



Town of Newmarket **AGENDA**

COMMITTEE OF THE WHOLE

Monday, January 14, 2013 at 1:30 p.m.
Council Chambers, 395 Mulock Drive

A 15 minute recess is scheduled at 3:00 p.m. with the Committee of the Whole (Closed Session) agenda items being dealt with after the break at 3:15 p.m.

ADDITIONS TO THE AGENDA

Please note there may be further items added to this agenda – contact the Legislative Services Department at (905) 895-5193 for the most up-to-date listing.

DECLARATIONS OF INTEREST

DETERMINATION OF ITEMS REQUIRING SEPARATE DISCUSSION

ADOPTION OF ITEMS NOT REQUIRING SEPARATE DISCUSSION

CONSENT ITEMS

1. COMMITTEE OF THE WHOLE – JANUARY 14, 2013 – ITEM NEWMARKET PUBLIC LIBRARY BOARD MINUTES

Newmarket Public Library Board Minutes of September 25 and October 24, 2012.

The Newmarket Public Library Board recommends:

THAT the Newmarket Public Library Board Minutes of September 25 and October 24, 2012 be received.

2. COMMITTEE OF THE WHOLE – JANUARY 14, 2013 – ITEM NEWMARKET DOWNTOWN DEVELOPMENT SUBCOMMITTEE MINUTES

Newmarket Downtown Development Subcommittee Minutes of November 30, 2012.

The Newmarket Downtown Development Subcommittee recommends:

THAT the Newmarket Downtown Development Subcommittee Minutes of November 30, 2012 be received.

**3. COMMITTEE OF THE WHOLE – JANUARY 14, 2013 – ITEM
NEWMARKET ECONOMIC DEVELOPMENT ADVISORY COMMITTEE MINUTES**

Newmarket Economic Development Advisory Committee Minutes of November 15, 2012.

The Newmarket Economic Development Advisory Committee recommends:

THAT the Newmarket Economic Development Advisory Committee Minutes of November 15, 2012 be received.

**4. COMMITTEE OF THE WHOLE – JANUARY 14, 2013 – ITEM
HERITAGE NEWMARKET ADVISORY COMMITTEE MINUTES**

Heritage Newmarket Advisory Committee Minutes of December 11, 2012.

The Heritage Newmarket Advisory Committee recommends:

THAT the Heritage Newmarket Advisory Committee Minutes of December 11, 2012 be received.

**5. COMMITTEE OF THE WHOLE – JANUARY 14, 2013 – ITEM
CORPORATE SERVICES COMMISSION – LEGAL SERVICES AND CORPORATE
POLICY COMMITTEE JOINT REPORT 2012-09
SALE OF LAND POLICY LEGAL 1-01**

Corporate Services Commission – Legal Services and Corporate Policy Committee Joint Report 2012-09 dated October 29, 2012 regarding New Corporate Policy – Sale of Land Policy Legal 1-01.

The Commissioner of Corporate Services, the Director of Legal Services and the Corporate Policy Committee recommend:

THAT Corporate Services Commission – Legal Services and Corporate Policy Committee Joint Report 2012-09 dated October 29, 2012 regarding the New Corporate Policy – Sale of Land Policy LEGAL. 1-01 be received and the following recommendations be adopted:

- 1. THAT By-law 1995-43 be repealed;**
- 2. AND THAT Council approve the attached Sale of Land Policy LEGAL.1-01.**

6. **COMMITTEE OF THE WHOLE – JANUARY 14, 2013 – ITEM
COMMUNITY SERVICES/PLANNING AND BUILDING SERVICES REPORT 2013-01
APPLICATION FOR ZONING BY-LAW AMENDMENT AND
DRAFT PLAN OF SUBDIVISION S/E CORNER OF DAVIS DRIVE AND BATHURST
MOSAİK GLENWAY HOMES INC. (McGREGOR FARM)**

Community Services/Planning and Building Services Report 2013-01 dated January 3, 2013 regarding Application for Zoning By-law Amendment and Draft Plan of Subdivision – Mosaik Glenway Homes Inc. (McGregor Farm).

(Appendix A copied to Mayor and Members of Council only and available for viewing in Planning and Legal Services Departments)

The Commissioner of Community Services and the Director of Planning and Building Services recommend:

THAT Community Services/Planning and Building Services Report 2013-01 dated January 3, 2013 regarding Application for Zoning By-law Amendment and Draft Plan of Subdivision be received and the following recommendations be adopted:

1. **THAT approval be given to Draft Plan of Subdivision 19TN-2012 002, subject to the schedule of conditions set out in Appendix “A” attached to and forming part of this Report;**
2. **AND THAT staff be directed to prepare the necessary Zoning By-law Amendment;**
3. **AND THAT the approval for Draft Plan of Subdivision 19TN-2012-002 shall only be issued upon the execution of a “No Pre-Sales Agreement” by the Owner of the said Draft Plan with the Town of Newmarket;**
4. **AND THAT Nick Pileggi, Malone Given Parsons Ltd., 140 Renfrew Drive, Suite 201 Markham L3R 6B3 be notified of this action.**

7. **COMMITTEE OF THE WHOLE – JANUARY 14, 2013 – ITEM
COMMUNITY SERVICES/PLANNING AND BUILDING SERVICES REPORT 2013-02
FEED-IN TARIFF PROGRAM ROOFTOP SOLAR REQUEST – 1155 STELLAR DRIVE**

Community Services Report – Planning and Building Services 2013-02 dated January 3, 2013 regarding Ontario’s Feed-In Tariff Program – Rooftop Solar Project – 1155 Stellar Drive.

The Commissioner of Community Services and the Director of Planning and Building Services recommend:

THAT Community Services Report – Planning and Building Services 2013-02 dated January 3, 2013 regarding a request for Council support for a rooftop solar project over 10 kilowatts up to 500 kilowatts located at 1155 Stellar Drive be received and the following recommendations be adopted:

1. THAT Council provide a resolution (in the form prescribed by the Ontario Power Authority) as requested by CEW ALGONQUIN VI for the following project:

200 kW rooftop solar panels at 1155 Stellar Drive

2. AND THAT Bryn Davies of Ontario Solar Provider Inc., 1 Atlantic Avenue, Suite 105, Toronto, ON M6K 3E7 be advised of this decision.
8. **COMMITTEE OF THE WHOLE – JANUARY 14, 2013 – ITEM
CORPORATE SERVICES REPORT – LEGISLATIVE SERVICES 2013-01
REGULATION OF CLOTHING DONATION BINS**

Corporate Services Report – Legislative Services 2013-01 dated January 3, 2013 regarding Regulation of Clothing Donation Bins.

The Commissioner of Corporate Services, the Director of Legislative Services and the Licensing Officer recommend:

THAT Corporate Services Report – Legislative Services 2013-01 dated January 3, 2013 regarding Regulation of Clothing Donation Bins be received and the following recommendation be adopted:

THAT staff bring forward a by-law for the licensing of clothing donation bins with the following scope:

- Applies to donation bins operated by registered charities, non-profit and private organizations;
- Permitted on commercially zoned private property in the Town of Newmarket ;
- Requires written agreement of the property owner;
- Not permitted on Town property (with delegated authority approval in special circumstances); and
- An appropriate fee structure

9. **COMMITTEE OF THE WHOLE – JANUARY 14, 2013 – ITEM
DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT – PUBLIC WORKS
SERVICES – EMERALD ASH BORER LONG TERM MANAGEMENT PLAN**

Development and Infrastructure Services Report – Public Works Services regarding the Emerald Ash Borer Long Term Management Plan.

Report to be distributed with addendum agenda.

10. **COMMITTEE OF THE WHOLE – JANUARY 14, 2013 – ITEM
LIST OF OUTSTANDING MATTERS**

List of outstanding matters.

Recommendation:

THAT the list of outstanding matters be received.

PRESENTATIONS

11. **COMMITTEE OF THE WHOLE – JANUARY 14, 2013 – ITEM
NEWMARKET TAY POWER PRESENTATION – PAYMENTS IN LIEU**

Mr. Paul Ferguson to address the Committee with a PowerPoint presentation regarding Payments in Lieu (PILS).

PowerPoint Presentation to be distributed with addendum agenda.

DEPUTATIONS

CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION

ACTION ITEMS

REPORTS BY REGIONAL REPRESENTATIVES

NEW BUSINESS

RESOLUTION TO CONVENE INTO A CLOSED SESSION:

THAT Committee of the Whole resolve into a closed session for the purpose of discussing:

- a) The security of property of the municipality or local board;
- b) Personal matters about an identifiable individual, including municipal employees or local board employees;
- c) A proposed or pending acquisition or disposition of land by the municipality or local board;
- d) Labour relations or employee negotiations;
- e) Litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board;
- f) Advice that is subject to solicitor/client privilege including communications necessary for that purpose; and
- g) A matter in respect of a council, board committee or other body may hold a closed meeting under another Act.

CLOSED SESSION

The Closed Session Agenda and Reports will be circulated under separate cover (Goldenrod) on Thursday, January 10, 2013.

PUBLIC HEARING MATTERS – 7:00 P.M.

THERE IS NO PUBLIC SESSION SCHEDULED FOR 7:00 P.M.

ADJOURNMENT



1.1

Newmarket Public Library Board
Regular Board Meeting
Tuesday, September 25, 2012
Newmarket Public Library Board Room

Present: Wendy Van Straten – Chair
Michael Castro
Tom Hempen
Joan Stonehocker (*arrived at 5:25 pm*)
John Taylor

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

Guests: Lynn Georgeff, Director of Human Resources, Town of Newmarket (*left at 6:10 pm*)

Regrets: Tom Vegh – Vice Chair
Wes Playter

The Chair called the meeting to order at 5:05 p.m.

1. ADOPTION OF AGENDA ITEMS:

- i) Adoption of Regular Agenda
- ii) Adoption of Closed Session Agenda
- iii) Adoption of Consent Agenda items

The Chair asked if there were any additions to the agenda. One item was added to New Business. Item 9 i) 2013 Capital and Operation Budget was moved to the start of the agenda.

Motion 12.09.157

**MOVED BY JOHN TAYLOR
SECONDED BY MICHAEL CASTRO**

THAT Agendas i) to iii) be adopted as amended.

CARRIED

2. DECLARATIONS

None were declared.

3. CONSENT AGENDA ITEMS:

- i) Adoption of the Regular Board Meeting Minutes of Tuesday, June 26, 2012
- ii) Adoption of the Special Board Meeting Minutes of Thursday, August 9, 2012
- iii) Monthly Operational Highlights for September, 2012
- iv) Library Statistical Data

- 1.2**
- v) Revitalization Update
 - vi) Correspondence from Canada Revenue Agency regarding The Town of Newmarket Public Library Board Notification of Registration

Motion 12.09.158

MOVED BY JOHN TAYLOR
SECONDED BY JOAN STONEHOCKER

THAT Consent Agenda Items i) to vi) be received as presented

CARRIED

4. CLOSED SESSION

Motion 12.09.159

MOVED BY JOHN TAYLOR
SECONDED BY MICHAEL CASTRO

THAT the Library move in to a Closed Session at 5:15 pm for the purpose of adopting the Closed Session Minutes from Tuesday, June 26, 2012 pertaining to an identifiable individual and labour relation matters and to discuss labour relation matters and consideration of request under the Municipal Freedom of Information and Protection of Privacy Act.

CARRIED

Motion 12.09.161

MOVED BY JOHN TAYLOR
SECONDED BY TOM HEMPEN

THAT the Library Board move out of the Closed Session at 6:35 p.m.

CARRIED

Motion 12.09.162

MOVED BY JOHN TAYLOR
SECONDED BY TOM HEMPEN

THAT the actions of the Closed Session meeting of September 25th be ratified and the following recommendations be adopted:

That the directions regarding Labour Negotiations be adopted;

AND

WHEREAS the detailed financial information regarding the Community Adjustment Funded Shared Digital Infrastructure (SDI) Project is in the possession of the Town of Newmarket, in order to expedite the matter, that the Newmarket Library Board requests the Town of Newmarket directly provide to Councillor DiMuccio

the information in as much detail that is possible, and a copy of the information be forwarded to the Newmarket Public Library Board.

CARRIED

1.3

5. STRATEGIC PLAN

The Board agreed to meet with the Strategic Planning Consultant to review the draft Strategic Plan before final approval.

6. CORRESPONDENCE

Correspondence has been received from King Township Public Library requesting that the Newmarket Public Library consider entering into a reciprocal borrowing agreement with the King Township Public Library.

Motion 12.09.163

**MOVED BY JOHN TAYLOR
SECONDED BY MICHAEL CASTRO**

THAT that the Newmarket Public Library enter into a reciprocal borrowing agreement with the King Township Public Library.

CARRIED

7. POLICY

i) Health and Safety Policy

No changes were made to the Health and Safety Policy.

Motion 12.09.164

**MOVED BY JOHN TAYLOR
SECONDED BY MICHAEL CASTRO**

THAT the Library Board approve the Health and Safety Policy as presented.

CARRIED

8. REPORTS

i) Monthly Bank Transfer

The Board reviewed and approved the recommendation by the CEO to transfer funds to the Town of Newmarket Bank account.

Motion 12.09.165

**MOVED BY MICHAEL CASTRO
SECONDED BY TOM HEMPEN**

1.4
THAT the Library Board directs the CEO to authorize the Town of Newmarket Treasurer to transfer the closing balance at August 31, 2012 of \$ 29,224.12 from the Newmarket Public Library Board bank account to the Town of Newmarket bank account.

CARRIED

ii) Second Quarter Financial Statements

The Library Board reviewed the 2nd Quarter Financial Statements.

Motion 12.09.166

**MOVED BY TOM HEMPEN
SECONDED BY MICHAEL CASTRO**

THAT the Library Board receive the Newmarket Public Library 2nd Quarter Financial Statements as presented.

CARRIED

9. BUSINESS ARISING

i) 2013 Capital and Operating Budget

This item was moved to the start of the agenda. A portion of this item was discussed during the Closed Session of the meeting as it pertained to labour relation matters.

The CEO reviewed and discussed the draft 2013 Operating Budget request with the Library Board.

Motion 12.09.167

**MOVED BY JOHN TAYLOR
SECONDED BY TOM HEMPEN**

THAT the Library Board directs the CEO to make adjustments to the 2013 Operating Budget so that it does not exceed a 2% increase to the Town of Newmarket grant request.

CARRIED

The CEO reviewed the draft 2013 Capital Budget with the Library Board.

Motion 12.09.168

**MOVED BY JOHN TAYLOR
SECONDED BY TOM HEMPEN**

THAT the Library Board approved the draft 2013 Capital Budget as presented.

CARRIED

ii) Estate Donation

1.5

The CEO made a recommendation to spend money received through a recent estate donation for creating a collaborative computer learning centre in the lower level of the Library

Motion 12.09.169

**MOVED BY JOHN TAYLOR
SECONDED BY TOM HEMPEN**

THAT the Board authorize the CEO to spend up to \$20,000 associated with the donation from the estate of the late Vivian Campbell to create a collaborative computer learning centre as proposed.

CARRIED

iii) Action List

The Board reviewed and updated the Action List.

10. NEW BUSINESS

iv) Era Archive Launch

An official launch of the Era Archive is planned on Wednesday, October 24th, from 4 – 6 pm in the Library Multipurpose room.

11. DATE(S) OF FUTURE MEETINGS

The next regular Library Board meeting will be Wednesday, October 24, 2012 at 5:00 pm in the Library Board room.

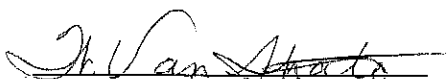
12. ADJOURNMENT


Motion 12.09.170

**MOVED BY TOM HEMPEN
SECONDED BY JOHN TAYLOR**

THAT there being no further business the meeting adjourned at 7:30 p.m.

CARRIED


Wendy Van Straten
Chair


Todd Kyle, CEO
Secretary/Treasurer



Newmarket Public Library Board
Regular Board Meeting
Wednesday, October 24, 2012
Newmarket Public Library Board Room

1.6

Present: Wendy Van Straten – Chair
Tom Vegh – Vice Chair (*left at 6:30 pm*)
Michael Castro
Tom Hempen (*arrived at 5:25 pm*)
Joan Stonehocker
John Taylor (*left at 7:00 pm*)

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

Regrets: Wes Playter

The Chair called the meeting to order at 5:35 p.m.

1. ADOPTION OF AGENDA ITEMS:

- i) Adoption of Regular Agenda
- ii) Adoption of Consent Agenda items

The Chair asked if there were any additions to the agenda.

Motion 12.10.171

MOVED BY MICHAEL CASTRO

SECONDED BY JOHN TAYLOR

THAT Agendas i) to ii) be adopted as presented.

CARRIED

2. DECLARATIONS

None were declared.

3. CONSENT AGENDA ITEMS:

- i) Adoption of the Regular Board Meeting Minutes of Wednesday, September 25, 2012
- ii) Adoption of the Closed Session Minutes of Wednesday, September 25, 2012
- iii) Monthly Operational Highlights for September, 2012
- iv) Library Statistical Data
- v) Revitalization Update

The Library Board Chair confirmed that the request to the Town of Newmarket regarding sharing information with a Councillor on the Community Adjustment Funded Shared Digital Infrastructure (SDI) Project was received by the Town of Newmarket.

Motion 12.10.172

MOVED BY JOHN TAYLOR
SECONDED BY JOAN STONEHOCKER

THAT Consent Agenda Items i) to v) be received as presented

CARRIED

4. CLOSED SESSION

There were no Closed Session items.

5. LEADING BOARDS USER DEMONSTRATION

A representative from Leading Boards provided a demonstration on how to use the electronic document management repository.

6. STRATEGIC PLAN

Library Board members agreed in principal with the draft Strategic Plan that was presented however asked that a focus session be scheduled with the Strategic Planning Consultant to further refine and finalize the plan.

Motion 12.10.173

MOVED BY JOHN TAYLOR
SECONDED BY TOM HEMPEN

THAT the Library Board approve in principal the draft Strategic Plan and that a focus session be scheduled with the Strategic Planning Consultant to further refine and finalized the plan.

CARRIED

7. CORRESPONDENCE

Correspondence has been received from East Gwillimbury Public Library and Whitchurch Stouffville Public Library requesting that the Newmarket Public Library consider entering into a reciprocal borrowing agreement. The Board agreed to request and asked that the agreements be reviewed after two years to see what the impact is on library services.

Motion 12.10.174

MOVED BY JOHN TAYLOR
SECONDED BY JOAN STONEHOCKER

THAT that the Newmarket Public Library enter into a reciprocal borrowing agreement with East Gwillimbury Public Library and Whitchurch Stouffville Public Library subject to review after two years.

CARRIED

8. REPORTS

i) Monthly Bank Transfer

The Board reviewed and approved the recommendation by the CEO to transfer funds to the Town of Newmarket Bank account.

Motion 12.10.175

**MOVED BY JOHN TAYLOR
SECONDED BY MICHAEL CASTRO**

THAT the Library Board directs the CEO to authorize the Town of Newmarket Treasurer to transfer the closing balance at September 30, 2012 of \$ 15,963.59 from the Newmarket Public Library Board bank account to the Town of Newmarket bank account.

CARRIED

ii) Second Quarter Financial Statements

The Library Board reviewed the 3rd Quarter Financial Statements. The Library Board requested that a one page cover letter be included with the quarterly financial statements highlighting any items that the Library Board should be aware of.

Motion 12.10.176

**MOVED BY JOHN TAYLOR
SECONDED BY JOAN STONEHOCKER**

THAT the Library Board receive the Newmarket Public Library 3rd Quarter Financial Statements as presented.

CARRIED

9. BUSINESS ARISING

i) 2013 Operating Budget

The CEO reviewed the draft 2013 Operating Budget with the Library Board.

Motion 12.10.177

**MOVED BY TOM HEMPEN
SECONDED BY JOHN TAYLOR**

THAT the Library Board approved the 2013 Operation Budget as presented.

CARRIED

ii) Action List

The Board reviewed and updated the Action List.

10. NEW BUSINESS

There was no new business.

11. DATE(S) OF FUTURE MEETINGS

The next regular Library Board meeting will be Wednesday, November 28th, 2012 at 5:00 pm in the Library Board.

12. ADJOURNMENT


Motion 12.10.178

**MOVED BY MICHAEL CASTRO
SECONDED BY TOM HEMPEN**

THAT there being no further business the meeting adjourned at 7:10 p.m.

CARRIED


Wendy Van Straten
Chair


Todd Kyle, CEO
Secretary/Treasurer

Friday, November 30, 2012 at 10:00 a.m.
Community Centre Hall #3
200 Doug Duncan Drive

The regular meeting of the Newmarket Downtown Development Subcommittee was held on Friday, November 30, 2012 at 10:00 a.m. in Hall #3 of the Community Centre, 200 Doug Duncan Drive, Newmarket.

Members Jackie Playter
Present: Barbara Leibel
Councillor Sponga
Steve Whitfield

Absent: Ian Peake

Staff: C. Kallio, Economic Development Officer
J. Bondi, Council/Committee Co-ordinator

The meeting was called to order at 10:03 a.m.

Jackie Playter in the Chair.

ADDITIONS

The Economic Development Officer advised that he would be adding an item related to the NDDS budget to the agenda.

DECLARATIONS OF INTEREST

Steve Whitfield declared a pecuniary interest in Item 7 of the NDDS agenda with respect to 415 Davis Drive as he and his wife own the property.

Councillor Sponga declared a conflict in Item 5 of the NDDS agenda with respect to 171 Main Street South (Rear) as he is a member of the Newmarket Food Pantry Board.

1. NEWMARKET DOWNTOWN DEVELOPMENT SUBCOMMITTEE MINUTES NOVEMBER 30, 2012 – ITEM 1 APPROVAL OF MINUTES

Newmarket Downtown Development Subcommittee Minutes of October 26, 2012.

Moved by Councillor Sponga
Seconded by Barbara Leibel

THAT the Newmarket Downtown Development Subcommittee Minutes of October 26, 2012 be approved.

CARRIED

Steve Whitfield left the meeting.

**2. NEWMARKET DOWNTOWN DEVELOPMENT SUBCOMMITTEE MINUTES
NOVEMBER 30, 2012 – ITEM 2
FINANCIAL INCENTIVES PROGRAM GRANT APPLICATION 2012-13
INTERIOR RENOVATION AND IMPROVEMENT PROGRAM, 415 DAVIS DRIVE**

The Economic Development Officer provided a verbal update regarding Financial Incentives Program Grant Application 2012-13 with respect to the property known as 415 Davis Drive.

Moved by Barbara Leibel
Seconded by Councillor Sponga

1. THAT Financial Incentives Program Grant Application 2012-13 – Interior Renovation and Improvement Program in the amount of \$15,000.00 for the property known as 415 Davis Drive be approved;
2. THAT the Façade Improvement and Restoration Program Grant Application in the amount of \$2,316.50 be approved;
3. AND THAT Steve and Elizabeth Whitfield, 186 Lorne Avenue, Newmarket, ON L3Y 4J9 be notified of this action.

CARRIED

Steve Whitfield returned to the meeting.

**3. NEWMARKET DOWNTOWN DEVELOPMENT SUBCOMMITTEE MINUTES
NOVEMBER 30, 2012 – ITEM 3
BUDGET UPDATE**

The Economic Development Officer distributed a Budget Update document and reviewed same with the members.

Moved by Councillor Sponga
Seconded by Barbara Leibel

THAT the Budget Update document and verbal report from the Economic Development Officer be received.

CARRIED

**4. NEWMARKET DOWNTOWN DEVELOPMENT SUBCOMMITTEE MINUTES
NOVEMBER 30, 2012 – ITEM 4
FINANCIAL INCENTIVES PROGRAM GRANT APPLICATIONS 2010-06 & 2012-06
INTERIOR RENOVATION AND IMPROVEMENT PROGRAM AND BUSINESS SIGN
PROGRAM, 30-32 MAIN STREET SOUTH**

The Economic Development Officer provided a verbal report regarding Financial Incentives Program Grant Applications 2010-06 and 2012-06 with respect to the property known as 30-32 Main Street South.

**Moved by Steve Whitfield
Seconded by Barbara Leibel**

- 1. THAT Financial Incentives Program Grant Application 2010-06 – Interior Renovation and Improvement Program in the amount of \$15,000.00 for the property known as 30-32 Main Street South be approved;**
- 2. AND THAT the Business Sign Program Grant Application 2012-06 in the amount of \$678.00 be approved;**
- 3. AND THAT Shab Antiques Inc., 30-32 Main Street South, Newmarket, ON L3Y 3Y4 be notified of this action.**

CARRIED

**5. NEWMARKET DOWNTOWN DEVELOPMENT SUBCOMMITTEE MINUTES
NOVEMBER 30, 2012 – ITEM 5
FINANCIAL INCENTIVES PROGRAM GRANT APPLICATION 2012-17
FAÇADE IMPROVEMENT AND RESTORATION PROGRAM – 15 MAIN STREET
SOUTH**

The Economic Development Officer provided a verbal update regarding Financial Incentives Program Grant Application 2012-17 with respect to the property known as 15 Main Street South.

**Moved by Councillor Sponga
Seconded by Barbara Leibel**

THAT Financial Incentives Program Grant Application 2012-17 – Façade Improvement and Restoration Program in the amount of \$15,000.00 for the property known as 15 Main Street South be approved, subject to 2013 budget financing;

AND THAT Norman Tao, 20 Penhurst Drive, Markham, ON L3P 6Y7 be notified of this action.

CARRIED

**6. NEWMARKET DOWNTOWN DEVELOPMENT SUBCOMMITTEE MINUTES
NOVEMBER 30, 2012 – ITEM 6
FINANCIAL INCENTIVES PROGRAM GRANT APPLICATION 2012-18
MULTIPLE, 443 SIMCOE STREET**

The Economic Development Officer provided a verbal update regarding Financial Incentives Program Grant Application 2012-18 with respect to the property known as 443 Simcoe Street.

The Chair requested that the various requests for funding be considered separately.

**Moved by Barbara Leibel
Seconded by Councillor Sponga**

THAT Financial Incentives Program Grant Application 2012-18 – Project Feasibility Study Program in the amount of \$1,808.00 for the property known as 443 Simcoe Street be denied.

CARRIED

**Moved by Councillor Sponga
Seconded by Barbara Leibel**

THAT Financial Incentives Program Grant Application 2012-18 – Façade Improvement and Restoration Program in the amount of \$15,000 for the property known as 443 Simcoe Street be approved, subject to 2013 budget financing.

CARRIED

**Moved by Steve Whitefield
Seconded by Barbara Leibel**

THAT Financial Incentives Program Grant Application 2012-18 – Interior Renovation and Improvement Program in the amount of \$4,672.55 for the property known as 443 Simcoe Street be approved.

CARRIED

**Moved by Barbara Leibel
Seconded by Steve Whitfield**

THAT Financial Incentives Program Grant Application 2012-18 – Business Sign Program in the amount of \$1,765.63 for the property known as 443 Simcoe Street be deferred to the 2013 budget subject to submission of a concept drawing;

AND THAT Norman Tao, 20 Penhurst Drive, Markham, ON L3P 6Y7 be notified of this action.

CARRIED

FOR CLARIFICATION PURPOSES THE ADOPTED RECOMMENDATIONS ARE AS FOLLOWS:

1. THAT Financial Incentives Program Grant Application 2012-18 – Project Feasibility Study Program in the amount of \$1,808.00 for the property known as 443 Simcoe Street be denied;
 2. AND THAT Financial Incentives Program Application 2012-18 – Façade Improvement and Restoration Program Grant Application 2012-18 in the amount of \$15,000 for the property known as 443 Simcoe Street be approved, subject to 2013 budget financing;
 3. THAT Financial Incentives Program Grant Application 2012-18 – Interior Renovation and Improvement Program in the amount of \$4,672.55 for the property known as 443 Simcoe Street be approved.
 4. THAT Financial Incentives Program Grant Application 2012-18 – Business Sign Program in the amount of \$1,765.63 for the property known as 443 Simcoe Street be deferred to the 2013 budget subject to submission of a concept drawing;
 5. AND THAT Norman Tao, 20 Penhurst Drive, Markham, ON L3P 6Y7 be notified of this action.
7. **NEWMARKET DOWNTOWN DEVELOPMENT SUBCOMMITTEE MINUTES
NOVEMBER 30, 2012 – ITEM 5
FINANCIAL INCENTIVES PROGRAM GRANT APPLICATION 2012-19
MULTIPLE, 171 MAIN STREET SOUTH (REAR)**

Deputation:

Councillor Sponga addressed the Committee and advised that the Newmarket Food Pantry is relocating to 171 Main Street South (Rear) and that December 3, 2012 is the proposed moving date. He provided an update with respect to signage and renovations.

Councillor Sponga left the meeting.

Report:

The Economic Development Officer provided a verbal update regarding Financial Incentives Program Grant Application 2012-19 with respect to the property known as 171 Main Street South (Rear).

The Chair requested that the various requests for funding be considered separately.

Moved by Barbara Leibel
Seconded by Steve Whitfield

THAT Financial Incentives Program Grant Application 2012-19 – Interior Renovation and Improvement Program in the amount of \$2,000.00 for the property known as 171 Main Street South (Rear) be approved.

CARRIED

Moved by Steve Whitfield
Seconded by Barbara Leibel

THAT Financial Incentives Program Grant Application 2012-19 – Planning and Building Fees Rebate/Credit Program in the amount of \$260.49 for the property known as 171 Main Street South (Rear) be approved.

CARRIED

Moved by Barbara Leibel
Seconded by Steve Whitfield

THAT Financial Incentives Program Grant Application 2012-19 – Business Sign Program in the amount of \$1,000.00 for the property known as 171 Main Street South (Rear) be approved subject to receipt of a quote, and subject to 2013 budget financing;

AND THAT the Newmarket Food Pantry, 171 Main Street South, Unit 8, Newmarket, Ontario, L3Y 3Y9, be notified of this action.

CARRIED

Councillor Sponga returned to the meeting.

FOR CLARIFICATION PURPOSES THE ADOPTED RECOMMENDATIONS ARE AS FOLLOWS:

1. THAT Financial Incentives Program Grant Application 2012-19 – Interior Renovation and Improvement Program in the amount of \$2,000.00 for the property known as 171 Main Street South (Rear) be approved;
2. AND THAT Financial Incentives Program Grant Application 2012-19 – Planning and Building Fees Rebate/Credit Program in the amount of \$260.49 for the property known as 171 Main Street South (Rear) be approved;
3. AND THAT Financial Incentives Program Grant Application 2012-19 – Business Sign Program in the amount of \$1,000.00 for the property known as 171 Main Street South (Rear) be approved subject to receipt of a quote, and subject to 2013 budget financing;

4. AND THAT the Newmarket Food Pantry, 171 Main Street South, Unit 8, Newmarket, Ontario, L3Y 3Y9, be notified of this action.

8. **NEWMARKET DOWNTOWN DEVELOPMENT SUBCOMMITTEE MINUTES
NOVEMBER 30, 2012 – ITEM 6
FINANCIAL INCENTIVES PROGRAM GRANT APPLICATION 2012-20
BUSINESS SIGN PROGRAM, 219 MAIN STREET SOUTH (REAR)**

The Economic Development Officer provided a verbal update regarding Financial Incentives Program Application 2012-20 with respect to the property known as 219 Main Street South (Rear).

**Moved by Steve Whitfield
Seconded by Councillor Sponga**

1. THAT Financial Incentives Program Grant Application 2012-20 – Business Sign Program in the amount of \$1,017.00 for the property known as 219 Main Street South (Rear) be approved, subject to 2013 budget financing;
2. AND THAT Knappett Jewellers, 219 Main Street South, Newmarket, ON L3Y 3Y9 be notified of this action.

CARRIED

9. **NEWMARKET DOWNTOWN DEVELOPMENT SUBCOMMITTEE MINUTES
NOVEMBER 30, 2012 – ITEM 8
FINANCIAL INCENTIVES PROGRAM GRANT APPLICATION 2012-21
FAÇADE IMPROVEMENT AND RESTORATION PROGRAM, 185 MAIN STREET SOUTH**

The Economic Development Officer provided a verbal update regarding Financial Incentives Program Application 2012-21 with respect to the property known as 185 Main Street South.

**Moved by Councillor Sponga
Seconded by Barbara Leibel**

1. THAT Financial Incentives Program Grant Application 2012-21 – Façade Improvement and Restoration Program in the amount of \$15,000.00 for the property known as 185 Main Street South be approved, subject to 2013 budget financing;
2. AND THAT 1841334 Ontario Inc., 270 Ivy Jay Crescent, Aurora, ON, L4G 0E7 be notified of this action.

CARRIED

10. **NEWMARKET DOWNTOWN DEVELOPMENT SUBCOMMITTEE MINUTES
NOVEMBER 30, 2012 – ITEM 8
NEW BUSINESS**

None.

**Moved by Councillor Sponga
Seconded by Barbara Leibel**

THAT the meeting adjourn.

CARRIED

There being no further business, the meeting adjourned at 11:40 a.m.

Dated

Jackie Playter, Chair

The regular meeting of the Newmarket Economic Development Advisory Committee was held on Thursday, November 15, 2012 at 5:00 p.m. in the Cane Room of the Municipal Offices located at 395 Mulock Drive.

Members Present: Jim Alexander
Barb Bartlett
Beric Farmer
Donna Fevreau
Jim Gragtmans
Rick Henry
Paul Montador (5:10 to 6:57 p.m.)
Jackie Playter
Ian Proudfoot (Chair)
Robert N. Shelton, Chief Administrative Officer
Regional Councillor Taylor (5:07 to 6:52 p.m.)
Mayor Van Bynen (5:07 to 6:55 p.m.)
David White

Absent: Michael Croxon
Gary Ryan

Staff: R. Prentice, Commissioner of Community Services
C. Kallio, Economic Development Officer
S. Chase, Director of IT (5:07 to 6:40 p.m.)
S. Niezen, Records Coordinator

Guests: Karen Dubeau, Shared Digital Infrastructure/ Digital York (5:07 to 6:40 p.m.)

Ian Proudfoot in the Chair.

The meeting was called to order at 5:07 p.m.

DECLARATIONS

None.

ADDITIONS

The Chair advised that the order of the agenda would be altered to include the election of a new chairperson.

1. **NEWMARKET ECONOMIC DEVELOPMENT ADVISORY COMMITTEE MINUTES
NOVEMBER 15, 2012 – ITEM 1
NEWMARKET ECONOMIC DEVELOPMENT ADVISORY COMMITTEE MINUTES**

Newmarket Economic Development Advisory Committee Minutes of October 18, 2012.

**Moved by Jackie Playter
Seconded by Paul Montador**

THAT the Newmarket Economic Development Advisory Committee Minutes of October 18, 2012, be approved.

CARRIED

2. **NEWMARKET ECONOMIC DEVELOPMENT ADVISORY COMMITTEE MINUTES
NOVEMBER 15, 2012 – ITEM 2
INTELLIGENT COMMUNITY/BROADBAND INFRASTRUCTURE UPDATE**

A presentation was given by Karen Dubeau of the Shared Digital Infrastructure and Digital York working groups on broadband initiatives within Newmarket and York Region. There was discussion among the Committee regarding the business advantages and the current business model being discussed. The Committee decided to refer the matter to Town staff and the Committee Chair to review the concept and to maintain an ongoing discussion of broadband initiatives in Newmarket.

3. **NEWMARKET ECONOMIC DEVELOPMENT ADVISORY COMMITTEE MINUTES
NOVEMBER 15, 2012 – ITEM 3
ELECTION OF CHAIRPERSON**

Election of Chairperson of the Newmarket Economic Development Advisory Committee.

**Moved by Mayor Van Bynen
Seconded by Paul Montador**

THAT Ian Proudfoot be nominated as Past Chair and that Jim Gragtmans be nominated as Chair of the Newmarket Economic Development Advisory Committee.

CARRIED

Nominations for Vice-Chair will be held at the next meeting.

4. **NEWMARKET ECONOMIC DEVELOPMENT ADVISORY COMMITTEE MINUTES
NOVEMBER 15, 2012 – ITEM 4
PRESENTATION: BUILDING INTERNATIONAL INVESTMENT PARTNERSHIPS
THE NEWMARKET LIFE SCIENCES MISSION TO FINLAND**

A presentation was given by the Economic Development Officer on the recent delegation to Finland.

5. **NEWMARKET ECONOMIC DEVELOPMENT ADVISORY COMMITTEE MINUTES
NOVEMBER 15, 2012– ITEM 5
POST SECONDARY UPDATE**

The Economic Development Officer advised that the Post Secondary update is postponed until the next meeting.

6. **NEWMARKET ECONOMIC DEVELOPMENT ADVISORY COMMITTEE MINUTES
NOVEMBER 15, 2012 – ITEM 6
NEW BUSINESS**

None.

Moved by Jim Alexander
Seconded by Rick Henry

THAT the meeting adjourn.

CARRIED

There being no further business the meeting adjourned at 6:57 p.m.

Dated

Ian Proudfoot, Chair

Wednesday, December 11, 2012 at 7:00 p.m.
Mulock Room, 395 Mulock Drive

The regular meeting of the Heritage Newmarket Advisory Committee was held on Wednesday, December 11, 2012 at 7:00 p.m. in the Mulock Room at 395 Mulock Drive, Newmarket.

Members

Present:

R. Caister
N. Friend
S. Fuller
A. Hart
M. Watts
B. Locke

Staff:

B. Mendonca, Administrative Assistant, Legislative Services

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

Athol Hart in the Chair.

APPROVAL OF PREVIOUS MINUTES

1. **HERITAGE NEWMARKET ADVISORY COMMITTEE MINUTES – DECEMBER 11, 2012**
ITEM 1 – HERITAGE NEWMARKET ADVISORY COMMITTEE MINUTES

Moved by Ross Caister
Seconded by Norm Friend

THAT the Heritage Newmarket Advisory Committee Minutes of November 13, 2012 be approved.

CARRIED

CORRESPONDENCE

2. **HERITAGE NEWMARKET ADVISORY COMMITTEE MINUTES – DECEMBER 11, 2012**
ITEM 2 – CORRESPONDENCE ITEMS

a) Notice of passing of a zoning by-law – Town wide with exceptions noted in explanatory note – 849 Gorham Street, 407 Eagle Street and 417 Oak Street.

Moved by Ross Caister
Seconded by Norman Friend

THAT this correspondence be received as information.

CARRIED

- b) Ministry of Citizenship and Immigration – invitation to participate in the 2013 Volunteer Service Awards program. Paul Millard will be nominated for his volunteer efforts.

**Moved by Ross Caister
Seconded by Norman Friend**

THAT the Administrative Assistant provide the Heritage Committee with the criteria for the Volunteer Service Award to nominate Paul Millard.

CARRIED

- c) Action item, excerpt from the November 13, 2012 minutes regarding Robertson House. This item has been referred to staff for recommendations.
- d) Action item, excerpt from the November 13, 2012 minutes regarding Newmarket Heritage Evaluation Criteria. This item has been referred to staff for a report.
- e) Council extract and by-law appointing Billie Locke and Malcolm Watts as members of the Newmarket Heritage Advisory Committee.

**Moved by Ross Caister
Seconded by Sandra Fuller**

CARRIED

- f) Application for National Homes draft plan of subdivision and zoning bylaw amendment. There is a concern as there have been aboriginal finds in that area.

**Moved by Ross Caister
Seconded by Sandra Fuller**

THAT the Co-chair of the Heritage Newmarket Advisory Committee contact the Senior Planner – Community Services with a concern regarding aboriginal finds in the area.

CARRIED

- g) Public meeting regarding the Glenway development. There are no Heritage issues.

**Moved by Ross Caister
Seconded by Norman Friend**

CARRIED

- h) National Homes notice of complete application, proposed draft plan of subdivision and zoning by-law amendment.

**Moved by Ross Caister
Seconded by Sandra Fuller**

THAT the Co-chair of the Heritage Newmarket Advisory Committee contact the Senior Planner – Community Services with a concern regarding aboriginal finds in the area.

CARRIED

3. **HERITAGE NEWMARKET ADVISORY COMMITTEE MINUTES – DECEMBER 11, 2012**
ITEM 3– HOT LIST/FINANCIAL REPORT

a) Hot List

The Co-chair would like to have a review of the plaques regarding the dates and names.

b) Treasurer

The interim Treasurer produced a detailed list of expenditures for 2012. The Heritage Committee will provide financial assistance to the Bonshaw House repairs and the Pickering College columns.

Moved by Norman Friend
Seconded by Ross Caister

CARRIED

4. **HERITAGE NEWMARKET ADVISORY COMMITTEE MINUTES – DECEMBER 11, 2012**
ITEM 4 – PLAQUES

Site Plaques

There are three metal site plaques currently in production, Ford on Holland River and the army site. These two will be located on Town property. The Rogers house no longer exists and discussion ensued as to where to put the plaque.

Residence plaques

The residence plaques currently have a grey background with white lettering. It was suggested that the lettering be black for better visibility. The Co-chair will bring the plaque for his residence to the January 2013 meeting with the lettering painted black for the Heritage Newmarket Committee's consideration.

Discussion ensued regarding the hiring of a student to update the plaque list.

Moved by Sandra Fuller
Seconded by Billie Locke

THAT a student not be hired to assist with the organization of the plaque list.

CARRIED

5. **HERITAGE NEWMARKET ADVISORY COMMITTEE MINUTES – NOVEMBER 13, 2012**
ITEM 5 – INVENTORY SUB-COMMITTEE

The Co-chair informed the Heritage Newmarket Advisory Committee that there is now a workable copy of the inventory list.

6. **HERITAGE NEWMARKET ADVISORY COMMITTEE MINUTES – NOVEMBER 13, 2012**
ITEM 6 – DESIGNATED MAINTENANCE PROPERTY & CONCERNS

A quote was given to the Heritage Committee regarding the repairs to the Bonshaw House. Questions arose as the quote was quite low.

Moved by Ross Caister
Seconded by Sandra Fuller

THAT the Senior Planner – Community Planning forward a letter to the owner of the Bonshaw House to request drawings of the proposed work.

CARRIED

7. **HERITAGE NEWMARKET ADVISORY COMMITTEE MINUTES – NOVEMBER 13, 2012**
ITEM 7 – REPORTS OF COMMITTEE MEMBERS

a) Historical Society

Norman Friend advised that the Historical Society is making preparations to expand the number of members to thirteen. He also advised that the Historical Society is now on facebook (Historical Newmarket Society Ontario).

b) Museum

Ross Caister updated the Heritage Committee regarding the events at the Museum.

c) A.R.C.H.

In January 2013, a new member will be added to replace Paul Millard. The Architecture, Recreation, Culture, Heritage Committee has accepted the responsibility for Doors Open. On Friday, December 14th at 7:30 p.m. at the Museum, a viewing of the movie on the Rebellion of 1837 will be previewed. This is a result of the re-enactment that took place on July 1, 2012 in the Town of Newmarket. The film will be entered in the film festival in the documentary category.

d) Street Naming Committee

Nothing to report.

Moved by Ross Caister
Seconded by Norman Friend

CARRIED

8. HERITAGE NEWMARKET ADVISORY COMMITTEE MINUTES – December 11, 2012
ITEM 8 – NEW BUSINESS

- a) The meetings for 2013 have been amended to the first Tuesday of the month with the exception of January which will be January 8, 2013.

Moved by Ross Caister
Seconded by Billie Locke

CARRIED

- b) The interim Treasurer will continue to be Sandra Fuller. Norman Friend and Sandra Fuller have requested to act as Treasurer for 2013-2014. The election will take place at the next Heritage Newmarket Advisory Committee meeting on January 8, 2013.
- c) The Heritage Committee will continue with two Co-chairs for 2013.

Moved by Norman Friend

THAT the meeting adjourn.

CARRIED

There being no further business the meeting adjourned at 8:45 p.m.

Date

Athol Hart - Co-Chair



OFFICE OF THE CAO/STRATEGIC INITIATIVES
TOWN OF NEWMARKET
395 Mulock Drive
P.O. Box 328
Newmarket, ON L3Y 4X7

www.newmarket.ca
info@newmarket.ca
905.895.5193

5.1

October 29, 2012

**CORPORATE SERVICES COMMISSION - LEGAL SERVICES
AND CORPORATE POLICY COMMITTEE
JOINT REPORT 2012-09**

TO: Committee of the Whole
SUBJECT: New Corporate Policy – Sale of Land Policy LEGAL.1-01
ORIGIN: Legal Services & Corporate Policy Committee

RECOMMENDATIONS

THAT Corporate Services Commission – Legal Services and Corporate Policy Committee Joint Report 2012-09 dated October 29, 2012 regarding the New Corporate Policy – Sale of Land Policy LEGAL.1-01 be received and the following recommendations be adopted:

- 1) THAT Bylaw 1995-43 be repealed;**
- 2) AND THAT Council approve the attached Sale of Land Policy LEGAL.1-01.**

COMMENTS

The policy and procedure for managing the corporation's land sales is provided for in Bylaw 1995-43. In order to streamline the real estate disposal process, increase administrative efficiency, and align with amendments to the *Municipal Act, 2001*, an updated policy is being recommended for Council approval.

The procedures currently followed by staff when disposing of municipal land are somewhat antiquated, as the current Sale of Land By-law, Town of Newmarket By-law 1995-43 was enacted in 1995. Since that time, there have been numerous amendments to the applicable legislation, being the *Municipal Act, 2001*. The policy sets out a number of exceptions to various requirements in the current by-law which were formerly contained in the *Municipal Act* but have since been repealed.

From a process perspective, the policy aims to improve the process for disposing of municipally owned land contained in the current by-law in two ways. First, there are a number of gaps in the current procedure as pointed out by staff that have been addressed within the policy. The policy has been prepared in the form of a step by step procedure, which is intended to guide and assist staff working on land disposition matters. It also addresses developments in technology and communications that have occurred since 1995, as the policy requires the posting of a notice on the Town's website as part of the public notice requirements. While the Legal Services department already posts public notices about land dispositions on the website as an additional transparency measure, it is not currently a requirement in the by-law and the new policy will formalize this practice.

Second, the policy aims to improve efficiency by streamlining the current land disposition process and delegating certain routine land disposition matters to staff. At present, staff follow a complex and time consuming procedure for disposing of all pieces of municipal land, regardless of the size, value or nature of the land. For example, the same process is followed for the disposition of a part of a road widening to the original owner of the land as for the sale of a large commercial property. Within the policy, it is proposed that these types of routine and minor land transactions be delegated to staff. Notwithstanding the delegations to staff proposed within the policy, staff will use their professional judgment in bringing items forward to Council when they are of the opinion that it is in the best interest of Council to do so.

The Sale of Land Policy provides more detailed direction for staff in terms of process, maintains transparency, and improves process efficiencies.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

The policy aligns with the Strategic Plan's key area of focus "Well Equipped & Managed" as well as supporting Council's Strategic Priorities. The policy links directly to the core value of Accountability.

CONSULTATION

The Legal Services department prepared the Sale of Land Policy LEGAL.1-01. Comments were sought from Planning and Building Services, Financial Services, Engineering Services, Public Works Services, and the Chief Administrative Officer. The draft policy was presented to the Operational Leadership Team prior to consideration by the Corporate Policy Committee to ensure compliance/co-ordination with current Town policies and practices. It was also presented to the Senior Leadership Team following evaluation of the draft policy by the Corporate Policy Committee.

The attached policy incorporates the comments from departments and committees noted above.

HUMAN RESOURCE CONSIDERATIONS

The recommendations contained in this report have no impact on staffing levels yet serve to increase efficiency within the existing staff complement.

BUDGET IMPACT

Operating Budget (Current and Future)

The adoption of the Sale of Land will have a beneficial impact on the Town's operating budget as the new policy proposes a less complex and onerous procedure to be followed by staff. It represents an efficiency measure for staff, Council and the Town's business partners.

Capital Budget

The recommendations contained within this report have no direct impact on the Town's capital budget.

CONTACT

For more information on this report, contact Zella Phillips, Legal Services at 905-953-5300 Ext. 2435, zphillips@newmarket.ca or Cindy Wackett, Strategic Initiatives at 905-953-5300 Ext. 2048, cwackett@newmarket.ca.



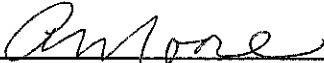
Cindy Wackett, Chair
Corporate Policy Committee



Zella Phillips, Associate Solicitor
Legal Services



Esther Armchuck-Ball,
Director, Legal Services



Anita Moore, Commissioner
Corporate Services

/cw

Attach(1): Corporate Policy – Sale of Land Policy LEGAL.1-01

e-copies: Corporate Policy Review Committee Members



CORPORATE POLICY

Sub Topic: Sale of Land

Policy No. LEGAL.1-01

Topic: Land Acquisition and Sale

Applies to: All Employees & Elected Officials & all real estate agents and brokers acting on behalf of the Town on real property sales or dispositions

Section: Legal Services

Council Adoption Date:

Effective Date:

Revision No:

Date:

Policy Statement & Strategic Plan Linkages

This policy applies to the sale and disposition of real property by the Corporation of the Town of Newmarket (the "Town"). It applies to: (1) all Town employees, (2) elected officials, and (3) all agents acting on behalf of the Town on real property matters, including any real estate brokers authorized to dispose of real property on behalf of the Town. The policy aligns with the well-equipped & managed branch of the strategic plan, and reflects the core values of accountability and accessibility.

Purpose

The primary purpose of this Policy is to ensure compliance by the Town with section 270(1) of the *Municipal Act, 2001*, as amended, which requires municipalities to adopt policies regarding the sale and other disposition of municipally owned land. The secondary purpose is to establish a consistent, transparent and accountable procedure to be followed in the disposition of real property assets by the Town.

Definitions

In this Policy, the following terms shall have the following meanings:

Appraisal: means a written valuation of the fair market value of land, performed by an independent, certified appraiser that is satisfactory to the Municipal Solicitor;

Disposition: means the sale, transfer, conveyance or exchange of the fee simple interest in land or the granting of a lease of 21 years or longer by the Town, but does not include the granting of a lease for less than 21 years, the granting of a license, or the granting or release of an easement or right-of-way by the Town;

Land: means real property owned by the Town and includes any building located thereon;

Surplus: means property that the Town does not require to meet its present or anticipated future needs; and

Town: means the Corporation of the Town of Newmarket.

Procedures

General Conditions Governing the Disposition of Land

Before any disposition of land by the Town, the following actions shall occur, unless an exemption applies:

- 1) The land shall be declared surplus by a resolution of Council;
- 2) At least one appraisal shall be obtained, if required under this Policy;
- 3) The method by which the land is to be disposed of shall be approved by Council; and
- 4) Notice of the proposed disposition shall be provided to the public.

The following procedures shall apply to the disposition of land by the Town:

Step One: Declaration of Surplus Land

- 1) Prior to the disposal of land by the Town, Council shall declare the land to be surplus in the following manner:
 - (a) Notice of lands considered to be surplus shall be circulated to all departments by Legal Services for comment in accordance with the Town's Delegation By-law.
 - (b) Once departmental comments have been received, a report shall be submitted to Council recommending: (1) whether the land should be declared surplus (2) the suggested method of disposing of the land, and (3) requesting authority for staff to negotiate the terms and conditions of the proposed disposition.
 - (c) Provided that Council approves a recommendation to declare land surplus, a Resolution to declare the property surplus will be submitted to Council by Legal Services.
- 2) The following classes of land shall be exempt from the requirement to be declared surplus prior to sale:
 - (a) Land that is transferred to another government body or public utility in exchange for other land for road allowance or road widening purposes within the geographic limits of the Town of Newmarket.
 - (b) Land that is transferred by the Town to a developer through the site plan or subdivision development process in exchange for land of equal or greater value.
 - (c) Land acquired as a road widening or part of a road widening in connection with an approval or decision under the *Planning Act*, as amended, including road widening lands being conveyed, in whole or in part, back to the original owner of the land or their successor in title.

- (d) Land being expropriated from the Town by another governmental body pursuant to the *Expropriations Act* or any other legislation.
- (e) Closed highways, if sold to an owner(s) of land abutting the closed highways.
- (f) Land that does not have direct access to a highway if sold to the owner(s) of land abutting that land.
- (g) Land conveyed to a person by the Town as part of the settlement of litigation proceedings.
- (h) Lands formerly used for railway lands, if sold to an abutting owner.

Step Two: Obtaining an Appraisal

- 3) Prior to the disposal of land by the Town, at least one appraisal of the fair market value of the land shall be obtained by Legal Services.
- 4) As set out in Town of Newmarket By-law 2007-114, as amended or any successor by-law thereto, if it would not be practical or economical to obtain an appraisal as determined by staff, or a minimum sale price has been approved by Council, then an appraisal will not be required. Circumstances in which it would not be practical or economical to obtain an appraisal include but are not limited to when the estimated value of the land to be disposed of is less than \$5,000.00, or when the cost of obtaining the appraisal would be more than 50% of the estimated value of the land.
- 5) When an appraisal is obtained by Legal Services, it shall state the criteria used to determine value within the appraisal.
- 6) Where there is a variance of greater than 10% between the appraised fair market value of land and the proposed sale price of the land, and the proposed sale price is less than the appraised fair market value of the land, the variance shall be approved by Council. Where there is a variance of 10% or less between the appraised fair market value of land and the proposed sale price of the land and the proposed sale price is less than the appraised fair market value of the land, the variance shall be approved by the CAO and reported to Council.
- 7) An appraisal shall remain current for a period of two years from the date of the appraisal. In the event that land is not disposed of by the Town within two years of the date of the most recent appraisal obtained by the Town, an updated appraisal will be required.
- 8) Notwithstanding that certain lands are exempted from the requirement for a declaration of surplus prior to disposition as set out in Paragraph 2 of this Policy, an appraisal shall be required for those lands prior to any disposition, with the exception of lands to which Paragraph 4 applies.

Step Three: Negotiation of Terms and Conditions and Agreement of Purchase and Sale

- 9) Once staff have negotiated the key terms and conditions of the disposition, a Report shall be brought forward to Council for approval of the disposition, unless an exemption applies.

- (a) Once Council has approved the disposition, including the key terms and conditions of the disposition, an Agreement of Purchase and Sale shall be prepared by staff. The Municipal Solicitor and the CAO shall have the authority to negotiate any additional terms and conditions in the Agreement of Purchase and Sale with the purchaser, provided that the additional terms and conditions protect the rights and interests of the Town.
 - (b) The CAO shall have the authority to approve the final terms and conditions in the Agreement of Purchase and Sale on behalf of the Town and execute the Agreement of Purchase and Sale on behalf of the Town.
- 10) The following minor land dispositions shall be exempt from the requirement to receive Council approval of the disposition:
- (a) Agreements to convey lands originally transferred to the Town as a road widening(s) in connection with an approval or decision made under the *Planning Act* back to the original owner of the land, or their successor in title, either in whole or in part;
 - (b) Land that is transferred to another government body or public utility in exchange for other land for road allowance or road widening purposes within the geographic limits of the Town of Newmarket.
 - (c) Land that is transferred by the Town to a developer through the site plan or subdivision development process in exchange for land of equal or greater value.
- 11) In the event that an Agreement of Purchase and Sale is required for a disposition of land, and the disposition of land does not require the prior approval of Council under paragraph 10 herein, then the CAO shall have the authority to approve the terms and conditions of the Agreement of Purchase and Sale, and to execute same on behalf of the Town.

Step Four: Provision of Public Notice

- 12) Where an Agreement of Purchase and Sale has been executed, notice of the proposed disposition shall be given to the public as set out below.
- 13) The notice of the proposed disposition shall be given as follows:
- (a) publication in a newspaper of general circulation within the Town of Newmarket at least 14 days prior to the disposition of the land; or
 - (b) posting notice on the Town's website at least 14 days prior to the disposition of the land.
- 14) A notice of the proposed disposition shall contain the following information:
- a) the location of the land by reference to the municipal address or legal description, or both;
 - b) the name, title, and telephone number of one or more Town staff having information about the proposed disposition;
 - c) a general description of the method of disposition; and
 - d) the latest date by which enquiries may be made of any staff member described in 14(b).

15) If the land proposed for disposition is part of an unopened road allowance, in addition to the notice requirements in Paragraph 13, notice of the proposed disposition shall also be provided to all public utility and telecommunications companies, including Bell, Rogers, Enbridge and Newmarket-Tay Power.

16) Subject to Paragraph 15 of this Policy, lands that have been exempted from the requirement for a declaration of surplus prior to disposition shall also be exempted from the requirement to provide public notice of the disposition of the land.

17) Approved Methods of Disposition

a) Council may authorize staff to dispose of land by any of the following methods:

- (i) listing the land on the Multiple Listing Service (MLS) through the Town's real estate broker;
- (ii) direct advertising;
- (iii) direct negotiations with a purchaser;
- (iv) tender/RFP process; or
- (v) public auction.

18) Terms and Conditions of Disposition

- (a) Regardless of which of the methods of disposition as set out in Paragraph 17 of this Policy is approved by Council, the disposition of land shall be on the terms and conditions and in a form satisfactory to the Municipal Solicitor/Director of Legal Services.

19) Compliance with Provincial Legislation

The Town shall adhere to any applicable legislative requirements governing the disposition of land at all times and, where this Policy is in conflict with the requirements of such legislation, the legislation shall supersede the provisions of this Policy and any disposition will proceed in accordance with the legislated requirements.

Proceeds of Disposition

All funds paid to the Town in transactions for the disposition of land shall be managed and accounted for by the Treasurer.

Review Period

This Policy shall be reviewed every three (3) years.

Cross References

Municipal Act, 2001, S.O. 2001, c.25, as amended.

Town of Newmarket By-law 2007-114 (the "Delegation By-law"), as amended.

Transparency and Accountability Policy CORP.1-03

6.1



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

January 3, 2013

COMMUNITY SERVICES/PLANNING & BUILDING SERVICES REPORT 2013-01

TO: Committee of the Whole

SUBJECT: **Application for Zoning Bylaw Amendment and
Draft Plan of Subdivision 19TN 2012 002
Part of Lot 95, Concession 1, WYS
Southeast Corner of Davis Drive and Bathurst Street
Planning File: D12 1205 & D14 1205
Mosaik Glenway Homes Inc. (McGregor Farm)**

ORIGIN: Planning and Building Services

RECOMMENDATIONS

THAT Community Services/Planning and Building Services Report 2013-01 dated January 3, 2013 regarding Application for zoning bylaw Amendment and Draft Plan of Subdivision be received and the following recommendation(s) be adopted:

1. THAT approval be given to Draft Plan of Subdivision 19TN-2012 002, subject to the schedule of conditions set out in Appendix "A" attached to and forming part of this Report;
2. AND THAT staff be directed to prepare the necessary zoning bylaw amendment;
3. AND THAT the approval for Draft Plan of Subdivision 19TN-2012-002 shall only be issued upon the execution of a "No Pre-Sales Agreement" by the Owner of the said Draft Plan with the Town of Newmarket;
4. AND THAT Nick Pileggi, Malone Given Parsons Ltd., 140 Renfrew Drive, Suite 201, Markham L3R 6B3 be notified of this action.

COMMENTS

Location

Lands located on the east side of Bathurst Street, south of Davis Drive. (See Location Map attached)

Proposal

An application for draft plan approval and zoning bylaw amendment has been submitted by Mosaik Glenway Homes Inc. to rezone the 11.7 hectare subject lands from the Transitional (T) zone (By-law 2010-40) and Low Density Residential (Oak Ridges Moraine) to the Residential Detached Dwelling (R1) and Residential Semi Detached Dwelling (R2), and Open Space (OS) zone. This is to permit a draft plan of subdivision consisting of 123 single detached dwelling lots, 62 semi detached dwelling lots and open space lands for park/storm water management and environmental sustainability.

Statutory Public Meeting

Council held the required statutory Public meeting on October 29, 2012 and public comments focused on the following:

- Traffic – infiltration, lights at Davis Drive and street A, Regional warrants for traffic signals
- Compatibility/Loss of privacy – building height, fencing, dwelling height/lot sizes
- Tree Preservation – preservation and protection on both the private lands and the subdivision lands.
- Engineering issues – water pressure, water drainage issues

Traffic- The applicant has submitted a Traffic Impact Study prepared by Dillon Consulting. The study has been peer reviewed and found generally acceptable and it is anticipated that there will be no unacceptable traffic impacts as a result of this proposal. While further information is required regarding the intersection of Sykes Road and Bathurst Street, the analysis in the reports submitted to date do not suggest there will be any problems. The additional information is to ensure that the queuing from the Sykes Road/Bathurst Street intersection does not impact the flow of traffic in and out of the proposed subdivision. The worst case scenario would be that improvements would be required on Sykes Road.

Traffic lights are not warranted at this time at the Davis Drive and proposed Street A intersection based on Regional traffic warrants. If street A sees a large amount of vehicles, traffic calming within the subdivision can be implemented as required. The Region are reviewing the intersection at Davis and Bathurst for potential improvements. The traffic report indicates that infiltration into the Glenway development is not anticipated.

Compatibility/Loss of Privacy – concerns were raised regarding the loss of privacy and the compatibility of the proposed development with the existing residential lots. In general terms, the proposed plan meets the compatibility requirements of the Official Plan by providing a proposed subdivision of similar character to the existing neighbourhood, being low density ground related residential development. Generally, lots abutting existing residential are larger than the lots internal to the plan. Further, many of the proposed lots abutting existing residential have a greater depth which will allow for a greater rear yard setback for the proposed dwellings. The zoning bylaw will confirm setbacks and height permissions consistent with the surrounding existing residential development.

At the time of writing this report, the developer has been working to resolve issues relating to the specific compatibility details of the proposed development with the existing lots immediately adjacent. Cross

sections have been prepared detailing the interface however final resolution on the interface has yet to be determined.

It is recommended that a draft plan condition be included that requires the developer to prepare a compatibility interface plan to the satisfaction of the Town. The interface plan may include, but not be limited to, such items as grading, vegetation planting, fencing, building setbacks and building heights. Staff will ensure an appropriate interface is accepted prior to final approval of the plan for registration.

Tree Preservation - The applicant has provided a tree preservation plan that details the trees to be preserved and the trees to be removed. These plans have been reviewed by the Town's peer review consultant and while further information is required, all trees have been inventoried and there is a commitment by the developer to further look at tree preservation at the detailed design stage and preserve additional trees where possible. Tree compensation will be required for trees that are permitted to be removed and additional planting in the areas of removal as part of the above noted interface plan will be required. No trees will be permitted to be removed until such time as the Tree Preservation work is completed and all protection measures for trees that are to be preserved are in place.

The Town's Tree Preservation Policy requires all trees on private property to be preserved and protected. The Town will ensure proper protection fencing is in place prior to allowing any site grading to ensure the continued health of trees on private property.

Engineering Issues – concerns were raised regarding the impact of this development on water pressure for the area. Engineering services have confirmed that the existing properties will not be affected. A water supply model will be required at the detailed design stage which is intended to provide assurance that the new homes will have adequate water pressure.

Concerns were also raised about water drainage. The proposed development on the undeveloped site may provide for an improved water drainage situation for some owners abutting the development. Through the engineering design, staff will ensure that no adjacent property owner will have additional water flowing to their property. No negative impacts do to storm water are expected on existing properties.

Official Plan Considerations

2006 Official Plan

The easterly portion of the subject property is designated Emerging Residential in the 2006 Official Plan and the westerly portion is designated Low Density Residential within the Urban Area in the Oak Ridges Moraine Official Plan Amendment 28. Single and semi detached dwellings are a permitted use in both designations. Section 3.3.2(3) of the residential policies of the Official Plan discuss compatibility requirements where new housing stock is proposed against existing residential stating that they should generally have a physical character similar to the existing neighbourhood in terms of density, lot sizes, maximum building heights and minimum setbacks. Single family detached dwellings with a 15.2 metre frontage are proposed where this plan abuts existing residential (also generally 15 metres) with the exception of Street A where it enters the site from Davis Drive. In this location the single family dwellings are proposed to be 11.0 metres. Many of the existing lots in this particular location are pie shaped and

have significant tree cover where it abuts the proposal which should assist in providing a transition to the proposed development.

The westerly portion of the subjects lands are governed by Town of Newmarket Official Plan Amendment 28 (OPA 28) which constituted the Town's conformity exercise to the Oak Ridges Moraine Conservation Plan. The schedules of OPA 28 detail a potential hydrologically sensitive area, the area of influence of significant woodlands and an area of influence of a potential species at risk within the westerly portion of the subject lands. While it has been determined that there are no species at risk observed on the site and the influence area for the woodlands is not compromised, considerable discussion has occurred relating to the hydrologically sensitive area. An area of approximately 1.1 hectares is located within the defined area providing for water storage, infiltration and surface water flow and should be preserved, however not necessarily in its current configuration. Town staff and consultants have been working with the LSRCA and the developer's consultants to recreate this feature in the northwest corner of plan. This is a natural low area and would otherwise be the developers preferred location for a storm water management pond. It is proposed that the low impact design features (naturalized bio swales) along with the natural restoration area be combined with a proposed park at this location. The result will be a large open space area (1.35 ha) at this important entry position to the Town including an area in which a "Town of Newmarket" entry feature can be located.

Town staff and our peer review consultants have been working with the developer, their consultants and the Lake Simcoe Region Conservation Authority to ensure the environmental policies of the ORM plan are appropriately considered and implemented.

The proposed rezoning and draft plan of subdivision application appears to conform with the purpose and intent of the Official Plan.

Zoning Bylaw Consideration

The Subject Property is currently zoned Transitional by Bylaw Number 2010-40, as amended and Rural General, Rural Residential and Environmental Protection by By-law 2003-121 which implement the ORM Plan. The Applicant wishes to rezone the Subject Property to the Residential Detached Dwelling (R1), Residential Semi Detached Dwelling (R2), and Open Space (OS) zones to implement the plan. The Holding Provision under the Planning Act is recommended with the requirements to be remove include allocation of servicing by Council and that a subdivision agreement has been entered into.

Servicing Allocation

The Town currently has a limited supply (1575 people) worth of servicing capacity available from its 2013 Regional assignment, which equates to approximately 482 detached units or 890 apartment units. The most recent Regional report on the matter of servicing assignments indicates that Newmarket is currently not expected to receive any further assignments until 2018, and while this issue is currently under review between the Town and the Region, at this time no formal decision has been made as it relates to additional capacity being made available to Newmarket in the intervening period.

In an effort to support and promote the intensification of our urban centres as outlined in Provincial, Regional, and Town planning documents, and in support of the Vivanext bus rapid transit system currently under construction, it is important that the Town be in a position to assign servicing capacity to current intensification projects and to maintain a reserve, where possible, for future intensification projects. The Town's Servicing Allocation Policy is aligned with these goals, establishing the urban centres as the highest priority area for servicing allocation.

As Council is aware, the Town is currently processing two intensification projects in the urban centres and is nearing the completion of the Secondary Plan that staff anticipates will act as another catalyst for intensified development along the corridors. For these reasons, and in absence of additional capacity from the Region, it is recommended that the Town maintain its current reserve for intensification projects and that servicing allocation not be assigned to this development at this time.

Where Draft Plan Approval is given prior to the allocation of servicing, the Region of York require the owner to enter into an agreement with the Town that would restrict the owner from entering into agreements of purchase and sale with end users until such time as servicing has been allocated.

Provincial Policy Statement

The Provincial Policy Statement supports improved land use planning and management, which contributes to a more effective and efficient land use planning system. The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. Decisions affecting planning matters "shall be consistent" with this policy statement. The Provincial Policy Statement is intended to be read in its entirety and the relevant policies are to be applied to each situation.

The proposed draft plan of subdivision is consistent with the PPS by providing a mix of housing types within the settlement area of the Town of Newmarket that has been identified in the Official Plan for residential development.

This proposal appears to be consistent with the relevant provisions the Provincial Policy Statement (2005).

Parkland

The developer is intending on providing the required 5% parkland dedication through the conveyance of a 0.61 hectare block near the corner of Bathurst Street and Davis Drive. The park is adjacent to an environmental block and is intended to be integrated to create a unique park/open space area that can serve the future residents of this community as well as acting as an environmental educational tool for the unique and environmentally conscious low impact design infrastructure and other environmental features of the subdivision. Recreation and Culture have indicated that they are satisfied with the general size and location of the proposed park. Landscaping and other design features should assist in mitigating impacts from the adjacent roads.

Draft Plan Conditions

As a result of the circulation of the particulars of this proposal, the Planning Department has received comments from various agencies. In those instances where appropriate conditions have been recommended, they have been included in Appendix "A", attached. The normal and usual Town of Newmarket and agency Conditions of Draft Plan approval are included in Appendix 'A' attached.

Conditions unique to this proposed development relating to compatibility, sidewalks and landscaping for lots that back onto a Regional roads are as follows:

- (1) Prior to final approval, the Owner shall agree to provide a Compatibility Interface Plan where this draft Plan of Subdivision abuts existing residential development to the satisfaction of the Town. The Compatibility Interface Plan may include but not be limited to fencing, retaining walls, landscaping, grading, building setbacks and height in an effort to ensure compatibility of this Draft Plan of Subdivision with the established adjacent residential uses. The Architectural Control Guidelines required by Draft Plan Condition 15 shall identify controls for the rear of the proposed homes which abut existing residential development with enhanced controls required for all walk out type homes.
- (2) Customized house designs which respect the lot grading design will be required for all homes on lots where the grade differential between the front and rear of building exceeds 2.5 metres.
- (3) The Owner shall agree in the subdivision agreement to design, construct and install at its sole cost a sidewalk on the east side of Bathurst Street and the south side of Davis Drive along the frontage of this property, to the satisfaction of the Town of Newmarket and the Region of York.
- (4) Prior to final approval, the Owner shall have a Landscape Architect prepare, to the satisfaction of the Town, landscape plans for areas where back lotting is proposed adjacent to a Regional Right of Way.

COMMUNITY CONSULTATION POLICY

As noted above, Council held the statutory public meeting for this proposal in accordance with the *Planning Act* on October 29, 2012.

BUDGET IMPACT (CURRENT AND FUTURE)

Application fees have been received, and the Town will receive revenue from assessment fees, development charges and permit fees from any land use decisions made on the subject properties.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

This application for Draft Plan of Subdivision supports the Community Strategic Plan by being *Well-planned* & connected through the implementation of the Official Plan; being *Well-equipped* & managed by

providing for varied housing types and densities within the area; and, being *Well* Balanced by encouraging a sense of community through an appropriate mix of land uses and amenities.


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 Draft Plan of Subdivision
- 3- Appendix "A" (Conditions of Draft Approval)



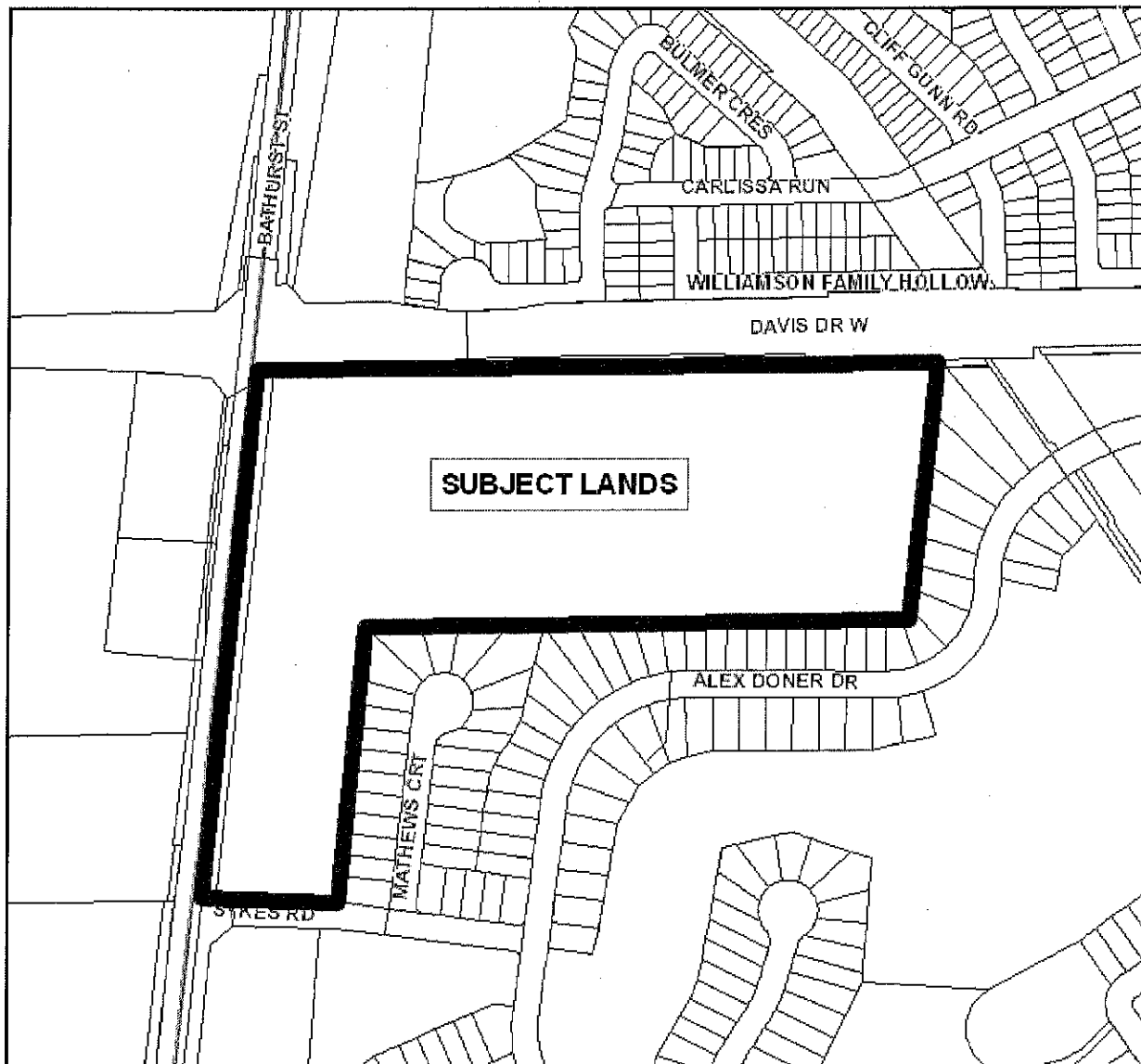
Senior Planner – Community Planning

Director of Planning and Building Services

Commissioner Community Services

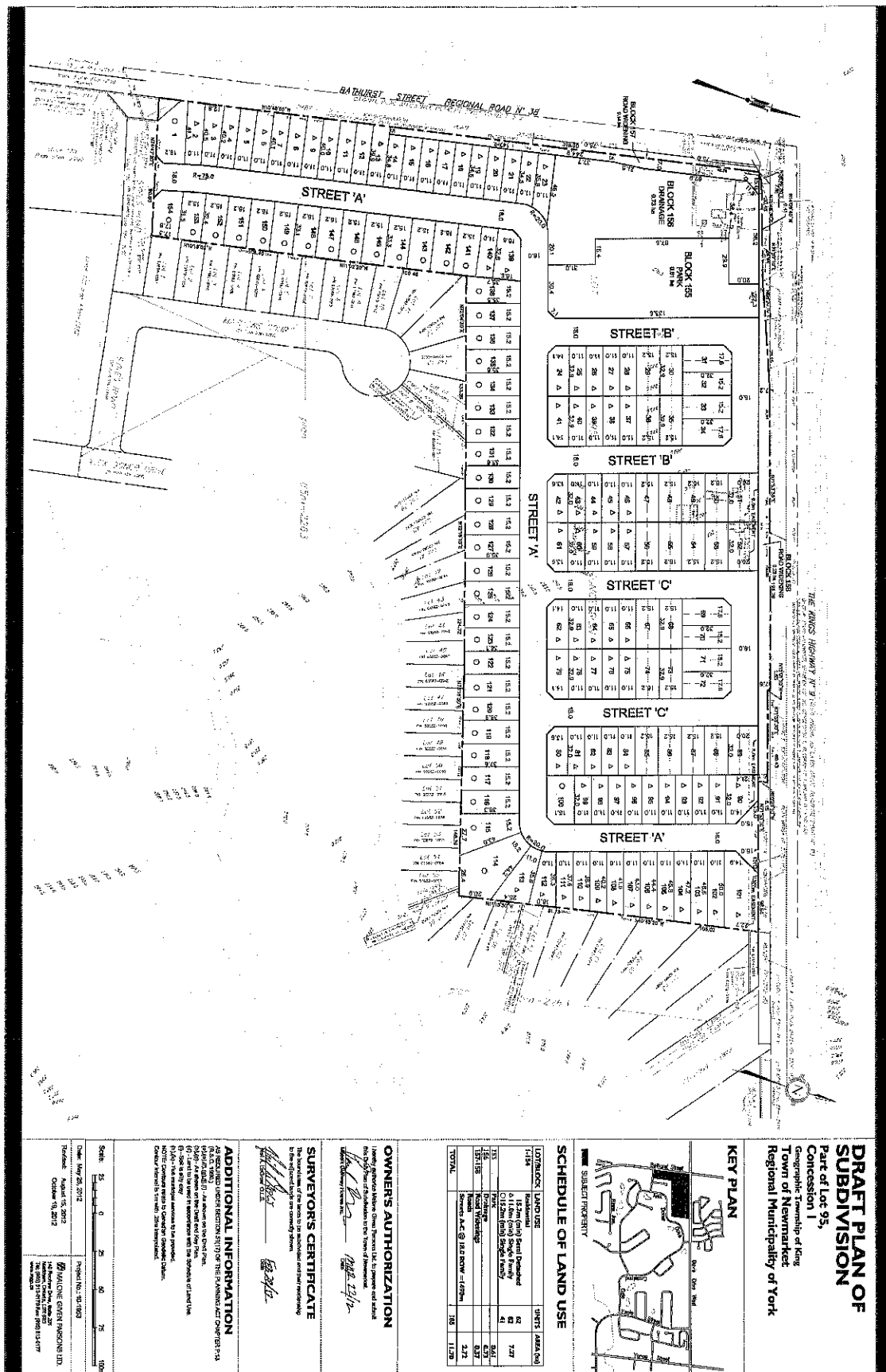
LOCATION MAP

Application for Zoning By-Law Amendment and Draft Plan of Subdivision
Southeast Corner of Davis Drive and Bathurst Street
Part Lot 95, Concession 1 WYS
Mosaik Glenway Homes Inc.
Files: D14-NP1205/D12-NP1205



TOWN OF NEWMARKET PLANNING DEPARTMENT

Designed & Produced by: Information Technology - GIS Group; 2007 Cadastre Ortho Imagery - © J.D. Barnes Limited, 2007 Orthophotography; Land Parcel Boundaries - © Telesat Inc. and its suppliers. All rights reserved. NOT A PLAN OF SURVEY, 2009; the legal boundary - Geomatics Division, Planning and Development Services Department of The Regional Municipality of York, 2009.
 DISCLAIMER: This mapping is based on the POLARIS parcel data products 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 a visual reference and distance. It is not a substitute for a legal survey.



APPENDIX "A"

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**THE CONDITIONS OF THE COUNCIL OF THE TOWN OF NEWMARKET TO BE SATISFIED PRIOR
TO RELEASE FOR REGISTRATION OF PLAN OF SUBDIVISION
19TN 2012 002 ARE AS FOLLOWS:**

General

- (1) That draft approval shall relate to the draft plan of subdivision prepared by Malone Given Parsons Ltd., dated May 28, 2012 (revised October 19, 2012) showing Lots 1 through 28 inclusive, Lots 37 through 46 inclusive, Lots 57 through 66 inclusive, Lots 75 through 84 inclusive and Lots 90 through 154 for single detached units, Lots 29 through 36 inclusive, Lots 47 through 56 inclusive, Lots 67 through 74 inclusive and Lots 85 through 89 inclusive for semi-detached units, Block 155 for park purposes, Block 156 for drainage purposes Blocks 157 and 158 for road widenings and Streets "A", "B" and "C".
- (2) The road allowances included within this draft plan of subdivision shall be dedicated as public highways without monetary consideration and free of all encumbrances.
- (3) The road allowances included within this draft plan of subdivision shall be named to the satisfaction of the Town of Newmarket and the Regional Municipality of York.
- (4) Any dead ends or open sides of road allowances created by this draft plan of subdivision shall be terminated in 0.3 metre reserves, to be conveyed to the Town of Newmarket, without monetary consideration and free of all encumbrances, to be held by the Town of Newmarket until required for future road allowances or the development of adjacent lands.
- (5) The Owner shall enter into a subdivision agreement with the Town of Newmarket, agreeing to satisfy all conditions, financial and otherwise, of the Town of Newmarket; prior to final approval, the subdivision agreement will be registered by the Town of Newmarket against the lands to which it applies as provided for in the *Planning Act*.

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- (6) The Owner shall agree in the Subdivision Agreement that lot geometry and street alignments and the total number of lots may have to be varied or adjusted to accommodate the Subdivision design, to the satisfaction of the Town and all other authorities having jurisdiction in the matter. The Owner shall further agree that as a result of revisions to the Plan of Subdivision it may be necessary to amend or revise the other conditions of draft approval accordingly.
- (7) The Owner shall agree in the Subdivision Agreement to convey to the Town, without monetary consideration and free of all encumbrances, the following lands: Block 155 for Parks purposes; Blocks 156 for Natural Heritage purposes; Further, the Owner shall include a clause in all offers of purchase and sale and within the subdivision agreement, in wording acceptable to the Town, for all lots or blocks abutting said open space, wetland and buffer areas, advising of their function and that these areas will be left in their natural state to contribute to that function.
- (8) Prior to final approval the Owner shall demonstrate that arrangements for the provision of external roads and municipal services have been made to the satisfaction of the Director of Engineering Services and all other authorities having jurisdiction.
- (9) The Owner shall agree in the Subdivision Agreement to make payment to the Town for all applicable Development Charges, in accordance with the Town's Development Charges By-law which is in effect at the time.
- (10) Prior to final approval, arrangements shall be made to secure permanent access to a public highway to this draft plan of subdivision by way of a dedicated, constructed and paved public roadway, to the satisfaction of the Director of Engineering Services, the Municipal Solicitor and, if applicable, the Regional Municipality of York.
- (11) The lands within this draft plan of subdivision shall be appropriately zoned by a zoning by-law which has come into effect in accordance with the provisions of the *Planning Act*. The Holding provisions of Section 36 of the *Planning Act* may be used in conjunction with any zone categories to be applied to the subject lands in order to ensure that development does not occur until such time as the Holding "H" symbol is removed in accordance with the provisions of the *Planning Act*. The Zoning Bylaw Amendment shall specify the terms under which Council may consider the removal of the Holding "H" symbol, in accordance with Official Plan policy; said terms may include:

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- (i) Confirmation that there is sufficient servicing capacity to accommodate the draft plan or any phase thereof and that said servicing capacity has been allocated to the subject lands;
- (ii) All required agreements between the Owner and the Town of Newmarket have been executed by both parties and can be registered on title;
- (iii) All necessary approvals have been received from all other agencies and/or government bodies;
- (iv) Represents a logical and orderly progression of development; and;

such other matters as may be deemed appropriate by the Council of the Town of Newmarket.

- (12) Such easements as may be required for public utility, servicing or drainage purposes shall be granted to the appropriate authority, without monetary consideration and free of all encumbrances.
- (13) Prior to Final Approval the Owner shall agree to prepare a Tree Preservation, Protection, Replacement and Enhancement Plan to the satisfaction and acceptance by the Town of Newmarket. The Owner shall further agree prior to Final Approval not to remove any trees without the written approval of the Director of Planning and Building Services of the Town of Newmarket, as directed by Council, and carry out or cause to be carried out the recommendations made in the said accepted Plan. In the event that a tree identified as "preserved" on the Plan is destroyed or irreparably damaged, as determined by the Town of Newmarket, as a result of construction, tree planting and/or other associated works, the Owner shall agree in the subdivision agreement to replace such a tree with one of suitable species, health and size to the satisfaction of the Town of Newmarket.
- (14) The Owner shall agree in the Subdivision Agreement that all lots or blocks to be left vacant for longer than a specified length of time, and all portions of public highways which are not paved, together with all drainage swales, shall be graded, seeded and/or sodded, and maintained to the satisfaction of the Director of Engineering Services. The Owner shall further agree in the

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Subdivision Agreement that the balance of lands subject to later phases of development shall be maintained in accordance with the Property Standards Policies and By-laws of the Town, and that such measures such as signage and/or fencing may be required to ensure no unauthorized dumping, filling or access in relation to the lands occurs.

- (15) Prior to final approval the Owner shall provide, to the satisfaction of the Town of Newmarket, comprehensive urban design/architectural design guidelines dealing with such matters as street furniture, streetscape, boulevard planting, pedestrian linkages, bicycle paths, entrance features and architectural compatibility within the development and with adjacent development.
- (16) The Owner shall agree in the subdivision agreement to establish an urban design/architectural review and implementation protocol to be carried out during the construction of the plan to the satisfaction of the Town of Newmarket
- (17) Prior to the registration of this draft plan of subdivision or any phase thereof, the Owner shall have a professional consulting engineer submit to the Town of Newmarket for review and acceptance a report or reports describing the manner in which stormwater will be conveyed from the site, including overland flow routes, storm drainage outlets and any other stormwater management techniques that may be required in accordance with the Provincial "Stormwater Quality Best Management Practices", the "Stormwater Management Practices Planning and Design Manual" and as outlined in the reports submitted in support of the draft plan application. The report shall address both water quantity and quality, particularly the impact of the proposed stormwater management techniques on the water quality of receiving waters as it relates to fish and fish habitat. In addition, the report or reports shall detail the means whereby erosion and siltation and their effect will be minimized on the lands within this draft plan of subdivision both during and after the construction period. Further, the Owner shall agree in the subdivision agreement to carry out or cause to be carried out, the recommendations and measures of the said report(s), as accepted by the Town, and to maintain all stormwater management and erosion and sedimentation control structures operating and in good repair, during the construction period, in a manner satisfactory to the Town of Newmarket.
- (18) The Owner shall agree in the subdivision agreement to include a clause on all offers of purchase and sale in wording acceptable to the Town of Newmarket

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for any lots or blocks abutting the stormwater management facilities, the prime purpose of which is water quality and quantity control, advising of the function of the area and that the area will be left in its natural state to contribute to that function.

- (19) Prior to final approval a soils report shall be prepared, at the Owner's expense, to the satisfaction of the Town of Newmarket.
- (20) The Owner shall agree in the subdivision agreement to have a professional Consulting Engineer prepare an Engineering Report or Reports, to the satisfaction of the Town of Newmarket, identifying the specific means by which water distribution, sanitary drainage, including storm water management and overland flow routes, grading, roads and sidewalks will be provided, including the identification of any blocks and/or easements that will be required for municipal servicing and/or storm drainage. A water distribution analysis shall be included to confirm that flows and pressures in accordance with the Town of Newmarket Standard will be attained for all lots and blocks in this plan of subdivision. The report shall also analyse water quality and make recommendations regarding watermain sizing and looping required to ensure that potable water is available at all times once the watermain is commissioned in this subdivision. Further, the Owner shall agree in the subdivision agreement to be responsible, financially and otherwise, for the implementation of all recommendations set out in the said reports, as accepted, including any lot redesign that may be necessary, to the satisfaction of the Town of Newmarket and all other authorities having jurisdiction.
- (21) Prior to final approval, the Owner shall have a Professional Consulting Traffic Engineer prepare, to the satisfaction of the Town of Newmarket and the Regional Municipality of York, a Traffic Report and Impact Study. The report shall address the internal and external traffic implications of this development, including but not limited to the functional classification and design of roadways proposed within this draft plan of subdivision and confirmation that the proposed road configuration can safely provide for vehicular, transit and pedestrian traffic. The report shall identify any external road improvements required for this subdivision, make recommendations for on-street parking locations and prohibitions, and provide an analysis of sight distances and stopping distances. The report shall make recommendations with respect to the lane configurations required for Street A with Davis Drive and Sykes Road and Sykes Road and Bathurst Street. Further, the Owner shall agree in the subdivision agreement to carry out or cause to be carried out the

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recommendations and measures of the said Traffic Report and Impact Study as accepted by the Town of Newmarket.

- (22) The Owner shall agree in the subdivision agreement to have a qualified consultant prepare, to the satisfaction of the Town of Newmarket, a Noise Impact and Attenuation Study. Further, the Owner shall agree in the subdivision agreement that any noise attenuation measures including warning clauses and any noise control features, including landscaping, berming and/or screening for aesthetic purposes, which are recommended by the said approved study and as accepted by the Town, shall be implemented at the Owner's expense.
- (23) Prior to commencement of the construction including grading or pre-servicing of this plan or any portion thereof, the Owner shall submit to the Town of Newmarket a report from a Qualified Person (QP) as defined by the Ministry of the Environment, stating that to the best of the QP's knowledge all lands within the Plan of Subdivision, including all lands and easements to be conveyed to the Town and/or other public authority, and any lands to be used for development purposes or retained in private ownership, are free of any Hazardous Substance, as defined by the Town. A Phase 1 Environmental Site Assessment (ESA) specifically addressed to the Town, together with any subsequent Assessments as are required may be considered acceptable. The aforementioned Phase 1 ESA and related work shall be completed as per O. Reg. 153/04 as amended or a successor thereto. The Environmental Certification shall be accepted by the Town, and any other authority having jurisdiction in the matter, prior to the commencement of any development or construction on the lands, including any grading, pre-servicing, and/or model homes.
- (24) In the event that the Phase 1 ESA identifies the potential for any Hazardous Substance on, near or adjacent to the Plan, prior to Final Approval a Phase 2 Environmental Site Assessment, and/or a complete, full depth, "pristine state" clean-up of the site, including the preparation of and carrying out of a remediation/restoration plan for the Property or any affected lands nearby, and/or any other measures as deemed appropriate, shall be done to the satisfaction of the Town and any other governmental body having jurisdiction. Where a Phase 2 Environmental Site Assessment is required, it shall be done to CSA Standard CAN/CSA-Z769-00 under O.Reg. 153/04, or a successor thereto. The Owner shall agree in the Subdivision Agreement to implement such measures and/or any site clean-up and any related studies,

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reports and remediation plans and other requirements in accordance with all applicable Environmental Law, and at the Owner's sole expense.

- (25) The Owner shall agree in the Subdivision Agreement that where a Phase 1 ESA has been undertaken within the Plan, that did not identify any potential for any Hazardous Substance but where subsequent investigations identify Hazardous Substances on the lands within the Plan, a Phase 2 Environmental Site Assessment, and/or a complete, full depth, "pristine state" clean-up of the site, including the preparation of and carrying out of a remediation/restoration plan for the Property shall be carried out at the sole expense of the Owner, and to the satisfaction of the Town prior to any transfer of the lands and/or construction or development.
- (26) The Owner shall agree in the Subdivision Agreement that all Environmental studies, reports, assessments and certifications shall be subject to Peer review by the Town, at the Owner's expense.
- (27) The Owner shall agree in the Subdivision Agreement that in the event that a Hazardous Substance has been determined to exist on, or adjacent to, any portion of the Property intended to be conveyed to the Town, the Town, without relieving the Owner of the requirement to complete the transfer, may in its sole discretion instruct the Owner to do, one or more of the following:
 - (i) defer the transfer of some, or all, of the Property until such time as the clean-up requirements or other measures described herein have been completed to the Town's satisfaction;
 - (ii) provide a cash payment or other additional securities to guarantee the clean-up of the Property;
 - (iii) issue a stop work order on all construction and development related to a portion of, or the entire Plan of Subdivision;
 - (iv) undertake a Risk Assessment and/or provide a Record of Site Condition, in accordance with Ontario Regulation 153/04 under the Environmental Protection Act or a successor thereto;

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- (v) defer registration of a portion of, or the entire Plan of Subdivision;
and
- (vi) amend the Draft Conditions of Approval for the Plan of Subdivision to deal with any unforeseen environmental issues,

Further, the Owner shall agree in the Subdivision Agreement to carry out or cause to be carried out any of the foregoing, as may be directed by the Town. The Owner further agrees to cooperate with the Town in regards to their implementation.

- (28) Prior to any site grading and prior to final approval, a Study shall be prepared by a from a Qualified Person (QP) as defined by the Ministry of the Environment, that identifies and documents all sites and buildings of historical and/or archeological significance, and specifies preservation strategies for such sites and buildings within the Plan. This Study shall be prepared to the satisfaction of the Director of Planning and Building Services, in consultation with the Ministry of Tourism, Culture and Sport. Where suitable, such sites and/or buildings shall be incorporated into the development in a manner appropriate to their historical and/or archeological significance. The Owner shall agree in the Subdivision Agreement to carry out or cause to be carried out the recommendations and measures contained within the said Study, as accepted by the Town.
- (29) Prior to final approval, the Owner shall prepare, to the satisfaction of the Town of Newmarket, any additional studies as may be required.
- (30) The Owner shall agree in the subdivision agreement that the location and design of the construction access for the subdivision work shall be provided only as approved by the Town of Newmarket and, if applicable, the Regional Municipality of York.
- (31) Such lands as may be required for temporary road construction, permanent walkways and utility corridors and storm drainage shall be conveyed to the Town of Newmarket without monetary consideration and free of all encumbrances.
- (32) Prior to final approval and the commencement of construction, the Owner shall agree to provide to the Director of Engineering Services, for its review and acceptance, engineering drawings for, and to construct to the satisfaction

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of the Director Engineering Services, planned road works, watermain, sanitary and storm sewers, and stormwater management works, including approved connections to existing systems, both within and external to this draft plan of subdivision. In addition, the engineering drawings shall include site grading, construction access location(s), mud mat design, utility location plans and landscape plans. The designs contained within said engineering drawings shall be consistent with all Town accepted reports, studies, plans and recommendations, as contemplated in the other draft conditions contained herein. Such engineering designs shall also identify any lands external to this plan which are required to be conveyed or dedicated as easements to the Town of Newmarket either of a permanent or temporary nature.

Further, the Owner shall agree in the Subdivision Agreement to be responsible, financially or otherwise, for the construction of the above noted works. The said Subdivision Agreement shall also establish a mechanism, to the satisfaction of the Director of Engineering Services and the Municipal Solicitor, for any conveyances or dedications. Further, where any engineering infrastructure is required in environmental and/or open space areas, the Owner's consultant shall submit for the review and approval of the Town of Newmarket or any affected regulatory agency, alternative proposals which identify and evaluate the advantages and disadvantages of each alternative. Mitigation methods shall be considered and proposed which reduces impacts of the proposed works. The Owner shall agree in the Subdivision Agreement to carry out or cause to be carried out the Town accepted recommended proposals.

- (33) The Owner shall agree in the subdivision agreement that roads, services, and other works installed by the Owner shall be in accordance with the standards and specifications of the Town of Newmarket, and shall include watermains, sanitary sewage works, storm sewage works, adequate pavement width for roadways, curbs, gutters, street lighting, regulatory signs, street signs, transit facilities, community mail boxes, intersection design including daylighting or sight triangles and 0.3 metre reserves, temporary turning circles, and any other services or facilities as required.
- (34) The Owner shall provide a report to the satisfaction of the Director of Engineering Services and the Chief Building Official that confirms how adequate road access, sanitary sewers, storm drainage facilities and in particular, water supply and storage have been provided for to support the issuance of building permits and ultimately occupancy permits. Further, the

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Owner shall agree in the Subdivision Agreement that no building permits will be applied for, or issued, until the Director of Engineering Services and the Chief Building Official is satisfied that such services are available to service the proposed development, have been allocated by the Town, and such as has been confirmed by any other agency having jurisdiction.

- (35) The Owner shall agree in the subdivision agreement to grant access, on reasonable terms and conditions, to any telecommunications service provider indicating an interest to locate within a municipal right-of-way.
- (36) Prior to final approval, any telecommunications service provider intending to locate within a municipal right-of-way shall enter into a Municipal Access Agreement with the Town of Newmarket to satisfy all conditions, financial and otherwise, or shall have made arrangements satisfactory to the Town of Newmarket for the execution of a Municipal Access Agreement.
- (37) The Owner shall agree in the subdivision agreement to make available to all perspective purchasers of residential units within the subdivision, and to display in a prominent location within the sales office, the following:
 - (a) the latest version of the approved draft plan;
 - (b) the proposed location of any and all sidewalks, street furniture, community mail boxes, parks (including all recreational facilities to be provided), schools, open space areas, environmental protection areas, stormwater management facilities, landscaping, entranceway features, special features such as tiered retaining walls or similar structures, special lot grading, noise attenuation measures (both internal and external to the dwelling unit), erosion control facilities, buffer areas, watercourses, accurate representations of proposed and existing surrounding land uses within 150 metres of the boundaries of the draft plan, and any proposed warning clauses or restrictive covenants to be registered on title;
 - (c) a copy of the approved zoning by-law for the lands, together with the subdivision agreement (when approved by the Town of Newmarket); and
 - (d) any other requirements as may be set out in the Subdivision Agreement.

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Further, the Owner shall agree to keep all of the above material up-to-date, and reflect the most current approvals, and/or submissions regarding the plan, and/or engineering design drawings. Prior to final approval, the owner shall provide a copy of all sales material and promotional literature currently used at the sales office, along with a letter from the Owner/Developer confirming that the sales and promotional literature complies with all Agency and Departmental approvals obtained to date to the Director of Planning and Building Services.

- (38) The Owner Shall Agree in the Subdivision Agreement to abide by any servicing allocation policy as approved by the Town and amended from time to time.
- (39) The Owner shall agree in the Subdivision Agreement to include a clause in all offers of purchase and sale, in wording acceptable to the Town of Newmarket, for all lots or blocks within the plan of subdivision, advising of nearby active farm operations and the potential for impacts associated with such operations.
- (40) Prior to final approval, the York Region District School Board shall have confirmed to the Town of Newmarket that pupil places exist within the Town of Newmarket for all pupils emanating from the subdivision.
- (41) The Owner shall agree in the Subdivision Agreement to prepare, to the satisfaction of the Town, a Homeowner's Manual which shall be distributed to all purchasers which outlines:
 - (a) the Town's waste diversion and recycling programs and proper usage of the bins;
 - (b) the environmental sensitivity of the open space areas and trail systems and provides educational material regarding disturbances from residential development and the role that individual homeowners can have such as yard waste composting, reduced fertilizer and pesticide use, natural area re-vegetation, impacts of noise and lighting, domestic pet impacts and controls, invasive plant spreading and discharge of swimming pool water.
- (42) The Owner shall agree in the Subdivision Agreement to pay the Town the cost for the recycling containers (three recycling containers, one Blue box, one Green Bin and one Kitchen collector) required for the Plan of Subdivision and provide said containers to each purchaser at the time of occupancy.

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- (43) The Owner shall include a clause in all offers to purchase and sale and within the Subdivision Agreement, in wording acceptable to the Town, for all lots or blocks which contain slopes in rear yards or side yards of 3:1 or steeper, advising of the impacts on the lot useable amenity areas.
- (44) Where required by the Town, the Owner shall agree in the subdivision agreement, where applicable, to cause warning clauses, in wording satisfactory to the Town, to be included in all offers of purchase and sale, and to be registered on title, for all lots or blocks within the Plan of Subdivision affected by the following matters:
- (a) Mail from a Community Mailbox;
 - (b) Street trees;
 - (c) Traffic Calming Measures;
 - (d) Lots fronting on a collector road;
 - (e) Transit Routes;
 - (f) Temporary Cul-de-sacs and Turning Circles;
 - (g) Proximity to Active Farms and Agricultural Uses;
 - (h) Stormwater Management Facilities;
 - (i) Subdivision Design Features and Landscaping Features and/or Special Features;
 - (j) Noise;
 - (k) Illumination of Athletic Fields;
 - (l) Lands abutting a trail system;
 - (m) Open Space Lands to remain in their natural state;
 - (n) Extended Footings and Engineered Fill;
 - (o) Lot Grading and Preservation of Existing Vegetation;
 - (p) Basement Walk-outs and Access to Rear Yard;
 - (q) Rear Lot Catch basins;
 - (r) Private Gates to Open Space Areas and Stormwater Management ponds; and
 - (s) Carbon Monoxide Detectors.
- (45) The Owner shall agree in the Subdivision Agreement to provide to all potential purchasers and future landowners, appropriate notice, warnings, and/or restrictions, in wording acceptable to the Town, where the Plan, or implementing design thereof, requires the construction or installation of any subdivision or landscape design features, special features and/or special landscape features, such as retaining walls, tiered retaining walls or similar structures, entrance features, special fencing, other special features or

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devices, special lot grading, excessive lot grading or the construction of other landforms. The manner of such notice, warnings, and/or restrictions, as determined by the Town, shall be set out in the Subdivision Agreement, and shall fully disclose the details of the said Features for all affected and/or abutting lots or blocks. The Owner shall agree in the Subdivision Agreement to guarantee the perpetual maintenance of the said Features, where required by the Town, with respect to the cost of maintenance and periodic renewal/replacement of such Features, and to provide for or maintain such Special Features in perpetuity. The Owner shall further agree in the Subdivision Agreement to provide easements in favour of the Town, for the purposes of maintenance, where required.

- (46) Prior to final approval, the Owner shall agree to provide a Compatibility Interface Plan where this draft Plan of Subdivision abuts existing residential development to the satisfaction of the Town. The Compatibility Interface Plan may include but not be limited to fencing, retaining walls, landscaping, grading, building setbacks and height in an effort to ensure compatibility of this Draft Plan of Subdivision with the established adjacent residential uses. The Architectural Control Guidelines required by Draft Plan Condition 15 shall identify controls for the rear of the proposed homes which abut existing residential development with enhanced controls required for all walk out type homes.
- (47) Customized house designs which respect the lot grading design will be required for all homes on lots where the grade differential between the front and rear of building exceeds 2.5 metres.
- (48) The Owner shall agree in the subdivision agreement to design, construct and install at its sole cost a sidewalk on the east side of Bathurst Street and the south side of Davis Drive along the frontage of this property, to the satisfaction of the Town of Newmarket and the Region of York.
- (49) Prior to final approval, the Owner shall have a Landscape Architect prepare, to the satisfaction of the Town, landscape plans for areas where back lotting is proposed adjacent to a Regional Right of Way.

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Regional Municipality of York Conditions

- (50) The road allowances included within this draft plan of subdivision shall be named to the satisfaction of the Town of Newmarket and York Region.
- (51) Prior to final approval York Region shall confirm that adequate water supply and sewage servicing capacity are available and have been allocated by the Town of Newmarket for the development proposed within this draft plan of subdivision or any phase thereof. Registration of the plan of subdivision shall occur in phases based on the availability of water supply and sewage servicing allocation.
- (52) The Owner shall agree in the Subdivision Agreement that the Owner shall save harmless the Town of Newmarket and York Region from any claim or action as a result of water or sanitary sewer service not being available when anticipated.
- (53) Prior to final approval, engineering drawings for the proposed connection to the Regional watermain on Bathurst Street must be reviewed and approved by the York Region prior to construction.
- (54) For all lands, the Holding (H) provisions of Section 36 of the *Ontario Planning Act* shall be used in conjunction with all residential zone categories in order to ensure that final plan approval and development of these lands does not occur until such time as the Holding (H) symbol is removed in accordance with the provisions of the *Ontario Planning Act*. The Zoning Bylaw shall specify the terms under which Council may consider the removal of the Holding (H) symbol. Said terms shall include a minimum of the following:
- the Town of Newmarket approves a transfer of servicing allocation to this development that is not dependent upon the completion of infrastructure; or,
 - York Region has advised in writing that the required infrastructure to support the capacity assignment associated with this development will be completed within a time period acceptable to the Region to permit the plan registration; or,
 - the Regional Commissioner of Environmental Services confirms servicing allocation for this development by a suitable alternative method and the Town of Newmarket allocates the capacity to this development.

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- (55) Prior to final approval, the Owner shall have prepared, by a qualified professional transportation consultant, a functional transportation report/plan outlining the required Regional road improvements for this subdivision. The report/plan, submitted to the Transportation and Community Planning Department for review and approval, shall explain all transportation issues and shall recommend mitigative measures for these issues.
- (56) Prior to final approval, the Owner shall provide a written undertaking, to the satisfaction of the Transportation and Community Planning Department, that the Owner agrees to implement the recommendations of the functional transportation report/plan as approved by the Transportation and Community Planning Department.
- (57) Prior to final approval, the Owner shall submit detailed engineering drawings, to the Transportation and community Planning Department for review and approval, that incorporate the recommendations of the functional transportation report/plan as approved by the Transportation and Community Planning Department. Additionally, the engineering drawings shall include the subdivision storm drainage system, erosion and siltation control plans, site grading and servicing, plan and profile drawings for the proposed intersections, construction access and mud mat design, utility and underground servicing location plans, pavement markings, electrical drawings for intersection signalization and illumination design, traffic control/construction staging plans and landscape plans.
- (58) Prior to final approval and concurrent with the submission of the subdivision servicing application (MOE) to the area municipality, the Owner shall provide a set of engineering drawings, for any works to be constructed on or adjacent to the York Region road, to the attention of: Manager, Development Approvals, that includes the following drawings:
 - a) Plan and Profile for the York Region road and intersections;
 - b) Grading and Servicing;
 - c) Intersection/Road Improvements, including the recommendations of the Traffic Report;
 - d) The Storm Drainage System
 - e) Construction Access Design and location;
 - f) Utility and Underground Services Location Plans;
 - g) Signalization and Illumination Designs;
 - h) Line Painting;
 - i) Traffic Control/Management Plans;

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- j) Erosion and Siltation Control Plans;
 - k) Landscaping Plans, including tree preservation, relocation and removals;
 - l) Requirements of York Region Transit/Viva
- (59) Prior to final approval, the Owner shall provide drawings for the proposed servicing of the site to be reviewed by the Engineering Department of the area municipality. Three (3) sets of engineering drawings (stamped and signed by a professional engineer), and MOE forms together with any supporting information, shall be submitted to the Transportation and Community Planning Department, Attention: Mrs. Eva Pulnicki, P.Eng.
- (60) Prior to final approval, the location and design of the construction access for the subdivision work shall be completed to the satisfaction of the Transportation and Community Planning Department and illustrated on the Engineering Drawings.
- (61) Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Transportation and Community Planning Department, that all existing driveway(s) along the Regional road frontage of this subdivision will be removed as part of the subdivision work, at no cost to York Region.
- (62) Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Transportation Services Department that elevations along the streetline shall be 0.1 metre above the centreline elevations of the York Region roadway, unless otherwise specified by the Transportation and Community Planning Department.
- (63) Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Transportation and Community Planning Department, that the Owner will provide the installation of visual screening between Streets 'B' and Davis Drive together with Street 'C' and Davis Drive, consisting of either a screening fence or a combination of a berm and appropriate planting, to a minimum of 1.8 metres in height, to be located within the right-of-way of Streets 'B' and 'C'. The Owner shall submit to the Transportation Services Department for review and approval, landscape plans showing the proposed planting for headlight screening purposes.

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- (64) Prior to final approval, the Owner shall provide a copy of the subdivision agreement to the Transportation Services Department, outlining all requirements of the Transportation Services Department.
- (65) Prior to final approval, the Owner shall submit drawings depicting the following to the satisfaction of York Region staff:
- All existing woody vegetation within the York Region road right of way,
 - Tree protection measures to be implemented on and off the York Region road right of way to protect right of way vegetation to be preserved,
 - Any woody vegetation within the York Region road right of way that is proposed to be removed or relocated. However, it is to be noted that tree removal within York Region road right's of way shall be avoided to the extent possible/practical. Financial or other compensation may be sought based on the value of trees proposed for removal.
 - A planting plan for all new and relocated vegetation to be planted within the York Region road right of way, based on the following general guideline:
 - Tree planting shall be undertaken in accordance with York Region standards as articulated in Streetscaping Policy and using species from the York Region Street Tree Planting List. These documents may be obtained from the Forestry Section. If any landscaping or features other than tree planting (e.g. flower beds, shrubs) are proposed and included in the subdivision agreement , they will require the approval of the Town and be supported by a Maintenance Agreement between the Town and the Region for Town maintenance of these features; any such Maintenance Agreement should indicate that where the area municipality does not maintain the feature to York Region's satisfaction, the area municipality will be responsible for the cost of maintenance or removal undertaken by the Region.
- (66) Prior to final approval, the Owner shall engage the services of a consultant to prepare and submit for review and approval, a noise study to the satisfaction of the Transportation Services Department recommending noise attenuation features.

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- (67) The Owner shall agree in the subdivision agreement, in wording satisfactory to the Transportation and Community Planning Department to implement the noise attenuation features as recommended by the noise study and to the satisfaction of the Transportation and Community Planning Department.
- (68) The Owner shall agree in the subdivision agreement, in wording satisfactory to the Transportation and Community Planning Department, that where berm, noise wall, window and/or oversized forced air mechanical systems are required, these features shall be certified by a professional engineer to have been installed as specified by the approved Noise Study and in conformance with the Ministry of Environment guidelines and the York Region Noise Policy.
- (69) The following warning clause shall be included in a registered portion of the subdivision agreement with respect to the lots or blocks affected:

"Purchasers are advised that despite the inclusion of noise attenuation features within the development area and within the individual building units, noise levels will continue to increase, occasionally interfering with some activities of the building's occupants".

- (70) Where noise attenuation features will abut a York Region right-of-way, the Owner shall agree in the subdivision agreement, in wording satisfactory to York Region's Transportation and Community Planning Department, as follows:
- that no part of any noise attenuation feature shall be constructed on or within the York Region right-of-way;
 - that noise fences adjacent to York Region roads shall be constructed on the private side of the 0.3 metre reserve and may be a maximum 2.5 metres in height, subject to the area municipality's concurrence;
 - that maintenance of the noise barriers and fences bordering on York Region right-of-ways shall not be the responsibility of York Region; and
 - that any landscaping provided on York Region right-of-way by the Owner or the area municipality for aesthetic purposes must be approved by the

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Transportation Services Department and shall be maintained by the area municipality with the exception of the usual grass maintenance.

(71) Prior to final approval, the Owner shall agree that the following lands will be conveyed to York Region for public highway purposes, free of all costs and encumbrances, to the satisfaction of York Region Solicitor:

- a widening across the full frontage of the site where it abuts Davis Drive of sufficient width to provide a minimum of 26 metres from the centreline of construction of Davis Drive, and
- a widening across the frontage of the site where it abuts Bathurst Street of sufficient width to provide a minimum of 25 metres from the centreline of construction of Bathurst Street tapering over 21.5 metres to provide 23.0 metres from the centreline of construction of Bathurst Street with the widening continuing for 147.7 metres, and
- a 15.0 metre by 15.0 metre daylight triangle at the northwest and northeast corners of Davis Drive and Street 'A', and
- a 10.0 metre by 10.0 metre daylight triangle at the southeast corner of Davis Drive and Bathurst Street, and
- a 15.0 metre by 15.0 metre daylight triangle at the northeast corner of Bathurst Street and Sykes Road.

(72) Prior to final approval, the Owner shall that the following lands will be conveyed to York Region as a 0.3 metre reserve:

- a 0.3 metre reserve across the full frontage of the site, adjacent to Lots 1 to 23 inclusive, Lots 51, 52, 89, 90, 101 and the daylight triangles in the northwest and northeast corners of Davis Drive and Street 'A' and Bathurst Street and Sykes Road.

(73) Prior to final approval, the Owner shall provide a solicitor's certificate of title in a form satisfactory to York Region Solicitor, at no cost to York Region with respect to the conveyance of the above noted lands to York Region.

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- (74) Prior to final approval, York Region requires the Owner to submit to it, in accordance with the requirements of the Environmental Protection Act and O. Reg. 153/04 Records of Site Condition Part XV.1 of the Act (as amended), a Phase I environmental site assessment prepared and signed by a qualified professional, of the Owner's lands and more specifically of the lands to be conveyed to York Region (the "Assessment"). Based on the findings and results of the Assessment, York Region may require further study, investigation, assessment and delineation to determine whether any remedial or other action is required. The Assessment and any subsequent environmental reports or other documentation prepared in respect of the environmental condition of the lands to be conveyed must to be addressed to York Region, contain wording to the effect that York Region shall be entitled to rely on such reports or documentation in their entirety, and such reports or documentation shall be satisfactory to York Region.
- (75) Prior to final approval, the Owner shall certify, in wording satisfactory to the Transportation and Community Planning Department, that no contaminant, pollutant, waste of any nature, hazardous substance, toxic substance, dangerous good, or other substance or material defined or regulated under applicable environmental laws is present at, on, in or under all lands to be conveyed to York Region (including soils, substrata, surface water and groundwater, as applicable): (i) at a level or concentration that exceeds the Environmental Protection Act O. Reg. 153/04 full depth generic site condition standards applicable to the intended use that such lands will be put by York Region at the time of conveyance or any other remediation standards published or administered by governmental authorities applicable to the intended land use; and (ii) in such a manner, condition or emanating from such lands in such a way, that would result in liability under applicable environmental laws. The Assessment, any subsequent environmental reports or other documentation and the Owner's certification shall be done at no cost to York Region.
- (76) The Owner shall agree in the Subdivision Agreement, in wording satisfactory to the Transportation and Community Planning Department, to be responsible to decommission any existing wells on the owner's lands in accordance with all applicable provincial legislation and guidelines and to the satisfaction of the area municipality.
- (77) Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Transportation and Community Planning Department, that Street 'A' shall be designed to intersect Davis Drive at a right angle.

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- (78) Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Transportation and Community Planning Department, that the throat width of Street 'A' shall be designed to accommodate one 5.0 metre inbound lane and two 3.5 metre outbound lanes for a distance of 60.0 metres from the existing limit of Davis Drive.
- (79) Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Transportation and Community Planning Department, that the right-of-way width of Street 'A' is able to accommodate the requirements of Condition 78 above.
- (80) Prior to final approval, the intersection of Davis Drive and Street 'A' shall be designed to the satisfaction of the Transportation and Community Planning Department with any interim or permanent intersection works including turning lanes, profile adjustments, illumination and/or signalization as deemed necessary by the Transportation and Community Planning Department.
- (81) Prior to final approval, the Owner shall demonstrate, to the satisfaction of the Transportation and Community Planning Department, that all local underground services will be installed within the area of the development lands and not within York Region's road allowance. If a buffer or easement is needed to accommodate the local services adjacent to York Region's Right of Way, then the Owner shall provide a satisfactory buffer or easement to the Area Municipality, at no cost to the Region.
- (82) The Owner shall agree in the Subdivision Agreement, in wording satisfactory to the Transportation and Community Planning Department that the Owner will be responsible for determining the location of all utility plants within York Region right-of-way and for the cost of relocating, replacing, repairing and restoring any appurtenances damaged during construction of the proposed site works. The Owner must review, or ensure that any consultants retained by the Owner, review, at an early stage, the applicable authority's minimum vertical clearances for aerial cable systems and their minimum spacing and cover requirements. The Owner shall be entirely responsible for making any adjustments or relocations, if necessary, prior to the commencement of any construction.
- (83) Prior to final approval, the Owner shall submit engineering plans for York Region's approval that identify on the plans the requirements of York Region Transit.

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(84) Prior to final approval, the Owner shall identify, implement, and monitor a comprehensive Transportation Demand Management (TDM) program in support of the proposed development and mitigate the capacity constraints in this study area to the satisfaction of York Region and the Town of Newmarket. The TDM program must identify TDM measures, associated costs, implementation, and monitoring. The TDM measures may include, but not be limited to:

- Provide a TDM checklist that identifies the programs/measures, associated costs, and applicant's responsibilities to implement and monitor the recommended TDM programs/measures;
- Provide drawings to illustrate the pedestrian and cycling connections to the boundary roadways and adjacent developments;
- Provide a comprehensive information package for new residents with available pedestrian, trails, cycling, and transit facilities and carpool options within the community, including community map, cycling map, York Region Transit route map, Go Transit route map and schedule;
- Install adequate signage on site for pedestrians, including directions to nearest transit stops, terminals, and GO station(s); and
- Provide other incentives (e.g. discounted transit passes) to encourage residents to use sustainable modes of transportation.


York Region and the Town of Newmarket will not assume any financial responsibility for implementing the provision of the Transportation Demand Management Program.

(85) Prior to final approval, the Owner shall provide a copy of the Subdivision Agreement to the Transportation and Community Planning Department, outlining all requirements of the Transportation and Community Planning Department.

(86) The Owner shall enter into an agreement with York Region, agreeing to satisfy all conditions, financial and otherwise, of the Regional Corporation; Regional Development Charges are payable prior to final approval in accordance with By-law #2012-36.

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Lake Simcoe Region Conservation Authority

- (87) Prior to final Plan approval and any major site alteration, the following shall be prepared to the satisfaction of the Lake Simcoe Region Conservation Authority:
- A detailed Stormwater Management Report in conformity with stormwater management policies of the Lake Simcoe Protection Plan (Policies 4.8-4.11);
 - A detailed Erosion and Sedimentation Control Plan
 - A detailed Grading and Drainage Plan
 - A Water Balance Calculation; and
 - A Planting and Restoration Plan
-  The Owner shall agree in the subdivision agreement to carry out or cause to be carried out the recommendations and measures contained within the plans and reports set out in condition number 87.
- (89) Prior to any site alteration, proper erosion and sediment control measures must be in place. Any Stormwater management facilities must be in place prior to the creation of impervious areas such as roads and buildings.
- (90) The Owner shall agree in the subdivision agreement to engage a qualified professional to certify in writing that the works were constructed in accordance with the plans, reports and specifications, as approved by the LSRCA.
- (91) Prior to final approval, the Owner agrees to pay all development fees to the Conservation Authority as required in accordance with the Lake Simcoe Region Conservation Authority's Fees Policy, under the powers of the *Conservation Authorities Act*.
- (92) That any easements required for stormwater management purposes shall be granted to the Town of Newmarket.
- (93) That prior to any development within the regulated portion of the property, a permit under Ontario Regulation 179/06 shall be obtained from the LSRCA.

Newmarket Hydro

- (94) The Owner shall agree in the subdivision agreement to make such arrangements as are satisfactory to Newmarket Hydro for the provision of hydro-electric servicing, both overhead and underground and to convey such

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lands and/or easements as may be required, at no cost and free from encumbrances.

Bell

- (95) The Owner agrees to provide one or more conduit or conduits of sufficient size from each unit to the room(s) in which the telecommunication facilities are situated and one or more conduits from the room(s) in which the telecommunications facilities are located to the street line.

Canada Post

- (96) The Owner shall agree in the subdivision agreement to consult with Canada Post Corporation to determine suitable locations for the placement of Community Mailboxes and to indicate these locations on appropriate servicing plans.
- (97) The Owner shall agree in the subdivision agreement to include in all offers of purchase and sale a statement advising prospective purchasers that mail delivery will be from a designated Community Mailbox and to include the exact locations (list of lot numbers) of each of these Community Mailbox locations.
- (98) The Owner shall agree in the subdivision agreement to provide the following for each Community Mailbox site and to include these requirements on appropriate servicing plans:
- (a) an appropriately sized sidewalk section (concrete pad), as per Canada Post specifications to place the Community Mailbox;
 - (b) any required walkway across the boulevard, as per Town of Newmarket standards; and
 - (c) any required curb depressions for wheelchair access.
- (99) The Owner agrees in the subdivision agreement to determine and provide a suitable temporary Community Mailbox location(s) to be "fit up" prior to first occupancy, which may be utilized by Canada Post until the criteria identified in Condition No. 98 is completed at the permanent Community Mailbox site location(s).

Other

APPENDIX "A"

6.34

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- (100) Final approval for registration may be issued in phases provided that:
- a) phasing is proposed in an orderly progression; and
 - b) all agencies agree to registration by phases and provide clearances as required in Conditions 102 to 106 inclusive, for each phase proposed for registration by the Owner. The required clearances may relate to lands not located within the phase sought to be registered.
- (101) The Town of Newmarket shall advise that Conditions 1 to 49 inclusive and Conditions 100 to 106 inclusive have been satisfied.
- (102) The Region of York shall advise that Condition 3 and Conditions 50 to 86 inclusive have been satisfied.
- (103) The Lake Simcoe Region Conservation Authority shall advise that Conditions 87 to 93 inclusive have been satisfied.
- (104) Newmarket Hydro shall advise that Condition 94 has been satisfied.
- (105) Bell shall advise that Condition 95 has been satisfied.
- (106) Canada Post shall advise that Conditions 96 to 99 inclusive have been satisfied.

ISSUED at Newmarket this day of , 2013.

Richard Nethery, B.E.S., M.C.I.P., R.P.P.
Director of Planning and Building Services

NOTE: WHERE FINAL APPROVAL FOR REGISTRATION HAS NOT BEEN GIVEN WITHIN THREE YEARS AFTER THE DATE UPON WHICH APPROVAL TO THE PROPOSED PLAN OF SUBDIVISION WAS GIVEN, THE TOWN OF NEWMARKET MAY, AT ITS

APPENDIX "A"

6.35

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DISCRETION, AND PURSUANT TO THE PLANNING ACT, R.S.O. 1990,
WITHDRAW ITS APPROVAL TO THIS PROPOSED PLAN OF SUBDIVISION,
UNLESS APPROVAL HAS BEEN SOONER WITHDRAWN, BUT THE TOWN OF
NEWMARKET MAY FROM TIME TO TIME EXTEND THE DURATION OF THE
APPROVAL.



7.1
COMMUNITY SERVICES/PLANNING & BUILDING SERVICES
TOWN OF NEWMARKET
395 Mulock Drive
P.O. Box 328
Newmarket, ON L3Y 4X7
www.newmarket.ca
info@newmarket.ca
905.895.5193

January 3, 2013

COMMUNITY SERVICES/PLANNING & BUILDING SERVICES REPORT 2013-02

TO: Committee of the Whole

SUBJECT: Ontario's Feed-in Tariff Program
Rooftop Solar Projects over 10 kilowatts up to 500 kilowatts
Request for Council Support – 1155 Stellar Drive - National Training Rinks

ORIGIN: Application received by Planning & Building Services

RECOMMENDATIONS

THAT Community Services /Planning & Building Services Report 2013-02 dated January 3, 2013 regarding a request for Council support for a rooftop solar project over 10 kilowatts up to 500 kilowatts located at 1155 Stellar Drive be received and the following recommendations be adopted:

1. THAT Council provide a resolution (in the form prescribed by the Ontario Power Authority) as requested by CEW ALGONQUIN VI for the following project:

200kW rooftop solar panels at 1155 Stellar Drive
2. AND THAT Bryn Davies of Ontario Solar Provider Inc., 1 Atlantic Avenue, Suite 105, TORONTO ON M6K 3E7 be advised of this decision.

BACKGROUND

At its meeting of October 9, 2012 Committee of the Whole considered Planning and Building Services Report 2012-45 dealing with establishing a protocol for requests for municipal support for rooftop solar projects up to 500 kilowatts. Committee of the Whole recommended that Council consider all requests for a Feed-in Tariff resolution on a site by site basis.

Staff have received a request for municipal support for a solar panel installation comprised of 980 panels on the rooftop of 1155 Stellar Drive. The applicant has advised the panels will be at an angle of ten (10) degrees and will only be raised from the roof by approximately fifteen (15) inches. Therefore, the installation will have very little visual impact.

COMMENTS:

Staff have reviewed the attached information sheet and location map. The Planning Division has no concerns with the proposed project and recommends that Council show support as per the attached resolution.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

The request supports the Community Strategic Plan for Living *Well* by providing support for an initiative that increases environmental awareness through innovative solutions for energy creation.

HUMAN RESOURCE CONSIDERATIONS

Not applicable to this report.

BUDGET IMPACT

Operating Budget (Current and Future)

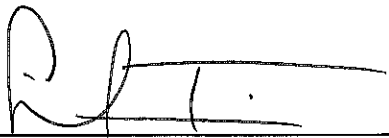
Building permit fees will be received by the Town for review of the building permit application. The applicant has paid the fee previously established by Council to cover the costs for staff time for reviewing and considering the resolution.

Capital Budget

The recommendations contained in this report will have no direct impact on the Capital Budget.

CONTACT

For more information on this report, contact Linda L. Traviss, Senior Planner - Development at 905-895-5193, Extension 2457 or via email at ltraviss@newmarket.ca.



Senior Planner - Development



Commissioner, Community Services



Director of Planning & Building Services

att.: Information sheet, location map, resolution

December 5, 2012

Linda Traviss
Senior Planner – Development
Planning and Building Services
395 Mulock Drive,
PO Box 328, STN Main
Newmarket, Ontario L3Y 4X7

Dear Linda Traviss,

We are a solar PV developer and construction company with a project located in the Town of Newmarket. Under the new OPA's FIT 2.0 rules we are able to request municipal approval in order to gain priority points for our projects. We are requesting that the Town of Newmarket either enact a blanket support resolution for all rooftop solar projects within the region or consider our projects, listed below, for approval of municipal support. All projects requesting municipal support are rooftop solar installations.

1. 1155 Stellar Drive, Newmarket, L3Y 7B – 200kW

Our installed solar systems are designed to have limited impact on the building itself, as well as the adjacent buildings.

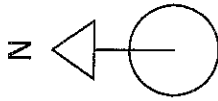
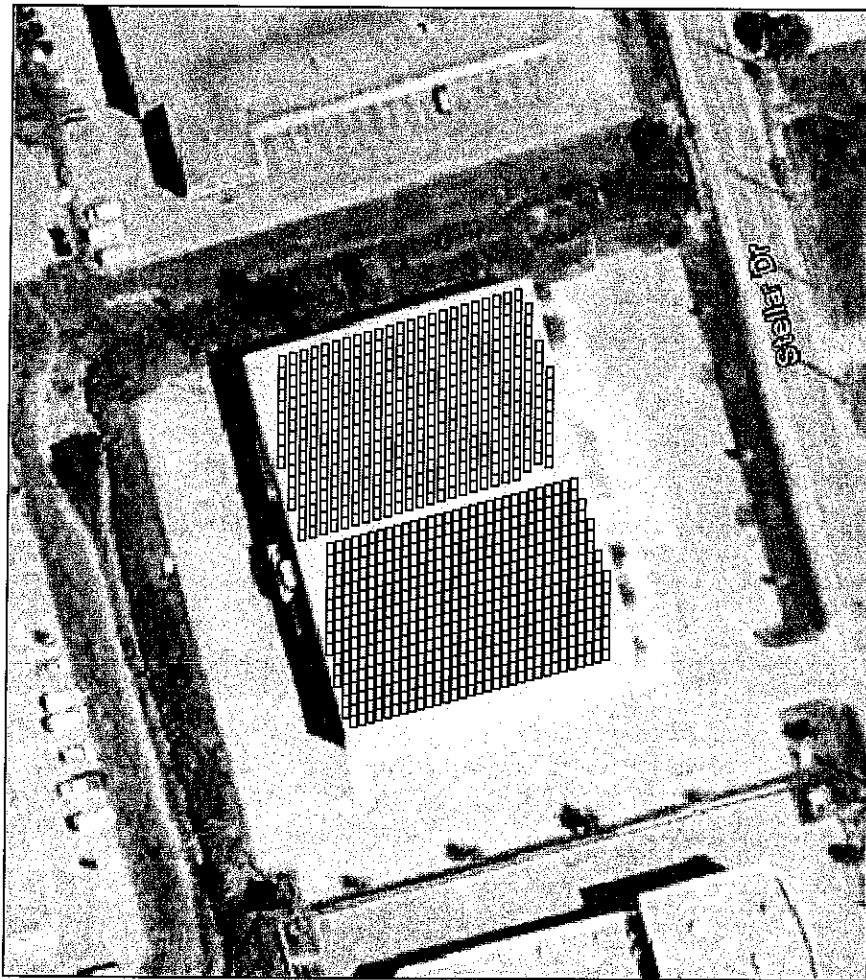
If you have any questions regarding our projects don't hesitate in contacting me.

Regards,

Bryn Davies
Project Manager
Ontario Solar Provider Inc.

National Training Rinks Project Details

1. **Project Applicant:** CEW ALGONQUIN VI
2. **Project Name:** National Training Rinks Solar III
3. **Municipal address of Project:** 1155 Stellar Drive
Newmarket, ON L3Y 7B8
4. **Project is a Renewable Generating Facility for:** Solar photovoltaic (PV) (rooftop)
5. **Gross Nameplate Capacity in kilowatts (kW):** 200
6. **Name of Local Distribution Company:** Newmarket - Tay Power Distribution Ltd.
7. **Generator connecting on:** Three Phase
8. **Feeder Name:** M24
9. **Connection Voltage Level in kilovolts (in kV):** 13.8
10. **Name of Transformer Station to which the Feeder is connected:** ARMITAGE TS DESN1
11. **Name of Distribution Station to which the Feeder is connected:** Cook - F51



TOTAL:
980 SOLAR PANELS 250 WP
240,000 WP DC
200,000 W AC
0° AZIMUT
10° INCLINATION

PRELIMINARY SLD

SCALE -

CREATED C.R

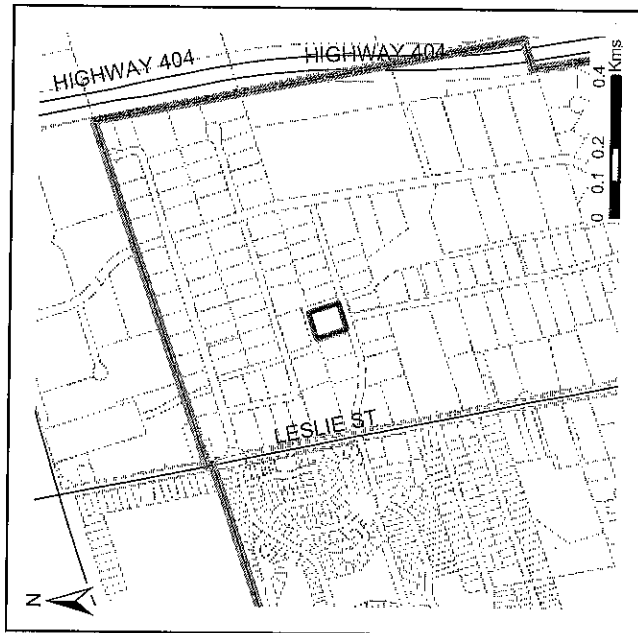
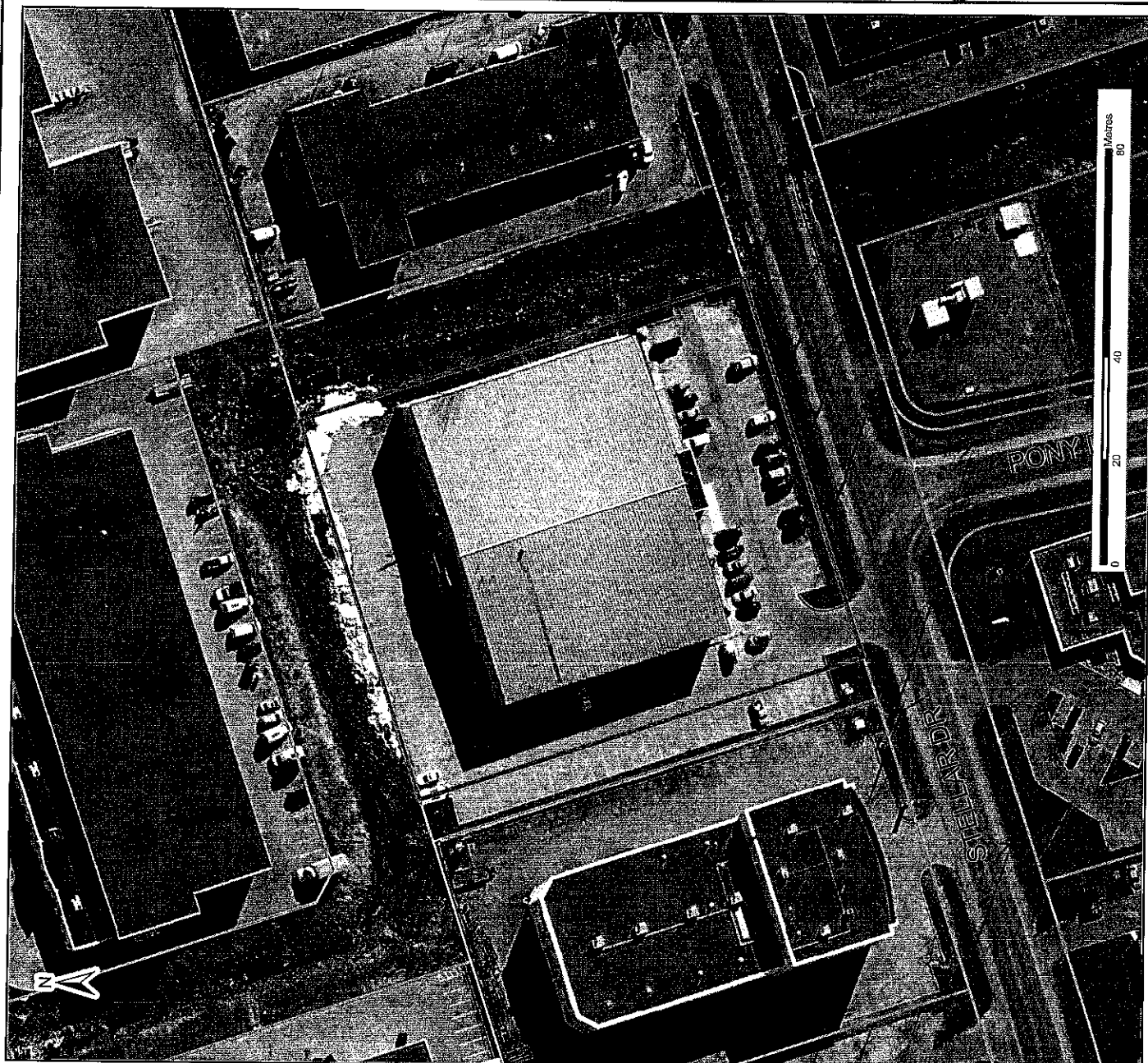
CLIENT -

AUTHOR

ONTARIO SOLAR PROVIDER INC

1155 Stellar Drive, Newmarket, L3Y 7B8

DATE
SEPTEMBER 2012



Location Map 1155 Stellar Drive Zoned: EM



Newmarket

Designed & produced by Information Technology - GIS
Printed: January 2, 2013

Legend

- Proposed Road
- Railway
- Land Parcel
- Downtown Development Area
- Municipal Boundary

SOURCES: First Base Solutions Inc., 2011 Orthophotography; Railway, Roads, Water Features - Geomatics Division, The Regional Municipality of York, ©2011; Land Parcel Boundaries - ©Teranet Inc. and its suppliers. All rights reserved. NOT A PLAN OF SURVEY, 2011; All other Data Layers - The Town of Newmarket, 2011. DISCLAIMER: This mapping is based on the best available information and is not a substitute for a legal survey. While every effort has been made to accurately depict the information, data/mapping errors may exist. This map has been produced for illustrative purposes only; it is not a substitute for a legal survey.

PRESCRIBED FORM/TEMPLATE: MUNICIPAL COUNCIL SUPPORT RESOLUTION

Section 6.1(d)(i) of the FIT Rules, Version 2.1

OPARP/f-FIT-015r

Capitalized terms not defined herein have the meanings ascribed thereto in the FIT Rules, Version 2.1.

Resolution NO: _____

Date: January 21, 2013 _____

WHEREAS _____ CEW ALGONQUIN VI _____ (the "Applicant") proposes to construct and operate a

200kW rooftop solar PV project

(the "Project") on _____ 1155 Stellar Drive _____ (the "Lands") in

Town of Newmarket _____ under the Province's FIT Program;

AND WHEREAS the Applicant has requested that Council of _____ Town of Newmarket _____
indicate by resolution Council's support for the construction and operation of the Project on the Property;

AND WHEREAS, pursuant to the rules governing the FIT Program (the "FIT Rules"), Applications whose Projects receive the formal support of Local Municipalities will be awarded Priority Points, which may result in the Applicant being offered a FIT Contract prior to other persons applying for FIT Contracts;

NOW THEREFORE BE IT RESOLVED THAT:

Council of the _____ Town of Newmarket _____ supports the
construction and operation of the Project on the Lands.

This resolution's sole purpose is to enable the Applicant to receive Priority Points under the FIT Program and may not be used for the purpose of any other form of municipal approval in relation to the Application or Project or any other purpose.

(Note: signature lines for councillors or other representatives, as appropriate.)

FIT reference number: _____
(Note: Must be inserted by Applicant to complete Application)

January 3, 2013

CORPORATE SERVICES REPORT – LEGISLATIVE SERVICES 2013-01

TO: Committee of the Whole
SUBJECT: Regulation of Clothing Donation Bins
ORIGIN: Director, Legislative Services/Town Clerk & Licensing Officer

RECOMMENDATION

The Commissioner of Corporate Services and Director of Legislative Services/Town Clerk and Licensing Officer recommends:

THAT Corporate Services Report – Legislative Services 2013 – 01 dated January 3, 2013 regarding Regulation of Clothing Donation Bins be received and the following recommendation be adopted;

THAT staff bring forward a by-law for the licensing of clothing donation bins with the following scope;


- Applies to donation bins operated by, registered charities, non-profit and private organizations;
- Permitted on commercially zoned private property in the Town of Newmarket;
- Requires written agreement of the property owner;
- Not permitted on Town property (with delegated authority approval in special circumstances); and
- An appropriate fee structure

PURPOSE

Staff was requested to look into the feasibility of regulating clothing donation bins located in the Town of Newmarket.

BACKGROUND

Currently the Town does not require licenses or regulate clothing donation bins. In recent months, public nuisance concerns have been raised surrounding clothing donation bins including:

- safety hazards for children;
 - attracting illegal dumping of a variety of products including: household garbage, unwanted furniture, debris from worksites and environmentally hazardous products;
 - attracting vandalism and graffiti.
- 

8.2

Currently, property standards concerns about clothing donations bins are reported to the Customer Service Centre where a ticket is created and assigned to By-law Enforcement for investigation. As there is no by-law in place at this time, only bins on municipal property can be removed. Those on private property are addressed under the Town's Property Standards By-law, but only in cases where the bin is over-flowing and become an eyesore.

Currently there are approximately 16 clothing donation bins in the Town and are operated by charitable and not-for profit organizations.

The cities of Toronto, Vaughan and Markham are the only G.T.A. municipalities that currently require licences for clothing donation bins; although their programs differ with respect to who is eligible for a license and who has to pay for a license as outlined below:

Municipality	License Charities	License Non-Profit Organizations	License Private Organizations	Private Property	Municipal Property	Fees
City of Markham	Yes	No	No	Yes	Not permitted	\$222.00 annually
City of Toronto	Yes	Yes	Yes	Yes	Not permitted	\$517.61 initial application \$243.35 renewal \$60.00 additional bin
City of Vaughan	Yes	No	No	No	Not permitted	\$25.00 plus \$50.00 for each additional bin

The City of Vaughan only allows organizations that are registered as a charity under the *Federal Income Tax Act* to apply for a licence for a clothing donation bin. Vaughan does not allow bins to be placed on municipal property and provides guidelines with respect to where the bins can be located on private property.

The City of Toronto initially licensed for-profit organizations and did not require not-for-profit organizations to obtain licences. The decision to license clothing donation bins was motivated by the misleading use of clothing donation bins by for-profit businesses and their failure to maintain the bins and the area immediately surrounding them. Toronto has since modified their program to require not-for-profit organizations to obtain a licence, but exempts them from paying the licence fee. In addition the clothing donation bins are also only permitted on private property with the permission of the property owner. Owners of the clothing donation bins that are not in compliance can be fined for the contravention.

Currently the City of Toronto is proposing that all organizations utilizing clothing donation bins as a means to collect used clothing for re-sale or redistribution, irrespective of charitable designation, to apply for, and remit fees for a location permit where a clothing donation bin installation is planned. For-profit operators will continue to be required to obtain a business licence in addition to obtaining a location permit.

8.3

The City of Markham only allows organizations that are registered as a charity under the *Federal Income Tax Act* to apply for a license for a clothing donation bin. Markham does not allow bins to be placed on municipal property and provides guidelines with respect to where bins can be located on private property.

COMMENTS

Staff's perspective is that the focus for regulating should be related to property standards, public safety and location/placement and not on defining or determining licensing based on the corporate and charitable status of the organizations relating to the donation bins. Requiring charities and not-for-profit organizations to obtain a license for each box placed in the Town may assist in the long term to limiting the number of boxes, and may encourage organizations to consider other means of clothing collection.

The bin locations could be restricted to commercially zoned areas so as not to interfere with residential areas. Bins are recommended to be restricted in industrial areas as they have less pedestrian and vehicle traffic and could attract illegal dumping. The bin operator would have to provide written consent from the property owner before obtaining a licence for the bin. The bins would also have to identify information clearly printed on the bins including: the name of the organization; contact information for the organization; a notice requiring all donated items to fit in the bin; a listing of all prohibited items (eg. paint, garbage, propane tanks etc.); and display a pick-up schedule for the donations. As a general rule the bins would not be permitted to be placed on municipal property although the Town, via delegated authority to staff, may waive this provision for special circumstances.

The licensing of all clothing donation bins is the preferred option for controlling their indiscriminate use of enforcing standards of maintenance. Staff will review and recommend an approval of fee structure on an annual basis.

ENFORCEMENT OF CLOTHING DONATION BINS

The *Municipal Act* allows the municipality to enter onto a property to carry out an inspection at a reasonable time to determine if the licensee is complying with the provisions of the by-law. Where a clothing donation bin is not maintained in accordance with the requirements of the by-law the Town may serve the owner of the property and/or the owner of the clothing donation bin a work order in writing directing the property owner and/or the owner of the clothing donation bin to bring the clothing donation bin into compliance with the requirements of the by-law.

It will be the responsibility of the property owner and bin owner to maintain the area surrounding the clothing donation bin of litter and debris. Any unidentifiable or unpermitted bins must be removed by the property owner within a pre-determined compliance period. The proposed number of days to achieve compliance, will be 7 (seven) days' notice.

Where an owner has been served with a work order and fails to comply within the time specified an Enforcement Officer, Town employees or agents authorized for this purpose may enter on to the property at a reasonable time and carry out any or all of the work described in the work order.

Costs associated with the removal of any clothing donation bins from public property will be invoiced to the bin owner and private property will be recouped in a manner like taxes.

The enforcement framework will be brought back in the draft by-law.

8.4

NEXT STEPS

Should Council go forward with the licensing of clothing donation bins staff will bring forward a by-law with the following scope:

- Applies to donation bins operated by, registered charities, non-profit and private organizations;
- Permitted on commercially zoned private property in the Town of Newmarket;
- Requires written agreement of the property owner;
- Not permitted on Town property (with delegated authority approval in special circumstances); and
- An appropriate fee structure

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

This report relates to the Well-equipped and Managed link of the Town's Community Vision – implementing policy and processes that reflect sound and accountable governance.

CONSULTATION

Consultation has taken place with the City of Toronto, Vaughan, and Markham. A public meeting will be held prior to the approval of the by-law.

HUMAN RESOURCE CONSIDERATIONS

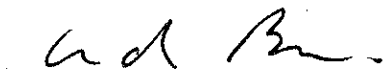
There are no Human Resources considerations related to this report.

BUDGET IMPACT

Staff has investigated the Town's existing Contractor used for Property Standard issues and the fees will be approximately \$90.00 per hour.

CONTACT

For more information on this report, contact Florence DiPassio, Licensing Officer at 905 953-5300 extension 2206 or via email at fdipassio@newmarket.ca


Florence DiPassio, Licensing Officer
Andrew Brouwer, Director, Legislative Services/Town Clerk
Anita Moore, Commissioner of Corporate Services



Newmarket

TOWN OF NEWMARKET

Outstanding Matters

Reviewed by OLT
January 2, 2013

1.	Committee of the Whole Minutes – June 9, 2008 – Item 25 Legal & Development Services Report – Building & By-laws 2008-09 Draft Noise By-law	<ul style="list-style-type: none"> • THAT Legal and Development Services Report – Building and By-laws 2008-09 dated June 3, 2008 regarding the Draft Noise By-law be received and referred to a Strategic Directions Workshop. 	<p>This matter to be discussed at an upcoming Council Workshop</p> <p>Deferred by Council on Nov 23/09 to next term of Council – will be placed on that O/S list</p> <p>May/June Oct/Nov 2012 Feb 2013</p>	<p>Information report forthcoming; then to Workshop for discussion in March/April</p> <p>May/June 2009 Workshop</p> <p>May/June 2011 Draft by-law developed, Report will address infill development protocol</p>
2.	<p>Committee of the Whole Minutes – February 27, 2012 – Item 16 Community Services Joint Report – Recreation and Culture; Public Works Services And Engineering Services – 2012-03 – Old Town Hall Next Steps</p> <p>Committee of the Whole – February 27, 2012 – Item 16 Corporate Services Report – Financial Services 2012-11 Funding For Old Town Hall Renovations</p>	<ul style="list-style-type: none"> • AND THAT upon completion of the design and tender documents preparation, staff be directed to report back to Committee of the Whole with an updated Class A cost estimate, financing plan, and a detailed operating budget projections prior to the release of the tender call for the project. • AND THAT the matter regarding funding sources be brought back to Committee of the Whole after receipt of the Class A cost estimate. 	<p>Sept/12</p> <p>Dec. 10/12</p>	<p>Information Report to be provided by Director</p>

Strikethrough indicates that the item will be removed from the outstanding list prior to the next OLT meeting
Bold indicates that the item will be on the upcoming agenda

Last revisions made on January 3, 2013

(Updated and including Committee of the Whole Minutes of December 10, 2012)

10.1

3.	Committee of the Whole Minutes – August 30, 2010 – Item 41 Legal and Development Services Report – Joint Legal and Planning 2010-29; Ontario Municipal Board Appeals – Town of Newmarket Comprehensive Zoning By-Law 2010-40	<ul style="list-style-type: none"> • THAT staff seek clarification regarding Ontario Municipal Board hearing timelines and report back. 	Date to be determined	Timelines to be determined Awaiting prehearing date from OMB
4.	Committee of the Whole Minutes – September 13, 2010 – Item 9 Community Services Information Report ES 2010-76 Bogart Pond Siltation Presentation – Background Information	<ul style="list-style-type: none"> • AND THAT staff be authorized to meet with the concerned residents, the Lake Simcoe Region Conservation Authority (LSRCA), the Region of York and the Councillors representing Ward 1 and Ward 2 to review these local siltation control concerns and report back to Council in January of 2011. • AND THAT staff investigate an effective siltation practice and report back. 	Date to be determined	Jan/Feb 2011 Application submitted for funding for a Feasibility Study to the Lake Simcoe Region Conservation Authority
5.	Committee of the Whole Minutes – February 27, 2012 – Item 18 Corporate Services Report – Legislative Services – By-Laws 2012-05 Sign By-Law	<ul style="list-style-type: none"> • THAT Corporate Services Report – Legislative Services – By-laws 2012-05 dated February 9, 2012 regarding the Sign By-law be received and that staff bring the draft Sign By-law back to Committee of the Whole for approval upon completion of the community input process. 	April/May 2012 Sept./12 Feb/March 2013	Further Public Consultation and Outside Legal Advice required
6.	Special Committee of the Whole (Budget) Minutes – April 4, 2011 Item 2C) Community Services Report Public Works Services 2011-30 Update – Partners for Climate Protection	<ul style="list-style-type: none"> • THAT the proposed strategies be referred back to the PCP Committee Working Group to provide a further report to a future Committee of the Whole meeting. 	Date to be determined Sept/ Oct/Nov Dec-2011	Report to follow after Working Group meeting PWS to provide updates Circulated to NEAC – Comments provided to Commissioner through Minutes of November 7, 2012
7.	Committee of the Whole Minutes – May 24, 2011 – Item 18 Community Services Report – PWS 2011-34 – Amendment to the Waste Collection By-law 2007-77	<ul style="list-style-type: none"> • AND that staff be directed to enforce the use of certified compostable bags through education and encouragement only for a minimum period of twelve months with staff reporting back to consider options thereafter. 	May Sept./12 Nov./12	Awaiting update from Region, Information Report to be circulated

10.2

8.	Special Committee of the Whole (budget) Minutes – December 8, 2011 – Item 3 – Corporate Services – Joint Information Technology & Legislative Services Report – Clerk's 2011-24 – Live Web Streaming & Audio Recording of Committee of the Whole Meetings	<ul style="list-style-type: none"> • THAT Corporate Services Report – Joint Information Technology & Legislative Services – Clerk's 2011-24 dated November 25, 2011 regarding Live Web Streaming and Audio Recording of Committee of the Whole Meetings be received for information; • AND THAT the Town proceed with the Live Web Streaming component and that \$10,000 be included in the 2012 Capital budget and \$10,000 in the 2012 Operating budget for this purpose. 	Information Report November 26, 2012	Reported on at Special CoW Meeting of November 26, 2012 Information Report to be circulated
9.	Committee of the Whole Minutes – March 21, 2011 – Item 6 Community Services Report – ES 2011-15 Northwest Newmarket Quadrant – Traffic Monitoring Status Update Committee of the Whole Minutes – February 28, 2011 – Item 7 Community Services Report – ES 2011-07 Official Plan – Schedule D – Bicycle Lane Implementation Plan	<ul style="list-style-type: none"> • THAT Engineering Services staff bring a report back to Town Council with the results of all studies including mitigation measures if required, and next steps. • AND THAT the On-street Bicycle Lane Implementation Plan be brought back to Town Council for review and adoption including a phasing plan in consideration of budgetary requirements and implementation. 	Jan/Feb 2012 Feb 27, 2012 June, 2012 Dec 10/12 February 2013 June Oct/Nov 12	Waiting for report from NWQ developer's group Part of Active Transportation Plan coordinated by Planning Dept.
10.	Committee of the Whole Minutes – June 13, 2011 – Item 15 Replacement of Stickwood/Walker Barn	<ul style="list-style-type: none"> • THAT the construction of a heritage barn on this site be the subject of consultation with the area residents with staff reporting back to Council within 120 days. 	February 2013	Met with proponent; report will follow when information requested is received
11.	Committee of the Whole Minutes – September 19, 2011 – Item 3 Community Services Report – Planning & Building Services 2011-35 – 425 and 431 Davis Drive – Union Hotel/VivaNext	<p>THAT Council endorses the preservation of the historic buildings located at 425 and 431 Davis Drive, in principle, subject to cost analysis and a staff report with respect to options available;</p> <p>AND THAT this matter be referred to staff for further discussion with VivaNext and Heritage Newmarket Committee to investigate options and that the staff report come back to Committee of the Whole or Site Plan Review meeting, as appropriate.</p>	Date to be determined	Report pending receipt of site plan application

10.3

12.	Committee of the Whole (Budget) Minutes – November 21, 2011 (1:30pm) – Item 8 – Chief Administrative Officer Report 2011-16 – Budget 2012 – Council Requested Items – Graffiti Removal	<ul style="list-style-type: none"> • THAT staff report back on the effectiveness of the program upon completion of the first trial year. 	February 2013	
13.	Council Minutes – November 28, 2011 – Item 60 – Community Services Report – ES 2011-82 – Commissioner – Viva Streetscape Design Comments	<ul style="list-style-type: none"> • THAT staff be directed to report back with a recommended streetscape program with capital and operating cost estimates, including options as appropriate for consideration by Council. 	April 2012 May/June Nov./12	Report to follow review by Viva task force
14.	Special Committee of the Whole Minutes – December 19, 2011 – Item 2 Corporate Services Report – Legislative Services – Clerk's 2011-21 – Committees and Task Forces	<ul style="list-style-type: none"> • THAT Corporate Services Report - Legislative Services – Clerk's 2011-21 dated December 15, 2011 regarding Committees and Task Forces be received and that staff report back to Committee of the Whole in February 2012 on the various options discussed. 	March 2013	
15.	Committee of the Whole Minutes – April 30, 2012 – Item 16 Corporate Services Report – Legislative Services 2012-13 – Canadian Coalition Of Municipalities Against Racial Discrimination (CCMARD) Membership	<ul style="list-style-type: none"> • AND THAT staff report to Committee of the Whole with a draft Action Plan in support of the Ten Common Commitments in 2013, following input from the Inclusivity Advisory Committee; 	March 2013	
16.	Committee of the Whole Minutes – March 19, 2012 – Item 23 New Business – Acting Mayor Appointment	<ul style="list-style-type: none"> • AND THAT the Director of Legislative Services/Town Clerk prepares a report recommending a routine process for the matter of appointing an Acting Mayor. 	Sept. June Sept./12 Oct./Nov./12	Refer to Procedure By-law Review
17.	Special Committee of the Whole (Closed Session) Minutes – May 7, 2012 – Item 2 – Closed Session Office of the CAO and Community Services (Planning and Building Services) Report 2012-19 – Property Matter in Ward 4 (Denne House)	<ul style="list-style-type: none"> • AND THAT staff report back to Council 	June 2012 Nov./12	May be a special meeting of Council
18.	Committee of the Whole Minutes – April 30, 2012 – Item 17 Chief Administrative Officer Report 2012-06 Council Code of Conduct Process	<ul style="list-style-type: none"> • AND THAT staff make the appropriate revisions to the Council Code of Conduct and the related by-law and report to Committee of the Whole with the revised Council Code of Conduct, the revised by-law and any applicable policy or policies. 	April/May 2013	Integrity Commissioner providing feedback on current policy, Report to follow thereafter

19.	Committee of the Whole Minutes – June 11, 2012 – Item 29 Community Services – Recreation and Culture, and Public Works Services; and Corporate Services – Legal Services, and By-Laws Joint Report 2012-38 – Parks By-Law	<ul style="list-style-type: none"> AND THAT staff provide a comprehensive report back to Committee of the Whole 	August 2012 February 2013	Consultation Ongoing
20.	Committee of the Whole Minutes – May 22, 2012 – Item 29 New Business (Traffic Safety Audit)	<ul style="list-style-type: none"> THAT a traffic safety audit be conducted for the area of Savage Road and Sawmill Valley Drive and a report be brought back in September/October 2012. 	Nov #42	Awaiting information from Region
21.	Committee of the Whole Minutes – September 17, 2012 – Item 9 Motion – Taxi Licensing	<ul style="list-style-type: none"> THAT staff evaluate the opportunity to amend the fee for New Taxi Owner Plates to better reflect a market rate. 	February/ March 2013	Awaiting Legal Opinion
22.	Committee of the Whole Minutes – September 17, 2012 – Item 18 Motion – Regulation/Licensing Donation Bins	<ul style="list-style-type: none"> THAT staff investigate the regulation/licensing of clothing/item donation bins in the Town of Newmarket, specifically the municipality's ability to restrict to registered charities only and the ability to establish limits on number of bins, location, and requirements for pick-up of items. 	Jan. 14, 2013	
23.	Committee of the Whole Minutes – October 9, 2012 – Item 14 Legislative Services Deputation – Egg Laying Hens	<ul style="list-style-type: none"> THAT the PowerPoint presentation and the additional information regarding egg laying hens be received and referred to staff and the Newmarket Environmental Advisory Committee for comments and report back within 120 days. 	February 2013	
24.	Committee of the Whole Minutes – November 19, 2012 – Item 22 Corporate Services Commission – Legal Services and Corporate Policy Committee Joint Report 2012-09 Sale of Land Policy Legal 1-01	<ul style="list-style-type: none"> THAT Corporate Services Commission – Legal Services and Corporate Policy Committee Joint Report 2012-09 dated October 29, 2012 regarding the New Corporate Policy – Sale of Land Policy LEGAL. 1-01 be received and deferred until the Committee of the Whole meeting scheduled for December 10, 2012. 	Jan. 14, 2013	

25.	Committee of the Whole Minutes – November 19, 2012 – Item 24 Community Services Report – Planning and Building Services 2012-43 Tree Preservation By-law	<ul style="list-style-type: none"> • THAT Council maintain its current tree preservation policies, being the regulation of: • trees on properties subject to a Planning Act application; • trees on properties subject to a permit to regulate the grading of lands and the placing of fill (cut/fill/grading permit); • trees within Town and Regional woodlots; • AND THAT the matter of tree protection on municipal lands be referred to the future Parks By-law; • AND THAT if Council wishes instead to proceed with a private tree preservation by-law, staff be directed to bring forward a report and by-law to a future Committee of the Whole meeting, including a more detailed analysis of costs associated with implementing a private tree preservation by-law. 		
26.	Committee of the Whole Minutes – November 19, 2012 – Item 29 Corporate Services Report – Financial Services 2012-47 Best Practices for Elected Officials Expenses	<ul style="list-style-type: none"> • THAT Council in principle endorse a policy related to best practices for elected officials' expenses and staff prepare a report dealing with the following in January/February 2013: • Delineating between discretionary spending • Address options of eligible and ineligible expenses • Provide examples of detailed expense policies • Staff authorization of spending limits • Consideration for a reporting process 	March 2013	Workshop scheduled for February 2013
27.	Committee of the Whole Minutes – December 10, 2012 – Item 15 Community Services Report – Engineering Services 2012-91 Huron Heights Drive Safety Review Beman Drive to Elgin Street Update	<ul style="list-style-type: none"> • THAT the matter of safety review of Huron Heights Drive – Beman Drive to Elgin Street be referred to staff to address concerns raised and investigate the feasibility of another stop sign installation at the Huron Heights Drive/Wayne Drive intersection and permitting the one at the Waratah Avenue/Columbia Court intersection to remain as is; • AND THAT the matter be revisited and reported back by April/May 2013. 	April/May 2013	