

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 3, 2009

Item 1, Report No. 1, of the Committee of the Whole (Working Session), which was adopted without amendment by the Council of the City of Vaughan on February 3, 2009.

1 **ANIMAL SERVICES SHELTER**

The Committee of the Whole (Working Session) recommends:

- 1) That staff continue to work on the development of a permanent joint animal shelter facility with King Township and explore opportunities with King Township to add additional services to offset costs, i.e. dog grooming and pet stores; and**
- 2) That the following report of the Commissioner of Legal and Administrative Services and City Solicitor and the Director of Enforcement Services, dated January 12, 2009, be received.**

Recommendation

The Commissioner of Legal and Administrative Services and City Solicitor, and the Director of Enforcement Services, recommend:

1. That staff continue to work on the development of a permanent joint animal shelter facility with King Township.

Economic Impact

There is no economic impact at this time.

Communications Plan

None at this time.

Purpose

This report is to provide a status update relating to the options being pursued for development of a permanent animal shelter solution.

Background - Analysis and Options

Council, at its meeting of November 26, 2007, adopted the following recommendation:

“That staff be directed to contact the Township of King to review opportunities to provide animal shelter services for both municipalities.”

Pursuant to the above direction, staff have been working with King Township to canvass options for the development of a permanent joint animal shelter facility.

Options

Following several discussions and meetings, staff have narrowed the potential options to (1) development of a shelter facility at the King Campus of Seneca College, or (2) development of a facility on a property identified as available within King.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 3, 2009

Item 1, CW(W) Report No. 1 – Page 2

1. King's CAO and Clerk and Vaughan's City Manager, City Solicitor, and Director of Enforcement Services met with the Dean of Applied Arts and Health Sciences at Seneca College to discuss a joint venture located at the King Campus. The discussions contemplate a facility constructed in conjunction with the Veterinary Technicians Course facility.

This option would benefit from the large pool of students to work in the shelter, likely as part of a co-op within their program. Seneca already has a relationship with Kennel Inn, the current service provider. This option might include Seneca ultimately employing Kennel Inn management and staff to run the operation, and both municipalities purchasing services.

This option does, however, involve Seneca in the requirement for environmental assessment as the location is within the Oakridges Moraine. Necessary approvals result in a timeline of 18-24 months, placing potential occupancy into 2011.

2. Several properties within King were initially identified, and through process of elimination King has now identified a property located in Pottageville (7th Concession and 18th Side Road) as a viable location. The property is 2 acres and has a 3,000. sq. ft. shell building structure with a paved lot. The building is owned and operated by King, being occasionally used as a community hall. The building could be renovated, and expanded as required. The driving time to this location is between 15-20 minutes from the Civic Centre.

Timing

There remains a sense of urgency to finalizing a solution to animal sheltering for the City of Vaughan. Because Richmond Hill has determined to establish its own animal shelter facility, only King and Vaughan will continue to purchase services from Kennel Inn after spring 2009. Kennel Inn, advises that King and Vaughan will have their contract rate increased to offset their lost revenue, as they are unable to continue to offer service without the operating funds. Therefore, starting in April 2009 the annual cost to Vaughan will increase from \$400,000 to \$700,000. (King is facing a similar increase).

King and Vaughan are the only two municipalities in York Region still utilizing the services of Kennel Inn and Kennel Inn has advised us that its long-term future is uncertain. The facility is on leased land that is approved for development. With the current economic downturn, the property owner does not expect to start development until 2010, and has provided the owners of Kennel Inn with a lease extension to 2010.

Next Steps

Staff will continue to work to bring a complete proposal to Council prior to the summer hiatus. At this moment, Seneca has not confirmed its commitment to Option 1, so staff will focus on developing Option 2, development of a property located in Pottageville in King.

Details need to be worked out regarding timing, ownership, capital cost sharing, and operational cost-sharing. It is anticipated that funds will be allocated within the 2010 Capital Budget, however if circumstances at Kennel Inn were to change, it might be necessary to move forward with pre-budget approval in during 2009.

In the Capital Budget submission, Enforcement Services requested \$700,000. for a temporary shelter solution in the event that Kennel Inn closed down prior to a permanent shutdown being finalized. This amount was previously put forward in 2008, and remains below the line until needed. Ideally, a permanent animal shelter will be established in time to provide service when Kennel Inn loses their facility in Aurora, without the need for a temporary facility to bridge the gap.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 3, 2009

Item 1, CW(WS) Report No. 1 – Page 3

As of today, it appears that Kennel Inn will remain in business until sometime in 2010.

Relationship to Vaughan Vision 2020/Strategic Plan

This initiative is in keeping with the Vaughan Vision in that it speaks to Pursuing Excellence in Service Delivery.

Regional Implications

Not applicable.

Conclusion

Staff will continue to work with King to develop a comprehensive proposal for a permanent joint animal shelter facility and bring forward a report prior to the summer hiatus. Kennel Inn continues to provide the City with service, albeit at an increased operating cost, and can be expected to sustain this into 2010. In the event circumstances change with Kennel Inn, it might be necessary to move forward with a pre-budget approval in 2009.

Attachments

None

Report prepared by:

Tony Thompson
Director of Enforcement Services

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 3, 2009

Item 2, Report No. 1, of the Committee of the Whole (Working Session), which was adopted without amendment by the Council of the City of Vaughan on February 3, 2009.

**2 PUBLIC HEARING NOTIFICATION FOR PLANNING APPLICATIONS
CITY OF VAUGHAN
FILE: 12.29**

The Committee of the Whole (Working Session) recommends:

- 1) That the recommendation contained in the following report of the Commissioner of Planning, dated January 12, 2009, be approved;
- 2) That the timing of when Public Hearing agendas are made available be referred to staff and that staff review stricter guidelines with respect to Committee of the Whole addendum planning reports;
- 3) That the City of Vaughan encourages the proponent to hold a community meeting prior to submitting a planning application;
- 4) That an extensive communications plan be developed to promote the new Planning notification recommendations. This plan should include media releases, preparation and insertion of articles, setting-up interviews, Councillor articles and letters to the Editor;
- 5) That the presentation by the Manager of Development Planning and presentation material entitled, "Public Hearing Notification With Respect To Planning Applications", dated January 2009, be received; and
- 6) That the deputation of Ms. Anna Bortolus and Mr. Bob Klein, Kleinburg & Area Ratepayers' Association, P.O. Box 202, Kleinburg, L0J 1C0, be received.

Recommendation

The Commissioner of Planning recommends:

1. THAT a Public Meeting be held to:
 - i) amend the public notification procedures outlined in OPA #478, specifically to increase the minimum public notification area for a planning application requiring a public meeting from 120 m to 150 m; and,
 - ii) amend Zoning By-law 1-88, specifically to permit a temporary sales office for the sale of or the taking of reservations for the purchase of residential units in a residential apartment condominium building only when the zoning is in place, whereas By-law 1-88 currently permits sales and reservations when the Official Plan is in effect.
2. THAT the following recommendations be adopted with respect to the proposed changes to the notification of planning applications and policy studies:
 - i) that Council adopt the "Notification for Planning Applications Protocol" and "Notification for Policy Study Protocol" as shown on Attachment #1, identifying the City's procedures for the notification of public meetings for:
 - a) planning applications requiring a public meeting, including:
 - 150 m notification area;

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 3, 2009

Item 2, CW(WS) Report No. 1 – Page 2

- a new signage policy;
 - posting notices on the City's website; and,
 - the hand delivery of notices in new areas;
- b) policy planning studies, including:
- the Terms of Reference for each study shall review and identify signage opportunities within the study area and shall require an implementation plan (including new development areas);
 - utilizing an electronic registry to notify stakeholder at all key milestone events during a study; and,
 - the posting of notices in community facilities.
- ii) that Council adopt the "Sign Policy" as shown on Attachment #2, identifying the City's requirements for a notice sign to inform the public of planning applications and policy planning studies, which includes:
- a) a larger sign size;
 - b) simplified wording; and,
 - c) a map illustration of the application;
- iii) that the Development Planning Department work with the Corporate Communications Department to establish a permanent advertisement to be included in every edition of the "City Page" directing the public to the City's website for current public meeting notices respecting planning applications and policy studies;
- iv) that a revised public meeting notice as shown on Attachment #3 that is more "reader friendly" be used to notify the public of a planning application and of a policy planning study;
- v) that a new public meeting be considered for all planning applications under the following circumstances:
- a) any application that has not been considered by the Committee of the Whole within two (2) years after being considered at a previous public meeting;
 - b) where the nature of the application has been amended to increase the density of the proposal, change the nature of the land uses or arrangement thereof, and increase the proposed building height; and,
 - c) in respect of a) and b) above, the Development Planning Department shall prepare a brief report to Council outlining the rationale for a new public meeting and that Council will make the final decision with respect to holding a further public meeting;
- vi) that the notice of a public meeting respecting a planning application(s) or a policy study(ies) shall be:
- a) posted for public viewing and information on the City's website in accordance with the minimum time frames prescribed in the Planning Act;
 - b) that the website shall include a "hot link" to the notices; and

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 3, 2009

Item 2, CW(W.S) Report No. 1 – Page 3

- c) previous notices shall be archived on the City's website.
 - vii) that Ward Sub-Committee and community meetings continue to be used as a tool for engaging the public in the planning process, as directed by Council; and
 - viii) that the Development Planning and Policy Planning Departments provide Access Vaughan with a copy of each public meeting notice, which identifies the City Planner responsible for the file, thereby allowing Access Vaughan to transfer the inquiry directly to the appropriate City Planner.
3. THAT the Legal Services and Building Standards Departments be directed to initiate an amendment to the City's Sign By-law 203-92 (Consolidated By-law) to require that prior to applying for or erecting an advertising sales sign(s) for the taking of reservations or sale of residential units, for a residential apartment condominium building, that the necessary zoning be in place to facilitate a proposed development.
4. THAT the Development Planning Department prepare an evaluation report on the new notification procedures for a future Committee of the Whole meeting, within two years after the full implementation of the approved notification procedures, but not later than the summer of 2011.

Economic Impact

There will be an economic impact associated with increasing the minimum notification requirements prescribed by the *Planning Act*, including additional notices, postage, and staff time and resources required to administer the proposed Notification for Planning Applications Protocol and the Sign Policy shown on Attachments #1 and #2, respectively, and to implement the suggested recommendations. The exact dollar amount is unknown at this time since it will vary depending on the number of planning applications received in any year and their location within the municipality with respect to the number of surrounding landowners.

There will also be an economic impact associated with posting a sign(s) to advertise City initiated policy planning studies. The exact dollar amount is unknown at this time since it will vary depending on the number of planning studies carried out in any year, the scope and complexity of each study, and the number of signs required to adequately advertise the planning study as may be determined through the approved Terms of Reference for a study.

Communications Plan

The proposed changes to the notification procedures for planning applications will primarily be communicated through updated information appended to the City's planning application forms. It is also proposed that the City's website be utilized to post a copy of each notice of a planning application for future public meetings. The additional policy study requirements will be communicated through the Terms of Reference prepared for a planning study, which is approved by Council.

Purpose

This report has been prepared in response to the following Council direction adopted on September 24, 2007 (in part):

- "1) That staff provide a report to a Committee of the Whole (Working Session) meeting in December 2007, on options and solutions for public consultation guidelines, taking into consideration comments from members of Council; and,

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 3, 2009

Item 2, CW(W.S) Report No. 1 – Page 4

- 2) That the wording of the signs erected on lands affected by a planning application, and the notice in the media, be simplified.”

A report in respect of Council’s motion was considered by the Committee of the Whole (Working Session) on May 27, 2008.

Background - Analysis and Options

a) Committee of the Whole (Working Session)

On May 27, 2008, the Committee of the Whole (Working Session) considered a comprehensive report (Attachment #7 - Councillors only) from the Commissioner of Planning respecting the Public Hearing Notification for Planning Applications including various options, and adopted the following motion, which was ratified by Council on June 11, 2008:

- “1. That the recommendation contained in the following report of the Commissioner of Planning, dated May 27, 2008, be received and referred to staff to bring back a further report to a future Committee of the Whole (Working Session) meeting addressing Members of Council’s comments; and,
2. That additional recommendations respecting on-site advertising promotional signage relating to development applications be brought forward to a future Committee of the Whole (Working Session) meeting, specifically with respect to but not limited to the following:
 - i) the timing of the placement anywhere in the municipality of any promotional signage in relation to the development approval process as it unfolds at a given site;
 - ii) the location and size of such signage; and,
 - iii) the opening and operation of any office on-site, adjacent thereto, or anywhere else in the municipality, for the sale of units or the taking of reservations for the purchase of units that are planned components of the project.”

In addition to the resolution adopted by Council on June 11, 2008, Members of Council, at the May 27, 2008 Committee of the Whole Working Session CW(W.S) Meeting made other comments that are discussed below and a suggested course of action for each is provided.

b) Older and Revised Applications

The report considered by the CW(W.S) on May 27, 2008, suggested that a new public meeting be held when a planning application is changed, for example to increase the density of a project or the building height, or when an application has not been considered by the Committee of the Whole within two (2) years after being considered at a public meeting. The report also suggested that a new public meeting be held if in the opinion of the Development Planning Department it is warranted.

The CW suggested that Council should decide if a new public meeting is required. This is consistent with OPA #478, which states that Council shall determine whether or not a further public meeting should be held where a proposal is changed after the public meeting. It is suggested that when a new public meeting is being considered, that the Development Planning Department prepare a brief report to Council outlining the rationale for holding a new public meeting for Council’s decision and direction.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 3, 2009

Item 2, CW(WS) Report No. 1 – Page 5

c) 150 m Notification Area

The May 27, 2008 CW(WS) report suggested that the minimum notification area for all planning applications requiring a public meeting be increased from 120 m, as required by the *Planning Act*, to 150 m. This would increase the total actual land area subject to notification from 45,216 m² to 70,650 m², respectively, which represents an increase of 56% in land area (based on a 120 m circulation around a single point).

At the CW(WS) meeting, it was suggested that criteria should be established for the purposes of further increasing the notification area beyond 150 m, based on the scale of the development proposal. The Development Planning Department contacted the Planning Departments in Mississauga, Brampton, and Markham to determine if these municipalities have a formal written policy and/or guideline(s) with respect to increasing the notification area beyond 120 metres. In each case, the Development Planning Department was advised that they do not have a written policy or guideline, however, at the discretion of the Planning Department, the notification area may be expanded depending on specific circumstances related to the planning application (i.e. scale of proposal, previous history, etc.).

Increasing the notification area beyond 150 m for all planning applications based on criteria such as the height or scale of a development raises a number of issues including:

- increased costs (i.e. postage, staff resources, etc.);
- the arbitrary nature of the criteria; for example is the notification area increased for a 6, 8, 10 storey building?
- what is the appropriate notification area (i.e. 200 m, 250 m, 300 m?)
- should the circulation area be varied based on the land use and scale of the proposal? and,
- is the increased notification appropriate given the local context? (i.e. a proposed 8 storey building in the Corporate Centre would not necessarily require additional notification, whereas the same building in the Kleinburg Heritage Conservation District may warrant broader notification).

Increasing the notification area for all planning applications requiring a public meeting from 120 m to 150 m, combined with all the other improvements suggested in this report, would broaden the number of people notified of an application and the opportunity for public participation. This approach is also consistent for all applications and easily administered. Council would still have the opportunity to direct that a further public information/community meeting(s) be held as may be warranted.

Accordingly, the May 27, 2008 recommendation to increase the public notification area from 120 m to 150 m for all planning applications requiring a public meeting is maintained.

d) City Website

On May 27, 2008, the Development Planning Department recommended that the City's website be utilized to advertise planning applications, specifically by posting a copy of each notice on the City's website. A few suggestions were made by Council with respect to this initiative.

Firstly, Council suggested that a "hot-link" be provided on the City's Home Page that would link a user directly to the Public Meeting Notices. This would avoid having to "navigate" through the website to find the notices. The Corporate Communications Department has advised that this feature can be incorporated into the website's design.

Council suggested that an e-mail link should be provided on the website in order to facilitate public comment electronically. This option can be accommodated and the Corporate

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 3, 2009

Item 2, CW(WS) Report No. 1 – Page 6

Communications Department has suggested that a general Development Planning and Policy Planning Department mail box be utilized to receive e-mail responses, which would then be forwarded to the appropriate planner managing the file.

Council inquired about the length of time that the notices would be maintained on the City's website. It is suggested that the notices be archived on the City's website in a manner consistent with the current Council and Committee of the Whole Agendas and Minutes. Current public meeting notices will be active on the website, while older notices will be archived for the current year by public meeting date, and by each previous year thereafter. It is suggested that current notices be archived immediately after the public meeting has been held.

Finally, Council suggested that a "scrolling" list of current applications appear on the City's website. The Corporate Communications Department has advised that user surveys conducted respecting websites identified that scrolling messages are not effective and most users find them annoying. Accordingly, it is suggested that a "scrolling" list of applications not be used.

e) Public Meeting Notice and Sign

The report considered at the May 23, 2008 CW(WS) included recommendations to improve the "Notice of a Public Meeting" format and a new proposed "City of Vaughan Sign Policy" for Council's consideration. Both initiatives are intended to implement a more reader friendly communication format. The Committee of the Whole was receptive of each of the revised formats, however suggested that the description of the lands (i.e. municipal property address) on the Public Meeting Notice should be made larger to clearly identify the lands subject to the application. The Public Meeting Notice has also been amended to include an e-mail address to the Development Planning and/or Policy Planning Department to facilitate comments by way of e-mail, as suggested by Council. The revised Public Meeting Notice template is shown on Attachment #3.

The proposed City of Vaughan Sign Policy includes a new sign format and sign requirements. The current and proposed sign formats are shown on Attachments #4 and #5, respectively. Council suggested that the sign be large enough to ensure that it clearly illustrates the location of the lands subject to the application. The specifications of the proposed sign are the same as those used by the Cities of Mississauga and Brampton. The Development Planning Department expects that the map will be large enough. In addition, the sign is required to be posted on the actual property subject to the planning application. The effectiveness of the new sign policy can be monitored, in terms of any comments received from the public or landowners, and the sign specifications can be modified as required, subject to Council's approval.

The CW(WS) identified an issue with respect to the notification sign being erected at the same general time as the builder's advertising sign for the proposed development, prior to Council's consideration of the planning application at a public meeting. To address this issue, in part, the sign policy has been revised to require that each sign include a clause that states, "This/these application(s) have NOT been approved by the City of Vaughan", as shown on Attachment #5. This addresses two issues. Firstly, it will clearly advise the public that the application(s) have not been approved by the City. Secondly, it will provide an incentive for the landowner to remove the sign if the application(s) is approved, thereby avoiding outdated signage remaining on the property.

f) Timing of the Public Meeting Notice

Council identified the timing of the public meeting notice as an issue. In particular, avoiding the, "I received this notice on Friday for a public meeting on Monday" scenario.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 3, 2009

Item 2, CW(WS) Report No. 1 – Page 7

The *Planning Act* requires that the public meeting notice for a planning application be mailed 20 days in advance of the public meeting date, which is consistent with OPA #478. Delivery of the notice is via Canada Post. Allowing 4 to 6 days for delivery, a landowner located within the notification area should have at least two weeks or 14 days notice of a public meeting. This time may be reduced if mail is picked-up on an infrequent basis by the homeowner. However, in the vast majority of cases, a 14 day notice period is considered sufficient and therefore, the Development Planning Department does not suggest any changes in this respect.

The Development Planning Department sends out “non-statutory” notices, for example, of a Committee of the Whole meeting where individuals or parties have specifically requested a notice. Timing for this notice is not prescribed by the *Planning Act*, and the Development Planning Department endeavours to send out this notice as soon as possible, typically 10 days before the non-statutory meeting. However, before this notice can be delivered, the Development Planning Department must be satisfied that the Staff Report pertaining to the notice will be finalized in time for Council’s agenda and available to the public. Otherwise, a notice may be mailed prior to the report being finalized and a supplementary cancellation notice must be delivered. The Development Planning Department suggests that the current timing for non-statutory public meeting notices is satisfactory and should be maintained.

g) Advertising Signage

i) Timing

A developer/builder may erect an advertising sign on a property for a proposed development and/or take sales prior to the required planning application(s) being approved by the City. The CW(WS) identified this as an issue, particularly with respect to the timing of the placement of such signage.

By-law 203-92 (Consolidated Sign By-law) controls the placement of signs advertising a proposed development as follows:

- “a) Subdivision development signs must be located within the plan of subdivision. For all other developments, the sign must be located on the subject lands.
- b) Such signs may advertise only the development on the lands in which the sign is located, and not the sale of lots elsewhere or the Realtor’s, Developer’s, or Landowners business in general.
- c) Each builder is permitted a maximum of two (2) signs, with a combined sign face area not to exceed 20 m².
- d) Illumination of such signs shall only be from an external source.
- e) No other signs shall be permitted within the subdivision or on the premises.”

By-law 203-92 defines a “development sign” as a real estate advertising sign that may include, in whole or in part, information promoting a development, or relating to or advertising the location, construction, sale or lease of a building or structure either proposed, or in the process of being constructed.

By-law 203-92 also permits subdivision development signs on sales trailers and sales pavilions provided it does not cover more than 50% of one (1) wall of the trailer or pavilion and does not extend above the surface of the roof or beyond the extremities of

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 3, 2009

Item 2, CW(WS) Report No. 1 – Page 8

the wall to which it is attached. In addition, a construction sign(s) having an area of not more than 5.0 m² incidental to the building construction on the property where the construction is taking place is permitted. This sign(s) cannot be erected prior to the commencement of the said construction, may identify the developer(s), architect(s), consultant(s) etc., and can only be illuminated from an external source.

By-law 203-92 also sets out a number of general provisions that apply to all sign categories identified in the by-law. However, the By-law does not include timing for the placement of an advertising sign (i.e. upon zoning approval).

The Development Planning Department reviewed the sign by-law for each of the Cities of Mississauga and Brampton and the Town of Richmond Hill, which do not control the timing of when an advertising sign may be erected. The City of Toronto, however, does not permit advertising sign(s) to be erected, nor do they accept an application for a permit for a new development sign, until Council has approved the required zoning by-law pertaining to that development.

The Vaughan Legal Services Department has advised that the City has the jurisdiction under the Municipal Act to control the time when an advertising sign can be erected. The Development Planning Department suggests that the sign by-law be amended to require that no new advertising sign be erected, nor shall the City accept an application for a permit for a new advertising sign for the sale of residential units, for a residential apartment condominium building unless the appropriate zoning is already in place or until Council has enacted the required zoning by-law amendment pertaining to that development, and the by-law is final and binding. This suggested approach respecting the time in the development process when an advertising sign can be erected is consistent with that taken by the City of Toronto and would provide a basis for enforcement should an advertising sign be erected prior to the required zoning approval. However, this requirement shall not apply to a draft plan of subdivision, where the *Planning Act* permits sales to occur at the draft approval stage. In order to implement this change, By-law 203-92 must be amended. A recommendation is included directing the Legal Services and Building Standards Departments to initiate this amendment to the City's Sign By-law.

ii) Location and Size of Signage

Sign By-law 203-92 permits a maximum of two development signs with a maximum combined face area of 20 m², which must be located on the lands where the development is located. The Vaughan Enforcement Department has advised that it has received a few complaints (5-6) regarding this type of signage, which related mostly to the size of the signage exceeding the specified size. However, the Enforcement Department has advised that it had no problems with compliance once the builder/developer was notified. Accordingly, given the limited number of infractions and overall compliance with the current sign by-law relating to advertising signs, it is suggested that the By-law remain unchanged in this respect.

iii) Sales Offices

The CW(WS) on May 27, 2008 requested that policies respecting the opening and operation of any office on-site, adjacent thereto, or anywhere else in the municipality, for the sale of units or the taking of reservations for the purchase of units that are planned components of the project be reviewed.

By-law 1-88 permits temporary sales offices for the sale of residential units in all Zones (except within the ORM Oak Ridges Moraine, or OS5 Open Space Environmental

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 3, 2009

Item 2, CW(WS) Report No. 1 – Page 9

Protection Zones) but only on the lands subject to the development or in the immediate vicinity provided it shall not be located further away from the lands to be developed than 100 metres, and subject to an agreement with the City as to location, servicing and duration, and provided a temporary sales office shall not be permitted unless the Official Plan permits the development within which the units to be sold are located.

The mechanisms for controlling the location and timing of the erection of a sales office already exist in By-law 1-88 and can be enforced. The Development Planning Department suggests that the current By-law provision requiring that the Official Plan permit the development prior to the erection of a temporary sales office be amended to require that the necessary zoning required to facilitate a development proposal for any residential apartment condominium building be in place prior to the erection of a temporary sales office. This suggested approach is consistent with the change being suggested for the erection of an advertising sign for a proposed development as outlined in this report and would provide more certainty for the public with respect to the planning status of a development proposal.

h) Applicant to Hold a Community Information Meeting

The CW(WS) suggested that the applicant be required to hold a community information meeting respecting a planning application(s), prior to the application being considered at a statutory Public Meeting. This would raise several issues including:

- In 2007, there were 94 planning applications submitted that required a public meeting. Should City Staff attend the meetings? If so, this could have budget implications since these meetings are typically held after normal business hours. City Staff will likely be required to book facilities for the meetings.
- If City Staff does not attend the community information meeting, will the applicant provide the public with accurate information? Who will the City rely on to be informed of the issues raised at the meeting?
- What is the notification area for the meeting and how will the City and stakeholders be assured that all the notices were properly delivered? Who will deliver the notices?
- The public will be invited to an applicant initiated community information meeting, followed by a statutory public meeting notice, and may also receive a separate notice for a “complete application” once the City’s Bill 51 exercise is complete. Will confusion and fatigue set in with respect to the number of notices being received and potentially the number of meetings being held for each planning application?
- Some planning applications have little or no impact on the surrounding land use and a community information meeting is unnecessary.

The Development Planning Department suggests that the current practice of Council directing when an additional community information meeting(s) is warranted should be maintained. The Mayor and/or a Regional or Ward Councillor can introduce a motion at the public meeting requesting that a community meeting be held in order to encourage further dialogue on a development proposal when necessary. This meeting is typically arranged through the affected Councillor’s or Mayor’s office, and is usually held in the evening at a convenient location for all interested parties to attend. This approach will facilitate a community information meeting for only those applications that are broader community concern rather than applying this requirement to all planning applications.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 3, 2009

Item 2, CW(WS) Report No. 1 – Page 10

- i) Notification to a Landowner not Having Taken Possession of Their Home, or taken Possession Following the Statutory Public Meeting

When a planning application is received for a property located within a developing community (Blocks 10, 11, 12, 18, 33W, 40, 47), future land owners and residents that have not taken possession of their homes and therefore, do not appear on the City's assessment rolls on the date that the notice of a public meeting is mailed, will not receive the notice, even though a proposed development may be located immediately adjacent to or within 120 metres of the lands subject of the planning application.

In order to overcome this particular issue, the Development Planning Department in the May 27, 2008 CW(WS) suggested that any Owner proposing a development that requires a planning application and a public meeting in a new community area (Blocks 10, 11, 12, 18, 33W, 40, 47) should be required to hand deliver a notice of the public meeting door-to-door to all properties within 150 m of the application, utilizing the "Hand Delivery of Notices of a Public Meeting Policy" outlined on Attachment #6. Upon delivery of the notices, the Owner would be required to complete a declaration, which would identify the file number, the Owner's name, the name of the individual that delivered the notices, the date and time of delivery, a record of the addresses that the notices were delivered to, and the signature of the Owner, commissioned by a Commissioner of Oaths, confirming that the notice(s) were delivered in accordance with the suggested policy. As these new communities develop and property owners are listed on the assessment rolls, this requirement will be phased out.

The CW(WS) suggested that the proposed policy be further reviewed. Specifically, it was suggested that either the Public Meeting Notice be delivered to the sales office for distribution by the builder/developer, or alternatively, that the builder/developer provide the City with the names of purchasers affected by the application(s) and the City will mail the notices.

Firstly, the suggestion that a public meeting notice be provided to the sales office for distribution to purchasers raises certain issues. A developer or builder is under no legal obligation to deliver a notice and therefore, may simply not want to undertake this task. Even if the developer/builder co-operated with this proposal, there will likely still be cases where the notice is delivered to the sales office and distributed and sales occur afterwards, thereby still leaving some future landowners without notice. Even if the developer/builder co-operated, from an administrative perspective, the time required to contact the developer/builder to inform them of the need for the names, record them for public record and send the notices back to the sales office for distribution may not meet prescribed time-lines for notice, thereby potentially delaying application processing and the City's ability to deal with the applications efficiently.

Secondly, the suggestion that the builder/developer provide the names of the purchasers to the City for the purposes of mailing out the public meeting notice is also problematic. The Legal Services Department has advised that the names and contact information of purchasers would be considered "personal information" within the meaning of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, as amended (MFIPPA). According to Section 28(2) of MFIPPA, no person shall collect personal information on behalf of an institution unless the collection is expressly authorized by statute, used for the purposes of law enforcement or necessary to the proper administration of a lawfully authorized activity. The collection of this personal information is not expressly authorized by statute, nor can it be said to be for the purposes of law enforcement. Therefore, the only way this collection can be justified is if it is necessary to the proper administration of a lawfully authorized activity. The courts have taken a restrictive interpretation to the term "necessary". In order to be considered "necessary", the collection of the personal information cannot merely be helpful to the lawful activity. If the activity can be accomplished another way without collecting personal information, then the City must choose this route. The lawful activity in this case is the notification of homebuyers, which is ancillary to the planning process. It would be difficult for the City to successfully argue that the only way to accomplish this activity is to collect personal information.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 3, 2009

Item 2, CW(WS) Report No. 1 – Page 11

The Development Planning Department has suggested several new initiatives with respect to the public notification of planning applications including improved notices and signage, use of the City's website and City Page, and the hand delivery of notices in new and developing areas. These initiatives are intended to improve the quality of the notices and signage and address the "gaps" that exist in the current notification procedures within the context of the resources available to the Development Planning Department.

j) Bulletin Boards and Electronic Signs in Community Centres and Fire Halls

The CW(WS) suggested that bulletin boards and/or electronic signs be erected in the City's community centres and fire halls to advertise planning applications and other City initiatives. The Development Planning Department contacted the City's community centres, fire halls and libraries to determine if bulletin boards and/or electronic signs are available in a location visible to the public at each facility. Each one of the City's community centres, libraries and the Civic Centre contains at least one bulletin board where a notice of a planning application or study could be posted. In addition, most of the City's community centres also contain an electronic sign on which messages are scrolled. The electronic signs are black rectangular shaped units across which a single row of text and simple graphics are scrolled using a red-coloured lettering. Some community centres (i.e. Vellore Village, Maple) contain televisions used to display information, but not City initiatives. The City's fire halls do not contain a bulletin board in an area visible to the public and do not contain any electronic signs.

With respect to electronic signs, the Legal Services Department is undertaking a review of the City's public notification practices including the potential for utilizing electronic signs as part of a broader initiative respecting public notification of City initiatives expected to be completed in the Spring of 2009. Council has also approved the formation of a Staff Working Committee, as per the June 23, 2008 report to the Strategic Planning Committee, to review the communications and marketing functions performed by each City Department (including public meetings, brochures, public notices, advertising, etc.). Should a City-wide strategy for utilizing electronic signs be developed through the Legal Department's review, the advertising of a planning application requiring a public meeting can be reviewed at that time.

At the CW(WS) meeting it was suggested that fire halls also be used as public places where the notices could be posted. Although there are no formal bulletin boards in the City's fire halls, the placement of the notices on a wall or window in a public and visible space in each fire hall is possible, although, the Development Planning Department was advised that fire halls are often closed when fire staff are out responding to emergencies and the location of certain fire halls (i.e. Station 7-6 on McCleary Court) experience little pedestrian traffic. It is suggested that fire halls not be utilized since the public typically won't associate looking for public meeting notices respecting a planning application at a fire hall.

k) The "City Page"

The May 23, 2008 CW(WS) report suggested that the City of Vaughan utilizes a "City Page", which is a full page advertisement published on a weekly basis in one of the local newspapers to inform the public of City initiatives, meetings, programs, etc. This suggestion remains unchanged. The City Page is a regular feature in the chosen local newspapers, and therefore, the consistency of publication associated with the City Page may provide an opportunity to advise of a planning application requiring a public meeting.

Space on the City Page is limited, and therefore, it is suggested that a recurring advertisement be placed in a prominent and consistent location in each edition of the City Page, which directs the public to the City's website where the public meeting notices will be posted. The Corporate Communications Department has advised that a recurring advertisement can be incorporated on

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 3, 2009

Item 2, CW(WS) Report No. 1 – Page 12

the City Page. The Development Planning Department will work with the Corporate Communications Department to establish the appropriate location, wording and form of the advertisement.

l) Access Vaughan

On May 27, 2008, the CW(WS) addressed a potential role for Access Vaughan with respect to providing the public with information about planning applications. The report recommended that the Development Planning and Policy Planning Departments will provide Access Vaughan with a copy of each public meeting notice, which identifies the City Planner responsible for the planning application or study. Therefore, in the event that an individual contacts Access Vaughan, the inquiry can then be directed to the appropriate City Planner. The recommendation identified in the May 27, 2008 report and included in this report remains unchanged in this respect.

m) Policy Studies

The Policy Planning Department undertakes several planning studies each year, which include as part of the study process a public participation component. For all studies, the requirements of the *Planning Act* with respect to public notification are satisfied and typically exceeded. A planning study can vary in scope and scale from an issue specific study (i.e. lot coverage in an RIV Old Village Residential Zone), to an area study (i.e. Kipling Corridor Study) to a City wide planning policy review (Vaughan Tomorrow). Consequently, the tools used to engage public participation in a policy planning study would vary depending on the scope and complexity of the study. The *Planning Act* requires that a City initiated Official Plan Amendment include the following public processes:

- i) an open house;
- ii) newspaper or individual letter notification of a public meeting of Council;
- iii) a public meeting of Council; and
- iv) a notice of adoption of an Official Plan Amendment.

The Policy Planning Department incorporates these minimum statutory requirements into each planning study process, however, typically exceeds this requirement by utilizing additional notification and public engagement practices, which may include one or more of the following:

- i) information is posted on the City's website throughout the study process, including draft documents;
- ii) multiple open house meetings;
- iii) letters sent to individual land owners within the study area and in the vicinity of the study area where the scope of the study permits;
- v) notification of affected Ratepayer Associations;
- vi) recording and notifying any individuals/parties having requested notification;
- vii) notification of all interested parties/stakeholders throughout the planning study process of each public meeting, workshop or charette; and,
- ix) an advertising campaign and additional promotional material when the study is of significance (i.e. Vaughan Tomorrow).

The May 27, 2008 CW(WS) report set out a number of suggestions with respect to public notification procedures for a policy study, which remain unchanged and are shown on Attachment #1 and summarized below.

In reviewing the public notification procedures for a planning study, the Policy Planning Department will be required to undertake the following notification practices:

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 3, 2009

Item 2, CW(WS) Report No. 1 – Page 13

i) Posting of Signs/Posters

It is suggested that when the scope of a study permits, that the City could erect signs, generally similar to those used to advertise a planning application as shown in Attachment #2, and/or place posters in strategic locations (i.e. community centres, libraries) of the study area and at the Civic Centre, to inform the public of the planning study. Typically, the signs and posters could be utilized when a study is being completed for a defined area (i.e. The Kipling Avenue Corridor Study, Jane-Rutherford focused review, etc.). As part of the preparation of the Terms of Reference for the study, a requirement would be that the appropriateness of utilizing a sign(s) and/or posters and their location(s) will be determined, and the signs / posters budgeted for as part of the overall cost of the study. The sign(s) and/or poster(s) will include a graphic illustration of the boundary of the study area and a brief description of the purpose of the study in a manner consistent with the sign for a development application shown on Attachment #2. The sign will remain posted throughout the study process and removed once an Official Plan Amendment is approved and/or the study completed.

ii) Notification Posted in Community Centres and Libraries

It is suggested that all policy planning studies could be advertised in the City's community centres, libraries and at the Civic Centre. The Policy Planning Department will prepare a notice for each policy study that is to be undertaken and it will be posted in the community facilities in the vicinity of the study area. For example, a notification for the Kipling Avenue Corridor Study would be posted in the community centre and libraries in the Woodbridge community, as well as the Civic Centre. If the study is of City-wide significance, it will be posted in all City community centres, libraries and the Civic Centre. It is suggested that additional notification be posted throughout the study process of all key events including open houses, charettes, workshops, public meetings, etc. All notification would be posted a minimum of 14 calendar days prior to the event. The requirement to determine the specific details of where the notices will be posted and for which event(s), will be outlined in the Terms of Reference for each study.

iii) Electronic Registry

It is suggested that for each policy planning study that an electronic registry of interested individuals, parties, etc., be maintained and utilized to electronically disseminate information throughout the planning study process, and particularly prior to key events in the process. This will involve the collection of email addresses of all interested individuals/parties throughout the study process and the electronic distribution of information. The electronic registry will work in conjunction with the current City practice of posting study related information on the City's website.

n) Future Progress Update & Reporting to Council

Based on the comments made by Members of Council at the May 27, 2008 Working Session, it is clear that there are a number of issues that need to be addressed in order to provide the best possible notification practices with respect to planning applications requiring a public meeting, within the context of the available resources to implement any changes. The changes suggested in this report will significantly increase the notification practices of the City beyond the requirements prescribed by the *Planning Act*, with the intent of engaging public participation in the planning process. However, it is suggested that the Development Planning Department prepare an evaluation report to the Committee of the Whole to identify the effectiveness of the changes suggested in this report, and potentially, any further adjustments to the process, if required. It is recommended that this evaluation report be forwarded to a future Committee of the Whole meeting within two (2) years of the full implementation of the changes ultimately approved by Council, but not later than the summer of 2011.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 3, 2009

Item 2, CW(WS) Report No. 1 – Page 14

Relationship to Vaughan Vision 2020 /Strategic Plan

This report is consistent with the priorities set forth in Vaughan Vision 2020, specifically "Plan and Manage Growth and Economic Vitality" and "Pursue Excellence in Service Delivery".

Regional Implications

N/A

Conclusion

The Development Planning Department has reviewed the comments made by the Committee of the Whole (Working Session) with respect to issues related to engaging public consultation on planning applications. The Development Planning Department has made specific suggestions with respect to the issues identified by the Committee of the Whole (Working Session) on May 27, 2008, and identified in the report, and has made further suggestions responding to the comments. The suggestions include:

- i) Holding a Public Meeting to:
 - a) amend the public notification procedures in OPA #478, specifically to increase the minimum public notification area for a planning application requiring a public meeting from 120 m to 150 m; and,
 - b) amend Zoning By-law 1-88, specifically to permit a temporary sales office for a residential apartment condominium building only when the zoning is in place to permit a development, whereas By-law 1-88 currently permits a temporary sales office once the Official Plan is in place.
- ii) that Council adopt the "Notification for Planning Applications Protocol" and "Notification for Policy Study Protocol" as shown on Attachment #1, identifying the City's procedures for the notification of public meetings for:
 - a) planning applications requiring a public meeting, including:
 - 150 m notification area;
 - a new signage policy;
 - posting notices on the City's website; and,
 - the hand delivery of notices in new areas;
 - b) policy planning studies, including:
 - the Terms of Reference for each study shall review and identify signage opportunities within the study area and shall require an implementation plan (including new developing areas);
 - utilize an electronic registry to notify stakeholders at all key milestone events during a study; and,
 - the posting of notices in community facilities.
- iii) that Council adopt the "Sign Policy" as shown on Attachment #2, identifying the City's requirements for a notice sign to inform the public of planning applications and policy planning studies, which includes a larger sign, simplified wording, and a map illustration of the application;

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 3, 2009

Item 2, CW(WS) Report No. 1 – Page 15

- iv) that the Development Planning Department work with the Corporate Communications Department to establish a permanent advertisement to be included in every edition of the “City Page” directing the public to the City’s website for current public meetings respecting planning applications and policy studies;
- v) that a revised public meeting notice as shown on Attachment #3 that is more “reader friendly” be used to notify the public of a planning application and of a policy planning study;
- vi) that a new public meeting be considered for all planning applications under the following circumstances:
 - a) any application that has not been considered by the Committee of the Whole more than two (2) years after being considered at a previous public meeting;
 - b) any application where the nature of the application has been amended to increase the density of the proposal, change the nature of the land uses or arrangement thereof, and increase the proposed building heights; and,
 - c) in respect of the above, the Development Planning Department shall prepare a brief report to Council outlining the rationale for a new public meeting and that Council will make the final decision with respect to holding a further public meeting;
- vii) that the notice of a public meeting respecting a planning application(s) or a policy study(ies) shall be:
 - a) posted for public viewing and information on the City’s website in accordance with the minimum time frames prescribed in the Planning Act;
 - b) that the website shall include a “hot link” to the notices; and,
 - c) previous notices shall be archived on the City’s website.
- viii) that Ward Sub-Committee and community meetings continue to be used as a tool for engaging the public in the planning process, as directed by Council;
- ix) that the Development Planning and Policy Planning Departments provide Access Vaughan with a copy of each public meeting notice, which identifies the City Planner responsible for the file, thereby allowing Access Vaughan to transfer the inquiry directly to the appropriate City Planner;
- x) that the Legal Services and Building Standards Departments be directed to initiate an amendment to the City’s Sign By-law 203-92 (Consolidated By-law) to require that prior to applying for or erecting an advertising sales sign(s) for the taking of reservations or sale of residential units, for a residential apartment condominium building that the necessary zoning be in place to facilitate a proposed development; and,
- xi) that the Development Planning Department prepare an evaluation report on the new notification procedures for a future Committee of the Whole meeting, no later than two years after the full implementation of the approved notification procedures, but not later than the summer of 2011.

The combination of these suggestions and current City notification practices, would significantly exceed the minimum requirements prescribed by the *Planning Act* and should provide significantly improved awareness and understanding of planning applications and studies. The Development Planning Department is also recommending that an evaluation report on the new Public Notification Procedures be prepared for a future Committee of the Whole meeting, within

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 3, 2009

Item 2, CW(WS) Report No. 1 – Page 16

two (2) years following full implementation of the new procedures, in order to identify any further changes to improve the procedures, if necessary, and this shall occur not later than the summer of 2011.

Attachments

1. Notification for Planning Application and Policy Study Protocol
2. Proposed City of Vaughan Sign Policy (January 2009)
3. Proposed Public Meeting Notice
4. Typical Sign - Current Sign Policy
5. Proposed Sign Front
6. Hand Delivery of Notices of a Public Meeting Policy
7. May 27, 2008 Committee of the Whole (Working Session) Report (COUNCILLORS ONLY)

Report prepared by:

Mauro Peverini, Manager of Development Planning, ext. 8407

/CM

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 3, 2009

Item 3, CW(WS) Report No. 1 – Page 2

creation of vast impervious urban landscapes including the construction of concrete lined channels to replace natural stream systems. As a result, urbanized areas throughout the City developed prior to 1980 contain storm drainage systems designed to quickly release storm water run-off with no consideration for current quantity or quality control requirements.

In the early 1980's, a new era in storm water management began centering on the prevention of downstream flooding and erosion concerns. During this period dry ponds were constructed and parking lot and rooftop controls were implemented to reduce peak flows to pre-development levels. By the late 1980's it became obvious that the impacts of urban runoff on water quality in receiving watercourses was serious and also required mitigation. As a result, in the 1990's, storm water quality controls were introduced and examined from an ecosystem-based perspective. These water quality design components include fisheries and aquatic habitat protection, maintenance of baseflow and temperature, infiltration and monitoring activities.

Current storm water management initiatives have further evolved to include analysis of watercourse geomorphology, ground water balance, terrestrial habitat protection and consideration for other environmentally significant components such as wetlands, woodlots, environmental significant areas (ESAs) and areas of natural and scientific interest (ANSIs). The evolution of storm water management practice in Ontario has been graphically illustrated in Attachment No. 1.

Urbanization has grown rapidly throughout the City since the early 1980's. As a result, various levels of storm water management controls have been implemented. The Toronto and Region Conservation Authority (TRCA), through its completion of various master plan studies for the Don and Humber River watersheds, has identified that storm water management is an important indicator in assessing and maintaining the health of these rivers and their tributaries. As a result, the enforcement and implementation of current Ministry of the Environment guidelines related to storm water management quantity and quality controls has been identified by the TRCA as a key action item for all municipalities to assist in reducing the quantity and improving the quality of storm water reaching the rivers. The overall goal is to improve the health of the watershed.

In the early 1990's, the Toronto and Region Remedial Action Plan Committee identified an action plan to restore the polluted waterways and waterfront in the Toronto area, from Etobicoke Creek in the west to the Rouge River in the east. The key recommendations outlined in this plan included the need to implement storm water quality control ponds, the use of wetlands for pollutant removal, the reduction of sedimentation through erosion control, and the development of an implementation strategy for storm water quality programs. As a first step, and in response to these recommendations, the TRCA identified the need for all municipalities within their jurisdiction to undertake storm water management retrofit studies.

In 2001, the TRCA completed Phases 1 and 2 of a Storm Water Management Retrofit Study, for each municipality in their jurisdiction including Vaughan. The key objectives of this study were two-fold:

1. To identify the retrofit potential of existing storm water management facilities (such that existing dry ponds providing only quantity control may be enhanced with water quality controls as well); and
2. To identify the potential for new storm water management facilities within existing uncontrolled urban areas.

Phase 1 of this study included the establishment of base mapping and background data collection related to existing facilities, soils and geology information and sewer-shed data. Phase 2 included the preliminary assessment of retrofit opportunities, identification of new facilities and field verification.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 3, 2009

Item 3, CW(WS) Report No. 1 – Page 3

This work was initiated and fully funded by the TRCA to provide the framework for a long-term comprehensive strategy to implement storm water quantity and quality controls throughout all existing urbanized areas within their jurisdiction. It was recognized that the continuation of development review and associated storm water management retrofit on a site by site basis would lead to a proliferation of small storm water management facilities throughout municipalities and ultimately to an increase in construction and future maintenance costs. This comprehensive retrofit approach would result in a more efficient storm water management system, addressing the issues of storm water management on a city-wide basis and using an ecosystem approach.

The results of TRCA's Phase 1 and 2 Study (as completed in 2001), identified 10 existing "quantity only" control ponds within Vaughan with retrofit potential; and 23 uncontrolled storm sewer outfall locations where new ponds could potentially be constructed.

In addition to the identification of potential retrofit locations, the following key recommendations were presented:

1. The initial group of ponds considered for retrofit should include those in the Black Creek and Rainbow/Robinson Creek sub-watersheds;
2. A more detailed Phase 3 Study should be carried out by individual municipalities addressing the optimization of existing ponds, including retrofit design criteria, cost estimates and prioritization; and
3. Funding sources and partnerships need to be established to ensure implementation of all feasible retrofit projects.

As a result of this work and the emerging industry awareness of increasing environmental considerations related to the design, operation and maintenance of storm water management ponds, a number of City driven initiatives have been completed, while others are currently under way.

Storm Water Management Initiatives by Vaughan

In addition to storm water management retrofit requirements discussed above and pursuant to Ministry of Environment (MOE) Certificate of Approval (COA), owners' of storm water management facilities are responsible for maintaining ponds in proper working condition and in accordance with original design specifications.

Since the completion of TRCA's Phase 1 and 2 Retrofit Study, the City has proceeded to complete its own detailed inventory and maintenance assessment status report of all existing and assumed storm water management facilities throughout the City. In 2004, a comprehensive Storm Water Management Facility Inventory and Maintenance Database Study was completed by Clarifica Consulting on behalf of the City. The primary objective of this Study was assemble a detailed inventory and assessment of each facility from an operating and maintenance, and to identify and prioritize specific maintenance requirements and associated costs. A further requirement of the Study was to create a user-friendly database management system which could ultimately be incorporated into the City's corporate GIS system. Staff have been updating and maintaining the storm water management database system with current information as it becomes available. In addition, priority maintenance works related to existing ponds have been budgeted for and are programmed for completion on an annual basis.

Other significant initiatives currently underway include the City-Wide Drainage and Storm Water Management Criteria Study, and the Black Creek Optimization Study. The deliverables of these studies include an assessment of on-going flooding concerns throughout the City, a review of

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 3, 2009

Item 3, CW(W.S) Report No. 1 – Page 4

storm drainage and storm water management related design criteria, a review of existing conditions within the Rainbow / Robinson Creek sub-watersheds, and the completion of a master storm water management optimization plan for the Black Creek sub-watershed.

Phase 3 Retrofit Study

In 2006, Aquafor Beech Limited was retained by the City to complete the Phase 3 Storm Water Management Retrofit Study. It has expanded upon the information gathered from TRCA's Phase 1 and 2 Study and includes a more detailed assessment, prioritization and preliminary costing exercise for the proposed retrofit works.

The principal objective of this study was to prepare a prioritized list of the potential storm water retrofit sites to be used as a Master Plan for the ultimate implementation of a City-Wide Retrofit Program by the municipality. The key tasks completed include:

1. The development of a screening and prioritization protocol for the assessment of dry ponds and uncontrolled storm sewer outfalls throughout the City. The protocol incorporates logistical constraints (e.g. land for pond enlargement) and integrates the following environmental components:
 - i. the ecological significance of the receiving watercourse / stream,
 - ii. the potential erosion control benefit,
 - iii. the potential water quality benefit, and
 - iv. the potential to maintain / improve the flood control function of existing facilities.
2. A detailed review of all existing pond information and undertake field assessments to confirm the potential for retrofit;
3. A detailed assessment of the retrofit potential for each pond and/or outfall based on technical and environmental considerations;
4. Feasibility level cost estimates for retrofitting each potential facility;
5. Ranking the retrofit priority of the ponds based on technical feasibility, environmental, social and financial factors;
6. The identification and evaluation of alternative storm water management measures which could be implemented as part of an overall strategy; and
7. The identification and examination of alternative retrofit funding mechanisms.

As a result of the more detailed analysis work completed by Aquafor Beech, the number of "quantity only" control ponds within Vaughan with retrofit potential, and the number of uncontrolled outfall locations has now been reduced to 9 and 22 respectively. These sites have been graphically identified on Attachment Numbers 2 and 3.

The retrofit works related to Pond No. 68 were completed through development within its tributary area. In addition, uncontrolled Outfall Site No. 33 was eliminated due to the negligible improvement benefits that would result from the introduction of a new pond at this location.

Prioritization of Proposed Retrofit Facilities

The final prioritization list of potential retrofit sites was based on a number of key evaluation criteria factors with specific weight parameters attached to each factor. The factors considered in the prioritization of the retrofit sites include the following:

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 3, 2009

Item 3, CW(WS) Report No. 1 – Page 5

- Environmental Benefits (habitat, water quality and erosion improvement potential)
- Preliminary Cost Estimates
- Social Considerations (public safety, adjacent land uses, restoration benefits, aesthetics)
- Site Access For Construction, Maintenance and Operations
- Land Status

Upon combining all the above noted factors, a final ranking of sites and associated cost estimates has been included in Attachment No. 4.

Cost estimates for the proposed retrofit works were based on recent construction costs for similar facilities and on discussions with several other municipalities. Land ownership mapping was not available for review in conjunction with the preparation of cost estimates and therefore land cost requirements are not included in the final estimates. Land cost components must be considered at the time of construction based on current market values. Further, in prime development areas where new ponds are required, the land component for a potential retrofit site will most probably become the ultimate deciding implementation factor. As a result, the current prioritization list included as Attachment No. 4 should only be considered preliminary at this point, as it will change based on land status and development interests at the time of implementation. These factors will be flushed out in detail through further pre-screening and the Class Environmental Assessment process required prior to detail design and construction of a storm water management retrofit project.

Alternative Storm Water Management Measures

Storm water management pond facilities represent only one form of Best Management Practices (BMPs) for storm water control. Alternative BMPs are typically grouped into three categories, depending on where the treatment occurs. These groups include source controls, conveyance controls, and end-of-pipe controls.

Source controls are applied at the lot level and are considered to be the first set of controls in the storm water runoff control hierarchy. They serve to reduce runoff rates and pollutant loadings, and may be used to preserve the natural water balance through improved infiltration. Examples include:

- disconnection of roof leaders and redirecting roof runoff to grassed areas
- capture of roof runoff with rain barrels or underground cisterns
- flatter lot grading slopes
- soakaway pits
- infiltration trenches
- pervious pavement driveways

Conveyance controls represent opportunities to treat storm water via the storm sewer system. These include filtration and ex-filtration systems such as the clean water collector system used throughout key areas of Block 12.

End-of-pipe controls receive and treat storm water from the conveyance system before releasing to local watercourses or other receiving systems. Storm water management ponds are the main form of end-of-pipe controls.

All of the proposed retrofit sites within Vaughan fall under the end-of-pipe control category. Some alternative source controls may be less expensive than the average retrofit costs identified in Attachment No. 4. However, the typical predicted rates of voluntary participation by the public are quite low with the exception of residential roof leader disconnection. Further, in terms of effectiveness and maintenance requirements, the proposed centralized retrofit sites controlled by

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 3, 2009

Item 3, CW(WS) Report No. 1 – Page 6

the City would be more desirable than multiple onsite controls located on private property. Alternative BMPs should not necessarily be looked at as potential replacements for the proposed centralized facilities, but they could be incorporated via design criteria and other programs, in conjunction with pond retrofits to provide enhanced controls. These alternatives will be investigated in more detail prior to implementation on a site specific basis at the Class Environmental Assessment stage.

Funding Alternatives

Preliminary cost estimates prepared for each of the potential storm water retrofit locations as identified on Attachments Number 2 and 3 total approximately \$42 Million (excluding land costs where applicable). A breakdown of the individual retrofit location costs has been included in Attachment No. 4. As a result of the significant cost implications to municipalities, sources of funding in addition to traditional general revenue sources such as sewer / water rates and taxes, have been explored by municipalities throughout southern Ontario. Potential sources of funding include:

- Development Charges
- Cash-In-Lieu Policies
- Storm Water Rates
- Perpetual Maintenance Fees

Engineering and Public Works staff participate in a quarterly Storm Water Management Discussion Group. This group involves representatives from many municipalities in the southern Ontario area and meets regularly to discuss emerging issues and trends related to all aspects of storm water management. Funding alternatives to support the increasing budgetary demands associated with operation, maintenance and retrofit of storm water management facilities continues to be one of the key discussion topics at these meetings.

Storm water management systems represent valuable public assets that provide health and safety benefits for the public and the environment. Neighbouring municipalities including Markham, Richmond Hill and Brampton have also completed independent Phase 3 Storm Water Management Retrofit Studies and have introduced implementation programs as a component of their long-term strategy for storm water flooding and erosion control.

Retrofitting existing dry ponds and uncontrolled outfalls is considered a long-term strategy that can be implemented through the prioritized list of retrofit sites. The Town of Richmond Hill has further prioritized their retrofit works to include consideration for other overall storm water management components including regular maintenance and operating requirements.

Many municipalities are struggling with the identification of funding sources to cover these costs and are currently undertaking further investigation in this regard. In addition, municipal storm water management costs have escalated in recent years due to new statutory and regulatory requirements. Despite these new regulations, there are no specific federal or provincial funding sources to assist municipalities with increased budgeting pressures.

The municipalities of Hamilton, Mississauga, Richmond Hill and Markham have implemented a development charges approach to fund new ponds, retrofit existing ponds and undertake stream restoration works. Typically the works are funded partially by the general tax base (for operational and maintenance costs) within existing urbanized areas and in part by development charges in proposed development areas. In Vaughan, developers are responsible for constructing new storm water management facilities and retrofitting existing facilities where appropriate. In addition, special area development charges have been used to fund stream restoration works and the TRCA continues to collect cash-in-lieu of quality control measures from infill and re-development sites on behalf of the City. These cash-in-lieu funds are specifically earmarked for proposed storm water facility retrofit projects within the City.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 3, 2009

Item 3, CW(W)S Report No. 1 – Page 7

Storm water rates are common in the United States. Some municipalities in Canada have also recently enacted storm water rates. These include London, St. Thomas, Edmonton and Regina. Rates generally range between \$4 and \$10 per month per household based on impervious land areas. The City of London collects a Storm Drainage Charge using its "Sewer System Charges By-law" while the Town of Aurora charges a storm sewer flat charge per annum for residential, commercial and industrial properties. Other municipalities including Kitchener, Waterloo and Stratford are currently undertaking storm water management rate studies in hopes of implementing an appropriate rate formula in the near future. The City of Kitchener has implemented a Cash-In-Lieu Policy applicable to infill or redevelopment applications in order to upgrade and maintain storm water management facilities in the future.

The City of Brampton and the Town of Halton Hills have established perpetual maintenance fees used for the operation and maintenance of storm water ponds. The fees are collected from new developments prior to assumption.

It is clear that many storm water management funding models exist. Further investigation is required to determine what model is best suited for Vaughan.

Toronto and Region Conservation Authority Participation

TRCA staff has worked closely with the Engineering Department throughout the completion of the Phase 3 Retrofit Study by Aquafor Beech. In addition, the TRCA continues to collect cash-in-lieu from infill and re-development applications on behalf of municipalities in their jurisdiction, where retrofit funding programs have not yet been implemented.

To date, the TRCA has collected approximately \$166,000 for retrofit works in the Humber River Watershed and \$492,000 for retrofit works in the Don River Watershed (Total of \$658,000). These funds will be made available to the City as required for use in implementing priority retrofit projects.

TRCA is satisfied with the conclusions of the Phase 3 Retrofit Study. Accordingly, it is recommended that a copy of this report be forwarded to the TRCA for information purposes.

Retrofit Works Completed To Date

Pond retrofit works throughout the City have been completed over the last several years. Two existing storm water management quantity control ponds within urbanized areas have been retrofitted with water quality components through development within their tributary areas. These include Pond No. 68 in Block 37 located south of Vaughan Mills Mall and Pond No. 89 in Block 45 north of the Board of Trade Golf Course. These construction projects were fully funded by the benefitting developments.

Next Steps

The City is currently undertaking a water and sewer rate study. This study will review current and future infrastructure operating and capital costs, in order to establish future rate and reserve requirements. The conclusions of the Study will provide the City with a plan to financially sustain the City's infrastructure system, consistent with the requirements of the Sustainable Water and Sewage Systems Act and Safe Drinking Water Act.

Staff has provided the City's Rate Study consultants with estimated operational, maintenance and retrofit costs associated with storm water management facilities. As a result, alternative funding solutions and impacts on current and future water and sewer rates with respect to storm water management will be factored into the considerations and conclusions of the Rate Study. This will also allow the City to better understand the impact on existing rates as a result of a retrofit program.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 3, 2009

Item 3, CW(W.S) Report No. 1 – Page 8

In addition, in conjunction with the City's on-going Growth Management Strategy and Official Plan Review process, engineering staff will be retaining a consultant to complete a Storm Drainage and Storm Water Management Master Plan Study over the next year. This Study will comprehensively plan for all aspects related to storm drainage and storm water management throughout the City, for existing urbanized areas and future growth areas.

Implementation of Storm Water Management Retrofit Projects

As funding becomes available for the "next" retrofit project, a series of further environmental and design studies for that specific site will be required. The basic steps to ultimately implement retrofit work on a site specific basis are outlined below:

- Further Pre-Screening
- Municipal Class Environmental Assessment – Schedule 'B'
- Property Acquisition
- Detailed Design
- Approvals and Permits
- Tender and Construction

Relationship to Vaughan Vision 2020

In consideration of the strategic priorities related to Vaughan Vision 2020, the recommendations of this report will assist in:

- Enhancing and ensuring Community Safety, Health and Wellness;
- The pursuit of excellence in service delivery;
- Demonstrating leadership initiatives, promoting environmental and financial sustainability;
- Effective governance;
- Enhancing productivity, cost effectiveness and innovation;
- Maintaining assets and infrastructure; and
- Planning and managing growth, and economic vitality.

This report is therefore consistent with the priorities previously set by Council.

Regional Implications

There are no immediate Regional implications resulting from the adoption of this report.

Conclusion

The evolution of storm water management requirements over the past three decades, together with the rapid rate of growth, has led to the need for storm water management retrofit projects throughout all municipalities within southern Ontario.

A prioritized list of potential storm water management retrofit sites throughout the City has been prepared. This list includes 9 existing "quantity only" control ponds and 22 uncontrolled storm sewer outfall locations. The total preliminary cost estimate to complete the required retrofit works at all locations is approximately \$42 Million (excluding land costs where applicable).

Implementation of these storm water management retrofit projects is a long-term process and must be coordinated with other on-going initiatives including the City's Storm Drainage and Storm Water Management Master Plan and overall Growth Management Strategy. Accordingly, it is recommended that the conclusions and recommendations of the City-Wide Storm Water Management Retrofit Study be considered in this work.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 3, 2009

Item 3, CW(WS) Report No. 1 – Page 9

Funding alternatives and associated models to support the increasing budgetary demands resulting from the operation, maintenance and retrofit of storm water management facilities, continues to be an increasing challenge to many municipalities. The conclusions of the City's on-going Rate Study will provide valuable insight into potential funding alternatives for storm water retrofit projects. Further investigation will be required to determine what funding model is best suited for Vaughan such that a Retrofit Program could ultimately be implemented. Accordingly, it is recommended that staff examine funding models for the implementation of a Storm Water Management Retrofit Program and report back to Council with a recommended implementation strategy.

Attachments

1. Evolution of Storm Water Management Practice in Ontario
2. Potential Storm Water Management Retrofit Locations (West)
3. Potential Storm Water Management Retrofit Locations (East)
4. Prioritization Concept of Potential Retrofit Locations

Report prepared by:

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(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 3, 2009

Item 4, Report No. 1, of the Committee of the Whole (Working Session), which was adopted without amendment by the Council of the City of Vaughan on February 3, 2009.

**4 COMMUNICATION FROM MAYOR LINDA JACKSON – PROPOSAL FOR
AMENDMENTS TO CURRENT CITY OF VAUGHAN EXPENSE POLICIES FOR
COUNCIL AND STAFF**

The Committee of the Whole (Working Session) recommends that the memorandum from Mayor Linda Jackson, dated January 12, 2009, be received and referred to the next Audit and Operational Review Committee meeting and that all Members of Council be notified when this matter is to be considered by the committee.

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)