

April 11, 2022

**By E-Mail to *clerkspublic@markham.ca***

City Council  
City of Markham  
Markham Civic Centre  
101 Town Centre Boulevard  
Markham, Ontario  
L3R 9W3

**Attention: Kimberley Kitteringham, City Clerk**

Dear Council:

**Re: Proposed Area-Specific Development Charge for the Rodick/Miller Road  
Planning District – Area 17  
Development Charges Public Meeting – April 12, 2022  
Submissions on behalf of White Owl Properties Limited**

We are counsel to White Owl Properties Limited (“White Owl”), the owner of lands located northeast of the intersection of Woodbine Avenue and 14<sup>th</sup> Avenue in the City of Markham, within the Rodick/Miller Road Planning District. A map of this area is attached for ease of reference.

We understand that on April 12, 2022, City Council will be holding a public meeting to consider, among other things, an Area-Specific Development Charge (“ASDC”) By-law for the Rodick/Miller Road Planning District - Area 17 (“Area 17”).

Although the City’s Notice of Public Meeting states that one of the purposes of the public meeting is to “allow the public the opportunity to review and provide comments on the ... proposed new development charges by-law”, we understand that a draft of the ASDC By-law for Area 17 is not yet publicly available. Consequently, we are unable to provide comments on the proposed by-law at this time.

Meanwhile, we are aware that there is a current ASDC By-law for Area 17 (By-law 2017-122), which was enacted by City Council on December 12, 2017, and expires after five years (i.e., December 2022). That by-law imposes an area-specific development charge in Area 17 for the following municipal services: storm water management and sanitary sewers.

Assuming that the proposed ASDC By-law for Area 17 is intended to follow a similar format as By-law 2017-122, we offer the following preliminary comments:

1. The area to which By-law 2017-122 applies, as shown on Schedule "C" to that by-law, does not include the lands immediately south of Miller Avenue, east of Woodbine Avenue, which we understand are currently owned by Infrastructure Ontario and for which the proposed stormwater management pond was designed to accommodate flows;
2. The City is the owner of certain lands within Area 17, west of Rodick Road, for which the proposed stormwater management pond was designed to accommodate flows. Although these lands are within the area to which By-law 2017-122 applies, the by-law states that it does not apply to land or buildings that are owned or used by a municipality; and
3. The area to which By-law 2017-122 applies includes lands east of Rodick Road and north of 14<sup>th</sup> Avenue, which are currently developed for employment uses and for which the proposed stormwater management pond was not designed to accommodate flows.

Thus, practically speaking, it appears that a proposed new ASDC By-law for Area 17 may apply only to the White Owl lands. As a result, White Owl wishes to have discussions within City Engineering and Finance staff to consider other servicing solutions for the lands and potential alternatives to a proposed ASDC By-law for Area 17. Given that By-law 2017-122 does not expire for more than eight months, there is no immediate urgency to replace this by-law. Consequently, on behalf of White Owl, we are writing to request that Council defer any decision to proceed with a new ASDC By-law for Area 17 at this time.

Kindly ensure that we receive any decision of Council regarding this matter.

Yours truly,  
**DAVIES HOWE LLP**



Mark R. Flowers  
Professional Corporation

Attachment

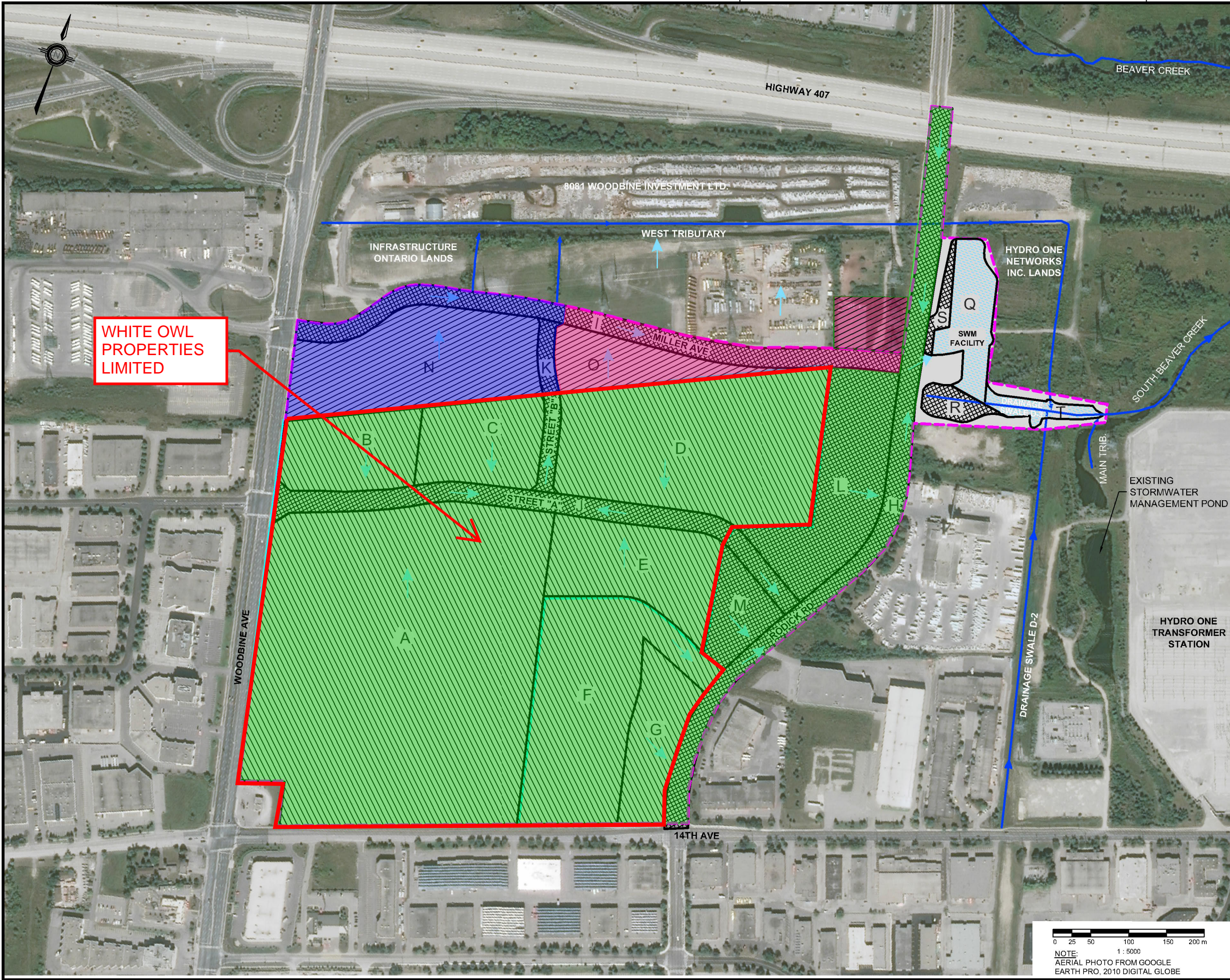
copy: Client  
Nick Pileggi, Macaulay Shiomi Howson Ltd.  
Abhi Sood, AECOM Canada Limited  
Tony Masongsong, Masongsong Associates Engineering Ltd.



B SIZE 11" x 17" (279.4mm x 431.8mm)

PLOT: 3/29/2021 3:03:39 PM

FILE NAME: 60586897-FIG 3.DWG



**Legend**

- [Pink dashed line] STUDY AREA (LANDS CONTRIBUTING TO PROPOSED SWM FACILITY)
- [Cyan line] DRAFT PLAN OF SUBDIVISION BOUNDARY
- [Blue line] WATERCOURSE
- [Blue arrow] SURFACE DRAINAGE FLOW DIRECTION
- [Green hatched] LANDS OWNED BY HYDRO ONE NETWORKS INC.
- [Blue hatched] LANDS OWNED BY THE MILLER GROUP
- [Pink hatched] LANDS OWNED BY THE CITY OF MARKHAM
- [Pink hatched] LANDS OWNED BY INFRASTRUCTURE ONTARIO (IO)
- [Green box] VO CATCHMENT 101
- [Blue box] VO CATCHMENT 102
- [Pink box] VO CATCHMENT 103

PRELIMINARY CONTRIBUTING AREA BREAKDOWN			
AREA ID	PROPERTY OWNERSHIP & DESCRIPTION	AREA (ha)	% CONTRIB.
<b>THE MILLER GROUP</b>			
A	Future Development Lands	15.21	30.2
B	Future Development Lands	1.77	3.5
Sub-total		16.98	33.7
<b>THE MILLER GROUP</b>			
C	Future Development (by the Miller Group)	1.79	3.6
D	Miller Head Office and Asphalt Plant	6.01	11.9
E	Miller Asphalt Plant	2.47	4.9
F	York South Transfer Station	4.58	9.1
G	Prop. Development Lots on Rodick Rd	1.50	3.0
Sub-total		16.35	32.5
<b>CITY OF MARKHAM</b>			
H	Rodick Road	2.83	5.6
I	Miller Avenue	2.07	4.1
J	Street 'A'	1.99	3.9
K	Street 'B'	0.51	1.0
L	Service & Maintenance Yard	2.90	5.8
M	Service & Maintenance Yard	0.93	1.8
Sub-total		11.23	22.3
<b>INFRASTRUCTURE ONTARIO (IO)</b>			
N	IO Lands	3.83	7.6
O	IO Lands	1.32	2.6
P	IO Lands	0.67	1.3
Sub-total		5.82	11.6
<b>TOTAL AREA CONTRIBUTING TO SWM FACILITY</b>		<b>50.38</b>	<b>100.0</b>
<b>SWM FACILITY AREAS AND OUTLET CHANNEL WORKS</b>			
Q	Hydro One Networks Inc.	1.07	55.2
R	City of Markham	0.32	16.5
S	City of Markham	0.20	10.3
T	Hydro One Networks Inc.	0.35	18.0
<b>TOTAL SWM FACILITY</b>		<b>1.94</b>	<b>100.0</b>

DO NOT SCALE THIS DOCUMENT.  
ALL MEASUREMENTS MUST BE OBTAINED FROM STATED DIMENSIONS

This drawing has been prepared for the use of AECOM's client and may not be used, reproduced or relied upon by third parties, except as agreed by AECOM and its client, as required by law or for use by governmental reviewing agencies. AECOM accepts no responsibility, and denies any liability whatsoever, to any party that modifies this drawing without AECOM's express written consent.



**Storm Management Facility Design Brief  
for the Miller Lands within  
South Beaver Creek Subwatershed  
BLOCK PLAN - CONTRIBUTING AREAS  
TO RODICK ROAD STORMWATER  
MANAGEMENT FACILITY**

PROJECT NUMBER	DATE	FIGURE
60586897	MARCH, 2021	3

