



Date: November 29, 2012

COMMITTEE OF COUNCIL

File: F85.PA

DATE: December 5, 2012

Subject: Information Report: Parkland Dedication By-law Review – Phase 2

Contact: John Spencer, Manager, Parks and Facilities Planning
Planning, Design and Development Department

Overview:

- Phase 1 of the Parkland Dedication By-law Review was completed in February 2012 (see Appendix #1) with the passing of a by-law amendment, the adoption of a modified calculation methodology, and an update to the land values used in the calculation of cash-in-lieu of parkland ('CIL').
- The report presented at the February 29, 2012 Committee of Council meeting indicated that staff would begin Phase 2 of the review to further evaluate CIL collection methodology and draft a new by-law.
- Staff has concluded its review with the drafting of a new by-law (Appendix # 2). An externally commissioned appraisal has also been concluded (Appendix # 3) which establishes land values for 2013 that would be used in the calculation of CIL across the City.
- The new draft by-law reflects the methodology that Council approved through the implementing 'Notice', appended to the February 2012 report. The new by-law has been restructured to provide greater clarity in terms of definitions, timing of conveyance, and CIL calculations. The draft by-law recommends a revised approach to the calculation of CIL for residential apartments.
- The proposed Parkland Dedication By-law has been prepared collaboratively by the project's technical team, comprised of staff from Planning, Design and Development, Corporate Services (Legal Services), Community Services, Financial and Information Services, and Buildings and Property Management (Realty Services).
- This report serves to notify staff and stakeholders of the proposed amendments to the by-law and will allow staff to formally commence discussions with them. A further recommendation report will follow in early 2013.

Recommendations:

1. **THAT** the report from John Spencer, Manager, Parks and Facilities Planning, dated November 29, 2012, to the Committee of Council Meeting of December 5, 2012, **RE: Information Report: Parkland Dedication By-law Review – Phase 2**, be received.

Background:

In 2008, Council authorized the in-house review of the City's Parkland Dedication By-law. As part of this review, staff prepared a series of background 'discussion papers' to clarify the City's long-term demands for parkland and cash-in-lieu of parkland ('CIL'). These discussion papers helped inform the approach used in drafting a new by-law.

Through this background work, staff reaffirmed that without changes to the by-law or updates to the land valuations used in the calculation of CIL, the City would not meet targeted parkland service levels at 'build out' (2031). Before the completion of the first phase of the by-law review in 2012, the majority of CIL collected was based on a land value of \$290K/acre – a rate that had not been updated in over 10 years.

Phase 1 of the by-law review, completed in February 2012, resulted in a report and by-law amendment to change the methodology for calculating parkland dedication requirements and to establish new city-wide land valuation rates. Some of the notable amendments included:

- Establishing a set of updated city-wide land values that would be used in the calculation of CIL
 - Per the implementation 'Notice' that accompanied the report and by-law, it was endorsed that these values would "...be applicable beginning on the *Effective Date* (March 19, 2012) until March 15, 2013 or the completion of Phase 2 of the By-law review, whichever occurs first."
- Exempting the two school boards from parkland dedication requirements
- Allowing all residential developments to pay CIL at 'draft plan approval' land values, regardless of the process under which the development or redevelopment is processed (i.e. plan of subdivision, rezoning/OPA, site plan, or consent).

The report also noted that, even with amendments to the by-law, the City would be challenged to meet its long term service level of 1.7 ha (4.25 ac.)/1000 persons and indicated that a reduced service level of 1.45 ha (3.58 ac.)/1000 persons was a more realistic target.

As part of the completion of Phase 1, staff indicated that it wished to carry out further review of the by-law to make further adjustments to the calculation methodologies and update the land valuations upon which CIL is calculated. Staff was directed to undertake this additional work and to do so with the continued involvement of the principal stakeholders, including the Building, Industry and Land Development Association ('BILD') and report back to Council in 2012 with recommended amendments.

Staff has completed this work and is using this report to formally notify Council and other stakeholders of the proposed amendments. The objective is to carry out these consultations in December 2012 and early January 2013, and conclude the amendments with a recommendation report in February 2013.

Current Situation:

Phase 2 of the by-law review commenced in March 2012, following the February 2012 report to Committee of Council. Staff from Planning, Design and Development, Corporate Services (Legal Services), Community Services, Financial and Information Services, and Buildings and Property Management (Realty Services), along-side senior management worked collaboratively on reviewing the current by-law, evaluating methodologies used by other municipalities, and concluded with a redraft of the Parkland Dedication By-law (Appendix #2). An externally commissioned appraisal was also completed (Appendix # 3) to establish updated land values that would be used in the calculation of CIL across the City.

The new by-law reflects the methodology endorsed in the February report but provides greater clarity in terms of defined terms, the timing of parkland/ and/or CIL conveyance/payment, and enhanced clarity on calculation methods. The format of the by-law has been changed significantly to add a comprehensive 'Definitions' section and headings for easy reference. The draft by-law also recommends a revised approach to the calculation of CIL for residential apartments which is explained in the following section.

What follows on the next two pages is a brief overview of the respective sections of the draft amendments.

Summary of Amended By-law

<u>Section</u>	<u>Description</u>
<i>Format</i>	The by-law has been reorganized and includes subject headings for easier interpretation/reference.
<i>Preamble</i>	The preamble has been expanded to better reflect all development/redevelopment processes for which parkland dedication is required.
<i>Section 1: Definitions</i>	<p>22 definitions have been added in an effort to provide greater clarity.</p> <ul style="list-style-type: none"> • Where feasible, definitions reflect other by-laws or statutes (e.g. <i>Development Charges By-law</i> ("DC By-law") or <i>Planning Act</i>). • For residential development/redevelopment, housing types have been used (as opposed to density ranges, which vary across secondary plans) and are clearly defined for the purposes of assigning a value for CIL collection <ul style="list-style-type: none"> ○ Housing types were based on definitions found in the <i>DC By-law</i> and include: <ul style="list-style-type: none"> ▪ Single-detached dwelling/Semi-detached dwelling ▪ Rowhouse ▪ Apartment • All land use types now defined (based on DC By-law definitions). • <i>Second Unit</i> has been defined in anticipation of new policies dealing with this topic (the definition aligns with those new policies and <i>Bill 140</i>) • The <i>Net Land Area</i> definition qualifies the types of land that will be included and excluded in the calculation of parkland dedication (no change from current methodology).
<i>Section 2: Geographic Applicability</i>	This section is a minor addition that simply denoted the applicability of the by-law, across the City.
<i>Section 3: Conveyance of Land for Park Purposes</i>	This section essentially remains unchanged from the current by-law (March 2012) and contains the calculation methodology for parkland dedication requirements. New provisions were added for mixed-use development however, the methodology is unchanged.

Sections 4 & 5: <i>Condition of Conveyance</i>	Two new sections have been added to establish the conditions of land conveyance for parks purposes. The wording reflects the Official Plan and is consistent with current methodology.
Section 6: <i>Timing of Conveyance</i>	This section specifies when lands would be conveyed to the City, depending on the planning process (i.e. draft plan approval, building permit issuance, consent). No methodology change.
Section 7: <i>Cash-in-Lieu of Parkland</i>	This section details the methodology by which CIL will be calculated, and reflects what was approved in Phase 1 (with the exception of high-density calculations).

Residential Development

- CIL would continue to be calculated using city-wide land values, based on the value of lands at the day prior to draft plan approval for developments processed via plan of subdivision *and* site plan processes.
- A city-wide appraisal was conducted using three residential categories based on housing type, the day before draft plan approval: 1. Single-detached/Semi-detached; 2. Rowhouses; 3. Apartments.
- The methodology used for CIL collection on Apartments would change:
 - The City currently uses an average land value of 'medium density' (i.e. townhouses) as a basis for CIL calculations on apartments (\$400K/ac) which has been at the same value since 2004. This results in a \$3,300/unit rate
 - The City would like to move away from the use of 'medium density' land values for CIL valuation on apartments
 - The City's commissioned appraisal establishes a land value for Apartments in 2013 at \$1.575 M/ac., at the day prior to draft plan approval
 - Use of this value results in a \$13,000 per unit rate, which could be punitive to high-density development.
 - The amended by-law recommends applying a 60% reduction which would result in a per unit rate of \$5,190/unit for 2013.

- The resultant per unit rate compares favorably to other residential unit types and provides a modest increase over the current rate (@ \$3,300) while not discouraging this type of residential development.

Industrial, Commercial, Institutional Development (ICI)

- For ICI development processed via plan of subdivision, and where CIL is required as a condition of approval, the CIL shall be calculated using the market value of the lands as of the day before the issuance of the first building permit (as calculated by Realty Services).
- For all other ICI development which would be processed via site plan/consent, CIL will continue to be collected at building permit issuance using the value of the lands the day prior to building permit issuance (as calculated by Realty Services).

Establishing City-wide Land Values

- Land values will not form part of the actual by-law, nor will they be subject to annual Council review, however, the by-law reflects the intent to undertake an annual appraisal of the land values.

Section 8: *Timing of CIL Payment*

This section specifies when CIL would be conveyed to the City, depending on the applicable development process being used. There is no change from current methodology.

Sections 9 & 10: *Credits for Previous Conveyance*

These sections reflect the current by-law and the wording found in the Planning Act. They allow previously dedicated parkland or CIL to be used as a credit against new parkland dedication requirements.

Section 11: *Limits of the Lands to be Developed or Redeveloped*

This section defines the “lands” that will be subject to the 5% or 2% calculation. No change from current practice.

Section 12: *Phased Development*

The City will continue to acquire parkland/CIL on multi-phased projects, on a phase-by-phase basis. No change in practice.

Section 13:
Parkland
Conveyance
Agreements

This section acknowledges that the City has the option to enter into parkland conveyance agreements, where it makes sense to do so. The practical application of this is where the City assembles Community or City Parks where the area of park desired exceeds the amount of parkland dedication requirements from a single plan. The City will work with a developer(s) in 'pooling' dedication requirements from multiple plans to facilitate the land assembly.

Section 14:
Exemptions

No new exemptions are proposed, however, further clarification has been added regarding the limits of each exemption. Two notable exemptions:

- Additions: The proposed by-law quantifies that an Industrial, Commercial or Institutional building is exempt from parkland requirements if the addition represents less than a 50% increase in GFA.
 - In the previous by-law, all additions were exempt, regardless of their size.
- The two school boards will continue to be exempt from parkland dedication requirements.

Section 15:
Appraisals

This section establishes that all appraisals will be prepared by an accredited appraiser in accordance with standard practices.

Sections 16 -
22:
General
Provisions/
Repeal

This section provides administrative clarifications.

Land Values – 2013 Appraisal

As was done in Phase 1 of the review, an external independent appraiser was retained to establish city-wide land values for the 2013 calendar year. The new land use categories, including the new residential categories that are now based on housing types rather than density, were used to arrive at these land values to directly apply to the new by-law. These land values are based on the market value of the lands, the day before draft plan approval.

	2012 (Current)		2013 (Proposed)	
	\$/Acre (Day before Draft Plan Approval)	CIL \$/Unit	\$/Acre (Day before Draft Plan Approval)	CIL \$/Unit
Single-Detached	\$450 K/ac.	\$3,706	\$550 K/ac.	\$4,530
Semi-Detached				
Rowhouse	\$750 K/ac.	\$6,177	\$850 K/ac.	\$7,000
Apartment	\$400 K/ac.	\$3,300	\$1,575 K/ac.	\$5,190 (with 60% reduction)
Commercial	\$850 K/ac.	n/a	\$1,000 K/ac.	n/a
Institutional	\$550 K/ac.	n/a	\$600 K/ac.	n/a
Industrial	\$550 K/ac.	n/a	\$575 K/ac.	n/a

Under the new by-law, an annual appraisal will be conducted on or before January 1st of each calendar year and land valuations rates will be adjusted as necessary without requiring an amendment to the by-law.

The City will continue to conduct individual appraisals for industrial, commercial, and institutional lands that are developed through the site plan process or by way of consent. The collection of CIL under these circumstances would continue to be based on the value of the lands, the day before building permit issuance.

Park Purchases

The methodology used for the calculation of CIL as represented above is, as noted, largely consistent with the methodology concluded on in Phase 1 of the Parkland Dedication By-law Review. The review included a considerable amount of involvement and consultation with the development community, principally through BILD. There was acknowledgement that the approaches recommended would aid the City by improving its CIL revenue stream. The amendments recommended in Phase 2 would further improve that revenue stream and enable the City to respond better to demands of vendors who are seeking market-value based compensation when the City is in a situation where it needs to purchase lands for parks purposes.

The City is in the process of negotiating several parkland assemblies and remains optimistic that it can achieve the assembly of these lands at market values that reflect the rates at which the City is collecting CIL. If this proves unfeasible due to market forces, then the City would have to consider opening up the by-law for further review in

order to further maximize the CIL return. Failure to do so would result in the City going into a further deficit in parkland supply.

Consultation with Development Industry

Following the tabling of this report to Committee of Council meeting, and as per the direction from the February 29, 2012 Committee of Council report, staff will engage in further and formal consultation with the development industry representatives through BILD.

Corporate Implications:

Planning, Design and Development (Parks and Facility Planning)

The Parks and Facility Planning Section has taken the active lead in reviewing and implementing the Parkland Dedication By-law. Parks and Facility Planning staff use the by-law to calculate parkland dedication requirements for all developments that are processed via plan of subdivision. The new by-law has been thoroughly reviewed by staff and has been theoretically applied to actual development applications to ensure consistency and the appropriateness of its application.

Buildings and Property Management (Realty Services)

The Realty Services Section has been engaged extensively in the Phase 2 review and the drafting of the new by-law. Realty staff will continue to implement the by-law for developments that are processed via site plan approval or consent, and will continue to conduct site-specific appraisals for ICI applications processed through site plan. Staff will be responsible for ensuring that the annual appraisal is conducted before January 1st of each calendar year and will be required to review these appraisals for accuracy.

Community Services

The Community Services Department is the ultimate benefactor of the parkland dedication process, as it receives land for parks and recreational programming. Community Services staff have likewise been actively involved in drafting the amended by-law and aiding in reviewing service level and CIL Reserve projections.

Corporate Services (Legal Services)

Legal Services staff has taken an active role in drafting the new Parkland Dedication By-law to ensure that it aligns with Planning Act legislation and other City policy documents.

Financial and Information Services (Financial Planning and Budgets)

Finance staff has also been involved in the Phase 2 review in two primary capacities. First, in the assessment of the impacts the new by-law might have on the City's financial forecast (revenues and expenditures). Second, they have provided assistance in interpreting and applying definitions that are comparable to the DC By-laws to lend consistency to the interpretations of the by-law.

Conclusion:

After a thorough review of the parkland dedication process and background analysis relating to parkland service levels and CIL Reserve cash flows, staff have concluded the Parkland Dedication By-law Review with the drafting of an amended by-law for Council's consideration. The draft by-law has been reformatted and updated but reflects largely, the policy direction that Council endorsed in March 2012.

The City has also updated its city-wide land valuation rates, which staff indicated would be done annually to ensure that the City collects CIL based on current market values. This enables the City to negotiate better with landowners when parkland must be purchased.

It is the opinion of staff that this new by-law addresses the issues raised in the first phase of the review to enable the City of Brampton to achieve its parkland service level targets. Staff is committed to bring back a final Parkland Dedication By-law for Council's consideration in February 2013, following consultation with the development industry.

Respectfully submitted,


 John Spencer, MCIP, RPP
 Manager, Parks and Facility Planning
 Community Design, Parks Planning
 and Development


 Dan Kraszewski, MCIP, RPP
 Acting Commissioner
 Planning, Design and Development

Report authored by:

Jacqueline Svedas, Special Projects Coordinator and

John Spencer, Planning, Design and Development Department

Appendices:

1. Report to Committee of Council (February 29, 2012 meeting) including the 'notice' reflecting the methodology change in March 2012
2. Proposed Parkland Dedication By-law
3. 2013 Metrix Appraisal – Executive Summary

52-12

Appendix #1

Report to Committee of Council (February 29, 2012 meeting)



BRAMPTON

Flower City

52-13

Report

Committee of Council
The Corporation of the City of Brampton

Date: February 23, 2012

File: F85.PA

Subject: Parkland Dedication By-law Review
Recommendation Report

Contact: John Spencer, Manager, Parks and Facility Planning
Planning, Design and Development Department

COMMITTEE OF COUNCIL
DATE: February 29, 2012

OVERVIEW:

- As a high-growth city, Brampton's population is expected to grow from 523,000 to 740,000 by 2031. As the city grows, so will its need to deliver land for parks and open space to ensure Brampton is a healthy, vibrant, attractive and livable community.
- The City's Parkland Dedication By-law is how parkland or cash in lieu of parkland (CIL) is collected through the development process. In 2008, a review of the By-law was initiated to ensure that:
 - the city's ability to meet long-term parkland service levels is keeping pace with the city's growth;
 - current land values are used in the calculation of CIL rates;
 - the by-law is current and reflects best practices within the municipal sector; and to
 - strengthen the city's set of standard operating procedures governing parkland dedication calculation and collection.
- Recognizing the complexity of this issue, the by-law review is being done in two phases. This report reflects the conclusion of phase 1 which, to date, has involved extensive background research and productive dialogue with the development community.
- The report recommends that:
 - the calculation of CIL requirements reflect updated land values
 - A transitioning period of one year (or less) to the fair market value approach be established, subject to completing phase 2 of the review;
 - Supplemental amendments to the by-law be made to address the removal of parkland dedication requirements on public and catholic schools; to introduce the 5% parkland dedication method on residential development; and to remove outdated sections of the by-law.

RECOMMENDATIONS:

1. **THAT** the report from John Spencer, Manager, Parks and Facility Planning, dated February 23, 2012 to the Committee of Council Meeting of February 29, 2012 re: **Parkland Dedication By-law Review – Phase 1 Recommendation Report, (File # F85.PA)**, be received;
2. **THAT** a By-law be passed to amend the Parkland Dedication By-law 41-2000, attached as Appendix # 4;
3. **THAT** the methodology by which parkland dedication and cash in lieu of parkland (CIL) is calculated and collected as per the appended 'Notice' be approved, with an effective date of March 19, 2012 until March 15, 2013, or the completion of Phase 2 of the by-law's review, whichever occurs first;
4. **THAT** the definitions set forth in the 'Notice' with respect to residential land uses and their application in the determination of CIL requirements, be done under the proviso that the definitions will be formally reassessed in the context of Phase 2; and
5. **THAT** staff be directed to initiate Phase 2 of the review of the Parkland Dedication By-law, which contemplates further amendments to the by-law and its associated implementation methodology, and that it do so with the continued involvement of the principal stakeholders, including the Building Industry and Land Development Association (BILD) and that staff report back to Council in 2012 with recommended amendments, as appropriate.

BACKGROUND:

In December 2008, Council authorized the review of the City's Parkland Dedication By-law. The review was initiated for several reasons, including the need to ensure that:

- the city's ability to meet long-term parkland service levels is keeping pace with the city's growth;
- current land values are used in the calculation of CIL rates;
- the rates charged for cash in lieu are updated and reflect fair market values;
- the city's by-law is current and reflects best practices within the municipal sector and to;
- strengthen the city's set of standard operating procedures governing parkland dedication calculation and collection.

As part of the review, City staff prepared a series of background discussion papers to examine the issues with the current by-law and provide context for the drafting of a new by-law. Work focused around identifying parkland and CIL demands from 2010 to 2031 'build-out'. Recurring administrative and procedural issues and other challenges with the by-law were also identified as the city continues to grow. A survey was conducted with other municipalities for benchmarking purposes. Staff undertook service level and CIL cash flow modeling work to create a variety of cash flow scenarios based on different CIL collection rates/methods. Further details and findings are presented in the next section of this report.

Context of the Parkland Dedication By-law Review:

The population of Brampton is anticipated to grow from 523,000 in 2011 to nearly 740,000 by 2031. As the City grows, the delivery of land for parks and open space to accommodate the delivery of park and recreational infrastructure and the protection of natural assets will be fundamental to the development of a community that is healthy, vibrant, attractive, and livable.

The Planning Act provides the authority for municipalities to require parkland dedication as a condition of subdivision (Section 51.1), as a condition of land severance (Section 53) or as a condition of issuance of a building permit for site development or redevelopment of an existing developed site (Section 42). Parkland dedication requirements vary depending on the type of proposed development as prescribed in The Planning Act. Requirements are generally, as follows: For residential development - 5% of the gross area of the plan, less undevelopable lands, or 1 ha/300 dwelling units; for industrial and commercial uses - 2% of the gross area of the plan and, for all other uses - 5%. The intent of these requirements is to enable municipalities to acquire land for parks and recreation purposes.

The Act also gives municipalities the option to demand a cash payment, in lieu of a land conveyance. Typically, CIL payments are required where the conveyance is too small to provide for a functioning park or does not meet the municipality's parkland acquisition objectives. CIL is based on either the value of the developing land the day prior to draft plan approval (when using Section 51 with plans of subdivision), or the day prior to building permit issuance (pursuant to Section 42 for all other forms of development). The Planning Act requires that CIL funds must be held in dedicated reserve accounts to purchase parkland and or to invest in specific types of park and recreation capital improvements.

Brampton's Parkland Dedication By-law (Appendix # 1) is used for the assembly of land for parks and open space purposes. The current by-law was amended in 2004 to

introduce a per unit cap for high density residential development. A short term (2 year) incentive program that further reduced CIL requirements on high density residential in the Central Area was also introduced in 2004. This provision was in effect until October 2006 but was not subsequently renewed. In 2010, the by-law was further amended to decrease the parkland dedication requirement for institutional uses from 5% to 2%.

The Parkland Dedication By-law is the only tangible means by which the municipality can assemble land for such purposes – either in the form of the dedication of land, or through acquisition, using CIL. Provincial amendments to the Development Charges Act in the late 1990's removed parkland and open space as an 'eligible service'. This had a profound impact on Brampton's capability to secure land for parks purposes. These changes resulted in Brampton reducing its parkland service level to 1.7 ha (4.25 ac.) and prompted the City to demand gratuitous conveyance of select tableland woodlands and other natural areas — a requirement that continues today. Given competing demands for CIL for other expenditures, it's anticipated that the current service level for parkland will need to be further adjusted. This is discussed later in this report.

**Summary of Work Undertaken in 2009/2010 -
Interdepartmental Technical Team:**

An interdepartmental Technical Team was formed in late 2008 and met regularly throughout 2009 to review procedural issues with the current by-law. The following is a brief overview of the work completed during this period.

Discussion Papers:

A series of internally prepared 'discussion papers' were prepared to provide a comprehensive summary of the issues that relate to the administration of the current by-law. The three papers prepared covered the geographies of Brampton's 'Greenfields Area', the 'Central Area and Queen Corridor', while a third paper addressed city-wide 'Parkland Service Levels and Cash Flows'.

The Discussion Papers provide context – identifying aspects of the current by-law that require updates and amendments. They have also helped to refine parkland service levels and contribute to a better understanding of CIL cash flows. Preparing these papers has aided in the determination of how a new by-law or its associated methodology should be structured.

Given their length, the Discussion Papers have not been appended to this report. They were, however, circulated to Council, Senior Management and to BILD in December 2011 or early January 2012. They are also posted online on the City's portal.

The following is brief summary of each paper.

- ***Greenfields Area Discussion Paper:***

The Greenfields areas of the City remain as the geographic zone where the majority of new development is occurring, the area where the majority of new parks are being assembled and the majority of CIL is being generated. The Greenfields Area paper provides commentary on the common issues experienced with the administration of the current by-law in this area. These issues are varied and this paper focuses on identifying how these issues can be addressed with by-law and policy amendments.

- ***Central Area Discussion Paper:***

The Central Area, including Downtown and the Queen Street Corridor, represents a unique challenge from the perspective of the Parkland Dedication By-law. The area is seeing growth in the form of residential intensification and commercial reinvestment. With the intensification of uses comes demand for additional parkland to keep pace with the needs of new residents and workers in these areas. The Central Area Discussion Paper looks at the challenges this area faces, and focuses on the need to 'invest' in the assembly of parkland in this area.

- ***Service Level and Cash Flow Paper:***

The *Service Level and Cash Flow* paper presents a summary of observations around parkland service levels. It also provides analysis on what the City's CIL cash flows might look like based on various CIL rate structures and potential expenditure scenarios.

Service Level Observations:

Parkland service levels were reviewed in 2007 through the Parks Culture and Recreation Master Plan (PC&RMP) exercise. This review revealed that the City would be challenged to maintain its historic (last 11 years) parkland service level of 1.7 ha (4.25 ac.) per 1,000 persons. This was based on analysis of the City's projected supply of parkland (existing and planned) against projected population. Limitations were (are) also created by the City's reserves and projected revenues derived from CIL and the aforementioned Provincial amendments to the Development Charges Act. The final PC&RMP report had a total *tableland parkland* target of 1.3 ha (3.21 ac.) that was broken up as follows:

City/Community	0.8 ha	(1.98 ac.)/1000 persons
<u>Neighbourhood</u>	<u>0.5 ha</u>	<u>(1.23 ac.)/1000 persons</u>
TOTAL	1.3 ha	(3.21 ac.)/1000 persons

Through the preparation of the Discussion Papers in 2009/2010, staff recommends dividing the Community and City Parkland up to provide separate service level targets for each type. Staff is also recommending increasing the total for those two park types, combined, marginally, by 0.15 ha (0.37 ac.), to as follows:

City	0.6 ha	(1.48 ac.)/1000 persons
Community	0.35 ha	(0.86 ac.)/1000 persons
<u>Neighbourhood</u>	<u>0.5 ha</u>	<u>(1.24 ac.)/1000 persons</u>
TOTAL	1.45 ha	(3.58 ac.)/1000 persons

Park types and service levels will be the subject of a further report that will be presented for Council's consideration in 2012. These targets are referenced in this report for an understanding of how the analysis was conducted for this by-law review.

The supply of parkland across the City was analyzed using a Recreational Planning Area (RPA) model. This method of analysis divides the City into 14 homogeneous geographic planning areas. Efforts were made to create districts that had 50-60,000 persons and had at least one community park and one recreation centre. From there, current and future parkland demand and supply at a neighbourhood, community, and city-wide level were analyzed.

The analysis revealed that, based on Brampton acquiring all of the lands currently identified for major parkland assembly (City and Community Parks) there remains a potential deficiency in meeting long-term parkland service levels for Community and City parkland of approximately 325 acres.

This analysis suggests that further work will be needed to identify and secure additional lands if the City hopes to meet its amended targets. It also suggests that there needs to be an adjustment to the CIL rate structure to improve the City's capabilities to acquire land to meet service levels.

Parkland Dedication Rate and CIL Rate 'Modeling':

The current Brampton by-law stipulates that as a condition of development or redevelopment of land, which is defined as the construction, erection or placing of one or more buildings on land, a developer is required to convey to the City land for park or other public recreational purposes. In lieu of requiring the conveyance of land referred to above, the City may require the payment of money to the value of the land required to be conveyed. The value of the land is determined either, as the day before draft plan approval (if collected through a subdivision process) or as of the day before the date of issuance of the building permit, if collected through site plan.

The provisions of the City's by-law requiring the conveyance of land, or alternatively, the payment of CIL are consistent with the requirements of the Planning Act. However the Planning Act does provide municipalities with some degree of latitude in terms of implementation. As a result, some municipalities adopt by-laws or methodologies that maximize CIL by deferring the collection, in all cases, to building permit issuance, when CIL values are typically at their highest. Others adopt a conservative approach and collect CIL based on 'draft plan' land values, prior to plan registration. Many, including Brampton, adopt an intermediate approach where some forms of development, such as commercial and industrial development, are collected at building permit stage, while CIL in respect of residential forms is collected principally at a subdivision stage or based on land value rates that equate to the draft plan approval.

Multiple CIL collection scenarios were prepared as part of cash-flow modeling work undertaken by staff. Various assumptions were built into this analysis as well as various expenditures.

Expenditures that were used in the projections included:

- All known or planned land assemblies (e.g. Community Parks that are already identified in Secondary and Block Planning work)
- Central Area parkland assembly – an allocation in anticipation of continued intensification of this area
- Greenlands securement – the purchase of sensitive environmental lands that might not be obtained gratuitously through development
- Rehabilitation and repair ("R & R") of existing community centres (e.g. comparable to the R & R undertaken at Eamsccliffe and Century Gardens Recreation Centres) to supplement tax based funding

Through this exercise, it was revealed that if the City were to maintain its current parkland dedication and CIL collection rates, it would be unable to meet parkland service levels and a significant funding deficit would exist by build-out in 2031.

Comparable to the service level analysis, the projected cash flow analysis therefore suggests that change is required – not only in terms of what the City spends CIL on, (i.e., adjusting expenditures), but also adjusting collection methodologies and/or CIL rates, to improve revenues.

Given that the ability to secure major parklands (both planned and those to be identified in the future) is directly related to having an adequate CIL reserve and a sustainable CIL revenue stream, the achievement of a sustainable Parkland Dedication and associated CIL rate structure through the parkland dedication program is critical. Further, should the City wish to continue to have the option to contribute CIL funding to other CIL eligible expenditures like those noted above, then the way in which parkland dedication and the associated CIL rates needs to be adjusted.

CURRENT SITUATION:

With the benefit of extensive background work, staff is recommending that amendments be made in the way Brampton calculates and collects parkland dedication on new development. Amendments would improve the City's revenue stream and make more consistent the application of the by-law, which is of benefit to both the City and the development community.

Discussions have been held with stakeholders and the development community (through BILD) over the last six months to advise them of staff's findings and gain feedback on planned amendments. This feedback has been helpful to gain an appreciation for the respective positions of both the City and the development community. There is a collective understanding for the challenges at hand and the need for change.

Changes to the Parkland Dedication By-law methodology will be implemented in two phases. Phase 1 involves keeping the by-law largely as written, with adjustments to the land valuations used in the determination of CIL-payable. This is described more fully below.

Phase 2 of the by-law review contemplates further amendments to the by-law, creating recommendations around issues like phased development, Regional and not-for-profit projects, incentives for select forms of development (or geographies), addressing the

concept of the deferral of parkland dedication collection to building permit issuance stage, etc. The examination of this work will involve the ongoing dialogue with stakeholders.

Phase 1 – Amended Calculation Methodology:

Phase 1 of the by-law review was initiated with the objective of keeping the by-law as written, with no amendments. However, through subsequent stakeholder consultation and further internal deliberations, staff determined that it would be beneficial to incorporate some minor amendments to the by-law, in this first phase. The recommended amendments address the elimination of provisions in the by-law that have now expired such as the Central Area High Density Incentive Program, the introduction of the 5% provision for residential development, an adjustment to the timing of collection for industrial plans of subdivisions, and the elimination of parkland dedication requirements for public and catholic school development.

Changes are also recommended to the methodology to which the current by-law is applied. Most significant is the application of more current land values, when assessing CIL-payables.

Land Valuation Exercise:

When valuing CIL-payable on plans of subdivision, the City has relied on static land values that, in some cases, are outdated. When valuing CIL-payable on other forms of development, the City has deployed a mixed approach – using actual market valuation, the day prior to building permit issuance for some forms of development (commercial and industrial) and using static rates for residential development. Progressing to a market value, land valuation basis for determining CIL-payable, under all development scenarios, is considered a desirable objective. Application of market values would also be more consistent with the way the by-law is worded.

Through consultation with BILD, there was likewise a realization that the land values used for the calculation of CIL-payable were outdated and amendments could be justified. BILD indicated a desire to see land values and the corresponding CIL rates that result, reviewed annually and that standard values/rates be applied across the City. Staff agreed with this suggestion in that it would promote equity across the City and ease implementation.

To assist in determining an appropriate set of land values on which to base CIL-payable, staff commissioned an external land appraisal firm (Metrix Realty Group) to undertake property valuations for all land use types. The consultant was asked to review and estimate land values for all major land categories as defined in the Official

Plan (i.e. low density, medium density, high density, commercial and institutional) based on the value of the land the day prior to draft plan approval – the milestone at which CIL is supposed to be valued, per the Act/By-law for draft plan of subdivision calculations.

Metrix's analysis researched property sales between January 2010 and January 2012. The sales data evaluated all land use types across the entire city of Brampton, within both urban settings and developing areas. The consultant was challenged in the sense that few property transactions occur at the draft plan approval milestone. The sale of lands normally occurs when the land is in a raw state (pre-approval) or in an improved state (following registration and/or post servicing). The consultant concluded with a high/low land value range for each land use type and a 'recommended' land value/ac. The values have been considered in staff's final recommended values which are incorporated into the implementation 'Notice' (Appendix # 2).

The following describes how the various land uses are affected as a result of Phase 1 methodology:

- *Plan of Subdivision - Low Density Development:*

Land Valuation Exercise:

Parkland dedication requirements for low density residential development being processed through a plan of subdivision are subject to the legislation set out under Section 6 of the by-law and Section 51 of The Planning Act. Where CIL is payable, both the by-law and the Act indicate that the CIL value shall be calculated based on the value of the land, valued at the day prior to draft plan approval. In 1999, Brampton staff determined this value to be equivalent to \$290,000/acre. This rate has not been updated since 1999 and no longer reflects current market values.

The same \$290,000/ac. rate has been used by the City when it compensates a developer for a parkland purchase or a parkland over-dedication. In recent years, this compensation rate has been met with increasing resistance by the development community given its detachment from actual market value.

The land valuation exercise found sales ranging from \$450,000/ac. to \$650,000/ac. for low density residential lands. Metrix then recommended a land valuation range of between \$475,000/ac. and \$625,000/ac., based on the size of parcel for the calculation of CIL-payable. With the benefit of this land valuation exercise, staff's initial recommended rate for low density residential land was \$550,000/ac.

Through discussions with the development community (through BILD), staff has subsequently settled on a recommended interim rate (one year - Phase 1) of

\$450,000/ac. This represents the low-end of the range identified by Metrix. Staff deems this rate as a suitable transitional rate in lieu of the fact that the rates for low density have not been changed in over 10 years – making an escalation to a full market value rate (from \$290,000/ac. to \$550,000/ac. or greater) challenging and potentially punitive to plans that anticipate registration this year. The recommended \$450,000/ac. value has been reflected in the implementation Notice (Appendix # 2) and translates to a value of \$3,706/unit.

This same value would be used in the calculation of CIL on low density residential development outside of the subdivision approval process in order to ensure consistency in the application of residential CIL rates. For a complete comparison of the Land Valuations assigned to residential development, and the per unit equivalents, please refer to Appendix # 5.

Application of 'Low Density':

In the past, the City has applied the low density residential CIL rate (\$290,000/ac.) to any unit able to be counted on a draft plan. This has meant that single family dwellings, semi-detached and street related townhouses have all benefitted from this rate. CIL payable for any residential development proposed through a separate block (e.g. block townhouses and apartments processed under a site plan) has been deferred, and collected as CIL, prior to building permit issuance.

Today, residential densities have generally increased due in part to a variety of factors (increases in overall land values, response to growth targets, etc.). If staff were to strictly follow the definitions within the Official Plan, single-detached units would either be considered low or medium density and all semi-detached and townhouse units would be considered medium density. In practice, this means that semi-detached units currently charged at \$290,000/acre would be subject to rates of \$750,000/acre., based on the new land valuations (see below re: Medium Density).

There has been extensive discussion with BILD on the topic of these density interpretations. BILD has raised concern with a strict interpretation of the densities as per the OP definitions, arguing that the application of the recommended land values, based on these definitions, will dramatically change the rates that would be applied to the CIL payable – particularly for semi-detached and street townhomes that would move from a \$290,000/ac. (\$2,388/unit) charge to a \$750,000/ac. (\$6,177/unit) charge. They have lobbied that extending the current methodology, described above, would be preferred in the interim Phase 1 period.

Staff has given careful consideration to this concern and concedes that further deliberation on the density ranges and definitions, combined with the land values

used in the assessment of CIL, is warranted. It is recommended that this matter be deferred to Phase 2 of the by-law review. In the interim then, pending completion of Phase 2, single-family dwellings, semi-detached dwelling and street related townhouses will continue to be considered as low density for the purpose of the by-law's application. This has been referenced in the implementing Notice (Appendix # 2).

- ***Plans of Subdivision - Medium Density Residential Development:***

Land Valuation Exercise:

As noted above, where Medium Density residential blocks are proposed under a draft plan of subdivision, it has been the City's practice to defer collection of parkland dedication through the plan of subdivision process and instead, collect it in the form of CIL as a condition of development under S. 42 of the Planning Act. The by-law specifies that parkland dedication requirements for all land uses proposed through a plan of subdivision should be calculated under S. 51 (valued at the day prior to draft plan approval) and collected prior to plan registration.

Under the current practice, and where deferral of collection occurs, the value of land the day prior to building permit issuance should be used as the basis of CIL valuation. The value of medium density lands can exceed \$1 M/ac. at this stage of the development process which could result in a CIL payment that acts as a deterrent to development. As a result, the Realty Services Section has, over the last number of years, used a flat City-wide land value. This same value has been used as a basis for calculating CIL on medium density units being processed under both plans of subdivision and development processed by way of a site plan application. In recent years (since 2004) this capped land value has been \$650,000/ac. which equates to \$5,352/unit.

To better reflect the by-law as it is currently written, staff recommends that parkland dedication requirements for medium density land uses proposed under a plan of subdivision be calculated and collected through the plan of subdivision process.

The land valuation exercise found sales data ranging between \$800,000/ac. - \$850,000/ac. for medium density lands, the day prior to draft plan approval. The consultant further recommended a land valuation rate of \$825,000/ac. for the calculation of CIL on medium density residential development processed through a plan of subdivision for 2012, which translates to \$6,795 per unit.

Comparable to the discussion had on the low density residential value, BILD also expressed concern with a migration to a full, market-value based rate of

\$825,000/ac. There was also some concern with the samples used in the land appraiser's valuation exercise. Having regard for these discussions, staff has concluded that a modest increase in value to \$750,000/ac. or \$6,177/unit would be appropriate as an interim (Phase 1 - 1 year) rate. While this rate is less than the consultant's recommended land value, staff deems it to be a reasonable increase having regard for the City's motivations in promoting this form of development, generally, across the City. Staff recommend that this same value be used in the calculation of CIL on medium density development outside of the subdivision approval process (e.g. through site plan) in order to ensure consistency in the application of residential CIL rates.

Application of Medium Density:

The medium density land valuation rate will be used in calculating CIL for densities ranging between 30 to 50 units per net residential hectare. This density generally applies to townhouse development.

As the above section addressing low density residential indicates that current practice has resulted in the assignment of a low density land value on street townhouses through draft plan approval. Townhouse developments processed through the site plan process have been charged at a medium density rate at building permit issuance. Despite this inconsistency, staff is recommending that this practice remain, subject to a reexamination of this issue pursuant to Phase 2 of the by-law review.

- ***Plans of Subdivision - High Density Residential Development:***

Land Valuation Exercise:

Comparable to medium density block development, prior to 2004 the City had based its CIL valuation for high density residential development on the value of the land the day before building permit issuance. This practice was seen as punitive and a deterrent to high density development and therefore the by-law was amended in 2004 to base the CIL on a capped or 'adjusted' land value of \$400,000/ac. This 'adjusted' rate was intended to ensure that high density development remains affordable and that the CIL is not deemed to be punitive to intensification. The \$400,000/ac. value translates to \$3,300/unit. This is derived from the following calculation:

- An 'adjusted' average value of serviced high density land = \$400,000/ac. or \$988,400 per ha which translates to \$3,300 per unit (\$988,400 / 300) (rounded).

Like the medium density development example described above, it has been the City's practice to defer collection of parkland dedication requirements for high density land uses proposed through the plan of subdivision process and instead, collect it in the form of CIL as a condition of development under S. 42 of the Act using the above noted unit rate of \$3,300/unit.

Again, to better reflect the by-law as written, staff is also recommending that parkland dedication requirements for high density land uses proposed under a plan of subdivision be calculated and collected through the plan of subdivision process.

The consultant found data for high density lands ranging between \$1,500,000 and \$1,600,000/ac. and further recommended a value of \$1,550,000 as the value that could be used to calculate CIL-payable for high density land uses. However, the current wording in the by-law requires that the land value used in the calculation of CIL-payable for high density land '*not exceed the average market value for fully zoned and serviced Medium Density Residential land across the municipality*'. As such, the above noted medium density value of \$750,000/ac. or \$6,177 per unit would be consistent with the strict interpretation of this clause in the by-law.

Through discussion with BILD, and having regard for current high density projects that are under review and/or pending building permit issuance, staff is recommending a variance on this value and proposing that the City maintain the current rate of \$400,000/ac. (\$3300/unit) for the transitional 1 year period.

Maintaining the current rate ensures that no economic hardship is experienced to the high density projects that are currently pending building permit issuance.

Through discussion with the development community, the applicants who are on the cusp of building permit issuance would not reasonably have the ability to adjust their financial pro-formas to account for an increase to the \$825,000/ac/\$6,795/unit rate.

Therefore, staff sees holding the current rate for 1 year as appropriate. This rate would be applied to high density projects processed under both plan of subdivision and through site plan.

- ***Plans of Subdivision - Commercial, Industrial and Institutional Development:***

Other land uses proposed under the plan of subdivision process include commercial, industrial, and institutional development. Like medium and high density development, it has been the City's practice to defer collection to building permit issuance and collect under S. 42. As noted previously, this is not in strict conformity with the current by-law wording.

To better reflect the by-law as written, staff is also recommending that parkland dedication requirements for these land uses be calculated and collected through the plan of subdivision process, at registration.

o *Commercial:*

The land valuation exercise found sales of commercial land ranging between \$800,000 and \$1,450,000/ac. Metrix subsequently recommended land valuation rates of between \$850,000 and \$1,400,000/ac. based on the location of the parcel (developing area vs. prime urban). Staff has concluded that a value of \$850,000/ac. is fair and reasonable for the calculation of CIL-payable on commercial development processed through a plan of subdivision, city-wide and regardless of the geographical location.

Dissimilar to residential development, staff is however recommending that the current practice of calculating CIL for non-subdivision related commercial development (i.e. through site plan) remain as per the current practice – which relies on a site specific land valuation appraisal, based on the value of the lands the day prior to building permit issuance. In staff's opinion, this practice has served the municipality well without objection by the development community and is compliant with the by-law and therefore, there is no reason to change this methodology.

o *Industrial:*

The land valuation exercise found sales data for industrial land ranging between \$375,000 and \$775,000/ac. for raw to serviced land. Metrix's subsequent recommended land valuation rates for industrial lands were therefore between \$400,000 and \$750,000/ac.

Staff has concluded that a mid-point value of \$550,000/ac. would be fair and reasonable for the calculation of CIL-payable on industrial development processed through a plan of subdivision. Similar to the commercial lands, staff is recommending that the current practice of calculating CIL-payable for non subdivision related industrial development remain as per the current practice – where a site specific land valuation appraisal, based on the value of the lands the day prior to building permit issuance, is undertaken to calculate CIL-payable.

o *Institutional:*

Finally, the land valuation exercise found sales data for institutional lands ranging between \$500,000 - \$600,000 ac. Metrix further recommended \$550,000/ac. as a suitable value to calculate CIL-payable for institutional lands processed through a

plan of subdivision and staff concur. As with commercial and industrial uses, a site specific appraisal would be used to calculate CIL- payable on non subdivision based institutional land uses, with valuation as of the day prior to building permit issuance. Institutional uses include schools and colleges and universities, community centres, libraries, day nurseries, hospitals, as well as cemeteries, mausoleums, columbariums and crematoriums.

An exemption for elementary and secondary school developments by the two Peel school boards is proposed by way of an amendment to the by-law. This is further detailed below.

▪ *Plans of Subdivision – Mixed Land Uses:*

Most draft plans of subdivision propose a blend of residential land use types and will often include commercial or institutional land uses. Moreover, some dedication of land for parks purposes is typical. Under these circumstances, net under-dedications – where the parkland yield is greater than the amount of parkland actually conveyed, will require the payment of CIL. In these situations, the City will need to take into account the blend of land values that reflect the respective uses in the plan.

Planning staff, in consultation with Realty Services staff as may be required, will undertake this evaluation on a plan by plan basis, utilizing the City-wide land values (noted above and in the Notice) as they apply to the land uses proposed in the draft plan of subdivision.

The respective City-wide value will be applied to each proposed land use within the draft plan, and the overall acreage value of the lands contained within the plan of subdivision will be the sum total of the values attributed to each development type within the plan divided by the gross developable area of the plan.

▪ *Other Development Processes (Site Plan, etc.):*

Under current methodology, forms of development other than plans of subdivision (e.g. site plan, consent, rezoning, or Official Plan Amendment) are processed under Sections 2 and 3 of the by-law. The norm under such forms of development is that the City seeks parkland dedication in the form of CIL. Under the by-law, and pursuant to the Act and the by-law, CIL should be based on the value of the lands determined as of the day before the date of issuance of the building permit in respect of the development or redevelopment or, where more than one building permit is required, as of the day before the date of the issuance of the first permit.

The City has, in the past, taken a conservative approach to the application of these provisions in connection with residential developments. Like the plan of subdivision process, the value of the lands used in the calculation of CIL-payable has not always equated to the value of the land the day prior to building permit issuance. CIL calculations in connection with residential development have been based on now outdated land value rates (i.e. less than building permit values). The residential development industry has benefited from this interpretation, particularly during the economic slowdown in the last number of years. Actual market values as of the date of building permit issuance have, however, been used in the assessment of CIL-payable on industrial, commercial, and institutional development.

With the benefit of a improving economy and in an effort to better reflect the wording of the by-law as written, staff is recommending that under the Phase 1 methodology, CIL-payable for land uses that are proposed under any other form of development other than a plan of subdivision should generally be collected under the requirements set out in Sections 2, 3 and 4 of the by-law (as noted above). In other words, use a market valuation based on the value of the lands the day prior to building permit issuance, for all land uses.

Staff is recommending that for commercial, industrial, and institutional land uses (excluding public and catholic schools, see below) we change nothing in terms of the CIL calculation process – continue to calculate CIL- payable based on a site specific appraisal, based on the value of the land the day prior to building permit issuance. As noted above, for medium and high density residential development, it is recommended that the figures derived through the externally commissioned land valuation exercise be used to calculate CIL-payable.

It is anticipated that the valuation method will be reassessed in the context of the Phase 2 review of the by-law given that there is an advantage to the municipality to defer collection of parkland dedication and use the S. 42 provisions and gain benefit from the increase in land values the day prior to building permit issuance. However, a municipality needs to be mindful of the effect of applying actual market values on CIL valuation, so as to not dampen the capability of select forms of development from being economically viable.

- ***Amendment to the By-law: Exemption for Elementary and Secondary Schools:***

Staff is proposing an exemption from parkland dedication requirements for elementary and secondary schools developed by the Peel District School Board and the Dufferin-Peel Catholic District School Board. This recommendation is made on the basis that schools, unto themselves, do not generate demands for additional

parkland. The respective Boards provide land and buildings in conjunction with their schools that support the public's recreational needs and reduce demand on City parks and recreational facilities. In addition, the City of Brampton has a variety of formal and informal agreements with the school boards in support of the public's access to their facilities for recreation. In examining other municipalities' by-laws, the majority do not require a parkland dedication requirement for school blocks. The City already exempts the two boards from the payment of development charges, so the removal of parkland dedication requirements would be consistent with this philosophy.

Based on this, and based on the fact that the staff is recommending minor amendments to the by-law now, as part of this phase, staff sees no significant downside in adding this exemption at this time.

- ***Amendment to the By-law: Align with Official Plan Policies:***

For housekeeping purposes, staff is also inserting wording into the Parkland Dedication By-law which allows for the option to collect parkland dedication at a 5% rate for residential development. This wording is represented in the City's Official Plan (Section 5.21.1) and there is a desire to align the Parkland Dedication By-law with the policies of the Official Plan.

- ***Effective Date:***

Staff is recommending that the Phase 1 methodology be applicable to all development applications, pursuant to the implementation Notice (Appendix # 2), effective March 19, 2012. The application of the Notice and the associated land values and interpretations would be applicable until March 15, 2013 or the completion of Phase 2 of the by-law's review, whichever occurs first. The March 19, 2012 date has been selected in order to provide for the provision of notification following consideration and approval of this report by City Council (March 7, 2012). Staff has prepared a letter that would be circulated to all applicants that would go out on March 8, 2012 (Appendix #3).

- ***Transitional Considerations:***

The revised methodology and application of the updated land valuations are proposed to come into effect March 19, 2012. The values used in the collection of CIL payable have been incorporated in the appended implementation Notice (Appendix # 2).

As noted above, the valuation rates recommended in the calculation of CIL for residential land uses are less than those recommended by the land appraisal consultant. The reasons for selecting land values which are less than the recommended values have been noted above.

It should be noted that by recommending these rates, staff is recommending a position that is less than that which the City is capable of charging. In an effort to eventually get to a more market-value based approach of valuing lands for the purposes of calculating CIL-payable, staff is recommending that these rates therefore, be in effect only for one year (March 2012 to March 2013) or until such time as these provisions are replaced through the completion of Phase 2 of the by-law's review. Further evaluation of the by-law and discussions around parkland calculation factors, density interpretations, land values etc. will be addressed in Phase 2 portion of the by-law review, which will be completed before the end of the one year period.

Regardless of whether Phase 2 is fully completed prior to the lapsing of the specified one year window for the current rates (March 2012-March 2013), a separate land valuation exercise will be commissioned to ensure that the land values for the 2013-2014 period are reflective of market value. These revised values would be reflected in either a stand-alone report to Council, or as part of a report addressing Phase 2 of the by-law review. Staff envisions that the rates that would be recommended would be more equivalent to 'actual' market value than those identified in this first phase.

▪ *Conclusions:*

The Phase 1 methodology changes can be implemented immediately upon approval of the report recommendations and the approval of the amending by-law. The simple act of amending the land values on which CIL payments will be calculated for low density and medium density residential land uses will have a positive and immediate impact on the revenue stream for the City. Applying more up to date land values for these land uses also allows the City to be more consistent in its application of the by-law, as written.

○ *Related Issue- Major Park Assemblies in Countryside Villages and Bram West:*

In the parkland acquisition area, the City is currently assembling two key areas that are important to meeting Council's commitment to a healthy, vibrant, growing and

livable community. The work involved to assemble these lands will reflect the principles and updated provisions of the new by-law, once approved by Council.

Staff will continue to keep Council informed on the assembly of these lands in a future report.

Phase 2 – Further Assessment of the By-law:

Following implementation of Phase 1, staff will undertake further review of the parkland dedication calculation process which will include further amendments to the by-law and the associated implementation methodologies, as has been noted in this report. It would also be anticipated that we would look at further adjustments, including the migration to a full market value land valuation for the purposes of determining CIL requirements. Phase 2 will be undertaken with the continued involvement of the development community, principally through BILD.

Consultation with the Development Community:

Following informal consultation with members of Council in September 2011 on the by-law review, staff embarked on a series of presentations with BILD. Two small meeting sessions and one formal presentation were made to the full chapter. In those discussions, the background work that staff had undertaken was communicated, in addition to the conclusions and direction staff was proposing. BILD requested that the external appraisal work be undertaken and that the application of values and rates on a City wide basis be considered. They also requested transitional provisions. Both requests have been considered and incorporated into the recommendations for Phase 1. Since mid-December, BILD has been consulted in regards to the draft 'Notice' and the overall proposed direction of the by-law methodology as outlined in this report.

There is an acknowledgement from BILD as to what the City is trying to achieve with the planned changes to land values and collection methodology under the current by-law. Given that the impacts vary depending on the nature of a development application and the developer, there is no unanimous support for all aspects of staff's recommendations. Most of the discussion during this period has resolved around three items: the transition period (1 year, vs. 6 month vs. no transition); the land values and their application based on the OP defined residential land use definitions; and the school issue – providing relief on the collection of a parkland dedication requirement on

schools. Staff feels that the recommended position as reflected in the implementation Notice (Appendix # 2) and the by-law amendments (Appendix # 4) reflect a reasonable compromise on these items.

Notice:

The implementation Notice has been drafted to provide detail on how parkland dedication and CIL will be calculated under the Phase 1 methodology (Appendix # 2). It provides further detail and attempts to cover the various scenarios that are anticipated. Council should note that in endorsing the Notice, they are endorsing the methodology by which the by-law would be interpreted, including the land valuations that would be used in 2012 for the calculation of CIL.

Next Steps:

In anticipation of this report being tabled to Committee, staff has prepared a draft amendment which will be posted to the City's portal page, covering Parkland Dedication. This draft amendment includes the Notice (Appendix # 2), the letter to applicants (Appendix # 3), the amending by-law (Appendix # 4), as well as a copy of this report. The portal page was also updated when this report was officially made available through its incorporation into the Committee of Council's February 29, 2012 agenda. Pending Council's consideration of the report and the acceptance of the recommendations, the City will formally circulate the notification letter to all applicants by mail to direct them to the City's portal.

INTERDEPARTMENTAL COMMENTS

As noted in the *Background* section of this report, the Parkland Dedication By-law Review project involved the inputs from multiple departments. Extensive input has been provided by the City's Financial & Information Services (Financial Planning & Budgets), Buildings and Property Management (Realty Services), Community Services (Community Services Administration), Corporate Services (Legal Services) and Planning, Design and Development (Planning and Land Development Services and Community Design) Departments. It is acknowledged by all participating departments that the application of the Phase 1 methodology represents an improvement to the methodology by which parkland dedication requirements are being collected today. There is likewise, recognition that supplemental work is desirable under a Phase 2 review of the by-law, as detailed in this report.

Financial & Information Services:

The Financial & Information Services Department supports the currently proposed CIL rate structure and proposed approach for amending the methodology and the Parkland Dedication By-law, under this first phase of the by-law's review.

The revenue realized through this by-law is the single most important funding source for parkland acquisition and also currently supports other growth related capital expenditures allowed for under the Planning Act. Any assessment of, or amendment to this future revenue stream must be considered in the context of the City's overall long term financial plan and must mitigate against the possibility of leaving growth related capital reserve balances in a deficit position at build out (assumed to be in 2031).

Based on the work undertaken in support of this review, if the City were to continue spending CIL at the rate and scope it presently does while continuing to collect at the CIL rates in effect today, then the City would be exposed to a potential deficit position in its CIL reserve in excess of \$200 million by 2031.

Finance staff appreciates that from a purely financial standpoint, changing the by-law and/or the methodology to the extent that S. 42 is used exclusively (i.e. basing CIL-payable as per land valuation the day prior to building permit issuance) would represent an optimal position for the City. This approach would provide the funding capacity to support all parkland acquisitions to meet service level targets, provide funding for local parkland opportunity purchase allowances and continue to contribute to the redevelopment of existing recreation centres. This approach could also create a CIL reserve balance at build out that would be positive. That surplus would still not be sufficient to fully fund a contemplated Greenland Securement program without the City risking exposure to a potential deficit in the CIL reserve at build-out. Further the 'surplus' would not be sufficient to fund the potential \$200 million cost of other related CIL eligible expenditures (Parkland Equipment top-up, Recreation Centre Expansions, and Recreation Centre R&R top up).

However, recognizing that the City would like to provide financial tools that facilitate development and encourage planned growth, the proposed phased approach and the resultant 2012 land values that would be used in the assessment of CIL-payable reflects a preferred scenario that blends financial, growth planning and economic objectives.

Taken together with the present deficit position of the DC reserves, CIL presents a very serious challenge for the City. The City will need to continue budgeting for growth related capital expenditures with regard for its financial position not only at build out, but

through the life of the capital program. It will be necessary for the City to revisit the state of the CIL reserve on an annual basis and ensure capital budgets are closely aligned with expected receipts to mitigate against future tax impacts.

Council should be reminded that amendments to the Development Charges Act in the late 1990's continue to affect growth-oriented municipalities like Brampton. The DC Act changes had the effect of reducing Brampton's parkland service level by 1.75 ac. /1000 persons and due in part to those changes, Brampton will continue to be challenged in its ability to secure the desired parkland to meet service levels while protecting and securing in public ownership, natural features (both tableland and non tableland) from development. The City has been able to strike a workable relationship with the development industry to date, in the protection of major tableland environmental features (woodlots and other natural areas) through the incorporation of such features into the developers' cost share agreements. Nevertheless, the City should work with its partner municipalities in having the Province address this issue, and reexamine the reintroduction of open space as an eligible charge in the DC Act.

Community Services:

The Parkland Dedication By-law is currently co-administrated by the Planning, Design and Development (Parks and Facility Planning) and Building and Property Management (Realty Services) Departments. The benefactor of the by-law is, ultimately, the Community Services Department, which receives land for parks and recreational programming and CIL revenue for eligible expenditures (e.g. recreation centre refurbishment).

Community Services staff has participated in the exercise to amend the methodology by which the by-law is administrated (under Phase 1) and the contemplated amendments to the by-law under Phase 2. It shares in the opinions of the Planning, Design and Development and the Finance Departments that the by-law and the accompanying collection rates should be amended to assist the City in meeting the long term active and passive recreation needs of Brampton's residents.

Buildings and Property Management:

Realty Services, will continue to be the lead in undertaking CIL valuations for non-subdivision developments, and will assist the Planning, Design and Development Department with the determination of CIL payments for subdivisions. Realty Services will be responsible for obtaining annually updated, City-wide land valuations.

CONCLUSIONS

Within the past three years, staff has thoroughly examined the City's Parkland Dedication By-law and conducted a substantial amount of background analysis to evaluate the methodology by which the City calculates CIL, which ultimately determines how much parkland can be acquired to meet the City's service levels. Evident from this review is the fact that the City's parkland service levels cannot be achieved without amendments to the application of the by-law. Further, the ability to fund other CIL-eligible items that have been at least partially funded in the past through CIL is not achievable without change.

Also evident in this review is that the City is collecting CIL at outdated land valuation rates and does not reflect the escalation of land values within the City. It is in the City's interest to increase the amount of parkland or CIL within the legislative authority given to it by the Planning Act, by securing parkland through the development process in order to provide an adequate supply of parkland for its residents.

Original signed by



John B. Corbett, MCIP, RPP
Commissioner, Planning, Design and Development

Agreed,
Original signed by



Jamie Lowery,
Commissioner, Community Services

Original signed by



Mo Lewis,
Commissioner of Financial & Information Services and Treasurer

Report authored by: John Spencer, Manager, Parks and Facility Planning Section

Appendices:

1. Current Parkland Dedication By-law (2004)
2. Notice
3. Letter to Applicants
4. Parkland Dedication By-law Amendment
5. Recommended Land Valuations with Comparisons to Current Valuations

**Appendix # 1
Current Parkland Dedication By-law**



OFFICE CONSOLIDATION

**Parkland Dedication By-law 41-2000 (as
amended by By-laws 103-2000, 342-2004, 9-2010)**

**To Enact a New Parkland Dedication By-law
and Repeal By-law 166-87**

WHEREAS the Official Plan of the City of Brampton Planning Area contains specific policies dealing with the provision and conveyance of lands for park or other public recreational purposes at a rate of one (1) hectare for each three hundred (300) dwelling units proposed as provided in Sections 42 and 51.1 of the Planning Act, R.S.O. 1990, c.P.13 as amended (the Act);

NOW THEREFORE The Council of the Corporation of the City of Brampton hereby ENACTS as follows:

1. In this by-law:

"Development" means that construction, erection, or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishing of a commercial parking lot; and

"Redevelopment" means the removal of a building or structure from land and the further development of the land or the substantial renovation of a building or structure and a change in the character or density of the use in connection therewith.

"High Density Residential Development and Medium Density Residential Development" shall have the same meaning as in the City of Brampton Official Plan (342-2004).

"Institutional" means hospitals, correctional institutions and associated facilities, elementary and secondary schools, colleges, universities, places of worship and related uses, military and cultural buildings, day care centres, residential care facilities for more than ten persons and long term care centres (By-law 9-2010)

2. As a condition of development or redevelopment of lands in the City of Brampton, the owner is required to convey to the City land for park or other public recreational purposes as follows:
 - (1) In the case of lands proposed for development or redevelopment for Residential purposes, at a rate of one hectare for each 300 dwelling units proposed;
 - (2) In the case of lands proposed for development or redevelopment for Commercial or Industrial or Institutional purposes, land in the amount of two per cent (2%) of the land to be developed or redeveloped; and (By-law 9-2010)
 - (3) In the case of lands proposed for development for use other than those referred to in subsections 2(1) and 2(2), land in the amount of five per cent (5%) of the land to be developed or redeveloped.
3.
 - (1) In lieu of requiring the conveyances referred to above, the City may require the payment of money to the value of the lands required to be conveyed;
 - (2) The value of the land shall be determined as of the day before the date of issuance of the building permit in respect of the development or redevelopment or, where more than one building permit is required, as of the day before the date of the issuance of the first permit;
 - (3) Notwithstanding Section 3(2), the value of High Density Residential development land shall not exceed the average market value for fully zoned and serviced Medium Density Residential land across the municipality, as determined by the City on an annual basis (342-2004);
 - (4) The payment required to be made under this by-law shall be made prior to the issuance of a building permit for the land to be developed or redeveloped (342-2004).
4. Land or cash-in-lieu equivalent required to be conveyed to the City for park or other public purposes pursuant to sections 2 and 3 shall be reduced by the amount of the land conveyance or cash-in-lieu equivalent received by the City pursuant to sections 51.1 or 53 of the Act and no additional conveyance or payment in respect of the land subject to the earlier conveyance or payment will

be required by the City in respect of subsequent development or redevelopment unless:

- (1) There is a change in the proposed development or redevelopment which would increase the density of development; or
- (2) Land originally proposed for development or redevelopment for Commercial or Industrial purposes is now proposed for development or redevelopment for other purposes.

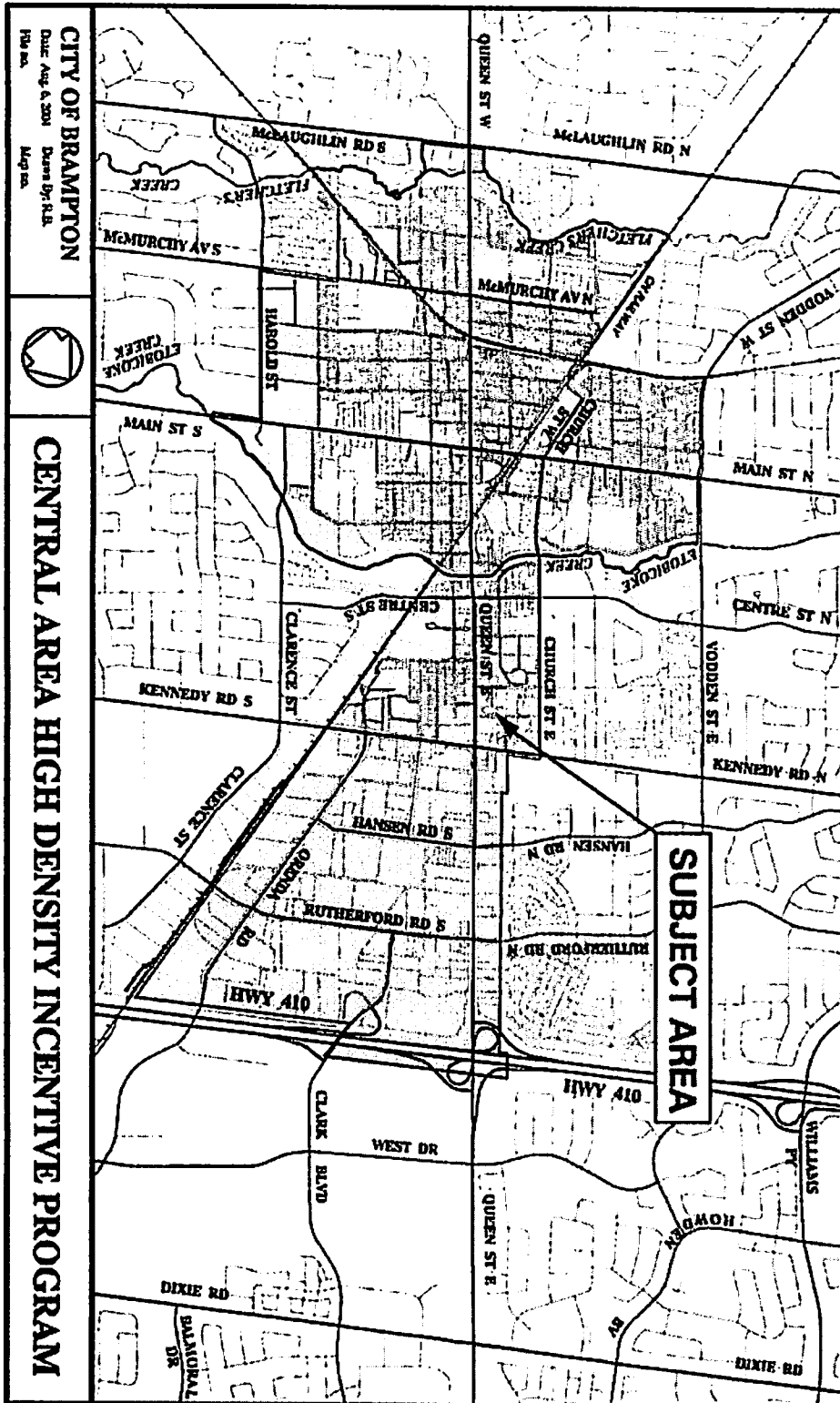
5. **(342-2004)**

- (1) Notwithstanding Sections 3(2) and 3(3), Council may reduce by 50%, the cash in lieu of parkland payment requirement for any High Density Residential Development project with a net density greater than or equal to 100 u.p.h. (40 u.p.a.) and that meets all of the following requirements:
 - (a) Is located within the area defined as the "Central Area High Density Incentive Program" consisting of the portion of the Central Area of the Official Plan comprising the Downtown Secondary Plan Area (SP Area No. 7) and the portion of the Queen Street Corridor Secondary Plan Area (SP Area No. 36), extending west from Highway #410, as shown on Schedule "A" (attached);
 - (b) Has a foundation or superstructure building permit issued between October 26, 2004 and October 26, 2006;
 - (c) Conforms to the respective secondary plans and related development design guidelines;
 - (d) Does not have, not will received, funding from any other level of government; and
- (2) The reduction in Section 5(1) is applicable to a maximum of 1150 dwelling units in the "Central Area High Density Incentive Program" area on a first come, first serve basis;
- (3) If the cash in lieu has been reduced, and the building permit lapses and is revoked by the Chief Building Official at any time, a full cash in lieu payment is required prior to the issuance of any further building permit for the same lands after October 26, 2006;
- (4) The Commissioner of Planning, Design and Development will make any determination required to apply these criteria.

6. (1) As a condition to the approval of a plan of subdivision pursuant to section 51 of the Act or the giving of a provisional consent pursuant to section 53 of the Act, the owner is required to convey to the City land for park or other public recreational purposes as follows:
 - (a) In the case of lands proposed for Residential purposes at the rate of one (1) hectare for each three hundred (300) dwelling units proposed;
 - (b) In the case of lands proposed for Commercial or Industrial or Institutional purposes land in the amount of two per cent (2%) of the land to be used for Commercial or Industrial uses or Institutional uses; and (By-law 9-2010)
 - (c) In the case of lands proposed for use other than those referred to in subsections 6(1)(a) and 6(1)(b) land in the amount of five per cent (5%) of the land to be developed for such uses.
- (2) In lieu of requiring the conveyances referred to in subsection 6(1), the City may require the payment of money to the value of the lands required to be conveyed.
7. Notwithstanding any other provision in this By-law, this By-law shall not apply where the development or redevelopment consists of the making of an addition or alteration to an existing building or structure used for Commercial or Industrial purposes, provided that the addition or alteration is used for Commercial or Industrial purposes (103-2000).
8. By-law 166-87 is hereby repealed.

READ a first, second and third time and passed in Open Council, this 8th day of March, 2000.

THE CORPORATION OF THE CITY OF BRAMPTON
Original Signed by: Peter Robertson, Mayor
Original Signed by: Leonard J. Mikulich, Clerk



Schedule A - See below
Also available through City Clerks' Office

J2-42

J2-43

Appendix # 2

Notice

February 23, 2012
File: F85.PAPO

'NOTICE'

**Re: Parkland Dedication By-law Review
Revised CIL Calculation Methodology**

OVERVIEW:

The City of Brampton is instituting changes to the way in which it applies its Parkland Dedication By-law. This 'Notice' will serve to explain these changes.

These changes reflect the first phase (Phase 1) of planned amendments to the methodology of obtaining parkland or cash-in-lieu (*CIL*) pursuant to the existing *By-law* (as amended through a report that is being tabled at Committee of Council on February 29, 2012). More substantive amendments to the *By-law* will be contemplated as part of Phase 2 of the review of the *By-law* which will be undertaken following the implementation of Phase 1.

EFFECTIVE DATE:

March 19, 2012

DEFINITIONS:

See Appendix # 1¹

EXPLANATION:

The following explains the methodologies that will be used in the calculation of *Parkland Dedication Requirements*, commencing on March 19, 2012 (the *Effective Date*). The methodology described reflects changes to the administration of the by-law stemming from the 'Phase 1' review. For further information, refer to the By-law (as amended).

1) PLANS OF SUBDIVISION:

- a) *Parkland Dedication Requirements* for Plans of Subdivision shall be calculated for all proposed land uses within that plan, and shall be satisfied through the conveyance of land for park purposes or *CIL*, at the City's discretion as per normal planning processes, prior to plan registration, with the effective date for *CIL* valuation for any *CIL*-payable being the day prior to draft plan approval²;
- i.e. There will be no deferral of the collection of *Parkland Dedication Requirements* and subsequent satisfaction in the form of *CIL* for proposed land uses such as commercial, multi-family residential or institutional (as has been the recent collection practice).

¹ Words that have been *italicized* have a definition associated with them - see Appendix # 1

² Based on the *Average Land Values for Plans of Subdivision* for each land use category.

- b) *Parkland Dedication Requirements* will be calculated in accordance with the factors prescribed in the current *By-law* (as amended)³;
- c) *CIL* payable shall be based on *Average Land Values for Plans of Subdivision* for each land use category:
 - i) For the purposes of determining the *Average Land Values for Plans of Subdivision* used to calculate *CIL*-payable on plans of subdivision, the City of Brampton has undertaken a city-wide *Land Valuation Exercise*;
 - ii) The *Average Land Values for Plans of Subdivision* shall be established annually by the City's *Realty Services Section*;
 - iii) The *Average Land Values for Plans of Subdivision* and the resultant *CIL* rates are detailed in Appendix # 2 of this Notice;⁴
 - iv) The *Average Land Values for Plans of Subdivision* shall be applicable only to lands being processed through a plan of subdivision under S. 51;
 - v) *Parkland Dedication Requirements*, including the calculation of *CIL* payable for draft plans of subdivision, will be calculated by the *Parks and Facility Planning Section* in accordance with the *Average Land Values for Plans of Subdivision*;
- d) Notwithstanding the above, arrangements may be made between an applicant and the City to defer the collection of parkland dedication on industrial plans of subdivision to building permit issuance stage (under S. 2 of the *By-law* (S. 42 of the Act)). A note would be inserted into the Conditions of Draft Plan Approval and a warning clause inserted in to the Subdivision Agreement notifying future purchases of the affected blocks of the obligation to satisfy parkland dedication requirements prior to building permit issuance. In so doing, the developer acknowledges that Section 2 of the *By-law* and Section 2 of this Notice would apply in the determination of *CIL*-payable.

2) NON-SUBDIVISION DEVELOPMENT:

- a) In the case of non-subdivision development, as a condition of site plan approval and/or as a condition of *Development* or *Redevelopment* and where *CIL* is payable, the following will apply (See Appendix # 3 for further detail):
 - i) For residential development, the *Land Values for Non-Subdivision Development* will be used to calculate the amount of *CIL* payable and shall be established annually by the City's *Realty Services Section*;

³ 'Phase 1' includes amendments to the by-law with respect to the reintroduction of the 5% factor as an eligible collection method on residential development and the elimination of the 2% parkland dedication requirement for schools developed by the Peel District School Board and Dufferin-Peel Catholic District School Board.

⁴ The initial set of *Average Land Values* used to calculate *CIL*-payable is posted on the appended tables (Appendix #2 and #3) and is detailed in a broader report addressing the *Parkland Dedication By-law*. These land values will be evaluated and updated annually.

- ii) For all other land uses (ie. commercial, industrial and institutional development)⁵, *Realty Services* will continue to calculate the amount of *CIL* payable on a case-by-case basis (site-specific), based on 2% of the land value of the development site as of the day prior to building permit issuance;
- iii) Where a development/redevelopment includes a blend of land uses (e.g. a high-density apartment with ground related retail) and *CIL* is payable, then a blending of non-residential *CIL* amount, based on the value of the land as of the day prior to building permit issuance, with the residential *CIL* amount based on the *Land Values for Non-Subdivision Development* will be used, proportionate to the uses contained in the application.

3) GENERAL:

- a) For the purposes of this Notice, residential densities are defined in Appendix #2 of this Notice.

APPLICABILITY:

The methodology within this Notice shall be applicable beginning on the *Effective Date* (March 19, 2012) until March 15, 2013 or the completion of Phase 2 of the By-law review, whichever occurs first.

- There may be exceptions to the aforementioned methodology if a development application is subject to a broader Parkland Conveyance Agreement arranged with the Municipality (current or contemplated i.e. under active negotiation). In such cases, the *Parkland Dedication Requirements* have been (shall be) detailed within the terms of the Agreement.

OTHER:

This 'Notice' provides an explanation of the methodologies to be used in applying the *By-law* for common development application scenarios. It is not intended to reflect all development scenarios. A separate Standard Operating Procedure (SOP) will be developed and be made publicly available as part of Phase 2 of the Parkland Dedication By-law review.

For situations not covered nor contemplated under this 'Notice', the *By-law* or The Planning Act will prevail.

ENQUIRIES:

All enquiries pertaining to the application of this methodology should be directed to the attention of John Spencer, Manager, *Parks and Facility Planning Section* at (905) 874-3954 or Ann Pritchard, Manager, *Realty Services Section* at (905) 874-2131.

⁵ Save and except for schools as defined in the by-law amendment.

'NOTICE'

**APPENDIX # 1
DEFINITIONS**

For the purposes of this Notice, the following definitions will apply:

- **"Average Land Value for Plans of Subdivision"** represents the value of lands as valued on a per-acre basis, the day before draft plan approval, having regard for the permitted uses on the land, and as determined through the City-wide *Land Valuation Exercise* (See Appendix # 2).
- **"By-law"** refers to the City's current Parkland Dedication By-law (41-2000) (as amended). Please refer to the City's portal page for a copy of the current By-law.
- **"CIL"** stands for Cash-in-Lieu of Parkland in accordance with the definitions set out in the Planning Act.
- **"Development"** and **"Redevelopment"** have the same meanings as defined in the City of Brampton's Parkland Dedication By-law, as amended.
- **"Draft Plan Approved"** implies the application has been draft approved or conditionally approved, to the satisfaction of the Commissioner of Planning, Design and Development, under delegated authority.
- **"Effective Date"** is the date upon which amendments shall be made to the methodology by which the City of Brampton calculates parkland dedication requirements, in accordance with this Notice.
- **"Institutional Uses"** means the use of land, buildings or structures for the following purposes: all schools and colleges and universities, community centres, libraries, day nurseries, hospitals, as well as cemeteries, mausoleums, columbariums and crematoriums established with the approval of the Ministry of Consumer and Commercial Relations under the Cemeteries Act (revised) but shall not include lands owned by and used for the purposes of a board as defined in subsection 1 (1) of the Education Act;
- **"Land Valuation Exercise"** describes the process which saw the City commission an external land appraiser to research the value of lands for all major land uses across the City, effective the day before draft plan approval, for use in determining CIL payable on draft plans of subdivision. This initial exercise was completed in early 2012 for the purposes of establishing land values that would apply for March 19, 2012 to March 15, 2013;
- **"Land Values for Non Subdivision Development"** represents the value of non-residential lands as valued on a per-acre, site-specific basis, the day before building permit issuance having regard for the permitted uses on the land, and the value of residential lands as determined by a City-wide *Land Valuation Exercise* and used in the determination of CIL payable (See Appendix #3).
- **"Parkland"** is tableland or non-greenbelt land acquired for parks purposes.

- **"Parkland Dedication Requirements"** is the all-encompassing term for identifying what is required in the way of land or cash (CIL) from an application for a plan of subdivision, consent, development, or redevelopment in accordance with the City's Parkland Dedication By-law, as amended.
- **"Parks and Facility Planning"** means the Parks and Facility Planning Section within the Planning, Design and Development Department of the City of Brampton.
- **"Phase 1"** reflects the initial phase of the *By-law* review which involves minor changes the *By-Law* and for which the principle objective is to amend and update the CIL collection rates.
- **"Phase 2"** reflects the second phase of the *By-law* review which will look more critically at the wording of the *By-Law*, with an objective of providing further amendments to meet a wider array of objectives.
- **"Realty Services"** means the Realty Services Section of the Buildings and Property Management Department of the City of Brampton.
- **"Residential Density"**, for the purposes of this Notice, shall be defined as:
 - **"Low Density"** shall include single-detached dwellings, semi-detached dwellings, and street townhouses.
 - **"Medium Density"** shall include block townhouses.
 - **"High Density"** shall include apartments.

'NOTICE'

**APPENDIX # 2
AVERAGE LAND VALUES FOR PLANS OF SUBDIVISION**

(For the purposes of calculating CIL-payable on draft plans of subdivision)

**LAND VALUATION RATES
For the Period of March 19, 2012 – March 15, 2013 (inclusive)**

Land Use Type	Price Per Acre⁶ (Day before Draft Plan Approval)	Per Unit Rate⁷
Low Density Residential	\$450 K/ac.	\$3,706/unit
Medium Density Residential	\$750 K/ac.	\$6,177/unit
High Density Residential	\$400 K/ac.	\$3,300/unit
Commercial	\$850 K/ac.	N/A
Institutional ⁸	\$550 K/ac.	N/A
Industrial	\$550 K/ac.	N/A

⁶ The *Annual Land Valuation Exercise* (completed at the beginning of 2012, and at year end, in successive years) assisted in the determination of final recommended values.

⁷ The per unit rate is calculated by taking the parkland dedication factor of 1 ha/300 dwelling units (or 2.471 ac/300 dwelling units) and applying the per/ac. rate X 2.471/300 – e.g. \$450,000 x 2.471/300=\$3,705/unit.

⁸ Schools excluded, per the By-law amendment

'NOTICE'**APPENDIX # 3****LAND VALUES FOR NON-SUBDIVISION DEVELOPMENT**

*(For the purposes of the calculation of CIL-payable
for development other than a draft plan of subdivision)*

LAND VALUATION RATES

For the Period of March 19, 2012 – March 15, 2013 (Inclusive)

Land Use Type	Price Per Acre (Day before Draft Plan Approval)	Per Unit Rate
Low Density Residential	\$450 K/ac.	\$3,706/unit
Medium Density Residential	\$750 K/ac.	\$6,177/unit
High Density Residential	\$400 K/ac.	\$3,300/unit
Commercial	Based on Site Specific Appraisal Valued on the day prior to Building Permit issuance	
Institutional	Based on Site Specific Appraisal Valued on the day prior to Building Permit issuance	
Industrial	Based on Site Specific Appraisal Valued on the day prior to Building Permit issuance	

02-51

Appendix # 3

Letter to Applicants

LETTER TO APPLICANTS

March 2012

(Owner Name and/or Applicant Name – as generated through PlanTrak)

**Subject: City of Brampton Parkland Dedication By-law Review
Amendments to Calculation Methodology
(Effective March 19, 2012)**

This letter is being sent to you as our records indicate that you, as a landowner, or agent representing a landowner, currently have an active development application filed with the City of Brampton. We are writing to inform you of a pending adjustment to the manner in which the Parkland Dedication By-law for the City will be applied. The adjustments may impact the parkland dedication requirements associated with your application.

Background

In late 2008 the City of Brampton commenced a review of its current Parkland Dedication By-law. The review was prompted by concerns around the by-law's ability to facilitate the City meeting its long term park service level objectives. There were also outdated provisions in the By-law that warranted amendment. Finally, there were concerns identified around the collection of cash-in-lieu of parkland (CIL) – land values being used did not reflect the current market conditions.

Current Situation

Since 2008, staff undertook a thorough review of the By-law — assessed internal practices, consulted with members of the development community, liaised with other municipalities to see how they are applying their parkland dedication by-laws, etc. A number of solutions have been identified, that will be addressed as part of a two phased approach to amending the practices by which parkland dedication is calculated and collected on new development.

- **Phase 1**

Commencing March 19, 2012, the City of Brampton will transition to utilize current (2012) land values in the calculation of CIL-payable for new development.

The values used in the calculation of CIL payable for subdivision-based development was informed through an externally commissioned land valuation exercise conducted in late 2011. Land values were determined for all the major land uses including Low, Medium and High Density Residential, Commercial, Industrial and Institutional. As a result of this work, collection rates will change for some forms of development, while some land uses remain unaffected. Applicants are asked to refer to the implementation 'Notice' available on the City's portal page (see below).

CIL-payable for residential development being processed outside of a plan of subdivision process will use the same rates as those used on plans of subdivision. However, CIL payable for Commercial, Industrial and Institutional land uses processed outside of a

subdivision will remain as is, based on site specific land valuations undertaken prior to building permit issuance.

A further change as a result of this first phase of the by-law's review affects Elementary and Secondary Schools constructed by the Peel District School Board and Dufferin-Peel Catholic District School Board. Commencing the effective date, these projects will be exempted from parkland requirements.

The City has prepared a 'Notice' that explains the details of these changes. Please see below under 'Further Information' for detail on how to access this Notice through the City's website.

- **Phase 2**
Following implementation of Phase 1, staff will commence with Phase 2 of the by-law review. Phase 2 involves further review of the parkland dedication calculation process and may include further amendments to the by-law.
- **Applicability/Effective Date:**
Phase 1 methodology is applicable to all development applications effective March 19, 2012.

Further Information

For further information on this topic please visit the City's portal web page which can be found at www.brampton.ca . Search "parkland dedication" for quick access to the Parkland Dedication By-law page.

Alternatively, you may wish to contact our project manager John Spencer, Manager, Parks and Facility Planning. John can be reached at (905) 874-3954 or at john.spencer@brampton.ca, or alternatively, please contact Ann Pritchard, Manager, Realty Services at (905) 874-2131 or at ann.pritchard@brampton.ca.

John Corbett, MCIP, RPP
Commissioner, Planning Design and Development Department
City of Brampton

J2-54

Appendix # 4

Parkland Dedication By-law Amendment

Ja-55



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number _____

To amend Parkland Dedication By-Law 41-2000 (as amended)

WHEREAS the Official Plan of the City of Brampton Planning Area contains specific policies for the conveyance of lands for parks or other public recreational facilities which are not currently reflected in the Parkland Dedication By-Law;

AND WHEREAS the special provisions of the Parkland Dedication By-Law pertaining to the Central Area High Density Incentive Program have expired;

AND WHEREAS Council of the Corporation of the City of Brampton has determined that in order to promote and facilitate the development of schools within the City, that local school boards should be exempt from the requirements of the Parkland Dedication By-Law;

AND WHEREAS the Parkland Dedication By-Law requires amendment to facilitate the school board exemption and the housekeeping amendments noted herein;

NOW THEREFORE the Council of The Corporation of the City of Brampton ENACTS AS FOLLOWS:

1. The Parkland Dedication By-Law 41-2000, as amended, (the "Parkland Dedication By-Law") is hereby amended by deleting section 2, subsection (1) and replacing same with the following:

"In the case of lands proposed for development or redevelopment for Residential purposes, at a rate of 5% of the land being developed or redeveloped, or one (1) hectare for each three hundred (300) dwelling units proposed, whichever is greater;"

2. The Parkland Dedication By-Law is hereby amended by deleting both section 5 in its entirety, and Schedule A.

3. The Parkland Dedication By-Law is hereby amended by deleting paragraph (a) of section 6, subsection (1) and replacing same with the following:

"(a) In the case of lands proposed for Residential purposes, at the rate of 5% of the land being developed or one (1) hectare for each three hundred (300) dwelling units proposed, whichever is greater;"

Ja-56

4. The Parkland Dedication By-Law is hereby amended by adding the following provision, which provision shall follow immediately after section 7 of the Parkland Dedication By-Law:

"Sections 2 and 6 of this By-law shall not apply to lands proposed for institutional uses by a Board as defined in subsection 1(1) of the *Education Act*, R.S.O. 1990, c.E. 2."

5. All terms and provisions of the Parkland Dedication By-Law that are not affected by this amending by-law shall remain in full force and effect.
6. This amending by-law shall come into force on the date that it is enacted.

READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS ____ day of _____, 2012.

Approved as to Form: 22/02/12 J.F.

Approved as to Content: 22/02/12 [Signature]

Susan Fennell, Mayor

Peter Fay, City Clerk

Ja-57

Appendix # 5

Land Valuations Comparlsons

APPENDIX #5: Recommended Land Valuations - Collection through Plan of Subdivision (\$ '000 / ac.)
(Progression of Thoughts on Values - Current to Final Recommended Values)

Land Use	Current (2011- early 2012) (\$ per unit)	Metrix's Land Valuation Report Market Value Ranges (2012)		INITIAL STAFF RECOMMENDATION (March 2012 to March 2013) (\$ per unit)	FINAL RECOMMENDATION Transition Period March 2012 to March 2013 (\$ per unit)
		Low	Metrix's Recommendation	High	
Residential	Low Density	\$450	\$475-\$625	\$650	\$450 (\$3,706)
	Medium Density	\$800	\$825	\$850	\$750 (\$6,177)
	High Density	\$1,500	\$1,550	\$1,600	\$400 (\$3,300)
Commercial ¹	\$1,000 ² (\$3,300)	\$800	\$850-\$1,400	\$1,450	\$850
Industrial ¹	\$600 ²	\$375	\$400-\$750	\$775	\$550
Institutional ¹	\$500 ²	\$500	\$550	\$600	\$550

Residential Density Interpretations with Recommended Land Valuations

Unit Type	Current (2011- early 2012) (\$ per unit)	Metrix's Report - Interpretations of Density (OP Definitions)	INITIAL STAFF RECOMMENDATION (March 2012 to March 2013) (\$ per unit)	FINAL RECOMMENDATION Transition Period March 2012 to March 2013 (\$ per unit)
Single Detached	Low (\$2,388)	Low	Low (\$4,530)	Low (\$3,706)
Semi Detached	Low (\$2,388)	Medium	Medium (\$6,795)	Low (\$3,706)
Street Towns	Low (\$2,388)	Medium	Medium (\$6,795)	Low (\$3,706)
Block Towns	Medium (\$5,353)	Medium	Medium (\$6,795)	Medium (\$6,177)
Apartment	High (\$3,300)	High	High (\$6,795)	High (\$3,300)

¹ CIL on Commercial, Industrial or Institutional development processed external to a Plan of Subdivision (e.g. site plan) would continue to be collected on the basis of a site specific land valuation appraisal, based on the value of the lands the day prior to building permit issuance.

² "Average" rates quoted

٧٢-٥٩

Appendix #2
Proposed Parkland Dedication By-law

22-60



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number _____

To enact a New Parkland Dedication By-law and
Repeal By-law 41-2000 (as amended)

DRAFT

WHEREAS section 42 of the Planning Act, as amended, provides that, as a condition of the Development or Redevelopment of land, the council of a local municipality may, by by-law, require that land in an amount not exceeding, in the case of land proposed for Development or Redevelopment for Commercial or Industrial purposes 2 per cent, and in all other cases 5 per cent, be conveyed to the municipality for park or other public recreational purposes.

AND WHEREAS section 51.1 of the Planning Act, as amended, provides that the approval authority may impose, as a condition of the approval of a plan of subdivision, that land be conveyed to the municipality for park or other public recreational purposes, such land not to exceed, in the case of a subdivision proposed for Commercial or Industrial purposes 2 per cent, and in all other cases 5 per cent.

AND WHEREAS section 53 of the Planning Act, as amended, provides that a Council may impose, as a condition of the giving of a provisional consent, that land be conveyed to the municipality for park or other public recreational purposes, such land not to exceed, in the case of land proposed to be severed for Commercial or Industrial purposes 2 per cent, and in all other cases 5 per cent.

AND WHEREAS in the case of land proposed for Development or Redevelopment for residential purposes, pursuant to the Planning Act, a municipality may require that such land be conveyed at the rate of up to one hectare for each 300 Dwelling Units, provided that the municipality has specific policies dealing with the provision of lands for park or other public recreational purposes, and the use of this alternative requirement is included within its Official Plan.

AND WHEREAS the City of Brampton has such specific policies dealing with the provision land to be conveyed at the rate of up to one hectare for each 300 Dwelling Units.

AND WHEREAS the Council of The Corporation of the City of Brampton wishes to use the provisions of the Planning Act for the purposes of acquiring and providing parkland for the use and enjoyment of the residents of the City of Brampton.

NOW THEREFORE the Council of The Corporation of the City of Brampton ENACTS as follows:

Definitions

1. For the purposes of interpretation of this by-law, the following definitions shall apply:
 - a) **"Act"** means the Planning Act, R.S.O. 1990, c.P.13, as amended.
 - b) **"Apartment"** means a Residential building containing six (6) or more Dwelling Units which have a common entrance from the street level, and the occupants of which have the right to use common elements.
 - c) **"Board of Education"** has the same meaning as the term "board", as defined in the Education Act, R.S.O. 1990, c.E.2, as amended.
 - d) **"CIL"** means cash in lieu of parkland equivalent to the value of the lands otherwise required to be conveyed.
 - e) **"City"** means The Corporation of the City of Brampton.
 - f) **"Commercial"** means the use of land, buildings, or structures for a use which is not Industrial, and which are used in connection with:
 - i) the selling of commodities to the general public; or
 - ii) the supply of services to the general public; or
 - iii) office or administrative facilities.
 - g) **"Development"** means the construction, erection, or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof.
 - h) **"Dwelling Unit"** means any property that is used or designed for use as a single domestic establishment in which one or more persons may sleep and prepare and serve meals, in addition to which may be included not more than one (1) Second Unit, but does not include a housekeeping hotel suite or a housekeeping suite in a long-term care facility.
 - i) **"Industrial"** means the use of land, buildings, or structures in connection with:
 - i) manufacturing, producing, or processing of raw goods; or
 - ii) warehousing or bulk storage of goods; or
 - iii) a distribution centre; or
 - iv) a truck terminal; or
 - v) research or development in connection with manufacturing, producing or processing of raw goods.

and includes office uses and the sale of commodities to the general public where such office or retail uses are ancillary to an industrial use, but does not include a building used exclusively for office or administrative purposes unless it is attached to an industrial building or structure as defined above, and does not include a retail warehouse.

- j) **"Institutional"** means the use of land, buildings, or structures for hospitals, correctional institutions and associated facilities, municipal facilities, elementary and secondary schools, colleges, universities, places of worship and ancillary uses, military and cultural buildings, daycare centres, residential care facilities for more than ten persons and long term care centres.
- k) **"Mixed Use"** means the physical integration of two or more of the following uses within a building or structure or separate buildings or structures on the lands proposed for Development or Redevelopment: Commercial; Industrial; Institutional; Residential; or any other use not noted herein.
- l) **"Net Area of the Lands"** means the total area of the lands being Developed or Redeveloped, less the area of any lands to be conveyed gratuitously to the City, the Regional Municipality of Peel, or a conservation authority established under the Conservation Authorities Act, R.S.O. 1990 c.C.27 or a predecessor thereto, pursuant to an approval or provisional consent issued in accordance with the Act, in support of natural heritage systems, including but not limited to, wetlands, valley and watercourse corridors, tableland woodlands and other environmentally sensitive lands as determined by the City.
- m) **"Official Plan"** means the City of Brampton Official Plan, as amended.
- n) **"Redevelopment"** means the removal of a building or structure from land and the further Development of the land or, the expansion or renovation of a building or structure which results in a change in the character or density of the use in connection therewith.
- o) **"Residential"** means the use of land, buildings, or structures for human habitation.
- p) **"Rowhouse"** means a Residential building that is divided into three (3) or more Dwelling Units, but shall not include an Apartment.
- q) **"Second Unit"** means a single Residential unit that is used or designed for use as a single domestic establishment in which one or more persons may sleep and prepare and serve meals, and which is:
 - i) contained within and is ancillary to either a Single-Detached Dwelling, a Semi-Detached Dwelling or a Rowhouse; and is
 - ii) permitted by all of the following: the Act; the Official Plan; and Zoning By-law.
- r) **"Semi-Detached Dwelling"** means a Residential building divided into only two (2) separate Dwelling Units.
- s) **"Single-Detached Dwelling"** means a detached Residential building containing only one (1) Dwelling Unit.
- t) **"Temporary Building or Structure"** means a building or structure constructed or erected or placed on land for a continuous period not exceeding eight (8) months, or an addition or alteration to a building or structure that has the effect of increasing the total floor area thereof for a continuous period not exceeding eight (8) months.
- u) **"Total Floor Area"** has the same meaning as in the City of Brampton's Development Charges By-law 222-2009, as amended or replaced.
- v) **"Zoning By-law"** means the City of Brampton By-law 270-2004, as amended or replaced.

22-63

Geographic Applicability

2. This by-law applies to all lands within the geographic boundary of the City of Brampton.

Conveyance of Land for Parks Purposes

3. As a condition of Development or Redevelopment of land pursuant to the Act, the City shall require the conveyance of land for park purposes as follows:
 - a) In the case of lands proposed for Residential purposes, at a rate of five per cent (5%) of the land being Developed or Redeveloped, or one (1) hectare for each three hundred (300) Dwelling Units proposed, whichever is greater;
 - b) In the case of lands proposed for Commercial, Industrial or Institutional purposes, land in the amount of two per cent (2%) of the land to be Developed or Redeveloped;
 - c) In the case of lands proposed for Development or Redevelopment for a use other than those referred to in subsections 3(a) and 3(b) of this by-law, land in the amount of five per cent (5%) of the land to be Developed or Redeveloped;
 - d) In the case of a Mixed Use Development or Redevelopment, land in the aggregate, calculated as follows:
 - i) the Residential component, if any as determined by the City, of the lands being Developed or Redeveloped, shall require the conveyance of land as determined in accordance with subsection 3(a) of this by-law; plus
 - ii) the Commercial, Industrial, or Institutional component of the lands being Developed or Redeveloped, if any as determined by the City, shall require the conveyance of land as determined in accordance with subsection 3(b) of this by-law; plus
 - iii) the component of the lands proposed for any use other than Residential, Commercial, Industrial or Institutional, if any as determined by the City, shall require the conveyance of land as determined in accordance with subsection 3(c) of this by-law.

Condition of Conveyance

4. The location and configuration of land required to be conveyed pursuant to this by-law shall be as determined by the City and all such lands shall be free of all encumbrances, including but not limited to such easements which the City in its sole and absolute discretion is not prepared to accept, and shall be free of any contamination, including but not limited to any toxic, noxious or dangerous contaminants, and shall otherwise be in a condition to the satisfaction of the City.
5. The conveyance of any valleyland or watercourse corridors, woodlands, natural heritage system lands and associated buffers, easements, vista blocks and storm water management ponds, as defined in the Official Plan or any secondary plan adopted under the Official Plan, shall not be considered a conveyance of land for park purposes pursuant to the requirements of section 3 of this by-law.

Timing of Conveyance

6. Where land is required to be conveyed in accordance with section 3 of this by-law, the lands shall be conveyed as follows:

- a) In the case of Development or Redevelopment to be approved pursuant to sections 51 or 53 of the Act, the City may require the conveyance of land as a condition of approval, and said lands shall be conveyed to the City either prior to or immediately upon registration of the plan or the consent being given, as determined by the City;
- b) In the case of Development or Redevelopment where land has not been conveyed or has not been required pursuant to sections 51.1 or 53 of the Act, the City shall require the conveyance of land as a condition of Development or Redevelopment prior to building permit issuance in accordance with section 42 of the Act.

Cash-in-Lieu of Parkland

7. In lieu of requiring the conveyances referred to in section 3 of this by-law, the City may require the payment of cash to the value of the lands otherwise required to be conveyed, calculated in accordance with the following:

- a) Where, as a condition of Development or Redevelopment, the City has required the payment of CIL as a condition of an approval or consent pursuant to sections 51.1 or 53 of the Act, CIL shall be calculated using City-wide average land values which the City determines reflect land values as of the day prior to draft plan approval, or the day before the day a provisional consent is given, as applicable. Land values shall be established by the City by way of appraisal for the following land use categories:
 - i) Single-Detached Dwelling / Semi-Detached Dwelling;
 - ii) Rowhouse;
 - iii) Apartment;
 - iv) Commercial;
 - v) Industrial;
 - vi) Institutional.

For any other use not categorized pursuant to this subsection 7(a), the land value to be applied for the purposes of calculating CIL shall be the land value established by the City pursuant to this subsection 7(a) for the Institutional category.

- b) Notwithstanding subsection 7(a) of this by-law, for Residential Development or Redevelopment in the Apartment category only, where, as a condition of Development or Redevelopment the City has required the payment of CIL as a condition of an approval or consent pursuant to sections 51.1 or 53 of the Act, the land value to be used for the calculation of CIL shall be forty per cent (40%) of the value established pursuant to subsection 7(a) of this by-law.
- c) Land values for the land use categories noted in subsection 7(a) of this by-law shall be reviewed annually by the City by way of appraisal, on or before January 1st of every calendar year, and where the City determines that the prior land values established by the City have changed, the City shall adjust the land values for the land use categories noted in subsection 7(a) of this by-law in accordance with the land values established by the latest annual appraisal.
- d) For any Development or Redevelopment for which subsection 7(a) of this by-law does not apply, CIL shall be calculated as follows:
 - i) For Residential Development or Redevelopment in the Single-Detached Dwelling/Semi-Detached Dwelling, and Rowhouse categories, CIL shall be calculated in accordance with the values established pursuant to subsection 7(a) of this by-law;

- ii) For Residential Development or Redevelopment in the Apartment category only, CIL shall be calculated in accordance with the values established pursuant to subsection 7(b) of this by-law.
- iii) For Commercial, Industrial, Institutional or any other Development or Redevelopment that is not in the Single-Detached Dwelling/Semi-Detached Dwelling, Rowhouse or Apartment categories, CIL shall be calculated by the City using the market value of the lands as of the day before the issuance of the first building permit in respect of the Development or Redevelopment, as evidenced by an appraisal.

Timing of CIL Payment

8. CIL shall be paid as follows:

- a) For Development or Redevelopment where the City has required the payment of CIL as a condition of an approval or a consent, pursuant to either sections 51.1 or 53 of the Act, CIL shall be paid prior to plan registration or the consent being given;
- b) For Development or Redevelopment approved pursuant to section 41 of the Act, or in any other case where CIL has not been required as a condition of an approval or a consent pursuant to sections 51.1 or 53 of the Act, CIL shall be paid prior to the issuance of the first building permit in respect of the Development or Redevelopment.

Credits for Previous Conveyances

9. Land or CIL required to be conveyed or paid to the City for park or other public recreation purposes pursuant to sections 3 or 7 of this by-law shall be reduced by the amount of land or CIL previously received by the City pursuant to sections 42, 51.1 or 53 of the Act in respect of the lands being Developed or Redeveloped.
10. Notwithstanding sections 3 and 7 of this by-law, if land has been conveyed or is required to be conveyed to the City for park or other public recreational purposes or CIL has been received by the City or is owing to it pursuant to a condition imposed pursuant to sections 42, 51.1 or 53 of the Act, no additional conveyance or payment in respect of the lands subject to the earlier conveyance or payment will be required by the City in respect of subsequent Development or Redevelopment unless:
- a) There is a change in the proposed Development or Redevelopment which would increase the density of the development; or
 - b) Land originally proposed for Development or Redevelopment for Commercial, Industrial, or Institutional purposes is now proposed for Development or Redevelopment for other purposes.

Limits of the Lands to be Developed or Redeveloped

11. For the purposes of calculating the land conveyance or CIL requirements of sections 3 or 7 of this by-law, the following shall be used as the area of the lands being Developed or Redeveloped:
- a) For Development or Redevelopment of land which occurs pursuant to section 41 of the Act, the Net Area of the Lands denoted within the plan or drawings;

- b) For Development or Redevelopment of land which occurs pursuant to section 51 of the Act, and for which the City has required the conveyance of land or the payment of CIL as a condition of approval, the Net Area of the Lands denoted within the approved draft plan of subdivision;
- c) For Development or Redevelopment of land which occurs pursuant to section 53 of the Act, and for which the City has required the conveyance of land or the payment of CIL as a condition of approval, the Net Area of the Lands to be severed pursuant to the consent;
- d) In all other cases, the area of the lands to be Developed or Redeveloped shall be determined by the City in accordance with the Act, and the Net Area of the Lands shall be determined by the City and shall be used for the purposes of calculating land conveyance or CIL requirements pursuant to sections 3 or 7 of this by-law.

Phased Development

- 12. Notwithstanding sections 6 and 8 of this by-law, for Development or Redevelopment which occurs pursuant to either of sections 41 or 51 of the Act and for which approvals are issued in phases, the City shall calculate and require the conveyance of land for park purposes or the payment of CIL, in accordance with the provisions of sections 3 and 7 of this by-law, on a phase by phase basis.

Parkland Conveyance Agreements

- 13. Nothing in this by-law shall limit the City's ability to enter into a parkland conveyance agreement with one or more landowners, for the purposes of assembling parkland, including but not limited to community and city parks. Parkland conveyance agreements entered into by the City shall include provisions for the conveyance of land for park purposes or CIL, the calculation of which shall be as provided in this by-law.

Exemptions

- 14. This by-law shall not apply to any of the following:

- a) Development or Redevelopment of land, buildings or structures owned by and used for the purposes of The Corporation of the City of Brampton;
- b) Development or Redevelopment of land, buildings or structures owned by and used for the purposes of a Board of Education;
- c) The replacement of any building that is a direct result of destruction due to accidental fire or other accidental cause provided that no intensification or change of use is proposed, including but not limited to an increase in total Dwelling Unit count or Total Floor Area;
- d) The enlargement of an existing Dwelling Unit provided that the enlargement does not result in additional Dwelling Units;
- e) The enlargement of an existing Commercial, Industrial, or Institutional building or structure if the Total Floor Area is enlarged by 50% or less. The area of the existing building or structure shall be calculated by reference to the first building permit which was issued in respect of the building or structure for which the exemption is sought;
- f) A Temporary Building or Structure;

52-67.

- g) In cases where the total CIL payable for Development or Redevelopment is less than \$100.

Appraisals

15. All appraisals of land required pursuant to this by-law shall be prepared by City staff or by an accredited appraiser approved by the City, in accordance with the Canadian Uniform Standards of Professional Appraisal Practice of the Appraisal Institute of Canada.

General Provisions

16. Should any section or part of this by-law be declared or determined by a court or tribunal of competent jurisdiction to be invalid, that portion of this by-law shall be considered to be severed from the balance of this by-law, which will continue to operate in full force and effect.
17. Any word or term which has been capitalized in this by-law shall be interpreted as the word or term is defined in section 1 of this by-law. Any word or term not defined in section 1 of this by-law, which has been defined in either of the Act, Zoning By-law, or Official Plan, shall have the same meaning as provided in either of the Act, Zoning By-law, or Official Plan, using the following order of priority in the event of a conflict: 1. Act; 2. Zoning By-law; 3. Official Plan. Any word which appears in ordinary case and has not been defined in either of the Act, Zoning By-law, or Official Plan, shall be interpreted in accordance with its regularly applied meaning.
18. The headings inserted in this by-law are for convenience and reference only, and shall not affect the construction or interpretation of this by-law.
19. References to items in the plural include the singular, as applicable.
20. This by-law may be cited as the Brampton Parkland Dedication By-law, 2012.
21. In the case of Development or Redevelopment where land has not been conveyed or CIL has not been paid in accordance with the requirements of this by-law, an amount equal to the value of the lands not conveyed, calculated in accordance with this by-law, shall be added to the tax roll for the lands subject to the Development or Redevelopment, and shall be collected in the same manner as taxes.

Repeal

22. By-law 41-2000 together with all amendments thereto are hereby repealed effective on the date that this by-law comes into force and effect.

READ A FIRST, SECOND AND THIRD TIME AND PASSED IN OPEN
COUNCIL THIS day of , 2013.

Approved as to
form.

____/____/____

Susan Fennell, Mayor

Approved as to
content.

____/____/____

Peter Fay, City Clerk

J 2 - 68

Appendix #3
2013 Metrix Appraisal – Executive Summary



Ja-69

November 8th, 2012

The Corporation of the City of Brampton

2 Wellington Street West

Brampton, Ontario

L6Y 4R2

RE: CITY WIDE LAND VALUES (CWLTV) - 2013

BRAMPTON, ONTARIO

At your request, we have undertaken the required market research to arrive at a fee simple and unencumbered market unit rate for various land use categories in the City of Brampton as of October 15th, 2012. We understand the purpose of the consulting report and research is to assist The Corporation of the City of Brampton ("Brampton") in determining cash-in-lieu payments for parkland in 2013. The analysis and conclusions developed in the report have been prepared in conformity with the Canadian Standard of Professional Appraisal Practice ("CUSPAP").

In determining City Wide Land Rates (CWLTV) the research involved documenting a broad range of land transactions within the City of Brampton for each of the land categories below. Where there were a nominal number of transactions in a particular land use class, supplemental examples were researched from neighbouring municipalities and adjusted as necessary to reflect the Brampton market.

- a) Low Density Residential (single and semi-detached dwellings and duplexes)
- b) Medium Density Residential (rowhouse units including street, block, stacked and back-to-back townhouses and triplexes)
- c) High Density Residential (apartments and condominiums)
- d) Commercial/Retail
- e) Industrial, and
- f) Institutional land transactions

100 York Blvd., Suite 200
Richmond Hill, ON L4B 1J8
Telephone 905-709-5880
Fax 905-709-5823



The value estimate for each of the above noted land categories is made "*as of one day prior to draft plan approval*". This advanced planning status brings a challenge to the valuation exercise as transactions with draft plan or imminent draft plan approvals rarely trade in the marketplace. Typically, a developer/owner is not motivated to sell a property which is well advanced in the planning stages. The developer/owner would rather develop the property and earn revenue (profit) from the intended use.

A range (*high and low*) is reported for each land use category with the midpoint selected as the final estimate of value. The reported values are based on market transaction activity that is detailed in the report within the research period of June 2011 to current. A total of 46 transactions have been researched and reported herein. The value estimate(s) reported are based on a general parcel and thus are not specific to any "subject" property. Hence, the circumstances for calculating cash-in-lieu payment may vary for a specific property. The CWLV's reported herein are expected to serve as a benchmark and guide for the City of Brampton in calculating payment for cash-in-lieu of parkland in 2013.

Having regard to general market conditions, market nuances and variations in terms of location, size (acres), configuration, planning and development time frame our conclusions are tabled on the following page:

Ja-71



City of Brampton CWLV Estimate

January 1st, 2013

Land Use	Range Per Acre		Land Value / Acre ¹ January 1, 2013
	Low	High	

Residential

Low Density	\$500,000	\$600,000	\$550,000
Medium Density	\$825,000	\$875,000	\$850,000
High Density	\$1,550,000	\$1,600,000	\$1,575,000

Commercial / Retail

	\$800,000	\$1,200,000	\$1,000,000
--	-----------	-------------	-------------

Industrial

	\$550,000	\$650,000	\$600,000
--	-----------	-----------	-----------

Institutional

	\$550,000	\$600,000	\$575,000
--	-----------	-----------	-----------

¹ Estimate is 1 day prior to draft plan approval



The land value conclusions listed above are a summary of the Consulting Report for City Wide Land Values Brampton 2013. If any questions arise please refer to the aforementioned report in its entirety.

Respectfully submitted,



Paul W. Stewart, BA, AACI, P. App.
Metrix Realty Group (Ontario) Inc.

100 York Blvd., Suite 200
Richmond Hill, ON L4B 1J8
Telephone 905-709-5880
Fax 905-709-5823