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Sept 1, 2022

Date

Town of Whitchurch-Stouffville Council Report

Item 6

Subject: Parkland Dedication By-law Update

Staff Report No. DS-048-22

Department: Development Services

Date: September 7, 2022

Recommendation:

- 1) That Council enact by-law 2022-094-FI being a by-law to require the conveyance of land for a park or other public recreational purposes as a condition of development or redevelopment and to repeal by-law 2002-118-FI.

1. Purpose:

The purpose of this report is to update Council regarding the Province of Ontario's Legislative changes through Bill 197 – COVID-19 Economic Recovery Act, and its implications on the Town of Stouffville's Parkland Dedication By-law, and to request the repeal of By-Law 2002-118-FI approval of a temporary Parkland Dedication By-law 2022-094-FI which will be in place until a more thorough update can be implemented.

2. Executive Summary:

A number of legislative changes were undertaken by the Province of Ontario through Bill 197 – COVID-19 Economic Recovery Act, which received Royal Assent on July 21, 2020. Schedule 17 of Bill 197 amended the Planning Act, which included amendments to the alternative rate of parkland dedication. These amendments were proclaimed and came into effect on September 18, 2020. These changes to the Planning Act mean that the Town's existing Parkland Dedication By-law will expire on September 18, 2022.

In order for the Town to continue to require parkland dedication for development, the Town's Parkland Dedication By-law must be updated by September 18, 2022. Currently, the Town uses the standard rate of 2% for non-residential uses and 5% for residential uses for the purposes of parkland dedication. For the Town to include an alternative rate for parkland dedication, several requirements must now be met. These requirements

include enabling policies in the Official Plan, a Parks Plan and public consultation. Given the time constraints, it is recommended that a temporary update to the Parkland Dedication By-law be adopted by Council until a more comprehensive update can be achieved.

3. Background:

The COVID-19 Economic Recovery Act received Royal Assent on July 21, 2020. Schedule 17 of the Act amended the Planning Act with respect to the provisions of community benefits and parkland dedication. These amendments were proclaimed and came into effect on September 18, 2020. Legislative changes to the Planning Act mean that the existing Parkland Dedication By-law will expire on September 18, 2022.

The Town of Whitchurch-Stouffville (Town) retained Watson & Associates Economists Ltd. (Watson) to assess the feasibility and potential benefits of proceeding with a Community Benefits Charge (CBC) Strategy and By-law. The findings of the feasibility assessment were provided in staff report DS-023-22 at the May 18, 2022 Council meeting. Based on the assessment, the consultant recommended that the Town consider maximizing the parkland dedication funding sources to address parkland needs. Council directed Staff to proceed with the preparation of a Community Benefits Charge Strategy and By-law, and to update the Parkland Dedication By-law with consideration for the use of applying the alternative rate requirement for parkland dedication, where applicable.

The Planning Act outlines the provisions for the requirement of parkland conveyance or cash-in-lieu of parkland for development or redevelopment when there is a net increase in density for any use. The Planning Act sets the parkland dedication rates based on the type of development, with conveyance for commercial, industrial and institutional uses calculated at 2% of the site area and all other development types, including residential uses, calculated at 5% of the site area. It is important to note that the Planning Act also permits a municipality to use a higher 'alternative' requirement (or rate) for residential development. The alternative rate permits municipalities to calculate the required conveyance at a rate of one hectare per 300 dwelling units when parkland is to be conveyed, and one hectare per 500 dwelling units for cash-in-lieu of parkland. Municipalities may choose, via a by-law, to apply these rates directly or to adapt them to address the specific needs of the municipality.

In order for a municipality to include an alternative rate for parkland dedication, there are several requirements that must be met. These requirements include having enabling policies included in the municipality's Official Plan, a Parks Plan and public consultation. Given the time constraints, Town staff is proposing a temporary update to the Parkland Dedication By-law be adopted by Council until a more comprehensive update can be achieved.

4. Analysis and Options:

Staff are proposing a temporary update to the current Parkland Dedication By-law so the Town can continue to require parkland dedication after September 18, 2022. The Town's current by-law (2002-118-FI) has a provision for the alternative rate to be used, however, the Town's current Official Plan does not have the required enabling policy. This prevents the Town from using the alternative rate and also causes the current Parkland Dedication By-law to expire. To date, the Town has not used the alternative rate to determine the amount of parkland required for development. With the temporary update, the Town will continue to use the standard rates until such time that an alternative rate can be included in the by-law. This will occur once the Community Benefits Charge Study, Development Charges Background Study and the Leisure and Community Services Master Plan have been completed. At that time, further public consultation on a new Parkland Dedication By-law can occur, and the required Official Plan policies can be incorporated into the Town's Official Plan.

Below is an overview of the proposed changes to the current Parkland Dedication By-law and the rationale for those changes.

4.1 Removal of the Alternative Requirement from the Parkland Dedication By-law

Since the Town cannot employ an alternative rate for parkland dedication without updating the Official Plan, completing a Parks Plan and conducting public consultation, the most efficient method to update the current by-law is to remove the alternative rate clause from the by-law. This would update the by-law ahead of the September 18th deadline and allow the Town to continue to use the standard rate.

4.2 Additional Edits

While a more comprehensive update will be required, the temporary update allows for the opportunity to make a few additional changes which are outlined below:

- a) Addition of a clause delegating authority to determine whether a conveyance of a portion of the Land associated with Development or Redevelopment for Parkland or the payment of money in lieu of such conveyance shall be required to the Director of Leisure and Community Services and the Director of Development Services. Standard practice added to update to current practices.
- b) Addition of clause indicating that appraisals submitted to or obtained by the Town for the purposes of this by-law shall be considered valid for a maximum period of six (6) months from the date the appraisal was completed, or such lesser time as may be specified in the appraisal. This is to prevent outdated appraisals being used months, or in some cases years after the appraisal was conducted.
- c) Replacement of the term "purpose" with "use" and "farm" with "agricultural" to better align with current terminology.

Next Steps

Should Council proceed to approve the Parkland Dedication By-law 2022-094-FI, the Town will continue to apply the current standard rates for parkland dedication until a more comprehensive update to the Parkland Dedication By-law can be conducted. As outlined in this report, a future updated Parkland Dedication By-law may provide for consideration of alternative rate provisions permitted through the Planning Act.

As noted above, the Town is currently completing a Community Benefits Charge Study, Development Charges Background Study and the Leisure and Community Services Master Plan (which will serve as the Town's required Parks Strategy). These will serve to provide the Town with the information needed to pursue an alternative rate to parkland dedication and will serve as the basis for policies to be included in the Town's Official Plan. Once community consultation has been completed an Official Plan Amendment and a new Parkland Dedication By-law can be brought forward to Council for approval.

4.2 Conclusions

Given that the current Parkland Dedication By-law will expire on September 18, 2022, a temporary update the by-law is required to allow the Town to continue to collect parkland dedication for development. This temporary by-law will provide the Town with the ability to complete the studies and work necessary to allow for the alternative rate to parkland dedication provided for in the Planning Act.

Option A (Recommended)

It is recommended that the Town repeal By-Law 2002-118-FI and approve the Parkland Dedication By-law 2022-094-FI to maintain parkland dedication requirements until a more comprehensive update can be completed.

Option B

Council may let the current by-law expire, after which the Town would not be able to require parkland dedication until a more comprehensively updated by-law can be completed.

5. Financial Implications:

Should the Parkland Dedication By-law expire, the Town would not be able to require parkland or cash-in-lieu of parkland until a new Parkland Dedication By-law is in place. Should the proposed by-law be enacted by Council, the Town would be able to continue as is and there would be no financial implications to the Town.

New costs associated with a comprehensive update to the Parkland Dedication By-law are estimated to be approximately \$150,000. The budget associated with the required updates will be added as a line item in the 2023 capital budget for Council consideration.

Once a by-law with an alternative rate is in place, the Town may benefit from additional dollars generated from the Parkland Dedication By-law.

6. Alignment with Strategic Plan:

1. Fiscal Sustainability

Working toward a sustainable budget that ensures the protection and maintenance of core services now and into the future.

- Capital financing and debt strategy
- New revenue sources: grant funding, community contributions toward major capital expenditures, sponsorship of programs

4. Asset Planning, Maintenance and Development

Successful stewardship of the infrastructure and facilities required to support a growing community and vibrant economy.

- Address / plan for maintenance of existing assets & infrastructure; Create new infrastructure

7. Attachments:

None

8. Related Reports:

April 20, 2021 – FTS-006-21 2022 Development Charge Background Study Workplan

May 18, 2022 – DS-023-22 Community Benefit Charges Feasibility Assessment

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