

## **CITY OF VAUGHAN**

### **EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 23, 2018**

Item 10, Report No. 18, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on May 23, 2018.

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**10      CENTRAL LAKE ONTARIO, TORONTO REGION AND CREDIT VALLEY SOURCE PROTECTION PLAN AND TORONTO AND REGION ASSESSMENT REPORT - PROPOSED POLICY AMENDMENTS**

**The Committee of the Whole recommends approval of the recommendation contained in the following report of the Deputy City Manager, Planning and Growth Management, dated May 8, 2018:**

**Recommendations**

1.      THAT the Central Lake Ontario, Toronto Region and Credit Valley Source Protection Plan and Toronto and Region Assessment Report BE RECEIVED; and
2.      THAT the proposed policy amendments, identified in this report, to the Central Lake Ontario, Toronto Region and Credit Valley Source Protection Plan and Toronto and Region Assessment Report BE ENDORSED.

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

Item:



## Committee of the Whole Report

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**DATE:** Tuesday, May 08, 2018

**WARDS:** ALL

**TITLE: CENTRAL LAKE ONTARIO, TORONTO REGION AND CREDIT VALLEY SOURCE PROTECTION PLAN AND TORONTO AND REGION ASSESSMENT REPORT - PROPOSED POLICY AMENDMENTS**

**FROM:**

Jason Schmidt-Shoukri, Deputy City Manager, Planning and Growth Management

**ACTION:** FOR INFORMATION

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### **Purpose**

This report provides an overview of both the Toronto and Region Assessment Report (Assessment Report) and the Central Lake Ontario, Toronto Region and Credit Valley Source Protection Plan (Source Protection Plan), which took effect on December 31, 2015, as mandated by the *Clean Water Act*, 2006. It also identifies the Regional Municipality of York's and the City of Vaughan's responsibilities for the implementation of the Source Protection Plan policies, while summarizing the proposed policy amendments to the Source Protection Plan and the Assessment Report and how the proposed amendments impact the City's municipal approval processes.

### **Report Highlights**

- The Central Lake Ontario, Toronto Region and Credit Valley Source Protection Plan was approved by the Ministry of the Environment and Climate Change on July 27, 2015, and came into effect on December 31, 2015.
- The Source Protection Plan includes portions of York Region and Vaughan, which are within the jurisdiction of the Toronto and Region Conservation Authority.
- The City contains four Vulnerable Areas, including the Kleinburg Wellhead Protection Area, Highly Vulnerable Aquifers, Recharge Management Areas (known as “Wellhead Protection Area – Quantity” (WHPA-Q)), and Significant Groundwater Recharge Areas.
- The City has been implementing the policies of the Source Protection Plan through the development application review process, building permit approvals process, and the Municipal Class Environmental Assessment process.
- The Central Lake Ontario, Toronto Region and Credit Valley Source Protection Committee has requested that municipalities obtain a Council resolution indicating support of the proposed policy amendments.
- Vaughan Official Plan 2010 must conform to the policy framework of the Source Protection Plan by 2020. However, the Central Lake Ontario, Toronto Region and Credit Valley Source Protection Committee is recommending the conformity exercise with the Source Protection Plan can take place through York Region’s Municipal Comprehensive Review and the City’s Official Plan Review.

### **Recommendations**

1. THAT the Central Lake Ontario, Toronto Region and Credit Valley Source Protection Plan and Toronto and Region Assessment Report BE RECEIVED; and
2. THAT the proposed policy amendments, identified in this report, to the Central Lake Ontario, Toronto Region and Credit Valley Source Protection Plan and Toronto and Region Assessment Report BE ENDORSED.

## **Background**

### ***The Province addressed the Walkerton Tragedy by passing the Clean Water Act, 2006***

In response to the Walkerton Tragedy in 2000, the Provincial government passed the *Clean Water Act, 2006 (Act)* that established a process to safeguard municipal drinking water supplies. Under the *Act*, the Drinking Water Source Protection Program was established, which resulted in the development of science-based Assessment Reports and Source Protection Plans that have been developed by Source Protection Committees. Source Protection Committees (SPC) are comprised of representatives from municipalities, economic interests and the public. York Region is a member of the Central Lake Ontario, Toronto Region and Credit Valley SPC that represents York Region and its lower-tier municipalities.

### ***The CTC Source Protection Plan was approved by the Ministry of the Environmental and Climate Change***

The Ministry of the Environment and Climate Change (MOECC) approved the Central Lake Ontario, Toronto Region and Credit Valley Source Protection Plan on July 27, 2015, and it came into effect on December 31, 2015. The development of Source Protection Plans was based on the results/recommendations of the Assessment Reports, and established how water quality and water quantity for municipal water supplies will be protected.

The Central Lake Ontario, Toronto Region and Credit Valley Source Protection Plan is available at this link:

<https://www.ctcswp.ca/protecting-our-water/the-ctc-source-protection-plan/>

The Toronto and Region Assessment Report (July 27, 2015) is available at this link:

<https://www.ctcswp.ca/the-science/toronto-and-region-spa-assessment-report/>

### ***There were four Vulnerable Areas identified in the City of Vaughan***

There are presently four Vulnerable Areas identified in the City of Vaughan, which are described below:

1. Kleinburg Wellhead Protection Area: it includes surface and subsurface areas surrounding a water well or well field that supplies a municipal residential system or other designated system through which contaminants are reasonably likely to move to eventually reach the water well or wells.

2. Recharge Management Areas: are also known as “Wellhead Protection Area Quantity (WHPA-Q)” and have been identified as critical to maintaining water balance and functions to replenish municipal wells and groundwater.
3. Significant Groundwater Recharge Areas: are areas with porous soils which allow water to seep easily into an aquifer.
4. Highly Vulnerable Aquifers: are areas that are susceptible to contamination due to the location of the groundwater aquifer near the ground’s surface.

Attachment 1 identifies the Kleinburg Wellhead Protection Area and Highly Vulnerable Aquifers in Vaughan. Attachment 2 identifies the Recharge Management Areas and Significant Groundwater Recharge Areas in Vaughan.

***MOECC requires upper-tier and lower-tier municipalities to implement the applicable Source Protection Plan policies within their respective jurisdiction***

Both upper-tier and lower-tier municipalities are responsible for implementing the applicable Source Protection Plan policies. In addition, York Region is responsible for assisting lower-tier municipalities in implementing the Source Protection Plan policies. Since 2015, York Region has provided training and support to lower-tier municipal staff in order to facilitate the implementation of the Source Protection Plan requirements into the development application review process, building permit approvals process and the Municipal Class Environmental Assessment process. It is important to note that any applications deemed complete prior to December 31, 2015 are considered exempt and are not required to meet the Source Protection Plan policy requirements.

**Previous Reports/Authority**

Not applicable.

**Analysis and Options**

***The approval of the Source Protection Plan has implications for the City of Vaughan***

Schedule 11 of Vaughan Official Plan 2010 (VOP 2010) only identifies the Kleinburg Wellhead Protection Area, which is subject to policies 8.3.1.13. to 8.3.1.19. of VOP 2010. The other three Vulnerable Areas (Highly Vulnerable Aquifers, Significant Groundwater Recharge Areas and Recharge Management Areas) have not been addressed by VOP 2010 and will be incorporated during the City’s Official Plan Review process in order to comply with the *Act*.

Notwithstanding the lack of a formal policy in VOP 2010, with respect to the three outstanding Vulnerable Areas, staff have been implementing the Source Protection Plan through the development application review process and building permit approvals process consistent with York Region's requirements.

Prior to the submission of any development application, a Pre-Application Consultation meeting is held with the proponent wherein they are notified if their site is located within an identified Vulnerable Area.

The following provides an overview of the technical review process for lands located within the four Vulnerable Areas:

#### Significant Groundwater Recharge Areas and Recharge Management Areas

Development applications, including Water Balance Studies, are circulated to the Toronto and Region Conservation Authority (TRCA) for review and comment. The TRCA reviews all supporting documents on behalf of the City of Vaughan because they are the technical subject matter expert. As part of the comment review process, the TRCA has developed guidelines to achieve minimum technical requirements in order to maintain post-construction water balance levels, which have been provided to the development industry. Low Impact Development (LID) techniques for stormwater management to maintain groundwater recharge are generally applied. It should be noted that there is a fee charged by the TRCA to the applicant for their review.

#### Kleinburg Wellhead Protection Area and Highly Vulnerable Aquifers

Development applications and building permit applications are circulated to York Region for review. York Region determines if a Section 59 notice (permit) and/or a Source Water Impact Assessment and Mitigation Plan or Contaminant Management Plan is required to be submitted for approval.

#### Municipal Class Environmental Assessment

The TRCA reviews the Municipal Class Environmental Assessment in the context of the Source Protection Plan for conformity.

#### ***The Source Protection Committee has proposed a number of Policy Amendments***

The SPC has proposed a number of policy amendments that were based on a best management practices review since the Source Protection Plan came into effect on December 31, 2015. Attachment 3 identifies all the proposed policy amendments recommended by the SPC. The following proposed policy amendments are the most relevant to the development application review process and are generally described below:

1. T-8 (Section 10.1.3 Timelines for Implementation - Land Use Planning)

Identifies when an Official Plan and Zoning by-law must be updated. The proposed policy amendment provides flexibility to align the Source Protection Plan conformity exercise with regular Official Plan and Zoning By-law updates.

Amendment No. 1 (T-8) proposes the removal of the 5-year deadline (2020) to conform to a municipal Official Plan and defers conformity with the Source Protection Plan to the City's next Official Plan Review. The City supports this change, as many lower-tier municipalities are undergoing an Official Plan Review at this time, which will coincide with the York Region Municipal Comprehensive Review. This will eliminate the need to initiate an individual Official Plan Amendment and ensure a more comprehensive process.

2. REC-1 (Section 10.13 Water Quantity)

Manages recharge to protect municipal wells. The proposed policy amendment allows more flexibility for recharge management in areas that do not impact municipal wells (best management practices) versus areas where recharge does impact municipal wells (maintain recharge to greatest extent feasible).

Amendment No. 2 the Recharge Management Area policy (REC-1) introduces a new WHPA-Q Downgradient line, as shown on Attachment 2. Any development applications south of the WHPA-Q Downgradient line, where recharge reduction does not impair municipal water supply wells, are only required to implement best management practices to the greatest extent feasible and practical. Recharge Management Area policies no longer requires off-site compensation for applications south of the line that are not able to fully maintain recharge on-site. City staff are in support of the SPC proposed policy amendments pertaining to Recharge Management Areas as there are no longer off-site compensation requirements. York Region has informed City staff that the majority of development in the City has been able to meet the Recharge Management Area requirements and thereby maintaining recharge on-site through the use of LID best management practices.

In addition, Amendment No. 2 (REC-1) no longer exempts a single family dwelling or Agriculturally zoned properties from the Source Protection Plan policies. The proposed policy amendment now requires that a single family dwelling exceeding 500 m<sup>2</sup> or greater or lands zoned as Agricultural to meet water balance requirements. Best management practices, such as LIDs, should be implemented in such cases with the goal of maintaining predevelopment recharge levels. The development review and building permit approvals processes will be updated to reflect these changes.

As part of the overall changes to safeguarding municipal drinking water supplies, the Significant Groundwater Recharge Areas will be updated to reflect revisions that have

been identified through the technical work produced by the TRCA. This is not a policy change but a mapping change.

### ***What are the next steps to conforming with the Source Protection Plan?***

Policy 3.2.7 of the Growth Plan (2017) requires municipalities to incorporate appropriate LIDs and green infrastructure in their stormwater management practices. The City has established LID pilot projects and is currently monitoring and analyzing these sites. Based on the resulting data from the pilot projects, it is the intent of staff to collaborate with the TRCA to develop a general set of LID Standards for all development proposals in Vaughan.

York Region has provided Source Protection Plan policy wording to be integrated into the respective Official Plans and Zoning By-law amendments for its lower-tier municipalities. Policy conformity will take place during York Region's Municipal Comprehensive Review and the City's Official Plan Review.

### **Financial Impact**

There is no direct economic impact to the City as a result of this report. Staff will assess any financial implications associated with developing the general LID Standards in conjunction with the TRCA, as they may relate to development proposals and report back to Council in Q4 2019, if required.

### **Broader Regional Impacts/Considerations**

York Region has requested that all lower-tier municipalities obtain a Council resolution for the proposed policy amendments to the Source Protection Plan. York Region anticipates bringing a report to Regional Council in Q2 2018, requesting endorsement of the proposed policy amendments, and identifying the lower-tier municipalities that are in support of the proposed policy amendments.

### **Conclusion**

The Central Lake Ontario, Toronto Region and Credit Valley Source Protection Plan is mandated under the *Clean Water Act*, 2006. Four Vulnerable Areas have been identified in Vaughan based on the Toronto and Region Assessment Report (July 27, 2015). City staff have implemented the Source Protection Plan through the development application review process, building permit approvals process and the Municipal Class Environmental Assessment process consistent with York Region's guidance.



City staff recommend that Council endorse the proposed policy amendments to the SPC in principle. City staff will continue to work with York Region and the TRCA to incorporate and implement the Source Protection Plan policies.

For more information, please contact: Ruth Rendon, Senior Environmental Planner, Policy Planning and Environmental Sustainability by phone at 905-832-8585, ext. 8104 or by email at [ruth.rendon@vaughan.ca](mailto:ruth.rendon@vaughan.ca).

### **Attachments**

1. Map of Kleinburg Wellhead Protection Area and Highly Vulnerable Aquifers, Policy Planning and Environmental Sustainability, February 2018
2. Map of Significant Groundwater Recharge Areas, Recharge Management Area (WHPA-Q) and WHPA-Q Downgradient Line, Policy Planning and Environmental Sustainability, February 2018
3. CTC Proposed Policy Amendments, Source Protection Committee, April 2018

### **Prepared by**

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