



No. 048: DEVELOPMENT - Land Conveyance for Park or Other Recreational Purposes	Formerly 05-02
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Reference: Staff Report PD-97-01; Nov. 12, 2001 APSCC
Staff Report COMS-23-14; July 21, 2014 CL
Staff Report COMS-006-19; May 6, 2019
Staff Report DS-054-22; June 20, 2022

1. GOALS:

- a. To acquire sufficient land to ensure adequate park and recreational uses to serve existing and future populations.
- b. To develop an equitable approach to establishing payment-in-lieu of land conveyance calculations.

2. BACKGROUND

- a. Sections 42, 51.1 and 53 of the *Planning Act, R.S.O., 1990, c.P. 13*, as amended, allows the Council of a local municipality, as a condition of the development or redevelopment of land, to require that land be conveyed to the municipality for park or other public recreational purposes.
- b. These sections further provides that a municipality may require a payment in lieu, to the land otherwise required to be conveyed.
- c. The Town of Milton approved an updated Parks and Recreation Hierarchy and Provision Target through report COMS-002-2021, to assist the Town in planning for the full spectrum of the community's park and outdoor recreation needs. This Hierarchy and Provision Target provides guidance for the quality, size and configuration of lands for a range of outdoor facilities and amenities, and will be amended from time to time through future updates and Council approvals.
- d. The Town's Official Plan, as amended, outlines the continuum of Recreation Facilities, Park Amenities, Trail Networks and Open Space Systems that will provide for a full range of environmental, active and passive venues for the Town's residents. The Official Plan also addresses the variety of mechanisms that can be utilized to acquire land for park and recreation purposes.

3. LAND CONVEYANCE BY-LAW FOR PARK OR OTHER RECREATIONAL PURPOSES

The Town shall adopt and maintain a by-law to regulate the conveyance of land to the Town for park and other public recreational purposes or the payment in lieu thereof (henceforth referred to as the 'Land Conveyance By-law').

4. PAYMENT-IN-LIEU OF LAND CONVEYANCE – LAND VALUATION

- a. Land values, for use in payment-in-lieu of land calculations, shall be determined by a qualified appraiser retained by the owner, at their expense. The appraisal submission is to be prepared in accordance with the Canadian Uniform Standards of Professional Appraisal Practice (CUSPAP), and is to be signed by an appraiser with Accredited Appraiser Canadian Institute (AACI) and/or Canadian Residential Appraiser (CRA) designations, as appropriate, having experience relevant to the project type and in the Town's market area. Appraisals are to be of a short narrative for all property types, with the exception of complex developments, and/or form reports for rural and urban residential (low density). Appraisal submissions will be subject to review by the Community Services Department. Any necessary revisions required by staff to accept the valuation will also be at the owner's expense. The actual purchase price may be used for simple applications, where deemed appropriate by the Community Services Department, provided supporting evidence is submitted demonstrating that the property was subject to a recent, arms-length purchase, no earlier than 6 months prior to the date of when payment is due. If the Community Services Department disputes the land value established by the appraiser retained by the owner, staff may secure a review of the appraisal at the Town's expense.
- b. In the case of unresolved concerns or a dispute, resolutions and appeals will be addressed in accordance with the *Planning Act*.

5. CONVEYANCES OF LAND

- a. The location, quality and configuration of the land to be conveyed shall be to the satisfaction of the Community Services Department with consideration for the Town's Park and Recreation Hierarchy, Provision Target, and relevant service delivery or business plans.
- b. The following lands shall not be accepted for park or recreation purposes:
 - i. Land identified as hazardous, subject to flooding or erosion;
 - ii. Land used for stormwater management, servicing or utility functions;
 - iii. Land identified within the Halton Region Natural Heritage System, or identified by Halton Region, a Conservation Authority or the Province as a natural feature, environmentally sensitive area, watercourse, or other lands designated for an environmental function.
 - iv. Land within the setback or as required to act as a buffer from the lands outlined above;
 - v. Land identified for active transportation, for example walkways, bikeways, multi-use pathways;
- c. The Town, at its discretion, may accept land described in Section 5b in addition to any required land dedication.
- d. The Town, at its discretion, may require information as part of the consideration of, and prior to acceptance of, any land for park or recreation purposes. Required documentation is to be provided in accordance with the Town's Engineering and Parks Standards Manual, to the



- satisfaction of the Town. Required documents may include, but are not limited to, an environmental site assessment, environmental impact, topographic and legal surveys, as well as testing. All costs to provide the required documentation will be at the expense of the owner.
- e. All land is to be free of any encumbrances and conveyed to the Town to a base condition as specified in the Town's Engineering and Parks Standards Manual, or as defined through a negotiated, relevant agreement.