



Staff Report

Planning & Development Services

Report To: COW-Operations_Planning_and_Development_Services
Meeting Date: April 9, 2024
Report Number: PDS.24.053
Title: Response to Sydney Carleton re: requesting that Council waive the condition requiring parkland or cash-in-lieu condition for Severance Application
Prepared by: Adam Smith, Director of Planning & Development Services

A. Recommendations

THAT Council receive Staff Report PDS.24.053, entitled "Response to Sydney Carleton re: requesting that Council waive the condition requiring parkland or cash-in-lieu condition for Severance Application";

AND THAT Council modify the conditions of the consent for Decision on Consent Application File P3300 in accordance with Option # _____.

B. Overview

At the March 11th, 2024 Council meeting, a deputation was received by Ms. Sydney Carleton requesting that parkland dedication requirements be waived for the provisional consent granted for her property on August 28th 2023. This report provides options for Council consideration in responding to the request.

C. Background

At the August 15, 2023 Committee of a Whole meeting, staff presented PDS.23.082 being a recommendation report regarding a proposed [Consent to Sever](#) and Zoning By-law Amendment for the lands municipally known as 209009 Highway 26. The application proposed to rezone the subject property from the Development 'D' zone to the Residential One 'R1-1' zone and to sever an approximately 1.23-acre parcel of land to permit the construction of a residential dwelling on the severed parcel.

At the subsequent Council meeting on August 28th, 2023 Council approved both the Zoning By-law Amendment and provisional consent which contained a number of conditions to be satisfied prior to the lot being formally established. Among these conditions included "that the Owner meets all the requirements of the Town, financial or otherwise, for the Certificate of Consent to be issued." (Attachment 2)

The condition is consistently used to ensure parkland dedication fees as well as Development Charges are collected. Staff strive to ensure that awareness around these fees are identified early as part of the pre-consultation process and in completing the relevant application form. The Town's Consent to Sever Application identifies that such fees are required (Attachment 1).

The policy framework for parkland dedication at the Town is regulated by both the Official Plan and Parkland Dedication By-law 2003-31. Essentially, both policies speak to development or redevelopment requiring the dedication of lands for park purposes or that cash-in-lieu be provided when suitable land does not exist. Section D6.2.8 of the Official Plan speaks to those lands that would not be acceptable to the Town. In the event cash-in-lieu is required, the Official Plan also contains prescriptive criteria for how those monies are to be used which is outlined in Section D6.2.6.

While the Town does not specifically cite those planning applications that are subject to parkland dedication requirements, it has been a practice of the Town for severance applications. Generally, given the scope of these applications, satisfaction of the requirements takes the form of cash-in-lieu.

D. Analysis

Importantly, the options before Council have not encompassed the provision of parkland as any lands subject to dedication in the approval would not meet Official Plan policies. However, and upon review of the file, staff have identified the need to provide greater clarity with respect to parkland dedication requirements for applications under the Planning Act.

In August 2023, a public meeting was held regarding by-laws impacted by Bill 109 and Bill 23. During this meeting, Parkland Dedication By-law 2003-31 was identified as a by-law requiring review. Staff believe an opportunity exists to amend the by-law to list those applications that are subject to parkland dedication requirements and entrench the process to cash-in-lieu. In the meantime, and based on the deputation received by Council, staff have prepared the following options for Council consideration.

Option #1: Maintain the requirement to provide cash-in-lieu as a condition of the provisional consent.

This option would ensure that the subject application is treated in the same manner as other severances that have been processed by the Town. While it does not mitigate the financial impacts on the applicant it supports the Town's ability to respond to impacts on parks and recreation as a result of growth.

Option #2: Waive the cash-in-lieu requirement as a condition of the provisional consent and direct staff to eliminate parkland dedication requirements for severance applications.

If Council chooses to waive the cash-in-lieu requirement for the provisional consent, staff would recommend that there be direction to exempt all severance applications from the requirement. Generally, applicants proceed with severance applications with the same intent as the applicant being the creation of a lot(s) for a single detached dwelling. Waiving the requirement in the

absence of applying the same approach to other application may lead to subsequent applications seeking relief from Council in the same manner.

Option #3: Revert to the flat rate of \$650.00 in accordance with the previously established interim policy to satisfy the cash-in-lieu requirement for the provisional consent. In addition, Council direct staff to apply a flat rate for all residential lot severances.

In 2010, an interim policy regarding residential consents was established that introduced a flat rate of \$650 per lot to satisfy parkland dedication requirements. The policy was rescinded in 2022 recognizing the growth facing the Town and the flat rate not reflective of land valuations and increasing needs to finance recreational/park amenities. Council may choose to select this option on the basis that has been previously used as the basis for severance applications. However, similar to option #2, if this option is to be pursued it should be accompanied by a flat rate for all applications.

E. Strategic Priorities

1. Communication and Engagement

We will enhance communications and engagement between Town Staff, Town residents and stakeholders

2. Organizational Excellence

We will continually seek out ways to improve the internal organization of Town Staff and the management of Town assets.

F. Environmental Impacts

There are no environmental impacts associated with this report.

G. Financial Impacts

Depending on Council direction there may be foregone revenue associated with this application and other severances in which the cash-in-lieu approach is taken.

H. In Consultation With

Ryan Gibbons, Director of Community Services

Shawn Postma, Manager of Community Planning

Carter Triana, Intermediate Planner

I. Public Engagement

The topic of this Staff Report has not been the subject of a Public Meeting and/or a Public Information Centre as neither a Public Meeting nor a Public Information Centre are required. However, any comments regarding this report should be submitted to Adam Smith, directorplanningdevelopment@thebluemountains.ca

J. Attached

1. Decision on Consent Application File P3300

Respectfully submitted,

Adam Smith
Director of Planning & Development Services

For more information, please contact:
Adam Smith, Director of Planning & Development Services
directorplanningdevelopment@thebluemountains.ca
519-599-3131 extension 246