

**Date:** 2022-10-13

**Subject:** **Brampton Parks Plan and Parkland Dedication By-Law**

**Contact:** **Marlon Kallideen, Commissioner, Community Services**

**Report Number:** Community Services-2022-968

**Recommendations:**

1. That the report from Melissa Qi, Advisor, Community Services dated October 13, 2022, to the Committee of Council meeting of November 16, 2022, re: **Brampton Parks Plan and Parkland Dedication By-Law**, be received; and
2. That Council endorse the City of Brampton Parks Plan 2041, as provided in Appendix A; and
3. That Council endorse the Parkland Dedication By-law as provided in Appendix B in principle, and that staff be directed to bring the final form of By-law forward for passing at the December 14, 2022 meeting, which may be amended to reflect changes to the Planning Act, if passed by the Province of Ontario in advance of December 14, 2022.

**Overview:**

- **Parks are a vital component of the City of Brampton. They contribute to healthy and complete communities while offering an attractive quality of place for residents, businesses and visitors.**
- **Parkland dedication is the main tool used by municipalities to secure new parkland to ensure their parks systems and related infrastructure keep pace with the growth of development. Municipalities can collect parkland dedication in the form of land or cash-in-lieu of parkland.**
- **The province passed Bill 197 in 2020 which entailed a number of changes relating to parkland dedication. Municipalities are required to pass a new Parkland Dedication By-Law to continue using the alternative rate for parkland dedication or cash-in-lieu. The Bill further granted the Ontario**

**Land Tribunal to power to hear appeals, order amendments or amend the by-law relating to the alternative requirement and cash-in-lieu.**

- **On October 25, 2022, the government introduced Bill 23 with further changes to parkland dedication. If passed, the proposed Parkland Dedication By-Law would need to be updated accordingly.**
- **The *Planning Act* requires a municipality to prepare a parks plan to examine the need for parkland in a municipality. To satisfy this legislative requirement, staff engaged the Planning Partnership, NBLC and Monteith Brown to produce the City of Brampton's Parks Plan (Appendix A).**
- **Brampton's Parks Plan supports the City's existing target of 1.6 hectares of active parkland per 1,000 residents. Brampton's population is projected to grow by 33% by 2041, of which 22% is expected within central secondary plan areas. The City will need another 315.7 hectares of parkland by 2041, meaning an average of 15.8 hectares per year. Alternative acquisition strategies such as strata parkland and Private Owned Public Spaces should be considered to help achieve the target.**
- **The new Parkland Dedication By-Law (Appendix B) incorporates recommendations from Brampton's Parks Plan. For residential developments in Intensification/Strategic Growth Areas, the new By-Law proposes a dedication rate or cash-in-lieu equivalent of \$21,200 per dwelling unit or 1 hectare per 500 dwelling units, whichever is less. Recognizing this is a significant increase from the existing rate, albeit comparable to that of similar municipalities, a phased approach is incorporated in the By-Law to lessen the impacts.**

## **Background:**

Parks are a vital component of the City of Brampton. They contribute to healthy and complete communities while offering an attractive quality of place for residents, businesses and visitors. Parks can improve quality of life by providing spaces for recreational activities, social gathering, and offering mental and physical health benefits. Parks contribute important environmental benefits to the communities by reducing air pollution and greenhouse gas emissions, and combating urban heat island effect. Parks also offer important economic benefits, including increasing property value, increasing tourism expenditures, decreasing health care expenditures, reducing storm water management costs and savings associated with reduced air pollution.

Parkland dedication is the main tool used by municipalities to secure new parkland to ensure their parks systems and related infrastructure keep pace with the growth of development. Under the *Planning Act*, municipalities are permitted to collect parkland

dedication from all new development, in the form of land for parks or recreational purposes or cash-in-lieu of parkland (CIL), at its sole discretion. The *Planning Act* also establishes the rates at which parkland can be collected. Each municipality interprets and applies the *Planning Act* in the creation of their individual Parkland Dedication By-laws.

Bill 197, *the COVID-19 Economic Recovery Act*, passed by the Province in 2020 made a number of changes to the *Planning Act* relating to parkland dedication, which required the passage of a new Parkland Dedication By-Law if a municipality wanted to use the alternative rate in the by-law, currently set at a rate of 1 hectare per 300 units for land conveyance, or the value of 1 hectare per 500 units for a cash-in-lieu payment. Therefore, in order to continue to use the alternative rate for parkland dedication or cash-in-lieu, this new parkland dedication by-law is required to be passed. Any in-force by-law that allows the municipality to collect the alternative rate, expired on September 18, 2022.

Bill 197 further allows appeals of a municipality's Parkland Dedication By-Law to be filed with the Ontario Land Tribunal (OLT), and the OLT has the power to order an amendment to the by-law or amend the by-law as it relates to the alternative requirement and cash-in-lieu. If an order or an amendment is made, the municipality must refund the difference in land value or cash-in-lieu plus any interest.

In terms of public consultation, the *Planning Act* requires the municipality to consult with the public or public bodies as it is considered appropriate before passing a Parkland Dedication By-Law. To satisfy this requirement, the November 16, 2022 Special Council meeting and the November 28, 2022 Planning and Development Committee meeting will elicit the views of the public on this Parkland Dedication By-Law.

On October 25, 2022, the government of Ontario introduced Bill 23, *the More Homes Built Faster Act*, which is draft legislation which, among other changes, proposes further changes to the parkland dedication section of the *Planning Act* to achieve the Province's goal of facilitating the creation of 1.5 million new homes by 2031. The main change impacting parkland dedication and cash-in-lieu is the reduction of the maximum alternative parkland dedication rate from 1 hectare per 300 dwelling units to 1 hectare per 600 net residential units for land conveyance, and from 1 hectare per 500 dwelling units to 1 hectare per 1,000 net residential units for cash-in-lieu. In addition, there is a proposed overall cap for a land conveyance or cash-in-lieu of 10% in the case of land proposed for development or redevelopment that is 5 hectares in area or less, or 15% in the case of land proposed for development or redevelopment that is greater than 5 hectares. Finally, the draft legislation includes additional exemptions or reductions to the requirements for parkland dedication for affordable or attainable residential units and additional residential units. If this legislation is passed as proposed, the Parkland Dedication By-Law attached to this report should be updated accordingly in order to conform to the legislation.

## **Current Situation:**

### City of Brampton Parks Plan 2041

Section 42 (4.1) and (4.2) of the *Planning Act* requires a municipality to prepare and make publicly available a parks plan that examines the need of parkland in a municipality. To fulfill the legislative requirement, staff engaged the Planning Partnership, NBLC and Monteith Brown to produce the City of Brampton Parks Plan 2041, presented as Appendix A. The goal of the Parks Plan is to ensure that the guidelines are responsive to the needs of existing communities and areas of growth; to provide direction to address long-term parkland needs allowing for flexibility in parks design and use; and to provide a set of recommendations or considerations that incorporate best practices for parkland dedication, the payment of cash-in-lieu, and the use of cash-in-lieu. An online survey was made available between March and April of 2022 to allow local residents to share their thoughts on Brampton's Parks System.

The City's proposed Official Plan – Brampton Plan – identifies a target of 1.6 hectares of active parkland per 1,000 residents, and seeks to achieve an additional 240 hectares of parkland by 2051. This is the same target established in the 2017 Parks and Recreation Master Plan. As of 2021, the City of Brampton has 1,173.5 hectares of active parkland within 407 parks, resulting in a ratio of 1.68 hectares per 1,000 residents. Although the City's current supply of active parkland is slightly above the provision target, the growth of parkland supply in relation to population is declining. Between 2016 and 2021, Brampton's population grew by nearly 14% but the amount of active parkland increased by 7%.

Brampton's population is projected to grow by 33% by 2041, an increase of 232,530 persons. 22% of the overall population growth is projected to occur within the central secondary plan areas, including downtown Brampton, Queen Street Corridor and Hurontario-Main Corridor. Collectively, they have an above average per capita supply of active parkland at present (2.4 hectares per 1,000), however, by 2041, this ratio is anticipated to be reduced to as low as 1.1 hectares per 1,000 if no new parks are secured.

By 2041, the City's parkland requirement will grow to 1,489.2 hectares. An additional 315.7 hectares will be required by 2041, meaning an average of 15.8 hectares per year. The ratio of 1.68 hectares of active parkland per 1,000 persons is forecasted to decline to 1.34 hectares per 1,000 persons if no new parks are secured beyond those in the development pipeline. This projection underlines the importance of securing additional parkland to address this shortfall, be it through land conveyance, purchase and acquisition and alternative tools and mechanisms.

Alternative park acquisition strategies have emerged in response to growing intensification pressures and high density development activities, and should be considered in any innovative policy approach to urban park system provision. Two such tools are strata parkland and Privately Owned Public Spaces (POPs). Strata parkland is

a public park developed above private infrastructure, typically parking garages or storm water infrastructure. The park space is deeded to the municipality by the property developer, and is thus publicly owned, whereas the underlying infrastructure is maintained within private ownership. POPs are privately owned spaces that are publicly accessible via legal agreements between the property owner and the municipality, but are privately operated and maintained. Municipal programming and overall control of these spaces are more limited than traditional table land parks or strata parks.

The Parks Plan lays out a series of recommendations and the new Parkland Dedication By-Law incorporates a number of those recommendations pertaining to alternative park acquisition strategies. Other recommendation from the Parks Plan can be considered for incorporation in an accompanying park planning and design guideline. Please refer to Appendix A for more details.

### Parkland Dedication By-Law

A new Parkland Dedication By-Law incorporating the legislative changes and recommendations from the City of Brampton Parks Plan 2041 is presented as Appendix B. Below are key highlights on the proposed land conveyance and payment-in-lieu calculations.

For commercial and industrial purposes, the City shall require parkland dedication and/or a payment-in-lieu equivalent to 2% of the Land Area. For all other non-residential purposes, the City shall require parkland dedication and/or a payment-in-lieu equal to 5% of the Land Area.

For residential developments in Established Neighbourhoods and Designated Greenfield Areas, the rate shall be 5% of the Land Area, or 1 hectare per 300 dwelling units, whichever generates the greater parkland dedication to the City. Alternatively, the City may require a payment-in-lieu of a land dedication of a rate of 5% of the Land Area, or 1 hectare per 500 dwelling units, whichever is greater.

For residential developments in Intensification/Strategic Growth Areas, which are defined as Downtown Brampton, Queen Street Corridor and Hurontario-Main Corridor as per the Parks Plan, the City shall require a dedication rate or payment-in-lieu equivalent of \$21,200 per dwelling unit or 1 hectare per 500 dwelling units, whichever is less. The rate of \$21,200 is proposed to be phased in, as set out in the Parkland Dedication By-law.

In addition, in Intensification/Strategic Growth Areas it is proposed that the City consider accepting lands subject to Strata Park arrangements or Privately Owned Public Spaces at 50% credit towards satisfying the parkland dedication requirements in Intensification/Strategic Growth Areas, provided an agreement to the satisfaction of the City is entered into with the landowner.

For mixed-use development, the City shall conveyance of land or payment-in-lieu based on a pro-rated mixture of land uses using the following formula:

*Total Contribution = Residential Contribution + Pro-Rated Other Non-Residential Contribution + Pro-Rated Commercial/Industrial Contribution*

*Total Contribution = Residential Contribution + ((Other Non-Residential GFA/Total GFA)\*(Site Area \*.05)) + ((Commercial/Industrial GFA/Total GFA)\*(Site Area \*.02))*

Although the new rate represents a significant increase, the overall high-density residential rate per unit is consistent with other comparable municipalities in the Greater Toronto Area, and supports the City's goal of achieving 1.6 hectares of parkland per 1,000 persons.

- City of Toronto, \$25,000 per unit
- City of Mississauga, \$25,112 per unit by August 2023
- City of Vaughan, \$27,994 per unit by March 2025 (phased approach)
- City of Markham, \$30,460 to \$34,980 per unit
- Town of Oakville, \$22,269 per unit

### **Corporate Implications:**

#### Financial Implications:

The Development Finance Section - Revenue Services Division (Corporate Services) is actively involved in the collection of all CIL requirements from all new developments. Any increase in CIL Parkland payment-in-lieu rate will support the acquisition of parkland citywide. Any changes as a result of Bill 23 would impact the ability to meet the City's parkland acquisition targets.

### **Term of Council Priorities:**

This report aligns with the "Brampton is a Green City" 2018-2022 Term of Council priority.

### **Conclusion:**

Parks are a vital component of the City of Brampton. The Parks Plan supports the City's existing target of 1.6 hectares of active parkland per 1,000 persons. The new Parkland Dedication By-Law helps the City achieve the target. Staff recommends Council endorse the City of Brampton Parks Plan 2041, and endorse the Parkland Dedication By-Law in principle. Staff will return to Council for approval on the final form of the By-law on December 14, 2022, incorporating any public comments and legislative changes.

Authored by:

Reviewed by:

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**Attachments:**

- Appendix A: City of Brampton Parks Plan 2041
- Appendix B: Parkland Dedication By-Law