

TOWN OF RICHMOND HILL

**OFFICIAL PLAN TASK FORCE**

November 26, 2009

SRPD.09.112

Planning and Development  
Planning

**SUBJECT: Recommended Key Policy Directions Report for the Town's new Official Plan on the Use of Section 37 of the *Planning Act* (SRPD.09.112)  
File No. D10-PL-GE**

**PURPOSE:**

The purpose of this staff report is to provide information on use of Section 37 of the *Planning Act* when considering increased height and/or density of development and to recommend key policy directions for the new Official Plan (OP).

**RECOMMENDATION:**

**That the Official Plan Task Force receive the Section 37 Key Policy Directions outlined in SRPD.09.112 and refer comments back to Staff for consideration in the preparation of the draft new Official Plan.**

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## PROCESS BACKGROUND

In October 2007, the Town of Richmond Hill initiated the *People Plan Richmond Hill* process to develop a new Strategic Plan and a new Official Plan (OP), which are being developed concurrently. In addition to the main OP background studies, several in-house secondary background studies on a range of OP policy areas have been undertaken and will be presented in the form of recommended key policy directions reports.

Richmond Hill's integrated OP process is based on a top-down, bottom-up approach that merges Provincial and Regional policy direction from the top-down and local community input and technical expertise from the bottom-up. Building the Town's future OP vision includes the integration of three major components, which together are the building blocks that will act as the blueprint for the drafting of the Town's new OP:

- ***guiding principles*** to articulate the desired goals and parameters for making land use policies and decisions;
- ***urban structure*** to help visualize the physical make-up of the Town over the long-term planning horizon; and
- ***major policy directions*** to identify how we can begin to achieve those goals (both tangible and abstract).<sup>1</sup>

As outlined in the Housing and Residential Intensification Study Recommendations Report (discussed in SRPD.09.086), direction for other policy matters, such as Section 37 of the *Planning Act*, is required. The Housing and Residential Intensification Study Recommendations Report noted that the Town may wish to include in its OP criteria that would guide Council on the approval of increased height and density provisions in return for the acquisition of a public benefit as outlined in Section 37 of the *Planning Act*.

Accordingly, the purpose of this staff report is to provide information on Section 37 of the *Planning Act* concerning the increased density of development and to recommend key policy directions for the new OP.

## OVERVIEW

When a municipality enacts a bylaw under Section 34 of the *Planning Act* to authorize an increase in height and/or density, Section 37 of the Act allows the municipality to acquire facilities, services or matters (often referred to as "community benefits") that are over and above those which would have been acquired by the other sections of the *Planning Act* and the *Development Charges Act*.

The *Planning Act* states that the acquisition of such community benefits may only occur provided that a municipality has an Official Plan in effect which contains policies related to the use of Section 37.

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<sup>1</sup> See Appendix "A" for Council approved OP Guiding Principles and Appendix "B" for Council endorsed Recommended Urban Structure

Though provided for in the *Planning Act*, no additional Provincial regulations or direction to guide the use and implementation of Section 37 have been provided. Furthermore, the *Planning Act* does not specifically define the benefits that may be acquired by a municipality through Section 37. However, these benefits must be above and beyond those acquired through the other provisions of the *Planning Act* and the *Development Charges Act*.

The City of Toronto has had the most experience with the use and implementation of the provisions of Section 37 of the *Planning Act*. However, other municipalities, such as the City of Ottawa and Town of Markham, have expressed interest in the use of this tool. Moreover, as part of their Official Review processes and in response to the *Places to Grow* legislation, many municipalities are now actively assessing the use and implementation of the provisions of Section 37 of the *Planning Act* (for details, see Appendix "C").

The Town has not yet utilized the provisions of Section 37 of the *Planning Act* as the current OP does not contain relevant policies on use and implementation of this section. The inclusion of such policies within the new OP will be required to take advantage of this tool.

Section 37 of the *Planning Act* provides the Town with a tool to acquire a variety of community benefits which may otherwise be difficult to fund or have no dedicated source. Though the type and number of community benefits to be acquired is limited, if the Town chooses to utilize and implement the provisions of Section 37, it should do so within a consistent framework and have guidelines on the use and application of this tool.

### **Provincial and Regional Policy Direction**

The *Planning Act* provides direction for the implementation of Section 37 policies. Section 37 of the *Planning Act* states as follows:

- 37. (1) The Council of a local municipality may, in a by-law passed under section 34, authorize increases in height or density of development otherwise permitted by the by-law that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law.
- (2) A by-law shall not contain the provisions mentioned in subsection (1) unless there is an official plan in effect in the local municipality that contains provisions relating to the authorization of increases of height and density of development.
- (3) Where an owner of land elects to provide facilities, services or matters in return for an increase in the height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters.
- (4) Any agreement entered into under subsection (3) may be registered against the land to which it applies and the municipality is entitled to enforce the provisions thereof against the owner, and subject to the provisions of the Registry Act and the Land Titles Act, any and all subsequent owners of the land.

The *draft* York Region Official Plan (2009) also provides direction for the use of Section 37 policies. It encourages local municipalities to utilize the provisions of Section 37 of the *Planning Act* as an incentive in local development to meet a number of Regional objectives, including

those related to compact, transit oriented development, affordable housing and LEED® development(s).

## Policy Considerations

The City of Toronto has the broadest range of experience in implementing the Section 37 provisions. In response to a number of rulings by the Ontario Municipal Board (OMB) and the complex nature of the negotiations process, Toronto brought forward two complimentary documents - *Implementation Guidelines for Section 37 of the Planning Act* and *Protocol for Negotiating Section 37 Community Benefits* – to assist in the implementation of increased height and/or density policies. Through its experience, Toronto has set many precedents for other municipalities also wishing to take advantage of the tools provided by this section of the *Planning Act*. A review of several OP policies across the GTA has noted some variation in the policy approaches selected (for details, see Appendix “C”). The major policy considerations are outlined below.

### *Types of Community Benefits Acquired by the Municipality*

- A review of Section 37 of the *Planning Act* underscores that this section does not specifically define the eligible community benefits that may be acquired by a municipality. However, the range of eligible community benefits that may be acquired by the municipality in exchange for the granted increase in height and/or density is limited and has been further scoped by the OMB through its rulings in the City of Toronto.<sup>2</sup>
- The community benefits must be capital facilities or cash contributions to achieve specific capital facilities; conversely, operating, programming and non-capital maintenance funds are generally not eligible under the facilities, services or matters wording of Section 37 of the *Planning Act*.<sup>3</sup> In some instances, where an agreement between the municipality and owner/developer is reached, contributions to municipality-wide funds have also been eligible.
- Recent research<sup>4</sup> in relation to increased height and density policies across Ontario provides an overview and comparison of the typical types of community benefits to be acquired through Section 37 policies. These policies can be grouped in the following categories:
  - *Housing* (including affordable, rental and special needs housing, long-term care facilities or retirement homes, which are often provided by Regional Governments but are seen as benefiting the local community);

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<sup>2</sup> Devine, Gasgrain and Sliwa, *Section 37: An Update on “Let’s Make a Deal” Planning* (Fraser Milner Casgrain LLP, 2008). 4.

<sup>3</sup> City of Toronto, *Implementation Guidelines for Section 37 of the Planning Act and Protocol for Negotiating Section 37 Community Benefits* (Toronto: City of Toronto, November 2007). 5.

<sup>4</sup> City of Kingston, *Draft Policies for Increased Height and Density Provisions*, Lance Thurston. (PC-08-34). (Kingston: City of Kingston, May 2008). 15-17.

- *Sustainability and Environmental Management* (including parkland, enhanced preservation of natural area systems, preservation of heritage resources, conservation of significant heritage features);
- *Infrastructure* (including the provision of roads and servicing and public transit which are over and above what would normally be addressed through the *Planning Act* and *Development Charges Act*); and,
- *Other Amenities* (including public art, community facilities, and any other public benefit included in a Council initiated study).

#### *Geographic Application of Section 37 Policies*

- There are two approaches to the geographic application of Section 37 policies. The first identified approach applies the increased height and/or density policies across the entire municipality and the second approach applies the policies to specific areas within a municipality, such as identified intensification areas.

#### *Approvals Must Reflect Good Planning*

- As previously discussed, the City of Toronto has had the most experience with the use and implementation of Section 37 policies. As clarified in its *Implementation Guidelines for Section 37 of the Planning Act* and *Protocol for Negotiating Section 37 Community Benefits*, all planning approvals, regardless of whether a community benefit is obtained, must represent good planning. The guidelines clarify that the purpose of acquiring a community benefit is not to mitigate an inappropriate increase in height and/or density provided through the planning approval.

#### *Determining the Community Benefits to be Provided*

- Generally there are two approaches by which community benefits may be determined:
  - The first approach is the “iterative approach” where the community benefits are proposed by either the developer or municipality and a negotiated settlement is reached. Acceptance by the municipality is often based on community needs in the geographic area of the development proposal or the ability to effectively contribute to a municipal-wide goal or endeavour. This approach considers that the community benefits to be acquired in exchange for the increase of height and density vary by proposal and area, among other factors.
  - The second approach is the “formula based approach.”<sup>5</sup> This approach applies a fixed set or range of conditions for every application for

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<sup>5</sup> City of Kingston, *Draft Policies for Increased Height and Density Provisions*, Lance Thurston. (PC-08-34). (Kingston: City of Kingston, May 2008). 8-10

increased height and/or density proposal within a specific area, usually defined by a preceding local area study. A numerical formula is provided, based upon a reasonable planning relationship between the justified community benefits and the anticipated development across the local area. Experience in the City of Toronto, where the formula based approach has been applied (i.e., in Downtown North York) has shown that applying a value based approach may provide a predictable array of community benefits to coincide with a determined increase in height and/or density permissions. Constraints in applying this approach across an entire municipality include potential legal challenges in relation to this approach being considered an illegal tax and the fact that the percentage of the dollar value of the extra density to be provided to the municipality to be used for a benefit must be justified as equitable and in reason.<sup>6</sup> Aside from a small number of local areas within the City of Toronto, other municipalities do not utilize this approach.

### *Assessing the Value of a Benefit*

- Likewise, the approach to assessing the value of the benefit to be provided also varies. While a value estimate for some community benefits such as the conservation of a heritage property may not be possible, the expertise of Staff or outside personnel, if deemed appropriate, may be required to assess the cost or value of a benefit acquired. The City of Toronto, for example, in its *Implementation Guidelines for Section 37 of the Planning Act* and *Protocol for Negotiating Section 37 Community Benefits* documents outlines that the financial impact section of planning reports brought forward with planning applications involving Section 37 should contain the cost or value of each benefit acquired.
- If the value of the benefit to be provided is to bear some relationship to the value of the increased height and/or density, the value of the height and/or density will also need to be understood. A typical protocol for assessing the value of the increase in height and/or density in the City of Toronto has been to use municipal real estate appraisers to calculate the increase in the value of the land associated with the increase in height and/or density and to use this valuation as the basis for calculating the value of the community benefit to be secured.<sup>7</sup> Alternatively, the expertise of Staff or outside personnel, such as an independent appraiser, may be obtained at the cost of the municipality or the developer/owner.

### *Amount of Increased Height and Density Permitted*

- The approach to the amount of increased height and/or density that is provided through Section 37 policies also differs across municipalities in the GTA. In the City of Toronto, limits on increased height and density (or caps) are not addressed in the City's OP, but are instead dealt with in the zoning by-law and any applications to amend it. Within the City of Toronto's OP, policies are qualitative,

<sup>6</sup> City of Kingston, *Draft Policies for Increased Height and Density Provisions*, Lance Thurston. (PC-08-34). (Kingston: City of Kingston, May 2008). 8.

<sup>7</sup> GHK International Ltd., *Section 37 Official Plan Policies*, John Gladki (MI 510). (Markham: Town of Markham). 17.

describing the type, intensity and quality of anticipated development rather than prescribing numbers. The alternative approach provides a height and/or density limit in the OP policy and the zoning by-law. The Town of Halton Hills, for example, has capped the maximum amount of height and/or density that may be provided under its Section 37 policies.

#### *Size Thresholds for the Application of Section 37 Policies*

- The approach to development size thresholds beyond which Section 37 policies apply also vary. Within the City of Toronto, Section 37 policies apply to developments over 10,000 square metres in size, with an increase in density of at least 1,500 square metres over what would be permitted as of right through the zoning by-law. In the City of Ottawa, the size threshold is not listed in the OP, but is to be included in its forthcoming guidelines, which anticipate developments over 2,500 square metres to be subject to Section 37 policies provided that the density increase amounts to more than 25% of a project's Gross Floor Area. Other municipalities do not include a threshold, but recent work by the Town of Markham recommended the inclusion of a threshold in the Section 37 by-law in the range of 2,500 to 5,000 square metres.<sup>8</sup> This was to highlight that smaller developments would not be subject to Section 37 provisions.

#### *On- and Off-Site Community Benefits*

- The approach to the provision of on-site and off-site community benefits is fairly consistent. Most policies reviewed include wording in relation to a reasonable planning relationship between the community benefits to be acquired through Section 37 and the proposed development that is to be the recipient of an increase in height and/or density. Precedent for this has been set by the City of Toronto, which identifies in its policies that a geographic relationship must exist between the off-site provision of community benefits and the development site. However, in its *Implementation Guidelines for Section 37 of the Planning Act* and *Protocol for Negotiating Section 37 Community Benefits* documents, it notes that where a City-wide fund exists, the geographic proximity "test" may not need to be met and the City can meet its more general City-wide objectives. Such an approach provides the City with the opportunity to apply community-wide benefits to existing funds and satisfy the reasonable planning relationship test.

#### *Staff Leadership and Consultation*

- Generally, within the OP policies reviewed, there is wording which directs Planning Staff to lead and/or be involved in discussing or negotiating Section 37 community benefits with owners/developers. Likewise, prior to negotiation, the Ward Councillor may be consulted to provide input on the determination of community benefits to be acquired for the community, if he or she wishes.

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<sup>8</sup> GHK International Ltd., *Section 37 Official Plan Policies*, John Gladki (MI 510). (Markham: Town of Markham). 16.

## KEY ISSUES

Based on the research conducted in relation to Section 37 policies within the Town's new OP, the following key issues for Section 37 policies have been identified:

- The geographic area within which the Section 37 policies will apply needs to be defined. There are two approaches to this: the first applies the policies across the entire municipality and the second applies them in specific areas within the municipality. Applying the increased height and density policies within specific areas may provide additional incentives for development to occur within these areas.
- Section 37 of the *Planning Act* does not specifically define the community benefits that may be acquired by a municipality through the Section 37. As research conducted by Staff suggests, a variety of community benefits may be acquired through the increased height and/or density policies. The community benefits outlined in the policy should be consistent with the OP Guiding Principles, the Council endorsed urban structure and should be guided by the findings of the Major Policy Directions Report (SRPD.09.086), with particular consideration provided to the directions of the Housing and Residential Intensification Study. It should also be noted that the range of community benefits listed in the OP represents typical community benefits and is not exhaustive – other community benefits not specifically listed in the OP may also be secured, provided that these have been identified through a Council initiated study (such as a Community Improvement Plan).
- An approach to determining the type of benefits acquired through the Section 37 will also need to be selected. As research conducted by Staff has noted, there are two approaches utilized: the “iterative approach” and the “formula based approach.” The “iterative approach” is the most widely used approach to assessing the level or value of a benefit, allowing for assessment of an Section 37 proposal and the community benefits to be acquired by the municipality in exchange for the increased height and/or density on a site by site basis. If and when an application dealing with Section 37 policies is brought forward, the Town, through its policies, should outline that the application include a financial summary of the cost or value of community benefits to be acquired.
- The policy should only be utilized for projects with proposed building areas that exceed a minimum threshold size and propose an increase in density beyond a specific minimum amount.
- Staff expertise will be required in Section 37 negotiation and implementation. Planning Staff responsible for the processing of development applications will need to provide leadership in negotiations and staff across other departments will be required to provide input with respect to a number of issues, including assessing the level, value and types of community benefits to be acquired.

## RECOMMENDED KEY POLICY DIRECTIONS

It is recommended that Section 37 policies be included in the new OP. The types of community benefits to be acquired through Section 37 provisions should be above and beyond those that

would otherwise be provided through the Planning Act or the Development Charges Act, and may include:

- substantial contribution to the tree canopy;
- the provision of increased amounts of on-site open space or facilities such as day care centres, community centres, recreational facilities;
- the provision of affordable, rental and/or special needs housing including housing for senior citizens;
- enhanced connections to transit facilities;
- enhanced local improvements to transit facilities;
- additional road or servicing improvements;
- provision of public parking facilities;
- public art;
- non-profit cultural facilities; and,
- other local improvements identified in Council initiated studies.

The Town's Section 37 policies may:

- Limit the application of Section 37 provisions to appropriate elements within the urban structure with the aim of acquiring a specified range of benefits in these areas. While it is anticipated that the OP will provide general direction for these components, the Secondary Plans or area studies for these elements of the urban structure will provide more specific direction for the application of Section 37.
- Ensure that increases in height and/or density are based on the following:
  - Good Planning Principles – the proposal should respect and reflect good planning principles in terms of appropriate densities and building form. The increased height and/or density should support the Council endorsed urban structure, improve the quality of life of the community, and the community benefits acquired should impact the area where the development is located.
  - Establishment of a Planning Relationship – the increased height and/or density of development should illustrate a reasonable planning relationship between the proposal and community benefits. A planning relationship exists if the contributing development and the local community benefit from the amenity or facility. Also, the community benefits to be acquired may be provided off-site, but should be located in close geographic proximity to the proposal.
- Determine minimum building size thresholds as well as minimum increases in height and/or density that would invoke the application of the Section 37 policies.

## **CONCLUSION**

The Report reviews Provincial and Regional policy direction, provides an overview of research and findings and identifies key issues related to use of Section 37 of the *Planning Act* when considering increased height and/or density of development. Through a synthesis of this information, the Recommended Key Policy Directions Report for the Town's new Official Plan on the Use of Section 37 of the *Planning Act* outlines recommended policy directions for Section 37 policies that will guide Staff in developing policies for the new Official Plan.

## **FINANCIAL/STAFFING/OTHER IMPLICATIONS:**

The Recommended Key Policy Directions Report for the Town's new Official Plan on the Use of Section 37 of the *Planning Act* was completed by Staff as part of the Official Plan Review. There are no financial/staffing/other implications.

## **RELATIONSHIP TO THE STRATEGIC PLAN:**

This staff report is consistent with the Strategic Plan – *A Plan for People, A Plan for Change*, which was approved by Council April 27, 2009.

## **NEXT STEPS:**

It is recommended that this staff report be received by the Official Plan Task Force with comments referred back to Staff for consideration in the preparation of the draft new Official Plan. Copies of the report will be made available to the public on the Town's website for information.

## APPENDIX CONTENTS

### **“A” Official Plan Guiding Principles - (approved by Council March 23, 2009)**

#### **Complete Communities**

- Create an integrated, vibrant and diverse community that provides a mix of land uses, including a balance of housing, employment, community services, parks and open spaces.
- Direct growth to built-up urban areas with existing infrastructure and services in a network of centres and corridors.

#### **Environment**

- Protect and enhance natural environmental systems, functions and resources over the long term.
- Incorporate and promote sustainable development practices and initiatives.

#### **Economy**

- Promote economic vitality and provide for a balanced and diverse range of employment opportunities.
- Protect employment areas over the long term.

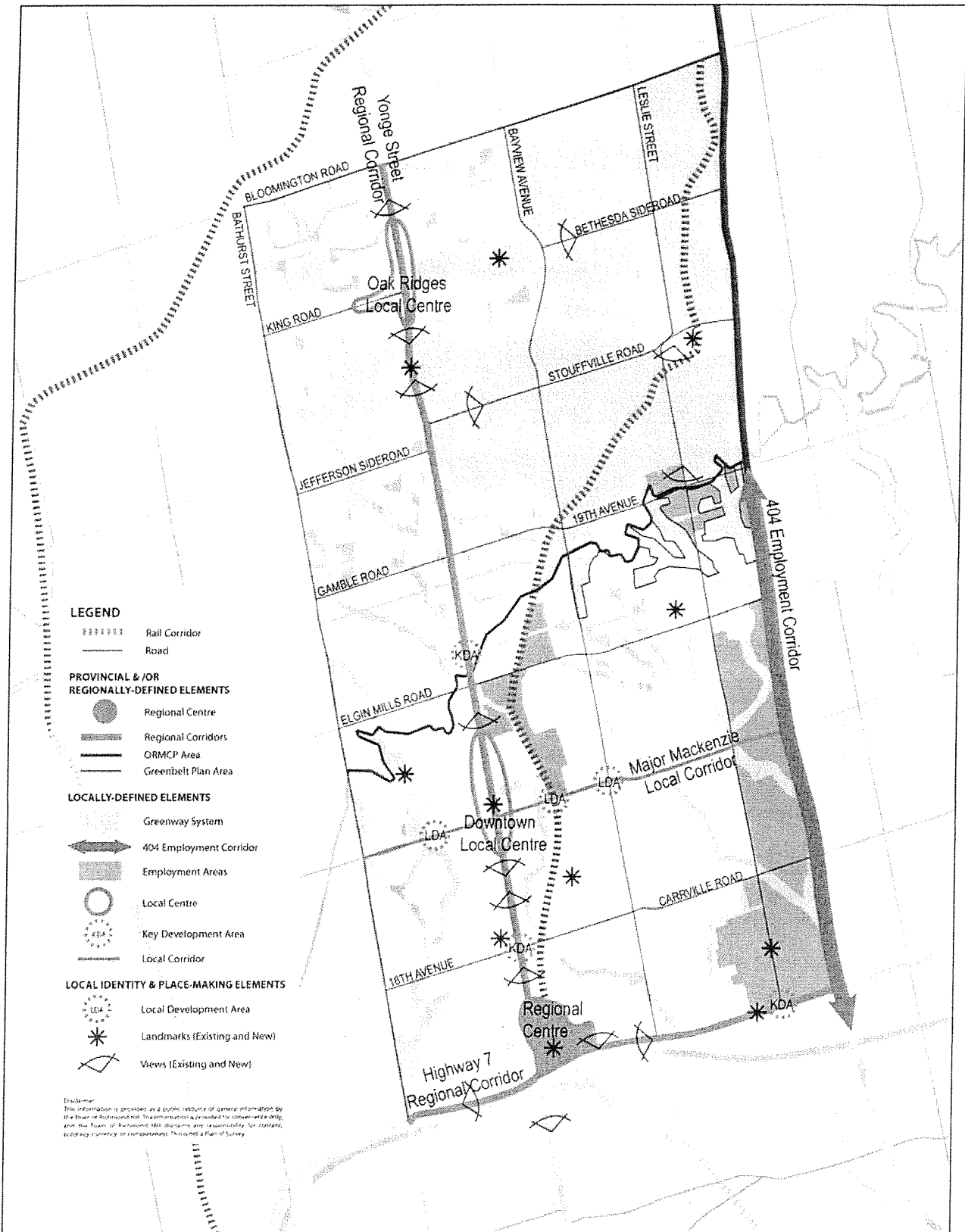
#### **Place-making**

- Recognize and enhance the inherent and unique aspects of Richmond Hill and create focal points, gateways, experiences and landmarks.
- Strive for design excellence in the public and private realm.

#### **Connectivity and Mobility**

- Plan for transit and pedestrian oriented development.
- Promote connectivity, mobility and accessibility within and between neighbourhoods, employment areas, parks and open spaces.

“B” - Council endorsed Recommended Urban Structure



## “C”– Summary of Various Official Plan Policies

To understand policy approaches to Section 37 provisions, a review of several legislative and Official Plan documents was undertaken. A brief synopsis is provided below:

- **City of Toronto** (2007 - *Implementation Guidelines for Section 37 of the Planning Act and Protocol for Negotiating Section 37 Community Benefits*)
  - The City of Toronto has the most experience with implementing Section 37 policies, as over 200 developments have contributed facilities or services in exchange for increased density. In the city, increases are triggered by applications to amend the Zoning By-law. Ontario Municipal Board (“OMB”) rulings in some instances have scoped the City’s ability to request certain community benefits based on their nature or geographic location. This has been reflected in updated wording within the City’s implementation guidelines which highlight the need for a geographic relationship to exist between a development and requested community benefits.
  - Applications are assessed in terms of appropriateness with respect to Official Plan objectives. Following this, it is determined if the application meets the criteria for appropriate built form to ensure that the proposal contributes positively to the growth of the City.
  - Section 37 community benefits are negotiated with the applicant through the use of the City’s Official Plan policies on the matter in conjunction with the *Implementation Guidelines for Section 37 of the Planning Act and Protocol for Negotiating Section 37 Community Benefits* documents that were approved by City Council in Nov. 2007. These are the only comprehensive guidelines of this kind in Ontario, though the City of Ottawa is exploring a similar approach.
  
- **City of Ottawa**
  - The City includes in its Official Plan Section 37 policies and has brought forward guidelines to assist in the implementation of increased height and/or density incentives. Though the guidelines were not included in the Official Plan, Staff have been directed by Council to bring forward a report on the matter in Winter 2009.
  
- **City of Kingston** (2009 *Official Plan, adopted by Council*)
  - In October 2008, the City’s Planning Department brought forward a staff report detailing Draft Policies for Increased Height and Density Provisions. To understand which public community benefits were to be included in the increased height and density provisions, the City conducted public consultation on this as part of the Official Plan Review.
  - The City of Kingston has not used Section 37 in the past, though policies existed in the various Official Plans that covered the City and Township of Kingston.
  - Draft policies proposed in 2008 include a comprehensive list of community benefits which may not elsewhere be acquired through the *Planning Act* and Development Charges Act, including green technology and sustainable architecture and alternative construction alternatives such as

'green roofs' and LEED certified buildings. The list is the most comprehensive and detailed of those reviewed as part of this review.

▪ **City of Mississauga**

- In order to implement some of the policies of the Mississauga Plan, and in exceptional circumstances, City Council may pass by-laws ("bonus zoning") permitting increases in height and/or density for development permitted by this Plan and/or comprehensive Zoning By-law to enable the City to secure specific amenities that benefit the City. These by-laws are intended to act as an incentive to encourage developers to provide specific amenities subject to a number of criteria.
- Only a limited set of criteria to assess the appropriateness of increased height and/or density are provided, including land-use compatibility, adequacy of servicing, contributing to urban design policies etc. Off-site community benefits are permitted but must demonstrate a positive impact on the development.

▪ **Town of Markham (2009)**

- In May 2009, the Town of Markham brought forward the Section 37 Policies and Guidelines staff report following a series of applications for additional density and height over and above the limits contained in the Town's secondary plans.
- The Town has no previous experience with applications for bonus densities and is interested in assessing whether it would be appropriate to apply the provisions of Section 37 to secure a range of community benefits in return for bonus height and/or density.
- The proposed provisions outline an expanded list of community benefits that could be achieved through negotiations with a property owner, and implemented by way of a site specific zoning by-law amendment and an agreement between the owner and the Town provided:
  - there is a reasonable planning relationship between the proposed benefit and the increase in height and density;
  - the development represents good planning, is consistent with the other objectives of the Official Plan and meets all applicable built form and neighbourhood compatibility objectives; and,
  - there is adequate infrastructure.

▪ **Town of Halton Hills (2008)**

- The Town's Official Plan (2008) contains policies for height and density bonusing, permitting Council to pass a by-law that increases the maximum density and/or height permitted by the Official Plan for medium and high-density residential development if the increase will result in the provision of a significant public benefit that would have not otherwise been realized."

- Bonusing within the Town's Official Plan is scoped by "caps" or limits imposed on the amount of bonus height and/or density which may be granted, with no bonus being granted that: increases the density of development in the Medium Density Residential Area by more than 20 percent; increases building height in the Medium Density Residential Area by more than two storeys; increases the density of development in the High Density Residential Area by more than 50 percent; and, increases building height in the High Density Residential Area by more than four storeys.
  
- **Town of Oakville** (2009 *Official Plan, adopted by Council*)
  - The Town's Official Plan (2009 *draft*) contains policies for "Bonusing (Bonus By-law)" in the Implementation and Interpretation section of the Town's *draft* Official Plan entitled 'Liveable Oakville.'
  
  - The recommended policies were provided in part by a legal consultant and incorporated wording speaking to an overall statement on Town priorities (used to guide community benefits obtained through Section 37), specific policies for each 'Growth Area' in Oakville (listing specific community benefits to be gained there) and Section 37 triggers. Guidance on determining the exchange rate and value of community benefits received in the form of a contribution is provided where the percentage of the value of each additional unit is used to determine the value of the contribution.

