

CITY OF VAUGHAN

**EXTRACT FROM COUNCIL MEETING MINUTES OF MARCH 22, 2016**

Item 5, Report No. 4, of the Finance, Administration and Audit Committee, which was adopted, as amended, by the Council of the City of Vaughan on March 22, 2016, as follows:

***By receiving Communication C11, from the Deputy City Manager, Planning & Growth Management, the Chief Financial Officer & City Treasurer, and the City Solicitor, dated March 22, 2016.***

**5 COSTS ASSOCIATED WITH VAUGHAN OFFICIAL PLAN 2010**

The Finance, Administration and Audit Committee recommends:

- 1) That the recommendation contained in the following report of the Deputy City Manager, Planning & Growth Management, Chief Financial Officer/City Treasurer and City Solicitor, dated February 29, 2016, be approved;
- 2) That staff report back to the Council meeting of March 22, 2016 with a breakdown of costs related to Secondary Plans; and
- 3) That Communication C1 from Mr. Richard T. Lorello, dated February 24, 2016, be received.

**Recommendation**

The Deputy City Manager, Planning & Growth Management, Chief Financial Officer/City Treasurer and City Solicitor recommend:

1. That this report be received for information purposes.

**Contribution to Sustainability**

Not applicable

**Economic Impact**

This report summarizes approved costs incurred to date related to the Vaughan Official Plan 2010. There are no requirements for new funding associated with this report.

**Communications Plan**

Not Applicable

**Purpose**

The purpose of this report is to report on the total spent to date related to the Vaughan Official Plan 2010 ("VOP 2010"), including the Official Plan process itself which concluded with the Plan's adoption in September 2010, all legal costs to defend appeals to the VOP 2010, all costs to conduct Secondary Plans related to VOP 2010, legal costs to defend these and any other costs related to such, whether internal or externally spent.

**Background - Analysis and Options**

**Legislative Basis for Preparing the Vaughan Official Plan 2010**

The *Planning Act* and a series of supporting policies and plans, provide the basis for municipal planning in Ontario. Collectively, they identify matters of Provincial interest and direction, establish the roles and obligations of the participants, the processes for preparing the statutory instruments, like the Official Plan, and their content. The preparation of the Vaughan Official Plan

CITY OF VAUGHAN

**EXTRACT FROM COUNCIL MEETING MINUTES OF MARCH 22, 2016**

Item 5, Finance Report No. 4 – Page 2

2010 was based on the obligation to conduct a five-year review of the Official Plan and revise the plan to ensure it that it conforms to the pertinent Provincial Plans. In this instance conformity with the Provincial Growth Plan for the Greater Golden Horseshoe (Places to Grow) was required (Section 26 (1)). This process obligated the City to, among other things, amend its Plan to accommodate population and employment growth projections to 2031 along with other objectives, such as targeted amounts of intensification.

York Region was under the same obligation as the City to review and amend its plan to bring it into provincial plan conformity. York Region initiated its Official Plan review prior to the City and adopted its amended plan in December of 2009. It also assigned the 2031 population, employment and intensification projections to the City. The City initiated its process in 2007 resulting in the adoption of VOP 2010 in September 2010. The York Region Official Plan was approved by the Ministry of Municipal Affairs and Housing in September of 2010.

The *Places to Grow Act* requires that within three years of the Growth Plan coming into effect (2009) official plans must be in conformity with the Plan. Otherwise the Province may request a change to modify the official plan or amend the plan to resolve the non-conformity. In addition, Section 27 of the *Planning Act* requires that lower tier municipalities bring their plans into conformity with a Regional plan within one year of it coming into effect. Otherwise, the Regional Council has the authority to amend the lower tier plan to bring it into conformity.

The City of Vaughan fulfilled its obligation under the various provincial statutes by adopting the VOP 2010, in conformity with the Provincial Plans and the York Region Official Plan.

**Council motion requesting report on full cost of VOP 2010**

On November 17<sup>th</sup>, 2015 Council passed a motion directing:

*That staff report back to Council by January 2016 [later amended to February 2016] on the total monies spent to date on the Vaughan Official Plan 2010, including the Official Plan process itself which concluded in September 2010, all legal costs for appeals to the Official Plan, all costs to conduct secondary plans that came out of the Official Plan 2010, legal and OMB costs to defend these and any other costs related to such, whether internal or externally spent; and*

*That these expenses be categorized with explanation.*

In preparation for this report, staff reviewed expenditures incurred during the time period from 2007 to 2015 by the following departments: Policy Planning, Development Engineering and Infrastructure Planning (DEIPs), Parks Development, Development Planning and Legal Services. In addition to these departments, an estimate was made of the indirect contributions from other departments across the City including City Clerk's Office, Finance, Corporate Communications, and the City Manager's Office.

Departments were asked to provide data on costs that were directly attributable to the project and an estimate of internal labour time spent on VOP 2010 related tasks. Directly attributable costs included capital projects, external supplies and other resources. Internal labour costs were estimated because professional staff do not docket time to particular projects. Labour estimates are based on assumptions of the proportion of staff time that were attributable to the project.

**Costs incurred to date related to Vaughan Official Plan 2010 are estimated to be \$18M**

As of the end of December 2015, total costs incurred to date related to VOP 2010 and related studies and appeals are estimated to be \$18M. This spending has been categorized into three categories, each of which are described in more detail below: 1) Official Plan related Studies,

**CITY OF VAUGHAN**

**EXTRACT FROM COUNCIL MEETING MINUTES OF MARCH 22, 2016**

Item 5, Finance Report No. 4 – Page 3

Secondary Plans and other external costs, 2) Internal Labour Costs and 3) OMB, External Legal and Consultant Costs. It should be noted that not all appeals of VOP 2010 and related Secondary Plans have been resolved. Therefore it is likely that there will be additional staff time and external legal fees, that will increase this amount in the coming year(s).

**Official Plan, Related Studies, Secondary Plans and other external costs of \$7M**

An approximate total of \$7M has been spent to date on various Studies, Secondary Plans and miscellaneous other external costs. Over 49% of this total (\$3.4M) was for the lead planning consulting contract for the preparation of the Official Plan itself, which ultimately became Volumes 1 and 2 of VOP 2010. This contract included a number of supporting substudies and the preparation of five Secondary Plans that were adopted concurrently with VOP 2010. VOP 2010 was the first comprehensive Official Plan prepared by the City since 1961 and resulted in a completely new policy regime. Further work resulting from the adoption of the VOP 2010 includes a number of Secondary Plan studies (e.g. Vaughan Metropolitan Centre, Centre Street, Block 27, Block 41, Vaughan Mills), Urban Design Guideline studies (e.g. VMC, Black Creek), and numerous other studies (e.g. Master Plans for Transportation, Water/Wastewater and Parks).

<b>Official Plan, Studies, Secondary Plans and other external costs</b>	<b>VOP 2010 Spend to Date (\$M)</b>
VOP 2010	3.3
Master Plans	1.0
Related Studies	1.2
Secondary Plans	1.0
Design Guidelines	0.3
Other	0.2
<b>Total</b>	<b>6.9</b>

**Comprehensive Zoning By-law review – Future Costs**

Costs related to the Comprehensive Zoning By-law review are not included in this report as they have not yet been incurred. However these costs are expected to be approximately \$3.3M over the next four years, not including costs related to potential OMB appeals of the Zoning By-law. The current Zoning By-law is over 25 years old and due for a comprehensive review regardless of the completion of VOP 2010.

**Internal Labour Costs of \$10M**

Internal labour costs connected to VOP 2010 have been estimated at \$10M for the period covering 2007 to 2015. Since staff do not routinely categorize their time on a project by project basis this section was based on estimates provided by staff and management of the departments involved. The largest contributors to these costs were Policy Planning, Legal Services and Development Engineering & Infrastructure Delivery departments; followed by Parks Development and Development Planning. The following table shows the breakdown of internal labour costs by department.

CITY OF VAUGHAN

**EXTRACT FROM COUNCIL MEETING MINUTES OF MARCH 22, 2016**

Item 5, Finance Report No. 4 – Page 4

<b>Internal Labour Costs</b>	<b>VOP 2010 Spend To Date(\$M)</b>
Policy Planning	3.5
Legal	2.6
DEIPs	1.9
Parks Development	0.6
Development Planning	0.3
Other	1.3
<b>Total</b>	<b>10.1</b>

This total includes over 30 people across the City at various levels of involvement over the last nine years. The total amount could also be interpreted as representing 9 people working solely on this project for the last nine years.

**OMB External Legal and Consultant Costs of \$1M**

A total of \$1M has been spent to date on OMB external legal and consultant support (including planning, transportation and real estate (section 37 strata)). These costs are as a result of defending OMB appeals of VOP 2010, and appeals of Secondary Plans for the VMC and Vaughan Mills. It is expected that there will be additional expenditures in this category going forward until the appeals are resolved. The following table shows the breakdown of the OMB External Legal and Consultant Costs by the topic to which they relate.

<b>External Legal and OMB Costs</b>	<b>VOP 2010 Spend to Date (\$M)</b>
VOP 2010	0.4
VMC Secondary Plan	0.5
Vaughan Mills Centre Secondary Plan	0.4
<b>Total</b>	<b>1.2</b>

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

This report supports the Term of Council Priority of Updating the Official Plan and supporting studies.

**Regional Implications**

The Region has been a partner in the development of the Vaughan Official Plan and as the approval authority has been heavily involved in its subsequent implementation.

**Conclusion**

As of the end of 2015, an approximate total of \$18M has been spent on the Vaughan Official Plan 2010 and its implementation measures. This includes the Vaughan Official Plan, related Studies, and Secondary Plans (\$7M), internal Labour Costs (\$10M) and OMB external legal and consultant costs (\$1M).

**Attachments**

N/A

**Report prepared by:**

Howard Balter, Manager, Financial Planning & Analysis, ext. 8338



c. 11. -  
 Communication  
 COUNCIL: Mar 22/16  
 FAA Rpt. No. 4 Item 5

**DATE:** March 22, 2016

**TO:** HONORABLE MAYOR BEVILACQUA AND MEMBERS OF COUNCIL

**FROM:** JOHN MACKENZIE, DCM, PLANNING & GROWTH MANAGEMENT  
 LAURA MIRABELLA-SIDDALL, CFO & CITY TREASURER  
 HEATHER WILSON, CITY SOLICITOR

**RE:** FINANCE, ADMINISTRATION AND AUDIT COMMITTEE, FEBRUARY 29,  
 2016; REPORT #4, ITEM NO.5  
 COSTS ASSOCIATED WITH VAUGHAN OFFICIAL PLAN 2010

At the February 29, 2016 meeting of the Finance, Administration and Audit Committee, staff presented a report titled Costs Associated With Vaughan Official Plan 2010. In response to this report, staff were asked to return to the next meeting of Council with a further breakdown of the spending by location for the major specific areas that had secondary plans and other studies.

As presented in the item on February 29, 2016, an approximate total of \$7M has been spent to date on various Studies, Secondary Plans and miscellaneous other external costs and an approximate total of \$1M has been spent to date on OMB external legal and consultant support. As per Committee request, these costs have now been recast to show the location of the major studies. This is shown in Table 1 below.

**Table 1: Approximate VOP 2010 Costs for Official Plan, Studies, Secondary Plans and other External Costs and for External Legal and OMB Costs by Location/Nature of Study**

VOP 2010 Spend To Date (\$M)	Official Plan, Studies, Secondary Plans and other external costs	External Legal and OMB Costs	Total
VOP 2010 Study	3.3	0.4	3.7
City Wide Studies and Master Plans	1.8		1.8
VMC Secondary Plan and Related Studies	0.5	0.5	1.0
Vaughan Mills Secondary Plan and Related Studies	0.3	0.4	0.7
Yonge St Area Study (Steeles to Hwy 407)	0.3		0.3
Block 27 Secondary Plan	0.2		0.2
Block 41 Secondary Plan	0.2		0.2
Concord/Centre St Secondary Plan	0.2		0.2
Carrville District Streetscape Master Plan Study	0.1		0.1
Other Secondary Plans & Related Studies	0.0		0.0
<b>Total</b>	<b>6.9</b>	<b>1.2</b>	<b>8.2</b>

As can be seen in the table, approximately 67% (or \$5.5M) of the \$8.2M of total external expenditures is related to the original plan itself and other city wide studies. The remaining 33% (\$2.7M) is related to site specific studies and master plans.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'John Mackenzie', with a stylized flourish at the end.

John Mackenzie  
Deputy City Manager, Planning & Growth Management

A handwritten signature in black ink, appearing to read 'Laura Mirabella-Siddall', with a stylized flourish at the end.

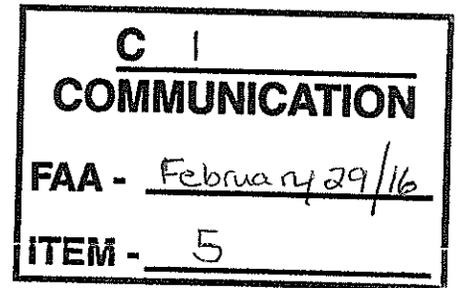
Laura Mirabella-Siddall  
CFO & City Treasurer

A handwritten signature in black ink, appearing to read 'Heather Wilson', with a stylized flourish at the end.

Heather Wilson  
City Solicitor

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**Subject:** FW: Finance, Administration and Audit Commi



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**From:** Richard Lorello <rlorello@rogers.com>  
**Sent:** Wednesday, February 24, 2016 10:52 AM  
**To:** Bevilacqua, Maurizio; Carella, Tony; Iafrate, Marilyn; DeFrancesca, Rosanna; Rosati, Gino; Racco, Sandra; Di Biase, Michael; Shefman, Alan; Ferri, Mario; Abrams, Jeffrey; Steven Delduca; MacKenzie, John; Kanellakos, Steve  
**Reply To:** Richard Lorello  
**Cc:** Noor Javed; Adam Martin-Robbins; Craig, Suzanne  
**Subject:** Finance, Administration and Audit Committee, Report No. 4 - Item # 5

## **COSTS ASSOCIATED WITH VAUGHAN OFFICIAL PLAN 2010**

**Good morning Mr. Abrams, Members of Council and City Staff**

**Please post my comments as a matter of public record regarding this item.**

**I am writing to you to express my deepest concerns and outrage regarding the costs incurred to date related to the 2010 Vaughan Official Plan. It is now public knowledge that the taxpayers of Vaughan have paid \$18 million related to the 2010 Vaughan Official Plan and the costs continue to mount. I am asking for a review of this process that the review be held in conjunction with the province of Ontario.**

**As you are aware the Vaughan Official Plan 2010 is yet to be approved by higher levels of government and is under constant appeal at the Ontario Municipal Board. As a result there is no end in site to these costs. The development community, the City of Vaughan and the Province of Ontario all share a responsibility in what is now considered to be a broken planning process where official plans are not only disrespected, but leave the taxpayers with the outrageous costs at the local level and sky rocketing debt at the regional level. Vaughan residents are reaching a boiling point and have stated to myself on many occasions that this is completely unacceptable and irresponsible and cries out for questions to be answered.**

**The Vaughan Official Plan 2010 is not just a planning document. It is a Vision of our city going forward. The process engaged many residents and stakeholders. Compromises were made through the development process of the Official Plan that were agreed to and enshrined within the official plan at great cost. Yet we continue to see our Vision cast aside and replaced with the very undesirable development that is coming before council to date.**

**The Vaughan Official Plan, much like other official plans across the province continues to be treated and viewed as documents that are not worth the paper they are written on.**

**Residents continue to see that the official plan fails to protect many aspects of their communities that they hold dear, such as our heritage districts and natural heritage networks. Residents continue to be threatened by development that is not compatible within their existing neighbourhoods in which they have lived and enjoyed for decades. Residents continue see reckless development, approved by Vaughan Council, such as development over known and contaminated brownfields.**

**That said we now wake up this morning to the deeply disturbing City of Vaughan report that taxpayers will pay in excess of \$18 million for a document that fails to protect our interests and where costs continue to mount.**

**Let us bear in mind that the development community continues to disrespect the Vaughan Official Plan, putting forward development applications that more times than not, far exceeds the height and density outlined in the Official Plan and threatens environmentally sensitive lands governed by Greenbelt and Oak Ridges moraine legislation.**

**Let us also bear in mind that Vaughan Council continues to approve development that exceeds the height and density outlined in the official plan and continues to entertain development on environmentally sensitive land with motions aimed at undermining provincial Greenbelt and Oak Ridges Moraine legislation. All of this is costing us millions and fails to protect our interests. Why is this allowed to persist?**

**Last week, I watched in horror as Vaughan Council moved forward with a motion to approve the original Schedule 2 of the Natural Heritage Network which is part of the Vaughan Official Plan. This was done even after a scathing letter [http://www.vaughan.ca/council/minutes\\_agendas/Communications/CL0216-16\\_C10.pdf](http://www.vaughan.ca/council/minutes_agendas/Communications/CL0216-16_C10.pdf) sent from Municipal Affairs and Housing stating that the City of Vaughan was not in compliance or conforming with Ontario planning legislation by not adopting staff recommendations with respect to the updated City of Vaughan Natural Heritage Network.**

**This was also done after the deputy city manager of planning, John Mackenzie stated emphatically that the schedule in question was flawed and must be replaced with a modified schedule that was more accurate and arrived at after substantial consensus of the development community, thus avoiding millions in OMB appeal costs to the taxpayers of this city. Mr. Mackenzie also stated that moving forward with the original schedule would compromise his planning code of ethics. Yet 6 members of Council defied Mr. Mackenzie's professional recommendations.**

**If the deputy city manager of planning felt that adopting the original schedule would be unethical, does that not imply that those 6 council members who voted in favor of approving the Natural Heritage Network schedule behaved unethically by recklessly disregarding the advice of the City's professional planners and adopting a document known to be flawed and inaccurate? It is my opinion that 6 councillors should be the subject of a code of conduct investigation by the City's Integrity Commissioner.**

**With all of this in mind, is it not reasonable to understand how Vaughan residents have lost faith and confidence in Council's ability to act in the public interest on planning matters? Council has an obligation as stated in the Municipal Act to act in the public interest.**

**Sincerely  
Richard T. Lorello**

**COSTS ASSOCIATED WITH VAUGHAN OFFICIAL PLAN 2010**

**Recommendation**

The Deputy City Manager, Planning & Growth Management, Chief Financial Officer/City Treasurer and City Solicitor recommend:

1. That this report be received for information purposes.

**Contribution to Sustainability**

Not applicable

**Economic Impact**

This report summarizes approved costs incurred to date related to the Vaughan Official Plan 2010. There are no requirements for new funding associated with this report.

**Communications Plan**

Not Applicable

**Purpose**

The purpose of this report is to report on the total spent to date related to the Vaughan Official Plan 2010 ("VOP 2010"), including the Official Plan process itself which concluded with the Plan's adoption in September 2010, all legal costs to defend appeals to the VOP 2010, all costs to conduct Secondary Plans related to VOP 2010, legal costs to defend these and any other costs related to such, whether internal or externally spent.

**Background - Analysis and Options**

**Legislative Basis for Preparing the Vaughan Official Plan 2010**

The *Planning Act* and a series of supporting policies and plans, provide the basis for municipal planning in Ontario. Collectively, they identify matters of Provincial interest and direction, establish the roles and obligations of the participants, the processes for preparing the statutory instruments, like the Official Plan, and their content. The preparation of the Vaughan Official Plan 2010 was based on the obligation to conduct a five-year review of the Official Plan and revise the plan to ensure it that it conforms to the pertinent Provincial Plans. In this instance conformity with the Provincial Growth Plan for the Greater Golden Horseshoe (Places to Grow) was required (Section 26 (1)) . This process obligated the City to, among other things, amend its Plan to accommodate population and employment growth projections to 2031 along with other objectives, such as targeted amounts of intensification.

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change to modify the official plan or amend the plan to resolve the non-conformity. In addition, Section 27 of the *Planning Act* requires that lower tier municipalities bring their plans into conformity with a Regional plan within one year of it coming into effect. Otherwise, the Regional Council has the authority to amend the lower tier plan to bring it into conformity.

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### **Council motion requesting report on full cost of VOP 2010**

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*That staff report back to Council by January 2016 [later amended to February 2016] on the total monies spent to date on the Vaughan Official Plan 2010, including the Official Plan process itself which concluded in September 2010, all legal costs for appeals to the Official Plan, all costs to conduct secondary plans that came out of the Official Plan 2010, legal and OMB costs to defend these and any other costs related to such, whether internal or externally spent; and*

*That these expenses be categorized with explanation.*

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Departments were asked to provide data on costs that were directly attributable to the project and an estimate of internal labour time spent on VOP 2010 related tasks. Directly attributable costs included capital projects, external supplies and other resources. Internal labour costs were estimated because professional staff do not docket time to particular projects. Labour estimates are based on assumptions of the proportion of staff time that were attributable to the project.

### **Costs incurred to date related to Vaughan Official Plan 2010 are estimated to be \$18M**

As of the end of December 2015, total costs incurred to date related to VOP 2010 and related studies and appeals are estimated to be \$18M. This spending has been categorized into three categories, each of which are described in more detail below: 1) Official Plan related Studies, Secondary Plans and other external costs, 2) Internal Labour Costs and 3) OMB, External Legal and Consultant Costs. It should be noted that not all appeals of VOP 2010 and related Secondary Plans have been resolved. Therefore it is likely that there will be additional staff time and external legal fees, that will increase this amount in the coming year(s).

### **Official Plan, Related Studies, Secondary Plans and other external costs of \$7M**

An approximate total of \$7M has been spent to date on various Studies, Secondary Plans and miscellaneous other external costs. Over 49% of this total (\$3.4M) was for the lead planning consulting contract for the preparation of the Official Plan itself, which ultimately became Volumes 1 and 2 of VOP 2010. This contract included a number of supporting substudies and the preparation of five Secondary Plans that were adopted concurrently with VOP 2010. VOP 2010 was the first comprehensive Official Plan prepared by the City since 1961 and resulted in a completely new policy regime. Further work resulting from the adoption of the VOP 2010 includes a number of Secondary Plan studies (e.g. Vaughan Metropolitan Centre, Centre Street, Block 27, Block 41, Vaughan Mills), Urban Design Guideline studies (e.g. VMC, Black Creek), and numerous other studies (e.g. Master Plans for Transportation, Water/Wastewater and Parks).

<b>Official Plan, Studies, Secondary Plans and other external costs</b>	<b>VOP 2010 Spend to Date (\$M)</b>
VOP 2010	3.3
Master Plans	1.0
Related Studies	1.2
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Design Guidelines	0.3
Other	0.2
<b>Total</b>	<b>6.9</b>

### **Comprehensive Zoning By-law review – Future Costs**

Costs related to the Comprehensive Zoning By-law review are not included in this report as they have not yet been incurred. However these costs are expected to be approximately \$3.3M over the next four years, not including costs related to potential OMB appeals of the Zoning By-law. The current Zoning By-law is over 25 years old and due for a comprehensive review regardless of the completion of VOP 2010.

### **Internal Labour Costs of \$10M**

Internal labour costs connected to VOP 2010 have been estimated at \$10M for the period covering 2007 to 2015. Since staff do not routinely categorize their time on a project by project basis this section was based on estimates provided by staff and management of the departments involved. The largest contributors to these costs were Policy Planning, Legal Services and Development Engineering & Infrastructure Delivery departments; followed by Parks Development and Development Planning. The following table shows the breakdown of internal labour costs by department.

<b>Internal Labour Costs</b>	<b>VOP 2010 Spend To Date(\$M)</b>
Policy Planning	3.5
Legal	2.6
DEIPs	1.9
Parks Development	0.6
Development Planning	0.3
Other	1.3
<b>Total</b>	<b>10.1</b>

This total includes over 30 people across the City at various levels of involvement over the last nine years. The total amount could also be interpreted as representing 9 people working solely on this project for the last nine years.

### **OMB External Legal and Consultant Costs of \$1M**

A total of \$1M has been spent to date on OMB external legal and consultant support (including planning, transportation and real estate (section 37 strata)). These costs are as a result of defending OMB appeals of VOP 2010, and appeals of Secondary Plans for the VMC and Vaughan Mills. It is expected that there will be additional expenditures in this category going forward until the appeals are resolved. The following table shows the breakdown of the OMB External Legal and Consultant Costs by the topic to which they relate.

<b>External Legal and OMB Costs</b>	<b>VOP 2010 Spend to Date (\$M)</b>
VOP 2010	0.4
VMC Secondary Plan	0.5
Vaughan Mills Centre Secondary Plan	0.4
Total	1.2

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

This report supports the Term of Council Priority of Updating the Official Plan and supporting studies.

**Regional Implications**

The Region has been a partner in the development of the Vaughan Official Plan and as the approval authority has been heavily involved in its subsequent implementation.

**Conclusion**

As of the end of 2015, an approximate total of \$18M has been spent on the Vaughan Official Plan 2010 and its implementation measures. This includes the Vaughan Official Plan, related Studies, and Secondary Plans (\$7M), internal Labour Costs (\$10M) and OMB external legal and consultant costs (\$1M).

**Attachments**

N/A

**Report prepared by:**

Howard Balter, Manager, Financial Planning & Analysis, ext. 8338

Respectfully submitted,

John Mackenzie  
Deputy City Manager, Planning & Growth Management

Laura Mirabella-Siddall  
CFO & City Treasurer

Heather Wilson  
City Solicitor