



City of
Peterborough

TO: Members of the Arenas Parks and Recreation Advisory Committee

FROM: Rob Anderson, Recreation Division Coordinator

MEETING DATE: February 28, 2012

SUBJECT: Report APRAC12-005
Off-leash Dog Park Policy and Possible Sites

PURPOSE

A report to recommend endorsement of a corporate policy pertaining to the establishment and operation of Off-leash Dog Parks on City owned land, and to obtain endorsement of a preferred site for an Off-Leash Dog Park.

RECOMMENDATIONS

That the Arenas Parks and Recreation Advisory Committee approve the recommendations outlined in Report APRAC12-005 dated February 28, 2012, of the Recreation Division Coordinator, as follows:

- a) That the corporate Off-Leash Dog Park Policy attached to this report as "Appendix A" be endorsed; and
- b) That Johnson Park, located on Ashburnham Drive, be endorsed as the site of the City's first Off-Leash Dog Park.

BUDGET AND FINANCIAL IMPLICATIONS

There are no budget or financial implications resulting from the approval of the recommendations of report APRAC12-005. All capital and operating costs for off-leash

dog parks will be absorbed by the dog park operator. Public Works actively maintains the grass at the recommended dog park site, which is located on a regular garbage pick up route, resulting in no increased cost for those services.

BACKGROUND

On September 20, 2011, the Peterborough Dog Owners Association (PDOA) made a presentation to the Arenas Parks and Recreation Advisory Committee (APRAC) in support of the City establishing an off-leash dog park on City owned property. APRAC passed a motion supporting, in principle the development of an Off-Leash Dog Park on City owned property.

At the October 17, 2011 Committee of the Whole meeting, staff report CSRS11-010 - Request to Create an Off-Leash Dog Park was presented to Council. That report included a list of recommended site selection criteria, for Council's consideration. At the October 24, 2011 Council meeting, Council approved the following:

- a) That the introduction of an off-leash dog park be approved in principle;
- b) That the recommended off-leash dog park site selection criteria, attached to this report as Appendix "A" be received;
- c) That staff be directed to work with the Peterborough Dog Owners Association to identify suitable off-leash dog park locations, and to identify and report on a funding formula to offset capital and operating expenses;
- d) Following the completion of the report referred to in recommendation (c), that the Arenas Parks and Recreation Advisory Committee recommend off-leash dog park locations;
- e) That staff be directed to report back to Council regarding proposed locations for an off-leash dog park, and that the City Solicitor and City Insurance Broker be directed to prepare a report on potential liability to the municipality; and
- f) That approval be granted for the City to accept donations, issue income tax receipts to donors, and deposit all monies received in an account held by the City, in support of the ongoing operational costs of the off-leash dog park.

To address concerns raised by Council related to capital and operating costs, site selection criteria, insurance, and liability issues, City staff has drafted a corporate policy for off-leash dog parks, for Council's consideration. The Policy is attached as Appendix

“A”. This approach has been successful in other municipalities, such as Toronto, Hamilton, Richmond Hill, Kingston, and Oshawa. Council’s approval of such a policy will provide a corporate commitment to the establishment of off-leash dog parks on City owned property and a framework containing succinct guidelines governing off-leash dog parks, including site selection criteria. City staff from various divisions, such as Recreation, Public Works, Planning, Legal Services, and Environmental Protection, as well as executive members of the PDOA participated in the development of the draft policy. Staff recommends that this policy be approved, as presented in Appendix “A”.

Funding Formula for Capital and Operating Expenses

While Council supported the establishment of off-leash dog parks in principle, they did not support that it be created and maintained at an additional cost to the tax payers. At the Council meeting of October 24, 2011, the PDOA appeared in delegation and provided written correspondence to Council committing themselves to the following:

To absorb all capital and maintenance costs so that this project does not impact financially on the City. As such, this off-leash dog park will not be a new City service. The PDOA will actively monitor the park through its volunteer membership. With regard to the City’s role in this development, the PDOA will request a suitable space of not less than 1.5 acres. In some instances suitable sites may include normal maintenance but failing this, PDOA will provide such maintenance as required.

As such, the PDOA have embarked on a fundraising campaign and membership drive. Their fundraising initiatives can be followed by visiting their website at <http://www.peterboroughdogpark.org/>. As per Council’s direction, staff made the necessary arrangements for the City to accept donations for the dog park on behalf of the PDOA, and issue charitable donation receipts.

The PDOA’s ability to obtain corporate sponsorships and funding grants is dependent upon having a site for the dog park approved.

The policy is written in a manner that gives Council the sole authority to approve all dog parks on City owned land. However, it provides Council with the flexibility to require the Dog Owner Association to absorb all capital and operating expenses of the dog park, or to approve a municipal financial contribution.

Insurance and Liability

The policy does require that off-leash dog parks have a designated Operator, who will enter into a Use Agreement with the City. An Operator is defined in the policy as an established Dog Owner Association with lead responsibility for managing and operating a dog park on City owned land. While the PDOA is presently the established dog owner association, that could change over time. As such, the policy does not specifically reference the PDOA. Wording the policy in this fashion eliminates the need for the

policy to be amended should the PDOA cease to exist, or if a replacement or additional Dog Owner Association is established.

The Use Agreement and the Off-Leash Dog Park Procedures will stipulate that the Operator must obtain and maintain an insurance Policy with the City named as an additional insured. Both documents will also define the requirement for the dog park operator to be in compliance with Municipal Act, Dog Owners Liability Act, Occupiers' Liability Act, and City By-laws pertaining to noise control and the control and/or licensing of animals on public lands. The Dog Park Procedure document and the Use Agreement are being prepared, but staff requires policy approval prior to completion of these documents.

Consultation with the City's insurance broker confirmed that the Use Agreement approach works well from an insurance perspective. It was also confirmed that the City's operations associated with the dog park will be covered through the City's existing municipal insurance policies. Therefore, no additional insurance policies or fees are required. There are no increased liability risks to the Municipality as a result of off-leash dog parks being situated on City owned land.

Legal Services contacted the Cities of Kingston and Oshawa to determine how those municipalities provide off-leash dog park amenities to their ratepayers. Neither municipality has required a dog owners association to enter into an agreement concerning the operation or maintenance of a dog park. Both municipalities simply provide an off-leash dog park area as a public amenity within a public park and have assumed any additional operating costs into the budget.

Proposed Rules and Regulations

Rather than including the rules and regulations in the policy, they are identified in the Use Agreement and the Off-Leash Dog Park Procedures, as follows:

- Hours of operation (must comply with the City's Noise By-Law)
- Aggressive dogs must be removed from the park
- Children under 14 years must be accompanied by a responsible adult
- Dog owners must carry a leash for their dogs in to gain control if needed
- Dog owners must pick up after their pets using their own bags or bags provided at the site
- All dogs must have up to date rabies shots and dog license tags (no dogs under 6 months, as they have not received all up to date shots)
- Female dogs in heat or dogs who are ill are not permitted in the park
- Limit of 3 dogs per care provider
- Professional dog trainers or walkers may not use the park to conduct their business
- Dog owners are subject to the Ontario Dog Owners' Liability Act (DOLA)
- Citizens who use the park, do so at their own risk

The Operator will be required to ensure the dog park users are in compliance with the rules and regulations. This may involve direct interaction with those in non-compliance or it may involve contacting the appropriate local authority as required, such as the Humane Society or the Police. There is no intent to put the Operator in a dangerous situation over a non-compliance issue.

Site Selection Options

Using the site selection criteria identified in the draft policy, the Land Information Services Division (LIS) generated a map of all City owned land that meets the site selection criteria. Staff from Recreation, Parks and Forestry, Planning and LIS reviewed the map and eliminated areas where land formation and/or current land uses would make it impractical. From the remaining properties, 6 sites were identified as most closely matching the site selection criteria included in the Policy document. Please see Appendix “B” for a map depicting these sites and Appendix “C” for an aerial photo of each site, as follows:

a) Johnson Park

This site is 2.9 acres in size and located on the west side of Ashburnham Drive, immediately north of Beavermead Park. The space is flat and has a good mix of open space and tree coverage. The open space on the east side of the Park is the recommended area for the fenced area to be established. There is ample parking space at Beavermead Park, across the road at the former snow dump just south of the East Gate soccer fields. The site also has a vehicle access point, if needed. Public Works actively maintains the grass at this site and it is on a regular garbage pick up route, resulting in no increased cost for those services to be available.

The closest private residence is approximately 230 metres away and separated by an arterial road and approximately 200 metres of heavy tree growth. The dog park would also serve as an additional amenity to dog owners, who camp at Beavermead campground, as pets are not permitted to be off-leash at the camp ground.

There are 10 large events that occur near Johnson Park between June and September, at which attendees have used Johnson Park as an informal parking lot, which is causing damage to the grounds. In the event this site is approved as the location for the dog park, City staff is in discussion with Parks Canada to determine what arrangements can be made to allow event attendees to use their parking space, which abuts the northern end of Johnson Park as overflow parking during these events.

b) Southwest Corner of Ashburnham Drive & Maria Street

This site is 2.4 acres in size. It is flat, but has no tree cover and is located beside a busy intersection. There is currently no formalized use of this property. The site can utilize the same parking areas as Johnson Park. However, it is a little further away. The nearest

private residence is approximately 165 metres away, and separated by the Trent Severn Canal and mature tree lines.

c) Rotary Park

This triangular green space near the east side of the London St. foot Bridge has a good mix of trees and open space. The site is approximately 23 metres from the private residences on the west end of Dufferin Street, with only a few trees to act as a barrier. It has excellent access to the trail system, but limited access to major roadways. Year round parking is limited to the small parking lot located south of Parkhill Road by the Inverlea Bridge, and on Dufferin, Ross and Hazlitt Streets, which are quiet neighbourhood streets. Concerns may be raised by the residents in this area.

d) Auburn Street

This site, located just north of Parkhill Road is 2.4 acres in size and is currently unutilized space. It is located along the trail, is adjacent to an arterial roadway, and has access to the river. It has a good mix of vegetation, trees and open space. The site is approximately 30 metres from the nearest private residence, which is situated to the east. However, there is an active trail and a city street separating the residences from the proposed site. The residents would need to be consulted prior to any possible development in this area. The linear shape of the site provides opportunity for on-street parking on the west side of Auburn Street. There is also decent access to the small parking lot just south of Parkhill Road, at the east end of the Inverlea Bridge.

e) Hamilton Park

This established park is located on Bonaccord Street, just east of Monaghan Road. Hamilton Park contains a basketball court and children's play structure. While the Park is a decent size, at 5.4 acres, it is heavily treed, with limited open space. The dog park area could be located across the north section of the park, which would take over the majority of the park's remaining available open space. There are 4 private residences that abut Hamilton Park. The tree lines surrounding those properties provide a natural barrier of approximately 15 metres for those residences. There is ample parking located across the street at Bonnerworth Park, and it has good access to the trail system and Jackson Creek.

f) Green Space north of the Parkway Trail

This site is located along the Parkway Trail just south of Milroy Drive and Evans Drive. It is a large area, at 19.2 acres. The site abuts the rear yards of several private residences along Milroy Drive and Evans Drive. However, the dog park area would be developed between 60 and 120 metres from these residences, due to the steep grade of the land immediately south of Milroy and Evans Drives. While it has a mix of trees, vegetation and open areas, it could prove difficult to fence a specific area, due to the storm water

retention ponds. Parking would also be a challenge, as street parking would be the only parking readily available.

Site Evaluation

The 6 potential sites were presented to and supported by the PDOA on February 8, 2012. A scoring matrix was utilized to establish a ranking for each site. Each site was ranked on a scale of 1 – 5 on the following factors:

- Size and shape
- Accessibility to streets, trails, paths/sidewalks
- Proximity to and compatibility with other amenities/activities at the site
- Proximity to and compatibility with neighbouring land uses
- Parking Availability - proximity to, amount, and type (on site, on street, or nearby)

The PDOA and a staff person from each of following divisions completed the matrix, Recreation, Parks and Forestry, and Planning. The scores of each evaluator were combined to establish an over-all score for each site, as follows:

Johnson Park	Auburn St.	Ashburnham & Maria	London Foot Bridge (Rotary Trail)	Hamilton Park	Evans Dr. Pond
94	89	80	79	63	62

Note: The maximum possible score is 100

Section 4.4.3 of the draft Off-Leash Dog Park Policy identifies that neighbours have an opportunity to provide input when a new dog park is being proposed. While all 6 sites are being presented for APRAC's consideration, Staff recommends that Johnson Park, which received the highest score, be endorsed as the site for the City's first off-leash dog park.

When community consultation is required, it is common practice to send notification to neighbouring residences within 120 metres of the perimeter of the impacted site. Considering this site is not currently used for any other organized activity, and the nearest residence is approximately 230 metres away and separated by an arterial road and approximately 200 metres of heavy tree growth, staff recommends that the Council meeting on March 12, 2012 serve as the public's opportunity to provide input to Council.

Input From the Arenas Parks and Recreation Advisory Committee

Staff identified to Council in October 2011 that the target date for an off-leash dog park to open is June 2012. Staff is making every effort to meet that target date. As such, the draft policy and potential sites are being presented to Council, sitting as Committee of the Whole on March 5, 2012. Input provided to staff by APRAC on February 28, 2012 will be presented verbally to Council at the March 5, 2012 Committee of the Whole

meeting, as the deadline for the Committee of the Whole reports was prior to the February 28th APRAC meeting.

SUMMARY

Approval of a corporate policy for off-leash dog parks provides a commitment by the City to establish off-leash dog parks on City owned property, and a framework containing succinct guidelines governing off-leash dog parks, including site selection criteria. The PDOA has committed to covering all capital and ongoing operating expenses, and to managing the day-to-day operation of the dog park. Establishing such a facility on City owned land does not increase the City's risk of liability or require additional insurance coverage. Using the site selection criteria identified in the Policy has allowed staff to identify 6 potential locations for APRAC's consideration. From these 6 locations, staff has identified a preferred site and is seeking APRAC's endorsement.

Submitted by,

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Attachments:

Appendix A – Draft Off-Leash Dog Park Policy

Appendix B – Map of City Owned Land Most Closely Meeting Site Selection Criteria

Appendix C – Aerial Photos of 6 Potential Dog Park Sites