



Town of Newmarket
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Amendments to Marianneville Inflow and Infiltration (I&I) Reduction Agreement and Shining Hill Servicing Allocation Agreement Staff Report to Council

Report Number: 2020-83

Department(s): Planning Services

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

Meeting Date: November 16, 2020

Recommendations

1. That the report entitled Amendments to Marianneville Inflow and Infiltration (I&I) Reduction Agreement and Shining Hill Servicing Allocation Agreement dated November 16, 2020 be received; and,
2. That Council authorize the Commissioner of Development and Infrastructure Services to amend the tri-party agreement made between the Regional Municipality of York, Town of Newmarket and Marianneville Developments Limited to include added lands and revised servicing capacity limits through I&I reduction as described in this report; and,
3. That Council delegate the authority to the Commissioner of Development and Infrastructure Services to make future amendments to the tri-party agreement made between the Regional Municipality of York, Town of Newmarket and Marianneville Developments Limited and provide a briefing to Council on the nature of the amendment(s); and,
4. That Council authorize the Commissioner of Development and Infrastructure Services to amend the agreement made between the Town of Newmarket and 16250 Yonge Street Inc. and Shining Hill (St. John's) Inc. by extending the repayment deadline from December 1, 2020 to December 1, 2021; and,

5. That this report be forwarded to the Regional Municipality of York, Marianneville Developments Limited, 16250 Yonge Street Inc. and Shining Hill Homes (St. John's) Inc.; and,
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

Purpose

The purpose of this report is to seek Council's direction to amend the following two agreements:

- Marianneville Developments Limited (Marianneville) Inflow and Infiltration (I&I) Reduction Pilot Project Agreement dated July 26, 2016, and
- Shining Hill Homes (St. John's) Inc. (Shining Hill) Up-Fronting Servicing Allocation Agreement dated August 8, 2019.

Background

In 2015, Council received staff report [ES 2015-24](#) and it began the Inflow and Infiltration (I&I) Reduction Pilot Project in the Town. As outlined in Staff report ES 2015-24, I&I programs are intended to reduce the amount of "clean" water (i.e., not sanitary sewage) that enters the sanitary sewer or "wastewater" system during rain and snowmelt events, as well as seepage into the system from the surrounding groundwater. Inflow and infiltration of such water adds to the burden of sewage treatment plants, because it adds a significant volume of water into the plant that does not need to be treated.

As recommended in staff report ES 2015-24, the Town entered into the first I&I reduction agreement in 2016 with Marianneville Developments Limited and York Region. The tri-party agreement dated July 26, 2016 (Tri-party agreement) establishes 3800 persons as the maximum capacity assignment that could be earned through remedial works and identified developments known as Glenway East and Yonge and Millard as the subject lands (see Attachment 1 for location). Furthermore, the Tri-party agreement states that capacity earned through remedial works is shared between the Region and Marianneville on a 2:1 basis, whereby for every two persons capacity earned through remedial works, the Region gets one person capacity and Marianneville gets the other one person capacity. Of the one person capacity assigned to Marianneville, the Town receives 25% for its own use (up to 755 persons) and the remainder 75% goes towards Marianneville's developments (up to 2266 persons, which was based on proposed unit count at the time).

In [March 2018](#), Council authorized a second I&I project in the Town for Shining Hill. Subsequently, an agreement dated November 2, 2018 was executed between the Town, 16250 Yonge Street Inc. and Shining Hill Homes, and York Region. The development that is subject to this agreement is located at 16200 and 16250 Yonge

Street, also known as Shining Hill Phase 1 (see Attachment 1) and it involves a maximum of 647 persons of servicing capacity.

In [May 2019](#), Council granted 485 persons of servicing allocation to the Shining Hill Phase 1 project on the condition that the Town and Shining Hill enter into an agreement that establishes a timeframe and any other associated conditions / securities for the repayment of 647 persons of capacity (to account for the capacity that was up-fronted, plus the Town's 25% allocation for its own use in accordance with the Inflow and Infiltration Agreement dated November 2, 2018). The Up-Fronting Servicing Allocation Agreement dated August 8, 2019 states that Shining Hill shall repay 647 persons of servicing allocation to the Town by December 1, 2020.

Discussion

The proposed amendments to the Marianneville Tri-party agreement and Shining Hill Up-Fronting agreement are discussed in the following subsections.

Marianneville Developments Limited Inflow and Infiltration (I&I) Reduction Agreement

Marianneville is requesting to amend the Tri-party agreement as follows:

- Adding Glenway West and 600 Stonehaven Avenue developments as subject lands (see Attachment 1);
- Increasing the capacity assignment threshold from 3800 persons to 7686 persons; and,
- Removing the current cap of 755 persons of servicing capacity that the Town would receive through the I&I reduction program, but the Town will continue to receive 25% of every person of capacity assignment for the Town's own use.

Table 1 below provides a breakdown of what is being accounted for in the calculation of the proposed capacity assignment threshold of 7686 person. The servicing capacity used in the calculation for Glenway West and 600 Stonehaven Avenue are based on the proposed unit counts. It should be noted that this capacity assignment threshold calculation does not represent staff's support of these applications as filed or Council's approval of such developments. Both applications are currently being reviewed and Planning staff's recommendations for these applications will be provided to Council separately in future reports. Furthermore, the calculation included 1000 persons of servicing capacity to account for any future additions to Marianneville's landholdings.

Table 1 Breakdown of Proposed Capacity Assignment Threshold

Developments included in existing Tri-party Agreement
Glenway East (Phase 1)
Glenway East (Phases 2 and 3)
Yonge and Millard
Developments to be added to the proposed Amended Agreement
Glenway West (under review)
600 Stonehaven Avenue (former Police Association lands) (under review)
Future Development(s) should Marianneville acquire additional lands
25% to Town
20% Buffer to account for flexibility in final unit count
Proposed Capacity Assignment Threshold 7686 persons

Shining Hill Up-Fronting Servicing Allocation Agreement

Shining Hill is required to repay a total of 647 persons of servicing capacity to the Town by December 1, 2020. The applicant has been working towards the repayment and is exploring options with the Region. The applicant has proposed potential remediation sources and a method to quantify and implement the I&I benefit. Regional staff has advised that the review and approval of the proposed method will involve a peer review by an expert consultant, which is a process that may take a few months, in addition to the actual remediation work. As such, the applicant is requesting an extension of the repayment deadline by one year to allow time for all parties to address this matter. Given the applicant has been actively working towards the repayment, Regional staff and Town staff have no objection to the extension.

Conclusion

Staff have reviewed the request from Marianneville to amend its Tri-party I&I reduction agreement by adding additional developments to the I&I reduction program and support the proposed changes as outlined in this report. In addition, staff have also reviewed the request from Shining Hill to extend the repayment period from December 1, 2020 by one year and have no objections to the request.

Business Plan and Strategic Plan Linkages

None

Consultation

This report has been prepared in consultation with the applicant, Regional staff and Town Development Engineering staff.

Human Resource Considerations

None

Budget Impact

None

Attachments

Attachment 1 – Inflow and Infiltration Reduction Projects Location Map

Submitted by

Phoebe Chow, Senior Planner – Policy

Approved for Submission

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Contact

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