

Committee of the Whole (Working Session) Report

DATE: Wednesday, February 9, 2022

WARD(S): ALL

TITLE: PARKLAND DEDICATION GUIDELINE STUDY

FROM:

Vince Musacchio, Deputy City Manager, Infrastructure Development

ACTION: DECISION

Purpose

To present the results of the Parkland Dedication Guideline Study (the “Study”) prepared by staff and the project consultant, The Planning Partnership, for Council’s consideration as staff prepare a new Parkland Dedication By-law.

Report Highlights

- Changes to the Planning Act regarding parkland dedication and the collection of community benefits (Section 37) require the City to have a new Parkland Dedication By-law in place by September 2022;
- The Parkland Dedication Guideline Study is a comprehensive project to support development of a new by-law and includes 54 considerations developed with input from internal and external stakeholders as well as a jurisdictional scan of GTA municipalities (Attachments 1 and 2);
- An on-line survey was conducted between April 19 to May 3, 2021 to engage Vaughan citizens with approximately 300 residents participating/responding;
- The Study will assist the City in achieving its parkland goals through a process that includes principles and objectives of fairness, equity, consistency and transparency; and
- Key items for consideration include: providing more certainty for parkland dedication through the development approvals process, prioritizing land dedication over payment of cash-in-lieu, permitting off-site parkland dedication at the City’s discretion; consideration of new park typologies, and new financial model for acquisition of land, park enhancements, and park redevelopment.

Recommendations

1. THAT staff develop a new Parkland Dedication By-law using the considerations presented and discussed, and report back before the end of Q2 2022 with final recommendations and a new by-law for Council's consideration and approval.

Background

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

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

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

The City retained The Planning Partnership to lead the Study to provide a comprehensive analysis of existing policies and procedures, stakeholder consultations, and jurisdictional scans of other municipalities

In May 2020, the City retained consulting firm The Planning Partnership to lead the Study process. The Study includes the review, research and analysis of the City's existing parkland conveyance policies and procedures, and presents a series of ideas and concepts for consideration which will assist the City in the implementation of a revised approach towards parkland dedication in an effort to meet the City's parkland objectives and planned urban structure to 2051.

The Study includes the following four goals:

1. To provide a **comprehensive document** for dedication, payment and use of cash-in-lieu;
2. To provide a **set of guidelines** for consideration that incorporate best practices for dedication, payment, and the use of cash-in-lieu;
3. To ensure that the **guidelines are responsive** to the needs of existing communities and areas of growth; and
4. To provide direction to **address long-term needs** with changes to land needs allowing for flexibility in parks design and use.

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

The Study was divided into 5 distinct tasks with the results being presented in this report for Council's consideration leading to development of a new Parkland Dedication By-law

- **TASK 1: CURRENT STATE ANALYSIS – Q3 2020
(COMPLETE)**
 - *Phase I – Background Review: Real Estate, Finance & Parks Planning Data*
 - *Phase II – Background Review: Planning and Corporate Documents*
 - *Phase III – Benchmark Study*
- **TASK 2: RESEARCH AND PRINCIPLE FRAMEWORK – Q4 2020
(COMPLETE)**
 - *Phase I – Identification of Best Practices*
 - *Phase II – Analysis Study & Report*
 - *Phase III – Principle Framework*
- **TASK 3: FIRST DRAFT AND CONSULTATION STRATEGY - Q1 2021
(COMPLETE)**

STAKEHOLDER CONSULTATION – Q2-Q3 2021
(COMPLETE)
- **TASK 4: FINAL GUIDELINE REPORT AND PRESENTATION – Q4 2021
(COMPLETE)**

- TASK 5: FINAL PRESENTATION – Q1 2022

A link to the final consultant's Study is appended as Attachment 1, and a tabular summary of the Study considerations and staff analysis is appended as Attachment 2.

Previous Reports/Authority

[Committee of the Whole \(Working Session\) December 2, 2020](#)

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

Analysis and Options

Stakeholder and community consultation was conducted to provide input into the Study including consultation with the development industry, public consultation and survey, and discussions with Members of Council.

The project team met with the York Chapter of the Building Industry and Land Development Association (BILD) on November 4, 2020, July 22, 2021, October 13, 2021 and November 23, 2021 to solicit input on the review of municipal best practices and current trends within the development industry and to provide an update on the progress and work completed to date on the Study. The themes, issues and feedback presented by BILD at these meetings and subsequently provided in writing to the project team are included in Section 3.3 of the Study (Attachment 1). Overall themes pertaining to the transparency, flexibility, fairness and predictability of the City's Parkland Dedication Process and Practices were identified as key priorities by the development community.

Following the Committee of the Whole (Working Session) held on December 2, 2020, staff prepared an on-line survey which ran from April 19 to May 3, 2021. Approximately 300 residents participated in the on-line survey. The City advertised the online workshop through City social media channels, digital signboards, Councilor e-letters and e-mail distribution. The results of the on-line survey, and the following public feedback are summarized in Section 3.2 of the Study. Overall themes of accessibility, connectivity, the desire for a variety of park types and sizes along with the need for parks within urban areas were identified by respondents.

Interviews with the Mayor and Members of Council were completed June 9 to June 28, 2021 to receive input on the current parkland dedication process, to identify existing issues or gaps being experienced with parkland dedication in the City and to identify potential approaches that could be considered by the project team in the Study. Overall, there was general agreement that the considerations and concepts in the Study need to be very clear and must find the right balance between achieving a great parkland system for Vaughan, and the financial feasibility of new development, both in a

traditional greenfield context, and within the City's identified Strategic Growth Areas. A summary of these discussions is included in Section 3.1 of the Study.

To acquire the land needed to meet parkland targets for greenfield and intensification areas to 2051, the City will need to utilize alternative financial tools and other innovative approaches.

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

Utilizing the 2 ha/1000 resident target rate, and with a projected population of approximately 569,000 residents (York Region projection for Vaughan to 2051), the City will require approximately 1,090 ha of parkland. Of the 1,090 ha of parkland required, 746 ha is existing parkland, leaving an additional 344 ha of parkland need to meet the City's parkland objectives. Of this amount, approximately 212 ha of city-wide parkland and 41 ha of urban parkland within Strategic Growth Areas will need to be acquired, with approximately 91 ha to be conveyed through the development approval process for Traditional Residential/Greenfield Communities. A map showing Vaughan Growth and Intensification Areas is appended as Attachment 3.

The Study includes 54 considerations for developing a new Parkland Dedication By-law that will assist the City in achieving its parkland goals

The following themes are identified in the Study for the City to consider while developing a new Parkland Dedication By-Law and for providing more certainty through the development approvals process with regard to parkland dedication requirements. A complete tabular listing of all 54 considerations is included in Attachment 2 along with City staff analysis and rationale associated with each consideration. Approximately 90% of the 54 considerations are supported or partially supported by staff with the remaining 10% of considerations not recommended for consideration at this time.

Key themes emerging from the Study include:

- **Broadening the Definition of Parkland**
Refining the definition of parkland to include both active and other non-intensive recreational activities, including lands for passive recreation and the appreciation/enjoyment of nature (e.g. trails) will assist in meeting the ATMP parkland target to provide sufficient parkland for the City's residents up to 2051. A more fulsome list of recreational opportunities and the associated land base

requirements for passive recreation and activities for the enjoyment and appreciation of nature should be considered as contributing towards parkland dedication for the City, subject to certain criteria.

- **Off-Site Parkland Dedication Opportunities**

Off-site parkland dedication opportunities will help the City increase the supply of parkland city-wide which will assist in achieving the overall parkland target of 2ha/1000 residents. Situations where off-site dedication may be considered appropriate would be subject to certain criteria, including but not limited to:

- The land proposed for parkland dedication is considered acceptable, in accordance with City requirements
- The proposed parkland dedication is located within identified priority parkland locations, as established by the City
- The land value of the off-site dedication is equal to the on-site parkland dedication requirements, either in absolute per hectare land cost or the amount of land to be dedicated
- Other criteria to be established by the City

- **Parkland within the Greenbelt and Oak Ridges Moraine Area**

The City may also choose to consider the dedication or acquisition of unconstrained lands (located outside of the Natural Heritage System and/or lands considered Hazard Lands) that are within the Greenbelt or the Oak Ridges Moraine Area. This will require further consideration and updates to the policy framework with the City's current Official Plan and will require additional analysis including defining acceptable parameters and circumstances when dedication of these lands to the City may be deemed appropriate or desirable.

- **New Park Typologies in Greenfield Communities**

The City may want to consider additional types of park spaces to meet identified ATMP parkland needs and community interests, and to provide additional flexibility for parkland considerations during the policy planning and development approval stages. New park typologies to consider, subject to further review and criteria, include:

- Eco-Parks that support environmental education and nature-related recreation
- Parkettes to support the social fabric within traditional greenfield residential communities by providing parkland within a 5-minute walk from home

- **Parkland within Strategic Growth Areas**

Strategic Growth Areas within the City will accommodate higher and denser forms of development through significant residential intensification. In these locations, land area and development sites are limited in size which places land

at a premium and significantly more expensive than other locations. Parkland opportunities for consideration in Strategic Growth Areas, subject to further review and criteria, include:

- Designating a 20% Gross Land Area parkland requirement within a comprehensively planned intensification area
- Strata Parks where parkland dedication is provided to the City in a stratified ownership arrangement with appropriate considerations for the stratified land value, development/operational constraints and lifecycle cost implications
- POPS (Privately Owned Public Spaces) and other smaller public realm spaces that are currently outside of the City's consideration for parkland dedication credit but important to augment the urban parkland system

- **Financial Considerations and Cash-in-Lieu of Parkland**

It is suggested that the City require land dedication as the first priority to meet ATMP parkland objectives, with cash-in-lieu of parkland to be considered where no reasonable alternative exists, including the off-site dedication of land elsewhere in the City. The use of cash-in-lieu funding should be prioritized at the City's discretion to support the acquisition of additional land and/or the completion of park enhancements or park redevelopment to meet the City's parkland objectives. In addition, the City may consider:

- Establishing a Land Bank as a financial measure to ensure land is available for public parkland purposes as the City continues to urbanize and intensify over time
- Exemptions and/or Reductions in Parkland Dedication requirements for certain categories of land use or development, such as school sites, hospitals, seniors housing, affordable housing or other category of land use that would be defined as providing a public benefit
- Continuing to require parkland dedication for commercial and/or industrial land uses in the amount of 2% of Gross Land Area and for all other land uses (not including commercial, industrial or residential) in the amount of 5% of Gross Land Area, unless otherwise exempt

A comprehensive financial review and analysis was undertaken by the consultant as part of the Study process and a draft financial model prepared as a mechanism for helping achieve the City's parkland objectives to 2051

With an understanding of lands needs as the City grows to 2051, costs are distributed across the City's projections for new growth to determine an appropriate cash-in-lieu rate that will be required to achieve the City's parkland goals. The City's current Cash-in-Lieu of Parkland By-law 205-2012 last updated in 2012 includes a fixed cash-in-lieu of parkland alternative rate at \$8,500 per unit.

A key component of the study includes a review and consideration of the tools and mechanisms municipalities can use to achieve long-term parkland goals. A financial model will be proposed to explore opportunities for the use of cash-in-lieu of parkland for land acquisition, park enhancements, and park redevelopment. This financial model is being completed in alignment with the new Development Charge and Community Benefit Charge study currently underway by Finance. Based on the current \$8,500 fixed unit rate, approximately only 37% of parkland funding needs for land acquisition, enhancements and redevelopment would be met.

The next steps for this project include development of a new Parkland Dedication By-law that will build upon existing parkland policies and input received from the results of this Study

Staff from Legal Services, with support from a variety of City departments, will use the results of the Study to develop a draft Parkland Dedication By-law. The Province has given municipalities until September 18, 2022 to implement the legislative and administrative changes necessary to transition to the new policy framework including have a new Parkland Dedication By-law in place. Staff will plan to report back to Council before the end of Q2 2022 with final recommendations and a new by-law for Council's consideration and approval.

Financial Impact

The *Planning Act* contains provisions whereby a municipality can enact a by-law requiring, as a condition of development or redevelopment, the conveyance of land for park or other recreational uses or receive cash-in-lieu of a dedication of land. In addition to land acquisition, cash-in-lieu of parkland contributions can be used for other purposes permitted within the *Planning Act* such as site servicing, site development and in some instance's rehabilitation and repairs for parks or for other public recreational purposes, at the discretion of the City.

There is no financial impact as a result of this report. However, staff will review and propose and update to the per unit cash-in-lieu charge as part of the new Parkland Dedication By-law. The current fixed unit rate has not been updated since 2012 and is no longer sufficient to meet the City's parkland goals and objectives.

Broader Regional Impacts/Considerations

The Region of York Official Plan policies, which focus on the designated Centres and Corridors, directs that open spaces shall consist of active and passive spaces, meeting places/urban squares and areas for community gardening. These policies also require that the Regional Greenlands System be protected and enhanced to include pedestrian-accessible green spaces and passive parks, where appropriate, and requires that

secondary plans shall include provisions for an urban public realm, including passive and active parks and meeting places, such as urban squares, which incorporate art, culture, and heritage, and that contribute to a sense of place and clear identity.

Conclusion

The results of the Study process will support the City in establishing a new Parkland Dedication By-law. The Study includes 54 considerations developed with input from internal and external stakeholders, including the larger community and the development industry, as well as a jurisdictional scan of GTA municipalities. Developing a new Parkland Dedication By-law by September 2022 is important for meeting Provincial requirements and to provide the City with clear and predictable tools for achieving the City's parkland goals to 2051. Final recommendations and a new Parkland Dedication By-law will be brought back for Council's consideration before the end of Q2 2022.

For more information, please contact: Martin Tavares, Manager, Parks and Open Space Planning, Extension 8882

Attachments

1. [Parkland Dedication Guideline Study and Appendices](#) (linked due to size; Appendix I to Appendix VII on the Parkland Dedication page)
2. Tabular Summary of Study Considerations
3. Vaughan Growth and Intensification Areas Figure

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