



Town of Newmarket **AGENDA**

COMMITTEE OF THE WHOLE

27 February 2017 at 1:30 PM
Council Chambers

Agenda compiled on 23/02/2017 at 3:00 PM

Additions & Corrections to the Agenda

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

Declarations of Pecuniary Interest

Presentations & Recognitions

1. PowerPoint Presentation by Planning Staff regarding Tree Removal and Protection Policies and Regulations. **PAGE 1**

Deputations

2. Mr. Derek Bunn and Ms. Diane Ward to address the Committee regarding an Accessible Washroom Trailer. **PAGE 14**

Consent Items

3. Development and Infrastructure Services - Planning and Building Services Report 2017-02 dated February 6, 2017 regarding Application for Zoning By-law Amendment -507 Mulock Drive. **PAGE 33**

Recommendation(s):

a) THAT Development and Infrastructure Services - Planning and Building Services Report 2017-02 dated February 6, 2017 regarding Application for Zoning By-law Amendment be received and the following recommendations be adopted:

i) THAT the Application for Zoning By-law Amendment as submitted by Ganni Kinno Developments Inc. for lands municipally known as 507 Mulock Drive be approved and that staff be directed to prepare the necessary Zoning By-law Amendment;

ii) AND THAT Mr. Ryan Guetter, Weston Consulting, 201 Millway Avenue, Suite 19, Vaughan, ON L4K 5K8 be notified of this action.

4. Corporate Services Report - Legislative Services 2017-02 dated February 2, 2017 regarding Carnival - D.A. Campbell Amusement Ltd. - Upper Canada Mall. **PAGE 44**

Recommendation(s):

a) THAT Corporate Services Report - Legislative Services 2017-02 dated February 2, 2017 regarding Carnival - D.A. Campbell Amusement Ltd. Upper Canada Mall be received and the following recommendations be adopted:

i) THAT the application be approved subject to the following terms:

ii) THAT the license be issued for a period of seven consecutive days from May 9, 2017 to May 15, 2017 to permit the setting up and dismantling amusement devices;

iii) AND THAT the actual operation of the carnival not exceed five consecutive days within that permitted time period.

5. Development and Infrastructure Services Report - Engineering Services 2017-10 dated February 8, 2017 regarding Oak Street - Parking Restrictions. PAGE 46

Recommendation(s):

a) THAT Development and Infrastructure Services Report - Engineering Services 2017-10 dated February 8, 2017 regarding Oak Street - Parking Restrictions be received and the following recommendation be adopted:

i) THAT the existing parking restrictions on Oak Street remain as they are.

6. Development and Infrastructure Service - Planning and Building Services and Public Works Services Report 2017-05 dated February 27, 2017 regarding Tree Removal and Protection Policies and Regulations. PAGE 49

Recommendation(s):

a) THAT Development and Infrastructure Services - Planning and Building Services and Public Works Services Report 2017-05 dated February 27, 2017 regarding Tree Removal and Protection Policies and Regulations and the Urban Forestry Management Plan be received and the following recommendations be adopted:

i) THAT Council direct staff to update the existing Tree Preservation, Protection, Replacement and Enhancement Policy;

ii) AND THAT Council direct staff to prepare and bring to a future Council meeting a by-law regulating and protecting significant trees on private property;

iii) AND THAT Council direct staff to prepare and bring to a future Council meeting a by-law protecting trees on municipal property.

7. Development and Infrastructure Services - Planning and Building Services Report 2017-06 dated February 27, 2017 regarding Application for Zoning By-law Amendment and Draft Plan of Subdivision - Azure Homes Inc. - 172-178 Old Main Street. PAGE 68

Recommendation(s):

a) THAT Development and Infrastructure Services - Planning and Building Services Report 2017-06 dated February 27, 2017 regarding Application for a Zoning By-law Amendment and Draft Plan of Subdivision be received and the following recommendations be adopted:

i) THAT the application for a Zoning By-law Amendment and a Draft Plan of Subdivision, as submitted by Azure Homes Inc. for lands located at 172-178 Old Main Street be referred to a public meeting;

ii) AND THAT following the public meeting, issues identified in this report, together with comments from the public, Committee, and those received through agency and departmental circulation of the application be addressed by staff in a comprehensive report to the Committee of the Whole, if required;

iii) AND THAT Azure Homes, 82 Boothbay Crescent, Newmarket, ON L3Y 1Y5 be notified of this action;

iv) AND THAT Macauley Shiomi Howson Ltd., Attention: Ms. A. Sciberras, 471 Timothy Street, Newmarket, ON L3Y 1P9 be notified of this action.

8. Report by Newmarket-Tay Power Distribution Ltd. regarding Approval of Bid for the Acquisition of Another Utility.

(See Item 19)

9. Development and Infrastructure Services- Engineering Services Information Report 2017-03 dated February 8, 2017 regarding the Pole Mounted Display Sign Program – Town of Aurora. **PAGE 75**

(Councillor Kwapis requested this item be placed on the agenda).

10. Central York Fire Services - Joint Council Committee Minutes of October 4, 2016. **PAGE 78**

Recommendation(s):

THAT the Central York Fire Services - Joint Council Committee Minutes of October 4, 2016 be received.

11. Item 3 of Central York Fire Services - Joint Council Committee Minutes of October 4, 2016 regarding Burning By-laws Discussion. **PAGE 82**

Recommendation(s):

a) THAT the Central York Fire Services - Joint Council Committee recommend that the Councils of Aurora and Newmarket direct staff (specifically, By-law and Fire Services) to review the current burning by-laws.

12. Newmarket Downtown Development Committee Minutes of June 24, 2016. **PAGE 83**

Recommendation(s):

a) THAT the Newmarket Downtown Development Committee Minutes of June 24, 2016 be received.

13. Correspondence from Mr. Tal Barak, March Awareness Coordinator, Epilepsy York Region. **PAGE 87**

Recommendation(s):

Recommendation(s):

a) THAT the correspondence dated February 6, 2017 from Mr. Tal Barak, March Awareness Coordinator be received and the following recommendations be adopted:

i) THAT the Town of Newmarket proclaim March, 2017 as 'Epilepsy Awareness Month' and March 26, 2017 as 'Purple Day';

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

14. Participation in Earth Hour on March 25, 2017.

WHEREAS climate change is the biggest environmental threat to our planet and a major concern for all Canadians;

AND WHEREAS at exactly 8:30 p.m. on Saturday, March 25, 2017, major cities around the world will turn off their lights and electrical power for one hour to raise awareness about climate change and to symbolize that, working together, the people of the world can make a difference in the fight against global warming;

AND WHEREAS the event, called "Earth Hour", began in Sydney, Australia in 2007 as 2.2 million people turned off their lights to take a stand against climate change;

AND WHEREAS since then, it has become an annual, globally-observed event;

AND WHEREAS participating in Earth Hour sends a powerful message to every citizen and business around the world that it's possible to take action on climate change and that switching off our lights and electrical power is just one simple action we can take to help make a difference;

AND WHEREAS in the last several years, Newmarket has continued to be a leader in this effort, with one of the highest rates of reduction in electricity consumption in the GTA;

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

1. THAT at 8:30 p.m. on Saturday, March 25, 2017, the Corporation of the Town of Newmarket will join other cities around the world in literally "turning out the lights" by shutting off all non-essential lighting and power in all of its facilities, where feasible, and without jeopardizing safety, for one full hour;

2. AND THAT the Corporation of the Town of Newmarket's participation in Earth Hour will be widely promoted and publicized in order to raise awareness about this important issue and in order to encourage every individual, household and business in town to join in by turning off their lights and electrical power for one hour at 8:30 p.m. on Saturday, March 25, 2017;

3. AND THAT a copy of this will be forwarded to every municipality in the GTA, encouraging them to participate in Earth Hour.

15. Proclamation of International Day for the Elimination of Racial Discrimination

a) THAT March 21, 2017 be proclaimed "International Day for the Elimination of Racial Discrimination";

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

16. Outstanding Matters List. PAGE 88

Recommendation(s):

a) THAT the Outstanding Matters List be received.

Action Items

Reports by Regional Representatives

Notices of Motion

Motions

17. Councillor Bisanz - Motion

THAT staff prepare a report on options and opportunities to address residential on street and off street parking challenges. Specifically, the report should consider the impact that changing economics and demographics have on housing occupancy and ways in which the Town of Newmarket can better balance reasonable parking needs with streetscape aesthetics, active transportation objectives and effective by-laws enforcement.

Closed Session (if required)

18 Legal Services (Closed Session) Report 2017-04 dated February 23, 2017 regarding an appeal to the Ontario Municipal Board re: 178-194 Main Street South.

New Business

Public Hearing Matters

Addendum (Additions and Corrections)

19 Report by Newmarket-Tay Power Distribution Ltd. regarding Approval of Bid for the Acquisition of Another Utility. (Related to Item 8) PAGE 92

Recommendation(s):

THAT the Newmarket – Tay Power Distribution Ltd. (“NT Power”) Report of the President dated February 23, 2017 regarding the submission of a binding offer to acquire another electric distribution utility be received and the following recommendations be adopted:

WHEREAS NT Power received a request for proposals and confidential information memorandum for a sale transaction involving another electric distribution utility (the “Target”) on December 9, 2016 (the “RFP”);

AND WHEREAS confidential briefing memoranda from Paul Ferguson, President of NT Power regarding the RFP dated January 18, 2017, February 10, 2017 and February 23, 2017 (the “Confidential Briefing Memos”) have been provided to the directors of NT Power, the municipal council of the Town of Newmarket and the municipal council of the Township of Tay;

AND WHEREAS Article 3.05 of a Shareholders Agreement between Newmarket Hydro Holdings Inc. (“Newmarket Holdco”), Tay Hydro Inc. (and together with Newmarket Holdco, the “Shareholders”), NT Power, The Corporation of the Township of Tay and The Corporation of the Town of Newmarket dated April 30, 2007 (the “Shareholders Agreement”) requires approval by all of the Shareholders (i) for the purchase of any assets or business by NT Power or any Subsidiary (as defined in the Shareholders Agreement), other than the ordinary course of Business (as defined in the Shareholders Agreement), having a value in excess of 20 percent of the Asset Value (as defined in the Shareholders Agreement), (ii) for the borrowing of any money or the giving of any security in excess of 15 percent of the Asset Value, and (iii) for the entering into of an amalgamation, merger or consolidation with any other body corporate by NT Power or any Subsidiary;

AND WHEREAS NT Power proposes to submit a binding offer in response to the RFP and to enter into a share purchase agreement (the “Share Purchase Agreement”) with the vendor pursuant to which NT Power will purchase all of the issued and outstanding shares of the Target, on and subject to the terms of the Share Purchase Agreement (the “Purchase and Sale Transaction”);

AND WHEREAS NT Power wishes to enter into certain financing arrangements, including the borrowing of money and the giving of security, in connection with the Purchase and Sale Transaction;

AND WHEREAS NT Power wishes to enter into an amalgamation with the Target following the completion of the Purchase and Sale Transaction;

NOW THEREFORE BE IT RESOLVED by the Municipal Council of the Corporation of the Town of Newmarket (“the Municipal Council”) as follows:

1. That the Municipal Council authorizes and approves the Purchase and Sale Transaction and the entering into of the Share Purchase Agreement by NT Power.

2. That the Municipal Council authorizes and approves the entering into of financing arrangements, including the borrowing of money and the giving of security, by NT Power in connection with the Purchase and Sale Transaction (the “Financing”).

3. That the Municipal Council authorizes and approves the entering into of an amalgamation between NT Power and the Target following the completion of the Purchase and Sale Transaction (the “Amalgamation” and, together with the Financing and the Purchase and Sale Transaction, the “Transactions”).

4. That the Chief Administrative Officer of the Corporation of the Town of Newmarket is authorized to approve the forms of all other documents contemplated or required to be executed by the Corporation of the Town of Newmarket to give effect to the foregoing resolutions or necessary in connection with the Transactions (collectively, the “Additional Documents”) and to execute and deliver the Additional Documents each in the form so approved.

20 Deputation- Ms. Pauline Latour to address the Committee with respect to Development and Infrastructure Services Report- Engineering Services 2017-10 regarding Oak Street Parking. (Related to Item 5). **PAGE 95**

21 Deputation- Ms. Christina Herancourt to address the Committee with respect to Development and Infrastructure Services- Planning and Building Services Report 2017-06 regarding an application for Zoning By-law Amendment and Draft Plan of Subdivision- Azure Homes Inc. (172-178 Old Main Street) (Related to Item 7). **PAGE 96**

22 Deputation- Ms. Joan Stonehocker to address the Committee with a PowerPoint presentation providing an update on the London & Main Community Garden and extend an invitation to "Seedy Saturday" on March 4, 2017. **PAGE 105**

Adjournment



Tree Regulation and Urban Forestry





- ✿ Background
- ✿ Value of trees
- ✿ Current legislative context
- ✿ Private property rights
- ✿ Challenges
- ✿ Next steps

Background

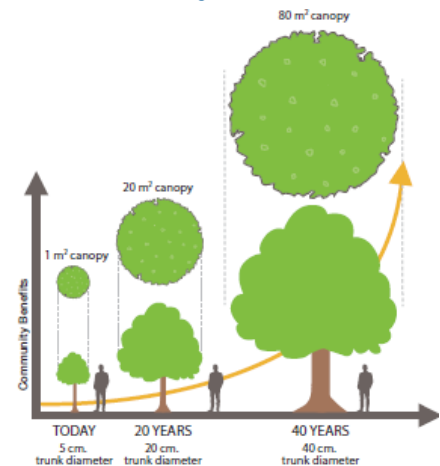
- 2001: First discussion of tree policy
- 2004: First policy on tree replacement during development applications
- 2007: Town Woodlot By-law adopted
- 2011-2012: Consideration of need for regulation of removal of trees outside of development applications
- 2016:
 - York Region Forest Management Plan adopted
 - Newmarket Urban Forest Study completed
 - Council requests review of existing tree policies

Value of Trees in Newmarket



- Replacement value \$364 million
- Store 35,345 tonnes of carbon \$2.74 million
- Remove 40 tonnes of air pollution annually \$321,564 per year
- Reduce residential energy use \$3,345,533 per year
- Manage stormwater runoff \$499,950 per year

Source: Town of Newmarket Urban Forestry Study



Source: York Region Forest Management Plan

Private Property Rights



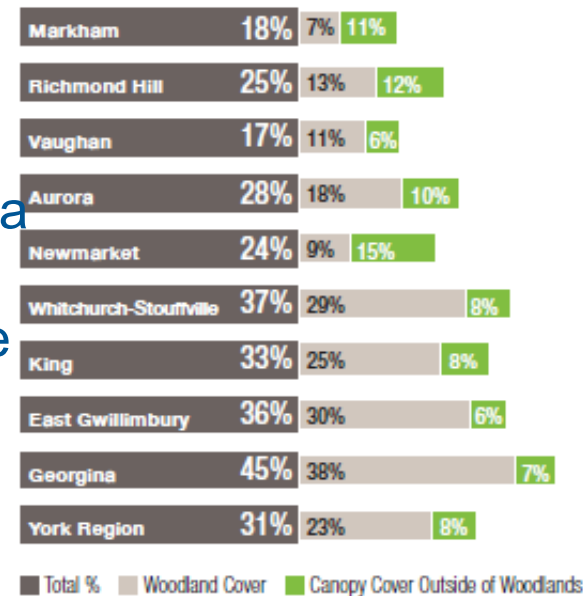
- Valid concerns of the role of municipal government in private lands
- Balance of public good and private property rights
- Existing legislation strikes a similar balance in many cases:
 - Zoning By-laws
 - Subdivision and Site Plan agreements
 - Current Tree Preservation, Protection, Replacement and Enhancement Policy
 - Property Standards By-law

Present Day



- Longstanding Town goals of expanding and protecting Newmarket's canopy
- Policy to regulate the removal of tree during development applications
- Increasing policy direction reinforces need for a health urban canopy
- Increasing public awareness of the importance of trees as natural green infrastructure

Figure 2. Contribution of Woodland Cover and Trees Outside of Woodlands to Total Canopy Cover



Source: York Region Forest Management Plan

Present Day



Statement: Trees in Newmarket are protected.

Actuality:

- The removal of trees for properties under development applications is regulated.
- Any private tree can be removed as part of a development application.
- Public trees are occasionally removed without Town approval.

Example from staff experience: In front of a pair of semi-detached homes there were two coniferous trees and one multi-stem beech tree owned by the Town in the municipal right-of-way.

Between 2007 and 2009 one property owner removed the two coniferous trees to widen their driveway. The beech tree has a walkway and driveway abutting its trunk and has declined significantly to a single stem.

Present Day



Statement: Newmarket ensures no net loss of trees through development by requiring compensation.

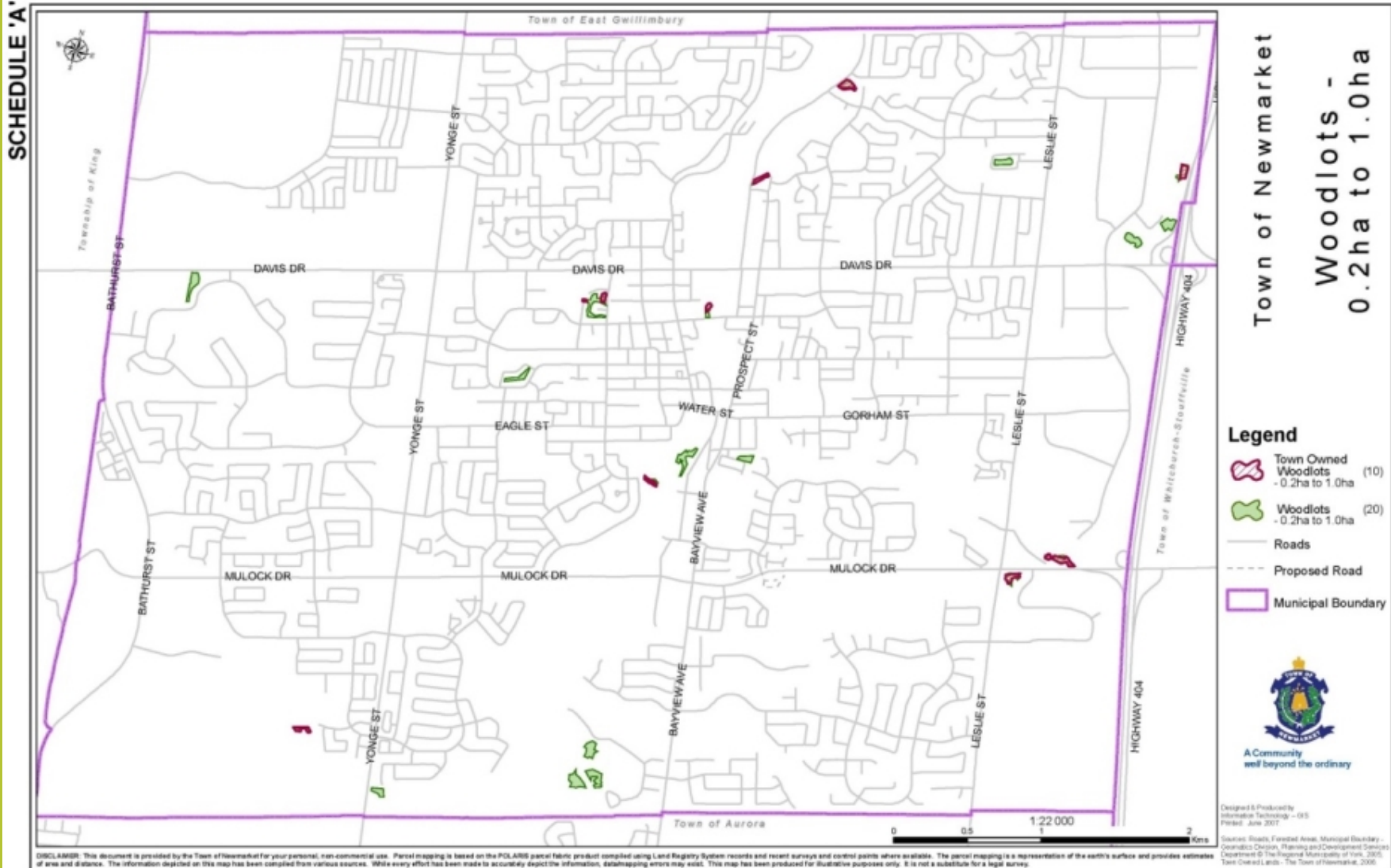
Actuality:

- Only trees deemed “significant” are valued for replacement through development applications. This only includes trees 30cm or greater in diameter.
- Any tree deemed “significant” to be removed must be compensated either through replanting on-site or through monetary compensation for Town plantings off-site.

Example from staff experience: A vacant industrial property has 62 trees that total 897cm of trunk diameter. Only three of these trees are greater than 30cm in diameter, totalling 95cm. Upon submission of a site plan application, current practice would require 95cm of replanting or compensation.

842cm of trees would be permitted to be removed with no replanting or compensation.

Present Day



Present Day



Statement: The removal of trees on properties of past development applications is prohibited.

Actuality:

- Site Plan Agreements require property owners to maintain their property in keeping with the approved site plan and landscape plan.
- Lacking a by-law to prohibit the unauthorized removal of trees from properties, the Town has few tools to pursue property owners who remove trees despite trees being part of a development application.

Example from staff experience: An industrial property that was the subject of a previous Site Plan application in 1987 had a number of trees that were required to be maintained under the approved Site Plan Agreement.

In 2016 seven Colorado Spruce and ten Austrian Pine trees were removed without consultation or approval by the Town. Without a by-law, the Town lacks the ability to lay charges for the removal of the trees.

Present Day



Statement: Trees in woodlots in the Official Plan (OP) are protected.

Actuality:

Areas designated as woodlots in the Official Plan have no greater protection from private tree removal than any other land. An owner of land designated as a “woodlot” under the OP can – except in cases in which there is a development application – remove trees.

Even in cases where there is a development application for an OP-designated woodlot, the owner can remove trees if they are willing to pay compensation for the trees.

In some cases areas designated as “woodlots” in the OP are zoned for uses other than open space, which gives the owner the right to develop.

Next Steps

- Conduct research on best practices in urban forestry and tree protection
- Prepare options for By-law to protect trees on public property
- Prepare revisions of Tree Preservation, Protection, Replacement and Enhancement Policy
- Prepare options for possible By-law regulating tree removal on private property for presentation to Committee
- Engage in public consultation and return with recommendations for Committee



Well beyond the ordinary



Barrier Free-Fully¹⁴ Accessible Washroom Trailer

By Diane Ward , Derek Bunn & Wilf Morley



Proposal

- ***Improve accessibility.*** To purchase a barrier free mobile washroom trailer that would be used exclusively by children, adults, seniors who cannot use the existing "handicapped" washroom /stalls because of severe physical needs.
- ***Respect and dignity.*** To provide a respectful location /accommodation for severely disabled children/adults/seniors for medical and hygiene needs.
- ***Integration/participation.*** To assist physically disabled children, adults and seniors to participate in their community and to live meaningful lives.

Need in the Community

- Presently, there are **no washrooms with change tables and lift systems in York Region** to assist this population (severely physically challenged children, adults and seniors with medical needs).
- Many Community Agencies/Ministry Services in York Region:
 - Safe Haven
 - Participation House
 - Christian Horizons
 - March of Dimes
 - Long term care facilities/Nursing Homes
 - Community Living Agencies
 - L' Arche Day Break
 - New Leaf
 - Kerry's Place
- **People with physical disabilities are not accessing their community.** Many children, adults and seniors stay home, group homes or nursing residence. They are not enjoying the many fairs, community events and festivals that York Region has to offer.

What is Available Now

- Community Places:
 - Shopping Malls
 - Town parks
 - Community/Recreation/Arenas
- Community Events:
 - Street Sales
 - Canada Day
 - Jazz festivals
 - Victoria Day fireworks
 - Home Shows
 - Street Sales
 - Ribfests
 - Sporting Events

Usually, 1-2 large handicapped stalls or portable units for people in wheelchairs **who can transfer** themselves from their wheelchair to a toilet and back.

- Otherwise, there are **no facilities for children, adults and seniors who need lifting out and changing.**

Costs

18

A) **Purchase Price: \$125,000 plus tax**

Operational Costs:

| B) | <u>Item</u> | <u>Annual cost</u> |
|----|---|---|
| | Insurance | \$812.00 |
| | License | \$500.00 |
| | Repairs/Maintenance \$3,000 (safety inspections, repairs) | |
| | Replacement | \$10,000 (not factored in) |
| | Storage | \$100.00 |
| | SUB-TOTAL | \$4,112/YR OR \$342.66/mth |
| | | (average 3 events/month) = \$114/event |

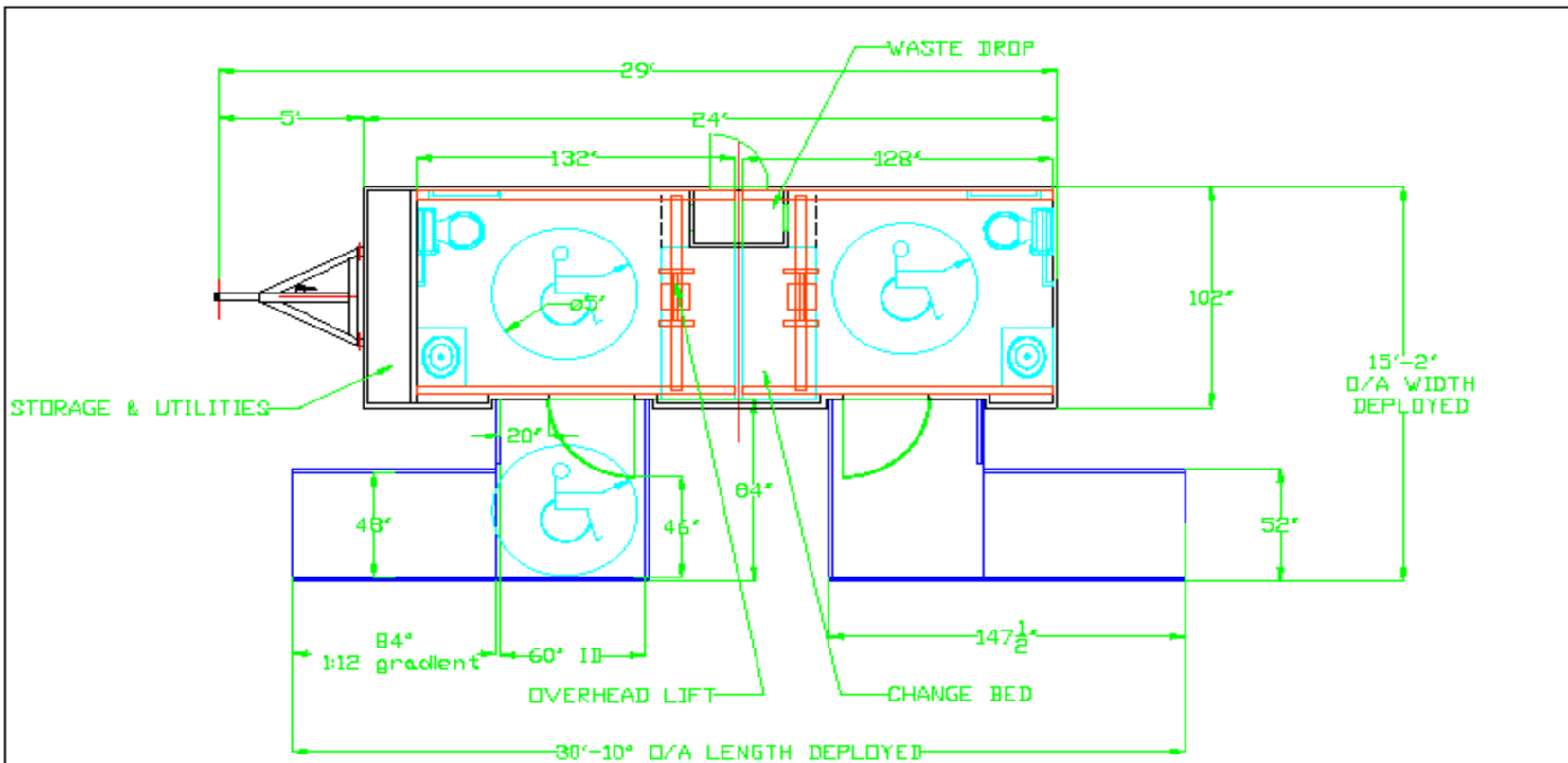
| C) | <u>Item</u> | <u>Annual cost</u> |
|----|------------------|---|
| | Cleaning | \$140.00 (2 staff/2hours to clean) |
| | Travel/km | \$250.00 hook up, outside York Region \$2/km (includes 2 staff time and materials) |
| | SUB-TOTAL | \$390.00 plus \$2/km for day to use |

Operational Costs: \$390.00 + \$114.00 = \$500/event.


Outside York Region add \$2/km x 4 trips

Interior Layout

19



- NOTES:
 1) DOUBLE ACCESSIBLE WASHROOM TRAILER
 2) O/A BOX LENGTH 24FT
 3) TONGUE LENGTH 5FT

| | | | | | |
|---|---------------|-----------------|---|-----------------------|---------------------------|
|  UNLESS OTHERWISE SPECIFIED ALL DIMENSIONS ARE IN INCHES MILLIMETERS ARE | DATE | 24FT PER PED | QUANTITY | REVISION | TITLE |
| | 3 DEC 2013 | | | | |
| NAME TITLE DESIGNED CHECKED DATE | SCALE 3/8" | SHEET 1 OF 1 | PROJECT WASHROOM DOUBLE TRAILER TONGUE STYLE | REV C DATE A | PART # LTD-WASHX2_24FT |
| DRAWN BY DATE | | | PROJECT LTD-WASHX2_24FT | REV C | PART # LTD-WASHX2_24FT |

Interior Features

20

Lift System

Change table

Sink

Toilet

Air Conditioning

Electric Heat

Water Tank



People in our Community...



Hi, my name is Liz Carr. I am 28 years old and I presently live in Whitchurch Stouffville. I have worked at Walmart for ten years and I live to be an active member in my community. I actively volunteer at the Stouffville United Church and I love to sing in choirs. People have said that I have a beautiful smile that cheers everyone up. **I love to be able to go out with my friends to enjoy festivals and fairs and any venue to which they are going. I love the Toronto Blue Jays. I am in a manual chair, but due to difficult places and barriers in the community, I need help.** An accessible washroom trailer would be a great addition to the community.

I'm sure it would assist others who are not getting out in the community.

Thanks,
Liz

People in our Community...

Hello, my name is Victoria Benner. I am 24 years old. I am in a wheelchair because I have Spastic Quadriplegia Cerebral Palsy due to a brain aneurism three days after birth because of too much oxygen to the brain.

I live in Vaughan, Ontario, in assisted living. Personal care is provided by Ontario March of Dimes Canada. **I have difficulty using the washroom, while I'm out in the community because I can't stand to transfer to the toilet partly because of my Cerebral Palsy. Also because there's no ceiling/Hoyer Lift to help the person who is helping me to transfer to the toilet safely, without hurting myself and/or themselves.**

Some washrooms are also not accessible for me to even enter with my wheelchair to use the washroom when outside on the door they say that they are accessible.

Thank you

Victoria



People in our Community...



My name is Kristin and I am a resident of Markham. I am an active member of the community, employed as a speech-language pathologist in the region and volunteering with various groups and committees. **I also enjoy the numerous recreational opportunities the City has to offer and often gather with friends and families at community events and festivals. As a wheelchair user, my involvement is sometimes limited by lack of accessibility. A basic necessity such as the independent use of a washroom is restricted when I leave my house due to structural barriers that still remain in our community.**

I am therefore in full support of this initiative to create a completely accessible washroom and changing area – the first of its kind. This innovative project will allow greater participation in community events by a more diverse population. I believe this, in turn, will promote a more vibrant and inclusive community – a community I am proud to be part of.

Sincerely,

Kristin Hayes

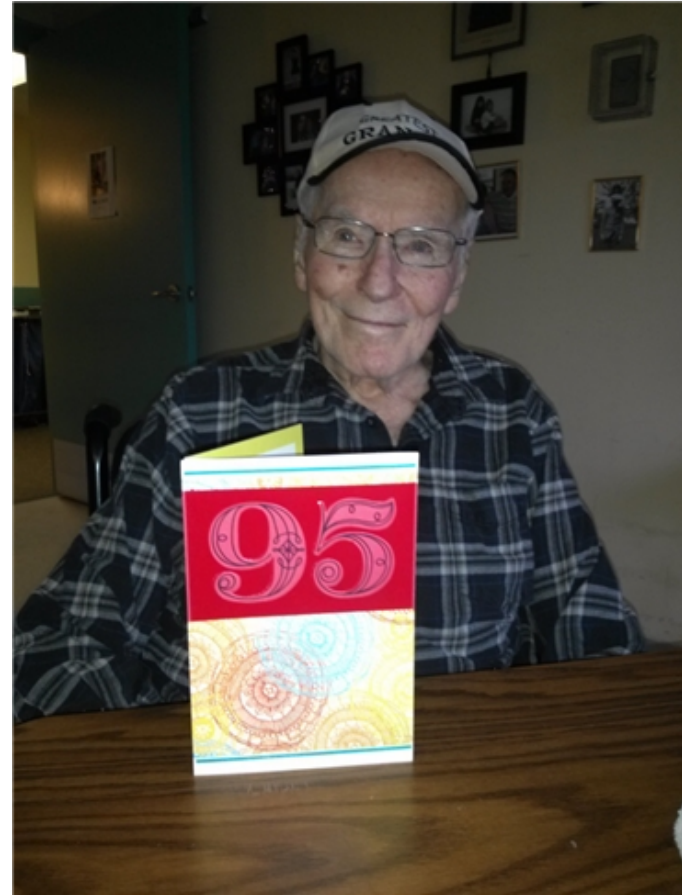
People in our Community...

My name is Eric Bunn. I am 95 years old and I live in a Long Term Care Facility in Keswick, Ontario. I have had great health all my life, but I have recently lost my right leg. I am in a manual wheelchair and I can no longer stand. I depend on people to help me and I am grateful for their care. I would like to go on day outings, but there are no washrooms that I can use. Please help me and others who live like me.

We love life still and would love to go out and share experiences. I would like to go to farmer's markets and music festivals. Having an accessible washroom for me in the community would help me enjoy the rest of my life.

Thanks for your consideration.

Eric



People in our Community...



Hi everyone! My name is Kashmere. **I like to ride the YRT and travel to the Upper Canada Mall, the Markham Fair and I especially love the fireworks on Canada Day. I love the noises and the flashing lights.** Lots of fun and lots of people! I have Cerebral Palsy and I have Epilepsy. It would be awesome to have a washroom trailer in my town. I would use it as I need help. **Sometimes I have seizures and I need a safe, quiet place to have my medication.**

My parents think this is a great idea to have a washroom trailer for me. It would relieve them from any worries and preplanning the day.

Thanks so much for helping me and others!

Kashmere Richardson and her parents

People in our Community...

Hello my name is Tyler Barker I am 30 years old living in Aurora Ontario.



I have cerebral palsy and have to use a power wheelchair on a daily basis. I have to rely on others to get around the town as transportation is limited in your region I rely on friends and family to do tasks of daily living and such. I believe in equal access for all and would love to have more access in the community.

When people go to any type of event whether it be in their community or a concert, people have the right to use the washroom. People with disabilities specifically ones with limited mobility are not able to use the restroom at any event. **This is not equal access if there was a portable accessible washroom this would make it much easier for people like myself to go to an event knowing that I don't have to sit in my brief all day long uncomfortable.**

I fully endorse this idea special thanks regards
Tyler Barker

People in our Community...²⁷



Supporting people who have an intellectual disability.



June 16, 2016

Mayor Justin Altmann
Town of Whitchurch-Stouffville
111 Sandiford Drive
Stouffville, ON L4A 0Z8

Dear Mayor Altmann

Community Living Newmarket/Aurora District provides support to over 300 people who have an intellectual disability, many of whom have mobility challenges. Our Vision is a "community where everyone belongs." The inclusion and full citizenship of all people are foremost and paramount in our support and delivery of services.

Inaccessibility is a huge barrier to inclusion. The barrier free washroom trailer would benefit all people who have mobility challenges in our communities and will provide equal access for all. It will also ease families and care providers' minds from the anxiety of coordinating their day around inaccessible washrooms.

The barrier free washroom trailer would promote full participation and a healthy and inclusive community. Please support this project and help advance our vision of a truly inclusive citizenship for all.

Yours truly,

A handwritten signature in black ink that reads "Colleen Zakoor". The signature is written in a cursive style.

Colleen Zakoor
Executive Director

Inspiring Possibilities

757 Bogart Avenue t. 905-898-3000 TOR. 905-773-6346
Newmarket, ON L3Y 2A7 f. 905-898-6441

clnad@clnad.com
www.clnad.com

Charitable Registration Number: 11905 6307 RR0001



People in our Community...



Tel: (905) 722-8947
 Fax: (905) 722-9459
 P.O. Box 68, Sullon West, ON L0E 1R0
 E-mail: admin@communitylivinggeorgia.com

November 8, 2016

To Whom It May Concern:

Community Living Georgia is a non-profit organization that offers supports and services to 150 individuals with a developmental disability who live in the Town of Georgina. Our Vision is "a future in which people with developmental disabilities are accepted, respected, included, and recognized as valued community members".

One of the barriers that individuals face in their community is access to barrier free washroom facilities. The barrier free washroom trailer would benefit all individuals who have mobility challenges and will provide equal access for all.

We are in support of the barrier free-mobile accessible washroom trailer, which will be a great asset to our community and the individuals we support.

Sincerely

Susan Rome
 Executive Director

People in our Community...

Wayne Emmerson
Chairman and CEO



The Regional Municipality of York
17250 Yonge Street
Newmarket, Ontario L3Y 6Z1
Tel: 905-895-1231
email: wwayne.emmerson@york.ca

February 8, 2017

Mayor Justin Altmann
Town of Whitchurch-Stouffville
11 Sandiford Drive
Stouffville, ON L4A 0Z8

Dear Mayor Altmann:

Re: Portable Accessible Washroom Trailer Community Project

The Regional Municipality of York is committed to creating communities that are welcoming and inclusive for everyone. The Portable Accessible Washroom Trailer Community Project, the Town of Whitchurch-Stouffville is offering program and financial support to, is an initiative that can help achieve this vision. York Region is pleased to offer a financial contribution toward the trailer's construction.

As you know, last September the Town of Aurora Council adopted a resolution in support of the project including a contribution of \$5,000 and the statement that if each municipality in York Region donated \$5,000 the purchase of the trailer could be realized. This resolution was received by the York Region Accessibility Advisory Committee in November 2016 and discussions began about matching Aurora's donation with a contribution from York Region.

Enclosed is a cheque for \$5,000 payable to the Town of Whitchurch-Stouffville for the Portable Accessible Washroom Trailer fund. Community initiatives like this place a spotlight on the importance of ensuring everyone has access to the community events the trailer will be used for. The project also highlights the important role that community volunteers and partnerships play in creating public spaces that welcome all people.

Thank you for your time!

- We want to recognize your financial support by having a ***Proud Support/Donor List*** on the Accessible Washroom Trailer.
- We want to show collectively that the towns of York Region:
 1. Hear and care about people with severe disabilities.
 2. Leaders and are actively changing to meet needs.
 3. Role-models for the rest of Ontario and Canada.
- We want you to feel part of this exciting project and realize that by your support, you will have an impact on assisting children, adults and seniors who are in your families & your communities live better lives.

Proud Supports/Donors...

- Town of Whitchurch Stouffville
- Town of Aurora
- Town of East Gwillimbury
- Town of Georgina
- ***Your Name Here***
- Magna
- Markham Fair
- Private Donor
- Private Donor
- Private Donor

How to Donate

- Make cheque payable to **The Town of Whitchurch Stouffville Account 11-00-000-0720** with specific mention on the cheque that it is a donation to the *Accessible Trailer*.
- Cheques can be mailed to
 - Debi Paterson
 - Town of Whitchurch-Stouffville
 - 111 Sandiford Drive
 - Stouffville, Ontario L4A 0Z8
- Receipts are issued from the Town of Whitchurch Stouffville
- Further information: debi.paterson@townofws.ca (Assistant to the Mayor)



February 6, 2017

DEVELOPMENT AND INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES REPORT 2017-02

TO: Committee of the Whole

SUBJECT: **Application for Zoning By-law Amendment**
507 Mulock Drive
Town of Newmarket
Ganni Kinno Developments Inc.
File No.: D14NP1605

ORIGIN: Planning and Building Services

RECOMMENDATIONS

THAT Development and Infrastructure Services/Planning and Building Services Report 2017-02 dated February 6, 2017 regarding Application for Zoning By-law Amendment be received and the following recommendation(s) be adopted:

- a) THAT the Application for Zoning By-law Amendment as submitted Ganni Kinno Developments Inc. for lands Municipally known as 507 Mulock Drive be approved and that staff be directed to prepare the necessary Zoning By-Law Amendment;
- b) AND THAT Ryan Guetter, Weston Consulting, 201 Millway Avenue, Suite 19 Vaughan, ON L4K 5K8 be notified of this action.

COMMENTS

Location and Surrounding Land Uses

The Subject Lands are municipally known as 507 Mulock Drive and are located on the north side of Mulock Drive, west of Bayview Avenue (See Location Map attached). The property has an area of approximately 0.7 hectares and a frontage on Mulock Drive of approximately 60 metres.

The subject property currently contains a two storey concrete block building with an approximate gross floor area of 400 sq.m. The following are the adjacent land uses:

North: Institutional uses (Inn From the Cold) and low density residential uses.

South: Commercial and Employment uses in a strip mall setting

East: Low density residential uses and service commercial uses at the northwest corner of Bayview Avenue and Mulock Drive.

West: Employment uses (bus depot and hydro yard) with the Municipal Offices west of the rail line.



Proposal

The applicant has made some minor revisions to the proposal for the two storey mixed use Medical Office on the subject lands clarifying the areas devoted to the proposed uses. The refined floor area for the proposed uses are below.

Medical Office – 1,045.47 sq.m.

Medical Clinic – 139.00 sq.m.

Medical Laboratory - 580.72 sq.m.

Pharmacy and other retail – 741.07 sq.m.

It is proposed that the clinic, retail and pharmacy uses would be located at grade with the medical laboratory in the basement level and medical offices on the second floor. The building is sited towards Mulock Drive with the required parking being accommodated in the rear yard and a number of accessible spaces along the east side of the proposed building.

The building has a lot coverage of approximately 18% and a floor space index of 0.54. A landscaped buffer ranging between 3 and 5 metres wide is proposed around the periphery of the site. The proposed site plan, landscape plan and elevations are appended to this report.

Community Consultation

The required statutory public meeting for this zoning by-law amendment application was held on October 18, 2016. Public comments received at the public meeting and written comments submitted focused on the following issues:

Notice of complete application

An error in the community notice of complete application was identified. Staff reviewed and acknowledged at the public meeting that the proposed area suffix was written as “square feet” when it should have been written as “square metres”. The total proposed floor area was confirmed at the meeting. If a by-law is approved by council, staff will ensure that the notice of passing includes all the relevant details of the proposal including the gross floor area and the floor area for each use.

Trees

The removal of trees was also identified as a concern. An arborist report has been submitted with the application identifying the trees that are proposed to be removed. Due to the design of the development, all trees on the subject lands are identified for removal. Of the 13 existing trees on the Regional Boulevard, 4 are proposed to be removed to accommodate the proposed driveway access to the site. There are 4 trees on private property located on existing residential lots that would be impacted by the proposal. The owner of three of the four trees has provided the proponent written consent to remove the trees on their lot. Permission for the removal of one tree has not been granted to date, located towards the north end of the site. As this would impact the site design, a revised site plan that provides the necessary buffering to preserve this tree has been submitted. The impact of preserving the tree reduces the parking spaces available for the use from the required 145 spaces to 137 spaces for a total parking space reduction of 8 spaces. Staff are satisfied that this proposed reduction will have minimal impact on the functioning of the site.

As per the Town’s Tree Policy, the applicant will be required to provide compensation for trees that are to be removed to support the proposal. This compensation can be used to augment the required buffering landscaping if desirable. The compensation will be secured through the necessary site plan agreement if this application is approved.

Natural springs and increase in run-off re impervious surfaces / can existing infrastructure handle the increase

The functional Servicing report, which deals with the way in which the site is serviced (including storm water management) has been submitted and reviewed by Engineering Services (ES). ES has provided comments that have not identified any major issues with the servicing plan. The technical comments from Engineering Services can be addressed through the site plan process. The application and servicing details have also been provided to the Lake Simcoe Region Conservation Authority who have indicated they will review at the site plan stage. Furthermore, low impact development design will also be reviewed further at site plan if this application for zoning amendment is approved.

Land value

Typically land value impact is not a planning consideration as there are many factors that influence the value of land and it is difficult to determine if a proposed development would have a positive or negative impact on the value of adjacent property. Typically, the enhancement of a site has a positive impact on surrounding land values.

PLANNING FRAMEWORK DISCUSSION

Provincial Growth Plan (Places to Grow)

The Provincial Growth Plan, which requires that municipalities promote economic development and competitiveness by planning for, protecting and preserving employment areas for current and future uses. Employment areas, by definition in the Growth Plan, are “areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities.”

Section 2.2.6 of the Growth Plan discusses Employment Lands and promoting economic development and competitiveness by

- a. *providing for an appropriate mix of employment uses including industrial, commercial and institutional uses to meet long-term needs*
- b. *providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses*
- c. *planning for, protecting and preserving employment areas for current and future uses*
- d. *ensuring the necessary infrastructure is provided to support current and forecasted employment needs.*

The proposal on the subject lands support the policies of the growth plan as they relate to establishing an employment use (Office) and ancillary uses on the site. The site can be appropriately serviced and does not appear to limit the suitability of the surrounding employment lands to continue functioning in their current state or the potential redevelopment of the area.

The policies in the Growth Plan are designed to encourage the use of lands in areas that are well served by public transit for higher density employment uses. Mulock Drive is served by York Region Transit and Metrolinx has recently announced plans for a new Mulock Station in the vicinity of the subject lands.

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.

Section 1.3.1 indicates that Planning Authorities shall provide for an appropriate mix and range of employment (including industrial, commercial and institutional uses) to meet long-term needs.

Section 1.3.1 indicates that Planning Authorities shall provide opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses.

Section 1.3.1 indicates that Planning Authorities shall plan for, protect and preserve *employment areas* for current and future uses

The proposed zoning amendment for the subject lands would continue to allow an appropriate mix of employment and ancillary uses that support a wide range of economic activities to meet the Town's long term needs.

The rezoning of the subject lands to provide further development opportunities appears to be consistent with the relevant provisions the Provincial Policy Statement.

Region of York Official Plan

The York Region Official Plan (YROP) was approved by the Minister of Municipal Affairs and Housing on September 7, 2010 and was appealed to the Ontario Municipal Board (OMB). Since then, the York Region Official Plan has been partially approved by the OMB. The policies within the Region of York Official Plan that apply to the subject property are in full force and in effect.

Section 4 of the YROP discusses the Region's commitment to maintain and enhance the long term viability of employment lands, recognizing that these lands are major drivers of economic activity. Specifically, section 4.3.8 indicates that the conversion of employment lands to non-employment land uses is not permitted. For the purposes of this policy:

- a. employment lands are lands that are designated for employment uses including land designated as industrial and business park in local official plans; and,
- b. uses not permitted on employment lands include residential, major retail and other retail and commercial non ancillary uses.

As the subject lands are within an area designated for employment uses in the Town's Official Plan, any retail permission must be ancillary to employment uses.

This section of the YROP continues to indicate that a limited amount of ancillary uses are permitted on employment lands, provided that the proposed uses are intended to primarily service businesses in the employment lands and that ancillary uses collectively do not exceed 15 per cent of an employment area as defined in the local official plan. It is up to the local municipality to determine the location, amount and size of ancillary uses on employment lands that is in proportion with the planned function, size and scale of the overall employment land area.

Staff are satisfied that the proposal is in conformity with the Region of York Official plan and that the proposed uses are appropriate for the site. The necessary site specific zoning bylaw will ensure that retail uses area ancillary and the maximum floor area capped at the amount proposed (identified under the "Proposal" section of this report).

Official Plan Considerations

The subject property is designated Business Park – Mixed Employment in the Town’s Official Plan. Areas of Newmarket designated Business Park are intended to provide for the Employment needs of the community. The Mixed Employment designation permits business and professional offices, research and development facilities along with manufacturing uses. Service Commercial, motor vehicle uses, commercial schools and accommodation facilities are also among the permitted uses in this designation.

While retail uses are not specifically identified as permitted within this designation, it is accepted that ancillary retail uses are appropriate in Employment Areas subject to limiting the type of retail to ancillary, limiting the overall amount of ancillary retail on any one property and limiting the size of any one retail to ensure the retail uses are truly ancillary and secondary to the main use(s) on the site. Specifications for the proposed retail permissions will be included in the implementing by-law if this application is approved.

The uses contained within the Mixed Employment zone are consistent with and compatible to the existing uses around the subject lands and a landscaped buffer area is proposed around the periphery of the site. Where the proposed parking area abuts existing residential, the by-law requires the buffer area to be landscaped and an opaque fence to be erected.

It is not anticipated that the proposed uses would have any nuisance effects on adjacent properties. Medical office uses and ancillary retail would likely have less impact to the adjacent residential than more traditional employment uses such as manufacturing which is also permitted on this property.

Engineering services have reviewed the proposal and have indicated the site can be serviced appropriately. They have technical comments that can be addressed at the site plan stage.

The lands are of sufficient size to accommodate uses under the Mixed Employment zone as parking is being provided in accordance with the zoning bylaw and appropriate buffers are being accommodated on site. Mulock Drive is an Arterial road intended to accommodate large volumes of traffic and the site is of sufficient size to accommodate parking and loading for new development.

Based on the above, amending the existing Mixed Employment zone to permit ancillary retail (including a pharmacy), medical clinic and medical laboratory conforms to the general intent of the 2006 Official Plan.

Zoning Bylaw Consideration

The Subject Property is currently zoned Mixed Employment under comprehensive by-law 2010-50. The Mixed Employment zone permits a broad range of Employment, Office and Service related uses. The proposed medical office is a permitted use under the existing zoning however the inclusion of a medical clinic, ancillary retail and laboratory uses requires an amendment.

The proposed zoning by-law will restrict the maximum floor area of these uses to the area being proposed on the plan (and identified under the “Proposal” heading of this report) to ensure the uses remain ancillary to the main medical office use. Relief from the Mixed Employment zone standards are being sought as they relate to the front yard setback, buffer areas and loading space requirements. Staff have reviewed the requested relief and are of the opinion the proposal remains consistent with the intent of the zoning bylaw.

The front yard setback reduction from 12 metres to 6 metres allows the building to be brought closer to the street while leaving sufficient room for landscaping.

The buffer area adjacent to the existing residential lots on Bayview is proposed to be reduced from a minimum of 6 meters to 4.3 metres. The reduced area will still accommodate the necessary landscaping as well as the required

1.8 meter high opaque wood fence along the interface. As noted above, if desirable, the tree compensation can be used to augment this buffer area to further assist in mitigating impacts from the parking area on the adjacent residential.

The reduction from the 3 required loading spaces to 1 loading space has been confirmed by the applicant to be sufficient for the proposed medical and ancillary uses. Staff agree that the proposed medical uses would not generate the need for additional loading spaces.

Reduction of the required parking by 8 spaces to allow for the preservation of a significant tree located on adjacent private property is not anticipated to create any site functioning issues and is supported by staff.

The proposed zoning by-law amendment is attached to this report.

Departmental and Agency Comments

The Town has received comments from departments and agencies offering no objection to the proposed zoning by-law amendment. There are a number of technical comments that will be addressed through the required site plan approval process relating to site servicing and storm water management if this application is approved.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

The redevelopment of this parcel of land in accordance with the Newmarket Official Plan and has linkages to the Community Strategic Plan as follows:

Well Balanced: encouraging a sense of community through an appropriate mix of land uses and amenities.
 Well-Planned & Connected: implementing the policies of the Official Plan

BUDGET IMPACT

Operating Budget (Current and Future)

The appropriate planning application fees have been received for Official Plan amendment and zoning bylaw amendment.

Capital Budget

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

CONTACT

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

Attachments

- 1 - Location Map
- 2 - Proposed site plan
- 3 - Elevations
- 4 - Draft By-law



Commissioner Development and Infrastructure
 Services

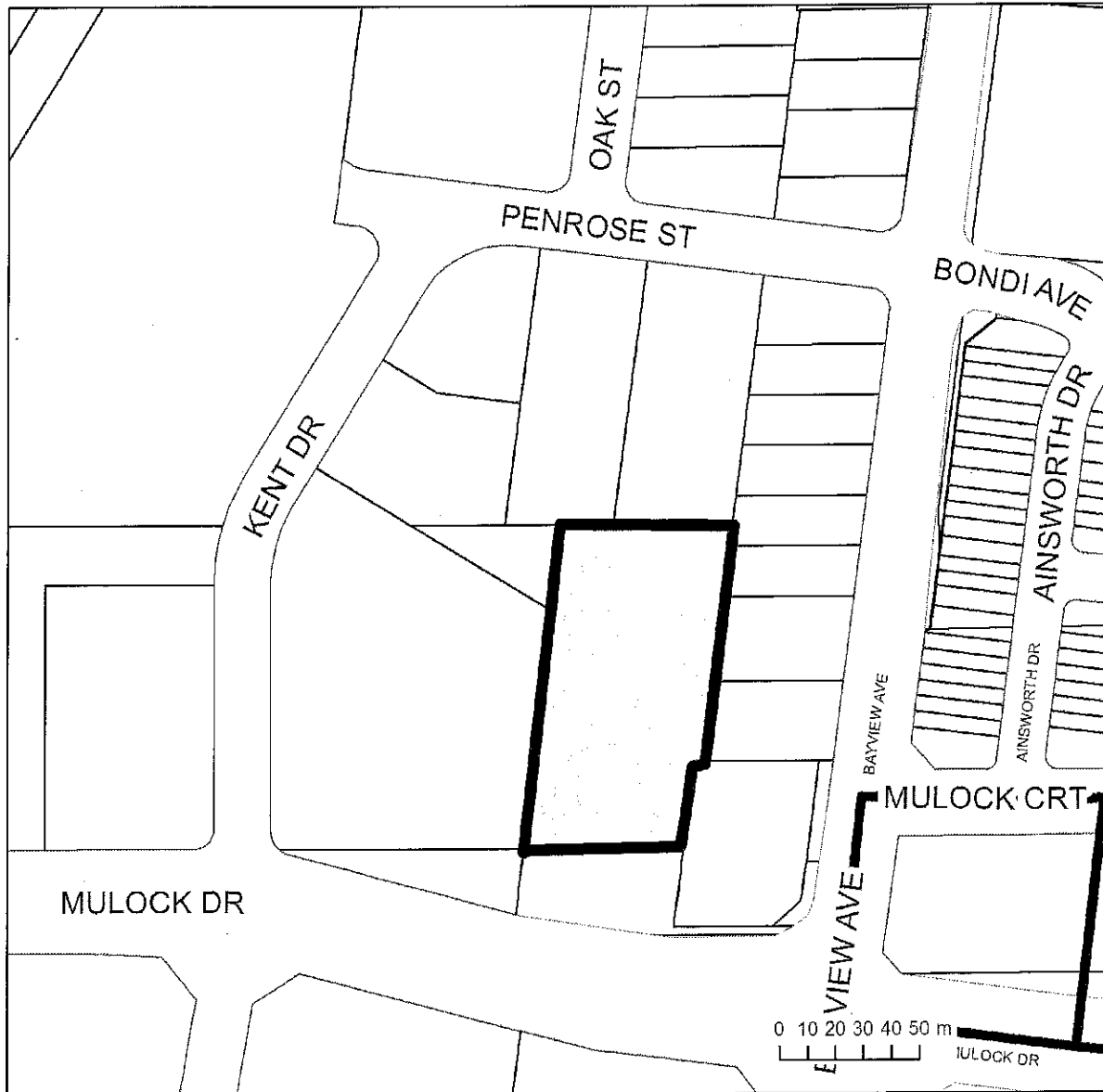


Director of Planning and Building Services



Senior Planner – Community Planning

LOCATION MAP 507 Mulock Drive North Side of Mulock Drive, West of Bayview Avenue

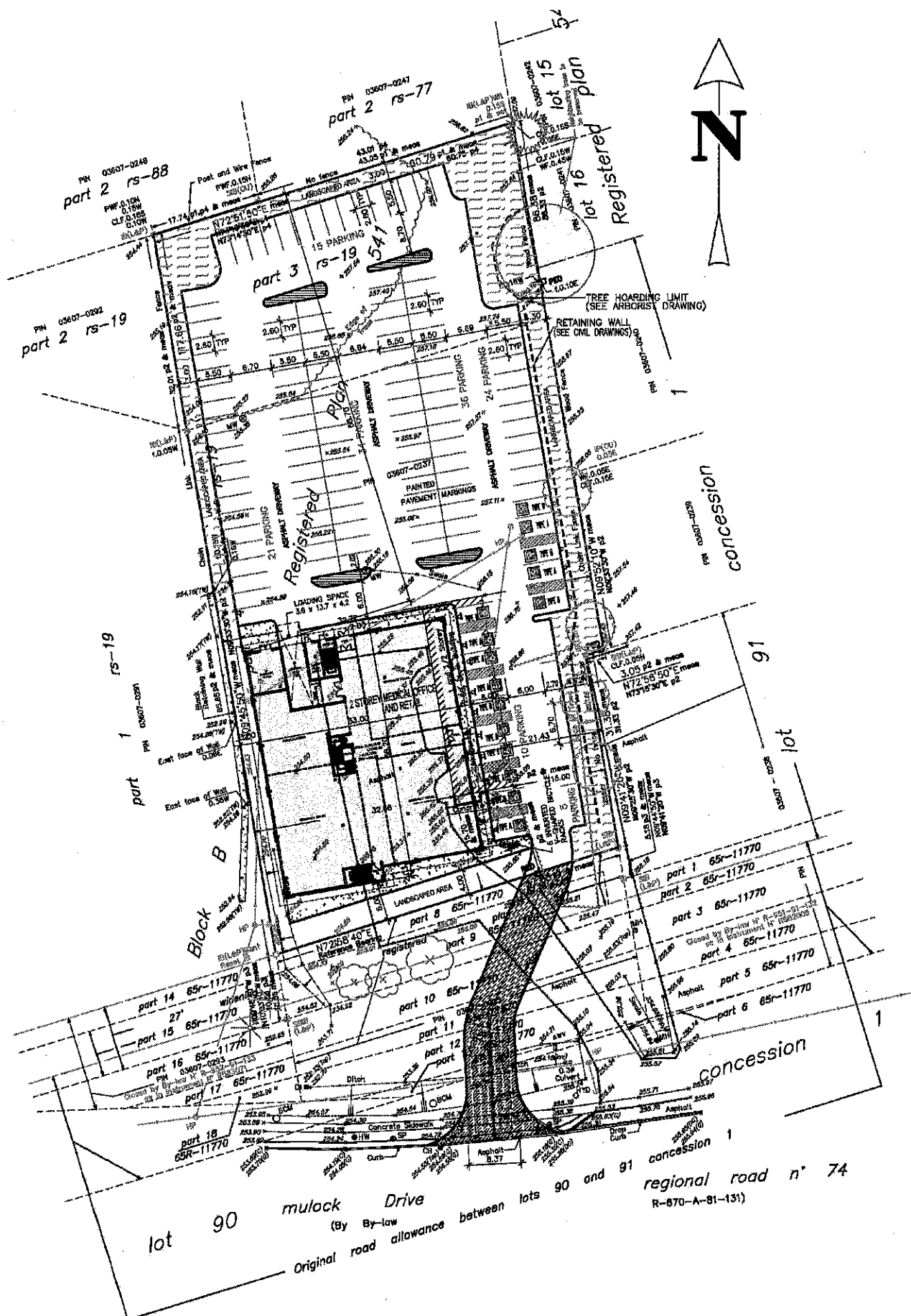


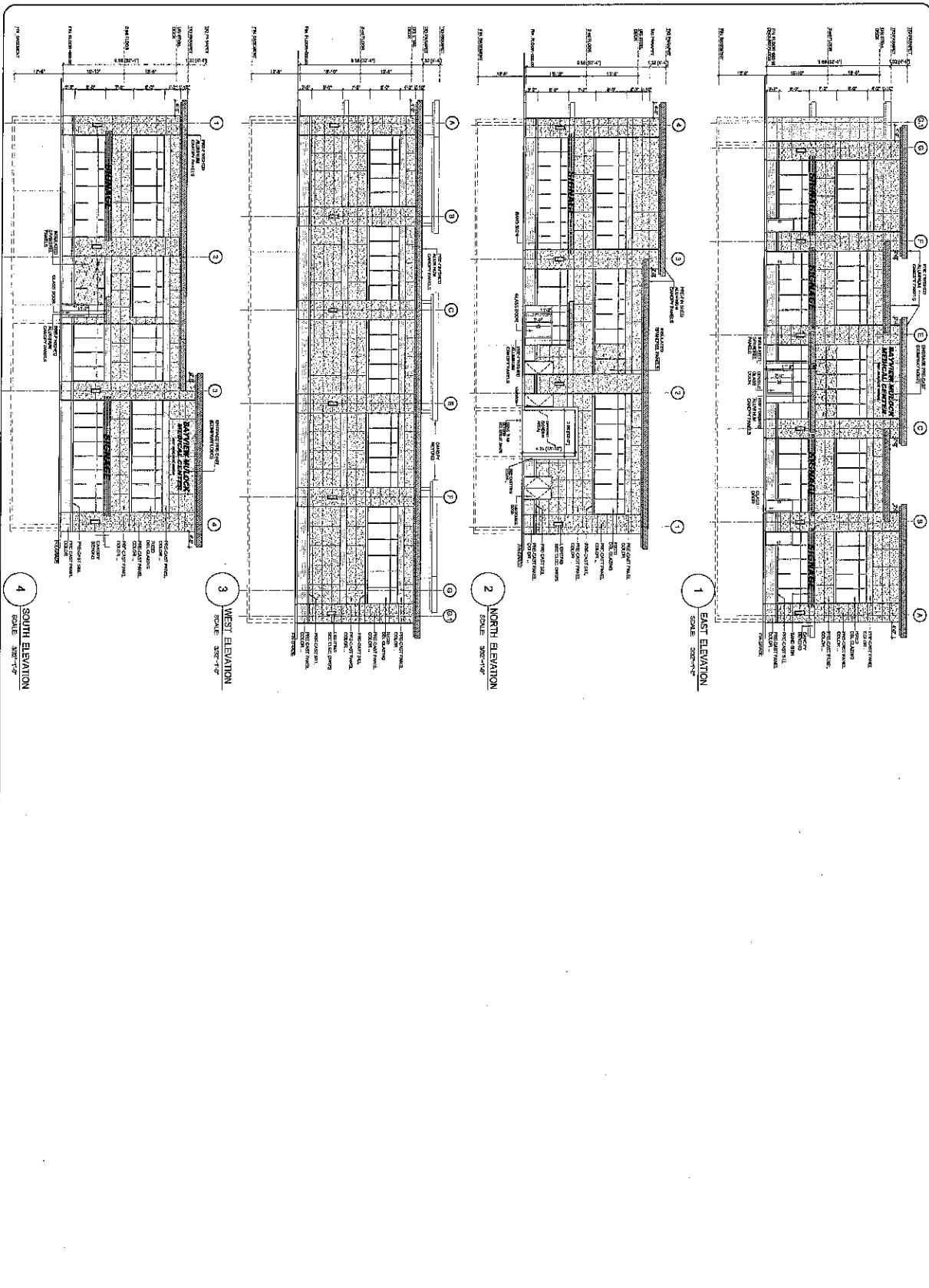
 Subject Lands

TOWN OF NEWMARKET PLANNING DEPARTMENT



Designed & Produced by Information Technology - GIS Printed, August, 2016. Land Parcel Boundaries - © Teramet Inc. and its suppliers. All rights reserved. NOT A PLAN OF SURVEY, 2016. Zoning - Town of Newmarket, 2015. DISCLAIMER: This mapping is based on the POLARIS parcel fabric product compiled using Land Registry System records and recent surveys and control points where available. This mapping is a representation of the earth's surface and provides estimates of area and distance. This map has been produced for illustrative purposes only. It is not a substitute for a legal survey.





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| <p>REVISIONS</p> <p>1. REVISIONS TO BE MADE</p> | |
| <p>DATE</p> <p>BY</p> | |
| <p>PROJECT: 507 MULOCK DRIVE ZONING BY-LAW AMENDMENT</p> | |
| <p>DATE: OCT 2015</p> | |
| <p>SCALE: 1/8" = 1'-0"</p> | |
| <p>DESIGNER: V.D. / S.M.</p> | |
| <p>DATE ASSEMBLED: / /</p> | |
| <p>FOR DISCUSS PURPOSES</p> | |
| <p>OPTION N/C</p> | |
| <p>15000 BOARD OF ARCHITECTS</p> | |
| <p>ARCHITECT: DESIGN CO.</p> | |
| <p>55 FERRIS GARDNER, ON Architect #12 553 5</p> | |
| <p>PRODUCED BY: STRONG/VERMAU</p> | |
| <p>FOR: AN: 507 MULOCK DRIVE</p> | |
| <p>REVISIONS</p> | |

CORPORATION OF THE TOWN OF NEWMARKET
 BY-LAW NUMBER 2017-XX

A BY-LAW TO AMEND BY-LAW NUMBER 2010-40 BEING A ZONING BY-LAW.
 (Town of Newmarket)

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

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

AND THAT By-law Number 2010-40, be and the same is hereby further amended by:

1. Delete from Schedule "A", Map No.11, the "EM – Mixed Employment" on 507 Mulock Drive; and substituting a site specific exception, as shown more particularly on Schedule "2" attached hereto, and forming part of this By-law.

2. Adding the following regulations relating to the Section 8.1.1 List of Exceptions:

i) Location:

ii) Legal Description: 507 Mulock Drive
 Part BLK B PL 541 Newmarket PTS 3&4, Town of Newmarket

iii) Uses: The following uses are permitted in addition to those already permitted in the EM zone:

- a. Medical Clinic, to a maximum floor area of 150 sq. m
- b. Medical Laboratory, to a maximum floor area of 600 sq. m
- c. Pharmacy/ Ancillary Retail, to a maximum floor area of 800 sq. m

iv) Notwithstanding any other provision of the by-law, the following Development Standards shall be applied to the lands subject to this by-law:

- a. Minimum Front Yard Setback: 6 m
- b. Minimum Side Yard Setback (west) for
 a building greater than 15.1 metres in height: 3 m
- c. Minimum Landscape Buffer (east)
 - Adjacent to Residential Areas: 4.3 m
- d. Minimum Front Yard Landscape Buffer: 4 m
- e. Minimum Driveway/Aisle Width: 6 m
- f. Minimum Parking Requirement: A minimum of 137 parking spaces for 3784.46 sq. m of gross floor area
- g. Minimum Number of Loading Spaces: 1 space for 3784.46 sq. m of gross floor area
- h. Minimum width for a barrier-free parking stall: 3.9m (including the width of the shared aisle with adjacent stall)

**507 Mulock Drive
Town of Newmarket
Regional Municipality of York**

This is Schedule 'A'
To By-Law 2017-_____
Passed this _____ Day
of _____, 2017

Mayor

Clerk



**SCHEDULE "A" TO BY-LAW 2017-_____
TOWN OF NEWMARKET PLANNING DEPARTMENT**



DISCLAIMER: This mapping is based on Regional Municipality of York Mapping (2012) Geomatics. This is not a plan of survey.



February 2, 2017

CORPORATE SERVICES REPORT – LEGISLATIVE SERVICES 2017-03

TO: Committee of the Whole

SUBJECT: Carnival – D.A. Campbell Amusement Ltd. – Upper Canada Mall

ORIGIN: Director, Legislative Services/Town Clerk & Licensing Officer

RECOMMENDATION

THAT Corporate Services Report – Legislative Services 2017 - 03 dated February 2, 2017 regarding Carnival - D.A. Campbell Amusement Ltd. Upper Canada Mall be received and the following recommendation (s) be adopted:

- i) THAT the application be approved subject to the following terms:**
- ii) THAT the license be issued for a period of seven consecutive days from May 9, 2017 to May 15, 2017 to permit the setting up and dismantling of amusement devices;**
- iii) AND THAT the actual operation of the carnival not exceed five consecutive days within that permitted time period.**

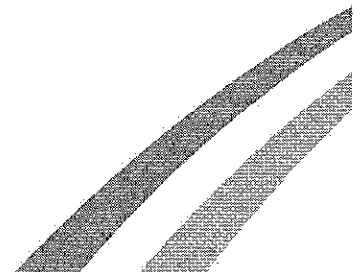
PURPOSE

To issue a Carnival licence to D.A. Campbell Amusements Ltd. to be held at Upper Canada Mall for the time requested.

COMMENTS

This report is with respect to an application for a Carnival licence for the event to be held at Upper Canada Mall from May 9th – May 15th, 2017. The charitable organization that will be sponsoring this event is the Easter Seals Society of Ontario. The proceeds from the event would go to assist the Easter Seals Society of Ontario and Southlake Regional Health Centre.

D.A. Campbell Amusements Ltd. together with Persechini Easter Seal Run Walkathon has been hosting a Carnival at the Upper Canada Mall for a number of years. In 2009 a draft Carnival By-law was presented to Council for approval, Council requested an amendment to the draft to reflect that Carnival License applications must be submitted 90 days prior to the event, and the approval to issue Carnival Licenses be approved by Council rather than the Town Clerk.



Council has been approving all Carnival applications submitted to the Town since the Carnival By-law 2009-78 was passed. A Carnival licence is only issued to a person/operator/licensee once in a calendar year unless the carnival is operated in conjunction with a Town event and the approval by Commissioner or Director of Community Services. Legislative Services Department has not received any complaints regarding the Carnival.

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

None

HUMAN RESOURCE CONSIDERATIONS

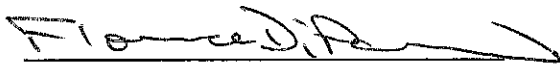
There are no Human Resources considerations related to this report.

BUDGET IMPACT

None

CONTACT

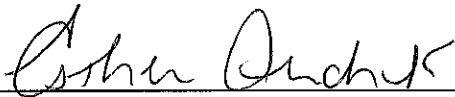
For more information on this report, contact Florence DiPassio, Licensing Officer at 905-953-5300 extension 2206 or via email at fdipassio@newmarket.ca



Florence DiPassio, Licensing Officer



Lisa Lyons, Director, Legislative Services/Town Clerk



Esther Armchuk, Commissioner of Corporate Services



ENGINEERING SERVICES
Town of Newmarket
395 Mulock Drive
P.O. Box 328, STN Main
Newmarket, ON L3Y 4X7

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www.newmarket.ca
engineering@newmarket.ca
T: 905 895.5193
F: 905 953 5138

February 8, 2017

**DEVELOPMENT & INFRASTRUCTURE SERVICES REPORT
ENGINEERING SERVICES 2017-10**

TO: Committee of the Whole
SUBJECT: Oak Street – Parking Restrictions
File No.: T.08 T.30 Oak Street
ORIGIN: Director, Engineering Services

RECOMMENDATIONS

THAT Development and Infrastructure Services Report – ES 2017-10 dated February 8, 2017, regarding “Oak Street – Parking Restrictions” be received and the following recommendation be adopted:

THAT the existing parking restrictions on Oak Street remain as they are.

COMMENTS

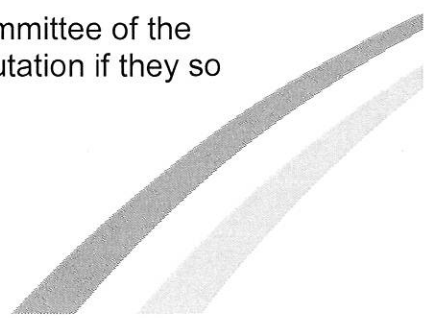
Engineering Services received a request from a concerned resident, through the Mayor’s office, to review the parking restrictions on Oak Street, north of College Street. Engineering Services undertook the process outlined in the Corporate Parking Policy by contacting the community for feedback arising from the proposed extension of the existing parking restrictions for the subject section of Oak Street. It was concluded that the majority of residents on this section of Oak Street are against any changes to the current parking regulations.

Therefore, it is recommended that there be no changes to the existing parking restrictions on Oak Street at this time.

PUBLIC CONSULTATION

A letter was sent to a total of 11 households in the Oak Street community on January 2, 2017, to solicit their comments on the proposed parking restrictions. Out of the households contacted, one resident expressed support for the introduction of parking restrictions, and three other residents did not support extending the parking restrictions.

A copy of this report will be forwarded to affected residents prior to the Committee of the Whole Meeting so that residents may attend the meeting or present a deputation if they so wish.



BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

- Well-planned and connected...strategically planning for the future to improve information access and enhance travel to, from and within Newmarket.

HUMAN RESOURCE CONSIDERATIONS

No impact on current staffing levels.

IMPACT ON BUDGET

Operating Budget (Current and Future)

No impact on the Operating Budget.

Capital Budget

No impact on the Capital Budget.


CONTACT

For more information on this report, please contact Bill Gould at 905-895-5193 extension 2512; bgould@newmarket.ca.

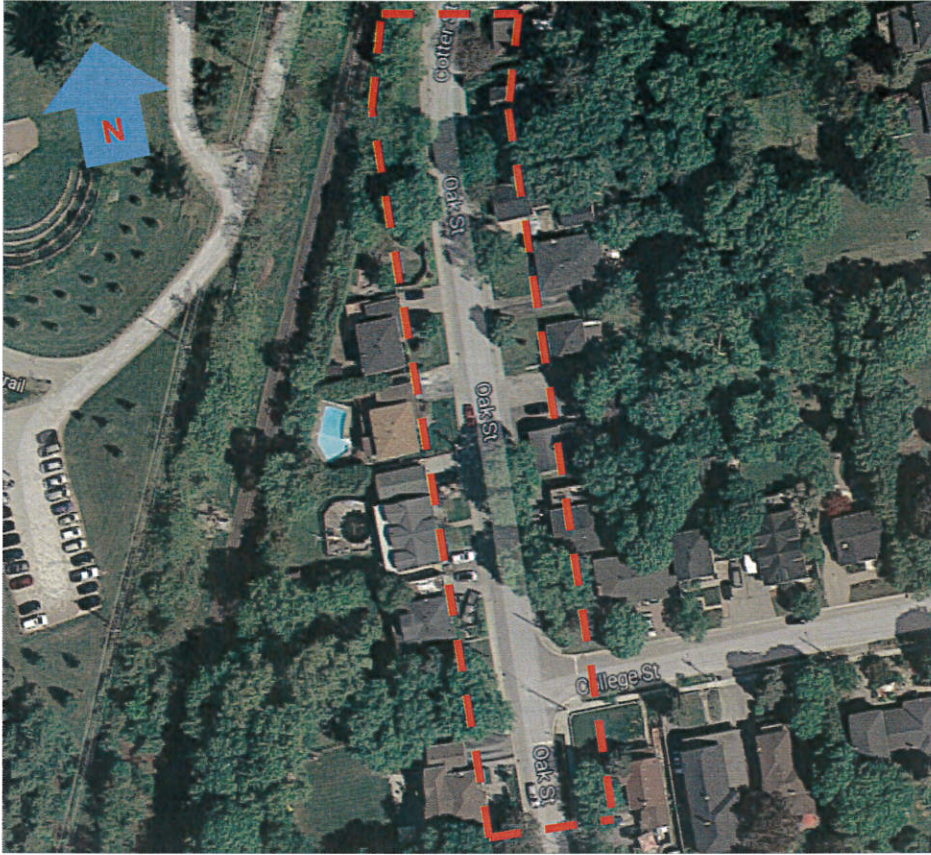
Prepared by:


B. Gould, A.Sc.T.
Senior Transportation Coordinator


M. Kryzanowski, M.C.I.P., R.P.P.
Manager, Transportation Services


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


P. Noehammer, P.Eng., Commissioner
Development & Infrastructure Services



Oak Street Study Area



February 27, 2017

**Development and Infrastructure Services – Planning & Building Services and
Public Works Services Joint Report 2017-05**

TO: Committee of the Whole

SUBJECT: Tree Removal and Protection Policies and Regulations and the Urban Forestry Management Plan

ORIGIN: Council Direction - November 7, 2016

Recommendations

THAT Development and Infrastructure Services/Planning & Building Services and Public Works Services Joint Report 2017-05 dated February 27, 2017 regarding Tree Removal and Protection Policies and Regulations and the Urban Forestry Management Plan be received and that the following recommendation(s) be adopted:

1. **THAT Council direct staff to update the existing Tree Preservation, Protection, Replacement and Enhancement Policy.**
2. **AND THAT Council direct staff to prepare and bring to a future Council meeting a by-law regulating and protecting significant trees on private property.**
3. **AND THAT Council direct staff to prepare and bring to a future Council meeting a by-law protecting trees on municipal property.**

Executive Summary

Newmarket's urban canopy is made up of both public and private trees and is a valuable infrastructure asset. As per the 2016 Urban Forestry Study, these trees help avoid more than 200,000 cubic metres of water runoff each year, a service valued at nearly \$500,000. Our trees reduce erosion, improve air quality, and increase property values. The urban canopy reduces residential energy costs by more than \$3,000,000 per year. The replacement value of Newmarket's trees exceeds \$350,000,000.

The Town's existing policies and by-laws related to trees have accomplished much by advancing the state of tree protection and replanting. In recent years Council has adopted a number of policy documents which reinforces the importance of tree protection. The Official Plan sets targets for tree cover in woodlots, and a recent Urban Forestry Study in partnership with the Region and the Conservation Authority outlines goals for canopy cover across the entire Town. Despite successes in preserving trees and ongoing planting efforts, the current state of tree policy, planting, and protection is not conducive to the Town meeting these targets.

This report will:

1. Provide information to Council regarding the current level of tree removal regulation that exists relative to public and private property.
2. Discuss the value of trees in Newmarket and the importance of trees as natural capital infrastructure assets.
3. Outline the relevant Town and Region policy and legislative documents.
4. Discuss difficulties in the existing Town approach to the regulation of trees.
5. Present a recommended approach and next steps

Background

Council has considered the general issue of tree preservation on numerous occasions in the past, in various forms. The following is a list of when Council has previously considered parts of this initiative:

- A draft tree policy was presented to local developers in November of 2001 to begin a discussion on the need for tree protection in Newmarket.
- In 2002 Council considered Legal Services Report 2002-29 and Planning Report 2002-58 regarding the protection of trees in the municipal boulevard, development applications, and building permits. Staff provided a Tree Preservation, Protection, and Replacement Policy for public comment.
- In 2003 Council received Legal Services Report 2003-11 and Planning Report 2003-54, which addressed the need for a tree protection and replacement policy applicable during development applications, a process for protecting and replacing trees during the subdivision approval process, and addressed a by-law to prohibit or regulate the injury or destruction of trees outside of development applications.
- In 2004 Council received Planning Report 2004-17, which recommended the adoption of the Tree Preservation, Protection, Replacement and Enhancement Policy. Council referred the Policy to staff for changes, and staff engaged in meetings with members of the local development industry in June of 2004. Planning Report 2004-41 returned to Council with a revised Policy which was adopted as the Town's first tree protection policy.
- Legal and Development Services (Planning) Report 2006-03 provided a review of the policy. Following a survey of stakeholders, minor revisions to the Policy were proposed and adopted.
- In 2011, Council received Community Services /Planning & Building Services Report 2011-42 which responded to concerns from the Newmarket Environmental Advisory Committee that it was necessary to prevent the removal of trees in advance of formal planning applications. In response, Staff undertook research and presented Council with a number of reports in 2012.
- In 2012, Council received several reports on a by-law regulating tree removal on private property. At that time, a tree cutting by-law was drafted and put out for public comment.
- Community Services/Planning & Building Services Report 2012-43 discussed that tree protection on municipal lands would be addressed through a future Parks By-law. Community Services/Planning & Building Services Report 2012-55 laid out possible costs for the administration

of a tree-cutting permit program. Council did not choose to pursue a tree cutting by-law for private property. At the time, it appeared the community was divided on the appropriateness of a private tree cutting by-law; with some residents in favour, some against. Some of the comments received during the public consultation for that draft by-law, both in support of and against, are as follows:

- ◆ Only one permit per 12 month period should be available to a property owner
- ◆ Increase the dbh of individual trees requiring a permit to be removed from 20 cm to 70 cm
- ◆ Need to include a permit fee for the removal of an individual tree which exceeds the minimum dbh requirements (currently the draft by-law only addresses fees for the removal of 3 or more trees)
- ◆ Require a permit for the removal of any tree regardless of its size
- ◆ Provide exemptions if “X” number of invasive trees are removed and replaced by “X+1” native trees
- ◆ Trees on private property are the homeowner’s trees and should be allowed to be removed as the homeowner pleases without the need for a permit
- ◆ Homeowners typically act responsibly in maintaining their trees and therefore do not need the Town to monitor trees on private property
- ◆ Don’t require certification from a Town representative to remove hazardous trees
- ◆ Consider exempting other utilities beyond the Hydro authority
- ◆ Include criteria that a permit may be issued where a building or structure requires the removal of a tree and there is no reasonable alternative, and/or where a tree is causing structural damage to load-bearing structures, drains, or buildings

Since the previous review of policies related to trees, a number of changes and trends have underlined the need for an improved approach to tree protection and replacement. Changes in Provincial (Climate Change Action Plan), Regional (York Region Official Plan and York Region Urban Forestry Study), and local (Stormwater Rate Credit Program and Community Energy Plan) have reinforced the importance of trees. These policies are laid out in the section below, and the value of trees is discussed later in the report.

On November 7, 2016, a deputation to Committee of the Whole resulted in direction to staff to complete a fulsome exploration of the issue of protection and regulation of trees on private property. A complete and comprehensive review of all tree preservation initiatives is recommended to consider how these policies and by-laws work together to protect this valuable asset.

Current Tree Protection Measures and Tree Removal Regulations

The Town and Region currently use a number of tools to manage canopy cover and the removal of trees in the Town. It is important with these tools to make a distinction between tree *protection*, which seeks to prevent the injury or removal of a tree; and tree *regulation*, which sets conditions to be met to remove or injure a tree that are generally enforced through a permit or approval process. In this regard, the Town’s policies are more accurately tree regulation rather than tree protection.

Even with the existing measures in place, individual trees on private properties and trees on some municipal properties are unregulated and unprotected. These measures are presented in the following table and then discussed in more detail.

| Policy / Study / By-law | Public/ Private Land | Notes | Effects |
|--|----------------------------|---|---|
| REGION | | | |
| York Region Forest Conservation Bylaw 2013-68 | Both | Applies to Woodlots over 1ha, roughly size of two football fields. | Regulates the removal of trees in large forests. |
| TOWN | | | |
| Town Official Plan Policy 9.3.2.3 | Both | Sets goals for tree cover of woodlands and discourages development that impacts them. | Has no impact on tree removal. |
| Urban Forestry Study | Both | Maps woodlot and urban tree cover, describes their health and function, and provides input for their improvement. | Has no impact on tree removal. |
| Community Energy Plan | N/A | Describes the energy use patterns of the Town and how to improve the sustainability, economic development potential, and efficiency of energy in Town. Acknowledges benefits of trees in assisting in energy savings. | Has no impact on tree removal. |
| Tree Preservation, Protection, Replacement and Enhancement Policy | Both | Only applicable when property is subject to a development application | Regulates removal of some trees for properties under a development application. |
| Bylaw 2007-71 - To prohibit or regulate the destruction of woodlot trees | Both | Applicable to certain Woodlots under 1ha. | Requires a permit to remove trees in some areas. |
| Stormwater Rate Credit Program | Private | Stormwater rate charges owners of properties for the runoff their lands generate. The program proposes to subsidize planting private trees, as this reduces Town stormwater expenses. | Has no impact on tree removal. |

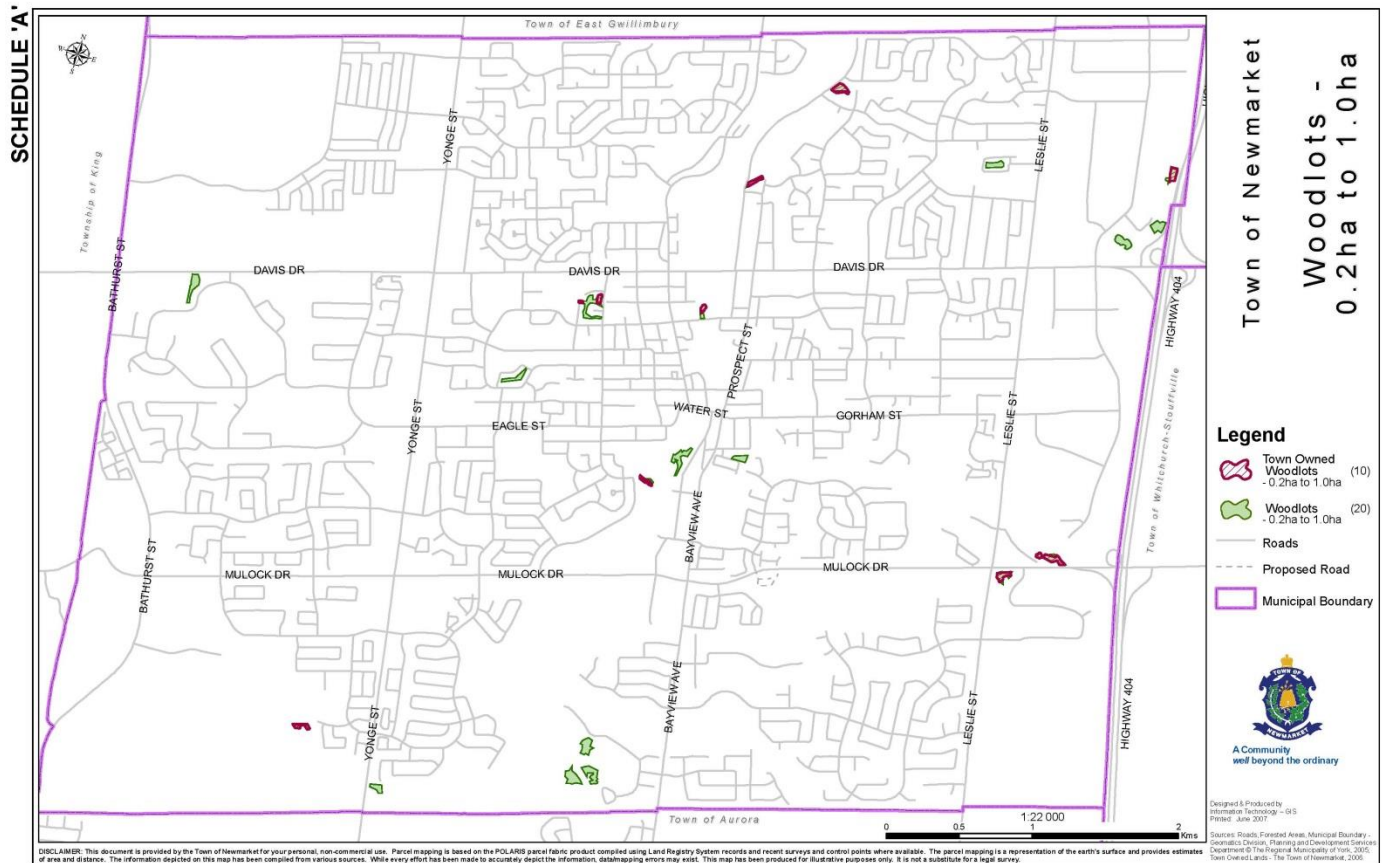
York Region Forest Conservation By-law 2013-68

The removal of trees within woodlots greater than 1 hectare in size is regulated by the York Region Forest Conservation By-law 2013-68. This by-law prohibits the injuring or destruction of trees within woodlots unless a permit is obtained. In these areas the removal of trees is regulated by the by-law, but not prohibited. Property owners are required to obtain a permit before removing or injuring a tree.

Town's Woodlot By-law 2007-71

The removal of trees within certain smaller woodlots is regulated by the Town's Woodlot By-law 2007-71. Similar to the Region's Forest Conservation By-law 2013-68, this by-law prohibits the injury or destruction

of a tree within woodlots without a permit. The by-law allows a permit for tree removal to be issued for any construction or building permits. Staff have processed 10 permits since the by-law was passed, permitting the removal of trees due to tree decay, pool installation, and residential garage construction / driveway widenings. The areas covered by the woodlot by-law can be seen highlighted in the map below; the by-law only regulates trees within a woodlot which is between 0.2 and 1.0 hectares in area.



Woodlots in the Official Plan

The Town's Official Plan designates areas as "Woodlots". However, these areas do not necessarily overlap with woodlots identified on the Region or Town By-laws. Furthermore, properties designated as Woodlots in the Official Plan have no greater protection against the removal of trees due to this designation. A private property owner whose lands are designated as a Woodlot by the Official Plan is not prevented from removing any trees on their property, save and except for during a planning application in which case they are required to replant or pay the Town for the value of the removed trees as per the Tree Policy.

Tree Preservation, Protection, Replacement and Enhancement Policy

When submitting a Development Application, where significant trees exist on or near the property, applicants are required to submit a drawing or survey identifying the location of the significant trees. Significant trees are any tree 30cm or greater in diameter. The Tree Policy seeks to replace trees that are removed – for example, if a tree 30cm in diameter is to be removed, the Town will ask for three 10cm trees to be planted on the property or the cash value of the same. The removal or damaging of significant trees

is also subject to compensation in accordance with the Tree Policy if and when the property is subject to a Development Application.

The Tree Policy was adopted by Council in 2005 and revised in 2008. The Policy has not been revisited or revised in nine years. Policies are considered 'living documents', as they are used and implemented various interpretations must be made. Over time staff utilizing the Tree Policy have adopted various interpretations and noticed some challenges with the document. Therefore a comprehensive review of the document is recommended to take the opportunity to improve the difficult areas. This would be done in consultation with the various stakeholders that also use the Policy.

Parks By-law

In 2013, Council adopted the Parks By-law which regulates uses and activities within parks. Section 2.9 of By-law 2013-14 prohibits the removal or injury of a tree within a town park. Staff are aware of a number of instances in which residents have sought permission to injure or remove a Town-owned tree that is outside of a park – for instance, on a municipal boulevard or other Town-owned land. In some cases, residents have removed Town-owned trees without permission of the Town or performed works that have caused the trees to decline or die.

Example from staff experience: In front of a pair of semi-detached homes there were two coniferous trees and one multi-stem beech tree owned by the Town in the municipal right-of-way.

Between 2007 and 2009 one property owner removed the two coniferous trees to widen their driveway. The beech tree has a walkway and driveway abutting its trunk and has declined significantly to a single stem.

The Town should have a by-law in place to prevent the injury or removal of any Town-owned trees without Town approval, and not only for trees located in parks.

Urban Forestry Management Plan

Other work is underway advancing the Town's goals related to trees. Public Works Services is undertaking an Urban Forestry Management Plan that will seek to integrate the work of the Town's departments along with appropriate Regional works related to trees under one approach, including tree maintenance, capital projects, parks, development applications, tree coverage goals, and other matters.

Site Plan Applications and Landscaping

The Town requires a high standard of site design and landscaping through all site plan applications. This includes the planting of trees on private property. Planning Services and Engineering Services work to ensure appropriate tree plantings in all development applications.

Comments

Staff believe it is important to develop a comprehensive policy and by-law regime to protect Newmarket's trees. This is important because of the economic, environmental and social benefits of trees outlined

below. Many municipalities take a full spectrum approach to tree preservation and regulation with both policies and by-laws to limit the removal of trees and promote the planting of new trees.

The majority of York Region local municipalities, including the other urban municipalities (Richmond Hill, Markham, Vaughan, and Aurora), have a by-law regulating trees on private property. The more rural municipalities (King, Georgina and East Gwillimbury) have some Official Plan policies or wholly rely on the Region's Woodlot By-law for protecting trees. Newmarket is in the middle of the group by having Tree Policy but not having a tree protection/removal by-law. Appendix A provides a chart comparing how other municipalities in and around York Region are protecting and regulating trees.

Municipalities that have private tree by-laws generally also have some kind of Urban Forestry Management Plan. Urban Forestry Management Plans set out policies and procedures for tree maintenance. It is the overarching plan, setting the stage for all of the various tree policies and by-laws and regulations.

Value of Trees

Many are familiar with the environmental benefits of trees, however there are also significant social, health, and economic benefits of maintaining, enhancing, and retaining mature trees. It is important to recognize that trees are valuable public infrastructure, and not simply ornamentation.

Each tree is an asset with a value like a road or a water pipe or a building. Trees are natural infrastructure that reduces stormwater runoff, reducing Town costs to manage this water. Trees are shoring infrastructure that reduces erosion thus protecting property. Trees are insulating infrastructure that reduces energy demand for adjacent buildings. Trees are public health infrastructure that reduces the rate of asthma and respiratory disease in nearby residents. And trees are beautifying infrastructure that increases property values.

Each tree, whether public or private, has a value to the Town and its residents, and provides public benefits. The removal of any tree, whether public or private, reduces these benefits to the Town and its residents.

In 2016, the Town, the Region, and the Lake Simcoe Region Conservation Authority completed an Urban Forestry Study which examined the extent of the urban canopy cover. Here are some highlights from the findings of the Study:

1. The estimated structural value of all trees in Newmarket, as of 2015, is approximately \$364 million. This value does not include the ecological or societal value of the forest but rather represents an estimate of tree replacement costs.
2. The greatest proportion of the urban forest is located in the residential areas of the municipality; approximately 30% of the total tree and shrub cover in the town is found within this land use.
3. As urban trees increase in size, their environmental, social and economic benefits increase as well. For example, in Newmarket a tree that's 68.6-76.2cm DBH, stores 13 times more carbon as compared to a tree between 7.6-15.2 cm DBH.
4. Trees in Newmarket sequester approximately 1,558 metric tonnes of carbon per year, with an associated annual value of \$120,408. Trees in Newmarket store approximately 35,345 metric tonnes of carbon, with an associated value of \$2.74 million.

5. The urban forest can improve local air quality by absorbing and intercepting airborne pollutants. Newmarket's urban forest removes 40 metric tonnes of air pollution annually; this ecosystem service is valued at approximately \$321,564 annually.
 - Ozone: 33.17 metric tonnes
 - Particulate matter (<2.5 microns): 1.7 metric tonnes
 - Nitrogen dioxide: 3.4 metric tonnes
 - Sulfur dioxide: 0.94 metric tonnes
 - Carbon monoxide: 0.38 metric tonnes

6. Trees reduce local air temperature due to shading effects and the release of water vapour through evapotranspiration. This reduces energy used for heating by reducing wind speeds as well. In Newmarket the urban forest reduces the annual residential energy consumption by approximately 23,914 MBTUS and 1,127 MWH, with an associated annual financial savings of approximately \$3,345,533. As a result of this reduced demand on heating and cooling the production of 457 metric tonnes of carbon emissions is avoided annually (associated savings of \$35,371).

7. Trees carry a major hydrological impact for their surroundings. Presence of trees decreases surface run off and stream flow as they lead to a reduction in impervious surfaces and soil compaction while increasing water percolation. In addition to this, tree canopies also directly decrease surface run off by intercepting rainfall. The Newmarket urban forest helps avoid 215,058.84 m³/year of runoff with an associated value of \$499,950.30.

Existing Town and Regional Targets and Plans

The Town and the Region have a number of plans that address the need to protect and expand the urban forest. Council has adopted a number of plans that promote, and benefit from, the protection of the urban forest. These plans and their impact is outlined below.

Town of Newmarket Official Plan 2006

The 2006 Official Plan sets a target to increase tree cover from 9% to 12%. The Plan promotes the protection of natural heritage areas, the prevention of the loss of existing trees, the reforestation of lands, and the infilling of gaps between existing woodlots.

Newmarket Urban Forestry Study 2016

This study assessed the distribution, structure, and functions of Newmarket's urban forest and provided recommendations for enhancing its sustainability. This study reinforced the need for the protection of the existing urban canopy and the consideration of trees in both woodland and urban areas.

The UFS included among its recommendations the following:

Recommendation 8: Evaluate and develop strategic steps to protect and increase the proportion of large, mature trees in the urban forest. This can be achieved using a range of tools including Official Plan policy, by-law enforcement and public education. Where tree preservation cannot be achieved, Official Plan policy can be considered that will require compensation for the loss of mature trees and associated ecosystem services.

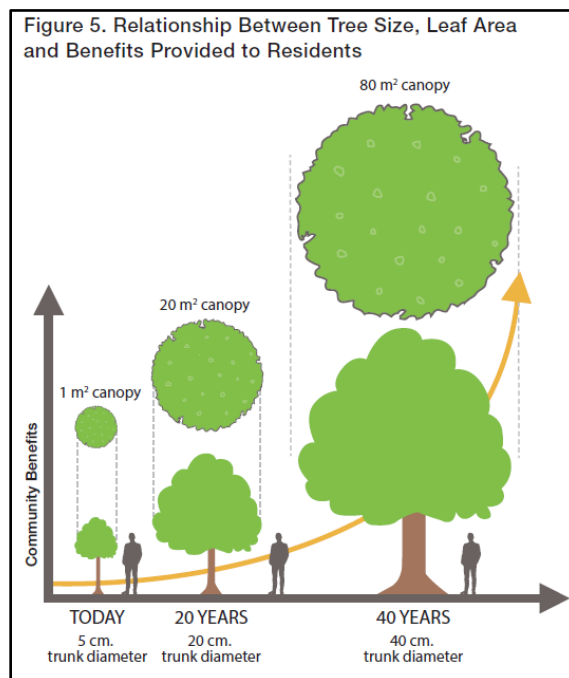
Recommendation 17: Encourage the protection of privately owned natural heritage features through by-laws, outreach and incentives.

Recommendation 18: Research and pursue new partnerships and opportunities with local agencies to enhance urban forest stewardship in Newmarket.

Recommendation 26: Develop and implement an urban forest management plan for Newmarket. When developing an urban forest management plan include a clear implementation plan and associated costs.

The measurement of 9% to 12% “tree cover” in the Town’s Official Plan is the total area of woodland cover, being the larger contiguous wooded areas; however, evolving best practices in arboriculture and the requirements of the York Region Official Plan demand a shift in focus. Rather than measuring the coverage from only woodland trees, it is important to measure overall “canopy cover”, which includes the contribution of all trees, both woodland and urban. This includes street trees, private trees, trees in parks and commercial/industrial areas as they too play an important role as living, green infrastructure assets.

Canopy cover is a measure of the size of our urban forest. Increasing canopy cover will increase the value and benefits to the community. Canopy cover of trees increases exponentially during their lifetime. This means the protection and maintenance of mature and maturing trees is critical to preserving and extending canopy cover. As canopy cover increases, the benefits to the community also increase exponentially.



From York Region Forest Management Plan

York Region Official Plan 2010 and Town Official Plan 2006

It is with this approach in mind that the York Region Official Plan recommends increasing Newmarket’s canopy cover of 25% to 35% by 2051. Recent studies by the Region have shown that despite large number of trees being removed due to ice storms or EAB our collective canopy cover has grown over the past few years. While the Town currently has a total canopy cover of 24%, current practices may not be sufficient to reach this target. If we do not properly maintain our existing tree assets, and with the impact of invasive species and annual tree mortality rates, approximately 47,000 trees must be planted or

established through natural regeneration annually across the municipality to reach 35% canopy cover over the next 40 years. Growing our canopy cover is about increasing the number of trees and, more importantly, increasing the size of trees. It is worth noting that the Town lacks a system to track the removal of private trees, data without which it is difficult to track progress toward planting goals.

Within this overall canopy cover target of 35%, the Region has set a target of expanding the woodland cover (that previously-mentioned figure from the 2006 Official Plan of 9%, which are the larger contiguous wooded areas) in Newmarket to 13%. This requires protecting the existing woodlands, predominantly located in the southwest Oak Ridges Moraine lands and the remaining natural areas of the northwest quadrant. The next Town Official Plan update will address these issues and provide consistency between the Town's and the Region's Official Plans as they relate to canopy cover targets. Newmarket does not have many opportunities to increase the size of our woodlands. However, in areas outside of woodlands, there is a tremendous opportunity for growth, especially for semi mature trees. Allowing these trees to reach their full maturity, through good urban forestry management practices, will dramatically increase their canopy size.

York Region Forest Management Plan

In November 2016, York Region Council adopted the York Region Forest Management Plan. This Plan was developed to maximize the benefits of all trees in the Region and to combat threats to trees. Two key pillars of this plan are: 1) Recognizing the value of all trees, not just those in woodland areas, and taking them into account as living green infrastructure assets, and 2) working to increase the tree canopy cover in all settings. This Plan helps support the development of local municipal Urban Forest Management Plans that include canopy cover and woodland cover targets.

Newmarket Stormwater Management Rate

On December 5th 2016 Council adopted By-law 2016-67, which created a stormwater management rate. Recognizing the increasing costs of managing stormwater due to urbanization, climate change, and aging infrastructure, the Town has moved toward a user-pay rate for stormwater runoff. This program also promotes the planting of trees on private commercial and industrial properties in order to be eligible for reduced charges (a "Stormwater Credit") under the stormwater management rate. The Town is offering a subsidized backyard tree planting program for residential properties.

Staff Report 2016-40 provided that each planted tree reduces the amount of stormwater that enters the Town's stormwater management system, deferring the need for costly infrastructure upgrades. It is important that the Town not only encourage the planting of new trees to manage these costs, but protect existing trees and ensure that when they are removed that they are replanted elsewhere.

Newmarket Community Energy Plan

The Community Energy Plan (CEP) seeks to help Newmarket by (among other goals) supporting local economic development, fostering a culture of conservation, and increasing the energy efficiency of buildings in Newmarket. The protection of trees and expansion of the urban canopy complement and support these goals.

This Plan documented how trees near buildings reduce energy demand as a result of shading, act as a windbreak, and improve the microclimate. Trees cool the Town in the summer and insulate against wind in the winter. The Urban Forestry Study agreed with this conclusion, and demonstrated that trees near

residential buildings reduce energy costs in Newmarket by \$334,533 every year. In addition to the positive role of trees in creating an aesthetically attractive community in which to live, work, and invest, trees create these financial savings which help to support local economic development by promoting affordability for our residents.

Private Property

The value of trees outlined above demonstrates the social, economic and environmental benefit of preserving trees on private property. Any potential change to the protection of trees in Newmarket, whether in planning applications or on public or private property, requires a careful balance of rights and interests.

Through planning applications, private property owners are seeking to change or develop their property in a manner that suits their interests. Council and staff review these applications in light of the proposal, the Official Plan, and other Town, Regional, and Provincial plans, while considering the impact on the surrounding community. Established practice has been that property owners wishing to develop retain an arborist to help them shape their proposal for the best possible scenario for tree preservation. This practice recognizes the right of property owners to remove trees provided that they replant a commensurate amount of trees or pay the Town the value. This also gives the Town an opportunity to engage the property owner in discussions about tree preservation.

On public property, residents seeking to remove trees may do so to increase the usefulness of their own property. A public tree may restrict their ability to lay out their buildings or driveways in the way that best suits them. In these cases, the Town must weigh the loss of the tree and its public value against the private gain of a property owner. The established practice has been to discourage such removals, but where necessary, permit them provided that the property owner pays all associated costs with the removal and replanting of replacement trees.

On private property, not subject to a development application, the balance is even more difficult. Property owners expect to be able to manage their own property as they wish. Broadly speaking, the Town strives to protect private property rights wherever possible. This report aims to highlight potential negative impacts of unregulated private property rights over trees and the existing limits to these rights. It may be appropriate to prioritize the benefits to the community at large over individual property rights when discussing a subject matter of this significance. Staff have found that generally property owners are concerned about the welfare of trees; however, people are not always aware of how alterations to their property can injure, damage and even kill trees.

It is important to note that regulating the removal of private trees is not necessarily prohibiting their removal. There are various approaches that are possible, from encouraging alternate designs to requiring replanting or compensation for removed trees. Overall, it is important that the value of trees to the Town, and its residents, be recognized and reflected in policy.

The Town has a suite of laws, by-laws, and practices which already limit private property rights. The zoning by-law limits the use of land and how one can build on it. The site alteration by-law regulates the way that one can change the topography and grade of property. The existing Tree Policy regulates the removal of trees and requires their value be, broadly speaking, compensated or replaced. The woodlot by-law and Regional Forest Conservation By-law regulate the removal of certain trees. The property standards by-law requires certain maintenance of trees and property to Town standards. Subdivision and site plan agreements limit the ability to remove trees on many properties in Newmarket. In sum, these various legal tools already recognize the value of privately-owned trees and regulate when and why trees can be

removed. Any revision to these tools requires a consideration of private property rights and the public good, but it is important to understand that limitations on private property rights already exists in Newmarket's existing policy landscape. Staff are proposing reviewing the balance struck between private property rights and the public good as it relates to trees on private property. Based on best practices and the value of trees demonstrated in this report, it is staff's opinion that it is time to consider shifting the balance towards regulation of trees on private property.

Current Tree Regulation Difficulties

The Town's existing approach to regulating trees has a number of difficulties that have led to the loss of trees and an under-replacement of removed trees. These challenges are discussed below.

1. Narrow application of "significant trees"

The Tree Policy applies to all "significant trees" located on and within 4.5 metres of any land subject to a development application. The Policy describes significant trees as "a mature, small or large, tree specimen", and goes on to indicate in the definitions that a large mature tree is at least 30cm in diameter at breast height (DBH), and a small mature tree at least 10cm. A tree may also be deemed significant based on the following additional characteristics:

- Significant trees of a rare or heritage/native species
- Any tree of historical or cultural significance
- Celebration trees of any size
- A special status tree

The Tree Policy also requires that any tree in the following categories is significant:

- Trees located within a woodland area
- Trees forming a cluster of trees (consisting of 5 or more trees with at least one significant tree)
- Significant trees defining a hedgerow (consisting of 5 or more trees)

However, it has been the Town's practice that only trees that are 30cm DBH or greater are deemed to be significant trees under the Tree Policy. This has left any tree smaller than 30cm to be permitted to be removed without replanting or compensation, thus creating a deficit of replanting of removed trees. The value of all trees smaller than 30cm – erosion prevention, air quality, stormwater management, and others – is not paid or captured in any way. It should be pointed out that the definition in the policy of significant trees has been found to be difficult to understand and use. Therefore it was simplified to 30cm DBH or greater to assist the development industry adjust to the policy when it was first implemented. Staff believe it is time to review the definition's wording to simplify it and to ensure more tree value is captured.

Example from staff experience: A vacant industrial property has 62 trees that total 897cm of trunk diameter. Only three of these trees are greater than 30cm in diameter, totalling 95cm. Upon submission of a site plan application, current practice would require 95cm of replanting or compensation.

842cm of trees would be permitted to be removed with no replanting or compensation.

2. No prevention of removal in advance of an application

The current Tree Policy applies only to properties that are the subject of a planning application (Official Plan Amendment, Zoning By-law Amendment, Subdivision, Site Plan, Minor Variance, and Consent). The policy does not specifically address the removal of trees in advance of an application. It is uncertain if the Town would have any recourse against a property owner who removed trees before submitting an application.

Example from staff experience: A large residential lot with sufficient frontage and area may be the future subject of an application for consent to sever the land. The lot is heavily forested and in an area of town with many mature trees. The replanting or compensation for removing such trees to facilitate a severance and building on a second lot would be expensive under the Tree Policy. The property is not covered by the Woodlot By-law.

The Town has no ability to prevent the removal of these mature trees prior to an application being submitted and has little recourse if the property owner were to remove sufficient trees to facilitate a new home in advance of an application.

3. No power of by-law

The Tree Policy lacks the force of a by-law that other municipalities use for tree protection. The effect of this is that contravention of the policy is difficult to enforce when properties are not currently in the process of a planning application or securities are held. A “policy” has no force other than when the Town has discretionary decision-making powers such as during a planning application. A by-law retains its force at all times and can include penalties for infractions. As the existing Tree Policy stands, in cases where trees have been removed and there are not securities that the Town holds to ensure they are protected, the Policy directs that “the owner/applicant shall be contacted by the Director of Planning or his or her designate, to work out an acceptable replacement method to achieve the required replacement plantings”.

Example from staff experience: An industrial property that was the subject of a previous Site Plan application in 1987 had a number of trees that were required to be maintained under the approved Site Plan Agreement.

In 2016 seven Colorado Spruce and ten Austrian Pine trees were removed without consultation or approval by the Town. Without a by-law, the Town lacks the ability to lay charges for the removal of the trees.

4. Permissive removal policy

The existing Tree Policy is permissive in nature. Rather than restricting the removal of any type or size of tree, it requires replanting or compensation for any trees to be removed. The decision of which trees to remove is left to applicants, and the Town plays a role of peer reviewing the provided information to ensure that the trees the applicant wishes to remove are appropriately compensated for through replanting or payment, and that those to be maintained are not damaged.

The effect of this is that no trees under the policy are protected, rather their removal is regulated. Any tree on a property subject to a planning application can be removed, provided that the owner is willing to pay the value of the tree.

Example from staff experience: An industrial property was developed under a Site Plan application. A large landscaped buffer was retained on the property boundaries.

A number of trees under 30cm in diameter were on these buffer areas, but were removed at the discretion of the applicant and a number of new, smaller trees planted along the edges. In some cases this may be a sound arboricultural practice depending on the types of trees, but the policy does little to discourage the clearing of all trees from a lot.

There is a time for removing smaller trees to promote the health of larger trees. Removal of smaller and/or undesirable species will increase the vigour of the trees left thus increasing their canopy size more quickly. The process of peer review includes discussion on what to preserve and what to remove. The need for tree preservation vs. development is weighed in the decision to remove trees. It is acknowledged that not every tree can be preserved; however the value of removed trees should be captured and retained in some way.

5. Inadvertent two-tiered system

Under the current system the Tree Policy only applies to properties that subject to a Planning Act application. This has created a two-tiered system in Town where certain kinds of development requiring only a building permit are not subject to the Tree Policy. Trees that may be impacted by work done through a building permit are not protected; nor is an investigation done to determine if there are potential negative impacts as a result of the work.

Example from staff experience: A residential property required a variance for the addition of a garage. The owners were required to hire an arborist and have a report prepared in accordance with the Tree Policy. It was determined there was a significant tree within 4.5m of the property line and the owners were required to put up tree protection fencing and post a security.

The owners of the neighbouring property wanted to demolish the existing house and rebuild. They were not required to consult an arborist or protect the significant tree as they only required a building permit and were therefore not subject to the Tree Policy.

Conclusion

Notwithstanding these challenges, the Town has achieved much through its existing policies and by-laws by ensuring some replanting when trees have been removed. However, these challenges are areas for improvement where we can enhance the Tree Policy to ensure that there is no net loss of trees, and the objectives of the Town to increase its urban canopy cover will be met.

Planting trees is a noble activity and should be encouraged and supported. Once trees are planted they need to be maintained and managed for them to be able to grow to their potential. Proper management can greatly assist in reaching our tree canopy targets. Proper regulation of tree removal is important to

ensure that trees are protected, their unnecessary removal discouraged, and when necessary to be removed that their public value is not lost. Further effort is required to improve the Town's protection, planting, and maintenance efforts to achieve Council's sustainability and urban forestry goals.

Next steps

Given the above, it is recommended that staff be directed to prepare and send out for community consultation a by-law regulating trees on private property, prepare a by-law protecting trees on municipal property and bring forward revisions to the Tree Policy for Council's consideration. All of this will be in coordination with an overall Urban Forestry Management Plan. The creation of the Urban Forestry Management Plan will be undertaken by Public Works staff in consultation with various internal and external stakeholders. It is proposed to be completed in 2017 with implementation in 2018. The proposed by-laws and revised policy work in concert with the Urban Forestry Management Plan, but they may be considered and developed independently. Staff will be working together to ensure there is a common approach and understanding for tree protection, regulation and enhancement throughout the Town.

These documents may take different approaches, depending on the outcomes of staff research. A by-law regulating trees on private property may not necessarily prohibit the removal of trees, but may instead require consultation or compensation. Staff recommend undertaking research on these matters, preparing draft by-laws and policies, returning to Council for consideration and direction and then taking the by-law option(s) to the public. The form and administration of these by-laws will be influenced by possible impact on staff time and resources.

Community Consultation

Changes to tree regulation and protection may have implications for residents, developers, and property owners. As such, thorough community consultation will be required. A consultation approach will be discussed in subsequent report(s) associated with the draft by-laws. The Town has undertaken public consultation on this matter in the past and received a range of feedback from residents and developers that can be viewed in the past reports cited above.

Human Resource Considerations

There are no immediate human resource considerations with this report. The eventual implementation of any changes to tree protection may impact on the review of plans by Planning, Building, Public Works, and Engineering Services, and on enforcement efforts by By-law Services. This will be discussed in greater detail as staff progress with the review of policy and by-law options.

Budget Impact

There are no immediate budget impacts from this report. More details on potential costs, savings, and fees will be discussed in subsequent report(s) associated with the draft by-laws. There will be costs associated with the general administration and enforcement of any by-laws that are created.

While there are administrative costs associated with enforcing a tree by-law, they can primarily be recovered from permit fees. Also these costs are balanced and even outweighed by the cost savings of preserving trees. It has been demonstrated that our current tree canopy provides savings to the Town and its residents through the benefits discussed above. It is in the best interest of the Town to maintain and

enhance our tree canopy and to continue to gain the financial benefits of this healthy, living, green infrastructure.

Business Plan and Strategic Plan Linkages

Well-planned & Connected:

- Implement key elements of the Region's and Town's Official Plans.

Well-equipped and managed:

- Efficient management of capital assets and municipal services to meet existing and future operational demands
- Small town feel with city amenities

Living well:

- Health education, wellness services, and state-of-the-art medical facilities
- Environmental protection and natural heritage preservation

Contact

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Meghan White, MCIP RPP
Planner




Jason Unger, MCIP, RPP
Assistant Director of Planning



Rick Nethery, MCIP, RPP
Director of Planning & Building Services



Ruurd van de Ven
Forestry Supervisor



(ACTING DIRECTOR)

Chris Kalimootoo, P. Eng
Director, Public Works Services



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

APPENDIX A

The following table outlines the tree preservation policies and by-laws used by other municipalities in and around York Region. Most municipalities have some form of regulation for trees on private property.

| Municipality | By-law/Policy Regime | Private or Public lands? | Tree Management Strategy/Plan |
|-------------------------------|--|---|-------------------------------|
| YORK REGION | | | |
| Markham | Tree Preservation By-law | Private | Yes |
| | Trees for Tomorrow – Streetscape Manual | Private (only when subject to development application) and Public | |
| Richmond Hill | Tree Preservation By-law | Private | Yes |
| | Tree Preservation Strategy/Tree Protection Resolution (Policy) | Private (only when subject to development application) and Public | |
| King | Protection in Region's Woodlot or Woodlands only | Private (only when subject to development application) or in Region Woodlot or Woodland | No |
| East Gwillimbury | Official Plan Policies | Private (only when subject to development application) | No |
| Georgina | Tree Preservation and Compensation Policy | Private (only when subject to development application) | No |
| Aurora | Private Tree Protection By-law | Private | Yes |
| | Tree Protection/Preservation Policy | Private (only when subject to development application) and Public | |
| Vaughan | Private Property Tree Protection By-Law | Private | Yes |
| | Public Property Tree Protection By-Law | Public | |
| Whitchurch-Stouffville | Official Plan Policies | Private (only when subject to development application) | No |
| Guelph | Tree By-law | Private | Yes |
| | Urban Forestry Management Plan | Both | |
| Toronto | Tree Protection Policy | Both | Yes |
| | Private Tree By-law | Private | |
| Oakville | Tree Protection Policy | Both | Yes |
| | Private Tree Protection By-laws | Private | |

| Municipality | By-law/Policy Regime | Private or Public lands? | Tree Management Strategy/Plan |
|---------------|-----------------------------------|---|-------------------------------|
| | Municipal Tree Protection By-laws | Public | |
| Barrie | Public Tree By-law | Public | Yes |
| | Private Tree By-law | Private | |
| | Tree Protection Manual | Private (only when subject to development application) and Public | |



February 27, 2017

Development and Infrastructure Services – Planning & Building Services Report 2017-06

TO: Committee of the Whole

SUBJECT: Application for Zoning By-law Amendment and Draft Approval of Subdivision
Proposed Residential Development
Azure Homes
172-178 Old Main Street
File No.: D11 NP1703/D09 NP1703

ORIGIN: Application Submitted to the Planning Department

Recommendations

THAT Development and Infrastructure Services – Planning & Building Services Report 2017-06 dated February 27, 2017 regarding applications for a Zoning By-law Amendment and Draft Plan of Subdivision be received and the following recommendations be adopted:

1. **THAT the applications for a Zoning By-law Amendment and a Draft Plan of Subdivision, as submitted by Azure Homes Inc. for lands located at 172-178 Old Main Street, be referred to a public meeting.**
2. **AND THAT following the public meeting, issues identified in this report, together with comments from the public, Committee, and those received through agency and departmental circulation of the application, be addressed by staff in a comprehensive report to the Committee of the Whole, if required.**
3. **AND THAT Azure Homes, 82 Boothbay Crescent, Newmarket Ontario, L3Y 1Y5, be notified of this action. .**
4. **AND THAT Macaulay Shiomi Howson Ltd, Attention: Angela Sciberras, 471 Timothy Street, Newmarket Ontario, L3Y 1P9, be notified of this action**

Background

Location

The subject land is located on the north-east side of Old Main Street, north-west of Bexhill Road, being Part of Lot 97, Concession 1, EYS, municipally known as 172 and 178 Old Main Street (see location map attached).

Proposal

Applications have been submitted for a Zoning By-law Amendment and Draft Plan Approval. The applicant is proposing rezone the subject lands from the existing Residential Detached Dwelling 30m (R1-B) Zone to

A decorative graphic consisting of two curved, overlapping lines in shades of gray, located in the bottom right corner of the page.

the Residential Semi-Detached Dwelling 13.6m Exception (R2-H-**) to permit the construction of 6 semi-detached dwellings, for a total of 12 new homes. The applicant is requesting site specific zone standards based on the proposed development. There are two existing single detached dwellings; the dwelling at 172 Old Main Street will be demolished. The dwelling at 178 Old Main Street (more northerly property) will be retained.

Site Description

The subject lands have an approximate area of 7,500 square metres, with a lot frontage of approximately 107m metres on Old Main Street. There is currently a single detached dwelling on each property.

The subject site has a significant rise in grade from street level west towards the cemetery. The rear or westerly part of the site is tree covered forming part of the woodlot located on the cemetery property. The remainder of the subject site is manicured lawn; and, in the case of 178 Old Main Street, is improved with a paved driveway, retaining walls, garden patio and planting beds.

The surrounding land uses are:

North: St. John's Cemetery

South: across Old Main Street, properties zoned OS-2 and a 4 storey residential condominium building on the east side of Main Street North at Bexhill Road (155 Main Street North)

East: residences on Bexhill Road

West: existing low density residential dwellings (along Old Main Street)

Comments

Official Plan Considerations

The subject lands are designated Stable Residential and Natural Heritage by the Official Plan.

The Stable Residential designation permits the semi-detached units contemplated by the applicant. The objectives of the Stable Residential designation are to provide for a range of residential accommodations by housing type, tenure, size, location and price ranges and encourage the provision for a range of innovative and affordable housing types, zoning standards and subdivision design.

The rear or westerly portion of the subject site is designated Natural Heritage by the Official Plan as it is part of a woodlot. The Natural Heritage System designation aims to preserve the Town's woodlots. Development adjacent to a woodlot is permitted if an EIS has demonstrated that there will be no negative impacts on the natural features. The applicant has submitted the required environmental studies which are being reviewed by staff and the Lake Simcoe Region Conservation Authority. The Region, the Conservation Authority and the applicant have confirmed the developable area on the property.

An amendment to the Official Plan is not required at this time.

Zoning By-law Considerations

The subject lands are currently zoned Residential Detached Dwelling 30m (R1-B) Zone by By-law 2010-40. The applicant is proposing to rezone the subject lands to the Residential Semi-Detached Dwelling 13.6m Exception (R2-H-**) with site specific provisions reflecting the proposed built form. A slight modification to the side yard setback provisions is required; all other zoning standards for the proposed zone category

appear to be met. The applicant is proposing side yard setbacks of 0.90m for each side of the buildings for a total of 1.80m separation between them.

Section 16.1.1 of the Official Plan sets forth the policies Council must have regard for when considering a Zoning By-law Amendment. Compliance with these policies will be addressed in a comprehensive report to Council following the consultation process including the statutory public meeting.

Draft Plan of Subdivision

The applicant has applied for a Draft Plan of Subdivision to create 6 semi-detached, residential lots comprising of 12 dwellings. The existing dwelling located at 178 Old Main Street will be retained. Through the subdivision application process it is proposed to re-align the property line between 172 and 178 Old Main to provide for more regular shaped lots. Each dwelling will have direct driveway access to Old Main Street.

Provincial Policy Statement

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 PPS is intended to be read in its entirety and the relevant policies are to be applied to each situation.

Section 1.1.3 of the PPS relates to settlement areas being the focus of growth and promoting their vitality and regeneration. The PPS encourages municipalities to provide for a mix of residential uses. The application for a residential development is consistent with the Provincial Policy Statement.

Departmental and Agency Comments

The following departments and agencies have provided comments on the application:

Engineering Services have received the application and are completing their review of the studies submitted.

Central York Fire Services have no concerns with the application.

Public Comments

Residents of Old Main Street have contacted the Planning Department and are very engaged in the review process of this application. Staff and the residents continue to dialogue as the technical review of the supporting studies is underway.

Agency Comments

The Lake Simcoe Region Conservation Authority has not provided any comments at the time of writing this report. Enbridge, York Catholic District School Board, Hydro One, Rogers, Southlake Regional Health Centre, York Region District School Board, and Canada Post have reviewed the application and advised that they have no concerns with the proposal. As this property abuts the railway, this application was sent to GoTransit for review; comments have been received and sent to the application to address. Other agency comments remain outstanding as of the time of writing this report.

Supporting Studies and Reports

In support of the application a Planning Justification Report, a Phase 1 ESA, a Stage 1 – 2 Archaeological Assessment, a Functional Servicing Report, a Geotechnical Investigation, and a Tree Inventory have been submitted. As noted above, the Phase 1 ESA, the Geotechnical Investigation, the Functional Servicing

Report, and the Traffic Impact Statement are being reviewed by Engineering Services. The Stage 1 – 2 Archaeological Assessment has been sent by the archaeologist to the Ministry of Tourism, Culture and Sport for review. The Tree Inventory is being reviewed by the Town's consulting arborist.

Conclusion

The subject application for Zoning By-law Amendment and Draft Plan of Subdivision is sufficiently advanced to warrant its referral to a statutory public meeting.

Attachments: Location Map
Site Plan (conceptual)

Community Consultation

A statutory public meeting will be required as part of the *Planning Act* requirements for the proposed changes to the Zoning By-law and the Draft Plan of Subdivision

Human Resource Considerations

Not applicable to this report

Budget Impact

The Town will receive income in the form of building permit fees, and assessment revenue associated with the redevelopment of the subject lands. Should the application be referred to a public meeting, there will be the typical costs associated with providing notice and holding the public meeting.

Business Plan and Strategic Plan Linkages


The applications for Zoning By-law Amendment and Draft Plan of Subdivision support the Community Strategic Plan by being *Well-Balanced* for the potential to encourage a strong sense of community through an appropriate mix of lands uses, specifically types of residential uses.

Contact

For more information on this report, contact Meghan White, Planner, at x 2460; mwhite@newmarket.ca



Meghan White, MCIP RPP
Planner



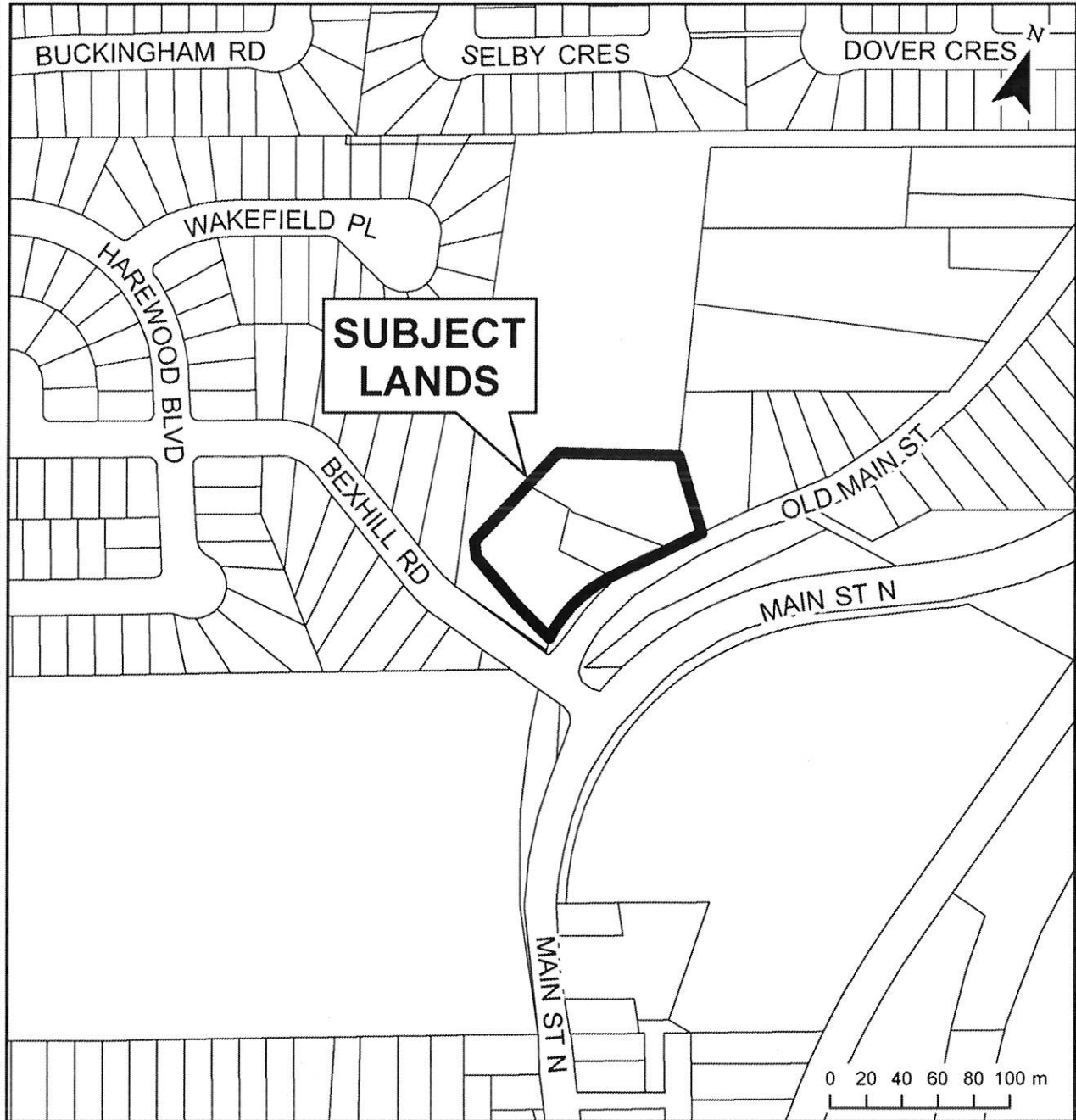
Rick Nethery, MCIP, RPP
Director of Planning & Building Services



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

APPENDIX A

**LOCATION MAP
172-178 OLD MAIN ST**



Town of Newmarket Planning Department





| No. | REVISION | DATE |
|-----|----------|------|
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DRAFT PLAN OF SUBDIVISION
 172 & 178 OLD MAIN STREET
 PART OF LOT 97
 CONCESSION 1, EAST OF YONGE STREET
 FORMERLY GEORGIAN TOWNSHIP OF EAST OMBLIVANT
 TOWN OF NEWMARKET
 REGIONAL MUNICIPALITY OF YORK

MSH
 FOUNDLERS INCORPORATED

Scale: 1:250
 Project No: A15-1526
 Date: December 1, 2016

ADDITIONAL INFORMATION
 REQUIRED UNDER SECTION 51(1) OF THE PLANNING ACT

1. SHOW ON DRAFT PLAN AND SUPERVISOR CERTIFICATE
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KEY PLAN
 SCALE 1:10,000

Subject Lands



ENGINEERING SERVICES
Town of Newmarket
395 Mulock Drive
P.O. Box 328, STN Main
Newmarket, ON L3Y 4X7

75
www.newmarket.ca
engineering@newmarket.ca
T: 905 895.5193
F: 905 953 5138

February 8, 2017

**DEVELOPMENT & INFRASTRUCTURE SERVICES
INFORMATION REPORT
ENGINEERING SERVICES 2017-03**

TO: Mayor and Council

CC: Bob Shelton, P.Eng., CAO
Peter Noehammer, P.Eng., Commissioner, Development & Infrastructure Services
SLT / OLT

SUBJECT: Pole-Mounted Radar Display Sign Program – Town of Aurora

ORIGIN: Director, Engineering Services

PREAMBLE

In accordance with the Procedure By-law, any member of Council may make a request through the Town Clerk that this information report to be placed on an upcoming Committee of the Whole agenda for discussion.

BACKGROUND

At its regular meeting of October 3, 2016, Town Council adopted the following recommendations in relation to Development and Infrastructure Services Information Report 2016-41, dated September 22, 2016, entitled "Solar Powered Pole Mounted, Radar Speed Displays – Pilot Project":

"THAT staff explore the pilot project initiated by the Town of Aurora regarding solar powered pole mounted radar speed displays;

AND THAT staff follow up with each Ward Councillor with respect to proposed placement of existing speed display boards

AND THAT a further update report be brought back to a future meeting."

A decorative graphic in the bottom right corner consisting of two parallel, curved lines that sweep upwards and to the right, with a gradient from dark grey to light grey.

The purpose of this report is to address the recommendation that staff explore the Town of Aurora's speed board acquisition program. Additionally, the report addresses the issue of public donations to purchase speed boards on behalf of the Town, which are to be used exclusively in residential areas of the donor's choice. The placement of radar pole-mount signs and the program operation will be included in a future report.

COMMENTS

Town of Aurora Program

The Town of Aurora has advised Town Staff that their pole-mounted radar signs were purchased by Aurora through their capital works programs and were not donated as a result of new developments.

It was confirmed that some of the Aurora capital road reconstruction contracts require the contractor to purchase pole-mounted radar speed board signs as part of their contracts for road reconstruction. As a result, there is a tender item on such contracts that request a price from the contractor to supply radar speed board signs and surrender them to the Town of Aurora upon completion of the capital works. Once the signs are turned over to the Town, Aurora's Operations staff installs and rotates the signs under the direction of Engineering staff. Like the speed boards themselves, the operational costs for the program are also funded by the Town's budgets.

The Town of Aurora does not receive the signs by way of donation from a developer, but Aurora is funding the purchase of speed boards through road reconstruction projects under its capital works budget. At the Town of Newmarket, road reconstruction is funded mostly through the Asset Replacement Fund (ARF), and because radar boards are not existing assets, funding to purchase them cannot be taken from the ARF, and must be funded through other sources.

Community Funding of Pole-mounted Radar Signs

Recently, Engineering Services was alerted to the fact that there may be a group of Newmarket residents wishing to privately fund radar pole-mounted speed board signs.

After verifying policies for donations, Staff has concluded that privately-funded radar pole-mount signs would constitute a public donation and would have to be deployed throughout the Town in the same manner as the other radar speed board signs. Any privately funded pole-mount signs would need to be owned, insured and operated by the Town and be deployed on Town-owned boulevards using public funds. The Town's pole-mounted signs should not remain in the same location for more than 2 to 3 weeks, as the effectiveness of the sign diminishes with time. Furthermore, the pole-mounted radar speed board signs are an important tool to promote traffic safety, which is a community issue and not a local, street-specific issue.

Since the Town would be operating, maintaining and ultimately replacing these units when they have reached the end of their service life, and because the signs need to "communicate" with existing data acquisition system, the Town would need to specify the type and model of radar pole-mount sign that would be compatible for deployment within the Town's existing program.

Each radar pole-mount sign that is acquired by the Town requires both an operating budget and staff resources to operate the expanded program. Therefore, resources and / or budget must be allocated to deploy and operate the boards.

The approximate purchase price for each of the solar powered pole-mount signs is approximately \$5,000.00 to \$7,000.00, exclusive of operating budget and staff resources.

PUBLIC CONSULTATION

No public consultation was required.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

- Ensuring Safe Streets

HUMAN RESOURCE CONSIDERATIONS

No impact.

IMPACT ON BUDGET

Operating Budget (Current and Future)

No Impact.


Capital Budget


No impact.

CONTACT:

For more information on this report, please contact Mark Kryzanowski at 905-895-5193 extension 2508; MKryzanowski@newmarket.ca.

Prepared by:


M. Kryzanowski, M.C.I.P., R.P.P.
Manager, Transportation Services


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


P. Noehammer, P.Eng., Commissioner
Development & Infrastructure Services



MINUTES

Tuesday, October 4, 2016 at 9:30 AM
Town of Aurora - Leksand Room

The meeting of the CYFS - JCC was held on Tuesday, October 4, 2016 in the Leksand Room at the Town of Aurora, 1 Municipal Way, Aurora, Ontario.

Members Present:

| | |
|------------|---|
| Aurora: | Councillor Abel Councillor Mrakas |
| Newmarket: | Councillor Hempen Councillor Twinney |

Regrets:

| | |
|------------|---------------------|
| Aurora: | Councillor Thompson |
| Newmarket: | Councillor Bisanz |

Staff Present:

| | |
|------------|--|
| Aurora: | D. Nadorozny, Chief Administrative Officer D. Elliott, Director of Financial Services L. Lyons, Town Clerk |
| Newmarket: | L. Georgeff, Director of Human Resources M. Mayes, Director of Financial Services D. Schellenberg, Manager, Accounting & Finance |
| CYFS: | I. Laing, Fire Chief R. Comeau, Deputy Fire Chief R. Volpe, Deputy Fire Chief |

Open Forum

None.

Additions & Corrections to the Agenda

None.

Declarations of Pecuniary Interest

None.

Approval of Minutes

1. Central York Fire Services - Joint Council Committee Minutes of September 6, 2016.

Moved by: Councillor Twinney

Seconded by: Councillor Mrakas

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

Carried

Items

2. Joint Central York Fire Services and Corporate Services Report - Finance 2016-41 dated September 22, 2016 regarding the Draft 2017 Operating and Capital Budgets - Update.

Newmarket's Manager of Accounting & Finance provided details regarding the report. The Fire Chief reviewed the cost savings that have occurred and advised of concerns related to the fleet maintenance line item. He advised that the temporary Training Centre has been used for the last five years with only operating costs and there will be a rental or lease fee incorporated for 2017. He further advised that service level agreements are providing revenues over and above budget figures.

An alternate motion was presented and discussion ensued.

Moved by: Councillor Mrakas

Seconded by: Councillor Twinney

- a) THAT Joint Central York Fire Services and Corporate Services Report - Finance 2016-41 dated September 22, 2016 regarding the Draft 2017 Operating and Capital Budgets - Update be received and the following recommendations be adopted:

- i) THAT the Joint Council Committee (JCC) recommend approval of the draft budgets;

- ii) AND THAT in accordance with the consolidated Fire Services Agreement, the draft budgeting be sent to Aurora Council for comment and then to Newmarket Council for consideration and approval.

Carried

3. Burning By-laws Discussion.

The Fire Chief advised that complaints are being received regarding smoke from outdoor burning. He advised that both communities have burning by-laws in place and that a Member of Council had requested that this matter be brought forth to the Joint Council Committee for discussion.

The Deputy Fire Chief advised that he has reviewed the complaint process associated with outdoor burning. Councillor Twinney requested that the current burning by-laws be reviewed with the intent of updating them to include health/quality of life, bans dependent on property size and best practices of other municipalities.

Moved by: Councillor Twinney
Seconded by: Councillor Mrakas

THAT the Central York Fire Services – Joint Council Committee recommend that the Councils of Aurora and Newmarket direct staff (specifically, By-law and Fire Services) to review the current burning by-laws.

Carried

4. Verbal Update from the Fire Chief regarding the status of the new fire station.

The Fire Chief provided a status update with respect to the new fire station. He advised that the architect has been retained to prepare a block schematic drawing of the proposed station and a report should be available for the next scheduled Joint Council Committee meeting. He further advised that the Commissioner of Development and Infrastructure Services, Town of Aurora will be managing the construction project.

Moved by: Councillor Mrakas
Seconded by: Councillor Hempen

THAT the verbal status update from the Fire Chief regarding the new fire station be received.

Carried

New Business

- a) The Fire Chief advised he has been approached by a former member of Fire Services with a request to rename the Fire Station on Gorham Street.
- b) Councillor Abel congratulated Central York Fire Services on a successful Open House as well as communication efforts associated with a recent gas leak near the GO Transit station.

Closed Session

There was no requirement for a Closed Session.

Adjournment

Moved by: Councillor Mrakas
Seconded by: Councillor Twinney

THAT the meeting adjourn.

Carried

There being no further business, the meeting adjourned at 10:15 a.m.

Date

Councillor John Abel, Chair

Excerpt of Minutes

Item 3 of the Central York Fire Services – Joint Council Committee Minutes of October 4, 2016 regarding Outdoor Burning By-laws.

3. Burning By-laws Discussion.

The Fire Chief advised that complaints are being received regarding smoke from outdoor burning. He advised that both communities have burning by-laws in place and that a Member of Council had requested that this matter be brought forth to the Joint Council Committee for discussion.

The Deputy Fire Chief advised that he has reviewed the complaint process associated with outdoor burning. Councillor Twinney requested that the current burning by-laws be reviewed with the intent of updating them to include health/quality of life, bans dependent on property size and best practices of other municipalities.

The Central York Fire Services - Joint Council Committee recommends to Council:

Moved by: Councillor Twinney

Seconded by: Councillor Mrakas

THAT the Central York Fire Services – Joint Council Committee recommend that the Councils of Aurora and Newmarket direct staff (specifically, By-law and Fire Services) to review the current burning by-laws.

Carried

The meeting of the Newmarket Downtown Development Committee was held on Friday, June 24, 2016 in Hall # 4 of the Community Centre - 200 Doug Duncan Drive, Newmarket.

Members Present: Jackie Playter, Chair
Barbara Leibel
Olga Paiva
Steve Whitfield

Staff Present: C. Kallio, Economic Development Officer
L. Moor, Council/Committee Coordinator

The meeting was called to order at 10:01 a.m.

Jackie Playter in the Chair.

Additions & Corrections to the Agenda

None.

Declarations of Interest

Olga Paiva advised that due to ongoing litigation, she would not be participating in any discussion or voting pertaining to Item 3 of the agenda, due to a conflict of interest regarding the use of the lane easement as outlined in the statement of claim issued to neighbouring properties, Lake Simcoe Region Conservation Authority and the Town of Newmarket in April 2014.

The Chair advised that the agenda items would be considered in the order of 1, 2, 4 and 3 in accordance with the announced Declaration of Interest.

Approval of Minutes

1. Newmarket Downtown Development Committee Minutes of April 29, 2016.

Moved by: Steve Whitfield
Seconded by: Jackie Playter

THAT the Newmarket Downtown Development Committee Minutes of April 29, 2016 be approved.

Carried

Items

2. Financial Incentives Program Grant Application 2016-02 - Project Feasibility Study Program, 234 Main Street.

The Economic Development Officer provided a verbal update regarding Financial Incentives Program Grant Application 2016-02 and advised that the owner of the building intends to make extensive interior renovations and minor façade changes to reposition the tenant uses within the building. He advised that the plans include a restaurant with rooftop patio. He is seeking assistance with the preparation of the building plans suitable for submission to the Town under the Project Feasibility Study program.

Moved by: Barbara Leibel
Seconded by: Olga Paiva

THAT the Project Feasibility Study Program Grant Application in the amount of \$9,500.00 be approved;

AND THAT 1388731 Ontario Ltd., o/a as KGM Developments, 464 Timothy Street, Unit 2, Newmarket, ON L3Y 1P8 be notified of this action.

Carried

3. Financial Incentives Program Grant Application 2016-03 - Project Feasibility Study Program, 22 Main Street South.

The Economic Development Officer provided a verbal update regarding 22 Main Street South on the northwest corner of Simcoe and Main Street. He advised that the owner has been considering complete redevelopment of the site and with the Davis Drive completion and ongoing enhancements in the Main Street area, he has now decided to proceed with a mid-rise stacked town home development project. The Economic Development Officer advised that the owner is requesting assistance for architectural services under the Project Feasibility Study Program.

Moved by: Olga Paiva
 Seconded by: Steve Whitfield

THAT the Project Feasibility Study Program Grant Application in the amount of \$10,000.00 be approved;

AND THAT 2014393 Ontario Limited, c/o Mr. Robert Modir, 10 Royal Orchard Boulevard, Richmond Hill, ON L3T 3C3 be notified of this action.

Carried

Olga Paiva left the meeting at 10:26 a.m.

4. Financial Incentives Program Grant Application 2016-01 - Façade Improvement and Restoration Program - Business Sign Program - 235 Main Street South.

The Economic Development Officer provided a verbal update regarding Financial Incentives Program Grant Application 2016-01 and advised that the owners of 235 Main Street (former Still in Style) have now received their Heritage Permit from the Town for proposed exterior work to the building and have submitted appropriate quotes for the work to be completed.

Moved by: Barbara Leibel
 Seconded by: Steve Whitfield

THAT the Façade Improvement and Restoration Program Grant Application in the amount of \$10,225.00 be approved;

AND THAT the Business Sign Program Grant Application in the amount of \$1,762.50 be approved;

AND THAT 2490278 Ontario Inc., 171 Ward Avenue, Sharon, ON L0G 1V0 be notified of this action.

Carried

New Business

None.

Adjournment

Moved by: Barbara Leibel
Seconded by: Steve Whitfield

THAT the meeting adjourn.

Carried

There being no further business, the meeting adjourned at 10:38 a.m.

Date

Jackie Playter, Chair

From: Bates, Tina on behalf of Mayor Van Bynen
Sent: February-06-17 2:38 PM
To: Mendonca, Barbara
Cc: Moor, Linda
Subject: FW: Proclamation Request

Please see the proclamation request below.
Thank you.

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

From: Tal Barak
Sent: February 6, 2017 2:36 PM
To: Mayor Van Bynen
Subject: Proclamation Request

February 6, 2017

Epilepsy York Region
11181 Yonge Street
Richmond Hill, ON, L4S 1L2

Dear Mayor Tony Van Bynen,

As March Awareness Coordinator of Epilepsy York Region, a non-profit organization that provides support, education and advocacy to affected individuals and their families in York Region, I am emailing you regarding recognition of March Awareness and Purple Day in support of epilepsy.

Purple Day is a national effort celebrated on March 26th which is dedicated to increasing awareness about epilepsy worldwide. The campaign is held during the entire month of March and especially on March 26th, inviting people around the world to wear purple and host events in support of epilepsy. Purple Day dispels the myths about epilepsy and helps people living with the disorder to understand that they are not alone.

We would appreciate if the Town of Newmarket would proclaim March as Epilepsy Awareness Month, and March 26th as Purple Day and issue a proclamation to that effect.

Yours Truly,

Tal Barak
March Awareness Coordinator



88
TOWN OF NEWMARKET
Outstanding Matters
Schedule A

| | Item Subject | Recommendations & Responsibility | Date to come back to Committee | Comments |
|----|---|---|---|--|
| 1. | <p>Council – April 20, 2015 – Item 7</p> <p>Committee of the Whole – May 9, 2016 – Item 15 – Motion – Regional Councillor Taylor</p> | <p>THAT staff provide a report within six months related to internet voting.</p> <p>THAT Council direct staff to bring back a report within 180 days that examines the process and issues related to a ban on corporate and union donations in Newmarket Municipal Elections.</p> <p>➤ Legislative Services</p> | <p>Q2, 2016 Q3, 2016</p> <p>November, 2016</p> <p>January, 2017</p> <p>March, 2017</p> | <p>Workshop held October 5, 2015</p> <p>Special CoW scheduled for January 30, 2017 (9:00 a.m.) and will address Internet Voting & Ranked Ballots</p> |
| 2. | <p>Committee of the Whole – February 22, 2016 – Item 27</p> <p>Motion – Councillor Hempen</p> <p>Welcome Entrance Sign</p> | <p>THAT staff report back on the feasibility and suitable location for the installation of a community welcome entrance sign at the intersection of Longford Drive and Davis Drive;</p> <p>AND THAT staff also provide a suitable design for the welcome sign. The cost of the sign will be covered by private fundraising.</p> <p>➤ Development and Infrastructure Services</p> | <p>Q2/Q3, 2016 Q4, 2016 Q1, 2017</p> | |
| 3. | <p>Council – April 4, 2016 – Item 5</p> <p>Joint Report Community Services - Recreation and Culture, Development and Infrastructure Services - Public Works, Engineering, Corporate Services - Finance 2016-14 dated March 31, 2016 regarding Implementation Plan - Future Facilities and Land Use.</p> | <p>THAT Phase 2 of the Recreation Playbook Implementation Plan be approved as outlined in the report, with public consultation done as part of applicable design processes;</p> <p>AND THAT Phase 3 of the Recreation Playbook Implementation Plan be shared with the community through a public consultation process and that staff then report back;</p> <p>AND THAT future Council Workshops be done to consider specific uses and negotiation strategies on potential property acquisitions, as outlined in the report;</p> <p>AND THAT as part of the 2016 Capital Budget, the design for an outdoor basketball court at Ken Sturgeon Park be undertaken, and funding for construction be requested in the 2017 Capital Budget funded from Development Charges and Capital Reserves, in order to include this project in Phase 2 of the Recreation Playbook implementation plan.</p> <p>➤ Recreation and Culture</p> | <p>Q4, 2016 Q2, 2017</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 February 15, 2017

(Updated and including the Committee of the Whole Minutes of February 6, 2017)

| | Item Subject | Recommendations & Responsibility | Date to come back to Committee | Comments |
|----|--|--|--------------------------------|---|
| 4. | Council – June 7, 2016 – Item 35 Joint Office of the CAO and Commissions of Development and Infrastructure Services, Community and Corporate Services Report 2016-08 – Federal Infrastructure Funding | <p>THAT staff provide Council with a prioritized list of infrastructure projects currently not funded through Development Charges, the Asset Replacement Fund or Other Reserve Funds for implementation between 2018 to 2025 that augment existing priorities, strategies and master plans or leverage grant funding for initiatives that achieve our Corporate Vision of a ‘Community Well Beyond the Ordinary’</p> <p>➤ Strategic Initiatives</p> | Q2, 2017 | Awaiting next phase of funding announcements |
| 5. | Council – June 27, 2016 – Item 34 Development and Infrastructure Services Report – ES 2016-24 regarding Savage Road/Sandford Street Traffic Review | <p>THAT Item 4 – Active Transportation Plan (bicycle lanes) on Sandford Street from Mulock Drive to Savage Road with a possible extension along Savage Road to Paul Semple Park entrance be deferred in order to provide an opportunity to work with residents to monitor and evaluate the traffic calming measures.</p> <p>➤ Engineering Services</p> | Q2, 2017 | |
| 6. | Committee of the Whole – August 29, 2016 – Item 20 – Corporate Services Report – Legislative Services 2016-17 regarding ‘Potential Regulation of Driving School Instructors’ | <p>THAT staff host a PIC in November, 2016 to seek Council, public and industry input on the potential regulation of driving school instructors operating in the Town of Newmarket;</p> <p>AND THAT staff continue to work with the MTO and driving school instructors operating in the Town of Newmarket to mitigate traffic and perceived safety concerns raised by residents;</p> <p>AND THAT staff bring back a report in the first quarter of 2017 regarding the potential regulation of driving school instructors operating in the Town of Newmarket.</p> <p>➤ Legislative Services</p> | Q1, 2017 | Public Information Centre scheduled for Tuesday, December 6, 2016 – 7:00 p.m. – Municipal Offices |
| 7. | Development and Infrastructure Services Information Report – ES 2016-41 Solar Powered Pole Mounted Radar Speed Displays – Pilot Project | <p>THAT staff explore the pilot project initiated by the Town of Aurora regarding solar powered pole mounted radar speed displays;</p> <p>AND THAT staff follow up with each Ward Councillor with respect to proposed placement of existing speed display boards;</p> <p>AND THAT a further update report be brought back to a future meeting.</p> | Q2, 2017 | |
| 8. | Committee of the Whole – November 7, 2016 – Item 3 Tree Preservation | <p>THAT the matter of tree preservation and protection be referred to staff to report back within a 90 day time frame on the previous review of tree preservation and measures undertaken to sustain the tree canopy and available options related to the Region of York’s forestry management initiative.</p> <p>➤ Planning and Building Services</p> | February 27, 2017 | |
| 9. | Council – December 5, 2016 – Item 44 Development & Infrastructure Services – Planning & Building Services Report 2016-25 – 178, 180, 184, 188, 190 and 194 Main Street | <p>THAT in 120 days, staff be directed to bring back an amendment to the Heritage Conservation District Plan and By-law for consideration of Council that would outline the criteria which would need to be met by applicants in order to be considered for approval for a fourth storey set back from the street by a minimum of 15 (fifteen) feet.</p> <p>➤ Planning and Building Services</p> | April, 2017 | |

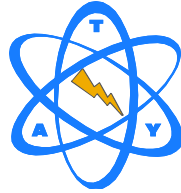


TOWN OF NEWMARKET

**Outstanding Matters
Schedule B**

| | Item Subject | Recommendations & Responsibility | Date to come back to Committee | Comments |
|----|--|--|----------------------------------|---|
| 1. | <p>Council – December 14, 2015 – Item 35 – Joint Development and Infrastructure Services – Planning and Building Services/ES 2015-44 – Proposed Trail from Yonge Street to Rita’s Avenue</p> <p>Council – January 18, 2016 – Item 35</p> | <p>THAT staff provide alternate trail options for this area at a lower cost.</p> <p>THAT Item 35 of the Council Minutes of December 14, 2015 being Joint Development and Infrastructure Services - Planning and Building Services and Engineering Services Report 2015-44 dated November 19, 2015 regarding a proposed trail from Yonge Street to Rita’s Avenue be reconsidered.</p> <p>THAT staff provide alternate trail options for this area at a lower cost, including the option of extending the trail through George Luesby Park along Clearmeadow Boulevard to Yonge Street and further connecting the trail from Flanagan Court/Rita’s Avenue to the George Luesby Park Trail;</p> <p>AND THAT staff also include in the report the option of installing lighting along the George Luesby Park Trail.</p> <ul style="list-style-type: none"> ➤ Planning and Building Services | <p>Timeline to be determined</p> | <p>Deferred subsequent to VivaNext construction</p> |
| 2. | <p>Committee of the Whole – November 28, 2016 – Item 23 Development & Infrastructure Services Report – ES 2016-54 Public Consultation and Support Plan – Transportation Services Update</p> | <p>THAT the Public Consultation and Support Plan as outlined in Appendix A be adopted for use starting January 1, 2017;</p> <p>AND THAT the Public Consultation and Support Plan be reviewed both internally and by the public throughout 2017 for improvements for 2018, if necessary.</p> <ul style="list-style-type: none"> ➤ Engineering Services | <p>Q1, 2018</p> | |

| | Item Subject | Recommendations & Responsibility | Date to come back to Committee | Comments |
|----|--|---|------------------------------------|----------|
| 3. | Special Committee of the Whole – January 30, 2017 – Item 1 – Corporate Services Report- Legislative Services 2017-02 dated January 26, 2017 regarding Internet Voting and Ranked Ballots | <p>THAT the matter of internet voting for the 2018 Municipal Election be referred to staff and a report be brought back within 30 days regarding another option for internet voting, with specific comparison to the Town of Ajax.</p> <p>THAT staff report back on Internet Voting and Ranked Ballots in 2019 immediately following the 2018 Municipal Election.</p> | <p>March, 2017</p> <p>Q1, 2019</p> | |



590 Steven Court, Newmarket, Ontario L3Y 6Z2
 Tel: [905] 895-2309
 Fax: [905] 895-8931
 Email: nmhydro@nmhydro.ca

Newmarket-Tay Power Distribution Ltd.

February 23, 2017

**Newmarket –Tay Power Distribution Ltd.
 Report of the President**

TO: Municipal Council of the Town of Newmarket

SUBJECT: Submission of a Binding Offer for Acquisition of Another Utility

ORIGIN: President, Newmarket – Tay Power Distribution Ltd.

RECOMMENDATIONS:

THAT the Newmarket – Tay Power Distribution Ltd. (“NT Power”) Report of the President dated February 23, 2017 regarding the submission of a binding offer to acquire another electric distribution utility be received and the following recommendations be adopted:

WHEREAS NT Power received a request for proposals and confidential information memorandum for a sale transaction involving another electric distribution utility (the “Target”) on December 9, 2016 (the “RFP”);

AND WHEREAS confidential briefing memoranda from Paul Ferguson, President of NT Power regarding the RFP dated January 18, 2017, February 10, 2017 and February 23, 2017 (the “Confidential Briefing Memos”) have been provided to the directors of NT Power, the municipal council of the Town of Newmarket and the municipal council of the Township of Tay;

AND WHEREAS Article 3.05 of a Shareholders Agreement between Newmarket Hydro Holdings Inc. (“Newmarket Holdco”), Tay Hydro Inc. (and together with Newmarket Holdco, the “Shareholders”), NT Power, The Corporation of the Township of Tay and The Corporation of the Town of Newmarket dated April 30, 2007 (the “Shareholders Agreement”) requires approval by all of the Shareholders (i) for the purchase of any assets or business by NT Power or any Subsidiary (as defined in the Shareholders Agreement), other than the ordinary course of Business (as defined in the Shareholders Agreement), having a value in excess of 20 percent of the Asset Value (as defined in the Shareholders Agreement), (ii) for the

borrowing of any money or the giving of any security in excess of 15 percent of the Asset Value, and (iii) for the entering into of an amalgamation, merger or consolidation with any other body corporate by NT Power or any Subsidiary;

AND WHEREAS NT Power proposes to submit a binding offer in response to the RFP and to enter into a share purchase agreement (the “Share Purchase Agreement”) with the vendor pursuant to which NT Power will purchase all of the issued and outstanding shares of the Target, on and subject to the terms of the Share Purchase Agreement (the “Purchase and Sale Transaction”);

AND WHEREAS NT Power wishes to enter into certain financing arrangements, including the borrowing of money and the giving of security, in connection with the Purchase and Sale Transaction;

AND WHEREAS NT Power wishes to enter into an amalgamation with the Target following the completion of the Purchase and Sale Transaction;

NOW THEREFORE BE IT RESOLVED by the Municipal Council of the Corporation of the Town of Newmarket (“the Municipal Council”) as follows:

- 1. That the Municipal Council authorizes and approves the Purchase and Sale Transaction and the entering into of the Share Purchase Agreement by NT Power.**
- 2. That the Municipal Council authorizes and approves the entering into of financing arrangements, including the borrowing of money and the giving of security, by NT Power in connection with the Purchase and Sale Transaction (the “Financing”).**
- 3. That the Municipal Council authorizes and approves the entering into of an amalgamation between NT Power and the Target following the completion of the Purchase and Sale Transaction (the “Amalgamation” and, together with the Financing and the Purchase and Sale Transaction, the “Transactions”).**
- 4. That the Chief Administrative Officer of the Corporation of the Town of Newmarket is authorized to approve the forms of all other documents contemplated or required to be executed by the Corporation of the Town of Newmarket to give effect to the foregoing resolutions or necessary in connection with the Transactions (collectively, the “Additional Documents”) and to execute and deliver the Additional Documents each in the form so approved.**

Background:

According to Article 3.05(l) of the Shareholders Agreement, the Purchase and Sale Transaction requires NT Power to seek the approval of all Shareholders in order for it to submit the subject offer.

The RFP required NT Power to enter into a comprehensive Confidentiality Agreement (the “**Agreement**”). To comply with the Agreement and prevent disclosure of the terms of the binding offer, Council was informed of the salient points of the offer as well as financial advice and legal due diligence through a process of Confidential Briefing Memos from the President of NT Power (the “**Process**”). Public disclosure would not only be in violation of the Agreement, it would significantly harm NT Power’s negotiating position. The Process allowed for Members of Council to ask questions and become informed on the offer.

Original signed by

P.D. Ferguson, P.Eng.
President
Newmarket – Tay Power Distribution Ltd.

From: LATOUR, PAULINE
Sent: February-21-17 7:45 AM
To:
Subject: RE: Development and Infrastructure Services Report ES 2017-10 Oak Street Parking Restrictions

Hi there, I received your letter Friday advising of the Committee of the Whole meeting on Feb. 27th, please be advised I am planning on attending this meeting and I am prepared to speak at the meeting if it is necessary. I would probably only take a couple of minutes to speak to provide my opinion of the proposed restrictions.

Please let me know if you need anything further, thanks

Pauline Latour

Deputation and Further Notice Request Form

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

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

| | |
|--|---|
| Name: Christina Herancourt | |
| Organization / Group/ Business represented: | |
| Address: | Postal Code: |
| Daytime Phone No: | Home Phone: |
| Email: | Date of Meeting: February 27, 2017 |
| Is this an item on the Agenda? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Agenda Item No: # 7 |
| <input type="checkbox"/> I request future notification of meetings | <input checked="" type="checkbox"/> I wish to address Council / Committee |
| Describe in detail the reason for the deputation and what action you will be asking Council/Committee to take (if applicable): I wish to address the Committee of the Whole regarding agenda item #7: Development and Infrastructure Services - Planning and Building Services Report 2017-06 dated February 27, 2017 regarding Application for Zoning By-law Amendment and Draft Plan of Subdivision - Azure Homes Inc. - 172-178 Old Main Street. | |
| Do you wish to provide a written or electronic communication or background information <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please submit all materials at least 5 days before the meeting. | |

Deputation Guidelines:

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

PROPOSED RESIDENTIAL DEVELOPMENT 172-178 OLD MAIN STREET NORTH

REQUEST TO STAY THE ADVANCEMENT TO A PUBLIC MEETING

FEBRUARY 27, 2017

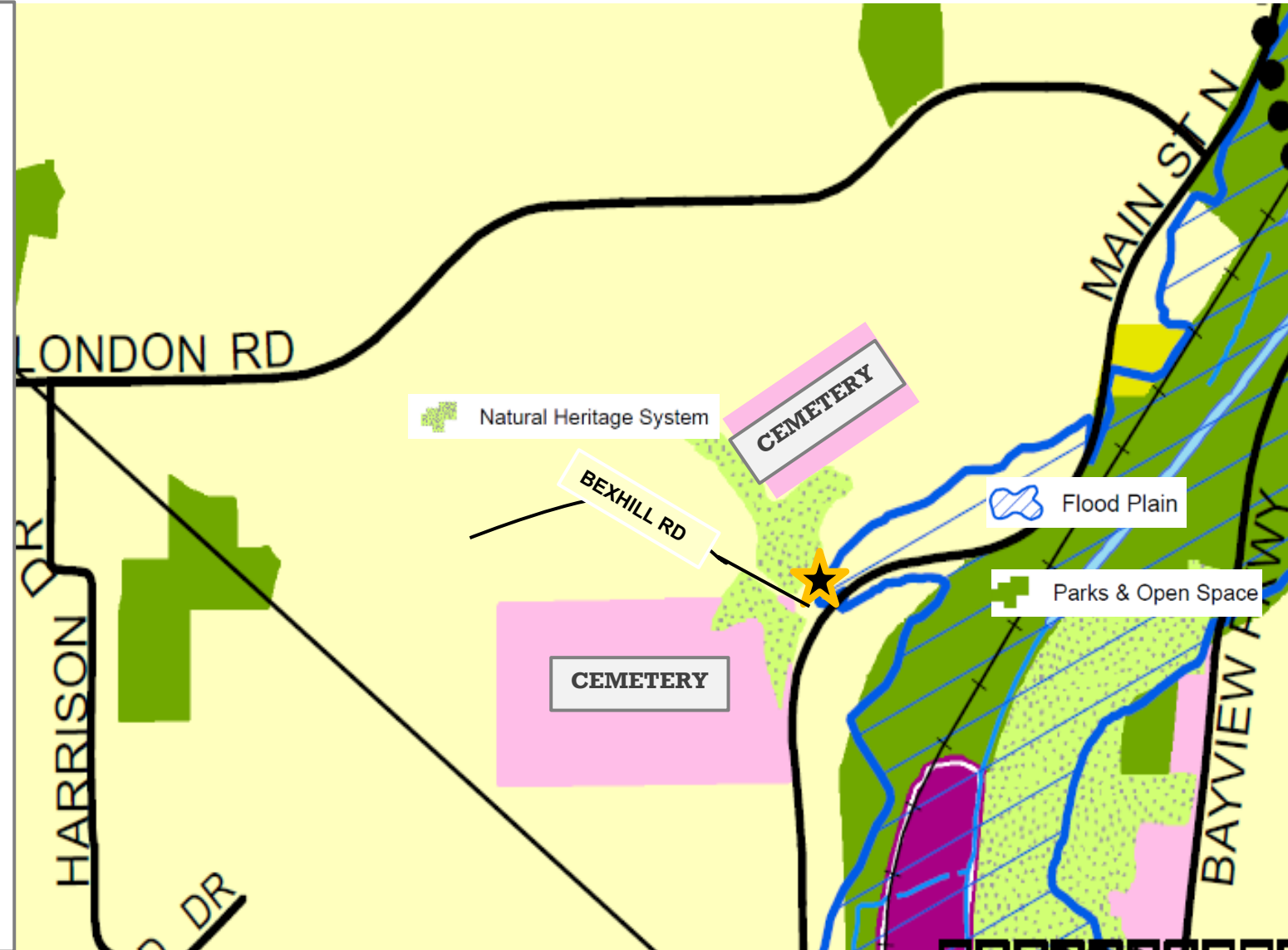




A UNIQUE COMMUNITY IN NEWMARKET⁹⁹

A Stable Residential Community with:

1. Natural Heritage Features (Woodlot)
2. Cultural heritage - one of the oldest communities dating back to the early 1840's with original homes still standing
3. Part of the flood plain - situated at the lowest elevation in Newmarket
4. A community without:
 - Storm water drainage
 - Sidewalks
 - Curbs
 - A 2-lane road
5. Large tracts of public and private open space
6. Adjacent to a cemetery
7. Large lots not available anywhere else in town

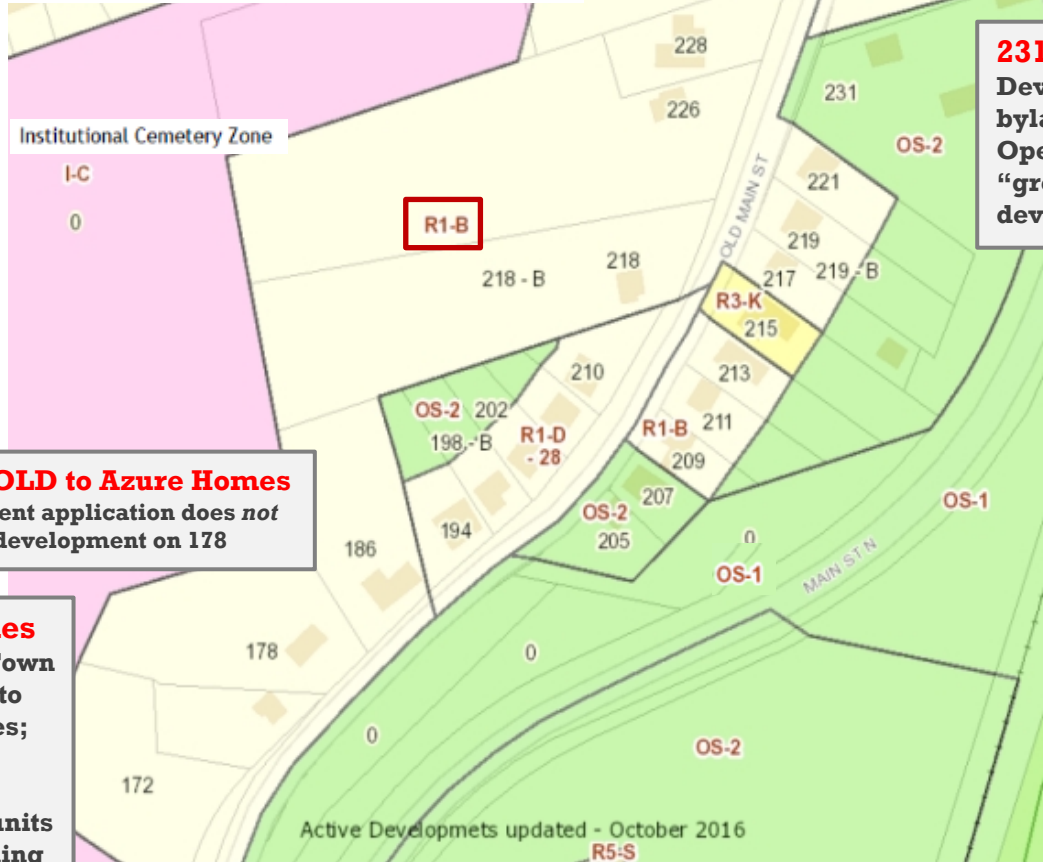


TOWN OF NEWMARKET CURRENT ZONING FOR OLD MAIN STREET

2.1 ESTABLISHMENT OF ZONES

The following zones are hereby established and they may be referred to by name or by the symbol set opposite the name of the zone below:

| ZONE | SYMBOL |
|--|--------|
| Residential Detached Dwelling 60m Zone | R1-A |
| Residential Detached Dwelling 30m Zone | R1-B |
| Residential Detached Dwelling 18m Zone | R1-C |
| Residential Detached Dwelling 15m Zone | R1-D |
| Residential Duplex Dwelling Zone | R3-K |
| Residential Apartment Dwelling 1 Zone | R5-S |



231 – SOLD – 1.57 Acre Parcel
 Development would require a bylaw amendment (currently an Open Space Zone/OS-2); sold as a “great investment and land development opportunity”

178 – SOLD to Azure Homes
 The current application does *not* include development on 178

172 – SOLD to Azure Homes
 Application submitted to the Town of Newmarket to build 6 units to create 12 semi-detached homes; the developer needs a zoning bylaw amendment permitting them to build semi-detached units as the current R1-B zoning designation allows for single detached homes only

Town of Newmarket Zoning By-Law 2010-40 Consolidated Dec 2013

PROPOSED DEVELOPMENT 172-178 OLD MAIN STREET





**PROPOSED
DEVELOPMENT
172-178 OLD MAIN
STREET**

WHY THE APPLICATION¹⁶³ SHOULD NOT ADVANCE TO A PUBLIC MEETING

- Unlike a typical infill situation where modern infrastructure already exists, our unique community is a delicate ecosystem *without modern infrastructure*
- The physical suitability of the proposed infill site, availability of hard services and road requirements are intertwined issues we need to fully understand and their impact on the community at large
- In a typical planning scenario, detailed plans for issues such as stormwater management, traffic management and hydro are done post-approval - in our unique case, these issues could have repercussions which fundamentally alter the character of the community and its ecosystem
- Therefore, we are asking for the following reports, reviews of reports, and detailed plans to be completed to ensure the public has a holistic and complete picture of the application and its impact on the community prior to a public meeting to discuss the plan to infill on lots 172-178 Old Main Street

OUTSTANDING REPORTS & AGENCY COMMENTS

1. Stormwater Management

- We have been advised the issue of stormwater management issue has been flagged internally (there are no storm sewers on Old Main Street); awaiting feedback loop completed on stormwater management from the Town
- Lake Simcoe Region Conservation Authority has not yet provided comments
- A detailed design and confirmation of the stormwater management controls to be put in place (alterative management practices) for quantity control
- Results of the fog testing conducted on Old Main Street in Fall 2016

2. Transportation Services

- Traffic Impact Statement report
- Reconstruction plans for Old Main Street – potential impact of development on widening of the road, sidewalks, curbs, repaving etc.
- Parking bylaw review
- Results from fall traffic count program

3. Engineering Services

- Completing their review of the studies submitted including Phase 1 ESA, the Geotechnical Investigation, the Functional Servicing Report and Traffic Impact Statement

4. Hydro

- What is the proposed plan to run Hydro to the proposed subdivision – above ground or under ground?

5. Tree Inventory

- Under review with Town's consulting arborist

6. Stage 1-2 Archaeological Assessment

- Pending review from the Ministry of Tourism, Culture and Sport

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| | |
|---|---|
| Name: Joan Stonehocker | |
| Organization / Group/ Business represented: York Region Food Network | |
| Address: 350 Industrial Pkwy S Aurora | Postal Code: L4G 3V7 |
| Daytime Phone No: 905-841-3101 x202 | Home Phone: |
| Email: | Date of Meeting: February 27, 2017 |
| Is this an item on the Agenda? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | Agenda Item No: |
| <input type="checkbox"/> I request future notification of meetings | <input checked="" type="checkbox"/> I wish to address Council / Committee |
| Describe in detail the reason for the deputation and what action you will be asking Council/Committee to take (if applicable): Information/update on London & Main Community Garden. Invite to Seedy Saturday on March 4 at Newmarket Community Centre and Lions Hall | |
| Do you wish to provide a written or electronic communication or background information <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please submit all materials at least 5 days before the meeting. | |

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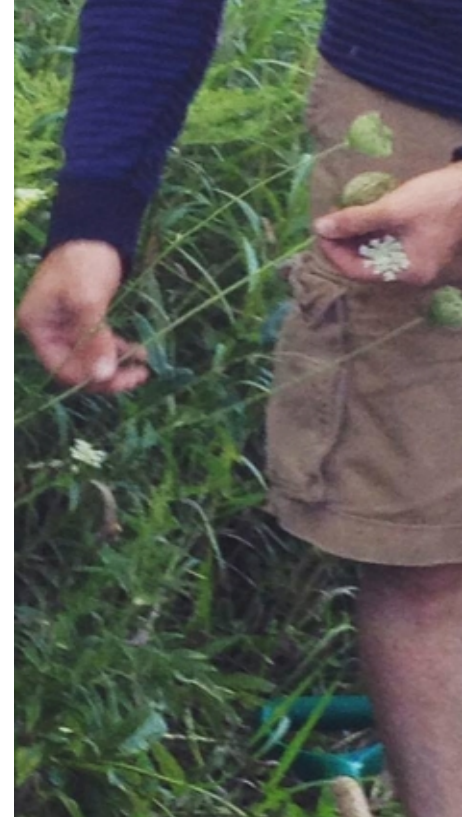
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London & Main Community Garden









York Region Food Network's
5th Annual

Seedy Saturday

... where good food takes root

March 4th, 2017

10:00 am - 2:00 pm

Newmarket Community Centre
200 Doug Duncan Drive, Newmarket,
L3Y 3X1
Halls 1&2

Marissa Wiltshire . marissaw@yrfn.ca



- . Market: Seeds, Sustainable Products, Garden Supplies
- . Interactive Kids' Activity Corner
- . Local, Fresh, Delicious Food
- . Inspiring Speakers
- . Community Seed Exchange

There is no admission charge for any of the activities, but a donation to York Region Food Network would be appreciated!





Thanks!
Joan Stonehocker
joans@yrfn.ca
905-841-3101 x202
York Region Food Network

