

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 19, 2016

Item 1, Report No. 5, of the Finance, Administration and Audit Committee, which was adopted, as amended, by the Council of the City of Vaughan on April 19, 2016, as follows:

By receiving Communication C1 from the Director of Financial Planning & Development Finance & Deputy City Manager, dated April 19, 2016.

**1 BLACK CREEK FINANCIAL STRATEGY AND DEVELOPMENT CHARGE BACKGROUND STUDY
WARD 4**

The Finance, Administration and Audit Committee recommends:

- 1) That the recommendation contained in the following report of the Chief Financial Officer and City Treasurer; the Deputy City Manager, Planning and Growth Management, the Director of Financial Planning and Development Finance / Deputy City Treasurer and the Director of Development Engineering and Infrastructure Planning, dated April 4, 2016, be approved;
- 2) That the presentation by the Director of Financial Planning & Development Finance and Deputy City Treasurer and Communication C3, presentation material entitled, "*Black Creek Financial Strategy and Development Charge Background Study*", be received; and
- 3) That Communication C1 from Ms. Danielle Chin, BILD, dated March 28, 2016, be received.

Recommendation

The Chief Financial Officer and City Treasurer; the Deputy City Manager, Planning and Growth Management, the Director of Financial Planning and Development Finance / Deputy City Treasurer and the Director of Development Engineering and Infrastructure Planning in consultation with the Director of Environmental Services, the City Solicitor, the Chief of Corporate Initiatives and Intergovernmental Relations, the Director of Parks Development, the Senior Manager of Real Estate and the Manager of Urban Design recommend:

1. That the Allocation of Funding Sources Report and Development Charge Background Study for the Black Creek Channel and Edgeley Pond Works (Attachment 1) be received and made available to the public in accordance with the Development Charges Act, 1997;
2. That the Area Specific Development Charge By-law ("ASDC") (Attachment 2) be received and made available to the public; and
3. That staff be authorized to advertise the Public Statutory Meeting at least twenty (20) days in advance of the date of the meeting and in a method that is consistent with the requirements of the Development Charges Act, 1997.

Contribution to Sustainability

Green Directions Vaughan embraces a Sustainability First principle and states that sustainability means we make decisions and take actions that ensure a healthy environment, vibrant communities and economic vitality for current and future generations.

Objective 1.3: To support enhanced standards of stormwater management at the City and work with others to care for Vaughan's watersheds

Objective 2.2: To develop Vaughan as a City with maximum greenspace and an urban form that supports our expected population growth

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Objective 3.1: To develop and sustain a network of sidewalks, paths and trails that supports all modes of non-vehicular transportation

Objective 6.1: To fully support the implementation of Green Directions at all levels of City operations.

Economic Impact

The works related to the Black Creek storm water infrastructure in the Vaughan Metropolitan Centre (VMC) total approximately \$97M. This report provides the strategy to allocate these costs across funding sources, recover costs from growth and emplace the infrastructure over a long term horizon. The detailed economic impacts associated with the Black Creek Financial Strategy (the “Strategy”) and the ASDC By-law are discussed in detail throughout the body of this report, but are only presented for information purposes at this time. Council may consider approving and bring in to affect the ASDC By-law subsequent to the public statutory meeting and after stakeholders and the public have had the opportunity to review and provide feedback.

A number of capital projects related to these infrastructure works have been previously approved by Council but are not fully funded. Upon implementation of the Strategy these projects will have identified sources of funding to facilitate their scheduling and completion.

Communications Plan

Stakeholder Consultation

As a part of a comprehensive communication plan, City staff intends to schedule several sessions with stakeholder groups including members of the Building Industry and Land Development Association (BILD) as well as other key landowners in the watershed area. These sessions will allow the opportunity for more detailed discussion to occur around the technical aspects of the calculations presented within the Strategy. It is anticipated that ongoing correspondence, meetings and collaboration will continue until the finalization of the Strategy and related ASDC By-law occur. The statutory Public Meeting will also provide additional opportunity for the public at large to provide input.

Legislative Communication Requirements

The Development Charges Act, 1997 has mandatory communication requirements which mandate the advertising of at least one public meeting and the Clerk is mandated to carry out such advertising at least twenty (20) days in advance of the meeting date. The Public Statutory Meeting has been scheduled for May 2, 2016.

Purpose

The purpose of this report is to present the proposed funding strategy for the Black Creek storm water infrastructure and to communicate the timing of the statutory public process leading to the approval of a new ASDC by-law.

Background - Analysis and Options

Due to the complexity of this issue, this section has been broken down further into the following sub-sections:

- I. Background on the Infrastructure
- II. Estimated Cost of the Infrastructure
- III. Phasing of the Infrastructure

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- IV. Financial Strategy
- V. Next Steps

It should be noted that this report only provides what might be considered an “Executive” level of detail and does not provide technical detail. More information may be found in Attachment 1.

I. Background on the Infrastructure

The Black Creek is a tributary of the Humber River and is included in the Natural Heritage Network identified within the City of Vaughan Official Plan 2010. The Black Creek traverses the VMC east of Jane Street between Highway 7 and Highway 407.

The flooding in the Black Creek sub-watershed during the August 19, 2005 storm event illustrated the need to implement cost-effective retrofit and stream rehabilitation projects to improve the conveyance capacity in the Black Creek and the fact that in order to accommodate future development significant infrastructure will be required. With additional development and re-development proposed, a more specific assessment of water management needs and opportunities was required to reduce the impact in the future on infrastructure and property. Edgeley Pond is the largest open space in the VMC. It is planned to be a place for refuge from VMC's urban life and a major destination within the City and Region. Edgeley Pond's envisioned iconic design will combine sustainability principles with active and passive recreation programs that will offer amenities for all user groups.

In early 2012, the City completed a Black Creek Optimization Study which identified the need to improve the existing stream channel conditions in order to achieve appropriate flood control and conveyance capacity within the VMC Secondary Plan which would in turn accommodate future development.

Subsequently, in July 2012, the City initiated the VMC Black Creek Renewal Class EA Study, which built on the findings and recommendations of the Optimization Study. Based on issues raised by the majority of stakeholders directly impacted, it became clear that an expanded/enhanced consultation process was necessary to develop a plan for the Black Creek which would be supportable by the majority of the stakeholders and meet the objectives of the City.

Improving the existing condition of the Black Creek channel within the VMC Secondary Plan area is key to advancing development

In June 2013, the City expanded the Class EA study consulting team to include a multi-disciplinary design facilitation team led by Swerhun Inc. in collaboration with Real Estate Search Corporation (RESC), The Municipal Infrastructure Group (TMIG), Schollen and Company and Public Works. Over the following year, this facilitation team held a number of meetings and design workshops to engage with key stakeholders to understand their perspectives and priorities regarding the project and to ultimately propose a path forward for the Black Creek design vision and channel alignment that will be supported by the majority of stakeholders. These stakeholders include City of Vaughan staff, the Toronto and Region Conservation Authority (“TRCA”), York Region, the Province of Ontario and community interest groups such as Sustainable Vaughan and local landowners.

One outcome of the facilitation process was the development of an interim and ultimate concept plan for the Black Creek renewal which has been used as the basis for estimating costs through the remainder of 2014. The concept plans are included in Attachments 3 and 4 of this report.

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Through the VMC Secondary Plan, the Black Creek corridor is positioned as a signature feature that will create identity for the new downtown, attract investment along its frontage, support urban growth, and add value as the prominent open space amenity and natural heritage feature for the VMC community. The renewal of the Black Creek corridor will serve as a defining place maker in the VMC as both a destination and prominent piece of ecological infrastructure. The long term vision of this feature was significant in establishing the land use framework for the Secondary Plan, and will serve as a key catalyst to attract urban intensification, investment and animation in the downtown.

The urban design vision for the corridor manages watershed and stormwater needs while providing a diverse range of edge conditions, recreational opportunities, programs, and urban experiences, while also integrating parks and open spaces. The natural character and ecological landscape of the corridor is amplified on the west side, while the east side delivers a unique public urban amenity and distinct address for development.

Edgeley Pond is not part of the Black Creek Renewal Class EA Study, but is also an integral part of the overall infrastructure work

Located at the north-east corner of the intersection of Regional Road 7 and Jane Street, the existing pond owned by the City of Vaughan represents the largest consolidated city-owned property in the Vaughan Metropolitan Centre at 5.98 hectares.

The VMC Servicing Master Plan identified the need to retrofit the existing pond. The primary engineering goals for the site are to improve water quality levels, provide erosion control measures, and meet rigorous water storage requirements to support future urban growth. The challenging nature of the site and its requirements necessitate complex technical solutions. However, the scope of the project is larger than solving water management issues – it is also about exploring innovative landscape approaches that connect the park with its emerging urban context and facilitate multi-platform use and programming. Establishing a landscape and urban design driven concept, rather than adopting a functional engineering solution for the site will help create the framework for an effective urban environment in the VMC.

II. Estimated Cost of the Infrastructure

The Black Creek works were costed holistically and used an integrated approach

The proposed 2013 ASDC by-law contained an infrastructure cost of \$54 million, based on the Black Creek Optimization Study and minimal allowance on land acquisition and urban design costs. Outwardly, the newly estimated cost of \$96.6 million appears as though it has nearly doubled in magnitude; however there are significant differences between the approaches taken in 2013 and the Strategy outlined in this report. The costs in 2013 predominantly represented engineering works and did not include many land acquisition requirements (the Regional and Provincial lands), nor did it include Parks Development and Urban Design elements. The revised design concept provides not only the required storm water management conveyance requirements but also urban design elements, additional culverts, recreational opportunities and unique development frontages. Accordingly, the latest costing provides a more accurate financial picture of the entire piece of infrastructure and therefore provides a funding strategy for the project as a whole. This is seen as more financially prudent as well as transparent. The actual engineering costs identified in 2013 have not escalated significantly (less than 10%).

Given the complex nature of the project, appropriate contingencies have been included

The cost of the infrastructure has been provided for through collaboration between the EA Study consultants (TMIG) and staff. As with any highly complex and non-standard infrastructure project, the costs are subject to change based on several factors including: cost escalation of

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materials/labour, changes in land value, sequencing of works, design and alignment changes. As a result, TMIG included appropriate contingencies in the estimates to ensure this cost escalation risk is mitigated.

Greater costing detail is available to stakeholders in the consultant report

At a summary level, the broad cost categories and their associated magnitude are included in the following table.

Cost Category	\$(M)	% of Total
Channelization	46.4	48.0%
Edgeley Pond	16.0	16.6%
SE SWM Pond/Tank	15.7	16.3%
Land	15.1	15.6%
Other	3.4	3.5%
Total	96.6	100%

The broad categories shown above have numerous sub-categories and line items which are included in Attachment 1. These details are included to ensure transparency on the project costs and to allow for more detailed discussion to occur around the technical aspects of the calculations as a part of the public consultation.

Estimated costs will likely change over time, but the ASDC by-law can also be updated

As with all DC by-laws, the proposed ASDC by-law is required to be updated five (5) years after its initial enactment. This means that if cost increases or decreases do occur, then these fluctuations will be accounted for in the next iteration of the by-law through an adjustment to the rate. Due to the complexity and non-routine nature of this project, City staff will review the costs included in the ASDC By-law upon the completion of Phases 3 and 4 of the Black Creek EA, including the disposition of any Part 2 Order requests. This time will allow for the design of Edgeley Pond to progress and the EA will have refined the requirements for the storm water facility in the south east quadrant of the VMC. If staff identifies a significant variance in infrastructure cost that justifies the reopening of the ASDC By-law, a report may be brought forward to Council recommending that the By-law be reopened to adjust the costs, but not the allocation methodology of the ASDC Background Study.

III. Phasing of the Infrastructure

The infrastructure is envisioned to be phased over an “Interim” and “Ultimate” solution

The Interim solution (Attachment 3) represents an initial strategy that implements components of the Ultimate solution and alleviates some of the constraints to development imposed by the existing flooding characteristics of the Black Creek channel. The intent of the plan is to begin to unlock the immediate potential for redevelopment of some parcels of land adjacent to the Black Creek corridor. The plan respects certain existing buildings and businesses that are not expected to redevelop in the near term.

The Interim solution includes several land acquisitions from properties that are not near to redevelopment and also includes the acquisitions of the Regional and Provincial lands. Some Park Development/Urban Design components are included, but the majority of expenditures are

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in relation to land acquisitions, flood control and transportation related work. The Interim solution is estimated to occur over the next three (3) to six (6) year period, encompasses approximately 75% of the cost and will be budgeted appropriately beginning in 2017. Some of these costs will be paid for through existing budgets that will have their funding sources adjusted to reflect the new financial strategy.

The Ultimate solution (Attachment 4) illustrates the proposed configuration of the Black Creek corridor, open space system, streetscape, public realm and urban form based upon the overall vision for the VMC. The remaining approximately 25% of the cost will be spread over the following six (6) to twenty-five (25) years and is envisioned to occur in lockstep with redevelopment. Some areas of the channel, where development applications are currently active, will move directly to the Ultimate solution. In these areas it is expected that the required land acquisition will occur where possible through plan of subdivision (conveyed gratuitously) and is accounted for as such in the Strategy. More lands will be required for the Ultimate solution and will be acquired where possible as each subsequent subdivision application is received. The engineering works will be proposed through annual budget cycles as these subdivision applications are received. Parks Development and Urban Design elements will also be budgeted for at the time of development.

IV. Financial Strategy

The development of the Black Creek Financial Strategy has occurred over several years

As a part of the city wide DC by-law review, staff began work on a financial treatment for the Black Creek infrastructure in late 2012. In May 2013, Council was presented with a draft ASDC By-law (formerly known as a Special Area Charge or SAC) for the Black Creek infrastructure. At that time several landowners requested that Council defer the passage of the by-law until more consultation had occurred and the EA process had proceeded to a further stage. Council granted that request and staff have since conducted numerous consultations on the design of the Black Creek channel as indicated earlier in this report.

Following the facilitation process led by the City's consultants along with the stakeholders with interest in the Black Creek Renewal Project, a vision and concept plan was prepared that achieved general consensus of the landowners and agencies, subject to the costs of the project being acceptable. The Black Creek Renewal Class EA was subsequently put on pause pending the results of the financial strategy.

Consultants and staff have created a Financial Strategy that ensures a sound methodological approach

Preliminary work on the new financial strategy and framework was commenced by staff in 2014 and late in the year it was decided that the City should retain consultants to provide an ASDC Background Study and related financial strategy. Staff retained engineering (Fabian Papa and Partners) and finance (Hemson Consulting Ltd.) consultants to assist in developing the Strategy.

The Strategy uses quantitative methods to allocate cost to multiple funding sources and benefiting stakeholders

Fabian Papa & Partners and Hemson Consulting Ltd. have produced methodology that considers the functional benefit of each component line item to each stakeholder in the funding equation. The approach is based on the premise that various groups of landowners derive varying levels of benefit depending on the flood control and urban design relative to their property. The table below shows these sources along with their relevant allocation of the \$96.6 million:

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Funding Source	\$(M)	% of Total
CW DC – Engineering	33.0	34.2%
ASDC	18.6	19.3%
Non-Growth	17.2	17.8%
Site Specific Contributions	17.1	17.7%
CW DC – Parks	7.9	8.2%
Region/TRCA	1.9	2.0%
Property Tax	0.9	0.9%
Total	96.6	100%

The effect on the ASDC rate payers is considered reasonable

The ASDC by-law, in conjunction with site specific contributions (to both infrastructure and land conveyances), will contribute an estimated 37% to the overall cost of infrastructure. The level of impact is dependent on the geographic location of the lands within the Secondary Plan area. Those landowners who are immediately affected by and adjacent to the Black Creek channel are allocated a higher degree of cost due to both the hydraulic and economic benefits accruing to them. The next highest allocation is given to those landowners draining in to Edgeley Pond and the lowest allocation goes to the remaining landowners in the Black Creek water shed.

In May 2013, several landowners were concerned with the magnitude of the rates citing issues with economic viability. The current model has the total cost of the project being spread out among more funding sources, including a non-growth share (“benefit to existing”) which was not recognized in the 2013 model. As such, the vast majority of VMC landowners will pay a reduced rate in comparison to the originally proposed ASDC. The new rates are viewed as reasonable and defensible.

The following table illustrates the draft ASDC rates from 2013 compared to the rates as currently calculated. The benefiting area maps have changed and therefore comparisons are difficult to make, but the following is for illustration purposes only. The benefiting land area maps related to the ASDC bylaw are located in Attachments 1 and 2.

Benefitting Land Area	ASDC Rate (\$/Hectare)		# of Hectares Included (2016)
	2013 Proposal	2016 Proposal	
BC Flood Plain Reduct. - Immediately Affected Owners	\$3,546,894	\$2,400,413	5.47
VMC Landowners Draining to Edgeley Pond	\$250,708	\$96,374	33.55
Other VMC Landowners Draining into Black Creek	\$114,053	N/A	*
Landowners Upstream from VMC Draining into Black Creek	\$114,053	\$18,484	42.23**
Undeveloped Lands in BC Drainage Shed (Outside VMC)	\$2,294	\$18,484	
West VMC Landowners Not Draining in to Black Creek	\$2,294	N/A	*

* Other VMC Landowners and West VMC Landowners benefiting areas are no longer included in the 2016 proposal.

** In the 2013 model, these two benefiting areas had separate rates. In the current 2016 model these have been combined with one rate and therefore # of Hectares included in the rate is also combined.

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The effect on City Wide DCs will be moderate in the overall scheme of the Strategy

In keeping with the notion that growth should pay for growth, a certain apportionment of the costs have been made to City Wide DCs. This is consistent with the City's originally proposed ASDC by-law and gives recognition to the fact that the VMC will be the new downtown of the City of Vaughan. As such, growth occurring across the City should contribute towards the required infrastructure as the development in this critical area will benefit growth and the City wide objectives supporting growth. This is especially justifiable for elements that belong to the city wide transportation network, parks development and urban design components. Overall, city wide DC's will contribute approximately 43% to funding the costs of the infrastructure.

The majority of the city wide DCs required for this project will be collected under, and drawn from, the City's Engineering DC reserve. About half of the anticipated required DCs from the City's Engineering DC reserve are already being collected for under the 2013 City Wide DC by-law. The other half will have to be added in during the 2018 DC by-law update. The remaining city wide DCs will be from the Parks Development DC reserve for the public realm elements identified in the Strategy. These costs will also be included as a part of the 2018 DC by-law update.

The non-growth component has been incorporated in the development of the stormwater charge

As a part of the allocation across funding sources acknowledgement was made that certain elements of the project would provide benefits to existing development and should be funded using other internal City resources. Attachment 1 details the methodology used to apportion this share of cost which represents approximately 17% of the total cost of the project. At the onset of the project, a funding amount from the storm water utility charge (estimated at \$17.2M) will be required to fund this non-growth component. The initial cash outflow will likely require either internal borrowing from the storm water infrastructure reserve, debt financing or a combination of both. Unlike a DC reserve, which is generally timed with a development horizon, the payback on this amount will be dictated by the storm water charge once approved. The Black Creek works have already been incorporated in the development of the charge proposed in February therefore no further increase to that charge would be necessary.

Property tax impacts will be minimal and expected in later phases of the project

Another small portion of the capital costs are attributed directly to property tax due to the 10 per cent co-funding requirement for Parks Development under the Development Charges (DC) Act, 1997. This impact is not expected to be fully experienced until a later phase in the development of the infrastructure as additional public realm elements of the design may not come to fruition for fifteen (15) to twenty (20) years.

It is also worth noting that the Strategy focuses predominantly on the capital aspect of costs and funding. There will be operating impacts from emplacing the infrastructure for maintenance and life cycle costs. In all likelihood these will be funded by future property taxes and/or storm water rates will be determined through future budget cycles. A more fulsome discussion of these types of impacts is included in Attachment #1.

Minor Regional and TRCA contributions are subject to further discussion

The "Region/TRCA" funding source noted in the table above is in relation to a potential grant (approximately \$1.3M) that the City may apply for through the Region's Municipal Streetscape Partnership Program for Streetscaping works associated with this infrastructure (Urban Plaza at the North East corner of Jane and Highway 7). The TRCA funding (approximately \$0.6M) is from a potential reserve fund that through discussions with TRCA staff may be available to be earmarked against some upstream erosion improvement works included with this infrastructure renewal.

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The effect on the City's reserves and debt levels is expected to be manageable

With respect to the Black Creek infrastructure, it is anticipated that the bulk of the required works will be front ended by the City and the City will in turn collect back (whether through growth or non-growth revenue sources) over time. Debt will be incurred at the beginning stages of this project. Matching revenues to expenditures will become exceedingly difficult as development proceeds over the following twenty-five (25) years and therefore it is fully anticipated that the ASDC reserve will initially be in a deficit position and then may fluctuate from positive to negative balances through the following twenty-five (25) years, ending in a breakeven point at the end of the development horizon. Future iterations of the ASDC by-law will continuously adjust for the expected breakeven point, inclusive of increased/decreased cost and increased/decreased expected revenue. This is similar to how the City's current city wide Engineering DC reserve works.

Asset management plans are a new requirement in development charge background studies

On December 3, 2015 Bill 73 the "Smart Growth for Our Communities Act, 2015" amending the Development Charges Act, 1997 received royal assent. As a part of the changes, new provisions have been added to require a DC background study to include asset management plans for all DC funded assets to ensure that they are financially sustainable over their full lifecycles. The Black Creek development charge background study is the first that the City has presented with these new requirements.

V. Next Steps

The following provides a tentative overview of the anticipated next steps that will be undertaken to achieve approval of the ASDC By-law and Financial Strategy. The timing of these steps will be dependent on continued stakeholder engagement and any further direction received by Council.

Public Statutory Meeting	May 2, 2016
FA&A Report for Approval of Strategy and ASDC Study	May 30, 2016
Approval and Enactment of ASDC By-law at Council	June 7, 2016
Effective Date of By-law	July 1, 2016

Relationship to Term of Council Service Excellence Strategy Map (2014-2018)

The Black Creek Financial Strategy and the Area-Specific Development Charge described within this report further the following term-of Council priorities: invest, renew and manage infrastructure and assets; and facilitate the development of the VMC. It also connects directly to the Service Excellence Strategic Initiative of Financial Sustainability.

Regional Implications

The Region of York continues to be involved through the Black Creek Renewal Class EA project and Financial Strategy. As mentioned previously in this report, the City will apply to the Region's Municipal Streetscape Partnership Program for Streetscaping works associated with this infrastructure (Urban Plaza at the NE corner of Jane Street and Highway 7). Regional lands required for the infrastructure are a large component of the overall cost of the project and as such City staff has initiated discussions with Regional staff regarding the acquisition of the required lands. In addition, the Black Creek Optimization study identified the need to replace the existing

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culvert under Highway 7. York Region is responsible for replacement of the existing culvert and opted to defer the works until the culvert approaches its end of life cycle. Accordingly, York Region will assume the added risk of potential flooding at the intersection of Jane Street and Highway 7.

Conclusion

Completion of the Black Creek works is a vital step towards flood relief and the development of the VMC as Vaughan's new downtown. The Strategy outlined in this report and detailed in Attachment 1 ensures equitable cost allocation; sound methodology and a financial plan are in place for the long term development of this storm water infrastructure. One component of the Strategy is the enactment of an ASDC By-law and therefore a statutory process must be followed. Staff will report back to Council after the public consultation and statutory meeting are complete in order to summarize the feedback received on the Strategy and obtain approval for the ASDC By-law enactment.

Attachments

1. Allocation of Funding Sources Report and Development Charge Background Study Black Creek Financial Strategy
2. Draft Area Specific Development Charge By-law
3. Interim Black Creek Channel Solution
4. Ultimate Black Creek Channel Solution

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.)