



**Town of Whitchurch-Stouffville
Council Agenda
Tuesday June 4, 2019
Closed Meeting 6:00 PM
Regular Meeting 7:00 PM**

Council Chambers
111 Sandiford Drive

Please ensure cell phones are turned off or set to be silent. Council Meetings will be audio-recorded and made available online.

Speakers may only register to speak to Staff Reports listed on the agenda.

Chair: Mayor Lovatt

Page

1. Call to Order at 6:00 p.m.

8

1. **Memorandum from Deputy CAO/Director of Corporate Services and Director of Development Services, re: Revision to By-law 2019-068-RE**

2. Roll Call

3. Resolution to hold a Closed Meeting

1. To recess into a Closed Meeting

That Council recess to permit the holding of a Closed Meeting in the Whitchurch Room to consider matters with the following exceptions:

- Personal matters about an identifiable individual, including municipal or local board employees (Municipal Act, Sec. 239(2)(b))
- Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board (Municipal Act, Sec. 239(2)(e))

4. Reconvene into Open Meeting at 7:00 p.m.

5. Mayor for a Day

6. Roll Call

7. Introduction of Addendum Items

8. Confirmation of Agenda

1. To confirm the agenda

That Council confirm the agenda, as circulated.

9. Declarations of Pecuniary Interest

10. Items Arising from a Closed Meeting, if required

11. Adoption of Minutes

9 - 22

1. To adopt the minutes

That Council adopt the minutes from the regular meeting of Council on May 21, 2019, as circulated.

12. Recognitions

13. Delegations/Petitions

Delegates may speak for up to 10 minutes of uninterrupted time and only on the matter indicated on your delegation request form.

As per the Town Procedural By-law, when addressing Council, the speaker shall be respectful of all persons and refrain from entering into cross debate with members of Council, Town Staff and members of the audience.

Following the delegation, Council members may ask questions to obtain additional information or seek clarification from the speaker but shall not make statements to or enter into debate with the speaker.

Once the question period is deemed complete by the Chair, Council members will deliberate the matter at hand without interruption.

Delegations will not be allowed to interrupt the Council decision making process.

23 - 24

1. York Regional Police - Patrick Gros

To present and showcase a painting created with Grade 11 Visual Arts Students from SDSS.

25 - 38

2. 2019-2022 Transportation Budget, York Region Transit - Ann-Marie Carroll and Brian Titherington

To present the 2019-2022 Transportation budget to Council and staff.

39 - 46

3. Markahm Stouffville Hospital - Jo-anne Marr and Suzette Strong

To discuss the hospital strategic plan, connected care for the residents of Stouffville, and fundraising plan.

14. Outside Presentations/Information from Council Appointed Committees

Speakers may not register to speak to Outside Presentations.

15. Consent Agenda

Speakers may speak for up to 5 minutes of uninterrupted time and only on the matter pertaining to the report.

As per the Town Procedural By-law, when addressing Council, the speaker shall be respectful of all persons and refrain from entering into cross debate with members of Council, Town Staff and members of the audience.

Following the address, Council members may ask questions to obtain additional information or seek clarification from the speaker but shall not make statements to or enter into debate with the speaker.

Once all speakers have been heard, Council members will deliberate the report at hand without interruption. Speakers will not be allowed to interrupt the Council decision making process.

47 - 53

1. Report No. CAO-013-19 - Whitchurch-Stouffville Legacy Fund/Foundation (M03)

1) That Council authorise Staff to proceed under the hybrid model as outlined in this report:

- a) That the Town provide bookkeeping services at no charge;
- b) That the Mayor's Executive Assistant provide event support as required;
- c) That other staff support be provided at cost; and

2) That Council discontinue the "Interim Measure" as identified in report CAO-008-19.

54 - 57

2. Report No. LCS-018-19 - Jean-Baptiste Laine Exhibition Update (R05)

1) That Council receive Report No. LCS-018-19 for information.

- 58 - 59 3. **Report No. FTS-020-19 - By-Law to Establish Rates and Levy Taxes for 2019 for the Downtown Stouffville Community Improvement Area (F22)**
- 1) That Council enact By-Law 2019-069-TX, being a By-Law under Section 326 of the Municipal Act to levy this special tax levy upon the properties within the Downtown Stouffville Community.
- 60 - 62 4. **Report No. FTS-019-19 - By-Law to Establish Rates & Levy Taxes For 2019 (F22)**
- 1) That Council enact By-Law 2019-067-TX, being the new By-Law to establish rates and levy taxes for the Town of Whitchurch-Stouffville for the year 2019.
- 63 - 69 5. **Report No. FTS-014-19 - First Quarter Financial Results (F05)**
- 1) That Council receive the first quarter capital budget results report for information.
- 70 - 76 6. **Report No. FR-003-19 - Q1 Overtime & Absence Reporting**
- 1) That Council receive Report No. FR-003-19 for information.
- 77 - 92 7. **Report No. FTS-018-19 - Asset Management Policy (F06)**
- 1) That Council approve the Corporate Asset Management Policy.
- 93 - 98 8. **Report No. DS-026-19 - TRCA Trail Strategy (D03)**
- 1) That Council receive Report No. DS-026-19 for information.
- 99 - 116 9. **Report No. DS-027-19 - Lincolnville GO Station Area Land Use Study**
- 1) That Council receive Report No. DS-027-19 for information.
- 117 10. **Report No. DS-028-19 - Proposed Heritage Designation for 77 Mill Street (R01)**
- 1) That Council direct staff to issue a Notice of Intention to Designate for 77 Mill Street in the community of Stouffville as a property of cultural heritage value pursuant to Part IV of the *Ontario Heritage Act*; and
- 2) That Council support the proposed development, shown in Attachment 2 and 3 in this report, that protects the main building at 77 Mill Street, subject to further approvals of the Town's Committee of Adjustment; and

3) That should no objections be received during the mandatory 30-day public objection period following publication of the Notice of Intention to Designate, a by-law be enacted for the purpose of designating 77 Mill Street pursuant to the *Ontario Heritage Act*.

148 - 162

11. **Report No. DS-030-19 - Phase 3 Roads Environmental Assessment (D03)**

1) That Council approve the Terms of Reference and direct staff to proceed to procurement for the Phase 3 Roads Environmental Assessment Study; and

2) That Council authorize the Mayor and Clerk to sign all documents necessary for the EA Funding Agreement(s), to the satisfaction of the Town Solicitor and the Director of Development Services.

163 - 182

12. **Report No. DS-031-19 - Update to the Site Alteration and Fill By-law (P11)**

1) That Council enact By-Law 2019-068-RE, being a by-law to prohibit or regulate any alteration to the grade (topography) of a property through the movement, removal or placement of topsoil, soil or fill within the Town of Whitchurch-Stouffville.

183 - 186

13. **Report No. PW-016-19 - Implementation of Stormwater Infrastructure Rate (E02)**

1) That Council direct staff to implement a stormwater infrastructure charge for applicable residential properties at a rate of \$31 annually, and for applicable commercial, industrial and multi-residential properties at a rate of \$122 annually, to be split evenly over the final three billing periods of 2019; and

2) That Council enact By-law 2019-070-FI to amend the Fees and Charges By-law for implementation of the stormwater infrastructure charges.

187 - 189

14. **Report No. LCS-019-19 - June is Recreation and Parks Month (R00)**

1) That Council receive Report No. LCS-019-19 for information.

190 - 209

15. Report No. DS-029-19 - Developers Undertaking DC Eligible Construction Projects (D12)

1) That the Town's Procurement By-Law be updated to authorize the single sourcing of the following DC eligible portions:

- Design works for projects already underway;
- Design works (Goods and Services) less than \$101,100.00 (including taxes); and
- Works integral to the land servicing, where the DC eligible portion related to oversizing/upgrades is less than \$252,700.00 (including taxes) as set out in the Development Charges Background Study.

11. Action Items Requiring Separate Discussion**12. Notices of Motion/Motions for Which Notice Has Been Given**

Speakers may not register to speak to Motions.

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1. Motion from Councillor Smith, re: Natural Heritage Conservation and Recreational Use of Ballantrae Woodlot

WHEREAS Schickendanz Brothers have advised Town staff that they have completely finished with the build-out of the Ballantrae Golf and Country Club housing community; and

WHEREAS a certain section comprising of 11.67 hectare (approximately 29 acres) of property they own in an adjoining section of that Ballantrae community, a property commonly known as the woodlot, is no longer required by them; and

WHEREAS the property owner by a letter to the Town have expressed interest in donating this property to the Town of Whitchurch-Stouffville; and

WHEREAS the intent to donate the property to the Town of Whitchurch-Stouffville will result in the creation of one (1) new lot in the Oak Ridges Moraine Conservation Plan (2017) where new lot creation is strictly restricted; and

WHEREAS section 32(5) of the Oak Ridges Moraine Conservation Plan (2017) specifically allows such a lot to be created for conveyance of the property to public bodies for natural heritage conservation purposes.

THEREFORE, BE IT RESOLVED that Council direct staff to work with representatives from Schickendanz Brothers in a process that will allow for the transfer of this property to the Town for natural conservation and recreational uses.

13. Resolutions from Council

14. By-laws

- | | |
|-----------|--|
| 211 - 215 | 1. 2019-067-TX being a by-law to establish rates and levy taxes for the Town of Whitchurch-Stouffville for the year 2019 and to provide for the collection thereof. (Report No. FTS-019-19) |
| 216 - 230 | 2. 2019-068-RE being a by-law to prohibit and regulate any alteration to the Grade of Property through the movement, removal or Placing of Topsoil, or Fill within the Town of Whitchurch-Stouffville. (Report No. DS-031-19) |
| 231 - 233 | 3. 2019-069-TX being a by-law to establish rates and levy taxes for 2019 for the Downtown Stouffville Community Improvement Area. (Report No. FTS-020-19) |
| 234 | 4. 2019-070-FI being a by-law to amend fees or charges for services or activities provided by the Town of Whitchurch-Stouffville, By-law 2018-164-FI (General Fees and Charges). (Report No. PW-016-19) |
| 235 | 5. 2019-071-RE being a by-law to amend Procedural By-law 2016-001-RE being a by-law to govern the proceedings of Council Meetings (Section 7.1 Order of Business - Regular Meeting). (Report No. CS-012-19, May 21, 2019) |

15. Regional Business

16. Resolution to hold a Closed Meeting, if required

17. Items Arising from a Closed Meeting, if required

18. Confirmatory By-law

1. To pass the Confirmatory By-law

That Council read Confirmatory By-law 2019-_____-MS a first, second and third time and passed.

19. Adjournment

1. To adjourn the meeting

That there being no further business, Council adjourn the meeting at ____ p.m.



TOWN OF
WHITCHURCH-STOUFFVILLE

Approved as Addendum Item for

June 4 Council Meeting



CAO

June 3, 2019

Date

Town of Whitchurch-Stouffville Council Memorandum

To: Mayor Lovatt and Members of Council

From: Rob Raycroft, Deputy CAO/Corporate Services
Haiqing Xu, Director of Development Services

Copy: Roman Martiuk, CAO
Gillian Angus-Traill, Clerk

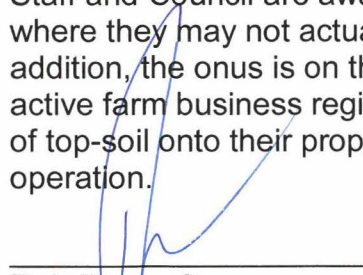
Date: June 4, 2019

Subject: Report No. DS-031-2019 / By-Law 2019-068-RE

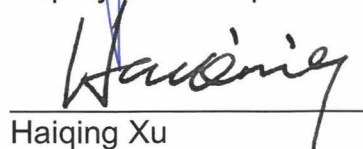
Please be advised By-law 2019-068-RE has been revised by adding the following sentence to the end of 3.1(o):

This exception is only available to those *Owners* or *Properties* that have an active registration as a "farming business" as defined in the *Farm Registration and Farms Organization Funding Act* ("FRFOFA"), and are in good standing under the FRFOFA.

Staff and Council are aware of individuals relying upon this exception in instances where they may not actually be operating as a Normal Farm Practice. By making this addition, the onus is on the person relying upon this exception to prove they have an active farm business registration, which would suggest the legitimacy of the importation of top-soil onto their property for normal farming activities, and not as an income operation.



Rob Raycroft,
Deputy CAO/Corporate Services



Haiqing Xu
Director of Development Services



**TOWN OF WHITCHURCH - STOUFFVILLE
COUNCIL MINUTES
Tuesday, May 21, 2019
3:00 pm**

**Council Chambers
111 Sandiford Drive**

Chair: Mayor Lovatt

The regular meeting of Council was held at the municipal offices, on the above date and time.

Staff Present: Bill Snowball, Rob Raycroft, Brian Kavanagh, Haiqing Xu, Brian Parrott, Roman Martiuk, Marilou Murray, Gillian Angus-Traill, and Samantha Blakeley.

1. Call to Order

2. Roll Call

All members of Council were present.

3. Introduction of Addendum Items

1. **Memorandum from Manager of Finance & Co-Deputy Treasurer,
re: Vendor Payments - Report No. FTS-015-19**

4. Confirmation of Agenda

Moved by Councillor Bartley
Seconded by Councillor Smith

That Council confirm the agenda, as amended.

Carried

5. Declarations of Pecuniary Interest

None

6. Adoption of Minutes

Moved by Councillor Ferdinands
Seconded by Councillor Upton

That Council adopt the minutes from the regular meeting of Council on May 7, 2019, as circulated.

Carried

7. Recognitions

None

8. Delegations/Petitions

None

9. Outside Presentations/Information from Council Appointed Committees

1. Memorandum from Committee Coordinator, re: National Accessibility Week

Moved by Councillor Smith
Seconded by Councillor Sherban

1) That Council approve the participation of the Accessibility Advisory Committee in National Accessibility Week (May 26 – June 1); and

2) That Council request Corporate Communications to work in conjunction with the Accessibility Advisory Committee to post on Social Media and raise awareness about National Accessibility Week.

Carried

10. Consent Agenda

Report No. LCS-017-19, FTS-012-19, FTS-015-19, FTS-016-19, DS-025-19, and FTS-017-19 were not pulled for separate discussion.

Moved by Councillor Sherban
Seconded by Councillor Upton

That Council approve the following staff reports on the consent agenda and adopt the recommendations contained therein:

Report No. LCS-017-19 - Waste Water Treatment Agreement Extension No. 2 – Ballantrae Community Centre and Fieldhouse (L04)

1) That the existing Waste Water Treatment Agreement, owned and operated by Ballantrae Natural Resource Centre Incorporated, dated July 14, 2004, be extended to December 31, 2023, under the terms and conditions as set forth in the December 31, 2018 Waste Water Treatment Amending Agreement No. 2; and

2) That the Mayor and Clerk be authorized to execute the Waste Water Treatment Amending Agreement No. 2.

Report No. FTS-012-19 - 2018 Investment Report (F12)

1) That Council receive Report No. FTS-012-19 for information.

Report No. FTS-015-19 - Vendor Payments (F01)

1) That Council endorse Electronic Funds Transfer (EFT) as the primary means of payment to vendors; and

2) That Council endorse weekly EFT payments and monthly manual cheque payments to vendors; and

3) That Council require vendors to agree to EFT payment for new and renewing contracts, excluding specified exceptions.

Report No. FTS-016-19 - Final Capital Budget Allocations (F05)

1) That Council approve an amended 2019 Capital Budget of \$16,908,500, not including previously approved projects carried over.

Report No. DS-025-19 - Bill 108 - Proposed Changes to the Land Use Planning Appeals System (D08)

- 1) That Council express concerns to the Province regarding the proposed changes in Bill 108 relating to the Local Planning Appeal Tribunal process and procedures and statutory review timelines; and
- 2) That a copy of Report DS-025-19 be submitted to the Provincial Planning Policy Branch and the Region of York for information; and
- 3) That Council direct Town staff to continue to monitor the proposed changes to the *Planning Act* and report back to Council as required.

Report No. FTS-017-19 - Updates to Information Technology Administrative Policies

- 1) That Council approve revisions to the following information technology related Administrative Policies:
 - AP No. 46 – Information Technology Security Policy
 - AP No. 50 – Internet, Email, and Instant Messaging Acceptable Use Policy
 - AP No. 67 – Mobile Device Policy;
- 2) That Council approve Administrative Policy No. 81 – Bring Your Own Device Policy; and
- 3) That Council approve delegated authority to the Chief Administrative Officer (CAO) for any amendments to the above administrative policies in the future.

Carried

11. Action Items Requiring Separate Discussion**Report No. PW-014-19 - Permitting of Main Street Sidewalk Occupancy (P11)**

Moved by Councillor Bartley
Seconded by Councillor Sherban

- 1) That Council direct staff to implement Option E: Waive all fees, to administer sidewalk use by Main Street businesses located in Downtown Stouffville for weekend events planned for summer 2019.

Carried

Report No. LCS-016-19 - Barrier-Free, Fully Accessible Mobile Washroom & Changeroom, Ownership

Moved by Councillor Sherban
Seconded by Councillor Bartley

- 1) That Council direct staff to move forward with the negotiation of details for the sale and takeover of ownership of the Barrier-Free Accessible Mobile Washroom to the Markham Fair for \$1.00; and
- 2) That the balance of funds in the account, equaling \$8,837.71 be transferred to the Markham Fair pending no further invoices to be processed; and
- 3) That the Mayor and Clerk be authorized to sign the related documentation to finalize this sale to the satisfaction of the CAO and the Director of Leisure and Community Services.

Carried

Report No. LCS-015-19 - Bruce's Mill Conservation Area (TRCA) - BMX Lease Agreement Extension (L04)

Moved by Councillor Kroon
Seconded by Councillor Sherban

- 1) That Council approve the extension of the lease agreement between the Town and the Toronto Region Conservation Authority (TRCA) for the operation of the BMX Track at Bruce's Mill Conservation Area for an additional five (5) year term, ending June 24, 2024; and
- 2) That Council authorize the Mayor and Clerk to sign the Lease Acknowledgement, as outlined in attachment 1.

Carried

Report No: PW-015-19 - Water Meter Program Update, WS-RFP-17-01 (F18)

Moved by Councillor Sherban
Seconded by Councillor Kroon

- 1) That Council direct staff to separate Water Meter Program Part C – Interim Meter Reading from the Water Meter Program contract (WS-RFP-17-01) and form a separate contract with the incumbent provider, Neptune Technology Group (Canada) Ltd.; and
- 2) That Council authorize staff to hire temporary data entry clerks for a 10-month period, to support the water meter replacement program; and
- 3) That Council authorize the Mayor and Clerk to sign all necessary documents.

Carried

Report No. CS-011-19 - Support of the Stouffville Welcome Wagon (A00)

Moved by Councillor Smith
Seconded by Councillor Bartley

- 1) That Council direct staff to exempt the “Stouffville Welcome Wagon” from Administrative Policy #71 and allow their information to be displayed at the Town Offices.

Carried

Report No. PW-013-19 - Contract Award for WS-RFT-19-24 – Supply and Delivery of Two (2) Single Axle Plow Units (F18)

Moved by Councillor Bartley
Seconded by Councillor Kroon

- 1) That Council approve the award of contract for Request for Tender WS-RFT-19-24 – Supply and Delivery of Two (2) Single Axle Plow Units to Currie Truck Centre for \$552,924.44 including 13% HST; and
- 2) That Council authorize Staff to dispose of all applicable surplus vehicles and equipment and return all proceeds from the disposal to Capital Reserves; and

3) That Council authorize the Mayor and Clerk to sign all necessary documents.

Carried

Report No. CS-012-19 - Council Meeting, Order of Business

Moved by Councillor Kroon
Seconded by Councillor Smith

1) That Council direct staff to amend the Procedural By-law Section 7.1 Order of Business for a Regular Council Meeting with regard to the Holding of a Closed Meeting of Council as defined in Option A of this report; and

2) That Council direct staff to amend the 2019 Council Meeting Schedule to have the following start times for Regular Council Meetings for the purposes of adjourning into Closed Meeting, as required:

- Council Members Start Times: 3:00 p.m. or 6:00 p.m.
- Published Public Start Times: 4:00 p.m. or 7:00 p.m.

Carried

12. Notices of Motion/Motions for Which Notice Has Been Given

1. Notice of Motion from Councillor Smith, re: Natural Heritage Conservation and Recreational Use of Ballantrae Woodlot

Whereas Schickendanz Brothers have advised Town staff that they have completely finished with the build-out of the Ballantrae Golf and Country Club housing community; and

Whereas a certain section comprising of 11.67 hectare (approximately 29 acres) of property they own in an adjoining section of that Ballantrae community, a property commonly known as the woodlot, is no longer required by them; and

Whereas the property owner by a letter to the Town have expressed interest in donating this property to the Town of Whitchurch-Stouffville; and

Whereas the intent to donate the property to the Town of Whitchurch-Stouffville will result in the creation of one (1) new lot in the Oak Ridges Moraine Conservation Plan (2017) where new lot creation is strictly restricted; and

Whereas section 32(5) of the Oak Ridges Moraine Conservation Plan (2017) specifically allows such a lot to be created for conveyance of the property to public bodies for natural heritage conservation purposes.

Therefore, be it resolved that Council direct staff to work with representatives from Schickendanz Brothers in a process that will allow for the transfer of this property to the Town for natural conservation and recreational uses.

13. Resolutions from Council

1. Resolution from Councillor Kroon, re: Highway 48 Corridor

Moved by Councillor Kroon
Seconded by Councillor Upton

Whereas there have been growing interest from the development industry in the lands along The Highway 48 corridor between 19 Avenue in the City of Markham and Bethesda Side Road in the Town of Whitchurch-Stouffville; and

Whereas development along the Highway 48 corridor is limited by access requirements through its designation as a Provincial highway; and

Whereas Council at its meeting on May 15, 2018 adopted OPA 145 to establish updated policies for the Gateway Mixed-use Area at the intersection of Main Street and Highway 48; and

Whereas Council at its meetings on March 19 and May 7, 2019 expressed support of employment land conversion from two major landowners at Hoover Park Drive and Highway 48, which will bring new opportunities to enhance the area; and

Whereas Council at its meeting on May 15, 2018 directed staff to work with City of Markham staff in a Joint Working Group to review all options for transportation, transit, pedestrian connectivity, public safety and municipal services which would benefit both municipalities, and City of Markham Council responded to the Town of Whitchurch-Stouffville Council initiative at its meeting on September 10, 2018 and directed its staff to participate in the Joint Working Group; and

Whereas the Province of Ontario has just released a new Growth Plan for the Greater Golden Horseshoe, which allows the Town to expand and/or adjust its settlement area boundaries in advance of/or outside York Region's Municipal Comprehensive Review, subject to certain limitations; and

Whereas there are lands in both the City of Markham and the Town of Whitchurch-Stouffville along the Highway 48 corridor that can be considered for limited settlement area boundary expansions; and

Whereas municipal services to support limited settlement area boundary expansions along the Highway 48 corridor can be provided but require close inter-municipal coordination between the City of Markham and the Town of Whitchurch-Stouffville.

Therefore, be it resolved that Council direct staff to work with City of Markham staff through the Joint Working Group to develop a joint vision for the Highway 48 corridor for the consideration of the respective municipal Councils; and

That Council direct staff, through the visioning exercise, to explore areas along the Highway 48 corridor that can be considered for settlement area boundary expansions; and

That Council further direct staff, through the visioning exercise, to explore options for transfer of the responsibility to the Region of York, for the section of Highway 48 between 19 Avenue in the City of Markham and Bethesda Side Road in the Town of Whitchurch-Stouffville; and

That Council direct staff to send a copy of this resolution to the City of Markham, York Region, and Ministry of Municipal Affairs and Housing.

Carried

2. **Resolution from Councillor Sherban, re: Temporary Closure of Burkholder Street**

Moved by Councillor Sherban
Seconded by Councillor Bartley

Whereas at the December 11, 2018 Council Meeting, Council directed staff to open Franklin Street and Burkholder Street west of Park Drive immediately and implement a three-way stop control at the intersection of Burkholder Street; and

Whereas at the December 11, 2018 Council Meeting, Council directed staff to present a traffic study for the area including options for future Burkholder Street access to Memorial Park at the Memorial Park Public Information Centre planned for Spring 2019; and

Whereas the opening of Burkholder Street has increased the commuter traffic flow from Monday to Friday to and from the GO Station and created an unsafe use of the park area; and

Whereas the results of the Memorial Park Public Information Centres are being compiled and staff anticipate bringing a report to Council by the end of June to which implementation of any decisions would not occur immediately; and

Whereas Council recognizes an immediate need to improve motorist and pedestrian safety in the neighbourhood during the summer months.

Therefore, be it resolved that Council direct staff to report back on the implications of implementing temporary speed humps on Burkholder Street and the Leisure Centre driveway, including projected costs; and

That Council direct staff to temporarily close Burkholder Street on weekends and long weekends from May to September 2019, for pedestrian safety during the summer months.

Carried

3. **Resolution from Mayor Lovatt, re: Bill 108, More Homes, More Choice Act**

Moved by Councillor Smith
Seconded by Councillor Ferdinands

Whereas the Government of Ontario has recently introduced Bill 108, More Homes, More Choice Act, which affects a number of provincial legislations including the Local Planning Appeal Tribunal Act and the Planning Act; and

Whereas Council on July 18, 2017, supported Bill 139 to restructure the Ontario Municipal Board appeals process and procedures and replace it with the Local Planning Appeal Tribunal (LPAT); and

Whereas the existing LPAT's process and procedures provide municipalities with greater decision-making authority on how our communities will grow and evolve; and

Whereas Bill 108 proposes to reinstate the rules of the Ontario Municipal Board and awards LPAT the ability to override municipal decisions regardless of the Council's position on the planning application; and

Whereas Bill 108 further proposes to reduce the time for Council to make a decision on official plan amendment, zoning by-law amendment and draft plan of subdivision matters; and

Whereas when Council is unable to make a decision within the reduced review time, an applicant may bypass Council by launching an appeal to the LPAT for a decision.

Therefore, be it resolved that the Town of Whitchurch-Stouffville join other York Region municipalities in support of the Province's effort to streamline the planning process; and

That the Town of Whitchurch-Stouffville join other York Region municipalities to express concerns to the Province regarding the proposed changes to the LPAT that will significantly weaken the ability of municipal councils in planning decision-making; and

That the Province be requested to consider retaining the test in the *Planning Act* that appeals to LPAT must be on the basis that the municipal decision is not consistent with the Provincial Policy Statement, fails to conform with a provincial plan, or the regional Official Plan; and

That the Province be requested to undertake a fulsome consultation with municipalities before introducing major changes to the land use planning appeal system.

Carried

14. By-laws

Moved by Councillor Bartley
Seconded by Councillor Ferdinands

That Council read the following by-law a first, second, third time and passed:

2019-064-AP BEING A BY-LAW to appoint Municipal Law Enforcement Officers, Officers, Municipal Weed Inspectors, and Licensing Officers for The Corporation of the Town of Whitchurch-Stouffville and repeal By-laws 2019-027-AP, 2019-033-AP and 2019-045-AP.

Carried

15. Regional Business

The Mayor provided an overview of Regional Business.

16. Resolution to hold a Closed Meeting, if required

Moved by Councillor Smith
Seconded by Councillor Upton

That Council recess at 4:20 p.m. to permit the holding of a Closed Meeting in the Whitchurch Room to consider matters with the following exceptions:

- Personal matters about an identifiable individual, including municipal or local board employees (Municipal Act, Sec. 239(2)(b))

Carried

Council reconvened into open session at 4:52 p.m.

17. Items Arising from a Closed Meeting

1. Planning Division, Development Services

Moved by Councillor Bartley
Seconded by Councillor Smith

- 1) That Council approve the Planning Technician contract position be made a permanent position retitled as Assistant Planner; and
- 2) That Council authorize a budget of \$125,000.00 for the purpose of purchasing workstations for the reconfiguration of the floorplan for the Planning Division.

Carried

18. Confirmatory By-law

Moved by Councillor Ferdinands
Seconded by Councillor Kroon

That Council read Confirmatory By-law 2019-066-MS a first, second and third time and passed.

Carried

19. Adjournment

Moved by Councillor Sherban
Seconded by Councillor Smith

That there being no further business, Council adjourn the meeting at 4:53 p.m.

Carried

APPROVED at the Town of Whitchurch-Stouffville this 4th day of June, 2019.

Gillian Angus-Traill, Clerk

Iain Lovatt, Mayor



TOWN OF
WHITCHURCH-STOUFFVILLE

111 Sandiford Drive, Stouffville, ON L4A 0Z8

Customer Service Centre: 905-640-1900

Toll Free: 1-855-642-TOWN (8696)

Automated: 905-640-1910

Toll Free: 1-855-642-TOWS (8697)

Fax: 905-640-7957

www.townofws.ca

DELEGATION REGISTRATION REQUEST FORM

Regularly scheduled Council meetings are held in the Council Chambers at 111 Sandiford Drive, Stouffville: 1st Tuesday at 7 p.m. & 3rd Tuesday at 3 p.m. of each month, or as otherwise indicated on the Council Meeting Schedule (subject to change)

Council Meetings will be audio-recorded and made available online.

Name: <i>PATRICK GROS - PC 2345</i>	Organization: <i>YORK REGIONAL POLICE</i>
Mailing Address including postal code: <i>111 SANDIFORD DRIVE STOUFFVILLE, ONT.</i>	Organization's Website: <i>YRP. CA.</i>
Contact telephone: <i>416-706-7284</i>	E-mail address: <i>2345@YRP. CA.</i>

1. When do you wish to make your delegation? *JUNE 4th 2019 7 PM*

2. To your knowledge, is the matter on the agenda for the meeting you wish to attend?

YES ☐ NO ☒ If YES, this form is not required – anyone may address a report on a Council Agenda at the meeting.

3. To your knowledge, has the matter you wish to speak to been considered before Council previously?
NOTE: delegations may only address issues after 6 months has lapsed from the time of Council's original decision.

YES ☐ NO ☒ If YES, When? _____

4. Please summarize the matter you wish to speak to as a delegation and indicate questions you wish to have addressed, if applicable:

YORK REGIONAL POLICE, AND GRAD 11 VISUAL ARTS STUDENT FROM SOSS WOULD LIKE TO PRESENT / SHOW CASE A PAINTING CREATED TOGETHER, AS A WAY TO FOSTER POLICE / STUDENT RELATIONSHIP. A 6' X 10' LIFE SIZE COPY WAS MADE AND WILL BE SHOWN / DISPLAYED.

5. Have you been in contact with a Town staff member with regard to your matter of interest?

YES ☒

NO ☐

If YES, which staff member?

Councillor R. Upton

6. Are you requesting any financial assistance from the Town?

YES ☐

NO ☒

If YES, state the amount: _____

7. Do you have an electronic presentation?

YES ☒

NO ☐

HD wide screens and a computer are available for your use during the meeting.

- Electronic presentations should be compatible with Microsoft Office 2007 or newer
- Minimum of 24 font size to ensure that it is visible from a distance
- Page layout – wide screen (16:9)
- Memory sticks/discs/CDs are acceptable for use on the Town's equipment

ADDITIONAL NOTES:

- Complete the ***Delegation Registration Form*** and submit it by 12 p.m. (noon) on the Monday 8 days before the Council Meeting date, along with any electronic presentations and/or handouts.
- If you wish to provide handouts, please submit 15 copies of the material to the Council Coordinator for distribution to Members of Council and Staff at the meeting.
- Delegations should be made by a designated spokesperson.
- Delegations may speak for a maximum of **10 minutes**.

For more information regarding Council procedures, see the following sections of the Procedural By-law, 2016-001-RE being a by-law to govern the proceedings of Council Meetings.

2.5 Decorum

4.4 Delegations

4.5 Speakers Regarding Items on the Agenda

Contact: Council Coordinator

Tel., 905-640-1910 or 1-855-642-8697 ext. 2222

E-mail, Council Coordinator

Personal information on this form is collected under the authority of By-law number 2016-001-RE. Your name, address, comments and any other personal information, is collected and maintained for the purpose of sending correspondence relating to matters before Council; creating a record that is available to the general public in a hard copy format and on the internet in an electronic format. Questions about this collection should be directed to the Freedom of Information and Privacy Coordinator Town of Whitchurch-Stouffville, 111 Sandiford Drive, Stouffville, ON L4A 0Z8; Phone: 905 640 1910 or 1-855-642-8697 ext: 2222; Fax: 905 640 7957



TOWN OF
WHITCHURCH-STOUFFVILLE

111 Sandiford Drive, Stouffville, ON L4A 0Z8

Customer Service Centre: 905-640-1900
Toll Free: 1-855-642-TOWN (8696)
Automated: 905-640-1910
Toll Free: 1-855-642-TOWS (8697)
Fax: 905-640-7957
www.townofws.ca

DELEGATION REGISTRATION REQUEST FORM

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Council Chambers at 111 Sandiford Drive, Stouffville:
1st Tuesday at 7 p.m. & 3rd Tuesday at 3 p.m. of each month, or
as otherwise indicated on the Council Meeting Schedule.
(subject to change)

Council Meetings will be audio-recorded and made available online.

Name: Ann-Marie Carroll General Manager Brian Titnerington Director	Organization: York Region Transportation Services
Mailing Address including postal code: 50 High Tech 5 th floor Richmond Hill, Ontario L4B 4N7	Organization's Website: www.york.ca
Contact telephone: 905 762-1282 ext: 75677 905 762-1282 ext 75902	E-mail address: Annmarie.carroll@york.ca Brian.titnerington@york.ca

1. When do you wish to make your delegation? June 4th 2019 7:00 pm.

2. To your knowledge, is the matter on the agenda for the meeting you wish to attend?

YES ☒ NO ☐ If YES, this form is not required – anyone may address a report on
a Council Agenda at the meeting.

3. To your knowledge, has the matter you wish to speak to been considered before Council previously?
**NOTE: delegations may only address issues after 6 months has lapsed from the time of Council's
original decision.**

YES ☐ NO ☒ If YES, When? _____

4. Please summarize the matter you wish to speak to as a delegation and indicate questions you wish
to have addressed, if applicable:

York Region Transportation Services would like to
Present our 2019-2022 Transportation Budget to
Whitchurch Stouffville Council and staff.

5. Have you been in contact with a Town staff member with regard to your matter of interest?

YES ☒

NO ☐

If YES, which staff member? Samantha Blakeley

6. Are you requesting any financial assistance from the Town?

YES ☐

NO ☒

If YES, state the amount: _____

7. Do you have an electronic presentation? YES ☒ NO ☐

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TRANSPORTATION SERVICES IN THE TOWN OF WHITCHURCH-STOUFFVILLE

Town of Whitchurch-Stouffville Council Update

Brian Titherington

Director, Transportation Infrastructure Planning

Ann-Marie Carroll

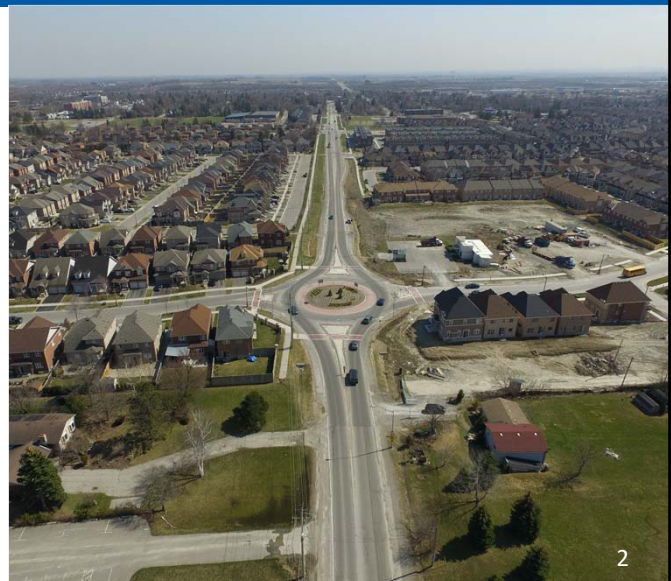
General Manager, York Region Transit

May 2019



ENHANCING TRAVELLER EXPERIENCE IN THE TOWN OF WHITCHURCH-STOUFFVILLE

- Delivering more than 100 road improvement projects in 2019 to meet the needs of our growing communities
- Creating and operating an integrated and efficient road network
- Planning for the future with environmental studies and community consultation



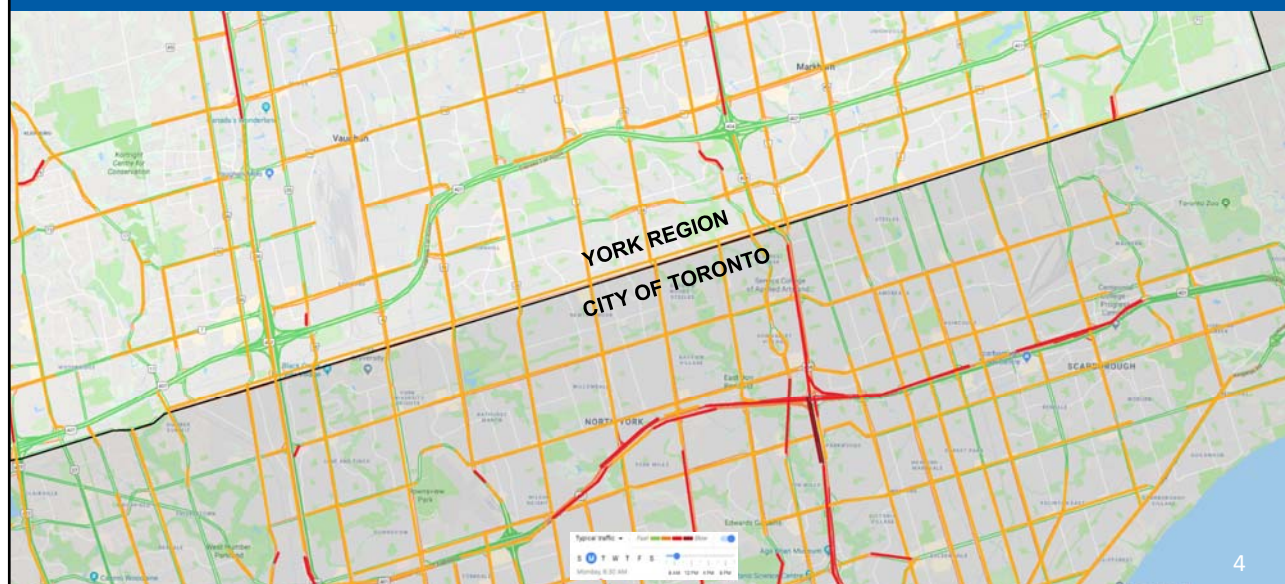
2

YORK REGION TRANSPORTATION SERVICES

 Transit	 Roads and Traffic Operations	 Transportation Infrastructure Planning	 Capital Planning and Delivery	 Asset Management
• Move approximately 35,000 commuters daily on YRT • 22 million annual transit trips	• Move approximately 600,000 commuters daily • Operate and maintain over 4,200 lane kms • 6 billion vehicle-kms of travel annually	• Work with Ontario on Yonge Subway Extension, Freeway and Rapid Transit Initiatives	• Add new lane kms • Complete intersection improvements • Add cycling facilities	• Oversight of \$4.1 billion in transportation assets

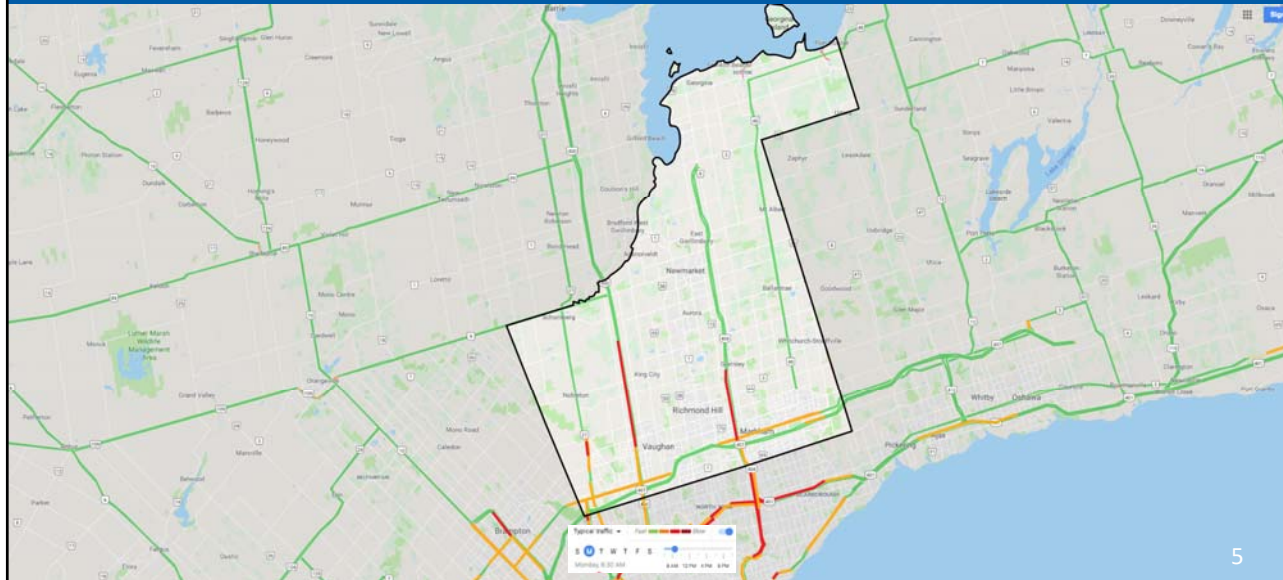
3

TRAVELLING ON ARTERIAL ROADS IN OUR URBANIZED MUNICIPALITIES IS A SIMILAR EXPERIENCE TO THE REST OF THE GTHA

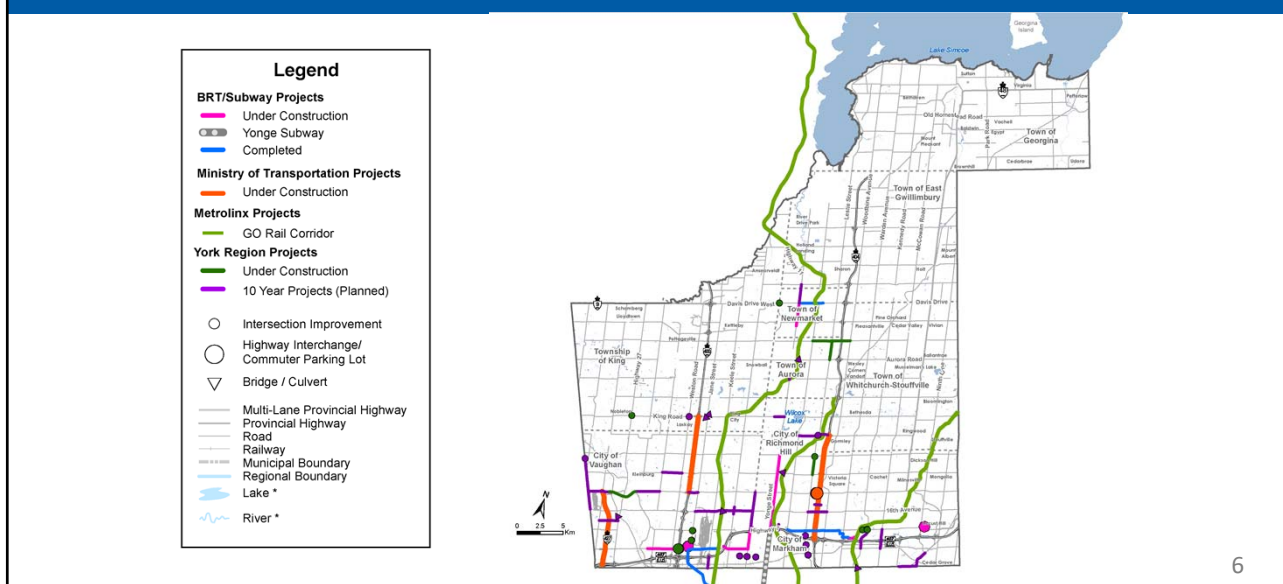


4

DURING RUSH HOURS, TRAVEL DELAYS ARE A COMMON FEATURE ACROSS THE GREATER TORONTO AREA

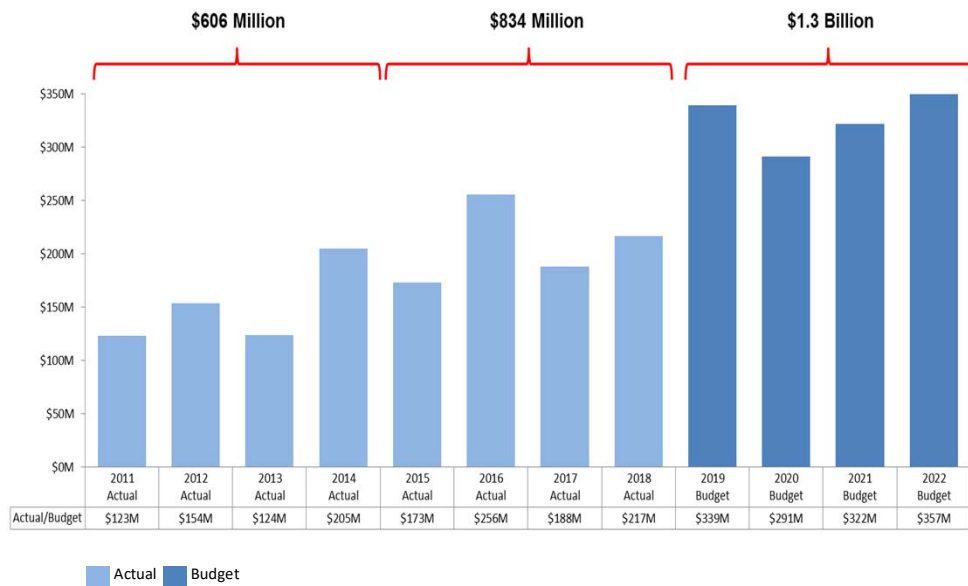


YORK REGION'S ROAD PROGRAM ALIGNS WITH PROVINCIAL TRANSPORTATION INVESTMENTS

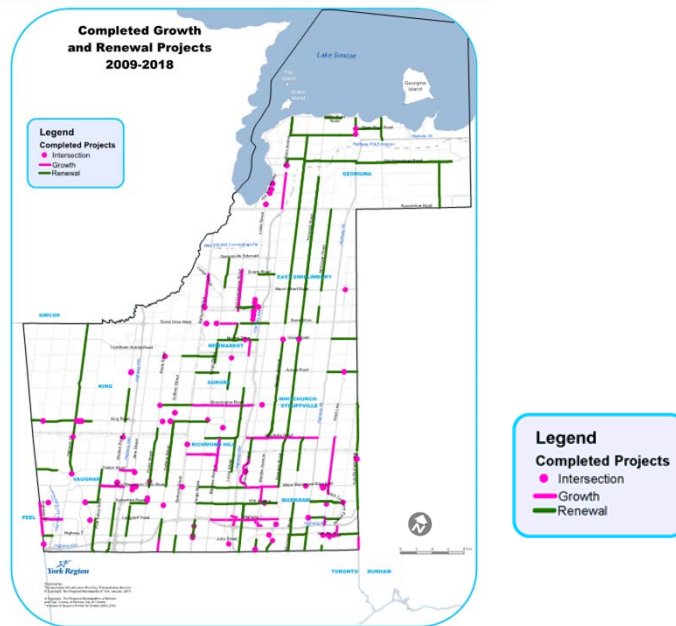


CAPITAL PLANNING AND DELIVERY

TRANSPORTATION CAPITAL INVESTMENT



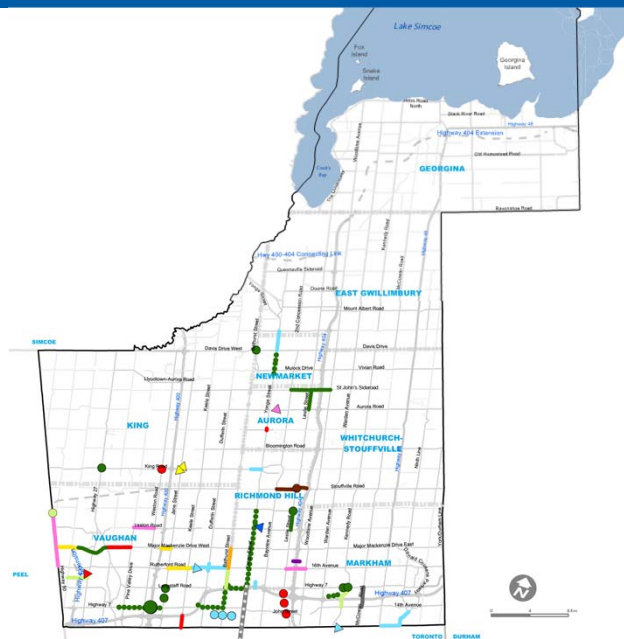
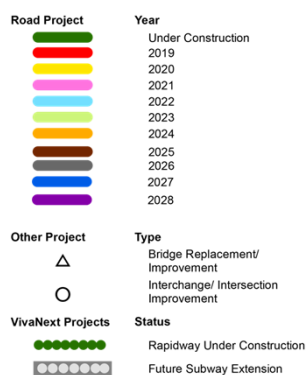
CAPITAL PROJECTS COMPLETED 2009 TO 2018



9

PLANNING FOR THE FUTURE

2019 10-Year Roads and Transit Capital Construction Program



10

2019 CAPITAL PROJECTS IN THE TOWN OF WHITCHURCH-STOUFFVILLE CONSTRUCTION AND ASSET MANAGEMENT

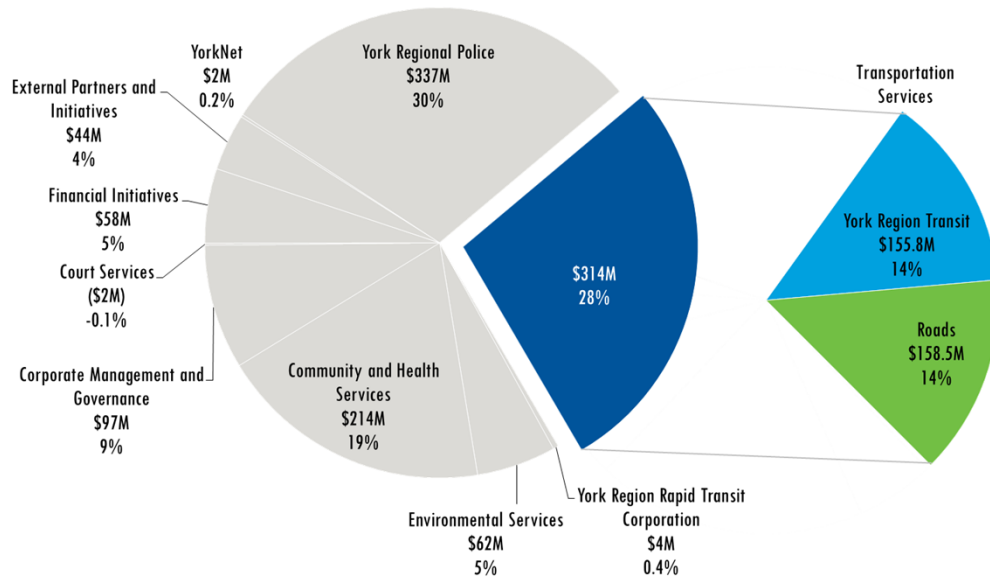


Delivering a road network that connects travellers to important destinations and supports, healthy, vibrant communities

11

2019 TRANSPORTATION OPERATIONS

2019 DEPARTMENTAL SHARE OF NET TAX LEVY



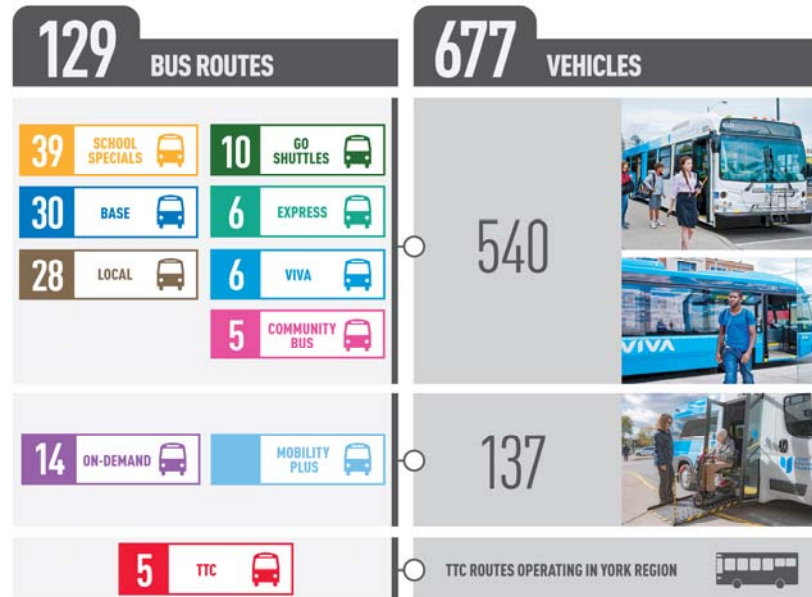
13

HIGH-QUALITY ROAD SERVICES FOR SAFE AND EFFICIENT TRAVEL



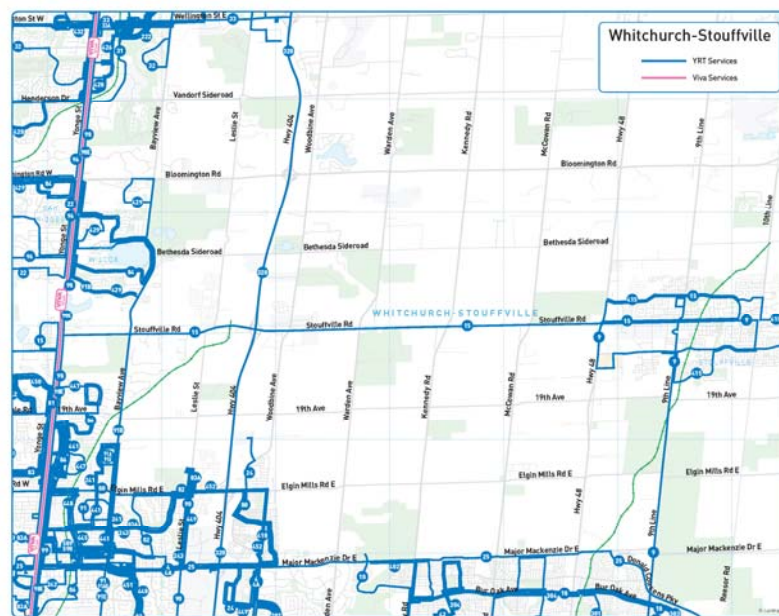
14

YORK REGION TRANSIT



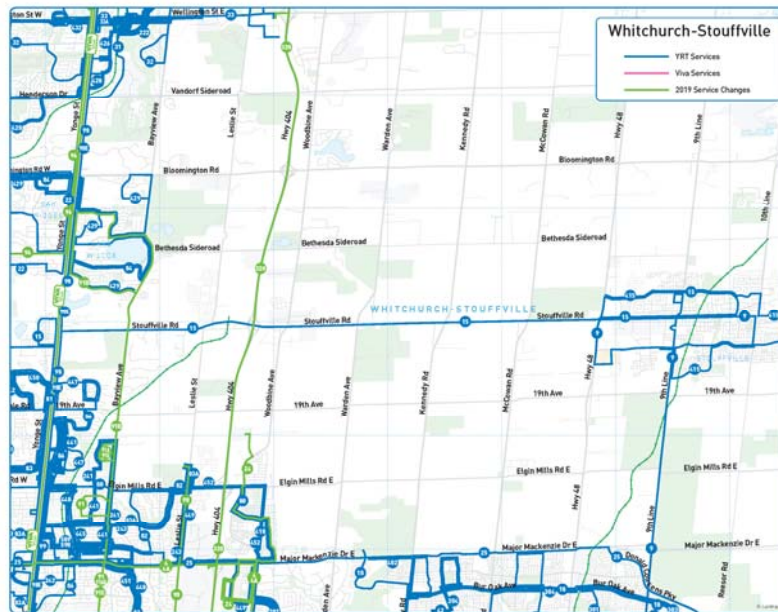
15

ROUTES IN THE TOWN OF WHITCHURCH-STOUFFVILLE



16

2019 SERVICE CHANGES IN THE TOWN OF WHITCHURCH-STOUFFVILLE



17

INVESTING IN ELECTRIC BUSES TO DRIVE TO A GREENER FUTURE AND REDUCE COSTS



18

CONNECTING TRAVELLERS IN THE TOWN OF WHITCHURCH-STOUFFVILLE



19

PARTNERSHIP PROGRAMS



Municipal Streetscape Partnership Program (MSPP)
Annual Funds to Allocate: \$1.0M



Pedestrian Cycling Municipal Partnership Program (PCMPP)
Annual Funds to Allocate: \$0.5M



Ninth Line and Main Street
Municipal Streetscape Partnership Program

20

COMMUNITY ENGAGEMENT WITH RESIDENTS



21

CONTINUED FOCUS

- Improving, maintaining and operating our transportation network to serve the Town of Whitchurch-Stouffville
- Balancing the needs of travellers while encouraging alternative modes of travel for a sustainable future
- Proactively engaging residents and stakeholders on their transportation network



22

transportation@york.ca





DELEGATION REGISTRATION REQUEST FORM

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Name: Donna Kline, Senior Advisor Communications and Strategy	Organization: Markham Stouffville Hospital
Mailing Address including postal code: 381 Church Street P.O Box 1800 Markham L3P 7P3	Organization's Website: www.msh.on.ca
Contact telephone: [REDACTED]	E-mail address: dkline@msh.on.ca

1. When do you wish to make your delegation? May or June

2. To your knowledge, is the matter on the agenda for the meeting you wish to attend?

YES ☐ **NO** ☒ *If YES, this form is not required – anyone may address a report on a Council Agenda at the meeting.*

3. To your knowledge, has the matter you wish to speak to been considered before Council previously?
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YES ☐ **NO** ☒ If YES, When? _____

4. Please summarize the matter you wish to speak to as a delegation and indicate questions you wish to have addressed, if applicable:

Jo-anne Marr, President and CEO, Suzette Strong, President Foundation
Will discuss the hospitals strategic plan, connected care for the residents of Stouffville and fundraising plan.

5. Have you been in contact with a Town staff member with regard to your matter of interest?

YES ☐ NO ☒ If YES, which staff member? _____

6. Are you requesting any financial assistance from the Town?

YES ☐ NO ☒ If YES, state the amount: _____

7. Do you have an electronic presentation? YES ☒ NO ☐

HD wide screens and a computer are available for your use during the meeting.

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ADDITIONAL NOTES:

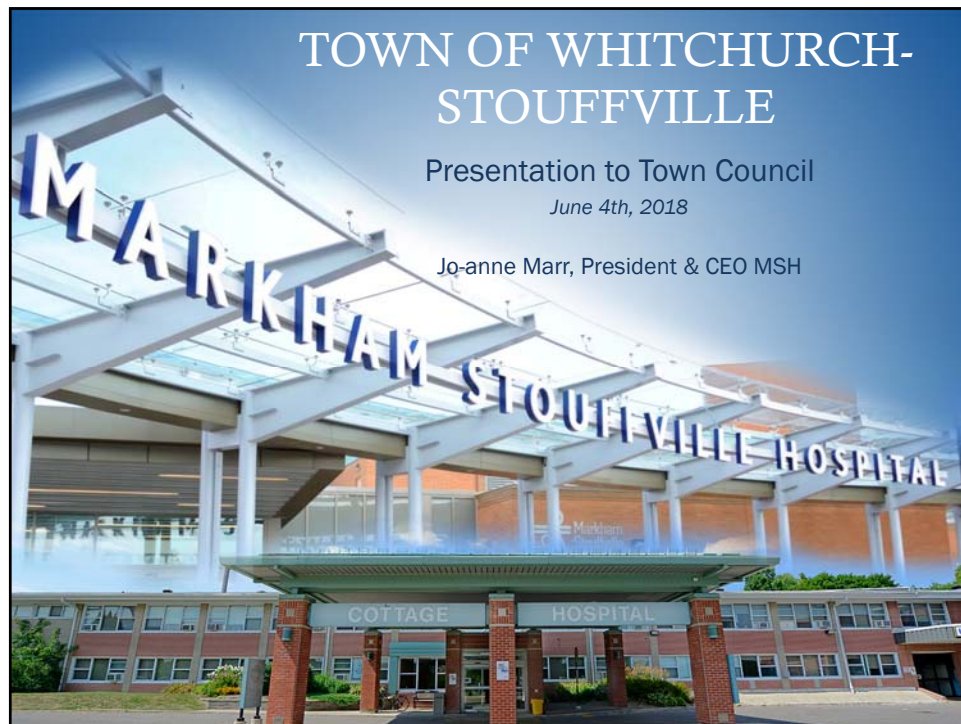
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- 2.5 Decorum
- 4.4 Delegations
- 4.5 Speakers Regarding Items on the Agenda

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Tel., 905-640-1910 or 1-855-642-8697 ext. 2222
E-mail, [Council Coordinator](#)

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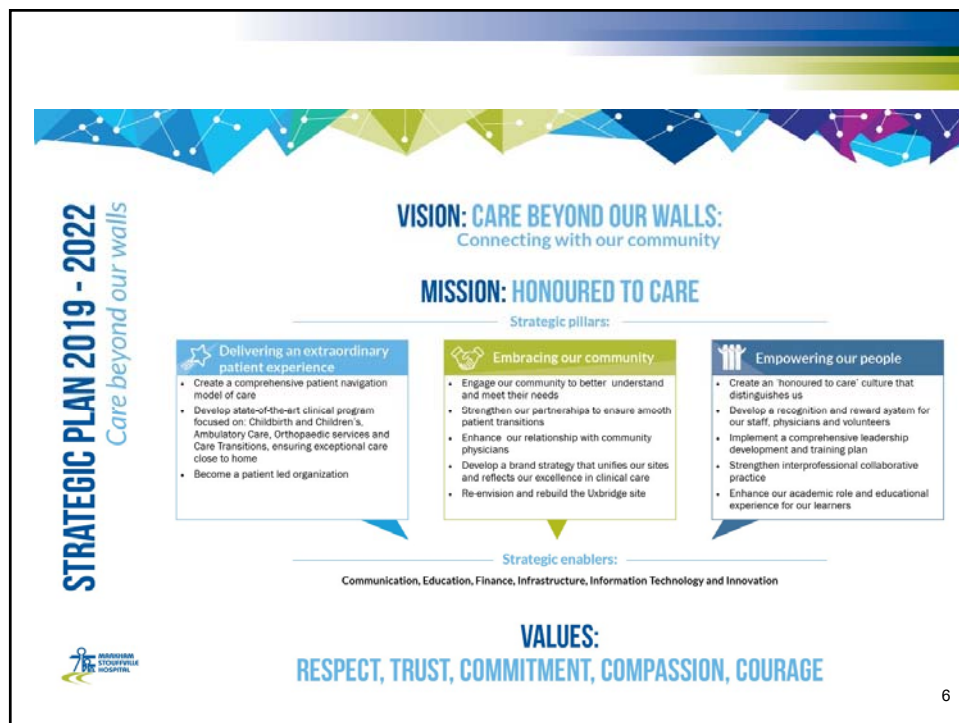
Our New Mission

MISSION: HONOURED TO CARE

Our expression of our humble and compassionate attitude,
and a recognition of the respect we have for the people
who choose us for their care

MARKHAM STOUFFVILLE HOSPITAL

5

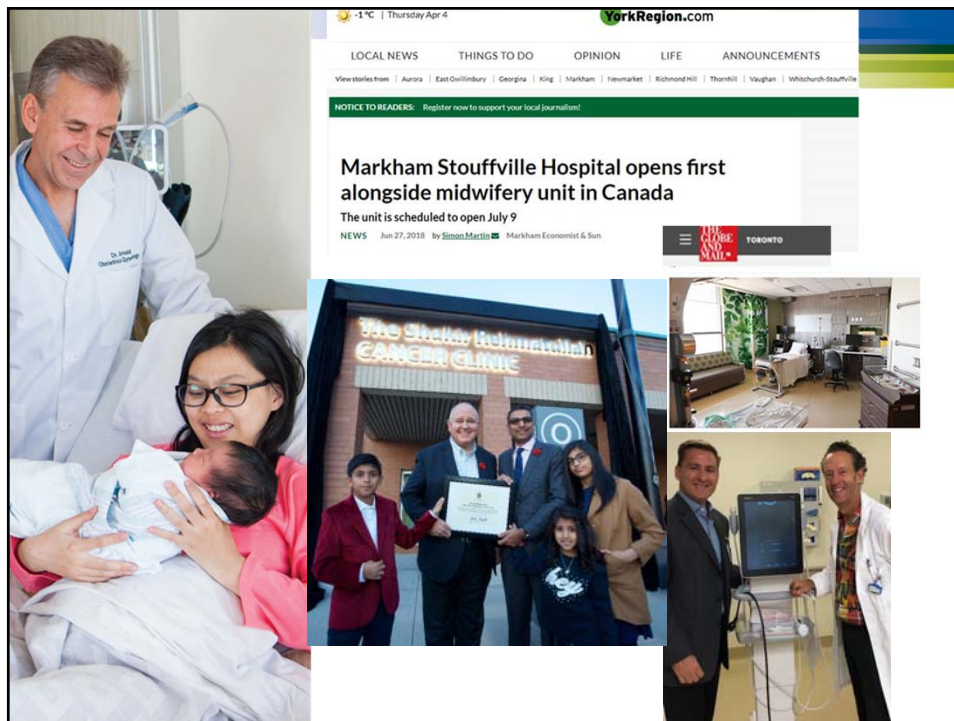


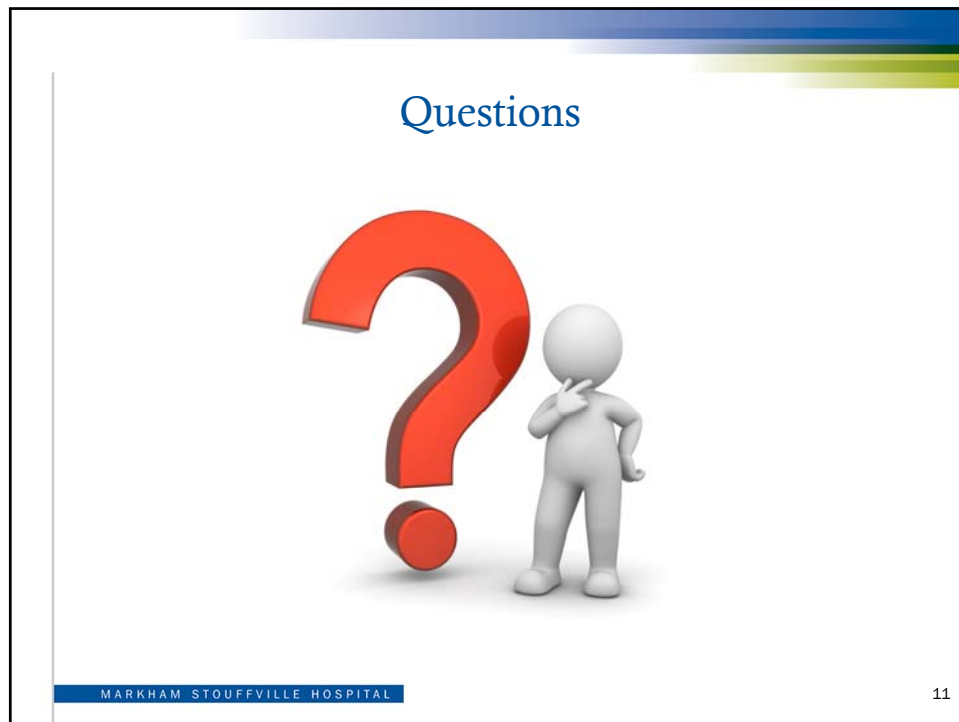


MSH Foundation

To enable MSH to achieve its vision and raise funds and awareness for its strategic priorities and needs

- \$6M - \$8M per year





Town of Whitchurch-Stouffville Council Report**Item 1**

Subject: Whitchurch-Stouffville Legacy Fund/Foundation (M03)**Staff Report No. CAO-013-19****Department: CAO****Date: June 4, 2019**

Recommendation:

- 1) That Council authorise Staff to proceed under the hybrid model as outlined in this report:
 - a) That the Town provide bookkeeping services at no charge;
 - b) That the Mayor's Executive Assistant provide event support as required;
 - c) That other staff support be provided at cost; and
- 2) That Council discontinue the "Interim Measure" as identified in report CAO-008-19

1. Purpose:

The purpose of this report is to provide Council with information and allow Council to decide the manner in which it wishes to have a Whitchurch-Stouffville Legacy Fund/Foundation established and governed, and upon such establishment, to discontinue the interim measures.

2. Background:

In its 2019 budget deliberations, Council expressed a vision that the Town wind down and ultimately discontinue its Grants and Donations function. Council identified the challenge of expending money collected from all taxpayers for the exclusive benefit of individuals or small organizations, no matter how laudable the cause.

Mayor Lovatt expressed a desire to undertake legacy fundraising for the betterment of the community to ensure that the role that the Town played previously does not disappear entirely, and to take the burden of such donations off of the general taxpayer. On March 5, 2019, Council resolved:

- 1) That Council direct staff to undertake research on a Community Fund / Foundation and report to Council; and
- 2) That Council authorize, as an interim measure:
 - a. the Treasurer be authorized to accept donations toward the Mayor's community fundraising efforts and those funds be held in trust; and
 - b. the Treasurer be authorized to disburse funds as authorized by Mayor Lovatt; and
 - c. That all transactions in the interim period be documented and submitted to the new Fund/Foundation governing body for ratification once established.

This report is brought forward in response to the first resolution (a) of March 5th, 2019. Upon consultation with Senior Staff, the Mayor, and a neighbouring municipality, Staff have identified several options for the fulfillment of the Mayor's desire to create a legacy fundraising platform, while limiting the impact on taxpayers:

- A fund entirely independent of the Town, either as a registered charitable entity or a private entity; or
- A fund administered entirely by the Town; or
- A hybrid of the two above options, including an independent decision-making board receiving "banking support" (receipt and disbursement of funds), from the Town.

In all circumstances, any funds disbursed would be collected from external sources. In all circumstances, Members of Council would need to be cognizant to avoid Conflicts of Interest in their solicitation of funds.

The Mayor has advised staff that he has initiated the establishment of an independent legal entity with an independent Board.

3. Analysis and Options:

3.1 Private Entity

Depending on the nature and organization of an external (private) Legacy Fund, the Board of Directors would be charged with certain powers and responsibilities and could act independently of Council. It would remain arm's length from the Town, which would further insulate the Town from being asked to review grant and donation requests.

3.1.1 Private Entity as a Registered Charity

A Legacy Fund may be set up as a registered charity. To obtain a charitable registration under the *Income Tax Act*, the Legacy Fund would need to:

- Be established as a corporation or trust;
- Be exclusively for charitable purposes;
- Primarily carry out its own charitable activities;
- Have 50% of its governing officials (i.e. Directors and Officers of the Fund) at arm's length from one another;
- Generally receive funding from arm's length donors; and
- Ensure that its income cannot be used for personal benefit of members, shareholders, or governing officials.

The benefits of proceeding by way of a registered charity is that it would be wholly separate and apart from the Town. Town Staff would not have any involvement. As a charity, financial reporting requirements would apply, except it would not be the Town doing the reporting. The Town's Finance Department would not be responsible for handling any funds. The Town itself would not be required to report on any transactions associated with the Legacy Fund. The Legacy Fund would be subject to audit and responsible to maintain its own books and records.

Proceeding in this manner would provide high levels of transparency and openness. However, there may be greater complexity and less flexibility as the taxation and laws governing charitable organizations, including giving and receiving money, will apply.

3.1.2 Private Entity Without Charitable Status

The Legacy Fund may be set up as a private entity, without regard to charitable registration status, and without need to have monies administered (collected or disbursed) by the Town. This is the operational model of former Mayor Wayne Emmerson's Emergency Fund.

Mayor Emmerson's Emergency Fund was comprised of widely known and respected local residents who acted as a *de facto* board of directors. The Mayor's Golf Tournament and Mayor's Levee would raise money to the credit of the Emergency Fund. The Emergency Fund received applications and requests for money from individuals in times of need, and the board of directors would review those requests and disburse funds accordingly. The funds were held in a bank account administered by a local bank manager.

If this is the desired path, the Legacy Fund would establish its own rules and procedures. It may wish to retain external expert advice, including legal counsel, to help set up a Board of Directors and governing principles.

A further benefit is that it can outlive a term of Council – Staff are aware that Mayor Emmerson's Emergency Fund still exists to this day. Individuals seeking grants or donations could go directly to the Legacy Fund.

A private entity would be permitted to apply any criteria it chooses when disbursing funds subject to its own rules and procedures; it would be in its interests to establish a clear framework that can be readily followed.

While a private entity without charitable status would have to maintain books and records, there would not be the same level of transparency associated with the other options. A private non-charitable entity provides the greatest amount of flexibility, but less transparency.

3.2 Administered Through the Town

A Legacy Fund administered by the Town offers a high level of transparency and accountability. All funds would be handled by the Town's Treasurer and Finance Department. Staff have consulted with colleagues at the City of Vaughan and understand that this is the way Vaughan's fund is administered and operated.

By administering the Legacy Fund through the Town, there would be certain checks and balances in place. For instance, the funds would be subject to audit as are all Town accounts/funds. Records associated with the Legacy Fund would be subject to Freedom of Information requests (to the extent that such Records are not otherwise exempt from the legislation).

If administered by the Town, the Town would still be involved in the decision making of whom would receive grants. Although Council could delegate this function to staff or a committee, by virtue of the Town's involvement, even when the source of funds are not from the tax base, Council could still be drawn into the decision making via delegations seeking to appeal the actions of the appointed decision makers as is the case today.

A challenge associated with this is the role of Staff and what Staff support can or should be offered. Further, whether Staff support should be free of charge, or subject to reimbursement, and in what manner.

There are perils as well. Mayor and Council would need to avoid the appearance of quid pro quo. For example, a scenario where a Developer donates money to the Town Legacy Fund, and thereafter requests that a Member of Council exert certain pressure on Staff to accelerate an application or approval. Members of Council would need to be very aware of their duties to avoid placing Staff (and the Town) in a potentially compromising position through receipt of donated funds, and ensure that there are no promises, informal or otherwise, made to any donors.

Were Council to establish a Legacy Fund through the Town, it is strongly recommended that Council implement a clear policy which addresses issues pertaining such as:

- Composition of a board, if any;
- Voting requirements for appointment or replacement of the board
- the handling of any funds;
- the parameters by which such funds could be collected and disbursed;
- signing/disbursal authority, including whether by vote of the board, declaration of Mayor, or authorization of Council;
- specified amounts or specified maximums to be disbursed;
- reporting requirements for money taken in and money disbursed;
- reporting for staff time allocated to events/Fund;
- prohibitions on Members of Council (or the Town) accepting donations where an “application is pending”.

If the Legacy Fund is operated through the Town, events that have traditionally been organized and administered outside of the Town may, subject to Council's direction, become Town events. For instance, the Mayor's Golf Tournament and the Mayor's Levee have historically operated as distinct from the Town, without formal assistance from Town staff (except the Mayor's Executive Assistant). If the Legacy Fund becomes a Town entity, it would be reasonable that Staff time be allocated to organizing/staging events. Likewise, at present, if Staff wish to participate in the Mayor's Golf Tournament, they are expected to take vacation or lieu time off to do so. If the Legacy Fund (and consequently the events it operates) are Town operated, this removes the barrier to Staff participation and contribution.

Council should be aware that any involvement by Town staff is considered an in-kind contribution, and that generally, the Senior Management Team is opposed to in-kind contributions, as they have the effect of using taxpayer resources (i.e. Staff time) without compensation. The Vaughan Mayor's Fund is charged for the accounting services provided to it by the City's Finance Department. Further, we are advised that Vaughan also bills back to the Fund all staff time spent on any events or services provided to the Fund. In-kind contributions should be avoided wherever possible.

3.3 A Hybrid Approach (Recommended Option)

A hybrid model offers many of the benefits of the options discussed above. The Legacy Fund can be established as an independent, standalone entity separate from the Town, ***except that the Town shall provide banking functions*** to the Legacy Fund. This method provides a level of transparency to the extent that the Town handles monies, and limits Town Staff involvement to a reasonable level.

An independent Board of Directors may be appointed, and they may be governed by a set of policies and procedures. This Board could elect to register as a charity or proceed without charitable status.

By remaining external to the Town, there would be minimal reliance on staff support (except in circumstances with specific Council authorization).

An advantage of an arms length board is to transfer the adjudication of grant requests to an outside body. With the Town's decision to withdraw from providing discretionary grants, no in-kind requests should be considered by the Town as in-kind grants would, require the Town to continue to adjudicate requests and duplicate systems set up by the Fund. Where in kind support is sought by an organization, it would be treated like any other external entity – any staff time expended, and Town resources used would be calculated at the appropriate rates and invoiced/billed back to the proponent. At the Fund's discretion, the Fund could choose to cover the proponent's cost by way of a grant which would be paid to the Town.

It is proposed that the Town would not offer full financial support by maintaining books and records, performing audits, or submitting accounting paperwork. Rather, the Town would simply act as the banker, taking money in, and disbursing money upon request, based upon the policies established to regulate those expenditures. Effectively, a "money in – money out" arrangement. The tracing of those monies in the Town's hands would be subject to all of the Town's usual reporting requirements; however, the Town would still have an arm's length relationship from the Legacy Fund, and Council would not be subject to petition for donations and grants.

It would be in the public interest to have the monies donated to the Legacy Fund handled in an open and transparent manner, while still providing flexibility for the Legacy Fund's directors to disburse those funds to causes and individuals it deems worthy of receipt, independent of the Town's decision-making authority.

Given the anticipated low volume of activity being recommended, no charge back for staff time is being proposed for the banking function.

3.4 Mayor's Executive Assistant

While the level of involvement of Town Staff is dependent on the option Council chooses, and upon Council direction, it must be noted that the Mayor's Executive Assistant is different. Historically, the Mayor's Executive Assistant has always participated in planning, organizing, and supporting the various Mayoral fundraising events, and the Mayor's Emergency Fund. This is both a common and appropriate approach.

Staff recommend that Council explicitly recognize that support to the Legacy Fund is part of the role of Executive Assistant to the Mayor. Additionally, it should be recognized that there will not be a charge or staff time billed back to the Legacy Fund for the efforts and time spent by the Mayor's Executive Assistant in fulfilling these duties.

Recommended Action

It is proposed that the Town support the Hybrid Approach:

- 1) The Town provide bookkeeping services at no charge;
- 2) The Mayor's Executive Assistant provide event support as required; and
- 3) That other staff support be provided at cost.

4. Financial Implications:

If the hybrid approach is adopted, then there will be staff labour associated with receiving and disbursing monies. It is expected that such support will be less onerous than the time spent administering the current grants program. However, there will be no financial contribution on a “money-out” basis.

5. Attachments: None

6. Previous Reports:

CAO-008-19 - March 5, 2019: Whitchurch-Stouffville Community Fund/Foundation (M03)

Author: Staff & Roman Martiuk, CAO

For further information on this report, please contact: Roman Martiuk at 905-640-1910 or 1-855-642-8697 ext.2332 or via email at roman.martiuk@townofws.ca

Town of Whitchurch-Stouffville Council Report**Item 2**

Subject: Jean-Baptiste Laine Exhibition Update (R05)

Staff Report No. LCS-018-19

Department: Leisure Services

Date: June 4, 2019

Recommendation:

- 1) That Council receive Report No. LCS-018-19 for information.

1. Purpose:

The purpose of this report is to update Council on the progress of the Jean-Baptiste Laine exhibition at the Whitchurch-Stouffville Museum.

2. Executive Summary:

In 2002, the evidence of a 16th Century Huron-Wendat village was identified during the development of a subdivision in Whitchurch-Stouffville. The site, now known as the Jean-Baptiste Laine site, was identified as the largest and most complex ancestral Huron-Wendat village yet unearthed in the Lower Great Lakes region.

Over 100,000 artifacts were retrieved from the site and all of the indigenous artifacts were moved to the Canadian Museum of History in Gatineau, Quebec for storage. The historical and cultural significance of the site to the Province was recognized with the installation of an Ontario Heritage Trust plaque in 2017.

At its meeting of June 5, 2018, Council authorized staff to pursue the development of a year-long exhibit at the Whitchurch-Stouffville Museum, featuring artifacts from the Jean-Baptiste Laine site.

This report seeks to update Council on this project.

3. Background:

In 2002, the remains of a Huron village from the late Pre-contact Period (1500-1550AD) were discovered during the development of a subdivision in Whitchurch-Stouffville. Today, the site sits immediately west of Byers Pond Way and southwest of Lost Pond Crescent.

Between 2003 and 2005, archaeologists unearthed the largest and most complex ancestral Wendat-Huron village to be found in the Lower Great Lakes region. This nine-acre settlement was home to 2,000 people and yielded many thousands of artifacts including a forged wrought iron axe head of European origin. This axe head is the earliest piece of European iron ever to be found in the North American interior. Due to their significance, the indigenous artifacts from the site are now housed in the Museum of Civilization in Ottawa.

An Ontario Heritage Trust plaque, commemorating the historical and cultural significance of the site, was erected in 2017. Leading up to the unveiling, key Town staff and members of Council were invited to the Canadian Museum of History to view the artifacts from the Jean-Baptiste Laine site. On a subsequent occasion, Councillors Kroon and Upton were invited by Jane Philpott, MP, to travel to Wendake, QC as guests of Grand Chief Konrad Sioui.

In March, 2018, Council sent a letter to the Huron-Wendat Nation in Wendake, requesting their support to move forward on the development of an exhibit which would focus on the Jean-Baptiste Laine site. Their subsequent support has been instrumental in receiving the approval to borrow indigenous artifacts from the Canadian Museum of History.

At its meeting of June 5, 2018, Council passed a motion which stated:

- 1) That Council authorize staff to pursue the development of a year-long exhibit at the Whitchurch-Stouffville Museum and Community Centre, featuring artifacts from the Jean-Baptiste Laine site, with satellite displays at the Town Hall and Leisure Centre.

Funding for this project, in the amount of \$40,000, was approved at the Council meeting of February 26, 2019 as part of the Capital budget.

4. Analysis and Options:

In subsequent staff meetings, exhibit concept plans were discussed, and a decision was made to plan a year-long exhibit at the Whitchurch-Stouffville Museum with satellite displays at Town Hall and at the Leisure Centre.

Unfortunately, the Town Hall and Leisure Centre buildings were unable to meet the strict conservation and security requirements set out by the Canadian Museum of History, which is providing a number of key artifacts to the exhibition. To install the systems required to ensure acceptable humidity, temperature and security at the Leisure Centre and the Town Hall is cost prohibitive. As the Whitchurch-Stouffville Museum has met the requirements as set out by the Museum of Civilization, the exhibition will be housed at that facility alone.

In order to engage the residents, to tell the story of the Jean-Baptiste Laine site and to encourage traffic to the Museum exhibit, Staff plan to develop storyboards or other similar displays which will be placed at the Town Hall and Leisure Centre. Additionally, Staff will develop complementary workshops, lecture series and educational programming which will be marketed to the general public and York Region schools.

The exhibit is entitled “Archaeology Alive: The Jean-Baptiste Laine Site and Whitchurch-Stouffville”. It will focus on the archaeological discoveries of the site and what they tell us about the Huron-Wendat who lived there in the 16th Century. The exhibition will feature approximately 100 of these artifacts, excluding the Axe, which is unavailable for loan. Additionally, a variety of engaging interpretive techniques will be used at the exhibition, including 2-D graphic panels, 3-D objects, audio-visual components and a virtual reality experience.

Staff have engaged numerous partners to develop this exciting project, including the Huron-Wendat Nation, the Canadian Museum of History, the Wendake Museum, Archaeological Services Inc., the Museum of Ontario Archaeology and Ryerson University. This project has also involved the collaboration of internal Town departments, who have provided key assistance. For example, IT has sourced the technological components required for this exhibition and will assist with its installation. Public Works staff, specifically the Arborist, have collected parts of ash trees which are required to add to the exterior of the longhouse, a key feature in the exhibition space. Library staff will be printing objects with their 3D printer, once the photographs of artifacts deemed to fragile to travel have been obtained from the Museum of Ontario Archaeology.

The exhibition will open on June 21, 2019 (National Aboriginal Day) with an invitation-only celebration for dignitaries and project partners. The exhibit will open to the public on June 22, 2019 and will close on the third week of June, 2020.

5. Financial Implications:

At its Capital Budget meeting of February 26, 2019, Council approved \$40,000 for this community-based initiative.

Expenses include the loan of the artifacts (including shipping and transportation), the creation of a longhouse experience, consultation fees, quality locking exhibit cases, graphic design and label production, marketing, an opening reception, fees for a speakers series and for the use of virtual reality technology, the purchase of tablets and other technological requirements of the interactive components of the exhibit.

Some of these expenses will be offset due to increased Museum visitation by the public and school groups.

6. Attachments: None

7. Related Reports: None

Author: Joan Crosbie, Manager, Culture

Department Head: Marilou Murray, Director, Leisure and Community Services

For further information on this report, please contact: Joan Crosbie, Manager of Culture and Community Services at 905-640-1910 or 1-855-642-8697 ext. 2470 or via email at joan.crosbie@townofws.ca

Town of Whitchurch-Stouffville Council Report**Item 3**

Subject: By-Law to Establish Rates and Levy Taxes for 2019 for the
Downtown Stouffville Community Improvement Area (F22)

Staff Report No. FTS-020-19

Department: Finance & Technology Services

Date: June 4, 2019

Recommendation:

- 1) That Council enact By-Law 2019-069-TX, being a By-Law under Section 326 of the Municipal Act to levy this special tax levy upon the properties within the Downtown Stouffville Community.

1. Purpose:

The purpose of this report is to seek Council's approval of the By-Law reflecting the special service tax levy imposed on the Downtown Stouffville Community Improvement Area based on the 2019 Budget and additional levy requested. This amount may then be added to the 2019 final tax bills.

2. Background:

The Downtown Stouffville Community Improvement Area was established in 2010 to replace the Business Improvement Area within the Town of Whitchurch-Stouffville and has been funded in part by the Provincial Government. The Downtown Stouffville Community Improvement Area is requesting funds in the amount of \$69,843.00.

3. Analysis and Options:

The Town's operating and capital budgets for 2019 were passed by Council February 26, 2019. Within the budget is the requirement of funds for the Downtown Stouffville Community Improvement Area in the amount of \$69,843.00.

This special levy in the amount of \$69,843.00 is to be added to the commercial and industrial assessed properties within the approved area and added to the 2019 final tax bills for collection.

4. Financial Implications:

It is recommended that Council authorize the Manager, Revenue & Taxation to add the amount of \$69,843.00 to the commercial and industrial tax bills, and that this amount be paid together with the 2019 tax levy on their property, as per Schedule A attached to By-Law Number 2019-069-TX.

5. Attachments:

None.

6. Related Reports:

None.

For further information on this report, please contact Tracy Parsons, Manager Revenue & Taxation at 905-640-1910 or 1-855-642-8697 ext. 2238 or via email at tracy.parsons@townofws.ca.

Town of Whitchurch-Stouffville Council Report**Item 4**

Subject: By-Law to Establish Rates & Levy Taxes For 2019 (F22)

Staff Report No. FTS-019-19

Department: Finance and Technology Services

Date: June 4, 2019

Recommendation:

- 1) That Council enact By-Law 2019-067-TX, being the new By-Law to establish rates and levy taxes for the Town of Whitchurch-Stouffville for the year 2019.

1. Purpose:

The purpose of this report is to provide Council with the 2019 final tax rate information and to obtain approval of these rates and dates to enable the Manager, Revenue & Taxation to issue the 2019 final tax bills to collect revenue generated by these rates.

2. Executive Summary:

It is recommended that Council approve the Tax Rating By-Law 2019-067-TX for 2019 and authorize the Manager, Revenue & Taxation to proceed with the production and collection of the 2019 final tax bills.

3. Background:

At the Council meeting of February 26, 2019, the final operating budget was approved. Council now needs to approve a rating By-Law to raise the required monies through taxes as indicated in the budget.

Once approved, the By-Law will provide for the collection of the taxes levied by the Town, the Region, Education, as well as the Downtown Stouffville Improvement Plan (DSIP) as also presented in a separate report.

The *Municipal Act, 2001* requires Council to pass a By-Law each year specifying the levying of tax rates. The Town's operating and capital budgets for 2019 were approved by Council on February 26, 2019. For those with special levies, the budget of the DSIP has also been submitted and approved.

The Region of York approved the transition ratios By-Law 2019-32 on May 16, 2019, as well as By-Law 2019-31 establish the tax rates for 2019 on May 16, 2019. The Province of Ontario has prescribed the 2019 Education Tax Rates under the Ontario Regulation 400/98 of the *Education Act*, as amended.

4. Analysis and Options:

The Town of Whitchurch-Stouffville is responsible for approving the budget for its own general purposes and the budget of the DSIP. As well, the calculation of the final tax rates has been presented to Council in separate reports. The Town is also required to levy taxes for Regional and Educational purposes according to the tax rates set by the Region and the Province.

In summary, the breakdown of total taxes to be raised by the Town of Whitchurch-Stouffville for 2019 are as follows:

Town of Whitchurch-Stouffville	\$32,265,686
Region of York Tax Revenue	\$42,407,109
Region of York & Town of Whitchurch-Stouffville Estimated Revenue for:	
The Railway Right of Way and Utility Transmission	\$45,447
Ministry of Education	\$27,179,951

Schedule "A" attached to the By-Law sets out the municipal tax rates per class and the amounts to be raised for Town, Region and Education purposes.

As per the *Municipal Act, 2001* section 317(3), the first two (2) tax installments in 2019 were intended to raise approximately 50% of the 2018 tax amount. The final tax levy set in this By-Law, which is approximately 3.43% lower than 2018, will reflect the remaining balance as approved for 2019 taxation as indicated by the 2019 Operating Budget. The final tax billing is scheduled to be issued in June to all Residential, Farm, Commercial, Industrial and Multi-Residential properties. Installment dates proposed are as follows:

1 st Installment:	Friday, July 15, 2019
2 nd Installment:	Monday, September 15, 2019

The standardized tax bill implemented in 2001 by the Provincial Government will be issued again, showing on the reverse side of the bill the year-to-year tax changes for each levying body.

The By-Law also includes a provision which grants the Treasurer or Manager, Revenue & Taxation Services the authorization to amend the installment dates for the 2019 final tax bills, should any provincial legislation be released which could effectively delay billing. All due dates are set to accommodate the legislated notice requirement of twenty-one (21) days before an installment due date, in accordance with the *Municipal Act, 2001*.

5. Financial Implications:

The By-Law and schedule of tax rates have been prepared to reflect the Town's operating and capital budgets for 2019, which were approved at the Council meeting held on February 26, 2019. This amount is needed to enable the Town to carry out the service delivery by the individual departments, as approved in the 2019 Operating Budget.

6. Attachments:

None.

7. Related Reports:

None.

For further information on this report, please contact Tracy Parsons, Manager Revenue & Taxation at 905-640-1910 or 1-855-642-8697 ext. 2238 or via email at tracy.parsons@townofws.ca

Town of Whitchurch-Stouffville Council Report**Item 5**

Subject: First Quarter Financial Results (F05)**Staff Report No. FTS-014-19****Department: Finance & Technology Services****Date: June 4, 2019**

Recommendation:

- 1) That Council receive the first quarter capital budget results report for information.**

1. Purpose:

The purpose of this report is to provide Council with an overview of the key financial results and the progress on capital projects as at March 31st, 2019.

2. Executive Summary:

On February 26, 2019, Council approved a capital budget of \$16.9 million (as amended), which together with approved capital projects carried forward from prior years of \$9.2 million, create a combined 2019 capital program of \$26.1 million.

In total, 57% of projects are underway and 73% are anticipated to be completed by year-end. Of the 2018 and prior carry forward projects, over 82% are underway and 43% of the new 2019 projects have started. As of March 31st, \$428,711 has been spent on active capital projects.

Operating results show significant variances in the first quarter due to timing arising from annual budgeting. Operating is carefully monitored, and no unusual items have been identified that should be identified for Council.

3. Background:

The capital analysis includes reporting on the final results related to the 2018 closed capital projects as well as the first quarter activity on active projects.

The operating budget is continually monitored by departments to ensure expenditures and revenues are tracking on budget. However, analysis of operating results is not presented in the first quarter report. The budget was not approved until February 26th, and the simple spreading of the annual budget over 12 months creates significant timing variances in the first quarter.

Where significant variances or events that impact 2019 operating revenues and expenditures are known, these have been identified. A more fulsome operating analysis will be presented with the 6-month variance report.

4. Analysis and Options:

4.1 Capital

4.1.1 2018 Closed Projects

In 2018, 105 capital projects with a value of \$31.6 million were completed. Six projects were closed and rebudgeted for completion in future years, and a further six projects were cancelled or not required.

Table 1 – Summary of 2018 Closed Projects

Project Status	Budget	Actual	Under (Over) Budget
Completed	\$ 30,249,259	\$ 29,769,626	\$ 229,633
Rebudgeted	1,185,500	-	1,185,500
Cancelled	155,120	-	155,120
	\$ 31,589,879	\$ 29,769,626	\$ 1,570,253

The following projects were cancelled:

- General Administrative Study \$25,000
- Risk Management Software \$26,200
- Online Tendering & Inspection Tool \$20,000
- By-Law Vehicle \$33,920
- Rural Geodetic Benchmarks \$30,000
- Traffic Signal Communication Devices \$20,000

The following projects were re-budgeted in the 2019 Capital Plan:

- Software Licensing \$50,000
- HRIS System \$32,200
- Loader Mounted Sweeper Attachment \$20,000

- Whistle Cessation Infrastructure Improvements \$100,000
- Sidewalks, Hwy48-Pine Vista Ave to Ballantrae Common \$833,300
- Cam Fella Watermain in Easement \$100,000

The net result is that \$1.57 million in capital funding will be returned to the Town's reserves and reserve funds. These funds will be made available to support the projects and initiatives identified in the 2020-2029 capital plan.

Table 2 – Funding Results for 2018 Closed Projects

Funding Source	Amount Returned to (Required from) Funding Source
New Infrastructure Reserve	\$ 1,181,138
Capital Repair & Rehab. Reserves	457,534
Sustainable Development Fees	(245,503)
Development Charges	216,290
Federal Gas Tax	(54,123)
Other	14,915
	\$ 1,570,253

4.1.2 2019 Capital Program

The 2019 capital program (as amended) includes a total of \$16.9 million in projects and \$9.2 million in budget remaining on projects being carried forward from prior years.

For the first quarter, Departments were asked to report on the status of all open capital projects. The project status of the Top 10 projects is reported in Table 3. Of the 172 active capital projects, approximately 57% are underway and staff anticipate that 73% will be complete by December 31st.

Table 3 – 'Top 10' 2019 Projects

Project	Budget	Life to Date Actuals at March 31, 2019	Remaining Budget	Estimated Completion Date
Montreal & Stouffer Reconstruction	3,600,000	3,400,397	199,603	31-Dec-19
Creek Crossing Structure (RB04) (Developer Pmt)	2,700,000	2,010,250	689,750	31-Dec-19
Water Meter Replacement Program	4,500,000	99,764	4,400,236	31-Dec-23
Baker Hill Blvd (S07) (Developer Pmt)	1,299,790	-	1,299,790	31-Dec-19

Project	Budget	Life to Date Actuals at March 31, 2019	Remaining Budget	Estimated Completion Date
2019 Road Repair / Rehabilitation	1,200,000	-	1,200,000	31-May-20
Maytree Ave Reconstruction (W35)	1,050,000	931,714	118,286	30-Jun-19
Fairview Ave Reconstruction (W18)	1,050,000	1,066,118	(16,118)	30-Jun-19
Upgrade & Design Station 52-Ballantrae - Const.	825,000	-	825,000	TBD
Streetlights, Traffic Signals and Sidewalks, Aurora Rd- Grayfield Dr to McFarland St	790,700	-	790,700	31-Dec-22
North St Reconstruction	750,000	604,500	145,501	31-Dec-19

4.1.3 Development Charges

Development activity is important to the Town's capital program as a primary funding source for development-driven capital projects. At March 31, 2019, \$1.3 million in development charges have been collected.

As set out in our Development Charges By-Law, the Town portion of the development charges increased to the new rates effective March 1, 2019. In addition, on April 23, 2019, the York Catholic District School Board and York Region District School Board approved their new by-laws which will come into effect on July 1, 2019. The residential charge per unit will increase to \$7,007 (from \$6,407) and the non-residential rate will increase to \$1.13/GFA (from \$1.07).

In May 2019, the provincial government introduced Bill 108, the More Homes, More Choice Act. The legislation has far reaching implications for the Town as it significantly changes the scope and payment timing of development charges. The key financial impact of the new bill is that the Town will no longer be able to collect development charges for soft services such as libraries and recreation facilities. Instead, legislation will require a new community benefits study and separate bylaw to raise funds for these types of community services. In addition, there will be a fee cap, based on land value, which will limit how much the Town can collect from developers for these soft services. At this time, staff do not have sufficient information on the implementation details to determine the extent and magnitude of the financial impact of the proposed changes. Staff will bring a future report to Council as more information is available.

Year-to-date development results are presented in Table 4.

Table 4 – Development Charge Activity

	Development Forecast in DCBS (Units)	2019 TOWS Development Forecast (Units)	Development Forecast in DCBS (\$ million)	2019 TOWS Development Forecast (\$ million)	Year to Date Actuals (\$ million)
Residential	625 Units	625 Units	\$ 11.7M	\$ 11.7M	\$ 0.03M
Non-Residential	475,890 Ft ²	148,373 Ft ²	\$ 2.9M	\$ 0.9M	\$ 1.23M
			\$ 14.6M	\$ 12.6M	\$ 1.26M

DCBS: development charge background study

While not yet realized, a significant volume of development applications is active and in process at the end of the first quarter, and staff believe that the overall targets will be realized by year-end.

It should be noted that a portion of the variance in residential/non-residential activity is due to an error in the 2019 forecast: development activity related to a planned senior's living facility was forecast as residential development, but in fact attracted development charges at the non-residential rate.

4.1.4 Economic Indicators

The Non-residential Building Construction Price index produced by Statistics Canada is the benchmark the Town uses to track the inflationary impacts on the capital program.

Table 5 – First Quarter (Q1) Inflation

	Q1 2018	Q4 2018	Q1 2019	Q1 to Q1 Change	Q4 to Q1 Change
CPI	132.3	134.3	135.2	2.19%	0.67%
NRBCPI	102.1	106.6	107.4	5.19%	0.75%

CPI: Consumer Price Index, Statistics Canada.

[Table 18-10-0006-01 Consumer Price Index, seasonally adjusted](#)

NRBCPI: Non-Residential Building Construction Price Index - Statistics Canada.

[Table 18-10-0135-01 Building construction price indexes, by type of building](#)

Overall inflation is an important benchmark, indicating the trend and expected pressures on the Town's operating and capital budgets. While the Town's own mix of expenses are different from the "typical basket of goods" referenced by Statistics Canada's CPI indicator, the trend is similar. As can be seen above, the 2019 to 2018 first quarter results show inflation trending over the 2% operating increase provided for in the 2019 budget. This may translate into operating pressures in 2019 and future budgets.

Similarly, the NRBCPI trend indicates the level of inflationary pressure on the Town's capital program. When inflation rates outpace increases in the Town's annual capital contribution rates and the Town's investment returns, the Town faces erosion in the purchasing power of our capital dollars, meaning additional efficiencies are required to achieve the aims of the long-range Capital Plan.

4.2 Significant Operating Results

4.2.1 Operating Results

There are no significant transactions for events to report for operating. Typically, operating results for the first quarter are not reported. The budget was not approved until February 26th, and the simple spreading of the annual budget over 12 months creates significant timing variances in the first quarter.

4.2.2 Grant Activity

- Staff have submitted a new grant application for approximately \$5 million in support of the Bethesda Road Reconstruction project to the Investing in Canada Infrastructure Program – Rural and Northern stream for in funding (Report No. PW-012-19 - Investing in Canada Infrastructure Program (ICIP) - Rural and Northern Communities Funding Stream (F18)).
- On March 21, 2019, Ontario's Minister of Municipal Affairs and Housing, announced one-time funding for small and rural municipalities to help modernize and improve service delivery in the community. The Town received one-time funding of \$427,218 through this initiative. The specific projects to which this funding will be directed has not yet been determined.
- The 2019 Transitional Assistance grant from the Ontario Municipal Partnership Fund is \$317,900, representing a 15% from the 2018 grant of \$374,000. The Ministry distributes the OMPF based on the needs and challenges it identifies across the province.
- The 2019 AMO Federal Gas Tax annual allocation is expected to be \$1,390,522, an increase of \$192,034 over 2018. The increase is due to the annual indexing combined with the impact of resetting the municipal allocations based on 2016 updated census data. These funds can be used over the next 5 years to enhance the capital program for eligible capital projects. In addition, the federal government announced a one-time top-up payment equal to the 2018 payment, which will provide an additional \$1.2 million to support eligible projects in the Town's capital program.

- The Ontario Community Infrastructure Fund grant increased from \$400,120 to \$648,659 and will be applied to approved capital projects as set out in the capital budget.

5. Financial Implications:

There are no financial implications arising from this report.

6. Attachments: None.

7. Related Reports: None.

Author: Danna Munns, Manager of Budgets & Planning

Department Head: Brian Parrott, Director of Finance and Technology Services

For further information on this report, please contact: **Brian Parrott** at 905-640-1910 or 1-855-642-8697 ext. 2243 or via email at brian.parrott@townofws.ca

Town of Whitchurch-Stouffville Council Report**Item 6**

Subject: Q1 Overtime & Absence Reporting**Staff Report No. FR-003-19****Department: Fire and Emergency Services****Date: June 4, 2019**

Recommendation:

- 1) That Council receive Report No. FR-003-19 for information.

1. Purpose:

The purpose of this report is to provide Council with an update regarding staff absences, overtime costs and annual projection.

2. Background:

During 2019 budget deliberations Council requested further reporting on a few issues and questions, including absences and overtime in the Fire and Emergency Services Department. This report will inform Council of the various causes of overtime, methods of tracking overtime and attendance management. A portion of overtime costs are directly attributable to absences however, this does not currently account for the majority of overtime costs.

3. Analysis and Options:

The following analysis will outline the status and breakdown of overtime costs as well as examine current absences against comparative data. The budget for staff absences account for 29% of annual overtime, first quarter absences accounted for 15.5% of first quarter overtime.

There are several issues that cause the fire department to incur overtime. The causes can be broken down into groups as follows:

Career Overtime (Prevention/Pub.Ed, Training and Suppression)

1. Staff Shortage Overtime – Shortages can be the result of sick time and other leaves such as bereavement and paternity. The minimum staff includes 3 firefighters including an officer at both station 51 and 52 dayshift and 3 firefighters at station 51 and 2 firefighters at station 52 on night shift
2. Training Overtime –Overtime costs associated with sending staff members to training sessions that can not be completed while on shift as well as the costs of covering members that are attending training sessions.
3. Incident Overtime –Overtime costs associated with calls that are paged out to off duty staff and volunteers due to the need for extra resources above the on-duty compliment.
4. WSIB Overtime – When an injury occurs, some overtime costs are incurred to cover that member's shifts. In cases where the injured staff member is expected to be off for an extended period, a temporary replacement position may be created from the volunteer firefighter ranks. The costs associated with a temporary replacement position are not documented in this group.
5. Other Overtime – Costs associated with various committee meetings including company officer meetings, occupation health and safety meetings, and specialty training committees. This also includes overtime costs associated with public education events that are attended by career staff and fire prevention duties that are outside of normal working hours.
6. Lieu Payout Overtime – Under the current collective bargaining agreement, staff have the option to bank overtime into a time owing or lieu time bank to be used later. They also have the option to have these hours paid out at any time. Lieu time can be a result of any of the overtime causes listed above. The number in this area represents only the lieu time that is paid out.

Part-time (Volunteer) Overtime

1. Training Overtime – Costs associated with any training and public educations events attended by the part-time firefighters.
2. Incident Overtime – This includes the costs of any incidents that are paged out and attended by the part-time firefighters in both stations

The overtime budget has been allocated based on expected spending by quarter. The allocation factors in expected seasonality and the addition of two new staff in July to provide enhanced coverage and thereby control overtime costs.

The following table outlines 2019 overtime costs for career and part-time staff to date.

OVERTIME DOCUMENTATION				IN '000s		
CAREER		Q1	Q2	Q3	Q4	TOTAL
Absence OT	Budget	37.8	37.8	20.3	20.3	116.2
	Actual	13.5				13.5
	Variance	24.3				24.3
Training OT	Budget	24.2	24.2	11.3	11.3	71.0
	Actual	24.4				24.4
	Variance	-0.2				-0.2
Incident OT	Budget	41.2	41.2	41.2	41.2	164.8
	Actual	41.2				41.2
	Variance	0.0				0.0
WSIB / Injury	Budget	6.8	6.8	3.2	3.2	20.0
	Actual	0.0				0.0
	Variance	6.8				6.8
Other	Budget	0.0	4.0	8.0	8.0	20.0
	Actual	2.0				2.0
	Variance	-2.0				-2.0
Lieu Payout	Budget	0.0	0.0	0.0	0.0	0.0
	Actual	6.2				6.2
	Variance	-6.2				-6.2
TOTAL	Budget	110.0	114.0	84.0	84.0	392.0
	Actual	87.2				87.2
	Variance	22.8				22.8

Career overtime costs for Q1 are below the budgeted amount by \$22,800. Absence overtime costs were reduced in Q1 through improved scheduling methods focused on decreasing the number of times that overtime staff were needed to maintain minimum staffing. Staff are encouraged by the results and are hopeful further savings will be realized during the busy summer vacation period.

Note: Council authorized \$70,000 for support to the Fire Chief and Deputy through a temporary Platoon Chief position. A more cost-effective approach using an On-Call Senior Officer was implemented at a projected cost of \$20,000. The "Other" budget group includes this \$20,000.

OVERTIME DOCUMENTATION				IN 000's		
PART TIME		Q1	Q2	Q3	Q4	TOTAL
Training OT	Budget	47.9	47.9	47.9	47.9	191.4
	STN 51	18.9				18.9
	STN 52	9.7				9.7
	Variance	19.2				19.2
Incident OT	Budget	47.9	47.9	47.9	47.9	191.4
	STN 51	25.5				25.5
	STN 52	13.3				13.3
	Variance	9.1				9.1
Vacation Pay		3.0				
TOTAL	Budget	95.7	95.7	95.7	95.7	382.8
	Actual	70.4				70.4
	Variance	25.3				25.3

Part Time (Volunteer) Overtime

Both Training and Incident overtime were below budgeted amounts for Q1. These numbers are expected to rise in Q2 due to an increase number of paged out calls in Q2 due to grass and brush fires as well as increased training and public education opportunities due to the warmer weather.

Benchmarking

To evaluate absentee rates, department rates should be compared to other fire organizations. Statistics Canada tracks absenteeism however, they do not break the data down by individual occupations such as firefighter. For this reason, we have benchmarked against neighboring fire services as illustrated in the following chart. Also included is a chart from Statistics Canada for reference.

Benchmarking Table

Illness Only

Municipality	2018
Vaughan	10.2
Markham	8.8
Richmond Hill	8.4
Central York	10
East Gwillimbury	4.3
Georgina	10.7
Whitchurch-Stouffville	4.5

Statistic Canada

Absence Type - Days	2018 Benchmark	WSFES 2018	WSFES 2019 Trend
Illness	11.5	4.5	7.1*
Disability/ WSIB		5.5	4.8
Personal/Family	2.1	0	0.2
Total	13.6	10.0	12.1

*higher than normal, flu bug, office staff

Fire Department Absence Tracking						
		Q1	Q2	Q3	Q4	Annualized
Suppression	Complement	29.0				29.0
	Days Absent	41.3				41.3
	Absence Rate (Quarter)	1.4				1.4
	Absence Rate (Annual)	5.7				5.7
Admin / FPD / TD	Complement	7.0				7.0
	Days Absent	24.8				24.8
	Absence Rate (Quarter)	3.5				3.5
	Absence Rate (Annual)	14.2				14.2
Total	Complement	36.0				36.0
	Actual	66.1				66.1
	Absence Rate (Quarter)	1.8				1.8
	Absence Rate (Annual)	7.3				7.3
Long Term	Absences	43				43.0
Grand Total	Complement	36.0				36.0
	Actual	109.1				109.1
	Absence Rate (Quarter)	3.0				3.0
	Absence Rate (Annual)	12.1				12.1

Injury and long-term absence data can dramatically skew the results. Active injury cases can affect the departments absence rate.

Looking at only suppression sick time, neighboring fire services range from 4.3 to 10.7 days per person. WSFES is toward the lower end of the range. In 2018, the department was at 4.5 days per employee compared to the 4.3 days, the lowest of the neighboring municipalities surveyed.

Non-suppression staff absences are high in Q1 due to 3 staff members suffering from a prolonged illness over a period in January. Each of the 3 were off between 6 & 7.5 days which is abnormal. Given cold and flu season, it is expected that the first quarter would be the worst quarter and that statistics will improve over the year.

4. Financial Implications:

This report tracks Fire department overtime spending. The 2019 budget includes \$372,000 as approved as part of the budget process and a further \$20,000 allocated mid-year to provide coverage for Chief/Deputy Absences.

5. Attachments:

None

6. Related Reports:

None

For further information on this report, please contact Trevor Wawryk, Deputy Fire Chief at 905-640-9595 ext. 6226 or via email at trevor.wawryk@townofws.ca
Department Head, William Snowball, Fire Chief, 905-640-9595 ext. 6225, william.snowball@townofws.ca

Subject: Asset Management Policy (F06)

Staff Report No. FTS-018-19

Department: Finance & Technology Services

Date: June 4, 2018

Recommendation:

1) That Council approve the Corporate Asset Management Policy.

1. Purpose:

The purpose of this report is to introduce the Town's new proposed Corporate Asset Management Policy.

2. Executive Summary:

According to Stats Canada, in 2016, more than 90% of public infrastructure assets were owned by municipalities. The remainder were owned by provincial, territorial and regional governments. This puts a huge responsibility in the hands of our local government. The goal of asset management is to achieve sustainability in the management of the \$820 million of infrastructure assets in our care.

The Town has taken strides in the advancement of asset management capabilities, through the implementation of Tangible Capital Asset accounting, adoption of a Comprehensive Asset Management Plan and the integration of asset management data into the long-range capital plan. However, it is a long journey to reap all of the benefits of true lifecycle asset management. The next step on the path is the implementation of a Corporate Asset Management Policy, a document that will cement Council's and staff's intentions with respect to asset management and guide the development of enhanced processes and procedures to achieve the lowest long-term cost of operating and maintaining the assets of the Town.

3. Background:

Over the past few years, the Federal and Provincial governments have put asset management on the agenda of local governments. Firstly, through the introduction of Tangible Capital Asset accounting requirements. Subsequent to this, by requiring Council-endorsed asset management plans be in place in order for municipalities to be eligible for grant funding or annual Federal Gas Tax transfers.

More recently, the Ontario Government passed the Infrastructure for Jobs and Prosperity Act, 2014 and the related regulation O. Reg 588/17 Asset Management Planning for Municipal Infrastructure. These regulations expand the required components of asset management plans as well as mandating a process for regular updates and reporting. One of the requirements of the legislation is an approved asset management policy.

4. Analysis and Options:

This report provides an overview of asset management at the Town and explains the driving factors behind the key policy proposals (contained in the Corporate Asset Management Policy) proposed by the Town's Asset Management Steering Committee (AMSC). It will also explain the desired outcomes and the next steps that the AMSC plans to take to embed asset management processes in the organization.

4.1 Asset Management at Whitchurch-Stouffville

Maintaining municipal assets in a good state of repair is essential to the Town's ability to continue to deliver the excellent levels of service that the businesses and residents have come to expect. These assets include: the physical infrastructure assets such as roads, bridges and facilities. The Town also has an increasing investment in new technology assets that must be carefully managed to ensure that our digital infrastructure continues to be capable of supporting the service delivery models of the future.

While 76% of the Town's assets are in at least fair condition, there are \$22 million of watermains and sewers that are estimated to be in very poor condition due to their age. With an annual contribution to capital for rehabilitation and repair of only \$4.5 million (of the \$11 million estimated funding requirements), the need to optimize our asset management investments is critical.

In 2018, Council endorsed the Town's Comprehensive Asset Management Plan (CAMP). This plan provided the foundation for staff's current asset management work, which was used to inform the 2019 capital plan and formed the basis for the analysis provided in the 2019 Capital Budget report. Integration of asset management information into capital planning processes reflects the ongoing growth of the Town's asset management awareness and capabilities.

The International Infrastructure Management Manual (IPWEA, 2015) outlines the maturity index for an Asset Management Policy (**Table 1**). Having completed a CAMP, and by

approving the proposed Corporate Asset Management Policy, the Town will be positioned in the **Core** level.

Table 1 – Asset Management Maturity Index (adapted from IPWEA, 2015)

Aware	The organization is aware of the benefits of Asset management
Basic	The organization has an expectation to develop Asset management plans and objectives
Core	Asset management policy and objectives are developed and aligned to the Corporate goals and strategic priorities
Intermediate	Asset management system scope is defined and documented. Strategic context has been analyzed and implications for the Asset management system are documented in the Corporate Asset Management Plan.
Advanced	The Asset Management Policy and the Corporate Asset Management Plan are fully integrated into business processes and subject to a defined review and updating process.

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In the 2019 Capital Budget, Council approved a project (currently underway) to assess the Town's asset management and work order management technology needs, with a view toward implementing a comprehensive, integrated asset management system within the next 2 years. Implementing a corporate Asset Management System would move the Town into the **Intermediate** level. Ongoing execution of the work plan established by the AMSC will continually improve the Town's asset management practices, moving the organization toward the **Advanced** level over time.

4.2 The Asset Management Policy

Though required by legislation, the Town can realize significant value and benefits from effective asset management policies and practices. Staff recognize that in order to maximize the value of the CAMP, it must be a living document. Asset management principles must be formalized and embedded into the day-to-day business processes of the organization. When maintenance and other renewal activities are based on a systematic approach that takes the long-term perspective, budgets can be allocated based on value for money priorities that respect taxpayer dollars.

The magnitude of assets being managed as well as the financial and service-level consequences of failing to manage our assets well suggests that both Council and staff should view the Asset Management Policy as an important planning document. The recommended Corporate Asset Management Policy will provide a solid foundation for the Town's asset management practices, demonstrating staff and Council's commitment to the principles, objectives and activities to be prioritized through asset management. It will also move the organization in the direction of increasingly evidence-based capital budgets and long-range forecasting.

4.2.1 Elements of the Policy

The policy contains the following key sections:

- **Background** – Includes a brief introduction to the history of the policy.
- **Purpose** – Establishes the corporate need and purpose for the policy.
- **Policy Statement** – Provides an overview of the policy's goals and objectives.
- **Scope** – Defines the applicability of the policy.
- **Definitions** – Sets out key terms and definitions that apply to the policy.
- **Policy Details** – Establishes the strategic alignment, guiding principles, desired outcomes and components of the asset management planning activities to be undertaken by the Town.
- **Responsibilities** – Defines the roles and responsibilities of Council, the CAO and Senior Management Team, the Asset Management Steering Committee, Finance and other Departments.

4.2.2 Policy Objectives

The objective of the asset management policy is to “manage [Town] assets in a fiscally responsible manner and ensure long-term sustainability”. This adoption of a long-term view is essential to ensuring that the right investments are made at the right time. Asset management strategies that focus on performing preventative maintenance activities and repairs at the optimal time (instead of the historical ‘worst-first’ approach) ensure that the value of every dollar is optimized.

4.2.3 Roles and Responsibilities

The policy sets out the roles and responsibilities of Council and staff. A key governance role of Council is representing the views and needs of the community as they relate to the levels of service to be delivered by Town staff. By approving the Asset Management policy, the Asset Management Plan and the Annual Operating and Capital Budgets Council will be able to establish the desired outcomes for the municipality.

4.2.4 Activities and Reporting

Departments have the task of executing the asset management and maintaining the assets used in service delivery on a day-to-day basis. As asset management

competencies evolve, departments will continue to enhance the data that is maintained, with a focus on increasing the quality of asset condition information that is captured and tracked at the individual asset level.

Finance staff will collaborate with departments to update the recent asset management plan and, as set out in the policy, will provide reports to Council on an annual basis that explain the results of the Town's asset management activities in the year. Progress towards meeting the financial contribution benchmarks and levels of service established by the CAMP. In addition, the legislation requires that the Town update its CAMP and present it to Council for approval at least once every 5 years.

4.3 Next Steps

The AMSC has set several priority action areas for the balance of 2019:

- Approve the corporate Asset Management Policy;
- Update the asset management data sets used as a basis for the 2018 CAMP;
- Prepare a risk evaluation matrix that will be used across all asset categories to prioritize capital investments and apply this risk data to the updated data set; and
- Continue to capture current asset condition data and apply this information to the data sets to improve ability of the CAMP to predict the timing and levels of investment required to support the levels of service established in the plan.

Looking further ahead, by 2021, staff must establish and report to Council on:

- Current Levels of Service;
- Estimated costs to sustain the Town's current Levels of Service; and
- Estimated costs to service growth-related infrastructure.

By 2023, the scope of the CAMP will be expanded, and Council will be asked to endorse an updated plan that includes:

- Proposed Levels of Service (including both technical and community service standards);
- A lifecycle management strategy for each asset category;
- A financial strategy that addresses funding shortfalls identified in the CAMP;
- A financial strategy for servicing the cost of new growth; and
- A comprehensive risk assessment and analysis.

5. Financial Implications:

There are no specific financial implications associated with the Corporate Asset Management Policy; however, the objective of asset management is to optimize the Town's overall investments in asset maintenance, rehabilitation and replacement. Therefore, the implementation of this policy should improve the long-term financial sustainability of the Town by ensuring that staff achieve the best value in both operating and capital investment decisions.

6. Attachments:

1. Attachment 1 – Asset Management Policy.

7. Related Reports:

FS-023-18 Comprehensive Asset Management Plan.

Author: Danna Munns, Manager of Budgets and Planning

Department Head: Brian Parrott, Director of Finance and Technology Services

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The Town of Whitchurch-Stouffville

Administrative Policy #82

Subject: Corporate Asset Management Policy

Effective: July 1, 2019

Revised Date: July 1, 2019

Applicable to: All staff and members of Council

Authority: Council

1. Background

In 2015, the Ontario Government passed the Infrastructure of Jobs and Prosperity Action (IIPA), 2015. That Act included a provision for the future introduction of an Asset Management Regulation. On December 27, 2017 Ontario Regulation (O. Reg.) 588/17, Asset Management Planning for Municipal Infrastructure also became law.

In response to these legislative requirements, the Town produced a Comprehensive Asset Management Plan in 2018, which will form the basis for Town's future asset management planning activities and analysis.

2. Purpose:

This policy set out the objectives and principles used in establishing asset management practices across Town departments to ensure a consistent, coordinated and sustainable approach to managing assets and that satisfactory levels of service are provided to the community throughout the asset lifecycle.

3. Policy Statement

The Town's asset management goal is to manage the Town's assets in a fiscally responsible manner using an evidence-based decision-making framework to:

- ensure long-term sustainability,
- achieve established levels of service, and
- balance environmental, economic and social considerations.

4. Scope:

This policy applies to all Town staff involved in asset life cycle management, which includes planning, design/construction/acquisition, operation and maintenance, rehabilitation, renewal/disposal, and monitoring/reporting of owned in whole or in part, leased or operated Town assets.

5. Definitions:

Asset: Economic resources within the control of the Town resulting from past transactions or events and from which future economic benefits may be obtained.

Asset Management: The coordinated activities of the Town designed to realize value from assets. The intent of asset management is to maximize benefits, manage risk and provide satisfactory levels of service to the community in a sustainable manner.

Asset Management Plan: A Plan developed for the management of infrastructure assets that combines multidisciplinary management strategies over the lifecycle of the asset in a cost-effective manner to deliver acceptable levels of service. The Plan specifies the activities, resources, and timescales required for an individual asset, or grouping of assets, to achieve the organization's asset management objectives.

Infrastructure Asset (IIPA): The physical structure and associated facilities that form the foundation of development and by or through which a public service is provided to citizens, such as highways, bridges, bicycle paths, drinking water systems, and other things by or through which a public service is provided.

Lifecycle Activities: Activities undertaken with respect to a municipal infrastructure asset over its service life, including constructing, maintaining, renewing, operating and decommissioning and all engineering and design work associated with those activities.

Municipal Infrastructure Asset (O. Reg.): An infrastructure asset, including a green infrastructure asset, directly owned by the municipality or included on the consolidated financial statements of the municipality.

Senior Management Team: A senior leadership group comprised of the CAO and directors/department heads from each service area.

Service Life: The total period during which a municipal infrastructure asset is in use or is available to be used.

6. Policy

Strategic Alignment

The Town's objective is to manage its assets in a fiscally responsible manner and ensure long-term sustainability. This requires alignment of many strategic goals, policies and plans at any given time. To achieve this vision, the Town will integrate asset management planning with other municipal processes and documents including strategic, financial, and master plans.

Guiding Principles

The following key principles will guide the Town in making its asset management decisions:

Forward looking: The Town shall take a long-term view (at least 10-year planning horizon) while considering demographic and economic trends in the region.

Budgeting and planning: The Town shall consider any applicable budgets or fiscal plans, such as fiscal plans released under the following:

- Fiscal Transparency and Accountability Act, 2004
- Budgets adopted under Part VII of the Municipal Act, 2001

Prioritizing: The Town shall clearly identify infrastructure priorities which will drive investment decisions.

Economic development: The Town shall promote economic competitiveness, productivity, job creation, and training opportunities.

Transparency: The Town shall be evidence-based and transparent. Additionally, subject to any prohibitions under an Act or otherwise by law on the collection, use, or disclosure of information, the Town shall:

- Make decisions with respect to infrastructure based on information that is publicly available or made available to the public, and
- Share information with implications on infrastructure and investment decisions with the Government and broader public sector entities.

Consistency: The Town shall ensure the continued provision of core public services.

Environmentally conscious: The Town shall minimize the impact of infrastructure on the environment by:

- Respecting and helping maintain ecological and biological diversity,
- Augmenting resilience to the effects of climate change, and
- Endeavouring to make use of acceptable recycled aggregates where possible.

Health and safety: The Town shall ensure that the health and safety of workers involved in the construction and maintenance of infrastructure assets is protected.

Community focused: The Town shall promote community benefits, being the supplementary social and economic benefits arising from an infrastructure project that are intended to improve the well-being of a community affected by the project, such as:

- Local job creation and training opportunities,
- Improvement of public space within the community, and
- Promoting accessibility for persons with disabilities.

Innovative: The Town shall create opportunities to make use of innovative technologies, services, and practices, particularly where doing so would utilize technology, techniques, and practices developed in Ontario.

Integrated: The Town shall where relevant and appropriate, be mindful and consider the principles and content of non-binding provincial or municipal plans and strategies established under an Act or otherwise, in planning and making decisions surrounding the infrastructure that supports them.

Risk Management

The Town will endeavor to mitigate risk through:

- Understanding and documenting risk exposure for all asset categories,
- Development of risk management strategies, including implementation of appropriate condition assessment, inspection and performance evaluation and remediation strategies for all municipal infrastructure assets.

Capitalization Thresholds

The Asset Management Policy applies to all assets whose role in service delivery requires deliberate management by the Town. The service-focus intent of this policy differentiates its requirements for identifying assets from the capitalization thresholds which are developed for the purposes of financial reporting. For this reason, the capitalization threshold developed for financial reporting will not be the guide in selecting the assets covered by asset management planning processes, that is, assets that do not meet financial reporting thresholds may still be included in the scope of the Town's asset management planning activities.

Budgeting and Financial Planning

Asset management planning will encompass sound financial analysis that will be completed by a multi-disciplinary team comprised of representatives from finance and the related departments and will be documented in the financial strategy section of the asset management plan.

The financial analysis used for the asset management plans will align with existing financial plans, including those prepared under the Safe Drinking Water Act. The alignment will stem from a multi-disciplinary team using common analytical methods and data sources where possible.

The Town will integrate findings from the asset management plans into its long-term financial planning and budgeting processes.

Departments will demonstrate sustainable lifecycle planning principles by quantifying and reporting on the full lifecycle costs for all assets and ensuring that budget decisions are informed by asset management data. The asset management plan will be referenced by departments in the preparation of their budget submission to:

- Forecast spending needs identified in the plan,
- Verify progress made on the plan to identify potential gaps, and
- Prioritize spending needs for the budget submission.

Departments will strive to incorporate new revenue tools and alternative funding strategies into the budget where possible.

The budget submission prepared by each department will be evaluated by the Senior Management Team in the preparation of the Town's annual budget.

Levels of Service

The Town's asset management plan will include qualitative descriptions and technical metrics that describe the desired (or target) and actual levels of service, based on data from at most the two calendar years prior to the year in which the plan is prepared.

- For roads, bridges and water & wastewater assets, the level of service data will include at least the level of service metrics as required by the Ontario Regulation (O. Reg.) 588/17, Asset Management Planning for Municipal Infrastructure
- For all other municipal infrastructure assets, qualitative and quantitative levels of service will be established and approved by Council.

Reporting on actual levels of service achieved against the established targets will be included in the annual reporting on asset management performance.

Community Planning

The combination of lifecycle analysis and financial sustainability principles will be the driver in the design and selection of community development or redevelopment that requires new assets, or existing asset enhancements, to take place.

Parties involved in the development of the asset management plans will reference the direction established in the Town's Corporate Strategic Plan and related master plans, as well as the methods, assumptions, and data used in their development. Key planning documentation include:

- Transportation Master Plan
- Active Transportation Master Plan
- Water & Wastewater Master Plan
- Leisure Master Plan
- Fire Master Plan
- Conservation and Demand Management Plan
- Development Charge Background Study

The aim of cross-referencing these plans is to ensure that development and redevelopment occur within the Town's means through understanding and consideration of current and future asset needs.

Climate Change

Climate change will be considered as part of the risk management approach embedded in the Town's asset management planning processes. This approach will balance the potential cost of vulnerabilities to climate change impacts and other risks with the cost of reducing these vulnerabilities in establishing priority projects. These priorities will be reflected in the identification and measurement of levels of service delivered through operations, maintenance schedules, disaster response plans, contingency funding, and capital investments. The Town's contribution to climate change through greenhouse gas emissions will be mitigated in accordance with its local reduction targets, financial capacity, and stakeholder support.

Stakeholder Engagement

The ultimate goal of the Town is to efficiently provide its various stakeholders with the municipal services they need within the bounds of regulatory requirements, the built environment, the natural environment and the financial capacity of the organization.

To achieve this goal, the Town will seek to understand the needs of current stakeholders, consider the needs of future generations and incorporate these perspectives into asset management plans. The Town recognizes the various stakeholders as an integral part of the asset management approach. Accordingly, the Town will:

- Provide opportunities for residents and other stakeholders served by the Town to provide input in asset management planning; and
- Coordinate asset management planning with other infrastructure asset owning agencies such as municipal bodies and regulated utilities.

The Comprehensive Asset Management Plan

The Comprehensive Asset Management Plan will detail the Town's assets and planned asset management strategies to support the service level demands of the organization. The plan will establish desired levels of service for each category and assess each asset portfolio's capability to meet those objectives. The plan will be developed to meet the requirement of the IJPA and Ontario Regulation 588/7. Specifically, the plan will set out:

- A clear understanding of the Town's current asset inventory and their condition,
- The future asset needs and the related lifecycle costs of the Town (in particular those set out in the Development Charge Background Study),
- The Town's existing, approved and desired levels of service,
- Population growth and changing demographics,
- Applicable accessibility standards and other related standards or legislation,
- Climate change impacts and adaptation and mitigation techniques, and
- Ontario's land use planning framework, any provincial plans as defined in the Planning Act and the municipality's own Official Plan.

7. Responsibilities

The policy requires the commitment of key stakeholders within the Town's organizational structure. The following details the responsibilities of the key stakeholders within the Town:

Council

- Approves, by resolution, the asset management policy, and its updates, as necessary, at least every five years.
- Approves, by resolution, the asset management plan and its updates at least every five years.

- Approves, by resolution, the annual reviews of asset management planning improvement progress on or before July 1 of every year.
- Supports ongoing efforts to continuously improve and implement the asset management plans.
- Approves, through the annual capital and operating budgets and reserve and reserve policies and procedures, the funding of the Asset Management Plan.
- Serves as representatives of stakeholder and community needs.

Chief Administrative Officer and Senior Management Team

- Ensures compliance with the asset management policy and provincial asset management regulation(s).

Asset Management Steering Committee

- Endorses the asset management policy, and its updates, as necessary, at least every five years.
- Endorses the asset management plan and its updates at least every five years.
- Endorses the annual reviews of asset management planning improvement progress before July 1 of every year.
- Oversees the implementation of activities, strategies, initiatives within the mandate of the committee.
- Provides corporate direction on the financial, planning, technology and other asset management activities of the organization, including the acquisition of and maintenance of accounting and asset management systems that support asset management (such as the recording, storing and retrieval of all information related to municipal infrastructure assets).
- Provides overall guidance and direction for corporate-wide asset management continuous improvement.
- Provides status updates to the Senior Management Team.

Finance Department

- Reviews and updates the asset management policy as necessary at least every five years based on input from department leads.
- Prepares the asset management plan and its updates at least every five years based on input from department leads.

- Conducts annual reviews of asset management planning improvement progress before July 1 of every year that includes progress on ongoing efforts to implement the asset management plans, consideration of the asset management policy, any factors affecting the ability of the Town to implement its asset management plans, consultation with department leads and a strategy to address these factors including the adoption of appropriate practices.
- Plans for, acquires, implements and maintains accounting procedures and systems relating to financial activities and information to support asset management including the recording, storing and retrieval of current and historical expenditures against assets.
- Develops and recommends Long Term Funding Plans for the Town.
- Coordinates the preparation of the annual Operating and Capital Budgets in connection with Department Leads.
- Facilitates the integration & alignment with other corporate initiatives (e.g. DC Background Study, Official Plan, Master Plans)
- Ensures the Town achieves regulatory compliance.
- Oversees the compiling and recording of asset information into the various asset registers by department leads.

Department Leads

- Communicates with staff within their service area about the asset management system to increase awareness of their role in asset management decision-making including the value of the activities they are undertaking and the asset information they are providing.
- Compiles information needed for input to the asset management plan and its updates, including collection and recording of current condition and performance information for all assets in their service area.
- Implements operational plans such as maintenance programs, capital works programs, and asset management improvements in accordance with the approved asset management plan.
- Continuously improves and adopts appropriate asset management planning practices within their service areas based on corporate guiding strategies and supporting frameworks.
- Coordinates asset management planning with other infrastructure asset owning agencies such as municipal bodies and regulated utilities.

- Prepares draft operating and capital programs and budgets for the annual Operating and Capital budgets, including estimating the lifecycle costs (purchase cost, operating costs, maintenance, replacement and decommissioning costs) for all existing and proposed new assets.
- Ensures that adequate resources are available for asset management.
- Provides opportunities for residents and other stakeholders served by the Town to provide input in asset management planning.

Subject: TRCA Trail Strategy (D03)

Staff Report No. DS-026-19

Department: Development Services

Date: June 4, 2019

Recommendation:

- 1) That Council receive Report No. DS-026-19 for information.

1. Purpose:

The purpose of this report is to update Council on the Toronto and Region Conservation Authority's Draft Trail Strategy.

2. Executive Summary:

On November 30, 2018, the Toronto and Region Conservation Authority's Board of Directors approved the [Draft Trail Strategy](#) and accompanying [Workbook](#). The Draft Trail Strategy outlined TRCA's plan to complete, expand, manage and celebrate the Greater Toronto Region trail network. The Draft Trail Strategy has been developed to express TRCA's policy on regional trails in the greenspace system across its rapidly urbanizing watersheds. The purpose of the Draft Trail Strategy is to serve as a framework to guide the planning, development and management of trails in the current landscape of urban intensification.

3. Background:

The Toronto and Region Conservation Authority (TRCA) is one of 36 Conservation Authorities in Ontario and is comprised of 9 watersheds. Over the past 60 years, TRCA has worked in collaboration with its regional trail partners to provide responsible access

to nature through scenic recreational trails and greenways. Trails connect residents to nature and to each other and provide opportunities for community, recreation, active transportation and healthy living. They form a network of mobility, linking neighbourhoods in the Oak Ridges Moraine and the Greenbelt to growing suburban and urban centres. The extensive and growing trail system continues to connect residents to conservation lands and the local trail system.

The Town of Whitchurch-Stouffville has had a long history of partnership with TRCA. In addition to Bruce's Mill Conservation Area located within the Town, the Town also has the Rouge River Watershed and the Duffins Creek Watershed located within its jurisdiction. Many of the Town's trails are managed by TRCA through management agreements.

On November 30, 2018, the TRCA Board of Directors approved the [Draft Trail Strategy](#) and [Workbook](#) for the Greater Toronto Region. The Draft Trail Strategy outlines TRCA's plan to complete, expand, manage and celebrate the Greater Toronto Region trail network. The Trail Strategy has been developed to express TRCA's policy on regional trails in the greenspace system across its rapidly urbanizing watersheds. The purpose of the Trail Strategy is to serve as a framework to guide the planning, development and management of trails in the current landscape of urban intensification. As part of the process of developing the Draft Trail Strategy and accompanying Workbook, TRCA engaged external groups including the Town of Whitchurch-Stouffville.

The concept for the Greater Toronto Region trail network consists of a combination of 530 kilometres of existing trails and 570 kilometres of proposed trails, resulting in a final proposed network of over 1,100 kilometres of trails within the greenspace system. As part of the proposed trail network system, TRCA is proposing two trails, the Stouffville Road Bike Lane and Rouge Trail, to be routed through the Town as part of the regional trail connection (Attachment 1 – Trail Map). The Stouffville Road Bike Lane will provide a trail connection from the Richmond Hill portion of the Lake to Lake Trail through the Town of Whitchurch-Stouffville where the trail will connect to the east at the Rouge Trail. The Rouge Trail will continue north from Rouge National Urban Park from the Markham-Stouffville border into Uxbridge. The proposed trail alignments are at the conceptual stage and represent potential segment alignments to be refined through collaboration and negotiation between the Town and TRCA.

The Draft Trail Strategy was developed on the foundation of 5 guiding principles which guide the rationale and methodology for the implementation of the strategy: Lead, Collaborate, Steward, Invest and Celebrate. Eight strategic objectives were developed in

order to guide TRCA and partners in meeting the challenges associated with trail development and towards achieving the overarching vision of the Draft Trail Strategy:

1. Organize effective trail leadership
2. Prioritize trail and destination area capital projects
3. Promote greater trail use and awareness
4. Build a sound knowledge base
5. Balance enjoyment and protection of our heritage
6. Promote meaningful community engagement
7. Support complete communities
8. Secure adequate and sustainable investment

These objectives build on the need for partnership between TRCA and municipalities and support the development of the proposed trail and greenway connections in the Greater Toronto Region. Suggested options to realize trail development include leveraging the development process to secure trail project funding and implementation opportunities as a mechanism for execution. The Draft Trail Strategy also recommends considering trails through proper planning from the onset. This means the inclusion of trails in the municipal Official Plan Review process as trails can then be situated in the most appropriate location for a development area. Where such opportunities of trail development are present, TRCA encourages municipalities to use development funding – Development Charges (DCs) and Section 37 Agreements – a means for municipalities to form an agreement during development to help pay for infrastructure costs.

TRCA has developed an accompanying Workbook to the Draft Trail Strategy as a reference tool to facilitate the trail network effort and support partners in prioritizing trail projects. The Workbook outlines the steps required to achieve the vision, concept and objectives of the Draft Trail Strategy. The Workbook also includes a candidate list for trail capital projects and list for destination area projects, an implementation plan and preliminary order of magnitude costing and finally, an action plan.

4. Analysis and Options:

During the development of the Draft Trail Strategy, TRCA hosted (2) two working sessions attended by Town staff. The purpose of these sessions was to provide municipal partners with the progress of and seek comments from them on the Draft Trail Strategy. Staff found in generally that the Strategy supports Town policies.

4.1 Relation to Town Policies

Many of the Town's policies support the development of a connected trail system. In particular, the Official Plan, Leisure and Community Services Master Plan, Active

Transportation Servicing Plan, and Transportation Master Plan all have identified trails as a means for Town growth and have developed language to support the development of trails in the Town of Whitchurch-Stouffville.

The Town's Leisure and Community Services Master Plan supports the TRCA Draft Trail Strategy as it encourages the preservation of natural heritage, maximizing public spaces such as trails and open space through enhanced connectivity, investing in parkland, and maintaining the Town's urban forestry. The Master Plan also addresses a holistic planning approach which encompasses connecting greenspaces within urban and rural areas by use of greenways and trails. One of the recommendations of the Master Plan also outlines the prioritization of the Rouge Trail as a means to create linkages with the wider trail network and support a more active and engaged community.

The Active Transportation Servicing Plan encourages connectivity and similar to the Draft Trail Strategy, recognizes that optimal connectivity is when a sidewalk system, trail and transit system directly connect to a road segment.

The Official Plan supports TRCA's concept of the Draft Trail Strategy through policies directly related to planning and implementing trail systems. Policies of the Official Plan encourage the planning of connected trails through collaboration between the Town's Park System, the Trans-Canada, Oak Ridges Moraine and the Rouge Park Trail Systems. Further to this, as part of trail development, the Official Plan directs the Town to prepare a Trail Master Plan and to establish trails as part of development and use the provision of a trail system as a condition for approval of development as appropriate.

The upcoming Official Plan Review will contemplate consideration for stronger language and policies to emphasize the importance of trails and greenspaces to promote connectivity and growth within the Town.

4.2 Staff Comments

In order to meet the deadline for providing comments on the Draft Trail Strategy, staff level comments were provided to the TRCA based on a review by both Planning and Leisure and Community Services staff. Staff comments are summarized below:

Official Plan Review:

- Through the Town's upcoming Official Plan Review, consideration will be given to incorporating the Trail Network and relevant policies into the Official Plan. Staff encourage the TRCA to participate through the consultation and engagement phases of the Official Plan review in order to provide input into how best to incorporate policies to address the Trail Strategy into the Town's Official Plan. Collaboration between the Town and TRCA will help ensure that relevant trail and greenspace policies are recognized.

Signage and Wayfinding:

- Suggestion to consider developing a physical marker identity on the trails as well as providing availability for other electronic and digital directional connections.
- Include more maps in the Strategy to indicate headwaters and other specific key areas of the watershed.
- Combine TRCA's way finding system with local-regional government trails that cross between municipal boundaries to ensure consistent signage.

Cultural Heritage:

- Suggestions for integrating and highlighting existing or potential Cultural Heritage resources, such as the buildings at Bruce's Mill Conservation Area in the Town of Whitchurch-Stouffville.

Funding:

- Exploration of federal and provincial grant opportunities to address trail development/restoration.
- Responsibilities of the partners and costs associated with the actions should be clearly identified.

Continued Communication and Collaboration:

- Staff recommended continued collaboration through regular meetings with key partners in order to ensure successful implementation of the Strategy.

Engagement:

- Staff recommended continued engagement with local municipal councils, residents, special interest groups and businesses.

5. Financial Implications:

None

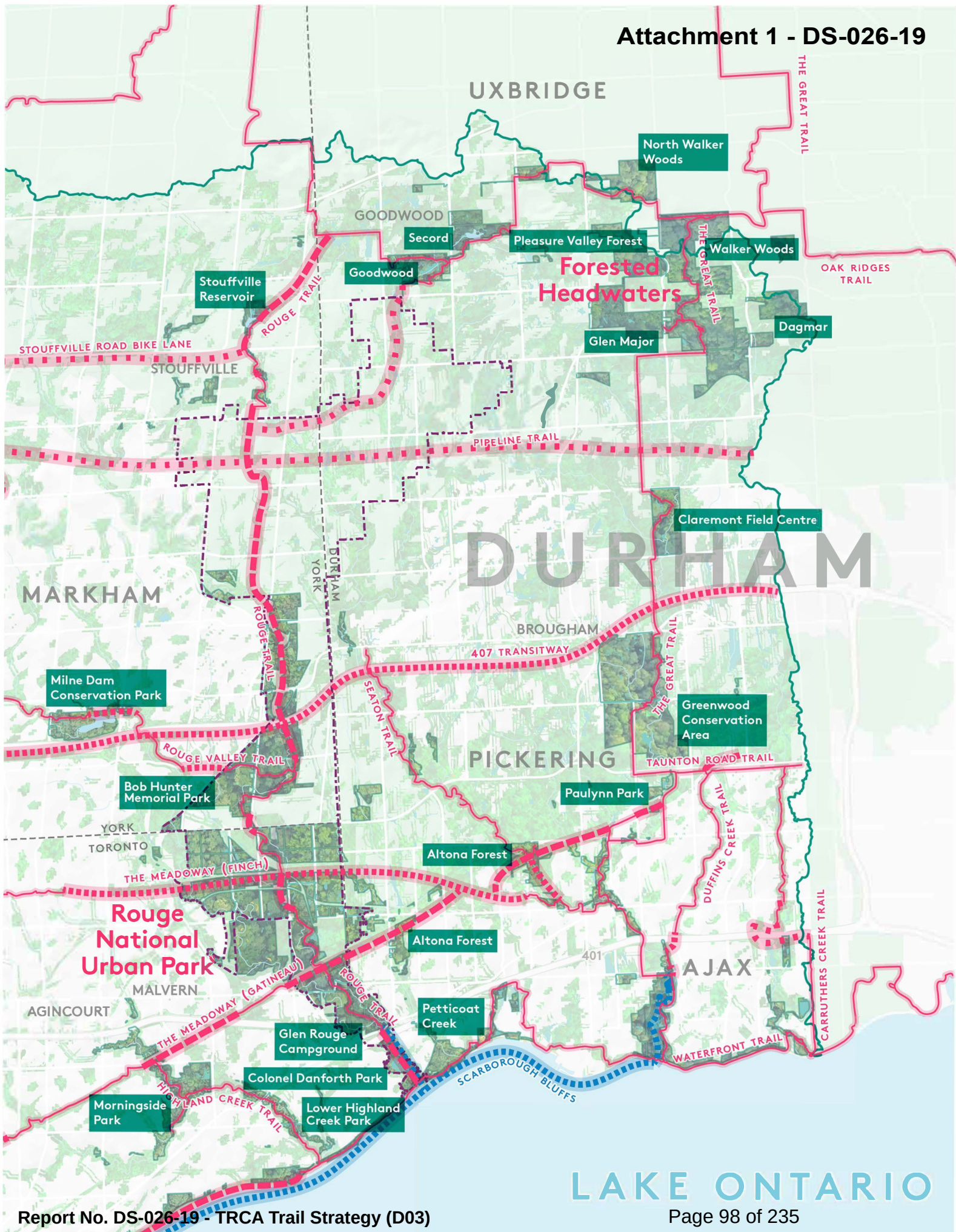
6. Attachments:

1. Trail Map

Author: Zahrah Khan, Policy Planner II
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Subject: Lincolnville GO Station Area Land Use Study

Staff Report No. DS-027-19

Department: Development Services

Date: June 4, 2019

Recommendation:

- 1) That Council receive Report No. DS-027-19 for information.

1. Purpose:

The purpose of this report is to provide Council with an update on the progress of the Lincolnville GO Station Area Land Use Study.

2. Background:

In 2017, as part of its Regional Express Rail program, Metrolinx made the determination to relocate the Lincolnville GO station and keep the existing station as a layover facility.

The new Lincolnville GO station is located immediately south of Bethesda Side Road and west the Tenth Line, an area included in the Town's OPA 137 and designated for residential growth. As part of its approval of the 2018 Budget, Council directed staff to initiate a land use study to initially redistribute the residential growth to the nearby settlement areas. At its meeting on June 19, 2018, Council further directed staff to undertake a Lincolnville GO Station Area Land Use Study for a Major Transit Station Area (MTSA) roughly within a 500-metre radius of the new GO station. In addition to the approved \$75,000 in the 2018 budget, Council further approved an additional \$94,000 for additional transportation, water and wastewater capacity assessments, and the preparation of an urban design guideline.

According to the new Growth Plan for the Greater Golden Horseshoe (Growth Plan) (2019), the radius of a MTSA has been further expanded to 800 meters, which is defined as,

“The area including and around any existing or planned higher order transit station or stop within a settlement area; or the area including and around a major bus depot in an urban core. Major transit station areas generally are defined as the area within an approximate 500 to 800 metre radius of a transit station, representing about a 10-minute walk.”

The Growth Plan requires the boundaries of all MTSA's to be delineated in the Region's Official Plan. If approved, the Lincolnville MTSA would be required to achieve a minimum density target of 150 residents and jobs combined per hectare. The MTSA would support a diversity of land uses and housing types and would support a possible future extension of the all-day GO rail service from Unionville to Lincolnville GO station.

The Town has retained WSP, in association with urbanMetrics, to conduct a Land Use Study for the Lincolnville GO Station Area. The objectives for the study are:

- Delineate the boundary for the MTSA;
- Identify a preferred land use scenario and corresponding Official Plan policies to support transit-supportive development in the area; and,
- Develop Urban Design Guidelines to guide future development for the area surrounding the Lincolnville GO station.

It is anticipated that the study will result in the preparation of an Official Plan Amendment (OPA) to implement transit-supportive land uses and densities in the vicinity of the GO Station. As part of the study, a Land Use Study Report will be prepared in support of the proposed OPA.

3. Analysis and Options:

Study Commencement

The Study was initially scheduled to commence in July 2018. It had been put on hold pending the provincial review of the Growth Plan for the Greater Golden Horseshoe. It was officially launched in February 2019 when issues related to the Growth Plan became clearer.

In the first phase of this study, WSP has gathered background information to inform the Land Use Study. Town staff has provided WSP with preliminary data, such as GIS base data, proposed development information in the area, policies, plans and previous studies that apply to the study area.

A Technical Advisory Committee (TAC) has been formed, consisting of staff from the Town (representing the Finance, Engineering, Planning, Public Works and Leisure Services departments), York Region, Metrolinx, Toronto Region Conservation Authority, and York Catholic District School Board. Planning and WSP staff are meeting with the TAC regularly to ensure their input is considered and incorporated into the study. In addition to meeting with the TAC, Planning staff have also met with the Stouffville Phase 3 East Landowners Group and will continue to meet with them at key milestones throughout the study.

Draft Land Use Study Report:

Based on the information gathered by WSP and the Town, as well as initial input from the TAC and the Landowners Group, WSP has prepared a preliminary Land Use Study Report (See Attachment 1 for Executive Summary. The full draft report can be found on the Lincolnville GO Station Area Land Use Study project page on the Town's website). The draft report outlines the preliminary format for the final report, as well as background information and preliminary analysis for the Study.

The policy framework, including Provincial, Regional and local policies, upon which the final land uses will conform to have been outlined in the report. The report also outlines the key policies within the Provincial Plans that apply directly to the Lincolnville study area; particularly, the Growth Plan policies related to MTSA's and growth allocation. The report also details the Regional policy context around the Region's Municipal Comprehensive Review (MCR) and how the Lincolnville GO study fits within that context. Through the MCR the Region is identifying MTSA's and detailed considerations for delineating MTSA boundaries and density targets.

The draft report provides an overview of the Town's Official Plan and supporting plans such as the Transportation Master Plan and the Active Transportation Servicing Plan within the context of the study. Official Plan Amendment 137 (Growth Management Strategy), which was adopted by Town Council and is still partially under appeal, identified the Town's need for more residential and employment lands. The report further discusses how the Lincolnville study can address these needs and how the study area relates to the Stouffville Community Phase 3 lands.

An overview of current development activity in the area has been provided to outline the existing local context. Particular consideration is given to the Lincolnville GO station itself. The report outlines design considerations, access and other components that may affect the Study.

A draft delineation of the MTSA boundary has been identified along with the rationale for this delineation. Considerations for the delineation include the settlement area boundary, the 500 to 800 metre radius as identified in the Growth Plan, natural heritage, existing rail corridor, and nearby existing residential areas. Included is also a list of assumptions made to generate the draft delineation. The methodology to determine a preferred land use scenario for the Lincolnville area has also been outlined in the report. The consultants

have provided rationale for using a qualitative approach to evaluate possible land use scenarios. Criteria include orientation to transit, connectivity and accessibility, feasibility, and compatibility. These principles were applied to prepare three preliminary land use scenarios.

Each of the three land use scenarios has a mix of uses including residential, commercial and in one case, dedicated employment:

Option 1 focusses the high-density mixed and residential uses along Tenth Line and the south side of Bethesda Road with less density away from these two roads.

Option 2 concentrates the high density mixed use within a short 200 metres of the GO station. A portion of these higher densities also interfaces with the environmental areas along the eastern boundary. The concentration of these land uses around the Station creates three separate medium density areas, one on either side of Tenth Line to the south, and an enclave in the northeast corner of the MTSA area boundary.

Option 3 places the highest densities closest to the GO Station area and along the Tenth Line corridor within the 400-metre radius but also includes an Employment Priority Overlay at the northern portion of the MTSA within a 200 metre radius. This option includes a high density residential enclave in the northeast corner of the MTSA.

Each of the three options provide transitional residential areas with low rise residential densities at the southern edges of the MTSA boundary to address the existing and proposed low-rise residential areas south of the proposed MTSA boundary.

It is important to note that both the delineation of the MTSA and the three land use scenarios are only preliminary drafts and are based on initial input into the Study. They are being presented to the public and stakeholders to generate discussion and seek feedback. The delineation of the MTSA is likely to change as the Study progresses and members of the public, TAC, and Landowners Group provide input. The three scenarios presented are not mutually exclusive. There is a possibility that the final scenario that results from the Study may include aspects of any, or all, of the three scenarios.

The final report will also include sections on public and stakeholder engagement, a preferred land use concept, phasing, and conclusions and recommendations. These sections will be filled out as the study progresses and the work is completed.

4. Project Schedule and Next Steps

A Public Open House has been scheduled for Thursday June 13, 2019 at the Leisure Centre. With the release of the draft report, members of the public will have the opportunity to review the report, including the draft MTSA delineation and land use

scenarios ahead of the public open house. The public will have the opportunity to provide comments regarding directly to Town staff and WSP project team members, either through the Open House or by providing written comments. All input received will be considered through the land use study process.

As part of the study, WSP will be preparing draft Urban Design Guidelines and a Draft Official Plan Amendment, which are expected to be provided to staff by the end of July and will be available for public review and comments shortly thereafter.

WSP will provide an update presentation to Council at the end of summer, followed by an additional public open house where the public will have the opportunity to provide additional comments. It is expected, the draft OPA and Urban Design Guidelines will be finalized by the fall.

Staff will continue to meet with the TAC and with the Landowners Group at major milestones and is continuing to monitor progress of the Region of York's MCR process to ensure coordination with its approvals.

5. Financial Implications:

There are no financial implications, as this study falls within the approved budget for the Lincolnville GO Station Land Use Study.

6. Attachments:

Attachment 1: DRAFT Lincolnville GO Station Land Use Study Area Executive Summary

7. Related Reports:

1. June 19, 2018 - Report No. DS-035-18 – Lincolnville GO Station Land Use Study Terms of Reference

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Lincolnville GO Station Land Use Study

Land Use Study Report



Draft II May 2019

EXECUTIVE SUMMARY

The Town of Whitchurch-Stouffville is undertaking a Land Use Study to guide future land use and development in the vicinity of the Lincolnville GO Station (the GO Station), located in the northeast portion of the community of Stouffville. The existing Lincolnville GO Station was originally developed to exclusively serve as a layover yard for the Stouffville rail corridor, yet currently serves a dual purpose as both a commuter rail station and layover yard for trains. Given the Regional Express Rail (RER) upgrades planned for this station, Metrolinx has proposed to relocate the passenger station to a parcel just south-west of the existing station (Figure E1). The future GO Station creates an opportunity for lands in the vicinity to accommodate higher density development that capitalizes on the GO Station.

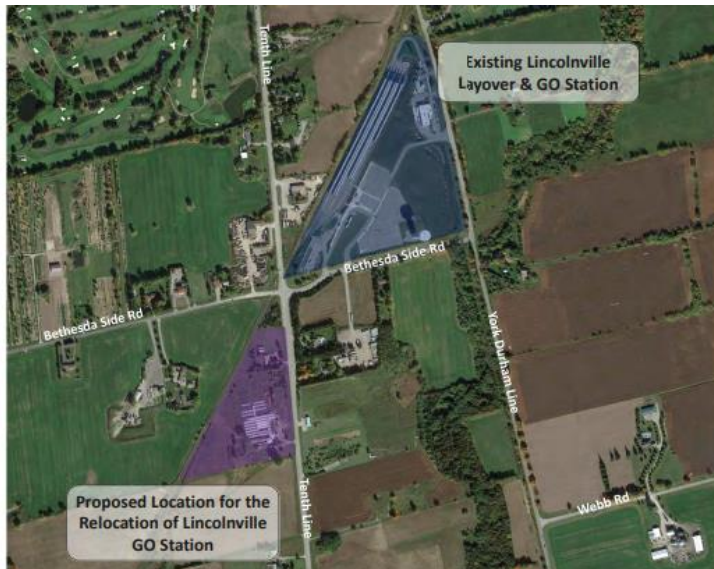


FIGURE E1: Lincolnville GO Station Study Area (Metrolinx, 2018)

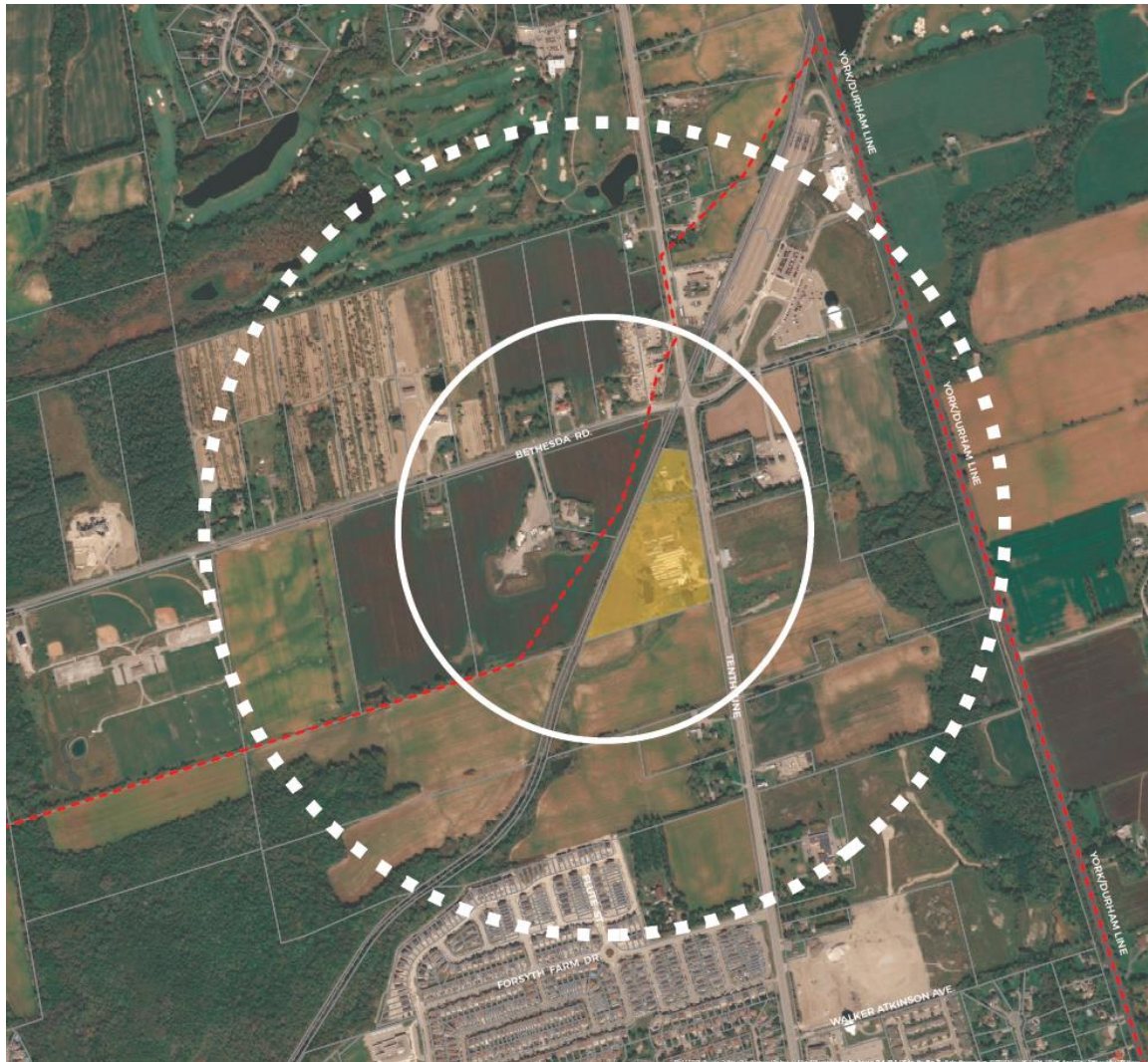
In accordance with the Town of Whitchurch-Stouffville Official Plan, the York Region Official Plan, the Provincial Policy Statement, 2014, the Growth Plan for the Greater Golden Horseshoe, 2017, and other relevant studies, policies, and guidelines, this Study will identify a preferred land use scenario and implemented Official Plan policies and Urban Design Guidelines to guide future development in the vicinity of the GO Station. It is anticipated that the study will result in the delineation of a Major Transit Station Area, as defined by the Province's 2019 Growth Plan for the Greater Golden Horseshoe, and the preparation of an Official Plan Amendment to implement transit-supportive land uses and densities in the vicinity of the GO Station.

The purpose of this Draft Land Use Study Report (this Report) is to identify and analyze feasible land use options for the proposed MTSA boundary and land use options. This analysis will be supported by a review of the applicable policy framework, current development activity, and an identification of best practices for planning and design in similar contexts. At this time, this May 2019 version of this Report incorporates a proposed MTSA boundary and land uses for the purposes of consultation. In the future, the Report will be updated to incorporate further analysis of the land use options and identify a preferred land use concept. The final version of this Report will provide the basis for the Official Plan Amendment to implement the preferred land use plan and a framework for the supportive Urban Design Guidelines.

1 Study Area

The Study Area is generally considered to include the lands within an 800-metre radius around the future GO Station, which are located at the northern edge of the Stouffville Community, also known as a portion of the Stouffville Phase 3 Lands (Figure E2).

This Study Area includes rural uses and natural features, and abuts the York-Durham regional boundary to the east as well as developing areas to the south. The Study Area includes lands that are both within and outside the Settlement Area Boundary of Stouffville.



Study Area Base Map

Legend

- Future GO Station
- Parcels
- Stouffville Settlement Area Boundary
- Town Boundary
- 400 m Boundary (5 min. walk)
- 800 m Boundary (10 min. walk)

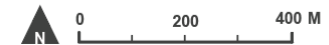


FIGURE E2: Study Area for the Lincolnville GO Station Land Use Study

2 Policy and Development Context

Section 2.0 of the Land Use Study Report provides an overview of the existing planning policy framework as it relates to the Study Area. Planning for the MTSA within the Study Area is specifically guided by:

- 1 The Provincial [Growth Plan for the Greater Golden Horseshoe](#) establishes policies for MTSAs. These areas are to be planned designed to be transit-supportive, achieve multi-modal access to stations, and introduce a diverse mix of uses and transit-supportive densities. While the Growth Plan establishes minimum density targets for some MTSAs, these requirements are not applicable to this study, since the Lincolnville GO Station is not considered a “priority transit corridor” as defined by the Growth Plan. It should be noted that since the time this Report was drafted, the Province completed and brought into effect “A Place to Growth: Growth Plan for the Greater Golden Horseshoe (2019), in May 2019. The implications of the 2019 Growth Plan will be reviewed in the next phase of this Study.
- 2 The Region is currently undertaking a [Municipal Comprehensive Review \(MCR\)](#) process to review the Region’s population and employment forecasts, land budget and Regional Official Plan policies and update the planning framework to the 2041 horizon. As such,

this Study will coordinate, wherever possible, with the Region’s on-going MCR process.

As a component of its MCR process, the Region has completed the following relevant guiding documents that are related to this Study:

- a) [The Draft Guidelines to Delineate and Set Density Targets for Major Transit Station Areas \(July 2018\)](#), which have been used to guide the proposed delineation of the MTSA, presented in Section 5 of this Report. The Guidelines will also be used in Phase 2 of this Study to determine density targets for the Study Area.
- b) [The Planning for Intensification Background Report \(April 2019\)](#), which includes proposed delineations and minimum density targets based on certain considerations for the Region’s 70 MTSAs. This Background Report indicates a minimum expectation that stations on the Stouffville line, including the Lincolnville GO Station, will achieve at least 150 people and jobs per hectare and will average 210 people and jobs per hectare. A draft Lincolnville MTSA boundary was identified by the Region at a conceptual level, with the intent that it will be refined through this Study (Figure E3).

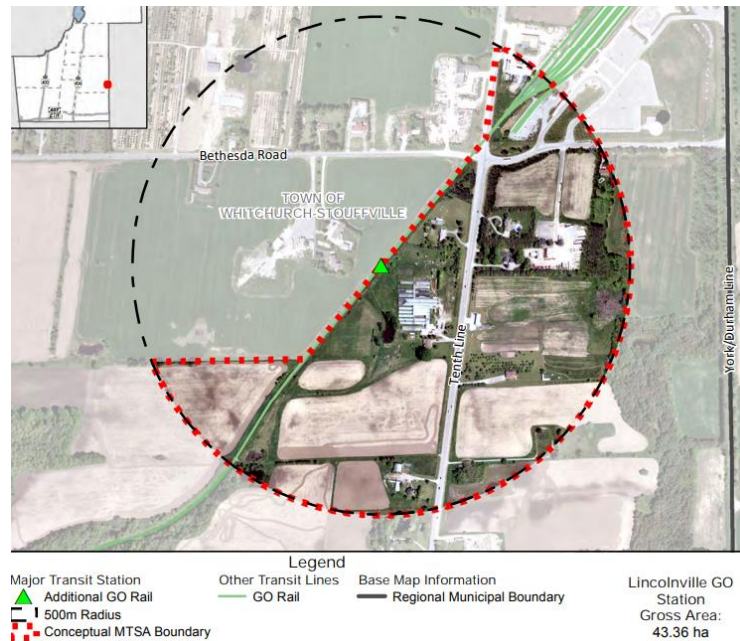


FIGURE E3: Lincolnville MTSA Conceptual Delineation by York Region

Section 2.0 also provides an overview of other documents and guidelines which will inform policy development for within the Study Area, particularly in the context of transit station area planning, such as the Ministry of Transportation's Transit Supportive Guidelines (2012) and the Metrolinx GO Station Access Plan (2016).

Furthermore, Section 2.0 contains an overview of the local policy context to establish a sense of existing conditions and identify policy areas which will be updated through this Study. To further understand existing conditions, Section 3.0 of this Report provides a high-level summary of development activity throughout

the Region to begin understanding market demands and desires. This Section also outlines current development activity within the Study Area – which consists of two residential developments, one institutional development, and the future GO Station – to contextually allow for development of the land use options of this Study in manner which is compatible with these proposed developments.

3 Best Practices Review

Section 3.0 of this Report provides a best practices case study review of transit-oriented development frameworks established around higher-order transit systems. The three case studies reviewed include:

- 1 Mount Pleasant GO Station, City of Brampton;
- 2 Vaughan Metropolitan Centre (VMC), City of Vaughan; and
- 3 Planning around Rapid Transit Stations (PARTS), City of Kitchener.

These examples span across the Greater Golden Horseshoe, distinguished by location, existing conditions, and transit-oriented land use frameworks (nodes versus corridors). These best practices were assessed in terms of land use composition with respect to station areas as well as their implementing policy frameworks.

4 MTSA Delineation and Density Targets

Section 5.0 presents a draft MTSA boundary delineation within the Study Area (Figure E4), which is based on:

- 1 The Region's Draft Guidelines to Delineate and Set Density Targets for Major Transit Station Areas, (July 2018);
- 2 The Town of Whitchurch-Stouffville's settlement area boundary and municipal boundaries (Lands outside the settlement area boundary are not included in the MTSA);
- 3 Natural features and adjacent existing land uses;
- 4 Generally, the rail line is considered a boundary for the western edge of the MTSA as lands beyond this would not be within walking distance of the MTSA;
- 5 A five and ten-minute (400 and 800 metre pedestrian-shed) walking distances measured from the centre of the future Lincolnville GO Station Area.

Of particular importance is the ability to reach the Region's minimum density target of 150 people and/or jobs per hectare for full build out. To understand the implications of this, Section 5.0 contains a discussion around what this density target looks like in terms of building heights, building forms and unit types.

This MTSA Delineation is considered draft and is subject to refinement throughout the study process, as consultation takes place and as the final land use concept is determined and refined.



FIGURE E4: Proposed Draft MTSA Boundary for the Lincolnville GO Station Area

5 Methodology and Evaluation Criteria

Section 6.0 of the Report presents considerations for a methodology for evaluating a preferred land use scenario. This Section evaluates two approaches for evaluating land use options. The preferred approach is to iteratively develop the preferred land use plan by integrating desirable elements from various options.

Section 6.0 also proposes a set of evaluation criteria that will be used to begin identifying preferred elements for the final concept plan. The evaluation criteria is organized under four overarching themes or principles, including:

- 1 The land use concept should be transit-oriented;
- 2 The land use concept should be well-connected and accessible;
- 3 The land use concept should be feasible; and,
- 4 The land use concept should ensure compatibility with adjacent uses.

6 Land Use Scenario Options

Section 7.0 presents three potential land use scenarios which were developed based on the rationale for delineation of the MTSA boundary and assumptions noted in Section 5.0 of the Report. These options are intended for discussion. As noted previously, the intent

of this process is to develop the preferred concept through an iterative approach, rather than simply selecting one of the options. More specifically:

1. **Land Use Concept Option 1** (Figure E5) places the highest densities closest to the GO Station area and along the Tenth Line corridor and Bethesda Road. This serves as a veneer of mixed use and residential high density that transitions to medium density residential uses towards the eastern and western boundaries of the proposed MTSA boundary. Transitional residential areas with low rise residential densities are proposed at the southern edges of the boundary to address the existing and proposed low-rise residential areas.
2. **Land Use Concept Option 2** (Figure E6) concentrates the highest densities around the GO Station area and ensures that the High-Density Mixed-Use area is within a short 200 metre radius of the edges of this area. This use still serves as a transition from and to medium density residential uses, however, a portion of these higher densities also interface with the environmental areas along the eastern boundary. The concentration of this land uses around the Station creates three separate medium density areas, one on either side of Tenth Line to the south, and an enclave in the northwest corner of the MTSA area boundary. As per Option 1, low rise residential densities are proposed at the southern edges of the boundary to

address the existing and proposed low-rise residential areas south of the MTSA boundary.

3. **Land Use Concept Option 3** (Figure E7) not only places the highest densities closest to the GO Station area and along the Tenth Line corridor within the 400-metre radius but also includes an Employment Priority Overlay at the northern portion of the MTSA within a 200-metre radius. As per Option 2, this concept concentrates the highest densities around the GO Station area, however, a veneer of these use is extended southward along Tenth Line. In addition, the enclave in the northeast corner of the MTSA specifically includes high density residential uses. This Option has the lowest proportion of Medium Density Residential uses, when compared to Options 1 and 2. The Medium Density Residential uses are predominantly outside the 400-metre radius and provide transition towards the east, west, and south boundaries of the proposed MTSA. Transitional residential areas with low rise residential densities are proposed at the southern edges of the boundary to address the existing and proposed low-rise residential areas south of the proposed MTSA boundary.

Section 7.0 also contains discussion on the need to consider land use and potential future Major Transit Station Area delineation more holistically in the Study Area and to consider a broad plan for a MTSA that could eventually extend beyond the settlement area. The

location of the transit station at the edge of the settlement area creates a future opportunity for transit-oriented development to occur within a potential future settlement area expansion over the very long-term.

7 Next Steps

Overall, this Report presents a comprehensive background review and identifies a preliminary MTSA boundary and draft land use concepts for the Study Area. The intent of this draft of the Report is to obtain feedback and input on the preliminary materials from stakeholders and the public. This input will be incorporated to revise the MTSA boundary, undertake evaluation of the land use options, and ultimately reach a preferred land use concept.

More specifically, the Land Use Study Report will be refined through future work to incorporate public and stakeholder input, identify a preferred concept and evaluate a phasing strategy. This Report will form the basis for an Official Plan Amendment and Urban Design Guidelines which will be brought forward to Council for adoption.



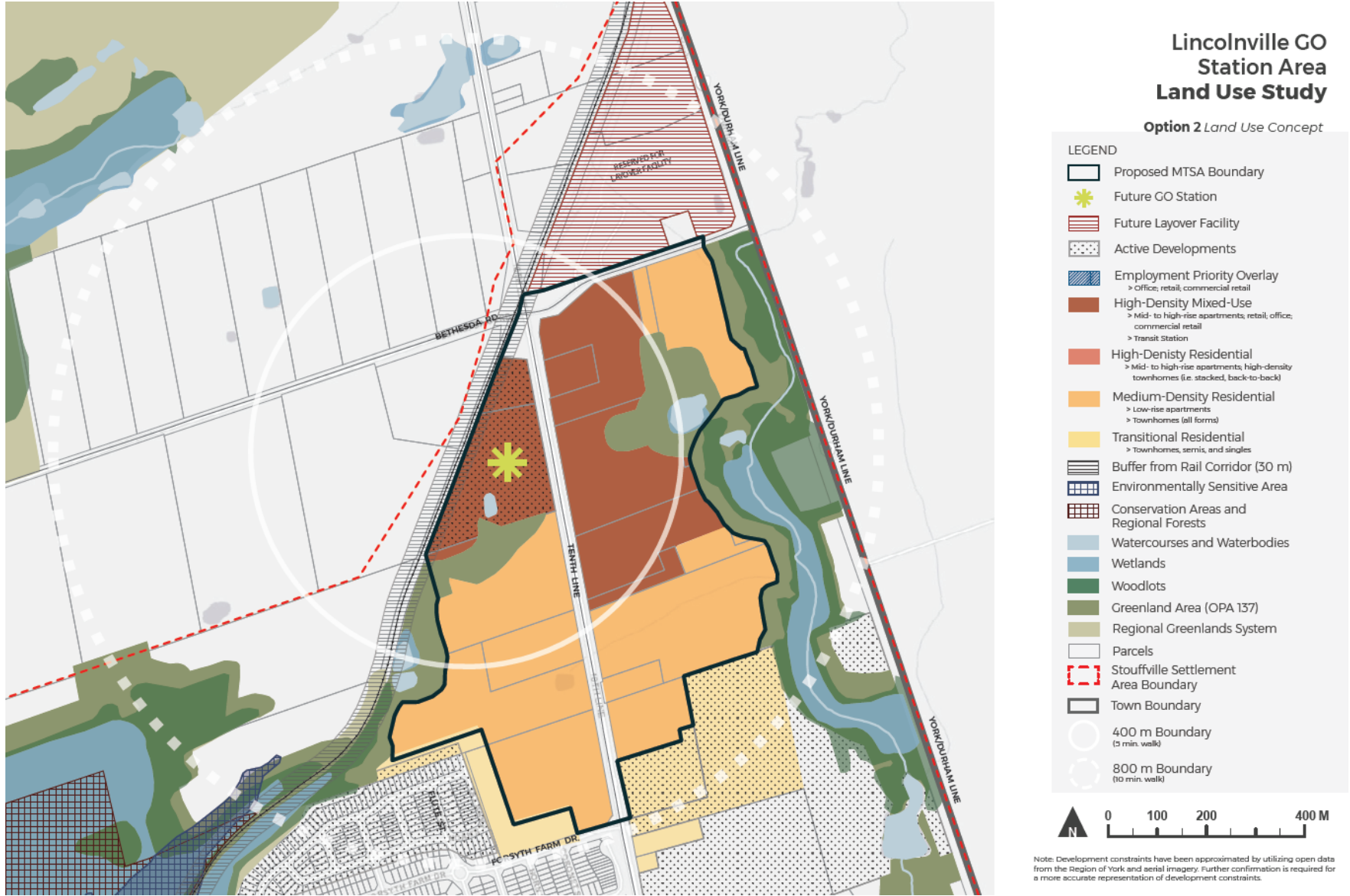


FIGURE E6: Lincolnville MTSA Land Use Concept Option 2

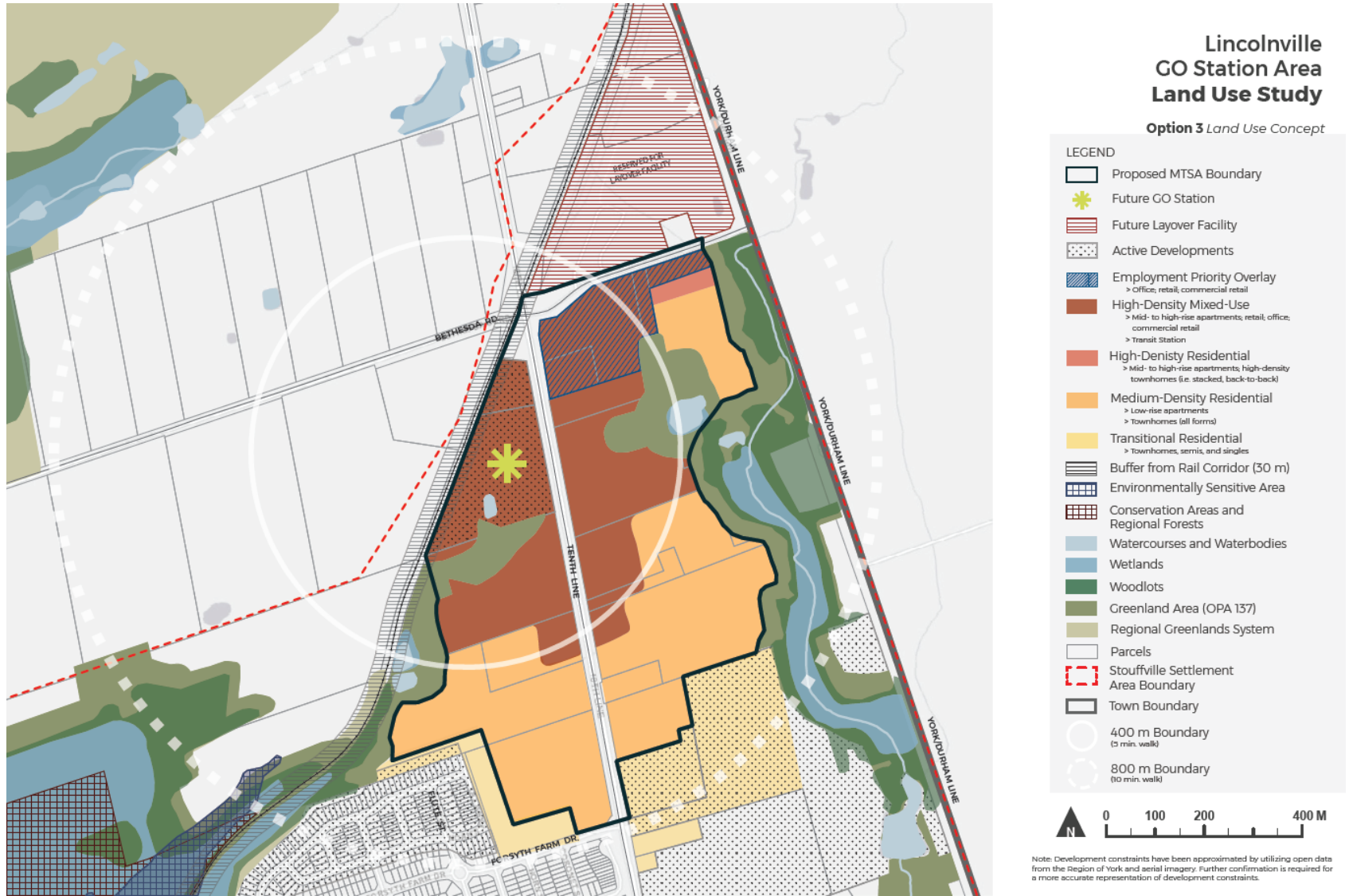


FIGURE E7: Lincolnville MTSA Land Use Concept Option 3

Town of Whitchurch-Stouffville Council Report**Item 10**

Subject: Proposed Heritage Designation for 77 Mill Street (R01)**Staff Report No. DS-028-19****Department: Development Services****Date: June 4, 2019**

Recommendation:

- 1) That Council direct staff to issue a Notice of Intention to Designate for 77 Mill Street in the community of Stouffville as a property of cultural heritage value pursuant to Part IV of the *Ontario Heritage Act*; and
- 2) That Council support the proposed development, shown in Attachment 2 and 3 in this report, that protects the main building at 77 Mill Street, subject to further approvals of the Town's Committee of Adjustment; and
- 3) That should no objections be received during the mandatory 30-day public objection period following publication of the Notice of Intention to Designate, a by-law be enacted for the purpose of designating 77 Mill Street pursuant to the *Ontario Heritage Act*.

1. Purpose:

The purpose of this report is to seek Council direction to initiate the heritage designation process for 77 Mill Street, shown in Attachment 1 of this report, as a property of cultural heritage value pursuant to Part IV of the *Ontario Heritage Act*, and Council endorsement of a site plan proposed by the applicant through applications CA-19-10 and CA-19-11, subject to further approvals of the Town's Committee of Adjustment.

2. Executive Summary:

Planning staff has undertaken an assessment of the cultural heritage value of 77 Mill Street and determined that the property meets the criteria for heritage designation under Ontario Regulation 9/06 and the *Ontario Heritage Act*, R.S.O. 1990, c. O.18 ("the Act"). The Town's Heritage Advisory Committee (HAC) recommends that Council proceed with

heritage designation of this property under section 29 of the Act. Staff supports the development proposal to sever the lot for two single detached dwelling units with the main building fully protected.

3. Background:

The existing Built Heritage Inventory was adopted by Council on December 17, 2002 and subsequently revised on March 22, 2005 and September 8, 2014. The subject property was identified as being of cultural heritage value or interest indicating that the property “has potential for conservation in some manner”.

A development application was received in early 2017 for the construction of a new garage and attached one-and-a-half storey addition. The Residential (Heritage) Site Plan application (SPA-17-027) was review by staff and HAC, and subsequently approved on June 23, 2017. A Building Permit (BA-2017-0170) was issued to a previous owner on July 11, 2017.

On January 7, 2019, an application for a Demolition Permit (BA-2019-0005) was submitted to the Town of Whitchurch-Stouffville to demolish the existing single-detached dwelling with the intention of severing the parcel of land and building two new single-detached dwellings on two residential lots. The application was considered and opposed by HAC at its meeting on January 14, 2019. Instead, HAC recommended that the property be designated for its cultural heritage value.

Following the HAC meeting, staff have met with the applicant numerous times to explore a compromise that would include the retention of the existing dwelling while also allowing for the development of the site. Given the limitations of a 60-day abeyance period on active Demolition Permits, staff requested that the applicant withdraw his permit application and the applicant did so in good faith on March 1, 2019.

On March 4, 2019, the applicant submitted a Pre-Consultation Request (PRE-19-010) and on March 18, 2019 the applicant submitted applications for Consent (CA-19-10) and Minor Variance (CA-19-11). The proposal sought to maintain the existing dwelling in situ while severing the lot, building a new dwelling on conveyed lands, and building a new rear addition and garage on retained lands.

On May 15, 2019 the Town’s Committee of Adjustment considered and decided to defer the applications. Members of the Committee of Adjustment questioned the cultural heritage value and interest of the property. Following the meeting, planning staff has undertaken a thorough analysis of the property at 77 Mill Street and is convinced that this property has the cultural heritage value to be designated. Staff has shared the study findings with the applicant in a subsequent meeting, and the applicant agreed not to pursue the Demolition Permit to allow staff time to seek a Council direction to issue a Notice of Intent to Designate.

4. Analysis and Options:

4.1 Description of Historic Place

The subject property at 77 Mill Street is located within Lot 1, Concession 9 in the former Township of Whitchurch. Attachments 1 and 5 of this report show the location and views of the subject property. The property is approximately 920.38 square metres in lot area and is located on the east side of Mill Street, approximately 230 metres north of Main Street in a neighbourhood of varied heritage character. A variety of lot sizes, configurations, setbacks, and building styles typify the area. The southern portion of Mill Street North includes a diverse collection of heritage buildings and modern buildings sited closer to the street. The northern portion of Mill Street North is typified by newer, suburban-style homes which are dominated by garages and larger setbacks.

The subject property contains a two-storey single detached dwelling with moulded concrete block built in 1911, and an addition containing a two-car garage built in 2017. The subject property acts as the northern terminus to Mill Street's historic building fabric and acts as a transitional building to modern residential lots (see Attachment 4). The property's heritage designation is reserved to the exterior of the heritage resource itself on the southern portion of the lot and does not extend to any accessory structures or landscape features.

The property is zoned Residential Three (R3) in the Town's Zoning By-law. The R3 Zone permits single detached dwellings, including accessory buildings and structures. The subject property is located within the Town's Heritage Area (Community of Stouffville Secondary Plan, Schedule F) and subject to area-specific policies outlined in the Official Plan.

The subject property is also listed on the Town of Whitchurch-Stouffville's Built Heritage Inventory (BHI) as a non-designated property of cultural heritage value or interest. As such, property owners are required under the Ontario Heritage Act to inform Council by providing at least sixty (60) days notice in writing of the intention to remove any buildings or structures on such properties.

4.2 Preliminary Assessment

The existing single-detached dwelling is a two-storey concrete structure with a square plan layout, built in 1911. The dwelling construction is attributed to William Bruels (1857-1931), a local carpenter based in Ringwood, and was built for Ella Matilda Stewart (1866-1939), a widow at the time. Stewart (nee Gray) was born in Ballantrae and later lived in Stouffville. Her 1939 death notice in the *Stouffville Tribune* confirms that Stewart lived at 77 Mill Street for twenty-eight years, since the building's construction in 1911. Stewart was noted as being active locally with Stouffville United Church and the Women's Missionary Society. Despite being a widow for the latter portion of her life, Stewart had five children to two predeceased husbands.

The subject property was originally located on the lands of the Duffins Creek mill pond employed by Abraham Stouffer for saw and gristmills in the early 19th century. Originally, Mill Street functioned as an industrial laneway connecting the mill pond to Stouffer's sawmill south of Main Street. The subject property was surveyed in 1888 as part of C.J. Hanning's Plan 61, but the parcel was not developed until 1911. The 1914 *Topographical Map of Ontario, Markham Sheet* shows the northern extension of Mill Street and indicates new buildings in the vicinity of the subject property (see Attachment 5). Both the BHI Survey Sheet and Municipal Property Assessment Corporation (MPAC) data identify the dwelling as being built between 1910 and 1911.

The subject property was constructed with locally manufactured concrete block and built in the Edwardian Classical American Foursquare style. It is characterized by a box-like shape, hipped roof, large windows, front porch, and conservative design. American Foursquare homes were popularized as economical options for middle-classes across North America from the turn of the 20th century to the early 1930s. Although the American Foursquare was a common residential style during this period and is well-represented in the community, almost all existing homes were built in brick. There are only two other such concrete buildings in Whitchurch-Stouffville and none within urbanized Stouffville. Concrete block was routinely employed for foundation material and accents such as porch columns, but its use as the exclusive building material is much less common.

The application of this material in Stouffville is attributed to the proximity of the North American Cement Block & Tile Company in Gormley. The Company was in operation as early as 1907 at the intersection of Gormley Road East and the historic railway line. The Company was managed by proprietor George W. Baker whose 1908 home at 28 Gormley Road East acted as a display of the residential application of his product. The Baker House, along with the Bestard House at 38 Gormley Road East, were both built in the American Foursquare style and form part of Richmond Hill's Gormley Heritage Conservation District. The tradition of concrete production in Gormley continues today with the operations of Unilock Ltd., a manufacturer of interlocking concrete paving stones.

Although research has yet to confirm whether the subject dwelling was a catalogue home, its layout and appearance raise the possibility that building plans could have been ordered by mail and built with local material. The rise of the department store and the expansion of rail travel at the turn of the 20th century grew the popularity of mail-order home building kits. Sears, Roebuck, & Company's "Modern Home No. 52" was an American Foursquare design built with concrete block. The model does have several dissimilarities with 77 Mill Street including its wide veranda porch, off-centre doorway, and lack of smooth-block accents. Given the uniform appearance of the rusticated concrete, the substantial nature of the dwelling, and the proximity of the factory in Gormley, it is unlikely that Bruels moulded the concrete blocks on site—despite the growing use of small-scale cast iron moulding machines during this time.

The dwelling at 77 Mill is characterized by the use of rusticated or "rockface" concrete block punctuated by smooth or panelled block accents. In 1900, American inventor Harmon S. Palmer patented a machine for making hollow concrete blocks that laid the foundation for the burgeoning block industry. Palmer's cast-iron "downface" block

machine was widely produced and copied, leading to rapid uptake and an increase in the use of concrete block in domestic architecture during the first decade of the 20th century. Early blocks were made from a mixture of Portland cement, aggregate, graded sand and water. Concrete became an economical and efficient alternative to stone and brick and was considered fireproof. Aesthetically, rusticated or “rockface” concrete block was a popular option employed to mimic the refined appearance of stone.

Alternative block designs were created by changing a block’s composition and altering a machine’s cast-iron face plates. Smooth or panelled blocks were sometimes used as decorative accents, as in the case of the subject dwelling which contains panelled quoins, lintels, banding, and three-course foundation. Early artistic, imitation-stone concrete block architecture is often under-recognized as a historic building material and representative of a significant period in the modernization of construction in North America. The application of residential concrete block masonry, particularly as a single material, also represents a unique architectural stage within the broader Edwardian era.

Staff are of the opinion that the subject dwelling at 77 Mill is currently in good physical condition. Interior photographs taken at the time of sale show an intact modernized interior with some remaining heritage features, namely: early or original wooden doors, flooring and wainscoting. The exterior of the structure is intact and, although the concrete does evidence a few cracking lines, these can be patched by a masonry professional and the surface texture matched. Similar to other masonry material, concrete can slowly deteriorate in the presence of moisture and dissolve salts. A site visit by staff has confirmed that exterior cracking lines present follow areas of rainwater runoff and further deterioration can be mitigated by properly diverting runoff away from the masonry.

Although the architectural integrity of the structure is intact, it has seen some modifications over the years, notably: the construction of a gabled upper-level porch and balcony and the construction of a garage addition. The balcony structure is made of wood and modern siding and contains decorative balusters and trim. Although not original to the structure, this feature adds a modern ornamental element to a characteristically unembellished façade. Staff are of the opinion that these changes have not substantially altered the character of the dwelling nor lessened its cultural heritage value.

4.3 Ontario Regulation 9/06: Criteria for Determining Cultural Heritage Value/Interest

Section 29 (1) of the *Ontario Heritage Act* permits municipal Councils to designate properties of cultural heritage value or interest where the criteria prescribed by provincial regulation is met. In 2006, the Province issued *Ontario Regulation 9/06: Criteria for Determining Cultural Heritage Value or Interest*. According to Sub-section 1(2) of *Ontario Regulation 9/06*, a property may be designated under Section 29 of the *Ontario Heritage Act* where it meets one or more of the identified criteria. *Ontario Regulation 9/06* identifies criteria in three broad categories: Design/Physical Value, Historical/Associative Value, and Contextual Value.

As outlined below, and explained above, based on the preliminary cultural heritage assessment the subject property satisfies five (5) of the nine (9) criteria contained in *Ontario Regulation 9/06*. The cultural heritage evaluation was based on site visits and a historical review of sources at hand.

Evaluation Category	Evaluation Criteria	Meets Criteria?
Design/Physical Value	i. is a rare, unique, representative or early example of a style, type, expression, material or construction method;	Yes
	ii. displays a high degree of craftsmanship or artistic merit, or;	No
	iii. demonstrates a high degree of technical or scientific achievement.	No
Historical/Associative Value	i. has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community;	Yes
	ii. yields, or has the potential to yield, information that contributes to an understanding of a community or culture, or;	Yes
	iii. demonstrates or reflects the work or ideas of an architect, artist, builder, designer, or theorist who is significant to a community.	No
Contextual Value	i. is important in defining, maintaining, or supporting the character of an area;	Yes
	ii. Is physically, functionally, visually, or historically linked to its surroundings, or;	Yes
	iii. Is a landmark.	No

Design/Physical Value:

- i. ✓ The dwelling is a representative example the Edwardian Classical American Foursquare architectural style, popularized between 1900-1930. The American Foursquare style is typified by an unembellished design, box-like shape, hipped roof, front porch, and square plan layout. 77 Mill Street is unique in its early application of concrete block as the exclusive building material. The dwelling is composed of rusticated concrete block with smooth block accents on quoins, lintels, banding, and foundation. The dwelling is the only known example of an

American Foursquare within the Community of Stouffville composed entirely of concrete. 77 Mill Street is representative of Edwardian Classicism in its formal American Foursquare design: a simple appearance, a symmetrical square layout, horizontal lines, and reserved but refined ornamentation.

- ii. **X** The property does not appear to display a high degree of craftsmanship or artistic merit.
- iii. **X** The property does not appear to demonstrate a high degree of technical or scientific achievement.

Historical/Associative Value:

- i. **✓** The property does have direct associations with a number of local families: Bruels, Stewart, and Gray families. William Bruels (1857-1931), a German-born carpenter based in Ringwood, was attributed with the construction of the structure from local materials. Bruels is believed to have erected the dwelling for Ella Matilda Stewart (nee Gray) (1866-1939), whose family were early pioneers in the Ballantrae area.
- ii. **✓** The property does yield information that contributes to an understanding of community or culture. Staff believe that the structure was constructed with local concrete material produced in Gormley at the North American Cement Block & Tile Company. The structure is representative of the start of the residential application of concrete block as a building material. The property has also yielded information on the connection between the development of Stouffville and the early manufacturing history of Gormley.
- iii. **X** The property does not appear to demonstrate or reflect the work or ideas of an architect, artist, builder, designer, or theorist who is significant to the community.

Contextual Value:

- i. **✓** The property is important in maintaining and supporting the character of the area. The property is located at the northern terminus of Mill Street's historic building fabric and acts as a transitional building to modern residential dwellings. The property maintains and supports the diverse heritage character of the neighbourhood and the varied lot fabric and configuration that exists. The dwelling's minimal setback and close siting allow the building to stand out and contribute to the intimate pedestrian character that exists in this urban area.
- ii. **✓** The property is visually and historically linked to its surroundings. The property forms part of Block D in Plan 61 (1888), the original plan subdividing this area north of Main Street. The property was built in 1911 and demonstrates the evolution of building patterns and architectural styles that can be experienced on Mill Street. The dwelling is part of a diverse collection of historic and modern residential buildings along this street.
- iii. **X** The property is not considered a landmark.

4.5 Proposed development

The development proposal submitted by the applicant for this site is to sever the existing property into two residential lots, partially demolish the rear portion of the existing dwelling

(which has just been added within the last two years), and construct a single detached dwelling as infill on the conveyed portion of the lands.

The existing dwelling, located on the retained portion of the lands, will be retained in situ. An attached two-storey addition, covered terrace area, and detached garage are also proposed for the retained portion of the lands (see Attachments 2-4).

Staff are of the opinion that the proposed development successfully sites the proposed single detached dwelling on conveyed lands further back from the street, preventing it from dominating the streetscape or competing with the heritage resource and lessening its impact on the character of the neighbourhood. The proposal does represent a modest increase in residential density through residential infill. The proposal directs intensification into an already built-up area within the vicinity of the downtown. Given the property's location in a pedestrianized neighbourhood and in proximity to the commercial core, the Stouffville GO Station transit hub, and public transportation lines, staff are of the opinion that the proposed increase in density is appropriate and suitable for this location. The subject property is also located just north of Main Street, a primary arterial road and pedestrian-focused commercial corridor. This application meets the intent of the *Growth Plan* by directing growth to built up areas through intensification.

4.1 Options & Recommendation

Based on the preliminary cultural heritage assessment conducted in this report, staff are of the opinion that the property at 77 Mill Street does contain sufficient cultural heritage value to merit designation under Part IV of the Ontario Heritage Act. Staff are of the opinion that the property meets five (5) of nine (9) criteria in all three categories as set out in Ontario Regulation 9/06 as criteria for determining cultural heritage value. Both policy and case law have demonstrated that properties need only meet one of the nine criteria in order to be considered for designation by a municipal Council. Staff are also of the opinion that the proposed development outlined in PRE-19-10, CA-19-10, & CA-19-11 is a suitable use of the lands and effectively maintains the heritage value of the dwelling while permitting compatible development.

Option A (Recommended)

Staff recommend that the property located at 77 Mill Street be considered for designation under Part IV of the *Ontario Heritage Act*. Staff are of the opinion that the designation of the subject property will adequately protect the heritage features of the property while also permitting compatible development. Designation does not restrict the use of property, prohibit alterations or additions, nor does it restrict the sale of a property or affect its resale value.

Staff are also recommending that Council endorse the development proposal for the subject property put forward by the applicant and outlined in Attachments 2-3, subject to further approvals of the Town's Committee of Adjustment.

Option B

Council may decide to decline the designation of the subject property. By declining to designate, the municipality would be unable to ensure long-term, legal protection of this cultural heritage resource (designation provides protection against inappropriate alterations, new construction and demolition). Under Section 27 of the *Ontario Heritage Act*, the property owner may obtain a Demolition Permit after the expiration of the legislated 60-day abeyance period. Council may also decide not to endorse the development proposal put forward by the applicant.

5. Next Steps

Should Council resolve to proceed with designation of 77 Mill Street, the following steps shall be undertaken by staff in consultation with the Clerk's Office and Corporate Communication staff:

1. Notify the owner/applicant and Ontario Heritage Trust of Council's intention to designate the property.
2. Publish the Notice of Intention to Designate in a local newspaper and on the Town's website.
3. Should no objections be received during the mandatory 30-day public objection period following publication of the Notice of Intention to Designate, bring the heritage designation by-law to Council for enactment.
4. Following enactment of the by-law:
 - a. Publish notice of the passing of the by-law in a local newspaper and on the Town's website
 - b. Provide a copy of the by-law, together with the Statement of Cultural Heritage Value and the Description of Heritage Attributes of the property, to the owner and the Ontario Heritage Trust, and
 - c. Register the by-law on title to the property.

6. Financial Implications:

If Council approves proceeding with designation of the property at 77 Mill Street, the Notice of Intention to Designate and the subsequent Notice of Passing of By-Law will be advertised on the Town Page in the local newspaper. The advertising costs will be covered under the Corporate Communications advertising budget line. Costs associated with the registration of the designation by-law on title to the property will be covered by Legal Division's budget. The total costs associated with designation of the property shall not exceed \$300.

7. Attachments:

1. Location Map
2. Proposed Consent plan
3. Site Plan and Elevation Concept
4. Site Photographs
5. Historical Mapping & Archival Material

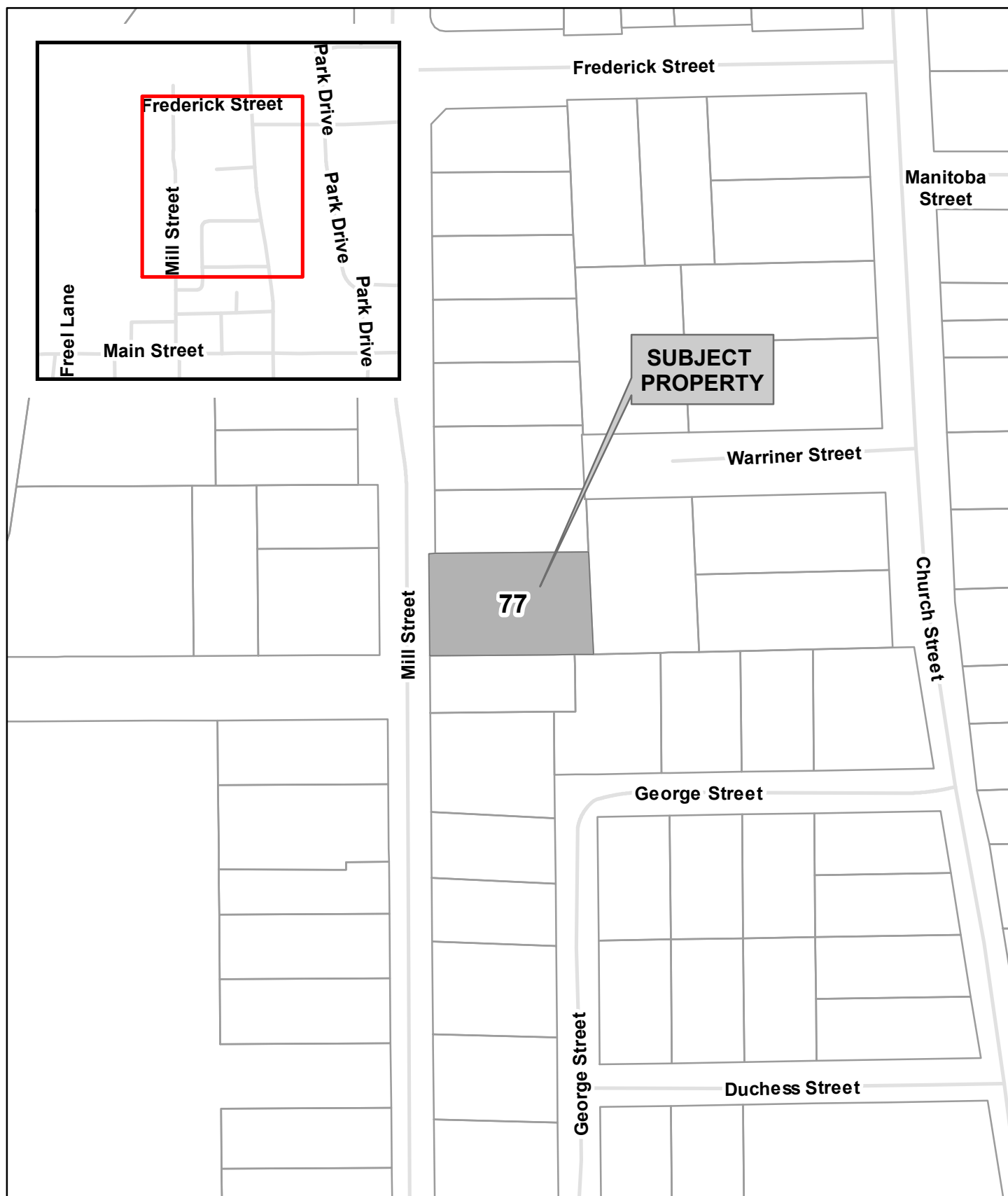
8. Related Reports:

May 15, 2019 – File No. CA-19-10 & CA-19-11 (Consent and Minor Variance applications).

Author: Jeremy Parsons, Heritage Planner II

Department Head: Haiqing Xu, Director, Development Services

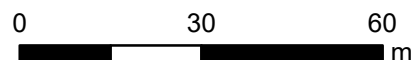
For further information on this report, please contact: Jeremy Parsons, Heritage Planner II at 905-640-1910 or 1-855-642-8697 ext. 2272 or via email at Jeremy.Parsons@townofws.ca.



Town of Whitchurch-Stouffville

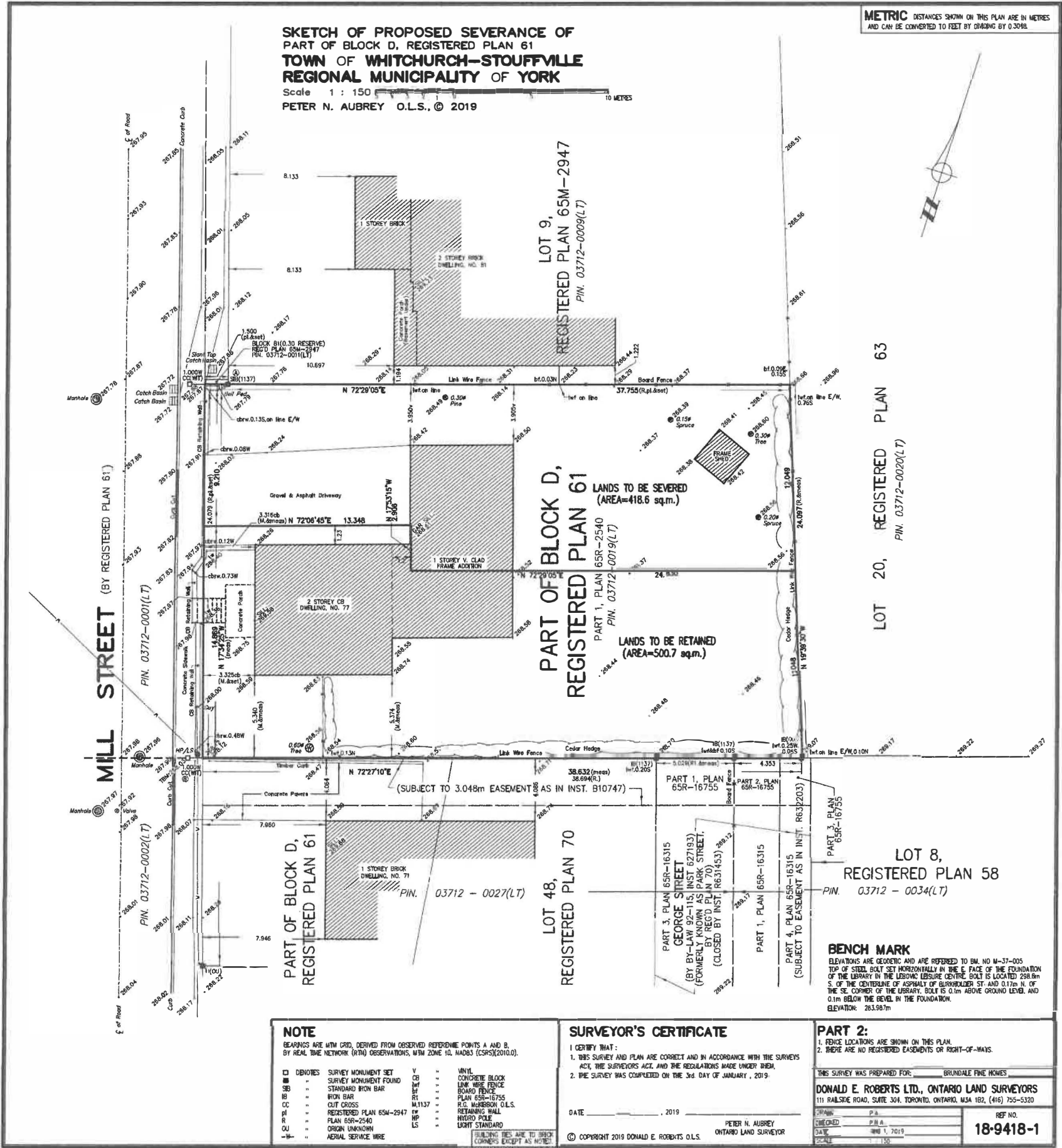
Consent and Minor Variance Application

Part of Block D, Plan 61
 77 Mill St., Whitchurch-Stouffville
 Application File Nos. CA-19-10 & CA-19-11



Produced by Clerks Department May 1 2019
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ATTACHMENT 2
CA-19-10 and CA-19-11
PROPOSED CONSENT PLAN





Site Photographs



Looking northeast towards the subject property along Mill Street (Parsons, 2019).



Facing east towards the subject property, with the decorative concrete porch and wooden balcony in view (Parsons, 2019).



Frontal photograph of the subject property from the recent sale of the property (Trentadue Torres Group, 2019).



Facing southeast, showing the northern elevation and the recently constructed rear garage elevation (Trentadue Torres Group, 2019).



A closer view of the north wall and attached garage addition (Parsons, 2019)



South-facing view from the sidewalk along Mill Street (Parsons, 2019).



Showing the condition of the porch's upper balcony. The decorative wood trim and balustrade accents, although not original features, provide a complimentary accent to the standardized rusticated concrete cladding (Trentadue Torres Group, 2019).



Showing the condition of the porch's upper balcony, facing north (Trentadue Torres Group, 2019).



Showing the condition of the front porch with an early or original wooden door, concrete columns, and a close-up of the rusticated concrete block intended to emulate the exposed aggregate facing of stone (Trentadue Torres Group, 2019).



A closer view of concrete columns with a simple square capitals and entablature. Pre-war concrete porches are fairly rare features and likely the only ones existing in the municipality (Parsons, 2019).



View of existing rear addition from the rear yard (Trentadue Torres Group, 2019).



South-facing view of the rear yard (Trentadue Torres Group, 2019).



North-facing view of the rear yard (Trentadue Torres Group, 2019).



Looking north along Mill Street. The subject property is located on the right (Google Maps, 2018).



Facing west from the subject property towards neighbouring properties (Google Maps, 2018).

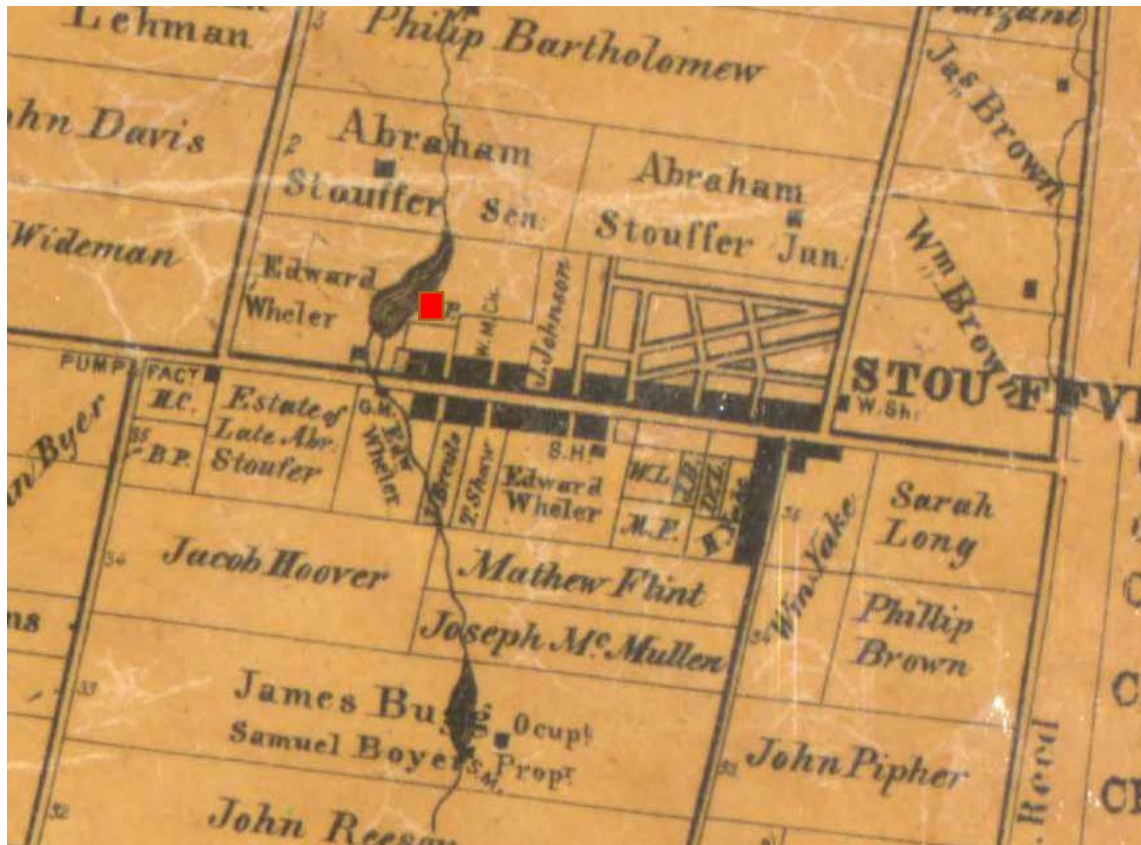


Looking south along Mill Street. The subject property is located to the left of the image (Google Maps, 2018).

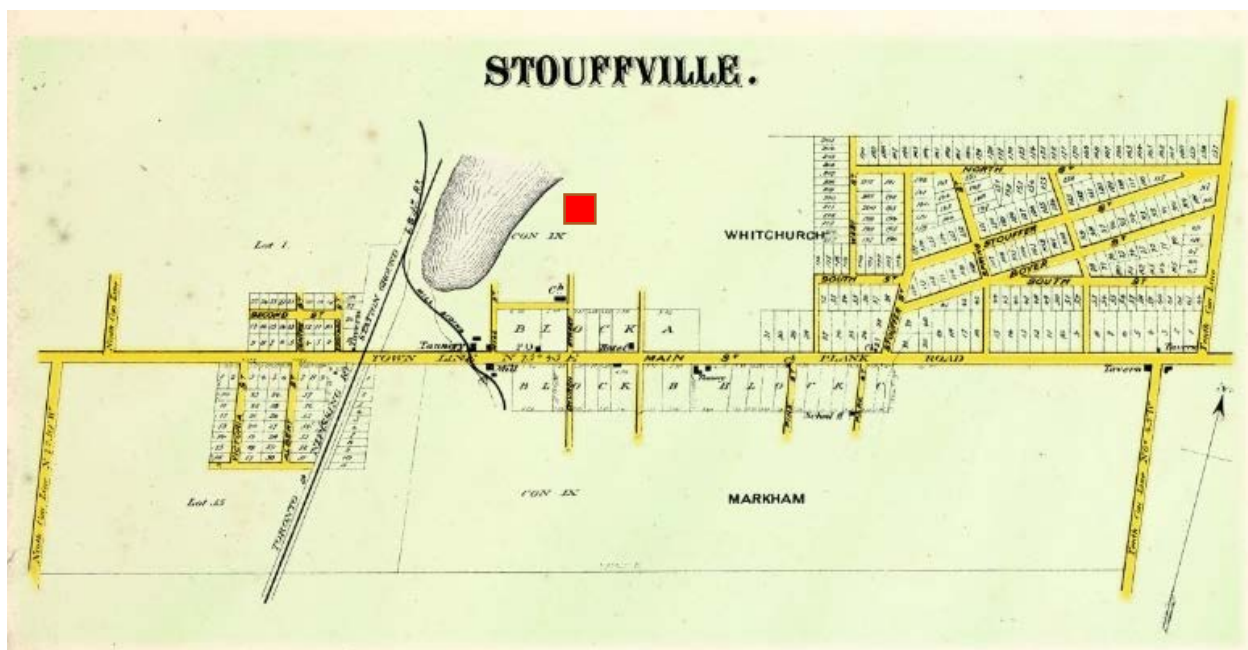


Further south along Mill Street, showing the character of the area between George Street and the subject property (Google Maps, 2018).

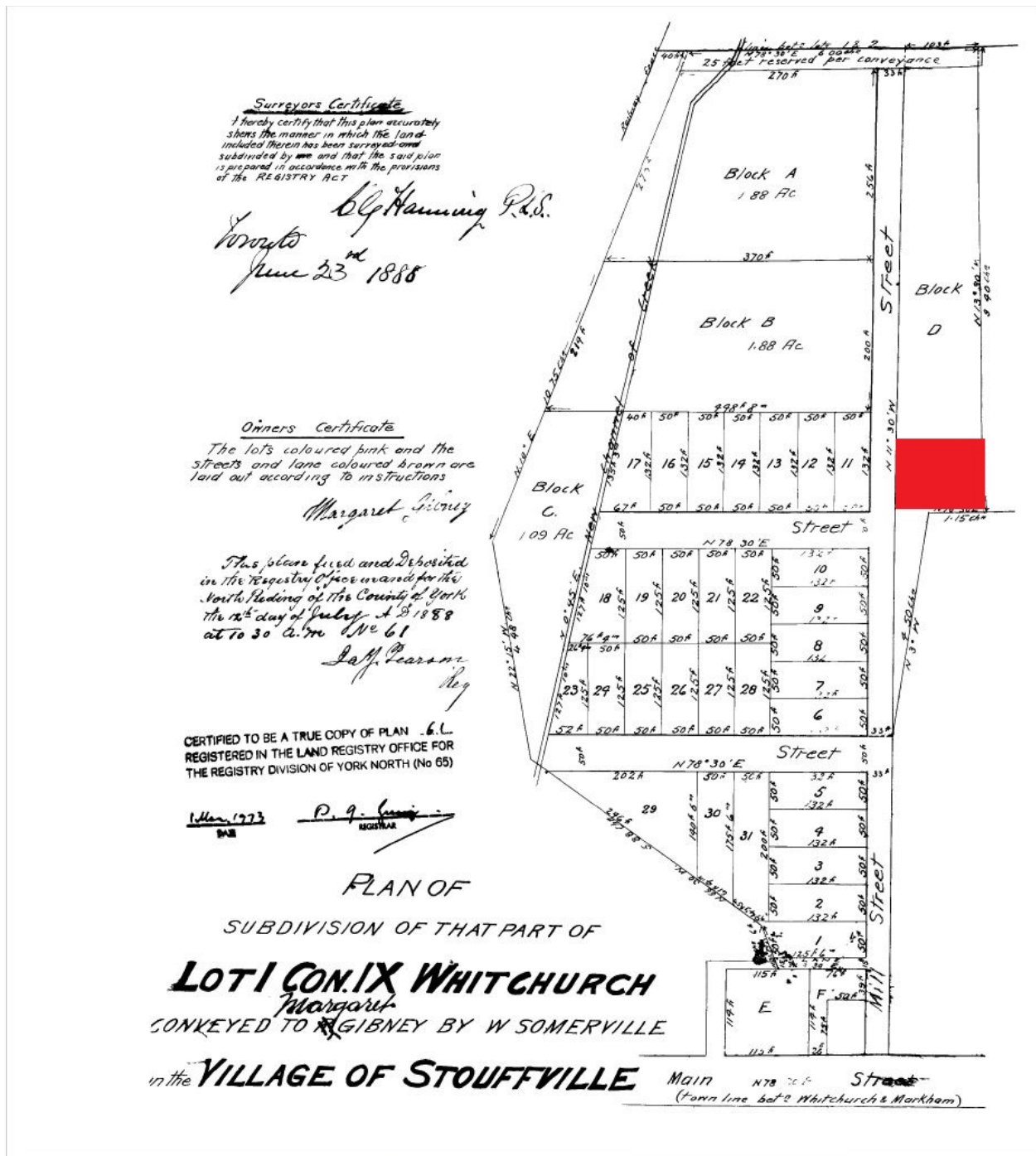
Historical Mapping & Archival Material



The approximate location of the subject property (in red) on George Tremaine's 1860 Map of the County of York Canada West. Note the presence of Stouffer's mill pond on Duffins Creek (University of Toronto).



The approximate location of the subject property (in red) on Miles & Co.'s 1878 Illustrated Historical Atlas of the County of York (McGill University).

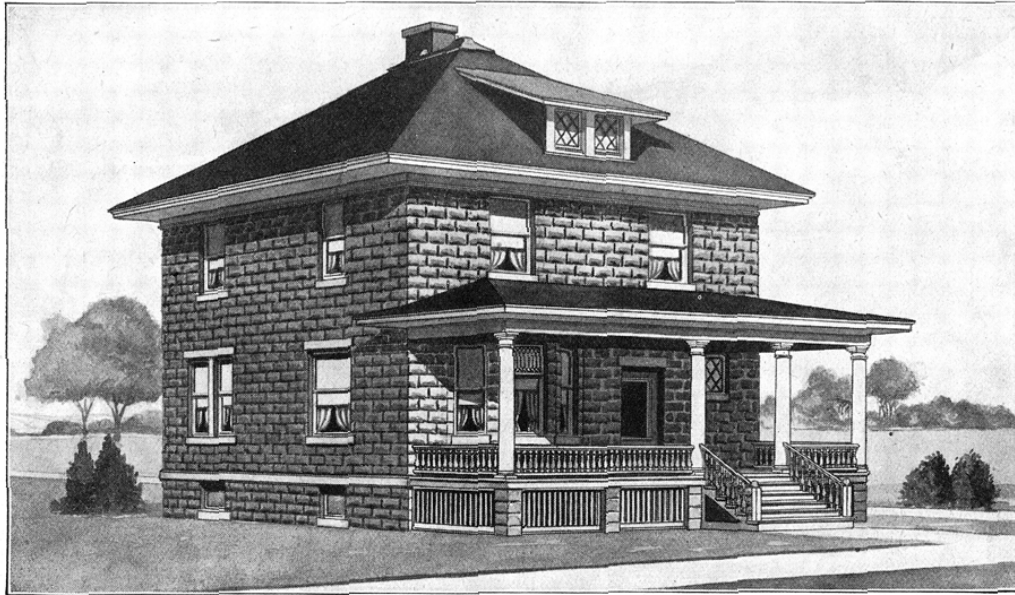


The original Plan of Subdivision for the subject property and surroundings located within Lot 1, Concession 9 in the former Township of Whitchurch. The subject property is located with Block D, highlighted in red. Although much of these lands were subdivided in 1888, it appears that Blocks A, B, C, D were not developed until much later. The subject property appears to be the earliest building built within Block D. Residential lots to the north were subdivided in 1994 (courtesy Fred Robbins).

\$1,995⁰⁰ and Our FREE BUILDING PLANS

WILL BUILD, PAINT AND COMPLETE, READY FOR OCCUPANCY, THIS MODERN NINE-ROOM \$3,000.00 HOUSE

HOW TO GET ANY OF OUR PLANS FREE FULLY EXPLAINED ON PAGE 2.



MODERN HOME No. 52

Concrete Block Construction. On the opposite page we illustrate a few of the materials we specify on this our \$1,995.00 house.

OUR \$1,995.00 HOUSE

illustrated above, consists of nine good sized rooms and bathroom, as shown in these floor plans.

FIRST FLOOR.

Kitchen - - - - - 13 feet by 10 feet
Pantry.
Dining Room - - - - - 14 feet by 12 feet
Living Room - - - - - 14 feet by 16 feet 6 inches
Reception Hall - - - 11 feet 6 inches by 11 feet
Bedroom - - - - - 11 feet 6 inches by 14 feet

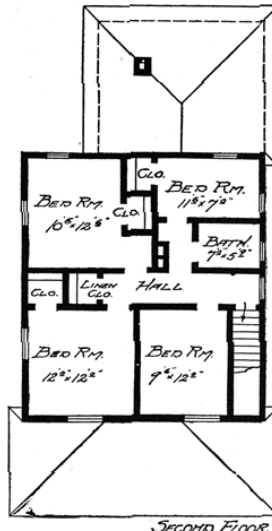
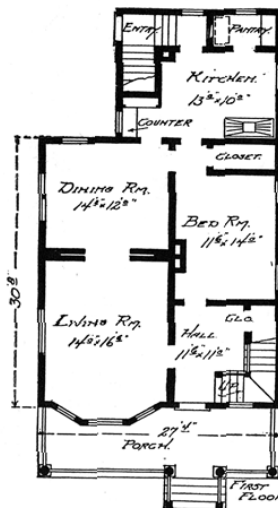
SECOND FLOOR.

Bedroom - - - - - 12 feet by 12 feet
Bedroom - - - - - 9 feet 6 inches by 12 feet
Bedroom - - - - - 10 feet 6 inches by 12 feet 6 inches
Bedroom - - - - - 11 feet 6 inches by 7 feet
Bathroom - - - - - 7 feet by 5 feet 9 inches
Linen closet and hall. Bedrooms have closets.

The Arrangement of Our Houses

is such that they can be well heated with very little expense. Our \$1,995.00 house is but one of the many frame or concrete houses for which we are able to furnish our free building plans and specifications. No matter what price house you may want to build, remember we can save you from 25 to 50 per cent.

Size of Modern Home No. 52: Length, 47 feet 10 inches; width, 27 feet 4 inches, exclusive of porch.



DO NOT ATTEMPT BUILDING WITHOUT PLANS, don't pay an architect \$100.00 or compare in accuracy or detail with the plans we will furnish you free of charge on condition that you send us a small portion of your mill work order. If you were to attempt to build a house similar to the house illustrated above, it would cost you from \$500.00 to \$1,000.00 more.

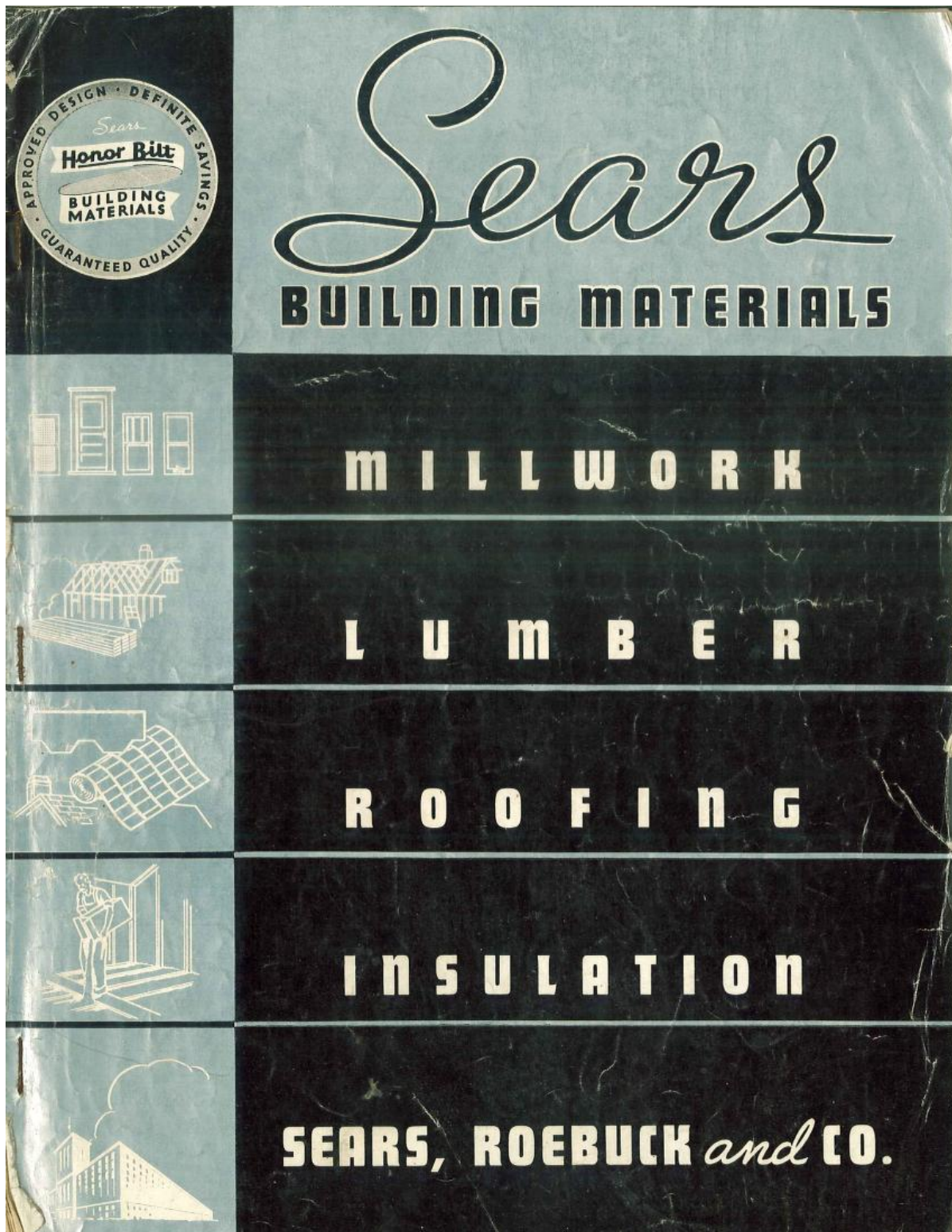
See how you can get the plans for this house free on page 2.

Sears, Roebuck & Co., Chicago, Ill.

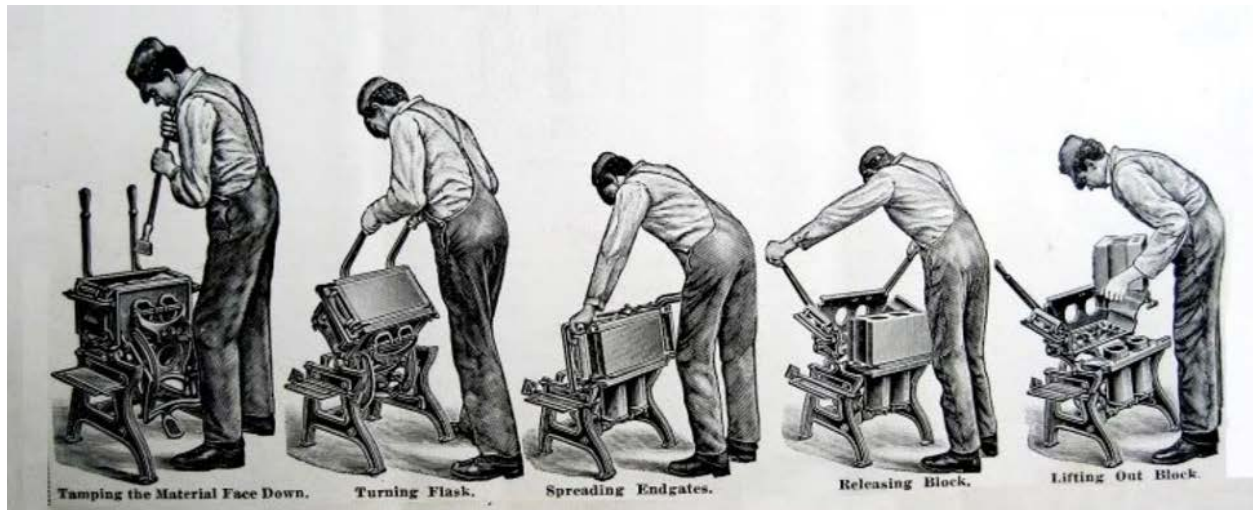
—40—

BOOK OF MODERN HOMES

The subject property was built 1911 and may have been a Sears, Roebuck and Company catalogue home or loosely patterned from one. Although "Modern Home No. 52" was an American Foursquare design built with concrete block, it does have several external dissimilarities to 77 Mill Street (Sears Archives).



A Sears, Roebuck and Co. catalogue (Sears Archives).

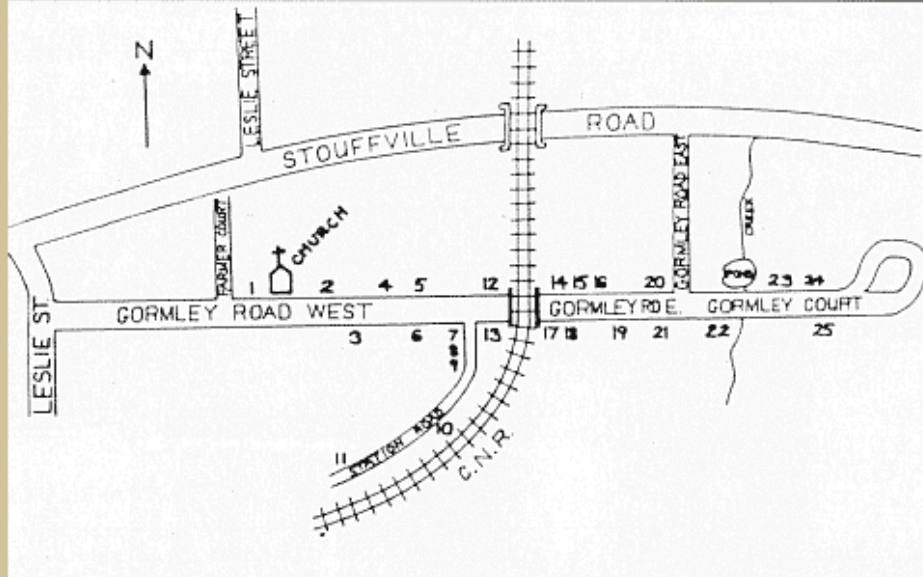


An early captioned infographic of the down-facing cast-iron block moulding machine (Classic Rock Face Block).



It is very likely that the blocks were produced at the North American Cement Block & Tile Company in nearby Gormley, which was in operation prior to the construction of the subject dwelling (Classic Rock Face Block, Gormley Heritage Conservation District Inventory).

Heritage sites in New Gormley



Heritage sites in New Gormley, Richmond Hill Local Architectural Conservation Advisory Committee

1. Joseph Mannock House, relocated c 1907
2. Jeremiah Lyons House, c 1909
3. Elizabeth Reaman House, 1916
4. John Leary House, 1909
5. John Forrester House, 1909
6. Thomas S. Doner House, c 1908
7. Daniel H. Doner House, c 1906
8. Blacksmith Shop
9. David W. & Jacob A. Heise House, c 1908
10. Gormley Station Site, 1907
11. Station House, c 1910
12. David Heise House, c 1908
13. Cober Store, 1912
14. Eva May Thompson House, relocated 1908
15. William Bestard House, c 1909
16. George W. Baker House, 1908
17. North American Cement Block & Tile Co., c 1907
18. Skating Rink Changeroom, c 1930s
19. George T. Hilts House, 1922
20. James Hunt House, 1921
21. John Sider House, 1921
22. Alfred Brillinger House, 1921
23. Joseph Farmer House, 1919
24. Samuel Bakre Jr. House c 1858, relocated 1978
25. Clarence E. Heise House, c 1926

Enumerated list of heritage sites within the hamlet of Gormley or "New Gormley". Note the location of the North American Cement Block & Tile Company (Richmond Hill Public Library).

It was in 1804 that Abraham Stouffer saw the potential in the creek running through the woods of this area and felt that he could develop mills in this location. He purchased 200 acres in Whitchurch township on what is now the north side of Main Street from Russell Hoag, a Quaker who moved to the Altona area of Uxbridge township. Stouffer found the ideal site for his gristmill on the south side of Main Street, and purchased 100 acres in Markham township from John Williams in 1808. This foresight led to the development of a small community around the creek. It would be some years before his mills were actually built, but we have record of a gristmill on the south side and a sawmill on the north in 1824.

In May of 1826, David Gibson, Provincial Surveyor, drew up a plan for Stouffer's new town, to be called Stoufferville, which has been shortened to Stouffville. The plan showed the sites of the mill and the mill pond which were on the north side. This brochure covers the residential development on the north side of Main in the centre of town.

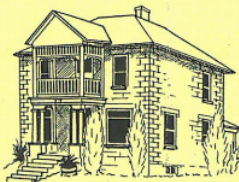
In spite of their importance to the early development of the village, both the mills and the millpond disappeared from Stouffville's landscape soon after the arrival of the train.

Mill Street was once the lane that connected the sawmill and the millpond. As you walk north, the first two houses (#18 & #22) are on the site of William "Herbert" Avery's blacksmith shop and home (c.1901-19). Mill buildings had been in this vicinity with a store and post office prior to the blacksmith shop. #18 has replaced the shop. Rev. Morton started to build it, and it was finished by Ambrose Stover in 1938. #22 was moved to this site from the east end, serving as Avery's, then as his successor, Murray Hill's home to 1938.

#28 was the home of H.W. Shaw, a dry goods merchant on Main Street, and Martin Tait, a butcher with a shop across from the clock tower.

Originally Dr. James Freely's home in the east end [built c1850], #48 is definitely older than its renovations let on. It was moved here after 1910 by his grandson Ira to be used as a rental home.

#58/60 is a unique, semi-detached dwelling in the 19th century Gothic style. It was built in two phases with the south part built in 1896 and the north part a year or two later. The considerable additions and board and batten cladding have not



homes sat on larger village lots, with a barn for the horse, a run for the chickens and a small house with a crescent moon on the door in the yard. The barn still stands at the rear of the lot and can be seen when we walk up the street behind.

#33, built for Elijah Pennock (c.1895), was the residence of Rev. Samuel (Grampa) Goudie for many years. He was well known throughout the provincial Mennonite community, having served as an associate editor of the church newspaper, the *Gospel Banner*.

Turn left onto *George Street*: One suggestion for the origin of the street name is the "George Brothers", who were owners of the sash and door factory on Edward Street (see brochure #8). Mrs. George lived at #67 Church across from George Street.

#69 George St. is another house moved to its current location from the east end where it may have been a commercial building. It has had significant renovations in recent years. *The street takes an abrupt turn to the north.*

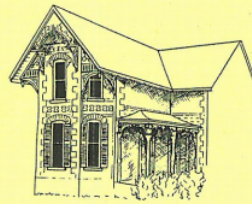
#63 George has been restored to its original Victorian style, with its touches of ornament and full front porch. It was built c.1876 for Charles Perry, a painter and decorator.

Detour briefly down *Duchess Street*. #22 is one of several traditional Gothic homes on the tour. Others will be found on Church Street at

altered the feel. Look behind the porch railing to see the uneven door steps, indicative to the different floor levels within.

Just before the 1990s subdivision we find #77 on the east side. Built in 1911 by William Bruels for a widow, Mrs. Alexander Stewart, this house could well have been purchased from a department store catalogue, possibly with blocks made by *Gormley Concrete Block Co.* (1908-21).

Returning south along Mill, #49 dates to 1888, and the addition to 1907; spruce trees and a fence post remind us that many of the oldest

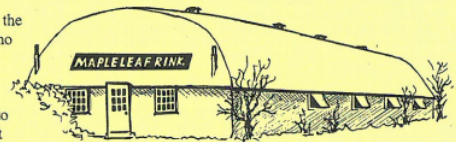


numbers 80, 126 and 61. Among the features of these simple, 19th century, 1½-storey houses is the central gable which often contains a pointed arch, Gothic window. This particular home was built for Joe Mertens Sr., uncle of prominent photographer, William Mertens.

#25 *Duchess* is another style which repeated several times on Church Street (84, 108, 115, 93 & 47). This high

Victorian look features bayed wings, ornate gingerbread in the gables, coined corners and a belled roof over the porch. Around the corner to the north, back-to-back with this house, #59 George has many of the same ornamental features, including the use of two colours of brick. While the former is built on a cross plan, the latter is larger and built on a square plan. They were constructed in the late 1880s for brothers, John and Thomas Casely.

Dominating the area, at the north end of *Park Street* (as this road was called) was one of Stouffville's major early recreation complexes, the *Maple Leaf Rink*. Built by Nathan Forsyth in 1906, it was used until the 1920s, when a new rink was built in Memorial Park.



Turn east past the newer homes of George St., then turn left at *Church Street* noting first the houses on the west side.

Nathan Forsyth (1852-1948) was a local master builder. His distinctive designs include elliptical arch windows (usually with stained glass in the arch), soldier brick or corbelling over the windows, a porch/balcony projection at the entrance in wood or brick, and a sturdy,

Excerpt from the *Stouffville Village Walking Tour: Stouffville Centre North* pamphlet produced by the former Whitchurch-Stouffville Historical Society. Note that the subject property is featured and described (courtesy Fred Robbins).

Town of Whitchurch-Stouffville Council Report

Item 11

Subject: Phase 3 Roads Environmental Assessment (D03)

Staff Report No. DS-030-19

Department: Development Services

Date: June 4, 2019

Recommendation:

- 1) That Council approve the Terms of Reference and direct staff to proceed to procurement for the Phase 3 Roads Environmental Assessment Study; and
- 2) That Council authorize the Mayor and Clerk to sign all documents necessary for the EA Funding Agreement(s), to the satisfaction of the Town Solicitor and the Director of Development Services.

1. Purpose:

The purpose of this report is to gain approval from the Mayor and Council of the Terms of Reference and to proceed with the procurement for the Phase 3 Roads EA Study.

2. Background:

This report was originally circulated to the January 22, 2019 Council Meeting. Since, then, the two developers that are affected by the EA raised additional concerns to the EA Terms of Reference and the EA Funding Agreement, which required this report to be recirculated to Council.

In June 2014, the Town retained HDR Inc. to undertake the Town of Whitchurch-Stouffville's Transportation Master Plan (TMP). At the end of the study, two development interests in the Phase 3 Development Area objected to the TMP's recommendation for a grade separation with the Metrolinx GO rail line, a bridge and a collector road through their developments. In August 2017, Council approved a scope change to the TMP for

staff to work with the developers and look at other alternatives for a transportation network in the Phase 3 Development Area.

The outcome of the scope change was a recommendation to extend roadways to Bethesda Road from the two developments through private lands bounded by Bethesda Road to the north, Stouffville Reservoir to the south, Stouffville Creek to the west and the Lincolnville GO rail line to the east (Attachment 1). Since the proposed roadways traverse through private lands and possibly an environmental feature, they would be subject to a Schedule C Municipal Class Environmental Assessment (MCEA).

Both developers had agreed to fund the MCEA, procurement of lands, design of the roads, construction costs and project management costs associated with the two roads.

The changes that the developers requested in their revised comments included:

1. Inclusion of the Bethesda Sports Park in the study area for an emergency access to the development to the south. In this regard, the EA Terms of Reference specifically states that the programming in the Bethesda Sports Park shall not be detrimentally affected.
2. Amend the EA Terms of Reference to study Roads 1, 2 and 3 instead of Roads 2 and 3 to Bethesda Road.
3. Amend the proportionate share in the EA Funding Agreement based on the developable area instead of a 50/50 split.
4. Amend the EA Funding Agreement to allow the developers to collect HST credits for the study they are funding.

Staff agrees to include the Bethesda Sports Park lands in the EA study because other adjacent and privately-owned lands are included. It would be up to the EA study to determine if the Bethesda Sports Park would be affected. In case the preferred option of the EA study, approved by Council, includes a road through the area, the agreement makes it clear that “the programming in the Bethesda Sports Park shall not be detrimentally affected”.

Road 1 is recommended by the TMP to be a pedestrian path/bridge, but the opportunity for a vehicular crossing is still protected in the Savana Cove subdivision. Staff is not opposed to the inclusion of Road 1 in the EA study because it would allow the EA study to further assess the environmental impact against each of the other two roads to Bethesda Side Road. Again, it would be up to the EA study to determine if a vehicular crossing of the creek is a viable option.

3. Analysis and Options:

3.1 Agreement

Since the developer had agreed to fund the MCEA, staff will prepare two individual agreement, whereby the two developers would be required to fund the MCEA and project management costs associated with the same.

3.2 Municipal Class Environmental Assessment Terms of Reference

One of the recommendations of the TMP was to undertake an MCEA for the two roads. Staff have prepared the Terms of Reference to undertake the Phase 3 Roads Environmental Assessment, which is provided in Attachment 2.

Option A (Recommended)

Staff recommend that the Phase 3 Roads Environmental Assessment proceed to procurement and that all agreements that bind the two developers to fund the study are signed by the Mayor and Clerk.

Option B

Do nothing. This will postpone development in this area as the two properties will be landlocked by private properties, Stouffville Creek, the Lincolnville GO Rail Line and Stouffville Reservoir.

4. Financial Implications:

Developers in the area have committed to fund the MCEA, procurement of lands, design of the roads, construction costs and project management costs associated with the two roads. This procurement would be approved by the CAO and the Treasurer.

5. Attachments:

1. Recommended Transportation Network - Stouffville Phase 3 Lands
2. Phase 3 Roads EA - Terms of Reference

6. Related Reports:

January 22, 2019 Phase 3 Roads Environmental Assessment

Author: Dave Kenth, Manager of Engineering Services / Town Engineer

Department Head: Haiqing Xu, Director of Development Services

For further information on this report, please contact: Dave Kenth, Manager of Engineering Services / Town Engineer at 905-640-1910 or 1-855-642-8697 ext. 2404 or via email at dave.kenth@townofws.ca

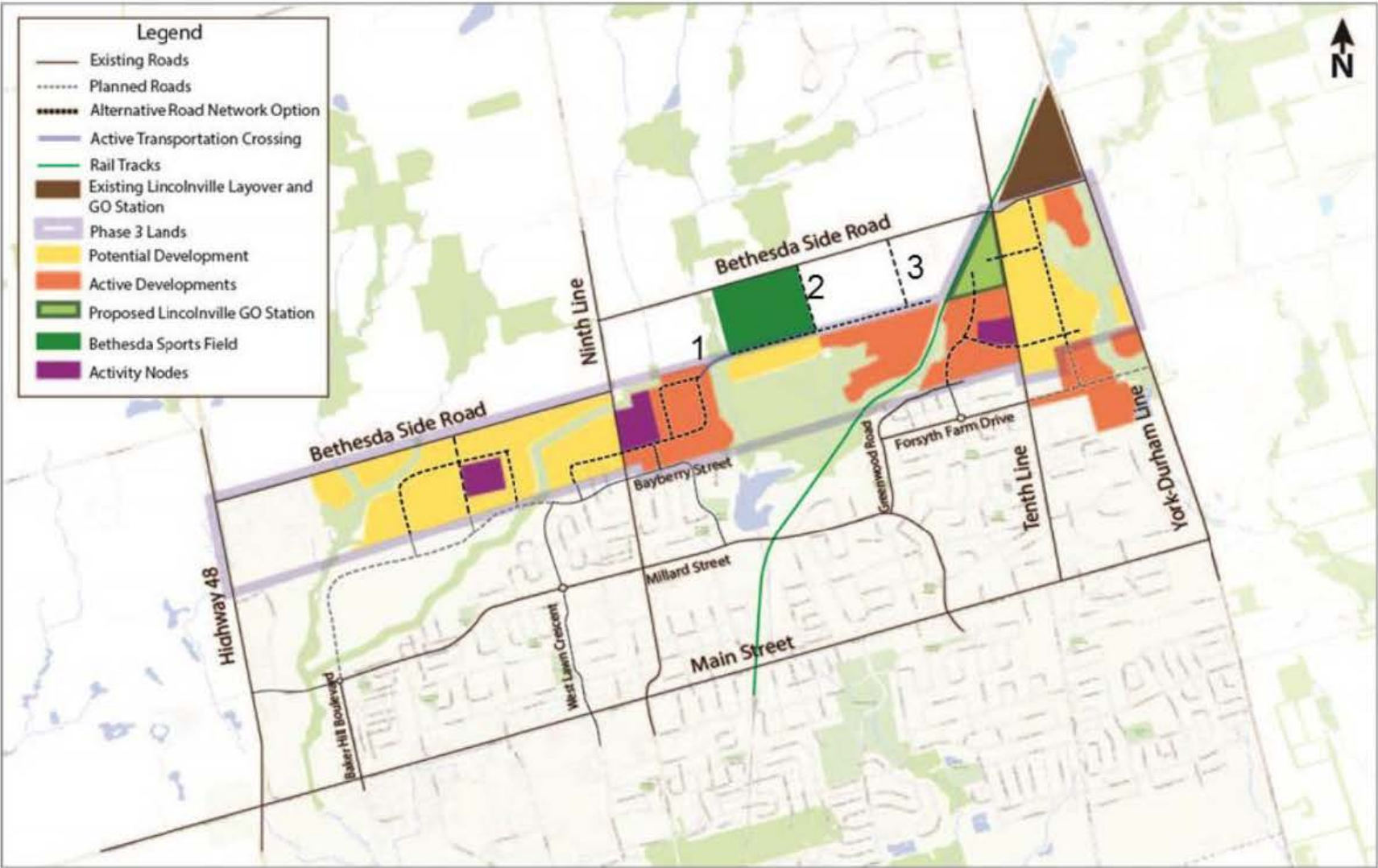


Exhibit 6-13: Recommended Transportation Network - Stouffville Phase 3 Lands

TERMS OF REFERENCE

1 TERMS OF REFERENCE/GOAL

The Terms of Reference are for the Development Services Department of the Town of Whitchurch-Stouffville to seek external consulting services to complete a Schedule C Municipal Class Environmental Assessment for two local roads, including provision of and a solution for a secondary means for emergency access, from the two future development properties described as:

1. PT LT 4, CON 9, WHITCHURCH, PT 1, 65R31567, WHITCHURCH-STOUFFVILLE; T/W EASE OVER PT LT 4, CON 9, PT 2, 65R31567, AS IN A67176A; T/W EASE OVER PT LT 5, CON 9, PT 3, 65R31567, AS IN YR1026395 with PIN 037081124; and
2. PT LT 4 CON 9 WHITCHURCH AS IN R360187 LYING W OF RAILWAY; S/T R360187; WHITCHURCH-STOUFFVILLE with PIN 037080589.

Both the properties described above are north of the Stouffville Reservoir, south of 6301 (Bethesda Sports Park), 6431, 6517 and 6639 Bethesda Road, east of Stouffville Creek, and west of the Metrolinx (Lincolnville GO) Rail Line. The study area is depicted in Figure 1.

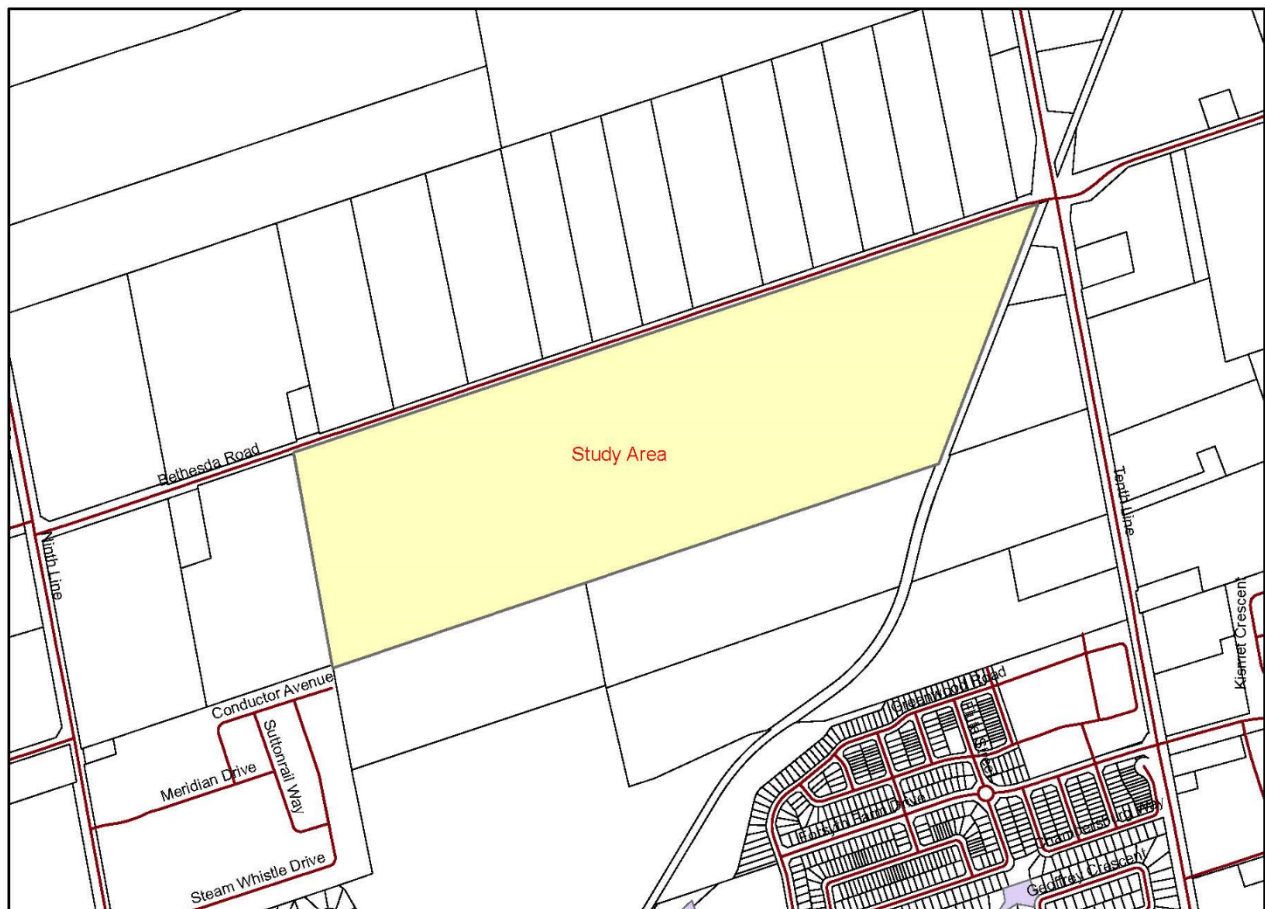


Figure 1 – Study Area

The preferred transportation network for this area is described in the Town of Whitchurch-Stouffville's Transportation Master Plan (Figure 2).

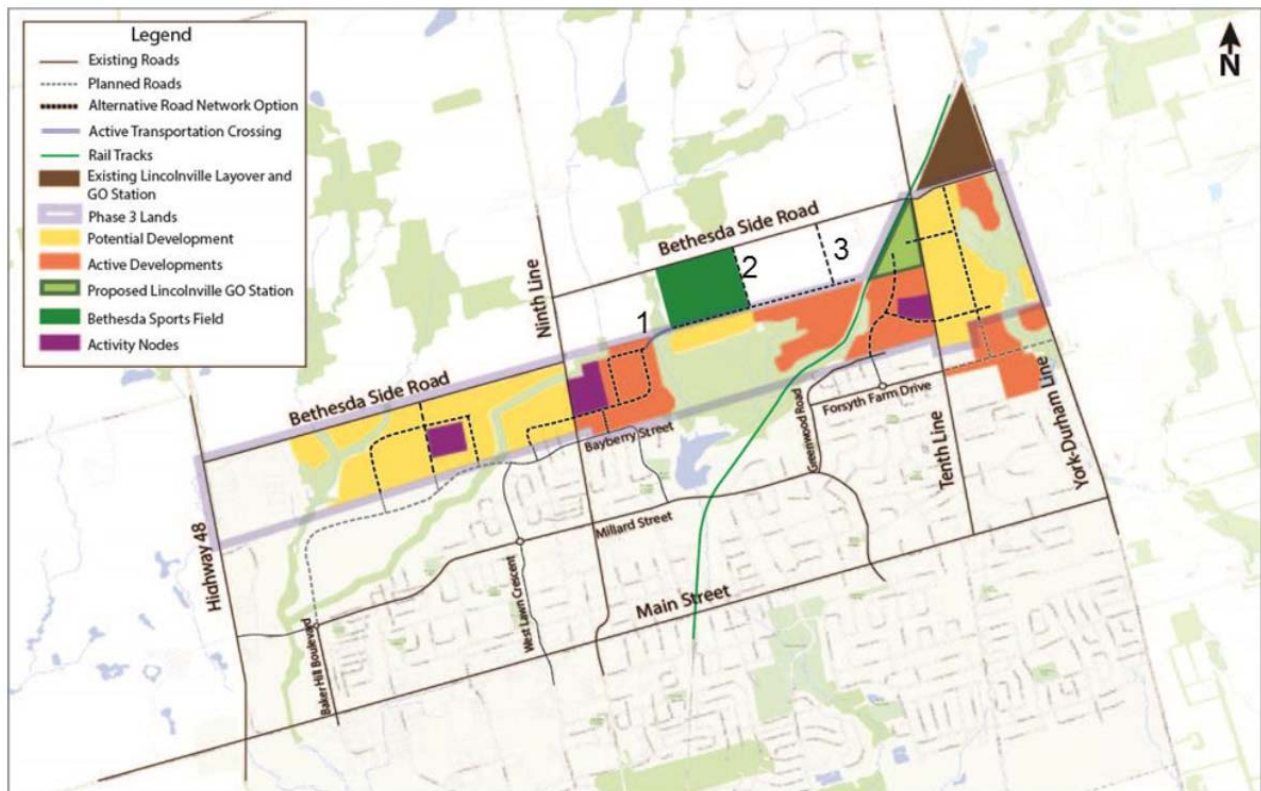


Figure 2- Road Network as Recommended in TMP

Objectives

The Objectives of this Study are as follows:

- Identify transportation problems and opportunities relevant to the study area;
- Seek input from stakeholders, government agencies, and members of the public to be considered in the selection of a preferred solution;
- Review the need and justification based on the most recent information available including but not limited to the Town of Whitchurch-Stouffville's Transportation Master Plan (TMP), environmental work, and land use assumptions in the Study Area;
- Review the TMP to confirm the MEA Class EA planning process has been fulfilled with an emphasis on the need and justification for the recommended solutions for Roads 1, 2 & 3;
- Update the need and justification for Roads 1, 2 & 3, ensuring emergency vehicular access is also provided where required taking into consideration information that may not have been available during the preparation of the TMP, including but not limited to new natural heritage information, evaluation and assessments, reports prepared, or other relevant information;
- Based on the most recent information, confirm that the previously identified preferred solutions continue to be the preferred solutions, or alternatively,

develop and evaluate alternative solutions to identify a new or modified preferred solution supported by the need and justification and address the problems and/or opportunities;

- If a new or modified preferred solution is identified, develop and undertake a thorough consultation program that meets the requirements of the MEA Class EA planning process;
- If a new or modified preferred solution is identified, identify what corresponding Schedule of the MEA Class EA the solution the new preferred solution would apply;
- Identify the preferred solution based on technical analyses and public consultation;
- Develop design alternatives based on the preferred solution identified;
- Seek input from stakeholders, government agencies, and members of the public on the design alternatives;
- Prepare an Environmental Study Report (ESR) including the preliminary design;
- Seek Council approval of the ESR; and
- Deliver the ESR for public review and approval.

Overview

Study Area

The study area will be limited to the Town of Whitchurch-Stouffville's Phase 3 Lands for the area bounded by Bethesda Road to the north, Stouffville Reservoir to the south, Stouffville Creek to the West, and the Lincolnville GO Rail Line to the East. The study area is depicted in Figure 1.

Public Information Centres and Council Meeting

Public awareness, education and consultation will be key in ensuring the interests and concerns of the residents, businesses and other stakeholders are adequately addressed through the EA process.

Constraints

- Two separate roadways with a secondary means for emergency access will be required to the future development properties in order to meet the requirements of the Fire and Emergency Services Department; and
- Programming within the Bethesda Sports Park shall not be detrimentally affected.

The Municipal Class Environmental Assessment Process

An EA is a planning study that assesses potential environmental effects and benefits of an 'undertaking' (the intended project). The term "environment" is broadly defined in the Environmental Assessment Act to include the natural environment, as well as, the social, cultural, built and economic aspects of the environment.

Municipal road projects are subject to the *Environmental Assessment Act*. The class EA process is an approved process under the *Environmental Assessment Act* for a specific group or “class” of projects. This EA will be carried out in accordance with the requirements of the Municipal Class EA document, prepared by the Municipal Engineers Association, and approved in by the Minister of the Environment in October 2000, as amended in 2007, 2011 and 2015. It is noted that amendments to what was originally approved have occurred. This study will incorporate all applicable portions that have been submitted by the Municipal Engineers Association to amend the document that may receive the Minister’s approval(s) before the completion of the study.

The Municipal Class EA consists of the following five phases:

1. Identification of the problem or opportunity;
2. Assessment and evaluation of alternative solutions;
3. Assessment and evaluation of the alternative design concepts for the preferred solution;
4. Documentation in an Environmental Study Report; and
5. Project Implementation.

This Study has been tentatively identified as a Schedule “C” Municipal Class EA by Town staff and through the Town’s Transportation Master Plan. The proposed work program will complete the phases two to four, since phase one has already been completed through the Town’s Transportation Master Plan. The following flowchart (Figure 2) illustrates the Municipal Class EA process. An ESR will be prepared and filed for public and agency review. The parties and individuals who have expressed interest during the study will be notified when the ESR is filed. If the process is followed and all project related issues are resolved, then the Town as the sole proponent can proceed with the detailed design and construction, or phase 5 of the process.

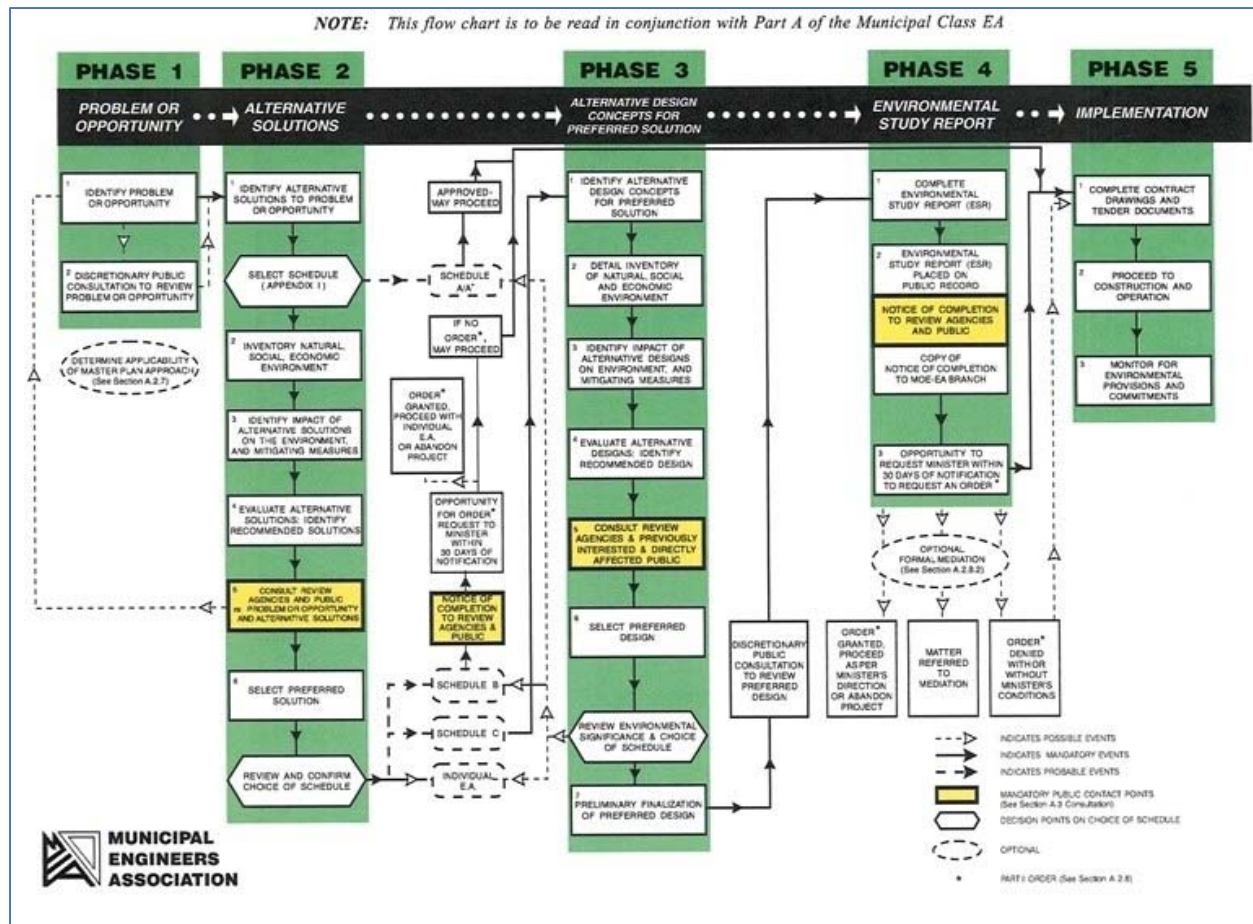


Figure 3 - Municipal Class Environmental Assessment Process

2 SCOPE OF WORK

Scope of Work

The following list identifies some of the options that are typically considered in such a Municipal Class EA before a new road is proposed:

- Do nothing (as a base case for comparison); and
- Propose multiple road networks for the study area.

The EA will consider, but not limited to the following assessment criteria:

Transportation:

- Accommodation of future auto demand;
- Transportation network compatibility (including area parking needs);
- Transit network connectivity;
- Travel safety;
- Goods movement;
- Emergency service;
- Active transportation; and
- Possible intersection improvements.

Engineering:

- Construction impacts;
- Utility/service relocations;
- Property requirements; and
- Future servicing needs.

Natural Environment:

- Storm water/drainage (incl. possible water course & fisheries);
- Vegetation and street trees; and
- Wildlife.

Social, cultural and economic aspects:

- Proximity impacts (noise impacts, aesthetics);
- Traffic infiltration;
- Residential property impacts;
- Commercial property impacts;
- Compatibility with existing/future land uses/plans;
- Consistency with Official Plan policies;
- Archaeological resources;
- Built heritage resources;
- Accessibility; and
- Community Connectivity.

Consultant's Services

The Consultant shall work closely with the staff project manager and hold regular meetings with the Town's Technical Steering Committee comprised of representatives of the Town, landowners and/or their representatives, and Agency Stakeholders such as the Toronto and Region Conservation Authority. The Consultant is also expected to have meetings with other identified stakeholders, as the landowners affected by the proposed roads and all relevant agencies, to discuss the progress of the study.

The Consultant shall, upon instruction from the Town, provide the following services in the execution of the project:

- Conduct the Municipal Class EA for the proposed roads EA in accordance with the most recently approved version of the Municipal Class EA document.
- Identify any land or easement (permanent and working) necessary to implement the preferred alternative for the proposed extension.
- Carry out all necessary studies and surveys to complete the ESR, land takings and the preliminary (30% detailed) design.
- Identify any environmental impact on private and public lands and recommend mitigation measures.

- Provided base mapping for this study shall incorporate topography, orthophotography, parcel fabrics, and existing and proposed land use and environmental features at the scale of 1:1000.
- Prepare an ESR that documents the process followed for the planning and design of the project. The ESR should provide an analysis of the problem, an evaluation of alternative solutions, and the selection of a preferred alternative.
- Prepare notifications for publication.
- Prepare a preliminary (30% detailed) design and cost estimate of the preferred alternative, and summarize the remaining issues or tasks required to complete detailed design and construction. A schedule for the design and construction of the preferred alternative should be provided.
- Consult with and obtain approval from the following Town Departments/Divisions:
 - o Public Works Department
 - o Development Services Department
 - o Fire and Emergency Services Department
- Provide the necessary expertise for the preferred alternative to serve the best interests of the public, with due consideration for environmental concerns, capital cost and operating efficiency in accordance with current state of the art and acceptable engineering standards as established by the Town and other applicable regulatory agencies.
- Liaise with stakeholders, such as Ministry of the Environment, Conservation and Parks (MECP), Ministry of Natural Resources and Forestry (MNRF), Metrolinx, Toronto and Region Conservation Authority (TRCA), affected developers and landowners including facilitating public meetings and attending *ad hoc* meetings as necessary during the process of completing the Class EA and preliminary design.
- The Consultant shall be responsible to address all comments and for all mailouts to the stakeholders, agencies and groups that may be affected by the Class EA.
- Participate in a reasonable number of meetings for informative, mediative, preventative or coordinative purposes with the Town, utilities and/or other regulatory agencies for the successful completion of the Class EA.
- The Consultant shall, barring unforeseen circumstances, complete the deliverables by **June 29, 2020**.
- Throughout the term of the assignment, the consultant shall provide the Town's Project Manager with weekly phone updates as the project progresses.

The Consultant will act as the technical and policy advisor for this EA Study. It will be the responsibility of the Consultant to provide policy/technical information and direction, and ensure that the timeframes for the study are being met. The Consultant will be responsible for the preparation of interim drafts and the associated presentations and the minutes of all technical working meetings, and the Public Information Centres. It will also be the responsibility of the Consultant to make presentations at all meetings convened during this Study. The Consultant, in consultation with Town staff, will also be responsible for the involvement of any identified sub-Consultants, their work, and, the payment for services rendered.

3 WORKING RELATIONSHIP

Information to be provided by the Town

The Consultant in the Proposal shall advise as to the extent and nature of work that they believe will be necessary to be completed by Town staff beyond the role of organizing meetings and typical project management functions. In preparing their Proposals, the prospective Consultants should consider that the Town will be providing the following information:

- Town of Whitchurch-Stouffville Official Plan, Zoning Bylaw and other relevant policies, regulations and guidelines;
- Community of Stouffville Urban Design Guidelines;
- The Transportation Master Plan;
- Current development applications within the study area;
- Teranet property fabric mapping, existing contour mapping and the latest orthophotography of the study area (The Town does not have detailed topographic mapping for any of the lands in the study area);
- Listed and designated heritage properties, if applicable, within the study area; and
- Relevant staff reports and Council resolutions Project Budget and Payment.

The Consultant is required to include in his/her Proposal a Gantt chart showing the start and finish of various items of work included in this project. In addition, the Consultant is to submit a schedule of costs, including billing rates for staff, all in sufficient detail to provide an adequate basis for the preparation and checking of his/her progress billings and evaluating the Proposal. The fees shall be calculated on a time basis - all expenses and disbursements will be paid at cost.

The cost estimate in the Proposal shall include the total cost of the work associated with each phase of the project and shall show the labour and out-of-pocket disbursements separately. The Consultant will be responsible for payment to all Sub-Consultants, geotechnical firms, testing firms, legal surveyors, etc. whose services are required to complete the assignment. The cost in this regard must be shown as disbursements. All Sub-Consultants, testing and geotechnical firms, legal surveyors, etc., must be approved by the Town prior to their being engaged by the Consultant.

An upset limit shall be provided by the Consultant for the completion of the Schedule "C" Municipal Class EA. The upset limit shall not be exceeded without prior authorization in writing from the Director of Development Services.

Monthly payment will be made on invoice amounts based on the actual hours of work by each personnel on a task plus expenses and disbursements and updated monthly on the project fees spreadsheet. Throughout the term of the assignment the Consultant will submit monthly reports, in a form acceptable to the Town, showing:

Throughout the term of the assignment, the Consultant shall provide monthly progress reports, in a form acceptable to the Town, showing:

- a) The portion of the Services completed in the preceding month;

- b) A report on the project progress of the services completed to date;
- c) Remaining Services to be completed;
- d) Budget spent and remaining and an earned value report.
- e) An updated tracking Gantt Chart
- f) Issues to date (resolved issues and date resolved, unresolved issues and party responsible for resolution);
- g) Activities for the month and project status in terms of meeting the scheduled milestones of the work plan; and
- h) Variances against baselines for scope, schedule, and cost; the reasons and any measures necessary to remedy the situation.

The Proposal must confirm that the Consultant will not undertake any work that they believe is beyond the terms of reference for the project and their written Proposal without written authorization from the Town. The Proposal shall indicate that Consultant staff identified in the Proposal and their respective role shall not be altered unless written authorization is obtained from the Town.

4 DELIVERABLES

Deliverables

At a minimum, the following deliverables will be required:

- Phase 1: Identification of problems and opportunities;
- Phase 2: Development and evaluation of alternative solutions;
- Phase 3: Alternative design concepts for preferred solution; and
- At a minimum the following studies will be required (draft and final reports – 5 copies, in addition to the copies that are distributed through the public and agency review process).
 - o Transportation and Traffic Impact Studies;
 - o Road Safety Performance Assessment Report;
 - o Utilities Report;
 - o Natural Environment Assessment Report;
 - o Tree Audit and Management Report;
 - o Stage One Archaeological Assessment Report;
 - o Phase one environmental site assessment;
 - o Noise Impact Assessment Report;
 - o Geotechnical Investigation and Assessment Report;
 - o Hydrogeological Assessment Report;
 - o Hydrologic and Hydraulic Assessment Report;
 - o Fluvial-Geomorphology Assessment Study;
 - o Drainage and Stormwater Management Report;
 - o Source Water Protection Report;
 - o Land Use and Socio-Economic Assessment;
 - o Cultural heritage Impact Assessment;
 - o Future Servicing Assessment;
 - o Property Acquisition Package; and

- o Detailed Cost Estimate for each alternative design concept for the preferred solution including the recommended roads design concept.
- Completion of 30 percent detailed design of the recommended alternative in accordance with standards of Transportation Association of Canada (TAC), the Ministry of Transportation (MTO) Guidelines, Roadside Safety Manual, Ontario Traffic Manuals (OTM), Ontario Provincial Standards (OPS) Geometric Design Standards, all relevant ministry guidelines and Town of Whitchurch-Stouffville Standards.
- Phase 4: Draft and final reports of the ESR, in addition to the copies that are distributed through the public and agency review process (5 copies)
- One (1) digital copy of the final ESR and technical studies including all figures, exhibits, maps and plans in Adobe PDF searchable format.

All material used or produced by the Consultant for this Study shall be provided to the Town in the following digital formats:

- Model data (digital input and output files of the models chosen for the study in Word 2013 format);
- Draft and final reports (in Word 2016 and pdf formats);
- Displays and presentations (in PowerPoint 2016 and pdf formats);
- CAD drawings (in AutoCAD Civil 3D 2013 format); and
- Database materials used or produced by the Consultant in the undertaking of this Study (in Microsoft Access 2007 format).

The Consultant will be responsible for the production of all necessary display and presentation materials required for public information centres, public meetings, and Council meetings. All material prepared for this project shall be submitted to the Town and become Town property upon completion of the Study. The Consultant will be required to produce updates to the Town web page pertaining to the Study.

5 RFP SCHEDULE AND EVENTS

The following is the proposed schedule:

No.	Description	Date
1	Release of RFP	April 17, 2019
2	Deadline for Questions Submitted by Respondents	May 1, 2019 at 3:00 PM
3	Deadline for Issuing Addenda	May 6, 2019 at 3:00 PM
4	RFP Closing Date	May 15, 2019 at 3:00 PM
5	Evaluation of RFP Submissions	May 22, 2019
6	Award	June 19, 2019
7	Project Commencement	June 24, 2019
8	Project Conclusion	June 29, 2020

Town of Whitchurch-Stouffville Council Report**Item 12**

Subject: Update to the Site Alteration and Fill By-law (P11)

Staff Report No. DS-031-19

Department: Development Services (Engineering) and Corporate Services (Municipal Law Enforcement)

Date: June 4, 2019

Recommendation:

- 1) That Council enact By-Law 2019-068-RE, being a by-law to prohibit or regulate any alteration to the grade (topography) of a property through the movement, removal or placement of topsoil, soil or fill within the Town of Whitchurch-Stouffville.

1. Purpose:

The purpose of this report is to introduce for Council's consideration several proposed updates to the Town's site alteration by-law. The proposed changes will allow the by-law to be interpreted more easily by the public and applied more efficiently by Staff.

2. Executive Summary:

Engineering Staff and By-law Staff have conducted a review of the Town's Site Alteration By-law 2017-017-RE. Staff have also consulted with the Regional Prosecutor to obtain their advice on prosecutorial concerns. Because it is frequently used and referenced by Town staff, it is imperative that the site alteration by-law be reviewed and amended when needed, ensuring that the most progressive and encompassing measures are in place to satisfy Council and residents that appropriate safeguards, processes, and best management practices are established to properly regulate these activities.

From this review, Staff are recommending Council adopt certain changes to the existing By-law to better regulate and monitor the site alteration program. The addition of an

appeals provision will strengthen the Town's ability to successfully prosecute contraventions of the By-law and assist the By-law in withstanding challenges during those proceedings.

3. Background:

The Site Alteration By-law is authorized by the *Municipal Act*, and is the key tool used by the Town for the purpose of prohibiting or regulating the placing or dumping of fill and for prohibiting or regulating the alteration of the grade of land. Because the By-law is used frequently, it is subject to review and scrutiny. Most recently, amendments to the by-law were adopted on April 3, 2018.

Through applying the Site Alteration By-Law over the past two years, Staff have identified areas where the By-law can be improved to help facilitate the permit application and public consultation process, as well as the enforcement of the By-law in instances of contravention. Staff have consulted with the Regional Prosecutor about adopting best practices for successful prosecutions, including removing redundant clauses.

One of the recommendations is that certain requirements be taken out of the "text" of the By-law, and placed within an enhanced, more robust Guidelines. The By-law current incorporates by reference the Guidelines – the revised Guidelines will be strengthened. The benefit of moving certain requirements to the Guidelines is that if and when the Town's Engineering team require updating their best practices, they will have the flexibility to update the Guidelines without need to repeal and replace this By-law.

Staff have also consulted with our external legal counsel regarding pending litigation matters that may be proceeding in relation to the 2017 By-law, and that advice is reflected in the proposed changes to the By-law, as it relates to transitioning into the new By-law, and not fully repealing the 2017 By-law.

Furthermore, any operator or Owner with an Agreement or Site Alteration Permit issued prior to the adoption of this new By-law will be grandfathered in, and their Agreement or Site Alteration Permit conditions will continue to be subject to the rights and obligations under the terms contained in those documents.

The objective of the review is to ensure that a rigorous process is established, which encompass the appropriate safeguards and best management practices that will provide confidence to Council and the area residents that if a fill operation is occurring, measures are in place to mitigate potential impacts, and that the long term protection and respect for the environment are at the forefront. Likewise, if a resident is altering their grade without approval, there is an enforcement mechanism available to the Town.

4. Analysis & Options:

The revisions proposed for the Site Alteration By-law 2019-068-RE are comprehensive in nature and scope. An overview of the key changes proposed to the By-law include the following:

1. The enhancement of the Guidelines by moving certain sections of the By-law into the Guidelines:
 - a. Minor, small, medium and large site alteration conditions and requirements will be moved to the Guidelines. This will allow staff to revisit and update (if needed) these provisions on a more frequent basis;
 - b. Restriction on activities within the floodplain or Areas of Natural Significance;
 - c. Requirement for compliance with the Town's Zoning By-law;
2. Changes to certain definitions, designed to clarify their meaning and aid in successful prosecution.

Definitions changed include: "Agreement", "Alter", "Drainage", "Fill", "Fill Transfer Site", "Grade", "Lagoon", "Large Site Alteration", "Native Fill", "Oak Ridges Moraine", "Order", "Owner", "Person", "Place, Placed or Placing", "Property", "Public Information Centre", and "Site Alteration".

3. Addition of certain defined terms, including: "Agricultural", "Asphalt", "By-law Enforcement Officer", "Invasive Species", and "Site Alteration Permit".
4. Deletion of certain defined terms, including: "Agricultural Lands", "Cut", "Development", "Filling", "Proposed Grade", "Medium Site Alteration", "Minor Site Alteration", and "Screened Topsoil".
5. The General Prohibitions clause (Section 2) has been streamlined, combining certain clauses and clarifying language in others.
 - a. The current By-law has 5 sub-clauses prohibiting the importation of fill to varying degrees. These have been combined in a new Section 2.2.
 - b. The current By-law has 4 sub-clauses prohibiting certain actions depending on zoning. These have been combined in Section 2.4 and the Guidelines.
 - c. The current By-law has 3 sub-clauses prohibiting activities that impact drainage. These have been combined in Section 2.10.
6. The approval powers have been clarified, to make clear that approvals for Large Site Alteration Permits or any permission involving Hydro-excavation trucks can only be approved (or denied, as the case may be) by Council, and not by the Director or Engineer. The Public Information Centre process will still be required.

7. An appeal mechanism has been added, to allow anyone affected by an Order to appeal the decision. The Director of Development Services will have final authority to determine the outcome of any appeal.
8. Staff recommend the removal of the waste disposal exception. This is governed by the Ministry of Environment and Climate Change.
9. Staff recommend the addition of an exception pertaining to the removal of topsoil from a property for horticultural products. This exception shall encompass normal agricultural practices, sod farms, green houses, and nurseries.

5. Financial Implications:

There are no direct financial implications. However, the recommendations of Staff, if adopted by Council, will provide greater customer service through increased Staff efficiency. This by-law will enable staff to streamline most of the permitting process, combined with cutting court time and appearances. This will allow for staff hours to be saved and directed to other projects.

6. Attachments:

1. Site Alteration By-law 2017-017-RE

7. Related Reports:

None

Authors: Dave Chatwell, Municipal Law Enforcement Officer and Dave Kenth, Town Engineer

Department Heads: Rob Raycroft, Deputy CAO/Corporate Services and Haiqing Xu, Director of Development Services

For further information on this report, please contact: Dave Kenth, Town Engineer at 905-640-1910 or 1-855-642-8697 ext. 2404 or via email at dave.kenth@townofws.ca

THE CORPORATION OF THE TOWN OF WHITCHURCH-STOUFFVILLE

BY-LAW NUMBER 2017-017-RE

BEING A BY-LAW to prohibit or regulate, any alteration to the grade (topography) of property through the movement, removal or placement of topsoil, soil or fill within the Town of Whitchurch-Stouffville, and to repeal By-law 2014-101-RE.

WHEREAS Section 142 of the *Municipal Act, 2001*, S.O. 2001, c.25 authorizes the Council of The Corporation of the Town of Whitchurch-Stouffville to pass By-laws for prohibiting or regulating any alteration of the grade (topography) of property through the movement, removal or placement of topsoil, soil or fill within the Town of Whitchurch-Stouffville other than those areas subject to regulations made under Clause 28(1) of the *Conservation Authorities Act*, R.S.O. 1990, c.27, as amended; and

WHEREAS Section 426(4) of the *Municipal Act, 2001*, S.O. 2006, c.32 deems that any person that hinders or obstructs, or attempts to hinder or obstruct, any person who is exercising power or performing a duty under a By-law created under the Act is guilty of an offence; and

WHEREAS it is deemed expedient to pass this By-law;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF WHITCHURCH-STOUFFVILLE ENACTS AS FOLLOWS:

1.0 DEFINITIONS

1.1 In this By-law:

- a) "Agreement" means a written agreement that the *Owner* and any contractor of the *Owner* must enter into with the *Town*, as approved by *Council*, to be engaged in any *Site Alteration* or *Large Site Alteration*.
- b) "Agricultural Lands" includes all *Properties* that are cultivated and/or used for the raising of livestock.
- c) "Altered" means to change, permit or allow a change in character or composition of the ground surface.
- d) "Asphalt Grindings" means the fine particles (generally from dust to less than an inch) of bitumen and inorganic material that are produced by the mechanical grinding of bituminous concrete surfaces.
- e) "Compost" means decayed organic material that provides a nutrient rich growing medium for plants, which may include decomposed plant material, leaves, grass clippings, vegetable or fruit peels.
- f) "Conditions" means the mandatory performance requirements outlined in a Permit, *Agreement* or *Order*.
- g) "Conservation Authority" means the Lake Simcoe Region Conservation Authority (LSRCA) and/or the Toronto and Region Conservation Authority (TRCA).

- h) "Contaminated" means any solid, liquid, gas, odour, heat, sound, vibration, radiation or combination of any of them resulting directly or indirectly from human activities that may cause an adverse effect.
- i) "Council" means the Council of The Corporation of the Town of Whitchurch-Stouffville, comprised of the elected Mayor and Councillors.
- j) "Cut" means the excavation of material (such as soil, rock or stone) from an area reducing its grade causing a reduction in the *Existing Grade*.
- k) "Development" means the construction of (i) buildings; (ii) above or underground services such as roads, parking lots, paved storage areas, watermains, storm and sanitary sewers; and (iii) general grading works and similar facilities on any *Property* in the *Town*.
- l) "Director" means a director of the *Town* designated to have responsibility for this By-law and shall include any person authorized by the *Director* to carry out any of the powers or duties of the *Director* pursuant to this By-law.
- m) "Drainage" means the movement of water to a place of disposal, whether by way of the natural characteristics of the ground surface or by an artificial method.
- n) "Fill" means any type of material deposited or placed on lands and includes without limitation, *Topsoil*, *Soil*, rock, stone, concrete, sod or turf, either singularly or in combination.
- o) "Fill Transfer Site" means any *Property* that temporarily stores *Fill* and/or any material for the purpose of drying, decanting, testing, staging, crushing, storing, or screening.
- p) "Filling" means the movement, placing or depositing of *Fill* in a location other than where the *Fill* originated from and includes the movement and depositing of *Fill* from one location on a *Property* to another location on the same *Property*.
- q) "Fill Management Plan" means a document approved by the *Town Engineer* that has details on current conditions, how the *Site Alteration* activities will be conducted, the final site conditions, and the impact mitigation measures to be employed.
- r) "Garden Enhancement Product" means *Screened Topsoil or Compost* that has been manufactured for the purpose of enhancing the growth of vegetation.
- s) "Garden Supply Establishment" means an establishment primarily for the retail sale of gardening and planting supplies, and may include the accessory growing and cultivating of plants.
- t) "Grade" means the surface topography of *Property*.
 - i. "Approved Grade" means the final ground surface elevation of a *Site Alteration* that has been approved by the *Town*.
 - ii. "Existing Grade" means the elevation of the existing ground surface, except where a *Site Alteration* has occurred in contravention of this By-law, in which case the *Existing Grade* is the pre-alteration natural *Grade*.

- iii. "Finished Grade" means the elevation of the ground surface of *Property* which has been altered in accordance with an approved *Fill Management Plan*.
- iv. "Proposed Grade" means the proposed elevation of the ground surface of *Property* to which a *Site Alteration* is proposed.
- s) "Guidelines" means the information, documentation and material, as determined by the *Director* from time to time, to be used by the *Town* for the purpose of permitting the *Town* to review any application for a Permit.
- t) "Hydro-Excavation Truck" means any truck that excavates, removes or moves *Fill* with pressurized water and/or air, and an air vacuum to transfer the *Fill* into a fill tank. These trucks do not under any circumstances carry any form of waste. The material hauled in Hydro-Excavation Truck may be referenced as: slurry, liquid fill, wet fill, or fill.
- u) "Inspector" means such By-law Enforcement Officers or other individuals who are authorized by the *Town* to enforce the *Town's* By-laws. Inspectors shall also include such peer review consultants and other technical specialists, as are designated as *Inspectors* by the *Director* under this By-law.
- v) "Lagoon" means an artificial pool for the treatment of liquid waste.
- w) "Large Site Alteration" means any *Site Alteration* where the total volume of *Fill*, *Cut* or *Waste* or any combination of *Fill*, *Cut* or *Waste*, is 5,000 cubic metres or greater on any *Property* in any 12 month period.
- x) "Liquid Waste" means waste that has a slump of more than 150 millimetres using the Test Method for the Determination of Liquid Waste (slump test) set out in Schedule 9 of the R.R.O. 1990, Reg. 347: General - Waste Management, as amended.
- y) "Minor Amendment" means an amendment to the *Fill Management Plan* that does not include any of the following:
 - i. Any change to the *Approved Grade*;
 - ii. Any change to the total volume of *Fill* to be imported, exported or moved;
 - iii. Any matter pertaining to *Hydro-Excavation Trucks*;
 - iv. Any change to inbound truck traffic, including without limitation, the frequency or total amount of such truck traffic.
- z) "Minor Site Alteration" means any *Site Alteration* where the total volume of *Fill*, *Cut* or *Waste* or any combination of *Fill*, *Cut* or *Waste*, is greater than the allowable amount specified in 2.2.s.i and 2.2.s.ii, but is less than 200 cubic metres on any *Property* in any 12 month period.
- aa) "Normal Farm Practice" has the same meaning as defined in the *Farming and Food Production Protection Act*, 1998, S.O. 1998, c.1, as amended, but does not include the removal of *Topsoil* for sale, exchange or disposition.
- bb) "Oak Ridges Moraine" means *Property* subject to O.Reg. 140/02 and subject to the requirements of the Provincial Oak Ridges Moraine Conservation Plan and the *Town's* Official Plan.

- cc) "Operator" means anyone that is working on behalf of the *Owner*.
- dd) "Order" means a mandatory requirement for action within a specified time period specifically issued by the *Town's* By-law Enforcement Officer to address issues of non-compliance with the *Conditions* of a Permit and/or *Agreement*.
- ee) "O.Reg 153/04, as amended", means the Records of Site Condition regulation under Part XV.I of the *Environmental Protection Act*, and any subsequent amendments.
- ff) "Owner" includes the registered owner of the *Property* to which a *Site Alteration* is proposed and any *Person*, firm, *Operator* or corporation managing or controlling such *Property*.
- gg) "Person" includes residents, corporations, and anyone doing business within the Town of Whitchurch-Stouffville.
- hh) "Place, Placed or Placing" means the distribution of *Fill* on *Property* to establish a *Finished Grade* different from the *Existing Grade*.
- ii) "Property" means a single parcel of property legally capable of being conveyed independently of any adjacent property, or, if approved by the *Director*, a combination of two or more such parcels of property that are adjacent to each other.
- jj) "Public Information Centre" means an informal open meeting to which all members of the public are welcome. The purpose of the meeting is to inform the public of the intent of various proposed *Site Alteration* projects and receive comments from the public. Notices will be sent to all properties within 1,000 metres of the subject *Property*.
- kk) "Reclaimed Fill" means any form of *Fill* or *Soil* that was once deemed *Contaminated* or unacceptable for a site, and has since been decontaminated by any means.
- ll) "Record of Site Condition" means the document filed in the Environmental Site Registry for a *Property* in accordance with O.Reg. 153/04, as amended.
- mm) "Screened Topsoil" means the nutrient rich top layer of *Soil* that has had stones, roots and any other objects removed through a screener.
- nn) "Site" is the *Property* that is the subject of a *Site Alteration* and may include one or more *Properties*.
- oo) "Site Alteration" means any alteration to the *Existing Grade* of a *Property* through the movement, removal, placement, relocation, or existence of any *Fill*, *Asphalt Grindings*, or *Waste*.
- pp) "Site Alteration and Fill Permit" means a permit, issued by the *Town*, expressly authorizing the importation, exportation, or movement of *Fill*, or *Asphalt Grindings* onto or off of a *Property* within the *Town* as per the approved *Fill Management Plan*.

- qq) "Site Condition Standards" means the Soil, Ground Water and Sediment Standards for Use under Part XV.I of the *Environmental Protection Act* published by the Ministry of Environment on April 15, 2011.
- rr) "Small Site Alteration" means any *Site Alteration* where the total volume of *Fill*, *Cut*, or *Waste* or any combination of *Fill*, *Cut* or *Waste*, is between 200 cubic metres and 1,500 cubic metres on any *Property* in any 12 month period.
- ss) "Soil" means the natural materials commonly known as earth, *Topsoil*, loam, subsoil, clay, sand or gravel.
- tt) "Temporary" means less than six months.
- uu) "Topsoil" means the upper, outermost layer of *Soil*.
- vv) "Town" means The Corporation of the Town of Whitchurch-Stouffville, and includes the geographical area within the Town.
- ww) "Town Engineer" means an employee of the *Town* that has been designated by the *Director* or *Council* to act in such capacity.
- xx) "Waste" means any material that is not *Fill*, and includes *Liquid Waste*.
- yy) "Medium Site Alteration" means any *Site Alteration* where the total volume of *Fill*, *Cut*, or *Waste* or any combination of *Fill*, *Cut* or *Waste*, is between 1,500 cubic metres and 4,000 cubic metres on any *Property* in any 12 month period.
- zz) "Native Fill" means fill material that was not imported onto a property.

2.0 GENERAL PROHIBITIONS

- 2.1 Where any *Site Alteration* is undertaken, caused, or permitted on any *Property*, the *Owner* of the *Property* is presumed to have undertaken, caused, or permitted the *Site Alteration*, which presumption is rebutted by evidence to the contrary on a balance of probabilities.
- 2.2 No *Person* shall undertake, cause, or permit any *Site Alteration* of any *Property* within the *Town* without the *Owner* first receiving a Permit issued under this By-law by the *Director* authorizing the *Site Alteration*. For greater clarity, an *Owner* is deemed to have committed a contravention of this By-law if any *Site Alteration* takes place without a Permit issued under this By-law.
 - a) No *Owner* shall allow imported *Fill* to be present on their *Property*, unless such imported *Fill* is permitted in accordance with Sections 2.2(s) and/or 3.1 of this By-law, or the *Owner* has obtained prior written permission from the *Director* of Development Services or designate.
 - b) No *Person* shall fail to obey an *Order* issued under this By-law.
 - c) No *Person* shall undertake, cause, or permit any *Site Alteration* within an area designated as an Area of Natural Significance, Environmental Area, Floodplain, Flood Hazard, Woodland, Wetland, or an Environmentally Sensitive Area or any similar designation under the *Town's* Official Plan unless permitted specifically by provincial legislation or regulation.

- d) No *Person* shall undertake, cause, or permit any *Site Alteration* on any *Property* unless such *Site Alteration* is in compliance with the *Town's* Comprehensive Zoning By-law 2010-001-ZO, as amended.
- e) No *Person* shall undertake, cause, permit or allow *Liquid Waste* to accumulate or be present on the *Property* or any part thereof.
- f) No *Person*, in the performance of any *Site Alteration*, shall injure or destroy a municipally owned tree or other tree which is subject to tree protection measures except to the extent that such injury or destruction is specifically authorized in writing in accordance with the provisions of this By-law and any other applicable By-laws of the *Town* or The Regional Municipality of York for the protection of trees.
- g) No *Person* shall undertake, cause, or permit any *Site Alteration* on any *Property* that is subject to an approved Site Plan, Draft Plan of Subdivision or a consent under Sections 41, 51 or 53 respectively of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, without a Site Plan Agreement, Pre-Servicing Agreement, Subdivision Agreement and Development Agreement, as necessary, entered into in accordance with the requirements of those sections.
- h) No *Person* shall undertake, cause, or permit any *Site Alteration* on *Property* that results in the outside storage of *Fill* on any *Property*, unless the outside storage of *Fill* on the *Property* is permitted by the *Town's* Comprehensive Zoning By-law 2010-001-ZO, as amended.
- i) No *Person* shall undertake, cause, or permit any *Site Alteration* on any *Property* unless it is done at the request of, and with the written consent of, the *Owner* of the *Property*.
- j) No *Person* shall import any *Fill* onto any *Property* within the *Town* greater than 30 cubic metres, without providing source site chemical testing and lab results to the *Town*, which results shall be to the satisfaction of the *Town*, such satisfaction to be expressed in writing.
- k) No *Person* shall import any *Fill* onto any *Property* within the *Town*, with the use of a *Hydro-Excavation Truck*, except where prior written approval has been given by the *Town*.
- l) No *Person* shall extend, widen, or raise an existing driveway or create, extend, widen, or raise a secondary driveway with any *Fill* material or *Asphalt Grindings* on any *Property* within the *Town* without prior written approval from the *Town*.
- m) No *Person* shall expand, widen, or raise an existing parking pad, or create a new parking pad with any *Fill* material or *Asphalt Grindings* within the *Town* without prior written approval from the *Town*.
- n) No *Person* shall use any *Property* within the *Town* as a *Fill Transfer Site* without approval from the *Town*. This includes temporary storage of any *Fill* material for the sale or use later on in the year.
- o) No *Person* shall use *Reclaimed Fill* on any *Property* within the *Town*.

- p) No *Person* shall undertake, cause, permit or maintain a *Lagoon* on any *Property* within the *Town*, without approval from the *Town* and the Ministry of the Environment and Climate Change.
- q) If two or more *Minor Site Alteration* applications are submitted to the *Town* within a 36 month period, and such *Minor Site Alterations* cumulatively total more than 200 cubic metres on any *Property*, any such application that creates a total in excess of 200 cubic metres shall be processed as a *Small Site Alteration*.
- r) If two or more *Small Site Alteration* applications are submitted to the *Town* within a 36 month period, and such *Small Site Alterations* cumulatively total more than 1,500 cubic metres on any *Property*, any such application that creates a total in excess of 1,500 cubic metres shall be processed as a *Medium Site Alteration*.
- s) No *Person* shall undertake, cause, or permit any *Site Alteration* or *Filling* without a Permit issued under this By-law, unless the *Property* is:
 - i. 0.1 hectares or less, in which case the *Owner* may import a maximum of 10 cubic metres once onto the property without a permit;
 - ii. 0.1-0.2 hectares, in which case the *Owner* may import a maximum of 50 cubic metres once onto the property without a permit;
 - iii. 0.2-0.5 hectares, in which case the *Owner* may import a maximum of 100 cubic metres once onto the property without a permit; or
 - iv. 0.5 hectares or larger, in which case the *Owner* may import a maximum of 450 cubic metres once onto the property without a permit.

The volumes noted above are a one-time allowance. Any subsequent request to alter the property will be elevated to a minor, small, medium, or large site alteration, depending on the fill amount.

- t) Notwithstanding Section 2.2(s) of this By-law, any *Owner* that undertakes, causes, permits, allows or performs any *Site Alteration* or *Filling* shall notify the *Town* of such activities on the *Property* prior to undertaking such activity.
- u) No person shall alter, fill, or block any drainage swales on any *Property* within the *Town* without prior written approval from the *Town*.
- v) No *Person* shall undertake, cause, or permit the use of any *Fill* anywhere in the *Town*, unless such *Fill* is scientifically demonstrated inert material, meets the applicable *Site Condition Standards*, does not contain putrescible materials, is free of termites and invasive species including the eggs and seeds of such species, and must pass a slump test as outlined in the provisions contained in R.R.O. 1990, Reg. 347: General - Waste Management, as amended.
- w) If two or more *Medium Site Alteration* applications are submitted to the *Town* within a 36 month period, and such *Medium Site Alterations* cumulatively total more than 4,000 cubic metres on any *Property*, any such application that creates a total in excess of 4,000 cubic metres shall be processed as a *Large Site Alteration*.
- x) No *Person* shall negatively impact the drainage of any adjacent properties or right-of-ways.

- y) No Person shall exceed the grades of any adjacent properties unless approved by the Director.
- z) No person shall hinder or obstruct, or attempt to hinder or obstruct, any person who is exercising a power or performing a duty under this By-law.

3.0 EXCLUSIONS

3.1 This By-law is not applicable to the following activities:

- a) The use, operation, establishment, alteration, enlargement or extension of a *Waste* management system or *Waste* disposal site within the meaning of Part V of the *Environmental Protection Act*, R.S.O. 1990, c.E.19, as amended.
- b) The construction, extension, alteration, maintenance or operation of works under Section 26 of the *Public Transportation and Highway Improvement Act*, R.S.O. 1990, c.P.50, as amended.
- c) Activities of the *Town*, The Regional Municipality of York, a Conservation Authority, the provincial or federal government.
- d) The placing or dumping of *Fill*, the removal of *Topsoil* or the alteration of the *Grade of Property* undertaken on *Property* for which a licence for a pit or quarry or a permit for a wayside pit or wayside quarry has been issued under the *Aggregate Resources Act*, R.S.O. 1990, c. A.8, as amended.
- e) Notwithstanding 2.2(j) no source site *Soil* chemical testing shall be required where the importation of *Fill* is from a licenced aggregate extraction site, with an active licence to operate as such from the Ministry of Natural Resources and Forestry.
- f) *Site Alterations* as part of the approved rehabilitation of a pit or quarry on *Property* for which a licence for a pit or quarry has been issued under the *Aggregate Resources Act*, and specifically addressed on the Ministry of Natural Resources and Forestry approved site plan.
- g) Subject to Subsection 2.2 (h) above, *Site Alterations* undertaken on *Property* that is subject to an approved Site Plan, a Draft Plan of Subdivision, or a consent under Sections 41, 51 or 53, respectively, of the *Planning Act*, and in accordance with the provisions of such approval.
- h) *Site Alterations* undertaken on *Property* that is subject to a Development Permit authorized by regulation made under Section 70.2 of the *Planning Act* or as a requirement of an agreement entered into under that regulation and in accordance with the provisions of such approval.
- i) Construction of a building or structure including a driveway and parking pad, pursuant to a valid Building Permit which has been issued by the *Town* for the erection of the building or structure, where the Site Plan accompanying the Building Permit application provides sufficient information to ensure that the *Site Alterations* proposed meet the *Guidelines* established by the *Director* pursuant to this By-law.
- j) Any *Filling* of an excavation to the elevation of *Existing Grade* following the demolition or removal of a building or structure for which a Demolition Permit

has been issued, or for which no Demolition Permit is required under the *Building Code Act, 1992*, S.O. 1992, c.23, as amended.

- k) *Site Alterations* or *Fillings* undertaken as an incidental part of drain construction under the *Drainage Act* or the *Tile Drainage Act*.
- l) *Site Alterations* or *Fillings* undertaken by a transmitter or distributor, as those terms are defined in Section 2 of the *Electricity Act, 1998*, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section.
- m) *Site Alterations* or *Fillings* that are an incidental part of the construction or reconstruction of any road or underground service where material is removed and replaced to restore the area to its *Existing Grade*.
- n) *Site Alterations* or *Fillings* undertaken as an emergency measure with the approval of the *Director* or under the direction of the *Town*, The Regional Municipality of York, a Conservation Authority, or any other governmental agency with jurisdiction.
- o) *Site Alterations* or *Fillings* undertaken for the purpose of flood or erosion control to establish *Finished Grade* shown on a grading and drainage plan approved by a Conservation Authority or by the *Director* in conjunction with a subdivision approval.
- p) *Site Alterations* or *Fillings* that are incidental to a *Normal Farm Practice*, including the application of *Topsoil* for spreading over *Agricultural Lands* provided that the *Existing Grade* of the *Property* is not increased by more than two hundred (200) millimetres. The Owner must notify the *Town* in writing prior to importing any *Fill* material. This exception does not include the removal of *Topsoil* for sale, exchange or other disposition. *Topsoil* that is imported onto a *Property* must be spread within 12 months.
- q) *Site Alterations* or *Fillings* that exclusively use the importation of *Garden Enhancement Products* provided that the *Existing Grade* of the *Property* is not increased by more than two hundred (200) millimetres and not more than 200 cubic metres of *Garden Enhancement Products* is imported within any 12 month period.
- r) The stockpiling of *Fill* in the ordinary course of the operation of a *Garden Supply Establishment*, provided that such activity does not result in the permanent alteration of the *Existing Grade* of the *Property* of the *Garden Supply Establishment*. The Owner must maintain records from the material source sites indicating that the imported material meets the requirements of the *Site Condition Standards* for Agricultural Property Use. The Owner must also demonstrate, to the satisfaction of the *Town*, that the material is being exported regularly and not returning to the same *Property*.

4.0 REQUIREMENTS FOR ISSUANCE OF A PERMIT

4.1 Except as otherwise provided herein, a Permit is required for any *Site Alteration*. All permits shall be issued by the *Director*.

4.2 Application

Any *Person* applying for a Permit shall complete an Application for a *Site Alteration and Fill Permit* in a form established from time to time by the *Director*

and the said Application for *Site Alteration and Fill Permit* shall be accompanied by such supporting documentation and information as required by the *Director* and identified in the *Guidelines*.

4.3 *Public Information Centre*

Not less than six (6) months before the issuance by the *Director* of any Permit for a *Large Site Alteration*, or the importation/movement of *Fill* by a *Hydro-Excavation Truck*, a *Public Information Centre* must be held. If a *Public Information Centre* has been held, but more than six (6) months have elapsed and no Permit has been issued, a further *Public Information Centre* must be held.

4.4 *Abandoned Applications*

Where a period of twelve (12) months has elapsed during which:

- a) the *Person* applying for a Permit has not provided any new submissions to the *Town*; or
- b) the Application has been placed on hold or in abeyance; or
- c) the Application has not seen meaningful movement towards the issuance of a Permit in the sole discretion of the *Director*,

such Application will be deemed abandoned and the Application/file will be closed by the *Town*. If an Application is deemed abandoned, and the *Owner* requests to reinstate the Application, the *Town* will require a new application fee payment, the Application shall be re-reviewed, and a new *Public Information Center* will be required to be held before the Application can be presented to *Town Council* for approval.

4.5 *Additional Requirements for Large Site Alterations, and Hydro-Excavation Trucks*

Upon the completion of the Application for a *Site Alteration and Fill Permit*, which shall include the provision of all supporting documentation and information as required to the *Director's* satisfaction and as identified in the *Guidelines*, where such Application is in respect of a *Large Site Alteration*, or the importation of *Fill* via *Hydro-Excavation Truck(s)*, the Applicant shall:

- (a) Be required to attend a *Public Information Centre* and shall address any comments or concerns made by any member of the public expressing an interest in the Application; and
- (b) Satisfactorily address all public comments or concerns, and present to *Council* the method for so addressing such comments or concerns at an evening *Council* meeting in order to assist *Council* in determining whether such Permit shall be issued.

No Permit shall be issued for any proposed *Large Site Alteration*, any *Site Alteration* proposing to import *Fill* via *Hydro-Excavation Truck(s)* until Council has approved the Application and authorized the issuance of the Permit at an evening *Council* meeting.

4.6 *All Supporting Documentation*

When *Council* approval is necessary, no Application for a *Site Alteration and Fill Permit* will be considered by *Council* unless the *Director* is satisfied that all

supporting documentation and information as required and identified in the *Guidelines* has been provided and reviewed to the satisfaction of the *Director*.

4.7 Issuance of Permit

Notwithstanding anything else in this By-law, no Permit shall be issued by the *Director* until:

- a) a completed *Application for Site Alteration and Fill Permit*, together with such supporting documentation and information as required by the *Director* and identified in the *Guidelines*, including an approved *Fill Management Plan*, has been submitted to and approved by the *Town*; and
- b) where the Permit is sought for a *Large Site Alteration*, a *Site Alteration* proposing to import *Fill* via *Hydro-Excavation Truck*, Council has approved the issuance of the Permit at an evening *Council* meeting, after a *Public Information Center* has been held not more than 6 months prior to such evening *Council* meeting and an *Agreement* has been entered into, setting forth such additional terms and conditions as the *Director* deems appropriate for such *Large Site Alteration*, and/or *Hydro-Excavation Truck* Permit.

4.8 Fees

- a) All *Site Alteration* applications will be required to pay the appropriate application fee, and provide the appropriate peer review cash account deposit, and security deposit as set out in the *Town's Fees and Charges By-law*, as amended from time to time.
- b) *Site Alteration* activities involving the importation or exportation of *Fill* will also be subject to the Municipal Service Fees charged per m³ of fill, as set out in the *Town's Fees and Charges By-law*, as amended from time to time.
- c) The Municipal Service Fee may not be charged on loads where *Native Fill* is moved. The onus is on the Owner/Operator/Person conducting the *Site Alteration* activities to establish that the Municipal Services Fees should not apply, by providing conclusive proof to the satisfaction of the *Town* that such loads involve *Native Fill*, and do not use public highways.

4.9 Additional Requirements for Agricultural Properties

Any site alteration application in excess of the 200 millimetre allowance of topsoil on agricultural properties requires an agrologist report to be submitted to the satisfaction of the *Town*. Said agrologist report must be stamped and signed by a Professional Agrologist, who is in good standing with the Ontario Institute of Agrologists. This report must state among other matters at the *Town's* discretion, what is the minimum amount of topsoil required to improve the lands to an acceptable condition for the growth/production of crops. This report is a minimum prerequisite for the consideration of such application, but does not compel the granting of a permit.

5.0 EXPIRY, RENEWAL, REVOCATION, AMENDMENTS, CLOSURE AND TRANSFER OF PERMITS AND AGREEMENTS

- a) A Permit for a *Site Alteration* will be issued for the period of one year, provided that where such Permit is issued for a *Large Site Alteration* there shall be no expiry date unless specified by the *Director* as a *Condition* or as set out in the *Agreement*.
- b) Whether or not a Permit issued for a *Large Site Alteration* has an expiry date, such Permit will be subject to an annual review conducted by the *Director* to determine whether such Permit should be varied, extended or revoked.
- c) Where a *Person* has been issued a Permit for a *Large Site Alteration* and an annual expiry date has been specified by the *Director*, the Permit shall expire one year after the issuance or extension of same, unless such *Person* makes Application to the *Director* in writing at least three months prior to the expiry of the then existing Permit.
- d) Upon receipt of the said Application to extend by the *Director*, the *Director* shall determine:
 - i. Whether there are any substantial changes from the original Application submitted in support of the Permit;
 - ii. Whether there are any outstanding *Orders* or other items of non-compliance relating to the existing Permit and/or *Agreement*;
 - iii. Whether there are any new requests and/or regulations imposed by *Council* relating to the issuance of Permits under this By-law;
 - iv. Whether the *Guidelines* established by the *Director* from time-to-time require the provision of further documentation and information and, if such documentation and information is required, whether same is reasonable and should be submitted to the *Town*; and
 - v. Whether there have been any other legislative changes which may require the review, revocation or amendment of the existing Permit.
- e) Upon the completion of the reviews contemplated herein by the *Director*, the *Director* shall be entitled to vary, extend or revoke the Permit.
- f) The *Director* of Development Services may, at their discretion approve *Minor Amendments to Fill Management Plans*.
- g) Prior to Permit closure, *Large Site Alterations*, and *Hydro-Excavation Truck sites* will be required to complete a *Record of Site Condition* in accordance with O.Reg. 153/04, as amended, and provide to the *Town* a completed final topographic survey confirming that the *Final Grade* matches the *Approved Grades*.
- h) A *Record of Site Condition* will also be required if there is a change of use as per O.Reg. 153/04 as amended.
- i) If title to the *Property* for which a Permit has been issued is transferred while the Permit is in effect, the Permit shall be revoked unless the new *Owner*:
 - i. Before or at the time of the transfer, provides the *Town* with an undertaking to comply with all *Conditions* under which the existing Permit and/or *Agreement* was issued; and

- ii. In the case where there is an *Agreement*, before or at the time of the transfer, enters into an *Agreement* with the *Town* to comply with all terms and *Conditions* of the existing *Agreement*.
- i) The *Director* may at any time and without notice revoke a Permit for any of the following reasons:
 - i. It was obtained based on mistaken, false or incorrect information;
 - ii. It was issued in error;
 - iii. The *Owner* requests in writing that it be revoked;
 - iv. Work authorized under the Permit has not commenced within six months of the Permit issue date;
 - v. Work authorized under the Permit has not been performed for any period of six consecutive months;
 - vi. The Permit holder has failed to comply with any of the *Conditions* of the Permit and/or *Agreement*; and
 - vii. The Permit holder is unwilling or unable to comply with the *Conditions* of an *Order*.

6.0 ENFORCEMENT AND INSPECTORS

- 6.1 The *Director* may appoint the *Town's* Peer Review Consultant or other engineering, scientific and technical experts to fulfill the role of an *Inspector* for the purposes of this By-law.
- 6.2 *Inspectors* may, at any reasonable time, enter and inspect any *Property* to determine whether the provisions of this By-law, or any *Condition* of a Permit, *Agreement* or *Order* issued under this By-law, are being complied with. This power of entry does not allow the *Inspector* to enter any building.
- 6.3 *Inspectors* may, at any reasonable time, enter the *Property* for the purpose of collecting information, measurements, readings and samples (air, surface water, groundwater, soil, materials, etc.) for audit and verification of the *Conditions* of a Permit, *Agreement* or *Order*.
- 6.4 *Inspectors* may, at any reasonable time, request copies of reports, manifests or other documentation for the purposes of auditing compliance with the *Conditions* of a Permit, *Agreement* or *Order*.
- 6.5 Where a Permit has been issued under this By-Law for any *Property*, and the *Town* has determined that *Fill* has been *Placed* on the *Property* in excess of the approved amount which was authorized by the Permit, the *Owner* of the *Property* shall be required to pay to the *Town* the fees set out in the *Town's* Fees and Charges By-law, 2016-164-FI, as amended, or any successor by-law.
- 6.6 *Inspectors* may require the production of documents for inspection or things relevant to the inspection, inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts.

7.0 ORDERS

- 7.1 If a By-law Enforcement Officer is satisfied that a *Person* has undertaken, caused, permitted, allowed or performed a *Site Alteration* in contravention of the provisions of this By-law, a Permit issued pursuant to this By-law and/or an *Agreement* entered into pursuant to this By-law, the By-law Enforcement Officer may issue an *Order* requiring work to be done to correct the contravention, which

Order shall contain the municipal address and/or the legal description of the *Property*, and shall set out:

- a) The reasonable particulars of the contravention, the work to be done, any work or action required to cease or be undertaken to rectify the contravention, and the period within which there must be compliance with the *Order*; and
- b) Notification that if the work or action is not done (or ceased, as the case may be) in compliance with the *Order* within the period specified, the *Town* may have the work done at the expense of the *Owner* and seek penalties as outlined in Section 9.0.

7.2 *Orders* issued by a By-law Enforcement Officer under this By-law shall be served as follows:

- a) *Orders* shall be served personally or by prepaid registered mail to the last known address of the *Owner*, the Permit holder and any other *Person* required to be served; and
- b) If the *Town* is unable to effect service on the *Owner*, a placard containing the terms of the *Order* may be placed in a conspicuous place on the *Property* and the placing of the placard shall be deemed to be service of the *Order*.

8.0 WORK DONE BY THE TOWN

8.1 If the conditions of an *Order* made under this By-law are not complied with within the period specified in the *Order*, in addition to all other remedies it may have, the *Town* may undertake any *Site Alteration* to fulfill any of the *Conditions* of a Permit, *Agreement* or *Order* at the *Owner's* expense, and may enter upon the *Property* at any reasonable time for this purpose in accordance with the provisions of the *Municipal Act, 2001*.

9.0 PENALTY AND OFFENCE

9.1 Every *Person* who contravenes a provision of this By-law, including an *Order* issued under this By-law, is guilty of an offence.

9.2 If an *Order* has been issued under this By-law, and the *Order* has not been complied with, the contravention of the *Order* shall be deemed to be a continuing offence for each day or part of a day that the *Order* is not complied with.

9.3 Every *Person*, *Owner* or *Operator* who is guilty of an offence under this By-law shall be subject to the following penalties:

- a) Upon a first conviction, to a fine of not more than \$50,000.00;
- b) Upon a second or subsequent conviction for the same offence, to a fine of not more than \$100,000.00;
- c) Upon conviction for a continuing offence, to a fine of not more than \$10,000 for each day or part of a day that the offence continues. The total of the daily fines may exceed \$100,000.00;
- d) Upon conviction of a multiple offence, for each offence included in the multiple offence, to a fine of not more than \$10,000.00. The total of all fines for each included offence is not limited to \$100,000.00.

- 9.4 For the purposes of this By-law, “multiple offence” means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this By-law.
- 9.5 For the purposes of this By-law, an offence is a second or subsequent offence if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.
- 9.6 When a *Person* has been convicted of an offence under this By-law,
- a) the Ontario Court of Justice; or
 - b) any Court of competent jurisdiction thereafter may, in addition to any other penalty imposed on the *Person* convicted, make an *Order* prohibiting the continuation or repetition of the offence by the *Person* convicted.
- 9.7 Municipal fees for administration and enforcement activities under this By-law shall be subject to the rates and fees set out in the Town of Whitchurch-Stouffville’s current Fees and Charges By-law as amended or any successors thereto.
- 9.8 If a *Person* is convicted of an offence for contravening an *Order* to stop the injuring or destruction of trees, the court in which the conviction has been entered, or any court of competent jurisdiction thereafter, may order the *Person* to rehabilitate the *Property* or plant or replant trees in such manner and within such period as the court considers appropriate, including any silvicultural treatment necessary to re-establish the trees.
- 9.9 If any provision of this By-law or the application thereof to any *Person* or circumstance is invalid, the invalidity shall not affect other provisions or application of this By-law which can be given effect without the invalid provision or application, and to this end the provisions of this By-law are severable.

10.0 TRANSITION PROVISION

- 10.1 Notwithstanding the repeal of By-law 2014-101-RE and all amendments thereto, that By-law shall continue to apply to any acts, omissions or occurrences, and to any offences that took place prior to the enactment of this By-law.

11.0 EFFECTIVE DATES & REPEAL OF PREDECESSOR BY-LAWS

- 11.1 This By-law shall come into force and effect upon its passage, at which time By-law 2014-101-RE and all amendments thereto shall hereby be repealed.

READ a first and second time this 4th day of April, 2017.

READ a third time and passed this 4th day of April, 2017.

Original Signed April 4, 2017
Justin Altmann, Mayor

Original Signed April 4, 2017
Isabel Leung, Deputy Clerk



TOWN OF
WHITCHURCH-STOUFFVILLE

Approved as Addendum Item for

June 4 Council Meeting



CAO

June 3, 2019

Date

Town of Whitchurch-Stouffville Council Memorandum

To: Mayor Lovatt and Members of Council

From: Rob Raycroft, Deputy CAO/Corporate Services
Haiqing Xu, Director of Development Services

Copy: Roman Martiuk, CAO
Gillian Angus-Traill, Clerk

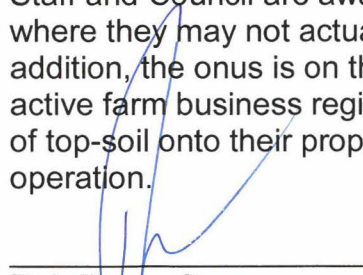
Date: June 4, 2019

Subject: Report No. DS-031-2019 / By-Law 2019-068-RE

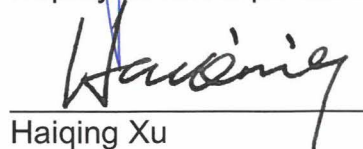
Please be advised By-law 2019-068-RE has been revised by adding the following sentence to the end of 3.1(o):

This exception is only available to those *Owners* or *Properties* that have an active registration as a “farming business” as defined in the *Farm Registration and Farms Organization Funding Act* (“FRFOFA”), and are in good standing under the FRFOFA.

Staff and Council are aware of individuals relying upon this exception in instances where they may not actually be operating as a Normal Farm Practice. By making this addition, the onus is on the person relying upon this exception to prove they have an active farm business registration, which would suggest the legitimacy of the importation of top-soil onto their property for normal farming activities, and not as an income operation.



Rob Raycroft,
Deputy CAO/Corporate Services



Haiqing Xu
Director of Development Services

Subject: Implementation of Stormwater Infrastructure Rate (E02)

Staff Report No. PW-016-19

Department: Public Works

Date: June 4, 2019

Recommendation:

- 1) That Council direct staff to implement a stormwater infrastructure charge for applicable residential properties at a rate of \$31 annually, and for applicable commercial, industrial and multi-residential properties at a rate of \$122 annually, to be split evenly over the final three billing periods of 2019; and
- 2) That Council enact By-law 2019-070-FI to amend the Fees and Charges By-law for implementation of the stormwater infrastructure charges.

1. Purpose:

This report provides Council with information regarding the planned implementation of the stormwater infrastructure rate that was approved as part of the 2019 budget process, and seeks enactment of a supporting By-law amendment.

2. Background:

The Town provides stormwater management services to protect the community and environment from adverse effects of stormwater runoff. Stormwater runoff is water that flows off properties mostly due to rain and snow events. Hard surfaces like roofs, driveways, and parking lots increase the amount of runoff from each property. Stormwater management controls water flow quantity in order to help prevent flooding and water flow quality in order to protect the environment.

The Town administers a stormwater management program that utilizes stormwater management ponds and storm sewer systems to help protect the environment, property and water quality. This program includes the following services:

- inspecting stormwater management ponds, including outlets to ensure there are no blockages to water flow
- maintaining, repairing and replacing the pipes that make up the public drainage system to prevent backups and counteract the impact of spills
- cleaning and repairing catchbasins
- street sweeping to remove debris before it reaches creeks and streams
- maintaining roadside ditches
- repairing and replacing culverts

A significant portion of the funding for these services comes from the tax base, with the remainder from Development Charges and grants.

On February 26, 2019, staff reported to Council with a review of the Town's delivery of stormwater services and made recommendations for improvements to the associated funding mechanisms. The recommended option was to implement a stormwater rate in 2019 that will provide a funding source that is reliable, predictable, and fair to ensure the Town's stormwater management program can continue to be effectively run in the future.

Projected revenue from the stormwater charge was estimated at \$350,000 and accordingly, an operating account with this value was included in the approved 2019 budget.

3. Analysis and Options:

3.1 Guiding Principles

The following principles guide the implementation of the stormwater charge:

- **Fairness and equity** - rates will be applied to customers that live in areas served by significant stormwater infrastructure (i.e., storm sewers and/or stormwater management ponds). This is achievable by including the rate on customers' water bills and applying the rate only for customers that receive both water and sanitary sewer services. This is a means of achieving fairness for rural residents served by minimal stormwater infrastructure.
- **Simplicity** - customers' bills will be predictable and easy to understand. Implementation of flat rates is simple to administer in order to keep Town administration costs low.
- **Financial sustainability** - over time, stormwater rates will be adjusted to an amount that addresses a significant portion of the necessary capital investments and operating costs associated with stormwater management. These investments allow the Town to operate and maintain a reliable stormwater management system.

3.2 Authority and By-Law Requirements

Under the authority of the Municipal Act, 2001 the Town has authority to pass a “Fees and Charges” By-law for the purpose of funding stormwater management. With the imposition of all utility fees and charges, a by-law must be passed by the municipality to allow collection.

Accordingly, a By-law amendment to the Town’s Fees and Charges By-law has been prepared and is recommended to be enacted by Council.

3.3 Communications

Informational material regarding the stormwater infrastructure charge is being prepared for inclusion in the next water and waste water billing cycle. The material will include rationale for implementation of the charge, a description of the storm water services provided by the Town, as well as answers to commonly asked questions.

The town’s web-site is also being prepared for updates that will provide residents and business owners with information regarding the stormwater infrastructure charge.

4. Financial Implications:

Consistent with the February 26, 2019 Council report, the following annual stormwater infrastructure rates are recommended for implementation beginning in 2019:

- Annual residential rate: \$31
- Annual commercial, industrial and multi-residential rate: \$122

As previously noted, these rates will be applied to properties that have municipal water and waste water services. The rates will yield a total revenue of about \$350,000 in 2019. There are three billing periods remaining in 2019, therefore it is recommended that the annual rates be divided equally, in thirds, between the remaining billing periods. Charges in future years will be divided evenly between the standard four billing periods.

To maintain stormwater infrastructure in a state of good repair, staff have identified an annual reinvestment requirement of \$1.4M. Including the stormwater infrastructure rate, the 2019 operating and capital budgets provide for a total investment of about \$950,000 for stormwater infrastructure maintenance and renewal, representing a gap of \$450,000 between actual funding and required funding.

If not bridged, this funding gap is anticipated to result in the overall deterioration of stormwater infrastructure and related services. Staff recommend that consideration be given to phasing in a fully funded stormwater program through year-over-year rate escalation as part of annual budget deliberations. This approach is consistent with other York Region municipalities.

5. Attachments:

None

6. Related Reports:

February 26, 2019 – PW-004-19 – Stormwater Infrastructure Funding (F05)

Author: Brian Kavanagh, Director of Public Works

Department Head: Brian Kavanagh, Director of Public Works

For further information on this report, please contact: Brian Kavanagh, Director of Public Works at 905-640-1910 or 1-855-642-8697 ext. 2464 or via email at brian.kavanagh@townofws.ca

Town of Whitchurch-Stouffville Council Report**Item 14**

Subject: June is Recreation and Parks Month (R00)

Staff Report No. LCS-019-19

Department: Leisure and Community Services

Date: June 4, 2019

Recommendation:

- 1) That Council receive Report No. LCS-019-19 for information.

1. Purpose:

The purpose of this report is to inform Council of the Town's participation in the Provincial initiative "June is Recreation and Parks Month" and to share an overview of what will be happening locally. It is also to highlight the Town's participation in the ParticipACTION Community Better Challenge with the goal to be named Canada's Most Active Community.

2. Executive Summary:

The goal of June is Recreation and Parks Month (JRPM) is to increase public awareness and recognition of the value and benefits of recreation for individuals, families, neighbourhoods and communities. The Town will be participating in this initiative and has entered into the ParticipACTION Community Better Challenge, to get the community active. There will also be a variety of activities in the month of June to both increase awareness and allow for participation in recreational activities.

3. Background:

June is Recreation and Parks Month is a program of Parks and Recreation Ontario (PRO). PRO is a non-profit association of leaders in recreation and parks that advances the health, social and environmental benefits of quality recreation and parks. Each June, communities across Ontario celebrate JRPM which is recognized by municipalities, community organizations, and schools as a way of promoting the benefits of being active and recognizing the contribution that recreation and parks make to quality of life. JRPM was launched in 2005 and the Town has been an active ambassador for this initiative since its inception.

The June is Recreation and Parks Month website (www.prontario.org/initiatives/jrpm) is the virtual home for events across the province of Ontario. There are free toolkits for participants and activities.

4. Analysis and Options:

Access to parks and recreation is a fundamental human need that helps foster personal health, strong communities, and social inclusion. JRPM celebrates Ontario's spectacular parks and recreation services and raises awareness for the role they play as a pathway to individual, community, and environmental well-being.

A calendar of activities has been created for everyone to participate. Free and reduced drop in opportunities at the leisure centre for fitness, swimming and gymnasium are being offered. Activities have been combined with Seniors Month, also in June, with "Senior's Day" at the Leisure Centre on June 11 as well as program specials at the 55+ club at 6240 Main St. Also, a series of 10 – 15 second "Body Break" videos have been created, with the assistance of the WS Public Library and staff, to play on the TV video walls at the Leisure Centre and Clippers Complex.

This year, we are excited to announce that the Town of Whitchurch-Stouffville will be participating in the ParticipACTION Community Better Challenge from May 31st – June 16th, as we strive to be named **Canada's Most Active Community**.

The ParticipACTION Community Better Challenge is helping strengthen communities through physical activity and sport because Everything gets better when you get active. ParticipACTION is awarding **\$150,000** to the community who rallies the most participants and accumulates the most active minutes during the challenge.

Promotion of this community-based event has already begun, including encouragement to all residents of Whitchurch-Stouffville who attended and supported our Community Better kick-off event at the **15th Annual Doors Open Whitchurch-Stouffville**, Saturday, June 1st, at the Leisure Centre. The two-week challenge has been widely promoted through the Town's social media channels, a feature article in On The Road,

and a promotional video done in partnership with the Library that was broadcasted to the community.

Everyone is being encouraged to download the new **ParticipACTION app** – the active app for everyone – or go online to www.participACTION.com, to track and contribute to Whitchurch-Stouffville's total active minutes. More information about what Whitchurch-Stouffville is doing to celebrate JRPM can be found at townofws.ca/whatsnew.

5. Financial Implications:

Staff were successful in receiving \$800, from the ParticiP ACTION grant. These funds are to cover any staffing, printing, advertising, or supply costs associated with this initiative. There are no costs to the Town associated with this initiative.

6. Attachments:

None

7. Related Reports:

None

Author: Micole Rubinoff, Manager, Recreation

Department Head: Marilou Murray, Director, Leisure and Community Services

For further information on this report, please contact: Micole Rubinoff, Manager, Recreation at ext. 2323 or via email at Micole.rubinoff@townofws.ca

Town of Whitchurch-Stouffville Council Report**Item 15**

Subject:	Developers Undertaking DC Eligible Construction Projects (D12)
Staff Report No.	DS-029-19
Department:	Development Services
Date:	June 4, 2019

Recommendation:

- 1) That the Town's Procurement By-Law be updated to authorize the single sourcing of the following DC eligible portions:
 - Design works for projects already underway;
 - Design works (Goods and Services) less than \$101,100.00 (including taxes); and
 - Works integral to the land servicing, where the DC eligible portion related to oversizing/upgrades is less than \$252,700.00 (including taxes) as set out in the Development Charges Background Study.

1. Purpose:

The purpose of this report is to seek Council direction to establish protocols for the procurement of Development Charge (DC) eligible projects. For clarity, this report does not seek to involve the Town and Staff in the Developer's operation and general servicing of development lands where Development Charge credits are not applicable.

2. Executive Summary:

There are several draft approved subdivisions where DC funded projects are required to be completed to service the development lands and install infrastructure that will benefit future growth in the Town. For construction projects valued at \$252,700.00 (including taxes) and above, the Canadian Free Trade Agreement (CFTA) states that these projects

must be procured through an open procurement process. Several developers would like to complete these projects in accordance with their Draft Plan Conditions prior to execution of their Subdivision Agreements, while the engineering and architectural details are being finalized. Staff have no objections; however, since it involves DC eligible works, a clarification of Town policy is needed regarding procurement and project management.

By paying DCs all developers contribute to a reserve that is used to fund projects benefiting more than one developer. Historically, a developer has been allowed to construct projects adjacent or integral to their development and seek reimbursement from the Town through development charges. Developers were not required to adhere to the Town's Procurement By-law nor were they required to seek competitive bids. While the approach expedited development, it did not provide the value for money assurances obtained in a competitive bidding environment. Given that DC projects can be paid for by all developers and existing taxpayers, there is a public interest to ensure that any expenditures of DCs are subject to appropriate checks and balances.

In 2017, the Town updated the Procurement By-law reflecting CFTA requirements and applied a \$10,000 limit for single sourcing and a \$50,000 limit for open competition. These limits apply to all projects including DC projects. Given the scale of DC capital projects, such limits are unworkable. It would be appropriate to allow for the single sourcing of these projects up to the limits allowed by CFTA.

3. Background:

The Development of vacant and intensification lands require the construction of servicing infrastructure including roads, sewers and watermains. Most of the infrastructure works are undertaken as part of the developments local services strategies and are installed and paid for by the respective developers. However, infrastructure that serves existing residences and other development lands is paid for by the Town's DC reserves as well as a from the Town's other revenue streams. DC eligible projects are related to the construction of key infrastructure that benefits more than one development. These projects are identified in the Town's Development Charges Background Study and are required to meet the criteria indicated in Attachment 1.

The Town allows for DC eligible projects to be undertaken by the development community because many projects are located on private properties. The land where these projects are constructed is anticipated to be conveyed to the Town or other municipal and/or provincial agency at registration of the plans of subdivisions. Additionally, some projects are located near the developments and are natural extensions of the works being constructed on the private lands. A significant feature of development community led projects is that developers front-end the cost of the projects prior to the Town's budgets. This front-end financing arrangement ensures that projects are commenced and completed in a reasonable timeframe inline with the needs of our growing community without incurring new debt for the Town.

The Town also undertakes DC project typically in areas that are owned by the Town or projects that have a higher ratio of benefit to existing residences. This may include projects that coincide with capital works in areas such as along Main Street or regional right-of-way corridors. The Town may also undertake DC projects in built-up areas to ensure that key growth infrastructure is in place at the appropriate time.

In the past, developers were requested to complete the engineering designs and initiate construction in accordance with the Town's Development Charges Background Study and capital budgets. Council would be requested to endorse appropriate agreements to permit the construction of the infrastructure. This would typically include the design of development integrated infrastructure by the developer's project management consultants. Recently, this included the construction of the West Creek crossing (RB04) along Bloomington Creek and the roundabout at Baker Hill Blvd and Ninth Line.

Until 2015, Town staff had been following the practice of approaching Council for contracting out DC eligible projects to developers including the execution of development agreements and subdivision agreements. Starting in 2017 with the amended delegation By-law (2017-030-RE), staff have been operating under the practice of crediting developers for their contribution to the DC eligible projects in accordance with the DC budgets.

Following the revision of the 2017 Procurement By-law (2017-084-FI), staff have been in discussions with several developers requesting that the design works for DC eligible projects be required as prerequisites to the approval of subdivisions plans. This practice is in conflict with the procurement requirements that the Town publicly advertise projects for bids for any works over and above \$50,000. This currently affects the design of the Tenth Line Reconstruction project and the associated roundabout, The WW06 Sewer in L&M Garden Subdivisions, as well as Projects WW20 to WW21 in the Savena Cove Subdivisions.

To date, developers have submitted engineering designs and awarded works related to their subdivisions to various contractors. In many cases, design works related to external works, including DC eligible projects, have already been initiated by the respective developers without agreements with the Town for reimbursements of costs. In discussion with Staff, the intended approach was to award them the corresponding DC credits at the subdivision agreement stage when they are required to pay their DC levies or through Council endorsement once the cost of the construction of the project was known. However, changes in the Towns Procurement By-law indicate that all stages of DC projects must adhere to the Town Policies and Procedures as described in the Town Procurement By-law. Attachment 1 shows the location the project referred to below.

Table: List of DC Projects with services undertaken by Development Community

DC Projects currently under way	<u>Estimated costs to exempt/single sourced</u>	Overall budget based on the 2018 DC By-law	Leading developer	Consultants retained by the respective developers for design and contract administration services	Initiated / anticipated construction start
WW20 and WW21 (sanitary Sewer including oversizing costs and works within a regional road)	\$72,000.00	\$2,045,000.00	Savena Cove	SCS	2018/2020
W20 and W21 (watermain over sizing and PRV)	\$10,000.00	\$136,000.00	Savena Cove	SCS	2018/2020
Part of S07, WW19 and WW27 (sanitary sewer oversizing costs)	\$19,000.00	\$541,917.00	Fairgate 9 th Line	SKA	2017/2019
RB05 Creek Crossing	\$115,500.00	\$3,300,000.00	Courtney Valley	GHD	2017/2019
WW10 to WW12 (Sanitary sewer including oversizing costs)	\$45,000.00	\$1,278,000.00	Courtney Valley	GHD	2016/2019
W38 (Watermain)	\$11,000.00	\$304,000.00	Courtney Valley	GHD	2016/2019
WW06 (sanitary sewer oversizing costs)	\$41,000.00 (anticipated total project costs)	\$151,000.00	Sorbara Group	SKA	2018/2019 – Project is completed
Tenth Line Reconstruction and Roundabout	\$130,000.00	\$3,705,800	11731 Tenth Line Development Limited	SKA	2018/2019

The Town's 2017 Procurement By-law (2017-084-FI) states the following regarding DC eligible procurement in section 7.9 of the By-law:

Development Charge Procurement occurs where a Deliverable or other works are being constructed on private or public lands, which Deliverable shall be acquired, delivered to, or assumed by the Town, and such Deliverable is eligible under the Development Charges Act, S.O. 1997 c. 27 for credit from the Town's Development Charge reserve.

In order to ensure transparency and best value for service, before the commencement of any such project, any party that may or shall seek credit for such Deliverable shall ensure that a competitive bid process is engaged as necessary using the same Procurement Methods and approval requirements according to the dollar amount thresholds in Schedule B for Standard Procurements that have a cost to the Town, which shall be determined based on

an actual value (if available) or reasonable estimate of the value. The developer may manage the competitive bid process, with input, assistance and approval from the Town as required.

Any such credits for any such Deliverable to be acquired, delivered to, or assumed by the Town shall be managed and disbursed:

- a) In accordance with the Development Agreement, Subdivision Agreement, or other similar Agreement authorizing such Deliverable; and*
- b) Not before the Town has assumed such Deliverable.*

The Town Procurement By-Law does not address the typical front-end financing that is provided by the Development Community.

For clarity, it should be noted that works not eligible for DC credits on private lands can continue to be privately source by the respective developers without the Town's involvement. The Town will not require the application of the Procurement By-law 2017-084-FI to the developer's/owner's private servicing activities including the management, design and construction of all local infrastructure approved for construction as part the typical development process.

4. Analysis and Options:

The Towns Procurement By-law (2017-084-FI) establishes thresholds and approvals within Schedule B (pages 51 to 54). These thresholds and approval stages are categorized by anticipated total project costs as follows (i) up to \$10,000.00, (ii) \$10,000.01 to \$50,000.00, (iii) \$50,000.01 to \$250,000.00 and (iv) \$250,000.01 or over. Attachment 2 shows the typical thresholds and approval requirements. For construction procurement projects valued at \$252,700 and above, the Canadian Free Trade Agreement (CFTA) states that these projects must be procured through an open procurement process. CFTA and CETA thresholds as applicable to the Town are shown in attachment # 3.

The benefits of an open procurement ensure that works are provided in a fair and equitable way on the open market. The general drawbacks of open procurement is that existing contracts cannot be leveraged to optimize reductions in costs and the additional time and effort required to openly advertise and analyze bids.

The key benefits of an open procurement process include:

- An open, fair, competitive, unbiased and accountable process;
- Value for money;
- Increase in transparency;
- Enhanced risk management; and
- Promotes competition.

The benefits of single sourcing to the respective developers are that administration and management efforts for the projects are not duplicated. Furthermore, the developer(s) will enter into temporary, index free front-end financing agreements with the Town to ensure the project is initiated and delivered within a reasonable time frame. The added benefit of single sourcing the developer and project managing consultants is that the time required for the integrated design is reduced and no overlap is experienced at the design stage with regards to project scoping and report analysis. The drawbacks of single sourcing include the potential of awarding significant project values to preferential proponents and higher management costs. Additionally, the time of projects completions and the requests for DC payments do not match with the availability of funds in the Town's DC reserve.

Small scale projects and integral projects to subdivision construction would benefit from single sourcing the project management, design and construction works to the respective area developer. This practice would lend itself to delivering infrastructure projects without requiring temporary or extensive restoration works where multiple parties may be involved if open procurement awards the DC portion of the project(s) to alternate contractors or designers. This will result in an economical option for DC eligible projects, such as sewer oversizing works, minor intersection improvements and watermain construction within the subdivision's lands.

The associated risks may include costs that are not in-line with the marketplace. This can be overcome by requiring third party engineering and costs consultants to reviews and finalized eligible costs prior to the construction being initiated and where costs are anticipated to be over our budgeted amounts.

The 2017 Town Procurement By-Law (2017-084-FI) indicates that all projects exceeding \$50,000.00 will require open bidding. It further requires that affected developers anticipating reimbursement for DC works adhere to the process stated within the by-law. In many situations, the threshold will apply to project designs, management and administration as the costs of these services related to DC projects are more likely to exceed the thresholds. Once designs are completed the construction bid procurement process will also require public advertisements and awards.

This process will ensure that future high value DC eligible projects led by the development community are openly procured. While in some cases this may result in higher costs it will ensure that the project values are representative of market costs.

The various stages and processes in the procurement of works including DC capital projects agreements (frontend financing contracts), design and construction bids will require a significant amount of time from the development community and staff. Costs associated with this process will be retained from the benefiting developers as well as the Town's DC reserves.

Based on the discussions above, the Town's ongoing practice, and difficulties that we could foresee such as occupation of one construction site by more than one contracting party, construction delays and designs/review overlaps on both the Town's and the developer's sides with regards to project management, the following options are proposed for the consideration of Council:

Option A (Recommended)

Council directs staff to apply the Town's procurement by-law to the construction procurements of DC eligible projects external to subdivisions and projects that have a reduced integral design to developments on private or public lands. This includes projects being constructed on publicly owned lands (Ministry, Region or Town) and projects such as creek crossings within the developments. Front-end financing by the development community will continue in accordance with developer and Town executed agreements.

Provided that appropriate DC capital project agreements (front-ending contracts) are executed prior to initiation/finalization of project designs, Council directs staff to exempt the developers from the provisions of the Town's Procurement By-law with regards to the procurement of design works for projects already underway.

Provided that appropriate development agreements (Servicing and or Subdivision agreements) that speak to DC eligibility are executed between the Developer(s) and Town, Council direct staff to exempt the developers from the provisions of the Town's Procurement By-law regarding works integral to the subdivision services where the DC eligible portion related to underground infrastructure oversizing or upgrades of roads does not exceed \$252,700.00 of the overall cost of the works.

The threshold exemption for project under \$252,700.00 may apply to approximately 89 of 150+ project in the DC By-law. However, only 31 of these projects are anticipated to be undertaken by the development community. Of the 31 projects, 20 are in the roads service category and 11 are in the water and wastewater categories. The remaining 58 of 89 projects under the threshold of \$252,700. are anticipated to be complete by the Town and in full compliance with the Town's Procurement By-law.

Prior to initiation, during and/or post construction, Council directs staff to consider, if deemed necessary, retaining an independent cost consultant to review tenders, contracts and estimated costs to derive agreeable unit rates, quantities of works and construction costs sums.

Council further directs staff to develop a policy to outline the procurement practises applicable and establish a guideline for the development community to follow and for future draft plans conditions to refer to the policies/practices.

Council would continue to have the option to exempt special circumstances for projects over \$252,700, where grounds under CFTA exist. This would be achieved through reporting to Council on specific projects.

Option B (Not recommended)

Provided that third party engineering costs consultants are retained to validate projected costs and reimbursement claims, Council may exempt all DC eligible projects from the requirement of the Town's Procurement By-Law. This will allow the development community to continue with construction practices applied prior to 2017. Project procurement may be expedited as RFPQs, RFPs and RFTs (RFx) would not be required to be publicly advertised and awarded. However, not following the Town Procurement By-law may expose the Town to legal and risk actions under the Trade Treaties. While Council may view a complaint by an international construction company to be remote, complaints could arise from any potential bidder including a local competitor.

Council may instruct Staff to follow-up as required with additional Council reports related to the various project stages and developments for award purposes. This will require significant staff time to draft and review future reports and cause Council to deal with routine development approvals following the initial endorsement, which will cause delays if authorization is not available for the appropriate construction stage.

5. Financial Implications:

The recommended option requires that the developer adhere to the Town's 2017 Procurement By-Law while tendering the project for construction and the agreement to be executed will require that the developer front end / fully finance the construction of the DC eligible project until such time as sufficient funds are collected and Council approves the project in the capital budget. At that time, the Developer will be reimbursed as per the Town agreed / approved tendered costs, subject to submission of a Completion Certificate and required supporting documentation establishing the actual cost of the project.

The deficits between 2018 DC study and the agreed costs will be addressed as part of the revision to the DC study and By-Law following approval of bid costs. Any significant differences between the estimated costs included in the 2018 DC study and the costs determined through the procurement process will be subject to Council approvals in accordance with the 2017 Procurement By-Law. Town staff will make all efforts to address any related funding shortfalls through future Development Charge Background Studies or amendments (as may be applicable).

The developers are required to prepay the fees in accordance with the Town's Fees and Charges By-Law (2018-164-FI), as may be amended from time to time, for each agreement. While the Developers are proceeding with the works as referred to in this report at their own risk and expense, the Town will require and retain securities for construction, as per the agreements in addition to the security retained by Town as related to local services for non DC eligible works within the subdivision, to ensure compliance with the agreements and the integrity of the work.

6. Attachments:

1. Schematic of the Town DC projects related to this report
2. Schedule B of the Town's Procurement By-law
3. CFTA and CETA Procurement thresholds

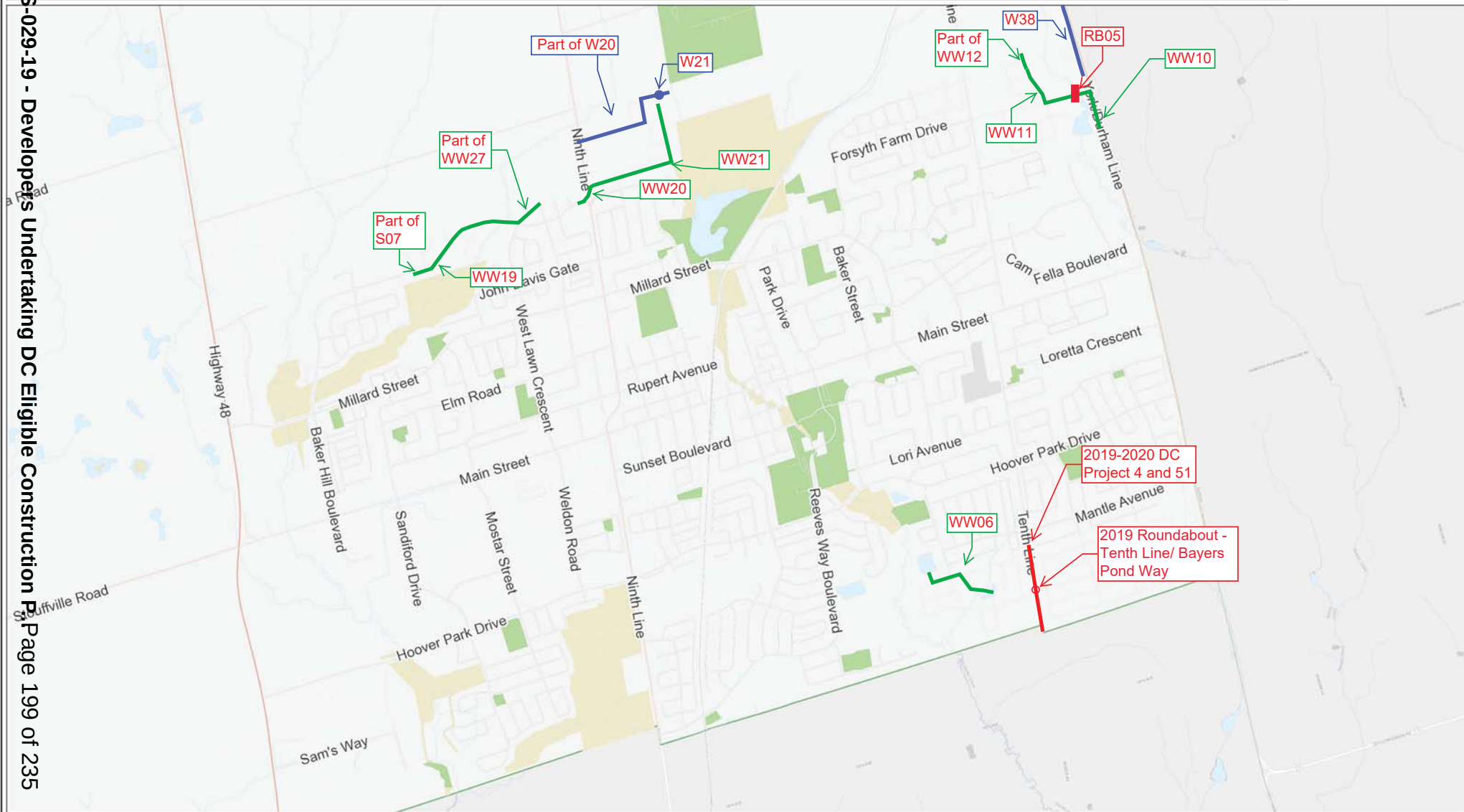
7. Related Reports:

November 21, 2017 - Procurement By-law 2017-084-FI (F17)

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Infrastructure Costs Covered in the D.C. Calculation – Roads Services

	Increased Service Needs Attributable to Anticipated Development				Timing (year)	Gross Capital Cost Estimate (2018\$)	Post Period Benefit	Net Capital Cost	Less:		Potential D.C. Recoverable Cost		
	2018-2031		Benefit to Existing Development	Grants, Subsidies and Other Contributions Attributable to New Development					Total	Residential Share	Non-Residential Share		
	From	To										59%	41%
	New Construction/Reconstruction												
1	Bethesda Sideroad	Ninth Line	Tenth Line	2022-2023	1,765,500	-	1,765,500	353,100		1,412,400	838,966	573,434	
2	Bethesda Sideroad	Highway 48	Ninth Line	2022-2023	1,853,800	-	1,853,800	370,760		1,483,040	880,926	602,114	
3	New Connection	Lakeshore Road	Aurora Rd	2019-2020	540,100	-	540,100	108,020		432,080	256,656	175,424	
4	Tenth Line	Mantle Avenue	S. Townline	2019-2020	2,490,300		2,490,300	498,060		1,992,240	1,183,391	808,849	
	Multi-use pathways in boulevard												
5	Ninth Line	Millard St	Bayberry St	2020	445,300	-	445,300	222,650		222,650	132,254	90,396	
6	Main Street	Tenth Line	Ninth Line		704,400	-	704,400	352,200		352,200	209,207	142,993	
7	Main Street	Ninth Line	Sandiford Dr	2020	332,176		332,176	166,088		166,088	98,656	67,432	
8	Main Street	Sandiford Dr	Highway 48	2020	241,582	-	241,582	120,791		120,791	71,750	49,041	
9	Main Street	Tenth Line	York-Durham Line	2021-2022	234,800	-	234,800	117,400		117,400	69,736	47,664	
10	Tenth Line	Main St	Forsyth Farm Drive	2019-2020	424,700	-	424,700	212,350		212,350	126,136	86,214	
11	Ninth Line	Bayberry St	Bethesda Rd N.	2021	385,070	-	385,070	192,535		192,535	114,366	78,169	
12	York-Durham Line	S. Townline	Hoover Park Drive	2022	364,836	-	364,836	182,418		182,418	108,356	74,062	
13	York-Durham Line	Hoover Park Dr	Main Street	2022	196,450	-	196,450	98,225		98,225	58,346	39,879	
14	Tenth Line	Forsyth Farm Drive	Bethesda Rd N.	2023	343,500	-	343,500	171,750		171,750	102,020	69,731	
15	Highway 48	Pine Vista Ave	Ballantrae Rd	2023	1,061,800	-	1,061,800	530,900		530,900	315,355	215,545	
	Paved Shoulders												
16	Highway 48	S. Townline	Stouffville Rd	2018-2031	224,000	-	224,000	112,000		112,000	66,528	45,472	
17	Highway 48	Stouffville Rd	Bethesda Sideroad	2018-2031	276,800	-	276,800	138,400		138,400	82,210	56,190	
18	Highway 48	Bethesda Sideroad	Bloomington Rd	2018-2031	276,800	-	276,800	138,400		138,400	82,210	56,190	
19	Highway 48	Bloomington Rd	Vandorf Sideroad	2018-2031	276,800	-	276,800	138,400		138,400	82,210	56,190	
20	Highway 48	Vandorf Sideroad	Pine Vista Ave	2018-2031	158,200	-	158,200	79,100		79,100	46,985	32,115	
21	Highway 48	Ballantrae Rd	St. John's Sideroad	2018-2031	184,600	-	184,600	92,300		92,300	54,826	37,474	
22	Highway 48	St. John's Sideroad	Vivian Rd	2018-2031	276,800	-	276,800	138,400		138,400	82,210	56,190	
23	Highway 48	Vivian Rd	Davis Dr	2018-2031	276,800	-	276,800	138,400		138,400	82,210	56,190	
24	Bethesda Sideroad	Highway 48	Ninth Line	2018-2031	276,800	-	276,800	138,400		138,400	82,210	56,190	
25	Bethesda Sideroad	Ninth Line	York-Durham Line	2018-2031	342,800	-	342,800	171,400		171,400	101,812	69,588	
26	St. John's Sideroad	Woodbine Ave	Warden Ave	2018-2031	276,800	-	276,800	138,400		138,400	82,210	56,190	
27	St. John's Sideroad	Warden Ave	Kennedy Rd	2018-2031	263,600	-	263,600	131,800		131,800	78,289	53,511	
28	St. John's Sideroad	Kennedy Rd	McCowan Rd	2018-2031	276,800	-	276,800	138,400		138,400	82,210	56,190	
	Shared Route Treatments												
29	Bethesda Sideroad	Highway 404	Woodbine Ave	2018-2031	10,000	-	10,000	5,000		5,000	2,970	2,030	
30	Bethesda Sideroad	Woodbine Ave	Warden Ave	2018-2031	23,200	-	23,200	11,600		11,600	6,890	4,710	
31	Bethesda Sideroad	Warden Ave	Kennedy Rd	2018-2031	22,200	-	22,200	11,100		11,100	6,593	4,507	
32	Bethesda Sideroad	Kennedy Rd	McCowan Rd	2018-2031	23,200	-	23,200	11,600		11,600	6,890	4,710	
33	Bethesda Sideroad	McCowan Rd	Highway 48	2018-2031	22,200	-	22,200	11,100		11,100	6,593	4,507	
34	Vandorf Sideroad	Highway 404	Woodbine Ave	2018-2031	4,400	-	4,400	2,200		2,200	1,307	893	
35	Vandorf Sideroad	Woodbine Ave	Warden Ave	2018-2031	23,200	-	23,200	11,600		11,600	6,890	4,710	
36	McCowan Rd	Bloomington Rd	Vandorf Sideroad	2018-2031	23,200	-	23,200	11,600		11,600	6,890	4,710	
37	McCowan Rd	Vandorf Sideroad	Aurora Rd	2018-2031	23,200	-	23,200	11,600		11,600	6,890	4,710	
38	McCowan Rd	Aurora Rd	St. John's Sideroad	2018-2031	23,200	-	23,200	11,600		11,600	6,890	4,710	
39	McCowan Rd	St. John's Sideroad	Vivian Rd	2018-2031	23,200	-	23,200	11,600		11,600	6,890	4,710	
40	McCowan Rd	Vivian Rd	Davis Dr	2018-2031	23,200	-	23,200	11,600		11,600	6,890	4,710	

Infrastructure Costs Covered in the D.C. Calculation – Roads Services (Cont'd)

	Increased Service Needs Attributable to Anticipated Development				Gross Capital Cost Estimate (2018\$)	Post Period Benefit	Net Capital Cost	Less:		Potential D.C. Recoverable Cost		
	2018-2031		Timing (year)	Benefit to Existing Development				Grants, Subsidies and Other Contributions Attributable to New Development	Total	Residential Share	Non-Residential Share	
	From	To										59%
41	Lakeshore Rd	Highway 48	Ninth Line	2018-2031	27,800	-	27,800	13,900		13,900	8,257	5,643
42	Ninth Line	Aurora Rd	St. John's Sideroad	2018-2031	23,200	-	23,200	11,600		11,600	6,890	4,710
43	Ninth Line	St. John's Sideroad	Vivian Rd	2018-2031	23,200	-	23,200	11,600		11,600	6,890	4,710
44	Multiple Roads (Stouffville Trails Plan)			2018-2031	174,000	-	174,000	87,000		87,000	51,678	35,322
	Illumination											
45	Ninth Line	Elm Road	North Limit of Development	2020	258,400	-	258,400	-		258,400	153,490	104,910
46	Highway 48	Ballantrae Rd	Pine Vista Ave	2019	350,000	-	350,000	315,000		35,000	20,790	14,210
47	Highway 48	Bethesda Road	Millard Street	2022	362,400	-	362,400	-		362,400	215,266	147,134
48	Highway 48	Millard Street	Stouffville Rd	2021	164,700	-	164,700	-		164,700	97,832	66,868
49	Ninth Line	S limit of Hamlet of Bloomington	N limit of Hamlet of Bloomington	2020	197,700	-	197,700	177,930		19,770	11,743	8,027
50	Ninth Line	S limit existing Musselman Lake	N limit existing Musselman Lake	2020-2021	494,200	-	494,200	444,780		49,420	29,355	20,065
51	Tenth Line	Mantle Avenue	S. Townline	2020	296,500	-	296,500	-		296,500	176,121	120,379
52	Tenth Line	Main Street	Bethesda Rd N.	2021	658,900	-	658,900	-		658,900	391,387	267,513
53	York-Durham Line	S. Townline	Mantle Avenue	2022	197,700	-	197,700	-		197,700	117,434	80,266
54	York-Durham Line	Mantle Avenue	Hoover Park Drive	2022	131,800	-	131,800	-		131,800	78,289	53,511
55	York-Durham Line	Hoover Park Drive	Main Street	2022	230,600	-	230,600	-		230,600	136,976	93,624
56	York-Durham Line	Main Street	Forsyth Farm Drive	2023	296,500	-	296,500	-		296,500	176,121	120,379
57	York-Durham Line	Forsyth Farm Drive	N Limit of Development (Stouffville)	2025	98,800	-	98,800	-		98,800	58,687	40,113
58	Aurora Road	Grayfield Drive	McFarland St	2019	690,137	-	690,137	621,123		69,014	40,994	28,020
59	Bloomington Road	W limit of Hamlet of Bloomington	E limit of Hamlet of Bloomington	2019-2020	329,500	-	329,500	296,550		32,950	19,572	13,378
	Traffic Calming											
60	Hoover Park Drive (mini roundabouts)			2022	489,600	-	489,600	-		489,600	290,822	198,778
61	Millard Street (mini roundabouts)			2022	489,600	-	489,600	-		489,600	290,822	198,778
	Intersection improvements											
62	Lakeshore Rd @ Highway 48			2023-2028	153,000		153,000	-		153,000	90,882	62,118
	Sidewalks											
63	Highway 48	Ballantrae Rd	Savioa Phase 3 entrance	2018	705,300	-	705,300	70,530		634,770	377,053	257,717
64	Highway 48	Millard Street	Stouffville Rd	2021	75,600	-	75,600	7,560		68,040	40,416	27,624
65	Highway 48	Stouffville Rd	Sam's Way	2021	377,800	-	377,800	37,780		340,020	201,972	138,048
66	Ninth Line	S limit of Hamlet of Bloomington	N limit of Hamlet of Bloomington	2020-2021	151,100	-	151,100	135,990		15,110	8,975	6,135
67	Ninth Line	S limit existing Musselman Lake	N limit existing Musselman Lake	2020-2021	377,800	-	377,800	340,020		37,780	22,441	15,339
68	Tenth Line	Hemlock Drive	Forsyth Farm Drive	2020	75,100	-	75,100	67,590		7,510	4,461	3,049
69	Tenth Line	Forsyth Farm Drive	Bethesda Rd N.	2024	165,200	-	165,200	148,680		16,520	9,813	6,707
70	York-Durham Line	S. Townline	Hoover Park Drive	2022	204,200	-	204,200	183,780		20,420	12,129	8,291
71	York-Durham Line	Hoover Park Dr	Main Street	2022	105,100	-	105,100	94,590		10,510	6,243	4,267

Infrastructure Costs Covered in the D.C. Calculation – Roads Services (Cont'd)

	Increased Service Needs Attributable to Anticipated Development			Timing (year)	Gross Capital Cost Estimate (2018\$)	Post Period Benefit	Net Capital Cost	Less:		Potential D.C. Recoverable Cost		
	2018-2031		Benefit to Existing Development					Grants, Subsidies and Other Contributions Attributable to New Development	Total	Residential Share 59%	Non-Residential Share 41%	
	From	To										
72	Bloomington Road	W limit of Hamlet of Bloomington	E limit of Hamlet of Bloomington	2020-2021	226,700	-	226,700	204,030		22,670	13,466	9,204
73	Downtown Intensification Area	various locations		2021	100,800	-	100,800	90,720		10,080	5,988	4,092
	Creek Crossings- Structures											
74	Crossing - Bethesda Rd - Ninth Line to 10th Line			2023	3,300,000	-	3,300,000	-		3,300,000	1,960,200	1,339,800
75	Crossing - Bethesda Rd - Highway 48 to 9th Line			2023	3,300,000	-	3,300,000	-		3,300,000	1,960,200	1,339,800
	Storm Water Management Pond											
76	Beltline SWM Pond - NPV of Principal Payments			2018-2023	887,152	-	887,152	-		887,152	526,968	360,184
77	Beltline SWM Pond - NPVof Interest Payments			2018-2023	97,952	-	97,952	-		97,952	58,184	39,769
	Signals											
78	Highway 48 / Bethesda Road North Leg			2022	210,000	-	210,000	-		210,000	124,740	85,260
79	Hoover Park/ Mostar			2021	210,000	-	210,000	-		210,000	124,740	85,260
80	(TS27) Tenth Line North / Forsyth Farm Rd			2020	210,000	-	210,000	-		210,000	124,740	85,260
81	(TS28) Regional Road 30 / Hoover Park Drive			2021	210,000	-	210,000	-		210,000	124,740	85,260
	Roundabouts											
82	Tenth Line / Street G			2022	919,000	-	919,000	-		919,000	545,886	373,114
	Traffic Management Systems											
83	Traffic systems - Arterial roads			2020	177,700	-	177,700	-		177,700	105,554	72,146
84	Traffic Timing System - Other Roads			2020	149,200	-	149,200	-		149,200	88,625	60,575
	Administration and Studies											
85	Project management and administration			2018-2031	1,335,570	-	1,335,570	358,296	-	977,274	580,501	396,773
86	Roundabout Screening Policy / Tool and NetworkScreening Study			2018-2031	56,100	-	56,100	-		56,100	33,323	22,777
87	Bethesda Rd Environmental Assessment- (Ninth to Tenth) 2022			2022	224,400	-	224,400	-		224,400	133,294	91,106
88	Lakeshore Road Environmental Assessment			2018-2031	168,300	-	168,300	-		168,300	99,970	68,330
89	10th Line Improvements and Jog Elimination Environmental Assessment			2018-2031	224,400	-	224,400	-		224,400	133,294	91,106
	Other											
90	Main St. - NPV of Principal Payments			2018-2031	1,122,744	-	1,122,744	-		1,122,744	666,910	455,834
91	Main St. - NPV of Interest Payments			2018-2031	812,544	-	812,544	-		812,544	482,651	329,893
92	Owner Const Rds 2011-42-OCF-RD - NPV of Principal Payments			2018-2021	1,865,124	-	1,865,124	-		1,865,124	1,107,884	757,240
93	Owner Const Rds 2011-42-OCF-RD - NPV of Interest Payments			2018-2021	152,879	-	152,879	-		152,879	90,810	62,069
94	Trailbridges (from 2008 D.C. Study) - NPV of Principal Payments			2018-2023	225,810	-	225,810	-		225,810	134,131	91,679
95	Trailbridges (from 2008 D.C. Study) - NPV of Interest Payments			2018-2023	24,932	-	24,932	-		24,932	14,810	10,122
	Outstanding DC Credits					-	-	-		-	-	-
	Road/Stream Crossing Hoover Pk Dr Little Rouge Creek - Project #87				1,484,187	-	1,484,187	-		1,484,187	881,607	602,580
	Highway 48/Hoover Pk Dr Traffic Signals - Project #97				167,625	-	167,625	-		167,625	99,569	68,056
	Highway 48/Sams Way Traffic Signals - Project #98				213,913	-	213,913	-		213,913	127,064	86,849
	Highway 48/Hoover Park South Ph1 Streetlights - Project #119				87,751	-	87,751	-		87,751	52,124	35,627
	Highway 48/Main to Hoover Ph 1 Streetlights - Project #120				40,620	-	40,620	-		40,620	24,128	16,492
	Oversizing Storm Sewers (Mostar site)				87,607	-	87,607	-		87,607	52,038	35,568
	Crossing (RB04) - Baker Hill Drive at Little Rouge Creek (West)				3,300,000	-	3,300,000	-		3,300,000	1,960,200	1,339,800
	Crossing (RB04) - NPV of Anticipated Interest Payments				1,375,349	-	1,375,349	-		1,375,349	816,957	558,392
	Crossing (RB05) - Forsyth Farm Road at Reesor Creek				3,300,000	-	3,300,000	-		3,300,000	1,960,200	1,339,800
	Crossing (RB10) - Baker Hill Drive at Little Rouge Creek (East)				3,300,000	-	3,300,000	-		3,300,000	1,960,200	1,339,800
	Roundabout - Baker Hill Blvd / Ninth Line				492,800	-	492,800	-		492,800	292,723	200,077
	Roundabout - Tenth Line/ Bayers Pond Way				919,000	-	919,000	-		919,000	545,886	373,114
	Reserve Fund Adjustment									(2,373,974)	(1,410,140)	(963,833)
	Total				54,371,909	-	54,371,909	9,232,297	-	42,765,639	25,402,790	17,362,849

Infrastructure Costs Covered in the D.C. Calculation – Water Services

Prj.No	Increased Service Needs Attributable to Anticipated Development		Timing (year)	Gross Capital Cost Estimate (2018\$)	Post Period Benefit	Other Deductions	Net Capital Cost	Less: Potential D.C. Recoverable Cost				
	2018-2031							Benefit to Existing Development	Grants, Subsidies and Other Contributions Attributable to New Development	Total	Residential Share 73%	Non-Residential Share 27%
	Project Name	Project Description										
W01	Bethesda Side Road #1	New 300 mm diameter watermain along Bethesda Side Road from Ninth Line to W10. Two creek crossings.	2023	1,806,000	-		1,806,000		-	1,806,000	1,322,080	483,920
W02	Bethesda Side Road #2	New 300 mm diameter watermain along Bethesda Side Road from W10 to W09	2023	396,000	-		396,000		-	396,000	289,891	106,109
W03	Bethesda Side Road #3	New 300 mm diameter watermain along Bethesda Side Road from W09 to W08	2023	661,000	-		661,000		-	661,000	483,884	177,116
W04	Hwy 48 #1	New 300 mm diameter watermain along Hwy 48 from Main Street to Hoover Park Drive. One creek crossing	2021-2026	1,693,000	-		1,693,000		-	1,693,000	1,239,359	453,641
W05	PRV Hwy 48	New Zone 2/3 PRV along Hwy 48, south of Main Street. Exact location to be determined.	2021-2026	69,000	-		69,000		-	69,000	50,511	18,489
W06	York Durham Line #1	New 300 mm diameter watermain along Main Street and York Durham Line, from Stouffville Well 1&2 to Loretta Crescent. Potential issues with groundwater during construction based on historical construction in this area	2019	703,000	-		703,000	351,500	-	351,500	257,315	94,185
W07	York Durham Line #2	New 200 mm diameter watermain along York Durham Line, between Bethesda Side Road and Main Street	2020-2022	570,000	-		570,000		-	570,000	417,268	152,732
W08	Bethesda Side Road #4	New 300 mm diameter watermain along Bethesda Side Road from W01 to Hwy 48	2023	320,000	-		320,000	160,000		160,000	117,128	42,872
W20	Future Road #13	New 300 mm diameter watermain along future road in northeast corner of Stouffville, connecting W34 to Ninth Line	2019	905,000	86,400		818,600	181,000	556,800	80,800	59,150	21,650
W21	PRV Future Road	New Zone 1/2 PRV along W20. Exact location to be determined.	2022-2025	69,000	-		69,000	13,800	-	55,200	40,409	14,791
W22	Main Street	300 mm watermain upgrade along Main Street from Ninth Line to Park Drive. One railway and one creek crossing.	2019-2020	1,880,000	-		1,880,000	940,000	-	940,000	688,126	251,874
W23	Second Street	200 mm watermain upgrade along Second Street from Ninth Line to Albert Street.	2019-2024	399,000	-		399,000	199,500	-	199,500	146,044	53,456
W24	Commercial Street	150 mm watermain upgrade along Commercial Street from Church Street North to Mill Street	2019-2024	148,000	-		148,000	74,000	-	74,000	54,172	19,828
W25	Church Street North	200 mm watermain upgrade along Church Street North from Main Street to Warriner Street	2019-2024	321,000	-		321,000	160,500	-	160,500	117,494	43,006
W26	O'Brien Avenue	150 mm watermain upgrade along O'Brien Avenue from Main Street to Burkholder Street	2019-2024	235,000	-		235,000	117,500	-	117,500	86,016	31,484
W27	Lloyd Street	150 mm watermain upgrade along Lloyd Street from Main Street to Rose Avenue	2019-2024	377,000	-		377,000	188,500	-	188,500	137,991	50,509
W28	Orchard Park Boulevard	200 mm watermain upgrade along Orchard Park Boulevard from Main Street to Sunset Boulevard	2019-2024	231,000	-		231,000	115,500	-	115,500	84,552	30,948
W29	PRV Millard Street	New Zone 1/2 PRV along Millard Street. Exact location to be determined.	2019	69,000	-		69,000	34,500	-	34,500	25,256	9,244
W31	Mill Street	200 mm watermain upgrade along Mill Street from Main Street to Freil Lane	2019-2024	119,000	-		119,000	59,500	-	59,500	43,557	15,943
W34	Future Road #15	New 300 mm diameter watermain along future road in northeast corner of Stouffville, connecting W19 to W20. One railway crossing and one creek crossing.	2020-2022	2,104,000	534,000		1,570,000		1,397,000	173,000	126,644	46,356
W35	Lakeshore/Ninth	New 300 mm diameter watermain (twinned) along Ninth Line and Lakeshore Road from Musselman's Lake Elevated Tank to Connor Drive	2019-2024	2,760,000			2,760,000	1,380,000		1,380,000	1,010,228	369,772
W36	HWY 48 #2	New 300 mm diameter watermain along Hwy 48	2023	784,000	-		784,000	392,000	-	392,000	286,963	105,037
W38	York Durham Line #3	New 200 mm diameter watermain along York Durham Line, between Bethesda Side Road and Main Street	2020-2022	304,000	-		304,000		-	304,000	222,543	81,457
W39	Gormley Fire Protection	New 300 mm diameter fire protection watermain on Stouffville Road from Union Street west (347m)	2022	486,000	-		486,000	111,780	-	374,220	273,947	100,273
W40	Gormley Fire Protection	New 300 mm diameter fire protection watermain on Union Street from Stouffville Street south (453 m)	2022	630,000	-		630,000	144,900	-	485,100	355,117	129,983
	Project Management and Administration		2018-2031	376,267	12,941	-	363,326	96,460		266,866	195,359	71,507
	Outstanding DC Credits			-	-		-			-	-	-
	Well & Pump, Storage Tank & High Lift Pumps-(Rice Gormley Well Site)			1,111,268			1,111,268			1,111,268	813,502	297,765
	Oversizing Baker Hill Watermain 400mm Main to Towel			97,924			97,924			97,924	71,685	26,239
	W54 (New 400 mm diameter watermain on Baker Hill Blvd from Millard St to 240 m north of Millard St (Oversizing only))			164,295			164,295			164,295	120,272	44,023
	Reserve Fund Adjustment			-	-		-			921,539	674,612	246,927
	Total			19,788,754	633,341	-	19,155,413	4,720,940	1,953,800	13,402,212	9,811,075	3,591,137

Infrastructure Costs Covered in the D.C. Calculation – Wastewater Services

Prj.No	Increased Service Needs Attributable to Anticipated Development		Timing (year)	Gross Capital Cost Estimate (2018\$)	Post Period Benefit	Other Deductions	Net Capital Cost	Less:		Potential D.C. Recoverable Cost		
	2018-2031							Benefit to Existing Development	Grants, Subsidies and Other Contributions Attributable to New Development	Total	Residential Share 74%	Non-Residential Share 26%
	Project Name	Project Description										
WW03	New SW Sanitary Pumping Station	40 L/s New SPS south of Sam's Way to existing Rougeview SPS forcemain	2022-2026	1,687,000	-		1,687,000	-	-	1,687,000	1,245,667	441,333
WW04	New SW Forcemain	250mm forcemain from New SPS south of Sam's Way to existing Rougeview SPS forcemain	2022-2026	803,000	-		803,000	-	-	803,000	592,929	210,071
WW06	Subtrunk 2 (Part 1 of 2)	450mm sewer of future road (Subtrunk 2)	2019	1,294,000	-		1,294,000	-	1,143,000	151,000	111,497	39,503
WW08	Subtrunk 1 Extension (Part 1 of 6)	600mm sewer on York/Durham Line from the existing subtrunk 1 sewer north of Hoover Park Drive to Main Street	2019	4,917,000	-		4,917,000	-		4,917,000	3,630,674	1,286,326
WW09	Subtrunk 1 Extension (Part 2 of 6)	450mm sewer on York/Durham Line from Main Street to the north limit of CamFella development	2019	2,923,000	-		2,923,000	-	-	2,923,000	2,158,320	764,680
WW10	Subtrunk 1 Extension (Part 3 of 6)	450mm sewer on York/Durham Line from the north limit of CamFella development to Forsyth Farm Drive	2018-2021	1,000,000	-		1,000,000	-	-	1,000,000	738,392	261,608
WW11	Subtrunk 1 Extension (Part 4 of 6)	450mm sewer on Forsyth Farm Drive from York/Durham Line to Keeler Avenue	2018-2021	3,414,000	576,000		2,838,000	-	2,582,000	256,000	189,028	66,972
WW12	Subtrunk 1 Extension (Part 5 of 6)	450mm sewer on Keeler Avenue from Forsyth Farm Drive to the connection to subtrunk 15 on future road to the north	2019-2021	773,000	27,000		746,000	-	724,000	22,000	16,245	5,755
WW16	Subtrunk 3 Extension	300mm sewer from the existing subtrunk 3 sewer north of Greenwood Road to the north side of the Go Transit Railway	2020-2022	1,109,000	-		1,109,000	-	-	1,109,000	818,877	290,123
WW18	Subtrunk 18	200mm sewer on Bethesda Road from future sewer to the west of the creek (Subtrunk 18)	2023	686,000	-		686,000	-	-	686,000	506,537	179,463
WW19	Subtrunk 10 Extension	450mm sewer on Baker Hill Road from the existing subtrunk 10 sewer on Baker Hill Road to West Lawn Crescent	2019	576,000	-		576,000	-	496,000	80,000	59,071	20,929
WW20	Subtrunk 10 Extension	450mm sewer on Ninth Line from Baker Hill Road to future road south of Bethesda Road	2019	2,135,000	146,000		1,989,000	-		1,989,000	1,468,662	520,338
WW21	Subtrunk 10 Extension	450mm sewer on future road south of Bethesda Road east of Ninth Line	2019	1,004,000	82,000		922,000	-	866,000	56,000	41,350	14,650
WW24	Rougeview SPS Decommission	Rougeview Sanitary Pumping Station Decommission	2022-2026	50,000	-		50,000	-		50,000	36,920	13,080
WW27	Subtrunk 10 Extension	450mm sewer on Baker Hill Road - Creek Crossing	2019	587,000	44,000		543,000	146,750		396,250	292,588	103,662
WW31	Flow Monitoring	Flow Monitoring Program (5 years)	2019-2023	500,000	-		500,000	250,000		250,000	184,598	65,402
	Project Management and Administration		2018-2031	589,064	21,972	-	567,091	9,963	145,922	411,206	303,631	107,575
	Outstanding DC Credits				-		-	-		-	-	-
	SW Forcemain - Project #1			28,514	-		28,514	-		28,514	21,055	7,460
	S06 (New 375 mm diameter sewermain on Ninth Line from 240 north of Baker Hill Blvd to Baker Hill Blvd)			390,348	-		390,348	-		390,348	288,230	102,118
	S07 (New 450/525 mm sewermain on Baker Hill Blvd north east on future road alignment (Oversizing only))			212,372	-		212,372	-		212,372	156,814	55,558
	S08 sanitary sewer			259,275	-		259,275	-		259,275	191,447	67,828
	Reserve Fund Adjustment			-	-		-	-		1,275,341	941,702	333,639
	Total	Total		24,937,573	896,972	-	24,040,600	406,713	5,956,922	18,952,306	13,994,233	4,958,073

SCHEDULE B - THRESHOLDS AND APPROVALS

For the purpose of this By-law, the following are the required Procurement Methods, delegated approval authorities, reporting, and contract requirements based on Procurement Values (dollar thresholds excluding taxes).

Note, the Procurement Methods listed below are minimum methods. Formal Request for Tenders and Request for Proposals Bid Calls may be used for any dollar thresholds at the discretion of the applicable Department Head. Similarly, Council approval to award may also be sought at the discretion of the applicable Department Head or CAO, when not required based on the thresholds below.

All of the thresholds are based upon Council approved budgets and the availability of sufficient funds at the time of a Bid Call release and Contract award.

All thresholds comply with requirements of both CFTA and CETA, and will be amended as required.

DOLLAR THRESHOLDS (EXCLUDING TAXES)	PROCUREMENT METHOD	SOURCE OF BIDS (ADVERTISING)	REPORTING	APPROVAL OF AWARD	CONTRACT TYPE / EXECUTION
1. LOW VALUE PURCHASES					
Up to \$10,000.00	Low Value Purchase (LVP)	Purchases made from the competitive marketplace where possible and practicable. Advertising is not required.	Not applicable	Town employees as delegated by the applicable Department Head/ Treasurer/ CAO	P-Card, Purchase Order, Approved Quotation or Invoice

DOLLAR THRESHOLDS (EXCLUDING TAXES)	PROCUREMENT METHOD	SOURCE OF BIDS (ADVERTISING)	REPORTING	APPROVAL OF AWARD	CONTRACT TYPE / EXECUTION
2. STANDARD PROCUREMENT (BIDS AND PROPOSALS)					
\$10,000.01 to \$50,000.00	Informal Request for Quotations (IRFQ) - or - Informal Request for Proposals (IRFP) - or - Formal Request for Quotations (RFQ) - or - Formal Request for Tenders (RFT) - or - Formal Request for Proposals (RFP)	Advertising based on Informal or Formal Bid Type a) Informal Bidding - obtain a minimum of three (3) written quotes; advertising <u>not</u> required b) Formal Bid Call (RFQ)/(RFT)/(RFP) advertising <u>is</u> required.	Not applicable	Department Head	Purchase Order and/or Agreement if applicable Agreement executed by the applicable Department Head
\$50,000.01 to \$250,000.00	Formal Request for Tenders (RFT) - or - Formal Request for Proposals (RFP)	Advertising is required	Informal Report to CAO and Treasurer	CAO and Treasurer	Purchase Order and Agreement (executed by the applicable Department Head as delegated by CAO and Treasurer)
\$250,000.01 or over	Formal Request for Tenders (RFT) - or - Formal Request for Proposals (RFP)	Advertising is required	Council Report from the applicable Department Head	Council	Purchase Order and Agreement executed by the Mayor and Town Clerk as per Council direction, or delegated authority to Department Head by Council

DOLLAR THRESHOLDS (EXCLUDING TAXES)	PROCUREMENT METHOD	SOURCE OF BIDS (ADVERTISING)	REPORTING	APPROVAL OF AWARD	CONTRACT TYPE / EXECUTION
3. EMERGENCY PURCHASES (NON-DECLARED)					
Up to \$50,000.00	Not applicable	Advertising not required	Informal report to CAO and Treasurer	Department Head or Procurement Supervisor, as applicable	P-Card or Purchase Order and/or Agreement if applicable Agreement executed by applicable Department Head
\$50,000.01 to \$250,000.00	Not applicable	Advertising not required	CAO may submit a report to Council after the emergency situation has been addressed	CAO	P-Card or Purchase Order If emergency situation permits, Agreement executed by the CAO
\$250,000.01 or over	Not applicable	Advertising not required	CAO shall submit a report to Council after the emergency situation has been addressed	CAO	Emergency Purchase Order and Agreement If emergency situation permits, Agreement executed by the CAO
DOLLAR THRESHOLDS (EXCLUDING TAXES)	PROCUREMENT METHOD	SOURCE OF BIDS (ADVERTISING)	REPORTING	APPROVAL OF AWARD	CONTRACT TYPE / EXECUTION
4. EMERGENCY PURCHASES (DECLARED)					
See the Town's Emergency Response Plan for guidelines.					

DOLLAR THRESHOLDS (EXCLUDING TAXES)	METHOD OF PROCUREMENT	SOURCE OF BIDS (ADVERTISING)	REPORTING	APPROVAL OF AWARD	CONTRACT TYPE / EXECUTION
5. NON-COMPETITIVE PROCUREMENT & PROCESSES / CO-OPERATIVE & PIGGYBACK (PB)					
\$10,000.01 to \$50,000.00	Non-Competitive - or – Co-operative / PB - or - Other Procurement Process other than Competitive	Advertising not required	Informal Report to CAO and Treasurer	CAO and Treasurer	Purchase Order and/or Contract if applicable Contract executed by applicable Department Head as delegated by CAO and Treasurer
\$50,000.01 or over	Non-Competitive - or – Co-operative / PB - or - Other Procurement Process other than Competitive	Advertising not required	Council Report from the applicable Department Head	Council	Purchase Order and Contract executed by the Mayor and Town Clerk as per Council direction, or delegated authority to Department Head
6. SOURCING					
Not applicable	Request for Expression of Interest (RFEI) - or – Request for Information (RFI)	Advertising is required in such manner as directed by the Procurement Supervisor; may be followed by another Procurement Method.	n/a	n/a	n/a
7. PRE-QUALIFICATION					
May be used in conjunction with another Procurement Method	Request for Pre-Qualification (RFPQ)	Advertising is required in such manner as directed by the Purchasing Supervisor	As specified in related Procurement Method	As specified in related Procurement Method	As specified in related Procurement Method

THRESHOLDS

CANADIAN FREE TRADE AGREEMENT (CFTA) AND
CANADA-EUROPEAN UNION COMPREHENSIVE AND ECONOMIC TRADE AGREEMENT (CETA)

(January 1, 2018 – December 31, 2019)

	Procurement Type	Ministries and most Provincial Agencies (CDN\$)	Provincial Agencies of a commercial or industrial nature * (CDN\$)	Municipalities , school boards, publicly funded academic, health and social services entities (CDN\$)
CFTA	Goods	\$25,300	\$505,400	\$101,100
	Services	\$101,100	\$505,400	\$101,100
	Construction	\$101,100	\$5,053,900	\$252,700
CETA	Goods	\$365,700	\$649,100	\$365,700
	Services	\$365,700	\$649,100	\$365,700
	Construction	\$9,100,000	\$9,100,000	\$9,100,000

*Such as the Liquor Control Board of Ontario, the Ontario Lottery and Gaming Corporation, and the Workplace Safety and Insurance Board

Notes:

CFTA and CETA thresholds are adjusted every two years, at the start of the year. They will be revised next on January 1, 2020.

Please note that the column headings in the above chart have been summarized for ease of reference. For full description and thresholds, for CFTA please visit the Internal Trade Secretariat's [Covered Procurement Thresholds webpage](#), and for CETA, please see CETA [Annex 19-A – Market Access Schedule of Canada](#).

The monetary thresholds in CETA for covered public sector organizations whose core activities are listed in CETA, Annex 19-3 – Other Entities, Section B (for example, distribution of drinking water, treatment of wastewater, and transport or distribution of gas and heat) are \$731,400 for goods and services, and \$9,100,000 for construction. For more details, see, [CETA, Annex 19-3, Section B](#).



**Town of Whitchurch-Stouffville Council
Motion for which notice has been given (May 21, 2019)**

Date: June 4, 2019

From: Councillor Smith

To: Mayor and Members of Council

Subject: Natural Heritage Conservation and Recreational Use of Ballantrae Woodlot

WHEREAS Schickendanz Brothers have advised Town staff that they have completely finished with the build-out of the Ballantrae Golf and Country Club housing community; and

WHEREAS a certain section comprising of 11.67 hectare (approximately 29 acres) of property they own in an adjoining section of that Ballantrae community, a property commonly known as the woodlot, is no longer required by them; and

WHEREAS the property owner by a letter to the Town have expressed interest in donating this property to the Town of Whitchurch-Stouffville; and

WHEREAS the intent to donate the property to the Town of Whitchurch-Stouffville will result in the creation of one (1) new lot in the Oak Ridges Moraine Conservation Plan (2017) where new lot creation is strictly restricted; and

WHEREAS section 32(5) of the Oak Ridges Moraine Conservation Plan (2017) specifically allows such a lot to be created for conveyance of the property to public bodies for natural heritage conservation purposes.

THEREFORE, BE IT RESOLVED that Council direct staff to work with representatives from Schickendanz Brothers in a process that will allow for the transfer of this property to the Town for natural conservation and recreational uses.

THE CORPORATION OF THE TOWN OF WHITCHURCH-STOUFFVILLE

BY-LAW NUMBER 2019-067-TX

BEING A BY-LAW to establish rates and levy taxes for the Town of Whitchurch-Stouffville for the year 2019 and to provide for the collection thereof.

WHEREAS pursuant to Section 312 (2) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, it is necessary for the Council of The Corporation of the Town of Whitchurch-Stouffville to levy a separate tax rate, as set out in Schedule “A” attached hereto, for the current year on the whole rateable property according to the last revised assessment roll for The Corporation of the Town of Whitchurch-Stouffville; and

WHEREAS the property classes have been prescribed by the Minister of Finance under the *Assessment Act*, R.S.O. 1990, c. A.31, as amended and Regulations thereto; and

WHEREAS an interim levy was made before the adoption of the estimates for the current year; and

WHEREAS Section 342(1)(b) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, states in part that a municipality may pass By-Laws providing for alternative instalments and due dates to allow taxpayers to spread the payment of taxes more evenly over the year; and

WHEREAS Section 345(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that a percentage charge, not to exceed 1 ¼ percent (1.25%) of the amount of taxes due and unpaid, may be imposed as a penalty for the non-payment of taxes on the first day of default or such later date as the By-Law specifies; and

WHEREAS Section 345(3) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that interest charges not to exceed 1 ¼ percent (1.25%) each month of the amount of taxes due and unpaid, may be imposed for the non-payment of taxes in the manner specified in the By-Law but interest may not start to accrue before the first day of default; and

WHEREAS pursuant to The Regional Municipality of York By-Law Number 2019-31 The Regional Municipality of York passed a By-Law to adopt estimates of all sums required by The Regional Municipality of York for the purposes of the Regional Corporation and to provide a levy on Area Municipalities and, the Regional Municipality of York approved the transition ratios By-Law Number 2019-32; and

WHEREAS the Province of Ontario has prescribed the Residential Education Tax Rates in Ontario Regulation 400/98 of the *Education Act*, R.S.O. 1990, c. E.2., as amended.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF WHITCHURCH-STOUFFVILLE ENACTS AS FOLLOWS:

1. That for the year 2019, The Corporation of the Town of Whitchurch-Stouffville shall levy upon the Residential Assessment, Multi-Residential Assessment, Commercial Assessment, Industrial Assessment, Pipeline Assessment, Farmland Assessment and Managed Forest Assessment the rates of taxation

per current value assessment for general purposes as set out in the Schedule "A" attached to the By-Law.

2. That the estimates for the current year are as set forth in Schedule "A" attached to this By-Law.
3. That the tax rates established by this By-Law to produce the final tax bills for 2019 shall be adjusted to account for the interim levies imposed by By-Law No. 2018-163-TX passed by Council on the 11th day of December, 2018.
4. That the tax rates established by this By-Law to produce the final tax bills for 2019 shall take into account adjustments to commercial, industrial and multi-residential properties as required by Bill 140, an Act to amend the *Assessment Act, Municipal Act, Assessment Review Board Act* and *Education Act* in respect of property taxes.
5. That in the event an instalment is not paid on its due date, there shall be imposed a penalty of 1 ¼ percent (1.25%) of the unpaid tax instalment on the first day of default.
6. That in the event an instalment is not paid on its due date, interest shall be imposed at the rate of 1 ¼ per cent (1.25%) per month on the first day of each calendar month following the due date and on the first day of every calendar month thereafter until the taxes are paid.
7. That for the payments-in-lieu of taxes due to The Corporation of the Town of Whitchurch-Stouffville the actual amount due to The Corporation of the Town of Whitchurch-Stouffville shall be based on the assessment roll and the tax rates for the year 2019.
8. That if any instalment remains unpaid at the due date, all future instalments become immediately due and payable.
9. That the Treasurer is hereby authorized to accept part payment from time to time on account of taxes due, provided that the acceptance of any part payment shall not affect the collection of any percentage charge imposed under sections (5) and (6) of this By-Law.
10. That notwithstanding the provisions of the By-Law, all taxes shall be deemed to have been imposed and to be due on and from the first day of January, 2019.
11. That for the railway rights of way taxes due to The Corporation of the Town of Whitchurch-Stouffville in accordance with the Regulations as established by the Minister of Finance, pursuant to the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, the actual amount due to The Corporation of the Town of Whitchurch-Stouffville shall be based on the assessment roll and the tax rates for the year 2019.
12. That there shall be a Special Service Tax Levy on the commercial and industrial assessments in the Downtown Stouffville Community Improvement Plan (DSCIP) designated by By-Law Number 2019-069-TX for the maintenance of the Downtown Stouffville Community Improvement Area.

- 13. That Schedule "A" attached hereto shall be and form a part of this By-Law.
- 14. That subject to the provisions of clause 9 of this By-Law, all taxes levied under the authority of this By-Law shall be payable in Canadian funds and shall be divided into two equal instalments, the first of said instalments to become due and payable on or before the 15th day of July, 2019 and the second of said instalments to become due and payable on or before the 16th day of September, 2019 and shall be paid into the office of the Treasurer of The Corporation of the Town of Whitchurch-Stouffville, subject to change by the Treasurer or Manager, Revenue & Taxation for accommodation for Bill 140, and/or any other Legislation or Regulation which may be enacted after the passage of this By-Law.
- 15. That on application to the Town, a taxpayer may pay taxes by a pre-authorized payment plan payable on the last business day of each month from January to October. In the event of the default of the payment on the pre-authorized payment plan, enrolment in the plan shall be terminated and the final tax levy shall be due and payable on the instalment dates as set out in Section 14.
- 16. That all Realty Taxes levied under Section 33 and Section 34 (supplementary taxes) of the *Assessment Act*, R.S.O. 1990, c. A.31 shall be due and payable at least twenty-one (21) days after notice is given by the Manager, Revenue & Taxation.
- 17. That if any section or portion of this By-Law or of Schedule "A" is found by a court of competent jurisdiction to be invalid, it is the intent of the Council of the Corporation of The Town of Whitchurch-Stouffville that all remaining sections and portions of this By-Law and Schedule "A" continue in force and effect.

READ a first and second time this 4th day of June, 2019.

READ a third time and passed this 4th day of June, 2019.

Iain Lovatt, Mayor

Gillian Angus-Traill, Clerk

2019 Tax Rates - Schedule A

<u>Tax Class</u>	<u>Tax Class Description</u>	<u>Municipal Tax Rate</u>	<u>Amount to be Raised</u>
Residential			
RT	Residential	0.255812%	\$28,820,154
R1	Res & Farm @ Farmland Phase 1	0.063953%	\$0
Total Residential			\$28,820,154
Multi-Residential			
MT	Multi-Residential	0.255812%	\$171,164
Commercial			
CT	Commercial (Occupied)	0.327286%	\$1,434,508
CU	Comm Excess Land	0.229100%	\$34,842
CX	Comm Vacant Land	0.229100%	\$152,088
C1	Comm @ Farmland Phase 1 Rate	0.063953%	\$11,110
GT	Parking Lot	0.327286%	\$4,261
XT	New Construction Comm.	0.327286%	\$440,369
XU	New Const.Comm.Excess Land	0.229100%	\$8,918
ZT	New Construction Shopping Centre	0.327286%	\$151,353
ZU	New Const.Shopping Ctre Excess Land	0.229100%	\$14,924
DT	Office Building	0.327286%	\$26,270
YT	New Const Office Bldg Full	0.327286%	\$1,443
ST	Shopping Centre	0.327286%	\$77,109
Total Commercial			\$2,357,195
Industrial			
IT	Industrial (Occupied)	0.401727%	\$329,336
IU	Ind Excess Land	0.261123%	\$6,343
IX	Ind Vacant Land	0.261123%	\$139,376
I1	Ind @ Farmland Phase 1 Rate	0.000000%	\$0
IH	Ind (prev Ont Hydro)	0.401727%	\$32,864
JT	New Const.Industrial	0.401727%	\$18,772
IK	Ind (prev Ont Hydro) Excess Land	0.261123%	\$10,799
JU	New Const.Industrial Excess Land	0.261123%	\$0
LT	Large Industrial	0.401727%	\$164,828
LU	Lg Ind @ vacant units & excess land	0.261123%	\$4,294
Total Industrial			\$706,612

PT	Pipelines	0.235091%	\$35,999
FT	Farmlands	0.063953%	\$162,631
TT	Managed Forest	0.063953%	\$11,931
Town of Whitchurch-Stouffville Tax Revenue			\$32,265,686
York Region Tax Revenue			\$ 42,407,109
Ministry of Education			<u>\$ 27,179,951</u>
Total 2019 Tax Requirement			\$101,852,747

THE CORPORATION OF THE TOWN OF WHITCHURCH-STOUFFVILLE

BY-LAW NUMBER 2019-068-RE

BEING A BY-LAW to prohibit and regulate any alteration to the *Grade of Property* through the movement, removal or *Placing of Topsoil*, or *Fill* within the *Town* of Whitchurch-Stouffville.

WHEREAS Section 142 of the *Municipal Act, 2001*, S.O. 2001, c.25 as amended authorizes the *Council* of The Corporation of the *Town* of Whitchurch-Stouffville to pass By-laws for prohibiting or regulating any alteration of the *Grade of Property* through the movement, removal or *Placing of Topsoil* or *Fill* within the *Town* of Whitchurch-Stouffville other than those areas subject to regulations made under Clause 28(1) of the *Conservation Authorities Act*, R.S.O. 1990, c.27, as amended; and

WHEREAS Section 426(4) of the *Municipal Act, 2001*, S.O. 2001, c.25 as amended deems that any *Person* that hinders or obstructs, or attempts to hinder or obstruct, any *Person* who is exercising power or performing a duty under a By-law created under the Act is guilty of an offence; and

WHEREAS Section 23.2 of the *Municipal Act, 2001*, S.O. 2001, c.25 as amended authorizes a municipality to delegate its powers to an officer, employee, or agent of the municipality; and

WHEREAS it is deemed expedient to pass this By-law.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF WHITCHURCH-STOUFFVILLE ENACTS AS FOLLOWS:

1.0 DEFINITIONS

1.1 In this By-law:

- a) "*Agreement*" means a written *Agreement* between the *Owner*, or any *Person* on behalf of the *Owner*, and the *Town*.
- b) "*Agricultural*" means the use of *Property* for an *Agricultural* purpose, including but not limited to animal husbandry, aquaculture, beekeeping, dairying, field crops, forestry, fruit farming, horticulture, poultry raising and the operation of glass or plastic covered greenhouses.
- c) "*Alter*" or "*Altered*" means to change the *Grade* of the *Property*.
- d) "*Asphalt*" means asphalt in any form.
- e) "*By-law Enforcement Officer*" means a *Person* employed by the *Town* to enforce the *Town's* By-laws.
- f) "*Conservation Authority*" means the Lake Simcoe Region *Conservation Authority* (LSRCA) and/or the Toronto and Region *Conservation Authority* (TRCA).
- g) "*Contaminant*" means any solid, liquid, gas, odour, heat, sound, vibration, radiation or combination of any of them resulting directly or indirectly from human activities that causes or may cause an adverse effect.

- h) "*Council*" means the *Council* of The Corporation of the *Town* of Whitchurch-Stouffville.
- i) "*Director*" means the Director of Development Services of the *Town*, or designate.
- j) "*Drainage*" means the natural or artificial removal of a surface's water and sub-surface water from an area of the *Property*, including but not limited to the movement of water along a swale from one location on the *Property* to another location on or off the *Property*, or to a place of disposal, whether by way of the natural characteristics of the ground surface or by an artificial method.
- k) "*Fill*" means any type of material that is or can be deposited or *Placed* on *Property* and includes without limitation, *Topsoil*, soil, sand, clay, rock, stone, concrete, sod, asphalt, *Asphalt Grindings*, slurry, liquid *Fill*, wet *Fill* or turf, either singularly or in combination.
- l) "*Fill Transfer Site*" means any *Property* that *Temporarily* stores *Fill* for the purpose of drying, decanting, testing, staging, crushing, storing, or screening.
- m) "*Fill Management Plan*" means a document approved by the *Town Engineer* that has details on current conditions, how the *Site Alteration* activities will be conducted, the final *Site* conditions, and the impact mitigation measures to be employed.
- n) "*Garden Supply Establishment*" means an establishment used primarily for the sale of gardening and planting supplies, and may include the accessory growing and cultivating of plants.
- o) "*Grade*" means the ground surface elevation of *Property*.
 - i. "*Approved Grade*" means the final ground surface elevation of a *Site Alteration* that has been approved by the *Town*.
 - ii. "*Existing Grade*" means the elevation of the existing ground surface before any *Fill* has been *Placed* on the *Property*.
 - iii. "*Finished Grade*" means the elevation of the ground surface of *Property* which has been *Altered*.
- p) "*Guidelines*" means the application requirements, information, documentation and material, as determined by the *Director* from time to time, to be used for the purpose of applying this bylaw and to consider any application for a Permit. Guidelines may be posted at www.townofws.ca.
- q) "*Hydro-Excavation Truck*" means any truck that excavates, evacuates, removes or moves *Fill* with water and/or air. The material hauled in a *Hydro-Excavation Truck* may be referenced as, among other names: slurry, liquid *Fill*, wet *Fill*, or *Fill*.
- r) "*Inspector*" means a *By-law Enforcement Officer* and any other individuals who are authorized by the *Town* to enforce the *Town's* By-laws. *Inspectors* shall also include such peer review consultants and other technical specialists, as are designated as *Inspectors* by the *Director* under this By-law, or retained by the *Town*.

- s) “*Invasive Species*” means invasive species as defined in the *Invasive Species Act, 2015, S.O. 2015, c. 22*, as may be amended or replaced from time to time.
- t) “*Lagoon*” means a natural or artificial pool or repository for the treatment of liquid waste, slurry, liquid *Fill*, or wet *Fill*.
- u) “*Large Site Alteration*” means any *Site Alteration* where the total volume of *Fill* that alters the *Grade* of the *Property* is 4,000 cubic metres or greater.
- v) “*Minor Amendment*” means an amendment to the *Fill Management Plan* that does not include any of the following:
 - i. Any change to the *Approved Grade*;
 - ii. Any change to the total volume of *Fill* to be imported, exported or moved;
 - iii. Any matter pertaining to *Hydro-Excavation Trucks*;
 - iv. Any change to inbound truck traffic, including without limitation, the frequency or total amount of such truck traffic.
- w) “*Native Fill*” means *Fill* that existed on the *Property* and was not imported onto the *Property*.
- x) “*Normal Farm Practice*” has the same meaning as defined in the *Farming and Food Production Protection Act, 1998, S.O. 1998, c.1*, as amended, but does not include the removal of *Topsoil* for sale, exchange or disposition.
- y) “*Oak Ridges Moraine*” means *Property* that is in an area set out in the *Oak Ridges Moraine Conservation Act, 2001, O.Reg. 140/02* and subject to the requirements of the Provincial *Oak Ridges Moraine Conservation Plan* and the *Town's Official Plan*.
- z) “*Order*” means an *Order* issued under s. 7 of this By-law by a *By-law Enforcement Officer*.
- aa) “*O.Reg 153/04, as amended*”, means the Records of *Site Condition* regulation under Part XV.I of the *Environmental Protection Act, R.S.O. 1990, c. E.19* and any subsequent amendments to the Act or regulation.
- bb) “*Owner*” includes the registered *Owner* of the *Property* and any *Person* managing or controlling such *Property*.
- cc) “*Person*” includes individuals, sole proprietorships, partnerships and corporations.
- dd) “*Place, Placed or Placing*” means dumping or moving *Fill* on *Property* that changes the *Grade* of the *Property*.
- ee) “*Property*” means land including all buildings and structures on the land.
- ff) “*Public Information Centre*” means an informal open meeting to which all members of the public are welcome, the purpose of which is to inform the public of the intent of a proposed *Site Alteration* project and to receive comments from the public.

- gg) “*Reclaimed Fill*” means any form of *Fill* that once contained *Contaminants* or was unacceptable for a *Property*, and has since been decontaminated by any means.
- hh) “*Record of Site Condition*” means the document filed in the Environmental Site Registry for a *Property* in accordance with *O.Reg. 153/04*, as amended.
- ii) “*Site*” is the *Property* that is the subject of a *Site Alteration* and may include one or more *Properties*.
- jj) “*Site Alteration*” means, but is not limited to, any alteration to the *Existing Grade* of a *Property* through the movement, removal, *Placing*, or relocation of any *Fill*.
- kk) “*Site Alteration Permit*” means a permit, issued by the *Director*, whether approved by the Director or Council, expressly authorizing the importation, exportation, or movement of *Fill* onto, around or off of a *Property*.
- ll) “*Site Condition Standards*” means the Soil, Ground Water and Sediment Standards for Use under Part XV.I of the *Environmental Protection Act*, R.S.O. 1990., c. E.19 published by the Ministry of the Environment (now the Ministry of the Environment, Conservation and Parks) on April 15, 2011.
- mm) “*Temporary and Temporarily*” means 182 days or less than 182 days.
- nn) “*Topsoil*” means those horizons in a soil profile, commonly known as the “O” and the “A” horizons, containing organic material and includes deposits of partially decomposed organic matter such as peat.
- oo) “*Town*” means The Corporation of the *Town* of Whitchurch-Stouffville, and includes the geographical area within the *Town*.
- pp) “*Town Engineer*” means an employee of the *Town* that has been designated by the *Director* or *Council* to act in such capacity.

2.0 GENERAL PROHIBITIONS

- 2.1 No *Person* shall undertake, cause, or permit any *Site Alteration* of any *Property* within the *Town* without the *Owner* of the property first receiving a *Site Alteration Permit* issued under this By-law authorizing the *Site Alteration*.
- 2.2 No *Owner* shall allow imported *Fill* to be present on their *Property*, unless such imported *Fill* is permitted in accordance with Sections 2.14 or 3.1 of this By-law, or the *Owner* has obtained prior written permission from the *Director*.
- 2.3 No *Person* shall fail to obey an *Order* issued under this By-law.
- 2.4 No *Person* shall undertake, cause, or permit any *Site Alteration* on *Property* that results in the outside storage of *Fill* on any *Property*, unless the outside storage of *Fill* on the *Property* is permitted by the *Town’s* Comprehensive Zoning By-law 2010-001-ZO, as amended. Under this section, *Fill* shall be considered stored outside if it is in excess of 100 cubic metres, and has been stored for a period of 182 days or more.

- 2.5 No *Person* shall import any *Fill* onto any *Property* greater than 30 cubic metres, without providing source *Site* chemical testing and lab results to the *Town*, which results shall be to the satisfaction of the *Director* such satisfaction to be expressed in writing.
- 2.6 No *Person* shall import any *Fill* onto any *Property* with the use of a *Hydro-Excavation Truck*, except where approval has been given by *Council*.
- 2.7 No *Person* shall use any *Property* as a *Fill Transfer Site* without approval from *Council*. This includes *Temporary* storage of any *Fill* material for the sale or use at a later date.
- 2.8 No *Person* shall *Place* or use *Reclaimed Fill* on any *Property*.
- 2.9 No *Person* shall undertake, cause, permit or maintain a *Lagoon* on any *Property* without prior approval from *Council* and, if required under any Provincial legislation or regulation, by the Ministry of the Environment, Conservation and Parks or any successor Ministry.
- 2.10 No *Person* shall *Alter, Fill*, or block any *Drainage* on any *Property* without prior written approval from the *Director*.
- 2.11 No *Person* shall undertake, cause, or permit the use of any *Fill* on any *Property* unless:
- a) such *Fill* meets the applicable *Site Condition Standards*;
 - b) does not contain putrescible materials; and
 - c) is free of termites and *Invasive Species* including the eggs and seeds of such species.
- 2.12 No *Person* shall hinder or obstruct, or attempt to hinder or obstruct, any *Person* who is exercising a power or performing a duty under this By-law.
- 3.0 EXCEPTIONS
- 3.1 This By-law is not applicable to the following activities:
- a) The construction, extension, alteration, maintenance or operation of works under Section 26 of the *Public Transportation and Highway Improvement Act*, R.S.O. 1990, c.P.50, as amended.
 - b) Activities of the *Town*, The Regional Municipality of York, a *Conservation Authority*, a local board of a municipality or the Provincial or Federal government.
 - c) The *Placing* or dumping of *Fill*, removal of *Topsoil* or alteration of the *Grade* of land imposed after December 31, 2002 as a condition to the approval of a Site Plan, a Plan of Subdivision or a consent under section 41, 51 or 53, respectively, of the *Planning Act* or as a requirement of a Site Plan Agreement or subdivision Agreement entered into under those sections.
 - d) The *Placing* or dumping of *Fill*, removal of *Topsoil* or alteration of the *Grade* of land imposed after December 31, 2002 as a condition to a development permit authorized by regulation made under section 70.2 of

the *Planning Act* or as a requirement of an *Agreement* entered into under that regulation.

- e) The *Placing* or dumping of *Fill*, removal of *Topsoil* or alteration of the *Grade* of land undertaken by a transmitter or distributor, as those terms are defined in section 2 of the *Electricity Act, 1998*, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section.
- f) The *Placing* or dumping of *Fill*, removal of *Topsoil* or alteration of the *Grade* of land undertaken on land described in a licence for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the *Aggregate Resources Act*.
- g) The *Placing* or dumping of *Fill*, removal of *Topsoil* or alteration of the *Grade* of land undertaken on land to lawfully establish and operate or enlarge any pit or quarry on land that has not been designated under the *Aggregate Resources Act* or a predecessor of that Act, and on which a pit or quarry is a permitted land use under a by-law passed under section 34 of the *Planning Act*.
- h) The *Placing* or dumping of *Fill*, removal of *Topsoil* or alteration of the *Grade* of land undertaken as an incidental part of drain construction under the *Drainage Act* or the *Tile Drainage Act, 2001*, c. 25, s. 142 (5); 2002, c. 17, Sched. A, s. 30 (2, 3).
- i) Notwithstanding s. 2.5, no source site chemical testing shall be required where the importation of *Fill* is from a licenced aggregate extraction site, with an active licence to operate as such from the Ministry of Natural Resources and Forestry or a successor Ministry.
- j) *Site Alterations* as part of the approved rehabilitation of a pit or quarry on *Property* for which a licence for a pit or quarry has been issued under the *Aggregate Resources Act*, and specifically addressed on the Ministry of Natural Resources and Forestry approved site plan, or a successor Ministry.
- k) Construction of a building or structure including a driveway and parking pad, pursuant to a valid Building Permit which has been issued by the *Town* for the erection of the building or structure, where the Site Plan accompanying the Building Permit application provides sufficient information to ensure that the *Site Alterations* proposed meet the *Guidelines* established by the *Director* pursuant to this By-law.
- l) Any *Filling* of an excavation to the elevation of *Existing Grade* following the demolition or removal of a building or structure for which a Demolition Permit has been issued, or for which no Demolition Permit is required under the *Building Code Act, 1992*, S.O. 1992, c.23, as amended.
- m) *Site Alterations* that are directly related to the construction or reconstruction of any road or underground service where material is removed and replaced to restore the area to its *Existing Grade*.
- n) *Site Alterations* undertaken as an emergency measure with the approval of the *Director*, under the *Town's* Emergency Management Protocol, or under the direction of the *Town*, The Regional Municipality of York, a *Conservation Authority*, or any other governmental agency with jurisdiction.

- o) *Site Alterations* that are directly related to a *Normal Farm Practice* that is legally established under the *Town's Zoning By-law*, including the application of *Topsoil* for spreading over *Agricultural Property* provided that the *Existing Grade* of the *Property* is not increased by more than two hundred (200) millimetres. This exception is only available to those *Owners* or *Properties* that have an active registration as a "farming business" as defined in the *Farm Registration and Farms Organization Funding Act ("FRFOFA")*, and are in good standing under the FRFOFA.
- p) The stockpiling of *Fill* in the ordinary course of the operation of a *Garden Supply Establishment* that is legally established under the *Town's Zoning By-law*, provided that such activity does not result in the permanent alteration of the *Existing Grade* of the *Property* of the *Garden Supply Establishment*. The *Owner* must maintain records from the material source *Sites* indicating that the imported material meets the requirements of the *Site Condition Standards* for *Agricultural Property* Use. The *Owner* must also demonstrate, to the satisfaction of the *Director*, that the material is being exported regularly and not returning to the same *Property*.
- q) The removal of *Topsoil* as an incidental part of a normal *Agricultural* practice including such removal as an incidental part of sod-farming, greenhouse operations and nurseries for horticultural products. This exception respecting the removal of *Topsoil* as an incidental part of a normal *Agricultural* practice does not include the removal of *Topsoil* for sale, exchange or other disposition.

3.2 No *Person* shall undertake, cause, or permit any *Site Alteration* without a *Site Alteration Permit* issued under this By-law, unless the *Property* is:

- a) 0.1 hectares or less, in which case the *Owner* may *Place* a maximum of 10 cubic metres of *Fill* once onto or within the *Property* without a *Site Alteration Permit*;
- b) 0.1-0.2 hectares, in which case the *Owner* may *Place* a maximum of 50 cubic metres of *Fill* once onto or within the *Property* without a *Site Alteration Permit*;
- c) 0.2-0.5 hectares, in which case the *Owner* may *Place* a maximum of 100 cubic metres of *Fill* once onto or within the *Property* without a *Site Alteration Permit*;
- d) 0.5 hectares or larger, in which case the *Owner* may *Place* a maximum of 450 cubic metres of *Fill* once onto or within the *Property* without a *Site Alteration Permit*;

The maximum volumes noted above are a one-time allowance. Any *Site Alteration* involving *Fill* that exceeds the maximum volumes is prohibited unless a *Site Alteration Permit* is issued by the *Director*.

4.0 REQUIREMENTS FOR ISSUANCE OF A PERMIT

4.1 Except as otherwise provided herein, a *Site Alteration Permit* is required for any *Site Alteration*. All *Site Alteration Permits* shall be issued by the *Director*.

4.2 Application

Any *Person* applying for a *Site Alteration Permit* shall complete an Application for a *Site Alteration Permit* in a form established from time to time by the *Director* and the said Application for *Site Alteration Permit* shall be accompanied by such supporting documentation, payment of all fees and providing all information as required by the *Director* and by the *Guidelines*.

4.3 Public Information Centre

As part of the application process for any *Site Alteration Permit* for a *Large Site Alteration*, or the *Placing of Fill* by a *Hydro-Excavation Truck*, a *Public Information Centre* must be held by the applicant. After the application is submitted, and as part of the application process, the applicant shall submit a request for a *Public Information Centre*. The *Public Information Centre* shall be held no more than 6 months after such request is made, and it is acknowledged that such request may result in further refinement of the application. If a *Public Information Centre* is held, and more than 6 months have elapsed, but no *Site Alteration Permit* has been issued, the applicant shall hold an additional *Public Information Centre*. Notice of a *Public Information Centre* shall be sent by pre-paid ordinary mail at least 14 days prior to the date of the *Public Information Centre* addressed to all owners of properties as shown on the *Town's* assessment roll records within 1,000 metres of the subject *Property*.

4.4 Abandoned Applications

Where a period of twelve (12) months has elapsed after the date on which the *Site Alteration Permit* Application was received by the *Town*, during which:

- a) the *Person* applying for a *Site Alteration Permit* has not provided any additional information, documents, reports, drawings, fees or other items as required by the *Director* to process or consider the Application; or
- b) the Application has been placed on hold or in abeyance, at the request of the applicant or at the discretion of the *Director*; or
- c) No *Public Information Centre* has been requested within 12 months of the submission of an application for a *Site Alteration Permit*,

such Application will be deemed abandoned and the Application and file will be closed by the *Town*. If an Application is deemed abandoned, and the Applicant requests to reinstate the Application, the *Town* will require a new application fee payment. The *Director* shall review the request, and the *Director* shall have discretion to reinstate the Application. All requirements shall apply to such Application, including the requirement to have the Application be re-reviewed, and if applicable, a new *Public Information Center* will be required to be held before the Application can be presented to *Council* for approval.

4.5 Additional Requirements for *Large Site Alterations*, and *Hydro-Excavation Trucks*

Upon the completion of the Application for a *Site Alteration Permit*, which shall include the provision of all supporting documentation and information as required to the *Director's* satisfaction and the *Guidelines*, where such Application is in respect of a *Large Site Alteration*, or the importation of *Fill* via *Hydro-Excavation Truck(s)*, the Applicant shall:

- a) Be required to attend a *Public Information Centre* and shall address any comments or concerns made by any member of the public expressing an interest in the Application; and
- b) address all public comments or concerns, and present to *Council* the proposed method to address such comments or concerns at a *Council* meeting in order to assist *Council* in determining whether such *Site Alteration Permit* shall be issued.

No *Site Alteration Permit* shall be issued for any proposed *Large Site Alteration*, or any *Site Alteration* proposing to import *Fill* via *Hydro-Excavation Truck(s)* until *Council* has approved the Application and authorized the issuance by the *Director* of the *Site Alteration Permit* at an evening *Council* meeting.

4.6 All Supporting Documentation

When *Council* approval is necessary, no Application for a *Site Alteration Permit* will be considered by *Council* until the *Director* is satisfied that all supporting documentation, payment of all fees and providing all information as required in this Bylaw and identified in the *Guidelines* has been provided and reviewed to the satisfaction of the *Director*.

4.7 Issuance of *Site Alteration Permit*

Notwithstanding anything else in this By-law, no *Site Alteration Permit* shall be issued by the *Director* until:

- a) A completed Application for *Site Alteration Permit*, together with such supporting documentation, payment of all fees and providing all information as required by this Bylaw and by the *Director* and identified in the *Guidelines*, including an approved *Fill Management Plan*, has been submitted to and approved by the *Director*, or as appropriate, *Council*; and
- b) Where the *Site Alteration Permit* is sought for a *Large Site Alteration*, a *Site Alteration* proposing to import *Fill* via *Hydro-Excavation Truck*, *Council* has approved the issuance of the *Site Alteration Permit* at an evening *Council* meeting, after a *Public Information Center* has been held not more than 6 months prior to such *Council* meeting and an *Agreement* has been entered into, setting forth such additional terms and conditions as the *Director* deems appropriate for such *Large Site Alteration*, and/or *Hydro-Excavation Truck Permit*.

4.8 Fees

- a) All *Site Alteration* applications will be required to pay the appropriate application fee, and provide the appropriate peer review cash account deposit, and security deposit as set out in the *Town's Fees and Charges By-law*, as amended from time to time.
- b) *Site Alteration* activities involving the importation or exportation of *Fill* will also be subject to the Municipal Service Fees charged per m³ of *Fill*, as set out in the *Town's Fees and Charges By-law*, as amended from time to time.
- c) The *Director* will consider a request to not charge the Municipal Service Fee on loads where *Native Fill* is moved within the *Property*. The onus is on the *Owner* and all *Persons* conducting the *Site Alteration* activities to

establish that the Municipal Services Fees should not apply, by providing conclusive proof to the satisfaction of the *Director* that such loads involve *Native Fill*, and do not involve transporting *Fill* onto or off the *Property* using any highway.

4.9 Additional Requirements for *Agricultural Properties*

Any *Site Alteration* application in excess of the 200 millimetre allowance of *Topsoil* on *Agricultural Property* requires an Agrologist report to be submitted to the satisfaction of the *Director*. The Agrologist report must be stamped and signed by a Professional Agrologist, who is in good standing with the Ontario Institute of Agrologists. This report must state among other matters at the *Director's* discretion, what is the minimum amount of *Topsoil* required to improve the lands to an acceptable condition for the growth/production of crops. This report is a minimum prerequisite for the consideration of such application, but does not compel the granting of a Permit.

5.0 EXPIRY, RENEWAL, REVOCATION, AMENDMENTS, CLOSURE AND TRANSFER OF PERMITS AND AGREEMENTS

- 5.1 A *Site Alteration Permit* will be issued for the period of one year, provided that where such *Site Alteration Permit* is issued for a *Large Site Alteration*, an expiry date shall be specified by the *Director* as a condition of the *Site Alteration Permit* or as set out in any *Agreement*.
- 5.2 A *Site Alteration Permit* for a *Large Site Alteration* will be subject to an annual review conducted by the *Director* to determine whether such *Site Alteration Permit* should be varied, extended or revoked.
- 5.3 Where a *Person* has been issued a *Site Alteration Permit* for a *Large Site Alteration* and an annual expiry date has been specified by the *Director* or as set out in an *Agreement*, the *Site Alteration Permit* shall expire at 11:59 p.m. on the expiry date. If a *Person* wishes to seek an extension of the *Site Alteration Permit*, they shall make an Application to the *Director* in writing at least three months prior to the expiry of the *Site Alteration Permit*.
- 5.4 Upon receipt of the Application to extend by the *Director*, the *Director* shall determine:
 - a) Whether there are any substantial changes from the original Application submitted in support of the *Site Alteration Permit*;
 - b) Whether there are any outstanding *Orders* or other items of non-compliance relating to the existing *Site Alteration Permit* and/or *Agreement*;
 - c) Whether there are any new requests and/or regulations imposed by *Council* relating to the issuance of *Site Alteration Permits* under this By-law;
 - d) Whether the *Guidelines* established by the *Director* from time-to-time require the provision of further documentation and information and, if such documentation and information is required, whether same is reasonable and should be submitted to the *Town*; and

- e) Whether there have been any other legislative changes which may require the review, revocation or amendment of the existing *Site Alteration Permit*.
- 5.5 Upon the completion of the reviews contemplated herein by the *Director*, the *Director* shall be entitled to vary, extend or revoke the *Site Alteration Permit*.
- 5.6 The *Director* may, at their discretion approve *Minor Amendments* to *Fill Management Plans*.
- 5.7 Prior to *Site Alteration Permit* closure, *Large Site Alterations*, and *Hydro-Excavation Truck Sites* will be required to complete a *Record of Site Condition* in accordance with *O.Reg. 153/04, as amended*, and provide to the *Town* a completed final topographic survey confirming that the *Final Grade* matches the *Approved Grades*.
- 5.8 A *Record of Site Condition* will also be required if there is a change of use as per *O.Reg. 153/04* as amended.
- 5.9 If title to the *Property* for which a *Site Alteration Permit* has been issued is transferred while the *Site Alteration Permit* is in effect, the *Site Alteration Permit* shall be revoked unless the new *Owner*:
 - a) Before or at the time of the transfer, provides the *Town* with an undertaking to comply with all conditions under which the existing *Site Alteration Permit* and/or *Agreement* was issued; and
 - b) In the case where there is an *Agreement*, before or at the time of the transfer, enters into an *Agreement* with the *Town* to comply with all terms and conditions of the existing *Agreement*.
- 5.10 The *Director* may at any time and without notice revoke a *Site Alteration Permit* for any one of the following reasons:
 - a) It was obtained based on mistaken, false or incorrect information;
 - b) It was issued in error;
 - c) The *Owner* or any *Person* on their behalf requests in writing that it be revoked;
 - d) Work authorized under the *Site Alteration Permit* has not commenced within six months of the *Site Alteration Permit* issue date;
 - e) Work authorized under the *Site Alteration Permit* has not been performed for any period of six consecutive months;
 - f) The *Site Alteration Permit* holder has failed to comply with any of the conditions of the *Site Alteration Permit* and/or *Agreement*; or
 - g) The *Site Alteration Permit* holder is unwilling or unable to comply with the conditions of an *Order*.

6.0 ENFORCEMENT AND INSPECTORS

- 6.1 The *Director* may appoint the *Town's* Peer Review Consultant or other engineering, scientific and technical experts to fulfill the role of an *Inspector* for the purposes of this By-law.
- 6.2 *Inspectors* may, at any reasonable time, enter and inspect any *Property* to determine whether the provisions of this By-law, or any condition of a *Site Alteration Permit, Agreement* or *Order* issued under this By-law, are being complied with. This power of entry does not allow the *Inspector* to enter any building being used as a residence.
- 6.3 *Inspectors* may, at any reasonable time, enter any *Property* for the purpose of collecting information, taking photographs, videos, measurements, readings and samples (air, surface water, groundwater, soil, materials, etc.) for audit and verification of compliance with this By-Law or the conditions of any *Site Alteration Permit, Agreement* or *Order*.
- 6.4 *Inspectors* may, at any reasonable time, request copies of reports, manifests or other documents for the purposes of auditing compliance with this By-Law or the conditions of any *Site Alteration Permit, Agreement* or *Order*.
- 6.5 Where a *Site Alteration Permit*; has been issued under this By-Law for any *Property*, and the *Town* has determined that *Fill* has been *Placed* on the *Property* in excess of the approved amount which was authorized by the *Site Alteration Permit*; or an exception under this By-law, the *Owner* of the *Property* shall be required to pay to the *Town* the fees set out in the *Town's Fees and Charges By-law, 2016-164-FI*, as amended, or any successor by-law.
- 6.6 *Inspectors* may require the production of documents for inspection or things relevant to the inspection, inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts.
- 6.7 *Council* for the *Town* delegates to the *Director* the authority to issue *Site Alteration Permits* and approve *Agreements* on behalf of the *Town*.
- 6.8 The *Director* may authorize any *Person* to carry out any of the powers or duties of the *Director* pursuant to this By-law.

7.0 ORDERS

- 7.1 If a *By-law Enforcement Officer* is satisfied that a *Person* has undertaken, caused, permitted, allowed or performed a *Site Alteration* in contravention of the provisions of this By-law, a *Site Alteration Permit*; issued pursuant to this By-law and/or an *Agreement* entered into pursuant to this By-law, the *By-law Enforcement Officer* may issue an *Order* requiring work to cease and/or work to be done to correct the contravention, which *Order* shall contain the municipal address and/or the legal description of the *Property*, and shall set out:
 - a) The reasonable particulars of the contravention, the work to be done, any work or action required to cease and/or be undertaken to rectify the contravention, and the period within which there must be compliance with the *Order*; and
 - b) Notification that if the work or action is not done, and/or ceased, as the case may be, in compliance with the *Order* within the period specified, the *Town* may have the work done at the expense of the *Owner* and seek penalties as outlined in Section 9.0.

7.2 *Orders* issued by a *By-law Enforcement Officer* under this By-law shall be served as follows:

a) *Orders* shall be served on all *Persons* to whom the *Order* is issued:

- (i) Personally; or
- (ii) by prepaid registered mail to the last known address according to the *Town's* records of the *Person* named in the *Order*; which service shall be deemed to have been effective 5 days after mailing; and

b) If the *Town* is unable to effect service of an *Order* on the *Owner*, a placard containing the terms of the *Order* may be placed in a conspicuous place on the *Property* and the placing of the placard shall be deemed to be service of the *Order* effective on the date the placard is placed on the *Property*.

8.0 WORK DONE BY THE TOWN

8.1 If the conditions of an *Order* made under this By-law are not complied with within the period specified in the *Order*, in addition to all other remedies it may have, the *Town* may undertake any *Site Alteration* to fulfill any of the conditions of a *Site Alteration Permit, Agreement or Order* at the *Owner's* expense, and may enter upon the *Property* at any reasonable time for this purpose in accordance with the provisions of the *Municipal Act, 2001*. The *Town* authorizes the *Director* to hire such agents, contractors and other *Persons* to perform the work.

9.0 PRESUMPTION

9.1 Where any *Site Alteration* occurs, is undertaken, caused, or permitted on any *Property*, the *Owner* of the *Property* is presumed to have undertaken, caused, or permitted the *Site Alteration* to occur, which presumption may be rebutted by evidence to the contrary on a balance of probabilities.

10.0 PENALTY AND OFFENCE

10.1 Every *Person* who contravenes a provision of this By-law, including an *Order* issued under this By-law, is guilty of an offence.

10.2 If an *Order* has been issued under this By-law, and the *Order* has not been complied with, the contravention of the *Order* shall be deemed to be a continuing offence for each day or part of a day that the *Order* is not complied with.

10.3 Every *Person* who is guilty of an offence under this By-law shall be subject to the following penalties:

- a) Upon a first conviction, to a fine of not more than \$50,000.00;
- b) Upon a second or subsequent conviction for the same offence, to a fine of not more than \$100,000.00;
- c) Upon conviction for a continuing offence, to a fine of not more than \$10,000 for each day or part of a day that the offence continues. The total of the daily fines may exceed \$100,000.00; and

- d) Upon conviction of a multiple offence, for each offence included in the multiple offence, to a fine of not more than \$10,000.00. The total of all fines for each included offence is not limited to \$100,000.00.

10.4 For the purposes of this By-law, “multiple offence” means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this By-law.

10.5 For the purposes of this By-law, an offence is a second or subsequent offence if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.

10.6 When a *Person* has been convicted of an offence under this By-law:

- a) the Ontario Court of Justice; or
- b) any Court of competent jurisdiction thereafter may, in addition to any other penalty imposed on the *Person* convicted, make an *Order* prohibiting the continuation or repetition of the offence by the *Person* convicted.

10.7 Municipal fees for administration and enforcement activities under this By-law shall be subject to the rates and fees set out in the *Town’s* current Fees and Charges By-law as amended or any successors thereto.

11.0 APPEAL

11.1 A person who considers themselves aggrieved by an *Order* made by a *By-Law Enforcement Officer* may appeal the *Order* to the *Director* within 20 days after the date on which the *Order* is made. The appeal shall be in writing and shall contain the person’s name, address, email address (if applicable), phone number and details concerning the reason for appealing the *Order* and the remedy being requested.

11.2 An appeal shall be served by prepaid ordinary or registered mail, courier, or email addressed to the attention of the *Director* at the municipal street address, or email address or *Town’s* website at www.townofws.ca.

11.3 The appeal shall be heard in writing. The *Director* may also arrange for an oral hearing to be held if the *Director*, in his or her sole and absolute discretion, considers it necessary to do so.

11.4 An appeal does not stay the operation of the *Order* appealed from but the *Director* may, on such terms as are just, stay the operation of the *Order* until the disposition of the appeal.

11.5 On an appeal, the *Director* may request and require production of any further documents, reports and information to be provided by the person appealing the *Order*, from the enforcement officer who issued the *Order*, and from any other person who may have knowledge or information relevant to the *Order*. The *Director* may consider any issue relevant to the issuance of the *Order*, including legal issues and interpretation of the bylaw, and may consult with the legal counsel in determining the validity of the *Order*. The *Director* may affirm, vary or rescind the *Order* and take any other action that the *Director* considers the person ought to take in accordance with this bylaw and for those purposes, the *Director* may substitute his or her opinion for that of the enforcement officer. Any decision made by the *Director* shall be made in writing and shall be delivered by ordinary prepaid or registered mail, courier, email, or facsimile transmission to the person appealing the *Order* and the enforcement officer who issued the *Order*.

12.0 SEVERABILITY

12.1 If any provision of this By-law or the application thereof to any *Person* or circumstance is invalid, the invalidity shall not affect other provisions or application of this By-law which can be given effect without the invalid provision or application, and to this end the provisions of this By-law are severable.

13.0 EFFECTIVE DATES & REPEAL OF PREDECESSOR BY-LAWS

13.1 This By-law shall come into force and effect upon the date it is passed.

14.0 TRANSITION PROVISION

14.1 The within By-law replaces By-law 2017-017-RE and all amendments thereto for any *Site Alteration Permit* issued or *Site Alteration* requested after the date of passage of this By-law. For any *Site Alteration Permit* issued or *Agreement* entered into prior to the passage of this By-law, the provisions of By-law 2017-017-RE shall continue to apply, including to any acts, omissions or occurrences, and to any offences that took place prior to the passing of this By-law.

READ a first and second time this 4th day of June, 2019.

READ a third time and passed this 4th day of June, 2019.

Iain Lovatt, Mayor

Gillian Angus-Traill, Clerk

THE CORPORATION OF THE TOWN OF WHITCHURCH-STOUFFVILLE

BY-LAW NUMBER 2019-069-TX

BEING A BY-LAW to establish rates and levy taxes for
2019 for the Downtown Stouffville Community
Improvement Area.

WHEREAS Section 326 of the *Municipal Act, 2001*, S.O. 2001, c.25 provides that a Municipality may pass by-laws imposing fees or charges on any class of persons; and

WHEREAS the Treasurer may add fees and charges imposed by the municipality to the tax roll and collect them in the same manner as municipal taxes.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF WHITCHURCH-STOUFFVILLE ENACTS AS FOLLOWS:

1. That the boundaries for which the Special Service Tax Levy will apply shall mirror the boundaries of the Community Improvement Plan Area.
2. That the Special Service Tax Levy shall only apply to commercial and industrial assessed properties or portions thereof as per attached "Schedule A".
3. That the funding formula in support of the Downtown Stouffville 2019 initiative will be a 50/50 partnership between the Town and the downtown landowners/merchants.
4. That the methodology to calculate the Special Service Tax Levy shall be based upon the commercial and industrial value assessment that MPAC applies to eligible properties, other than vacant land.
5. That the fees shall be collected with the realty taxes of the properties within the Downtown Stouffville Community Improvement Area.

READ a first and second time this 4th day of June, 2019.

READ a third time and passed this 4th day of June, 2019.

Iain Lovatt, Mayor

Gillian Angus-Traill, Clerk

SCHEDULE A					
DOWNTOWN STOUFFVILLE COMMUNITY IMPROVEMENT AREA - 2019					
				Tax Rate	0.138360
		CT,IT		Total Budget	\$69,843.00
ROLL NUMBER	LOCATION	ASSESSMENTS			2019 Levy
000160001000000	6361 MAIN ST	CT	705,840		976.60
000160003000000	6371 MAIN ST	CT	627,373		868.03
000160007000000	6383 MAIN ST	CT	341,490		472.48
000160008000000	6385 MAIN ST	CT	341,725		472.81
000160009000000	6389 MAIN ST	CT	492,500		681.42
000160010000000	6391 MAIN ST	CT	519,250		718.43
000160011000000	6395 MAIN ST	CT	452,585		626.19
000160012000000	6397 MAIN ST	CT	71,400		98.79
000160013000000	6403 MAIN ST	CT	641,636		887.76
000160016000000	6349 MAIN ST	CT	209,805		290.29
000160018000000	6343 MAIN ST	CT	375,735		519.87
000160021000000	6335 MAIN ST	CT	540,500		747.83
000160022000000	6331 MAIN ST	CT	317,985		439.96
000160024000000	6327 MAIN ST	CT	1,682,750		2,328.25
000160025000000	6323 MAIN ST	CT	825,000		1,141.47
000160028000000	6311 MAIN ST	CT	1,306,750		1,808.01
000160030000000	6297 MAIN ST	CT	707,500		978.89
000160031000000	6291 MAIN ST	CT	247,100		341.89
000160032500000	6287 MAIN ST	CT	233,000		322.38
000160047000000	6223 MAIN ST	CT	690,000		954.68
000160048000000	6219 MAIN ST	CT	691,000		956.06
000160049000000	6211 MAIN ST	CT	1,265,000		1,750.25
000160051000000	6209 MAIN ST	CT	772,250		1,068.48
000160215000000	12 PARK DR	CT	737,275		1,020.09
000160254000000	34 CIVIC ST	CT	1,000,000		1,383.60
000170001000000	6324 MAIN ST	CT	838,898		1,160.70
000170002000000	6328 MAIN ST	CT	478,250		661.70
000170004000000	6332 MAIN ST	CT	563,378		779.49
000170005000000	6336 MAIN ST	CT	648,750		897.61
000170008000000	6342 MAIN ST	CT	236,875		327.74
000170010000000	6350 MAIN ST	CT	618,150		855.27
000170012000000	6358 MAIN ST	CT	282,280		390.56
000170014000000	6362 MAIN ST	CT	200,338		277.19
000170016000000	6372 MAIN ST	CT	373,155		516.30
000170020000000	6376 MAIN ST	CT	1,159,175		1,603.83
000170023000000	6392 MAIN ST	CT	1,326,250		1,834.99
000170026000000	6316 MAIN ST	CT	498,625		689.90
000170028000000	6312 MAIN ST	CT	543,605		752.13
000170029000000	6308 MAIN ST	CT	290,725		402.25
000170031000000	6306 MAIN ST	CT	386,825		535.21
000170033000000	6302 MAIN ST	CT	519,900		719.33
000170035000000	6298 MAIN ST	CT	259,800		359.46
000170036500000	6296 MAIN ST	CT	402,500		556.90
000170038000000	6294 MAIN ST	CT	249,475		345.17
000170040000000	6286 MAIN ST	CT	598,453		828.02

000170042000000	6284 MAIN ST	CT	405,500		561.05
000170044000000	6280 MAIN ST	CT	308,576		426.94
000170046000000	6276 MAIN ST	CT	363,885		503.47
000170048000000	6272 MAIN ST	CT	722,998		1,000.34
000170052000000	6262 MAIN ST	CT	332,630		460.23
000170054000000	6258 MAIN ST	CT	209,450		289.79
000170055000000	6252 MAIN ST	CT	202,450		280.11
000170056000000	6246 MAIN ST	CT	467,655		647.05
000170056150000	6258 MAIN ST	CT	204,750		283.29
000170056250000	6246 MAIN ST	CT	288,000		398.48
000170056600000	6242 MAIN ST	CT	454,250		628.50
000170072000000	6234 MAIN ST	CT	380,970		527.11
000170074000000	6224 MAIN ST	CT	295,695		409.12
000170076000000	6220 MAIN ST	CT	224,925		311.21
000170077000000	6212 MAIN ST	CT	2,954,750		4,088.18
000170090000000	20 FREEL LANE	CT	854,750		1,182.63
000170092000000	6204 MAIN ST	CT	950,000		1,314.42
000170093000000	6198 MAIN ST	CT	525,750		727.43
000170094000000	6194 MAIN ST	CT	501,500		693.87
000170095000000	6180 MAIN ST	CT	631,800		874.16
000180001000000	6400 MAIN ST	CT	725,250		1,003.45
000180005000000	6412 MAIN ST	CT	890,725		1,232.40
000200006000000	6162 MAIN ST	CT	750,300		1,038.11
000200010000000	6148 MAIN ST	CT	315,250		436.18
000200011000000	6146 MAIN ST	CT	292,288		404.41
000200012000000	6142 MAIN ST	CT	282,300		390.59
000200013000000	6132 MAIN ST	CT	521,045		720.92
000200033000000	6096 MAIN ST	CT	207,400		286.96
000200037000000	6082 MAIN ST	CT	223,275		308.92
000200046000000	6060 MAIN ST	CT	161,450		223.38
000200053000000	6038 MAIN ST	CT	72,325		100.07
000200770000000	92 SCHELL ST	CT	2,022,000		2,797.63
000201185000000	33 EDWARD ST	CT	1,521,750		2,105.49
000201192000000	47 EDWARD ST	CT	829,500		1,147.69
000201204000000	47 EDWARD ST	CT	262,000		362.50
000201210000000	83 EDWARD ST	CT	136,300		188.58
000201210000000	83 EDWARD ST	IT	288,250		398.82
000201303000000	18 EDWARD ST	CT	288,625		399.34
000205001000000	6193 MAIN ST	CT	239,300		331.09
000205006000000	6179 MAIN ST	CT	717,250		992.38
000205014000000	6165 MAIN ST	CT	832,845		1,152.32
000205027000000	6131 MAIN ST	CT	705,500		976.13
000205039000000	6097 MAIN ST	CT	12,850		17.78
000205043000000	6085 MAIN ST	CT	630,425		872.25
		TOTAL	50,479,343		69,843.00

THE CORPORATION OF THE TOWN OF WHITCHURCH-STOUFFVILLE

BY-LAW NUMBER 2019-070-FI

BEING A BY-LAW to amend fees or charges for services or activities provided by the Town of Whitchurch-Stouffville, By-law 2018-164-FI (General Fees and Charges).

WHEREAS Section 391 of the *Municipal Act*, 2001, S.O. 2001, c.25 provides that a Municipality may pass by-laws imposing fees or charges for services; and

WHEREAS Council enacted By-law 2018-164-FI establishing Fees and Charges for The Corporation of the Town of Whitchurch-Stouffville (the “Town”); and

WHEREAS the Town has constructed, and is operating and maintaining a stormwater system for the benefit of residents and business property owners in the Town; and

WHEREAS it is deemed necessary to amend Schedule "M" of By-law 2018-164-FI to include stormwater infrastructure rates.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF WHITCHURCH-STOUFFVILLE ENACTS AS FOLLOWS:

1. That Schedule M (Service Area: Public Works Administration and Roads) to By-law 2018-164-FI be amended by adding the following items:

Item	Goods/Services Provided	Unit of Measure	Mid-Year Rate	Admin Cost	HST at 13%	Additional Description
8 a)	Stormwater Rate – Residential	each	\$31.00	N	N	Annual rate for each residential property serviced by municipal water and sanitary sewer services
8 b)	Stormwater Rate – Commercial, Industrial and Multi-residential	Each	\$122.00	N	N	Annual rate for each commercial, industrial and multi-residential property serviced by municipal water and sanitary sewer services

2. That this By-law shall come into effect on the 4th day of June 2019; and
3. That except as amended by this By-law all provisions of By-law 2018-164-FI are and shall remain in full force and effect.

READ a first and second time this 4th day of June, 2019.

READ a third time and passed this 4th day of June, 2019.

Iain Lovatt, Mayor

Gillian Angus-Traill, Clerk

THE CORPORATION OF THE TOWN OF WHITCHURCH-STOUFFVILLE

BY-LAW NUMBER 2019-071-RE

BEING A BY-LAW to amend Procedural By-law 2016-001-RE being a by-law to govern the proceedings of Council Meetings (Section 7.1 Order of Business – Regular Meeting)

WHEREAS Section 238(2) of the *Municipal Act*, 2001, S.O. 2001, c.25, provides that every municipality shall pass a procedure by-law for governing the calling, place and proceedings of Meetings; and

WHEREAS Council enacted by-law 2016-001-RE being a by-law to govern the proceedings of Council Meetings; and

WHEREAS Council resolved to amend the Procedural By-law Section 7.1 Order of Business for a Regular Council Meeting with regard to the Holding of a Closed Meeting of Council to have a Council Member Start Time at 3:00 p.m. or 6:00 p.m. and Published Public Start Time at 4:00 p.m. or 7:00 p.m.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF WHITCHURCH-STOUFFVILLE ENACTS AS FOLLOWS:

1. That Section 7.1 Order of Business – Regular Meeting of the Council Procedural By-law 2016-001-RE be amended to include an order of business for a Regular Meeting, for the purposes of adjourning into Closed Meeting at the beginning:
 1. Call to Order at 3:00 p.m. or 6:00 p.m.
 2. Roll Call
 3. Resolution to Hold a Closed Meeting
 4. Reconvene into Open Meeting at 4:00 p.m. or 7:00 p.m.
 5. Roll Call
 6. Introduction to Addendum Items
 7. Confirmation of Agenda
 8. Declaration of Pecuniary Interest
 9. Items Arising from a Closed Meeting
 10. Adoption of Minutes
 11. Recognitions
 12. Delegations / Petitions
 13. Outside Presentations / Information from Council Appointed Committees
 14. Consent Agenda
 15. Action Items Requiring Separate Discussion
 16. Notice of Motion / Motion for Which Notice Has Been Given
 17. Resolutions from Council
 18. By-laws
 19. Regional Business
 20. Resolution to Hold a Closed Meeting
 21. Items Arising from a Closed Meeting
 22. Confirmatory By-law
 23. Adjournment

READ a first and second time this 4th day of June, 2019.

READ a third time and passed this 4th day of June, 2019.

Iain Lovatt, Mayor

Gillian Angus-Trail, Clerk