

PRELIMINARY BIOPHYSICAL INVENTORY OF THE NIAGARA ESCARPMENT

PUBLIC OPEN SPACE

THE PARKWAY BELT WEST PLAN

BRENDA AXON

SANDY NEWTON-HARRISON

HALTON REGION CONSERVATION AUTHORITY

BURLINGTON

APRIL 1988

PL-71/85

PLANNING DEPARTMENT

MAY 1, 1985

Chairman and Members of the
Administration and Finance Committee

RE: PROvincially OWNED LANDS
- PARKWAY BELT WEST PLAN
FILE NO. 31.01-1

RECOMMENDATION: TO EXPRESS AN INTEREST IN LEASING PROVINCIAL
LY OWNED LANDS, WITHIN THE PARKWAY BELT WEST PLAN
JULY 1978

THAT the City of Burlington express an interest to the Ministry of Municipal Affairs and Housing and the Ministry of Government Services in supporting the continued public ownership of Provincially owned lands located in the Parkway Belt West in Burlington;

and that the City of Burlington is interested in entering into negotiations with the Province of Ontario to lease certain Parkway Belt West lands;

and that the staff be directed to review and report back on:

(i) the recreational opportunities and other suitable land uses of the Parkway Belt West lands and that such review be undertaken in consultation with the Halton Region Conservation Authority and other government agencies, and

(ii) the appropriate means of minimizing third party legal liability;

and that the City Clerk be directed to forward the Council Resolution to the Ministry of Municipal Affairs and Housing stating the City of Burlington's interest in the possibility of negotiating the leasing of Provincially owned lands within the Parkway Belt West Plan.
File No. 31.01.

REPORT:PURPOSE

The purpose of this report is two-fold:

1. To advise Council of the opportunities available for leasing Provincially owned lands located in the Parkway Belt West Planning Area, and
2. To request authorization to explore these opportunities further with the intention of possibly leasing certain Parkway Belt lands for recreational, open space or other suitable land uses in conjunction with the Halton Region Conservation Authority, the Town of Flamborough and other government agencies.

BACKGROUND

In 1978, the Province of Ontario approved the Parkway Belt West Plan. One of the four goals of this plan is to 'provide a system of open space and recreational facilities linked with each other, with nearby communities, and with other recreational areas'. A primary planning objective, therefore, is to provide extensive areas of public and private open space throughout the Parkway Belt, accessible to urban areas for recreational activities. Significant natural features such as the Niagara Escarpment, river valleys, water courses, wooded areas and other points of interest are to be preserved and integrated throughout the system.

Another goal of the plan is to 'Provide a land reserve for future linear facilities and for unanticipated activities requiring sites of high accessibility and substantial land area'. The main objective toward achieving this goal is to provide a land reserve to accommodate future communication and utility facilities and large tracts of land for other compatible public and private activities such as institutional uses, transformer stations and compatible buildings and structures with low lot coverage, limited height and low mass appearance.

In keeping with these goals and objectives, the Province, over the years, has purchased approximately 283 ha of land throughout the City of Burlington. The majority of these lands are located in the "Public Open Space" and "Buffer Area" designations of the Parkway Belt West Plan (see Sketches No. 1 and No. 2).

The Province currently is undertaking a 5 Year Review of the Parkway Belt West Plan. In doing so, they have recently approached several municipalities (including Burlington) and various Conservation Authorities (such as the Halton Region Conservation Authority) to determine whether there is any interest on behalf of these agencies in leasing, at a nominal fee, any Provincially owned lands located in the Parkway Belt West Planning Area.

It is the Province's intention to designate the Niagara Escarpment Plan and the Parkway Belt West Plan as Provincial Policy Statements under the Planning Act, 1983. In doing so, these Plans will eventually be implemented through local official plans and zoning by-laws.

City staff, along with representatives from the Town of Flamborough and the Halton Region Conservation Authority, met recently with the Ministry of Municipal Affairs and Housing and the Ministry of Government Services to discuss various leasing arrangements and Provincial grants available to fund the master planning or a public open space system and complimentary uses within the Escarpment link of the Parkway Belt West Plan.

The Town of Flamborough has already leased some land from the Province for recreational purposes. A portion of these lands are located in the North Aldershot Planning District in Burlington (see Sketch No. 2).

The Ministry of Municipal Affairs and Housing has requested resolutions from public bodies interested in these leases, prior to the release of the revised Parkway Belt West Plan. If the City, along with other local public agencies, does not take immediate action, some of the lands in question may be permanently lost for future public recreational uses and other public uses such as easements, transportation, communication, utility facilities and institutional uses as outlined in the General and Specific Complementary Use policies of the Parkway Belt West Plan.

PLANNING CONSIDERATION

The leasing of Provincially owned lands within the Parkway Belt West Plan by the City (or an agency such as the Halton Region Conservation Authority) is seen to be a wise long-term planning strategy. Not only will these lands, and their unique and sensitive natural features such as the Niagara Escarpment, be protected from adverse development pressures, but the leasing of these lands in Burlington will ensure their continued availability to provide open space and future recreational opportunities for local and area residents, and to provide lands for easements, telecommunication facilities, stormwater management measures, road widenings, and institutional uses such as cemeteries.

Master Planning Program

In order to develop the Provincial lands in question for public open space, recreation, and other suitable uses, a master planning program must be prepared and approved. The terms of reference for such a study would define the uses permitted on the public lands, the types of facilities, and any future acquisitions of Escarpment lands if required.

The cost to prepare a master plan might be provided through a special planning grant from the Ministry of Municipal Affairs and Housing. These financial details, however, will have to be worked out with the Province prior to finalizing any lease arrangements.

The master planning exercise could be the responsibility of the Halton Region Conservation Authority in consultation with the City of Burlington and the Town of Flamborough. The staff of the Authority has suggested that an outside consultant may be desirable to develop the master plan under the direction of a Steering Committee.

Leasing Arrangements

Based on discussions staff have had with the Halton Region Conservation Authority and the Town of Flamborough, it was suggested that the Authority lease the lands of the Grindstone Creek, as a first priority. The City and Flamborough would consider leasing the Escarpment forest west and east of the Creek if deemed necessary. Any other lands not leased by the City or Flamborough, the Conservation Authority could lease as a second priority.

The Halton Region Conservation Authority has suggested two possible leasing arrangements. The first type is known as a "direct lease" which would place the entire development, financial costs, and management responsibilities in the hands of the City or the Conservation Authority. The second type of lease is called a "management agreement" whereby the Conservation Authorities and the local municipalities enter into an agreement. In this case, the Conservation Authority would undertake any capital development and management as a direct cost to the municipality. The Conservation Authority staff have indicated that they would prefer to enter into management agreements with the local municipalities for forest management or trail development.

Discussions between the local municipalities, the Halton Region Conservation Authority, and the Province are in order to determine the most suitable approach.

Legal Liability

The recent Brampton case (a rehabilitated quarry to parkland) indicates that municipalities may be particularly vulnerable to third party law suits by persons injured while using land being held in an unimproved state for future park or other uses. Although this is presently an insured risk, the impact of the Brampton case is such that insurers will be reassessing coverages offered to municipalities. Deductibles may also be increased. Accordingly, it may be necessary to expend considerable amounts of money to minimize the risk involved if unimproved lands are leased by the City. The minimum requirements may include fencing, posting of signs, and periodic inspection. This matter is currently being investigated by City staff.

Recreational Opportunities

Based on a preliminary review of the Provincial lands located in Burlington, the Recreation Services Department staff have identified the following potential recreational opportunities:

- hiking trails connecting to the Bruce Trail
- cross country skiing and tobogganing
- picnic areas
- scenic lookouts
- nature interpretive areas (outdoor education centres)
- sport fields
- day camp programs

In addition, those lands located adjacent to existing parks could become extensions of the parkland activities already in place.

Other Opportunities

In addition to the many recreational opportunities that could be developed on lands designated Public Open Space and Buffer Area in the Parkway Belt West Plan, there are other lands owned by the Province which lie within the General and Specific Complementary Use Area of the Plan and which are worthy of consideration by the City.

Based on a preliminary investigation, uses such as institutional (e.g. cemetery), stormwater management measures, easements, telecommunication facilities (e.g. radio tower) and road widenings have been identified.

Halton Region Conservation Authority

On February 21, 1985, the Halton Region Conservation Authority's Resource Planning - Fill and Flood Plain Advisory Board, passed the following resolution and on April 25, 1985 at a General Authority meeting, this resolution was approved and forwarded to the Ministry of Municipal Affairs and Housing for their consideration:

- "(a) The Halton Region Conservation Authority advise the Ministry of Municipal Affairs and Housing and the Ministry of Government Services that it is prepared to consider entertaining negotiation of a lease of lands presently owned by the Province in the Grindstone Creek Valley, the Fourteen Mile Creek Valley and the Glenorchy Valley as a first priority, and as a second priority, the Conservation Authority will consider entertaining negotiating a lease of the forested portions of the Niagara Escarpment owned by the Province between Highway No. 6 and Brant Street, which are not required by the local municipalities of Flamborough and Burlington;
- (b) The Minister of Municipal Affairs and Housing, and the Ministry of Natural Resources and the Provincial Secretariat for Resources Development be requested to designate the Public Open Space lands within the Escarpment Link of the Parkway Belt West Plan as a Nodal Park within the Escarpment Parks System under the jurisdiction of the Plan for the Niagara Escarpment;

and further to include Escarpment Parkway Belt acquisitions as part of any Escarpment acquisition program funded by the Province through the Ontario Heritage Foundation;
- (c) The Minister of Municipal Affairs and Housing be requested to provide a special planning grant in order to fund the master planning of the Public Open Space System within the Escarpment Link of the Parkway Belt West Plan;

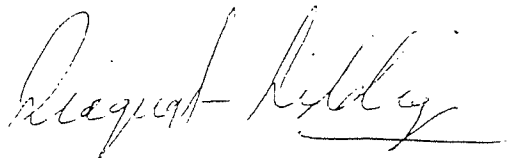
- (d) That the Minister of Municipal Affairs and Housing and the Minister of Natural Resources be requested to amend the Provincial Parks Municipal Tax Assistance Act to include the Conservation Authorities, in order that the Authority would be eligible to pay taxes at the Provincial Parks grant rate, or alternatively the Province provide a 100% grant for taxes."

The above resolution clearly demonstrates that the Conservation Authority recognizes the importance of preserving these lands and creating a public open space system within the Escarpment Link of the Parkway Belt West Plan.

CONCLUSION

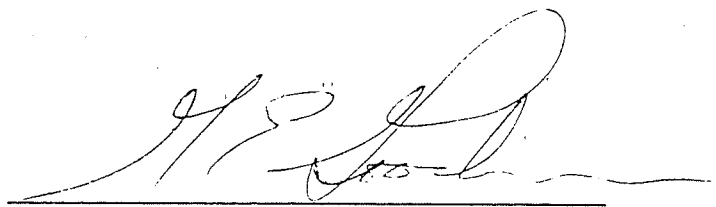
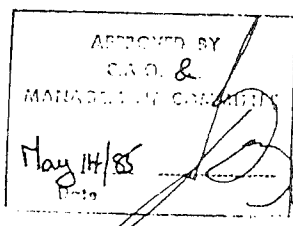
Staff are of the opinion that the City should notify the Ministry of Municipal Affairs and Housing of the City's interest in the possibility of leasing certain Provincially owned lands within the Parkway Belt West Planning Area for public open space, recreation and other suitable uses such as institutional, stormwater management measures, telecommunication facilities, road widenings and easements within the General and Specific Complementary Use Areas and the Public Open Space and Buffer Area designations of the Plan. Discussions should be held with the Halton Region Conservation Authority and other government agencies in order to identify a preferred approach to leasing any of these Provincial lands located along the Escarpment.

Respectfully submitted,



ASSISTANT DIRECTOR OF PLANNING
- POLICY

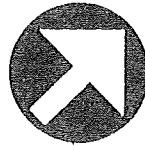
CT/LS/dc/
Attachments/
0304s


DIRECTOR OF PLANNING

Sketch No. 1

PARKWAY BELT WEST PLAN

DATE : APRIL, 1985
SCALE = 1:60,000 ±

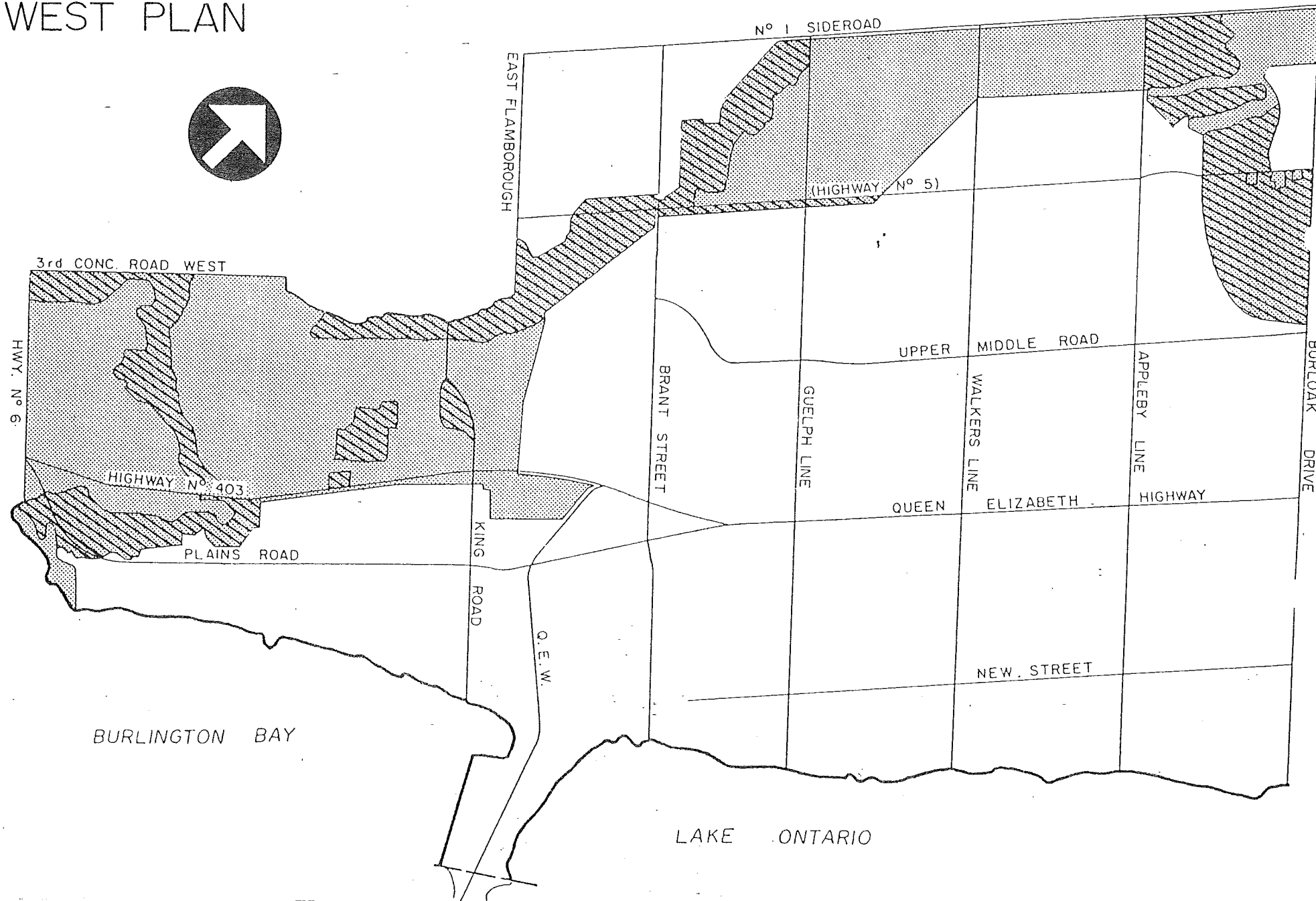


LEGEND

-  PARKWAY BELT WEST
-  PUBLIC OPEN SPACE AND BUFFER AREA

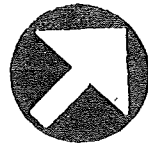
NOTE: BOUNDARIES ARE
SCHEMATIC ONLY

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Sketch No. 2 PARKWAY BELT WEST PLAN

DATE: APRIL, 1985
SCALE = 1:60,000 ±



LEGEND

-  PARKWAY BELT WEST
-  LANDS OWNED BY THE PROVINCE (M.G.S.)
- ① ROYAL BOTANICAL GARDENS
- ② BAYVIEW PARK (CITY)
- ③ BURLINGTON LANDFILL SITE (REGION)
- ④ LANDS OWNED BY THE ONTARIO HERITAGE FOUNDATION
- ⑤ LANDS LEASED BY THE TOWN OF FLAMBOROUGH
-  TRANSMISSION LINES

