

**C1  
Communication  
Council – September 24, 2024  
CW(1) – Report No. 27 Item No. 3**

**From:** [Adelina Bellisario](#)  
**To:** [Adelina Bellisario](#)  
**Subject:** FW: [External] Copper Creek - Block 55 Interim Sewage Servicing Capacity?  
**Date:** September-10-24 8:33:16 AM  
**Attachments:** [image001.png](#)  
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[image007.png](#)

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**From:** IRENE FORD [REDACTED]  
**Sent:** Monday, September 09, 2024 2:34 PM  
**To:** [Clerks@vaughan.ca](mailto:Clerks@vaughan.ca)

**Cc:** Environmental Permissions (MECP) <[enviopermissions@ontario.ca](mailto:enviopermissions@ontario.ca)>; Wayne Emmerson <[wayne.emmerson@york.ca](mailto:wayne.emmerson@york.ca)>; Erin Mahoney <[erin.mahoney@york.ca](mailto:erin.mahoney@york.ca)>; [Council@vaughan.ca](mailto:Council@vaughan.ca); Minister <[minister.mah@ontario.ca](mailto:minister.mah@ontario.ca)>; MMAH Official Plans (MMAH) <[mmahofficialplans@ontario.ca](mailto:mmahofficialplans@ontario.ca)>; Noor Javed <[njaved@thestar.ca](mailto:njaved@thestar.ca)>; Emma McIntosh <[emma.mcintosh@thenarwhal.ca](mailto:emma.mcintosh@thenarwhal.ca)>; Stephen Leccoco <[stephen.leccoco@pc.ola.org](mailto:stephen.leccoco@pc.ola.org)>; Michael Tibolloco <[michael.tibolloco@pc.ola.org](mailto:michael.tibolloco@pc.ola.org)>; [kinga.surma@pc.ola.org](mailto:kinga.surma@pc.ola.org); Jack Hauen <[jack@thetrillium.ca](mailto:jack@thetrillium.ca)>; Isaac Callan <[isaac.callan@globalnews.ca](mailto:isaac.callan@globalnews.ca)>; Comments <[comments@auditor.on.ca](mailto:comments@auditor.on.ca)>; Fao On Info <[info@fao-on.org](mailto:info@fao-on.org)>; Smartprosperity Info <[info@smartprosperity.ca](mailto:info@smartprosperity.ca)>  
**Subject:** [External] Copper Creek - Block 55 Interim Sewage Servicing Capacity?

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Vaughan Clerks,

Please add the below as my comments on Agenda Items 6 (3).

[1045501 ONTARIO LIMITED AND EAST KLEINBURG DEVELOPMENTS INC. ZONING BY-LAW AMENDEMNT FILE Z.22.030 DRAFT PLAN OF SUBDIVISION FILE 19T-22V007 11191 HIGHWAY 27 - Committee of the Whole \(1\) - September 10, 2024](#)

1) This development is totally premature and no servicing allocation should be approved unless Vaughan Council wants to hinder their ability to meet their **housing targets** in future years and funding provided by the province.

2) Staff and Vaughan Council **MUST** transparently acknowledge additional costs borne by developers above and beyond development fees. Costs that will presumably be absorbed in the final purchase price of the home and defy making homes more affordable for the people of Ontario.

3) Staff need to justify why interim servicing solutions are warranted given the finite nature of servicing capacity across the City of Vaughan & York Region

#### Key Points

- Developers are complaining they can't pay development fees but have money to advance infrastructure ahead of schedule that may not be recouped through development fees
- When developers prepay for growth infrastructure this dictates where we grow, contrary to phasing policies in official plans and capital plans
- The prepaying of infrastructure appears to secure and force servicing allocation prematurely

There is no servicing and the landowners would have to pay for an interim servicing solution at their cost until permanent infrastructure arrives post 2034.

- a) As the Subject Lands are tributary to future water and sanitary service infrastructure improvements, the Owner must demonstrate that an alternate interim sanitary and water servicing strategy can be achieved utilizing a comprehensive study, and must enter into an Agreement with the City to design and construct the works, to the satisfaction of the City;

## Sanitary Servicing

### *Ultimate Wastewater Servicing*

The Subject Lands are tributary to York Region's West Vaughan Sanitary Sewer, and its proposed outlet is at a manhole located on the Kleinburg Water Resource Recovery Facility ('KWRRF') site. A 14 km sanitary sewer route from the new Humber Sewage Pumping Station to the KWRRF is the preferred solution for future sewage servicing in West Vaughan. The sanitary sewer will be constructed in 2 phases.

The ultimate outlet for the Subject Lands will be available in phase 2 of the sanitary sewer, and its construction in-service date is beyond 2034. To connect to this outlet, a permanent sanitary sewer along Highway 27 is required from approximately Nashville Road to the KWRRF site. To allow for the Development to proceed ahead of the ultimate build out, an interim servicing solution is proposed.

### *Interim Wastewater Servicing*

The recommended option to service the Subject Lands in the interim is to connect to the existing Nashville Sewage Pumping Station ('NSPS'). Given limitation, 2 upstream inline storage tanks are proposed to attenuate flows and to ensure the NSPS does not exceed its design capacity. The first storage location is just upstream of the NSPS.

To convey flows from Block 55W to the NSPS, a new pumping station ('Kirby SPS') is required. The Kirby SPS captures flows from Block 55W (proposed and future growth) and an existing external area along Kirby Road. The second storage location is just upstream of the Kirby SPS and is consistent with the Interim Servicing Strategy Study.

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What is the additional cost for the interim solution?

Are costs above and beyond development fees?

Are these agreements negotiated outside of the DC by-law and Planning Act, the development process as a whole? How can a rate be determined for something that is interim?

Does this impact the affordability of homes by adding additional costs that will be borne by future homeowners in the purchase price?

Why do developers complain they can't afford development fees but have a surplus of funds to advance their developments prematurely?

In Dec, 2023 York Region provided servicing allocation to the City of Vaughan as outlined here: <https://pub-vaughan.escribemeetings.com/filestream.ashx?DocumentId=156441>

York Region's latest servicing capacity assignment as approved by Regional Council on November 23 and presented in their Committee of the Whole report on November 9, 2023 (Attachment 1) was 43,375 persons equivalent, of which:

- 14,538 persons equivalent is available to be utilized city-wide; and
- 28,837 persons equivalent must be reserved for Block 27's full build-out specifically, pursuant to York Region's Block 27 Prepaid Development Charge Credit / Reimbursement Agreement and the City's Block 27 Water and Wastewater Servicing Capacity Allocation Agreement.

Vaughan has 28,837 persons on hold for who knows how long as a result of the Block 27 prepaid agreement. This is servicing capacity for more or less 10,000 homes.

I fail to understand why Vaughan staff or Council would want to proceed with awarding a 'H' on the very limited and finite servicing capacity available for all developments across the City. This development would hold 7% of Vaughan's 2023 York Region servicing allocation capacity for 36 months. It seems highly unlikely to me that the conditions will be met within that time frame and even if they are that this 'interim capacity' will be required for longer than staff forecast. Interim is never a good solution for any government and too often has a way of becoming semi-permanent. Further the words interim and sanitary should never be used together, especially ones that requires a sewage holding tank.

Has the City of Vaughan checked to determine if the proposed interim servicing solution is consistent with existing Environmental Compliance Approvals for York Region's collection system?

If these works require an ECA, this suggests further delays and additional costs.

On top of all of this in the context of water and wastewater servicing I fail to understand why staff believe this development is consistent with the City's Servicing Allocation Policy or the PPS, 2020 Section 1.6.6.1 (d):

*integrate servicing and land use considerations at all stages of the planning process;*

While the land use permissions may be decades old the policies of the day are still supposed to apply as per this recent ruling. While it may not be something that can be challenged by law there is an expectation of procedural fairness. This application fails to offer this on a multitude of fronts.

[Masters and Clergy - Is the Clergy "Principle" No More?](#)

Additionally, the Court in *Masters* set out the statutory limitations on the application of the *Clergy* Principle. Specifically, it confirmed that the 2017 amendments to ss.3(5) of the *Planning Act*<sup>[12]</sup> rendered the principle inapplicable to provincial **policy** statements and provincial plans,<sup>[13]</sup> as any such Decision of the Tribunal “(a) shall be consistent with the **policy** statements...that are in effect on the date of the decision,” and “(b) shall conform with the provincial plans that are in effect on that date, or shall not conflict with them.”<sup>[14]</sup> Thus, while *Clergy* can be applied to official plans or other municipal planning documents, a developer must ensure consistency with the Provincial **Policy** Statement and conformity (or no conflict) with all applicable provincial plans in effect on the date of the decision.<sup>[15]</sup>

Finally, I was most disappointed and frustrated by the landowners comments in a recent Toronto Star article. The comments inappropriately blame the community for delaying development of their land. THERE IS NO SERVICING AND THE COMMUNITY IS NOT TO BLAME FOR THIS!

In a statement, Alana De Gasperis said there have been “numerous opportunities for public input” in addition to statutory public hearings. She also said the TACC and the landowners have worked with staff to preserve trees, create a buffer zone between the new and existing communities, and ensure appropriate environmental protections are in place, including the completion of several studies that have been reviewed by the city and the conservation authority.

She said the appeal, which was previously dismissed by the OLT and heard at Divisional Court, has “delayed the project approximately 3 years.”

[https://www.thestar.com/real-estate/environmental-and-residents-groups-call-new-provincial-rules-barring-olt-third-party-appeals-attack/article\\_fce16026-4f5f-11ef-9bb2-07342ace63d2.html](https://www.thestar.com/real-estate/environmental-and-residents-groups-call-new-provincial-rules-barring-olt-third-party-appeals-attack/article_fce16026-4f5f-11ef-9bb2-07342ace63d2.html)

Regards,  
Irene Ford

Addeda

For those interested Block 27 prepayment agreement  
[Prepaid Development Charge Credit Agreement with the Block 27 Developer Group in the City of Vaughan - Committee of the Whole - Week 1 - June 11, 2020](#)

It would appear they advanced funds and \$4M was not recoverable. This is not an interim solution.

If the exceptions to the policy, based on the principles set out below, are approved by Council, the Block 27 Developer Group would advance only the cost of Phase 1 of the project, plus the cost of certain transportation preconstruction works. Phase 2 of the project would proceed as a Regional project, as contemplated in the Region's capital plan, and may be adjusted during the annual budget process. The total amount the Developer Group would be required to advance is currently estimated at \$156.4 million with \$152.4 million or 97% recoverable, subject to the Regional debt service coverage provisions in the Prepaid Development Charge Credit policy.

Last week on York Region's agenda a \$3.6M request at the developers cost to add 4km of sewer pipe to an ongoing EA that would service the controversial MZO developments in North Markham. I suspect they would overlap with the Flato/Wynview/ORCA MZO developments.

[McCowan Sewer Environmental Assessment Landowner Funding - Committee of the Whole - Week 1 - September 05, 2024](#)