



The Corporation of the Town of Milton

Report To: Council

From: Jill Hogan, Commissioner, Development Services

Date: June 20, 2022

Report No: DS-054-22

Subject: Land Conveyance for Park or Other Recreational Purposes - By-law and Policy Updates

Recommendation: THAT Policy No. 048 (re: Development - Land Conveyance for Park or Other Recreational Purposes) be updated as outlined in Appendix 1 to this report.

THAT the updated Land Conveyance for Park or Other Recreational Purposes By-law ('Land Conveyance By-law') that is on the June 20, 2022 Council agenda be considered by Council.

EXECUTIVE SUMMARY

- This report presents a new Land Conveyance Policy and By-law for Council consideration in relation to the Town's park and outdoor recreation needs.
- The By-law is being updated as a result of new legislation and also incorporates housekeeping amendments to revise definitions since the existing By-law was originally adopted in 2001.
- The policy update will eliminate areas of overlap with the By-law and provide staff with the additional clarity that is required in order to enact the conveyance program.
- The updates will allow the Town to continue to use the alternative rate to calculate land conveyance as a condition of development (where applicable), and will provide the Town further flexibility to consider the alternative rate for all residential densities (i.e. high, medium and low densities).
- These updates align with the Park and Recreation Strategy that was approved through report COMS-002-2021 as well as the Official Plan Amendment that was originally presented through report DS-024-21.

REPORT

Background

Through the development approvals process, the *Planning Act* allows a municipality to require either the conveyance of land for park or other public recreational purposes, or a payment in lieu of land as follows:

- 2 percent of the proposed land for commercial and industrial purposes and 5 percent for all other uses, including residential purposes.
- An alternative rate of one hectare for every 300 dwelling units for conveyance;
- An alternative rate of one hectare for every 500 dwelling units for payment-in-lieu of conveyance.

The Town of Milton currently applies the alternative conveyance rate to medium or high-density development where the proposed residential development achieves a density of 15 dwelling units per hectare or greater.

On July 8, 2020 the Province introduced the *COVID-19 Economic Recovery Act, 2020* (Bill 197), which included a number of changes to Section 42 of the *Planning Act*. The new legislation allows the existing land conveyance, payment-in-lieu, and the alternative requirements to continue. However, if municipalities wish to continue using the alternative requirements, a new By-law must be passed under Section 42 of the *Planning Act*. It is also necessary that a Park and Recreation Strategy be prepared, and that applicable policies be included in the Official Plan before a Land Conveyance By-law be enacted which contains the alternative rate.

On March 22, 2021, through report COMS-002-2021, Milton Council approved an updated Park and Recreation Strategy which included a hierarchy and provision target for parks and outdoor recreation facilities that will assist the Town in planning for the full spectrum of the community's needs.

On April 12, 2021, through DS-24-21 a statutory public meeting was held under the *Planning Act* to present a draft Town initiated Official Plan Amendment - Park and Recreation Strategy for public input. The purpose of the amendment is to incorporate various updates to the Town's Official Plan to reflect the revised Park and Recreation Strategy and expand the use of the alternative land conveyance rate to allow for low-density development.

It is important to note that the proposed Land Conveyance By-law directly relates to report DS-57-22 also being considered through the June 20, 2022 meeting of Council. DS-57-22 recommends that Council approve the Town initiated Official Plan Amendment - Park and Recreation Strategy. Applicable policies must be included in the Official Plan before a Land Conveyance By-law can be enacted which contains the alternative rate.



Discussion

This report recommends that Council adopt the updated policy contained in Appendix 1 to this report as well as the new By-law on tonight's agenda. The new By-law will allow the continued use of the permitted alternative rate for medium and high density residential development and also implements direction from the Park and Recreation Strategy adopted by Council in March 2021 through report COMS-002-2021 by expanding the use of the alternative land conveyance rate for low-density residential development (one hectare for every 300 dwelling units for land conveyance and one hectare for every 500 dwelling units for payment-in-lieu of conveyance). The new By-law also incorporates housekeeping amendments to refresh definitions and out of date terms since the By-law was originally adopted in 2001.

The update to Policy No. 048 will remove areas of duplication between the policy and the By-law, and instead speak to the need for a conveyance by-law that will then articulate the pertinent information. The sections of Policy No. 048 that remain will provide the supplemental details that are needed to implement the program, including direction in areas such as land valuation and the type of land that the Town would consider accepting through conveyance.

The secondary and tertiary planning processes will continue to be essential to ensuring the Town is well positioned to execute the Park and Recreation Strategy to satisfy the needs of a growing community. The resulting agreements with developers can establish the overall acreage quantum of land that will be provided for, including the conceptual distribution of park locations by park type, as well as the timing and conditions of conveyance.

Future updates to the Land Conveyance By-law may be required as a result of the changing nature of development in Milton which now contemplates a surge of higher density residential developments. A more comprehensive update may begin as early as 2023 in this regard, and may leverage the research, analysis and findings of similar reviews that are currently underway within adjacent and/or comparable jurisdictions.



Financial Impact

Land acquisition in support of the uses described in the Town's Park and Recreation Strategy and Official Plan Amendment can be funded from several potential sources depending on the utilization of the land. Conveyances that are made and payments-in-lieu received through the Planning Act form an important part of the Town's overall acquisition strategy.

For land conveyances through the Planning Act, the Town currently utilizes the alternative rate when residential densities reach 15 dwelling units per hectare or greater for medium and high density developments. The proposed amendment to By-law will allow for the expanded use where the alternate rate would yield a greater conveyance to the Town, and it would not be restricted to medium and high density but instead broadened to low density development as well. These revisions will provide the Town flexibility as growth continues and housing types and design evolve.

Funds that are received through payment-in-lieu are deposited into the Town's reserve fund that is dedicated for that purpose, and invested as part of the Town's capital program. As reported in CORS-030-22, the Town ended the year 2021 with a \$13.1 million balance in that reserve fund that is available for future acquisitions.

Respectfully submitted,

Jill Hogan
Commissioner, Development Services

For questions, please contact: Jill Hogan

Phone: Ext. 2304

Attachments

Appendix 1 - Policy No. 048: Development - Land Conveyance for Park or Other Recreational Purposes

Approved by CAO
Andrew M. Siltala
Chief Administrative Officer

Recognition of Traditional Lands

The Town of Milton resides on the Treaty Lands and Territory of the Mississaugas of the Credit First Nation. We also recognize the traditional territory of the Huron-Wendat and Haudenosaunee people. The Town of Milton shares this land and the responsibility for



The Corporation of the Town of Milton

Report #:
DS-054-22
Page 5 of 5

the water, food and resources. We stand as allies with the First Nations as stewards of these lands.



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| No. 048: DEVELOPMENT - Land Conveyance for Park or Other Recreational Purposes | Formerly 05-02 |
| | No of pages 2 |

Reference: Staff Report PD-97-01; Nov. 12, 2001 APSCC
 Staff Report COMS-23-14; July 21, 2014 CL
 Staff Report COMS-006-19; May 6, 2019
 Staff Report DS-054-22; June 20, 2022

1. GOALS:

- a. To acquire sufficient land to ensure adequate park and recreational uses to serve existing and future populations.
- b. To develop an equitable approach to establishing payment-in-lieu of land conveyance calculations.

2. BACKGROUND

- a. Sections 42, 51.1 and 53 of the *Planning Act, R.S.O., 1990, c.P. 13*, as amended, allows the Council of a local municipality, as a condition of the development or redevelopment of land, to require that land be conveyed to the municipality for park or other public recreational purposes.
- b. These sections further provides that a municipality may require a payment in lieu, to the land otherwise required to be conveyed.
- c. The Town of Milton approved an updated Parks and Recreation Hierarchy and Provision Target through report COMS-002-2021, to assist the Town in planning for the full spectrum of the community’s park and outdoor recreation needs. This Hierarchy and Provision Target provides guidance for the quality, size and configuration of lands for a range of outdoor facilities and amenities, and will be amended from time to time through future updates and Council approvals.
- d. The Town’s Official Plan, as amended, outlines the continuum of Recreation Facilities, Park Amenities, Trail Networks and Open Space Systems that will provide for a full range of environmental, active and passive venues for the Town’s residents. The Official Plan also addresses the variety of mechanisms that can be utilized to acquire land for park and recreation purposes.

3. LAND CONVEYANCE BY-LAW FOR PARK OR OTHER RECREATIONAL PURPOSES

The Town shall adopt and maintain a by-law to regulate the conveyance of land to the Town for park and other public recreational purposes or the payment in lieu thereof (henceforth referred to as the ‘Land Conveyance By-law’).

4. PAYMENT-IN-LIEU OF LAND CONVEYANCE – LAND VALUATION

- a. Land values, for use in payment-in-lieu of land calculations, shall be determined by a qualified appraiser retained by the owner, at their expense. The appraisal submission is to be prepared in accordance with the Canadian Uniform Standards of Professional Appraisal Practice (CUSPAP), and is to be signed by an appraiser with Accredited Appraiser Canadian Institute (AACI) and/or Canadian Residential Appraiser (CRA) designations, as appropriate, having experience relevant to the project type and in the Town's market area. Appraisals are to be of a short narrative for all property types, with the exception of complex developments, and/or form reports for rural and urban residential (low density). Appraisal submissions will be subject to review by the Community Services Department. Any necessary revisions required by staff to accept the valuation will also be at the owner's expense. The actual purchase price may be used for simple applications, where deemed appropriate by the Community Services Department, provided supporting evidence is submitted demonstrating that the property was subject to a recent, arms-length purchase, no earlier than 6 months prior to the date of when payment is due. If the Community Services Department disputes the land value established by the appraiser retained by the owner, staff may secure a review of the appraisal at the Town's expense.
- b. In the case of unresolved concerns or a dispute, resolutions and appeals will be addressed in accordance with the *Planning Act*.

5. CONVEYANCES OF LAND

- a. The location, quality and configuration of the land to be conveyed shall be to the satisfaction of the Community Services Department with consideration for the Town's Park and Recreation Hierarchy, Provision Target, and relevant service delivery or business plans.
- b. The following lands shall not be accepted for park or recreation purposes:
 - i. Land identified as hazardous, subject to flooding or erosion;
 - ii. Land used for stormwater management, servicing or utility functions;
 - iii. Land identified within the Halton Region Natural Heritage System, or identified by Halton Region, a Conservation Authority or the Province as a natural feature, environmentally sensitive area, watercourse, or other lands designated for an environmental function.
 - iv. Land within the setback or as required to act as a buffer from the lands outlined above;
 - v. Land identified for active transportation, for example walkways, bikeways, multi-use pathways;
- c. The Town, at its discretion, may accept land described in Section 5b in addition to any required land dedication.
- d. The Town, at its discretion, may require information as part of the consideration of, and prior to acceptance of, any land for park or recreation purposes. Required documentation is to be provided in accordance with the Town's Engineering and Parks Standards Manual, to the



- satisfaction of the Town. Required documents may include, but are not limited to, an environmental site assessment, environmental impact, topographic and legal surveys, as well as testing. All costs to provide the required documentation will be at the expense of the owner.
- e. All land is to be free of any encumbrances and conveyed to the Town to a base condition as specified in the Town's Engineering and Parks Standards Manual, or as defined through a negotiated, relevant agreement.