

Section I – Items for Board of Directors Action

TO: Chair and Members of the Executive Committee
Meeting #5/19, Friday, June 07, 2019

FROM: Michael Tolensky, Chief Financial and Operating Officer

RE: **GREENLANDS ACQUISITION PROJECT FOR 2016-2020**
Flood Plain and Conservation Component
Wetland Compensation and Acquisition, Rouge River Watershed
Neamsby Investments Inc. (CFN 61450)

KEY ISSUE

Acquisition of property located north of 14th Avenue, east of McCowan Road, west of Markham Road, and north of the future extension of Travail Road in the City of Markham, under the “Greenlands Acquisition Project for 2016-2020,” Flood Plain and Conservation Component, Rouge River watershed and acceptance of compensation for replacement of ecological features.

RECOMMENDATION

THE EXECUTIVE COMMITTEE RECOMMENDS THAT Toronto and Region Conservation Authority (TRCA) execute an ecosystem compensation agreement with Neamsby Investments Inc., and pursuant to that agreement that TRCA accept conveyance of 1.54 hectares (3.8 acres) of ecosystem compensation lands located north of 14th Avenue, east of McCowan Road, west of Markham Road, and north of the future extension of Travail Road in the City of Markham, said land being Part of Lot 6, Concession 7, designated as Part 1 on Reference Plan 65R-38277 in the City of Markham, Regional Municipality of York;

THAT the ecosystem compensation agreement reflect the terms and conditions set out in this report;

THAT the purchase price of the ecosystem compensation lands be \$2.00;

THAT TRCA accept payment from Neamsby Investments Inc. in the amount of \$200,000 as additional compensation to the land conveyance for off-site ecosystem compensation and costs associated with the land conveyance;

THAT TRCA receive conveyance of the land free from encumbrance, subject to existing service easements;

THAT the firm Gowling WLG, be instructed to complete the transaction at the earliest possible date. All reasonable expenses incurred incidental to the closing for land transfer tax, legal costs, and disbursements are to be paid;

AND FURTHER THAT authorized TRCA officials be directed to take all necessary action to finalize the transaction including obtaining any necessary approvals and signing and execution of documents;

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BACKGROUND

Resolution #A161/15 at Authority Meeting #8/15, held on September 25, 2015, approved the Greenlands Acquisition Project for 2016-2020.

Development Planning and Permits began negotiations with Jessica Byers, Project Manager-Land Development, and Randy Peddigrew, Vice President of Remington Group Inc., acting on behalf of the landowners in mid-2015 with respect to the removal of a 1.67 hectares wetland to facilitate approval of draft plan of subdivision (19TM-16002) located south of the subject lands. During the review of the draft plan, it was determined the wetland was isolated, low functioning and deemed appropriate to be removed and compensated for elsewhere.

As a result of these discussions, the Owner agreed to provide alternative lands as compensation, including the creation of a complete wetland restoration and enhancement plan. City of Markham Council recommended approval of the draft plan at the April 24, 2018 Council meeting, where TRCA's conditions were appended to the final conditions of draft approval. TRCA's Guideline for Determining Ecosystem Compensation was approved in June 2018, and applies to applications made, and approvals granted, on or after June 22, 2018 and therefore would not apply to this draft plan.

The proposed compensation lands are in the vicinity of the development lands and comprise 1.54 hectares. Approximately 0.83 hectares of these lands were identified by the Ministry of Natural Resources and Forestry as an unevaluated wetland. These lands are proposed to be restored and enhanced and a new wetland area will be created on the remaining lands. Furthermore, the Owner agreed to make a one-time financial contribution to be used as off-site compensation to further address the wetlands that are to be removed from the draft approved lands.

The compensation lands will not have frontage on a municipal road until the extension of Travail Road has been completed. Until that time, access to the subject lands will be achieved through a temporary access easement that will enable access from the existing terminus of Travail Road.

Attachment 1 is a sketch illustrating the location of the subject lands. Attachment 2 is an orthophoto illustrating the location of the subject lands.

RATIONALE

As noted above, the compensation is being provided in part through a land conveyance and restoration component, and in part through \$200,000 of financial compensation. The development was approved, and the negotiation commenced prior to the approval of TRCA's Guideline for Determining Ecosystem Compensation, and as such is transitioned from full compliance with the guideline. The amount of compensation, in terms of land and financial compensation, is similar to amounts of compensation negotiated for other removals that occurred in this area before the guideline was approved.

The subject lands fall within TRCA's approved master plan for acquisition for the Rouge River watershed as outlined in the approved Greenlands Acquisition Project for 2016-2020. Through the review of the Zoning By-law Amendment Application [ZA 16-130764] and draft plan of subdivision 19TM-16002 (SU 16-130764), draft approved by the City of Markham for residential infill development consisting of a total of 508 residential units, comprised of 222 singles detached dwellings and 286 townhouse units and associated studies. As part of the review of the application, TRCA staff concluded an existing wetland on the development lands was

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isolated, low functioning, and could be compensated for off-site (see Attachment 1). The removal of the wetland is subject to a TRCA permit pursuant to Ontario Regulation 166/06 as amended (CFN 60527). The restoration and enhancement of the compensation lands, and conveyance of the lands to TRCA, is being secured through an ecosystem compensation agreement. The agreement has been executed by the owner and will be executed by TRCA subject to approval of the recommendations in this report.

Relationship to Building the Living City, the TRCA 2013-2022 Strategic Plan

This report supports the following strategies set forth in the TRCA 2013-2022 Strategic Plan:

Strategy 3 – Rethink greenspace to maximize its value

Strategy 4 – Create complete communities that integrate nature and the built environment

TAXES AND MAINTENANCE

Based on TRCA's preliminary review of the environmental criteria for lands that are eligible to receive a property tax exemption under the provincial Conservation Land Tax Incentive Program, it would appear that the subject property should be eligible for a tax exemption. While it is expected that the subject parcel of land will not significantly impact TRCA's maintenance costs at this location, an assessment of the aggregate acquisitions in the area is being undertaken and the results will be integrated into TRCA's land management program and associated budgets.

FINANCIAL DETAILS

Funds for the costs related to this land conveyance will be paid by Neamsby Investments Inc.

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Date: April 5, 2019

Attachments: 2

Attachment 1: Site plan

Attachment 2: Orthophoto