

Disposal of Land in Parks and Open Space Areas and the Green Space System for Certain Infrastructure and Conservation Projects: Draft Official Plan Amendment

Date: May 27, 2021

To: Planning and Housing Committee

From: Chief Planner and Executive Director, City Planning

Wards: All

SUMMARY

This report proposes a draft amendment to the City's Official Plan to provide greater clarity regarding when an Official Plan Amendment is required for certain disposals of City-owned land in *Parks and Open Space Areas* and the *Green Space System* to facilitate conservation projects, public transit and essential public works and utilities that support Toronto's development, growth and quality of life.

Lands designated as *Parks and Open Space Areas* and lands comprising the *Green Space System* in the Official Plan accommodate natural habitat areas, important ecological services and many of the City's recreation opportunities. These lands are essential to health, prosperity and quality of life in our City and are afforded a high level of protection in the Official Plan. Official Plan policies set out that the sale or disposal of publicly-owned lands in *Parks and Open Space Areas* and the *Green Space System* is discouraged, and no City-owned lands in *Parks and Open Space Areas* and the *Green Space System* will be sold or disposed of except where city owned land may be exchanged for other nearby land of equivalent or larger area and comparable or superior green space utility

In Toronto's Municipal Code, the sale or disposal of land includes the granting of a fee simple interest, or granting a leasehold or easement interest for a term that exceeds 21 years. The City's current practice is to require the party requesting the disposal to apply for an Official Plan Amendment regardless of the scope, nature, or potential impact of the project. This approach draws significantly on Council and staff time, can cause confusion for applicants around interpretation of the Official Plan policies, and may significantly increase the timeline for delivering required infrastructure. For instance, since the Plan's adoption Council has approved over twenty-eight (28) Official Plan Amendments where the provisions of the Plan prohibiting the disposal of City owned land in the Green Space System or Parks and Open Space Areas do not apply. In addition the City receives approximately seven such requests per year.

Staff are seeking a balanced approach that would enable certain disposals which are consistent with the intent of the Official Plan, while still maintaining strong protections for *Parks and Open Space Areas* and the *Green Space System*. The proposed approach introduces criteria, based on current Official Plan policies, to evaluate disposal requests. If a project meets these criteria to the satisfaction of the Chief Planner and the General Manager of Parks, Forestry and Recreation, then an Official Plan Amendment would not be required. In all other cases, an Official Plan Amendment would still be required.

In evaluating requests for disposals, staff will continue to apply key official plan policies including the goal of maintaining or where possible increasing the size and utility of parkland.

Staff are seeking direction to undertake public and stakeholder consultations on the draft Official Plan Amendment and present the results of the consultation along with final recommended amendments to the Official Plan in a report to City Council in late 2021. This report does not propose to change the City's current disposal framework set out in the Municipal Code, beyond clarifying when an Official Plan Amendment is and is not required. This report does not recommend and will not result in the declaration of any City-owned lands as surplus.

RECOMMENDATIONS

The Chief Planner and Executive Director, City Planning recommends that:

1. Planning and Housing Committee request the Chief Planner and Executive Director, City Planning to hold one public open house and consult with key stakeholder groups, including Metrolinx, to obtain feedback on the draft Official Plan Amendment which is included in the Chief Planner and Executive Director's Report dated May 27, 2021 as Attachment 1.
2. Planning and Housing Committee request the Chief Planner and Executive Director, City Planning to report back to Planning and Housing Committee on the results of the open house and stakeholder consultations and a final recommended Official Plan Amendments in the fall of 2021.

FINANCIAL IMPACT

The City Planning Division confirms that there are no financial implications resulting from the recommendations included in the report in the current budget year or in future years.

ISSUE BACKGROUND

Our system of parks and green spaces helps make Toronto a healthy and livable City. The City's *Green Space System*, made up of parks and open spaces and the natural

heritage system is an integral part of our quality of life and social well-being. It provides opportunities for recreation, relaxation and experiencing nature and contributes to Toronto's competitive advantage as a place to invest. It is recognized that Toronto's parks and open space system will need to expand to serve the needs of a growing and changing city.

At the same time, existing spaces are coming under increased pressure from infrastructure projects resulting from the City's growth. Conservation projects, public transit and essential public works and utilities support and underpin development, thus the planning for their delivery and their location within the city is also critical to the success of the city.

Over the past five years, there has been an increase in requests for disposal of *Parks and Open Space Areas* as a result of Metrolinx public transit projects, and utility companies upgrading infrastructure to support Toronto's development, growth and quality of life. Requests differ in terms of scope and impact. For example, some requests are for underground easements to bury pipelines, utility cables or telecommunications infrastructure. For such projects, public access and park utility can often be maintained. Other examples of requests are for disposals to accommodate transit and transportation projects, such as GO Expansion and Ontario Line, as well as the Gardiner Expressway & Lake Shore Boulevard East Reconfiguration. In cases where park utility cannot be maintained, City staff seek to negotiate fair compensation, either financial or in-kind (i.e. replacement parkland).

It is anticipated that as the City continues to grow, installing new infrastructure in built-up areas will increase in complexity and increased pressure will be placed on lands designated *Parks and Open Space Areas* or *Green Space System* in order to accommodate projects involving the transmission of energy, communications and the movement of people.

The *Parks and Open Space Areas* designation generally prohibits development within Parks and Other Open Space Areas except for recreational and cultural facilities, conservation projects, cemetery facilities, public transit and essential public works and utilities where supported by appropriate assessment. Notwithstanding the recognition that these uses may be permitted, the Official Plan provides that disposal of publicly owned lands in *Parks and Open Space Areas* and the *Green Space System* is discouraged and no City-owned lands in *Parks and Open Space Areas* and the *Green Space System* will be sold or disposed of. As such, while certain land uses to facilitate infrastructure are permitted under the Official Plan, the enabling transaction (disposal of land) to bring about the use is prohibited.

Current Process: Site-Specific Official Plan Amendments to Enable Disposals

The City's current practice is to require the applicant seeking to utilize *Parks and Open Space Areas* and *Green Space System* lands for infrastructure undertakings to satisfy the land exchange provisions embedded currently in the City's Official Plan. The policy provides that City-owned land may be exchanged for other nearby land of equivalent or larger area and comparable or superior green space utility. However, if this is not

feasible, then the applicant requesting the disposal must apply for an Official Plan Amendment to add the property to Site & Area Specific Policy 265.

Staff evaluate requests for site-specific Official Plan Amendments through a rigorous process that includes a preliminary staff report to Council, public consultation, a final Council report and an appeal period. If approved, the property is added to Site & Area Specific Policy 265 that states that the policies prohibiting the disposal of City-owned land in *Parks and Open Space Areas* and *Green Space System* do not apply. This requirement is integrated into staff's framework for the disposal of land set out in the Municipal Code, such that disposals cannot proceed in absence of this requirement being met.

The process of reviewing requests for an Official Plan Amendment ensures due diligence for the protection of public interest in *Parks and Open Space Areas* and *Green Space System* lands but adds considerable time to the overall planning and real estate process for infrastructure projects, which currently takes 1 to 3 years. Some infrastructure projects are time sensitive and must proceed more quickly than the current review timeline allows. In such cases, Corporate Real Estate Management (CREM) staff may approve a temporary easement with the condition that the party must apply for an Official Plan Amendment before a permanent easement can be granted.

PLANNING POLICY FRAMEWORK

Planning Act, Section 2 - Provincial Interest

Under Section 2 of the Planning Act, the council of a municipality is required to have regard to matters of provincial interest which include: (a) the protection of ecological systems, including natural areas, features and functions; (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems; (h) the orderly development of safe and healthy communities; (i) the adequate provision and distribution of recreational facilities; and (p) the appropriate location of growth and development. The following sections describe the framework under which the draft amendments are created. These all have the intent and purpose to implement matters of provincial interest.

Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS) 2020 provides policy direction on matters of Provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land on key planning issues that affect communities, such as the efficient use and management of land and infrastructure and the appropriate transportation, water, sewer and other infrastructure needed to accommodate current and future needs. The following policies are related to the draft Official Plan Amendment contemplated by this report.

One of the objectives of the PPS (2020) is to ensure that healthy, liveable and safe communities are sustained by, among other things, accommodating recreation, park and open space, and other uses to meet long-term needs (Policy 1.1.1 b)). Liveable

communities are also sustained by "promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs" (Policy 1.1.1 e)).

Infrastructure is defined as the physical structures (facilities and corridors) that form the foundation for development. Infrastructure includes: sewage and water systems, septage treatment systems, stormwater management systems, waste management systems, electricity generation facilities, electricity transmission and distribution systems, communications/telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities.

Policy 1.5.1 b) of the PPS (2020) states that healthy, active communities should be promoted by "planning and providing for a full range and equitable distribution of publicly accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources".

Consideration should also be given to Policy 1.6.8.1 which provides that planning authorities shall plan for and protect corridors and rights-of-way for infrastructure, including transportation, transit and electricity generation facilities and transmission systems to meet current and projected needs and Policy 2.1.1 which states that natural features and areas shall be protected for the long-term.

The Planning Act requires City Council's planning decisions to be consistent with the PPS.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020

The Growth Plan for the Greater Golden Horseshoe (Growth Plan 2020) provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

Section 2.1 provides the context for the Plan and states that complete communities support quality of life and human health by encouraging the use of active transportation and providing high quality public open space, adequate parkland, opportunities for recreation, and access to local and healthy food.

Section 2.2.1.3 of the Growth Plan (2020) states:

"Upper- and single-tier municipalities will undertake integrated planning to manage forecasted growth to the horizon of this Plan, which will:

c) provide direction for an urban form that will optimize infrastructure, particularly along transit and transportation corridors, to support the achievement of complete communities through a more compact built form;"

Section 2.2.1.4 d) i. provides that:

Applying the policies of this Plan will support the achievement of complete communities that expand convenient access to an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and provide for a more compact built form and a vibrant public realm, including public open spaces; Section 3.2.1 further states that:

2. Planning for new or expanded infrastructure will occur in an integrated manner, including evaluations of long-range scenario-based land use planning, environmental planning and financial planning, and will be supported by relevant studies and should involve:

a) leveraging infrastructure investment to direct growth and development in accordance with the policies and schedules of this Plan, including the achievement of the minimum intensification and density targets in this Plan;

b) providing sufficient infrastructure capacity in strategic growth areas;

3. Infrastructure investment and other implementation tools and mechanisms will be used to facilitate intensification and higher density development in strategic growth areas. Priority will be given to infrastructure investments made by the Province that support the policies and schedules of this Plan.

These policies reinforce the direction that complete communities need to balance policies that allow for access to open space while allowing for coordinated infrastructure planning.

The Planning Act requires City Council's planning decisions to conform with, or not conflict with, as the case may be, the Growth Plan (2020).

Official Plan

The City's Official Plan contains several policies which are related to the disposal of and development on City-owned land designated as *Parks and Open Space Areas*.

Chapter 2:

2.3.2 TORONTO'S GREEN SPACE SYSTEM AND WATERFRONT

4. The sale or disposal of publicly owned lands in the Green Space System will be discouraged. No City owned land in the Green Space System will be sold or disposed of. However, City owned land in the Green Space System may be exchanged for other nearby land of equivalent or larger area and comparable or superior green space utility.

9. The sale or disposal of publicly owned lands on the water's edge will be discouraged

Chapter 3 - Building a Successful City

Section 3.1.5 includes policies that seek to protect, and provide for the wise use and management of the Cultural Heritage resources, the significant buildings, properties, districts, landscapes and archaeological sites found throughout the city. Cultural Heritage is an important component of sustainable development and placemaking. The policies in this section provide for processes and decisions that consider the protection of the resources.

Section 3.4 includes policies that seek to protect, restore and enhance the health and integrity of the natural environment and biodiversity. Policies in this section state that new or expanding infrastructure should be avoided unless there is no reasonable alternative, adverse impacts are minimized and natural features and ecological functions are restored or enhanced where feasible. An impact study is also required for projects which are not already subject to an Environmental Assessment.

Chapter 4 - Land Use Designations

Policy 4.3(2) states that development is generally prohibited within Parks and Open Space Areas except for recreational and cultural facilities, conservation projects, cemetery facilities, public transit and essential public works and utilities where supported by appropriate assessment.

Policy 4.3.8. states that "the sale or disposal of publicly owned lands in Parks and Open Space Areas is discouraged and no City owned lands in Parks and Open Space Areas will be sold or disposed of. However, City owned land in Parks and Open Space Areas may be exchanged for other nearby land of equivalent or larger area and comparable or superior green space utility".

In addition Policy 4.3.6 establishes criteria for development within lands designated Parks and Open Space Areas. The policy provides that " Any development provided for in Parks and Open Space Areas will:

- a) protect, enhance or restore trees, vegetation and other natural heritage features and maintain or improve connectivity between natural heritage features;
- b) preserve or improve public visibility and access, except where access will damage sensitive natural heritage features or areas, or unreasonably restrict private property rights;
- c) maintain, and where possible create linkages between parks and open spaces to create continuous recreational corridors;
- d) maintain or expand the size and improve the usability of publicly owned Parks and Open Space Areas for public parks, recreational and cultural purposes;
- e) respect the physical form, design, character and function of Parks and Open Space Areas; and
- f) provide comfortable and safe pedestrian conditions."

COMMENTS

The *Parks and Open Space Areas* designation generally prohibits development within such lands except for recreational and cultural facilities, conservation projects, cemetery facilities, public transit and essential public works and utilities where supported by appropriate assessment. Concurrently, the sale or disposal of City-owned land in *Parks and Open Space Areas* or the Green Space System is prohibited by current Official Plan policies. However, City-owned land in *Parks and Open Space Areas* and the Green Space System may be exchanged for other nearby land of equivalent or larger area and comparable or superior green space utility.

The prohibitions on the disposal of City-owned land are longstanding and do not allow the transfer or the granting of long-term easements or leases in favour of other public agencies, Crown corporations or public or private utilities for infrastructure works or other city-building initiatives without an accompanying Official Plan Amendment.

Staff believe that the Official Plan policies regarding the disposal of land in *Parks and Open Space Areas* and the Green Space System and permitted uses and development limitations on those lands are important to protect City parkland and the Green Space System.

The intent of the proposal is to clarify that an Official Plan Amendment is not required for certain disposals that are in keeping with the intent of the Official Plan, as demonstrated through assessment against a set of criteria. Provided the appropriate criteria and official plan policies are satisfied, the following are examples of the types of disposals that could potentially be approved under the proposed approach, without requiring an Official Plan Amendment:

- transfers of ownership or long-term easements to federal or provincial government agencies or boards (e.g. Toronto and Region Conservation Authority) for purposes of advancing infrastructure projects or conservation activities; or
- transfers of long-term easements to utilities or Crown corporations for infrastructure works.

In reviewing requests for disposals staff will seek to maintain, or where possible increase, the size and utility of parkland. For example, in many cases underground easements to facilitate energy or telecommunications infrastructure may be compatible with maintaining public access and park utility. Where park utility cannot be maintained, or in-kind compensation through land exchange are not feasible, staff will seek financial compensation. Further as part of this review, staff will consider whether an easement or a lease would be sufficient to accommodate the third party's proposed infrastructure or activities, before considering a possible fee simple transfer of ownership to the third party. This is important because the City is better able to impose conditions and restrictions on the use of the land by the third party if the City remains the owner of the land. It is very difficult to impose such controls or to ensure that the land is even used for the intended infrastructure or activities if the City transfers fee simple ownership of the land to a third party.

The draft amendment will not revoke Council's current disposal framework contained in the City's Municipal Code, but rather will solely establish criteria to determine when an Official Plan Amendment is not needed. Accordingly, it is not being proposed that the policies prohibiting disposal be eliminated, but rather that a new policy be introduced to enable routine disposals for projects that, through the application of criteria, are found to comply with the intent of the Official Plan. Adding clarity to the Official Plan disposal policy will not weaken the review and decision making process, and Official Plan Amendments will still be needed if the criteria in the draft Official Plan Amendment are not satisfied. Disposals may still be rejected that do not meet the necessary criteria or conform with other Official Plan policies and City interests.

Definition of Sale or Disposal

For the purposes of this policy, a sale or disposal includes a transfer of ownership or a disposal by way of a lease or an easement for a term of more than 21 years. This definition is consistent with the interpretation of "sale" in § 213-1.2. of Toronto's Municipal Code for the purposes of declaring land surplus and is applicable to all policies in the Official Plan which speak to the sale and other disposal of land. Easements and leases with a term of 21 years or less are not captured by this definition.

For clarity, it is recommended that the following definition be included in the Official Plan: "'Sold or disposed of' means sold or otherwise disposed of by way of a grant in fee simple or a grant of a leasehold or easement interest where the unexpired term of such interest, including any rights of renewal or extension, exceeds 21 years, and 'sale or disposal', shall have a corresponding meaning."

Proposed Criteria

Criteria for evaluating disposal requests in *Parks and Open Space Areas* and the Green Space System have been drafted with the intent of evaluating disposal requests to determine if they meet the intent of the Official Plan. Proposed criteria are listed in Attachment 1 and are summarized below.

The first criterion, proposed as Policy 4.3.9 (a), is that the sale or disposal is necessary to implement an undertaking approved through a Council adopted and/or Minister approved Environmental Assessment *which has examined all reasonable alternatives*. As part of Policy 4.3.9 (a), staff propose to include a specific requirement to demonstrate that all reasonable alternatives have been considered, to ensure that any options to locate the infrastructure outside of *Parks and Open Space Areas* or the Green Space System have been fully evaluated. Assuming that all reasonable alternatives have been considered then staff may determine that a project would not require a site specific Official Plan Amendment because the Environmental Assessment process is comprehensive and includes demonstrating rationale, consideration of adverse impacts, and public consultation.

For projects for which there is no Council adopted and/or Minister approved Environmental Assessment which has examined all reasonable alternatives, staff propose that a series of additional criteria which must be all considered and satisfied

before it can be determined if an Official Plan Amendment is not required. These criteria, proposed as Policy 4.9.3 (b), include a determination that:

- there is no reasonable alternative;
- an appropriate assessment of potential impacts has occurred;
- adverse impacts are minimized and natural features and ecological functions are restored or enhanced where feasible;
- the health and integrity of the natural ecosystem are sustained, restored and enhanced to the fullest extent feasible; and
- the disposal and associated use requested complies to the fullest extent possible with the Development Criteria for *Parks and Open Space Areas* Policies in section 4.3.6 and the Natural and Cultural Heritage Policies in Chapter 3 of the Official Plan.

Appropriate Assessment

Among the proposed criteria is that the disposal and the related use in *Parks and Open Space Areas* or the Green Space System must be supported by an "appropriate assessment of potential impacts". An appropriate assessment may be satisfied through a number of means and can include:

- A previous Council endorsement - If the project has already been approved after an extensive planning process, including public consultations, or if City Council has already approved or endorsed the project, and/or if there is no other requirement to initiate an Official Plan Amendment for the project, then the implementing real estate transaction should not be unduly delayed by the requirement for an Official Plan Amendment.
- An extensive staff and senior management review through the existing Technical Review Committee (based on the Delegated Authority Process set out in Municipal Code Chapter 213, Real Property) of the following components:
 - The description of and rationale for the project;
 - The authority for the project (legislative, government approval, or council recommendation)
 - An evaluation of the preferred approach and/or location, and alternatives;
 - The impact and potential opportunities for mitigation of the loss of green space, or opportunities to improve the utility of the remaining green space;
 - The construction method, schedule and restoration plan; and
 - The consultation process.

Supporting Municipal Code Amendment

Attachment 2 to this Report summarizes the current review process for disposal requests in *Parks and Open Space Areas* or the *Green Space System* and the proposed changes to the process. Most significantly, the proposed process would necessitate an amendment to the Municipal Code requiring confirmation by the Chief Planner and the General Manager of Parks, Forestry and Recreation (PF&R) that the proposed sale or disposal complies with the criteria in the draft Official Plan policy

(similar to the land exchange process). Disposal requests found to meet these criteria would not require a site specific Official Plan Amendment.

Approval of the recommendations of this staff report would not make any additional changes to the disposal framework set out in the Municipal Code and will not result in the transfer of any City-owned lands.

Implementation

To support implementation of this policy, staff propose to develop a consistent process for the review of disposal requests. The process would inform staff's recommendation to the Chief Planner and General Manager of Parks, Forestry and Recreation as to whether a site-specific Official Plan Amendment is required for the disposal based on assessment of the criteria set out in draft Policy 4.3.9. This process would also draw on additional information outlined in this staff report, including the proposed interpretation of "appropriate assessment".

Proposed Consultation

Staff recommend undertaking consultation with key stakeholder groups, including infrastructure providers, telecommunications companies, Indigenous groups and community members for the purpose of reviewing the draft Official Plan Amendment. Staff will address stakeholder and community feedback to ensure that the ultimate recommended policy provides clarity on the intention and interpretation of the Official Plan policies regarding the disposal of lands in the *Parks and Open Space Areas* and the *Green Space System* and streamlines the City's planning and real estate review process.

CONCLUSION

The purpose of the draft Official Plan Amendment is to put in place a rigorous framework to address future disposals of City-owned land that support required infrastructure projects, namely projects that are advancing federal, provincial and City interests and priorities, including conservation projects, public transit and essential public works and utilities.

The draft amendments do not conflict with the intent of the PPS, or the Growth Plan. The draft Official Plan Amendments are technical in nature and considered appropriate.

Staff will report back on the results of the consultations and on any recommended changes to the draft policies in the fall of 2021.

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SIGNATURE

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ATTACHMENTS

Attachment 1: Draft Official Plan Amendment

Attachment 2: Review Process for Sale or Disposal Requests of Land in Park and *Open Space Areas* and *Green Space System*

Attachment 1: Draft Official Plan Amendment

Amend the following sections to read as follows:

2.3.2 TORONTO'S GREEN SPACE SYSTEM AND WATERFRONT

4. The sale or disposal of publicly owned lands in the Green Space System will be discouraged. No City owned land in the Green Space System will be sold or disposed of, unless such sale or disposal satisfies the criteria set out in Policy 4.3.9 of this Plan. City owned land in the Green Space System may be exchanged for other nearby land of equivalent or larger area and comparable or superior green space utility.

4.3 PARKS AND OPEN SPACE AREAS

8. The sale or disposal of publicly owned lands in Parks and Open Space Areas is discouraged and no City owned lands in Parks and Open Space Areas will be sold or disposed of, unless such sale or disposal satisfies the criteria set out in Policy 4.3.9 of this Plan. City owned land in Parks and Open Space Areas may be exchanged for other nearby land of equivalent or larger area and comparable or superior green space utility.

Add Policy 9 in Chapter 4.3 Parks and Open Space Areas [FOLLOWING IS NEW TEXT]

4.3.9 Within the Green Space System and Parks and Open Space Areas, the sale or disposal of City-owned lands to facilitate a proposed development of: conservation projects; public transit; and essential public works and utilities may occur without an amendment to this Plan where it is demonstrated that:

- a) the sale or disposal is necessary to implement an undertaking approved through a Council adopted and/or Minister approved Environmental Assessment which has examined all reasonable alternatives; or
- b) the following criteria are satisfied where applicable:
 - i. there is no reasonable alternative;
 - ii. an appropriate assessment of potential impacts has occurred;
 - iii. adverse impacts are minimized;
 - iv. the integrity of the Green Space System, and lands in City-owned Parks and Open Space Areas are sustained, restored and enhanced to the fullest extent feasible;
 - v. where the proposed sale or disposal is on lands along the water's edge or in its vicinity, it will only be

Sale or disposal

For greater clarity, 'sold or disposed of' means sold or otherwise disposed of by way of a grant in fee simple or a grant of a leasehold or easement interest where the unexpired term of such interest, including any rights of renewal or extension, exceeds 21 years, and 'sale or disposal', shall have a corresponding meaning .

When public works not subject to the Environmental Assessment Act are planned to traverse, coincide with, or otherwise affect the Natural Heritage System, an Environmental Impact Study may be required to be submitted by the applicant and approved by the City and the appropriate conservation authority.

considered or undertaken where the sale or disposal and the proposed development will, to the extent feasible, satisfy all criteria in Policy 2.3.2.7 of this Plan;

vi. where the proposed sale or disposal is of lands within Parks and Open Space Areas, it will only be considered or undertaken where the sale or disposal and the proposed development will, to the extent feasible, satisfy all criteria in Policy 4.3.6 of this Plan;

vii. where the proposed sale or disposal is of lands within Natural Areas, it will only be considered or undertaken where the sale or disposal and the proposed development satisfy the relevant policies and objectives of section 3.4 (Natural Environment) of this Plan.

viii. where the proposed sale or disposal is of lands within or adjacent to Cultural Heritage resources, it will only be considered or undertaken where the sale or disposal and the proposed development satisfy the policies and objectives of section 3.1.5 (Heritage Conservation) of this Plan.

Attachment 2: Proposed Review Process for Disposal Requests in Parks and Open Space Areas and Green Space System*

*Please note that italicized words and phrases indicate a new process.

1) INTAKE

- CREM receives request, confirms land use designation and forwards request to PF&R Division; CREM/PF&R assess if the request can instead be accommodated in road or other less impactful location
- PF&R Division reviews and determines impact to the parkland and reviews with Park Operations and other staff as appropriate
- CREM and PF&R either recommends that the request be refused or that further consideration be given to the request by the Technical Review Committee (TRC)

2) TECHNICAL REVIEW COMMITTEE (TRC)

- CREM circulates the request to City Divisions, Agencies, Corporations and applicable councillor(s) for comment
- TRC reviews the request and the comments received from the circulation
- TRC recommends that the property interest either:
 - not be declared surplus to municipal requirements; or
 - be declared surplus conditional upon confirmation by the GM of PF&R and the Chief Planner that the proposed land exchange meets the requirements set out in the Official Plan pertaining to the exchange of City-owned lands designated as Parks and Open Space Areas or Green Space System; or
 - *be declared surplus conditional upon confirmation by the GM of PF&R and the Chief Planner that the proposed sale or disposal satisfies the criteria in Policy 4.3.9 of the Official Plan; or*
 - be declared surplus if an Official Plan Amendment is enacted adding the property to Site and Area Specific Policy 265

3) OFFICIAL PLAN AMENDMENT PROCESS

- *If the proposed sale or disposal does not satisfy the criteria in Policy 4.3.9 of the Official Plan*, then either the City or the requesting party submits application for Official Plan Amendment to add the property to Site and Area Specific Policy 265
- Preliminary Council Report, Statutory Public Meeting, & Final Council Report
- Appeal period

4) TRANSACTION

- *If the proposed sale or disposal does satisfy the criteria in Policy 4.3.9 of the Official Plan to the satisfaction the GM of PF&R and the Chief Planner, the TRC may recommend that the property interest be declared surplus*
- City Council, or Deputy City Manager, Corporate Services by delegated authority, declares property interest surplus and approves the manner or process by which sale or disposal will be carried out
- CREM negotiates terms of proposed sale or disposal
- CREM obtains approval of proposed sale or disposal, either by delegated authority or, if applicable, by a report to City Council through the General Government and Licensing Committee
- Transaction is completed