

NO: R185

COUNCIL DATE: October 5, 2009

REGULAR COUNCIL

TO: **Mayor & Council** DATE: **September 29, 2009**

FROM: **General Manager, Parks, Recreation
and Culture** FILE: **6130-01**

SUBJECT: **Policy Related to the Construction of Park Infrastructure by Developers**

RECOMMENDATION

It is recommended that Council:

1. Receive this report as information; and
2. Approve the proposed Corporate Policy: *Developer Construction of Park Infrastructure*, which is attached as Appendix 1 to this report.

INTENT

The purpose of this report is to discuss how the City can work with the development industry in the construction of new parks in areas of new development and to present a draft policy for Council consideration.

BACKGROUND

The Parks Division of the Parks, Recreation and Culture (PRC) Department currently oversees the construction of new parks in the City. The Parks Planning, Research and Design Section is responsible for identifying future parkland needs, working with Realty Services in the acquisition of new parkland and overseeing the design of new parks including the related public consultation. The City constructs new parks using City crews and/or private contractors. PRC staff also work closely with the Engineering Department's Land Development staff to inspect and approve works performed by the development industry that may impact parkland.

From time to time developers have expressed an interest in constructing new parks that are located in newly developing communities citing the following benefits that would result in:

- Potential cost savings in having the same landscape contractor complete both the development's landscaping and the construction of the park;
- Potential cost savings related to the installation of engineering servicing for the park at the same time as such services are installed in the adjacent development;

- Parks are completed and ready for use by new residents in a neighbourhood more quickly than may be possible for the City by traditional approaches; and
- The newly constructed park would assist in the marketing of new communities in support of the economic development in the City.

DISCUSSION

Recognizing the interest of the development industry, the Parks Recreation and Culture Department has prepared a draft policy titled “Developer Construction of Park Infrastructure” (the “Policy”) to guide the process for developers to construct new parks. The policy identifies when developers will have the prerogative to construct a park and establishes a process that will act to maximize the benefits to all stakeholders. The Policy, attached as Appendix 1, has been reviewed by the City’s Development Advisory Committee, the Parks and Community Services Committee, Legal Services and the Engineering Department’s Land Development Division.

The Policy establishes that developers can request that they be allowed to construct new Neighbourhood Parks in areas that are covered by a Neighbourhood Concept Plan (NCP), where Park Development amenity contributions are collected by the City. City-level and Community Parks are excluded from the Policy because of the need for a much more involved public-consultation process that accompanies the planning and design of these types of parks. This relates to their size and their larger catchment area.

Under the proposed Policy, the construction of a new park will be covered by a Servicing Agreement, similar to the Servicing Agreements currently used by the Engineering Department to allow developers to construct engineering services in new developments. A specific contract relating to financial compensation to the developer from the NCP Park Amenity Contributions will be executed between the City and the developer called a Parks Amenity Works Agreement, which will be based on the approach used for Development Cost Charge (DCC) Front-Ender Agreements. This will allow the developer to be reimbursed over time for the costs of constructing the park from Parks Development Amenity contributions.

CONCLUSION

Based on the above discussion, it is recommended that Council approve the Policy titled “*Developer Construction of Park Infrastructure*”, which is attached as Appendix 1 to this report.



Laurie Cavan
General Manager
Parks, Recreation and Culture

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Attachment – Corporate Policy: *Developer Construction of Park Infrastructure*

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Appendix 1

Corporate Policy: Developer Construction of Park Infrastructure



CITY POLICY

No.

REFERENCE:

APPROVED BY:

DATE:

HISTORY:

TITLE: Developer Construction of Park Infrastructure

1. Purpose of the Policy

To provide criteria, guidelines and procedures which identify where, when and how developers may construct park infrastructure.

2. Policy Statement

In consideration of benefits to the City, the City's residents and the development industry that can be derived from developers to constructing certain types of City park infrastructure, this Policy provides guidelines and procedures to facilitate such involvement by developers in the construction of park infrastructure.

3. Definitions

City – means the City of Surrey and its Departments.

Developer – means the owner, or authorized agent of the owner, of property for which an application for subdivision or building permit is made.

General Manager – means the General Manager of the Parks, Recreation and Culture Department of the City or his/her designate.

Neighbourhood Park – is an official designation within the City's Official Community Plan and is a park that is intended primarily for the use of residents that live within walking distance and typically contains pedestrian pathways, areas for passive recreation, horticultural features and playgrounds.

Neighbourhood Concept Plan (NCP) – means a secondary plan as defined in the City's Official Community Plan that provides a detailed land use plan for a specific neighbourhood within the City and that identifies specific parks within the neighbourhood and the related funding required to develop the parks.

NCP Park Development Amenity Contributions – means charges that are collected in conjunction with development in an NCP area to fund the development of park infrastructure in that NCP area and which are collected through the Development Application approval process.

Servicing Agreement – means a contract between the City of Surrey and an individual or company to construct works and services to standards set by the City.

Park Amenity Works Agreement – means an agreement between the City of Surrey and a developer for the construction and financing of parkland development and/or infrastructure.

4. Guidelines in relation to Developers Constructing Parkland Infrastructure

- a) Subject to the approval of the General Manager, a developer may construct the following components of parkland infrastructure:
 - Land clearing operations - Sale of the logs, using the City’s timber-mark, would be carried out by the developer, with the revenue from the log sales considered within the overall development costs;
 - Major site grading and bulk earthworks;
 - Drainage systems;
 - Site servicing;
 - Installation of top-soil;
 - Installation of hard surfaces;
 - Construction of bridges; retaining walls; fencing; car stops; gates; bike baffles; bike racks and similar infrastructure;
 - Basic landscaping, including installation of turf grass and trees;
 - Habitat compensation plantings on parkland in accordance with the City’s Policy 15; and
 - Other components as determined by the General Manager.

- b) The following components of park infrastructure will not be permitted to be constructed under this policy:
 - Playgrounds;
 - Sport Fields;
 - Support buildings, washrooms, or structures;
 - Water Spray Parks;
 - Irrigation Systems;
 - Large horticultural features;
 - Construction works in areas intended for the preservation of existing natural vegetation and riparian protection;
 - Any work within forest stands or significant natural areas (e.g. Riparian Areas) unless secured through the Policy P-15 Agreement; and
 - Other significant community facilities or amenities.

- c) The Policy shall apply only to parkland classified as Neighbourhood Park and only in NCP areas where remaining NCP park amenity contributions are sufficient to cover the works to be undertaken by the developer.

- d) City Parks and Community Parks are not covered by this Policy due to the need for broader community consultation and their more complex construction requirements.

5. Procedures for the Administration of Developers Constructing Parkland Infrastructure

- a) A Developer shall apply in writing to the General Manager identifying the park which the developer wishes to construct;
- b) Subject to approval by the General Manager, the developer will be responsible for:
 - i. Hiring a Landscape Architect acceptable to the City to design the park, referencing the *Surrey Park Construction Standards*, to the satisfaction of the General Manager; and
 - ii. Providing an estimated value of the work to be constructed for review and approval by the General Manager.
- c) The developer will be required to enter into a Servicing Agreement and a Parks Amenity Works Agreement acceptable to the City and post a letter of credit in an amount equal to 100% of the estimated costs of construction of the park works covered by the Agreement.
- d) The Servicing Agreement will specify the obligations of the parties in relation to construction and maintenance of the works and the release of the Letter of Credit. The Parks Amenity Works Agreement will cover the methods and schedule for reimbursement to the developer of the costs of the works. In general, where the funding for parkland construction is front ended by a developer, the City will reimburse the front ending developer as and when the City receives NCP park amenity contributions from other developers within the same NCP and in accordance with any other special conditions that are contained within the Parks Amenity Works Agreement that is executed between the City and the developer at the outset of the project.