

## ADDENDUM

Date: Monday, September 12, 2022  
Time: 6:30 p.m.  
Location: Council Chamber

Town Hall is open to the public and live streaming video is available on [oakville.ca/live.html](https://www.oakville.ca/live.html) or at the town's YouTube channel at <https://www.youtube.com/user/TownofOakvilleTV>. Information regarding written submissions and requests to delegate can be found at <https://www.oakville.ca/townhall/delegations-presentations.html>.

	Pages
3. Discussion Item(s)	
*3.1. Parks Plan 2031 and Draft Plan Dedication By-law 2022-108	2 - 316
Recommendation:	
1. That the report from the Planning Services Department, Parks & Open Space Department and Finance Department, dated September 6, 2022 regarding the Town's <i>Parks Plan 2031</i> and Parkland Dedication By-law, be received;	
2. That Council endorse the Town's Parks Plan 2031, provided in Appendix "A" to this report;	
3. That By-law 2022-108, as provided in Appendix "B", be passed;	
4. That Council approve the Parkland Dedication Policy, attached as Appendix "C", and that the Parkland Dedication Procedure, attached as Appendix "D" be received; and,	
5. That notice of Council's decision reflects that Council has fully considered all the written and oral submissions relating to this matter and that those comments have been appropriately addressed.	
4. Consideration and Reading of By-Laws	
*4.2. By-law 2022-108	
A By-law to require the conveyance of parkland or the payment-in-lieu of parkland pursuant to the <i>Planning Act</i> (re: Item 3.1)	

## REPORT

### Special Planning and Development Council

Meeting Date: September 12, 2022

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**FROM:** Planning Services Department, Parks & Open Space Department,  
Finance Department

**DATE:** September 6, 2022

**SUBJECT:** **Parks & Open Space Strategy: Parks Plan 2031 and Draft Plan  
Dedication By-law 2022-108**

**LOCATION:** Town-wide

**WARD:** Town-wide

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#### RECOMMENDATION:

1. That the report from the Planning Services Department, Parks & Open Space Department and Finance Department, dated September 6, 2022 regarding the Town's *Parks Plan 2031* and Parkland Dedication By-law, be received;
2. That Council endorse the Town's Parks Plan 2031, provided in Appendix "A" to this report;
3. That By-law 2022-108, as provided in Appendix "B", be passed;
4. That Council approve the Parkland Dedication Policy, attached as Appendix "C", and that the Parkland Dedication Procedure, attached as Appendix "D" be received; and,
5. That notice of Council's decision reflects that Council has fully considered all the written and oral submissions relating to this matter and that those comments have been appropriately addressed.

#### KEY FACTS

The following are key points for consideration with respect to this report:

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- The *Parks Plan 2031* sets out how the town will continue to maintain its parkland standard of 2.2 ha per 1000 people; and establishes a mechanism to ensure sufficient land and cash-in-lieu is available to support the town-wide parkland standard.
  - The *Parks Plan 2031* assists the Town in establishing an expanded Parks hierarchy in supporting the overall ‘campus of parks’.
  - The park types, locations, sizes, development and designs will be established through the Town's Official Plan, master planning exercises, development applications and other subsequent processes, and not through the *Parks Plan 2031*.
  - The Parks Plan has been prepared as a result of changes to the *Planning Act*, which states that any parkland by-law utilizing the alternative rate that was in effect on June 21, 2020, will now expire as of September 18, 2022. The town needs to pass a new parkland by-law to continue utilising an alternative rate.
  - Legislative changes now grant the Ontario Lands Tribunal (OLT) the power to adjudicate appeals related to the parkland by-law and the OLT may amend the by-law as it relates to the alternative rate.
  - The Parkland Dedication By-law is one of three development financing tools (the Development Charges By-law and Community Benefits Charge By-law being the other two) at the town's disposal to ensure new development contributes to building community infrastructure. These three tools complement each other, but cannot overlap their respective jurisdictions.
  - A Council workshop was held June 14, 2022 regarding the Parks & Open Space Strategy. Staff also presented a draft parkland dedication by-law, and associated policy and procedure on August 9, 2022 for the purpose of receiving Council feedback and public input.
  - Comments have been received from both the general public and the development industry – these were provided as part of the August report. Staff has met with representatives of the town's Residents' Associations, and held another meeting with the development industry since Council's August meeting. Feedback was also solicited through a meeting with the Mayor's Community Leaders Roundtable. Comments received since August are attached to this report.
  - This strategy provides another tool that the town will employ to build complete and liveable communities.

- The final *Parks Plan 2031*, Parkland Dedication By-law, Parkland Dedication Policy and Procedure are being presented to Council for approval and adoption through this report.

## BACKGROUND

Over the last few years, the Province changed the regulations with respect to how municipalities can use development charges, bonussing and parkland dedication. Council recently passed a new Development Charges by-law and a Community Benefits Charge by-law. The final tool for Council to consider is the Parkland Dedication by-law.

Staff has been working with its consulting team – The Planning Partnership and N. Barry Lyon Consulting – to prepare a Parks Plan and corresponding parkland dedication by-law, per the legislative requirements. Staff has presented preliminary versions of these to Council, and consulted with the development industry, and the general public.

The Province has also amended both the Provincial Policy Statement (PPS) (in 2020) and the Growth Plan (in 2019) carrying a common theme relating to intensifying the built environment. While there are many benefits to maximising the use of investments in infrastructure, it becomes increasingly difficult to ensure all of the amenities are available to support complete communities – including parkland. The Town has taken several steps to plan for this required intensification, such as through Council's approval of the Urban Structure.

The Urban Structure directs increases in jobs and population primarily to the town's strategic growth areas (i.e. Midtown, Uptown, Bronte GO etc.). The problem results though, that as development densities increase, the maximum parkland dedication authorised by the *Planning Act* can easily exceed the size of many development sites such that development is not feasible. And if development is not feasible, the Town cannot achieve its mandated population forecast.

The *Parks Plan 2031* (link provided in Appendix "A") is a strategic document that identifies long-term needs for parkland, how it will be delivered, an urban parks hierarchy, and acquisition options, among other elements. There is also consideration for parks needs in the established community and where it is appropriate to take cash-in-lieu of parkland dedication.

The basic tenet of the *Parks Plan 2031* is to provide a structure for how and when to consider parkland dedication with the intent of maintaining a parkland to population ratio of 2.2 ha / 1000 people town-wide. This ratio was previously established in the



Parks, Recreation, Library Master Plan and is recommended to be maintained. The Plan also supports the town's ability to use an alternative parkland dedication rate.

A key focus of the Parks Plan is on parkland within the town's SGAs. There are various options the town can exercise to ensure sufficient parkland is provided within the SGAs – roughly 12% gross land area at minimum. This minimum amount responds to comments received from Council and the public where it was noted that there needs to be a reasonable amount of parkland available in the SGAs. This figure also reflects current parkland amounts in some of the SGAs.

Oakville is transitioning into a community that will have more urban areas with different parks' needs. There will be less need for active parkland in every neighbourhood, and more demand for passive parkland as areas intensify. These spaces are used differently by patrons which requires a different way in acquiring, delivering and maintaining them. A system of urban parks will complement the existing *campus of parks*, and suburban parks hierarchy, throughout the town. The *Parks Plan 2031* sets out a menu or hierarchy of parks that would be considered when Official Plan policies for specific areas are considered or when development applications are being reviewed.

As land becomes more scarce, the importance of the current philosophy of a campus of parks is highlighted. The entire Town needs to be viewed as a system of parks and each park, regardless of its location, serves a purpose for the entire municipality. That is the intent of the Strategy outlined in the *Parks Plan 2031* – to establish a system of parks that work together to provide for the parks needs of all residents throughout the entire municipality.

The final *Parks Plan 2031* can be found in its entirety (inclusive of appendices) here: <https://www.oakville.ca/townhall/parkland-dedication.html>

## COMMENTS

At its August meeting, Council heard several deputations – from both the general public as well as representatives of the development industry. Council requested that staff meet with representatives of the Residents' Associations. Staff also convened a follow-up meeting with developers interested in Midtown, consultants and legal counsel for developers and the Building Industry and Land Development Association (BILD).

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### Residents' Associations and Public Comments

Staff met with representatives of a handful of the town's Residents' Associations, including the Ward 3 Councillors, in mid-August to solicit feedback on the *Parks Plan 2031*. Staff also met with the Mayor's Community Leaders Roundtable.

Public comments have focussed primarily on the amount of parkland being generated in SGAs, the type of parkland, the amount of greenspace, and how urban parks will be designed.

#### *Response*

Staff has previously noted for Council that park elements such as horticultural areas, playgrounds, splash pads, courts such as basketball, pickleball and tennis, event space, and use of walkways, among others, are more appropriately addressed through the forthcoming update to the Parks, Recreation, Library Master Plan since these are operational and implementation matters.

The amount, location and configuration of parks in the SGAs are determined through a secondary planning process (not the Parks Plan itself) where Council will consider and approve the park elements in each plan. This was the process used for the Bronte GO MTSa and Palermo growth area reviews, and is the current process for the Midtown, and future Uptown, reviews.

The *Parks Plan 2031* is not intended to illustrate how future parks are to be designed in the SGAs – only how they should be acquired, and how different parks models can be integrated to enhance the community. It is recognised that park spaces in highly urban areas are designed, and used, differently from suburban parks. Urban parks are also significantly more expensive to maintain due to the high degree of use.

There has been speculation from the public that urban parks are 'grey', hostile and do not contribute to the parks system. That is far from Staff's intent in how future parkland will be designed in the SGAs. Staff has reiterated on numerous occasions that the parkland system is a key component of creating a complete community and is a key aspect of the secondary planning and design process.

Appendix IV of the Parks Plan provides parkland design guidelines which reflect the urban nature of the Town's SGAs and how parkland can be used in these areas. No where in the Appendix does it state that soft landscaping (i.e. trees, shrubs, flowers) is not a part of urban parks. On the contrary – sustainability and resiliency is a key principle for urban parks. In fact, several urban park typologies recommend diverse, drought-tolerant plantings that will contribute to the town's tree canopy coverage which will assist in reducing temperatures in the parks by offering shade – making them more enjoyable for users.

Staff will continue to integrate these guidelines, and other Best Practices, into town documents, and promote their use through the development approvals process.

#### Development Industry Feedback and Comments

Representatives from the development industry presented to Town Council at its August 9, 2022 meeting. Subsequently, Town Staff and the town's consultant team met with some of the deputants to better understand the industry's comments, concerns and suggestions for improving the Parkland Dedication By-law.

While the industry seems to generally acknowledge the rationale the Town has deployed in structuring the *Parks Plan 2031*, and resulting parkland dedication by-law, there remains concern on the per unit value (\$22,269) being recommended for cash-in-lieu of parkland dedication within the Town's Strategic Growth Areas.

As such, the industry recommends a number of changes which are summarised below, and also included in Appendix "E" to this report:

- Reducing the per unit rate for CIL payments to \$12,000
- Introducing a cap of 15% of net site area
- Direction for parkland requirements in a comprehensive planning process
- Providing 100% credit for POPS (Privately Owned Public Space) and strata parks
- Providing additional direction in the by-law

#### *Response*

Staff appreciate the time and energy the industry provided in offering its position and suggestions to improve the Parkland Dedication By-law, Policy and Procedure. The development industry is a partner in helping the Town achieve its intensification goals and meeting the Province's population and employment forecasts.

As stated previously, the foremost principles guiding the approach to the *Parks Plan 2031* and parkland dedication is fairness, equity, consistency and transparency.

The concerns expressed by the development industry relate primarily to the current valuation process and resulting lack of cost certainty. The existing process requires a developer to complete a land appraisal as development nears building permit issuance since there was no pre-determined value. As such, there was a broad value range that could be identified for cash-in-lieu of parkland dedication. This negatively affects development feasibility.

It was with this in mind that the Town, and its consultant team, arrived at a per unit value for the Strategic Growth Areas. Through the work completed, a unit rate has been calculated that will both deliver the parkland that the town needs while also providing cost certainty for the developer. This per unit value for the SGAs will be indexed annually.

Although the industry is generally supportive of a “value per dwelling unit”, it has requested reducing and capping the per unit value for the SGAs. Staff understands the motivation behind this request – it provides cost certainty to the developer. When a developer builds its pro forma and is looking to finance a project, cost certainty is key, as well as what costs can reasonably be passed along to the purchaser to ensure a project remains competitive. Although not applicable to any land within Oakville, land designated by the Province as a transit-oriented community has a maximum alternative rate of up to 10% for land that is 5 hectares or less, and 15% for land that is greater than 5 hectares.

That said, Staff is not recommending an option of capping the value at this time for a couple of reasons. The *Parks Plan 2031* clearly outlines the formula which defines the per unit value. The formula accounts for the range of land values across the town’s SGAs, as well as the amount of parkland needed to appropriately support the forecasted population in these SGAs. The alternative proposed by the development industry of \$12,000 per unit was not supported with appropriate justification.

In order for the town to be in a future position of being able to acquire parkland that will form part of the complete SGA community, the town will need the requisite funds. Discounting that amount means the town either will not be able to provide the necessary parkland when it is needed, or the town will need to use its own funding to supplement parkland dedication funds. With land values continuing to increase, the town will constantly be “playing catch-up” to land values and unable to acquire the needed parkland to support the community. To complement this value, the Plan also recognises that off-site land contributions can also be made which could off-set cash-in-lieu payments.

With respect to giving 100% credit for POPS and/or Strata parks, Staff understands that this request also offers cost certainty for the developer. The *Parks Plan 2031* recognises the benefit a credit can offer, but does not recommend a set amount. Staff supports this recommendation since each development application and the amount of available credit, should be reviewed on its own merits and with consideration of the potential various issues with these types of shared park facilities – such as life cycle costs, access, ownership, and programming. Different projects may suggest a different credit value based on individual circumstances. It is appropriate for Staff to present Council with a recommendation as part of the development application review process to ensure the overall parkland objectives are maintained.

Concerns were raised regarding Council's discretion to take land versus cash-in-lieu of parkland. In particular, the concern was focussed on the fact that Council may opt for land dedication in circumstances where the land dedication would effectively thwart development on a smaller high density site. Staff can confirm that the *Planning Act* is clear that the decision to take cash-in-lieu of parkland is that of Council and there is case law arising from court decisions that supports the plain reading of the legislation.

Any decision of Council must be made in good faith based on good planning principles, and failure to do so could render such a decision to be subject to review by the courts. It is noted that this same language exists in the town's current 2008 parkland by-law, which is consistent with other Ontario municipalities.

The provisions within the new parkland dedication by-law remain aligned with the *Planning Act*. Council should also be made aware that although the *Planning Act* references either land dedication or cash-in-lieu, not some combination thereof, the by-law aims to provide practical flexibility to the town to resolve parkland dedication and cash-in-lieu issues through consideration of a combination of on-site land dedication, off-site land dedication and/or cash-in-lieu.

#### Parkland Dedication By-law

The new Parkland Dedication By-law (2022-108) provides for the use of alternative rates for residential development within the SGAs and outside of these areas in order to implement the Parks Plan.

The Parkland Dedication By-law is structured to include the in-effect *Planning Act* provisions which is the conveyance of parkland at a rate of 5% for residential uses and 2% of the land area for employment / commercial uses development. The town's preference is to enhance its parks system and both the by-law and associated parkland dedication procedure identify that conveyance is preferred, and as "fee simple" ownership being the first option. Within the SGAs though, appropriate consideration will be given to alternative acquisition options such as stratified ownership (through the *Condominium Act*), or Privately Owned Public Spaces (POPS) where the town can use agreements to secure access for the public to privately-maintained park spaces.

There is also a new formula which accounts for mixed-use developments (for example those that incorporate residential and commercial land uses), and a rate for small-scale intensification and large-scale intensification.

The by-law recognises lands previously conveyed and the current balance in the parkland reserve fund, existing agreements, and when cash-in-lieu of land dedication is possible. For example – while the by-law applies to the entirety of the municipality,

it is recognised that a Master Parkland Agreement (which applies to the area governed by the North Oakville East Secondary Plan) is the governing mechanism for parkland dedication in North Oakville East.

Finally, the by-law establishes the timing for land value assessment which is the value of the site the day before the above grade building permit issuance. This maintains the town's current practice.

### Parkland Policy and Procedure

Concurrent to the parkland dedication by-law, Staff recommend a new policy and accompanying procedure to account for the proposed Urban Parkland Hierarchy as outlined in the Parks Plan.

The policy recognises that the town utilise *Planning Act* tools to acquire land for parks purposes either through conveyance or cash-in-lieu payments through the development process. The accompanying procedure speaks to the manner in which the town can own parkland (i.e. fee simple, stratified, POPS etc.), and how to continue achieving the objective of 2.2 hectares of parkland per 1000 people.

The procedure provides greater detail than the by-law and illustrates how the *Parks Plan 2031* can be implemented. The procedure identifies how parkland conveyance is calculated, how lands can be dedicated, establishes land value, and how payments-in-lieu will be used based on priorities.

On this last point, the procedure identifies the following priorities:

- i. The first priority shall be the acquisition of land for public parkland or other public recreational purposes on the site subject to the proposed development.
- ii. The second priority shall be the acquisition of land for public parkland or other public recreational purposes within 400 metres of the site where the payment-in-lieu funds were generated;
- iii. The third priority shall be to fund the acquisition of lands for public parkland or other public recreational purposes anywhere in the town; and,
- iv. The fourth priority shall be to fund:
  - a. The acquisition of lands for pathways, trails and associated infrastructure throughout the town, with a focus on missing links;
  - b. The erection, improvement or repair of buildings used for park or other public recreational purposes; and/or,
  - c. The acquisition of vehicles and equipment used for parks maintenance or other public recreational purposes.

To the extent that any disputes arise regarding land valuation, the procedure notes the process set out in the *Planning Act* will be applied unless otherwise agreed by the parties. It is intended that the Community Benefit Charge valuation process and parkland procedure will be co-ordinated for efficiency.

Finally, both the Policy and Procedure will need to be reviewed five years following enactment. Delivering parkland in the SGAs will become challenging over time because Oakville will continue to mature and intensify, experiencing population growth for both residents and jobs, but there will be less opportunities to secure land for parks purposes. As such, it will be necessary to ensure the town is able to maintain a robust parks system that appropriately supports the population, and complete communities.

## **NEXT STEPS**

Some recommendations have been made through the public consultation, and through the *Parks Plan 2031*, that warrant further consideration and which are not appropriately addressed through the parkland dedication by-law or the associated policy and procedure.

Staff will continue to use the *Parks Plan 2031* to inform future workplans and budgetary matters. As noted above regarding priorities for acquiring parkland, it may be appropriate to undertake a fulsome parkland acquisition strategy, as well as to investigate opportunities to ensure maintenance standards of the Parkland System throughout the town.

These types of matters need to be evaluated to determine how best to address them, and through which corporate processes – such as through a master plan exercise, service review and/or budget preparations. Staff will report back on these issues.

## **CONCLUSION**

The town has existing Official Plan policies regarding the requirements for the conveyance of land for park or other public recreational purposes. Through the on-going Official Plan Review Program, the Parks & Open Space policies may be updated to ensure implementation of the *Parks Plan 2031*.

Section 1.1.1 of the PPS establishes that healthy, liveable and safe communities are sustained in part by, among other elements, recreation, parks and open space opportunities and the necessary infrastructure and public service facilities to meet current and projected needs.

The *Parks Plan 2031* provides the background, rationale and justification for the new parkland dedication by-law. It is also noted that because of the changes to the *Planning Act* resulting from Bill 197, it means that parkland dedication by-laws can now be appealed to the Ontario Land Tribunal. As such, the Town's parkland dedication by-law must also be defensible.

Furthermore, the *Parks Plan 2031* provides options for the town to consider in acquiring parkland for the benefit of the entirety of the town, supporting the campus of parks approach, and addressing the community character.

Upon Council passing By-law 2022-108, notice will be provided in accordance with the legislated requirements with the last day of appeal being 40 days after the passing of the by-law.

## **CONSIDERATION**

### **(A) PUBLIC**

A draft of *Parks Plan 2031* was posted on the Town's web-site along with a feedback form for response. A news release and broad email release was provided for the purpose of notifying the public of the draft Parks Plan. Town staff and its consultant team met with the development industry in July and August 2022 to introduce the Plan and solicit feedback, and with Residents' Associations members in August 2022.

Public notice was provided for the September 6, 2022 Council meeting in the *Oakville Beaver*. A deferral report was part of that agenda and no new notice was required to be issued for this matter.

Notice will be provided of the passing of the Parkland Dedication By-law 2022-108 in accordance with legislative requirements.

### **(B) FINANCIAL**

The use of parkland dedication allows for the conveyance and acquisition of park land to support growth, while minimising the financial impact of growth-related costs on existing residents and businesses.

### **(C) IMPACT ON OTHER DEPARTMENTS & USERS**

The *Parks Plan 2031* is a corporate project undertaken through the Parks & Open Space, Finance and Planning Services Departments.



## **(D) CORPORATE STRATEGIC GOALS**

This report addresses the corporate strategic goal(s) to:

- be the most liveable town in Canada

## **(E) CLIMATE CHANGE/ACTION**

The *Parks Plan 2031* is being undertaken in consideration of the town's Sustainability objectives, and reviewed in the context of Council declaring a Climate Change Emergency on June 24, 2019.

## **APPENDICES**

Appendix A – Town of Oakville Parks Plan 2031: <https://tinyurl.com/2p8s9z7m>

Appendix B – Parkland Dedication By-law (2022-108)

Appendix C – Parkland Dedication Policy

Appendix D – Parkland Dedication Procedure

Appendix E – Development Industry comments

Appendix F – Additional comments

Recommended & Submitted by:

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# Town of Oakville Parks Plan 2031



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## Appendices

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Appendix II	An Urban Park Hierarchy Within the Town's Strategic Growth Areas
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Appendix IV	Parkland Design Guidelines
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# 1.0 Introduction

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## 1.1 Overview

The Town of Oakville has seen dramatic growth over the past 40 years, and while the Town continues to experience growth greenfield development in North Oakville, there is a significant shift taking place away from traditional suburban development forms to higher density developments and infill projects. This intensification is creating pressures on existing and proposed parkland, and levels of service.

In addition, the Town is also facing increased pressure to consider accepting alternative parkland spaces as land becomes more expensive and less readily available within the Town, particularly within its defined Strategic Growth Areas. In order to ensure that the growing population is well-served by its public parkland system, and that the new parkland generated reflects the evolving built form of the Town, the Town must develop and adopt a new parkland dedication regime. There are four key goals in the development of a Parkland Dedication Guideline document:

- To provide a comprehensive document for dedication, payment and use of cash-in-lieu;
- To provide a set of guidelines that incorporate best practices for dedication, payment and the use of cash-in-lieu;
- To ensure that the guidelines are responsive to the needs of existing communities and areas of growth; and,
- To provide direction to address long-term needs with changes to land needs allowing for flexibility in parks design and use.

## 1.2 Greenlands & Parks

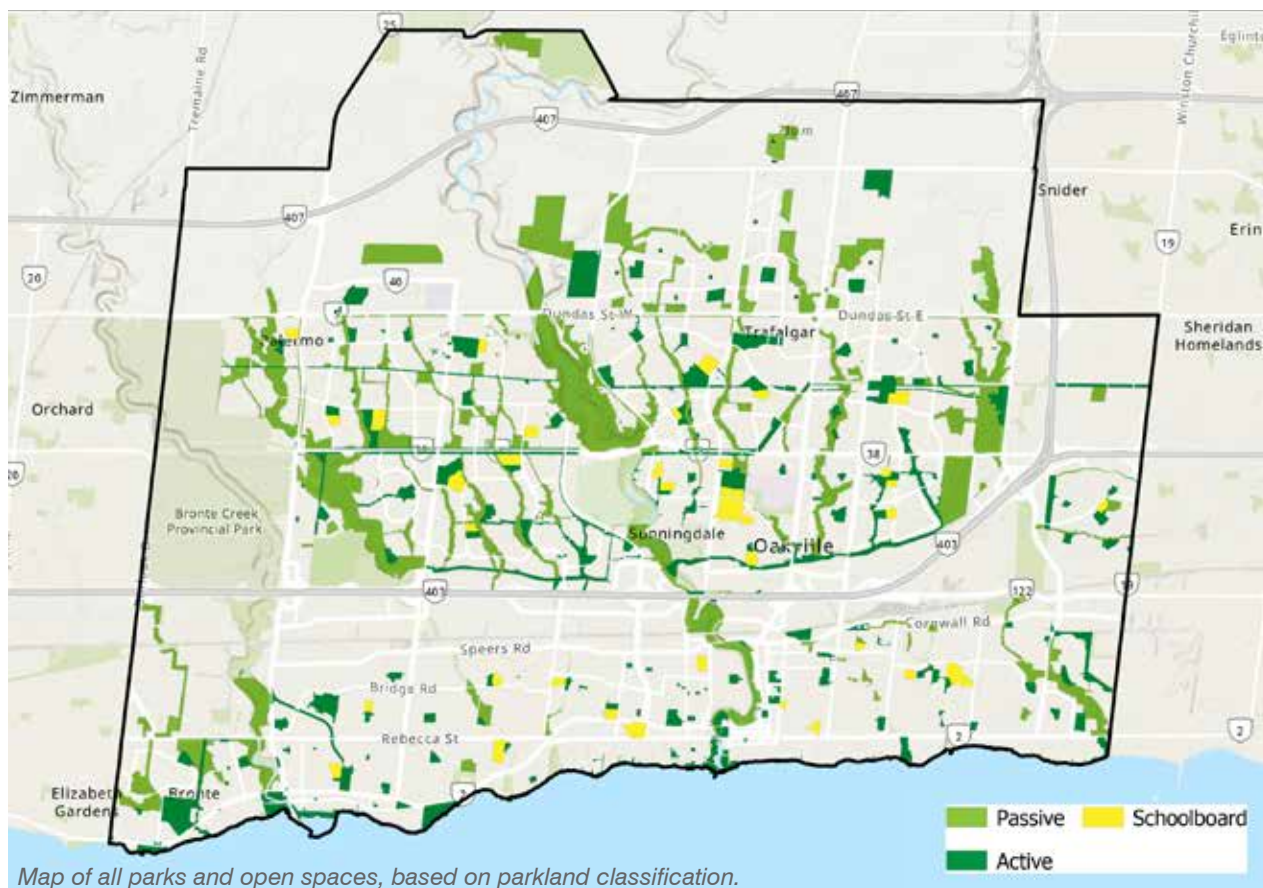
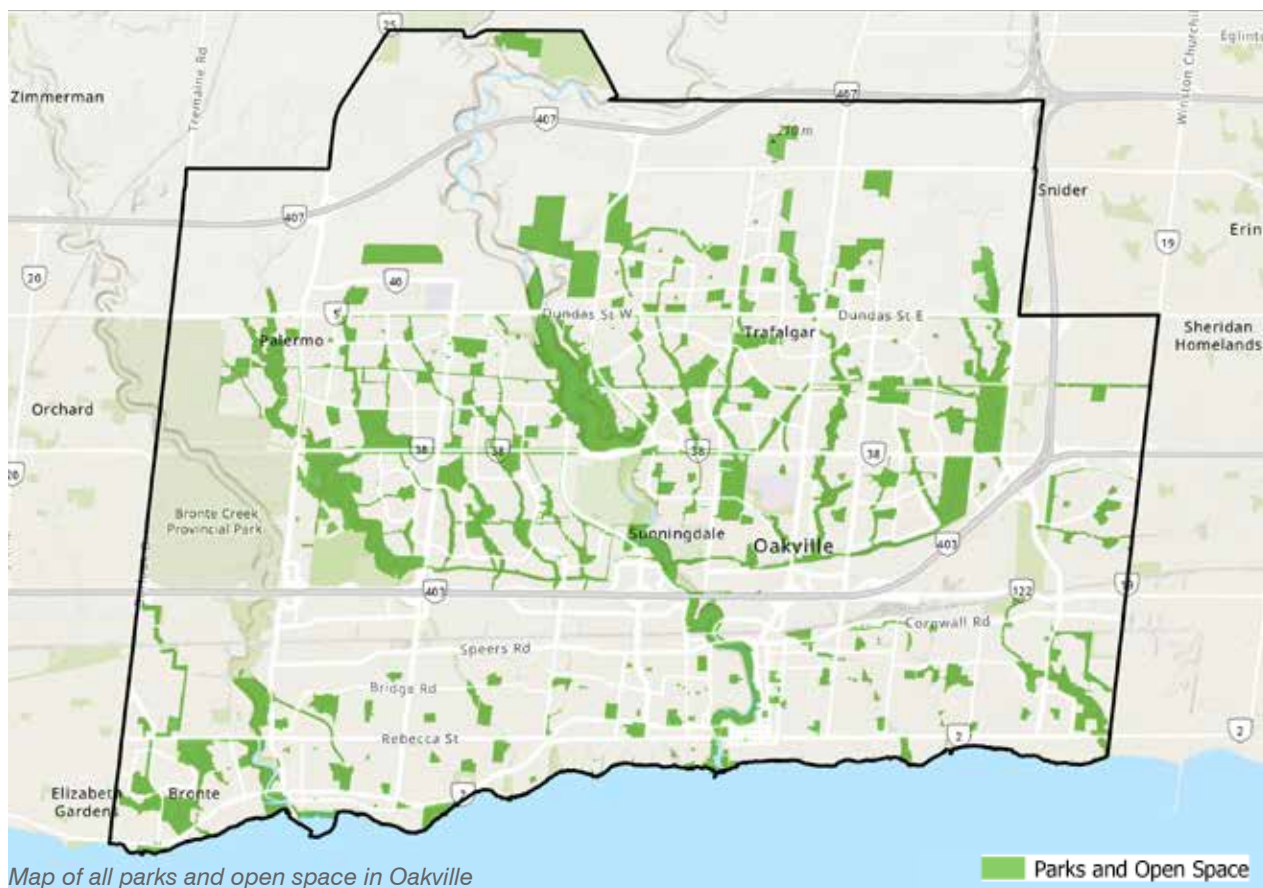
The Greenlands System includes all parks and open space lands within the Town. Parks and open space lands are generally publicly owned and provide recreational opportunities, protect natural features, provide physical linkages, and contribute to the aesthetic and environmental value in a community.

Oakville has achieved an admirable Greenlands System comprised of approximately 1,811 ha (hectares) of land used for both active and passive recreational uses, for use by schools, and lands that incorporate significant natural heritage features.

Within the Greenlands System, lands are classified as **Active**, **Passive**, or **School Board**. Lands classified as *active* provide recreational opportunities, often associated with playgrounds, sport fields, splash pads, and similar facilities. Lands classified as *passive* are primarily associated with natural heritage, or may support passive recreational activities related to trail use. Lands classified as *school board* are owned by school boards, and provide a range of recreational activities and opportunities supported by the school. The first map on the following page displays all parks and open spaces within the Town.

### The Concept of a “Campus of Parks”

The Town of Oakville has developed a system for *active* park lands based on the concept of a “campus of parks.” This system exclusively includes *active* park types. As previously stated, active parks can include a full range of specified recreational functions; however there is recognition that not every *active* park space is required to achieve every recreational function. For example, community parks may offer high level facilities with sports fields, while neighbourhood parks may offer more basic levels of outdoor recreation, including parkettes. Both active park types are distinct, yet necessary to creating a successful “campus of parks.” The second map on the following page displays all parks and open spaces within the Town separated into the categories of passive, active and schoolboard.



The Town's current inventory of active parkland totals approximately 576 ha, consisting of community link parks, community parks, and neighbourhood parks. Passive open space lands totals approximately 1116 ha, consisting of major and minor valleys, woodlots, and undeveloped parklands. *School board* parkland totals approximately 119 ha, consisting of parkland and recreational sites typically attached to schools.

The following tables summarize the current town-wide supply (in hectares) of active, passive, and schoolboard parks.

	Area (Ha)	Ha Per 1000 People
<b>Active</b>		
Community Link Park	106.64	0.47
Community Park	213.78	0.95
Neighbourhood Park	255.80	1.14
Total Active Parkland	576.22	2.56
<b>Passive</b>		
Buffer Block	13.34	0.06
Major Valley	263.32	1.17
Minor Valley	551.39	2.45
Tableland Woodlot	214.55	0.95
Undeveloped Parkland	73.43	0.33
Total Passive Parkland	1116.02	4.96
<b>School Board</b>		
Total Schoolboard Parkland	118.88	0.53

The Parks and Open Spaces system as a whole is functionally greater than the sum of its individual components. Each of the identified components of the parkland system plays a crucial role in creating and maintaining the Town's high quality of life by providing:

- Woodlots that contribute to the Town's sustainability objectives;
- River valleys and other key landforms that are unique and sustain important natural heritage functions;
- Environmental education facilities that promote a broader understanding of key natural heritage features and their ecological functions;
- An interconnected active transportation/trails network that facilitates education, recreation and an active, healthy lifestyle; and,
- The Town's parkland system, including:
  - » Larger scale community parks that provide opportunities for active recreation and sports activities; and,
  - » Smaller scale neighbourhood parks that add interest and opportunities for relaxation, contemplation and other more passive recreational pursuits.

It is the comprehensive parklands system, in its entirety, that creates an image of Oakville as a beautiful Town that accommodates a full range of contextual and recreational experiences for residents of all ages and abilities to enjoy throughout their lifetime.







## 2.0 Current Legislation/ Policy Review

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### 2.1 The Planning Act

It is a fundamental planning practice that an appropriate and equitable parkland system be planned and developed to provide for the recreational needs of the existing and future residents of the Town of Oakville. In order to achieve this, the parks system must include the right amount of space, the right mixture of park types, the right level of quality and design, and the right programming.

Achieving this balance is a complex task given the numerous realities (social, political, economic) that influence the development of urban land and the provision of parks and open spaces within cities. Legislation within the Planning Act provide municipalities with some tools to acquire parkland through development, much in the same manner as development charges are collected through development to service growth. These tools were developed primarily to address lower density subdivision style development and can have broad impacts on the viability of developing higher density residential structures when the maximum permitted parkland dedication is required by municipalities. The negative financial implication is exacerbated as density is increased.

The issue created by the Planning Act formula is the relationship between land dedication and dwelling units; which does not account for the dramatic range of residents generated by various forms and density of housing. Mitigating measures may include relating parkland dedication rates to the number of people or jobs generated by a given development or reducing the dedication rate from the maximum for higher density developments. These approaches would ensure greater consistency of the parkland per person ratio between urban and suburban forms of development.

Parkland conveyance authority is established in the Planning Act, section 42, which pertains to parkland conveyances associated with development and redevelopment, and sections 51.1 and 53, which pertain to parkland requirements as a condition of plan of subdivision approval and consent, respectively.

#### Bill 73

In late 2016, a number of amendments to the Planning Act were implemented through Bill 73 that impact the parkland conveyance policies. These updates are included in the description of the Planning Act policies below, and are discussed in greater detail in subsequent chapters of this study.

**Land Conveyance** - The Planning Act establishes parameters for conveyances for park or other recreational purposes, as follows:

- Not exceeding 2% of land area in the case of commercial or industrial development.
- Not exceeding 5% of land area in the case of all other types of development.
- For residential purposes, the Act permits municipalities to utilize 5% of land area OR an alternative requirement of conveyance based on a maximum rate of 1 hectare for every 300 dwelling units, subject to enabling policies within the approved local Official Plan.

These three conveyance rates are identified as the maximum rate for each scenario within the Planning Act.

**Payment-in-Lieu and Land Valuation** - Municipalities may also accept payment-in-lieu of parkland conveyance. This payment can be made in the form cash or other reasonable alternative as the municipality deems appropriate; in either case the payment must represent the value of the land that would otherwise have been conveyed. The Planning Act policies that establish parameters for payment-in-lieu and land valuation are as follows:

- If the alternative requirement for residential development is used (1 ha/300 units), when the municipality accepts payment-in-lieu of land, a maximum rate of 1 hectare for each 500 units will instead be used.
- All cash accepted as payment-in-lieu must be deposited into a special account and used only

for the acquisition of land to be used for park or other recreational purposes, including the erection, improvement or repair of buildings and the acquisition of machinery for park or other public recreational purposes.

- Regarding land development and redevelopment, payment is to be determined based on the value of the land as of the day before the issuance of the first building permit.
- Regarding subdivision development and consents, respectively, payment is to be determined based on the value of the land as of the day before the approval of the draft plan of subdivision or provisional consent, as the case may be.

**Reductions for Sustainability** - As per section 42 (6.2 and 6.3), a municipality may establish policies to permit a reduction in payment-in-lieu where a redevelopment project meets certain sustainability criteria as set out in the Official Plan and where no land is available to be conveyed for park or other public recreational purposes.

**Implementation of Conveyance Policy** - Historically, the Planning Act provided some inherent flexibility in the way municipalities implement conveyance policies, primarily by what the Act remained silent on. With recent amendments to the Act (Bill 73), however, municipalities are now required to justify conveyance policies if the alternative requirement for residential conveyance is implemented. The following are relevant policies and notes regarding implementation:

- The Act does not prescribe which method (or rate up to the maximum) is to be applied in any situation.
- The Act does not indicate if, where, or when the municipality may require less than the maximums identified in either approach.
- The Act now specifies that prior to a municipality implementing Official Plan policies to implement the alternative requirement of conveyance for park for residential development, the municipality must produce a “Parks Plan” that examines the need for parkland in the municipality.
- The Act now also specifies that municipalities must submit, yearly, a financial statement detailing the deposits and expenditures of the special cash-in-lieu fund. This provides additional transparency that municipalities are accounting for and spending these monies appropriately.

## Bill 197

In addition to the important changes to the Planning Act enacted through Bill 73, in 2020 the Province enacted Bill 197, which, among other matters, made further amendments to the Planning Act affecting parkland dedication. Bill 197 provides for additional checks and balances on the use of alternative parkland standards that the Town can apply in response to judicial interpretations that previously prohibited parkland by-law appeals. More specifically, Bill 197 proposes the following:

- Parkland rates set out by By-law can be challenged by appeal to the OLT.
- Municipalities must update their Parkland dedication By-laws by September 18, 2022.

Bill 197 also creates an entirely new regime for the use of Section 37 of the Planning Act, with the focus on achieving defined community benefits through a new Community Benefits Charge By-law which is linked to the value of the property, as well as a number of changes to Development Charges. All of these elements of change to the Planning Act, as well as Development Charges will need to be considered in the context of Oakville’s approach to defining and achieving a robust and appropriate parkland system.

## Bill 109

In April of 2022, the Province enacted Bill 109, which, among many other matters, made changes to parkland dedication in order to balance the priority for building new housing in Transit Oriented Communities quickly, while continuing to create more parkland.

For Transit Oriented Community (TOC) developments, parkland dedication would be up to 10% of the land or its value for sites under five (5) hectares, and up to 15% of the land or its value for sites over five (5) hectares. In addition, encumbered parkland containing easements or underground services such as transit would be included in the total parkland dedication area. No definition of the geographical area of a Transit Oriented Community has been provided by the Province and the Town is seeking clarity with respect to which areas in Oakville are to be identified as Transit Oriented Communities.

## 2.2 Town of Oakville Official Plan

*The Livable Oakville Plan* (2009 Official Plan) was approved by the Regional Municipality of Halton in 2009, to replace the policies outlined in the previous 1984 Official Plan. This approval process deemed that the Livable Oakville Plan reflected the priorities of the Planning Act, the Growth Plan and other provincial policies such as the Greenbelt Plan and the Parkway Belt West Plan. The guiding principles of the Town's Official Plan include sustainable protection and enhancement of parks, waterfront spaces and natural heritage. These features are recognized as providing social and environmental value that greatly improve quality of life. In the Livable Oakville Plan, the municipality emphasizes the importance of an interconnected open space network that includes parks and trails, to offer recreational space to the public and conserve natural areas.

This interconnected park system is divided into three Open Space designations which determine the area's function and accessibility to the public:

- Parks and Open Space;
- Waterfront Open Space;
- Private Open Space.

### Parks and Open Space

The Parks and Open Space designation delineates natural space that is accessible to all and intended to promote recreation and pedestrian movement, particularly throughout the downtown core. Attempting to offer residents a variety of publicly available open spaces, the Town requires a multitude of park types to comprise this land use designation as outlined in the Parks, Recreation, Culture and Library Master Plan. This variety facilitates an interconnected network of outdoor spaces able to engage residents of different abilities, ages and interests. Within the Town of Oakville, parks and open spaces include:

- Parkettes;
- Squares;
- Community Parks;
- Neighbourhood Parks;
- Tableland Woodlot Parks;
- Community Link Parks;
- Major Valley Parks and,
- Minor Valley Parks

Despite forecasted population growth, the Town of Oakville is continuing to pursue a targeted 2.2ha/1,000 residents as a per capita parkland standard.

### Waterfront Open Space

Waterfront Open Space may be publicly or privately owned land. It is the goal of the Town that the waterfront Open Space designation be continuous and accessible to the public. To achieve these ends, the Town may acquire privately owned land or develop land to extend the public Waterfront Open Space. These expansions of the public waterfront have the effect of maximizing its benefit as a gathering place, a recreational trail system and a natural feature to be enjoyed by all community members. Connectivity of waterfront and harbour through enhancement of walking and cycling infrastructure is outlined as a goal in the Livable Oakville Plan.

Harbours fall under this designation and the specialized community and commercial services of marinas such as the maintenance of boats may be permitted on the Waterfront Open Space designation. All Harbours are required to conform to the Conservation Authority's regulations and policies regarding the protection of aquatic ecosystems. Harbours will also require Master Plans conforming to the requirements laid out in section 17.3.6 of the Livable Oakville Plan.

### Private Open Space

Private Open Spaces are not intended for public use but serve to provide recreation space in addition to the Parks and Open Space designation. The permitted uses of this designation include: legally existing golf courses; legally existing recreational facilities; trails; existing cemeteries; conservation uses including fish, wildlife and forest management; and, essential public works including transportation, utility, watershed management and flood and erosion hazard control facilities.

These three designations comprise the Town of Oakville's Open Space network and represent the Official Plan's goals to protect and enhance Oakville's natural features as well as resident access to enjoy these spaces. The Open Space land use designation is intended to serve the public through the provision of ecosystem services and social benefits that facilitate the thriving of residents and communities.

## Natural Heritage

Under the Livable Oakville Plan the Natural Heritage land use designation indicates areas with natural features that require preservation and conservation such as wetlands, woodlands and valleylands. Passive recreational activities such as walkway trails and cycling paths may be permitted to facilitate the connectivity of Oakville's open space network. The feasibility of these trail systems may differ based on the ecological sensitivity of the natural heritage area as well as the safety of the trail.

## Parkland Standard

Despite forecasted population growth, the Town of Oakville is continuing to pursue a targeted 2.2 hectares per 1,000 residents parkland standard. In accordance with the Planning Act, the Town of Oakville must adhere to the maximum 1 hectare of parkland per 300 dwelling units.

## 2.3 Oakville Parkland Dedication By-Law

Oakville's in-force Parkland Dedication By-Law (By-Law 2008-105) establishes the authority of the Town to require parkland as a condition of development or redevelopment. This By-Law was passed in 2008.

By-Law 2008-105 establishes a parkland conveyance rate for residential purposes of 5% of the land proposed for development or redevelopment, or at the alternative residential rate of one hectare for each 300 units if it would result in a greater area of land. For industrial, commercial or employment purposes, the conveyance rate is 2% of the land proposed for development or redevelopment, with no alternative rate.

Of note, parkland conveyance for subdivisions and consents are not identified within By-law 2008-105. Though subdivisions and consents are not required by the Planning Act to require the passing of a by-law in order to require parkland conveyance, it has been noted by other municipalities that the lack of more concrete policy through by-laws has impacted their ability to obtain parkland through subdivisions and consents.

The By-Law also permits the Town to, at its discretion, accept payment in lieu of land in the form of money, or a combination of land and money, to the value of the land otherwise required to be conveyed.

Recent Planning Act amendments (Bill 73) cap cash-in-lieu at the alternate residential rate of 1 hectare for every 500 units and enable payment in lieu of land for parks in additional forms than solely money (i.e. land trade elsewhere, land banking, improvements to parks, strata or POPS credits, etc.). The COVID-19 Economic Recovery Act, 2020 (Bill 197) introduced new reporting requirements for parkland dedication, requires that a park plan must be in place before a parkland dedication By-Law is passed, and allows the By-Law to be appealed to the Local Planning Tribunal (LPAT). The Town is required to update its By-Law to comply with Bill 197 by September, 2022.

## 2.4 Development Patterns/Density

Perhaps the greatest influence on modern urban development patterns in Ontario is the Growth Plan for the Greater Golden Horseshoe (Growth Plan). The Growth Plan works in unison with the Provincial Policy Statement, the Greenbelt Plan, the Niagara Escarpment Plan, and the Oak Ridges Moraine Conservation Plan. These policies all contribute to creating a more compact and urban built form within the Greater Golden Horseshoe that protects existing natural resources and more efficiently utilizes space with a range of land uses.

The key directives of the Growth Plan prescribe growth and density targets for each upper tier and single tier municipality. Upper tier municipalities then prescribe growth and density targets for lower tier municipalities. Municipalities are required to delineate built-up areas, or intensification areas, where growth is to be directed and forecasted targets are to be achieved.

The Growth Plan, implemented first through the Region of Halton Official Plan requires that a minimum percentage of all residential development be accommodated through intensification opportunities. In effect these policies dictate that urbanization and intensification trends will continue and occur at greater intensities throughout the GGH. Oakville's urban structure of Centres and Corridors are the primary locations for intensification opportunity, with significant high-density, mixed use aspirations, in support of a growing transit system.

Other new greenfield development opportunities are still permitted and anticipated in Oakville, with a focus on north Oakville. The Growth Plan also mandates a minimum density target for greenfield development that is substantially higher than was has been achieved over time in Oakville's traditional neighbourhoods.

Overall, the Growth Plan policies indicate that a much denser development form, for both infill and greenfield developments, is required in order to achieve the required forecasted targets. This directly impacts how the Town of Oakville plans for development and

its ability to acquire land or cash for parks. This new reality impacts the remaining supply of land within the municipality for park development and influences the potential size, location and design of new parks.

Oakville is also experiencing substantial land value increases, much higher density development and subsequent new residential needs. All signs are pointing to an evolving parkland reality within Oakville, one that will require the Town and its residents to continue to expand the definition of parkland to include a mixture of large and small spaces that are interconnected and locally unique. This evolving definition will contribute to a total parkland system that is situated in place (whether urban or suburban) and that offers a full range of experiences and uses.





Paley Park, New York NY



## 3.0 The Impact of Parks on Commercial & Residential Property Values

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### 3.1 Overview

Parks are a vital component of the Town of Oakville. Parks contribute to healthy and complete communities, and offer an attractive quality of place for residents, businesses and visitors alike. Parks can improve the quality of life of residents by providing spaces for recreational activities and social gathering, as well as offering mental and physical health benefits. Proximity to parks is associated with higher levels of physical activity by nearby residents, which can reduce the incidence of certain chronic illnesses associated with a sedentary lifestyle. Beyond the physical health benefits, parks can also improve psychological health and development. In fact, the benefits of spending time in nature on physical and mental health is leading some doctors to prescribe spending time in nature and parks for children and teenagers who are experiencing obesity and mental health challenges. The value of parks has never been more apparent than during the recent pandemic which resulted in a tremendous increase in number of residents using the parks system on a year round basis.

Alongside the social and health-related benefits of parks, there are important environmental benefits for communities with green features, such as trees, integrated within the park system. Trees remove significant amounts of air pollution from our atmosphere each year, and sequester carbon, reducing greenhouse gas emissions. Further, parks and trees play an important role in combatting the urban heat island effect. A study conducted in 2019 showed that on an extremely hot day in an urban setting, parks were as much as 17 degrees cooler than other parts of an urban environment that lacked trees and greenspace (National Recreation and Parks Association, 2019). As summer days get hotter and temperatures increase annually, parks and trees will play an increasingly important role in keeping residents cool.

In addition to the environmental and health related benefits of parks, parks also offer important economic benefits to residents and municipalities. These economic benefits include increased property values, increased tourism expenditures, decreased health care expenditures, reduced storm water management costs, and savings associated with reduced air pollution.



## 3.2 Quality of Place/Quality of Life

Parks of all types and scales are crucial to the functional attributes of a Town. The following list explores how parks contribute to placemaking and quality of life, and then outlines the economic and environmental value of investing in the park system.

- **Healthy and Complete Communities** - Parks contribute to healthy and complete communities, and offer an attractive quality of place for residents, businesses and visitors alike. For residents in particular, the social and health benefits of parks has been well documented, and are associated with the role parks play in community development, and in creating a sense of community, community belonging, reducing the incidence of crime, promoting physical activity, supporting psychological and social development and improving environmental indicators.
- **Community Development & A Sense of Community** - In his work on *Why America Needs More Town Parks and Open Space* (2003), Sherer, found that parks play a role in community development by making cities more liveable, offering recreational opportunities for diverse populations and providing places for people from all socio-economic strata to gather and create a sense of community. Sherer reports that *“research shows that residents of neighbourhoods with greenery in common spaces are more likely to enjoy stronger social ties than those who live surrounded by barren concrete”*.

Similar findings were reported in a 2008 report by The Trust for Public Land (TPL) Centre for Park Excellence on the value of Philadelphia’s park space system, which found parks allow communities to build “social capital” through human relationships that promote neighbourhood strength and safety. Further, the TPL found that the act of improving or renewing a park space together as a community can strengthen “social capital”.

Taking a more historical view, Sherer found that in the late 19th century investment in parks reflected a belief in the community and the related health benefits of parks in providing opportunities for recreation and social interaction. Parks were understood as “necessities” in urban settings, not “amenities” (Sherer, 2003).

- **Greater Opportunity for Physical Activity & Reduced Incidence of Chronic Illnesses & Associated Costs** - Proximity to parks associated with higher levels of physical activity by nearby residents, which can reduce the incidence of certain chronic illnesses associated with a sedentary lifestyle. With regard to increased levels of physical activity, Sherer (2003) found that those who have access to parks exercise more, and that *“access to places for physical activity combined with informational outreach produced a 48.4% increase in frequency of physical activity.”* Similar findings have been reported by the Urban Land Institute (2013) and Harnik & Simms (2004).

The correlation between physical activity and chronic illness has received a substantial amount of attention in recent years. Referencing a study from the *Journal of Applied Psychology*, the Urban Land Institute (2013) reported that *“communities designed for exercise can prevent 90.0% of type 2 diabetes, as well as 50 percent of heart disease, stroke, and site-specific cancers”*.

Community design features that contribute to active living were identified and included *“public places such as greenways, multiuse trails, playgrounds, pools, athletic fields, and other recreation facilities that encourage physical exercise”* (ULI, 2013). In terms of reduced health care costs, a 2008 study by the TPL found Philadelphia’s park space system generate \$70 million worth of savings in medical expenses annually. *“A recent study of major U.K cities showed that when communities are surrounded by more green space, life expectancy increases significantly”* (Alan Logan, interview with Michelle Adelman, CBC News, February 22, 2014).

- **Psychological Health & Development** - Beyond the physical health benefits, parks can also improve psychological health and development. In particular, contact with the natural environment has been shown to improve both physical and psychological health (Sherer, 2003). Play is also central to learning and development in small children, connected to muscle strength, coordination, cognition, and reasoning. As put by Sherer (2003), *“exercise has been shown to increase the brain’s capacity for learning”*, so creating recreational opportunities for children contributes to both their physical and psychological development.

*“People moving to towns with more parks and gardens not only report greater well-being than those without access to amenities, but their improved mental health lasts for at least three years after their move”*, according to results of a study published in the journal of Environmental Science and Technology by Ian Adcock of the University of Exeter Medical School.

- **Crime Reduction** - The perceived and real sense of safety contributes to a community’s attractiveness and positive functioning, which can be impacted by the incidence of crime. In this regard Sherer (2003) reports that *“access to public parks and recreational facilities has been strongly linked to reductions in crime and in particular to juvenile delinquency”* by giving youth a safe environment in which to recreate, interact, and spend time. As such, *“research supports the widely held belief that community involvement in neighbourhood parks is correlated with lower levels of crime”* (Sherer, 2003). Notably, poorly maintained public spaces are associated with the exact opposite effect – that being an increase in the perceived or real incidence of crime.
- **Environmental Indicators** - Alongside the social and health-related benefits of parks, there are important environmental benefits for communities with integrated green features, such as trees, integrated within the park system. For example, *“trees reduce air pollution and water pollution,*

*they help keep cities cooler, and they are a more effective and less expensive way to manage storm water runoff than building systems of concrete sewers and drainage ditches”* (Sherer, 2003).

In particular, trees and shrubs improve urban air quality by removing air pollutants including nitrogen dioxide, sulfur dioxide, carbon monoxide, ozone, and particulate matter (The Trust for Public Land Center for Park Excellence & Philadelphia Parks Alliance, 2008). Trees also remove polluted particulate matter in groundwater naturally before this water reaches storm sewers (Sherer, 2003).

### 3.3 Economic Value of Parks

Public sector investment in parks can be leveraged into a private sector investment response. Park system investment is a key stimulus for change, establishing the appropriate environment for redevelopment and revitalization.

Assigning economic value to parks has historically been anecdotal. More recently, the “multiple perspectives” approach, alongside other research and case studies confirm the important economic benefits of investing in parks, and begin the move to more quantitative economic evidence.

There has been considerable work done in the United States on measuring the economic value of parks. Much of this work has been spearheaded by the California-based Trust for Public Land (TPL). In the 2009, publication by Harnick and Welle, *Measuring the Economic Value of a Town Park System*, an approach was developed that has since been used to assess the value of park space in several US cities, including Sacramento, Philadelphia, Boston, San Diego and Washington. The approach taken by TPL is to develop a methodology to quantify economic value according to seven distinct perspectives and discussed as follows:

- **Increased property values** – which looks at the extent to which proximity to a park space adds value to the market and assessed value of residential property;
- **Increased tourist expenditure** – which assesses the number of visitors to a community who spend more time and money in the community than they otherwise would have, because they are participating in activities in parks, or simply enjoying being outdoors;
- **Direct use value** – which measures the value that users place upon the availability of park spaces (i.e. how much they would be prepared to pay for the opportunity to enjoy parks if they were not freely available);
- **Health value** – which measures the value of the savings in medical costs to individuals and society-

at-large, by virtue of the fact that people who use parks (and the broader public realm) are healthier and less likely to incur medical expenses;

- **Community cohesion value** – which measures the value to the community overall of participating in parks-related initiatives (i.e. individuals donating their time and/or money and working together on park-related projects), a concept very similar to what Jane Jacobs had identified as “social capital” in her 1961 work, *The Life and Death of Great American Cities*.
- **Reduced storm water management costs** – which examines the value of park spaces in helping reduce runoff during periods of heavy rainfall, and enabling precipitation to filter and recharge groundwater – the savings to the municipality in terms of fewer gallons of storm water that require treatment can be directly measured; and,
- **Value of reduced air pollution** – which examines the effect of trees and vegetation acting as the “lungs” of the Town and removing various toxins from the air, including nitrogen dioxide, sulphur dioxide, carbon monoxide, ozone, and certain particulates. The objective is to assess the extent to which park spaces in a given community have this effect – based upon the ambient air quality of the Town – and then measures the value (cost) of removing these materials from the air through technological means, such as scrubbers.

While this approach does provide a tangible way to quantify economic value, it should be realized that the benefits accrue to different parties in different ways. Some benefits are realized directly by individuals and municipalities (e.g. increased property values that benefit individual households through enhanced market values of their properties, and to municipalities through higher taxes realized through increased assessment of the same properties) while others accrue to society generally (such as “community cohesion value”). Table 1 identifies for each type of benefit, an indication of who exactly the beneficiaries are, and examples of the approach being used.

**Table 1**

Aspect of Economic Value Measured	Beneficiaries	Some Metrics and Examples
Increase Property Values	<ul style="list-style-type: none"> <li>- Individual property owners</li> <li>- Municipalities (increased taxes)</li> </ul>	Evidence based upon a large sample of parks shows that location of a residence within 500 ft. of a park will increase market and assessed value by, on average, 5.0% - and for 'really excellent' parks this added value can be as high as 15.0%
Increased Tourist Expenditure	<ul style="list-style-type: none"> <li>- Businesses in the community</li> <li>- Municipalities (though business taxes)</li> </ul>	Parks in San Diego were found to increase expenditures on the part of out-of-town tourists by \$114 million, which resulted in \$8.7 million in tax revenue going directly to the Town (2007 study)
Direct Use Value	<ul style="list-style-type: none"> <li>- Society generally: Households who do not need to pay directly to use parks</li> </ul>	A 2006 study estimated the value of parks in Boston in this regard as being equivalent to \$354 million
Health Value	<ul style="list-style-type: none"> <li>- Individuals and higher levels of government, through reduced health costs</li> </ul>	In Sacramento, in 2007, a study of the value of health benefits estimated that park participation saved the local health care system just under \$20 million
Community Cohesion Value	<ul style="list-style-type: none"> <li>- Society generally: Households who do not need to pay directly to use parks</li> </ul>	A 2006 study of the value of social capital attributable to participation in parks-related initiatives and projects estimated an economic value of \$8.6 million in contributions and volunteer time
Reduced Storm Water Management Costs	<ul style="list-style-type: none"> <li>- Municipalities</li> </ul>	Park runoff reduction savings in a 2007 study in Philadelphia estimated savings of \$5.9 million to the Town
Value of Reduced Air Pollution	<ul style="list-style-type: none"> <li>- Individuals and higher levels of government, through reduced environmental remediation costs and better health outcomes</li> </ul>	A 2005 study in Washington estimated the costs of removing pollutants from the air (had not the park system done this 'for free') as \$19.9 million

### 3.4 The Impact of Parks on Commercial & Residential Property Values

In addition to the economic benefits identified, numerous studies have shown that significant public investment in park space can generate other positive impacts, some of which are related to those already identified. For example, park space can:

- **Promote reinvestment by the private sector in old and new building stock** – Experience across North America indicates that public sector investment in park space stimulates private sector investment in new buildings. Creating a beautiful park is an investment in the future. Public dollars spent secure existing tax revenues and have the potential to generate tremendous additional financial returns to all levels of government.
- **Maintain existing retailers and attract new businesses** – Success breeds success, and an enhanced park space system through a shopping district ensures the retention of current tenants and attracts new retailers. Public investment sends a strong message to the private sector.
- **Enhance a Town's reputation** – Tourism increases with an array of park spaces, activities, and events that are supported by the public sector. By identifying an area as having the potential to become a key tourist destination, its transformation enhances the Town's ability to attract tourists.

Real estate markets, especially residential markets, place a high value on proximity to parks and other key public realm network components as an advantage, primarily through the amenity they provide. In fact, a number of real estate studies suggest that a premium exists for residences located close to park spaces. Commercial markets also respond positively to investments in parks and the broader public realm network, which can stimulate revitalization, private-sector investment, and attract new visitors and customers to an area.

The following are some relevant and interesting points taken from studies exploring the relationship between property values and proximity to parks and other open space components.

The principle inherent to these case studies is that investment in parks is required as a key stimulus to enhance the demand for development which, in turn, will establish the appropriate environment for revitalization, redevelopment and economic prosperity.



## 1. Times Square, New York

In the early 1980s, Times Square was filled with illegal or illicit businesses, and was shunned by residents and tourists alike. In 1984, there were only 3,000 people in the 13-acre Times Square area involved in legitimate businesses, generating a total of \$6 million US in property taxes.

In 1992, the 42nd Street Redevelopment Plan, dramatically changed the face of Times Square. Financed with over \$300 million US in public money, the redevelopment has been enormously successful with more than \$2.5 billion US in new private sector development built since 1995.

In 1992, when the Times Square Business Improvement District started, lease rates averaged \$38.00 US/ft<sup>2</sup>, and vacancy rates were 20.0%. By 2001, lease rates had increased to \$58.00 US/ft<sup>2</sup> and vacancy rates have dropped to just under 5.0%. Today, the area is home to 280 restaurants and 670 retail stores. Tourism has increased dramatically with over 12 million theatre patrons spending \$590 million US annually on tickets alone.



*Times Square, New York City (Image: David McSpadden)*

## 2. Dundas Square, Toronto

In 1998, as part of its Yonge Street Regeneration Project, the City of Toronto approved the expropriation and demolition of the buildings on site and the construction of Yonge-Dundas Square. The Square is managed as a commercial venture by a broad based stakeholder group including local businesses and Toronto Metropolitan University (formerly Ryerson University).

The City's investment in the acquisition of the private landholdings and in the development of an urban park space has spawned extensive real estate investment along Dundas Street, has attracted new, high value retail tenants and driven out much of the criminal element that had formerly populated the area.



*Dundas Square, Toronto (Image: Andrzej Wrotek)*



### 3. Millennium Park, Chicago

Chicago's Millennium Park is an oft-cited example of the potential economic spin-offs associated with public investment in park space. Located on Chicago's waterfront, the Park has completely transformed what was formally a desolate stretch of rail yards, parking lots and remnant industrial uses. Since opening in 2004, Millennium Park has quickly become one of the City's primary landmarks and tourist draws, in large part because of its high quality design and impressive public art collection, including works by renowned artists Jaume Plensa and Anish Kapoor.

Not only does Millennium Park generate substantial revenues from tourists who come to Chicago to experience it, but within a year of its opening, residential real estate values in adjacent neighbourhoods saw a nearly \$400 US per square foot increase in value. Within that same year, approximately \$1.4 billion US in residential development was directly attributed to the Park's development (as reported in a 2006 New York Times article).



*Millennium Park, Chicago*

### 4. Post Office Square, Boston

For years, a two acre parcel of land in the midst of Boston's Financial District was occupied by an unsightly, 500,000 square foot concrete parking garage. But, in the early 1980s, at the urging of surrounding businesses, the City joined a unique public-private partnership to demolish the structure and create an underground garage covered by a gracefully designed park.

Most observers agree, Post Office Square has changed Boston forever. The Square has boosted the value of surrounding properties, while providing an elegant green focus to an otherwise crowded commercial area.



*Post Office Square, Boston*



## 5. Waterfront Toronto, Toronto

Recognizing the importance of park spaces as a key component of the urban structure and as a way to demonstrate commitment to a development vision, Waterfront Toronto has been actively planning and developing parks and public spaces as part of its overall waterfront revitalization efforts. Dedicating approximately 25.0% of the waterfront area to parks and public spaces, the Waterfront Parks and Public Spaces Framework is planning an interconnected parks system with over 90 individual parks and public spaces.

To date, Waterfront Toronto has made considerable investments in park space development, with nearly 20 new or enhanced parks and public spaces opened since 2004. Three of its most recently completed park space projects, Sherbourne Common, Sugar Beach, and Underpass Park have already reached near-iconic status, cited in various publications for their innovative designs and appearing in numerous City tourism promotional campaigns.



*Sugar Beach, Toronto*



*Underpass Park, Toronto*



In addition to those specific examples, there are a range of general conclusions from the literature review that identify the economic benefits of a great public realm network, including an array of park spaces and streetscape elements:

- Sherer (2003) finds that *“quality of life is a determining factor in real estate values and economic vitality”*. He quotes a 1998 real estate industry report, which calls livability *“a litmus test for determining the strength of the real estate investment market...if people want to live in a place, companies, stores, hotels, and apartments will follow”* (Sherer, 2003).
- In a study of residential units within 245 metres of parks in Portland, Oregon, it was estimated that a 1.0% to 3.0% property value premium could be attributed to the park space (Bolitzer & Netusil, 2000);
- In Dallas, Texas, homes facing one of 14 parks were found to be worth 22.0% more than homes more than 1.3 kilometres from such amenities (Miller, 2001);
- A study from Boulder, Colorado found that the average values of homes next to the greenbelt was 32.0% higher than those 975 metres away (Sherer, 2003).
- It has been suggested that a positive impact of about 20.0% on property values abutting or fronting a park is a reasonable point of departure, and that the impact is likely to be substantial, within roughly 150 metres;
- A study on the impacts of the Bryant Park revitalization in New York found that *“within two years of reopening, leasing activity on neighboring Sixth Avenue had increased 60.0% over the previous year”* (Sherer, 2003). As such, Sherer concluded that *“commercial asking rents, residential sale prices, and assessed values for properties near a well-improved park generally exceeded rents in surrounding submarkets”* (Sherer, 2003).
- A study by New Yorkers for Parks found that capital improvements to park spaces can increase nearby commercial and residential real estate values as well as commercial asking rents, residential sales prices, and assessed property values, as opposed to those in other submarkets (New Yorkers for Parks, Ernst & Young, 2002). Overall, the study found that *“close proximity to a quality park is a positive site attribute that can enhance the curb appeal and value of adjacent real estate”*. The study also found *“park spaces to be community assets, with real impacts on the decision to purchase, invest, or finance a property in their neighbourhood”* (New Yorkers for Parks, Ernst & Young, 2002).
- A study by the Virginia Cooperative Extension showed that *“access to green space increased worker productivity and that greening business districts increased community pride and drew more customers”* (Kilbourne, 2009).
- Recreational opportunities and urban life can contribute to the selection of cities in which to locate corporate headquarters, as was the case in Boeing's decision to locate in Chicago (Sherer, 2003);
- A study by Credit Valley Conservation found that *“abutting a natural feature [which are often considered as natural parks] can increase property value from 1.0% to 5.0%, depending on the type of natural feature.”* The same study also found that natural features in south Mississauga increase property values by an average of \$8,010 per property, which is equal to over approximately 2.4% of the base property value. In north Mississauga, property values increase by approximately \$10,273 or 3.6% of the base value (Credit Valley Conservation, 2009).





*Bryant Park, New York City*





Tannery Park, Oakville

## 4.0 Recommendations

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### 4.1 Introduction

The following are the recommendations of this Parks Plan - 2031 for the Town of Oakville. Some of the recommendations will be appropriate for inclusion in a new Parkland Dedication By-law, while others may be more appropriately included as an accompanying policy document, as refinements within the Official Plan, or within an accompanying park planning and design guideline. The recommendations provided are based on research from other jurisdictions, as well as from discussions with Town staff. In addition, the recommendations have been influenced by the related experience of the consulting team from planning, design and fiscal perspectives.

The recommendations are organized into the following 9 Sections, and are supported by more detailed information provided in a number of Technical Appendices:

- Key Town of Oakville Objectives;
- Meeting the Town's Active Parkland Target of 2.2ha/1,000 people (Appendix I);
- Establishing a Context Appropriate Parkland Hierarchy (Appendix II and III);
- Designing and Maintaining the Parkland System (Appendix IV and V);
- Achieving the Town's Parkland System (Appendix VI and VII);
- Generating Land/Cash-in-Lieu of Land;
- Options for the Ownership of the Town's Parkland System (Appendix VIII);
- Understanding Cash-In-Lieu of Parkland; and,
- Administration of the Town's Parkland Dedication By-law.

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### 4.2 Key Town of Oakville Objectives

Based on research and ongoing conversations with Town staff there was tremendous general agreement on a number of key objectives for this Parks Plan, including:

- Parks are considered to be a lifeline for people in the community. It was noted, specifically, that parks have become an urban escape for people amid the ongoing COVID-19 pandemic. Parks are a crucial component contributing to the quality of life of residents. Parks are a necessary component of a complete and livable community;
- Public sector investment in parks can be leveraged into a private sector investment response. Park system investment is a key stimulus for change, establishing the appropriate environment for redevelopment and revitalization;
- The Town's new approach to parkland dedication should be guided by the principles of fairness, equity, consistency and transparency. It is also important to recognize that the new Parkland Dedication By-Law must be defensible; and,
- This Parks Plan needs to be:
  - » Clear, and must find the right balance between achieving a great parkland system for the Town, and the financial feasibility of new development; and,
  - » Cognizant of the inherent differences between the established neighbourhood context, and the in the context of the Town's identified Strategic Growth Areas.

### 4.3 Meeting the Town's Active Parkland Target of 2.2ha/1,000 people

The Town's 5 Year Review of the 2012 Parks, Recreation and Library Facilities Master Plan (April 2017) - by Monteith + Brown, Dillon - recommends the continuation of the Active Parkland Target of 2.2 hectares for every 1,000 people (see **Appendix I**). Currently, the Town is achieving an Active Parkland ratio of an estimated 2.56 hectares per 1000 people, which is a significant measure of a successful parkland acquisition strategy over the past 20 years.

**Recommendation 1:** It is recommended that the Town continue to utilize the Active Parkland Target of 2.2 hectares per 1000 people for planning and Parkland acquisition to the horizon year of 2031.

The Town of Oakville is becoming more and more "urban". As such, at some point in the future (beyond 2031) the Town's opportunities for acquiring Active Parkland will be reduced because the Town will be essentially "built-out" to its municipal boundaries, while, at the same time, more, and more intense growth through intensification will be absorbed. Because of more, and more urban growth projections, it is expected that the continued achievement of the Active Parkland Target will become more and more difficult to achieve over time.

**Recommendation 2:** Overall, it is recognized that the existing Active Parkland ratio currently exceeds the identified Parkland Target. Over time, however, that ratio is expected to reduce given the expected level of urbanization of the Town, in combination with its dwindling land supply. As such, it is not considered appropriate to apply the current excess supply to the calculation of future land need. The Active Parkland Ratio is a snapshot of a moment in time, and will continuously modulate based on a host of factors identified in this Parks Plan.

It is recommended that the Town continue monitor its ongoing parkland acquisition achievements in the context of its Parkland Target, in order to fully inform future park planning activities, with particular focus on the Parkland Target, beyond 2031.

Given the importance of the Parkland Target, and the anticipated urbanization of the Town over time, the Town will need to carefully monitor its Parkland acquisition activities, and eventually may need to reconsider its Parkland Target as follows:

- Rephrasing the Parkland Target as an aspirational target or objective; and/or,
- Refining the definition of Parkland to include a more fulsome list of recreational opportunities, including non-intensive recreational activities such as trails and the enjoyment of nature. Removal of the need for only active park elements to be counted toward the Target is also an appropriate consideration.

As noted, however, the reconsideration of the Parkland Target will not be necessary until after the planning horizon of this Parks Plan - 2031.

The potential redefinition of Parkland would also suggest the need to consider the utilization alternative land resources including unconstrained lands within the Natural Heritage System, the acquisition of lands within the Greenbelt Plan, lands currently owned by the Province/Conservation Authority, as well as other innovative approaches in order to maintain the long-term achievement of the Parkland Target.



**Recommendation 3:** It is recommended that the Town consider the dedication, or acquisition of:

- Unconstrained lands that can be added to the Natural Heritage System for the purposes of public parkland; and/or,
- Provincially owned lands within the Town's boundaries, including Bronte Provincial Park lands identified as within the Greenbelt Plan and suitable lands owned by the Conservation Authority.

Town acquisition/dedication of these land resources would facilitate significant augmentation of its supply of parkland and is a way of ensuring the achievement of the Parkland Target in the long-term, as well as providing significant programming opportunities.

Further, it is recognized that in some instances, the Parkland Target will not be achievable solely through the parkland dedication provisions of the *Planning Act*, and the Town should consider a comprehensive parkland acquisition strategy, including other acquisition/securement tools.

**Recommendation 4:** It is recommended that the Town consider a comprehensive parkland acquisition strategy that utilizes the following acquisition tools:

- The parkland dedication/cash-in-lieu provisions of the Planning Act;
- The Community Benefits provisions of the Planning Act;
- Public acquisition;
- Land exchanges;
- Donations, gifts, bequests; and,
- Other methods, deemed appropriate by the Town.



Bronte Heritage Waterfront Park, Oakville

## 4.4 Establishing a Context Appropriate Parkland Hierarchy

### The Urban Park Hierarchy for the Strategic Growth Areas

**Appendix II** identifies the need for the Town to establish an Urban Park Hierarchy to apply within the Town's defined Strategic Growth Areas and **Appendix III** provides a number of examples of each urban park type within the urban park hierarchy.

In general, urban park spaces are characterized as diverse, flexible, small and connected - There is very little private outdoor recreation space in higher density communities. Parks will therefore play a critical role in providing outdoor space in Oakville's Strategic Growth Areas (identified intensification centres and corridors). Urban park spaces have both green and hardscape design components, and are inherently connected to the public realm (ie. abutting public sidewalk system). The urban parkland system includes primarily public spaces that form an interconnected network. The urban parkland system is fundamentally different from its traditional suburban counterpart because it is:

- Animated by the people who walk from place to place and interact with the uses in the adjacent buildings;
- More heavily used and more diverse in their component parts and, as such, require a higher cost of design and development, and an enhanced maintenance protocol;
- Integrated as part of the pedestrian circulation network within a Strategic Growth Area; and,
- Flexible to accommodate different users and events, and will respond to use patterns that may be dramatically different at different times of the day.

**Recommendation 5:** It is recommended that the Town identify the following urban parkland hierarchy for implementation through the planning and development of its Strategic Growth Areas (identified intensification centres and corridors). It is expected that the majority of these Strategic Growth Areas will also be subject to and implemented through approved Secondary Plans/Block Plans:

#### **Public Common (PC)**

*0.75 to 2 ha*

PC spaces are the social and recreational focal points of a neighbourhood. They typically meet the needs of the local community, and in some instances, accommodate Town-wide facilities. PC spaces support a balance of active and passive uses. PC spaces shall be coordinated with urban school sites, where possible.

PC spaces should accommodate special features that add visual interest and contribute to placemaking, including locations for public art. PC spaces are intended to serve community users who are generally within a 10-minute walking distance (approximately 800 metres).

#### **Urban Square (US)**

*0.25 to 1 ha*

US spaces support neighbourhood-oriented social opportunities, as well as Town-wide entertainment and cultural events depending on their size and location. US spaces may include public art, small outdoor game areas, seating areas and places to eat, as well as street-related activities such as vendor and exhibit space. US spaces are intended to serve community users who are generally within a 5-minute walking distance (approximately 400 metres).

**Promenade (P)**

P spaces are substantial linear spaces that are located between adjacent building facades and the adjacent road right-of-way. They are typically only located along one side of the street, and are continuous along the length of the block. P spaces are between 6 and 20 metres in width, and are typically used to enhance the pedestrian experience along with highly activated at-grade retail spaces. P spaces may include public art, small outdoor game areas, seating areas and places to eat, as well as street-related activities such as vendor and exhibit space.

A robust urban parkland system also includes an array of smaller scale elements that add to the interest of the system, the connectivity of the system, as well as providing enhanced opportunities to animate outdoor activity and amenity adjacent to retail and restaurant businesses.

**Recommendation 6:** It is recommended that the Town consider adding to the urban parkland hierarchy a number of Other Urban Park Spaces. In addition, the Town should consider recognizing these Other Urban Spaces as contributing to the required parkland dedication within any development proposal within the Town's Centres and Corridors, subject to an understanding of their individual contribution to the overall urban parkland system. Other Urban Park spaces are described as follows:

**Other Urban Park**

< 0.25 ha

Other Urban Park spaces support the social and cultural fabric of Oakville's Strategic Growth Areas. They are destinations for day-to-day use and are animated by their adjacent uses, such as cafés and shops. They are intended to serve a local community that is generally within a 2.5 to 5-minute walk (approximately 200 to 400 metres) of residents, visitors and businesses.

Other Urban Park spaces are small and compact spaces that are designed to a very high standard to support more intensified use. Other Urban Park spaces may include:

- **Connecting Link (CL)** - A CL is an outdoor or indoor walkway that may be lined with small stores, restaurants and cafés. A CL is a minimum of 4 metres in width, and may be substantially wider. When enclosed, the floor to ceiling height shall be a minimum of 7 metres. Although a CL is intended to enable pedestrians to travel through the community quickly and easily, many are destinations unto themselves with seating, restaurant and retail frontages.



- **Pocket Parks** – Pocket Parks are small, pedestrian friendly spaces that accommodate socializing in dense urban areas. They include primarily hard surface elements, but can also accommodate softer elements. Pocket Parks are destinations unto themselves with outdoor seating, restaurant and retail frontages. Pocket Parks must be a minimum of 75 square metres in size, and must be connected to, and have at least 7.5 metres of direct frontage along the public sidewalk system.
- **Sliver Parks** - Sliver Parks are narrow linear spaces that often front restaurants, cafés and retail spaces. They create plazas or forecourts between the face of the adjacent building and the street right-of-way. They are effectively small scale extensions of the public sidewalk system.

## The Park Hierarchy for the Established Neighbourhoods, North Oakville and Other Greenfield Communities

The Town's Official Plan establishes an appropriate parkland hierarchy for its established neighbourhoods, in North Oakville and in other greenfield communities.

The parkland system in the Town's established neighbourhoods is characterized as public, big, green and programmed - In an established neighbourhood there is substantial private outdoor space in the back or front yard that significantly supplements the parkland system. In many cases, the parkland system in an established neighbourhood is also augmented by school sites. For the most part, the parkland system in an established neighbourhood is owned, designed and maintained by the Town.

As noted earlier in this Parks Plan, the Town of Oakville has been extremely successful in achieving a diverse, well designed and well used parkland system throughout its established neighbourhoods, and that has continued through the planning and development of North Oakville. The Official Plan currently articulates a robust parkland system that is appropriate for the established neighbourhoods and has been applied in North Oakville.

**Recommendation 7:** It is recommended that the Town identify the following parkland hierarchy for implementation through the planning and development of its established neighbourhoods, as follows:

### Community Park (CP)

>5 ha

CP spaces support a variety of recreational and athletic interests with amenities, such as sports fields and courts, large skateboard parks, outdoor skating facilities, field houses, picnic shelters, off-leash dog areas and water play facilities. CP spaces are typically co-located with Community Centres, where possible. CP spaces may accommodate specialized events and amenities may attract users from across the Town

**Neighbourhood Park (NP)**

*0.75 to 5 ha*

NP spaces support a balance of active and passive uses, such as playgrounds, skate zones, play courts, unlit sports fields and social gathering spaces. NP spaces may be coordinated with school sites, where possible. NP spaces serve a local community located within a 10-minute walk of the park space.

**Parkette (P)**

*<0.75 ha*

P spaces are recommended for instances where an NP space is not necessary, but local-level facilities (e.g., playground, waterplay, seating) are required to serve a nearby development. These spaces are not suitable for large features such as sports fields. P spaces support the social and cultural fabric of the community located within a 5-minute walk of the park space.

**The Eco Park Typology**

As noted previously, the amount of parkland necessary to achieve the Town's s Parkland Target to match its 2031 growth projection will be substantial. This reality may require that the Town consider accepting off-site parkland dedication for non-traditional parkland typologies. These off-site dedications should not be traditional suburban or urban park typologies, requiring a park type that is more ecologically appropriate in those contexts.

**Recommendation 8:** It is recommended that the Town consider amending its Official Plan and its park planning and design documents to incorporate the following Eco Park typology into the parkland hierarchy for implementation through municipal acquisition and/or off-site parkland dedications:

**Eco Park**

*>3 ha*

Eco Park spaces support environmental education, interpretation and nature-related recreation. Eco Park spaces include opportunities for linear and passive recreation and provide an ecological relief from the more urban environments in Oakville. Eco Park spaces may accommodate specialized events and amenities and will attract users from across the Town. Where possible, Eco Parks should be considered to co-locate with other park opportunities that can more appropriately accommodate active recreation facilities.

It is crucial to note that the Eco Park typology does not replace the need for a full suite of urban and more traditional suburban park typologies throughout the Town. Eco Parks are an opportunity to augment the Town's robust "campus of parks" concept - not replace it.

## 4.5 Designing and Maintaining the Parkland System

### Designing the Parkland System

Designing the Parkland System is a crucial Town function and requires an understanding of contextual relationship with residents, businesses and built form, as well as a recognition that there are a number of key principles and general design considerations that must be included in all design decisions. The key principles and general design considerations include:

- Convenience and coherence;
- Context, heritage and placemaking;
- Accessibility;
- Safety;
- Comfort; and,
- Sustainability and resilience.

**Appendix IV** provides a comprehensive set of design guidelines for the Town-wide Parkland System that is articulated in this Report. This work is considered as a starting point for Town staff to use as the basis for their ongoing parkland design exercises.

**Recommendation 9:** It is recommended that the Town consider adopting a comprehensive set of Design Guidelines to more fully articulate the park hierarchy, and to provide design guidance to the various components of the Town-wide Parkland System. The Design Guidelines should include a discussion about the general parameters, including scale, the type of park services/facilities and the anticipated user groups for each component of the Park System Hierarchy.

### Maintaining the Parkland System

#### Good Maintenance is Crucial

A great Parkland System is diverse, well-designed and, importantly, well maintained. A commitment to the highest levels of park maintenance is crucial to the success of the network and to the individual park spaces that comprise it. The Town of Oakville has an excellent track record in maintaining its more traditional suburban parkland network to a very high quality. **Appendix V** provides additional explanation for the recommendations that follow.

#### Funding + Coordinating Ongoing Maintenance

The importance of both funding and coordinating maintenance efforts of the entire Parkland System over time cannot be understated. With the addition of new scales, types and functions of park spaces, maintenance protocols will need to be more diverse and type specific. Different demands for equipment, different planting programs and different programming objectives will make ongoing maintenance far more complex than for a typical suburban parks system:

**Recommendation 10:** It is recommended that the Town consider clarifying roles, responsibilities and protocols for ongoing maintenance of the Parkland System for each type of park within both the Traditional/Suburban and Urban Parkland Hierarchies. The objective is to ensure a commitment and an understanding of the levels of maintenance that are both necessary and desirable. Some of the key elements of a “memorandum of understanding” may be:

- To include parks maintenance staff in the review of the parks design and development process to ensure that there is a full understanding and, ultimately, a clear commitment to establishing the required maintenance protocols. The intent of a park design, program and facilities need to be clearly identified early in the process by staff to ensure consideration of issues related to their ability to maintain the plant



materials, landscape surfaces and features over the long-term. Any special equipment or maintenance expertise should be identified before the park design is built;

- Where a decision to proceed with a complex (enhanced) design - particularly in an urban context - requiring enhanced maintenance - must include agreement among the design group, the development group and the parks maintenance group that the park and all its component parts can, and will be maintained in accordance with required best practices; and,
- The increase in maintenance budget needs to be understood and agreed to by the Town staff and disseminated to the front line staff as an agreed upon direction.

### **Design for Lower Maintenance - A Philosophy of Sustainability**

There are opportunities to design for lower maintenance as a sustainable approach to cost savings over time. Landscape Architects can design with relatively low maintenance paving materials, furniture and plant material. Plant material in an urban setting is crucial and requires special attention for maintenance.

**Recommendation 11:** It is recommended that the Town consider promoting a more sustainable park space development approach that requires less maintenance over time. For example:

- Establishing a minimum tree canopy coverage for the various park types within the hierarchy;
- Selection of plant species that are drought tolerant once their root systems are established is one example of reducing the maintenance requirements for water;
- Understanding the role of soil chemistry, soil volumes and soil types is also important to support lower maintenance plant material and must be specified in tandem with plant material; and,
- Pruning requirements of plant material can also be taken into consideration in the design process, to reduce maintenance.

### Working with Long-Term Benefitting Partners

There are opportunities to include other partners who can assist the Town with both establishing and performing enhanced maintenance protocols, including:

- **Business Improvement Areas** - Local BIA's have a secure funding source through a levy on property taxes that is to be used for marketing, events, enhanced maintenance and capital projects. Certainly BIA's can work with the Town's parks maintenance staff to augment the maintenance protocols of the Town. At the very least, BIA's and business owners should be asked to assist in maintaining adjacent urban park components, as part of their overall property maintenance procedures.

The BIA members will be a direct benefactor of an enhanced park system. As benefactors of the anticipated investment in the park spaces and the broader public realm, it is important that the BIA play a partnership role in providing capital funds for physical improvements, as well as providing support for an enhanced maintenance protocol;

- **Neighbourhood Associations** - While Neighbourhood Associations are not provided with a stable funding source through municipal taxation, there are jurisdictions in Canada that rely on direct local neighbourhood involvement in the design, development and maintenance of adjacent park spaces and the broader parkland network. The Town should consider pursuing a direct form of relationship with Neighbourhood Associations to assist with ongoing maintenance, in collaboration with Town maintenance protocols;
- **Building Owners/Condo Corporations** - Where an urban park has been developed as part of a large scale development, and the space remains in private ownership, it shall be a requirement of any legal agreement that ensures public access and assigns maintenance responsibility that the park be maintained to Town standards. Town standards are likely to be considered the minimum standard. For this approach to park maintenance to be successful, there will need to be a very clear definition of just what "maintained to Town standards" means;

- **Trust Funds** - In the United States, many jurisdictions have required that urban parks be maintained by a Trust Fund. Typically, the Trust Fund is established while the park is in the design and development stages. Trust Funds can be funded by the private sector (a tax deduction in the US), by the public sector, or through some combination of both. The Trust Fund Board retains maintenance contractors and takes on the responsibility to maintain the public park to a prescribed level of quality, and the Town absolves themselves of further maintenance responsibilities; and,
- **Adopt-a-Park Program** - It is important to note that an adopt-a-park program is not a replacement for the Town's ongoing maintenance of public parks or the public realm network, but an opportunity to augment existing responsibilities. Local service clubs, school groups, horticultural societies or interested citizens/citizen groups may wish to become involved in specific park maintenance events, and/or for ongoing maintenance responsibilities.

**Recommendation 12:** It is recommended that the Town explore a full range of partnership opportunities to ensure the ongoing, high quality maintenance of the Parkland System throughout the Town.

## 4.6 Achieving the Town's Parkland System

As previously identified, the Town will need to utilize a full array of planning and financial tools to achieve the stated Parkland Target of 2.2 hectares per 1,000 people. One important tool is the use of the Planning Act, which allows the Town to require parkland, or cash-in-lieu of parkland through the development approval process.

The Town of Oakville incorporates a full array of development types and community contexts, and it is appropriate to consider parkland dedication in a way that recognizes those differences. This Section focuses on these differences and promotes an approach to calculating parkland dedication based on land use and density.

### Commercial and Industrial Uses

For Commercial and Industrial land use categories, the Planning Act states that parkland dedication shall be up to a maximum of 2 percent of the Gross Land Area proposed for development. It is important to note that in the case of the parkland dedication requirement for commercial and/or industrial forms of development is based on the land area, and not the scale or intensity of development and, as a result, there should not be an additional parkland dedication requirement for new commercial and/or industrial development, or expansions to existing commercial and/or industrial development, assuming that the Gross Land Area of the Site does not change.

**Recommendation 13:** It is recommended that the Town require parkland dedication for commercial and/or industrial development in the amount of 2 percent of the Gross Land Area, unless otherwise identified as exempt from parkland dedication. It is also recommended that for the replacement or expansion of existing commercial and industrial uses, that there be no additional parkland dedication requirement.

Notwithstanding that specific recommendation, where commercial and/or industrial development is proposed, and where no prior parkland dedication has been provided or cash-in-lieu paid (prior to 2008), the Town may require parkland dedication in the amount of 2 percent of the Gross Land Area, unless otherwise identified as exempt from parkland dedication.



## All Other Non-Residential Land Uses

For all other land uses, the Planning Act states that parkland dedication shall be up to a maximum of 5 percent of the Gross Land Area proposed for development or redevelopment. It is important to note that in the case of the parkland dedication requirement for all other forms of non-residential development is based on the land area, and not the scale or intensity of development, and, as a result, there should not be an additional parkland dedication requirement for new non-residential development, or expansions to existing non-residential development assuming that the Gross Land Area of the Site does not change.

**Recommendation 14:** It is recommended that the Town require parkland dedication for all other non-residential, non-commercial, and/or non-industrial development in the amount of 5 percent of the Gross Land Area, unless otherwise identified as exempt from parkland dedication. It is also recommended that for the replacement or expansion of existing non-residential, non-commercial, and/or non-industrial uses, that there be no additional parkland dedication requirement.

Notwithstanding that specific recommendation, where new or expanded non-residential, non-commercial, and/or industrial development is proposed, and where no prior parkland dedication has been provided or cash-in-lieu paid (prior to 2008), the Town may require parkland dedication in the amount of 5 percent of the Gross Land Area, unless otherwise identified as exempt from parkland dedication.

## Residential Land Uses

Calculating a residential parkland dedication that is applicable throughout Oakville is complex. The important question that needs to be addressed is what is the appropriate approach for established neighbourhoods versus an appropriate approach in an urban intensification context. The goal is to identify a fair and consistent approach that recognizes the diversity of development contexts within the Town of Oakville.

In the most general sense, the Planning Act provides the following legislative authority for the Town to achieve a parkland dedication through the residential development process:

- Up to a maximum of 5 percent of the total land area; or,
- Up to a maximum of 1 hectare per 300 dwelling units; or,
- Where cash-in-lieu is utilized, up to a maximum of 1 hectare per 500 dwelling units.

**Established Neighbourhoods** - The Town of Oakville has historically done an excellent job in creating, building and maintaining a public parkland system that is appropriate within its primarily low to moderate density established residential neighbourhoods - where gross densities are less than 50 persons per hectare. These communities have incorporated a hierarchy of park spaces that are appropriate for their context, and are enshrined in the Town's Official Plan and current Parkland Dedication By-law.

To achieve this success, the legislative tools provided by the Planning Act and the policy framework included in the Town's Official Plan and Parkland Dedication By-law have worked very well. Established neighbourhoods have generally been developed on the basis of 5% of gross land area because that parkland dedication standard typically generated the greatest amount of parkland, in comparison to the alternative standard of 1 hectare per 300 dwelling units.

The following Table identifies a number of parkland dedication scenarios for 350 gross hectares of residential development land within Oakville's established neighbourhoods:

Parkland Standard/Density	Density in Units	Units Generated	People Generated	Parkland Generated
5% of Gross Land Area				17.5 ha
1 ha/300 dwelling units @ 30 persons/ha	9.2 units/ha	3,220 units		10.7 ha
2.2ha/1,000 people @3ppu			9,660 people	21.2ha
1 ha/300 dwelling units @ 45 persons/ha	13.8 units/ha	4,830 units		16.1 ha
2.2ha/1,000 people @3ppu			14,490 people	31.9ha

In these examples it is clear that the 5% standard generates the greatest amount of parkland in lower density residential communities. Further, the Parkland Target of 2.2ha/1,000 people is not achieved in any scenario, and is well beyond the prescribed maximums identified in the Planning Act.

**North Oakville/Other Greenfield Communities** - It is expected that the traditional hierarchy of parkland that has been implemented throughout Oakville's established neighbourhoods, will continue to be successful within North Oakville, and any other new greenfield residential neighbourhoods that are to be developed within Oakville. However, as density requirements increase within these neighbourhoods, as may be mandated by the Provincial Growth Plan, and/or the Region of Halton Official Plan, the use of the Planning Act alternative parkland dedication rate of 1 hectare per 300 dwelling units will begin to generate substantially more parkland than the 5% standard. The increase in parkland dedication generated by the alternative rate is further enhanced as household sizes decrease, affecting the number of dwelling units.

The Table below identifies a number of parkland dedication scenarios for 350 gross hectares of residential development land within communities that are expected to achieve gross densities above 50 persons per gross hectare:

Parkland Standard/Density	Density in Units	Units Generated	People Generated	Parkland Generated
5% of Gross Land Area				17.5 ha
1 ha/300 dwelling units @ 50 persons/ha	17.6 units/ha	6,160 units		20.5 ha
2.2ha/1,000 people @2.5ppu			15,400 people	33.9 ha
1 ha/300 dwelling units @ 70 persons/ha	25.0 units/h	8,750 units		29.2 ha
2.2ha/1,000 people @2.5ppu			21,875 people	48.1 ha

In these examples it is clear that the alternative parkland dedication standard of the Planning Act at 1 hectare per 300 dwelling units generates the greatest amount of parkland in the Town's lower density residential neighbourhoods (but above 50 persons per gross hectare), influenced by increasing densities and lowering average household sizes. Again, the Parkland Target of 2.2ha/1,000 people is not achieved in any scenario, and is well beyond the prescribed maximums identified in the Planning Act.

**Recommendation 15:** It is recommended that the Town of Oakville, throughout its new greenfield communities apply a parkland dedication rate based on a rate of 5% of the gross land area, or 1 hectare per 300 dwelling units, whichever generates the greater parkland dedication to the Town. Where cash-in-lieu of a land dedication is necessary, it shall be on the basis of 5% of the gross land area, or 1 hectare per 500 dwelling units, whichever is greater.

It is important to note that the North Oakville Planning Area is subject to its own Parkland Dedication Agreement, and no recommendation in this Parks Plan is designed to impact that agreement.



### **Minor Residential Intensification within Established Neighbourhoods**

- Minor residential intensification (defined as development/redevelopment that does not require an Official Plan Amendment) is expected within Oakville's established neighbourhoods. In these circumstances, the parkland dedication requirement is difficult to quantify. It is important to remember that most existing residential neighbourhoods already have a parkland system within them, and many existing properties may have already contributed to parkland dedication requirements (to some degree) when they were originally developed.

Where minor intensification is proposed within an established neighbourhood, no additional parkland dedication can be expected with respect to new development or redevelopment, except where more dwelling units in a more intense built-form are being proposed, or there is a conversion from commercial or industrial land uses to any other land use, including for residential intensification. Again, the goal is to be fair and reasonable when considering this form of intensification, while recognizing that more dwelling units will have an incremental impact on existing parkland resources.

**Recommendation 16:** It is recommended that the Town identify that for Minor Residential Intensification within established neighbourhoods, where no Official Plan Amendment is required, the Town implement a parkland requirement based on 5% of the land area, or 1 hectare per 500 dwelling units for each additional unit created, whichever generates the greater land dedication to the Town. As noted, the parkland requirement should apply only to the new units generated over and above the number of units remaining or being replaced, Cash-in-lieu may be calculated on the basis of 5% of the land area, or 1 hectare per 500 dwelling units.

**Recommendation 17:** It is recommended that the Town identify that Additional Residential Units permitted by the Official Plan and Implementing Zoning By-Law are exempt from any parkland dedication requirement.

### **Major Residential Intensification within Established Neighbourhoods**

- The Town may get major residential intensification (defined as development/redevelopment that requires an Official Plan Amendment) proposals on lands that are not currently identified within any of the Town's designated Strategic Growth Areas. In these instances, major residential intensification within an established residential neighbourhood may not necessarily be desired and may require an Official Plan Amendment. As such, the Town may wish to utilize parkland dedication as a way to mitigate the impacts of intensification in areas where it is not anticipated or desired, and to ensure that adequate parkland is available within the surrounding lower intensity established neighbourhood.

**Recommendation 18:** It is recommended that the Town, throughout its established neighbourhoods, implement a parkland, or cash-in-lieu of parkland requirement as follows:

*Major Residential* - Where major residential intensification is proposed within an Established Neighbourhood, and requires an Official Plan Amendment, the residential component of the development or redevelopment shall be required to contribute a parkland dedication, and/or payment-in-lieu, as follows:

- For ground-related dwellings (single-detached, semi-detached, duplex and street, row or block townhouse dwellings)
  - based on a rate of 5% of the land area, or 1 hectare per 300 dwelling units, whichever generates the greater parkland dedication to the Town. The Town may require a payment-in-lieu of a land dedication at a rate of 5% of the land area, or 1 hectare per 500 dwelling units, whichever is greater; and,

- For stacked townhouses and apartment dwellings - based on a land dedication and/or a payment-in-lieu of a land dedication at a rate of 1 hectare per 500 dwelling units.

### **Residential Intensification within the defined Strategic Growth Areas**

The Town of Oakville's Official Plan identifies an urban structure that includes a number of Strategic Growth Areas (defined intensification centres and corridors). These Strategic Growth Areas are expected to accommodate higher density forms of development through significant residential intensification. In these identified locations, land areas and development sites are limited in size, and land, in general, is both at a premium and significantly more expensive than in any other locations throughout the Town.

In considering the amount of parkland dedication achieved on an individual development site, the context of the "intensification" objectives of the Town, the Region and the Province need to be considered. For the very dense and highly urban development anticipated, the approach to parkland dedication needs to be clarified, based on an understanding of what can be considered to be fair and reasonable. Fundamentally, that means finding a balance between the incentive versus disincentive impacts of the cost of the provision of parkland, as well as the desire to promote good Town-building principles including the achievement of the Town's parkland system objectives.

**Appendix VI** proposes a number of urban development scenarios and applies a number of parkland dedication methods and metrics to each. That work is then analyzed to understand the expected fiscal impact of each method and metric, as those impacts relate to the financial feasibility of the urban development forms that are both anticipated and desired throughout the defined Strategic Growth Areas.

The analysis included in **Appendix VI** concludes that the 5% of land area for higher density forms of residential development is wholly inadequate for any high density, mixed-use community that is expected to be a desirable place to live.

The parkland dedication/cash-in-lieu rate to be applied to residential development within the Strategic Growth areas is expected to generate land and/or cash to achieve a number of important town-wide objectives related to the overall parkland system, as follows:

- To generate land resources within the Strategic Growth Areas to ensure that residents and businesses within the Strategic Growth Areas are provided with a robust, diverse and flexible urban parkland system - both on-site and potentially elsewhere within the defined Strategic Growth Area; and,
- To generate the opportunity (either by providing land or cash-in-lieu of land) to provide additional parkland elsewhere within the Town in support of the Town's Parkland Target of 2.2 hectares per 1,000 people.

**Recommendation 19:** It is recommended that the Town consider its options for achieving long-term park needs within its defined Strategic Growth Areas, keeping in mind that its Achieved Parkland Target within these areas is a long-term objective, based on land area, that must be balanced against achieving the Town's Parkland Target of 2.2 hectares per 1,000 people, which is a population-based target. Land costs and population growth estimates within the Strategic Growth Areas will require that the Town acquire parkland outside of the Strategic Growth Areas, and may require that the Town utilize acquisition tools other than just those tools provided under the Planning Act.

The key is to identify a parkland dedication/cash-in-lieu standard that is fair and consistent within the Town's Strategic Growth Areas; a standard that is not a substantive barrier to ongoing investment and intensification initiatives, a standard that delivers an appropriate urban parkland system, and a standard that provides cash-in-lieu to the Town to acquire lands to augment the supply of parkland, or to improve existing parkland resources on a Town-wide basis.

There are a number of important Town-building objectives at play here. First, what is considered to be a robust, diverse and flexible urban parkland system; second, what is a fair and consistent methodology

to calculate parkland dedication/cash-in-lieu contributions; and, third, how does the Town leverage its the overall Parkland Target and build upon the concept of "a campus of parks".

To consider defining just what a robust, diverse and flexible urban parkland system is, a number of urban "downtowns" from across North America were reviewed to understand just how much parkland is provided.

**Appendix VII** is a summary of research on the urban parkland systems of a number of urban centres in Canada and in the United States, as summarized in the table that follows:

	Total Land Area (ha)	Parkland (ha) (net land area)	Achieved Parkland Percentage
Downtown Minneapolis, MN	703	35	5%
Downtown Montreal, QC	269	10	4%
Lower Manhattan, NY	351	41	12%
Downtown Ottawa, ON	79	8	10%
Downtown Philadelphia, PA	549	45	8%
Downtown Portland, OR	164	17	10%
Downtown San Francisco, CA	88	6	7%
Downtown Savannah, GA	267	29	11%
Downtown Vancouver, BC	349	33	9%
Downtown Washington, DC	217	6	3%

*NOTE: All numbers are rounded to the nearest whole number*

The analysis of the other "downtowns" indicates that there is a broad spectrum of Achieved Parkland levels within each - ranging from a low of 3% to a high of 12%. While this assessment is very high level, it is instructive in identifying an appropriate objective for achieved parkland within Oakville's identified Strategic Growth Areas.



**Recommendation 20:** It is recommended that that when preparing comprehensive plans (a Secondary Plan, or Block Plan) for identified Strategic Growth Areas, the Town establish an Achieved Parkland Standard (net parkland/gross land area of the Strategic Growth Area) of a minimum of 12%, where opportunities exist, and that the planned urban parkland system within a comprehensively planned Strategic Growth Area be:

- Comprised of the Public Common, Urban Square and Promenade categories; and,
- Be distributed throughout the Strategic Growth Area, such that all residents are within a maximum of a 2.5 minute walk (200 metres) from a defined Public Common, Urban Square or Promenade.

What is also important in this analysis is that the range of urban park system elements, their inherent urban design quality and their broad distribution throughout the identified communities are at least as important as the quantum of the spaces.

The table that follows identifies the existing/planned parkland within the gross land area of the eight individual Strategic Growth Areas within the Town. Currently, four of the eight Strategic Growth Areas do not achieve the 12% Achieved Parkland Standard. The other four Strategic Growth Areas include a range of between 12.1% and 18.8%, all in excess, to varying degrees, of the 12% Achieved Parkland Standard.

#### Parkland as a Percentage of Gross Land Area

Strategic Growth Area	Parkland Area (ha)	SGA Gross Land Area	Parkland %
Palermo Village	16.65	137.70	12.1%
Hospital District	0.00	74.83	0.0%
Neyagawa Urban Core	0.00	86.24	0.0%
Uptown Core	15.44	114.30	13.5%
Bronte Village	7.21	42.08	17.1%
Kerr Village	5.73	70.75	8.1%
Midtown Core	9.85	103.03	9.6%
Downtown Oakville	5.50	29.17	18.8%
<b>TOTAL</b>	<b>60.38</b>	<b>658.10</b>	<b>9.2%</b>

*\*SOURCE: Town of Oakville*

In addition to the Achieved Parkland Standard, keys to the ongoing evolution of an urban centre - or Strategic Growth Area - is the establishment of new, small urban park space elements that come with large scale redevelopment. Those new elements do not significantly add to the quantum of park space within the community, but do, however add to the increasingly robust and interesting parkland system throughout the community. The whole system is greater than the sum of its individual elements.

As such, In addition to the Achieved Parkland Standard of 12% within the Town's Strategic Growth Areas, it is also an important objective of the Town to require all significant developments (defined as developments on sites that are equal to, or greater than 1,500 square metres in size) within a Strategic Growth Area make a recognizable contribution to the urban parkland system by requiring an on-site urban park space element. Innovation and diversity of urban park spaces is to be encouraged, and alternative land ownership strategies may be considered by the Town as the identified Strategic Growth Areas become more urban over time.

**Recommendation 21:** It is recommended that the Town require that, in addition to the larger scale elements of the urban parkland hierarchy achieved through Secondary Plans/Block Plans identified previously, all development on all individual sites within the Strategic Growth Areas that are greater than 1,500 square metres in size, shall include, at a minimum, a land contribution to the Town for urban park purposes, that meet the following criteria:

- An on-site urban parkland system contribution of not less than 5% of the net developable site area for any residential or mixed-use development that includes residential uses;
- The urban parkland system elements considered appropriate in this context may include Connecting Links, Pocket Parks and Sliver Parks. Under no circumstances will the net area of any of these urban parkland system elements be less than 75 square metres;
- An urban parkland system element shall have frontage on a public street right-of-way; and,
- Larger sites shall include larger urban parkland system elements and/or multiple urban parkland system elements.

Within the Downtown Oakville and Bronte Village Strategic Growth Areas, the provision of smaller scale urban park elements on individual development sites shall be encouraged, but not necessarily required, by the Town.

It is also recommended that the Town explicitly identify that for sites less than 1,500 square metres in size, the Town may accept an on-site land contribution, an off-site land contribution and/or cash-in-lieu of land.

**Mixed-Use Developments** - It is anticipated that mixed-use development applications will be primarily located within the Strategic Growth Areas identified in the Official Plan. The calculation of parkland dedication requirements for mixed-use developments can vary, and can be calculated through a number of mathematical formulae.

In mixed-use developments, it is desirable to include retail commercial, office and/or institutional elements to create a land use diversity, and to promote good live-work, live-shop relationships. Those uses are also important elements of a complete community at the neighbourhood scale. In addition, higher density, mixed-use contexts, where the primary land use is residential, it is the residential requirement for parkland that will far outweigh the contribution from the commercial or institutional components, particularly if the calculation is based on pro-rating GFA to establish a parkland dedication formula. Where land dedication/cash-in-lieu is a desirable outcome for the Town:

**Recommendation 22:** It is recommended that the Town consider provisions for mixed-use development on sites within Strategic Growth Areas that identifies that for all mixed-use developments the parkland dedication requirement for the non-residential component shall be based on the following Mixed-Use Formula:

Residential Contribution + Pro-Rated Institutional Contribution + Pro-Rated Commercial/Industrial Contribution = TOTAL CONTRIBUTION, where:

- The Residential Contribution = parkland dedication as per the rate identified in the Parkland Dedication By-law; PLUS,
- The Pro-Rated Institutional uses = ((Institutional GFA/Site Area)\*100)\*5 percent; PLUS,
- The Pro-Rated Commercial and Industrial = ((Commercial and Industrial GFA/Site Area)\*100)\*2 percent.

**Recommendation 23:** It is recommended that where cash-in-lieu is considered appropriate by the Town, it shall be based on the cash equivalent of the application of the Mixed-Use Formula or the alternative cash-in-lieu of land provisions of the Planning Act for residential development of 1 hectare per 500 dwelling units, whichever is less.

The primary objective of the Town is to promote appropriate mixed-use development in the appropriate locations as part of achieving the principles of good planning and Town-building, and as such, the Town should consider how mixed-use development should be incentivized.

**Recommendation 24:** It is recommended that where the Town wishes to incentivize mixed-use development, that where the non-residential component is not considered a significant generator of Gross Floor Area within a mixed-use development, that the parkland dedication due from the non-residential component be reduced, or waived, to the satisfaction/discretion of the Town.

## 4.7 Generating Land/Cash-in-Lieu of Land

This Parks Plan is to 2031. It is estimated that to achieve the Town's Parkland Target of 2.2 hectares per 1,000 people within the Strategic Growth Areas, the Town will need to acquire 23.7 hectares of new parkland.

It is recognized that the Strategic Growth Areas will generate land within the Strategic Growth Area itself, as well as cash-in-lieu of land for the Town to acquire parkland elsewhere in the Town to ensure that, ultimately, the Parkland Target of 2.2 hectares per 1,000 people is achieved. Alternatively, The Town could accept offsite land dedications.

**Recommendation 25:** It is recommended that the Town consider off-site parkland acquisition/dedication opportunities in order to augment its supply of parkland as a way of achieving its Parkland Target. Where an off-site land dedication is considered appropriate, the land area of the off-site parkland dedication shall be subject to the following criteria:

- The off-site land area is land that is acceptable as parkland dedication, in accordance with the requirements identified in this Parks Plan;
- The land value identified for the required parkland dedication from the proposed development site is approximately equal to the land value of the off-site land dedication site, either in absolute per hectare land cost, or the amount of land to be dedicated; and,
- An off-site parkland dedication shall be to the satisfaction of the Town.

**Recommendation 26:** It is recommended that the Town establish a Parkland Acquisition Strategy that recognizes that parkland within the Strategic Growth Areas will not likely ever achieve the Parkland Target within their defined boundaries. As such, the Town's Parkland Acquisition Strategy may need to consider how development within the Strategic Growth Areas delivers a robust, diverse and flexible urban parkland system and provides sufficient cash-in-lieu of parkland to augment off-site land acquisitions elsewhere in the Town to ensure that the Town-wide Parkland Target of 2.2 hectares per 1,000 people is achieved. The following table includes the recommendation for the establishment of a per unit fee (\$22,269/unit) for parkland dedication within the Strategic Growth Areas. It is important to recognize that the per unit rate is established as the "baseline" requirement, and may be reduced through the dedication of land. Further, under no circumstance shall the per unit charge exceed the equivalent value of 1 hectare per 500 dwelling units.

It is important to note that historically the Town has worked toward the achievement of parkland dedication, and/or cash-in-lieu of land based on the maximum permitted by the Planning Act. The per unit charge of \$22,269 is considered to be a substantial reduction from Planning Act standards for higher density residential development forms. Lower density residential development forms are more likely to be subject to the 1 hectare per 500 dwelling unit standard identified in the Planning Act.

	Total	Within Strategic Growth Areas	Identified Park Priorities	Opportunities Elsewhere
Proportionate Share	100%	25%	50%	25%
Land Needs	23.706 ha*	5.926 ha	11.853 ha	5.926 ha
Value/Hectare		\$20,100,000	\$5,000,000	\$1,500,000
Cost of Parkland	\$187,274,870	\$119,121,041	\$59,264,200	\$8,889,630
Less CIL Account	\$78,000,000			
Net Cost of Parkland	\$109,274,870			
Cost Assigned to Parkland Dedication By-law	\$109,274,870			
Anticipated Growth	4,907 units			
Per Unit Cost	\$22,269			



## 4.8 Options for the Ownership of the Town's Parkland System

As articulated more fully in **Appendix VIII**, there are four primary approaches to the ownership/securement of the parkland system within the Town of Oakville, as follows:

- **Fee Simple Parkland** - Fee simple parkland is land dedicated or otherwise acquired by the Town without any form of legal or constraint. These lands are wholly owned by the Town. Throughout Oakville, it is the clear preference that all elements of the parkland system be owned by the Town. Fee Simple ownership provides the Town with the full responsibility and associated flexibility to ensure that parkland elements are appropriately designed, maintained and programmed. Fee Simple parkland elements, where achieved through the development approval process, shall count toward the required parkland dedication;
- **Strata Ownership** - Strata ownership is a form of Town ownership that is achieved through the Condominium Act. Typically, Strata Ownership identifies the horizontal layer of a multi-level development that is to be dedicated to the Town, and in this application, for public parkland purposes. Strata Ownership is Town ownership, including all of the responsibilities and associated flexibility to ensure that parkland elements are appropriately designed, maintained and programmed. Usually, Strata Ownership is used where a parkland element is to be built over the top of some underground structure or facility (such as a parking garage, or a storm water management facility). Where a Strata Ownership arrangement is used, including the appropriate legal agreements, the land area of the strata park shall be counted toward the required parkland dedication, but the actual land area to be counted may be discounted to reconcile issues related to lifecycle costs - parkland over structure has a defined life span, typically related to the waterproofing membrane that separates the parkland from any below grade structure. The actual amount of the discount shall be determined on a case-by-case basis, at the sole discretion of, and to the satisfaction of the Town;
- **Privately Owned Public Spaces (POPS)** - POPS are not owned by the Town. They are parkland elements that remain in private ownership yet, nonetheless, may form an important component of the overall parkland system. The Town may consider counting POPS toward the parkland dedication requirement only where appropriate legal agreements that guarantee that the park space is designed, built and maintained to Town standards, and that it is open and accessible to the public at all times (or otherwise to the satisfaction of the Town). Where the Town chooses to count a POPS as part of the parkland dedication requirement, the actual land area to be counted shall be discounted in recognition that, notwithstanding required legal agreements, the Town does not own the land and therefore cannot exercise the full extent of control over the design, maintenance and programming of the space. Where appropriate, the actual amount of the discount shall be determined on a case-by-case basis, at the sole discretion of, and to the satisfaction of the Town; and,
- **Use Agreements/Easements** - While not a form of Town ownership, it is important for the Town to consider constrained lands (utility rights-of-way, lands associated with highway development, or other lands owned by a utility, a school board or other government agency) as contributors to the overall parkland system of the Town where those lands can perform a recreational function that benefits the Town. These lands, while not owned by the Town, may be designed and maintained by the Town to achieve a community benefit. While there is no need to consider the issue of any contribution toward parkland dedication requirements, these lands may be appropriately secured for public use through a use agreement or public use easement.

It is understood that municipal fee simple parkland ownership is a desirable objective of the Town. However, where the elements of a more urban parkland system are to be considered, the alternatives of Strata Ownership and/or POPS can become important opportunities. Please refer to **Appendix VIII** for a more fulsome discussion of the opportunities and risks of these ownership alternatives. Key to the success of these alternatives to fee simple municipal ownership are the legal agreements that are established to ensure the Town's design expectations and maintenance protocols are achieved and that public access is ensured.

## Ownership Options for the Parkland System within the Established Neighbourhoods, North Oakville and any other Greenfield Communities

**Recommendation 27:** Where land is to be considered as a parkland dedication contribution under the Planning Act, it is recommended that the Town require, as a first priority, the Fee Simple dedication for all parkland system elements within the established neighbourhoods and other greenfield communities.

Where there is an appropriate rationale, the Town may consider a Strata Ownership arrangement, as permitted under the Ontario Condominiums Act, for Neighbourhood Parks and Parkettes within the established neighbourhoods and other greenfield communities, subject to a land area discount, in recognition of life-cycle cost issues. The actual amount of the land area discount shall be determined on a case-by-case basis, at the sole discretion of, and to the satisfaction of the Town.

## Ownership Options for the Urban Parkland System within the Strategic Growth Areas

**Recommendation 28:** Where land is to be considered as a parkland dedication contribution under the Planning Act, it is recommended that the Town, as a first priority, require fee simple parkland dedication for all Public Common, Urban Square and Promenade elements of the urban parkland system within the Strategic Growth Centres.

Where there is an appropriate rationale, it is recommended that the Town consider a Strata Ownership arrangement for Public Common, Urban Square and Promenade elements of the urban parkland system within the Strategic Growth Areas, subject to a land area discount, in recognition of life-cycle cost issues, to the satisfaction of the Town. The actual amount of the land area discount shall be determined on a case-by-case basis, at the sole discretion of, and to the satisfaction of the Town.

**Recommendation 29:** It is recommended that the Town continue to augment the urban parkland system within the Strategic Growth Areas with Privately Owned Public Spaces (POPS). To incentivize the provision of POPS, it is recommended that the Town consider providing parkland dedication credit, where the following criteria are met, to the satisfaction of the Town:

- It is an integral element, and is directly connected to the broader urban parkland system and the adjacent public sidewalk system;
- It can be defined only as an Other Urban Park element, and is not a Public Common, Urban Square, or Promenade;
- An appropriate legal agreement has been established between the owner and the Town that guarantees that the space is designed, built and maintained to Town standards, and is open and accessible to the public at all times (or as otherwise to the satisfaction of the Town); and,
- The land area of the POPS is appropriately discounted, in recognition of the Town's lack of programming control, to the satisfaction of the Town. The actual amount of the land area discount shall be determined on a case-by-case basis, at the sole discretion of, and to the satisfaction of the Town.

## Private and Semi-Private Amenity Spaces

The publicly accessible elements of the urban parkland system are crucial in establishing an inspiring and diverse pedestrian experience. In addition, roof top gardens and individual balconies play an important role in creating a complete system of urban amenity space (private and semi-private) that is crucial to the quality of life/quality of space in any successful urban community.

**Recommendation 30:** It is recommended that the Town consider including within the new Official Plan, the implementing Zoning By-Law and/or any applicable Design Guidelines the requirement for private and semi-private amenity spaces within all residential apartment buildings and mixed-use buildings that include residential apartments. Private and semi-private amenity spaces can include balconies/terraces linked to individual dwelling units, indoor community spaces, fitness facilities and swimming pools and outdoor roof top terraces, including opportunities for green roof infrastructure and dog stations. These private and semi-private spaces are not to be considered for any credit as part of the Town's Parkland Dedication By-Law.



## 4.9 Understanding Cash-In-Lieu of Parkland

The Planning Act permits the Town to require/accept cash-in-lieu of a land dedication up to the value of the land otherwise to be conveyed. The cash-in-lieu requirement shall be based on:

- For commercial or industrial land uses - up to 2% of the value of the land area;
- For all other non-residential land uses - up to 5% of the value of the land area;
- For residential land uses - up to 5% of the value of the land area, OR, 1 hectare for each 500 dwelling units proposed, or such lesser rate as may be specified in the Parkland Dedication By-Law.

There are a number of other issues to be determined in the Parkland Dedication By-Law related to who should decide when cash-in-lieu is acceptable, how the cash payment is to be calculated, and how to deal with disputes, as they may arise from time to time.

### Who decides when cash-in-lieu is acceptable?

In many jurisdictions, municipalities will respond to the developer's wishes regarding whether land, or cash-in-lieu of land is provided, on a case-by-case basis. In Oakville, the Town typically determines whether land, or cash-in-lieu of land, or some combination thereof is appropriate based on the policies of the Official Plan, any applicable Secondary Plan and/or the identified needs of the community.

**Recommendation 31:** It is recommended that the Town continue to clearly empower itself to determine, in consultation with the landowner/developer, when cash-in-lieu is an acceptable approach, and when a land contribution will be required. It is crucial that the Town's process for determining when cash-in-lieu is an acceptable approach, and when a land contribution will be required is open and transparent.

The Planning Act permits the acceptance of cash-in-lieu without limitation on the type of use, the location within the Town, or any other contextual circumstance. In that regard, the Town does not require any definition of when cash-in-lieu is used, or not. The Town can identify the circumstances where cash-in-lieu of parkland dedication may be permitted or required. Important to the conversation about parkland dedication is a commitment by the Town to, as a first priority, acquire parkland assets through the development approval process. The decision to require land, or cash, or some combination thereof, for any specific development proposal should be part of the public process for an Official Plan Amendment, and/or a rezoning application.

**Recommendation 32:** For all development located outside a defined Strategic Growth Area, It is recommended that the Town identify that land dedication always be the first priority, and that cash-in-lieu only be acceptable where no reasonable alternative exists, including the opportunity for an off-site land dedication elsewhere within the Town. Cash-in-lieu of land shall only be considered under the following circumstances:

- Where the application of the parkland dedication requirements would render the remaining portion of the development site unsuitable or impractical for development;
- Where the amount of parkland dedication generated by the development proposal is insufficient to accommodate a reasonable public park space;
- Where existing public parkland is available and is deemed sufficient by the Town in quantity and quality to accommodate further development in proximity to the proposed development; or,
- Where more suitable parcels of land are available for acquisition for public parkland purposes in other locations within the defined neighbourhood, or anywhere else within the Town.

Within Strategic Growth Areas it is recognized that there will likely be a combination of a land dedication and/or a cash contribution.

### How will land value be established?

The Planning Act, under the new Section 37 Community Benefits has established an approach to land valuation that appears to be fair and reasonable, and since that methodology will be utilized to establish a Community Benefits Charge, it would be appropriate for the Town to establish land value for cash-in-lieu of parkland utilizing the same methodology.

**Recommendation 33:** It is recommended that the Town identify that where cash-in-lieu is considered appropriate by the Town, it shall be based on the cash equivalent of the applicable parkland dedication requirement as established in the Parkland Dedication By-law. Notwithstanding that statement, for residential, or the residential component of a mixed-use development, under no circumstances will a cash-in-lieu equivalent exceed 1 hectare per 500 dwelling units.

**Recommendation 34:** It is recommended that the Town's Director of Planning collaborate with the Director of Parks and Open Space and the Town Solicitor, to establish a set of context specific land values for the purposes of calculating cash-in-lieu of parkland contributions. Such land values shall be identified by land use designations and/or geographic context, subject to the following:

- Town land values shall be updated by the Town's Director of Planning in collaboration with the Director of Parks and Open Space and the Town Solicitor at least every 180 days; and,
- The established Town land values shall be applied to each development application for the purposes of establishing a cash-in-lieu of land payment.

**Recommendation 35:** It is recommended that the Town, carry out land valuation in conformity with the approach identified in the Planning Act.

### When is Cash-in-Lieu Calculated?

In determining the cash value in-lieu of a land dedication, the Planning Act has a number of legislative requirements that need to be recognized. The Planning Act provides specific direction to municipalities for “when” in the development approvals process land value is to be calculated for the purposes of the payment of cash-in-lieu.

For development pursuant to Section 42 of the Planning Act:

**Recommendation 36:** It is recommended that the Town clearly identify that for development subject to Section 42 of the Planning Act, the value of the land or cash-in-lieu equivalent to be paid shall be determined as the value of the land the day before the day that the building permit is issued, and if more than one building permit is required, the value shall be calculated the day before the day that the first building permit is issued.

With respect to Sections 51.1 and 53 of the Planning Act:

**Recommendation 37:** It is recommended that the Town clearly identify that for development subject to Sections 51.1 and 53 of the Planning Act, the value of the land or cash-in-lieu equivalent shall be determined the day before the day the approval of the draft plan of subdivision and/or the day before the day that provisional consent was given, except where site plan approval is required at a subsequent stage, then the parkland dedication calculation will be subject to Recommendation 36, above. For lands where no subsequent Site Plan Approval is required, Draft Plan Approval shall be subsequent to Official Plan designations and Zoning By-Law approvals that establish the value of the land in anticipation of appropriate development.

## How will cash-in-lieu be used by the Town?

The Planning Act requires that the Town establish a special bank account to hold funds generated through the cash-in-lieu provision. In all circumstances, it would be appropriate for the Town to have a strategy for the disposition of those funds to acquire lands and carry out appropriate improvements to parklands throughout the Town.

For example, the City of Toronto has a guideline (it is not part of their Official Plan or Parkland Dedication By-law) that states that 50 percent of the cash-in-lieu generated by any specific development be used to improve parkland in proximity to that development (25 percent for capital improvements and 25 percent for land acquisition) and the other 50 percent to be used for any parkland improvements anywhere in the City (again, 25 percent for capital improvements and 25 percent for land acquisition). While this appears a good and reasonable approach, timing of acquisition is crucial, given the rapid pace of land value increases over time. In Toronto it appears that this funding allocation strategy has limited the City's ability to be competitive in acquiring physical land for parks in strong market locations (primarily the downtown) - the cash collected does not match the cost of land, where there is a time gap between collection and acquisition.

Recent legal opinions, based on a careful reading of the Planning Act, suggest that undefined capital improvements to parks (whether due to nearby population growth, or other reasons) are not a fundable item for cash-in-lieu of parkland, and, where capital improvements to existing parks are necessary due to continuing population growth and changing use patterns, these capital improvements are more appropriately captured under the Development Charges By-law.

**Recommendation 38:** The Town has established a special account for the receipt of all cash-in-lieu of land contributions accrued through the parkland dedication/ cash-in-lieu of parkland process. It is recommended that the Town clearly articulate that the accumulated cash-in-lieu may be used for the following priorities:

- The acquisition of lands for public parkland and public recreational purposes anywhere in the Town;
- The acquisition of lands for pathways, trails and associated infrastructure throughout the Town, with a focus on missing links;
- The erection, improvement or repair of buildings used for park or other public recreational purposes; and,
- The acquisition of vehicles and equipment used for parks maintenance and other public recreational purposes.

**Recommendation 39:** The Town shall prepare a Land Acquisition Strategy and a budget for allocating funds, on an annual basis, to achieve parkland acquisition and improvements projects. The goal will be to ensure that all cash-in-lieu funds collected are spent on identified parkland system improvements in a timely fashion, and to avoid the land cost inflation issues that occur over time.



**Recommendation 40:** In administering the special cash-in-lieu account, it is recommended that the Town identify the following provisions:

- Money in the special cash-in-lieu account may be invested in securities that the Town is permitted to invest in under the Municipal Act; and,
- Any earnings derived from the investment shall be paid into the special cash-in-lieu account, and the Town Treasurer shall report on the activities and status of the account in an Annual Financial Statement relating to the special cash-in-lieu account. The Annual Financial Statement shall include, for the preceding year, an accounting of the opening and closing balances of the special cash-in-lieu account and all of the transactions relating to the account, as well as statements identifying:
  - » Any land or machinery acquired during the year with funds from the special cash-in-lieu account;
  - » Any capital improvements carried out during the year with funds from the special cash-in-lieu account;
  - » Any building erected, improved or repaired during the year with funds from the special cash-in-lieu account; and,
  - » The details of the amounts spent.
- The Town Treasurer shall give a copy of the Annual Financial Statement to the Minister of Municipal Affairs (on request) and Council shall ensure that the Annual Financial Statement is made available to the public.

### Is a Land Bank Appropriate?

Overall, the Town will receive cash-in-lieu of parkland, and may in some instances, receive land dedications that may not be immediately suitable for the development of a park. Land is a resource that over the past few years has been appreciating in value at a faster rate than many other forms of investment. This is a problem for the Town because the time lag between when cash-in-lieu is collected, and when a corresponding land acquisition is implemented ensures that the cash has not appreciated at the same pace as land. The result is the land area is smaller than anticipated, or additional cash is required to acquire the same amount of land.

A land bank has the potential to be a tool of value to the Town. The Town could acquire land assets based on a “respond to opportunity” approach, and that land may, or may not ultimately be used for parkland but can be available to sell for other purposes to generate the cash, or trade for lands that are appropriate for parkland at the appropriate time. The Town could also consider the acquisition of land for parks in strategic locations in advance, financing land acquisitions from a forecast of cash-in-lieu generated from future development. This might allow the Town to get “out in front” of land value appreciation, acquiring land in today’s dollars, and offsetting those costs with cash-in-lieu payments from lands that have appreciated in value later on. However, the obvious risk would be exposure to land market fluctuations.

The discussion about a land bank should be about the mechanics of how it could work, and what benefits it might provide to the Town in making improvements to the overall parkland system over time.

**Recommendation 41:** It is recommended that the Town consider the establishment of a Land Bank for public parkland purposes, either as a mechanism to counter-act the inflationary effects of the cost of land, or to ensure that land is available for public park purposes as the Town continues to urbanize and intensify over time.

## 4.10 Administration of the Town's New Parkland Dedication By-law

The following elements of this Parks Plan have been informed partly by Town staff, and partly by a review of Parkland dedication practices from other jurisdictions, as summarize in **Appendix IX**.

### Developers/Development Forms that may be Exempt from Parkland Dedication or Considered at a Reduced Rate

The Town may exempt certain categories of land use, or specific forms of development from the requirement to provide a parkland dedication and/or cash-in-lieu of land. In addition, some institutional developers, like school boards, hospitals and universities are also exempt. The Town may also consider other institutional uses as exempt, or provide a reduced parkland dedication requirement for: special needs housing; affordable housing; or, any category of land use that is defined as providing a public benefit.

In addition, the Town may consider eliminating or reducing the parkland dedication requirements as an incentive used to stimulate appropriate development. This could be applied site specifically, or based on achieving a number of defined public benefits, or generally within a geographic area or category of development. There is a concern that broadening the list of types of development types exempt from parkland dedication, or exempting whole land use categories will unduly compromise the Town's ability to achieve the desired parkland system target.

**Recommendation 42:** It is recommended that the Town, reserve the right to exempt, or reduce the parkland dedication/cash-in-lieu requirement for any land use, development project or specific development site, at the discretion of Council.

### Lands that should Count/Not Count for Parkland Dedication

In a general sense, the Town looks for lands to be dedicated for parkland that are otherwise considered developable. In some instances, however, it is important to remember that a diverse parkland system includes a range of public parkland, including public parks that may not be intended to accommodate sports fields or other active recreational activities. There is more flexibility with more passive park types to accommodate slopes, woodlots, natural heritage and cultural heritage features. Lands identified as within the Natural Heritage System are not typically acceptable for parkland dedication, with the notable exception of the City of London that does accept those lands, with a significant reduction in value.

In the Town of Oakville, there are also land areas that are currently owned and managed by the Provincial government and the Conservation Authority. In some instances, these lands may be appropriate candidates to accommodate either active or passive recreational opportunities and as such, may be appropriate for consideration as parkland acquisition or dedication.

**Recommendation 43:** It is recommended that the Town of Oakville identify the following as fully acceptable lands for parkland dedication:

- Lands in a condition satisfactory to the Town and in accordance with the requirements of the Town's Official Plan Policies respecting the acquisition of land, including a Record of Site Condition pursuant to the Environmental Protection Act; and,
- Lands that are generally free of any/all encumbrances.

**Recommendation 44:** It is recommended that the Town of Oakville identify the following as potentially being acceptable lands for parkland dedication, but at a reduced rate:

- Lands that are within the designated Natural Heritage System, but are not specifically identified as a core natural feature;
- Lands that include slopes between 5 percent and 15 percent, that are not included within the Natural Heritage System and/or,
- Lands that include designated cultural heritage resources or cultural heritage landscapes.

It is also recommended that the Town identify that it accept at a reduced rate, Strata Ownership, anywhere within the Town. Further, that the Town identify that it accept, at a reduced rate, POPS within the Strategic Growth Centres, subject to required legal agreements, to the satisfaction of the Town, and the other regulations identified in this Parks Plan.

**Recommendation 45:** It is recommended that the Town of Oakville identify the following as not acceptable lands for parkland dedication:

- Lands that are an identified core natural heritage feature as defined in the Official Plan, or an applicable Secondary Plan, or as identified in an Environmental Impact Study accepted by the Town;
- Lands that are identified as Hazard Lands, have poor drainage, erosion issues, extreme slopes (greater than 15 percent) or other environmental or physical conditions that would interfere with the lands potential development or use as a public park;
- Lands that are required to accommodate storm water management facilities. And, where lands for parks purposes include storm water management facilities, that portion of the land that includes a storm water management facility shall not be included in the area calculation for parkland conveyance;
- Lands that are deemed to be contaminated in any way;
- Lands used for utility corridors or any other infrastructure; and/or,
- Lands that are encumbered by easements or similar legal instruments that prohibit public use.

It is also suggested that the Town, notwithstanding the provisions of this recommendation, consider accepting constrained lands - lands with steep slopes, utility corridors, storm water management facilities, or highway infrastructure - for acquisition or securement via easement, or as part of the required parkland dedication. If the constrained lands are to be part of a required parkland dedication, the land area provided shall be substantially discounted in recognition of the associated constraints of the land to accommodate recreational opportunities, to the satisfaction of the Town. The actual amount of the land area discount shall be determined on a case-by-case basis, at the sole discretion of, and to the satisfaction of the Town.

## What is the overall applicability of the New By-Law?

In general, the Parkland Dedication By-Law should be applicable throughout the Town, and for all categories and types of development, and in all geographic locations.

It is also important to recognize previous conveyances/payments for development, ensuring that the Town does not inadvertently extra-charge a development for parkland dedication.

**Recommendation 46:** It is recommended that the Town, in its Parkland Dedication By-law, state that the By-law applies to all lands within the corporate limits of the Town of Oakville, and that the Parkland Dedication By-law applies to all development applications pursuant to the Planning Act, which are submitted and deemed complete by the Town. In addition:

- As a condition of development of land, the Town shall require that parkland be conveyed to the Town for park or other public recreational purposes; and,
- The required conveyance shall be in the form of land, or a cash-in-lieu equivalent to the value of the land required, or a combination of cash and land, at the discretion of the Town.

**Recommendation 47:** It is recommended that the Town, in its Parkland Dedication By-Law identify that where land has previously been conveyed, or a payment of cash-in-lieu of such conveyance has been previously received by the Town, no additional conveyance or payment in respect of the land subject to the earlier conveyance or payment may be required by the Town in respect of subsequent development or redevelopment applications, unless:

- There is a change in the proposed development which would increase the density (expressed as Gross Floor Area or number of units) of the current use or currently approved use; or,
- Lands originally identified for development or redevelopment for commercial or industrial purposes are instead proposed for development or redevelopment for other purposes that generate a higher parkland dedication.

Further, where such increase in density and/or dwelling units is proposed, or where a land use conversion is proposed, from a non-residential land use to a residential land use, or from a commercial or industrial land use to any other land use, the conveyance will be subject to the increase in density/dwelling units/land use proposed and the value determined at the time of the application.



## By whom, and how should the New By-law be administered?

**Recommendation 48:** It is recommended that the Town, in its Parkland Dedication By-law indicate that nothing in the By-law shall be interpreted so as to frustrate, invalidate or supersede any existing agreements that have been previously executed between the land owners and the Town with respect to area specific parkland dedication, delivery and funding arrangements, provided that the proposed development proceeds in a manner set out under such agreements.

**Recommendation 49:** It is recommended that the Town, in its Parkland Dedication By-law, identify that parkland dedication credits may be considered by the Town where a specified developer has over-provided a parkland dedication on one site, and then, subject to approval by the Town, may reduce the required parkland dedication on another site being developed by the same developer. Legal agreements between the developer and the Town may be required to facilitate the intent of this recommendation.

**Recommendation 50:** It is recommended that the Town delegate to the Treasurer and the Director of Planning in collaboration with the Director of Parks and Open Space and the Town Solicitor, the administration of the Parkland Dedication By-Law. The Director of Planning, in collaboration with the Director of Parks and Open Space and the Town Solicitor shall be authorized to:

- Negotiate parkland dedication and/or cash-in-lieu for each development application, in accordance with the provisions of the Town's Parkland Dedication By-Law and the policies of the Official Plan;
- Maintain records of all lands and cash-in-lieu received and including all expenditures from the cash-in-lieu parkland reserve fund. The cash-in-lieu parkland dedication record and associated financial statements shall be reported to the Town Treasurer; and,
- Review the Parkland Dedication By-Law to determine its effectiveness both in terms of its regulatory context and in its consistent application. The review shall include consultation with Council, other Town staff and affected stakeholders within the Town.

### When should the New By-law be reviewed?

**Recommendation 51:** It is recommended that the Town review the Parkland Dedication By-Law, at a minimum, in response to changes in Provincial planning policies and/or whenever the Town reviews its applicable Official Plan policies. The By-Law should also indicate that it should be reviewed at a minimum of every 5 years, or at an earlier time as prescribed by Council.

### When should the New By-law begin to apply?

It is anticipated that the new Parkland Dedication By-Law will be substantially different than the existing practices of the Town of Oakville, and as such, the issue of when the new By-Law shall apply, and if there needs to be a transition period between when the new By-Law will take effect. Typically, the provisions of the new By-Law will apply to all development applications pursuant to the Planning Act which are submitted and deemed complete on or after the Effective Date of this By-Law, as determined by the approval of Council.

**Recommendation 52:** It is recommended that the Town apply the Parkland Dedication By-law to all development applications pursuant to the Planning Act, which are submitted and deemed complete, following the Effective Date of the approval of the By-Law.

**Recommendation 53:** It is recommended that the Town consider the implications if any Section of the By-Law is determined by a Court or Tribunal, to be invalid, that specific portion of the By-law shall be considered to be severed from the balance of the By-law, which will continue to operate in full force and effect.









# Town of Oakville **Parks Plan** - 2031

## **Appendix I**

**Summary of 5 Year Review of the  
2012 Parks, Recreation and Library  
Facilities Master Plan  
(April 2017, Monteith + Brown, Dillon)**

*August 2022*



## Miscellaneous

- There are 211 neighbourhood and community parks totalling 411 hectares
- Parks and green spaces have 94% customer satisfaction rating
- In the Facility Inventory (page 7-9), school soccer fields are included in the “current municipal supply”
- There is a North Oakville Trails & Parks Facilities Plan that defines the quantity and rough distribution of parkland for the area
- Build-out population forecast is 266,800, representing 20% growth or 44,000 people
- Shift to more creative, multi-use parks with intensification; also, consideration of alternative spaces as public realm (e.g. laneways, schools, rooftops)
- Shift to greater diversity within parks: accessibility, fitness, community, dogs, informal fields
- Mentions that strata parks are being considered by Toronto and Mississauga

## Soccer Fields

- Currently 59 Town-owned rectangular fields for soccer/football
- Town has community use agreements for 22 school fields for public use; some artificial turf; some lit
- Because of the turf and lighting, the 81 actual fields are considered to be 93 “unit equivalencies” because of their extended use potential
- 2 Town-owned field hockey fields, 1 multi-use field
- Well distributed through Town
- Average of 1 field equivalency per 2,100 residents – exceeds GTA comparator group of 1 per 3,400
- Soccer is most popular Canadian youth sport, but peaked in 2007 and is slowly declining (-12%); Oakville’s numbers are more ambiguous but generally parallel this trend
- Current Town **target** is 1 field per 100 registered youth participants; current **actual** is 1 per 72 youth and 1 per 98 total including adults

- New recommendation is 1 per 105 registered players including adults; using this formula there is a surplus of 6 soccer field equivalents currently
- Full build out will require 112.5 fields (+19.5)

## Multi-Use Fields

- Football, lacrosse, ultimate Frisbee, rugby, field hockey – but they differ slightly in size/lines/season
- Field hockey growing (160-270%), lacrosse growing (18%)
- Current Town **target** is 1 field per 50,000 population
- Currently 3 fields – require 1 more for current population, 1 more to full build out, both recommended for North Oakville

## Ball Diamonds

- Currently 43 Town diamonds (28 unlit), plus 8 school diamonds
- 51 total diamonds are considered to be 66 unit equivalencies of unlit diamonds
- Current supply is 1 diamond per 2,900 residents based on unit equivalencies – exceeds GTA comparator group of 1 per 5,400
- Well distributed through Town except West Oakville (1/2 supply)
- Baseball (softball, slo-pitch, fastball) participation was declining but has increased 31% from 2011-2015
- Currently adequate supply in south Oakville and a target of 1 per 5,000 in North Oakville (undersupply) – requires 6 additional unit equivalents in North Oakville

## Cricket Pitches

- Currently 1 Town cricket pitch – under sized and temporary
- GTA comparator group average is 1 per 100,000 population
- Cricket is gaining popularity
- Recommend developing a short term cricket pitch across 2 soccer fields in North Oakville

## Tennis/Pickleball Courts

- Currently 64 Town tennis courts + 12 club courts, a supply of 1 per 3,030 (public) and 1 per 2,550 (total) – GTA comparator group average is 1 per 5,000
- Tennis is growing, but not back to 1970s levels
- Current target is 1 court per 4,000
- Some tennis courts have been converted to basketball or other; this can continue
- Pickleball is fastest growing sport in North America (ageing demographics)
- Recommend conversion of some tennis to pickleball

## Basketball Courts

- Town supply of 12 full basketball and 3 half basketball outdoor, for an average of 1 per 14,360 population – GTA benchmark is 1 per 8,000 but varies widely
- Youth are primary users of outdoor courts
- Current target is 1 per 1,500 youth and current supply is 1 per 2,100 youth
- Requires additional 5.5 courts; 10.5 courts at full build out – provide in North and East Oakville

## Outdoor Pools and Splash Pads

- Town supply of 5 outdoor pools in mature communities (older facilities) for an average of 1 per 38,800 population – GTA benchmark is 1 per 180,000
- Town supply of 15 splash pads in more recently developed communities for an average of 1 per 12,900 population – GTA benchmark is 1 per 27,000
- No new outdoor pools recommended – high cost, seasonal, and there are indoor options
- Outdoor pool use has been stable but 85% drop-in
- Consider reducing outdoor pools and modernizing others
- Town target is 1 splash pad within 1km radius of residential areas – will require 6-7 new splash pads in North Oakville

## Playgrounds

- Current Town supply is 128 playgrounds within Community & Neighbourhood parks and select Village Squares
- Town target is 1 per 1,500 residents; Town spatial target is within 800m radius of residential (without crossing major road/barrier) – this is met
- Consider a 400m radius in North Oakville, believed to be achievable
- Town is pursuing barrier-free playgrounds
- Recommend providing adult exercise equipment

## Skateboard/Bike Parks

- Current Town supply is 3 skateboard parks or 1 per 64,600 residents – located in East, West and SW; there are no bike parks
- GTA benchmark is 1 per 90,000
- Growing popularity
- Town target is 1 skate park per 5,000 youth
- Major skate parks 10-15,000sf, minor skate spots 2,000sf
- 2 major skate parks are recommended in North Oakville; consider minor parks as needed
- Recommend 1-2 bike park pilot projects

## Outdoor Skating Rinks

- Current Town supply of 16 locations with natural ice and volunteers; numbers fluctuate
- One refrigerated ice pad under construction in Trafalgar Park as Town-wide destination

## Leash-Free Dog Parks

- Current Town supply of 6 or 1 per 32,300 residents; slight gaps in West/SW
- GTA benchmark is 1 per 150,000
- Some research indicates off-leash dog parks are growing faster than any other park type
- Monitor use



## Outdoor Community Event Spaces

- Recent surge in number and complexity of outdoor events; ethnic communities contributing to this
- Many events are staged in public spaces not specifically designed for them (Coronation Park, Bronte Heritage Waterfront Park, Sixteen Mile CC) – nuisance concern
- Event spaces need suitable adjacencies, infrastructure, and furniture/equipment
- Potential desire for two acres of useable event space
- Difficult to acquire in North Oakville due to negotiated parks settlement – may require loss of sports fields

## Other

- Bocce in decline; Town has no courts
- 80+ new community garden plots to open
- Town needs washroom provision strategy focused on larger parks
- 
- Existing Parks and Open Space Supply (see pages 84-94)

## Existing Parks and Open Space Supply (see pages 84-94)

### Existing Inventory

Active Parkland	
Community Park	175ha
Neighb. Park/Village Square/Parkette	237ha
Subtotal	411ha
Conveyed, undeveloped Active Parkland	83ha
TOTAL Active (existing + undeveloped)	494ha
Passive Parkland and Open Space	
Tableland woodlot	166ha
Community Link Park	121ha
Minor Valley	453ha
Major Valley	263ha
Subtotal	1003ha
Conveyed, undeveloped Passive Parkland	29ha
TOTAL Passive (existing + undeveloped)	1032ha
GRAND TOTAL (existing + undeveloped)	1526ha

Village/urban squares are a new park category introduced for North Oakville and Midtown, but not retroactively applied to the rest of Oakville

## Provision Target

- TARGET: 2.2ha of active parkland per 1,000 residents (established in 1999 and recommended to continue)
- CURRENT SUPPLY: 2.12ha per 1,000 based on population of 193,832 (2016 census)

## Projection

Town provision target	2.2ha/1,000
Total parkland need based on build-out population of 266,800	587ha
Current supply including conveyed + undeveloped	494ha
Proposed parkland	13.7ha
Total parkland	507.7ha
<b>Additional parkland needed</b>	<b>79.3ha</b>

Parkland supply for North Oakville is projected to meet the needs of this master plan, including specific large facilities for sports (soccer, cricket, bike/skate, etc.)

## Parkland Acquisition

- Majority of growth in North Oakville, with some in intensification areas
- Assess parkland on an area-specific basis re: distance, local needs
- Recommends parkland acquisition at maximum applicable rate permitted by the Planning Act to achieve 2.2ha/1,000
- Do not accept natural or hazard lands as dedication
- Do not pursue acquisition of non-municipal land for park purposes (e.g. school yards/surplus schools) in areas of adequate supply
- Develop intensification area parkland strategy
- Explore acquisition and non-acquisition options (easements, land exchange, long term lease, trusts) if future parkland cannot achieve 2.2/1,000. Indoor space with outdoor-type amenities is encouraged

## Cash-in-lieu

- Recommends studying opportunities and constraints of the new 1ha/500 unity rate provided by the Planning Act, and considering alternatives like capped land value, flat rates per unit, graduated scales, etc.

## Intensification Areas

- Rejuvenate older existing parks in intensification areas. Explore potential for expanded recreational opportunities
- Some GTA municipalities are developing strata park policies. Strata parks have encumbrances and risk
- Semi-public space can complement but not substitute for Active Parkland
- Consider non-traditional means of securing parks

## Other

- Work towards establishing a continuous Lake Ontario waterfront open space
- Pursue partnerships such as for better maintenance, sponsorships of trails/park features, integrate with surrounding municipalities, corporate Town-wide greening
- Design neighbourhood parks to rely on street parking to maximize park use









# Town of Oakville Parks Plan - 2031



## Appendix II An Urban Park Hierarchy within the Town's Strategic Growth Areas

August 2022

Page 84 of 316



# Introduction

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Given the timeframe established for this project, and the identified urgency to consider the parkland dedication issues that affect “intensification” projects, this Memorandum for Discussion has been prepared to expedite some of the commentary, research and recommendations related to new development projects within the Town’s identified Growth Areas, including the Strategic Growth Areas. This Memorandum for Discussion is organized into a number of parts that provide:

## **PART I**

### **The Starting Point**

## **PART II**

### **The Need for an Urban Park Hierarchy**

## **PART III**

### **Design Principles for the Urban Park Hierarchy**

and,

## **PART IV**

### **Preliminary Suggestions to achieve the Urban Park Hierarchy**





Tannery Park, Oakville



## PART I

# The Starting Point

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Based on our team's experience to date, it has become clear that parkland dedication is one of the key factors affecting the cost of higher-density, "intensified" development forms and the associated risks involved in the development approval process within Growth Areas across the Greater Golden Horseshoe (notwithstanding Provincial, Regional and local planning policies that promote that form of development in identified locations). It is not the only factor, but it is an important one. Some of the other factors that our team has encountered through similar projects include:

- Municipalities within the Greater Golden Horseshoe (outside of the City of Toronto) have done a good job securing, building and maintaining their public park systems in the more traditional more suburban context;
- There is a perception by the public that more parkland is always required, suggesting that municipalities should always achieve the maximum amount of parkland that it is entitled to under the Planning Act;
- There is a general recognition that securing and maintaining an urban parks hierarchy requires a different approach than the suburban approach currently in place. Urban development requires context specific parkland dedication policies and procedures with an underlying recognition that urban forms of parkland or open space include a wide spectrum of substantially different park and open space types than the more traditional suburban parkland approach. Further, alternative ownership and maintenance opportunities need to part of the municipal tool-box, including a mix of fee simple public ownership, Strata ownership and POPS (Privately Owned Public Spaces);
- A new and more robust urban parks hierarchy need to be established. It is understood that parkland dedication, design and maintenance protocols are dramatically different for urban parks vs. suburban parks – and this difference will have cost implications that may need to be funded by a variety of sources – other available tools under the Planning Act, The Development Charges Act and other relevant legislation;
- There is a sense that parks are "the gift that keeps on taking". While it is easy to argue that the municipalities should be acquiring the greatest quantity of parkland possible, it is important to recognize the significant costs of maintaining urban parkland over time, and to consider whether those funds could be used to address other municipal priorities. Notably, the cost of building and maintaining parkland is even greater for the urban park hierarchy (estimated to be 10x more expensive to build and to maintain, and the life-cycle of an urban park is typically much shorter than for a more traditional suburban park);
- With respect to parkland dedication, and notwithstanding that the Planning Act provides the legislative authority to require parkland dedication across the Province, there is no consistently applied approach to parkland dedication used in the Greater Golden Horseshoe. In fact, there is a different set of regulations and procedures for virtually every municipality, and there may be a unique or negotiated approach applied on a site-specific basis within each municipality;
- There is a concern that because there is no consistency, there could be a situation where municipalities will compete for developer attention through strategic reductions in development risk

and/or cost factors, to the detriment of the public interest in achieving a GGH-wide urban structure. The corollary may also be true, municipalities may frustrate the achievement of higher density forms of development through manipulation of the key risk and/or cost factors;

- Notwithstanding the lack of consistency in approach, there is a general understanding that the application of the alternative residential parkland dedication standard of the Planning Act of 1 hectare for every 300 dwelling units (or 1 hectare for every 500 dwelling units for cash-in-lieu) has a significant financial impact on higher density residential development projects - even in locations where that form of development is required, and is appropriate. There is strong and consistent agreement within the development industry that the alternative parkland dedication standard identified in the Planning Act is simply inappropriate for application on the highest density forms of development because:

- » The amount of land generated by that standard could well be greater than the development site itself; and,
- » The cost of cash-in-lieu payable could be greater than the value of the development site itself, and in many cases may render some higher density projects financially unviable. This concern has been consistently raised by representatives of the development industry; and,

- These issues, when considered comprehensively across the Greater Golden Horseshoe may have a dramatic impact on the ability to achieve the fundamental principles of the Provincial, Regional and municipal planning documents:
  - There may be a reluctance to develop within the defined urban centres and transit supportive corridors, thereby reducing the viability of transit

investment, or slowing the development of transit facilities;

- Growth targets, particularly the intensification targets, may not be met;
- Planned infrastructure will be underutilized and subsequently both inefficient and expensive; and,
- There will be a continued reliance on the automobile, and an ongoing preference for typical suburban forms of development; and,

- Municipalities across the Greater Golden Horseshoe are currently grappling with this complex issue. Overall, there is a strong desire to achieve an approach to achieving an appropriate urban parks hierarchy and associated parkland dedication procedures, design parameters and maintenance protocols that are:

- » **Appropriate** – delivers a great urban parks hierarchy that is highly integrated, connected and ultimately successful, meeting the specific needs of Oakville's existing and future urban population and business community;
- » **Equitable** – is fair and reasonable to all stakeholders, including the Town, the existing and future residents of the Town, the business community and the development industry;
- » **Consistent** – is applied equally and fairly to all applicants without the need for individual deal-making, or site-specific adjustments; and,
- » **Long-Lasting** – will serve the Town well over the coming 10 to 15 years, without the need for constant amendments.



*Scholars Garden, Mississauga, ON*







## PART II

# The Need for an Urban Park Hierarchy within the Growth Areas

### Growth Areas are active and diverse

The decision to live in one of Oakville's defined Growth Areas is, and will be, a decision based on balancing urban amenities with urban impacts. The Growth Areas will provide the highest order of amenities for adjacent residents and businesses – shopping, dining and nightlife, recreation, culture and arts facilities, health care and educational opportunities – as well as a full array of housing forms and tenures, including everything from townhouses to apartments.

The Growth Areas and particularly the Strategic Growth Areas will become Oakville's centres of commerce and business, and include significant opportunities to work close to where you live. In addition, the Growth Areas will be highly accessible by multiple modes of transportation, and its accessibility attributes make cycling, walking and transit viable mode options. The idea of diverse and inclusive Growth Area is that they can accommodate the broadest range of people, without regard to cultural or socio-economic status, or lifestyle choice, all living and working in proximity.

### Suburban park space is characterized as public, big, green and programmed

In a typical suburban neighbourhood there is a substantial private space element (backyard/front yard), along with a park space hierarchy that includes larger scale parks that are mostly green and include sports fields. The largest suburban parks, include other major recreational facilities. In many cases, the suburban park space system incorporates school sites and community recreation centres. For the most part, the suburban park space system is owned, designed and maintained by the public sector.



*Underpass Park, Toronto*

### Urban Park Space is characterized as diverse, flexible, small and connected

Park spaces typical of an urban centre, like Oakville's Growth Areas, includes an array of park space that can have both green and hard design components, and include crucial connectivity components, including sidewalks on public roads. The park spaces and broader public realm networks in an urban centre are more complex than the suburban park space system and include primarily public spaces, but can also include semi-public spaces and private components that all work together to form a highly interconnected network. The broader public realm network is



*Post Office Square, Boston*

comprised of Urban Community Parks, Urban Squares, Pocket Parks, Sliver Parks, Courtyards and/or Connecting Links, as well as the street related sidewalk/streetscape system.

Park spaces and the broader public realm network in an urban context:

- Are highly animated by the people who walk from place to place and their interaction with the uses within the adjacent buildings;
- Are more heavily used and more diverse in their component parts and, as such, require a higher cost of design and development, as well as an enhanced maintenance protocol;
- Are integrated as part of the pedestrian circulation network within the Growth Area; and,
- Are flexible to accommodate different users and events, and will respond to use patterns that may be dramatically different at different times of the day.



*Sherbourne Common, Toronto*

### The trade-off

The high density context of the Growth Areas is a fundamental requirement to achieve the critical mass necessary to support the palette of high order amenities, transit investment, housing options and places to work. Inherently, living in a high density environment involves an understanding that there are impacts that are more acute than in a typical suburban neighbourhood. There is more noise because of increased activity on the street. There is traffic congestion, and parking issues. Privacy is reduced. Construction is always underway. It is these impacts that are traded off against the urban amenities and opportunities offered by this form of living. One of the important trade-offs between the suburban/urban lifestyle, is the nature, scale and function of the suburban park space system versus the broader urban pedestrian realm network, including its associated urban park spaces.

Just like a suburban dweller is required to travel out of their neighbourhood to acquire or utilize higher order cultural, shopping, health, education and workplace amenities/opportunities, the urban dweller will be required to go elsewhere within the Town to find organized recreational opportunities that require expansive sports fields. This is simply part of the trade-off between lifestyle choices, and the need for additional, larger scale park spaces located elsewhere within the Town.





*Waterfront, Copenhagen, DK*







## PART III

# Design Principles for the Urban Park Hierarchy within the Growth Areas

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## Defining Park Spaces in an Urban Context

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### **Oakville is evolving with a focus on urban “intensification”**

In recent years, Oakville has been growing with a focus on traditional “suburban” forms of development, and has established, through the Official Plan and the Parks, Recreation, Culture and Library Master Plan a parkland system that includes the traditional suburban parks including Neighbourhood and Community Park types, as well as parkettes and urban squares. Comprehensively planned “greenfield” communities will continue to form a major component of Oakville’s ongoing growth, and should continue to accommodate all of those traditional parkland types.

### **“Intensification” requires consideration of a comprehensive Pedestrian Realm Network**

In addition to traditional, and successful “greenfield” development forms, Oakville continues to evolve, and, as required by Provincial and Regional planning policies, a greater reliance on higher density, “intensified” development will need to be considered. As the Town’s identified Growth Areas accommodate more, and more intense forms of development, the Town’s parkland system will need to promote a full range of urban parkland typologies - with different design characters, functions, scales and ownership circumstances. Importantly, strategies to achieve a robust urban “Pedestrian Realm Network”, that compliments the existing and growing suburban parkland system need to be articulated.

### **The Pedestrian Realm Network is an integral component of the urban form of the Town’s Growth Areas.**

The Pedestrian Realm Network is an integral component of the urban form of the Town’s Growth Areas. It is pedestrian friendly and pedestrian oriented. The Pedestrian Realm Network consists of all of the components of the defined park space hierarchy and streetscapes, as well as an array of semi-public and privately owned components that, notwithstanding their ownership, will contribute to the overall network of publicly accessible park spaces within the Growth Areas.

Important elements of urban park spaces include landmarks, gateways, public art, tree cover, lawns and other plantings, street/ park furniture, as well as other character-defining elements. Those character-defining elements all contribute to placemaking and legibility. Other elements found within the urban park hierarchy include amphitheatres, children’s play areas, water features and skating rinks.

The Pedestrian Realm Network, and the urban park spaces within it, are fully accessible to all members of the public, regardless of ability. Their primary purpose is to provide a pedestrian oriented environment that accommodates everyone in a connected and coherent network of park spaces linked together by sidewalks and streetscapes.

### **The Pedestrian Realm Network includes a defined hierarchy of urban park spaces**

The urban park space system for the Growth Areas is comprised of the following components:

#### **Primary Park Spaces**

- Urban Community Parks; and,
- Urban Squares.

#### **Secondary Park Spaces**

- Pocket Parks;
- Sliver Parks;
- Courtyards; and,
- Connecting Links.

As noted, all of these components will play vital roles in animating the identified Growth Areas throughout Oakville. Specific planning, design and maintenance considerations are required to ensure the vitality and longevity of these spaces. In addition, the components of the public realm network must be considered in concert with one another and within the context of the planned urban community.

A comprehensive understanding of how these park spaces work together and complement each other, and their adjacent uses, will lead to a more connected, accessible and logical Pedestrian Realm Network. Moving people through the Growth Areas easily and safely, and providing a variety of spaces for socializing, special events and recreation, is a priority.



*Mid-Block Pedestrian Connection, Yorkville, Toronto*



## Primary Park Spaces

Public Commons and Urban Squares are pedestrian friendly spaces that accommodate socializing in a dense urban area. They include both hard and soft landscape elements and are equipped with ample amenities that respond to the needs of the adjacent mixed use community. It is expected that all of the Primary Park Spaces be acquired, owned, developed and maintained by the Town, notwithstanding that

there may be opportunities where private ownership options are appropriate and achievable.

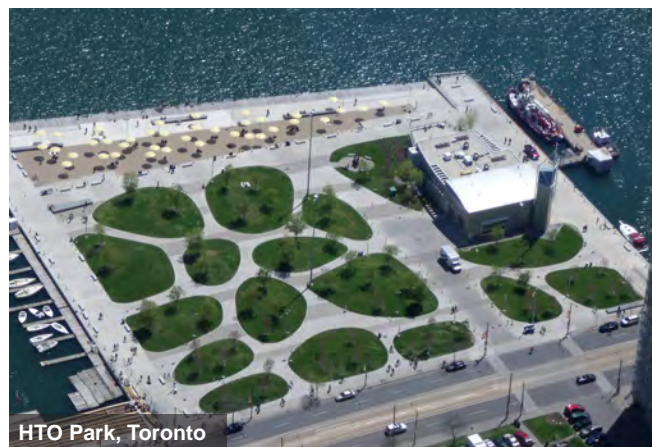
The two primary components of the park space system within the Growth Areas that should be accommodated are:

- **Public Commons** – Public Commons are the largest component of the Urban Park Hierarchy. They are expected to be greater than 8000 square metres in size, and can be much larger.

Public Commons, where established, are intended as the primary focal point of a Growth Area. They are expected to provide multifunctional flexible space and programming for large-scale social gatherings, festivals and civic functions to accommodate facilities for the entire community.

Public Commons may include concert venues, public markets, water play, playgrounds, and organized or unorganized sporting activities for all age groups and abilities and are to be developed with the following criteria in mind:

- » Have frontage on at least 2 public streets, but may be surrounded by public streets where the scale of the park is appropriate;
- » Be designed such that they provide 40.0% of the area of the Urban Park in Tree Canopy Cover by the end of the 10th year after its opening;
- » Be primarily soft surfaced and green, but may include hard surface elements;
- » Include substantial programmable spaces such as small sports fields, courts and performance venues, as well as playful elements for children; and,
- » Include seating and a full furniture program, such as lighting, facilities for dogs, facilities for seniors, children and youth, water features and public art; and,





- **Urban Squares** - Urban Squares are moderately scaled components of the Pedestrian Realm Network. They are expected to be greater than 1000 square metres in size, but generally less than 8000 square metres in size.

Urban Squares may provide multifunctional flexible space and programming for social gatherings, festivals and civic functions intended to serve community users generally within a 10-minute walking distance (approximately 800 metres).

Urban Squares are community focal points that should accommodate special features such as public art that adds visual interest and contributes to placemaking. They are expected to develop with the following criteria in mind:

- » Have frontage on at least 1 public street, but may be surrounded by public streets where the scale of the square is appropriate;
- » Require that adjacent built form have primary and active frontages facing the Square, where appropriate
- » Be designed such that they provide 40.0% of the area of the Urban Square in Tree Canopy Cover by the end of the 10th year after its opening;
- » Be primarily hard surfaced, but may include soft surface elements;
- » Include community and civic event spaces as well as performance venues and playful elements for children; and,
- » Include seating and a full furniture program, such as lighting, opportunities for outdoor cafés and restaurants, facilities for seniors, children and youth, water features and public art.



Village of Yorkville Park, Toronto



Times Square, New York City



Post Office Square, Boston, MA



## Secondary Park Spaces

Secondary Park Spaces are typically smaller than Primary Park Spaces, and are generally wholly integrated within/adjacent to buildings. It is the intent that Secondary Park Spaces may be publicly owned or privately owned. Privately owned park spaces will only be considered as part of the required parkland dedication of the Planning Act, where the Town is satisfied that the park space component is accessible to the public, has been designed to Town standards,

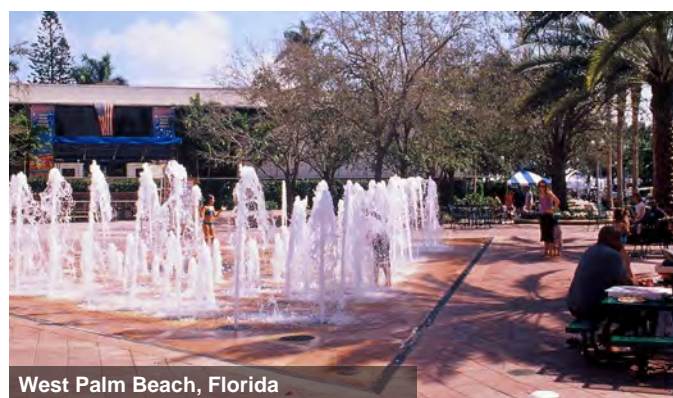
and is to be maintained to Town standards. Legal agreements to ensure the long-term satisfaction of these requirements will need to be established.

Secondary Park Spaces are important connectors within the Public Realm Network, and provide diversity and interest within an urban centre. Secondary Park Spaces include:

- **Pocket Parks** – Pocket Parks are small, pedestrian friendly spaces that accommodate socializing in dense urban areas. They are expected to be less than 1,000 square metres in size, but generally greater than 75 square metres.

Pocket Parks are key components of the interconnected Pedestrian Realm Network. They provide social spaces animated by their adjacent uses such as cafes and shops generally within a 2 to 5-minute walk (approximately 150 to 400 metres) of residents, visitors and businesses within a high-density, mixed use neighbourhood. Pocket Parks are expected to develop with the following criteria in mind:

- » Have frontage on at least 1 public street, but may be surrounded by public streets where the scale of the square is appropriate;
- » Require that adjacent built form have primary and active frontages facing the Pocket Park, where appropriate;
- » Be designed such that they provide 50.0% of the area of the Pocket Park in Tree Canopy Cover by the end of the 10th year after its opening;
- » Be primarily hard surfaced, with limited soft surface elements; and,
- » Include seating and a full furniture program, such as lighting, opportunities for outdoor cafés and restaurants, facilities that promote a passive, relaxing atmosphere, water features and public art.



- **Sliver Parks** – Sliver Parks are narrow linear spaces that often front retail spaces and function as a substantially widened sidewalk, creating plazas or forecourts between the face of the adjacent building and the street right-of-way. They are, effectively extensions of the public sidewalk system.

Sliver Parks should be established adjacent to active building frontages, wherever possible. Transparent and accessible at-grade uses adjacent to the Sliver Parks will help to animate the space, improve safety and encourage use. Sliver Parks are expected to develop with the following criteria in mind:

- » Require that adjacent built form have primary and active frontages facing the Sliver Open Space;
- » Be primarily hard surfaced, with limited planting and soft surface elements; and,
- » Be flexible to accommodate spill out retail space, and/or outdoor cafés and restaurants.



Chicago, IL



Winnipeg, Manitoba



- **Courtyards** – Courtyards are interior or exterior spaces that are surrounded by buildings, and are lined with small stores, restaurants and outdoor cafés. They promote a high standard of quality and pedestrian comfort. Courtyards should contribute to the logical wayfinding system and help to establish a fine-grained Pedestrian Realm Network.

Indoor and/or outdoor Courtyards are sometimes public spaces, but are often privately owned and publicly accessible. Although they all enable pedestrians to travel through the community quickly and easily, many are destinations unto themselves with seating, restaurant and retail frontages, and unique public art. They provide valuable opportunities to improve connections between the public sidewalk system and the other components of the Pedestrian Realm Network. Courtyards are expected to develop with the following criteria in mind:

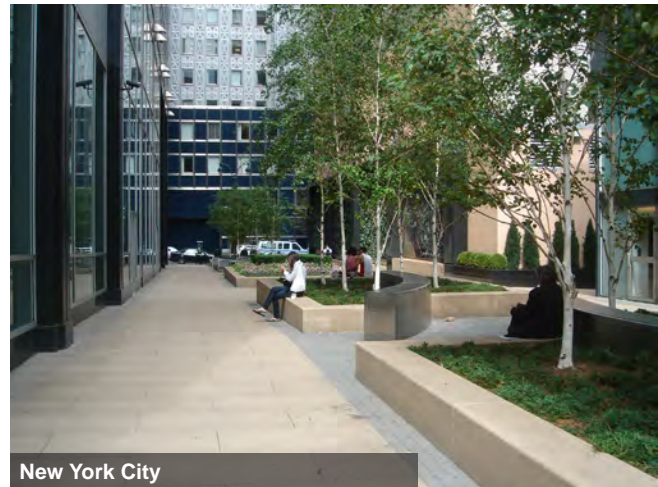
- » Have several egress opportunities to the public sidewalk system;
- » Require that adjacent built form have primary and active frontages facing the Courtyard space;
- » Be primarily hard surfaced, with limited soft surface elements; and,
- » Include seating and a full furniture program, such as lighting, opportunities for outdoor cafés and restaurants, facilities that promote a passive, relaxing atmosphere, water features and public art.



- **Connecting Links** – Connecting Links are outdoor walkways that may be lined with small stores, restaurants and outdoor cafés. These spaces are sometimes public spaces, but are often privately owned and publicly accessible. Although they all enable pedestrians to travel through the community quickly and easily, many are destinations unto themselves with outdoor seating, restaurant and retail frontages, and unique public art.

Connecting Links provide valuable opportunities to improve connections between the public sidewalk system and the other components of the Pedestrian Realm Network. They will play an important role in creating a logical wayfinding system, and assist in the establishment of a more beautiful and inviting Pedestrian Realm Network within the Growth Areas. Connecting Links are expected to develop with the following criteria in mind:

- » Be provided in high pedestrian volume areas, for ease of movement as well as the creation of unique urban spaces;
- » Be located between pedestrian destinations and may become destinations themselves;
- » Have opportunities for retail along their length, or alternately a green soft landscape treatment with plantings, furnishings and lighting;
- » Be safe and secure, with adequate lighting; and,
- » Width should consider scale of adjacent buildings.



New York City



Yorkville, Toronto

## Key Design Principles for Park Spaces in an Urban Context

The following is a summary of findings on how to design park spaces within an urban context, and in a way that maximizes accessibility and walkability. Complimentary to the definition of what it means to be pedestrian friendly, key considerations include, location, accessibility, size, and programming.

### The Concept of “Pedestrian Friendly” Design

Achieving a “pedestrian friendly” park space system depends on well-defined measures and established design concepts. The quantifiable nature of the term “pedestrian friendly” is evident in the emergence of the Walk Score app and the concept of Pedestrian Level of Service (LOS), and is recognized throughout academic literature and professional design manuals, such as Vélo Québec’s technical design manual on Planning and Design for Pedestrians and Cyclists (2010).

Both quantitative and qualitative indicators of “pedestrian friendly-ness” are also recognized by professional advocacy organizations, such as the US-based National Centre for Walking and Bicycling and the Project for Public Spaces. Based on an analysis of the aforementioned sources, there are at least six factors for achieving a pedestrian friendly place, and these include: convenience, coherence, comfort, safety, accessibility, and attractiveness:

- **Convenience** - Convenience refers to the level of effort and time required to complete a trip by foot. A key indicator for convenience is trip distance and proximity to amenities. In particular, people are most likely to choose to walk if their destination is within a five to ten-minute walk, or 400 to 800 metres. For park spaces within a larger network, the preferred distance is typically no more than a five-minute walk.

Notably, trip length is influenced by the street pattern. A fine-grained and gridded street network provides a greater level of connectivity or permeability, which can be measured by the intersection density and block size. Greater street connectivity allows for more direct and shorter walking routes. With regard to the street or block pattern, block sizes that support walkability should be no more than 80 x 150 metres.

Intersection conditions can also greatly impact the convenience of walking, particularly with regard to signal timing and the physical condition and directness of the crossing.

- **Coherence** - Coherence or legibility, refers to how easy it is to understand the layout of the public realm network, and to intuitively navigate from point A to point B. Coherence is influenced by the hierarchy and provision of routes between points of interest and activity, sight lines/view corridors, and wayfinding signage. Major barriers and breaks in the continuity of the pedestrian network negatively impact coherence and legibility. For example, if there is no clear path, then walking becomes a less feasible and attractive option.
- **Safety** - Safety refers to the risk of harassment, injury or death. The primary risks for pedestrians are associated with motor vehicle traffic and crime. Key mitigative measures include separation from motor vehicle traffic - taking into consideration the speed and volume of traffic, the treatment of intersections where pedestrian and motor vehicle traffic must cross, and Crime Prevention Through Environmental Design (CPTED) features with regard to visibility and access/exit pathways.
- **Accessibility** - Accessibility refers to the usability of parks for all people, regardless of their age, ability, status in life, or mode of travel. In terms of



age and ability, accessibility means planning parks for the young and old, and people with mobility impairments, in recognition that sight lines, walking speed, clearing space, endurance, and agility may vary. In this regard, Vélo Québec offers information on the characteristics of pedestrians, regarding occupied space, travel speed, climbing capacity, and field of vision.

Accessibility also means ensuring the parks and the broader public realm network can be used by people of all incomes, and all abilities by keeping park spaces free of charge and by ensuring they are equally distributed throughout the Growth Area.

- **Comfort** - Comfort refers to how pleasant, easy, and free from challenges a pedestrian trip can be. Pedestrian comfort depends on the convenience, coherence, safety and accessibility of the public realm network, and it can be enhanced through construction materials and the provision of pedestrian amenities that serve the unique needs of those travelling by foot, for example with regard to shade and/or weather protection (e.g. trees, awnings, canopies, shelters), seating, waste receptacles, washrooms, drinking fountains, information kiosks, and wayfinding signage.
- **Attractiveness** - Attractiveness refers to how inviting and interesting the surroundings are for pedestrians. In particular, well-maintained and well-lit public spaces are most attractive, as are those that are animated with street-level activity, such as from commercial, civic or recreational uses. Placemaking, which refers to community-based efforts and activities to physically reflect an area's unique character, context, assets, and history and to make it livelier, also contributes to the attractiveness of an area for pedestrians.

Although these six factors appear to focus on the characteristics of streets, other walking routes, and public park spaces, built form also has a significant impact on walkability. In addition to density and land use mix, the orientation of buildings on a parcel of land can impact trip distance, coherence, safety, and the attractiveness of walking. Based on the above six factors, the following definition of Pedestrian Friendly is proposed:

Pedestrian friendly refers to a place or design that can be easily accessed and navigated by people of all ages, abilities and incomes. Clear, safe and direct access routes, enhanced amenities to meet the unique needs of pedestrians, particularly with regard to shade, seating and weather protection, and street-level animation and interest are essential elements of pedestrian friendly design.

## Location & Accessibility

Building upon the pedestrian friendly design concept, in their research article on parks planning, Forsyth & Mussacchio (2005) recommend that park spaces within the public realm network be located so that they are *“highly accessible to residents, connected to a larger open-space system, and planned with both the local climate and personal safety in mind”*, Harnik (2006) also advocates for the equitable distribution of park spaces, so that they are accessible to all regardless of residence or resources. Achieving these objectives does, however, require foresight and planning, so that the configuration of the public realm network is not compromised by a disconnected development pattern – a risk identified by Forsyth & Mussacchio (2005).

In terms of metrics, Harnik (2006) finds that parks should be no further than a 10-minute walking distance apart in dense areas, and 10 minutes by bicycle in less dense areas. In an earlier article, Harnik & Simms (2004) emphasized the importance of using Active Transportation modes, rather than driving, for determining proximity standards:

*“A distance of over half a mile to a park almost guarantees that most people will either skip the trip or they will drive. Once a standard is downgraded so that it is based on driving, it loses the “community” portion of the benefit. At that point, it no longer matters how far away the park is. The park has become a formal destination, not a place to drop in.”*

In determining an appropriate proximity metric, Harnik (2006) recognized that distance alone is not a sufficient measure for park placement - physical barriers, both natural and human-made, must be accounted for. Moreover, the acceptable distance should accommodate park users of all physical abilities (Harnik, 2006).

Notwithstanding their recommendations, Harnik & Simms (2004) found there is no standard for acceptable distance from a park space, and that the most effective standards *“relate to the needs and capabilities of citizens”*. The researcher identified the following location-specific standards:

- Denver - three to six blocks (in most neighbourhoods, six blocks are 10 to 15 minutes, which accounts for barriers such as highways and valleys);
- Minneapolis - six blocks;
- Long Beach, CA – one quarter mile (400 metres);
- Seattle - one eighth of a mile (200 metres) within “urban villages”; and,
- Chicago - one tenth of a mile (160 metres) to a Pocket Park.

Within Canada, Evergreen (2004) found that at the time, Calgary, London, and Mississauga were the only three municipalities in Canada to prescribe park standards in size and in maximum distance from residential areas. Over the last decade, these metrics have become more commonly used.

In Oakville's Growth Areas, it is appropriate that every resident be located not farther than 400 metres (5 minute walk) from a Primary Park Space and within 150 metres (2 minute walk) of Secondary Park Space within a defined Growth Area.

## Urban Scale & Adjacent Uses

The term urban scale includes park spaces within the public realm network with many and diverse scales and design functions. Urban Parks can be massive, like Central Park in New York City, Stanley Park in Vancouver, or High Park in Toronto. However, in the Oakville Growth Areas there are few opportunities to achieve that scale of park space, given that they are comprehensively planned and, at least partially developed, and expected to intensify incrementally over time.

More appropriately, the Town will be looking for more modest park spaces, within the definitions of Urban Community Parks, and Urban Squares as presented in this report. In addition, great urban centres also include a full array of smaller park space components that play a vital role on the quality of place, and quality of life of local residents and businesses. In this regard, the value of urban streetscapes cannot be ignored within the Growth Areas.

In their research article on Why Small Parks Matter, Forsyth & Musacchio (2005) recognize that *“as cities strive to increase densities to save energy and to reduce the consumption of land on the urban edge, small parks will become increasingly important parts of the green infrastructure of the Town and the metropolitan region”*.

In recognition of some of the challenges commonly associated with small parks, the researchers note that connecting smaller parks to other green spaces may reduce conflicts over the use of space, and that *“while smaller parks may be more expensive to maintain per hectare than large parks, their per capita maintenance costs may be lower than larger, less used parks”* - Forsyth & Musacchio (2005).

With respect to adjacent uses, in his February 19, 2014 article, Dan Reed states:

*“What makes a great urban park like Dupont Circle in Washington, or Rittenhouse Square in*

*Philadelphia, or Union Square in New York? They all have grassy areas and trees, and are nice places to enjoy the outdoors. But they don’t exist in isolation. What happens on the edges of great urban parks is what makes them successful.”*

He goes on to note:

*“Great urban parks need people and buildings, too. Parks like Dupont and Rittenhouse sit in the middle of very dense, busy neighbourhoods with thousands of people living and working nearby. The surrounding buildings also create a frame around the space, making it an outdoor room.*

*“Most of the buildings that face Dupont Circle have a store or restaurant on the ground floor. On Rittenhouse Square, there are apartment building entrances and restaurants with dining terraces opening to the square. Together, these things make a space that people are constantly using throughout the day, eating lunch, playing chess, making music, holding demonstrations, getting exercise, or just passing through.”*

The concept of park space activation is crucial to ensure a successful space. Adjacent buildings need to appropriately address the spaces, and treat them like extensions of the indoor space. Parks adjacent to blank walls, or worse, the utility spaces of big buildings are destined to be unused, which means unsuccessful.



## Quality of Programming

Great urban park spaces have strong functional assets. With respect to programming urban space, the key is flexibility to recognize the needs of residential users, as well as office users and retail/commercial users. Flexibility is also required to allow the park space to adapt to changing needs over time. The Primary Park Spaces – Urban Community Parks and Urban Squares – because they are larger, provide opportunities to accommodate green space, tree cover and pastoral landscapes that may include unprogrammed recreational space and other larger scale park features. In some instances, Primary Park Spaces may also accommodate small sports fields, courts, and performance venues, as well as playful elements for children.

Secondary Park Spaces will be less diverse, but still may include children's play areas, and tree cover. Programming opportunities are reduced in relationship to the scale, purpose and design of the space.

Programming Urban Park Spaces is a crucial element to ensure that they are effectively utilized for their intended purposes. The key is flexibility to recognize the needs of residential users, as well as office users and retail/commercial users. Flexibility is also required to allow the park space to adapt to changing needs over time. Parks programmed to be well used are destined to be successful.

## Quality of Design

The various park components within the public realm network can provide iconic spaces that can act as Town-wide destinations, attracting residents, the local workforce and tourists. The hierarchy proposed in this report is intended to provide various opportunities and space for multifunctional and flexible programming from small social gatherings to larger festivals and civic functions.

All of the park spaces must be developed using the highest design standards and quality materials, including both hard and softscapes. They are to provide special features that accommodate the needs of all age groups, and include special features such as water fountains, public art to add visual interest and place-making qualities.

All of the park spaces are to be adaptable for year-round use, and are to be open and accessible to the public in accordance with Town By-laws. The design of these park spaces shall implement the requirements of the Accessibility for Ontarians with Disabilities Act.

In their work on Green Space Acquisition and Stewardship in Canada's Urban Municipalities, Evergreen (2004) reported that in addition to considering the size of green space and proximity to residents, it is also important to consider green space standards, including the "quality of landscape design; ecological health and biodiversity; appropriateness of design for diverse users and activities; interpretive and educational programming; and amount of green space in the surrounding region".

In reality, the quality of design must recognize the scale and context of the space. Typically, in an urban context, there is a very high degree of stress on the public realm network as a result of heavy use patterns. This reality exacerbates itself as the resident population grows and intensifies over time. *"High quality design, and high quality materials will be required, along with a diligent maintenance schedule in order to ensure that the components of the public realm network are long lasting in an urban context."*










# Town of Oakville Parks Plan - 2031



## Appendix III Examples of Urban Park Typologies



August 2022





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# Public Commons

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*0.75 to 2 ha*

Public Common spaces are the social and recreational focal points of a neighbourhood. They typically meet the needs of the local community, and in some instances, accommodate City-wide facilities. Public Common spaces support a balance of active and passive uses. Public Common spaces should be coordinated with school sites, where possible.

Public Common spaces should accommodate special features that add visual interest and contribute to placemaking, including locations for public art. Public Common spaces are intended to serve community users who are generally within a 10-minute walking distance (approximately 800 metres).

**Capital Cost Estimate - \$500.00 to \$1,000.00 per square metre\***

\*Capital cost estimates are based on a host of assumptions related to the design treatments, level of amenity and the facilities provided within an individual park space.



## Union Square North

*New York City, NY*

**Location:** Broadway to 4th Avenue, East 14th Street to East 17th Street.

**Size:** 6.50 acres (26,345m<sup>2</sup>)

**Cost:** N/A

**Ownership:** Public

**Designed By:** Frederick Law Olmsted & Calvert Vaux



## Description

For nearly 170 years Union Square has been a gathering place—for commerce, for entertainment, for labor and political events, and for recreation.

Its paths, situated among lushly planted grounds, were inspired by the fashionable residential squares of London. The design emphasized the park's oval shape (enclosed by an iron picket fence) and focused on a large central fountain, which was installed for the opening of the Croton Aqueduct in 1842. As New York City's downtown expanded northward, Union Square became an important commercial and residential center. Around its borders sprang up houses, hotels, stores, banks, offices, manufacturing establishments, Tammany Hall, and a variety of cultural facilities, including music auditoria, theatres, and lecture halls. The grounds of Union Square have frequently served as a choice location for public meetings, including parades, labor protests, political rallies, and official celebrations such as the Great Metropolitan Fair of the U.S. Sanitary Commission in 1864.

In 1985 major renovations under Mayor Edward I. Koch included creating a new plaza at the south end of the park, relocating paths to make the park more accessible, planting a central lawn, and installing new lighting and two subway kiosks. In 1986 a monument to Indian political leader and social reformer Mohandas Gandhi (1986, by Kantilal B. Patel) was dedicated on a traffic island southwest of the main park. Two new playgrounds were constructed in 1993-94, and a restaurant opened in the sunken courtyard outside the pavilion in 1994.

In 1997 the United States Department of the Interior designated Union Square Park as a National Historic Landmark because of its significance in American labor history. Plans are underway to extend the park line south 14th Street, and to incorporate in the park the traffic island on which the Gandhi statue now stands.

## HtO

Toronto, ON

**Location:** South of the Queens Quay West on the waterfront.

**Size:** 5.51 acres (22,300m<sup>2</sup>)

**Cost:** N/A

**Ownership:** Public

**Designed By:** Janet Rosenberg Associates and Claude Cormier Architectes Paysagistes



## Description

HtO is a popular urban beach along Toronto's waterfront inspired Georges Seurat's painting, "A Sunday Afternoon on the Island of La Grande Jatte." It was designed with the intention of attracting people to the water's edge and animating Toronto's shoreline with activity. Multiple yellow umbrellas enclosed in sand and green dunes make the space very iconic from street level and from up above while the name, which is a play on the formula for water, H<sub>2</sub>O, is a way of branding the park.

A series of connected water elements accentuate the theme of water returning to its source. Each element is programmed to celebrate the intrinsic qualities of water. These include motion activated sprays, steam and fog, variations in colour and coloured ice.

The overlay of green islands provide gently sloping lawns for repose. Islands that meet residential buildings become horticultural to mediate between the public and private. The islands in the slips mediate storm water overflow. Native water's edge species act as an urban estuary to provide a living filter for micro-organisms.

The planting strategy involves three basic treatments: sloping lawns, horticultural and bio-remediation islands. Tree planting expresses a north-south gradient from a grove of multi-stem ash at the north, to wind-catching willows towards the water's edge. Planting of horticultural islands provide interest through the year, and buffer the residential or more private areas of the park. Selected species with winter berries contribute to the idea of the site as a bird and wildlife habitat.

Plants: Multi-Stem Ash, Willows

Features: Urban beach sandpit, beach chairs, umbrellas, boardwalk.

## Underpass Park

*Toronto, ON*

**Location:** Under and around Eastern Avenue, Richmond and Adelaide overpass. Between Cherry Street and Bayview Avenue.

**Size:** 2.50 acres (10,117m<sup>2</sup>)

**Cost:** Approx. \$6 Million

**Ownership:** Public

**Designed By:** The Planning Partnership and Phillips Farevaag Smallerberg

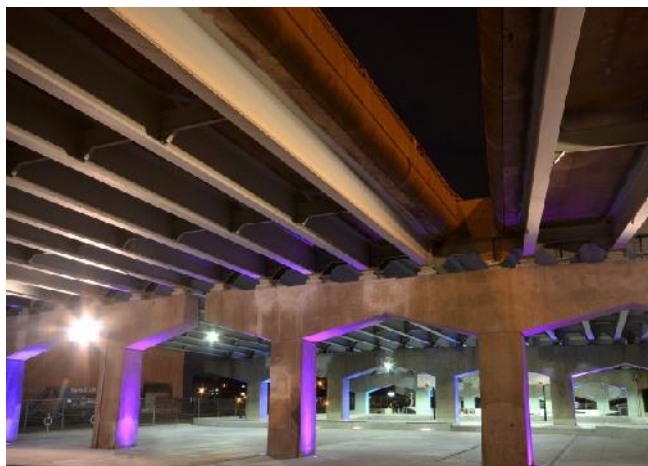
### Description

Underpass Park is the most extensive park ever built under an overpass in Canada, and the first ever in Toronto. Designed to transform derelict and underused space, the park takes full advantage of the concrete beams and columns of the overpasses to create a unique and inviting community asset and provide year round weather protection.

This bright new urban park will give residents of the West Don Lands and adjacent communities safe and beautiful ways to connect between the north and south sections of the neighbourhood.

A sizeable playground is located in the middle section of the park, between St. Lawrence St. and River Street. With a teeter-totter, hopscotch, 4-square, swings and playful climbing structures, the playground offers something for all ages. The area also includes a series of park benches and flexible community space that can be used for markets, festivals and seasonal public events.

The eastern-most section of the park, east of River Street, includes two basketball half-courts, and an extensive skatepark featuring a series of obstacles, rails and ledges. There is also a flexible open space that can be used for community events.





# Urban Squares

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*0.25 to 1 ha*

Urban Square spaces support neighbourhood-oriented social opportunities, as well as city-wide entertainment and cultural events depending on their size and location. Urban Square spaces may include public art, small outdoor game areas, seating areas and places to eat, as well as street-related activities such as vendor and exhibit space. Urban Square spaces are intended to serve community users who are generally within a 5-minute walking distance (approximately 400 metres).

**Capital Cost Estimate - \$1,000.00 to \$1,500.00 per square metre\***

\*Capital cost estimates are based on a host of assumptions related to the design treatments, level of amenity and the facilities provided within an individual park space.

## Tear Drop Park

*New York City, NY*

**Location:** Lower Manhattan, in Battery Park

**Size:** 1.80 acres (7,284m<sup>2</sup>)

**Cost:** \$17 Million

**Ownership:** Public

**Designed By:** Michael Van Valkenburg Associates

### Description

Teardrop Park is a 1.8-acre public park in lower Manhattan that transcends its small size, shady environment, and mid-block location through bold topography, complex irregular space, and robust plantings. Teardrop's design and construction were coordinated with the development of four surrounding apartment buildings, each ranging from 210 feet to 235 feet in height.

In the development of Teardrop Park, sustainability was not merely a goal, but rather an organizing principle that influenced everything from material selection to contractor practices. Based on decades-long research into urban soils and non-toxic plant maintenance, environmental aspects of the park's design include fully organic soils and maintenance regimes that don't rely on pesticides, herbicides, or fungicides. Treated and recycled graywater from the adjacent LEED Gold-rated Solaire Building and stormwater runoff from the site are captured in an underground storage pipe, supplying all of the park's irrigation needs.

As children are considered Teardrop's most important users, the park is designed to address the urban child's lack of natural experience, offering adventure and sanctuary while also engaging mind and body. Site topography, water features, natural stone, and lush plantings contribute to an exciting world of natural textures, dramatic changes in scale, and intricately choreographed views.



## Tanner Springs Park

Portland, OR

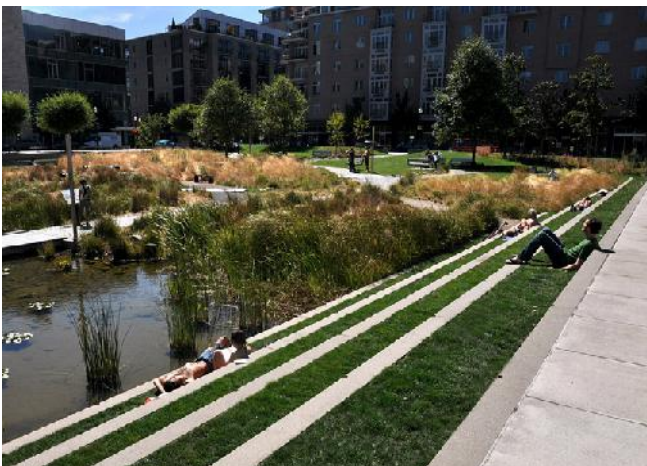
**Location:** North West 10th Avenue and Marshall Street

**Size:** 1.0 acre (4,046m<sup>2</sup>)

**Cost:** N/A

**Ownership:** Public

**Designed By:** Atelier Dreiseitl



### Description

North Park Square was the working name given the second block to be developed in the Pearl District . Planning for this park began in early 2003. Atelier Dreiseitl, a renowned German design firm, and GreenWorks, P.C., an award-winning, local landscape architecture firm, were selected to design the park. A series of community workshops were held between January and June 2003, allowing the public to participate in the design process. After committee review, the name Tanner Springs was adopted in April 2005. The springs connect the park to Tanner Creek that at one time flowed openly through this area; today it flows through large pipes beneath the city streets. Since the design of the park attempts to recapture the area's past with its native wetlands and flowing runnels, the name is fitting.

The Artwall runs along the east edge of the park. It is composed of 368 railroad tracks set on end and integrates 99 pieces of fused glass inset with images of dragonflies, spiders, amphibians, and insects. The images were hand-painted by Herbert Dreiseitl directly onto Portland glass, which was then fused and melted to achieve the final effect.



## Place d'Armes

*Montreal, QC*

**Location:** In front of the Notre-Dame Basilica, between Rue Saint-Jacques and Rue Notre-Dame.

**Size:** 0.68 acre (2,778m<sup>2</sup>)

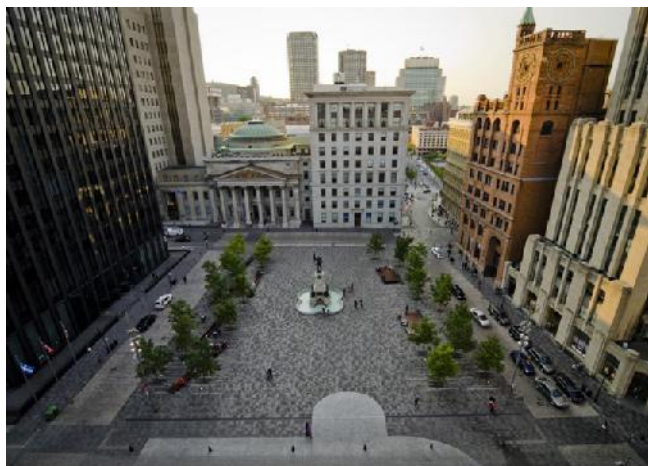
**Cost:** \$15.5 Million

**Ownership:** Public

**Designed By:** Cardinal Hardy/Teknika - HBA

### Description

Place d'Armes, considered as a single heritage feature—the square itself, its central monument and the surrounding built environment—resonates with multiple historical meanings. It is, if you will, the heart of the city's historic centre, summing up its diverse heritage. The square is bordered by the Séminaire de Saint-Sulpice (whose earliest construction dates back to 1684), the great Notre-Dame Basilica (which, when completed in the 1820s, replaced the 17th-century church), the Bank of Montreal head office, two early 20th-century skyscrapers, and a modernist office tower built in the 1960s. In the centre of Place d'Armes is a monument to Montréal's founder, Paul de Chomedey de Maisonneuve. The work of sculptor Louis-Philippe Hébert, it portrays Maisonneuve surrounded by Charles Lemoyne, Lambert Closse, Jeanne Mance and an Iroquois brave. In the evening, Place d'Armes and the surrounding buildings are superbly enhanced by architectural lighting installed as part of the Old Montréal Lighting plan. Horse-drawn carriage tours leave from different points around the square.



# Promenades

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*6 - 20 m wide*

Promenades are substantial linear spaces that are located between adjacent building facades and the adjacent road right-of-way. Promenades are between 6 and 20 metres in width, with an average width along its length of 15 metres. Promenades are typically used to enhance the pedestrian experience along with highly activated at-grade retail spaces. Promenades are typically only located along one side of the street, and are continuous along the length of the block. Promenades may include public art, small outdoor game areas, seating areas and places to eat, as well as street-related activities such as vendor and exhibit space.

**Capital Cost Estimate - \$500.00 per square metre\***

\*Capital cost estimates are based on a host of assumptions related to the design treatments, level of amenity and the facilities provided within an individual park space.

## Edge Park

*New York City, NY*

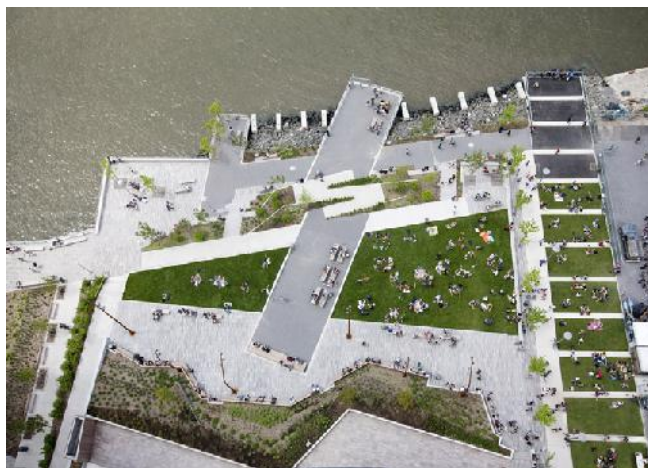
**Location:** On the Brooklyn Waterfront (North of 6th Street on Bedford Avenue.)

**Size:** 1.15 acres (4,665m<sup>2</sup>)

**Cost:** N/A

**Ownership:** Public

**Designed By:** W-Architecture



## Description

The Williamsburg waterfront has been dominated by industry and its relics for over a century—making it largely off limits to the public. New zoning is changing the public interface with the water's edge by increasing density and emphasizing waterfront access. The “Edge” park seeks to bring people to the river and link the ecosystem with the fabric of the community. As landscape architect for both the new residential towers and the public waterfront park, we have the challenge of ensuring that the towers act not as symbolic fences blocking public access and views of the East River and Manhattan but as gateways to the river with corridors providing visual connection to the iconic skyline.

Our plan unites both sides of the river by using the piers to re-orient views across – especially directed toward the Empire State Building. The design emphasizes the confrontation of forces at the water edge and encourages public use. Here, the city grid and the river's ecosystem converge, mingle, and clash: the road turns into a pedestrian greenway, a garage is surmounted with a sloping lawn, piers reach gently into the water from deep within the park and stone riverbank contrasts with concrete bulkhead. This blurring of the boundaries between land and water extends the waterfront benefits inland to the community.

The synthesis and separation of private and public space, and architecture and ecology required a complex series of collaborations with community groups, the developer, the city government, and engineers. This former industrial site is now 50% permeable, planted with many native species and part of the LEED Silver rating for the project. The park was a critical part of the approvals for the project, and maintenance agreements were negotiated with the City Parks Department. The new piers underwent extensive reviews by the Corps of Engineers and the Department of Environmental Protection.



## The Boston Children's Museum Plaza

*Boston, MA*

**Location:** Between the Boston Children's Museum and the Waterfront.

**Size:** 0.75 acre (3,046m<sup>2</sup>)

**Cost:** N/A

**Ownership:** Public

**Designed By:** Michael Van Valkenburgh Associates

### Description

In a world where almost everything within a city is designed for adults, the Boston Children's Museum Plaza is designed for children. Perceptions of difference, distance, size, and scale are playfully manipulated in different ways within the new plaza. Inspired by the forty-foot-tall Hood Milk Bottle, all elements of the design, from the seating and paving to the unique environments like the marble boulders or the native plant garden, are slightly oversized, undersized, overstated and boldly patterned.

With respect to its urban setting, the plaza establishes a clear outdoor area for the museum that is distinct from but fundamentally connected to the pre-existing Harborwalk and attracts attention within the seemingly boundless waterfront setting. In recognition of its significance, the Hood Milk Bottle was rebuilt in a new location in order to announce the presence of the museum from a distance and enhance its visibility from all directions. In conjunction with architectural improvements, the design of the plaza also serves to clarify the museum's entry sequence.

The combination of wood, brick, and stone present a tableau of construction materials that create associations with the natural world (trees, clay, mountains). The marble boulders were discovered in a quarry and already deemed unusable for more rationalized construction purposes. Their inclusion in this landscape alongside marble pavers and slabs references raw natural materials as well as the processes by which these materials are transformed.



## Front Street Promenade

*Toronto, ON*

**Location:** Front Street east of Cherry Street

**Size:** 0.25 acre (approx. 1,031m<sup>2</sup>)

**Cost:** N/A

**Ownership:** Public, Managed by Canary District, a partnership of anchor institutions, small businesses and residents that creates opportunity, improves economic vitality and quality of life in the Canary District of Toronto with the primary mission of community revitalization.

**Designed By:** The Planning Partnership and PFS Studio

### Description

The Front Street East Promenade + Park, the open space heart of the West Don Lands, is both a street and a park. It extends Corktown Common westward towards the city as a bold new green street. The Planning Partnership and PFS Studio redesigned a previously wide, axial alignment of Front Street East to an asymmetrical one to offer more pedestrian space along its northern, sunny side. As a result there is ample room for sidewalk cafes, children's play, impromptu performance and a series of public art installations. The street and park were home to the 2015 Pan American Athlete's Village proving itself a successful venue for future civic and neighbourhoods gatherings and events.

The City of Toronto was named the 2014 Intelligent Community of the Year, which featured The Planning Partnership's and PFS Studio's public realm contributions to Waterfront Toronto on the West Don Lands and the East Bayfront.



# Connecting Link

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*Minimum 4 m wide*

A Connecting link is an outdoor or indoor walkway that may be lined with small stores, restaurants and cafés. A Connecting Link is a minimum of 4 metres in width, and may be substantially wider. When enclosed, the floor to ceiling height should be a minimum of 7 metres. Although a Connecting Link is intended to enable pedestrians to travel through the community quickly and easily, many are destinations unto themselves with seating, restaurant and retail frontages.

**Capital Cost Estimate - \$500.00 per square metre\***

\*Capital cost estimates are based on a host of assumptions related to the design treatments, level of amenity and the facilities provided within an individual park space.



## Mint Plaza

*San Francisco, CA*

**Location:** Jessie Street, stretching between Fifth and Mint Streets.

**Size:** 0.38 acre (1,564m<sup>2</sup>)

**Cost:** Approx. \$3.5 Million

**Ownership:** Maintained and managed by Friends of Mint Plaza (FoMP), a non-profit organization. Open for the public.

**Designed By:** CMG Landscape Architecture

## Description

In April 2007 the San Francisco Board of Supervisors and the Mayor approved legislation to transform a 290'-long portion of Jessie Street stretching between Fifth and Mint Streets into San Francisco's newest public open space, aptly named Mint Plaza. The entire process, from concept, to financing to implementation, took just under two years to complete—quite an accomplishment for San Francisco.

Existing streets and sidewalks were demolished and replaced with a new pedestrian surface composed of composite stone pavers, a steel arbor with climbing vines, trees and several rain gardens. The Plaza was consciously designed to accommodate a wide range of uses, including art exhibitions, live music, cafés, and small festivals, while also providing a quiet, green and clean refuge for neighboring residents, downtown employees and visitors from everywhere to pause, and relax.

Mint Plaza is a special kind of public open space, designed to serve a variety of users. First and foremost, it's a community gathering spot – a green space to take a break, sit outdoors, enjoy lunch, or chat with friends.

It's also uniquely urban: a plaza framed on three sides by historic architecture and lined with cafés and restaurants, providing a great opportunity for al fresco dining. The Plaza also features a daily gourmet food truck and flower cart.

Mint Plaza is also an exciting cultural venue: a place to experience a diversity of art and music, free to the public. FoMP sponsors a variety of live-music events, art and dance festivals, and public art installations, and hopes to expand its programming to include film and food festivals in the upcoming year.



## Market Lane

*London, ON*

**Location:** A laneway connecting Dundas Street to Covent Garden Market.

**Size:** 0.16 acre (679m<sup>2</sup>)

**Cost:** \$600,000

**Ownership:** Public

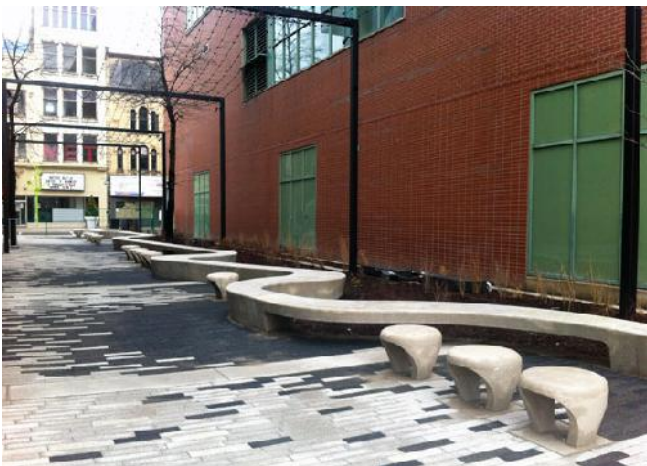
**Designed By:** Hapa Collaborative

### Description

In February 2012, Hapa Collaborative won the Market Lane Design Competition. The fully realized project is set to revitalize a narrow but critical linkage in the urban fabric of downtown London.

Hapa's proposal (entitled Figure Ground) utilized a simple concept and austere palette of materials to animate the Lane, and provide a venue for the upcoming World Figure Skating Championships and the imminent arrival of Fanshawe College's Digital Media Arts program on the west edge of the Lane.

The landscape design concept drew inspiration from the local landscape of southwestern Ontario, including the Thames River valley that weaves through the city and the Carolinian forest that the site lies within, as well as the aspirations of the larger London community including its reputation for higher learning, medicine and technological innovation. The concept also engages the design for building edges to provide a stronger indoor outdoor relationship between interior performance space and potential programming in the Lane.



## 102 Bloor St W Lane

Toronto, ON

**Location:** A laneway connecting Critchley Lane to Bloor Street West

**Size:** 0.05 acre (200m<sup>2</sup>)

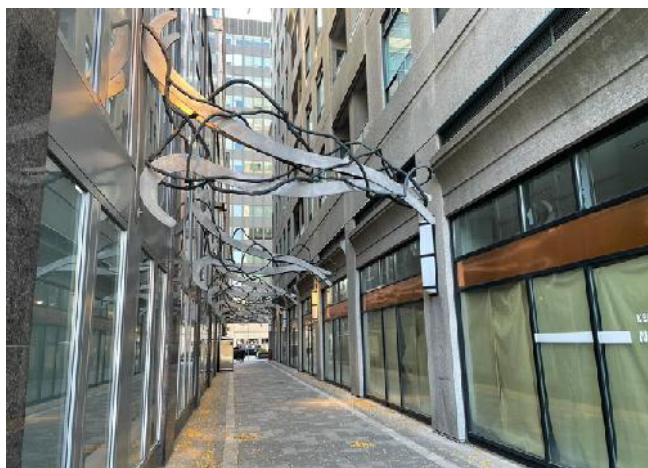
**Cost:** N/A

**Ownership:** Public

### Description

Located between 102 & 100 Bloor Street West, this connecting link is a walkway between Critchley lane and Bloor Street lined with restaurants and retail stores for pedestrians to travel the area quickly with a logical wayfinding system for people to establish a well-connected Yorkville community within the highly urban environment.

The walkway is primarily hardscaped with an art installation for the aesthetic while promoting pedestrian comfort and safety between the two adjacent buildings.





# Pocket Parks

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*0.075 to 0.25 ha*

Pocket Park spaces support the social and cultural fabric of Vaughan's Strategic Growth Areas. They are destinations for day-to-day use and are animated by their adjacent uses, such as cafés and shops. They are intended to serve a local community that is generally within a 2.5 to 5-minute walk (approximately 200 to 400 metres) of residents, visitors and businesses.

Pocket Park spaces include primarily hard surface elements, but can also accommodate softer elements. Pocket Park spaces are a maximum of .25 of a hectare, and must be a minimum of 75 square metres in size. Pocket Park spaces must be connected to, and have at least 7.5 metres of direct frontage along the public sidewalk system. Pocket Park spaces are designed to a very high standard to support more intensified use.

**Capital Cost Estimate - \$1,000.00 per square metre\***

\*Capital cost estimates are based on a host of assumptions related to the design treatments, level of amenity and the facilities provided within an individual park space.

## Mid Main Park

*Vancouver, BC*

**Location:** Corner of Main Street and 18th Avenue

**Size:** 0.22 acre (900m<sup>2</sup>)

**Cost:** \$450,000

**Ownership:** Vancouver Park Board/  
City of Vancouver, Public.

**Designed By:** Hapa Collaborative

### Description

Previously an underused slip lane within the Main Street right-of-way, HAPA produced a scheme that sits comfortably between a new six-story commercial and residential building and busy Main Street. The composition of paving, curvaceous seating walls, mounded earth, layered planting and lighting shortens the awkward long and triangular site, and encourages slower, circuitous passage with places to linger adjacent to the action of the street.

The concrete paving is patterned to the grid of the adjacent city sidewalk, but is overlaid with large, random “milk bubbles” rendered in stained concrete, that blur the edge between street, development site and park. Plaza and planting are separated by a series of curving cast concrete seatwalls that feature a custom bullnose to deter skateboarders, and continuous LED lighting at night. The seatwalls along Main Street include long, continuous yellow cedar bench backs. Bands of permeable cast concrete paving convey stormwater to a detention gallery buried in the central mound behind the main seatwall, reducing runoff rate and quantity discharged into the city’s storm sewer.

Plantings buffer the interior of the park from the busy street. Within these areas, over 90% of the existing street trees were retained, with further soil and irrigation improvements to bolster their health. In addition to the Chinese elms and littleleaf linden trees retained along Main Street, snowbell trees were installed for spring colour and eventual succession. The ground plane is richly planted with a mix of grasses and perennials.

The signature of the park is the “bendy-straw” trellis, a whimsical reference to the former Palm Dairy and Milk Bar that occupied the site from 1952 to 1989. Kiwi vines at each end will eventually drape the trellis with lush green foliage, and provide a free lunch to passers-by. North of the trellis, matching barstools recall the interior of a mid-20th-century dairy bar (complete with spinning seats).



## 49th Street Park

Los Angeles, CA

**Location:** 49th Street, South Los Angeles

**Size:** 0.17 acre (700m<sup>2</sup>)

**Cost:** N/A

**Ownership:** Public park

**Designed By:** Los Angeles Department of Recreation and Parks

### Description

Part of Los Angeles' 50 Parks Initiative, a public-private program designed to help revitalize some of the city's neediest, most densely populated communities the parks are designed to serve people within walking distance to offer a hyper-local community hubs. Many parks are located on foreclosed properties that cannot be rehabilitated or vacant parking lots.

The 49th Street Park was the first 50 Parks Initiative parks to open. It is the size of one lot adjacent to a surface carpark.

It has been designed into distinct sections with play equipment in one area and treed seating areas.

Bright materials have been used for the play equipment area.

Plants: Trees, no-mow grass, shrubs.

Features: Seating, grass area, play equipment, solar powered lighting, smart irrigation and to keep intruders out after hours, automatic time-lock gates and solar motion-activated cameras.





## Waterfall Garden Park

Seattle, WA

**Location:** Main and Second Streets, Seattle

**Size:** 0.10 acre (445m<sup>2</sup>)

**Cost:** N/A

**Ownership:** Open to public during business hours but privately owned

**Designed By:** Masao Kinoshita within the firm of Sasaki Associates

### Description

Created to commemorate the birthplace of the United Parcel Service (UPS), Waterfall Garden Park is a private pocket park almost hidden away.

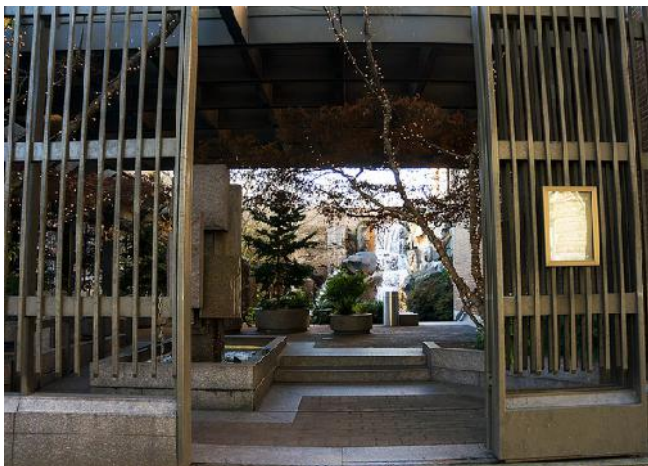
Designed by Sasaki, Dawson and DeMay and constructed in 1978, the Park may be small but the space imparts a strong, lasting impression.

A modern interpretation of a Japanese garden, the central feature of the park is the dramatic 22-foot high waterfall constructed of natural granite borders. Five thousand gallons of continuously filtered and re-circulated water per minute cascade down the falls.

The park is privately managed by the Annie E. Casey Foundation, a security guard is present during the park's open hours, after which, the park is securely gated off by an iron fence.

Plants: Shrubs and Japanese Maples.

Features: Seating, planting, water feature, weather shelter.



# Sliver Parks

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Sliver Park spaces are narrow linear spaces that often front restaurants, cafés and retail spaces. They create plazas or forecourts between the face of the adjacent building and the street right-of-way. They are effectively small scale extensions of the public sidewalk system. Sliver Park spaces are small and compact spaces that are designed to a very high standard to support more intensified use.

**Capital Cost Estimate - \$500.00 per square metre\***

\*Capital cost estimates are based on a host of assumptions related to the design treatments, level of amenity and the facilities provided within an individual park space.

## 767 Third Avenue

New York City, NY

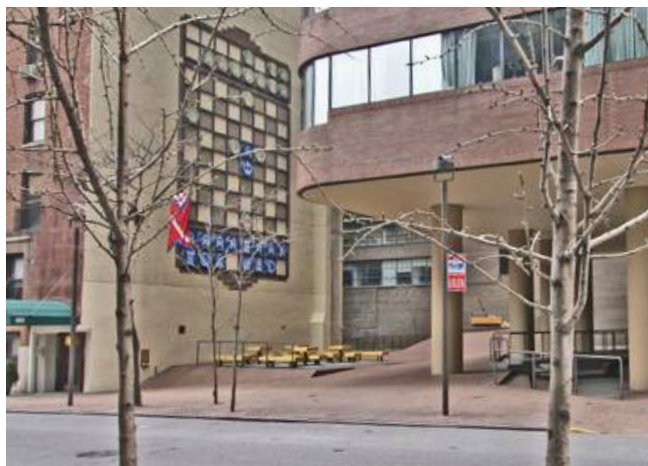
**Location:** Southeast corner of Third Avenue and East 48th Street

**Size:** 0.07 acre (approx. 284m<sup>2</sup>)

**Cost:** N/A

**Ownership:** Privately owned public space. Public access 24 hours.

**Designed By:** Mevlyn Kaufman



### Description

The signature element of this plaza is a gigantic chessboard adorning the wall of an abutting building at the eastern edge of the space.

Oversized whimsical metal footprints track east or west on top of metal grates in the East 48th Street sidewalk.

Below the chessboard are four fixed wooden tables, each surrounded by four fixed backless wooden seats. Four additional benches flank north and south sides. To the south is an elevated platform whose approach up an overly steep ramp is rewarded by the best seat in the house.

With more than 500 privately owned public spaces, it is desirable that the public be able to distinguish one space from another. Spaces like this one developed by the Kaufman organization with its gigantic chessboard, become points of orientation and association that connect people to their physical environments.

Plants: Four trees.

Features: Seating, public art.



## Edible Bus Stop Pocket Park

*London, UK*

**Location:** Lambeth Hospital Bus Stop,  
Route 322, Landor Road, Lambeth

**Size:** 0.05 acre (approx. 208m<sup>2</sup>)

**Cost:** N/A

**Ownership:** City owned

**Designed By:** Local Volunteers

### Description

The vacant open space running along Landor Road was created as a result of a bomb in WW2. Members of the local community came together to object to a proposal to build new houses on the site. The community took responsibility for the land (with the support of Lambeth Council) and tidied the space, transforming it into a verdant community garden.

The new design and formalization of the space into a pocket park has seen the planting beds themselves reconfigured to fit with the new pathways and elevated for ease of gardening and to keep dogs off. The raised planting beds utilize reclaimed granite curbstones as the retaining walls that have been salvaged from other redevelopment work across the Borough of Lambeth, keeping a sense of the heritage of the area and providing a narrative to the design. Along the back wall of the garden, a uniform screen has been erected to provide vertical growing space, but also a boundary between the garden and the neighbouring properties. New seating has been introduced at key points around the garden, to enable people to stop and enjoy the space.

The re-design of the garden has been supported jointly by the London Borough of Lambeth's Neighbourhood Enhancement Program and the Mayor of London's Pocket Park scheme, of which it was the first Pocket Park to be completed, opening on May 18th, 2013.

**Plants:** Edible plants, 7 fruit trees and flowers.

**Features:** Seating, community workshop and garden space.



## 22nd Street Parklet

*San Francisco, CA*

**Location:** 22nd Street between Bartlett and Mission

**Size:** 0.007 acre (approx. 30m<sup>2</sup>)

**Cost:** N/A

**Ownership:** City owned, maintained by local businesses

**Designed By:** Rebar Group

### Description

Parklets repurpose two to three parking stalls along a block as a space for people to relax, drink a cup of coffee, and enjoy the city around them. Parklets do this by building out a platform into the parking lane so that the grade of the sidewalk gets carried out into the parking lane.

The 22nd Street Parklet has benches, an integrated resting table, bike parking and landscaping.

Bamboo used for the surface decking is an environmentally friendly renewable resource and all landscaping used are low-water species.

The three businesses fronting the Parklet have agreed to provide daily maintenance, although all seating and bike parking is free and open to the public.

The cost of the 22nd Street Parklet was paid for entirely through donations by a local resident and the three businesses fronting this Parklet. In addition, a variety of partners have provided their products for free or at reduced cost, including a design company that designed and built this Parklet free of charge to the City with the help of many volunteers.

Plants: Low-water species.

Features: Benches, bike parking, landscaping.











# Town of Oakville Parks Plan - 2031



## Appendix IV Parkland Design Guidelines

August 2022

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# 1.0 Key Principles + General Design Considerations

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## 1.1 Convenience and Coherence

Each park space should be considered as a component and expansion of the larger, Town-wide and regional parkland network. New parks can provide an amenity and destination in an area of the Town where it is presently lacking, introduce links and connections to improve accessibility through a neighbourhood, and improve visual connectivity between parks. With this larger scale in mind, the design of new parks should consider two key principles for situating the site within the overall parkland network – convenience and coherence.

Convenience refers to the level of effort and time required to complete a trip by foot. A key indicator for convenience is trip distance and proximity to amenities. In particular, people are most likely to choose to walk if their destination is within a 2.5 - to 5 - to 10-minute, or 200 to 400 to 800 metres (10-Minute Walk, 2021). For parks within a larger parkland network, the preferred distance is typically no more than a five-minute walk, and for the smaller elements of the network, a 2 minute walk. Furthermore, pairing parks with other public uses, amenities or destinations, such as recreation centres

and schools, will improve the convenience of the park space and its resultant volume of visitors.

Trip length is influenced by the street pattern. A fine-grained and gridded street pattern provides a greater level of connectivity or permeability, which can be measured by the intersection density and block size. Greater street connectivity allows for more direct and shorter walking routes. Intersection conditions can also greatly impact the convenience of walking, particularly with regard to signal timing and the physical condition and directness of the crossing.

Coherence refers to how easy it is to understand the layout of the parkland network, and to intuitively navigate from point A to point B. Coherence is influenced by the hierarchy and provision of routes between points of interest and activity, sight lines/ view corridors, and wayfinding signage. Major barriers and breaks in the continuity of the pedestrian network (sidewalks and trails) negatively impact coherence, for example, if there is no clear path, then walking becomes a less feasible and attractive option.

## 1.2 Context, Heritage and Placemaking

The detailed design of parks contributes to the character and attractiveness of the neighbourhood in which they are situated. Attractiveness refers to how inviting and interesting the surroundings are for pedestrians. In particular, well-maintained and well-lit parks are most attractive, as are those that are animated with street-level activity, such as from commercial, civic, or recreational uses (City of Mississauga, 2015).

Placemaking refers to community-based efforts and activities to physically reflect an area's unique character, assets, and history, and to make it livelier and more of a destination. Placemaking should be considered as a site-specific and context-specific pursuit. The park should have an identity of its own, while also respecting, or enhancing, the neighbourhood character, including patterns, materials, and architectural style.

Indigenous and non-indigenous cultural heritage and historical values can be reflected, protected, or enhanced in the park. Where possible, incorporate public art and local artifacts into the space, including opportunities for education and interpretation (San Francisco Planning Department, 2011). Effort should be made to understand and communicate the unique culture, history, or qualities of the community in the design of the park.

## 1.3 Accessibility

Accessibility refers to the usability of parks for all people, regardless of their age, ability, status in life, or mode of travel. In terms of age and ability, accessibility means planning parks for the young and old, and people with mobility impairments, in recognition that sight lines, walking speed, clearing space, endurance, and agility may vary.

Accessibility also means ensuring that the parkland network can be used by people of all incomes, and all abilities by keeping park spaces free of charge and by ensuring they are equally distributed throughout the Town (City of Mississauga, 2015). Parks should avoid designs that appear to privatize the space, or elements within it.

As a reference for detailed design, parks should meet the requirements outlined in the policies of the Accessibilities for Ontarians with Disabilities Act (AODA), as well as the Oakville Accessibility Plan and Accessibility Policy. Accessible parks should be designed such that they:

- Accommodate a variety of activities within the space;
- Minimize changes in grade between the open space and surrounding public space, including public sidewalks;
- Where changes in grade are not avoidable, provide an accessible route that complies with AODA standards;
- Minimise protrusions into the main path of travel, including vents or grates; and,
- Visually signal the edge of the vehicular zone, or other conflicts or hazards, through pavement treatments, tactile warning indicators, and signage.



## 1.4 Safety

Safety refers to the risk of harassment, injury or death, and the primary risks for pedestrians are associated with motor vehicle traffic and crime. Key considerations include separation from motor vehicle traffic - taking into consideration the speed and volume of traffic, and the treatment of intersections where pedestrian and motor vehicle traffic must cross. With regard to the design of parks, Crime Prevention Through Environmental Design (CPTED), a pro-activation crime prevention strategy, provides direction for improving the safety of a space through thoughtful design. As a starting point, parks should:

- Be located abutting and visible from public streets;
- Provide clear sightlines through the park space to adjacent streets and buildings to promote informal neighbourhood surveillance;
- Include adequate, consistent, pedestrian-scaled lighting;
- Avoid the creation of entrapment spots, blind corners, or areas that are not easily visible, including through planting design;
- Be bordered by active frontages, with windows and doors that open onto the park; and,
- Be regularly maintained at a high standard, and have considered the long-term maintenance of materials and furnishings.

## 1.5 Comfort

Pedestrian comfort is critical for the success of parks, and should be considered early in the design of the site. Surrounding building massing and the location of the park in relation to them will have implications on wind, solar exposure, and visual access.

Comfort refers to how pleasant, easy, and free from challenges a pedestrian visit can be. Pedestrian comfort depends on the convenience, coherence, safety, and accessibility of the entire parkland network, and it can be enhanced through construction materials and the provision of pedestrian amenities that serve the unique needs of those travelling by foot. Perceptions of space should also be considered, including providing more intimately scaled “rooms” in larger open spaces. In general, the following practices will contribute to the comfort of the open space:

- Locate the open space such that it maximizes sunlight and views to the sky;
- Provide ample seating throughout the site;
- Provide a range of exposures, including areas with shading, such as through the planting of canopy trees or other structures;
- Consider wind and noise levels throughout the site. Where necessary, use plantings and structures to lower wind and noise levels and create comfortable microclimates, without compromising safety or visibility through the space;
- Consider four-season use when selecting materials and finishes (e.g. – consider materials that retain heat, such as wood, in seating intended for use in cooler seasons); and,
- Provide site amenities that support programming in the space, including drinking fountains, bottle fill stations, washrooms, and waste receptacles.

## 1.6 Sustainability & Resilience

Sustainability in park design refers to a space's impact on the environment, including the interest in minimizing negative influences which may compromise the future health of the environment, and putting in place measures which may improve the health of the local ecosystem. Resilience goes further to consider the ever changing effects of climate change, and the ability of a space to persist in good health and quality over time, while also mitigating the contributing factors to climate change. When planning and designing a new parks, the needs and challenges facing the broader context, including neighbourhood and Town-wide problems, should be assessed and considered. Parks can play a role in solving larger urban and suburban problems outside of the boundary of the park (Cranz & Boland, 2004). As a starting point, sustainability and resilience can be addressed in parks in the following ways:

- Encourage active transportation through circulation design and the provision of supportive facilities (e.g. – provide ample bike racks, connect with public sidewalks, locate a park near a transit stop, etc.);
- Encourage mature tree growth to increase canopy cover, which combats urban heat island effect, improves air quality, and increases stormwater uptake;
- Increase species diversity in planting, and support local pollinator and faunal species;
- Use native and drought-tolerant plant species;
- Use permeable paving and below-grade infrastructure to harvest stormwater for reuse; and,
- Use recycled materials, or materials with sustainable lifecycles.

## 2.0 Suburban Parks

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### 2.1 The Suburban Park Hierarchy

#### Regional Parks

**Capital Cost Estimate - \$50.00 to \$200.00 per square metre\***

*\*Capital cost estimates are based on a host of assumptions related to the design treatments, level of amenity and the facilities provided within an individual park space.*

Regional parks are larger destination spaces that attract and cater to both the local community, and visitors from surrounding and adjoining municipalities. They accommodate larger cultural, recreational, and entertainment events, including festivals and tournaments. They should have a distinct, recognizable identity and character that makes them memorable and worth travelling to. The following criteria should be considered when designing a Regional Park:

- Be greater than 15 ha in size;
- Have frontage on at least 1 public street, but may be surrounded by public streets where the scale of the park is appropriate;
- May be located adjacent to natural areas, including the Natural Heritage System;
- Be primarily soft surfaced and green, but may include hardscape elements;
- Include seating and a full furniture program, such as lighting, facilities for dogs, facilities for seniors, children and youth, water features and public art;
- Designed to support temporary events, including festivals and markets; and,
- Provide sheltered areas and comfortable microclimates for comfortable spaces within larger site.

#### District Parks

**Capital Cost Estimate - \$100.00 to \$300.00 per square metre\***

*\*Capital cost estimates are based on a host of assumptions related to the design treatments, level of amenity and the facilities provided within an individual park space.*

District Parks serve the residents of the Town, accommodating a range of passive and active recreation uses. District Parks typically include one or more major recreational facility, such as sports fields, games courts, skateboard parks, off-leash dog areas, picnic areas, and field houses. District Parks are commonly associated with other community amenities, such as community centres and schools, and can attract users from across the Town. In general, District Parks should:

- Be greater than 5 ha in size;
- Have frontage on at least 1 public street, but may be surrounded by public streets where the scale of the park is appropriate;
- Include substantial programmable spaces such as sports fields and performance venues, as well as play elements for children; and,
- Combine multiple sports facilities, including, for example, baseball, soccer, lacrosse, tennis courts, etc. (East Gwillimbury).



## Neighbourhood Parks

**Capital Cost Estimate - \$150.00 to \$500.00 per square metre\***

*\*Capital cost estimates are based on a host of assumptions related to the design treatments, level of amenity and the facilities provided within an individual park space.*

Neighbourhood Parks primarily benefit local communities, and can serve as an organizing element in a neighbourhood. They support a balance of active and passive recreation, such as playgrounds, skate zones, play courts, unlit sports fields and social gathering spaces, where space permits. Neighbourhood Parks should be designed with the following considerations:

- Be .75 to 5 ha in size, and serve a local community located within a 10-minute walk of the park space;
- Provide frontage on at least 2 public streets, but may be surrounded by public streets where the scale permits;
- Be situated such that all residents within the neighbourhood are within a 10-minute walk of the park;
- Implement linkages between neighbourhood parks if multiple are located within a subdivision;
- Are primarily softscape, but can have some hardscape elements; and,
- May be co-located with school sites.

## Parkettes

**Capital Cost Estimate - \$150.00 to \$300.00 per square metre\***

*\*Capital cost estimates are based on a host of assumptions related to the design treatments, level of amenity and the facilities provided within an individual park space.*

Parkettes provide valuable neighbourhood amenities where the scale of a larger suburban open space is not required. These spaces are not suitable for large features such as sports fields, but are appropriate for local-level facilities (e.g., playground, waterplay, seating) and may be required to serve a nearby development. Parkettes support the cultural and social needs of the community, and are developed with the following criteria in mind:

- Be less than .75 ha, and support the needs of the community located within a 5-minute walk of the park space;
- Have frontage on at least 1 public street, but may be surrounded by public streets where the scale permits;
- Include areas for seating; and,
- Can include hardscape or softscape elements.

## 2.2 Suburban Park Design Considerations

### Site Design

In designing a new suburban open space the layout of the whole community needs to be taken into consideration. Given that these parks are public amenities which serve a user group that is spread over a larger area, the location of suburban parks should be such that walk time to the park for residents is minimized. Ideally, all suburban residents should be within a five-minute walking distance (approximately 500 metres) from a park (West Whitby Landowners Group, 2016).

Suburban parks should be located centrally, and street frontages should be provided wherever possible to reinforce their presence within the community, and improve access for residents and visitors. Suburban parks can be located adjacent to natural features, including existing woodlots, provided that they are designed to ensure the safety of the visitors. Additionally, linkages, in the form of sidewalks, trails, and linear open spaces, should be provided between parks wherever possible, to establish a Town-wide parkland network, encourage walking and cycling, and improve access to these spaces (Kent Design Initiative, 2006). Facilities should be provided to accommodate different modes of travel, including bike parking areas, and in the case of larger Regional and District Parks, vehicular parking areas.

Opportunities to complement, support, or coordinate with other proposed land uses with parks, including institutional uses such as schools or recreation centers, or facilities such as parking areas, should be explored. Where neighbouring land uses conflict with the park use, or where a park shares a border with private property, provide setbacks and perimeter fencing (City of Hamilton, 2020).

### Programming

For parks serving suburban communities, a range of visitors should be anticipated when establishing a programming strategy. Programming and amenities should be provided for adults, families with children, including children of varied ages, and seniors.

Where space permits, a variety of active and passive programming amenities should be provided in the park. The Project for Public Spaces recommends envisioning a park as a series of “places”, each supporting a variety of activities. As a general guide, ten activities should be accommodated within each “place” (Project for Public Spaces, 2021).

Larger parks, including Regional, District, and Neighbourhood Parks, should also provide amenities that support gathering, and, where possible, events. Accommodating a range of people with different backgrounds and abilities will be central to the success of the park. In general, suburban parks should:

- Facilitate passive recreation, including sitting, walking, and socializing;
- Promote active recreation, including cycling and sports;
- Provide opportunities for individual and group recreation, both passive and active;
- Be flexible to support temporary programming, including events, festivals, and markets; and,
- Be designed with four-season programming in mind. Providing for winter programming, such as temporary skating facilities or tree lighting, will encourage use through the colder months of the year.

## 2.3 Suburban Park Landscape Elements

### Hardscaping

Hardscaping in suburban parks plays a critical role in supporting the programming of the space. Hardscaping is associated with walking and cycling paths, plazas and pavilions with seating and gathering areas, and sport and games facilities, including courts and skate parks. Care should be given to selecting appropriate paving materials to support the intended use. Smooth, flexible surfaces, such as asphalt, are best suited for cycling routes, whereas higher quality finishes, such as unit paving and concrete, can be employed along walking routes and in gathering areas to establish a unique character for the park. In general, the selection and design of hardscaping should:

- Establish a space hierarchy within the park and support programming. Use high quality materials for feature and formal areas (e.g. – unit paving for plaza), medium quality materials for primary walking routes (e.g. – cast-in-place concrete), and cost effective, flexible materials for secondary walking routes, cycle routes, and scenic walking trails (e.g. – asphalt, granular, wood chip);
- Provide generous circulation routes to facilitate walking, running, and cycling. Consider providing separated cycling and pedestrian paths;
- Provide a continuous pedestrian route or loop to encourage walking;
- Primary walking routes should be a minimum 3 metres wide, to support accessibility needs, and groups (City of Hamilton, 2020); and,
- Hard landscape elements should highlight park entrances and to emphasize focal elements such as shade structures.

### Softscaping

Softscaping, including lawn areas and planting beds, is the primary surface treatment in suburban parks, and should be designed with aesthetics, programming, and resilience at the forefront. Open lawn areas provide areas for gathering, passive recreation, and play. Gardens can be a feature element of the space, or used as a wayfinding element, such as to highlight entrances.

Suburban parks, with their abundant access to soil volume, have the capacity to support the growth of large trees, which can be incorporated as a design element, and to provide shade and visual interest throughout the year. Plant material provides numerous green infrastructure benefits, including facilitating stormwater infiltration, supporting pollinators, and providing habitat for local fauna. When designing softscaping for suburban parks, consider the following:

- Provide large areas of open lawn for passive and active recreation;
- Plant large canopy tree species, with access to a minimum of 30 cubic metres of soil per tree;
- Consider preserving existing trees and natural areas in the park;
- Tree plantings will largely reflect an informal or naturalized layout, and may include clustered groupings or trees in lawn areas;
- Include coniferous trees for winter interest;
- Select predominantly native, and where possible drought tolerant, plant species;
- Provide community gardens or opportunities for urban agriculture, such as planting fruiting trees and shrubs;
- Incorporate undulating topography in the lawn areas to facilitate passive and active recreation, such as tobogganing in the winter;



- Where a stormwater management feature is located within or adjacent to a park, treat it as a naturalized design feature. Ensure safety hazards are mitigated; and,
- Accent planting should be focused at entrances and around primary seating areas and play areas (West Whitby Landowners Group, 2016).

### Active Recreation Amenities

Suburban parks are critical programming nodes in the community. They have the capacity to support active recreation through the provision of one or more sports facility, games court, or play structure. Larger suburban open spaces, including Regional and District Parks, can include multiple, or combined, recreation facilities. Active recreation programming should be determined through discussion with the community. Active recreation facilities can include, but are not limited to:

- Junior and senior play structures;
- Splash pads;
- Multi-purpose play courts (e.g. – tennis and basketball);
- Games courts (e.g. – chess and shuffle board); and,
- Sports fields (e.g. – soccer and baseball).

When designing active recreation facilities, consider the following:

- Playgrounds and structures should create a unique character or play experience through the provision of a variety of play equipment types;
- Locate sports and games facilities in their most favourable orientation, and on relatively level grading;
- Minimize noise disturbance to adjacent land uses. Ensure adequate setbacks to account for errant

balls, and provide fencing where necessary (Town of East Gwillimbury, 2009);

- Locate children's play areas set back 20 metres at their perimeter from any residential property lines or street;
- Locate children's play areas to allow for visual surveillance into the play area from the road and surroundings. Ensure that no plantings or structures are providing near the play areas that would obstruct or obscure visual access;
- Playgrounds must conform to the latest Canadian Standards Association (CSA) standards for play spaces and equipment. At least one light standard must be provided at playgrounds for security (City of Hamilton, 2020);
- Ensure play area surfacing meets any relevant safety requirements, including shock absorbency. Provide non-slip concrete or rubber surfacing for splash pad areas;
- Provide play structures for various age groups. Locate junior and senior play structures such that they can both be monitored by a guardian simultaneously in the event that the guardian should have children on each structure (Kent Design Initiative, 2006); and,
- Provide barrier-free play options at all play facilities.

### Seating

Seating is a primary design element that supports the programming of the park. Seating can be provided as a standalone amenity, or as a supportive element to another park facility, such as a play area. A variety of seating types can be introduced into suburban open spaces, including:

- Benches;
- Picnic tables;

- Seat walls;
- Moveable seating; and,
- Temporary or permanent sports facility stands.

In general, the following design guidelines should be considered:

- Provide seating at active recreation and sports facilities (e.g. – at playgrounds for guardians);
- Provide shading by way of trees or overhead structures (e.g. - pergolas, gazebos);
- Optimize views when siting seating elements, including views to natural elements, planting elements, or public art;
- Provide space for accessibility aids (e.g. - wheelchair, walker) alongside seating elements;
- Provide flexible seating for plaza areas; and,
- Provide dining table sets and picnic tables to accommodate small groups.

## Lighting

Lighting can be used to develop the character of a suburban park, improve wayfinding, expand the hours of use, and improve safety. When designing lighting for suburban parks, consider the following:

- Lighting should be provided for larger Regional and District Parks. Lighting is generally not recommended for Neighbourhood Parks or Parkettes (City of Hamilton, 2020);
- Where lighting is used, ensure adequate, consistent lighting along pathways, per CPTED guidelines;
- Provide lighting at park structures for security (Town of East Gwillimbury, 2009);

- Where lighting is provided, a timed shutoff should also be provided (City of Hamilton, 2020);
- Use fixtures that are energy efficient and that are dark sky compliant, which reduce glare, light trees pass, and light pollution; and,
- Use a variety of lighting scales and types, including lighting bollard and pedestrian lights.

## Other Features

Suburban parks should also consider including a number of other facilities that support a variety of active and passive programming amenities, including:

- Public Art;
- Dog run areas – consider providing purpose-designed dog waste receptacles;
- BBQs;
- Washrooms;
- Water Features;
- Bike Racks;
- Park identification signs and signs for information and regulations (East Gwillimbury); and,
- Waste receptacles.

## 3.0 Urban Parks

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### 3.1 The Urban Park Hierarchy

#### Public Commons

**Capital Cost Estimate - \$500.00 to \$1,000.00 per square metre\***

*\*Capital cost estimates are based on a host of assumptions related to the design treatments, level of amenity and the facilities provided within an individual park space.*

Public Commons are the largest urban park typology, and are intended to be social and recreational focal points of an urban neighbourhood. They typically meet the needs of the local community, and in some instances, accommodate Town-wide ‘destination’ facilities. Public Commons support a balance of active and passive uses and should also accommodate special features that add visual interest and contribute to placemaking, including locations for public art. Public Commons may be coordinated with school sites, where possible. Public Commons are to be developed with the following criteria in mind:

- Be .75 to 2 ha, and support the needs of the community located within a 10-minute walk of the park space;
- Have frontage on at least 2 public streets, but may be surrounded by public streets where the scale of the park is appropriate;
- Be designed such that they provide a minimum of 40.0% of the area of the park in tree canopy cover by the end of the 10th year after its opening;
- Be primarily soft surfaced and green, but may include hardscape elements;
- Include substantial programmable spaces such as small sports fields, games courts, and performance venues, as well as play elements for children;
- Include seating and a full furniture program, such as lighting, facilities for dogs, facilities for seniors, children and youth, water features and public art; and,
- Provide sheltered areas/microclimate for comfortable spaces within larger site.

#### Urban Squares

**Capital Cost Estimate - \$1,000.00 to \$1,500.00 per square metre\***

*\*Capital cost estimates are based on a host of assumptions related to the design treatments, level of amenity and the facilities provided within an individual park space.*

Urban Squares are moderately scaled typology of the urban public park hierarchy commonly associated with commercial and residential land use. Urban Squares support neighbourhood-oriented social opportunities, as well as Town-wide entertainment and cultural events depending on their size and location. Urban Squares may include public art, small outdoor game areas, seating areas and places to eat, as well as street- related activities such as vendor and exhibit space. Urban Squares are expected to develop with the following criteria in mind:

- Be between .25 to 1 ha in size, and support the needs of the community located within a 5-minute walk of the park space;
- Have frontage on at least 2 public streets, but may be surrounded by public streets where the scale of the square is appropriate;
- Generally follow a 1:1 proportion of length to width;
- Require that adjacent built form have primary and active frontages facing the Square;
- Be designed such that they provide between 25 and 40% of the area of the open space in tree canopy cover by the end of the 10th year after its opening;
- Be primarily hard surfaced, but may include soft surface elements;
- Include community and civic event spaces as well as performance venues and playful elements for children; and,
- Include ample seating and a full furniture program, such as lighting, opportunities for outdoor cafés and restaurants, facilities for seniors, children and youth, water features and public art.



## Promenades

### Capital Cost Estimate - \$500.00 per square metre\*

*\*Capital cost estimates are based on a host of assumptions related to the design treatments, level of amenity and the facilities provided within an individual park space.*

Promenades are substantial linear open spaces that are located between adjacent building facades and the adjacent road right-of-way. They are typically only located along one side of the street, and are continuous along the length of the block. Promenades are typically used to enhance the pedestrian experience along with highly activated at-grade retail spaces. Promenades should be developed with the following criteria in mind:

- Are between 6 and 20 metres in width, abutting, and parallel with a public road right-of-way;
- Provide a clear, continuous pedestrian path of travel through the space;
- Include a repetition of elements, such as pavers, lights, seating, planters and trees; and,
- Incorporate public art, small outdoor game areas, seating areas and places to eat, as well as street-related activities such as vendor and exhibit space.

## Connecting Links

### Capital Cost Estimate - \$500.00 per square metre\*

*\*Capital cost estimates are based on a host of assumptions related to the design treatments, level of amenity and the facilities provided within an individual park space.*

Connecting Links enable pedestrians in high pedestrian volume areas to travel through the community quickly and easily. Connecting Links are outdoor or indoor walkways through a development site, connecting two streets together. Many are destinations unto themselves with seating, restaurant and retail frontages. Connecting Links should contribute to the logical wayfinding system and help to establish a well-connected parkland network within a highly urban environment. Connecting Links are expected to develop with the following criteria in mind:

- Be a minimum of 4 metres in width, and may be substantially wider, taking into account scale of adjacent buildings;
- When enclosed, the floor to ceiling height shall be a minimum of 7 metres;
- Be primarily hardscaped, with softscape and seating elements to provide amenity and visual interest;
- Be well lit, promoting pedestrian comfort and safety; and,
- Include signage to identify adjacent buildings.

## Pocket Parks

**Capital Cost Estimate - \$1,000.00 per square metre\***

*\*Capital cost estimates are based on a host of assumptions related to the design treatments, level of amenity and the facilities provided within an individual park space.*

Pocket Parks are small, pedestrian friendly spaces that accommodate socializing in dense urban areas that are designed to a very high standard to support more intensified use. Pocket Parks are destinations unto themselves that are animated with outdoor seating, restaurant and retail frontages. They include primarily hard surface elements, but can also accommodate softer elements. Pocket Parks are expected to develop with the following criteria in mind:

- Be a minimum of 75 square metres in size, and must, and intended to serve a local community that is generally within a 2.5 to 5-minute walk of residents, visitors and businesses;
- Be connected to, and have at least 7.5 metres of direct frontage along the public sidewalk system;
- Require that adjacent built form have primary and active frontages facing the park;
- Be designed such that they provide up to 50% of the area of the park in tree canopy cover by the end of the 10th year after its opening;
- Be primarily hard surfaced, with limited soft surface elements; and,
- Include seating and a full furniture program, such as lighting, opportunities for outdoor cafés and restaurants, facilities that promote a passive, relaxing atmosphere, water features and public art.

## Sliver Parks

**Capital Cost Estimate - \$500.00 per square metre\***

*\*Capital cost estimates are based on a host of assumptions related to the design treatments, level of amenity and the facilities provided within an individual park space.*

Sliver Parks are small scale, linear components of the parkland network that add to the width of the public sidewalk system, and create plazas or forecourts between the face of the adjacent building and the street. Sliver Parks are appropriate adjacent to active building frontages, with transparent and accessible at-grade uses that animate the space, improve safety and encourage use. Sliver Parks are expected to develop with the following criteria in mind:

- Be primarily hard surfaced, with limited planting and soft surface elements; and,
- Be flexible to accommodate spill out retail space, and/or outdoor cafés and restaurants.

## 3.2 Urban Park Design Considerations

### Site Design

The introduction of new urban parks should be considered in relation to the adjacent land uses and architecture. Where a development is proposed, the relationship between the building massing and articulation, particularly at-grade, should be designed concurrently with the preliminary design of the adjacent park, to the mutual benefit of both. Urban parks should be designed to be flush with the building facades and at-grade uses so that the parks benefit from activation along their edges. Urban parks should all have physical and visual access. Active building frontages, with accessible at-grade uses, such as cafes and shops, are the ideal companion to an urban park. Active building frontages are transparent and incorporate windows, balconies, and entrances adjacent to parks to provide more opportunity for interaction between inside and outside uses (San Francisco Planning Department, 2011). Active edges help to animate the park, improve safety, and encourage use.

Urban parks should be designed to be flush with the building facades and at-grade uses. Urban parks should all have physical and visual access to the larger pedestrian circulation system, and have significant frontage onto the public sidewalk system. It is crucial that all of the urban park typologies exist and work together to create a robust and comprehensive urban parkland network.

### Programming

Great urban open spaces have strong functional assets. With respect to programming urban space, the key is flexibility to recognize the needs of residential users, as well as office users and retail/commercial users. Flexibility and variety is also required to allow the open space to adapt to changing needs over time. Programming opportunities are directly related to the scale, purpose and design of the space. Because they are larger, Public Commons and Urban Squares provide opportunities to accommodate green space, tree cover and softscape areas that may include unprogrammed recreational space and other larger scale park features. In some instances, these spaces may also accommodate small sports fields,

courts, and performance venues, as well as playful elements for children. Smaller open space typologies will not be able to accommodate the same diversity in programming, but still may include children's play areas, seating areas, public art, and planting elements. In general, urban open spaces should:

- Support active transportation;
- Support adjacent interior uses (e.g. – retail, office, residential, dining);
- Promote passive recreation, including sitting, walking, and socializing;
- Provide opportunities for individual and modestly scale group recreational activities; and,
- Be flexible to support temporary programming, including events, festivals and markets.



### 3.3 Urban Park Landscape Elements

#### Hardscaping

Hardscaping plays a significant role in the design of urban parks. Given the space constraints that many urban park typologies are subject to, hardscape may make up the majority, if not all, of the ground level surface. The selection and design of the paving material will affect the usability and comfort of the space, as well as its aesthetics and character. Furthermore, the selection of hardscape materials should take into consideration issues of climate change, in particular urban heat island mitigation and stormwater management. The selection and design of hardscaping should:

- Provide a safe walking surface for all users, with special implementation of universal accessibility. Walking surfaces should specify a non-skid material;
- Design hardscaping for passive cooling. Light coloured or high albedo materials, and open grid or porous surfaces help to mitigate urban heat island effect (City of Melbourne, 2012);
- Select high quality materials that contribute to the character of the space and the surrounding area;
- Where unit paving is used, ensure that differential settlement and heaving is mitigated long term. Consider incorporating a concrete base below the unit pavers;
- Select paving materials that have a long lifespan. Prepare a maintenance and repair manual as part of the design deliverables;
- Where built over structure, ensure high quality membrane materials that have a long lifespan. Prepare a maintenance and repair manual as part of the design deliverables;
- Employ wayfinding techniques, including emphasizing entrances, patios, edges, and pedestrian pathways; and,

- Provide unobstructed circulation routes through or around the space. Provided a minimum 2.1 metre wide pedestrian clearways.

#### Softscaping

Softscaping, including planting beds and areas of sod, help to establish the identity of the park, support passive and active recreation, and provide a range of ecological benefits. Plant material helps to lower the ambient air temperature, absorb excess stormwater, improve air quality, and support local fauna and pollinators. Perennials and shrubs provide an excellent opportunity to inject vibrant colour and texture into a space, a quality typically lacking in urbanized areas. When designing softscape areas, consider the following:

- Use planting to provide visual interest. Consider incorporating a variety of colours, textures, heights, and forms throughout the open space;
- Ensure that planting material does not obstruct visibility through the site. Utilize CPTED principles while developing the planting strategy;
- Use planting material to establish a comfortable microclimate (e.g. – provide wind and noise reduction);
- Plantings, should be low maintenance, drought tolerant, and pest and disease resistant;
- Provide planting beds that are a minimum of 600mm in width; and,
- Where non-drought tolerant species are used, provide automatic irrigation.

#### Urban Trees

Central to the softscape design in urban parks, and a persistent challenge, is the incorporation of trees. Trees are an invaluable piece of green infrastructure, they are the lungs of the Town. The proper selection and detailing of tree plantings will contribute to their long term health and success. Providing for increased

soil areas, native and drought tolerant species, and ample space between trees will increase their chances of reaching maturity, and increase their lifespan. Mature trees provide a range of benefits, including providing shade, reducing ambient temperatures, mitigating the urban heat island effect, and contributing to the character of the space and surrounding neighbourhood. To increase the likelihood of success:

- Preserve and incorporate existing trees where possible. Ensure existing trees are of a high quality and healthy;
- Where space is limited, place trees in a hardscape condition to maximize at grade pedestrian space. Provide a flush walking surfaced by employing tree grates or concealed paver grates and soil trenches;
- Maximize the rooting zone. Provide a minimum of 30 cubic metres of soil volume per tree. Tree planting areas should provide a minimum of 1 metre depth. The maximum planting area depth to be considered in the soil volume calculation is 2 metres;
- Where minimum soil volumes cannot be achieved in a planting area, use soil cells or structural soil to increase access to soil;
- Provide species diversity. Do not exceed 10% of the same species, 20% of the same genera, or 30% of the same family;
- Plant large caliper trees to achieve immediate visual impact, and improve the likelihood of success. New trees to have a minimum caliper of 70mm at the time of planting;
- Ensure the tree planting areas have adequate drainage, such as through the provision of sub-drains;
- Implement a watering program during the establishment period of the tree (approximately 5 years). Provide watering in times of drought;

- Avoid conflicts with underground and above grade infrastructure and utilities;
- Understand and identify capital costs to provide appropriate growing conditions;
- Understand and identify operating/maintenance costs, including a tree placement program (City of Mississauga, 2015); and,
- Use trees to establish a comfortable microclimate (e.g. – provide wind and noise reduction).

## Seating

Seating is a critical amenity in all urban park typologies. Seating should be designed to be accessible, inviting, and comfortable. A variety of seating types can be introduced into urban parks, including:

- Benches;
- Seat walls;
- Fixed chair, including with a table;
- Movable chairs, including with table; and,
- Informal (e.g. – lawn, platforms, steps, etc.).

In general, seating design should consider the following:

- Provide a variety of seating types. In larger typologies, including Public Commons, Urban Squares, and Promenades, provide at least two seating types. In smaller typologies, including Connecting Links, Pocket Parks, and Sliver Parks, provide at least one type of seating;
- Provide options in both the sun and the shade;
- Provide a variety of configurations to accommodate individual users and groups;

- Where flexibility is required, consider movable chairs and tables;
- Optimize four-season comfort when selecting seating materials and finishes (e.g. – wood is more comfortable during cooler seasons);
- Orient seating to provide engaging views, encourage informal surveillance, and increase comfort;
- Provide a range of backed and backless options to accommodate a variety of users. Backed benches should be considered as a preferred accessible option; and,
- Provide spaces in seating areas to accommodate walkers or wheelchairs.

## Lighting

Lighting plays a key role in the design, comfort, usability, and safety of an urban park. Lighting can be used to enhance design elements, articulate adjacent facades, facilitate wayfinding, and animate the site. Light also extends the usable hours of the park into the evening and at night. When designing lighting for urban parks, considering the following:

- Provide adequate lighting to improve safety in the space. Consult CPTED for additional direction;
- Use fixtures that are dark sky compliant, which reduce glare, light trespass, and light pollution;
- Use fixtures that are energy efficient, with automated timers;
- Use a variety of lighting scales and types, including lighting bollard, pedestrian lights, and catenary lighting;
- Where events are anticipated, incorporate electrical hookups and event signage into the light posts; and,

- Use lighting to clearly identify the path of travel through the site.

## Public Art

Public art can be used as a placemaking and programming element within an urban park. Public art presents an opportunity to integrate cultural heritage into the fabric of the park, or to establish a new narrative for the community. Well designed, engaging, and thought provoking public art has the potential to be a draw to visitors, and can contribute to the success and vitality of the space. When incorporating public art into an urban park, consider:

- The scale and location of the art. A single public art piece can serve as an organizing element for the open space or identify significant gateways or points of arrival, whereas a series of art pieces can act as wayfinding elements located throughout the site;
- Incorporate cultural heritage elements into the piece; and
- Incorporate public art into a space in the form of paving, seating, lighting, or other functional elements.

## Other Features

Urban parks should also consider including a number of other facilities that support a variety of active and passive programming amenities, including:

- Playgrounds, play equipment, outdoor workout equipment
- Drinking fountains, bottle stations;
- Dog run areas;
- Waste receptacles;
- Water feature; and,
- Amphitheatre/performance stage.



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# Town of Oakville Parks Plan - 2031



## Appendix V Maintaining the Parkland System

August 2022

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# 1.0 Park Maintenance

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## 1.1 Good Maintenance is Crucial

A great parkland network is diverse, well-designed and, importantly, well maintained. A commitment to the highest levels of park maintenance is crucial to the success of the network and to the individual park spaces that comprise it. The Town of Oakville has an excellent track record in maintaining its more traditional suburban parkland network to a very high quality. The results of the public survey clearly show that the public, the users of the existing parkland network, are very satisfied with the design, and maintenance of the parks throughout the Town.

As the Town intensifies over time it is important to note that urban parks and the broader parkland network within a highly urban context, due to their design complexity and use patterns, are much more expensive to maintain than suburban parks - a typical rule-of-thumb is to assume that urban parks require about 10 times the attention and cost to maintain over a suburban park space. Typically, urban parks include more varied types of park spaces, more structured planting beds (rather than just lawn/fields) and a greater diversity of plant materials to achieve visual and seasonal interest. A diverse range of paving materials and associated park furniture elements are also more complex and require ongoing maintenance.

The importance of both funding and coordinating maintenance efforts of the entire parkland network over time cannot be understated. In addition, there are opportunities to include other partners who can assist the Town with both establishing and performing enhanced maintenance protocols. Further, there are opportunities to design for lower maintenance as a sustainable approach to cost savings over time.

## 1.2 Funding + Coordinating Ongoing Maintenance

Property taxes, which are applied Town-wide, will be required to ensure the long-term and ongoing maintenance of the Town's parkland network. Property taxes will also be utilized to ensure the safety and security of the Town's parkland network as it evolves and intensifies. There are a variety of issues that will need to be specifically considered as the Town's parkland network is enhanced over time, with particular attention to the more urban park components:

- With increased growth will come increased taxation potential, but also a requirement that parkland maintenance protocols will need to recognize the demands of the public park spaces based on increased usage, and incremental land additions to the network;
- With the addition of new scales, types and functions of park spaces, maintenance protocols will need to be more diverse and type specific. Different demands for equipment, different planting programs, different programming objectives will make ongoing maintenance far more complex than for a typical suburban parks system; and,
- A more complex and more expensive maintenance protocol will require enhanced coordination among the various Town departments involved and, of course, the exploration of new partnership opportunities, that may include BIA's, Neighbourhood Associations, Volunteers and/or Trust Funds.

Ongoing and enhanced maintenance protocols are essential to the long-term quality of the Town's parkland network. Field maintenance, snow removal, garbage pick-up, urban planting, plant/tree watering and maintenance, sidewalk cleaning and street furniture/play structure replacement and maintenance are some of the duties required to ensure a clean and well-functioning parkland network. Without a commitment to ongoing maintenance, there is no point in creating a beautiful parkland network.

In the evolving urban context, there is, in some instances, an information gap between those who

are responsible for park design and development and those who will be responsible to maintain those parks once completed. It is understood that the Town of Oakville is primarily responsible for the ongoing maintenance of the existing parkland network, but also in collaboration with other public/non-profit organizations and some of the major landowners, who look after their own properties. Ongoing maintenance will have a tremendous impact on the appearance, and ultimately the property values in proximity.

It is recommended that the Town consider clarifying roles, responsibilities and protocols for ongoing maintenance of the Town parkland network. Some of the key elements of a memorandum of understanding may be:

- Include parks maintenance staff in the review of the parks design and development process to ensure that there is a full understanding and, ultimately, a clear commitment to establishing the required maintenance protocols. The intent of a park design, program and facilities need to be clearly identified early in the process by staff to ensure consideration of issues related to their ability to maintain the plant materials, landscape surfaces and features over the long-term. Any special equipment or maintenance expertise should be identified before the park design is built;
- A decision to proceed with a complex (enhanced) design - particularly in an urban context - requiring enhanced maintenance, must include agreement among the design group, the development group and the parks maintenance group that the park and all its component parts can, and will be maintained in accordance with required best practices; and,
- The increase in maintenance budget needs to be understood and agreed to by the Town staff and disseminated to the front line staff as an agreed upon direction.

## 1.3 Working with Long-Term Benefitting Partners

### Business Improvement Areas

Local BIA's have a secure funding source through a levy on property taxes that is to be used for marketing, events, enhanced maintenance and capital projects. They have a mandate to assist in the maintenance of commercial business areas. Certainly BIA's can work with the Town's parks maintenance staff to augment the maintenance protocols of the Town. At the very least, BIA's and business owners should be asked to assist in maintaining adjacent urban park components, as part of their overall property maintenance procedures.

The BIA members will be a direct benefactor of an enhanced park network. As benefactors of the anticipated investment in the park spaces and the broader public realm, it is important that the BIA play a partnership role in providing capital funds for physical improvements, as well as providing support for an enhanced maintenance protocol.

Planting programs, streetscape enhancements, including area specific street furniture programs should be at least partially the responsibility of the BIA. Cost sharing programs between the BIA's and the Town need to be fully explored.

### Neighbourhood Associations

While Neighbourhood Associations are not provided with a stable funding source through municipal taxation, there are jurisdictions in Canada that rely on direct local neighbourhood involvement in the design, development and maintenance of adjacent park spaces and the broader parkland network. The Town should consider pursuing a direct form of relationship with Neighbourhood Associations to assist with ongoing maintenance, in collaboration with Town maintenance protocols.

### Building Owners/Condo Corporations

Where an urban park has been developed as part of a large scale development, and the space remains in private ownership, it shall be a requirement of any legal agreement that ensures public access and assigns maintenance responsibility that the park be maintained to Town standards. Town standards are



likely to be considered the minimum standard. For this approach to park maintenance to be successful, there will need to be a very clear definition of just what “maintained to Town standards” means.

For each park space developed in as part of a higher density, mixed-use building or condo corporation context, the Town will need to establish a park maintenance protocol that can be measured, and ultimately enforced. The park maintenance protocol may include the following requirements:

- Maintain, in accordance with approved protocols, all plant materials, paving materials, furniture, structures and art installations;
- Expeditiously (within 30 days) replace any dead, dying or damaged plant materials;
- Expeditiously (within 30 days) replace or repair any damaged or uneven paving materials, park furniture and/or art installations;
- Remove graffiti, scratchiti, debris, animal waste and empty garbage containers as necessary, but at least on a daily basis; and,
- Remove snow and properly salt (or other appropriate material) all paved areas as required.

## 1.4 Other Opportunities

### Trust Funds

In the United States, many jurisdictions have required that urban parks be maintained by a Trust Fund. Typically, the Trust Fund is established while the park is in the design and development stages. Trust Funds can be funded by the private sector (a tax deduction in the US), by the public sector, or through some combination of both. The Trust Fund Board retains maintenance contractors and takes on the responsibility to maintain the public park to a prescribed level of quality, and the Town absolves themselves of further maintenance responsibilities.

### Adopt-a-Park Program

It is important to note that an adopt- a-park program is not a replacement for the Town’s ongoing maintenance of public parks or the public realm network, but an opportunity to augment existing responsibilities.

Local service clubs, school groups, horticultural societies or interested citizens/citizen groups may wish to become involved in specific park maintenance events, and/or for ongoing maintenance responsibilities.

The Town should consider expanding the existing adopt-a-park program where individuals or groups can become the guardian of a specific park or some component part thereof.

The Town would need to establish an individual protocol, and prepare agreements to facilitate this type of intervention. The program could simply be to raise funds to retain a maintenance team, or there could be a strategy to utilize the sweat equity of these groups. Nonetheless, the Town would need to retain management control, while harnessing the tremendous enthusiasm and potential of service clubs, school groups, horticultural societies or interested citizens/citizen groups.

## **Design for Lower Maintenance - A Philosophy of Sustainability**

Landscape Architects can design with relatively low maintenance paving materials, furniture and plant material. Plant material in an urban setting is crucial and requires special attention for maintenance, for example:

- Selection of plant species that are drought tolerant once their root systems are established is one example of reducing the maintenance requirements for water;
- Understanding the role of soil chemistry, soil volumes and soil types is also important to support lower maintenance plant material and must be specified in tandem with plant material; and,
- Pruning requirements of plant material can also be taken into consideration in the design process, to reduce maintenance.

The maintenance requirement for watering of plant material is important to consider early in the design process. Landscape Architects can work together with Architects and Engineers to identify opportunities for water sources from adjacent buildings, for example, such as recycled rain water from roof tops (which provide the cleanest source of rainwater) that can be stored in cisterns, filtered and reused for irrigation. It is important to note, however, even drought tolerant plant material needs irrigation to become established (the first year or two) and maintenance plans also need to prepare for extended drought periods to keep planted areas healthy and attractive.

The Town should promote a more sustainable park space development approach that requires less maintenance over time.











# Town of Oakville **Parks Plan** - 2031

## **Appendix VI** **Development** **Scenarios/Fiscal** **Benchmarking**

August 2022

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# Appendix VI

## Development Scenarios/Fiscal Benchmarking





### SCENARIO ONE STATS

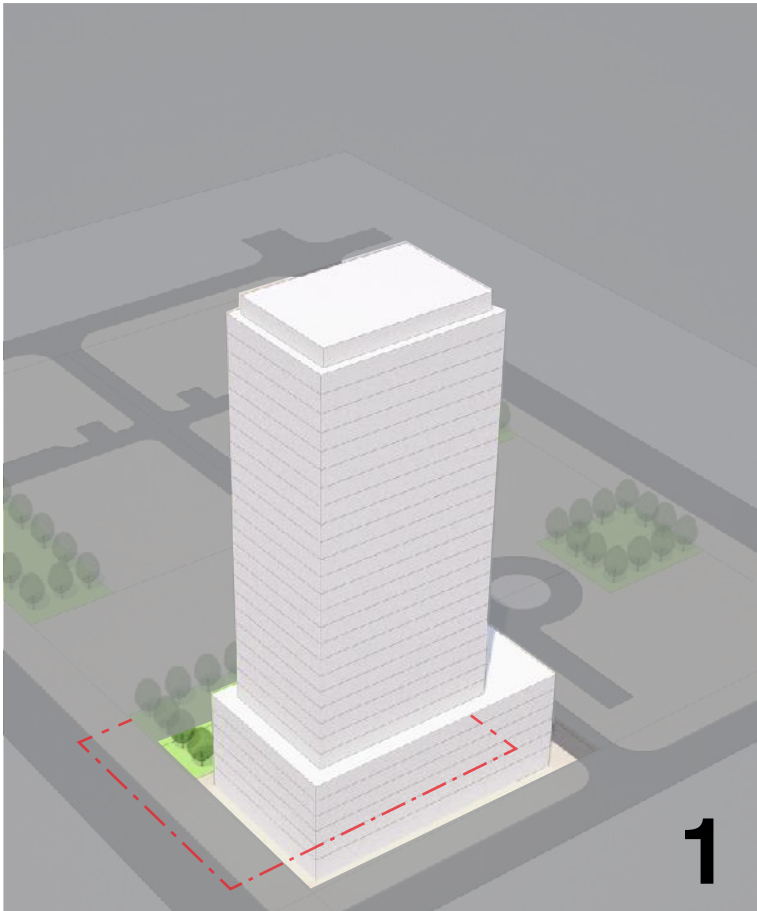
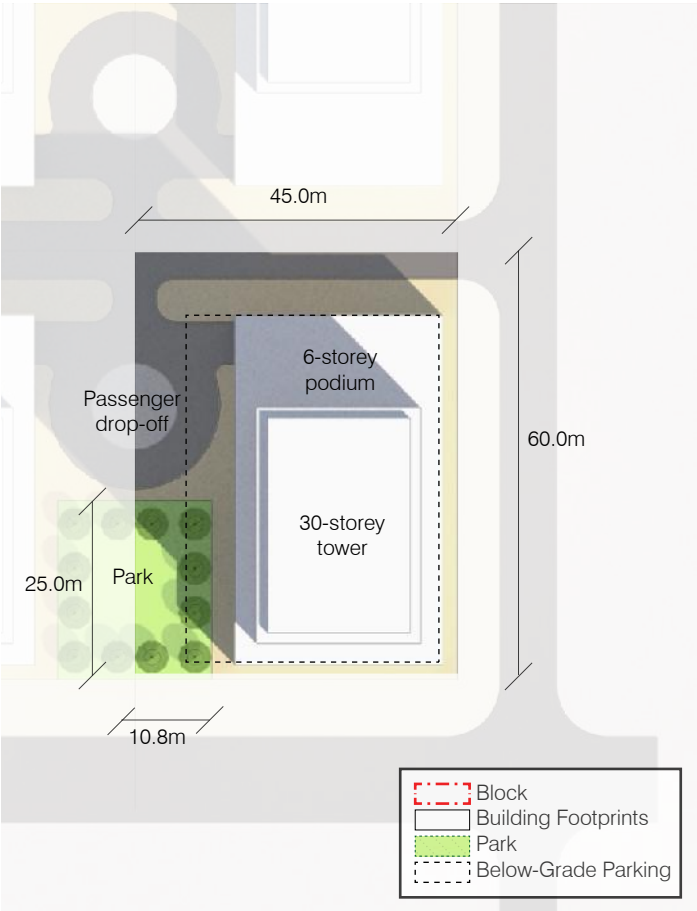
This scenario illustrates an 30-storey tower on a 6-storey podium with below-grade parking and a shared passenger drop-off area.

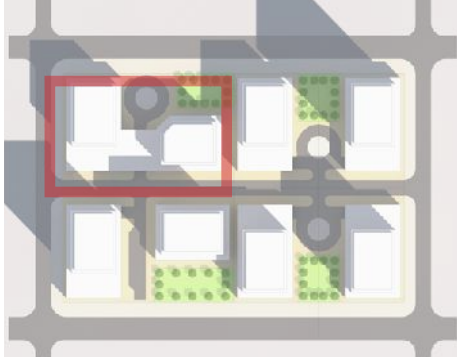
Lot Area	2,700 sm
Units	302
Building Height	30-storeys
Total GFA	26,580 sm
FSI	9.84

### Parkland Standard Alternatives

	Parkland Generated	Percent of Lot Areas	Cash-in-Lieu Generated	Cash-in-Lieu per Unit	Residual Profit
1 ha/500 du	6,040 sm	224%	\$5,225,000	\$17,300	9.44%
5% Land Area Cap	140 sm	5%	\$340,000	\$1,100	13.00%
25% Land Area Cap	680 sm	25%	\$1,468,000	\$4,900	12.18%
100% Land Area Cap	2,700 sm	100%	\$3,897,000	\$12,900	10.41%
30% Land Value Cap*	6,040 sm	224%	\$3,067,000	\$10,200	11.01%
Graduated Approach	4,490 sm	166%	\$2,326,000	\$7,700	11.55%

\*Cash-in-lieu calculation uses 30% of total land value @ 1 ha / 500 dwelling unit rate





## SCENARIO TWO STATS

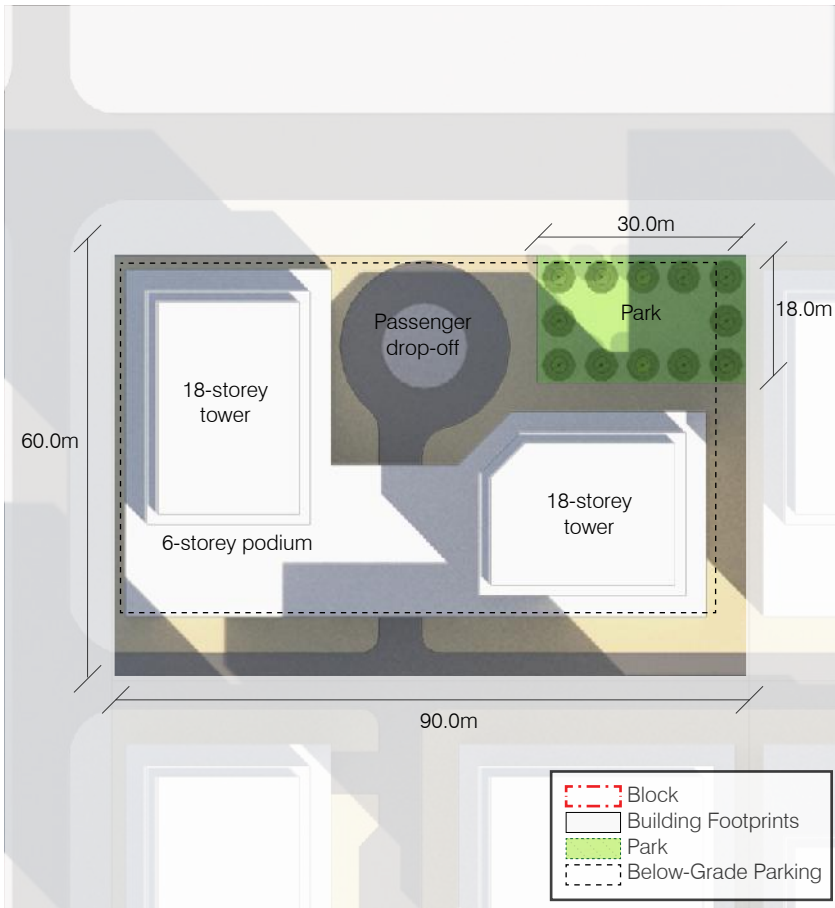
This scenario illustrates two 18-storey towers on a 6-storey podium with passenger drop-off and below-grade parking.

Lot Area	5,400 sm
Units	386
Building Height	18-storeys
Total GFA	33,965 sm
FSI	6.29

## Parkland Standard Alternatives

	Parkland Generated	Percent of Lot Areas	Cash-in-Lieu Generated	Cash-in-Lieu per Unit	Residual Profit
<b>1 ha/500 du</b>	7,710 sm	143%	\$7,029,000	\$18,200	11.08%
<b>5% Land Area Cap</b>	270 sm	5%	\$575,000	\$1,500	14.70%
<b>25% Land Area Cap</b>	1,350 sm	25%	\$2,479,000	\$6,400	13.63%
<b>100% Land Area Cap</b>	5,400 sm	100%	\$6,539,000	\$17,000	11.36%
<b>30% Land Value Cap*</b>	7,710 sm	143%	\$3,784,000	\$9,800	12.90%
<b>Graduated Approach</b>	7,290 sm	135%	\$5,437,000	\$14,100	11.97%

\*Cash-in-lieu calculation uses 30% of total land value @ 1 ha / 500 dwelling unit rate



2



### SCENARIO THREE STATS

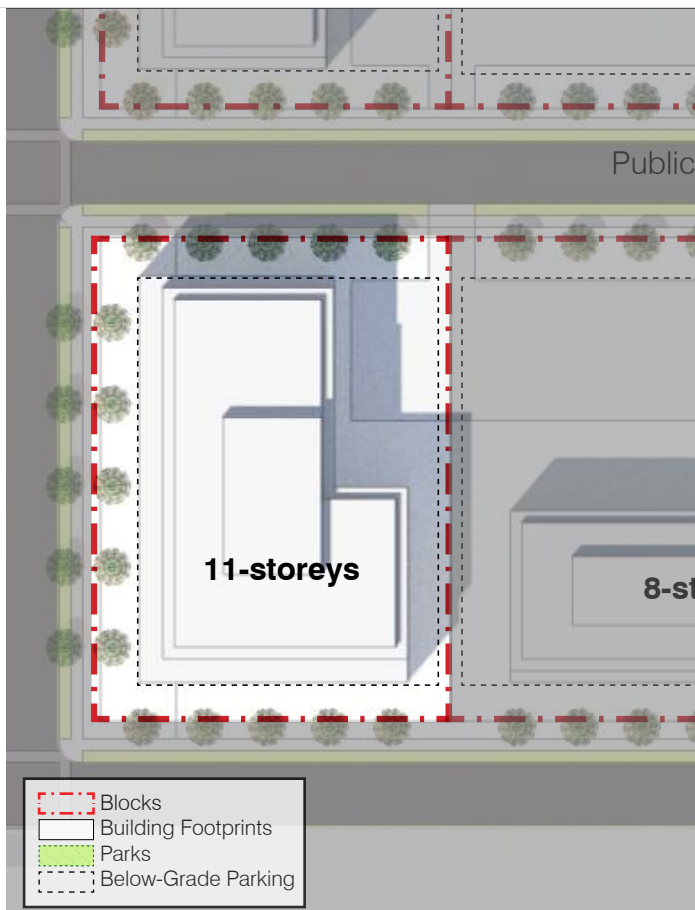
This scenario illustrates an 11 storey condominium apartment development.

Lot Area	2,800 sm
Units	196
Building Height	11-storeys
Total GFA	17,230 sm
FSI	6.21

### Parkland Standard Alternatives

	Parkland Generated	Percent of Lot Areas	Cash-in-Lieu Generated	Cash-in-Lieu per Unit	Residual Profit
<b>1 ha/500 du</b>	3,910 sm	141%	\$4,030,000	\$20,600	11.29%
<b>5% Land Area Cap</b>	140 sm	5%	\$320,000	\$1,600	15.47%
<b>25% Land Area Cap</b>	690 sm	25%	\$1,380,000	\$7,100	14.28%
<b>100% Land Area Cap</b>	2,800 sm	100%	\$3,633,000	\$18,600	11.76%
<b>30% Land Value Cap*</b>	3,910 sm	141%	\$2,086,000	\$10,700	13.49%
<b>Graduated Approach</b>	3,730 sm	134%	\$1,896,000	\$9,700	13.70%

\*Cash-in-lieu calculation uses 30% of total land value @ 1 ha / 500 dwelling unit rate







## SCENARIO FOUR STATS

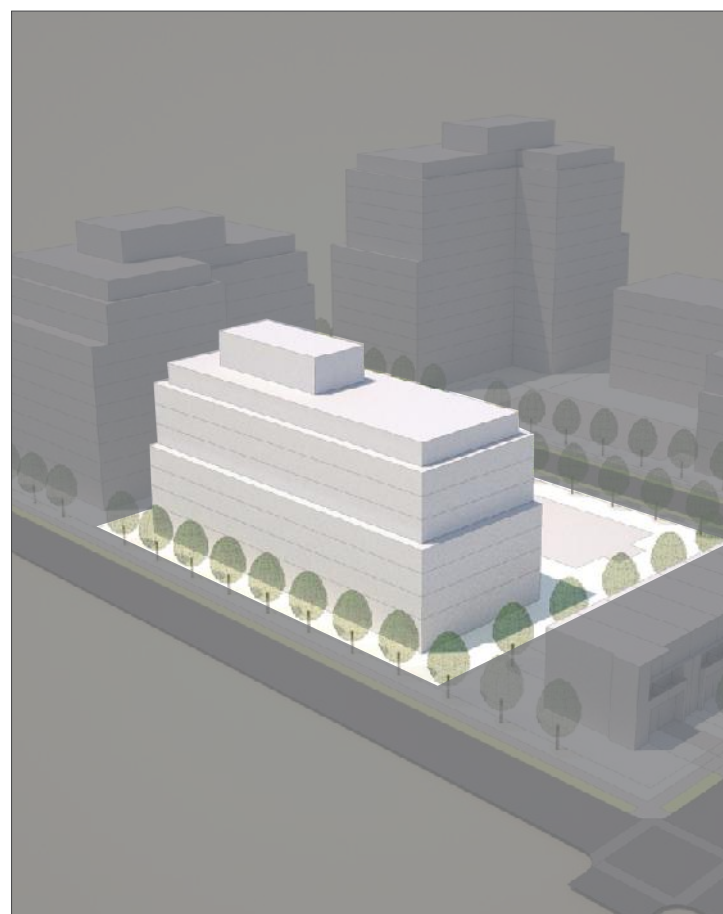
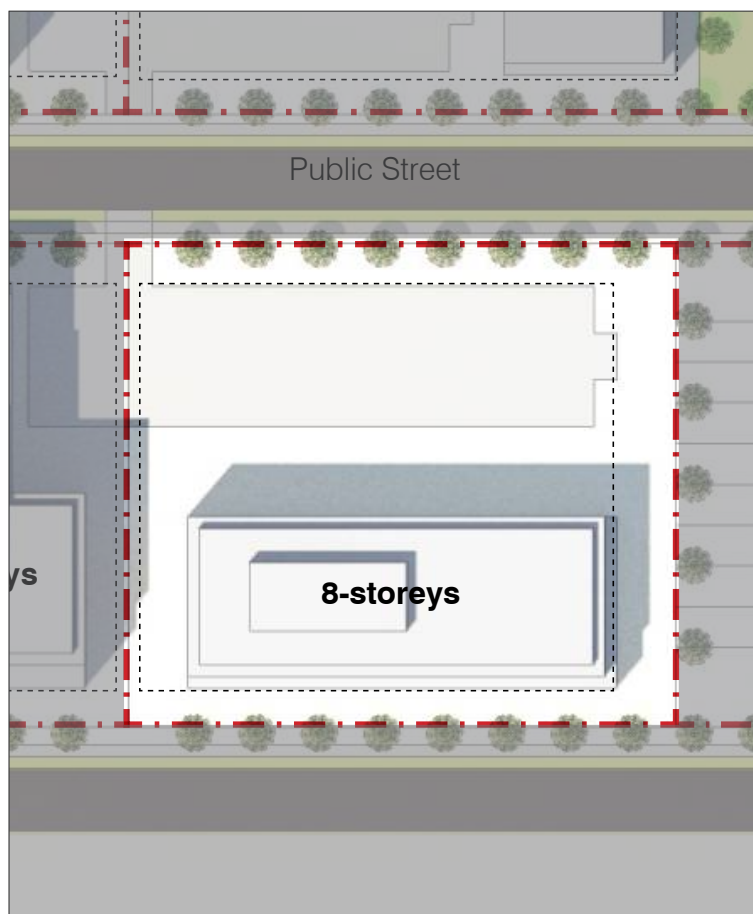
This scenario illustrates an 8 storey condominium apartment development.

Lot Area	4,500 sm
Units	103
Building Height	8-storeys
Total GFA	9,025 sm
FSI	2.01

## Parkland Standard Alternatives

	Parkland Generated	Percent of Lot Areas	Cash-in-Lieu Generated	Cash-in-Lieu per Unit	Residual Profit
<b>1 ha/500 du</b>	2,050 sm	46%	\$1,105,000	\$10,800	13.78%
<b>5% Land Area Cap</b>	220 sm	5%	\$174,000	\$1,700	15.78%
<b>25% Land Area Cap</b>	1,120 sm	25%	\$749,000	\$7,300	14.54%
<b>100% Land Area Cap</b>	4,490 sm	100%	\$1,970,000	\$19,200	11.91%
<b>30% Land Value Cap*</b>	2,050 sm	46%	\$445,000	\$4,300	15.20%
<b>Graduated Approach</b>	3,570 sm	80%	\$995,000	\$9,700	14.01%

\*Cash-in-lieu calculation uses 30% of total land value @ 1 ha / 500 dwelling unit rate





## SCENARIO FIVE STATS

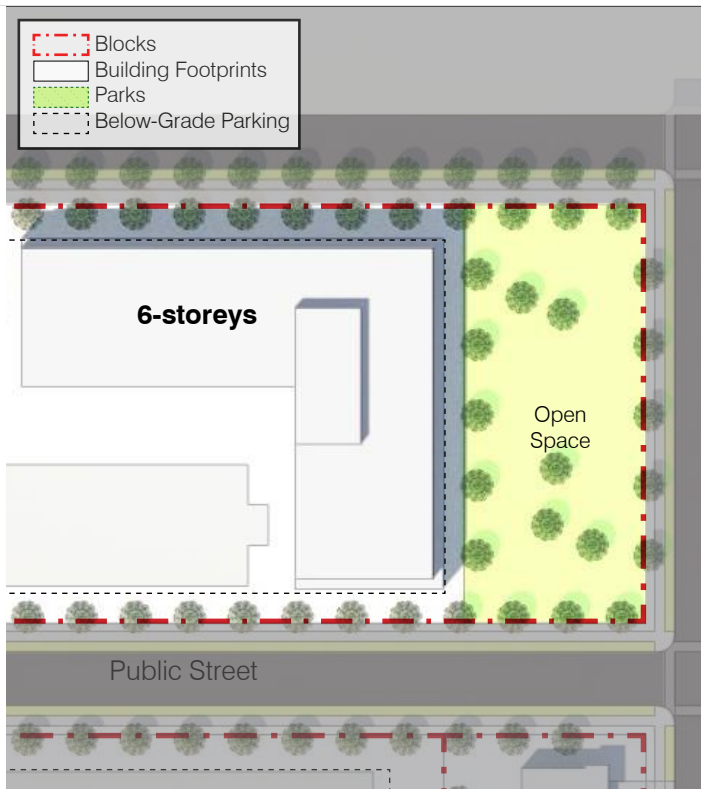
This scenario illustrates an 6 storey condominium apartment development.

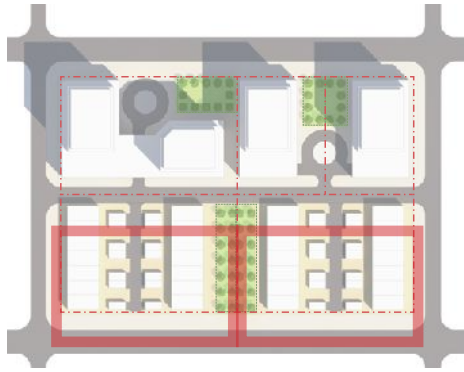
Lot Area	6,300 sm
Units	112
Building Height	6-storeys
Total GFA	9,900 sm
FSI	1.57

## Parkland Standard Alternatives

	Parkland Generated	Percent of Lot Areas	Cash-in-Lieu Generated	Cash-in-Lieu per Unit	Residual Profit
<b>1 ha/500 du</b>	2,250 sm	36%	\$1,073,000	\$9,500	14.80%
<b>5% Land Area Cap</b>	220 sm	5%	\$206,000	\$1,800	16.60%
<b>25% Land Area Cap</b>	1,580 sm	25%	\$889,000	\$7,900	15.19%
<b>100% Land Area Cap</b>	6,300 sm	100%	\$2,339,000	\$20,800	12.19%
<b>30% Land Value Cap*</b>	2,250 sm	36%	\$422,000	\$3,800	16.15%
<b>Graduated Approach</b>	5,100 sm	80%	\$1,517,000	\$13,500	13.89%

\*Cash-in-lieu calculation uses 30% of total land value @ 1 ha / 500 dwelling unit rate





## SCENARIO SIX STATS

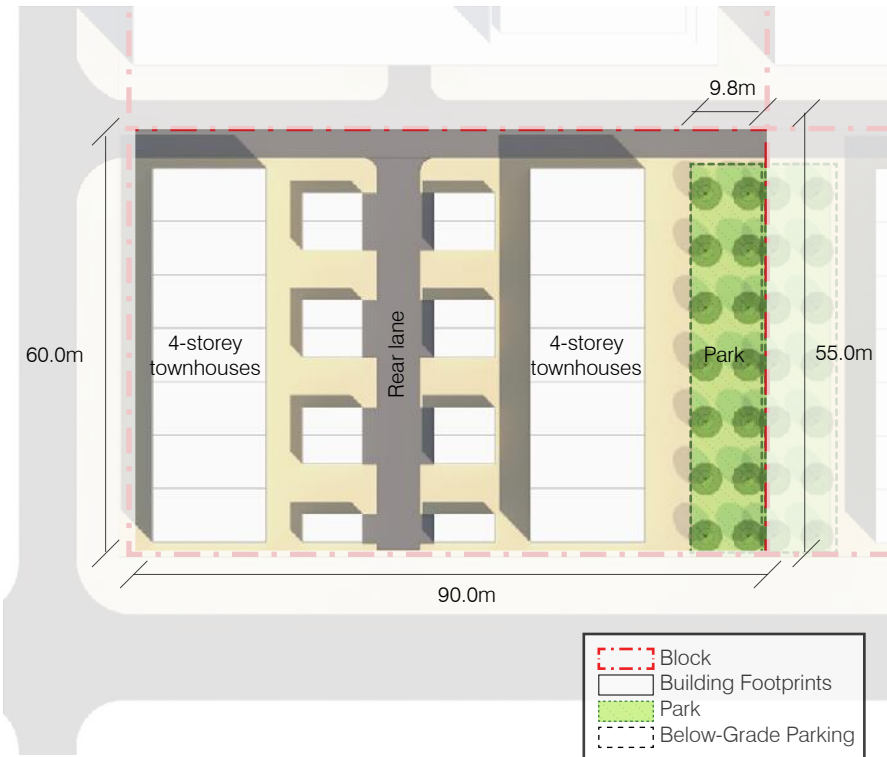
This scenario illustrates a series of 4-storey stacked townhouses.

Lot Area	4,000 sm
Units	48
Building Height	4-storeys
Total GFA	5,128 sm

## Parkland Standard Alternatives

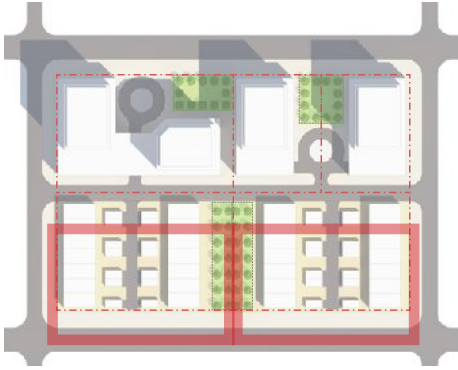
	Parkland Generated	Percent of Lot Areas	Cash-in-Lieu Generated	Cash-in-Lieu per Unit	Residual Profit
<b>1 ha/500 du</b>	960 sm	24%	\$1,029,000	\$21,400	17.91%
<b>5% Land Area Cap</b>	200 sm	5%	\$264,000	\$5,500	20.78%
<b>25% Land Area Cap</b>	1,000 sm	25%	\$1,135,000	\$23,600	17.51%
<b>100% Land Area Cap</b>	4,000 sm	100%	\$2,962,000	\$61,700	10.65%
<b>30% Land Value Cap*</b>	960 sm	24%	\$374,000	\$7,800	20.37%
<b>Graduated Approach</b>	2,140 sm	54%	\$998,000	\$20,800	18.02%

\*Cash-in-lieu calculation uses 30% of total land value @ 1 ha / 500 dwelling unit rate



6





## SCENARIO SEVEN STATS

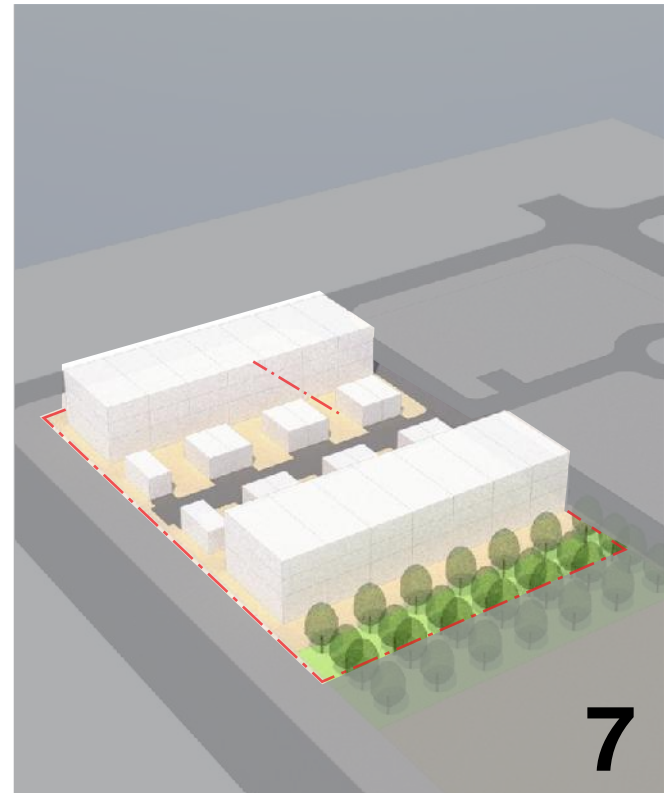
This scenario illustrates an a series of 3.5-storey townhouses with rear lane access.

Lot Area	4,000 sm
Units	24
Building Height	3.5-storeys
Total GFA	5,040 sm

## Parkland Standard Alternatives

	Parkland Generated	Percent of Lot Areas	Cash-in-Lieu Generated	Cash-in-Lieu per Unit	Residual Profit
<b>1 ha/500 du</b>	480 sm	12%	\$606,000	\$25,200	19.83%
<b>5% Land Area Cap</b>	200 sm	5%	\$287,000	\$12,000	21.30%
<b>25% Land Area Cap</b>	1,000 sm	25%	\$1,231,000	\$51,300	16.95%
<b>100% Land Area Cap</b>	4,000 sm	100%	\$3,214,000	\$133,900	7.81%
<b>30% Land Value Cap*</b>	480 sm	12%	\$209,000	\$8,700	21.66%
<b>Graduated Approach</b>	1,800 sm	45%	\$935,000	\$39,000	18.32%

\*Cash-in-lieu calculation uses 30% of total land value @ 1 ha / 500 dwelling unit rate



# Financial Sensitivity Analysis Summary

## 1.0 Introduction

N. Barry Lyon Consultants (“NBLC”) was retained by The Planning Partnership to assist in their evaluation of parkland dedication policies, for a range of prototypical development forms and densities in order to consider their associated impact on development viability in the Town of Oakville (“the Town”). This memorandum summarizes a financial sensitivity analysis intended to provide a basis of information to support policy decision making related to parkland dedication policies within strategic urban growth locations in the Town.

The analysis illustrates the impacts that alternative parkland dedication methods may have on hypothetical development scenarios in the Town (quantified through cash-in-lieu of parkland payments, or CIL). Currently, the Town’s policy for parkland cash in lieu is as per maximums outlined in the Planning Act (the equivalent value of 1 hectare of land per 500 residential units).

This analysis considers a total of six calculation methods as developed by The Planning Partnership, which are applied to seven built form prototypes::

- Method 1: 1 ha/500 du
- Method 2: 5% Land Area Cap
- Method 3: 25% Land Area Cap
- Method 4: \$22,500 Per Unit Cap
- Method 5: 30% of total land value at the 1 ha/500 du rate
- Method 6: Graduated Approach

The final CIL method (Method 6) incorporated in this review is a graduated approach, whereby the required dedication would be determined by the density of the development, as per the schedule outlined below. However, this approach could be recalibrated in a variety of ways.

- 0 – 3.0 FSI: 1.2 ha/ 1,000 persons
- 3.0 – 6.0 FSI: 0.8 ha/ 1,000 persons
- > 6.0 FSI: 0.4 ha/ 1,000 persons

Higher parkland dedication costs (or other development fees) can impact the feasibility of a high density development by:

- Reducing the profit/return a developer can expect to achieve; or,
- Reducing the value a developer will be willing to pay for land; or,
- A combination both.

For developers who have already purchased lands for development (i.e., have a fixed land cost) assuming one set of municipal fees, a significant increase in these fees will impact the profitability of the planned development. In the extreme, the profitability can be reduced so as to make the development unviable. In these instances, time for market transition is essential so that in-progress development activity can proceed.

For land owners marketing a property for high density development, a change in development costs can have a direct bearing on the value of their land. Developers, unwilling to reduce their expected rate of return on a property, will expect the vendor to absorb these costs in their sale price. However, significant downward pressure may mean that fewer transactions occur, limiting the supply of land for new residential development.

Where the market illustrates upward elasticity in pricing, these costs could be offset by future increases to the purchase price of new housing units. However, there are broad choices in the GTA’s high density residential marketplace, and we assume that developers are always charging the maximum price that the market will bear. Further, recent economic shifts (significant inflationary pressure and rising interest rates) are likely to impact the buoyancy of residential pricing in the near term.

## 2.0 Summary Results and Recommendations

NBLC developed a financial model to assess the impact each of the three parkland dedication methods could have on the land value and profit of the hypothetical development concepts. To estimate land value, we forecast revenues and subtract costs and developer profit – the residual is the supportable land value. To assess impacts on developer profit we undertook a separate analysis that fixes land costs based on estimates of each site's likely range in land value based on a review of residential land transactions. The assumptions used in the financial analyses represent a snapshot of local residential market conditions based on a survey of conditions in December 2020. This allows us to benchmark key assumptions and findings from the analysis against recent experience in the local market area.

### The Current Approach

This analysis illustrates that the existing Planning Act standard for payment in lieu – calculated by using a rate of one hectare per 500 dwelling units – is likely a disincentive to investments in high density development throughout Oakville. For developers who need to acquire land at current market rates, the profitability of development is likely near the low end of the typical acceptable range – particularly for dense apartment formats. Profit margins in the order of 15% of gross revenue are typically targeted. We note that based on our experience with the development community, a profit margin in ownership (condominium) residential development of 10% to 20% is generally considered to be a reasonable range, with 10% representing increased project risk. Of note, it is likely that new purpose built-rental development is further strained in instances where land has recently been acquired.

The calculation methodology does not scale well with increasing development density and is not appropriate as an approach in a high density residential development context. In built form Scenarios 1, 2 and 3 – the model results demonstrate that a development might be obligated to contribute a payment in lieu equivalent to between 155% and 250% of the site's land value.

The financial review demonstrates that when applied to developments with comparatively lower densities (versus the 30, 18, and 11-storey scenarios tested as part of this review) the existing Planning Act standard is more effective, producing stronger land value and profit results. This is a common finding with this methodology across most Ontario municipalities, as demonstrated through the stacked and traditional townhome results in this review.

### Alternative Approaches

As development densities continue to increase and land values improve over time, it is likely that a percentage based approach or a graduated method would be preferable from a developer's point of view, as well as the Town's. This analysis demonstrates that the moderate 25% cap on CIL (Method 3) works reasonably well in allowing for an increase in the amount of value collected for parkland purposes where land values allow, while maintaining development viability for high density development and encouraging intensification.

Of note, Method 2 (5% of land value) demonstrates how a capped land value approach could perform at various ends of this spectrum. The 5% approach would likely act as an incentive for most development forms, whereas the current approach, or even a 100% cap on land value, would not be fair or reasonable for medium density development.

Method 4 considers a per unit capped rate of \$22,600 based on the Town's current understanding of the parkland service provision and merging needs based on population growth and parkland acquisition costs throughout various strategic growth areas. This capped approach does appear to be effective at moderating impacts to dense projects relative to the Town's current approach while also balancing needs for parkland acquisition,

Method 5 seeks to maintain a form of the current 1 hectare per 500 unit formula, but is then applied to a discounted land value (30% of land value estimated at time of permit issuance). This standard does improve financial viability versus the existing approach for CIL



in high density forms. The approach effectively acts as a cap on land value, allowing the existing Planning Act approach to better scale to high density forms.

In our view, a cap on land value or a version of the graduated method tested in this analysis could be effective as a fair and reasonable approach for calculating payment in lieu of parkland. As tested in this review, the graduated approach scales downwards with increasing density, balancing the Town's need to collect an appropriate parkland levy, developer financial considerations and broader municipal planning objectives for encouraging intensification. This approach could also be modified further with additional graduations to reflect development forms emerging throughout the Town, if warranted. The downside with this approach is that it is more complex (in relative terms) to estimate than a cap. A flat per-unit cap, calibrated to parkland needs and population growth, is likely a more straightforward method to achieve similar results so long as the rate is regularly indexed with market reality.

For medium density development forms (stacked and traditional townhomes), the current CIL approach may remain reasonable as a method for calculation (e.g., the value equivalent to 1 hectare per 500 units).

## Other Considerations

It is important to highlight that while a new alternative parkland dedication methodology could likely be implemented as a means to improving linkage between parkland need and high density development viability in Oakville, parkland levies are not the only factor affecting the economics of residential development. Parkland rates ought to be considered within the full context of other future adjustments to development charges and levies within Oakville (as well as at the Regional level), and also relative to other competitive market locations in the GTA.

Another major consideration for any parkland CIL approach that relies on land value as a metric for calculation is how, and when, land values are calculated and set for a particular site.

Given diversity in the Town's residential market and development conditions – e.g., greenfield conditions, mid-market transit-oriented sites and upscale compact urban conditions – a land comparable ("comps") approach may not be appropriate unless a very high level of granularity is applied in the evaluation of each transaction being applied as a comparable. Moreover, Oakville's high density market is in some ways still emerging, so there is not the same depth of market acquisition activity to rely upon as there is in comparatively more urban GTA municipalities.

For instance, sites where there are less complex development conditions, or where speculative investment activity has occurred would skew values upward relative to other more challenging development sites. An alternative approach would be to apply a land residual approach on a site-by-site basis; however, this is labour intensive and requires a degree of precision that likely exceeds the resource capacities of municipal staff.

So, a preferred method might be to conduct a periodic survey of land transactions (e.g., annually, semi-annually, or quarterly) by development typology/submarket in order to standardize land values more generally within varying planning contexts. This creates certainty for all involved and allows for land values to pace with market reality. This approach could also be combined with a mechanism for site specific evaluation, where warranted.

**Table 1: Built Form Scenarios & Assumptions**

Matrix of Test Stats & Key Model Assumptions							
Built Form Scenario:	Scenario 1 30-Storey Condo Apartment	Scenario 2 Two-tower 18-storey Condo Apartment	Scenario 3 11-Storey Condo Apartment	Scenario 4 8-Storey Condo Apartment	Scenario 5 6-Storey Condo Apartment	Scenario 6 Stacked Townhomes	Scenario 7 Traditional Towns
Lot Area (SM)	2,700	5,400	2,773	4,490	6,300	4,000	4,000
Total GFA (SM)	26,580	33,965	17,230	9,028	9,900	5,128	5,040
Population (Persons Per Unit)	1.59	1.59	1.59	1.59	1.59	1.59	2.63
Units	334	427	217	113	124	57	24
Average Net Unit Size (SF)	700	700	700	700	700	975	2,260
Building Height	30	18	11	8	6	4	3.5
Required Parking Stalls (per residential unit)	1.00	1.00	1.00	1.00	1.00	2.00	0.00
Required Visitor Parking Stalls (per residential unit)	0.15	0.15	0.15	0.15	0.15	0.15	0.00
Residential Index Price (PSF)	\$825	\$825	\$825	\$825	\$790	\$642	\$500
End Price (calculated)	\$577,500	\$577,500	\$577,500	\$577,500	\$553,000	\$625,950	\$1,130,000
Parking Revenue (per stall)	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Retail Index Price (\$30 PSF @ 6.5% Cap rate)	\$392	\$392	\$392	\$392	\$392	\$0	\$0
Above Grade GLA Construction Cost (PSF)	\$283	\$273	\$273	\$273	\$235	\$190	\$165
Above Grade GLA Construction Cost (PSF) Commercial	\$160	\$160	\$160	\$160	\$160	\$0	\$0
Below Grade Parking Cost (PSF)	\$160	\$160	\$160	\$160	\$160	\$160	\$0
Absorption Rate (sales per month)	45.00	45.00	45.00	45.00	30.00	10.00	8.00
Construction Period (months)	48.00	48.00	36.00	36.00	30.00	24.00	24.00

## Table 2: Financial Sensitivity Results

Pro Forma Results Cash-in-Lieu of Parkland Sensitivity Analysis - Oakville UGC									
Built Form Scenario:		Scenario 1	Scenario 2	Scenario 3	Scenario 4	Scenario 5	Scenario 6	Scenario 7	
Development Statistics		30-Storey Condo Apartment	Two-tower 18-storey Condo Apartment	11-Storey Condo Apartment	8-Storey Condo Apartment	6-Storey Condo Apartment	Stacked Townhomes	Traditional Towns	
Units		334	427	217	113	124	57	27	
GFA (sq ft)		286,105	365,596	185,462	97,177	106,563	55,200	54,250	
FSI		9.84	6.29	6.21	2.01	1.57	1.28	1.26	
Avg. Unit Size (sq ft)		700	700	700	700	700	700	1,975	
Avg. Unit Price (\$/sf)		\$990	\$990	\$990	\$990	\$990	\$975	\$630	
Avg. Unit End Price		\$693,000	\$693,000	\$693,000	\$693,000	\$682,500	\$750,750	\$1,244,250	
Site Area (ha)		0.27	0.54	0.28	0.45	0.63	0.40	0.40	
Physical Park Space that would be Required (ha)									
Method 1: 1/500		0.668	0.854	0.433	0.227	0.249	0.113	0.055	
% of land area		248%	158%	156%	51%	40%	28%	14%	
Method 2: 5% cap		0.014	0.027	0.014	0.022	0.032	0.020	0.020	
% of land area		5%	5%	5%	5%	5%	5%	5%	
Method 3: 25% cap		0.068	0.135	0.069	0.112	0.158	0.100	0.100	
% of land area		25%	25%	25%	25%	25%	25%	25%	
Method 4: \$15k / Unit		0.070	0.140	0.070	0.112	0.158	0.100	0.100	
% of land area		100%	100%	100%	100%	100%	100%	100%	
Method 5: 1/500 @ 30% of LV		0.668	0.854	0.433	0.227	0.249	0.113	0.055	
% of land area		248%	158%	156%	51%	40%	28%	14%	
Method 6: Graduated		0.498	0.807	0.413	0.395	0.555	0.263	0.206	
% of land area		184%	150%	149%	88%	88%	63%	52%	
Park Levy if provided as Cash in Lieu ^									
Method 1: 1/500		\$15,827,000	\$16,865,000	\$10,138,000	\$7,704,000	\$3,935,000	\$1,291,000	\$886,000	
CL per unit		\$47,400	\$39,500	\$46,800	\$23,800	\$31,600	\$22,800	\$32,600	
Method 2: 5% cap		\$887,000	\$1,130,000	\$700,000	\$361,000	\$633,000	\$271,000	\$349,000	
CL per unit		\$2,700	\$2,600	\$3,200	\$3,200	\$5,100	\$4,800	\$12,700	
Method 3: 25% cap		\$3,869,000	\$4,929,000	\$3,036,000	\$1,564,000	\$2,735,000	\$1,167,000	\$1,504,000	
CL per unit		\$11,600	\$11,500	\$14,000	\$13,800	\$22,000	\$20,600	\$54,800	
Method 4: \$15k / Unit		\$5,032,000	\$6,405,000	\$3,249,000	\$1,702,000	\$1,867,000	\$849,000	\$412,000	
CL per unit		\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000	
Method 5: 1/500 @ 30% of LV		\$8,745,000	\$8,184,000	\$4,969,000	\$1,015,000	\$1,433,000	\$447,000	\$290,000	
CL per unit		\$26,200	\$19,200	\$22,000	\$8,900	\$11,400	\$7,500	\$10,600	
Method 6: Graduated		\$6,650,000	\$11,747,000	\$4,522,000	\$2,255,000	\$5,028,000	\$1,177,000	\$1,280,000	
CL per unit		\$19,900	\$27,500	\$20,000	\$19,900	\$40,400	\$20,800	\$46,600	
Residual Land Value (Presents)									
Method 1: 1/500		\$5,813,000	\$9,604,000	\$5,940,000	\$4,948,000	\$9,157,000	\$4,216,000	\$6,014,000	
SPSF buildable / Unit		\$29,200	\$37,600	\$27,600	\$23,600	\$45,784	\$21,632	\$318,800	
Method 2: 5% cap		\$106,000	\$203,400	\$128,000	\$67,000	\$116,300	\$50,000	\$68,000	
SPSF buildable / Unit		\$55,266	\$55,644	\$69,233	\$68,700	\$59,177	\$88,044	\$234,966	
Method 3: 25% cap		\$14,045,000	\$17,749,000	\$11,135,000	\$5,789,000	\$10,057,000	\$4,313,000	\$5,546,000	
SPSF buildable / Unit		\$49,093	\$48,555	\$60,044	\$59,577	\$94,388	\$76,181	\$201,905	
Method 4: \$15k / Unit		\$13,257,000	\$16,742,000	\$10,979,000	\$5,687,000	\$10,708,000	\$4,558,000	\$6,387,000	
SPSF buildable / Unit		\$46,344	\$45,799	\$59,200	\$58,522	\$100,499	\$80,508	\$232,522	
Method 5: 1/500 @ 30% of LV		\$10,688,000	\$15,528,000	\$9,723,000	\$6,193,000	\$11,040,000	\$4,868,000	\$6,481,000	
SPSF buildable / Unit		\$37,366	\$42,477	\$52,443	\$53,733	\$103,600	\$85,984	\$235,944	
Method 6: Graduated		\$12,130,000	\$13,097,000	\$10,030,000	\$5,279,000	\$8,337,000	\$4,305,000	\$5,718,000	
SPSF buildable / Unit		\$42,400	\$35,822	\$54,119	\$54,322	\$78,244	\$76,039	\$208,166	
Residual Profit: Analysis based on Typical Estimated Land Acquisition Costs & Development Costs in Today's Market (Per Percentage of Gross Revenue) ^w									
Assumed Land Acquisition Cost - Low (\$PSF / Per Unit)		\$30.00	\$30.00	\$30.00	\$30.00	\$50.00	\$50.00	\$185.000	
Method 1: 1/500		15.05%	16.25%	16.88%	20.11%	23.59%	21.68%	23.42%	
Method 2: 5% cap		22.03%	22.03%	23.61%	23.40%	27.71%	24.23%	25.14%	
Method 3: 25% cap		20.66%	20.63%	21.94%	21.77%	25.09%	21.99%	21.50%	
Method 4: \$15k / Unit		20.13%	20.09%	21.79%	21.58%	26.17%	22.78%	24.95%	
Method 5: 1/500 @ 30% of LV		18.37%	19.44%	20.56%	22.51%	26.72%	23.79%	25.33%	
Method 6: Graduated		19.36%	18.13%	20.88%	20.82%	22.72%	21.96%	22.21%	
Assumed Land Acquisition Cost - High (\$PSF / Per Unit)									
Method 1: 1/500		\$70.000	\$70.000	\$70.000	\$70.000	\$90.000	\$90.000	\$250.000	
Method 2: 5% cap		9.82%	11.03%	11.64%	14.37%	18.26%	16.10%	17.73%	
Method 3: 25% cap		16.84%	18.60%	18.36%	18.16%	22.38%	18.46%	18.46%	
Method 4: \$15k / Unit		14.90%	15.86%	16.16%	16.33%	19.84%	16.34%	17.16%	
Method 5: 1/500 @ 30% of LV		14.71%	14.72%	16.15%	16.33%	20.64%	17.30%	19.26%	
Method 6: Graduated		14.13%	14.31%	15.32%	15.32%	17.72%	18.21%	19.64%	
							</		

Calculation of CIL is based on residual land value method, using estimated land value at time of permit.

- Calculation of Residual Profit uses comparable market transactions to inform site specific acquisition costs in today's market. This cannot account for realities associated with historical land transactions, potential fluctuations to the land market after the incidence of policy change, or other economic shifts.











# Town of Oakville Parks Plan - 2031

## Appendix VII

### Downtown Parks System Research



August 2022





# Study Methodology

The research conducted for this project was completed in three phases:

1. Phase one was comprised of identifying the cities that would be surveyed.
2. Phase two involved defining the urban area boundaries for the purpose of the study.
3. Phase three consisted of data collection and analysis.

## Identifying the Subject Cities

Specific cities were identified in order to present a broad array of parkland distribution within highly developed urban cores. Emphasis was placed on urban areas without the presence of a single large park but with a varied distribution of parkland through different sized parks and open space.

Cities were also chosen amongst those that ranked well in terms of city-wide parklands percentage in the 2010 City Park Facts prepared by the Trust for Public Land. Selection included major Canadian Urban Centres and two European examples of recently developed/redeveloped Central Business Districts.

Proposed and Planned Urban Areas were selected from the most significant/highly publicized in recent Greater Toronto Area development plans in various municipalities.

## Defining the Study Area

Within each of the selected cities, the study area was further refined as “Existing Urban Core Areas”. These study areas are typically Downtown Cores of the selected cities as well as some other highly developed business and commercial districts. The common traits that these areas share are the intensity of development and mix of uses contained within their boundaries, expected to be similar, in time, to the Mississauga Growth Area.

## Data Collection

For the “Existing Urban Core Areas” data collection was conducted through the use of Google Earth Pro in order to calculate the General Area of the urban core that was under analysis, as well as identify and calculate the parklands contained within the defined boundaries. Parks included in these calculations were those identified through data available in Google Earth Pro as well as through an analysis of the areas via satellite images and Google Streetview. The numbers collected through this methodology were then used to derive a percentage of the study area that was occupied by parklands.

It is important to note that the park spaces identified do not represent the entire range of pedestrian realm components, but rather, just park spaces. The same approach was used in reviewing the park supply of the Town of Oakville, and as such the data is considered reasonably comparable.

## Urban Parkland Statistics

	General Area (ha)	Parklands (ha)	Parkland %
Downtown Minneapolis, MN	703	34.66	4.93
Downtown Montreal, QC	269	9.57	3.6
Lower Manhattan, NY	351	40.61	11.56
Downtown Ottawa, ON	79	8.19	10.36
Downtown Philadelphia, PA	549	45.1	8.2
Downtown Portland, OR	164	16.83	10.26
Downtown San Francisco, CA	88	5.83	6.63
Downtown Savannah, GA	267	29.08	10.8
Downtown Vancouver, BC	349	33.3	9.6
Downtown Washington, DC	217	6.26	2.88

Downtown Minneapolis, MN





## Downtown Montreal, QC





Lower Manhattan, New York, NY



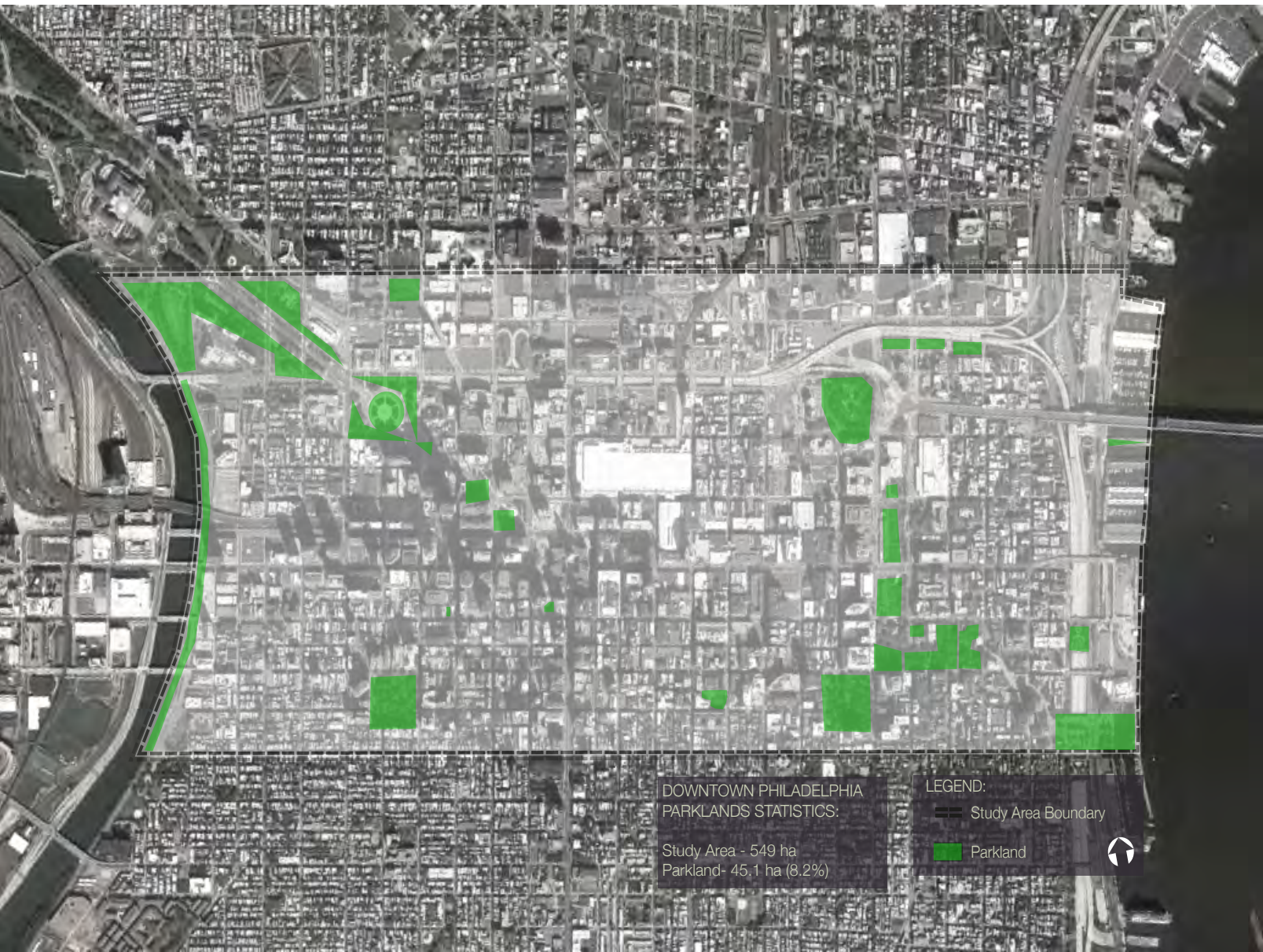


## Downtown Ottawa, ON





Downtown Philadelphia, PA





## Downtown Portland, OR





Downtown San Francisco, CA



## Downtown Savannah, GA



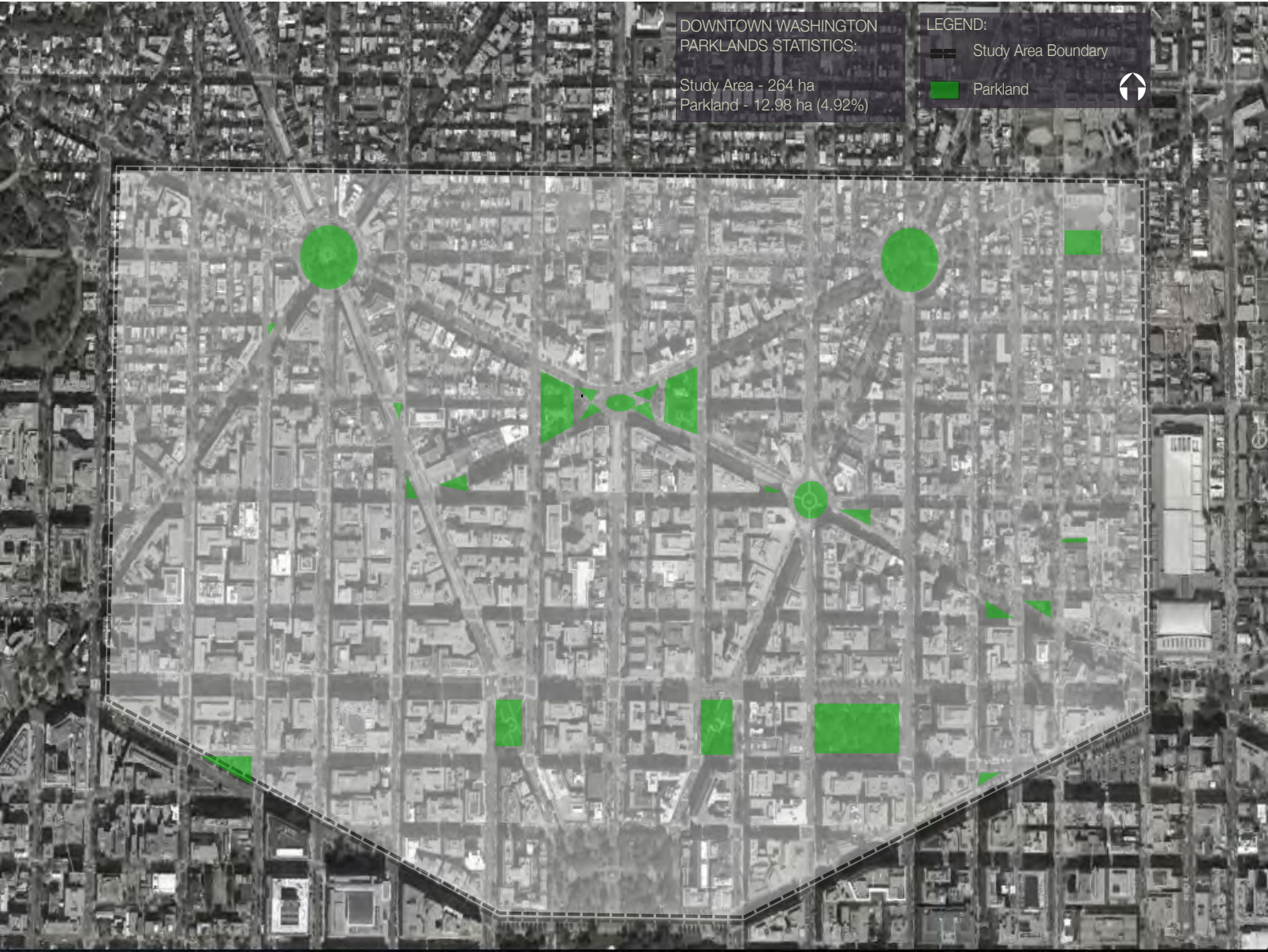


Downtown Vancouver, BC





Downtown Washington, DC











# Town of Oakville Parks Plan - 2031

## Appendix VIII

### Options for Ownership of the Town's Parkland System



August 2022

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Strata parks and Privately Owned Public Spaces (POPS) are part of an evolving conversation about the provision of public space in rapidly urbanizing environments. Strata Parks and POPS are site and scenario specific, likely only to be considered appropriate when land for parks is needed and, where available land is scarce or unaffordable for municipalities to purchase. In no circumstance would these spaces become the standard for all types of parkland within the Town's parkland hierarchy, however the Town may consider these ownership alternatives to assist in achieving smaller and diverse urban spaces.

Strata Parks and POPS have unique characteristics and have the potential to play a unique role in achieving a diverse and robust urban parkland system. However, they can also add complexity and financial risk compared to traditional fee simple parkland dedication and cash-in-lieu models. These park ownership models are tools that the Town can add to their park system toolbox to employ when required to address a complex development scenario.

It is the intention of this paper to ensure that the Town is adapting to the evolving urban development realities with the full suite of available park provision options and with eyes wide open to the benefits and risks associated with alternative park conveyance tools in order to make the most informed decisions regarding what is best for the Town today and into the future.

## Strata Parks

### What is a Strata Park?

A Strata Park is a public park developed above infrastructure, typically subways, parking garages, or storm water management facilities (public or private). The park space is deeded to the municipality by the property developer, and is thus publicly owned (and typically publicly operated), whereas the underlying infrastructure may be maintained within private ownership. This is not a new innovation or phenomenon, however there is a rise in the frequency that this arrangement is being requested by developers and accepted by municipalities in the Greater Golden Horseshoe (GGH), reflecting the need for land efficiencies in higher density urban contexts, where land values are elevated and available land supplies are constrained.

Strata parks are only being discussed and planned in municipalities that are experiencing a particular type of development scenario - high density development that requires underground parking, where development sites are not large enough to dedicate a portion of land for an unencumbered tableland park. Strata parks can be useful tools in this scenario, particularly where a municipality has determined that obtaining publicly owned urban park space on-site is a high priority.

### What is Strata Title?

Stratified ownership of land, often simply called "strata title", refers to fee simple ownership of land divided not just two dimensionally (parcels that are next to one another), but three dimensionally as well (parcels that are above and below one another). Normally, an owner of land conceptually owns all the land below the surface of the ground and all the air above it, often referred to as "heaven to the centre-of-the-earth" ownership. Strata title allows one owner to own above a certain height, while another owner owns below that height. Strata title is most often used, for example, in the creation of condominiums where fee simple ownership of a parcel of land is essentially divided into boxes in the air, to secure "air rights" above a certain height for a different owner than the owner of the land at ground level, or to create underground structures owned by one owner



while the surface and above is owned by someone else, often the case for a parking garage or subway.

“Air rights” are perhaps the best known application of strata title and the legal framework applicable to strata parks is identical. The only differences between strata parkland and “air rights” are practical ones: strata parkland is generally at or near grade level and “air rights” typically exist at some significant level above grade. Similar easements (in particular rights of support and servicing) are necessary to make effective use of any strata arrangement.

Strata parcels of land are created through the same Planning Act mechanisms (i.e. Plan of Subdivision, Consent) that implement any other subdivision of land, usually with the assistance of a strata reference plan that uses a two dimensional reference plan to depict three dimensional parcels.

Appurtenant easements are not automatically created when a strata parcel is created. Therefore, for example, there may be no realistic way to access or use a strata parcel for “air rights” if that parcel exists above a height of 50 metres without easements or the voluntary cooperation of the owner of the parcel below 50 metres. That is why it is common for easements to be created simultaneously with strata parcels (and for Committees of Adjustment and other Consent approval authorities to insist on it), to allow the strata parcel(s) to be effectively used in perpetuity, regardless of what happens with the parcels above or below it, as the case may be. The same logic applies to strata parkland. If for example, an above-grade strata parcel exists for parkland without rights of support from the below-grade strata parcel directly beneath, the parkland parcel might be susceptible to being unusable if, for instance, the water holding tank below it wasn’t being properly maintained. The park use might be interrupted every time the water tank requires servicing or replacement. Well written and thoughtful easements for rights of support ensure that the parkland use above-grade can continue even if major maintenance or reconstruction of the below-grade infrastructure is taking place every 20 years.

A typical example of a strata park arrangement is the creation of two strata parcels, one beginning 1.5 metres below ground level and extending “to heaven” (the “parkland parcel”), and the other beginning 1.5 metres below ground level and extending “to the centre-of-the-Earth” (the “parking garage parcel”). The parkland parcel would extend below the ground level far enough to allow for tree planting, soil, water lines, and other associated infrastructure to service the parkland. The parking garage parcel would be subject to a support easement, meaning that even if the garage were demolished, support for the park above would have to be maintained. The parkland parcel might also be subject to easements for services (i.e. utilities) to travel through the below-grade portion of the parkland parcel to reach the parking garage parcel and all infrastructure underlying the parkland parcel. A reciprocal agreement between the two parcel owners that sets out how and when work that intrudes on the other parcel can be done, including provisions for emergency repairs, cost sharing, etc.

A reciprocal agreement may establish dispute resolution mechanisms, such as arbitration or mediation, but the enforcement of easement terms could also be pursued in the normal manner through the Superior Court of Justice. Unlike other real estate law concepts, the common law does not form the legal basis of strata title. A large volume of case law does exist in Ontario concerning strata title disputes between adjacent parcel owners, but most is very site specific and typically relates to business disputes, or oversights in the creation of the parcels, or their appurtenant easements. The concept and application of strata title is well established and is generally not controversial.

There is no limitation on what other entity may own the strata parcel beneath a strata park parcel. The below grade strata parcel may therefore include common elements of a condominium corporation, and often does. Technically, land that forms part of the common elements is owned by the condominium owners, not the condominium corporation, who typically only manage the common elements. The condominium common elements can be subject

to the same easements necessary to protect and make the strata park work operationally that any other land beneath a strata park can be subject to:

- Maintenance and other reciprocal agreements entered into between the Town and developer should always include clear clauses that will bind subsequent owners, including any future condominium owners. The Town may insist on easements that make disturbance of the above-grade strata park unlawful;
- Rights of support are commonly written in a manner that does not make exception for reconstruction or renovation of the below-grade parcel. In those circumstances the above-grade strata park would not need to be disturbed even if the below-grade portion were renovated. Whether the below-grade owner wishes to absorb that additional cost and inconvenience would be part of the discussion as to whether a strata park is an appropriate option on a specific site; and,
- The Town would deal with the condominium as a neighbour, as it does elsewhere where the Town owns land adjacent to a condominium corporation – in this case they would just be a neighbour vertically. As with any other strata ownership relationship, if the appropriate easements were not in place, it would be problematic. As with any easement or agreement, they will only be as effective as the Town's willingness to enforce their legal rights pursuant to them.

Many other GGH municipalities request and accept strata parks. The methods by which it is secured varies. Many have used Site Plan Agreements to secure strata parks, while other municipalities rely on Section 37 Agreements (pre-Bill 197), even if only as a legal convenience. Most agreements appear to be generally well done. However, additional useful provisions are sometimes negotiated with developers and incorporated into implementing agreements that would be useful, for example: the strategic use of restrictions pursuant to Section 118 of the Land Titles Act, additional certifications

from structural engineers, and better protection for the Town in circumstances in which the use of the strata park may be interfered with.

### **Can Strata Parks be eligible for a Parkland Dedication Credit?**

Section 42 of the Planning Act permits the municipality to pass a bylaw requiring the conveyance of parkland, or cash payment-in-lieu thereof, as a condition of development or redevelopment of land. There is no legal impediment to the Town's implementing a parkland by-law allowing for the acceptance of strata parkland in satisfaction of that requirement.

The Planning Act parkland dedication rates refer to fee simple "heaven to centre-of-the-Earth" ownership. Therefore, if the parkland dedication requirement for a proposed development is 5%, strata parkland that covered 5% of the surface area of the development would not fully satisfy the parkland dedication requirement. In that case the applicant would either be required to provide additional cash-in-lieu equivalent to the value of the strata parcels below the strata parkland to make up the difference, or to convey additional above-grade strata parkland of that value to make up the difference (as described in Figure 2).

Some municipalities have, to-date, provided parkland dedication credits to developers for strata parks, however they have done so on an ad hoc basis and typically do not have specific policies in place to determine appropriate credits. Both Richmond Hill and Mississauga all recognize that strata parks are a new urban reality where parkland is required in high density developments. Mississauga and Guelph are actively studying how to respond to strata park requests.

## Privately Owned Public Space

### What is a Privately Owned Public Space (POPS)?

POPS are privately owned spaces that are publicly accessible via legal agreements between the property owner and the municipality, and are privately operated and maintained. Municipal programming and overall control of these spaces is more limited than traditional fee-simple parks or strata parks. In essence a POPS is an extended component of the Town's open space network, but is not a public park space.

POPS are more common than strata parks across the GGH. They are generally seen as a good deal for municipalities as the park augments the existing park system at no cost to the municipality. The land is held in private ownership. The park is held within private ownership, is maintained privately, and all risk and liability lie with the property owner.

It is the Town's lack of ownership and control of the POPS that are the primary reasons for POPS to not be counted as equal to fee simple parkland, or even to Strata Ownership arrangements. Fully public parkland elements are under the complete control of the Town - they are able to be retrofitted through time to accommodate park facilities that are in line with trends of active and passive recreation as needed. Further, fully public parkland elements are open to hold civic and public programs and events that are meaningful to a larger population.

It is also important to identify that while POPS are considered an important part of a diverse and robust urban parkland system, The Town has no legislative authority to compel a developer to provide them within any development project. One way to incentivize their provision is to provide some level of parkland dedication credit, albeit potentially at a discounted rate.

### What are some of the legal instruments to achieve POPS?

Leases, licenses and easements are other options that many GGH municipalities have utilized to create parks where fee simple ownership of new parkland is not desired or possible. These legal agreements are the basis for establishing POPS, and include:

- Leases and licenses are essentially time-limited permissions to use a portion of the subject lands (usually, in the case of parkland, the above-grade portion only) for certain specific parks purposes only. Licenses can typically be revoked at the will of the owner, whereas leases can provide a greater level of security for a specified time frame. When parks licenses or leases expire, there is generally no obligation for the owner to renew the lease or license. Even if expropriation is then considered, the costs to the municipality to do so can be prohibitive; and/or,
- An easement is another mechanism that can be used to secure parkland in some circumstances, in particular if the parkland in question is a trail or path. An easement can be created in perpetuity but is limited to the uses described in the easement. In this context the terms of the easement would have to be worded in a careful and flexible manner to ensure that the fee simple owner could not object to increased or changing use of the parkland over time.

### Can POPS be eligible for a parkland dedication credit?

Until recently, POPS had been typically secured through Section 37 bonusing agreements (pre Bill 197), or informally by agreement between the municipality and the developer. In addition to Oakville, only Kitchener and Guelph have provided parkland dedication credit for the development of a POPS, however no one municipality has a standard policy to credit POPS. Richmond Hill noted that, although they have not provided dedication credits for POPS to-date, some credit may be appropriate. Kitchener noted that fiscal transparency with parkland funds is important, and that they would prefer to pursue a normal parkland dedication and then pay the developer to construct a POPS or for a lease/easement for public access through cash-in-lieu funds.

If some form of POPS is the site-specific parkland preference, Section 42 of the Planning Act would allow the conveyance of the lease, easement or license that creates the POPS to be conveyed as "payment in lieu" of the conveyance of fee simple



land. The appropriate value of the POPS (likely considerably less than the fee simple value of the same amount of land) would have to be determined at that time. It appears that only a small number of municipalities in Southern Ontario provide parkland credits for POPS and often purchase or acquire public access to the space through Section 37 (pre Bill 197). In the case of Kitchener, they would consider using cash-in-lieu of parkland to then pay the developer for the lease/license of the POPS as opposed to accepting it directly as the payment-in-lieu in order to maintain fiscal transparency.

It is important to note that recent changes to the Planning Act have changed the Section 37 provisions to a Community Benefit Charge. POPS are specifically identified as being something that may be included in a municipal Community Benefit By-law.

## **Key Considerations for Privately Owned Public Spaces and Strata Parks**

### **Quality of Engineering and Construction**

Poor engineering and/or poor quality construction affect all aspects of a park's function and lifecycle, and they are both fundamental considerations in this discussion. For the most part, the lifecycle terms that are discussed in this report will be dramatically reduced where engineering and construction is of a sub-standard quality. There are best practices and higher quality materials available to ensure maximum longevity. The key is to find or develop appropriate municipal standards from an engineering, design, construction and installation perspective, and require the use of high quality materials.

### **Waterproofing Membrane**

Good quality membranes now claim a 30 to 40 year lifecycle. Experience has shown that membranes used in the past last approximately 20 years. The quality of the installation of the membrane, the quality of the membrane itself, the design of the park space, the maintenance protocols and the characteristics of the underlying infrastructure will all have an impact on how long a membrane will and should last. In a general sense, it is expected that a modern urban park built over structures/infrastructure will last as long as the membrane beneath it – about 30 years. At which point maintenance on specific sections of the membrane or complete replacement of the membrane will be required.

### **Cost of Park Development**

A typical suburban park space, with landscape planting, trees, grass, sports fields and play structures can cost up to \$95.00/per square metre, with an average cost of about \$55.00/square metre. In comparison, a typical urban park, although usually much smaller, that includes hard surfaces, trees, landscape plantings and seating can cost up to \$1,500.00/square metre, with an average of approximately \$545.00/square metre.

Urban parks built over structures/infrastructure tend to be very cost comparative to a typical urban park. The key additional cost element for an urban park built in a strata scenario is the cost of the roof

structure and required membrane, not necessarily the park itself. It is important to note that the costs for both suburban parks and urban parks vary widely due to the design details of the park.

### Maintenance Protocols

Park maintenance protocols that utilize salt, or other corrosive chemicals will affect (shorten) the lifecycle of the waterproofing membrane. Further, and in a general sense, urban park spaces require a much more robust maintenance protocol than a typical suburban park space, regardless of whether or not it is built over top of a structure/infrastructure.

Suburban parks need to be maintained between once or twice a week, depending on the level of use. Busy urban parks need to be maintained every day, and sometimes more than once per day, depending upon use. With respect to ongoing

maintenance, there is a substantial difference between a typical suburban park and a typical urban park. The difference between a typical urban park and an urban park built over a structure/infrastructure is not significant, and varies depending upon the level of park use, although care must be taken to ensure the lifecycle of the membrane.

Non-legal and site-specific considerations will usually dictate which of the above alternatives is the best approach in any particular circumstance. Considerations may include: the Town's desire to acquire parkland onsite or offsite, the Town's interest in acquiring payment in- lieu or parkland, whether the Town desires full ownership of the parkland versus private ownership, maintenance considerations, the size of the parkland or public space, or the desired programming, among others. These scenarios are described below.

	Length of Time	Flexibility of Permitted Uses	Park Use Subject to Interruption	Termination	Costs
Non-stratified Fee- Simple Park (typical Town Park)	Indefinite	No limitation	None (unless land is subject to easements by adjacent land owners)	N/A	Town owned, maintenance of park only
Strata Park	Indefinite	No Limitation	Yes (land is subject to easements and Reciprocal agreement that may interfere with park use)	N/A	Town owned, maintenance of park only
POPS - Lease	Time limited – typically less than 99 years.	Only uses specified in lease	Specified in lease (sometimes none, sometimes significant)	At end of term or upon occurrence of certain events as specified in lease	Lease payments, typically maintained by owner
POPS-License	Time limited – typically less than 99 years.	Only uses specified in license	Yes (at will of owner, or subject to terms of the license)	May be terminated at any time	License fees, typically maintained by land owner
POPS-Easement	Time limited or indefinite	Only uses specified in easement	Yes (as set out in Easement)	Possibly trigger event or time specified in easement, if any	Public access secured through easement, maintained by land owner, or as specified in the easement

Figure 1: Comparison of Various Alternatives to Secure Parkland

	Size of Park Area (or equivalent Payment in Lieu)	Maintenance of Park	Future Increase in Value of the Land
Fee Simple Parkland Conveyance	500 m2 (5% of the development land, "heaven to centre of the earth")	All Town parks budget, to the extent new and ongoing capital and operating funds are available.	Belongs entirely to the Town, (however the Planning Act prevents the Town from using the dedicated Parkland for any other purpose).
Above-grade Strata Parkland Conveyance Example 1	750 m2 (greater than 5% if the development land, above grade only, because the value of the above-grade only does not fully satisfy the 5% parkland dedication requirement)	All Town parks budget, to the extent new and ongoing capital and operating funds are available.	Above-grade parcel belongs to Town, below-grade to other owner. However, market value depressed because practical usefulness of strata title is less than "heaven to centre of the earth" ownership.
Above-grade Strata Parkland Conveyance Example 2	500 m2 (5% of the surface area, but not in full satisfaction of the parkland requirement because it does not include below grade. Additional payment provided by developer to make up the difference.)	All Town parks budget, to the extent new and ongoing capital and operating funds are available.	Above-grade parcel belongs to Town, below-grade to other owner. However, market value depressed because practical usefulness of strata title is less than "heaven to centre of the earth" ownership.
POPS Lease or Licence	1000 m2 (much greater than 5% of the development land because the value of a lease or licence is much less than the fee simple value of the same area of land)	High end improvements installed and maintained by the owner entirely to specified Town standards and at the owner's sole expense.	Belongs entirely to private owner.

Figure 2: Comparison of Examples for Parkland Dedication Tools

Overall, the following conclusions are drawn:

- A strata parkland conveyance can be the best alternative to fee simple parkland for both the developer and the Town when the Town insists on owning that parkland, but the developer also needs the space to provide parking and can do so below-grade.
- Easements are often appropriate when the proposed parkland area is for a specific purpose that is suitable for an easement, such as a pathway that connects two public spaces where the intended use is primarily pedestrian ingress and egress, and the area will still be considered to be and maintained as if it is part of the park.
- Licenses and leases can be the most appropriate if, for example, the proposed park includes special decorative elements, such as paving or a

fountain, and the Town wishes to ensure that the full obligation and costs to maintain those elements are with the developer, rather than the Town who may not prefer to take on the additional cost or responsibility for maintenance.

- The value of POPS can qualify as "payment in lieu" of fee simple parkland conveyance, as set out in Section 42 of the Planning Act. The value of these tools would be assessed on a case by case basis, but would normally be a fraction of the fee simple value of the same area of land. A value of any obligations of the developer for ongoing maintenance to specified standards would also be quantified, if applicable.



## Conclusions

The ultimate decision regarding which tools to include in a parkland acquisition toolbox lies with the Town, however the contemporary urban realities facing most of the GGH (Growth Plan targets driving intensification, increased land values, reduced land supply in areas of intensification) will continue to progress in Oakville and ought to consider all available tools in order to ensure that the park system continues to flourish and serve the Town's existing and future residents. Future development in the Town will require new approaches to providing a diverse and flexible parks system to accommodate the new densities of urban dwellers.

Part of this equation is the consideration of the value of attaining parkland in dense areas versus the cost of purchasing other land near to densifying areas that require parkland. Strata parks and POPS are two potential options to address this, and they carry additional benefits as well as risks and costs to the Town. These two parks securement tools should be considered as alternatives to acquiring fee simple table land parks, not as a new baseline. Strata parks and POPS will provide a different type of urban park, and contribute to a varied urban park system. In contrast, and as discussed throughout this memorandum, there are a number of other considerations regarding strata parks and POPS, including:

- Strata parks require sound legal agreements that delineate ownership between the two vertical parcels of land. These agreements need to balance the risks of Town ownership of the park above private infrastructure and recognize that the park will require public investment to maintain. The Town must also be prepared to enforce the contract should the eventual condo corporation be unwilling or unable to conduct repairs and maintenance on their infrastructure without ensuring the park is unaffected or compensating the Town for disturbances and loss of service due to their infrastructure failures.
- Strata parkland is inherently encumbered, thus an appropriate parkland conveyance credit that is less than 100% is required to be established. This extends to both strata parks located above private infrastructure (e.g. parking garage), and layered infrastructure that is assumed by the Town as a utility (e.g. park above an underground storm water management facility). A fixed number for every scenario of a strata park may not be most appropriate, as the Town may want flexibility to negotiate these agreements based on the value of the public space that is proposed and the balance of other Town initiatives.
- The adoption of design standards for strata parks and POPS would provide the Town with minimum enforceable requirements for these park types ensuring high quality product, materials and construction that will serve to extend the life of the park and the waterproofing liner by reducing the opportunity for failures.
- Strata parks ensure that the Town is in full ownership of the park in perpetuity. This enables the Town to design and program the park, however on-going maintenance and long-term large-scale maintenance are both the responsibility of the Town. Strata parks often require a more sophisticated maintenance program than typical terra firma parks and require higher frequency and types of maintenance. The park will also require substantial replanting and reconstruction once the waterproofing layer requires replacement (every 30 years or so). A large scale reconstruction will require the loss of service for approximately a season, however if the park is available for 30 years, then this trade off may seem reasonable.
- POPS and strata will sometimes be located adjacent to private residential condos and in the long term, there is concern that the residents may consider the public park a nuisance. In this regard, the legal agreement may be required to be enforced to either ensure the park remains publicly accessible (or within public ownership in

the case of strata) or that the owner be required to compensate the Town for the loss of the park (potentially through repayment of the parkland conveyance credit or other credit type provided by the Town to the original developer).

- A POPS removes public ownership from the equation, which is beneficial to the Town as they do not have to assume legal risks or financial obligations of on-going and long-term maintenance of the park. The trade-off is that the park is not truly public. It is publicly accessible and the terms of public access will be established in the contract, however there is a limit to the power the Town will have regarding design, maintenance standards, programming, long-term public access, and public expression within the park.
- In order to ensure that the use of these alternative parkland acquisition tools are fair, consistent and appropriately contribute to the overall system, a number of considerations must be taken into account moving forward, including:
  - » Determination of which parkland acquisition tool is appropriate for specific scenarios;
  - » Assessment of risks and determination of mechanisms to mitigate risks;
  - » Responsibility for the cost and quality of initial engineering, park design and construction;
  - » Responsibility to ensure that the Town has the necessary expertise to establish appropriate design and development standards and inspection requirements;
  - » Responsibility for ongoing maintenance of the park itself, to an appropriate urban standard, with a particular concern where the park is connected with a residential condominium;
  - » Ensuring ongoing and unencumbered public access to the space, particularly where the park is connected to a residential condominium;
  - » Recognition that the park space will need to be replaced about every 30 years;
  - » Determination if/when urban strata parkland and POPS will count toward parkland dedication requirements, and whether the value of the parkland is pro-rated versus a typical urban park space; and
  - » Ensuring that a legal framework and reciprocal agreements and liabilities are in place that satisfy all party's needs.









# Town of Oakville **Parks Plan** - 2031

## **Appendix IX** **Parkland Dedication** **Practices in Other** **Jurisdictions**

August 2022

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In order to understand current parkland dedication policies and best practices, a review of numerous municipalities parkland dedication by-laws was undertaken. The review focused on municipalities across Ontario who are experiencing comparable growth and funding pressures.

**Definitions** - All of the municipalities reviewed provide definitions within their Parkland dedication by-law. The number and detail of these definitions vary by municipality, but the definitions generally touch on the following topics:

- Land uses;
- Development and redevelopment;
- Building types;
- Gross floor area and total land area; and,
- Municipal tools.

**Exemptions** - The majority of the by-laws reviewed provide parkland dedication exemptions. Many of the exemptions are similar across all the municipalities but may include slight modifications in order to reflect each municipality's unique circumstance. The following exemptions were found in multiple municipalities' parkland dedication by-laws:

- Land, buildings and structures owned by and used for the Town, region, municipality, province and federal government;
- Institutional uses such as schools including post-secondary institutions, hospitals and some health care facilities, libraries;
- Renovations to an existing residential buildings provided it does not increase the number of dwelling units;
- Creation of an additional dwelling unit (previously known as secondary suites);

- Replacement of any building that was destroyed due to accidental causes; and,
- Enlargement of a commercial, industrial or institutional building.

**Unacceptable Lands** - All of the municipalities surveyed provide a statement within their parkland dedication by-laws that state the location and configuration of land required to be conveyed will be determined by the Town and that lands being conveyed will be free of all encumbrances. Generally, municipalities will not accept hazard or environmentally constrained or significant lands. This includes:

- Valleylands or watercourse corridors;
- Woodlands;
- Natural heritage system lands and associated buffers;
- Stormwater management ponds;
- Hydro lands and utility corridors;
- Significant cultural heritage features;
- Significant hydrologic features;
- Easements; and,
- Floodplain lands.

London and Newmarket were the only two jurisdictions surveyed that indicated they would accept constrained lands as part of the parkland conveyance. Newmarket will only accept floodplain lands if written approval is received from Lake Simcoe Region Conservation Authority and the lands are deemed acceptable by the Town.

London has taken this a step further by quantifying credits for hazard lands and other open space or constrained lands (e.g. woodlots or wetlands) throughout the municipality. As per their by-law, London will credit dedicated hazard lands at a ratio of 27 hectares for every 1 hectare of table land required, and will credit open space lands at a ratio of 16 hectares for every 1 hectare of table land required.



**Offsite Conveyance** - Accepting offsite parkland conveyance is not common among the municipalities reviewed. The Town of Toronto, Kingston and Newmarket were the only jurisdictions that included policies for offsite conveyance. These policies include:

- The value of the off-site dedication is equal to the value of the on-site dedication that would otherwise be required;
- The off-site dedication is a good physical substitute for any on-site dedication ; and,
- Newmarket only allows off site dedication in areas within the Urban Centres Secondary Plan.

#### **Parkland Calculation Techniques & Standards**

- Generally, there are varying dedication rates for residential uses, commercial/industrial uses, mixed uses, and other land uses. Please see Appendix 1 for a complete overview of the parkland conveyance requirements for each municipality.

- **Residential** - As per the Planning Act the conveyance standard for residential development is 5% of the land being developed or the alternative rate of 1 hectare for 300 dwellings units. Some municipalities include sliding scale rates, for example if you have less than 30 dwelling units then a certain rate applies, if you have more than 30 dwellings then a different rate applies.
- **Commercial and Industrial** - As per the Planning Act, 2% of the gross land area is the standard seen across all municipalities surveyed.
- **Mixed-use** - For mixed-use developments, each use within the building or site is subject the parkland provision for that use.
- **Other** - 5% of the land to be developed is standard for all other uses, while the Town of Toronto is the only municipality surveyed who uses a 2% standard for other land uses.

#### **Approach to the Determination of Land Value** -

When a municipality determines that cash-in- lieu will be required, the Planning Act requires that the value of that payment be equivalent to the value of the land that is otherwise required to be conveyed and the determination of the value is to be based on market rates as of the day before the issuance of the building permit or the day before the approval of the draft plan of subdivision. The question remaining is whether a municipality prefers to require new appraisals for every development and plan of subdivision or whether standard unit rates are used for the development type to determine the overall value of cash dedication required.

The majority of the municipalities reviewed identified that they require appraisals for determining land value. This evaluation is paid for by the owner of the property, and approved by the Town. Some municipalities complete these appraisals in house, while others require external professional appraisers to complete the appraisal.

The Town of London provides standard unit rates for low, medium and high density residential developments as well as for open space and hazardous lands. Richmond Hill also applies standard unit rates (or expected land conversion rates) for multi residential, stacked and town-house developments. Hamilton also applies standard unit rates for multiple dwelling units and townhouses, with the unit rates varying based on location.

A key consideration in the use of standard unit rates is updating the rates to reflect market fluctuations in land value. In this regard, there is no universally correct frequency for updates, and the timing is likely set to reflect the fluidity of local land markets. London conducts new appraisals every two years, while Hamilton updates their rates annually.

**Eligibility for Cash-in-Lieu** - Few municipalities provide criteria for when cash-in-lieu is preferred over conveyance. Generally, if the shape, size, location is unsuitable for parks or recreation purposes, if the area in which the proposed development is already well served by parkland, or if the Town has identified land

in a more appropriate or accessible location and that has been or is to be acquired by the Town, then they will accept cash-in-lieu over parkland conveyance.

**Locational Rates** - Some of the municipalities surveyed provide different conveyance and cash-in-lieu requirements for different areas within their jurisdiction.

There are three different areas within Hamilton that have different cash-in-lieu requirements for residential dwellings. As illustrated in Table 1, Hamilton provides different standard unit rates per location and residential dwelling type. In addition, Hamilton also provides an alternative rate for Brownfield sites located within certain areas of the Town, requiring a dedication rate of 5% regardless of the density of the proposed building on that site.

Area	Cap per Townhouse Dwelling Unit	Fixed Rate per multiple dwelling unit
1 (Ancaster, Flamborough, Dundas, Westdale)	\$10,000	\$8,000
2 (Lower Hamilton excluding Downtown CIP Area)	\$9,000	\$7,000
3 (Upper Hamilton, Stoney Creek, Glanbrook)	\$8,000	\$6,000
Downtown CIP		2020 - \$2,000 2021 - \$3,500 2022 - \$5,000

Table 1: City of Hamilton Cash-in-Lieu Requirement

In Ottawa, certain lands located in Kanata, a large suburb located west of the Town's downtown, are not subject to the parkland dedication provisions due to an agreement between the Town and developer that 40% of the total land area being developed is open space.

Ottawa also has an alternative rate for lands located within the South Nepean Town Centre Secondary Plan where parkland is dedicated for residential purposes at the rate of 5% of the gross land are being developed.

Newmarket provides different conveyance standards for lands located outside urban centres and lands inside urban centre. For a complete review of the various conveyance requirements please see Appendix 1. Further, lands that are located within the Urban Centres Secondary Plan that include residential uses on sites greater than 1000 square metres in size must provide a physical land contribution of a minimum of 7.5% of the developable site area and/or an Urban Square, Plaza, Pocket Park, Silver Space or Pedestrian Mews.

The Town of Toronto provides an alternative rate for land for residential uses in a parkland acquisition priority area. Owners of land within parkland acquisition priority areas shall convey either 5% of the land to be developed or 0.4 hectares per 300 dwellings, whichever is the greater amount provided that:

- Sites that are less than 1 ha in size, parkland dedication will not exceed 10% of the development site;
- Sites that are 1 ha to 5 ha in size, parkland dedication will not exceed 15% of the development site; and,
- Sites that are greater than 5 ha in size, parkland dedication will not exceed 20% of the development site.

**Dispute Resolution** - Not every municipality surveyed includes dispute resolution policies within their by-laws. Generally, if the Town and the owner cannot come to a resolution on the value of land required to be conveyed or the amount of land or payment of money in lieu, then either parties can apply to the LPAT to have the value determined.

Ottawa also includes a dispute resolution policy that if there is a disagreement with the land value used to establish the payment of money in-lieu of parkland conveyance, the owner may request a review of the valuation by an independent appraisal, which must be undertaken at the owners expense and review by the Town to determine its acceptability.

Uses	Kingston	Brampton
	Parkland Conveyance Requirements	
<b>Residential</b>	<ul style="list-style-type: none"> <li>30 Dwelling Units per hectare or less = 5%</li> <li>Greater than 30 Dwelling Units per hectare, 1.2 hectares per 1000 people not to exceed 1 hectare per 300 Dwelling Units, the conveyance generated shall not exceed a maximum of 10% of the Gross Land Area</li> <li>For a single residential lot created by consent to sever for the purpose of developing a single residential dwelling, a flat rate shall be applied               <ul style="list-style-type: none"> <li>» Rural Area \$1,129 per new residential lot</li> <li>» Urban Area \$1,732 per new residential lot</li> <li>» A land conveyance may still be required if it is adjacent to a water body, an existing park or trail plan</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>At a rate of 5% of the land being Developed or Redeveloped, or 1 hectare for each 300 Dwelling Units proposed, whichever is greater</li> </ul>
<b>Commercial, Industrial or Institutional Use</b>	<ul style="list-style-type: none"> <li>2 % of the Gross Land Area shall be conveyed (commercial &amp; industrial)</li> </ul>	<ul style="list-style-type: none"> <li>2% of the land</li> </ul>
<b>Mixtures of Uses</b>	<ul style="list-style-type: none"> <li>For mixed uses on a site, the land to be conveyed shall be the sum of the requirements proportionate to the site area allocated to each use</li> <li>For mixed uses within a building, the land to be conveyed shall be the sum of the requirements proportionate to the Gross Floor Area allocated to each use</li> </ul>	<ul style="list-style-type: none"> <li>Each component is subject to the provisions for that use</li> </ul>
<b>Other</b>	<ul style="list-style-type: none"> <li>When land is developed for Long Term Care Home use, 2 % of the Gross Land Area shall be conveyed to the Town</li> </ul>	<ul style="list-style-type: none"> <li>All Other uses land in the amount of 5% of the land to be Developed or Redeveloped</li> </ul>

Uses	London	Markham
	Parkland Conveyance Requirements	
<b>Residential</b>	<ul style="list-style-type: none"> <li>The greater of either 5% of the land within the development application or an amount of land that is in the same proportion to the number of dwelling units proposed as one hectare bears to 300 dwelling units</li> </ul>	<ul style="list-style-type: none"> <li>The land be conveyed to the Town at the rate of one hectare for each 300 dwellings proposed</li> </ul>
<b>Commercial, Industrial or Institutional Use</b>	<ul style="list-style-type: none"> <li>Commercial purposes, land in the amount of two percent 2% of the land within the development</li> </ul>	<ul style="list-style-type: none"> <li>Commercial or industrial purposes, 2% of the same land shall be conveyed to the Town</li> </ul>
<b>Mixtures of Uses</b>		
<b>Other</b>	<ul style="list-style-type: none"> <li>All other land uses in the amount of 5% of the land within the development</li> </ul>	<ul style="list-style-type: none"> <li>For purposes other than commercial or industrial, 5% of the said land shall be conveyed to the Town</li> </ul>



Uses	Newmarket	Ottawa
	Parkland Conveyance Requirements	
<b>Residential</b>	<ul style="list-style-type: none"> <li>1 hectare per 300 dwelling units, or 5% of the land area proposed for development or redevelopment, whichever is greater (outside urban centre)</li> <li>0.7 hectares per 1000 residents, or the alternative residential requirement of the Planning Act, whichever is less, up to a maximum of 50% of the developable area of any site; or cash-in-lieu equivalent (inside urban centre).</li> </ul>	<ul style="list-style-type: none"> <li>Less than 18 dwellings per net hectare 5% of the gross land area of the site being developed</li> <li>Densities of 18 dwellings per net hectare or more 1 hectare for every 300 dwelling units, but for apartments, this parkland conveyance will not exceed a maximum of 10% of the land area of the site being developed</li> </ul>
<b>Commercial, Industrial or Institutional Use</b>	<ul style="list-style-type: none"> <li>2% of the land area proposed for development or redevelopment (commercial and industrial outside urban centres)</li> <li>2% of the land area proposed for development or redevelopment (commercial and industrial inside urban centres)</li> </ul>	<ul style="list-style-type: none"> <li>Parkland requirement calculated as 2% of the gross land area of the site being Developed (commercial &amp; industrial)</li> </ul>
<b>Mixtures of Uses</b>	<ul style="list-style-type: none"> <li>The cumulative amount for the various uses proposed at their respective rates (outside urban areas)</li> <li>The cumulative amount for the various uses proposed, at their respective rates up to a maximum of 50% of the land area proposed for development or redevelopment (inside urban areas)</li> </ul>	<ul style="list-style-type: none"> <li>Where land is developed for a mix of land uses that are located on discrete parts of the site, the parkland will be calculated based upon the proportion of the site devoted to each use</li> <li>Where land is developed for a mix of uses within a building, the parkland requirement for each use will be based upon the rates prorated proportionally to the gross floor area allocated to each use.</li> </ul>
<b>Other</b>	<ul style="list-style-type: none"> <li>All other uses 5% of the land area proposed for development or redevelopment</li> </ul>	<ul style="list-style-type: none"> <li>All other uses parkland requirement calculated as 5% of the gross land area of the site being developed</li> </ul>

Uses	Richmond Hill	Toronto
	Parkland Conveyance Requirements	
<b>Residential</b>	<ul style="list-style-type: none"> <li>The greater of: 5% of the land proposed for development or redevelopment or</li> <li>The lesser of:               <ul style="list-style-type: none"> <li>» 1 hectare of land for each 300 Dwelling Units proposed or 1 hectare of land for each 730 persons to be housed within the Dwelling Units in the proposed development based on the following rates:                   <ul style="list-style-type: none"> <li>i) 3.51 persons per Dwelling Unit in a Single Detached Building;</li> <li>ii) 2.88 persons per Dwelling Unit in a Semi-Detached Building;</li> <li>iii) 2.83 persons per Dwelling Unit in a Townhouse; and</li> <li>iv) 1.92 persons per Multi-Residential Dwelling Unit.</li> </ul> </li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Land equal to 5 % of the land to be developed</li> </ul>
<b>Commercial, Industrial or Institutional Use</b>	<ul style="list-style-type: none"> <li>2 % of land proposed for development or redevelopment for Commercial or Industrial Uses</li> </ul>	
<b>Mixtures of Uses</b>	<ul style="list-style-type: none"> <li>The owner shall be required to convey land at the rate applicable to the predominant proposed use of the land and all of the land proposed for development or redevelopment shall be included for the purpose of calculating the amount of land required to be conveyed</li> </ul>	
<b>Other</b>		<ul style="list-style-type: none"> <li>For non-residential uses, land equal to 2 percent of the land to be developed</li> </ul>

Uses	Hamilton
	Parkland Conveyance Requirements
<b>Residential</b>	<ul style="list-style-type: none"> <li>• less than 20 units per hectare 5% of the Net Land Area</li> <li>• 20 units per hectare to 75 units per hectare 1.0 hectare of the Net Land Area for each 300 dwelling units proposed</li> <li>• 75 units per hectare to 120 units per hectare a rate of 0.6 hectare of the Net Land Area for each 300 dwelling units proposed</li> <li>• Density greater than 120 units per hectare, dedication of land at a rate of 0.5 hectare of the Net Land Area for each 300 dwelling units proposed</li> <li>• Maximum parkland dedication of 5% of the Net Land Area will apply to developments of single and semi-detached lots, duplexes, street townhouses fronting on a public street where such developments are not part of a registered plan of subdivision, and a maximum of six dwelling units above a commercial use in a building that existed as of March 8, 2017.</li> </ul>
<b>Commercial, Industrial or Institutional Use</b>	<ul style="list-style-type: none"> <li>• In the case of lands proposed for development or redevelopment for commercial purposes, including a golf course or driving range, land in the amount of 2% of the Net Land Area to be developed or redeveloped</li> </ul>
<b>Mixtures of Uses</b>	<ul style="list-style-type: none"> <li>• In the case of lands proposed for development of more than one use, dwelling type and/or at varying residential densities, a prorating of the dedication rates applicable to the respective use and/or density</li> </ul>
<b>Other</b>	<ul style="list-style-type: none"> <li>• Use other than commercial and residential, land in the amount of 5% of the Net Land Area to be developed or redeveloped</li> </ul>









# Town of Oakville **Parks Plan** - 2031

## **Appendix X** **BILD's Cross- Jurisdictional Position on Parkland Dedication**

August 2022

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The Building Industry and Land Development Association (BILD) has a cross-jurisdictional position on parkland dedication in part informed by a 2019 study BILD commissioned on Parkland Dedication and Cash-in-Lieu Policies in the GTA. The report, prepared by Altus Group Economic Consulting, presented estimates of parkland dedication and cash-in-lieu dedication contributions for hypothetical high-rise and low-rise developments in municipalities across the GTA.

The introduction of Bill 197 has meant that municipalities have a 2-year window to pass a new Parkland Dedication By-law in order to continue charging alternative parkland rates (September 2020 – September 2022). To provide a consistent BILD position for these upcoming municipal reviews, on December 9, 2020, BILD invited its Chapter members to attend an internal consultation for Parkland Dedication in the GTA and Simcoe. The discussion resulted in the formulation of a BILD Parkland Policy Position organized in 8 key themes (note: these policy positions represent BILD's point of view and are not necessarily endorsed by the Town of Oakville).

## Aligning Provincial, Regional & Municipal Objectives

- Explore opportunities to standardize core aspects of parkland processes and requirements across levels of government, which would also improve predictability; and,
- Parkland policies should not act as a barrier to increasing the supply of more affordable homes, creating opportunities for a mix of unit sizes/types, or impede the ability to achieve Provincial intensification targets.

## Creating a Plan

- Consider existing inventory and what new acquisitions can be reasonably maintained by the municipality;

- Consider early and large land acquisitions, avoiding purchasing land at a late point in time with the highest land cost; and,
- Municipalities should accept off-site parkland dedication, especially in an urban infill context. This ability to provide off-site parkland dedication should not be encumbered by overly complex criteria.

## Defining Parkland

- Municipalities should not restrict parkland dedication to unencumbered land and accept new forms of parkland dedication. This could be established by creating a broader definition of parkland that includes both active and passive parkland;
- Active parkland should include urban forms of parkland, strata parks, trails, woodlots and valley lands, and parks in the greenbelt, especially when they provide public recreational opportunities; and,
- Passive parkland should include land capable of providing public recreational purposes like trails and nature walks, and some consideration should be made for condominium amenity areas that have a similar function to public parkland.

## An Efficient Use of Land

- Allow Low Impact Development (LIDs) and Green Development Standards in parks, including examples like bioretention swales, underground greywater storage tanks, infiltration chambers or dry detention ponds.

## Methodology

- Adopt predictable methods of parkland dedication costing such as fixed rates or percentage caps, with rates applying for a minimum 5-year term;
- For application of an alternative rate, parkland dedication rates should be multi-dimensional (i.e. a sliding scale whereby the greater the

density the lower the rate) to account for the variability of development types and densities, but also predictable and fair;

- Create a cap on the maximum amount of parkland which is well below the statutory maximum;
- Allow a reduction in the amount of cash-in-lieu of parkland payments if sustainability features are included in redevelopment proposals;
- Publicize fee schedules and any related formulas so they can be factored into the early planning stages of the development planning process;
- Be transparent in plan to use parkland reserve funds in a 5-year term and publicize in a public report; and,
- Do not impose parkland dedication requirements for adaptive re-use/renovation projects.

## Dialogue and Decision-making

- Parkland dedication processes should allow for more opportunities for dialogue and collaboration, to give applicants more opportunity to discuss key aspects of parkland dedication such as placement, land value and alternative use opportunities – before a decision has been made;
- Once parkland decisions have been made regarding an application, the rationale should be made very transparent, and built-in opportunities should be provided for those decisions to be openly discussed to avoid appeals;
- When a decision is made to require land over cash-in-lieu, municipalities should not prejudice (or discount) the collection of certain types of land over others; and,
- There should be no criteria as to what is and is not acceptable unencumbered land that is being dedicated for parkland purposes as long as it is accessible and inviting.

## Collecting Parkland

- Be upfront about what a municipality wants, whether that be land or cash-in-lieu and make this clear through municipal reporting and any pre-consultation discussions; and,
- Accept cash-in-lieu and off-site dedications in cases where provision of land cannot be achieved.

## Timing of Collection

- Take land or cash-in-lieu as a condition of approval, and not delay it to the building permit stage.









THE CORPORATION OF THE TOWN OF OAKVILLE

BY-LAW NUMBER 2022-108

A By-law to require the conveyance of parkland or the payment-in-lieu of parkland pursuant to the *Planning Act*

**WHEREAS** Sections 42, 51.1 and 53 of the *Planning Act* authorize local municipalities to require that land, or payment-in-lieu thereof be conveyed to the local municipality for park, or other public recreational purposes as a condition of development, or redevelopment, or the subdivision of land;

**AND WHEREAS** Council for the Corporation of the Town of Oakville deems it necessary and expedient to enact a By-law to provide for the provision of lands for park or other public recreational purposes and the use of alternative requirements;

**AND WHEREAS** the Town of Oakville Official Plan contains specific policies dealing with the provision of lands for park or other public recreational purposes and the use of the alternative requirement;

**AND WHEREAS** Council for the Corporation of the Town of Oakville desires to repeal and replace Bylaw 2008-105 with an updated By-law to provide for the conveyance of land and payment-in-lieu thereof for park and other public recreational purposes and the use of the alternate requirement;

**AND WHEREAS** Section 23.1 to 23.3 of the *Municipal Act* authorize the delegation of powers or duties of the municipality subject to restrictions;

COUNCIL ENACTS AS FOLLOWS:

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DEFINITIONS

In this By-law:

“Apartment dwelling” means any dwelling unit within a building containing more than three dwelling units where the units are connected by an interior corridor and includes a dwelling unit within a retirement home or lodge where the unit has its own private sanitary and full culinary facilities.



“Building Permit” means the first permit issued under the *Building Code Act* for construction at or above the first storey of a building or structure.

“Commercial Purposes” means the use of land, building or structure, or part thereof, for the retail sale of goods and/or services, as well as non-governmental office facilities.

“Council” means the Council of the Town of Oakville.

“Delineated Built Boundary” means the limits of the developed urban area as defined in the Official Plan for the purpose of measuring the minimum intensification target.

“Designated Greenfield Area” means lands within the Town's settlement area, but outside of Delineated Built Boundary that have been designated in the Official Plan for future development.

“Development” means the construction, erection or placing of one or more buildings or structures on land, or the making of an addition or alteration to a building or structure on land, or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishment of a commercial parking lot.

“Established Neighbourhood” means an area within Oakville’s “*Built Boundary*”, as defined by *A Place to Grow: Growth Plan for the Greater Golden Horseshoe*, and which is not identified as a “Designated Greenfield Area” or a “Strategic Growth Area”.

“First storey” means the storey of a building, structure or part thereof, that has its floor closest to the grade and its ceiling more than 1.8 m above the grade.

“Grade” means the average level of finished ground adjoining a building or structure at all exterior walls.

“Industrial purposes” means the use of land, building or structure, or part thereof for manufacturing, warehousing, distribution and/or recycling operations. Industrial purposes may also include the bulk storage of goods and related accessory uses.

“Intensification” means the development of a property, site or area at a higher density than currently exists through:

- a) Redevelopment, including the reuse of brownfield sites;
- b) The development of vacant and/or underutilized lots within previously developed areas;
- c) Infill development; and,



- d) The expansion or conversion of existing buildings.

“Land area” means:

- a) The area of land Subject to an application for development; or,
- b) The area of land that is to be conveyed under this by-law in fee simple to the Town and which conveyance can be registered in the Land Registry Office.

“Multiple dwelling” means all dwellings other than single detached dwellings, semi-detached dwellings, apartment dwellings, special care/special need dwellings, and accessory dwellings, and includes but is not limited to, back-to-back townhouse dwellings, and the residential portion of a live/work unit;

“Owner” means the registered owner of the land to be developed, redeveloped, or subdivided.

“*Planning Act*” means the *Planning Act*, R.S.O. 1990, c. P.13, as amended.

“Redevelopment” means the removal of buildings or structures from land and further development of the land, or the substantial renovation of a building or structure and a change in the character or intensity (density) of use in connection therewith.

“Residential purposes” means lands, buildings, or structures, or portions thereof, used, or designed or intended for use as a home or residence of one or more individuals, and the residential portion of a mixed-use building or structure, and in which both food preparation and sanitary facilities are provided for the exclusive use of the occupants of the unit.

“Semi-detached dwelling” means a building divided vertically into two (2) dwelling units each of which has a separate entrance and access to grade.

“Single detached dwelling” means a completely detached building containing only one dwelling unit.

“Stacked townhouse dwelling” means a building containing two or more dwelling units where each dwelling unit is separated horizontally from another dwelling unit by a common wall.

“Storey” means the portion of a building that is:

- a) Situated between the top of any floor and the top of the floor next above it; or,

- b) Situated between the top of the floor and the ceiling above the floor, if there is no floor above it.

"Strategic Growth Areas" means those areas identified by the Town of Oakville Official Plan to be the focus for accommodating intensification and higher-density mixed uses in a more compact built form.

"Town" means The Corporation of the Town of Oakville.

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## **PART 1 – Calculation of Conveyance/Payment-in-Lieu**

**1.1 Required Parkland Conveyance/Payment-in-lieu Equivalent for Non-Residential Purposes** - As a condition of development or redevelopment of land, the Town shall require the conveyance of land or payment-in-lieu equivalent to the Town for parks and other public recreational purposes as follows:

- i. *Commercial and Industrial Purposes* - Where any form of commercial or industrial development or redevelopment is proposed, and where no prior parkland dedication has been provided, or payment-in-lieu paid (prior to 2008), the Town shall require parkland dedication and/or a payment-in-lieu equivalent in the amount equal to 2 percent of the land area, unless otherwise identified as exempt from parkland dedication by the Town;
- ii. *All Other Non-Residential Purposes* - Where any form of redevelopment is proposed within the Other Non-Residential Purposes category, and where no prior parkland dedication has been provided, or payment-in-lieu paid (prior to 2008), the Town shall require parkland dedication and/or payment-in-lieu equivalent in the amount equal to 5 percent of the land area, unless otherwise identified as exempt from parkland dedication by the Town;

**1.2 Required Parkland Conveyance/Payment-in-lieu Equivalent for Mixed-Use Development** - As a condition of development or redevelopment of land, the Town shall require the conveyance of land or payment-in-lieu equivalent to the Town for parks and other public recreational purposes based on the pro-rated mixture of land uses proposed, as follows:

- i. *The Mixed-Use Formula is:* Residential Contribution + Pro-Rated Other Non-Residential Use Contribution + Pro-Rated Commercial/Industrial Contribution = TOTAL CONTRIBUTION, where:

The Residential Contribution = parkland dedication as per the rate identified in this Parkland Dedication By-law; PLUS,

The Pro-Rated Other Non-Residential Uses = ((Institutional GFA/Site Area)\*100)\*5 percent; PLUS,

The Pro-Rated Commercial and Industrial Uses = ((Commercial and Industrial GFA/Site Area)\*100)\*2 percent.

**1.3 Required Parkland Conveyance/Payment-in-lieu Equivalent for Residential Development in Designated Greenfield Areas** - As a condition of development or redevelopment of land, the Town shall require the conveyance of land and/or payment-in-lieu equivalent to the Town for parks and other public recreational purposes within any Designated Greenfield Area, as follows:

- i. *Residential Greenfield Development* - The Town shall apply a parkland dedication rate of 5% of the land area, or 1 hectare per 300 dwelling units, whichever generates the greater parkland dedication to the Town. The Town may require a payment-in-lieu of a land dedication at a rate of 5% of the land area, or 1 hectare per 500 dwelling units, whichever is greater.

**1.4 Required Parkland Conveyance/Payment-in-lieu Equivalent for Residential Intensification in Established Neighbourhoods** - As a condition of development or redevelopment of land, the Town shall require the conveyance of land and/or payment-in-lieu equivalent to the Town for parks and other public recreational purposes as follows:

- i. *Additional Residential Units* - For Additional Residential Units, as defined by the *Planning Act*, permitted by the Official Plan and Implementing Zoning By-Law, the Town shall exempt those new dwelling units from any parkland dedication requirement.
- ii. *Minor Residential Intensification* - Where residential intensification is proposed within an Established Neighbourhood, and no Official Plan Amendment is required, the residential component of the development or redevelopment shall be required to contribute a parkland dedication based on a rate of 5% of the land area, or 1 hectare per 300 dwelling units, whichever generates the greater parkland dedication to the Town. The Town may require a payment-in-lieu of a land dedication at a rate of 5% of the land area, or 1 hectare per 500 dwelling units, whichever is greater.

This requirement shall apply only to the new units generated over and above the number of units remaining or being replaced.

- iii. *Major Residential Intensification* - Where residential intensification is proposed within an Established Neighbourhood, and requires an Official Plan Amendment, the residential component of the development or redevelopment



shall be required to contribute a parkland dedication, and/or payment-in-lieu, as follows:

- *For ground-related dwellings (such as single-detached, semi-detached, duplex and street, row or block townhouse dwellings)* - based on a rate of 5% of the land area, or 1 hectare per 300 dwelling units, whichever generates the greater parkland dedication to the Town. The Town may require a payment-in-lieu of a land dedication at a rate of 5% of the land area, or 1 hectare per 500 dwelling units, whichever is greater; and,
- *For stacked townhouses and apartment dwellings* - based on a land dedication and/or a payment-in-lieu of a land dedication at a rate of 1 hectare per 500 dwelling units.

**1.5 Required Parkland Conveyance/Payment-in-lieu Equivalent for Residential Development within Strategic Growth Areas** - As a condition of development or redevelopment of land, the Town shall require the conveyance of land and/or payment-in-lieu equivalent to the Town for parks and other public recreational purposes within the Town's identified Strategic Growth Areas as follows:

- i. *Residential Dwelling Units in Strategic Growth Areas* - The Town shall require a parkland dedication rate/payment-in-lieu equivalent of \$22,269.00 per dwelling unit, or 1 hectare per 500 dwelling units, whichever is less.
- ii. *Land Value Index* - Any applicable payment-in-lieu equivalent rate shall be adjusted annually on April 1, without amendment to this By-law, in accordance with the most recent twelve month change in the Statistics Canada Quarterly, Construction Price Statistics (Non-residential Building Construction Price Index) or any successor thereto.

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## **PART 2: Parkland Credits**

**2.1 Lands Previously Conveyed** - Where land has previously been conveyed, or a payment-in-lieu of such conveyance has been previously received by the Town, no additional conveyance or payment in respect of the land subject to the earlier conveyance or payment may be required by the Town in respect of subsequent development or redevelopment applications, unless:

- i. There is a change in the proposed development which would increase the number of residential dwelling units of the current use or currently approved use; or,

- ii. Lands originally identified for development or redevelopment for Commercial or Industrial Purposes are instead proposed for development or redevelopment for residential or any other non-residential land use that generate a higher parkland dedication.

Where such increase in the number of dwelling units is proposed, or where a land use conversion is proposed, from a non-residential land use to a residential land use, or from Commercial or Industrial Purposes to any other land use, the conveyance will be subject to the increase in dwelling units/land use proposed and the value determined the day before the day that the first building permit is issued.

**2.2 Credits Considered** - This Parkland Dedication By-law identifies that parkland dedication credits may be considered by the Town where a specified developer has over-provided a parkland dedication on one site, and then, subject to approval by the Town, may reduce the required parkland dedication on another site being developed by the same developer. Legal agreements between the developer and the Town may be required.

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### **PART 3: Payment-in-lieu of Land**

**3.1 Determining when Payment-in-lieu is appropriate** - The Town shall determine when payment-in-lieu is acceptable versus where a land contribution will be required. The Town may also consider when a combination of on-site land dedication, off-site land dedication and/or payment-in-lieu of land is appropriate.

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### **PART 4: Establishing Land Value**

**4.1 Timing for Land Value Assessment** - Where land is required to be conveyed to the Town, and/or payment-in-lieu is required to be paid to the Town in accordance with this Parkland Dedication By-law:

- i. For development or redevelopment subject to Section 42 of the *Planning Act*, the value of the land or payment-in-lieu equivalent to be paid shall be determined as the value of the land the day before the day that the building permit is issued, and if more than one building permit is required, the value shall be calculated the day before the day that the first building permit is issued;
- ii. For development or redevelopment subject to Sections 51.1 and 53 of the *Planning Act*, the value of the land or payment-in-lieu equivalent shall be determined in accordance with the conditions of approval of a plan of

subdivision or condominium pursuant to Section 51 of the *Planning Act* or the conditions of provisional consent pursuant to Section 53 of the *Planning Act*; or,

- iii. For development or redevelopment which occurs pursuant to either of Sections 42 or 51.1 of the *Planning Act* and for which approvals are issued in phases, the Town shall calculate and require the conveyance of land for park purposes or the payment of payment-in-lieu in accordance with the provisions of this Parkland Dedication By-law, on a phase by phase basis.

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## **PART 5: Administration**

**5.1 Applicability of this By-law** - this Parkland Dedication By-law is applicable to all lands within the corporate limits of the Town of Oakville.

**5.2 Delegation to Staff** - Council hereby delegates to the Treasurer and the Director of Planning in consultation with the Director of Parks and Open Space and the Manager of Realty Services, the administration of this Parkland Dedication By-Law, including the authority to:

- i. Negotiate parkland dedication and/or payment- in-lieu for each development or redevelopment application, and execution of parkland dedication agreements or amendments thereto as may be necessary, in accordance with the provisions of the Town's Parkland Dedication By-Law and the Official Plan;
- ii. Establish the location and configuration of land required to be conveyed;
- iii. Establish the value of land for the purpose of calculating any required payment; and,
- iv. Maintain records of all lands and payment-in- lieu received and including all expenditures from the payment-in-lieu parkland reserve fund. The payment-in-lieu parkland dedication record and associated financial statements shall be reported to the Town Treasurer.

Notwithstanding the foregoing, Council retains the authority to make or reconsider, at any time and without notice, revoke or restrict any delegated power that has been delegated pursuant to this By-law.

**5.3 Agreements Apply** - Notwithstanding any other provisions in this Parkland Dedication By-law, where before, or after the passing of this By-law, the Council of the Town of Oakville has approved or authorized an Agreement with respect to the dedication of parkland and/or the payment-in-lieu of parkland, the terms of that



Agreement, including any subsequent amendments to that Agreement, shall remain binding between the parties, and any parkland dedication and/or payment-in-lieu of parkland shall be in accordance with the rates specified in the Agreement, rather than the rates provided for in this Parkland Dedication By-law.

**5.4 Severability** - In the event that any Section of this Parkland Dedication By-Law is determined by a Court or Tribunal, to be invalid, that specific portion of this Parkland Dedication By-law shall be considered to be severed from the balance of this By-law, which will continue to operate in full force and effect.

**5.5 Repeal** - By-law 2008-105 is hereby repealed.

**5.6 Short Title** - This By-law may be cited as the "Parkland Dedication By-law".

**5.7 Effective Date** - This By-law shall come into force and effect at 12:01 am on September 13, 2022.

PASSED this 12<sup>th</sup> day of September, 2022

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MAYOR

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CLERK

# Parkland Dedication

Policy number:	Enter policy number
Section:	Administration
Sub-section:	Planning, development and building
Author:	Parks and Open Space
Authority:	Council
Effective date:	2022-09-13
Review by date:	2027
Last modified:	Click or tap to enter a date

## Policy statement

The Corporation of the Town of Oakville (town) utilizes provisions in the *Planning Act* to obtain land for parks through land conveyance or payment-in-lieu of land from development and redevelopment. The application of the Parkland Dedication by-law shall be in accordance with the key objectives outlined in Parks Plan 2031.

## Purpose

The purpose of this policy is to ensure that the growing population of the town is well-served by its public parkland system, and that the new parkland generated reflects the evolving built form of the town.

## Scope

This policy applies to development and redevelopment within the town.

## References and related documents

*Planning Act*, R.S.O. 1990, c. P.13  
Parkland Dedication By-law 2022-108  
Parks Plan 2031  
Parkland Dedication Procedure

# Parkland Dedication

Procedure number:	MS-CDV-003-001
Parent policy number:	MS-CDV-003
Section:	Municipal services
Sub-section:	Community development
Author(s):	Parks and Open Space Finance, Legal, Planning
Authority:	CAO
Effective date:	2022-09-13
Review by date:	2027
Last modified:	Click or tap to enter a date

## Purpose statement

The purpose of this procedure is to establish the guidelines and process for the administration of the Town of Oakville (town) Parkland Dedication by-law. This procedure results in the conveyance of land or payment in lieu of land for parks in accordance with the Parkland Dedication by-law and the key objectives outlined in the Parks Plan 2031.

## Scope

This policy applies to development and redevelopment within the town.

## Procedure

The guidelines and process for conveyance of land or payment in lieu of land for parks shall be in accordance with the following key objectives:

- Meeting the town's Active Parkland Target
- Establishing a Context Appropriate Parkland Hierarchy
- Options for Ownership of the town's Parkland System
- Achieving the town's Parkland System
- Calculation of the Conveyance of Land
- Acceptance of Land
- Calculation of the Payment in lieu of Land
- Utilization of Payments in lieu of Land
- Administration
- Exemptions and Reductions



## **1. Meeting the Town's Active Parkland Target**

The basis for the Parkland Dedication by-law is that the town achieve an Active Parkland Target of 2.2 hectares per 1,000 people to the horizon year of 2031.

## **2. Establishing a Context Appropriate Parkland Hierarchy**

### The Urban Parkland Hierarchy – Strategic Growth Areas

The following urban parkland hierarchy shall be used to establish or augment an appropriate park system within the town's Strategic Growth Areas (SGAs):

- I. Public Common (PC) - Between 0.75 and 2 ha in size - PC spaces are the social and recreational focal points of a neighbourhood. They typically meet the needs of the local community, and in some instances, accommodate town-wide facilities. PC spaces support a balance of active and passive uses. PC spaces shall be coordinated with urban school sites, where possible. PC spaces should accommodate special features that add visual interest and contribute to placemaking, including locations for public art. PC spaces are intended to serve community users who are generally within a 10-minute walking distance (approximately 800 metres).
- II. Urban Square (US) - Between 0.25 and 1 ha in size - US spaces support neighbourhood-oriented social opportunities, as well as town-wide entertainment and cultural events depending on their size and location. US spaces may include public art, small outdoor game areas, seating areas and places to eat, as well as street-related activities such as vendor and exhibit space. US spaces are intended to serve community users who are generally within a 5-minute walking distance (approximately 400 metres).
- III. Promenade (P) - P spaces are substantial linear spaces that are located between adjacent building facades and the adjacent road right-of-way. They are typically only located along one side of the street, and are continuous along the length of the block. P spaces are between 6 and 20 metres in width, and are typically used to enhance the pedestrian experience along with highly activated at-grade retail spaces. P spaces may include public art, small outdoor game areas, seating areas and places to eat, as well as street-related activities such as vendor and exhibit space.
- IV. Other Urban Park Spaces - Generally less than 0.25 ha - Other Urban Park Spaces support the social and cultural fabric of Oakville's SGAs. They are destinations for day-to-day use and are animated by their adjacent uses, such as cafés and shops. They are intended to serve a local community that is generally within a 2.5 to 5-minute walk (approximately 200 to 400 metres) of residents, visitors and businesses.

Other Urban Park spaces are small and compact spaces that are designed to a very high standard to support more intensified use. Other Urban Park spaces may include:

- i. Connecting Link (CL) - A CL is an outdoor or indoor walkway that may be lined with small stores, restaurants and cafés. A CL is a minimum of 4 metres in width, and may be substantially wider. When enclosed, the floor to ceiling height shall be a minimum of 7 metres. Although a CL is intended to enable pedestrians to travel through the community quickly and easily, many are destinations unto themselves with seating, restaurant and retail frontages.
- ii. Pocket Park – Pocket Parks are small, pedestrian friendly spaces that accommodate socializing in dense urban areas. They include primarily hard surface elements, but can also accommodate softer elements. Pocket Parks are destinations unto themselves with outdoor seating, restaurant and retail frontages. Pocket Parks must be a minimum of 75 square metres in size, and must be connected to, and have at least 7.5 metres of direct frontage along the public sidewalk system.
- iii. Sliver Park - Sliver Parks are narrow linear spaces that often front restaurants, cafés and retail spaces. They create plazas or forecourts between the face of the adjacent building and the street right- of-way. They are effectively small scale extensions of the public sidewalk system.

#### The Traditional Parkland Hierarchy - Established Neighbourhoods, North Oakville and Other Greenfield Communities

The following traditional parkland hierarchy shall be used to establish or augment an appropriate park system within the town's established neighbourhoods, North Oakville and other greenfield communities within the town:

- I. Community Park (CP) - Greater than 5 ha - CP spaces support a variety of recreational and athletic interests with amenities, such as sports fields and courts, large skateboard parks, outdoor skating facilities, field houses, picnic shelters, off-leash dog areas and water play facilities. CP spaces are typically co-located with Community Centres, where possible. CP spaces may accommodate specialized events and amenities may attract users from across the Town.
- II. Neighbourhood Park (NP) - Between 0.75 and 5 ha - NP spaces support a balance of active and passive uses, such as playgrounds, skate zones, play courts, unlit sports fields and social gathering spaces. NP spaces may be coordinated with school sites, where possible. NP spaces serve a local community located within a 10-minute walk of the park space.

- III. Parkette (P) - Less than 0.75 ha - P spaces are recommended for instances where an NP space is not necessary, but local-level facilities (e.g., playground, waterplay, seating) are required to serve a nearby development. These spaces are not suitable for large features such as sports fields. P spaces support the social and cultural fabric of the community located within a 5-minute walk of the park space.
- IV. Eco Park - Greater than 3 ha - Eco Park spaces support environmental education, interpretation and nature-related recreation. Eco Park spaces include opportunities for linear and passive recreation and provide an ecological relief from the more urban environments in the town. Eco Park spaces may accommodate specialized events and amenities and will attract users from across the town. Where possible, Eco Parks should be considered to co-locate with other park opportunities that can more appropriately accommodate active recreation facilities.

### **3. Options for Ownership of the town's Parkland System**

#### Ownership Options within Non-SGAs, North Oakville East Secondary Plan area and Designated Greenfield Areas

Where land is to be considered as a parkland dedication contribution under the *Planning Act*, it is recommended that the town, as a first priority, require *fee simple parkland* dedication for all parkland system elements within the established neighbourhoods and other greenfield communities. In addition:

- I. Where there is an appropriate rationale, the town may consider a Strata Ownership arrangement as permitted under the Ontario *Condominium Act*, as amended, for Neighbourhood Parks and Parkettes within established neighbourhoods and other greenfield communities, subject to a land area discount, in recognition of life-cycle cost issues, to the satisfaction of the town. The actual amount of the land area discount shall be determined on a case-by-case basis, at the sole discretion of, and to the satisfaction of the town.

#### Ownership Options within the SGAs

Where land is to be considered as a parkland dedication contribution under the *Planning Act*, it is recommended that the town, as a first priority, require *fee simple parkland* dedication for all Public Common, Urban Square and Promenade elements of the urban parkland system within the SGAs. In addition:

- I. Where there is an appropriate rationale, the town may consider a Strata Ownership arrangement as permitted for Public Common, Urban Square and Promenade elements of the urban parkland system within the SGAs, subject to a land area discount, in recognition of life-cycle cost issues, to the satisfaction of the town. The actual amount of the land area discount shall be determined on a case-by-case basis, at the sole discretion of, and to the satisfaction of the town.



- II. Where there is an appropriate rationale, the town may augment the urban parkland system within the SGAs with Privately Owned Public Spaces (POPS). The town may consider providing parkland dedication credit, where the following criteria are met, to the satisfaction of the town:
  - i. It is an integral element, and is directly connected to the broader urban parkland system and the adjacent public sidewalk system;
  - ii. It can be defined only as an Other Urban Park element, and is not a Public Common, Urban Square, or Promenade;
  - iii. An appropriate legal agreement has been established between the *owner* and the town that guarantees that the space is designed, built and maintained to town standards, and is open and accessible to the public at all times (or as otherwise to the satisfaction of the town); and,
  - iv. The land area of the POPS is appropriately discounted, in recognition of the town's lack of programming control, to the satisfaction of the town. The actual amount of the land area discount shall be determined on a case-by-case basis, at the sole discretion of, and to the satisfaction of the town.

#### **4. Achieving the town's Parkland System**

The town may utilize all of the following tools, in addition to this Parkland Dedication by-law to acquire / secure parkland resources:

- I. The Community Benefits provisions of the *Planning Act* and the town Community Benefits Charge Strategy and by-law;
- II. Off-site land dedication;
- III. Public acquisition;
- IV. Land exchanges;
- V. Donations, gifts, bequests; and/or,
- VI. Other methods deemed appropriate by the Town.

The town shall consider off-site parkland acquisition / dedication opportunities in order to augment its supply of parkland as a way of achieving its Active Parkland Target. Where an off-site land dedication is considered appropriate, the land area of the off-site parkland dedication shall be subject to the following criteria:

- i. The off-site land area is land that is acceptable as parkland dedication, in accordance with the requirements identified in the *Parks Plan 2031*;
- ii. The land value identified for the required parkland dedication from the proposed development site is approximately equal to the land value of the off-site land dedication site, either in absolute per hectare land cost, or the amount of land to be dedicated; and,
- iii. An off-site parkland dedication shall be to the satisfaction of the town.

#### **5. Calculation of the Conveyance of Land**

Parkland within SGAs requires both a comprehensive planning approach to achieving the larger elements of the urban parkland hierarchy, as well as a requirement for smaller scale on-site parkland contributions to be achieved as follows:

- I. Within the town's defined SGAs, a minimum Achieved Parkland Standard (net parkland/gross land area of the Strategic Growth Area) of a minimum of 12%, where opportunities exist, and that the planned urban parkland system within a comprehensively planned SGA be:
  - i. Comprised of the Public Common, Urban Square and Promenade categories; and,
  - ii. Distributed throughout the SGA, such that all residents are within a 2.5 minute walk (200 metres) from a defined Public Common, Urban Square or Promenade.
- II. In addition to the Achieved Parkland Standard, all development on all individual sites within an SGA that are greater than 1,500 square metres in size, shall include, at a minimum, a land contribution to the town for urban park purposes, that meet the following criteria:
  - i. An on-site urban parkland system contribution of not less than 5% of the net developable site area for any residential or mixed-use development that includes residential uses;
  - ii. The urban parkland system elements considered appropriate in this context may include Connecting Links, Pocket Parks and Sliver Parks. Under no circumstances will the net area of any of these urban parkland system elements be less than 75 square metres;
  - iii. An urban parkland system element shall have frontage on a public street right-of-way; and,
  - iv. Larger sites shall include larger urban parkland system elements and/or multiple urban parkland system elements.
  - v. Within the Downtown Oakville and Bronte Village SGAs, the provision of smaller scale urban park elements on individual development sites shall be encouraged, but not necessarily required, by the town
- III. For all development on individual sites within an SGA that are less than 1,500 square metres in size, the town may accept an on-site land contribution, an off-site land contribution and/or payment-in-lieu of land.

## **6. Acceptance of Land**

### Lands Acceptable for Dedication

The town identifies the following as fully acceptable lands for parkland dedication:

- i. Lands in a condition satisfactory to the town and in accordance with the requirements of the town's Official Plan Policies respecting the acquisition of land, including a Record of Site Condition pursuant to the *Environmental Protection Act*; and,
- ii. Lands that are free of any/all title encumbrances.

If a survey is required to convey parkland required under this Parkland Dedication by-law, it shall be completed by and at the expense of the *owner* for the building permit.

#### Lands Potentially Acceptable for Dedication

The town identifies the following as potentially being acceptable lands for parkland dedication, but at a reduced rate, to the satisfaction of the town:

- i. Lands that are subject to a Strata Park arrangement;
- ii. Privately Owned Public Spaces (POPS) where located within a SGA subject to required legal agreements;
- iii. Lands that are within the designated Natural Heritage System, but are not specifically identified as a core natural feature;
- iv. Lands that include slopes between 5 percent and 15 percent, that are not included within the Natural Heritage System; and/or,
- v. Lands that include designated cultural heritage resources or cultural heritage landscapes.

In all circumstances, the actual amount of the land area discount shall be determined on a case-by-case basis, at the sole discretion of, and to the satisfaction of the town.

If a survey is required to convey parkland required under this Parkland Dedication by-law, it shall be completed by and at the expense of the *owner* for the building permit.

#### Lands Not Acceptable for Dedication

The town identifies the following as not acceptable lands for parkland dedication:

- i. Lands that are an identified core natural heritage feature as defined in the Official Plan, or an applicable Secondary Plan, or as identified in an Environmental Impact Study accepted by the town;
- ii. Lands that are identified as Hazard Lands, have poor drainage, erosion issues, extreme slopes (greater than 15 percent) or other environmental or physical conditions that would interfere with the lands potential development or use as a public park;
- iii. Lands that are required to accommodate storm water management facilities. And, where lands for parks purposes include stormwater management facilities,



- that portion of the land that includes a stormwater management facility shall not be included in the area calculation for parkland conveyance;
- iv. Lands that are deemed to be contaminated in any way;
  - v. Lands used for utility corridors or any other infrastructure; and/or,
  - vi. Lands that are encumbered by easements or similar legal instruments that prohibit public use.

Notwithstanding the provisions above, the town may consider accepting constrained lands - lands with steep slopes, utility corridors, storm water management facilities, or highway infrastructure - for acquisition or securement via easement, or as part of the required parkland dedication. If the constrained lands are to be part of a required parkland dedication, the land area provided shall be substantially discounted in recognition of the associated constraints of the land to accommodate recreational opportunities, to the satisfaction of the town. The actual amount of the land area discount shall be determined on a case-by-case basis, at the sole discretion of, and to the satisfaction of the town.

## **7. Calculation of the Payment in-lieu of Land**

### Land Dedication/Payment-in-lieu within the SGAs

Within the SGAs it is understood that approximately 25% of the land or payment-in-lieu generated by development within the SGA shall be acquired within the SGA where it was generated - including lands secured through a comprehensive urban parkland system plan, and lands generated on individual development sites. The remaining 75% of the land and/or cash generated through the Parkland Dedication by-law through development and redevelopment within the SGAs is to be allocated in accordance with the priorities established in this procedure. The payment-in-lieu established in the Parkland Dedication by-law is a baseline requirement, and may be reduced through the dedication of land in accordance with this procedure.

### Land Dedication/Payment-in-lieu within the Established Neighbourhoods and Greenfield Communities

Within the Established Neighbourhoods and Greenfield Communities, land dedication shall always be the first priority, and that payment-in-lieu may only be acceptable where no reasonable alternative exists, including the opportunity for an off-site land dedication elsewhere within the town. Payment-in-lieu of land shall only be considered within the Established Neighbourhoods and Greenfield Communities under the following circumstances:

- i. Where the application of the parkland dedication requirements would render the remaining portion of the development site unsuitable or impractical for development;

- ii. Where the amount of parkland dedication generated by the development proposal is insufficient to accommodate a reasonable public park space;
- iii. Where existing public parkland is available and is deemed sufficient by the town in quantity and quality to accommodate further development in proximity to the proposed development; or,
- iv. Where more suitable parcels of land are available for acquisition for public parkland purposes in other locations within the defined neighbourhood, or anywhere else within the town.

### Establishing Land Value

Where the town has identified that payment-in-lieu is appropriate, it shall be based on the cash equivalent of the applicable parkland dedication requirement as established in the Parkland Dedication By-law. For the purposes of calculating the payment in-lieu of land, the town's Manager, Realty Services, or designate, shall coordinate a land appraisal process for the development or redevelopment as follows:

- i. The *owner* will contact the Manager, Realty Services no later than 90 days prior to the expected time of the first *building permit*.
- ii. The Manager, Realty Services will coordinate a land appraisal to be used for purposes of applying the Parkland dedication by-law.
- iii. The appraisal will be at the *owners* cost in accordance with the Town of Oakville rates and fees.
- iv. Land appraisals shall be carried out under the direction of the Manager, Realty Services, and shall be determined with reference to accepted appraisal standards and principles as outlined in the Canadian Uniform Standards of Professional Appraisal Practice
- v. The appraisal shall be reviewed and subject to satisfactory acceptance by the Manager, Realty Services
- vi. Where an *owner* disagrees with the land value, the *owner* may pay under protest, and a dispute resolution process in accordance with the *Planning Act* will take place, unless otherwise agreed.

## **8. Utilization of Payments in-lieu of Land**

### Prioritization of Funds

The town has established a reserve fund (special account) for the receipt of all payment-in-lieu of land contributions accrued through the parkland dedication/payment-in-lieu of parkland process identified in the Parkland Dedication by-law. The town may utilize payment-in-lieu funds for the following priorities:

- i. The first priority shall be the acquisition of land for public parkland or other public recreational purposes on the site subject to the proposed development.
- ii. The second priority shall be the acquisition of land for public parkland or other public recreational purposes within 400 metres of the site where the payment-in-lieu funds were generated;
- iii. The third priority shall be to fund the acquisition of lands for public parkland or other public recreational purposes anywhere in the town; and,
- iv. The fourth priority shall be to fund:
  - a. The acquisition of lands for pathways, trails and associated infrastructure throughout the town, with a focus on missing links;
  - b. The erection, improvement or repair of buildings used for park or other public recreational purposes; and/or,
  - c. The acquisition of vehicles and equipment used for parks maintenance or other public recreational purposes.

### Parkland Acquisition Strategy

The town shall establish a Parkland Acquisition Strategy to ensure that funds collected through the payment-in-lieu of land provisions of this Parkland Dedication by-law are utilized to ensure that the town-wide Active Parkland System Target of 2.2 hectares per 1,000 people is achieved in concert with planned population growth. Within the Parkland Acquisition Strategy, the Town shall identify priorities for land acquisition and a budget for allocating funds, on an annual basis to ensure that all payment-in-lieu funds collected are spent on identified parkland system improvements in a timely fashion.

## **9. Administration**

- I. The town may invest in securities as permitted under the *Municipal Act*. Income received from investment of the Parkland reserve fund shall be credited to the Parkland reserve fund in accordance with the town's Reserve/Reserve Fund Procedure.
- II. In administering the Parkland reserve fund, the Treasurer shall report on the activities and status of the Parkland reserve fund in an Annual Financial Statement relating to the Parkland reserve fund in accordance with the *regulation*. The Annual Financial Statement shall include, for the preceding year, an accounting of the opening and closing balances of the special payment-in-lieu account and all of the transactions relating to the account, as well as statements identifying:
  - i. Any land or machinery acquired during the year with funds from the Parkland reserve fund;
  - ii. Any capital improvements carried out during the year with funds from the Parkland reserve fund;



- iii. Any building erected, improved or repaired during the year with funds from the Parkland reserve fund; and,
  - iv. The details of the amounts spent.
- III. As per the requirements of the *Planning Act*, the Treasurer shall maintain a record of all lands and payment-in-lieu received and including all expenditures from the Parkland reserve fund. The payment-in-lieu of parkland dedication record and associated Annual Financial Statement shall be reported to Council and made available to the public on a yearly basis. The Treasurer shall give a copy of the Annual Financial Statement to the Minister of Municipal Affairs upon request.
- IV. The Town shall review this Parkland Dedication by-law to determine its effectiveness both in terms of its regulatory context and in its consistent application. The review shall occur, at a minimum, in response to relevant changes in Provincial planning policies and/or whenever the town reviews its relevant Official Plan policies OR the Parkland Dedication by-law shall be reviewed at a minimum of every 5 years, or at an earlier time as prescribed by Council.

## 10. Exemptions and Reductions

The town reserves the right to exempt or reduce the parkland dedication/payment-in-lieu requirement for any land use, development project or specific development site, at the discretion of Council in accordance with the Parkland Dedication by-law. There will be no further exemptions or reductions associated with:

- i. The town's Development Charges by-law
- ii. The town's Community Benefits Charge by-law
- iii. Any works undertaken by the *owner* as a condition of the site plan approval process, or related planning or servicing agreements or other development-related agreements considered distinct and separate from the requirements under the authority of the Parkland Dedication by-law
- iv. Any requirement through the Official Plan, the implementing Zoning By-law, and/or any applicable Design Guidelines that require private and semi-private amenity spaces within all residential apartment buildings and mixed-use buildings that include residential apartments. Private and semi-private amenity spaces can include balconies/terraces linked to individual dwelling units, indoor community spaces, fitness facilities and swimming pools and outdoor roof top terraces, including opportunities for green roof infrastructure and dog stations. These private and semi-private spaces are not to be considered for any credit as part of the town's Parkland Dedication By-Law

## References and related documents

*Planning Act*, R.S.O. 1990, c. P.13  
Ontario Regulation 509/20  
Parkland Dedication By-law 2022-108  
Parks Plan - 2031  
Parkland Dedication Policy

## Definitions

*Building permit* means permit under the *Building Code Act* for construction at or above the *first storey* of a building;

*fee simple parkland* means land dedicated or otherwise acquired by the town without any form of legal or constraint. These lands are wholly owned by the town.

*first storey* means the *storey* of a building, structure or part thereof, that has its floor closest to *grade* and having its ceiling more than 1.8 metres above *grade*;

*grade* means the average level of finished ground adjoining a building or structure at all exterior walls;

*owner* means the registered owner of land to be developed, redeveloped, or subdivided;

*regulation* means O. Reg. 509/20 as amended or successor regulation;

*town* means the Corporation of the Town of Oakville;

## Responsibilities

The Director, Planning Services shall be responsible to:

- In coordination with the Director, Parks and Open Space, determine the appropriate use of the Parkland Dedication by-law for a development or redevelopment in order to achieve the appropriate town parkland system in accordance with this procedure
- Make recommendations for the utilization of payments in lieu of land
- Coordinate with various staff for the preparation of agreements related to Strata parks and POPs

The Director, Parks and Open Space shall be responsible to:

- In coordination with the Director, Planning Services, determine the appropriate use of the Parkland Dedication by-law for a development or redevelopment in order to achieve the appropriate town parkland system in accordance with this procedure
- Make recommendations for the utilization of payments in lieu of land
- Coordinate with various staff for the preparation of agreements related to Strata parks and POPs

The Manager, Realty Services shall be responsible to:

- Administer the land valuation process
- Calculate the Payment-in-lieu of land
- Manage parkland the parkland acquisition process

The Treasurer or designate shall be responsible to:

- Oversee the administration and reporting on the Parkland reserve fund
- In coordination with the Director, Planning Services and Director, Parks and Open Space, consider the use of acquisition tools beyond the Parkland Dedication by-law

The Town Solicitor or designate shall be responsible to:

- Administer agreements associated with the Parkland Dedication by-law and this procedure





Project Nos. 20289 and 21378

August 18, 2022

**VIA EMAIL**

Town of Oakville  
1225 Trafalgar Road  
Oakville, ON  
L6H 0H3

Attention: Gabe Charles – Director of Planning Services  
Matt Day, Manager – Development Financing & Investments  
Chris Mark, Director – Parks and Open Space

***Re: Comments on Town of Oakville Draft Parkland Dedication Policy, Parkland Dedication By-law, and Parks Plan - 2031***

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We would like to formally submit these comments to the Town of Oakville on behalf of Distrikt Developments (“Distrikt”), Northbridge Capital Inc. (“Northbridge”), and Alliance United Corp. (“Alliance”) (collectively referred to as the “land owners”) with respect to their land holdings within the Town of Oakville, which alone represent more than 10,000 thousand potential housing units.

Further to the delegations made at the August 9, 2022 Council meeting, on behalf of Distrikt, Northbridge, and Alliance, and further to the virtual meeting held on August 15, 2022 between Town Planning Staff and members of the development community, this letter serves to provide additional comments. As requested by the Town, we have prepared suggested revisions to the Draft Parkland Dedication By-law and Draft Parkland Dedication Policy, with redline mark-ups provided as **Attachments A and B**.

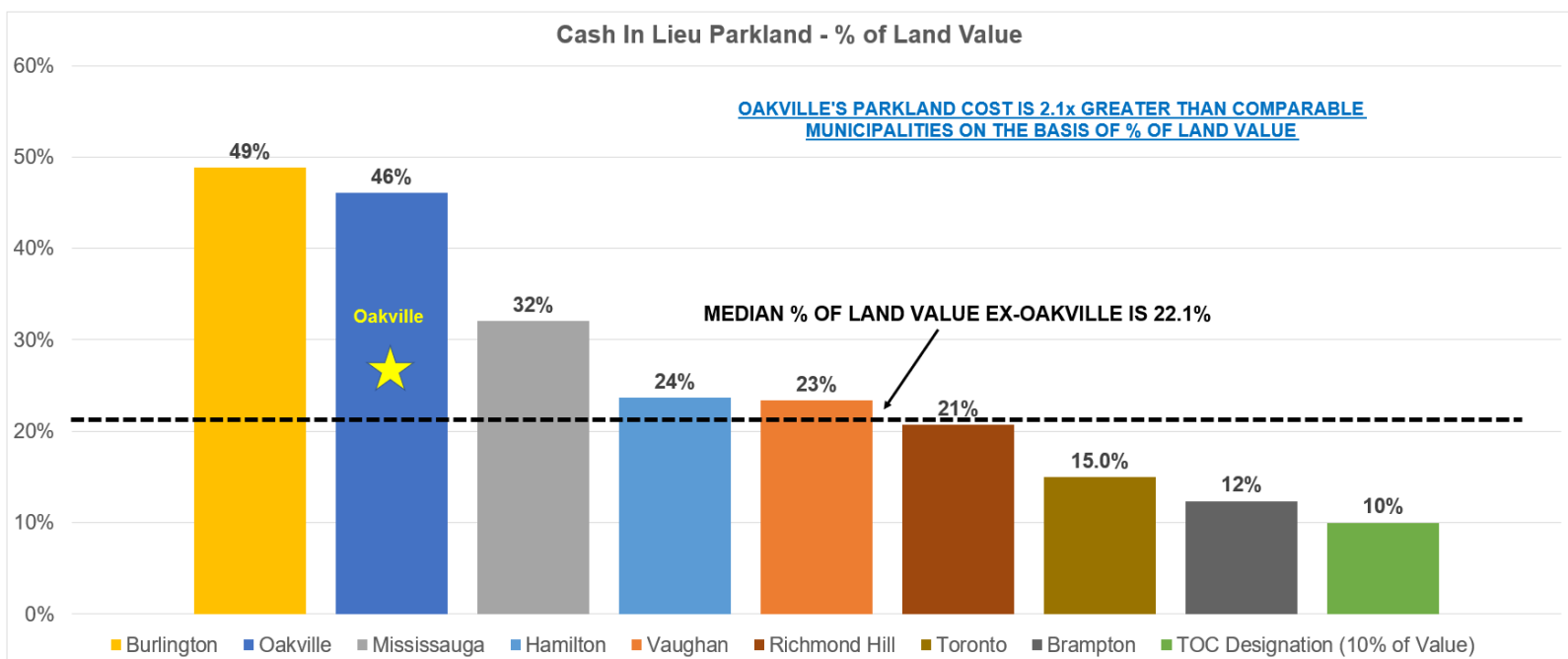
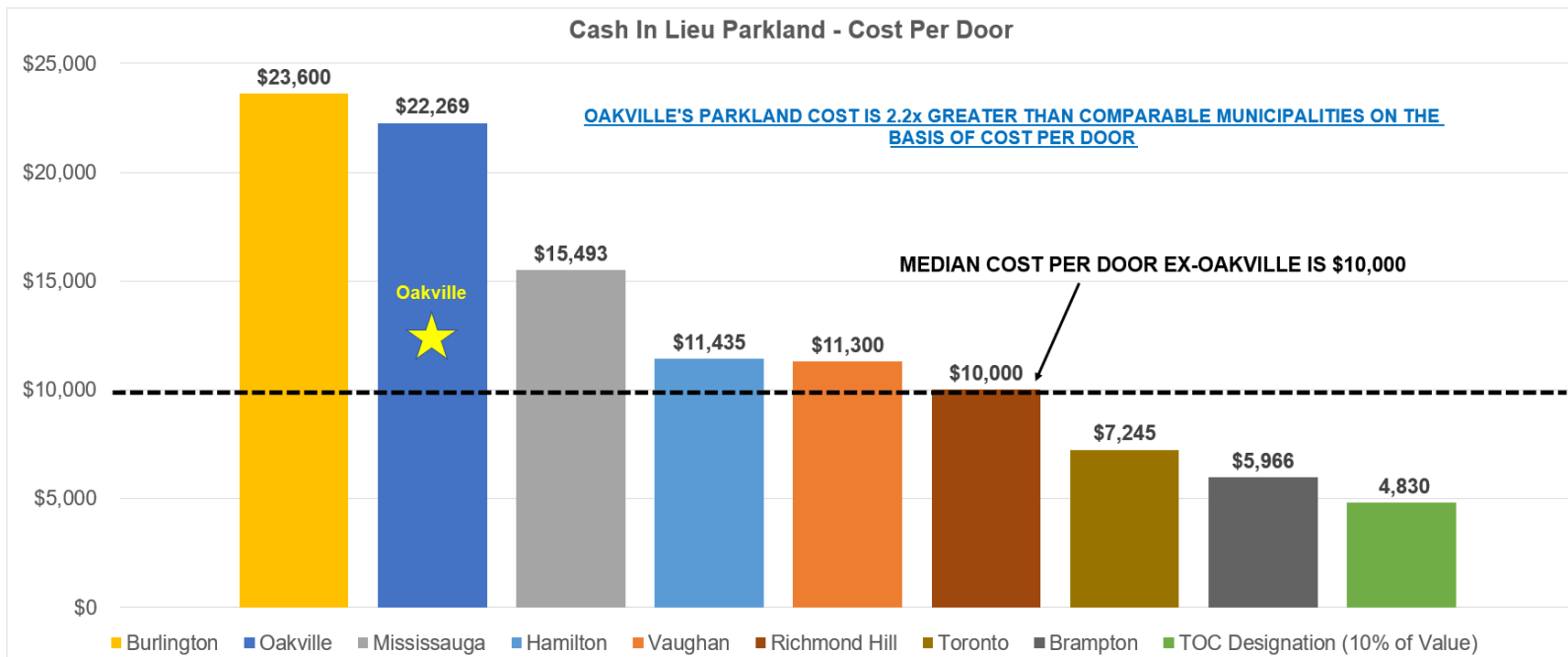
**1.0 FINDINGS**

The Town’s proposed cash-in-lieu parkland rate of \$22,269 per unit is approximately 200% greater than the average of comparable municipalities. The land owners have calculated that current rates of inflation and projected timelines to complete zoning and commence construction could result in these cash in-lieu rates to reach 250% of comparable municipalities by the time these payments would be due.

These rates will directly impact the ability of the Town of Oakville to reach its stated growth targets by discouraging development in high density transit-oriented strategic growth areas like the Midtown MTSA and Bronte GO MTSA, and as a result, effectively incentivize development in established neighborhoods and green field areas, causing increased

pressure on urban sprawl and more environmentally impactful types of lower density development.

Based on our review of parkland by-laws in comparable municipalities, Oakville's proposed cash-in-lieu parkland formula is among the absolute highest in the province, acting as a significant impediment to intensification.



## 2.0 SUMMARY

The following is a summary of the requested changes to the Draft Parkland Dedication Policy and Draft Parkland Dedication By-law, guided by comparable municipalities in the region (provided in **Attachment C**). A more detailed description of the requested changes is provided in the following sections of this letter. Our proposed modifications to the instruments include the following:

1. **Reducing the proposed per unit rate for cash-in-lieu payments from \$22,269 to \$12,000.** The rate, as proposed, will adversely affect the feasibility to develop sites, particularly in Strategic Growth Areas. The proposed rate is generally reflective of the average rate used by numerous municipalities across the region;
2. **Introducing a cap of 15%** for the parkland dedication requirements in Strategic Growth Areas. In the case of on-site dedication, a cap of 15% of the net site area, and in the case of cash-in-lieu a cap of 15% of the value of the net site area;
3. Including direction on how parkland requirements will be addressed when a **comprehensive planning** process, such as a planning study and associated Official Plan Amendment for a Strategic Growth Area, includes policies and schedules regarding parkland requirements;
4. **Providing 100% credit for privately owned publicly accessible open spaces (POPS) and stratified parks** in Strategic Growth Areas and introducing definitions for these types of parkland.

Other modifications and comments include:

- **Accepting off-site parkland dedications** in Strategic Growth Areas;
- **Specifying a residential rate** for parkland dedication;
- **Introducing a definition for stratified parks;**
- Clarification as to the **rate for Significant Residential Intensification** when an Official Plan Amendment is not required;
- Clarification as to the **rate for small-scale residential intensification** within established neighbourhoods to confirm if the proposed rate means that only cash-in-lieu will be required and not a land conveyance;
- Introducing provisions to ensure that **decisions are made with the Town and the land owner;** and
- stratified parkland options must include "Other Urban Park Spaces".

All of these changes are necessary to ensure that the parkland dedication requirements do not unduly impact development projects, particularly to a degree that may mean that a site cannot be developed.



### 3.0 REQUESTED MODIFICATIONS TO DRAFT PARKLAND DEDICATION POLICIES AND DRAFT PARKLAND BY-LAW

The following is the list of requested modifications to the Parkland Dedication Policies and Bylaw. A justification for the requested change is also provided. Where the concern is the same, these requests have been consolidated for the policies and bylaw.

#### 3.1 *Provide a Cap for Parkland Dedication Rate and Reduce Payment-in-Lieu Per Unit Fee for Strategic Growth Areas (SGA)*

**Request:** That the maximum conveyance of Parkland for Residential Development within Strategic Growth Areas should be capped at 15 percent of the net site area and the per unit fee should be reduced from \$22,269 to \$12,000, with a cap of 15% of the value of the net site area in Strategic Growth Areas.

**Justification:** The justification for this request for a cap and a reduction in the per unit fee is supported by the work of the Town's consultants. Appendix VI of the Draft Parks Plan – 2031, prepared by The Planning Partnership and N. Barry Lyon Consultants Ltd. ("NBLC") (dated June 2022) includes a policy analysis memorandum from NBLC. The NBLC memorandum includes a financial sensitivity analysis to support policy decisions specifically within strategic urban growth locations within the Town.

In their financial sensitivity analysis, NBLC considers a total of six (6) calculation methods and used an order of magnitude financial model to assess the impact that each of the methods would have on land value and profit of the hypothetical development concepts. On page 2 of Appendix VI to the Draft Parks Plan – 2031, the following paragraph is included:

*"The analysis illustrates that the existing Planning Act standard for payment in lieu – calculated using a rate of 1 ha per 500 dwelling units – is likely a disincentive to investments in high density development throughout Oakville. For developers who have acquired land at current pricing, the profitability of development is likely near the low end of the typical acceptable range – particularly for dense apartment formats...There will be instances where lenders are unwilling to proceed with projects where risk adjusted returns are at the low end of this range (10-20% profit margins)...**The calculation methodology does not scale well with increasing development density and is not appropriate as an approach in a high density residential context**...the model results demonstrate that a development might be obligated to contribute a payment in lieu equivalent to between 155% and 250% of the site's land value...**As development densities continue to increase and land values adjust over time, it is likely that a capped (percentage or flat rate)***

**approach or a graduated method would be preferable from a developer's point of view, as well as the Town's...***In our view, a cap on land value or a version of the graduated method tested in this analysis could be effective as a fair and reasonable approach for calculating payment of lieu of parkland" (our emphasis added).*

The request to include a cap and reduce the per unit fee is in keeping with NBLC's memorandum. This is particularly important in the Town's Strategic Growth Areas, including the Bronte GO MTSA and the Midtown MTSA.

As discussed, the proposed per unit fee is the one of the highest in the region. Rates for other municipalities include:

- \$11,300 – City of Vaughan (By-law 168-2022);
- \$15,493 – City of Mississauga (By-law 137-2022);
- \$23,600 – City of Burlington (By-law 57-2005, as amended);
- \$11,435 – City of Hamilton (By-law 09-124, as amended); and
- \$4,403 – City of Brampton (By-law 283-2013, as amended).

Further to this, the City of Toronto has implemented a cap on parkland dedication. For sites that are less than 1 hectare in size, parkland dedication will not exceed 10% of the development site, net of any conveyances for public roads. Sites between 1 and 5 hectares are capped at 15% of the development site, and sites greater than 5 hectares are capped at 20%.

Preliminary analysis for a representative site in a Strategic Growth Area demonstrates this issue. The representative site is approximately 1.26 hectares in size, and is proposed to be redeveloped with a mixed-use development containing a total of 1,750 dwelling units. The application of an uncapped residential rate for high density development using the proposed mixed-use development pro-rated formula, would result in a land requirement for parkland that is approximately 4.31 hectares in size, which is more than three times the size of the site itself. Applying the proposed cash in lieu rate of \$22,269 per unit would result in a cash payment that could exceed the value of the lands, thus a cap is also required on the cash-in-lieu formula.

As mentioned above, our request for the Town to consider a parkland dedication cap for both on-site dedication and cash-in-lieu dedication, and to reduce the per unit fee for cash-in-lieu payments in keeping with NBLC's memorandum described above, as well as the objectives of the Provincial Policy Statement and Growth Plan. From a Provincial policy perspective, growth is directed to strategic growth areas, such as urban growth centres and major transit station areas, and guided by population and employment targets. It is our opinion that local Municipalities will be challenged to meet their population and employment targets if the feasibility of development, particularly high-density transit-oriented

development, is impacted by the Town's parkland dedication requirements that significantly exceed the size and could exceed the value of the property itself. In turn, the Town will likely experience, and is indirectly promoting, development pressures in areas not targeted for significant intensification.

### *3.2 Recognition of Parkland Policies and Land Areas determined through Comprehensive Plans*

**Request:** That the proposed Parkland Dedication Policy and By-law consider the comprehensive parks and open space planning that has been done in Secondary Plans and Planning Studies .

**Justification:** Page 49 of the Draft Parks Plan – 2031 states that in Oakville, the Town typically determines whether land, or cash-in-lieu of land, or some combination thereof is appropriate based on the policies of the Official Plan, any applicable Secondary Plan and/or the identified needs of the community. For most of the Strategic Growth Areas in the Town, comprehensive planning processes, including Planning Studies and Secondary Plans, result in an amendment to the Official Plan. These comprehensive plans often involve extensive engagement on and consideration of where parks should be located, the hierarchy of parks in the plan area, how large the parks will be and how much parkland should be provided across the plan area. The associated Official Plan Amendment will direct that the parkland be provided generally in accordance with the maps and schedules and the policies specify the total amount of parkland to be provided. When this direction on parkland has already been considered and approved by Council, owners should not also be required to proceed through a process regarding parkland dedication that does not consider this comprehensive planning process and should not be required to provide additional parkland, if they are proceeding in accordance with the permissions in the Official Plan for development of the site. This is particularly important because landowners participating in a comprehensive planning process will often need to enter into cost sharing agreements with other owners in the plan area to share the costs of parkland that might be disproportionately located on some of the parcel of land in the plan area. This means that the owners would all be contributing their portion of the comprehensive plan's parkland requirements, even if it is not located on their site.

### *3.3 Full Credit for Privately Owned Public Spaces (POPS) and Stratified Parks*

**Request:** The Town consider full (100%) credit to the land owner for the provision of an on-site privately owned public space and/or stratified parkland.

**Justification:** Provincial, Region and Town policies and plans provide that the majority of growth will be directed to intensification areas and Strategic Growth Areas. These policies also provide direction on the need for efficient development patterns, optimizing the use of

land, resources and public investment in infrastructure and public service facilities as well as promoting a mix of uses in a compact form. To address these policies, the parkland dedication requirements need to provide opportunities provide parkland that also makes efficient use of the land. In this regard, the parkland dedication policies and by-law must allow uses to be located beneath the parks that will not interfere with the function of the park. Definitions for stratified parks and privately owned public spaces are included in the proposed modifications. This could include public and private stormwater management facilities, underground parking, below-grade portions of buildings, utilities and other infrastructure. Where the parkland at grade will be able to function to meet the needs of the community, this area should receive full credit for parkland. In some cases, it would be appropriate for the open space area to remain in private ownership with an agreement for access by the public. Where the Town has entered into an agreement with the owner for a privately-owned public open space (POPS) and accessible from a public street, these POPS should also receive full credit for parkland dedication. POPS can be an important part of the fabric of dense urban communities, providing smaller urban parks that are maintained by the owner. While we agree that POPS need to be accessible from a public street, the proposed criteria to locate the POPS so that it has a direct connection to the parkland system will not always be feasible and restrictions on the configuration of the POPS (e.g. the proposed requirement for a minimum area combined with a minimum frontage) should not be part of the parkland policies and by-law and should instead be determined through site plan control. To the user, the experience is the same, as is the overall public benefit for a POPS or a stratified park compared to a publicly owned park with no encumbrances. Therefore, POPs and stratified parks should receive full credit for parkland dedication.

### *3.4 Accepting Off-site Parkland Dedications*

**Request:** The Draft Parkland Dedication Policy and By-law be amended to permit off-site parkland dedication as an acceptable alternative to satisfying on-site parkland dedication requirements.

**Justification:** Full credit for off-site dedications should also be included in the parkland policies and by-law. As discussed above, when parkland locations and land requirements have been determined through a comprehensive planning process, owners may be sharing the cost of parkland that is located in the plan area but not on their own site. Off-site dedication allows the Town to assemble dedications from multiple owners to create larger parks that can integrate more land intensive recreational uses. In Strategic Growth Areas and other intensification areas with minimum density targets, permitted off-site parkland and providing full credit, supports the efficient use of land to achieve the density targets.



#### 4.0 CONCLUSIONS

As outlined in this letter, as well as the modified instruments enclosed in **Attachments A** and **B**, it is our opinion that revisions to the proposed Draft Parkland Dedication Policy and By-law are necessary to ensure that these provisions are in-line with other municipalities and are not excessively punitive to high density developments in strategic growth areas which will in turn prevent the Town from achieving its population and employment targets set out by the Province.

Thank you for the opportunity to provide comments and proposed revisions to the parkland dedication policies and by-law. We look forward to continuing to work with staff on this important matter.

Yours very truly,

**Bousfields Inc.**



Emma West, MCIP, RPP



Tyler Grinyer, MCIP, RPP

*Attachments: Redline Draft Parkland Dedication Policy (Attachment A)  
Redline Draft Parkland Dedication By-law (Attachment B)  
Case Study and Comparable Municipal Contexts (Attachment C)*

cc *Northbridge Capital Inc.  
Distrikt Developments  
Alliance United Corp.  
Oak-Lane Investments Inc.*

## **Attachment A**

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### Parkland Dedication Policy

Policy number: Enter policy number  
Section: Administration  
Sub-section: Choose an item  
Author: Parks and Open Space  
Authority: Council  
Effective date: Click or tap to enter a date  
Review by date: Enter year (yyyy)  
Last modified: Click or tap to enter a date

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### Policy statement

The Corporation of the Town of Oakville (town) utilizes provisions in the *Planning Act* to obtain land for parks through land conveyance or payment-in-lieu of land from development and redevelopment. The application of the Parkland Dedication by-law shall be in accordance with the key objectives outlined in Parks Plan 2031.

### Purpose

The purpose of this policy is to ensure that the growing population of the town is well-served by its public parkland system, and that the new parkland generated reflects the evolving built form of the town.

### Scope

This policy applies to development and redevelopment within the town.

### References and related documents

*Planning Act*, R.S.O. 1990, c. P.13  
Parkland Dedication By-law  
Parks Plan 2031  
Parkland Dedication Procedure

### Parkland Dedication Policy

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Author(s): Choose an item  
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### Purpose statement

The purpose of this procedure is to establish the guidelines and process for the administration of the Town of Oakville (town) Parkland Dedication by-law. This procedure results in the conveyance of land or payment in lieu of land for parks in accordance with the Parkland Dedication by-law and the key objectives outlined in the Parks Plan 2031.

### Scope

This policy applies to development and redevelopment within the town.

### Procedure

The guidelines and process for conveyance of land or payment in lieu of land for parks shall be in accordance with the following key objectives:

- Meeting the town's Active Parkland Target
- Establishing a Context Appropriate Parkland Hierarchy
- Options for Ownership of the town's Parkland System
- Achieving the town's Parkland System
- Calculation of the Conveyance of Land
- Acceptance of Land
- Calculation of the Payment in lieu of Land



- Utilization of Payments in lieu of Land
- Administration
- Exemptions and Reductions

### 1. Meeting the Town's Active Parkland Target

The basis for the Parkland Dedication by-law is that the town achieve an Active Parkland Target of 2.2 hectares per 1,000 people to the horizon year of 2031.

### 2. Establishing a Context Appropriate Parkland Hierarchy

#### The Urban Parkland Hierarchy – Strategic Growth Areas

The following urban parkland hierarchy shall be used to establish or augment an appropriate park system within the town's Strategic Growth Areas (SGAs):

- I. Public Common (PC) - Between 0.75 and 2 ha in size - PC spaces are the social and recreational focal points of a neighbourhood. They typically meet the needs of the local community, and in some instances, accommodate town-wide facilities. PC spaces support a balance of active and passive uses. PC spaces shall be coordinated with urban school sites, where possible. PC spaces should accommodate special features that add visual interest and contribute to placemaking, including locations for public art. PC spaces are intended to serve community users who are generally within a 10-minute walking distance (approximately 800 metres).
- II. Urban Square (US) - Between 0.25 and 1 ha in size - US spaces support neighbourhood-oriented social opportunities, as well as town-wide entertainment and cultural events depending on their size and location. US spaces may include public art, small outdoor game areas, seating areas and places to eat, as well as street-related activities such as vendor and exhibit space. US spaces are intended to serve community users who are generally within a 5-minute walking distance (approximately 400 metres).
- III. Promenade (P) - P spaces are substantial linear spaces that are located between adjacent building facades and the adjacent road right-of-way. They are typically only located along one side of the street, and are continuous along the length of the block. P spaces are **to have a minimum width of 6 metres, and are typically** used to enhance the pedestrian experience along with highly activated at-grade retail spaces. P spaces may include public art, small outdoor game areas, seating areas and places to eat, as well as street-related activities such as vendor and exhibit space.

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- IV. Other Urban Park Spaces - Generally less than 0.25 ha - Other Urban Park Spaces support the social and cultural fabric of Oakville's SGAs. They are destinations for day-to-day use and may be animated by their adjacent uses, such as cafés and shops. They are intended to serve a local community that is generally within a 2.5 to 5-minute walk (approximately 200 to 400 metres) of residents, visitors and businesses. Other Urban Park spaces are small and compact spaces that are designed to a very high standard to support more intensified use. Other Urban Park spaces may include:
- i. Connecting Link (CL) - A CL is an outdoor or indoor walkway that may be lined with small stores, restaurants and cafés. A CL is a minimum of 4 metres in width, and may be substantially wider. When enclosed, the floor to ceiling height should be a minimum of 7 metres. Although a CL is intended to enable pedestrians to travel through the community quickly and easily, many are destinations unto themselves with seating, restaurant and retail frontages.
  - ii. Pocket Park – Pocket Parks are small, pedestrian friendly spaces that accommodate socializing in dense urban areas. They include primarily hard surface elements, but can also accommodate softer elements. Pocket Parks are destinations unto themselves with outdoor seating and may include restaurant and retail frontages. Pocket Parks should be a minimum of 75 square metres in size, and be connected to, and should have at least 7.5 metres of direct frontage along the public sidewalk system.
  - iii. Sliver Park - Sliver Parks are narrow linear spaces that often front restaurants, cafés and retail spaces. They create plazas or forecourts between the face of the adjacent building and the street right- of-way. They are effectively small scale extensions of the public sidewalk system.

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#### The Traditional Parkland Hierarchy - Established Neighbourhoods, North Oakville and Other Greenfield Communities

The following traditional parkland hierarchy shall be used to establish or augment an appropriate park system within the town's established neighbourhoods, North Oakville and other greenfield communities within the town:

- I. Community Park (CP) - Greater than 5 ha - CP spaces support a variety of recreational and athletic interests with amenities, such as sports fields and courts, large skateboard parks, outdoor skating facilities, field houses, picnic shelters, off-leash dog areas and water play facilities. CP spaces are typically co-located with Community Centres, where possible. CP spaces

may accommodate specialized events and amenities may attract users from across the Town.

- II. Neighbourhood Park (NP) - Between 0.75 and 5 ha - NP spaces support a balance of active and passive uses, such as playgrounds, skate zones, play courts, unlit sports fields and social gathering spaces. NP spaces may be coordinated with school sites, where possible. NP spaces serve a local community located within a 10-minute walk of the park space.
- III. Parkette (P) - Less than 0.75 ha - P spaces are recommended for instances where an NP space is not necessary, but local-level facilities (e.g., playground, waterplay, seating) are required to serve a nearby development. These spaces are not suitable for large features such as sports fields. P spaces support the social and cultural fabric of the community located within a 5-minute walk of the park space.
- IV. Eco Park - Greater than 3 ha - Eco Park spaces support environmental education, interpretation and nature-related recreation. Eco Park spaces include opportunities for linear and passive recreation and provide an ecological relief from the more urban environments in the town. Eco Park spaces may accommodate specialized events and amenities and will attract users from across the town. Where possible, Eco Parks should be considered to co-locate with other park opportunities that can more appropriately accommodate active recreation facilities.

### 3. Options for Ownership of the town's Parkland System

#### Ownership Options within the SGAs

Where land is to be considered as a parkland dedication contribution under the *Planning Act*, it is recommended that the town, as a first priority, require Fee Simple Parkland dedication for all Public Common, Urban Square, Promenade and Other Urban Park Spaces elements of the urban parkland system within the SGAs. In addition:

- I. Where there is an appropriate rationale, the town shall accept a Strata Park arrangement for Public Common, Urban Square, Promenade and Other Urban Park Spaces elements of the urban parkland system within the SGAs, at a full (100%) credit towards satisfying the parkland dedication contribution under the *Planning Act*.
- I. Where there is an appropriate rationale, and where the following criteria have been met, to the satisfaction of the town,

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II. the town shall accept Privately Owned Public Spaces (POPS) at a full (100%) credit towards satisfying the parkland dedication contribution under the *Planning Act*.



- i. It is an integral element, and is adjacent to the public sidewalk system;
- ii. It can be defined only as an Other Urban Park element, and is not a Public Common, Urban Square, or Promenade; and
- iii. An appropriate legal agreement has been established between the owner and the town that guarantees that the space is designed, built and maintained to town standards, and is open and accessible to the public at times defined in the legal agreement established between the owner and the Town.

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#### 4. Achieving the town's Parkland System

The town may utilize all of the following tools, in addition to this Parkland Dedication by-law to acquire/secure parkland resources:

- I. The Community Benefits provisions of the *Planning Act* and the town Community Benefits Charge Strategy and by-law;
- II. Off-site land dedication;
- III. Public acquisition;
- IV. Land exchanges;
- V. Donations, gifts, bequests; and/or,
- VI. Other methods deemed appropriate by the Town.

The town shall consider off-site parkland acquisition/dedication opportunities in order to augment its supply of parkland as a way of achieving its Active Parkland Target. Where an off-site land dedication is considered appropriate, the land area of the off-site parkland dedication shall be subject to the following criteria:

- i. The off-site land area is land that is acceptable as parkland dedication;
- ii. The land value identified for the required parkland dedication from the proposed development site is approximately equal to the land value of the off-site land dedication site, either in absolute per hectare land cost, or the amount of land to be dedicated; and,
- iii. An off-site parkland dedication shall be to the satisfaction of the town and the owner.

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#### 5. Calculation of the Conveyance of Land

Parkland within SGAs requires both a comprehensive planning approach to achieving the larger elements of the urban parkland hierarchy, as well as a requirement for smaller scale on-site parkland contributions to be achieved as follows:

- I. Within the town's defined SGAs, a minimum Achieved Parkland Standard (net parkland/Land Area of the Strategic Growth Area) of a minimum of 7.5%, with the objective of up to 12%, where opportunities exist, and that the planned urban parkland system within a comprehensively planned SGA be:
  - i. Comprised of the Public Common, Urban Square, Promenade and Other Urban Park Spaces categories; and,
  - ii. Distributed throughout the SGA, such that all residents are within a 2.5 minute walk (200 metres) from a defined Public Common, Urban Square, Promenade or Other Urban Park Spaces.

- I. For SGAs with a comprehensive plan that identifies an appropriate provision of parkland in accordance with the minimum Achieved Parkland Standard, and identifies general locations for elements of the urban parkland hierarchy, payment-in-lieu of parkland shall be accepted for lands not planned to accommodate parkland or elements of the urban parkland system.

The town shall consider off-site parkland dedication opportunities in order to augment its supply of parkland. On any site, the town may accept an on-site land contribution, an off-site land contribution and/or cash-in-lieu of land.

## 6. Acceptance of Land

### Lands Acceptable for Dedication

- i. The town identifies the following as fully acceptable lands for parkland dedication:

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An on-site urban parkland system contribution of not less than 5% of the net developable site area for any residential or mixed-use development that includes residential uses;  
The

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An urban

Deleted: system element shall have frontage on a public street right-of-way; and,  
Larger sites shall include larger

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- I. Lands in a condition satisfactory to the town and in accordance with the requirements of the town's Official Plan Policies respecting the acquisition of land, including a Record of Site Condition pursuant to the Environmental Protection Act; and,

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- II. Lands that are free of any/all title encumbrances except for the following encumbrances when the criteria in Section 3.I and 3.II of this Policy have been satisfied: transit facilities, underground parking facilities, underground portions of a building or structure, underground storm water facilities, utility corridors and other publicly or privately owned infrastructure;

Deleted: <#>Lands that are free of any/all title encumbrances.¶

If a survey is required to convey parkland required under this Parkland Dedication by-law, it shall be completed by and at the expense of the owner for the building permit.

#### Lands Potentially Acceptable for Dedication

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The town identifies the following as potentially being acceptable lands for parkland dedication, but at a reduced rate, to the satisfaction of the town:

- i. Lands that are within the designated Natural Heritage System, but are not specifically identified as a core natural feature;
- ii. Lands that include slopes between 5 percent and 15 percent, that are not included within the Natural Heritage System; and/or,
- iii. Lands that include designated cultural heritage resources or cultural heritage landscapes.

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Privately Owned Public Spaces (POPS) where located within a SGA subject to required legal agreements;¶

The town identifies the following as being acceptable lands for parkland dedication at full (100%) credit:

- i. Lands that are subject to a Strata Park arrangement; and/or
- ii. Privately Owned Public Spaces (POPS) subject to required legal agreements;
- iii. Lands used for utility corridors or any other infrastructure planned to accommodate parkland or active transportation corridors within SGAs as identified through a comprehensive plan;


Outside of SGAs, parkland on lands used for utility corridors or any other infrastructure shall be considered acceptable lands for parkland dedication at full (100%) credit, to be determined on a site-by-site basis.

In all circumstances, the actual amount of the land area discount shall be determined on a case-by-case basis, at the sole discretion of, and to the satisfaction of the town and the owner.

If a survey is required to convey parkland required under this Parkland Dedication by-law, it shall be completed by and at the expense of the owner for the building permit.

#### Lands Not Acceptable for Dedication

The town identifies the following as not acceptable lands for parkland dedication:

- i. Lands that are an identified core natural heritage feature as defined in the Official Plan, or an applicable Secondary Plan, or as identified in an Environmental Impact Study accepted by the town;
- ii. Lands that are susceptible to flooding, have poor drainage, erosion issues, extreme slopes (greater than 15 percent) or other environmental or physical conditions that would interfere with the lands potential development or use as a public park;
- iii.  Lands that are deemed to be contaminated in any way;

Deleted: <#>Lands that are required to accommodate storm water management facilities.†



- iv. ~~Lands that are encumbered by easements or similar legal instruments that prohibit public use.~~

Deleted: <#>Lands used for utility corridors or any other infrastructure; and/or, ~~¶~~

## 7. Calculation of the Payment in-lieu of Land

### Land Dedication/Cash-in-lieu within the SGAs

Within the SGAs it is understood that approximately 25% of the land or cash-in-lieu generated by development within the SGA shall be acquired within the SGA where it was generated - including lands secured through a comprehensive urban parkland system plan, and lands generated on individual development sites. The remaining 75% of the land and/or cash generated through the Parkland Dedication by-law through development and redevelopment within the SGAs is to be allocated in accordance with the priorities established in this procedure.

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### Land Dedication/Cash-in-lieu within the Established Neighbourhoods and Greenfield Communities

Within the Established Neighbourhoods and Greenfield Communities, land dedication shall always be the first priority, and that cash-in-lieu may only be acceptable where no reasonable alternative exists, including the opportunity for an off-site land dedication elsewhere within the town. Cash-in-lieu of land shall only be considered within the Established Neighbourhoods and Greenfield Communities under the following circumstances:

- i. Where the application of the parkland dedication requirements would render the remaining portion of the development site unsuitable or impractical for development;
- ii. Where the amount of parkland dedication generated by the development proposal is insufficient to accommodate a reasonable public park space;
- iii. Where existing public parkland is available and is deemed sufficient by the town in quantity and quality to accommodate further development in proximity to the proposed development;
  - iv. ~~Where a comprehensive planning process identifies the location and/or amount of parkland for that plan area; or.~~
- v. Where more suitable parcels of land are available for acquisition for public parkland purposes in other locations within the defined neighbourhood, or anywhere else within the town.

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### Establishing Land Value

For the purposes of calculating the payment in-lieu of land, the town's Manager, Realty Services shall coordinate a land appraisal process for the development or redevelopment as follows:

- i. The owner will contact the Manager, Realty Services no later than **X days** prior to the expected time of the first *building permit*
- ii. The owner and Manager, Realty Services will coordinate a land appraisal to be used in calculation of the CBC payable
- iii. The appraisal will be at the owners cost in accordance with the Town of Oakville rates and fees by-law
- iv. Land appraisals shall be carried out under the direction of the Manager, Realty Services, and shall be determined with reference to accepted appraisal standards and principles as outlined in the Canadian Uniform Standards of Professional Appraisal Practice
- v. Review of appraisal
- vi. Dispute resolution

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#### 8. Utilization of Payments in-lieu of Land

##### Prioritization of Funds

The town has established a reserve fund (special account) for the receipt of all cash-in-lieu of land contributions accrued through the parkland dedication/cash-in-lieu of parkland process identified in the Parkland Dedication by-law. The town may utilize cash-in-lieu funds for the following priorities:

- i. The first priority shall be the acquisition of land for public parkland or other public recreational purposes on the site subject to the proposed development.
- ii. The second priority shall be the acquisition of land for public parkland or other public recreational purposes within 400 metres of the site where the cash-in-lieu funds were generated;
- iii. The third priority shall be to fund the acquisition of lands for public parkland or other public recreational purposes within the boundaries of a comprehensive plan that applies to the site, if applicable;
- iv. The fourth priority shall be to fund the acquisition of lands for public parkland or other public recreational purposes anywhere in the town; and,
- v. The fifth priority shall be to fund:
  - a. The acquisition of lands for pathways, trails and associated infrastructure throughout the town, with a focus on missing links;
  - b. The erection, improvement or repair of buildings used for park or other public recreational purposes; and/or,
  - c. The acquisition of vehicles and equipment used for parks maintenance or other public recreational purposes.

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##### Parkland Acquisition Strategy

The town shall establish a Parkland Acquisition Strategy to ensure that funds collected through the cash-in-lieu of land provisions of this Parkland Dedication by-law are utilized to ensure that the town-wide Active Parkland System Target of 2.2 hectares per 1,000

people is achieved in concert with planned population growth. Within the Parkland Acquisition Strategy the Town shall identify priorities for land acquisition and a budget for allocating funds, on an annual basis to ensure that all cash-in-lieu funds collected are spent on identified parkland system improvements in a timely fashion.

## 9. Administration

- I. The town may invest in securities as permitted under the Municipal Act. Income received from investment of the Parkland reserve fund shall be credited to the Parkland reserve fund in accordance with the town's Reserve/Reserve Fund Procedure.
- II. In administering the Parkland reserve fund, the Treasurer shall report on the activities and status of the Parkland reserve fund in an Annual Financial Statement relating to the Parkland reserve fund in accordance with the *regulation*. The Annual Financial Statement shall include, for the preceding year, an accounting of the opening and closing balances of the special cash-in-lieu account and all of the transactions relating to the account, as well as statements identifying:
  - i. Any land or machinery acquired during the year with funds from the Parkland reserve fund;
  - ii. Any capital improvements carried out during the year with funds from the Parkland reserve fund;
  - iii. Any building erected, improved or repaired during the year with funds from the Parkland reserve fund; and,
  - iv. The details of the amounts spent.
- III. As per the requirements of the *Act*, the Treasurer shall maintain a record of all lands and cash-in-lieu received and including all expenditures from the Parkland reserve fund. The cash-in-lieu of parkland dedication record and associated Annual Financial Statement shall be reported to Council and made available to the public on a yearly basis. The Treasurer shall give a copy of the Annual Financial Statement to the Minister of Municipal Affairs upon request.
- IV. The Town shall review this Parkland Dedication by-law to determine its effectiveness both in terms of its regulatory context and in its consistent application. The review shall occur, at a minimum, in response to relevant changes in Provincial planning policies and/or whenever the town reviews its relevant Official Plan policies OR this Parkland Dedication by-law shall be reviewed at a minimum of every 5 years, or at an earlier time as prescribed by Council.

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## 10. Exemptions and Reductions

Exemptions and reductions for certain types of development and redevelopment are outlined in the Parkland Dedication by-law. There will be no further exemptions or reductions associated with:

- i. The town's Development Charges by-law
- ii. The town's Community Benefits Charge by-law
- iii. Any works undertaken by the owner as a condition of the site plan approval process, or related planning or servicing agreements or other development- related agreements considered distinct and separate from the requirements under the authority of the Parkland Dedication by-law

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#### References and related documents

*Planning Act*, R.S.O. 1990, c. P.13  
Ontario Regulation 509/20  
Parkland Dedication By-law  
Parks Plan - 2031  
Parkland Dedication Policy

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#### Definitions

*Act* means the *Planning Act*, R.S.O. 1990, c. P.1;

*Building permit* means permit under the Building Code Act for construction at or above the first storey of a building;

*regulation* means O. Reg. 509/20 as amended or successor regulation;

*town* means the Corporation of the Town of Oakville;

*Stratified Park or Strata Park* means parkland in the form of publicly accessible open space developed above infrastructure, such as transit facilities, underground parking facilities, underground portions of a building or structure, underground storm water facilities, utility corridors, other publicly or privately owned infrastructure. The parkland may be conveyed to the Town by the owner through the appropriate legal agreement, but will remain privately owned (and typically privately operated), whereas the underlying infrastructure may be maintained within public or private ownership.

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#### Responsibilities

The Director, Planning Services shall be responsible to:

- In coordination with the Director, Parks and Open Space, determine the appropriate use of the Parkland Dedication by-law for a development or redevelopment in order to achieve the appropriate town parkland system in accordance with this procedure
- Make recommendations for the utilization of payments in lieu of land



- Coordinate with various staff for the preparation of agreements related to Strata parks and POPs

The Director, Parks and Open Space shall be responsible to:

- In coordination with the Director, Planning Services, determine the appropriate use of the Parkland Dedication by-law for a development or redevelopment in order to achieve the appropriate town parkland system in accordance with this procedure
- Make recommendations for the utilization of payments in lieu of land
- Coordinate with various staff for the preparation of agreements related to Strata parks and POPs

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The Manager, Realty Services shall be responsible to:

- Administer the land valuation process
- Calculate the Payment in lieu of land

The Treasurer or designate shall be responsible to:

- Oversee the administration and reporting on the Parkland reserve fund
- In coordination with the Director, Planning Services and Director, Parks and Open Space, consider the use of acquisition tools beyond the Parkland Dedication by-law

The Town Solicitor or designate shall be responsible to:

- Administer agreements associated with the Parkland Dedication by-law and this procedure

## Appendices

List forms, flowcharts, etc. (delete this section if not required)

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## **Attachment B**

**THE CORPORATION OF THE TOWN OF OAKVILLE  
BY-LAW NUMBER 2022 - xxxx**

Appendix A

**A By-law to require the conveyance of parkland or the payment of  
payment-in-lieu of parkland pursuant to the Planning Act**

**WHEREAS** Sections 42, 51.1 and 53 of the Planning Act authorize local municipalities to require that land or payment-in-lieu thereof be conveyed to the local municipality for park or other public recreational purposes as a condition of development, or redevelopment, or the subdivision of land;

**AND WHEREAS** Council for the Corporation of the Town of Oakville deems it necessary and expedient to enact a By-law to provide for the provision of lands for park or other public recreational purposes and the use of alternative requirements;

**AND WHEREAS** the Town of Oakville Official Plan contains approved policies regarding the requirements for the conveyance of land for park or other public recreational purposes;

**AND WHEREAS** Council for the Corporation of the Town of Oakville desires to repeal and replace By-law 2008-195 with an updated By-law to provide for the conveyance of land and payment-in-lieu thereof for park and other public recreational purposes;

**AND WHEREAS** Section 23.1 to 23.3 of the Municipal Act authorize the delegation of powers or duties of the municipality subject to restrictions;

**NOW THEREFORE** Council enacts as follows:

**DEFINITIONS**

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In this By-law:

“Basement” means the portion of a building between the first storey and any floor below the level of the first floor.

“Building Permit” means the first permit issued under the Building Code Act for construction at or above the first storey of a building or structure’

“Commercial Purposes” means the use of land, building or structure, or part thereof, for the retail sale of goods and/or services, as well as non-governmental office facilities.

“Council” means the Council of the Town of Oakville.

“Development” means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishment of a commercial parking lot.

“First storey” means the storey of a building, structure or part thereof, that has its floor closest to the grade and its ceiling more than 1.8 m above the grade.

**DRAFT for Discussion – August 18, 2022**

Page 1 of 9

"Grade" means the average level of finished ground adjoining a building or structure at all exterior walls.

"Industrial purposes" means the use of land, building or structure, or part thereof for manufacturing, warehousing, distribution and/or recycling operations. Industrial purposes may also include the bulk storage of goods and related accessory uses.

"Land Area" means the area of land that is to be conveyed under this by-law in fee simple to the Town and which conveyance can be registered in the Land Registry Office.

"Owner" means the registered owner of the land to be developed, redeveloped, or subdivided.

"Planning Act" means the Planning Act, R.S.O. 1990, c. P.13, as amended.

"Privately Owned Public Spaces" means a public space that is privately owned, operated and maintained, but is made publicly accessible via legal agreements between the property owner and the Town.

"Redevelopment" means the removal of buildings or structures from land and further development of the land, or the substantial renovation of a building or structure and a change in the character or intensity (density) of use in connection therewith.

"Residential Purposes" means living a building, or part of a building that is used for the accommodation of a person or persons living together as a single household unit, in which both food preparation and sanitary facilities are provided for the exclusive use of the occupants of the unit.

"Storey" means the portion of a building that is: a) situated between the top of any floor and the top of the floor next above it; or, b) situated between the top of the floor and the ceiling above the floor, if there is no floor above it.

"Strategic Growth Areas" means those areas identified by the Town of Oakville Official Plan to be the focus for accommodating intensification.

"Stratified Parks" means parkland in the form of publicly accessible open space developed above infrastructure, such as transit facilities, underground parking facilities, underground portions of a building or structure, underground storm water facilities, utility corridors, other publicly or privately owned infrastructure. The parkland may be conveyed to the Town by the owner through the appropriate legal agreement, but will remain privately owned (and typically privately operated), whereas the underlying infrastructure may be maintained within public or private ownership.

"Town" means The Corporation of the Town of Oakville.

## **PART 1 – Calculation of Conveyance**

**DRAFT for Discussion – August 18, 2022**



1.1 **Required Parkland Conveyance – General** – As a condition of development or redevelopment of land, the Town shall require the conveyance of land or payment-in-lieu equivalent to the Town for parks and other public recreational purposes as follows:

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- i. *Commercial and Industrial Purposes* – in the amount of 2 percent of the Land Area proposed for Commercial and/or Industrial Purposes. Where any form of commercial or industrial redevelopment is proposed, and where no prior parkland dedication has been provided or payment-in-lieu paid (prior to 2008), the Town shall require parkland dedication in the amount of 2 percent of the Land Area, unless otherwise identified as exempt from parkland dedication by the Town;

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DRAFT for Discussion – August 18, 2022

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- ii. *All Other Non-Residential Purposes* – in the amount of 5 percent of the Land Area proposed for all other non-residential purposes. Where any form of redevelopment is proposed within this land use category, and where no prior parkland dedication has been provided or payment-in-lieu paid (prior to 2008), the Town shall require parkland dedication in the amount of 5 percent of the Land Area, unless otherwise identified as exempt from parkland dedication by the Town;

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- iii. *Residential Purposes* - in the amount of 5 percent of the Land Area proposed for residential purposes. Where any form of redevelopment is proposed within this land use category, and where no prior parkland dedication has been provided or payment-in-lieu paid (prior to 2008), the Town shall require parkland dedication in the amount of 5 percent of the Land Area, unless otherwise identified as exempt from parkland dedication by the Town;

- iv. *As an alternative to requiring the conveyance provided for in section 1.1 (iii) above, for lands proposed for a development or redevelopment for a residential purpose, the Town may elect that land be conveyed at a rate of one (1) hectare for each three hundred (300) residential units proposed.*

- v. *Mixed-Use Development* – based on a formula that pro-rates the parkland dedication on the basis of the mixture of land uses proposed, as follows:

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Residential Contribution + Pro-Rated Institutional Contribution + Pro-Rated Commercial/Industrial Contribution = TOTAL CONTRIBUTION, where:

- The Residential Contribution = parkland dedication as per the rate identified in this Parkland Dedication By-law; PLUS,
- The Pro-Rated Institutional uses = ((Institutional GFA/Site Area)\*100)\*5 percent; PLUS,
- The Pro-Rated Commercial and Industrial = ((Commercial and Industrial GFA/Site Area)\*100)\*2 percent.

Where payment-in-lieu is considered appropriate by the Town, it shall be based on the payment equivalent of the application of the Mixed-Use Formula;

- 1.2 **Residential Development in Established Neighbourhoods, North Oakville and Other Greenfield Communities** – Residential parkland dedication rates shall be required, as follows:

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- i. *Significant Residential Intensification* – Where a significant residential intensification is proposed, and not anticipated by the Official Plan (requiring an Official Plan Amendment) residential development shall be required to contribute the land and/or

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payment-in-lieu equivalent of the lesser of 1 hectare for each 500 dwelling units proposed or \$22,269.00 per unit. The Town shall index the payment-in-lieu equivalent rate on a semi-annual basis to reflect land value increases or decreases. [NTD – what rate would apply in North Oakville or Other Greenfield communities where significant residential intensification was proposed but an OPA was not required?]

- ii. *Small-Scale Residential Intensification within Established Neighbourhoods* – For Small-Scale Residential Intensification, where no Official Plan Amendment is required, the Town establishes a set requirement of 1 hectare per 500 dwelling units. The requirement shall apply only to the new units generated over and above the number of units remaining or being replaced, and may be based on the type of unit (number of bedrooms) consistent with the approach used in the Town's Development Charges By-law; and, [NTD – Further clarification required from the Town as to the intent of this policy. Is the Town anticipating that from small-scale residential developments in established neighbourhoods that only CIL would be applicable?]

- iii. *Additional Residential Units* – For Additional Residential Units, as defined by the Planning Act, permitted by the Official Plan and Implementing Zoning By-Law, the Town shall exempt those new dwelling units from any parkland dedication requirement.

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1.3 **Residential Development within Strategic Growth Areas** – Within the Town's identified Strategic Growth Areas, residential development shall be required to contribute the land and/or payment-in-lieu equivalent of the lesser of 1 hectare for each 500 dwelling units proposed or \$12,000.00 per unit, but shall not exceed 15 percent of the value of the Net Area of the land. In the case of an on-site parkland dedication being provided, the area of the land shall not exceed 15 percent of the Net Area of the land. The Town shall index the payment-in-lieu equivalent rate on a semi-annual basis to reflect land value increases or decreases.

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1.4 **Off-Site Parkland Dedication** – The town shall consider off-site parkland dedication opportunities in order to augment its supply of parkland. On any site, the town may accept an on-site land contribution, an off-site land contribution and/or cash-in-lieu of land.

## PART 2: Parkland Credits

2.1 **Lands Previously Conveyed** – Where land has been previously been conveyed, or a payment of payment-in-lieu of such conveyance has been previously received by the Town, no additional conveyance or payment in respect of the land subject to the earlier conveyance or payment may be required by the Town in respect of subsequent development or redevelopment applications, unless:

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- i. There is a change in the proposed development which would increase the residential density (expressed as Gross Floor Area or number of units) of the current use or currently approved use; or,
- ii. Lands originally identified for development or redevelopment for Commercial or Industrial Purposes are instead proposed for development or redevelopment for residential or other purposes that generate a higher parkland dedication.

Where such increase in density and/or dwelling units is proposed, or where a land use conversion is proposed, from a non-residential land use to a residential land use, or from Commercial or Industrial Purposes to any other land use, the conveyance will be subject to the increase in density/dwelling units/land use proposed and the value determined the day before the day that the first building permit is issued.

2.2 **Existing Agreements** – Nothing in this Parkland Dedication By-law shall be interpreted so as to frustrate, invalidate or supersede any existing agreements that have been previously executed between the land owners and the Town with respect to area specific parkland dedication, delivery and funding arrangements, and any amendments to such agreements, provided that the proposed development proceeds in a manner set out under such agreements.

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2.3 **Comprehensive Plans** - Nothing in this Parkland Dedication By-law shall be interpreted so as to invalidate or superseded the approach to the dedication of land for parkland, including but not limited to the general location and amount of land, identified in a comprehensive plan.

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including an Official Plan Amendment, Secondary Plan or Planning Study.

- 2.4 **Credits Considered** – This Parkland Dedication By-law identifies that parkland dedication credits may be considered by the Town where a specified developer has over-provided a parkland dedication on one site, and then, subject to approval by the Town, may reduce the required parkland dedication on another site being developed by the same developer. Legal agreements between the developer and the Town may be required to facilitate the intent of this recommendation.

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- 2.5 **Lands Acceptable for Conveyance and Parkland Credits** – The Town shall accept the following encumbered lands at a full (100%) credit towards satisfying the parkland dedication requirements set out in Part 1 of this By-law:

- i. Strata parks;
- ii. Privately owned public space (POPS);
- iii. Land encumbered by transit facilities, underground parking facilities, underground portions of a building or structure, underground storm water facilities, utility corridors, other publicly or privately owned infrastructure; and

Parkland credits for the encumbered lands specified above shall require the owner to enter into an appropriate legal agreement with the Town, and shall be credited provided that the encumbered lands:

- iv. are designed, built and maintained to the Town standards;
- v. in the case of POPS, are accessible to the public at times set out in an agreement between the Town and the owner; and
- vi. in the case of POPS, are adjacent to the public sidewalk system.

### **PART 3: Payment-in-lieu of Land**

- 3.1 **Determining when Payment-in-lieu is appropriate** - Where lands proposed for development or redevelopment are less than 1,500 square metres in size, the Town shall consider payment-in-lieu as acceptable when a land contribution is

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required. The Town may also consider when a combination of on-site land dedication, off-site land dedication and/or payment-in-lieu of land is appropriate.

Where payment-in-lieu is considered appropriate by the Town, it shall be based on the payment equivalent of the applicable parkland dedication requirement as established in this Parkland Dedication By-law. For residential, or the residential component of a mixed-use development, under no circumstances will a payment-in-lieu equivalent exceed 1 hectare per 500 dwelling units, and shall not exceed 15 percent of the value of the Net Area of the land in strategic growth areas.

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#### **PART 4: Establishing Land Value**

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- 4.1 Timing for Land Value Assessment** - Where land is required to be conveyed to the Town, and/or payment-in-lieu is required to be paid to the Town in accordance with this Parkland Dedication By-law:
- i. For development or redevelopment subject to Section 42 of the Planning Act, the value of the land or payment-in-lieu equivalent to be paid shall be determined as the value of the land the day before the day that the building permit is issued, and if more than one building permit is required, the value shall be calculated the day before the day that the first building permit is issued;
  - ii. For development or redevelopment subject to Sections 51.1 and 53 of the Planning Act, the value of the land or payment-in-lieu equivalent shall be determined in accordance with the conditions of approval of a plan of subdivision or condominium pursuant to Section 51 of the Planning Act or the conditions of provisional consent pursuant to Section 53 of the Planning Act. For lands where no subsequent Site Plan Approval is required, Draft Plan Approval shall be subsequent to Official Plan designations and Zoning By-Law approvals that establish the use and development parameters of the land in anticipation of appropriate development; or,
  - iii. For development or redevelopment which occurs pursuant to either of Sections 42 or 51.1 of the Planning Act and for which approvals are issued in phases, the Town shall calculate and require the conveyance of land for park purposes or the payment of payment-in-lieu in accordance with the provisions of this Parkland Dedication By-law, on a phase by phase basis.

#### **PART 5: Administration**

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- 5.1 Applicability of this By-law** - this Parkland Dedication By-law is applicable to all lands within the corporate limits of the Town of Oakville.
- 5.2 Delegation to Staff** - Council hereby delegates to the Director of Planning in consultation with the Director of Parks and Open Space and the Manager of Realty Services, the administration of this Parkland Dedication By-Law, including the authority to:

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- i. Negotiate parkland dedication and/or payment-in-lieu for each development or redevelopment application, and execution of parkland dedication agreements or amendments thereto as may be necessary, in accordance with the provisions of the Town's Parkland Dedication By-Law and the policies of the Official Plan; and,
- ii. Establish the location and configuration of land required to be conveyed;
- iii. Establish the value of land for the purpose of calculating any required payment; and,
- iv. Maintain records of all lands and payment-in-lieu received and including all expenditures from the payment-in-lieu parkland reserve fund. The payment-in-lieu parkland dedication record and associated financial statements shall be reported to the Town Treasurer.

Notwithstanding the foregoing, Council retains the authority to make or reconsider, at any time and without notice, revoke or restrict any delegated power that has been delegated pursuant to this by-law.

**5.3 Agreements Apply** - Notwithstanding any other provisions in this Parkland Dedication By-law, where before or after the passing of this By-law, the Council of the Town of Oakville has approved or authorized an agreement with respect to the dedication of parkland or the payment of payment-in-lieu of parkland, the terms of that agreement shall remain binding between the parties, and any parkland dedication or payment of payment-in-lieu of parkland shall be in accordance with the rates specified in the agreement rather than the rates provided for in this Parkland Dedication By-law.

**5.4 Severability** - In the event that any Section of this Parkland Dedication By-Law is determined by a Court or Tribunal, to be invalid, that specific portion of this Parkland Dedication By-law shall be considered to be severed from the balance of this By-law, which will continue to operate in full force and effect.

**5.5 Net Area** – the land area proposed for development or redevelopment net of any conveyances for public infrastructure or road purposes, and any required Ministry of Transportation set back areas where no development can be built.

**5.6** By-law 2008-195 is hereby repealed.

**5.7** This By-law may be cited as the "Parkland Dedication By-law".

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## **Attachment C**



# Parkland Dedication / Cash-in-Lieu Requirements

## Case Study Assumptions

The site below is located within an Urban Growth Centre (UGC) and is within the boundaries of a Major Transit Station Area (MTSA)

<b>Site Area (ha)</b>	1.26
<b>Site Area (sm)</b>	12,617
<b>Net Site Area (ha)*</b>	1.02
<b>Net Floor Area (sm)</b>	120,803
<b>Res NFA (sm)**</b>	115,718 (95.8% of development)
<b>Non-Res NFA (sm)</b>	5,085 (4.2% of development)
<b>Non-res FSI (ha)</b>	0.40
<b>Total TFA (sm)</b>	136,700
<b>Total Units</b>	1,750
<b>Land Value (p/ha)</b>	\$ 82,862,982.00
<b>Land Value (p/sm)</b>	\$ 699.65
<b>Area of POPS (sm)</b>	3,295
<b>Est proportion of residential development</b>	1.2 ha
<b>Est proportion of non - residential development</b>	0.06 ha

\* net any conveyances for public roads

\*\* includes amenity NFA for the purposes of this analysis

LOCATION	PARKLAND DEDICATION						CASH-IN-LIEU	
	RESIDENTIAL	CASE STUDY	RESIDENTIAL (ALTERNATIVE)	CASE STUDY	NON-RESIDENTIAL	CASE STUDY	REQUIREMENT	CASE STUDY
<b>Oakville</b> (Existing By-law 2008-105)	Greater of: 5% of land <u>OR</u> 1 ha per 300 units	5.83 ha	-	-	2% of land	0.0 ha	In lieu of requiring the conveyance of land as set out in Section 2, the Town may, at its discretion, require payment of money to the value of the land otherwise required to be conveyed under this by-law, or a combination of land and money.	\$483,367,395.69
<b>Oakville</b> (Proposed BL 2022)	-	-	Residential Contribution Rate + The Pro-Rated Commercial and Industrial Contribution Rate	4.31 ha	-	-	\$22,269 per unit	\$38,970,750.00
<b>Vaughan</b> (Adopted By-law 168-2022)	In the case of lands proposed for development or redevelopment for a residential purpose, which includes residential portions of a mixed-use development, or other purpose not mentioned in section 2(1)a), five percent (5%) of the lands shall be conveyed	0.06 ha	1 ha per 300 units	5.83 ha	In the case of a mixed-use development or redevelopment where the non-residential gross floor area represents equal to or less than twenty percent (20%) of the total gross floor area, no parkland dedication shall be imposed on the non-residential portion	0.0 ha	Lesser of 1 ha per 500 units <u>OR</u> \$11,300 per unit	\$19,775,000.00
<b>Mississauga</b> (By-law 137-2022)	See below *	3.50 ha	-	-	Notwithstanding subsections 4(6) and 4(7) of this By-law, in the case of a Mixed Use Development or Redevelopment where the Gross Floor Area for Non-Residential Uses is	0.0 ha	Medium and High Density Development or Redevelopment, the payment of Cash-In-Lieu for the outstanding residential conveyance requirement shall be no greater than an amount equal to the number of residential Dwelling Units, or outstanding Dwelling units per	\$27,112,750.00

					equal to or less than twenty percent (20%) of the Gross Floor Area for all uses, no parkland dedication requirement shall be imposed on the non-residential portion		subsection 9(2), multiplied by the CIL Capped Rate (August 1, 2022, rate = \$15,493)	
<b>Burlington</b> (By-law 57-2005, as amended in July 2022)	Greater of 5% of land to be developed <u>OR</u> 1 ha per 300 units in the development	5.83 ha	-	-	-	-	High Density: The lesser of the number of units divided by 500 x the per hectare land value on the day before the day the building permit is issued; <u>OR</u> the number of units in the proposed development x \$23,600	\$41,300,000.00
<b>Hamilton</b> (By-law 09-124, as amended in 2022)	0.5 ha per 300 units	2.92 ha	-	-	2% of Net Land Area	0.0 ha	<p>Notwithstanding subsections 4(1)(b)(i), (ii), (iii), (iv) and 5(1), cash-in-lieu of parkland dedication for new residential development or redevelopment in the form of Multiple Dwellings located within the Downtown Hamilton Community Improvement Project Area (CIPA), as shown on Schedule "C", shall be fixed at the following dollar amount per unit, subject to annual indexing as described in subsection 5(9).</p> <p>Notwithstanding subsection 5(5), each residential unit or Multiple Dwelling Unit provided in a portion of a development exceeding the stated maximum building heights identified in Schedule "D" shall be subject to the cash-in-lieu rate for "Lower Hamilton" contained in subsection 5(4).</p> <p>For additional clarity, Schedule "D" identifies maximum heights as adopted by City Council on April 25, 2018. Subsequent amendments to Schedule "F" Figure 1 of Zoning By-</p>	\$20,011,250.00

							Law 05-200, either through Ontario Land Tribunal (OLT) decisions or City Council approved site-specific modifications, shall not alter the maximum heights contained in Schedule "D" for the purposes of determining applicable cash-in-lieu rates as described herein; (\$11,435 per dwelling unit)	
<b>Toronto</b> (Existing (City of Toronto Official Plan))	-	-	An alternative parkland dedication rate of 0.4 hectares per 300 units will be applied to proposals for residential development and for the residential portion of mixed use development as follows: the development proposal is in a priority area where Council has identified a need for parkland and enacted an Alternative Parkland Dedication By-law; for sites 1 hectare to 5 hectares in size, the parkland dedication will not exceed 15 per cent of the development site, net of any conveyances for public road purposes	0.15 ha	2% of land	0.0 ha	The value of cash-in-lieu will not exceed 15 per cent of the value of the development site, net of any conveyances for public road purposes, for sites 1 hectare to 5 hectares in size	\$12,678,036.26
<b>Brampton</b> (By-law 283-2013, as amended & January 1, 2022 modifications)	In the case of lands proposed for Residential purposes, at a rate of five per cent (5%) of the land being Developed or	5.83 ha	-	-	2% of land	0.0 ha	The current rate is \$4,403/unit (effective February 1, 2022) <u>OR</u> 10% of the value of the land, whichever is greater, and is applicable on all High Density units, as per the By-law	\$10,440,735.75



	Redeveloped, or one (1) hectare for each three hundred (300) Dwelling Units proposed, whichever is greater							
<b>Richmond Hill</b> (By-law 58-13, as amended)	The greater of: 5 per cent of the land proposed for development or redevelopment; <u>OR</u> 1 hectare of land for each 730 persons to be housed within the Dwelling Units in the proposed development based on the following rates: - 3.51 persons per Dwelling Unit in a Single Detached Building; - 2.88 persons per Dwelling Unit in a Semi-Detached Building; - 2.83 persons per Dwelling Unit in a Townhouse; and - 1.92 persons per Multi-Residential Dwelling Unit.	4.60 ha	-	-	-	-	For the period commencing December 1, 2018 through to December 31, 2021, or in the case of any party submitting a development application during the period of December 1, 2018 to December 31, 2021 and who submit a complete building permit applications by December 31, 2024, the value of land shall be calculated at a rate of: 1 hectare of land for every 500 units to a maximum of \$10,000.00 per Multi Residential Dwelling Unit to be located within a Multi-Residential Building; and, 1 hectare of land for every 500 units to a maximum of \$11,500.00 per unit in stacked and town-house developments. By-law 21-19, 4 February, 2019	\$17,500,000.00
<b>Transit Oriented Communities</b> (new rate)	-	-	-	-	-	-	10% of the Land Value	\$8,452,103

\* Mississauga Mixed Use Medium and High Density Dedication Rate

- (7) In the case of a Mixed Use Development or Redevelopment, where the Residential Use component includes Residential Medium and High Density Development, the conveyance shall be determined in accordance with the following formula:

$$\begin{aligned} & \text{The Greater of } \left( \frac{\left( \frac{GFA \text{ for Residential Uses}}{GFA \text{ for All Uses}} \times 5\% \times \text{Net Land Area} \right)}{\text{or}} \right. \\ & \left. \left( \frac{\text{Number of Residential Dwelling Units}}{500} \times 1 \text{ hectare} \right) \right) \\ & + \left( \frac{GFA \text{ for Non Residential Uses}}{GFA \text{ for All Uses}} \times 2\% \times \text{Net Land Area} \right) \end{aligned}$$

\*\* In the case of land proposed for development or redevelopment for more than one purpose, the owner shall be required to convey land at the rate applicable to the predominant proposed use of the land and all of the land proposed for development or redevelopment shall be included for the purpose of calculating the amount of land required to be conveyed

FIXED \$/UNIT CASH-IN-LIEU RATE		
MUNICIPALITY	RATE	POLICY REFERENCE
Oakville	\$22,269.00	<p>(July 2022 Proposed By-law)</p> <p>Policy 1.3 - Residential Development within Strategic Growth Areas - Within the Town's identified Strategic Growth Areas, residential development shall be required to contribute the land and/or payment-in-lieu equivalent of the lesser of 1 hectare for each 500 dwelling units proposed or \$22,269.00 per unit. The Town shall index the payment-in-lieu equivalent rate on a semi-annual basis to reflect land value increases or decreases.</p>
Vaughan	\$11,300.00	<p>(By-law 168-2022)</p> <p>Policy 4(4) - A payment-in-lieu for a multiple unit building development or redevelopment shall be the lesser of,</p> <p>(a) the value of land using a rate of one hectare for each five hundred (500) residential units based on the subject site land value; or</p> <p>(b) a payment calculated by multiplying the number of residential units for the residential purpose with the applicable unit rate of:</p> <ul style="list-style-type: none"> <li>I. \$11,300 per unit on the day this By-law comes into full force and effect;</li> <li>II. \$15,050 per unit effective March 1, 2023;</li> <li>III. \$20,050 per unit effective March 1, 2024;</li> <li>IV. \$27,994 per unit effective March 1, 2025; and</li> <li>V. subject to a 4.25% increase on each one-year anniversary after March 1, 2025 without amendment to this By-law.</li> </ul>
Mississauga	\$15,493.00	<p>(2022 By-law)</p> <p>Section 9(3) - Notwithstanding subsections 9(1) of this By-law, for Medium and High Density Development or Redevelopment, the payment of Cash-In-Lieu for the outstanding residential conveyance requirement shall be no greater than an amount equal to the number of residential Dwelling Units, or outstanding Dwelling units per subsection 9(2), multiplied by the CIL Capped Rate.</p>

		<div>SCHEDULE 'A' TO PARKLAND CONVEYANCE BYLAW NO. XXXX-2022 IMPLEMENTATION SCHEDULE FOR THE CIL CAPPED RATE</div> <table><tr><th>Effective Date:</th><th>CIL Capped Rate per Unit:</th></tr><tr><td>By-law passage</td><td>\$11,370</td></tr><tr><td>1 August, 2022</td><td>\$15,493</td></tr><tr><td>1 February, 2023</td><td>\$19,615</td></tr><tr><td>1 August, 2023</td><td>\$25,112</td></tr><tr><td>1 February, 2024</td><td>\$26,116</td></tr><tr><td>1 August, 2024</td><td>\$27,161</td></tr><tr><td>1 February, 2025</td><td>\$28,248</td></tr><tr><td>1 August, 2025</td><td>\$29,377</td></tr><tr><td>1 February, 2026</td><td>\$30,553</td></tr><tr><td>1 August, 2026</td><td>\$31,775</td></tr><tr><td>1 February, 2027</td><td>\$33,046</td></tr><tr><td>For every subsequent 6-month period following</td><td>Increase by 4.0%</td></tr></table>	Effective Date:	CIL Capped Rate per Unit:	By-law passage	\$11,370	1 August, 2022	\$15,493	1 February, 2023	\$19,615	1 August, 2023	\$25,112	1 February, 2024	\$26,116	1 August, 2024	\$27,161	1 February, 2025	\$28,248	1 August, 2025	\$29,377	1 February, 2026	\$30,553	1 August, 2026	\$31,775	1 February, 2027	\$33,046	For every subsequent 6-month period following	Increase by 4.0%
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For every subsequent 6-month period following	Increase by 4.0%																											
Burlington	\$23,600.00	<div>(By-law 57-2005, as amended in July 2022)</div> <div><div><div><div>•</div><div>Low Density: 5% of the land area being developed at the time of building permit issuance - No Change</div></div><div><div>•</div><div>Medium Density, the lesser of:</div><div><div>i.</div><div>the number of units in the proposed development divided by 500 x the per hectare land value of the land to be developed as of the day before the day the building permit authorizing development is issued; or</div></div><div><div>ii.</div><div>the number of units in the proposed development x \$33,400</div></div></div><div><div>•</div><div>High Density, the lesser of:</div><div><div>i.</div><div>the number of units in the proposed development divided by 500 x the per hectare land value of the land to be developed as of the day before the day the building permit authorizing development is issued; or</div></div></div></div></div>																										



		ii. the number of units in the proposed development x \$23,600												
Hamilton	\$11,435	<p>(By-law 09-124, as amended in 2022)</p> <p>Policy 5(5) - Notwithstanding subsections 4(1)(b)(i), (ii), (iii), (iv) and 5(1), cash-in-lieu of parkland dedication for new residential development or redevelopment in the form of Multiple Dwellings located within the Downtown Hamilton Community Improvement Project Area (CIPA), as shown on Schedule “C”, shall be fixed at the following dollar amount per unit, subject to annual indexing as described in subsection 5(9);</p> <table><tr><th>Area (As outlined in Schedule “C”)</th><th>Fixed Rate per New Residential Unit or Multiple Dwelling Unit</th></tr><tr><td>Downtown Hamilton CIPA</td><td>\$5,000</td></tr></table> <p>Policy 5(6) - Notwithstanding subsection 5(5), each residential unit or Multiple Dwelling Unit provided in a portion of a development exceeding the stated maximum building heights identified in Schedule “D” shall be subject to the cash-in-lieu rate for</p> <p>“Lower Hamilton” contained in subsection 5(4). For additional clarity, Schedule “D” identifies maximum heights as adopted by City Council on April 25, 2018. Subsequent amendments to Schedule “F” Figure 1 of Zoning By-Law 05-200, either through Ontario Land Tribunal (OLT) decisions or City Council approved site-specific modifications, shall not alter the maximum heights contained in Schedule “D” for the purposes of determining applicable cash-in-lieu rates as described herein;</p> <table><tr><th>Area (As outlined in Schedule “A”)</th><th>Fixed Rate per Multiple Dwelling Unit</th></tr><tr><td>Ancaster, Flamborough, Dundas, Westdale</td><td>\$13,069</td></tr><tr><td>Lower Hamilton (excluding Downtown Hamilton CIPA with the exception of portions of a development exceeding the maximum building heights identified in Schedule “D” – see subsection 5(5) and 5(6))</td><td>\$11,435</td></tr><tr><td>Upper Hamilton, Stoney Creek, Glanbrook</td><td>\$9,802</td></tr></table>	Area (As outlined in Schedule “C”)	Fixed Rate per New Residential Unit or Multiple Dwelling Unit	Downtown Hamilton CIPA	\$5,000	Area (As outlined in Schedule “A”)	Fixed Rate per Multiple Dwelling Unit	Ancaster, Flamborough, Dundas, Westdale	\$13,069	Lower Hamilton (excluding Downtown Hamilton CIPA with the exception of portions of a development exceeding the maximum building heights identified in Schedule “D” – see subsection 5(5) and 5(6))	\$11,435	Upper Hamilton, Stoney Creek, Glanbrook	\$9,802
Area (As outlined in Schedule “C”)	Fixed Rate per New Residential Unit or Multiple Dwelling Unit													
Downtown Hamilton CIPA	\$5,000													
Area (As outlined in Schedule “A”)	Fixed Rate per Multiple Dwelling Unit													
Ancaster, Flamborough, Dundas, Westdale	\$13,069													
Lower Hamilton (excluding Downtown Hamilton CIPA with the exception of portions of a development exceeding the maximum building heights identified in Schedule “D” – see subsection 5(5) and 5(6))	\$11,435													
Upper Hamilton, Stoney Creek, Glanbrook	\$9,802													

Brampton	\$4,403.00	<p>(By-law 283-2013, as amended &amp; January 1, 2022 modifications)</p> <p>The current rate is \$4,403/unit (effective February 1, 2022) or 10% of the value of the land, whichever is greater, and is applicable on all High Density units, as per the By-law</p>
Richmond Hill	\$10,000.00	<p>(By-law 58-13, as amended)</p> <p>Policy 10 - For the purpose of section 9, the value of the land shall be determined as of the day before the building permit is issued in respect of the development or redevelopment or, if more than one building permit is required for the development or redevelopment, as of the day before the day the first permit is issued. Notwithstanding the preceding, for the period commencing December 1, 2018 through to December 31, 2021, or in the case of any party submitting a development application during the period of December 1, 2018 to December 31, 2021 and who submit a complete building permit applications by December 31, 2024, the value of land shall be calculated at a rate of: 1 hectare of land for every 500 units to a maximum of \$10,000.00 per Multi Residential Dwelling Unit to be located within a Multi-Residential Building; and, 1 hectare of land for every 500 units to a maximum of \$11,500.00 per unit in stacked and town-house developments. By-law 21-19, 4 February, 2019.</p>



August 10, 2022

Legislative & Planning Services  
Department  
Planning Services  
1151 Bronte Road  
Oakville ON L6M 3L1

Mr. Gabe Charles MCIP, RPP  
Director – Planning Services  
Town of Oakville

**RE: Draft Town of Oakville Parks Plan - 2031**

Thank you for the opportunity to review the Draft Town of Oakville Parks Plan – 2031. Regional Planning staff have reviewed the document prepared by the Planning Partnership NBLC and provide the following comments for consideration.

### **General Comments:**

1. The Region of Halton's vision believes in healthy communities as outlined in Section 31 of the Regional Official Plan (ROP). Safe and equitable access to parks and recreational opportunities are part of this vision and Halton supports the Town of Oakville's efforts.
2. When considering the location of parkland, the Town is encouraged to locate passive parks adjacent to the Natural Heritage System (NHS), where appropriate, to ensure that the ecological functions of the NHS will be maintained and enhanced.
3. The Town is encouraged to consider Regional Official Plan Amendment 48 (ROPA 48) which established a hierarchy of strategic growth areas and is supportive of the provision of parks and open space that promotes the development of complete communities, strengthens a pedestrian-oriented environment and, supports opportunities for transit and active transportation.
4. The Greenbelt Plan (2017) maps Bronte Creek, Fourteen Mile Creek and Sixteen Mile Creek as part of the Greenbelt Urban River Valley in Oakville. It is recommended the Town consider the dedication, or acquisition of lands adjacent to the Greenbelt's Urban River Valleys.

### **Section Specific Comments:**

5. **Section 2.2 – Town of Oakville Official Plan, Natural Heritage** subsection states that *Passive recreational activities such as walkway trails and cycling paths may be permitted to facilitate the connectivity of Oakville's open space network. The feasibility of these trail systems may differ based on the ecological sensitivity of the natural heritage area as well as the safety of the trail.*

#### **Regional Municipality of Halton**

HEAD OFFICE: 1151 Bronte Rd, Oakville, ON L6M 3L1  
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Comment:

The ROP is supportive of passive parks located adjacent to or within the NHS as they provide the greatest opportunity for the preservation and enhancement of the NHS compared to active parks. Section 117.1 of the ROP outlines a variety of uses that may be permitted in the NHS subject to demonstrating that the proposed development and site alteration will not result in negative impacts to the key features and their ecological functions of the NHS. Within the NHS, non-intensive recreation uses such as nature viewing and pedestrian trail activities may be permitted. Therefore, parks that are located adjacent to or within the NHS should be supportive of such uses outlined in Section 117.1 of the ROP.

6. **Section 2.4 – Development Patterns/Density third paragraph** states that *the Growth Plan, implemented first through the Region of Halton Official Plan, requires that a minimum percentage of all residential development be accommodated through intensification opportunities. In effect these policies dictate that urbanization and intensification trends will continue and occur at greater intensities throughout the GGH.*

Comment:

In addition to mentioning ROP intensification trends and targets, the following additional objectives outlined in Sections 79 and 81 of the ROP should be included as part of the analysis for the Region's Strategic Growth Areas and Major Transit Station areas identified in Oakville as they highlight the provision of parks and open spaces for these areas. These objectives should also be considered in **Section 4.6 – Achieving the Town's Parkland System**, Residential Intensification within the defined Strategic Growth Areas subsection (page 40).

- Strategic Growth Areas:
    - **To provide high quality public parks and open spaces** with site design and urban design standards that create attractive and vibrant places to promote the development of complete communities. (Section 79 (7) of the ROP)
  - Major Transit Station Areas
    - To provide a range and mix of transit-supportive uses, such as residential, retail, office and public uses, as well as public service facilities and **parks and open spaces** that support the area in a pedestrian-oriented urban environment. (Section 81 (2) of the ROP)
7. **Section 2.4 – Development Patterns/Density fourth paragraph** states that *other new greenfield development opportunities are still permitted and anticipated in Oakville with a focus on north Oakville. The Growth Plan also mandates a minimum density target for greenfield development that is substantially higher than what has been achieved over time in Oakville's traditional neighbourhoods.*



Comment:

For greenfield development in north Oakville, Section 77 (2.4) e) of the Regional Official Plan should be included and considered as part of park planning which requires *development occurring in Designated Greenfield Areas to **create high quality parks and open spaces** with site design standards and urban design guidelines that support opportunities for transit and active transportation.*

8. **Section 3.1 – Overview:** This section speaks to parks as vital to creating healthy and complete communities.

Comment:

Consider including reference to Halton's Healthy Community Guidelines. *The purpose of the Healthy Communities Guidelines is to identify attributes of a healthy community so that the Region and Local Municipalities can work together during Area-Specific plans and long range planning policy review processes to achieve Healthy Communities.* The Healthy Community Guidelines identify seven attributes of a healthy community, one of which is the natural environment and open space. Elements of 'Natural and Open Space' identified in the guidelines include the Natural Heritage System, parks and public spaces and, pathways and trails. The guidelines can be found here:

<https://www.halton.ca/Repository/Healthy-Communities-Guidelines>

9. **Section 3.2 – Quality of Place/Quality of Life:** This section speaks to how parks contribute to placemaking and quality of life, and the economic and environmental value of investing in the parks system.

Comment:

The ROP recognizes the benefits and multifaceted value of parks and, supports the Town's investment in the parks system as parks have the opportunity to meet the goal of the NHS and implement the Region's objectives for the NHS outlined in section 114.1 of the ROP. The objectives of the NHS include, but are not limited to; protecting and enhancing natural features and functions, contributing to a continuous natural open space system, and providing opportunities where appropriate for passive, outdoor recreational activities in the NHS. The ROP also provides direction on strategic locations for consideration in relation to the parks system and the NHS. The ROP encourages local municipalities or other public agencies to obtain parts of the NHS as per Section 118 (7) and, to locate open spaces adjacent to or near the NHS as per Section 118 (5) of the ROP. The Region also promotes the donation of privately owned lands in the NHS to public agencies or charitable organizations for the protection of the ecological functions and features as outlined in Section 118 (9) of the ROP. Similarly, Section 118 (15) of the ROP provides direction for properties immediately adjacent to Lake Ontario that are subject to a development or redevelopment application in which the Region encourages the Local Municipality to obtain, through dedication, agreement or purchase, suitable waterfront property along Lake Ontario for

public access and as part of a continuous trail system along or adjacent to the waterfront.

**10. Section 4.3 – Meeting the Town’s Active Parkland Target of 2.2ha/1,000**

**people** suggests *refining the definition of Active Parkland to include a more fulsome list of recreational opportunities, including non-intensive recreational activities such as trails and the enjoyment of nature.* The potential redefinition of Active Parkland would also suggest the need to consider the utilization alternative land resources including unconstrained lands within the Natural Heritage System, the acquisition of lands currently owned by the Province/ Conservation Authority, as well as other innovative approaches in order to maintain the long-term achievement of the Active Parkland Target. Further, Recommendation 3 states it is recommended that the Town consider the dedication, or acquisition of:

- *Unconstrained lands that can be added to the Natural Heritage System for the purposes of public parkland; and/or,*
- *Provincially owned lands within the Town’s boundaries, including Bronte Provincial Park and suitable lands owned by the Conservation Authority.*

Comment:

It is recommended the Town also consider the dedication, or acquisition of lands adjacent to the Greenbelt’s Urban River Valleys in Oakville including; Bronte Creek, Fourteen Mile Creek and, Sixteen Mile Creek as the Greenbelt Plan promotes *the provision of a range of natural settings on publicly owned lands for recreational, cultural and tourism uses, including parkland, open space land and trails in Urban River Valleylands* as per Policy 1.2.3. Section 3.3 of the Greenbelt Plan has specific policies with respect to parkland, open space and trails and these policies would apply to areas designated as Urban River Valleys as noted in Policy 6.2.4.b of the Greenbelt Plan.

When the Town is considering updating the definition of ‘active parkland’, the permitted uses in the NHS (including buffers), outlined in Section 117.1 of the ROP still apply. Parks located adjacent to or within the NHS that support passive uses provide the greatest opportunity for the preservation and enhancement of the NHS. Halton’s NHS is a systems approach to protecting and enhancing natural features and functions and is scientifically structured based on Key Features and components and is mapped on Map 1 of the ROP. Section 117.1 of the ROP permits a variety of uses that may be permitted in the NHS subject to demonstrating that the proposed development and site alteration will not result in negative impacts to the Key Features and their ecological functions. For example, within the NHS, non-intensive recreation uses such as nature viewing, pedestrian trail activities and, forest, fisheries and wildlife management may be permitted. Therefore, regardless of the definition of passive or active parks, any park that is located adjacent to or within the NHS should be supportive of such uses outlined in Section 117.1 of the ROP. Further, traditional active parks, such as playgrounds, sports fields etc., may have potential impacts on the NHS due to

construction, ongoing maintenance and possible user disturbance and encroachment. Therefore, it is recommended that as part of the design for active parks that support such uses, there is adequate area outside of the NHS for these types of uses that provide a sufficient setback from the NHS in order to minimize impacts to the system and its ecological function.

The Regional Official Plan encourages the development of trails within the NHS. Where the Town of Oakville is considering the development of trails within the NHS, the requirements outlined in section 118 (6) of the ROP must be met which include:

- *the trails are located on publicly owned lands or are part of the Bruce Trail;*
- *the trails and associated activities do not impact negatively on ecologically sensitive areas or resource uses such as agricultural operations;*
- *proper regard is given to the issues of trespassing on private properties and liability in the event of property damages or personal injuries; and*
- *adjacent landowners potentially affected by the trails are consulted.*

In addition to the requirements noted above, we recommend that trail design should be completed in advance of any area specific plan and plan of subdivision as it needs to ensure that if trails are being proposed within the NHS, their designs and functions are permitted in accordance with the ROP and will not result in impacts to the NHS. Further, the location and design of the trails within the buffer to Key Features may warrant a large buffer width to ensure that no negative impact to the Key Features and their ecological function can be achieved.

- 11. Section 4.10 Administration of the Town's New Parkland Dedication By-law, Land that should Count/Not Count for Parkland Dedication subsection, Recommendation 44,** states, that *it is recommended that the Town of Oakville identify the following as potentially being acceptable lands for parkland dedication, but at a reduced rate: Lands that are within the designated Natural Heritage System, but are not specifically identified as a core natural feature;*

Comment:

In addition to core natural features, buffers are a component of the NHS and as such, active parks would generally not be supported in buffers. However, the Region encourages opportunities within the NHS for passive, outdoor recreational activities. Therefore, passive parks would be more appropriate in buffers provided that the proposed use demonstrates no negative impact to the NHS can be achieved.

- 12. Section 4.10 Administration of the Town's New Parkland Dedication By-law, Land that should Count/Not Count for Parkland Dedication subsection, Recommendation 45,** states, *it is recommended that the Town of Oakville identify the following as not acceptable lands for parkland dedication: Lands that*

*are an identified core natural heritage feature as defined in the Official Plan, or an applicable Secondary Plan, or as identified in an Environmental Impact Study accepted by the Town.*

Comment

We recommend that this should be further clarified to include lands identified as Key Features as defined in Section 115.3 (1) in the Regional Official Plan.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

*Heather Ireland*

Heather Ireland  
Senior Planner – Environment  
Planning Services  
Halton Region Legislative & Planning Services



August 29, 2022

Gabe Charles  
Director – Planning Services  
Town of Oakville  
1225 Trafalgar Road  
Oakville, ON L6H 0H3

Dear Gabe:

**RE: Oakville Parks Plan 2031  
Town of Oakville**

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Thank you for providing the Halton Catholic District School Board (“Board”) with an opportunity to comment on the draft Oakville Parks Plan 2031, dated June 2022. It is understood that this is a strategic document that will provide direction for new parkland throughout the Town of Oakville, particularly in the urban centres and corridors. It is also understood that a new Parkland Dedication By-law will be provided as part of the Parks Plan.

Presently the Board has a total of 16 elementary and 3 secondary schools established in the Town of Oakville, and the Thomas Merton Adult Learning Centre Oakville Campus. Based on enrolment counts for the 2021-2022 school year, the Board serves over 10,623 students within the Town of Oakville, which represents a total 10-year enrolment decrease of 4% since 2011. Based on the [2022 Long-Term Capital Plan](#), enrolment is projected to increase by 22% over the next 10 years as a result of development in North Oakville. Note that enrolment projections include students expected from proposed developments through planning applications circulated to date, but do not include students expected from secondary plan or growth areas where applications have not been circulated. As a result, it is expected that student enrolment will increase further over the long-term from these additional developments.

HCDSB currently has one (1) school facility in North Oakville, St. Gregory the Great Catholic Elementary School. To address increasing enrolment demands, the Board has four (4) planned elementary schools and one (1) planned secondary school. The planned facilities currently identified in the 2022 Long-Term Capital Plan are as follows:

- North Oakville #4 Catholic Elementary School – expected to open for September 2023
- North Oakville #3 Catholic Elementary School – required for September 2025
- North Oakville #5 Catholic Elementary School – required for September 2029
- North Oakville #2 Catholic Elementary School – required for September 2033
- North Oakville #1 Catholic Secondary School – required for September 2033

The timing of above school requirements may change as new development applications are circulated and enrolment projections for the area change.

The Board does not currently have school sites designated in the Strategic Growth Areas. The Board has typically seen lower yields from townhouses and apartment units compared to single-detached and semi-detached dwelling units in the past. However, market conditions and affordability may push families away from ground-oriented housing, which may increase student yields from higher density unit types in the future and school sites may be required to accommodate students. The Board will continually monitor student yields to ensure projections are accurate and that the school accommodation needs of the future can be met.

Based on the Board’s review of the draft Oakville Parks Plan, dated June 2022, the Board would like to submit the following comments as it pertains to school board facilities.

## 1.2 Greenlands & Parks

In addition to the existing school board facilities provided in the map on Page 4 of the Plan, the Board received funding approval from the Ministry of Education to construct North Oakville #4 Catholic Elementary School, located at 420 Threshing Mill Boulevard. This school is adjacent to William Rose Park and is expected to be completed and ready for students by September 2023 based on current estimates.

It was noted not all school board facilities are identified in the map on Page 4. As such, the Board would like clarification on the criteria used to identify certain school sites as a school board use parkland classification, and the expected use/availability of board open space for Town/community needs.

It should be noted that while school sites offer open space in the community, they are designed to provide outdoor space for students to support their curriculum requirements (e.g., Health and Physical Education, Science and Technology). The Board does have shared use agreements with the Town to allow the use of Board facilities outside of school hours when required on a case-by-case basis, and will continue to support the use of spaces for the community where it is safe and does not adversely impact student learning.

### 4.4 Establishing a Context Appropriate Parkland Hierarchy The Urban Park Hierarchy for the Strategic Growth Areas

Recommendation 5 states that Public Common (PC) spaces shall be coordinated with urban school sites, where possible. It is understood that the Public Common urban park type provides the largest park typology; provides multifunctional flexible space for programming; primarily be soft surfaced and green, but may include hard surface elements; and may include larger program spaces such as small sport fields and play elements for children.

The Board has not currently requested school sites in the Town of Oakville's Strategic Growth Areas. However, growth around the GO stations and Strategic Growth Areas may result in the school board needing to acquire sites and/or explore alternate build methods for education program delivery (e.g. podium schools, compact schools). In these communities, especially where a traditional school site cannot be built, land will continue to be required for students for outdoor play areas as part of their regular day-to-day programming.

If school sites are required in Strategic Growth Areas, it would be beneficial for students and the Board to ensure that school sites are located adjacent to parks with the ability for students to access the park space during school hours. As such, the Board is generally supportive of coordinating the co-location of school sites with parks where it provides the maximum opportunity for creating partnerships and site space efficiencies. In addition, the Board would support a coordinated planning process to ensure that school sites and park uses are acquired and delivered at the same time so students can access the green space.

### The Park Hierarchy for the Established Neighbourhoods, North Oakville and Other Greenfield Communities

Recommendation 7 states that Community Park (CP) spaces are typically co-located with Community Centres, where possible. The Board also supports the co-location of parks with the Community Park type and secondary schools, where possible. An example of an HCDSB secondary school located adjacent to a community centre and large Town parkland is Holy Trinity Catholic Secondary School, which is adjacent to River Oaks Community Centre and River Oaks Park. The co-location provides access for secondary students to community centre facilities, sports fields and programs at the local community centre. The co-location may also provide benefits to the Town through Shared Use Agreements for space on school board lands.

Recommendation 7 also states that Neighbourhood Park (NP) spaces may be co-ordinated with school sites, where possible. The Board is supportive of co-location with neighbourhood parks as it may provide opportunities for efficiencies, such as shared parking, and may reduce the overall size required for school sites.

#### **4.8 Options for Ownership of the Town's Parkland System**

Recommendation 28 states that the Town would prefer to acquire Public Common parkland in the Strategic Growth Areas through Fee Simple Parkland ownership, i.e., be wholly owned by the Town. However, the Town may explore alternatives of Strata Ownership and/or Privately Owned Public Spaces (POPS). In the event the Town proceeds to acquire parkland through alternate means and the parkland is adjacent to or co-located with a future school site, the Board may require notice at the earliest opportunity as it may impact the Board's timeline for site acquisition and/or creation of alternate school builds.

#### **4.10 Administration of the Town's New Parkland Dedication By-law**

Recommendation 42 states that notwithstanding the list of exemptions identified in the Parks Plan, the Town may reduce the parkland dedication/cash-in-lieu requirement for any land use or specific development, at the discretion of Council. In Appendix IX, Parkland Dedication Practices in Other Jurisdictions, it notes that majority of by-laws reviewed provide exemptions to parkland dedication to land, buildings and structures owned by and used for the Town, region, municipality, province and federal government; as well institutional uses such as schools. The Board is supportive of exempting schools and school board uses from parkland dedication requirements.

#### **General Comments**

School board facilities play an important role in providing recreational opportunities and greenspace for the local community after school hours through shared use agreements. In addition, there may be opportunities for students to use Town parks for its curriculum needs, especially when school sites are located adjacent to parkland and there is seamless access between both uses.

The Board continues to support working with the Town to create partnerships and find land use efficiencies between adjacent uses wherever possible in new development areas, in both the suburban development context, such as North Oakville, and the urban development concept, such as in Strategic Growth Areas. Furthermore, the Board is willing to work with the Town of Oakville to create Community Use hubs associated with school uses to the benefit of students and the wider community.

The Board generally supports neighbourhood design that encourages active transportation of students to/from school. This includes the creation of a safe, accessible, and well-maintained active transportation/trail network that connects various parts of the community to school sites. In addition to health benefits to students, increased use of active transportation may also reduce traffic in and around school sites during drop off and pick up times.

Board staff is available should the Town require further discussions on these comments and future circulations on the Parks Plan and Parkland Dedication By-law as it pertains to school board facilities. Please continue to keep the Board apprised of the plan and by-law.

If you have any questions regarding the aforementioned, please contact the undersigned.

Yours truly,



Dhilan Gunasekara  
Planning Officer

cc: A. Lofts, Superintendent of Business Services and Treasurer of the Board  
R. Merrick, Superintendent of Facility Management Services  
B. Vidovic, Senior Manager of Planning Services, Planning Services  
K. Panzer, Planning Officer, Planning Services  
L. Choi, Halton District School Board



August 18, 2022

Mr. Gabe Charles, Director of Planning  
Mr. Chris Mark, Director Parks and Open Space  
Town of Oakville  
1225 Trafalgar Road  
Oakville, ON L6H 0H3

Gentlemen,

In response to the recent Council meeting of August 3, the Draft Parks Plan and associated online materials, following are comments from Coronation Park Residents Association (CPRA).

Given its location in the Southwest, as a long-established community in close proximity to one of Oakville's largest and best loved parks, the CPRA membership enjoys the innumerable benefits that green space delivers to our daily lives. It is for that reason we wish to ensure that all residents of Oakville, especially those who will live in our Strategic Growth Areas, receive the same consideration. We are committed to supporting policies that will deliver those benefits and equally committed to opposing those that do not.

A review of preliminary policy direction elicits the following:

**1. Commit to establishing parks as a top priority in high density areas.**

Green space/parks are essential to liveability, especially in areas of high density. Beyond recreational space for physical and mental benefits, urban parkland provides crucial relief to stormwater systems, improves local air quality, captures carbon and lessens the urban heat-dome effect. Urban green space creates wins for environmental sustainability, health, and health equity. Access to these spaces must be publicly available and within easy walking distance. Families need parks and they need them nearby.

While the prospects of increasing our system of parks with a suggested eco-park is appealing and something we could aspire to in future, our immediate need is to ensure our SGAs are given the critical green space they need. Allocating funds for the purchase of land outside the SGAs, is not a policy we support. It is crucial we show our commitment to properly planned growth that delivers high-quality, vibrant, healthy, liveable communities in high density areas.

We note the Draft Parkland Dedication Policy document proposes to achieve a parkland standard in SGAs of 7.5% to 12% of the net land area - *where opportunities exist*. The

City of Mississauga has set its rate at 12% of the overall area of each SGA. Using Midtown as an example, here's what the proposals would produce:

Midtown SGA	7.50%	12%
Net Area of 43 ha	3.23 ha	5 ha
Gross Area of 103 ha	7.72 ha	12.36 ha

While we understand it is not possible to provide 2.2 ha/1,000 people in SGAs, if we were to choose an average projected number in Midtown to be 40,000, that would result in 88 ha for parkland. The Net Area numbers above suggest an incongruous disparity. Lastly, the same section within the Draft Policy outlines:

- I. that the planned urban parkland system within a comprehensively planned SGA be:
  - i. Comprised of the Public Common, Urban Square and **Promenade** categories; and,
  - ii. Distributed throughout the SGA, such that all residents are within a 2.5 minute walk (200 meters) from a defined Public Common, Urban Square or **Promenade**. *(Please see our references to Promenades below).*

## 2. Urban Green Space. Not Urban Gray Space.

In recognition of the above stated benefits, we see a park as an area of natural and semi-natural space set aside for human enjoyment and recreation or for the protection of wildlife and natural habitats. In other words, urban parks are green, not gray.

Connections, Promenades, Slivers and similar areas are nothing more than walkways, sometimes covered concrete connections between buildings, small planted areas beside sidewalks, or enhancements to retail store fronts. These aren't parks. They are predominantly areas of impervious surfaces. They don't provide green space or deliver the benefits outlined earlier. **They should never be counted into the inventory of green space/parks. Furthermore, Promenades should not be eligible for inclusion in the Parkland Dedication Policy's computation of Land Conveyance.**

## 3. Create What People & the Environment Need

New urban parks should be a networked series of varying green space configurations nested across scales, whereby local smaller parks connect with larger urban parks. This combination enhances amenity value of green spaces by providing greater opportunity for those seeking exercise or those who find smaller parks are not responsive to their use desires.

Such networks help to distribute and disperse users across a wider space. In times of pandemic, for instance, such distribution is safer and adds to the ability for social distancing. We are all aware of the high numbers of people who have flocked to our parks during this pandemic. Residents living in high density urban areas do not have the

ability to step out their door into a garden or back yard for exercise, fresh air or the simple human need for stress relief and relaxation. They need green space at an appropriate distance of appropriate size to give them the liveability they deserve.

There is no question that we will face another pandemic in coming years. These eventualities must become part of our outdoor space planning. Thus, we must ensure high-density neighbourhoods in both horizontal and vertical forms include new, high-quality parks to support residents and workers.

In addition to human needs, we must also recognize the role and importance of parks in supporting biodiversity and as wildlife corridors, and help to contribute to that role.

#### **4. Design Matters**

Green space must be easily accessible and nearby - no more than three to five minutes' walk for most residents. Parks should be simple and not over-designed. Trees, grass, some walkways and a bench: these are the basics most people require in a park. Larger parks can have a strong identity and implied use—for example, active versus passive recreation—but it should also have enough of the 'basics' to satisfy the needs of a broad range of users.

#### **5. Public Not Private**

*Privately Owned Public Space* (POPS) should never be seen as a replacement for public parks. While Toronto and Vancouver have added this practice to their development policies, New York City has experimented with this concept for decades. A study published in 2000 found that “41% of Manhattan’s POPS were, and are, practically useless, with austere designs, no amenities and no direct sunlight.” In addition, about half of New York’s landlords are not in compliance with their POPS agreements. Violations range from minor infractions to making designated POPS space inaccessible or inhospitable (by removing seating or locking gates), and even enclosing and decorating POPS arcades so they become the formidably elegant lobbies of private buildings. New York has learned the hard way that creating and maintaining public space carries the usual caveat attached to offers of a free lunch.

The author of the study concluded that POPS pose three substantial dangers: they undermine zoning requirements; they signal to developers that exemptions are for sale; and they are not equitable, because unlike public parks few POPS are equally accessible to every citizen.

In Toronto, POPS have been used to create a more connected public realm, like a landscaped walkway or small gathering space in the front of a building, but not to replace requirements for parks. However, the “publicness” of POPS have been called into question with disputes over access and encroachment from businesses. And since they’re privately owned, these spaces could be redeveloped over time, as has happened in Vancouver.

*Strata* development has similar challenges. On its face, it seems like a win-win situation. A property owner gets to build something and the city gets a park on top. But in reality, strata parks present a number of logistical, design, and legal challenges with which cities are grappling. The structural integrity of what is below dictates the amount of soil you can place on top, which impacts landscaping. Additionally, when the waterproof membrane separating the park from the structure below needs replacing or maintenance, the park must often be scraped off and rebuilt - our own Town Square. These parks can end up less green because of these factors - an issue when cities facing climate change want to add more greenery for stormwater management and urban heat mitigation.

Aside from the design challenges of strata parks, there's a host of legal and logistical implications, like long-term financial liability for future upgrades.

The advice for municipalities facing park planning in the face of high density growth is to get ahead of development by targeting land acquisition in areas that are slated for growth, as opposed to playing catch up later - an approach in which we are sorely lacking.

**As well, we note that both POPS and Strata are listed on Page 8 of the Draft Parkland Dedication policy as being potentially acceptable for dedication. Based on the information above, we strongly disagree. They should be removed from the policy.**

## **6. Positive Action**

Before we consider Strata, POPS and other privately-owned scenarios, we have other tools and opportunities that must be investigated, developed and employed.

- Pursue agreements with educational and other institutions to expand available open space resources for community use to create 'win-win' partnerships that recognize school yards and other publicly owned open spaces as integral to the overall open space network. Develop opportunities with schools boards to expand and/or create new shared park/open space that would benefit both Oakville and the school boards in enhancing both the quality and quantity of park space accessible for community use. Our SGAs will need schools and those schools need green space, not elevators. Plan these partnerships now.
- Leverage rail transit and hydro-corridors as opportunities to create new park areas and improve connection and access to others. Parks along linear developments or as ribbons of green space bordering these otherwise unused areas can assist in creating additional opportunities for recreation such as bike paths, a place to walk pets or simply a place to walk and rest on a park bench. As well, the Town of Oakville is the majority shareholder of Oakville Enterprises/Oakville Hydro. Use that position to determine what additional real estate holdings currently exist that can be transitioned into green space in SGAs.



- Make strategic use of Oakville's own considerable collection of real estate assets to determine which can be designated for green space immediately or become part of a targeted acquisition plan/ land exchange or other strategy to ensure development of more parks in SGAs.
- Improve and integrate the design of streets and other town-owned land adjacent to parks or recreation spots to enlarge the feeling of park spaces and make the pedestrian experience more seamless, safer, and comfortable.
- The Finance Department reports inform us \$10.8-million and over \$30-million was collected in 'Cash-in-Lieu' payments in 2020 and 2021 alone. Prior funding and ongoing inputs from yearly 'cash-in-lieu' clearly establishes our ability to target strategic land acquisitions to support the provision of sufficient green space in SGAs.

## 7. Park Hierarchy In Growth Areas

**Public Common Parks** and **Urban Squares** are identified as being Primary Park Space in to be employed in growth areas, followed by lesser parks.

We are told typical sizes of Public Commons are a minimum of 8000m<sup>2</sup> (0.8 ha) and can be much larger. Yet, in the Urban Park Hierarchy (page 139) the suggestion is a Public Common of between .75 and 2 ha and expected to serve as a primary green space for a population that is forecast to be 40,000 to 50,000 people.

To put this into perspective, using existing parks, George's Square, between Trafalgar and Reynolds Streets is approximately 10,000 m<sup>2</sup> (1ha) and Wallace Park without the Curling Club is about 15,500 m<sup>2</sup> (1.5 ha).

Similarly, Urban Squares which are primarily hard surfaced, are identified as being larger than 1000 m<sup>2</sup> (0.1ha) but less than 8000 m<sup>2</sup> (0.8 ha) are suggested to be between .25 and 1 ha in size. A local green space example of similar size would be Westwood Park on Kerr Street that is just over 7,000 m<sup>2</sup> (0.7 ha).

How can we possibly expect spaces such as the above to meet the needs of the growth that is projected for our SGAs in locations such as Midtown, Bronte GO and Neyagawa? These examples, combined with earlier comments on the inappropriate classification of Connections, Slivers and Promenades as parks, underscore the critical need for a commitment and a strategic action plan to deliver quality parkland to our SGAs.

In listening to the Council workshop we were struck with what seemed to be an eagerness on behalf of consultants to count as many spaces as possible into the overall number in order to increase the percentage of what can be counted as a park/green space for recreation. Surely we should be more interested in ensuring the green space we create is indeed based on equity and geographic need.

## **8. Administration**

As a final point, we have concern regarding the proposed by-law wherein it includes the following:

*Council hereby delegates to the Director of Planning in consultation with the Director of Parks and Open Space and the Manager of Realty Services, the administration of this Parkland Dedication By-Law, including the authority to:*

*i. Negotiate parkland dedication and/or payment- in-lieu for each development or redevelopment application, and execution of parkland dedication agreements or amendments thereto as may be necessary, in accordance with the provisions of the Town's Parkland Dedication By-Law and the policies of the Official Plan; and,*

*ii. Establish the location and configuration of land required to be conveyed;*

Our two current Directors of Planning and Parks & Open Space are beyond reproach. However, if future holders of those positions were not, there is no regular, ongoing participation by the public or Council to ensure the types of parks and their locations are being created in the best interest of residents. Further, lack of this type of oversight exposes these administrators to increased pressures from some land development proponents who have little to no regard for anything other than profit.

As residents, we not willing to support any plan that does not reflect the treatment of our SGAs with appropriate quantity and type parkland for the benefit of our future residents.

As Abraham Lincoln opined, public sentiment is everything. With public sentiment, nothing can fail. Without it, nothing can succeed.

Thank you for the opportunity to contribute to your information.

Yours truly,

**Pamela Knight**

*President*

**Melanie Rose**

*Vice President*

cc:

Members of Council

CAO Clohecy

Commissioners Bell and Garbe

August 31, 2022

Mr. Gabe Charles, Director of Planning  
Mr. Chris Mark, Director Parks and Open Space  
Town of Oakville 1225 Trafalgar Road Oakville, ON L6H 0H3

Dear Mr Charles and Mr Mark,

I am writing on behalf of the Trafalgar Chartwell Residents' Association (TCRA). Thank you for giving us this opportunity to comment on the Draft Parks Plan after the Council Meeting of August 3, 2022. We are located in South East Oakville, where Midtown, one of the key Strategic Growth Areas (SGA's), is located. We are very fortunate to have many beautiful parks and green spaces located within our boundaries, or very close nearby. We would like to ensure that, with the forthcoming developments and major increase in population density in the SGA's, all current and future Oakville residents will have access to sufficient parkland and green space within easy walking distance.

When looking for a definition of exactly what a park is, and conversely, isn't, the Oxford dictionary describes it as "a large public green area in a town, used for recreation". The Merriam-Webster dictionary describes it as "an area of land set aside for recreation or for its beauty". In each definition, the land is to be used for recreation, either active or passive. It is not a "Connecting Link" (concrete walkway) linking one condominium building to another, nor is it a Sliver Park, Promenade or Pocket Park. These should not be included in the calculation of parkland or green space in SGA's or anywhere else. Parks are large, open, green, living spaces, not small, confined, grey, concrete spaces!

Establishing parks should be done pro-actively and as a top priority in high density areas. Parks must be publicly available, have amenities such as benches and playgrounds, be safe places to get to and be in, and be within easy walking distance for all residents, i.e. 2-3 minutes walk (200m) as outlined in the Draft Policy. Parks are an essential part of the "Livable Oakville Plan", not just to provide space for physical activity and to improve mental health. They help improve air quality, support biodiversity and as wildlife corridors, provide drainage for storm water run-off and crucially, lessen the heat dome effect that plagues many high density developments throughout the world.

In order to maximise the benefits to the residents of these new SGA's, it is important to link these new urban parks, connecting the smaller parks to the larger ones, increasing accessibility and utilization. If the pandemic has taught us anything, it is that fresh air and exercise are vital for stress relief and relaxation, especially if one is confined to a 600 square foot residence.

We fully understand that it is not possible to provide the 2.2ha/1000 people, which is the parkland standard for Oakville, in SGA's. However, in the Urban Park Hierarchy (page 139) of the Draft Park Dedication Policy, the suggestion that a Public Common of between 0.75-2 ha would serve as the primary green space for the 20,000+ residents of Midtown is nothing short of ridiculous. Nearby Wallace Park is approximately 1.5 ha and George's Square is approximately 1 ha. Walking there daily during the summer holidays and seeing 30 or so children playing in George's Square, they take almost a quarter of the space. Imagine even 1/10<sup>th</sup> of the midtown residents trying to use the proposed Public Common at any one time!

A space of this size can never meet the needs of the residents in the SGA's. In addition, counting as many spaces as possible as parks, such as connections, slivers and promenades, inflates the percentage of what can be counted as green space. This is inappropriate as none of these can be used for recreation

– the very definition of what a park provides. Mississauga does not count corridors, trails, POPS, schoolgrounds, cemeteries and non-accessible parkland in its calculation of green space.

We do not believe that Privately Owned Public Space (POPS) should ever be seen as a replacement for public parks. The design, ongoing access and maintenance, and potential for redevelopment into something other than a park, make this an option fraught with problems. Strata developments have other challenges, including structural integrity – look at our Town Square as an example – and are very costly to maintain in the medium to longer term. There are better ways to create parks and green spaces.

One such way would be to utilise existing school yards to expand and create new parks that will benefit the entire community. New schools will also be required to educate the children living in the SGA's – it is important to plan for this now, as Oakville prepares for the forthcoming high density developments. There are also the transit and hydro corridors that could be used to safely link parks, with both pedestrian and bike access.

Creating an eco-park is a great idea for increasing the parkland available in the future. However, the focus must be on the imminent development of the SGA's and providing those residents with the green space they need. Creating a healthy, happy community should be the top priority and sufficient parkland is the key to achieving this. Driving 25 minutes north to an eco-park from Midtown is hardly eco-friendly!

The cash-in-lieu payments received thus far from developers, plus what is forecast to be received from current development proposals is a substantial amount, more than \$40 million thus far. It should be prioritized to purchase parcels of land in appropriate locations throughout the SGA's in order to provide the parks that will be required by the future residents.

What is required is a Parkland Acquisition Plan, especially relating to the imminent SGA developments. We are not willing to support any plan that does provide sufficient parkland for the benefit of the future residents of the SGA's. We need regular and ongoing participation to ensure the types and locations of parks are created in the best interests of residents. We need to withstand pressure from developers, who put profit before people. Allocation of cash in lieu for parkland acquisition should be a council decision, not delegated authority, and should be allocated to the local neighbourhood from which the cash in lieu was derived.

Thank you again for the opportunity to contribute to this vital plan, the aim of which should be to make Oakville more liveable, not more leaveable.

Yours sincerely,

Carolyn McMinn  
President  
Trafalgar Chartwell Residents' Association

cc: Members of Council  
CAO Clohec  
Commissioners Bell and Garbe



## *Other Public Comments*

It seems as though the mayor is favouring a large purchase of land in an area that is already protected instead of heat reducing swaths of land which the public can use adjacent to their residences? Haven't we learned anything from Covid. Parkland should be easily accessible and not require a vehicle to get to. He is however correct in asking developers to open their books. Too many of them are more than willing to spend millions on edifices glorifying their names rather than really contributing to the community - think social housing. Then they could truly contribute to a liveable community for more than the privileged elite.

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Oakville has been considered a desirable place to live partly based on the green space it offers in many neighborhood's. New developments should be required to keep with the culture of Oakville and provide natural surroundings including green space walking trails and trees to provide shade on hot summer days, beauty and oxygen. After the long isolation of COVID this should be a given that parks are essential to people and necessary to physical and mental health. I would also argue that every new neighborhood should also contain garden plots to allow new residents to grow their own food.