



OAKVILLE

REPORT

Planning and Development Council

Meeting Date: April 8, 2024

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

DATE: April 2, 2024

SUBJECT: Parks & Open Space Strategy: Town of Oakville Parks Plan 2031 and Parkland Dedication By-law 2024-034

LOCATION: Town-wide

WARD: Town-wide

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RECOMMENDATION

1. That the Town's *Parks Plan 2031*, provided in Appendix "A" to the report from Planning Services Department, Parks & Open Space Department and Finance Department, dated April 2, 2024, be endorsed;
2. That By-law 2024-034, Parkland Dedication By-law, as provided in Appendix "B", be passed;
3. That the Parkland Dedication Procedure, attached as Appendix "D", be received; and,
4. That prior to the finalization of the Land Acquisition Strategy, Staff continue to monitor land acquisition opportunities within the town's Strategic Growth Areas, and where acquisition supports community and infrastructure needs, staff will present options to Council for consideration.

KEY FACTS

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

- Staff presented the *Parks Plan 2031* to Council on 18 March, 2024, complete with an updated Parkland Procedure and Parkland Dedication By-law. This matter was

deferred to 8 April, 2024 in order to allow staff to provide further clarity on the parkland strategy, and how it is intended to operate.

- Council sought additional information on a number of matters including how Council could ensure that the town maximised its opportunities to acquire lands within the town's Strategic Growth Areas.
- The 18 March, 2024 report is attached as Appendix "C" and provides context and background on the *Parks Plan 2031*, including how consultation on the strategy was undertaken, how the changes to the *Planning Act* affect Council's ability to acquire land or payment-in-lieu of land, and details on the updated Parkland Dedication By-law.
- The *Parks Plan 2031* is a requirement of the *Planning Act* and forms the background for the Parkland Dedication By-law, which is attached as Appendix "B".

BACKGROUND

The *Parks Plan 2031* (see Appendix "A") is a strategic document that identifies long-term needs for Oakville's parkland, how it will be delivered, an urban parks hierarchy, and mechanisms the town can consider as it endeavours to match the amount of parkland commensurate with new development.

The Parks Plan 2031 consists of a series of recommendations that Council can employ in order to acquire parkland, and support the town's growing population. The recommendations reflect the changing legislative framework, and provides options for the town to continue to deliver on its 'campus of parks' over the short term – until 2031.

The final *Parks Plan 2031* can be found in its entirety (inclusive of appendices) here: <https://www.oakville.ca/town-hall/budget-finance/growth-infrastructure-financing-tools/parkland-dedication/>

COMMENTS

At its meeting of 18 March, 2024, Council raised questions regarding to the mechanism of how land is to be acquired in order to augment the town's existing parks system. One of the primary principles of the *Parks Plan 2031* is to do just that – acquire parkland to enhance the community and support the town's growing population.

The *Parks Plan 2031* contains inter-related recommendations, supported by professional opinion. As such, it is important to review all of the recommendations when considering parkland dedication within both the town's traditional neighbourhoods and within the identified Strategic Growth Areas.

Land Acquisition

The recommendations of the *Parks Plan 2031* are laid out to give Council options to help achieve its parkland goals while recognizing the legislative constraints of recent amendments to the *Planning Act*. The *Parks Plan 2031* reiterates land acquisition as a first priority throughout the recommendations, as reflected in recommendations #16, #27 and #28.

Recommendation #32 has also been clarified to reaffirm that the town identify that land dedication preferred, and that cash-in-lieu only be acceptable where no reasonable alternative exists.

While acquisition is always preferred, it may not necessarily be feasible in all circumstances. For this reason, Council should have other tools at its disposal so it can maximise its parkland monies and continue to grow the parks system. Providing options for acquisition does not fetter Council's decision-making ability, and it does not limit prioritising land acquisition. As set out in the *Parks Plan 2031*:

Important to the conversation about parkland dedication is a commitment by the town to, as a first priority, acquire parkland assets through the development approval process. The decision to require land, or cash, or some combination thereof, for any specific development proposal should be part of the public process for an Official Plan Amendment, and/or a rezoning application.

The town has initiated a land acquisition strategy with anticipated completion in 2025. This strategy will assist in defining priorities for the town in acquiring assets for town use, be it parks, roads, or other facilities. The strategy will also identify processes for disposal of town assets.

Although the strategy will not be complete in time for the 2025 budget process, staff will continue to monitor acquisition opportunities and where appropriate, identify those to Council for further consideration. This includes considering opportunities to enhance the parks system within the town's Strategic Growth Areas.

The *Parks Plan 2031* has offered additional clarity on this aspect and notes that acquisition continues to be a good practice, and a first option. This extends to all areas of the town, including within the Strategic Growth Areas. Within the *Parks Plan 2031*,

recommendations #17 and #32 have been clarified to reiterate that land acquisition is the first priority.

Council's Role

The *Planning Act* establishes that the municipality has the option of taking land or payment-in-lieu of land. Council sets the direction on behalf of the municipality, and has the option to delegate the technical and administrative aspects of this direction to an officer(s) of the corporation.

Council decides how to build its parks system through several mechanisms. The primary method is when Council approves Official Plan policy that establishes principles and policies respecting park locations, types, and systems.

Furthermore, where staff identify potential land opportunities, these are presented to Council through staff reports and recommendations for Council decision. Council also makes budgetary decisions for future land purchases for parks purposes – either through the budget process, or specific situations outside of the budget process.

Finally, Council makes decisions on new development through statutory *Planning Act* processes. Council is able to consider development applications and the contribution the development will make to the parks system – be it through on-site parkland dedication, or through payment-in-lieu which allows Council to acquire parkland in another location which may be of broader benefit to the community.

While the administration of the Parkland Dedication By-law is proposed to be delegated to staff, as it has been since the 2008 by-law, ultimately, it is Council's responsibility to make decisions regarding how parkland is dedicated, as well as all the other elements of park planning through the approval of the Official Plan and Secondary Plans, as well as through the various development approval processes that are focused on individual development applications.

Recommendation #31 has been clarified to recognise that there are *Planning Act* provisions (s. 42 (4.30)) that will allow a developer to identify land proposed to be conveyed. Although this section is not yet proclaimed, it means that if the municipality does not want land identified by the developer, the matter can be appealed to the Ontario Land Tribunal.

Recommendation #52 has been clarified to continue to give Council the option to delegate the administration of the parkland dedication by-law to staff in alignment with Council's direction. The option of delegating the administrative function does not negate Council of its decision-making powers; Council retains the final approval and can rescind its delegation as appropriate.

CONCLUSION

The updated *Parks Plan 2031* has provided additional clarity to a number of recommendations that addresses questions raised by Council. The other components of the overall Parks Strategy including: the Parkland Policy, Procedure and Parkland Dedication By-law remain current and unchanged from what was presented in Council on 18 March, 2024. These are appended to this report. The March staff report is also appended and provides the relevant context to the public process and consultation that was undertaken in conformity with the *Planning Act*.

The *Parks Plan 2031* responds to the recent *Planning Act* changes and provides the background, rationale and justification for the Parkland Dedication By-law which conforms to the *Planning Act*.

CONSIDERATION

(A) PUBLIC

Public notice was provided for the November 2023 Council meeting at which the draft *Parks Plan 2031* was presented. Public consultation was undertaken with that draft, in addition to meetings with the school boards and development industry, in accordance with the legislative requirements.

Notice of the passing of the Parkland Dedication By-law 2024-034 will be completed in accordance with legislative requirements.

(B) FINANCIAL

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

(C) IMPACT ON OTHER DEPARTMENTS & USERS

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

(D) CORPORATE STRATEGIC GOALS

This report addresses Council's strategic priorities of Growth Management, Community Belonging, Environmental Sustainability and Accountable Government.

(E) CLIMATE CHANGE/ACTION

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

APPENDICES

- Appendix A – Town of Oakville Parks Plan 2031
- Appendix B – Parkland Dedication By-law (2024-034)
- Appendix C – Parkland Dedication Policy
- Appendix D – Parkland Dedication Procedure
- Appendix E – Development Industry comments
- Appendix F – School Board comments
- Appendix G – Additional comments
- Appendix H – Staff report 18 March, 2024 (no Appendices)

Recommended & Submitted by:

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