



City of Vaughan Land Acquisition Strategy

Final Report
February 2020



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In preparing this Report, EY relied upon unaudited data prepared through market research reports from other third-party sources.

We also relied on consultations and information provided by the City of Vaughan, and industry databases such as RealNet, CoStar, ESRI, and Urbanation (collectively, the "Supporting Information"). EY reserves the right to revise any analyses, observations or comments referred to in this Report if additional Supporting Information becomes subsequently available to us.

EY assumed the Supporting Information to be accurate, complete and appropriate for purposes of our report as the date of publication, January 2020. EY did not audit or independently verify the accuracy or completeness of the Supporting Information and, accordingly, is not liable for any impacts to results due to the Supporting Information's accuracy.

EY expresses no opinion or other form of assurance regarding the Supporting Information.

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Please consult the Appendix for a list of images sources for the front cover of this report.

Defined terms

ATMP	Active Together Master Plan
CBC	Community Benefits Charge
City	City of Vaughan
DC	Development Charge
EY	Ernst & Young LLP
FMV	Fair Market Value
Ha	Hectare
GIS	Geographic Information System
GTA	Greater Toronto Area
GGH	Greater Golden Horseshoe
GIS	Geographic Information Systems
Hydro One Inc.	Hydro One
IO	Infrastructure Ontario
JOC	Joint-Operations Centre
MHBC	MacNaughton Hermesen Britton Clarkson Planning Limited
MNRF	Ministry of Natural Resources and Forestry
NEP	Niagara Escarpment Plan
ORMCP	Oak Ridges Moraine Conservation Plan
TRCA	Toronto and Region Conservation Authority
YRDSB	York Region District School Board
YCDSB	York Region Catholic District School Board
Vaughan	City of Vaughan
VPL	Vaughan Public Libraries
VTB	Vendor Take-Back Mortgage

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1. Executive Summary

About the Land Acquisition Strategy

Over the last 40 years, Vaughan has undergone a significant transformation. A formerly rural township, Vaughan experienced growth of over 80% from 1996-2006, redefining itself as a major centre situated in Canada's largest urban area. With suburban growth shifting to high-density, mixed-use intensification, Vaughan will redefine itself again as a mature, urban area.



Suburban Greenfield Development



High-Density Mixed-Use Development

Transforming Vaughan's urban landscape, this growth environment creates challenges for the Corporation of the City of Vaughan (the "**City**") to manage municipal land requirements in an increasingly challenging land acquisition environment. Tools and policies to guide land acquisition established during rapid suburban, greenfield expansion will not enable expanding services in the current environment with growth of 172,600, or nearly 50%, expected by 2041.

To assist with longer-term strategic planning, the City engaged Ernst & Young LLP and MHBC (collectively, the "**Consultant Team**") to prepare a municipal Land Acquisition Strategy.

The Land Acquisition Strategy is anticipated to help guide and inform future decision-making with various tools, policies and processes. Recommendations may further enable the City's ability to acquire land for its next phase of growth in a strategic, timely and cost-effective manner over the 20-year period to 2041.

The recommendations from this Land Acquisition Strategy are supported by the segment-specific analysis of four municipal land demand segments: *parkland*, *recreational trails*, *municipal services* and *natural heritage lands*.

A review was also undertaken of the City's approach to managing *third-party real property inquiries* when unsolicited proposals involving real property transactions are received.

Recommendations from this Land Acquisition Strategy are intended to help guide and inform future decision-making. Unlike a master planning document that provides tactical, action-oriented implementation plans, the Land Acquisition Strategy will inform internal processes with recommended tools, policies and processes.

Following the commencement of this Land Acquisition Strategy, the Province of Ontario introduced new legislation that may dramatically impact its findings. Outlined below is a brief summary.¹ Similar disclaimers have been provided throughout this report where impacts from the proposed legislation may occur. Released in June 2019, the More Homes, More Choice Act, 2019 (“Bill 108”) proposes changes to the Planning Act and Development Charges Act. While some impacts may be minor in nature, others will have more significant impacts to Vaughan’s fiscal future and ability to provide public services.

Significant financial implications proposed with Bill 108 may impact how municipalities fund the acquisition of land to maintain service levels for new urban growth areas.

Many implications, however, are currently difficult to estimate without complete details of the proposed legislation. As a result, the Consultant Team has been unable to analyze any financial impacts that may arise. When full details of the legislation are released, the findings from this Land Acquisition Strategy should again be reviewed by the City.

Bill 108 originally proposed to consolidate development charges for community soft services, parkland dedication and Section 37 Height and Density bonusing provisions into a single, consolidated Community Benefit Charge (“CBC”), based on a capped percentage of the land value for development sites. As of February 2020, the provincial government proposed that development charges could also pay for the capital costs of certain community services such as public libraries, parks development (other than acquiring land for parks) and recreational facilities.

The Province has advised these changes will result in a cost-neutral economic impact to municipalities, allowing cities to maintain current service levels for new urban growth areas. However, without information regarding the value of the cap on community benefits charge funding, there is a possibility that Bill 108 will result in a major revenue loss for the City; staff will require ongoing monitoring to ensure the impacts are mitigated where possible.

Additional impacts include the requirement to spend or allocate 60% of outstanding CBC funds at the beginning of each calendar year and the repeal of alternative rate provisions for parkland dedication in higher-density developments. While a proposed transition to the CBC framework is anticipated by January 1, 2021, this has not yet been confirmed.

¹ Dentons LLP, *Bill 108, More Homes, More Choice Act - Unpacked*. (12 June 2019)

Parkland & Recreational Trails



Active and passive recreation is supported by a hierarchy of Green Spaces. City-wide Regional and District Parks, local Neighbourhood Parks and compact uses in Urban Parks/Squares complement an Open Space system of multiuse recreational trails, local neighbourhood connections, hiking foot paths, and accessible ecological areas.



Based on existing Cash-In-Lieu collection rates, an indicative funding gap of 20%-40% exists to acquire Green Spaces to 2041. Impacts from Bill 108 may further limit funding with a proposed CBC contribution cap.



The modernization of policies and by-laws to offer alternative solutions for the City to acquire Green Spaces may provide greater flexibility to the development community while also enabling city-wide service delivery. (e.g. through selective off-site and/or non-developable land dedication)

Recommendation 1: The City should develop a Community Benefits Charge Strategy with legislative requirements from Bill 108's changes to the *Planning Act* and *Development Charges Act*. Findings from this study should be reviewed once impacts to funding land acquisition for Green Spaces and other community benefits are fully understood.

Recommendation 2: Developing a Greenspace Strategic Plan will help guide the City's acquisition, development and use of Green Spaces that reflects the current operating and legislative environment, which may include:

Evaluation Criteria for off-site and/or non-developable/environmental Parkland Dedication/Acquisition.

Figure 15: Illustrative Parcel-Specific Acquisition Evaluation Criteria²⁰

Evaluation Category	Evaluation Detail	Score
Suitability For Recreational Use Based on Municipal Service Levels	Offers significant opportunity to provide for both active and passive recreational uses that meet multiple municipal service needs outlined in the ATMP.	20
	Offers significant opportunity to provide for an active or passive recreational use that meets a municipal service level need outlined in the ATMP.	15

Figure 15: Illustrative Parcel-Specific Acquisition Evaluation Criteria²¹

Evaluation Category	Evaluation Detail	Score
Potential for Improving Visual & Environmental Implications	Supports Population Growth and Sustainable Community Design	20
	Land required to address an existing parkland deficit in a high-priority priority area	15
	Land will enable city-wide service levels (e.g. Regional & District Park) or complete trail linkages for gaps connecting priority areas of low service level provision.	10
Geographical/Land Use Consideration	Integration with Existing Park and Open Space System	20
	Protects for a continuous linkage within a Community open space trail system.	15
	Provides multiple new trail opportunities within the property.	10
Supports a Healthy Co-Environment Through Green Space and W Preservation	Provides for a single trail within the property.	5
	Does not connect existing parks, centres of activities or provide for trail development	0
	City-Wide Distribution of Parks, Trails, and Recreational Facilities	20
	Opportunity to meet a defined local service level deficiency while enabling significant contribution to city-wide system (e.g. Regional Park in NW Vaughan)	15
	Opportunity to meet a defined local service level deficiency.	10
	Opportunity to enable significant contribution to city-wide system (e.g. Regional Park in NW Vaughan)	10
	Opportunity to augment existing local service level provision.	5

Privately-Owned Public Space guidelines to enable effective negotiations with developers.

3.1 COURTYARDS
A landscaped open space, located in the interior of a single block or consolidated block with limited direct street frontage.

Location & Scale:

- Access provided by buildings on all sides with limited or no street frontage, with a connection to the street making one side open to the street.
- A well-enclosed space that is large enough to provide flexible programming.
- Located to have access to sunlight during midday.
- Designed as an outdoor room or set of rooms, each with its own image and character.
- Although a well-enclosed space with an inward orientation, a courtyard should be designed as part of the larger open space network to encourage public use.
- Generally, courtyards have a 1:1 proportion of length to width, and should be of a minimum size to contain trees, seating, and walking paths.

Uses & Programming:

- Associated with both residential and commercial development blocks.
- Programming should capitalize on the sheltered environment, such as outdoor play areas or patios, lawn, picnic tables, seating, and gathering.

Edges & Access:

- All four courtyards to be contained within a block and surrounded by buildings. The design of the building, in particular the ground floor, entrance, and design of the facade, will also be key to its successful integration with the surrounding urban fabric.
- The design of the building facade should provide a high degree of permeability and active use of space.
- Provide at least two points of access to a courtyard, either through walkways, multi-block connections, or public pedestrian pathways (major connections). This will help ensure courtyards become a visible part of a network of public open spaces.
- The location and design of entrances to courtyards and spaces must be clearly identifiable as public to promote public use.
- Organize circulation to provide direct access and opportunities to adjacent streets.
- Provide a hierarchy of curb and road landscaping.
- Angled parking should be provided.
- Provide accessible amenity lighting in courtyards as well as along connections to the courtyard.
- Include POPPS signage to identify courtyard locations from surrounding public sidewalks.

Landscaping & Amenities:

- Provide a hierarchy of curb and road landscaping.
- Angled parking should be provided.
- Provide accessible amenity lighting in courtyards as well as along connections to the courtyard.
- Include POPPS signage to identify courtyard locations from surrounding public sidewalks.

Diagram illustrating different types of open spaces and their potential relationships to each other.

Recommendation 3: The City should prioritize the redevelopment/expansion of existing parks and open space trails in high-priority areas over market-rate land acquisition as a means to strategically deploy Cash-in-Lieu or future CBC funding.

Recommendation 4: In a proposed Greenspace Strategic Plan, new parks typologies should be explored (e.g. Strata Parks, Greenways) where specific design criteria may be communicated to inform the City's Official Plan Review process.

Greenways



Strata Parks



Recommendation 5: Land Acquisition Master Plans for city-wide Green Spaces should be developed that identify lands to serve high-priority areas, acquisition costs, funding alternatives and potential partnerships. Various combinations of park sizes, typologies and locations may be assessed to understand city-wide provision level impacts and cost implications of various land securement options, including:



Acquiring land in high priority areas.



Balance reduced provision in new urban growth areas with investments that strengthen city-wide Green Spaces.



Easements to secure public access for municipal use and restrict development.



*Swap or exchange underutilized land.
Divest surplus property.*



Partnership or donation with land trust or non-profit.



Facilitate public space with development setback zones.



Dedication transfers within and between projects.

Recommendation 6: Staff guidelines for acquiring non-designated Green Spaces may be implemented to determine how the City provides Green Spaces for high-priority areas of parkland deficiency or new urban growth areas.



Identify and indicate interest in non-designated lands for:

- 1) New urban growth areas
- 2) Areas with parkland deficiencies
- 3) City-wide trails or key connection gaps
- 4) City-wide Regional/District Parks



Assess land portfolio to identify underutilized properties for exchange or to declare surplus.



Review parks and recreational targets to identify minimum service levels and distribution of city-wide and local Green Spaces.



Consider environmental land for passive recreation opportunities that reflect a "significant contribution" to existing Green Spaces.

Municipal Land



Municipal property should be considered an asset with underlying land values that are not sunk costs. Preserving and recycling land value across the City's portfolio is particularly important to fund future land needs given property appreciation in Vaughan's high-growth environment.



Vaughan does not have a mechanism to pool funds directed towards municipal land acquisition. A tool is required that allows the City to be market ready and respond to strategic acquisition opportunities.



Municipal highest and best use requires on-going consideration of the opportunities to maximize use of the current portfolio. This is particularly true for properties situated in strategic Regional or Primary Centres.



On-going asset management should take a "portfolio-wide view" of municipal land holdings and requirements; as a City asset, proceeds from surplus lands should be re-directed into funding future municipal land requirements.

Recommendation 7: Enabling the preservation and recycling of land values, the City should establish a municipal Land Acquisition Reserve Fund. This will provide the City with a tool to more opportunistically acquire land for future, undefined municipal needs.

Recommendation 8: To recycle and preserve historical land acquisition funding, surplus property sales proceeds should be directed towards the Land Acquisition Reserve Fund. An official Surplus Property Disposition Policy should be considered to enable taking a "portfolio-wide view" of municipal land holdings and requirements.

Recommendation 9: City assets in strategic locations near Regional or Primary Centres should be maximized with municipal-use intensification, where opportunities exist. Master planning may be required to determine potential future uses.



Natural Heritage Land



One of the City's greatest assets is the collection of river valley corridors and environmental lands. The ongoing preservation and expansion of the City's Natural Heritage and Open Space system is critical.

Recommendation 10: Strengthen the City's robust Natural Heritage and Open Space system through active land securement which prioritizes staff resources using biological criteria and opportunities for potential "value-add" alignment with other City priorities.

Figure 33: Significant Wildlife Habitat (Amphibian Species)

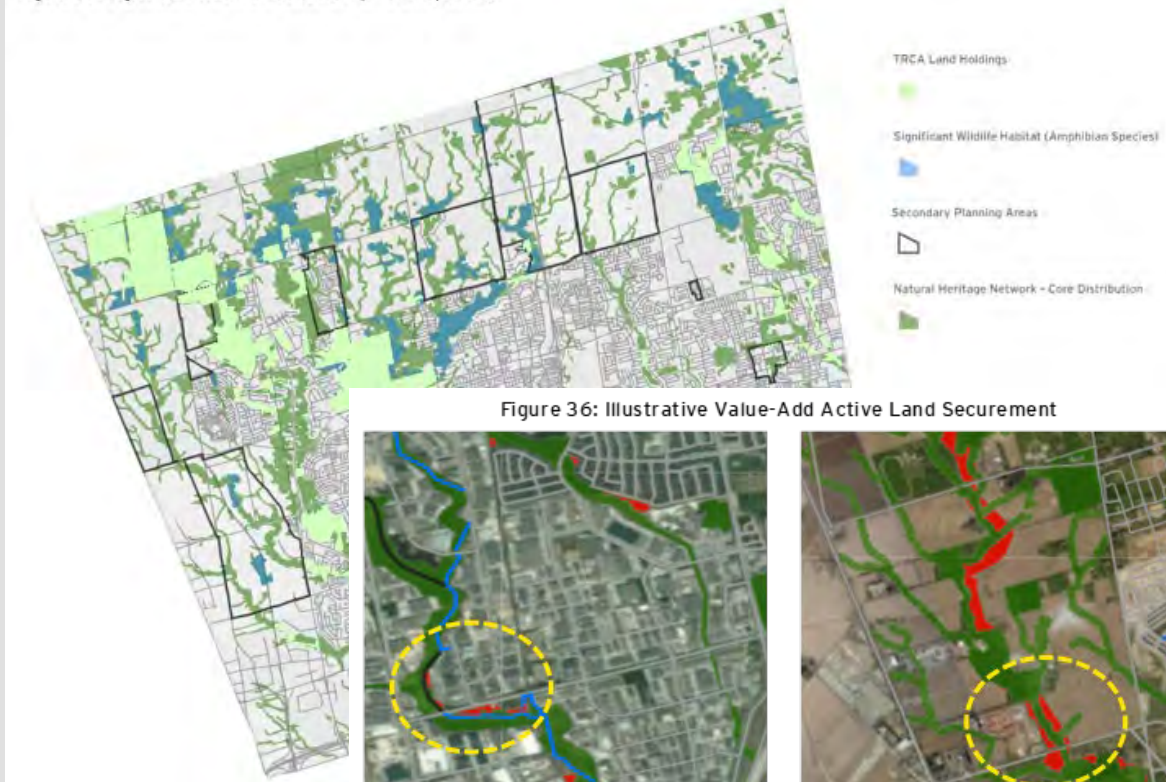


Figure 36: Illustrative Value-Add Active Land Securement



Recommendation 11: The City should explore opportunities for partnering with land trusts that may be strategically positioned to acquire key parcels of valley corridors and environmentally significant lands, through both purchase and/or donation with tax credits.

Recommendation 12: Where possible, the City should negotiate for environmentally significant parcels of land and river edge properties prior to urbanization and development. This will require variety of methods for conservation land securement, including but not limited to letters of intent, agreements to purchase, life interests, partial interests, direct acquisition or direct acquisition through a land trust agency.

Third-Party Real Estate Proposals



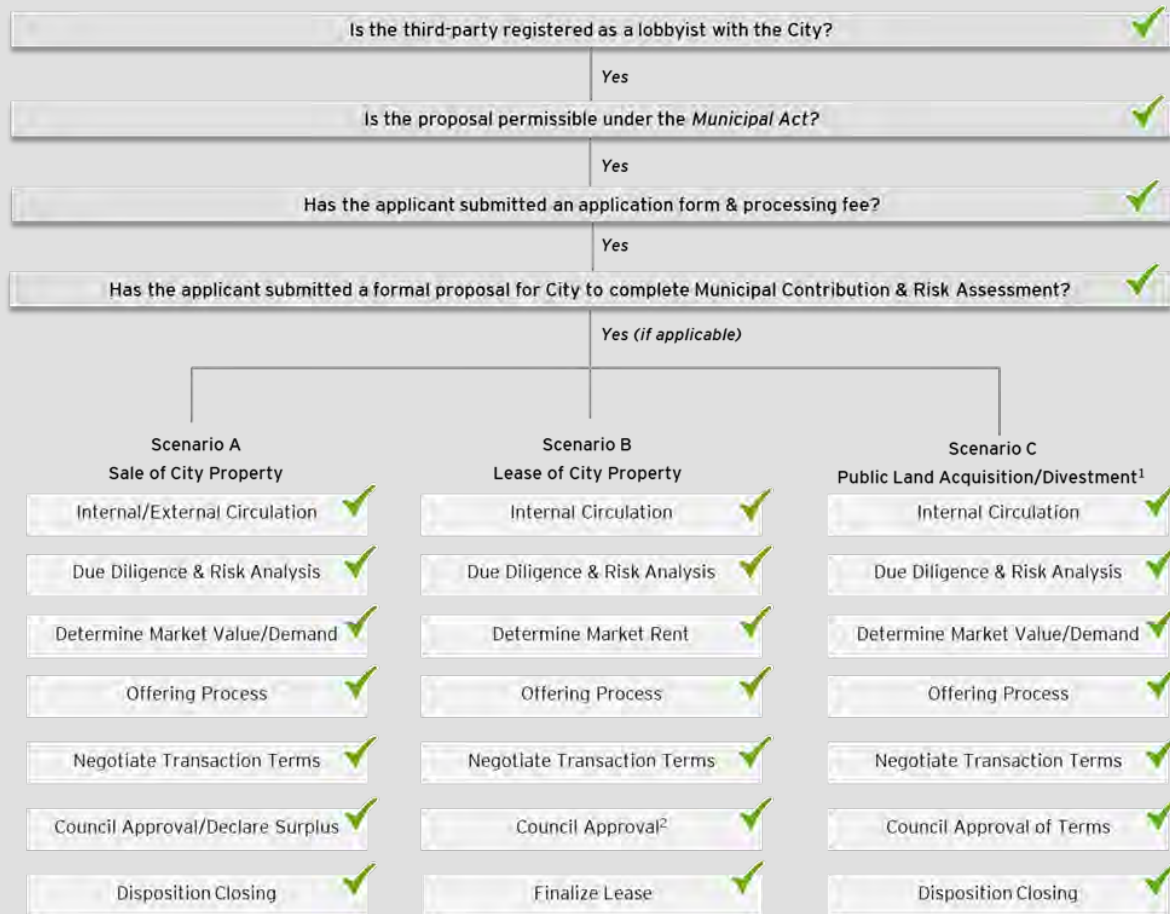
With Vaughan's growth, third-party real property requests have increased significantly. While the City is required to be community responsive, it can manage resources with structured, transparent and consistent policies and processes.



Vaughan's current policy (By-law 121-95, Real Property Disposition) does not provide sufficient clarity for the public to navigate the City's approach to managing proposals contemplating a real estate transaction.

Recommendation 13: The City should update its Land Disposition By-law to provide clarity to the public on City processes and guidelines in managing real property transactions.

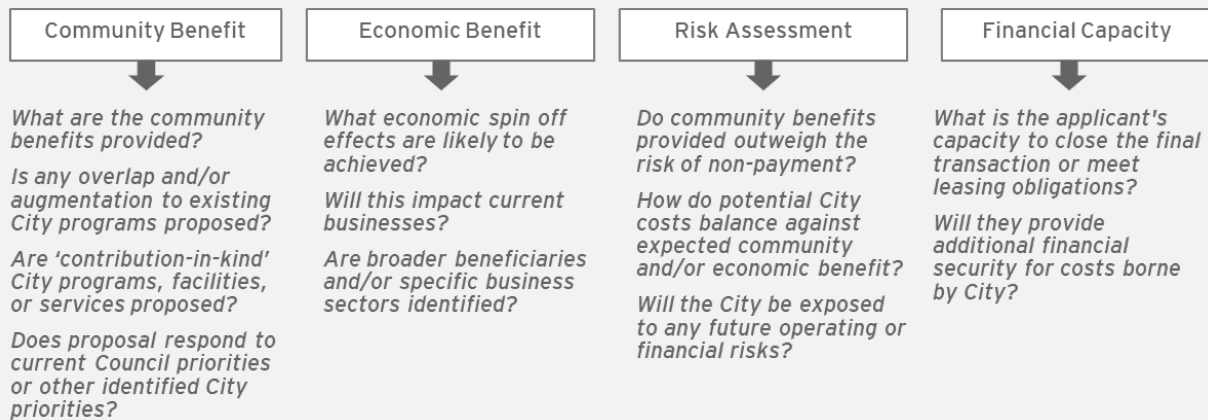
Illustrative Framework for Managing Real Property Transactions



¹Assumes City is requested to use priority in public-sector circulation and acquire land on behalf of third-party.

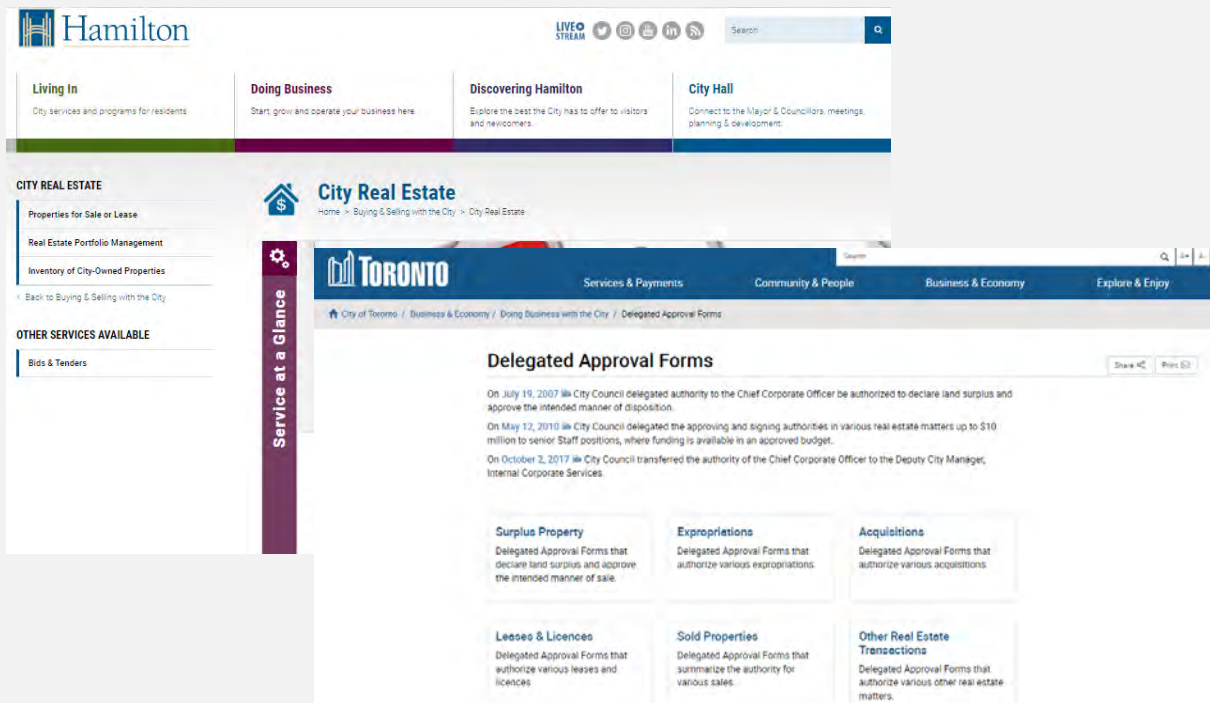
²Thresholds of lease contract values may be established for when Council approval required. (e.g. \$25,000+/annum)

Recommendation 14: Municipal Contribution and Risk Assessments may be used to communicate the City's desired outcomes when evaluating third-party real property requests, including offers received at less than Fair Market Value ("FMV").



Recommendation 15: Given the risks associated with acquiring land through the City's priority position in other surplus public property circulation processes, it should be communicated that comprehensive business cases are required prior to entertaining any third-party proposals.

Recommendation 16: In order to assist with third-party requests, the City should create a Real Estate Landing Page on its corporate website permitting easy navigation of required forms, policies and by-laws related to the receipt of unsolicited third-party real property proposals.



Additional Considerations



The City's experience with co-location is evidence of the positive community impact of joint-use facilities. However, no policy exists to reference under which circumstances the City would consider shared-uses with internal and external groups, and any limitations which may exist.

Recommendation 17: The City should develop a Shared-Use Policy which may enable Vaughan to further expand opportunities to deliver enhanced community benefits through co-located services with internal and external partners.



Given the level of growth expected in Vaughan, increases in required City administration is likely to cause constraints to accommodate growing staff levels. Currently, the City does not have a clear policy on accommodation management or workplace strategy.

Recommendation 18: With the preparation of a formal accommodation plan, Vaughan will be equipped to effectively plan for future growth with a firm perspective on expected staff increases, space standards, and alternative workplace strategies.



Through consultation with the City, potential future requirements in high-density areas (e.g. vehicle and equipment storage) were identified as a potential municipal requirement not yet fully understood.

Recommendation 19: A Knowledge-Sharing and Inter-departmental Partnership culture should be promoted that supports City departments working together to find solutions for municipal requirements. The City may develop a forum for ongoing discussion of needs to promote cross-departmental solutions.

Land Acquisition Strategy Goals & Summary of Key Findings/Recommendations



Identify emerging trends and influences that the City will need to be aware of and recommend appropriate responses.

- ▶ Vaughan is experiencing significant land appreciation. Various policies for further development have been recommended to strategically meet service level needs.
- ▶ Proposed legislative changes from Bill 108 may be significant. Findings from this report should be reviewed once full details of the legislation are understood.
- ▶ Increasing volumes of unsolicited real estate proposals from third parties are being received. The City may consider updating its Real Property Disposition By-Law using recommended Illustrative Framework and guiding principles.



Provide City Council and staff with recommended tools, policies, and processes to guide the strategic, timely and cost-effective acquisition of land.

Tools

- ▶ An illustrative **Green Space Parcel Acquisition Evaluation Criteria** may inform how the City assesses site attributes for accepting or acquiring non-designated parkland.
- ▶ To help prioritize opportunities to deploy limited land acquisition funds for community benefits, **Land Acquisition Priority Assessments** have been developed for both recreational trails and other municipal land.
- ▶ A **Land Acquisition Reserve Fund** with dedicated funding (i.e. surplus property sales) would provide the City with a funding mechanism to secure municipal land in a more strategic and opportunistic manner (e.g. in advance of development).

Policies

- ▶ A **Community Benefits Charge Strategy** for parks and recreational facilities will outline how the City collects and uses available land acquisition funds under Bill 108.
- ▶ A **Greenspace Strategic Plan** should guide policy and by-law development while providing a key input to inform the City's Official Plan review by considering:
 - Reduced parkland targets for Regional, Primary & Local Centres where mature, urban densities exist with sufficient local City facilities.
 - A flexible system for negotiating dedication of environmental land, subject to requirements (e.g. neighbourhood connection, public access infrastructure).
 - Formal evaluation criteria to evaluate opportunities for non-designated, environmental, or off-site parkland dedication and acquisition;
 - Off-site dedication policies that reflect high -priority areas identified by staff and any area-specific requirements (e.g. city-wide connectivity); and,
 - The exploration of new parks typologies (e.g. Strata Parks, Greenways) with defined site attributes to be considered for parkland dedication.

Processes

- ▶ Guided by municipal use intensification, **On-Going Asset Management** should take a “portfolio-wide” view of the City’s land holdings and municipal service requirements, enhanced through knowledge-sharing and inter-departmental partnerships.
- ▶ **Staff Guidelines for Acquiring Non-Designated Green Space** should be implemented as part of the on-going asset management of City land holdings.
- ▶ Facilitating the on-going development of the city-wide Green Space network, **Land Acquisition Master Plans** should be updated every 5-years and informed through on-going asset management and the acquisition of non-designated Green Space.



Consider the role of alternatives to full acquisition. (e.g. “public-public” or “public/private” partnerships, easements, partial takings, stratified title)

- ▶ Acknowledging potential service level contributions, requirements for accepting **Stratified Title for Parkland Dedication** or **Permanent Easements for Recreational Trails** should be further explored as part of the city’s Greenspace Strategic Plan.
 - As part of the proposed flexible system for negotiating the dedication of environmental lands, additional requirements may include public access infrastructure for trails or the ability for passive recreational programming.
- ▶ **Privately-Owned Public Spaces** can play a critical role in ensuring adequate public space for intensification areas. Clear guidelines and design standards may better position the City to negotiate the provision of on-site public space.
- ▶ Through **Land Trust Partnerships**, the City may strategically deploy funding to secure the permanent protection of conservation lands.
- ▶ Priority areas with the highest biological value or where value-added opportunities exist may be targeted for the City’s Natural Heritage Land securement efforts, where **Partial Takings** and/or **Lifetime Estates** may be preferred methods to negotiate the permanent protection of conservation lands.
- ▶ The City may be better positioned to capitalize on cost or service-level efficiencies through internal and external co-location with a **Shared Use Policy**.
- ▶ As part of a **Municipal Contribution and Risk Assessment**, the communication of current Council-endorsed initiatives or goals may provide for greater partnerships to deliver community services from third parties seeking assistance from the City.



Inform the preparation and implementation of the City’s Growth Management Strategy to the year 2041.

- ▶ This Land Acquisition Strategy is intended to help guide and inform future City decision-making. Given the current operating environment, recommendations of acquisition policies and/or strategies for further development will help ensure the City’s needs are met over the long term to 2041.

Development of Vaughan's Land Acquisition Strategy

The Scope of Work for the Land Acquisition Strategy included assessing current land inventories and identifying future land requirements to deliver municipal services. Based on defined provision standards, this work responds to the land acquisition priorities indicated through departmental master plans, the Official Plan and other strategic documents.

Recommendations have considered the need to provide flexibility for the City to react to emerging opportunities and stay ahead of the anticipated growth and development curve, enabling timely acquisition through a coordinated and proactive approach to securing real property for municipal requirements.

Summary of Work Plan

The Work Plan is broken down into seven (7) core phases, as further illustrated below. Critical components of the project include analyzing future demand requirements and understanding specific departmental priorities and current policy constraints to develop recommendations for the City to consider that will support meeting service levels over a 20-year study period.



Significant desktop research was undertaken to understand to develop the Land Acquisition Strategy and included legislative and policy documents, strategic City planning documents, Council reports, Geographic Information System (“GIS”) mapping and other corporate vision documents, including:

- The *Planning Act*
- Provincial Policy Statements
- DCA and amendments
- Vaughan’s May 2018 DC Background Study
- DC Information
- City of Vaughan Council Reports
- City of Vaughan corporate vision documentation
- City of Vaughan Official Plan
- City of Vaughan Official Plan Volume 2 - Secondary Plans
- Active Together Master Plan (“ATMP”)
- Places to Grow Growth Plan
- Vaughan Fire Master Plan
- City of Vaughan Parks Redevelopment Strategy
- Multiuse Recreational Trail Network Documents and Maps
- The Greenbelt Plan
- Vaughan Tomorrow: Where and how to Grow
- York Region Official Plan
- Vaughan’s Vision 2020
- Term of Council Service Excellence Strategic Plan

Engagement Undertaken by Consultant Team

Internal stakeholders were engaged throughout the development of the Land Acquisition Strategy. Several presentations to the Steering Committee occurred, and individual meetings were also held with internal stakeholder. The Consultant Team also undertook extensive benchmarking of other comparable jurisdictions and held select external consultations.

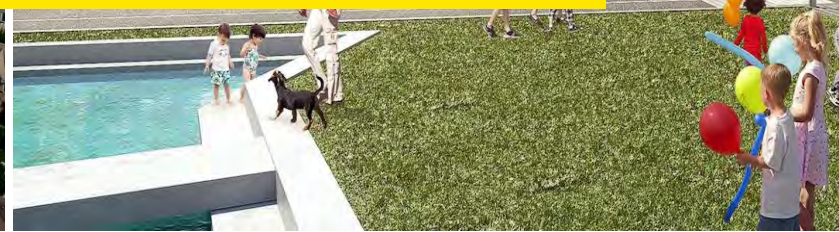
A breakdown of participants is shown below. Please consult the Appendix for a summary of consultation themes and research conducted on other jurisdictions.

Internal Stakeholders	Jurisdictional Scans	External Stakeholders
<ul style="list-style-type: none"> • Real Estate • Parks Planning • VMC Program • Recreational Services • Vaughan Public Libraries • Parks, Forestry & Operations • Infrastructure Delivery • Environmental Sustainability • Vaughan Fire Services 	<ul style="list-style-type: none"> • City of Markham • City of Burlington • Town of Newmarket • City of Ottawa • City of London • City of Brampton • City of Toronto 	<ul style="list-style-type: none"> • Toronto Region Conservation Authority • Infrastructure Ontario (“IO”) (HydroOne)

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2. Current State Assessment



2. Current State Assessment

2.1 Municipal Land Acquisition Operating Environment – Legislation

The following is a summary of the regulatory and legislative documents that guide current municipal land acquisition processes in Ontario. These documents dictate how the City funds land acquisitions through various tools and processes.

Planning Act: The provincial legislative framework surrounding land use planning in Ontario. The *Planning Act* outlines processes municipalities must follow in order to process, review and undertake planning-related projects. The *Planning Act* also requires that municipal planning decisions align with provincial policies and plans such as Provincial Policy Statements (“PPS”), the *Greenbelt Plan*, and the *Growth Plan for the Greater Golden Horseshoe* (“*Growth Plan*”).

Planning Act’s Impact on Municipal Land Acquisitions

- ▶ The *Planning Act* identifies adequate provision and distribution of recreational facilities as a provincial interest, largely implemented through parkland conveyance requirements and typically determined through the development application process.
- ▶ Conveyance requirements in the *Planning Act* provide that 2% of commercial and industrial land and 5% of all other lands (including residential) to be conveyed to the municipality for parkland or other public recreational purposes. Municipalities may also identify an alternative rate, up to 1 hectare (“Ha”) per 300 dwelling units.
- ▶ The *Planning Act* also permits a Cash-In-Lieu (“CIL”) of physical land dedication at an alternative rate of one (1) Ha per 500 dwelling units (or a lesser rate defined in the municipality’s CIL by-law).

It should be noted that Bill 108 proposes to consolidate parkland dedication requirements into a single fee, the CBC. Municipalities may have the ability to maintain a limited version of the existing parkland dedication by-law, but it would not provide the ability to collect land or CIL based on the number of units, only providing for 5% of the land area (for residential) to be conveyed as parkland or collected as a CIL.

For parkland dedication, this is one provision that the Consultant Team has identified as having the potential to impact future funding levels, particularly for higher-density environments.²

² City of Toronto, *Consultation on Bill 109: Assessing the Impact*.

Development Charges Act, 1997 ("DCA"): Ontario's regulatory and legislative framework outlining processes required in creating Development Charge ("DC") by-laws, including how municipalities may collect revenues through DCs. When developers are granted a building permit, they are charged fees associated with the required services and infrastructure to support growth.

DCA's Impact on Municipal Land Acquisitions

- ▶ The DCA requires municipalities to prepare DC Background Studies that should adequately forecast growth-related land acquisition requirements as part of a 10-year planning forecast for the municipal council to approve DC charge by-laws.
- ▶ DC revenues are only applicable towards the use of growth-related land acquisitions for non-parkland municipal uses such as a community centre or library.

As part of Bill 108, community soft services such as libraries and recreational facilities were originally proposed to transition from being funded through DCs to become part of a new, consolidated CBC. Municipalities will still collect DCs for hard infrastructure such as wastewater sewer systems and other public works projects.

The provincial government advises that the new funding framework will result in a cost-neutral economic impact, but without any additional information regarding the framework for CBC collection, the Consultant Team cannot confirm or quantify potential City impacts.

As of February 2020, the provincial government proposed that development charges could also pay for the capital costs of certain community services such as public libraries, parks development (other than acquiring land for parks) and recreational facilities.

Municipal Act, 2001: The *Municipal Act* is the governing body of legislation surrounding the creation, administration and governing of municipalities in Ontario. This includes the provision of authority to acquire land for municipal purposes as well as additional powers, such as the power to expropriate land, in accordance with the *Expropriations Act*.

MA's Impact on Municipal Land Acquisitions

- ▶ The *Municipal Act* generally restricts municipal authority to its geographic jurisdiction, for the purposes of actions related to culture, parks, recreation, libraries and well-being.
- ▶ With Community Improvement Areas established and identified in Official Plans, municipalities may use expropriation to acquire lands to promote the well-being of said Community Improvement Area.

2.2 Municipal Land Acquisition Funding Tools

Development Charges

DCs are fees collected from developers, builders and institutions when an area of land is developed. These fees are used to aid in financing growth-related capital costs such as infrastructure and municipal services.

In order to pass a DC by-law, the DCA and Ontario Regulation 82/98 require a DC Background Study be prepared on both residential and non-residential development every five years.

This study provides an overview of projected development growth, the level of services required, and the capital costs required for each infrastructure project. DC rates for the City are calculated through two specific approaches:

1. City-Wide DCs: Applied towards general government, library, fire & rescue, community services, public works buildings & fleet and city-wide engineering.³
2. Area Specific DCs (i.e. Special Area Development Charges): Calculated for water, wastewater and storm water drainage services.⁴

DCs are calculated and payable on the date a building permit is issued for land in which a DC applies, unless otherwise stated under subsection (2) of the DC by-law. In addition to city-wide DCs, the City also collects DCs against designated land areas for water, wastewater and stormwater drainage services. DC funds are the primary source of revenues associated with supporting growth-related investments, including land acquisition requirements.

Additional considerations with respect to the calculation of DCs should also be noted:

- ▶ The Benefit-To-Existing (“BTE”) ratio for all projects included in a municipal DC Background Study shall be deducted from the project costs used to calculate DCs for new development. The BTE ratio determines the proportion of a capital project benefitting existing residents. Under the notion of “growth pays for growth,” by way of a DC, new residents only bear costs associated with their direct benefit.
- ▶ Reflecting consistent service levels for existing and current residents, capital costs for projects included in a municipal DC Background Study must be reduced by the costs associated with delivering a service level greater than a 10-year historical average.
- ▶ Excess capacity is also considered. In their DC Background Study, municipalities account for uncommitted excess capacity for any service upon which they levy a DC. If a system (e.g. network of pools) is not at capacity, a deduction to growth-related costs for new pools is accounted for, unless Council exempts the overcapacity as a future growth charge.

³ City of Vaughan, *Development Charges Background Study*. (May 2018)

⁴ City of Vaughan, *Development Charges Background Study*. (May 2018)

The DCA states that upon passing a DC by-law, municipalities must establish a reserve fund for each service to which the development charge relates.⁵ Each DC that's collected is paid into the reserve fund for which it was collected and may be used for specific infrastructure costs outlined under paragraphs 2 to 8 of subsection 5 (1) of the DCA.

Annually, the City's treasurer is required to submit a DC statement to City Council and the Minister of Municipal Affairs and Housing detailing the activities within each reserve fund. This statement is used to illustrate how infrastructure projects are supported by corresponding reserve funds.

Key Observation(s)

- ▶ The City does not have a funding strategy to help advance the acquisition of lands that are not identified within the DC study's 10-year time horizon. For example, to acquire municipal lands for future growth areas when it is less expensive or to acquire municipal lands for strategic market opportunities which may arise.

Section 37 - Increased Height and Density - The Planning Act

Section 37 of the *Planning Act* permits municipalities to increase the height and/or density of proposed developments that would otherwise exceed maximum permissions in the Official Plan and/or zoning by-law. In return for authorizing additional height and/or density, municipalities receive "community benefits" in the form of capital facilities, services, or other matters (typically monetary contributions). Many municipalities in southern Ontario utilize Section 37 of the *Planning Act* to obtain additional parkland or funds for parks and recreational facilities (beyond the minimum requirements).

Each municipality, through their Official Plan identifies the desired community benefits based on community requirements, existing service levels, intensification issues, and objectives within the Official Plan.⁶ As outlined in the City's Parks Redevelopment Strategy Report, Section 37 allows the City to fulfill gaps in municipal services covering everything from community services and facilities, park improvements, public art, child care, non-profit space, affordable housing, heritage preservation, and streetscapes, to name a few.⁷

Key Observation(s)

- ▶ Several consultation groups suggested that the City may achieve better results from negotiations with developers through a more proactive approach to identifying and communicating desired community benefits across Vaughan through Section 37 related policies and guidelines.

⁵ *Development Charges Act, 1997* - Section 33 Reserve funds.

⁶ City of Vaughan, *Official Plan 2010* (October 2017)

⁷ City of Vaughan, *Parks Redevelopment Strategy* (May 2018)

Through Bill 108, height and density bonusing under Section 37 of the Planning Act has been replaced with a consolidated CBC framework. With the maximum amount of any CBC tied to a percentage of the land's value, negotiations over height and density bonusing will instead be governed by the City's Community Benefits Charge By-law.

Section 42 - Conveyance of Land for Park Purposes - The Planning Act

Section 42 of the *Planning Act* states that municipalities can collect land or CIL as a requirement for land development and redevelopment. According to the *Planning Act*, "in the case of land proposed for development or redevelopment for commercial or industrial purposes, 2 per cent and in all other cases 5 per cent of the land be conveyed to the municipality for park or other public recreational purposes."⁸ Section 42 also provides for an alternative collection rate in higher-density areas; 1 Ha per 300 units if land dedication is conveyed, or 1 Ha per 500 units if CIL is provided.

CIL funds are typically used to purchase parkland, but the *Planning Act* also states municipalities can use CIL to improve and repair park amenities.⁹ According to the the City's Parks Redevelopment Strategy Report, the current approach to CIL does not permit the use of funds towards improvement and refurbishment of park amenities.

Key Observation(s)

- ▶ In areas of intensification and urban growth, developers will often prefer to offer CIL instead of dedicated parkland as it can be less expensive due to collection rates and limited land availability.
- ▶ This results in the City having to pool the CIL funds and acquire future parkland often at higher rates due to land appreciation.
- ▶ This is a major issue in areas of intensification such as the Vaughan Metropolitan Centre ("VMC"), Vaughan Mills Secondary Plan, and future Secondary Plan areas such as Yonge and Steeles and Weston/Hwy 7, where there is a shortage of available parkland and land values have grown exponentially.

Cash-In-Lieu Policies

As noted above, the *Planning Act* also affords municipalities with the option of accepting CIL payments for parkland dedication requirements.



The intent of the legislation is to give municipalities some degree of flexibility when circumstances warrant consideration of taking cash instead of land. (e.g. the parkland available from the site would be too small to function as public park space) and to allow municipalities

⁸ *Planning Act, R.S.O. 1990, P.13, s. 42 (1)*

⁹ City of Vaughan, *Parks Redevelopment Strategy* (May 2018)

the ability to pool the resources and acquire land within the area experiencing the growth in order to achieve their parkland provision targets and maintain service levels.

Municipalities have the ability to set CIL of parkland rates and guide the application of these funds. In higher-density growth areas, it can not only become cost-prohibitive to acquire additional parkland, but market opportunities may be limited. In these situations, some municipalities have elected to use CIL funds to upgrade and/or expand existing parks and better serve growing areas or changing demographics, with select examples provided below:

Optimist Park Redevelopment, Ottawa¹⁰	
<ul style="list-style-type: none"> ▶ 95% of \$1.3 million capital costs provided with CIL. ▶ Re-imagined facilities at existing park include self-directed fitness, limiting operating expenses. ▶ Expanded capital facilities included a skating rink, multi-sport courts and playground area. 	
Case Study: Berrigan Skatepark, Ottawa¹¹	
<ul style="list-style-type: none"> ▶ ~92% of \$405,175 capital costs provided with CIL. ▶ Expanded recreational offering for young family demographic in an existing park facility. ▶ Self-guided facility with no operating budget impact. 	

In mature residential areas continuing to intensify, redevelopment of existing parks to accommodate greater utilization or new recreational offerings is a cost-effective method to maintain service levels.



Cash-In-Lieu Collection Rate Changes

While many municipalities historically were able to satisfy parkland demands through residential growth (e.g. plans of subdivision), the continued shift towards intensification and redevelopment means that acquisition of sufficient parkland through the development application process is increasingly difficult (i.e. land parcels tend to be smaller and the area of land available for parkland significantly reduced). This places greater importance on a municipality's approach to parkland dedication and the need to have an up to date Parkland Dedication By-law with supporting policies and guidelines.

Recent changes to the *Planning Act* reduced the alternative rate for CIL parkland dedication, from 1 Ha per 300 dwelling units to 1 Ha per 500 dwelling units. This change is significant as it creates an added incentive for developers to contribute CIL instead of parkland.



¹⁰ City of Ottawa, *Details of City-Wide and Ward-Wide Cash-In-Lieu of Parkland Capital Project Funding* (2016/2017)

¹¹ City of Ottawa, *Details of City-Wide and Ward-Wide Cash-In-Lieu of Parkland Capital Project Funding* (2016/2017)

The City's CIL By-law could be expanded to reflect a broader "Parkland Dedication By-Law", similar to other neighbouring municipalities. However, any review of the CIL Dedication By-Law is subject to changes resulting from Bill 108.

The impact of Bill 108 on the following tools employed by the City to acquire municipal land is summarized below:

- *DCs enable the City to collect fees from developers used to finance specific growth-related infrastructure costs. Through a DC Background Study, a 10-year funding forecast of future municipal needs (including land acquisition) are identified and form the basis of chargebacks to developers through DCs.*
- *Parkland dedication and CIL of parkland dedication is conveyed from developers to provide the City with parkland resources or cash reserves dedicated for future parkland acquisition. While the Planning Act dictates conveyance requirements for fee simple dedication, the City maintains a CIL by-law that provides guidance on CIL dedication.*
 - *Under the current framework, an alternative dedication rate is permitted which reflects scale of higher-density development in terms of unit counts. Bill 108 will remove the alternative rate, and replace parkland dedication with a CBC.*
- *Section 37 enables the City to obtain various community benefits from developers through negotiating a project's permitted height and density.*
 - *Under Bill 108, Section 37 of the Act would be replaced and height and density bonusing would be consolidated into the new CBC framework.*

Section 51 - Plan of Subdivision Approval - The Planning Act

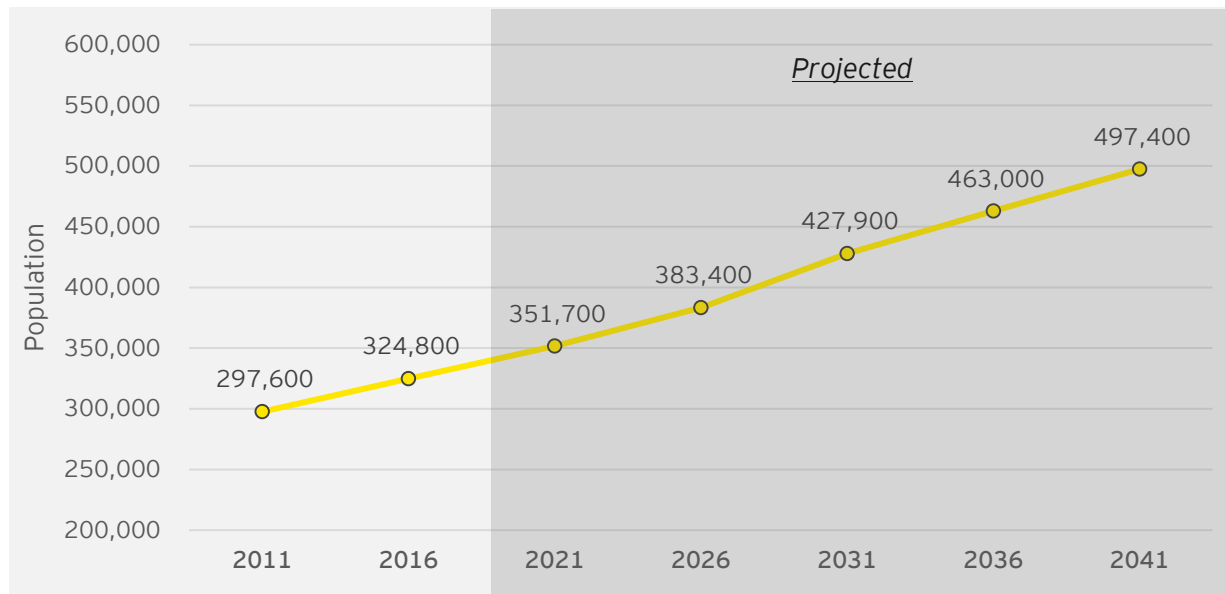
Acquisition to acquire land for road widening purposes by municipalities is also enabled through Section 51 the *Planning Act* and is not impacted by Bill 108. As a condition for various approvals such as plans of subdivision, plans of condominium, or site plan approval, the municipality is empowered to acquire land under a series of conditions, such as:

- ▶ Where highways, including pedestrian pathways, bicycle pathways and public transit rights of way, be dedicated as the approval authority considers necessary.
- ▶ Where land be dedicated for commuter parking lots, transit stations and related infrastructure for the use of the general public using highways.
- ▶ When the proposed subdivision abuts on an existing highway, that sufficient land, other than land occupied by buildings or structures, be dedicated to providing for the widening of the highway to such width as the approval authority considers necessary.

2.3 Demographic Growth Analysis

The City has undergone tremendous growth and expansion since its incorporation in 1991, becoming one of the fastest growing Canadian municipalities in all of Canada, achieving a staggering 80.2% growth rate between 1996 and 2006.¹² The Province's 2017 update to the *Growth Plan* informs York Region's Preferred Growth Scenario report, projecting growth of approximately 173,000 people from 2016 to 2041.¹³

Figure 1: Vaughan's Growth Projection



While aggregate population projections provide the evidence that the City's strong growth will likely create land acquisition requirements, specific location requirements and the priority of investments may impact how the City funds and delivers municipal services.

In Vaughan, greenfield growth areas will require different considerations from a municipal land acquisition perspective than intensification growth areas. Any City land acquisition strategy should reflect funding tools available to the City and consider their application in the context of both greenfield development and intensification.

To further inform this work, anticipated future growth patterns were also considered. The Consultant Team analyzed residential land transaction data from 2017-2019, which was further characterized by class (e.g. high-density, greenfield). Figure 3 displays the city-wide distribution of this data which helps identify near-term and longer-term growth nodes.

¹² Statistics Canada Census Trend Data 1996, 2001, and 2006, Vaughan

¹³ York Region, 2041 Population and Employment Forecasts

While provincial intensification targets require a minimum of 40% of all new growth occurring in the existing built-up area, the City has committed to a target of 45% and expects to plan for at least 30,000 housing units within the 2006 built-up boundary through intensification.

Figure 4 illustrates with an aerial image the current geographical landscape of this for further context. What little undeveloped land that does exist within the City's existing built-up area is currently designated as Employment Areas. As such, development projects are more likely to take the form of high-rise and infill construction.

The residential land transaction activity in Figure 3 demonstrates that growth in Vaughan will continue through a combination of intensification (e.g. high and medium density) and greenfield (e.g. low-density and long-term) development. However, it would appear that a higher predominance of sales activity is occurring within the City's intensification areas.

According to the City's Official Plan, it's imperative that growth is directed to appropriate locations that can support community growth and expansion. This means there will be *"a shift in emphasis from the development of new communities in greenfield areas to the promotion of intensification in areas of the City with the infrastructure capacity and existing or planned transit service to accommodate growth."*¹⁴

From a land acquisition perspective, there are important differences in how the City may acquire lands in greenfield areas and intensification/high-density mixed-use growth areas. In greenfield areas, upon the passing of a Secondary Plan, the block plan process is used as a comprehensive planning framework to determine how the land will be divided between lot patterns, community services, and infrastructure requirements.

While the block plan process provides an opportunity in the development process for the municipal planning of parks and other community facilities, it is a difficult tool to apply in areas of intensification/high-density mixed-use growth areas, where development and infrastructure already exist.

Additionally, due to the nature of built form, density targets for intensification areas are more easily adjusted to market conditions or other provincial policies. This can impact municipal service provisions levels, specifically parkland. In Figure 2, the long-term VMC development vision is presented where the central integration of parks and open space is clearly communicated.

According to the City's 2010 Official Plan, a minimum target of 20 Ha of parkland for the VMC Urban Growth Area is identified based on residential targets of 17,000 residents in 12,000 units, with an average household size of approximately 1.5/household.

¹⁴ City of Vaughan, *Official Plan 2010*. (October 2017)

Figure 2 - Long-Term VMC Development Vision



Based on information for the VMC compiled by the Consultant Team, there are 698 existing units and 2,488 units in the pre-construction or construction phase and 12,759 proposed units, representing projects at some pre-planning stage.¹⁵

While the Consultant Team acknowledges that the proposed unit count is subject to change, with a total potential build-out of 15,945 units at some stage of development lifecycle, we also acknowledge that proposed densities are well in excess of the targeted 12,000 units and several large tracts of developable land remain. As a result, service levels may be impacted from well-intended provisions within the VMC Secondary Plan.

Key Observation(s)

- ▶ Unlike greenfield lands, intensification areas do not benefit from a formal block planning process. Challenges persist around providing for adequate municipal services such as parks, recreational amenities, and public trail access.
- ▶ Density targets for intensification areas are also more easily adjusted to market conditions or other provincial policies. Densities that exceed pre-defined targets in secondary planning documents may impact to municipal service provisions levels, specifically parkland.

¹⁵ Urbanation market data for the VMC compiled by the Consultant Team as of November 2019.

Figure 3: New Growth Areas & Recent Residential Land Transactions in Vaughan

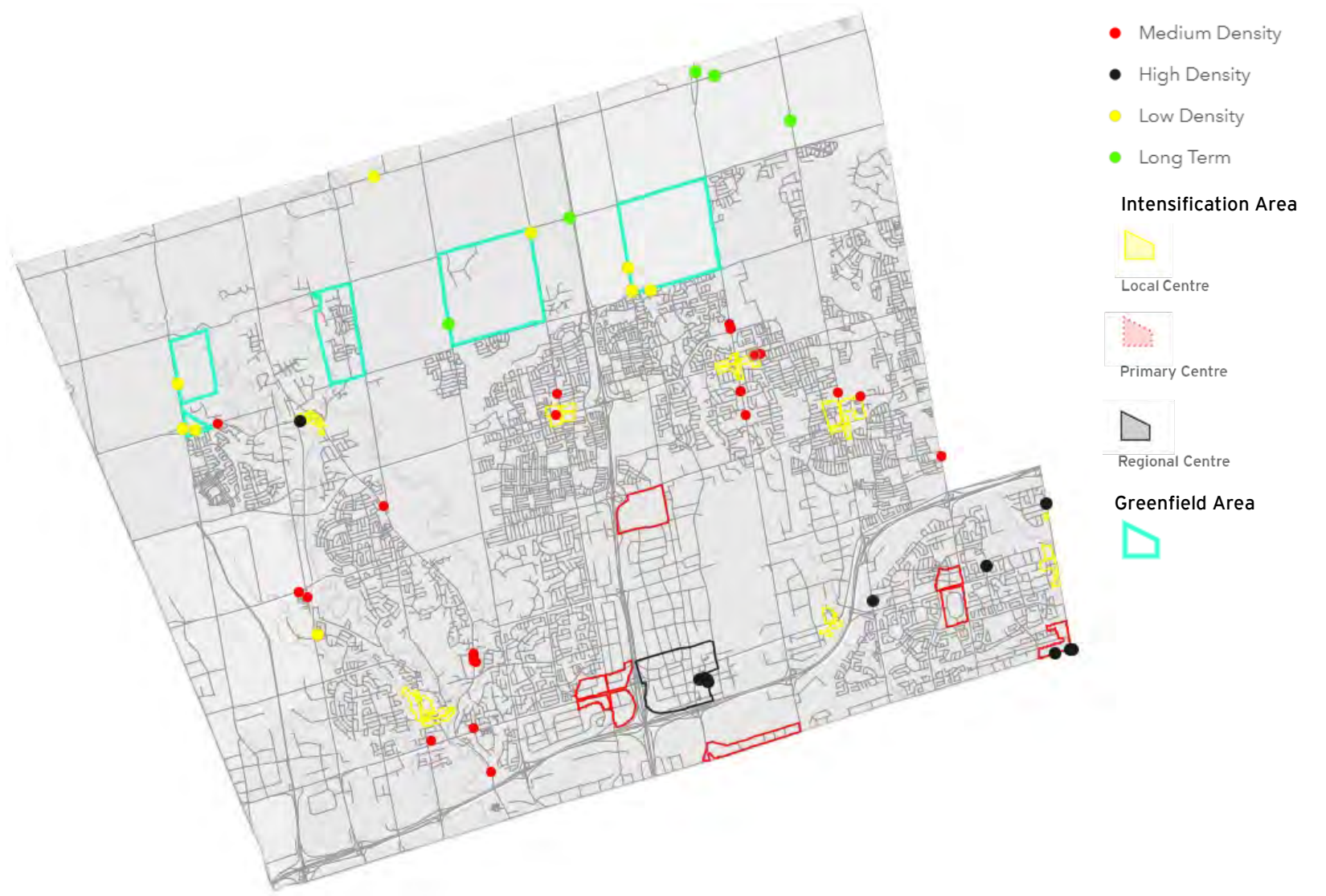
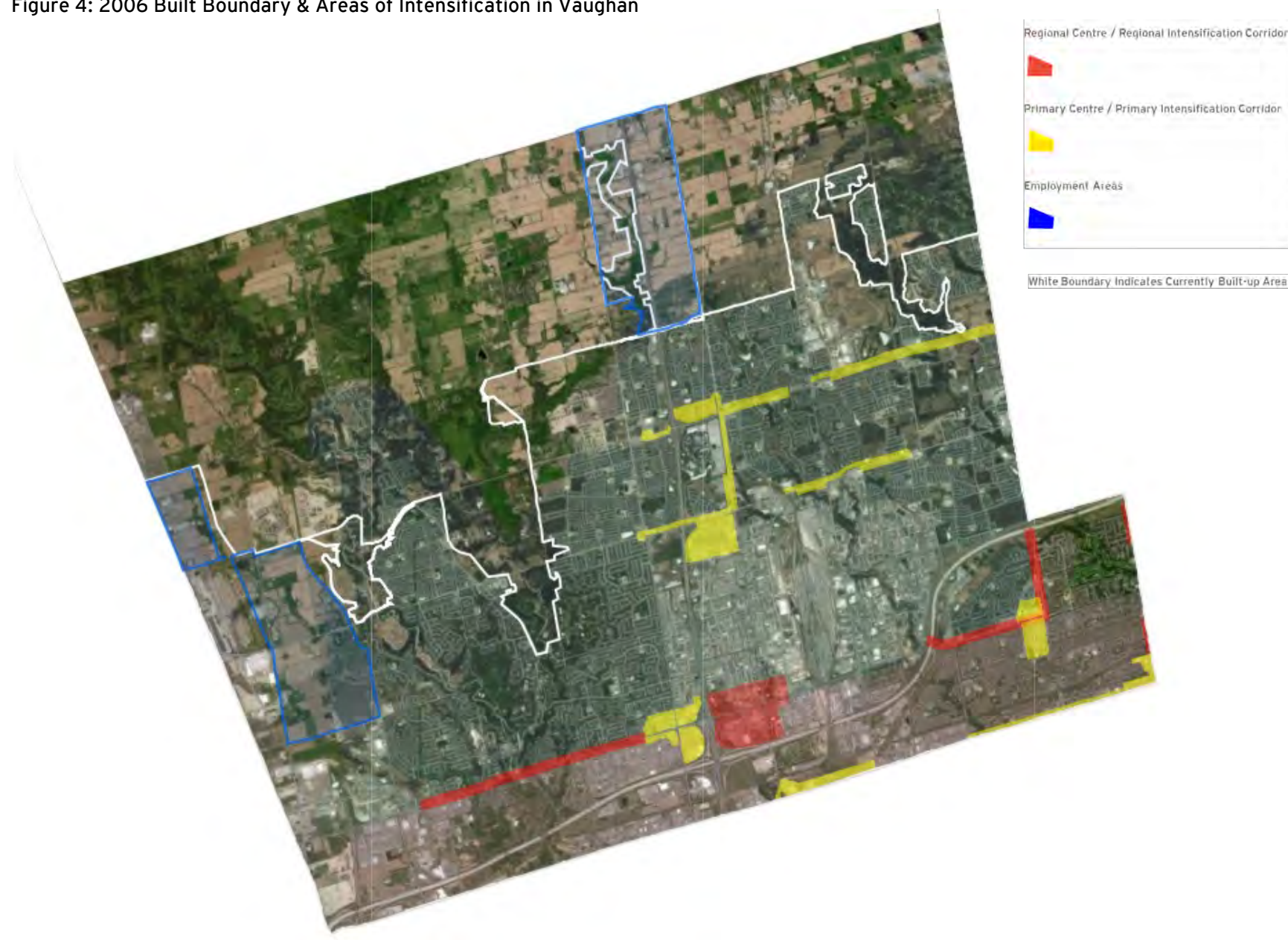


Figure 4: 2006 Built Boundary & Areas of Intensification in Vaughan



2.4 Vaughan's Growth Profile

Using a variety of data sources, the Consultant Team developed an illustrative growth profile assisted with structuring the findings of this report, as land acquisition strategies, by nature, are intrinsically connected to timing.

Outlined below is a perspective on Vaughan's growth profile prepared by the Consultant Team that considers a variety of factors, including current land use and land use controls, planning applications, areas where prospective "future development" lands have been acquired, and general market demand to support unit absorption across growth nodes:

Illustrative Vaughan Future Growth Profile ¹⁶		
Intensification Growth Areas		
High-Density Residential		
Near-Term (0 - 5 Years)	Medium-Term (5 - 10 Years)	Longer-Term (10+ Years)
<ul style="list-style-type: none"> VMC 	<ul style="list-style-type: none"> VMC Yonge/Steeles Corridor Promenade Mall Vaughan Mills 	<ul style="list-style-type: none"> VMC Yonge/Steeles Corridor Promenade Mall Vaughan Mills Concord GO Station
Mixed-Density Residential		
Near-Term (0 - 5 Years)	Medium-Term (5 - 10 Years)	Longer-Term (10+ Years)
<i>General infill.</i> <ul style="list-style-type: none"> Kipling Avenue Woodbridge Centre Maple GO 	<i>General infill.</i> <ul style="list-style-type: none"> Maple GO Carrville Centre Dufferin/Centre 	<i>General infill.</i> <ul style="list-style-type: none"> Carrville Centre Dufferin/Centre
Greenfield Growth Areas		
Near-Term (0 - 5 Years)	Medium-Term (5 - 10 Years)	Longer-Term (10+ Years)
<ul style="list-style-type: none"> Block 40, 47 Block 55E, 61E/W, 62E Block 27 	<ul style="list-style-type: none"> Block 55W/62W/61W Block 44 Block 27 	<ul style="list-style-type: none"> Block 27 Block 41

¹⁶ Subject to change for a variety of factors including land use controls, transit, and changes in market demand.

2.5 Current Inventory Analysis

The Consultant Team undertook a review of City land through various databases provided, including property assessment, GIS, asset ledger data and the provincial land registry.

With the intent of understanding the extent of surplus, vacant land held by the City, with consultation with Real Estate Services, it was confirmed that few exist. However, several sites are identified for further study to determine opportunities for municipal use intensification.

For illustrative purposes only, three (3) potentially underutilized sites were identified.

Figure 5: Illustrative Identification of Potential Underutilized City Land Holdings

Site A:

Teston/Keele includes excess land on the northern border with Teston Road.



Site B:

The JOC was identified by City stakeholders as an underutilized site offering potential for an intensification of municipal uses.



Site C:

The Sports Village site was also identified for its excess land along Melville Road. The open lawn area is currently proposed as an off-leash dog park.



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3. Parkland Analysis



3. Parkland Analysis

One of the key aspects of a healthy and vibrant community is accessible and useable public Green Space - typically in the form of parks. Parks can take a variety of forms, from large active spaces with sports fields and play courts to natural spaces intended for passive recreation. As cities grew during the past 30+ years, parkland was typically acquired through subdivision development, linking parkland acquisition to large-scale residential growth.

Today, Vaughan's Green Spaces are undergoing a paradigm shift as development transitions from greenfield areas to centres of intensification. To respond to this growth, the City's parks and Open Space network will need to take many forms across different urban growth areas.

Parks support active and passive recreation through a hierarchy of park types, from city-wide Regional Parks and District Parks to local Neighbourhood Parks and smaller compact uses in Urban Parks and Public Squares. The Open Space network supports passive recreational uses from multiuse trails, hiking and other pathways that connect local neighbourhoods with ecologically significant areas, contributing to and complementing existing parkland typologies.

Creating and enhancing the full spectrum of parks and Open Spaces is critical in creating a city-wide Green Space system that connects both significant and minor destinations, while encouraging citizens to enjoy a range of recreational activities through complete communities.



As Vaughan continues to experience growth and intensifies, there is a need to review and update how new parks and Open Spaces will be acquired, designed, developed, activated and maintained. These opportunities will need to consider the City's provisions standards for parkland and recreational facilities, in order to accommodate passive and active uses for current and future growth.

Intensification and Redevelopment

Unlike greenfield areas, areas of Vaughan that are planned for and experiencing intensification do not have tracks of undeveloped land that lend themselves to lower density development and parkland dedication/acquisition. Generally, intensification is occurring in areas that are already developed; where vacant land is scarce; and where land assembly is often required for both those proposing new development and for the City when considering parkland development.

For these reasons, municipalities rely on CIL of parkland dedication within intensification areas. Under the current legislative framework, the City's CIL provides for a flat "rate" of \$8,500 per unit applied to medium and high-density projects, and has been in effect since August 2013.

According to MCAP, since 2015 land values in Vaughan's intensification areas have increased by nearly 60%. With the challenges of land assembly, developers will continue to be reluctant to convey real property as it's more cost effective to provide CIL parkland dedication.¹⁷

Land values in Vaughan's intensification areas have increased by nearly 60%. With the challenges of land assembly, developers will continue to be reluctant to convey real property as it's more cost effective to provide CIL parkland dedication.



An even greater importance is placed on the City's approach to strategically deploying funds for the acquisition of parks and open space - whether through CIL or future CBC. Under a new CBC funding framework as part of proposed revisions to Section 42 under Bill 108, parkland dedication may be capped at 10.0% of the site area, regardless of the proposed density, and incorporated into a future CBC or Parkland Dedication By-Law. With no alternative rate for parkland dedication to reflect project densities, based on available information, this may further limit the City's ability to collect the equivalent cost to acquire local parkland for intensification areas.

While CIL and future CBC funding tools may limit the City's ability to collect equivalent revenue to acquire local Green Space for intensification areas, the Consultant Team notes the following attributes may address relatively lower parkland provision rates in these areas:

- ▶ Younger, less family-oriented demographic profiles characterized by higher propensities for self-guided recreational activities are likely to reduce demand for active, programmable local parkland;
- ▶ Access to city-wide facilities and indoor recreational amenities may augment relatively lower local provision levels of public Green Space for intensification areas; and,
- ▶ Improved functionality and augmented capacity of existing parks and Open Space trails through good design will support a higher concentration of users.
(i.e. spaces contain more hard, durable surfaces)

The City should consider developing a Greenspace Strategic Plan. This document would help guide how the City acquires, develops and uses Green Spaces and reflect expected future realities in the current operating environment for parkland acquisition in both intensification and greenfield new urban growth areas.



This document would also inform a Community Benefits Charge Strategy with associated policies and guidelines, as well as an Official Plan Review process.

¹⁷ MCAP Annual Land Value Market Reports (2015-2019)

3.1 Parkland Provision Targets & Future Coverage Gap

The ATMP was updated in 2018, and provides long-range planning and City-wide targets for the provision of parkland in Vaughan, which include:

- ▶ Local Parks within 500 metres of all residents;
- ▶ District Parks within 2.5 km of all residents;
- ▶ Co-location of District Parks with community centres; and,
- ▶ A city-wide provision target of 2 Ha/1,000 (to achieve 1.9 Ha/1,000 persons by 2031).

Outlined in Figure 6 is the City's existing parkland inventory as of 2016:

Figure 6: 2016 Vaughan Parkland Inventory ¹⁸				
<i>Parks Classification</i>	<i>Area (Ha)</i>	<i>Count</i>	<i>Provision (Ha/1,000)</i>	<i>% of Total</i>
Regional Park	133.0	4	0.41	22%
District Park	106.4	14	0.33	18%
Neighbourhood Park	363.9	181	1.12	60%
Urban Parks/Squares	0.3	2	0.00	0%
Total	603.6	201	1.86	100%

Based on the current portfolio of 201 parks, a city-wide provision rate of 1.86 Ha/1,000 exists, with varying provision across Vaughan; 2.65 and 2.47 Ha/1,000 in older, established areas such as Woodbridge and Thornhill/Concord relative to more recently-developed communities such as Vellore and Carrville, with provision rates of 0.82 and 0.92 Ha/1,000, respectively.

The ATMP further states that while per capita standards are useful as guidelines and to measure service levels over time, they should not be considered definitive requirements; they provide a framework for planning and optimizing resources, and their implementation should be flexible enough to capitalize on opportunities and maximize investment.

In Figure 7, the City's future parkland requirements based on the projected population increase of 172,600 to 2041 is identified. Based on the *Growth Plan's* forecast, over the next 22 years the City will require an additional 345.2 Ha of parkland to meet the ATMP target:

Figure 7: Forecasted City-Wide Parkland Requirements to 2041			
<i>Parkland Supply or Demand</i>	<i>Population (estimated)</i>	<i>Total Parkland (ha)</i>	<i>Parkland Provision (ha/1,000 person)</i>
Current Supply (2016)	324,800	603.6	1.86
Future Demand (2041)	172,600	345.2 ¹⁹	2.00

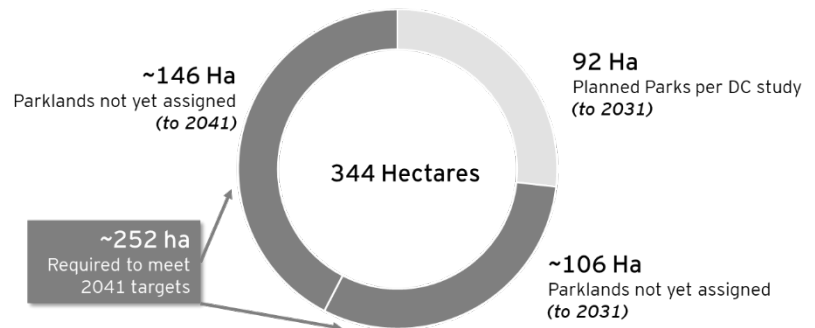
¹⁸ City of Vaughan. *Active Together Master Plan*. (May 2018)

¹⁹ With growth of 172,600 and a 2.00 ha/1,000 target, a parkland demand of 345.2 ha is assumed.

Planned Parkland Acquisitions

The City's planned parkland within the 2018 DC Background Study provides a further perspective of the projected gap to adequately meet future service levels.

With 92.1 Ha of planned or identified parks²⁰, ~252 Ha additional parkland will be required to 2041 to maintain service levels across the City.



Using additional data from the City's Parkland Dedication By-Law Review & Update provided to the Consultant Team, in Figure 8 the proposed distribution of the future parkland demand not currently planned or identified²⁰ is presented:

Figure 8: Illustrative Future Parkland Distribution (Ha)					
Parks Classification	Existing	Future Demand: Assigned	Future Demand: Not Assigned ²¹	Total	% of Total
Regional Park	133.0	65.8	51.7	250.8	26%
District Park	106.4	12.9	41.6	161.3	17%
Neighbourhood Park	363.9	12.6	141.1	517.5	55%
Urban Parks/ Squares	0.3	0.8	17.7	19.2	2%
Total	603.6	92.1	252.1	948.8²²	100%

Using this distribution, we can estimate at an illustrative level, the current land acquisition costs for future requirements at a conceptual level. As land values change over time, the purpose of this analysis is to demonstrate the current proportionate funding gap based on existing CIL per-unit rates. Until the complete details of Bill 108 emerge, we are unable to predict funding availability for parkland acquisition.

Parkland investments may also be delivered through existing park redevelopment or potential alternative tenures (e.g. easements) - not necessarily through fee simple parkland acquisition and DC capital investment under the current legislative framework.

As such, the purpose of this estimate is illustrative in nature and intended to inform our understanding of relative land acquisition costs under the current legislative framework.

²⁰ Includes parks identified in the City's DC Background Study or through a Site Plan Application and/or Block Plan.

²¹ Provided to the Consultant Team from the City's Parks Planning staff.

²² The current provision rate is 1.86 Ha/1,000. This total future supply does not account for current service level deficiency.

3.2 Funding Future Land Acquisition for Parkland

It should be noted that the following analysis is highly illustrative in nature and has been conducted to consider parkland acquisition costs in the context of the current legislative framework with existing CIL parkland dedication per-unit rates.

While significant parkland in greenfield growth areas is typically conveyed as real property through the Plan of Subdivision process, CIL parkland dedication has been assumed for this illustrative analysis. Given that the City's Industrial Waiver Policy and a CIL parkland dedication for office employment discount for the VMC are both still in effect, this analysis also assumes no employment lands parkland dedication.

Conclusions drawn from this analysis should be considered only in proportionality; they do not reflect the realities of Parkland investments delivered through existing parks redevelopment or potential alternative tenures (e.g. easements). Any absolute costs identified are subject to change over time.

Parkland Acquisition Cost Analysis

In order to estimate acquisition costs, segmented unit costs among the various categories of parkland must be considered (e.g. Regional, District, Neighbourhood, and Public Square).

The City's most recent parkland acquisitions has been provided in Figure 9:

Figure 9: Recent Parkland Acquisitions in Vaughan ²³				
Park (Year)	Price	Size (Ha)	\$/Ha	Type
Kipling Avenue (2017)	\$1,035,000	0.17	\$6,192,587	Intensification
Vaughan Mills (2018)	\$9,904,500	1.61	\$6,163,317	Intensification
Vaughan Grove Sport Park (2017)	\$8,300,000	65.15	\$127,390	Open Space
Expo City Strata Park (2016)	\$12,487,500	0.78	\$16,029,744	VMC

Recent market data from RealNet was also sourced that identified the following average market unit values for land transactions occurring over the past 2-year period:²⁴

- ▶ High-Density: \$18.5 million/Ha²⁵
- ▶ Medium-Density: \$7.5 million/Ha
- ▶ Low-Density: \$4.0 million/Ha
- ▶ Employment: \$3.0 million/Ha
- ▶ Parkway/Agricultural: \$350,000/Ha

PLEASE NOTE: as land values reflect the date of this report and are subject to, the focus of this analysis is to illustrate at a conceptual level the proportionate funding gap.

²³ Realnet. Transaction took place over previous two-year period.

²⁴ Realnet. Two-year transaction record analyzed for each land classification.

²⁵ While average unit values (\$/acre) for high-density land are dictated by the proposed density of development, average unit values for all transactions over a 2-year period provide an indication of the value for this type of site in an intensification area.

With a future gap for ~252.1 Ha of parkland to 2041 identified, *we can consider the illustrative financial impact, based on land values today, to acquire parkland* on a fee simple basis. The Consultant Team prepared the analysis in Figure 10 using the following assumptions:

- ▶ While significant parkland in greenfield growth areas is typically conveyed as real property through the Plan of Subdivision process, fee simple land acquisition through CIL parkland dedication has been assumed for this illustrative analysis.
- ▶ Given the City's Industrial Waiver Policy and a CIL parkland dedication for office employment discount in the VMC, no employment lands parkland dedication is assumed.

Figure 10: Indicative Land Value Acquisition Costs			
Parks Classification	Future Demand (Ha)	Unit Cost Range (\$/Ha)	Indicative Land Acquisition Cost
Regional Park	51.7	~\$0.3M - \$0.4M	~\$15.5M - \$20.7M
District Park	41.6	~\$2.5M - \$3.5M	~\$104.0M - \$145.6M
Neighbourhood Park	141.1	~\$3.0M - \$3.5M	~\$423.4M - \$493.9M
Urban Parks/Squares	17.7	~\$18.0M - \$19.0M	~\$318.4M - \$336.1M
Total to 2041	252.1		~\$861.2M - \$996.2M

With an indicative land acquisition cost range established, the Consultant Team further considered as part of this *illustrative, conceptual analysis* the potential revenue through the existing legislative framework's CIL parkland dedication per-unit rates.

Based on the targeted rates for intensification of 45% and the City's projected growth of 172,600, population forecasts have been identified in Figure 11 for greenfield and intensification growth areas. Average household size estimates of 1.5 and 3.0 have been assumed using data from Statistics Canada and density targets from the VMC Secondary Plan.

Figure 11: Forecasted City-Wide Parkland Requirements to 2041					
Growth Area	Population Estimate	HH Size Estimate	HH Count Estimate	Per-Unit CIL Rate	CIL Revenue Estimate
Intensification (45%)	77,670	1.5 ²⁶	51,780	\$8,500	\$440.1M
Greenfield (55%)	94,930	3.0 ²⁷	31,423	\$8,500	\$269.0M
Total to 2041	172,600				\$709.1M

With the existing legislative framework, an illustrative funding gap of 20% - 40% reflects the difference between land values today and the CIL per-unit rate of \$8,500. While impacts of Bill 108 are not known today, with on capped dedication limits, CIL funding gaps will likely continue.



²⁶ Assumed based on the VMC Secondary Plan target density of 17,000 residents in 12,000 units. (Adjusted to 1.5 from 1.4)

²⁷ Statistics Canada, 2016 Census Profile (Vaughan & Ontario). (Adjusted to 3.0 from 3.2 to reflect future demographics)

This analysis demonstrates limitations for the City to acquire parkland and meet its parkland provision target under current policies. The ATMP contains a number of key recommendations that could be implemented to further the City's ability to achieve this target:²⁸

- ▶ Update the City's Parkland Dedication policies;
- ▶ Evaluate on a case-by-case basis the acquisition of lands within the *Greenbelt Plan* Area and lands with cultural heritage value;
- ▶ Review the CIL fixed rate for high-density residential development areas to ensure it represents a fair and equitable contribution;
- ▶ Provide an appropriate level of parkland within the City's employment areas;
- ▶ Establish standards to direct the provision of non-traditional parks and public Open Space in areas of intensification; and,
- ▶ Explore acquisition and non-acquisition-based options if future parkland dedication amounts are not sufficient to maintain targets.

In order to achieve the City's target on a city-wide basis, it is likely that greenfield areas will need to exceed the target to make up for the deficiencies that are expected to occur within the Regional, Primary and Local Centres. Park spaces within the City's intensification areas will be smaller and designed with materials and amenities to serve a higher number of people within the immediate area. The ATMP also recognized that other types of park spaces will need to be considered in the City's intensification areas to ensure sufficient public outdoor space and complementary amenities.

In addition to updating its ATMP, the City produced a Parks Redevelopment Strategy in 2018. The strategy focused on ways to revitalize existing parks to respond to both growth in older neighbourhoods and to reflect changing demographics. The recognition that existing parks can be improved and, in some cases, expanded will assist the City in serving the new residents within the intensification areas. If park spaces are already located in neighbourhoods experiencing growth, in some cases, it may be a more strategic use of limited available funding to redevelop and/or expand of existing parks to increase service capacity.

To meet the ATMP's parkland provision targets, when developing its future Community Benefits Charge Strategy, the City should ensure up-to-date land values for parkland acquisition are considered. Alternative, non-traditional parkland dedication may also be assessed as part of a proposed Greenspace Strategic Plan.



²⁸ City of Vaughan, *Active Together Master Plan*. (May 2018)

As part of a Greenspace Strategic Plan, the City may consider reduced parkland targets for Regional, Primary & Local Centres where mature, urban densities exist with sufficient City-owned Green Space to support service levels and programming. Redevelopment of the existing portfolio should also take priority over market-rate land acquisition.



3.3 Parkland Provision & Service Level Gaps

Similar to the work undertaken within the City's ATMP, the Consultant Team considered the geographical distribution of current parkland service-level provision. Using data provided by the City, Figure 12 presents current service level provisions across Vaughan's planning blocks based upon the total amount of parkland per 1,000 residents, excluding Regional Parks.

The City's network of 201 public parks is also identified in Figure 12, including two (2) proposed District Parks in Block 18 and Block 11 where land has already been acquired. Block 19 has also been adjusted to reflect the programmed areas of North Maple Regional Park.

With two (2) additional District Parks, the City's park system of 203 sites will have a footprint of 611.4 ha, increasing the portfolio-wide provision rate from 1.86 to 1.88 ha/1,000.

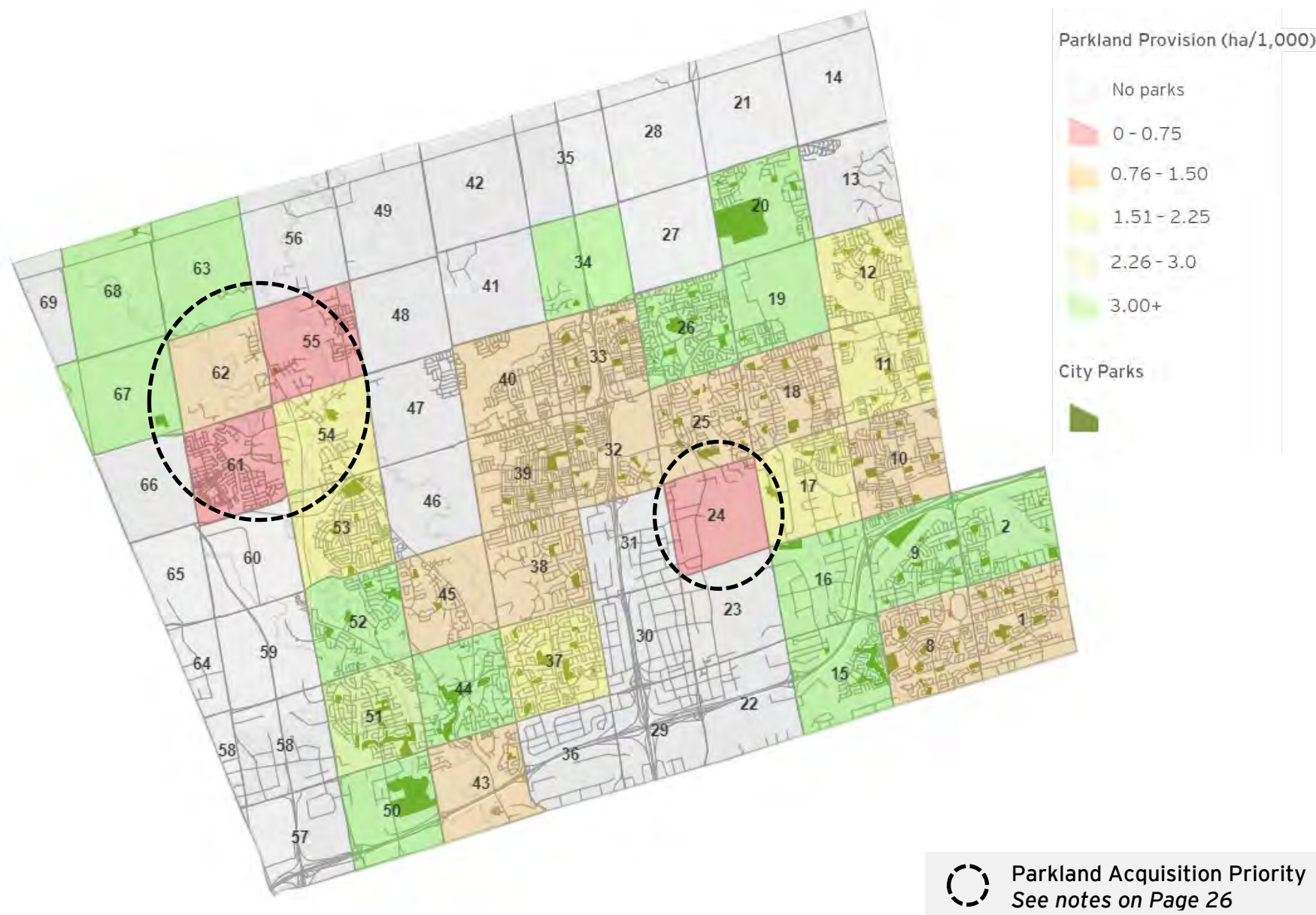
The Consultant Team notes that within the City's portfolio, 10 parks are not situated on City-owned land, comprising 94.6 Ha, or 16%; five (5) are leased properties (e.g. Kipling Park, Concord Community Park) and five (5) are managed properties. (e.g. Langstaff School Park, Veteran's Park) In addition, the City's Uplands Golf & Ski Centre and Vaughan Sports Village are currently operated by a third-party.

- ▶ Planning blocks identified in Figure 12 as exhibiting relatively low parkland service level provision may be considered as future priority areas for parkland acquisition.
- ▶ It should be noted that

Figure 13 further identifies Regional, Primary and Local intensification areas as well the City's expanding greenfield secondary plans. Recently compiled market data from both the City's planning department and Urbanation is also presented which presents near-term growth in terms of unit counts as of October 2018.

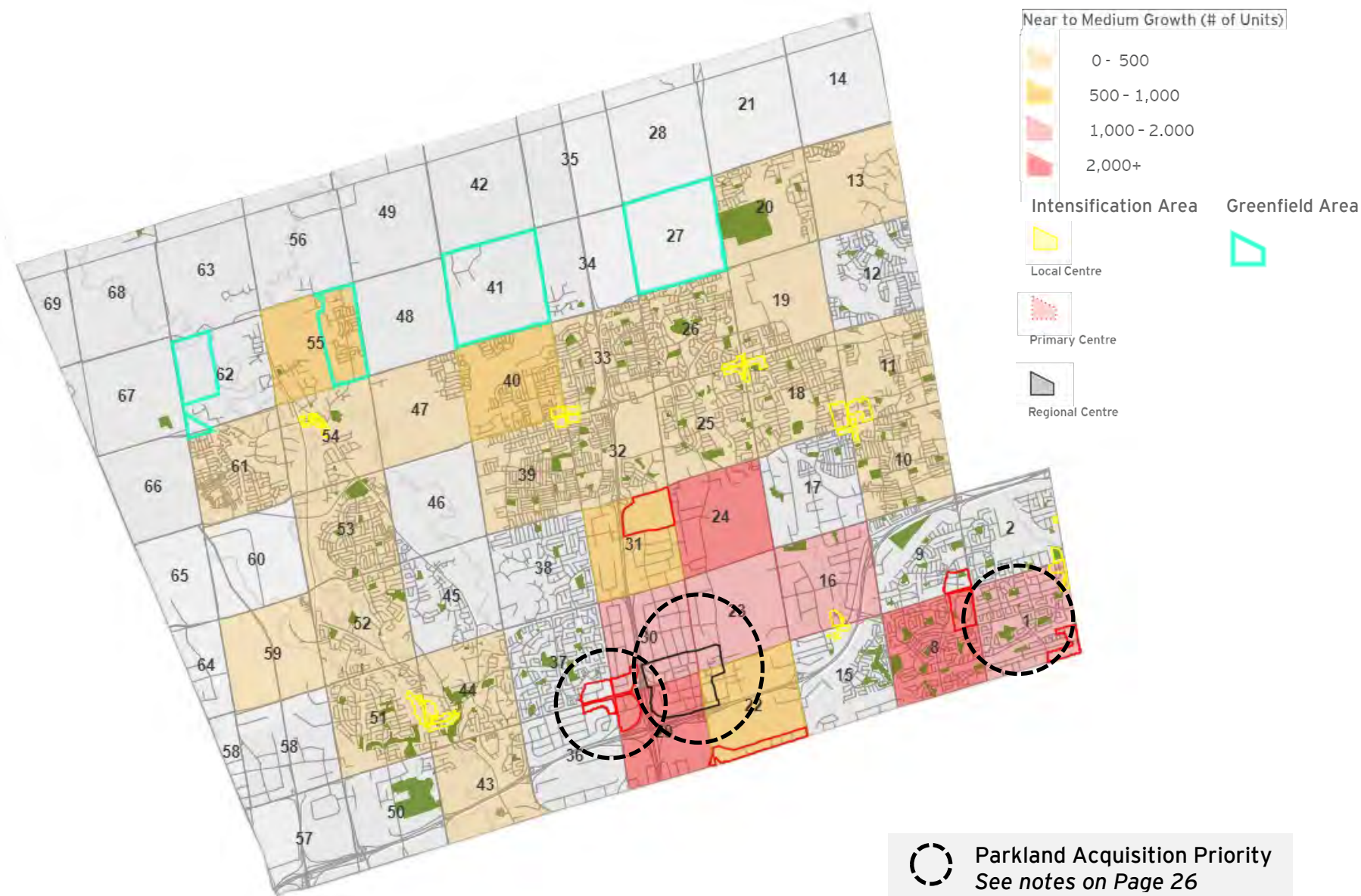
- ▶ Near-term growth areas identified in Figure 13 are considered future priority areas for parkland acquisition. As population increases, new urban growth areas or densifying areas may become deficient in parkland service level provision.

Figure 12: Parkland Gap Analysis (2018 Parks Inventory)



Source: City of Vaughan, ArcGIS

Figure 13: Near to Medium-Term Growth Areas in Vaughan & Current Parkland Deficiencies



Source: City of Vaughan, Urbanation, ArcGIS

Two (2) notable planning blocks of current “significantly low parkland provision” based on the recommendations from the ATMP were identified:

- ▶ **Block 24:** While the current population density of this planning block is relatively low, based on the data in Figure 13, significant growth is expected in the near-term as the Vaughan Mills area continues to intensify. We understand a significant driver of growth is one multi-tower, high-density development project with a proposed 3,700 units. Given the unique nature of this specific planning block’s deficiency,
- ▶ **Block 55/61/62:** Not only is Block 61 currently exhibiting low service level provision, but together these planning blocks (or a portion thereof) include the Kleinburg-Nashville Community Plan Area which has the development potential for growth of 1,650 units.

Three (3) high-growth planning blocks were also identified for New Urban Growth Areas:

- ▶ **Block 29:** The VMC, the City’s Regional Centre, will require significant consideration with respect to future parkland provision as a high-density, regional development node. As discussed in the previous section, local parkland acquisition in these areas may be significantly challenged due to high cost and available market opportunities. As previously stated, the targeted growth of 12,000 units has already been surpassed.
 - It should be noted that in 2016 the City acquired a Strata interest to develop Expo City Strata Park, which combined with Edgley Pond and Park will serve as the largest City-owned Open Space in the VMC.
- ▶ **Block 8:** The redevelopment of Promenade Mall in this planning block is expected to significantly increase population densities over the multiple phases of high-density development. Based on a December 2018 planning submission, the initial phase proposes over 1,050 units, but significant longer-term density is expected.
- ▶ Mature residential areas such as Thornhill, Vellore or Carrville are expected to exhibit mixed-density intensification within Local Centres. Growth in these largely built-out areas may transition them from “Partially Deficient” to “Significantly Deficient.”

In addition to the local impact of the City’s Primary and Regional Centres, the following planning block areas are identified as near to medium-term parkland acquisition priorities:

- Block 24
- Blocks 55/61/62
- Block 29 (i.e. VMC)



Pre-development planning for parkland securement within high-density secondary planning areas of Promenade Mall, Yonge-Steeles Corridor and Steeles Corridor as well as the greenfield planning areas for Block 41 and Block 27 are other near-term priorities.

With the available GIS and other asset management tools, Green Space portfolio management guidelines may be implemented in the near-term by Parks Planning, in consultation with Planning and Growth Management, Infrastructure Development, Recreational Services and Public Works.



Illustrative Green Space portfolio management staff guidelines in Figure 13 may further enable the City to obtain parks and Open Space trails outside of the development approval processes and should be tested for implementation in the near-term.

Figure 13: Illustrative Green Space Portfolio Management Staff Guidelines

- 1) Staff may identify and indicate an interest in non-designated lands that are potentially significant based on approved master plans and/or feasibility studies/environmental assessments based on the following priority:
 - 1) Parkland to service new urban growth areas
 - 2) Parkland in priority areas with service level gaps
 - 3) Lands for city-wide trails, missing links, gap priority areas
 - 4) City-wide land needs for Regional Park and District Parks
- 2) Assess land portfolio and identify any underutilized lands to confirm sustainability or desirability for potential land exchange or declare surplus.
- 3) Review parkland provision targets within new urban growth and areas of intensification for Public Squares, Neighbourhood Parks and Urban Parks.
- 4) Review the minimum park provision standard in existing communities (as per the 2018 review and update to the ATMP) for the current park inventory, by type:
 - City-wide Parks (Regional and District Parks): 0.74 Ha/1,000
 - Local Parks (Neighbourhood Parks): 1.12 Ha/1,000
- 5) Review the status of recreational provision targets as recommended in approved strategic plans and master plans (e.g. ATMP) to ensure minimum service levels, supply and a reasonable distribution of:
 - Existing and proposed city-wide recreation facilities;
 - Local recreational use and distribution for adjacent communities; and,
 - City-wide multiuse trail and pedestrian pathway routing and provisions.
- 6) Review protection of environmentally significant area lands, where such lands may be reflected as a "significant contribution" to existing publicly owned parks and Open Space with opportunities for passive recreation and public access.

3.4 Alternative Approaches to Securing Parkland & Other Public Open Spaces

While strategically deploying limited CIL or CBC funds, the City may also consider alternative ways to secure parkland and other public Open Space. While the preferred method of securing parks and other public open spaces, land acquisition will continue to be challenging within the City's intensification areas, where lot sizes are insufficient to provide parkland and where land assembly (by the City) will be difficult and expensive.

Privately Owned Public Space ("POPS")

POPS is becoming more common throughout the GGH as municipalities struggle to provide sufficient public spaces within intensification areas. Generally, POPS are intended to function in the same manner as any public space (i.e. they should meet City standards) but they remain in private ownership and are maintained by the property owner. The public is granted access to the space via an easement and if designed properly, the public should feel comfortable accessing and using the space (i.e. it should look and function like a City-owned public space).

There are advantages to both the City and the property owner with POPS. The City is able to provide public space in key intensification areas without the cost and difficulty of acquiring land, and the maintenance obligations remain with the property owner. For the property owner, they have historically applied POPS towards Section 37 contributions while also providing quality amenity space for residents (or employees) of the project. When commercial uses are a component of the development, the POPS can also function as a draw by bringing members of the public to the site.

Off-site dedication guidelines can also be enhanced through the development of a POPS program. In cases where a municipality is considering accepting an appropriate off-site alternative parkland dedication, additional requirements for high-density projects to include some form of local, on-site public space may be more easily communicated with clearly defined POPS guidelines and design typologies. While the POPS would not apply towards a parkland dedication credit, clearly communicated guidelines and typologies would assist the City to more clearly articulate its design standards when negotiating with developers.

Many urban municipalities, including the City of Toronto, are recognizing the role that such spaces have to play in providing park and open space amenities for residents within more dense urban areas. Toronto considers POPS as a key component of their public realm network and has developed Guidelines to direct their design.

The Guideline covers a variety of different spaces which have been outlined in Figure 14.²⁹

²⁹ City of Toronto, *Urban Design Guidelines for Privately Owned Publicly-Accessible Spaces (POPS)*. (May 2014)

Figure 14: City of Toronto's Urban Space Guidelines

Courtyards:

A landscaped open space located in the interior of a single block or consolidated block with limited direct street frontage.



Plaza:

An animated gathering place flanked by a public street with predominantly hard surfaced landscape features.



Gardens:

A landscaped space of intimate scale, open to a public street and located to provide maximum sunlight during the day.



Figure 14: City of Toronto's Urban Space Guidelines

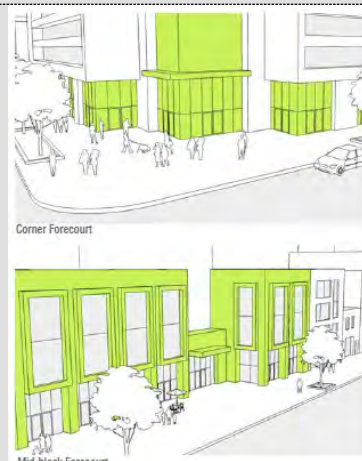
Walkways / Mid-block Pedestrian Connections:

An exterior public pedestrian route at street level, usually providing a connection through the block. Improves pedestrian access and ease of movement.



Forecourts:

A landscaped open space between the public sidewalk and main entrance of a building, generally enclosed on three sides by building facades.



Landscaped Setbacks / Boulevards:

A landscaped open space between the building façade and public sidewalk, characterized by hard or soft landscaping treatment. In many cases this will become an extension of the public sidewalk and boulevard.



Figure 14: City of Toronto's Urban Space Guidelines

Publicly Accessible Interior Pedestrian Connections

Public routes or paths through buildings that are publicly-accessible, often connected to adjacent publicly-accessible open spaces.



Should the City consider expanding their approach to off-site parkland dedication, the development of POPS guidelines or design standards will become a strategic component of the City's efforts in securing public Open Space for intensification areas. As POPS programs may augment the marketability of a development project, appropriate guidelines or standards can act as valuable negotiating tools which are easily communicated within a standalone document.

While POPS would not classify as an appropriate parkland dedication option, clearly communicated POPS guidelines and design standards may better position the City to negotiate with developers the provision of on-site public space. This may be particularly useful when negotiating an off-site and/or alternative parkland dedication agreement.



Strata Parks

The City already has experience with Strata Parks and they are becoming acceptable forms of parkland in other municipalities across the GGH. Strata Parks are typically located above another use (e.g. underground parking) and as such, have some inherent limitations and encumbrances when compared with other public parkland.

However, within intensifying areas where land is constrained, such spaces may be desirable as they can provide public gathering spaces for residents in higher-density areas where an urban park form is more compatible surrounding developments. This sort of strata parkland development simply reflects the need for land efficiencies in higher-density urban contexts where land values are elevated and available land supplies are constrained.

While ownership, easement and maintenance arrangements vary in the delivery of strata parks; in most circumstances, the developer is responsible for the maintenance of the substructure while the municipality is responsible for the maintenance of the park.³⁰ Additional conditions may include a requirement for the developer to secure a permanent public use easement, that any capital investment in facilities be built to an approved design standard, and that capital investments may be reimbursed through growth-related DCs or future CBC funding.

Three (3) examples of Strata Parks are provided below:



World on Yonge, Markham³¹

- On-site Strata Park of 0.56 Ha built and conveyed for dedication.
- Developer reimbursed for capital costs up to comparable parkland dedication rate. (i.e. \$1.5 million/acre)
- 2-Year maintenance and design standards formed part of agreement.
- Provided valuable public Green Space in area otherwise challenging to provide.



415 Yonge Street, Toronto³²

- On-site Strata Park of 0.09 Ha conveyed at rear of large mixed-use development.
- POPS facing Yonge Street with mid-block parkland connection part of agreement.
- High-density area identified as priority area in lowest quartile of parkland provision.
- CIL "top-up" to on-site dedication, DC credit for capital improvement built a specific standard formed part of agreement.



Wellesley on The Park, Toronto³³

- 0.13 Ha on-site Strata Park consolidates dedication for three (3) area developments.
- Pooled with other funds, larger overall Green Space provides greater utility for identified high priority area.
- Additional conditions for permanent easement, 24/7 public access, etc.

³⁰ City of Markham, *Review of Parkland Dedication By-Law, Policies and Practices*. (May 2013)

³¹ City of Markham, *Design, construction and financing of three strata parks at World on Yonge*. (26 June 2012)

³² City of Toronto, *475 Yonge Street - Zoning Amendment Application - Supplementary Report*. (29 September 2014)

³³ City of Toronto, *5 to 25 Wellesley Street West - Zoning Amendment Application - Supplementary Report*. (6 August 2014)

Greenways (Linear Parks)

Recognizing that typical park spaces are difficult to acquire in more urban areas, some municipalities have also identified “Greenways” or “Linear Parks” as park spaces that may be acceptable as part of the parkland dedication. These spaces typically serve a connecting, pedestrian focused space that link areas within a neighbourhood. In intensification areas, they can act as spill-out spaces that create active, sometimes programmable spaces between buildings and streets. As intensification continues to occur in Vaughan, linear parks can serve an important function in providing connections from intensifying areas to existing park and recreational spaces in nearby established neighbourhoods.

While it is almost always preferable to obtain the lands, if the physical connection is important, municipalities can acquire an easement over the lands, allowing the public full access through the Linear Park.

Off-Site Dedication

Given limited CIL or CBC funds for the City to deploy, off-site dedication may, in some cases, better serve city needs with land conveyance in areas of low parkland provision or high-priority urban growth areas. Illustrative program guidelines for staff may include:

1. Staff identify and indicate interest in high-priority areas.
2. Staff identify and communicate high-priority areas considered for off-site dedication credit and any additional requirements (e.g. public access infrastructure).
3. The City and applicant may negotiate a decreased CIL or CBC based on the land’s FMV with an assessment of quality and opportunity for recreational programming.
4. An agreement with the developer should be developed to ensure the quality of new parkland is implemented to an appropriate municipal service standard.

A proposed Parks & Open Space Strategy may include policies for pursuing alternative approaches to securing public Green Space across the City. This strategy may include any of the following as proposed ways to ensure adequate provision of public Green Space in the future.



- Development of POPS guidelines to better position the City to negotiate with developers on-site public Green Space provision.
- Suggested evaluation criteria and other requirements for the City to consider for off-site dedication, similar to those illustrated in Figure 15.
- New parks typologies (e.g. Greenways, Strata Parks) that may inform an Official Plan Review. Specific attributes such as minimum width, road frontage, size, or configuration that would provide opportunities for meaningful active and passive recreational programming should be identified.

3.5 Natural Heritage Lands as Parkland

The 2017 *Greenbelt Plan* applies to portions of Vaughan, particularly in the expanding northern greenfield communities. The *Greenbelt Plan* policies are generally more restrictive, and although they do permit certain types of passive recreational uses and open space, they do not permit new development and/or active recreational uses or facilities, therefore reducing value.

The Greenbelt Plan, together with the ORMCP and the NEP, identify where urbanization should not occur in order to provide permanent protection to the agricultural land base and the ecological and hydrological features, areas and functions occurring on this landscape. In Vaughan, for example, much of the Natural Heritage Land network is designated as Prime Agricultural Lands where recreational uses are not permitted.

However, the *Greenbelt Plan* does encourage the maintenance and expansion of publicly accessible passive recreational uses such as Open Space and trails, recognizing the existing abundance of significant parkland (Bruce Trail, Trans Canada Trail) and economic benefits associated with maintaining access to suitable areas within the *Greenbelt Plan* area. Specifically, Section 3.3.3 states that rural lands of Protected Countryside areas may support a range of recreation and tourism uses such as trails, parks, golf courses, tourism-based accommodation, serviced playing fields, campgrounds and ski hills.

The Province's *Growth Plan* states that municipalities should be planning for complete communities with convenient access to "an appropriate supply of safe, publicly accessible open spaces, parks, trails, and other recreational facilities." According to the TRCA, *Greenbelt Plan* Lands contribute to complete and livable communities as assets for nature-based recreation. Research prepared by the TRCA, the Credit Valley Conservation Area ("CCCA"), and Green Infrastructure Ontario ("GIO") acknowledged the following attributes as it relates to large parks that provide passive recreational and nature-appreciation opportunities as main functions:³⁴

- ▶ Large parks are more likely to be used for physical activity than smaller parks.
- ▶ Allow for better wilderness experiences, providing an opportunity for solitude. There are health and well-being benefits associated with reduced noise and visual stimulation.
- ▶ Foster biodiversity and often harbour more native species. This directly supports recreational and nature-based activities such as biking, walking and bird watching.
- ▶ Act as the best form of natural classroom, helping encourage public understanding, appreciation and enjoyment of nature.

One of the City's greatest assets is the collection of environmentally sensitive lands. These areas of the City can provide the opportunity to culturally benefit from the natural world with associated mental health benefits as well as support passive recreational activities.



³⁴ TRCA, CVCA, GIO, *State of Large Parks in Ontario's Golden Horseshoe*. (2019)

According to the City's public surveying included within the ATMP, six out of the top 10 recreational activities participated in by households could take place over *Greenbelt Plan* lands. Trails and Pathways scored a similar "Level of Importance" score of 92% relative to Active Park's 92% or Passive Park's 93%. Trails and Pathways and other passive uses are understood to be generally permitted in *Greenbelt Plan* area lands.

Determining the ability of Natural Heritage lands to provide adequate City parkland requires consideration of what the City defined parks to be. According to Section 7.2.3.2 of the City's Official Plan, parks shall be designed to:

- ▶ Accommodate a diverse range of both passive and active recreational activities, and have flexibility to accommodate new uses or interests;
- ▶ Cater to a broad range of users by providing space and facilities that support a range of activities;
- ▶ Encourage healthy living through the provision of a variety of recreational facilities, ranging from sports fields to outdoor fitness areas and playgrounds;
- ▶ To reflect the diverse cultures in Vaughan by providing for unique activities and facilities that reflect the needs of various cultural and ethnic groups
- ▶ Accommodate *universal accessibility* and provide for a range of activities for people with disabilities; and
- ▶ Incorporate best practice principles of sustainable design, including natural heritage enhancement, naturalized stormwater management features, use of native plant species, incorporation of environmental education features and use of low maintenance and energy efficient facilities and landscapes.

Greenbelt Plan areas are legislatively limited in their ability to deliver upon all design elements of the City's existing parks' design standards, specifically the requirement for a mix of active and passive recreational uses. However, subject to *Greenbelt Plan* policies, in some cases these lands may offer significant nature-based recreational value through passive uses and play a role in developing Vaughan's Parks and Open Space System.



Credit Assignment to Non-Developable Lands (e.g. Natural Heritage Land/Greenbelt)

If the overall objective of the City is to acquire park and open space land for the recreational enjoyment of residents, and *Greenbelt Plan* (or other non-developable) land allows the City to provide valuable, nature-based passive recreational enjoyment, then one potential mechanism to solve for the funding gap previously identified in Section 3.3 is a re-visioning of the City's policies.

Acknowledging the potential passive recreational value, the City may consider the notion of accepting *Greenbelt Plan* (or non-developable) lands on the absolute basis of their FMV should they be considered as part of a parkland dedication or CBC negotiation.

A 2018 study conducted by the City of Guelph concluded that several municipalities, under special circumstances where environmental lands represent a particularly high value to the community, would negotiate a dedication credit.



The City of Mississauga recently updated its Parks & Forestry Master Plan to include a “Greenlands” sub-classification that better addresses the recreational functionality and capacity of natural areas within the parks system and their application towards dedication credits.²⁵

In the Town of Oakville, a development group agreed to acquire 650 Ha of environmental land in exchange for a capped dedication for future development in the North Oakville Secondary Plans.⁸ In addition to the administrative ease of having the land purchased for the Town, there is major environmental and recreational value to the City.²⁶



Recognizing the recreational value and demand for trails within certain environmental lands, the City of London developed a specialized system for quantifying credits for Open Space or constrained lands (e.g. woodlots or wetlands) within the municipality.²⁷

In British Columbia, “public access is the decisive factor in determining whether municipalities consider an environmentally sensitive area to represent a passive park amenity. If public use and appreciation are encouraged through the placement of trails, boardwalks and viewpoints, the area effectively represent a passive park.”²⁸



Municipalities may also develop conditions to determine whether land should or should not be considered acceptable for parkland dedication, typically identified within Parkland Dedication By-law or policies. Lands that cannot be developed to provide suitable passive outdoor recreational opportunities may be excluded.

³⁵ City of Mississauga, *2019 Parks & Forestry Master Plan*. (January 2019)

³⁶ Town of Oakville, *A Healthy Green Space Strategy*. (February 2008)

³⁷ City of London, *Report to Planning and Environment Committee*. (June 2018)

³⁸ Province of British Columbia, *Parkland Acquisition Best Practices Guide*. (2006)

As an example, Ottawa's By-law allows the municipality, at its discretion, not to accept certain sensitive lands, such as:

- ▶ Hazardous (e.g. steep) , flood prone lands or unstable soil conditions for recreation;
- ▶ Wetlands and woodlots retained for conservation purposes;
- ▶ Any land having unsuitable or unstable soil conditions for recreational facilities; or
- ▶ Any land containing an easement, encumbrance, or right-of-use that limits City use.

The City may take a similar approach and identify the lands that would generally not be accepted as parkland as part of a proposed **Greenspace Strategic Plan**.

Provided the lands proposed for dedication meet a pre-defined evaluation rubric, similar to those identified in Figure 15, *the City may consider accepting land under the absolute basis of an equivalent FMV land conveyance*, or with some combination with CIL or CBC funding.

If *Greenbelt Plan* (or non-developable) land were to be conveyed for parkland dedication, it is recommended that the value of the parkland requirements be determined by way of an appraisal. The appraisal would assess the value of the non-developable component relative to the development's parkland dedication requirement in dollar terms. This way, the City ensures land they receive were of at least equal FMV to lands otherwise part of an on-site dedication.

The City may consider developing a flexible system for negotiating the dedication of environmentally protected lands under special circumstances to achieve potential "win/win" outcomes for both public and private sectors. As part of a Parks and Open Space Strategy, policies may include:



- Requirements for lands to be identified by the City as potentially significant through ongoing asset management practices and based on approved master plans, feasibility studies, or environmental assessment.
- The City should consider pre-defined criteria (illustrated in Figure 15) to evaluate proposed program and intended use for non-designated lands to be conveyed and determine alignment with desired site-specific attributes.
- The City may determine, at its discretion, if additional requirements (e.g. public access infrastructure) are required with costs negotiated as part of the parkland dedication agreement.
- The City should require an appraisal to determine the value of lands that would be required for an on-site dedication and the *Greenbelt Plan* (or non-developable) land dedication to ensure its value is the same. If off-site lands are of less value, requirement to make up the balance through CIL or CBC or through the provision of sufficient such that the monetary value of the off-site lands is equal.

The City may consider evaluating parcel-specific considerations using criteria similar to those presented below:

Figure 15: Illustrative Parcel-Specific Acquisition Evaluation Criteria²⁹

<i>Evaluation Category</i>	<i>Evaluation Detail</i>	<i>Score</i>
Suitability for Recreational Use Based on Municipal Service Levels	Offer <i>significant</i> opportunity to provide for both active and passive recreational uses that meet multiple municipal service needs outlined in the ATMP .	20
	Offer <i>significant</i> opportunity to provide for an active or passive recreational use that meets a municipal service level need outlined in the ATMP .	15
	Lands offer opportunity to provide for an active or passive recreational use that meet a municipal service level need outlined in the ATMP .	10
	Insufficient recreational development potential exists, development will be challenging or complex.	5
Potential for Improvements of Visual & Environmental Implications	Lands offer <i>significant</i> opportunity to augment and protect local area landscape's already high scenic quality. Multiple sightlines for urban visual relief.	20
	Lands offer <i>limited</i> opportunity to augment and protect the local area landscape's already high scenic quality. Sightlines for urban visual relief exist.	10
	Lands offer offer the opportunity to augment and project the local area landscape's Green Space.	5
Geographical/Land Use Consideration	Site topography, grading, and servicing support the intended use for parkland acquisition with no conflict to applicable conservation priorities.	20
	Site topography, grading, and servicing may require more complex infrastructure but does not conflict with applicable conservation priorities.	10
Supports a Healthy Community Environment Through Protection of Green Space and Wildlife Preservation	Protects and enhances environmentally significant features. (e.g. <i>Greenbelt Plan</i> lands, NHN Lands, Humber River)	20
	Adjacent to environmentally significant features. (e.g. <i>Greenbelt Plan</i> lands, NHN Lands, Humber River)	15
	Does not protect or enhance a naturally significant feature but represents a natural restoration and/or tree planting potential and improves green canopy.	10
	While lands do not protect or enhance a significant natural feature, opportunity to augment existing green canopy.	5

Figure 15: Illustrative Parcel-Specific Acquisition Evaluation Criteria³⁹

<i>Evaluation Category</i>	<i>Evaluation Detail</i>	<i>Score</i>
Supports Population Growth and Sustainable Community Design	Land required to serve a new urban growth area with an existing parkland deficit.	20
	Land required to address an existing parkland deficit in a high-priority area.	15
	Land will enable city-wide service levels (e.g. Regional & District Park) or complete trail linkages for gaps connecting priority areas of low service level provision.	10
Integration with Existing Park and Open Space System	Protects and expands a continuous linkage within a city-wide system.	20
	Protects for a continuous linkage within a Community open space trail system.	15
	Provides multiple new trail opportunities within the property.	10
	Provides for a single trail within the property.	5
City-Wide Distribution of Parks, Trails, and Recreational Facilities	Opportunity to meet a defined local service level deficiency while enabling <i>significant</i> contribution to city-wide system (e.g. Regional Park in NW Vaughan)	20
	Opportunity to meet a defined local service level deficiency.	15
	Opportunity to enable <i>significant</i> contribution to city-wide system. (e.g. Regional Park in NW Vaughan)	10
	Opportunity to augment existing local service level provision.	5

³⁹ Developed using criteria provided by the City, and consultation with the City of Mississauga's 2019 Parkland Securement Evaluation Criteria for Future Direction.

3.6 Parks and Open Space Land Acquisition Guiding Principles

The objective of successful parks and Open Space planning is to provide a balanced mix of parkland and recreational facilities that are easily accessible, meet the recreational needs of citizens and contribute to the environmental health, aesthetic and urban growth of Vaughan.

Land acquisition for parkland, open space trails and recreational facilities is supported through policy in a number of documents; the Official Plan, Planning and Growth Management Portfolio Business Plans, Green Directions Vaughan, ATMP and the Pedestrian and Bicycle Master Plan.

The following guiding principles have been developed in collaboration with the City's Parks Planning staff to will help inform future parks and open space land acquisition processes, and the updating of key policy documents through new strategies and the development of parks and open space acquisition policies and by-laws.

Figure 16: Illustrative Guiding Principles for Parks and Open Space Land Acquisition

- 1) Provide a connected city-wide Green Space network that includes publicly accessible space along all major river and creek valley lands. Provide public access to valley corridors and watercourses where appropriate.*
- 2) Provide a balanced mix of developed parkland and open space trail areas across the City. Communities with more natural areas should contain less developed parkland while communities with fewer natural areas should contain more developed parkland.*
- 3) Provide a balanced distribution of city-wide/local parks and Open Spaces for passive and active recreation and related facilities.*
- 4) Contribute to the environmental health and aesthetic of new urban growth areas through the conservation of publicly accessible Green Spaces.*
- 5) Do not acquire any lands that have been affected so negatively by contamination that future land use is limited and/or an identified health risk may exist.*

Through consultation with staff and a benchmark review of comparable municipalities, a number of policies and strategies summarized in Section 8 have been recommended for further development. Recommendations are intended to inform and guide future decision-making for the City and ensure that parks and open space needs are met over the long term.



4. Recreational Trail Analysis



4. Recreational Trail Analysis

The preparation of this report benefits from several recent developments that work to support the analysis of recreational trail land acquisition for the City:

- ▶ In April 2017, City Council adopted the recommendations contained within the Connect the Dots - the Vaughan Super Trail Concept report which proposed a city-wide multi-use trail network, the Vaughan Super Trail. In 2019, the City's Pedestrian and Bicycle Master Plan was also completed, which outlines network implementation priorities.
- ▶ In September 2019, 2018, the TRCA released its Trail Strategy for the GTA, which outlines their strategic vision for a complete regional trail network, including conceptual plans for regional trail networks. As the regional Conservation Authority responsible for watershed management in the GTA, TRCA owns a significant amount of environmentally sensitive land in Vaughan. With TRCA's long history of supporting nature-based trail planning, development and delivery, further partnerships should be explored.
- ▶ In April 2018, the Province released its Province-wide Cycling Network Study, another major effort in a 5-year period of significant support and advancement of cycling at the provincial level. Building off the release of the 2013 #CycleON: Ontario's Cycling Strategy, this updated report provides conceptual plans for recommended routes across the province, including portions within Vaughan. Updated recommendations identify the commitment to work with municipalities to accommodate trail development on provincially owned lands and assistance with identifying funding opportunities.

4.1 Vaughan Super Trail Overview

As the Pedestrian and Bicycle Master Plan Update identifies, the Vaughan Super Trail should be promoted a signature project for the City, providing connections to well-established trail networks in surrounding municipalities, integrating with existing land use patterns and optimizing the use of utility and transport corridors, existing trails, and the on-road network.

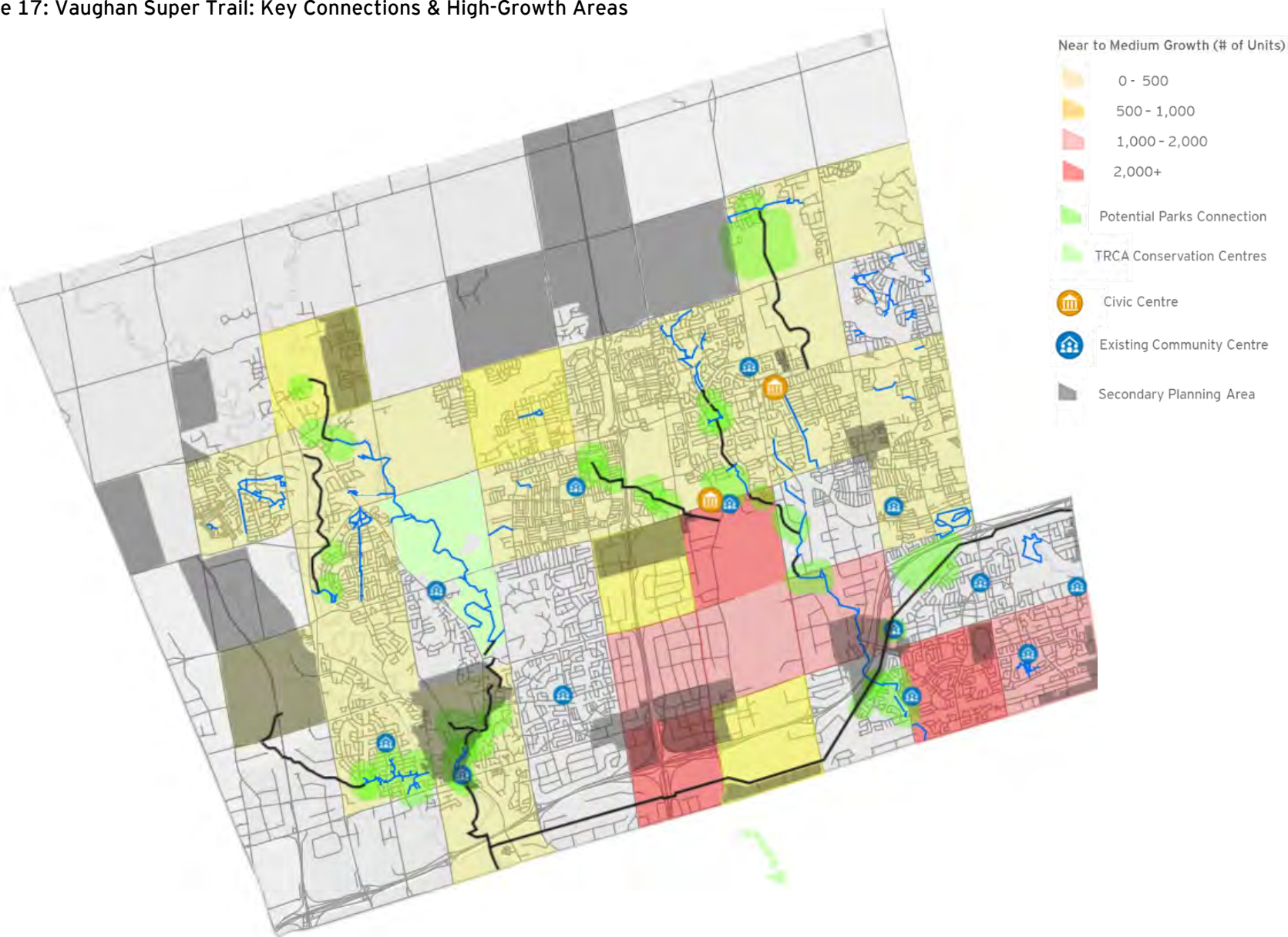
The recommendations in this report should also consider the secondary trail network identified in the 2019 Pedestrian and Bicycle Master Plan that are equally important but not necessarily part of the Vaughan Super Trail alignment.

One of the City's greatest assets is the collection of environmentally sensitive lands and the opportunity to unlock the recreational value of these areas is significant. The Vaughan Super Trail offers expansive, city-wide recreational and community benefits.



As displayed in Figure 17, the Vaughan Super Trail's short and medium-term implementation priorities would connect established new urban growth and provide key connections to growing areas of Vaughan and key destinations including secondary planning areas, existing community and civic centres and the City's existing parks network.

Figure 17: Vaughan Super Trail: Key Connections & High-Growth Areas



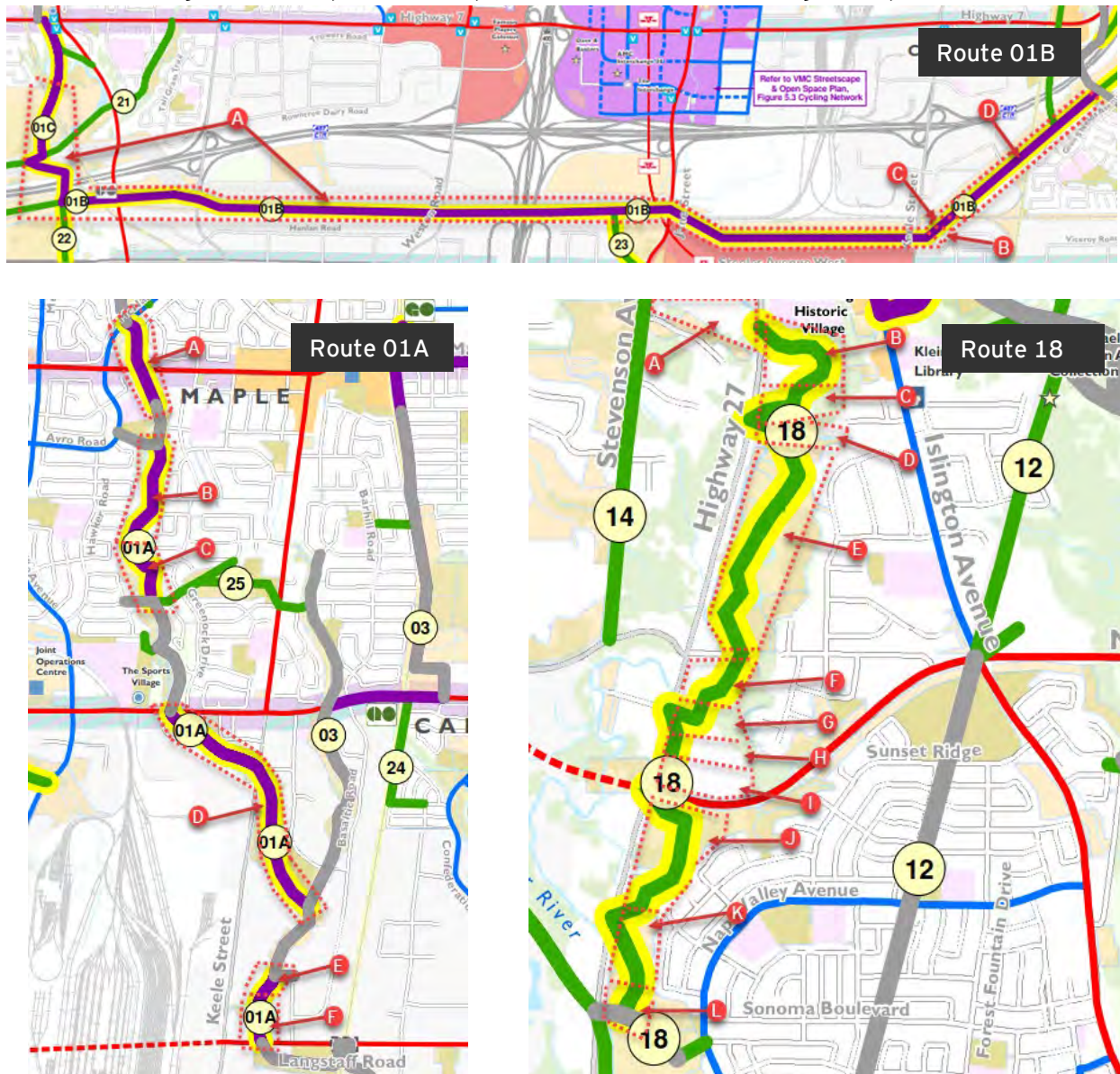
Source: City of Vaughan, ArcGIS

Using the short and medium-term implementation priorities, ownership analysis was conducted to profile the range of external landowners. Ownership groups, trail types and parcel characteristics were then analyzed to consider the range of land acquisition opportunities, as well as associated challenges and other considerations for the City to consider.

Using GeoWarehouse, Ontario's land registry, as well as additional external sources such as RealNet and City planning application submissions, ownership classifications were identified where information was available for the sample routes identified in Figure 18.

The following three (3) Route examples demonstrate the analysis undertaken to identify the range of ownership structures within the short and medium-term routes. Ownership parcels for each of the routes has been displayed with the red, dotted outlines and alphabetical indicators.

Figure 18: Sample Ownership Parcel Identification of Vaughan Super Trail



Based on this work, in Figure 19 below a summary of the ownership classifications has been provided. While public bodies appear to have the largest holdings in terms of overall scale and coverage, private ownership groups also hold a number of smaller parcels.

Where land ownership or conflicting uses are in question, it may be necessary to purchase the land, purchase an easement to cross the property, or work with the landowners to develop an agreement to ensure permanent public access. If any of the lands in question are proceeding through a development application process, the City may request a partial taking or easement to secure land for the trails.

Figure 19: Ownership Classifications for Vaughan Super Trail

Route 01A		Route 01B	
Parcel	Ownership Classification	Parcel	Ownership Classification
A	Municipal Land	A	Provincial Land
B	Regional Conservational Authority	B	-
C	Municipal Land	C	Religious Organization
D	Municipal Land	D	Rail Transportation Provider
E	Municipal Land	E	Provincial Land
F	Private Developer		
Route 18			
Parcel	Ownership Classification		
A	Private Developer		
B	Private Developer		
C	Non-Profit Organization		
D	Private Individual		
E	Municipal Land		
F	Private Developer		
G	Private Developer		
H	-		
I	Private Developer		
J	Municipal Land		
K	Regional Conservational Authority		
L	Municipal Land		

Ownership groups along the Vaughan Super Trail operating with similar public interests (e.g. TRCA, Province) may act as potential development partners. Relative to land acquisition, administrative ease and nominal cost should further the City's promotion for securing easements or licenses for trails as part of a proposed Greenspace Strategic Plan.



4.2 Vaughan Super Trail Development Partners

Regional Conservation Authority (e.g. TRCA)

Described as “a call to action to renew our collective efforts to complete, expand and manage the GTA trail network”⁴⁰, the September 2019 *Trails Strategy for GTA* has been used as a guide to understanding the TRCA's trail development priorities within the region. Through this, we can identify alignment to the Vaughan Super Trail to confirm implementation priorities and understand potential partnership opportunities.

Throughout the report, and through consultations the Consultant Team held with the TRCA, a concerted narrative of partnership promotion and the advancement of responsible development of cycling infrastructure on TRCA lands was noted as follows:

Situated in the largest metropolitan area in Canada, [the TRCA's] area of jurisdiction is uniquely positioned with some of the most remarkable natural areas in our region. Making these special places accessible through trails - while growing, enhancing and protecting our greenspace system - is essential to preserving a high quality of life.

*TRCA has a long history of nature-based trail planning, development and delivery. Over the past 60 years, TRCA has worked in collaboration with its regional trail community partners to provide responsible access to nature through scenic recreational trails and greenways.*⁴¹

The report's conceptual plans provide the route network TRCA has proposed to support and capitalize on the current growth and development opportunities in the region. This includes newly developing areas such as northern Vaughan, as well as the expansion and connection of existing routes. As noted in the report, “Many of the opportunities...extend beyond TRCA's greenspaces and will require collaboration with member municipalities, private landowners, and other agencies.”⁴²

Included within the *Trails Strategy for the GTA* are concept maps that identify the existing trail system, developed to consider growth areas, missing connections to access TRCA conservation areas and connections into the regional and municipal trail systems. Outlined below is an extract of these as they relate to Vaughan's jurisdiction.⁴³

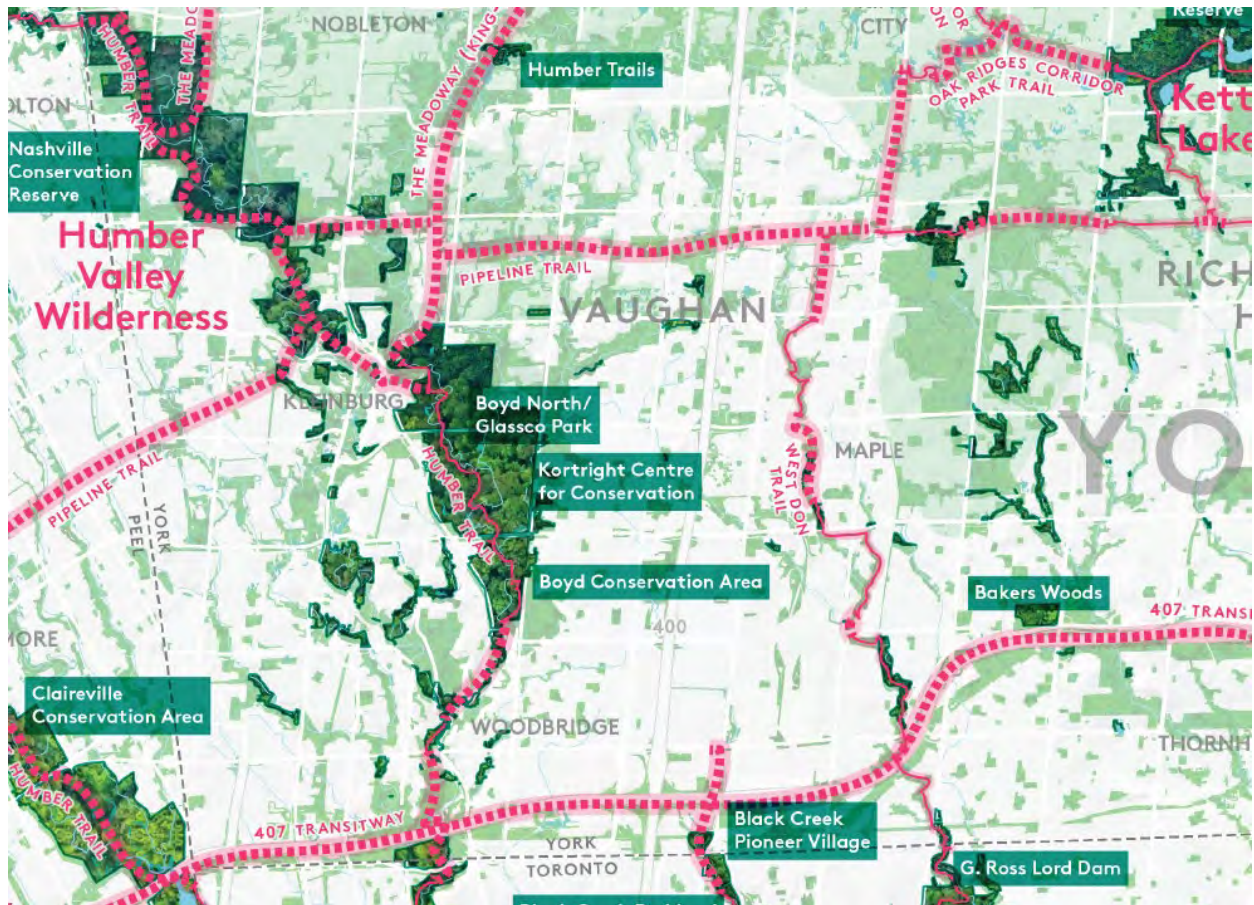
⁴⁰ TRCA, *Trails Strategy for the GTA*. (October 2018)

⁴¹ TRCA, *Trails Strategy for the GTA*. (October 2018)

⁴² TRCA, *Trails Strategy for the GTA*. (October 2018)

⁴³ TRCA, *Trails Strategy for the GTA*. (October 2018)

Figure 20: TRCA Proposed GTA Trail Network in Vaughan



The following trail alignments have been identified with the Vaughan Super Trail:

Vaughan Super Trail / TRCA GTA Trail Alignment		
TRCA GTA Trail	Short/Medium-Term Priority	Long-Term Priority Route
407 Transitway	04, 01B	22
West Don Trail	01A	05, 25
Humber Trail	02, 01C	12
Pipeline Trail	01C	01D, 13, 02, 03, 07, 06
The Meadowway		13, 14
Black Creek Trail	23	

Significant alignment exists between the TRCA's proposed GTA trail route network and the Vaughan Super Trail. Co-development of these trails is also supported by policy encouraging municipal partnerships and the advancement of responsible cycling infrastructure.



Provincial Land

The vast majority of provincial land holdings currently identified as part of the Vaughan Super Trail network are situated along hydro transmission corridors. Owned by the Province, Hydro One keeps the primary right to use the corridor lands in the form of a statutory easement.

While the primary purpose of hydro corridors is for transmitting electricity, the Province may allow access to transmission corridors for approved secondary uses, which includes multiuse recreational trails. The Provincial Secondary Land Use Program (“PSLUP”) was established in 2002 to permit the licensing and the use of corridors by other governments, agencies and private individuals, where appropriate, and is jointly administered by IO and Hydro One. The PSLUP operates on the basis of the Public Use Principles, which give priority to public uses over private uses.

Many municipalities in Ontario, including the City of Toronto, the City of Mississauga, and the City of Burlington have all recently developed multiuse trails through the application of recreational licenses for trails along hydro corridors. We understand the application process includes an initial technical review by Hydro One and is followed by an easement and/or licensing agreement execution which is negotiated through IO (or IO’s service provider).

Figure 21: Examples of Recent Recreational Trail Land Securement on Hydro Lands



Several neighbouring GTA municipalities have successfully secured licenses to operate multiuse recreational trails along current hydro corridors, the result of municipal strategies directed towards the promotion of these corridors as key linkages in city-wide recreational trail networks.



Through discussions with IO, there would not appear to be any special restrictions and/or limitations for Vaughan to undertake similar initiatives. While the development of trails along the corridors would require an initial capital investment, there is no land acquisition cost associated with obtaining a license, and the PSLUP operates on a cost recovery basis, where municipalities are only responsible for maintenance costs, and 50% of the property taxes.⁴⁴

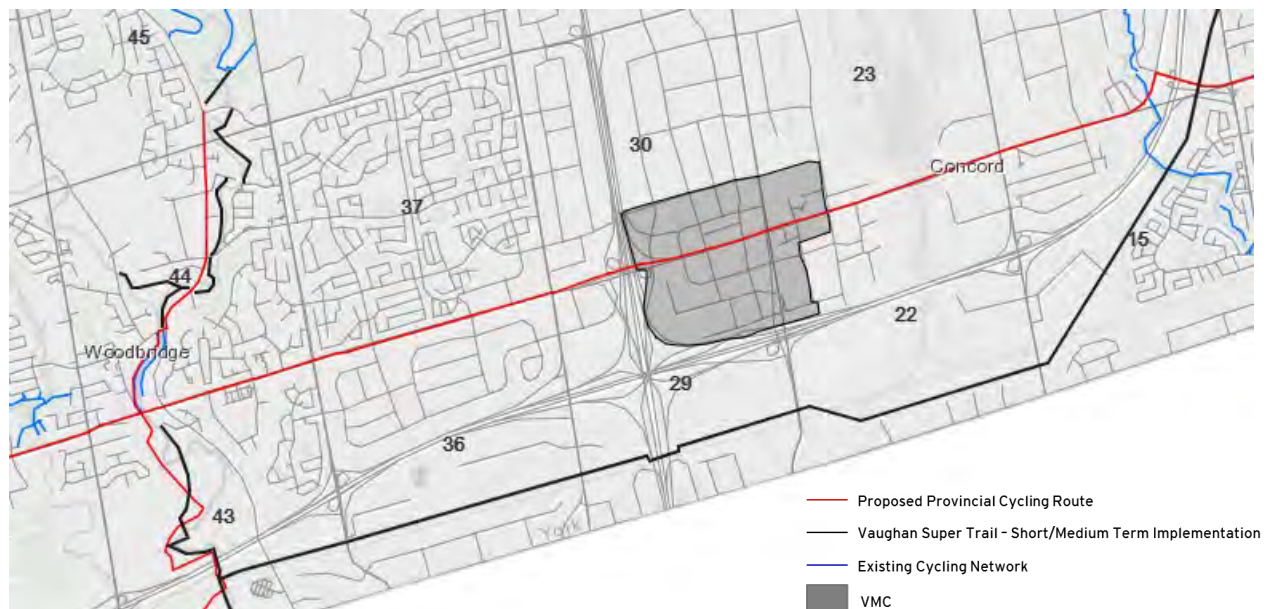
Provincial Policy

In April 2018, the Province released and updated *Province-wide Cycling Network Study* report. Based on the increased demand for cycling as a means of exploring areas of natural and cultural significance, tourism/major landmarks as well as to connect communities, the province undertook this study which outlined the following two (2) recommendations:

- ▶ Implementation of the Province-wide Cycling Network should be achieved through significant coordination and partnerships between the Province and its partners at the local and regional level.
- ▶ Continued commitment to work with municipalities to identify funding opportunities for cycling would support ongoing implementation and coordination of the network.

Based on the route network of the proposed provincial plan, there is significant alignment to the Routes 01C and 01B of the Vaughan Super Trail, in addition to the regional route along Highway 7, connecting with the VMC.

Figure 22: Recommended Province-Wide Cycling Network Alignment to Vaughan Super Trail



⁴⁴ Infrastructure Ontario, *Hydro Corridor / Provincial Secondary Land Use Program*.

Private Developers

While private developers are a major ownership group across the Vaughan Super Trail, the majority of these parcels (or a portion thereof) are classified as Natural Heritage Land. Often conveyed gratuitously to municipalities during the development process, these lands have little to no value to development value.

However, many municipalities have been asked to whether the recreational value of these lands may be eligible for parkland dedication credits.

Based upon the ownership analysis presented in Figure 23, the Consultant Team further characterized parcels as either small parcels as “**Key Connections**” to the overall trail network, or “**Adjacent Lands**” to residential development.

The two (2) contrasting examples of Natural Heritage Land presented represent possible classifications upon which an updated credit system may be applied for the dedication of linear parkland for recreational purposes.

For larger tracts of Adjacent Lands which include a natural heritage component suitable for passive recreational purposes, only a small portion of the parcel that reflects the size of the proposed Greenway should be considered for a parkland dedication. Additional requirements such as a neighbourhood connection point or public access infrastructure may also be required.

For Key Connections points that are required to complete a priority implementation route, developers may be incentivized to expend time and resources to convey smaller parcels, where the City may not have otherwise been incentivized to do so.

Local trails are to be secured and development per the City’s Local Service Policy 12.C.01.

Figure 23: Recreational Trail Ownership Parcel Classification



In order to effectively administer such a credit program, the City would require a clear Greenway policy, similar to the City of Mississauga, included as part of a Greenspace Strategic Plan. Through an Official Plan Review, with this new typology, the City may communicate criteria such as minimum width (e.g. 25 metres), frontage, size or desired configurations to provide opportunities for meaningful active and/or passive recreational programming.

The dedication policy must outline land which is eligible towards parkland dedication requirements and which is not. **Most importantly, any other requirements such as the requirements for investment in public access infrastructure or a neighbourhood connection point may be communicated.** While the Vaughan Super Trail offers a policy document which acts as a geographical reference to support linear parkland dedication proposals, other key neighbourhood level connection points may also be considered.

Guidelines surrounding the adjacent land uses (e.g. natural heritage) and applicability of the neighbourhood level connection to act as an entry point into the city-wide system and/or key points of interest (e.g. Regional/District Parks) may be considered as Key Connections.

Recognizing strong support for cycling in Vaughan, the City may consider a new Greenway typology within its Official Plan Review that defines key design attributes for recreational trails to be considered as parkland. Within a proposed Greenspace Strategic Plan, the City would develop policies towards parkland dedication outlining eligibility criteria and other requirements. (e.g. public access infrastructure, connections)



4.3 Land Acquisition and Funding the Vaughan's Super Trail

While estimating land acquisition costs for implementation of the Vaughan Super Trail is challenging due to the unique ownership profile and potential for securing easements or licenses to ensure permanent public access, the Consultant Team has developed the following analysis to consider, at a conceptual level, relative per-unit development costs for recreational trails and traditional, active parkland.

Capital cost estimates for trails construction are significant; the Pedestrian and Bicycle Master Plan identifies an approximate trail infrastructure cost of ~\$82.0 million to implement the short and medium-term implementation priorities.⁴⁵

It should be noted that the following financial analysis is highly illustrative in nature and has been conducted to consider relative development costs for the provision of parkland and recreational trails. While certain assumptions have been made regarding trail widths that may limit the ability to rely on the variance in per-unit cost, conclusions are drawn to support directionally, and at conceptual level, relative per-unit total development costs.

⁴⁵ Excludes Route 18 as the long and short/medium-term priority is not separated.

Trails Cost Comparison

To better understand funding implications of trails development relative to traditional, active parks, an order of magnitude development cost comparison is presented below.

Trail Assumptions:

- ▶ For short and medium-term implementation recreational trail priorities, the total length of the trail was multiplied by an assumed width of 6.0 metres to estimate the trail's total land area. It should be noted, however, that a specific corridor of this length may not always be available for purchase, with sellers opting to sell entire parcels. This may could materially increase the overall costs of recreational trail provision.
- ▶ Land acquisition costs have assumed previously defined land value for Parkway lands of \$350,000/Ha. Using the cost estimates provided by trail in the Pedestrian Bicycle Master Plan, an average per-unit development cost was estimated.

Parkland Assumptions:

- ▶ Two (2) District Park development projects have been considered as a comparison; capital costs are sourced from the DC Background Study and low-density residential land values of \$4.0 million/Ha have been assumed.

Figure 24: Vaughan Super Trail Development Unit Costs

Route	Trail Length (M)	Size Estimate (Ha)	Land Value	Capital Costs	Total Cost per Ha
01A	5,421	3.25	\$1,138,410	\$18,538,145	\$6,049,485
01B	9,461	5.68	\$1,986,810	\$15,261,383	\$3,038,473
01C	6,658	3.99	\$1,398,180	\$11,932,164	\$3,336,924
2	15,190	9.11	\$3,189,900	\$15,635,364	\$2,065,533
3	7,346	4.41	\$1,542,660	\$11,275,184	\$2,908,123
4	7,511	4.51	\$1,577,310	\$4,998,322	\$1,459,112
22	3,808	2.28	\$799,680	\$3,727,007	\$1,981,218
23	591	0.35	\$124,110	\$648,177	\$2,177,910
Average Unit Cost per Ha: Trails					\$2,441,555

Figure 25: Estimated Parks Development Unit Costs

Park Project	Size Estimate (Ha)	Land Value	Capital Costs	Total Cost per Ha
Carrville District Park	1.68	\$6,719,466	\$1,200,000	\$4,714,342
Chatfield District Park	5.65	\$22,600,000	\$3,000,000	\$4,530,973
Average Unit Cost per Ha: Active Parkland				\$4,985,050

Based on the Consultant Team's illustrative cost comparison, the average per-unit development costs for trails is significantly less expensive relative to traditional, active and programmable parkland.



As part of developing a proposed Greenspace Strategic Plan, the City should consider the significantly lower development costs while assessing the recreational contribution of trails to the Green Space network.

4.4 Prioritization of Recreational Trail Land Acquisition

A Trails Acquisition Priority Assessment was developed by the Consultant Team to assist the City with determining priority of near-term investments in the Vaughan Super Trail as a community benefit. An illustrative acquisition analysis has been provided for Route 01A, 01B, and 02 to demonstrate conceptually how the City may consider using this tool.

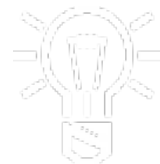
- ▶ Key Connections
- ▶ Current Route Status
- ▶ Trail Infrastructure Cost Level
- ▶ Level of Effort / Partnerships

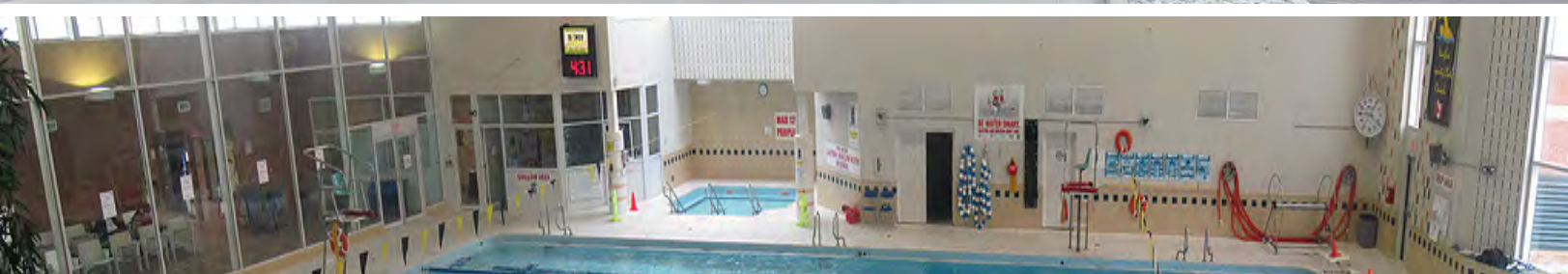
Example A: Route 01A	
Criteria	Priority Score (High / Medium / Low)
Key Connections	High
<ul style="list-style-type: none"> ▶ The completion of this trail would connect with the TRCA's regional West Don Trail, which includes key points such as the G. Ross Lord Reservoir and Earl Bales Park. ▶ Based upon the existing cycling infrastructure network, the completion of this route would provide a key northern connection to North Maple Regional Park. ▶ Connection to Hydro Corridor's proposed Route 04 and Route 01B would further the completion of general city-wide trail connectivity. 	
Current Route Status	High
<ul style="list-style-type: none"> ▶ The route is approximately 60% complete with several segments completed both north and south of this proposed connection. 	
Relative Trail Infrastructure Cost Level	Low
<ul style="list-style-type: none"> ▶ Cost estimates of \$3,419/km are above average when compared to the average cost of \$1,267/km for all short and medium-term implementation priorities. 	
Level of Effort to Acquire	High
<ul style="list-style-type: none"> ▶ With the exception of the connection point off Langstaff Road, the entire route network is owned by either the City or TRCA so the level of effort to implement would be low from an ownership perspective. 	

Example B: Route 01B	
Criteria	Priority Score (High / Medium / Low)
Key Connections	High
<ul style="list-style-type: none"> ▶ Following the Hydro Corridor line, this route offers significant city-wide connectivity, connecting the greenways and conservation trails within the greenway of the Humber and Don Rivers. ▶ Given the proximity to the VMC, it should be considered a high priority to connect this intensification area with valuable outdoor recreational areas. 	
Current Route Status	Low
<ul style="list-style-type: none"> ▶ There have been no segments of this route completed. 	
Relative Trail Infrastructure Cost Level	Medium
<ul style="list-style-type: none"> ▶ Cost estimates of \$1,613/km are slightly above average when compared to the average cost of \$1,267/km for all short and medium-term implementation priorities. 	

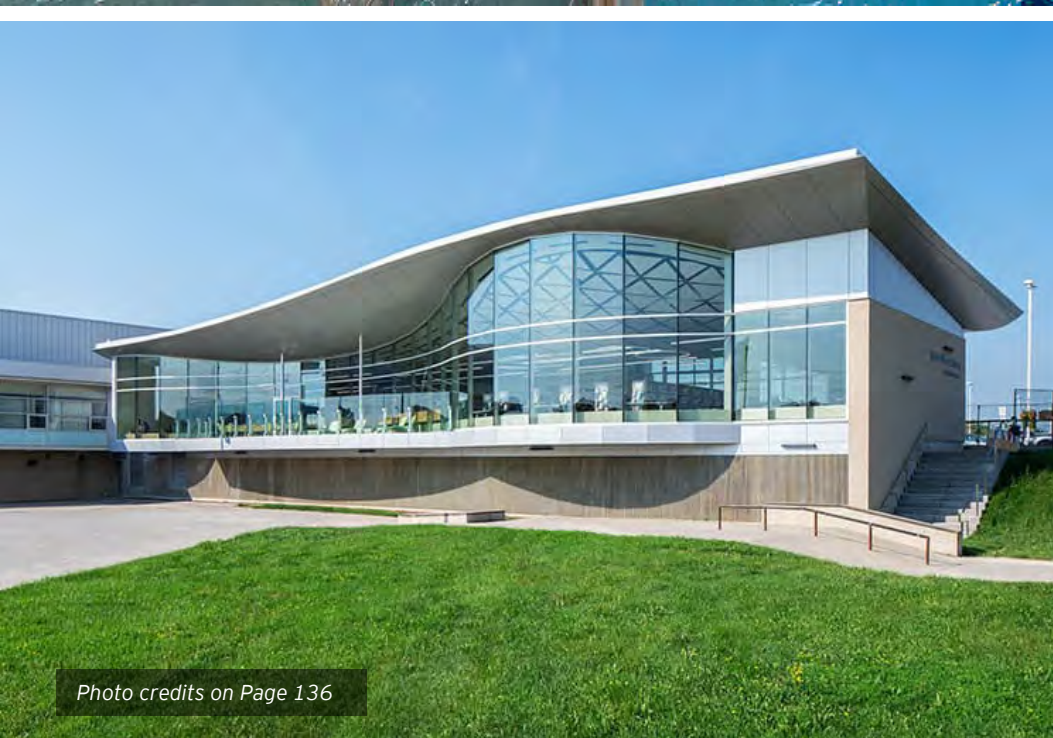
Example B: Route 01B	
Criteria	Priority Score (High / Medium / Low)
Level of Effort to Acquire	High
<p>▶ This route segment is part of the Hydro Corridor and governed through the PSLUP. Based on the success of completed projects in neighbouring municipalities, the promotion of this realty interest should be high.</p>	

Example C: Route 2	
Criteria	Priority Score (High / Medium / Low)
Key Connections	High
<p>▶ Key connections of this route include the West Vaughan Employment secondary planning area, in addition to the Rainbow Creek Park's cycling trails.</p>	
Current Route Status	Medium
<p>▶ A small component of this extensive trail has been completed.</p>	
Relative Cost Level	Medium
<p>▶ Cost estimates of \$1,029/km is slightly below average when compared to the average cost of \$1,267/km for all short and medium-term implementation priorities.</p>	
Level of Effort to Acquire	Low
<p>▶ Given the more complex ownership structure, with a number of private ownership groups, there may be challenges in the securement of easements and/or licenses.</p>	





5. Municipal Services



5. Municipal Services Analysis

In addition to parkland and recreational trail needs, land requirements also support other municipal services such as recreational facilities, libraries, fire stations and other corporate operations.

Under the current legislative framework, DCs largely support required investments for municipal land. Per the City's 2018 DC Background Study, all growth-related capital projects that deliver municipal services have been accounted for over the 10-year period from 2018→2027, which includes funds for land acquisition.

As part of Bill 108, community soft services such as libraries and recreational facilities were originally proposed to transition from being funded through DCs to become part of a new, consolidated CBC. Municipalities will still collect DCs for hard infrastructure such as wastewater sewer systems and other public works projects.

The provincial government advises that the new funding framework will result in a cost-neutral economic impact, but without any additional information regarding the framework for CBC collection, the Consultant Team cannot confirm or quantify potential City impacts.

As of February 2020, the provincial government proposed that development charges could also pay for the capital costs of certain community services such as public libraries, parks development (other than acquiring land for parks) and recreational facilities.

The focus of this section of the Land Acquisition Strategy is to confirm the City's future land needs to support municipal service delivery and to consider three (3) recommended strategies to enable the strategic, timely, and cost-effective acquisition of municipal land.

- 1) With near-term parkland and municipal service land acquisition requirements identified, the Consultant Team has proposed a set of evaluation criteria upon which the City may evaluate land acquisition opportunities as they arise.
- 2) While growth-related municipal land requirements are largely funded by DCs or future CBCs, further consideration of an alternative funding mechanism to enable other strategic land acquisitions may be considered.
- 3) Active portfolio management to ensure the municipal highest and best use for the City's land holdings requires ongoing consideration of opportunities to maximize the use of the City's real property. This is particularly true for properties situated in Strategic Regional or Primary Centres, or the illustrative opportunities identified in Section 2.5.

5.1 Municipal Service Requirements Gap Analysis

In order for the Consultant Team to adequately understand the City's future municipal land requirements, a detailed review of select master planning documents was completed in addition to consultation with key stakeholder groups. The following section summarizes our findings as they relate to outdoor community centres, libraries, fire stations and corporate operations.

Community Centres

Outlined in Figure 26 are details on each recommended new community centre, including a brief comment on the current status which has been extracted from the ATMP.⁴⁶ As these facilities are all identified in the DC Background Study, under the current legislative framework DCs will support land acquisition needs.

Figure 26: Community Centre Requirements Identified in ATMP

YMCA Centre of Community Mixed-Use Project			
Location	Facility Type	Anticipated Components	Timing
VMC, Block 30	Major community centre	<ul style="list-style-type: none"> Indoor aquatic centre Fitness centre Gymnasium Multiuse space Branch library Community space 	2019
Current Status			
The City secured 22,000 square feet within a centrally located development project in the VMC. Construction of the project is currently underway and scheduled for 2019 completion.			
Carville Community Centre			
Location	Facility Type	Anticipated Components	Timing
Block 11	Major Community Centre	<ul style="list-style-type: none"> Indoor therapeutic/lane pool Indoor walking track Gymnasium Multi-use space Branch library 	2023
Current Status			
Land has been secured and a Functional Programming and Feasibility Planning Study is currently underway to fine-tune the concept for this facility.			
Kleinberg-Nashville Community Centre			
Location	Facility Type	Anticipated Components	Timing

⁴⁶ City of Vaughan, *Active Together Master Plan*. (May 2018)

Block 55/62	Minor Community Centre	<ul style="list-style-type: none"> • Gymnasium • Multi-use space • Branch library 	2024
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Current Status

With the additional growth anticipated for this area, a need for community recreational space and library is forecasted. As neither an aquatics nor arena is recommended for this location, it may be classified as a minor community centre requirement. Site selection and land acquisition are high priorities in the short term.

Vellore Village North Community Centre

Location	Facility Type	Anticipated Components	Timing
Block 41	Major Community Centre	<ul style="list-style-type: none"> • Indoor aquatic centre • Twin pad arena • Fitness centre • Gymnasium • Multiuse space • Branch library 	2026

Current Status

A secondary planning process is currently underway for this area and land has not been confirmed or secured for the proposed community centre, library and associated park. With possible components identified, it will be classified as a major community centre. If the City is unable to secure sufficient land to accommodate the recommended community component, alternatives for facility provision should be examined further.

Vaughan Mills Centre Community Centre

Location	Facility Type	Anticipated Components	Timing
Block 31	Community Hub	<ul style="list-style-type: none"> • Multi-use space (TBD) • Branch library 	2028

Current Status

As a longer-term project intended to serve a future intensification area, potential facility and service delivery model (e.g. partnerships) would be examined at the appropriate time.

North Maple Community Centre

Location	Facility Type	Anticipated Components	Timing
Block 27	Community Hub	<ul style="list-style-type: none"> • Multiuse space (TBD) • Branch library 	2028+

Current Status

As a longer-term project intended to serve a future intensification area, potential facility and service delivery model (e.g. partnerships) would be examined at the appropriate time.

Libraries

Vaughan Public Libraries ("VPL") is recognized for its strong promotion of library development that is coordinated with community centres and civic facilities. This has been noted as a further convenience to City residents while also being financially beneficial due to the economies of

scale in construction and operation.⁴⁷ Land acquisition requirements to fulfill VPL's short and near-term requirements for net, new branches are largely fulfilled within the locations depicted in Figure 23 above. Two (2) additional locations proposed in the ATMP are situated outside of proposed community centres, however, both are situated in pre-defined locations with no land acquisition requirement.

Fire & Rescue Services

In developing a perspective on the land acquisition requirements for the City's Fire and Rescue Services, the Consultant Team reviewed the City's February 2019 Master Fire Plan and City-Wide Risk Assessment ("Fire Master Plan"), which presents a detailed analysis of future fire station requirements across the City based on initial response times.

Research conducted by the Office of the Fire Marshal and Emergency Management and National Research Council of Canada indicates that fires within residential buildings which do not have full sprinkler systems may spread from the room of origin in 10 minutes or less. Under fast fire growth conditions, that number may reduce to three (3) minutes.⁴⁸ As such, the arrival of the first due engine is a driving force to assess existing station networks and future location need.

Using growth projections to 2031, the Fire Master Plan recommends the addition of three (3) new fire stations, 7-11, 7-13, and 7-12 as well as the relocation of an existing location, 7-2 from its current location to the City's underutilized JOC site. The recommended investments have been identified in Figure 27.⁴⁹

Based upon our consultation with Fire and Rescue Services, the Consultant Team gained the following perspectives as they relate to Land Acquisition Strategy recommendations.

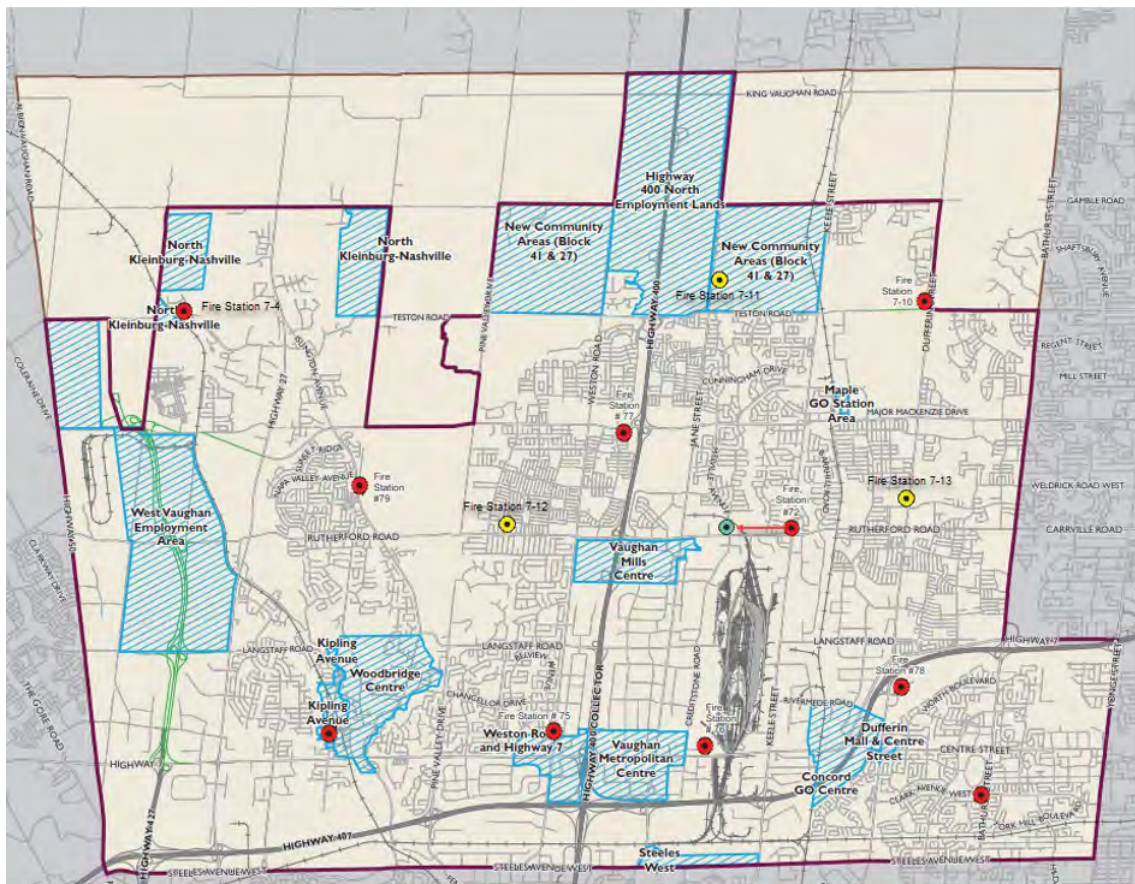
- ▶ As the Fire Master Plan's recommendations are largely based on response times, future transportation links are a particularly important consideration.
 - Most notably, the Teston Road link between Dufferin Street and Keele Street limits the capacity of 7-10 station to serve growing communities in Block 27.
 - When this link is completed, additional study may be undertaken to understand the most efficient network to serve Vaughan's growing northern communities.
- ▶ Based upon our consultation with Fire Services, the relocation of 7-2 to the JOC should be prioritized as the current site is not ideal from an accessibility perspective.
- ▶ Speaking generally, it became apparent that non-EMS municipal service requirements should not be considered as part of any co-location requirements.

⁴⁷ City of Vaughan, *Active Together Master Plan*. Library Facility Assessment, Pg. 140 (May 2018)

⁴⁸ City of Vaughan, *Master Fire Plan and City-Wide Risk Assessment*. (February 2018)

⁴⁹ City of Vaughan, *Master Fire Plan and City-Wide Risk Assessment*. (February 2018)

Figure 27: Fire Hall Master Plan Geographical Summary



Corporate Operations

With respect to corporate operations such as office/administrative space and Parks, Forestry and Operations facilities, consultations were held with the City stakeholders to consider future land requirements and related considerations.

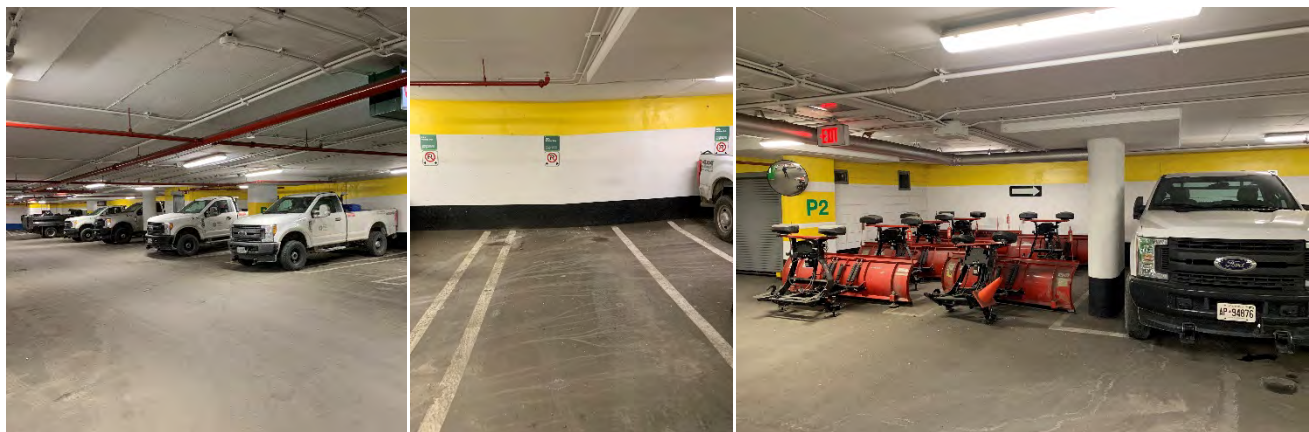
- ▶ From the perspective of Parks, Forestry and Operations, current operations at the Dufferin Yard and JOC have been augmented by a 2017 land acquisition in Block 41.
 - The acquisition of this site will act as the North Satellite Yard and support Vaughan's growing greenfield areas. With this land acquisition, it is our understanding that it is unlikely any major land requirements over the study period for this Land Acquisition Strategy will be required.
- ▶ The changing urban landscape in Vaughan may present unique challenges where minor, yet significant land requirements may assist in supporting efficient operations.
 - In particular, the increasing presence of smaller urban parks, other public spaces as well active transportation routes such as cycling infrastructure may require specific operational requirements to efficiently maintain these spaces.

- Storage and/or staging areas may be required to support the maintenance of public spaces within the VMC, and in new parks being developed.
- The exploration of smaller networks of sub-satellite locations may yield potential benefits for operations.

In the City of Toronto, examples exist where operational requirements for on-site storage and parking have been negotiated as part of the development agreements for high-rise residential towers. Figure 28 presents one example of this arrangement, where municipal service storage facilities were negotiated within the redevelopment of the North Toronto Secondary School.



Figure 28: City of Toronto Operations Requirement in High-Rise Residential Development

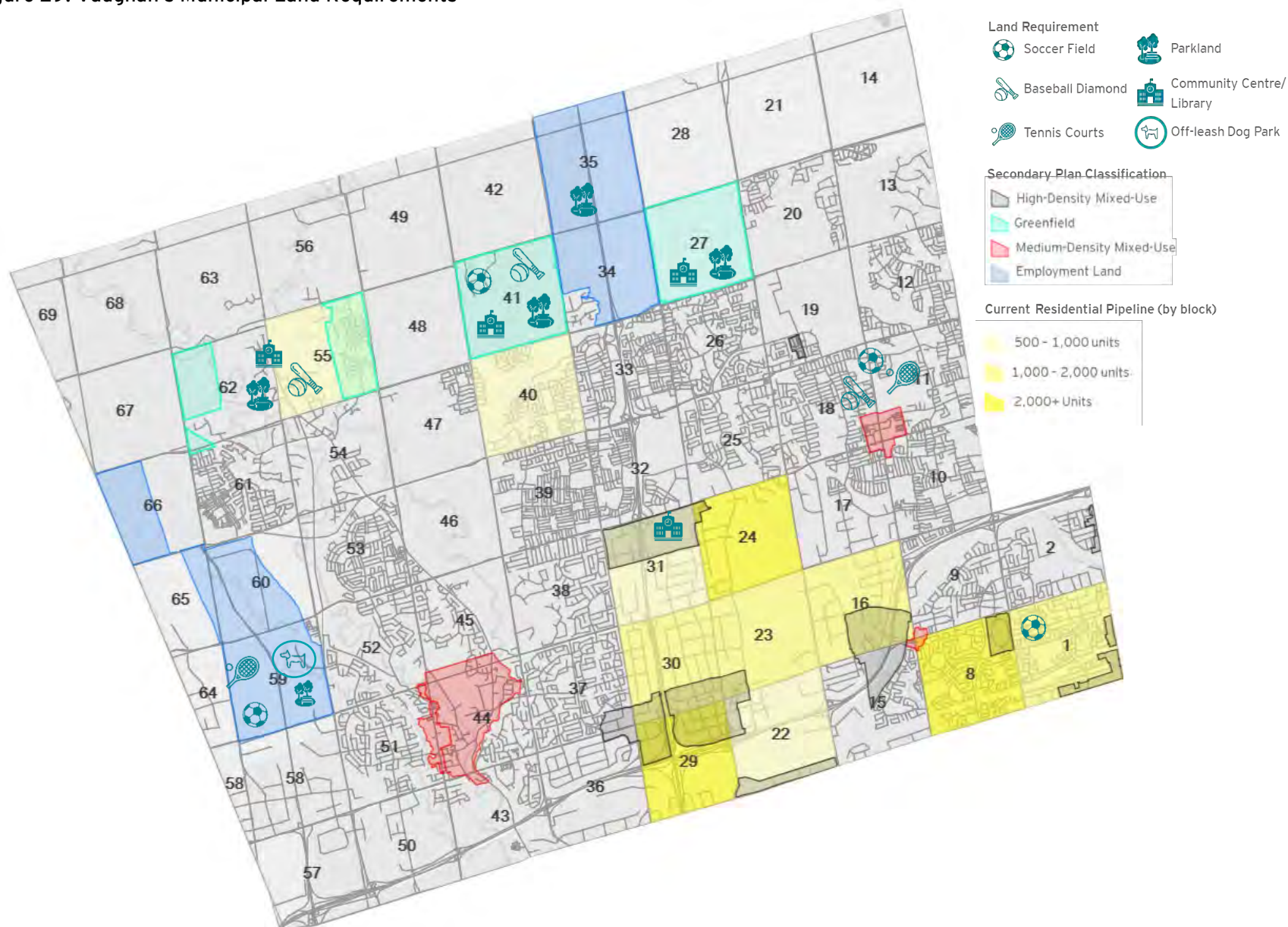


- ▶ From an office/administrative perspective, we understand that the existing space at Vaughan Civic Centre is at, or nearing full capacity and will not support the expected future growth of administrative functions over the study period of this Land Acquisition Strategy.
 - While we understand that the City has recently engaged into a 5-year lease commitment for office space, longer-term requirements may be considered.
 - Given that investments into several community centres will occur in the next 10 years, there is an opportunity now to plan and design for future office/administrative space within those centres, should that be desired.
 - Consideration of the potential relocation of select groups from the existing Vaughan Civic Centre would benefit future planning of other City facilities.

5.2 City-Wide Land Acquisition Requirements

Presented in Figure 29 is a portfolio-wide view of the aggregate municipal land acquisition requirements.

Figure 29: Vaughan's Municipal Land Requirements



Source: City of Vaughan, ArcGIS

5.3 Prioritization of Municipal Land Acquisition

To assist the City with prioritizing land acquisition decisions for community benefits, the Consultant Team has developed an illustrative Municipal Land Acquisition Priority Assessment. The following variables have been considered as part of this exercise:

- ▶ Current Service Level Provision
- ▶ Area Residential Growth
- ▶ Market Opportunity
- ▶ Partnership/Co-Location Potential⁵⁰
- ▶ Potential city-wide Impact
- ▶ Site Alignment to OP Typologies

To demonstrate the evaluation process at a conceptual level, three (3) illustrative municipal land acquisition opportunities have been presented: a surplus school sale in Block 8, a regional park in NW Vaughan, and a vacant infill site in Block 39.

Example A: Hypothetical Surplus School Site Sale (Block 8)	
Criteria	Score (High / Medium / Low)
Current Service Level Provision	High
<ul style="list-style-type: none"> ▶ Block 8 is currently characterized as having low parkland provision and is one of the most highly populated areas in Vaughan. 	
Area Residential Growth	Medium
<ul style="list-style-type: none"> ▶ Block 8 is a largely built-out established community but is home to one (1) large redevelopment; Promenade Mall, with 1,800 proposed units. ▶ While this level of growth would normally warrant significant cause for area land acquisition, based on the preliminary designs submitted to the City, significant public realm improvements have been proposed including a pedestrian-friendly gateway plaza, an outdoor amphitheatre, and a pedestrianized “high street” concept. ▶ Given the uniqueness of this development and it being the main driver of the area’s growth projections, a “Medium” priority has been identified for this opportunity. 	
Market Opportunity	High
<ul style="list-style-type: none"> ▶ Situated in a mature community, future acquisition opportunities for may be scarce. ▶ While the acquisition costs would be high for a market opportunity in this established community, future growth (and corresponding parkland demand) from the Promenade Mall redevelopment and eventual Steeles Avenue Primary Corridor intensification would drive demand for municipal services in the area. 	
Partnership/Co-Location ⁵⁰	Medium
<ul style="list-style-type: none"> ▶ As the YRDSB and YRDCSB represent one highly desirable partner, surplus school sites are not likely to generate partnership interest from the regional school boards. ▶ Block 8 is currently home to a number of outdoor recreational facilities and the Dufferin Clark Community Centre, and no near-term municipal facility requirements have been identified in the ATMP. 	

⁵⁰ As this opportunity analysis is hypothetical, anticipating whether a partnership potential with another community and/or public partner is a challenge.

Example A: Hypothetical Surplus School Site Sale (Block 8)	
Criteria	Score (High / Medium / Low)
Potential City-wide Impact	Low
<ul style="list-style-type: none"> ▶ As surplus school sites have typically been built to service the immediate needs of a local neighbourhood area, subject to site-specific connections, opportunities to impact city-wide service delivery may provide limited reach. 	
Parcel Alignment to OP Typologies	N/A
<ul style="list-style-type: none"> ▶ In accordance with section 7.3.2 of the current Official Plan, an evaluation of the alignment to location typologies would be required to determine relative priority of investment given site-specific characteristics. ▶ As this analysis is hypothetical, it has not been considered. 	

Example B: NW Regional Park (Site Location TBD)	
Criteria	Score (High / Medium / Low)
Current / Future Service Level	High
<ul style="list-style-type: none"> ▶ Blocks 55, 61, and 62 are all currently identified as significantly underserved areas in terms of current parkland provision. 	
Area Residential Growth	High
<ul style="list-style-type: none"> ▶ The North Kleinberg-Nashville Secondary Plan identifies growth targets of nearly 5,500 residents and jobs upon completion, which is in addition to several higher-density developments which have been proposed in Blocks 61 and 54. ▶ Based on the current pipeline of residential development applications, the area is one of two (2) greenfield planning blocks with significant, active development underway. 	
Market Opportunity	High
<ul style="list-style-type: none"> ▶ As a greenfield development, market opportunities for acquisition will become increasingly scarce as area continues to become built-out. ▶ Characterized by significant Natural Heritage Land in the area, early coordination of a Regional Park connection would be particularly important to allow for strategic site selection offering key connection points to the City's Green Space network. 	
Partnership/Co-Location ⁵⁰	High
<ul style="list-style-type: none"> ▶ Given that the YRDSB is planning for a school investment in the area, co-ordination of acquisitions may represent an opportunistic consideration. ▶ Multiple growth-related municipal service requirements have been identified for this area, so the opportunity may exist to co-locate municipal facilities and strategically deploy land acquisition funds. ▶ As no specific site has been identified for the planned Kleinburg-Nashville community centre in this planning area, the acquisition of this park may benefit from coordination with other growth-related planned investment to achieve co-location synergies. 	
Potential City-wide Impact	High
<ul style="list-style-type: none"> ▶ As a Regional Park with the potential for connection to the Vaughan Super Trail, a significant city-wide contribution may exist where traffic and regional accessibility may be driven from a variety of modes, including transit and active transportation. 	

Example B: NW Regional Park (Site Location TBD)	
Criteria	Score (High / Medium / Low)
Parcel Alignment to OP Typologies	N/A
<ul style="list-style-type: none"> ▶ In accordance with section 7.3.2 of the Official Plan, an evaluation of the alignment to location typologies would be required. ▶ As this analysis is hypothetical, current alignment cannot be considered. 	

Example C: Vacant Infill Site for Neighbourhood Park (Block 39)	
Criteria	Score (High / Medium / Low)
Current / Future Service Level	High
<ul style="list-style-type: none"> ▶ Block 39 is currently characterized as having low parkland provision and is one of Vaughan's more highly populated, low-density mature communities. 	
Area Residential Growth	Low
<ul style="list-style-type: none"> ▶ Based on the current development pipeline and our understanding that the area is largely built-out, low future growth is expected. ▶ The area is not part of a recognized primary and/or regional growth centre per the City's Official Plan. 	
Market Opportunity	Low
<ul style="list-style-type: none"> ▶ As an established area, the likelihood for future acquisition opportunities will be limited and may warrant consideration by the City. ▶ However, as land values in established communities are significant, the cost-benefit relative to other opportunities may be lower given the area's limited growth forecast. 	
Partnership/Co-Location ⁵⁰	Low
<ul style="list-style-type: none"> ▶ As a smaller site in an established community which is not expected to increase significantly, future partnership and/or co-location opportunities would likely be limited. ▶ The area is currently home to existing cycling infrastructure and the Vellore Village Community Centre, so opportunities for the co-location of municipal uses may be low. 	
Potential City-wide Impact	Low
<ul style="list-style-type: none"> ▶ As a small infill site serving local needs, it is unlikely that most would result in a potential city-wide impact to service level delivery. 	
Site Alignment to OP Typologies	N/A
<ul style="list-style-type: none"> ▶ In accordance with section 7.3.2 of the Official Plan, an evaluation of the alignment to location typologies would be required. ▶ As this analysis is hypothetical, current alignment cannot be considered. 	

Using the comparison of these three (3) examples, the results indicate that a Regional Park investment in NW Vaughan may be considered a relatively higher priority to other opportunities identified, supported by growth, current level provision, and the potential for partnerships and city-wide impact.

5.4 Strategic Land Acquisition Reserve

As outlined in Section 2.1, currently there is no mechanism for the City to act upon strategic land acquisitions that fall outside of the City's 10-Year capital budget. As the majority of land acquisitions have historically responded to immediate, growth-related needs, current City practice is largely dictated by the DCA. Funding is made available through DCs with major projects identified in the City's DC Background Study's 10-year planning period.

Looking ahead, as the City's requirements in intensification areas mature, and with continued growth in Greenfield areas expected, the City will require additional mechanisms to execute upon strategic, timely, and cost-effective land acquisitions as they arise.

The City of Toronto's Land Acquisition Reserve Fund ("LARF") provides a unique example of one potential mechanism that enables the municipality to execute upon land acquisitions which fall outside of the current capital planning period. Similar mechanisms were also identified in the City of Markham and Burlington.

Jurisdictional Review of LARF Application

Where there is no approved funding in Toronto's current 10-Year Capital Plan to purchase property which may become available, Toronto's LARF has been developed to act as an appropriate funding source for the city to acquire property. Various Toronto municipal staff reports⁵¹ have been consulted to understand how the LARF enables the its Agencies, Boards, Commissions and Divisions to purchase land available in the marketplace that could assist the municipality in achieving its goals and objectives.

Toronto's Real Estate Services⁵² periodically may also identify properties that may be strategic for current or future municipal uses. Various rationales exist to support this establishment of the LARF in Toronto, including⁵³:

- ▶ Avoiding missed opportunities and additional costs to react to market opportunities;
- ▶ Requiring the municipality to purchase less optimal property or to purchase comparable property at a higher cost;
- ▶ Avoid potential expropriation-related costs; and,
- ▶ Prevent additional staff time to find suitable, comparable property in the future.

⁵¹ City of Toronto, *Strategic Property Acquisitions*. (6 August 2014)

⁵² This responsibility may now be held by CreateTO, Toronto's real estate agency.

⁵³ City of Toronto, *Strategic Property Acquisitions*. (6 August 2014)

The City of Toronto's LARF provides the flexibility to complete a land assembly when a final parcel unexpectedly became available for sale, and to respond to surplus school site sales. Both are examples of purchased property that serve municipal priorities through enhanced control over decision-making and under circumstances which could not be foreseen during the municipal capital budget process.

Additionally, the LARF allows the City of Toronto to proactively pursue property that may become available due to favourable opportunities in the marketplace, including foreclosures and powers of sale.

Funding sources are largely through the sale of surplus properties, in addition to a small annual contribution (e.g. < \$300K/annum) from the City's operating budget. Under the City of Toronto's LARF program, the evaluation of strategically important property is managed by Real Estate Services⁵⁴ and includes consideration of the criteria outlined in Figure 30.⁵⁵

Figure 30: Evaluation of Strategically Important Property in Toronto

Toronto Strategic Land Evaluation	
Classification	Criteria
Financial Impact	<ul style="list-style-type: none"> • No other eligible sources of municipal funding available • Inability to defer to Capital Budget process • Expected purchase price and carrying costs at market value or less • Difficulty to purchase similar or equivalent property in the future • Potential to leverage funding from other levels of government • Ability to leverage other planned or ongoing capital projects • Potential for expropriation avoidance • Potential for interim lease cash flow • Potential to recoup capital investment if no longer required • Favorable assessment of risks
Strategic Fit	<ul style="list-style-type: none"> • Fit with Toronto's Planning and Official Plan • Fit with Council's Strategic Plan • Opportunity cost if not pursued
Use Assessment	<ul style="list-style-type: none"> • Suitability of property and location • Connection to other municipal-owned assets • Potential synergies between ABCDs (i.e. co-location)

⁵⁴ This responsibility may now be held by CreateTO, Toronto's real estate agency.

⁵⁵ City of Toronto, *Strategic Property Acquisitions*. (6 August 2014)

The City of Burlington has a similar funding formula as the City of Toronto, with a nominal annual operating budget transfer (\$224K/annum), but also is largely funded from surplus land sales. Burlington Council recently requested that municipal staff study the potential for an enhanced funding model that can include any or all of the following mechanisms:⁵⁶

- ▶ Increase the funding in the operating budget on an annual basis to the Strategic Land Acquisition Fund.
- ▶ Review the capital budget and forecast to find funding for strategic land acquisition. (e.g. 5% over 10 year forecast of \$680 million is \$34 million).
- ▶ Investigate the merits of using TIF (Tax Increment Financing).
- ▶ Define what funding would be available by increasing the debt service limit.
- ▶ Review opportunities for Parkland Dedication through the development application process.
- ▶ Track Parkland Dedication CIL so there is a record and projected potential funding going forward.

The City of Markham is another jurisdiction who employ a LARF. Established in 2005, its LARF is intended to provide a source of financing to acquire land that is strategic in nature and non-growth related, or where the intended purpose has not been identified.

In these instances, the initial funding source is the LARF. When the ultimate use of the land is confirmed, the original transfer out from the LARF Fund will be replenished with funds transferred to the LARF from the appropriate funding source (e.g. DCs, Parks CIL).

While funding sources (e.g. inter-reserve borrowing, budget surplus revenues, surplus land disposals) for the City of Markham's LARF to acquire lands are not entirely clear, it is confirmed that a small amount (<\$250K) is directed out of the operating budget.

Based on increasing levels of financial activity reported over the previous two (2)-year period by the City of Markham within this fund, in addition to several significant land acquisitions which were not identified in their capital plan, further consultation with Markham by City staff should be conducted to better understand their application of a LARF.

⁵⁶ City of Burlington, *Regular Meeting of Council - Minutes*. (January 29 2018)

Application of LARF & Land Acquisition Timing

Based on the Consultant Team's understanding of the land development process and the application of the LARF in other municipalities, we note the following:

- Land use controls at the time of acquisition most significantly impact the ability for the City to secure lands in a timely, efficient, and cost-effective manner.
 - Several purchases using LARF funding that the Consultant Team reviewed were designated "Future Employment", "Future Community", or "Agricultural" at the time of sale. In all cases, an Official Plan amendment and/or site-specific policy or site plan application had not been received by the local municipality.
 - Where properties were acquired in areas with Official Plan designations enabling near-term development, properties typically would require to be re-zoned, with no submitted application.
 - Other considerations such as a site's limited servicing capacity and holding risk for a developer relative to the municipality can impact acquisition timing.
- In short, the ideal timing to plan for future municipal land purchases is in advance of land use control changes at the site and/or planning level.

Strategic land acquisition reserve funds (LARFs) allow municipalities to respond more effectively to acquisition opportunities when they arise. Cost efficiencies may be realized through the acquisition of lands in advance of development when land use controls may have not yet caught up to development in the area.



5.5 Near-Term Land Acquisition Considerations

In select cases, capital projects with planned funding identified in the City's 10-Year Capital Budget may benefit from advanced land acquisition to achieve cost savings, an ideal market opportunity, or potential co-location opportunity. For any of these reasons, it may be in the City's best interest to pursue the project ahead of scheduled budget funding per the DC Background Study.

For example, the Kleinberg-Nashville Community Centre planned for Blocks 55/62 has a project budget of \$31.9 million with an allocation of \$11.8 million in 2022 for land acquisition, its first year of the 6-year project timeline.

In the absence of the City deciding to re-prioritize other budget commitments to fund land acquisition for this growth-funded project early, the following strategies may be employed:

- ▶ Direct the City's Real Estate Division to work with key stakeholders such as Community Services, Parks Planning and VPL to assess the viability of a mixed-municipal use site and conduct a site selection exercise.
 - Assess the opportunity for funding from other municipal accounts that may be applied towards securing the land acquisition and proportionately re-allocated in 2022 when funding had been earmarked.
 - Conduct an opportunity assessment and determine the relative priority based on the Prioritization Rubric presented in Section 5.3 of this report. In particular, determine alignment to location typologies identified in Section 7.3.2 of the City's Official Plan or parcel-specific parkland evaluation presented in Figure 15.
 - Through holding discussions early with the current landholders, the City may have the opportunity to enter into some form of a future purchase agreement with the desired location's current owner. Early discussions are critical to understanding intentions and timelines.
 - Project-specific considerations such as decommissioning the existing Kleinburg Library site may offer some unique value to secure the City's desired site.
- ▶ Additionally, the City's Real Estate Division may be directed to hold discussions with other external stakeholders to explore additional, alternative solutions.
 - Partnership opportunities (e.g. YRDSB) may also present an opportunity for unique cost-sharing arrangements where a partner who secures the land acquisition, with a City guarantee provided as a planned capital budget item.
 - Discussions with other stakeholders (e.g. local developers, TRCA) may also yield potential opportunities for some form of partnership where alignment in land use and function exist for the City to secure its desired site.



6. Natural Heritage Land



6. Natural Heritage Land Analysis

In addition to identifying the potential recreational value of Natural Heritage Lands, it is equally important to acknowledge the biological importance of Vaughan's extensive network of natural habitats. From a Land Acquisition Strategy perspective, the capacity to maintain biodiversity and a healthy environment for the benefit of all living things is guided by target provision levels.

Baseline targets for Natural Heritage Land are provided in Environment Canada's 2013 "How Much Habitat Is Enough" publication, which suggest forest cover (e.g. woodlot) and wetlands comprise 30% and 10% of total land in watershed regions, respectively. The City's Land Securement Strategy indicates 11% and 2% for woodlot and wetland coverage, respectively.⁵⁷

There are also recommended targets for land area in a formal protected area system. In Ontario, a 17% protected areas target is aligned between the Ontario Biodiversity Strategy, Canada Target 1, and Aichi Biodiversity Targets of the UN Convention on Biological Diversity.

The TRCA has further defined targets based upon the system-wide definition of Natural Cover', which is comparable to the City's Natural Heritage Network. Targets vary by planning area from 10% in built-up areas to over 60% in the Greenbelt. On average, the TRCA identifies a 30% natural coverage target.⁵⁸ Using the aggregate size of the City's 6,823 ha Natural Heritage Network, designated lands comprise 25% of Vaughan, nearly meeting the TRCA's target.

It should be noted that the existing delineation of the Natural Heritage Network is based on best available data, only a portion of which has been confirmed through detailed studied. Some features such as streams not confined by valley systems and candidate significant wildlife habitats may not be confirmed after detailed studied and field investigations. Hence, the land area of the Natural Heritage Network may decrease with new information.

In Figure 31, the extent to which the NHN may be deemed 'protected' is assessed:

Figure 31: Currently Protected Natural Heritage Land in Vaughan ⁵⁹	
Ownership Group	Area (ha)
City-owned Conservation Land	607
TRCA	1,890
Nature Conservancy of Canada & OHT	241
Total Protected Natural Heritage Lands	2,738
% of Vaughan's Natural Heritage Network Protected	40%

⁵⁷ City of Vaughan, *Conservation Land Securement Strategy*. (2014)

⁵⁸ TRCA, *Terrestrial Natural System Strategy*. (2007)

⁵⁹ City of Vaughan, *Conservation Land Securement Strategy*. (2014)

While recognizing the importance of meeting targets for natural heritage land provision, the City may consider how to prioritize the protection of lands within Vaughan's Natural Heritage Network as only 40% is currently held by groups that guarantee permanent protection.



6.1 Prioritizing Natural Heritage Land Acquisition

While the Natural Heritage Network in Vaughan is protected by legislative bodies such as the *Greenbelt Act*, the *Oak Ridges Moraine Conservation Act*, and the City's Official Plan, these documents may be subject to review over time as political landscapes change and the legislation is reviewed. As Vaughan's Conservation Land Securement Strategy identifies, fee simple ownership should be prioritized as the most effective approach to protection and conservation of Natural Heritage Lands in perpetuity.⁶⁰

From a Land Acquisition Strategy perspective, we understand that the City's Conservation Land Securement Strategy offers clear recommendations of the various tools and/or processes that Vaughan may employ to acquire natural heritage lands and an overall recommendation to promote active communication with major ownership groups of natural heritage lands.

The Consultant Team considered additional criteria by which the acquisitions may be prioritized by the City. Through consultation with Policy Planning and Environmental Sustainability, a series of biological indicators of significance were identified that the City may consider determining the relative priority for land securement.

Using GIS analysis, identification of priority acquisition areas considered the following:

- ▶ In accordance with the *Endangered Species Act*, consideration of "habitat banking" for locations of threatened bird species within grasslands, and other locations associated with area-sensitive bird species;
- ▶ Wetland and/or woodland areas qualifying as a significant amphibian wildlife habitat per guidelines prepared by the MNRF;
- ▶ Natural/areas of scientific interest as identified in the City's Official Plan;
- ▶ Ecological restoration opportunity zones have been identified where alignment between the City's Open Space System and Natural Heritage Network;
- ▶ Natural Heritage Network enhancements lands; and,
- ▶ Major growth areas (e.g. Secondary Plans) have been identified as important considerations to identify the extent of potential Natural Heritage Network lands that may be conveyed gratuitously to the City or conservation authority.

⁶⁰ City of Vaughan, *Conservation Land Securement Strategy*. (2014)

Figures 33, 34, and 35 present observations of threatened bird species, significant amphibian wildlife habitats, areas of natural and/or scientific interest.

“Value-Add” Projects

Additional consideration of opportunities for the City to fulfill multiple mandates should also be considered to assist the City with resourcing and funding issues. For example, Natural Heritage Lands are often situated in areas where passive recreational parkland uses can occur typically outside of sensitive features. Subject to current use, land securement varies.

For example, in the left-hand image in Figure 32, the yellow circle identifies Natural Heritage Lands situated at the rear of a series of properties with commercial land uses. The Open Space lands in this case, if acquired by the City, would also serve to close a necessary gap in the City’s short-term implementation priority for the Vaughan Super Trail. In this case, a short-term horizon partial taking or direct conveyance may be preferred.

In the right-hand image, the yellow circle is identifying Natural Heritage Land situated at the rear of a series of agricultural properties. The long-term implementation plan for the Vaughan Super also identifies this area for future trails development. Over the long-term, as the surrounding area is not part of the Greenbelt, development may be expected. In this case, a Life Interest Agreement⁶¹ for the duration of the agricultural operations may be preferred.

Figure 32: Illustrative Value-Add Active Land Securement



Priority areas with the highest biological value or where value-added opportunities exist may be targeted for the City’s land securement efforts and staff should be directed to further investigate. The Conservation and Land Securement Strategy provides recommended approaches to guide the acquisition of lands through landowner contact in addition to detailed analysis of various tools and processes to support land securement.



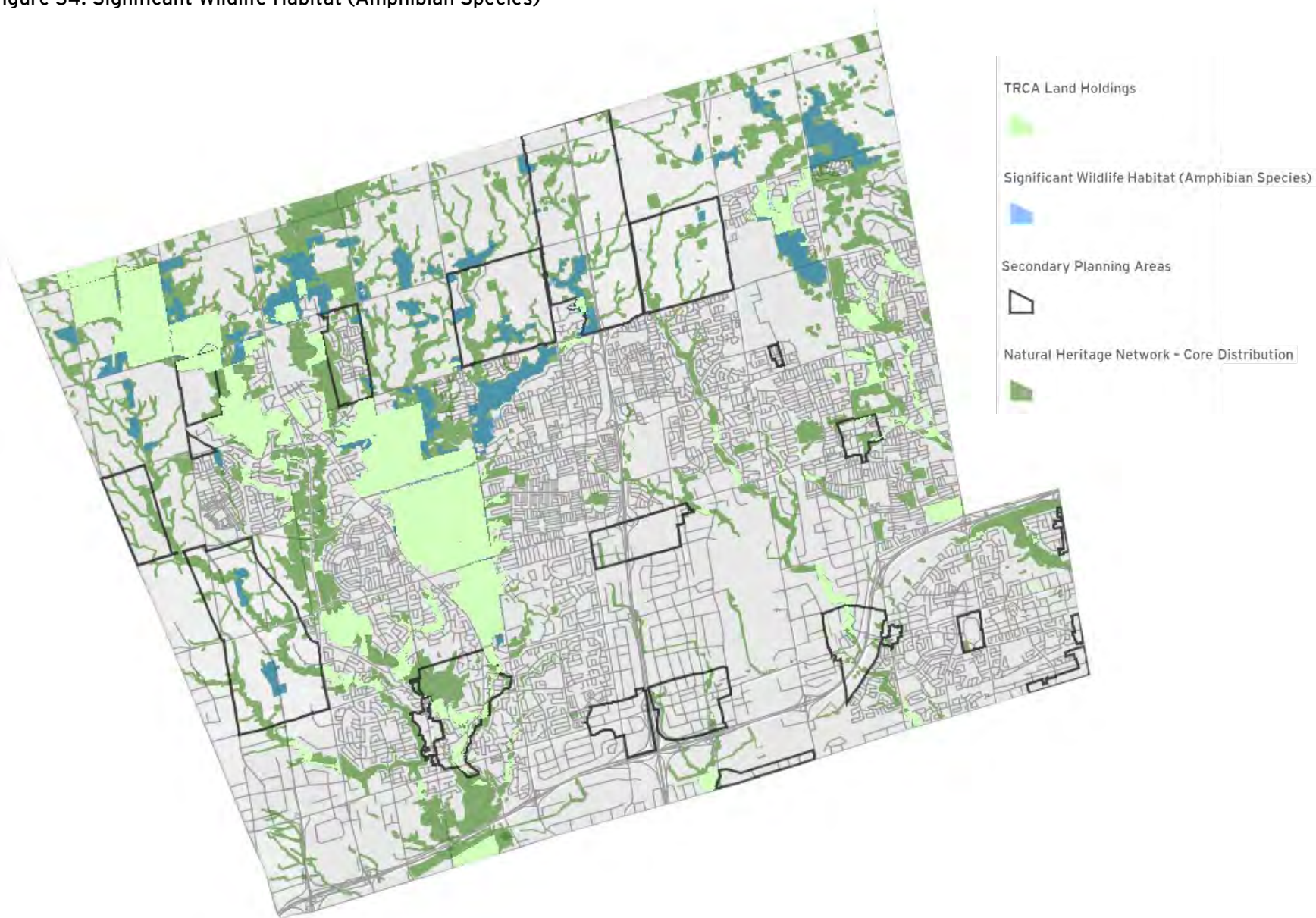
⁶¹ Please consult the Appendix for a list of definitions related to land securement methods.

Figure 33: Observations of Threatened Grassland Bird Species



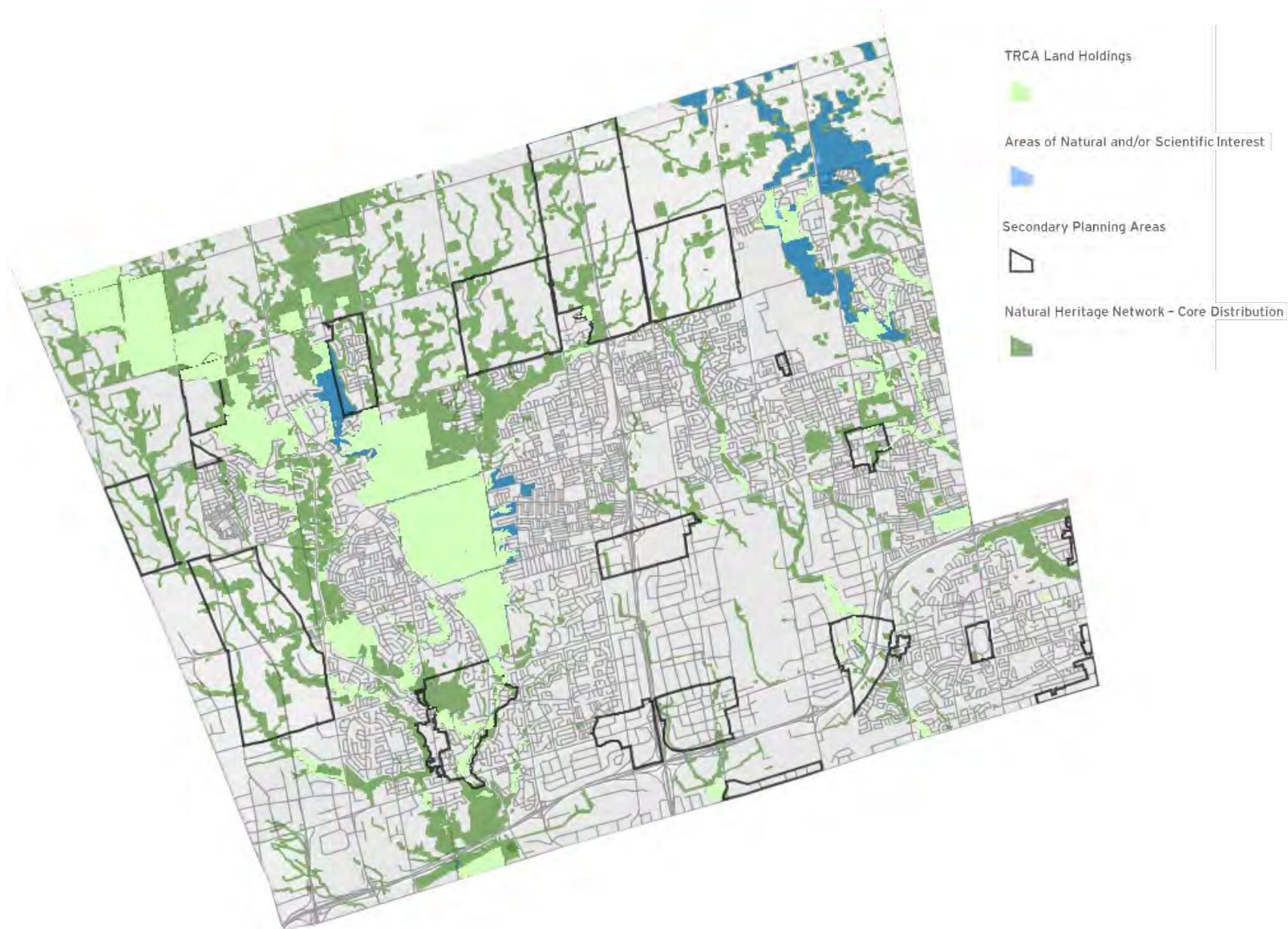
Source: City of Vaughan, ArcGIS

Figure 34: Significant Wildlife Habitat (Amphibian Species)



Source: City of Vaughan, ArcGIS

Figure 35: Areas of Natural and/or Scientific Interest



Source: City of Vaughan, ArcGIS

6.2 Additional Strategies to Support Natural Heritage Land Securement

Land Trusts

Non-profit organizations that acquire land or interests in land (e.g. conservation easements), Land Trusts may represent a potential strategic partner for the City's land securement efforts for Natural Heritage Land.

When donations are made to these organizations, the federal government's Ecological Gifts Program can provide significant tax incentives while ensuring future property use is governed by a stringent set of regulations. In Ontario, each member of the Ontario Land Trust Alliance has also committed to implementing best practices developed by the Canadian Land Trust Alliance to ensure long-term viability and responsible land stewardship.⁶²

The City should explore opportunities for partnering with land trusts that may be strategically positioned to acquire key parcels of valley corridors and environmentally significant lands, through both purchase and/or donation with tax credits.



Pre-Development Land Acquisition

Similar to the discussion of the application of the LARF in Section 5.4, acquiring land prior to development should always be prioritized to achieve reduced land acquisition costs. Natural Heritage Lands may be uniquely positioned for successful securement efforts in this sense as non-developable land.

Where possible, the City should negotiate for environmentally significant parcels of land and river edge properties prior to urbanization and development, using a variety of means, which include but are not limited to letters of intent, agreements, direct acquisition or direct acquisition through a land trust agency.



⁶² TVO, How *this Ontario couple protected hundreds of hectares of land – by giving them away*. (June 2019)

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7. Third-Party Real Estate Proposals



7. Third-Party Real Estate Proposals

7.1 Background

As the City continues to grow, there will be an increased volume of unsolicited proposals from third parties with real estate needs. Discussions with staff and Council members indicate that the current framework for managing real estate transactions is limited in scope. It does not provide the necessary clarity to the general public of City policies and processes that would enable staff to respond to proposals in a **structured, transparent and consistent manner**.

Enacted in 1995, By-Law 121-95, Real Property Disposition does not support the increased level of real estate interest from the public or provide staff with the appropriate tools to address today's operating environment. An updated Real Property Disposition By-Law would enable greater efficiency in managing the increased volume of proposals from third parties.

The following scenarios were identified by the City as requiring further clarity:

- A. Unsolicited proposals to acquire City-owned property ("**Scenario A**");
- B. Unsolicited proposals to lease City-owned property ("**Scenario B**"); and,
- C. Unsolicited proposals for the City to act as an intermediary and acquire property from another level of government through public circulation processes. ("**Scenario C**")

To inform an update of the City's framework, the Consultant Team undertook a desktop review of applicable legislation and examined real estate policies across six (6) comparable jurisdictions as summarized in the Appendix. The Consultant Team looked at best practices that would have the greatest impact in providing staff with the appropriate tools while also providing the public with necessary clarity around the City's real estate processes.

To further support the strategy, the Consultant Team met with Council members to discuss core guiding principles and to ensure alignment with City priorities.

From this, a series of recommendations were identified that would inform the strategy and provide an updated framework, including:

- ▶ Guiding principles on approach to real estate transactions;
- ▶ Illustrative communication tool on standardized processes;
- ▶ A Municipal Contribution and Risk Assessment; and,
- ▶ Additional implementation considerations to promote public access to information.

These recommendations, in our view, will enable the City to better manage the increased volume of requests in a structured, transparent and consistent manner.

7.2 Relevant Legislation & Policy Review

The Consultant Team has reviewed relevant legislation and policy documents to inform our understanding of key observations that may impact Scenario A, B, or C. Information is presented in a summary manner for the purposes of this consulting advisory report. This analysis does not represent a formal legal opinion and should not be understood as presented or analyzed as such. Further consultation with Legal Services is recommended for implementation of this proposed strategy recommended for the City's consideration.

Municipal Act

Select observations from the *Municipal Act* identified below represent our view of specific sections that may govern how municipalities respond to unsolicited proposals:

- ▶ Section 106 Assistance Prohibited provides that municipalities shall not assist directly or indirectly any economic development entity with the granting of bonuses through the leasing or sale of municipal real property at below FMV.
 - While the granting of bonuses, which includes the sale of real property at less than FMV, is generally not permitted, we understand three (3) exceptions exist:
 - Municipal property situated within a Community Improvement Plan ("CIP") may be sold for use in conformity with the CIP.
 - A series of permitted actions identified in Section 106, Subsection 3 enable the lease or sale of municipal property at less than FMV to encourage the establishment and initial growth of small businesses.
 - Section 110 of the *Municipal Act* states that despite Section 106, the municipality may lend, lease, or sell property at less than FMV under an agreement which includes the provision of a municipal capital facility.
 - Further consultation with Legal Services is required to ensure the framework proposed by the Consultant Team aligns with the intent of Section 106's bonusing limitations and to ensure adherence to the *Municipal Act*.
 - Notwithstanding this, Section 1.2.3 of the City's Corporate Policies within the existing Real Property Disposition By-law identifies Council's power to lease or sell real property on any such terms and conditions as fixed by Council, including for nominal consideration at less than FMV.
 - According to Miller Thompson LLP, it is noted that the promotion of economic or social interests by Council is often unchallenged with respect to activities appearing to be in contravention to Section 106.⁶³

⁶³ Miller Thompson LLP, *Municipal Bonusing: What's Permitted and What's Not?* (June 2006)

- ▶ Section 107, General Power to Make Grants provides the municipality with authority to provide grants and charge interest on loans provided, which we understand is restricted to non-commercial uses.
 - Further analysis in consultation with the Legal Services is required to consider the applicability of this provision for the City to consider providing a form of Vendor-Take-Back Mortgage ("VTB") in Scenario A or C, for instance.

Public Sector Circulation Policies

Scenario C contemplates a proposed arrangement where the City may entertain a proposal to employ its priority position in other public-sector circulation processes and act as an intermediary to acquire land on behalf of a third-party for municipal purposes.

As such, the Consultant Team has further considered the limitations which exist for the City to acquire land through public circulation process and subsequently conduct a direct transaction with a third-party. To demonstrate, the following observations have been identified with respect to the Ontario government's *Realty Directive* on the proposed Scenario C terms:

- ▶ Municipalities may utilize their priority position in the staged circulation process for the purposes of acquiring land for municipal use from the Province.
(e.g. environmental, community and/or economic development uses)
 - However, if real property acquired from the Province is not used within a specific timeframe for the intended municipal purpose, Section 5.3.6 stipulates that the lands must be returned to the Province in their original condition.
 - Within a specified period, if real property acquired is subsequently sold by the municipality, any proceeds in excess of the original acquisition price must be returned to the Province, in addition to transaction costs.
- ▶ It should be noted that recent changes to the *Realty Directive* have significantly decreased the circulation time for non-provincial entities from 180 days to 30 days.
 - Non-profit organizations and other community groups will likely be uniquely challenged with reduced timelines to secure funding approvals. As such, the City is expected to see further increases in the volumes of requests for assistance.

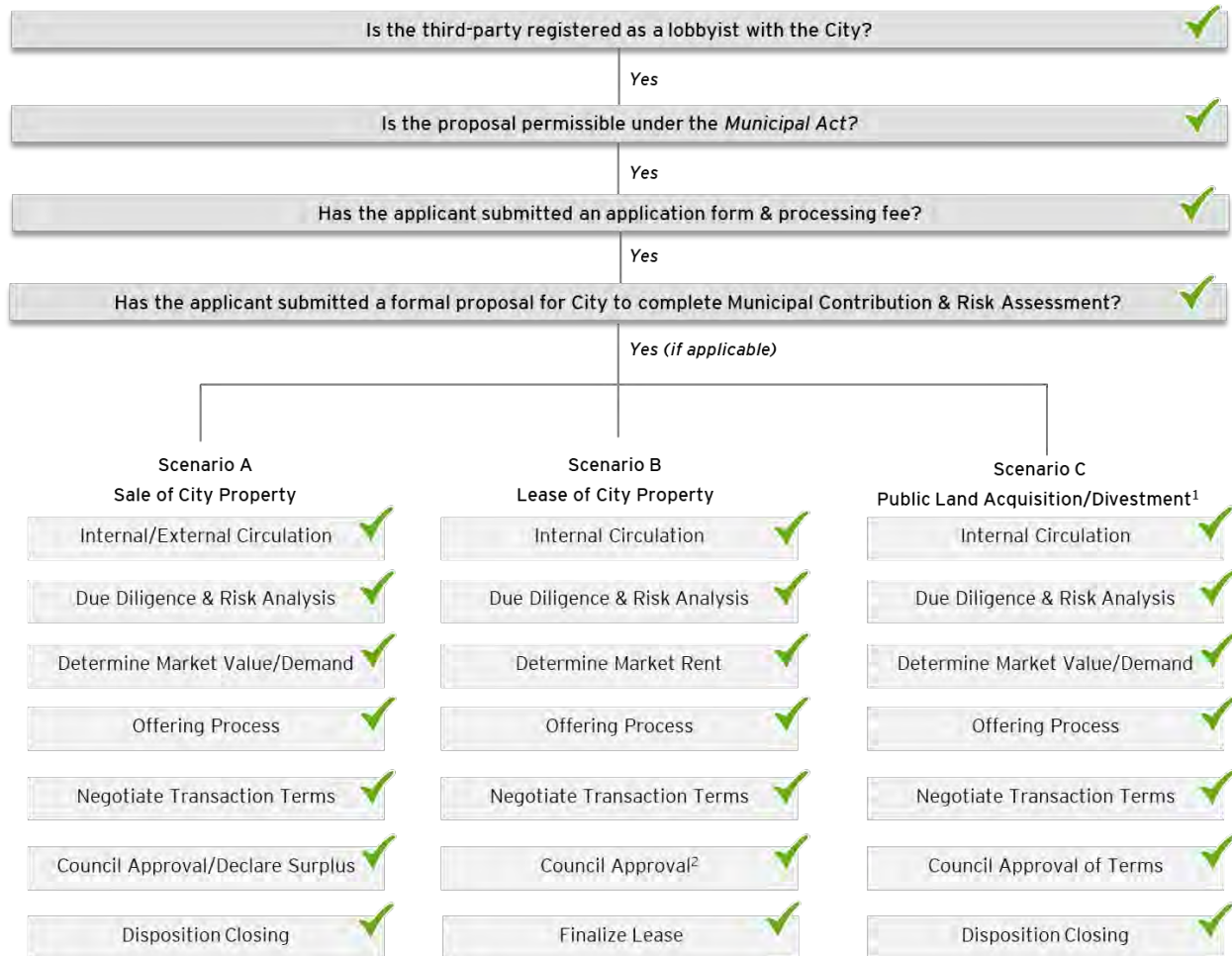
These observations highlight specific circumstances under Scenario A, B, or C where legislative limitations may exist. While the Consultant Team's recommended framework is intended to govern transactions in a manner to protect City interests and align to legislation, evaluation by Legal Services to seek Council approval of any unique terms will be required.

To enable the efficient use of staff time and better position the City to engage with third parties, easily accessible and transparent corporate policies should communicate how proposals may be received and evaluated, as well as processes which the City must follow for all real estate transactions.

7.3 Illustrative Framework to Manage Third-Party Real Property Requests

The following Illustrative Framework anchors the proposed strategy to inform an update to the City's Real Property Disposition By-Law, with guiding principles prepared that may govern how the City manages its real property transactions:

Figure 37: Illustrative Framework for Managing Third-Party Requests



¹Assumes City is requested to use priority in public-sector circulation and acquire land on behalf of third-party.

²Thresholds of lease contract values may be established for when Council approval required. (e.g. \$25,000+/annum)



Illustrative Guiding Principles for Municipal Real Property Transactions

- *Any real property transaction shall be conducted in a fair and transparent manner.*
- *The City's best interests shall always remain the highest priority outcome and clearly communicated.*
- *Realize maximum value for the City's real property portfolio while offering transparent guidelines and a reasonable approach to supporting community and/or economic development initiatives.*
- *Provide built-in mechanisms to minimize risk, abide by relevant legislation and/or policy, and ensure alignment to Council priorities.*
- *Any form of "bonusing" as described in Section 106 of the Municipal Act shall be strictly prohibited.*

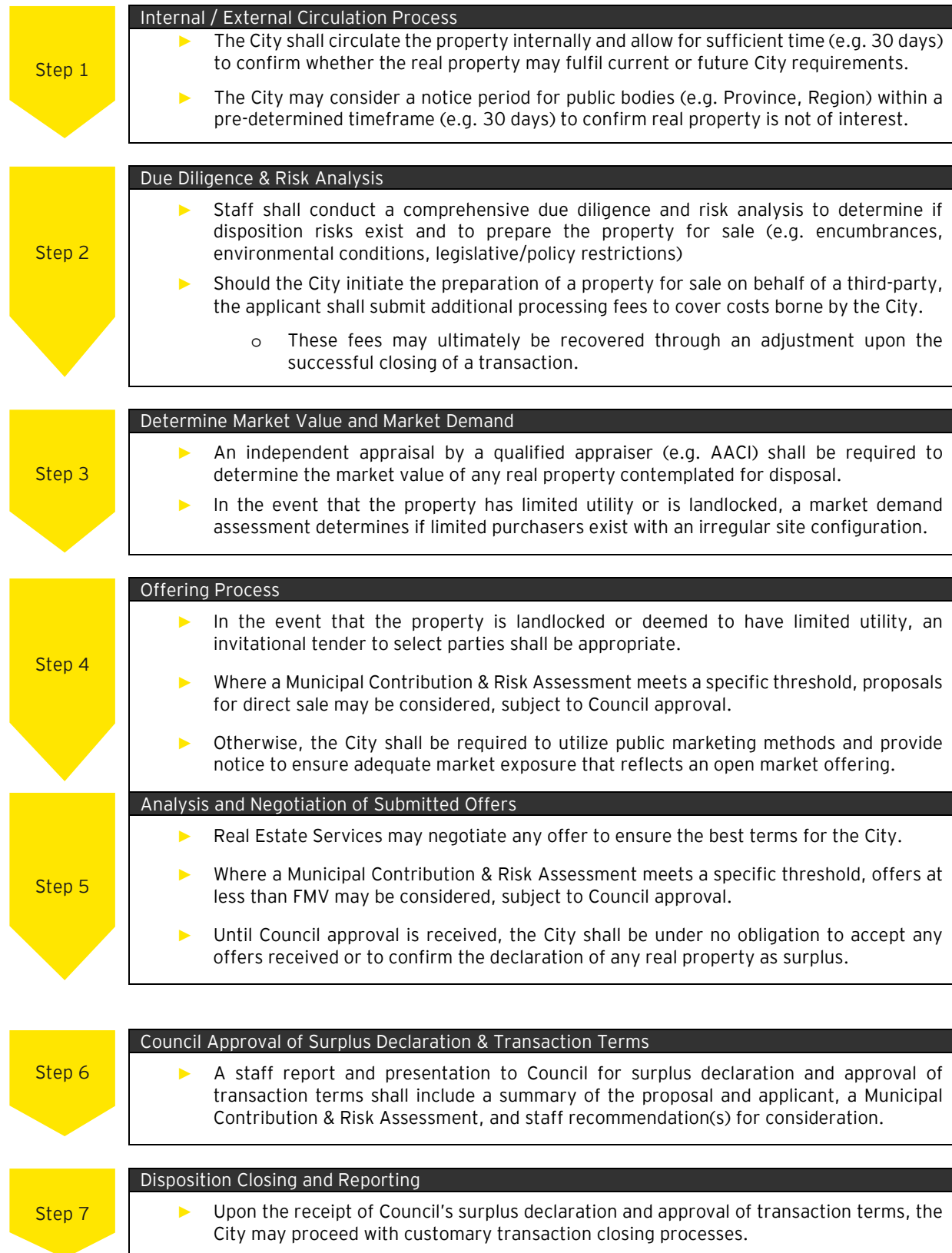
7.4 Additional Guidelines to Management Third-Party Real Property Requests

The following section illustrates how corporate policies may be designed and communicated to the general public. Further development by the City may be required.

As a registered lobbyist with the City whose proposal does not contravene with the *Municipal Act*, the following preliminary steps shall be undertaken by applicants for Scenario A, B, or C:

	Application Form & Processing Fee Submission <ul style="list-style-type: none"> ▶ Applicants shall submit a standardized application form with salient details pertaining to their proposal. ▶ Processing fees shall be submitted (e.g. \$1,500) and may vary, subject to the nature of the proposal and due diligence requirements under each scenario. ▶ Policies pertaining to limit the number of requests within a given timeframe on any particular property may help to ensure the efficient use of staff resources.
	Proposal/Business Case Submission <ul style="list-style-type: none"> ▶ Prior to undertaking any formal due diligence on the real property transaction, the City may request the applicant submit a formal proposal and/or business case, further outlined herein. ▶ For Scenario C, where the City has been asked to acquire land on behalf of a third-party, a comprehensive business case shall be required to inform a Municipal Contribution and Risk Assessment that would be conducted jointly by Real Estate and Legal Services. ▶ Using these submission(s), the City may conduct its Municipal Contribution and Risk Assessment, using the five (5) criteria and areas of inquiry outlined herein.

Scenario A: Unsolicited Proposals to Acquire City Real Property



Scenario B: Unsolicited Proposal to Lease City Real Property

Step 1	Internal Circulation Process <ul style="list-style-type: none"> ▶ The City's Real Estate Office will circulate the real property through all City departments in order to assess if there is a municipal need, unless the real property has already been deemed leasable space.
Step 2	Due Diligence & Risk Analysis <ul style="list-style-type: none"> ▶ Qualify applicant's through an assessment of the proposed use, financial capacity to meet leasing obligations, and any additional or unique requests from the City. ▶ Expression of Interest Application Form should note that priority will be given to applicants whose proposed use align with Council priorities or provide some community or economic development benefit.
Step 3	Determine Market Rent <ul style="list-style-type: none"> ▶ A registered salesperson with the Ontario Real Estate Association may provide an Opinion of Market Rent. Alternatively, the City may employ an official source of market rent information. (e.g. CoStar, Altus InSite)
Step 4	Offering Process <p>Where a Municipal Contribution & Risk Assessment meets a specific threshold , proposals for a direct lease may be considered, subject to Council approval.</p> <ul style="list-style-type: none"> ▶ Otherwise, the City shall be required to utilize public marketing methods and provide notice to ensure adequate market exposure that reflects an open market offering.
Step 5	Analysis and Negotiation of Submitted Offers <ul style="list-style-type: none"> ▶ Real Estate Services may negotiate any offer to ensure the best terms for the City with a mutually beneficial agreement that is acceptable to both parties. ▶ Where a Municipal Contribution & Risk Assessment meets a specific threshold, offers at less than FMV may be considered and subject to Council approval.
Step 6	Council Approval of Transaction Terms <ul style="list-style-type: none"> ▶ Thresholds may be established based on the contract rent (e.g. \$25,000 per year) that would require Council approval. ▶ Where required, a staff report and presentation to Council for approval of leasing terms shall include a summary of the proposal and applicant, a Municipal Contribution & Risk Assessment, and staff recommendation(s) for consideration.
Step 7	Finalize Lease Agreement <ul style="list-style-type: none"> ▶ The City may develop a standard form of lease agreement upon which any proposed changes would require approval from Legal Services.

Scenario C: Unsolicited Proposals to Acquire Real Property on Behalf of Third-Party

Step 1	Internal Circulation Process <ul style="list-style-type: none"> ▶ The City shall confirm the real property will not fulfil current or future City requirements.
Step 2	Due Diligence & Risk Analysis <ul style="list-style-type: none"> ▶ The City shall reach an agreement with the applicant to cover any due diligence fees associated with the acquisition of real property from another public body. <ul style="list-style-type: none"> ○ These fees may be recovered through an adjustment upon the successful closing of a transaction. ▶ Where a Municipal Contribution & Risk Assessment meets a specific threshold, it may be determined whether it is in the City's best interest to proceed with acquiring real property on behalf of a third party. ▶ Legal advice on the proposal shall be considered in relation to the limitations placed on real property acquired by the City's through other public circulation processes.
Step 3	Determine Market Value and Market Demand <ul style="list-style-type: none"> ▶ An independent appraisal by a qualified appraiser (e.g. AACI) shall be required to determine the market value of any real property contemplated for acquisition/disposal. ▶ In the event that the property has limited utility or is landlocked, a market demand assessment determines if limited purchasers exist with an irregular site configuration.
Step 4	Offering Process <ul style="list-style-type: none"> ▶ Where a Municipal Contribution & Risk Assessment meets a specific threshold, a direct sale transaction may be considered, subject to Council approval. ▶ Opportunities where a future open market sale may be required should not be considered due to risks with associated with conditions attached to public property sales.
Step 5	Analysis and Negotiation of Submitted Offers <ul style="list-style-type: none"> ▶ The City shall negotiate an agreement with the applicant which details transaction terms, intended use clause(s), payment schedules and expected timelines. ▶ The City shall accept no risk or guarantee to applicants of timelines required to complete the transaction due to constraints with other surplus public property circulation process. ▶ Where a Municipal Contribution & Risk Assessment meets specific thresholds, offers at less than FMV may be considered, subject to Council approval.
Step 6	Council Approval of Transaction Terms <ul style="list-style-type: none"> ▶ A staff report and presentation to Council for surplus declaration and approval of transaction terms shall include a summary of the proposal and applicant, a Municipal Contribution & Risk Assessment, and staff recommendation(s) for consideration.
Step 7	Disposition Closing and Reporting <ul style="list-style-type: none"> ▶ Upon the receipt of Council's surplus declaration and approval of transaction terms, the City may proceed with customary transaction closing processes.

7.5 Municipal Contribution and Risk Assessment

To ensure a structured, transparent and consistent process for City staff to evaluate proposals received, the Consultant Team proposes that a Municipal Contribution and Risk Assessment be developed. Communicated as a set of guidelines, the following five (5) criteria and specific areas of inquiry illustrate how the City may structure its evaluation process and determine specific thresholds to be achieved for Council approval of unique terms, such as:

- ▶ The sale or lease of real property at less than FMV, subject to *Municipal Act* limitations;
- ▶ Proposals to acquire real property on behalf of third-party through; or,
- ▶ If it is the best interests of the City to proceed with a direct sale of real property.

As a preliminary step to proceeding with with real property transactions (particularly those with unique terms), third parties should be required to prepare proposals and/or business cases for the City. With a Municipal Contribution & Risk Assessment, the City may communicate to the public how proposals will be evaluated.



Using the following five (5) criteria and additional areas of inquiry, the City may further develop established ranking values to formally evaluate proposals.

- ▶ Community Benefit Assessment: *While each proposal shall be evaluated on a case-by-case basis, areas of inquiry identified illustrate key considerations for the City to develop its own ranking values for assessing municipal community benefit contributions.*

Community Benefit Assessment: Key Areas of Inquiry

- *What is the third-party's proposed use for the real property? Do they foresee any expected changed to this use over time?*
- *What are the specific programs, facilities, or services being proposed as community benefits by the applicant?*
- *What is the level of overlap and/or augmentation to existing City programs exists?*
- *What is the impact, if any, on existing City programs, facilities or services?*
- *Is there any consideration of 'contribution-in-kind' for future City programs, facilities, or services proposed by the third-party?*
- *Do the proposed programs, facilities, or services respond to current Council priorities and/or other identified City priorities?*
- *How has the applicant demonstrated that demand exists for the associated community benefit(s) of their proposal?*
- *Does the proposed use align with the City's future growth & community objectives?*

- *Can the third-party demonstrate historical performance in delivering on its mandate to the community? Have they provided evidence that they can successfully deliver community benefits through the intended use?*
- *When considering the level of capacity of the organization to serve the community, several factors should be evaluated and considered, including;*
 - *Number of years in operation;*
 - *Area where the group provides services; and,*
 - *Scope, magnitude and types of services offered.*⁶⁴
- *Has any consideration of how the proposed use may negatively impact operations to existing City and/or community programming?*
- *What are the mutual benefits to the City and the broader local community?*
- *Does the organization engage in any commercial activities? Would these commercial activities pose any conflict with the proposed community benefit?*

Geographic Implications: *While each proposal shall be evaluated on a case-by-case basis, areas of inquiry identified illustrate key considerations for the City to develop its own ranking values for geographic implications.*

Geographic Implications: Key Areas of Inquiry

- *Are the real property requirements located in a Local, Primary or Regional Center?*
- *Does the proposed use align with the City's Official Plan?*
- *How has the applicant addressed the impact to the local area in their proposal?*

Economic Benefit Assessment: *While each proposal shall be evaluated on a case-by-case basis, areas of inquiry illustrate key considerations for the City to develop its own ranking values for economic benefit contributions.*

Similar to the assessment of community benefits, where applicable, specific reference to documents outlining Council-endorsed economic development strategies should underpin economic benefit assessments. Among others, the following documents may be referenced to applicants:

- 2011-2021 Economic Development Strategy
- The Economic Development and Employment Sectors Study
- City-Wide Public Art Program



⁶⁴ City of Mississauga, *Acquisitions and Disposal of Real Property*.

Economic Benefit Assessment: Key Areas of Inquiry

- *What are expected economic spin-off effects of proposed use for City's local economy?*
- *Are any broader beneficiaries and/or specific business sectors identified?*
- *Has the applicant identified how their proposal may align to specific City-defined economic development strategies?*
- *Has an appropriate analysis of how proposed use may impact the City's economic profile been provided? What is the impact to forward-looking municipal policy goals?*
- *Has the organization provided appropriate evidence of its capacity to assess how its intended use will provide local economic spin-off benefits?*
- *What is the historical commercial reputation of the applicant? Can they provide sufficient evidence of qualifications for the proposed endeavour?*

Risk Assessment: *While each proposal shall be evaluated on a case-by-case basis, areas of inquiry identified illustrate key considerations for the City to develop its own ranking values for the risk assessments, particularly for proposals to acquire land on behalf of a third-party.*

Risk Assessment: Key Areas of Inquiry

- *How do the potential City costs (e.g. financial, staff resources) balance against expected community and/or economic benefits? Will the City be exposed to future operating risk?*
- *Has the third-party considered risk assessments in their proposal? Have they identified risks and mitigating strategies to achieve community and/or economic benefits?*
- *Based on the overall assessment, what additional (e.g. legal, reputational) considerations should the City assess while evaluating this proposal?*
- *In the event that the organization fails to deliver on its mandate as proposed, will this create any future risk(s) for the City?*
- *For Scenario C, can the third-party provide guarantees or insurance against potential public-sector recourse in the event of a future change in use of the real property?*

Financial Capacity Assessment: *While each proposal shall be evaluated on a case-by-case basis, areas of inquiry identified illustrate key considerations for the City to develop its own ranking values for financial capacity assessments. Ultimately, to ensure that transactions close successfully and that community and/or economic benefit outcomes are realized, the City should undertake appropriate due diligence on the applicant's financial capacity.*

Financial Capacity Assessment: Key Areas of Inquiry

- *How has the applicant demonstrated capacity to close a transaction or meet leasing obligations? Will they provide additional financial security for costs borne by City?*
- *Does the applicant have a comprehensive business plan outlining capital requirement, risk assessments, and contingency measures for the property?*

Financial Capacity Assessment: Key Areas of Inquiry

- *In analyzing historical operating documents and financial statements consider: What is the third-party's current financial status? Can they provide evidence of historical capacity to meet short and long-term financial requirements?*
- *Is the applicant able to provide credit information indicative of financial instability?*
- *What references are provided by the third-party to demonstrate historical compliance to financial agreements? (e.g. regulations, lease terms, reputation)*
- *Does the third-party demonstrate the ability to operate without financial assistance in the short term and long term from the City?*
- *If no evidence of historical financial performance is provided, does the third-party have the ability to provide for additional levels of financial security such as:*
 - *Provide deposit structure and/or additional recourse to insure the City against any potential costs for non-completion of a sale transaction.*
 - *If mitigation factors are necessary, can the lessee provide an up-front lump sum rent payment (e.g. 3 months) to further guarantee financial stability.*

7.6 Additional Implementation Tools

Real Property Disposal & Leasing Landing Page

Creating a landing page on the City's website is likely to increase visibility, clarity and accessibility to information regarding the City's real property policies.

- ▶ Within the Real Estate Services section include hyperlinks or clear sections to help interested parties navigate to information pertaining to real property disposal and leasing.
- ▶ The landing page should be accessible through a simple internet search with key words around the City's real property policies and real estate services.
- ▶ Information pertaining to a revised Real Property Disposition By-law and the City's Municipal Contribution and Risk Assessment should be easily accessible.
- ▶ Additional information pertaining to available leasing opportunities may also be available.

Business Case Requirement

Given the additional risk involved with entering into an agreement to purchase land through the City's priority position within public-sector circulation policies, a comprehensive business case should be assessed before entertaining external proposals before Council. An illustrative table of contents may include the following:

- ▶ Executive Summary
- ▶ Project Details
 - Description of community and/or economic need

- Market research and demand forecast
- Goals/objectives
- ▶ Proponent Summary
 - Detailed history of applicant to demonstrate track record and ability
- ▶ Financial Summary
 - Total facility capital costs (e.g. construction, repairs and maintenance)
 - Assessment of financing options and recommended go-forward approach
- ▶ Risk Analysis
 - Operating, construction, financial, and demand considerations
- ▶ Summary Recommendation and Implementation Plan

Leasing Documentation “Expression of Interest - Leasing Form”

In analyzing comparable municipality policies and procedures the Consultant Team observed the level of ease standard documentation may offer, both in terms of documentation and information accessibility.

Interested parties may view leasing opportunities directly on the real estate landing pages for municipal websites where required form documents are provided such as a “Expression of Interest - Leasing form.”.

Within the form prospective tenants are required to complete the following two sections:⁶⁵

1. Tenant Information: Customer/company information, contact information, and any additional details pertaining to the tenant.
2. Proposed Use and Terms: Tenant use of the property, required area, term, commencement date, and any additional major terms and conditions to disclose to the City.

⁶⁵ City of Toronto, Expression of Interest to Lease City Property Application Form



7. Recommendations



8. Recommendations

Recommendation 1:

The City should develop a Community Benefits Charge Strategy with legislative requirements from Bill 108's changes to the *Planning Act* and *DCA*.

- ▶ Bill 108 significantly alters the City's current financial tools, which includes funding for the acquisition of land for Green Spaces and other municipal services. Acknowledging that impacts to this Land Acquisition Strategy will be significant, full details cannot be understood as of the publication date for this report.
- ▶ It is recommended that the City plan for a further staff report on the impact to findings from this Land Acquisition Strategy following the release of legislation.
- ▶ While existing documents (e.g. ATMP, Vaughan Super Trail) will help guide decision-making and resource allocation under the new Community Benefits Charge framework, subject to the proposed cap on Community Benefits Charge regulations, service levels may be impacted.
- ▶ To the extent possible, up-to-date values for land acquisition should inform any Community Benefits Charge Strategy to ensure accurate cost forecasting in an appreciating market.
- ▶ The City should use the development of a Community Benefits Charge Strategy as an opportunity to revisit service levels across the portfolio of community soft services.

Recommendation 2:

Developing a Greenspace Strategic Plan will help guide the City's acquisition, development, and use of Green Spaces that reflects the current operating and legislative environment.

- ▶ The City may develop policies to consider reduced parkland targets for Regional, Primary & Local Centres where mature, urban densities exist. While local City parks and open space should support minimum service levels, access to city-wide facilities and upgrades to existing parks will serve the unique needs of these new urban growth areas.
- ▶ This strategy may contemplate a flexible system for negotiating the dedication of environmental lands under special circumstances, potentially achieving "win/win" outcomes for both public and private sectors.
- ▶ The City should develop criteria, similar to those illustrated in Figure 15, to evaluate acquisition of non-designated or environmental lands, or the acceptance of off-site parkland dedication.
- ▶ Off-site dedication policies should reflect high -priority areas identified by staff, area-specific requirements (e.g. city-wide connections) and require development agreements to ensure the quality of parkland acquired.
- ▶ The development of POPS guidelines may better position the City to negotiate for the provision of some on-site public space, particularly when negotiating an off-site dedication, with the understanding that POPS would not replace parkland dedication.

Recommendation 3:

The City should prioritize the redevelopment of existing parks and open space trails in high-priority areas over market-rate land acquisition as a means to strategically deploy CIL or CBC funding.

- ▶ Communicated as part of a Greenspace Strategic Plan, this policy approach acknowledges that limitations exist to acquire sufficient land to meet existing or emerging needs, on a fee simple basis, with CIL or future CBC funding tools.

Recommendation 4:

In a proposed Greenspace Strategic Plan, new parks typologies should be explored (e.g. Strata Parks, Greenways) that may inform the City's Official Plan Review process.

- ▶ Through the development of new parks typologies, the City may communicate specific criteria such as minimum width or size as well as desired configurations that provide opportunities for meaningful active and/or passive recreational programming.

Recommendation 5:

Land Acquisition Master Plans for city-wide Green Spaces should be developed that identify lands to serve high-priority areas, acquisition costs, funding alternatives and potential partnerships.

- ▶ Land acquisition master plans may consider a 10-year horizon and identify short-term and medium-term objectives, reviewed and updated every 5-years.
- ▶ This master plan may also assess various combinations of park sizes, typologies, and locations to understand city-wide provision level impact, connectivity high-priority areas, and cost implication that reflect the various land securement options.
- ▶ This study may assess various combinations of park sizes, typologies, and locations to understand city-wide provision level impacts, connectivity to high-priority areas, and cost implications that reflect various land securement options.
- ▶ The following additional strategies and policies may be evaluated as part of this:
 - Acquiring land in high priority areas;
 - Balance reduced parkland provision in new urban growth areas through investment of CIL or CBC in strengthened city-wide Green Space system;
 - Easements and associated caveats to secure public access and municipal use while restricting development on private lands;
 - Consider non-developable land for municipal recreational use (e.g. programmable open space lands, utility corridors) to reduce land acquisition costs;
 - Land swapping and exchange of underutilized City-owned lands;
 - Partnership or donation to appropriate not-for-profit agencies, or land trusts;
 - Dedication transfers within multi-phase developments or between developments; and,
 - Development setback zones on private land to facilitate public access and/or spaces.
- ▶ Illustrative cost analysis indicates trails may be significantly less expensive to develop than traditional, active parkland. Land Acquisition Master Plans should consider potential city-wide service level impacts from the implementation of the Vaughan Super Trail.

Recommendation 6:

Staff guidelines for acquiring non-designated Green Spaces may be implemented to determine how the City will continue providing Green Spaces for high-priority areas of parkland deficiency or new urban growth areas.

- ▶ Identify and indicate an interest in non-designated lands that are potentially significant based on approved master plans based to address the following City priorities:
 1. Parkland to service new urban growth areas
 2. Parkland in priority areas with service level gaps
 3. Lands for city-wide trails, missing links, gap priority areas
 4. City wide land needs for Regional and District Parks
- ▶ The following additional strategies may also be considered:
 - Assess the City's existing land portfolio to identify underutilized properties used for land exchange or deemed surplus with proceeds directed to the Land Acquisition Reserve Fund.
 - Review of parkland provision targets within new urban growth areas and minimum parks provision for existing communities;
 - Review status of recreational provision targets as recommended in approved strategic plans and master plans; and,
 - Review environmental lands with opportunities for passive recreation and public access that reflect a "significant contribution" to existing City-owned Green Spaces.

Recommendation 7:

Enabling the preservation and recycling of land value, the City should establish a Land Acquisition Reserve Fund to provide the City with a tool to more opportunistically acquire municipal land.

- ▶ Further study by Finance should develop a perspective on the potential to direct nominal annual contributions from the City's annual operating budget.
- ▶ Finance and/or Real Estate staff should consult with other municipalities (e.g. Markham) to understand their specific application of the Land Acquisition Reserve Fund.
- ▶ The City should consider, based on historical land appreciation, the advantages of municipal land holding strategies when acquiring land for potentially undefined future municipal purposes.
- ▶ Develop guidelines and priorities that may apply Land Acquisition Reserve Funds to future, undefined municipal uses not necessarily identified in existing master plans.

Recommendation 8:

To recycle and preserve historical land acquisition funds, a Surplus Property Disposition Policy that directs proceeds towards a Municipal Land Acquisition Reserve Fund should be developed.

- ▶ The City should consider developing an official policy that directs proceeds from the sale of surplus property into the Land Acquisition Reserve Fund.

Recommendation 9:

City assets in strategic locations near Regional or Primary centres should be maximized with municipal use intensification, where opportunities exist. Master planning may be required to determine potential future uses.

- ▶ For example, the Joint-Operations Centre has the potential to consolidate multiple uses for greater land efficiencies.
- ▶ The possible relocation of Fire Station 7-2 may provide an opportunity to re-direct historical land acquisitions costs to a Land Acquisition Reserve Fund.

Recommendation 10:

Strengthen the City's robust Natural Heritage and Open Space system through active land securement which prioritizes staff resources using biological criteria and opportunities for potential "value-add" alignment with other City priorities.

- ▶ Discuss opportunities to acquire lands when presented to the City such as the sale of surplus school sites or Crown lands.
- ▶ Through consultation with Policy Planning and Environmental Sustainability, a series of biological indicators of significance were identified that the City may consider to determine the relative priority for land securement.
- ▶ Priority areas with the highest biological value or where value-added opportunities exist may be targeted for land securement efforts and staff may be directed to further investigate.
- ▶ The Conservation and Land Securement Strategy provides recommended approaches to guide the acquisition of lands through landowner contact in addition to detailed analysis of various tools and processes to support land securement.

Recommendation 11:

The City should explore opportunities for partnering with land trusts who that may be are strategically positioned to acquire key parcels of valley corridors and environmentally significant lands, through both purchase and/or donation with tax credits.

Recommendation 12:

Where possible, the City should negotiate for environmentally significant parcels of land and river edge properties prior to urbanization and development. This may require a variety of methods for land securement, including but not limited to letters of intent, agreements to purchase, life interests, partial interests, direct acquisition or direct acquisition through a land trust agency.

Recommendation 13:

The City should update its Land Disposition By-Law to provide clarity to the public on City processes and guidelines in managing real property requests.

Recommendation 14:

Municipal Contribution and Risk Assessments may be used to communicate the City's desired outcomes when evaluating third-party real property requests, including offers received at less than Fair Market Value.

Recommendation 15:

Given risks associated with disposing land acquired through the City's priority position within other public circulation processes, it should be communicated that comprehensive business cases are required prior to entertaining any third-party proposals. Consultation with Legal Services may also be required.

Recommendation 16:

In order to assist with external requests, the City should create a Real Property Disposal & Leasing Landing Page on its corporate website which permits easy navigation of required forms, policies and by-laws related to the receipt of unsolicited real property proposals.

Recommendation 17:

The City should develop a Shared Use Policy which may enable Vaughan to further expand opportunities to deliver enhanced community benefits through co-located services with external partners.

Recommendation 18:

With the preparation of a formal accommodation plan, Vaughan will be equipped to effectively plan for future growth with a firm perspective on expected staff increases, space standards, and alternative workplace strategies.

Recommendation 19:

A Knowledge-Sharing and Inter-departmental Partnership culture would support City departments working together to find solutions for new requirements. The City should promote a forum for on-going discussion of needs to promote cross-department solutions.

7. Appendix

Appendix

8.1 Summary Observations from Internal and External Consultations

In order to better understand the needs and constraints in the current operating environment, the Consultant Team held consultations with internal municipal service departments as well as external consultations with the TRCA, City of Markham, City of Brampton, Hydro One and Infrastructure Ontario to gain further perspective on recommendations.

Key takeaways and lessons learned from internal consultations with City stakeholders include:

- ▶ In non-block plan scenarios, there needs to be a structure or mechanism to ensure acquisitions meet necessary community and service needs.
- ▶ The use of reserve funds requires clarification in order to understand if opportunities exist where multiple fund categories can be utilized for specific capital requirements.
- ▶ Currently, there is no funding structure (through current funding streams such as DC's or CIL) to allow for the acquisition of land in advance of long-term future development.
- ▶ Given the City's high-growth environment, a framework for communicating area-specific community benefit priorities during negotiations may better position the City to capitalize on development bonusing agreements.
- ▶ The current use of funds (e.g. CIL) and whether an opportunity exists to utilize certain funds for other purposes (i.e. for park redevelopment or land acquisition).
- ▶ In areas of urban growth and intensification, the City needs strategies regarding the collection of funds (e.g. CIL) and parkland dedication to ensure investments are appropriately connected to areas of development.
- ▶ Increased focus on strategic development planning in areas of intensification may be required to ensure balanced core community service benefits.
- ▶ Enabling strategies for the City to acquire land for a large Regional Park (e.g. NW Vaughan), District Parks and major trail segments to serve priority areas as follows:
 - 1) Parkland in new urban growth areas;
 - 2) Parkland in priority areas with service level gaps;
 - 3) Land for open space trail within gap/priority areas; and,
 - 4) City-wide lands needed for Regional Park and District Parks.
- ▶ City stakeholders agreed the timing of municipal land interest acquisitions may be analyzed to understand potential benefits of strategically acquiring lands in advance of new development activity.
- ▶ Capital requirements and operating requirements need to be coordinated.

8.2 Review of Comparable Municipalities' Parkland Dedication Policy

City of Markham ("Markham")

Markham undertook a detailed review of their approach to parkland dedication starting in late 2011, with subsequent reports to Council in 2013. The final report included a number of recommendations, designed to align Markham's approach to parkland dedication with their Official Plan, which recognizes the shift from suburban-based growth to intensification characterized by greater height and density in key areas. Recommendations included:⁶⁶

- ▶ That Markham continue to assess parkland dedication based on population, rather than a number of dwelling units.
- ▶ That Markham continue with a cap for medium and high-density development of 1.2 ha/1000 persons. At higher densities, this results in an under-dedication when compared with the *Planning Act* permission for 1 ha/300 dwelling units (i.e. there are more units in a high-density development, but fewer people per unit)
- ▶ That Markham implement a graduated scale of parkland dedication for apartments with a Floor Space Index ("FSI") of 3.0 or greater (within Intensification Areas identified in the City's Official Plan), which is outlined in Figure 9.

The Reports produced by Markham's consultant and subsequently by staff recommended a specific approach for development within its planned intensification areas. The approach effectively reduced the CIL of parkland rate as the density of the development increased, as outlined in Figure 9.

Figure 9: Markham's Proposed CIL Graduated Scale Policy⁶⁷

<i>Portion of Development</i>	<i>Proposed Dedication Rate (If land is conveyed)</i>	<i>Proposed Parkland (if CIL is paid)</i>
> 3.0 FSI	1.2 ha / 1000 persons	100% valued at Urban Land Value
3.0 - 6.0 FSI	1.2 ha / 1000 persons	70% valued at Urban Land Value and 30% valued at Rural Land Value
> 6.0 FSI	1.2 ha / 1000 persons	35% valued at Urban Land Value and 65% valued at Rural Land Value

Markham also recommended that consideration be given for "land banking." With this approach, the City was supportive of taking CIL funds from intensification areas, and using those funds to purchase lands within the suburban and rural areas in order to "achieve a fair distribution of parkland throughout the Markham."

⁶⁶ City of Markham, *Recommendation Report: Review of Parkland Dedication By-law*. (June 2013)

⁶⁷ City of Markham, *Recommendation Report: Review of Parkland Dedication By-law*. (June 2013)

Town of Richmond Hill ("Richmond Hill")

Richmond Hill approved a new Parkland By-law in 2018, which proposed changes from the uniform application of how parkland dedication requirements were calculated across property types. The By-law has a formula for calculating parkland dedication requirements for residential uses, based on the unit type and number of units.

For CIL payments, Richmond Hill's Commissioner of Corporate and Financial Services is authorized to establish the value of the land for the purposes of calculating any required payment. Generally, dedication requirements are calculated as the lesser of the following:

- ▶ 1 hectare of land for each 300 Dwelling Units proposed for development or redevelopment; or
- ▶ 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.

Richmond Hill exempts "Special Residential Use" (e.g. home for the aged) and Institutional uses (e.g. educational, religious uses) from parkland dedication requirements. Both terms are defined in the By-law.

City of Brampton ("Brampton")

Brampton approved their Parkland Dedication By-law in 2000 and it has been periodically updated, most recently in 2018. Brampton takes a standard approach for parkland dedication, consistent with the *Planning Act*:

- ▶ For Residential development, 5% of the land being developed or redeveloped or 1 hectare for each 300 dwelling units, whichever is greater;
- ▶ For Commercial, Industrial and Institutional development, 2% of the land being developed or redeveloped
- ▶ All other development, 5% of the land.

For CIL of parkland, Brampton uses a city-wide average land value. Established by the City, the land values reflect different housing types (e.g. single-detached, row house, industrial). The land values are reviewed annually by Brampton, via an appraisal, on or before January 1 in each calendar year. For residential development or redevelopment subject to site plan control (some rowhouse and all apartment developments), Brampton imposes a "cap" on the CIL contribution as follows:

- ▶ The CIL contribution shall not exceed the greater of 10% of the value of the Net Area of the Lands or \$3,500 per residential unit (indexed annually).

Brampton has also developed a Standard Operating Procedure for plans of subdivision that provide CIL of parkland. The Procedure sets out how the values for the different residential lots are calculated (they are based on saleable lot frontage), as well as when the appraisal (prepared by the developer to the City's satisfaction) and CIL funds are to be provided. This approach applies when the City accepts CIL of parkland for new plans of subdivision.

City of Ottawa ("Ottawa")

In addition to a Parkland Dedication By-law, Ottawa has developed a *CIL of Parkland Funds Policy*. The Policy has several main objectives, including:

- ▶ To identify the purposes for which funds, in the city's CIL of parkland accounts, may be used
- ▶ To ensure that funds in CIL accounts are only used for eligible projects
- ▶ To ensure that funds accumulated in CIL accounts associated with an individual Ward are used only for eligible projects in that Ward unless two or more of the Ward councillors agree to contribute to a common project that benefits one or more of the Wards.
- ▶ To identify the circumstances under which Senior Staff and Ward Councillors have delegated authority from Council to access and use funds in CIL accounts.

Generally, when Ottawa collects CIL funds, they split the funds between the Ward in which the development occurs (60% of the funds) and a city-wide account (40% of the funds). The policy also includes some key directions regarding the use of CIL funds, including:

- ▶ CIL accounts cannot be used in a manner that could result in negative balances at any time. Projects selected to be paid from CIL accounts must not have the potential to exceed available funds in the account at the time the project is chosen.
- ▶ CIL funds collected shall not be used to offset, or as a substitute for, normal yearly budgets for parks and recreation growth, repair or renewal. The CIL funds are to be viewed as supplemental to regular budgeting to support more projects or projects with larger scopes than would have been possible using regular budgets.

Finally, and of particular relevance to the City, the Policy defines what projects are deemed "eligible" to receive CIL funds. These include:

- ▶ Acquisition of land for public park and natural heritage purposes.
- ▶ Capital projects for the development of new public parks which may include any associated site preparation and drainage; the provision of park facilities, such as play equipment, sports fields and pathways; or the provision of recreation facilities, such as community centres, indoor pools and arenas;

- ▶ Capital projects to increase the capacity of existing public parks and/or recreation facilities to accommodate more intensive public use; the provision of additional park facilities, for example play equipment, splash pads and site furniture; and/or the provision of additional recreation facilities, for example the expansion or upgrading of program spaces in community centres, indoor pools and arenas.
- ▶ The non-growth component of growth-related capital projects, for Parks Development and Recreation Facilities, identified in the Ottawa's Charges Background Study.
- ▶ Projects for repair, renewal and lifecycle replacement in relation to fixed recreation and park assets and the total project costs (planning, design and implementation) associated with these works.
- ▶ Projects within prioritized forecasts or work plans of scheduled works identified as part of renewal planning and programming undertaken in accordance with Ottawa's Comprehensive Asset Management Policy but unfunded as part of the current year's normal budget, may be brought forward for implementation using CIL funds, but require no pay-back from future renewal budgets.

Ottawa's approach to the use of CIL of parkland funds is focused, and in particular, recognizes the need to use such funds to increase the capacity of existing parks. This will be of particular importance to Vaughan as intensification continues limiting the ability to create brand new parks in favour of the enhancement/expansion of existing City parks that can support intensification area and changing demographic needs.



City of Toronto ("Toronto")

Unlike the other municipalities in the GTA (and Ontario in general), Toronto operates under different legislation; The City of Toronto Act, rather than the Municipal Act. Toronto regulates the conveyance of land for park purposes through the Toronto Municipal Code (Chapter 415, Article III).

The Code identifies and defines "Parkland Acquisition Priority Areas", which are also identified on Schedules attached to the Code and by land use designation in the Official Plan (Employment Areas that are converted to residential uses, Mixed-Use Areas and Avenues).

Parkland Acquisition Priority Areas are subject to the Toronto's "Alternative Parkland Dedication Rate." The alternative rate is 0.4 hectares for each 300 dwelling units, provided that:

- ▶ For sites less than one hectare, the parkland dedication will not exceed 10 percent of the development site;
- ▶ For sites one hectare to five hectares, the parkland dedication will not exceed 15 percent of the development site;
- ▶ For sites greater than five hectares, the parkland dedication will not exceed 20 percent of the development site.

Where CIL of parkland is accepted, the same alternative rates would apply. The Code also includes direction regarding the allocation of CIL funds, similar to the Policy used by Ottawa. For Toronto, the funds are to be allocated as follows:

- ▶ 50 percent of the funds are to be used for the acquisition of lands for parks and recreation purposes, further subdivided as follows:
 - 50% to acquire parkland within the district where the funds were generated; and
 - 50% to acquire parkland throughout the City.
- ▶ 50 percent of the funds are to be used for the development of parks and recreation facilities, further subdivided as follows:
 - 50% to develop and upgrade parks and recreation facilities within the district where the funds were generated; and
 - 50% to develop and upgrade parks and recreation facilities throughout the City.

Community Councils are permitted to request, through the Budget Committees, that all of the funds collected be utilized within the district where the funds were generated.

In addition to a comprehensive CIL policy, of particular relevance to Vaughan, is Toronto's approach to off-site parkland dedication. Toronto permits off-site dedication, where on-site parkland is not feasible. Off-site dedications are required to be accessible to the area where the development site is located, and reflect the following three (3) attributes:

- ▶ Be a good physical substitute for any on-site dedication;
- ▶ Be of equal value to the on-site dedication that would otherwise be required;
- ▶ Be agreeable to both the City and the applicant.

Toronto requires appraisals to determine the value of land. The appraisals are carried out by the City's Executive Director, Facilities and Real Estate. The cost of the appraisal is borne by the applicant/owner.

Rather than accepting off-site parkland dedication anywhere in the city, Toronto requires that any off-site dedication be *accessible to the area* experiencing the development. Maintaining a geographic relationship between the parkland and the development is a key component of ensuring Toronto continues to provide sufficient park spaces for its residents.

8.3 Review of Comparable Jurisdiction's Approach to Real Property Transactions

In order to assess the level of detail and limitations of the City of Vaughan's current real property disposition policy EY conducted desktop research on existing real property policies from other comparable municipalities across Ontario.

The following additional policy documents and guidelines were assessed:

- York Region, Sale and Other Disposition of Regional Lands Policy
- City of Ottawa, Real Property Policies and Procedures, Disposal of Real Property Policy
- City of Guelph, Policy for the Sale and Disposition of Real Property Interests

- City of Mississauga, Acquisition and Disposal of Interests in Real Property,
- Ontario Regulation 444/98, Disposition of Surplus Real Property
- York Region District School Board circulation policy

Outlined on the following pages is a summary of observations from our desktop review.

Summary of Observations from Jurisdictional Scan	
Third-Party Inquiries	<p><u><i>The Regional Municipality of York</i></u>⁶⁸</p> <ul style="list-style-type: none"> ▶ Upon receiving a third-party inquiry will ascertain from any department currently using the lands whether the lands are required for current or future needs. This inquiry is not required with respect to the same lands more than once every two (2) years. ▶ If the lands are deemed not required by municipal departments operational requirements, the internal circulation process will commence on the lands. ▶ If a third-party inquiry initiated the disposition process, no due diligence will be undertaken until a \$500 deposit is paid. <p><u><i>The City of Ottawa</i></u>⁶⁹</p> <ul style="list-style-type: none"> ▶ The City of Ottawa's policy on the acquisition and disposal of real property does not outline procedures as it pertains to third-party inquiries. <p><u><i>The City of Guelph</i></u>⁷⁰</p> <ul style="list-style-type: none"> ▶ The City of Guelph's policy on the sale and disposition of real property does not outline procedures as it pertains to third-party inquiries. <p><u><i>The City of Mississauga</i></u>⁷¹</p> <ul style="list-style-type: none"> ▶ The City of Mississauga's policy on the acquisition and disposal of interests in real property does not outline procedures as it pertains to third-party inquiries.
Pre- Disposition Due Diligence	<p><u><i>The Regional Municipality of York</i></u>⁷²</p> <ul style="list-style-type: none"> ▶ Identify any encumbrances that could impact the lands' appraised value or marketability, restrain their sale, or require the consideration of a third party's rights in the lands including any legislative, policy, and title matters. ▶ Identify if any risks to the Region, environment, or public because of disposing of the lands, including risks from the environmental condition of the lands. ▶ Due diligence activities required on determining the environmental condition of the lands include; reviewing records and environmental databases, a phase one environmental assessment, a substance survey in accordance with O. Reg 490/09, as well as further investigations as appropriate including a phase two environmental site assessment.

⁶⁸ Clause 18, Report 7, Sale and Other Disposition of Regional Lands Policy, York Region, Pages 1-16

⁶⁹ City of Ottawa, Real Property Policies and Procedures, Page 1-16

⁷⁰ City of Guelph, Policy for the Sale and Disposition of Real Property Interests, Page 1-7

⁷¹ City of Mississauga, Acquisition and Disposal of Interests in Real Property, Page 1-16

⁷² Clause 18, Report 7, Sale and Other Disposition of Regional Lands Policy, York Region, Pages 1-16

Summary of Observations from Jurisdictional Scan	
	<ul style="list-style-type: none"> ▶ Not required to state whether certain lands are available for disposition more than once every two years rather than each time a request to acquire lands is received". ▶ The definition of "Disposition" has been revised to include the exchange or donation of lands. <p><u>The City of Ottawa⁷³</u></p> <ul style="list-style-type: none"> ▶ Once identified as surplus, the parcel register shall be obtained to identify if there are any legal impediments preventing the disposition. ▶ A notice of proposed non-viable real property will be provided to abutting landowners. ▶ The City's Corporate Real Estate Office ("CREO) conduct a thorough review to determine if an independent environmental site assessment is required prior to the disposal of the property. ▶ Under general policy requirements it is stated; "All City-owned Real Property is not a corporate asset of any individual department. Monies received from the Disposal of any Real Property shall be deposited to the City's Sale of Surplus Land Account, unless otherwise directed by City Council or as stipulated by the Affordable Housing Land and Funding Policy". <p><u>The City of Guelph⁷⁴</u></p> <ul style="list-style-type: none"> ▶ Under notice clauses; "All Real Property Interests of the Corporation are assets of the City and are not owned by any individual department. Monies arising from the disposition of any Real Property Interests shall flow to the managing department except in the following instances; Net proceeds from the sale of industrial lands will go to the Industrial Land Reserve, and monies from the disposition of parkland will go to the Parkland Reserve." ▶ Determine if any utility easements exist in the surplus real property and resolve any needs or issues with the utility companies. ▶ Permanent easements granted to any municipality, government authority, public utility, electricity distribution company, power generation company, telephone company or similar entity, as well as temporary easements for a period of twenty-one (21) years or less are exempt from the appropriate disposal procedures and deemed not generally marketable. ▶ Report in-camera the results of the appraisal and recommendations to council prior to marketing the surplus property. <p><u>The City of Mississauga⁷⁵</u></p> <ul style="list-style-type: none"> ▶ Circulate to utilities providers to determine if easement protection is warranted prior to the sale of the property.

⁷³ City of Ottawa, Real Property Policies and Procedures, Page 1-16

⁷⁴ City of Guelph, Policy for the Sale and Disposition of Real Property Interests, Page 1-7

⁷⁵ City of Mississauga, Acquisition and Disposal of Interests in Real Property, Page 1-16

Summary of Observations from Jurisdictional Scan	
	<ul style="list-style-type: none"> ▶ Areas identified as environmentally sensitive or natural areas will be transferred to appropriate organizations and identified through the planning and building department. ▶ If deemed applicable, initiate an environmental investigation in consultation with Environmental Services, Transportation and Works Department, and the client department and undertake remediation efforts as required.
Purchase and/or Lessor Due Diligence	<p><u>The Regional Municipality of York⁷⁶</u></p> <ul style="list-style-type: none"> ▶ In the acceptance of offers, no land shall be disposed of that exceeds \$500,000 of the appraised value or makes up less than 90% of the appraised value unless otherwise approved by Council. ▶ Updated reporting standards stating that the Director of Property Services must report the sale or disposition of lands to the Controllershship Office within thirty (30) days. ▶ Updated due diligence standards include revisions stating any land parcel with environmental impacts are to be remediated prior to disposition of the property. ▶ No land shall be disposed of where the appraised value exceeds \$500,000 until council approval. <p><u>The City of Ottawa⁷⁷</u></p> <ul style="list-style-type: none"> ▶ Any transfer of real property to the Ottawa Community Lands Development Corporation must be approved by council. ▶ The method of disposal is determined based on maximizing the social, economic, environmental, and cultural return to the City and takes into consideration viability, expression of interest from external circulation, market conditions, and availability of resources. <p><u>The City of Guelph⁷⁸</u></p> <ul style="list-style-type: none"> ▶ Staff shall identify any terms and conditions of the sale or other disposition. ▶ Report in-camera an information report with the results of the process, negotiations, and details of the proposed agreement to council. <p><u>The City of Mississauga⁷⁹</u></p> <ul style="list-style-type: none"> ▶ City of Mississauga: Prior to the city entering into a lease or limited interest agreement with another party there needs to be written clearance from all affected city departments to ensure that there are no municipal needs prior to offering up the property. ▶ When entering into leases and limited interest agreements priority is given to service clubs or groups affiliated with the city. When considering which groups to use consideration is given based on the following factors: Number of years in operation; Area where the group provides services; Scope, magnitude and

⁷⁶ Clause 18, Report 7, Sale and Other Disposition of Regional Lands Policy, York Region, Pages 1-16

⁷⁷ City of Ottawa, Real Property Policies and Procedures, Page 1-16

⁷⁸ City of Guelph, Policy for the Sale and Disposition of Real Property Interests, Page 1-7

⁷⁹ City of Mississauga, Acquisition and Disposal of Interests in Real Property, Page 1-16

Summary of Observations from Jurisdictional Scan	
	<p>types of services offered; Ability of the group to operate without financial assistance in the short term and long term from the city; Total costs and benefits from assisting the group; The extent to which the group participates in commercially oriented activities; Recommended by the Manager.</p> <ul style="list-style-type: none"> ▶ All tenants or licensees of City property will be required to execute an agreement prepared by legal services. Any additional licenses, permits, or approvals required for operation must be obtained by the tenant or licensee. ▶ All applicable fees and charges recoverable under the City's Fees and Charges By-Law as well as all other reasonable fees, costs, and expenses incurred by the City will be recovered from the purchaser on or before the closing date. ▶ If an offer is received from another level of government, board or authority and the City disagrees with the purchasers determined market value the City may either elect to have the property appraised by a third party or start negotiating with the next purchaser in priority order. ▶ Surplus property may be sold to city employees, elected officials, or members of their families provided all policies, procedures, and by-laws are satisfied. ▶ Impact assessments will be conducted on the heritage nature of the structure and capital costs required for occupancy. If a group occupies space at nominal rates and does not fully utilize the space, they may be required to share the space with another group.
Marketing Process	<p><u>The Regional Municipality of York⁸⁰</u></p> <ul style="list-style-type: none"> ▶ Lands will be classified as general market demand or limited market demand where general market demand will be lands of interest to many potential purchasers. Lands with limited market demand will not be offered on the open market. ▶ Updated public notice provisions stating that when sale information is posted on the property and published in local newspapers that the proposed date of sale, name and contact information of the party managing the sale are to be clearly outlined. ▶ When listing lands for sale through a licensed Real Estate Broker the lands must be listed on the Multiple Listings Service (MLS) for a minimum period of fourteen (14) days and the list price of the lands must be equal or higher than the appraised value. ▶ When disposing of lands through a public tender or auction the reserve bid must be set at an amount equal or higher than the appraised value. <p><u>The City of Ottawa⁸¹</u></p> <ul style="list-style-type: none"> ▶ Real property proposed for disposal will first be classified as viable or non-viable, where non-viable property is defined as real property where a building permit cannot be granted due to size and shape constraints. An exception can be made if developed in conjunction with abutting land.

⁸⁰ Clause 18, Report 7, Sale and Other Disposition of Regional Lands Policy, York Region, Pages 1-16

⁸¹ City of Ottawa, Real Property Policies and Procedures, Page 1-16

Summary of Observations from Jurisdictional Scan	
	<ul style="list-style-type: none"> ▶ Prior to the disposal of any viable real property a notice shall be provided to the public by either on-site signage for at least ten days, or through the City website. <p><i>The City of Guelph</i>⁸²</p> <ul style="list-style-type: none"> ▶ Surplus property will be classified as either generally marketable or not generally marketable where generally marketable means land that can potentially be developed independently and likely attract more than one buyer if offered for sale on the open market. ▶ Notice to the public is not required for a proposed sale or disposition on not generally marketable property. ▶ Real property may be sold by public tender, call for proposal, listing with a real estate agent firm or broker, auction, sole source, land exchange agreement, agreement of purchase and sale, or in any other manner Council deems appropriate. <p><i>The City of Mississauga</i>⁸³</p> <ul style="list-style-type: none"> ▶ Methods of disposal include a complete bid process, direct sale, land exchange, and real estate multiple listing service through a licensed real estate broker. ▶ In securing a tenant for a lease or limited interest agreement methods include a public call for bids via tender or proposal, using a realtor, or negotiating with a specific tenant.
Appraisal Requirements	<p><i>The Regional Municipality of York</i>⁸⁴</p> <ul style="list-style-type: none"> ▶ If the value of the lands is estimated to be over \$100,000 an appraisal from an appraisal prepared by a qualified appraiser accredited or certified with the Appraisal Institute of Canada is required. If estimated to be \$100,000 or less an appraisal may be prepared by a qualified Regional staff member or an independent qualified appraiser. <p><i>The City of Ottawa</i>⁸⁵</p> <ul style="list-style-type: none"> ▶ Policy requirements section indicates that real property may be disposed of at less than market value if it is in the best interest of the City to do so. ▶ At least one appraisal estimating market value shall be obtained. If an appraisal estimates market value at one million dollars (\$1,000,000) or greater for a piece of real property then a second appraisal report is required. <p><i>The City of Guelph</i>⁸⁶</p> <ul style="list-style-type: none"> ▶ All real property interest considered for disposition must obtain at least one (1) independent appraisal.

⁸² City of Guelph, Policy for the Sale and Disposition of Real Property Interests, Page 1-7

⁸³ City of Mississauga, Acquisition and Disposal of Interests in Real Property, Page 1-16

⁸⁴ Clause 18, Report 7, Sale and Other Disposition of Regional Lands Policy, York Region, Pages 1-16

⁸⁵ City of Ottawa, Real Property Policies and Procedures, Page 1-16

⁸⁶ City of Guelph, Policy for the Sale and Disposition of Real Property Interests, Page 1-7

Summary of Observations from Jurisdictional Scan	
	<ul style="list-style-type: none"> ▶ Obtain or prepare an appraisal for real property deemed not generally marketable. <p><u>The City of Mississauga⁸⁷</u></p> <ul style="list-style-type: none"> ▶ The requirement to declare surplus property does not apply to a leased portion of a city owned building for more than forty-nine (49) years. ▶ All disposals are subject to an appraisal except in the following: reserves of 0.3 metres (1 foot) or less in with, stopped-up highways and walkways, landlocked properties, property acquired under Section 42 of the Expropriations Act if being sold to the original owner, abandoned cemeteries, sales to public bodies, and sales to private bodies where the value is deemed less than \$50,000. ▶ Real Property must be disposed of at minimum 90% of market value unless an exception has been approved by council. ▶ Sales to private sector entities where the value is less than \$50,000 are also exempt from appraisals (as determined by the Manager).
Acceptance of Less than FMV	<p><u>The Regional Municipality of York⁸⁸</u></p> <ul style="list-style-type: none"> ▶ No land shall be disposed of for less than 90% of the appraised value unless approved by council. <p><u>The City of Ottawa⁸⁹</u></p> <ul style="list-style-type: none"> ▶ Not outlined <p><u>The City of Guelph⁹⁰</u></p> <ul style="list-style-type: none"> ▶ City council may authorize the sale or disposition of real property interests at any price by City council if it is deemed in the best interests of the City to do so. <p><u>The City of Mississauga⁹¹</u></p> <ul style="list-style-type: none"> ▶ Leases and limited interest agreements are given at market rent rates, a nominal rent (\$2.00) or a reduced rate may be considered on the following factors: With another level of government, a reciprocal or shared use agreement exists, the agreement is with a not-for-profit organization that compliments and supplements city services.
Internal Circulation	<p><u>The Regional Municipality of York⁹²</u></p> <ul style="list-style-type: none"> ▶ Only the local municipality in which the lands reside will be notified of surplus lands. Public Works and Government Services Canada will no longer be notified. Where appropriate other levels of government and public authorities will have the chance to acquire surplus lands.

⁸⁷ City of Mississauga, Acquisition and Disposal of Interests in Real Property, Page 1-16

⁸⁸ Clause 18, Report 7, Sale and Other Disposition of Regional Lands Policy, York Region, Pages 1-16

⁸⁹ City of Ottawa, Real Property Policies and Procedures, Page 1-16

⁹⁰ City of Guelph, Policy for the Sale and Disposition of Real Property Interests, Page 1-7

⁹¹ City of Mississauga, Acquisition and Disposal of Interests in Real Property, Page 1-16

⁹² Clause 18, Report 7, Sale and Other Disposition of Regional Lands Policy, York Region, Pages 1-16

Summary of Observations from Jurisdictional Scan

- ▶ New conflict of interest provisions stating council members, officers, and staff can purchase regional lands if all requirements of the policy met and the transaction is open, public and transparent.
- ▶ A circulation notice shall include a description of the lands, location info, as well as all legal information; the existing and permitted uses of the lands, any funding agreements, licenses and joint-use agreements affecting the lands; any third-party interests and third party's intended use of the lands; and the date at which expressions of interest are to be received, which is 30 days from the date of notice.

The City of Ottawa⁹³

- ▶ Prior to declaring surplus lands, lands in question will be circulated to City departments, the ward Councillor, and utility agencies to determine if a current or future need exists.
- ▶ City departments will have twenty (20) working days to provide written requirements or comments in response to an internal circulation. If a requirement by a City department is identified for a City-mandated program, the department will have three (3) months to demonstrate the fiscal and operational viability of the use and the availability of funding in that department's long-term financial plan.
- ▶ If interest is expressed from multiple City departments, an ad-hoc committee will be made up from each client department to determine the best use of the property.
- ▶ If no requirement is expressed internally an external circulation is delivered with interested parties given twenty (20) working days to submit written interest to acquire the property. The public parties included in the external circulation include but are not limited to the federal and provincial governments, school boards, and conservation authorities.

The City of Guelph⁹⁴

- ▶ Prior to disposal must obtain clearances from all City departments, designated affordable housing providers and other outside providers deemed appropriate.
- ▶ Notice to the public of a proposed sale or disposition of generally marketable lands will be given in a publication in the newspaper in the City of Guelph and not less than five (5) business days prior to a council decision.

The City of Mississauga⁹⁵

- ▶ Before a surplus property declaration can be granted clearances are obtained from appropriate city departments, affordable housing providers, as well as circulation to outside agencies.

⁹³ City of Ottawa, Real Property Policies and Procedures, Page 1-16

⁹⁴ City of Guelph, Policy for the Sale and Disposition of Real Property Interests, Page 1-7

⁹⁵ City of Mississauga, Acquisition and Disposal of Interests in Real Property, Page 1-16

Summary of Observations from Jurisdictional Scan

	<ul style="list-style-type: none"> ► Priority of surplus property offerings is given in the following order; Federal Government, Provincial Government, Regional Municipality, Local School Boards, Recognized Authorities.
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8.4 Methods for Natural Heritage Land Securement⁹⁶

The following definitions/discussion pertaining to various land securement methods have been taken directly from the City's 2014 Conservation Land Securement Strategy:

Gratuitous Dedication

In this instance, a developer dedicates land within a development proposal as a condition of approval of the application. This will usually result in a dedication of valley lands already in the floodplain with minimal tablelands. The City is most familiar with this method as it pertains to protecting environmental lands. It is also reactionary because it results from the City's approval of a development proposal. Strategic land securement proactively makes contact with landowners owning lands of key importance prior to any applications for land subdivision and development, and uses one of the following land securement tools.

Fee Simple (Donation or Purchase)

Fee simple is the transfer of the total interest in a property and is the most effective method of natural area protection. In this scenario, the recipient acquires complete control of management and rights to the property by holding title. Property can be acquired either by purchasing or receiving as a donation.

Partial Taking/Direct Conveyance

This is an acquisition of only part of a property. For example, if a landowner has a residence, he/she may be willing to dispose of the majority of the property while retaining the residence and amenity area. The advantage to this method is that usually the part of the property severed for conservation purposes does not include the bulk of the value of the property. For example, a landowner could retain a residential lot and acreage around their residence, and retain the majority of the value of the property. The land severed is then owned and managed by the recipient and the landowner benefits from living adjacent to publicly owned lands, for which they no longer have to manage or be liable for.

In addition, if the landowner wants to sell the property in the future, they have a much more manageable property to sell and will have ultimately increased the number of potential buyers. Further, a landowner may also retain a Life Interest Agreement to use the severed portion (e.g., for hiking) for a specified term. See below for more information on Life Interest Agreements.

In some cases, landowners will want to donate or sell the entire parcel to the recipient. In the case of a sale, the recipient may want to recover some of the purchase price by severing and selling off a portion of the developable property. It is advisable to negotiate a long closing date to have sufficient time to market the developable lot and aim for a simultaneously closing.

⁹⁶ City of Vaughan, *Conservation Land Securement Strategy*. (2014)

Bequests

Landowners may elect to provide for a gift of land in their Will – perhaps as a personal or family legacy. The main benefit of arranging a bequest is that there is no cost during the landowner's lifetime. A bequest can be cost effective from a tax perspective against the estate. (Note: Donation only)

Life Interest Agreement/Lease Back Arrangement

When the vendor/donor wishes to retain an interest in the property, they can enter into either a Life Interest Agreement or a Lease Back Arrangement. In either case, the land can be donated, purchased or split-receipted. The value of the retained interest would be determined by a qualified appraiser. The agreement would specify a set term or would continue as long as the vendor resides on the subject property.

For example, if an agricultural landowner wished to continue their farming operations and this type of agreement would allow for the securement of lands after a specific period of time and/or milestone date.

Split Receipt

A split receipt can be viewed as either a donation of land (or easement) with cash consideration back to the donor, or a purchase of land with a donation of land value in cash back to the purchaser. Essentially, the vendor agrees to sell the property at less than market value. Through the Ecogifts Program, the donated portion must be a minimum of 20% of the appraised value to qualify for a split receipt. Conversely, the landowner cannot receive more than 80% in cash.

Trade Lands

Trade lands are similar to donations where a landowner wishes to donate or bequeath their property to the municipality; however, in these instances the property does not contain any significant environmental features. Where the Region or a partner is willing to accept such a donation, the property would be sold with the proceeds being directed into land securement of ecologically significant lands or other land conservation areas as directed by the donor.

Exchanges

Landowners who own property within a valley system, flood plain, or environmentally sensitive feature may exchange their parcel with a less environmentally sensitive area, usually within the higher, drier tableland. These arrangements may bring funds, which can be used to acquire additional conservation lands. While these transactions traditionally consist of the exchange of fee simple interests, they can consist of any combination of property interests. Note that land exchanges are not necessarily acre for acre. Any exchange would be based on appraised value as valley lands would not be valued the same as developable tableland.

Transfers

Public landholding agencies such as the Ontario Realty Corporation (ORC), municipalities, conservation organizations or land trusts could decide to transfer environmentally sensitive lands or ask an organization to be a backup holder for their lands if the agency were to cease to exist in the future. These lands could either be fee-simple title or partial interest (e.g., conservation easement agreement). These types of transfers could only occur if the recipient organization is willing to accept the lands, and the lands meet the organization's criteria. The agency looking to transfer title may require the recipient organization to sign a landholding agreement or transfer agreement to ensure that the lands are properly managed in perpetuity. It would be prudent for the recipient of transferred lands, or contingency holder,

to only accept the land if the agency transferring can offer complete and accurate files and stewardship funds available as part of the transfer.

Option to Purchase and Right of First Refusal

An 'option to purchase' is a contract that allows the recipient to buy a property at a set price for a stipulated period. It is a written contract by the landowner to sell the property and not withdraw this offer during the identified term. The recipient pays a fee for this option. This mechanism is often used by a conservation group as a means of 'buying time' in an attempt to acquire a specific piece of land - presenting an ideal opportunity to fundraise for the purchase costs. This is an agreement between a landowner and the recipient, or other prospective buyer, which gives the recipient an opportunity to match any third party offer to buy a property. It sets out the conditions of sale and is registered on title. This method is considered an interim measure and can be an effective tool to use when negotiations have been halted (e.g., unacceptable appraised value). It can also afford time for the recipient to purchase a property that already has a conservation easement agreement in cases where the recipient decides they would rather hold title than enter into a conservation easement agreement.

The 'right of first refusal' is another method used to discourage competing potential buyers (e.g., developers). The holder of the first rights has priority and therefore maintains some leverage against other potential buyers. There is a fee associated with this method.

Conservation Easement Agreements

Conservation easement agreements (or conservation agreements) are legally binding agreements registered on title whereby the landowner transfers specific rights, such as the ability to create building lots or cut trees, to an easement holder. Depending on how the agreement is composed, the easement holder may have the right and responsibility to monitor the property (thus the term "easement") and ensure landowner compliance with the terms of the conservation agreement. If no easement is granted under the agreement, the agreement can be simply referred to as a restrictive covenant.

8.5 Report Image Credits

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