

CITY OF VAUGHAN

**EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 12, 2008**

Item 1, Report No. 4, of the Environment Committee, which was adopted without amendment by the Council of the City of Vaughan on May 12, 2008.

**1 ENVIRONMENTAL MASTER PLAN (EMP) UPDATE  
DEFINITION OF “SUSTAINABILITY”, THE “ENVIRONMENTAL ETHIC” AND “PRINCIPLES”  
PRESENTATION BY DPRA INC.**

The Environment Committee recommends:

- 1) That this matter be deferred pending further consultation with DPRA Inc.;
- 2) That the following report of the City Manager, dated April 28, 2008, be received; and
- 3) That the presentation by Mr. Jim Micak and Ms. Amanda Kennedy, DPRA Inc., and presentation material titled “Environmental Master Plan – Presentation of Draft Definitions to the Environment Committee” dated April 28, 2008, be received.

**Recommendation**

The City Manager, in consultation with the Senior Management Team, recommends that:

1. This report and the presentation by DPRA Inc. be received;
2. The draft definition of “Sustainability”, the “Environmental Ethic” and “Principles”, outlined in this report be approved for the purpose of obtaining public comment, subject to the input of the Environment Committee being incorporated.

**Economic Impact**

Direction to proceed with the preparation of the Environmental Master Plan has been obtained and was included in the 2007 Capital Budget.

**Communications Plan**

The communications plan for the Environmental Master Plan forms part of the overall Growth Management Communications Strategy, which will also encompass the Official Plan Review and the Master Plan studies. The next steps in the public consultation process are outlined in this report.

**Purpose**

The purpose of this report is to provide the Environment Committee with a draft definition of Sustainability, the Environmental Ethic and the Principles which provide the foundation for the EMP. The objective is to obtain authorization to submit the draft terms to public consultation, subject to any comment that may be provided by the Committee. In addition, the consultation events planned for May and June will be outlined.

**Background – Analysis and Options**

- a) The Defining Terms Forming the Basis for the Environmental Master Plan

The Terms of Reference for the Environmental Master Plan require the preparation of a number of defining terms, which will shape the plan and its implementation. The concepts in question include:

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- The City's definition of "Sustainability";
- An "Environmental Ethic" to guide the City's actions; and
- "Principles" to govern the implementation and operation of the plan.

These concepts will represent the City's position on sustainability; and they will help establish the philosophical and ethical basis for how the City will address its operational and regulatory responsibilities. They will provide guidance to staff in implementing the plan and give the public a better understanding of the City's approach to a sustainable future. These elements will help to define the "Made in Vaughan" solution.

The definition of sustainability is typically the lead element and it will help capture the spirit and intent of the entire program. While each of the three components can stand alone, it is best to consider them as a package. When read sequentially, it is the intention that they provide a comprehensive picture of the City's approach to sustainability. In order to assist the reader, a preamble has been provided to set the context under which the terms were developed.

Typically, statements of this nature need to serve a number of purposes. They have to convey both vision and commitment while maintaining a sense of practicality in recognition that there are financial and jurisdictional limits on what can be achieved. They should inspire and provide direction but not raise unrealistic expectations. As such, the terms will need to be the subject of a comprehensive consultation process.

#### b) Process for Developing the Definitions To-Date

It will be important that these terms ultimately reflect a common vision shared by Council, staff and the community. DPRA Inc. has developed working drafts of these terms. It is intended that they be shaped through further consultation and dialogue prior to their finalization in the fall of 2008 as part of the EMP approval.

The versions that are before the Committee have been developed through the Council/staff interview processes and comment from the Stakeholder Committee. They were then refined with input from the Staff Working Group and the Senior Management Team. At this time, staff is seeking direction from the Environment Committee to bring forward the draft definitions of sustainability, the environmental ethic and principles for public consultation through the Stakeholder Committee and through the planned Visioning Sessions. The objective is to strengthen these elements of the plan through further public input and begin to widen the consensus on their content.

Subsequent iterations are expected as the plan moves to completion.

#### c) The Draft Definitions

The draft definitions, with the accompanying preamble form Attachment No.1 to this report. They will be the subject of the presentation by DPRA Inc. at the Environment Committee meeting.

#### d) The Consultation Process – Update and Next Steps

##### i. Staff and Council Consultation

Interviews with members of Council and City staff from the commissions have been completed.

##### ii. Meeting of the Stakeholder Committee

The Stakeholder Committee is composed of people from a variety of fields or sectors of society that have expertise and/or an interest in environmental/sustainability issues and policies. The

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first Stakeholder Committee meeting was held on Wednesday, February 20, 2008 at the Vellore Village Community Centre.

The meeting was facilitated by DPRA Inc. with the assistance of City staff. The consultants introduced the Environmental Master Plan process and input was sought on the meaning of sustainability, what are the most important environmental issues facing the City and what actions the City can take to address the issues. The discussions were productive and the participants provided valuable insights.

The results were reported at the March 31, 2008 meeting of the Environment Committee. The next meeting of this group will take place in late May or early June. At the next meeting, further consultation will take place on the definition of Sustainability, the Environmental Ethic and the Principles. In addition, the Stakeholders will be requested to provide their insights into the policy development process.

#### iii. Meeting with the Project Team

The project team is composed of staff representatives from the City commissions. Its purpose is to provide input and feedback on the development of the Environmental Master Plan. The Project Team met on March 7, 2008. The purpose of this meeting was to update staff on the progress to-date, review the emerging themes from the consultation process and discuss the definition of Sustainability in the EMP, the Environmental Ethic and Principles of the plan. The Project Team had before it a preliminary draft. Substantive comment was obtained, which helped shape the next iteration of the terms.

#### iv. Presentation to Senior Management Team

On April 16, 2008 DPRA Inc. presented the revised draft to the Senior Management Team for review. The comments of SMT were incorporated into the draft that is now before the Committee. Staff and the consultants were authorized to bring forward a revised version to Environment Committee for its consideration and comment and to obtain direction to proceed with further public consultation.

This does not represent the Senior Management Team's final approval or endorsement of the terms. It was recognized that this part of the EMP needs to be subject to a thorough public consultation process. It is expected that there will be further enhancements and revisions as plan progresses, culminating in the final approval in the fall of 2008.

#### v. The Public Consultation Process

One of the objectives of the Growth Management Strategy is to optimize public input by coordinating the consultation processes that are being undertaken for the various plans and studies. As such, staff and the consulting teams involved in the preparation of the EMP and the Official Plan Review have been working together to coordinate the respective processes. This will help eliminate the potential for "consultation fatigue" in the public; and it has the potential to increase the number of contributors and expand and diversify the base of respondents.

Consultation respecting the Environmental Master Plan is being integrated with the OP Review process. The EMP will be providing guidance in the development and implementation of the new Official Plan. The main area of policy convergence will be in respect of sustainable communities. Bringing the public processes together will help strengthen both documents.

The combined process has been established and was identified in the media launch for the *Vaughan Tomorrow* program that took place on Thursday, March 27, 2008. The main elements of the process will be the Public Speaker Series, which will be followed by a series of Visioning Workshops.

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The Speaker Series is composed of three events. Session 1, “Defining a Sustainable Future”, took place on April 10, 2008. It focused on sustainability issues, addressing the meaning of sustainable community development and exploring examples of sustainable communities or practices that may be applicable to Vaughan. The second session, “Improving Vaughan’s Quality of Life: The Importance of City Building and Place Making Initiatives”, occurred on April 24, 2008. Session 3, “Vaughan as a 21<sup>st</sup> Century City”, is scheduled for May 6, 2008.

This will be followed by five community based Visioning Workshops, which are planned for the following dates:

**Maple:** May 21, 2008, 7-9 pm

**Thornhill:** May 27, 2008, 7-9 pm

**Vaughan Corporate Centre:** May 28, 7-9 pm

**Kleinburg:** June 4, 2008, 7-9 pm

**Woodbridge:** June 11, 2008, 7-9 pm

The Visioning Workshops will provide the opportunity to test the terms with the public and to obtain input on policy development. A sustainability module will be built into the workshops. This will allow the public to provide its input into the formulation of the Environmental Master Plan. Staff and the respective consulting teams are working to finalize the format. Other opportunities for community consultation will be explored, including the use of interactive media, such as the *Vaughan Tomorrow* website.

It is anticipated that a further public consultation event will take place in the fall after the completion of the draft EMP. The form of this event has not been determined as yet. This will be established after the completion of the Visioning Workshop.

#### **Relationship to Vaughan Vision 2020**

This report is consistent with the Vaughan Vision 2020 objective to “Lead and Promote Environmental Sustainability” by developing and implementing an Environmental Master Plan as part of the Growth Management Strategy 2031; and the objective to “Demonstrate Leadership and Promote Effective Governance”, by establishing and implementing a more effective model for civic engagement and enhancing our public consultation strategy.

#### **Regional Impact**

Not Applicable.

#### **Conclusion**

The purpose of this report is to provide the Environment Committee with a status update on the preparation of the Environmental Master Plan and to obtain direction to proceed to public consultation with, among other things, the definition of Sustainability, the Environmental Ethic and Principles. These terms will serve as the foundation for the EMP and be the underpinning for a “Made in Vaughan” approach to sustainability issues.

Moving forward, the process for the next phase of consultation with the general public has been established. It will be composed of the Speaker Series and the five Visioning Workshops, which will be run between April and June. This process will jointly address the Official Plan Review and the Environmental Master Plan. The Visioning Workshops will be the venue used to explore the public’s response to the drafts of Sustainability, the Environmental Ethic and Principles. In addition it will provide the opportunity to obtain input on policy development for the EMP.

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The drafts before the Committee are representative of the initial development phase. The intention at this stage is to capture the major conceptual elements that will help shape Vaughan's approach to a sustainable future. These need to be tested with the public. The objective of this meeting is to obtain the Environment Committee's input on the current draft of the terms and to obtain direction to proceed to the public process. As such, this is not the final version and it is anticipated that there will be a number of revisions as the process proceeds, leading to the finalization of the EMP in November of 2008.

Therefore, it is recommended that this report and the presentation by DPRA Inc. be received and that the draft definition of Sustainability, the Environmental Ethic and Principles, outlined in the report and presentation be approved for the purpose of obtaining public comment, subject to the input of the Environment Committee being incorporated.

**Attachments**

1. Draft Definition of Sustainability, the Environmental Ethic and Principles

**Report Prepared by:**

Roy McQuillin, Manager of Corporate Policy, ext. 8211

(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.)

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Item 2, Report No. 4, of the Environment Committee, which was adopted without amendment by the Council of the City of Vaughan on May 12, 2008.

## **2** AUTHORITY TO BAN OR REGULATE SALE OF PESTICIDES

The Environment Committee recommends approval of the recommendation contained in the following report of the Commissioner of Legal and Administrative Services and City Solicitor, dated April 28, 2008:

### Recommendation

The Commissioner of Legal and Administrative Services and City Solicitor, in consultation with the Manager of Special Projects, Licensing & Permits recommends that this report be received.

### Economic Impact

There is no economic impact of this Report.

### Communications Plan

There is no communications plan required for this Report.

### Purpose

This Report provides an overview of the City's ability to regulate the sale and commercial use of pesticides within the City.

### Background – Analysis and Options

At the Committee of the Whole (Working Session) meeting on April 1, 2008, the Committee directed Staff to prepare a report outlining the City's authority with respect to banning the sale of pesticides in the City. Staff have reviewed the *Municipal Act* to determine whether the City could use its licensing powers to ban or restrict the sale of pesticides, as well as commercial exterminators. In the interim, the Province announced new legislation to ban the sale cosmetic pesticides.

### The Cosmetic Pesticides Ban Act

On April 22, 2008, the *Cosmetic Pesticides Ban Act* (Bill 64) received first reading in the Ontario Legislature. Bill 64 would amend the *Pesticides Act* to prohibit the use and sale of cosmetic pesticides in the Province of Ontario. Bill 64 also states that the Lieutenant Governor can pass Regulations classifying pesticides as cosmetic, after the Bill receives Royal Assent. Given that Bill 64 is only at the first reading stage, there are no Regulations passed that itemize those pesticides that will be considered "cosmetic". Section 7.1(5) of Bill 64 also states that, "A municipal by-law is inoperative if it addresses the use, sale, offer for sale or transfer of a pesticide that may be used for a cosmetic purpose". It should be noted that Bill 64 is only in the initial stages of the legislative process, and it is anticipated that it will become law in the spring of 2009.

### The City's Authority to Ban or Restrict the Sale of Pesticides

Section 151 of the *Municipal Act* allows municipalities to establish a system of business licenses whereby municipalities can prohibit the carrying on of a business without a municipally issued license. The Court of Appeal for Ontario, however, has stated that the power to license a business does not confer the ability to prohibit a business. Therefore, the City can not utilize its licensing powers to prohibit the sale of pesticides.

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Under section 151 of the *Municipal Act*, the City would have authority to license the sale of pesticides, which would include the ability to impose conditions as a requirement to obtain a license. However, section 14 of the *Municipal Act* states that a by-law is without effect to the extent that it conflicts with provincial or federal legislation. The Province already has a comprehensive licensing regime for pesticides in the *Pesticides Act*. Section 6 of the *Pesticides Act* states that no person shall sell, offer to sell, or transfer any pesticide unless in accordance with a license. It should also be noted that section 152 of the *Municipal Act* prohibits a municipality from passing a licensing by-law with respect to the sale of goods by wholesale. Given this prohibition, as well as the comprehensive provincial licensing regime already in place in the *Pesticides Act*, the City has very little ability to further restrict in this area.

#### The City's Authority to License Commercial Exterminators

A commercial exterminator could be subject to the licensing provisions found in section 151 of the *Municipal Act*. However, as with the sale of pesticides, it is necessary to examine provincial and federal regulations in this area to determine the extent to which the City can regulate these individuals. The above comments with respect to prohibition are equally applicable in this context, in that the City can not use its licensing powers to prohibit exterminator businesses.

The Province has an extensive licensing regime for commercial exterminators. Section 5(1) of the *Pesticides Act* stated that for no person shall perform an extermination except in accordance with a provincially issued license.

The comprehensiveness of the provincial standards would limit the scope in which the City could impose further regulation.

#### Relationship to Vaughan Vision 2020

This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

#### Regional Implications

None

#### Conclusion

Bill 64, if it remains as is, will render inoperative any municipal by-law dealing with the use and sale of cosmetic pesticides. Therefore, any municipal licensing regime of cosmetic pesticides will be of no force or effect. However, it remains to be seen which pesticides the Province will classify as "cosmetic".

Given the narrow scope in which the City can license these areas, as well as the impending prohibition by the Province, Staff recommends that the City wait until Bill 64 becomes law before determining whether further restrictions are warranted.

#### Attachments

None

#### Report prepared by:

Chris G. Bendick  
Solicitor

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Item 3, Report No. 4, of the Environment Committee, which was considered by the Council of the City of Vaughan on May 12, 2008, was dealt with by approving:

***That this matter be referred to the Committee of the Whole meeting of May 20, 2008.***

**3            STRATEGY FOR THE RETROFIT / REDESIGN OF OLDER PUBLIC PARKS**

**The Environment Committee recommends approval of the recommendation contained in the following report of Councillor Carella, dated April 28, 2008:**

**Recommendation**

Councillor Tony Carella recommends that the Environment Committee approve and recommend to Council the adoption of the terms of reference (either as is, or as the Committee amends them) for a committee composed of staff of the Parks & Forestry and Parks Development Departments, to prepare, under the direction of the Commissioner of Community Services, a preliminary strategy for the retrofit and redesign of older municipal parks (defined as those built twenty-five years ago or more), such strategy to parallel that being developed by other departments (Engineering, Public Works, Finance) to address issues relating to the on-going maintenance and renewal of all municipal infrastructure; and that the terms of reference of the staff committee shall include but not be limited to providing answers to the following questions:

- how best can we assess the current physical condition of older parks?
- how best can we assess the present types and levels of older park usage?
- how best can we engage the public in the redesign of older parks?
- how best can we anticipate future levels of older park usage?
- how best can we identify current practices in terms of park retrofit/redesign?
- how best can we finance park retrofit/redesign?
- how best can we *manage* parks?
- how best can we re-conceptualize parks in light of the challenge posed by such as community centres, while ignoring parks for the most part in terms of programming designed to maximise their use in ways we can barely conceive.

**Economic Impact**

Nil

**Purpose**

To commence a discussion, in house, of issues relating to the retrofitting of our oldest parks, their potential redesign, and possible reconceptualization, in light of issues raised by presenters at the Vaughan Public Speaker series on park management best practices.

**Communication Plan**

As the recommendation is for the approval of what is essentially an “in-house” discussion, a communication plan is not necessary.

**Background – Analysis and Options**

The intent of the recommendation is to launch a discussion based on two premises: (1) parks are a type of municipal infrastructure, and like all infrastructure they age, and (2) as parks reach the stage when some measure of retrofitting is needed, an opportunity exists to redesign them to better reflect evolving ideas about parks as a constructed feature of the natural environment and to respond to changing recreational preferences.



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**Regional Implications**

Nil

**Relationship to Vaughan Vision 20/20**

This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

**Conclusion**

It is time to consider not only the retrofit of older parks, but their redesign and reconceptualization as public spaces that need to be managed in order that they provide the maximum benefit to our communities.

**Attachments**

None

**Report prepared by:**

Councillor Tony Carella

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Item 4, Report No. 4, of the Environment Committee, which was adopted without amendment by the Council of the City of Vaughan on May 12, 2008.

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**4                    NEW BUSINESS - SUSTAINABILITY POLICY FOR CITY FACILITIES**

**The Environment Committee recommends:**

- 1)        That staff provide a report on the current policies and procedures for all City facilities with respect to sustainability currently in place;**
- 2)        That staff include in that report the details (including dates for implementation) of the plan to expand and enhance current policies and procedures; and**
- 3)        That this report be submitted for consideration by the Environment Committee at their meeting of May 26, 2008.**

The foregoing matter was brought to the attention of the Committee by Councillor Shefman.

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Item 5, Report No. 4, of the Environment Committee, which was adopted without amendment by the Council of the City of Vaughan on May 12, 2008.

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**5 NEW BUSINESS – REQUEST FOR REPORT ON LAND FORM CONSERVATION PRACTICES**

**The Environment Committee recommends that staff provide a report on land form conservation practices.**

The foregoing matter was brought to the attention of the Committee by the Director of Policy Planning/Urban Design.