

Town of Whitby

Staff Report

whitby.ca/CouncilCalendar



Report Title: CMS 06-23 Bill 23 - Parkland Dedication Framework

Report to: Committee of the Whole

Date of meeting: June 5, 2023

Report Number: CMS 06-23

Department(s) Responsible:

Community Services Department

Submitted by:

John Romano, Commissioner,
Community Services

Acknowledged by M. Gaskell, Chief Administrative Officer

For additional information, contact:

Sean Malby, Sr. Manager, Parks
Planning and Development,
905.444.1830

1. Recommendation:

1. That Council receive report CMS 06-23 as information;
2. That the Town incorporate the proposed changes to the Parkland Dedication Framework as set out in Report CMS 06-23 through the update to the Parks and Recreation Master Plan;
3. That staff be directed to engage a planning consultant to identify appropriate land that would support the development of Sports Field Parks; and,
4. That staff be directed to report to Council with options for the acquisition of land to support the development of sports fields as identified by the 2015 Sports Facility Strategy and updated by the 2023 Parks and Recreation Master Plan.

2. Highlights:

- To provide Council with an update on the impacts of Bill 23 with respect to reduced parkland dedication, Cash-in-lieu-of parkland (CILP) and subsequent impacts surrounding reduced parkland requirements and allocation.
- To provide Council with options and next steps with respect to future parkland, acquisition of new lands for Sports Fields Parks and additional considerations and background information for discussion.
- To provide information to Council with respect to current parkland dedication in the Brooklin Secondary Plan area in order for Parks Staff to continue conversations and negotiations with the landowners within the Brooklin Secondary Plan area.

3. Background:

The need for additional Parkland in Whitby

Whitby is experiencing rapid growth creating additional demand for the development of recreational amenities and facilities. In addition, various changes to provincial legislation have required municipalities to review their Official Plans and implement policies to ensure development is proceeding in an orderly and expeditious fashion, while continuing to create complete communities. Parkland is a key component of a complete community.

With the large influx of new development applications throughout the Town, particularly within the Brooklin Secondary Plan Area, staff seek to ensure that parks are properly planned for and delivered within the new legislative framework. Through report CMS 06-23 staff will provide Council with further information on the impacts of Bill 23 on parkland dedication, and the Town's ability to deliver an appropriate amount of parkland. This new Provincial legislation creates a challenge to deliver adequate recreational facilities, particularly sports fields, within new development areas. CMS 06-23 focuses on lands within the Brooklin Secondary Plan area, however, the issue of reduced parkland allocation is town-wide.

Through Staff Report PDP 65-22 The Town has already issued statements, which are endorsed by Council, on the impacts of Bill 23.

Parks and Recreational Facilities remain a top priority for its residents.

The Town of Whitby is a community that takes pride in its green spaces, recreational opportunities, and access to parkland. This was highlighted as part of the 2020 Community Survey. Within the survey, residents identified creating more green spaces as a top priority within Whitby. This comment was also echoed as part of the 2023 Citizen Budget survey, which identified the creation of more green space as a top budget priority, followed closely by the need to enhance the quality of the Town's indoor/outdoor facilities. Further, the COVID-19 pandemic has highlighted the importance of providing green space that is accessible, passive, and available for all ages.

The Policy Framework for Acquiring Parkland

The Planning Act sets the parameters for which parkland can be acquired by or dedicated to the Town as a part of new development applications and certain redevelopment opportunities. The Town's Official Plan (OP) sets out the overall policy framework for new parkland within the Town and is supported by the Conveyance of Parkland and Cash-in-Lieu of Parkland By-law No. 7733-21, which sets out the criteria, including rates, that Parkland is to be dedicated to the Town by new development.

Currently, the Town is below these target rates as shown in the table below. It is important to note that this data was compiled prior to provincial legislative changes in 2015 and 2022. In 2015, the provincial government passed Bill 73, Smart Growth for Our Communities Act, which required municipalities to have a parks plan in place prior to establishing or updating Official Plan policies that speak to parkland dedication rates. In addition, Bill 73 reduced the maximum alternative parkland dedication rates from 1 hectare for every 300 units, to 1 hectare for every 500 units. With the passing of Bill 23, this rate was further reduced to 1 hectare for every 1000 units.

At the time that Bill 73 came into force, the Town did not update the existing parks plan which guided parks planning within the Town. Therefore, the rates as shown below are no longer applicable and are generally not in line with the current targets. This was further intensified by Bill 23, which created an even greater level in parkland reduction. Bill 23 also requires the preparation of a parks plan, in advance of establishing or updating Official Plan policies that speak to parkland dedication.

As a result of the various provincial legislative changes over the years, the policies of the Official Plan have been superseded. Staff recognize that these policies require updating and this will ultimately be addressed through the ongoing Parks and Recreation Master Plan and future Official Plan Review process.

Park Type	Number of Parks	Supply (ha)	Current Service Level (2022 Population = 151,500)	Official Plan Targets
Town Park*	15	50.8	0.3	0.4 ha/1,000 residents
District Park	22	95.0	0.6	0.8 ha/1,000 residents
Local Park**	89	97.0	0.6	0.8 ha/1,000 residents
Total Active Parkland	123	242.8	1.6 ha/1,000 residents	2.0 ha/1,000 residents
* Town parks include waterfront parks and off-leash dog parks				
** Local parks include parkettes				

Parkland dedication and/or CILP is the primary method that the Town acquires parkland, or the funds needed to acquire off-site parkland to support the recreational needs of Whitby's expanding population.

The Town's OP guides the location of parks within new developments and the Town's Culture, Parks, Recreation and Open Space Master Plan along with the Town's Sports Field Strategy directs the type and numbers of recreational facilities and amenities to be provided. The Town's Parkland and Open Space Development Policy also provides the technical requirements for park development, including setbacks, sizing requirements and materials to be utilized. As noted, Staff are developing a new Parks and Recreation Master Plan to replace the existing Culture, Parks, Recreation and Open Space Master Plan (2006) and is anticipated to be brought to Council in the fall of 2023. The update of the Parks and Recreation Master Plan, presents an opportunity to update Official Plan policies and supporting documents to create a cohesive and comprehensive approach to parkland within the Town as a whole. The Town will be in a position to update the Official Plan in 2024 to bring the current Official Plan in alignment with the Region of Durham's updated Official Plan, in addition to the expanded Brooklin Secondary Plan area.

The current parks planning framework is set out in the Town's OP and the Parkland and Open Space Development Policy (POSDP). The OP identifies four park classifications, from smallest to largest:

- Parkettes
- Local Parks
- District Parks; and
- Town Parks

Attachment 1 to this report provides further details and examples regarding each park classification. These documents define the general sizes for the four park classifications and ideal location relative to adjacent complementary land uses: notably schools, open spaces, and natural heritage.

4. Discussion:

The Town has experienced challenges in acquiring the Parkland and Sports Field it needs.

Even prior to Bill 23, the Town was not able to provide the amount of parkland per capita targeted by the Town's Official Plan, and as a result was not able to accommodate the park facilities identified in the Town's 2015 Sports Facility Strategy and Parkland and Open Space Development Policy.

Sports fields pose the largest challenge in that they require large areas of relatively flat land to accommodate the playing fields and associated parking when compared to other park amenities (i.e., playgrounds, splashpads etc.). Sports fields, in this context, principally means full sized baseball, soccer and cricket fields. In particular, demand for cricket fields has been growing; however, Whitby does not yet have a dedicated cricket field.

New parkland is typically acquired through the subdivision process as a land dedication as set by provincial planning legislation, Town By-laws, and policy.

Prior to Bill 23, the amount of parkland dedication and/or cash-in-lieu acquired under provincial legislation proved to be insufficient to accommodate the number of required sports fields to address the needs of Whitby. This was a result of the dedicated park blocks typically being either too small, awkwardly configured, sloping and/or not located adjacent to complimentary land uses such as school blocks or open space. Parks adjacent to proposed school blocks is often necessary to provide sufficient onsite parking, and essential to avoid conflicts between sports field users and neighborhood residents due to on street parking.

The park sizes, as generally outlined in the Official Plan, can theoretically accommodate the required facilities, including sports fields and park related amenities (i.e., playgrounds, shade structures, walkways, etc.) when configured in the ideal shape, with generally flat topography and situated adjacent to complementary land uses such as school and open space blocks. However, in practice this rarely occurs and consequently the provision of sports fields in new development areas has not kept pace with the needs identified in the Sports Field Strategy.

Example: Sports Field Planning in West Whitby. As a part of the Secondary Plan for West Whitby, the seven planned parks were intended to incorporate a minimum of ten sports fields to meet the targets of the Sports Facility Strategy. However, through the park design process, three sports fields could not be accommodated, and two other fields were installed with less-than-ideal setbacks and buffers that diminish their playability. Given that only five sports fields could be accommodated, the Town has been required to now look toward Brooklin or other opportunities to achieve the sports field goals of the plan.

Additionally, three of the new West Whitby parks and associated sports fields are dependent on the adjacent school sites for parking. School boards often take up to seven years to decide whether to purchase the land from the developer and construct a school, creating uncertainty and a potential financial liability for the Town. If the school board ultimately decides not to purchase the school block, the Town may need to purchase additional land, if possible, to accommodate parking and to meet setback requirements between residential and recreation facilities. Securing appropriate setbacks between sports field users and residents is a significant consideration in the siting of sports fields. The use of sports fields often creates noise and/or parking complaints from neighbouring residents. Increased space for Local and District Parks would require the purchase of additional lands to make up the shortfall of land received from developers as parkland dedication.

Bill 23 heightens the challenges the Town faces in acquiring new parkland for sports fields.

The passing of Bill 23 has resulted in many changes that further exacerbate the challenge to providing sufficient parkland suitable for the development of sports fields within subdivisions. The primary impact is a drastic reduction in the amount of dedicated

parkland and cash-in-lieu of parkland to be received by the Town as a part of new development. It also allows for the conveyance of encumbered parkland that may not be suitable for sports field development. The net effect is that delivering the needed parkland and sport fields through the Town's current parks planning framework is no longer feasible. Given these changes, the Town will not be able to deliver on its identified top priorities for greenspace without reducing the current sports field service levels or purchasing additional land with property tax dollars (instead of CILP funds from new development) for future parks.

In addition, the cost of land, particularly developable land, has drastically increased over the past number of years. This has put the Town in a difficult position as the opportunity to negotiate the donation/dedication of land has becoming increasingly difficult as the value far exceeds the benefits potentially gained from the developer.

Example: Brooklin Secondary Plan. To illustrate the impacts of Bill 23, the Brooklin Secondary Plan area would have an overall reduction in parkland dedication requirement from 49.25 Hectares (pre-Bill 23) to 38.79 hectares (post Bill 23) equating to a reduction of 10.46 hectares of land. To put this in perspective, a single full-sized soccer or baseball field requires approximately one hectare of land to allow for appropriate sizing, safety run-offs and playable fields. It should be noted, one hectare of land does not account for additional amenities typically found within parks (i.e., playgrounds, splashpads etc.).

Given the loss of parkland through Bills 73 and 23 and through the Town's experience with the development of West Whitby, the required number of sports fields and associated amenities cannot be adequately provided to residents. The ongoing reduction in parkland as mandated by the Province has put the Town in a position where targets that were previously feasible are strongly out of reach.

This is highlighted in Attachment 2 which demonstrates the overall need for sports fields, informed by the Sports Field Strategy (SFS). It shows that even if the Town were to purchase additional lands within the Brooklin Secondary Plan area to restore pre-Bill 23 levels, sports fields might have been accommodated. After the passing of Bill 23 Parks Staff feel that the required fields cannot be accomplished.

Considering these factors, staff are looking at alternatives to provide local neighborhoods with viable parkland while securing land for sports fields elsewhere to service the larger community.

Options and Next Steps:

Prior to Bill 23, the Town was not able to achieve the targets set out in the Official Plan, Parkland and Opens Space Development Policy and Sports Field Strategy, for the acquisition of parkland and number of recreation facilities. Considering the reduction in parkland dedication and CILP, as a result of Bill 23, the Town is now in a position where these targets are no longer realistic and, as a result, a new strategy is required.

The Town must make strategic, achievable, and responsible decisions with respect to parkland acquisition and distribution in light of these changes. This is necessary to ensure that current and future residents are provided with the parkland and recreational facilities required despite the legislated reductions in land dedication and cash-in-lieu of

parkland. To address these shortfalls, staff offer the following potential options for Council's consideration. Please note that the Brooklin Development area is being used as a case study to illustrate the impact of these proposed solutions. However, going forward the chosen solution would become the new parks planning framework and would be applied to all future parks related developments.

1. Maintain Service Level Through Purchase of Additional Developable Land

Under this option existing service level targets for sports fields and the associated park hierarchy would be maintained. This would be achieved through the purchase of additional land from the property owners in new developments and funded by taxpayers. In the Brooklin Secondary Plan area this would equate to a minimum of 10.46 ha (25.8 acres) of land. Based on recent land appraisals the Town has received for the calculation of CILP across Whitby, developable land is valued at approximately \$3.5 million per acre. Accordingly, the cost to purchase 10.46 ha (or 25.8 acres) of land to offset the Bill 23 shortfall would cost the Town approximately \$90.3 million, to be funded from property taxes. Staff note this would be a one-time cost associated with the Brooklin Secondary Plan development area only. Future growth, elsewhere in the Town, would require additional land purchases and funding to meet the Town's need for sports fields. It is also worth highlighting that purchasing 10.46 ha may still not accommodate the planned sport fields while maintaining the existing park distribution and sizes as set out in the Brooklin Secondary Plan and Town's Park Hierarchy. As such, additional land purchase may be required.

2. Change the Parks Planning Framework

Under this option the existing service level targets would be maintained by changing the way sports fields are delivered. In place of providing sports fields in new Local and District Parks the Town would focus on constructing multi-field sports complexes. This would result in the elimination of District Parks from the Whitby Park classifications system as the larger parcels of land (4ha) would no longer be required to accommodate sports fields; local Parks could also be slightly reduced in size. Therefore, Local Parks would replace District Parks in the parks classification system in new developments. The facilities and amenities, other than sports fields, typically found in District Parks would be distributed strategically throughout the local park system to best serve the community. Staff note that the local parks would incorporate generous open lawn areas available for free play, informal sports games, and passive enjoyment.

As a result of the reduction in park sizes, within new development, the Town in most cases would be eligible for cash-in-lieu. These funds would be held in reserves to help offset the cost to acquire larger parcels of land to create dedicated multi-field sports complexes. These complexes could be located on land outside the urban boundary, within hydro corridors, or otherwise not suitable for typical residential, commercial, or industrial development. In this scenario, a multi-field sports complex would generally include six to ten lit playing fields, parking, washroom facilities, seating and potentially playground areas and concession stands. Examples of this type of facility can be found at Bethesda Park in Stouffville, Creditview Sandalwood Park in Brampton, and Southward Sports Park in Grimsby. The Audley Recreation Centre provides a local example with multiple diamonds, washroom facilities, concession stands etc. on lands

that are accessible and allow for a wide range of users from both within and outside of the immediate community.

3. Reduce Overall Service Level

The Town currently provides a target ratio for parkland dedication on a person to hectare or person to sports field level. An option is to reduce the overall service level. While the current recommended target for active parkland in the Town's Official Plan is 2.0 hectares per 1000 residents, the Town's service level is actually providing 1.6 hectares per 1000 residents. A service level reduction, to ensure alignment with Bill 23, would result in a service level closer to 1 hectare per 1000 residents. In addition, staff would need to examine the targets for sport fields to determine the required reduction in service levels for each sport field classification. Only through this type of reduction would the Town be able to establish an achievable recommendation for active parkland without the need to purchase additional land (using property tax dollars) to supplement reductions to parkland dedication/CILP payments (from developers) due to Bill 23. This option is not recommended, given the increased demand for sports fields and the current and anticipated growth in population which will need to be accommodated and served. Should the Town reduce the overall service level, the community will ultimately be the one to suffer. Based on the Parks and Recreation Master Plan and the 2023 Citizen Budget survey, access to open space and parks have been identified as top priorities for residents. Further, with increased population, there will be a rising demand for access to green space for informal play, which could be facilitated through the provision of open lawns within the new local parks.

Recommendation:

Staff recommend that Option 2 be pursued as the most cost effective and financially sustainable solution to best serve the residents of Whitby. Further details and considerations of this solution are noted in the bullet points, below.

- Shifting permitted sports fields to dedicated field complexes is supported by the Town's existing Sports Facility Strategy and Culture, Parks, Recreation and Open Space Master Plan. If approved by Council, this new framework would be incorporated into the new Parks and Recreation Master Plan currently under development and into the future review and update to the Town's 2015 Sports Facility Strategy.
- Shifting permitted sports fields to a dedicated field complexes would allow for:
 - Local Parks to be decreased in some locations from 1.5ha to between 1ha and 1.25ha and,
 - District Parks, now replaced by Local parks, to be reduced from generally 4 ha to approximately 1.25ha -2ha.
- As noted, any resulting CILP from these reductions could be directed towards offsetting the cost of purchasing land for the construction of multi-field sports complexes.

- Centralizing sports fields at multi-field complexes provides many advantages: field users appreciate multi-field venues to concentrate their practice and game scheduling, while providing an option through which tournaments and skill development clinics can be held.
- The Town benefits through economies of scale achieved in construction costs and through efficiencies in parks operations by reduced travel between field sites, and/or the storage of equipment on site.
- Local parks would continue to provide open lawn areas for informal field sports and passive play in addition to all other amenities typically provided for their respective park classifications.
- This new Parks planning framework would apply to all active and future development applications but would not be applied to draft approved applications.

Parks Planning Staff are requesting that Council endorse Option 2 as noted above. Upon endorsement, Staff will be able to respond and provide direction to both the Brooklin Secondary Plan development applications and other development applications currently under review. It should be noted that at this time, the Town does not own any lands of suitable size to accommodate a large multi-field sports field complex. With Council's endorsement of Option 2, staff will enlist a planning consultant to undertake a Town search for appropriate lands to accommodate one or more multi-field sports complexes as determined through the Parks and Recreation Master Plan. Staff will then report back to Council with a plan for the procurement of land and the creation of multi-field sports complexes that will include potential locations, options, estimated costs and timing.

5. Financial Considerations:

In 2021 and 2022, the Town collected \$7.1 million and \$5.1 million, respectively, in cash-in-lieu of parkland dedication payments from developers that did not convey parkland to the Town as part of their developments.

Bill 23, the More Homes Built Faster Act, 2022 received Royal Assent on November 28, 2022 and reduces the requirement for developers to convey parkland or provide cash-in-lieu of conveying parkland. For example, the previous requirement for residential developers to provide CILP of 1 ha per 500 units has been reduced to 1 ha per 1,000 (or now 0.5 ha for the same 500 residential units). Further, caps have been implemented regardless of the number of units proposed to be developed.

Since the passage of Bill 23 (November 28, 2022), the Town has recalculated CILP quotations for active development applications with significant reductions in what developers must contribute in lieu of providing parkland – two examples are shown below:

- 1) For a proposed development of 75 units, the Original CILP calculation of \$997,500 reduced to \$285,000 post-Bill 23;

- 2) For a proposed development of 92 units, the Original CILP calculation of \$1,190,000 reduced to \$340,000 post-Bill 23

For both the example developments noted above, the CILP had not been paid (by the developers) as of the date of Royal Assent, and the developers have since requested a recalculation due to Bill 23.

The 2022 year-end balance in the Town's Parks Reserve Fund (where CILP collections are deposited) is \$9.1 million. Of the \$9.1 million, \$6.9 million (or approximately 75%) has been allocated as part of the 2023 budget (10-year capital forecast) or commitments related to capital projects approved in previous years. Major commitments/allocations against the \$9.1 million Parks Reserve Fund balance include parkland for the Whitby Sports Complex, Ardwick Park, and Myrtle Station Park.

At the time of writing this report, the Town's 2022 year-end audit has not been completed and the 2022 figures noted in this report are subject to year-end financial adjustments related to the audit.

6. Communication and Public Engagement:

Parks, greenspaces, and access to open spaces have been identified as a key consideration in previous public engagement (e.g., Community Strategic Plan, Citizen Budget Survey). Public engagement is being conducted as part of the Parks and Recreation Master Plan, in addition, the public will be able to actively participate in the planning process through the future update of the Official Plan. These public consultation opportunities will allow residents and interested parties to provide input and/or recommendations.

As part of the background research, it was found that 53% of community survey respondents supported additional investment in outdoor soccer fields. Community Services Staff have also been in discussions with Whitby FC, one of the largest providers of programmed soccer within the Town, they are supportive of additional fields and co-location of fields to allow for more users to join programmed soccer. It should be noted to Council that Victoria fields is to be redeveloped as an urban waterfront park in alignment with waterfront master plan. This project is currently forecast to occur in 2025 and will result in the loss of permitted sports fields. As such, should Council endorse Option 2, as recommended by Staff the need to research and ultimately acquire lands will be a top priority to ensure the timely delivery of soccer fields.

Baseball groups were also consulted as a part of the Parks and Recreation Background research. From this research, baseball, and its variations (including softball, fastball, etc.) are experiencing a resurgence of growth in recent years. In addition to an increase in growth within baseball, there was additional interest expressed in providing larger baseball diamonds to support men's leagues. Further, through community consultation it was highlighted that location is a key consideration as multi-diamond sites tend to be preferred among user groups where concurrent games and practices can take place at a single site sports complex, which may also offer supporting amenities such as parking, lighting, spectator seating, change facilities and more. This input was taken into account when assessing staff's recommendation of Option 2, as a multi-field sports complex would satisfy this need. In addition, having a large dedicated multi-field sports

complex may attract additional economic development opportunities, through various means, including but not limited to, sporting tournaments, advertising, and community events.

7. Input from Departments/Sources:

Throughout the process of drafting this Staff Report, Parks staff have been in discussions with Planning, Legal and Finance Staff to ensure consistency and clarity when processing, reviewing and ultimately commenting on development applications within Brooklin and Whitby as a whole. Planning Staff have had the opportunity to comment and provide input on this Staff Report. Staff recognize that, should council adopt the recommendations put forward by Staff, the new parks framework will ultimately need to be implemented in Official Plan policy and supporting documents. Staff recommend that the changes to the parks planning framework outlined in this report be considered as part of the ongoing Parks and Recreation Master Plan update as well as the future Official Plan Review (i.e., the expansion of the Brooklin SP area and conformity with the updated Durham Region Official Plan).

This report was also drafted with input from Financial Services and Legal Services and their comments have been incorporated into this report.

Further discussions with other involved departments (i.e., operations, enforcement, customer service) will need to be held. Operations is directly related in the maintenance, operation, and upkeep of Town Parks. Enforcement and Customer Service Staff may also need to be involved in these discussions as they are directly engaged as part of the complaint/inquiry process.

8. Strategic Priorities:

The development of the Parks Plan aligns with the Customer Corporate Strategic Priority as the project will help ensure there are facilities that can accommodate the growing community's demand for outdoor recreation opportunities.

The Town's Strategic Priorities are advanced as part of this recommendation. Specifically, the initiatives surrounding Sustainability in the Town. The provision of Parkland and Open Spaces contributes to battling climate change, improves air quality, promotes inclusivity, protects/enhances natural features, improves functionality of natural features, and encourages good land use. The aforementioned initiatives are not exhaustive, and it is generally accepted that Parkland and Open space contribute to the concept of complete communities.

9. Attachments:

Attachment 1 - Summary of Park Types and Associated Amenities

Attachment 2 – Summary of Sports Needs Assessment