

Date: 2022-10-13

Subject: Recommendation Report: Proposed Amendment to the Parkland Dedication Policies of the Official Plan

Contact: Ed Fagan, Director, Parks Maintenance & Forestry
edward.fagan@brampton.ca

Report Number: Community Services-2022-951

Recommendations:

1. **THAT** the recommendation report titled “Proposed Amendment to the Parkland Dedication Policies of the Official Plan” to the Special Council meeting of November 16, 2022, be received, and the draft Official Plan Amendment be presented for public consultation and comments;
2. **THAT** if no delegates are present at the Statutory Public Meeting of November 16, 2022, and no comments are received, the Official Plan Amendment attached as Appendix A be adopted by Council at the December 14, 2022 meeting.

Overview:

- As permitted under Sections 42, 51.1 and 53 of the *Planning Act*, 1990, Parkland Dedication By-law 283-2013 enables the City to require, as a condition of development or redevelopment, land for parks and other recreational purposes, or an equivalent amount of cash-in-lieu of land (CIL). The *Planning Act* also sets out legislated maximums for how much land a by-law may require depending on the land use.
- Both the Parkland By-law and the City’s Official Plan (OP) require land conveyance for residential development/redevelopment at a Standard Rate of 5% of the land, or an Alternative Rate, as set out in the *Planning Act*, whichever is greater.
- Bill 197, the COVID-19 Economic Recovery Act, 2020, made a number of changes to the *Planning Act* related to parkland dedication requirements. Any inforce parkland by-law and official plan utilizing the Alternative Rate expired as of September 18, 2022. As such, the City will need to pass a

new parkland by-law and an amendment to the Official Plan to continue using the Alternative Rate.

- **Staff is recommending changes to the Official Plan policies only as it pertains to Parkland Dedication (s. 5.21) for proposed residential uses. A new policy is proposed to be added related to parkland dedication for proposed mixed use development and dedication rate to residential developments within Intensification Corridors and Strategic Growth Areas.**
- **The purpose of this report is to present the proposed Official Plan Amendment at a Statutory Public meeting for public review and comments.**
- **This report will also be brought forward for additional consideration at the November 28, 2022 Planning and Development Committee meeting if required.**
- **Should no comments be received on the proposed amendment, staff recommends adoption of the Official Plan Amendment at the December 14, 2022 Council meeting.**
- **The Parks Plan and proposed Parkland Dedication By-law will be presented to Council under a separate report.**

Background:

Municipalities acquire lands for park or other public recreational purposes through legislated authority provided in the *Planning Act*. The City seeks dedications of land through the development process or, cash-in-lieu of parkland dedication (CIL) where the conveyance of land is not required, not suitable or is insufficient. The payment must represent the value of the land that would otherwise have been conveyed, and typically, Brampton uses the CIL to purchase lands elsewhere for larger City or Community Parks. As per the *Planning Act*, the City is able to use several methods of collecting CIL, in terms of the calculation methodologies and the timing of collection.

The *Planning Act* (s.42) permits the conveyance of parkland to a municipality as a condition of development/redevelopment, at an established Standard Rate for residential uses of 5% of the land, or an Alternative Rate as set out in the *Act*, whichever is greater. Similarly, the *Planning Act*, also specifies the rates for CIL using a Standard or Alternative Rate.

Using the Alternative Rate is only permitted if the municipality has a Parks Plan in place, and Official Plan policies identifying parkland needs to support the growing population.

Both the City's Parkland By-law 283-2013 and the Official Plan (Section 5.21) contain provisions for parkland dedication and CIL using both the Standard and Alternative Rates.

Current Situation:

Bill 197, the COVID-19 Economic Recovery Act, 2020, made a number of legislative changes to the *Planning Act* related to parkland dedication requirements. Any in-force parkland by-law and official plan using the Alternative Rate expired on September 18, 2022. As such, the City is no longer able to collect the Alternative Rate.

In order to continue using the Alternative Rate and update the approach to parkland conveyance resulting from future growth, Brampton has to update its Parkland Dedication By-law and Official Plan policies.

The legislative changes brought forward by Bill 197 now grant the Ontario Lands Tribunal (OLT) the authority to hear appeals related to any part of a Parkland By-law involving the Alternative Rate, including the power to reduce the Alternative Rate, if considered appropriate.

The City has undertaken a review of its parkland future needs through a new Parks Plan, which provides a series of recommendations to be implemented through an updated parkland by-law and official plan policies.

The Parks Plan recommends a Standard Rate for residential uses in established neighbourhoods and Designated Greenfield Areas of 5% of the land, or an Alternative Rate as set in the *Planning Act*, whichever generated the greater parkland dedication to the City.

The Parks Plan also recognizes the increased pressure for parkland resulting from higher density development in some of the City's intensification areas such as proposed Strategic Growth Areas, and the need to include policies that reference mixed use development, which are not included in the current Official Plan.

Section 5.21 -Parkland Dedication- of the Official Plan Amendment is proposed to be amended to reflect the recommendations of the Parks Plan in accordance with the updated Parkland Dedication By-law and rates set out by the *Planning Act*. The proposed amendments will only apply to parkland dedication requirements for proposed residential uses, and a new policy for mixed-use developments.

Corporate Implications:

Financial Implications:

There are no direct financial implications associated with this report.

Term of Council Priorities:

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

Conclusion:

Brampton has completed its Parks Plan, which identifies parkland needs to support the City’s growing population. The recommendations of the Parks Plan are being implemented in an updated Parkland Dedication By-law and proposed amendments to the parkland dedication policies of the Official Plan, which are being presented to the public for review and comment, and subsequent Council adoption.

Reviewed by:

Ed Fagan
Director, Parks Maintenance and
Forestry
Community Services

Approved by:

Marlon Kallideen
Commissioner, Community Services

Attachments:

Appendix A: Proposed Official Plan Amendment