

To: Development Services Committee

From: Warren Munro, HBA, RPP, Commissioner,
Development Services Department

Report Number: DS-21-226

Date of Report: November 24, 2021

Date of Meeting: November 29, 2021

Subject: Response to Motion DS-19-200 Regarding the Construction of
New City Parks in New Subdivisions and Motion DS-21-134
Policy Regarding the Completion of Area Parks and Trails

Ward: All Wards

File: B-1000-0045

1.0 Purpose

On October 21, 2019, the Development Services Committee referred the following Notice of Motion (DS-19-200) to staff for a report:

“That the Commissioner, Development Services Department draft a policy for Council to review and determine implementing that will ensure new city parks are constructed at the same time new subdivision roads are constructed in order that new residents are best served in a timely way with park amenities.”

On June 7, 2021, the Development Services Committee considered the following Notice of Motion (DS-21-134):

“Whereas the most effective time to complete parks and trails is early in a development project;

Now therefore staff develop the wording of a clear policy that ensures builder/developers are responsible for the timely completion of area parks and trails in new residential development so that any growing dissatisfaction from delays is avoided.”

On June 7, 2021, in response to the consideration of DS-21-134, the Development Services Committee directed that staff report back to the Development Services Committee concerning DS-21-134 sometime in the fourth quarter of 2021.

The purpose of this Report is to respond to DS-19-200 and DS-21-134 and recommend that Council maintain the status quo and maintain the current policy that enables

developers to request that Council authorize the developer to finish the park. In addition, this Report recommends that Council maintain the current policy that requires developers to construct trails in new subdivisions.

Attachment 1 is a copy of Report DS-00-110 dated June 8, 2000 regarding the development of Neighbourhood Parks in new subdivisions.

Attachment 2 is a copy of Report DS-00-185 dated September 7, 2000 dealing with a proposed policy on the timing of development of Neighbourhood Parks in new subdivisions, which was adopted and functions as the City's current policy in regard to the development of Neighbourhood Parks in new subdivisions.

Attachment 3 is a comparison chart summarizing other municipalities' policies and procedures for park development in new plans of subdivision.

Attachment 4 is a copy of the minutes from the October 29, 2019 Building Industry Liaison Team ("B.I.L.T.") meeting dealing with the above-noted matter.

Attachment 5 is a copy of correspondence dated November 26, 2019 from the Durham Region Home Builders' Association ("D.R.H.B.A.") responding to the B.I.L.T. meeting minutes of October 29, 2019.

Attachment 6 is a copy the correspondence dated July 14, 2021 to B.I.L.T requesting feedback on a New Park Development policy.

Attachment 7 is a copy of correspondence dated July 29, 2021 from Jeffery Homes, responding to the request for B.I.L.T. feedback and opposing a change to the current park development policy.

Attachment 8 is a copy of correspondence dated August 5, 2021 from Podium Developments, responding to the request for B.I.L.T. feedback and opposing a change to the current policy on new park development.

Attachment 9 is a copy of correspondence dated August 12, 2021 from D.R.H.B.A., responding to the request for B.I.L.T. feedback and opposing a change to the current policy on new park development.

Attachment 10 is a copy of correspondence dated August 12, 2021 from Delta Urban on behalf of the Columbus Landowners Group, responding to the request for B.I.L.T. feedback and opposing a change to the current policy on new park development.

2.0 Recommendation

That the Development Services Committee recommend to City Council:

1. That, pursuant to Report DS-21-226 dated November 24, 2021, the City maintain its current policies that relate to the timing of development of new neighbourhood parks in new subdivisions and that enables developers to request that Council authorize the

developer to finish the park including any playground facilities and appropriate park furniture.

2. That, pursuant to Report DS-21-226 dated November 24, 2021, the City maintain its current policy that requires developers to construct trails in new subdivisions in a timely manner, to the satisfaction of the Commissioner of Development Services and the Commissioner of Community Services.

3.0 Executive Summary

Not applicable.

4.0 Input From Other Sources

The following have been consulted in the preparation of this Report:

- Commissioner, Community Services
- Commissioner, Finance Services
- Town of Ajax
- Municipality of Clarington
- City of Pickering
- Town of Whitby
- City of Hamilton
- City of Ottawa
- Town of Milton
- B.I.L.T.

The results of staff's consultation with the above-noted municipalities are contained in Attachment 3, which provides a comparison of other municipalities' policies for park development in new plans of subdivision.

The results of staff's consultation with B.I.L.T. are outlined in Section 5.6 of this Report as well as in Attachments 4 to 11.

Similar to the current policy in Oshawa, the municipalities noted above provide developers with an option to finish a park that is located in a new plan of subdivision.

The developers are responsible, as part of the subdivision agreement, to provide a "basic" park. This includes items such as the installation of stormwater servicing, rough grading, topsoil and fine grading, sodding and fencing.

Furthermore, park development remains an option to the developers in other municipalities given that many developers are not willing to accept the additional front-end costs, duties and liabilities associated with finishing a park.

5.0 Analysis

5.1 Parks

5.1.1 Legislative Framework Regarding Parkland Dedication

The Planning Act provides for the City to take parkland dedication or cash-in-lieu of parkland for all new development, including new subdivisions in the City of Oshawa. For residential subdivisions the City will typically take either 5% of the land area or an alternative land area dedication based on a rate of one hectare (2.47 ac.) for every 300 dwelling units, a cash-in-lieu payment based on a rate of one hectare (2.47 ac.) for every 500 dwelling units or a combination of land and cash-in-lieu of parkland.

The Development Charges Act sets out the parameters under which the City may collect Development Charge funds for the establishment of parks. These funds are collected for both the design and construction of new parks and the introduction of new features as a component of the redevelopment of existing parks.

Generally, the City determines where new parks are to be located at a high level through an iterative and consultative process during the preparation of new Part II Plans for greenfield areas in the City (e.g. the Kedron and Columbus Planning Areas). Any developer submitting a new plan of subdivision in Oshawa is required to meet the full dedication of parkland, cash-in-lieu of parkland or combination thereof, permitted under the Planning Act. It is important to note that not all new draft plans of subdivision will contain a park as the size, locations, shapes and distribution of parks is arranged to best suit the needs of the overall community.

For the purposes of this Report, the term 'park' refers both to Neighbourhood Parks and Parkettes, but does not include Community Parks, City Parks or Regional Parks. Neighbourhood Parks and Parkettes are intended to serve a neighbourhood's recreational needs and are limited in size and facilities. Conversely, Community Parks such as Ritson Fields and North Oshawa Park as well as City Parks such as Lakeview Park and Oshawa Valley Botanical Gardens are intended to serve residents throughout the City, accommodate large volumes of people and contain a variety of facilities for active sports and/or passive recreation through trails, etc. Regional Parks such as Cedar Valley Park and the Second Marsh are intended to serve residents throughout the Region, not just locally. Typically Regional Parks provide major recreation opportunities or are based upon significant natural features.

5.1.2 Developers' Responsibility Regarding Park Development

If a draft plan of subdivision contains a park, the current policy requires the Developer to undertake the following with respect to the park in accordance with the City's Landscaping Design Policies and Development Charge By-law:

- (a) Prepare a park concept plan showing the potential park facilities;
- (b) Prepare a park grading plan based on the approved park concept plan;

- (c) Complete the rough grading, fine grading, topsoiling and sodding of the park and the installation of perimeter fencing and drainage facilities. This is considered to be the “basic” park development work; and,
- (d) Pay the applicable Development Charges at the building permit stage based on the number and type of dwelling units for residential uses or the amount of non-residential floor space in non-residential uses. A portion of the Development Charges collected is intended for parks development.

Developers are required to complete the basic park development work noted in (c) above through the subdivision agreement. A timeline for completion of the work is included in the agreement. This ensures that Developers provide the residents of a new subdivision with a basic park that is sodded and fenced within a reasonable timeframe of their moving in.

Staff note that in some instances developers have fully constructed and finished parks outside of the Development Charges By-Law at their sole cost. Examples of parks delivered in this manner include Charles P.B. Taylor Parkette on Windfields Farm Drive West, north of Britannia Avenue West, and Dale Hawerchuk Parkette at the former site of Donevan Collegiate Institute.

5.1.3 City’s Responsibility Regarding Park Development

Once the Developer finishes the basic park development, the City is expected to “finish” the park beyond the basic stage by adding following features, where appropriate according to the park’s intended functionality:

- (a) Playground equipment;
- (b) Equipment for playing fields (such as lighting, backstops, ball diamond fencing, soccer goal posts, basketball net, etc.);
- (c) Walkways, benches, picnic tables, waste receptacles, shade structures and landscaping; and,
- (d) Parking areas.

In some cases the City may also include splash pads and naturalized areas in the park.

In an ideal situation where scheduling allows the City to finish a park immediately following the Developer’s requirement to complete the basic park development, the City may request the Developer to provide a fixed payment to the City in lieu of the developer completing the fine grading, placement of topsoil and sodding. The City then incorporates this work into the finishing of the park.

The park development component of the Development Charge is intended to fund the “finishing” of the park beyond the basic stage.

Parks to be finished by the City are subject to a public consultation process prior to finalizing the design. This allows residents and other user groups to provide feedback with respect to the design amenities of the park. For example, in December, 2019, Community

Services held a Public Open House regarding the design of Sandy Hawley Park located in the Windfields Community on Kentucky Derby Way, north of Britannia Avenue West.

If the City decides to finish multiple parks at approximately the same time, the City can group the multiple parks into one tender with the intent to hire a single contractor to construct the multiple parks. This can result in cost savings and minimizes staff time spent managing multiple contractors.

Where parks are provided on lands outside of new plans of subdivision, the City is fully responsible for the delivery of the park. Examples of such parks include Ed Broadbent Waterfront Park at the southeast corner of Simcoe Street South and Harbour Road, Dr. Blake Parkette at 95 Royal Street and the Gold Point Wildlife Reserve at Lakefront West Park.

5.1.4 Current Park Development Policies

On September 18, 2000, City Council adopted the following resolution regarding the timing of development of Neighbourhood Parks in new subdivisions:

“That City Council adopt the following as a policy in respect to the timing of development of Neighbourhood Parks in new subdivisions:

- (a) Neighbourhood parks in subdivisions will be developed to the “basic” park development stage by the subdivider within one year of the date of the registration of the first phase of the subdivision. This is intended to ensure that a basic park will be available to new homeowners within a reasonable time. The timing of the development of the park may be altered by the Commissioner of Development Services, as necessary, depending on such site-specific matters as access to the new park, split ownership, location of the park related to phases being registered, house occupancy levels in the subdivision, timing of registration in respect to growing season or other considerations.
- (b) Neighbourhood Parks in subdivisions are to be finished by the City at approximately the time that thirty (30) homes in the service area of the park are occupied. The Department of Operational Services will prepare its Neighbourhood Park development budget submission to comply with the stated timing objective for finishing parks. If a Neighbourhood Park cannot be finished in accordance with the stated timing objective, the Department of Operational Services will explain why as part of its budget submission. The occupancy projections for residential units will be provided by the Department of Development Services.
- (c) Future staff reports on draft plans of subdivisions with parks will, where possible, address the timing of park development.
- (d) The phasing of subdivision development will recognize the park development timing objectives set out above and will require, as appropriate, the conveyance of new parks to the City based on timeframes that will allow the park development objectives to be achieved.”

This policy is predicated on an approach whereby the responsibility to deliver parks in a reasonable timeframe is shared between the development community and the City.

To assist with budgeting, the City prepares a ten-year capital plan which includes parks that are intended to be finished during each year of the ten-year plan. The ten-year plan, as it relates to finishing parks, is updated annually based on the progression of home construction within individual subdivisions. The goal is to finish parks in new subdivisions as quickly as possible in those plans that have significant occupancy and safe pedestrian access to the park.

In 2000, the City undertook an assessment of whether or not to require Developers to construct playgrounds as part of the subdivision development process (see Attachment 1). At that time, City Council determined not to require Developers to construct the playgrounds in parks. Notwithstanding this position, City Council considered alternatives and adopted a resolution authorizing staff to include in approval reports for draft plans of subdivision featuring parks a standard condition which sets out that Developers may request permission to finish/fully build the park, including any playground facilities and appropriate park furniture, and that Council will consider the merits of such requests and make a decision accordingly.

The following is a typical condition contained in the conditions of draft approval for new plans of subdivision containing a park:

“That the subdivider be advised that it may request permission from Council to fully “finish” the park, including any facilities and appropriate park furniture, as an alternative to waiting for the City to “finish” the park. The subdivider’s request must include the proposed timing of full park construction, the costs to the City and a proposed method and timeline for reimbursement by the City. The subdivider’s request is to be made to the Commissioner of Development Services who shall report to Committee and Council on the request. The subdivider is advised that the timing of the finishing of the park is at Council’s discretion and that Council cannot at this time, commit to the approval of any request by the subdivider to “finish” the park on the City’s behalf.”

Subsequent to the conditional approval of a draft plan of subdivision, a Developer may request permission to finish the park. When a Developer requests permission to finish the park, staff prepare a report for Council’s consideration including estimated costs.

Where a Developer finishes a park, the City is responsible for reimbursing the Developer for finishing the park as per the approved City budget.

Under the current policy, the City has the ability to consider requests from Developers to finish parks on a case-by-case basis. This allows the City to review the merits of each request against the City’s other obligations including financial obligations and make arrangements as appropriate. The case-by-case approval process also provides the Developer the assurance that the City has committed to and is able to reimburse them for finishing the park.

In the event Council approves the Developer's request to finish the park, the City and Developer complete the park design and the requirements for the completion of the park are outlined in the subdivision agreement between the City and Developer for the associated plan of subdivision. The agreement requires the Developer to obtain approval from the City for the hiring of the landscape architect, the park design, construction drawings, cost estimates, work schedule, and tender documents. The agreement also outlines requirements for inspections, monitoring, maintenance, insurance, site security and safety, and also outlines the conditions for reimbursement of the Developer by the City for the cost to finish the park. One of the conditions for reimbursement is that at least thirty (30) homes are occupied in the subdivision or in the service area.

Gulfstream Park and Steeplechase Park in the Windfields Planning Area are examples of parks that were finished by the Developers with the approval of City Council.

To date, the parks that have been completed by the Developer have not been subject to a public consultation exercise for feedback from the public on the park design and features. This is due to the fact that the park plans are prepared by the Developer at the subdivision review and approval stage (forming part of the approved landscape plans), which occurs before any future residents of the subdivision move in.

5.1.5 Impact of Developer Front-Ended Park Development

If the City were to require Developers to finish all parks in new subdivisions, a condition of draft plan approval to ensure the delivery of said parks in a timely fashion would be required to be included in the conditions of draft plan approval for each subdivision. This would replace the condition of draft plan approval that currently allows a Developer to request to finish the park.

5.1.5.1 Advantages of Developer Front-Ended Park Development

- Parks would be delivered earlier, which is a primary objective of the City.
- Developers/builders would be able to better market their subdivisions.
- Potential cost savings could be realized for the City in the following ways:
 - Developers can leverage their 'buying power' for the construction of new parks.
 - The City would not be required to procure technical design services for the design and construction of the new parks.

5.1.5.2 Disadvantages of Developer Front-Ended Park Development

- The future residents of a new subdivision featuring a park would generally not have the opportunity to provide input into the design of the park as the park would be finished and constructed before a number of residents move in.
- Residents would have access to a public space in an area that may be subject to construction activity for an extended period of time. Safe pedestrian access to the park may be compromised owing to the construction activity and lack of sidewalks.

- It would be inappropriate to construct new parks at the same time as road construction given the lack of safe pedestrian facilities such as sidewalks which are typically the last element constructed in a subdivision.
- The City may not have the opportunity to consult with other parks user groups, including various ball, soccer and tennis leagues, on the park design with respect to particular park amenities/facilities prior to preparation of the park design.
- The City would no longer have first-hand control over the park development process such as the selection of the landscape architect, contractor, materials, products and/or suppliers.
- Parks development design standards and technical details would need to be prepared, endorsed and approved in order for the City to be able to direct and steer developers on what can be constructed in new parks.
- A project management/administration process would need to be established, endorsed and approved by the City to allow Parks Development staff the ability to review and comment at all stages of the planning and design stages of the new park development. This would also apply to the construction administration portion of the project.
- The City would be required to relinquish control of its budget for new park development from a proactive to a reactive stance. The rate of development and the submission of invoices from Developers would dictate the timing of the City's obligations to fund the installation of parks as opposed to the current process which allows Council to decide where, when and how much to spend to finish a park or parks in any given year based on the balance of the Development Charge reserve fund, the City's overall financial position across the City and competing priorities, many of which are determined by safety, accessibility, age of infrastructure and parks programming requirements.
- The City would not have the ability to forecast when certain parks projects come online and there may be certain parks programming and parks amenities that could 'leap frog' other parks development priorities.
- Dedication of funding of parks in new greenfield communities may take away discretion to fund park improvements or refurbishments in existing parks in more mature areas of the City.
- The City would be required to relinquish direct control over the timing in which new parks are finished.
- While the City may approve a draft plan of subdivision, actual construction of the subdivision in its entirety may span several years due to market and other forces. For example, draft plan of subdivision 18T-94025 located generally south of Conlin Road East, east of Wilson Road North, was draft approved in 1998. However, the phase of development containing the park block (now Greenhill Park) was not registered until 2005 and the park block not developed until 2010 due to the phasing of development in the area, which created a multi-year construction zone where safe pedestrian access could not be provided. The entire draft plan of subdivision to date is still not fully

registered and built. In the absence of imposing conditions of draft plan approval dealing with phasing and the timing of parks delivery, requiring a park to be finished by the Developer puts the onus on the City to commit to funding the park at an undetermined time in the future.

- The City could not reasonably delay the registration of a plan of subdivision containing a park in order to manage the timing of the reimbursement of the cost of finishing the park in that subdivision.
- As the City would no longer be able to coordinate the timing of delivery of parks, multiple Neighbourhood Parks and Parkettes could be delivered within a short timeframe, creating a spike in asset replacement costs when parks amenities need to be replaced.
- The potential exists for the Development Charge regime to be disrupted where Developers currently pay a Development Charge to finish a park at the time of building permit issuance. In this regard, it is important to note that some park projects that currently rely on Development Charge funding are located outside of Part II Planning Areas. If Development Charges are collected for these parks, given that they are to be finished by the developer, then other funding sources such as the Tax Levy are required to be utilized.
- The workload of Parks Development staff would not be reduced by moving to this model. Instead, the technical roles and responsibilities would shift from internal design work to parks project management and administration work. However, this would follow a similar process currently undertaken by Parks Development by using staff in a project manager/administration role overseeing design consultants. This similar role would provide efficiencies in training.
- A subdivision might not include all of the lands required for the full area of the planned park. In some instances, portions of lands required for the park may be located on abutting lands, such as an adjacent draft plan of subdivision that is not yet registered (hence the land is not available as yet for park development). Kettering Park is an example of one such park. To avoid such circumstances wherever possible, staff seek to locate parks on lands controlled by a single owner.
- The City would no longer have direct control during the warranty period over operational matters such as garbage collection, grass cutting and so forth, as well as the risks and liabilities to ensure public safety.

5.2 Trails in New Subdivisions

5.2.1 Current Trail Development Policy

The City's policy regarding responsibility for trail construction in new subdivisions has evolved over time. Initially there was no requirement for developers to provide trails. Subsequently, developers were made responsible for clearing and grading to provide a platform for the trails at their cost. This did not include providing any granular base or

asphalt finish. The City would then complete the trail construction using funds primarily sourced from Development Charge reserves.

With the development of the portion of the Windfields Part II Plan situated north of Britannia Avenue and the portion of the Taunton Part II Plan situated north of Coldstream Drive between Grandview Street North and Harmony Road North, the City's policy changed such that developers, with some exceptions, became responsible for construction of the platform and the granular base with the City later completing the asphalt finish using funds primarily sourced from Development Charges. The exceptions are with respect to developments undertaken by RioCan and Delpark Homes in the Windfields Part II Plan, where the City required the developer to provide the asphalt finish at their cost, in addition to constructing the platform and granular base.

This policy has continued in the Kedron Part II Planning Area, where construction is currently commencing in a number of areas, developers are responsible for constructing and financing all aspects of trails within approved subdivisions. The City's Development Charge Background Study does not include trails in subdivisions in Kedron given that developers are fully responsible for their construction.

It should be noted that the trail planned for the north-south hydro corridor bisecting the Kedron Part II Planning Area will be built by developers but funded by City Development Charges. This trail is not in any subdivision and therefore must be funded by the City.

Similar to the approach used in Kedron, it is expected that constructing and funding trails in new subdivisions in the Columbus Part II Planning Area will be the full responsibility of developers.

The City's current policy for trail construction in new subdivisions anticipates the timely construction of the trail and ensures the entire cost is borne by the developer. In areas for which the City is collecting Development Charges for trails, such as in the Windfields and Taunton Part II Planning Areas, the City will continue to be responsible for construction of the asphalt finish. The City cannot obligate developers to fully fund the construction of trails in the areas where the City has historically collected Development Charges for their construction.

5.2.2 Advantages of Developer Front-Ended and Funded Trail Development

The City's current policy for subdivisions in the Kedron Part II Plan is to require the developer to construct and fund all aspects of trails in new subdivisions. The advantages of this policy are as follows:

- Fully paved and accessible trails are available to use earlier.
- Trails are constructed at generally the same time as home and road construction resulting in less impacts to new residents and to the environment.
- The cost of new trails is the responsibility of the developer.
- It reduces the Development Charges applicable to new development across the City.
- Trails built only to a granular finish can be damaged by rainwater resulting in constant maintenance and repair by City staff until the City can pave the trail. The current policy eliminates this problem.

- It is easier to access trail lands for construction purposes when there are no homes or they are just being built.
- Developers can typically take advantage of better pricing due to economies of scale.
- The City does not need to budget the construction of the asphalt finish and City staff can focus on other matters.

5.2.3 Disadvantages of Developer Front-Ended and Funded Trail Development

- The trail may be damaged by other construction activities. Further, the developer must provide a warranty for the trail construction, and the trail is inspected by City staff before any financial securities are released to the developer.
- Where the City is collecting Development Charges (e.g. Windfields and Taunton), the City cannot obligate the developer to fund the entire trail. Further, where the City has already draft approved a subdivision, the City cannot reasonably require the developer to finish the trail with City Development Charge funding. For future subdivisions in Part II Plans such as Windfields and Taunton, the City may consider requiring the developer to fully construct the trail to asphalt finish with City Development Charge funding.

5.3 Building Industry Liaison Team

In 2019, in response to Motion DS-19-200 regarding the construction of new City parks in new subdivisions, City staff consulted with B.I.L.T. This matter was discussed at a B.I.L.T. meeting on October 29, 2019 (see Attachment 4). The D.R.H.B.A. responded to City staff's request to B.I.L.T. to comment on this matter through the submission of a consolidated commenting letter dated November 26, 2019 (see Attachment 5). As it pertains to this particular matter, the response letter outlines the following concern:

- The current park design and construction program is a collaborative effort between the City and the development community working to provide all elements of park programming while staying within the available park budget. The elimination of the current process with the option to build or not build a park may remove this collaborative process.

On July 14, 2021, in response to Motion DS-21-134 for a policy regarding the completion of area parks and trails, City staff requested B.I.L.T. to provide updated comments on this matter (see Attachment 6). City staff received comments from a number of B.I.L.T. members including a commenting letter from The D.R.H.B.A. (see Attachments 7 to 11) which highlighted the following concerns:

- Typically, Development Charges are collected at the time of building permit approval and the money is collected by the City and held until such time that the parks are ready to be built. If developers opt to build the parks, it is essential that reimbursement from the City occur immediately after completion of the park.
- The City cannot obligate a Developer to build a park if the property is in multiple ownerships.

- Safety of new residents is paramount. Constructing a park at the same time as subdivision roads may create a dangerous environment where a park may be constructed and heavy servicing equipment is still on-site. As such, timing should be more reflective of the status of house occupancies.
- Construction is inherently messy work and sites are often muddy, dusty and dirty. Once the parks are built the City would need to be responsible for the parks upkeep, maintenance and safety while construction is ongoing to complete the neighbourhood. This puts the Developers, builders and the City of Oshawa at risk.
- Parkettes and neighbourhood parks that include amenities (park equipment, etc.) traditionally require a public consultation process and this should continue to be the responsibility (financial and staff workload) of the City of Oshawa.

6.0 Financial Implications

In terms of the City's current policy regarding the construction of trails in new subdivisions, those areas of the City for which the City has historically collected Development Charges to fund the construction of new trails will continue to be areas where the City is responsible for construction of the asphalt finish. Within the Kedron Part II Planning Area, and within the Columbus Part II Planning Area for which a planning study and Municipal Class Environmental Assessment are currently underway to establish a new Part II Plan, responsibility for fully constructing new trails in subdivisions, including the granular base and asphalt finish, will lie with the developer.

With respect to the City's current policy regarding the development and finishing of parks, when Council approves a request from a Developer to finish a park, the City commits to reimbursing the Developer for the cost of finishing the park and therefore funding for the project is approved at the same time. The Developer typically requests approval to finish the park after the draft plan of subdivision has been approved.

If the development and finishing of parks in new subdivisions is to be made the responsibility of the developer and implemented through appropriate conditions of draft approval for new plans of subdivision, the City will need to review the funding/budget for each park as part of considering new draft plans of subdivision as well as establish how and when Developers are to be reimbursed for the cost of finishing the park.

For example, the two Neighbourhood Parks in the Kedron Part II Plan are estimated to cost \$600,000 each and the ten Parkettes in the Kedron Part II Plan are estimated to cost \$350,000 each.

The City may achieve marginal savings in the capital cost of finishing new parks. However, committing to an arrangement whereby new parks are constructed and finished by the Developer would limit the City's ability to allocate funds through the annual budgeting exercise based on City-wide needs and priorities.

7.0 Relationship to the Oshawa Strategic Plan

The Recommendation advances the Accountable Leadership and Social Equity goals of the Oshawa Strategic Plan.



Tom Goodeve, M.Sc.Pl., MCIP, RPP, Director,
Planning Services



Warren Munro, HBA, RPP, Commissioner,
Development Services Department

**Memorandum**

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Department of Development Services

Date: July 4, 2000

File: 9-10

To: All Planning Staff
M. Sims, Director, Engineering Services
Noel Hutchinson, Director, Park and Facilities Services

From: Thomas B. Hodgins, M.A., MCIP, RPP, Manager
Development and Urban Design Division
Department of Development Services

Re: **Development of Neighbourhood Parks in New Subdivisions**

On June 19, 2000, City Council adopted a resolution that authorized staff to include in approval reports for draft plans of subdivision that have parks a standard condition which sets out that developers may request permission to finish/fully build the park, including any playground facilities and appropriate park furniture, and that Council will consider the merits of the request and make a decision accordingly. Attached hereto is a copy of the Council resolution and a related staff report dated June 8, 2000, Item No. DS-00-110.

Planning staff must include the standard condition in all approval reports for draft plans of subdivision that include parks.

Planning staff should advise any subdivider of Council's position concerning the finishing of park development early in the process. A late request may delay the registration of a draft plan.

If a request is received from a subdivider to finish a park, please see me immediately to discuss a processing strategy. A report on the matter to the Development Services Committee and Council will always be required. Any report that is prepared must include input from Engineering Services, the Department of Operational Services and Rick Stockman. If a request is approved, appropriate provisions must be included in the subdivision agreement to address the subdivider's responsibilities/liabilities to the satisfaction of the City.

If you require further information, please see me.



Thomas B. Hodgins, M.A., MCIP, RPP, Manager
Development and Urban Design Division
Department of Development Services

TBH/PDR/dl
Enclosure

CARRIED

File: B-3300/F-6100
Meeting Date: June 19, 2000

Distribution:

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Item 7

SEVENTEENTH Report of the Development Services Committee

7. Development of Neighbourhood Parks in New Subdivisions (DS-00-110) (All Wards)

Recommendation

1. That Report DS-00-110 dated June 8, 2000, from the Commissioner of Development Services be received for information.
2. That the recommendation of the Development Services Committee concerning the development of neighbourhood parks in new subdivisions, as outlined in Attachment 1 to Report DS-00-110 dated June 8, 2000, from the Commissioner of Development Services, be approved.

Jennifer Allan
City Clerk Services

| | | |
|---|------------------------|---------------------------------------|
| To: Development Services Committee | Item: DS-00-110 | Date of Report: June 8, 2000 |
| From: Commissioner, Department of Development Services | File: 9-10 | Date of Meeting: June 12, 2000 |
| Subject: <i>Development of Neighbourhood Parks in New Subdivisions</i> | | All Wards |

1.0 BACKGROUND

The purpose of this report is to provide Committee and Council with the input received from the Building Industry Liaison Team (BILT) concerning the development of neighbourhood parks in new subdivisions. On April 17, 2000, City Council considered a recommendation and related staff report (Item No. DS-00-81) and referred the matter back to the Committee to allow for input from BILT.

Attachment No. 1 is a copy of the referred recommendation. Attachment No. 2 is a copy of the related staff report. The matter of the timing for the completion of new parks will be the subject of a subsequent report.

2.0 INPUT FROM OTHER SOURCES

2.1 BILT

On May 4, 2000 all BILT members were circulated a copy of the referred recommendation, the related staff report and a questionnaire concerning this matter. Those responding with no concern were G. M. Sernas, D. G. Biddle and Associates, Wayne Jeffery, Valiant Property Management (Debbie Clarke) and Kelvin Whelan on behalf of the Urban Development Institute. Silwell Developments (Metrontario) has previously indicated no concern as well.

Mr. Hann of Valiant Property Management expressed a concern with the referred recommendation as outlined on Attachment No. 3 to this report. Mr. Hann's concerns appear to relate to the cost/benefit of park supply rather than the matter at hand which is the timing of actual park construction. His primary concerns are really matters under the Development Charges By-law and the City's Official Plan.

The following subdivider/builders, who are not BILT members, have also advised staff they have no objection to the referred recommendation: Kassinger Construction, Brookfield Homes, Durham Homes and Quest Development.

2.2 Department of Operational Services

The Department of Operational Services supports the referred recommendation.

3.0 ANALYSIS

An analysis of relevant issues associated with the development of neighbourhood parks in new subdivisions was addressed in the original staff report, which forms Attachment No. 2 to this report.

4.0 FINANCIAL IMPLICATIONS

N/A

5.0 RECOMMENDED ACTION

It is recommended:

1. That the report of the Commissioner of Development Services, dated June 8, 2000, Item No. DS-00-110, be received for information.
2. That the recommendation of the Development Services Committee concerning the development of neighbourhood parks in new subdivisions as outlined in Attachment No. 1 to the report of the Commissioner of Development Services, dated June 8, 2000, Item No. DS-00-110, be approved.



Bruce Hunt, Director, Planning Services
Department of Development Services



Ted W. Goodchild, MCIP, RPP, Commissioner
Department of Development Services

BH/PDR/dl
Attachments

| | |
|----------------|------------------|
| D.S. Item No. | <u>DS-00-110</u> |
| Attachment No. | <u>1</u> |

REFERRED

File: F-6100

back to the Development Services Committee to allow for input from the Building Industry Liaison Team.

Meeting Date: April 17, 2000

9-10

Distribution:

- City Manager
- To > Development Services
- Copy > Operational Services
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- Economic Development
- Other
- Copy > Liz Rooks

Jed
Bruce
GNB
Tom
Paul

Item 1

TWELFTH Report of the Development Services Committee

1. Development of Neighbourhood Parks in New Subdivisions (DS-00-81) (All Wards)

Recommendation

1. That staff be authorized to include in approval reports on draft plans of subdivision that include parks, a standard condition which sets out that developers may request permission to finish/fully build the park, including any playground facilities and appropriate park furniture, and that Council will consider the merits of the request and make a decision accordingly.
2. That a copy of the Council resolution and staff report be forwarded to the Building Industry Liaison Team (BILT) and the Durham Home Builders Association for information.
3. That the matter of park completion be referred to staff for development of a policy on the timing of park completion relative to subdivision occupancy.

Jennifer Allan
City Clerk Services

| | | |
|---|-----------------------|--|
| To: Development Services Committee | Item: DS-00-81 | Date of Report: April 6, 2000 |
| From: Commissioner, Department of Development Services | File: 9-10 | Date of Meeting: April 10, 2000 |
| Subject: <i>Development of Neighbourhood Parks in New Subdivisions</i> | | All Wards |

1.0 BACKGROUND

On July 26, 1999 City Council directed "That staff address a policy to be developed to require developers to construct playgrounds as part of the subdivision agreement".

1.1 Current City Procedures for Neighbourhood Park Development

Parks in new subdivisions are conveyed to the City in accordance with those provisions of the Planning Act which allow a municipality to require up to 5% of the area of a residential draft plan of subdivision to be conveyed to the City as parkland.

The City's Landscaping Design Policies and development charges regime have been co-ordinated and generally require a developer to undertake the following in respect to new parks in subdivisions:

- (a) prepare a park concept plan showing the proposed park facilities;
- (b) prepare a park grading plan based on the approved park concept plan;
- (c) undertake rough grading, fine grading, topsoiling, sodding and the installation of perimeter fencing and drainage facilities; and
- (d) pay a development charge in conjunction with each building permit that includes a park development component.

The work the subdivider is required to do in (c) above is referred to as the "basic" park development work.

The park development component of the development charge is collected by the City to allow it to "finish" the park with the following types of features:

- (a) playground equipment;
- (b) equipment for playing fields (i.e. lighting, backstops, home run fencing, soccer goal posts);
- (c) walkways, benches, waste receptacles and landscaping; and
- (d) parking areas.

The current City development charge varies from \$2,154.00 for a one bedroom apartment to \$4,740.00 for a single detached or a semi-detached dwelling. About 12% of the development charge is provided for the finishing of new parks which represents \$266 for a one bedroom apartment and \$586 for a single detached or semi-detached dwelling.

Subdividers are required to complete the basic park development work through the subdivision agreement. A timeline for completion of the work is included in the agreement. This ensures that developers provide new homeowners in a subdivision with a basic park that is sodded and fenced within a reasonable time.

Subsequent decisions about where, when and how much to spend to finish parks are made by Council during the budget approval process based on the City's financial resources and assessment of priorities. This decision-making control is critical, since the work required to finish a park cannot be funded completely from development charges. A minimum of 10% of the budget to finish a park must come from another source usually an operating budget contribution from the tax levy.

To assist with budgeting, the City prepares a five-year capital plan which includes parks that are intended to be finished during each year of the five-year plan. The five-year plan, as it relates to finishing a park, is updated annually based on the progression of house construction within individual subdivisions. The goal is to finish parks as quickly as possible in those plans that have significant occupancy.

2.0 INPUT FROM OTHER SOURCES

2.1 Other Departments

The Department of Corporate Services has provided input into this report. The Department of Operational Services has reviewed this report and supports the recommendation.

2.2 Other Municipalities

All of the lakeshore municipalities in the Durham Region and certain municipalities elsewhere in the Greater Toronto Area were contacted to obtain their current procedures concerning the development of parks in new subdivisions.

No municipality requires developers to build playgrounds or fully finish parks. A number of the municipalities generally follow the City's existing procedures concerning neighbourhood park development. In those municipalities, such as Whitby and Pickering, the developer is responsible for basic park development work and the municipality is responsible for finishing the park through the installation of such facilities as playground equipment, walkways, playing fields and any parking areas. However, in certain municipalities, such as Ajax, Oakville and Vaughan developers are provided with the option to finish the development of a neighbourhood park including installing facilities such as playground equipment. If a developer chooses the option to finish a park, the municipality retains complete control of the timing and terms of any financial reimbursements to the developer for undertaking the City's share of the park development.

2.3 Development Industry

A number of developers were contacted to obtain input on this matter, including Silwell Developments (Tribute), Kassinger Construction, Valiant Property Management, Brookfield

Homes, Durham Homes, Jeffery Homes and Quest Developments. None of these developers support a policy that requires a developer to finish a park including installing playground equipment. Concerns expressed include the need to up-front more money than currently contemplated by the existing development charge regime to finish the park and increased liability and administrative costs to the developer. All of the developers contacted support a policy which provides a developer with the option to request that City Council allow it to finish a park. If Council wishes to further consider a prescriptive policy, the developers contacted request that the BILT and Urban Development Institute (UDI) be consulted before any such policy is adopted.

3.0 ANALYSIS

The current park development process works quite well and ensures that the City, as opposed to a developer, retains control of the following matters associated with finishing new parks:

- (a) the sequence and location of parks that are finished each year;
- (b) the budget for finishing parks each year;
- (c) the final selection of contractor to finish the park;
- (d) direct supervision, control and inspection of the finishing contractor; and
- (e) monetary hold back and other contract provisions to deal with unsatisfactory work by the finishing contractor.

Staff in the Departments of Development Services and Operational Services do not recommend that the City adopt a policy which requires developers to finish parks as a requirement of the subdivision agreement for the following reasons:

- (a) Such a policy would upset the recently adopted development charge regime where developers pay a development charge to finish a park at the time of building permit issuance. Developers have not agreed to accept the additional front-end costs, duties and liabilities associated with playground construction and full park development.
- (b) The City would relinquish control of its budget for new park development. The rate of development and the submission of invoices from developers will drive the City's financial obligations to finish parks as opposed to the current process which allows Council to decide where, when and how much to spend to finish a park in any given year based on the "health" of the development charge reserve fund, the City's overall financial health and competing priorities.
- (c) The City would relinquish control over the sequence in which new parks are finished. Developers will finish their parks based on a variety of reasons (eg. marketing, house sales, availability of a contractor).
- (d) The City would lose control of the contractor, inspection and monetary holdback aspects that are important to the appropriate finishing of a park. Staff would prefer to deal directly with a contractor responsible to the City.
- (e) The City would lose the ability to obtain public input from the new community residents on the final design aspects of a park (eg. type of playground). If developers were required to

finish parks, then the final design should be concluded and detailed in the subdivision agreement which is completed long before new residents have moved in.

- (f) It is unreasonable to create a mandatory requirement for developers to finish parks. The development industry has not pressured the City to allow it to build parks.

3.1 Alternatives

As an option to imposing a prescriptive policy requiring developers to finish parks in new subdivisions, staff recommend that developers be given the option, on a site-specific basis, to request to finish a park. In this way, the City can assess the merits of the request against the City's other obligations and make arrangements as appropriate. Any such request would be assessed by staff based on the City's budget commitments, financial resources and competing priorities and a report would be prepared for Council. The report would address such matters as:

- (a) the need for the park to be developed at that time;
- (b) arrangements by which the City could reasonably retain direct control over the quality of the park development and the contractor; and
- (c) the financial implications to the City, potential sources of funding and possible pay back/credit scenarios.

A new standard condition of draft plan approval is suggested which indicates to developers that they can request approval from Council to finish neighbourhood parks including installation of playground equipment. The condition would make it quite clear that the granting of such a request must be approved by Council after a review of the specific circumstances.

Council can direct staff at any time to ask a developer to finish a park on behalf of the City in a certain year. For instance, if Council were to identify three parks that it would like to finish in a certain year but were only able to allocate sufficient funds for two of these parks, then Council could request a developer to finish a park based on a negotiated pay back arrangement in a future year(s). Some developers, subject to their individual financing and capabilities, might be quite willing, to be involved in such front ending.

If Council wanted to further consider a prescriptive policy requiring developers to fully finish parks, then the Building Industry Liaison Team (BILT) and local homebuilders should be consulted before any final decision is made.

4.0 FINANCIAL IMPLICATIONS

There are no financial implications as a result of the recommendation contained in this report.

5.0 CONCLUSION

The City should not require developers to finish parks as part of the subdivision agreement. However, the City can make developers aware that they can approach the City with a request that they be allowed to finish the park. When and if such a request is received, staff would report to

Committee and Council on the specifics of the request, how the request "fits" with the City's approved and projected budgets, potential sources of funds, payback period and other relevant issues. In this way, Council can ensure that it is comfortable with the timing of any obligation to the developer.

6.0 RECOMMENDED ACTION

It is recommended:

1. That staff be authorized to include in approval reports on draft plans of subdivision that include parks, a standard condition which sets out that developers may request permission to finish/fully build the park, including any playground facilities and appropriate park furniture, and that Council will consider the merits of the request and make a decision accordingly.
2. That a copy of the Council resolution and staff report be forwarded to the Building Industry Liaison Team (BILT) and the Durham Home Builders Association for information.



Bruce Hunt, Director, Planning Services
Department of Development Services



Ted W. Goodchild, MCIP, RPP, Commissioner
Department of Development Services

BH/PDR/dl

Please carefully consider that your course of action be knowledge based.

Yours truly,

Robert Hann
President

| | | | | | |
|-----------------|--|--------------|-----------|-------------------------|--------------------|
| To: | Development Services Committee | Item: | | Date of Report: | |
| | | | DS-00-185 | | September 7, 2000 |
| From: | Commissioner, Department of Development Services | File: | | Date of Meeting: | |
| | | | 9-10 | | September 11, 2000 |
| Subject: | <i>Proposed Policy on the Timing of Development of Neighbourhood Parks in New Subdivisions</i> | | | All Wards | |

1.0 BACKGROUND

Currently there is no City policy related to the timing of the development of Neighbourhood Parks in new subdivisions. On June 19, 2000 Council directed “That the matter of park completion be referred to staff for development of a policy on timing of park completion relative to subdivision occupancy.”

The City’s Landscaping Design Policies and development charges regime have been co-ordinated and generally require a developer to undertake, amongst other matters, the rough grading, fine grading, topsoiling, sodding or seeding and the installation of perimeter fencing and drainage facilities in new neighbourhood parks. This work is referred to as the “basic” park development work.

The park development component of the development charge is collected by the City to allow it to “finish” the park with the following types of features:

- (a) playground equipment;
- (b) equipment for playing fields (i.e. lighting, backstops, home run fencing, soccer goal posts);
- (c) walkways, benches, waste receptacles and landscaping; and
- (d) parking areas.

Developers are required to complete the basic park development work through the subdivision agreement. A timeline for completion of the work is included in the agreement. The intent is to have the developer provide new homeowners in a subdivision with a basic park that is sodded and fenced within a reasonable time. The timeline in the subdivision agreement varies based on the circumstances (eg. servicing, phasing, location of park in relation to first phase of homebuilding).

Subsequent decisions about where, when and how much to spend to finish parks are made by Council during the budget approval process based on the City’s financial resources and assessment of priorities. This decision-making control is critical, since the work required to finish a park cannot be funded completely from development charges. A minimum of 10% of the budget to finish a park must come from another source usually an operating budget contribution from the tax levy.

To assist with budgeting, the City prepares a five-year capital plan which sets out those parks intended to be finished during each year of the five-year plan. The five-year plan, as it relates to finishing a park, is updated annually based on the progression of house construction within individual subdivisions. The intent is to finish parks as quickly as possible in those plans that have significant occupancy.

The maximum service area or service radius guideline for a neighbourhood park is set out in the Official Plan as 180 metres to 0.8 kilometres (590 ft. to 0.5 mi.).

2.0 INPUT FROM OTHER SOURCES

2.1 Building Industry Liaison Team (BILT)

On May 4, 2000 all BILT members were circulated a copy of the proposed policy included in the Recommended Action section of this report.

Wayne Jeffery of Jeffery Homes supports the recommended policy in respect to the timing of new park development and feels the City would be doing its part if it finished the park before 50 homes in the service area are occupied.

Reg Webster of G. M. Sernas and Associates supports the development of a timing policy. However, Mr. Webster feels that the basic park work should be completed by the subdivider within one year of the date of the registration of the phase in which the park is located and the park fully finished by the City when approximately fifty percent of the homes in the service area or 50 homes, whichever occurs earlier, are occupied.

Bob Annaert of D. G. Biddle and Associates has advised that even though the proposed policy allows the Commissioner to extend the one year period in which a developer is required to complete the basic park work, the park grading and sodding or seeding should not be tied to a timeframe or the timing should be changed to be within two years of registration.

Debbie Clarke of Valiant Property Management submitted comments on behalf of the Urban Development Institute (UDI). She advised that the City needs to be aware of all the restrictions that impact on the timing of the development of a new park such as the location of the park in the draft plan and split ownership of the lands being dedicated for the park. If the timing requirements are not realistic then the developer will not be able to begin development as early as might otherwise be the case. Also, the City should be looking at phasing the type of equipment/level of development required in parks. For example, rather than building a complete park early in the process, only installing the tot lot playground facilities to start may be reasonable. As the subdivision grows, other facilities may be added such as baseball diamonds or soccer fields. Other comments made by Debbie Clarke relate to matters concerning the Development Charges By-law rather than the timing of park development.

Kalvin Whelan (Katlin Group) on behalf of the UDI and Bob Hann also provided comments that relate to matters concerning the Development Charges By-law rather the timing of park development.

2.2 Department of Operational Services

The Department of Operational Services supports the Recommended Action in this report.

3.0 ANALYSIS

The subdivider's responsibility for providing a basic park should be based on a time limit (eg. one-year from the registration of a first phase) as opposed to occupancy. The finishing of the park by the City is more easily and appropriately tied to occupancy.

It is recommended that the following policy be adopted by Council in respect to the timing of Neighbourhood Park development in new subdivisions:

- (a) Neighbourhood Parks in subdivisions will be developed to the "basic" park development stage by the subdivider within one year of the date of the registration of the first phase of the subdivision. This is intended to ensure that a basic park will be available to new homeowners within a reasonable time. The timing of the development of the park may be altered by the Commissioner of Development Services, as necessary, depending on such site-specific matters as access to the new park, split ownership, location of the park related to phases being registered, house occupancy levels in the subdivision, timing of registration in respect to growing season or other considerations.
- (b) Neighbourhood Parks in subdivisions will be finished by the City at approximately the time that thirty (30) homes in the service area of the park are occupied. Thirty homes would represent about 100 people. The Department of Operational Services will prepare its Neighbourhood Park development budget submission to comply with the stated timing objective for finishing parks. If a Neighbourhood Park cannot be finished in accordance with the stated timing objective, the Department of Operational Services will explain why as part of its budget submission. The occupancy projections will be provided by the Department of Development Services.
- (c) Future staff reports on draft plans of subdivisions with parks will, where possible, address the timing of park development.
- (d) The phasing of subdivision development will recognize the park development timing objectives set out above and will require, as appropriate, the conveyance of new parks to the City based on timeframes that will allow the park development objectives to be achieved.

While certain BILT members have concerns in respect to the proposed policy, it is a reasonable starting point and shows the City's interest in prompt park development. Neighbourhood Parks are a critical element in the development of community spirit in new subdivisions.

The proposed policy puts expectations on the City, not just the developer, to deliver the finished park in a reasonable time. This can assist with marketing and overall neighbourhood satisfaction.

The proposed policy is considered to be a sharing of responsibilities between the development community and the City in order to achieve improved park delivery.

The proposed policy will be monitored during its implementation. If significant issues arise, these will be dealt with by the Commissioner of Development Services and reported on as necessary. The goal is to improve park delivery and not to unreasonably burden the development community with unrealistic requirements.

4.0 FINANCIAL IMPLICATIONS

The earlier a park block is registered and developed, the earlier the City's park maintenance costs accrue.

5.0 CONCLUSION

The recommended policy establishes that a developer will generally complete the basic park development within one year of the date of the first phase of registration. This will provide new residents with a sodded park in a reasonable time period. The policy establishes an occupancy of thirty (30) homes in the service area of the park as the threshold for the City to finish the new park development. The policy reflects the City's ongoing objective to provide basic and finished parks as soon as reasonably possible in new subdivisions.

6.0 RECOMMENDED ACTION

It is recommended:

1. That City Council adopt the following as a policy in respect to the timing of development of Neighbourhood Parks in new subdivisions:
 - (a) Neighbourhood Parks in subdivisions will be developed to the "basic" park development stage by the subdivider within one year of the date of the registration of the first phase of the subdivision. This is intended to ensure that a basic park will be available to new homeowners within a reasonable time. The timing of the development of the park may be altered by the Commissioner of Development Services, as necessary, depending on such site-specific matters as access to the new park, split ownership, location of the park related to phases being registered, house occupancy levels in the subdivision, timing of registration in respect to growing season or other considerations.
 - (b) Neighbourhood Parks in subdivisions will be finished by the City at approximately the time that thirty (30) homes in the service area of the park are occupied. The Department of Operational Services will prepare its Neighbourhood Park development budget submission to comply with the stated timing objective for finishing parks. If a Neighbourhood Park cannot be finished in accordance with the stated timing objective, the Department of Operational Services will explain

why as part of its budget submission. The occupancy projections will be provided by the Department of Development Services.

- (c) Future staff reports on draft plans of subdivisions with parks will, where possible, address the timing of park development.
 - (d) The phasing of subdivision development will recognize the park development timing objectives set out above and will require, as appropriate, the conveyance of new parks to the City based on timeframes that will allow the park development objectives to be achieved.
2. That a copy of the Council resolution and staff report be forwarded to the Building Industry Liaison Team (BILT) and the Durham Region Home Builders Association for information.

Bruce Hunt, Director, Planning Services
Department of Development Services

Ted W. Goodchild, MCIP, RPP, Commissioner
Department of Development Services

BH/PDR/dl

Comparison of Policies and Procedures for Park Development in New Plans of Subdivision

| Municipality | Are Developers required to finish/fully develop parks in new subdivisions? | What are Developers responsible to provide regarding the development of parks in new subdivisions? | Are Developers given an option (1) to finish/fully develop (front end) parks in new subdivisions? | Other options available to Developers | Timing of park development in new subdivisions |
|-------------------------|---|---|--|---|--|
| City of Oshawa | No | A Basic Park this includes installation of stormwater servicing, grading, topsoil/sod and fencing. | Yes, subject to Council approval and Developer executing a front ending agreement. | Not applicable | Subdivider completes the “basic park” development within one (1) year of date of registration of 1 st phase of subdivision. |
| City of Hamilton | No | A Basic Park this includes grading, seeding and fencing. | Yes, subject to the City and Developer executing a front-ending agreement. | Not applicable | In accordance with the registered subdivision agreement. |
| City of Ottawa | No | A Basic Park this includes installation of stormwater servicing, grading, sodding and fencing. | Yes, subject to the City and Developer executing a front-ending agreement. | In lieu of collecting development fees, the Developer invests the equivalent amount into development of the park and builds the park on behalf of the City. | In accordance with the registered subdivision agreement. |

| Municipality | Are Developers required to finish/fully develop parks in new subdivisions? | What are Developers responsible to provide regarding the development of parks in new subdivisions? | Are Developers given an option (1) to finish/fully develop (front end) parks in new subdivisions? | Other options available to Developers | Timing of park development in new subdivisions |
|-----------------------------------|---|---|--|---|---|
| City of Pickering | No | A Basic Park this includes installation of stormwater servicing, grading, sodding and fencing. | Yes, subject to the City and Developer executing a front-ending agreement. | Not applicable | Not applicable |
| Municipality of Clarington | No | A Basic Park this includes installation of stormwater servicing, grading, sodding and fencing. | Yes, subject to the City and Developer executing a front-ending agreement. | In lieu of collecting development fees, the Developer invests the equivalent amount into development of the park and builds the park on behalf of the City. | Pending the size of the subdivision development and as specified in the subdivision agreement, the Developer agrees to commence park construction at the issuance of a set (i.e. 151 st) building permit and complete the park construction prior to the issuance of a set (i.e. 200 th) building permit. |
| Town of Ajax | No | A Basic Park this includes installation of stormwater servicing, grading, sodding and fencing. | Yes- subject to the City and Developer executing a front-ending agreement. | Not applicable | Not applicable |

| Municipality | Are Developers required to finish/fully develop parks in new subdivisions? | What are Developers responsible to provide regarding the development of parks in new subdivisions? | Are Developers given an option (1) to finish/fully develop (front end) parks in new subdivisions? | Other options available to Developers | Timing of park development in new subdivisions |
|-----------------------|---|---|--|--|---|
| Town of Milton | No | A Basic Park this includes installation of stormwater servicing, grading, sodding and fencing. | Yes- subject to the City and Developer executing a front-ending agreement. | Not applicable | When 25% of the building permits have been issued (i.e. commenced as opposed to completed) for the subdivision. |
| Town of Whitby | No | A Basic Park this includes installation of stormwater servicing, grading, sodding and fencing. | Yes- subject to the City and Developer executing a front-ending agreement. | Not applicable | When 25% of the building permits have been issued (i.e. commenced as opposed to completed) for the subdivision or when permits are issued for any lots abutting the park. |



Memorandum

Development Services Department

November 6, 2019

File: B-1000-0042

To: All BILT Members

From: Susan Ashton, Manager
Development and Urban Design

Subject: **Minutes of Meeting – BILT (Building Industry Liaison Team)
October 29, 2019 – 2:00 p.m. – C-Wing Committee Room**

Attendance

| | |
|--|--|
| Akiva Wolfe, Initial Corporation | Stephen Wylie, WSP/MMM Group |
| Anna Fagyas, Medallion Corp | Tiago Do Couto, Minto Communities |
| Christian Huggett, Podium Developments | Mark Jacobs, Biglieri Group |
| Christine Yee, Graywood Group | Katrina, Holland Homes |
| Eddy Chan, Delpark Homes | Ashley McInnis, City Homes |
| Emidio DiPalo, DRHBA | Mitch Wiskell, Parks Services |
| Ivano Labricciosa, OPUC | Morgan Jones, Planning Services |
| Jennifer Jaruczek, BILD | Matt Bickle, Legal Services |
| Johnathan Schickedanz, DRHBA | Lynda Lawson, Accessibility |
| Louise Foster, Tribute | Lisa Hart, Chair, OAAC |
| Nikolas Papapetrou, Smart Centres | Tom Goodeve, Planning Services |
| Robbie Larocque, Biddle & Associates | Susan Ashton, Chair, Planning Services |
| Russel White, Fieldgate Developments | Christine Chase, Planning Services |
| Ryan Lavender, Schleiss | Dan Carter, Mayor |
| Scott Jeffery, Jeffery Homes | Jane Hurst, Councillor |
| Scott Waterhouse, Candevcon | Rosemary McConkey, Councillor |
| Stacey Hawkins, DRHBA | Rick Kerr, Councillor |

| Overview | Action Required By |
|--|---|
| <p>1. Welcome and Introduction</p> <p>S. Ashton welcomed everyone to the meeting. The Agenda forms Attachment 1.</p> <p>S. Ashton introduced Tom Goodeve as the Director of Planning Services.</p> | |
| <p>2. Discussion and request for comments regarding Development Services Committee (D.S.C.) agenda item DS-19-167, Oshawa Accessibility Advisory Committee (O.A.A.C.) Built Environment SubCommittee motion that the City begin requiring that all residential projects be designed with 15% accessible units</p> <p>L. Hart gave an overview of the issues with homes that are not accessible. 2.6 million people live with accessibility concerns. Council approved an Age-Friendly strategy.</p> | <p>BILT to provide comments by Nov 22</p> |

Overview

Action Required By

E. Chan stated some sites have grading that is not natural (e.g. steps to front door). It is also difficult on infill sites to accommodate density at grade.

L. Foster asked where does this report sit right now and what is the expectation?

S. Ashton replied that staff intends to collect information, review and formulate a plan. We are asking for comments from you.

T. Do Couto asked what type of units is the 15% applied to?

L. Hart stated that this is our first ask for comments. 15% is used for apartments in the OBC.

R. White asked if there is a definition of accessibility to follow. What are you asking for?

L. Hart replied wider door to dwelling unit, ramp to front door, accessible bathroom on ground floor.

S. Ashton replied that we will return to BILT with results after we have reviewed your comments.

C. Huggett stated that Podium has worked with OAAC on some of their projects. The feedback has been good. Projects around the University have been made accessible with financial help in the form of grants. Some areas are better suited to making accessible homes. 15% may be too onerous. What new forms would you like to see?

C. Yee stated you need to define what is affordable.

S. Waterhouse asked where is this item coming from?

S. Ashton replied from O.A.A.C. Built Environment SubCommittee to D.S.C.

L. Foster advised that Tribute already makes accessible units for new builds. We are working with purchasers if they have requests for accessibility. Most builders do this. Developers/Builders are out of the picture when the home is resold. It is a design challenge for townhouses because of garages, as they immediately have stairs to the front door.

J. Schickedanz stated Engineering would have challenges such as overland flow and drainage to the front yard. They meet with buyers and design and build accessible units for them. They charge only for hard costs, not labour or design.

| Overview | Action Required By |
|---|---|
| <p>L. Hart stated that there is no awareness in the community that developers/builders will create accessibility in homes when asked. Could some model homes be accessible?</p> | |
| <p>3. Proposal to change City policy to require Developers to finish parks in new developments (DS-19-200)</p> <p>DS-19-200 is attached as Attachment 4.</p> <p>S. Ashton stated City considering developers to build parks in new subdivisions. We would like your feedback on this item.</p> <p>S. Ashton stated that currently there are two options the City has to build a park contained in the subdivision agreement. Either: 1. Developer finishes park, or 2. Developer does grading and seeding.</p> <p>T. Do Couto stated that this is just a conversation here. Will the DC's change?</p> <p>S. Ashton replied nothing has been decided yet. Any change would apply to parks from this point forward but DC changes, if any, would not immediately impact parks for which DC's have been collected.</p> <p>T. Goodeve stated Bill 108 is the elephant in the room. Have to wait until next year for outcome.</p> <p>S. Ashton stated we have to start thinking now of different options.</p> <p>T. Do Couto stated parks could have multiple ownerships. Very premature to have this conversation. If developers build parks there is no more working with Developers and City to change options. Why has this happened? What are you trying to solve?</p> <p>S. Ashton advised that this item is a Notice of Motion that came from Council.</p> <p>C. Huggett stated that this would be double dipping. Paying for DC's plus the cost of the park.</p> <p>S. Ashton clarified that it is not double dipping. We would give you the money that was set aside to develop the park.</p> <p>R. White asked if there is a threshold when parks should be developed?</p> <p>T. Do Couto stated parks are usually developed 1 to 2 years after build out. Depends on draft approval discussions.</p> <p>L. Foster stated that the policy/procedure needs to be re-examined. Tribute does not want to build parks. Landscape plans need to be</p> | <p>BILT to provide comments by Nov 22</p> |

| Overview | Action Required By |
|---|---|
| <p>approved at the same time as engineering plans. Park development comes down to money and timing. Need clear procedure on LC approvals, assumption, draw downs, etc.</p> <p>S. Waterhouse asked what are the barriers that are stopping building the park now?</p> <p>S. Ashton replied shortage of staff, approval in budget within a timely manner.</p> <p>E. Chan asked what are the standards other municipalities ask for. Oshawa's challenge is public input and funding.</p> <p>R. White stated developers want the options – to build or not.</p> <p>M. Wiskel and S. Ashton explained that the type of parks being discussed range from parkettes to neighbourhood parks, typically in ranging from 0.6 hectares to around 1.8 hectares in size.</p> <p>C. Huggett stated parks could be delivered as soon as possible if there were not barriers.</p> | |
| <p>4. Sidewalk diversions around development construction projects in the Downtown (DS-19-104)</p> <p>DS-19-104 is attached as Attachment 5.</p> <p>S. Ashton stated road occupancy permit goes through Operations. Build sidewalk diversion in parking lane so sidewalks are uninterrupted.</p> <p>T. Do Couto asked is this for the short term? We build an asphalt ramp and fencing for longer term projects.</p> <p>Developers prefer hoarding. They all have a construction management plan to minimize impacts. They have done a “fast fence” with asphalt ramps at each end for a diversion.</p> <p>S. Ashton replied yes for the short term.</p> | <p>BILT to provide comments by Nov 22</p> |
| <p>5. Municipal Parking Study Update</p> <p>M. Jones gave an overview of the parking study. The study has been extended into the fall. It is nearing completion of the background information. IBI Group will present to BILT and have an open house with the general public. Once the study is completed it will be presented to CLT, Community Services Committee, Development Services Committee and Council. Once comments have been reviewed a draft recommendation report will be presented to Community Services Committee, Development Services Committee and Council. Once approved staff will then start implementing recommendations.</p> | |

| Overview | Action Required By |
|---|--------------------|
| <p>S. Waterhouse would like to see parking ratio for different types of units (e.g. stacked townhouses).</p> <p>Question asked why was the study extended? Hard part will be implementing recommendations. Is there any way to accelerate? Could easier items be implemented sooner?</p> <p>M. Jones replied that the study was extended due to the substantial data request and timing of meetings.</p> <p>C. Huggett asked if there are requirements for accessible parking. Could affect site plan, more items to consider. Does the study look at creating flex spaces for accessible parking based on demand?</p> <p>M. Jones replied the study does look at different method of parking. One item is car-share. Parking garages are also in the scope of the study.</p> <p>R. Larocque asked if parkades were part of study. Perhaps rent out upper floors and leave lower floors for short-term users.</p> | |
| <p>6. Items for a Future Meeting</p> <p>None</p> | |
| <p>7. Adjournment</p> <p>The next BILT meeting will be at the call of the Chair.</p> | |

Original signed by:

Susan Ashton, Manager
Development and Urban Design

SA/cc

Attachment 1: Agenda

Attachment 2: Development Services Committee Agenda Item DS-19-167

Attachment 3: OAAC Build-In-Accessibility (hand-out)

Attachment 4: Development Services Directive Item DS-19-200

Attachment 5: Development Services Directive Item DS-19-104



Durham Region Home Builders' Association
101C-1050 Simcoe Street North
Oshawa, Ontario L1G 4W5
Tel. M.F.I.P.A. Sec.14(1)
M.F.I.P.A. Sec.14(1)

November 26, 2019

Susan Ashton
City of Oshawa
50 Centre Street South
Oshawa, Ontario L1H 3Z7

Re: October 29, 2019 BILT Meeting

The Durham Region Home Builders' Association proudly represents over 180 member companies that are involved in the construction and renovation industry, and is the voice of the residential construction industry in Durham Region.

We would like to thank city staff for inviting us to participate in the October 29 BILT meeting, which focused on accessibility, parks and downtown sidewalks. We believe that this type of open communication is beneficial to both the city and the development industry.

The Durham Region Home Builders' Association (DRHBA) has reached out to our members about the issues presented at the BILT meeting, and we are prepared to offer the City our feedback.

O.A.A.C. Built Environment Subcommittee Motion - 15% Accessible Units

The O.A.A.C. has put forward a motion: "Therefore the City require that all residential projects be designed with 15% accessible units with visitable features, including no stairs to the entrances doors as well as entrance door and washroom door widths sufficient for mobility devices."

In the meeting, committee chair Lisa Hart clarified that the committee is seeking to have homes built with no entrance stairs, exterior and interior doors that are wider and an accessible washroom on the main floor/entry level.

Even with the clarification, the Durham Region Home Builders' Association believes that clearer criteria is needed before further discussion can continue. However, we will provide you with some initial feedback on the information that was provided.

While we appreciate that the population is aging and the need for accessible housing exists, creating a mandatory "15% accessibility" requirement poses some significant challenges.

The committee chair stated that the number, 15%, was pulled from the Ontario Building Code, and stated that it is the current requirement for building accessible units in apartment buildings. With ground floor units and elevators available in most high rise buildings, it is less challenging to hit this target. When the conversation turns to townhomes and single detached houses, meeting this mandatory

requirement proves to be much more difficult. For example, current grading practices (rear to front drainage) do not allow for an entrance without steps. Many stacked and three-storey townhome designs have the garage built into the home and therefore have very little square footage on the ground floor to accommodate an accessible bathroom.

It should also be noted that many builders will work with purchasers to customize their homes to suit their needs, including building in accessibility features. Therefore, the specific needs of an individual or family can currently be met without introducing mandatory regulations.

At this time, our builders and developers are not experiencing a demand for accessible housing, and feel that mandating 15% of all residential units meet a specific accessibility criteria is unnecessary.

Parks

In regards to the City's proposal to change City policy to require developers to finish parks in new developments (parks and parkettes 0.6 - 1.8 hectares in size), our members have some concerns.

Currently, the park design and construction program is a collaborative effort between the City and its development industry partners. Developers and City staff work through the design process to ensure that all elements of park programming requested by the City are accommodated within the available park budget. Adjustments can then be made to the design of the park to ensure that there are sufficient funds to reimburse the developer under the Development Charge Credit program once construction is complete. Should the city make it mandatory for the developer to build the park, this collaborative atmosphere could be eliminated. In this situation, once the city provides a programming wish list to the developer, anything that falls outside of the City's DC amount collected would have to be paid for by the developer. As the park construction is directly reimbursable through Development Charge credits, we do not feel it is appropriate for the City to leave park construction solely to the Developers as the City ultimately holds the DC funds to pay for these new parks.

Furthermore, we understand through the conversation at the October 29th meeting that there may no longer be any DC credits available for parks not currently within the DC bylaw. We would request further clarification on this item.

Additionally, with the passing of Bill 108 earlier this year by the provincial government and the current process being undertaken with the Ministry of Municipal Affairs and Housing to provide a regulatory framework for the new Community Benefits Charge, we feel that any change to this park construction program and Development Charge collections and credits program is pre-mature and unwarranted at this time.

Downtown Sidewalks

At this time, the Durham Region Home Builders' Association does not have any members that are developing/building in the downtown, so we do not have any feedback at this time, other than to say that we are happy to work with the City to ensure that pedestrians have safe passage near construction sites.

Sincerely,



Stacey Hawkins
Executive Officer
Durham Region Home Builders' Association

cc:

Johnathan Schickedanz, president, DRHBA
Tiago Do Couto, chair, GR committee, DRHBA
Paul Ralph, city manager, City of Oshawa
Warren Munro, commissioner of development services, City of Oshawa
Tom Goodeve, principal planner, City of Oshawa

From: [Christine Chase](#)
To:

Cc: [David Sappleton](#); [Salisha Price](#)
Subject: BILT Feedback Requested: New Park Development
Date: Wednesday, July 14, 2021 8:58:24 AM
Attachments: [BILT Minutes - October 29 2019.pdf](#)
[BILTResponseLetterNov262019RMarch242021.pdf](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)

Good morning BILT Members,

The City of Oshawa is considering changes to the City's park development policy to require developers to finish parks in new subdivisions. Since 2019, the City's Development Services Committee has passed the following two resolutions regarding this matter requiring a report by staff:

DS-19-200 Notice of Motion – Construction of New City Parks

"That the Commissioner, Development Services Department draft a policy for Council to review and determine implementing that will ensure new city parks are constructed at the same time new subdivision roads are constructed in order that new residents are best served in a timely way with park amenities."

DS-21-134 Notice of Motion – Policy regarding the Completion of Area Parks and Trails

"Whereas the most effective time to complete parks and trails is early in a development project;

Now therefore staff develop the wording of a clear policy that ensures builder/developers are responsible for the timely completion of area parks and trails in new residential development so that any growing dissatisfaction from delays is avoided."

In 2019 we had reached out to BILT about item DS-19-200. The item was discussed at a BILT meeting on October 29, 2019 (see attached minutes, page 3). We also received the attached written response in March 2021 (parks are addressed on page 2).

A potential new policy would require developers to construct Parkettes and Neighbourhood Parks at the same time as all other features of the subdivision. Currently, a developer must provide a base park (i.e. grading, sodding and servicing), and can request to 'finish' a park and would be reimbursed by the City for the finishing (i.e. sports fields, playground, etc. based on the facilities required for that park). The policy change would require the developer of a subdivision containing a Parkette or Neighbourhood Park to 'finish' the park (and would be reimbursed by the City for the finishing).

Staff expect to report to Development Services Committee in the Fall of 2021. Given the amount of time that has lapsed, and the latest Development Services Committee resolution in June 2021 (DS-21-134), it is kindly requested that BILT members provide updated comments on the potential change to the City's new parks development policy.

If you could respond by **no later than August 4, 2021**, it would be appreciated. Please direct comments to Salisha Price (sprice@oshawa.ca).

Thank you,



David Sappleton, Interim Manager, Development and Urban Design | City of Oshawa
905-436-3311 ext. 2426 | 1-800-667-4292
DSappleton@oshawa.ca | www.oshawa.ca
"Dedicated to serving our community."



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From: [Scott Jeffery](#)
To: [Salisha Price](#)
Cc: M.F.I.P.P.A. Sec.14(1)
Subject: New Park policy
Date: Thursday, July 29, 2021 12:12:59 PM

Good Morning

As a longtime builder and developer in the City, I would be opposed to doing the "Park" work. That is not our area of expertise and the current policies should remain. I agree with the position taken by our local homebuilders association.

Scott Jeffery

1200 Airport Blvd. Suite 201
Oshawa, ON L1J 8P5
Tel: (905) 433-4701
Fax: (905) 433-0089





August 5, 2021

To: City of Oshawa, Parks Development
Oshawa, ON L1H 3Z7
Attn: Salisha Price

Re: BILT Feedback Request, City of Oshawa
Timing of New Park Development

This letter is in response to a request for comments from the BILT Members on a potential change to the City's new Parks development policies. We understand two resolutions regarding this matter were passed by the City's Development Services Committee (DS-19-200, and DS-21-134).

When considering the appropriate timing for the construction of parks, safety should be the highest priority. If built too soon, the park will create a liability during construction and foster conflict between park users and construction activities. As such, we suggest the policy have consideration for the 'path of travel' for park users, and that the timing of any park built-out be based upon the completion of all homes along the 'path of travel'. The policy might include such wording as "streets directly adjacent the park", "Streets leading to/from a park or an existing neighbourhood with access to the park". The policy should consider how users will arrive to the park safely and where the users are originating. Similarly, that "path of travel" should include the construction timing of the paths themselves; namely sidewalks, but also inter-block connections or other multi-modes that may be necessary. The phasing of development and park delivery has to be considered very carefully to also ensure that new parks do not force nearby residents through undelivered, construction-laden areas unless there is a safe path of travel.

Given the high degree of variability in park size, location, and number of homes within a subdivision, we believe this policy should respond with a high degree of flexibility (at Development Services discretion). The policy should allow for a site-by-site determination of the appropriate timing for the park's construction based upon the 'path of travel' consideration outlined above.

Such a policy would:

- Minimize conflict between residents and builders,
- Respond to site constraints related to construction sequencing and site safety,
- Minimize added ancillary costs for the builder (i.e. insurance, safety fencing, parking enforcement, etc.),
- Prioritize the completion of new parks where feasible, having regard for safety and logistics.

On the flip side, while the timing of park delivery too early can be detrimental to the developer and can make construction more challenging as described above, significant delay for park improvements following a subdivision or community completion (in years) can also mean a lack of meaningful or programmed green space for some time after residents move-in. We support the build-out of parks within a certain timeframe following

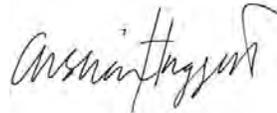
completion or occupancy, whether provided by the developer or municipality. As BILT is seeking feedback on the delivery of parks by the developer, we are in support of this as an option if both the developer and municipality are in agreement on costs and obligations, credits and contributions and timing beforehand, and have a mechanism to consider changes and situations that may arise between initial subdivision approval and park construction. We have proposed building City parks on several occasions to other municipalities, but have been stonewalled as they get hung up on their own internal processes, fund allocations, third-party commitments and sequencing to deliver improved parks in a reasonable timeframe. Flexibility and cooperation are important from both sides to ensure success, but can result in an aligned and more direct delivery of these important parts of our communities.

We are available for further discussion at any time. Thanks for the opportunity to comment.

Sincerely,



Adam Lennie
Development Manager
PODIUM DEVELOPMENTS



Christian Huggett, MCIP RPP
Vice President, Development
PODIUM DEVELOPMENTS



Durham Region Home Builders' Association
1-1255 Terwillegar Avenue
Oshawa, Ontario L1J 7A4
Tel. (905) 579-8080
Email: info@drhba.com
www.drhba.com

August 12, 2021

Salisha Price
City of Oshawa
50 Centre Street South
Oshawa, Ontario L1H 3Z7

Re: Changes to Oshawa's Park Development Policy

The Durham Region Home Builders' Association (DRHBA) would like to thank BILT and the City of Oshawa for reaching out to us for feedback on items *DS-19-200 Notice of Motion - Construction of New City Parks* and *DS-21-134 Notice of Motion - Policy regarding the Completion of Area Parks and Trails*.

As both of these items would have a significant impact on the building industry, DRHBA reached out to its builder and developer members for feedback on these items. As a result of our consultation with members, DRHBA cannot support the City of Oshawa mandating that developers become responsible for building neighbourhood parks. While DRHBA believes that the City should continue to give developers the option to build parks if they so choose, it's important to note that the City collects development charges related to parks and therefore has the needed funds to engage a landscape architect and contractor to complete parks in a timely manner, should a developer opt out of building the parks.

Although some developers view the early construction of a park as a marketing tool, there are many obstacles in place that make it very challenging, and in some instances, impractical, to have the parks built during the development stage. DRHBA looks forward to working with BILT and City of Oshawa staff to overcome some of these challenges and find a way to ensure that new residents are able to enjoy parks in their neighbourhoods without unnecessary delays and without mandating developers to take on the additional risks inherent in the parks development process.

DRHBA would like the City of Oshawa to investigate a policy that would help speed up the completion of parks while taking into account the reality of the construction process. A policy similar to other municipalities, that requires park completion within a certain number of years after occupancy, is something that DRHBA and its members could support with the proper framework to minimize risks and additional cost burdens to the industry, should a developer chose to build the park.

The following outlines some of the feedback that DRHBA and its builder/developer members have vocalized about building neighbourhood parks during the development process:

The Durham Region Home Builders' Association is the voice of the residential construction industry in Durham Region. The Association represents builders, developers, renovators, trade contractors, professionals, suppliers and manufacturers that work in the Region of Durham.

Finance

Typically, development charges are collected at the time of building permit approval and the money is collected by the City and held until such time that the parks are ready to be built. If developers opt to build the parks, it is essential that reimbursement from the City occur immediately after completion of the park. Timely repayment will help incentivize developers to opt to build the park.

In addition, if unanticipated field conditions lead to park cost increases, the City will need to deal with that immediately. Waiting for council budget approval for a cost increase will delay park completion and will result in additional costs related to standby costs, remobilizations and escalations that the City would be required to reimburse the developer for. DRHBA would support senior staff being given the authority to approve required budget overruns.

Any park policy would also need to include adequate soft cost allowances in the budget to appropriately account for the cost of the landscape architect, civil engineer and soils engineer and any other support required to build the park.

The Development industry would also need reassurance written into the policy that the City cannot ask the developer for securities for the above base park component, as the funds to build the park are collected through development charges and already held by the City.

Finally, any policy prepared by the City cannot obligate a developer to build a park should the park lands be owned by different landowners. These parklands would need to be addressed through specific Cost Sharing Agreements.

Timing

Safety of new residents is of paramount concern to developers and the City of Oshawa. To strike a balance between the need to have parks built in a timely fashion and the safety of new residents, DRHBA is recommending that the policy ties the completion of parks to occupancy, i.e. parks should be completed within a certain number of years after occupancy. This allows for sidewalks to be completed, and likely a reduction in the amount of home building construction activity on a site. Directing the public through an active construction site generates an unnecessary risk to a builder and is outright dangerous. This will inevitably produce liability risks not only to the builders and developers, but to the City of Oshawa as well.

The current resolution, as written, requires parks to be completed at time of servicing, which is impractical, unfeasible and unsafe due to active construction activity. In addition, the Ministry of Labour regulates that any construction activity on a site must maintain separation of time and / or space between contractors. Developers are not set up as general contractors and therefore, are unable to have more than one contractor onsite at a time.

Construction is inherently messy work and sites are often muddy, dusty and dirty. Once the parks are built, is the City prepared to assume responsibility for the maintenance of these parks? This maintenance would need to include, but not be limited to; regular garbage removal, grass cutting and

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other maintenance activities. With park construction too early, the City would need to be responsible for the parks' upkeep, maintenance and safety while construction is ongoing to complete the neighbourhood. Once again, this puts the developers, builders and the City of Oshawa at risk.

It is also important to note that if the design process begins after occupancy, the City then has the opportunity to consult with new residents and engage them in the process of designing these parks, which allows for better community use of these new amenities.

Summary

Overall, changing the City of Oshawa's current parks policy would not be supportable by DRHBA and its member companies. The proposed resolution carries with it too many unsurmountable risks that put both the industry and the City at unnecessary risk. While the goal of having parks in place when new residents move in is admirable, DRHBA feels that due to development timelines and realities, it is not possible. We would like to continue this conversation to come up with a solution that would not only work for all parties, but would also benefit new homeowners.

Sincerely,



Stacey Hawkins
Executive Officer
Durham Region Home Builders' Association

cc:
Paul Ralph, City Manager, City of Oshawa
Warren Munro, Commissioner of Development Service, City of Oshawa
DRHBA GR Committee
Johnathan Schickedanz, president, DRHBA
Tiago Do Couto, vice-president, DRHBA
Victoria Mortelliti, Manager of Policy & Advocacy, BILD
Frank Filippo, BILD Durham Chapter Chair

The Durham Region Home Builders' Association is the voice of the residential construction industry in Durham Region. The Association represents builders, developers, renovators, trade contractors, professionals, suppliers and manufacturers that work in the Region of Durham.

August 12, 2021

Salisha Price
City of Oshawa
50 Centre Street South
Oshawa, Ontario L1H 3Z7

Item: DS-21-226
Attachment 10

Attention: Salisha Price
Senior Landscape Architect

RE: City's Proposal to Change City Policy Regarding Parks in New Developments
DS-19-200 Notice of Motion – Construction of New City Parks &
DS-21-134 Notice of Motion – Policy regarding the Completion of Area Parks and Trails

Dear Ms. Price,

We are writing to you on behalf of the Columbus Landowners Group (the "Group"), which consists of landowners within the Columbus Part II Planning area in the City of Oshawa (Attachment 1). Specifically, we are writing regarding the City's July 14th request to BILT members to provide updated comments on the potential change to the City's new parks development policy.

The City's Development Services Committee has passed the following two resolutions regarding this matter:

1. DS-19-200 Notice of Motion – Construction of New City Parks

"That the Commissioner, Development Services Department draft a policy for Council to review and determine implementing that will ensure new city parks are constructed at the same time new subdivision roads are constructed in order that new residents are best served in a timely way with park amenities."

2. DS-21-134 Notice of Motion – Policy regarding the Completion of Area Parks and Trails

"Whereas the most effective time to complete parks and trails is early in a development project; Now therefore staff develop the wording of a clear policy that ensures builder/developers are responsible for the timely completion of area parks and trails in new residential development so that any growing dissatisfaction from delays is avoided."

The potential new policy would require developers to construct Parkettes and Neighbourhood Parks (0.6 – 1.8 hectares in size) at the same time as all other features of the subdivision. The Group recognizes the social and economic importance of parks and the necessity of their early completion in a development; however, the Group does not feel it is appropriate for the City to mandate park construction in new developments as the exclusive responsibility of the developer.

As such, the following are a list of comments/questions that should be considered through the creation of such policy, based on experience of the individual members of the Columbus Landowners Group with other municipalities within the Greater Toronto Area:

1. Parkettes and neighbourhood parks that include amenities (park equipment, etc.) traditionally require a public consultation process and this should continue to be the responsibility (financial and staff workload) of the City of Oshawa.
2. City is responsible for the procurement of any park amenities (park equipment, etc.), which will be funded and installed by the developers.
3. The reimbursement to 'finish' the park, as outlined in the request for comments, is the responsibility of the City. However, the timing and mechanism for reimbursement requires careful consideration by all parties and further review by BILT members is requested.
4. Timing for park construction needs further discussion, as constructing a park at the same time as subdivision roads may create a dangerous environment where a park may be constructed and heavy servicing equipment is still on-site. As such, timing should be more reflective of the status of house occupancies. For example, timing of park construction should be required a minimum of 1 year after the first home occupancy (including confirmation of safe pedestrian facility connection from said occupancy to park) in order to promote a safe living environment and community for residents of all ages.
5. At this time, it is the Group's opinion that the 'finishing' of a park, should not be incorporated into a subdivision agreement and be a stand alone agreement which considers the following:
 - a. Cost recovery, timing of park construction, maintenance/warranty requirements, and timing of payments.
 - b. The new policy provides as much flexibility as possible as it relates to the reimbursement and agreement execution:
 - i. Budgetary flexibility (based on park type) to 'finish' the park, so that senior staff obtain the delegated authority to enter into any required agreements, and Council approval is not required. This will expedite the process, which is the intent of such policy to ensure that the park is available early in the development project and not delayed by the Committee/Council approval processes.
 - ii. Not require further council approval, following the annual budget process that would include the dedicated park funding, as required.
6. The above noted agreement to 'finish' the park should not include performance securities as the works are being undertaken on behalf of the City.

Furthermore, at the time of preparing the said report to Council regarding the park policy on construction of new city parks, it is requested that City staff provide information regarding other park implementation mechanisms, such as *Master Parks Agreement(s)*.

The Columbus Landowners Group is requesting to enter into a Master Parks Agreement for the Columbus Part II Planning area. The purpose of the Master Parks Agreement is a commitment to provide the required parkland as required pursuant to the Planning Act of Ontario. The parks identified in the Columbus Part II Plan are meaningfully sized and strategically located within the Part II Plan Area to service the whole community, and have been calculated and provided on a collective basis based on the

overall area rather than based on each owner's individual lands. Based on the foregoing, and due to the strategic location and size of the parks, some owners are providing parkland above and beyond their *Planning Act* requirement, resulting in such owners being in an over-dedicated position, whereas some owners will provide less than their individual parkland requirements under the Planning Act, resulting in such owners being in an under-dedicated position.

As such, a Master Parks Agreement between the Columbus Landowners Group and the City is required to outline the overall parkland requirement for the Part II Plan Area, and to confirm that such parkland requirements will be calculated and satisfied on a collective basis by the owners within the Part II Plan Area and not by each individual owner therein. It is also intended to confirm that certain landowners will be satisfying the physical parkland obligation for other landowners within the Secondary Plan Area who do not have any parks depicted on their property. This will eliminate the unnecessary process of providing cash-in-lieu for these owners which will reduce staff workload and costs of associated works to calculate the cash-in-lieu amount.

This approach (Master Parks Agreement) to parkland dedication is mutually beneficial for both the landowners and the City, and is widely accepted throughout the GTA.

Thank you for your time and consideration. We are happy to further discuss our request should you wish to do so. Please contact the undersigned should you have any questions.

Regards,



Michael May, P. Eng., General Manager
Delta Urban Inc.

On behalf of the Columbus Landowners Group Inc.

CC: Columbus Landowners Group Inc,
Tom Goodeve, Director, Planning Services