

greenway strategies, alliances pay particular heed to the need to:

- build municipal and other bodies' commitment to the greenway concept;
- create links compatible with an overall greenway system for the bioregion;
- give priority to protection of ecological systems, while providing informal recreation opportunities close to home;
- create mechanisms to effectively involve private landowners and developers.

**41.** Community greenway strategies should focus on creating a common vision, a community consensus, and a community commitment to work toward implementing that vision. In developing greenways, communities should take advantage of considerable valleylands that are already publicly held.

**42.** Community greenway strategies should include creation of continuous arterial greenways in the following valleys:

Grindstone Creek  
Bronte Creek  
Sixteen Mile Creek  
Credit River  
Humber River  
Don River  
Rouge River  
Duffin Creek  
Lynde Creek  
Oshawa Creek  
Bowmanville Creek  
Wilmot Creek

Ganaraska River  
Cobourg Brook  
Shelter Valley Brook

## **THE PROVINCIAL ROLE IN CREATING GREENWAYS**

Speaking in the Legislature on 17 December 1990, the Honourable Ruth Grier, Ontario's Minister of the Environment, said:

Our clear endorsement of Mr. Crombie's principles should be viewed by municipalities and the community as a ringing endorsement of the ecosystem approach to planning as well as to the underlying values of the Commission report. . . . We intend to use those nine principles as a guide, not only for the waterfront, but to move beyond the waterfront — to the GTA urban structure process.

Provincial support and assistance in creating greenways should be a central component in carrying out this commitment. The Province should require that greenways be considered an integral part of the infrastructure of municipalities in the future; when land-use planners talk about infrastructure needs, they should also be talking about greenways with the same emphasis as they give roads, sewers, electricity, and other essential services.

Several forms of provincial involvement in creating greenways are needed:

- legislative and policy backing, for provincial agencies, conservation authorities, and municipalities;
- direct involvement in implementation in selected areas, particularly along

the waterfront and on the Oak Ridges Moraine;

- technical assistance on greenway design and implementation, in support of community activities;
- financial commitment for planning activities, priority land acquisition, and trail development and maintenance; and
- broad co-ordination of a greenway system throughout the bioregion.

One of the key questions about the provincial role is whether a comprehensive new greenways act is required; while such legislation would symbolize provincial commitment to the concept, this Commission does not believe it is a prerequisite to action at this point. However, several amendments to existing legislation are required, to strengthen tools for creating greenways.

It is more important, in the Commission's view, for the Province to create incentives for creating greenways. These can be viewed in two packages: those that encourage municipalities and other agencies to take part in greenway planning and implementation; and those that secure participation by private owners of land in greenways.

Many of the incentives proposed in Ron Kanter's 1990 report, *Space for All: Options for a Greater Toronto Area Greenlands Strategy*, can be applied to greenways. For instance, the proposals for a five-year, \$100-million acquisition fund and for a Greenlands Foundation warrant further consideration.

In general, public acquisition of land should be considered a last resort in securing greenways. However, there will be instances, particularly where vital connectors for trails or other public access are required, in which no other means are likely to succeed. Without some form of significant provincial funding, a program of greenways in the bioregion would be crippled from the start.

Rather than simply allocating a set amount from the Consolidated Revenue Fund, however, there may be alternate, more effective means of providing funding. In the same way that a special tire tax is now collected to fund environmentally sound tire disposal, a designated tax source tied to land development could be used to create greenways and, thereby, contribute to environmental health.

Some American states levy a greenway surcharge on the Land Transfer Tax; typically in the one-to two-per-cent range, it has the advantage

of producing added revenues when development activities are at their peak, and when funding for protecting greenways is most needed.

Given the emphasis on community involvement in greenways, it would seem entirely consistent to provide funding assistance for acquisition on a matching, rather than a full-cost, basis. Again, experience in such American states as New Hampshire provides some interesting possibilities. Rather than providing a set rate of matching funding, they allow local agencies to "bid" for funding, based on the ability of the to pay, the priority given to the project, the

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Greenways . . . have the potential to be this country's most important land-based effort for conservation and recreation in the next several decades . . . . They can . . . give pride of accomplishment and responsibility to millions of people in every community. They can protect vital water, fish, wildlife, and recreation resources as integral parts of the growth of cities and communities. And, if greenways truly capture the imagination and boldness of the American spirit, they could eventually form the corridors that connect open spaces, parks, forests, and deserts — and Americans — from sea to shining sea.

President's Commission on Americans Outdoors. 1987. *Americans outdoors: the legacy, the challenge*. Washington, D.C.: Island Press.

ability to attract matching funds, and other factors.

If a landowner agrees to sell below full market value, the donated value can be used as part of the local matching funds, as can the value of lands or conservation easements donated elsewhere in the local system. This flexibility greatly increases incentives for local creativity, and maximizes the value received for each public dollar.

Administering grants and other incentive programs could be carried out by an appointed Greenways/Greenlands Foundation, which could also act as an agent of the Crown to receive donations. One model for this foundation is the British Countryside Commission, a highly successful agency that collaborates with others to benefit the countryside. Among other things, the

Countryside Commission carries out research on landscape change and leisure patterns, and on new approaches to the care and enjoyment of the landscape. It works with planning authorities, provides technical advice, and offers grants to landowners and agencies for conservation and public access projects. While it places great emphasis on partnerships, it does not own or manage land directly.

Given its current initiatives, the Province is already strongly involved in creating greenways along the waterfront and in the Oak Ridges Moraine and Niagara Escarpment areas. Elsewhere in the bioregion and in other parts of Ontario, the Province should act as catalyst and supporter of local actions, and as a partner in providing new tools and funding support for establishing greenways.

## RECOMMENDATIONS

- 43.** The Royal Commission recommends that the Province give high priority to introducing a legislative package as follows:
- amendments to the relevant sections of the Conservation Authorities Act to clarify the mandate of conservation authorities to undertake environmental protection and recreation activities related to greenways;
  - amendments to the Planning Act to require that, in the case of development, valleylands, wetlands, and other significant natural environments be dedicated to a public agency, or protected in private hands through such



*Meewasin Valley Trail, Saskatoon*

permanent mechanisms as conservation easements; this would be in addition to lands dedicated for park purposes;

- introduction of enabling legislation to permit municipalities, conservation authorities, and non-profit conservation organizations to hold conservation easements, so that local bodies can use this important conservation technique.

**44.** The Royal Commission further recommends that, under the Planning Act, the Province prepare a policy regarding the incorporation of greenway strategies into municipal Official Plans, and define the elements to be included in a greenway strategy.

**45.** The Province should establish a greenways/trails unit in the appropriate ministry to co-ordinate policies, programs, and activities across Ontario, and to act as a source of technical assistance and advice for local jurisdictions.

## **THE ROLE OF THE FEDERAL GOVERNMENT**

While most activities related to greenways involve provincial or municipal agencies, there are several ways in which the federal government can play a supportive role: for example, it could make a statement of support for partnership arrangements involving federal lands or could formalize the process for disposing of abandoned rail rights-of-way which, in some

cases, could provide important recreational links.

At present, once a railway line has been abandoned, federal authorities have no jurisdiction over the property, which reverts to the railway. The railway may then sell rights-of-way in parcels, as it sees fit, or retain them for real estate development (obviously the most profitable course in urban centres).

The federal government can also use its taxing powers to encourage private landowners to participate in greenways. While it is likely that, over time, some public-spirited landowners may be willing to donate lands for greenways, a donation of real property to the Crown or to a non-profit charity is a "deemed disposition" for tax purposes: the donor may be liable for significant capital gains taxes, although he has donated his property for public benefit.

The inequity of this situation has been recognized in cases where cultural artifacts are donated, through the Cultural Property Import and Export Act, which exempts them from being considered capital gains in the donor's income. Designated non-federal institutions are also allowed to issue charitable receipts equivalent to those for gifts to the Crown, which can provide a tax advantage to the donor. Similar treatment is needed for those who donate natural lands or interests in lands. Otherwise, the painting of a natural landscape could be more favourably treated than a gift of the land itself.

## **RECOMMENDATIONS**

**46.** The Royal Commission recommends that the Government of Canada

encourage its departments and agencies to co-operate, in any feasible way, in establishing greenways involving federal lands.

- 47.** The Royal Commission further recommends that the federal government, in co-operation with the provinces and the railways, seek to establish adequate formal procedures for disposing of rail rights-of-way after they have been abandoned, so that they can be acquired or retained for future use as a greenway corridor, if any level of government deems that use desirable.
- 48.** The federal government should introduce appropriate legislation or amendments to permit significant lands, or interests in lands, to be donated to qualified organizations without triggering capital gains assessments, and to permit the use of a tax credit up to the full value of the donation.