



Conservation Land Protection and Acquisition Policy

Through Ontario's Land Use Planning Process

INTRODUCTION

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The Planning and Engineering Programs of the Nottawasaga Valley Conservation Authority (NVCA) process approximately 1,000 applications yearly related to planning and development. These applications range from policy oriented documents such as Official Plans and Secondary Plans, to spot zonings, to subdivision of land proposals including plans of subdivision and consents. Through Ontario's land use planning process which is legislated under the *Planning Act*, the NVCA reviews and

Often, the NVCA will identify through the planning process the various areas of environmental constraint and significance (conservation lands) associated with a given property. These environmental lands include areas susceptible to flooding or erosion (constraint lands), or ecological areas such as wetlands, woodlands, and fish habitat (significant lands). For the most part, constraint and significant lands are not suitable for development and, as such, are earmarked for protection. This is certainly the case in large-scale land development proposals such as plans of subdivision where significant blocks of land could be constrained and deemed undevelopable.



It is frequent, in these cases, that the developer is willing to donate the undevelopable lands to the municipality or the conservation authority for their protection in the long term or perpetuity. The NVCA supports the long term protection and public ownership of these conservation lands and, as a result, this Policy has been established to provide an appropriate framework for their acquisition.

provides comments on these applications from an environmental perspective. The review and comments are provided in conformity with the matters of provincial interest and the provincial policy statements in accordance with section 2 and subsection 3(6) of the *Planning Act* respectively.



BACKGROUND

2 The watershed within the Nottawasaga Valley is abundant with significant natural landscapes and features. For example, the Niagara Escarpment, a world biosphere, is located in the western part of the watershed while the Oak Ridges and the Oro Moraines form part of the southern and eastern boundaries of the NVCA's jurisdiction respectively.

Significant natural heritage features include the internationally significant Minesing Swamp and the Pinery, an old growth forest in the Town of New Tecumseth. These significant landform and natural heritage features together with constraint lands such as areas susceptible to flooding and other features would be classified as "conservation lands" for the purposes of this Policy.



PURPOSE

3 The purpose of the Conservation Land Protection and Acquisition Policy (CLPAP) is to establish a framework to guide staff of the NVCA with a basis for identifying conservation lands for protection

and for pursuing certain lands for acquisition through the land use planning process. In particular, the purpose of this Policy is to:

- Help secure significant conservation lands within the watershed in perpetuity
- Increase the public ownership of conservation lands in the watershed
- Foster relationships with conservation organizations for land securement
- Augment the conservation land base in the watershed for research and analysis
- Communicate the importance of conservation land protection and acquisition



LEGISLATIVE BASIS

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The mandate and objective of the NVCA is legislated under Section 20 of the *Conservation Authorities Act*. Section 20 of the Act states that the objective of a conservation authority is to establish and undertake a program designed to further the conservation, restoration, development, and management of natural resources.

The powers of the conservation authority, under Section 21 of the Act, further allow a conservation authority to study the watershed in order to conserve, restore, develop, and manage natural resources. The NVCA in exercising this power approved its visionary and guiding document in 1996, the *Nottawasaga Valley Watershed Management Plan*. The goal of this Plan is to conserve

natural resources within our watershed in a cooperative, integrated manner in which the human needs are met in balance with the need to sustain the natural environment.

The objective of the "Public Conservation Lands Management" section of the Watershed Management Plan states that the acquisition of high priority conservation lands should be promoted. This Policy helps fulfill this objective.

Subsection 21(1)(c) of the *Conservation Authorities Act* further identifies that the conservation authority has the power to acquire by purchase, lease or otherwise any lands it may require. This Conservation Land Protection and Acquisition Policy exercises this

power under the Act. The *Conservation Land Act* provides conservation authorities with the power to require conservation easements on private land and to place restrictive covenants registered against the title of the lands. The requirement of the NVCA to exercise these powers will be in conformity with this Act.

In addition, this Policy will complement the NVCA "Land Acquisition Policy" (2000) which is currently administered by the Land Management & Stewardship Services Program.

POLICY

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Acquisition

Through the land use planning process, the NVCA will pursue the acquisition of conservation lands eligible for the Conservation Land Tax Incentive Program (CLTIP). These lands, which will not result in an increased tax burden to the NVCA, will include:

- Provincially significant wetlands
- Provincially significant ANSI (Area of Natural and Scientific Interest)
- Niagara Escarpment lands (Escarpment Natural Areas designation)
- Habitat of endangered species
- Community conservation lands

The acquisition of these lands through the land development process will occur as a condition of development (e.g. condition of draft plan approval) and through fair and equitable negotiations.

Other conservation lands may be acquired at the discretion and approval of the NVCA Full Authority. These lands could include significant woodlands which would be eligible for the Managed Forest Tax Incentive Program (MFTIP) or other lands that would further the goals and objectives of the Watershed Management Plan.

Protection

When reviewing land use proposals, the NVCA may require the establishment of conservation easements under the *Conservation Land Act* on private property for those lands not qualifying for acquisition. The conservation easement will be in favour of the NVCA and will be policed by staff. Other land use protection controls such as zoning will be used where possible.

IMPLEMENTATION

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This Policy will be implemented through the Land Use Planning Program of the NVCA. The acquisition and protection of conservation lands will be undertaken through proper negotiation with the developer and municipality. This Policy will not be applied where a local municipality has a conservation land acquisition policy in effect (e.g. City

of Barrie). Where possible, this Policy will be implemented through effective integration with regional (County) and local Official Plans.

In addition, this Policy will be implemented through the NVCA's permit approval process under Section 28 of the *Conservation Authorities Act*.



MONITORING

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The Conservation Land Protection and Acquisition Policy will be reviewed on an on-going basis to evaluate its effectiveness. This Policy may be amended from time to time in order to reflect changing legislation, regulations, and policies at the federal, provincial, and municipal level. Amendments to this Policy may also occur as a

result of changing programs and procedures at the NVCA. Significant changes to this Policy will only occur through the normal policy formulation process, which includes ultimate approval from the Full NVCA Membership. Minor technical amendments

(e.g. correcting ambiguous language) may be permitted at the NVCA staff level without the approval of the Committees and the Full NVCA Membership. A staff report, however, will be presented to the Executive Committee for their information with regard to any minor technical amendments.

APPROVAL

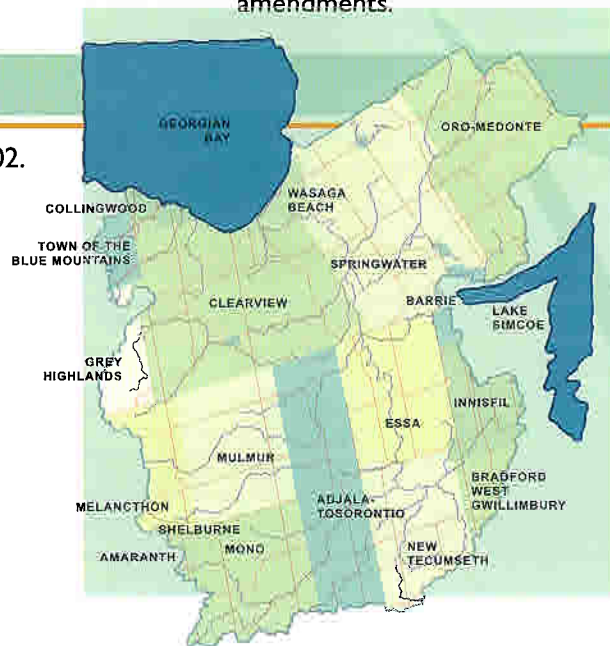
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This Policy came into effect by resolution on May 10, 2002.

Chief Administrative Officer
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