

Additions & Corrections to the Agenda

Additional items to this Agenda are shown under the Addendum header.

Declarations of Pecuniary Interest

Presentations & Recognitions

1. Ms. Mary-Frances Turner, President, and Mr. Paul May, Chief Engineer, York Region Rapid Transit to address the Committee with a PowerPoint presentation regarding the vivaNext Project - Yonge Street and Davis Drive Update. p. 1
2. Mr. Mike Rabeau, Director, Capital Planning and Delivery and Mr. Shu He, Manager of Engineering, Regional Municipality of York to address the Committee regarding an update on the Upper York Sewage Solutions Project. (20 minutes) p. 16

Deputations

3. Mr. Chris Howie to address the Committee of the Whole regarding protection of heritage trees. p. 43

Consent Items (Items # 4 to 17, 19, 20)

4. Development and Infrastructure Services - Planning and Building Services Report 2016-29 dated November 7, 2016 regarding Official Plan Amendment Application and Zoning By-law Amendment Application - 1166 and 1186 Nicholson Road, Newmarket. p. 44

The Commissioner of Development and Infrastructure Services and the Director of Planning and Building Services recommend:

a) THAT Development and Infrastructure Services - Planning and Building Services Report 2016-29 dated November 7, 2016 regarding Official Plan Amendment Application and Zoning By-law Amendment Application - 1166 and 1186 Nicholson Road, Newmarket be received and the following recommendations be adopted:

i) THAT Official Plan Amendment # 14 as contained in Attachment 1 be adopted by Council;

ii) AND THAT Council amend Zoning By-law 2010-40 for the lands at 1166 and 1186 Nicholson Road substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 2 to this report.

5. Development and Infrastructure Services - Engineering Services 2016-44 dated October 10, 2016 regarding Site Alteration By-law to repeal current Cut Fill By-law 1998-110. p. 59

The Commissioner of Development and Infrastructure Services and the Director of Engineering Services recommend:

a) THAT Development and Infrastructure Services - Engineering Services 2016-44 dated October 10, 2016 entitled 'Site Alteration By-law' be received and the following recommendations be adopted:

i) THAT the Site Alteration By-law be adopted by Council;

ii) AND THAT the current Cut Fill By-law 1998-110 be hereby repealed;

iii) AND THAT the application fee under the Site Alteration By-law be increased to \$250.00 (from \$189.23) for 'Owner Occupied Residential' applications, and to \$500.00 (from \$378.40) for 'All Other Property Types';

iv) AND THAT the Fees and Charges By-law be updated to reflect the change in fees.

6. Development and Infrastructure Services Report - Engineering Services 2016-45 dated October 20, 2016 regarding Public Consultation and Support Plan - Transportation Services. p. 94

The Commissioner of Development and Infrastructure Services and the Director of Engineering Services recommend:

a) THAT Development and Infrastructure Services Report - Engineering Services 2016-45 dated October 20, 2016 entitled 'Public Consultation and Support Plan - Transportation Services' be received and the following recommendations be adopted:

i) THAT the Public Consultation and Support Plan as outlined in Appendix A be adopted for use starting January 1, 2017;

ii) AND THAT the Public Consultation and Support Plan be reviewed both internally and by the public throughout 2017 for improvements for 2018, if necessary.

7. Heritage Newmarket Advisory Committee Minutes of June 28, 2016 and October 11, 2016. p. 103

The Heritage Newmarket Advisory Committee recommends:

a) THAT the Heritage Newmarket Advisory Committee Minutes of June 28, 2016 and October 11, 2016 be received.

8. Item 8 a) i) of the Heritage Newmarket Advisory Committee Minutes of June 28, 2016. p. 117

Recommendation:

a) THAT the Heritage Newmarket Advisory Committee recommend that the Town proceed with designation of the property municipally known as 379 Botsford Street under Part IV of the Ontario Heritage Act.

9. Item 8 a) ii) of the Heritage Newmarket Advisory Committee Minutes of June 28, 2016. p. 118

Recommendation:

a) THAT the Heritage Newmarket Advisory Committee recommend that the Town proceed with designation of the property municipally known as 411 Millard Avenue under Part IV of the Ontario Heritage Act.

10. Item 8 a) iii) of the Heritage Newmarket Advisory Committee Minutes of June 28, 2016. p. 119

Recommendation:

a) THAT the Heritage Newmarket Advisory Committee recommend that the Town proceed with designation of the property municipally known as 17030 Yonge Street under Part IV of the Ontario Heritage Act.

11. Main Street District Business Improvement Area Board of Management Minutes of September 20, 2016. p. 120

The Main Street District Business Improvement Area Board of Management recommends:

a) THAT the Main Street District Business Improvement Area Board of Management Minutes of September 20, 2016 be received.

12. New Business Item e) of the Main Street District Business Improvement Area Board of Management Minutes of September 20, 2016. p. 126

The Operational Leadership Team recommends:

a) THAT the following matter be referred to staff.

The Main Street District Business Improvement Area Board of Management recommends to Council:

THAT the Main Street District Business Improvement Area Board of Management requests space allocation to house material and supplies at the Operations Centre located on Maple Hill Court or in a pod in the P3 parking area.

13. Central York Fire Services - Joint Council Committee Minutes of September 6, 2016. p. 127

The Central York Fire Services - Joint Council Committee recommends:

a) THAT the Central York Fire Services - Joint Council Committee Minutes of September 6, 2016 be received.

14. Correspondence dated October 21, 2016 from Mr. Darian Hang, Social Work Practicum Student, National Eating Disorder Information Centre and correspondence dated October 19, 2016 from Ms. Natalia Tvoronovitch, Administrative Coordinator, Eating Disorders of York Region requesting proclamation of February 1 to 7, 2017 as 'Eating Disorders Awareness Week'. p. 130

Recommendations:

a) THAT the Town of Newmarket proclaim February 1 to 7, 2017 as 'Eating Disorders Awareness Week';

i) AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website www.newmarket.ca

15. Correspondence dated September 21, 2016 from Mr. Guy Misener regarding Intensive Therapy for Autism Request for Support of Resolution. p. 134

Recommendations:

a) THAT the correspondence from Mr. Guy Misener be received and the following recommendation be adopted:

i) THAT the Town of Shelburne Resolution regarding Intensive Therapy for Autism be received and endorsed.

16. Correspondence from Mr. George Habib, President and CEO, The Lung Association - Ontario requesting November, 2017 be proclaimed 'Lung Month' in the Town of Newmarket. p. 139

Recommendations:

a) THAT the correspondence from Mr. George Habib be received and the following recommendations be adopted:

i) THAT the Town of Newmarket proclaim November, 2017 as 'Lung Month';

ii) AND THAT the proclamation be advertised in the Town Page advertisement and on the Town's website www.newmarket.ca

17. List of Outstanding Matters. p. 141

Recommendation:

a) THAT the list of Outstanding Matters be received.

Action Items

Notices of Motion

Reports by Regional Representatives

Motions

New Business

Closed Session (if required)

Public Hearing Matters – 7:00 p.m.

18. Development and Infrastructure Services Report - Planning and Building Services 2016-43 dated October 18, 2016 and related Council Extract, Public Meeting Notice regarding Application for Official Plan and Zoning By-law Amendment - 711371 Ontario Corp. (Oxford Homes - 260 Eagle Street) p. 145

Addendum (Additions and Corrections)

19. Community Services Report - Recreation and Culture 2016-28 dated November 2, 2016 regarding Old Town Hall Public Art Installation. p. 153

The Commissioner of Community Services and the Director of Recreation and Culture recommend:

a) THAT Community Services Report - Recreation and Culture 2016-28 dated November 2, 2016 regarding a Public Art Piece Installation at Old Town Hall be received and the following recommendation be adopted:

i) THAT Council authorize the installation of a Public Art Piece at Old Town Hall under the conditions set forth within this report.

20. Appointment of Members of Council to Committees.

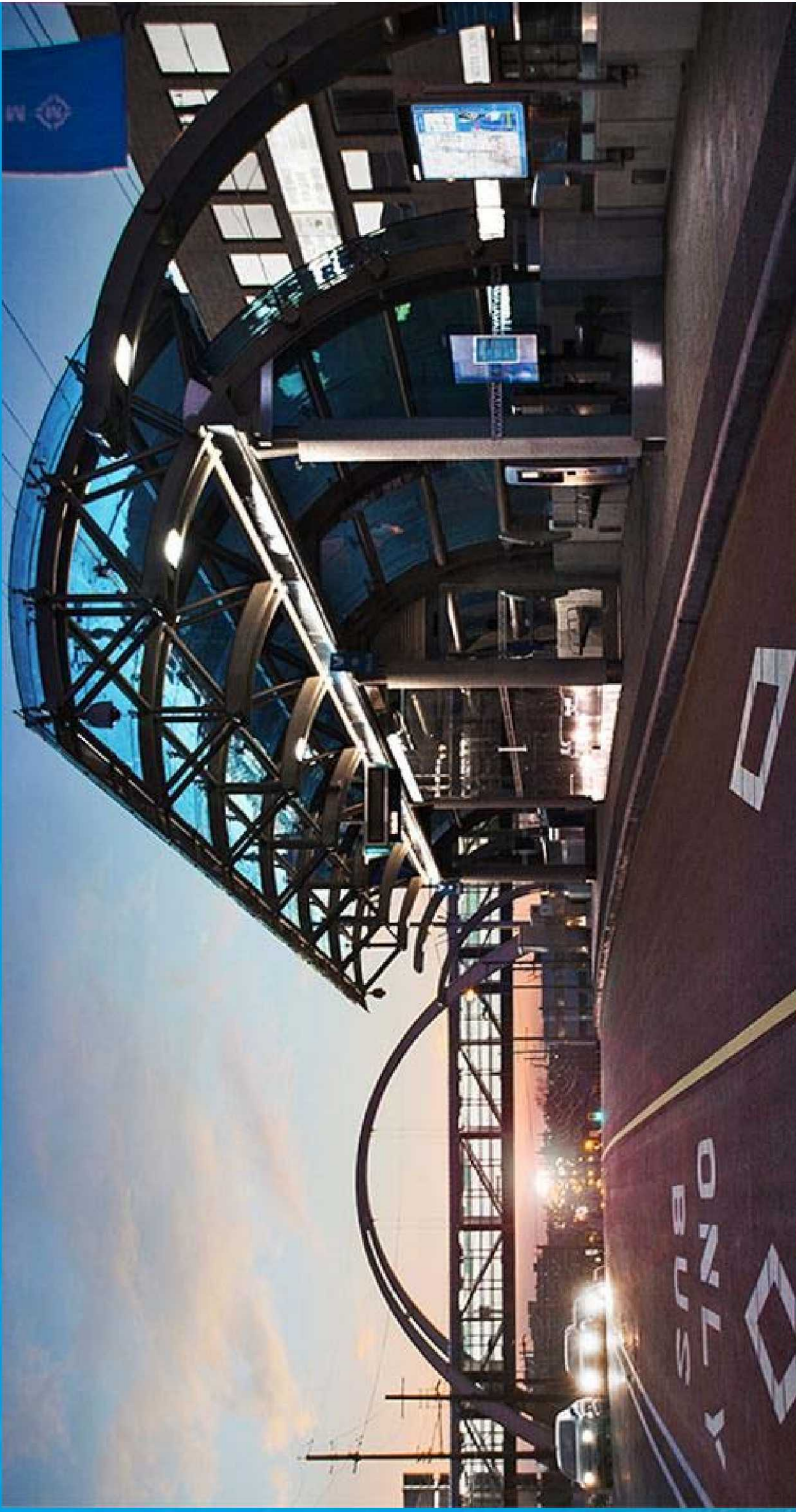
Recommendation:

a) THAT Council appoint the following Members of Council to Committees:

i) Main Street District Business Improvement Area Board of Management – Councillor Kwapis

ii) Newmarket Environmental Advisory Committee – Councillor Vegh

Adjournment



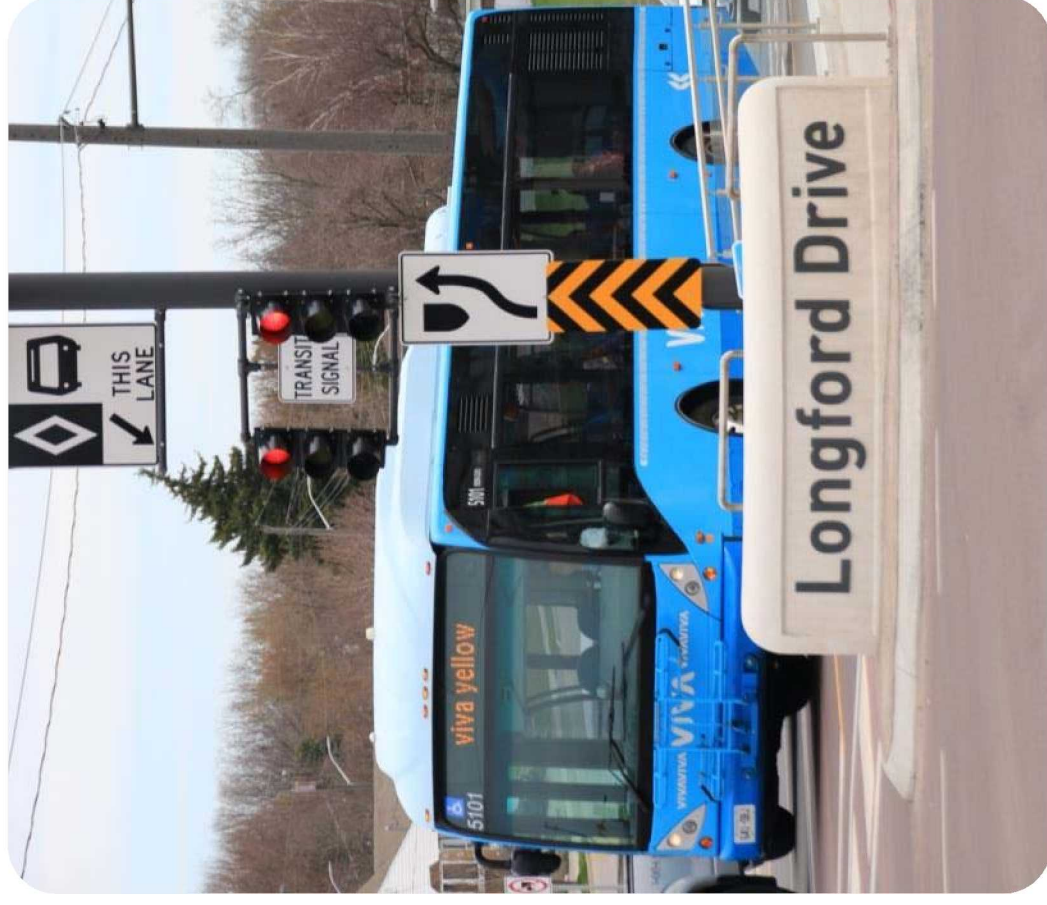
vivaNext - Davis Drive and Yonge Street Updates
Town of Newmarket Committee of the Whole
November 7, 2016



agenda

> current rapid transit projects

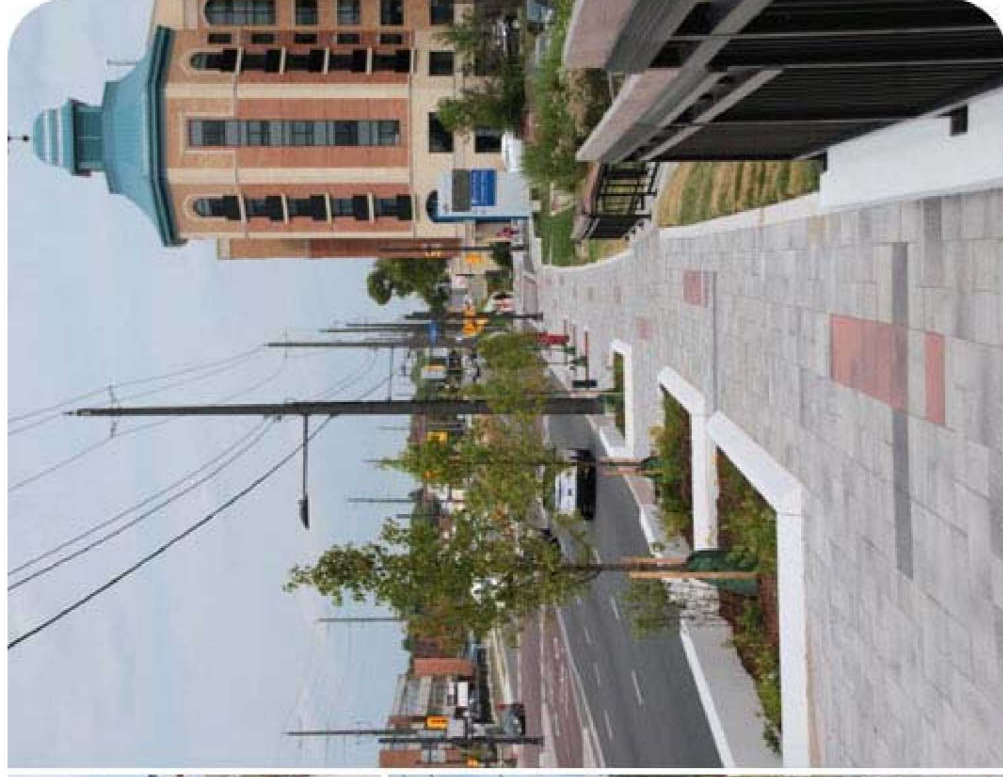
- Davis Drive rapidway
- Yonge Street rapidway
- Business Support
- Ongoing vivaNext project communications



building the future in York Region through transit

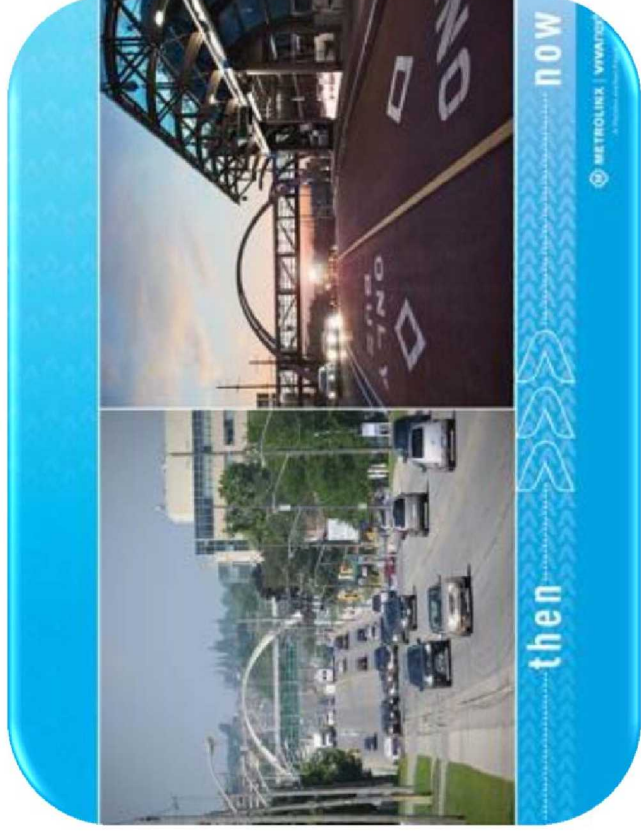


the transformation of Davis is complete



Davis Drive achieves substantial completion

- > Event held October 7 to mark the completion of the finishing touches.



- > 2 year warranty period

- Warranty work as required – e.g. sidewalks, street markings, trees and shrubs.

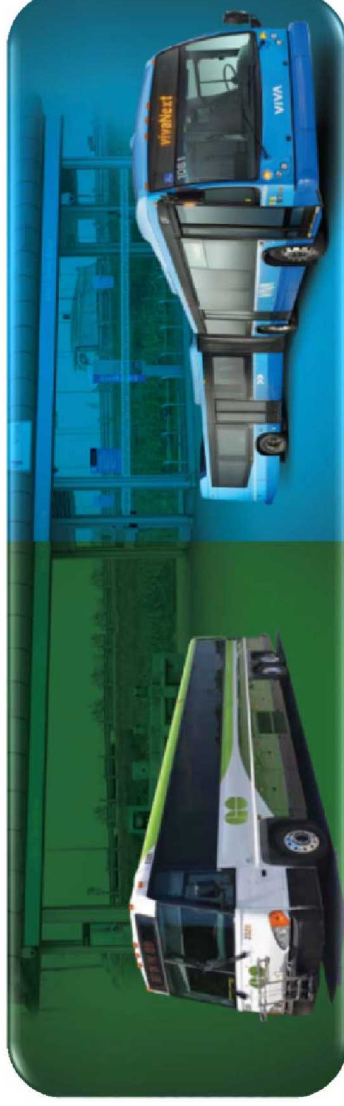
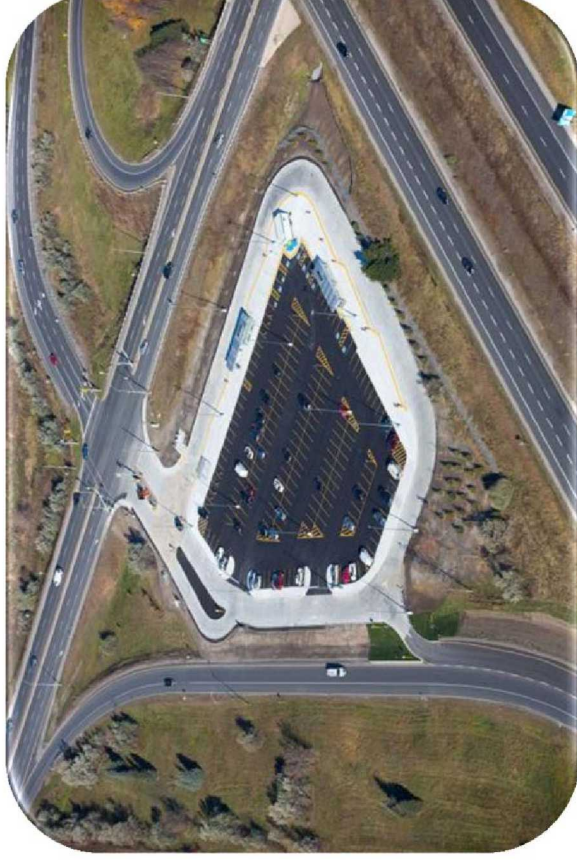
Viva Yellow

- > Along the Davis Drive rapidway there has been a runtime savings of up to 33% in February 2016 compared to YRT pre-rapidway service in February 2015.
- > The Davis Drive corridor has seen ridership growth of 39% between the same timeframe for YRT/Viva service, with approximately 61% of customers using Viva Yellow.



Davis Drive & Hwy 404 Park & Ride lot

- > YRT and GO have introduced a new 404 Express Service that starts at the Davis and Highway 404 Park & Ride lot and travels down Highway 404.



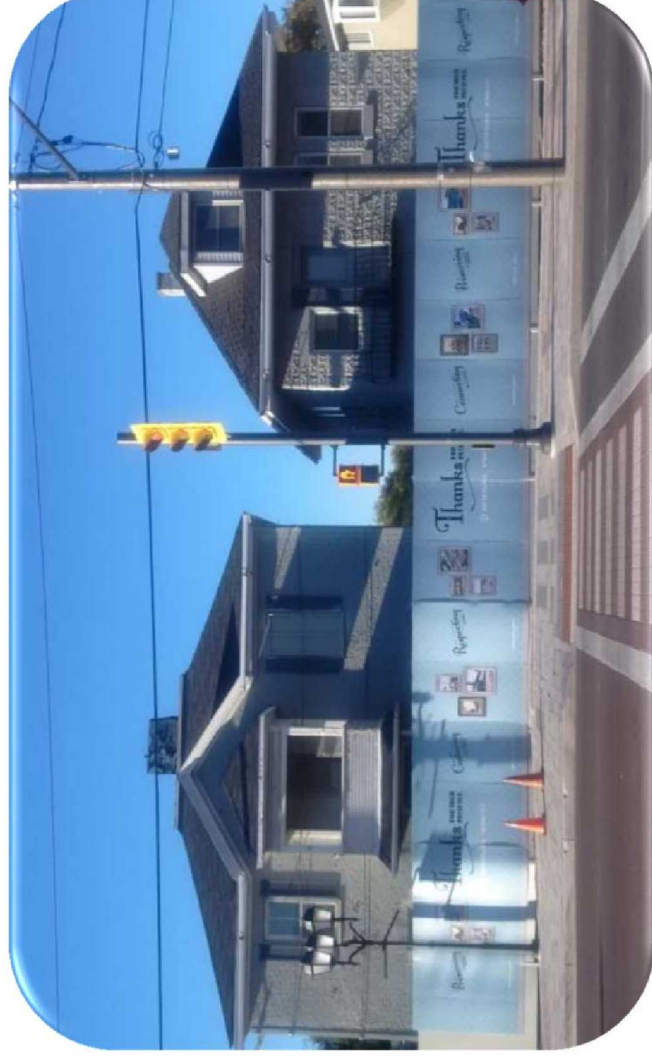
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vivanext
be moved

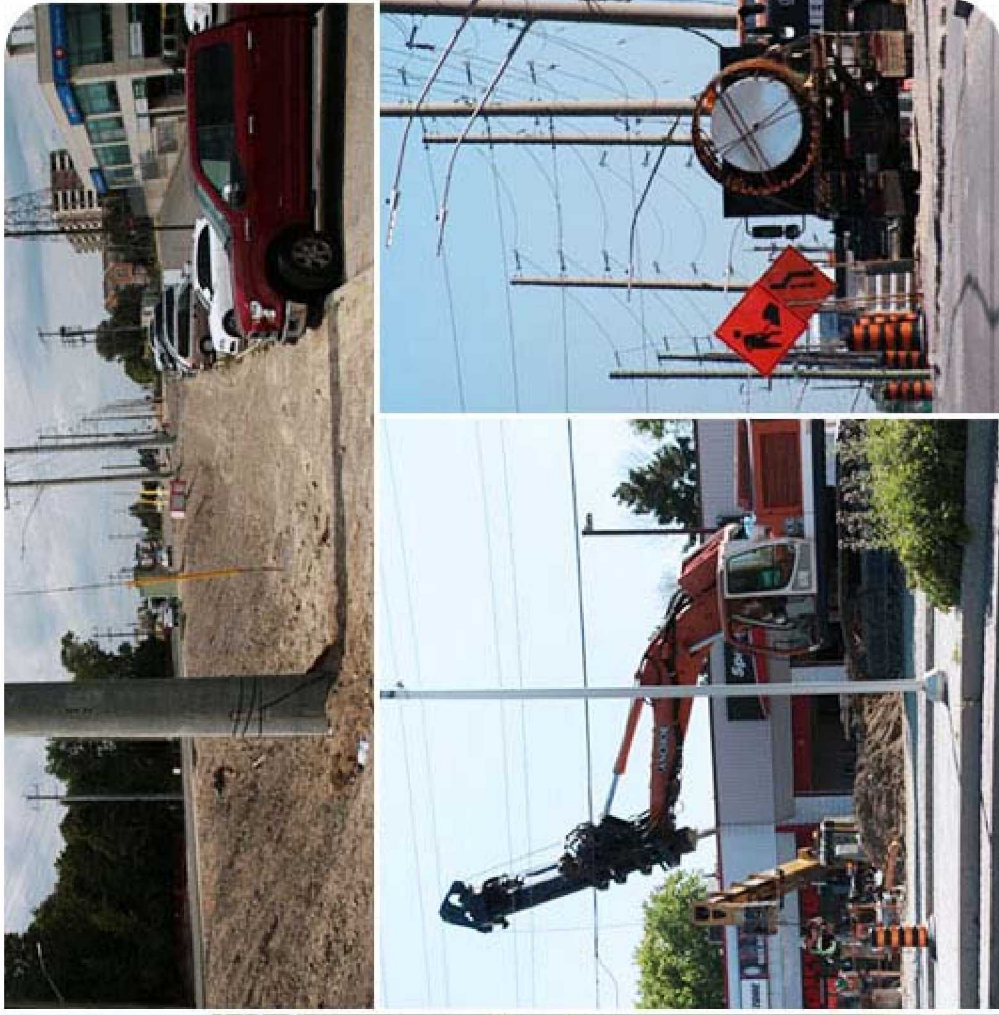
Union Hotel



- > A restoration plan has been implemented.
- > Over the next six months, additional technical assessments will be done to complete remaining work.
- > In the spring of 2017, the final landscaping will be completed, pending the finalization of the structural work plan.



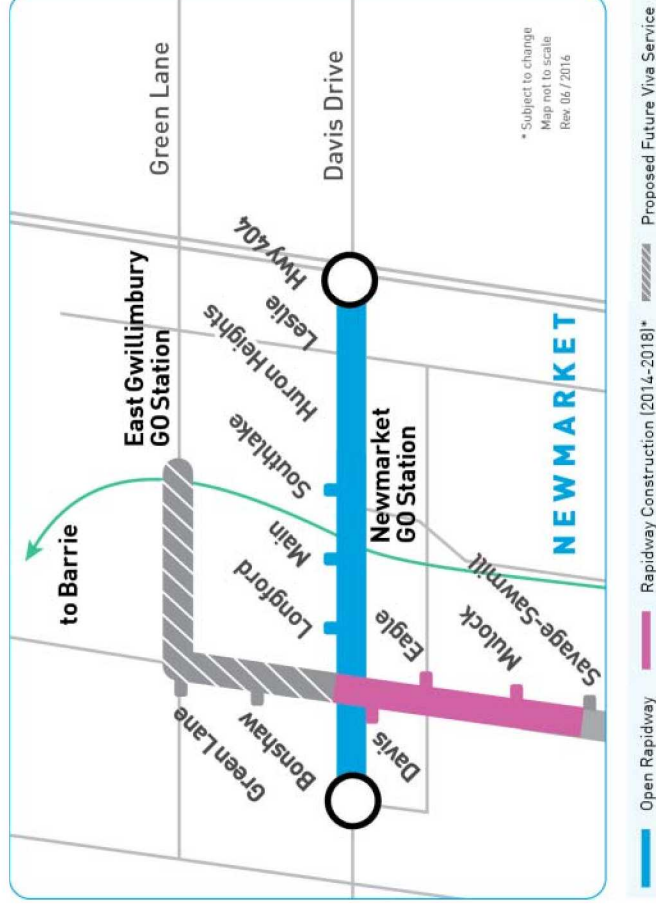
Yonge Street in Newmarket



Yonge Street utilities update

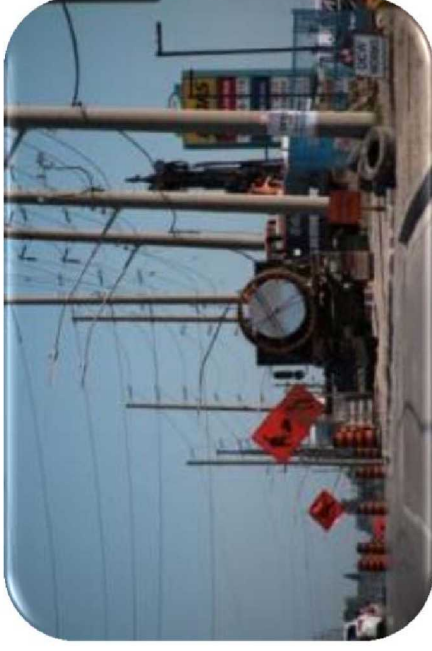
> Sawmill Valley Drive/Savage Road to Davis Drive

- Gas main
 - Installation –100% completed
- Bell/Rogers
 - Civil work – to be completed by end of 2016
- Hydro
 - Pole installation – tentative completion summer 2017.=
- Utility relocations
 - All relocations are scheduled to be completed south of Brandy Lane (just north of Mulock) as of November 7



Yonge Street construction update

- > Activities in preparation of road construction are underway:
 - > median removals
 - > temporary traffic signals
 - > retaining wall at Yonge and Mulock
 - > fire hydrant relocations
- > Road construction will begin next spring
 - > road widening
 - > traffic staging
 - > storm sewer installation
 - > boulevards
- > Schedule under pressure
 - > Some work will carry over into 2019
 - > Analyzing the schedule and options
 - > Report findings in spring 2017



traffic management is ongoing

- > Education
 - All communication channels are leveraged to emphasize safety [i.e. blogs, newsletters, social media, eblasts, construction bulletins, events and VMS signs].
- > Enforcement
 - Contractors and subcontractors notified to not use side streets.

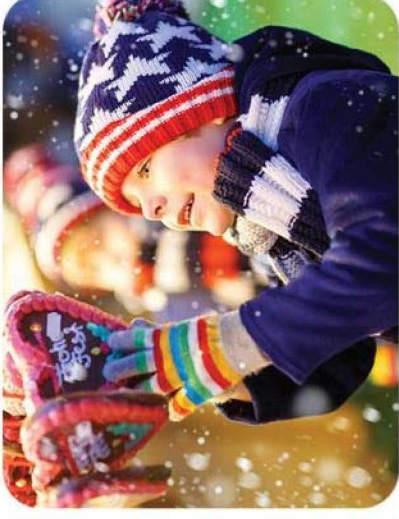


- > Engineering
 - Maintaining four lanes of traffic as much as possible.



Yonge Street business support program

- > Working collaboratively with our partners at the Newmarket Chamber of Commerce to help support businesses during construction
- > Campaigns include:
 - > Newspaper, radio, digital ads
 - > Bus advertising (inside and out)
 - > Geo-targeted mobile ads
 - > Community engagement/outreach
 - > Website and social media posts
 - > Business profiles
 - > Complimentary memberships to the Chamber
- > For more information on the Business Support Program contact your Community Liaison



ShepYonge

vivaNext project communications



Sophia Bittar
Community Liaison
Yonge Street, Newmarket



Leslie Pawlowski
Community Liaison
Yonge Street, Richmond Hill



Kristina Bergeron
Community Liaison
Davis Drive, Newmarket

13

vivaNext
be moved

Thank you

vivantext





Environmental Services Upper York Sewage Servicing (UYSS) Project Status Update

Presentation to

Town of Newmarket Committee of the Whole

16

Mike Rabeau, Director, Capital Planning and Delivery
Shu He, Manager, Engineering, Capital Planning and Delivery

November 7, 2016



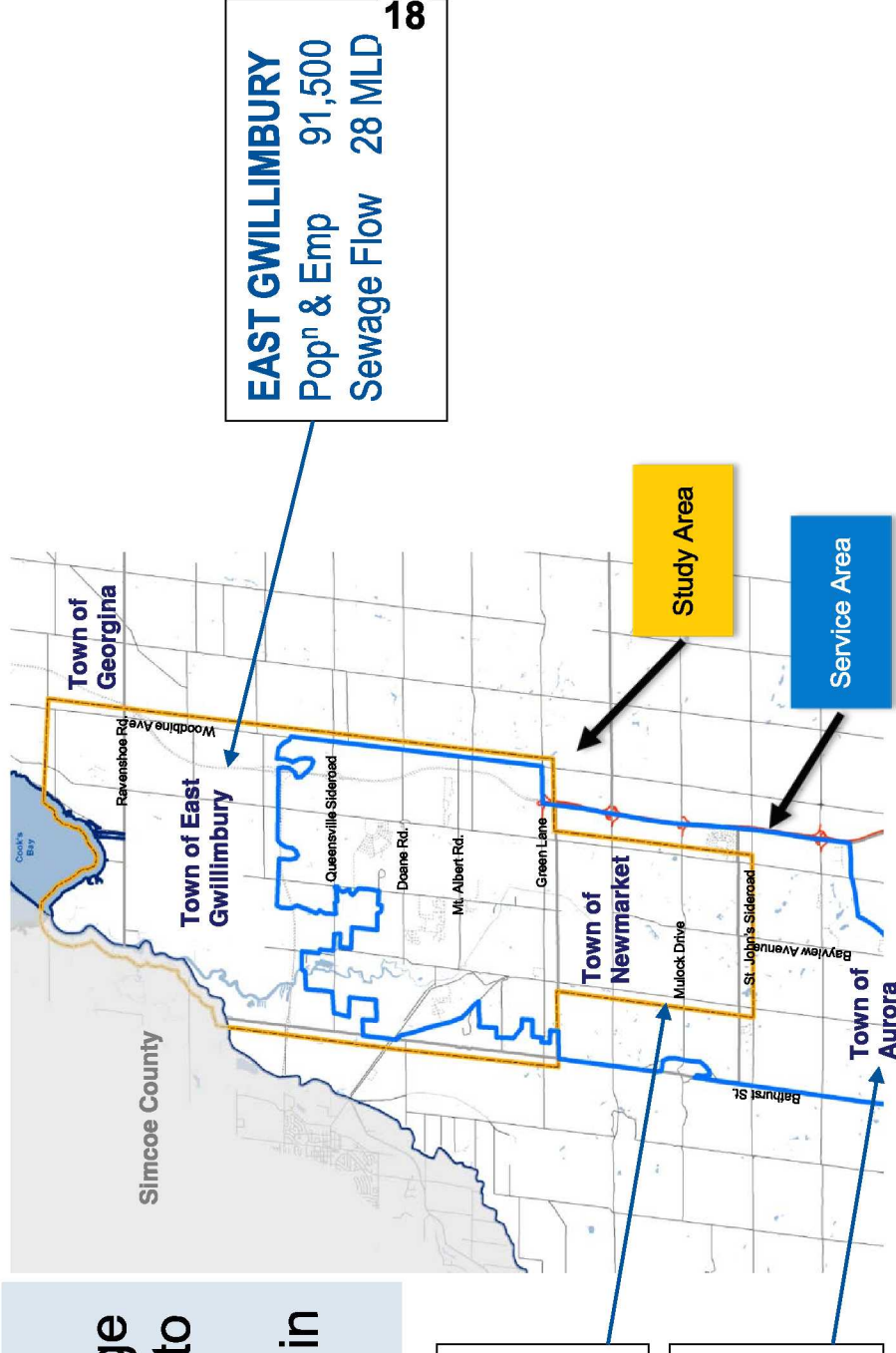
Presentation Outline

- Overview of Upper York Sewage Servicing (UYSS)
- York Durham Sewage System (YDSS) Modifications
 - YDSS Overview
 - Alignment Fly Over Video
 - Project Timeline
 - Construction Methodologies
 - Microtunnelling Shaft Compound Locations
 - Potential Impacts and Proposed Mitigation Strategies
- Project Communication
- Proposed Phosphorous Offsets
- Next Steps

Upper York Sewage Servicing (UYSS)

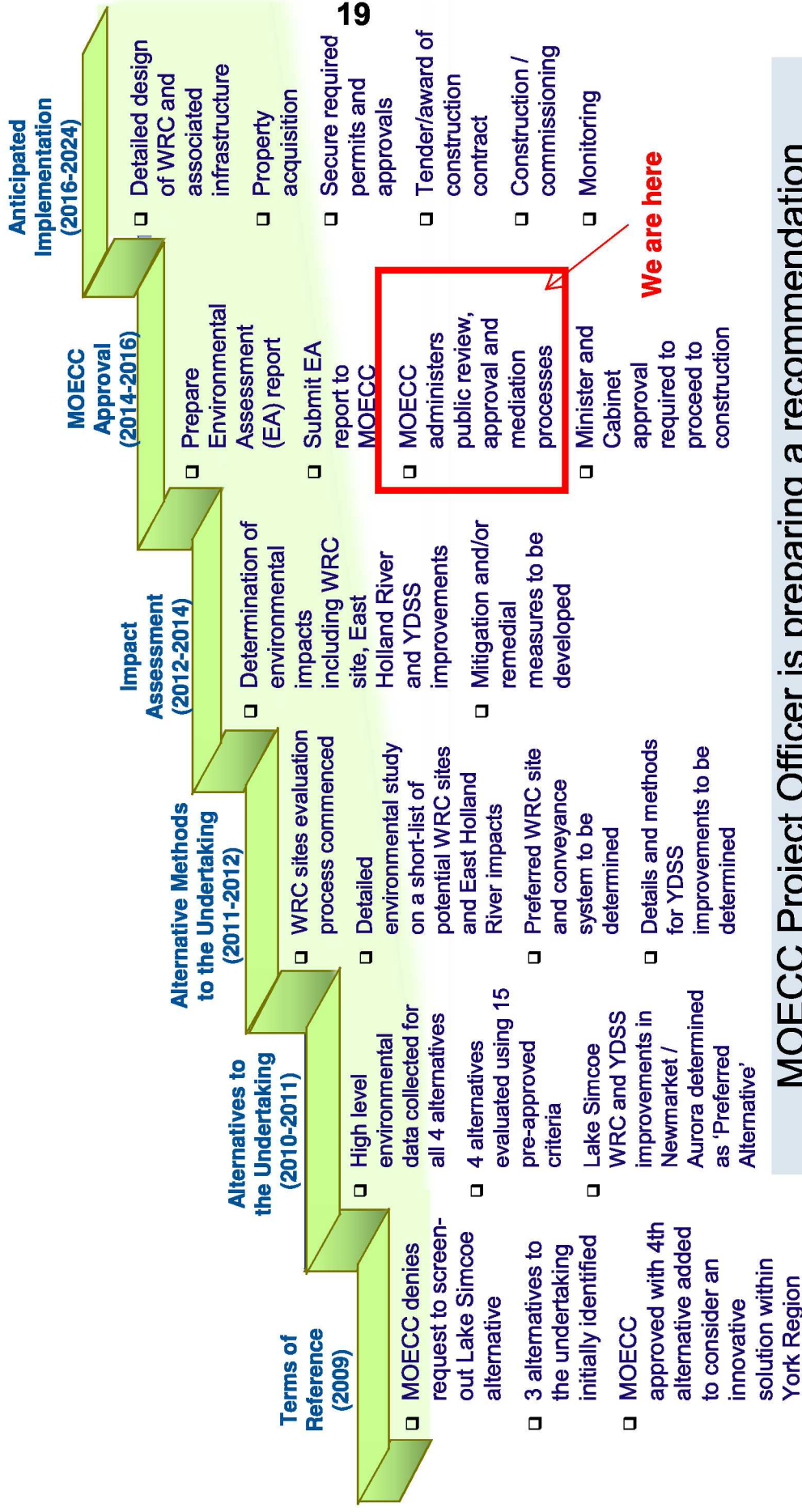
Purpose

To develop a sustainable sewage servicing solution to accommodate forecasted growth in UYSS area



47 million litres per day (MLD) additional capacity required to 2031

Upper York Sewage Servicing (UYSS) Individual Environmental Assessment Process



MOECC Project Officer is preparing a recommendation package to the Minister for IEA approval by the end of 2016

UYSS Key Elements

**Water Reclamation
Centre with Reclaimed
Water & Discharge to
the East Holland River**

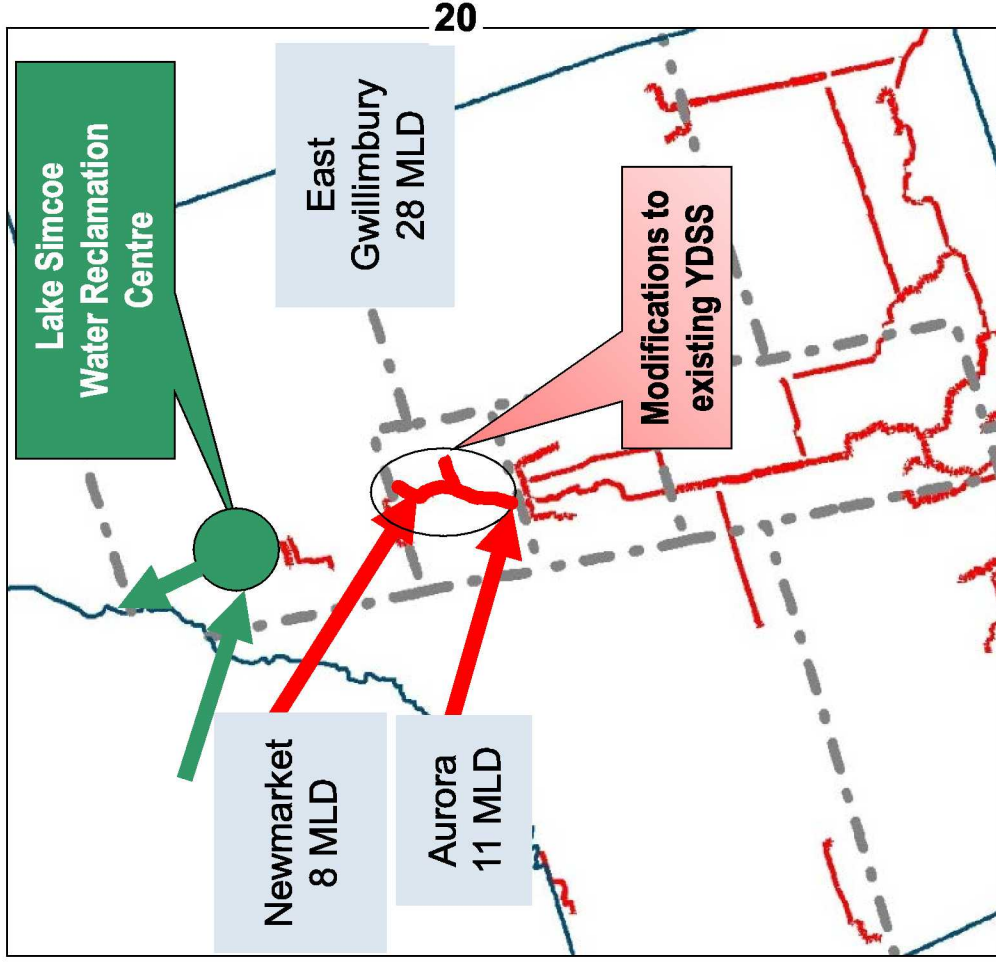
Clean treated effluent
for discharge into the
East Holland River
and reclaimed water
and reclaimed water
applications.

**Modifications to
the Existing York
Durham Sewage
System**

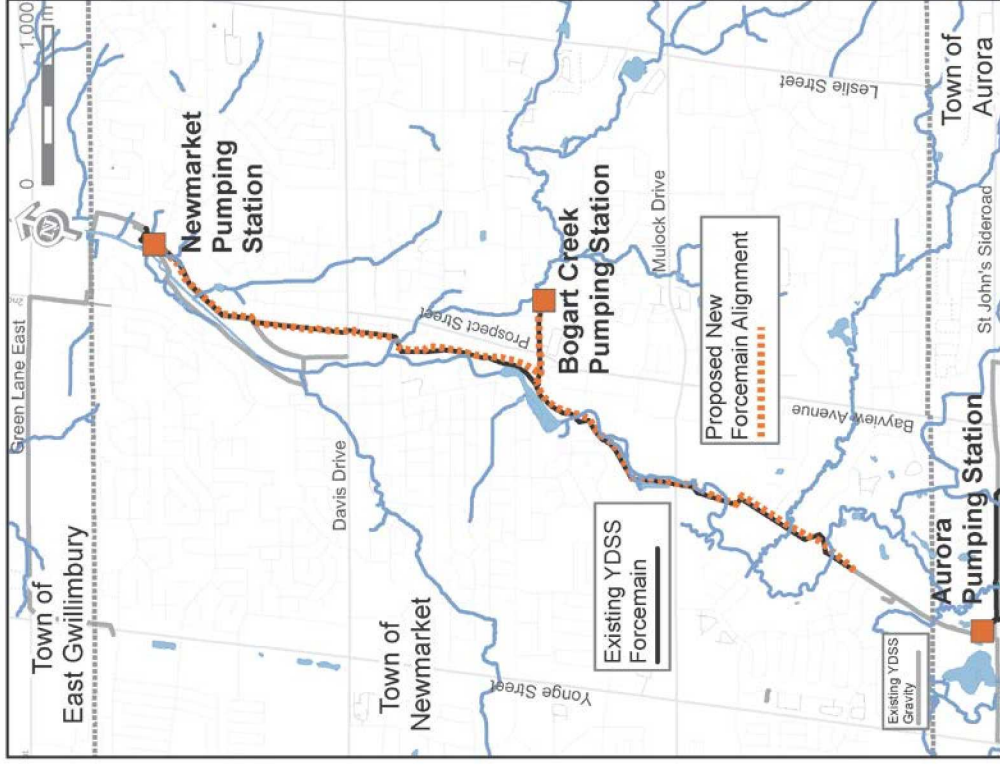
System reliability &
security and
protection against
severe peak flows

**Project Specific
Phosphorus
Off-Setting
Program**

A net reduction of
phosphorus into the
Lake Simcoe
watershed



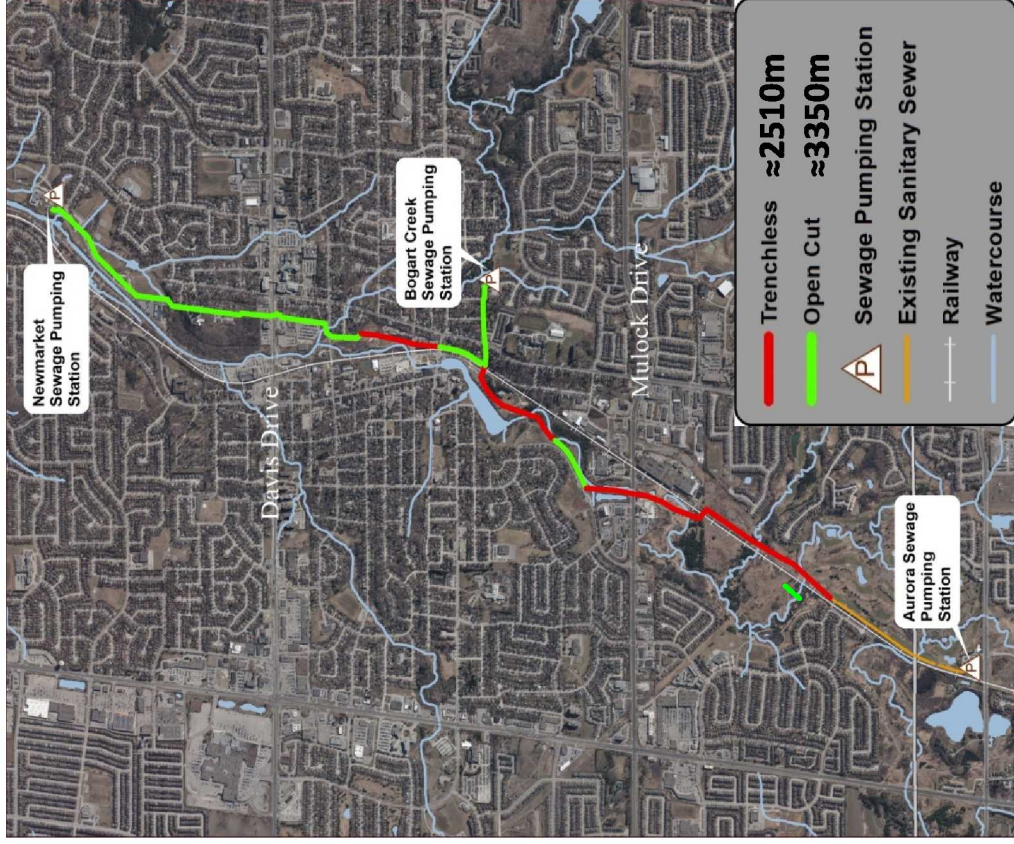
York Durham Sewage System (YDSS) Modifications



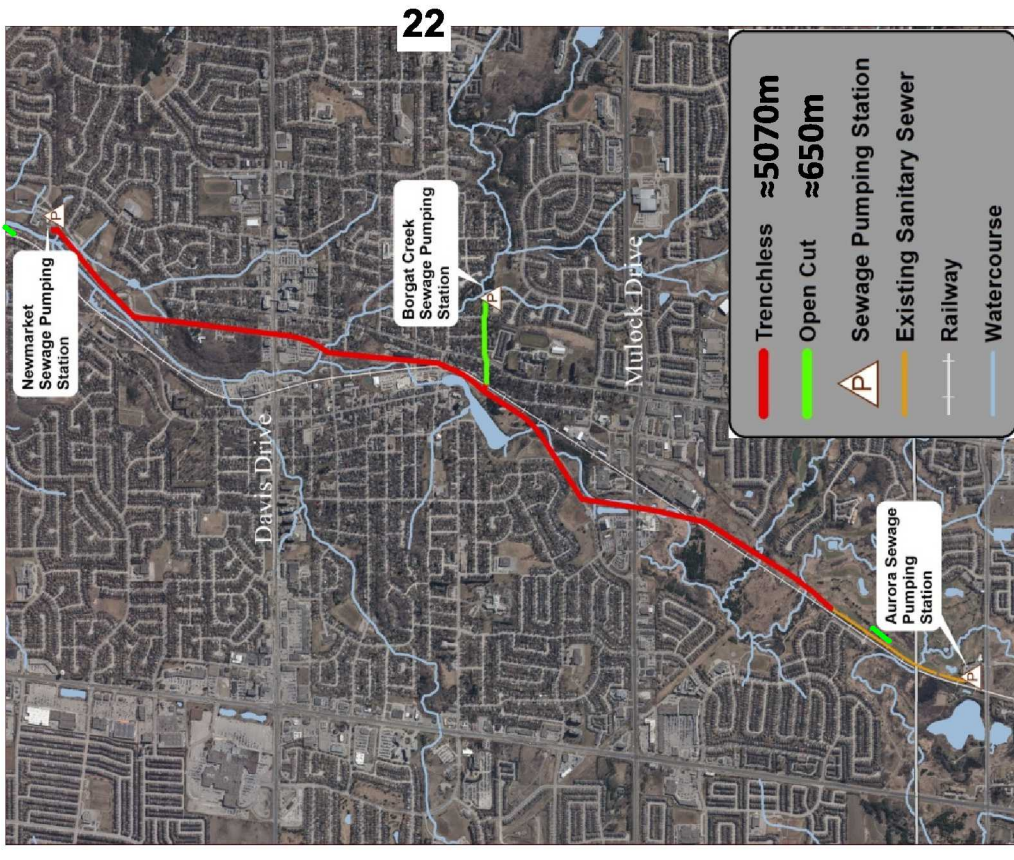
- Two new forcemains
- Modifications to Newmarket and Bogart Creek Sewage Pumping Stations
- Providing additional system reliability during high flow conditions and redundancy
- Providing capacity for additional 2000 persons benefitting Newmarket and East Gwillimbury

YDSS Mods Design Enhancement from IEA

IEA Alignment



Detailed Design Alignment



YDSS Modifications

Ongoing Design Work and Field Investigations

- Environmental inventory and assessment
- Geotechnical Investigations
- Hydrogeological Investigations
- Subsurface Utilities Engineer
- Property Acquisition
- Agency Consultation
- Detailed Design

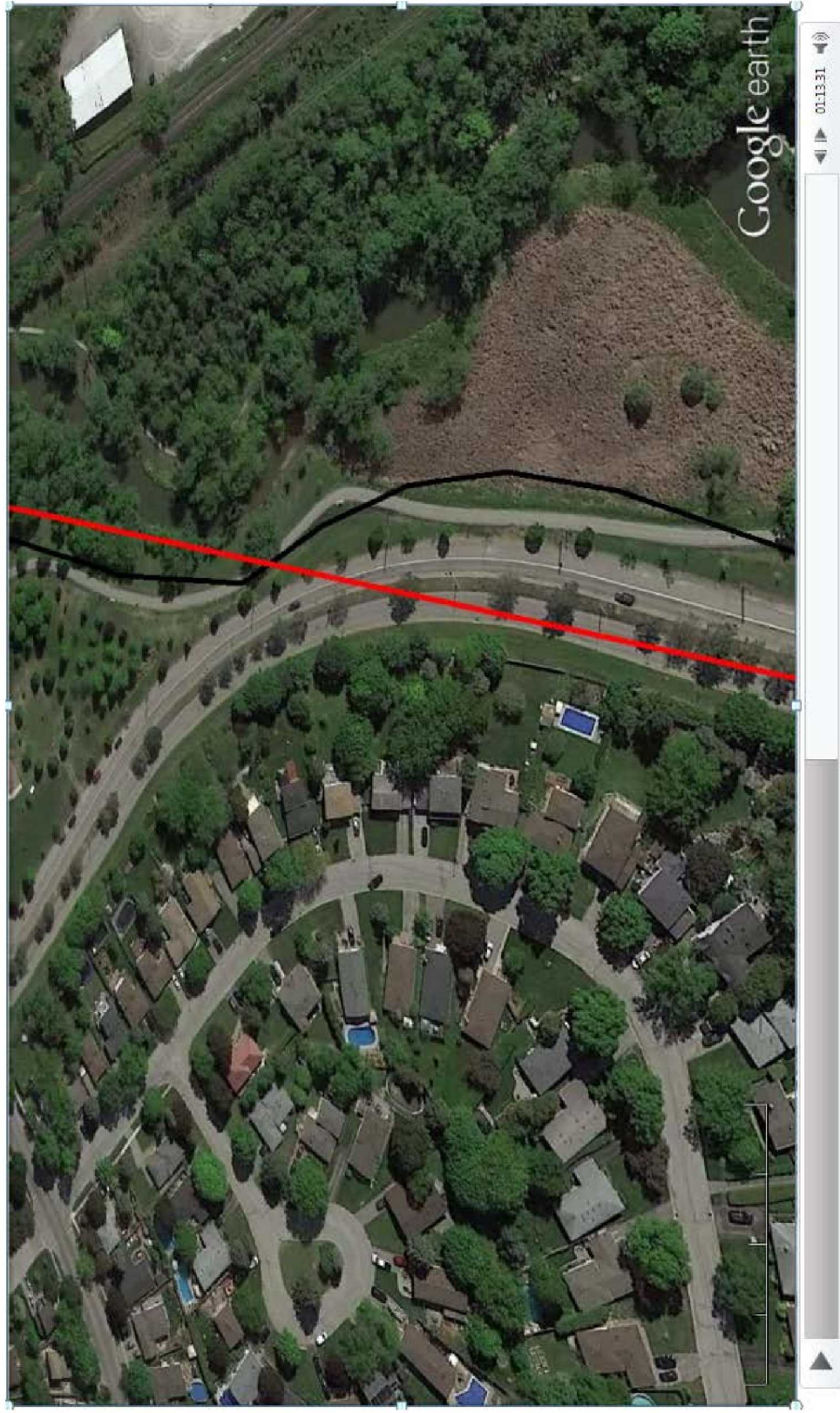


YDSS Modifications

Key Design Features

- Over 5000 metres of trenchless construction from Newmarket Pumping Station to Aurora Pumping Station
- Approximately 650 metres of Open-Cut construction from Bogart Creek Pumping Station to the Newmarket forcemain at Fairy Lake²⁴
- 10 Microtunnelling Construction Compounds
- 3 Railway Crossings
- 16 Water Crossings

YDSS Modifications Fly Over Video



YDSS Modifications Project Timeline

- **IEA approval anticipated in fall 2016**
- Property Acquisition - Q4 2016
- Detailed Design Completion - Q1 2017
- Permits and Approvals - Q1 2017
- Tender and Award - Q2 2017
- Construction Start - Q3 2017
- Commissioning - Q4 2019

Construction Methodologies

Open Cut - trench excavation providing adequate space to install infrastructure

- Requires excavation of roadways, and Road closures
- More surface area required compared to trenchless methods

Microtunnelling – Trenchless method to install infrastructure using a remote controlled tunnelling machine

- Requires sending and receiving shafts and compounds
- Low impact to environment and surrounding community
- Low surface impacts above tunnel operation

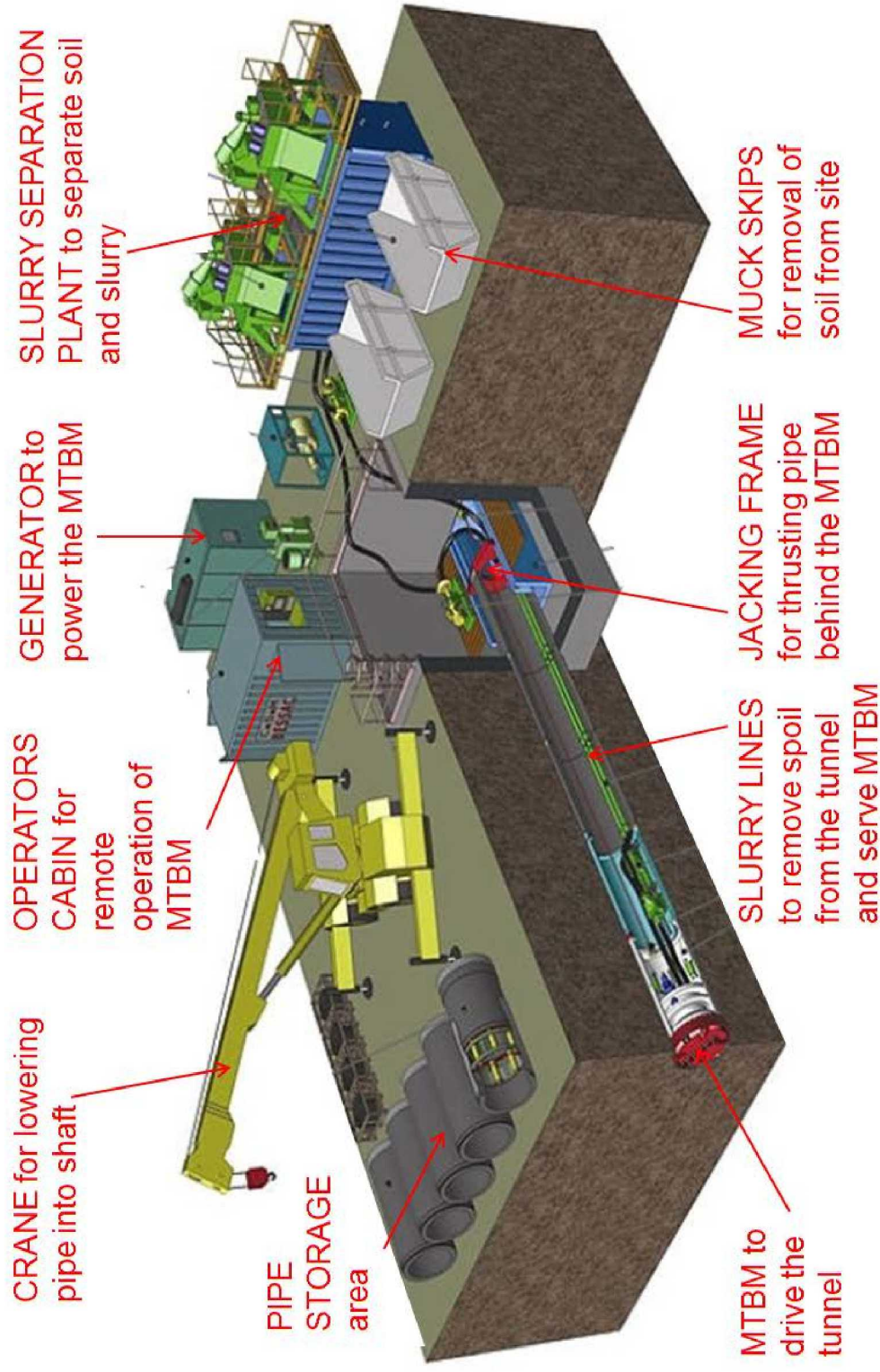


Open Cut

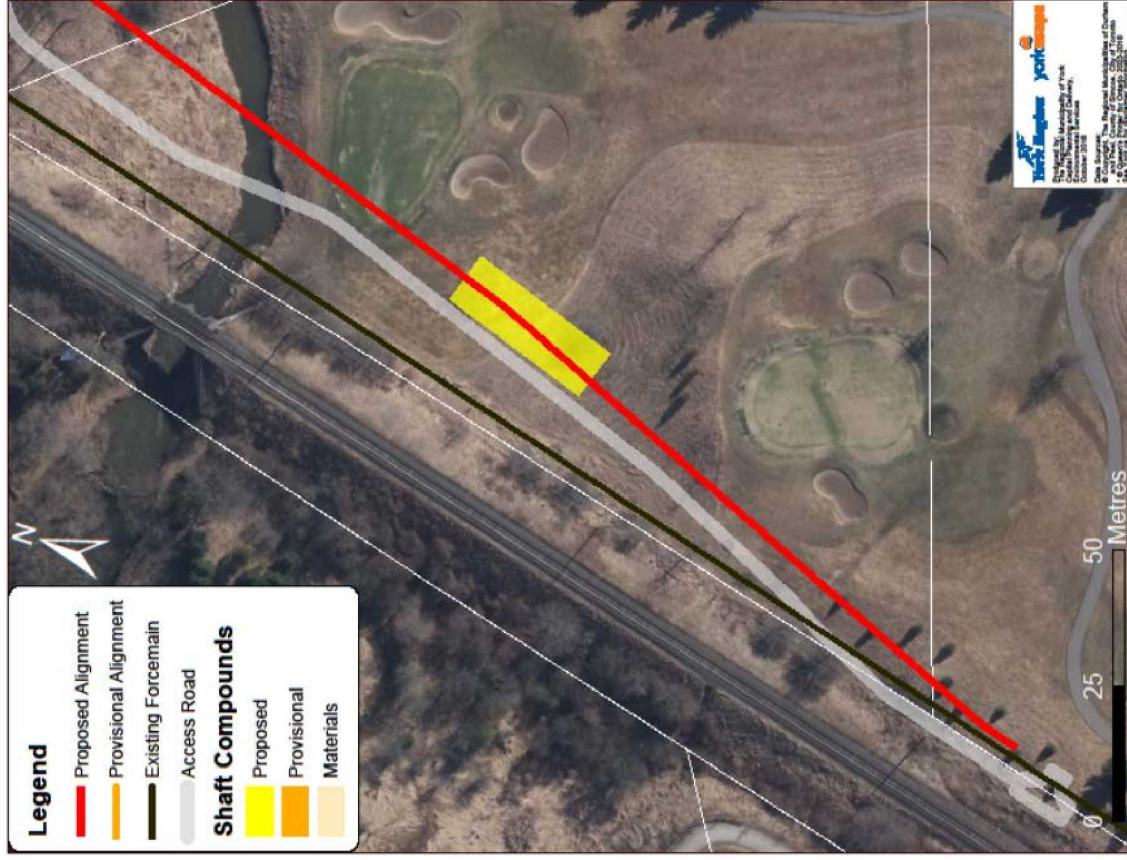


Microtunnelling

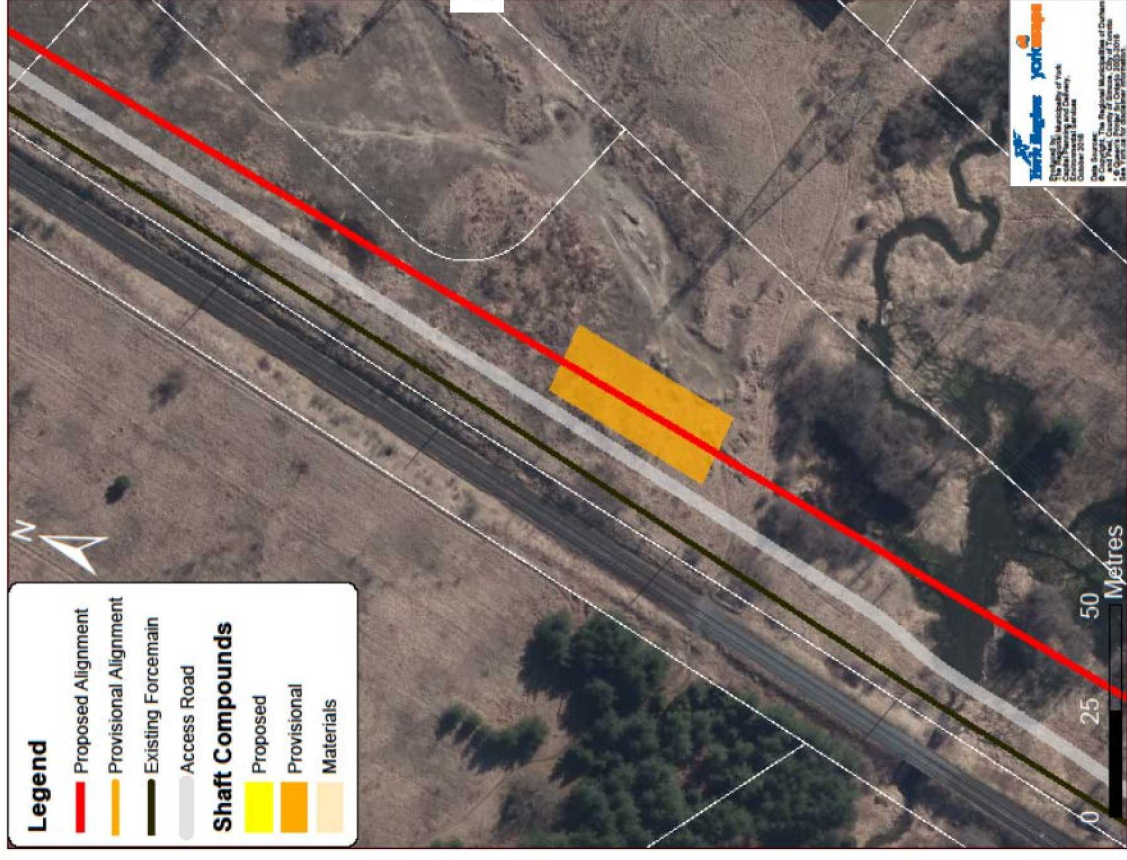
Typical Microtunnelling Compound Layout



Receiving Shaft St. Andrew's Golf Club

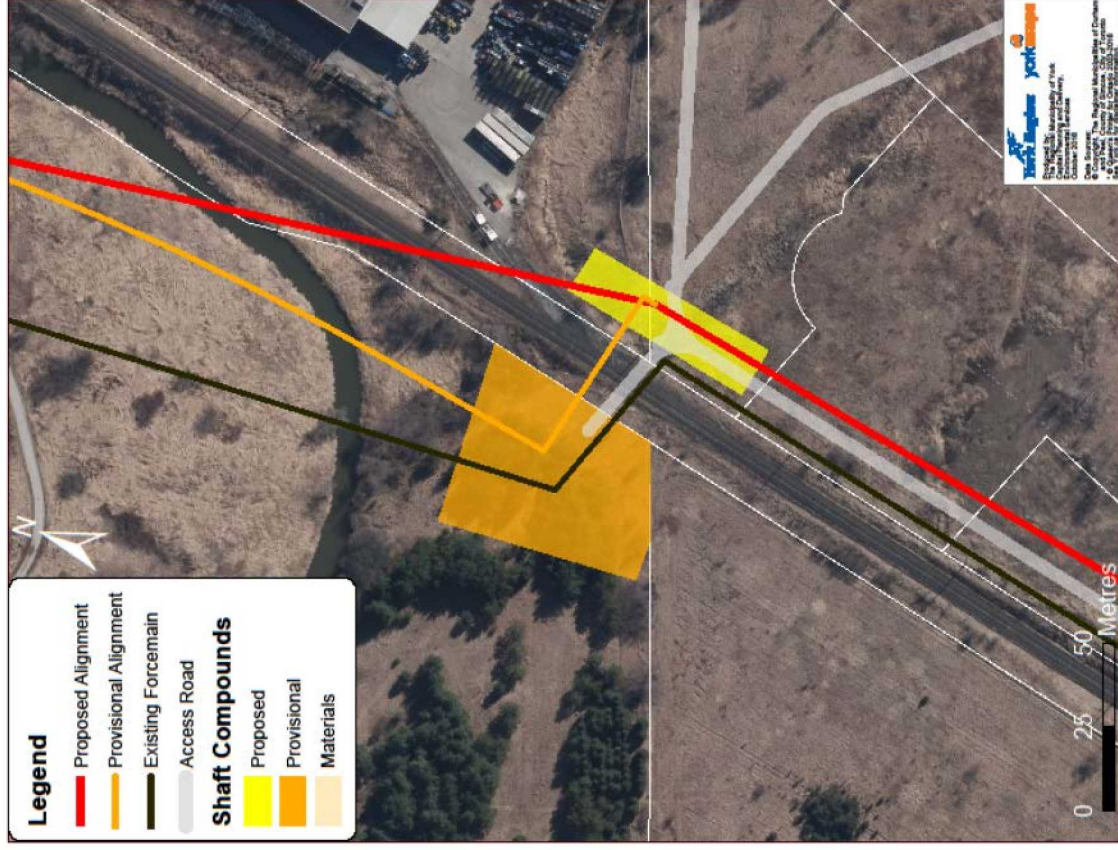


Provisional Shaft West of silken Laumann Drive



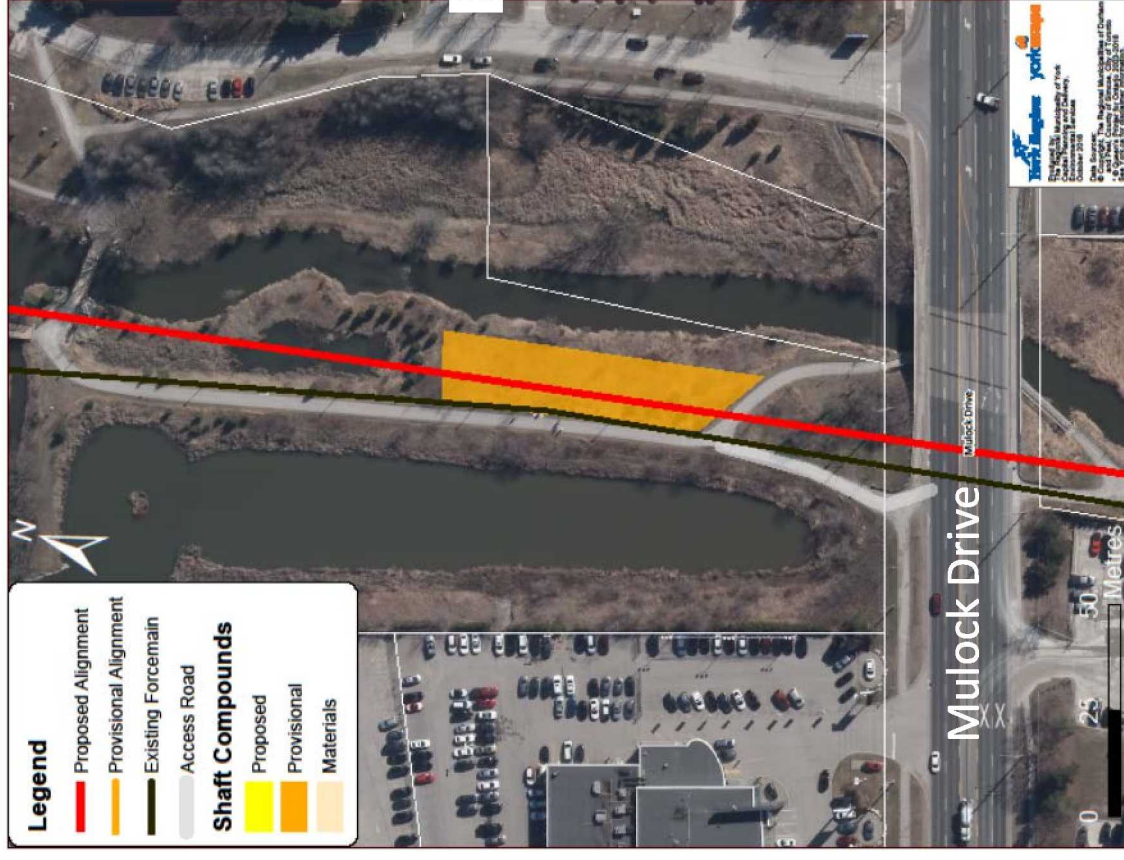
Sending Shaft & Provisional Shaft

Northwest of Sydor Court

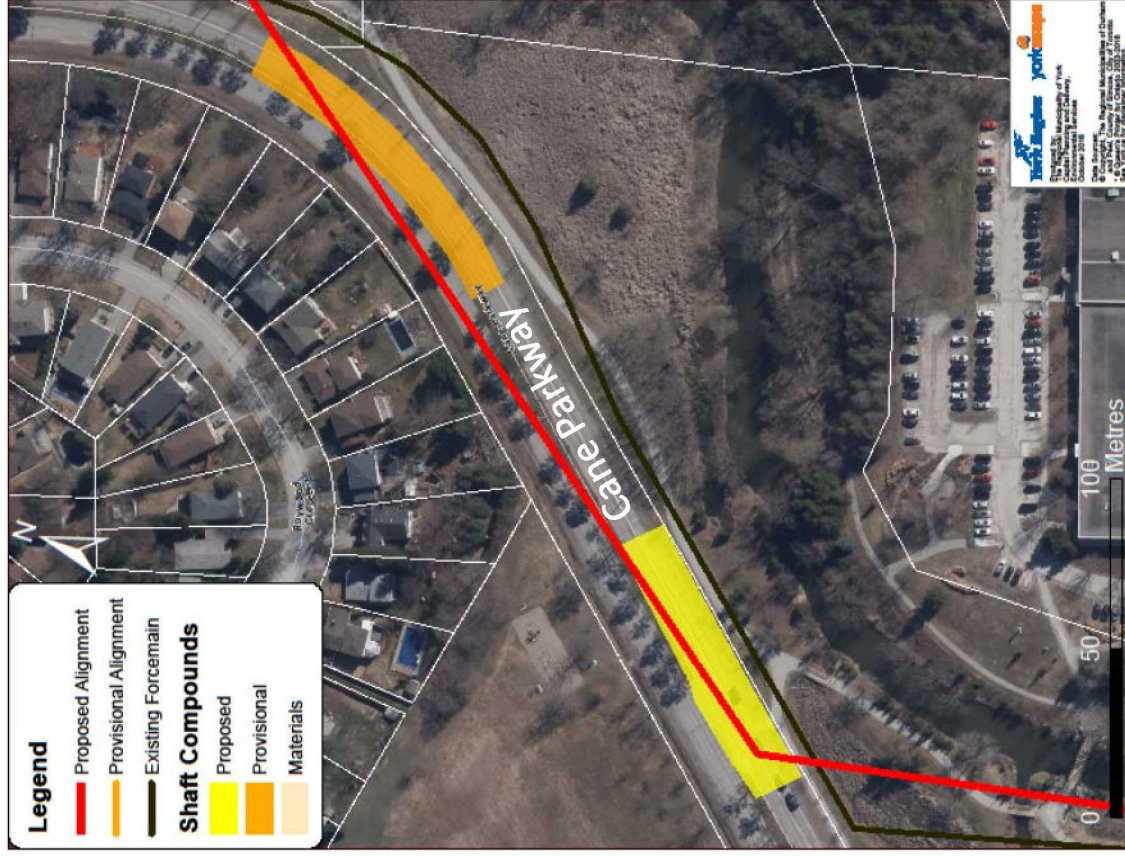


Provisional Shaft

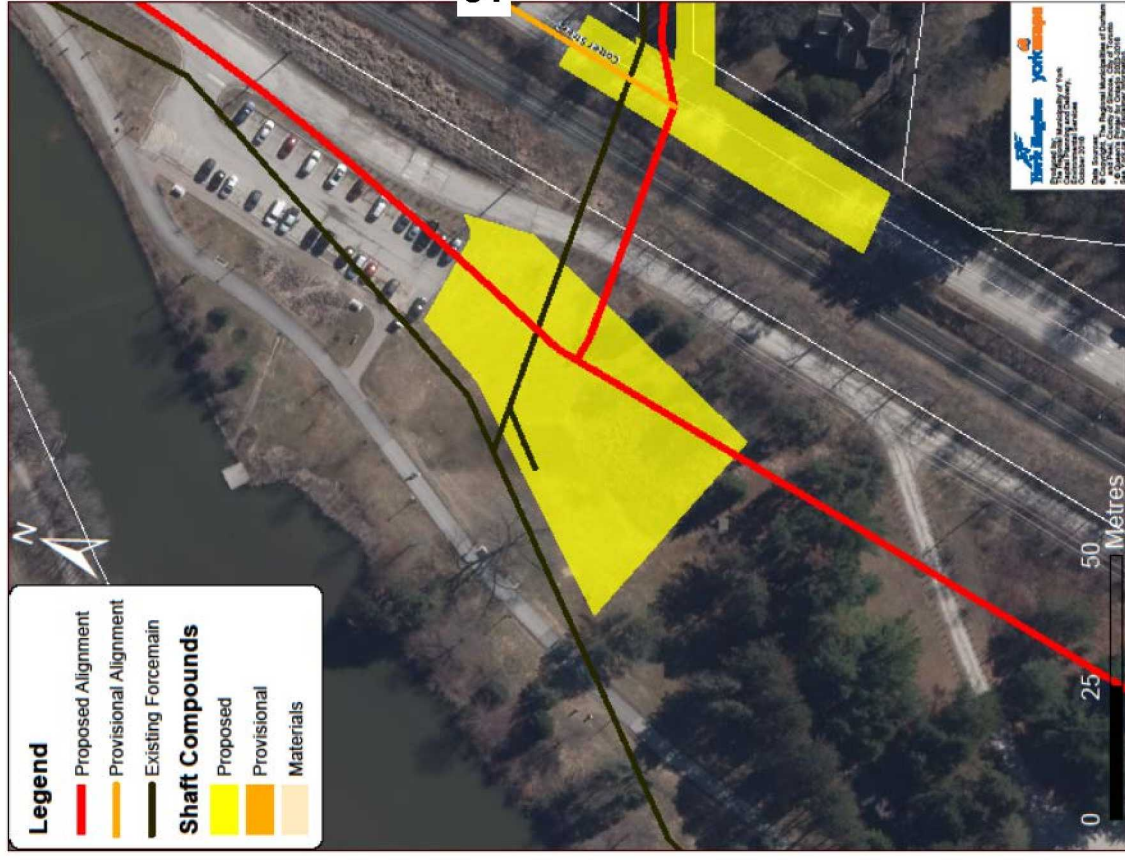
North of Mullock Drive



Receiving Shaft & Provisional Shaft Cane Parkway

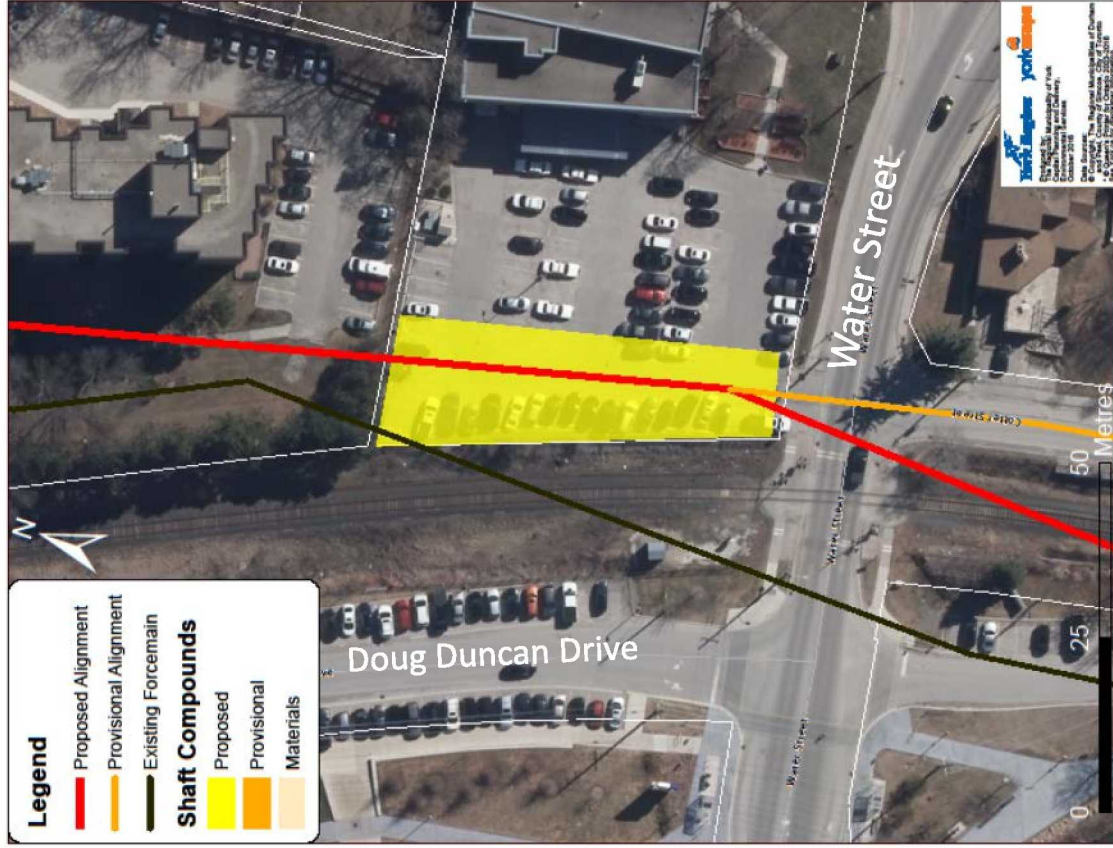


Sending Shaft at Fairy Lake & Receiving Shaft on Cotter St.

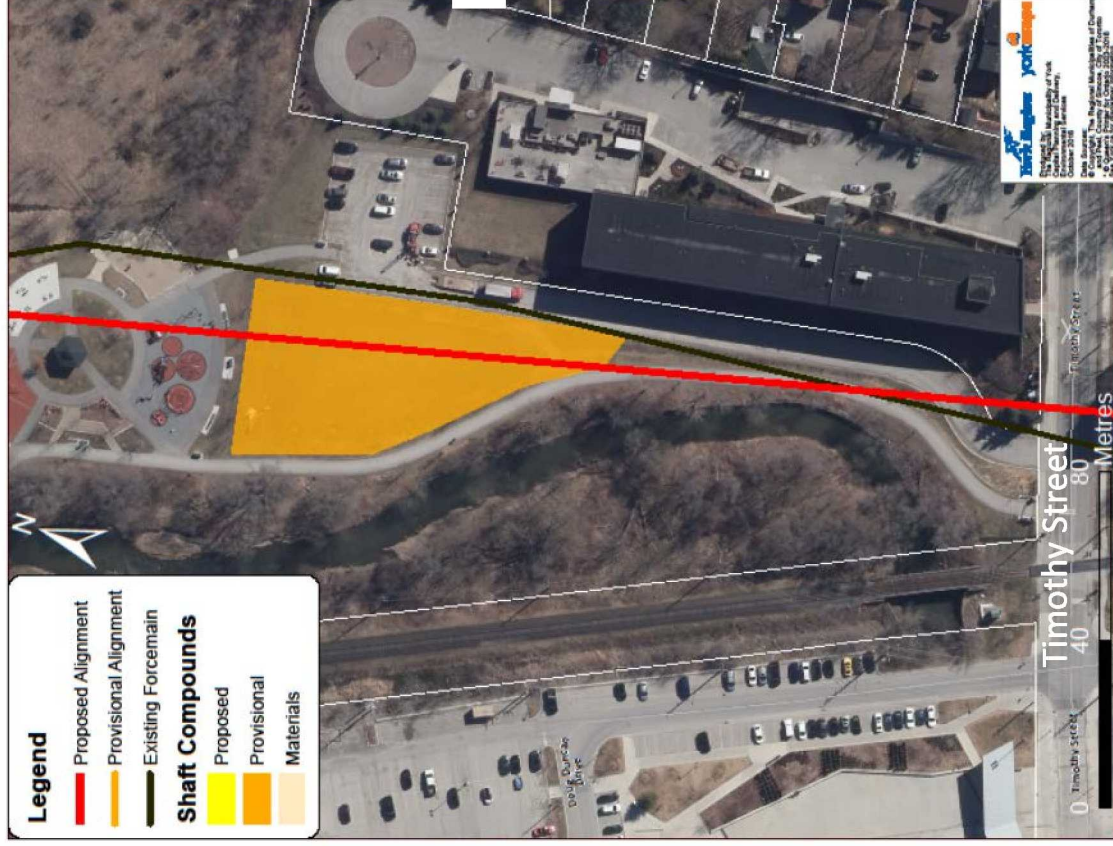


Receiving Shaft York Regional Police – District 1

Provisional Shaft South of AOK Playpark

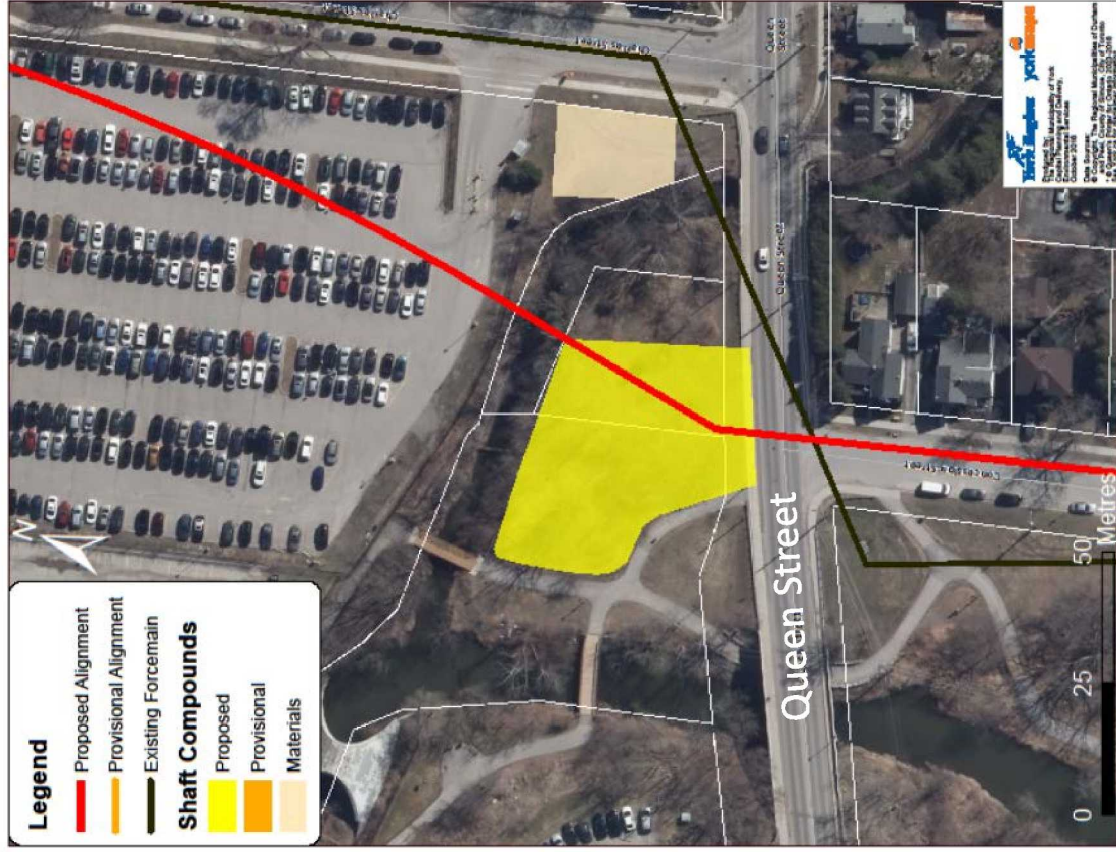


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Sending Shaft & Materials Laydown

North of Queen Street

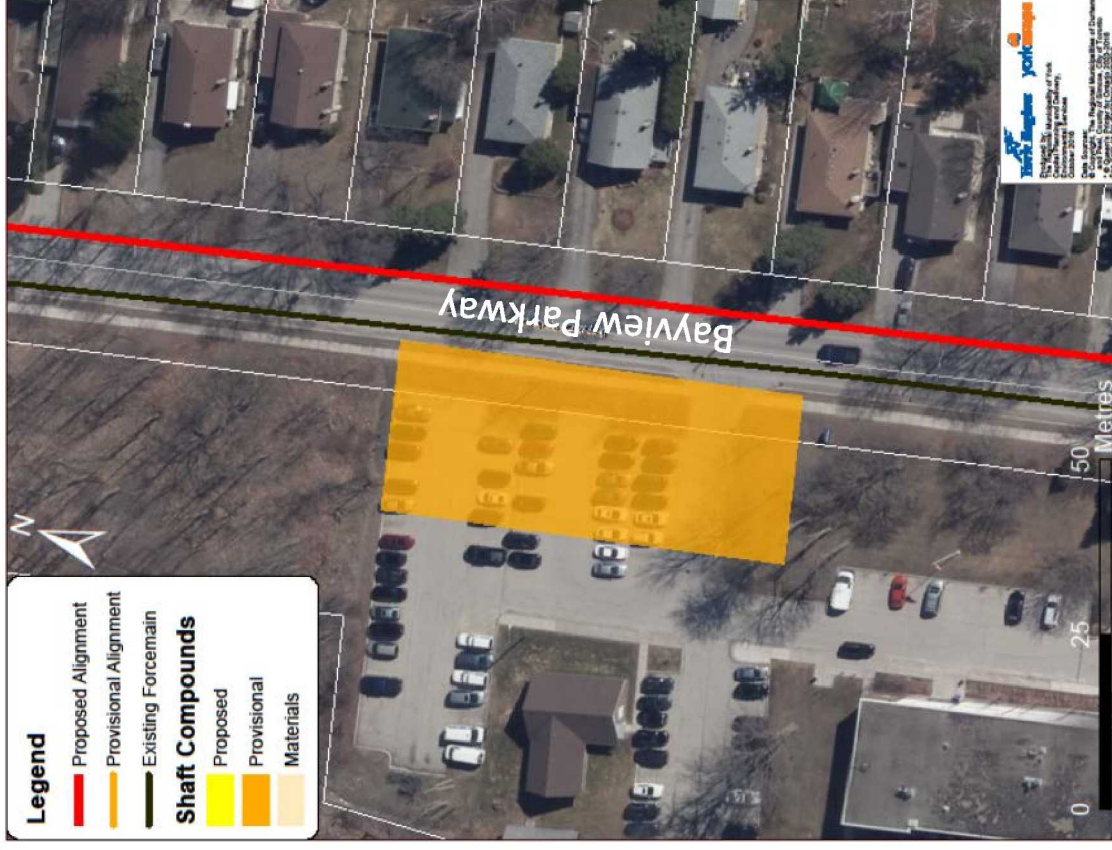


Receiving Shaft

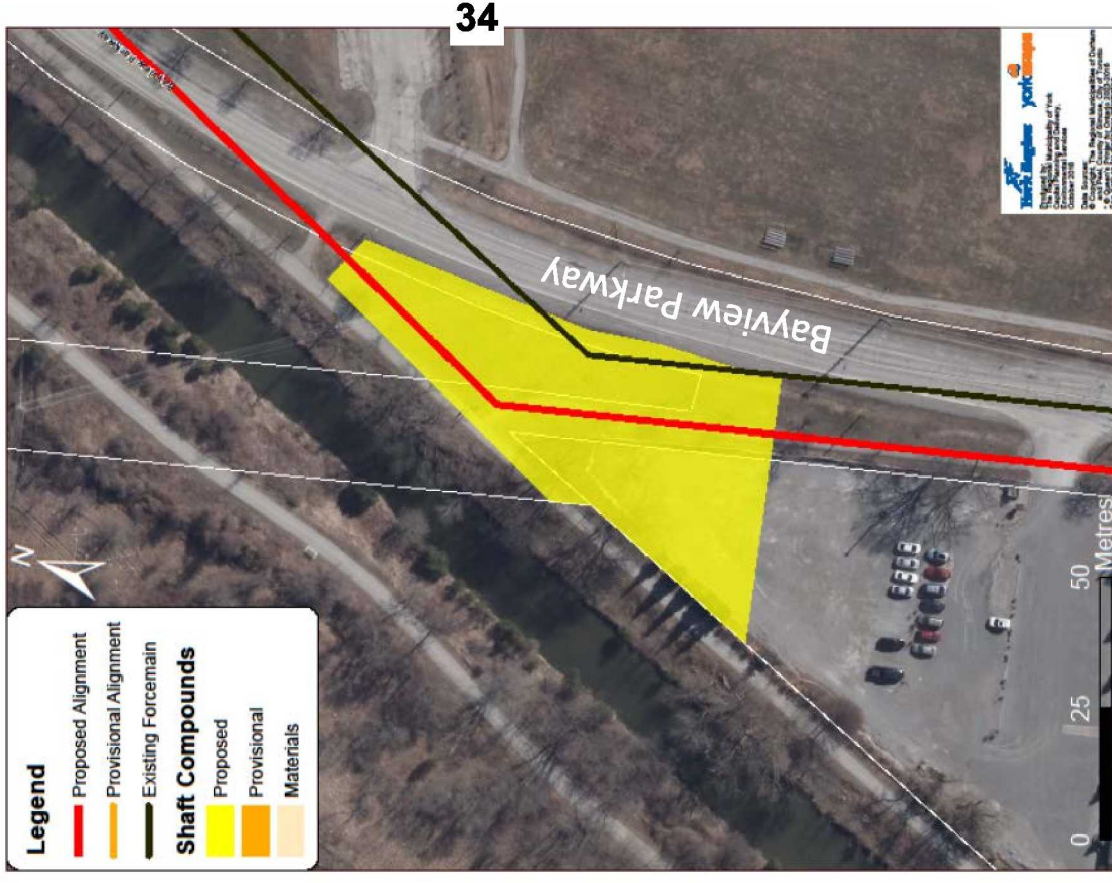
North of Davis Drive



Provisional Shaft Bayview Parkway

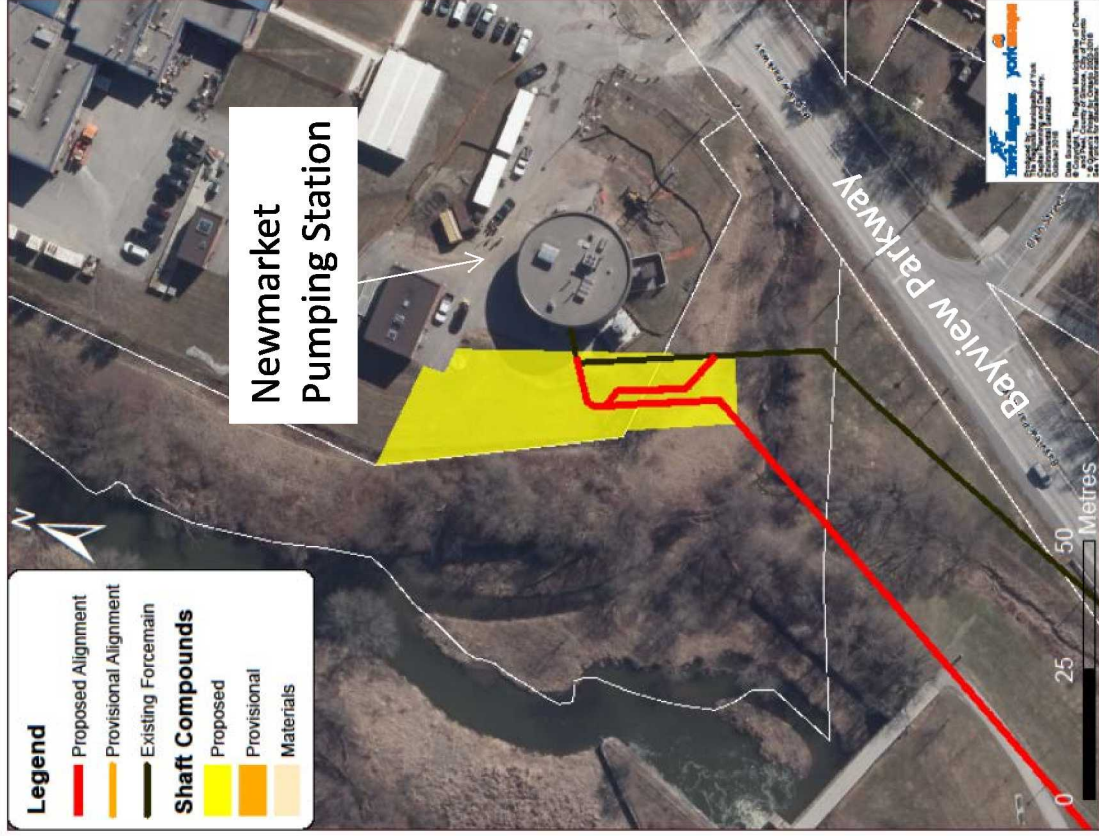


Sending Shaft Bayview Parkway



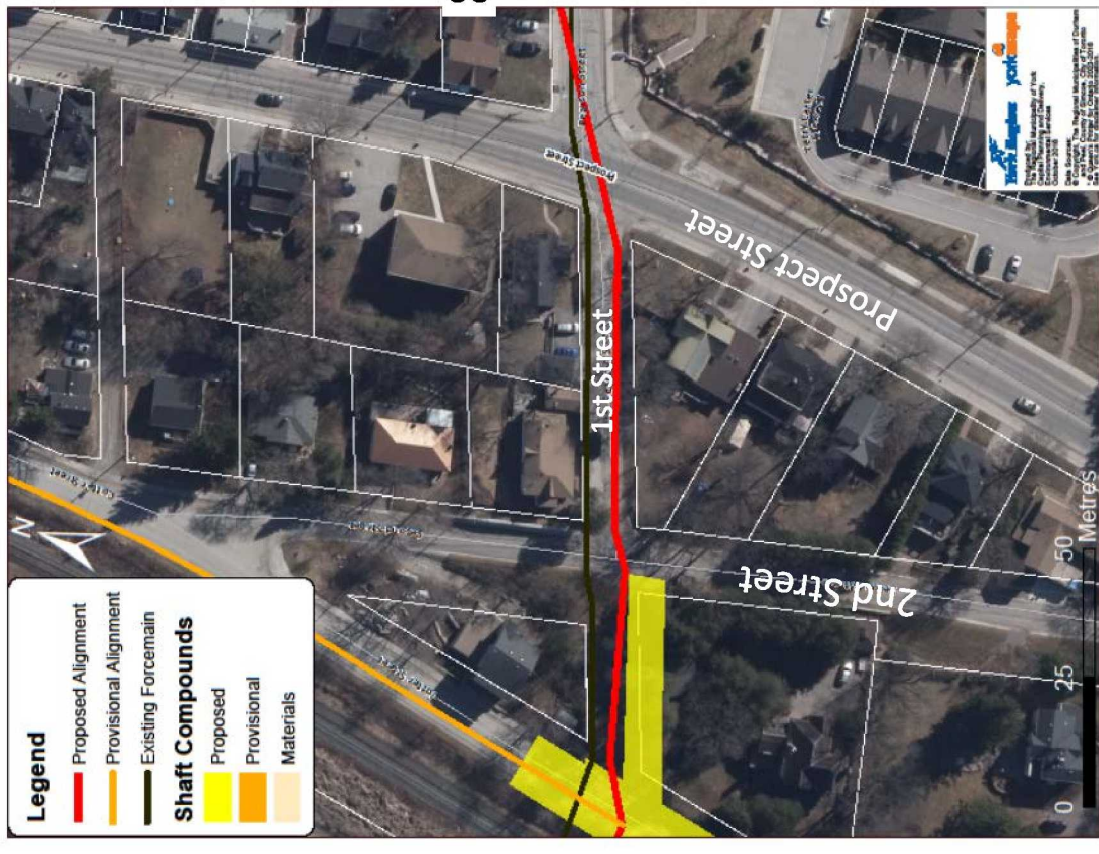
Receiving Shaft

Newmarket Pumping Station

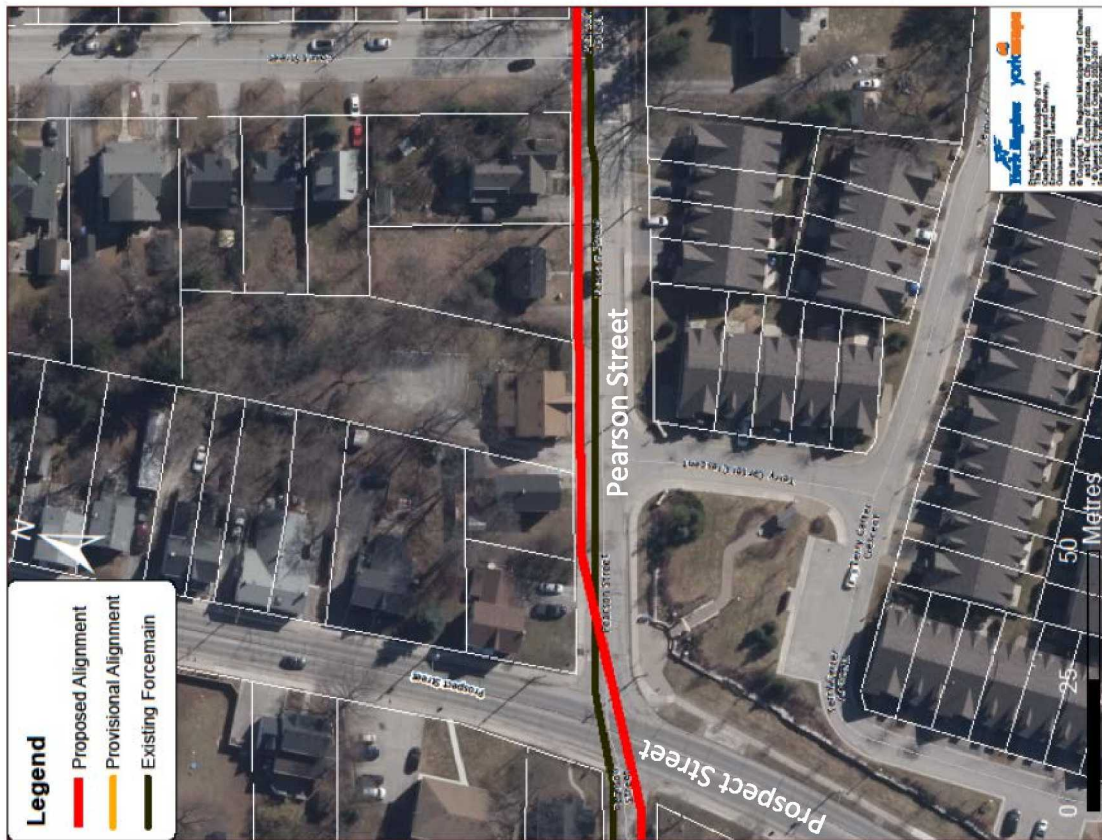


Bogart Creek Forcemain

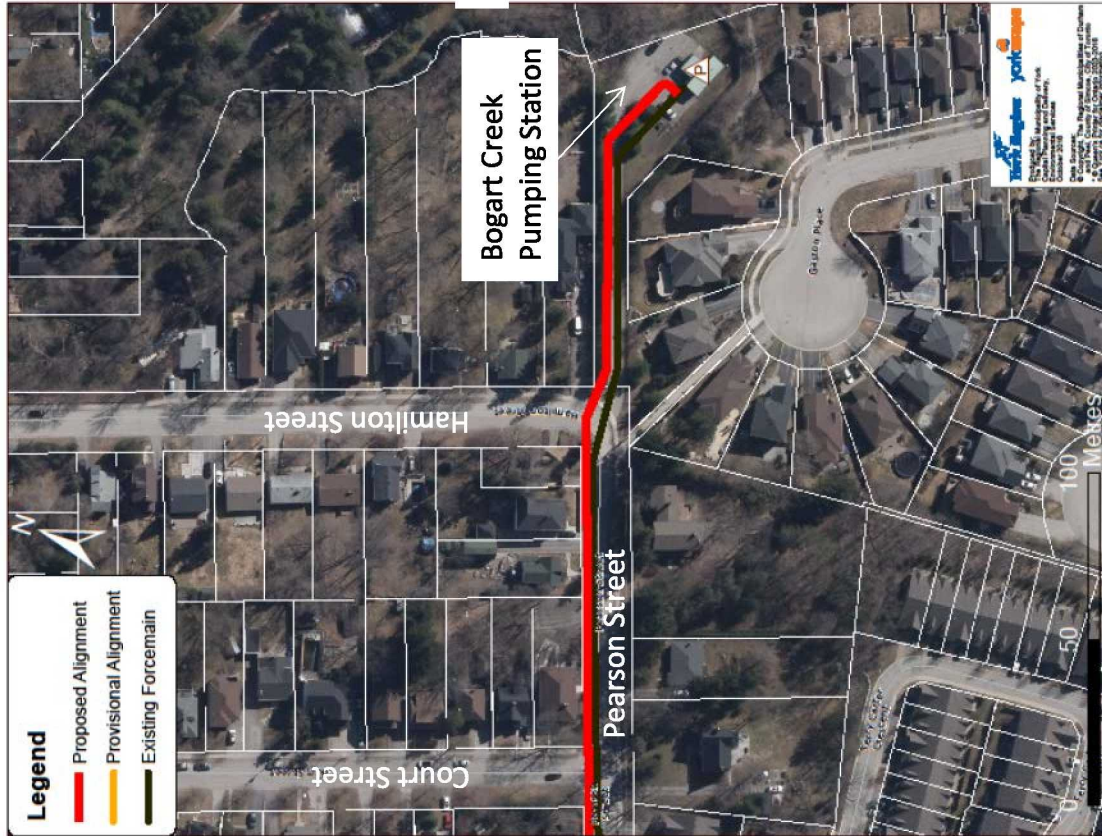
Cotter Street to Prospect Street



Bogart Creek Forcemain Prospect Street to Court Street



Bogart Creek Forcemain Court Street to Bogart Creek PS



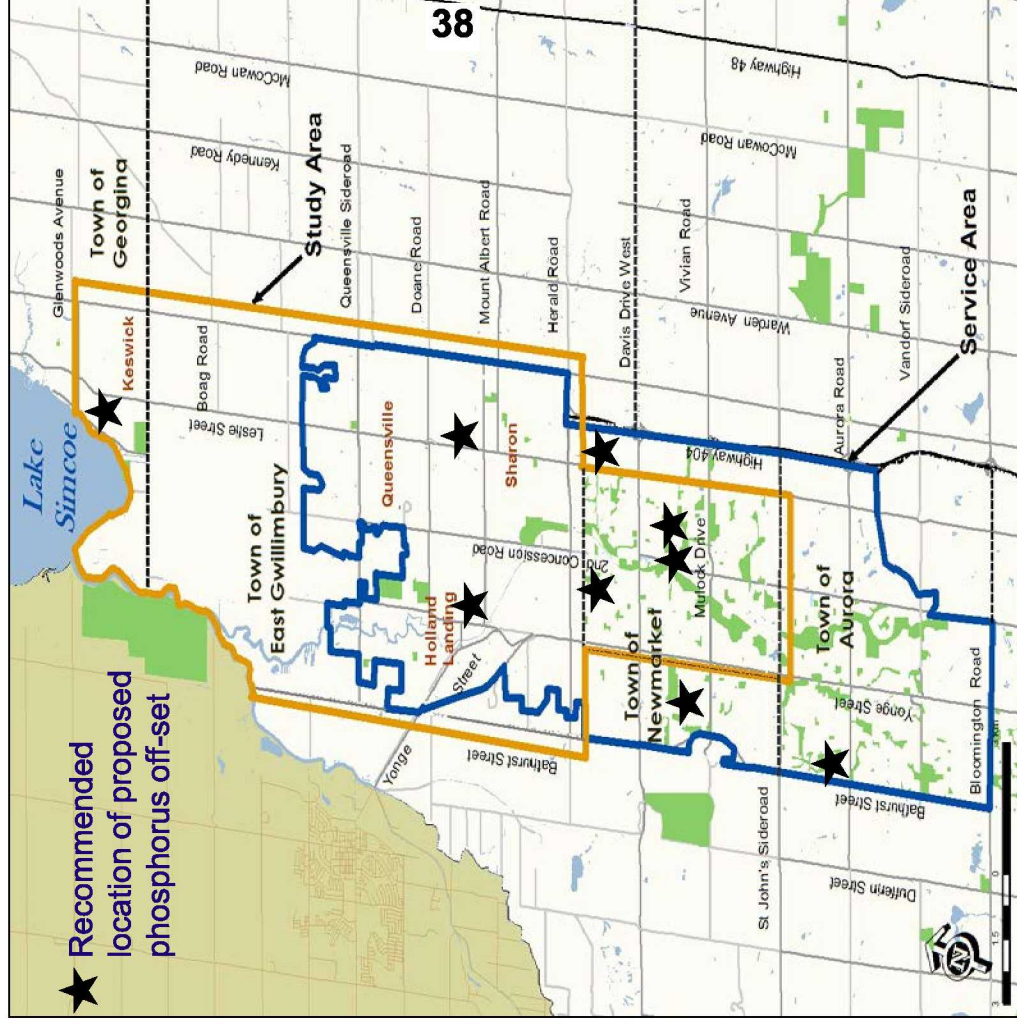
Potential Impacts - Mitigation Strategies

Potential Impacts	Recommended Mitigation Strategies
Construction Access and Egress	<ul style="list-style-type: none"> • Ensure Flagmen are present to coordinate traffic where necessary • Ensure compound areas accommodate a safe truck turning radius
Traffic	<ul style="list-style-type: none"> • Develop a traffic management plan • Paid-duty officer to direct traffic • Ensure Flagmen are present to coordinate traffic where necessary • Partial lane shifts where necessary • Restrict construction hours to avoid rush hour traffic • Schedule materials deliveries during off-peak hours • Project coordination to minimize volume of construction vehicle traffic • Provide route detours where necessary
Parking	<ul style="list-style-type: none"> • Avoid parking lots wherever possible • Minimize number of parking stalls obstructed where necessary • Identify and secure alternate parking areas where necessary
Pedestrians and Trails	<ul style="list-style-type: none"> • Avoid trail systems wherever possible • Provide detours where necessary • Ensure safety provisions are present • Install temporary lighting where necessary
Events	<ul style="list-style-type: none"> • Coordinate with Newmarket Community Events staff • Schedule construction around large events

Proposed Phosphorus Off-sets

- Retrofit seven existing stormwater management ponds in Aurora, East Gwillimbury and Newmarket
- Install a low impact development technology within a stormwater catchment area in Newmarket
- Develop a new stormwater management pond in Georgina

Proposed off-sets will improve water quality and quantity of downstream watercourses that ultimately flow into Lake Simcoe



Working Together Committee

An opportunity for project collaboration between the Town of Newmarket, Lake Simcoe Region Conservation Authority, and York Region.

Monthly Committee and Working Group Meetings

Discussion topics include:

- Project Coordination
- Communications Planning
- Event Coordination
- Detailed Design Review

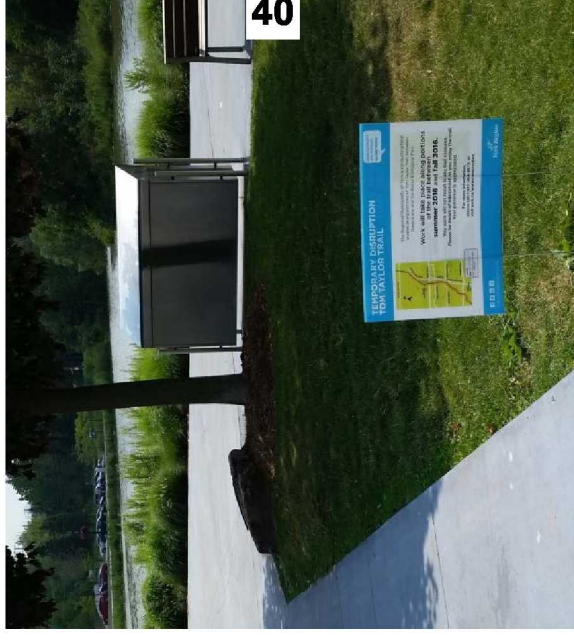


Project Communication

- Working Together Committee with the Town of Newmarket, Lake Simcoe Region Conservation Authority (LSRCA), and York Region

- Promote partnership among The Town of Newmarket, LSRCA and York Region
- Project coordination and decision making
- Working Group meetings to review technical details and make recommendations

- Project notices, letters and notification signs
- Public Open House



Next Steps

- Work with the Town of Newmarket through the Project Committee to address technical comments
- Apply for Permits and By-law Exemptions
- Work with the Town to finalize the Stormwater Management Agreement
- Provide an update to the Town of Newmarket Council once IEA approval is received, and design is completed
- Public Information Centre and Open House

Thank You



Deputation and Further Notice Request Form

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

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

Name: <u>Chris Howie</u>	
Organization / Group/ Business represented:	
Address:	Postal Code: <u>L3Y 1T9</u>
Daytime Phone No:	Home Phone: <u> </u>
Email:	Date of Meeting: <u>MON NOV 7th</u>
Is this an item on the Agenda? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Agenda Item No:
<input type="checkbox"/> I request future notification of meetings	<input checked="" type="checkbox"/> I wish to address Council / Committee
Describe in detail the reason for the deputation and what action you will be asking Council/Committee to take (if applicable): <u>Due to development and a lack of protection for trees on private property in the old part of town defined as Yonge St to Main St, Davis to Eagle, the Heritage trees are being removed at an alarming rate.</u>	
Do you wish to provide a written or electronic communication or background information <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please submit all materials at least 5 days before the meeting.	

Deputation Guidelines:

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

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

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



Planning and Building Services

TOWN OF NEWMARKET

395 Mulock Drive

P.O. Box 328

Newmarket, ON L3Y 4X7

www.newmarket.ca

planning@newmarket.ca

905.953.5321

November 7, 2016

Development and Infrastructure Services Planning and Building Services - Planning Report 2016-29

To: Committee of the Whole

Subject: Official Plan Amendment Application, File No. D9NP16 03
Zoning By-law Amendment Application, File No. D14NP16 03
LOTS 4 & 5, PL 65M2677
1166 and 1186 Nicholson Road, Newmarket

Origin: Application submitted to the Planning Department

Recommendations

THAT Development and Infrastructure Services/Planning and Building Services Report 2016-29 dated November 7, 2016 regarding Application for Official Plan Amendment and Zoning By-law Amendment be received and the following recommendation(s) be adopted:

1. **THAT Official Plan Amendment # 14 as contained in Attachment 1 be adopted by Council; and**
2. **THAT Council amend Zoning By-law 2010-40 for the lands at 1166 and 1186 Nicholson Road substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 2 to this report.**

Background

Location and surrounding land uses

The proposed Official Plan Amendment submitted by Zelinka Priamo Ltd. on behalf of the owners, HOOPP Realty Inc., under Planning Files D9NP16 03, and D14NP16 03 concerns a 2.3 hectare property located on the south side of Nicholson Road, west of Harry Walker Parkway South (see Figure 1). The subject property does not contain any structures, and is legally described as being PL 65M-2677; S/T LT434248, LT543746, R451851, R451852 Newmarket. The subject property is designated 'Business Park – Mixed Employment' by the Town of Newmarket Official Plan and zoned General Employment 11 (EG-11) by Zoning By-law 2010-40, as amended.

The lands to the north and west are zoned EG – General Employment, and to the east EH – Heavy Employment. An OS – Open Space zone is located immediately to the south, in which is found Bogart Creek, with further EG – General Employment lots across the watercourse. The lands to the immediate east which are zoned EH – Heavy Employment are also owned by the applicant. The surrounding land uses are principally manufacturing and motor-vehicle-related uses and their associated offices.

Proposal

The purpose of the Official Plan Amendment and Zoning By-law Amendment applications are to add site specific policies to allow for outdoor storage on the subject lands, not to exceed 30% of the lot area. The owner has expressed that there is no preliminary site concept plan at this time and that this proposal is to increase the marketability of the subject property.

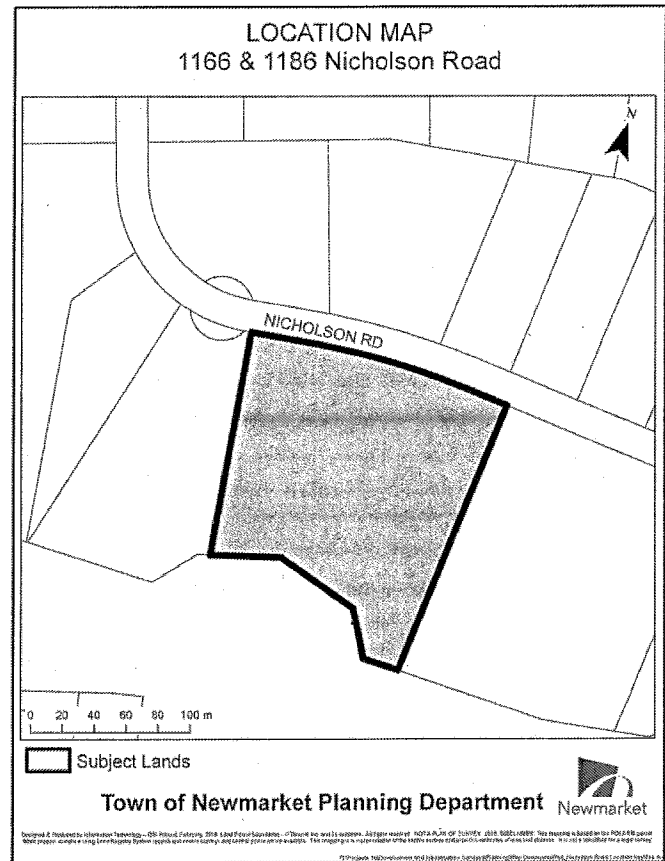


Figure 1: Location map of Subject Lands

Planning review

Provincial Policy Statement (PPS) and Provincial Plans

The Provincial Policy Statement (PPS) 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include promoting economic development and competitiveness by providing opportunities for a diversified economic base, maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and taking into account the needs of existing and future businesses. Council's planning decisions are required by the Planning Act to be consistent with the PPS. This application supports and is consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. Council's planning decisions are required by the Planning Act to conform with the Growth Plan for the Greater Golden Horseshoe. Staff have reviewed the proposed development for consistency with the PPS and for conformity with the Growth Plan for the Greater Golden Horseshoe.

Regional Municipality of York Official Plan

The subject lands are designated Urban Area in the York Region Official Plan. The Regional Plan is intended to enhance the long term viability of all employment lands designated in local municipal official

plans for employment land uses, and aims to work with local municipalities to review and monitor opportunities for employment land intensification. This application supports and is consistent with these policies.

Planning Staff requested and obtained an exemption from the Regional Municipality of York for the need for Regional approval of this application. This request was made due to eligibility for exemption under criteria in Section 8.3.8 of the York Region Official Plan, recognizing the local rather than regional nature of the application. Exemption was granted by the Region, which leaves final approval of the application – notwithstanding appeal opportunities to the Ontario Municipal Board – to Council.

Official Plan Considerations

The subject property is designated Business Park - Mixed Employment in the Town's Official Plan. Areas of Newmarket designated Business Park are intended to provide for the employment needs of the community. The Mixed Employment designation permits business and professional offices, research and development facilities along with manufacturing uses. Service Commercial, motor vehicle uses, commercial schools and accommodation facilities are also among the permitted uses in this designation. The Mixed Employment designation prohibits open storage of goods, materials and equipment. Notwithstanding this, the property to the east of the subject property that is owned by the applicant is zoned EH-11, and does permit outdoor storage by right under zoning despite the Official Plan designation of Mixed Employment.

The proposed change is, notwithstanding the deviation from the prohibition on outdoor storage, consistent with the policies of the Official Plan. The original intent of prohibiting outdoor storage in the Business Park – Mixed Employment area may have been to restrict accessory uses deemed unsightly from view from corridors such as Leslie Street and Highway 404, as the area where it is permitted is interior between these corridors. If properly screened and maintained, outdoor storage in other parts of the Business Park may be no more unsightly than a fence or building, and standards for how this is to be achieved are appropriately located in a zoning by-law and enacted through the Site Plan process.

Zoning Considerations

Many areas in the area designated as the Business Park by the Official Plan have outdoor storage. These properties are not always congruent with the zones where the Official Plan states that outdoor storage should be permitted. For instance, the Heavy Employment (EH) zone immediately east of this site is part of the Business Park where outdoor storage is meant to be prohibited under the Official Plan. The zoning by-law amendment which proposes to enact this amendment requires appropriate visual screening of the outdoor storage, which can then be enacted through appropriate Site Plan review upon development of the property.

Consultation

Community Consultation

A statutory public meeting was held on Monday June 20th 2016 at 7:00 PM in accordance with the requirements of the *Planning Act*. In attendance were members of Committee of the Whole, Planning Staff, a representative of the applicant, and two members of the public. One member of the public expressed concern with the future visual appearance of outdoor storage.

Agency Circulation

The application was circulated to all appropriate agencies and Town Departments. These comments were considered by staff in the development of this report's recommendations.

Comments**Outdoor storage and visual appearance**

Outdoor storage as an accessory use as proposed would be limited in nature. The outdoor storage of materials would be limited to those that are associated with the principal use on the site and not as a primary use. This means that outdoor storage as the main purpose of the site is not permitted, but rather the storage of goods that are used for the main use of the site – be it business and professional offices, research and development facilities, manufacturing uses, or other permitted uses.

In addition, the outdoor storage of materials would be limited to a maximum of 30% of the lot area and be required to be screened in such a way that it is not visible from a street. Given the presence of the open space area to the south, screening may be required not only on the north but also the southeast and southwest edges of the subject lands.

Erosion hazards

The response of the Lake Simcoe Region Conservation Authority to the provided geotechnical reports recommends implementing a 30 metre setback from the top of the bank at the south edge of the property that borders Bogart Creek. This will result in much of this setback from the top-of-bank being designated "Parks and Open Space" in the Official Plan and zoned Open Space (OS-1) Zone (see Appendix 1).

Business plan and strategic plan linkages**Strategic Plan**

The redevelopment of this parcel of land has linkages to the Community Strategic Plan as follows:

Well equipped & managed: Ideal mix of residential, commercial, industrial, and institutional land use.

Well planned & connected: Strategic growth by way of a comprehensive Official Plan.

Budget impact**Operating Budget**

The appropriate planning application fees have been received for Official Plan amendment and zoning bylaw amendment. The Town will receive revenue from the increased property taxes and from development charges when this property is developed.

Capital Budget

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

Contact

For more information on this report, contact: Ted Horton, Planner at 905-953-5321, Extension 2458 or via email at thorton@newmarket.ca.

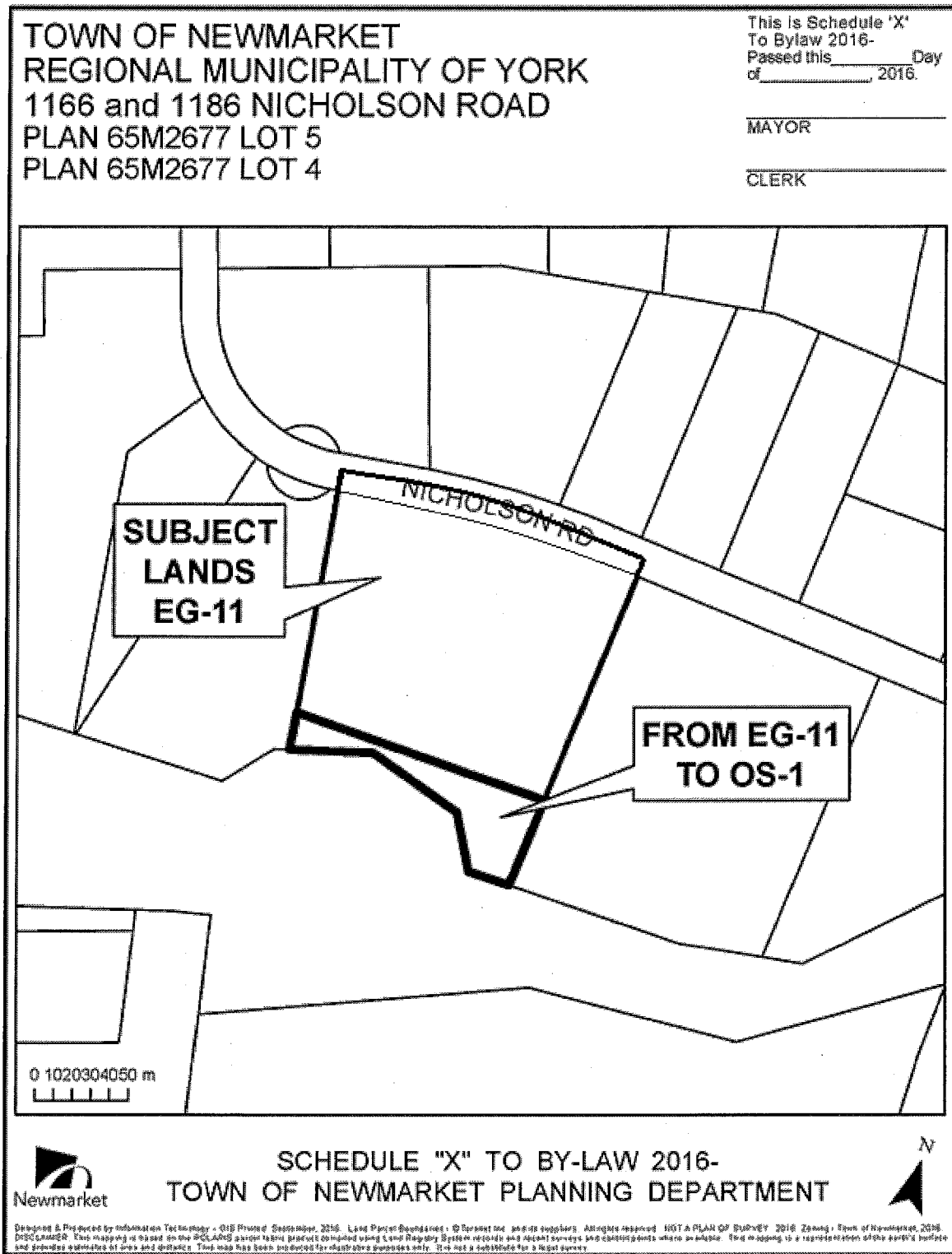


Planner

Director of Planning and Building Services

Commissioner Development and Infrastructure Services

Appendix 1



CORPORATION OF THE TOWN OF NEWMARKET

BY-LAW NUMBER 2016-XX

BEING A BYLAW TO ADOPT AMENDMENT NUMBER 14 TO THE TOWN OF NEWMARKET OFFICIAL PLAN

The Council of the Corporation of the Town of Newmarket, in accordance with the provisions of Sections 17(22) and 21 of the Planning Act, RSO 1990, c.P. 13, hereby enacts as follows:

1. Amendment Number 14 to the Town of Newmarket Official Plan, consisting of the following explanatory text and attached schedule, is hereby adopted.
2. This By-law shall come into force and take effect on the day of the final passing thereof.

ENACTED THIS _____ DAY OF _____, 2016.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk

**AMENDMENT NO. 14
TO THE
TOWN OF NEWMARKET
OFFICIAL PLAN**

AMENDMENT NO. 14

TO THE

NEWMARKET

OFFICIAL PLAN

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PART A – PREAMBLE

1.0 PURPOSE OF THE AMENDMENT

The purpose of this amendment is twofold. First, to amend the policies applying to certain lands identified on Map Number 1, in the Town of Newmarket, being within the *Business Park – Mixed Employment* designation to permit outdoor storage on the lands. Second, to amend the designation of certain lands identified on Map Number 1, in the Town of Newmarket, to change them from the *Business Park – Mixed Employment* designation to the Parks & Open Space designation.

2.0 LOCATION

The lands subject to this amendment are located at 1166 and 1186 Nicholson Road and is legally described as being PL 65M-2677; S/T LT434248, LT543746, R451851, R451852 Newmarket.

The subject lands are located on the on the south side of Nicholson Road, west of Harry Walker Parkway South. The subject land is shown more particularly on Map Number 1, which is appended for information purposes only.

3.0 BASIS OF THE AMENDMENT

Council has enacted this amendment in response to the following:

- 3.1 A request by the property owner for an official plan amendment and zoning by-law amendment to permit outdoor storage.
- 3.2 The Subject Lands are within the *Business Park – Mixed Employment* area on Schedule A, the Land Use Plan to the Newmarket Official Plan. The intent of this designation is to provide for the employment needs of the Newmarket community. The main permitted uses of the Mixed Employment designation include business and professional offices, manufacturing uses, and research and development facilities. The specific policies indicate that outdoor open storage of goods, materials, and equipment associated with any Mixed Employment use shall not be permitted.
- 3.2 The property to the east that is owned by the same owner is permitted outdoor storage by the Zoning By-law and the owner wishes to extend these permissions onto the subject lands. This may expand the marketability of the lands to encourage new development and the improvement of employment lands in the Town. Given appropriate screening and limits on the nature of outdoor storage to limit it to materials related to the principal use on the lot outdoor storage is compatible with the area, and is currently permitted for a range of lots in the area.

- 3.3 During the review of the geotechnical work associated with this application, it was determined that a setback from the top of the bank at the south of the property bordering Bogart Creek was necessary, requiring appropriate changes to the Zoning By-law and Official Plan.
- 3.4 As such the proposed development conforms to the intent, goals and strategic directions of the Official Plan. The addition of permission of outdoor storage use to the subject lands in the *Business Park – Mixed Employment* area is appropriate.

PART B – THE AMENDMENT

All of this part of the document entitled “Part B – The Amendment”, consisting of the following text constitutes Amendment No. 14 to the Newmarket Official Plan.

1.0 POLICIES

The Newmarket Official Plan is hereby amended as follows:

Section 6.3.2.3 of the Town of Newmarket Official Plan is hereby amended by adding to the existing *Business Park – Mixed Employment* policies:

- a) Notwithstanding Section 6.3.2.3, outdoor storage is a permitted accessory use in the area designated 1166 and 1186 Nicholson Road further described as PL 65M-2677; S/T LT434248, LT543746, R451851, R451852 Newmarket.

2.0 SCHEDULE

Schedule A – Land Use Plan is amended to designate all lands in a 30 metre strip north of the top of the bank of the subject lands, with the exception of an area at the southwest of the property that lies between the stable top of the bank and the 30 metre erosional setback, to Parks & Open Space.

3.0 IMPLEMENTATION AND INTERPRETATION

This Amendment to the Official Plan will be implemented as follows:

- a) Zoning By-law

It is Council's intent to implement the Amendment, in part, by enacting an appropriate zoning by-law pursuant to the provisions of the Planning Act, R.S.O. 1990, C.P. 13, on the lands affected by this Amendment.

- b) Site Plan Approval

It is Council's intent to implement this Amendment, the land use designations and policies of this Plan, and a high standard of site layout and design by requiring site

plan approval pursuant to the provisions of the Planning Act, on the Lands affected by this Amendment.

PART C: THE APPENDIX:

The following appendix does not constitute part of this Amendment and is included for information purposes only.

1. MAP 1

Map 1, which shows the location of the subject land on an excerpt from the Town's Official Plan is for information purposes only.



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

A BY-LAW TO AMEND BY-LAW NUMBER 2010-40, AS AMENDED, BEING A ZONING BY-LAW (1166 and 1186 Nicholson Road)

WHEREAS it is deemed advisable to amend By-Law Number 2010-40 as amended;

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

THAT By-law Number 2010-40 be is hereby further amended by:

1. Deleting from Schedule "A", the General Employment Exception 11 (EG-11) Zone on 1166 and 1186 Nicholson Road on all lands within 30 metres from the stable top-of-bank of the subject lands in the area under the jurisdiction of the Lake Simcoe Region Conservation Authority and substituting therefore Open Space Zone (OS-1) as shown more particularly on Schedule "A" attached hereto, and forming part of this By-law.
2. Adding the following regulations relating to the Mixed Employment Exception 11 (EG-11) Zone on 1166 and 1186 Nicholson Road to Section 8.1.1 List of Exceptions:

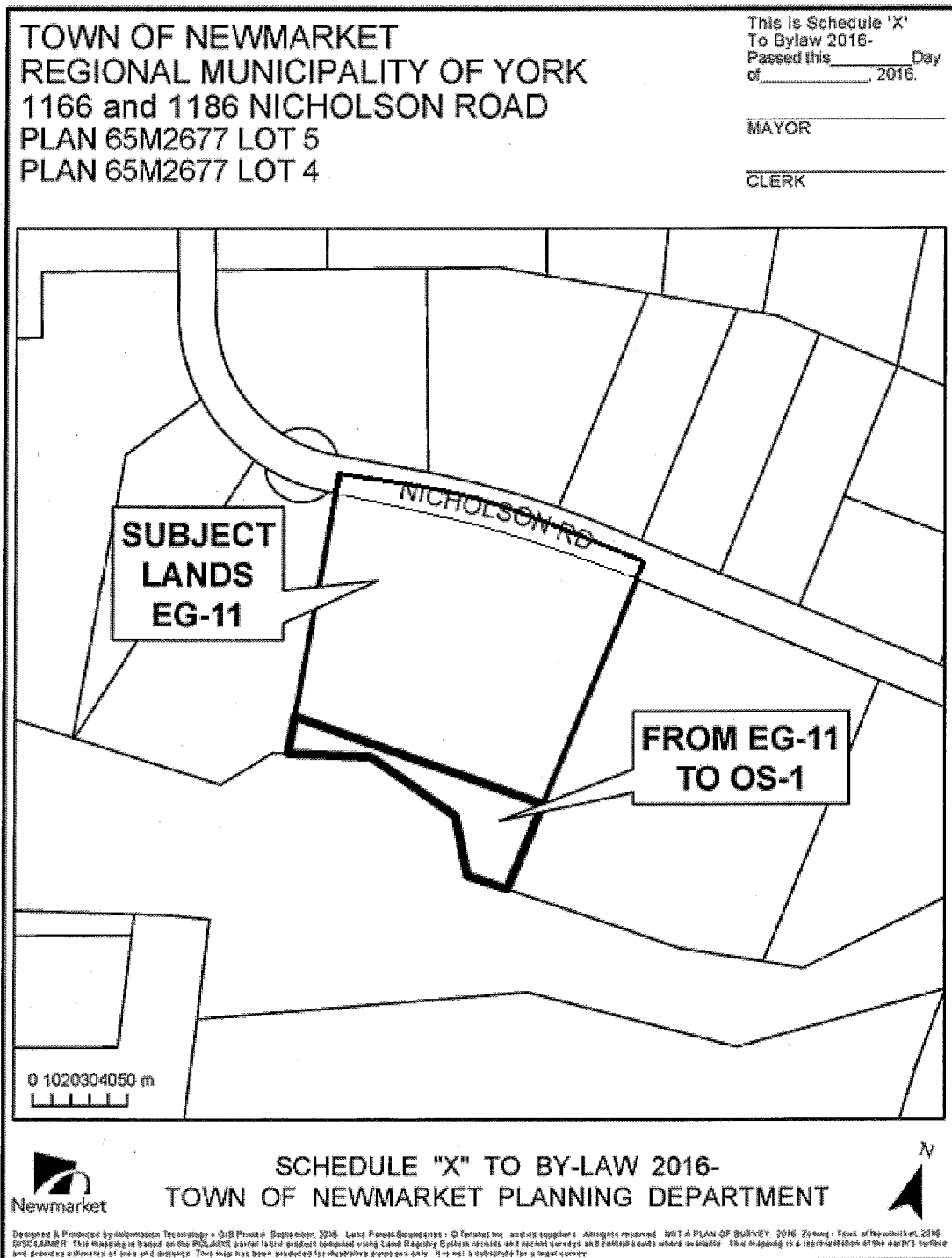
Exception 11	Zoning EG-11	Map 15	By-Law Reference 2016-XX	File Reference D14-NP-16-03
<p>i) Location: 1166 and 1186 Nicholson Road</p> <p>ii) Development standards:</p> <p>a. Setback – A minimum 12.0 m rear yard shall be required, except that no buildings shall be located closer to or nearer than 30 m from the top of bank of Bogart Creek or such lesser setback as approved by the Lake Simcoe Region Conservation Authority.</p> <p>b. Southwest corner – For greater certainty, only a paved parking surface is permitted in the area zoned EG-11 on these lands that lie within the 30m erosional setback. No structures or additional net loading (surcharge) is permitted.</p> <p>iii) Permitted uses:</p> <p>a. <i>Accessory Outdoor storage</i> shall also be permitted. Outdoor storage shall not exceed 30% of the <i>lot area</i> and shall not be visible from a street.</p>				

ENACTED THIS ____ DAY OF _____, 2016.

Tony Van Bynen, Mayor

Andrew Brouwer, Town Clerk

Schedule "A"



October 10th, 2016

**DEVELOPMENT AND INFRASTRUCTURE SERVICES INFORMATION REPORT
ENGINEERING SERVICES 2016-44**

TO: Committee of the Whole

SUBJECT: Site Alteration Bylaw to repeal current Cut Fill Bylaw 1998-110

ORIGIN: Director, Engineering Services

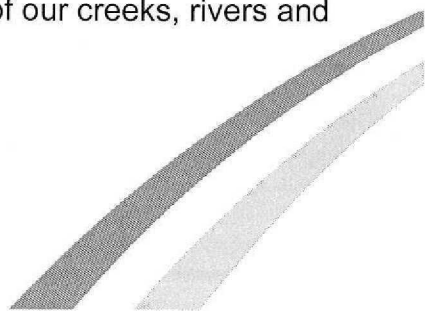
RECOMMENDATIONS

THAT Development and Infrastructure Services Report – Engineering Services 2016-44 dated October 10, 2016 entitled “Site Alteration Bylaw” be received and the following recommendations be adopted:

- 1. THAT the Site Alteration Bylaw be adopted by Council;**
- 2. AND THAT the current Cut Fill Bylaw 1998-110 be hereby repealed;**
- 3. AND THAT the application fee under the Site Alteration Bylaw be increased to \$250.00 (from \$189.23) for “Owner Occupied Residential” applications, and to \$500.00 (from \$378.40) for “All Other Property Types”;**
- 4. AND THAT the Fees and Charges Bylaw be updated to reflect the change in fees.**

BACKGROUND / COMMENTS

As towns and cities grow, changes to the landscape occur from residential, institutional, commercial and industrial developments. These changes include the removal of vegetation, alterations to grading and drainage patterns and the rise in hard surface areas. As a result, there is a marked increase in stormwater runoff, erosion of lands and sedimentation into waterways, which is of great concern in terms of flooding and the deteriorating health of our creeks, rivers and lakes, including Lake Simcoe.



In Newmarket, site plan and subdivision agreements and the current Cut Fill Bylaw 1998-110 have been regulating the placing and dumping of fill in the Town of Newmarket. However, these mechanisms have been identified as lacking in several key areas.

The goal of adopting the new Site Alteration Bylaw is to prohibit or regulate the placing or dumping of fill, the removal of soil and the alteration of the grade of lands within the Town of Newmarket, and to establish regulatory requirements for land development and land disturbing activities.

These changes aim to minimize the threats to public health, safety, public and private property, and natural resources from construction site erosion and post-construction stormwater runoff. The new bylaw will do this by addressing the gaps in our current bylaw and will provide clear direction on how sites are to be altered in Newmarket. This includes:

1. Specifying requirements for erosion and sediment control (E&SC) protection during development;
2. Outlining how stormwater should be managed in the municipality;
3. Providing clear direction on Town enforcement powers, such as issuing stop work orders, and penalties if there is a lack of compliance;
4. Preventing any negative impacts from development to adjacent properties by ensuring the implementation of best management practices;
5. Regulating the source and quality of fill materials;
6. Providing explicit requirements for site alteration permits, site plan and subdivision applications;
7. Ensuring that the Town adheres to the new, more stringent regulations of the Lake Simcoe Protection Plan.

Application fees are being increased as a result of increased responsibility to the Town in reviewing or having its consultants review applications, in monitoring the work to ensure compliance, and in applying orders and fines if required.

All Site Alteration activities within the Town limits will be governed by the bylaw regardless of property size, unless they are otherwise exempt as indicated in the bylaw. Property size only determines whether the Site requires a permit. The Director of Engineering Services will ultimately be responsible for issuing site alteration permits and may impose additional requirements where deemed necessary.

The implementation of this bylaw will assist the Town in achieving the objectives of the Lake Simcoe Protection Plan, including policies related to the management of stormwater and phosphorus reduction.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

- Living Well...by providing improved stormwater management and protecting our natural environment.
- Well Respected... by balancing the needs and priorities of all stakeholders.

CONSULTATION

Internal:

Various departments have been involved in reviewing the draft bylaw and ensuring a consistent and comprehensive document. This has included: Finance, Public Works Services, Engineering Services, Planning, Legal, and Legislative Services.

External:

Members of Newmarket's Environmental Advisory Committee received a copy of the draft bylaw for review and comment on September 8, 2016. No comments or questions were received. Another major external consultation, which started in 2014, was through the Lake Simcoe Region Conservation Authority (LSRCA). The LSRCA created several working groups to create a model bylaw for municipalities to employ. One such group is the Stormwater Management Technical Working Group, of which Newmarket is an active member. This group represents a forum where provincial, municipal and regional regulators who oversee stormwater management and E&SC practices can work together to develop harmonized approaches for watershed management. The working group also included consultants, technical professionals representing the building industry, suppliers, developers, university faculty members and others involved in the sector to help develop the model bylaw for municipalities, to share best management practices and present new technology. The meetings were well attended and they allowed the LSRCA to develop and release a "Draft Lake Simcoe Watershed Model Bylaw for Municipalities", which aimed to standardize stormwater management and E&SC throughout the municipalities in the watershed. The municipalities were then to adapt the model bylaw to fit their municipality's needs. The proposed Site Alteration Bylaw 2016-44 is based heavily on this model bylaw.

HUMAN RESOURCE CONSIDERATIONS

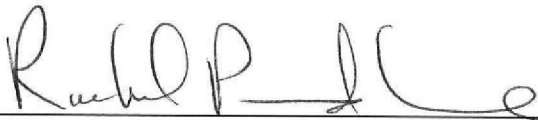
There will be an impact on current staff who will need to spend more time reviewing applications and monitoring work being done under the new bylaw. Consideration should be made for dedicated inspection resources in the future. This need will be evaluated during the coming year. Staff and Town consultants would be required to be familiar with the requirements outlined in the bylaw.

BUDGET IMPACT

There is no current impact on Capital or Operating budgets.

CONTACT

For more information on this report, please contact: Jen Slykhuis, M.Sc., Senior Environmental Coordinator – Climate Change Adaptation, by phone at 905-953-5300, press “2”, then extension 2506; or via e-mail at jslykhuis@newmarket.ca.



Rachel Prudhomme, M.Sc., P.Eng.
Director, Engineering Services



Peter Noehammer, P.Eng.,
Commissioner, Development and Infrastructure Services

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

A BY-LAW TO PROHIBIT OR REGULATE THE PLACING OR DUMPING OF FILL, THE REMOVAL OF TOPSOIL AND THE ALTERATION OF THE GRADE OF LANDS WITHIN THE TOWN OF NEWMARKET

WHEREAS Section 142 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, ("Municipal Act) permits the enactment of a by-law by the Council of The Corporation of the Town of Newmarket to prohibit or regulate the placing or dumping of fill, the removal of topsoil, and the alteration of the grade of land in the Town of Newmarket;

AND WHEREAS Section 142 of the Municipal Act, 2001 as amended further authorizes local municipalities to require that a permit be obtained for the placing or dumping of fill, the removal of topsoil and the alteration of the grade of land, and to impose conditions to such permits;

AND WHEREAS Section 11(2) of the Municipal Act, as amended, authorizes municipalities to pass by-laws respecting the economic, social and environmental well-being of the municipality;

AND WHEREAS Section 398 of the Municipal Act, authorizes a municipality to add fees and charges to the tax roll for a property and collect them in the same manner as municipal taxes;

AND WHEREAS Section 444 of the Municipal Act, authorizes that the municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity;

AND WHEREAS Section 445 of the Municipal Act, authorizes that where the municipality is satisfied that a contravention of the by-law has occurred, the municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to do work to correct the contravention;

AND WHEREAS Section 446 of the Municipal Act, authorizes a municipality to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense;

AND WHEREAS the Council may require that a permit be obtained for the placing or dumping of fill, the removal of topsoil, and the alteration of the grade of land in the Town of Newmarket and prescribe the fees for the permit and the circumstances under which a permit may be issued and the conditions to such a permit;

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

DEFINITIONS

In this By-law:

“Adjacent” means abutting or contiguous to;

“Agricultural Lands” includes all lands that are cultivated and/or used for the raising of livestock;

“Agricultural Uses” means:

- a) Growing crops, including nursery and horticultural crops;
- b) Raising livestock and other animals, including poultry and fish, for food and fur;
- c) Aquaculture; and
- d) Agro-forestry and syrup production.

“Applicant” means the Owner of the Site, where such Owner is an individual, or means any Person, authorized in writing by the Owner, to apply for a Permit on the Owner’s behalf;

“Application” means an application for a Site Alteration Permit in the form prescribed by the Director;

“Area of Natural and Scientific Interest (ANSI)” means an area that has been:

- e) Identified as having earth science/life science values related to protection, scientific study or education; and
- f) Further identified by the Ministry of Natural Resources and Forestry (MNRF) as such using evaluation procedures established by the Ministry, as they may be amended from time to time;

“Authorized Agent” means a Person acting on behalf of the Owner as designated on the application;

“Best Management Practices” means applicable erosion and sediment control measures identified in an Erosion and Sediment Control Plan, which are used to mitigate the amount of pollution leaving a site. May include silt fence barrier, turbidity barrier, vehicle tracking pad (mud mat), rock check dam, sediment pond, and can be used singularly or in combination as a multi-barrier approach.

“Body of Water” includes any body of flowing or standing water whether naturally or artificially created;

“Clerk” means the Clerk of the Town;

“Continuous Offence” means an uninterrupted offence of the By-law;

“Council” means the Council of the Corporation;

“Director” means the Director of the Engineering Department of the Town or designate;

“Development” means the construction of buildings or structures and above or underground services such as roads, parking lots, paved storage areas, water mains,

storm and sanitary sewers, general grading works and similar facilities on any Site in the Town of Newmarket

"Drainage" means the movement of water to a Body of Water, whether by way of natural characteristics of the ground surface or by an artificial method;

"Dumped/Dumping" means the depositing of imported Fill in a location on the Site or the movement and depositing of Fill from one location on a Site to another location on the same Site;

"Endangered Species" means any native species, that is at risk of extinction throughout all or part of its Ontario range if the limiting factors are not reversed, as listed in the regulations under the Endangered Species Act, 2007, S.O. 2007, c.6 or its successor, as be amended;

"Enforcement Officer" means a Person authorized by the Town to carry out observations and inspections and take samples as prescribed by this By-law and has been duly appointed by the Town to enforce this By-law. It shall also include Persons duly appointed as Municipal Law Enforcement Officers by the Town for the purposes of legal action;

"Environmental Protection Areas" as defined by the Town's Official Plan as it may be amended from time to time;

"Environmentally Sensitive Area" means environmentally sensitive lands or other designation for similar purposes that is compatible with the conservation of biodiversity, ecological features, and functions of the site as designated in the applicable municipal, regional, provincial and federal Plans, Acts statutes and regulations;

"Erosion" means the detachment and movement of soil, sediment or rock fragments by water, wind, ice or gravity;

"Existing Grade" means the elevation of the existing ground surface of the Site upon which Site Alteration is proposed and of Adjacent ground surface up to three (3) metres wide surrounding such Site, except that where Site Alteration has occurred in contravention of this By-law, Existing Grade shall mean the ground surface of the Site as it existed prior to Site Alteration;

"Fill" means any type of imported or relocated material deposited or placed on the Site and includes soil, stone, concrete, sod or turf either singly or in combination;

"Finished Grade" means the approved elevation of ground surface of the Site upon which Fill has been placed or grade of land has been altered in accordance with this By-law;

"Fish Habitat" means the spawning ground and any other areas including nursery, rearing, food supply and migration areas on which fish depend directly or indirectly in order to carry out the life processes, as defined in the Federal Fisheries Act, R.S.C. 1985, c. F-14, as it may be amended from time to time;

"Habitat of Endangered, Rare and Threatened Species" means land that:

- a) Is an area where individuals of an endangered species, a rare species, or a threatened species lives or has the potential to live and find adequate amounts of food, water, shelter, and space needed to sustain their population, including an area where a species concentrates at a vulnerable

point in its annual or life cycle and an area that is important to a migratory or non-migratory species; and

- b) Has been further identified by the Ministry of Natural Resources and Forestry (MNRF) or by any other Person, as such according to evaluation procedures established by the MNRF, as they may be amended from time to time;

“Land Disturbance” means any man-made change of the land surface including removing vegetative cover, and/or excavating, and/or filing, and/or grading;

“Municipal Act” means the Municipal Act, 2001, S.O. 2001, c.25, or its successor as amended;

“Owner” means the registered Owner of the Site, or a person authorized, in writing, to act as an agent for the registered owner, or a person in lawful control of the Site.

“Permit” means permission or authorization given in writing by the Director to perform work regulated by this By-law or part thereof and shall include all information contained within the approved Site Alteration Plan and any special conditions identified by the Director;

“Permit Holder” means the Owner or the person in possession of and includes a lessee, a mortgagee in possession of a Person in charge of the Site;

“Person” includes any individual, corporation, partnership, company, association, or party and the heirs, executors, administrators, or other legal representatives of such person, to whom the context can apply according to the law;

“Placing” means the distribution of Fill on the Site to establish a Finished Grade higher or lower than Existing Grade;

“Planning Act” means the Planning Act, R.S.O. 1990, c.13, or its successor as amended;

“Ponding” means the accumulation of surface water in the area not having Drainage from where the lack of Drainage is caused by the Placing or Dumping of Fill or altering the grade of land;

“Proposed Grade” means the proposed elevation of ground surface of land upon which Fill is proposed to be placed or altering the grade of land is proposed.

“Previously Developed Site” means a Site that has been altered by paving, construction, and/or land use that would typically have required regulatory permitting to have been initiated (alterations may exist now or in the past);

“Qualified Person” means a person who holds a license, under the Professional Engineers Act, R.S.O. 1990, C.P. 28 as amended, or other, as approved by the Director, which possesses expert or special knowledge in regards to matters contained within this By-law;

“Rare Species” means a native species that is not currently at risk of becoming threatened, but because of its limited distribution, small population, or specialized habitat needs, could be put at risk of becoming threatened through all or part of its Ontario range by changes in land use or increases, in certain types of human activity;

“Removal” means excavation or extraction of any Fill which lowers the Existing Grade, and includes Soil Stripping;

"Retaining Wall" means a concrete or concrete product wall or other material approved by the Director designed to contain and support Fill which has a Finished Grade higher than that of Adjacent lands;

"Security Deposit" means a certified cheque, cash or a financial institution letter of credit for the securities set out in Schedule A of the Bylaw;

"Site" means a property/lot/or a parcel of land described in a deed or other document legally capable of conveying land, or shown as a block on a registered plan of subdivision;

"Site Alteration" means activities such as Removal of Topsoil from the Site, the Placing or Dumping of Fill at the Site, the alteration of the Existing Grade of land at the Site or excavation by any means including, but not limited to the removal of vegetative cover, the compaction of Fill or the creation of impervious surfaces, or any combination of these activities that would change the landform and natural vegetative characteristics of the Site, but does not include:

- a) The construction of facilities for transportation, infrastructure and utility uses by a public body; or
- b) The reconstruction, repair or maintenance of a drain approved under the Drainage Act, R.S.O. 1990, c. D.17, or its successor, as amended; or
- c) The carrying out of Agricultural Uses;

"Site Alteration Area" means the total area of the Site that Site Alteration will occur on;

"Site Alteration Plan" means a plan prepared by a Qualified Person on behalf of an Owner in connection with a Site Alteration Permit pursuant to this By-law and shall include general requirements, Erosion and Sediment Control (ESC) plans and Fill management plans;

"Soil" means any material commonly known as earth, Topsoil, loam, subsoil, clay, sand, or gravel;

"Soil Management Plan" means a plan which includes such information including, but not limited to, the volume of soil required at receiving site, Grading Plan, location/address of source material, number of soil samples collected, number of soil samples analysed, rationale for the selection of chemical parameters, rationale for the selection of site condition standard and results of analyses including a comparison of the results to the applicable site condition standard for each contaminant analysed.

"Soil Stripping" means the Removal of Soil or Topsoil;

"Source Material" means soil used to alter the grade of the land;

"Source Material Site" means property from which source material originates;

"Swale" means a depression in the ground surface sloping for the purpose of conveying surface Drainage;

"Topsoil" means those horizons in a Soil profile, commonly known as the "O" and the "A" horizons, containing organic material and includes deposits of partially decomposed organic matter such as peat;

"Town" means the Corporation of the Town of Newmarket, and including but not limited to, Town of Newmarket employees, Enforcement Officers, Director or designate and appointed individuals for the purpose;

"Threatened Species" means any native species that is at risk of becoming endangered throughout all or part of its Ontario range if the limiting factors are not reversed;

"Valleyland" means a natural area that occurs in a valley or other landform depression that has water flowing through or standing for some period of the year;

"Watercourse" means a natural or man-made channel or Swale in which water flows, either continuously or intermittently with some degree of regularity;

"Wetland" means land such as a swamp, marsh, bog or fen (not including land that is being used for Agricultural Uses and no longer exhibits wetland characteristics) that:

- d) Is seasonally or permanently covered by shallow water or has the water table close to or at the surface;
- e) Has hydric soils and vegetation dominated by hydrophilic or water tolerant plants; and
- f) Has been further identified by the MNRF, or by any other Person, as such according to evaluation procedures established by the MNRF as amended;

"Wildlife Habitat" means land that:

- g) Is an area where plants, animals and other organisms live or have the potential to live and find adequate amounts of food, water, shelter and space to sustain their population, including an area where species concentrate at a vulnerable point in its annual or life cycle and an area that is important to migratory or non-migratory species; and
- h) Has been further identified by the MNRF, or by any other Person, according to evaluation procedures established by the MNRF, as they may be amended from time to time;

"Woodland" means a treed area, woodlot, or forested area, other than a cultivated fruit or nut orchard or a plantation established for producing Christmas trees.

PURPOSE

2. The goal of the By-law is to prohibit or regulate the placing or dumping of fill, the removal of soil and the alteration of the grade of lands within the Town of Newmarket and to establish regulatory requirements for land development and land disturbing activities aimed at minimizing the threats to public health, safety, public and private property, and natural resources from construction site erosion and post-construction stormwater runoff.

SERVABILITY

3. If a court or tribunal of competent jurisdiction declares any provision or part of a provision of this By-law to be illegal or unenforceable for any reason whatsoever, then that particular provision or part of the provision shall be severed and the remainder of this By-law shall continue to remain in full force and shall be valid and enforceable to the fullest extent permitted by law.

APPLICABILITY

- 3.1 No Person shall carry out any Site Alteration activity within the Town of Newmarket, without first obtaining a Permit, unless otherwise exempt as set forth in this By-law
- 3.2 The issuance of a Permit by the Municipality does not relieve the Applicant of the responsibilities of obtaining all other approvals, which may be required by the applicable Municipality, or any level of government and agencies thereof, or from the compliance with any other By-law, legislation or regulation.
- 3.3 In the case of provisions in this By-law and requirements of other agencies that overlap or conflict, the most restrictive provisions shall apply to site activities
- 3.4 The provisions of this By-law are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this By-law imposes greater restrictions the provisions of this By-law will prevail.
- 3.5 The By-law is designed to be consistent with, and complementary to, the laws and regulations administered by other regulatory authorities such as but not limited to:
 - a) Ontario Ministry of the Environment and Climate Change (MOECC)
 - b) Ontario Ministry of Natural Resources and Forestry (MNR)
 - c) Lake Simcoe Region Conservation Authority (LSRCA)
 - d) Department of Fisheries and Oceans (DFO)

PROHIBITIONS

- 4.1 No Person shall permit or cause to be permitted any Site Alteration activities for storage purposes, unless the storage of such Fill on the Site is permitted by this By-law and the applicable Zoning By-law of the Municipality;
- 4.2 No Person shall permit or cause to be permitted any Site Alteration activities unless:
 - a. It is done at the request of or with consent of the Owner of the Site where the Fill is to be placed, dumped or removed;
 - b. All non-native or imported Fill to be placed is clean and free of trash, rubbish, glass, liquid or toxic chemicals and meets the standards set out in the Soil, Groundwater, and Sediment Standards referenced in O. Reg. 153/04, as may be amended from time to time, with respect to all contaminants in the Fill;
 - c. The Drainage system for the Site is provided in accordance with this By-law and all other applicable Town By-laws and the Town is satisfied that the provision has been made where such Drainage is not provided by natural gradients or a Swale; and
 - d. Erosion and Sediment Control (ESC) requirements are met as required by the By-law;
- 4.3 No Person shall carry out any Site Alteration on any Site during any period in which a wind warning for the area has been issued by Environment Canada, except for mitigation measures designed to prevent adverse impacts on Adjacent sites and the environment;

- 4.4 No Person shall carry out any Site Alteration Adjacent to or within thirty (30) metres of Wetlands, Fish Habitat, significant valley lands, significant woodlands, significant wildlife habitat, habitats of Rare, Threatened, Endangered or Species at Risk, Areas of Natural or Scientific Interest and permanent or intermittent streams without having been issued a Permit under this By-law by the Municipality and/or without having obtained written permission from the LSRCA where applicable;
- 4.5 No person who has obtained a Site Alteration Permit under this By-law shall place or Dumping Fill, remove Soil or alter any grade of land except in accordance with the plans, documents and any other information submitted to the Town by the applicant as part of the approved Application.
- 4.6 No Site Alteration shall occur on any lands zoned for Agricultural Uses unless the Owner provides a certificate, signed by a Qualified Person, confirming that the Site Alteration will result in maintaining or improving the overall fertility of the Agricultural Lands;
- 4.7 No Permit shall be issued if, and no Person shall permit or cause to be permitted, any Site Alteration activities that result in:
- a. soil erosion;
 - b. Blockage of a storm drainage system;
 - c. Blockage of a natural Drainage system or Watercourse;
 - d. Siltation or pollution in a Watercourse;
 - e. Flooding or Ponding caused by a Watercourse overflowing its banks;
 - f. Unreasonable hindrance of the orderly Development of lands within the Municipality;
 - g. Flooding or Ponding on a neighbouring property or adverse effects on the amenities Adjacent to the Site to which the Permit relates;
 - h. A negative impact on any Environmental Protection Areas or Areas of Natural or Scientific Interest, Wetlands or wetland complex as identified by the LSRCA, MNRF, the Town; and the Town's Official Plan or Zoning By-law, as each may be amended or replaced from time to time;
 - i. The contamination or Soil or groundwater; and
 - j. An adverse effect to archaeological or historically significant features.

EXEMPTIONS AND EXCEPTIONS

5 This By-law does not apply to:

- 5.1 Emergency work necessary to protect life, limb, or property;
- 5.2 Routine agricultural activity such as tilling, planting, harvesting and associated activities. Other agricultural activities are not exempt including activities such as construction of structures;
- 5.3 Sites less than 0.5 hectares in size shall be exempted from the requirements to obtain a Permit provided that:

- a. Such Site is not Adjacent to an Environmentally Protected Area and meets the criteria set out Section 4.7
- b. The Site Alteration does not in any way affect the land Drainage or slope stability of the abutting sites.

Despite the permit exemption, sites less than 0.5 hectares in size remain subject to, and shall comply with, all other relevant provisions of this By-law, and other applicable By-laws, legislation or regulation of any level of government.

5.4 Sites which have received a Site Plan Agreement or Subdivision Agreement from the Town are exempt from obtaining a Permit. Despite the permit exemption, these Sites remain subject to, and shall comply with, all other relevant provisions of this By-law.

5.5 Silvicultural activities (forestry management);

5.6 Where no more than 100mm of soil in depth is placed on sites for the purpose of lawn dressing, landscaping, adding to flower beds or vegetable gardens, provided that:

- a. There is no change in the location, direction or elevation of any natural or artificial Watercourse, open channel, Swale or ditch flow rate used to drain land; and
- b. There is control of any sediment run-off.

5.7 Site Alteration requirements imposed after December 31, 2002 as a condition of the approval of a Site plan, plan of subdivision or consent under Sections 41, 51, 53 respectively, of the Planning Act or as a requirement of a Site plan agreement or subdivision agreement entered into under those sections;

5.8 Site Alteration requirements imposed after December 31, 2002 as a condition to a Development permit authorized by regulation made under Section 70.2 of the Planning Act or as a requirement of an agreement entered into under the regulation;

5.9 Site Alteration requirements undertaken by a transmitter or distributor, as those terms defined in Section 2 of the Electricity Act, 1998, for the purpose of constructing and maintaining a transmission system or a distribution system;

5.10 Site Alteration undertaken as an incidental part of the drain construction under the Drainage Act, Tile Drainage Act, or the Municipal Act, 2001;

5.11 Removal of Topsoil as an incidental part of normal agricultural practices, sod-farming, greenhouse operations and nurseries for horticultural products. This exception does not include the Removal of Topsoil for sale, exchange or other deposition;

5.12 Site Alteration requirements undertaken on Sites as described in a license for a pit or quarry or a Permit for a wayside pit or wayside quarry issued under the Aggregate Resources Act, 2009;

5.13 Site Alteration requirements undertaken on Sites in order to lawfully establish and operate or enlarge any pit or quarry;

- a. That land has not been designated under the Aggregate Resources Act, 2009 or a predecessor of that Act; and
- b. On land on which a pit or quarry is a permitted land use under a By-law passed under Section 34 of the Planning Act;

- 5.14 If a regulation is made under Section 28 of the Conservation Authorities Act, respecting the Site Alteration in any area of the Municipality;
- 5.15 Removal or addition of soil where the quantity of soil removed or added in any one Site does not exceed five (5) cubic metres and does not contravene Section 4.7 of this By-law; or
- 5.16 Fill that is Placed or Dumped in an excavation to the elevation of Existing Grade following the demolition or Removal of a building or structure.
- 5.17 The excavation of swimming pools on residential properties regulated by other Town By-laws, including but not limited to the Pool Enclosure By-law, Town of Newmarket By-law Number 2008-18.

PERMIT ISSUANCE AND REVIEW PROCESS

- 6.1 All Permit applications must be completed in full, including all required supporting documentation provided, prior to the issuance of a Permit. The Applicant's failure to prepare a complete Stormwater Management Plan (SWMP) as required by the Town and/or ESC Plan as required by the Town will result in the decline of the permit application.
- 6.2 The following information and materials shall be submitted as part of an Application for a Site Alteration Permit:
 - a. A completed application for a Site Alteration Permit, duly signed by the Applicant, prescribed by the Director as amended;
 - b. The application Permit fees as set out in the Town's Fees and Charges By-law as it may be amended from time to time;
 - c. Securities as per **Schedule "A"** of this By-law;
 - d. Proof of Insurance from an Insurer licenced in the Province of Ontario in the amounts required through the Town's Site Plan Approval Process or as required by the Director or designate;
 - e. A Site Alteration Plan, certified by a Qualified Person, meeting the standards set out in **Schedule "B"** of this By-law, containing the Site Design Guidelines as set out in **Schedule "C"** of this By-law;
 - f. A Stormwater Management Plan (SWMP) and Erosion and Sediment Control (ESC) Plan must be completed, and submitted as an application package for review, and approved by the Town to receive the necessary permit for the site.
 - g. Confirmation that the Applicant complies or will comply with the Permit Conditions as specified in **Schedule "D"** of this By-law as it may be amended from time to time to the satisfaction of the Director;
 - h. Confirmation that the appropriate archaeological assessments on the Sites deemed to have moderate to high potentials for the discovery of archaeological resources have been completed to the satisfaction of the Ontario Ministry of Culture; and

- i. A signed authorization by the Owner of the Site upon which the work is to be performed, or by a person authorized, in writing, to act as agent for the Owner, certifying the correctness of all the information in the Application;
- j. Where the Site is within the boundaries of the Oak Ridges Moraine Protection Plan or the Greenbelt Plan, the Application shall include any and all documents, reports or studies required by such plans to demonstrate compliance with the provisions of the plan;
- k. When requested by the Town, written confirmation from the LSRCA or any provincial or federal authority having jurisdiction that the Site Alteration Area, is under the jurisdiction of the LSRCA, provincial or federal authority;
- l. When requested by the Town, written confirmation from LSRCA or any provincial or federal authority that all conditions of the other authorities have been satisfied;
- m. In the event that there is more than one Source Material Site for the required volume of soil needed to complete earthworks, a Soil Management Plan shall be prepared and submitted for each Source Material Site;
- n. Any requirements as outlined in the Town's Tree Preservation, Protection, Replacement and Enhancement Policy 2008;
- o. Any additional information as required, in writing, by the Director.

6.3 The Director shall review all Applications and may issue a Permit upon the fulfillment of all of the following:

- (a) the Director is satisfied that the Site Alteration Area which is the subject of an Application is not within an area regulated by the LSRCA or any provincial or federal authority having jurisdiction, or if the Site Alteration Area is within such an area, that all conditions of the other authority have been satisfied;
- (b) the applicant has submitted a complete Application and met all of the requirements of this By-law;
- (c) the Director is satisfied that the proposed activities are all in accordance with proper engineering and environmental practices, laws and regulations;
- (d) the Director is satisfied that the work proposed under the Application will not result in the spread or migration of contamination in Soil, groundwater, sediment, or air to other areas of the site or to abutting sites, municipal infrastructure, roads and sidewalks;
- (e) in the 12 months prior to the Application there have been no orders, notices or charges under this Bylaw against the Applicant with respect to any other Site owned by the Applicant for which the Applicant had authority to apply for a permit under which the said orders, notices or charges arose;
- (f) the Director is satisfied that the Soil Management Plan is complete and acceptable to the Town; and

- (f) any other concerns of the Director have been satisfied.

EXPIRY, RENEWAL, TRANSFER, REVOCATION AND REFUSAL OF PERMITS

- 7.1 A Permit issued pursuant to the By-law shall be valid for a period of one (1) year from the date of issuance, after which the permit will expire.
- 7.2 Notwithstanding Section 7.1, Permits issued under this By-law shall expire (90) days after the date of issuance of the permit if Site Alteration activities have not commenced.
- 7.3 A Permit which is no longer valid or which has expired pursuant to this By-law must be renewed upon making a written application to the Town accompanied by payment of applicable fees, failing which, the Town may remedy any deficiencies outstanding at the expiration date pursuant to the provisions of this By-law at the Owner's expense.
- 7.4 The Applicant must amend an approved Permit to include additional requirements such as additional or modified site and SWM plans designed to correct problems whenever:
- a. there is a change in design, construction, operation, maintenance, weather or seasonal conditions that has a significant effect on the discharge of pollutants to surface water or underground water;
 - b. inspections or investigations indicate the plans are not effective in eliminating or significantly minimizing the discharge of pollutants to surface water or underground water or that the discharges are causing receiving water quality concerns;
- 7.5 If the title of the Site for which a Permit has been issued is transferred while the Permit remains in effect, the Permit shall be cancelled unless the new Owner of the Site, within thirty (30) days prior to the transfer, advises the Town of such transfer and provides the Town with an undertaking to comply with all the conditions under which the existing Permit was issued, including providing proof of insurances as required under Section 6.2 (d) and also provides a Security Deposit in accordance with the requirements of **Schedule "A"** of this By-law.
- 7.6 A Permit may be revoked by the Municipality under any of the following circumstances:
- a. It was issued in error;
 - b. The Owner or Permit Holder requests, in writing, that it be revoked;
 - c. The conditions of the Permit under this By-law have not been complied with;
 - d. Work authorized under the Permit has not been commenced prior to its expiry date as set out in Section 7.2 above, or
 - e. The Owner fails to comply with Subsection 7.5 and 7.4 of this By-law.
 - f. The Town is required to draw upon the Security Deposit for any other of the Applicant's Sites within the Town's jurisdiction for which a Permit for Site Alteration has been issued, as set out in Section 1.2(a) of Schedule A of this Bylaw.

- 7.7 In the event that a Permit is revoked, the Owner and/or the Permit Holder shall ensure that all work that was the subject of the revoked Permit ceases.
- 7.8 If a Permit has expired, been cancelled or revoked after the work has commenced and prior to the completion of Site Alteration, the Person, the Owner and the Permit Holders shall each be jointly responsible for the restoration of the Site to its original condition or stabilize the Site to the satisfaction of the Town in a manner that will prevent adverse impacts on the adjacent properties and the environment.
- 7.9 Where the Town refuses to issue a Permit, the Applicant shall be informed in writing of the refusal.

INSPECTIONS

- 8.1 In accordance with s. 436(1) of the *Municipal Act, 2001*, the Town may enter on the Site at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
- a. the provisions of this By-law;
 - b. a condition of a Site Alteration Permit issued under this By-law;
 - c. an order of the Town made under this By-law; or
 - d. an order made under s. 431 of the *Municipal Act, 2001*
- 8.2 For the purposes of conducting an inspection pursuant to section 7.1 of this By-law, the Town may, in accordance with the provisions in section 436(2) of the *Municipal Act, 2001*:
- a. require the production for inspection of documents or things relevant to the inspection;
 - b. inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - c. require information from any person concerning a matter related to the inspection; and
 - d. alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- 8.3 The Director may delegate any of his/her duties under this By-law;

ENFORCEMENT

- 9.1 No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Enforcement Officer who is exercising a power or performing a duty under this By-law;
- 9.2 This By-law shall apply to all Site Alteration on all Sites within the Town.
- 9.3 Enforcement Officers shall reserve the right to issue stop work orders when cooperation on inspections is withheld or when a violation has been identified that needs immediate attention to protect human health and/or the environment;
- 9.4 If an Enforcement Officer has reasonable and probable grounds to believe that a contravention of this By-law has occurred, the Enforcement Officer may make an order requiring work to be done to correct the contravention;

9.5 If an Enforcement Officer has reasonable and probable grounds to believe that a contravention of this By-law has occurred, the Enforcement Officer may make an order requiring the owner of the land and Person who caused or permitted to be caused the Site Alteration to discontinue all activities on the Site;

9.6 An order issued under Section 9.4 and 9.5 shall set out:

- a. The reasonable particulars of the contravention;
- b. What the Owner must do to rectify the contravention;
- c. The date and time by which the order must be complied with;
- d. A statement that if the work is not done in compliance with the order within the specified time period, the Town may have the work done at the expense of the Owner and any applicable charges that may be laid;
- e. Information regarding the Town's contact person; and
- f. The name of the Owner, the municipal address and the legal description of the Site that is the subject of the contravention;

Presumption

9.1 Where a Site Alteration has occurred in contravention of any of the provisions of the Bylaw, the Owner of the Site Alteration Area shall be presumed to have been the person who altered the Site, or caused or permitted the Site Alteration in contravention of this By-law, which presumption may be rebutted by evidence to the contrary on a balance of probabilities.

SERVICE OF ORDERS

10.1 Orders issued by an Enforcement Officer under Section 9.3, 9.4 and 9.5 shall be served by prepaid registered mail to the address which was provided on the Application. If served by registered mail, the document shall be deemed received by the Owner 5 working days after mailing.

OFFENCE AND PENALTY

11.1 If a person fails to do a matter or thing after being directed or required by the Town to do a matter or thing under this By-law (the "Work") then the Town may, undertake the Work at the person's expense. The Town may recover the costs of the Work from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes or by drawing on the Security Deposit provided as part of the Application. If the costs for Work are greater than the remaining Security Deposit and the Town is not reimbursed within thirty (30) days of written demand thereof, the Director of Finance may add the costs, including interest, to the tax roll for the Site and collect them in the same manner as municipal taxes.

11.2 Every Person who contravenes any provision of this By-law is guilty of an offence and liable on conviction to a penalty not exceeding \$5000.00 exclusive of costs and the provisions of the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended, shall apply to said fine;

- 11.3 Every Person who contravenes the provisions of any section of this By-law and every director or officer of a corporation, who knowingly concurs in the contravention by the said corporation, is guilty of an offence under the provisions of the Municipal Act 2001;
- 11.4 If there is a contravention of any provision of this By-law, and the contravention has not been corrected, the contravention of the provision shall be designated as a continuing offence for each day or part of a day that the contravention remains uncorrected.
- 11.5 If an order has been issued under this By-law, and the order has not been complied with, the contravention of the order shall be designated as a continuing offence for each day or part of a day that the order is not complied with.
- 11.6 For purposes of this By-law, if there is an offence respecting two or more acts or omissions, each of which separately constitutes an offence and is a contravention of the same provision of this By-law, then the offence is designated as a multiple offence.
- 11.7 For purposes of this By-law, an offence is a second or subsequent offence if the act giving rise to the offence occurred after a conviction had been entered for the same offence at an earlier date.
- 11.8 Every Person who contravenes the provisions of any section of this By-law and every director or officer of a corporation, who concurs in the contravention by the Corporation, is guilty of an offence and liable on conviction to a penalty where the minimum fine shall not be less than \$500 and a maximum fine shall not exceed \$100,000 exclusive of costs under the provisions of the Municipal Act 2001;
- 11.9 For the purpose of Continuous Offences, every Person who contravenes any provision of this By-law and every director or officer of a corporation who knowingly concurs in the contravention of a By-law of the corporation is guilty of an offence and liable on conviction to a penalty not exceeding \$10,000, exclusive of costs under the provisions of the Municipal Act 2001;
- (a) Notwithstanding Section 11.8, the total of all daily fines for the offence is not limited to \$100,000
- 11.10 For the purpose of Multiple Offences, every Person who contravenes any provision of this By-law and every director or officer of a corporation who knowingly concurs in the contravention of a By-law of the Corporation is guilty of an offence and liable on conviction to a penalty not exceeding \$100,000, exclusive of costs under the provisions of the Municipal Act 2001;

SHORT TITLE

- 12 This By-law shall have the short title "The Site Alteration By-law".

REPEALING SECTION

- 13 By-law Number 1998-110 is hereby repealed.

FORCE AND EFFECT

14 This By-law shall come into force and have effect immediately upon the final passing thereof.

SCHEDULES

Schedule "A" Security Deposit

Schedule "B" Standards for Site Alteration Plans

Schedule "C" Site Design Guidelines

Schedule "D" Permit Conditions

Schedule "E" Application for Site Alteration Permit

DRAFT

SCHEDULE A: SECURITY DEPOSIT AND FEE

- 1.1 The Town will require a Security Deposit in such amount as determined by the Director in his or her sole discretion, which may be drawn upon by the Town to remedy any deficiency in any work or to correct any works completed under the Permit issued under this By-law, including but not limited to the following works:
 - a. Damages to roads such as mud tracking and dust control;
 - b. Site restoration;
 - c. Installation and/or replacement of ESC measures;
 - d. Installation and/or replacement of stormwater management measures;
 - e. Installation and/or replacement of measures to protect the safety of the public;
 - f. Damages as a result of failure of ESC and/or stormwater management measures.
- 1.2 If at any time during the course of the work the Town is required to draw upon the Security Deposit to remedy any deficiency in any work or correct any works under the Permit issued under this By-law, the Municipality may:
 - a. Revoke the Permit issued by the Town to the Applicant for the Site in question;
 - b. Require the Applicant to execute Subdivision Agreement or Site Plan Agreement before works can continue.
- 1.3 The Security Deposit must remain in effect for the full duration of the permit (the "Permit Term") and the Permit Holder agrees that any interest accruing on the Security Deposit shall belong to the Town and not the Permit Holder. Any Security Deposit in the form of a letter of credit and its subsequent renewal forms shall contain a clause stating that thirty (30) days written notice must be given to the Municipality prior to its expiry or cancellation; and
- 1.4 In the event that the Town receives notice that the said letter of credit is expiring and will not be renewed, or, if further or additional securities are not provided to the Town by the Permit Holder within the said thirty (30) days, the Town may draw on the said letter of credit at the discretion of the Director to render the letter of credit security into a cash deposit security.
- 1.5 It is the responsibility of the Permit Holder:
 - a. To provide proof satisfactory to the Town that the Site has been adequately reinstated and stabilized in accordance with the requirements of this By-law and the Site Alteration Plan accompanying the Permit; and
 - b. To request in writing at least fourteen (14) days prior to the expiry of the permit that the Town carry out a final inspection to confirm that all relevant terms of this By-law have been complied with;
- 1.6 The Security Deposit shall not be released by the Town until written certification has been provided by the Permit Holder that the Site Alteration meets the applicable site condition standard, as determined by a Qualified Person;
- 1.7 If circumstances exist such that noncompliance within this By-law poses an immediate danger to the public health, safety and welfare, as determined by the Town, the Town may take emergency preventative action. The Town shall also use

the information provided on the permit application to contact the Applicant and direct the Applicant to take any necessary action. Any cost to the Municipality may be recovered from the Security Deposit and/or added to the tax roll and collected in the same manner as property taxes;

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SCHEDULE B: STANDARDS FOR SITE ALTERATIONS PLANS

The Owner shall ensure that the information required for Site Alteration Plans are provided by a Qualified Person Two (2) hard copies and one (1) digital copy on CD or USB of the Site Alteration Plan are required to be submitted to the Director of Engineering Services. All plans are to be in metric units and printed from the original drawings with all information provided legible and clear.

GENERAL REQUIREMENTS The Site Alteration Plan shall be at a scale of 1:500 and shall include the following requirements:

- 1.1 The use of the Site and the location of all existing and proposed buildings and other structures;
- 1.2 The location of driveways and municipal road allowances;
- 1.3 The location of the Regional storm flood line and the LSRCA Fill regulation lines shall be shown within the Site boundary;
- 1.4 The location of any existing septic systems and private wells and/or existing municipal services;
- 1.5 The location and species types of existing vegetative cover, including the species and size of all trees;
- 1.6 The location and dimensions of any existing and proposed storm water drainage systems and natural drainage patterns on and within thirty (30) metres beyond the Site boundary;
- 1.7 Description of any existing easements on the Site;
- 1.8 The identification of the proposed Finished Grade elevations of the Site;
- 1.9 The location and dimensions of all proposed Site Alteration activities;
- 1.10 The location and dimensions of all proposed temporary stockpiles for Fill, Soil and other materials;
- 1.11 The location and dimension of all proposed access routes;
- 1.12 The location and dimensions of all proposed staging areas for equipment;
- 1.13 An indication on the drawing of the directions of overland flow and overland flow routes;
- 1.14 Provisions for the maintenance of the Site and control measures and a schedule for monitoring procedures during construction, including a mud tracking prevention program. This shall describe the procedure for mud tracking prevention and road clean up and designate a contact Person for such a program throughout each land disturbing and land developing activity;
- 1.15 A maintenance plan that includes, but is not limited to, who will conduct the maintenance, type of maintenance needed, maintenance intervals and demonstrating that at the time of final stabilization that the stormwater facilities conform to design specifications;
- 1.16 A schedule of the anticipated start and completion dates of each land disturbing or land developing activity including the installation of ECS measures needed at the Site to meet the requirements of the By-law

- 1.17 Details of the Site rehabilitation including the type and location of all interim and permanent stabilization measures;
- 1.18 A key map showing the location of the Site, Site boundaries, number of hectares of the Site, the Site Alteration Area, the Site address or Site number, plan numbers, bearing distance over perimeter, the nearest major intersection, a legend and a north arrow;
- 1.19 A field survey of the existing Site topography at a contour interval not to exceed one half of one metre determined in accordance with the Canadian Geodetic Datum and to extend a minimum of thirty (30) metres beyond the Site boundary with spot elevations along the property line at 0.5-1.0 metre intervals to clearly show the existing Drainage patterns on the Site and the Adjacent Sites;
- 1.20 The location, dimensions, design details and design calculations of all Site control measures, including plan and profile drawings of ESC and SWM devices, necessary to meet the requirements of this By-law;
- 1.21 A certificate on the drawings, executed by a Qualified Person in the following form:

"I have reviewed the plans for the construction of _____ located at _____ and have prepared this plan to indicate the compatibility of the proposal to existing adjacent properties and municipal services. It is my belief that adherence to the proposed grades as shown will produce adequate surface drainage and proper facility of municipal services without any detrimental effect to the existing drainage patterns or adjacent properties."

Such other information with respect to the Site may be required by the Municipality.

STORMWATER MANAGEMENT PLAN

1.2 A Stormwater Management (SWM) Plan will be required, prior to any proposed land development activity that meets any of the criteria in a) through e) below:

- (a) Any land development activity or site alteration that may ultimately result in the disturbance of 5000 sq. meters (0.5 hectares) or more of land within any one year period, including smaller individual sites that are part of a common plan of development that may be constructed at different times;
- (b) Any land development activity or site alteration within 120 metres of a key natural heritage feature (e.g. wetland, woodland), a key hydrologic feature (e.g. water course) or the significant habitat of endangered and threatened species as defined in the Lake Simcoe Protection Plan;
- (c) A plan of subdivision, condominium, or site plan;
- (d) The construction of any new private road;
- (e) Any land development activity or site alteration, that the Town determines is likely to cause an adverse impact to an Environmentally Sensitive Area or other property, or as required by the Town.

1.2 Stormwater Management Plan Requirements:

The SWMP shall include, but not limited, to the following requirements:

General:

- 9.1.1 A SWMP must be stamped and signed by a Qualified Person and shall be completed as submitted as part of the Site Alteration Plan prior to the Site Alteration activities.
- 9.1.2 A description of the Site Alteration activities: The description must be a combination of narrative, plan sheets, and (if appropriate) standard detail sheets that address the foreseeable conditions, at any stage in the construction or post construction activities.
- 9.1.3 The SWMP must include any stormwater mitigation measures approved as part of an environmental review, endangered species review, archaeological or other required review conducted for the project. For the purposes of this permit provision, mitigation measures means actions necessary to avoid, minimize, or rectify) e.g., repairing, rehabilitating, restoring), reducing, eliminating or compensating for impacts related to: (1) stormwater discharges associated with the project's construction activity; and (2) erosion prevention, sediment control and the Permanent SWM System for the project;
- 9.1.4 The SWMP must identify additional or different measures necessary (e.g., impervious liner in pond bottom) to assure compliance with source water and groundwater protection plans in karst areas and to ensure protection of drinking water source areas;
- 9.1.5 The SWMP must identify and address additional or different standards such as wellhead protection areas and make protection zones to ensure protection of Municipal drinking water supplies;

Site Maps:

- (a) A site map with existing and final grades, including dividing lines and direction of flow for all pre- and post-construction stormwater runoff drainage areas located within the project limits must be included. The site map must indicate the areas of steep slopes.
- (b) The site map must also include impervious surfaces, soil types adhere to Lake Simcoe watershed Soil Classification mapping, and locations of potential pollutant-generating activities such as the storage, handling, and disposal of Site Alteration activities, materials, and wastes, fuelling and maintenance of equipment or vehicles, vehicle and equipment washing, and concrete and other washout waste.
- (c) Buffer zones must be described and identified on plan sheets or project maps in the SWMP
- (d) Location of areas where construction will be phased to minimize duration of exposed soil areas must be described
- (e) The SWMP must include a map of all surface water, existing wetlands, and stormwater ponds or basins which can be identified within one kilometre (aerial radius measurement) from the project boundaries and specify if they will receive

stormwater from the construction site, during or after construction. Where surface waters receiving stormwater associated with construction activity will not fit on the plan sheet, they must be identified with an arrow, indicating both direction and distance to the surface water.

Erosion and Sediment Control:

- (a) The SWMP must identify the potential for discharge of sediment and/or other potential pollutants from the site that would have a negative impact on surface and ground water. The SWMP must contain erosion prevention and sediment control BMPs to control the discharge of sediment and/or other potential pollutants from the site;
- (b) As part of the SWMP, the Owner must identify a person qualified in the application of erosion prevention and sediment control BMPs who will oversee the implementation of the SWMP, and the installation, inspection and maintenance of the erosion prevention and sediment control BMPs before and during construction. The Owner must identify in the SWMP who will have the responsibility for long-term operation and maintenance of the Permanent SWM System. The Owner shall include in the SWMP a chain of responsibility with all operators on the Site, or if not known, the title or position of the responsible party, to ensure that the SWMP will be implemented and stay in effect until the construction project is complete and the entire Site has undergone Final Stabilization.
- (c) The SWMP must incorporate the requirements of the By-law and include a narrative describing the timing for installation of all erosion prevention and sediment control BMPs and permanent SWM systems must also be included.
- (d) The SWMP requirements must be incorporated into the project's final plans and specifications and/or project documentation, as appropriate, and must include:
 - i. Location and type of all temporary and permanent erosion prevention and sediment control BMPs along with procedures to be used to establish additional temporary BMPs as necessary for the site conditions during construction. Standard details and/or specifications for the BMPs used on the project must be included in the final plans and specifications for the project;
 - ii. Estimated preliminary quantities tabulation anticipated at the start of the project for the life of the project must be included for all erosion prevention and sediment control BMPs in the SWMP (e.g., linear metres of silt fence or square metres of erosion control blanket);
 - iii. The number of hectares of impervious surface for both pre- and post-construction must be specified.
- (e) Any specific chemicals and the chemical treatment systems that may be used for enhancing the sedimentation process on the Site and how compliance will be achieved must be described;

Design Calculations:

- (a) The SWMP must account for the following factors (i to iii) in designing the temporary erosion prevention and sediment control BMPs, considering (at minimum) the 1 in 2 year, Type II SCS, 24 hour duration design storm:
 - i. The expected amount, frequency, intensity, and duration of precipitation;

- ii. The nature of stormwater runoff and run-on at the site, including factors such as expected flow from impervious surfaces and site drainage features;
 - iii. If any stormwater flow will be channelized at the site, the Applicant must design BMPs to control both peak flow rates and total stormwater volume to minimize erosion at outlets and to minimize downstream channel and stream bank erosion.
- (b) When the facility discharges to a coldwater stream, the Permanent Stormwater Management System shall be designed such that the discharge from the project will minimize any increase in the temperature of coldwater stream receiving waters resulting from the 1 in 2 year, Type II SCS, 24 hour duration design storm. Projects which discharge to coldwater streams must minimize the impact using one more or more of the following measures, in order of preference:
- i. Minimize new impervious surfaces;
 - ii. Minimize the discharge from connected impervious surfaces by discharging to vegetated areas, or grass swales, and through the use of other non-structural controls;
 - iii. Infiltration or other volume reduction practices to reduce runoff in excess of pre-project conditions (up to the 1 in 2 year, Type II SCS, 24 hour duration design storm);
 - iv. If ponding is used, the design must include an appropriate combination of measures such as shading, filtered bottom withdrawal, vegetated swale discharges or constructed wetland treatment cells that will limit temperature increase. The pond should be designed to draw down in 24-48 hours;
 - v. Other methods that will minimize any increase in the temperature of the coldwater stream.

Final Stabilization:

- (a) Methods to be used for Final Stabilization of all exposed soil areas must be described. Final stabilization is not complete until all requirements (i to v) outlined in this section below are complete:
- i. All soil disturbing activities at the site have been completed and all soils are stabilized by a uniform perennial vegetative cover with a density of 70 percent of its expected final growth density over the entire pervious surface area, or other equivalent means necessary to prevent soil failure under erosive conditions;
 - ii. The permanent SWM system is constructed and is operating as designed. Temporary or permanent sedimentation basins that are to be used as permanent water quality management basins have been cleaned of any accumulated sediment. All sediment has been removed from conveyance systems and ditches are stabilized with permanent cover;
 - iii. All temporary synthetic and structural erosion prevention and sediment control BMPs (such as silt fence) have been removed on the portions of the site for which the Applicant is responsible. BMPs designed to decompose on site (such as some compost logs) may be left in place;
 - iv. For residential construction only, individual lots are considered finally stabilized if the structure(s) are finished and temporary erosion protection and down-gradient

perimeter control has been completed and the residence has been sold to the homeowner;

- v. For construction projects on agricultural land (e.g., pipelines across crop, field pasture or range land) the disturbed land has been returned to its preconstruction agricultural use.
- vi. For projects that include permanent stormwater treatment systems, the SWMP must include a maintenance and monitoring plan identifying who will be performing future maintenance and monitoring of the system;

EROSION AND SEDIMENT CONTROL PLAN

1.4 An ESC Plan shall be required prior to any proposed land disturbing activity, unless otherwise exempted in this By-law;

1.5 An ESC Plan shall be completed and submitted as part of the Site Alteration activities, when applicable. An ESC Plan shall include, but may or may not be limited to the following requirements:

- (a) Project description including the nature and purpose of land disturbing activity, the legal description of the Site, and a reference to Adjacent Sites and landmarks;
- (b) Condition of the existing Site including Site use, Site topography, Soils, vegetation, Drainage systems, and receiving waters;
- (c) Protection of receiving water bodies, wetlands, and storm sewer inlets;
- (d) Description of areas within the Development Site that have potential for serious erosion or sediment transportation problems;
- (e) A delineation and description of the measures to be undertaken to prevent erosion and to retain sediment on the Site, including, but not limited to, the designs and specifications for swales, dikes, drains, sediment control ponds, and a schedule for their maintenance and upkeep;
- (f) A delineation and description of the vegetative measures to be used, including, but not limited to, mulches, types of seeds and fertilizers and their application rates, the type, location and extent of pre-existing and undisturbed vegetation types and a schedule for maintenance and upkeep;
- (g) Description of any new ESC techniques and effective measures provided such techniques are proven to be as or more effective than the equivalent ESC;
- (h) Record keeping procedure including sample inspection and maintenance forms. Maintenance record keeping procedure including reporting and on-Site documentation system;

1.6 Significant effort shown to minimize the following:

- (a) Disturbance of natural soil cover and vegetation, including vegetated buffers along watercourses;
- (b) Exposed soil and unstable soil conditions;
- (c) Off-site sediment transport on trucks and equipment;
- (d) Work in and adjacent to water bodies and wetlands;

- (e) Compaction of site soils; and
- (f) Dust from construction activities.

1.7 The ESC Plan must be stamped, dated and signed by a Qualified Person.

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SCHEDULE C: SITE DESIGN GUIDELINES

SITE EROSION AND SEDIMENT CONTROL PRACTICES

- 1.1 The Site Alteration Plan should consider the following types of stabilization practices for soil ESC controls;
- (a) Vegetative stabilization practices such as temporary seeding, sod stabilization, permanent seeding and planting, maintenance of buffer zone, and preservation of natural vegetation;
 - (b) Non-vegetative stabilization practices such as mulching, geo-textiles, Soil-retaining measures and stream bank stabilization; and
 - (c) In-stream stabilization practices such as temporary stream crossings, cofferdams, dry flumes, sediment curtains, by-passes or full diversions, and de-watering.
- 1.2 Runoff velocity dissipation measures, which slow down the runoff flowing across the Site by using measures such as check dams, surface roughening and gradient terraces;
- 1.3 Stormwater runoff controls, which prevent runoff from flowing across disturbed areas by using measures such as earth dikes, Drainage Swales and drains;
- 1.4 BMPs such as construction phasing, horizontal slope grading, delineation of areas not to be disturbed (e.g., with flags, stakes, signs, etc.), and terracing on steep slopes;
- 1.5 All storm drain inlets shall be protected with appropriate sediment barriers so as not to admit sediment-laden runoff from the disturbed areas. The control measures chosen must meet the standards and specifications accepted by the Director of Engineering;
- 1.6 Structural practices such as temporary sediment control ponds, which hold stormwater runoff in a controlled fashion and remove sediments in the storage device; and
- 1.7 In the event that a sediment control pond cannot be constructed to service the entire Site (i.e., capture all runoff from the Site), the reasons must be documented and alternative control measures must be implemented. Other sediment control measures, which remove sediments from runoff before it leaves the Site, include silt fences, sediment traps, storm drain inlet protection, and filter fabrics.

Temporary sediment control pond

- 2.1 For Sites with more than two (2) hectares disturbed at a time, or in a staggered manner, all of which are served by a common discharge location, a series of Sediment Control Ponds shall be provided. The Applicant is encouraged, but not required to install temporary sediment basins where appropriate in areas with steep slopes or highly erodible soils, even if less than two (2) hectares drains to one area.
- 2.2 Sediment Control Pond Design should be as follows:

- a. The Sediment Control Pond shall be constructed prior to topsoil stripping or fill placement;
- b. The Sediment Control Pond and conveyance channels shall be located in such a way that the runoff will be captured and conveyed from as much of the Site Alteration Area to the pond as possible;
- c. Sediment Control Ponds should have two components:
 - i. Active Storage Volume, which should be designed with a minimum of 125 cubic metres/hectare contributing drainage area with a minimum 48 hour drawdown time (minimum 75mm diameter orifice), and a minimum 4:1 L:W ratio of the pond;
 - ii. Permanent Pool Volume, with a minimum 125 cubic metres/hectare contributing drainage area, or minimum 185 cubic metres/hectare contributing drainage area if L:W ratio is less than 4:1, or the drawdown time for active storage is less than 48 hours
- d. Sediment Control Pond outlets must be designed to prevent short-circuiting and the discharge of floating debris. The basin must be designed with the ability to allow complete basin drawdown for maintenance activities, and must include a stabilized emergency overflow to prevent failure of pond integrity. The outlet structure must be designed to withdraw water from either the surface and/or bottom draw, to provide operational flexibility in order to minimize the discharge of pollutants. The use of a surface withdrawal mechanism for discharge of the basin may be temporarily suspended during frozen conditions;
- e. Sediment Control Ponds must be situated outside of surface waters and any buffer zone, and must be designed to avoid draining water from wetlands;
- f. The length to width ratio should be three (3) or greater, but less than six (6) (ideally 4:1). Interior side slopes should be 3:1. Basin depth should be a minimum of 1.0 metres to avoid re-suspension of previously settled out sediment and less than 2.5 metres;
- g. The Site Alteration Plan shall provide the maintenance schedule. The sediment control pond must be cleaned once the designed permanent pool volume has been reduced by 50%. To verify sediment accumulation, the Sediment Control Pond should be measured at least on a monthly basis from the start of land disturbance. Material that is dredged from a pond shall be stored on the lot in a suitable location; and
- h. Where a temporary sediment basin meeting the requirements of this part is infeasible, equivalent sediment controls such as smaller sediment basins, and/or sediment traps, silt fences, vegetative buffer strips, or any appropriate combination of measures are required for all down-slope boundaries of the construction area and for side-slope boundaries as dictated by individual site conditions.

LAND DISTURBING ACTIVITIES THAT RESULT IN RUNOFF LEAVING THE SITE

- 3.1 All the activities on the property shall be conducted in a phased manner subject to the satisfaction of the Municipality to minimize the area of bare soil exposed at any one time;
- 3.2 Concentrated runoff from adjacent areas passing through the Site shall be diverted around disturbed areas, if practical. Otherwise, the channel shall be protected by cut-off swales and/or silt fences being placed along channel edges to avoid sediment from disturbed areas reaching the channel;
- 3.3 Stabilization works of all exposed soil areas (including stockpiles) must be initiated immediately whenever any construction activity has permanently or temporarily ceased on any portion of the site and will not resume for a period exceeding 15 calendar days. Stabilization works must be completed no later than 15 calendar days after the construction activity in that portion of the site has temporarily or permanently ceased. Temporary stockpiles without significant silt, clay or organic components (e.g., clean aggregate stockpiles, demolition concrete stockpiles), and the constructed base components of roads, parking lots and similar surfaced are exempt from this requirement;
- 3.4 If using stormwater conveyance channels, channels must be designed to route water around unstable areas on the site and to reduce erosion. The Applicant must use erosion controls and velocity dissipation devices, such as check dams, sediment traps, riprap, or grouted riprap at outlets within and along the length of any constructed stormwater conveyance channel, and at any outlet.
- 3.5 Unless infeasible due to lack of pervious or vegetated areas, discharges from BMPs must be directed to vegetated areas of the Site (including any natural buffers) in order to increase sediment removal and maximize stormwater infiltration. The Applicant must use velocity dissipation devices if necessary to prevent erosion when directing stormwater to vegetated areas;
- 3.6 All Topsoil stockpiled, prior to the passing of the By-law shall be subject to the provisions of this By-law;
- 3.7 For Sites adjacent to existing residential areas, a fence and cut-off swale/channel may be required around the entire perimeter of the Site to prevent Drainage onto private lands. A three (3) metre wide buffer strip and/or sediment control fence shall be provided along the perimeter of the down-slope boundaries of the Site;
- 3.8 The Erosion & Sediment Control Guideline for Urban Construction prepared by the Greater Golden Horseshoe Area Conservation Authorities, the MNRF for the Province of Ontario, are to be followed;
- 3.9 For Sites with extensive Fill requirements, the Director of Engineering Services may waive the requirements for stabilization of disturbed areas after fifteen (15) days of inactivity provided that the sediment control measures have been implemented to the satisfaction of the Director of Engineering Services;
- 3.10 All waste and unused building materials (including garbage, cleaning wastes, wastewater or any hazardous materials) shall be properly disposed of and not allowed to be mixed with soil and carried by runoff from the Site into a receiving watercourse or storm sewer system;
- 3.11 Precautions shall be taken to ensure that mud will not be tracked offsite by any vehicle exiting the Site;

- 3.12 Stabilization shall take the form of the Town Engineering Design Standards and Criteria.

SITE DEWATERING

- 4.1 Dewatering operations may be conducted provided that water is not permitted to discharge directly into the receiving Body of Water and meets federal, provincial and municipal water quality requirements set forth through legislation;
- a. If water is demonstrated through laboratory analysis to meet the requirements set forth in the Municipality's Sewer Use By-law and a permit to dewater has been obtained from the Municipality both from the upper and lower tier as appropriate, then dewatering operations may be conducted provided water is not permitted to discharge directly into a receiving Body of Water;
- 4.2 Water pumped from the Site shall be treated by structural devices such as Sediment Control Ponds, grit chambers, filter bags, sand filters, up-flow chambers, swirl concentrators or other appropriate controls. The Applicant may discharge from the temporary or permanent structural device to surface waters if the discharging water has been visually checked to ensure adequate treatment has been obtained and that nuisance conditions will not result from the discharge. Monitoring expectations, along with the development of an appropriate contingency plan, need to be clarified during mandatory pre-application meeting with Municipality and other relevant agencies (e.g., LSRCA);
- 4.3 The Applicant must ensure that discharge points are adequately protected from erosion and scour. The discharge must be dispersed over natural rock riprap, sand bags, plastic sheeting, or other accepted energy dissipation measures;
- 4.4 Where a Permit to Take Water from the MOECC is required for the Site, the Applicant is still required to obtain a written approval from the Municipality by way of a discharge agreement to discharge water through the Municipality's Sewer Use By-law as may be amended or replaced from time to time;
- a. If site alteration requires dewatering in excess of 50,000 litres/day (requires a Permit to Take Water) in a wellhead protection area and/or within two (2) kilometres of a municipal well, a dewatering plan may be required to the satisfaction of York Region;
- 4.5 Where a SWM effluent discharge is required for the Site, the Applicant is required to obtain a written approval from the Municipality by way of a discharge agreement to discharge in accordance with the Regional Municipality of York Sewer Use By-law 2011-56 as may be amended or replaced from time to time;

SCHEDULE D: PERMIT CONDITIONS**1.1 All Permit Holders under this By-law shall:**

- a. Notify the Town within 48 hours following commencement of any Site Alteration activity;
- b. Notify all residents, within a 500 metre radius of the Site, three (3) weeks before the commencement of Site Alteration;
- c. Notify the Town of the completion of any ESC measures, within 48 hours after installation;
- d. Notify the Town of the removal of any ESC measures, within 48 hours after decommissioning;
- e. Obtain permission in writing from the Town prior to modifying the Site Alteration Plan;
- f. Install all ESC measures, as identified in the approved Site Alteration Plan, prior to Soil Stripping;
- g. Maintain all road Drainage systems, stormwater Drainage systems, control measures and other facilities identified in the approved Site Alteration Plan;
- h. Repair any erosion or sediment damage to adjoining surfaces and Watercourses resulting from Site Alteration activities immediately and not later than within 24 hours;
- i. Inspect the ESC measures at least once per week and after each rainfall and provide written inspection reports to the Town. Complete any repairs within 24 hours to the satisfaction of the Director;
- j. Allow employees of the Town and/or any other Person(s) working on behalf of the Town, to enter the Site for the purpose of inspecting for compliance with the approved Site Alteration Plan or for performing any work necessary to bring the Site into compliance with the approved Site Alteration Plan;
- k. Maintain a current approved copy of the Site Alteration Plan and the Permit on the Site, as well as, copies of all inspection reports, at all times;
- l. Be responsible for the activities of agents, servants, employees, contractors and subcontractors who may create a situation of non-compliance of the Permit;
- m. Construct additional ESC measures, not identified in the Site Alteration Plan, as deemed necessary by the Director of Engineering Services to ensure no erosion and sediment damage to the Adjacent Sites; and
- n. Not remove any vegetation designated as environmentally significant or otherwise to be protected unless permission is obtained from the Town;

1.2 The Town may:

- a. Upon failure by the Permit Holder to complete all or part of the works in the time stipulated in the approved Site Alteration Plan or work required by an order under Section 9.4 and 9.5 of this By-law is not done within the specified period, draw the appropriate amount from the Security Deposit and use those funds to arrange for the completion of the said works, or any part thereof;

- b. Upon failure by the Permit Holder to install, repair, maintain or decommission a specific ESC as requested by the Town, and in the time requested, authorize the use of all or part of the Security Deposit to pay for the associated costs incurred, at the Director of Engineering Services discretion as deemed necessary at any time; or
- c. In the case of emergency repairs or clean-up, undertake the necessary works at the expense of the Permit Holder and reimburse itself out of Security Deposit; and
- d. Inform the Applicant, where necessary, that additional information is required to ensure that erosion and sediment damage does not occur to Adjacent Sites from the activities on the Site.



DEVELOPMENT AND INFRASTRUCTURE SERVICES – ENGINEERING SERVICES
TOWN OF NEWMARKET
395 Mulock Drive
P.O. Box 328
Newmarket, ON L3Y 4X7
www.newmarket.ca
info@newmarket.ca
905.895.5193

October 20, 2016

**DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT
ENGINEERING SERVICES 2016-45**

TO: Committee of the Whole
SUBJECT: Public Consultation and Support Plan – Transportation Services
ORIGIN: Director, Engineering Services

RECOMMENDATIONS

THAT Development and Infrastructure Services Report – Engineering Services 2016-45 dated October 20, 2016 entitled “Public Consultation and Support Plan – Transportation Services” be received and the following recommendations be adopted:

- 1. THAT the Public Consultation and Support Plan as outlined in Appendix A be adopted for use starting January 1, 2017;**
- 2. AND THAT the Public Consultation and Support Plan be reviewed both internally and by the public throughout 2017 for improvements for 2018, if necessary.**

BACKGROUND

At its regular meeting of June 7, 2016, Town Council adopted the following recommendation as part of Development and Infrastructure Services Report – Engineering Services 2016-26, entitled “Woodspring Avenue – Bonshaw Avenue to Town Limit Bicycle Lanes and On-Street Parking – Report #2”, dated May 11, 2016, stating:

“ii) AND THAT an improved approach to community consultation and decision making for traffic, parking and bicycle lane issues be developed that ensures greater opportunity for informed discussion of any associated uses.”

This recommendation resulted mainly from a situation where a survey was conducted on Woodspring Avenue by the Town as per its consultation policy. Consistent with the survey results, bicycle lanes were implemented on both sides of the road, and a turning lane was created in the centre of Woodspring Avenue. No on-street parking was implemented in order to protect the bike lanes and the cyclists using them. Experience has shown in many other municipalities that parking and bike lanes cannot co-exist without a certain degree of risk to public safety.

The Town then became aware of some dissatisfaction regarding the fact that there was no on-street parking allowed alongside or in the bike lanes. Although the Town provided several alternative solutions to residents for additional parking (e.g.: using a parking lot at the local community park, sharing with a neighbour, temporary exemptions necessitated by construction work being done on a home, etc.), this did not seem to be satisfactory for some.

It became evident that the question at hand affected a much broader sector of the Town than just the Woodspring Avenue community. Therefore, the consultation area needed to be expanded so that the question of bike lanes versus parking could be addressed throughout the Town. This broader consultation would help establish criteria that could apply to the implementation of the remainder of the Town's active transportation plan.

Transportation Services is currently developing several policies for the implementation of the Traffic Mitigation Strategy. The "Public Consultation" piece was therefore accelerated so that it could be brought forward for discussion as a stand-alone policy in advance of the remainder of the Traffic Mitigation Strategy policies.

COMMENTS

At the present time, Engineering Services functions under three main Council-approved policies that are administered through the Transportation Services business unit. They are:

- A) The Transportation Management Policy;
- B) The Corporate Parking Policy; and
- C) The Sidewalk Policy (which is also used to govern the implementation of sidewalks in capital and development projects).

Each of the three existing policies has a public consultation component. However, the Parking Policy has, by far, the most comprehensive public consultation requirement.

There are three major concerns regarding public consultation for transportation projects:

1. How to define the extent of the community that might be impacted
2. How to disseminate the information through to the community
3. At what level of community support should the Town implement any change

All three are discussed below.

1. How to define the extent of the community that might be impacted

The Parking Policy is clear in this respect by stating that all fronting and flanking households are to be contacted as part of a survey. However, it is not as simple in the other policies. The extent of the community to be surveyed varies by the type of change that is being requested. More specifically, there are three different types of changes generally being sought. These are:

- point or single impact location
- linear or street impact location
- community-wide impact location

A community-wide impact location can be initiated as a point or single impact location or as a street specific change that is being requested, but it could, in fact, impact the larger community or even the entire Town.

Examples of point or single impact locations can include:

- All-way stop controls
- Signage
- Crossing guard locations

Linear or street specific impact locations can include the following requests:

- Parking restrictions
- Traffic calming measures (street specific)

Community-wide impact locations can be listed as follows:

- Active transportation Routes
- Traffic Calming measures (area)

Point or single impact location issues are generally based on warrants or strict criteria for implementation, so the decision on whether to implement them or not would not be based on public input. However, the directly impacted households are notified via mail of the study and/or results. "Directly impacted households" consist of at least two households on either side of the point location or can be more depending on the type of measure.

Linear or street impact locations can be based on safety considerations, but they are generally subject to a majority of the residents impacted being in favour. The community to be surveyed would consist of the street itself, with the households directly fronting or flanking the impact location being considered as "directly impacted".

Community-wide locations would have to be determined on a case by case basis, but would generally consist of the households that are directly impacted, as noted above in "linear or street impact locations". In addition to surveying those households, an invitation to the broader community would also be made through advertising Town-wide via the Town's normal communications channels.

In all cases, Town staff would be solely responsible for contact and all related communications.

2. How to disseminate the information through to the community

The majority of the information sent out by the Town regarding transportation-related matters is by regular mail. On occasion, residents may call or come directly to the Town office to express their views. The use of mail is the most effective way to ensure that all impacted households have received contact. Replies via email or by return letter are the best methods to track responses. The system functions with one household receiving one vote. The process normally ends with a follow-up report and recommendations being presented for discussion and consideration by Council.

This process has worked well but can be improved. For example, to ensure tracking and follow-up on requests, all transportation matters could be raised as "New Business" at a Town Council meeting or preferably, at a Committee of the Whole meeting. This way, all matters to be addressed are placed on an Outstanding List for follow-up. The Councillor can then track when certain matters will be coming back to Council, or if there are any delays and the reason for any delay. Because this is a public process, residents whose homes are outside of the survey limits and who would not normally receive an initial mailing, can be included in the process, or they can be surveyed separately while still being consulted.

3. At what level of community support should the Town implement any change

There are two factors to consider when reviewing change. The first is at what level of community support should a review/survey be initiated, and the second is what level of community support will be required for the community to accept the change.

All traffic and transportation reviews require resources in the form of staff and budgets. Current policies are such that full reviews are often triggered as soon as one individual lodges a complaint or requests a change. The Parking Policy is specific about receiving written confirmation from the Ward Councillor prior to proceeding. Some other elements in the Transportation Management Policy have a similar requirement.

However, on many occasions, Engineering staff will initiate a process as a result of a single-individual complaint and, only to find out that the remainder of the affected community does not support the change or that they are in fact angered by the possibility of that particular change. Exacerbating the process is the fact that there is minimal response from the community until the changes (like new signs) appear, and then opposition begins to be expressed after completion of the study and implementation of the change.

In either case, staff has found that this way of proceeding to respond to complaints or requests is highly inefficient and results in a usage of the Town's resources that could be much improved. As the Town grows, in order to maintain acceptable service levels, staff must do more with less resources in order to meet community and Council expectations. Finding measures for increased efficiency is necessary to be able to provide a reasonable level of service without over-extending budgets and other resources. Therefore, a new level of commitment to change by the community should be required before any resources are expended to initiate a transportation or traffic review.

The second part of the equation is what level of community support will be required for the community to accept the change that was requested. The Town's current practice is to implement the change if a majority of the affected households is in favour. Unfortunately, response rates to surveys are often low and, on occasion, they are minimal. Staff has experienced some situations where only three responses were received in a 60 household affected community, meaning that two households have dictated the change. There is a cost associated with change, and if a community truly wants change, their position should be known and there must be a better way to gauge that response.

A review of practices in other municipalities lends insight into different strategies. Many municipalities have much more effective and efficient methods. Some use a two-step process, whereby a certain number or a given percentage of households must petition to trigger the process of exploring whether there should be a change (i.e. 25% of the impacted households or a minimum of 10 households). Once the review is done, change is only implemented if a follow-up majority is in favour (which could be anywhere from "50 +1" to 75 percent of households impacted being in favour of the change). Some municipalities have an initial high percentage requirement of a minimum of 50% to 75% support from the community to trigger the review process whereas some municipalities use a combination of different elements to determine whether a review should proceed.

A very important factor in the triggering and review/consultation processes is to have the Ward Councillor as an active participant in the process. Consideration should also be given to Council's strategic direction on public consultation, and the transparency and tracking of the request and the entire process.

Based on the above, staff recommends that the Town implement a two-step process that will guide when to initiate a review, and how much community support will be required to implement change. The percentage and determination for each of the steps being recommended for various types of changes that are being requested are listed in Appendix A. Irrespective of the type of change being sought, all requests should be presented via the Council process, and all decisions for change should be approved by Town Council.

RECOMMENDATION

As a result of the findings presented in this report, it is recommended that the Public Consultation and Support Plan in Appendix A, which is being presented as an efficiency measure and which is based on considerable research conducted by Town staff, be considered and adopted for use starting in January 2017.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

This Consultation and Acceptance Plan address three Council Strategic Priorities: Community Engagement, Efficiency/Financial Management, and Traffic Safety & Mitigation.

CONSULTATION

This report is the result of the Town's experience with years of public consultation on traffic and transportation matters, and on research of what is being done in other municipalities. Modifications are being proposed to serve the public and Town Council more effectively and with a more efficient use of the Town's resources. There was no direct consultation in the production of this report. However, Appendix A will be posted on the Town's website and staff will receive feedback from the public throughout 2017 as the process is adjusted for final consideration in 2018.

HUMAN RESOURCE CONSIDERATIONS

There would be no human resource impacts, other than a more efficient use of resources so that more staff time can be devoted to developing and implementing traffic mitigation strategies.

BUDGET IMPACT

Operating Budget

The Operating Budget may see a small increase in mailing costs, but it would be difficult to determine the extent as it would depend on the number and complexity of issues being reviewed in a given year.

Capital Budget

The Capital Budget would not be impacted.

CONTACT

For more information regarding this report, please contact: Mark Kryzanowski, Manager Transportation Services, at ext: 2508 or via email at mkryzanowski@newmarket.ca



Rachel Prudhomme, M.Sc., P.Eng.
Director, Engineering Services



Peter Noehammer, P. Eng.
Commissioner,
Development and Infrastructure Services

Appendix A

Public Consultation and Support Plan – Transportation Services

1. POINT OR SINGLE LOCATION ISSUES:

1.1 All-way stop controls:

Initiation Requirement:	Ward Councillor through Committee of the Whole
Staff Decision:	Based on the Policy Warrants, or sound engineering judgment
Reporting:	Staff reporting to Committee of the Whole
Notification/Consultation:	Households directly impacted (3 households on either side of the requested stop sign location)
Moratorium:	This issue shall not be reconsidered for a minimum period of 2 years after the decision has been approved by Council

1.2 Signage:

Initiation Requirement:	Ward Councillor to Director of Engineering
Staff Decision:	Based on the Policy Warrants/OTM Book Requirements, or sound engineering judgment
Reporting:	Staff reporting directly back to Councillor/households
Notification/Consultation:	Households directly impacted (3 households on either side of the sign location) if warranted
Moratorium:	This issue shall not be reconsidered for a minimum period of 2 years after the decision has been made by staff

1.3 School Crossing Locations:

Initiation Requirement:	School Board/School Council request to Ward Councillor through Committee of the Whole request
Staff Decision:	Based on the Policy Warrants/OTM Book Requirements, or sound engineering judgment
Reporting:	Staff reporting to Committee of the Whole
Notification/Consultation:	Households directly impacted (3 households on either side of the crossing location)
Moratorium:	This issue shall not be reconsidered for a minimum period of 2 years after the decision has been accepted by Council

2. LINEAR OR STREET SPECIFIC LOCATION ISSUES

2.1 Parking Restrictions:

Initiation Requirement:	25% of all households between 2 intersections, or 25% of households on an entire street, depending on the nature of the request; to be presented by residents as a petition request to the Ward Councillor through a Committee of the Whole meeting
Staff Decision:	A minimum 50% return on the survey is required to continue the process (if a 50% return is not achieved, the matter will not be considered further); of the returns received, 60% of all returns received from within the study area must support the change to proceed to a safety review if necessary; the findings of the safety review can void the change if warranted.
Reporting:	Staff reporting to Committee of the Whole
Notification/Consultation:	All households fronting or flanking the street/study area.
Moratorium:	This issue shall not be reconsidered for a minimum period of 2 years after the decision has been accepted by Council.

2.2 Traffic Calming measures/speed mitigation (street specific):

Initiation Requirement:	25% of households on a street, with a minimum of 10 households in favour; to be presented by residents as a petition request to the Ward Councillor through Committee of the Whole meeting.
Staff Decision:	A minimum 50% return on the survey is required to continue the process (if a 50% return is not achieved, the matter will not be considered further); of the returns received, 60% of all returns received from within the study area must support the change to proceed to a safety review if necessary; the findings of the safety review can void the change if warranted.
Reporting:	Staff reporting to Committee of the Whole
Notification/Consultation:	All households fronting or flanking the street/study area
Moratorium:	This issue shall not be reconsidered for a minimum period of 2 years after the decision has been approved by Council.

3. COMMUNITY-WIDE ISSUES

3.1 Active Transportation Routes:

Initiation Requirement:	Staff notification of commencement to Town Council
Staff Decision:	OP as Approved (OPA#11)
Reporting:	Staff reporting to Committee of the Whole
Notification/Consultation:	All households fronting or flanking the street/study area along with notification (Town page, Town web site) of public information session
Moratorium:	Not applicable.

4. ISSUES NOT LISTED – GENERAL REQUIREMENTS

Initiation Requirement:	Important that a level of support of the issue come through the Ward Councillor via the Committee of the Whole
Staff Decision:	It will depend on whether it is an operational/safety issue or not. Community decision issues must meet a 50% return on surveys and 60% of the responses must be in favour; a safety review may be conducted before recommending any change.
Reporting:	Staff reporting to Committee of the Whole
Notification/Consultation:	All households that are directly impacted with consideration of expanding the contact Town-wide if it is a community-wide issue.
Moratorium:	An issue shall not be reconsidered for a minimum period of 2 years after the decision has been approved by Council

The meeting of the Heritage Newmarket Advisory Committee was held on Tuesday, June 28, 2016 in the Mulock Room, 395 Mulock Drive, Newmarket.

Members Present: Athol Hart, Chair
Councillor Hempen
Billie Locke
Joan Seddon
Malcolm Watts

Absent: Rohit Singh
Soni Felix Raj (authorized absence)

Staff Present: D. Ruggle, Senior Planner – Community Planning (7:00 to 8:25 p.m.)
L. Moor, Council/Committee Coordinator

The meeting was called to order at 7:00 p.m.

A. Hart in the Chair.

Declarations of Interest

None.

Additions & Corrections to Agenda

The Chair advised that the agenda items would be re-arranged to accommodate the schedule of the Senior Planner – Community Planning.

The Senior Planner – Community Planning advised of the addition to the agenda of a discussion related to the former King George School property. He provided a verbal update regarding a recent re-development pre-consultation meeting with the property owners, their Planning consultant and Planning staff. He advised that they wished to attend a future meeting of the Heritage Newmarket Advisory Committee to apprise Members of the re-development proposal.

Moved by: Malcolm Watts

Seconded by: Joan Seddon

THAT the property owners and Planning Consultant of the former King George School be invited to the next scheduled Heritage Newmarket Advisory Committee meeting to apprise the Members of the re-development proposal.

Carried

Presentations/Deputations

None.

Correspondence

2. Correspondence from the Town of Newmarket Planning and Building Services Department dated April 18, 2016 regarding Notice of Complete Application - Zoning By-law Amendment - 507 Mulock Drive.
3. Correspondence from the Town of Newmarket Planning and Building Services Department dated May 5, 2016 regarding Notice of the Adoption by the Town of Newmarket of Official Plan Amendment Number 13 (429 and 445 Harry Walker Parkway South)
4. Correspondence from the Town of Newmarket Planning and Building Services Department dated May 5, 2016 regarding Notice of the Passing of a Zoning By-law by the Town of Newmarket - By-law 2016-19 (429 and 445 Harry Walker Parkway)
5. Correspondence from the Town of Newmarket Planning and Building Services Department dated May 10, 2016 regarding a Public Meeting concerning a proposed Official Plan and Zoning By-law Amendment - 16333 Leslie Street.
6. Correspondence from the Town of Newmarket Planning and Building Services Department dated May 30, 2016 regarding a Public Meeting concerning a proposed Official Plan and Zoning By-law Amendment - 1166-1186 Nicholson Road.

The Senior Planner – Community Planning advised that Correspondence Items 2 to 6 have no direct heritage related concerns and are provided for information purposes.

7. Correspondence from the Town of Newmarket Planning and Building Services Department dated June 14, 2016 regarding Application for Official Plan and Zoning By-law Amendment - 751 and 757 Gorham Street, Town of Newmarket, File No.: D9NP1609 (OPA) and D14NP1609 (ZBA).

The Senior Planner – Community Planning provided a verbal update regarding the above referenced item and advised that Planning staff have some areas of concern related to the re-development of the properties. He advised that he would prepare a synopsis of the re-development application details and e-mail said information to Members.

Moved by: Billie Locke
Seconded by: Joan Seddon

THAT Correspondence Item 7 being an Application for Official Plan and Zoning By-law Amendment for the properties known as 751 and 757 Gorham Street be tabled to a future Heritage Newmarket Advisory Committee meeting to afford an opportunity for Members to visit the sites and provide comments to Planning staff.

Carried

Items

8. Designated Property Maintenance and Concerns

- a) Designation Requests
i) 379 Botsford Drive

The Senior Planner – Community Planning provided background information regarding a request from the owner to designate the home on the property municipally known as 379 Botsford Street.

Moved by: Joan Seddon
Seconded by: Councillor Hempen

THAT the Heritage Newmarket Advisory Committee recommend that the Town proceed with designation of the property municipally known as 379 Botsford Street under Part IV of the Ontario Heritage Act.

Carried

ii) 411 Millard Avenue

The Senior Planner – Community Planning provided background information regarding a request from the owner to designate the home on the property municipally known as 411 Millard Avenue.

Moved by: Billie Locke
Seconded by: Joan Seddon

THAT the Heritage Newmarket Advisory Committee recommend that the Town proceed with designation of the property municipally known as 411 Millard Avenue under Part IV of the Ontario Heritage Act.

Carried

iii) 17030 Yonge Street

The Senior Planner – Community Planning provided background information related to a request to designate the cemetery lands municipally known as 17030 Yonge Street.

Moved by: Councillor Hempen
Seconded by: Joan Seddon

THAT the Heritage Newmarket Advisory Committee recommend that the Town proceed with designation of the property municipally known as 17030 Yonge Street under Part IV of the Ontario Heritage Act.

Carried

iv) Widening of Driveways on Prospect Street

The Chair distributed copies of photographs taken of various neighbouring properties on Prospect Street where front lawns have been eradicated and replaced with driveway paving stones and/or interlocking brick. He queried the Senior Planner – Community Planning regarding the interpretation of the zoning by-law as it relates to driveway requirements and residential landscape alterations.

Councillor Hempen advised that he would contact the Town's By-law Enforcement Department to find out if by-law infractions have occurred with said properties and if injunctions might be pending.

Moved by: Billie Locke
 Seconded by: Joan Seddon

THAT the Planning Department staff investigate and report back to Committee the current by-law as related to residential landscape alterations and driveway requirements and provide an analysis of the recent creation of front yard hard surface areas of various properties on Prospect Street and the impact of such to the heritage character of the neighbourhood.

Carried

The Senior Planner – Community Planning advised he would prepare a comprehensive package of information related to the front yard issues of various properties on Prospect Street to the Heritage Newmarket Advisory Committee Members for their review.

v) Request for Designation – Former Union Hotel

The Senior Planner – Community Planning advised that the Regional Municipality of York has requested designation of the property known as the former Union Hotel at the northeast corner of Davis Drive and Main Street. He informed those present that a detailed analysis of the property was compiled by a former member of the Heritage Newmarket Advisory Committee and he will obtain the document for distribution to the current members.

Discussion ensued regarding the status of the building as it currently stands and the urgency in its stabilization.

Councillor Hempen provided information that the Regional Municipality of York and their York Region Rapid Transit partners are working diligently to preserve every aspect of the building with an eventual re-purpose intention. He further advised he would provide more information as it becomes available after the summer break.

Moved by: Malcolm Watts
 Seconded by: Billie Locke

THAT the Senior Planner – Community Planning proceed with the research required for projected designation of the property known as the former Union Hotel at the northeast corner of Davis Drive and Main Street.

Carried

vi) John Bogart House

The Senior Planner – Community Planning provided an update regarding the disgraceful condition of the property known as the John Bogart House located at the northwest corner of Leslie Street and Mulock Drive. Discussion ensued regarding the developer's words versus actions with respect to preservation of the property.

Moved by: Councillor Hempen

Seconded by: Joan Seddon

THAT as the John Bogart House is designated under the Heritage Act (1987-40) and that Heritage Newmarket Advisory Committee Members are concerned with the current state of disrepair that the owner of the property be required to submit a heritage conservation plan that will examine, among other items, immediate measures to ensure the preservation of the heritage attributes of the designated dwelling prior to any approvals for any type of re-development for the lands takes place.

Carried

vii) 180-194 Main Street South

Discussion ensued regarding the derelict condition of the property known as the former Clock Tower Inn, municipally known as 180-194 Main Street South.

Moved by: Councillor Hempen

Seconded by: Billie Locke

THAT a supplementary letter be sent to representatives of the Forrest Group advising of the responsibility of the property owner to preserve the existing heritage designated building formerly known as the Clock Tower Inn, municipally known as 180-194 Main Street South.

AND THAT efforts to preserve the building be completed immediately.

Carried

viii) 135 Main Street South

Discussion ensued regarding the condition of disrepair of the Christian Baptist Church, municipally known as 135 Main Street South.

Moved by: Joan Seddon
 Seconded by: Billie Locke

THAT the Town of Newmarket By-law Enforcement staff send a formal letter to the guardians of the Christian Baptist Church, 135 Main Street South, with respect to building maintenance upkeep and request that repairs and upkeep be rectified immediately.

Carried

ix) 135 Main Street South

The Senior Planner – Community Planning advised that he has received an heritage evaluation request from the property owners at 560 Poplar Lane. He advised that he would obtain more information and report back.

9. Discussion regarding Delegation of Authority and associated processes for Heritage Permits.

The Senior Planner – Community Planning provided a verbal update to facilitate discussion with respect to Delegation of Authority and associated processes for Heritage Permits by Town Planning Department staff.

Moved by: Councillor Hempen
 Seconded by: Joan Seddon

THAT the Heritage Newmarket Advisory Committee delegate authority to the Senior Planner – Community Planning to discuss designation matters with the Chair and Co-Chair, respectively;

AND THAT any applications to remove or demolish be brought to the entire Committee for consideration.

Carried

The Senior Planner – Community Planning left the meeting at 8:25 p.m.

Approval of Minutes

10. Heritage Newmarket Advisory Committee Minutes of May 3, 2016.

Moved by: Billie Locke

Seconded by: Malcolm Watts

THAT the Heritage Newmarket Advisory Committee Minutes of May 3, 2016 be approved.

Carried

11. Plaques

a) Site plaques

M. Watts advised that Mr. Singh has committed to completing the designation plaque inventory by the end of July, 2016.

Discussion ensued regarding resources to conduct work and Committee task involvement statistics. Councillor Hempen offered his time to assist with completing Committee workplan material. The Chair suggested that the workplan be brought to the next scheduled Heritage Newmarket Advisory Committee meeting to re-evaluate what can be realistically accomplished.

12. Verbal Update on the Ontario Heritage Conference - May, 2016.

No update to provide.

13. Heritage Newmarket Budget

The Chair advised that the budget line items should be re-evaluated by the Committee to consider and possibly amend the allocations.

14. Reports of Committee Members

a) Architecture, Recreation, Culture, Heritage (ARCH) Committee

The Chair provided a verbal update regarding a recent meeting and advised that the ARCH Committee would be setting up booths in Uxbridge and Fort Willow for their rebellion day's re-enactment celebrations. He further advised that the ARCH Committee attended in costume at the Sharon Temple's grand re-opening celebrations.

Discussion ensued regarding the unsatisfactory location of the ARCH Committee booth in Fairy Lake Park at the 2015 Kanata Day celebrations and the feasibility of meeting with event organizers to establish a better location for the 2017 celebrations.

b) Elman W. Campbell Museum Board

B. Locke advised that, at the June, 2016 meeting of the Elman W. Campbell Museum Board, discussion ensued regarding possible expansion of space. Councillor Hempen advised that a report would be forthcoming to Members of Council sometime in the fall of 2016 addressing re-purposing of the Old Fire Hall building located at 140 Main Street South. Further discussion ensued regarding other space opportunities once renovations to the Fire Hall on Gorham Street have been completed.

c) Lower Main Street South Heritage Conservation District Advisory Group

No update to provide.

d) Newmarket Historical Society Board of Directors

No update to provide.

New Business

a) Further discussion ensued regarding Committee tasks and resources.

Moved by: Councillor Hempen

Seconded by: Billie Locke

THAT the Heritage Newmarket Advisory Committee investigate the Committee membership statistics of neighbouring municipalities, including staff and volunteers to gain a comparison of participation and workload achievement.

Carried

b) Workplan Success

Moved by: Councillor Hempen
Seconded by: Billie Locke

THAT the Heritage Newmarket Advisory Committee's 2016 workplan be brought back to the next scheduled meeting for possible restructuring.

Carried

The Chair advised that the next scheduled meeting of the Heritage Newmarket Advisory Committee is September 8, 2016.

Adjournment

Moved by: Billie Locke
Seconded by: Joan Seddon

THAT the meeting adjourn.

Carried

There being no further business, the meeting adjourned at 9:15 p.m.

June 28 2016

Date



A. Hart, Chair

The meeting of the Heritage Newmarket Advisory Committee was held on Tuesday, October 11, 2016 in the Mulock Room, 395 Mulock Drive, Newmarket.

Members Present: Councillor Hempen (7:00 to 7:55 p.m.)(8:45 to 8:59 p.m.)
Athol Hart, Chair
Billie Locke
Joan Seddon
Rohit Singh
Malcolm Watts

Absent: Soni Felix Raj (authorized absence)

Staff Present: D. Ruggle, Senior Planner – Community Planning
C. Finnerty, Council/Committee Coordinator

The meeting was called to order at 7:00 p.m.

A. Hart in the Chair.

Additions & Corrections to Agenda

None.

Declarations of Interest

- a) Councillor Hempen advised that he would not be taking part in the discussion or voting related to Item 3 as his family owns property immediately adjacent to the subject property.

Presentations/Deputations

1. Mr. Brad Rogers, Principal, Groundswell Urban Planners Inc., introduced those in attendance with him, being Mr. Daniel Berholz, Executive Vice President and Mr. Andrew Webster, Vice President – Development, Rose Corp, Mr. Peter Berton, Partner, VG+ Architects and Mr. Paul Marsala, Terraplan Landscape Architects and addressed the Committee regarding the King George School redevelopment at 400 Park Avenue. He provided an overview of the project proposal, being redevelopment of the site to permit a new townhome development and condominium units within the existing King George School

building. Mr. Peter Berton, VG+ Architects, provided an overview of the company works to date and advised of their role with the King George School project, the project's compatibility with the heritage conservation by-law, restoration plans and preservation strategies.

Discussion ensued regarding replacement of the windows, number of units and parking allocations, any opportunities for adaptive reuse of interior features, specifically woodwork and bannisters, concerns on the interface between the existing heritage homes and school building and the new townhomes, construction timelines and next steps.

Moved by: Councillor Hempen
Seconded by: Billie Locke

THAT the public in attendance be permitted to address the applicants for a 10 minute total period.

Carried

Questions were posed to the applicants with respect to landscaping and maintenance of grass and lawn areas, construction timelines, square footage of the proposed townhomes, pricing and snow removal.

Moved by: Billie Locke
Seconded by: Joan Seddon

THAT the presentation by Mr. Brad Rogers, Principal, Groundswell Urban Planners Inc., Mr. Daniel Berholz, Executive Vice President and Mr. Andrew Webster, Vice President – Development, Rose Corp, Mr. Peter Berton, Partner, VG+ Architects and Mr. Paul Marsala, Terraplan Landscape Architects regarding the King George School development project be received.

Carried

The Committee recessed at 7:47 p.m.

The Committee reconvened at 7:55 p.m.

Councillor Hempen left at 7:55 p.m.

2. Mr. Mohammad Ashouri addressed the Committee regarding 214 Main Street South and provided a presentation regarding the existing structural alterations, variance between the front and rear façades, wiring and servicing issues related to the subject property. Discussion ensued regarding demolition, retention and

maintenance of the building façade and construction behind the front façade, opportunities to restore the building to its original state and adaptive reuse of building features, including beams and woodwork components.

Moved by: Joan Seddon
Seconded by: Billie Locke

THAT the presentation by Mr. Mohammad Ashouri regarding 214 Main Street South be received.

Carried

The Committee recessed at 8:40 p.m.

The Committee reconvened at 8:45 p.m.

Councillor Hempen returned at 8:45 p.m.

Approval of Minutes

3. Heritage Newmarket Advisory Committee Minutes of June 28, 2016.

Moved by: Councillor Hempen
Seconded by: Billie Locke

THAT the Heritage Newmarket Advisory Committee Minutes of June 28, 2016 be approved.

Carried

Moved by: Billie Locke
Seconded by: Joan Seddon

THAT the following items be deferred to a Heritage Newmarket Advisory Committee meeting to be scheduled within two weeks:

Correspondence from Ms. Erin Semande, A/Provincial Heritage Registrar dated June 20, 2016 regarding Ontario Heritage Act Register Privacy Protection Guidelines and Municipal Requirements for serving notice.

Correspondence from the Town of Newmarket Planning & Building Services Department dated July 26, 2016 regarding Passing of Zoning By-law 2016-35 - 345 and 351 Davis Drive.

Correspondence from the Town of Newmarket Planning & Building Services Department - Planning Application Form received August 11, 2016 regarding an Application for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision - 16250 Yonge Street.

Correspondence from the Town of Newmarket Planning and Building Services Department dated September 13, 2016 regarding an Application for Official Plan and Zoning By-law Amendment - 260 Eagle Street.

Correspondence from the Town of Newmarket Planning and Building Services Department dated September 27, 2016 regarding a Public Meeting concerning a Zoning By-law Amendment - 507 Mulock Drive.

Designated Property Maintenance and Concerns

Plaques

Reports of Committee Members

Heritage Newmarket Budget

Heritage Newmarket Workplan Discussion

Carried

Adjournment

Moved by: Joan Seddon

Seconded by: Councillor Hempen

THAT the meeting adjourn.

Carried

There being no further business, the meeting adjourned at 8:59 p.m.

Date

Oct. 25 / 16

A. Hart, Chair

A. Hart

Excerpt from the Heritage Newmarket Advisory Committee Minutes of June 28, 2016,
Item 8 a) i)

8. Designated Property Maintenance and Concerns

a) Designation Requests

i) 379 Botsford Drive

The Senior Planner – Community Planning provided background information regarding a request from the owner to designate the home on the property municipally known as 379 Botsford Street.

Moved by: Joan Seddon

Seconded by: Councillor Hempen

THAT the Heritage Newmarket Advisory Committee recommend that the Town proceed with designation of the property municipally known as 379 Botsford Street under Part IV of the Ontario Heritage Act.

Carried

Excerpt from the Heritage Newmarket Advisory Committee Minutes of June 28, 2016,
Item 8 a) ii)

8. Designated Property Maintenance and Concerns

a) Designation Requests

ii) 411 Millard Avenue

The Senior Planner – Community Planning provided background information regarding a request from the owner to designate the home on the property municipally known as 411 Millard Avenue.

Moved by: Billie Locke

Seconded by: Joan Seddon

THAT the Heritage Newmarket Advisory Committee recommend that the Town proceed with designation of the property municipally known as 411 Millard Avenue under Part IV of the Ontario Heritage Act.

Carried

Excerpt from the Heritage Newmarket Advisory Committee Minutes of June 28, 2016,
Item 8 a) iii)

8. Designated Property Maintenance and Concerns

a) Designation Requests

iii) 17030 Yonge Street

The Senior Planner – Community Planning provided background information related to a request to designate the cemetery lands municipally known as 17030 Yonge Street.

Moved by: Councillor Hempen

Seconded by: Joan Seddon

THAT the Heritage Newmarket Advisory Committee recommend that the Town proceed with designation of the property municipally known as 17030 Yonge Street under Part IV of the Ontario Heritage Act.

Carried

Tuesday, September 20, 2016 at 7:30 PM
Community Centre Hall # 2
200 Doug Duncan Drive

The meeting of the Main Street District Business Improvement Area Board of Management was held on Tuesday, September 20, 2016 in the Community Centre – Hall # 2, 200 Doug Duncan Drive, Newmarket.

Members Present: Glenn Wilson, Chair
Elizabeth Buslovich
Anne Martin
Peter Mertens
Olga Paiva
Carmina Pereira
Jackie Playter
Rory Rodrigo
Siegfried Wall (7:42 to 8:25 p.m.)

Staff Present: L. Moor, Council/Committee Coordinator

Guests: Peter Geibel
Ted Heald
Lisa Heckbert
John Heckbert
Wassim Jarrah
Gordon Prentice
Baiba Roga

The meeting was called to order at 7:32 p.m.

G. Wilson in the Chair.

Additions and Corrections to the Agenda

None.

Declarations of Pecuniary Interest

None.

Presentations

1. Mr. Peter Geibel addressed the Board of Management and distributed a document package outlining his suggestions associated with proposed development within the downtown core.

Siegfried Wall arrived at 7:42 p.m.

Moved by: Carmina Pereira

Seconded by: Rory Rodrigo

THAT the presentation by Mr. Peter Geibel regarding his suggestions associated with proposed development within the downtown core be received.

Carried

Approval of Minutes

2. Main Street District Business Improvement Area Board of Management Minutes of July 19, 2016.

The Chair requested a change to the description paragraph in Item 1 of the Main Street District Business Improvement Area Board of Management Minutes of July 19, 2016 by replacing the entire last sentence with the words 'due to change in circumstance'.

Moved by: Carmina Pereira

Seconded by: Olga Paiva

THAT the Main Street District Business Improvement Area Board of Management Minutes of July 19, 2016, as amended, be approved.

Carried

3. Marketing Sub-committee Report.

The Chair advised there was nothing to report at this time.

Items

4. Financial Verbal Update/Account Balance.

The Chair read aloud the detailed explanation of the financial balance sheet as supplied by the Economic Development Officer.

Moved by: Olga Paiva
Seconded by: Rory Rodrigo

THAT the financial balance sheet as read aloud by the Chair be received for information.

Carried

5. Newmarket Downtown Development Committee Update.

J. Playter advised that the next scheduled meeting of the Newmarket Downtown Development Committee is October 6, 2016.

6. Street Events Update.

C. Pereira provided a verbal update regarding the recent Fall Festival event held on September 17, 2016. She advised that some vendors did not show-up and the weather did not cooperate; hence, the event was not as successful as it could have been.

Moved by: Siegfried Wall
Seconded by: Elizabeth Buslovich

THAT the verbal update regarding the Fall Festival event be received.

Carried

J. Playter queried the Board of Management regarding booking the Newmarket Citizen's Band to play at the Candle Light Parade. She advised that she would reserve the ensemble.

O. Paiva requested funding allocation for the Monster Bash event scheduled for October 29, 2016.

Moved by: Jackie Playter
 Seconded by: Rory Rodrigo

THAT an amount of \$2500 be allocated to the Monster Bash event scheduled for October 29, 2016.

Carried

7. Photograph Licensing Fees Discussion. (Deferred from the July 19, 2016 meeting)

The Chair advised that the matter of Photograph Licensing Fees Discussion would be deferred to the next scheduled meeting in October as he has not had an opportunity to speak with the website designer as yet.

Discussion ensued regarding challenges associated with vendor set-up information on the Main Street BIA website. A suggestion was made that website maintenance should be a remunerated position. Further discussion ensued regarding the feasibility of a fee collected directly from business owners for website inclusion.

8. Correspondence from Mr. A. Brouwer, Director of Legislative Services/Town Clerk regarding upcoming Ward 5 By-election.

Moved by: Olga Paiva
 Seconded by: Peter Mertens

THAT the correspondence from Mr. A. Brouwer, Director of Legislative Services/Town Clerk regarding the upcoming Ward 5 By-election be received for information.

Carried

Closed Session

There was no requirement for a Closed Session.

New Business

- a) Anne Martin advised that she, along with Olga Paiva and Carmina Pereira have offered to organize the Main Street Merchants Christmas gathering. She advised that more details will be available at the next scheduled Board of Management meeting.

b) The Chair suggested the appointment of Carmina Pereira as Chair of the Marketing Sub-committee.

Moved by: Olga Paiva
Seconded by: Anne Martin

THAT Carmina Pereira be appointed as Chair of the Marketing Sub-committee.

Carried

c) Jackie Playter advised that the opening of the newly refurbished Old Town Hall is scheduled for Friday, September 23, 2016.

d) Olga Paiva requested that the Town of Newmarket staff send monthly notices to Main Street businesses and tenants regarding the waste pick-up schedule and placement of items curbside in a timely fashion.

e) Discussion ensued regarding the feasibility of space allocation for BIA material and supplies at the Operations Centre on Maple Hill Court or alternatively, in a pod in the P3 parking area.

The Main Street District Business Improvement Area Board of Management recommends to Council:

Moved by: Carmina Pereira
Seconded by: Elizabeth Buslovich

THAT the Main Street District Business Improvement Area Board of Management requests space allocation to house material and supplies at the Operations Centre located on Maple Hill Court or in a pod in the P3 parking area.

Carried

f) Siegfried Wall queried the future tenancy of the building formerly known as the Bank of Montreal.

g) Olga Paiva queried the status of the construction of the proposed restaurant at the location formerly known as the York Blueprint Building.

h) Siegfried Wall queried the BIA representation at the Old Town Hall re-opening event.

Adjournment

Moved by: Carmina Pereira

Seconded by: Rory Rodrigo

THAT the meeting adjourn.

Carried

There being no further business, the meeting adjourned at 8:25 p.m.

Date

G. Wilson, Chair

e) Discussion ensued regarding the feasibility of space allocation for BIA material and supplies at the Operations Centre on Maple Hill Court or alternatively, in a pod in the P3 parking area.

The Main Street District Business Improvement Area Board of Management recommends to Council:

Moved by: Carmina Pereira

Seconded by: Elizabeth Buslovich

THAT the Main Street District Business Improvement Area Board of Management requests space allocation to house material and supplies at the Operations Centre located on Maple Hill Court or in a pod in the P3 parking area.

Carried



MINUTES

Tuesday, September 6, 2016 at 9:30 AM
Town of Newmarket - Cane A & B

The meeting of the CYFS - JCC was held on Tuesday, September 6, 2016 in Town of Newmarket - Cane A & B, 395 Mulock Drive, Newmarket.

Members Present: Aurora: Councillor Abel, Chair
 Councillor Mrakas
 Councillor Thompson

 Newmarket: Councillor Bisanz
 Councillor Hempen
 Councillor Twinney

Staff Present: Aurora: D. Elliott, Director, Corporate & Financial Services
 – Treasurer
 L. Lyons, Town Clerk

 Newmarket: R.N. Shelton, Chief Administrative Officer
 A. Brouwer, Director of Legislative Services/Town Clerk
 L. Georgeff, Director of Human Resources
 M. Mayes, Director of Financial Services/Treasurer

 CYFS: R. Comeau, Deputy Fire Chief
 C. Duval, Assistant Deputy Fire Chief
 R. Volpe, Deputy Fire Chief

The meeting was called to order at 9:30 a.m.

Councillor Abel in the Chair.

Open Forum

None.

Additions & Corrections to the Agenda

None.

Declaration of Pecuniary Interest

None.

Approval of Minutes

1. Central York Fire Services - Joint Council Committee Minutes and (Closed Session) Minutes of June 7, 2016.

Moved by: Councillor Thompson
 Seconded by: Councillor Twinney

THAT the Central York Fire Services - Joint Council Committee Minutes and (Closed Session) Minutes of June 7, 2016 be approved.

Carried

Items

2. Joint Central York Fire Services and Corporate Services Report - Finance 2016-35 dated August 9, 2016 regarding the Central York Fire Services Budget Report - Second Quarter.

The Director of Financial Services/Treasurer, Town of Newmarket provided a verbal update on the second quarter budget report and reported that the budget target should be met.

Moved by: Councillor Mrakas
 Seconded by: Councillor Thompson

THAT Joint Central York Fire Services and Corporate Services Report - Finance 2016-35 dated August 9, 2016 regarding the Central York Fire Services Budget Report - Second Quarter be received for information purposes.

Carried

3. Joint Central York Fire Services and Corporate Services - Financial Services Report 2016-39 dated August 26, 2016 regarding the Draft 2017 Operating and Capital Budgets.

The Director of Financial Services/Treasurer, Town of Newmarket advised that the proposed operating budget is within the parameters established by Council of both Aurora and Newmarket. He further advised of increases to the infrastructure levy, adjustments to cost allocations and reviewed the proposed employment positions for 2017. Feedback on the draft 2017 operating and capital budgets from JCC members will be collected at the October meeting. Discussion ensued regarding the total cost to build the new fire hall. A memo detailing the total costs for the new fire hall will be provided to JCC Members.

Moved by: Councillor Thompson
 Seconded by: Councillor Bisanz

a) THAT Joint Central York Fire Services and Corporate Services - Financial Services Report 2016-39 dated August 26, 2016 regarding the Draft 2017 Operating and Capital Budgets be received and the following recommendations be adopted:

- i) THAT the Joint Council Committee (JCC) receive and review the draft budgets;
- ii) AND THAT the October 4 JCC meeting be used to finalize a recommendation to be sent to Aurora Council for review and then to Newmarket Council for approval.

Carried

New Business

- a) Councillor Thompson requested an update on the status of discussions with Richmond Hill for consolidated fire services. The Chief Administrative Officer, Town of Newmarket, advised that meetings have taken place between Richmond Hill, Aurora and Newmarket staff and that a further update will be provided in the fall.

Closed Session

The Chair advised that there was no requirement for a Closed Session.

Adjournment

Moved by: Councillor Thompson
 Seconded by: Councillor Twinney

THAT the meeting adjourn.

Carried

There being no further business, the meeting adjourned at 9:45 a.m.

Date

Oct 4/16

[Signature]
 Councillor Abel, Chair



National Eating Disorder Information Centre

200 Elizabeth St., ES 7-421, Toronto, ON M5G 2C4

ph 416-340-4156 | f 416-340-4736 | t 1-800 NEDIC-20 | nedic@uhn.ca

www.nedic.ca

Tony Van Bynen
395 Mulock Drive
Newmarket, ON L3Y 4X7

October 21, 2016

Dear Mayor Bynen

I am writing to request a proclamation from the Town of Newmarket the week of February 1st to February 7th 2017 as Eating Disorder Awareness Week (EDAW). EDAW has been commemorated across Canada since 1988 by established eating disorder organizations, education and public health institutions, and concerned members of the public. It draws attention to the causes, prevalence and impact of eating disorders.

Eating disorders are the number one cause of death among all psychiatric illnesses and are the third most common cause of death in teenage girls. In fact, 5-8% of Canadian girls will experience an eating disorder in their lifetime. However, eating disorders can develop in anyone, regardless of age, ethno-racial background, socioeconomic status, gender or ability. Unfortunately, stigma and secrecy still surround eating disorders, causing many people who are suffering to refrain from seeking help, and to struggle in silence.

We know that through open, supportive dialogue, we can help break the shame and silence that affect nearly 1 million Canadians that are living with a diagnosed eating disorder and the millions of others who are struggling with unhealthy food and weight preoccupation. EDAW is a time to increase awareness about eating disorders, their impact and to shed light on the dangerous and pervasive myths that surround them. It is a time of year when Canadians can learn more about eating disorders and about the resources that are available for individuals and family members who are impacted by them.

The National Eating Disorder Information Centre (NEDIC) was a founding member of the international drive to institute EDAW. Founded in 1985, NEDIC is Canada's oldest national organization dedicated to helping those with eating disorders. We provide education and information as well as support and referral for those with eating disorders, their families, friends and health care professionals. Since our toll-free helpline became available to Canadians from coast to coast in 2013, we have spoken with thousands of individuals, parents, friends, and teachers who are seeking help and information. It is through our outreach and education efforts, that we are able to support these individuals in their struggle to find hope and healing.

Municipal recognition of EDAW would help to affirm the experiences of those with a friend, family member, or important person in their life who is dealing with this life-threatening mental illness, and draw attention to the need for eating disorder prevention, research, treatment, and resources. Attached please find the goals of Eating Disorder Awareness Week 2017.

Please proclaim EDAW in the Town of Newmarket and help raise awareness and hope among the many who are impacted by this illness.

For more information about Eating Disorder Awareness Week and this request, please contact me.

Kind Regards,

Darian Hang
Social Work Practicum Student

*Proclamation***Eating Disorder Awareness Week (EDAW)
February 1st - 7th 2017**

WHEREAS; Eating disorders have the highest mortality rate among all psychiatric illnesses and can develop in anyone, regardless of age, ethno-racial background, socioeconomic status, gender or ability.

WHEREAS; Stigma, secrecy and stereotypes still surround eating disorders, causing many people who are suffering to refrain from seeking help.

WHEREAS; Open supportive dialogue can help break the shame and silence that affect nearly 1 million Canadians living with diagnosable eating disorders and the millions of others who are struggling with food and weight preoccupation.

WHEREAS; EDAW seeks to raise awareness of eating disorders, shed light on dangerous and pervasive myths, and promote prevention. It is also a time of year for Canadians to learn about available resources and appropriate services for themselves and/or loved ones.

WHEREAS; The National Eating Disorder Information Centre (NEDIC) is Canada's only national organization dedicated to helping those with eating disorder, food and weight preoccupation and related issues. NEDIC provides information, education, resources and referrals to individuals with eating disorders, their families, friends and health care professionals.

From: Bates, Tina on behalf of Mayor Van Bynen
Sent: October-19-16 11:50 AM
To: Mendonca, Barbara
Cc: Moor, Linda
Subject: FW: Eating Disorders Awareness Week Proclamation Request 2017

Please see the correction below to the original proclamation request sent yesterday.

Tina Bates
 Assistant to the Office of the Mayor
 ext. 2003

From: edoyr Info [<mailto:info@edoyr.com>]
Sent: October 19, 2016 11:38 AM
To: Mayor Van Bynen
Subject: Re: Eating Disorders Awareness Week Proclamation Request 2017

Good morning,
 I have to correct my previous email, the Eating Disorders Awareness Week for 2017 is February 1-7th. My apologies!

*Sincerely,
 Natalia*

Natalia Tvoronovitch, BSW
 Administrative Coordinator
 Eating Disorders of York Region's
 Riverwalk Eating Disorders and Wellness Centres
 (905) 886-6632
info@riverwalkwellness.ca
www.riverwalkwellness.ca

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On Tue, Oct 18, 2016 at 3:14 PM, edoyr info <info@edoyr.com> wrote:

Good afternoon Mr. Van Bynen,

The first week of February has been declared Eating Disorders Awareness Week, many cities and towns have included this event as a proclamation in the past, including Aurora and Whitchurch-Stouffville last year. We humbly ask that Newmarket will consider declaring a proclamation for this cause.

Please let me know if you have any questions, and feel free to visit our website at www.edoyr.com for more information about our support services and programs.

Sincerely,

Natalia

Natalia Tvoronovitch, BSW
Administrative Coordinator
Eating Disorders of York Region's
Riverwalk Eating Disorders and Wellness Centres
(905) 886-6632
info@riverwalkwellness.ca
www.riverwalkwellness.ca

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Moor, Linda

From: Clerks
Sent: September-22-16 8:22 AM
To: Moor, Linda
Subject: FW: Newmarket Council Q.
Attachments: Town Resolution Autism Shelburne.pdf; Ontario Municipalities Supporters.docx

From: GUY MISENER [<mailto:guy.misener@rogers.com>]
Sent: September-21-16 7:01 PM
To: Clerks
Subject: Newmarket Council Q.

Good day!

We're tracking a Resolution about improving Ontario's Intensive Therapy funding/services for Children with Autism.

The attached May 9th Shelburne Resolution was sent to all Ontario municipalities. To date, 111 (list also attached) have supported that resolution or a variation.

If your Council has already passed a supporting resolution, please let us know; and, we express gratitude on behalf of thousands of Ontario families for your influential message.

If a decision is pending, be assured that your Council's endorsement will send a strong statement to the Premier that our children with autism need therapy NOW, not just promises and announcements. Autistic children's futures depend on today's decisions. Intensive therapy sounds expensive – about \$50,000/year per child – but it is an investment to ensure greater independence as an adult, compared to a group home placement cost of \$100,000/year for an adult. Intensive therapy is currently the only clinically proven therapy for autism.

We would be happy to provide more information or answer any questions Council may have prior to making a decision on this resolution.

Thanking you in advance for your help, and hopefully your Council's support,
 Sincerely,

Kelly McDowell, Shelburne Mom, and
 Sandra Misener, Mount Albert Mom
 (guy.misener@rogers.com)



TOWN OF SHELBURNE

COUNCIL RESOLUTION

No. 10

Date: May 9, 2016

Moved by: Wade Mills

Seconded by: Dan Sample

WHEREAS, Autism Spectrum Disorder is now recognized as the most common neurological disorder affecting 1 in every 94 children, as well as their friends, family and community; and

WHEREAS, Applied Behaviour Analysis (ABA) is the scientific process based on objective evaluation and empirically based interventions used to achieve meaningful, generalizable and enduring behavioural change. Intensive Behavioural Intervention (IBI) is an application of the principles of ABA in an intensive setting used to affect behaviour change and improvement; and

WHEREAS, the current waiting list of children for Intensive Behaviour Intervention (IBI) is over 2,000 and more than 13,000 children await Applied Behaviour Analysis (ABA); and

WHEREAS, the Province of Ontario has announced it intends to discontinue IBI services to children over the age of four and provide a one-time payment to assist with services, thereby abandoning thousands who have been wait-listed for years; and

WHEREAS, there are two service models for affected children to be treated, 1) the Direct Service Offering (DSO) where children receive services directly from trained staff at Ontario's nine regional service providers, and 2) the Direct Funding Offering (DFO) where parents receive funding directly in order to purchase services; and

WHEREAS, the DFO model to provide services is used in Alberta, British Columbia and imminently Saskatchewan. Such a model is clinically rigorous and has been identified by the Auditor General of Ontario as being less expensive than Ontario's DSO model;

THEREFORE, be it resolved that a letter be sent to Hon. Tracy MacCharles, Minister of Children and Youth Services; Alexander Bezzina, Deputy Minister; Hon. Eric Hoskins, Minister of Health; and Hon. Kathleen Wynne, Premier of Ontario, requesting the Province to:

1. Amend its policy to one that will allow all children on the current waiting list to receive the IBI services promised them; and
2. Remove the age limit for IBI therapy and replace it with a program that provides ongoing IBI services based on need and individual development, not age; and
3. Ensure oversight by professionals and parents based on 'development progress' criteria and milestones; and
4. Adopt a Direct Funding Offering (DFO) model in lieu of the current Direct Service Offering (DSO) model;

AND FURTHER THAT a copy of this resolution be forwarded to all municipalities within the Province of Ontario.

CARRIED: K. Bennington

Requested Vote to be recorded

[X] Yes

[] No

	Yea	Nay
Mayor Bennington	[X]	[]
Councillor Benotto	[X]	[]
Councillor Chambers	[Absent]	[]
Deputy Mayor Dunlop	[X]	[]
Councillor Egan	[Absent]	[]
Councillor Mills	[X]	[]
Councillor Sample	[X]	[]

Ontario Municipalities – Supporters – Autism Resolution

111 as of Sept. 21/2016.

Addington Highlands, Township of
Adelaide Metcalfe, Township of
Admaston/Bromley, Township of
Ajax, Town of
Amaranth, Township of
Amherstburg, Town of
Arnprior, Town of
Asphodel-Norwood, Township of
Aylmer, Town of
Belleville, City of
Black River-Matheson, Township of
Blue Mountains, Town of the (Thornbury)
Bonfield, Township of
Bradford West Gwillimbury, Town of
Brockville, City of
Brooke-Alvinston, Municipality of
Bruce, County of
Caledon, Town of
Casselman, Village of
Carlow/Mayo, Township of
Central Huron, Municipality of
Chamberlain, Township of
Champlain, Township of
Chisholm, Township of
Clarington, Municipality of
Cornwall, City of
Cramahe, Township of
Dufferin, County of
Durham, Regional Municipality of
East Gwillimbury, Town of
Emo, Township of
Englehart, Town of
Erin, Town of
Espanola, Town of
Faraday, Township of
Fauquier-Strickland, Township of
Fort Erie, Town of
Gananoque, Town of
Gillies, Township of

Grand Valley, Town of
Grey, County of
Grey Highlands, Municipality of
Halton Hills, Town of
Hamilton, City of
Hastings Highlands, County of
Hawkesbury, Town of
Hilton Beach, Village of
Huron East, Municipality of
Huron-Kinloss, Township of
Huron Shores, Municipality of
James, Township of
Kincardine, Municipality of
King, Township of
Kirkland Lake, Town of
Laird, Township of
Lambton, County of
LaSalle, Town of
Laurentian Hills, Town of
La Vallee, Township of
Leeds and Grenville, United Counties of
Leeds and the Thousand Islands, Township of
Lennox and Addington, County of
Loyalist, Township of
Machin, Township of
Macdonald, Meredith & Aberdeen Additional, Township of
Madawaska Valley, Township of
McKellar, Township of
Melancthon, Township of
Milton, Town of
Mississauga, City of
Mono, Town of
Mulmur, Township of
Muskoka Lakes, Township of
Nairn and Hyman, Township of
Nation, Municipality of the
Neebing, Municipality of
New Tecumseth, Town of
Niagara Falls, City of
Norwich, Township of
Northeastern Manitoulin and the Islands, Town of
Northern Bruce Peninsula, Municipality of

O'Connor, Township of
Oakville, Town of
Oil Springs, Village of
Orangeville, Town of
Oshawa, City of
Parry Sound, Town of
Pickering, City of
Plummer Additional, Township of
Port Colborne, City of
Prescott and Russell, United Counties of
Prince, Township of
Richmond Hill, Town of
Ryerson, Township of
Scugog, Township of
Severn, Township of
Shelburne, Town of
Smooth Rock Falls, Town of
Southgate, Township of
Strong, Township of
St. Catharines, City of
Tecumseh, Town of
Thessalon, Town of
Tweed, Municipality of
Uxbridge, Township of
Warwick, Township of
Welland, City of
West Grey, Municipality of
West Perth, Municipality of
Whitby, Town of
Woolwich, Township of

mayor@ingersoll.ca; people@johnsontownship.ca; info@townofspanish.com; elklake@ntl.sympatico.ca;
 t.clemens@marmoraandlak.ca; tdowdall@essatownship.on.ca; tlow@asphodelnorwood.com; harlytw@parolink.net;
 cobalt@ntl.sympatico.ca; Cases@execulink.com; mayor@centrehastings.com; tbain@lakeshore.ca;
 tpeckett@mcnabbraeside.com; mayorrowett@scugog.ca; tbain@lakeshore.ca; tony.antoniazzi@tkl.ca; Mayor Van Bynen;
 thessel@huroncounty.ca; lakeofthewoodstwp@tbaytel.net; vblackmore@middlesex.ca; peggy@baldwin.ca;
 grook@municipality.killarney.on.ca; vhackson@eastgwillimbury.ca; vbloom@hastingshighlands.ca;
 wmckenzie@westperth.com; clerk@tudorandcashel.com; mayor@calvintownship.ca; wredek@forterie.ca;
 info@moosonee.ca; regionalclerk@york.ca; wandry@shuniah.org; quinner@ntl.sympatico.ca; mayor@neebing.org

Subject: Proclamation of November as LUNG MONTH

Dear Mayor/ Reeve/ Warden/ Regional Chair,

Did you know that November is Lung Month?

More than 2.4 million people in Ontario – one in five people in your area - experience serious breathing challenges such as asthma, chronic obstructive pulmonary disease and lung cancer, with many more are at risk.

And did you know that, despite these challenges, lung disease remains the only one of the top 4 chronic diseases in Ontario without a comprehensive plan?

That's why I'm writing to you... to invite you to join the mayors and reeves of municipalities throughout Ontario who are breathing life into their communities by issuing a proclamation declaring November Lung Month in their cities and towns, and asking the Government of Ontario to create and fund an Ontario Lung Health Action Plan. A sample proclamation can be found below.

This November, The Lung Association and our partners will be engaging in a series of information and outreach activities to inform and educate all Ontarians about how to protect their breathing and to advocate for a comprehensive Ontario Lung Health Action Plan. To put a further spotlight on the issue, we'll also be launching a new brand, one that better reflects the ever-changing needs of Ontarians, and that supports the building of a better breathing future for all of us who share the air – those who have lung disease, and those who don't, and hopefully never will.

If we don't act today to create an action plan to deal with lung disease and the challenges to our collective breathing, the impact to Ontario's economy by 2040, in direct and indirect costs will grow to an astonishing \$300 billion.

We thank you for your consideration, and hope that you will demonstrate your municipality's support for the lung health of all its citizens by signing the attached proclamation of November as Lung Month for entry into the official record.

Your commitment to issue a proclamation not only honours the 1 in 5 people with lung disease, but also the 5 in 5 who need to breathe. Because... When you can't breathe, nothing else matters.™

Sincerely,



George Habib

President and CEO, The Lung Association - Ontario
 401-18 Wynford Drive | Toronto, ON M3C 0K8
gahabib@on.lung.ca | Tel: 416-864-9911, ext. 237

SAMPLE PROCLAMATION

LUNG MONTH

WHEREAS, in our region and throughout Ontario, one in five residents lives with lung disease; and

WHEREAS, lung disease is one of the most prevalent, deadly and costly chronic diseases; and

WHEREAS, we support all measures designed to advance and protect the health of its citizens and of Ontarians; and

WHEREAS, to increase awareness of lung health issues and to inform Ontarians about the importance of their lung health, the Ontario Lung Association has designated the month of November Lung Month,

NOW, THEREFORE, I _____

DO HEREBY PROCLAIM November 2016 as

"LUNG MONTH"

In _____

TOWN OF NEWMARKET

Outstanding Matters

Item Subject	Recommendations & Responsibility	Date to come back to Committee	Comments
<p>1. Council – December 14, 2015 – Item 35 – Joint Development and Infrastructure Services – Planning and Building Services/ES 2015-44 – Proposed Trail from Yonge Street to Rita's Avenue</p> <p>Council – January 18, 2016 – Item 35</p>	<p>THAT staff provide alternate trail options for this area at a lower cost.</p> <p>THAT Item 35 of the Council Minutes of December 14, 2015 being Joint Development and Infrastructure Services - Planning and Building Services and Engineering Services Report 2015-44 dated November 19, 2015 regarding a proposed trail from Yonge Street to Rita's Avenue be reconsidered.</p> <p>THAT staff provide alternate trail options for this area at a lower cost, including the option of extending the trail through George Luesby Park along Clearmeadow Boulevard to Yonge Street and further connecting the trail from Flanagan Court/Rita's Avenue to the George Luesby Park Trail;</p> <p>AND THAT staff also include in the report the option of installing lighting along the George Luesby Park Trail.</p> <p>➤ Planning and Building Services</p>	<p>Timeline to be determined</p>	<p>Deferred subsequent to VivaNext construction</p>

Item Subject	Recommendations & Responsibility	Date to come back to Committee	Comments
2. Council – April 20, 2015 – Item 7 Committee of the Whole – May 9, 2016 – Item 15 – Motion – Regional Councillor Taylor	THAT staff provide a report within six months related to internet voting. THAT Council direct staff to bring back a report within 180 days that examines the process and issues related to a ban on corporate and union donations in Newmarket Municipal Elections. ➤ Legislative Services	Q2, 2016 Q3, 2016 November, 2016 January, 2017	Workshop held October 5, 2015 Special CoW scheduled for January 30, 2017 (9:00 a.m.) and will address Internet Voting & Ranked Ballots
3. Council – June 22, 2015 – Item 34 D & I Services Report – ES-2015-34 – McCaffrey Road – Traffic Review	THAT a report be prepared for an upcoming Committee of the Whole or Council meeting following a site visit by the Ward Councillor and Town staff that includes alternate traffic mitigation measures including but not limited to chicanes, roundabouts, pedestrian islands, road watch program or crosswalk; AND THAT this report address traffic impacts related to new development on the Glenway lands, York Region Annex building and the Yonge Street VivaNext project. ➤ Engineering Services	Q2, 2016 Q3, 2016 October 18, 2016	
4. Committee of the Whole – November 9, 2015 – Item 12 Development & Infrastructure Services Report PWS 2015-58 regarding N6 Waste Collection Contract 2017-2017 Request for Proposal Preparation Update.	THAT staff work with the N6 partners to develop service level criteria for customer service and response and opportunities to provide customer services outside the scope of the waste control contract and report back to Council; AND THAT staff explore the option of separate proposals for standard bag limits (2 bags and 3 bags) with the N6 partners and report back to Council. ➤ Public Works Services	Q1, Q2, 2016 Q2/Q3, 2016	
5. Committee of the Whole – February 22, 2016 – Item Joint Office of the CAO and Corporate Services - Legislative Services Report 2016-02 dated January 28, 2016 regarding Appointment of Municipal Ombudsman.	iv) AND THAT staff provide an information update report after a 6 month period once the agreement has been executed. ➤ Legislative Services/Legal Services	Q3, 2016 Q4, 2016	Joint Legislative Services/Legal Services Report

Item Subject	Recommendations & Responsibility	Date to come back to Committee	Comments
6. Committee of the Whole – February 22, 2016 – Item 27 Motion – Councillor Hempen Welcome Entrance Sign	<p>THAT staff report back on the feasibility and suitable location for the installation of a community welcome entrance sign at the intersection of Longford Drive and Davis Drive;</p> <p>AND THAT staff also provide a suitable design for the welcome sign. The cost of the sign will be covered by private fundraising.</p> <p>➤ Development and Infrastructure Services</p>	Q2/Q3, 2016 Q4, 2016	
7. Council – April 4, 2016 – Item 5 Joint Report Community Services - Recreation and Culture, Development and Infrastructure Services - Public Works, Engineering, Corporate Services - Finance 2016-14 dated March 31, 2016 regarding Implementation Plan - Future Facilities and Land Use.	<p>THAT Phase 2 of the Recreation Playbook Implementation Plan be approved as outlined in the report, with public consultation done as part of applicable design processes;</p> <p>AND THAT Phase 3 of the Recreation Playbook Implementation Plan be shared with the community through a public consultation process and that staff then report back;</p> <p>AND THAT future Council Workshops be done to consider specific uses and negotiation strategies on potential property acquisitions, as outlined in the report;</p> <p>AND THAT as part of the 2016 Capital Budget, the design for an outdoor basketball court at Ken Sturgeon Park be undertaken, and funding for construction be requested in the 2017 Capital Budget funded from Development Charges and Capital Reserves, in order to include this project in Phase 2 of the Recreation Playbook implementation plan.</p> <p>➤ Recreation and Culture</p>	Q4, 2016 Q1, 2017	
8. Committee of the Whole – May 9, 2016 – Item 5 – Corporate Services Report – Financial Services 2016-20 – Deferred Implementation of Tiered Water Rates	<p>THAT Corporate Services Report – Financial Services 2016-20 dated April 27, 2016 regarding Deferred Implementation of Tiered Water Rates be received and the following recommendation be adopted:</p> <p>THAT staff be directed to report back to Council on the implementation of the phase-in of the tiered fixed rate structure in 2017.</p> <p>➤ Finance</p>	Q4, 2016	
9. Council – June 7, 2016 – Item 27 Development and Infrastructure Services Report – Planning and Building Services 2016-17 – 2016 Annual Servicing Allocation Review	<p>THAT staff report back as part of the six-month administrative review of servicing capacity with regard to the potential granting of allocation for 345-351 Davis Drive (40 stacked townhouse units/106 people) and 955/995 Muleck Drive (73 townhouse units/192 people)</p> <p>➤ Planning and Building Services</p>	Q4, 2016	

Item Subject	Recommendations & Responsibility	Date to come back to Committee	Comments
10.	Council – June 7, 2016 – Item 35 Joint Office of the CAO and Commissions of Development and Infrastructure Services, Community and Corporate Services Report 2016-08 – Federal Infrastructure Funding	THAT staff provide Council with a prioritized list of infrastructure projects currently not funded through Development Charges, the Asset Replacement Fund or Other Reserve Funds for implementation between 2018 to 2025 that augment existing priorities, strategies and master plans or leverage grant funding for initiatives that achieve our Corporate Vision of a 'Community Well Beyond the Ordinary' ➤ Strategic Initiatives	Awaiting next phase of funding announcements
11.	Council – June 7, 2016 – Item 38 Township of Wellington Resolution Door-to-Door Sales for Electricity and Natural Gas Contracts	THAT staff review the current by-law and report back regarding door-to-door sales. ➤ Legislative Services	Information Report to be distributed in Q4, 2016
12.	Committee of the Whole – June 20, 2016 – Motion – Councillor Bisanz	THAT staff be directed to explore various alternative methods of conducting Committee of the Whole and Council meetings in order to respond to community needs and ensure maximum public participation, by providing greater access to Council's deliberations, and that a report be provided to Council by the end of Q4. ➤ Legislative Services/Communications	Q1/Q2, 2017
13.	Council – June 27, 2016 – Item 34 Development and Infrastructure Services Report – ES 2016-24 regarding Savage Road/Sandford Street Traffic Review	THAT Item 4 – Active Transportation Plan (bicycle lanes) on Sandford Street from Mullock Drive to Savage Road with a possible extension along Savage Road to Paul Semple Park entrance be deferred in order to provide an opportunity to work with residents to monitor and evaluate the traffic calming measures. ➤ Engineering Services	Q2, 2017
14.	Committee of the Whole – August 29, 2016 – Item 20 – Corporate Services Report – Legislative Services 2016-17 regarding 'Potential Regulation of Driving School Instructors'	THAT staff host a PIC in November, 2016 to seek Council, public and industry input on the potential regulation of driving school instructors operating in the Town of Newmarket; AND THAT staff continue to work with the MTO and driving school instructors operating in the Town of Newmarket to mitigate traffic and perceived safety concerns raised by residents; AND THAT staff bring back a report in the first quarter of 2017 regarding the potential regulation of driving school instructors operating in the Town of Newmarket. ➤ Legislative Services	Q1, 2017
15.	Development and Infrastructure Services Information Report – ES 2016-41 Solar Powered Pole Mounted Radar Speed Displays – Pilot Project	THAT staff explore the pilot project initiated by the Town of Aurora regarding solar powered pole mounted radar speed displays; AND THAT staff follow up with each Ward Councillor with respect to proposed placement of existing speed display boards; AND THAT a further update report be brought back to a future meeting.	Q2, 2017

6. Development and Infrastructure Services Report - Planning and Building Services 2016-43 dated October 18, 2016 regarding Application for Official Plan and Zoning By-law Amendment - 711371 Ontario Corp. (Oxford Homes - 260 Eagle Street)
 - a) THAT Development and Infrastructure Services Report - Planning and Building Services 2016-43 dated October 18, 2016 regarding Application for Official Plan Amendment and Zoning By-law Amendment be received and the following recommendations be adopted:
 - i) THAT the Application for Official Plan Amendment and Zoning By-law Amendment as submitted by 711371 Ontario Corp. for lands being composed of Lots 13 through 19 inclusive on Plan 371, municipally known as 260 Eagle Street be referred to a public meeting;
 - ii) AND THAT following the public meeting, issues identified in this report, together with comments of the public, Committee and those received through the agency and departmental circulation of the application be addressed by staff in a comprehensive report to the Committee of the Whole, if required;
 - iii) AND THAT Ms. Kerrigan Kelly, Groundswell Urban Planners Inc., 30 West Beaver Creek Road, Suite 19, Vaughan, ON L4K 5K8 be notified of this action.


PLANNING AND BUILDING SERVICES
Town of Newmarket

395 Mulock Drive

P.O. Box 328, STN Main

Newmarket, ON L3Y 4X7

www.newmarket.ca

planning@newmarket.ca

T: 905.953.5321

F: 905.953.5140

October 18, 2016

**DEVELOPMENT AND INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES REPORT
2016-43**
TO: Committee of the Whole

SUBJECT: Application for Official Plan and Zoning By-law Amendment
260 Eagle Street
Town of Newmarket
711371 Ontario Corp. (Oxford homes)
File No.:D09NP1515, D14NP1515

ORIGIN: Planning and Building Services

RECOMMENDATIONS

THAT Development and Infrastructure Services/Planning and Building Services Report 2016-43 dated October 18, 2016 regarding Application for Official Plan Amendment and zoning by-law amendment be received and the following recommendation(s) be adopted:

- a) THAT the Application for Official Plan Amendment and zoning by-law amendment as submitted by 711371 Ontario Corp. for lands being composed of Lots 13 through 19 inclusive on Plan 371, Municipally known as 260 Eagle Street be referred to a public meeting.
- b) AND THAT following the public meeting, issues identified in this Report, together with comments of the public, Committee, and those received through the agency and departmental circulation of the application, be addressed by staff in a comprehensive report to the Committee of the Whole, if required.
- c) AND THAT Kerigan Kelly, Groundswell Urban Planners Inc., 30 West Beaver Creek Road, Suite 19 Vaughan, ON L4K 5K8 be notified of this action.

COMMENTS
Location and Surrounding Land Uses

The Subject Lands are located at the southeast corner of Eagle Street and Cawthra Boulevard (See Location Map attached). The property has an area of approximately 0.55 hectares and has a frontage on Eagle Street of approximately 115 metres and a frontage on Cawthra Boulevard of approximately 46 metres. The properties are municipally known as 260 Eagle Street.

The subject property is currently vacant. The following are the adjacent land uses:

North: Convenience and Service Commercial uses

South: Single Detached Dwellings

East: Retail Commercial (the Arts Music Store)

West: Convenience Commercial uses and Townhouse Dwellings

Background

A statutory public meeting was held in March 2016 for previous development proposal for a 6 storey residential apartment building. Since the Public Meeting, the owner has submitted a revised proposal for town homes on the subject lands. As the proposed land use has significantly changed, it is appropriate to hold a further public meeting to garner comments on the townhouse proposal.

Proposal

The applicant has amended their application from a 6 storey residential apartment building accommodating 124 dwelling units to a proposed townhouse development consisting of 27 condominium townhouse units. Two points of access are proposed, one on Eagle Street and on Cawthra Boulevard. A row of townhomes adjacent to Eagle Street would front Eagle Street however; garages for these units would be accessed by way of the internal road. The proposed site plan is attached to this report.

Preliminary Review

Official Plan Considerations

The subject property is dually designated. The westerly two thirds of the site is designated Stable Residential and the easterly one third is designated Commercial on Schedule "A" Land Use Plan in the 2006 Official Plan. The Stable Residential permitted uses include single and semi detached dwellings, but would preclude townhouse uses. The Commercial designation contemplates a number of commercial uses but precludes residential uses. The applicant is applying to replace the existing designations on the subject lands with the Emerging Residential designation to permit the proposed 27 townhouse units on a private road.

As noted in Section 2.1 of the Official Plan, a key principle reinforced throughout the Plan is the commitment to protect and strengthen existing neighbourhoods. Any development or redevelopment in stable residential areas must respect the existing character of the area.

The "Residential Areas" policies of the Official Plan found in Section 3.0 describe the two residential designations, being Stable Residential and Emerging Residential. Stable Residential Areas currently have a mix of housing forms including rowhouses, townhouses, duplexes, fourplexes, apartments and other multi-unit buildings however, only permit single detached and semi detached dwellings through new infill development. Emerging Residential areas permit single detached and semi detached dwellings, however townhomes are also permitted provided the use is appropriately justified.

The focus of future intensification is directed by this Plan primarily to the Urban Centres. Limited intensification is permitted in Stable and Emerging Residential Areas in a form and location that will maintain the residential character and amenities.

When assessing new development proposals against the policies of the Official Plan, the compatibility with the scale of the surrounding neighbourhood, the physical suitability of the site to accommodate the proposal and the availability of hard services and road access requirements are reviewed and considered.

Compatibility with the scale of the surrounding neighbourhood

The existing neighbourhood is predominantly low density with a majority of single family dwellings. There are various small scale commercial establishments along Eagle Street as well as some institutional uses including the regionally owned and operated building to the west and the pioneer cemetery to the north.

The Town's Official Plan is, in part, a response to the Provincial Growth Plan and as such has identified areas for intensification, being the Provincial Urban Centre, the Regional Urban Centre and the Historic Downtown Centre. The majority of the existing residential areas in Newmarket are designated Stable Residential, which, according to the Plan, will see limited intensification.

To address compatibility issues, the owners have revised the proposal from a 6 storey apartment building to ground related 3 storey townhouses. Directly adjacent to the rear yards of the existing adjacent dwelling are the rear yards of the proposed townhouses. The existing vegetation along the south property line is intended to remain. While the submitted landscape plan does not indicate additional buffering in this area, there may be opportunity for augmented landscaping in the rear yards of the proposed townhouses.

Physical Suitability of the site to accommodate the proposal

The subject lands are relatively flat with no significant grades to take into account. The proposal is sited on the subject lands to have two blocks of three townhouses fronting onto Eagle Street with each unit having a two car driveway and a one car garage accessed by an internal lane. Two more blocks of townhouses are proposed internal to the site with the front yards facing the proposed private road and rear yards abutting the existing residential properties to the south. The road width is proposed to be 6.0 metres and intended to be used as a fire route so no visitor parking can be accommodated on the private road.

The site can appear to accommodate the proposed development while providing necessary parking, amenity space and buffers.

Availability of hard services and road access requirements

While the revised Functional Servicing Report is currently under review by Engineering Services, It is anticipated that water, storm and sanitary servicing along with road access can be accommodated appropriately.

Zoning Bylaw Consideration

The Subject Property is currently zoned Residential Detached Dwelling 15m zone (R1-D-119) by Bylaw Number 2010-40, as amended. The Applicant wishes to rezone the Subject Property to the Residential Townhouse Condominium Plan Dwelling (R4-CP) Zone to implement the plan. The applicant will also require site specific performance standards to implement the proposed plan. These standards will continue to be reviewed as we proceed through the process.

Staff will utilise Section 16.1.1, policy 3 in the Town's Official Plan with regard to the Zoning By-Law Amendment:

- "3. In considering an amendment to the Zoning By-Law, Council shall be satisfied that:
- a. the proposed change is in conformity with this Plan;
 - b. the proposed use is compatible with adjacent uses, and where necessary, buffering is provided to ensure visual separation and compatibility between uses;
 - c. potential nuisance effects upon adjacent uses are mitigated;
 - d. adequate municipal services are available;
 - e. the size of the lot is appropriate for the proposed use;
 - f. the site has adequate road access and the boundary roads can accommodate the traffic generated;
 - g. the on-site parking, loading and circulation facilities are adequate; and,

- h. public notice has been given in accordance with the *Planning Act*.”

Servicing Allocation

Servicing allocation has not been granted for this proposal. As this development proposal does not have servicing allocation, the Holding (H) provisions of the Planning Act will be required in the event the property is rezoned.

Provincial Policy Statement

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, the PPS sets the policy foundation for regulating the development and use of land. It also supports the provincial goal to enhance the quality of life for the citizens of Ontario.

Planning decisions shall be consistent with the Provincial Policy Statement. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The PPS supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

The Provincial Policy Statement is intended to be read in its entirety and the relevant policies are to be applied to each situation.

The relevant sections of the PPS as they relate to Newmarket are found in the “Building Strong Communities” policies which direct municipalities to promote efficient development and land use patterns, to accommodate an appropriate range and mix of residential, employment, recreational and open space uses to meet long-term needs, and to promote cost-effective development standards to minimize land consumption and servicing costs. The “Settlement Areas” and “Housing” policies of the PPS further direct municipalities to establish land use patterns based on densities and a mix of land uses which efficiently use land and resources, and which are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available. Land use patterns within settlement areas are to be based on a range of uses and opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate the projected needs. Finally, planning authorities are directed to provide for an appropriate range of housing types and densities required to meet projected requirements of current and future residents of the regional market area.

Departmental and Agency Comments

The revised plan and supporting material has been circulated to Town departments and external agencies for review and comment.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

This report has linkages to the Community Strategic Plan by engaging the community in civic affairs.

COMMUNITY CONSULTATION POLICY

The recommendations of this report refer the applications to the statutory public meeting.

BUDGET IMPACT

Operating Budget (Current and Future)

The appropriate planning application fees have been received for Official Plan amendment and zoning bylaw amendment. The Town will also receive revenue from development charges and assessment revenue with the development of these lands in the event the applications are approved.

Capital Budget

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

CONTACT

For more information on this report, contact: Dave Ruggle, Senior Planner – Community Planning, at 905-953-5321, ext 2454; druggle@newmarket.ca

Attachments

- 1 - Location Map
- 2 - Proposed site plan



Commissioner Development and Infrastructure
Services

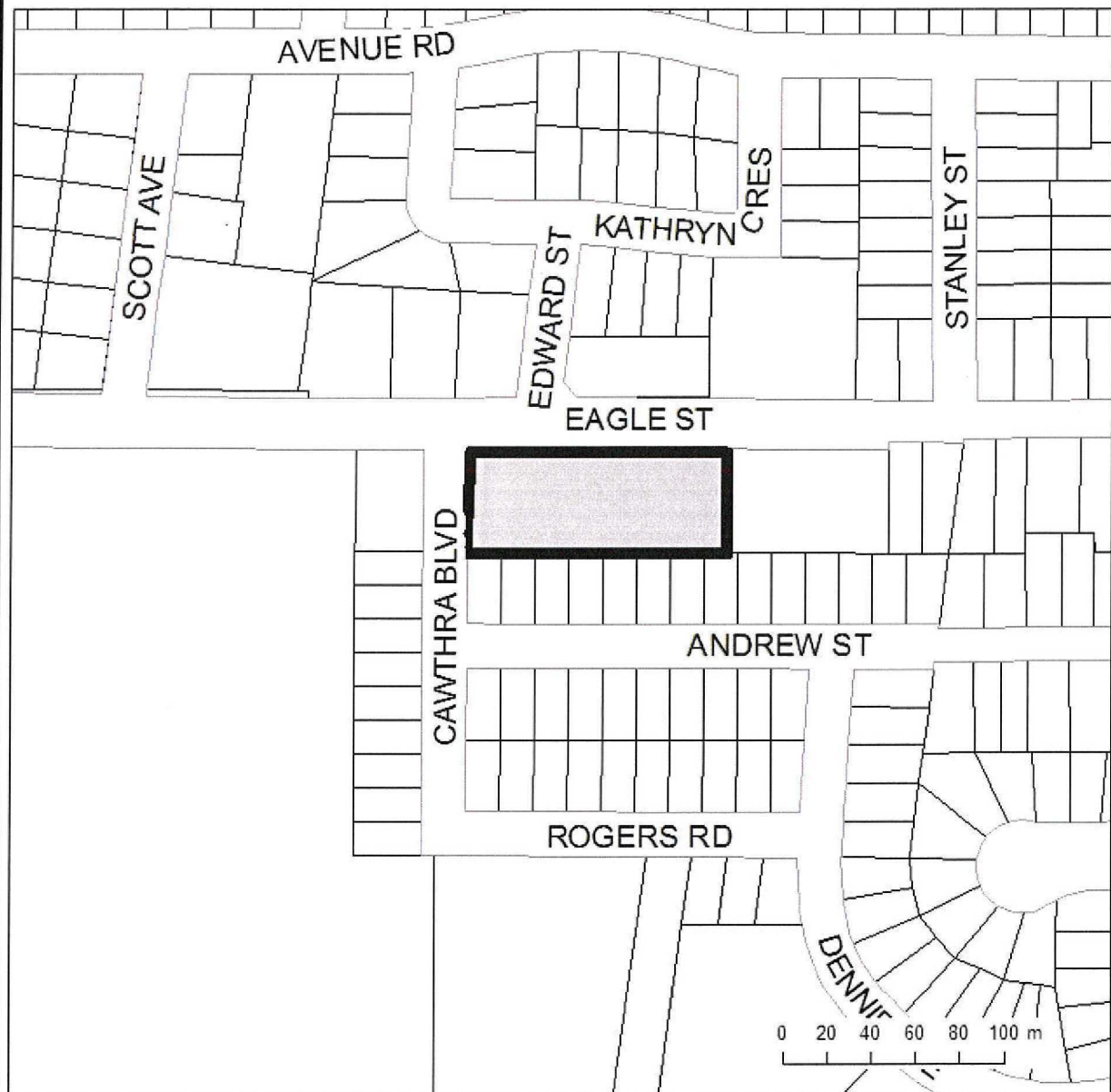



Director of Planning and Building Services



Senior Planner – Community Planning

LOCATION MAP
 260 Eagle Street
 Town of Newmarket
 Regional Municipality of York



 Subject Lands

TOWN OF NEWMARKET PLANNING DEPARTMENT



Designed & Produced by Information Technology - GIS Unit, October 2016. Land Parcel Boundaries - © Terrestrial and its suppliers. All rights reserved. NOT A PLAN OF SURVEY. 2016. Zoning - Town of Newmarket, 2016.
 DISCLAIMER: This mapping is based on the POLARIS parcel fabric product compiled using Land Registry System records and recent surveys and control points where available. This mapping is a representation of the earth's surface and provides estimates of area and distance. This map has been produced for illustrative purposes only. It is not a substitute for a legal survey.

TIC Services Planning Development Policy-General/official plan amendment 2015/official location map.mxd



November 2, 2016

**COMMUNITY SERVICES REPORT – RECREATION & CULTURE
REPORT # 2016-28**

TO: Committee of the Whole
SUBJECT: Old Town Hall Public Art Installation
ORIGIN: Community Services – Recreation and Culture

RECOMMENDATIONS

THAT Community Services – Recreation & Culture Report # 2016-28 dated November 2, 2016 regarding a Public Art Piece installation at Old Town Hall be received and the following recommendation(s) be adopted:

- 1. THAT Council authorize the installation of a Public Art Piece at Old Town Hall under the conditions set forth within the report.**

COMMENTS

Background

The Cultural Master Plan identifies a number of cultural initiatives to be implemented over the course of the next ten years. A key component identified is to “create a public art program based upon accepted practice in municipal public art”. Community Services – Recreation & Culture and Development & Infrastructure Services – Planning collaborated on the initiative to develop a Public Art Plan and Policy representing best practices of municipal public art for the Town of Newmarket. In June, 2014 Council adopted the Town of Newmarket’s Public Art Plan and Policy (Report #2014-17).

On October 25, 2014, the Town of Newmarket advertised a call for artists for an Outdoor Public artwork in front of the Old Town Hall. The call invited Canadian artists to participate in a two-stage proposal submission to create an exterior public art piece located on the Northeast corner of the Old Town Hall. The budget for this art project was a total of \$75,000 (HST included) which included but was not limited to artist fees, insurance to cover scope of the project, materials, design, fabrication, transportation and installation with \$10,000 of that total set aside for ongoing maintenance.

As this was the first time issuing an RFP for public art under the new Public Art Plan and Policy, a number of lessons were learned. After extensive review and identification of opportunities for improvement with the Public Art Policy and Plan, a decision was made to cancel the RFP and re-issue after the Plan and Policy was amended. In October 2015, Council reviewed and approved amendments to the Public Art Policy and Plan (Report #2015-33). These amendments included:

- That Council would be given opportunity to approve the theme of the art piece in advance of issuance of an RFP
- That a jury would be formed comprised of 3 staff members, 3 professional artists and 1 community member representative (preferably a resident living in close proximity to the location of installation)
- The jury would then narrow submissions down to two finalists. The finalists work would then be shared with the public with the selection being done through a public vote

Conditions for Old Town Hall Public Art Installation

The North East Corner continues to be a priority site for the installation of a piece of public art given the high visibility and central location in the cultural hub of Newmarket. As such staff are recommending pursuing installation of a public art piece as per the conditions outlined below:

Project Theme: "Time":

This piece would contain a functioning clock while also paying tribute to the various ways in which people have spent their time at Old Town Hall over the last 100 + years and are imagined over the next 100 + years. While time is abstract and elusive, the various time keeping devices developed over the ages reveal particular attitudes and values. This piece will reflect attitudes and values around community, unity, celebration. Artists, architects and industrial designers will be invited to address these faces of time, to circumvent the spinning hands of time or simply gauge time in new ways.

Project Budget: \$65,000 (+ an additional \$10,000 for ongoing maintenance)

Council previously approved a total budget of \$75,000 for this project. This will be the budget utilized for this project.

Project Location: Northeast Corner of Old Town Hall Property

This location already has necessary infrastructure (ie. power) to support installation of a piece.

Project Size: 6 ft by 12 ft

The project may vary in size but shall not exceed a height of 12 ft. The width of the project will not exceed 6 ft.

Additional Considerations:

This will serve as a gathering and meeting place for individuals and groups. As such, the project may want to incorporate seating or other forms of gathering places.

Project Timeline:

Item	Dates
Report to Council to begin the process	Mid November, 2016
Open Call for Artists	Issued by December 1, 2016
Artist Submission Date	January 31, 2017
Jury Selection Completion	January 15, 2017
Jury Evaluation	February 17, 2017
Public Vote	March 17, 2017
Award Public Art Piece	April 1, 2017
Production of Public Art Piece	Spring, 2017
Unveiling of Public Art Piece	Post Completion of Art Piece

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

Living Well

- Emphasis on active lifestyles and recreational opportunities

Well Balanced

- Recreational facilities and services
- Events that help shape identity and contribute to community spirit

CONSULTATION

Extensive consultation was done to develop the Public Art Plan and Policy. Further extensive consultation will happen during the voting phase of the project.

HUMAN RESOURCE CONSIDERATIONS

Not Applicable.

BUDGET IMPACT

Capital Budget

As identified, the \$65,000 was previously approved for the development of a public art piece in this location.

CONTACT

For more information on this report, contact: Colin Service, Director Recreation & Culture, at ext. 2601 or cservice@newmarket.ca.

Colin Service
Director, Recreation & Culture

Ian McDougall
Commissioner, Community Services