

Section I – Items for Board of Directors Action

TO: Chair and Members of the Board of Directors
Meeting #3/20, Friday, April 24, 2020

FROM: Michael Tolensky, Chief Financial and Operating Officer

RE: **GREENSPACE ACQUISITION PROJECT 2021-2030**

KEY ISSUE

Approval of Toronto and Region Conservation Authority's (TRCA) Greenspace Acquisition Project for 2021-2030.

RECOMMENDATION

THAT the Greenspace Acquisition Project for 2021-2030, as provided in this report be approved;

THAT the Minister of the Environment, Conservation and Parks be requested to approve the project pursuant to Section 24 of the *Conservation Authorities Act*;

THAT authorized TRCA officials be directed to take any necessary action to implement the Greenspace Acquisition Project 2021-2030;

AND FURTHER THAT staff report back to the Board of Directors on a Greenspace Securement and Management Plan in Q4 of 2020.

BACKGROUND

TRCA is permitted to secure greenspace in order to provide the programs and services provided in Section 21(1) of the *Conservation Authorities Act* (R.S.O. 1990, c. C.27), which states:

For the purposes of accomplishing its objects, an authority has power,

c) to acquire by purchase, lease or otherwise and to expropriate any land that it may require, and, subject to subsection (2), to sell, lease or otherwise dispose of land so acquired.

Section 24 of the *Conservation Authorities Act* states:

(1) Before proceeding with a project, the authority shall file plans and a description with the Minister and obtain his or her approval in writing.

TRCA has received Ministerial approval for past Greenlands Acquisition Projects to meet the requirements in Section 24 of the *Conservation Authorities Act* so that land sale funding can be used to secure lands under the project. Under the project, whenever any land or any use or right therein is secured, it is being secured for one or more of the following purposes: flood control, erosion control, bank stabilization, shoreline management works or the preservation of environmentally sensitive lands. Among other things, Ministerial approval enables TRCA to acquire land through Crown Right, an exemption under the *Planning Act* to secure land without having to follow the municipal consent process under Section 51 of the *Planning Act*.

Item 7.5

The *Conservation Authorities Act* is currently under review. Should there be changes to the *Act* resulting in new considerations, staff will report back to the Board with an updated Greenspace Acquisition Project.

If it is determined by TRCA that the land, use or right therein, is not being secured for any of these purposes, TRCA will comply with the consent provisions of the *Planning Act* (Government of Ontario, 1990b) prior to securement, as applicable.

RATIONALE

Greenspace Acquisition Project 2021-2030

Land is a foundational piece of TRCA's work. TRCA needs to be able to secure greenspace expeditiously to deliver its programs and services in a timely and effective manner.

The Greenspace Acquisition Project for 2021-2030, when approved by the Ministry of the Environment, Conservation and Parks under Section 24 of the *Conservation Authorities Act*, will be the chief legal mechanism used by TRCA to secure greenspace lands for their protection.

Criteria for Securement

TRCA has established its criteria for greenspaces to be secured based on Section 20 of the *Conservation Authorities Act* and through working with its partner municipalities to deliver agreed upon projects in support of its vision and updated Strategic Plan. These criteria include:

- Flood control, flood vulnerable, erosion control and reservoir project lands, and associated access lands
- Valley and stream corridors
- Lake Ontario waterfront
- Environmentally Significant Areas
- Life Science Areas of Natural and Scientific Interest
- Wetlands
- Kettle lake or wetland features
- Highly Vulnerable Aquifers
- Carolinian forest
- Important woodland/vegetation/habitat linkages
- Interior forest areas, and/or lands which contribute to the expansion of interior forest habitats
- Riparian habitat zones
- Habitat for aquatic and terrestrial species of concern and sensitive species, including those listed under the *Species at Risk Act* and the *Endangered Species Act*
- Lands identified for the target system in TRCA's watershed plans and Terrestrial Natural Heritage System Strategy and municipal natural heritage systems
- Significant Groundwater Recharge Areas
- Landform Conservation Areas Categories 1 and 2 on the Oak Ridges Moraine
- Lands identified in the Niagara Escarpment Plan, especially Escarpment Natural Areas and Escarpment Protection Areas
- Lands that provide terrestrial and aquatic habitat restoration opportunities, including lands identified as priority for ecosystem restoration
- Links for a regional trail system

Item 7.5

- Links to greenspace systems in neighbouring conservation authorities
- Lands that are identified by TRCA in cooperation with its member municipalities and/or the Province of Ontario as being complementary to the TRCA greenspace system
- Lands that provide access to lands secured by TRCA
- Lands that provide a buffer from surrounding land uses to the aforementioned areas.

Factors for Securement

Each potential property will be evaluated on its suitability for securement according to the following factors:

- The significance of the lands to the greenspace system.
- The nature and immediacy of the threat to the greenspace (such as vacant lots of record in natural areas which have existing development rights).
- The degree of flood and erosion risk.
- The need for the greenspace to support TRCA projects and programs.
- The relationship of a specific property to those already in public ownership (e.g., securing greenspaces around existing TRCA properties which results in larger, more intact areas that are better buffered from surrounding land uses and which supports greater protection of people and property).
- The availability of access to the property.
- The ability to achieve an equitable geographic distribution of greenspace.
- The ability of TRCA or other agencies to conserve and maintain the greenspace.
- The availability of alternatives to securement, such as stewardship or regulation.
- The willingness of the owner to enter into negotiations.
- The costs and availability of funding for both securement and long-term management.

Securement Types and Tools

There are several kinds of property ownership. TRCA secures full interest in properties through fee simple and limited interests through easements, covenants, leases or agreements. Each has costs and benefits so the appropriate type of ownership to ensure the protection of the features or functions of the greenspace is determined based on the quality and significance of available resources.

TRCA uses several tools for securing property rights, including the planning process, arms-length transaction, donation, land exchange, expropriation, extended tenancy, right of first refusal, joint ownership, purchase and resale, and agreement. These tools may be used alone or in combination.

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

Strategy 7 – Build partnerships and new business models

Strategy 12 – Facilitate a region-wide approach to sustainability

Item 7.5

FINANCIAL DETAILS

Past greenspace securement funding has varied in source and type of contribution:

Source	Contribution
Participating Municipalities	Capital levy Securement funding programs
Private Owners	Donation of land as a condition of development approval Land exchange includes land and due diligence costs
Federal Government	Securement funding programs
Provincial Government	Land sale revenue
Local Municipalities	Securement funding programs
Non-government Organizations	Securement funding programs Donations Fundraising Knowledge and information

The City of Toronto primarily conducts their own greenspace securement with certain exceptions. The regional municipalities of Durham, Peel and York all have greenspace securement funds to which TRCA is eligible to apply. In addition, these municipalities contribute to TRCA greenspace securement costs at a rate of \$0.70 per \$1 in the Regional Municipality of Peel, \$0.50 per \$1 in the Regional Municipality of York and \$0.40 per \$1 in the Regional Municipality of Durham. TRCA's other participating municipalities do not have similar funding contribution arrangements. It should be noted that City of Toronto pays for the management of the majority of TRCA-owned lands within the City under the 1961 and 1972 Management Agreements.

Once acquired, TRCA manages lands to provide its programs and services. The cost of managing TRCA lands varies depending on the programs and services to which the land contributes. These costs will be refined in the Greenspace Securement and Management Plan being developed by staff.

DETAILS OF WORK TO BE DONE

- Subject to Board of Director's approval, apply for project approval from the Minister of the Environment, Conservation and Parks.
- Continue to work with TRCA's partner municipalities and other stakeholders to secure greenspace that supports TRCA programs and services.
- Develop a more detailed Greenspace Securement and Management Plan and report to the TRCA Board of Directors in Q4 of 2020. The document will explain TRCA's systematic approach to land acquisition, discuss some priorities for acquisition and provide transparent rationale as to why properties are acquired and how those lands will be managed in support of its programs and services.

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