

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF MAY 23, 2018

Item 11, Report No. 18, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on May 23, 2018.

**11 FINANCIAL, OPERATIONAL AND MAINTENANCE IMPACTS OF
TORONTO AND REGION CONSERVATION AUTHORITY LANDS
UNDER MANAGEMENT AGREEMENTS WITH THE CITY OF
VAUGHAN**

The Committee of the Whole recommends approval of the recommendation contained in the following report of the Deputy City Manager, Public Works and Deputy City Manager, Planning and Growth Management, dated May 8, 2018:

Recommendations

1. That staff be authorized to work with the Toronto and Region Conservation Authority staff to consolidate all current land management agreements into a comprehensive land management agreement
2. That staff be directed to develop a framework for adding lands to the comprehensive land management agreement through the development approval process.
3. That a copy of this report be sent to the Toronto and Region Conservation Authority.

(A copy of the attachments referred to in the following report have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

Item:



Committee of the Whole Report

DATE: Tuesday, May 08, 2018

WARD(S): ALL

TITLE: Financial, Operational and Maintenance Impacts of Toronto and Region Conservation Authority Lands under Management Agreements with the City of Vaughan

FROM:

Stephen Collins, Deputy City Manager, Public Works

Jason Schmidt-Shoukri, Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

This report provides a review of the financial and legal implications of operating and maintaining the current land management agreements with the Toronto and Region Conservation Authority (TRCA) by the City of Vaughan (City). This report also seeks direction to develop a comprehensive land management agreement with the TRCA for current and future lands.

Report Highlights

- The cost of maintaining TRCA lands under the current land management agreements is consistent with that of maintaining other similar City owned lands.
- Based on the current land management agreements, there are insurance and tax liabilities that the City incurs, which result in legal implications.
- There are benefits to the City in developing a comprehensive land management agreement for current and future lands.

Recommendations

1. That staff be authorized to work with the Toronto and Region Conservation Authority staff to consolidate all current land management agreements into a comprehensive land management agreement.
2. That staff be directed to develop a framework for adding lands to the comprehensive land management agreement through the development approval process.
3. That a copy of this report be sent to the Toronto and Region Conservation Authority.

Background

On September 3, 2013 Council directed staff to report back to the Committee of the Whole outlining the annual operations and maintenance costs the City incurs for lands owned by the Toronto and Region Conservation Authority (TRCA), as well as the financial implications and legal risks of maintaining these lands. In addition, staff were directed to describe the merits of having future TRCA lands conveyed to the City.

TRCA's regulatory jurisdiction includes 16,000 ha of land, 2000 ha of which fall within the City within the Humber River and Don River Sub watersheds. There are currently 153 ha of land owned by the TRCA that are under land management agreements with the City dating from 1978-2001. Lands conveyed to the TRCA after 2001 are not subject to a land management agreement.

Through the development approval process, "Core Features", specifically valley and stream corridors and their vegetation protection zones are conveyed into public ownership as required by policy 3.2.3.10 of the City of Vaughan Official Plan (VOP) 2010.

Previous Reports/Authority

Council's resolution be found at the following link:
[CW Report No. 35, Item 27 September 3, 2013](#)

Analysis and Options

TRCA owned lands that are subject to land management agreements with the City are generally located within the communities of Thornhill and Woodbridge.

There are 17 parcels of land within the City that are owned by the TRCA which are subject to land management agreements. The City operates and maintains these lands under historical land management agreements that were entered into over 20 years

ago. The majority of these lands are located within the communities of Thornhill and Woodbridge (Attachment 1)

The majority of the TRCA owned lands under land management agreements are publicly frequented open spaces located below top-of-bank that are used for recreational purposes such as sporting areas, playgrounds, and walkways/ multi-use trails. These lands are also subject to regulations/ policies that would restrict recreational programming. The City is required to demonstrate to the TRCA's satisfaction that the control of flooding, erosion, run off, pollution, or the conservation of land will not be negatively impacted by the proposed programming or corresponding maintenance works.

Under the current land management agreements, the City is liable for all insurances and taxes, and covers the TRCA for all claims and losses related to the use of the lands.

The current land management agreements between the TRCA and the City state that "Vaughan is desirous of using these lands for park recreational, and other purposes". The City has full liability of the land, and incurs the costs of maintenance.

Additionally, the land management agreements also include details regarding the TRCA's right of entry, real estate rights, and other obligations with respect to insurance, tax, creating signage and notices. The City is responsible for maintaining the lands for outdoor recreational, flood control and conservation purposes, and it is liable for all insurance costs and taxes associated with the properties. The City is also indemnifying the TRCA for all claims and losses related to its use, occupation or development of the lands. There is no limit to the amount of the indemnity, nor to the types of damages covered.

The operational and maintenance responsibilities of the City for TRCA owned lands reflects the City's operational standards.

The responsibilities outlined in the current land management agreements include outdoor recreation and forestry services, culvert and structure repairs, signage duties, and liability insurance. Specifically, the City is required to remove weeds, debris, dead trees, and to cut grass. The City must also display the TRCA's name on their signs, and be responsible for all damages incurred that stem directly or indirectly from the City's use of the land. As they serve as recreation spaces, these lands are operated and maintained to appropriate City standards.

The annual maintenance costs incurred by the City to maintain the current lands under the land management agreements is approximately \$257,200.

The total annual costs for operations and maintenance on the TRCA owned lands under the current land management agreements is approximately \$257,200. These costs reflect 13 of the 17 parcels of land that are actively maintained by the City. The range

and cost of maintenance activities performed on these lands are consistent with existing maintenance activities performed on City owned lands. These costs do not include machine/ equipment depreciation costs.

The approximate annual costs of maintaining TRCA lands under management agreement include:

- \$130,300 for the maintenance of major assets (eg. ball diamonds, soccer fields, and shade shelters, etc.)
- \$10,300 for 12 km of pathway clearing
- \$113,200 for grounds upkeep of the 13 sites with some winter maintenance. Most of the grounds upkeep activities (outdoor recreation) are performed proactively on a recurring basis, while a small selection (such as repairs) are performed reactively
- \$3,400 for Forestry maintenance (i.e. clearing dead trees)

Conveyance of valley and stream corridors to the City does not present additional benefits.

The conveyance of open space lands to the City for lands located below the top-of-bank, along with associated ecological open space buffers, as defined by the TRCA and the VOP 2010 is not permitted in accordance with the City's by-laws and policy. Any development within valley and stream corridor requires a permit from the TRCA under Regulation 166/06. The ownership of land does not negate the need for a permit from the TRCA when considering the development of public infrastructure works such as trails, linear infrastructure, engineering services, storm structures or restoration works. Additionally, maintaining valley and stream corridors would require additional resources for forecasting for erosion and hazards, which is currently provided through the TRCA.

Public ownership (through the TRCA or the City) is required for off road trail development, and owning the lands does not provide further benefits or autonomy. The continued practice of requests for easements in favor of the City for a trail corridor, within TRCA lands, would allow for a more focused approach on the specific areas that would be required for public infrastructure.

There is a benefit to consolidate the current land management agreements into a comprehensive land management agreement for current and future lands.

Given that the existing management agreements do not substantially differ from one another, it would be beneficial to review and consolidate all agreements into one comprehensive land management agreement. Through discussions it was determined that this recommendation is desirable with the TRCA as well. This will ensure that the listing of valley and stream corridors being maintained are up to date. The City will also review the maintenance requirements and current liability associated with insurance costs and taxes. Furthermore, a framework should be established for the addition of

future lands to ensure the comprehensive land management agreement remains updated.

It is proposed that a working group be established to develop a single comprehensive land management agreement with the TRCA and develop a framework for including additional lands as a result of conveyance through the development approval process.

Financial Impact

There is no direct economic impact associated with this report. However, the TRCA annual operating costs would increase if the City were to cease operating and maintaining these lands. A comprehensive land management agreement would include a financial analysis of operational and maintenance costs.

Broader Regional Impacts/Considerations

There is no regional impacts as a result of this report. These lands are in public ownership, therefore are protected in perpetuity.

Conclusion

In summary, the City operates and maintains TRCA owned lands under historical land management agreements that were entered into over 20 years ago. The operation and maintenance costs are consistent with other similar-use lands owned by the City. The City is responsible for indemnifying the TRCA for all claims and losses pertaining to these lands and there is no limit to the amount of indemnity or damages covered.

Staff concludes that there are no benefits to conveying valley and stream corridors into the City's ownership as these lands are being managed by a public authority protected in perpetuity. Also as these lands are regulated, the City is still required to attain permits from TRCA for trail and infrastructure development.

Finally, it is proposed that a working group be established to develop a single comprehensive land management agreement with the TRCA and establish a framework for including additional lands through the development approval process, so that there is clarity and cohesion with the TRCA moving forward.

For more information, please contact: Nadia Paladino, Manager of Special Projects, Public Works by phone at 905-832-8585, ext. 8054 or by email at Nadia.paladino@vaughan.ca.

Attachments

1. Map of Toronto and Region Conservation Authority Owned Lands Managed by the City of Vaughan, updated January 5, 2018.

Prepared by

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