The Corporation of the
TOWN OF MILTON

Report to: Chair & Members of the Community Services Standing Committee
From: Jennifer Reynolds, Director, Community Services Department
Date: September 8, 2008
Report No. COMS-035-08

Subject: Policy Update-Park Development Methods - The Process of Capital Park Projects Constructed by Developers on Behalf of the Town

RECOMMENDATION: THAT Staff Report COMS-035-08 regarding the Policy for Park Development Methods - The Process of Capital Park Projects Constructed by Developers on Behalf of the Town be received as information;

AND THAT the updated Park Development Methods Policy, Attachment A be approved and replace the previous Policy (C/S 50-00);

AND THAT the Director of Community Services or their designate have the delegated authority to make minor revisions to the Parks Development Policy as required.

EXECUTIVE SUMMARY

The Community Services Department is recommending that the Policy for Parks Development Methods be updated to continue to permit developers the option of constructing Trails, Linear Parks and Village Squares that are located within their respective plan of subdivision. Following consultation with staff and the development industry, staff is recommending the existing policy be updated in the following manner:

- add Trails and Linear Parks to list of park assets that may be constructed by the development community
- delete Neighbourhood Parks from the list of park assets that may be constructed by the development community
- make the process more reflective of current practices and requirements
- delete editorial comments
REPORT

Background

Through Council Resolution REC.No.C/S 50-00 regarding the Park Development Methods Policy, the Community Services Department has delegated authority to select the development method for growth related park development.

Through Council Resolution #154-07, Town staff is to review the Park Methods Development Policy and report back to Council.

According to the Town Park Classification System, new park development involves a range of park assets including Village Squares, Linear Parks and Trails, Neighbourhood Parks, District Parks and Community Parks. Such development is undertaken using two different design and development approaches being: “Town Built” or “Developer Built”.

Currently, the Park Development Methods Policy permits developers to construct village squares and neighbourhood parks. Historically, of all the developers, Mattamy Homes has built most facilities under the policy including the following:

- 1 Neighbourhood Park
- 13 Village Squares
- 1 Linear Park
- 1 Trail segment

Two additional village squares have been built by other developers on behalf of the Town. Sinclair Village Square was built by Cancast Inc. and Holoway Village Square is currently being constructed by Heathwood Homes. Other developers prefer to leave the park asset development to the municipality.

Discussion

As part of the review process, in May 2008, staff circulated a copy of the existing Park Methods Development Policy to registered developers within the community to gauge the degree of interest in the policy and then seek input from those who wish to participate, on possible document changes.

Nineteen developers were contacted and one written submission was received from STLA (consulting landscape architects) on behalf of Mattamy Homes. In summary,
Mattamy Homes is interested in constructing larger scale Neighbourhood and Community Parks in addition to what they currently construct. Refer to Schedule B.

For smaller scale projects such as Village Squares or Trails, a developer may choose to advance the construction to support their marketing program and to provide the new residents with a safe public space in an environment otherwise impacted by ongoing construction. Such projects do not go through the public consultation process and may be completed quickly over a 3 month period. Often the general public that would comment on such proposals are not available because homes in the subdivision are in the process of being built.

Undertaking trail development earlier in the subdivision process may also be cost effective as it allows a better coordination with grading and stabilization where a trail may be constructed within an open space/watercourse corridor. Staff is supportive of allowing developers to construct park assets as requested, providing past performance has been acceptable to the Town.

For the larger scale, more complex projects, such as Neighbourhood, District and Community Parks, the Town has direct control of the process including conceptual design, public input, detailed design, construction and contract administration. Historically this process has worked extremely well as the Department typically designs in one year, allowing public consultation and input. Construction would then proceed the following year, subject to capital budget approval. This process for larger park assets allows Town staff greater design flexibility and allows staff to offer the best service, in the interests of the larger Milton community and not just a specific subdivision phase or geographic area. These parks also typically contained sports fields and other amenities which are provided based upon close consultation with user groups. For these reasons staff is recommending that Neighbourhood Parks, District Parks and Community Parks remain the responsibility of the Town to construct.

Whether a developer chooses to build a park asset or not, through the subdivision agreement, the developer is typically required to convey the parkland and bring it up to a base condition which may include not be limited to: rough grading, topsoil, seed/ sod servicing, signage and security fencing. Such work shall be done in accordance with the Town’s Engineering and Parks Standards Manual which is updated on a regular basis.

The Community Services Department continually monitors park development and through the Department Master Plan, the 10 year capital budget forecast as well as individual subdivision agreements, ensures that land is acquired and that parks are constructed in a timely fashion to meet resident’s needs. The Town also has obligations related to timing of these parks and facilities as outlines in the Official Plan, Secondary Plans and approved Financial Agreements.
Relationship to the Strategic Plan

Goal: Well managed growth, well planned spaces.

Direction: Ensure that hard and soft services needs are identified up front and then appropriately prioritized and delivered either before or at the same time as new development.

Financial Impact

Developers are required to front end the cost for the design and construction of a park asset if it is allowed to proceed with the project earlier than the Town’s annual capital budget permits. Park development proposals and associated estimates are carefully reviewed by Town staff to ensure they are acceptable and in accordance with the Engineering and Parks Standards Manual as revised. Clauses within the subdivision agreement also stipulate the amount of repayment to the developer so upset project costs are known. Documentation related to payment certificates is also required prior to the Town reimbursing the developer.

Repayment to the developer is set to coincide with Council’s Capital Budget process (the year in which the Town would have built it) so a developer may be required to wait several years before repayment is made. Depending on the project size also (i.e. trails) the total project repayment costs may be spread out over several years.

Department staff works closely with the developer’s consultant throughout the process to ensure the approved plans are implemented correctly, bids are competitive and within allocated budgets. Town staff is directly involved in routine site inspections, final acceptance of the work and approval of repayment invoices in accordance with specified terms and conditions.

The developer is required to follow the Policy which includes competitive bidding. Although it is not a “public “ tender, the developer typically has a range qualified contractors who they seek bids from. Developers indicate that in some cases, cost savings can be expected if they are able to roll all the landscape works within the subdivision (tree planting of streets/ ponds/ asphalting / sodding ) into one large bid so lower unit prices may be achieved.
All developer built assets are monitored to ensure project budgets are respected and the final quality of the product meets specification. Non conformance of these requirements may result in the developer not being granted permission to build park assets. To date, staff has been satisfied with the project management and the quality of the Village Squares, Linear Parks and Trails constructed by the development community.

Respectfully submitted

Jennifer Reynolds,
Director, Community Services

If you have any questions on the content of this report contact: John Bryant, Manager Parks and Open Space, EXT. 2160


CAO Approval: ______________________________
Schedule A – COMS 035-08

Park Development Methods Policy (replaces Policy as approved through COMS-50-00)

Executive Summary

Park assets are designed and built in the Town of Milton under the direction of Parks and Open Space staff, within the Community Services Department. The park assets that are permitted to be built by the development community are Trails, Linear Parks and Village Squares.

The development community builds park assets under the direction and guidance of Parks and Open Space staff only within their respective plan(s) of subdivision. The option to allow the development community to build a park asset is entirely at the discretion of the Town.

If Town staff determines that the design and development of the park asset by the developer is acceptable, the Town will be involved in the development during the entire process from initial facility fit concept through to the final completion of the project.

This policy is a framework tool that details the process of park development by both the Town and the developer. Included in this framework is an outline of responsibilities before and after the registration of the plan of subdivision, that the park asset is located.

Before Registration of the Plan of Subdivision

Developer Responsibilities - (Developer Built Park Asset)

1.1 Submit formal request to build park asset in the form of a letter to the Manager, Parks and Open Space.

1.2 Developer and his/her landscape consultant to meet and review draft plan conditions and plan requirements with the Coordinator, Parks Planning.

1.3 Submit tree preservation plans; preliminary grading and servicing drawings, facility fit drawings and preliminary estimates for Town review.

1.4 Developer’s Landscape consultant to create park concept plans and evaluate concepts with Town staff to ensure that the final concept is in accordance with approved Town programming needs.

1.5 Developer’s Landscape consultant to prepare rendered plan drawing for the Development Review Committee, general public and Council as required by Town staff.

1.6 Work with the Town’s Parks and Open Space staff and Corporate Services staff to approve and incorporate servicing agreements for cash contributions, restrictions on building permits, warning clauses, park development securities, development charge credits, perpetual maintenance fee requirements and any other obligations to be included in the subdivision agreement in which the new park asset is to be built.

as revised September 2008
1.7 Review landscape working drawings and specifications to ensure appropriateness and compliance with current Town standards; Town to check for accuracy and completeness; circulate drawings as directed by Town staff.

1.8 Ensure that the final landscape drawings for the whole subdivision phase, which includes the park asset, are coordinated with the approved engineering submission for the subdivision.

1.9 Ensure that the park block base conditions are met prior to building the park including but not limited to: surface and subsurface drainage, electrical service, water service and other infrastructural needs as per Town staff and the requirements detailed in the Engineering and Parks Standards manual as revised.

2.0 Important Note: whether the park asset is built by the Town or by the developer, it is always the developer's responsibility to ensure that the park asset is in accordance with the following:
   i) Proposed grading and subsurface drainage infrastructure meets minimum base condition requirements as per the Engineering and Parks Standards manual as revised.
   ii) Proposed runoff coefficient for park block is adequate to meet the facility fit program within the subdivision phase to be registered and no stormwater is to remain on site.
   iii) Adequate capacity exists in the subdivision phase to safely handle all stormwater runoff from park block upon completion of final construction.
   iv) Stormwater management and traffic management to be designed (including submission of design calculations) and certified by developer's consultant, to meet the Town of Milton's Engineering Department's requirements.

2.1 Park construction will not commence until all of the final landscape subdivision mylar drawings are signed by the Director of Community Services and Manager, Parks and Open Space. Works performed above the base condition (as outlined in the Engineering and Parks Standards manual) prior to the final approval of the signing authorities above, is at the risk of the developer and may be subject to change pending final approved drawings.

**Town Responsibilities - (Town + Developer Built Park Asset)**

2.2 Respond in a timely manner to formal request to build park asset by developer if required.

2.3 Review and comment on draft plan and submit parkland needs to the Planning and Development Department, Engineering Services Department, and Developer.

2.4 Review consultants* tree preservation plans; preliminary grading and servicing drawings, facility fit drawings and preliminary estimates for approval.

2.5 Aid in the creation of park concept plans and evaluate concepts with appropriate Town staff to ensure that the final concept is in accordance with approved programming needs and relevant planning reports.

as revised September 2008
2.6 Review and evaluate park plans for compliance with current Community Services Master Plan and / or relevant Park plan updates; submit and/or host an open house meeting with the consultant’s* rendered plan drawing for the Development Review Committee, general public and Council as required.

2.7 Determine/approve servicing agreements for cash contributions, restrictions on building permits, warning clauses, park development securities, development charge credits, perpetual maintenance fee requirements and any other developer obligations to include in the subdivision agreement in which the new park asset is to be built.

2.8 Review consultants* landscape working drawings and specifications to ensure appropriateness and compliance with current Town standards; check for accuracy and completeness; circulate drawings as required for internal comment from Parks and Open Space capital project staff as well as meet with other Town departments if a conflict arises within their scope of responsibility.

2.9 Ensure that the final landscape drawings for the entire subdivision phase, which includes the park asset, are coordinated with the approved engineering submission for the subdivision phase.

3.0 Work with the developer to ensure that park block base conditions are met such as but not limited to: surface and subsurface drainage, electrical service, water service and other infrastructural needs as per Town staff and the requirements detailed in the Engineering and Parks Standards manual as revised.

3.1 Important Note:
Whether the park asset is built by the Town or by the developer, it is always the developer’s responsibility to ensure that the park asset is in accordance with Section 2.0.

After Registration of the Plan of Subdivision:

Developer + Town Responsibilities - (Town + Developer Built Park Asset)

3.2 The Town and Developer are both responsible to initiate a fair and transparent tender/bid process to the satisfaction of the Town’s Community Services Department and Corporate Services Department.

3.3 Town Parks and Open Space staff with select Corporate Services staff will review, comment and refine consultant/staff tender package, short-listing of contractors, and also schedule a meeting with stakeholders to review bids prior to awarding the contract to build the park asset. Consultant will make recommendations to award contract to Manager of Parks and Open Space who will in turn consult and coordinate the award of the contract with the Manager of Purchasing.

as revised September 2008
3.4 Town staff and consultant* to advertise / organize further public consultation or consultation with user groups as required.

3.5 The Developer is to ensure that all base condition requirements, as outlined in the Engineering and Parks Standards Manual, are met including but not limited to: fencing off of park asset with page wire fence and installation of ‘no dumping’ signs and block identification signs prior to building permit issuance in the subdivision phase to ensure that the park block is protected from surrounding construction activity.

3.6 A reduction in Park base condition securities will be considered, by the Manager, Parks and Open Space upon written certification from the subdivision engineering consultant that all requirements have been completed and that the site has been secured.

3.7 Schedule and record weekly park construction meetings and inspections with select Town staff and landscape consultant* as advised by the Manager, Parks and Open Space.

3.8 Consultant* to work with Town staff to inspect tree preservation hoarding, fencing, clean up of the site and other preconstruction issues prior to site alteration, to ensure compliance with the approved plans as required.

3.9 Consultant* to provide construction inspection certification at substantial performance, and final completion of park development and these documents are to be approved by Town staff for any remuneration / reimbursement.

4.0 Town to inspect park asset to initiate final completion certificate. Consultant to submit all relevant documents including but not limited to playground maintenance manuals, as-built drawings, lien and title search, irrigation information, tree preservation/management documentation, perpetual maintenance information etc.

4.1 Town to initiate final remuneration / reimbursement where required in accordance with allocated and approved budget/fee schedule.

4.2 Town staff to work with consultant* and Operations staff to ensure that the park asset is maintained during the transition period between developer and Town ownership.

4.3 Town Parks and Open Space staff to complete an “Operations Checklist” in order to submit the details of the park asset maintenance requirements to the Engineering Services Department for future park maintenance and care.

- Consultant(s) - Referring to either the developer's or the Town's landscape architect or arborist who is retained for site assessment and park asset development.

as revised September 2008
Mr. John Bryant  
Manager, Parks and Open Space  
Community Services  
Town of Milton  
43 Brown Street  
Milton, Ontario  
L9T 5H2

Re: The Process of Capital Projects Constructed by Developers  
On Behalf of the Town  
Review of Park Methods Policy

Dear Mr. Bryant,

We would like to first begin by thanking you for the opportunity to respond to this policy review. As requested we offer the following for your review and consideration. We concur the policy is working well and that building park amenities in advance is a positive attribute of Mattamy developments that benefit both the residents and the municipality.

We believe larger scale projects such as neighbourhood and community parks would also benefit from this approach and allow us to fully build out Mattamy communities. This expanded partnership between developer and Town would also enable Town staff to oversee a larger number of projects on an annual basis with the number of projects being proportionally increased to the pace of development.

The challenge lies as you have mentioned in the annual and long range forecasting of capital projects. As a developer's consultant who prefers to build the landscape amenities we would be happy to be involved in the long range forecasting as it pertains to Mattamy's development lands. Perhaps the forecasting model needs to have some provision for developer build parks such as a percentage of parks development budget dedicated to developer build projects.

As a Landscape Architecture firm (NAK/STLA) who has extensively used the process we find it works fairly and in a timely and cost effective manner. It allows Mattamy's consultants to work closely with City staff to provide a quality final product for the residents and municipality.

Yours truly,

George Antoniuk – STLA Inc.
c/o Mattamy (Brownridge) Ltd.

cc. – Silvano Tardella, Paul Di Profio – STLA inc.  
Frank Bon - Mattamy (Brownridge) Ltd.