

**Appendix 5 to
Report CORPSERV-2022-0018**

Parkland Dedication By-law Review

January 20, 2022

Mr. Kevin Okimi
Director of Parks and Recreation
Town of Halton Hills
1 Halton Hills Drive,
Halton Hills, Ontario
L7G 5G2

Dear Mr. Okimi:

Re: Parkland Dedication and Payment-in-Lieu of Parkland By-law Review

1. Introduction

In response to recent amendments to Section 42 of the *Planning Act* made through *Bill 197, COVID-19 Economic Recovery Act*, the Town of Halton Hills (Town) retained Watson & Associates Economists Ltd. (Watson) to review the Town's current parkland dedication and payment-in-lieu (PIL) of parkland by-law, related Official Plan policies, and supporting documents to comply with the legislative changes.

Summarized in the following sections of this letter report are:

- the relevant changes to the *Planning Act*;
- the Town's current parkland dedication and PIL of parkland by-law charges and polices and related Official Plan policies;
- a summary of recommended parkland dedication and PIL of parkland policy changes identified in the Town's Parkland Acquisition Strategy;
- an assessment of future parkland needs and sufficiency of parkland dedication and PIL of parkland provisions of the *Planning Act* to meet those needs;
- PIL of parkland charge structure options for the Town's consideration based on current and recommended Official Plan policies and parkland acquisition needs; and
- recommendations on next steps to implement recommended policy changes and to continue to receive parkland and collect PIL of parkland after the legislative transition date.



2. Legislative Context

Section 42 of the *Planning Act* directs municipalities with respect to the conveyance of land for parks or other public recreational purposes. It allows a municipality, by by-law, to require as a condition of development or redevelopment the conveyance of land not exceeding 2% for commercial and industrial purposes, or 5% for all other purposes. A municipality may also elect to impose an alternative requirement to the 5% for residential purposes, by imposing a maximum rate of 1 hectare (ha) per 300 dwelling units. A municipality may require a PIL of parkland, equal to value of the land under the rates set out in s.s. 42(1), or at the alternative rate of 1 ha per 500 dwelling units for residential development.

To impose the alternative requirement (i.e. land at 1 ha. per 300 dwelling units or PIL of 1 ha. per 500 dwelling units) the following conditions are required:

- Pass a by-law
 - Before passing a by-law for the alternative requirement, the municipality shall consult with such persons and public bodies as the municipality considers appropriate
 - When passing a new by-law or amending an existing by-law, a municipality shall give notice of by-law passage, as prescribed, within 20 days
 - The by-law may be appealed by any person or public body.
- Official Plan Policies
 - The alternative requirement may not be provided for in a by-law unless the Official Plan contains specific policies dealing with the provision of lands for park or other public recreational purposes and the use of the alternative requirement
 - Before adopting the Official Plan policies, the municipality must prepare a Parks Plan that examines the need for parkland in the municipality and make it available to the public.
 - In preparing the Parks Plan, the municipality, shall consult with every school board that has jurisdiction in the municipality; and may consult with any other persons or public bodies that the municipality considers appropriate.

Any by-laws that were in effect on September 18, 2020 (i.e. the day subsection 2 (5) of Schedule 17 to the *COVID-19 Economic Recovery Act, 2020* came into force) and that provide for the alternative requirement, expire on September 18, 2022. A municipality will need to pass a new by-law prior to September 18, 2022, that is compliant with Section 42 of the *Planning Act* to continue to receive parkland or PIL of parkland under that section.



3. Town of Halton Hills Parkland and PIL of Parkland Policies

3.1 Official Plan

The Town's current Official Plan contains policies that apply to public parkland in Section F7.2. Subsection F7.2.6 addresses the parkland dedication and payment in lieu of parkland requirements through the development process. Parkland requirements are identified as follows:

- 5% of the gross residential land area within a Draft Plan of Subdivision in the Low Density Residential Area;
- 1 ha of land per 300 dwelling units in all other urban living designations and wherever residential uses are permitted uses in the Community Area designations in the Urban Areas;
- 2% of land within commercial and industrial development; and
- 5% of land in all other areas.

Council may also require PIL of the above parkland requirements.

Section F7.3 identifies the parkland development policies within the Town, including identifying the parkland classification system to include local and non-local parkland. Furthermore, subsections F7.3.4 and F7.3.5 set out the desired local and non-local parkland service levels within the Town as follows:

- Local Parkland: 1.2 ha per 1,000 residents
- Non-Local Parkland: 2.5 ha per 1,000 residents

3.2 Recommended Official Plan Policy Updates

In 2019 Town staff reported to Council on their update to the Parkland Acquisition Strategy, including the supporting Parkland Policy Review (2019) completed by Monteith Brown and the Parkland Dedication Research and Recommendations (2018) by The Planning Partnership.

The following recommendations within the Parkland Acquisition Strategy have been presented to Council and would need to be reflected in an amendment to the Official Plan and/or new parkland dedication and PIL of parkland by-law:

- Adopt a standard of 1.0 ha of non-local parkland per 1,000 residents;
- Provide incentives for projects in downtown and brownfield areas in Official Plan and parkland dedication by-law and provide a cap for key areas. Cap to be reviewed regularly to reflect changes in market land values;



- Prorate PIL of parkland calculation for mixed use developments based on entire development;
- Provide significant caps for affordable housing through Community Improvement Plan grants;
- Provide further guidelines for use of PIL of parkland funds that would identify eligible needs of:
 - Enhancements (land or capital) in existing neighborhoods
 - Design and development of a robust urban park system within Downtown Halton Hills Secondary Plan Area
 - Development of parks and other public recreational facilities not funded through D.C.s.
- Revise the conditions in which the alternative parkland provision would be imposed. Two alternatives were presented for consideration:
 - Impose the alternative rate of lesser of 1 ha per 300 dwelling units or 1.2 ha per 1,000 persons where development exceeds 50 persons and jobs per ha (2018 Planning Partnership Research and Recommendations). This recommendation was made to reflect the increase in need for parkland being driven by population growth as opposed to growth in residential units.
 - Impose the alternative rate of 1 ha per 300 dwelling units (or 1 ha per 500 dwelling units for PIL of parkland) where development exceeds 25 units per ha (2019 Monteith Brown Parkland Policy Review). This recommendation was made to maximize the potential PIL of parkland revenue that could be received as PIL of parkland revenue using the alternative rate (i.e. 1 ha per 500 dwelling units) is greater than 5% of land value when residential densities exceed 25 units per ha.

3.3 By-Law 2002-0152 (as amended): A By-Law Respecting the Conveyance of Land or Payment of Cash-in-Lieu of Parkland for public Park Purpose

By-law 2002-0152 (as amended) is imposed by the Town to allow the Town to receive parkland or PIL of parkland in accordance with the Official Plan policies summarized in the previous section. Further to the Official Plan policies, the by-law provides additional clarity and limitations regarding the applicability of the by-law and charges. These additional policies are summarized below

Exemptions

Section 2 (b) of the by-law identifies the following types of development for which the by-law shall not apply:

- The Town of Halton Hills or local board, as defined in the Municipal Act, 2001;
- The Regional Municipality of Halton or local board, as defined in the Municipal Act, 2001;



- Halton Hills Hydro;
- The Halton Board of Education;
- The Halton Roman Catholic Separate School Board;
- Hospitals as defined under the Public Hospitals Act;
- The Province of Ontario;
- The Government of Canada;
- Places of worship, and cemeteries associated therewith, which are exempt from the Assessment Act;
- Non-residential farm buildings used for a bona fide agricultural purpose; or
- Expansions to industrial or commercial buildings or structures which expansions are equal to or less than 25% (twenty-five percent) of a site's Buildable Area.

Per Unit Cap on Residential PIL of Parkland

Further to the exemptions above, a PIL of parkland that would be required for development within any of the following areas (as shown in the Official Plan Schedules), shall be capped at \$11,000 per unit and that the Commissioner of Recreation and Parks may update the rates on an annual basis due to current market conditions.

- Downtown Georgetown
- Downtown Acton
- Georgetown Community Node
- Go Station Area
- Civic Centre District
- Medium or high-density development within the Brownfield Sub-Areas as identified in the Town of Halton Hills Community Improvement Plan



4. Parkland Needs and Parkland Acquisition Sources

Table 4-1 summarizes the forecast population growth within five geographic areas of the Town as based on the findings of the Town’s Draft 2022 D.C. Background Study. The population projections for 2022 to 2036 would achieve the Region of Halton Best Planning Estimates for the Town to 2031. Table 4-1 also summarizes the forecast parkland needs for the incremental population growth based on the recommended parkland standard (1.2 ha per 1,000 residents for local parkland and 1.0 ha per 1,000 residents for non-local parkland), the share of the parkland that the Town expects to receive through parkland conveyance and the remaining parkland needs that could be funded wholly or in part through PIL of parkland revenues.

Table 4-1
Forecast Parkland Needs
2022-2036

Development Location	Forecast Net Population Incl. Institutional	Forecast Parkland Needs (ha)			Anticipated Local Parkland Dedication	Forecast Net Parkland Needs for PIL (ha)		
		Local (1.2 ha/1,000 pop.)	Non-Local (1.0 ha/1,000 pop.)	Total (2.2 ha/1,000 pop.)		Local (1.2 ha/1,000 pop.)	Non-Local (1.0 ha/1,000 pop.)	Total (2.2 ha/1,000 pop.)
Vision Georgetown	18,283	21.94	18.28	40.22	20.00	1.94	18.28	20.22
Georgetown Designated Greenfield Area (Excludes Vision Georgetown)	3,319	3.98	3.32	7.30		3.98	3.32	7.30
Georgetown Built Boundary	5,545	6.65	5.55	12.20		6.65	5.55	12.20
Acton	315	0.38	0.32	0.69		0.38	0.32	0.69
Hamlets and Other Rural Lands	424	0.51	0.42	0.93		0.51	0.42	0.93
Town of Halton Hills	27,885	33.46	27.89	61.35	20.00	13.46	27.89	41.35

In aggregate, the Town would require 61.35 ha of additional parkland (33.46 ha local and 27.89 ha non-local) to provide the recommended parkland service levels. It is anticipated that 20 ha of local parkland would be received within the Vision Georgetown Secondary Plan Area, resulting in 41.35 ha of parkland acquisition needs that could be funded through the PIL of parkland revenue.

To assess the preliminary value of the local parkland needs, a sample of land appraisals within the Town that had been undertaken for the purposes of PIL of parkland calculations were consulted. For the purposes of this assessment the value of local parkland was determined to be \$6.6 million per ha within the urban areas of the Town and \$5.3 million per ha in the hamlets and rural areas of the Town. The potential value of non-local parkland was based on a Town commissioned estimate of a large urban parcel of land at \$3.7 million per ha. Table 4-2 summarizes the estimated value of the forecast PIL of Parkland needs.



Table 4-2
Forecast PIL of Parkland Value

Development Location	Land Value per Parkland ha		Forecast Net Parkland Needs for (\$)		
	Local ¹	Non-Local ²	Local	Non-Local	Total
Vision Georgetown	6,565,195	3,700,000	12,734,000	67,647,000	80,381,000
Georgetown Designated Greenfield Area (Excludes Vision)	6,565,195	3,700,000	26,148,000	12,280,000	38,428,000
Georgetown Built Boundary	6,565,195	3,700,000	43,685,000	20,517,000	64,202,000
Acton	6,645,015	3,700,000	2,512,000	1,166,000	3,678,000
Hamlets and Other Rural Lands	5,318,119	3,700,000	2,706,000	1,569,000	4,275,000
Town of Halton Hills			87,785,000	103,179,000	190,964,000

1. Based on historical PIL of Parkland appraisals by area. Hamlet/Rural based on Town-wide appraisals

2. Antec Appraisal Group report for a large urban parcel (March 17, 2021)

In total, the Town would have parkland acquisition costs of \$191.0 million (\$87.8 million local parkland and \$103.2 million non-local parkland) to meet their forecast parkland needs in excess of parkland to be dedicated to the Town.

The potential PIL of parkland revenue that Town could receive from development over the same period is assessed in Tables 4-3 and 4-4 to inform the maximum charge the Town would need to impose (within legislated limitations) to recover the anticipated costs. Table 4-3 sets out the anticipated residential dwelling units by geographic area and dwelling unit type for which PIL of parkland may be imposed (i.e. total dwelling units less Vision Georgetown dwelling units that will be subject to parkland dedication). The total land value that the PIL of parkland charge would be applied to has been calculated based on the assumed land value by area for local parkland needs, and the assumed density of development by dwelling unit type in the Town's Draft 2022 D.C. Background Study¹. The maximum potential PIL of parkland revenue is then calculated based on the Parkland Policy Review recommendation of imposing the alternative rate (i.e. 1 ha per 500 dwelling units) when residential densities exceed 25 units per ha. For the purposes of this calculation, the current \$11,000 per unit cap was not included.

Table 4-4 summarizes the anticipated non-residential PIL of parkland revenue over the 2022 to 2036 period. The total land value that the PIL of parkland charge would be applied to has been calculated based on the assumed land value by area based on the Antec Appraisal Group for a large urban parcel or for assessment samples within the Premier Gateway (i.e. \$2.5 million per ha average) and the assumed lot coverage assumptions by non-residential development sector in the Town's Draft 2022 D.C. Background Study². The maximum potential PIL of parkland revenue is then calculated based on the maximum charge of 2% of land value for Industrial and commercial development and 5% of land value for institutional development.

¹ Low Density: 22 units per ha, Medium Density: 40 units per ha, High density: 79 units per ha

² Industrial: 30% coverage, Commercial: 30% lot coverage, Institutional: 25% coverage



**Table 4-3
Residential PIL of Parkland Revenue Forecast**

Development Location	Forecast Residential Dwelling Units				Units Associated with Parkland Dedication	Forecast Net Residential Dwelling Units for PIL			
	Single & Semi-Detached	Multiples	Apartments	Total Residential Units		Single & Semi-Detached	Multiples	Apartments	Total Residential Units
Vision Georgetown	2,925	2,705	1,016	6,646	6,646				-
Georgetown Designated Greenfield Area (Excludes Vision)	745	286	27	1,058		745	286	27	1,058
Georgetown Built Boundary	203	808	1,850	2,861		203	808	1,850	2,861
Acton	-	144	-	144		-	144	-	144
Hamlets and Other Rural Lands	128	-	-	128		128	-	-	128
Town of Halton Hills	4,001	3,943	2,893	10,837	6,646	1,076	1,238	1,877	4,191

Development Location	PIL Approach 1	ha of Parkland by Unit Type and Development Area			
	1 ha per 500 units of 5% of land value	Single & Semi-Detached	Multiples	Apartments	Total Residential
Vision Georgetown	n/a	-	-	-	-
Georgetown Designated Greenfield Area (Excludes Vision)	1/500 & 5%	1.68	0.57	0.05	2.30
Georgetown Built Boundary	1/500 & 5%	0.46	1.62	3.70	5.77
Acton	1/500	-	0.29	-	0.29
Hamlets and Other Rural Lands	5%	0.29	-	-	0.29
Town of Halton Hills		2.42	2.48	3.75	8.65

Development Location	Land Value per ha ²	PIL of Parkland Revenue			
		Single & Semi-Detached	Multiples	Apartments	Total Residential
Vision Georgetown	6,565,195	-	-	-	-
Georgetown Designated Greenfield Area (Excludes Vision)	6,565,195	11,001,058	3,755,292	354,521	15,110,870
Georgetown Built Boundary	6,565,195	2,997,604	10,609,355	24,291,222	37,898,181
Acton	6,645,015	-	1,913,764	-	1,913,764
Hamlets and Other Rural Lands	5,318,119	1,531,082	-	-	1,531,082
Town of Halton Hills		15,529,744	16,278,411	24,645,743	56,453,898

1. 1 ha/500 units for densities greater than 25 units per ha. Assumed densities based on Draft 2022 D.C. Background Study

Low Density	22
Medium Density	40
High Density	79

2. Based on historical PIL of Parkland appraisals by area. Hamlet/Rural based on Town-wide appraisals



**Table 4-4
Non-Residential PIL of Parkland Revenue Forecast**

Development Location	Forecast Non-Residential G.F.A.				G.F.A. Associated with Parkland Dedication	Forecast Net Non-Residential G.F.A.			
	Industrial G.F.A. S.F.	Commercial G.F.A. S.F.	Institutional G.F.A. S.F.	Total Non-Residential G.F.A. S.F.		Industrial G.F.A. S.F.	Commercial G.F.A. S.F.	Institutional G.F.A. S.F.	Total Non-Residential G.F.A. S.F.
Vision Georgetown	-	271,600	116,800	388,400	388,400	-	-	-	-
Georgetown Designated Greenfield Area (Excludes Vision Georgetown)	-	74,000	27,000	101,000	-	-	74,000	27,000	101,000
Georgetown Built Boundary	233,500	40,400	-	273,900	-	233,500	40,400	-	273,900
Acton	649,500	-	-	649,500	-	649,500	-	-	649,500
Premier Gateway	9,972,900	845,600	331,500	11,150,000	-	9,972,900	845,600	331,500	11,150,000
Hamlets and Other Rural Lands	104,700	1,200	1,000	106,900	-	104,700	1,200	1,000	106,900
Town of Halton Hills	10,960,600	1,232,800	476,300	12,669,700	388,400	10,960,600	961,200	359,500	12,281,300

Development Location	Forecast Net Non-Residential ha for PIL ¹				PIL Approach 2% or 5% of Land Value	ha of Parkland by Sector and Development Area			
	Industrial	Commercial	Institutional	Total Non-Residential		Industrial	Commercial	Institutional	Total Non-Residential
Vision Georgetown	-	-	-	-	2%/5%	-	-	-	-
Georgetown Designated Greenfield Area (Excludes Vision Georgetown)	-	2.29	1.00	3.30	2%/5%	-	0.05	0.05	0.10
Georgetown Built Boundary	7.23	1.25	-	8.49	2%/5%	0.14	0.03	-	0.17
Acton	20.12	-	-	20.12	2%/5%	0.40	-	-	0.40
Premier Gateway	308.97	26.20	12.32	347.49	2%/5%	6.18	0.52	0.62	7.32
Hamlets and Other Rural Lands	3.24	0.04	0.04	3.32	2%/5%	0.06	0.00	0.00	0.07
Town of Halton Hills	339.57	29.78	13.37	382.71		6.79	0.60	0.67	8.06

Development Location	Land Value per ha ²	PIL of Parkland Revenue			
		Industrial	Commercial	Institutional	Total Non-Residential
Vision Georgetown	-	-	-	-	-
Georgetown Designated Greenfield Area (Excludes Vision Georgetown)	3,700,000	-	169,651	185,699	355,351
Georgetown Built Boundary	3,700,000	535,319	92,620	-	627,939
Acton	3,700,000	1,489,035	-	-	1,489,035
Premier Gateway	2,422,457	14,969,298	1,269,243	1,492,742	17,731,283
Hamlets and Other Rural Lands	2,422,457	157,154	1,801	4,503	163,459
Town of Halton Hills		17,150,806	1,533,316	1,682,944	20,367,066

1. Lot Coverage Assumptions

Industrial 30%
Commercial 30%
Institutional 25%

2. Land Values

Within the Premier Gateway and Hamlets/Rural based on appraisal
Outside the Premier Gateway and Hamlets/Rural based on
Antec Appraisal Group report for a large urban parcel (March 17, 2021)

As summarized in Tables 4-3 and 4-4, the maximum PIL of parkland revenue that could be anticipated is \$56.4 million from residential development and \$20.4 million (\$76.8 million total). As the forecast parkland acquisition costs in Table 4-2 of \$191.0 million exceeds the maximum potential revenue assessed in Tables 4-3 and 4-4, the need to impose the maximum PIL of parkland rates allowed under the Section 42 of the *Planning Act* is demonstrated.

Table 4-5 below further assesses the need for utilizing the maximum allowable PIL of parkland rates by comparing the maximum PIL of parkland revenue to the parkland acquisition costs if the Town was able to acquire non-local parkland at \$2.0 million per ha within the potential future Town expansion area as compared to \$3.7 million per ha for a large urban parcel.



Table 4-5
PIL of Parkland Summary

Description	Type of Non-Local Parkland Acquisition	
	Large Urban Parcel	Future Expansion Area
Average Local Parkland Value (\$/ha)	6,520,000	6,520,000
Average Non-Local Parkland Value (\$/ha)	3,700,000	1,976,000
Forecast Parkland Needs		
Local Parks (13.46 ha)	87,785,000	87,785,000
Non-Local Parks (27.89)	103,179,000	55,103,000
Total Net Parkland Needs (41.35 ha)	190,964,000	142,888,000
Forecast PIL of Parkland Revenue		
Residential	56,453,898	56,453,898
Non-Residential	20,367,066	20,367,066
Total	76,820,965	76,820,965
PIL of Parkland Acquisition Revenue Shortfall	114,143,035	66,067,035

As summarized above and in Tables 4-1 to 4-4, the forecast parkland acquisition needs would exceed anticipated PIL of parkland revenue by \$114.1 million if non-local parkland was acquired at \$3.7 million per ha. If non-local parkland was acquired at \$2.0 million per ha within a future expansion area, the forecast parkland acquisition costs would decrease by \$48.1 million (from \$191.0 million to \$142.9 million). However, the forecast parkland acquisition costs would still exceed the maximum PIL of parkland revenue by \$66.1 million.

5. PIL of Parkland Charge Structure Options

The Town's current Official Plan policies provide that the alternative rate of 1 ha of land per 300 dwelling units may be imposed in all urban living designations (other than Low Density Residential). By-law 2002-0152 (as amended) also imposes a per unit cap of \$11,000 for PIL of parkland on development within any of the following areas (as shown in the Official Plan Schedules):

- Downtown Georgetown
- Downtown Acton
- Georgetown Community Node
- Go Station Area
- Civic Centre District

The per unit cap was initially developed to provide a maximum of 20% of land value. At \$11,000 per unit, inherent within the current cap is an assumed land value of \$5.5



million per ha¹. The application of this policy would result in any development with a land value of \$5.5 million per ha or greater paying the maximum per unit rate. However, as the average land value within the appraisal samples used for this review was \$6.6 million, the current per unit cap would result in the total PIL of parkland being less than 20% of land value for developments with land value in excess of \$5.5 million.

The Parkland Acquisition Strategy continues to recommend that incentives are provided in downtown and brownfield areas, that the parkland dedication by-law and provide a cap for key area, and that the cap to be reviewed regularly to reflect changes in market land values. In this regard the current PIL of parkland cap has been evaluated for its ability to meet the Town's policy objectives.

The geographic application of the PIL of parkland cap reflects the areas that the recommended incentives should be applied to (i.e. downtown and brownfield areas), the following PIL of parkland structure options are presented to allow the charges to better reflect changes in land value and density of development:

- Increase current per unit cap to \$13,200 to reflect average land values of \$6.6 million per ha.²; or
- Impose a maximum charge of the greater of the per unit cap or 20% of land value.

The Town may wish to consider the option of imposing a cap equal to the greater of the per unit cap or 20% of land value to improve cost recovery from developments with higher-than-average land values and to cap the charge at 20% of land value for higher density developments. This change would better align the application of the charge to the Town's intended policy. For example, if the land value is less than \$6.6 million, and using a per unit cap of \$13,200 (based on average land values of \$6.6 million per ha), the maximum charge of 1 ha per 500 dwelling units would be less than the per unit cap at all densities of development.

However for developments with a land value in excess of the average land value (\$6.6 million per ha), the per unit cap would restrict the PIL of parkland revenue below the desired 20% of land value threshold for lower density developments. Imposing the maximum charge as the greater of the per unit cap or 20% of land value would allow the Town to increase cost recovery from higher value lands while being consistent with the objective of PIL of parkland charges not exceeding 20% of land value. This approach may also be preferable in an environment of increasing land values, as the Town will not be required to re-assess the per unit cap as often with changes in economic conditions.

¹ \$5.5 million x 20% = \$11,000

² \$6.6 million per ha / 500 units per ha = \$13,200 per unit



6. Next Steps

The *Planning Act* identifies that any by-laws that were in effect on September 18, 2020 (i.e. the day subsection 2 (5) of Schedule 17 to the *COVID-19 Economic Recovery Act, 2020* came into force) and that provide for the alternative requirement, will expire on September 18, 2022. As such, the Town's current PIL of parkland by-law (i.e. by-law 2002-0152 (as amended)), which provides for the alternative rate, will expire on September 18, 2022. The Town will need to pass a new by-law prior to September 18, 2022, that is compliant with Section 42 of the *Planning Act* to continue to receive parkland or PIL of parkland under that section.

It is our understanding that if the specific policies within the Town's Official Plan that address land for park or other public recreation purposes and the use of the alternative requirement (i.e. 1 ha per 300 dwelling units) were in place prior to September 18, 2020, an Official Plan amendment, associated Parks Plan, and consultation are not required in this regard. As such, the Town could elect to pass a new by-law that reflects the current Official Plan policies prior to September 18, 2022 without the need to amend to the Official Plan or prepare and consult on a Parks Plan. In passing a new by-law the Town would need to first consult with such persons and public bodies as the municipality considers appropriate and provide notice of by-law passage. While there does not appear to be a requirement for a Parks Plan to enable the Official Plan in this case, a plan to substantiate the need for the alternative requirement (as provided in Chapter 4 of this letter) would be prudent in the case of having to defend an appeal of the by-law.

However, through the Town's Parkland Acquisition Strategy there are a number of recommended changes to the application of the PIL of parkland charges and the relevant Official Plan Policies as summarized in Section 3.2 of this letter. For example, the Official Plan limits the imposition of the alternative rate to urban living designations, other than Low Density Residential. If the Town wishes to follow the Parkland Policy Review recommendations of imposing the alternative rate on development of greater than 25 units per ha, regardless of land use designation, it would appear that an amendment to the Official Plan would be required.

It is our understanding that prior to adopting the amendments to the Official Plan that relate to provision of lands for park or other public recreational purposes and the use of the alternative requirement, a Parks Plan would need to be prepared and made available to the public examining the need for parkland in the Town. In preparing the Parks Plan, the Town would need to consult with every school board that has jurisdiction in the municipality and any other persons or public bodies that the Town considers appropriate.

While the *Planning Act* does not prescribe the required content of a Parks Plan, it would appear that the Town's Parkland Acquisition Strategy and background reports, as well



as this letter meet the Parks Plan requirement as they address in detail the need for parkland in the Town.

Regarding the need for public consultation on the passing of a new by-law or the preparation of the Parks Plan, it is anticipated that this will be incorporated within the ongoing development charges and community benefits charges consultation process.

I trust this letter addresses your requirements in this regard, however, I would be pleased to discuss this matter and next steps with you further as required. Furthermore, while this letter addresses our current understanding of the requirements to comply with the legislative changes, it does not represent a legal opinion. The Town may wish to receive further legal opinion to confirm our recommendations or related matters.

Yours very truly,

WATSON & ASSOCIATES ECONOMI STS LTD.

Sean-Michael Stephen, MBA
Managing Partner



THE CORPORATION OF THE TOWN OF HALTON HILLS

BY-LAW NO. 2022-XX

A By-law Respecting the Conveyance of Land or Payment of Cash-in-lieu of Parkland for Public Park Purpose.

WHEREAS Section 42 of the Planning Act, authorized the enactment of by-laws requiring the conveyance of land to a municipality for public park or other public recreational purposes, as a condition of development or redevelopment of land within the municipality;

AND WHEREAS Sections 42(3) and 51.1(2) of the Planning Act further authorize an alternative method of calculating the parkland conveyance provided that there are Official Plan policies in effect with respect to the use of such alternative requirements;

AND WHEREAS Sections 42(6) and 51.1(3) of the Planning Act further authorize the payment of money in lieu of the conveyance of land;

AND WHEREAS Policies in section F7.2 of the Official Plan for the Town of Halton Hills, establish the provisions regarding the parkland dedication requirements, as referred to in the Planning Act;

AND WHEREAS By-law 2002-0152 as amended will expire on September 18, 2022 in accordance with Section 42 (4.26) of the Planning Act and Council will need to pass a new by-law with respect to the conveyance of land or payment of cash-in-lieu of parkland for public parks purposes.;

AND WHEREAS the Town of Halton Hills has consulted with the public on Date regarding the proposed by-law.

NOW, THEREFORE, THE COUNCIL FOR THE CORPORATION OF THE TOWN OF HALTON HILLS ENACTS AS FOLLOWS:

1. In this By-law:
 - a) "Development" shall mean:
 - (i) The construction, erection of placing of one or more buildings or structures on land; or
 - (ii) The making of an addition or alternation to a building or structure, that has the effect of increasing the size or usability thereof; or
 - (iii) The laying out and establishment of a commercial parking lot, as defined in the Comprehensive Zoning By-law; or
 - (iv) The laying out and establishment of sites for the location of *three or more trailers as defined in s. 164(4) of the Municipal Act, 2001*, or
 - (v) The laying out and establishment of sites for the location of three or more mobile homes, as defined in s. 46(1) of the Planning Act; or

- (vi) The laying out and establishment of a site for outdoor storage use, as defined in the Comprehensive Zoning By-law.
- b) "Buildable Area" shall mean the net area of a site which is available for building once all applicable setbacks have been applied in accordance with the Comprehensive Zoning By-law
- c) "Town" shall mean the Corporation of the Town of Halton Hills;
- d) "Official Plan" shall mean the Official Plan for the Town of Halton Hills, as amended from time to time;
- e) "Comprehensive Zoning By-law" shall mean the Comprehensive Zoning By-law of the Town of Halton Hills, as amended from time to time.

2. *This By-law shall be applied as follows:*

- a) This By-law applies to all land within the corporate boundaries of the Town of Halton Hills.
- b) This By-law shall not apply to Development within the Town that is undertaken by the following entities or for the following purposes:
 - (i) The Town of Halton Hills or a local board thereof the Municipal Act, 2001,
 - (ii) The Regional Municipality of Halton or a local board thereof, as defined in the Municipal Act, 2001,
 - (iii) Halton Hills Hydro;
 - (iv) The Halton Board of Education;
 - (v) The Halton Roman Catholic Separate School Board;
 - (vi) Hospitals as defined under the Public Hospitals Act,
 - (vii) The Province of Ontario;
 - (viii) The Government of Canada;
 - (ix) Places of worship, and cemeteries associated therewith, which are exempt from the Assessment Act,
 - (x) Non-residential farm buildings used for a bona fide agricultural purpose, or
 - (xi) Expansions to industrial or commercial buildings or structures which expansions are equal to or less than 25% (twenty-five percent) of a site's Buildable Area.

3. As a condition of Development of land, the owner, of such lands, shall convey to the Town lands for parkland or other public recreational purposes. The area of the land to be conveyed shall be based on the following standards:

- a) In the case of land proposed for residential development within a Low Density Residential Area designation within the Official Plan, the conveyance of land equal to 5% (five percent) of the land proposed for development or redevelopment.
- b) In the case of land proposed for residential development within all other Urban Living Area designations and wherever residential uses are permitted uses in the Community Area designations in the Urban Areas in the Official Plan, the conveyance of land equal to that obtained by the application of the parkland standard of 1 hectare per 300 dwelling units;
- c) In the case of land for commercial or industrial uses, the conveyance of land equal to 2% (two percent) of the land proposed for development or

redevelopment;

- d) In the case of an expansion to an industrial or commercial building or structure which expansion is greater than 25% (twenty-five percent) of a site's Buildable Area, the conveyance of land equal to 2% (two percent) of that proportion of the site obtained by dividing the building expansion area by the Buildable Area;
 - e) In the case of land proposed for non-residential uses other than commercial or industrial uses, the conveyance of land equal to 5% (five Percent) of the land proposed for development of redevelopment.
 - f) In the case of land proposed for mixed uses including a combination of residential, commercial and industrial, or other non-residential uses, the conveyance of land will be determined as follows:
 - (i) For the residential component of the development or redevelopment, section 3(a) or 3(b) would apply to the total land area multiplied by the percentage of the total floor space used for residential uses;
 - (ii) For the commercial or industrial component of the development or redevelopment, section 3(c) would apply to the total land area multiplied by the percentage of the total floor space used for commercial and industrial uses;
 - (iii) For the non-residential components of the development or redevelopment, other than commercial and industrial uses, section 3(e) would apply to the total land area multiplied by the percentage of the total floor space used for non-residential uses other than commercial and industrial uses;
4. Notwithstanding Section 3 of this By-law, the Town may require the payment of money in an amount equal to the value of the lands, established pursuant to section 6 of this By-law, required to be conveyed pursuant to section 3 of this By-law, or such combination of the conveyance of land and monetary payment as, directed by the Commissioner of Recreation and Parks.
- a) Notwithstanding the preceding section, where section 3(b) would otherwise apply, and where the Town elects to require the payment of money in lieu of part or all of the otherwise required parkland dedication, such payment shall be calculated using a rate of one hectare for each 500 dwelling units proposed, which value shall be established pursuant to section 6 of this by-law.
 - b) For greater certainty, where a condition of approval requiring the payment of cash in lieu of parkland has been imposed under either s. 51.1 or s. 42 of the Planning Act, the imposition of such a condition shall be deemed to constitute arrangements for a payment in lieu that are satisfactory to Council having been made, as of the date on which the condition was imposed for the purposes of s. 42(6.0.3) of the Planning Act.
 - c) Notwithstanding section 6, a payment in lieu of parkland dedication pursuant to section 4(a) with respect to a development within any of the following areas, as shown on the Town of Halton Hills Official Plan Schedules, shall be capped at the greater of an amount equal to 20% of the value of land established pursuant to section 6 of this by-law or \$13,200 per residential dwelling unit:
 - i. Downtown Georgetown
 - ii. Downtown Acton
 - iii. Georgetown Community Node;
 - iv. Go Station Area; and
 - v. Civic Centre District.

- d) It is further enacted that a payment in lieu of parkland dedication pursuant to section 4(a) with respect to a medium or high density development within the Brownfield Sub-Areas as identified in the Town of Halton Hills Community Improvement Plan shall be capped at the greater of an amount equal to 20% of the value of land established pursuant to section 6 of this by-law or \$13,200 per residential dwelling unit.
 - e) It is further enacted that the caps referenced in c) and d) will be reviewed annually by the Commissioner of Recreation and Parks and may be updated on an annual basis due to current market conditions. The current values shall be made available by the Recreation and Parks Department and appended to this By-law.
 - f) For the purposes of the caps referenced in c) and d) a "Residential Dwelling Unit" means a room or suite of rooms used, or designed or intended for use by, one person or persons living together, in which culinary and sanitary facilities are provided for the exclusive use of such person or persons
5. Without limiting the generality of Section 3 of this By-law, the conveyance of land for park or other public recreational purposes or the payment of cash-in-lieu of parkland dedication, shall be required as a condition of the following planning approvals. Where a conveyance or payment is required pursuant to s. 51.1 or any other provision of the Planning Act, the provisions of this by-law shall apply, except to the extent of any inconsistency with s. 51.1 or 53(13) of the Planning Act, or any requirement imposed thereunder:
- a) The approval of a site plan under Section 41 of the Planning Act;
 - b) The approval of a plan of subdivision under Section 51 of the Planning Act;
 - c) The approval of a consent under Section 53 of the Planning Act;
 - d) The approval of a description under Section 9 of the Condominium Act, 1998, S.O. 1998, c.19; or,
 - e) The issuance of a development control permit pursuant to Section 44(2) of the Niagara Escarpment Planning and Development Act.
6. The value of the land shall be determined as of
- a) The day before the day of issuance of the building permit in respect of the Development; or, where more than one building permit is required for the development, as of the day before the issuance of the first building permit; or
 - b) In the case of a requirement imposed pursuant to s. 51.1 of the Planning Act in respect of a plan of subdivision or condominium description, the day before the issuance of draft approval for a plan of subdivision; or,
 - c) In the case of a requirement imposed pursuant to s. 51.1 and s. 53(13) of the Planning Act in respect of a consent, The day before the granting of a provisional consent.
7. The Commissioner of Recreation and Parks shall have discretion to determine whether an appraisal is required to determine the value of land for the purposes of this by-law. Where, in the opinion of the Commissioner of Recreation and Parks, sufficient information regarding the value of land is available, such information may be used as the basis for determining the value of land for the purposes of this by-law. Where, in the opinion of the Commissioner of Recreation and Parks, an appraisal is required, such appraisal shall be carried out under his or her direction in accordance with generally accepted appraisal principles.

8. The payments required to be made under this By-law shall be made:
 - a) Prior to the issuance of a building permit for the land to be Developed or Redeveloped;
 - b) Prior to the final approval of a plan of subdivision or condominium for registration;
 - c) Prior to the clearance of conditions for a consent;
 - d) Prior to the execution of a site plan agreement; or,
 - e) Otherwise in accordance with the terms of an agreement entered into between the owner of the land and the Town.
9. Land or cash-in-lieu required to be conveyed or paid to the Town for park or other public recreation purposes pursuant to sections 3 or 7 of this by-law shall be reduced by the amount of land or cash-in-lieu previously received by the Town pursuant to sections 42, 51.1 or 53 of the Planning Act in respect of the lands being Developed or Redeveloped.
10. Notwithstanding sections 3 and 5 of this by-law, if land has been conveyed or is required to be conveyed to the Town for park or other public recreational purposes or cash-in-lieu has been received by the Town or is owing to it pursuant to a condition imposed pursuant to sections 42, 51.1 or 53 of the Planning Act, no additional conveyance or payment in respect of the lands subject to the earlier conveyance or payment will be required by the City in respect of subsequent Development or Redevelopment unless:
 - a) There is a change in the proposed Development or Redevelopment which would increase the density of the Development; or
 - b) Land originally proposed for Development or Redevelopment for Commercial, Industrial, or Institutional purposes is now proposed for Development or Redevelopment for other purposes.
11. Notwithstanding Section 3 and 4 of this By-law, no conveyance of land, or payment of money, shall be required where:
 - a) The renovation or expansion-of an existing residential building does not result in the creation of an additional dwelling unit; or,
 - b) The lands are being restored to a safe condition where an existing building was destroyed by fire, Acts of God, or other causes beyond the control of the owner, and where no increase in the number of residential dwelling units, in the case of a residential building, or gross floor area, in the case of a non-residential building, results.
12. Any monies received by the Town pursuant to Section 4 of this By-law, shall be used in accordance with the provisions of the Official Plan.
13. Upon the passing of this By-law, Town of Halton Hills By-law 2002-0152 as amended is hereby repealed.
14. This By-law shall come into effect at the time of by-law passage.

BY-LAW read and passed by the Council for the Town of Halton Hills this ____ day of _____, 2022.

MAYOR –

DEPUTY CLERK –
