

## **Staff Report 2022-0273**

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Meeting Date: June 21, 2022

Subject: Public Ownership of Environmental Lands

Submitted By: Stephanie McVittie, Manager of Development and Design, Planning Department

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### **RECOMMENDATION**

That staff be directed to accept the lands identified on Schedule “A” to Staff Report 2021-0444 through the development approvals process where the applicable conservation authority has declined acceptance, provided that the dedication is gratuitous and that appropriate fencing and hazard tree mitigation measures are in place; and

That staff be directed to work with the Region of Peel and Conservation Authorities to create a policy and procedure on how the Town will strategically seek and accept environmental and open space lands into public ownership, and report back on the proposed policy.

### **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.
- On September 21, 2021, Staff Report 2021-0237 was brought forward seeking Council direction on accepting the gratuitous dedication of environmental lands in public ownership through the development approvals process where conservation authorities are not interested in accepting lands.
- Planning and Development Committee referred the matter back to staff to work with the Region of Peel and Conservation Authorities to create a policy on how the Town will strategically seek and accept environmental and open space lands into public ownership, and report back to Council and present the proposed policy.
- While staff work on establishing a policy and procedure for the acceptance of these lands, there are numerous development applications in process where ownership of the lands is to be determined to continue processing the applications.
- This staff report is seeking Council direction to gratuitously accept the lands identified in Schedule “A” to the Report, recognizing that the conservation authority has declined acceptance, and provided that where appropriate, fencing and hazard tree mitigation measures are in place.

### **DISCUSSION**

The purpose of this report is to seek Council direction to accept the lands identified on Schedule “A” to Staff Report 2021-0444 through the development approvals process as the applicable conservation authority has declined acceptance, provided that the

dedication is gratuitous and where appropriate fencing and hazard tree mitigation measures are in place.

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.

It is important to note, that it is not always appropriate for these lands to be used as trail or parkland depending on the features of the environmental lands. 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.

Overall Public Ownership Policy

On September 21, 2021, Staff Report 2021-0237 was brought forward seeking Council direction on accepting the gratuitous dedication of environmental lands in public ownership through the development approvals process where conservation authorities are not interested in accepting lands. Planning and Development Committee referred the matter

back to staff to work with the Region of Peel and Conservation Authorities to create a policy on how the Town will strategically seek and accept environmental and open space lands into public ownership, and report back to Council and present the proposed policy. While staff work on establishing a policy and procedure for the acceptance of these lands, there are numerous development applications in process where ownership of the lands is to be determined to continue processing the applications.

#### Proposed Acceptance of Specific Environmental Lands

Considering the above, Town staff is proposing to accept ownership of environmental lands identified on Schedule “A” to this Report through the development approvals process as:

- 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 will be 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.).

The approach outlined above is consistent with other municipalities. In the City of Brampton and Township of King, the municipalities accept environmental lands unless they are adjacent to conservation area lands. The City of Richmond Hill accepts environmental lands where the conservation authority declines ownership.

#### Next Steps

Town staff work with the Region of Peel and Conservation Authorities to create a policy and procedure on how the Town will strategically seek and accept environmental and open space lands into public ownership, and report back to Council and present the proposed policy

### **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**

Schedule A: Lands to be Acquired by the Town