

Committee of the Whole (Working Session) Report

DATE: Wednesday, May 4, 2022

WARD(S): ALL

TITLE: PARKLAND DEDICATION BY-LAW

FROM:

Vince Musacchio, Deputy City Manager, Infrastructure Development

ACTION: DECISION

Purpose

To present the draft Parkland Dedication By-law for Council's consideration and approval.

Report Highlights

- Changes to the Planning Act regarding parkland dedication and the collection of community benefits (Section 37) require the City to have a new Parkland Dedication By-law in place by September 2022;
- In February 2022 Council received the results of a comprehensive Parkland Dedication Guideline Study and directed staff to consider additional parkland credit structures for dual use park and underground storm facilities, passive recreational areas, strata parks and privately-owned public space (POPS);
- The study and by-law project included a comprehensive consultation process with the community at large as well as members of the development industry, public agencies and internal stakeholders;
- The new Parkland Dedication By-law prioritizes land dedication over payment-in-lieu of parkland and provides clarity on parkland credits to be provided for various land dedication scenarios with the value of credits determined by the level of encumbrances and restrictions for public programming for park uses; and
- A 4-step phase in period from the date the new by-law comes into full force and effect to March 2025 is proposed for achieving the new cash-in-lieu rate of \$27,994 per unit.

Recommendations

1. That the draft Parkland Dedication By-law be approved; and
2. That Staff be authorized to make changes as required to the draft Parkland Dedication By-law, and be directed to bring forward a final Parkland Dedication By-law for passage at the Council Meeting scheduled for June 28, 2022.

Background

Provincial legislative changes necessitate a review and update of current Parkland Dedication policy and procedures by September 2022

Changes to the *Planning Act* relating to parkland and the new community benefits charge regime were initiated with Bill 108, the *More Homes, More Choice Act, 2019*, which received Royal Assent on June 6, 2019. The original amendments proposed through Bill 108 were subsequently amended through Bill 138, the *Plan to Build Ontario Together Act, 2019* and Bill 197, the *COVID-19 Economic Recovery Act, 2020*, with the Province giving municipalities until September 18, 2022 to implement the legislative and administrative changes necessary to transition to the new framework including a new Parkland Dedication By-law.

Section 42 of the *Planning Act* was amended to include the right to appeal the City's parkland dedication by-law or amendment that provides for an alternative rate. The legislative changes also include notice requirements for the passing of a parkland dedication by-law, the minimum interest rate that would apply to a refund provided by a municipality in the event of a successful appeal of an applicable by-law to the Tribunal, and requirements that a municipality provide reports to the public regarding the 'special account' for specific parkland revenues (cash-in-lieu of parkland). The City will continue to retain the ability to require that land be conveyed for park or other public recreational purposes as a condition of development and the amount of land to be conveyed will continue to be determined by applying a 'standard rate' or an 'alternative rate' of parkland provision to be included in the new Parkland Dedication By-law.

In February 2022 Council received a presentation on the Parkland Dedication Guideline Study completed by staff and The Planning Partnership which provided a comprehensive analysis of existing policies and procedures, stakeholder consultations, and jurisdictional scans of other municipalities

The Parkland Dedication Study process included the review, research and analysis of the City's existing parkland conveyance policies and procedures, and presented a series of ideas and concepts for consideration to assist the City in the implementation of a revised approach towards parkland dedication in an effort to meet the City's parkland objectives and planned urban structure to 2051.

The Study builds upon the City's existing cash-in-lieu policies and by-laws and considers the use of community benefits associated with cash-in-lieu funding, dedication protocols, standards and best practices, conveyance requirements, valuation, credits, exemptions, and other matters of interpretation identified under Bill 108, 138 and 197. The Study was integrated with the completion of other Corporate projects and initiatives, and is being used to inform the Community Benefit Charges Strategy and By-law and will have policy implications with respect to the upcoming Vaughan Official Plan Review.

On February 15, 2022 Council approved the staff recommendation to develop a new Parkland Dedication By-law using the considerations presented and discussed at Committee of the Whole (Working Session) on February 9, 2022, and provided direction that the new by-law take into consideration the following:

- dual uses on underground storm facilities whereby parks are located on the surface;
- that within Greenfield developments, such dual uses are not necessarily required to be transferred by way of condo plan as the City will likely own the asset through fee simple;
- passive recreational uses such as trails and sitting areas approved by staff be considered for full parkland credit;
- full parkland credits be considered for POPS as well as Strata ownership; and
- that clear and measurable guidelines be provided to assess POPS and Strata from a parkland dedication Planning Act perspective

Previous Reports/Authority

[Committee of the Whole \(Working Session\) February 9, 2022 \(Item 1, Report No. 8\)](#)

[Staff Communication \(SC2.\)– Committee of the Whole \(2\) December 7, 2021](#)

[Committee of the Whole \(Working Session\) December 2, 2020 \(Item 1, Report No. 59\)](#)

Analysis and Options

To acquire the land needed to meet parkland targets for greenfield and intensification areas to 2051, the new Parkland Dedication By-law incorporates alternative tools and innovative approaches presented in the previous study

The 2018 update to the Active Together Master Plan (ATMP), the City's strategic plan for parks, recreation and libraries, was approved by Council on May 23, 2018. The ATMP identifies a parkland provision rate of 2 hectares for every 1,000 residents which will be a challenge for the City to achieve based on current and anticipated population projections and existing tools in place for parkland dedication within the *Planning Act* alone.

Utilizing the 2 ha/1000 resident target rate, and with a projected population of approximately 569,000 residents (York Region projection for Vaughan to 2051), the City will require approximately 1,090 ha of parkland. Of the 1,090 ha of parkland required, 746 ha is existing parkland, leaving an additional 344 ha of parkland need to meet the City's parkland objectives. Of this amount, approximately 212 ha of city-wide parkland and 41 ha of urban parkland within Strategic Growth Areas, based on a local provision rate of 0.3 Ha/1000, will need to be acquired, with approximately 91 ha to be conveyed through the development approval process for Traditional Residential/Greenfield Communities.

Following Council endorsement of the Parkland Dedication Guideline Study staff initiated the process of drafting a new by-law in consultation with internal and external stakeholders

A staff project team comprised of representatives from Parks Infrastructure Planning & Development, Real Estate Services, Finance and Legal met numerous times to collaborate on the development of provisions to be included in the new by-law based on the results of the Parkland Dedication Study and direction from Council. The project team met with the York Chapter of the Building Industry and Land Development Association (BILD) on March 8, 2022 and April 8, 2022 to provide an update on proposed by-law provisions and methodology for the new proposed alternative rate for cash-in-lieu of parkland. The themes, issues and feedback provided at these meetings helped inform the development of the new draft by-law to be presented to Council. In particular, representatives from BILD noted interest in the by-law providing clear, consistent provisions that assist the industry with determining predictability for parkland requirements associated with development proposals and a desire to see parkland dedication credits for a variety of development scenarios, as discussed at Committee of the Whole (Working Session) in February.

The City's preference is for dedication by land conveyance before considering a cash-in-lieu payment. With this in mind, a variety of credits were explored by staff to be considered for the new By-law. Credits range from 100% parkland dedication credits to 0% credits for elements that, while desirable from a City-building perspective, do not contribute to the goals and objectives of attaining a robust Parks & Open Space system for Vaughan residents and visitors.

The following key elements are included within the new Parkland Dedication By-law and will be presented in further detail for Council consideration and approval:

1. Updated **Definitions** for compatibility with other City documents;
2. Updated list of **Exempt Categories** including places of worship, long-term care homes, affordable housing, not-for-profit organizations, schools/universities, and the Cortellucci Vaughan Hospital, among others;

3. Clarity and expansion of **Parkland Credits** for eligible parkland dedications including 100% credit for lands meeting the City's Official Plan definitions for parkland; 66% credit for lands encumbered by underground strata, underground storm water facilities, utility corridors, Greenbelt and Oak Ridges Moraine lands etc.; 33% credit for privately-owned public spaces (POPS) and other lands with encumbrances that provide the City with the ability to program the lands for public park uses; and 0% credit for lands that are part of the Natural Heritage Network and associated buffers, floodplain, hazard lands, sustainability features, etc. that prohibit public programming for park uses;
4. Emphasis of the City's preference for land conveyance over payment-in-lieu of parkland, including provision for **Off-site Land Dedication** at the City's discretion;
5. Updated **Phased-in Fixed Unit Rate** for payment-in-lieu of parkland of \$27,994 per unit to be implemented using a 4-step phase in period between when the new by-law comes into full force and effect and March 2025 (refer to the Financial Impact section for details).

The next steps for this project include Council approval of the new Parkland Dedication By-law prior to September 18, 2022 as required by the Province

The Province has given municipalities until September 18, 2022 to implement the legislative and administrative changes necessary to transition to the new policy framework including have a new Parkland Dedication By-law in place. Accordingly, Staff have prepared a new by-law for Council's consideration and approval. Following Council approval, the new Parkland Dedication By-law will come into full force and effect and previous by-laws will be repealed.

Section 42 of the *Planning Act* was amended to include the right to appeal the City's parkland dedication by-law or amendment that provides for an alternative rate. The legislative changes also include notice requirements for the passing of a parkland dedication by-law, and other administrative matters.

Financial Impact

The new Parkland Dedication By-law includes a 4-step phase in period for implementation of the new Fixed Unit Rate which will come into effect upon Council approval. The new rates and phased timing are proposed as follows:

- i. \$11,300 per unit on the day the 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;
- v. Subject to a 4.25% increase on each one-year anniversary after March 1, 2025

Broader Regional Impacts/Considerations

The Region of York Official Plan policies, which focus on the designated Centres and Corridors, directs that open spaces shall consist of active and passive spaces, meeting places/urban squares and areas for community gardening. These policies also require that the Regional Greenlands System be protected and enhanced to include pedestrian-accessible green spaces and passive parks, where appropriate, and requires that secondary plans shall include provisions for an urban public realm, including passive and active parks and meeting places, such as urban squares, which incorporate art, culture, and heritage, and that contribute to a sense of place and clear identity.

Conclusion

After an extensive process which included completion of the comprehensive Parkland Dedication Guideline Study and accompanying 54 recommendations, staff have prepared a new Parkland Dedication By-law for Council's consideration and approval. Having a new Parkland Dedication By-law in effect before September 18, 2022 is important for meeting Provincial requirements and to provide the City and the development industry with clear and predictable tools for achieving the City's parkland goals to 2051.

For more information, please contact: Jamie Bronsema, Director, Parks Infrastructure Planning & Development, Extension 8858 and Michael Habib, Acting Manager, Parks and Open Space Planning, Extension 8092

Attachments

1. Draft Parkland Dedication By-law (to be provided prior to the meeting)

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