

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 13, 2016

Item 8, Report No. 43, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on December 13, 2016.

**8 REVIEW OF TORONTO AND REGION CONSERVATION AUTHORITY
 ROLES AND RESPONSIBILITIES**

The Committee of the Whole recommends:

- 1) That the recommendation contained in the following report of the Deputy City Manager, Planning and Growth Management and the Director of Policy Planning and Environmental Sustainability, dated December 6, 2016, be approved; and**
- 2) That staff be directed to review and report back no later than the February 7, 2017, Committee of the Whole meeting on the implications, legal and otherwise, with respect to the following motion:**

That staff initiate a review of the feasibility of procuring the “technical advice” mentioned in this report;

before considering the feasibility of procuring any technical advice.

Recommendation

The Deputy City Manager, Planning and Growth Management and the Director of Policy Planning and Environmental Sustainability in consultation with the Deputy City Manager Legal and Human Resources recommend:

1. That staff, through the Municipal Comprehensive Review (MCR), and in recognition that the *Conservation Authorities Act* Review and the Coordinated Plan Reviews have yet to conclude, continue to review the policies of Vaughan Official Plan 2010 and the Comprehensive Zoning By-law, for the purposes of clarifying the roles and responsibilities of the environmental review bodies and approval authorities in the development review process; and, if appropriate, incorporate any resulting provisions prior to advancing any new area specific Official Plan or Zoning By-law amendments related to the Toronto and Region Conservation Authority’s mandate and responsibilities;
2. That staff initiate the development of a Memorandum of Understanding with the Toronto and Region Conservation Authority for the purposes of: Implementing a Service Delivery Agreement in matters related to the timely review of planning applications, input on the preparation of policy studies and City led environmental assessment processes and other shared activities, which may include, scope of review, operational and performance standards such as fee structures, submission requirements, key contacts, prescribed timelines and escalation clauses; and
3. That staff report to Council on the feasibility of entering into a Memorandum of Understanding and a Service Delivery Agreement with the Toronto and Region Conservation Authority, as referenced in Recommendation 2 above, after the completion of an initial analysis of this approach.

Contribution to Sustainability

The Toronto and Region Conservation Authority (TRCA) plays a major role in achieving the objectives of Green Directions Vaughan through their watershed planning initiatives which are similar to and supportive of the Green Directions Vaughan initiatives.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 13, 2016

Item 8, CW Report No. 43 – Page 2

The City works with the TRCA to respond to many of the goals and objectives identified in Green Directions, which include:

Goal 1: To significantly reduce our use of natural resources and the amount of waste we generate.

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

- 1.3.2. Through the development of the City's new Official Plan, and in partnership with the Toronto and Region Conservation Authority, ensure protection of remaining natural features and explore opportunities for habitat restoration in headwater areas, along riparian corridors, and around wetlands.
- 1.3.3. Continue to work with other partners (such as the Toronto and Region Conservation Authority) to implement policies and undertake activities that support high water quality in Vaughan's watersheds.
- 1.3.4. Review and assess the Engineering Department design criteria and strategy for storm drainage and storm water management facilities to manage the anticipated impacts of climate change, be consistent with emerging legislation, and ensure protection from significant flooding (adapted from Vaughan Vision 2020).

Goal 2: To ensure sustainable development and redevelopment.

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

- 2.2.3. Continue to develop a Parkland/Open Space Acquisition Strategy.
- 2.2.4. Develop a comprehensive Natural Heritage Strategy that examines the City's natural capital and diversity and how best to enhance and connect it.
- 2.2.5. Implement initiatives to reduce run-off in park facilities, trail systems, and selected City of Vaughan parking facilities; this may include developing permeable paving standards, created wetlands, bio-swales and/or polishing areas.

Objective 2.3: To create a City with sustainable built form.

- 2.3.2. Redefine the maximum amount of impermeable area permitted on a building site. Work with developers to create alternative surfaces with the objective of increasing overall site permeability.

Goal 4: To create a vibrant community where citizens, business and visitors thrive.

- 4.3.3. Investigate opportunities for farmers' markets at civic facilities to establish support for urban and near urban agriculture.

Economic Impact

There are no economic impacts resulting from the approval of the recommendations contained in this report. The establishment of a Memorandum of Understanding (MOU) including a Service Delivery Agreement with the TRCA may result in future economic impacts related to operations and fees. This will be determined prior to finalization of any such agreement.

Communications Plan

N/A

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 13, 2016

Item 8, CW Report No. 43 – Page 3

Purpose

The purpose of this report is to provide Council with a review of the Vaughan Official Plan 2010 and municipal zoning by-laws that reference the TRCA and to identify any amendments that would clarify its role in response to Council's resolution. This report also examines the TRCA's roles and responsibilities under the *Planning Act*, *Conservation Authorities Act (CA Act)*, and *Environmental Assessment Act* specifically identifying its regulatory obligations, delegated authority, and its role as a commenting body, service provider and landowner. The report provides recommendations to examine the opportunity to enter into agreements to improve and clarify expectations and obligations of the City and the TRCA in environmental management and City building matters.

Background - Analysis and Options

Executive Summary

This report sets out the results of a review of the Vaughan Official Plan (VOP) 2010 policies that reference the Toronto and Region Conservation Authority (TRCA). The report addresses the following matters as the basis for the recommendations provided above.

- The Basis for Environmental Planning - a review of the relevant land use and environmental planning legislation and policies and procedural guidelines that identify the role of Conservation Authorities in municipal planning matters;
- Review of VOP 2010 Policies which reference the TRCA - a review of the VOP 2010 policies that reference the TRCA and a summary of the TRCA's roles and responsibilities for each policy. Also, recommend further review of policies during the forthcoming MCR, once changes to Provincial regulations are determined;
- Moving to a Memorandum of Understanding (MOU) – review the feasibility of developing an MOU with the TRCA to clarify working relationships, confirm performance expectations and ultimately streamline approval processes and other management/administrative relationships; and,
- The Conclusion, leading to the staff recommendations.

Originating Council Action

On September 7, 2016 Committee of the Whole considered a staff report addressing proposed changes to the *Conservation Authorities Act*. On September 20, 2016 Council approved the following resolution directing staff to undertake the following:

1. To complete a review of the policies in VOP 2010 that reference the TRCA and any other City policies and/or by-laws deemed relevant, to identify those policies and by-laws (if any) that could be better clarified or revised to improve the efficiency of the development review process while ensuring regulatory compliance and submit a Report for Council consideration in December, 2016;
2. To make recommendations in the Report with respect to: (a) VOP 2010 amendments, and/or by-law revisions (if any) that can be potentially revised and/or amended to achieve the intent and purpose of Council's resolution of October 20, 2015 as part of continuous improvements to the development review process; and (b) the process to be undertaken by the City to implement the recommended policies and/or by-law revisions (if any) in accordance with the *Planning Act*, the *Conservation Authorities Act* and/or *Municipal Act* and in the context of the Ministry's ongoing review; and

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 13, 2016

Item 8, CW Report No. 43 – Page 4

3. To prepare to initiate an Official Plan Amendment if required in accordance with the *Planning Act* requirements to address changes in the TRCA's role and responsibilities arising from the Ministry of Natural Resources and Forestry's final Report and/or amendments to the Conservation Authorities Act immediately upon the release thereof.

This report has been prepared in response to Council's direction and suggests a path forward that will lead to greater clarity and efficiency in the City's operational and regulatory relationship with TRCA.

The Basis for Environmental Planning

The following section provides a review of the relevant land use and environmental planning legislation and policies and procedural guidelines that identify the role of Conservation Authorities (CAs) in municipal planning matters. Overviews of the Regional Municipality of York Official Plan 2010, the VOP 2010 and the TRCA's Living City Policies are also included.

A. Legislative Overview – Conservation Authorities

The Planning Act and Provincial Policy Statement, 2014

The *Planning Act*, R.S.O. 1990, c. P.13 is the legislation that governs land use planning in Ontario. It sets out the rules and processes, the regulatory tools and identifies the manner in which municipalities implement land use planning decisions. Section 2 of the *Planning Act* provides that, in carrying out its responsibilities under the Act, the council of a municipality must consider matters of provincial interest such as:

- the protection of ecological systems, including natural areas, features and functions;
- the conservation and management of natural resources and the mineral resource base;
- the protection of public health and safety; and
- the appropriate location of growth and development.

In addition, Section 3 of the *Planning Act* grants the Province the ability to develop and implement the Provincial Policy Statement, 2014 ("PPS"). The PPS applies province-wide and provides clear policy direction on land use planning to promote socially, economically, and environmentally sustainable development. The PPS contains policy statements concerning the protection of natural heritage, water quality and quantity, and the management of natural hazards, among others. Municipalities use the PPS to develop official plans and to guide decisions on planning matters must be consistent with the PPS.

In order to be consistent with the PPS sections on water management, natural hazards and natural heritage, municipalities often rely on the services, resources, and expertise of conservation authorities as they are commenting agencies under the *Planning Act*. The expertise provided by the CAs is often highly specialized and in a range of disciplines that local municipalities are unable to replicate due to cost. In the context of land use planning, these interactions support both the mandate of the CA and, in part, the responsibilities of the municipality.

The Environmental Assessment Act

The *Environmental Assessment Act*, R.S.O. 1990, c. E.18 ("*EA Act*") focuses on improving the lives of Ontarians by providing for the protection, conservation, and wise management of Ontario's environment. The *EA Act* applies to municipalities and establishes a process for reviewing the potential environmental impact of proposed development activities prior to their implementation. In connection with its role in the overall planning process, TRCA is expected to

EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 13, 2016

Item 8, CW Report No. 43 – Page 5

review and comment on all environmental assessments initiated through the *EA Act* that are within its jurisdiction. In general, at the request of municipalities, TRCA planning staff can provide assistance in project management, facilitation, and policy compliance review and provide advice on strategic directions regarding sustainability matters and impacts on watersheds.

The Clean Water Act

Under the *Clean Water Act* (2006), the Credit Valley-Toronto Region-Central Lake Ontario Source Protection Plan (CTC-SPP) was approved by the Ministry of the Environment and Climate Change and came into effect on December 31, 2015. TRCA supports the legislated protection of municipal drinking water sources through the *Clean Water Act* and works with municipalities and proponents to apply technical expertise in water management, and to ensure that Planning Act applications and environmental assessments adhere to the CTC-SPP.

The Conservation Authorities Act

The *Conservation Authorities Act*, R.S.O. 1990, c. C.27 (the “CA Act”) establishes the Conservation Authority’s mandate to prevent, eliminate, or reduce the risk to life and property from water-related natural hazards (i.e. flooding and erosion) as well as to encourage the protection and regeneration of natural systems. A CA, once established in accordance with the CA Act, has a broad object and powers which include:

- Studying and investigating watersheds in order to determine a program whereby the natural resources of a watershed may be conserved, restored, developed and managed;
- Collaborate and enter into agreements with ministries and agencies of government, municipal councils and local boards and other organizations; and
- Making regulations to prohibit or regulate development (which is broadly defined in the CA Act) if it may affect the control of flooding, erosion, pollution, or the conservation of land.

The CA Act was established in 1946 as a result of a conservation movement over unsustainable farming practices causing soil erosion, deforestation and loss of natural habitat. The Humber, Don and Etobicoke-Mimico conservation authorities were formed at this time and produced watershed plans for each of these watersheds. After Hurricane Hazel, provincial direction for CAs shifted focus to protecting life and property from flood hazards. The four CAs were amalgamated to form the Metropolitan Toronto and Region Conservation Authority (MTRCA). Over time, MTRCA’s role (becoming TRCA after Metro Toronto amalgamation in 2000) in development review has evolved to providing technical expertise in natural heritage protection, including terrestrial, aquatic, and surface and groundwater management as well as natural hazard management and stormwater management.

The CA Act also contains section 28, which enables CAs to adopt a regulation for development. Under TRCA’s Ontario Regulation 166/06, the development of lands (or the alteration of watercourses or shorelines, or interference with a wetland) that are within TRCA’s jurisdiction is prohibited unless the prior approval of TRCA is obtained. TRCA’s regulation limit is illustrated in over 130 maps delineating its area of jurisdiction. Ontario Regulation 166/06 details the permit application process and provides that TRCA may grant approvals subject to conditions. A feature or hazard does not have to be mapped to be regulated. TRCA also has the ability to cancel permits if such conditions are not met. To ensure compliance with the section 28 Regulation and policies, TRCA undertakes a preventative and responsive approach to enforcement by liaising with stakeholders, inspecting construction sites, and resolving violations either through negotiations or legal proceedings where necessary. Decisions under the Regulation are not bound by decisions under the *Planning Act*, but TRCA works with stakeholders in the planning process with the tests of its regulation in mind, in order to avoid conflict or delay.

EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 13, 2016

Item 8, CW Report No. 43 – Page 6

TRCA is one of the largest of the 36 Conservation Authorities in Ontario and among the most urbanized. TRCA reviews development proposals in greenfield communities, major redevelopment and intensification in established urban centres, and the substantial infrastructure projects needed to service growth. TRCA environmental planners, engineers and ecologists work with municipal staff and proponents to enhance the resilience of communities with innovations in the protection and management of natural heritage, natural hazards and water resources.

Summary of TRCA Roles and Responsibilities from the Ministry of Natural Resources and Forestry (MNRF) Procedures Manual for CAs

The “Policies and Procedures for Conservation Authority Plan Review and Permitting Activities” manual (2010) (refer to Attachment 1 for the complete document) provides a detailed review of the role of CAs as set out by MNRF. It groups the roles into six main categories: as a public commenting body, responsibility for upholding the provincial interest in hazards, as a resource management, and as a service provider, regulator and landowner. The following is an extract from Section 1 “Description of CA roles and activities”.

Conservation Authorities may undertake the following roles and activities:

- i. **Regulatory Authorities** - Under Section 28 of the CA Act, subject to the approval of the Minister of Natural Resources and in conformity with the Provincial Regulation 97/04 governing the content, CAs may make regulations applicable to the area under its jurisdiction to prohibit, restrict, regulate or give required permission for certain activities in and adjacent to watercourses (including valley lands), wetlands, shorelines of inland lakes and the Great Lakes-St. Lawrence River System and other hazardous lands.
- ii. **Delegated ‘Provincial Interest’ in Plan Review** - As outlined in the Conservation Ontario/ Ministry of Natural Resources and Forestry /Ministry of Municipal Affairs and Housing (MMAH) MOU on CA Delegated Responsibilities, CAs have been delegated responsibilities from the Minister of Natural Resources and Forestry to represent the provincial interests regarding natural hazards encompassed by Section 3.1 of the Provincial Policy Statement, 2005 (PPS, 2005). These delegated responsibilities require CAs to review and provide comments on municipal policy documents (Official Plans and comprehensive zoning by-laws) and applications submitted pursuant to the *Planning Act* as part of the Provincial One-Window Plan Review Service.
- iii. **Resource Management Agencies** - In accordance with Section 20 and 21 of the CA Act, CAs are local watershed-based natural resource management agencies that develop programs that reflect local resource management needs within their jurisdiction. Such programs and/or policies are approved by the CA Board of Directors and may be funded from a variety of sources including municipal levies, fees for services, provincial and/or federal grants and self-generated revenue.
- iv. **Public Commenting Bodies** - Pursuant to the *Planning Act*, CAs are ‘public commenting bodies’, and as such are to be notified of municipal policy documents and planning and development applications. CAs may comment as per their Board approved policies as local resource management agencies to the municipality or planning approval authority on these documents and applications. CAs may also be identified as commenting bodies under other Acts and Provincial Plans i.e., *Clean Water Act*, *EA Act* etc.
- v. **Service Providers** - Individual CAs may enter into service agreements with federal and provincial ministries and municipalities to undertake regulatory or approval responsibilities and/or reviews (e.g.; septic system approvals under the Ontario Building Code). CAs may also perform a technical advisory role to assist municipalities, as determined under terms of service agreements. These services may include, matters related to policy input and advice, the assessment or analysis of water quality and quantity, environmental impacts, watershed science and technical expertise associated with activities near or in the vicinity of sensitive natural features, hydrogeology and storm water studies.

EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 13, 2016

Item 8, CW Report No. 43 – Page 7

- vi. **Landowners** - CAs are landowners, and as such, may become involved in the planning and development process, either as an adjacent landowner or as a proponent. Planning Service Agreements with municipalities have anticipated that, as CAs are also landowners, this may lead to a conflict with the CA's role as technical advisors to the municipalities. This potential conflict of interest is addressed by establishing a mechanism for either party to identify a conflict and implement an alternative review mechanism as necessary.

B. Regional and Municipal Context

Regional Municipality of York Official Plan

It is a goal of the Regional Municipality of York (Region) Official Plan (2010) to protect and enhance the natural environment for current and future generations so that it will sustain life, maintain health and provide an improved quality of life through the creation of a sustainable natural environment. This would be achieved through watershed planning and management, and the protection of the Region's Greenlands System. The Region works closely with the TRCA and the Lake Simcoe Region Conservation Authority in the preparation of watershed plans.

As such, the Region has delegated the protection and management of the natural environment to municipalities and delegated authorities such as the TRCA. Policies in the Region's Official Plan, in many instances, identify the CA as a partner in the protection and management of the Regional Greenlands System, a partner in water system management, watershed management, stormwater management and water conservation; and finally as a regulator in natural hazards management.

The Region currently has a Partnership Memorandum (2009) with the Lake Simcoe Region Conservation Authority and the Toronto and Region Conservation Authority. The agreement establishes their roles in plan review and identifies the technical expertise that the CA's will provide to the Region when making decisions on planning applications. It also streamlines the municipal planning system. Refer to Attachment 2: Partnership Memorandum with the CA for full details on the respective roles and responsibilities. The TRCA is also party to MOUs with some lower tier municipalities, such as the City of Markham and the Town of Caledon.

The Toronto and Region Conservation Authority

The Living City Policies

On November 28, 2014 the TRCA released the "The Living City Policies for Planning and Development in the Watersheds of the Toronto and Region Conservation Authority" (the "LCP"). The LCP document contains the principles, goals, objectives, and policies approved by the TRCA Board for the administration of the TRCA's legislated and delegated roles and responsibilities in the planning and development approvals process and in natural heritage and natural hazard management. The LCP document supersedes the TRCA's Valley and Stream Corridor Management Program and clarifies the current practices of the TRCA in its role as a watershed and shoreline manager, regulator, commenting agency, service provider, and landowner in the context of the planning and development process (consistent with MNR's Procedures Manual). The LCP guides the TRCA Planning and Development staff when reviewing development applications under Ontario Regulation 166/06 and in commenting on land use planning policy documents and development and infrastructure proposals. The document defines the requirements for development within TRCA regulated lands, including required setbacks.

A detailed summary of the CA's roles and activities is provided in Table 3.1 of the LCP, see link below. <https://drive.google.com/file/d/0BxjqkzmOuaaRYWxqSGdUaHp5UE0/view>.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 13, 2016

Item 8, CW Report No. 43 – Page 8

Conservation Authorities also serve as a resource management agency where they work with stakeholders and municipalities to combat climate change through the promotion of an ecological design approach to development and servicing that uses green infrastructure, green buildings, near-urban agriculture, energy and sustainable transportation to plan and build sustainable communities. Involvement with City initiatives include the following;

- a. As part of Green Directions Vaughan, City staff and the TRCA are currently exploring opportunities for urban agriculture sites, a potential Sustainable Neighborhood Action Plan (SNAP) project, as well as looking for opportunities to promote green infrastructure initiatives. The planning for these projects, including education and stewardship, would be done in collaboration with TRCA staff.
- b. The City is working with the TRCA's Restoration Services department to identify key sites for habitat restoration including the revitalization and remediation of the VMC Edgeley Pond and Park project. The team is looking at long term remediation and management of the VMC. The TRCA often implements these restoration projects.
- c. The City worked with the TRCA in the development of the "Humber River Watershed Plan: Pathways to a Healthy Humber" (2008) and the "Humber River Watershed Plan Implementation Guide" (2008) and the "Don River Watershed Plan: Beyond 40 Steps" (2009) and the "Don River Watershed Plan Implementation Guide" (2009). These documents provide guiding principles and objectives that support strategies and targets that include the protection and expansion of the terrestrial natural heritage system, building sustainable communities and creating an enhanced regional open space system.
- d. The TRCA has many land holdings as a result of the conveyance of natural heritage lands through the development review process and its conservation areas. The City will continue to work with TRCA on land management (maintenance), trail development and easement access.
- e. The TRCA is working with City staff on sustainability matters in Kortright Centre – Living City Campus and natural heritage initiatives in Conservation Areas throughout the City.
- f. The TRCA provides staff with education opportunities through workshops i.e. low impact development, biodiversity, erosion and sediment control, and natural heritage planning.
- g. The TRCA is currently playing a technical advisory role in the implementation of the new Source Water Protection policies.

City of Vaughan Official Plan 2010 and Watershed Management

VOP 2010, Chapter 3 "Environment", provides a framework that protects and manages the natural heritage system, which is comprised of watercourses, woodlands, wetlands and related open spaces and agricultural lands. The City has identified through VOP 2010 the value of the natural environment as an asset and, has provided direction on how to protect and manage these assets. As stated in VOP 2010, environmental management is a multi-jurisdictional effort that relies on cross disciplinary expertise as well as working in consultation with agencies such as the TRCA, whose mandate is to further the conservation and restoration of the Humber and Don watersheds in Vaughan.

The Province delegates watershed planning and management to the local municipalities in order to appropriately plan and develop new communities. Through the Secondary Plan and Block Plan processes, subwatershed studies must be conducted in order to inform the land use Plan. At this stage, the natural heritage system and the limits of development are typically established through the Master Environmental Servicing Plan or special policies which are developed to guide the later stages of the development process. Subsequently, the municipalities undertake the development review process through the Subdivision Plan and Site Plan processes. The TRCA plays an important role in city planning as it provides City staff with technical expertise to support the management of the Don and Humber River watersheds and how to integrate the management measures into municipal growth planning.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 13, 2016

Item 8, CW Report No. 43 – Page 9

Review of VOP 2010 Policies which reference the TRCA

During this policy review, and based on staff experiences and on discussions with landowners, it was noted that there was uncertainty in the language regarding the intent of the terminology used in VOP 2010 related to the role of the TRCA. Table 1 provides a clarification of the terms that apply to the role of the TRCA in the VOP 2010.

Table 1: Clarification of terms used in Chapter 3 of VOP 2010

Phrases used	Clarification
“in consultation with” “in cooperation with” “work with” “to work in consultation with” “demonstrate consistency with”	Means that City staff will seek the technical advice of TRCA, as a commenting agency, but the City is the approval authority. In some instances, applicants are required to meet TRCA technical standards (where appropriate).
“must satisfy”	Means that the City is the approval authority and the applicant must meet City standards.
“will be to the satisfaction of” “to the satisfaction of”	Means that TRCA has a delegated role from the Province for natural hazards or a regulatory role and the applicant must meet TRCA’s technical requirements prior to City’s decision on an application and prior to issuance of a TRCA permit or other permission.

Table 2 identifies policies in Chapter 3 that reference the TRCA and identifies the approval authority. There are other policies which reference the TRCA however; these do not pertain to feature jurisdiction but rather other matters i.e., mapping and modifications. The table also includes policies which do not reference the TRCA but are natural heritage network features which need jurisdictional clarification.

Table 2: Chapter 3 Sections that reference the Toronto and Region Conservation Authority

Chapter 3 Sections	Summary of TRCA’s Role and Responsibilities
Section 3.3.1 Valley and Stream Corridors (including contiguous woodland features) Section 3.2 Built-Up Valley Lands (part of Valley and Stream Corridors)	TRCA regulates development in valley and stream corridors. TRCA requires a permit for any projects that are within the TRCA regulated lands. Woodland features which are contiguous to a valleyland feature may also be regulated by the TRCA. These are not considered isolated tableland woodlands and may therefore form part of the natural cover within the regulated area.
Section 3.6.3 Hazardous Lands and Sites (subcomponent of valley and stream corridors)	MNRF and MMAH have an MOU with Conservation Ontario which gives CA’s delegated responsibilities to review municipal policy documents and applications under the <i>Planning Act</i> to ensure that they are consistent with the natural hazards policies in Section 3.1 of the PPS. Hazardous Lands and Sites are within the TRCA’s jurisdiction and permits are required for projects within their regulated lands.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 13, 2016

Item 8, CW Report No. 43 – Page 10

Chapter 3 Sections	Summary of TRCA's Role and Responsibilities
Section 3.6.4 Flooding Hazards (subcomponent of valley and stream corridors)	<p>Development within the flood plains is regulated in accordance with Provincial floodplain management policies and the regulations of the TRCA. MNRF and MMAH have an MOU with Conservation Ontario which gives the CA's delegated responsibilities to review municipal policy documents and applications under the <i>Planning Act</i> to ensure that they are consistent with the natural hazards policies in Section 3.1 of the PPS.</p> <p>Flooding hazards are TRCA's jurisdiction and permits are required for projects within their regulated lands.</p>
Section 3.6.6 Stormwater Management (subcomponent of valley and stream corridors)	<p>The City is the approval authority regarding stormwater management, as these will be conveyed into public ownership once complete. Applicants must comply with engineering standards. TRCA provides its technical expertise in stormwater management for stormwater quantity, quality, erosion and water balance for groundwater and natural features.</p> <p>TRCA also has regulatory approval authority under Reg. 166/06. A permit is required for stormwater discharge into watercourses or valley and stream corridors.</p>
Section 3.6.7 Erosion and Sediment Control (subcomponent of valley and stream corridors)	<p>MNRF and MMAH have a MOU with Conservation Ontario which gives CA's delegated responsibilities to review municipal policy documents and applications under the <i>Planning Act</i> to ensure that they are consistent with the natural hazards policies in Section 3.1 of the PPS.</p> <p>Erosion and sediment control are under TRCA's jurisdiction and permits are required for projects within their regulated areas.</p>
Section 3.3.2 Wetlands (Provincially significant wetlands, Locally significant wetlands, and unevaluated wetlands)	<p>TRCA regulates development in and around wetlands. MNRF is responsible for evaluating wetlands for provincial significance in the planning process. A TRCA permit will be required for projects that may impact wetlands regardless of their significance. TRCA is the approval authority under the s.28 permitting process of the <i>CA Act</i>.</p> <p>The City is the approval authority under the <i>Planning Act</i>, ensuring that PSWs are protected in accordance with the PPS. TRCA supports the VOP which has protection policies for all wetlands, including PSWs.</p>
Section 3.3.3 Woodlands (Significant Woodlands) <i>Policies do not reference TRCA.</i>	<p>TRCA is a technical advisory/ commenting agency in regards to tableland woodlands and significant woodlands.</p> <p>Significant natural heritage features are protected under the PPS. The definition of natural features and areas includes woodlands.</p>

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 13, 2016

Item 8, CW Report No. 43 – Page 11

Chapter 3 Sections	Summary of TRCA's Role and Responsibilities
	<p>The Region's partnership agreement mandates that TRCA ensure consistency with Provincial and Regional policies but does not specify regulatory approval authority over woodlands. The City is the approval authority regarding woodlands. Significant woodlands are protected under Regional and VOP 2010 policies.</p>
<p>Section 3.3.4 Species at Risk and Significant Wildlife Habitat</p>	<p>MNRF is the approval authority regarding Species at Risk (SAR). The City and TRCA advise applicants to attain SAR clearance from MNRF.</p> <p>The City interprets policies protecting significant wildlife habitat.</p> <p>TRCA has a technical advisory role and is a commenting agency.</p> <p>Species at Risk and Significant Wildlife Habitat are protected under Provincial, Regional and VOP 2010 policies.</p>
<p>Section 3.3.5 Fisheries and Aquatic Habitat</p> <p><i>Policies do not reference TRCA.</i></p>	<p>TRCA has a technical advisory role and is a commenting agency.</p> <p>TRCA no longer has an agreement for review with the Fisheries and Oceans Canada (DFO), as DFO now has a self-assessment process to determine if a project requires DFO review and approval.</p> <p>Approval is required by DFO if any potential fisheries and aquatic habitat impacts are identified.</p>
<p>Section 3.3.6 Environmentally Significant Areas and Areas of Natural and Scientific Interest</p> <p><i>Policies do not reference TRCA.</i></p>	<p>The City is the approval authority over ESA and ANSI.</p> <p>ESA were historically identified by TRCA but the ESA program was superceded by the Terrestrial Natural Heritage System Strategy. Some municipalities, like Vaughan, incorporated ESAs into their OPs prior to the TNHSS. TRCA is a technical advisor on this matter.</p> <p>ANSIs are identified by the Province. TRCA is a technical advisor on this matter.</p> <p>ESAs and ANSIs may fall into regulated areas where they are associated with wetlands or valley and stream corridors.</p>
<p>Section 3.3.7 Significant Landforms</p>	<p>The City is the approval authority over landform conservation planning.</p> <p>TRCA's role as a commenting agency is to provide an opinion to municipalities on landform conservation planning. TRCA has a technical advisory role.</p>

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 13, 2016

Item 8, CW Report No. 43 – Page 12

Chapter 3 Sections	Summary of TRCA's Role and Responsibilities
<p>Section 3.4 Oak Ridges Moraine Plan</p> <p><i>Policies do not reference TRCA.</i></p>	<p>The City is the approval authority responsible for enforcing the Oak Ridges Moraine (ORM) Plan policies under the ORM Plan. We are not authorized to change ORM boundaries.</p> <p>TRCA's role as a commenting agency is to provide an opinion to municipalities on applications regarding their effect on the ecological integrity of the ORM. TRCA has a technical advisory role.</p>
<p>Section 3.5 Greenbelt Plan</p> <p><i>Policies do not reference TRCA.</i></p>	<p>The City is the approval authority responsible for enforcing Greenbelt Plan policies under the Greenbelt Plan. The City is not authorized to change Greenbelt boundaries.</p> <p>TRCA's role as a commenting agency is to provide an opinion to municipalities on applications regarding their effect on the ecological integrity of the Greenbelt Plan. TRCA has a technical advisory role.</p>
<p>Section 3.6.1 Watershed Planning</p> <p><i>Policies do not reference TRCA.</i></p>	<p>The City is the approval authority over watershed planning.</p> <p>TRCA under the <i>Planning Act</i> will ensure that program interests developed and defined under Section 20 and 21 of the <i>CA Act</i> are addressed in land use decisions made by municipal planning authorities. In this role, the CA is responsible to represent its program and policy interests as a watershed based resource management agency. TRCA has a technical advisory role.</p>
<p>Section 3.6.2 Protecting Groundwater</p>	<p>The City is the approval agency in groundwater management.</p> <p>TRCA has a technical advisory/ commenting services role on protecting groundwater including groundwater recharge, low impact development techniques, source water protection. TRCA has a technical advisory role.</p>
<p>Section 3.6.5 Special Policy Areas</p>	<p>Special Policy Areas (SPA) policies require MMAH and MNRF approval on the advice of the City and TRCA.</p> <p>MNRF and MMAH have an MOU with Conservation Ontario which gives the CA's delegated responsibilities. TRCA works with the municipality and the Province in the evaluation of any proposed changes to SPA policies, land use designations or boundaries. The Ministers of Natural Resources and Forestry and Municipal Affairs are the approval authorities.</p> <p>CAs have a commenting and technical advisory role in approval of new or amended 'Special Policy Areas' for flood plains under Section 3.1.3 of the PPS, where</p>

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 13, 2016

Item 8, CW Report No. 43 – Page 13

Chapter 3 Sections	Summary of TRCA's Role and Responsibilities
Section 3.6.5 Special Policy Areas	such designations are feasible. A TRCA permit is required for any development or site alteration within the regulated area. The City is the approval authority for development applications in conformity with the SPA policies; however applications will not be approved without TRCA technical clearance (in consultation with the Province, where needed) and permitting.
Section 3.9.3 Master Environment and Servicing Plan	The City is the approval authority for Master Environmental Servicing Plans (MESP). TRCA has a technical advisory /commenting services role on MESP development.

In reviewing VOP 2010 policies, staff is of the opinion that there are no policies that give TRCA approval authority outside their mandated and delegated authority. The TRCA mandated areas of responsibility have changed over the years which may create confusion for stakeholders in the development process. Stakeholders had also identified concerns over the adequacy of the TRCA's resources and obtaining timely reviews of development related technical studies. Therefore, based on this review and the information outlined in the table above staff is of the opinion that these policies do not need to be revised or updated at this time.

However, as noted in the comments on the *CA Act* review, the development review system would benefit from greater clarity and more expeditious timelines. To address Council's concern over achieving improved efficiency in the development review process, staff is recommending that consideration be given to entering into an MOU with the TRCA to develop and implement a Service Delivery Agreement for the purposes of streamlining the process. In addition, staff is recommending that in the upcoming MCR, an examination of the policies of VOP 2010 Chapter 3 be conducted to clarify any uncertainties regarding appropriate approval authority. This may include the following:

- a. Review and update definitions to include approval authority and applicable legislation, where appropriate.
- b. Create a table in Chapter 3 that identifies approval authorities and applicable legislation (as per table 2).
- c. Review and update preambles to include approval authority and applicable legislation, where appropriate.
- d. Review the notion of inserting explanatory texts within section headings.

This review would also examine the role of other regulatory agencies such as MNRF and DFO.

Deferring further review of VOP 2010 to the MCR is appropriate in that it will allow for the Province to complete and implement the results of its reviews of the Provincial Plans (Growth Plan, Greenbelt Plan, Oak Ridges Moraine Conservation Plan, Niagara Escarpment Plan and the *Conservation Authorities Act* Review). The Wetland Conservation Strategy the Province is currently consulting on may also assign new responsibilities to municipalities and CAs. Knowledge of the revised provincial policies will help refine the scope of work, which can be built into the MCR process. This will ensure that these matters will not have to be revisited, resulting in extra cost to the City and stakeholders.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 13, 2016

Item 8, CW Report No. 43 – Page 14

Moving to a Memorandum of Understanding

It is recommended that staff review the feasibility of developing an MOU with the TRCA to clarify working relationships, confirm performance expectations and ultimately streamline approval processes and other management/administrative relationships. This review would outline the benefits and constraints of developing an MOU and would define TRCA roles and responsibilities.

It is also recommended that this work be informed by further discussions with the York Chapter of the Building Industry and Land Development Association (BILD) and community stakeholders to ensure stakeholder interests are identified and addressed to the greatest extent possible. While greater clarity may be achieved as a result of the review of the *CA Act*, it will still rest with the City and the TRCA to develop a viable working relationship that is efficient and provides timely responses. This is one area where the City can continue to pursue its objectives, notwithstanding the regulations of the day.

The City has an existing Public Works Management Agreement regarding the maintenance of land and infrastructure including easements, city trails, forest canopy, programming and educational stewardship initiatives with the TRCA. This MOU process will involve Public Works and opportunities for developing a similar agreement will be explored as Public Works updates the Management Agreement.

The TRCA has many years of experience working with other municipal partners through MOU and Service Delivery partnerships. These partnerships have been successful because the agreements provide a statement of principles and identify roles and responsibilities which reduce uncertainty and create efficiencies in all municipal matters. A Service Delivery Agreement could streamline the development review process by establishing set timelines for technical reviews. It should be noted that TRCA may have to retain additional staff and resources to meet the expectations of the agreement. As such there may also be financial implications for the City.

The TRCA also works with its municipal and provincial partners through regularly scheduled meetings to “triage” development proposals such as MNRF-TRCA monthly meetings, TRCA-municipal development review meetings and pre-consultation conferences on various matters relating to land use and infrastructure planning, e.g., TRCA staff regularly attend City of Vaughan Pre-Application Consultation meetings and meet with City staff as needed.

Departments in the Planning and Growth Management portfolio regularly interact with the TRCA in its regulatory, delegated authority, commenting, service provider and landowner roles. Potential areas of improvement are identified in Table 3 below.

Table 3: City departments impacted by TRCA's various roles in municipal planning matters and potential areas of service improvement

Departments	Potential areas of service improvement
Planning and Growth Management (Development Planning, Policy Planning and Environmental Sustainability, Development Engineering, Urban Design and Cultural Heritage, Parks	<ul style="list-style-type: none">▪ establish a Service Delivery Agreement to develop a screening and streamline procedures for the development review process where timelines are established for technical review of reports. This would eliminate unnecessary delays and duplication of efforts▪ Clearly establish TRCA's roles and responsibilities▪ schedule regular meetings with TRCA staff to discuss applications▪ develop a streamlined environmental assessment process for City EA's where timelines are established for technical review of reports▪ develop a watershed planning and management working group early in the planning process to manage the development of Secondary Plan and Block Plan processes

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 13, 2016

Item 8, CW Report No. 43 – Page 15

Development, Building Standards, Office of the City Solicitor and Real Estate departments)	<ul style="list-style-type: none">▪ discuss opportunities to advance shared objectives through programming and wise management of City and TRCA lands▪ create a cross portfolio urban agriculture working group (parks, sustainability, and forestry)▪ develop parks and trails partnerships▪ streamline permitting process and approvals process for building permits and enhance compliance monitoring relationship▪ jointly advance marketing efforts for the Kortright Centre and other conservation area programs to promote Vaughan
--	---

The City as currently staffed does not have the technical expertise and resources needed to deal with the Provincial and Regional obligations that currently rest with the TRCA. The City does not have in-house specialized technical expertise in floodplain management, stormwater management (water resources engineers), geotechnical engineering, hydrogeology, fluvial geomorphology, ecology, and the integration of flood remediation and ecological protection and restoration. Therefore, maintaining a strong working relationship with the TRCA is important as the City relies on TRCA for a wide range technical analysis and input recognizing its commenting and delegated authority role under the PPS and its regulatory role under the *CA Act*. As such, the TRCA plays a significant role in protecting Vaughan's natural environment and planning our communities in an environmentally sustainable manner. It will be important to continue this working relationship.

In order to move ahead, it is recommended that the City initiate a process to develop an MOU with the TRCA. A City working group should be established with representation from each of the affected departments in order to identify multi-departmental interests and needs. This group would then work with TRCA to understand the responsibilities and obligations of signing an MOU including financial implications. If negotiations prove successful a draft agreement will be prepared for the consideration of Council. The Office of the Deputy City Manager of Planning and Growth Management would lead work on the Service Delivery Agreement. This work would rely upon a Senior Management Team working group of affected Directors and other staff. In this regard, a mandate and organizational structure will be developed to manage this project.

Comprehensive Zoning By-Law 1-88

The City's comprehensive Zoning By-law 1-88 (consolidated in 2015) includes zoning categories, definitions and zoning standards. Section 7.2.2 Rezoning of OS1 Lands makes reference to the TRCA. Lands zoned OS1 states "Notwithstanding any other provisions contained in this Section, any lands in the OS1 Open Space Conservation Zone shall only be rezoned when such lands are filled to the satisfaction of the Metropolitan Toronto and Region Conservation Authority and the City". The policy restricts the rezoning of OS1 and directs the approval authority to both the TRCA and the City.

Within a TRCA regulated Area, a building permit will not be issued to an applicant without a TRCA permit (Ontario Regulation 166/06), as per applicable *Building Code Act* legislation.

A comprehensive review of the Zoning By-law 1-88 will be commencing in Q1 2017 to update current terminology and bring zoning into conformity with VOP 2010. The By-law update may benefit from including an overlay of the TRCA's regulated area with associated provisions in the by-law making landowners aware of the CA regulation.

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

As set out in the *CA Act*, the purpose of a CA is to develop programs that conserve, restore and properly manage natural resources. Accordingly, the purpose of a CA is directly related to "Cultivating an environmentally sustainable city", which is an identified term of council priority.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 13, 2016

Item 8, CW Report No. 43 – Page 16

The following details the TRCA's direct involvement in the Term of Council Service Excellence Strategy priority projects:

- Improve municipal road network **(TRCA participates and provides the review of MTO, City and Region led environmental assessment processes, commenting role in the development review process);**
- Continue to develop transit, cycling and pedestrian options to get around the City **(TRCA participates in the review of City and Region led municipal class environmental assessment process, commenting role in review process; ; TRCA permits required for infrastructure crossings of regulated areas);**
- Facilitate the development of the VMC **(TRCA is working with the City and VMC landowners on integrating the restoration and remediation of the Black Creek corridor into the planning approval process (and OMB process) for the redevelopment and revitalization of the VMC.**
- Support the development of the hospital **(TRCA participated in the resolution of on-site stormwater management solutions);**
- Re-establish the urban tree canopy **(TRCA is contributing to protecting and enhancing the City's urban tree canopy through the development review process and also, actively working on restoration projects in the City);**
- Invest, renew and manage infrastructure and assets **(TRCA is a technical advisor on Green Infrastructure Technology and Stormwater Management);**
- Continue to ensure the safety and well-being of citizens **(TRCA regulates and manages floodplain and hazards lands including special policy areas and built-up areas in the City);**
- Update the Official Plan and supporting studies **(TRCA forms part of the technical advisory committee for the development of VOP 2010, they support the environmental policies in Chapter 3 and implement these policies in their review of applications and supporting studies and also attending Technical Advisory Committee meetings);**
- Continue to cultivate an environmentally sustainable city **(TRCA's mandate is consistent with these objectives);**
- Support and promote arts, culture, heritage and sports in the community **(TRCA has created a cultural environmental center such as the Living City Campus in Kortright. They have programs that service the community at large);**
- Continue to advance a culture of excellence in governance **(An MOU between the City and TRCA will create efficiencies within various departments of the City); and,**
- Enhance civic pride through a consistent city-wide approach to citizen engagement **(Residents in Vaughan have the opportunity to participate in TRCA environmental and stewardship programs within their own community).**

Regional Implications

The Region has had a Partnership Memorandum for Planning Services with the TRCA and Lake Simcoe Region Conservation Authority since 2009. The purpose and roles and responsibilities of the memorandum clearly identifies principles and delegates specific responsibilities. Staff have been advised by the TRCA and the Region that the application of the principles of the agreement have been beneficial for both parties. Similar models have been established in other municipalities such as an MOU with the City of Markham for planning and technical services.

Conclusion

Staff review of the VOP 2010 policies has concluded that there is no language in the policies that grants the TRCA powers that are beyond the scope of its current responsibilities. The phrases "in consultation or in collaboration with" strictly mean that TRCA is a partner to provide technical

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF DECEMBER 13, 2016

Item 8, CW Report No. 43 – Page 17

advice and is a commenting body on various matters under the *Planning Act*, however, the City is the approval authority. The TRCA is in no way limited in exercising its rights under the *Planning Act*, the *Conservation Authorities Act* or any other applicable legislation to independently appeal or advocate any position on a planning decision to the OMB.

Staff recommend that these policies be reviewed further by Policy Planning and Environmental Sustainability and the Office of the City Solicitor during the forthcoming MCR, once changes to Provincial regulations are determined and where any further clarification can be provided. This will be particularly important if the results of the current Provincial Plan Review and the CA Act review modify the relationship between the CAs and the municipalities.

It is also recommended that staff review the feasibility of developing a MOU to include a Service Delivery Agreement with the TRCA. The Office of the Deputy City Manager of Planning and Growth Management would advance the development of a Service Delivery Agreement as part of this process. It is proposed that a working group comprised of the Senior Management Team, Directors and Managers involved in operations involving the TRCA, would work with the TRCA to understand the responsibilities and obligations of signing an MOU. This would include among other things, the financial and operational impacts. This measure may be the most effective method of securing immediate improvements in the City-TRCA operating relationship. Once drafted, such an agreement would be brought forward to the Corporate Management Team for review and would be the subject to Council consideration and approval. Staff will report back accordingly.

In order to move forward and to address Council's resolution and staff recommendation on areas for continuous improvement, it is recommended that the recommendations of this report be approved.

Attachments

1. The Policies and Procedures for Conservation Authority Plan Review and Permitting Activities (2010).
2. Regional Municipality of York Partnership Memorandum with the Conservation Authorities (2009).

Report prepared by:

Ruth Rendon, Senior Environmental Planner, ext. 8104

(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.)