

Town of Oakville  
**Parks Plan**  
**- 2031**  
Final Report



**DRAFT FOR DISCUSSION**

*June 2022*

The **Planning** Partnership  
NBLC

DRAFT

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*Tannery Park*

# 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

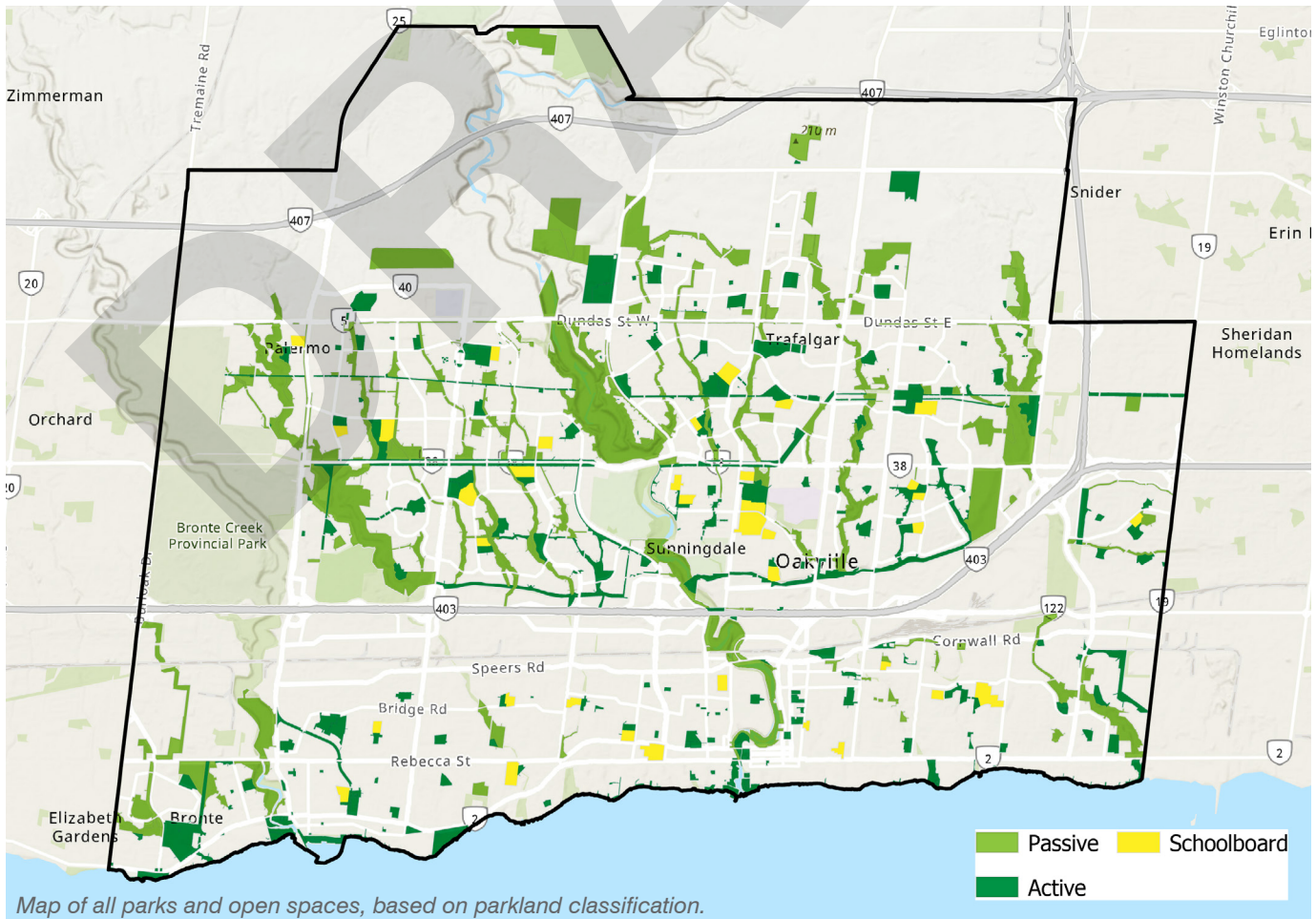
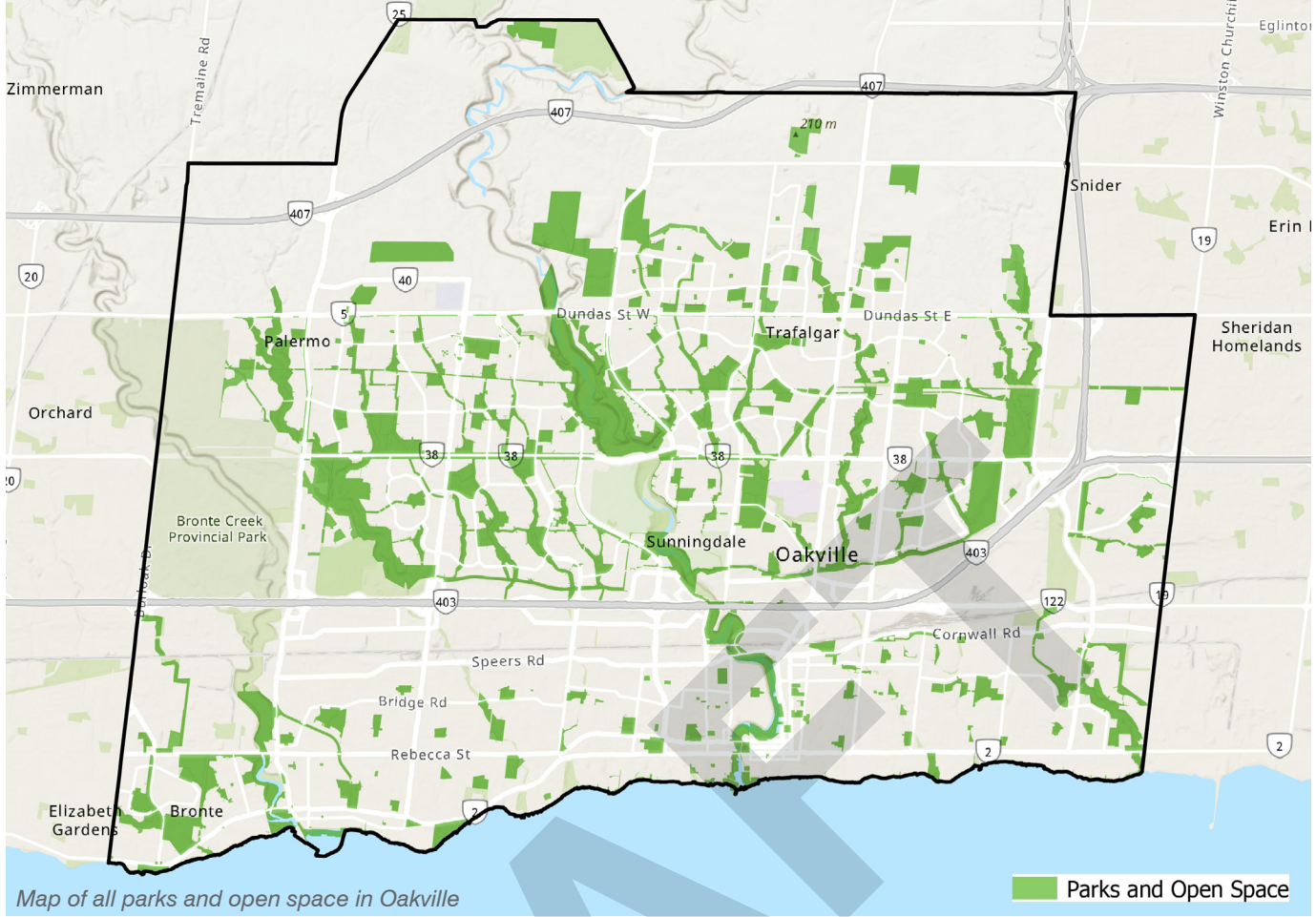
The Greenlands System includes all parks and open space lands within the Town. Parks and open space lands are generally publicly owned and provide recreational opportunities, protect natural features, provide physical linkages, and contribute to the aesthetic and environmental value in a community.

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 neighborhood 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 neighborhood 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 Liveable 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 Liveable 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



BRISTOL

THE HISTORY OF THE TANNERY  
IN OAKVILLE ON THE  
SHORE OF LAKE ONTARIO  
BY THE TANNERS OF OAKVILLE  
1850-1900

THE HISTORY OF THE TANNERY  
IN OAKVILLE ON THE  
SHORE OF LAKE ONTARIO  
BY THE TANNERS OF OAKVILLE  
1850-1900

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 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;
- Generating Land/Cash-in-Lieu of Land (Appendix VI);
- 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 (Appendix IX).

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

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

- Rephrasing the Active Parkland Target as an aspirational target; and/or,

- 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.

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

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.

**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 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 Active Parkland Target in the long-term, as well as providing significant programming opportunities.

Further, it is recognized that in some instances, the Active 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, but can include semi-public spaces and private components that work to 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.

**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 may 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 incorporates 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 Active Parkland "objective" 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:

- 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. 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 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 objective 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            |
| 1ha/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 generation 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            |
| 1ha/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 generation 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 established neighbourhoods, and within North Oakville, or any other 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 recommendations in this Parks Plan is designed to impact that agreement.



### **Small-Scale Residential Intensification within Established Neighbourhoods**

- Small-scale intensification is expected within Oakville's established neighbourhoods, as well as, in the future, within North Oakville and any other new greenfield residential 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 small-scale intensification (no Official Plan Amendment is required) is proposed within an established or new greenfield 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 Small-Scale Residential Intensification, where no Official Plan Amendment is required, the Town establish a set fee per unit to cover parkland dedication for each additional unit created. As noted, the set fee should apply 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) similar to the approach used in the Town's Development Charges By-law.

**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.

### **Significant Residential Intensification within Established Neighbourhoods**

- The Town may get significant residential intensification proposals on lands that are not currently identified within any of the Town's designated Strategic Growth Areas. In these instances, significant residential intensification within an established residential neighbourhood, and, in the future, within North Oakville, or within any other new greenfield community, 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, and within North Oakville, or any other greenfield community, where a significant intensification proposal is proposed, and not anticipated by the Official Plan (requiring an Official Plan Amendment) apply a parkland dedication rate that is the same as within the defined Strategic Growth Areas. It will be a priority for the Town to achieve on-site parkland dedication, but may also consider a combination of land and cash-in-lieu.

**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.

**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 Active Parkland "objective" 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 Active Parkland System 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 Active Parkland "objective" 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%, with an average of about 7.5%. 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 7.5%, with the objective of up to 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.

Also key 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 required minimum Achieved Parkland Standard of 7.5% 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.

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 the Strategic Growth Areas of the Official Plan 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 represents less than 20% of the gross floor area, that the parkland dedication due from the non-residential component be reduced, or waived, to the satisfaction 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 Active Parkland "objective" 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 Active 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 "objective". 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 Active Parkland System 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 Active Parkland System Target of 2.2 hectares per 1,000 people is achieved. The following table includes the recommendations for the establishment of a per unit fee for parkland dedication within the Strategic Growth Areas.

|   | 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. However, 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.

However, 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 clearly empower itself to determine, at its sole discretion, 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:** It is recommended that the Town state in the policies of the Official Plan, and in the Parkland Dedication By-law, 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.

### 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 through the following methodology, which is in conformity with the Planning Act:

- The Town shall identify the amount of the required cash-in-lieu of land payment. If the owner of land is of the view that the amount of the parkland charge exceeds the amount permitted under the Parkland Dedication By-law, or the Planning Act, the owner shall,
  - » Pay the cash-in-lieu of land payment under protest; and,
  - » Within a prescribed time period, provide the Town with an appraisal of the value of the land as of the valuation date.

If an owner of land pays a cash-in-lieu of land payment under protest but does not provide an appraisal, the matter is completed.

- If the Town disputes the value of the land identified in the owner's appraisal, the Town shall, within a prescribed time period, provide the owner with an appraisal of the value of the land as of the valuation date.
- If the Town does not provide an appraisal, the Town shall immediately refund to the owner the difference, if any, between the amount of the cash-in-lieu of land payment imposed by the Town and the maximum amount determined in accordance with the value of the land identified in the owner's appraisal.
- If the Town provides an appraisal and the value of the land identified in that appraisal is within 5% of the value identified in the owner's appraisal, the Town shall immediately refund to the owner the difference, if any, between the amount of the cash-in-lieu of land payment imposed by the Town and the maximum amount determined in the owner's appraisal.

- If the Town provides an appraisal and the value of the land is not within 5% of the value identified in the owner's appraisal, the Town shall request that an appraiser selected by the owner from the approved list of appraisers prepare an appraisal of the value of the land as of the valuation date. To implement this procedure, the Town shall maintain a list of at least three qualified appraisers who:
  - » Are not employees of the Town or members of its Council; and,
  - » Have an agreement with the Town to perform appraisals.
- Following the appraisal identified above, the Town shall immediately refund to the owner the difference, if any, between the amount of the cash-in-lieu of land payment imposed by the Town and the maximum value of the land identified in the above appraisal.

To be clear, there is no circumstance where the owner shall be required to pay to the Town any difference in parkland payment where any of the required appraisals is greater than the amount of the cash-in-lieu of land payment originally imposed by the Town.

## 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 31**, 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 second priority shall be to fund the following:
  - » 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 priority land acquisition strategy and a budget for allocating funds, on an annual basis, to achieve first and second priority 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 consider the following developers or development categories as exempt from any parkland dedication/cash-in-lieu requirement:

- Development of land, buildings or structures owned by, and used for the purposes of the Corporation of the Town of Oakville;
- Development of land, buildings or structures owned by and used for the purposes of a Board of Education and/or a college, or university as defined in the Education Act;
- Development of land, buildings or structures owned and used by the Oakville Trafalgar Memorial Hospital;
- The replacement of any building that is a direct result of destruction due to accidental fire or other accidental cause beyond the control of the owner, provided that no intensification or change in use is proposed, including but not limited to an increase in total dwelling unit count or total floor area;
- Additional Residential Units permitted by the Town's Official Plan and Implementing Zoning By-Law; and/or,
- A temporary building or structure.

**Recommendation 43:** It is recommended that the Town consider the following developers or development categories as being subject to a reduced parkland dedication/cash-in-lieu requirement:

- Development of land, buildings or structures for special needs housing, being undertaken by a not-for-profit organization. Special needs housing is defined as any housing, including dedicated facilities, in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living. Examples of special needs housing may include, but are not limited to:
  - » Nursing Home;
  - » Residential Care Home;
  - » Respite Care Facility; and,
  - » Retirement Home.
- Development of land, buildings or structures being undertaken by a not-for-profit organization for affordable housing in accordance with the definition of affordable housing in the Provincial Policy Statement; and,
- Development of land within a designated Heritage Conservation District that is in substantial conformity with the policies and guidelines of the Heritage Conservation District Plan, the Official Plan and any applicable Secondary Plan.

**Recommendation 44:** It is recommended that the Town, notwithstanding the list of exemptions or reductions identified in this Parks Plan, 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 45:** 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 46:** 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 may accept at a reduced rate, Strata Ownership, and may accept POPS within the Strategic Growth Centres, subject to required legal agreements, to the satisfaction of the Town, and the other regulations identified in this report.

**Recommendation 47:** 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 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;
- 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.

**Recommendation 48:** 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.

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 49:** It is recommended that the Town, in its Parkland Dedication By-Law identify that where land has been 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.

**Recommendation 50:** 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 51:** 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.

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

**Recommendation 52:** It is recommended that the Town delegate to 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 53:** 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 54:** 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 55:** 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.



