



Corporate Report

NO: R130

COUNCIL DATE: June 11, 2007

REGULAR COUNCIL

TO: Mayor & Council DATE: June 4, 2007
FROM: General Manager, Engineering FILE: 0930-70/007
General Manager, Parks, Recreation and Culture
SUBJECT: Licence of Occupation for Environmental Habitat Works
over a portion of City parkland located at 15940 - 28 Avenue

RECOMMENDATION

The Engineering Department recommends that Council approve the granting of a Licence of Occupation over a portion of City-owned parkland at 15940 - 28 Avenue (PID No. 011-364-513) for Environmental Habitat Compensation work.

INTENT

The purpose of this report is to obtain Council's authorization to enter into a Licence Agreement and charge the developer of a nearby parcel (7906-0153-00) both a licence fee and a monitoring & maintenance fee for the use of City parkland for a five year term.

BACKGROUND

On September 11, 2006 (Corporate Report R195) Council approved the City's "Habitat Replacement on City Land Policy" known as Policy P-15 (see Appendix II). The intent of this policy was to establish guidelines for the use of City land for habitat replacement triggered by development on other privately-owned lands.

DISCUSSION

Council recently approved the purchase of the subject land (May 28, 2007 - R116) for passive natural parkland purposes. A 2,760 m² portion of the City's property will be utilized by the developer for habitat compensation works. The compensation works consist of stream works, plantings, pathways, and log fencing, as co-ordinated by the City's drainage, environment & Parks staff to comply with the requirements as specified by Federal Fisheries staff. The compensation for use of the land and the ongoing

monitoring and maintenance costs have been determined by qualified, professional City staff.

CONCLUSION

A developer of nearby lands has applied to undertake habitat enhancement works on a portion of City lands. If the recommendation is approved, then the authority to construct these works on City land would be granted through a Licence of Occupation pursuant to City Policy P-15.

The proposed licence has the support of staff from all of the concerned City departments.

Laurie Cavan
General Manager
Parks, Recreation & Culture

Paul Ham, P.Eng.
General Manager, Engineering

WP/mpr

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Appendices:

- I. Aerial Photo of Site (showing the subject Pond G portion and the remaining parkland portion)
- II. Policy P-15

APPENDIX II



CITY POLICY

No. P-15

REFERENCE:	APPROVED BY:	CITY COUNCIL
	DATE:	SEPTEMBER 11, 2006 (RES. R06-2053)
	HISTORY:	NEW

**TITLE: COMPENSATION FORMULA AND PROTOCOL FOR
 HABITAT REPLACEMENT ON CITY LAND**

1.0 POLICY SUMMARY

Where appropriate, and as determined by the General Manager, Engineering or General Manager, Parks, Recreation and Culture, and subject to City Council approval, an applicant may relocate habitat enhancement requirements from the applicant's land to land owned by the City, upon the following conditions.

1.1 Guidelines for Substitute Environmental Land

The substitute City land, which may include dedicated road or park area, must first be acceptable to the approving governmental agency and generally possess appropriate environmental characteristics for the intended use.

1.2 Compensation Formula

Compensation will be calculated by the Realty Services Division of the Engineering Department and will be based on the higher of the two appraised market values as determined by an accredited appraiser using the following two valuation approaches:

1. The increase in the value of the applicant's land based on the benefit to the development as a result of locating the habitat works away from the development site (Lift in Value); and
2. 100% of the value of the City land being used for habitat replacement and/or environmental works. (However, the land will remain in City ownership).

1.3 Mechanism for Securing Tenure

A licence of occupation will, on terms determined by the City and approved by City Council, be granted to the applicant for the use of City land for environmental habitat purposes. The licence document, among other things, will describe the scope of work and will include a survey sketch plan and other appropriate drawings of the site works to be undertaken, including habitat

plantings. The licence in most instances will be for a term of five years after construction of the works is fully completed, and must be in accordance with the terms and conditions recommended by the senior governmental approving agency. The licence term will provide sufficient time to construct the works, establish associated planting areas, and complete the maintenance monitoring period as authorized by the senior governmental agency (e.g. Fisheries & Oceans Canada, provincial Ministry of Environment, Agricultural Land Commission, etc.).

1.4 Habitat Replacement Construction and Future Maintenance and Monitoring

The applicant will be solely responsible for the cost to construct, monitor, and maintain the mitigation works within the City-owned property for the term of its licence. The City will also require an appropriate lump sum payment from the applicant, as determined by the City, for payment to the responsible City department to cover the reasonable cost of ongoing monitoring and maintenance of the habitat area, including the existing plantings and plant replacement as required beyond the licence term.

1.5 Application Fee

An application fee of \$2,400 (inclusive of GST) per project will be required for the determination of the compensation payable, preparation of the licence documentation, and staff administration costs during the term of the licence. It is anticipated that City fees for service, as contained within By-law 14577, will be adjusted from time to time to reflect the City's increased costs. This Application Fee is in addition to the compensation payable to the City, the cost to construct the habitat mitigation works, and the lump sum ongoing maintenance fee, as referred to in Section 1.4 of this policy.