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# Staff Report

## Community Services

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**Report To:** Committee of The Whole  
**Meeting Date:** January 9, 2017  
**Report Number:** CSPW.17.006  
**Subject:** Ownership and Responsibility of Lands and Trails Through the Development Process  
**Prepared by:** Shawn Everitt, Director of Community Services

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### A. Recommendations

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THAT Council receive Staff Report CSPW.17.120 entitled "Ownership and Responsibility of Lands and Trails Through the Development Process";

AND THAT Council authorize Staff to consider early assumption for land and trails that are to be conveyed to the Town through the development process.

### B. Overview

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This Report identifies the need to improve the Town's existing practice of assumption of lands and trails that have been, or will be, acquired by the Town through the Town's Development Process.

### C. Background

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During the development of the 2016 Leisure Activities Plan and Town Inventory process, Staff identified that the Town's current Development Process has two stages. The first stage involves the signing of the development agreement where lands that are to be conveyed to the Town are deeded to the Town. At this stage, the Town is the owner of the lands that have been conveyed.

The second stage involves the assumption of the lands, which is currently completed through the assumption of works and infrastructure that includes road works as well as water and wastewater infrastructure. Staff have identified that, in many cases, the assumption of lands and trails can span 6 – 8 years or more before the assumption of works takes place. However, during this time, the Town has owned these lands.

Currently, Town Staff do not actively monitor lands that have not received final assumption. Inspections and maintenance are not performed and, in many cases, lands that had not received final assumption were not even recognized as being Town owned.

The Town currently uses a single assumption By-law for all works within a development, including the assumption of lands. To formally assume the lands and trails that have been conveyed to the Town, the Town must prepare an assumption By-law for to be approved by Council.

## **D. Analysis**

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Staff recommend an early assumption By-law process for lands and trails that would provide clear ownership and management of the lands conveyed to the Town. This process would follow the same process as the existing assumption By-law process, including receiving Council approval. Along with that clarity, the Town will also have the appropriate knowledge of any potential land issues or concerns. A defined potential or planned use of lands would also be identified including any restrictions or requirements, such as protection of lands, which would require the specific management of lands including the development of a Parks Management Plan.

For future developments that have not been registered, the process of ownership and responsibility of lands being recommended by Staff is as follows;

- Blocks of land(s) to be conveyed to the Town are to be clearly identified on final Development Plans. Assumption of lands and trails would only include those lands and trails that are free of infrastructure and services such as water, wastewater, drainage facilities, storm water management facilities, sidewalks and road works.
- Lands to be conveyed by the town would be inspected by Town Staff and conditions documented prior to the lands being conveyed to the Town. This includes the provision where applicable for the developer to supply environmental screening/assessment reports of land(s) that are to be conveyed to the Town.
- Proposed trail alignment for future trail development will be inspected prior to the construction of trail(s).
- Assumption of trail(s) would take place after final inspection of the constructed trails.

Staff recommend minor housekeeping of the existing Development Agreements, where acceptable by the Developer, to allow for early assumption of the lands that have been previously conveyed to the Town.

The proposed early assumption process would only include lands and trails where services such as water, wastewater, drainage facilities, storm water management facilities, sidewalks or road works are not present on the lands (Blocks) that have been already conveyed to the Town.

All constructed trails would require inspection and acceptance of works by Town Staff prior to assumption

## **E. The Blue Mountains Strategic Plan**

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- Goal #1: Create Opportunities for Sustainability
- Goal #2: Engage Our Communities & Partners
- Goal #3: Support Healthy Lifestyles
- Goal #4: Promote a Culture of Organizational & Operational Excellence
- Goal #5: Ensure Our Infrastructure is Sustainable

## **F. Environmental Impacts**

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Appropriate and best management practices of Town owned land.

## **G. Financial Impact**

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Taking responsibility and assuming management of land and trails once conveyed to the Town will provide for effective budgeting for maintenance and management of land and trails owned by the Town.

## **H. In consultation with**

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Senior Management Team  
John Metras, Town Solicitor  
Brian Worsley, Manager of Development Engineering  
Tom Gray, Development Engineering Technologist  
Terry Green, Manager of Parks and Trails

## **I. Attached**

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None

Respectfully submitted,

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