

46-1

For Information

DATE: August 3, 2012

REPORT TITLE: **TOWN OF CALEDON LAND DEDICATION POLICIES AND
REMUNERATION IN THE GREENLANDS SECUREMENT PROGRAM**

FROM: Norma Trim, Chief Financial Officer and Commissioner of Corporate Services

OBJECTIVE

To review and report back to Greenlands Securement Subcommittee on the Town of Caledon's Official Plan land dedication policies within the Palgrave Estate Residential Community and Rural Area with respect to guiding remuneration to landowners for lands that may be secured through the Greenlands Securement Program.

REPORT HIGHLIGHTS

- Lot creation by plan of subdivision or consent could include the provision of parkland, cash-in-lieu of parkland, and/or dedication of land to a public body.
- Town of Caledon Official Plan has identified specific policies that guide development for the Palgrave Estate Residential Community and indicates that environmentally significant lands may be dedicated or acquired where there is a draft plan of subdivision.
- In areas of the Town of Caledon outside of Settlement Areas, new lots would be more likely to be created by consent. There are no specific requirements for environmentally significant lands to be dedicated.
- A gratuitous dedication is not specified in the Town of Caledon Official Plan and would be negotiated.
- The Greenlands Securement Program is intended to facilitate the targeted securement of greenlands where lands would not likely come into public or non-profit ownership through a *Planning Act* application.
- Through the Greenlands Securement Program, compensation to the owner is based on principles of fairness and equity to the landowner.

DISCUSSION

1. Background

At the June 7, 2012 Greenlands Securement Subcommittee (GSSC), staff were directed to review the Town of Caledon's Official Plan with respect to the land dedication policies in the Palgrave Estate Residential Community and Rural Area as a basis for compensation to landowners for lands secured through the Greenlands Securement Program.

August 3, 2012

TOWN OF CALEDON LAND DEDICATION POLICIES AND REMUNERATION IN THE GREENLANDS SECUREMENT PROGRAM

The Town of Caledon Official Plan provides direction on future community form and suitable locations for lot creation. Generally, the Official Plan has Settlement Areas, where new lot creation would primarily occur by plan of subdivision; and lands outside of designated Settlement Areas, where limited development could occur in the form of new lots created primarily by "consent to sever land" (consent). With the review of a plan of subdivision or consent, there is the opportunity for a public body to acquire lands through "parkland dedication", "cash-in-lieu of parkland", or "dedication". "Dedication" could be with or without a cost to a receiving public organization. A gratuitous dedication of land would be at no cost to a public organization and is one form of greenlands securement.

The Peel Greenlands Securement Program was developed to achieve Regional Strategic Plan and Official Plan goals, objectives and policies to preserve, protect and enhance the natural environment and resources of Peel. A key element of the Greenlands Securement Program is to target areas not likely to come into public ownership through a *Planning Act* process for conservation, open space, or passive recreation purposes. Appendix I contains a 2006 staff report on the relationship between gratuitous dedication and Greenlands Securement Program

2. Town of Caledon Official Plan Policies

The Town of Caledon has a number of land use designations with lot creation policies specific to each designation. Portions of the Town of Caledon are also subject to the Niagara Escarpment Plan (NEP), Oak Ridges Moraine Conservation Plan (ORMCP), or Greenbelt Plan (see Appendix II) that also have a roll to play in guiding lot creation. Appendix III provides details on lot creation and associated dedication policies for the Palgrave Estate Residential Community and lands outside of Settlement Areas in the Rural Area and Environmental Policy Area (EPA). The opportunities for consents within the Agricultural Area are extremely limited as well as agricultural lands are not the focus of greenlands securement, thus have not been discussed further in this report.

a) Palgrave Estate Residential Community

Palgrave Estate Residential Community is intended to develop primarily by plan of subdivision. Conservation, open space, and non-intensive recreation are permitted uses. When properties are proposed for development, lands within a regional flood line will generally be acquired by or dedicated to the appropriate agency as an open space block. Other lands with significant environmental features may require similar treatment at the request of the Town, Ministry of Natural Resources, or Toronto and Region Conservation Authority (TRCA). After subdivision design and lot layout, remnant areas in Policy Area 4 or Environmental Zones may be dedicated to the Town of Caledon or the appropriate Conservation Authority. These remnant areas may also be retained by the property owner for a suitable use approved by the Town of Caledon.

b) Consents in the Rural Area and EPA

Throughout the Town's Official Plan, there are land use policies which support non-intensive recreation and linear trail systems, which are the types of land uses anticipated by projects under the Greenlands Securement Program. For the purposes of Greenlands Securement, lands of interest for these uses would principally occur in the Rural Area or EPA designations. Consents for these uses could be permitted within the parameters of relevant applicable policies.

August 3, 2012

TOWN OF CALEDON LAND DEDICATION POLICIES AND REMUNERATION IN THE GREENLANDS SECUREMENT PROGRAM

In the Rural Area, the maximum number of consents is three from each 40 hectare (100 acre) half township lot. There is no limitation on the number of new lots which may be created wholly within the EPA where such lots are being proposed for non-development purposes such as conveyance to a public agency. There is policy allowance to create new lots for conveyance to public bodies or non-profit entities for natural heritage conservation in the Greenbelt, Oak Ridges Moraine and Niagara Escarpment.

The Rural Area policies and the EPA policies do not specify land dedication policies when lots are created by consent. Within the Implementation Section of the Town's Official Plan, the Land Division Committee may include conditions for "parkland dedication" or the payment of "cash-in-lieu of parkland".

3. Analysis

Within the Palgrave Estate Residential Community, policies indicate that environmentally significant lands may be dedicated or acquired where there is a draft plan of subdivision. The policies do not indicate that the dedication be gratuitous, however a development company is typically motivated to provide a gratuitous dedication for reasons such as relieving the company of management responsibility for the environmentally significant lands, marketing open space as an amenity for the development, or increased value for lots adjacent to open space. Where there is a potential for lands to be transferred through a development process, the Greenlands Securement Program would not be used to secure the greenlands.

In the Rural Area and EPA designations of the Town, lots would predominantly be created by consent. In the review of a consent application, there is the opportunity to include a condition of approval for natural lands to be transferred to a public body. The Town of Caledon practice is to obtain "cash in lieu of parkland" rather than land area. The TRCA and CVC, as a commenting agency on consent applications, could recommend dedication of natural lands to a public body as a condition of approval, but rarely do this. Again, the Greenlands Securement Program would not be used in the circumstances where there are opportunities to acquire lands by dedication.

Greenlands Securement Program projects would arise due to a particular interest by the Conservation Partner to obtain an interest in all or part of a property in a specific location. In order to provide motivation for the landowner to enter into negotiations, the Conservation Partner will offer options for a charitable tax receipt, fee-simple purchase or some combination of the two as fair compensation. The landowner is always advised to seek independent tax advice if a donation (all or in part) is being contemplated. The personal circumstances of the landowner will determine the extent of a donation he/she wishes to give.

August 3, 2012

TOWN OF CALEDON LAND DEDICATION POLICIES AND REMUNERATION IN THE GREENLANDS SECUREMENT PROGRAM

CONCLUSION

Town of Caledon Official Plan policies indicate that environmentally significant lands may be dedicated or acquired, depending on the circumstances, to a public body within the Palgrave Estate Residential Community. There is no explicit policy that the lands must be a gratuitous dedication, however in practice, gratuitous dedication is an option practiced by many developers of plans of subdivision.

Within the Rural Area and EPA designations, which constitute a large portion of the Town of Caledon outside of Settlement Areas, consents to sever land are the principle means of lot creation. There are no policies specifically on land dedication for the Rural Area or EPA. The Greenlands Securement Program is not intended to facilitate the transfer of title where lands might be acquired through a development process under the *Planning Act*. The Greenlands Securement Program was established to enable the permanent protection of greenlands which would not otherwise be obtained and compensation is based on principles of fairness and equity to the landowner.



Norma Trim
Chief Financial Officer
and Commissioner of Corporate Services

Approved for Submission:



D. Szwarc, Chief Administrative Officer

For further information regarding this report, please contact Arvin Prasad, Director Integrated Planning at extension 4251 or via email at arvin.prasad@peelregion.ca

Authored By: Janet Wong 

c. Legislative Services