

REGIONAL MUNICIPALITY OF OTTAWA-CARLETON
MUNICIPALITÉ RÉGIONALE D'OTTAWA-CARLETON

REPORT
RAPPORT

Our File/N/Réf.
Your File/V/Réf.

DATE 3 March 1998

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

FROM/EXP. Commissioner, Planning and Development Approvals Department

SUBJECT/OBJET **RESPONSE TO OUTSTANDING MOTION NO. P&E 14
ENVIRONMENTAL LAND ACQUISITION POLICY**

DEPARTMENTAL RECOMMENDATIONS

That the Planning and Environment Committee recommend that Council approve that:

- 1. Staff be directed to bring forward an amendment to the Regional Official Plan pursuant to Policy 2 of Section 5.4.5 of the 1997 Regional Official Plan;**
- 2. Based on the Regional Official Plan amendment, staff prepare a report on revisions to the environmental land acquisition budget as part of its 1999 Budget submission.**

PURPOSE

At the Planning and Environment Committee meeting of 14 Oct 97, the Committee approved the following motion moved by Councillor Legendre:

That as part of its preparations for the 1998 Budget proposal, staff prepare a report on revisions to the current environmental land acquisition policy in order that the policy support the Region's new Official Plan.

This report responds to the motion.

BACKGROUND

There are several key questions involved in examining the current acquisition policy in the context of the new Official Plan.

What is the history of the environmental land acquisition policy?

Marlborough Forest

Upon its creation, the Regional Municipality inherited 680 acres of forest in the former Marlborough Township, acquired by the former Carleton County, under an agreement by the Ministry of Natural Resource to manage the municipally-owned forest. The Regional Municipality continued to acquire land in the Forest under this agreement.

Natural Environment Areas and Marginal Resource (Restricted)

The first Regional Official Plan, adopted in 1974 and approved by the Ontario Municipal Board in 1978, contained interim policies on several Conservation and Recreation Areas pending completion of a study. The study resulted in Amendment 12 to the 1974 Plan, which designated Natural Environment Areas. Amendment 12 was referred to the Ontario Municipal Board. The Board decision ruled that, if uses in Natural Environment Areas were to be as restricted as proposed by the policies of ROPA 12, the Region should be willing to acquire the property. In response to the Board decision the natural environment areas in ROPA 12 were re-examined and divided into two designations:

- Natural Environment Area, where the area was already publicly-owned (e.g. Mer Bleue) or the Region would acquire land on a willing buyer/willing seller basis (e.g. Marlborough Forest); and
- Marginal Resource (Restricted) where permitted uses included country lot development subject to an environmental impact study and the Region would consider acquisition.

River Corridors and Waterfront Open Space

The 1974 Plan also included interim river corridor designations and a commitment to do a study. The River Corridors study resulted in ROPA 20 to the 1974 Plan, adopted in 1980 and approved in part by the Ministry of Municipal Affairs and the Ontario Municipal Board in 1983 and 1985 respectively. The outcome of ROPA 20 was the willingness of the Region to acquire Morris, Petrie and part of Long Island and policies in the Plan that Council would consider acquisition of areas designated Recreation Area and of “other areas in the river corridors as may be suggested from time to time having regard to the nature and location of the property, the uses to which it could be put, the funds available and establishing responsibilities for its development and maintenance.”

ROPA 35 to the 1988 Regional Official Plan introduced a similar policy for Waterfront Open Space in the Gloucester South Urban Centre (Council would consider acquisition, having regard to ...).

What is the current acquisition policy?

The designations and associated land acquisition policies of the new Official Plan for natural environment areas and land along river corridors are listed below:

- the Region is committed to buying private land from willing sellers in Natural Environment (A) areas (primarily the Marlborough Forest)
- acquisition is an option to protect the Regional interest in a number of designations where a Regional interest has been defined. This generally occurs as a reaction to a development proposal or land sale issue. These areas include Waterfront Open Space, Recreation Areas, and Natural Environment (B) areas. One recent example was the multi-party agreement to secure the Y camp in Kanata, an area which is designated in the 1988 and 1997 Plans as a Recreation Area.

There are few explicit priorities in the current acquisition policy. Implicitly, Natural Environment (A) areas have top priority, since Council's policy is to buy these lands when approached by a willing seller. There are no longer a large number of acquisitions which fit into this category, and they do not involve large amounts of money. Marlborough Forest acquisitions have been averaging \$100,000-\$150,000 per year. (Long Swamp and the Corkery Creek wetland were previously eligible for acquisition as Natural Environment Areas in the 1988 Plan, but are designated entirely as Wetlands south and east of the Canadian Shield in the 1997 Plan and are no longer subject to the Natural Environment Area acquisition policy. Properties within the Marlborough Forest are often a combination of wetland and Natural Environment Area (A). In these circumstances staff will continue to acquire the entire property in order to consolidate Regional ownership in the area designated Natural Environment Area in the 1988 Regional Official Plan.)

Development proposals are the trigger for consideration of acquisition of lands designated Natural Environment Area (B) or Recreation Area. The current policy is essentially reactive for Natural Environment Area (B) and Recreation Areas, and for these areas, this remains appropriate. Waterfront Open Space acquisition has been a combination of proactive and reactive approaches (e.g. acquisition of Petrie Island, Long Island and Morris Island was proactive) and the flexibility to tailor the approach to specific circumstances is desirable and should be maintained.

Current land acquisition policies are adequate to implement the basic requirements of the 1997 Plan as adopted in terms of its designations and explicit land acquisition commitments.

What changes were introduced in the New Official Plan?

The new Official Plan does provide more direction in terms of the urban environment, and other features of more local significance. In particular, the 1997 Plan includes policies and/or designations related to:

- urban open space
- other significant environmental features in consultation with area municipalities.

In addition the Plan encourages further planning with regard to the Waterfront Open Space needs of the Urban Centres and the provision of a continuous public access along the shoreline connecting parcels of Waterfront Open Space.

Each of these presents a slightly different situation.

Urban Open Space

Urban Open Space is designated on Schedule I, Regional Open Space Network. Most of the lands shown as Urban Open Space are in public ownership. The exception is some land in the urban centres, where the expectation is that the land will be obtained through the development approval process. Although the policies of the OP provide for some flexibility of boundary interpretation, it is the intent of the Plan that the open space character of these lands be maintained.

There are no specific acquisition policies in the 1997 Plan for Urban Open Space. However, if acquisition were the only means to maintain the open space character of a property so designated, then the Plan provides sufficient direction for Council to consider acquisition. The position of Regional Council is that the current public owners of such lands should retain their ownership and permit continued public access and enjoyment. If this position is maintained, current land acquisition policy is also adequate to protect Urban Open Space as shown on Schedule I. If a situation arises where a public agency does sell land which is Urban Open Space on Schedule I, the current policy is sufficient for Council to consider acquisition, but the current land acquisition budget could not support many such acquisitions at urban (developable) land values.

Additional environmental areas

The 1997 Plan contains a policy about considering inclusion of additional significant features through amendment to the Plan (policy 2 of 5.4.5). This policy was intended to permit a re-examination of the significance of natural features in an urban area (partly to accommodate the results of the Natural and Open Spaces Study, or NOSS, in the City of Ottawa) and to recognise the need to complement regional scale policies and designations with more local features and community open space values. There is nothing in the Plan that 'requires' more acquisition unless additional areas currently in private ownership are identified in the ROP by amendment as lands to be protected through public ownership.

If additional features are added to the OP, either by designation (new or existing) or by reference in the text, the implications for acquisition would need to be addressed during consideration of the Regional Official Plan amendment. Some means to evaluate proposed additions would be necessary. If the RMOC were to adopt a proactive policy on acquisition of additional features, priorities among acquisition areas will also be needed.

How does the Provincial Policy Statement affect the acquisition policy?

The new Provincial Policy Statement (PPS) does not require acquisition to achieve its objectives of preventing negative impacts on the natural features or ecological function of certain specified areas. In terms of protection, the PPS does prevent development in significant wetlands south and east of the Canadian Shield and endangered species habitat. Protection for other features, such as woodlands, involves allowing some potential development as long as the significant ecological values are protected.

As a tool to address long term protection of greenspace that is valued by residents, the new Provincial Policy Statement is limited. While it clearly provides direction for the protection of significant features during the development process, it does not prohibit development in areas where there is not a provincially significant feature. The PPS is intended to protect environmental features and functions. It does not address public access. In areas that are valued - at least in part - because they are used, formally or informally, by the general public, and if public access is an objective, then some form of public ownership or agreement is necessary.

The PPS does indicate that municipalities may go beyond the provisions in the Policy Statement. However, it does not give any direction as to the limits of policy provisions or approaches to be used.

DISCUSSION

The outstanding issue is whether there is a need for a more proactive acquisition policy to support the general objectives in the Official Plan related to, primarily, urban environmental features and open space. Is it necessary to secure more public greenspace to achieve the Plan's objectives with respect to preservation of open space and urban environmental quality (including encouraging area municipalities to enhance the regional policies)? If so, how will this be done both in terms of land management and funding/cost sharing and what should be the role of the local municipalities in this? Is there a role for a greenspace or green lands trust in acquisition or management? Should Conservation Authorities have a greater role?

There is no question that green spaces and the quality of the environment are valued highly in Ottawa-Carleton. The Community Vision completed in July 1995 noted that:

Ottawa-Carleton residents value green space and the protection of the environment above all other values - this was consistent across many groups in the region.... The community's vision of the future includes protecting environmentally sensitive lands and farmlands, green space interspersed with the urban landscape, and a clean and healthy environment....

An expanded acquisition policy would tend to support this vision and the general objectives in the Official Plan.

If additional lands are to be considered for acquisition, two key issues must be addressed beyond deciding what lands may qualify.

- If RMOC acquires more land, it must be managed. In urban areas, public land is likely to be visible, accessible, and potentially subject to heavy use. This land would need to be maintained. RMOC has no equivalent of the area municipal parks departments.
- Following from the above discussion, additional acquisition should involve co-operation and cost sharing with local municipalities as additional lands, such as an urban woodland, would presumably become a part of the local parks system.

Regional staff could work with the local municipalities to determine if there are additional areas as anticipated under Policy 2 of 5.4.5 which should be added to the Regional Official Plan and become potential acquisition areas. Such work would try to avoid duplicating evaluation procedures already completed at the local level using a variety of values and approaches. It is proposed that an area should meet the following general guidelines in order to be considered:

- be identified as an area of environmental significance through a comprehensive analysis at the regional or local scale
- be subject to a cost sharing arrangement with the area municipality
- be subject to a management plan which identifies the roles and responsibilities with respect to maintenance.

The work could also address the roles of a potential green lands trust and of the Conservation Authorities. The result of the joint work with the area municipalities would be an amendment to the Regional Official Plan to add the new areas by designation or text reference. During discussion of a Regional Plan Amendment, issues such as budget implications can be addressed.

Is the current level of funding adequate?

In preparation for the 1998 budget staff of the Property Services Division re-examined estimates to complete acquisitions in the Natural Environment Area (A) designation and to do some acquisitions of land in Natural Environment Area (B), Waterfront Open Space, and Recreation Areas (staff assumed half of the designations not yet in public ownership would be acquired). No explicit provision was made for land acquisition in Urban Open Space. This re-examination concluded that it might be prudent to increase the total project estimate and the annual authority requested to provide increased flexibility for acquisitions in those designations (Natural Environment Area (B), Waterfront Open Space and Recreation Areas) where acquisition is discretionary. The timing of such acquisitions is not predictable. The total project estimate had not been re-examined for a number of years.

If there is a desire to acquire additional urban open space and woodlands (presumably with public access), then the current funding levels are unlikely to meet demands. It is not feasible to provide a specific dollar value without completing an analysis of potential areas and estimating their value. These issues, including cost sharing and management, would have to be addressed when a Regional Official Plan amendment is brought forward.

FINANCIAL IMPACT

This report discusses the desirability of an expanded Regional land acquisition policy which includes additional urban open space and woodlands. If Committee indicates that they support an expanded acquisition policy and direct staff to do further work, the preparation for the 1999 budget will include an analysis of financial impact. The financial impact will depend on the environmental features which are identified in comprehensive analyses by the local municipalities and the decisions made when an amendment to add these features to the Regional Official Plan is considered.

CONSULTATION

There has been no direct public consultation on the contents of this report, as it responds to an enquiry from Committee and is seeking direction. Public consultation during preparation of the Community Vision indicated that the community places a high priority on the protection of greenspace. Consultation with the local municipalities and other affected parties would be an essential component of further work in this area, as well as public consultation on any resulting Regional Official Plan amendment.

CONCLUSION

Although an expanded acquisition policy is not required at this time to implement the new Official Plan, such a policy 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 identification under policy 2 of 5.4.5 in conjunction with the local municipalities of any additional areas through the review and discussion of:
 - ⇒ the City of Ottawa's NOSS results
 - ⇒ any other similar area municipal initiatives to identify additional features of environmental significance
- the co-operative arrangements with area municipalities
- the possible roles of a potential green lands trust and the Conservation Authorities.

It is recommended that further examination of the budget implications of an expanded acquisition policy occur prior to the 1999 budget in the context of the work and potential Regional Official Plan amendment identified above. This will also allow some time to make the budget adjustments for changes in municipal financing, and for further evolution of the governance discussion, both of which complicate the implementation of a strategy for additional open space acquisition in the short term.

*Approved by
N. Tunnacliffe, MCIP RPP*