



# City of Burlington Parkland Dedication By-Law Review

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## Background Report

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# Table of Contents

	Page
<b>1. Introduction.....</b>	<b>1-1</b>
1.1 Legislative Context .....	1-1
1.2 City of Burlington Parkland Dedication By-law.....	1-3
1.3 City of Burlington Official Plan .....	1-5
1.4 City's Parks, Recreation and Cultural Assets Master Plan.....	1-6
<b>2. Parkland Dedication Assessment Methodology.....</b>	<b>2-1</b>
2.1 Methodology and Current By-Law Assessment .....	2-1
2.1.1 Forecast Parkland Supply .....	2-1
2.1.2 Forecast Parkland Demand .....	2-3
2.1.3 Assessment of Parkland Dedication .....	2-5
2.2 Parkland Dedication By-Law Alternatives .....	2-7
2.2.1 City Parkland Requirements .....	2-8
2.2.2 Consideration of City Intensification and Affordability Objectives .....	2-8
2.2.3 Equity of the Alternative Requirement by Dwelling Unit Type .....	2-9
2.2.4 Sufficient Land for Development .....	2-9
2.2.5 Municipal Practice .....	2-9
<b>3. Parkland Dedication Alternatives.....</b>	<b>3-1</b>
3.1 Introduction .....	3-1
3.2 Scenario 1 – Current Parkland Dedication By-Law.....	3-1
3.3 Scenario 2 – No Parkland Dedication Caps.....	3-2
3.4 Scenario 3 – Parkland Dedication Caps Based on Uniform Standard per 1,000 Population .....	3-3
<b>4. Conclusions.....</b>	<b>4-1</b>



# Chapter 1

## Introduction



# 1. Introduction

The City of Burlington (City) retained Watson & Associates Economists Ltd. (Watson) to undertake a review of its Parkland Dedication By-law. The City's Parkland Dedication By-laws, i.e. By-Laws 57-2005 and By-Law 147-1993, provide the residential and non-residential policies respectively. By-Law 57-2005 also imposes the parkland dedication alternative requirement for residential development. As a result of amendments to the *Planning Act*, all municipalities with parkland dedication by-laws imposing the alternative requirement must enact a new parkland dedication by-law prior to September 18, 2022. As such, the scope of this report provides recommendations with respect to By-Law 57-2005 for residential development.<sup>[1]</sup>

The review undertaken by Watson assessed the City's need for parkland and the ability of the current Parkland Dedication By-law to satisfy these requirements based on the forecast development. The assessment further considered the parkland dedication by-laws in comparable municipalities to inform the approach and recommended policies. This report provides recommendations for City Council consideration to better address its parkland needs for growth.

The report summarizes the legislative context for the review, the methodology used in the undertaking the assessment of parkland needs, findings of parkland dedication relative to forecast development and recommendations for City consideration.

## 1.1 Legislative Context

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Section 42 of the *Planning Act* directs municipalities with respect to the conveyance of land for parks or other public recreational purposes. Schedule 17 of the *COVID-19 Economic Recovery Act* was proclaimed on September 18, 2020 and amended s.42 setting out various procedural matters related to the passage and appeal of a by-law containing the alternative requirement. In this regard, parkland dedication by-laws imposing the alternative requirement that were in effect on or before this date of proclamation expire on September 18, 2022. A municipality is required to pass a new by-law prior to the expiry date to continue using the alternative requirement to receive parkland dedication.

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<sup>[1]</sup> By-Law 147-1993 respecting non-residential development will remain in effect.



Subsection 42(1) allows a municipality, by by-law, to require as a condition of development or redevelopment the conveyance of land not exceeding 2% of land to be developed for commercial and industrial purposes, or 5% of the land to be developed for all other purposes. Under s.s.42(3) a municipality may elect to impose the alternative requirement to the 5% of land conveyed for residential purposes, imposing a maximum rate of 1 hectare per 300 dwelling units.

To impose the alternative requirement the *Planning Act* requires that the municipality's Official Plan contains specific policies dealing with the provision of lands for parks 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.

The *Planning Act* further specifies that before passing a by-law containing the alternative requirement, the municipality shall consult with such persons and public bodies as the municipality considers appropriate. After 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 notice must indicate the last day for appealing the by-law, which shall be the day that is 40 days after the day the by-law is passed. Moreover, the parkland dedication by-law may be appealed to the Ontario Land Tribunal (OLT) by any person or public body.

Under s.s.42(6) council may require a payment in lieu of the value of land otherwise conveyed at the standard rates. Similar to the standard dedication policies, under s.s.42(6.0.1) council may require a payment in lieu of parkland at a rate of 1 ha. per 500 dwelling units, or lesser rate as specified in the by-law, if using the alternative requirement. These payments are commonly referred to as Cash-in-Lieu (CIL) of parkland. These payments are applicable law and as such no person is allowed to construct a building on the land proposed for development unless payment or arrangements for the payment is made. Also, the value of the land shall be determined as of the day before the building permit is issued, or if more than one building permit is required the day before the first building permit is issued. The payments may be paid under protest by the applicant. The applicant may also apply to the OLT to have the value determined.



All CIL of parkland funds received by the municipality must be maintained in a special account. The funds can only be spent on the acquisition of land to be used for park or other public recreational purposes, as well as the erection, improvement or repair of buildings, and the acquisition of machinery for park or other public recreational purposes. The Province may prescribe required information, dissemination and timing for reporting on a municipality's parkland dedication by-law.

Bill 109, the *More Homes for Everyone Act*, received Royal Assent on April 15, 2022. Schedule 5 of the Act amends the *Planning Act*. Specifically, s.42 of the *Planning Act* is amended with respect to parkland requirements on lands designated as transit-oriented community land under the *Transit-Oriented Communities Act*. In this regard, subsections 42(3.2) through 42(3.4) were added to the *Planning Act* whereby a by-law that provides for the alternative requirement shall not require a conveyance or CIL of parkland greater than 10% of the land where the land proposed for development is 5 ha. or less; and 15% of the land where the land proposed for development is greater than 5 ha.

Subsection 2(1) of the *Transit-Oriented Communities Act* currently defines transit-oriented community land as land, in the opinion of the Lieutenant Governor in Council, that is or may be required to support a transit-oriented community project. Moreover, the Minister shall publish notice of each designation made on a Government of Ontario website. At the time of writing this report no lands within the City of Burlington are designated as transit-oriented community land.

## 1.2 City of Burlington Parkland Dedication By-law

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The City's Parkland Dedication By-law imposes the amount of parkland or CIL of parkland to be conveyed to the City at the time of approval of the development. The by-law defines this timing as the approval of a plan of subdivision under s.51 of the *Planning Act*, or the issuance of a building permit under the *Building Code Act*. The amount of land required under the by-law is consistent with the provisions of s.42 of the *Planning Act*.

The by-law requires the following conveyance of land by development type. The parkland requirements are determined at the time of development review at the election of the Director.



- Commercial and Industrial development - 2% of the total land area of the site being developed;
- Residential development – the greater of 5% of the total land area of the site being developed, or 1 ha. per 300 dwelling units in the proposed development; and
- All other development types – 5% of the total land area of the site being developed

The by-law provides that the City, at the discretion of the Director, may require CIL of parkland or other public recreation purposes. The CIL is calculated by development type as follows:

- Low density residential development at less than 15 dwelling units per net hectare - 5% of the land area being developed at the time of building permit issuance;
- Medium density residential development at densities between 15-50 dwelling units per net hectare – the lesser of:
  - 1 ha. per 300 dwelling units, with the land being valued at the day before building permit issuance; or
  - \$6,500 per dwelling unit.
- High density residential development at densities greater than 50 dwelling units per net hectare – the lesser of:
  - 1 ha. per 300 dwelling units, with the land being valued at the day before building permit issuance; or
  - \$5,500 per dwelling unit.
- Commercial and Industrial development - 2% of the land area being developed;
- All other development purposes – 5% of the land area being developed;
- Mixed-Use development – the parkland requirement is calculated based upon the proportions of the site devoted to each use at the rates identified above.

It should be noted that the *Planning Act* was amended to limit the alternative requirement for CIL to 1 ha. per 500 dwelling units (s.s.42(6.0.1)). Moreover, s.s.42(6.0.2) states that if a by-law requires CIL of greater than 1 ha. per 500 dwelling



units then the by-law is deemed to be amended to be consistent with the *Planning Act* provisions. As such, the foregoing policies for residential CIL are limited to 1 ha per 500 dwelling units.

## 1.3 City of Burlington Official Plan

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The City's new Official Plan (OP) was adopted by City Council on April 26, 2018 and approved with modifications by the Region of Halton on November 30, 2020.

Subsection 12.1.16 of the plan includes the policies for parkland dedication. Currently, the new OP is under appeal at the O.L.T. and may be subject to change as the process advances. In discussions with City legal staff, it is our understanding that while the current OP is under appeal the City's 1997 OP, as amended, parkland dedication policies remain in effect for this purpose.

Part VI Subsection 2.7 of the 1997 OP, as amended, identify the policies for Parkland Dedication. Relevant excerpts from this subsection of the OP that pertain to parkland dedication are provided below. Paragraphs a)(ii) and a)(iii) of s.s. 2.7.2 specifically indicates the intent of the City to impose the alternative requirement for residential development greater than 15 units per net hectare.

### "s.s. 2.7.2 Policies

- a) Parkland dedication from residential development shall be required as a condition of development. The amount of land or the amount of money paid in lieu of land, shall be determined on the following basis:
  - i) for low density residential development, with a proposed density of less than 15 units per net hectare, parkland shall be dedicated at the rate of 5 per cent of the land area;
  - ii) for low or medium density residential development, with a proposed density of 15 to 30 units per net hectare, parkland shall be dedicated at the rate of 1 hectare per 300 units; and
  - iii) for high density residential development, with a proposed density greater than 50 units per net hectare, parkland shall be dedicated at the rate of 1 hectare per 300 units.





- b) Parkland dedication from new commercial, industrial and office development and certain institutional development defined by by-law, shall be based on a rate of 2 percent of the land area.
- c) Parkland dedication from mixed use development shall be determined as follows: for the residential component of the development, park dedication shall be on the basis of Part VI, Subsection 2.7.2 a); for the commercial, industrial and institutional component of the development, parkland dedication shall be 2 percent of the land area for the percentage of the total floor area used for non-residential uses.
- d) The payment of money equal to the value of the land otherwise required to be conveyed for parks may be required.
- e) Lands required for drainage and shoreline protection purposes, lands susceptible to flooding, steep valley slopes, hazard lands and other lands unsuitable for development, shall not be accepted as parkland conveyance.
- f) Dedication of waterfront lands for park purposes shall also be subject to the policies of Part II, Subsection 9.4.2.”

## 1.4 City's Parks, Recreation and Cultural Assets Master Plan

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The City's PRCAMP provides a strategic framework to guide planning and capital budgeting of parks, facilities and services within the City to 2029. This plan is the supporting document to the City's OP and represents its Parks Plan for *Planning Act* parkland dedication purposes. With respect to parkland, the plan recommends that the City:

- Focus future parks and open spaces development on completing planned venues;
- Seek opportunities to enhance neighbourhood park resources in established areas of the City, especially where urban intensification will occur;
- pursue opportunities via partnerships, joint ventures and innovative site development frameworks; and
- access publicly-owned lands where opportunities arise.



These PRCAMP recommendations are premised on the City's service level targets of 3.58 ha. per 1,000 residents. This service level is further defined by parks classification as follows:

- City Parks - 1.26 ha per 1,000 residents
- Community Parks - 0.82 ha per 1,000 residents
- Neighbourhood Parks - 0.85 ha per 1,000 residents
- Parkette - 0.57 ha per 1,000 residents
- Special Purpose - 0.59 ha per 1,000 residents

The City is undertaking to update its Parks Provisioning and Parks and Recreation Master Plan. As part of this undertaking the City updated its current inventory of parkland. Measured on a per 1,000 resident standard, the level of service currently provided by the City equates to 3.69 ha. per 1,000 residents. This demonstrates that the City has maintained its intended target as set out in the 2009 PRCAMP. The forthcoming Parks Provisioning and Parks and Recreation Master Plan will further define these standards for the next 20-year forecast period to meet the demands of its constituents.



# Chapter 2

## Parkland Dedication Assessment Methodology

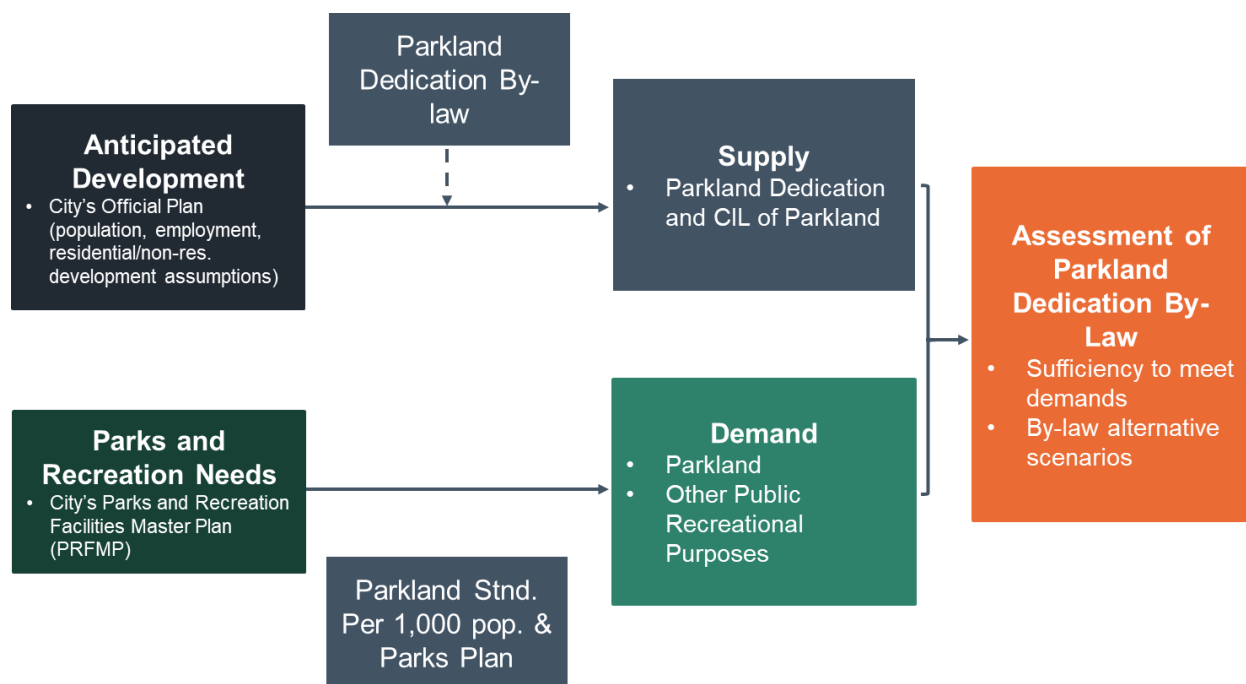


## 2. Parkland Dedication Assessment Methodology

### 2.1 Methodology and Current By-Law Assessment

The parkland dedication assessment considers the anticipated demands for parkland in the City over the forecast period to 2032 and the ability of the City's current parkland dedication by-law to supply sufficient parkland to meet these demands. Figure 2-1 illustrates the approach used in this determination and the subsequent sections of this chapter explain each component of the assessment in further detail.

**Figure 2-1  
Parkland Dedication Assessment Methodology**



#### 2.1.1 Forecast Parkland Supply

The assessment of future parkland conveyance and CIL of parkland is based on a 10-year growth forecast prepared by Watson for the City as part of its Community Benefits Charge Strategy. The forecast is based on the Region of Halton Integrated Growth Management Study and the City's units in the development process. Table 2-1 summarizes the anticipated household and population growth for the City to 2041. For the purposes of this review, the forecast period of 2022-2032 is considered as this



generally aligns with the City’s capital budget forecast and the 2009 PRCAMP. The anticipated development forecasts approximately 12,000 additional households over the period with corresponding net population growth of 26,000 residents. The anticipated mix in forecast dwelling units by type is 80% high density, 10% medium density and 10% low density.

**Table 2-1  
City of Burlington Forecast Households and Population (2022-2041)**

Year	Population	Dwelling Units				Total
		Low Density	Medium Density	High Density	Other	
2022	193,600	40,459	14,537	18,573	165	73,734
2032	219,600	41,599	15,719	28,224	165	85,707
2041	240,500	42,229	16,914	36,989	165	96,297
<b>2022-2032</b>	<b>26,000</b>	<b>1,140</b>	<b>1,182</b>	<b>9,651</b>	<b>-</b>	<b>11,973</b>

Source: Region of Halton Integrated Growth Management Study

To determine the amount of parkland conveyance supplied by the forecast development, the analysis considered the land to be conveyed under current development agreements. The City anticipates receiving approximately 2.51 ha. of parkland from the following development applications.

- 2100 Brant - 0.31 ha.;
- 2101 Brant – 1.75 ha.;
- CLV - 0.17 ha.; and
- 101 Masonry - 0.28 ha.

In addition to these anticipated conveyances, there are several development applications currently under review where new parkland has been identified. The trends in park land conveyance within intensification areas suggest park parcels are significantly smaller than greenfield subdivision neighbourhood parks. As these applications are in process and the parkland conveyance is difficult to predict, these potential land conveyances have not been included above. As such, these needs will be considered in the subsequent CIL of parkland determination.

Applying the alternative requirement of 1 ha. per 300 dwelling units, the land conveyance would account for 754 forecast residential dwelling units (i.e. 2.51 ha. x 300 units per ha.). This would account for approximately two-thirds of the forecast low



density residential development. The remaining forecast low density dwelling units have been included in the CIL of parkland determination at an assumed density of 10 units per net hectare, based on current applications in the development process. This would require an equivalent CIL of parkland for 1.93 ha. (i.e. 386 units / 10 units per net hectare x 5% of land area).

Assuming the 1,182 medium and 9,651 high density residential dwelling units would be required to pay the current CIL rates, this would produce revenues of approximately \$60.8 million<sup>[2]</sup> for the City to purchase parkland. To determine the equivalent parkland that could be purchased in the City with the CIL funds, we consulted a variety of sources for land value assumptions, including:

- The City's 2020 Downtown Burlington Fiscal Impact Study, prepared by Watson, included an estimate for parkland within that defined area of \$24.7 million per ha. (i.e. \$10 million per acre);
- The City's 2019 Cash-in-Lieu of Parkland Report prepared by Antec Appraisal Group identified high density land values of \$18.2 million per ha. (i.e. Appendix D average); and
- Estimates from the City's Realty Services which provided an average estimate of \$33.4 million per ha. (i.e. \$12-\$15 million per acre).

Based on these assumptions, we have assumed an average per ha. land value of \$25.4 million. Applying this underlying land value assumption, the \$60.8 million in forecast CIL revenue would provide funding for approximately 2.39 ha. of parkland (i.e. \$60.8 million / \$25.4 million). Including land conveyances and forecast CIL from low density residential development, the City's current parkland dedication by-law would provide approximately 6.84 ha. in land to address the demands of the forecast development.

### **2.1.2 Forecast Parkland Demand**

The City's PRCAMP provides the City's adopted parkland standard of 3.58 ha. per 1,000 population. Applying this standard to the anticipated residential development referenced above produces a total parkland demand of approximately 93.08 ha. (Table 2-2). As noted, the City's current parkland inventory exceeds this standard (i.e. 3.69 ha./1,000 residents). As a sensitivity analysis, a lower standard of 3.53 ha. per 1,000

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<sup>[2]</sup> 1,182 medium density units x \$6,500/unit, plus 9,651 high density units x \$5,500/unit.



residents (i.e. 2.72 ha./1,000 residents Active Parkland, plus 0.81 ha./1,000 residents Neighbourhood Parkland) was applied from initial Parks Provisioning estimates. At this lower standard the incremental parkland demands of new development over the forecast period would total approximately 91.78 ha.

**Table 2-2  
City of Burlington Parkland Demands based on PRFMP Standard (2022-2032)**

Parkland Demands (2022-2032)	2009 PR&CA MP (3.58 ha./1,000 pop.)	Current LOS (3.69 ha./1,000 pop.)	Parkland Provisioning (2.72 ha./1,000 pop. Active Parkland + 0.81 ha./1,000 pop. Neighbourhood Parkland)
Parks Plan Needs (ha.)	93.08	95.94	91.78

To satisfy the parkland standard, the City has identified a number of parkland projects in various sources:

- Parkland conveyance of 2.51 ha., noted above;
- Potential parkland and linear park opportunities within Major Transit Station Areas (MTSA) of 13.13 ha.;<sup>[3]</sup>
- Preliminary Parks Provisioning needs for a major park development (e.g. Aldershot High School 6.2 ha., General Brock High School 5.0 ha.);
- \$2.0 million in CIL funding within the 2022 Capital Budget and Forecast for the 10-year forecast period.

In total these potential projects would equate to approximately 26.84 ha. These are examples of potential parks projects and are preliminary estimates that will be subject to change and anticipated timing with the development of the Parks Provisioning, Parks and Recreation and Cultural Assets Master Plan update and the finalization of the Area-Specific Plans (ASPs) for the MTSA.

<sup>[3]</sup> Parkland needs in the MTSA areas are anticipated to be within and beyond the study forecast period. They have been included in the total potential parkland projects for this Study as they represent known parkland needs identified by the City to meet future development demands.



### **2.1.3 Assessment of Parkland Dedication**

Table 2-3 summarizes the analysis used to determine the sufficiency of the City's current parkland dedication by-law to address the demands for parkland from new residents to 2032. The table forecasts incremental parkland demands of 93.1 ha based on the City's parkland standard of 3.58 ha./1,000 residents. Deducting the anticipated parkland conveyance through development agreements, the incremental parkland needs for the forecast period total 90.57 ha. Examples of potential parkland projects that could satisfy some of these demands, noted above, total 24.41 ha.

The maximum equivalent land that could be supplied by the anticipated residential development over the forecast period, based on applying the alternative requirement CIL of parkland rate (i.e. 1 ha. per 500 dwelling units), is 22.44 ha.<sup>[4]</sup> Presented on a dollar value per unit basis, assuming \$25.4 million per ha, this would equate to a maximum CIL of parkland rate of \$50,800 per unit (i.e. 22.44 ha. x \$25.4 million per ha. / 11,219 residential dwelling units). This is considerably higher than the City's current rates of \$6,500/unit for medium density development and \$5,500/unit for high density development.

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<sup>[4]</sup> (11,973 forecast dwelling units – 754 units in conveyed land = 11,219 CIL dwelling units / 500 units/ha. maximum alternative requirement).





**Table 2-3  
Comparison of City of Burlington Parkland Supply and Demand (2022-2032)**

Parkland Demands (2022-2032)	2009 PR&CA MP (3.58 ha./1,000 pop.)	Current LOS (3.69 ha./1,000 pop.)	Parkland Provisioning (2.72 ha./1,000 pop. Active Parkland + 0.81 ha./1,000 pop. Neighbourhood Parkland)	Equivalent Residential Units (@ 1ha./300 units)	Remaining Residential Units for C.I.L. (11,973-1,650)
Parks Plan Needs (ha.)	93.08	95.94	91.78		
<u>Anticipated Parkland Dedicated (ha.)</u>					
- 2100 Brant	0.31				
- 2101 Brant	1.75				
- CLV	0.17				
- 101 Masonry	0.28				
Subtotal Parkland Dedicated	2.51			754	
<b>Incremental Parkland Needs from C.I.L. (ha.)</b>	<b>90.57</b>	<b>93.43</b>	<b>89.27</b>		
<u>Examples of Incremental Parkland Needs</u>					
- MTSA Opprotunities	13.13				
- Potential Major Parkland Developments	11.20				
- Budget and Forecast CIL	0.08				
Potential Parkland Projects	24.41				
Incremental Parkland Needs from C.I.L. (based on 1 ha./500 units)	22.44	22.44	22.44		11,219
<b>Parkland Needs in Excess of Planning Act Provisions</b>	<b>68.13</b>	<b>70.99</b>	<b>66.83</b>		
<u>Implied Parkland Price (\$/ha.)</u>					
- Current C.I.L. (5% low density, \$6,500/medium density unit & \$5,500/high density unit)	109,836,300				
- <b>Implied value per ha.</b>	<b>4,894,928</b>				

This analysis would indicate that 24.95 ha. of parkland (22.44 ha. CIL of parkland + 2.51 ha. land conveyance) could be dedicated to the City based on the provisions of the *Planning Act*, without restrictions. This would provide 27% of the forecast parkland demands envisioned in the City PRCAMP parkland standard. Viewed narrowly, with respect to parkland conveyed and potential parkland projects anticipated within the City’s MTSA, Parkland Provisioning major parkland developments, and capital budget the parkland dedication provisions would account for 93% of needs.

The City’s current parkland dedication by-law, which applies the standard requirements of low density developments and a dollar value per unit cap for medium and high density developments, would produce \$109.8 million. As noted above, if these funds were used to purchase parkland at an average cost of \$25.4 million this would yield 4.32 ha. of land (i.e. 1.93 ha. from low density developments and 2.39 ha. from medium



and high density developments) . By comparison, implementing the alternative requirement of the *Planning Act* without restriction would yield an equivalent CIL payment of 22.44 hectares. If the funds under the current parkland dedication by-law policies are to be sufficient to fund the associated land requirements, lands would have to be secured at an average value of \$4.9 million per ha. (i.e. \$109.8 million / 22.44 ha.), significantly less than the land value assumptions considered herein.

Based on the foregoing, the City's current parkland dedication by-law does not sufficiently address the forecast demands for parkland development based on the City's parkland standard and potential parkland development projects. The next section of the report within this chapter presents considerations for the changes to the City's parkland dedication by-law to improve parkland conveyance and CIL of parkland payments relative to the demands of development and the City's parks plan.

## 2.2 Parkland Dedication By-Law Alternatives

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Alternative provisions for the City's parkland dedication by-law are considered in this section of the report. The intent is to provide a rationale for potential changes and scenarios for the City's consideration. The rationale for the potential changes to the parkland dedication provision were developed based on a review of background materials, stakeholder considerations and broader municipal practice.

Areas of consideration that have been taken into account in developing the potential changes include:

1. Aligning the polices of the parkland dedication policy with the parkland requirements of the City;
2. Are the parkland dedication policies considerate of the City's objectives for intensification and affordability;
3. Are the alternative requirement provisions of the parkland dedication policies equitable between development types;
4. Do the parkland dedication policies allow for sufficient site development area; and
5. Do the parkland dedication policies align with municipal practice.



## **2.2.1 City Parkland Requirements**

Subsection 2.1.3 of this report identified the City's parkland requirements both in terms of its parkland standard and potential new parkland projects. It is noted that the potential new parkland projects identified in Table 2-3 are less than the forecasted parkland needs produced by the standard (i.e. approx. 65 hectares less). These needs are currently being assessed by the City through its Parks Provisioning, Parks and Recreation Master Plan updated and ASPs for the MTSA's. The forecast parkland needs to address the demands of development to 2032 will be further refined and updated by the City and Council through these processes. However, these potential parkland projects provide an indication of the City's needs for assessing the required land dedication.

The City's current parkland dedication policies applied to the anticipated development to 2032 would not achieve either the parkland standard or potential parkland projects. As such, revisions to the provisions of the parkland dedication by-law should be considered to achieve funding for the forecasted parkland needs. This planned target would be best achieved by increasing the dollar value per unit CIL of parkland cap applied to medium and high density residential developments. Moreover, the City could consider transitional increases to the CIL of parkland rates until the parkland forecast is updated and finalized through the parks provisioning, Parks and Recreation Master Plan, MTSA and capital budget forecast processes.

## **2.2.2 Consideration of City Intensification and Affordability Objectives**

Given the significance of intensification within the growth projections, it would be prudent to consider the potential implications on this type of development in determining the rates within the parkland dedication by-law. Changes in the policies should also consider the potential implications on housing affordability. In this regard, maintaining a maximum charge per unit for medium and high density development should be considered.

Further to this point, the *More Homes for Everyone Act* provides a site area cap for transit-oriented communities. Under this Act, parkland dedication is capped at 10% of the value of the land where the land proposed for development of 5 ha. or less in area, and capped at 15% of the value of the land for land proposed for development that is greater than 5 ha. in area.



### **2.2.3 Equity of the Alternative Requirement by Dwelling Unit Type**

The alternative requirement relates parkland dedication to residential dwelling units, i.e. 1 ha. per 300 dwelling units and CIL of parkland of 1 ha. per 500 dwelling units. This does not take into account the underlying occupancy of the dwelling units, which relates more closely to the City's standard of parkland per 1,000 population. As such, it would be reasonable to consider the potential implications for different residential dwelling unit types in developing the parkland dedication policies.

### **2.2.4 Sufficient Land for Development**

A consideration raised in our background research is the sufficiency of land remaining for development once the parkland conveyance is provided. In the context of the standard dedication requirements of 5% of land for residential development, this would suggest 95% of the net developable area is available to accommodate the proposed development. One argument provided for including a cap on parkland dedication is to ensure that sufficient land is available for the development of the site.

While this may be an appropriate consideration when land is actually being conveyed, in areas of intensification land conveyance may not be feasible. It may be more appropriate to impose CIL of parkland in these situations and for the municipality to use these funds to acquire parkland elsewhere in the community. However, when applying CIL of parkland without a cap, these payments can equate to values greater than the entire site area. While this is a reflection of the anticipated increase in population arising from the development for which parkland is being provided, caps may be a prudent consideration.

### **2.2.5 Municipal Practice**

In developing the policies for the new parkland dedication policy, it is prudent to consider the practice in other municipalities for reasonableness. As part of this undertaking, we surveyed parkland dedication by-laws of other municipalities. The municipalities surveyed included the Cities of Brampton, London, Mississauga, Ottawa, and Toronto; and the Towns of Halton Hills, Milton, Oakville and Whitby. It should be noted that many Ontario municipalities are currently reviewing their parkland dedication by-laws and related policies in order to meet the September 18, 2022 deadline. The survey reflects the municipal practices and policies in effect at the time of writing, which may change as a result of the on-going reviews.



This section summarizes the key findings from the survey of practice relative to the current CIL of parkland caps for medium and high density development.

### *2.2.5.1 Parkland Dedication Rates by Development Type*

Most of the municipal by-laws surveyed use both the standard and alternative requirements for parkland conveyance. The applicable rate may be determined based on density thresholds, which is the City's practice. Municipalities utilizing this approach generally apply the standard rate to the lower-density developments. The density thresholds, however, differ across municipalities. Several municipalities impose the higher of the standard or alternative rate, i.e., the maximum parkland dedication requirements allowable under the *Planning Act*.

Another practice observed with respect to residential dedication rates is the differentiation by location of development. For example, the dedication in the rural areas of a municipality may be based on the standard rate, with the alternative rate requirements applying to the urban areas of the municipality.

It is also important to note that some of the municipalities do not currently collect the maximum allowed under the alternative rate requirements of the *Planning Act*. Specifically, the *Planning Act* allows municipalities to require a maximum land conveyance of 1 hectare for 300 units, or CIL of parkland of 1 ha. per 500 units. In other words, municipalities can impose a rate that is less than prescribed limits. As an example, the City of Toronto requires 0.4 hectares per 300 units based on the location of the development.

### *2.2.5.2 Caps on Parkland Conveyance or Cash-in-Lieu of Parkland for High-Density Developments*

Most of the municipalities surveyed impose a cap on parkland dedication for high-density development. It is noted however, that the Town of Milton and Town of Oakville do not impose caps on parkland dedication presently and the full provisions of the *Planning Act* are imposed. Where a cap is employed, the level of the cap and method employed varies amongst the comparators. For example, some municipalities impose a cap as a percentage of site area. These range between 10%-35% of site area. The City of Toronto applies a graduated cap that depends on the size of the development. The cap ranges from 10% of site area to 20% of site area. The caps may also vary by



area within the municipality in some instances. One such example is the Town of Whitby, which sets the cap at 35% of land area for designated areas of the Town.

In some municipalities, the cap is provided in dollars per unit, which may vary by development type. Another approach is to apply a fixed land value to calculate the parkland dedication requirements, in place of using percentage or dollar value per unit caps. The City of Mississauga is currently in the process of updating its parkland dedication by-law and is considering an increase in the per unit rate from \$11,370 to \$25,112 by August 1, 2023. Moreover, the Town of Halton Hills is proposing to increase its cap from \$11,000 per unit to the greater of \$13,200 per unit or 20% of site area.

When setting the caps, a municipality should consider the impacts of different development types. For example, a cap may make building medium-density developments less desirable compared to high-density development types.



# Chapter 3

## Parkland Dedication Alternatives



## 3. Parkland Dedication Alternatives

### 3.1 Introduction

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Based on the foregoing, alternative parkland dedication policies have been developed for the City's consideration. These alternatives have been developed to address the City's PRCAMP standards and potential parkland projects in the context of the criteria and rationale provided in the methodology section of this report. Moreover, each subsection considers the achieved standard in ha./1,000 population by dwelling unit type, parkland dedication as a percentage of site area, equivalent charge per dwelling unit based on an average land value of \$25.4 million per ha., and overall parkland dedication relative to the City's parkland standard and parks plan.

These metrics have been evaluated across a sample of applications within the City's development process. The sample of developments have been categorized by dwelling unit type, including high density apartments (tall buildings of greater than 11 storeys, and mid-rise buildings of 5-11 storeys), medium density townhouses, and low density single detached dwellings. In total the applications considered total approximately 11,800 residential units and 18,200 population.

In the subsections below each of the following scenarios are evaluated:

- Scenario 1 – City's current parkland dedication by-law
- Scenario 2 – *Planning Act* provisions with no parkland dedication caps
- Scenario 3 – Parkland dedication caps based on uniform parkland dedication per 1,000 population across residential dwelling unit types

### 3.2 Scenario 1 – Current Parkland Dedication By-Law

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Table 3-1 summarizes the performance of the City's current parkland dedication by-law relative to the metrics identified above. The current by-law would yield 2.75 ha. of parkland and achieve a standard of 0.15 ha./1,000 population based on the units surveyed and a per ha. land value of \$25.4 million. Relative to the potential parkland projects planned of 24.41 ha, this would equate to 11% of needs and a shortfall of 21.75 ha.





The achieved standard per 1,000 population declines from an average of 1.82 ha./1,000 population for low density units, applying the standard parkland dedication provisions, to 0.14 ha./1,000 population for medium and high density units. This is due to the dollar value per unit cap for medium and high density development within in the City’s current by-law and underlying land value assumptions. Considered as a percentage of site area, for low density development parkland is conveyed at 5% of the site area. Under the current by-law the equivalent site area the parkland dedication charge would imply is 7% of site area for mid-rise apartments and 14% of site area for tall building apartments.

Considered on a per unit basis, the by-law provides for a dollar value per unit cap of \$6,500 for medium density developments and \$5,500 for high density development. Low density development by comparison would pay a charge equivalent to \$150,700 per unit based on underlying land value assumptions and 5% land dedication for applications included herein.

**Table 3-1  
Parkland Dedication Scenario 1 – Current Parkland Dedication By-Law**

Development Type - City	Parkland Dedication Development Classification	Avg. Units per Application	Avg. Site Area per Application (net ha.)	Avg. Density per Application (units/net ha.)	Scenario 1			
					CIL (ha. per 1,000 population)	CIL (% of Site Area)	CIL (\$/unit)	Equivalent Parkland @ \$25.4 M/ha.
Apartments (tall building)	High	666	1.68	628	0.14	14%	5,500	2.16
Apartments (mid-rise)	High	126	0.53	320	0.14	7%	5,500	0.33
Townhouse	Medium	27	0.65	43	0.12	1%	6,500	0.04
Single Detached Dwellings	Low	14	1.44	10	1.82	5%	150,707	0.22
Total Parkland (ha.)								2.75
Total Parkland Stnd. Achieved (ha./1,000 pop.)								0.15

### 3.3 Scenario 2 – No Parkland Dedication Caps

Recognizing the projected shortfall relative to the City’s potential parkland projects and parkland standard, this scenario removes the dollar value per unit caps and imposes the full alternative requirement for residential densities greater than 15 units per net ha. Under this scenario, as summarized in Table 3-2, the total parkland dedication would increase to approximately 23.42 ha. This would provide 96% of the potential parkland projects planned and produces a standard of 1.30 ha. per 1,000 population.

Evaluated on a ha. per 1,000 population basis, this scenario would invert the trend witnessed under the current by-law with low density development averaging 0.61



ha./1,000 population, medium density averaging 0.95 ha/1,000 population, and high density apartments development types increasing up to 1.31 ha./1,000 population.

Measured on percentage of site area basis, medium density developments would increase from 1% of site area to 9% of site area. Apartment mid-rise developments would increase from 7% of site area under Scenario 1 to 64% of site area. Tall building apartment development would average 126% of site area under Scenario 2, compared with 14% of site area under the current by-law policies. This would bring into question the criteria of remaining land area to accommodate high density development. Moreover, this would increase the requirements on high density and other forms of intensification relative to the City’s objectives. Also, this level of site area cap for high density development would only be comparable to municipalities with no parkland dedication limitations or those imposing a flat rate amount significant enough to produce this level of coverage at high density developments.

This scenario however does provide the most equity across development types when considered on a land value of parkland dedication per unit basis. Under this scenario all residential dwelling units would be charged approximately \$50,800 per unit, based on the underlying average land value assumptions.

**Table 3-2  
Parkland Dedication Scenario 2 – No Parkland Dedication Caps**

Development Type - City	Parkland Dedication Development Classification	Avg. Units per Application	Avg. Site Area per Application (net ha.)	Avg. Density per Application (units/net ha.)	Scenario 2			
					CIL (ha. per 1,000 population)	CIL (% of Site Area)	CIL (\$/unit)	Equivalent Parkland @ \$25.4 M/ha.
Apartments (tall building)	High	666	1.68	628	1.31	126%	50,800	19.98
Apartments (mid-rise)	High	126	0.53	320	1.31	64%	50,800	3.03
Townhouse	Medium	27	0.65	43	0.95	9%	50,800	0.33
Single Detached Dwellings	Low	14	1.44	10	0.61	2%	50,800	0.08
Total Parkland (ha.)								23.42
Total Parkland Stnd. Achieved (ha./1,000 pop.)								1.30

### 3.4 Scenario 3 – Parkland Dedication Caps Based on Uniform Standard per 1,000 Population

Scenario 3 considers alternatives to the City’s current parkland dedication policies by revising the site area cap based on dwelling unit type. Under this scenario the cap for each dwelling unit type is set to achieve the same parkland dedication standard per 1,000 population. This produces higher caps as percentage of site area for dwelling



units with higher densities. As illustrated in Table 3-2, the CIL of parkland alternative requirement produces a standard of approximately 0.61 ha./1,000 population for low density units. Maintaining this standard for all other dwelling unit types and applying the underlying density assumptions from the units surveyed in the development process would produce an implied site area cap for medium density units of 6%, as compared to 1% under the current by-law and the standard provisions of 5% under the *Planning Act*.

For high density developments, maintaining a consistent per capita standard across all dwelling units would imply a site area cap of 30% of mid-rise buildings and 58% for tall buildings. The implied site area cap for medium density and mid-rise apartments would be comparable to those provided in other jurisdictions that impose caps in this manner. The implied site area cap for tall buildings would be higher than those with caps based on site area, but well below those of municipalities with no caps or flat unit rates across all dwelling unit types.

Considered on a per dollar value per unit basis, would suggest a cap of \$50,800 for low density development, \$33,400 for medium density development and \$23,600 for high density development. As the City would continue to impose the standard provisions of low density development, adjusting the dollar value per unit CIL of parkland cap for medium and high density from current rates of \$6,500/unit and \$5,500/unit would be required to provide a consistent per capita application. Providing the dollar value per unit differentiated by dwelling unit type would be supportive of the City's intensification objectives, applying a lower charge per unit for higher density developments. It also balances the needs of the occupants with the corresponding density of development.

Adjusting the caps on this basis would produce parkland dedication of approximately 11.01 ha. This would yield approximately 8.26 ha. more than the City's current parkland dedication policy and represents approximately 45% of the potential parkland projects planned. However, this would still represent a short fall of approximately 13.4 ha. relative to the anticipated plan.



**Table 3-3  
Parkland Dedication Scenario 3 – Uniform Parkland Dedication Standard per  
1,000 population**

					Scenario 3			
Development Type - City	Parkland Dedication Development Classification	Avg. Units per Application	Avg. Site Area per Application (net ha.)	Avg. Density per Application (units/net ha.)	CIL (ha. per 1,000 population)	CIL (% of Site Area)	CIL (\$/unit)	Equivalent Parkland @ \$25.4 M/ha.
Apartments (tall building)	High	666	1.68	628	0.61	58%	23,657	9.30
Apartments (mid-rise)	High	126	0.53	320	0.61	30%	23,664	1.41
Townhouse	Medium	27	0.65	43	0.61	6%	33,420	0.21
Single Detached Dwellings	Low	14	1.44	10	0.61	2%	50,800	0.08
Total Parkland (ha.)								11.01
Total Parkland Std. Achieved (ha./1,000 pop.)								0.61



# Chapter 4

## Conclusions



## 4. Conclusions

The City of Burlington parkland dedication by-law is set to expire on September 18, 2022 as per the recent amendments to the *Planning Act*. As such, this report was undertaken to consider recommended revisions to the City's current parkland dedication by-law in light of the expiry. The recommendation herein are provided based on currently available information.

The City's is currently in the process of updating it's Parks Provisioning and Parks and Recreation Master Plan. These study processes will not be complete prior to the expiration of the parkland dedication by-law. The City intends to review this by-law subsequent to Council's consideration and adoption of the Parks Provisioning and Parks and Recreation Master Plan.

The City PRCAMP establishes a parkland dedication standard of 3.58 ha. per 1,000 population. Moreover, the other supporting studies establish potential parkland projects with incremental needs of 24.41 ha. The City's current parkland dedication by-law would produce land conveyance and CIL of parkland of approximately 6.84 ha. over the forecast period, based on development agreements and an underlying land value of \$25.4 million per ha. This results in a shortfall of approximately 17.57 ha. relative to these potential parkland projects. The principal reason for the shortfall is the dollar value per unit cap currently applied to medium and high density developments.

This study evaluated 3 parkland dedication scenarios including:

- Scenario 1 – City's current parkland dedication by-law
- Scenario 2 – *Planning Act* provisions with no parkland dedication caps
- Scenario 3 – Parkland dedication caps based on uniform parkland dedication per 1,000 population across residential dwelling unit types

Chapter 3 presented projected parkland dedication for each of these scenarios and evaluated them in respect of various criteria arising for background research and survey of municipal practice. The criteria considered included:

- Parkland dedication relative to parkland needs;
- Parkland dedication relative to City's objectives for intensification and affordability;



- Equity of alternative requirement provisions by development types;
- Parkland dedication relative to sufficient site development area; and
- Alignment with municipal practice

Scenario 3 would appear to be the preferred alternative at this time. While the overall dedication produced by this scenario would fall short of the City's PRCAMP standard and potential parkland projects planned, the forthcoming Parks Provisioning, Parks and Recreation Master Plan and ASPs for the MTSAs will better provide for Council's intent in this regard. Moreover, this would further allow for the consideration of location, timing and costs of securing the parkland. This scenario is also preferable as it balances the CIL of parkland requirements across all dwelling unit types by applying a consistent 0.6 ha. per 1,000 population standard. This would further be reflected in the lower dollar value per unit for higher density developments as compared with low density developments. As presented in section 3.4 herein, when applied to applications currently in the development process this would produce additional parkland dedication of 8.26 ha. relative to the City's current parkland dedication policies.

Based on the foregoing, the following provisions are recommended for inclusion in the revised parkland dedication by-law for Council's consideration:

#### Park Dedication - Land

When the Director elects to accept the dedication of land for park or other public recreational uses, in the case of residential or the residential component of mixed-use development, the land shall be conveyed to the City at the greater of:

- a) 5% of the total area of the lands to be developed; or
- b) one hectare for each 300 dwelling units in the proposed development.

#### Park Dedication - Cash-in-Lieu of Land

When the Director elects to accept cash-in-lieu of land for park or other public recreational uses, the cash in lieu payment shall be calculated in accordance with the formulas set out below:



### Low Density

Cash-in-lieu = land value of the land to be developed as of the day before the day the building permit authorizing development is issued x 5 %

### Medium Density

For medium density development, the lesser of:

- i. the number of units in the proposed development divided by 500 x the per hectare land value of the land to be developed as of the day before the day the building permit authorizing development is issued; or
- ii. the number of units in the proposed development x \$33,400.

### High Density

For high density development, the lesser of:

- i. the number of units in the proposed development divided by 500 x the per hectare land value of the land to be developed as of the day before the day the building permit authorizing development is issued; or
- ii. the number of units in the proposed development x \$23,600.