

Clause No. 10 in Report No. 13 of Committee of the Whole was adopted, without amendment, by the Council of The Regional Municipality of York at its meeting held on September 11, 2014.

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LIVING CITY POLICIES FOR PLANNING AND DEVELOPMENT IN THE WATERSHEDS OF THE TORONTO AND REGION CONSERVATION AUTHORITY

Committee of the Whole recommends adoption of the following recommendations contained in the report dated August 18, 2014 from the Executive Director, Corporate and Strategic Planning:

1. RECOMMENDATIONS

It is recommended that:

1. Council support the staff comments outlined in this report.
2. The Regional Clerk circulate this report to the local municipalities and the Toronto and Region Conservation Authority.

2. PURPOSE

This report provides an overview of the Toronto and Region Conservation Authority (TRCA) draft *Living City Policies for Planning and Development in the Watersheds of the Toronto and Region Conservation Authority* (Living City Policies) and seeks support of staff comments on TRCA's revised draft document.

3. BACKGROUND

Living City Policies will replace the Valley and Stream Corridor Management Program policies which has served as TRCA's main policy document since 1994

In October 1992, York Region Council endorsed the TRCA's Valley and Stream Corridor Management Program to manage and conserve valley and stream corridors in York Region. The purpose of the Valley and Stream Corridor Management Program was to:

- Integrate the TRCA's public safety responsibilities with its commitment to ecosystem planning and management
- Define and identify the valley and stream corridors to which TRCA policy and regulations apply
- Consolidate, update and establish TRCA policies and procedures for valley and stream corridor protection and rehabilitation
- Foster recognition and commitment by provincial and municipal agencies and the private sector for integrated valley and stream corridor management at the watershed, sub-watershed and local level

The Valley and Stream Corridor Management Program has served as TRCA's main policy document for planning and regulation from 1994 to present day.

The Living City Vision was endorsed by the TRCA Board in 2003

Endorsed by the TRCA Board in 2003, the Living City is a broad vision for an "attractive, healthy and sustainable urban region where human settlement can flourish forever as part of nature's beauty and diversity." Recognizing that development of an urban area influences and affects the health of natural systems, the Living City Vision includes the City as part of, and not separate from, nature. The TRCA recognizes that the Living City is a "broad vision that can only be achieved with the help of their partners and the community as they aim to build a foundation of healthy rivers and shorelines, Regional biodiversity, sustainable communities and business excellence". The draft Living City Policies have been developed to support the endorsed Living City Vision.

Draft Living City Policies support the 2003 Vision and reflect changes in scientific understanding of the TRCA watershed, Provincial policy and legislation, and the evolving role of the TRCA

The Living City Policies generally reflect current practices and are intended to replace the policies of the Valley and Stream Corridor Management Program as TRCA's main policy document. It should be noted that some of the operational components of the Valley and Stream Corridor Management Program will remain in place. The new draft policies will guide implementation of TRCA's legislated and delegated roles and responsibilities in the planning and development approvals process. Some notable changes in science, legislation and direction that have prompted the need for updated TRCA policies include:

- Approval of TRCA's Living City Vision and guiding principles
- Provincial legislation such as the *Oak Ridges Moraine Conservation Plan*, the *Greenbelt Plan* and the *Growth Plan for the Greater Golden Horseshoe*

- An updated Regulation and delegated authority for representing Provincial interest in natural hazards
- New and updated memoranda of understanding with municipal partners
- Scientifically documented decline in the quality of the environment in urbanizing watersheds

Living City Policies will guide implementation of TRCA's roles as a:

- Regulatory agency in accordance with Section 28 of the *Conservation Authorities Act*
- Commenting agency under the *Planning Act*, *Environmental Assessment Act*, and as a technical review agency and service provider
- Partner and advocate for sustainable communities

Draft Living City Policies, first released in January 2013, include a number of new or expanded policy areas

In January 2013, the TRCA released a preliminary draft version of the Living City Policies document for review and comment. The TRCA has indicated that it intends to seek Board approval on the final version of the Living City Policies in Fall 2014. In advance of final Board approval, the revised draft document and staff comments are being introduced to Regional Council for consideration. The TRCA process to consult on and finalize the Living City Policies is as follows:



The Living City Policies document introduces several new policy areas including:

- Wetland and Lake Ontario Shoreline policies, in accordance with updated an TRCA regulation approved in 2006
- Stormwater management policies, based on TRCA's Board approved 2012 Stormwater Management Criteria document
- Natural system protection and management, building on the science of the 2007 TRCA Terrestrial Natural Heritage System Strategy
- Policies emphasizing the value of ecosystem services
- Flood risk reduction through urban intensification
- Sustainable communities policies that advocate for other Living City program interests in the planning and development process

The draft Living City Policies document was circulated to regional departments for review and comment

In January 2013, all affected Regional departments were requested to review and comment on the draft document. Consolidated Regional comments were provided to the TRCA in May 2013 and included:

- Recognition of the relationship between TRCA objectives and the natural heritage systems identified, protected and implemented through Regional and local official plans
- A request for further clarification on the terms ‘cumulative impact’ and ‘compensation’
- A recommendation that a policy framework be included (or principles) which addresses financial aspects of implementing the Living City Policies
- A recommendation that TRCA seek municipal endorsement of the Living City Policies (similar to the process undertaken for the Valley and Stream Corridor Management Program in 1994)

Comments provided by staff on the 2013 draft have been partially addressed by the TRCA through the revised document of June 2014

The TRCA response to the Region’s comments of May 2013 included modifications to policy which address staff concerns with respect to the municipal role in natural heritage systems planning and partially address concerns regarding the assessment of cumulative impact. In response to the remaining comments, TRCA staff provided additional clarification regarding the intent of policies which partially addressed a number of staff concerns. A summary of the TRCA response to York Region comments of May 2013, and outstanding areas of concern not addressed, are identified in *Attachment 1*.

4. ANALYSIS AND OPTIONS

TRCA released revised draft Living City Policies for review and comment in May 2014

On May 6, 2014, TRCA staff released a revised version of the Living City Policies for final review and comment. The commenting deadline on the revised Living City Policies was August 1, 2014. The table included as *Attachment 1* summarizes York Region staff comments on the revised draft Living City Policies. The following is a discussion on the key topic areas identified through a review of the revised Living City Policies document.

The comprehensive Living City Policies will be an effective tool for clarifying TRCA staff regulatory and planning roles and responsibilities

Regional staff supports the TRCA in creating a strategic guidance document that articulates regulatory, planning and development, as well as advocacy policies of the conservation authority. For a number of years, TRCA comments have often reflected internal policy, practice or local municipal policy (per service agreements) that go beyond what is articulated within the endorsed Valley and Stream Corridor Management Program. These new and revised policies will provide more certainty, consistency and transparency in TRCA's planning and regulatory process. Regional staff encourage TRCA staff, when providing comment in the context of the planning and regulatory process, to also articulate the nature of their role under which comments are being made (i.e. regulatory, commenting agency, advisory, etc.).

As a watershed management agency, the TRCA is in a unique position to assess cumulative impacts and manage habitat protection and restoration at a broad scale

TRCA is uniquely positioned to assess cumulative impact of development activities occurring throughout the watershed, which crosses 6 regions and 15 local municipalities. The scientific research undertaken by the TRCA to understand and evaluate cumulative impact is valuable and informs many of the Environmental Assessments undertaken by York Region in support of critical infrastructure projects necessary to support growth contemplated in the YROP-2010.

York Region staff recognizes TRCA's willingness to share GIS data with partners including source water, flood plain, stream erosion and natural heritage data. In addressing cumulative impact, the TRCA should consider developing a cumulative impact dataset that could be utilized by partners to inform the environmental assessment process.

More clarity is needed regarding scope of assessment of cumulative impacts

Regional staff supports modifying the definition of cumulative impact to include reference to "watershed, sub-watershed or reach basis". However, there are still a small number of policies pertaining to the TRCA's regulatory authority which require that studies be undertaken to assess cumulative impacts when watercourse alterations are contemplated, including those required for infrastructure projects. It remains unclear as to how proponents, including the Region, would assess and minimize cumulative impact at the scale of the proposed works. Regional staff looks forward to continued dialogue with TRCA in this regard.

Living City Policies, and supporting guidance documents, provide an opportunity to facilitate a more stream-lined approval process for Regional infrastructure

As discussed earlier in this report, Living City Policies provide the opportunity to improve clarity and consistency in TRCA's planning and regulatory process. This additional clarity should enhance an already strong working relationship between staff and consultants working on Regional infrastructure projects and the TRCA.

The draft Living City Policies include policies that require compensation for unavoidable loss of natural features, an approach that is consistent with York Region's current practice of incorporating natural heritage restoration and enhancement to achieve net environmental gain on infrastructure projects. The policies note that TRCA staff is creating a compensation protocol. The compensation protocol remains under development, with a draft for stakeholder review expected shortly. In developing this protocol, the TRCA should acknowledge and take into consideration compensation requirements of other agencies (e.g. Ministry of Natural Resources). York Region staff welcomes the opportunity to continue to provide input as this protocol is developed. This protocol, which will articulate compensation options and opportunities, has the opportunity to further streamline the approval process for Regional infrastructure.

A well-articulated financial strategy is key to successful implementation of the Living City Policies and should be addressed by the TRCA

A strategic objective of the 2003 Living City Vision is Business Excellence; specifically, "to pursue continuous improvement in development and delivery of all programs through creative partnerships, diverse funding sources, and careful auditing of outcomes and effectiveness". In this regard, Regional staff continues to request that additional information be provided on the financial strategy of the TRCA for successful delivery of the Living City Policies and recommends that the TRCA implement a process for monitoring and measuring success which promotes continuous improvement and ensures the effective implementation of Living City Policies.

Link to key Council-approved plans

Living City Policies provide additional clarity which will "Continue to Support and Sustain Critical Infrastructure", a priority area within the *2011 to 2015 Strategic Plan*.

The Living City Policies align with many YROP-2010 objectives including using a systems approach to protect and enhance our natural environment and managing growth by creating complete sustainable communities.

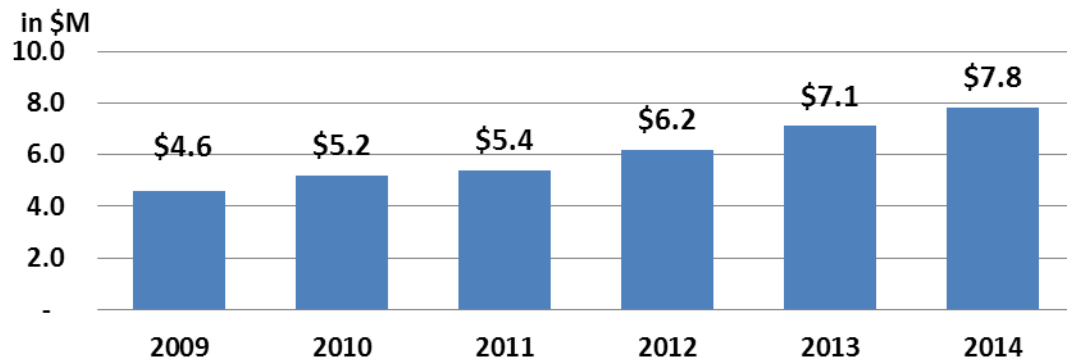
The Policies also support "Liveable Cities and Complete Communities", "A Resilient Natural Environment and Agricultural System" and "Living Sustainably" priority areas within *Vision 2051*.

5. FINANCIAL IMPLICATIONS

Financial implications of the Living City Policies on the Region have not been clearly articulated by the TRCA and are critical to understanding the benefit of any new policy direction. The document describes the Living City Policies as a “compilation of existing plan and permit review policies and practices that have evolved over time” with some “new policies that relate to TRCA programs, scientific research, and external planning and development initiatives”.

Figure 1 demonstrates the increase in York Region’s total funding support to the TRCA from 2009 to 2014. Additional detail has been requested from the TRCA on how new policies in the Living City Policies will impact existing funding support. Confirmation of impact, if any, on the Region’s budget is required.

Figure 1
York Region Funding Support to Toronto and Region Conservation Authority



Note: Includes general levy and rate funding

6. LOCAL MUNICIPAL IMPACT

York Region and six of our nine local municipalities (located wholly or partially within the TRCA watersheds) are key TRCA partners for successful implementation of the Living City Policies, and to meeting the objectives articulated therein. Accordingly, Regional staff will continue to consult with the local municipalities to ensure alignment, to the greatest extent possible, of comments and positions on the Living City Policies. Regional staff encourages the TRCA to work with municipal partners as they finalize and endorse these new policies.

7. CONCLUSION

The Living City Policies are progressive and provide the opportunity to improve clarity and increase consistency in the TRCA's role in planning and development. On July 31, 2014, Regional staff submitted comments on the revised Living City Policies to the TRCA in response to their request for comments by August 1, 2014. Regional staff looks forward to continuing to work with the TRCA as they finalize this important document.

For more information on this report, please contact Valerie Shuttleworth, Director Long Range Planning at Ext. 71525.

The Senior Management Group has reviewed this report.

Attachments (1)

Living City Policies – Comment/Response Analysis

Theme	York Region Comment on January 2013 Draft Living City Policies	TRCA Response to York Region Comments on Draft	Regional Response on June 2014 Revised Draft
Sustainable Communities and Human Health	<ul style="list-style-type: none"> Identify “health” as a benefit of sustainable community design 	<ul style="list-style-type: none"> Social benefits include health benefits 	<ul style="list-style-type: none"> Staff encourages the TRCA to clearly articulate that one of the benefits of sustainable community design and development is improved human health
Financial Management	<ul style="list-style-type: none"> Not clear on approaches or paths to measure outcomes and effectiveness of diverse funding sources to achieve business excellence 	<ul style="list-style-type: none"> A principle or framework for the financial aspects of implementing the policies is covered by the Business Excellence objective, stated in Chapter 5 of the LCP 	<ul style="list-style-type: none"> Recommend that a financial policy framework be developed that provides direction on how to achieve business excellence (included in this document or other TRCA business planning document) This information is critical to understand the cost benefit of the proposed policies
Natural Heritage Systems Planning	<ul style="list-style-type: none"> This section should recognize the relationship between the TRCAs objectives and the natural heritage systems identified and protected in regional and local official plans 	<ul style="list-style-type: none"> Revisions have been made throughout Chapter 7 to further emphasize municipal role in defining natural heritage 	<ul style="list-style-type: none"> Staff support the systems approach to natural heritage planning and recognition of local and Regional natural heritage systems
Compensation	<ul style="list-style-type: none"> Request further clarification on the terms “cumulative” and “compensation” 	<ul style="list-style-type: none"> Noted. These issues will be discussed through consultation on the draft TRCA Compensation Protocol 	<ul style="list-style-type: none"> York Region staff has been engaged in preliminary discussions on developing TRCA’s Compensation Protocol and continue to advocate for and participate in development of this protocol

Living City Policies – Comment/Response Analysis

<p style="text-align: center;">Cumulative Impact</p>	<ul style="list-style-type: none"> • Definition of cumulative impact should provide context (scale and scope of cumulative impact assessment) 	<ul style="list-style-type: none"> • Cumulative impacts definition has been modified to a more specific scale 	<ul style="list-style-type: none"> • TRCA is in unique position to evaluate and assess cumulative impacts in the watershed • Staff supports the modification to the definition, and the role the TRCA intends to play in monitoring and assessing cumulative impacts • further clarification on scope of assessment of cumulative impacts per policies 8.8.5a) and 8.9.2.f) is required
<p style="text-align: center;">Public Lands</p>	<ul style="list-style-type: none"> • Conveyance of land into public ownership 		<ul style="list-style-type: none"> • Understand that this policy is directed to private landowners and developers • Clarification that there is not an expectation for Regional lands to be conveyed to the TRCA, particularly in proximity to Regional infrastructure, is requested
<p style="text-align: center;">Implementation</p>	<ul style="list-style-type: none"> • Difficult to distinguish between mandatory vs. encourage policies within individual chapters 	<ul style="list-style-type: none"> • The policies have been reviewed to ensure clarity 	<ul style="list-style-type: none"> • This distinction still isn't clear • Suggest implementation tools (chart) are needed • Suggest that TRCA provide greater clarity in terms of role and policy application in correspondence (Mandatory vs. Advocacy)