



INFORMATION REPORT
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July 24, 2015

REPORT – INFORMATION REPORT # 2015-33

TO: Mayor and Members of Council
SLT/OLT

SUBJECT: Glenway Lessons Learned – Facilitator's Report

ORIGIN: Development & Infrastructure Services

COMMENTS

The purpose of this Information Report is to advise members of Council and SLT/OLT that the facilitator for the Glenway Lessons Learned session has submitted his summary report to the Town. A copy of the report is attached to this Information Report.

In accordance with the Procedure By-law, any Member of Council may request this Information Report be placed on an upcoming Committee of the Whole agenda for discussion through the Clerk.

The facilitated session was held on June 23, 2015 at the Newmarket Seniors Meeting Place and was led by Glenn Pothier, an independent facilitator hired by the Town. As noted in the summary report, the focus of the session was *"to assess what might be learned from the Glenway experience that can be applied to future development-related initiatives in the Town."*

The attached document is written as a descriptive session summary (as opposed to a recommendations report), and reflects the three broadly defined phases of the development as discussed at the session:

- Pre-Application
- Application Processing to Appeals
- Pre-Hearings/Hearings and OMB Decision

In our initial review of the report, staff notes that there are some suggestions that the Town has done or is already doing. The Town's formal request to the Province in May to extend the processing timelines for development applications, the inclusion in the Official Plan of required studies and documents necessary to deem an application complete, and the provision of supporting studies and documents on the Town's website in an effort to provide residents with more and easier access to information on specific development applications are a few examples.

Staff is also considering implementing other suggestions raised at the session and summarized in the facilitator's report such as alternative methods of public consultation and how and when

information is shared with the public. The future use of consultants will also be explored by staff. In times of high demand, or where specific, specialized expertise is required, the use of consultants is a common municipal practice to help support staff in processing applications; however, it is apparent that the scope of work and/or the direction provided to the consultant must be clearly identified and made clear to Council, staff, and the public early in the process to avoid confusion over each party's role.

Staff will continue to review the summary report and intends to evaluate and further develop any changes to current processes and to work through the requisite resourcing needs and expected outcomes. Staff would then implement appropriate changes on an on-going basis and would bring forward any recommended improvements to Council requiring additional budget or that reflect significant changes to the development review process.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

The on-going review of how the Town does business and interacts with its residents and the development community supports the following branches of the Town's Strategic Plan:

Well-equipped & managed: implementing policy and processes that reflect sound and accountable governance

Well-respected: promoting engagement in civic affairs

HUMAN RESOURCE CONSIDERATIONS

Not applicable to this Information Report.

BUDGET IMPACT

The facilitator's fees have not yet been forwarded to the Town and will be communicated to Council once the invoice has been received.

CONTACT

For more information on this report, contact P. Noehammer, Commissioner of Development & Infrastructure Services.

for 

Director of Planning


Chief Administrative Officer



Commissioner of Development &
Infrastructure Services

Attachment: GLPi Facilitated Session Meeting Summary



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Meeting Summary

**A Facilitated Lessons Learned Session
Concerning the Former Glenway Golf Course Lands
Marianneville Developments Limited Project**
Learning from the past...with an eye to the future

Meeting Date/Time/Location:

June 23rd, 2015

7:00-9:00 p.m.

Newmarket Seniors' Meeting Place (474 Davis Drive)
Newmarket, Ontario

Preface and Meeting Purpose

This open invitation session brought together members of the public, community group/neighbourhood representatives, Town staff and elected officials, the developer and associated representatives, planners and others with some connection to or interest in the former Glenway Golf Course lands Marianneville Developments Limited Project (henceforth referred to as 'Glenway'). As a '*learn from the past with an eye to the future*' initiative, the session had a forward-looking overarching focus: *To assess what might be learned from the Glenway experience that can be applied to future development-related initiatives in the Town.*

In total, approximately 50 people attended the meeting. All session participants are to be commended for their productive contributions.

More specifically, the session had the following key objectives:

- To debrief on the Glenway experience — share perceived process-related frustrations, issues and gaps;
- To identify potential action-oriented options for process-related changes that can inform the management of future Town development;
- To engage in an honest and informed exploration of the salient issues; and
- To engage meaningful multi-stakeholder participation and harness the collective insight of the group.

In addition, the session agenda provided for a brief discussion of next steps and closing comments from the Town's Mayor.

The meeting began with the session facilitator welcoming everyone to the meeting, thanking the group for their participation, providing an overview of the session objectives and agenda, and introducing elected officials in attendance. The facilitator also highlighted some key principles and parameters to help guide the group discussion.

The following summarizes the participant discussion-related meeting highlights for each of the agenda components.

Process-Related 'Itches' — and Identification of Potential Changes

A number of individuals and groups have been critical of different facets of the Glenway development process. Some feel: *that things were not done that could or should have been; that things that were done could have been done differently or better; and that there were notable gaps and flaws in the process.*

This component of the meeting was about providing participants with the opportunity to 'give voice' to these concerns and, perhaps more importantly, to identify what various parties (Town staff and elected officials; developers; development consultants; residents and community groups; the Ontario Municipal Board and others) could or should do differently. To give the conversation some structure and greater focus, participants were invited to do this for each of the three broadly defined phases of the initiative:

- **Pre-Application** — the time period up to and including the Town confirmation of a complete application (up to May 2012) covering the following key events:
 - Hiring of an external consultant (September 2011)
 - Pre-consultation (January 2012)
 - Application submission (April 2012)
 - Application deemed complete (May 2012)
- **Application Processing to Appeals** — the time period from May 2012 to April 2013, including application submission to Decision of Council and appeals, and covering the following key events:
 - Application circulation (May 2012)
 - Commenting from departments and agencies
 - Report directing referral to Statutory Public Meeting (December 2012)
 - Public Meeting (January 2013)
 - Appeals (April 2013)
- **Pre-Hearings/Hearings and OMB Decision** — the time period from May 2013 to April 2014, including the final planning report, pre-hearing and Phase One/Phase Two hearings, and covering the following key events:
 - Pre-Hearing 1 (August 2013)
 - Settlement offer(s)
 - Final Planning Report recommends denial of applications based on outstanding technical issues (November 2013)
 - Pre-Hearing 2 (December 2013)
 - Phase 1 Hearing (March 2014)
 - Direction to settle - Phase 2 Hearing (April 2014)
 - Phase 2 settlement hearing (April 2014)

The following summarizes the collective input from the various roundtable discussions by each of the three phases. Each table respectfully captured the essence of comments shared on pre-prepared recording templates — information from which serves as the basis for the substantive content of the remainder of this report. Of note, randomly selected tables were invited to share discussion highlights in plenary as part of a brief ‘response sharing’ segment for each phase of the initiative.

Please also note that in the interest of fairness and comprehensiveness, this summary reflects the range of participant perceptions as provided through the recording templates — and makes no judgments about the veracity of the views shared. Moreover, attempts have been made to combine the same or similar points (where precise wording may have differed slightly), while maintaining the integrity of the core meaning. Though the chronology of events would suggest that certain participant input might have been better situated under a different phase, comments have typically been left in the categories in which they were provided.

Given the variety of stakeholders and viewpoints, the complexity of the topics, and the gravity of the issues involved in this kind of contentious development application, it is not surprising that there were sometimes very different and occasionally diametrically opposing views on certain items. These are included and help portray the diversity of opinion.

In terms of reporting structure, the identified process-related frustrations, issues and gaps are described first (they have been clustered under broad topic headings/themes, and are presented in no particular order). These are followed by related participant suggestions for things that could or should have been done differently and/or could be done in the case of future development applications (these are delineated using a boxed table-style presentation and are shown in orange font). Of note, though certain points could be included in multiple categories — a ‘best fit’ approach has been emphasized.

As made obvious in the remainder of this section, key issues and forward-looking suggestions typically revolve around the following higher-level themes:

- Issue ownership/leadership;
- Awareness/communication/understanding;
- Consultation/engagement;
- Planning Act process and related practices;
- Resourcing and role scoping/direction;
- Preparation/participation;
- Inflexibility/position-taking;
- Negotiation;
- Power imbalances;
- Costs and impacts; and
- OMB authority/discretion/accountability.

Pre-Application Phase: *The time period up to and including the Town confirmation of a complete application (up to May 2012).*

Identified process-related frustrations, issues and gaps

Issue Ownership/Leadership-Related

- Lack of a clear and well understood shared vision for the Town and its future articulated by Town leaders — something around which the community could collectively rally.
- Seeming Town reluctance to aggressively defend its own policies and assume a leadership position — resulting in community members having to secure an external consultant to assist.
- Insufficient emphasis placed by the Town on its own adopted Official Plan and, more specifically, the content relating to open space and green space.
- Town staff and elected officials inclined to claim a sense of powerlessness/helplessness given Planning Act requirements, OMB processes, etc.
- Town elected officials not working effectively with the planning department.
- General lack of elected official direction/leadership on the issue.
- Questions about the degree to which Council and staff considered ‘acting’ on the Glenway lands prior to their purchase and the submission of the subsequent development application — and related concerns about missed opportunities re: what could have been done early in the process or as part of advance planning/activity.
- Lack of clarity regarding the Town’s consideration of land purchase.
- Missed Town opportunity to purchase all or a portion of the Glenway site.
- Absence of a policy framework for parkland requirements at the time of the application [subsequently addressed].
- An early community bid (2008) to purchase the Glenway lands that fell through — and inaction on other options explored.
- Newmarket’s inability to learn from what other municipalities in Ontario have experienced in similar situations involving developers and/or the OMB.

Things that could or should have been done differently and/or could be done in the future...

- Town purchase of some/all of the Glenway lands (or lands that might be subject to future development).
- Introduction of an interim control by-law to prevent the application from proceeding — and to provide the opportunity to secure and fully review studies with implications for the disposition of the land and related issues.
- Ensure that requisite studies/policies are in place — better equip the Town to protect/defend its Official Plan.
- Ensure that Council receives more regular updates from staff.
- Canvas other municipalities with experience regarding similar development issues — and learn from those experiences with a view to charting a better course of action.

Communication/Understanding/Consultation-Related

- Residents became aware of the pending application too late in the process — and ensuing consultation/discussion was focused on pre-set topics (and without regard to bigger picture issues and opportunities).
- Insufficient engagement of the community/neighbourhood residents early enough in the process.
- The development plan continued to evolve throughout the consultation process — creating a moving target and difficulty for those involved.
- Local community group contacts unknown during early stages of the process.
- Lack of full disclosure of in-camera Council meeting content re: the potential acquisition of important land parcels such as Glenway — and a sense that there were too many in-camera sessions.
- Lack of transparency on key issues pertinent to the OMB hearing (for example, regarding Town interest/intent to purchase the Glenway lands) and other issues — and that relevant information from the sessions was not introduced/used at the hearing to bolster the Town's position (or used to address the OMB adjudicator's contention that the Town had not shown an interest in purchasing the lands).
- Residents felt cutout of the process — or that their voice was minimized.

Things that could or should have been done differently and/or could be done in the future...

- Assign a Town resource to pre-identify and proactively share information about potentially contentious development applications.
- Inform and engage residents as soon as redevelopment is understood to be a likely possibility.
- Consider advance 'red-flagging' of potentially contentious development applications — and share this information broadly.
- Have staff provide earlier 'heads-up' alerts to Council re: any potential applications of significance to the Town's Official Plan.
- Developer should present the concept to the neighbourhood earlier in the process.
- Solicit and communicate an early legal opinion on key concepts and the process (including the principle of development).
- Enhance Town ability to provide clarity on Planning Act-related matters in ways that are understandable to non-planners/lay-people.
- The Town should provide more thorough and frequent updates to citizens.
- Freedom of Information (FOI) requests should be met in a reasonable time frame (and in cases where the requested information is no longer 'in play,' Council should relax the requirements for information release).
- Clearly define and communicate the criteria used to determine 'in camera' Council meetings re: land acquisition/disposal — and fine tune the approach to allow for a greater level of transparency and public

understanding/discussion.

- Ensure that developer-led Public Information Centres (PICs) and meetings present information in a fair way that invites meaningful dialogue and issues exploration (do not present things as a fait accompli).
- Ensure that residents are part of the process.
- Share the development concept — and any Council-related decisions — earlier in the process to better facilitate community dialogue and input to the process.

Planning Act and Process/Practice-Related

- General challenge of meeting timeframes set by the Planning Act.
- The necessity to work with the 180-day clock set by the Planning Act — and the fact that the clock does not 're-set' when further answers/clarifications are sought by staff.
- Lack of community and Council understanding of the nuance and subtlety of the planning and OMB process — resulting in questionable decision-making.
- The intent underlying the Town's Official Plan and vision for Newmarket was neither well understood nor communicated — within the Town office and the broader community.
- Town acceptance of an incomplete (or insufficiently complete) development application — despite various missing information having been identified.
- The size of the development — bigger than expected/what should be permitted adjacent to an established residential area.
- Inability to successfully convey Planning Act requirements and permissible actions to property owners/residents.
- Developers have too much control of the process — and Town staff are too friendly with developers.
- Insufficient public 'say' in the process and their own local government.

Things that could or should have been done differently and/or could be done in the future...

- Advocate for revisions to the Planning Act re: timing for processing applications (and allowing for clock re-setting when there are outstanding questions/issues/information gaps regarding an application).
- Development applications should be processed at the Town's pace, not the developers.
- Ensure that the development application is complete — with all required studies in place — before deeming it so.
- Establish a clear and well-publicized list of all criteria (a 'check-list') that must be met for an application to be considered complete.
- Better review and consider the implications of the approved Official Plan — this should influence decisions regarding development applications (both prior to and after them being submitted).
- Ensure that an approved Official Plan has strong standing and is fully compliant (and defensible).

- Zoning change requested — amendment for hotel as a permitted use.
- Implement a condition of development that would give the Town the right of first refusal to purchase (at a lower cost) significant lands being considered for development.
- Town to have preserved the Official Plan designation and/or established greater clarity on the open space designation.

Resourcing and Role Scoping/Definition-Related

- Internal Town capacity limitations requiring the outsourcing of work to external planning consultants.
- Current skill-sets of staff encourages/necessitates use of external consultants.
- Town decision to retain an outside consultant to work on the Glenway file, rather than using a senior Town planner.
- Hiring of a planning consultant not done with enough stakeholder involvement.
- Unclear mandate of and parameters for the hired planning consultant — and questions about whether either was in place.
- Improperly defined/scoped external consultant work — and questionable Town oversight of the individual hired (and questions about the reporting relationship/chain of reporting and process management).
- No one at the Town willing to take responsibility for the actions/decisions/recommendations of the retained consultant.
- Appearance that the external consultant reported directly to Council — suggesting that the planning consultant's recommendation becomes a de facto decision to Council.

Things that could or should have been done differently and/or could be done in the future...

- Reconsider the practice of retaining an external consultant to lead and independently work on significant development applications (particularly if the individual is to be given broad latitude to act outside of a strong internal reporting structure).
- Do not hire an external consultant prior to pre-consultation having occurred.
- Hire additional Town staff planning resources.
- Create a well-established mechanism that would improve the Town's ability to respond swiftly to needs using external consultants on retainer as needed.
- Ensure clarity of mandate/role/scope prior to hiring a planning consultant.
- Only hire planning consultants that can/will defend the Town's Official Plan.
- The retained planning consultant should have communicated her opinion (that development should occur) prior to writing her report — Council would then have had the opportunity to dismiss her and retain a planner with an opinion consistent with their own (i.e. that development should not occur).

Inflexibility/Position-Taking/Negotiation-Related

- A sense that some/many parties — developer, councillors, community members — adopted early and intransigent positions prior to being in possession of the full analysis and facts.
- The initial PIC hosted by the developer implied that the development was a done deal — resulting in an adversarial reaction from residents/the community.
- Developer pledge at the outset of the process to commit to a nine-hole golf course (that became a divisive 'bargaining chip' in the process).

Things that could or should have been done differently and/or could be done in the future...

- All parties should refrain from adopting 'hard positions' until the complete set of facts/information is known.
- All parties should have demonstrated a greater willingness to meaningfully engage in dialogue and be more open to a negotiated solution.
- Consider mediation through an independent third-party

Application Processing to Appeals: The time period from May 2012 to April 2013, including application submission to Decision of Council and appeals.

Identified process-related frustrations, issues and gaps

Awareness/Communication/Understanding-Related

- Residents knew little about the process (many relied on the little they saw in the local newspaper, through social media and councillor newsletters).
- Many in the community did not understand the process and how one can engage in it — including opportunities for appeals.
- Full results/details of the Transportation Study unknown/not shared.
- The process was difficult to follow — the development plan continued to evolve and was a moving target.
- Inadequate communication between Town staff and council — councillors receive information just prior to 'approval votes' leaving little time for considered thought.
- Insufficient detail on matters of importance to the community provided by the developer at PICs.
- The community always had to go to outside consultants/resources with questions — the retained external consultant ignored the community and no one from the Town would assume responsibility.

Things that could or should have been done differently and/or could be done in the future...

- Enhance communication to/education for residents re: process, project status, issue updates, opportunity for comment, timing, milestones, etc.
- Strengthen community understanding of a planner's professional obligations

and independence — whether on staff or retained by the Town (that is, the requirement to provide professional advice to a client/decision-maker without concern for 'fear or favour').

- Create a pro bono advisory group of professionals who would be willing to assist residents with understanding issues and process.
- Town staff and elected officials need to be more responsive in public meetings.

Planning Act/Process-Related

- The 180-day Planning Act appeal period stipulation is short for complex applications leaving limited time for comprehensive review of supporting documents.
- Process timelines are too tight.
- The development application was lacking in depth and detail — hindering full/thoughtful analysis.
- All of the applications and plans create confusion and serve to split the community.

Things that could or should have been done differently and/or could be done in the future...

- Developers could choose to work collaboratively with the Town in the time period beyond the 180-day appeal deadline.
- Ensure that the application is fully complete before the 180-day clock starts.
- Provide the community with more time to respond to the application and secure/hire expertise.
- Clarify land use designations/rules.
- The Town should review/act on the entire lands in order to mitigate the multiple application approach.

Consultation/Engagement/Negotiation-Related

- Public meeting formats/approaches/venues were not conducive to meaningful, constructive input.
- The process is too adversarial.
- The public meetings became a forum for getting people angry and causing division — a lot of questions were inadequately or never answered (including follow-up answer sheets that came too late from the developer).
- Developer-led consultations were not meaningful.
- Putting councillors 'on the spot' in large public meetings and requesting their positions regarding support/opposition of a development application — prior to all facts being known — is both unwise and unproductive.
- After community consultation and input, the developer added to the number of homes on the site — this was contrary to what the community wanted (*how did the number of units steadily increase?*).

- Challenging to conduct meaningful negotiation and respond to 'last minute deals' with the developer and their lawyers in the room.
- The Town typically did not respond to feedback provided by citizens.
- Public input seems to disappear in a void — there is no follow-up on how it has been acted upon.
- Lack of staff capability/proficiency in community engagement.
- Too much focus on technical analysis and not enough on consensus building.

Things that could or should have been done differently and/or could be done in the future...

- The community and the developer should have a greater opportunity to discuss issues together.
- Create avenues for residents to meet directly with the developers — separate from community/neighbourhood groups.
- A meeting between the developer and residents should be a requirement (in particular, for major applications where the potential for conflict exists).
- Use a more collaborative approach in which all parties work together toward a mutually agreeable development proposal — a 'win-win' or compromise scenario.
- Hire an independent consultant on retainer who can lead/facilitate productive meetings.
- Place greater emphasis on negotiation/mediation.
- The developer could/should better and more diligently address community comments — and seek agreeable solutions prior to appeal.
- The issues need to be broken into smaller more manageable parts and addressed in a workshop format that allows for more constructive dialogue.
- Citizens need to have — and feel they have — a real voice throughout the process (more than just a developer 'checking a box' to indicate community consultation).

Issue Ownership/Leadership-Related

- No one at the Town seemed to be responsible or accountable — or diligently managing the process.
- There is an impression of a lack of leadership and imbalance in roles — Council appeared to leave the matter in the hands of staff who in turn put things in the hands of an external consultant.
- Elected officials were far too passive — the Glenway Preservation Association (GPA) had to step-in and lead the process.
- Unknown level of Town support for arguing at the OMB and uncertain level of commitment to this tact.
- Misalignment between Town staff and council hampered the process of securing resources for use at the OMB.
- Unwillingness of the Town to include the lands adjacent to the GO station in the secondary planning process.

- Town staff did not sufficiently raise concerns about missing or poorly completed studies in support of the application — and aggressively challenge the degree to which the development meets the intent of the Official Plan.
- Poor Town management of human resources/consultants (a well compensated consultant retained by the Town became a 'star witness' for the developer — *how does this happen?*).

Things that could or should have been done differently and/or could be done in the future...

- Council needs to declare — early on — their support for the community (if this is, in fact, the case).
- The Town needs to clearly establish who is in control and identify a clear position.
- Create a Town template for organizing resources/expertise to better respond to complex/contentious development applications.
- Council (and the Town generally) need to take greater control and provide more/better direction to planning staff and consultants re: the Town's vision and Official Plan priorities, while respecting a planner's professional obligations and independence.

Inflexibility/Position Taking-Related

- Community members' non-conciliatory position re: opposition to the development.
- The developer's non-conciliatory position re: willingness to modify the development and/or mitigate its impacts.
- Councillors stating positions before being in possession of all of the facts.
- The strategic decision to fully fight/oppose the development application was questionable and may have been based on decision-maker naïveté.

Things that could or should have been done differently and/or could be done in the future...

- All parties should refrain from adopting 'hard positions' until the complete set of facts/information is known.
- All parties should have demonstrated a greater willingness to meaningfully engage in dialogue and be more open to a negotiated solution.

Pre-Hearings/Hearings and OMB Decision: *The time period from May 2013 to April 2014, including the final planning report, and pre-hearing and Phase One/Phase Two hearings.*

Identified process-related frustrations, issues and gaps

OMB Authority/Discretion/Accountability-Related

- OMB over-writing Town decisions/desires.
- The OMB's seeming ability to over-rule the town's Official Plan — despite the Town meeting all Places to Grow requirements — and siding with the developer.
- The OMB is unelected and seemingly not accountable to anyone.
- The OMB process is flawed.
- OMB hearings are highly structured and adversarial.
- No transcript of the verbal decision is available. (*Why is this the case?*)

Things that could or should have been done differently and/or could be done in the future...

- Advocate for OMB reform (changes to OMB practices and authority) — reduce the OMB's ability to undermine Ontario communities.
- Give communities greater control over their growth and development.
- If the province has approved a municipality's Official Plan, it should trump the OMB.
- Ensure that the OMB written report is delivered in a timely manner (i.e. before municipal elections) — to do otherwise creates suspicion.

Studies/Plans/Focus-Related

- Is something as large as Glenway beyond the scope of an Official Plan Amendment?
- Lack of environmental studies in place.
- Why was the focus only on the issue of the principle of development?
- The hearing was only focused on two things: technical issues and development principles.

Things that could or should have been done differently and/or could be done in the future...

- Should the process distinguish between minor and major Official Plan Amendments in the context of a recently approved Official Plan — should Glenway have been deferred to the next Official Plan Review?
- Broaden the scope of what is addressed at OMB hearings.
- Ensure that all required studies are in place/complete.

Power Imbalances/Tactics/Negotiation-Related

- Cash-rich developers can hire large teams to argue for their positions.
- Cash-strapped community members (who must use after tax dollars) and towns are often out-resourced, putting them at a disadvantage.
- The focus on last minute settlement offers rather than meaningful negotiation/mediation.
- It is challenging to negotiate with large groups.
- Developer reluctance to engage the community — using an OMB hearing as a looming threat.
- The settlement opportunity was not seized/negotiated in good faith — the offer could have been 'sweetened.'
- Two settlement offers were presented (and prepared with great consideration and effort) — though they were made public, they were not seriously considered (the second offer appeared to hardly have been reviewed and did not receive the courtesy of a response).
- Developer-led consultations/negotiations were not meaningful.

Things that could or should have been done differently and/or could be done in the future...

- Communities across Ontario should band together and share information/strategies for supporting their Official Plans and winning at the OMB.
- Improve the consultation, collaboration and cooperation between the Town and community to maximize effectiveness and chances of positive OMB outcomes — create a mechanism for better communication, knowledge sharing and engagement with the community around specific issues.
- Improve information sharing generally.
- Consider using an outside facilitator to lead charrette-style processes.
- Hire an independent consultant on retainer who can lead/facilitate productive meetings.
- Hold more public meetings — in line with Environmental Assessment Act requirements.
- A mediation process could be undertaken during the pre-hearing stage.
- Increase the focus on settlement offers with a view to negotiating agreeable outcomes for all parties — including the potential for a significant offer from the developer that would avoid an OMB hearing and with a realistic opportunity to be accepted.
- Town staff and Council should have at least considered the second settlement offer and discussed it with residents — the offers were a good deal (particularly in light of the OMB outcome and low likelihood of the Town/GPA being successful at the hearing).
- Council should have more honestly assessed the situation/likelihood of success before the OMB and done more to encourage a settlement solution.
- Consider using the pre-hearing to force mediation for a set timeframe.

Cost/Impacts-Related

- Councillors reported an inflated cost for the Town's defense of Glenway to the media.
- Was the one million dollars spent by the Town worth it — would council have taken the same approach if it was not an election year?
- No discussion of the increased tax burden to ratepayers to fund the infrastructure required for development.
- No mention of expected water challenges/issues.

Things that could or should have been done differently and/or could be done in the future...

- Consider/place residents above profits.
- Councillors need to be more forthcoming to residents about options and the likelihood of success at the OMB.
- Better take into account costs.

Preparation/Participation/Resources-Related

- Town challenges in securing expert witnesses to support a position different from that of the planning consulting initially retained by the Town.
- Lack of Town staff presence — in particular, planning staff — at OMB hearings (at a minimum, it would have been instructive for them to be there).
- Given that the external planning consultant initially retained by the Town was regarded as a 'member of staff' — and having taken the position that development should be permitted — there was no effort by Town staff to stay engaged in the process.
- The external planning consultant initially retained by the Town was not directed/instructed to seek ways to defend the Town's Official Plan.
- Insufficiently skilled (or improperly briefed/prepared) Town representatives at the OMB hearing — inadequate experts and defense of the Town's Official Plan.
- Hiring Town representatives (lawyer, planner) too late in the process — not leaving them with enough time to prepare.
- Town's external lawyer was more focused on negotiation rather than how to defend Newmarket's Official Plan.
- Seemingly insufficient Town preparation for the OMB hearing — and lack of accountability.
- Town waited too long for recommendations from staff regarding steps to take to defend the Newmarket Official Plan.
- Town staff and council not on the same page regarding orientation/approach to the OMB hearing.
- OMB hearing process poorly managed by the Town — there was an inadequately presented Town case (given the failure to raise the issue of the location of the GO station and to put the Glenway lands through a land use review).

- Failure to act years ago to lay the groundwork for success (OMB adjudicator said the Town lost the case due to things not done years ago).
- Residents (the GPA) should have allowed the Town to fight Phase One of the hearing — instead, using their resources to work-out technical details in Phase Two that may have resulted in a more palatable solution during the hearing.
- Was the overall community well represented by the GPA?
- Was there a way to include other community interests?

Things that could or should have been done differently and/or could be done in the future...

- Ensure planning staff (and others as required) attend OMB hearings — and substantively contribute to making the case for the Town's position and provide support/context to hired experts.
- Ensure that experts retained by the town (lawyers, planners, etc.) have the requisite knowledge, background and skills to bolster the Town's position — and that they are retained early enough to allow for sufficient preparation.
- Place greater emphasis on a sound Town strategy to increase the probability of a successful outcome at an OMB hearing — including securing the requisite resources as soon as possible and equipping them to succeed.
- Develop a Town strategy to better defend its Official Plan before the OMB — and ensure that the Town is fully prepared for all aspects of the hearing.
- Keep all of the arguments together, rather than separating them — a dangerous precedent has now been set by the 'unbundling.'

Other Comments

Beyond the core information described above, participants shared the following additional questions/comments:

- How do we go about getting a public inquiry into the whole process?
- Should the Office of the Ombudsman be engaged to look into the whole Glenway issue?
- What can Newmarket do to help other municipalities in Ontario (all 444 of them)?
- Should the rapid transit way have been built to Bathurst?
- Why did the town have to pay Ruth Victor [the planning consultant initially retained by the Town] to be a witness at the OMB hearing to help defeat Newmarket's own Official Plan?
- Moraine land is subject to development.
- Councillors are elected to make difficult decisions and not to pander to ratepayers — at the expense of the entire tax base.
- The Official Plan is not the only piece of pertinent planning legislation. There needs to be better awareness and understanding of all other legislation — regional, provincial, etc. The OMB hearing seemed to be based entirely on the Official Plan with little consideration of the bigger picture.

An Eye to the Future — Key Messages and Lessons Learned

A key session focus was providing participants with the opportunity to share summative key messages and lessons learned. Building on the identification of concerns and potential process-related refinements/enhancements (and brief sharing of selected of these in plenary), each table was invited to complete a ‘two-by-four’ exercise, in essence, recording responses to the following questions:

- *What are the top two messages or pieces of advice to the Town (the ‘Town’ being broadly defined)?*
- *What are the top four lessons learned?*

The collective outcomes of this exercise are summarized in the tables that follow.

Again, in the interest of fairness and comprehensiveness, the following summary reflects all participant input as provided through the recording templates — and makes no judgments about the views shared. Moreover, attempts have been made to combine the same or similar points (in cases where the precise wording may have differed slightly), while maintaining the integrity of the core meaning. The order of the points shown should not be construed as being suggestive of importance or priority.

Key Messages
<ul style="list-style-type: none">• Town officials need to be better caretakers of Newmarket’s interests.• Elected officials must represent the voters — and have the integrity to do so.• Council should make hard decisions — not pander to ratepayers.• Town council and staff need to demonstrate greater leadership and accountability (including implementing a process to identify contentious issues and options in a timely manner).• The Town must better support, protect and vigorously defend its own Official Plan — be careful not to set bad precedents and be willing to stand-up/fight for what the Town believes in.• If the Town does not believe they can defend the Official Plan, then change it.• Improve communication — to/from the community, between staff and council, and between all parties generally.• There is a need to more aggressively bring different parties together to identify potential compromises.• Improve methods of and approaches to community consultation — ensure that they are more timely (and conducted earlier), genuine, thorough, meaningful/substantive, well-facilitated, and focused on solutions and consensus building.• Review emerging trends to improve community input and consultation on: Planning Act education, development proposals, and other specific topics of interest.• The Town must do a more robust risk evaluation at the outset of the initiative — including getting legal, planning and other opinions.

- Once the land is gone (i.e. lost to development), it's gone!
- Better prepare for OMB hearings — get highly skilled, professional representation that knows what to say, ask and do.
- The entire development process needs to be clarified.
- Strive for a more conciliatory approach among key parties to a complex development application — the developer, community members, Town officials — and, if required, use mediation during the OMB pre-hearing stage.
- The Town does not seem to have a planning staff that is up to the challenges that Newmarket currently faces and will face — there is a need to 'reshuffle the deck' and ensure that fully competent staff who can get the job done are in place.
- There are so many things that could have been built/uses for the Glenway lands that would have better served the community and the Town as a whole — key priorities remain unfilled and needs unmet.

Key Lessons Learned

- The Town was/is powerless in front of the OMB.
- The Province does not listen to municipalities.
- The burden to the taxpayer is not being disclosed.
- The Town needs to increase its internal resources/competencies/skills.
- The Town should retain sufficient 'on-call/retainer' external resource capacity to be brought-in when required for complex planning projects or when particular expertise is required.
- Ensure that every planning application has at least one internal staff resource assigned to it — ensuring appropriate oversight, direction-setting, etc.
- The Town needs to better participate in the OMB process — staff should attend hearings and participate in the process (regardless of whether an external planner has been retained).
- Ensure that the Town is 'OMB-ready' from a legal and process perspective — regarding any potential development.
- Make decisions to purchase/not purchase lands more transparent.
- The only way to ensure that land is kept 'green' in perpetuity is for the Town to own it.
- In the case of anyone looking to develop private green space, the Town should either put prohibitions on the ability to develop the lands and/or ensure that the Town has the option to purchase them.
- Discussions regarding the Glenway lands (around holes 13-18) need to begin immediately and include exploration of public-private uses and needs.
- Use a more consultative process in future discussions.
- Improve mediation/negotiation to try reach a settlement that is in the interest of all parties (and that avoids the OMB).
- Better and more meaningfully involve residents in the process.
- Mature, stable residential areas should not be built upon.
- Be very cognizant of the timeframe of 180 days prior to going to the OMB.

- The work of retained planning consultants needs to be clearly defined/scoped, differentiated from the role of staff, and appropriately directed (including clear instruction from Council).
- Transparency needs to be improved across the board — for council discussions/decisions and staff process/progress.
- In camera council meetings should be used judiciously and fine-tuned to allow for greater public understanding/discussion/consultation — the practice of closed-session meetings should be reviewed.
- There is a need for improved information sharing/communication methodologies (to facilitate understanding of the Planning Act and effective engagement).
- There is a need to improve/enhance approaches to community consultation and engagement — consider the use of smaller working/discussion groups.
- The Town (in conjunction with York Region) should continue to provide commentary/advocate to the province re: various aspects of the Planning Act related to OMB reform.
- Planners and councillors should 'inhabit the same universe.'
- Town staff and council need to heed the advice and information they are given, recognize a losing argument and work to negotiate the best deal possible with the developer to minimize impacts/issues for residents.
- Council needs to assume greater ownership of major development issues.
- Council and staff need to improve project management.
- External consultants retained by the Town must back the will of the Town and community.

Looking Ahead

As part of a brief end-of-session activity, next steps were described and the Mayor of Newmarket was invited to share any observations or comments.

Next Steps

The independent facilitator identified the following as near-term next steps and activities flowing from the meeting:

- GLPi to synthesize the collective input from meeting participants and produce the session summary [done by way of this report].
- Town officials to review the session outcomes — and, as per the assurance of the Town's CAO — look to identify key ideas/strategies/initiatives regarding what can be done better/differently regarding future development in Newmarket.
- All parties to consider the 'lessons learned' session outcomes and determine implications for future action/practices.

Observations From the Mayor

Newmarket Mayor Tony Van Bynen shared some complimentary remarks about the value of the session, the facilitation and participant contributions before noting that:

- The Town looks forward to reviewing the session summary and seriously considering participant input and the range of ideas put forward;
- Glenway was a complex and challenging development application with a number of sensitive issues — there is much that everyone can learn from it;
- It is important for everyone to reflect on the Glenway experience and apply knowledge gained to future initiatives;
- There is a need for more constructive consultation and engagement — and a willingness to engage in dialogue and negotiation; and
- Participant opinion and information sharing at the session is much appreciated.

The session facilitator then thanked all participants for their valued contributions to the session — and for the opportunity to work with the group — before formally drawing the session to a close.

Appendix

- Workshop Agenda

***A Facilitated Lessons Learned Session
Concerning the Former Glenway Golf Course Lands
Marianneville Developments Limited Project
Learning from the past...with an eye to the future***

Agenda

Overarching Meeting Objectives:

- Debrief on the Glenway experience — share perceived process-related frustrations, issues and gaps.
- Identify potential action-oriented options for process-related changes that can inform the management of future Town development.
- Engage in an honest and informed exploration of the salient issues.
- Engage meaningful multi-stakeholder participation and harness the collective insight of the group.

7:00 Opening Remarks

- Welcome and session purpose/agenda overview
- Discussion principles
- Key introductions

7:15 Key Process-Related Itches by Phase — and Identification of Potential Changes

- For each of the three project phases:
 - What are the perceived process-related frustrations, issues and gaps?
 - What could or should various parties have done differently in this phase? *In the future, wouldn't it be great if...[what]?*
 - *Rapid response sharing*

8:30 A '2x4' Exercise

- What are the top two messages or pieces of advice to the Town?
- What are the top four lessons learned?
- *Highlights sharing*

8:50 Looking Ahead

- What's next — how does the session input get acted on?
- Words from the Mayor

8:55 Closing Remarks and Adjournment