



Project Nos. 20289 and 21378

August 18, 2022

VIA EMAIL

Town of Oakville
1225 Trafalgar Road
Oakville, ON
L6H 0H3

Attention: Gabe Charles – Director of Planning Services
Matt Day, Manager – Development Financing & Investments
Chris Mark, Director – Parks and Open Space

Re: Comments on Town of Oakville Draft Parkland Dedication Policy, Parkland Dedication By-law, and Parks Plan - 2031

We would like to formally submit these comments to the Town of Oakville on behalf of Distrikt Developments (“Distrikt”), Northbridge Capital Inc. (“Northbridge”), and Alliance United Corp. (“Alliance”) (collectively referred to as the “land owners”) with respect to their land holdings within the Town of Oakville, which alone represent more than 10,000 thousand potential housing units.

Further to the delegations made at the August 9, 2022 Council meeting, on behalf of Distrikt, Northbridge, and Alliance, and further to the virtual meeting held on August 15, 2022 between Town Planning Staff and members of the development community, this letter serves to provide additional comments. As requested by the Town, we have prepared suggested revisions to the Draft Parkland Dedication By-law and Draft Parkland Dedication Policy, with redline mark-ups provided as **Attachments A and B**.

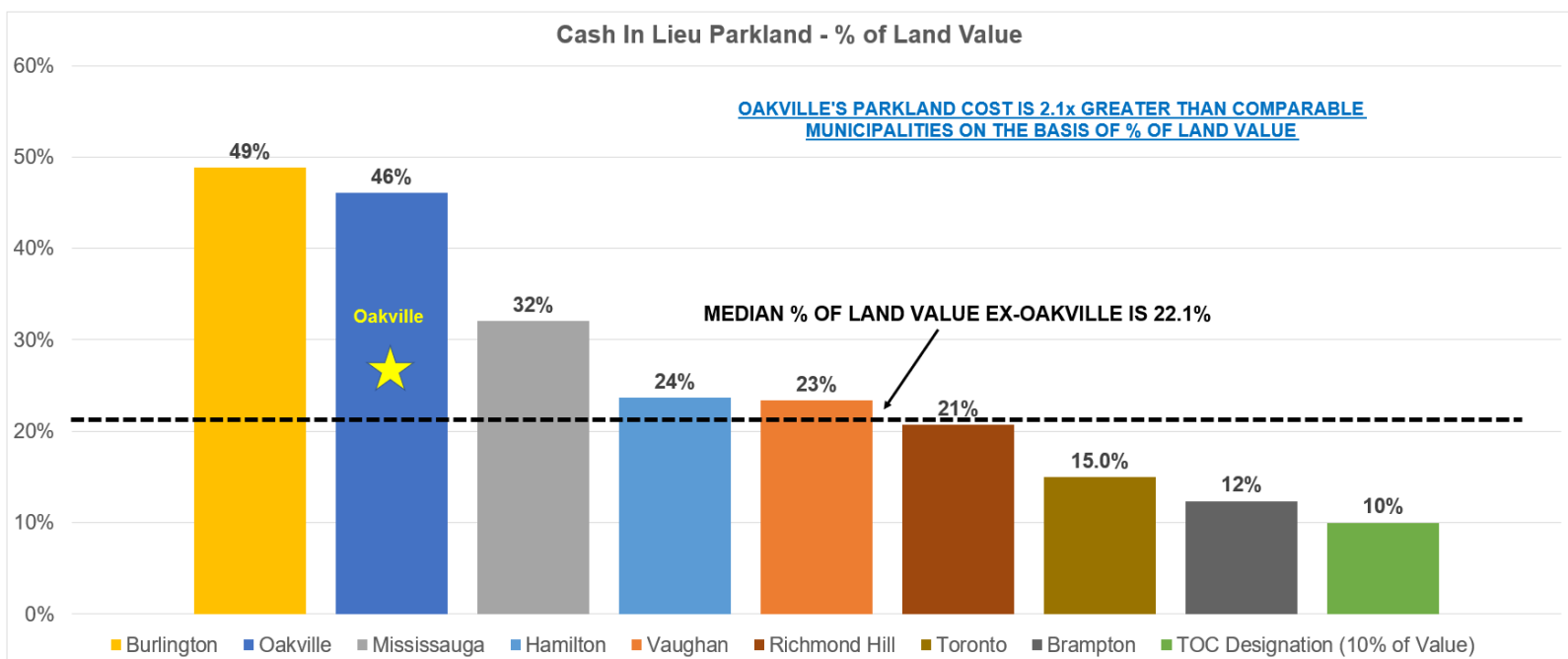
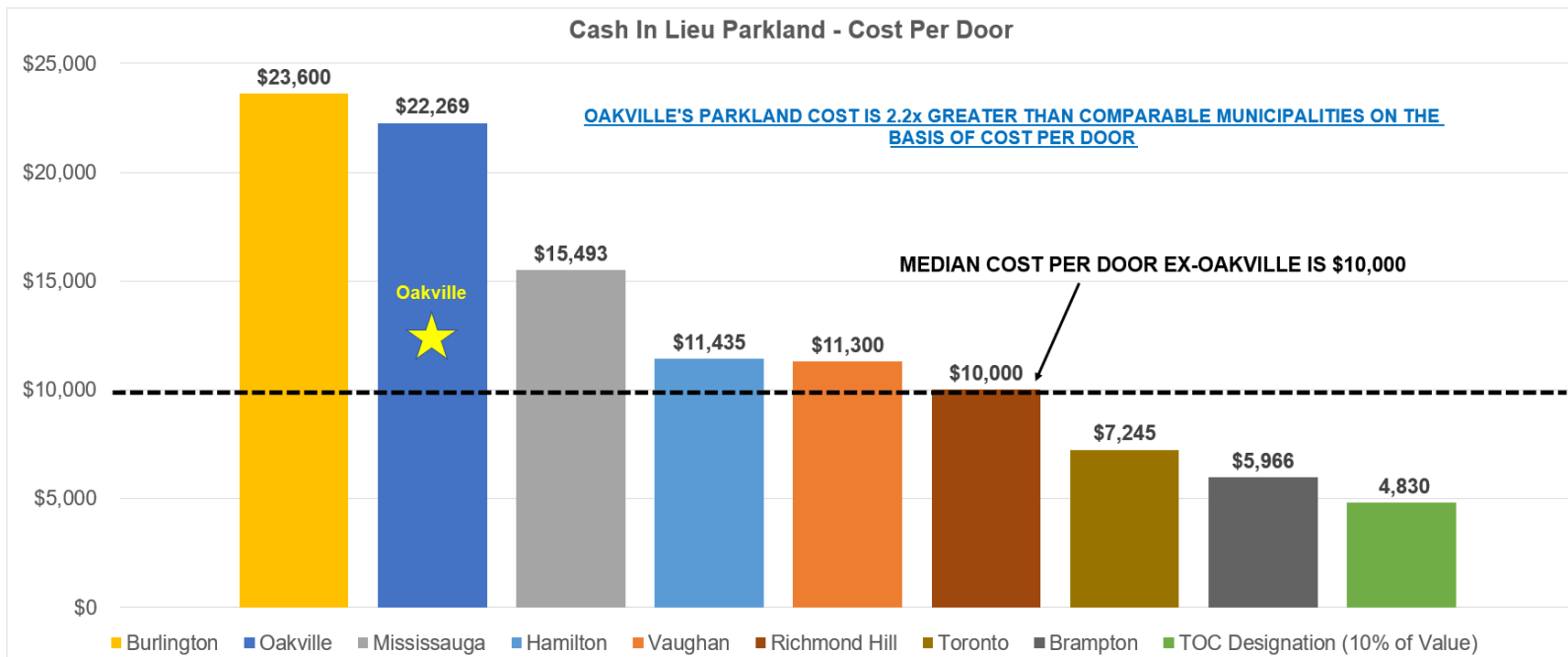
1.0 FINDINGS

The Town’s proposed cash-in-lieu parkland rate of \$22,269 per unit is approximately 200% greater than the average of comparable municipalities. The land owners have calculated that current rates of inflation and projected timelines to complete zoning and commence construction could result in these cash in-lieu rates to reach 250% of comparable municipalities by the time these payments would be due.

These rates will directly impact the ability of the Town of Oakville to reach its stated growth targets by discouraging development in high density transit-oriented strategic growth areas like the Midtown MTSA and Bronte GO MTSA, and as a result, effectively incentivize development in established neighborhoods and green field areas, causing increased

pressure on urban sprawl and more environmentally impactful types of lower density development.

Based on our review of parkland by-laws in comparable municipalities, Oakville's proposed cash-in-lieu parkland formula is among the absolute highest in the province, acting as a significant impediment to intensification.



2.0 SUMMARY

The following is a summary of the requested changes to the Draft Parkland Dedication Policy and Draft Parkland Dedication By-law, guided by comparable municipalities in the region (provided in **Attachment C**). A more detailed description of the requested changes is provided in the following sections of this letter. Our proposed modifications to the instruments include the following:

1. **Reducing the proposed per unit rate for cash-in-lieu payments from \$22,269 to \$12,000.** The rate, as proposed, will adversely affect the feasibility to develop sites, particularly in Strategic Growth Areas. The proposed rate is generally reflective of the average rate used by numerous municipalities across the region;
2. **Introducing a cap of 15%** for the parkland dedication requirements in Strategic Growth Areas. In the case of on-site dedication, a cap of 15% of the net site area, and in the case of cash-in-lieu a cap of 15% of the value of the net site area;
3. Including direction on how parkland requirements will be addressed when a **comprehensive planning** process, such as a planning study and associated Official Plan Amendment for a Strategic Growth Area, includes policies and schedules regarding parkland requirements;
4. **Providing 100% credit for privately owned publicly accessible open spaces (POPS) and stratified parks** in Strategic Growth Areas and introducing definitions for these types of parkland.

Other modifications and comments include:

- **Accepting off-site parkland dedications** in Strategic Growth Areas;
- **Specifying a residential rate** for parkland dedication;
- **Introducing a definition for stratified parks;**
- Clarification as to the **rate for Significant Residential Intensification** when an Official Plan Amendment is not required;
- Clarification as to the **rate for small-scale residential intensification** within established neighbourhoods to confirm if the proposed rate means that only cash-in-lieu will be required and not a land conveyance;
- Introducing provisions to ensure that **decisions are made with the Town and the land owner;** and
- stratified parkland options must include “Other Urban Park Spaces”.

All of these changes are necessary to ensure that the parkland dedication requirements do not unduly impact development projects, particularly to a degree that may mean that a site cannot be developed.

3.0 REQUESTED MODIFICATIONS TO DRAFT PARKLAND DEDICATION POLICIES AND DRAFT PARKLAND BY-LAW

The following is the list of requested modifications to the Parkland Dedication Policies and Bylaw. A justification for the requested change is also provided. Where the concern is the same, these requests have been consolidated for the policies and bylaw.

3.1 *Provide a Cap for Parkland Dedication Rate and Reduce Payment-in-Lieu Per Unit Fee for Strategic Growth Areas (SGA)*

Request: That the maximum conveyance of Parkland for Residential Development within Strategic Growth Areas should be capped at 15 percent of the net site area and the per unit fee should be reduced from \$22,269 to \$12,000, with a cap of 15% of the value of the net site area in Strategic Growth Areas.

Justification: The justification for this request for a cap and a reduction in the per unit fee is supported by the work of the Town's consultants. Appendix VI of the Draft Parks Plan – 2031, prepared by The Planning Partnership and N. Barry Lyon Consultants Ltd. ("NBLC") (dated June 2022) includes a policy analysis memorandum from NBLC. The NBLC memorandum includes a financial sensitivity analysis to support policy decisions specifically within strategic urban growth locations within the Town.

In their financial sensitivity analysis, NBLC considers a total of six (6) calculation methods and used an order of magnitude financial model to assess the impact that each of the methods would have on land value and profit of the hypothetical development concepts. On page 2 of Appendix VI to the Draft Parks Plan – 2031, the following paragraph is included:

*"The analysis illustrates that the existing Planning Act standard for payment in lieu – calculated using a rate of 1 ha per 500 dwelling units – is likely a disincentive to investments in high density development throughout Oakville. For developers who have acquired land at current pricing, the profitability of development is likely near the low end of the typical acceptable range – particularly for dense apartment formats...There will be instances where lenders are unwilling to proceed with projects where risk adjusted returns are at the low end of this range (10-20% profit margins)...**The calculation methodology does not scale well with increasing development density and is not appropriate as an approach in a high density residential context**...the model results demonstrate that a development might be obligated to contribute a payment in lieu equivalent to between 155% and 250% of the site's land value...**As development densities continue to increase and land values adjust over time, it is likely that a capped (percentage or flat rate)***

approach or a graduated method would be preferable from a developer's point of view, as well as the Town's...*In our view, a cap on land value or a version of the graduated method tested in this analysis could be effective as a fair and reasonable approach for calculating payment of lieu of parkland" (our emphasis added).*

The request to include a cap and reduce the per unit fee is in keeping with NBLC's memorandum. This is particularly important in the Town's Strategic Growth Areas, including the Bronte GO MTSA and the Midtown MTSA.

As discussed, the proposed per unit fee is the one of the highest in the region. Rates for other municipalities include:

- \$11,300 – City of Vaughan (By-law 168-2022);
- \$15,493 – City of Mississauga (By-law 137-2022);
- \$23,600 – City of Burlington (By-law 57-2005, as amended);
- \$11,435 – City of Hamilton (By-law 09-124, as amended); and
- \$4,403 – City of Brampton (By-law 283-2013, as amended).

Further to this, the City of Toronto has implemented a cap on parkland dedication. For sites that are less than 1 hectare in size, parkland dedication will not exceed 10% of the development site, net of any conveyances for public roads. Sites between 1 and 5 hectares are capped at 15% of the development site, and sites greater than 5 hectares are capped at 20%.

Preliminary analysis for a representative site in a Strategic Growth Area demonstrates this issue. The representative site is approximately 1.26 hectares in size, and is proposed to be redeveloped with a mixed-use development containing a total of 1,750 dwelling units. The application of an uncapped residential rate for high density development using the proposed mixed-use development pro-rated formula, would result in a land requirement for parkland that is approximately 4.31 hectares in size, which is more than three times the size of the site itself. Applying the proposed cash in lieu rate of \$22,269 per unit would result in a cash payment that could exceed the value of the lands, thus a cap is also required on the cash-in-lieu formula.

As mentioned above, our request for the Town to consider a parkland dedication cap for both on-site dedication and cash-in-lieu dedication, and to reduce the per unit fee for cash-in-lieu payments in keeping with NBLC's memorandum described above, as well as the objectives of the Provincial Policy Statement and Growth Plan. From a Provincial policy perspective, growth is directed to strategic growth areas, such as urban growth centres and major transit station areas, and guided by population and employment targets. It is our opinion that local Municipalities will be challenged to meet their population and employment targets if the feasibility of development, particularly high-density transit-oriented

development, is impacted by the Town's parkland dedication requirements that significantly exceed the size and could exceed the value of the property itself. In turn, the Town will likely experience, and is indirectly promoting, development pressures in areas not targeted for significant intensification.

3.2 Recognition of Parkland Policies and Land Areas determined through Comprehensive Plans

Request: That the proposed Parkland Dedication Policy and By-law consider the comprehensive parks and open space planning that has been done in Secondary Plans and Planning Studies .

Justification: Page 49 of the Draft Parks Plan – 2031 states that in Oakville, the Town typically determines whether land, or cash-in-lieu of land, or some combination thereof is appropriate based on the policies of the Official Plan, any applicable Secondary Plan and/or the identified needs of the community. For most of the Strategic Growth Areas in the Town, comprehensive planning processes, including Planning Studies and Secondary Plans, result in an amendment to the Official Plan. These comprehensive plans often involve extensive engagement on and consideration of where parks should be located, the hierarchy of parks in the plan area, how large the parks will be and how much parkland should be provided across the plan area. The associated Official Plan Amendment will direct that the parkland be provided generally in accordance with the maps and schedules and the policies specify the total amount of parkland to be provided. When this direction on parkland has already been considered and approved by Council, owners should not also be required to proceed through a process regarding parkland dedication that does not consider this comprehensive planning process and should not be required to provide additional parkland, if they are proceeding in accordance with the permissions in the Official Plan for development of the site. This is particularly important because landowners participating in a comprehensive planning process will often need to enter into cost sharing agreements with other owners in the plan area to share the costs of parkland that might be disproportionately located on some of the parcel of land in the plan area. This means that the owners would all be contributing their portion of the comprehensive plan's parkland requirements, even if it is not located on their site.

3.3 Full Credit for Privately Owned Public Spaces (POPS) and Stratified Parks

Request: The Town consider full (100%) credit to the land owner for the provision of an on-site privately owned public space and/or stratified parkland.

Justification: Provincial, Region and Town policies and plans provide that the majority of growth will be directed to intensification areas and Strategic Growth Areas. These policies also provide direction on the need for efficient development patterns, optimizing the use of

land, resources and public investment in infrastructure and public service facilities as well as promoting a mix of uses in a compact form. To address these policies, the parkland dedication requirements need to provide opportunities provide parkland that also makes efficient use of the land. In this regard, the parkland dedication policies and by-law must allow uses to be located beneath the parks that will not interfere with the function of the park. Definitions for stratified parks and privately owned public spaces are included in the proposed modifications. This could include public and private stormwater management facilities, underground parking, below-grade portions of buildings, utilities and other infrastructure. Where the parkland at grade will be able to function to meet the needs of the community, this area should receive full credit for parkland. In some cases, it would be appropriate for the open space area to remain in private ownership with an agreement for access by the public. Where the Town has entered into an agreement with the owner for a privately-owned public open space (POPS) and accessible from a public street, these POPS should also receive full credit for parkland dedication. POPS can be an important part of the fabric of dense urban communities, providing smaller urban parks that are maintained by the owner. While we agree that POPS need to be accessible from a public street, the proposed criteria to locate the POPS so that it has a direct connection to the parkland system will not always be feasible and restrictions on the configuration of the POPS (e.g. the proposed requirement for a minimum area combined with a minimum frontage) should not be part of the parkland policies and by-law and should instead be determined through site plan control. To the user, the experience is the same, as is the overall public benefit for a POPS or a stratified park compared to a publicly owned park with no encumbrances. Therefore, POPs and stratified parks should receive full credit for parkland dedication.

3.4 Accepting Off-site Parkland Dedications

Request: The Draft Parkland Dedication Policy and By-law be amended to permit off-site parkland dedication as an acceptable alternative to satisfying on-site parkland dedication requirements.

Justification: Full credit for off-site dedications should also be included in the parkland policies and by-law. As discussed above, when parkland locations and land requirements have been determined through a comprehensive planning process, owners may be sharing the cost of parkland that is located in the plan area but not on their own site. Off-site dedication allows the Town to assemble dedications from multiple owners to create larger parks that can integrate more land intensive recreational uses. In Strategic Growth Areas and other intensification areas with minimum density targets, permitted off-site parkland and providing full credit, supports the efficient use of land to achieve the density targets.

4.0 CONCLUSIONS

As outlined in this letter, as well as the modified instruments enclosed in **Attachments A** and **B**, it is our opinion that revisions to the proposed Draft Parkland Dedication Policy and By-law are necessary to ensure that these provisions are in-line with other municipalities and are not excessively punitive to high density developments in strategic growth areas which will in turn prevent the Town from achieving its population and employment targets set out by the Province.

Thank you for the opportunity to provide comments and proposed revisions to the parkland dedication policies and by-law. We look forward to continuing to work with staff on this important matter.

Yours very truly,

Bousfields Inc.



Emma West, MCIP, RPP



Tyler Grinyer, MCIP, RPP

*Attachments: Redline Draft Parkland Dedication Policy (Attachment A)
Redline Draft Parkland Dedication By-law (Attachment B)
Case Study and Comparable Municipal Contexts (Attachment C)*

cc *Northbridge Capital Inc.
Distrikt Developments
Alliance United Corp.
Oak-Lane Investments Inc.*

Attachment A

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Parkland Dedication Policy

Policy number: Enter policy number
Section: Administration
Sub-section: Choose an item
Author: Parks and Open Space
Authority: Council
Effective date: Click or tap to enter a date
Review by date: Enter year (yyyy)
Last modified: Click or tap to enter a date

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Policy statement

The Corporation of the Town of Oakville (town) utilizes provisions in the *Planning Act* to obtain land for parks through land conveyance or payment-in-lieu of land from development and redevelopment. The application of the Parkland Dedication by-law shall be in accordance with the key objectives outlined in Parks Plan 2031.

Purpose

The purpose of this policy is to ensure that the growing population of the town is well-served by its public parkland system, and that the new parkland generated reflects the evolving built form of the town.

Scope

This policy applies to development and redevelopment within the town.

References and related documents

Planning Act, R.S.O. 1990, c. P.13
Parkland Dedication By-law
Parks Plan 2031
Parkland Dedication Procedure

Parkland Dedication Policy

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Authority: Council
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Purpose statement

The purpose of this procedure is to establish the guidelines and process for the administration of the Town of Oakville (town) Parkland Dedication by-law. This procedure results in the conveyance of land or payment in lieu of land for parks in accordance with the Parkland Dedication by-law and the key objectives outlined in the Parks Plan 2031.

Scope

This policy applies to development and redevelopment within the town.

Procedure

The guidelines and process for conveyance of land or payment in lieu of land for parks shall be in accordance with the following key objectives:

- Meeting the town's Active Parkland Target
- Establishing a Context Appropriate Parkland Hierarchy
- Options for Ownership of the town's Parkland System
- Achieving the town's Parkland System
- Calculation of the Conveyance of Land
- Acceptance of Land
- Calculation of the Payment in lieu of Land

- Utilization of Payments in lieu of Land
- Administration
- Exemptions and Reductions

1. Meeting the Town's Active Parkland Target

The basis for the Parkland Dedication by-law is that the town achieve an Active Parkland Target of 2.2 hectares per 1,000 people to the horizon year of 2031.

2. Establishing a Context Appropriate Parkland Hierarchy

The Urban Parkland Hierarchy – Strategic Growth Areas

The following urban parkland hierarchy shall be used to establish or augment an appropriate park system within the town's Strategic Growth Areas (SGAs):

- I. Public Common (PC) - Between 0.75 and 2 ha in size - PC spaces are the social and recreational focal points of a neighbourhood. They typically meet the needs of the local community, and in some instances, accommodate town-wide facilities. PC spaces support a balance of active and passive uses. PC spaces shall be coordinated with urban school sites, where possible. PC spaces should accommodate special features that add visual interest and contribute to placemaking, including locations for public art. PC spaces are intended to serve community users who are generally within a 10-minute walking distance (approximately 800 metres).
- II. Urban Square (US) - Between 0.25 and 1 ha in size - US spaces support neighbourhood-oriented social opportunities, as well as town-wide entertainment and cultural events depending on their size and location. US spaces may include public art, small outdoor game areas, seating areas and places to eat, as well as street-related activities such as vendor and exhibit space. US spaces are intended to serve community users who are generally within a 5-minute walking distance (approximately 400 metres).
- III. Promenade (P) - P spaces are substantial linear spaces that are located between adjacent building facades and the adjacent road right-of-way. They are typically only located along one side of the street, and are continuous along the length of the block. P spaces are **to have a minimum width of 6 metres, and are typically** used to enhance the pedestrian experience along with highly activated at-grade retail spaces. P spaces may include public art, small outdoor game areas, seating areas and places to eat, as well as street-related activities such as vendor and exhibit space.

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- IV. Other Urban Park Spaces - Generally less than 0.25 ha - Other Urban Park Spaces support the social and cultural fabric of Oakville's SGAs. They are destinations for day-to-day use and may be animated by their adjacent uses, such as cafés and shops. They are intended to serve a local community that is generally within a 2.5 to 5-minute walk (approximately 200 to 400 metres) of residents, visitors and businesses. Other Urban Park spaces are small and compact spaces that are designed to a very high standard to support more intensified use. Other Urban Park spaces may include:
- i. Connecting Link (CL) - A CL is an outdoor or indoor walkway that may be lined with small stores, restaurants and cafés. A CL is a minimum of 4 metres in width, and may be substantially wider. When enclosed, the floor to ceiling height should be a minimum of 7 metres. Although a CL is intended to enable pedestrians to travel through the community quickly and easily, many are destinations unto themselves with seating, restaurant and retail frontages.
 - ii. Pocket Park – Pocket Parks are small, pedestrian friendly spaces that accommodate socializing in dense urban areas. They include primarily hard surface elements, but can also accommodate softer elements. Pocket Parks are destinations unto themselves with outdoor seating and may include restaurant and retail frontages. Pocket Parks should be a minimum of 75 square metres in size, and be connected to, and should have at least 7.5 metres of direct frontage along the public sidewalk system.
 - iii. Sliver Park - Sliver Parks are narrow linear spaces that often front restaurants, cafés and retail spaces. They create plazas or forecourts between the face of the adjacent building and the street right- of-way. They are effectively small scale extensions of the public sidewalk system.

The Traditional Parkland Hierarchy - Established Neighbourhoods, North Oakville and Other Greenfield Communities

The following traditional parkland hierarchy shall be used to establish or augment an appropriate park system within the town's established neighbourhoods, North Oakville and other greenfield communities within the town:

- I. Community Park (CP) - Greater than 5 ha - CP spaces support a variety of recreational and athletic interests with amenities, such as sports fields and courts, large skateboard parks, outdoor skating facilities, field houses, picnic shelters, off-leash dog areas and water play facilities. CP spaces are typically co-located with Community Centres, where possible. CP spaces

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may accommodate specialized events and amenities may attract users from across the Town.

- II. Neighbourhood Park (NP) - Between 0.75 and 5 ha - NP spaces support a balance of active and passive uses, such as playgrounds, skate zones, play courts, unlit sports fields and social gathering spaces. NP spaces may be coordinated with school sites, where possible. NP spaces serve a local community located within a 10-minute walk of the park space.
- III. Parkette (P) - Less than 0.75 ha - P spaces are recommended for instances where an NP space is not necessary, but local-level facilities (e.g., playground, waterplay, seating) are required to serve a nearby development. These spaces are not suitable for large features such as sports fields. P spaces support the social and cultural fabric of the community located within a 5-minute walk of the park space.
- IV. Eco Park - Greater than 3 ha - Eco Park spaces support environmental education, interpretation and nature-related recreation. Eco Park spaces include opportunities for linear and passive recreation and provide an ecological relief from the more urban environments in the town. Eco Park spaces may accommodate specialized events and amenities and will attract users from across the town. Where possible, Eco Parks should be considered to co-locate with other park opportunities that can more appropriately accommodate active recreation facilities.

3. Options for Ownership of the town's Parkland System

Ownership Options within the SGAs

Where land is to be considered as a parkland dedication contribution under the *Planning Act*, it is recommended that the town, as a first priority, require Fee Simple Parkland dedication for all Public Common, Urban Square, Promenade and Other Urban Park Spaces elements of the urban parkland system within the SGAs. In addition:

- I. Where there is an appropriate rationale, the town shall accept a Strata Park arrangement for Public Common, Urban Square, Promenade and Other Urban Park Spaces elements of the urban parkland system within the SGAs, at a full (100%) credit towards satisfying the parkland dedication contribution under the *Planning Act*.
- I. Where there is an appropriate rationale, and where the following criteria have been met, to the satisfaction of the town,

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II. the town shall accept Privately Owned Public Spaces (POPS) at a full (100%) credit towards satisfying the parkland dedication contribution under the *Planning Act*.

- i. It is an integral element, and is adjacent to the public sidewalk system;
- ii. It can be defined only as an Other Urban Park element, and is not a Public Common, Urban Square, or Promenade; and
- iii. An appropriate legal agreement has been established between the owner and the town that guarantees that the space is designed, built and maintained to town standards, and is open and accessible to the public at times defined in the legal agreement established between the owner and the Town.

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4. Achieving the town's Parkland System

The town may utilize all of the following tools, in addition to this Parkland Dedication by-law to acquire/secure parkland resources:

- I. The Community Benefits provisions of the *Planning Act* and the town Community Benefits Charge Strategy and by-law;
- II. Off-site land dedication;
- III. Public acquisition;
- IV. Land exchanges;
- V. Donations, gifts, bequests; and/or,
- VI. Other methods deemed appropriate by the Town.

The town shall consider off-site parkland acquisition/dedication opportunities in order to augment its supply of parkland as a way of achieving its Active Parkland Target. Where an off-site land dedication is considered appropriate, the land area of the off-site parkland dedication shall be subject to the following criteria:

- i. The off-site land area is land that is acceptable as parkland dedication;
- ii. The land value identified for the required parkland dedication from the proposed development site is approximately equal to the land value of the off-site land dedication site, either in absolute per hectare land cost, or the amount of land to be dedicated; and,
- iii. An off-site parkland dedication shall be to the satisfaction of the town and the owner.

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5. Calculation of the Conveyance of Land

Parkland within SGAs requires both a comprehensive planning approach to achieving the larger elements of the urban parkland hierarchy, as well as a requirement for smaller scale on-site parkland contributions to be achieved as follows:

- I. Within the town's defined SGAs, a minimum Achieved Parkland Standard (net parkland/Land Area of the Strategic Growth Area) of a minimum of 7.5%, with the objective of up to 12%, where opportunities exist, and that the planned urban parkland system within a comprehensively planned SGA be:
 - i. Comprised of the Public Common, Urban Square, Promenade and Other Urban Park Spaces categories; and,
 - ii. Distributed throughout the SGA, such that all residents are within a 2.5 minute walk (200 metres) from a defined Public Common, Urban Square, Promenade or Other Urban Park Spaces.

- I. For SGAs with a comprehensive plan that identifies an appropriate provision of parkland in accordance with the minimum Achieved Parkland Standard and identifies general locations for elements of the urban parkland hierarchy, payment-in-lieu of parkland shall be accepted for lands not planned to accommodate parkland or elements of the urban parkland system.

The town shall consider off-site parkland dedication opportunities in order to augment its supply of parkland. On any site, the town may accept an on-site land contribution, an off-site land contribution and/or cash-in-lieu of land.

6. Acceptance of Land

Lands Acceptable for Dedication

- i. The town identifies the following as fully acceptable lands for parkland dedication:

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An on-site urban parkland system contribution of not less than 5% of the net developable site area for any residential or mixed-use development that includes residential uses;
The

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Larger sites shall include larger

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- I. Lands in a condition satisfactory to the town and in accordance with the requirements of the town's Official Plan Policies respecting the acquisition of land, including a Record of Site Condition pursuant to the Environmental Protection Act; and,

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- II. Lands that are free of any/all title encumbrances except for the following encumbrances when the criteria in Section 3.I and 3.II of this Policy have been satisfied: transit facilities, underground parking facilities, underground portions of a building or structure, underground storm water facilities, utility corridors and other publicly or privately owned infrastructure;

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If a survey is required to convey parkland required under this Parkland Dedication by-law, it shall be completed by and at the expense of the owner for the building permit.

Lands Potentially Acceptable for Dedication

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The town identifies the following as potentially being acceptable lands for parkland dedication, but at a reduced rate, to the satisfaction of the town:

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

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Privately Owned Public Spaces (POPS) where located within a SGA subject to required legal agreements;¶

The town identifies the following as being acceptable lands for parkland dedication at full (100%) credit:

- i. Lands that are subject to a Strata Park arrangement; and/or
 - ii. Privately Owned Public Spaces (POPS) subject to required legal agreements;
 - iii. Lands used for utility corridors or any other infrastructure planned to accommodate parkland or active transportation corridors within SGAs as identified through a comprehensive plan;

Outside of SGAs, parkland on lands used for utility corridors or any other infrastructure shall be considered acceptable lands for parkland dedication at full (100%) credit, to be determined on a site-by-site basis.

In all circumstances, the actual amount of the land area discount shall be determined on a case-by-case basis, at the sole discretion of, and to the satisfaction of the town and the owner.

If a survey is required to convey parkland required under this Parkland Dedication by-law, it shall be completed by and at the expense of the owner for the building permit.

Lands Not Acceptable for Dedication

The town identifies the following as not acceptable lands for parkland dedication:

- i. Lands that are an identified core natural heritage feature as defined in the Official Plan, or an applicable Secondary Plan, or as identified in an Environmental Impact Study accepted by the town;
- ii. Lands that are susceptible to flooding, have poor drainage, erosion issues, extreme slopes (greater than 15 percent) or other environmental or physical conditions that would interfere with the lands potential development or use as a public park;
- iii. ~~Lands that are deemed to be contaminated in any way;~~

Deleted: <#>Lands that are required to accommodate storm water management facilities.†

- iv. ~~Lands that are encumbered by easements or similar legal instruments that prohibit public use.~~

Deleted: <#>Lands used for utility corridors or any other infrastructure; and/or, ¶

7. Calculation of the Payment in-lieu of Land

Land Dedication/Cash-in-lieu within the SGAs

Within the SGAs it is understood that approximately 25% of the land or cash-in-lieu generated by development within the SGA shall be acquired within the SGA where it was generated - including lands secured through a comprehensive urban parkland system plan, and lands generated on individual development sites. The remaining 75% of the land and/or cash generated through the Parkland Dedication by-law through development and redevelopment within the SGAs is to be allocated in accordance with the priorities established in this procedure.

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Land Dedication/Cash-in-lieu within the Established Neighbourhoods and Greenfield Communities

Within the Established Neighbourhoods and Greenfield Communities, land dedication shall always be the first priority, and that cash-in-lieu may only be acceptable where no reasonable alternative exists, including the opportunity for an off-site land dedication elsewhere within the town. Cash-in-lieu of land shall only be considered within the Established Neighbourhoods and Greenfield Communities under the following circumstances:

- i. Where the application of the parkland dedication requirements would render the remaining portion of the development site unsuitable or impractical for development;
- ii. Where the amount of parkland dedication generated by the development proposal is insufficient to accommodate a reasonable public park space;
- iii. Where existing public parkland is available and is deemed sufficient by the town in quantity and quality to accommodate further development in proximity to the proposed development;
- iv. ~~Where a comprehensive planning process identifies the location and/or amount of parkland for that plan area; or.~~
- v. Where more suitable parcels of land are available for acquisition for public parkland purposes in other locations within the defined neighbourhood, or anywhere else within the town.

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Establishing Land Value

For the purposes of calculating the payment in-lieu of land, the town's Manager, Realty Services shall coordinate a land appraisal process for the development or redevelopment as follows:

- i. The owner will contact the Manager, Realty Services no later than **X days** prior to the expected time of the first *building permit*
- ii. The owner and Manager, Realty Services will coordinate a land appraisal to be used in calculation of the CBC payable
- iii. The appraisal will be at the owners cost in accordance with the Town of Oakville rates and fees by-law
- iv. Land appraisals shall be carried out under the direction of the Manager, Realty Services, and shall be determined with reference to accepted appraisal standards and principles as outlined in the Canadian Uniform Standards of Professional Appraisal Practice
- v. Review of appraisal
- vi. Dispute resolution

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8. Utilization of Payments in-lieu of Land

Prioritization of Funds

The town has established a reserve fund (special account) for the receipt of all cash-in-lieu of land contributions accrued through the parkland dedication/cash-in-lieu of parkland process identified in the Parkland Dedication by-law. The town may utilize cash-in-lieu funds for the following priorities:

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

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Parkland Acquisition Strategy

The town shall establish a Parkland Acquisition Strategy to ensure that funds collected through the cash-in-lieu of land provisions of this Parkland Dedication by-law are utilized to ensure that the town-wide Active Parkland System Target of 2.2 hectares per 1,000

people is achieved in concert with planned population growth. Within the Parkland Acquisition Strategy the Town shall identify priorities for land acquisition and a budget for allocating funds, on an annual basis to ensure that all cash-in-lieu funds collected are spent on identified parkland system improvements in a timely fashion.

9. Administration

- I. The town may invest in securities as permitted under the Municipal Act. Income received from investment of the Parkland reserve fund shall be credited to the Parkland reserve fund in accordance with the town's Reserve/Reserve Fund Procedure.
- II. In administering the Parkland reserve fund, the Treasurer shall report on the activities and status of the Parkland reserve fund in an Annual Financial Statement relating to the Parkland reserve fund in accordance with the *regulation*. The Annual Financial Statement shall include, for the preceding year, an accounting of the opening and closing balances of the special cash-in-lieu account and all of the transactions relating to the account, as well as statements identifying:
 - i. Any land or machinery acquired during the year with funds from the Parkland reserve fund;
 - ii. Any capital improvements carried out during the year with funds from the Parkland reserve fund;
 - iii. Any building erected, improved or repaired during the year with funds from the Parkland reserve fund; and,
 - iv. The details of the amounts spent.
- III. As per the requirements of the *Act*, the Treasurer shall maintain a record of all lands and cash-in-lieu received and including all expenditures from the Parkland reserve fund. The cash-in-lieu of parkland dedication record and associated Annual Financial Statement shall be reported to Council and made available to the public on a yearly basis. The Treasurer shall give a copy of the Annual Financial Statement to the Minister of Municipal Affairs upon request.
- IV. The Town shall review this Parkland Dedication by-law to determine its effectiveness both in terms of its regulatory context and in its consistent application. The review shall occur, at a minimum, in response to relevant changes in Provincial planning policies and/or whenever the town reviews its relevant Official Plan policies OR this Parkland Dedication by-law shall be reviewed at a minimum of every 5 years, or at an earlier time as prescribed by Council.

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10. Exemptions and Reductions

Exemptions and reductions for certain types of development and redevelopment are outlined in the Parkland Dedication by-law. There will be no further exemptions or reductions associated with:

- i. The town's Development Charges by-law
- ii. The town's Community Benefits Charge by-law
- iii. Any works undertaken by the owner as a condition of the site plan approval process, or related planning or servicing agreements or other development- related agreements considered distinct and separate from the requirements under the authority of the Parkland Dedication by-law

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References and related documents

Planning Act, R.S.O. 1990, c. P.13
Ontario Regulation 509/20
Parkland Dedication By-law
Parks Plan - 2031
Parkland Dedication Policy

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Definitions

Act means the *Planning Act*, R.S.O. 1990, c. P.1;

Building permit means permit under the Building Code Act for construction at or above the first storey of a building;

regulation means O. Reg. 509/20 as amended or successor regulation;

town means the Corporation of the Town of Oakville;

Stratified Park or Strata Park means parkland in the form of publicly accessible open space developed above infrastructure, such as transit facilities, underground parking facilities, underground portions of a building or structure, underground storm water facilities, utility corridors, other publicly or privately owned infrastructure. The parkland may be conveyed to the Town by the owner through the appropriate legal agreement, but will remain privately owned (and typically privately operated), whereas the underlying infrastructure may be maintained within public or private ownership.

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Responsibilities

The Director, Planning Services shall be responsible to:

- In coordination with the Director, Parks and Open Space, determine the appropriate use of the Parkland Dedication by-law for a development or redevelopment in order to achieve the appropriate town parkland system in accordance with this procedure
- Make recommendations for the utilization of payments in lieu of land

- Coordinate with various staff for the preparation of agreements related to Strata parks and POPs

The Director, Parks and Open Space shall be responsible to:

- In coordination with the Director, Planning Services, determine the appropriate use of the Parkland Dedication by-law for a development or redevelopment in order to achieve the appropriate town parkland system in accordance with this procedure
- Make recommendations for the utilization of payments in lieu of land
- Coordinate with various staff for the preparation of agreements related to Strata parks and POPs

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The Manager, Realty Services shall be responsible to:

- Administer the land valuation process
- Calculate the Payment in lieu of land

The Treasurer or designate shall be responsible to:

- Oversee the administration and reporting on the Parkland reserve fund
- In coordination with the Director, Planning Services and Director, Parks and Open Space, consider the use of acquisition tools beyond the Parkland Dedication by-law

The Town Solicitor or designate shall be responsible to:

- Administer agreements associated with the Parkland Dedication by-law and this procedure

Appendices

List forms, flowcharts, etc. (delete this section if not required)

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Attachment B

**THE CORPORATION OF THE TOWN OF OAKVILLE
BY-LAW NUMBER 2022 - xxxx**

Appendix A

**A By-law to require the conveyance of parkland or the payment of
payment-in-lieu of parkland pursuant to the Planning Act**

WHEREAS Sections 42, 51.1 and 53 of the Planning Act authorize local municipalities to require that land or payment-in-lieu thereof be conveyed to the local municipality for park or other public recreational purposes as a condition of development, or redevelopment, or the subdivision of land;

AND WHEREAS Council for the Corporation of the Town of Oakville deems it necessary and expedient to enact a By-law to provide for the provision of lands for park or other public recreational purposes and the use of alternative requirements;

AND WHEREAS the Town of Oakville Official Plan contains approved policies regarding the requirements for the conveyance of land for park or other public recreational purposes;

AND WHEREAS Council for the Corporation of the Town of Oakville desires to repeal and replace By-law 2008-195 with an updated By-law to provide for the conveyance of land and payment-in-lieu thereof for park and other public recreational purposes;

AND WHEREAS Section 23.1 to 23.3 of the Municipal Act authorize the delegation of powers or duties of the municipality subject to restrictions;

NOW THEREFORE Council enacts as follows:

DEFINITIONS

In this By-law:

“Basement” means the portion of a building between the first storey and any floor below the level of the first floor.

“Building Permit” means the first permit issued under the Building Code Act for construction at or above the first storey of a building or structure’

“Commercial Purposes” means the use of land, building or structure, or part thereof, for the retail sale of goods and/or services, as well as non-governmental office facilities.

“Council” means the Council of the Town of Oakville.

“Development” means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishment of a commercial parking lot.

“First storey” means the storey of a building, structure or part thereof, that has its floor closest to the grade and its ceiling more than 1.8 m above the grade.

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"Grade" means the average level of finished ground adjoining a building or structure at all exterior walls.

"Industrial purposes" means the use of land, building or structure, or part thereof for manufacturing, warehousing, distribution and/or recycling operations. Industrial purposes may also include the bulk storage of goods and related accessory uses.

"Land Area" means the area of land that is to be conveyed under this by-law in fee simple to the Town and which conveyance can be registered in the Land Registry Office.

"Owner" means the registered owner of the land to be developed, redeveloped, or subdivided.

"Planning Act" means the Planning Act, R.S.O. 1990, c. P.13, as amended.

"Privately Owned Public Spaces" means a public space that is privately owned, operated and maintained, but is made publicly accessible via legal agreements between the property owner and the Town.

"Redevelopment" means the removal of buildings or structures from land and further development of the land, or the substantial renovation of a building or structure and a change in the character or intensity (density) of use in connection therewith.

"Residential Purposes" means living a building, or part of a building that is used for the accommodation of a person or persons living together as a single household unit, in which both food preparation and sanitary facilities are provided for the exclusive use of the occupants of the unit.

"Storey" means the portion of a building that is: a) situated between the top of any floor and the top of the floor next above it; or, b) situated between the top of the floor and the ceiling above the floor, if there is no floor above it.

"Strategic Growth Areas" means those areas identified by the Town of Oakville Official Plan to be the focus for accommodating intensification.

"Stratified Parks" means parkland in the form of publicly accessible open space developed above infrastructure, such as transit facilities, underground parking facilities, underground portions of a building or structure, underground storm water facilities, utility corridors, other publicly or privately owned infrastructure. The parkland may be conveyed to the Town by the owner through the appropriate legal agreement, but will remain privately owned (and typically privately operated), whereas the underlying infrastructure may be maintained within public or private ownership.

"Town" means The Corporation of the Town of Oakville.

PART 1 – Calculation of Conveyance

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1.1 **Required Parkland Conveyance – General** – As a condition of development or redevelopment of land, the Town shall require the conveyance of land or payment-in-lieu equivalent to the Town for parks and other public recreational purposes as follows:

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- i. *Commercial and Industrial Purposes* – in the amount of 2 percent of the Land Area proposed for Commercial and/or Industrial Purposes. Where any form of commercial or industrial redevelopment is proposed, and where no prior parkland dedication has been provided or payment-in-lieu paid (prior to 2008), the Town shall require parkland dedication in the amount of 2 percent of the Land Area, unless otherwise identified as exempt from parkland dedication by the Town;

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- ii. *All Other Non-Residential Purposes* – in the amount of 5 percent of the Land Area proposed for all other non-residential purposes. Where any form of redevelopment is proposed within this land use category, and where no prior parkland dedication has been provided or payment-in-lieu paid (prior to 2008), the Town shall require parkland dedication in the amount of 5 percent of the Land Area, unless otherwise identified as exempt from parkland dedication by the Town;

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- iii. *Residential Purposes* – in the amount of 5 percent of the Land Area proposed for residential purposes. Where any form of redevelopment is proposed within this land use category, and where no prior parkland dedication has been provided or payment-in-lieu paid (prior to 2008), the Town shall require parkland dedication in the amount of 5 percent of the Land Area, unless otherwise identified as exempt from parkland dedication by the Town;

- iv. *As an alternative to requiring the conveyance provided for in section 1.1 (iii) above, for lands proposed for a development or redevelopment for a residential purpose, the Town may elect that land be conveyed at a rate of one (1) hectare for each three hundred (300) residential units proposed.*

- v. *Mixed-Use Development* – based on a formula that pro-rates the parkland dedication on the basis of the mixture of land uses proposed, as follows:

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

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

Where payment-in-lieu is considered appropriate by the Town, it shall be based on the payment equivalent of the application of the Mixed-Use Formula;

- 1.2 **Residential Development in Established Neighbourhoods, North Oakville and Other Greenfield Communities** – Residential parkland dedication rates shall be required, as follows:

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- i. *Significant Residential Intensification* – Where a significant residential intensification is proposed, and not anticipated by the Official Plan (requiring an Official Plan Amendment) residential development shall be required to contribute the land and/or

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payment-in-lieu equivalent of the lesser of 1 hectare for each 500 dwelling units proposed or \$22,269.00 per unit. The Town shall index the payment-in-lieu equivalent rate on a semi-annual basis to reflect land value increases or decreases. [NTD – what rate would apply in North Oakville or Other Greenfield communities where significant residential intensification was proposed but an OPA was not required?]

- ii. *Small-Scale Residential Intensification within Established Neighbourhoods* – For Small-Scale Residential Intensification, where no Official Plan Amendment is required, the Town establishes a set requirement of 1 hectare per 500 dwelling units. The requirement shall apply only to the new units generated over and above the number of units remaining or being replaced, and may be based on the type of unit (number of bedrooms) consistent with the approach used in the Town's Development Charges By-law; and, [NTD – Further clarification required from the Town as to the intent of this policy. Is the Town anticipating that from small-scale residential developments in established neighbourhoods that only CIL would be applicable?]

- iii. *Additional Residential Units* – For Additional Residential Units, as defined by the Planning Act, permitted by the Official Plan and Implementing Zoning By-Law, the Town shall exempt those new dwelling units from any parkland dedication requirement.

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1.3 **Residential Development within Strategic Growth Areas** ~~–~~ Within the Town's identified Strategic Growth Areas, residential development shall be required to contribute the land and/or payment-in-lieu equivalent of the lesser of 1 hectare for each 500 dwelling units proposed or \$12,000.00 per unit, but shall not exceed 15 percent of the value of the Net Area of the land. In the case of an on-site parkland dedication being provided, the area of the land shall not exceed 15 percent of the Net Area of the land. The Town shall index the payment-in-lieu equivalent rate on a semi-annual basis to reflect land value increases or decreases.

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1.4 **Off-Site Parkland Dedication** ~~–~~ The town shall consider off-site parkland dedication opportunities in order to augment its supply of parkland. On any site, the town may accept an on-site land contribution, an off-site land contribution and/or cash-in-lieu of land.

PART 2: Parkland Credits

2.1 **Lands Previously Conveyed** ~~–~~ Where land has been previously been conveyed, or a payment of payment-in-lieu of such conveyance has been previously received by the Town, no additional conveyance or payment in respect of the land subject to the earlier conveyance or payment may be required by the Town in respect of subsequent development or redevelopment applications, unless:

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

Where such increase in density and/or dwelling units is proposed, or where a land use conversion is proposed, from a non-residential land use to a residential land use, or from Commercial or Industrial Purposes to any other land use, the conveyance will be subject to the increase in density/dwelling units/land use proposed and the value determined the day before the day that the first building permit is issued.

2.2 **Existing Agreements** ~~–~~ Nothing in this Parkland Dedication By-law shall be interpreted so as to frustrate, invalidate or supersede any existing agreements that have been previously executed between the land owners and the Town with respect to area specific parkland dedication, delivery and funding arrangements, and any amendments to such agreements, provided that the proposed development proceeds in a manner set out under such agreements.

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2.3 **Comprehensive Plans** ~~–~~ Nothing in this Parkland Dedication By-law shall be interpreted so as to invalidate or superseded the approach to the dedication of land for parkland, including but not limited to the general location and amount of land, identified in a comprehensive plan.

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including an Official Plan Amendment, Secondary Plan or Planning Study.

- 2.4 **Credits Considered** – This Parkland Dedication By-law identifies that parkland dedication credits may be considered by the Town where a specified developer has over-provided a parkland dedication on one site, and then, subject to approval by the Town, may reduce the required parkland dedication on another site being developed by the same developer. Legal agreements between the developer and the Town may be required to facilitate the intent of this recommendation.

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- 2.5 **Lands Acceptable for Conveyance and Parkland Credits** – The Town shall accept the following encumbered lands at a full (100%) credit towards satisfying the parkland dedication requirements set out in Part 1 of this By-law:

- i. Strata parks;
- ii. Privately owned public space (POPS);
- iii. Land encumbered by transit facilities, underground parking facilities, underground portions of a building or structure, underground storm water facilities, utility corridors, other publicly or privately owned infrastructure; and

Parkland credits for the encumbered lands specified above shall require the owner to enter into an appropriate legal agreement with the Town, and shall be credited provided that the encumbered lands:

- iv. are designed, built and maintained to the Town standards;
- v. in the case of POPS, are accessible to the public at times set out in an agreement between the Town and the owner; and
- vi. in the case of POPS, are adjacent to the public sidewalk system.

PART 3: Payment-in-lieu of Land

- 3.1 **Determining when Payment-in-lieu is appropriate** - Where lands proposed for development or redevelopment are less than 1,500 square metres in size, the Town shall consider payment-in-lieu as acceptable when a land contribution is

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required. The Town may also consider when a combination of on-site land dedication, off-site land dedication and/or payment-in-lieu of land is appropriate.

Where payment-in-lieu is considered appropriate by the Town, it shall be based on the payment equivalent of the applicable parkland dedication requirement as established in this Parkland Dedication By-law. For residential, or the residential component of a mixed-use development, under no circumstances will a payment-in-lieu equivalent exceed 1 hectare per 500 dwelling units, and shall not exceed 15 percent of the value of the Net Area of the land in strategic growth areas.

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PART 4: Establishing Land Value

- 4.1 **Timing for Land Value Assessment** - Where land is required to be conveyed to the Town, and/or payment-in-lieu is required to be paid to the Town in accordance with this Parkland Dedication By-law:
- i. For development or redevelopment subject to Section 42 of the Planning Act, the value of the land or payment-in-lieu equivalent to be paid shall be determined as the value of the land the day before the day that the building permit is issued, and if more than one building permit is required, the value shall be calculated the day before the day that the first building permit is issued;
 - ii. For development or redevelopment subject to Sections 51.1 and 53 of the Planning Act, the value of the land or payment-in-lieu equivalent shall be determined in accordance with the conditions of approval of a plan of subdivision or condominium pursuant to Section 51 of the Planning Act or the conditions of provisional consent pursuant to Section 53 of the Planning Act. For lands where no subsequent Site Plan Approval is required, Draft Plan Approval shall be subsequent to Official Plan designations and Zoning By-Law approvals that establish the use and development parameters of the land in anticipation of appropriate development; or,
 - iii. For development or redevelopment which occurs pursuant to either of Sections 42 or 51.1 of the Planning Act and for which approvals are issued in phases, the Town shall calculate and require the conveyance of land for park purposes or the payment of payment-in-lieu in accordance with the provisions of this Parkland Dedication By-law, on a phase by phase basis.

PART 5: Administration

- 5.1 **Applicability of this By-law** - this Parkland Dedication By-law is applicable to all lands within the corporate limits of the Town of Oakville.
- 5.2 **Delegation to Staff** - Council hereby delegates to the Director of Planning in consultation with the Director of Parks and Open Space and the Manager of Realty Services, the administration of this Parkland Dedication By-Law, including the authority to:

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- i. Negotiate parkland dedication and/or payment-in-lieu for each development or redevelopment application, and execution of parkland dedication agreements or amendments thereto as may be necessary, in accordance with the provisions of the Town's Parkland Dedication By-Law and the policies of the Official Plan; and,
- ii. Establish the location and configuration of land required to be conveyed;
- iii. Establish the value of land for the purpose of calculating any required payment; and,
- iv. Maintain records of all lands and payment-in-lieu received and including all expenditures from the payment-in-lieu parkland reserve fund. The payment-in-lieu parkland dedication record and associated financial statements shall be reported to the Town Treasurer.

Notwithstanding the foregoing, Council retains the authority to make or reconsider, at any time and without notice, revoke or restrict any delegated power that has been delegated pursuant to this by-law.

5.3 Agreements Apply - Notwithstanding any other provisions in this Parkland Dedication By-law, where before or after the passing of this By-law, the Council of the Town of Oakville has approved or authorized an agreement with respect to the dedication of parkland or the payment of payment-in-lieu of parkland, the terms of that agreement shall remain binding between the parties, and any parkland dedication or payment of payment-in-lieu of parkland shall be in accordance with the rates specified in the agreement rather than the rates provided for in this Parkland Dedication By-law.

5.4 Severability - In the event that any Section of this Parkland Dedication By-Law is determined by a Court or Tribunal, to be invalid, that specific portion of this Parkland Dedication By-law shall be considered to be severed from the balance of this By-law, which will continue to operate in full force and effect.

5.5 Net Area – the land area proposed for development or redevelopment net of any conveyances for public infrastructure or road purposes, and any required Ministry of Transportation set back areas where no development can be built.

5.6 By-law 2008-195 is hereby repealed.

5.7 This By-law may be cited as the "Parkland Dedication By-law".

Attachment C

Parkland Dedication / Cash-in-Lieu Requirements

Case Study Assumptions

The site below is located within an Urban Growth Centre (UGC) and is within the boundaries of a Major Transit Station Area (MTSA)

Site Area (ha)	1.26
Site Area (sm)	12,617
Net Site Area (ha)*	1.02
Net Floor Area (sm)	120,803
Res NFA (sm)**	115,718 (95.8% of development)
Non-Res NFA (sm)	5,085 (4.2% of development)
Non-res FSI (ha)	0.40
Total TFA (sm)	136,700
Total Units	1,750
Land Value (p/ha)	\$ 82,862,982.00
Land Value (p/sm)	\$ 699.65
Area of POPS (sm)	3,295
Est proportion of residential development	1.2 ha
Est proportion of non - residential development	0.06 ha

* net any conveyances for public roads

** includes amenity NFA for the purposes of this analysis

LOCATION	PARKLAND DEDICATION						CASH-IN-LIEU	
	RESIDENTIAL	CASE STUDY	RESIDENTIAL (ALTERNATIVE)	CASE STUDY	NON-RESIDENTIAL	CASE STUDY	REQUIREMENT	CASE STUDY
Oakville (Existing By-law 2008-105)	Greater of: 5% of land <u>OR</u> 1 ha per 300 units	5.83 ha	-	-	2% of land	0.0 ha	In lieu of requiring the conveyance of land as set out in Section 2, the Town may, at its discretion, require payment of money to the value of the land otherwise required to be conveyed under this by-law, or a combination of land and money.	\$483,367,395.69
Oakville (Proposed BL 2022)	-	-	Residential Contribution Rate + The Pro-Rated Commercial and Industrial Contribution Rate	4.31 ha	-	-	\$22,269 per unit	\$38,970,750.00
Vaughan (Adopted By-law 168-2022)	In the case of lands proposed for development or redevelopment for a residential purpose, which includes residential portions of a mixed-use development, or other purpose not mentioned in section 2(1)a), five percent (5%) of the lands shall be conveyed	0.06 ha	1 ha per 300 units	5.83 ha	In the case of a mixed-use development or redevelopment where the non-residential gross floor area represents equal to or less than twenty percent (20%) of the total gross floor area, no parkland dedication shall be imposed on the non-residential portion	0.0 ha	Lesser of 1 ha per 500 units <u>OR</u> \$11,300 per unit	\$19,775,000.00
Mississauga (By-law 137-2022)	See below *	3.50 ha	-	-	Notwithstanding subsections 4(6) and 4(7) of this By-law, in the case of a Mixed Use Development or Redevelopment where the Gross Floor Area for Non-Residential Uses is	0.0 ha	Medium and High Density Development or Redevelopment, the payment of Cash-In-Lieu for the outstanding residential conveyance requirement shall be no greater than an amount equal to the number of residential Dwelling Units, or outstanding Dwelling units per	\$27,112,750.00

					equal to or less than twenty percent (20%) of the Gross Floor Area for all uses, no parkland dedication requirement shall be imposed on the non-residential portion		subsection 9(2), multiplied by the CIL Capped Rate (August 1, 2022, rate = \$15,493)	
Burlington (By-law 57-2005, as amended in July 2022)	Greater of 5% of land to be developed <u>OR</u> 1 ha per 300 units in the development	5.83 ha	-	-	-	-	High Density: The lesser of the number of units divided by 500 x the per hectare land value on the day before the day the building permit is issued; <u>OR</u> the number of units in the proposed development x \$23,600	\$41,300,000.00
Hamilton (By-law 09-124, as amended in 2022)	0.5 ha per 300 units	2.92 ha	-	-	2% of Net Land Area	0.0 ha	<p>Notwithstanding subsections 4(1)(b)(i), (ii), (iii), (iv) and 5(1), cash-in-lieu of parkland dedication for new residential development or redevelopment in the form of Multiple Dwellings located within the Downtown Hamilton Community Improvement Project Area (CIPA), as shown on Schedule “C”, shall be fixed at the following dollar amount per unit, subject to annual indexing as described in subsection 5(9).</p> <p>Notwithstanding subsection 5(5), each residential unit or Multiple Dwelling Unit provided in a portion of a development exceeding the stated maximum building heights identified in Schedule “D” shall be subject to the cash-in-lieu rate for “Lower Hamilton” contained in subsection 5(4).</p> <p>For additional clarity, Schedule “D” identifies maximum heights as adopted by City Council on April 25, 2018. Subsequent amendments to Schedule “F” Figure 1 of Zoning By-</p>	\$20,011,250.00

							Law 05-200, either through Ontario Land Tribunal (OLT) decisions or City Council approved site-specific modifications, shall not alter the maximum heights contained in Schedule "D" for the purposes of determining applicable cash-in-lieu rates as described herein; (\$11,435 per dwelling unit)	
Toronto (Existing (City of Toronto Official Plan))	-	-	An alternative parkland dedication rate of 0.4 hectares per 300 units will be applied to proposals for residential development and for the residential portion of mixed use development as follows: the development proposal is in a priority area where Council has identified a need for parkland and enacted an Alternative Parkland Dedication By-law; for sites 1 hectare to 5 hectares in size, the parkland dedication will not exceed 15 per cent of the development site, net of any conveyances for public road purposes	0.15 ha	2% of land	0.0 ha	The value of cash-in-lieu will not exceed 15 per cent of the value of the development site, net of any conveyances for public road purposes, for sites 1 hectare to 5 hectares in size	\$12,678,036.26
Brampton (By-law 283-2013, as amended & January 1, 2022 modifications)	In the case of lands proposed for Residential purposes, at a rate of five per cent (5%) of the land being Developed or	5.83 ha	-	-	2% of land	0.0 ha	The current rate is \$4,403/unit (effective February 1, 2022) <u>OR</u> 10% of the value of the land, whichever is greater, and is applicable on all High Density units, as per the By-law	\$10,440,735.75

	Redeveloped, or one (1) hectare for each three hundred (300) Dwelling Units proposed, whichever is greater							
Richmond Hill (By-law 58-13, as amended)	The greater of: 5 per cent of the land proposed for development or redevelopment; <u>OR</u> 1 hectare of land for each 730 persons to be housed within the Dwelling Units in the proposed development based on the following rates: - 3.51 persons per Dwelling Unit in a Single Detached Building; - 2.88 persons per Dwelling Unit in a Semi-Detached Building; - 2.83 persons per Dwelling Unit in a Townhouse; and - 1.92 persons per Multi-Residential Dwelling Unit.	4.60 ha	-	-	-	-	For the period commencing December 1, 2018 through to December 31, 2021, or in the case of any party submitting a development application during the period of December 1, 2018 to December 31, 2021 and who submit a complete building permit applications by December 31, 2024, the value of land shall be calculated at a rate of: 1 hectare of land for every 500 units to a maximum of \$10,000.00 per Multi Residential Dwelling Unit to be located within a Multi-Residential Building; and, 1 hectare of land for every 500 units to a maximum of \$11,500.00 per unit in stacked and town-house developments. By-law 21-19, 4 February, 2019	\$17,500,000.00
Transit Oriented Communities (new rate)	-	-	-	-	-	-	10% of the Land Value	\$8,452,103

* Mississauga Mixed Use Medium and High Density Dedication Rate

- (7) In the case of a Mixed Use Development or Redevelopment, where the Residential Use component includes Residential Medium and High Density Development, the conveyance shall be determined in accordance with the following formula:

$$\begin{aligned} & \text{The Greater of } \left(\frac{\left(\frac{GFA \text{ for Residential Uses}}{GFA \text{ for All Uses}} \times 5\% \times \text{Net Land Area} \right)}{\text{or}} \right. \\ & \left. \left(\frac{\text{Number of Residential Dwelling Units}}{500} \times 1 \text{ hectare} \right) \right) \\ & + \left(\frac{GFA \text{ for Non Residential Uses}}{GFA \text{ for All Uses}} \times 2\% \times \text{Net Land Area} \right) \end{aligned}$$

** In the case of land proposed for development or redevelopment for more than one purpose, the owner shall be required to convey land at the rate applicable to the predominant proposed use of the land and all of the land proposed for development or redevelopment shall be included for the purpose of calculating the amount of land required to be conveyed

FIXED \$/UNIT CASH-IN-LIEU RATE		
MUNICIPALITY	RATE	POLICY REFERENCE
Oakville	\$22,269.00	<p>(July 2022 Proposed By-law)</p> <p>Policy 1.3 - Residential Development within Strategic Growth Areas - Within the Town's identified Strategic Growth Areas, residential development shall be required to contribute the land and/or payment-in-lieu equivalent of the lesser of 1 hectare for each 500 dwelling units proposed or \$22,269.00 per unit. The Town shall index the payment-in-lieu equivalent rate on a semi-annual basis to reflect land value increases or decreases.</p>
Vaughan	\$11,300.00	<p>(By-law 168-2022)</p> <p>Policy 4(4) - A payment-in-lieu for a multiple unit building development or redevelopment shall be the lesser of,</p> <p>(a) the value of land using a rate of one hectare for each five hundred (500) residential units based on the subject site land value; or</p> <p>(b) a payment calculated by multiplying the number of residential units for the residential purpose with the applicable unit rate of:</p> <ul style="list-style-type: none"> I. \$11,300 per unit on the day this By-law comes into full force and effect; II. \$15,050 per unit effective March 1, 2023; III. \$20,050 per unit effective March 1, 2024; IV. \$27,994 per unit effective March 1, 2025; and V. subject to a 4.25% increase on each one-year anniversary after March 1, 2025 without amendment to this By-law.
Mississauga	\$15,493.00	<p>(2022 By-law)</p> <p>Section 9(3) - Notwithstanding subsections 9(1) of this By-law, for Medium and High Density Development or Redevelopment, the payment of Cash-In-Lieu for the outstanding residential conveyance requirement shall be no greater than an amount equal to the number of residential Dwelling Units, or outstanding Dwelling units per subsection 9(2), multiplied by the CIL Capped Rate.</p>

		<div>SCHEDULE 'A' TO PARKLAND CONVEYANCE BYLAW NO. XXXX-2022 IMPLEMENTATION SCHEDULE FOR THE CIL CAPPED RATE</div> <table><tr><th>Effective Date:</th><th>CIL Capped Rate per Unit:</th></tr><tr><td>By-law passage</td><td>\$11,370</td></tr><tr><td>1 August, 2022</td><td>\$15,493</td></tr><tr><td>1 February, 2023</td><td>\$19,615</td></tr><tr><td>1 August, 2023</td><td>\$25,112</td></tr><tr><td>1 February, 2024</td><td>\$26,116</td></tr><tr><td>1 August, 2024</td><td>\$27,161</td></tr><tr><td>1 February, 2025</td><td>\$28,248</td></tr><tr><td>1 August, 2025</td><td>\$29,377</td></tr><tr><td>1 February, 2026</td><td>\$30,553</td></tr><tr><td>1 August, 2026</td><td>\$31,775</td></tr><tr><td>1 February, 2027</td><td>\$33,046</td></tr><tr><td>For every subsequent 6-month period following</td><td>Increase by 4.0%</td></tr></table>	Effective Date:	CIL Capped Rate per Unit:	By-law passage	\$11,370	1 August, 2022	\$15,493	1 February, 2023	\$19,615	1 August, 2023	\$25,112	1 February, 2024	\$26,116	1 August, 2024	\$27,161	1 February, 2025	\$28,248	1 August, 2025	\$29,377	1 February, 2026	\$30,553	1 August, 2026	\$31,775	1 February, 2027	\$33,046	For every subsequent 6-month period following	Increase by 4.0%
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Burlington	\$23,600.00	<div>(By-law 57-2005, as amended in July 2022)</div> <div><div><div><div>•</div><div>Low Density: 5% of the land area being developed at the time of building permit issuance - No Change</div></div><div><div>•</div><div>Medium Density, the lesser of:</div><div><div>i.</div><div>the number of units in the proposed development divided by 500 x the per hectare land value of the land to be developed as of the day before the day the building permit authorizing development is issued; or</div></div><div><div>ii.</div><div>the number of units in the proposed development x \$33,400</div></div></div><div><div>•</div><div>High Density, the lesser of:</div><div><div>i.</div><div>the number of units in the proposed development divided by 500 x the per hectare land value of the land to be developed as of the day before the day the building permit authorizing development is issued; or</div></div></div></div></div>																										

		ii. the number of units in the proposed development x \$23,600												
Hamilton	\$11,435	<p>(By-law 09-124, as amended in 2022)</p> <p>Policy 5(5) - Notwithstanding subsections 4(1)(b)(i), (ii), (iii), (iv) and 5(1), cash-in-lieu of parkland dedication for new residential development or redevelopment in the form of Multiple Dwellings located within the Downtown Hamilton Community Improvement Project Area (CIPA), as shown on Schedule “C”, shall be fixed at the following dollar amount per unit, subject to annual indexing as described in subsection 5(9);</p> <table><tr><th>Area (As outlined in Schedule “C”)</th><th>Fixed Rate per New Residential Unit or Multiple Dwelling Unit</th></tr><tr><td>Downtown Hamilton CIPA</td><td>\$5,000</td></tr></table> <p>Policy 5(6) - Notwithstanding subsection 5(5), each residential unit or Multiple Dwelling Unit provided in a portion of a development exceeding the stated maximum building heights identified in Schedule “D” shall be subject to the cash-in-lieu rate for</p> <p>“Lower Hamilton” contained in subsection 5(4). For additional clarity, Schedule “D” identifies maximum heights as adopted by City Council on April 25, 2018. Subsequent amendments to Schedule “F” Figure 1 of Zoning By-Law 05-200, either through Ontario Land Tribunal (OLT) decisions or City Council approved site-specific modifications, shall not alter the maximum heights contained in Schedule “D” for the purposes of determining applicable cash-in-lieu rates as described herein;</p> <table><tr><th>Area (As outlined in Schedule “A”)</th><th>Fixed Rate per Multiple Dwelling Unit</th></tr><tr><td>Ancaster, Flamborough, Dundas, Westdale</td><td>\$13,069</td></tr><tr><td>Lower Hamilton (excluding Downtown Hamilton CIPA with the exception of portions of a development exceeding the maximum building heights identified in Schedule “D” – see subsection 5(5) and 5(6))</td><td>\$11,435</td></tr><tr><td>Upper Hamilton, Stoney Creek, Glanbrook</td><td>\$9,802</td></tr></table>	Area (As outlined in Schedule “C”)	Fixed Rate per New Residential Unit or Multiple Dwelling Unit	Downtown Hamilton CIPA	\$5,000	Area (As outlined in Schedule “A”)	Fixed Rate per Multiple Dwelling Unit	Ancaster, Flamborough, Dundas, Westdale	\$13,069	Lower Hamilton (excluding Downtown Hamilton CIPA with the exception of portions of a development exceeding the maximum building heights identified in Schedule “D” – see subsection 5(5) and 5(6))	\$11,435	Upper Hamilton, Stoney Creek, Glanbrook	\$9,802
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Brampton	\$4,403.00	<p>(By-law 283-2013, as amended & January 1, 2022 modifications)</p> <p>The current rate is \$4,403/unit (effective February 1, 2022) or 10% of the value of the land, whichever is greater, and is applicable on all High Density units, as per the By-law</p>
Richmond Hill	\$10,000.00	<p>(By-law 58-13, as amended)</p> <p>Policy 10 - For the purpose of section 9, the value of the land shall be determined as of the day before the building permit is issued in respect of the development or redevelopment or, if more than one building permit is required for the development or redevelopment, as of the day before the day the first permit is issued. Notwithstanding the preceding, for the period commencing December 1, 2018 through to December 31, 2021, or in the case of any party submitting a development application during the period of December 1, 2018 to December 31, 2021 and who submit a complete building permit applications by December 31, 2024, the value of land shall be calculated at a rate of: 1 hectare of land for every 500 units to a maximum of \$10,000.00 per Multi Residential Dwelling Unit to be located within a Multi-Residential Building; and, 1 hectare of land for every 500 units to a maximum of \$11,500.00 per unit in stacked and town-house developments. By-law 21-19, 4 February, 2019.</p>