



OAKVILLE

REPORT

ADMINISTRATIVE SERVICES COMMITTEE

MEETING DATE: MAY 23, 2017

FROM: Finance Department

DATE: April 21, 2017

SUBJECT: 2016 Cash In Lieu of Parkland and Bonus Zoning Reserve Fund Statement

LOCATION:

WARD: Town wide

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RECOMMENDATION:

That the 2016 Bonus Zoning and Cash in Lieu of Parkland Reserve Fund Statement be received.

KEY FACTS:

The following are key points for consideration with respect to this report:

- The passage of the *Smart Growth for Our Communities Act*, (Bill 73) brought into force changes to the *Planning Act*, effective July 1, 2016.
- Included in these changes is a new requirement to provide annual statements relating to special accounts (reserve funds) that had been created under Section 37 (increased density) and Section 42 (cash in lieu of parkland) of the *Planning Act*.
- Reporting requirements relate to the preceding year and must contain prescribed information detailed in the revised sections of the *Planning Act*.
- These statements are further required to be made available to the public and also to the Ministry of Municipal Affairs and Housing (MMAH) should they request it.

BACKGROUND:

Bonusing is a tool provided for in Section 37 of the *Planning Act* that allows municipalities to secure public benefits through Bonusing agreements in exchange for permitting additional height and density in a development through the re-zoning process. Its use is contingent on their being enabling Bonusing policies/provisions in place in the municipality's official plan and zoning by-law. The town's Livable Oakville Plan, North Oakville Secondary Plans, Zoning by-law and Bonusing procedure contain the required policy statements along with guidance on where and how the benefit should be provided.

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Cash in lieu of Parkland may be collected as a condition to the approval of a plan of subdivision pursuant to Section 51.1 of the *Planning Act*, but is typically collected and utilized in accordance with Section 42 of the *Planning Act*, and town by-law 2008-105, which permits a municipality to require, as a condition of development that land be conveyed to the municipality for park or other public recreational purposes. Alternatively there may be required a payment in lieu, to the value of the land otherwise required to be conveyed. Funds collected are held in a reserve fund, established for this purpose, and permitted to be “*spent only for the acquisition of land to be used for park or other public recreational purposes, including the erection, improvement or repair of buildings and the acquisition of machinery for park or other public recreational purposes.*” Section 42(15).

COMMENT/OPTIONS:

The purpose of this report is to present the first annual statement of the Bonus Zoning and Cash in Lieu of Parkland reserve funds for the preceding year to comply with changes to the *Planning Act*, through the proclamation of the *Smart Growth for our Communities Act, 2015* (Bill 73) on July 1, 2016.

Prescribed information to be included in the annual reserve fund statements for the preceding year include;

- (a) The opening and closing balances of the reserve fund and transactions relating to the account;
- (b) Information pertaining to,
 - (i) Identification of land, facilities, services or other matters specified in the authorizing by-laws for which funds from the reserve funds have been spent during the year,
 - (ii) Details of the amounts spent, and
 - (iii) The manner in which any capital cost not funded from the special account was or will be funded; and
- (c) Any other information that is or becomes prescribed.

Activity in the Bonus Zoning reserve fund relates to monies received in 2013/2014 through a Section 37 Bonusing agreement in the Kerr Village Community (Empire/Rain development), the application of interest earned by the fund and annual disbursements from that fund to finance the *Kerr Village Building Façade Improvement Grant Program*. Benefits have been utilized in accordance with legislation and policy in the community from which they were received.

Cash in lieu of parkland has been collected in accordance with the *Planning Act* for many years. Funds are deposited to a segregated reserve fund and interest applied

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on an annual basis. Eligible disbursements from the fund are in accordance with the provisions of legislation and town policy.

Appendix A, details 2016 activity in the reserve funds and addresses the new reporting requirements of the *Planning Act*, resulting from the proclamation of the *Smart Growth for Our communities Act, 2015 (Bill 73)*.

CONSIDERATIONS:

(A) PUBLIC

The *Planning Act*, now requires the treasurer to report to council annually on activity in the Cash in Lieu of Parkland and Bonus Zoning reserve funds. The treasurer is further required to make this information available to the public and if requested, the MMAH.

(B) FINANCIAL

Funding received through the provisions of the *Planning Act* provides an additional non-tax levy revenue stream to secure public benefits for the community.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

N/A

(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS

This report addresses the corporate strategic goal to:

- be fiscally sustainable

(E) COMMUNITY SUSTAINABILITY

The funding received through cash in lieu of parkland and bonus zoning enhances our environment and addresses the pillar of economic sustainability.

APPENDICES:

Appendix A – Treasurer’s statement of Special Accounts (Reserve Funds)

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Treasurer

**TREASURER'S STATEMENT OF SPECIAL ACCOUNTS (RESERVE FUNDS)
 CREATED UNDER SECTION 37 (INCREASED DENISTY) AND SECTION 42 (CASH IN LIEU OF PARKLAND) OF THE PLANNING ACT
 FOR THE YEAR 2016**

	2016 Capital Cost	Grants, Subsidies, Contributions	Other Reserve/Reserve Fund Draws	Operating Fund Draw	Cash in Lieu of Parkland Reserve Fund	Bonus Zoning Reserve Fund
Balance as of January 1, 2016					41,727,034	2,084,192
Plus:						
Developer contributions					7,049,205	
Interest					943,020	54,812
Sub-Total	-				7,992,225	54,812
Less:						
Amount transferred to capital fund:						
Land						
35101601 White Oaks Land Purchase	9,021,692	-		-	(8,700,000)	
Machinery & equipment						
Building or park structure						
52211611 Brantwood Park expansion	1,500	-		-	(1,500)	
52211106 Uptown Core -Memorial Park Special Project	1,427,171	-	(1,129,316)	-	(172,149)	
52211606 WOSS Field and Washroom Rehabilitation	37,316	-		-	(37,316)	
52211620 Splash Pad Rehabilitation	23,009	-		-	(16,773)	
52211621 Playground Rehabilitation	215,255	-		-	(215,256)	
52211623 Bronte Harbour Regional Waterfront Park	418,817	-		(95,000)	(180,783)	
52221503 Shell Park Tennis Courts	15,683	-		-	(15,682)	
52221603 Gairloch Gardens Rehabilitation	200	-		-	(200)	
52241201 16 Mile Creek West Shore Landscape Rehabilitation	555,124	-		-	(584,041)	
52241602 Waterfront Trail Improvement - Tannery Waterworks	20,058	-		-	(20,058)	
52211516 Kingsway Parkette - Phase 2	399	-		-	(399)	
52211317 Splash Pad Rehabilitation	2,525	-	(1,573)	-	(1,527)	
52211512 Lions Valley Picnic Shelters	77,801	-		-	(77,800)	
52211524 Splash Pad Rehabilitation	13,728	-		-	(11,856)	
52221301 Lakeside Park Washroom Rehabilitation	47,461	(4,754)		-	(36,547)	
Amount transferred to operating fund						
Kerr Village Building Façade Improvement Grant Program					-	(16,732)
Monies borrowed from fund for other municipal purposes						
Sub-Total	11,877,739	(4,754)	(1,130,889)	(95,000)	(10,071,887)	(16,732)
December 31, 2016 Closing Balance					39,647,372	2,122,272