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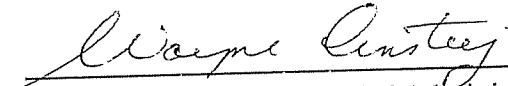
Halifax Regional Council

August 8, 2006

September 5, 2006

September 12, 2006

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: 
Wayne Anstey, Acting Chief Administrative Officer

DATE: August 1, 2006

SUBJECT: Project 00913: Portland Hills Capital Cost Contribution

ORIGIN

- On September 6, 2005, Regional Council approved an amendment to the Dartmouth Subdivision By-law to include the Russell Lake West Charge Area. This charge area contained a provision for future recovery of costs from other lands in the Morris Russell Lake Secondary Plan Area.
- On June 29, 2006, Harbour East Community Council approved a development agreement with Clayton Developments Limited for four new phases of Portland Hills Subdivision.

RECOMMENDATION

It is recommended that Regional Council:

- Give First Reading to the proposed Subdivision By-Law amendments to the Regional Subdivision By-Law, as presented in Attachment A, and schedule a Public Hearing date.
- Approve the amendments to the Regional Subdivision By-law, presented as Attachment

EXECUTIVE SUMMARY

The four new phases of Portland Hills, proposed by Clayton Developments Limited are illustrated on Map M-1 of Attachment A. These lands are within the Morris-Russell Lake Secondary Plan Area, adopted under the Dartmouth Municipal Planning Strategy. In addition to requiring approval of a development agreement by Harbour East Community Council, municipal policy requires approval of a capital cost contribution (CCC) before development can proceed. The CCC is implemented through the adoption of an infrastructure charge area under the Regional Subdivision By-law which requires approval of Regional Council.

In September 2005, Regional Council approved an initial charge area for the Russell Lake West lands in the Morris Russell Lake Secondary Plan Area. Inherent in the Russell Lake West Infrastructure Charge agreement was the assumption that costs were assigned to other undeveloped lands in the area with the understanding that once more detailed planning was completed on these properties, Regional Council would be asked to establish an infrastructure charge on these properties to recover more of the cost of infrastructure needed throughout the master plan area. This proposed capital cost contribution is the first of the subsequent agreements to recover a portion of those costs.

It has been determined which Shearwater lands will be developed. Detailed planning for the lands is expected to be carried out in the upcoming year. It is premature to establish a charge on the remaining lands which will be developed at a later date. Once the detailed planning for the Shearwater lands is completed, staff will propose infrastructure charges for the later phases. In the mean time, the Municipality's financial interests in the later phases are protected because these areas are not allowed to develop before an infrastructure charge is established.

- CCC Charges being established in this motion are for the four new development phases of Portland Hills proposed by Clayton Developments Limited.
- Clayton Developments will be responsible for over \$10 Million in total (local and oversized) infrastructure costs for the Portland Hills area of the Morris-Russell Lake Secondary Plan area.
- Clayton Developments will be responsible for \$488,886 towards the oversized infrastructure costs from the Portland Hills CCC Charge Area.
- The capital cost charge per acre is \$7,939 for the land associated with the Portland Hills Capital Cost Contribution Charge Area.
- The cost for a single family home will be approximately \$1,438 and for each apartment unit will be approximately \$966 in the Portland Hills development.

This application was received under the current policy and practices, and therefore, has been processed accordingly. However, a study is currently being carried out on the CCC Policy and Legislation. The study will be completed in September and staff will obtain policy direction from

Regional Council on additional infrastructure items for which capital cost contribution charges should be collected. Some new charges will be able to be implemented quickly, while others will require Provincial Legislative amendments. A regional charge for sewage treatment plant capacity is a charge which would be introduced sooner rather than later. Staff have begun to analyze what the recommended charge should be. It is also anticipated that charges for sewage treatment capacity, if implemented, would apply at the building permit stage rather than at the subdivision stage. This will ensure that all development pays a proportional share even if it is infill on an existing lot.

The proposed CCC for Portland Hills will be applicable at the subdivision stage. It does not preclude additional charges being added at the building permit stage with a new sewage treatment plant charges bylaw. Based on the time required for construction of all of the infrastructure in Portland Hills at the subdivision stage, it is anticipated that the Municipality will still be able to collect at the time new homes are constructed in Portland Hills

BACKGROUND

The Regional Greenfield study anticipated development of approximately 1100 acres that extended from the Circumferential Highway to Eastern Passage which included the Morris-Russell Lake Secondary Plan Area. Regional Council approved a comprehensive policy set for development in the Morris-Russell Lake area. These policies identify key infrastructure components which are required to meet servicing needs for the entire secondary plan area while minimizing negative impacts upon existing communities. Generally speaking, development of the Morris Russell Lake Master plan area will also resolve existing infrastructure deficiencies. For this reason, a share of the oversized infrastructure costs was assigned to HRM when the first infrastructure charge area was established in association with the Russell Lake West development agreement.

During the Russell Lake West analysis, costs were assigned to other undeveloped lands in the area with the understanding that once more detailed planning was completed on these properties, Regional Council would be asked to establish an infrastructure charge on these properties to recover more of the cost sharing for the infrastructure in Russell Lake West. This proposed capital cost contribution is the first of the subsequent agreements to recover a portion of the costs.

There are still other undeveloped lands in this area, but until timing for the Shearwater lands is known, detailed planning on these lands cannot be completed. Once details are known on these lands, Regional Council will be asked to establish an infrastructure charge on these properties. In the mean time, they cannot develop until a charge is approved.

On June 29, 2006, Harbour East Community Council approved a development agreement for four new phases of Portland Hills. The development agreement provides for a comprehensively planned community with a mixture of approximately 462 housing units over 103 acres. In accordance with the secondary planning strategy, the development agreement stipulates that no subdivision or permit approvals would be granted until infrastructure charges have been approved by Council and adopted under the Regional Subdivision By-Law. This requires amendments to the Regional Subdivision By-Law (Attachment A).

- The overall infrastructure costs associated with all of the development in the full Morris-Russell Lake Secondary Plan exceeds \$100 Million, with costs for oversized infrastructure accounting for approximately \$25 Million of this amount.
- A previous infrastructure agreement for development in the Russell Lake West charge area contributed approximately \$4.5 million dollars towards the oversized infrastructure
- The Russell Lake West infrastructure agreement also estimated that future developers will be responsible for \$12 Million of the currently known oversized infrastructure costs. This cost sharing would be recovered as additional lands were developed.
- In the long term, HRM's non-recoverable costs will be approximately \$9 million dollars for oversized regional infrastructure in the Morris-Russell Lake Secondary Plan Area. **This amount is not subsidization of the development. It is for the portion of the infrastructure that will be used by existing residents outside of the boundaries of Morris-Russell Lake (e.g. use of the interchange and arterial road by residents of Portland Estates, Colby Village, Caldwell Road area, etc.)**

DISCUSSION

The Capital Cost Charge is used to fund oversized infrastructure such as collector roads, interchanges, and trunk sewers which are needed in the master plan area. All costs for local infrastructure are borne by the developers. Key objectives of the CCC Program are to:

- Provide adequate infrastructure, when it is needed by requiring the payment of the CCC prior to subdivision approval; and
- Ensure that the cost of infrastructure is borne by those who benefit from the infrastructure.

This area is a part of a larger area which was considered by Regional Council under the Russell Lake West infrastructure agreement. When the Russell Lake West Charge Area was set, it assumed that subsequent charge areas would be set to recover a significant portion of the costs. Inherent in the approval of Russell Lake West Infrastructure agreement was the assumption that future vacant lands would contribute cost sharing towards the Russell Lake West infrastructure costs.

Preliminary analysis under the Russell Lake West agreement indicates that capital cost charge areas may reimburse up to 65% of the total interchange and arterial costs. Portland Hills CCC will reimburse approximately 2% of the total interchange and arterial costs bringing the total CCC funding for the interchange and arterial to approximately 20% to date.

Of the approximately \$12 million in oversized infrastructure costs assigned to future developers within the Morris-Russell Lake Secondary Plan Area under the Russell Lake West Capital

Infrastructure Agreement, the proposed Portland Hills CCC accounts for \$488,886 of these costs, leaving approximately \$11.7 Million to be collected from future vacant lands.

- The Capital Cost Contribution for the Portland Hills CCC Charge Area, required from developers, including interest costs, was calculated to be \$7,939 per acre. These costs include engineering, contingencies, and escalation factors which consider the year in which the infrastructure will be built.
- There was investment in infrastructure in the area from the previous phases of Portland Hills. This proposed development is the final piece of Portland Hills subdivision to be developed. Much of the oversized sanitary infrastructure required for this area was constructed by the developer under previous phases of the Portland Hills development. For this reason, there is minimal oversizing required for sanitary sewer which reduces the amount of the charge.

Infrastructure Components and Apportioned Costs

The following table outlines the infrastructure and the sharing of the costs between HRM and the developers. The table describes the following information:

- **Infrastructure** - Lists the categories of infrastructure
- **Oversized Costs** - The total cost of all oversized infrastructure
- **Portland Hills Share** - The share of all oversized infrastructure which is attributed to these lands. The approval of this proposed CCC charge would allow for the collection of these monies.
- **Previous Development Share to Date** - These amounts were approved under a previous Capital Cost Contribution as the portion of the oversized costs attributed to that particular area.
- **Remaining Future Development Share** - This amount will be collected from future lands as applications are received.
- **HRM's Long Term Share** - These amounts are the portion assigned to existing users. The CCC does not commit Council to spending these monies towards the projects. The commitment for these amounts would be considered under the capital budget.

Infrastructure	Oversized Costs	Portland Hills Share	Previous Development Share to Date	Remaining Future Development Share	HRM's Long Term Share
New or expanded sewage collection systems	\$2,631,635	\$12,940	\$410,100	\$972,035	\$1,236,560
New or expanded stormwater systems	None for this charge area	N/A	N/A	N/A	N/A
New or expanded streets	\$10,622,945	\$130,095	\$1,359,108	\$4,884,568	\$4,249,178
Upgrading intersections/ interchange	\$12,215,000	\$202,366	\$2,109,644	\$5,823,651	\$4,079,339
New traffic signs and signals	\$200,000	\$2,181	\$66,000	\$77,819	\$54,000
New transit bus bays	None for this charge area	N/A	N/A	N/A	N/A
Total*	\$25,669,584*	\$347,582*	\$3,944,852*	\$11,758,073*	\$9,619,077*

*Note: These costs exclude interest, study costs and escalator costs which will be charged to the developer. The Developer's share for Portland Hills is actually \$488,886 when all interest, study and escalator costs are included. This is the amount used elsewhere in this report.

- Halifax Regional Water Commission has an existing capital cost contribution policy for the Morris Russell Lake area which has been approved by the Nova Scotia Utility and Review Board. This amount of \$1,300/acre is for master water systems and is in addition to the costs noted in this report.
- HRM contributes 37% of costs for new oversized water service extensions under the Halifax Regional Water Commission's Capital Cost Contribution Policy as approved by the NS Utility and Review Board. This contribution is for oversizing of water pipes to meet fire protection requirements and is funded through the Fire Protection Rate.

In the addition to the \$488,886 for oversized costs, Clayton Developments are also investing approximately \$10 million for local roads, sidewalks, storm and sanitary sewers, etc. Approximately \$11.7 million of HRM's share will be recoverable from future developers who will use some of the oversized infrastructure when their development occurs.

Infrastructure Charge Calculation

The Capital Cost Charge for this area has been calculated to be \$7,939 per acre(excluding water Commission amount) (Attachment B). The calculation of this charge incorporates the cost of the required oversized infrastructure, financial risks to the Municipality, timing of contributions, phasing of development, costs of financing the cash flows and any other considerations having a financial impact on the project. The cost includes \$1,901,329 financing costs at a 4.5% interest for cash flow funding provided by HRM over the life of the developments.

The charge for each single family home and each unit in a semi detached home or townhouse will therefore be approximately \$1,438. For each apartment building unit it will be approximately \$966.

Assessment of Risks

During the consideration of the Russell lake West CCC, an assessment of the risks associated with all of the infrastructure construction and timing of the construction were undertaken as part of the decision by Regional Council.

Inherent in the Russell Lake West decision was the assumption that HRM would recover monies from other vacant lands in the Morris Russell Lake Secondary Plan Area. The impact of not recovering these fund would be a reduction in the amount of money HRM recovers towards the cost of the interchange. Approval of the construction of the interchange assumed recovery of these funds.

Other than the interchange, which is being built by HRM, any risks associated with cost overruns is borne by the Developer since the Developer will be constructing the infrastructure.

Funding HRM's Share of Oversized Infrastructure

Further development requires approval of development agreements and assignment of a charge area and associated capital cost contributions. HRM's commitment is expected to be significantly reduced as there are an additional 700 acres of land over which a Capital Cost Charge Area would be set. The appropriate share of the interchange, arterial and other necessary infrastructure costs would be assigned to the charge area based on traffic generation and population density.

A significant portion of HRM's share of the interchange and arterial costs can be recovered from future developments in the Morris-Russell Lake Secondary Plan Area as required by policy. This amount will be based upon trips generated by new developments which utilize the new interchange and arterial. This amount was estimated to be approximately \$12 million and this area will contribute \$488,886 leaving the remaining amount expected to be recovered to be \$11.7 Million.

There may also be opportunity to establish additional charge areas for future developments benefitting from this infrastructure. For example, Woodside Industrial Park lands and lands adjacent to the Caldwell Road to the south of Bissett Lake, which are currently outside of a service boundary might be included. Preliminary traffic analysis indicates that traffic generation for all these sites may result in contributions of up to 65% of the total costs of the interchange.

Arterial Road Cost Sharing

The Morris-Russell Lake Secondary Planning Strategy contained policies which required no connection between these lands and existing streets which would funnel traffic onto Caldwell Road. The MPS also contains policy which required this development to be able to confirm that there was capacity along Portland Street in order to accommodate it. Both of these policies were addressed as part of the design of the subdivision. Since the development of these lands is able to meet the test of the policies and therefore would be able to proceed without the completion of the arterial between the interchange and Caldwell Road, this area is contributing for only that infrastructure which is required for it to be able to proceed.

Regional Capital Cost Contribution

This application was received under the current policy and practices, and therefore, has been processed accordingly. However, a study is currently being carried out on the CCC Policy and Legislation. The study will be completed in September and staff will obtain policy direction from Regional Council on additional infrastructure items for which capital cost contribution charges should be collected. Some new charges will be able to be implemented quickly, while others will require Provincial Legislative amendments. A regional charge for sewage treatment plant capacity is a charge which would be introduced sooner rather than later. Staff have begun to analyze what the recommended charge should be. It is also anticipated that charges for sewage treatment capacity,

if implemented, would apply at the building permit stage rather than at the subdivision stage. This will ensure that all development pays a proportional share even if it is infill on an existing lot.

The proposed CCC for Portland Hills will be applicable at the subdivision stage. It does not preclude additional charges being added at the building permit stage with a new sewage treatment plant charges bylaw. Based on the time required for construction of all of the infrastructure in Portland Hills at the subdivision stage, it is anticipated that the Municipality will still be able to collect at the time new homes are constructed in Portland Hills

BUDGET IMPLICATIONS

Current Year

Council has approved funds in the Capital Budget for studies related to capital cost contribution charge areas. These funds are recoverable and are included in the charge.

Multi-Year

Amounts paid to support infrastructure for this charge area including amounts paid to build the interchange and other infrastructure (a total of approximately \$10 M at present) that are intended to be collected from future Capital Cost Charge (CCC) contributions have a degree of uncertainty as to their collection. Staff estimate that up to 65% of the total interchange costs could be collected from future charge areas. If this does not occur then the funding will have to come from other sources which will effectively reduce amounts available for future capital projects.

No additional commitment is required under the capital budget until such time as a full charge area has been set and costs for all infrastructure assigned. Part of the analysis would involve infrastructure timing and related capital budget approvals. The future required infrastructure for this development, which would be the responsibility of HRM, would be part of future capital budget decisions of Council.

Additionally, expenditure of the funds without a confirmed and received funding source will reduce investment income earned until such time as the CCC's are collected.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation. The Municipality will establish infrastructure charges to be applied to land developers and also the share of expenditures which form a regional benefit and accrue to existing taxpayers. The Municipality will identify infrastructure investment and cost-sharing through its capital budgetary process.

ALTERNATIVES

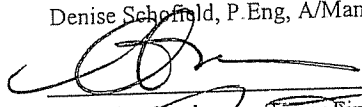
1. Regional Council could approve the recommendations as stated. This is the recommended option.
2. Regional Council could opt to defer a decision until there is greater certainty regarding the Shearwater lands. This option is not recommended, as the development agreement requires infrastructure charges to be in place prior to any approvals for subdivision.
3. Regional Council could opt to defer a decision until completion of the CCC Policy Review Study. This option is not recommended as the application was received under the current policy and processed accordingly. In addition, staff believe it will be possible to introduce a new charge for sewage treatment plants, one of Council's infrastructure priorities, in the fall. The charge can also be levied on building construction which occurs after subdivision of the land to ensure that this project pays its share of new fees.
4. The proposed charges could be rejected. This option would be appropriate if Council is not satisfied that the charges are consistent with the Municipality's Capital Cost Contribution Guidelines. Staff are satisfied that, given the extenuating circumstances of the previous restriction of access to the Caldwell Road from these lands, the charges are consistent with the guidelines and should be approved.

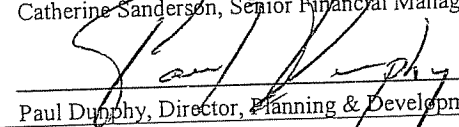
ATTACHMENTS

- Attachment A: A By-Law to Amend the Regional Subdivision By-Law
Attachment B: Capital Cost Charge Calculation

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

Report Prepared by: Denise Schoffeld, P.Eng, A/Manager, Development Engineering

Financial Review: 
Catherine Sanderson, Senior Financial Manager, 490-1562

Report Approved By: 
Paul Dunphy, Director, Planning & Development Services

**ATTACHMENT A:
A BY-LAW TO AMEND THE HRM SUBDIVISION BY-LAW**

Amend Section 20 to add Schedule "and 'M' "after the words "and 'L' "

Add Schedule "M" after Schedule "L"as follows:

SCHEDULE "M" - The Portland Hills Capital Cost Contribution Area

1. The area known as the Portland Hills Capital Cost Contribution Area is designated as a capital cost contribution area in which an infrastructure charge is to be levied.
2. The Portland Hills Capital Cost Contribution Area includes lands bounded by Morris Lake on the west, Bell Brook and the first phases of the Portland Hills Subdivision on the north, the Innishowen subdivision on the east and undeveloped lands to the south being the boundaries more particularly illustrated on **Map M -1** as the shaded area.
3. The infrastructure charge within the future Portland Hills Charge Area is levied to recover capital costs associated with new streets and street intersections, traffic signs and signals, and wastewater facilities required to service the Portland Hills lands.
4. (1) The infrastructure charge for the Portland Hills Capital Cost Contribution Area shall be \$7,939 per acre based on an average density of 18.5 persons per acre and is adjusted for the estimated density of land being subdivided in accordance with the following formula:

$$\text{Infrastructure Charge} = \$7,939/\text{per acre} \times \text{Gross Area} \times \frac{\text{Population Density}}{18.5 \text{ persons per acre}}$$

(2) For the purposes of subsection (1):

- (a) Gross Area means the area in acres within the external boundaries of the lands (including streets, walkways and park parcels) proposed for each phase of subdivision approval;
- (b) Population Density means the Total Projected Population divided by the Gross Area;
and

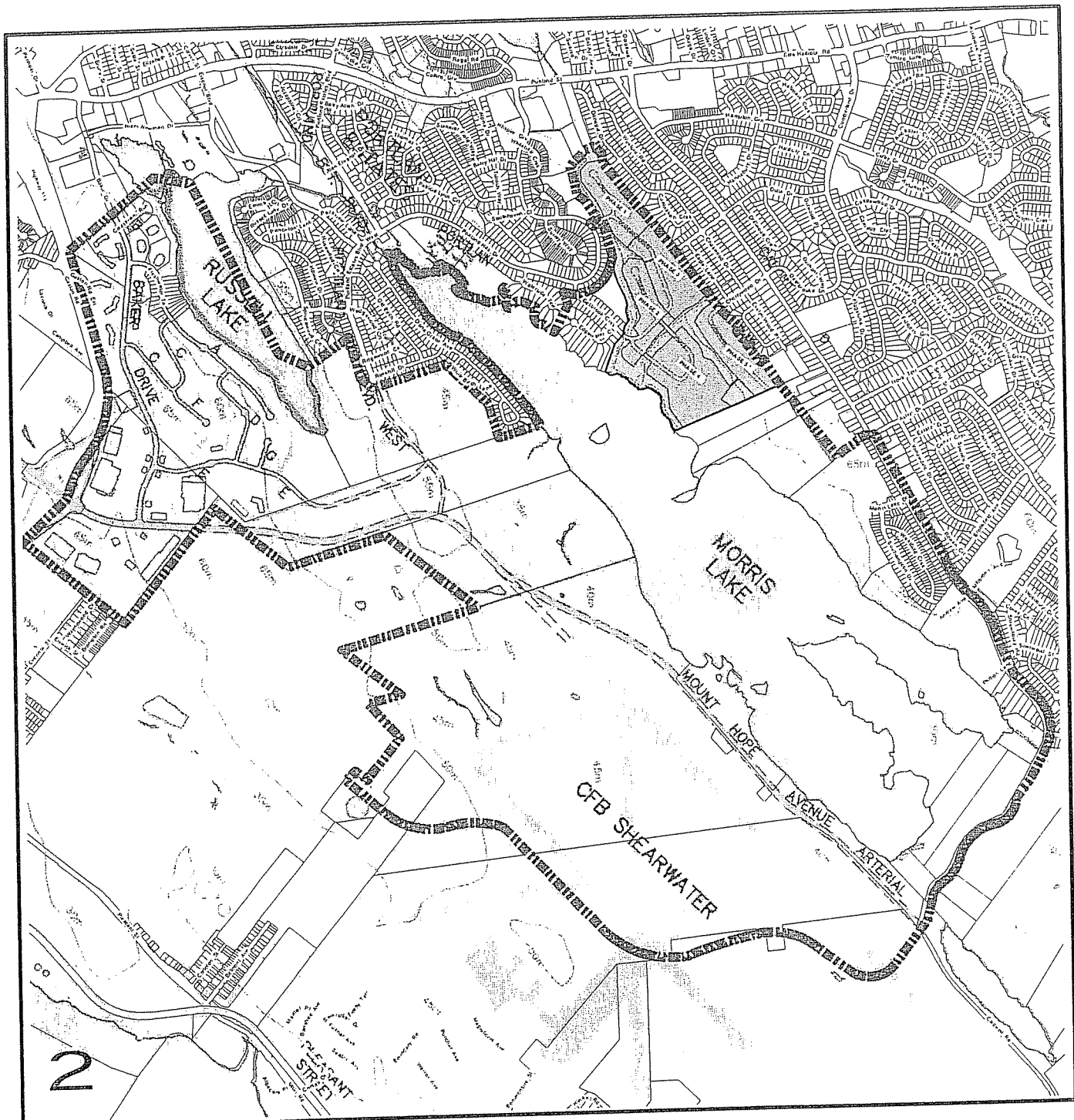
(c) the Total Projected Population within the Gross Area shall be calculated based on the following table:

Land Use	Projected Population
Single Unit, Two Unit or Town House Unit	3.35 persons/unit
Multiple Dwelling Unit Building	2.25 persons/unit

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed by a majority vote of the whole of Halifax Regional Council at a duly called meeting of the Halifax Regional Municipality held on _____ A.D., 2006.



GIVEN under the hand of the Municipal Clerk under the corporate seal of the said Municipality this ___ day of _____ A.D., 2006.

Jan Gibson
Municipal Clerk



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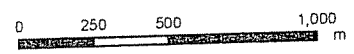
Map M-1
 Portland Hills
 Capital Cost Contribution Area

-  Study Area
-  Charge area

HALIFAX
 REGIONAL MUNICIPALITY
 PLANNING AND
 DEVELOPMENT SERVICES

* Phase 5 may be subject to future charge area

Dartmouth Land Use By-Law Area



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

ATTACHMENT B

Portland Hills

Capital Cost Contribution Calculation

	San & Storm	Traffic	Total
A. Total Cost of Upsized infrastructure	222,490	20,041,532	20,264,023
TOTAL	222,490	20,041,532	20,264,023
B. Interest based on avg 1 yr construction 4.5%	342	121,563	121,904
C. Total Cost of Infrastructure Installed	222,832	20,163,095	20,385,927
D 1) Portion that Benefits HRM	207,303	14,468,706	14,676,009
SubTotal	15,529	5,694,389	5,709,918
E. Interest Charge	0	1,901,329	1,901,329
F. Net cost to developers	15,529	7,595,717	7,611,246
G. Gross area of land (acres)	958.7		
H. Area of land not developable	0.0		
I. Area of developable land	958.7	958.7	7,939
J. Development Charge per acre			
K. Total Density based on 18.5 ppa	17,733		
L. Avg Density	18.5		

