council be subject to the process outlined in this report; and,
6. That the proposed community engagement plan for the 2024 budget be adopted; and,
7. That the Treasurer be authorized and directed to do all things necessary to give effect to this resolution.

Executive Summary

The 2024 budget deliberation process will commence in October 2023 with Special Committee of the Whole (CoW) meetings scheduled in October and November to discuss and review the tax-supported and rate-supported operating budgets and the capital budget.

It is proposed to obtain Council approval on the 2024 Budget by December 2023. There will be public engagement throughout the process to seek residents' input. The proposed 2024 Budget process is consistent with previous non-election years.

Purpose

The purpose of this report is to advise Council the process for the 2024 budget, and to obtain Council's confirmation on the budget target for the tax-supported operating budget.

Background

The primary objective of the 2024 budget is to continue aligning the Town's commitment to service excellence while maintaining fiscal stewardship.

Looking historically at Council's values for service delivery, the 2024 budget will be built upon the following goals:

1. Maintaining service levels
2. Ensuring a balanced approach on inter-generational equity
3. Ensuring Newmarket is one of Canada's best places to live, work and thrive
4. Delivering capital programs rooted with financial support from other levels of government, partnerships, and development related revenues
5. Funding growth with growth dollars to maintain service levels as our population increases
6. Building budgets on the foundation of the Fiscal Strategy

The Town's budget is comprised of operating budgets (tax-supported and rate-supported), capital budget and reserve & reserve fund budget.

Tax-supported operating budget funds the day-to-day Newmarket resident services including emergency and fire services from Central York Fire Services, the operations of the Newmarket Public Library and the Corporation of the Town of Newmarket Business Improvement District BIA.

Rate-supported operating budgets fund the day-to-day utility operations for water, wastewater and stormwater through their respective Council approved rates. Building Services operating budget is funded through building fees as required by legislation.

Capital budget funds major construction projects, replacements and upgrades to the Town's assets and infrastructure.

Reserve & reserve fund budget accounts for the contributions to and from reserve and reserve funds. They include operational surpluses or deficits and transfers embedded in the operating and capital budgets.

Discussion

BUDGET SCHEDULE

The proposed 2024 budget schedule is as follows, subject to change pending progress of the budget deliberation process.

September 11 – CoW – obtain approval of the proposed increases to Recreation user fees and Licensing fees

October 2 – CoW – provide an overview of the preliminary draft budgets

October 23 – Special CoW – review of the capital and rate-supported operating budgets

November 13 - Special CoW – review of the tax-supported operating budget

December 4 – CoW – presentation of the draft budgets and fees & charges

December 11 – Council – obtain Council approval of the 2024 Budget

TAX-SUPPORTED OPERATING BUDGET

During the 2023 Budget deliberation budget, it was discussed that the tax levy increase for the remainder of the Council term should be targeted to be below 3%. This will be challenging due to various budgetary pressures.

The Town is committed to maintaining a balanced inter-generational equity. This is achieved through contributions to reserve to establish a reasonable cost distribution between current and future residents throughout the useful life of the assets. There had been increases to contributions to the Asset Replacement Fund (ARF) through each year's approved budget. The target for 2024 is to increase the contribution in the range of 1% to 1.25% (as suggested in the Asset Management Plan).

Although inflation is trending downwards, it remains high at 4.1% based on the April Toronto Consumer Price Index (CPI). Historically, normalized inflation is around 2%. Since the base year to calculate the year-over-year inflation had already experienced significant increases at this time last year, this will have an impact on the rate of inflation going forward. The base-year effect along with high interest rates are anticipated to lower inflation. Forecast for 2024 inflation is currently at 2.4%.

In addition, the 2024 budget will address the capital inflation supplement resulted from a total 30% increase in non-residential construction price index in 2021 and 2022. Like the trends in CPI, construction price index has been declining, but still not at the normalized level of 4%. Staff will present options to address the capital inflation supplement at the October 2, 2023 CoW as part of the Reserve & Reserve Fund Review.

Once the Fire Master Plan is updated and tabled to Council, there could be potential financial implications to be incorporated in future budgets.

A target below 3% will be challenging. Therefore, any enhancements in the 2024 budget will likely trigger a tax levy increase in excess of the target.

Staff will also address and report back on the means to fulfill the stretch target of \$337,000 that is currently included in the 2023 budget.

As always, Staff will strive to identify efficiencies to deliver the lowest possible tax levy increase.

RATE-SUPPORTED OPERATING BUDGET

The 2024 rate-supported operating budgets (water, wastewater and stormwater) will be established based on their respective financial plans.

The financial plans are being updated to include:

- Region's approved increases of 3.3% for the years from 2022 to 2027
- Replacement costs as per the Asset Management Plan
- Capital inflation supplement to address a total 30% price increase for the years 2021 and 2022

Based on the initial findings, Stormwater rates will require significant increases to support the anticipated Stormwater infrastructure replacements over the 10-year period. Staff continues to explore various funding strategies, and a report on the updated financial plans will be tabled at the June 19, 2023 CoW.

Building permit fees will continue to fund the Building Department. The reserve fund will be targeted to be within the minimum target at 100% of total annual costs. Annual review of fees and expenditures is conducted to ensure financial sustainability. Recommendations from the Development Application Approval Process (DAAP) review, where applicable, will be incorporated in the 2024 budget for consideration.

CAPITAL BUDGET

The capital budget funds the purchase, construction and financing of Tangible Capital Assets (TCA) for infrastructure, land, buildings, machinery, equipment and other assets. It also provides funding source for major corporate studies.

As part of the 2023 Budget process, Council approved the 2024 Capital Spending Authority (CSA) of \$64.3 million (standard program \$35.6 million, major projects \$28.7 million). The approved 2024 CSA resulted from the 2023 approved capital programs that would take more than one year to complete. This practice ensures continuity and financial stability to complete projects that span more than one year.

Capital programs included in the 2024 CSA will be the starting point for the 2024 capital budget. New 2024 requests, such as enhancements, studies, 2024 asset replacements,

will also be considered. Currently, the CSA for standard program of \$35.6 million exceeds the capacity threshold of \$26 million. Staff will assess and prioritize the capital requests based on the availability of funding and operational capacity.

RESERVE AND RESERVE FUND BUDGET

The Reserve and Reserve Fund Budgets will be compiled following the approval of the operating and capital budgets due to the interdependence on other budgets.

Conclusion

Staff will start preparing the 2024 budget requests based upon the targets set by Council and follow the process as outlined in this report. The goal is to present the preliminary draft budgets on October 2, 2023 and to approve the 2024 budget by the end of 2023.

There will be community engagement throughout the budget process to obtain residents' input.

Interim appropriations should not be required if the 2024 budget is approved on December 11, 2023 as per the proposed schedule.

Business Plan and Strategic Plan Linkages

The 2024 Budget will aim to build upon maintaining service levels, continuing to invest in the Town's Asset Replacement Fund, while staying aligned with [Newmarket's Fiscal Strategy](#).

Consultation

Financial Services consulted with Strategic Leadership Team (SLT) and Operational Leadership Team (OLT) on the 2024 budget process. The Corporate Communications department has also been consulted on public engagement plan.

PUBLIC ENGAGEMENT FOR THE 2024 BUDGET

Public engagement for the 2024 budget will continue to build on the success of previous year's virtual/online engagement. As always, community engagement will be very important in helping to shape the 2024 budget.

The Town will continue to utilize traditional communications tools and tactics (Town page advertisements, media releases, website updates, e-newsletters, social media campaigns and more), while continuing to seek out new and creative ways to engage and interact with the community virtually. This could include a budget-themed Facebook Live event, budget-themed game or survey, virtual or in-person 'drop-ins' for the community, and further interactive elements on HeyNewmarket, the Town's online engagement platform.

The Corporate Communications department will be preparing a detailed communications plan, with community engagement beginning over the summer in advance of the preliminary

draft budget in addition to an engagement tool kit that includes key messages, FAQs and shareable content for Councillors to use on their communication channels.

Human Resource Considerations

Not applicable.

Budget Impact

This report sets out the process for developing the 2024 operating and capital budgets. The target for tax-supported operating budget with a tax levy increase below 3% will be challenging. Targets for rate-supported operating budgets will be based upon their respective financial plans. The capital budget will be within its available funding envelope.

Attachments

None.

Approval

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

Esther Armchuk, LL.B
Commissioner, Corporate Services

Contact

Andrea Tang, CPA, CA
Manager, Finance & Accounting / Deputy Treasurer, atang@newmarket.ca (ext. 2104)



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Proposed Provincial Planning Statement Staff Report to Council

Report Number: 2023-33

Department(s): Planning and Building Services

Author(s): Phoebe Chow, Senior Planner - Policy

Meeting Date: May 29, 2023

Recommendations

1. That the report entitled Proposed Provincial Planning Statement dated May 29, 2023 be received; and,
2. That Council authorize staff to submit this report to the Ministry of Municipal Affairs and Housing as the Town of Newmarket's comments on the proposed Provincial Planning Statement; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Executive Summary

On April 6, 2023, the Province of Ontario (the Province) released the [proposed Provincial Planning Statement](#) (proposed PPS) for public comment until June 5, 2023. If passed, the proposed PPS would replace the current [Provincial Policy Statement 2020](#) (PPS 2020) and the [A Place to Grow: Growth Plan for the Greater Golden Horseshoe](#) (the Growth Plan). All planning decisions made on or after the effective date of the Provincial Planning Statement will have to be consistent with the document. The only exception would be if transition regulations were made under the new authority proposed under the [Helping Homebuyers, Protecting Tenants Act, 2023](#) (Bill 97).

Generally, the concept of focusing growth and development in settlement areas continues to be the direction in the proposed PPS; however, current policies regarding how development and land use shall be planned are proposed to become considerations instead of requirements. In addition, only the identified 29 large and fast-growing municipalities such as Newmarket (see Attachment 1) are required to identify

boundaries for strategic growth areas and major transit stations areas (MTSAs) and set minimum density targets for these areas. Other municipalities could choose to do the same, but this is not mandatory.

In combining elements of PPS 2020 and the Growth Plan into a single Provincial Planning Statement, the Province is proposing the following key changes:

- Change the planning horizon for having sufficient land designated in official plans from **up to 25 years** to **at least 25 years**;
- Population and employment targets as currently set out in the Growth Plan will not be carried forward and municipalities in the Greater Golden Horseshoe will have to conduct their own population and employment forecasts beyond the 2051 horizon;
- Settlement area expansions and employment land conversion may be considered at any time;
- Change the definition of “employment area” to exclude institutional use, commercial use, which includes retail and office uses, as stand-alone uses in employment area;
- Encourage industrial, manufacturing and small-scale warehousing uses that do not create adverse effects to adjacent lands to be located within strategic growth areas or mixed-use areas;
- Reconsider the approach on Provincially Significant Employment Zones, and
- Allow up to two additional residential units in prime agricultural areas and these additional units may be severed, subject to policies of the proposed PPS.

One policy area that has not yet been discussed in the proposed PPS is natural heritage. MMAH has indicated that policies and definitions around natural heritage matters are under review and will be released in the future.

Purpose

The purpose of this report is to inform Council of some of the key changes in the [proposed Provincial Planning Statement](#) (proposed PPS) and provide Council with staffs’ preliminary comments.

Background

In accordance with subsection 3(5) of the Planning Act, planning decisions of the Minister, Council, or the Ontario Land Tribunal must be consistent with the policy statement issued under the Planning Act. Currently, the [Provincial Policy Statement, 2020](#) (PPS 2020) is the policy statement issued under the Planning Act. In addition, the Planning Act also requires that planning decisions shall conform or not conflict with provincial plans such as the Greenbelt Plan, Oak Ridges Moraine Conservation Plan, and the [A Place to Grow: Growth Plan for the Greater Golden Horseshoe](#) (the Growth Plan).

On April 6, 2023, the Province released the [proposed Provincial Planning Statement](#) (proposed PPS) for public review until June 5, 2023. The proposed PPS, if passed, would replace the PPS 2020 as well as the Growth Plan. As such, all planning decisions made on or after the effective date of the Provincial Planning Statement will have to be consistent with the document. The only exception would be if transition regulations were made under the new Minister’s authority proposed under the Helping Homebuyers, Protecting Tenants Act, 2023 (Bill 97).

The Province has indicated in the [Proposed Approach to Implementation of the Proposed Provincial Planning Statement](#) document that the Province is targeting to have the final PPS come into effect in the fall of 2023.

Discussion

The following subsections summarized concepts that are generally being carried forward from the PPS 2020 and the Growth Plan, policies that are being changed, and policies that are pending further release of information from the Province.

Concepts that Generally Stay the Same

Settlement Areas Continued to be the Focus of Growth and Development

Growth and development continued to be focused in settlement areas. However, policy directions such as “using land and resources efficiently”; “supporting active transportation”; “being transit-supportive”, are proposed to be changed from “shall” to “should”.

Currently, the PPS 2020 and the Growth Plan together set a clear structure of where growth and development are prioritized and provide single-tier and upper-tier municipalities with clear targets to be met – growth to occur within settlement area/built-up area/strategic growth areas through intensification. The change in language from “shall” to “should” would weaken the intensification structure and potentially allowing for more land extensive growth.

Staff recommend the Province keep the existing direction that requires land and resources to be used efficiently, be transit-supportive where applicable, and align growth with infrastructure planning.

Strategic Growth Areas and Major Transit Station Areas

The concepts of identifying strategic growth areas and major transit station areas (MTSAs) and setting minimum targets for these areas are being brought into the proposed PPS from the Growth Plan, with modifications; however, only large and fast-growing municipalities are required to identify these areas and set minimum density targets for these areas. Other municipalities may choose to do so, but it is not required. Newmarket is identified as a “large and fast-growing municipality”. More details regarding large and fast-growing municipalities are included later in this report.

Natural Hazards Policies Remain the Same

Planning authorities continued to be required to identify hazardous lands and hazardous sites and manage development in these areas in accordance with provincial guidelines. All existing policies in PPS 2020 relating to development and site alteration around hazardous lands and hazardous sites remain unchanged.

Policies Proposed to be Changed

Time Horizon for Designation of Sufficient Land

Currently, municipalities must have sufficient land designated in their official plans for **up to 25 years** at the time of each official plan review to meet projected land needs. This planning horizon is proposed to be changed to **at least 25 years** in the proposed PPS.

The proposed PPS also notes that where a Minister's Zoning Order (MZO) has been made, the resulting development is considered to be in addition to the projected needs established in the official plan and will be incorporated into the official plan at the time of the municipality's next official plan review.

Removal of Certain Policies Regarding Development and Land Use Patterns

In the current PPS, the Province directs development and land use patterns to:

- Be efficient, which sustains the financial well-being of Ontario and municipalities over the long term;
- Avoid causing environmental or public health and safety concerns;
- Avoid preventing efficient expansion of settlement areas;
- Promote integration of land use planning, growth management, transit supportive development, intensification, and infrastructure planning to achieve cost effective development pattern, optimize use of transit, and minimize land consumption and servicing costs;
- Ensure necessary infrastructure and public service facilities are available or will be available in the future;
- Conserve biodiversity, and
- Prepare for regional and local impacts of changing climate.

All of the above noted directions are proposed to be removed in the proposed PPS.

Staff recommend the Province keep the above noted policies. These policy directions are important to help avoid land extensive growth, deter the inefficient use of land and infrastructure, and protect natural heritage features.

Removal of the Requirement to Establish Growth, Intensification, and Affordable Housing Targets

Currently the Growth Plan sets population and employment targets for upper-tier and single-tier municipalities in the Greater Golden Horseshoe. These targets are then distributed and assigned to lower-tier municipalities to be implemented. The proposed

PPS no longer provides these growth targets for upper-tier and single-tier municipalities. Municipalities that have or in the process of implementing these targets would continue to use the targets set out in the Growth Plan and lower-tier municipalities are expected to meet or exceed the assigned targets. However, all municipalities would be expected to conduct their own population and employment forecasts beyond the 2051 horizon.

Similarly, if the proposed PPS is passed in its current form, municipalities would no longer be required to establish minimum targets of housing that are affordable to low and moderate income households. Instead, municipalities will be required to coordinate with service managers (i.e. York Region) to plan for a full range of housing options and address housing affordability needs.

While the proposed PPS continues to support intensification in settlement areas generally, it does not require municipalities to establish minimum intensification targets. The assigned intensification targets outlined in the York Region Official Plan for all nine local municipalities would continue to apply until 2051.

While the proposed PPS still contains policies that support a coordinated approach in planning matters and where planning is conducted by upper-tier municipalities, the upper-tier municipality must consult with lower-tier municipalities, staff recommend the Province to keep the current “top-down” approach by setting clear targets at the Provincial level, in consultation with respective municipalities, to facilitate orderly growth and aligning growth with infrastructure planning for Ontario.

Newmarket is One of the 29 Large and Fast-Growing Municipalities, which is Subject to Specific Requirements in the Proposed PPS

The identification of large and fast-growing municipalities is new in the proposed PPS. Newmarket has been identified as one of the 29 large and fast-growing municipalities (see Attachment 1 for complete list). The following policies in the proposed PPS apply to large and fast-growing municipalities:

- Required to identify and focus growth in strategic growth areas;
- Required to establish minimum density targets, type and scale of development in each strategic growth areas;
- Encouraged to plan for minimum density target of 50 residents and jobs per gross hectare in new settlement areas or settlement area expansion lands;
- Required to delineate boundaries of MTSAs, which are within a 500 to 800 metre radius of a transit station;
- Required to set minimum density targets for MTSAs in accordance with the following, which are largely carried forward from the Growth Plan:
 - 200 residents and jobs combined per hectare in areas served by subways;
 - 160 residents and jobs combined per hectare in areas served by light rail or bus rapid transit
 - 150 residents and jobs combined per hectare in areas served by commuter or regional inter-city rail;

- May request the Minister to lower the above noted minimum densities in MTSAs where development is prohibited or restricted by provincial policy on significant portion of the lands or there are a limited number of residents and jobs associated with the built form, and
- Required to report development application data on a quarterly basis and provide geospatial data on an annual basis. This requirement is already in effect through [O. Reg. 73/23](#), which was passed on April 6, 2023.

The above policies for large and fast-growing municipalities are generally carried forward from the Growth Plan with some modifications. Staff support the direction to continue focusing growth in strategic growth areas.

The requirements of delineating boundaries and establishing minimum density targets in MTSAs have been established in the York Region Official Plan, which will be brought forward to the Town's updated Official Plan through the Official Plan Review.

Staff is concerned with the municipal data reporting requirement in its current form, which requires staff resources in addition to the pressure in dealing with the shorten development application processing timelines. Staff request the Province provides the 29 municipalities a user-friendly platform that allows for efficient reporting and consistency of data to be shared amongst the municipalities.

Settlement Area Expansions and Employment Land Conversion Can Be Considered at Anytime

Currently, settlement area expansion and employment land conversions are generally only considered at the time of a municipal comprehensive review, unless specific criteria as outlined in the Growth Plan are met. The Province is proposing that the identification of new settlement areas and settlement area expansions may occur at any time. Employment land conversion may also be considered at any time subject to criteria similar to those in the Growth Plan.

Staff have concerns with this change as it would lead to more land extensive growth, the inefficient use of land and infrastructure, and negative impacts to natural heritage features. When planning for complete communities, it is important to do so comprehensively while considering matters such as, but not limited to, land needs, land uses, infrastructure, and supporting services for the long term. By allowing settlement area expansions and identification of new settlement areas to be considered at any time is counteractive to comprehensive planning and the efficient use of land and resources. In some cases, it may jeopardize a municipality's ability to intensify in strategic growth areas. For example, adjacent municipalities may "compete" for resources to expand settlement areas where growth could have been accommodated in strategic growth areas that maximizes the use of land and existing infrastructures.

In addition, while the proposed PPS outlines matters to be considered by planning authorities regarding settlement area expansions and identifying new settlement areas, these policies are only written as discretionary considerations instead of

requirements/criteria to be met before allowing expansions or identifying new settlement areas to occur.

Staff recommend the Province keep the direction that settlement area expansions and identification of new settlement areas occur at the time of municipal comprehensive review, or at a minimum, set clear criteria that must be met before allowing expansions or new settlement areas.

Employment Area Definition and Policies

To align with the proposed change to the definition of “area of employment” in the Planning Act, which was introduced through Bill 97 but not yet in effect, the definition of “employment area” in the proposed PPS is also being proposed to exclude institutional uses, commercial uses, and offices as stand-alone uses in employment area. This essentially reserves employment areas for those uses that are not compatible with other land uses and are therefore required to be located among similar uses.

The proposed PPS also encourages industrial, manufacturing and small-scale warehousing uses that could be located adjacent to sensitive land uses without adverse effects to be located in strategic growth areas and other mixed-use areas where frequent transit service is available, and to be located outside of employment areas. Staff generally support this policy change as it acknowledges that the majority of modern employment uses are generally compatible with other uses and should form part of a complete community; therefore, they can and should locate in strategic growth areas / mixed-use areas. This policy change also acknowledges that there are some employment uses that have intrinsic compatibility concerns (i.e. some industrial uses), and these are better suited to areas of a municipality that more removed.

Currently, the Town’s official plan permits business and professional offices in the General Employment and Mixed Employment designations. It appears that uses that do not meet the new employment area definition may continue, if such uses legally existed before the proposed changes come into effect. However, the Province suggests municipalities to formally recognize these uses through site-specific official plan amendments, should the municipality wish to allow these uses to continue in the employment area. Employment Area policies will be reviewed through the Town’s Official Plan Review and updated accordingly to meet the new definitions and policies.

Reconsidering the Approach on Provincially Significant Employment Zones

Provincially significant employment zones (PSEZs) were introduced in the Growth Plan in 2019. The intent was to protect certain employment lands that have been identified as having Provincial significance. The definition and related policies are not being carried forward into the proposed PPS. The Province is seeking feedback on the need to identify select PSEZs or portions of PSEZs for the sole purpose of protecting lands exclusively through an alternative approach.

The removal of Provincially significant employment zones has no implication on Newmarket as none of Newmarket's employment lands are identified as PSEZs.

Agricultural Lands and Lot Severance

While these changes do not impact Newmarket as Newmarket does not have a significant amount of agricultural lands, it is worth noting that the Province is proposing to allow the principal dwelling associated with an agricultural operation to be located in prime agricultural areas as an agricultural use, and to allow up to two additional residential units in prime agricultural areas, provided certain conditions are met (i.e. compliance with the minimum distance separation formulae, appropriate provision of sewage and water services and more). These additional units may be severed subject to policies in the proposed PPS.

Staff do not support these changes as it could lead to fragmentation of agricultural lands. While these policies may not impact lands within Newmarket directly, they can impact surrounding municipalities and lead to inefficient land development just outside Newmarket's borders.

What's Unknown

Natural Heritage

Natural heritage policies are under review and have not been included in the proposed PPS. The Province has indicated that proposed natural heritage policies and definitions will be available through a separate posting on the Environmental Registry of Ontario.

Staff will continue to monitor the release of natural heritage policies and provide follow-up to Council, if necessary.

Conclusion

Staff appreciate the Province's desire to simplify the policy context under which all development applications are processed in Ontario. Combining the PPS 2020 and Growth Plan is a logical step that could result in more efficient preparation of planning analyses. However, care must be taken to ensure that policies around focusing growth to areas that allow for the efficient use of land and infrastructure, as well as the protection of natural heritage features are not left out or diluted.

The overall concept of focusing growth and development in settlement areas are being carried forward in the proposed PPS; however, the language in respective policies appear to be more relaxed and may potentially lead to unintended consequences. In addition, the Province also appears to be moving away from focusing growth through intensification and allowing settlement area expansions or identification of new settlement areas without comprehensive planning or specific criteria. Staff recommend the Province to reconsider some of the policy changes as discussed in this report and maintain a tight growth structure with clear targets to manage growth in Ontario.

Business Plan and Strategic Plan Linkages

None

Consultation

None

Human Resource Considerations

None

Budget Impact

None

Attachments

Attachment 1 – List of Large and Fast-Growing Municipalities

Submitted by

Phoebe Chow, Senior Planner – Policy, Planning Services

Approved for Submission

Adrian Cammaert, Manager, Planning Services

Jason Unger, Director, Planning and Building Services

Peter Noehammer, Commissioner, Development & Infrastructure Services

Contact

Phoebe Chow, Senior Planner – Policy, pchow@newmarket.ca

Proposed Provincial Planning Statement

Schedule 1: List of Large and Fast-Growing Municipalities

Town of Ajax	City of Mississauga
City of Barrie	Town of Newmarket
City of Brampton	City of Niagara Falls
City of Brantford	Town of Oakville
City of Burlington	City of Oshawa
Town of Caledon	City of Ottawa
City of Cambridge	City of Pickering
Municipality of Clarington	City of Richmond Hill
City of Guelph	City of St. Catharines
City of Hamilton	City of Toronto
City of Kingston	City of Vaughan
City of Kitchener	City of Waterloo
City of London	Town of Whitby
City of Markham	City of Windsor
Town of Milton	



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Private Tree Protection By-law Amendment and Update Staff Report to Council

Report Number: 2023-32

Department(s): Parks and Facility Services

Author(s): Jeff Payne, Commissioner, Community Services

Meeting Date: May 29, 2023

Recommendations

- 1 That the report entitled Private Tree Protection By-law Amendment and Update dated May 29, 2023 be received; and,
2. That proposed amendments to the Private Tree Protection By-law adopted; 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 an update on the Private Tree Protection By-law after one full calendar year of the by-law being in place. The report will identify process improvements that are being implemented as well as some minor changes to the wording of the by-law.

Background

The trees that comprise the Town's tree canopy (on both public and private land) are valuable assets that benefit the broader community through the avoidance of:

- 200,000 cubic meters of water runoff;
- the removal of 40 tonnes of air pollution annually; and
- the storage of over 35 tonnes of carbon.

Trees also provide important natural habitat, food and shelter for wildlife in addition to helping to mitigate the impacts of heat on the community by reducing temperatures significantly compared to areas that do not benefit from tree coverage (known as heat islands). A healthy tree canopy is a measure of a community's commitment to the local environment, sustainability and quality of life for all residents.

Trees are under increasing stress because of climate change, invasive species, pollution and human activity. Trees can be very susceptible to factors that can cause rapid decline and death (like the impacts of an ice storm or an insect like the Emerald Ash Borer). When you consider a tree as a 'natural asset' you also appreciate that unlike other municipal assets (roads, pipes or buildings) you cannot simply replace or repair a tree, once a tree is gone – it is gone. A fully grown mature tree takes decades to grow and therefore should benefit from special consideration and protection.

In recognition of the importance that the community places on trees, the Private Tree Protection By-law was enacted on February 10, 2022 and required residents to obtain a permit for removing trees on their property that have a diameter greater than 20 centimeters (8 inches) measured at 1.4m (4.5 ft) above ground.

It was also important to ensure that trees do not represent a health and safety risk (hazard) and that provisions exist to address dead or dying trees. In addition, there can also be reasonable situations that may require tree removal. To this point the by-law further defines three permit categories along with associated fees, which provide authorization to remove privately owned trees;

- Dead, Dying, or Hazardous
- General/Standard Tree Removal
- Trees causing property damage

A transition period of four months was implemented where fees and compensation obligations were waived in order to provide time for the Town to communicate the new by-law and associated requirements with the public and arborist community.

Council requested that staff return to present results and learnings following one year of operation. It is important to note this report includes data from the four-month transition period, there were no fees applied during the transition period.

Discussion

In 2022, the Town received a total of 195 applications which resulted in 288 trees removed with permits. On average, the permit to remove trees was issued within 21 days of the application being received. Applications requiring no clarification or completion of missing information resulted in an average of a 15-day turnaround.

The chart below summarizes the permit requests and category of application received in 2022.

Key Performance Indicator	February - June	July - December	Total
Total Applications Received	120	75	195
Standard Application	53	26	79
Dead/Dying/Hazardous Application	62	48	110
Property Damage Application	5	1	6
Fees Collected*	\$0.00	\$4300.00	\$4300.00
Compensation Collected*	\$0.00	\$3300.00	\$3300.00
Total Trees Removed	195	93	288

*Note: fees were applied starting July 2022

Staff review of feedback received and errors observed regarding the application/ approval process has highlighted opportunities to improve the administrative process. Feedback has been summarized into four main categories:

- Definition of a dead/dying/hazardous tree required clarification;
- Confusion regarding which form to complete for the type of work required;
- Clarity of permitting requirements during an emergency response resulting from weather related events; and
- Requirement for inclusion of an arborist report for a tree removal.

Following a comprehensive internal review along with a municipal scan across 20 municipalities, staff have identified opportunities to improve our resident experience through simplifying the administrative process in the following areas:

- Updated website – a refresh of the website has resulted in clarifying language and definitions. In particular, the definition of Dead/Dying has been clarified to reflect 70% of the canopy/crown has declined. This eliminates confusion or debate based on degree of decline.

Redesigned application form – the form has been combined into a single application form which will eliminate delays and frustrations caused by having to resubmit. The application form now includes an attestation from the owner and/or abutting owner (depending on the circumstance). Staff have also made the new single intake online form more user friendly (fillable PDF).

- To further support the Private Tree Protection By-law application process, a comprehensive guide has been created which educates the reader on the importance of tree protection as well as on items such as how to measure accurately the diameter of the tree and proper pruning technique. In addition, the FAQ and definitions section has been revised.
- A process for fast tracking trees that are damaged during a weather event or are imminently hazardous (can cause injury/damage if not attended to immediately) has been created which simply requires the homeowner to submit an email with accompanying photos, approval will be provided by email in these situations.
- Arborist reports will not be required where a homeowner applies with appropriate supporting documentation and the tree meets the dead/dying criteria (70%) or emergency hazardous conditions.
- The requirement for an Arborist report will remain for applications involving healthy tree removal and for less obvious hazardous tree assessment. It will also exist as an option for the homeowner to appeal should they not agree with the Town assessment of their application.
- In cases where an independent arborist report supports the original application that the tree is dead/dying, there will be no permit fees applied. Should the report not support the claim (not meeting the 70% threshold or imminent hazard), the established tree removal process and applicable permit fees will be applied.

There is a recommended change to the by-law itself. The original by-law did not specifically address circumstances involving significant weather events that may impact the Town. Examples of this might include localized or Town wide wind damage or ice damage to trees. An exception has been created for these circumstances. This amendment will require Council approval to amend the by-law. The amending by-law is attached for reference.

Conclusion

The Town of Newmarket Private Tree Protection By-law reflects the importance that the community places on a thriving natural environment that includes a healthy tree canopy. Trees are important natural assets and should be protected except where a tree presents a health and safety risk.

The first year of administering the Private Tree Protection By-law process has provided staff an opportunity to analyze results and identify program amendments to enhance the permit application process. The creation of a tree protection guideline document will aide property owners in understanding the process and requirements which will further assist in ensuring a consistent application.

The Town of Newmarket website has been updated with the new/revised information and a communication plan is being developed to promote and educate the community on an ongoing basis regarding the Private Tree Protection By-law through social media.

Business Plan and Strategic Plan Linkages

The Private Tree Protection By-law aligns with Council's Strategic Priority of Environmental Stewardship in its fight against climate change and achieve the goal of a 35% tree canopy coverage by 2051 for the Town.

Consultation

A municipal scan of 20 municipalities (Ontario, Saskatchewan, B.C.) was conducted to review and inform the guidelines and definitions used in the permit process. Staff has also consider feedback from a wide range of stakeholders to improve the processes based on the first year of experience with the by-law implementation.

Human Resource Considerations

There is no impact.

Budget Impact

At this time there are no budget impacts. Staff will continue to monitor the program and will report as required.

Attachments

Private Tree Protection By-law Amended

Approval

Kristi Carlen, Director Parks and Facility Services

Jeff Payne, Commissioner, Community Services

Contact

Jeff Payne, Commissioner, Community Services

Corporation of the Town of Newmarket

By-law 2023-31

A By-law to Amend Bylaw 2022-10 being a By-law to regulate the Injury or Destruction of Trees on private property within the Town of Newmarket (Private Tree Protection By-law).

Whereas without limiting the broad municipal powers, sections 135, 139 to 141, 429, 431 and 444 of the Municipal Act, 2001 provides municipalities with further authority to regulate and prohibit the destruction or injuring of trees and to provide for a system of fines and other enforcement orders; and

Whereas Council has determined that it is desirable to enact a by-law to protect trees and to prohibit and regulate the Injury or Destruction of trees and encourage the preservation and planting of trees within the Town of Newmarket.

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

1. That section 1.0 Title be amended to the following:

This By-law may be known and cited for all purposes as the “Private Tree Protection By-law 2022-10”, as amended by By-law 2023-10.

2. That section 2.0 Definitions “Director” is amended to the following:

“**Director**” means the Director of Parks and Facility Services or their delegate, as amended from time to time;

3. That section 2.0 Definitions is amended by adding the following definitions:

“**Dead Tree**” shall mean a tree with no living tissue;

“**Dying Tree**” shall mean a tree where seventy (70) percent or more of its crown is dead or a tree infected by a lethal pathogen;

“**Emergency Work**” shall mean trees that have become structurally weakened to the point where there is a high risk for the tree to break or fall immediately. This situation often happens because of inclement weather, high winds or thunderstorms. Such works are to be addressed within a reasonable time after the weather event, normally within 48 hours or at the discretion of the Director.

4. That section 2.0 Definitions is amended by removing the following definition:

“**Dead**” means a **Tree** to be not living, as determined by an **Arborist**;

5. That section 4.3 be amended by adding the following:

5.3.7 The Tree being removed facilitates emergency work.

6. That section 5.4.a be amended to the following:

5.4.a **Private Tree Permit** is issued to remove a tree that is dead, hazardous, or requiring emergency work, as determined by the **Director**;

Enacted this 5th day of June, 2023.

John Taylor, Mayor

Lisa Lyons, Town Clerk



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Property Tax Rates and By-law for 2023 Staff Report to Council

Report Number: 2023-34

Department(s): Financial Services

Author(s): Lawrence Villanueva, Manager, Revenue

Meeting Date: May 29, 2023

Recommendations

1. That the report entitled Property Tax Rates and By-law for 2023 dated May 29, 2023 be received; and,
2. That the property tax rates for 2023, as applied to the assessment roll returned in 2022 for 2023 taxation, be set for Town purposes as follows:

Residential	0.339362%
Multi-Residential	0.339362%
Commercial	0.452064%
Industrial	0.557639%
Pipeline	0.311873%
Farm	0.084840%

3. That the applicable Tax Rate By-law, attached as Appendix 'A' be forwarded to Council for approval; and,
4. That the Treasurer be authorized and directed to do all things necessary to give effect to this resolution.

Executive Summary

The result of the 5.5% budgetary increase on property tax rates for 2023 is as follows:

- Residential and multi-residential - 0.339362%

- Commercial – 0.452064%
- Industrial – 0.557639%
- Pipeline – 0.311873%
- Farm – 0.084840%

The 2023 average single-detached residential property will experience an increase of \$125.44 compared to 2022. The total levy collected for all levels of Government is \$199,115,080. This is made up of the Town of Newmarket's levy requirement of \$73,091,624, York Region's levy requirement of \$75,144,240 and the Province of Ontario's levy requirement of \$50,879,216.

Purpose

The purpose of this report is to provide for the levy and collection of property tax for 2023.

Background

The Municipal Act, 2001, as amended under S.312 requires that each year Council enact a by-law levying a separate tax rate, as specified in the by-law, on the assessment in each property class in the local municipality for all property rateable for municipal purposes.

Discussion

Town of Newmarket Tax Ratios and Tax Rates

The property tax rates for Town purposes are determined using the approved tax ratios applied to the 2022 Assessment Roll as returned for 2023 taxation, and the approved 2023 Town tax-supported operating budget.

Tax ratios establish the weighted level of taxation born by each broad property class in relation to the residential class. The tax ratios for 2023 are set and approved by Regional Council. They are consistent Region wide. In 2016, both regional and local municipal staff undertook a review of the impact of market value reassessment and the resulting tax shifts that naturally occur when one property class has values that increase at a higher rate than others.

Regional Council adopted a 'revenue neutral' approach which increases the ratios on commercial and industrial properties and reduces the impact of tax shifting to the residential class. A review of this approach was initially set to be done in 2020, in accordance with the reassessment cycle. However, due to the COVID-19 pandemic, the reassessment has been postponed. The current value assessment (CVA) used for the 2023 taxation year is the same value used in the 2020 taxation year. To date, the province has not yet announced a plan for re-assessment.

As a result, the 2023 Tax Ratio remains unchanged from last year.

Schedule 'A' attached to the by-law lists the proposed tax rates required to raise the approved 2023 Town tax supported budget requirement of \$73,091,624. This results in an average municipal (Town share only) increases to a homeowner with a residential property assessed at \$709,000 of 5.5% or \$125.44.

Due to the re-assessment freeze, the average value of a single-detached home in Newmarket for 2023 has remained largely the same compared to last year. In 2023, the average value of a single-detached home increased to \$709,000 from \$706,000 in 2022.

The slight CVA average increase of \$3,000 is a result of additions to the roll such as occupancy of new properties, home improvements and additions.

For further information on the average CVA breakdown of the common residential properties for 2023:

Residential Property Type	Average CVA
Single-Detached	\$709,000
Semi-Detached	\$482,000
Freehold Townhouse	\$507,000
Condominium	\$378,000

Region of York and Education Tax Rates

The Region of York has set the property tax rates they require to fund their budgets. Newmarket's portion of the region's budget is approximately \$75,144,240. This represents 5.61% of the total regional levy. Based on the average single-detached home of \$709,000, this results in an average increase to a homeowner in Newmarket of 3.9% or \$91.70.

The Ministry of Finance has provided the education property tax rates for 2023. The Residential tax rate has been set at a uniform rate for the entire province at 0.153000%, which is the same rate used in 2020. The average single-detached home assessed at \$709,000 will not see an increase in the education portion of their taxes for 2023.

Summary – 2023 Combined Tax Rates

The 2023 Final Residential Tax Rate is 0.841254%. The average single-detached home with a CVA of \$709,000 will pay \$5,964.49 in 2023. For comparison, the table below illustrates the tax levy breakdown for this property in 2023:

Levy	2022	2023	\$ Change	% Change
Town Municipal	\$2,280.64	\$2,406.08	\$125.44	5.5%
Region Municipal	\$2,381.94	\$2,473.64	\$91.70	3.9%
Education	\$1,084.77	\$1,084.77	\$0.00	0.0%
Total	\$5,747.35	\$5,964.49	\$217.14	3.8%

The sharing of each \$1.00 of property tax collected for the three main broad classes is as follows:

Levy	Residential	Commercial	Industrial
Town Municipal	\$0.40	\$0.25	\$0.28
Region Municipal	\$0.41	\$0.26	\$0.29
Education	\$0.19	\$0.49	\$0.43
Total	\$1.00	\$1.00	\$1.00

The total taxes required for all three levels of government in Newmarket will be in excess of \$199 million and is managed by Town staff in terms of billing, collection, adjustments and remittance to the region and school boards.

In addition to the above levies, there are also payments-in-lieu (PIL's) calculated and levied using the same tax rates for the applicable classes, or using rates set by Provincial Regulation for the railway rights-of-way, electrical corridors and the heads and beds levy for the hospital.

Properties identified within the Business Improvement Area (BIA) will be levied a total of \$30,000 apportioned according to their commercial assessment and the funds will be available to the Treasurer of the BIA.

Property Tax Due Dates

As noted in the attached draft By-law, the due dates for the final three installments for the residential levy will be:

- Tuesday, July 25, 2023
- Friday, August 25, 2023
- Monday, September 25, 2023

The dues dates for the non-residential levy, as well as any supplementary or omitted billing from Amended Property Assessment Notices (APAN's) will be established as they are processed with the legislated minimum of 21 days from the date of the billing.

Property taxes can be paid by any of the following methods:

- Telephone or On-Line Banking
- Pre-authorized Payment Plans (with pre-registration)
- Mailing or dropping off cheques at 395 Mulock Dr.
- Credit Card (on-line only) at www.plastiq.com (service charge applies)

Residents are strongly encouraged to use on-line or telephone banking as the safest, most secure and efficient manner of payment.

In-person payments can be made at 395 Mulock Dr, Ray Twinney Recreation Complex, Magna Centre and the Newmarket Senior's Meeting Place.

Conclusion

The final residential tax rate for 2023 will be 0.841254%. An average residential property with a 2023 assessment of \$709,000 will pay \$5,964.49 for 2023 of which the Town share is \$2,406.08 or 40% of the total taxes.

Business Plan and Strategic Plan Linkages

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

Consultation

- Financial Services Report 2023 Operating & Capital Budget Recommendations
- Ministry of Education and Ministry of Finance Letters Regarding Education Tax
- Regional Municipality of York Reports 2023 Property Tax Ratios, Property Tax Rates and Property Tax Capping
- Online Property Tax Analysis (OPTA) for statistics and analysis
- Municipal Property Assessment Corporation, 2022 Assessment Roll for 2023 Taxation

Human Resource Considerations

None

Budget Impact

The proposed property tax rates for the Town will increase the residential tax levy on an average single-detached home by 5.5% and raise the necessary funds to cover the 2023 tax-supported operating budgets as approved by Council.

Attachments

Appendix A: 2023 Draft Tax Rate By-law

Approval

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

Esther Armchuk LL.B
Commissioner, Corporate Services

Contact

Lawrence Villanueva, AIMA
Manager, Revenue
lvillanueva@newmarket.ca

Schedule "A"
Corporation of the Town of Newmarket
2023 Schedule of Tax Rates for Taxable Property

Property Assessment Class	RTC/Q	Town Rate	Region Rate	School Rate	Total Rate
Residential: Full Taxable	RT	0.339362%	0.348892%	0.153000%	0.841254%
Residential: Full Taxable, Shared School	RH	0.339362%	0.348892%	0.153000%	0.841254%
Multi-Residential: Full Taxable	MT	0.339362%	0.348892%	0.153000%	0.841254%
Commercial: Full Taxable	CT	0.452064%	0.464759%	0.880000%	1.796823%
Commercial: Excess Land	CU	0.316445%	0.325331%	0.880000%	1.521776%
Commercial: Full Taxable, Shared School	CH	0.452064%	0.464759%	0.896686%	1.813509%
Commercial: Excess Land, Shared School	CK	0.316445%	0.325331%	0.896686%	1.538462%
Commercial: Full Taxable	GT	0.452064%	0.464759%	0.980000%	1.896823%
Commercial: Vacant Land	CX	0.316445%	0.325331%	0.880000%	1.521776%
Commercial: Full Taxable	DT	0.452064%	0.464759%	0.880000%	1.796823%
Commercial: Full Taxable	ST	0.452064%	0.464759%	0.880000%	1.796823%
Commercial: Excess Land	DU	0.316445%	0.325331%	0.000000%	0.641776%
Commercial: Excess Land	SU	0.316445%	0.325331%	0.880000%	1.521776%
Industrial: Full Taxable	IT	0.557639%	0.573299%	0.880000%	2.010938%
Industrial: Full Taxable, Shared School	IH	0.557639%	0.573299%	0.980000%	2.110938%
Industrial: Excess Land, Shared School	IK	0.362466%	0.372644%	0.880000%	1.615110%
Industrial: Excess Land	IU	0.362466%	0.372644%	0.880000%	1.615110%
Industrial: Vacant Land	IX	0.362466%	0.372644%	0.880000%	1.615110%
Industrial: Full Taxable	LT	0.557639%	0.573299%	0.880000%	2.010938%
Pipeline: Full Taxable	PT	0.311873%	0.320631%	0.880000%	1.512504%
Farmland: Full Taxable	FT	0.084840%	0.087223%	0.038250%	0.210313%



Corporation of the Town of Newmarket

By-law 2023-XX

A BY-LAW TO PROVIDE FOR THE LEVY AND COLLECTION OF THE SUMS REQUIRED BY THE CORPORATION OF THE TOWN OF NEWMARKET FOR 2023 AND TO PROVIDE FOR THE MAILING OF NOTICES REQUISITIONING THE PAYMENT OF TAXES FOR 2023.

WHEREAS Section 312 (2) of the Municipal Act, 2001, as amended, provides that the Council of a local municipality shall, after the adoption of estimates for the year, enact a By-law to levy a separate tax rate on the assessment in each property class;

AND WHEREAS Sections 307 and 308 of the said Act require tax rates to be established in the same proportion to tax ratios;

AND WHEREAS estimates have been prepared showing the sum of \$191,115,080 is required to be raised for the lawful purposes of the Corporation of the Town of Newmarket for the year 2023 which estimates are made up as follows:

1.	Town of Newmarket General Purposes	\$ 73,091,624
2.	Regional Municipality of York Purposes	\$ 75,144,241
3.	Ontario Education Purposes	<u>\$ 50,879,216</u>
		<u>\$199,115,080</u>

AND WHEREAS any special levy in the Town of Newmarket is based upon the Current Value Assessment as returned on the last revised Assessment Roll as determined by the Municipal Property Assessment Corporation in accordance with the Assessment Act, R.S.O. 1990, as amended, and summarized on Schedule "A" attached to this By-law;

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

1. THAT the following property tax class ratios are to be applied in determining tax rates for taxation in 2023:

Residential/Farm Property Class	1.000000
Multi-Residential Property Class	1.000000
Commercial Property Class	1.332100
Industrial Property Class	1.643200
Pipelines Property Class	0.919000
Farmlands Property Class	0.250000

2. AND THAT for the year 2023, the Corporation of the Town of Newmarket shall levy upon the Residential Assessment, Multi-Residential Assessment, Commercial Assessment, Industrial Assessment, Pipeline Assessment and Farm Assessment the rates of taxation set out in this By-law. The optional property classes allowable, which were not adopted by the Region of York, have been included within Schedule "A" for clarity, shown with the tax rates established for the default Commercial and Industrial Assessment classes for the respective optional classes. This

presentation was selected to coincide with the property tax class codes and qualifiers used by the Municipal Property Assessment Corporation in its communication with property owners concerning their property assessments;

3. AND THAT the sum of \$73,091,624 be levied and collected for the Town of Newmarket's General Purposes, as provided by the Corporation's 2023 Operating Budget; such sum to be provided by applying the tax rates as summarized in Schedule "A" attached, to the taxable assessments;
4. AND THAT the sum of \$75,144,241 be levied and collected for the Town of Newmarket's share of the 2023 Budget for The Regional Municipality of York; such sum to be provided by applying the tax rates as summarized in Schedule "A" attached, to the taxable assessments;
5. AND THAT the sum of \$50,879,216 be levied and collected for the Town of Newmarket's share of the 2023 Ontario Education levy; such sum to be provided by applying to the taxable assessments the tax rates summarized in Schedule "A" which are the rates prescribed for use by Ontario Regulation 400/98 as amended by O.Reg. 64/19;
6. AND THAT for properties so assessed, payments in lieu of taxes shall be calculated using the tax rates in Schedule "A" which would be applicable to the property if it were subject to tax;
7. AND THAT for the railway rights-of-way assessments and for the utility transmission and distribution corridor, assessments shall have their taxes due to the Corporation of the Town of Newmarket calculated in accordance with the Regulations as established by the Minister of Finance and the returned assessment roll;
8. AND THAT for the purpose of the Business Improvement Area projects, the sum of \$30,000 shall be levied and collected from the property owners within the business improvement area;
9. AND THAT the Treasurer shall add to the Collector's Roll, all or any arrears for fees or charges which should be collected pursuant to any statute or by-law to the respective properties chargeable thereto and that the same shall be collected by the Treasurer, or designate, in the same manner and at the same time as all other rates or levies;
10. AND THAT the Interim Tax Levy as issued by staff, under the delegation of authority by-law be shown as a reduction on the final tax levy;
11. AND THAT all taxes levied under the authority of this By-law shall become due and payable in three installments; the first installment due July 25, 2023, the second installment due August 25, 2023 and the third installment due September 25, 2023, and all installments shall be payable to the Corporation of the Town of Newmarket;

These due dates are subject to amendment by the Treasurer or designate, if required, to meet the statutory timing required following the tax demand date;

12. AND THAT the Treasurer or designate for the Corporation of the Town of Newmarket send or mail or cause to be sent or mailed, the notice specifying the amount of taxes payable by any person liable for taxes, addressed to that person's place of residence or place of business or to the premises in respect of which the taxes are payable unless the taxpayer directs otherwise in which case it shall be sent to that address; email address or mortgage or finance company;
13. AND THAT taxes are payable to the Corporation of the Town of Newmarket in all manners of payment as may be designated by the Town from time to time;
14. AND THAT as provided in Subsection 345(3) of the *Municipal Act, 2001*, if any taxes levied pursuant to this By-law remain unpaid as at December 31, 2022, interest at the rate of one and one quarter per cent (1.25%) per month (15% per annum) of the unpaid taxes shall be levied from January 1, 2023 for each month or fraction thereof until such taxes are paid;
15. AND THAT residents who qualify for the Low-income Seniors and Low-income Disabled Tax Deferral Program need to apply to the Tax Office in accordance with the program policies as established by the Regional Municipality of York. The amount of deferral for 2023 will be determined once the application has been approved;
16. AND THAT if any section or portion of this by-law or of Schedule "A" is found by a court of competent jurisdiction to be invalid, it is the intent of Council for the Corporation of the Town of Newmarket that all remaining sections and portions of this By-law continue in force and effect;
17. AND THAT Schedule "A" attached hereto shall be and form a part of this By-law.

Enacted this 5th day of June, 2023.

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

500 Water Street Request for Proposals Staff Report to Council

Report Number: 2023-36

Department(s): Economic Development; Legal and Procurement Services

Author(s): Elizabeth Hawkins, Karen Reynar, Tracy Assis, Paul Voorn

Meeting Date: May 29, 2023

Recommendations

1. That the report entitled 500 Water Street Request for Proposals dated May 29, 2023 be received; and,
2. That staff be directed to issue a request for proposals to seek a new tenant for 500 Water Street on substantially the terms set out in this report; and,
3. That staff be directed to evaluate the proposals based substantially on the criteria listed in this report; and,
4. That staff be directed to finalize the terms of a new long-term lease based substantially on the terms set out in this report; and,
5. That the CAO be directed to execute the lease for 500 Water Street with the successful proponent; and,
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Purpose

This report seeks direction from Council to issue a Request for Proposal (RFP) seeking a new tenant for 500 Water Street (formerly Cachet Restaurant), and to negotiate and execute a lease with the highest ranked proponent based substantially on the terms set out within this report.

Background

The current lease for the Town owned building located at 500 Water Street will be concluded on May 29, 2023. The building is a keystone property, located in the Heritage Conservation District at the intersection of Water and Main Streets. The property has been operating as a restaurant for the past two decades. It has significant patio space overlooking Fairy Lake and is in a prime location for continued use as a dining establishment. With the conclusion of the current lease, staff recommend issuing a new request for proposals to seek a new tenant.

Discussion

Staff are seeking Council's approval to commence the RFP process and to enter into negotiations with the selected leaseholder based on the following general guidelines.

Vision for RFP

The RFP will seek proposals for a new long-term lease of 500 Water Street for use as a unique and elevated dining establishment that complements and enhances the existing cultural and economic vibrancy of the Main Street historic district. Main Street Newmarket is currently home to over fifteen dining establishments and cafes. The RFP will emphasize the need for a commercial operation that capitalizes on the year-round nature of the street while also bringing new flavours, dining experiences or styles of cuisine to the area that create positive connections with the rest of the district.

Evaluation Criteria

The RFP will assess and prioritize proposals that strongly demonstrate:

- **Business Experience** – including experience with similar commercial operations, industry experience and financial experience with similar projects;
- **Financial Capacity** – including demonstrated ability to lease, credit rating and letters of support from financial institution;
- **Financial Plan** – including a capital investment plan to support the long-term viability of the project, and a minimum investment in the interior, façade and/or accessibility renovations to the property;
- **Business Plan / Development Proposal** - commercial vision for the property with preference given to proposals that add unique offerings to the district, and development proposal, including concept plan and project timetable; and
- **Offer to Lease** - including proposed fixturing period, concept plans and proposed minimum rent payable.

In addition to reviewing and evaluating written proposals, the Town will be inviting the highest scoring proponents for a presentation / interview.

Timing of RFP Process

Staff are prepared to issue the RFP shortly and expect to have an executed lease agreement with the successful proponent by the fall. This timing reflects an expedited process, and staff will continue to advance the process ahead of these timelines where possible to ensure that the space is operational as soon as possible.

Key Lease Terms

TERM: The term of the lease is expected to span a ten (10) year initial term with an option for the tenant to extend for an additional period of two (2), five (5) year terms if the lease is in good standing.

RENT: The rent payable for the extension periods will be based on an escalation mechanism set out in the lease. Staff will obtain a formal fair market value rent appraisal and the RFP will indicate that the minimum rent payable proposed for the premises during the initial term will be evaluated against that appraisal amount.

RENT DURING FIXTURING / RENOVATION PERIOD: The Town's draft lease which will be appended to the RFP indicates that rent is expected to be paid during the renovation period. However, proponents may indicate in their proposal a different arrangement. This will be an evaluated item as part of the "Offer to Lease" portion of the evaluation structure.

OPERATIONAL EXPENSES: The tenant will be required to pay all associated taxes (including HST and property taxes), utilities, heating and cooling costs, and the maintenance costs of the building (interior and exterior) and the leased property. The tenant would be responsible for its own fixturing costs and will be required to arrange its own snow clearing and landscaping for the property.

PARKING: The lease will confirm that the property has 20 parking spaces available for exclusive use by the tenant's customers and will confirm that the parking lot laneway must be kept clear to allow the property owner to the west to have access to its parking lot. The lease will not include any rights to parking spaces other than the 20 that are contained within the leased property.

BUILDING CONDITION: A building condition assessment from January 2023 will be appended to the RFP and the lease (also attached to the RFP) indicates that it will be the tenant's responsibility to investigate the condition of the building and to maintain, upgrade, and repair as needed. Proponents may, however, indicate in their proposal a different arrangement. This will be an evaluated item as part of the "Offer to Lease" portion of the evaluation structure.

BUSINESS OPERATIONS: The tenant will be required to operate six days a week.

Lease Occupancy

The successful proponent will likely require a minimum fixturing period of 90 days, which suggests occupancy may occur in late 2023 or early 2024.

Conclusion

Direction is sought from Council to have staff issue an RFP to select a suitable potential tenant for the lease of the 500 Water Street property, negotiate a lease for the premises that incorporates the essential terms set out in this report and thereafter sign a lease with that tenant.

Business Plan and Strategic Plan Linkages

Council Priorities 2022-2026: Community and Economic Vibrancy; Extraordinary Places and Spaces

2021-2024 Economic Development Strategy

Consultation

Staff from Legal & Procurement Services, Economic Development Office, Planning & Building Services and members of the Senior Leadership Team have been consulted on this matter.

Human Resource Considerations

None.

Budget Impact

All lease payments to be received from the successful leaseholder shall be collected as general Town revenue.

Attachments

None.

Approval

Karen Reynar, Director, Legal and Procurement Services

Chris Kallio, Economic Development Officer

Esther Armchuk, Commissioner of Corporate Services

Ian MacDougall, Chief Administrative Officer

Contact

For questions on this report, please contact Tracy Assis, Manager of Procurement Services tassis@newmarket.ca.



Town of Newmarket

Minutes

Main Street District Business Improvement Area Board of Management

Date: Wednesday, November 2, 2022
Time: 8:30 AM
Location: Streamed live from the Municipal Offices
395 Mulock Drive
Newmarket, ON L3Y 4X7

Members Present: Tom Hemen, Chair (8:34 AM - 10:03 AM)
Allan Cockburn, Vice Chair
Councillor Kwapis
Rob Clark (8:34 AM - 9:30 AM)
Jennifer McLachlan
Ken Sparks

Members Absent: Councillor Twinney
Mark Iacovetta

Staff Present: E. Hawkins, Business Development Specialist
K. Huguenin, Legislative Coordinator
S. Granat, Legislative Coordinator

The meeting was called to order at 8:34 AM.
Tom Hemen in the Chair.

1. Notice

Tom Hemen advised that members of the public were encouraged to attend an Advisory Committee or Board Meeting by viewing the live stream available at newmarket.ca/meetings, or attending in person at the Council Chambers at 395 Mulock Drive.

2. Additions and Corrections to the Agenda

None.

3. Conflict of Interest Declarations

None.

4. Presentations & Recognitions

None.

5. Deputations

None.

6. Approval of Minutes

Councillor Kwapis made a correction to the Main Street District Business Improvement Area Board of Management Meeting Minutes on August 3, 2022. Under Item 7.2 Parking Updates, the update was regarding the 30 minute parking by-law not the 3 hour by-law.

Moved by: Councillor Kwapis

Seconded by: Jennifer McLachlan

1. That the Main Street District Business Improvement Area Board of Management Minutes of August 3, 2022 be amended.

Carried

7. Items

7.1 Sub-Committee Reports

Street Events

- The Chair provided an update regarding the tree lighting event on November 18, 2022 at 6:00 PM which included parking and street closure for this event. The Newmarket Citizens Band will be participating and there will be carol singing, hot chocolate and battery lit candles handed out. Members of the committee asked about signage for overnight parking. Councillor Kwapis will look into this matter. The Chair also advised that the Mayor will be in

attendance to announce the lighting of the new hotel and that members of council will also attend.

- The Santa Claus parade will be held on November 19, 2022. The BIA will be judging this event and provide a trophy.

Advertising

- Rob Clark advised that the website is up and running and that there is a need for a content champion. This person is already trained and can provide assistance.
- Members of the Committee discussed allocating funds for paid promotion for the months of November and December.
- Members of the Committee discussed a newsletter and will send out dates to members to meet to discuss ideas.

Moved by: Councillor Kwapis

Seconded by: Ken Sparks

1. That the Main Street District Business Improvement Area Board of Management allocate \$100 for sponsorship for the Santa Claus parade, and;
2. That the Main Street District Business Improvement Area Board of Management allocate \$1200 for the Tree Lighting event.

Carried

Moved by: Rob Clark

Seconded by: Jennifer McLachlan

1. That the Main Street District Business Improvement Area Board of Management allocate \$750 per month for social media and content management.

Carried

Moved by: Rob Clark

Seconded by: Ken Sparks

1. That the Main Street District Business Improvement Area Board of Management allocate \$1000 for paid promotion for the months of November and December.

Carried

7.2 Parking Update

Councillor Kwapis provided an update regarding the responses for the questionnaire on the 30 minute parking by-law. The BIA will be informed of findings for the report.

The Business Development Specialist thanked the BIA for encouraging feedback and for the responses that were received for the report.

The members of the BIA discussed parking concerns, closing Main Street South for a period of time during the summer and the relocation of the tennis courts behind Main Street. Councillor Kwapis advised that moving the tennis courts has not been approved by Council but that Council is on board for priority solutions for the downtown parking area.

7.3 Staff Update

7.3.1 Financial Update

The Business Development Specialist provided a financial update and advised that finances look good thanks to some of the work that has been done which includes, the 2022 film revenue in the downtown area, special events revenue from Canada Day and the grant funding. She reminded the members that any money not spent goes into a reserve and can be pulled for future projects and also any outstanding invoices need to be submitted by year end to the Chair. She advised that every year the BIA funds the Tourism-Oriented Directional Signing (TODS) that are located on Highway 404 and whether the BIA is interested in continuing with this program.

The members discussed having a holiday party and decided not to have one this year.

Moved by: Ken Sparks

Seconded by: Jennifer McLachlan

1. That the Main Street District Business Improvement Area Board of Management continue to support the Tourism-Oriented Directional Signing (TODS) program for 2023.

Carried

7.3.2 Financial Incentive Program Staff Working Group Update

The Business Development Specialist provided an update regarding the financial incentive program and advised that many businesses are doing retrofits and that in December/January there will be an in depth overview of the projects that were funded in 2022. She will also present and approve the 2021 audited financials and will provide an update regarding the 2022 financials.

Members discussed the 2023 budget and sharing the strategic plan with the next Board.

7.4 AGM Date

The Business Development Specialist advised the Board regarding timelines for the AGM notices for members and for audited financials.

Members discussed having an evening cocktail reception on December 5, 2022.

The Board Members discussed possible dates and items for the 2022 Annual General Meeting and advised that the preferred date was Monday, January 30, 2023 at 7:00 PM.

Moved by: Jennifer McLachlan

Seconded by: Rob Clark

1. That the Main Street District Business Improvement Area Board of Management approve \$1000 for food at the BIA reception held on December 5, 2022.

7.5 BIA Elections Process

The Business Development Specialist advised that the Town is in the process of hiring a consultant to look at ways that the BIA functions to complete the recommendations in the BIA's strategic plan and economic development strategy. The consultant will review BIA best practices, provide draft updates to the BIA by-law and create Standard Operating Procedures (SOPS's) for the BIA. Currently, the Town asked that the consultant provide their findings and recommendations to Council early in Q2, 2023.

Members discussed having the BIA election at the AGM or after Council has reviewed the consultant's report and the Terms of Reference.

Quorum was lost before members could vote on this matter.

8. New Business

9. Closed Session (if required)

10. Adjournment

The meeting concluded without quorum at 10:06 AM.

Tom Hempen, Chair

Date



Town of Newmarket

Minutes

Main Street District Business Improvement Area Board of Management

Date: Wednesday, February 1, 2023
Time: 6:30 PM
Location: Streamed live from the Municipal Offices
395 Mulock Drive
Newmarket, ON L3Y 4X7

Members Present: Councillor Kwapis
Councillor Twinney
Tom Hemen, Chair
Jennifer McLachlan
Ken Sparks
Allan Cockburn (6:42 PM - 7:28 PM)

Members Absent: Rob Clark
Mark Iacovetta

Staff Present: K. Saini, Deputy Town Clerk
C. Kallio, Economic Development Officer
E. Hawkins, Business Development Specialist
K. Huguenin, Legislative Coordinator

Guests: Dorothy St. George, McSweeney & Associates Consulting

The meeting was called to order at 6:31 PM.
Tom Hemen in the Chair.

1. Notice

Tom Hemen advised that members of the public were encouraged to attend an Advisory Committee or Board Meeting by viewing the live stream available at

newmarket.ca/meetings, or attending in person at the Council Chambers at 395 Mulock Drive.

2. Additions and Corrections to the Agenda

The Deputy Clerk advised that the presentation for the Review of Newmarket Main Street District BIA was circulated and posted online earlier in the day.

3. Conflict of Interest Declarations

None.

4. Presentations & Recognitions

4.1 Review of Newmarket Main Street District BIA Governance and Service Delivery to Members

Tom Hempen introduced Dorothy St. George from McSweeney and Associates Consulting.

Dorothy provided a presentation noting the consultation and key stakeholder that were involved with the governance review. She discussed average BIA levies across the province and noted averages and how they aligned with Newmarket's current levy. She noted that, on average, Newmarket's levies were on the lower-end based on the membership size.

Dorothy reviewed some of the challenges that were identified through the consultation process, which included no dedicated staff to support the BIA, and overall engagement. She concluded with providing next steps with a recommendation to form a working group with Town Staff and the new BIA Board of Management to develop a Memorandum of Understanding to define responsibilities and service levels, to create standard operating procedures, and to explore financial mechanisms to grow the BIA's capacity.

Dorothy asked a series of engagement questions at the meeting, and advised the findings of those survey questions would be included as part of the report to Council.

Members queried Dorothy regarding BIA best practices across the province, and solutions for staffing within the current levy allotment.

Moved by: Councillor Kwapis

Seconded by: Ken Sparks

1. That the presentation provided by Dorothy St. George regarding the Review of Newmarket Main Street District BIA Governance and Service Delivery to Members be received.

Carried

5. Deputations

None.

6. Items

6.1 Review of Newmarket Main Street District BIA Governance and Service Delivery to Members

7. New Business

(1) Nomination process for new Board of Management

Elizabeth Hawkins advised that the Town was looking to hold the Annual General Meeting and Board of Management Nomination for the 2022-2026 term of Council on Tuesday, March 7, 2023 at 7 pm. The meeting would be held at the Newmarket Community Centre, and notice would be provided to the general membership.

8. Adjournment

Moved by: Jennifer McLachlan

Seconded by: Ken Sparks

1. That the Meeting be adjourned at 7:28 PM.

Carried

Tom Hempen, Chair

Date