



## REPORT

### Planning and Development Council

Meeting Date: November 13, 2023

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

**DATE:** October 31, 2023

**SUBJECT:** Parks Plan 2031 and draft Parkland Dedication By-law

**LOCATION:** Town-wide

**WARD:** Town-wide

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### RECOMMENDATION

That staff engage in consultation regarding the Town's *Parks Plan 2031* (updated) and draft Parkland Dedication By-law as set out in the report from the Planning Services Department, Parks & Open Space Department and Finance Department, dated October 31, 2023, and report back with a final by-law.

### KEY FACTS

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

- Changes to the Ontario *Planning Act* were enacted in 2019 which requires municipalities to create a Parks Plan should they wish to use alternative parkland dedication rates.
- The town retained consulting services to develop a Parks & Open Space Strategy (*Parks Plan 2031*) with the intent of creating an urban parks hierarchy, and accompanying parkland dedication by-law to implement the Strategy.
- The Parks Plan examines the need for parkland within the municipality as well as identifies and supports an alternative parkland dedication rate as set out in the Parkland Dedication By-law 2022-108.

- In September 2022, Council endorsed the Parks Plan 2031, parkland dedication by-law, and the associated policy and procedure. The Plan sets out how the town can create a 'campus of parks', and strive towards its preferred parkland standard of 2.2 ha per 1000 people in the face of on-going growth pressures. The Plan also established how the town can ensure sufficient land and cash-in-lieu is available to support the town-wide parkland standard.
- The parkland dedication by-law was appealed to the Ontario Land Tribunal (OLT) by the Building Industry and Land Development Association (BILD) and several land owners. The OLT has the power to adjudicate appeals related to the parkland by-law and the OLT may amend the by-law as it relates to an alternative rate. The appellants have been advised that the town is reviewing the Parks Plan 2031 and intends to provide Council with a new draft by-law for consideration.
- Bill 23 was tabled right after the 2022 municipal election in October 2022, and received Royal Assent at the end of November 2022. The changes to the overall land use planning regime was significantly altered as a result of the legislation including how municipalities can address parkland. Specifically, a cap was placed on the amount of parkland a municipality can secure through the development process. Municipal by-laws need to be consistent with this cap.
- The changes to parkland – resulting from Bill 23 – have an overall effect on the strategy the town can employ to secure lands and cash-in-lieu. The fundamental legislative changes affecting parkland dedication require the Parks Plan 2031 to be updated, together with a new Parkland Dedication By-law.
- If a municipality is to have a parkland dedication by-law, the *Planning Act* requires that municipality to prepare a parks plan, and make it available to the public. Further, the municipality must also consult with the school boards and other persons and public bodies the municipality considers appropriate.
- The Parks Plan 2031 has been updated in consideration of the new legislation, and a new, draft parkland dedication by-law is attached to this report such that staff can undertake the requisite consultation prior to presenting Council with a final by-law.

## BACKGROUND

In 2019, 2020, and 2022, the Province substantially changed the manner in which municipalities can undertake its financial planning and the use of the three main growth funding tools: development charges, community benefit charges and parkland dedication.

The changes in legislation required that if municipalities want to use an alternative parkland rate, a parks plan is required. The resulting work to deliver that plan culminated in the Parks Plan 2031 that Council endorsed in 2022. While the Parks Plan 2031 is a strategic document to guide future decision, it nevertheless has had to be reviewed and updated to recognise the maximum rate and amount of parkland that can now be secured through the development process. This update has resulted in a new draft parkland dedication by-law (Appendix 'B'), which effectively implements the new Provincial maximum alternative rate throughout the town.

## **COMMENTS**

The town's population continues to grow and requires the need of viable park space to recreate, play sports and enjoy open space across the town. The provision of parkland is integral to complete communities. With the vast majority of population being directed to the town's Strategic Growth Areas (i.e. Midtown, Uptown etc.) in line with the Council-approved Urban Structure, there is a need to have an urban parks hierarchy which complements the population growth in these areas. Similarly, there is a need to have strategic direction for how to acquire the lands necessary to support the growing population.

The Parks Plan 2031 identifies various objectives to ensure the town can achieve the desired parkland system through a series of tools, as well as different parkland types and forms.

The updated Parks Plan is attached as Appendix 'A' to this report, and reflects the recent legislative changes. An updated draft Parkland dedication by-law is attached as Appendix 'B' to this report.

## **Next Steps**

The 2022 parkland dedication by-law has been appealed, and while there have been case management conferences before the OLT, there is a need to resolve the outstanding appeals. It is staff's intent to consult with the public, development industry and required agencies in November 2023 and deliver the final Parks Plan 2031 and parkland dedication by-law in December 2023 in order to meet the OLT timeframes.

The updated documents are posted to the Town's web-site here: [Parkland Dedication](#)

## **CONSIDERATIONS**

### **(A) PUBLIC**

The school boards, general public and development community was consulted through the original drafting of the Parks Plan. There will be further consultation in November 2023. Given the fundamental legislative changes affecting parkland dedication, an update to the Parks Plan 2031, together with the revisions to the town's parkland dedication by-law, a new public process is recommended rather than seeking such substantial amendments to the existing by-law through the current OLT appeals.

### **(B) FINANCIAL**

Not applicable at this time.

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

The Parks Plan 2031 and parkland dedication by-law is a corporate project undertaken through the Parks & Open Space, Finance and Planning Services departments. The Legal Department is addressing the appeals to the current by-law and will address any new appeals that may arise should Council adopt a new by-law.

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

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

- be the most vibrant and liveable community

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

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

## **APPENDICES**

Appendix A – Parks Plan 2031 (updated 2023) (to be distributed on addendum)

Appendix B – draft Parkland Dedication By-law

Recommended & Submitted by:

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