

Staff Report 2021-0237

Meeting Date: September 21, 2021

Subject: Public Ownership of Environmental Lands

Submitted By: Stephanie McVittie, Acting Manager, Development Review Services

RECOMMENDATION

That Town staff be directed to accept environmental lands through the development approvals process where the applicable conservation authority declines acceptance, the dedication is gratuitous and where appropriate fencing and hazard tree mitigation measures are in place.

REPORT HIGHLIGHTS

- The Town generally discourages fragmentation of ownership of environmental lands and strives, through the planning process, to ensure that these lands are retained in larger privately or publicly owned blocks.
- Historically, the conservation authorities have taken a more active role in accepting and managing these lands in public ownership, but this is becoming less and less in recent applications.
- Staff is seeking Council direction in accepting the gratuitous dedication of environmental lands in public ownership through the development approvals process where conservation authorities are not interested in accepting lands.

DISCUSSION

The purpose of this report is to seek Council direction in accepting the gratuitous dedication of environmental lands into public (Town of Caledon) ownership through the development approvals process, where Conservation Authorities are not interested in accepting lands.

Town of Caledon Official Plan Direction

To facilitate environmental conservation and management, the Town generally discourages fragmentation of ownership of lands designated environmental policy area (EPA) and shall strive, through the planning process, to ensure that these lands are retained in larger privately or publicly owned blocks. While it is not intended that all lands of this nature be purchased or otherwise brought into public ownership, it may be appropriate that certain lands be in public ownership or accessible to the public. In these cases, the Town or other relevant agencies shall explore options for bringing these lands into public ownership or providing appropriate public access to these lands. To satisfy the Town's ecosystem principles, goals, objectives, policies and performance measures, as well as those of other agencies, the Town may implement restrictions and requirements through conditions of development approval.

In accordance with the Town's Official Plan and Cash-in-Lieu of Parkland Dedication By-law, it should be noted that EPA lands shall not be accepted as part of the Town's parkland dedication.

Historic Practice

Historically, it has been common practice for the Toronto and Region Conservation Authority (TRCA) and Credit Valley Conservation (CVC) to accept the gratuitous dedication of environmental lands within their watershed area during the development approvals process. In some cases, the TRCA would take ownership of lands within the CVC watershed area where the CVC did not intend to own lands. It is not typical for the Nottawasaga Valley Conservation Authority (NVCA) or Lake Simcoe Regional Conservation Authority (LSRCA) to take ownership of environmental lands and rather those lands would be retained in private ownership with restricted zoning through the development approvals process.

More recently, Town staff has learned that with organizational and policy changes, the TRCA may not accept the quantity or type of lands that typically would have occurred in the past. As the TRCA was the conservation authority which would most frequently take ownership of the land, the Town is exploring options to accept environmental lands gratuitously through the development approvals process.

Proposed Acceptance of Environmental Lands

Considering the above, Town staff is proposing to accept ownership of environmental lands through the development approvals process where:

- The conservation authority has declined ownership of the lands;
- The lands are being dedicated gratuitously through the development approvals process;
- Appropriate fencing and hazard tree mitigation measures are put in place to the Town's satisfaction by the developer; and,
- Abutting property owners are given notice through the development process of how the lands will be used (i.e. natural state, trails, etc.).

FINANCIAL IMPLICATIONS

There will be no cost in receipt of the lands as one of the conditions will be the gratuitous dedication of the lands. There will be additional costs in the maintenance of the lands. The Town consulted with the Toronto Region Conservation Authority on estimated costs of maintenance and was informed that lands that are low-service (no authorized public access) result in annual ongoing maintenance costs of approximately \$465/ha (\$188/ac) into perpetuity, annually adjusted to inflation. Any additional services or desired improvements (erosion infrastructure, recreational trails, additional services) will increase this amount.

COUNCIL WORK PLAN

Connected Community: Preserve heritage and natural areas

Improved Service Delivery: Build and maintain parks and green spaces

ATTACHMENTS

None.