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Community Planning & Economic Development Standing Committee
May 10, 2012

TO: Chair and Members of the Community Planning & Economic
Development Standing Committee

SUBMITTED BY: 
Peter Stickings, Acting Director, Planning & Infrastructure

DATE: March 23, 2012

SUBJECT: Wastewater Oversizing for Future Development of Sandy Lake Lands

SUPPLEMENTARY REPORT

ORIGIN

At the February 9, 2012, meeting of the Community Planning & Economic Development Standing Committee, a motion was passed that funding to pay for the oversizing of the wastewater system through Bedford West to accommodate the future development of the Sandy Lake Lands be deferred, and that staff come back with a report providing information whether an area rate could be levied to pay for a portion of the oversizing cost.

RECOMMENDATION

It is recommended that the Standing Committee recommend to Regional Council that the Municipality agree in principle to fund the oversizing of wastewater infrastructure through Bedford West to service the future development of Sandy Lake through this year's and future year's budgets and direct staff to provide Regional Council with details on the how this will be accomplished in this year's budget.

BACKGROUND

In the December 2, 2011, report (attached), staff advised that oversizing of wastewater infrastructure through Bedford West would be needed to allow for the future development of the Sandy Lake lands. Construction through Bedford West is expected to commence this summer and be completed over a ten year period. The projected oversizing costs are presented in the budgetary implications section of this report.

The recommended approach was for the Municipality to pay the costs and later recoup the expenditures through capital cost contribution (CCC) charges levied on the benefitting property owners at the time of the subdivision approval. As subdivision approvals are not expected to commence for at least fifteen years and not be completed for another twenty years, the Municipality would assume financial risk. Further elaboration on a risk assessment can be found in the discussion section of the attached December 2, 2011, staff report.

The alternative approach would be for the Municipality to levy an area rate over the Sandy Lake lands to recoup municipal expenditures sooner. This would reduce the financial risk to the Municipality but would put additional pressure on the Municipality to allow for development to proceed faster.

During the deliberations, the Standing Committee requested that staff investigate a hybrid of the two approaches. Staff was also requested to provide further information regarding projected population growth to help assess risk and capital cost contributions collected to date relative to projected collections.

N.S Utility and Review Board Deliberations

Subsequent to the February 9, 2012, meeting of the Standing Committee, Halifax Water has submitted an application to the N.S Utility and Review Board for approval of a CCC charge for Bedford West. The submission was based on a wastewater system designed to service development of Bedford West without oversizing, to allow for future development of the Sandy Lake lands. The report to the Board states that:

“Halifax Water has identified a willingness to invest in this area (Bedford West) as an appropriate priority and reasonable risk as detailed in the previous section on the Bedford West Implementation plan. However, in the context of the opportunity to invest in oversizing for future development, staff believe that the risk to Halifax Water is significantly different, in that Sandy Lake does not have a formal secondary plan or established CCC charge area, and the reality and timing of this is outside the control of Halifax Water. Staff are recommending that an investment in future infrastructure for the Sandy Lake area is not a reasonable investment risk for Halifax Water at this time. HRM staff are seeking direction from Regional Council on possible funding options for the over-sizing required to accommodate Sandy Lake. A follow-up report to the Halifax Water Board will be provided summarizing the outcome of that process.”

On March 20, 2012, the Review Board held a pre-hearing on the application. Solicitors for Armco Capital Inc., the major property owner in the Sandy Lake area, raised objections that the application did not include oversizing to allow for future development of the Sandy Lake lands but acknowledged that a possible solution might be found through the current process being undertaken by the Municipality.

A full hearing before the Review Board has been scheduled for July 16, 2012.

DISCUSSION

Planning Implications:

Representatives of Armco Capital have advised staff that the company would be prepared to pay a portion of the oversizing costs prior to services being available, only if development rights can be guaranteed. This position is understandable but poses a dilemma for the Municipality.

Development rights can only be achieved upon successful completion of the required planning approval processes. For the Sandy Lake lands, the Regional Plan requires that a secondary planning strategy be approved by Regional Council and that capital cost contribution charges for transportation infrastructure be approved under the Regional Subdivision By-Law. Before these decisions can be made, the Charter requires that Council undertake a public participation program and hold a public hearing.

As stated in the previous report, if the Municipality were to recoup costs before services are available through an area rate, there will be increased expectations from the property owners to allow development to proceed as quickly as possible. This could result in premature development that could prolong recovery of investments already made in approved growth areas such as Bedford South and Bedford West.

An Area Rate:

It is possible for the Municipality to levy an area rate for only a portion of the oversizing costs and to begin levying the area rate as early as fiscal 2012-13. Regional Council would have to decide what portion of the costs are to be shared between the area rate and any potential future CCC and over what time frame it wished to collect that portion of the funds.

For instance, development approvals are expected to not start for fifteen years and to take another twenty years to complete. Based on this timeline, an area rate could be constructed that collects 50% of the amount required over the next 35 years. In year one, the total amount levied could be as low as \$45,000 but would gradually increase over time as the final costs are determined and interest carrying costs are included in the amount to be levied. However, this approach creates a number of uncertainties and risks.

Regional Council would need to pass a tax rate, a defined area rate boundary, and should consider how all property owners in the Sandy Lake area (including existing home owners) are treated under the area rate, especially in light of the area rate's relationship to any future CCC and to individual connections into a centralized system. As there would be no underlying by-law, Regional Council could not commit future Council's to levying the area rate each year.

If Council eventually decided not to approve a secondary master plan for the area, it would have collected funds for the new infrastructure without having allowed the property owners access to it and without any mechanism to refund the funds that had been collected.

The Charter does enable the Municipality to approve a by-law to pose a charge on property owners which would benefit in the future from an oversized sewer but makes a restriction that the charge is not payable until the property can be serviced by the sewer. As capital cost contribution charges are payable at the time of subdivision approval when services are available, this legislative provision offers no benefits in terms of risk mitigation.

Projected Growth:

In 2009/10, staff evaluated requests to initiate secondary planning strategies for three future growth areas identified by the Regional Plan: Port Wallis, Sandy Lake and the Highway 102 West Corridor lands. As part of this analysis, an inventory of suburban land available for development within the established service boundary was compared to growth projections prepared for the Municipality by Altus Group Economic Consulting.

In a supplementary report to the Regional Plan Advisory Committee, dated June 10, 2010, staff concluded that the existing supply of land could be expected to last between 31 and 42 years under a baseline scenario; between 42 and 56 years under a low growth scenario; or between 20 and 28 years in a high growth scenario¹. It was noted that the estimates were likely conservative as the supply was only estimated for greenfield sites with no consideration given to redevelopment potential. The Regional Plan states that a fifteen year supply should be maintained.

It was because of the large inventory of suburban land available that staff recommended that the Municipality not proceed to initiate secondary planning strategies at this time. It might therefore seem contradictory to recommend that the Municipality finance infrastructure costs for a development which may not be needed or may not be needed for a long time.

The reason for the recommendation is that the Sandy Lake lands are uniquely located whereby, if expenditures are not made for wastewater infrastructure during the build out of Bedford West, in all probability it will not be feasible to service these lands for the foreseeable future. In this regard, the oversizing expenditures could be considered an insurance policy that the development potential will be available, if needed.

¹ Further detail can be found on pages 15 and 16 of the report.

Funds Collected under the CCC Program:

A summary of the planned and actual revenues and expenditures for all approved secondary plan areas is presented in Attachment B.

BUDGET IMPLICATIONS

Based on the estimates provided in an engineering study, it is estimated that the total expected oversizing cost is \$2.6 million in 2011 dollars. Costs can be expected to escalate with final design and future inflationary pressure. The estimated cost, adjusted for anticipated inflation, over the next ten years is \$3.1 million broken down as follows²:

2012/13 - \$149,000
2013/14 - \$904,000
2014/15 - \$670,000
2015/16 - \$93,000
2016/17 - \$485,000
2017/18 - \$0
2018/19 - \$38,000
2019/20 - \$195,000
2021/22 - \$98,000
<u>2022/23 - \$510,000</u>
Total: \$3,142,000

None of this amount is currently budgeted in the Capital Plan and \$149,000 would need to be brought forward to council as a capital project, possibly starting in 2012-13.

As the Municipality will not own the oversized system (rather Halifax Water will) it will be unable to issue debt to finance the construction. The Municipality will therefore have to fund the costs through capital from operating, or a similar source of funding, and budget for it in future capital budgets. Funds, including future inflation and interest costs, would be recouped through capital cost contribution charges imposed on the benefitting property owners at the time of subdivision approval. Due to the highly technical nature of the funding, staff intends to provide Council with additional information on what has to be done to this year's budget.

The Regional Plan directs that charges are to be determined through the secondary planning process (policy SU-1). However, due to the timeframes involved, the levy is unlikely to commence for another fifteen years and the full amount may not be recouped for an additional twenty years after that. There is a risk that the developer may opt not to complete the

² The inflation rate assumed was derived from a blended average of the Engineering News Review and Statistics Canada Halifax Non-Residential Construction indices which is consistent with the approach used for the Bedford West CCC infrastructure plan.

subdivision and that all or a part of these funds will never be recouped and will have to be written off.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

COMMUNITY ENGAGEMENT

The request to initiate secondary planning on the Sandy Lake land was discussed by RPAC at numerous meetings, and the issue of financing oversized wastewater infrastructure that would have to be brought back before Regional Council, was specifically identified in the staff report. These meetings were open to the public and, on several occasions, the Committee agreed to receive presentations from the proponents, non-government organization groups and members of the public.

ENVIRONMENTAL IMPLICATIONS

The Regional Plan identifies the Sandy Lake lands as a future growth area which is to be planned for and designed for mixed use transit oriented development. In the event that funding for oversizing of the wastewater system is not provided with the build out through Bedford West, it is unlikely that development of the Sandy Lake lands will be achievable.

ALTERNATIVES

Council could:

1. Fund the oversizing costs through future operating budgets and later recoup the costs through capital cost contribution charges imposed under the Subdivision By-Law. This is the option recommended by staff.

It must be acknowledged that the Municipality would be exposed to additional financial risk due to the extended timeframe before funds could be recouped and uncertainty regarding market demands. However, this approach would enable the Municipality to play a lead role in ensuring that a designated future growth area can be developed in a manner that is viable for the property owners and consistent with municipal objectives.

2. Direct staff to prepare an area rate over the Sandy Lake lands with funds collected over the next fifteen years, or some other timeframe. The Municipality would assume

financing in the initial years but would minimize its financing risk by guaranteed repayments within a reasonable timeframe.

There are several problems with this approach. As explained in the discussion section, implementation would be complex as in past practices, area rates for sewer or water services have been imposed once the services are available for the property owners to connect. If imposed in advance, there would be increased expectations from Sandy Lake property owners to allow development to proceed as quickly as possible. This could result in premature development that could prolong recovery on investments already made in approved growth areas such as Bedford South and Bedford West.

Administration would also be complex and could potentially create an unsatisfactory outcome to the Sandy Lake property owners. Successive councils would have to approve an area rate on an annual basis and if a future council decided not to proceed with a secondary plan, there would be no mechanism to refund the funds collected.

3. Decide not to finance the oversizing costs and direct staff to amend the Regional Plan to remove the Sandy Lake lands as a future suburban growth centre. This option would be appropriate if it is determined that the Sandy Lake lands are not needed to meet future growth needs.

However, this decision would, in all probability, preclude any possibility of developing these lands as the sewer mains through Bedford West would have to be excavated and replaced with larger mains. This would not likely be economically viable until the pipes need replacement in an estimated timeframe of 50 to 100 years.

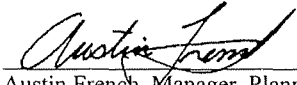
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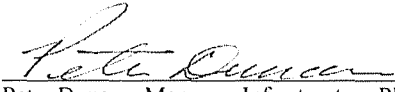
Attachment A: Staff Report to Community Planning & Economic Development Standing Committee. December 2, 2011. Re: Wastewater Oversizing for Future Development of Sandy Lake Lands.

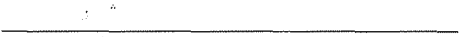
Attachment B: Summary of planned and actual revenues and expenditures for all approved secondary plan areas

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Paul Morgan, Planner, Planning & Infrastructure, 490-4482
Bruce Fisher, Manager, Financial Policy & Planning, 490-4493

Report Approved by: 
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Financial Approval by: 
Greg Keefe, A/Director, Finance & Information, Communications & Technology /CFO 490-6308



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**Community Planning & Economic Development Standing Committee
January 12, 2012**

TO: Chair and Members of the Community Planning & Economic
Development Standing Committee

SUBMITTED BY:

A handwritten signature in black ink, appearing to read "Phillip Townsend".

Phillip Townsend, Director, Planning & Infrastructure

DATE: December 2, 2011

SUBJECT: Wastewater Oversizing for Future Development of Sandy Lake Lands

ORIGIN

In a report to Regional Plan Advisory Committee, dated June 10, 2010, staff advised that it will be recommending that the wastewater system through Bedford West be oversized to accommodate future development of the Sandy Lake lands and that further details of this proposal would be tabled with Council in a future staff report. This report was later received by Regional Council when three requests to initiate secondary planning were considered.

RECOMMENDATION

It is recommended that Halifax Regional Council agree in principle to fund the oversizing of wastewater infrastructure through Bedford West to service the future development of Sandy Lake, as discussed in this report, and direct staff to accommodate the oversizing of wastewater infrastructure in future draft budgets for council's consideration.

BACKGROUND

- Sandy Lake is one of six sites identified by the Regional Plan as a potential area for future suburban growth. The site, illustrated on Map 1, contains approximately 900 acres. The Regional Plan designates these lands “Urban Settlement” which signifies that the Municipality intends to allow for development with central water distribution and wastewater collection systems by 2026 (the life of the plan).
- No development can proceed until a watershed study is undertaken and a secondary planning strategy has been approved by Regional Council. In 2009, a request to initiate secondary planning had been made by Armco Capital Inc., the major land owner in the Sandy Lake area. On November 16, 2010, Regional Council approved a motion to defer initiating a watershed study for the Sandy Lake lands for two years.
- A servicing study (CBCL) recommended directing wastewater from the development in Sandy Lake to the wastewater treatment facility in Halifax as the Mill Cove treatment facility was unlikely to have the capacity to service this development. This proposal would require oversizing the trunk wastewater collection system (sanitary sewer mains and pumping stations) that are currently being designed to service Bedford West.
- In a report to Regional Plan Advisory Committee, dated June 10, 2010, staff estimated that the oversizing cost to range from \$2.3 million to \$4 million, depending on the methodology being used. These costs would be incurred over a 10-year period as the wastewater infrastructure for Bedford West is built out.
- In a report to Regional Council, dated May 12, 2009, staff advised that Halifax Water is currently developing a CCC for water and wastewater for the Bedford West Plan Area. The CCC, which is subject to approval of the NS Utility and Review Board (“the Review Board”), may have an implementation plan that requires Halifax Water to make some initial investment in the core infrastructure for Bedford West. As such, it is anticipated that Halifax Water would not have the financial capacity to further invest in Sandy Lake Lands' at this time. Alternatively, HRM or the developers would need to invest in the oversizing until development is commenced in Sandy Lake.”
- The Board of Directors for Halifax Water has approved a Halifax Water staff recommendation that the utility not finance the oversizing costs for the Sandy Lake lands as doing so would be contrary to its Capital Cost Contribution Policies pertaining to financial risk management. A report is expected to be tabled with the Review Board in the near future.

DISCUSSION

In the event that the wastewater infrastructure through Bedford West is not oversized to accommodate future development of the Sandy Lake lands, development of the Sandy Lake lands would not likely be viable for the foreseeable future as the pipes and pumping stations designed to service Bedford West would have to be excavated and replaced.

If the Sandy Lake lands are to remain a future growth area, it would therefore appear prudent to oversize wastewater infrastructure through Bedford West as it is built out (there will be no need to oversize water infrastructure through Bedford West as the Sandy Lake lands can be connected to the Pockwock transmission main without crossing through Bedford West). It is estimated that expenditures would be required over a 10 year period at a total estimated cost of \$3.1 million in future dollars. Further detail is provided under the budgetary implications section of this report.

Halifax Water has advised that it is not prepared to finance the oversizing costs for the Sandy Lake lands as these lands are outside the approved service area boundary and does not have an approved secondary plan. Financing oversizing costs would therefore be contrary to its Capital Cost Contribution Policies pertaining to financial risk management.

In secondary plans that have been approved for new growth areas, the Municipality has played an active role in financing required infrastructure through debt assumption with the cost then being recouped through collection of capital cost charges (CCCs) at the time subdivision approval is sought. In past projects, the CCCs for water and wastewater have been imposed under the Regional Subdivision By-Law but, in the future, may be recouped directly by Halifax Water. The Municipality would then be reimbursed for expenditures made.

This approach, recommended by staff, would allow the Municipality to take a leadership role in deciding on the timing and form of development over these lands.

An Alternative Area Rate

The Municipality has used area rates to finance capital projects where the benefits are localized and the beneficiaries can be identified. This approach could appear appealing for this project as the beneficiaries can readily be identified and the Municipality's financial risk would be reduced as financing costs could be begin to be recouped immediately and over a much shorter time period.

However, there are several problems with this approach. In past practices, area rates for sewer or water services have been imposed once the services are available for the property owners to connect to. If imposed in advance, there would be increased expectations from Sandy Lake property owners to allow development to proceed as quickly as possible. This could result in premature development that could prolong recovery on investments already made in approved growth areas such as Bedford South and Bedford West.

For these reasons, staff is proposing the capital cost contribution approach.

Risks

Staff would acknowledge, however, that the CCC approach also poses risks that must be considered. In projects approved to date, subdivision approvals were sought shortly after infrastructure investments were made allowing the Municipality to begin recouping costs within a short timeframe.

In this instance, it is estimated that it will take at least 15 years before any subdivision approvals could be granted on the Sandy Lake lands and the Municipality could begin to recoup costs through its CCC. It would then take at least another 20 years for build out of this development. In all probability, this is an optimistic scenario, as the current supply of suburban land would appear ample.

Last year, when evaluating the three requests to initiating secondary planning (Highway 102 West Corridor, Port Wallis and Sandy Lake lands), staff undertook an inventory of available greenfield sites within the existing service area boundaries and compared this with market uptake as projected by an outside consultant (Altus). As of June 2010, it was estimated that the supply of suburban land available was sufficient to meet suburban requirements for 30 to 40 years, without any consideration given to the potential for redevelopment of existing areas¹.

Finally, there is a cost escalation risk. The estimates presented in the budget section of this report are preliminary and may vary when more detailed design work is undertaken. Expenditures will also be made over an estimated ten year timeframe which increases the possibility of inflationary costs. Inflationary costs, however, could be recouped through capital cost contribution charges imposed on the benefitting property owners.

BUDGET IMPLICATIONS

Based on the estimates provided in an engineering study, it is estimated that the total expected oversizing cost is \$2.6 million in 2011 dollars. Costs can be expected to escalate with final design and future inflationary pressure. The estimated cost, adjusted for anticipated inflation, over the next ten years is \$3.1 million broken down as follows²:

¹ Reference is made to pages 15 and 16 of the Supplementary Staff Report to RPAC, dated June 10, 2010 which was presented at the June 23, 2010 RPAC meeting.

² The inflation rate assumed was derived from a blended average of the Engineering News Review and Statistics Canada Halifax Non-Residential Construction indices which is consistent with the approach used for the Bedford West CCC infrastructure plan.

2012/13 -	\$148,844
2013/14 -	\$903,643
2014/15 -	\$669,676
2015/16 -	\$93,093
2016/17 -	\$484,735
2017/18 -	\$0
2018/19 -	\$37,507
2019/20 -	\$195,300
2021/22 -	\$98,024
<u>2022/23 -</u>	<u>\$510,410</u>
Total:	\$3,141,232

None of this amount is currently budgeted in the Capital Plan, and \$148,844 would need to be accommodated in the 2012/2013 budget and brought forward to council for approval during the annual budgeting process.

As the Municipality will not own the oversized system (rather Halifax Water will), it will be unable to issue debt to finance the construction. The Municipality will therefore have to finance the costs through operating funds it transfers to Halifax Water. Funds, including future inflation and interest costs, would be recouped through capital cost contribution charges imposed on the benefitting property owners at the time of subdivision approval.

The Regional Plan directs that charges are to be determined through the secondary planning process (policy SU-1). However, due to the timeframes involved the levy is unlikely to commence for another 15 years and the full amount may not be recouped for an additional 20 years after that. There is a risk that the developer may opt not to complete the subdivision and that all or a part of these funds will never be recouped and will have to be written off.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

COMMUNITY ENGAGEMENT

The request to initiate secondary planning on the Sandy Lake land was discussed by RPAC at numerous meetings and the issue of financing oversized wastewater infrastructure as an issue that would have to be brought back before Regional Council was specifically identified in the staff report. These meetings were open to the public and, on several occasions, the Committee agreed to receive presentations from the proponents, non-government organization groups and members of the public.

ALTERNATIVES

Council could:

1. Fund the oversizing costs through the capital budget and later recoup the costs through capital cost contribution charges imposed under the Subdivision By-Law. This is the option recommended by staff.

It must be acknowledged that the Municipality would be exposed to additional financial risk due to the extended timeframe before funds could be recouped and uncertainty regarding market demands. However, this approach would enable the Municipality to play a lead role in ensuring that a designated future growth area can be developed in a manner that is viable for the property owners and consistent with municipal objectives.

2. Direct staff to prepare an area rate over the Sandy Lake lands with funds collected over the next 15 years or some other timeframe. The Municipality would assume financing in the initial years but would minimize its financing risk by guaranteed repayments within a reasonable timeframe.

There are several problems with this approach. In past practices, area rates for sewer or water services have been imposed once the services are available for the property owners to connect to. If imposed in advance, there would be increased expectations from Sandy Lake property owners to allow development to proceed as quickly as possible. This could result in premature development that could prolong recovery on investments already made in approved growth areas such as Bedford South and Bedford West.

3. Decide not to finance the oversizing costs and direct staff to amend the Regional Plan to remove the Sandy Lake lands as a future suburban growth centre. This option would be appropriate if it is determined that the Sandy Lake lands are not needed to meet future growth needs.

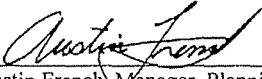
However, this decision would, in all probability, preclude any possibility of developing these lands as the sewer mains through Bedford West would have to be excavated and replaced with larger mains. This would not likely be economically viable until the pipes need replacement in an estimated timeframe of 50 to 100 years.


ATTACHMENTS

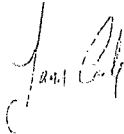
Map 1: Sandy Lake Lands

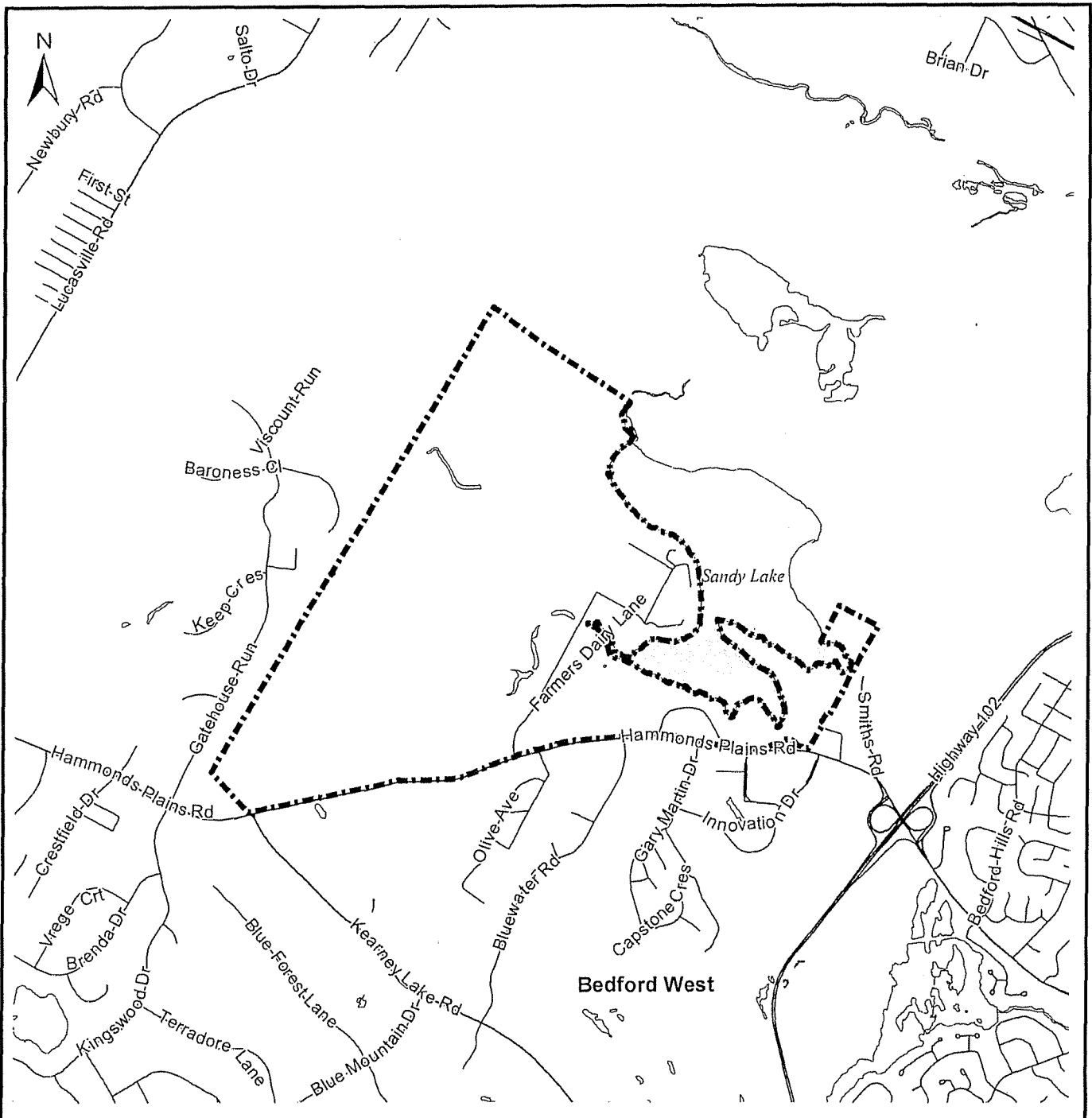
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Report Approved by: 
Peter Duncan, Manager, Infrastructure Planning, Planning & Infrastructure, 490-6717


Financial Approval by: James Cooke, CGA, Director of Finance/CFO, 490-6308



Map 1:

Sandy Lake

 CBCL Study Area Boundary for Sandy Lake

HALIFAX
 REGIONAL MUNICIPALITY
 PLANNING AND INFRASTRUCTURE
 REGIONAL AND COMMUNITY PLANNING

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Bedford and Beaver Bank/Hammonds Plains/Upper Sackville Plan Areas

HRM does not guarantee the accuracy of any representation on this plan

Wastewater Oversizing for Future Development of Sandy Lake Lands

Attachment B

Planned vs Actual Capital Cost Contribution (CCC) Revenue As of March 31, 2012		
Bedford South		
	Revenues	
Actuals	\$ 3,409,129	
Planned	3,572,437	
Variance	\$ 163,308	
Bedford West		
	Revenues	
Actuals	\$ 1,707,238	Revenue is \$2.3 million lower than expected because of slower than expected rate of development.
Planned	4,004,905	
Variance	\$ 2,297,667	
Portland Hills		
	Revenues	
Actuals	\$ 556,116	
Planned	588,727	
Variance	\$ 32,611	
Russell Lake West		
No revenues were planned or collected for Russell Lake West. An Infrastructure Agreement was approved by Regional Council that accepted infrastructure built by the developer in lieu of Capital Cost Contributions from the developer.		