

Memorandum

To	Shannon VanDalen
From	Gary Scandlan
Date	April 18, 2022
Re:	Parkland Dedication and Payment-in-lieu of Parkland Analysis

Fax Courier Mail Email

This memorandum is being provided to summarize Watson & Associates Economists Ltd. (Watson)'s review and analysis of the County of Haldimand's parkland dedication and payment-in-lieu of parkland policies.

1. Introduction

Watson was retained by the County to undertake a review and analysis of the County's current policies with respect to parkland dedication and payment-in-lieu of parkland. This memo outlines the relevant legislation, the County's current policies, analysis of alternative policies, and next steps/considerations for County staff. Summary information along with the County's draft by-law are provided in the appendices.

2. Legislative Overview

The Planning Act provides municipalities with the authority to impose conditions on development and redevelopment to receive parkland or payment-in-lieu of parkland. Section 42 of the Planning Act provides for the rules with respect to conveyance of land for park purposes and Section 51.1 provides the rules for the conveyance of parkland imposed as a condition of approval of a plan of subdivision. The following outlines the relevant paragraphs of Section 42. Note: the rules under Section 51.1 are similar except for the date of determination of value for payment-in-lieu of parkland, which is noted below.

Parkland Dedication

Section 42 (1) provides that the municipality may require land be conveyed in the amount of 2 per cent for industrial and commercial development and 5 per cent for all other development (i.e. residential and institutional):

"42 (1) As a condition of development or redevelopment of land, the council of a local municipality may, by by-law applicable to the whole municipality or to any defined area or areas thereof, 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 of the land be conveyed to the municipality for park or other public recreational purposes. R.S.O. 1990, c. P.13, s. 42 (1).

(2) A by-law passed under this section comes into force on the day it is passed or the day specified in the by-law, whichever is later. 2020, c. 18, Sched. 17, s. 2 (2)."

Alternative Parkland Dedication Rate

For residential development or redevelopment, the municipality may also impose an alternative requirement to the 5 per cent dedication based on a rate of one hectare for each 300 dwelling units, as follows:

"(3) Subject to subsection (4), as an alternative to requiring the conveyance provided for in subsection (1), in the case of land proposed for development or redevelopment for residential purposes, the by-law may require that land be conveyed to the municipality for park or other public recreational purposes at a rate of one hectare for each 300 dwelling units proposed or at such lesser rate as may be specified in the by-law. R.S.O. 1990, c. P.13, s. 42 (3)."

Requirement for a Parkland Dedication By-law

To use the residential alternative requirement of one hectare for each 300 dwelling units, a municipality must have the policy in their Official Plan document and pass a by-law which outlines parkland dedication (and payment-in-lieu of parkland) requirements. As of the passage of Bill 73 (Smart Growth for our Communities Act) in 2015, Section 42 of the Planning Act was amended to include a requirement to complete a Parks Plan prior to including the use of the alternative rate provisions in an Official Plan. Note: as the County already has the alternative provisions included in their Official Plan, it would not appear that a Parks Plan is required. If a Parks Plan was required, Section 42 (4.1) and (4.2) denote the requirement for a Parks Plan and the need for consultation with school boards and other persons as the municipality considers appropriate. There is no prescription as to the contents of the Parks Plan.

As noted above, to impose the alternative rate, the municipality must pass a by-law. Section 42 (3.1) and (4.4) to (4.24) provide for the rules/requirements to pass the by-law. A brief summary of the subsections is as follows:

- **Consultation:** the municipality shall consult with persons and public bodies as the municipality considers appropriate;
- **Notice of Passage:** the municipality shall give written notice of the passing of the by-law within 20 days of passage and identify the last day for appealing the by-



law (40 days after passage). Details of the notice requirements are set out in O.Reg. 509/20 and are provided in Appendix A;

- **Appeal of By-law to the Ontario Land Tribunal:** A by-law may be appealed. The Clerk has certain duties on appeal which are listed in subsection 4.10. The Tribunal has various powers to dismiss the appeal or direct the municipality to amend the by-law.

Payment-in-lieu of Parkland

The municipality may receive payment-in-lieu of parkland based on the value of the land otherwise to be conveyed. Further, if the municipality has authorized the use of the alternative rate for parkland dedication, payment-in-lieu may be received instead, at a rate of one hectare for each 500 dwelling units.

“(6) If a rate authorized by subsection (1) applies, the council may require a payment in lieu, to the value of the land otherwise required to be conveyed. 2015, c. 26, s. 28 (4).”

“(6.0.1) If a rate authorized by subsection (3) applies, the council may require a payment in lieu, calculated by using a rate of one hectare for each 500 dwelling units proposed or such lesser rate as may be specified in the by-law. 2015, c. 26, s. 28 (4).”

Determination of Value of Parkland

The value of the land for payment-in-lieu of parkland purposes shall be determined as of the day before the building permit is issued.

“(6.4) For the purposes of subsections (4.19), (6), (6.0.1) and (6.2), the value of the land shall be determined as of the day before the day the building permit is issued in respect of the development or redevelopment or, if more than one building permit is required for the development or redevelopment, as of the day before the day the first permit is issued. 2006, c. 23, s. 17 (1); 2015, c. 26, s. 28 (8); 2020, c. 18, Sched. 17, s. 2 (5).”

Note, for parkland conveyed as a condition of a plan of subdivision, the value shall be determined as of the day of approval of the subdivision agreement. Section 51.1 (4) provided for the following:

“(4) For the purpose of determining the amount of any payment required under subsection (3) or (3.1), the value of the land shall be determined as of the day before the day of the approval of the draft plan of subdivision. 1994, c. 23, s. 31; 2015, c. 26, s. 32 (3).”



Special Account and Reporting Requirements

All money received by the municipality for the purposes of payment-in-lieu shall be paid into a special account and spent only for the following purposes:

- acquisition of land to be used for park or other public recreational purposes;
- erection, improvement or repair of buildings; and
- acquisition of machinery for park or other public recreational purposes.

Subsection 42(17) of the Planning Act provides that a council that passes a by-law under Section 42 shall provide the reports and information as prescribed in the regulation. Ontario Regulation 509/20, Section 7 identifies the information that shall be provided to the public each year (for the previous year):

1. Statements of the opening and closing balances of the special account and of the transactions relating to the account.
2. In respect of the special account referred to above, statements identifying,
 - a. land and machinery acquired during the year with funds from the special account,
 - b. buildings erected, improved or repaired during the year with funds from the special account,
 - c. details of the amounts spent, and
 - d. for each asset mentioned in subparagraphs i and ii, the manner in which any capital cost not funded from the special account was or will be funded.
3. The amount of money borrowed from the special account and the purpose for which it was borrowed.
4. The amount of interest accrued on any money borrowed from the special account.



3. Current Practice and Analysis

3.1 Overview of Guiding Documents

Section 6: Leisure, Heritage, and Culture of Haldimand County's Official Plan (O.P.) sets out policies with respect to parks and open space along with policies regarding parkland dedication. This section discusses a variety of topics including the types of parks, where they may be located, requirements for parks and recreational facilities, and parkland dedication guidelines. Section 6, Part B notes that parkland dedication may be required at the rates of 5% for residential development and 2% for all other purposes. It also notes that the County may accept payment-in-lieu of parkland dedication. Additionally, the County may require residential development to dedicate land based on the alternative rate of one (1) hectare of land for each 300 dwelling units proposed. Finally, this section notes that "the details for parkland acquisition will be determined through the Leisure and Recreation Master Plan".

In 2018, Haldimand County undertook a detailed Parks and Recreation Service Plan – Update (Service Plan). This plan undertook a review of County policies with respect to parks and recreation, identified the current inventory of parks, and identified the potential need for future parks. Further, recommendations were provided to review and update the County's policies with respect to parkland dedication.

Additionally, the County's Comprehensive Zoning by-law was reviewed. This document provides definitions for parks, passive use parks, and sports parks/recreation.

Finally, a review of the County's 2019 Development Charge (D.C.) Background Study was undertaken. The D.C. study sets out the inventory of parkland, amenities, vehicles, and recreation facilities over the previous 10-year period. The study also sets out the growth-related capital needs for parks and recreation services (except purchase of parkland) that are to be recovered through D.C.s.

3.2 Current Inventory of Parkland and Future Need

3.2.1 Summary of Current Inventory

As noted above, the 2018 Service Plan identified the current inventory of parks in the County as of 2016. Table 3-1 provides for a summary of the 2016 inventory:



Table 3-1
Haldimand County
Inventory of Parkland (2016)

Community	Existing Inventory (as per 2018 Service Plan)						Total Current Hectares
	Community Common (ha)	Neighbourhood (ha)	Community (ha)	Waterfront (ha)	Activity (ha)	Cultural (ha)	
Caledonia	0.1	5.9	5.9	0.2	55.3	0.7	68.1
Dunnville	0.7	0.0	12.0	1.6	32.1	3.1	49.4
Hagersville	0.0	0.1	11.2	0.0	0.0	0.0	11.4
Cayuga	0.0	0.0	0.8	1.9	8.5	0.5	11.7
Jarvis/Townsend	1.3	0.0	7.0	0.0	0.0	0.0	8.2
Rural Areas	5.2	1.8	27.1	0.1	0.0	0.0	34.2
Total	7.1	7.8	64.0	3.8	95.9	4.3	183.0

Information included in Parks and Recreation Service Plan - Update, 2018

As part of the Service Plan, a review of the anticipated parkland needs to 2041 was identified based on the anticipated population and the service level of three (3) hectares of parkland per 1,000 residents. The calculations provided that the County would require 191.31 hectares of parkland, implying that by 2041, the County would need to receive (or purchase) parkland in the amount of 8.33 hectares. This information is summarized in Table 3-2:

Table 3-2
Haldimand County
Required Parkland by 2041 as per Parks and Recreation Service Plan – Update

Parkland Requirement Calculations	2016	2021	2026	2031	2041
Projected Population	45,608	50,100	53,300	56,750	63,770
2006 Standard (Community and Neighbourhood ha per 1,000)	3	3	3	3	3
Parkland Requirement	136.82	150.30	159.90	170.25	191.31

3.2.2 Analysis

Parkland Inventory

Based on a review of this information, Watson compared the inventory of parkland identified in the Service Plan to the County's 2019 D.C. Background Study which also includes an inventory of parkland in the County. The inventory included in the D.C. background study was significantly higher than the amount of parkland identified in the Service Plan (i.e. the D.C. study included 623.9 acres or 252.59 hectares of parkland). This discrepancy is partially due to the inclusion of open space in the D.C. inventory.

Upon further review of the categories of parks identified in the Service Plan, it appears the Activity category includes land for recreation facilities (e.g. community centres, arenas, etc.). As a result, the requirement for additional parkland by 2041 may be understated as the existing inventory of parkland may be overstated.



As a result of the above, a review and reconciliation of parkland (excluding recreation, discussed further in section 4 of this report) should be undertaken to ascertain the accurate inventory of parkland.

Parkland Requirements by Community

As presented in Table 3-1, the total hectares of parkland were provided by category of park and community. Based on the population forecast included in the Service Plan, Table 3-3 provides for a summary of the parkland required by 2041 by Community. Based on the standard of three (3) hectares of parkland per 1,000 population, the County would require 4.85 hectares in Hagersville and 45.33 hectares in the rural area. This would imply that the County would need 50.18 hectares of parkland by 2041. As the County may not require the same standard of parkland per 1,000 people in the rural areas, the approach to applying the standard County-wide may be reasonable. As a result, analysis provided later in this report assumes the County requires an additional 8.33 hectares of parkland.

Table 3-3
Haldimand County
Parkland Requirement Calculations by Community

Community	Total Current Hectares	Population in 2041	Hectares of Parkland Required in 2041	Additional Hectares Needed by Community
Caledonia	68.1	21,200	63.60	-
Dunnville	49.4	6,800	20.40	-
Hagersville	11.4	5,400	16.20	4.85
Cayuga	11.7	2,900	8.70	-
Jarvis/Townsend	8.2	1,200	3.60	-
Rural Areas	34.2	26,500	79.50	45.33
Total	183.0	64,000	192.00	50.18

Parkland Categories

As presented in Table 3-1, the Service Plan identifies six categories of parks; Community Common, Neighbourhood, Community, Waterfront, Activity and Cultural. The majority of the existing parks are defined as Activity (95.9 ha) and Community (64 ha). This represents approximately 87% of the County's current parkland inventory. The definition of these parks, as identified in the Service Plan, provide that they may include active, organized recreation. As a result, some of the parkland inventory may include recreation facilities. The County should review and confirm that the identified service standard of three (3) hectares of parkland per 1,000 people includes recreation facility land, otherwise the calculation of additional parkland required by 2041 may be understated.



3.3 Current Parkland Dedication and Payment-in-Lieu Policies

The O.P. provides the overarching policies with respect to parkland dedication and payment-in-lieu of parkland and notes that further details may be provided by the Leisure and Recreation Master Plan.

3.3.1 *Parkland Dedication*

Overview

As noted, the policies with respect to parkland dedication in the O.P. allow for the requirement for 5% of the land for residential developments and 2% for all other developments. Additionally, the County is able to utilize the alternative rate of one (1) hectare of land for each 300 dwelling units.

Through discussions with staff, the alternative rate has not been utilized and it is unclear if parkland dedication requirements have been imposed on non-residential development.

Alternative Rate Requirement for Parkland Dedication

As provided in the O.P., for residential development, the County may require parkland be dedicated at a rate of one (1) hectare for every 300 dwelling units. This may be used as an alternative to the requirement of 5% of the land area. To maximize parkland dedication, the County should clearly define when it is appropriate to use the 5% rate and when it is appropriate to use the alternative rate. This can be done by analyzing the density of development at the breakeven point (i.e. where both rates provide the same land dedication).

To calculate the breakeven point of density, if we assume there is a 20-hectare development, the parkland dedicated at the 5% rate would yield a dedication of one (1) hectare. If we utilize the alternative rate of one (1) hectare for 300 dwelling units, this would imply that to get the same amount of land dedication, there would need to be a density of 300 units on the 20 hectares of development. This equates to a density of 15 units per hectare or 6 units per acre. If density exceeds this breakeven point, the County would receive more land by using the alternative rate.

Analysis

There are a few potential revisions to the current practice that may assist the County in maximizing receipt of dedicated parkland.

- Impose parkland dedication requirements on non-residential development.
- Revise the O.P. to include parkland dedication requirements of 5% for institutional development.



- Revise the O.P. (and include in a parkland dedication by-law) to provide guidance on the use of the alternative rate requirement (i.e. when development equals or exceeds a density of 15 units per hectare or 6 units per acre). As a result, the County may consider utilizing the alternative rate for all medium and high-density developments and reviewing the density of each low-density development on a case-by-case basis.

3.3.2 Payment-in-Lieu of Parkland

Overview

With respect to policies regarding payment-in-lieu of parkland, the O.P. states that the County may accept payment-in-lieu of parkland dedication if it is determined there are adequate parks and recreational facilities within the community. Additionally, a combination of parkland dedication and payment-in-lieu may be accepted at the discretion of the County.

The value of the land is to be determined as of the day before the approval of the draft plan of subdivision, severance, plan of condominium, zoning or site plan, as applicable. Additionally, the County may establish a fee per residential lot.

Based on the Service Plan, the County currently uses a fee per lot of \$350 in Nanticoke and Dunnville, and \$250 in the rest of the County (former Haldimand). Through discussions with staff, it is unclear as to the origin of the fees. Additionally, it appears that the fee per lot is only imposed on residential properties.

Alternative Rate Requirement for Parkland Dedication

As provided in the O.P., for residential development, the County may require parkland be dedicated at a rate of one (1) hectare for each 300 dwelling units. Additionally, the County may receive payment-in-lieu of dedication. The Planning Act allows for use of the alternative rate for payment-in-lieu of dedication, however, the rate at which the value is determined is based on one (1) hectare for each 500 dwelling units. Similar to with parkland dedication, the County should clearly define when it is appropriate to use the alternative rate relative to the 5% rate (Note, the adequacy of the per lot rate is discussed further below). This can be done by analyzing the density of development at the breakeven point (i.e. where both rates provide the same payment-in-lieu of dedication).

To calculate the breakeven point of density, if we assume there is a 20-hectare development, the payment-in-lieu would be based on dedication at the 5% rate and would yield an equivalent dedication of one (1) hectare. If we utilize the alternative rate of one (1) hectare for 500 dwelling units, this would imply that to get the same amount of equivalent land dedication, there would need to be a density of 500 units on the 20 hectares of development. This equates to a density of 25 units per hectare or 10 units



per acre. If density exceeds this breakeven point, the County would receive more payment-in-lieu by using the alternative rate.

Per Lot Rate

As noted above, the County utilizes a per lot rate for residential payment-in-lieu of parkland dedication. The rates imposed are \$350 per lot in Nanticoke and Dunnville, and \$250 per lot in former Haldimand. Watson has reviewed these rates and calculated the equivalent value per acre. That is, what is the assumed value of the land on a per acre basis at the 5% dedication rate using the values of \$250 and \$350 per lot. This summary is provided in Table 3-4. Based on the calculations, at \$350 per lot, if the density of one acre of development is 6 units per acre, the assumed value of the land would be \$42,000 per acre. Based on a review of vacant residential properties for sale in the County, the average sale price per acre is in the range of \$150,000 per acre. This means that the current rates per lot are significantly lower than the amount that can be collected using the 5%/2% rate or the alternative rate.

Table 3-4
Haldimand County
Per Lot Equivalent Value Calculations

	6 units per acre	8 units per acre	10 units per acre
Value per lot:	350	350	350
Assumed Densities:	6	8	10
Revenue Received per Acre	2,100	2,800	3,500
Assumed Value per acre (@ 5%)	42,000	56,000	70,000

	6 units per acre	8 units per acre	10 units per acre
Value per lot:	250	250	250
Assumed Densities:	6	8	10
Revenue Received per Acre	1,500	2,000	2,500
Assumed Value per acre (@ 5%)	30,000	40,000	50,000

Analysis

There are a few potential revisions to the current practice that may assist the County in maximizing receipt of payment-in-lieu of parkland.

- The date of determination of the value of the land for payment-in-lieu should be revised to follow the requirements of the Planning Act. The Planning Act provides for the following rules with respect to the date of determination of value for payment-in-lieu:
 - Conveyance of Land for Park Purposes Section 42 (6.4) provides that the value shall be determined as the day before building permit



- Condition for Approval of Plan of Subdivision Section 51.1 (4) provides that the value shall be determined as the day of the approval of the draft plan of subdivision
- Impose payment-in-lieu requirements on non-residential development.
- Revise the O.P. to include payment-in-lieu of parkland dedication requirements of 5% for institutional development.
- No longer impose payment-in-lieu on per lot rates, unless a detailed calculation of current land values is undertaken and updates to the rates are provided on a consistent basis.
- Include in a parkland dedication by-law, guidance on the use of the alternative rate requirement (i.e. when development equals or exceeds a density of 25 units per hectare or 10 units per acre). As a result, the County may consider utilizing the alternative rate for all medium and high-density developments and reviewing the density of each low-density development on a case-by-case basis.

3.4 Current Recoveries from Development Charges

3.4.1 Overview of Parks vs. Recreation

The Development Charges Act (D.C.A.) allows for the recovery of growth-related capital costs. Section 2(4) of the D.C.A. lists the services for which recovery of capital costs are eligible; this includes parks and recreation services. There is an exception however, with respect to land for parks which is outlined in Section 2.1 of Ontario Regulation 82/98. Ineligible parkland includes land for woodlots and land that is acquired because it is environmentally sensitive. Land for an enclosed structure used throughout the year for public recreation and land that is necessary for the structure to be used for that purpose, including parking and access to the structure is eligible for inclusion in a D.C. background study and by-law.

In summary, land for park purposes is not eligible for inclusion in a D.C., however, land for recreation is eligible. The distinction between parkland and land for recreation purposes is important in determining which lands may be recovered from new development through D.C.s as this will help maximize the recovery of costs.

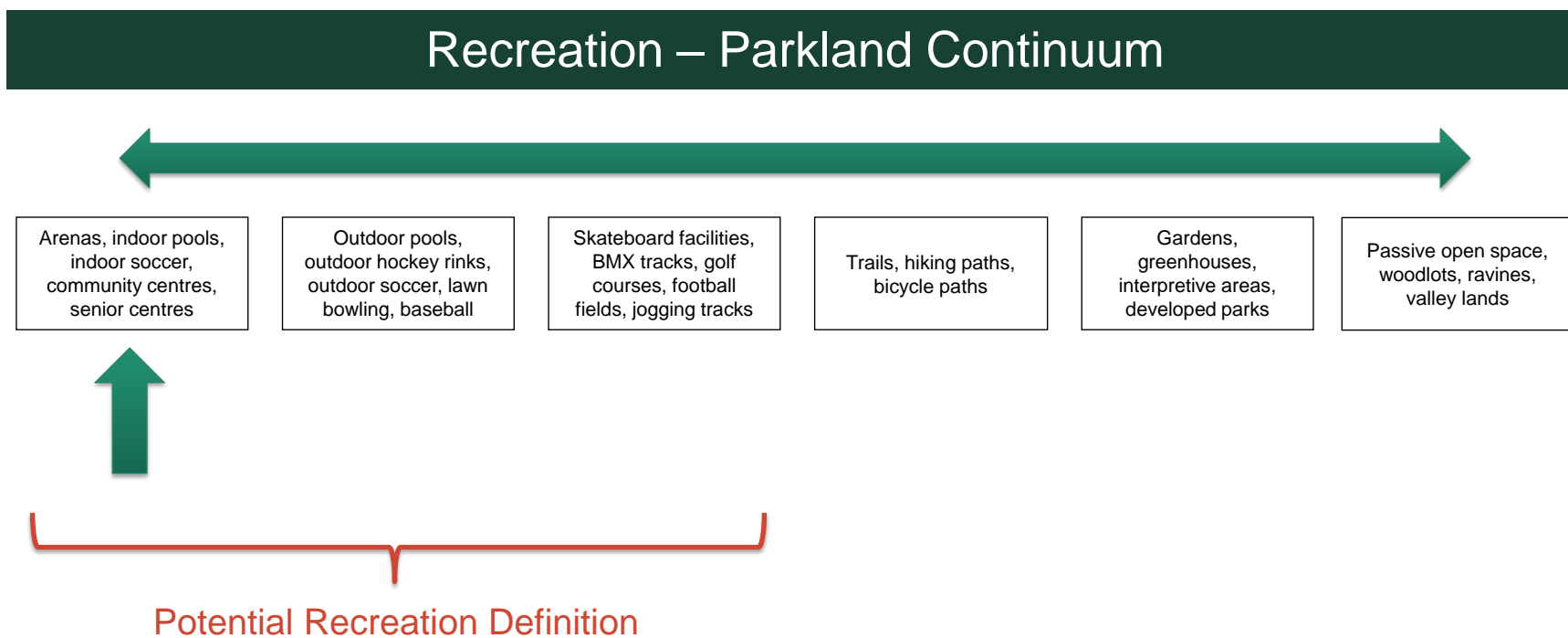
Historically, the County has paid for land for indoor recreation facilities (e.g. arenas, community centres, etc.) through D.C.s and all other parkland has been acquired through dedication or paid with funds collected from payment-in-lieu of parkland. However, a consideration of “recreation” may be undertaken. For example, an indoor soccer field built inside of an air supported structure would be considered an indoor facility and the land for the facility may be funded with D.C.s. If the soccer field was constructed outside, the land would be funded from the parkland reserve. In both cases, the use of the “facility” is the same, however, the funding is different. If soccer facilities (both indoor and outdoor) were defined as “recreation” in all of the County’s policies (e.g. O.P., parks and recreation master plans, zoning by-law, etc.) there is the potential for the County to recover the cost of the land from D.C.s.



Figure 3-1 provides for a spectrum of parks and recreation uses. These range from indoor facilities such as arenas to open space parkland. The green arrow on the left denotes the current definition of recreation utilized by the County (i.e. for which land is included in the D.C. study). There is a potential for the recreation definition to be expanded to include outdoor recreation uses such as pools, outdoor hockey rinks, outdoor soccer, lawn bowling, baseball diamonds, skateboard facilities, BMX tracks, golf courses, football fields, and jogging tracks.



Figure 3-1
Haldimand County
Recreation to Parkland Continuum





3.4.2 Current Definitions in Haldimand Documents

To assess and confirm the County's current definitions of parks and recreation, Watson undertook a review of the following documents:

- Haldimand County's Official Plan (2019);
- Haldimand County Comprehensive Zoning By-law HC 1-2020 (2020); and
- Parks and Recreation Service Plan – Update (2018).

Through a review of these documents, each reference to parks and/or recreation was noted to ascertain the County's assumed definition of each term. The O.P. utilizes the terms in various contexts and appears to have different meanings in different sections of the O.P. For example, in the Community Building section, some areas speak to parks and recreation facilities, implying they are distinct from one another. However, in the Leisure, Heritage, and Culture section the definitions become blurred as Community Parks are defined to include arenas, major sport fields, etc.

In the Comprehensive Zoning By-law, the definition of a park includes outdoor recreation. Further, the definition of "Place of Sports and Recreation" only lists indoor facilities which implies outdoor recreation is not a place of sports and recreation.

In the Parks and Recreation Service Plan – Update, the definition of parkland includes "community recreation facilities".

Table B-1 in Appendix B provides for a list of all of the instances of the terms parks and recreation in the above listed documents, along with notes on the implication of the definitions/references.

3.4.3 Opportunities for Maximizing Recoveries

The County may seek to maximize recovery of costs for recreation land by utilizing recovery through D.C.s as much as possible. To achieve this, the County must first update their existing policy documents to clearly define parks versus recreation. These refined definitions should be consistent between all policy documents. Should the County wish to proceed with this approach, sample definitions can be provided for the County's consideration.

4. Impacts of Current Practice vs. Alternative Approaches

To quantify the impacts of the various approaches on the County's ability to receive and purchase parkland, the following section provides for the anticipated parkland dedication and payment-in-lieu of dedication, calculated by using the County's 2019 D.C. background study growth forecast, and the various rates described above.



4.1 Parkland Dedication

With respect to parkland dedication, currently the County receives parkland dedication in the amount of 5% of the land area for residential developments and 2% of the land area for non-residential developments. Section 3.2 of this memo provided for the inventory of parkland in the County. This inventory was measured as of 2016. As a result, the growth forecast period utilized for this analysis is based on growth from 2016 to 2041. The hectares of parkland required by 2041 were noted in Section 3.2 of this memo. When defining the need for parkland based on the total population of the County, the total hectares of parkland required equals 8.33 (at the standard of 3 hectares of parkland per 1,000 population).

Table 4-1 provides for a summary of the anticipated residential units to be constructed over this time period. With assumed densities of 6, 15, and 40 units per acre for low, medium, and high-density development, respectively, the total acres of residential development lands equal 893.60 acres (or 361.63 ha). At a parkland dedication rate of 5%, the total parkland to be dedicated would be 18.08 hectares.

Table 4-1
County of Haldimand
Residential Parkland Dedication at 5%

Unit Type	Anticipated Units (2016 to 2041)	Density Assumption (units/acre)	Total Acres	Total Hectares	Total Hectares Dedicated at 5%
Singles	4,640	6	773.33	312.96	15.65
Towns	1,252	15	83.47	33.78	1.69
Apartments	1,472	40	36.80	14.89	0.74
Total	7,364	-	893.60	361.63	18.08

Table 4-2 provides for a summary of the anticipated non-residential development to be constructed over the 2016 to 2041 time period. Based on the D.C. growth forecast, there is approximately 5,100 employees that will be added. Based on the sq.ft. per employee assumptions from the D.C. study, the anticipated floor space totals approximately 4.59 million sq.ft. Assuming the industrial buildings have a lot coverage of 25% and the institutional/commercial buildings have a lot coverage of 30%, the total land area for non-residential development is approximately 17.00 million sq.ft. This equates to a total land area of 157.94 hectares. Based on a 2% dedication rate, this would provide the County with a total of 3.16 hectares over the forecast period.



Table 4-2
County of Haldimand
Non-residential Parkland Dedication at 2%

Type	Anticipated Employment (2016 to 2041)	Sq.ft. per Emp	Anticipated Sq.ft. (2016 to 2041)	Assumed Lot Coverage	Total Sq.ft. of Land Area	Total Hectares of Land Area	Total Hectares Dedicated at 2%
Industrial	1,700	1,500	2,550,000	25%	10,200,000	94.76	1.90
Commercial	2,246	550	1,235,300	30%	4,117,667	38.25	0.77
Institutional	1,150	700	805,000	30%	2,683,333	24.93	0.50
Total	5,096	-	4,590,300	-	17,001,000	157.94	3.16

In total, this approach would yield the County with approximately 21.24 hectares of parkland if every property provided parkland (instead of the payment-in-lieu).

With respect to use of the alternative rate for parkland dedication of one (1) hectare for every 300 dwelling units, the non-residential dedication would remain the same at 3.16 hectares. However, if the County were to utilize the alternative rate for residential developments, the County would receive 24.55 hectares for a total of 27.71 hectares of parkland. Table 4-3 provides for the anticipated hectares of parkland dedication based on the residential growth forecast from the D.C. study and the alternative rate.

Table 4-3
County of Haldimand
Residential Parkland Dedication at One Hectare for Each 300 Dwelling Units

Unit Type	Anticipated Units (2016 to 2041)	One Hectare per 300 dwelling units
Singles	4,640	15.47
Towns	1,252	4.17
Apartments	1,472	4.91
Total	7,364	24.55

Table 4-4 provides for a comparison of the approaches to parkland dedication for residential development (5% vs. one hectare for 300 dwelling units) and non-residential development (2%). Using the alternative rate would provide the County with an additional 6.47 hectares of parkland by 2041.

Table 4-4
County of Haldimand
Summary Comparison of Current vs. Alternative Rate Approach
Densities: Low – 6 units/acre, Medium – 15 units/acre, High – 40 units/acre

Summary	5% for Residential and 2% for Non-residential	1 Hectare for 300 Dwelling Units and 2% for Non-residential
Residential Hectares	18.08	24.55
Non-residential Hectares	3.16	3.16
Total	21.24	27.71



Note that the difference in hectares received will be greater if the County is realizing higher densities than 6 units per acre for low density, 15 units per acre for medium density, and 40 units per acre for high density. Increasing the assumed density of the low-density developments from 6 units per acre to 10 units per acre provides for a difference of 12.72 hectares between the current approach and the alternative rate. This is due to the reduced amount of parkland dedicated at the 5% rate.

Table 4-5
County of Haldimand
Summary Comparison of Current vs. Alternative Rate Approach
Densities: Low – 10 units/acre, Medium – 15 units/acre, High – 40 units/acre

Summary	5% for Residential and 2% for Non-residential	1 Hectare for 300 Dwelling Units and 2% for Non-residential
Residential Hectares	11.82	24.55
Non-residential Hectares	3.16	3.16
Total	14.98	27.71

4.2 Payment-in-Lieu of Parkland

With respect to Payment-in-Lieu of Parkland, there are three approaches to imposing these fees on development and redevelopment in the County:

1. **Current Policy:** impose a rate per lot (\$350 in Nanticoke and Dunnville and \$250 in former Haldimand);
2. **5%/2% Rates:** impose the equivalent value of 5% of the land area for residential development and the equivalent value of 2% of the land area for non-residential development; and
3. **Alternative Rate:** impose the equivalent value of one (1) hectare of land for each 500 dwelling units.

Similar to the analysis with respect to parkland dedication, the D.C. growth forecast was used to estimate the amount of development in the County from 2016 to 2041. Further, an estimate of the value of land in the County was analyzed based on a review of vacant properties for sale available on Realtor.ca as of February 10, 2022. A summary table of the vacant properties reviewed is provided in Appendix C. Based on the properties surveyed, the average sales price of vacant land is approximately \$136,000 per acre.

As noted with parkland dedication, based on the total County population, by 2041 the County would require 8.33 hectares of parkland. At a land value of \$136,000 per acre (\$336,000 per hectare), the total revenue required would be approximately \$2.80 million.



4.2.1 Current Policy

Under the current policy, the County imposes a fee of \$350 per lot for Nanticoke and Dunnville and a fee of \$250 per lot in Former Haldimand. Utilizing the growth forecast from the D.C. background study, there are a total of 5,892 low and medium density units anticipated to be constructed over the 2016 to 2041 forecast period. Each of these units are assumed to be developed as one lot for each unit. With respect to high-density development, it has been assumed that there may be an average of 50 units per lot. As a result, its anticipated that there would be an additional 29 apartment lots in total. The number of lots is then multiplied by the fee per lot to estimate the payment-in-lieu of parkland revenue. Table 4-6 summarizes these calculations. At the noted rates, the total annual revenue anticipated would be \$1,550,150.

Table 4-6
Haldimand County
Anticipated Payment-in-Lieu of Parkland Dedication Revenues

assumed share of growth*	Location	\$/lot	Anticipated Lots between 2016 and 2041 (single and town)	Anticipated Lots between 2016 and 2041 (apartments)**	Revenue Anticipated
12%	Nanticoke and Dunnville*	350	696	3	244,650
88%	Former Haldimand	250	5,196	26	1,305,500
	Total		5,892	29	1,550,150

*Assume Townsend and Jarvis are included in Nanticoke

**Assumed 50 apartments per lot

The County's current policy allows for recovery from non-residential development at the above noted fees per lot. However, through discussions with staff, in practice the County does not appear to impose payment-in-lieu of parkland fees on non-residential development.

4.2.2 5%/ 2% Rates

Similar to parkland dedication, the Planning Act allows municipalities to require payment-in-lieu of parkland dedication at a rate of 2% for commercial and industrial development and 5% for all other development (i.e. residential and institutional). Note however, the County's O.P. provides that all non-residential development would be subject to the 2% rate. Similar to the calculations presented in Table 4-1, Table 4-7 provides for a summary of the anticipated residential units to be constructed to 2041. With assumed densities of 6, 15, and 40 units per acre for low, medium, and high-density development, respectively, the total acres of residential development lands equal 893.60 acres (or 361.63 ha). At a value of \$136,000 per acre (\$336,063 per hectare), the total value of the developable lands would be approximately \$121.53 million. At a rate of 5% of the land value, the County would receive approximately \$6.08 million.



Table 4-7
Haldimand County
Anticipated Payment-in-Lieu of Parkland Dedication Revenues – 5%

Unit Type	Anticipated Units (2016 to 2041)	Density Assumption (units/acre)	Total Acres	Total Hectares	Value of Land per Hectare	Total Value of Developable Lands	5% of the Total Value
Singles	4,640	6	773.33	312.96	336,063	105,173,333	5,258,667
Towns	1,252	15	83.47	33.78	336,063	11,351,467	567,573
Apartments	1,472	40	36.80	14.89	336,063	5,004,800	250,240
Total	7,364		893.60	361.63		121,529,600	6,076,480

With respect to non-residential development, Table 4-8 provides for a summary of the anticipated non-residential development to be constructed over the 2016 to 2041 time period. Based on the D.C. growth forecast, there is approximately 5,100 employees that will be added. Based on the sq.ft. per employee assumptions from the D.C. study, the anticipated floor space totals approximately 4.59 million sq.ft. Assuming the industrial buildings have a lot coverage of 25% and the institutional/commercial buildings have a lot coverage of 30%, the total land area for non-residential development is approximately 17.00 million sq.ft. This equates to a total land area of 157.94 hectares. At a value of \$136,000 per acre (\$336,063 per hectare), the total value of the developable lands would be approximately \$53.08 million. At a rate of 2% of the land value, the County would receive approximately \$1.06 million.

Table 4-8
Haldimand County
Anticipated Payment-in-Lieu of Parkland Dedication Revenues – 2%

Type	Anticipated Employment (2016 to 2041)	Sq.ft. per Emp	Anticipated Sq.ft. (2016 to 2041)	Assumed Lot Coverage	Total Sq.ft. of Land Area	Total ha of Land Area	Value of Land per ha	Total Value of Developable Lands	2% of the Total Value
Industrial	1,700	1,500	2,550,000	25%	10,200,000	94.76	336,063	31,845,712	636,914
Commercial	2,246	550	1,235,300	30%	4,117,667	38.25	336,063	12,855,885	257,118
Institutional	1,150	700	805,000	30%	2,683,333	24.93	336,063	8,377,712	167,554
Total	5,096		4,590,300		17,001,000	157.94		53,079,308	1,061,586

4.2.3 Alternative Rate

As per section 4.1, the County may impose an alternative parkland dedication rate on residential development in the amount of one (1) hectare of parkland per 300 dwelling units. In regard to receipt of payment-in-lieu of dedication the Planning Act also allows the use of an alternative rate (to the 5% rate for residential development). This alternative rate is the value of the land equal to one (1) hectare for each 500 dwelling units.

With respect to use of the alternative rate the non-residential payment-in-lieu would remain the same at approximately \$1.06 million. However, if the County were to utilize the alternative rate for residential developments, the County would receive approximately \$4.95 million for a total of \$6.01 million. Table 4-9 provides for the anticipated payment-in-lieu of parkland based on the residential growth forecast from the D.C. study and the use of the alternative rate.



Table 4-9
County of Haldimand
Residential Payment-in-Lieu of Dedication at One Hectare for Each 500 Dwelling Units

Unit Type	Anticipated Units (2016 to 2041)	ha per 500 dwelling units	Value of Land per ha	Total Value of Developable Lands
Singles	4,640	9.28	336,063	3,118,663
Towns	1,252	2.50	336,063	841,501
Apartments	1,472	2.94	336,063	989,369
Total	7,364			4,949,533

Table 4-10 provides for a comparison of the approaches to payment-in-lieu of parkland for residential development (per lot fee vs. 5% vs. one hectare for 300 dwelling units) and non-residential development (2%). Use of the per lot fee provides the County with approximately \$1.55 million, use of the 5%/2% provides for approximately \$7.14 million, and use of the alternative rate provides for approximately \$6.01 million.

Table 4-10
County of Haldimand
Summary Comparison of Current vs. Alternative Rate Approaches
Densities: Low – 6 units/acre, Medium – 15 units/acre, High – 40 units/acre

Summary	Per Lot Fee	5% for Residential and 2% for Non-residential	1 Hectare for 500 Dwelling Units and 2% for Non-residential
Residential Recovery	1,550,150	6,076,480	4,949,533
Non-residential Recovery	-	1,061,586	1,061,586
Total	1,550,150	7,138,066	6,011,119

Note that the difference in hectares received will be greater if the County is realizing higher densities than 6 units per acre for low density, 15 units per acre for medium density, and 40 units per acre for high density. Increasing the assumed density of the low-density developments from 6 units per acre to 10 units per acre provides for a difference of \$976,520 between the 5%/2% approach and the alternative rate. This is due to the reduced amount of payment-in-lieu of parkland at the 5% rate.

Table 4-11
County of Haldimand
Summary Comparison of Current vs. Alternative Rate Approaches
Densities: Low – 10 units/acre, Medium – 15 units/acre, High – 40 units/acre

Summary	Per Lot Fee	5% for Residential and 2% for Non-residential	1 Hectare for 500 Dwelling Units and 2% for Non-residential
Residential Recovery	1,550,150	3,973,013	4,949,533
Non-residential Recovery	-	1,061,586	1,061,586
Total	1,550,150	5,034,599	6,011,119



5. Observations and Comments

Based on the above, the following provides a summary of our observations and potential recommendations for the County's consideration.

1. **Parkland Inventory:** Through a review of the Service Plan and the D.C. background study it was observed that the inventory of current parkland is inconsistent. The County should review the inventory from both documents and provide a reconciliation to ensure the inventory is correct. This will ensure that the calculation of future anticipated parkland needs is accurate.
2. **Future Parks Needs:** The future parkland needs are based on an inventory of parkland that may include recreation facilities. As a result, the County should review and confirm that the identified service standard of three (3) hectares of parkland per 1,000 people includes recreation facility land. Otherwise, the calculation of additional future parkland needs may be understated.
3. **Parkland Dedication:** The County's current policy for imposing parkland dedication is to impose the 5% dedication requirement on residential development. The County should consider use of the alternative rate for residential development (where the alternative rate provides for more dedication). The Planning Act allows for the imposition of 5% parkland dedication on institutional developments, however, the County's current policy and O.P. states 2% will be imposed. The County should consider revising this policy in the O.P. then updating their policy/by-law to impose dedication at the 5% rate for institutional developments.
4. **Payment-in-Lieu:** The current fee per lot of \$350 in Nanticoke and Dunnville and \$250 in former Haldimand is less than the value the County would get by using the 5% and 2% rates. Additionally, the County may consider use of the alternative rate (the value is one (1) hectare of land for each 500 dwelling units) where the alternative rate provides for more payment-in-lieu. Similar to the parkland dedication observations, payment-in-lieu for institutional developments may be recovered at the 5% rate (subsequent to an update of the O.P.).
5. **Parkland vs. Recreation Land:** To maximize recovery of costs for parkland and recreation land, the County may consider refining definitions in the Official Plan, Service Plan, Zoning By-law, and other policy documents to clearly delineate parkland vs. recreation land. This will allow for more land to be recovered through D.C.s, freeing up the dedication and payment-in-lieu funds to be used for parkland.

6. Next Steps

With respect to next steps, County staff may consider the observations provided in the above section. The County may incorporate these observations into a parkland



dedication and payment-in-lieu of parkland by-law. Revisions to the draft by-law provided by the County have been made and incorporated into the updated draft by-law in Appendix D.

We trust that the information provided in this memo is useful and we would be happy to discuss further.



Appendix A

Parkland Dedication By-law Passage Notice Requirements



APPENDIX A: PARKLAND DEDICATION BY-LAW PASSAGE NOTICE REQUIREMENTS

Section 4(2) of O.Reg. 509/20 provides the following notice requirements:

- 2) Notice shall be given,
 - a) by personal service, fax, mail or email to,
 - i) as determined in accordance with subsection (3), every owner of land in the area to which the by-law applies,
 - ii) every person and organization that has given the clerk of the municipality a written request for notice of the passing of the by-law and has provided a return address,
 - iii) in the case of a by-law passed by the council of a lower-tier municipality, the clerk of the upper-tier municipality that the lower-tier municipality is in, and
 - iv) the secretary of every school board having jurisdiction within the area to which the by-law applies; or
 - b) by publication in a newspaper that is, in the clerk's opinion, of sufficiently general circulation in the area to which the by-law applies to give the public reasonable notice of the passing of the by-law.
- 3) For the purposes of subclause (2) (a) (i), an owner is any person who is identified as an as owner on the last revised assessment roll, subject to any written notice of a change of ownership of land the clerk of the municipality may have received.
- 4) A notice given by mail to an owner shall be mailed to the address shown on the last revised assessment roll or, if applicable, to the address shown on the notice of a change of ownership of land received by the clerk.
- 5) Notice shall contain the following information:
 - (1) A statement that the council of the municipality has passed a community benefits charge by-law or a by-law under section 42 of the Act, as the case may be, and the statement shall set out the number of the by-law and the date on which the by-law passed.
 - (2) A statement that any person or organization may appeal the by-law to the Local Planning Appeal Tribunal under subsection 37 (17) or 42 (4.9) of the Act, as applicable, by filing with the clerk of the municipality a notice of appeal setting out the objection to the by-law and the reasons supporting the objection.
 - (3) The last day on which the by-law may be appealed.



- (4) In the case of a notice of the passing of a community benefits charge by-law, an explanation of the community benefits charges imposed by the by-law.
 - (5) In the case of a notice of the passing of a by-law under section 42 of the Act, an explanation of the parkland and payment in lieu requirements imposed by the by-law.
 - (6) A description of the lands to which the by-law applies, a key map showing the lands to which the by-law applies, or an explanation why no description or key map is provided.
 - (7) The location and times during which persons may examine a copy of the by-law.
- 6) For the purposes of subsection 37 (16) and 42 (4.8) of the Act, the prescribed day is,
- a) if the notice is by publication in a newspaper, the first day on which the publication is circulated;
 - b) if the notice is given by fax, the day that the notice is faxed;
 - c) if the notice is given by mail, the day that the notice is mailed; or
 - d) if the notice is given by email, the day that the notice is emailed.



Appendix B

Parkland vs. Recreation Definitions Review



**Table B-1
Haldimand County
Parkland vs. Recreation – Review of Definitions in Current Policy Documents**

Document	Document Reference	Definition of Recreation vs. Parkland	Notes
Official Plan	Introduction, B. Strategic Directions, 2) Guiding Principles, 5. Theme: Leisure, Culture and Heritage Page 11	Strategic Direction: Establishing Haldimand County as a great place to play and nurture future generations includes establishing opportunities for leisure and exploring the County's heritage and history . These activities involve not only the residents of the County but also those who come to visit and share in our history and heritage. The opportunities for strategically maximizing our built and natural leisure resources need to be explored. Continuing partnership opportunities with the County's many recreational, leisure, cultural and heritage community groups allows for building a high quality of life for current and future residents and creating awareness of our strengths as a preferred destination for tourists.	Refers to recreational group partnerships to build a high quality of life and create awareness as a preferred destination for tourists
	Environment Page 19 - 32	Recreational activities not specifically defined but noted as permitted (with some rules) in the following areas: - Source Water Protection - "Water is essential to all biological forms, in addition to providing for domestic, industrial, recreation, and agricultural needs" - Hazard Lands - "the following uses may be permitted in the floodway.. b) outdoor recreation, parks and open space " - Lakeshore Hazard Lands - "the following uses may be permitted within lakeshore hazard lands... b) outdoor recreation, boardwalks, trails and parks " - Other Hazard Lands - "Permitted uses within other hazard lands... b) Outdoor recreation not requiring buildings or structures, c) open space, d) parks, e) golf courses excluding buildings, f) forestry "	Recreation activities may be allowed on various protected and hazardous lands. Types of activities appear to separate outdoor recreation from parks
	Economy Page 40	2) MINERAL AGGREGATE RESOURCES 7. Land uses which are permitted in the Mineral Aggregate Resources designation include: a) agricultural, b) forestry and conservation uses, public utilities, and recreational facilities 10. ... Other appropriate post extraction uses such as recreational , natural environment area development, and where applicable, other economic related uses...	Unclear what recreational means in this case
	Growth Management Page 56 - 86	B. Urban Area - Urban Area Roles. Townsend 6. Townsend, the smallest urban community in Haldimand County, is a planned community with a predominantly residential focus. Townsend is well served by a large retirement and long term care facility. Recreational connectivity is encouraged throughout Townsend by way of trails and linked storm water management facilities. Other areas Recreation noted: - Recreation is permitted and included in the list of Community Commercial uses. - Recreational uses primarily serving employees in the area are permitted for industrial lands - Recreational facilities are included in the list of additional industrial-related commercial uses for urban business parks - sports, health and fitness recreational uses including ancillary retail and service uses and restaurants, where internally integrated as a component of the health/recreational building are permitted in business parks - An MCR will investigate.. the availability of schools, community centres, recreational, cultural and/or other community facilities - Recreation to heavy industry is noted as a land use in the Lakeshore area - Development criteria for the Lakeshore includes.. "Necessity for the provision of services such as recreational facilities, schools and buses, parks, garbage collection, medical fire and police services, etc." - Private entrepreneurs shall be encouraged to develop resource oriented recreational facilities of a high quality in areas suitable for outdoor recreation along the Lake Erie shoreline.	Recreation uses are permitted in commercial and industrial areas. Recreation facilities listed separate from parks in some instances
	Community Building Page 92 - 106	Active Transportation - Speaks to encouraging the development of trails, bicycle routes, pathways, walkways to connect with recreation facilities within the County as part of ongoing capital works. Other areas Recreation noted: - Forestry and recreational uses shall be given preference for former landfill sites - The County will require the proponent to meet the urban design guidelines when preparing plans for new residential, commercial, industrial, business parks, institutional buildings, and parks and recreational facilities - for infill, medium and high density is encouraged and will provide convenient access to shopping, public open space, recreation facilities and other urban amenities	Some areas appear to speak to open space vs. parks vs. recreation facilities separately, others are not clear
	Leisure, Heritage and Culture Page 115 - 136	Open space areas may either be public or privately owned and can include conservation areas, walking trails, active and passive areas, and similar uses. Recreational facilities can provide both outdoor and indoor sport and recreational opportunities for various segments of the population. Due to the diversity in size, parks and leisure areas are not specifically designated in the Plan but where practical, are identified in the Zoning By-law. Community Parks: Community parks are large-scale public parks designed to serve the entire County such as arenas, major sports fields including ball diamonds, soccer fields and tennis courts and community centres. These parks and facilities shall have good transportation access and adequate parking facilities to meet the anticipated demand. Other areas Recreation noted: - generally noted .. parks and recreation facilities - The County may require the dedication of land for park or other recreational purposes , including trail development - trails noted as "recreational trail development"	Recreational facilities described as indoor and outdoor Arenas, major sports fields, courts, and community centres are included in definition of Community Parks
	Health and Social Services Page 132 - 149	Other areas Recreation noted: - Local Development Criteria: Where feasible, affordable housing including special needs housing shall be located in proximity to other community facilities such as parks, recreational facilities and other relevant support services. - Site Plan Control: All lands and uses within Haldimand County may be deemed to be a Site Plan Control Area except: c) outdoor recreation, excluding golf courses, major sports fields and conservation uses; - Community Improvement in residential areas selected where a deficiency in one or more municipal services exists including: vi) public indoor/outdoor leisure and recreational facilities; vii) public open space and parkland	Implies major sports field may be outdoor recreation CIP section implies recreation is separate from parkland
	Site Specific Policies Page 156 - 193	Recreation noted a number of times, similar to previous sections. Unclear as to the definition of recreation vs. parkland	
Comprehensive Zoning By-law	Definitions - Page 45 & 46	Park: shall mean an area of land, owned and / or operated by a government agency, a community service club or charitable organization and used for open space, horticulture, outdoor recreation , or maintenance of a natural area, and may include an accessory concession stand, but excludes a tent and trailer park or campground "PASSIVE USE PARK" , means an area of land in public or private ownership consisting primarily of open space which is used solely for recreational purposes which are oriented primarily to the enjoyment of the natural environment such as walking trails, conservation projects, ponds and picnic areas. Place of Sports and Recreation: shall mean a place, building or part of a building where or wherein facilities are provided for sports and / or recreation which may include an arena, a curling rink, a skating rink, racquet sports, a gymnasium, a swimming pool, a tennis court, an indoor golf facility or a fitness facility.	Outdoor recreation defined under parks but place of sports and recreation appears to imply structures but does not explicitly state so. Passive use parks are solely used for recreational purposes.
Parks and Recreation Service Plan - Update	Section 1 - Introduction - Page 15	Park/Parkland: lands that are suitable for playing fields, play apparatuses, and community recreational facilities. Recreation: activities related to sports, fitness, and physical activity that a person engages in for physical health, enjoyment, and personal development	Appears to blur the definitions so that recreation occurs on parkland
Parks and Recreation Service Plan - Update	Section 7.3 - page 111	Defines outdoor recreation facilities as including soccer fields, ball diamonds, basketball courts, tennis courts, etc.	Section 7.3 appears to make distinction between parks and outdoor recreation
Parks and Recreation Service Plan - Update	Section 8 - page 146	In reference to this Plan, a Park (or parkland) refers to a parcel of land owned, leased or managed by the County with the primary purpose of providing residents and visitors with passive and/or active recreational opportunities. Parks can remain primarily in their natural state or can be developed to include an array of built recreational amenities (playgrounds, pools, trails, and sports fields, etc.). In reference to this Plan, open space refers to parcels of land, also dedicated as park space, but with the primary function of environment and habitat protection. These areas tend to be left relatively undeveloped for the purpose of passive recreation. Their location and character are often dependent upon natural features (forests, waterbodies, etc.).	Parkland includes outdoor recreation amenities



Appendix C

Realtor.ca Survey of Vacant Sales Prices



Table C-1
Haldimand County
Survey of Sales Prices for Vacant Lots Available on Realtor.ca
As of February 10, 2022

Address	Area of County	Type of Property	Serviced?	Sale Price	Property Size (acres)	Sale Price per Acre
123 Selkirk Street	Caledonia	Vacant Residential - adjacent to recent construction	n/a	399,900	0.31	1,269,746
PT W1/2 LT 9 Argyle St N	Caledonia	Vacant land - undeveloped	n/a	4,500,000	13.84	325,064
5 Edgewater Avenue	Hagersville	Vacant residential waterfront	Fully Serviced	482,020	1.25	385,616
PTLT 13 CONCESSION 13 WALPOL RD	Hagersville	Vacant land - undeveloped waterfront	n/a	2,499,000	49.78	50,201
10 Main Avenue W	Fisherville	Vacant Residential - adjacent to recent construction	No	289,900	0.15	1,913,340
10 Kohler Rd	Rainham	Vacant Single seasonal.. Permits pulled	No	289,900	0.29	1,005,921
1834 Lakeshore Road	Selkirk	Vacant residential	No	599,900	0.29	2,082,203
21 Boulder Road	Port Maitland	Vacant residential	No	499,900	1.46	342,384
46 Johnson Road	Port Maitland	Vacant residential	No	299,900	1.02	293,461
726 Broad St. E	Dunnville	Vacant Commercial	Yes (water)	990,000	12.99	76,212
250 #56 Highway	Canborough	Vacant residential	No	449,900	2.13	211,221
1660 Indiana Road E	Canborough	Vacant Woodlot	No	310,000	1.74	178,161
Total				11,610,320	85.26	136,178



Appendix D

Draft Parkland Dedication By-law



THE CORPORATION OF HALDIMAND COUNTY

By-law Number /XX

Being a by-law to provide for the conveyance of land for park or other public recreational purposes and/or cash-in-lieu of parkland dedication within Haldimand County.

WHEREAS Sections 42, 51.1, and 53 of the Planning Act, R. S. O. 1990, c.P. 13, as amended, authorizes the Council of The Corporation of Haldimand County to pass a By-Law requiring land or cash-in-lieu of the land at the County's approval to be conveyed to the County for park or other public recreational purposes as a condition of subdivision of land(s);

AND WHEREAS the Council of The Corporation of Haldimand County has established an Official Plan that contains specific policies with respect to the provision of lands for park or other public recreational purposes and this By-law is intended to be in conformity with such policies;

NOW THEREFORE, the Council of The Corporation of Haldimand County enacts as follows:

1. Definitions

- 1.1 That for the purposes of this By-law, the following shall apply:
- a) **“Commercial or Industrial Uses”** means the use of land, structure or building for all uses except Residential Use, Institutional Use, and Special Residential Uses;
 - b) **"Council"** shall mean the Council of the Corporation of Haldimand County.
 - c) **"County"** shall mean the Corporation of Haldimand County.
 - d) **“Dwelling Unit”** means any property that is used or designed for a use as a domestic establishment in which one or more persons may sleep and prepare and serve meals;
 - e) **"Eligible Project"** means:
 - i. Acquisition of land for park or other public recreational purposes;
 - ii. Capital projects for the development of new public parks which may include any associated site preparation and drainage;



- iii. Capital projects to increase the capacity of existing public parks to accommodate more intensive public use;
 - iv. The provision of park facilities, including but not limited to play equipment, sports fields, pathways, splash pads, and site furniture.
- f) **"Gross Land Area"** means the total area of the land to be developed excluding constrained lands such as, without limitation: wetlands, unstable slopes, ravines, water courses, flood plains, environmentally-protected areas, required railway buffers, and other similar constraint lands.
- g) **"Institutional Use"** means the use of land, structure, or building:
- (i) for religious, charitable, educational, benevolent, health or welfare purposes by a not for profit or gain organization, group or association; and
 - (ii) by or on behalf of any municipality, the Government of Ontario, the Government of Canada or any local board, as such term defined in the *Municipal Affairs Act*, R.S.O. 1990, c. M.46, as amended but does not include any corporation owned in whole or in part by any municipality, the Government of Ontario or the Government of Canada.
- h) **"Payment-in-Lieu"** shall mean the payment of funds equivalent to the value of the amount of land that the County would otherwise have been entitled to acquire for park or other public recreational purposes as part of a development. The Payment-in-Lieu is usually required as a condition of a site plan, draft plan of subdivision or draft plan of condominium approval.
- i) **"Residential Use"** means the use of land, structure, or building for human habitation;

2. Parkland Acquisition

- 2.1 This By-Law shall apply to all lands within the County.
- 2.2 The purpose of this By-Law is to enable the County to provide land for parks or other public recreational purposes. The County is permitted to require the conveyance of parkland as a condition of approval of development or a draft plan of subdivision or condominium as regulated under the Planning Act. Land conveyed to the County under this By-Law shall be used for parks or other public recreational purposes, subject to the policies of the Official Plan and this By-Law.



- 2.3 As a condition of the development of land, the County shall require that land be conveyed to the County for park or other public recreational purposes as follows:
- a) For lands subject to a site plan or draft plan of subdivision or condominium for residential purposes, an area of land equal to the greater of five percent (5%) of the Gross Land Area to be developed or one hectare of land for every 300 housing units proposed to be developed;
 - b) For lands subject to a site plan, draft plan of subdivision or draft plan of condominium for commercial or industrial purposes, an area of land equal to two percent (2%) of the gross land area to be developed or redeveloped;
 - c) For lands subject to a site plan, draft plan of subdivision or draft plan of condominium for uses other than those referred to in subsection 2.3(a) and 2.3(b), such as institutional uses, an area of land equal to two percent (2%) of the Gross Land Area to be developed or redeveloped.
- 2.4 Land dedicated to the County for park or other public recreational purposes shall be chosen in consultation with County staff and shall be leveled, serviced, top-soiled and seeded to the specifications of the County. In the case of a disagreement, the County will have the final decision as to the appropriate lands.
- 2.5 Only those lands suitable for municipal parks development will be accepted as part of the required parkland dedication.
- 2.6 The County may, at its own discretion, accept additional lands over and above the required parkland dedication and may incorporate these lands into the County's park system. Such lands may include:
- a) Lands for storm water management areas;
 - b) Lands having environmental or physical conditions which render them unsuitable for development; and,
 - c) Lands which are suitable for the development of corridors throughout the County for such uses as wildlife, pedestrian or biking trails.
- 2.7 Trail development within Plans of Subdivision can be used in the calculation of the required parkland dedication.



- 2.8 Any land that has been or is to be conveyed to the County for storm water management facilities, for flood plain or conservation purposes, for roadways, walkways or any other non-parkland purpose, will not be credited against the required parkland conveyance or cash-in-lieu of parkland conveyance.

3. Cash-in-Lieu of Parkland Dedication

- 3.1 In lieu of requiring the conveyances noted in section 2 above, the County may require the payment of money as a Cash-in-Lieu payment. The County may require a Cash-in-Lieu payment, as provided by the Planning Act, under the following circumstances:
- a) Where the amount of parkland to be dedicated, in accordance with the Planning Act, is of insufficient size, in the opinion of Council, to be useable for normal public recreational activities;
 - b) Where an area is adequately served by municipal or other open space lands;
 - c) Where the County wishes to combine the parkland dedications of a number of small developments to provide for one large park area; or,
 - d) Where the required dedication would render the remainder of the site unsuitable or impractical for development.
- 3.2 Council shall, in those cases where it is deemed advisable to accept Cash-in-Lieu of a conveyance, require the payment of an amount calculated as follows:
- a) Two percent (2%) of the appraised value for commercial or industrial land uses or institutional uses;
 - b) Five percent (5%) of the appraised value for residential, institutional, and all other land uses;
 - c) Five hundred dollars (\$500) per lot created through consent;
 - d) Five hundred dollars (\$500) per accessory residential dwelling unit.
- 3.3 The payment so required shall be paid to the County:
- a) For a plan of subdivision or condominium, prior to the plan registration;
 - b) For a site plan, prior to the issuance of a building permit;



- c) For consent, prior to final approval and receipt of the certificate confirming that all conditions have been satisfied and therefore the consent for severance has been granted and is in effect.

3.4 Determination of the value of the land for payment-in-lieu of parkland dedication shall be as follows:

- a) For conveyance of parkland under Section 42 of the Planning Act, the value shall be determined as of the day before the first building permit is issued with respect of the development or redevelopment;
- b) For parkland dedication requirements imposed as a condition to the approval of a plan of subdivision under Section 51.1 of the Planning Act, the value shall be determined as of the day before the day of the approval of the draft plan of subdivision;

4. Mixed-use Developments

4.1 In the case of land proposed for development or redevelopment for more than one purpose, the owner shall be required to convey land at the rate applicable to the predominant proposed use of the land and all of the land proposed for development or redevelopment shall be included for the purpose of calculating the amount of land required to be conveyed.

5. Appraisal

5.1 To determine the Cash-in-Lieu payment required, where applicable, the landowner seeking the approval for the site plan, draft plan of subdivision or draft plan of condominium is required to submit an Appraisal Report, completed by a qualified appraiser, to the County for review. The appraiser is to be approved by the County.

5.2 The cost of the Appraisal Report shall be the responsibility of the landowner

5.3 The Appraisal Report will be reviewed by staff and the landowner will be notified of the required payment.

6. Eligible Projects

6.1 Cash-in-Lieu shall only be used for eligible projects permitted by the Planning Act as further defined by this By-Law.



7. Exemptions

- 7.1 Notwithstanding any other provisions of this By-Law, no conveyance of land or payment of cash will be required where development or redevelopment is for the purposes of:
- a) New buildings and/or additions and/or alterations to any commercial, industrial or institutional building that is equal to or less than 50 percent in gross floor area of the existing building or combination of buildings on the subject property, or at the discretion of the General Manager of Community & Development Services. Where an addition is greater than 50 percent of the gross floor area, the first 50 percent of the requirement payment will be waived;
 - b) Replacement of an existing commercial, industrial or institutional building in which the increase in gross floor area of the new commercial industrial or institutional building is no greater than 50 percent of the replaced building, or at the discretion of the General Manager of Community & Development Services;
 - c) The enlargement of an existing residential dwelling unit;
 - d) The construction of up to two additional residential dwelling units in an existing residential dwelling unit provided that the total gross floor area of the additional dwelling unit or the additional dwelling units combined is not greater than the gross floor area of the existing residential dwelling unit;
 - e) The replacement of any building or structure that is a direct result of fire or other causes beyond the control of the owner provided that no intensification or change of use is proposed;
 - f) Development on a lot for which cash-in-lieu of parkland has already been paid.

8. Delegation of Authority

- 8.1 Subject to the provisions above, Council hereby delegates authority to the Chief Administrative Officer, General Manager of Financial & Data Services, Treasurer, and the General Manager of Community & Development Services to establish budgets, access Cash-in-Lieu funds, and approve expenditures of Cash-in-Lieu funds for eligible projects associated with an existing park or for the creation of a new park that is not associated with the development review process.



9. Enactment

9.1 That this By-law comes into force and effect on the date of its passing.

READ a first and second time this --th day of April, 2022.

READ a third time and finally passed this --th day of April, 2022.

MAYOR

CLERK