

**WOODLOT ACQUISITION
FRONT ENDING AGREEMENT
REQUEST FOR AMENDMENT**

Recommendation

The Deputy City Manager, Commissioner of Finance & Corporate Services, Director of Legal Services and Director of Reserves & Investments recommend that a By-law be enacted to authorize the execution of an Amended Woodlot Acquisition Front-ending Agreement in accordance with this report.

Contribution to Sustainability

The City emphasizes preservation of important environmental assets and recognizes that terrestrial resources contribute benefits to the urban environment, including aesthetics, health, biodiversity, education, research, and recreational values. These woodlots are designated woodlots and are of environmental significance.

Economic Impact

The Woodlot Acquisition Development Charge was established to fund the acquisition of designated woodlots at no cost to the municipality. The acquisition will be funded from the WADC once funds are collected.

Communications Plan

Notice provisions of the *Development Charges Act* require that notice be given to owners in the benefitting area. Staff will be consulting with remaining woodlot owners. After an agreement is required such notice will be by public advertisement.

Purpose

The purpose of this report is to seek Council authorization to amend the Woodlot Front Ending Agreement, pursuant to the request of the Block 12 Landowners Group.

Background - Analysis and Options

As part of OPA 400, the City commenced a sustainable initiative to preserve the City's tableland woodlots.

OPA 400 contemplated the collection of the Woodlot Acquisition Development Charge (WADC) for the purpose of acquiring defined "Woodlots" over an extensive geographic area. It established the WADC rate, the price per acre of Woodlot acquired, the Woodlots to be acquired and time of acquisition.

The City enacted Special Service Area Development Charge By-law 245-98 to collect WADC's. As the *Development Charges Act*, was amended and WADC's were no longer allowed, the By-law was only in force until September 1, 1999.

As the By-law was to expire, the matter of the acquisition of Woodlots and the imposition of Woodlot development charges has been under the contractual regime provided by the master front-end agreement. The initial front-end agreement was executed with Comdel Developments Inc., under date of June 1, 1999.

OPA 600 continued the policy intention to encourage and pay for the acquisition of Woodlots by the public sector. The master front-end agreement was drafted to reflect the policies of OPA 400 and these are continued in OPA 600.

The way to extend the application of the City's Woodlot acquisition programme to the new urban area defined in OPA 600, is to amend the master front-end agreement in accordance with OPA 600 to extend the benefitting area. Such an agreement would be required to follow the procedural requirements of the *Development Charges Act* respecting front-end agreements.

A Front-ending Agreement is the device that all landowners with identified Woodlots requiring a plan of subdivision approval or consent within the new communities were/are required to enter into, to conform to Official Plan Amendment 400 and OPA 600. Upon its initial negotiation and acceptance in 1999, this Agreement was promulgated with notice as required by the *Development Charges Act*, as amended. While the Agreement was put in place during the life of By-law 245-98, its greater value in terms of implementing the Woodlot Acquisition Policy of Official Plan Amendment 400 and OPA 600 was in its area wide applicability over a longer term.

The requirement to pay a WADC after the expiry of By-law 245-98 arose upon the execution by one owner and the establishment of the "standard form" as a front-end agreement applicable to the entire geographic area of the new communities.

The Agreement provides that a landowner conveying a Woodlot at registration of a plan of subdivision credit against the WADC for the units within the plan of subdivision containing the Woodlot. As well, such landowner with a shortfall owing after the application of the credit will be paid from any WADC funds in the WADC account arising from the Block in which the subject lands are located in the priority that the owner's compensation entitlement is to other Woodlot acquisition compensation amounts owing within the said Block based on the date of registration. Finally, the landowner may look to any surplus funds in the WADC account from all Blocks in addition to the Block in which the subject lands are located in priority of registration. The WADC account has funds available as WADC's are collected from all developers including those with plans having no woodlots.

By-law 245-98 contained the Schedule, attached as Attachment #1, identifying the areas required to pay WADC's and the woodlots designated by OPA 400. Woodlots were not shown in 1998 in Block 12, as Block 12 was designated "Future Policy Area" by OPA 400.

OPA 600 was approved in June 2001, and included in the Terrestrial (Woodland) Resources Protection Policies that the Plan provided for acquisition of designated Woodlots... in Carrville – Urban Village 2, which included Block 12. Block 12 was designated "Low Densities", "Low Densities Special Policy Area", "Greenway System", "Neighbourhood Commercial Centre", and other designations along with "Tableland Woodlots". Block 12 contains tableland woodlots comprising 11.8 acres.

Woodlot Acquisition through the WADC and front-ending agreement has been very successful. The City has acquired the majority of the designated woodlots shown on Attachment 1. There was a 17 acre woodlot in Block 11 owned by the MacMillan family which was conveyed to the Nature Conservancy of Canada in 2004. Accordingly, this woodlot will not be acquired by the City and can be removed from the calculation of woodlots to be paid for from the WADC.

The boundaries of the designated woodlots were more clearly delineated through the subdivision approval process for the various blocks. The estimated number of lots contributing WADC's was also more clearly determined through the subdivision approval process.

Block 12 was included in By-law 245-98 to pay WADC's. Given that the Block was included in the Terrestrial (Woodlands) Resources Protection provisions of OPA 600, the Block 12 Developers Group has requested the front-ending agreement be amended to include Block 12

woodlots in the benefitting area. Staff and the Block 12 Developers Group will be consulting with the remaining woodlot owners in the benefitting area in the preparation of the amending agreement.

City staff have revisited development forecasts and anticipate that there will be sufficient funds collected to acquire all the designated woodlot including the proposed woodlots identified in Block 12.

Relationship to Vaughan Vision 2020/Strategic Plan

This report is consistent with the priorities previously set by Council.

Regional Implications

N/A

Conclusion

The City's innovative woodlot acquisition strategy, along with cooperation of the development community, has resulted in the preservation of many acres of table land woodlots to be enjoyed by present and future residents. This recommendation seeks to enact a by-law to authorize the execution of an Amended Woodlot Acquisition Front-ending Agreement.

Attachments

Attachment 1 – Benefitting Area & Woodlots

Report prepared by:

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Respectfully submitted,

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Commissioner of Finance & Corporate Services
Deputy City Manager

Heather A. Wilson
Director of Legal Services

Ferrucio Castellarin
Director of Reserves & Investments

**DEVELOPMENT CHARGE
BY-LAW
WOODLOT ACQUISITION**

LEGEND



SUBJECT LANDS



WOODLOTS

THIS IS SCHEDULE "D-13"
TO BY-LAW -98

PASSED THE ___ DAY OF ___, 199_

SIGNING OFFICERS

MAYOR

CLERK

