



OAKVILLE

REPORT

Council Meeting

Meeting Date: August 9, 2022

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

DATE: August 2, 2022

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

LOCATION: Town-wide

WARD: Town-wide

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RECOMMENDATION:

That the report from the Planning Services Department, Parks & Open Space Department and Finance Department, dated August 2, 2022 regarding the Town's *Parks Plan 2031* and draft Parkland Dedication By-law, be received.

KEY FACTS

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

- A Council workshop was held 14 June, 2022 wherein Staff received feedback from Council on the overall *Parks Plan 2031*
- Public comments have been received in response to the Notice provided regarding the draft *Parks Plan 2031*. As well, Staff has met with the development industry and received feedback on the *Parks Plan 2031*.
- The draft Parkland Dedication By-law is being presented to Council for information and feedback which Staff will use to finalise the *Parks Plan 2031* and associated by-law.
- The final *Parks Plan 2031* and Parkland Dedication By-law will be presented for Council approval in September 2022 ahead of the *Planning Act* deadline.

- A corresponding Corporate Policy and Procedure is being created to accompany the *Parks Plan 2031* which will guide future implementation of the parkland dedication by-law

BACKGROUND:

As Council is aware, the Province changed the regulations with respect to the manner in which municipalities deal with development charges, bonussing and parkland dedication in 2019 and 2020 with the proclamation of Bills 108, 138 and 197. The implications from these changes has resulted in municipalities having to adjust in the way growth is funded.

Council recently passed a new Development Charges by-law and the next tools for Council to consider will be for a Community Benefits Charge and parkland dedication. The former Charge is a new growth financing tool and bonussing (s.37 of the Planning Act) no longer exists.

Oakville has historically relied on its Parks, Recreation and Library Master Plan (PRLMP) to identify community needs for facilities. These needs have been calculated based on various metrics directly tied to population. For example, the number of arenas or baseball diamonds per 1000s of people. Similarly, active park land (i.e. space that can be programmed) has been maintained at a ratio of 2.2 hectares per 1000 people. A new PRLMP will still be required following the adoption of the *Parks Plan 2031* since the PRLMP will provide direction for implementing the recommendations of the *Parks Plan 2031*.

The *Parks Plan 2031* is a strategic document that identifies long-term needs for parkland, delivery of new parkland, an urban parks hierarchy, and acquisition options, among other elements. With the development of the Parks Plan, it is then possible to craft a parkland dedication by-law which will identify how land is to be conveyed to the municipality through new development or how to calculate cash-in-lieu of parkland dedication.

The foremost principles guiding the approach to the *Parks Plan 2031* and parkland dedication is fairness, equity, consistency and transparency. For the purposes of the Parks Plan, a parkland ratio of a minimum of 2.2 hectares per 1000 people has been maintained – until 2031 – as a per capita parkland standard.

During the Council workshop, Members made it clear that Oakville is proud of its parks system and it needs to adequately support a growing population. A basic premise of the Parks Plan is to maintain the population to parkland ratio that Oakville has historically enjoyed, at least through the horizon of the Plan. As the town continues to

mature though, it will be necessary to revisit this ratio in coming years to potentially refine the ratio of population to parkland.

The other benefit to creating the *Parks Plan 2031* is it allows Oakville to use an alternative parkland dedication rate. The *Planning Act* (s.42) permits the conveyance of parkland to a municipality as a condition of development, at an established rate of 5% for residential uses and 2% of the land area for employment / commercial uses development. An alternative parkland dedication rate is permitted subject to being no greater than one hectare of parkland per 300 dwelling units or no greater than one hectare of parkland value per 500 dwelling units for cash-in-lieu of parkland payment. Utilising this alternative is only permitted if the municipality has a Parks Plan and Official Plan policies justifying the need.

Cash-in-lieu of parkland dedication funds must be kept in a dedicated account, and only used for the purposes of acquiring lands for park purposes, and equipment and machinery to maintain parks. The intent of this is to ensure there is no overlap of use of growth-related funding tools (i.e. parkland dedication vs development charges vs community benefits charges). A dedicated reserve fund for parkland dedication exists, and staff report annually to Council on the activity in this reserve fund.

The Town's existing parkland dedication policy is found in s.28.12.8 of the *Livable Oakville Plan*. This policy applies to the lands south of Dundas Street, and only for those lands north of Dundas Street which generally cover from the Hospital District westerly to Tremaine Road, upon approval of OPAs #34 and #38 by Halton Region.

The lands east of the Hospital District (north of Dundas Street) are within the North Oakville East Secondary Plan, and are addressed through a Master Parkland Agreement (MPA). The MPA was executed at a time when the planned population for North Oakville East was 55,000 people.

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

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

COMMENTS:

As Staff has noted for Council previously through the Official Plan Review program, and the work undertaken with Halton Region's Integrated Growth Management

Strategy, Oakville will continue to grow and experience increased population for both residents and jobs.

This population is planned to be directed primarily to the town's strategic growth areas – as established through the Urban Structure. As such, an alternative parkland rate is needed to ensure development is supported by a parks system appropriate for these urban locations. This urban parks hierarchy will complement the existing *campus of parks*, and suburban parks hierarchy, throughout the town.

The *Parks Plan 2031* recognises that as Oakville has grown as a suburban community, its parks system has responded in-kind. The quality of Oakville's parks system is envied for its expanse, maintenance, and mix of facilities. There exist sufficient parks opportunities to complement the existing population; however, with additional planned population growth, new development will strain the existing parks system and there is a need to ensure growth is supported by the necessary parks services.

Oakville is transitioning into a community that will have more urban areas with different parks' needs. There will be less need for active parkland in every neighbourhood, and more demand for passive parkland as areas intensify. These spaces are used differently by patrons which requires a different way in acquiring, delivering and maintaining them.

This was most evident during the COVID-19 pandemic where people were utilising the town's parks at very high levels – and not necessarily the active playing fields, but the trails, open spaces and passive areas.

The *Parks Plan 2031* reinforces the concept of a campus of parks, meaning there is a range of park types and recreational amenities which although distinct, complement each other. The urban parks hierarchy identified within the Plan recognises the challenges of creating viable, quality parkland spaces within more urban environments. Furthermore, the *Parks Plan 2031* provides options for the town to consider in acquiring parkland for the benefit of the entirety of the town, and not be relegated solely to only focussing on the local neighbourhoods.

The *Parks Plan 2031* provides a series of recommendations – 53 in total – which can be used to continue to shape the delivery of the parks system, account for future opportunities and identify how the parks system should adapt as the municipality evolves and matures into a more urban environment.

Council Workshop

At the Council meeting of 14 June, 2022, staff and the town's consultants (The Planning Partnership and NBLC) presented the draft *Parks Plan 2031* – outlining the

overall thrust of the Parks Plan – to create a fair, equitable, consistent and transparent approach to parkland dedication based on the town’s future needs, while continuing to deliver a campus of parks at the level Oakville residents expect and enjoy.

What We Heard

Comments made during the workshop acknowledged the paradigm shift the *Parks Plan 2031* is taking, and in how the town can deliver parkland going forward. There was discussion about the options for owning and operating parkland (i.e. stratified ownership, POPS, long term leases), land-banking, and sustainability, and the challenge with trying to maintain an unrealistic ratio of residents to parkland within the town’s Strategic Growth Areas.

There was also concern raised by Council that exemptions or incentives are ill-placed when it comes to delivering parkland, since developers are responsible for delivering parkland where residents are, regardless of costs.

Response

The current parkland rate in Oakville exceeds the minimum (2.2 ha per 100 residents) and is closer to 2.56 hectares per 1000 residents. This metric is a familiar way to measure parkland supply. The intent with the *Parks Plan 2031* is to maintain this minimum and revisit the ratio as part of the next review to understand how parkland has been integrated into the system and how that amount is supporting an increased population.

An overall acquisition plan will need to be established to allow the town to maintain this ratio to a reasonable extent, and explore avenues for using land that goes beyond the town’s current practice.

The proposed exemptions recommended in the *Parks Plan 2031* that may be provided for relate to development undertaken by a public sector entity such as the town, a School Board, the Oakville Trafalgar Memorial Hospital, a temporary building or structure, and where a building is replaced as a result of destruction by accidental cause. Similarly, it is recommended that development undertaken by a not-for-profit organisation, and for special needs housing be given consideration.

Exemptions such as these recognise that the developments provide an overall public benefit and is not construed as for-profit development. As well, providing an alternative parkland dedication rate for the Town’s Strategic Growth Areas is not about incenting development, but ensuring that development is aligned with the town’s urban structure and recognising the practical limitations of adding parkland into urban areas. Development must provide for parkland in a fair, transparent and consistent manner.

Public Comments

Public consultation is an important component of delivering the *Parks Plan 2031*. Notice of the release of the draft *Parks Plan 2031* was issued at the end of June, and information and a feedback has been available on the town's web-site for providing comment.

Public comments are attached as Appendix B and reflect the community's interests in a variety of issues such as flower beds, open times of splash pads, event space, use of walkways, sustainability and protection of natural areas. While some comments related to structural parks elements which are germane to the strategic direction of the *Parks Plan 2031*, other comments will be noted and addressed through the PRLMP since they were specific to operational and implementation matters, and not parkland acquisition.

Development Industry Feedback and Comments

Town Staff and the town's consultant met with representatives of the development industry to walk through the strategic direction of the Parks Plan in July 2022. Generally, the development industry appears supportive of the direction the *Parks Plan 2031* is taking, subject to further clarity regarding the existing parkland capacity relative to population and the town's desire to maintain the 2.2 ha / 1000 people ratio. The submission from BILD notes agreement with NBLC's analysis that using a payment-in-lieu rate of 1 ha / 500 dwelling units is a disincentive to investments in high density development, does not scale well with increasing density and is therefore not appropriate as an approach in the high density development context.

Other questions from the industry related to:

- assumed land values,
- parkland reserves,
- providing credits for POPS,
- stratified ownership,
- natural heritage features and,
- specifics relating to the implementation of the parkland dedication formula.

Further, comments have been received seeking clarity around the parks system for lands in the North Oakville East Secondary Plan, and ensuring the integrity of the Master Parkland Agreement (MPA) affecting the area. The *Parks Plan 2031* recognises the MPA for North Oakville and does not intend to affect that Agreement.

Parkland Dedication By-law

The proposed Parkland Dedication By-law is structured to include the in-effect *Planning Act* provisions which is the conveyance of parkland at a rate of 5% for residential uses and 2% of the land area for employment / commercial uses development.

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

The by-law recognises lands previously conveyed and the current balance in the parkland reserve fund, existing agreements, and when cash-in-lieu of land dedication is possible.

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

Parkland Policy and Procedure

Concurrent to the parkland dedication by-law, Staff recommend a new policy and accompanying procedure to account for the proposed Urban Parkland Hierarchy as outlined in the Parks Plan. The policy recognises that the town utilise *Planning Act* tools to acquire land for parks purposes either through conveyance or cash-in-lieu payments through the development process. The accompanying procedure speaks to the manner in which the town can own parkland (i.e. fee simple, stratified, POPS etc.), and how to achieve the objective of 2.2 hectares of parkland per 1000 people.

Finally, the procedure encapsulates how lands can be dedicated, establishing land value, and how payments-in-lieu will be used based on priorities.

NEXT STEPS

Staff has reviewed the in-effect Official Plan policy and are of the opinion that changes are not needed to implement the parkland dedication by-law. Through the on-going Official Plan Review Program, these policies will be revisited to ensure implementation of the *Parks Plan 2031*.

Furthermore, the Official Plan policy will need to reflect the Provincial Policy Statement (PPS) direction on matters of provincial interest related to land use planning and development. Section 1.1.1 of the PPS establishes that healthy, liveable and safe communities are sustained in part by, among other elements, recreation,

parks and open space opportunities and the necessary infrastructure and public service facilities to meet current and projected needs.

The final parkland dedication by-law will be presented to Council for approval in September, along with the new Policy and Procedure. Any further comments provided by Council, the public and the development industry will be considered prior to finalising the *Parks Plan 2031*.

CONSIDERATION

(A) PUBLIC

The draft *Parks Plan 2031* has been posted on the Town's web-site along with a feedback form for response. A news release and broad email release has been undertaken for the purpose of notifying the public of the draft Parks Plan. Town staff and its consultant met with the development industry in July 2022 to introduce the Plan and solicit feedback.

The public will be notified of the final parkland dedication by-law prior to Council approval, in accordance with *Planning Act* requirements.

(B) FINANCIAL

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

(C) IMPACT ON OTHER DEPARTMENTS & USERS

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

(D) CORPORATE STRATEGIC GOALS

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

- be the most liveable town in Canada

(E) CLIMATE CHANGE/ACTION

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

APPENDICES

Appendix A – Draft Parkland Dedication By-law

Appendix B – Public Comments

Appendix C – Development Industry and HDSB comments

Appendix D – Draft Policy and Procedure

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