

REGION OF OTTAWA-CARLETON  
RÉGION D'OTTAWA-CARLETON

REPORT  
RAPPORT

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DATE                        14 April 1999

TO/DEST.                 Co-ordinator, Planning and Environment Committee

FROM/EXP.                Commissioner, Planning and Development Approvals

SUBJECT/OBJET         **LAND TRUSTS**

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### **DEPARTMENTAL RECOMMENDATION**

**That Planning and Environment Committee recommend to Council that:**

- 1. Council support in principle the creation of a land trust organisation focussing on urban Ottawa-Carleton and form a working group of potential partners to define the possible form and mandate of such an organisation;**
- 2. Council provide logistical support and any necessary facilitation and expert advice for the working group from the Environmental Resource Areas Acquisition account.**

### **BACKGROUND**

#### **Community Vision**

Ottawa-Carleton's Community Vision includes the statement that Ottawa-Carleton will be a model region in preserving, protecting and enhancing a green, clean and healthy natural environment. During the community effort to create this vision, it was found that "Ottawa-Carleton residents value green space and the protection of the environment above all other values" and that this vision included "protecting environmentally sensitive lands ..." as well as "...green space interspersed with the urban landscape..." (RMOC, 1995, Pub. 6-23)

The new Regional Official Plan contributes to this vision through designation of natural environment areas, urban open space, waterfront open space, recreation areas, and the ongoing willingness to identify additional areas of significance in co-operation with local municipalities and the community in general.

Other levels of government and organisations also play significant roles in fulfilling this vision. Natural areas and open spaces are protected and maintained through public ownership at the federal, municipal, and conservation authority level, and through private land stewardship. Non-government groups, including conservation foundations, the Rideau Waterway Land Trust, stewardship organisations and community groups, all contribute by working with government and private landowners.

While these efforts have produced significant results and have helped create the quality of life residents in Ottawa-Carleton value so highly, issues remain. Concerns expressed recently relate to the future of federal lands, the potential loss of urban woodlands, lack of resources for ongoing protection and management of open space and the need for more formal involvement at the community level.

One of the ways to address these issues is through creation of land trusts and related activities such as land acquisition, conservation easements, land management and private stewardship programs and fund raising.

### **Land Trusts**

Land trust is a generic term referring to non-profit organisations dedicated to conserving open space, agricultural land, historic buildings and/or natural areas. They generally have some public membership, a volunteer board of directors, and vary in scope from small local organizations with very specific objectives to large national efforts. Land trusts are most often community based organizations although some trusts are associated with government agencies. Land trust organisations can be involved in a variety of activities including:

- Fund raising.
- Land acquisition or protection through conservation easements and agreements
- Management of greenspace.
- Creating a natural heritage or greenspace strategy.
- Education and support for private land stewardship.

Land trust activity has been increasing in Canada and Ontario. An umbrella group called the Ontario Nature Trust Alliance has been formed and there are currently between 25-30 land trust organisations in the Province. Local groups which perform land trust functions include the Rideau Waterway Land Trust (which focuses on lands that can be seen from the Rideau Waterway System) and the Rideau Valley and Mississippi Valley Conservation Foundations (operating in partnership with Conservation Authorities).

Over the past several months, discussions have taken place as to whether an increase in land trust activity would be a constructive and positive approach to protecting environmental features and open space in Ottawa-Carleton.

To date, the land trust discussion has involved:

- informal meetings with potential partners to identify objectives, concerns, and issues;
- preparation and distribution of a discussion paper on expanding the role of land trusts; and
- a public discussion on November 3 attended by approximately 50 people with a range of interests

From this discussion, several general conclusions have emerged:

- The idea of land trusts is supported and, with considerable variations in terms of objectives and models, increased land trust activity is seen as a positive thing.
- Some of the issues raised involve land which is currently public. In these cases, issues revolve around government policy and community trust, and concerns about the future of publicly owned lands.
- The appropriate role of government is not clear. Some concern has been expressed that this may be a case of government “downloading” or avoidance of responsibility.
- Potential duplication and competition is a concern. The Conservation Authorities have proposed the idea of a land trust alliance to co-ordinate efforts rather than creation of a new land trust. However, it was also suggested that the urban area presents unique challenges that require something new.

The discussion paper and the notes from the public discussion have been previously distributed to members of Regional Council and are available under separate cover as Annex 1.

## **DISCUSSION**

It is important to emphasise that while a land trust would enhance or complement government efforts to obtain and manage land, this is not about “downloading” or avoiding responsibility. Ottawa-Carleton will continue to meet responsibilities and pursue public policy objectives such as those in the Regional Official Plan, including the purchase of environmental and waterfront open space areas using the Environmental Resource Areas Acquisition budget. The question is whether land trusts can add value and enhance current municipal efforts by:

- increasing the amount of protected natural and open spaces through creative approaches
- providing a means for more active community involvement in stewardship of public lands and enhancement of land management programs through trails or other community initiatives
- allowing more formal agreements/easements to ensure long term protection of public lands.
- engaging in fund raising.

A distinction may be made between urban and developing areas and rural areas since circumstances and how to meet needs vary across the Region.

### **Urban Area**

Many of the issues raised and much of the discussion to date has focussed on the urban area. In particular, there has been:

- concern over changing policies and approaches to land at the Federal level
- community interest in becoming more involved in decisions on open space and management programs
- concerns about the future of remaining urban woodlands in private ownership

These issues are most prevalent in and immediately adjacent to urban areas as shown on Schedule B in the Regional Official Plan.

To date, no single entity is pursuing land trust activities or addressing these types of issues on a broad basis across the Region. The Region has not traditionally been involved in passive greenspace or smaller environmental features in the urban environment. The Regional Official Plan provides some direction and defines some of the priority components of natural and open spaces protection at a regional scale. This includes:

- waterfront open space and recreation areas
- urban open space as shown on Schedule I
- recreational pathway network
- river corridors
- natural environment areas

These designations tend to include larger environmental features or environmental features of provincial and regional significance and recreation features and open space areas that cross municipal boundaries and/or are potentially seen or used by residents beyond an immediate community or neighbourhood. It does not include smaller, isolated community open spaces, environmental features of more local significance and active parks and recreational facilities. The Regional Plan also encourages local municipalities to protect other significant features and indicates that Council will consider including additional areas in the Plan in consultation with area municipalities.

Implementation measures have included acquisition of waterfront open space, planning approval conditions, and partnership agreements with, for example, the area municipalities.

Area municipalities are focussed on more active parklands and recreational needs within each area municipality and community. They are also dealing with the same budget constraints as all levels of government. The Conservation Authorities have not been active in urban open space issues to date, and the Federal government has been focussing on matters of federal interest.

With each government acting within its own mandate, and with the difficulty in finding public resources for protection of additional open space and passive recreation opportunities, natural and open space protection in Urban Ottawa-Carleton would benefit from a new initiative.

Some form of trust organisation could make an important contribution. It could provide:

- a means for co-ordinating management and stewardship partnerships on public lands.
- additional fund raising ability.

- an organisation to co-ordinate individual trust efforts.
- the status, influence and capabilities that may come from a larger organisation.
- a means for complementing and enhancing public agency efforts by working with private landowners and government agencies to find creative ways to protect environmental features and open space.

Such an initiative could help implement the new Regional Official Plan and Community Vision. It would provide a community-based option for management agreements and cost sharing for protection of natural areas and open spaces which enhance the designations and regional open space network as outlined in the Plan.

If there is general support for this concept, some additional consultation and discussion is required to confirm the most appropriate form for the trust or alliance to take. There is concern about duplication with other agencies, municipalities and foundations, and yet the need to create some new momentum and focus on existing gaps in the system is apparent. There must also be a way to ensure that the identity, focus and efforts of the group are clearly associated with natural and open space protection in urban Ottawa-Carleton.

While it should ultimately be community-based, the Region could take a leadership role by providing initial operating support. The Region could form a working group of potential partners to develop a model and take the first steps towards implementation. It could support the logistics of the working group and provide any expert advice. Any necessary funds to provide this support could come from the Environmental Resource Areas Acquisition budget in that one of the goals is to complement and enhance the efforts of the Region in this area.

The working group would be charged with proceeding with the initial steps required to establish a land trust or alliance including:

- identifying needs and objectives
- deciding on a structure which provides for incorporation and charitable status, possibly by working within an existing group or foundation.
- defining an initial mandate
- establishing a process for forming a board of directors
- seeking community involvement and a community champion

One of the critical elements will be the emergence of an effective community champion and momentum at the community level leading to an effective, dedicated and skilled board of directors. Without these components, the initiative would ultimately be limited to addressing direct projects and partnerships with government agencies.

The intent would be to reduce direct regional involvement in and support for the trust as the organisation becomes established as a community-based organisation with a number of partners. Initially, there could be a focus on willing partners and some initial projects. The Region could be involved in projects which either involve regional lands or which meet the regional interest in terms of, for example, the Environmental Resource Areas Acquisition Budget and

designations/policies in the Regional Plan. Initially, the working group could be used to help identify some potential projects. However, as the organisation becomes more broadly based, it may choose to pursue community objectives with other partners. To be successful, it will have to develop its own mandate and raise sufficient funds to act independently.

### **Rural Area**

Traditionally, land trusts have been most active in the rural countryside where the natural features are more extensive, land values lower, and the potential for easement agreements and donations higher. Many of the trusts in the United States focus on the countryside in areas such as the Adirondacks.

Land trusts could play a larger role in rural Ottawa-Carleton but the need for a new organisation or initiative is less apparent for several reasons:

- several organisations, including the Ontario Heritage Foundation and the Conservation Foundations, are already active in rural Ottawa-Carleton;
- the Conservation Authorities have active programs which could be enhanced;
- there are policies in the Official Plan designed to protect environmental values within the context of private land ownership, rural resource use, and environmentally sensitive development;
- issues related to community open space and public access are not as pronounced, although future land management in areas such as the Marlborough Forest needs to be examined in light of the potential Provincial withdrawal from agreement forest management in the next few years;
- the Regional Plan provides direction in Natural Environment A and Natural Environment B areas, Waterfront Open Space and Recreation Areas which can lead to acquisition or partnership in appropriate circumstances;
- areas which could be subject to trust activities tend to be larger, and more amenable to activities of individual community trusts.

At this time, action in the rural area could focus on supporting, co-ordinating and extending existing efforts and programs. Staff will be discussing potential actions with partners in the rural area.

These actions could include:

- encouraging ongoing activities of trusts/foundations currently active in rural Ottawa-Carleton and actively solicit partnerships in priority areas as currently designated in the Regional Official Plan (e.g. Natural Environment B areas such as the Carp Hills and Burnt Lands Alvar)
- convening a meeting of potential partners in rural Ottawa-Carleton to determine additional measures and strategies that could be used to enhance and co-ordinate efforts where appropriate.
- having the working group also address the question of the relationship between existing efforts in rural Ottawa-Carleton and the needs in the urban area.

This is in addition to the ongoing acquisition programs in, for example, the Marlborough Forest and the protection of environmental values through the plan review process.

### **Environmental Land Acquisition**

There has also been some discussion of the Regional role in protection of environmental features within the context of the new Regional Official Plan and the Environmental Resource Areas acquisition capital budget. In a previous report to Planning and Environment Committee dated 2 February 1998, on the environmental land acquisition policy, the following conclusion was made:

“Although an expanded acquisition policy is not required to implement the new Official Plan, a more flexible acquisition approach would support the objectives in the new Official Plan as well as the Community Vision. There are a number of issues requiring further review including the co-operative arrangements with area municipalities.”

In particular, Policy 5.4.5 in the Regional Official Plan encourages the identification and protection of other significant features in co-operation with local municipalities.

The report went on to recommend that the 1999 Environmental Resource Areas Acquisition Capital Budget (Environmental Acquisition Budget) be examined in the context of the results of the City of Ottawa’s Natural and Open Spaces Study and the potential role of a land trust. It was also noted that additional time was required to make the budget adjustments for changes in municipal financing and further evolution of the governance. It was not, however, possible to report back prior to the 1999 budget in that the final NOSS results were not released until the end of November, and the issues related to municipal finance and governance have persisted.

The City of Ottawa has now completed NOSS. The information provides an important technical basis for determining the significance of areas and related priorities for environmental features and open space protection within the City of Ottawa. It provides a detailed assessment of the relative significance of woodlands and wetlands, as well as an overall evaluation of natural and open spaces from an environmental and social perspective. The next stage of the project deals with implementation. The Region has a role to play in this discussion from a variety of perspectives (planning authority, landowner, and as a public agency committed to the overall quality of the urban environment).

Other area municipalities have not duplicated the NOSS work but in some cases, have completed systematic evaluations of natural features within development areas. This has frequently been done as a component of the Master Drainage/Sub-Watershed Plans in areas such as the South Urban Centre, and through recreation master plans.

The question is one of determining the circumstances in which there is a regional interest and what type of involvement would be appropriate. Those areas with a direct regional interest could be defined as those areas designated in the Regional Official Plan as Natural Environment Area A or B, Waterfront Open Space, Recreation Areas, other areas incorporated into the Regional

Official Plan through application of Policy 5.4.5, or areas which complement or enhance the Regional Open Space Network as defined in the Regional Official Plan.

### **NEXT STEPS**

Creation of a working group will involve an invitation to potential partners to provide representatives. A working group could consist of representation from:

- the Conservation Authorities
- the National Capital Commission
- the Federation of Community Associations
- Greenspace Alliance
- Urban Stewardship Council
- the development community
- the environmental community
- the area municipalities
- existing land trust organisations
- the Region

A working group of 10-12 people would provide a variety of perspectives and contacts while keeping numbers at a manageable level. The working group could be chaired by Regional staff.

The initial terms of reference for the working group could include:

- determining the needs and objectives of different participants
- development of a model for a land trust organisation to address issues primarily in urban Ottawa-Carleton.
- recommendations related to a broader strategy for co-ordinating and enhancing land trust activities across the Region and the relationship between urban and rural efforts.

The working group should report back to Regional Council by the end of 1999 with recommendations related to the development of a land trust organisation to address urban issues in Ottawa-Carleton. In the interim, ongoing opportunities for partnerships which could eventually be addressed by a land trust organisation can be pursued, such as the recent agreement to preserve Conroy Woods as Greenspace in conjunction with the Conroy Road water tower project. The working group could also be used as a sounding board to help move these proposals forward while the larger issues surrounding a land trust organisation are resolved.

In addition, staff will be examining the results of NOSS and related work in other municipalities to respond to issues related to the new Official Plan and the Environmental Resource Areas Acquisition budget. This could involve partnership projects with a land trust, or another agency/organisation or amendments to the Regional Official Plan to provide some additional direction for the application of Policy 5.4.5.

## **CONSULTATION**

Consultation has occurred through the release of a discussions paper on expanding the role of land trusts and the public discussion held on November 3. Further input will be received through circulation of this report and ongoing discussions related to land trusts.

## **FINANCIAL IMPACT**

Any support required, such as advertising of meetings, for the working group will come out of an existing capital budget - Environmental Resource Areas Acquisition (account 912-62901).

## **CONCLUSION**

Given the importance of developing partnerships with other agencies, levels of government, the community, and landowners to pursue natural and open space objectives, land trusts are playing an increasing role in Ontario, both from a community and a government perspective. In Ottawa-Carleton, there is potential for increased land trust activity to play a constructive role in meeting natural and open space objectives as expressed in the Community Vision.

The Region can play a role as a catalyst by actively encouraging and supporting the creation of a more co-ordinated and integrated approach to land trust activities in urban Ottawa-Carleton, and increased use of existing land trust programs and efforts in rural Ottawa-Carleton.

*Approved by  
N. Tunnacliffe.*