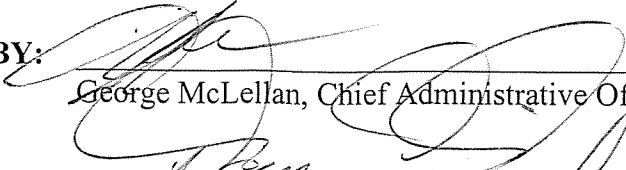


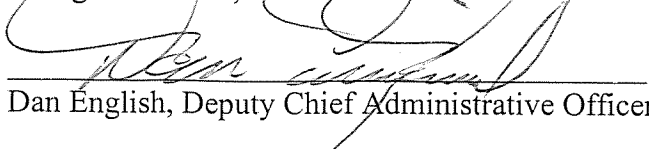
11.3.16

Halifax Regional Council  
June 11, 2002

**TO:** Mayor Kelly and Members of Halifax Regional Council

**SUBMITTED BY:**

  
George McLellan, Chief Administrative Officer

  
Dan English, Deputy Chief Administrative Officer

**DATE:** May 23, 2002

**SUBJECT:** Project 00423 - Halifax Regional Municipality Capital Cost Contribution Policy

**ORIGIN:**

Proposal originates from the Halifax Regional Municipality's intention to implement a Capital Cost Contribution Policy to recover infrastructure charges in respect of the capital costs associated with new development.

Regional Council's decision of October 9, 2001, to conduct a regional public participation program concerning the Capital Cost Contribution Policy.

**RECOMMENDATION:**

- (1) Halifax Regional Council give first reading and set a public hearing date of July 2, 2002 to consider adoption of:
  - (a) the proposed amendments to all of HRM's Municipal Planning Strategies and Land Use By-laws as presented in Attachment 1;
  - (b) the proposed amendments to all of HRM's Subdivision By-laws as presented in Attachment 2;

**(Recommendations continued on Page 2.)**

**PLEASE RETAIN REPORT FOR PUBLIC HEARING**

- (2) Regional Council approve:
- (a) the proposed amendments to all of HRM's Municipal Planning Strategies and Land Use By-laws as presented in Attachment 1;
  - (b) the proposed amendments to all of HRM's Subdivision By-laws as presented in Attachment 2;
- (3) Halifax Regional Council adopt a policy establishing the Infrastructure Charges Best Practices Guide - A Capital Cost Contribution Policy (Attachment 3) as the HRM methodology for implementation of the Capital Cost Contribution Policy.

Council should be aware that the numbering of policy and by-law amendments may change due to other policy amendments being created, specifically those related to Construction and Demolition (C&D) debris.

### Summary

The proposed Capital Cost Contribution Policy (CCC) represents a significant initiative for HRM. This will provide a new framework for funding oversized infrastructure required to service new development. These policies allow the municipality to be proactive in ensuring that adequate hard services are in place to meet the needs of planned growth. It also establishes predictability in providing funding for significant capital projects arising from new development. The CCC policy also allows the municipality to fairly apportion the costs of new development among multiple landowners within one large development area.

The policies apply in all areas of HRM but will not result in increased costs for developers where there is no need for oversizing of infrastructure. In these areas such as small rural subdivisions and inner-city infill parcels, land developers will continue to pay for local services only since they are not contributing to the demand for oversized services.

In "as of right" development areas, where development places a cost burden for upgrading off-site infrastructure on the Municipality, the policy will be implemented after Council establishes an Infrastructure Charges Holding Zone. HRM will maintain the right to refuse subdivisions that place a cost burden on the Municipality.

The CCC policy will immediately apply to all areas where land is developed pursuant to a development agreement and replace all existing policies relating to the oversizing of infrastructure. HRM may still cost-share in oversized infrastructure but the CCC policy establishes, for the first time, that the Municipality will recover cost sharing expenditures. The policy does not eliminate all

municipal expenditures for oversized infrastructure in new developments. The Municipality will still be obliged to contribute a share where existing residents will be using something such as a collector road. This share however will be smaller than HRM's past expenditures.

HRM has recently initiated a comprehensive analysis of major vacant land holdings in proximity to HRM's servicing boundaries to determine where future growth is feasible and most likely to occur. This study will estimate the amounts of the Capital Cost Contribution Charge likely to arise in each area. This will enable Council, through the regional planning process, to direct that growth occur in areas where costs can be maintained at reasonable levels.

## **BACKGROUND:**

### Municipal Government Act - Infrastructure Charges

Section 274 of the Municipal Government Act (MGA) provides authority for municipalities to recover Infrastructure Charges in respect of the capital costs associated with new development. The MGA provides that a Municipal Planning Strategy (Municipal Planning Strategy) may authorize the inclusion of provisions for Infrastructure Charges in a Subdivision By-law.

Under the MGA, Infrastructure Charges can include amounts in respect of:

- new or expanded water systems;
- new or expanded wastewater facilities;
- new or expanded stormwater systems;
- new or expanded streets;
- upgrading intersections, new traffic signs and signals and new transit bus bays.

A charge in respect of these items may be imposed in the Subdivision By-law to recover all, or part, of the capital costs incurred, or anticipated to be incurred, by a municipality by reason of the subdivision and future development of land. The infrastructure charge may include costs associated with land acquisition, planning, studies, engineering, surveying and legal costs incurred as a result of new development.

The MGA requires that the Subdivision By-law set out the infrastructure charge areas in which Infrastructure Charges are to be levied, the purposes for which Infrastructure Charges are to be levied and the amount of, or method of calculating, each infrastructure charge. The MGA provides that final approval of a subdivision shall not be granted unless the infrastructure charge is paid or the

applicant has entered into an agreement with the municipality securing the payment of the charges. In August of 2000, the Municipality undertook to develop a policy for implementing infrastructure charges in the municipality. A HRM study team, in consultation with the stakeholder representation from the development industry, created the Infrastructure Charges Best Practice Guide which addresses the legislation, policies, and practices relevant to cost apportionment for new infrastructure in the Municipality. It provides a framework within which Council can consider the implementation of Infrastructure Charges pursuant to the Municipal Government Act.

The charge recovered under the policy is intended to capture costs directly attributable to the subdivision of land - rather than all costs associated with new infrastructure required for the “core” area of the Municipality. The policy is designed to allow the Municipality to apportion the costs associated with new infrastructure without unduly impacting normal market forces and conditions.

## **DISCUSSION:**

The recommended amendments would establish policy in all Municipal Planning Strategies to allow the recovery of Infrastructure policies in accordance with the procedures prescribed in the Best Practices Guide.

The policies will not impact the costs related to subdivision of land where there is no need for oversized infrastructure. In these areas, land developers will continue to pay only for the costs of constructing local streets, storm water, and sanitary services.

The amendments provide policy support for recovery of Infrastructure Charges through the Subdivision By-law. The policy statements indicate that the Municipality will follow the methodology outlined in the Infrastructure Charges Best Practices Guide in determining charge areas and calculating Infrastructure Charges in the Municipality. These amendments enable Council to determine charge areas and related Infrastructure Charges and effect recovery of the charges through the Subdivision By-law.

The proposed Subdivision By-law amendments include requirements for provision of an enhanced concept plan as part of the Subdivision Approval process. It is intended that the information provided with the concept plan will enable staff to identify development patterns which could result in substantial costs to the Municipality for new infrastructure. HRM has the right to refuse subdivision approval where the cost of new or expanded infrastructure would be prohibitive. Under the proposed amendments, charge areas (and applicable charges) would be adopted by Council from time to time by amendment of the Subdivision By-law. This can either be done proactively in advance of applications or in response to specific applications.

To the extent that new infrastructure includes water related systems and facilities, expenditures for water infrastructure require approval of the Halifax Regional Water Commission. The water services



component of the infrastructure charge will therefore require approval by the Commission prior to consideration of the infrastructure charge by Regional Council.

The infrastructure charge is to be paid (or satisfactory arrangements made) at the time of Subdivision Approval. Provision can be made under the Municipal Services Agreement (which facilitates the construction and take-over of services) for deferral of payment until Primary Service take-over.

As a safeguard against undue exposure to anticipated future costs, the proposed by-law amendments give the Municipality authority to impose a Holding Zone (permitting certain limited development) where it appears that new infrastructure costs associated with future development would be prohibitive.

#### **BUDGET IMPLICATIONS:**

There are no immediate implications associated with adopting the recommended amendments. The adoption of the proposed plan and by-law amendments will have significant implications over the long run. Council has previously approved SEED money in its capital budget to fund studies related to establishing capital cost contribution charge areas as well as recoverable expenditures for new infrastructure.

#### **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.

#### **ATTACHMENTS:**

Attachment 1 - Proposed Amendments to the Municipal Planning Strategies and Land Use By-laws for Halifax; Sackville; Bedford; Lawrencetown; North Preston, Lake Major, Lake Loon/Cherry Brook and East Preston; Planning Districts 8 & 9; Dartmouth; Eastern Shore (East); Eastern Shore (West); Planning Districts 14 & 17; Beaver Bank, Hammonds Plains, and Upper Sackville; Planning Districts 1 & 3; Planning District 4; Planning District 5; Timberlea/Lakeside/Beechville; Musquodoboit Valley-Dutch Settlement; Eastern Passage/Cow Bay; and Cole Harbour/Westphal

- Attachment 2 - Proposed Amendments to the Halifax Subdivision Regulations and By-law, the Dartmouth Subdivision Regulations, the Bedford Subdivision By-law, and the Halifax County Subdivision By-law
- Attachment 3- Infrastructure Charges Best Practice Guide - A Capital Cost Contribution Policy
- Attachment 4 - Staff Report to Joint Planning Advisory Committee meeting dated December 5, 2001
- Attachment 5 - Staff Report to Halifax Regional Council dated September 24, 2001
- Attachment 6 - Questions and Answers from Public Participation Program
- Attachment 7 - Charges and Taxes on New Housing in HRM

Additional copies of this report, and information on its status, can be obtained by contacting the office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report prepared by Austin French, Manager, Community/Regional Planning, 490-6717

Report approved by: Paul Dunphy, Director, Planning & Development Services

## ATTACHMENT 1

### Attachment "I"

#### Amendments to the Municipal Planning Strategy for Halifax

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Halifax is hereby amended as follows:

1. The Table of Contents is amended by renumbering Section II 14 as Section 15 and by inserting a new Section II 14 as **"Infrastructure Charges"**
2. Part II is further amended by renumbering Policy 13 as Policy 14 and by deleting in Policy 14.2.1 the two references to "13.2" and substituting therefore the reference "14.2".
3. Part II of this Municipal Planning Strategy is amended by adding the following policy:

**"14. Infrastructure Charges**

**Halifax Regional Municipality has experienced sustained residential and commercial growth throughout the past several decades. The provision of new street and underground servicing systems to accommodate new developments is generally the responsibility of individual developers as condition of development approval and municipal take over of such servicing systems. In many cases, however, these servicing systems are sized and constructed to accommodate only the immediate area in which new development occurs . This leads to problems when the cumulative effect of individual developments either impact on, or are impacted by, the capability of overall community and regional infrastructure to accommodate growth.**

**Costs associated with ensuring that the size and extent of infrastructure required to accommodate new growth and its impacts on existing communities have been assumed largely by public sector funding. Traditional sources of public funding for municipal infrastructure have been reduced and new infrastructure will need to be funded without public financing available in the past. This presents a significant challenge to the Municipality in terms of balancing the economic benefits of new growth with the need to ensure that the infrastructure required to support growth is provided in a timely and cost-effective manner.**

**Council is concerned that many of the trunk infrastructure systems in the Municipality are nearing their design capacities and recognizes that new servicing systems are required to meet the needs of the community. An Integrated Servicing Study recently prepared for the Municipality identified substantial new infrastructure required in order to accommodate future development.**

The Municipality has adopted a Multi-Year Financial Strategy with respect to its debt load and financial position. The Municipality is not in a financial position to absorb the capital costs associated with upgrading and extending the infrastructure necessary to facilitate future development, nor is it prepared to burden existing taxpayers with additional capital costs associated with new development.

In order to help facilitate continued growth without imposing an excessive financial burden on the existing taxpayers of the Municipality, it is Council's intention to recover infrastructure-related costs associated with new growth in the form of Infrastructure Charges in accordance with the provisions of the *Municipal Government Act (MGA)*. Recovery of Infrastructure Charges will enable the Municipality to allocate the capital costs associated with new infrastructure to developers and subdividers deriving servicing benefits from the new infrastructure.

In keeping with the *MGA*, Infrastructure Charges for:

- (a) new or expanded water systems;
- (b) new or expanded waste water facilities;
- (c) new or expanded storm water systems;
- (d) new or expanded streets;
- (e) upgrading intersections, new traffic signs and signals, and new transit bus bays,

may be imposed in the Subdivision By-law to recover all, or part, of the capital costs incurred, or anticipated to be incurred, by the Municipality by reason of the subdivision and future development of land as well as to recover costs associated with land, planning, studies related to the Master Plan, engineering, surveying and legal costs incurred with respect to any of them.

The Subdivision By-law shall set out the infrastructure charge areas in which Infrastructure Charges are to be levied, the purposes for which Infrastructure Charges are to be levied and the amount of, or method of calculating, each infrastructure charge.

The Municipality will initiate Master Plan studies where necessary in order to determine appropriate charge areas and the costs associated with oversized and new infrastructure. The cost of any such studies will be included as part of the infrastructure charge to be recovered under the Subdivision By-law.

Where the costs of providing infrastructure to accommodate development activity in specific geographic locations may place excessive financial burden on the Municipality, it may be necessary to restrict development pending completion of Master Plan studies and establishing of charge areas. In such instances provision will be made for application by Council of a holding zone to such areas. Additionally, where proposed development agreements would result in a subdivision requiring new infrastructure, approval of such proposals will be subject to Infrastructure Charges. The methodology for determining charge areas will be generally outlined in a Capital Cost Contribution Policy adopted by Council.

## **Objectives**

The following statements generally define the objectives Council wishes to achieve through the imposition of Infrastructure Charges within the Municipality:

- (a) to provide a leadership role in facilitating future growth in the Municipality;
- (b) to recover an infrastructure charge where the subdivision or development presents a requirement for new infrastructure;
- (c) to ensure that the costs of new infrastructure are properly allocated to subdividers and other stakeholders deriving benefit from the infrastructure;
- (d) to limit the Municipality's financial contribution having regard to other budgetary commitments and constraints;
- (e) to provide greater certainty to subdividers and other stakeholders with respect to the costs of development in the Municipality;
- (f) to maintain a consistent approach to recovery of Infrastructure Charges across the Municipality;
- (g) to ensure that recovery of Infrastructure Charges is compatible with good land use planning in the Municipality.

## **Policy Statements**

The following policy statements identify the intentions of Council in adopting municipal planning policy with respect to Infrastructure Charges. These policies will be implemented through provisions established in the Subdivision and Land Use By-law's and by administrative practices and procedures.

### **Policy 14.1**

Where capital costs have been or are anticipated by reason of the subdivision or future development of land, the Subdivision By-law shall be amended from time to time to identify specific charge areas and related Infrastructure Charges applicable in the Municipality. In amending the Subdivision By-law to establish a charge area, Council shall consider:

- (a) The adequacy of existing infrastructure;
- (b) Transportation requirements, including existing streets;
- (c) Drainage patterns and drainage requirements;
- (d) Water service requirements, including existing and proposed water service districts;
- (e) Storm and sanitary sewer system requirements, including the extension of existing systems and servicing boundaries;
- (f) Land use and existing and future development;
- (g) Financial impacts on the Municipality;
- (h) Soil conditions and topography; and
- (i) Any other matter of relevant planning concern.

#### **Policy 14.2**

**Infrastructure Charges within a charge area shall be in an amount determined by Council, as set out in the Subdivision By-law.**

#### **Policy 14.3**

**Infrastructure Charges imposed pursuant to the Subdivision By-law may be set at different levels related to the proposed land use, zoning, density, traffic generation, lot size and number of lots in a subdivision and the anticipated servicing requirements for each infrastructure charge area.**

#### **Policy 14.4**

**The Subdivision By-law shall establish conditions for Subdivision Approval with respect to the payment of Infrastructure Charges including provisions for any agreements with the Municipality as a condition of Subdivision Approval.**

#### **Policy 14.5**

**An Infrastructure Charge Holding Zone shall be established in the Land Use By-law. The Holding Zone may be applied by Council to lands within any designation on the Generalized Future Land Use Map where, in respect of development, Council has determined that: the cost of providing municipal wastewater facilities, stormwater systems or water systems would be prohibitive; or the cost of maintaining municipal streets would be prohibitive.**

**Development permitted within an Infrastructure Charge Holding Zone shall be restricted to single unit dwellings except in conformity with a development agreement approved by Council in accordance with the MGA.**

#### **Policy 14.6**

**Where an area is zoned as an Infrastructure Charge Holding Zone area, the municipality shall, within one year of the effective date of the zone, commence the procedure to amend the Subdivision By-law to include provision for the payment of Infrastructure Charges, prior to permitting development or the designation(s) and zone(s) in effect immediately prior to the Pending Infrastructure Charges Area zone comes into effect.**

#### **Policy 14.7**

**Council shall be guided by the Municipality's Multi-Year Financial Strategy and capital budget process in determining the extent and timing of municipal contributions toward new infrastructure.**

**Policy 14.8**

**An infrastructure charge may only be used for the purpose for which it is collected.**

**The Implementation Policies are amended by adding following Policy 2, the following:**

**Policy 2.1**

- (a) Within any designation, where a holding zone has been established pursuant to “Infrastructure Charges - Policy 14.6”, Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the “Infrastructure Charges” Policies of this MPS.**

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of \_\_\_\_\_, A.D. 2002.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, A.D., 2002.

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Vi Carmichael  
Municipal Clerk

## Attachment "II"

### Amendments to the Land Use By-law for Halifax Mainland

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Land Use By-law for Halifax Mainland is hereby amended as follows:

1. Section 2 is amended by inserting in the third line of the definition of "zoning area" between the figure "wc" and the word "and" the figure "ICH".
2. Amending the definition of "Zoning Area" by adding the letters "**ICH**", immediately following "WC".
3. Subsection (1) of Section 16 is amended by inserting in the list of zones immediately following "WCCDD" the following:

**"ICH            Infrastructure Charge Holding Zone"**

- 4.. Subsection (2) of Section 16 is amended by deleting the word and letters "*and CD-3*" and substituting therefore the following:

**", CD-3 and ICH"**

5. The Land Use By-law (Mainland Area) is further amended by inserting immediately after Section 62, the following:

#### **ICH**

#### **INFRASTRUCTURE CHARGE HOLDING ZONE**

**62EA(1)        The following uses shall be permitted in any ICH Zone:**

- 1.        Single Unit Dwellings**
- 2.        Open Space Uses**

**62EA(2)        No person shall in any ICH Zone carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection (1).**

**62EA(3)        No person shall in any ICH Zone, use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection (1).**



**2EB(1) Buildings erected, altered, or used for ICH uses in a ICH Zone shall only be permitted on lots in existence on the date of adoption (ENTER DATE) of this zone and comply with the requirements of the R-1 Zone (Section 28).**

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of \_\_\_\_, A.D. 2002.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, A.D., 2002.

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Vi Carmichael  
Municipal Clerk

**Attachment "III"**

**Amendments to the  
Land Use By-law for Halifax Peninsula**

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Land Use By-law for Halifax peninsula is hereby amended as follows:

1. Amending Section 17 (**CLASSES OF ZONES**) by listing three new zones immediately following "*C&D Materials Disposal Sites Zone* *CD-3* *CD-3-V*" as follows:

**"Infrastructure Charge Holding Zone                      ICH                      ICH-V"**

2. Amending Section 18 by listing a new zones immediately following , "and *CD-3*" as follows:

**"CD-3, and ICH"**

3. Adding a new section immediately following Section 99(11) as follows:

**"99(12)                      Capital Cost Contribution**

**As provided for by "Infrastructure Policies" of the Municipal Planning Strategy, uses within any designation which would require new or expanded infrastructure may be permitted subject to the development agreement provisions of the MGA."**

4. Adding a new zones immediately following "*CD-3 C&D Materials Disposal Sites Zone*" as follows:

**ICH**

**INFRASTRUCTURE CHARGE HOLDING ZONE**

- 62EA(1)                      The following uses shall be permitted in any ICH Zone:**

1.                      **Single Unit Dwellings**
2.                      **Open Space Uses**

- 62EA(2)                      No person shall in any ICH Zone carry out, or cause or permit to be carried out, any development for any purpose other than one or more of the uses set out in subsection (1).**

- 62EA(3) No person shall in any ICH Zone, use or permit to be used any land or building in whole or in part for any purpose other than one or more of the uses set out in subsection (1).**
- 62EB(1) Buildings erected, altered, or used for ICH uses in a ICH Zone shall only be permitted on lots in existence on the date of adoption (ENTER DATE) of this zone and comply with the requirements of the R-1 Zone (Section 28).**

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of \_\_\_\_, A.D. 2002.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, A.D., 2002.

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Vi Carmichael  
Municipal Clerk

## **Attachment "IV"**

### **Amendments to the Municipal Planning Strategy for Sackville**

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Sackville is hereby amended as follows:

1. Adding new preamble and policy immediately after Policy SW-11 as follows:

#### **"Infrastructure Charges**

**Halifax Regional Municipality has experienced sustained residential and commercial growth throughout the past several decades. The provision of new street and underground servicing systems to accommodate new developments is generally the responsibility of individual developers as condition of development approval and municipal take over of such servicing systems. In many cases, however, these servicing systems are sized and constructed to accommodate only the immediate area in which new development occurs . This leads to problems when the cumulative effect of individual developments either impact on, or are impacted by, the capability of overall community and regional infrastructure to accommodate growth.**

**Costs associated with ensuring that the size and extent of infrastructure required to accommodate new growth and its impacts on existing communities have been assumed largely by public sector funding. Traditional sources of public funding for municipal infrastructure have been reduced and new infrastructure will need to be funded without public financing available in the past. This presents a significant challenge to the Municipality in terms of balancing the economic benefits of new growth with the need to ensure that the infrastructure required to support growth is provided in a timely and cost-effective manner.**

**Council is concerned that many of the trunk infrastructure systems in the Municipality are nearing their design capacities and recognizes that new servicing systems are required to meet the needs of the community. An Integrated Servicing Study recently prepared for the Municipality identified substantial new infrastructure required in order to accommodate future development.**

**The Municipality has adopted a Multi-Year Financial Strategy with respect to its debt load and financial position. The Municipality is not in a financial position to absorb the capital costs associated with upgrading and extending the infrastructure necessary to facilitate future development, nor is it prepared to burden existing taxpayers with additional capital costs associated with new development.**

In order to help facilitate continued growth without imposing an excessive financial burden on the existing taxpayers of the Municipality, it is Council's intention to recover infrastructure-related costs associated with new growth in the form of Infrastructure Charges in accordance with the provisions of the *Municipal Government Act (MGA)*. Recovery of Infrastructure Charges will enable the Municipality to allocate the capital costs associated with new infrastructure to developers and subdividers deriving servicing benefits from the new infrastructure.

In keeping with the *MGA*, Infrastructure Charges for:

- (a) new or expanded water systems;
- (b) new or expanded waste water facilities;
- (c) new or expanded storm water systems;
- (d) new or expanded streets;
- (e) upgrading intersections, new traffic signs and signals, and new transit bus bays,

may be imposed in the Subdivision By-law to recover all, or part, of the capital costs incurred, or anticipated to be incurred, by the Municipality by reason of the subdivision and future development of land as well as to recover costs associated with land, planning, studies related to the Master Plan, engineering, surveying and legal costs incurred with respect to any of them.

The Subdivision By-law shall set out the infrastructure charge areas in which Infrastructure Charges are to be levied, the purposes for which Infrastructure Charges are to be levied and the amount of, or method of calculating, each infrastructure charge.

The Municipality will initiate Master Plan studies where necessary in order to determine appropriate charge areas and the costs associated with oversized and new infrastructure. The cost of any such studies will be included as part of the infrastructure charge to be recovered under the Subdivision By-law.

Where the costs of providing infrastructure to accommodate development activity in specific geographic locations may place excessive financial burden on the Municipality, it may be necessary to restrict development pending completion of Master Plan studies and establishing of charge areas. In such instances provision will be made for application by Council of a holding zone to such areas. Additionally, where proposed development agreements would result in a subdivision requiring new infrastructure, approval of such proposals will be subject to Infrastructure Charges. The methodology for determining charge areas will be generally outlined in a Capital Cost Contribution Policy adopted by Council.

### **Objectives**

The following statements generally define the objectives Council wishes to achieve through the imposition of Infrastructure Charges within the Municipality:

- (a) to provide a leadership role in facilitating future growth in the Municipality;
- (b) to recover an infrastructure charge where the subdivision or development presents a requirement for new infrastructure;

- (c) to ensure that the costs of new infrastructure are properly allocated to subdividers and other stakeholders deriving benefit from the infrastructure;
- (d) to limit the Municipality's financial contribution having regard to other budgetary commitments and constraints;
- (e) to provide greater certainty to subdividers and other stakeholders with respect to the costs of development in the Municipality;
- (f) to maintain a consistent approach to recovery of Infrastructure Charges across the Municipality;
- (g) to ensure that recovery of Infrastructure Charges is compatible with good land use planning in the Municipality.

### **Policy Statements**

The following policy statements identify the intentions of Council in adopting municipal planning policy with respect to Infrastructure Charges. These policies will be implemented through provisions established in the Subdivision and Land Use By-law's and by administrative practices and procedures.

**IC-1** Where capital costs have been or are anticipated by reason of the subdivision or future development of land, the Subdivision By-law shall be amended from time to time to identify specific charge areas and related Infrastructure Charges applicable in the Municipality. In amending the Subdivision By-law to establish a charge area, Council shall consider:

- (a) The adequacy of existing infrastructure;
- (b) Transportation requirements, including existing streets;
- (c) Drainage patterns and drainage requirements;
- (d) Water service requirements, including existing and proposed water service districts;
- (e) Storm and sanitary sewer system requirements, including the extension of existing systems and servicing boundaries;
- (f) Land use and existing and future development;
- (g) Financial impacts on the Municipality;
- (h) Soil conditions and topography; and
- (i) Any other matter of relevant planning concern.

**IC-2** Infrastructure Charges within a charge area shall be in an amount determined by Council, as set out in the Subdivision By-law.

**IC-3** Infrastructure Charges imposed pursuant to the Subdivision By-law may be set at different levels related to the proposed land use, zoning, density, traffic generation, lot size and number of lots in a subdivision and the anticipated servicing requirements for each infrastructure charge area.

**IC-4** The Subdivision By-law shall establish conditions for Subdivision Approval with respect to the payment of Infrastructure Charges including provisions for any agreements with the Municipality as a condition of Subdivision Approval.

- IC-5 An Infrastructure Charge Holding Zone shall be established in the Land Use By-law. The Holding Zone may be applied by Council to lands within any designation on the Generalized Future Land Use Map where, in respect of development, Council has determined that: the cost of providing municipal wastewater facilities, stormwater systems or water systems would be prohibitive; or the cost of maintaining municipal streets would be prohibitive.**

**Development permitted within an Infrastructure Holding Zone shall be restricted to single unit dwellings except in conformity with a development agreement approved by Council in accordance with the MGA.**

- IC-6 Where an area is zoned as an Infrastructure Charge Holding Zone area, the municipality shall, within one year of the effective date of the zone, commence the procedure to amend the Subdivision By-law to include provision for the payment of Infrastructure Charges, prior to permitting development or the designation(s) and zone(s) in effect immediately prior to the Pending Infrastructure Charges Area zone comes into effect.**

- IC-7 Council shall be guided by the Municipality's Multi-Year Financial Strategy and capital budget process in determining the extent and timing of municipal contributions toward new infrastructure.**

- IC-8 An infrastructure charge may only be used for the purpose for which it is collected.**

- 3. Amending the Policy IM-13 by adding one new clause following clause IM-13(e) as follows:**

- (f) Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy IC-6", Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the "Infrastructure Charges" Policies of this MPS.**

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of \_\_\_\_, A.D. 2002.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, A.D., 2002.

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Vi Carmichael  
Municipal Clerk

**Attachment "V"**

**Amendments to the  
Land Use By-law for Sackville**

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Land Use By-law for Sackville is hereby amended as follows:

1. Amending Section 3.1 (**ZONES**) by listing one new zone immediately following "*CD-3 C&D Materials Disposal Sites Zone*" as follows:

**"ICH            Infrastructure Charge Holding Zone"**

2. Adding a new zone immediately following "*PART 23C: CD-3 (C&D Materials Disposal Sites) Zone*" as follows:

**"PART 23D: ICH (INFRASTRUCTURE CHARGE HOLDING) ZONE**

**23D.1            ICH USES PERMITTED**

**No development permit shall be issued in any ICH Zone except on lots in existence on the date of adoption (ENTER DATE) of this zone for the following:**

**Single Unit Dwellings  
Open Space Uses**

**23D.2            ICH ZONE REQUIREMENTS**

**In any ICH Zone, no development permit shall be issued except in conformity with the requirements of the R-1 Zone.**

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of \_\_\_\_, A.D. 2002.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, A.D., 2002.

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Vi Carmichael  
Municipal Clerk



## **Attachment "VI"**

### **Amendments to the Municipal Planning Strategy for Bedford**

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Bedford is hereby amended as follows:

1. Adding new preamble and policy immediately after Policy SW-11 as follows:

#### **"Infrastructure Charges"**

**Halifax Regional Municipality has experienced sustained residential and commercial growth throughout the past several decades. The provision of new street and underground servicing systems to accommodate new developments is generally the responsibility of individual developers as condition of development approval and municipal take over of such servicing systems. In many cases, however, these servicing systems are sized and constructed to accommodate only the immediate area in which new development occurs. This leads to problems when the cumulative effect of individual developments either impact on, or are impacted by, the capability of overall community and regional infrastructure to accommodate growth.**

**Costs associated with ensuring that the size and extent of infrastructure required to accommodate new growth and its impacts on existing communities have been assumed largely by public sector funding. Traditional sources of public funding for municipal infrastructure have been reduced and new infrastructure will need to be funded without public financing available in the past. This presents a significant challenge to the Municipality in terms of balancing the economic benefits of new growth with the need to ensure that the infrastructure required to support growth is provided in a timely and cost-effective manner.**

**Council is concerned that many of the trunk infrastructure systems in the Municipality are nearing their design capacities and recognizes that new servicing systems are required to meet the needs of the community. An Integrated Servicing Study recently prepared for the Municipality identified substantial new infrastructure required in order to accommodate future development.**

**The Municipality has adopted a Multi-Year Financial Strategy with respect to its debt load and financial position. The Municipality is not in a financial position to absorb the capital costs associated with upgrading and extending the infrastructure necessary to facilitate future development, nor is it prepared to burden existing taxpayers with additional capital costs associated with new development.**

**In order to help facilitate continued growth without imposing an excessive financial burden on the existing taxpayers of the Municipality, it is Council's intention to recover infrastructure-related costs associated with new growth in the form of Infrastructure Charges in accordance with the provisions of the *Municipal Government Act (MGA)*. Recovery of**

**Infrastructure Charges will enable the Municipality to allocate the capital costs associated with new infrastructure to developers and subdividers deriving servicing benefits from the new infrastructure.**

**In keeping with the *MGA*, Infrastructure Charges for:**

- (a) new or expanded water systems;**
- (b) new or expanded waste water facilities;**
- (c) new or expanded storm water systems;**
- (d) new or expanded streets;**
- (e) upgrading intersections, new traffic signs and signals, and new transit bus bays,**

**may be imposed in the Subdivision By-law to recover all, or part, of the capital costs incurred, or anticipated to be incurred, by the Municipality by reason of the subdivision and future development of land as well as to recover costs associated with land, planning, studies related to the Master Plan, engineering, surveying and legal costs incurred with respect to any of them.**

**The Subdivision By-law shall set out the infrastructure charge areas in which Infrastructure Charges are to be levied, the purposes for which Infrastructure Charges are to be levied and the amount of, or method of calculating, each infrastructure charge.**

**The Municipality will initiate Master Plan studies where necessary in order to determine appropriate charge areas and the costs associated with oversized and new infrastructure. The cost of any such studies will be included as part of the infrastructure charge to be recovered under the Subdivision By-law.**

**Where the costs of providing infrastructure to accommodate development activity in specific geographic locations may place excessive financial burden on the Municipality, it may be necessary to restrict development pending completion of Master Plan studies and establishing of charge areas. In such instances provision will be made for application by Council of a holding zone to such areas. Additionally, where proposed development agreements would result in a subdivision requiring new infrastructure, approval of such proposals will be subject to Infrastructure Charges. The methodology for determining charge areas will be generally outlined in a Capital Cost Contribution Policy adopted by Council.**

### **Objectives**

**The following statements generally define the objectives Council wishes to achieve through the imposition of Infrastructure Charges within the Municipality:**

- (a) to provide a leadership role in facilitating future growth in the Municipality;**
- (b) to recover an infrastructure charge where the subdivision or development presents a requirement for new infrastructure;**
- (c) to ensure that the costs of new infrastructure are properly allocated to subdividers and other stakeholders deriving benefit from the infrastructure;**
- (d) to limit the Municipality's financial contribution having regard to other budgetary commitments and constraints;**

- (e) to provide greater certainty to subdividers and other stakeholders with respect to the costs of development in the Municipality;
- (f) to maintain a consistent approach to recovery of Infrastructure Charges across the Municipality;
- (g) to ensure that recovery of Infrastructure Charges is compatible with good land use planning in the Municipality.

## **Policy Statements**

The following policy statements identify the intentions of Council in adopting municipal planning policy with respect to Infrastructure Charges. These policies will be implemented through provisions established in the Subdivision and Land Use By-law's and by administrative practices and procedures.

**IC-1** Where capital costs have been or are anticipated by reason of the subdivision or future development of land, the Subdivision By-law shall be amended from time to time to identify specific charge areas and related Infrastructure Charges applicable in the Municipality. In amending the Subdivision By-law to establish a charge area, Council shall consider:

- (a) The adequacy of existing infrastructure;
- (b) Transportation requirements, including existing streets;
- (c) Drainage patterns and drainage requirements;
- (d) Water service requirements, including existing and proposed water service districts;
- (e) Storm and sanitary sewer system requirements, including the extension of existing systems and servicing boundaries;
- (f) Land use and existing and future development;
- (g) Financial impacts on the Municipality;
- (h) Soil conditions and topography; and
- (i) Any other matter of relevant planning concern.

**IC-2** Infrastructure Charges within a charge area shall be in an amount determined by Council, as set out in the Subdivision By-law.

**IC-3** Infrastructure Charges imposed pursuant to the Subdivision By-law may be set at different levels related to the proposed land use, zoning, density, traffic generation, lot size and number of lots in a subdivision and the anticipated servicing requirements for each infrastructure charge area.

**IC-4** The Subdivision By-law shall establish conditions for Subdivision Approval with respect to the payment of Infrastructure Charges including provisions for any agreements with the Municipality as a condition of Subdivision Approval.

**IC-5** An Infrastructure Charge Holding Zone shall be established in the Land Use By-law. The Holding Zone may be applied by Council to lands within any designation on the Generalized Future Land Use Map where, in respect of development, Council has

**determined that: the cost of providing municipal wastewater facilities, stormwater systems or water systems would be prohibitive; or the cost of maintaining municipal streets would be prohibitive.**

**Development permitted within an Infrastructure Charge Holding Zone shall be restricted to single unit dwellings except in conformity with a development agreement approved by Council in accordance with the MGA.**

**IC-6 Where an area is zoned as an Infrastructure Charge Holding Zone area, the municipality shall, within one year of the effective date of the zone, commence the procedure to amend the Subdivision By-law to include provision for the payment of Infrastructure Charges, prior to permitting development or the designation(s) and zone(s) in effect immediately prior to the Pending Infrastructure Charges Area zone comes into effect.**

**IC-7 Council shall be guided by the Municipality's Multi-Year Financial Strategy and capital budget process in determining the extent and timing of municipal contributions toward new infrastructure.**

**IC-8 An infrastructure charge may only be used for the purpose for which it is collected.**

3. Amending Policy Z-3 by adding one new section, immediately following Section 9 as follows:

**(10) Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy IC-6", Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the "Infrastructure Charges" Policies of this MPS.**

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of \_\_\_\_, A.D. 2002.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, A.D., 2002.

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Vi Carmichael  
Municipal Clerk

**Attachment "VII"**

**Amendments to the  
Land Use By-law for Bedford**

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Land Use By-law for Bedford is hereby amended as follows:

- 1.. Amending PART 3 (1. Zones) by listing one new zone immediately following "*WFCDD Waterfront Comprehensive Development District*" as follows:

**"ICH            Infrastructure Charge Holding Zone"**

- 2.. Adding a new zone immediately following "*PART 28: CD-3 (C&D Materials Disposal Sites) Zone*" as follows:

**"PART 29: ICH (INFRASTRUCTURE CHARGE HOLDING) ZONE**

**29.1            ICH USES PERMITTED**

**No development permit shall be issued in any ICH Zone except on lots in existence on the date of adoption (ENTER DATE) of this zone for the following:**

**Single Unit Dwellings  
Open Space Uses**

**29.2            ICH ZONE REQUIREMENTS**

**In any ICH Zone, no development permit shall be issued except in conformity with the requirements of the RSU Zone.**

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of \_\_\_\_, A.D. 2002.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, A.D., 2002.

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Vi Carmichael  
Municipal Clerk

## **Attachment "VIII"**

### **Amendments to the Municipal Planning Strategy for Lawrencetown**

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Lawrencetown is hereby amended as follows:

1. Adding new preamble and policy immediately after Policy SW-11 as follows:

#### **"Infrastructure Charges"**

**Halifax Regional Municipality has experienced sustained residential and commercial growth throughout the past several decades. The provision of new street and underground servicing systems to accommodate new developments is generally the responsibility of individual developers as condition of development approval and municipal take over of such servicing systems. In many cases, however, these servicing systems are sized and constructed to accommodate only the immediate area in which new development occurs . This leads to problems when the cumulative effect of individual developments either impact on, or are impacted by, the capability of overall community and regional infrastructure to accommodate growth.**

**Costs associated with ensuring that the size and extent of infrastructure required to accommodate new growth and its impacts on existing communities have been assumed largely by public sector funding. Traditional sources of public funding for municipal infrastructure have been reduced and new infrastructure will need to be funded without public financing available in the past. This presents a significant challenge to the Municipality in terms of balancing the economic benefits of new growth with the need to ensure that the infrastructure required to support growth is provided in a timely and cost-effective manner.**

**Council is concerned that many of the trunk infrastructure systems in the Municipality are nearing their design capacities and recognizes that new servicing systems are required to meet the needs of the community. An Integrated Servicing Study recently prepared for the Municipality identified substantial new infrastructure required in order to accommodate future development.**

**The Municipality has adopted a Multi-Year Financial Strategy with respect to its debt load and financial position. The Municipality is not in a financial position to absorb the capital costs associated with upgrading and extending the infrastructure necessary to facilitate future development, nor is it prepared to burden existing taxpayers with additional capital costs associated with new development.**

In order to help facilitate continued growth without imposing an excessive financial burden on the existing taxpayers of the Municipality, it is Council's intention to recover infrastructure-related costs associated with new growth in the form of Infrastructure Charges in accordance with the provisions of the *Municipal Government Act (MGA)*. Recovery of Infrastructure Charges will enable the Municipality to allocate the capital costs associated with new infrastructure to developers and subdividers deriving servicing benefits from the new infrastructure.

In keeping with the *MGA*, Infrastructure Charges for:

- (a) new or expanded water systems;
- (b) new or expanded waste water facilities;
- (c) new or expanded storm water systems;
- (d) new or expanded streets;
- (e) upgrading intersections, new traffic signs and signals, and new transit bus bays,

may be imposed in the Subdivision By-law to recover all, or part, of the capital costs incurred, or anticipated to be incurred, by the Municipality by reason of the subdivision and future development of land as well as to recover costs associated with land, planning, studies related to the Master Plan, engineering, surveying and legal costs incurred with respect to any of them.

The Subdivision By-law shall set out the infrastructure charge areas in which Infrastructure Charges are to be levied, the purposes for which Infrastructure Charges are to be levied and the amount of, or method of calculating, each infrastructure charge.

The Municipality will initiate Master Plan studies where necessary in order to determine appropriate charge areas and the costs associated with oversized and new infrastructure. The cost of any such studies will be included as part of the infrastructure charge to be recovered under the Subdivision By-law.

Where the costs of providing infrastructure to accommodate development activity in specific geographic locations may place excessive financial burden on the Municipality, it may be necessary to restrict development pending completion of Master Plan studies and establishing of charge areas. In such instances provision will be made for application by Council of a holding zone to such areas. Additionally, where proposed development agreements would result in a subdivision requiring new infrastructure, approval of such proposals will be subject to Infrastructure Charges. The methodology for determining charge areas will be generally outlined in a Capital Cost Contribution Policy adopted by Council.

### **Objectives**

The following statements generally define the objectives Council wishes to achieve through the imposition of Infrastructure Charges within the Municipality:

- (a) to provide a leadership role in facilitating future growth in the Municipality;

- (b) recover an infrastructure charge where the subdivision or development presents a requirement for new infrastructure;
- (c) to ensure that the costs of new infrastructure are properly allocated to subdividers and other stakeholders deriving benefit from the infrastructure;
- (d) to limit the Municipality's financial contribution having regard to other budgetary commitments and constraints;
- (e) to provide greater certainty to subdividers and other stakeholders with respect to the costs of development in the Municipality;
- (f) to maintain a consistent approach to recovery of Infrastructure Charges across the Municipality;
- (g) to ensure that recovery of Infrastructure Charges is compatible with good land use planning in the Municipality.

### **Policy Statements**

The following policy statements identify the intentions of Council in adopting municipal planning policy with respect to Infrastructure Charges. These policies will be implemented through provisions established in the Subdivision and Land Use By-law's and by administrative practices and procedures.

**IC-1** Where capital costs have been or are anticipated by reason of the subdivision or future development of land, the Subdivision By-law shall be amended from time to time to identify specific charge areas and related Infrastructure Charges applicable in the Municipality. In amending the Subdivision By-law to establish a charge area, Council shall consider:

- (a) The adequacy of existing infrastructure;
- (b) Transportation requirements, including existing streets;
- (c) Drainage patterns and drainage requirements;
- (d) Water service requirements, including existing and proposed water service districts;
- (e) Storm and sanitary sewer system requirements, including the extension of existing systems and servicing boundaries;
- (f) Land use and existing and future development;
- (g) Financial impacts on the Municipality;
- (h) Soil conditions and topography; and
- (i) Any other matter of relevant planning concern.

**IC-2** Infrastructure Charges within a charge area shall be in an amount determined by Council, as set out in the Subdivision By-law.



- IC-3** Infrastructure Charges imposed pursuant to the Subdivision By-law may be set at different levels related to the proposed land use, zoning, density, traffic generation, lot size and number of lots in a subdivision and the anticipated servicing requirements for each infrastructure charge area.
- IC-4** The Subdivision By-law shall establish conditions for Subdivision Approval with respect to the payment of Infrastructure Charges including provisions for any agreements with the Municipality as a condition of Subdivision Approval.
- IC-5** An Infrastructure Charge Holding Zone shall be established in the Land Use By-law. The Holding Zone may be applied by Council to lands within any designation on the Generalized Future Land Use Map where, in respect of development, Council has determined that: the cost of providing municipal wastewater facilities, stormwater systems or water systems would be prohibitive; or the cost of maintaining municipal streets would be prohibitive.

Development permitted within an Infrastructure Charge Holding Zone shall be restricted to single unit dwellings except in conformity with a development agreement approved by Council in accordance with the MGA.

- IC-6** Where an area is zoned as an Infrastructure Charge Holding Zone area, the municipality shall, within one year of the effective date of the zone, commence the procedure to amend the Subdivision By-law to include provision for the payment of Infrastructure Charges, prior to permitting development or the designation(s) and zone(s) in effect immediately prior to the Pending Infrastructure Charges Area zone comes into effect.
- IC-7** Council shall be guided by the Municipality's Multi-Year Financial Strategy and capital budget process in determining the extent and timing of municipal contributions toward new infrastructure.
- IC-8** An infrastructure charge may only be used for the purpose for which it is collected.

3. Amending Policy P-61 by adding two new sections, immediately following clause P-61(e) as follows:

- (f) Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy IC-6", Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the "Infrastructure Charges" Policies of this MPS.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of \_\_\_\_, A.D. 2002.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, A.D., 2002.

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Vi Carmichael  
Municipal Clerk

**Attachment "IX"**

**Amendments to the  
Land Use By-law for Lawrencetown**

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Land Use By-law for Lawrencetown is hereby amended as follows:

1. Amending Section 3.1 (**ZONES ESTABLISHED**) by listing one new zone immediately following "*Construction & Demolition (C&D) Zone*                      *CD-3*                      *C&D Materials Disposal Sites Zone*" as follows:

**"Infrastructure Zones                      ICH                      Infrastructure Charge Holding Zone"**

2. Adding a new zone immediately following "*PART 12C: CD-3 (C&D Materials Disposal Sites) Zone*" as follows:

**"PART 12D: ICH (INFRASTRUCTURE CHARGE HOLDING) ZONE**

**23D.1                      ICH USES PERMITTED**

**No development permit shall be issued in any ICH Zone except on lots in existence on the date of adoption (ENTER DATE) of this zone for the following:**

**Single Unit Dwellings  
Open Space Uses**

**23D.2                      ICH ZONE REQUIREMENTS**

**In any ICH Zone, no development permit shall be issued except in conformity with the requirements of the R-1 Zone.**

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of \_\_\_\_, A.D. 2002.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, A.D., 2002.

\_\_\_\_\_  
Vi Carmichael  
Municipal Clerk

## **Attachment "X"**

### **Amendments to the Municipal Planning Strategy for North Preston, Lake Major, Lake Loon/Cherry Brook and East Preston**

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Municipal Planning Strategy for North Preston, Lake Major, Lake Loon/Cherry Brook and East Preston is hereby amended as follows:

1. Adding new preamble and policy immediately after Policy SW-11 as follows:

#### **"Infrastructure Charges**

**Halifax Regional Municipality has experienced sustained residential and commercial growth throughout the past several decades. The provision of new street and underground servicing systems to accommodate new developments is generally the responsibility of individual developers as condition of development approval and municipal take over of such servicing systems. In many cases, however, these servicing systems are sized and constructed to accommodate only the immediate area in which new development occurs . This leads to problems when the cumulative effect of individual developments either impact on, or are impacted by, the capability of overall community and regional infrastructure to accommodate growth.**

**Costs associated with ensuring that the size and extent of infrastructure required to accommodate new growth and its impacts on existing communities have been assumed largely by public sector funding. Traditional sources of public funding for municipal infrastructure have been reduced and new infrastructure will need to be funded without public financing available in the past. This presents a significant challenge to the Municipality in terms of balancing the economic benefits of new growth with the need to ensure that the infrastructure required to support growth is provided in a timely and cost-effective manner.**

**Council is concerned that many of the trunk infrastructure systems in the Municipality are nearing their design capacities and recognizes that new servicing systems are required to meet the needs of the community. An Integrated Servicing Study recently prepared for the Municipality identified substantial new infrastructure required in order to accommodate future development.**

**The Municipality has adopted a Multi-Year Financial Strategy with respect to its debt load and financial position. The Municipality is not in a financial position to absorb the capital costs associated with upgrading and extending the infrastructure necessary to facilitate future development, nor is it prepared to burden existing taxpayers with additional capital costs associated with new development.**

In order to help facilitate continued growth without imposing an excessive financial burden on the existing taxpayers of the Municipality, it is Council's intention to recover infrastructure-related costs associated with new growth in the form of Infrastructure Charges in accordance with the provisions of the *Municipal Government Act (MGA)*. Recovery of Infrastructure Charges will enable the Municipality to allocate the capital costs associated with new infrastructure to developers and subdividers deriving servicing benefits from the new infrastructure.

In keeping with the *MGA*, Infrastructure Charges for:

- (a) new or expanded water systems;
- (b) new or expanded waste water facilities;
- (c) new or expanded storm water systems;
- (d) new or expanded streets;
- (e) upgrading intersections, new traffic signs and signals, and new transit bus bays,

may be imposed in the Subdivision By-law to recover all, or part, of the capital costs incurred, or anticipated to be incurred, by the Municipality by reason of the subdivision and future development of land as well as to recover costs associated with land, planning, studies related to the Master Plan, engineering, surveying and legal costs incurred with respect to any of them.

The Subdivision By-law shall set out the infrastructure charge areas in which Infrastructure Charges are to be levied, the purposes for which Infrastructure Charges are to be levied and the amount of, or method of calculating, each infrastructure charge.

The Municipality will initiate Master Plan studies where necessary in order to determine appropriate charge areas and the costs associated with oversized and new infrastructure. The cost of any such studies will be included as part of the infrastructure charge to be recovered under the Subdivision By-law.

Where the costs of providing infrastructure to accommodate development activity in specific geographic locations may place excessive financial burden on the Municipality, it may be necessary to restrict development pending completion of Master Plan studies and establishing of charge areas. In such instances provision will be made for application by Council of a holding zone to such areas. Additionally, where proposed development agreements would result in a subdivision requiring new infrastructure, approval of such proposals will be subject to Infrastructure Charges. The methodology for determining charge areas will be generally outlined in a Capital Cost Contribution Policy adopted by Council.

### **Objectives**

The following statements generally define the objectives Council wishes to achieve through the imposition of Infrastructure Charges within the Municipality:

- (a) to provide a leadership role in facilitating future growth in the Municipality;
- (b) to recover an infrastructure charge where the subdivision or development presents a requirement for new infrastructure;

- (c) to ensure that the costs of new infrastructure are properly allocated to subdividers and other stakeholders deriving benefit from the infrastructure;
- (d) to limit the Municipality's financial contribution having regard to other budgetary commitments and constraints;
- (e) to provide greater certainty to subdividers and other stakeholders with respect to the costs of development in the Municipality;
- (f) to maintain a consistent approach to recovery of Infrastructure Charges across the Municipality;
- (g) to ensure that recovery of Infrastructure Charges is compatible with good land use planning in the Municipality.

### **Policy Statements**

The following policy statements identify the intentions of Council in adopting municipal planning policy with respect to Infrastructure Charges. These policies will be implemented through provisions established in the Subdivision and Land Use By-law's and by administrative practices and procedures.

**IC-1** Where capital costs have been or are anticipated by reason of the subdivision or future development of land, the Subdivision By-law shall be amended from time to time to identify specific charge areas and related Infrastructure Charges applicable in the Municipality. In amending the Subdivision By-law to establish a charge area, Council shall consider:

- (a) The adequacy of existing infrastructure;
- (b) Transportation requirements, including existing streets;
- (c) Drainage patterns and drainage requirements;
- (d) Water service requirements, including existing and proposed water service districts;
- (e) Storm and sanitary sewer system requirements, including the extension of existing systems and servicing boundaries;
- (f) Land use and existing and future development;
- (g) Financial impacts on the Municipality;
- (h) Soil conditions and topography; and
- (i) Any other matter of relevant planning concern.

**IC-2** Infrastructure Charges within a charge area shall be in an amount determined by Council, as set out in the Subdivision By-law.

**IC-3** Infrastructure Charges imposed pursuant to the Subdivision By-law may be set at different levels related to the proposed land use, zoning, density, traffic generation, lot size and number of lots in a subdivision and the anticipated servicing requirements for each infrastructure charge area.

**IC-4 The Subdivision By-law shall establish conditions for Subdivision Approval with respect to the payment of Infrastructure Charges including provisions for any agreements with the Municipality as a condition of Subdivision Approval.**

**IC-5 An Infrastructure Charge Holding Zone shall be established in the Land Use By-law. The Holding Zone may be applied by Council to lands within any designation on the Generalized Future Land Use Map where, in respect of development, Council has determined that: the cost of providing municipal wastewater facilities, stormwater systems or water systems would be prohibitive; or the cost of maintaining municipal streets would be prohibitive.**

**Development permitted within an Infrastructure Charge Holding Zone shall be restricted to single unit dwellings except in conformity with a development agreement approved by Council in accordance with the MGA.**

**IC-6 Where an area is zoned as an Infrastructure Charge Holding Zone area, the municipality shall, within one year of the effective date of the zone, commence the procedure to amend the Subdivision By-law to include provision for the payment of Infrastructure Charges, prior to permitting development or the designation(s) and zone(s) in effect immediately prior to the Pending Infrastructure Charges Area zone comes into effect.**

**IC-7 Council shall be guided by the Municipality's Multi-Year Financial Strategy and capital budget process in determining the extent and timing of municipal contributions toward new infrastructure.**

**IC-8 An infrastructure charge may only be used for the purpose for which it is collected.**

**3. Amending Policy IM-9 by adding a new clause immediately following clause IM-9(e) as follows:**

**(f) Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy IC-6", Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the "Infrastructure Charges" Policies of this MPS.**

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of \_\_\_\_, A.D. 2002.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, A.D., 2002.

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Vi Carmichael  
Municipal Clerk



## **Attachment "XI"**

### **Amendments to the Land Use By-law for North Preston, Lake Major, Lake Loon/Cherry Brook and East Preston**

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Land Use By-law for North Preston, Lake Major, Lake Loon/Cherry Brook and East Preston is hereby amended as follows:

1. Amending Section 3.12 (**ZONES ESTABLISHED**) by listing one new zone immediately following "*Construction and Demolition (C&D) Zones CD-3 C&D Materials Disposal Sites Zone*" as follows:

**"Infrastructure Charge Zone    ICH       Infrastructure Charge Holding Zone"**

2. Adding a new zone immediately following "*PART 18: CD-3 (C&D Materials Disposal Sites) Zone*" as follows:

#### **"PART 18: ICH (INFRASTRUCTURE CHARGE HOLDING) ZONE**

##### **18.1        ICH USES PERMITTED**

**No development permit shall be issued in any ICH Zone except on lots in existence on the date of adoption (ENTER DATE) of this zone for the following:**

**Single Unit Dwellings  
Open Space Uses**

##### **18.2        ICH ZONE REQUIREMENTS**

**In any ICH Zone, no development permit shall be issued except in conformity with the requirements of the RA Zone.**

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of \_\_\_\_, A.D. 2002.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, A.D., 2002.

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Vi Carmichael  
Municipal Clerk

## **Attachment "XII"**

### **Amendments to the Municipal Planning Strategy for Planning Districts 8 & 9**

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Planning Districts 8&9 is hereby amended as follows:

1. Adding new preamble and policy immediately after Policy P-79 as follows:

#### **"Infrastructure Charges**

**Halifax Regional Municipality has experienced sustained residential and commercial growth throughout the past several decades. The provision of new street and underground servicing systems to accommodate new developments is generally the responsibility of individual developers as condition of development approval and municipal take over of such servicing systems. In many cases, however, these servicing systems are sized and constructed to accommodate only the immediate area in which new development occurs . This leads to problems when the cumulative effect of individual developments either impact on, or are impacted by, the capability of overall community and regional infrastructure to accommodate growth.**

**Costs associated with ensuring that the size and extent of infrastructure required to accommodate new growth and its impacts on existing communities have been assumed largely by public sector funding. Traditional sources of public funding for municipal infrastructure have been reduced and new infrastructure will need to be funded without public financing available in the past. This presents a significant challenge to the Municipality in terms of balancing the economic benefits of new growth with the need to ensure that the infrastructure required to support growth is provided in a timely and cost-effective manner.**

**Council is concerned that many of the trunk infrastructure systems in the Municipality are nearing their design capacities and recognizes that new servicing systems are required to meet the needs of the community. An Integrated Servicing Study recently prepared for the Municipality identified substantial new infrastructure required in order to accommodate future development.**

**The Municipality has adopted a Multi-Year Financial Strategy with respect to its debt load and financial position. The Municipality is not in a financial position to absorb the capital costs associated with upgrading and extending the infrastructure necessary to facilitate future development, nor is it prepared to burden existing taxpayers with additional capital costs associated with new development.**

**In order to help facilitate continued growth without imposing an excessive financial burden on the existing taxpayers of the Municipality, it is Council's intention to recover infrastructure-related costs associated with new growth in the form of Infrastructure Charges in accordance with the provisions of the *Municipal Government Act (MGA)*. Recovery of**

**Infrastructure Charges will enable the Municipality to allocate the capital costs associated with new infrastructure to developers and subdividers deriving servicing benefits from the new infrastructure.**

**In keeping with the *MGA*, Infrastructure Charges for:**

- (a) new or expanded water systems;**
- (b) new or expanded waste water facilities;**
- (c) new or expanded storm water systems;**
- (d) new or expanded streets;**
- (e) upgrading intersections, new traffic signs and signals, and new transit bus bays,**

**may be imposed in the Subdivision By-law to recover all, or part, of the capital costs incurred, or anticipated to be incurred, by the Municipality by reason of the subdivision and future development of land as well as to recover costs associated with land, planning, studies related to the Master Plan, engineering, surveying and legal costs incurred with respect to any of them.**

**The Subdivision By-law shall set out the infrastructure charge areas in which Infrastructure Charges are to be levied, the purposes for which Infrastructure Charges are to be levied and the amount of, or method of calculating, each infrastructure charge.**

**The Municipality will initiate Master Plan studies where necessary in order to determine appropriate charge areas and the costs associated with oversized and new infrastructure. The cost of any such studies will be included as part of the infrastructure charge to be recovered under the Subdivision By-law.**

**Where the costs of providing infrastructure to accommodate development activity in specific geographic locations may place excessive financial burden on the Municipality, it may be necessary to restrict development pending completion of Master Plan studies and establishing of charge areas. In such instances provision will be made for application by Council of a holding zone to such areas. Additionally, where proposed development agreements would result in a subdivision requiring new infrastructure, approval of such proposals will be subject to Infrastructure Charges. The methodology for determining charge areas will be generally outlined in a Capital Cost Contribution Policy adopted by Council.**

### **Objectives**

**The following statements generally define the objectives Council wishes to achieve through the imposition of Infrastructure Charges within the Municipality:**

- (a) to provide a leadership role in facilitating future growth in the Municipality;**
- (b) to recover an infrastructure charge where the subdivision or development presents a requirement for new infrastructure;**
- (c) to ensure that the costs of new infrastructure are properly allocated to subdividers and other stakeholders deriving benefit from the infrastructure;**
- (d) to limit the Municipality's financial contribution having regard to other budgetary commitments and constraints;**

- (e) to provide greater certainty to subdividers and other stakeholders with respect to the costs of development in the Municipality;
- (f) to maintain a consistent approach to recovery of Infrastructure Charges across the Municipality;
- (g) to ensure that recovery of Infrastructure Charges is compatible with good land use planning in the Municipality.

## **Policy Statements**

The following policy statements identify the intentions of Council in adopting municipal planning policy with respect to Infrastructure Charges. These policies will be implemented through provisions established in the Subdivision and Land Use By-law's and by administrative practices and procedures.

**P-79A** Where capital costs have been or are anticipated by reason of the subdivision or future development of land, the Subdivision By-law shall be amended from time to time to identify specific charge areas and related Infrastructure Charges applicable in the Municipality. In amending the Subdivision By-law to establish a charge area, Council shall consider:

- (a) The adequacy of existing infrastructure;
- (b) Transportation requirements, including existing streets;
- (c) Drainage patterns and drainage requirements;
- (d) Water service requirements, including existing and proposed water service districts;
- (e) Storm and sanitary sewer system requirements, including the extension of existing systems and servicing boundaries;
- (f) Land use and existing and future development;
- (g) Financial impacts on the Municipality;
- (h) Soil conditions and topography; and
- (i) Any other matter of relevant planning concern.

**P-79B** Infrastructure Charges within a charge area shall be in an amount determined by Council, as set out in the Subdivision By-law.

**P-79C** Infrastructure Charges imposed pursuant to the Subdivision By-law may be set at different levels related to the proposed land use, zoning, density, traffic generation, lot size and number of lots in a subdivision and the anticipated servicing requirements for each infrastructure charge area.

**P-79D** The Subdivision By-law shall establish conditions for Subdivision Approval with respect to the payment of Infrastructure Charges including provisions for any agreements with the Municipality as a condition of Subdivision Approval.

**P-79E** An Infrastructure Charge Holding Zone shall be established in the Land Use By-law. The Holding Zone may be applied by Council to lands within any designation on the Generalized Future Land Use Map where, in respect of development, Council has

determined that: the cost of providing municipal wastewater facilities, stormwater systems or water systems would be prohibitive; or the cost of maintaining municipal streets would be prohibitive.

Development permitted within an Infrastructure Charge Holding Zone shall be restricted to single unit dwellings except in conformity with a development agreement approved by Council in accordance with the MGA.

**P-79F** Where an area is zoned as an Infrastructure Charge Holding Zone area, the municipality shall, within one year of the effective date of the zone, commence the procedure to amend the Subdivision By-law to include provision for the payment of Infrastructure Charges, prior to permitting development or the designation(s) and zone(s) in effect immediately prior to the Pending Infrastructure Charges Area zone comes into effect.

**P-79G** Council shall be guided by the Municipality's Multi-Year Financial Strategy and capital budget process in determining the extent and timing of municipal contributions toward new infrastructure.

**P-79H** An infrastructure charge may only be used for the purpose for which it is collected.

3. Amending Policy P-89 by adding two new clauses immediately following clause P-89(e) as follows:

(f) Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy P-79F", Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the "Infrastructure Charges" Policies of this MPS.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of \_\_\_\_, A.D. 2002.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this \_\_\_\_ day of \_\_\_\_, A.D., 2002.

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Vi Carmichael  
Municipal Clerk

## Attachment "XIII"

### Amendments to the Land Use By-law for Planning Districts 8 and 9

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Land Use By-law for Planning Districts 8 and 9 is hereby amended as follows:

1. Amending Section 3.1 (**ZONES**) by listing one new zone immediately following "*Construction and Demolition (C&D) Zones CD-3 C&D Materials Disposal Sites Zone*" as follows:

**"Infrastructure Charge Zone ICH Infrastructure Charge Holding Zone"**

2. Adding a new zone immediately following "*PART 22C: CD-3 (C&D Materials Disposal Sites) Zone*" as follows:

#### **"PART 22D: ICH (INFRASTRUCTURE CHARGE HOLDING) ZONE**

##### **22D.1 ICH USES PERMITTED**

No development permit shall be issued in any ICH Zone except on lots in existence on the date of adoption (ENTER DATE) of this zone for the following:

Single Unit Dwellings  
Open Space Uses

##### **22D.2 ICH ZONE REQUIREMENTS**

In any ICH Zone, no development permit shall be issued except in conformity with the requirements of the RA Zone.

## **Attachment "XIV"**

### **Amendments to the Municipal Planning Strategy for Dartmouth**

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Dartmouth is hereby amended as follows:

1. Adding new preamble and policy immediately after Policy IP-8 as follows:

#### **"Infrastructure Charges"**

**Halifax Regional Municipality has experienced sustained residential and commercial growth throughout the past several decades. The provision of new street and underground servicing systems to accommodate new developments is generally the responsibility of individual developers as condition of development approval and municipal take over of such servicing systems. In many cases, however, these servicing systems are sized and constructed to accommodate only the immediate area in which new development occurs. This leads to problems when the cumulative effect of individual developments either impact on, or are impacted by, the capability of overall community and regional infrastructure to accommodate growth.**

**Costs associated with ensuring that the size and extent of infrastructure required to accommodate new growth and its impacts on existing communities have been assumed largely by public sector funding. Traditional sources of public funding for municipal infrastructure have been reduced and new infrastructure will need to be funded without public financing available in the past. This presents a significant challenge to the Municipality in terms of balancing the economic benefits of new growth with the need to ensure that the infrastructure required to support growth is provided in a timely and cost-effective manner.**

**Council is concerned that many of the trunk infrastructure systems in the Municipality are nearing their design capacities and recognizes that new servicing systems are required to meet the needs of the community. An Integrated Servicing Study recently prepared for the Municipality identified substantial new infrastructure required in order to accommodate future development.**

**The Municipality has adopted a Multi-Year Financial Strategy with respect to its debt load and financial position. The Municipality is not in a financial position to absorb the capital costs associated with upgrading and extending the infrastructure necessary to facilitate future development, nor is it prepared to burden existing taxpayers with additional capital costs associated with new development.**

**In order to help facilitate continued growth without imposing an excessive financial burden on the existing taxpayers of the Municipality, it is Council's intention to recover infrastructure-related costs associated with new growth in the form of Infrastructure Charges in accordance with the provisions of the *Municipal Government Act (MGA)*. Recovery of**



Infrastructure Charges will enable the Municipality to allocate the capital costs associated with new infrastructure to developers and subdividers deriving servicing benefits from the new infrastructure.

In keeping with the *MGA*, Infrastructure Charges for:

- (a) new or expanded water systems;
- (b) new or expanded waste water facilities;
- (c) new or expanded storm water systems;
- (d) new or expanded streets;
- (e) upgrading intersections, new traffic signs and signals, and new transit bus bays,

may be imposed in the Subdivision By-law to recover all, or part, of the capital costs incurred, or anticipated to be incurred, by the Municipality by reason of the subdivision and future development of land as well as to recover costs associated with land, planning, studies related to the Master Plan, engineering, surveying and legal costs incurred with respect to any of them.

The Subdivision By-law shall set out the infrastructure charge areas in which Infrastructure Charges are to be levied, the purposes for which Infrastructure Charges are to be levied and the amount of, or method of calculating, each infrastructure charge.

The Municipality will initiate Master Plan studies where necessary in order to determine appropriate charge areas and the costs associated with oversized and new infrastructure. The cost of any such studies will be included as part of the infrastructure charge to be recovered under the Subdivision By-law.

Where the costs of providing infrastructure to accommodate development activity in specific geographic locations may place excessive financial burden on the Municipality, it may be necessary to restrict development pending completion of Master Plan studies and establishing of charge areas. In such instances provision will be made for application by Council of a holding zone to such areas. Additionally, where proposed development agreements would result in a subdivision requiring new infrastructure, approval of such proposals will be subject to Infrastructure Charges. The methodology for determining charge areas will be generally outlined in a Capital Cost Contribution Policy adopted by Council.

### Objectives

The following statements generally define the objectives Council wishes to achieve through the imposition of Infrastructure Charges within the Municipality:

- (a) to provide a leadership role in facilitating future growth in the Municipality;
- (b) to recover an infrastructure charge where the subdivision or development presents a requirement for new infrastructure;
- (c) to ensure that the costs of new infrastructure are properly allocated to subdividers and other stakeholders deriving benefit from the infrastructure;
- (d) to limit the Municipality's financial contribution having regard to other budgetary commitments and constraints;

- (e) to provide greater certainty to subdividers and other stakeholders with respect to the costs of development in the Municipality;
- (f) to maintain a consistent approach to recovery of Infrastructure Charges across the Municipality;
- (g) to ensure that recovery of Infrastructure Charges is compatible with good land use planning in the Municipality.

## **Policy Statements**

The following policy statements identify the intentions of Council in adopting municipal planning policy with respect to Infrastructure Charges. These policies will be implemented through provisions established in the Subdivision and Land Use By-law's and by administrative practices and procedures.

**IC-1 Where capital costs have been or are anticipated by reason of the subdivision or future development of land, the Subdivision By-law shall be amended from time to time to identify specific charge areas and related Infrastructure Charges applicable in the Municipality. In amending the Subdivision By-law to establish a charge area, Council shall consider:**

- (a) The adequacy of existing infrastructure;
- (b) Transportation requirements, including existing streets;
- (c) Drainage patterns and drainage requirements;
- (d) Water service requirements, including existing and proposed water service districts;
- (e) Storm and sanitary sewer system requirements, including the extension of existing systems and servicing boundaries;
- (f) Land use and existing and future development;
- (g) Financial impacts on the Municipality;
- (h) Soil conditions and topography; and
- (i) Any other matter of relevant planning concern.

**IC-2 Infrastructure Charges within a charge area shall be in an amount determined by Council, as set out in the Subdivision By-law.**

**IC-3 Infrastructure Charges imposed pursuant to the Subdivision By-law may be set at different levels related to the proposed land use, zoning, density, traffic generation, lot size and number of lots in a subdivision and the anticipated servicing requirements for each infrastructure charge area.**

**IC-4 The Subdivision By-law shall establish conditions for Subdivision Approval with respect to the payment of Infrastructure Charges including provisions for any agreements with the Municipality as a condition of Subdivision Approval.**

**IC-5** An Infrastructure Charge Holding Zone shall be established in the Land Use By-law. The Holding Zone may be applied by Council to lands within any designation on the Generalized Future Land Use Map where, in respect of development, Council has determined that: the cost of providing municipal wastewater facilities, stormwater systems or water systems would be prohibitive; or the cost of maintaining municipal streets would be prohibitive.

Development permitted within an Infrastructure Charge Holding Zone shall be restricted to single unit dwellings except in conformity with a development agreement approved by Council in accordance with the MGA.

**IC-6** Where an area is zoned as an Infrastructure Charge Holding Zone area, the municipality shall, within one year of the effective date of the zone, commence the procedure to amend the Subdivision By-law to include a provision for the payment of Infrastructure Charges, prior to permitting development or the designation(s) and zone(s) in effect immediately prior to the Pending Infrastructure Charges Area zone comes into effect.

**IC-7** Council shall be guided by the Municipality's Multi-Year Financial Strategy and capital budget process in determining the extent and timing of municipal contributions toward new infrastructure.

**IC-8** An infrastructure charge may only be used for the purpose for which it is collected.

3. Amending Policy 1P-1(c) by adding two new clauses immediately following clause 1P-1(c)(9) as follows:

(10) Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy IC-6", Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the "Infrastructure Charges" Policies of this MPS.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of \_\_\_\_, A.D. 2002.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, A.D., 2002.

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Vi Carmichael  
Municipal Clerk

**Attachment "XV"**

**Amendments to the  
Land Use By-law for Dartmouth**

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Land Use By-law for Dartmouth is hereby amended as follows:

1. Amending Section 31 by listing one new zone immediately following *CD-3 C&D Materials Disposal Sites Zone* as follows:

**ICH                    Infrastructure Charge Holding Zone"**

2. Adding a new zone immediately following *"Section 53D: CD-3 (C&D Materials Disposal Sites) Zone"* as follows:

**"PART 53E: ICH (INFRASTRUCTURE CHARGE HOLDING) ZONE**

**53E.1                    ICH USES PERMITTED**

**No development permit shall be issued in any ICH Zone except on lots in existence on the date of adoption (ENTER DATE) of this zone for the following:**

**Single Unit Dwellings  
Open Space Uses**

**53E.2                    ICH ZONE REQUIREMENTS**

**In any ICH Zone, no development permit shall be issued except in conformity with the requirements of the R-1 Zone.**

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of \_\_\_\_, A.D. 2002.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, A.D., 2002.

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Vi Carmichael  
Municipal Clerk

## **Attachment "XVI"**

### **Amendments to the Municipal Planning Strategy for Eastern Shore (East)**

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Municipal Planning Strategy for **Eastern Shore (East)** is hereby amended as follows:

1. Adding new preamble and policy immediately after Policy SW-11 as follows:

#### **"Infrastructure Charges"**

**Halifax Regional Municipality has experienced sustained residential and commercial growth throughout the past several decades. The provision of new street and underground servicing systems to accommodate new developments is generally the responsibility of individual developers as condition of development approval and municipal take over of such servicing systems. In many cases, however, these servicing systems are sized and constructed to accommodate only the immediate area in which new development occurs . This leads to problems when the cumulative effect of individual developments either impact on, or are impacted by, the capability of overall community and regional infrastructure to accommodate growth.**

**Costs associated with ensuring that the size and extent of infrastructure required to accommodate new growth and its impacts on existing communities have been assumed largely by public sector funding. Traditional sources of public funding for municipal infrastructure have been reduced and new infrastructure will need to be funded without public financing available in the past. This presents a significant challenge to the Municipality in terms of balancing the economic benefits of new growth with the need to ensure that the infrastructure required to support growth is provided in a timely and cost-effective manner.**

**Council is concerned that many of the trunk infrastructure systems in the Municipality are nearing their design capacities and recognizes that new servicing systems are required to meet the needs of the community. An Integrated Servicing Study recently prepared for the Municipality identified substantial new infrastructure required in order to accommodate future development.**

**The Municipality has adopted a Multi-Year Financial Strategy with respect to its debt load and financial position. The Municipality is not in a financial position to absorb the capital costs associated with upgrading and extending the infrastructure necessary to facilitate future development, nor is it prepared to burden existing taxpayers with additional capital costs associated with new development.**

**In order to help facilitate continued growth without imposing an excessive financial burden on the existing taxpayers of the Municipality, it is Council's intention to recover infrastructure-related costs associated with new growth in the form of Infrastructure Charges in accordance with the provisions of the *Municipal Government Act (MGA)*. Recovery of**

**Infrastructure Charges will enable the Municipality to allocate the capital costs associated with new infrastructure to developers and subdividers deriving servicing benefits from the new infrastructure.**

**In keeping with the *MGA*, Infrastructure Charges for:**

- (a) new or expanded water systems;**
- (b) new or expanded waste water facilities;**
- (c) new or expanded storm water systems;**
- (d) new or expanded streets;**
- (e) upgrading intersections, new traffic signs and signals, and new transit bus bays,**

**may be imposed in the Subdivision By-law to recover all, or part, of the capital costs incurred, or anticipated to be incurred, by the Municipality by reason of the subdivision and future development of land as well as to recover costs associated with land, planning, studies related to the Master Plan, engineering, surveying and legal costs incurred with respect to any of them.**

**The Subdivision By-law shall set out the infrastructure charge areas in which Infrastructure Charges are to be levied, the purposes for which Infrastructure Charges are to be levied and the amount of, or method of calculating, each infrastructure charge.**

**The Municipality will initiate Master Plan studies where necessary in order to determine appropriate charge areas and the costs associated with oversized and new infrastructure. The cost of any such studies will be included as part of the infrastructure charge to be recovered under the Subdivision By-law.**

**Where the costs of providing infrastructure to accommodate development activity in specific geographic locations may place excessive financial burden on the Municipality, it may be necessary to restrict development pending completion of Master Plan studies and establishing of charge areas. In such instances provision will be made for application by Council of a holding zone to such areas. Additionally, where proposed development agreements would result in a subdivision requiring new infrastructure, approval of such proposals will be subject to Infrastructure Charges. The methodology for determining charge areas will be generally outlined in a Capital Cost Contribution Policy adopted by Council.**

### **Objectives**

**The following statements generally define the objectives Council wishes to achieve through the imposition of Infrastructure Charges within the Municipality:**

- (a) to provide a leadership role in facilitating future growth in the Municipality;**
- (b) to recover an infrastructure charge where the subdivision or development presents a requirement for new infrastructure;**
- (c) to ensure that the costs of new infrastructure are properly allocated to subdividers and other stakeholders deriving benefit from the infrastructure;**
- (d) to limit the Municipality's financial contribution having regard to other budgetary commitments and constraints;**

- (e) to provide greater certainty to subdividers and other stakeholders with respect to the costs of development in the Municipality;
- (f) to maintain a consistent approach to recovery of Infrastructure Charges across the Municipality;
- (g) to ensure that recovery of Infrastructure Charges is compatible with good land use planning in the Municipality.

## **Policy Statements**

The following policy statements identify the intentions of Council in adopting municipal planning policy with respect to Infrastructure Charges. These policies will be implemented through provisions established in the Subdivision and Land Use By-law's and by administrative practices and procedures.

**IC-1** Where capital costs have been or are anticipated by reason of the subdivision or future development of land, the Subdivision By-law shall be amended from time to time to identify specific charge areas and related Infrastructure Charges applicable in the Municipality. In amending the Subdivision By-law to establish a charge area, Council shall consider:

- (a) The adequacy of existing infrastructure;
- (b) Transportation requirements, including existing streets;
- (c) Drainage patterns and drainage requirements;
- (d) Water service requirements, including existing and proposed water service districts;
- (e) Storm and sanitary sewer system requirements, including the extension of existing systems and servicing boundaries;
- (f) Land use and existing and future development;
- (g) Financial impacts on the Municipality;
- (h) Soil conditions and topography; and
- (i) Any other matter of relevant planning concern.

**IC-2** Infrastructure Charges within a charge area shall be in an amount determined by Council, as set out in the Subdivision By-law.

**IC-3** Infrastructure Charges imposed pursuant to the Subdivision By-law may be set at different levels related to the proposed land use, zoning, density, traffic generation, lot size and number of lots in a subdivision and the anticipated servicing requirements for each infrastructure charge area.

**IC-4** The Subdivision By-law shall establish conditions for Subdivision Approval with respect to the payment of Infrastructure Charges including provisions for any agreements with the Municipality as a condition of Subdivision Approval.

**IC-5** An Infrastructure Charge Holding Zone shall be established in the Land Use By-law. The Holding Zone may be applied by Council to lands within any designation on the Generalized Future Land Use Map where, in respect of development, Council has

determined that: the cost of providing municipal wastewater facilities, stormwater systems or water systems would be prohibitive; or the cost of maintaining municipal streets would be prohibitive.

Development permitted within an Infrastructure Charge Holding Zone shall be restricted to single unit dwellings except in conformity with a development agreement approved by Council in accordance with the MGA.

**IC-6** Where an area is zoned as an Infrastructure Charge Holding Zone area, the municipality shall, within one year of the effective date of the zone, commence the procedure to amend the Subdivision By-law to include provision for the payment of Infrastructure Charges, prior to permitting development or the designation(s) and zone(s) in effect immediately prior to the Pending Infrastructure Charges Area zone comes into effect.

**IC-7** Council shall be guided by the Municipality's Multi-Year Financial Strategy and capital budget process in determining the extent and timing of municipal contributions toward new infrastructure.

**IC-8** An infrastructure charge may only be used for the purpose for which it is collected.

3. Amending Policy IM-10 by adding two new clauses immediately following clause IM-10(e) as follows:

(f) Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy IC-6", Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the "Infrastructure Charges" Policies of this MPS.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of \_\_\_\_, A.D. 2002.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, A.D., 2002.

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Vi Carmichael  
Municipal Clerk



Attachment "XVII"

Amendments to the  
Land Use By-law for Eastern Shore (East)

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Land Use By-law for **Eastern Shore (East)** is hereby amended as follows:

1. Amending Section 3.1 (**ZONES**) by listing one new zone immediately following "*Construction and Demolition (C&D) Zones CD-3 C&D Materials Disposal Sites Zone*" as follows:

**"Infrastructure Charge Zone ICH Infrastructure Charge Holding Zone"**

2. Adding a new zone immediately following "*PART 11C: CD-3 (C&D Materials Disposal Sites) Zone*" as follows:

**"PART 11D: ICH (INFRASTRUCTURE CHARGE HOLDING) ZONE"**

**11D.1 ICH USES PERMITTED**

**No development permit shall be issued in any ICH Zone except on lots in existence on the date of adoption (ENTER DATE) of this zone for the following:**

**Single Unit Dwellings  
Open Space Uses**

**11D.2 ICH ZONE REQUIREMENTS**

**In any ICH Zone, no development permit shall be issued except in conformity with the requirements of the R-6A Zone."**

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of \_\_\_\_, A.D. 2002.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this \_\_\_\_ day of \_\_\_\_, A.D., 2002.

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Vi Carmichael  
Municipal Clerk

## **Attachment "XVIII"**

### **Amendments to the Municipal Planning Strategy for Eastern Shore (West)**

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Municipal Planning Strategy for Eastern Shore (West) is hereby amended as follows:

1. Adding new preamble and policy immediately after Policy SW-11 as follows:

#### **"Infrastructure Charges**

**Halifax Regional Municipality has experienced sustained residential and commercial growth throughout the past several decades. The provision of new street and underground servicing systems to accommodate new developments is generally the responsibility of individual developers as condition of development approval and municipal take over of such servicing systems. In many cases, however, these servicing systems are sized and constructed to accommodate only the immediate area in which new development occurs . This leads to problems when the cumulative effect of individual developments either impact on, or are impacted by, the capability of overall community and regional infrastructure to accommodate growth.**

**Costs associated with ensuring that the size and extent of infrastructure required to accommodate new growth and its impacts on existing communities have been assumed largely by public sector funding. Traditional sources of public funding for municipal infrastructure have been reduced and new infrastructure will need to be funded without public financing available in the past. This presents a significant challenge to the Municipality in terms of balancing the economic benefits of new growth with the need to ensure that the infrastructure required to support growth is provided in a timely and cost-effective manner.**

**Council is concerned that many of the trunk infrastructure systems in the Municipality are nearing their design capacities and recognizes that new servicing systems are required to meet the needs of the community. An Integrated Servicing Study recently prepared for the Municipality identified substantial new infrastructure required in order to accommodate future development.**

**The Municipality has adopted a Multi-Year Financial Strategy with respect to its debt load and financial position. The Municipality is not in a financial position to absorb the capital costs associated with upgrading and extending the infrastructure necessary to facilitate future development, nor is it prepared to burden existing taxpayers with additional capital costs associated with new development.**

**In order to help facilitate continued growth without imposing an excessive financial burden on the existing taxpayers of the Municipality, it is Council's intention to recover infrastructure-related costs associated with new growth in the form of Infrastructure Charges in accordance with the provisions of the *Municipal Government Act (MGA)*. Recovery of**

**Infrastructure Charges will enable the Municipality to allocate the capital costs associated with new infrastructure to developers and subdividers deriving servicing benefits from the new infrastructure.**

**In keeping with the *MGA*, Infrastructure Charges for:**

- (a) new or expanded water systems;**
- (b) new or expanded waste water facilities;**
- (c) new or expanded storm water systems;**
- (d) new or expanded streets;**
- (e) upgrading intersections, new traffic signs and signals, and new transit bus bays,**

**may be imposed in the Subdivision By-law to recover all, or part, of the capital costs incurred, or anticipated to be incurred, by the Municipality by reason of the subdivision and future development of land as well as to recover costs associated with land, planning, studies related to the Master Plan, engineering, surveying and legal costs incurred with respect to any of them.**

**The Subdivision By-law shall set out the infrastructure charge areas in which Infrastructure Charges are to be levied, the purposes for which Infrastructure Charges are to be levied and the amount of, or method of calculating, each infrastructure charge.**

**The Municipality will initiate Master Plan studies where necessary in order to determine appropriate charge areas and the costs associated with oversized and new infrastructure. The cost of any such studies will be included as part of the infrastructure charge to be recovered under the Subdivision By-law.**

**Where the costs of providing infrastructure to accommodate development activity in specific geographic locations may place excessive financial burden on the Municipality, it may be necessary to restrict development pending completion of Master Plan studies and establishing of charge areas. In such instances provision will be made for application by Council of a holding zone to such areas. Additionally, where proposed development agreements would result in a subdivision requiring new infrastructure, approval of such proposals will be subject to Infrastructure Charges. The methodology for determining charge areas will be generally outlined in a Capital Cost Contribution Policy adopted by Council.**

### **Objectives**

**The following statements generally define the objectives Council wishes to achieve through the imposition of Infrastructure Charges within the Municipality:**

- (a) to provide a leadership role in facilitating future growth in the Municipality;**
- (b) to recover an infrastructure charge where the subdivision or development presents a requirement for new infrastructure;**
- (c) to ensure that the costs of new infrastructure are properly allocated to subdividers and other stakeholders deriving benefit from the infrastructure;**

- (d) to limit the Municipality's financial contribution having regard to other budgetary commitments and constraints;
- (e) to provide greater certainty to subdividers and other stakeholders with respect to the costs of development in the Municipality;
- (f) to maintain a consistent approach to recovery of Infrastructure Charges across the Municipality;
- (g) to ensure that recovery of Infrastructure Charges is compatible with good land use planning in the Municipality.

## **Policy Statements**

The following policy statements identify the intentions of Council in adopting municipal planning policy with respect to Infrastructure Charges. These policies will be implemented through provisions established in the Subdivision and Land Use By-law's and by administrative practices and procedures.

**IC-1** Where capital costs have been or are anticipated by reason of the subdivision or future development of land, the Subdivision By-law shall be amended from time to time to identify specific charge areas and related Infrastructure Charges applicable in the Municipality. In amending the Subdivision By-law to establish a charge area, Council shall consider:

- (a) The adequacy of existing infrastructure;
- (b) Transportation requirements, including existing streets;
- (c) Drainage patterns and drainage requirements;
- (d) Water service requirements, including existing and proposed water service districts;
- (e) Storm and sanitary sewer system requirements, including the extension of existing systems and servicing boundaries;
- (f) Land use and existing and future development;
- (g) Financial impacts on the Municipality;
- (h) Soil conditions and topography; and
- (i) Any other matter of relevant planning concern.

**IC-2** Infrastructure Charges within a charge area shall be in an amount determined by Council, as set out in the Subdivision By-law.

**IC-3** Infrastructure Charges imposed pursuant to the Subdivision By-law may be set at different levels related to the proposed land use, zoning, density, traffic generation, lot size and number of lots in a subdivision and the anticipated servicing requirements for each infrastructure charge area.

**IC-4** The Subdivision By-law shall establish conditions for Subdivision Approval with respect to the payment of Infrastructure Charges including provisions for any agreements with the Municipality as a condition of Subdivision Approval.

**IC-5** An Infrastructure Charge Holding Zone shall be established in the Land Use By-law. The Holding Zone may be applied by Council to lands within any designation on the Generalized Future Land Use Map where, in respect of development, Council has determined that: the cost of providing municipal wastewater facilities, stormwater systems or water systems would be prohibitive; or the cost of maintaining municipal streets would be prohibitive.

Development permitted within an Infrastructure Charge Holding Zone shall be restricted to single unit dwellings except in conformity with a development agreement approved by Council in accordance with the MGA.

**IC-6** Where an area is zoned as an Infrastructure Charge Holding Zone area, the municipality shall, within one year of the effective date of the zone, commence the procedure to amend the Subdivision By-law to include provision for the payment of Infrastructure Charges, prior to permitting development or the designation(s) and zone(s) in effect immediately prior to the Pending Infrastructure Charges Area zone comes into effect.

**IC-7** Council shall be guided by the Municipality's Multi-Year Financial Strategy and capital budget process in determining the extent and timing of municipal contributions toward new infrastructure.

**IC-8** An infrastructure charge may only be used for the purpose for which it is collected.

3. Amending Policy IM-10 by adding two new clauses immediately following clause IM-10(e) as follows:

(f) Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy IC-6", Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the "Infrastructure Charges" Policies of this MPS.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of \_\_\_\_, A.D. 2002.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, A.D., 2002.

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Vi Carmichael  
Municipal Clerk

**Attachment "XIX"**

**Amendments to the  
Land Use By-law for Eastern Shore (West)**

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Land Use By-law for **Eastern Shore (West)** is hereby amended as follows:

1. Amending Section 3.1 (**ZONES**) by listing one new zone immediately following "*Construction and Demolition (C&D) Zones CD-3 C&D Materials Disposal Sites Zone*" as follows:

**"Infrastructure Charge Zone ICH Infrastructure Charge Holding Zone"**

2. Adding a new zone immediately following "*PART 12C: CD-3 (C&D Materials Disposal Sites) Zone*" as follows:

**"PART 12D: ICH (INFRASTRUCTURE CHARGE HOLDING) ZONE"**

**12D.1 ICH USES PERMITTED**

**No development permit shall be issued in any ICH Zone except on lots in existence on the date of adoption (ENTER DATE) of this zone for the following:**

**Single Unit Dwellings  
Open Space Uses**

**12D.2 ICH ZONE REQUIREMENTS**

**In any ICH Zone, no development permit shall be issued except in conformity with the requirements of the R-6 Zone."**

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of \_\_\_\_, A.D. 2002.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this \_\_\_\_ day of \_\_\_\_, A.D., 2002.

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Vi Carmichael  
Municipal Clerk

Attachment "XX"

Amendments to the  
Municipal Planning Strategy for Planning Districts 14 and 17

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Municipal Planning Strategy for **Planning Districts 14 and 17** is hereby amended as follows:

1.     **"Infrastructure Charges**

**Halifax Regional Municipality has experienced sustained residential and commercial growth throughout the past several decades. The provision of new street and underground servicing systems to accommodate new developments is generally the responsibility of individual developers as condition of development approval and municipal take over of such servicing systems. In many cases, however, these servicing systems are sized and constructed to accommodate only the immediate area in which new development occurs . This leads to problems when the cumulative effect of individual developments either impact on, or are impacted by, the capability of overall community and regional infrastructure to accommodate growth.**

**Costs associated with ensuring that the size and extent of infrastructure required to accommodate new growth and its impacts on existing communities have been assumed largely by public sector funding. Traditional sources of public funding for municipal infrastructure have been reduced and new infrastructure will need to be funded without public financing available in the past. This presents a significant challenge to the Municipality in terms of balancing the economic benefits of new growth with the need to ensure that the infrastructure required to support growth is provided in a timely and cost-effective manner.**

**Council is concerned that many of the trunk infrastructure systems in the Municipality are nearing their design capacities and recognizes that new servicing systems are required to meet the needs of the community. An Integrated Servicing Study recently prepared for the Municipality identified substantial new infrastructure required in order to accommodate future development.**

**The Municipality has adopted a Multi-Year Financial Strategy with respect to its debt load and financial position. The Municipality is not in a financial position to absorb the capital costs associated with upgrading and extending the infrastructure necessary to facilitate future development, nor is it prepared to burden existing taxpayers with additional capital costs associated with new development.**

In order to help facilitate continued growth without imposing an excessive financial burden on the existing taxpayers of the Municipality, it is Council's intention to recover infrastructure-related costs associated with new growth in the form of Infrastructure Charges in accordance with the provisions of the *Municipal Government Act (MGA)*. Recovery of Infrastructure Charges will enable the Municipality to allocate the capital costs associated with new infrastructure to developers and subdividers deriving servicing benefits from the new infrastructure.

In keeping with the *MGA*, Infrastructure Charges for:

- (a) new or expanded water systems;
- (b) new or expanded waste water facilities;
- (c) new or expanded storm water systems;
- (d) new or expanded streets;
- (e) upgrading intersections, new traffic signs and signals, and new transit bus bays,

may be imposed in the Subdivision By-law to recover all, or part, of the capital costs incurred, or anticipated to be incurred, by the Municipality by reason of the subdivision and future development of land as well as to recover costs associated with land, planning, studies related to the Master Plan, engineering, surveying and legal costs incurred with respect to any of them.

The Subdivision By-law shall set out the infrastructure charge areas in which Infrastructure Charges are to be levied, the purposes for which Infrastructure Charges are to be levied and the amount of, or method of calculating, each infrastructure charge.

The Municipality will initiate Master Plan studies where necessary in order to determine appropriate charge areas and the costs associated with oversized and new infrastructure. The cost of any such studies will be included as part of the infrastructure charge to be recovered under the Subdivision By-law.

Where the costs of providing infrastructure to accommodate development activity in specific geographic locations may place excessive financial burden on the Municipality, it may be necessary to restrict development pending completion of Master Plan studies and establishing of charge areas. In such instances provision will be made for application by Council of a holding zone to such areas. Additionally, where proposed development agreements would result in a subdivision requiring new infrastructure, approval of such proposals will be subject to Infrastructure Charges. The methodology for determining charge areas will be generally outlined in a Capital Cost Contribution Policy adopted by Council.

### Objectives

The following statements generally define the objectives Council wishes to achieve through the imposition of Infrastructure Charges within the Municipality:

- (a) to provide a leadership role in facilitating future growth in the Municipality;



- (b) to recover an infrastructure charge where the subdivision or development presents a requirement for new infrastructure;
- (c) to ensure that the costs of new infrastructure are properly allocated to subdividers and other stakeholders deriving benefit from the infrastructure;
- (d) to limit the Municipality's financial contribution having regard to other budgetary commitments and constraints;
- (e) to provide greater certainty to subdividers and other stakeholders with respect to the costs of development in the Municipality;
- (f) to maintain a consistent approach to recovery of Infrastructure Charges across the Municipality;
- (g) to ensure that recovery of Infrastructure Charges is compatible with good land use planning in the Municipality.

### **Policy Statements**

The following policy statements identify the intentions of Council in adopting municipal planning policy with respect to Infrastructure Charges. These policies will be implemented through provisions established in the Subdivision and Land Use By-law's and by administrative practices and procedures.

**P-64A** Where capital costs have been or are anticipated by reason of the subdivision or future development of land, the Subdivision By-law shall be amended from time to time to identify specific charge areas and related Infrastructure Charges applicable in the Municipality. In amending the Subdivision By-law to establish a charge area, Council shall consider:

- (a) The adequacy of existing infrastructure;
- (b) Transportation requirements, including existing streets;
- (c) Drainage patterns and drainage requirements;
- (d) Water service requirements, including existing and proposed water service districts;
- (e) Storm and sanitary sewer system requirements, including the extension of existing systems and servicing boundaries;
- (f) Land use and existing and future development;
- (g) Financial impacts on the Municipality;
- (h) Soil conditions and topography; and
- (i) Any other matter of relevant planning concern.

**P-64B** Infrastructure Charges within a charge area shall be in an amount determined by Council, as set out in the Subdivision By-law.

**P-64C** Infrastructure Charges imposed pursuant to the Subdivision By-law may be set at different levels related to the proposed land use, zoning, density, traffic generation, lot size and number of lots in a subdivision and the anticipated servicing requirements for each infrastructure charge area.

- P-64D**      **The Subdivision By-law shall establish conditions for Subdivision Approval with respect to the payment of Infrastructure Charges including provisions for any agreements with the Municipality as a condition of Subdivision Approval.**
- P-64E**      **An Infrastructure Charge Holding Zone shall be established in the Land Use By-law. The Holding Zone may be applied by Council to lands within any designation on the Generalized Future Land Use Map where, in respect of development, Council has determined that: the cost of providing municipal wastewater facilities, stormwater systems or water systems would be prohibitive; or the cost of maintaining municipal streets would be prohibitive.**
- Development permitted within an Infrastructure Charge Holding Zone shall be restricted to single unit dwellings except in conformity with a development agreement approved by Council in accordance with the MGA.**
- P-64F**      **Where an area is zoned as an Infrastructure Charge Holding Zone area, the municipality shall, within one year of the effective date of the zone, commence the procedure to amend the Subdivision By-law to include provision for the payment of Infrastructure Charges, prior to permitting development or the designation(s) and zone(s) in effect immediately prior to the Pending Infrastructure Charges Area zone comes into effect.**
- P-64G**      **Council shall be guided by the Municipality’s Multi-Year Financial Strategy and capital budget process in determining the extent and timing of municipal contributions toward new infrastructure.**
- P-64H**      **An infrastructure charge may only be used for the purpose for which it is collected.**
3.            Amending Policy P-155 by adding two new clauses immediately following clause P-155(d) as follows:
- (e)      **Within any designation, where a holding zone has been established pursuant to “Infrastructure Charges - Policy P-64F”, Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the “Infrastructure Charges” Policies of this MPS.**

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of \_\_\_\_, A.D. 2002.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, A.D., 2002.

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Vi Carmichael  
Municipal Clerk

**Attachment "XXI"**

**Amendments to the  
Land Use By-law for Planning Districts 14 and 17**

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Land Use By-law for **Planning Districts 14 and 17** is hereby amended as follows:

1. Amending Section 3.1 (**ZONES**) by listing one new zone immediately following "*Construction and Demolition (C&D) Zones CD-3 C&D Materials Disposal Sites Zone*" as follows:

**"Infrastructure Charge Zone ICH Infrastructure Charge Holding Zone"**

2. Adding a new zone immediately following "*PART 25C: CD-3 (C&D Materials Disposal Sites) Zone*" as follows:

**"PART 25D: ICH (INFRASTRUCTURE CHARGE HOLDING) ZONE"**

**25D.1 ICH USES PERMITTED**

**No development permit shall be issued in any ICH Zone except on lots in existence on the date of adoption (ENTER DATE) of this zone for the following:**

**Single Unit Dwellings  
Open Space Uses**

**25D.2 ICH ZONE REQUIREMENTS**

**In any ICH Zone, no development permit shall be issued except in conformity with the requirements of the R-1A Zone.**

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of \_\_\_\_, A.D. 2002.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this \_\_\_\_ day of \_\_\_\_, A.D., 2002.

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Vi Carmichael  
Municipal Clerk

## **Attachment "XXII"**

### **Amendments to the Municipal Planning Strategy for Beaver Bank, Hammonds Plains, and Upper Sackville**

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Municipal Planning Strategy for **Beaver Bank, Hammonds Plains, and Upper Sackville**) is hereby amended as follows:

1. Adding new preamble and policy immediately after Policy P-81 as follows:

#### **"Infrastructure Charges**

**Halifax Regional Municipality has experienced sustained residential and commercial growth throughout the past several decades. The provision of new street and underground servicing systems to accommodate new developments is generally the responsibility of individual developers as condition of development approval and municipal take over of such servicing systems. In many cases, however, these servicing systems are sized and constructed to accommodate only the immediate area in which new development occurs . This leads to problems when the cumulative effect of individual developments either impact on, or are impacted by, the capability of overall community and regional infrastructure to accommodate growth.**

**Costs associated with ensuring that the size and extent of infrastructure required to accommodate new growth and its impacts on existing communities have been assumed largely by public sector funding. Traditional sources of public funding for municipal infrastructure have been reduced and new infrastructure will need to be funded without public financing available in the past. This presents a significant challenge to the Municipality in terms of balancing the economic benefits of new growth with the need to ensure that the infrastructure required to support growth is provided in a timely and cost-effective manner.**

**Council is concerned that many of the trunk infrastructure systems in the Municipality are nearing their design capacities and recognizes that new servicing systems are required to meet the needs of the community. An Integrated Servicing Study recently prepared for the Municipality identified substantial new infrastructure required in order to accommodate future development.**

**The Municipality has adopted a Multi-Year Financial Strategy with respect to its debt load and financial position. The Municipality is not in a financial position to absorb the capital costs associated with upgrading and extending the infrastructure necessary to facilitate future development, nor is it prepared to burden existing taxpayers with additional capital costs associated with new development.**

**In order to help facilitate continued growth without imposing an excessive financial burden on the existing taxpayers of the Municipality, it is Council's intention to recover infrastructure-related costs associated with new growth in the form of Infrastructure Charges**

in accordance with the provisions of the *Municipal Government Act (MGA)*. Recovery of Infrastructure Charges will enable the Municipality to allocate the capital costs associated with new infrastructure to developers and subdividers deriving servicing benefits from the new infrastructure.

In keeping with the *MGA*, Infrastructure Charges for:

- (a) new or expanded water systems;
- (b) new or expanded waste water facilities;
- (c) new or expanded storm water systems;
- (d) new or expanded streets;
- (e) upgrading intersections, new traffic signs and signals, and new transit bus bays,

may be imposed in the Subdivision By-law to recover all, or part, of the capital costs incurred, or anticipated to be incurred, by the Municipality by reason of the subdivision and future development of land as well as to recover costs associated with land, planning, studies related to the Master Plan, engineering, surveying and legal costs incurred with respect to any of them.

The Subdivision By-law shall set out the infrastructure charge areas in which Infrastructure Charges are to be levied, the purposes for which Infrastructure Charges are to be levied and the amount of, or method of calculating, each infrastructure charge.

The Municipality will initiate Master Plan studies where necessary in order to determine appropriate charge areas and the costs associated with oversized and new infrastructure. The cost of any such studies will be included as part of the infrastructure charge to be recovered under the Subdivision By-law.

Where the costs of providing infrastructure to accommodate development activity in specific geographic locations may place excessive financial burden on the Municipality, it may be necessary to restrict development pending completion of Master Plan studies and establishing of charge areas. In such instances provision will be made for application by Council of a holding zone to such areas. Additionally, where proposed development agreements would result in a subdivision requiring new infrastructure, approval of such proposals will be subject to Infrastructure Charges. The methodology for determining charge areas will be generally outlined in a Capital Cost Contribution Policy adopted by Council.

### **Objectives**

The following statements generally define the objectives Council wishes to achieve through the imposition of Infrastructure Charges within the Municipality:

- (a) to provide a leadership role in facilitating future growth in the Municipality;
- (b) to recover an infrastructure charge where the subdivision or development presents a requirement for new infrastructure;
- (c) to ensure that the costs of new infrastructure are properly allocated to subdividers and other stakeholders deriving benefit from the infrastructure;

- (d) to limit the Municipality's financial contribution having regard to other budgetary commitments and constraints;
- (e) to provide greater certainty to subdividers and other stakeholders with respect to the costs of development in the Municipality;
- (f) to maintain a consistent approach to recovery of Infrastructure Charges across the Municipality;
- (g) to ensure that recovery of Infrastructure Charges is compatible with good land use planning in the Municipality.

## **Policy Statements**

The following policy statements identify the intentions of Council in adopting municipal planning policy with respect to Infrastructure Charges. These policies will be implemented through provisions established in the Subdivision and Land Use By-law's and by administrative practices and procedures.

**P-79A.1** Where capital costs have been or are anticipated by reason of the subdivision or future development of land, the Subdivision By-law shall be amended from time to time to identify specific charge areas and related Infrastructure Charges applicable in the Municipality. In amending the Subdivision By-law to establish a charge area, Council shall consider:

- (a) The adequacy of existing infrastructure;
- (b) Transportation requirements, including existing streets;
- (c) Drainage patterns and drainage requirements;
- (d) Water service requirements, including existing and proposed water service districts;
- (e) Storm and sanitary sewer system requirements, including the extension of existing systems and servicing boundaries;
- (f) Land use and existing and future development;
- (g) Financial impacts on the Municipality;
- (h) Soil conditions and topography; and
- (i) Any other matter of relevant planning concern.

**P-79A.2** Infrastructure Charges within a charge area shall be in an amount determined by Council, as set out in the Subdivision By-law.

**P-79A.3** Infrastructure Charges imposed pursuant to the Subdivision By-law may be set at different levels related to the proposed land use, zoning, density, traffic generation, lot size and number of lots in a subdivision and the anticipated servicing requirements for each infrastructure charge area.

**P-79A.4** The Subdivision By-law shall establish conditions for Subdivision Approval with respect to the payment of Infrastructure Charges including provisions for any agreements with the Municipality as a condition of Subdivision Approval.

**P-79A.5** An Infrastructure Charge Holding Zone shall be established in the Land Use By-law. The Holding Zone may be applied by Council to lands within any designation on the Generalized Future Land Use Map where, in respect of development, Council has determined that: the cost of providing municipal wastewater facilities, stormwater systems or water systems would be prohibitive; or the cost of maintaining municipal streets would be prohibitive.

Development permitted within an Infrastructure Charge Holding Zone shall be restricted to single unit dwellings except in conformity with a development agreement approved by Council in accordance with the MGA.

**P-79A.6** Where an area is zoned as an Infrastructure Charge Holding Zone area, the municipality shall, within one year of the effective date of the zone, commence the procedure to amend the Subdivision By-law to include provision for the payment of Infrastructure Charges, prior to permitting development or the designation(s) and zone(s) in effect immediately prior to the Pending Infrastructure Charges Area zone comes into effect.

**P-79A.7** Council shall be guided by the Municipality's Multi-Year Financial Strategy and capital budget process in determining the extent and timing of municipal contributions toward new infrastructure.

**P-79A.8** An infrastructure charge may only be used for the purpose for which it is collected.

3. Amending Policy P-137 by adding two new clauses immediately following Policy P-137(d) as follows:

(e) Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy P-81", Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the "Infrastructure Charges" Policies of this MPS.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of \_\_\_\_, A.D. 2002.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, A.D., 2002.

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Vi Carmichael  
Municipal Clerk



Attachment "XXIII"

Amendments to the  
Land Use By-law for Beaver Bank, Hammonds Plains, and Upper Sackville

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Land Use By-law for **Beaver Bank, Hammonds Plains, and Upper Sackville** is hereby amended as follows:

1. Amending Section 3.1 (**ZONES**) by listing one new zone immediately following "Construction and Demolition (C&D) Zones CD-3 C&D Materials Disposal Sites Zone" as follows:

**"Infrastructure Charge Zone ICH Infrastructure Charge Holding Zone"**

2. Adding a new zone immediately following "*PART 26C: CD-3 (C&D Materials Disposal Sites) Zone*" as follows:

**"PART 26D: ICH (INFRASTRUCTURE CHARGE HOLDING) ZONE**

**26D.1 ICH USES PERMITTED**

**No development permit shall be issued in any ICH Zone except on lots in existence on the date of adoption (ENTER DATE) of this zone for the following:**

**Single Unit Dwellings  
Open Space Uses**

**26D.2 ICH ZONE REQUIREMENTS**

**In any ICH Zone, no development permit shall be issued except in conformity with the requirements of the R-1 Zone."**

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of \_\_\_\_, A.D. 2002.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, A.D., 2002.

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Vi Carmichael  
Municipal Clerk

## **Attachment "XXIV"**

### **Amendments to the Municipal Planning Strategy for Planning Districts 1 and 3**

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Municipal Planning Strategy for **Planning Districts 1 and 3** is hereby amended as follows:

1. Adding new preamble and policy immediately after Policy SW-11 as follows:

#### **"Infrastructure Charges**

**Halifax Regional Municipality has experienced sustained residential and commercial growth throughout the past several decades. The provision of new street and underground servicing systems to accommodate new developments is generally the responsibility of individual developers as condition of development approval and municipal take over of such servicing systems. In many cases, however, these servicing systems are sized and constructed to accommodate only the immediate area in which new development occurs . This leads to problems when the cumulative effect of individual developments either impact on, or are impacted by, the capability of overall community and regional infrastructure to accommodate growth.**

**Costs associated with ensuring that the size and extent of infrastructure required to accommodate new growth and its impacts on existing communities have been assumed largely by public sector funding. Traditional sources of public funding for municipal infrastructure have been reduced and new infrastructure will need to be funded without public financing available in the past. This presents a significant challenge to the Municipality in terms of balancing the economic benefits of new growth with the need to ensure that the infrastructure required to support growth is provided in a timely and cost-effective manner.**

**Council is concerned that many of the trunk infrastructure systems in the Municipality are nearing their design capacities and recognizes that new servicing systems are required to meet the needs of the community. An Integrated Servicing Study recently prepared for the Municipality identified substantial new infrastructure required in order to accommodate future development.**

**The Municipality has adopted a Multi-Year Financial Strategy with respect to its debt load and financial position. The Municipality is not in a financial position to absorb the capital costs associated with upgrading and extending the infrastructure necessary to facilitate future development, nor is it prepared to burden existing taxpayers with additional capital costs associated with new development.**

In order to help facilitate continued growth without imposing an excessive financial burden on the existing taxpayers of the Municipality, it is Council's intention to recover infrastructure-related costs associated with new growth in the form of Infrastructure Charges in accordance with the provisions of the *MGA*. Recovery of Infrastructure Charges will enable the Municipality to allocate the capital costs associated with new infrastructure to developers and subdividers deriving servicing benefits from the new infrastructure.

In keeping with the *MGA*, Infrastructure Charges for:

- (a) new or expanded water systems;
- (b) new or expanded waste water facilities;
- (c) new or expanded storm water systems;
- (d) new or expanded streets;
- (e) upgrading intersections, new traffic signs and signals, and new transit bus bays,

may be imposed in the Subdivision By-law to recover all, or part, of the capital costs incurred, or anticipated to be incurred, by the Municipality by reason of the subdivision and future development of land as well as to recover costs associated with land, planning, studies related to the Master Plan, engineering, surveying and legal costs incurred with respect to any of them.

The Subdivision By-law shall set out the infrastructure charge areas in which Infrastructure Charges are to be levied, the purposes for which Infrastructure Charges are to be levied and the amount of, or method of calculating, each infrastructure charge.

The Municipality will initiate Master Plan studies where necessary in order to determine appropriate charge areas and the costs associated with oversized and new infrastructure. The cost of any such studies will be included as part of the infrastructure charge to be recovered under the Subdivision By-law.

Where the costs of providing infrastructure to accommodate development activity in specific geographic locations may place excessive financial burden on the Municipality, it may be necessary to restrict development pending completion of Master Plan studies and establishing of charge areas. In such instances provision will be made for application by Council of a holding zone to such areas. Additionally, where proposed development agreements would result in a subdivision requiring new infrastructure, approval of such proposals will be subject to Infrastructure Charges. The methodology for determining charge areas will be generally outlined in a Capital Cost Contribution Policy adopted by Council.

### Objectives

The following statements generally define the objectives Council wishes to achieve through the imposition of Infrastructure Charges within the Municipality:

- (a) to provide a leadership role in facilitating future growth in the Municipality;
- (b) to recover an infrastructure charge where the subdivision or development presents a requirement for new infrastructure;

- (c) to ensure that the costs of new infrastructure are properly allocated to subdividers and other stakeholders deriving benefit from the infrastructure;
- (d) to limit the Municipality's financial contribution having regard to other budgetary commitments and constraints;
- (e) to provide greater certainty to subdividers and other stakeholders with respect to the costs of development in the Municipality;
- (f) to maintain a consistent approach to recovery of Infrastructure Charges across the Municipality;
- (g) to ensure that recovery of Infrastructure Charges is compatible with good land use planning in the Municipality.

## **Policy Statements**

The following policy statements identify the intentions of Council in adopting municipal planning policy with respect to Infrastructure Charges. These policies will be implemented through provisions established in the Subdivision and Land Use By-law's and by administrative practices and procedures.

- IC-1** Where capital costs have been or are anticipated by reason of the subdivision or future development of land, the Subdivision By-law shall be amended from time to time to identify specific charge areas and related Infrastructure Charges applicable in the Municipality. In amending the Subdivision By-law to establish a charge area, Council shall consider:
- (a) The adequacy of existing infrastructure;
  - (b) Transportation requirements, including existing streets;
  - (c) Drainage patterns and drainage requirements;
  - (d) Water service requirements, including existing and proposed water service districts;
  - (e) Storm and sanitary sewer system requirements, including the extension of existing systems and servicing boundaries;
  - (f) Land use and existing and future development;
  - (g) Financial impacts on the Municipality;
  - (h) Soil conditions and topography; and
  - (i) Any other matter of relevant planning concern.
- IC-2** Infrastructure Charges within a charge area shall be in an amount determined by Council, as set out in the Subdivision By-law.
- IC-3** Infrastructure Charges imposed pursuant to the Subdivision By-law may be set at different levels related to the proposed land use, zoning, density, traffic generation, lot size and number of lots in a subdivision and the anticipated servicing requirements for each infrastructure charge area.
- IC-4** The Subdivision By-law shall establish conditions for Subdivision Approval with respect to the payment of Infrastructure Charges including provisions for any agreements with the Municipality as a condition of Subdivision Approval.

**IC-5**      **An Infrastructure Charge Holding Zone shall be established in the Land Use By-law. The Holding Zone may be applied by Council to lands within any designation on the Generalized Future Land Use Map where, in respect of development, Council has determined that: the cost of providing municipal wastewater facilities, stormwater systems or water systems would be prohibitive; or the cost of maintaining municipal streets would be prohibitive.**

**Development permitted within an Infrastructure Charge Holding Zone shall be restricted to single unit dwellings except in conformity with a development agreement approved by Council in accordance with the MGA.**

**IC-6**      **Where an area is zoned as an Infrastructure Charge Holding Zone area, the municipality shall, within one year of the effective date of the zone, commence the procedure to amend the Subdivision By-law to include provision for the payment of Infrastructure Charges, prior to permitting development or the designation(s) and zone(s) in effect immediately prior to the Pending Infrastructure Charges Area zone comes into effect.**

**IC-7**      **Council shall be guided by the Municipality's Multi-Year Financial Strategy and capital budget process in determining the extent and timing of municipal contributions toward new infrastructure.**

**IC-8**      **An infrastructure charge may only be used for the purpose for which it is collected.**

**3.**      **Amending Policy IM-9 by adding two new clauses immediately following clause IM-9(e) as follows:**

**(f)      Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy p-79F", Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the "Infrastructure Charges" Policies of this MPS.**

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of \_\_\_\_, A.D. 2002.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, A.D., 2002.

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Vi Carmichael  
Municipal Clerk

**Attachment "XXV"**

**Amendments to the  
Land Use By-law for Planning Districts 1 and 3**

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Land Use By-law for **Planning Districts 1 and 3** is hereby amended as follows:

1. Amending Section 3.1 (**ZONES**) by listing one new zone immediately following "*Construction and Demolition (C&D) Zones CD-3 C&D Materials Disposal Sites Zone*" as follows:

**"Infrastructure Charge Zone ICH Infrastructure Charge Holding Zone"**

2. Adding a new zone immediately following "*PART 23C: CD-3 (C&D Materials Disposal Sites) Zone*" as follows:

**"PART 23D: ICH (INFRASTRUCTURE CHARGE HOLDING) ZONE"**

**23D.1 ICH USES PERMITTED**

**No development permit shall be issued in any ICH Zone except on lots in existence on the date of adoption (ENTER DATE) of this zone for the following:**

**Single Unit Dwellings  
Open Space Uses**

**23D.2 ICH ZONE REQUIREMENTS**

**In any ICH Zone, no development permit shall be issued except in conformity with the requirements of the R-1 Zone.**

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of \_\_\_\_, A.D. 2002.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this \_\_\_\_ day of \_\_\_\_, A.D., 2002.

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Vi Carmichael  
Municipal Clerk

## **Attachment "XXVI"**

### **Amendments to the Municipal Planning Strategy for Planning District 4**

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Municipal Planning Strategy for **Planning District 4** is hereby amended as follows:

1. Adding new preamble and policy immediately after Policy SW-11 as follows:

#### **"Infrastructure Charges**

**Halifax Regional Municipality has experienced sustained residential and commercial growth throughout the past several decades. The provision of new street and underground servicing systems to accommodate new developments is generally the responsibility of individual developers as condition of development approval and municipal take over of such servicing systems. In many cases, however, these servicing systems are sized and constructed to accommodate only the immediate area in which new development occurs . This leads to problems when the cumulative effect of individual developments either impact on, or are impacted by, the capability of overall community and regional infrastructure to accommodate growth.**

**Costs associated with ensuring that the size and extent of infrastructure required to accommodate new growth and its impacts on existing communities have been assumed largely by public sector funding. Traditional sources of public funding for municipal infrastructure have been reduced and new infrastructure will need to be funded without public financing available in the past. This presents a significant challenge to the Municipality in terms of balancing the economic benefits of new growth with the need to ensure that the infrastructure required to support growth is provided in a timely and cost-effective manner.**

**Council is concerned that many of the trunk infrastructure systems in the Municipality are nearing their design capacities and recognizes that new servicing systems are required to meet the needs of the community. An Integrated Servicing Study recently prepared for the Municipality identified substantial new infrastructure required in order to accommodate future development.**

**The Municipality has adopted a Multi-Year Financial Strategy with respect to its debt load and financial position. The Municipality is not in a financial position to absorb the capital costs associated with upgrading and extending the infrastructure necessary to facilitate future development, nor is it prepared to burden existing taxpayers with additional capital costs associated with new development.**

**In order to help facilitate continued growth without imposing an excessive financial burden on the existing taxpayers of the Municipality, it is Council's intention to recover infrastructure-related costs associated with new growth in the form of Infrastructure Charges in accordance with the provisions of the *Municipal Government Act (MGA)*. Recovery of**

Infrastructure Charges will enable the Municipality to allocate the capital costs associated with new infrastructure to developers and subdividers deriving servicing benefits from the new infrastructure.

In keeping with the *MGA*, Infrastructure Charges for:

- (a) new or expanded water systems;
- (b) new or expanded waste water facilities;
- (c) new or expanded storm water systems;
- (d) new or expanded streets;
- (e) upgrading intersections, new traffic signs and signals, and new transit bus bays,

may be imposed in the Subdivision By-law to recover all, or part, of the capital costs incurred, or anticipated to be incurred, by the Municipality by reason of the subdivision and future development of land as well as to recover costs associated with land, planning, studies related to the Master Plan, engineering, surveying and legal costs incurred with respect to any of them.

The Subdivision By-law shall set out the infrastructure charge areas in which Infrastructure Charges are to be levied, the purposes for which Infrastructure Charges are to be levied and the amount of, or method of calculating, each infrastructure charge.

The Municipality will initiate Master Plan studies where necessary in order to determine appropriate charge areas and the costs associated with oversized and new infrastructure. The cost of any such studies will be included as part of the infrastructure charge to be recovered under the Subdivision By-law.

Where the costs of providing infrastructure to accommodate development activity in specific geographic locations may place excessive financial burden on the Municipality, it may be necessary to restrict development pending completion of Master Plan studies and establishing of charge areas. In such instances provision will be made for application by Council of a holding zone to such areas. Additionally, where proposed development agreements would result in a subdivision requiring new infrastructure, approval of such proposals will be subject to Infrastructure Charges. The methodology for determining charge areas will be generally outlined in a Capital Cost Contribution Policy adopted by Council.

### **Objectives**

The following statements generally define the objectives Council wishes to achieve through the imposition of Infrastructure Charges within the Municipality:

- (a) to provide a leadership role in facilitating future growth in the Municipality;
- (b) to recover an infrastructure charge where the subdivision or development presents a requirement for new infrastructure;
- (c) to ensure that the costs of new infrastructure are properly allocated to subdividers and other stakeholders deriving benefit from the infrastructure;
- (d) to limit the Municipality's financial contribution having regard to other budgetary commitments and constraints;



- (e) to provide greater certainty to subdividers and other stakeholders with respect to the costs of development in the Municipality;
- (f) to maintain a consistent approach to recovery of Infrastructure Charges across the Municipality;
- (g) to ensure that recovery of Infrastructure Charges is compatible with good land use planning in the Municipality.

## **Policy Statements**

The following policy statements identify the intentions of Council in adopting municipal planning policy with respect to Infrastructure Charges. These policies will be implemented through provisions established in the Subdivision and Land Use By-law's and by administrative practices and procedures.

- IC-1** Where capital costs have been or are anticipated by reason of the subdivision or future development of land, the Subdivision By-law shall be amended from time to time to identify specific charge areas and related Infrastructure Charges applicable in the Municipality. In amending the Subdivision By-law to establish a charge area, Council shall consider:
- (a) The adequacy of existing infrastructure;
  - (b) Transportation requirements, including existing streets;
  - (c) Drainage patterns and drainage requirements;
  - (d) Water service requirements, including existing and proposed water service districts;
  - (e) Storm and sanitary sewer system requirements, including the extension of existing systems and servicing boundaries;
  - (f) Land use and existing and future development;
  - (g) Financial impacts on the Municipality;
  - (h) Soil conditions and topography; and
  - (i) Any other matter of relevant planning concern.
- IC-2** Infrastructure Charges within a charge area shall be in an amount determined by Council, as set out in the Subdivision By-law.
- IC-3** Infrastructure Charges imposed pursuant to the Subdivision By-law may be set at different levels related to the proposed land use, zoning, density, traffic generation, lot size and number of lots in a subdivision and the anticipated servicing requirements for each infrastructure charge area.
- IC-4** The Subdivision By-law shall establish conditions for Subdivision Approval with respect to the payment of Infrastructure Charges including provisions for any agreements with the Municipality as a condition of Subdivision Approval.
- IC-5** An Infrastructure Charge Holding Zone shall be established in the Land Use By-law. The Holding Zone may be applied by Council to lands within any designation on the Generalized Future Land Use Map where, in respect of development,

**Council has determined that: the cost of providing municipal wastewater facilities, stormwater systems or water systems would be prohibitive; or the cost of maintaining municipal streets would be prohibitive.**

**Development permitted within an Infrastructure Charge Holding Zone shall be restricted to single unit dwellings except in conformity with a development agreement approved by Council in accordance with the MGA.**

**IC-6 Where an area is zoned as an Infrastructure Charge Holding Zone area, the municipality shall, within one year of the effective date of the zone, commence the procedure to amend the Subdivision By-law to include provision for the payment of Infrastructure Charges, prior to permitting development or the designation(s) and zone(s) in effect immediately prior to the Pending Infrastructure Charges Area zone comes into effect.**

**IC-7 Council shall be guided by the Municipality's Multi-Year Financial Strategy and capital budget process in determining the extent and timing of municipal contributions toward new infrastructure.**

**IC-8 An infrastructure charge may only be used for the purpose for which it is collected.**

**3. Amending Policy IM-11 by adding two new clauses immediately following clause IM-11(d) as follows:**

**(e) Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy IC-6", Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the "Infrastructure Charges" Policies of this MPS.**

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of \_\_\_\_, A.D. 2002.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, A.D., 2002.

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Vi Carmichael  
Municipal Clerk

## Attachment "XXVII"

### Amendments to the Land Use By-law for Planning District 4

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Land Use By-law for **Planning District 4** is hereby amended as follows:

1. Amending Section 3.11 (**ZONES ESTABLISHED**) by listing one new zone immediately following "*Construction and Demolition (C&D) Zones CD-3 C&D Materials Disposal Sites Zone*" as follows:

**"Infrastructure Charge Zone ICH Infrastructure Charge Holding Zone"**

2. Adding a new zone immediately following "*PART 41: CD-3 (C&D Materials Disposal Sites) Zone*" as follows:

#### **"PART 42: ICH (INFRASTRUCTURE CHARGE HOLDING) ZONE"**

##### **42.1 ICH USES PERMITTED**

**No development permit shall be issued in any ICH Zone except on lots in existence on the date of adoption (ENTER DATE) of this zone for the following:**

**Single Unit Dwellings  
Open Space Uses**

##### **42.2 ICH ZONE REQUIREMENTS**

**In any ICH Zone, no development permit shall be issued except in conformity with the requirements of the RA-1 Zone."**

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of \_\_\_\_, A.D. 2002.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this \_\_\_\_ day of \_\_\_\_, A.D., 2002.

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Vi Carmichael  
Municipal Clerk

## **Attachment "XXVIII"**

### **Amendments to the Municipal Planning Strategy for Planning District 5**

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Municipal Planning Strategy for **Planning District 5** is hereby amended as follows:

1. Adding new preamble and policy immediately after Policy SW-11 as follows:

#### **"Infrastructure Charges**

**Halifax Regional Municipality has experienced sustained residential and commercial growth throughout the past several decades. The provision of new street and underground servicing systems to accommodate new developments is generally the responsibility of individual developers as condition of development approval and municipal take over of such servicing systems. In many cases, however, these servicing systems are sized and constructed to accommodate only the immediate area in which new development occurs . This leads to problems when the cumulative effect of individual developments either impact on, or are impacted by, the capability of overall community and regional infrastructure to accommodate growth.**

**Costs associated with ensuring that the size and extent of infrastructure required to accommodate new growth and its impacts on existing communities have been assumed largely by public sector funding. Traditional sources of public funding for municipal infrastructure have been reduced and new infrastructure will need to be funded without public financing available in the past. This presents a significant challenge to the Municipality in terms of balancing the economic benefits of new growth with the need to ensure that the infrastructure required to support growth is provided in a timely and cost-effective manner.**

**Council is concerned that many of the trunk infrastructure systems in the Municipality are nearing their design capacities and recognizes that new servicing systems are required to meet the needs of the community. An Integrated Servicing Study recently prepared for the Municipality identified substantial new infrastructure required in order to accommodate future development.**

**The Municipality has adopted a Multi-Year Financial Strategy with respect to its debt load and financial position. The Municipality is not in a financial position to absorb the capital costs associated with upgrading and extending the infrastructure necessary to facilitate future development, nor is it prepared to burden existing taxpayers with additional capital costs associated with new development.**

**In order to help facilitate continued growth without imposing an excessive financial burden on the existing taxpayers of the Municipality, it is Council's intention to recover infrastructure-related costs associated with new growth in the form of Infrastructure Charges in accordance with the provisions of the *Municipal Government Act (MGA)*. Recovery of**

Infrastructure Charges will enable the Municipality to allocate the capital costs associated with new infrastructure to developers and subdividers deriving servicing benefits from the new infrastructure.

In keeping with the *MGA*, Infrastructure Charges for:

- (a) new or expanded water systems;
- (b) new or expanded waste water facilities;
- (c) new or expanded storm water systems;
- (d) new or expanded streets;
- (e) upgrading intersections, new traffic signs and signals, and new transit bus bays,

may be imposed in the Subdivision By-law to recover all, or part, of the capital costs incurred, or anticipated to be incurred, by the Municipality by reason of the subdivision and future development of land as well as to recover costs associated with land, planning, studies related to the Master Plan, engineering, surveying and legal costs incurred with respect to any of them.

The Subdivision By-law shall set out the infrastructure charge areas in which Infrastructure Charges are to be levied, the purposes for which Infrastructure Charges are to be levied and the amount of, or method of calculating, each infrastructure charge.

The Municipality will initiate Master Plan studies where necessary in order to determine appropriate charge areas and the costs associated with oversized and new infrastructure. The cost of any such studies will be included as part of the infrastructure charge to be recovered under the Subdivision By-law.

Where the costs of providing infrastructure to accommodate development activity in specific geographic locations may place excessive financial burden on the Municipality, it may be necessary to restrict development pending completion of Master Plan studies and establishing of charge areas. In such instances provision will be made for application by Council of a holding zone to such areas. Additionally, where proposed development agreements would result in a subdivision requiring new infrastructure, approval of such proposals will be subject to Infrastructure Charges. The methodology for determining charge areas will be generally outlined in a Capital Cost Contribution Policy adopted by Council.

### **Objectives**

The following statements generally define the objectives Council wishes to achieve through the imposition of Infrastructure Charges within the Municipality:

- (a) to provide a leadership role in facilitating future growth in the Municipality;
- (b) to recover an infrastructure charge where the subdivision or development presents a requirement for new infrastructure;
- (c) to ensure that the costs of new infrastructure are properly allocated to subdividers and other stakeholders deriving benefit from the infrastructure;
- (d) to limit the Municipality's financial contribution having regard to other budgetary commitments and constraints;

- (e) to provide greater certainty to subdividers and other stakeholders with respect to the costs of development in the Municipality;
- (f) to maintain a consistent approach to recovery of Infrastructure Charges across the Municipality;
- (g) to ensure that recovery of Infrastructure Charges is compatible with good land use planning in the Municipality.

## **Policy Statements**

The following policy statements identify the intentions of Council in adopting municipal planning policy with respect to Infrastructure Charges. These policies will be implemented through provisions established in the Subdivision and Land Use By-law's and by administrative practices and procedures.

- IC-1** Where capital costs have been or are anticipated by reason of the subdivision or future development of land, the Subdivision By-law shall be amended from time to time to identify specific charge areas and related Infrastructure Charges applicable in the Municipality. In amending the Subdivision By-law to establish a charge area, Council shall consider:
- (a) The adequacy of existing infrastructure;
  - (b) Transportation requirements, including existing streets;
  - (c) Drainage patterns and drainage requirements;
  - (d) Water service requirements, including existing and proposed water service districts;
  - (e) Storm and sanitary sewer system requirements, including the extension of existing systems and servicing boundaries;
  - (f) Land use and existing and future development;
  - (g) Financial impacts on the Municipality;
  - (h) Soil conditions and topography; and
  - (i) Any other matter of relevant planning concern.
- IC-2** Infrastructure Charges within a charge area shall be in an amount determined by Council, as set out in the Subdivision By-law.
- IC-3** Infrastructure Charges imposed pursuant to the Subdivision By-law may be set at different levels related to the proposed land use, zoning, density, traffic generation, lot size and number of lots in a subdivision and the anticipated servicing requirements for each infrastructure charge area.
- IC-4** The Subdivision By-law shall establish conditions for Subdivision Approval with respect to the payment of Infrastructure Charges including provisions for any agreements with the Municipality as a condition of Subdivision Approval.

**IC-5**      **An Infrastructure Charge Holding Zone shall be established in the Land Use By-law. The Holding Zone may be applied by Council to lands within any designation on the Generalized Future Land Use Map where, in respect of development, Council has determined that: the cost of providing municipal wastewater facilities, stormwater systems or water systems would be prohibitive; or the cost of maintaining municipal streets would be prohibitive.**

**Development permitted within an Infrastructure Charge Holding Zone shall be restricted to single unit dwellings except in conformity with a development agreement approved by Council in accordance with the MGA.**

**IC-6**      **Where an area is zoned as an Infrastructure Charge Holding Zone area, the municipality shall, within one year of the effective date of the zone, commence the procedure to amend the Subdivision By-law to include provision for the payment of Infrastructure Charges, prior to permitting development or the designation(s) and zone(s) in effect immediately prior to the Pending Infrastructure Charges Area zone comes into effect.**

**IC-7**      **Council shall be guided by the Municipality's Multi-Year Financial Strategy and capital budget process in determining the extent and timing of municipal contributions toward new infrastructure.**

**IC-8**      **An infrastructure charge may only be used for the purpose for which it is collected.**

**3.**      **Amending Policy IM-10 by adding two new clauses immediately following clause IM-10(d) as follows:**

**(e) Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy IC-6", Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the "Infrastructure Charges" Policies of this MPS.**

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of \_\_\_\_, A.D. 2002.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, A.D., 2002.

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Vi Carmichael  
Municipal Clerk

Attachment "XXIX"

Amendments to the  
Land Use By-law for Planning District 5

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Land Use By-law for **Planning District 5** is hereby amended as follows:

- 1.. Amending Section 3.1 (**ZONES**) by listing one new zone immediately following "*Construction and Demolition (C&D) Zones CD-3 C&D Materials Disposal Sites Zone*" as follows:

**"Infrastructure Charge Zone ICH Infrastructure Charge Holding Zone"**

2. Adding a new zone immediately following "*PART 25C: CD-3 (C&D Materials Disposal Sites) Zone*" as follows:

**"PART 25D: ICH (INFRASTRUCTURE CHARGE HOLDING) ZONE**

**25D.1 ICH USES PERMITTED**

**No development permit shall be issued in any ICH Zone except on lots in existence on the date of adoption (ENTER DATE) of this zone for the following:**

**Single Unit Dwellings  
Open Space Uses**

**25D.2 ICH ZONE REQUIREMENTS**

**In any ICH Zone, no development permit shall be issued except in conformity with the requirements of the R-1 Zone."**

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of \_\_\_\_, A.D. 2002.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this \_\_\_\_ day of \_\_\_\_, A.D., 2002.

---

Vi Carmichael  
Municipal Clerk



## **Attachment "XXX"**

### **Amendments to the Municipal Planning Strategy for Timberlea, Lakeside, Beechville**

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Municipal Planning Strategy for **Timberlea, Lakeside, Beechville** is hereby amended as follows:

1. Adding new preamble and policy immediately after Policy SW-11 as follows:

#### **"Infrastructure Charges**

**Halifax Regional Municipality has experienced sustained residential and commercial growth throughout the past several decades. The provision of new street and underground servicing systems to accommodate new developments is generally the responsibility of individual developers as condition of development approval and municipal take over of such servicing systems. In many cases, however, these servicing systems are sized and constructed to accommodate only the immediate area in which new development occurs . This leads to problems when the cumulative effect of individual developments either impact on, or are impacted by, the capability of overall community and regional infrastructure to accommodate growth.**

**Costs associated with ensuring that the size and extent of infrastructure required to accommodate new growth and its impacts on existing communities have been assumed largely by public sector funding. Traditional sources of public funding for municipal infrastructure have been reduced and new infrastructure will need to be funded without public financing available in the past. This presents a significant challenge to the Municipality in terms of balancing the economic benefits of new growth with the need to ensure that the infrastructure required to support growth is provided in a timely and cost-effective manner.**

**Council is concerned that many of the trunk infrastructure systems in the Municipality are nearing their design capacities and recognizes that new servicing systems are required to meet the needs of the community. An Integrated Servicing Study recently prepared for the Municipality identified substantial new infrastructure required in order to accommodate future development.**

**The Municipality has adopted a Multi-Year Financial Strategy with respect to its debt load and financial position. The Municipality is not in a financial position to absorb the capital costs associated with upgrading and extending the infrastructure necessary to facilitate future development, nor is it prepared to burden existing taxpayers with additional capital costs associated with new development.**

**In order to help facilitate continued growth without imposing an excessive financial burden on the existing taxpayers of the Municipality, it is Council's intention to recover infrastructure-related costs associated with new growth in the form of Infrastructure Charges in accordance with the provisions of the *Municipal Government Act (MGA)*. Recovery of**

**Infrastructure Charges will enable the Municipality to allocate the capital costs associated with new infrastructure to developers and subdividers deriving servicing benefits from the new infrastructure.**

**In keeping with the *MGA*, Infrastructure Charges for:**

- (a) new or expanded water systems;**
- (b) new or expanded waste water facilities;**
- (c) new or expanded storm water systems;**
- (d) new or expanded streets;**
- (e) upgrading intersections, new traffic signs and signals, and new transit bus bays,**

**may be imposed in the Subdivision By-law to recover all, or part, of the capital costs incurred, or anticipated to be incurred, by the Municipality by reason of the subdivision and future development of land as well as to recover costs associated with land, planning, studies related to the Master Plan, engineering, surveying and legal costs incurred with respect to any of them.**

**The Subdivision By-law shall set out the infrastructure charge areas in which Infrastructure Charges are to be levied, the purposes for which Infrastructure Charges are to be levied and the amount of, or method of calculating, each infrastructure charge.**

**The Municipality will initiate Master Plan studies where necessary in order to determine appropriate charge areas and the costs associated with oversized and new infrastructure. The cost of any such studies will be included as part of the infrastructure charge to be recovered under the Subdivision By-law.**

**Where the costs of providing infrastructure to accommodate development activity in specific geographic locations may place excessive financial burden on the Municipality, it may be necessary to restrict development pending completion of Master Plan studies and establishing of charge areas. In such instances provision will be made for application by Council of a holding zone to such areas. Additionally, where proposed development agreements would result in a subdivision requiring new infrastructure, approval of such proposals will be subject to Infrastructure Charges. The methodology for determining charge areas will be generally outlined in a Capital Cost Contribution Policy adopted by Council.**

### **Objectives**

**The following statements generally define the objectives Council wishes to achieve through the imposition of Infrastructure Charges within the Municipality:**

- (a) to provide a leadership role in facilitating future growth in the Municipality;**
- (b) to recover an infrastructure charge where the subdivision or development presents a requirement for new infrastructure;**
- (c) to ensure that the costs of new infrastructure are properly allocated to subdividers and other stakeholders deriving benefit from the infrastructure;**

- (d) to limit the Municipality's financial contribution having regard to other budgetary commitments and constraints;
- (e) to provide greater certainty to subdividers and other stakeholders with respect to the costs of development in the Municipality;
- (f) to maintain a consistent approach to recovery of Infrastructure Charges across the Municipality;
- (g) to ensure that recovery of Infrastructure Charges is compatible with good land use planning in the Municipality.

## **Policy Statements**

The following policy statements identify the intentions of Council in adopting municipal planning policy with respect to Infrastructure Charges. These policies will be implemented through provisions established in the Subdivision and Land Use By-law's and by administrative practices and procedures.

- IC-1** Where capital costs have been or are anticipated by reason of the subdivision or future development of land, the Subdivision By-law shall be amended from time to time to identify specific charge areas and related Infrastructure Charges applicable in the Municipality. In amending the Subdivision By-law to establish a charge area, Council shall consider:
- (a) The adequacy of existing infrastructure;
  - (b) Transportation requirements, including existing streets;
  - (c) Drainage patterns and drainage requirements;
  - (d) Water service requirements, including existing and proposed water service districts;
  - (e) Storm and sanitary sewer system requirements, including the extension of existing systems and servicing boundaries;
  - (f) Land use and existing and future development;
  - (g) Financial impacts on the Municipality;
  - (h) Soil conditions and topography; and
  - (i) Any other matter of relevant planning concern.
- IC-2** Infrastructure Charges within a charge area shall be in an amount determined by Council, as set out in the Subdivision By-law.
- IC-3** Infrastructure Charges imposed pursuant to the Subdivision By-law may be set at different levels related to the proposed land use, zoning, density, traffic generation, lot size and number of lots in a subdivision and the anticipated servicing requirements for each infrastructure charge area.
- IC-4** The Subdivision By-law shall establish conditions for Subdivision Approval with respect to the payment of Infrastructure Charges including provisions for any agreements with the Municipality as a condition of Subdivision Approval.

**IC-5**      **An Infrastructure Charge Holding Zone shall be established in the Land Use By-law. The Holding Zone may be applied by Council to lands within any designation on the Generalized Future Land Use Map where, in respect of development, Council has determined that: the cost of providing municipal wastewater facilities, stormwater systems or water systems would be prohibitive; or the cost of maintaining municipal streets would be prohibitive.**

**Development permitted within an Infrastructure Charge Holding Zone shall be restricted to single unit dwellings except in conformity with a development agreement approved by Council in accordance with the MGA.**

**IC-6**      **Where an area is zoned as an Infrastructure Charge Holding Zone area, the municipality shall, within one year of the effective date of the zone, commence the procedure to amend the Subdivision By-law to include provision for the payment of Infrastructure Charges, prior to permitting development or the designation(s) and zone(s) in effect immediately prior to the Pending Infrastructure Charges Area zone comes into effect.**

**IC-7**      **Council shall be guided by the Municipality's Multi-Year Financial Strategy and capital budget process in determining the extent and timing of municipal contributions toward new infrastructure.**

**IC-8**      **An infrastructure charge may only be used for the purpose for which it is collected.**

**3.**      **Amending Policy IM-12 by adding two new clauses immediately following clause IM-12(d) as follows:**

**(e)      Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy IC-6", Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the "Infrastructure Charges" Policies of this MPS.**

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of \_\_\_\_, A.D. 2002.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, A.D., 2002.

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Vi Carmichael  
Municipal Clerk

Attachment "XXXI"

Amendments to the  
Land Use By-law for Timberlea, Lakeside, Beechville

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Land Use By-law for **Timberlea, Lakeside, Beechville** is hereby amended as follows:

1. Amending Section 3.1 (**ZONES**) by listing one new zone immediately following "Construction and Demolition (C&D) Zones CD-3 C&D Materials Disposal Sites Zone" as follows:

**"Infrastructure Charge Zone ICH Infrastructure Charge Holding Zone"**

2. Adding a new zone immediately following "*PART 21C: CD-3 (C&D Materials Disposal Sites) Zone*" as follows:

**"PART 21D: ICH (INFRASTRUCTURE CHARGE HOLDING) ZONE**

**21D.1 ICH USES PERMITTED**

No development permit shall be issued in any ICH Zone except on lots in existence on the date of adoption (ENTER DATE) of this zone for the following:

Single Unit Dwellings  
Open Space Uses

**21D.2 ICH ZONE REQUIREMENTS**

In any ICH Zone, no development permit shall be issued except in conformity with the requirements of the R-1 Zone.

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of \_\_\_\_, A.D. 2002.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this \_\_\_\_ day of \_\_\_\_, A.D., 2002.

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Vi Carmichael  
Municipal Clerk

## **Attachment "XXXII"**

### **Amendments to the Municipal Planning Strategy for Musquodoboit Valley -Dutch Settlement Area**

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Municipal Planning Strategy for **Musquodoboit Valley-Dutch Settlement Area** is hereby amended as follows:

1. Adding new preamble and policy immediately after Policy SW-11 as follows:

#### **"Infrastructure Charges**

**Halifax Regional Municipality has experienced sustained residential and commercial growth throughout the past several decades. The provision of new street and underground servicing systems to accommodate new developments is generally the responsibility of individual developers as condition of development approval and municipal take over of such servicing systems. In many cases, however, these servicing systems are sized and constructed to accommodate only the immediate area in which new development occurs . This leads to problems when the cumulative effect of individual developments either impact on, or are impacted by, the capability of overall community and regional infrastructure to accommodate growth.**

**Costs associated with ensuring that the size and extent of infrastructure required to accommodate new growth and its impacts on existing communities have been assumed largely by public sector funding. Traditional sources of public funding for municipal infrastructure have been reduced and new infrastructure will need to be funded without public financing available in the past. This presents a significant challenge to the Municipality in terms of balancing the economic benefits of new growth with the need to ensure that the infrastructure required to support growth is provided in a timely and cost-effective manner.**

**Council is concerned that many of the trunk infrastructure systems in the Municipality are nearing their design capacities and recognizes that new servicing systems are required to meet the needs of the community. An Integrated Servicing Study recently prepared for the Municipality identified substantial new infrastructure required in order to accommodate future development.**

**The Municipality has adopted a Multi-Year Financial Strategy with respect to its debt load and financial position. The Municipality is not in a financial position to absorb the capital costs associated with upgrading and extending the infrastructure necessary to facilitate future development, nor is it prepared to burden existing taxpayers with additional capital costs associated with new development.**

**In order to help facilitate continued growth without imposing an excessive financial burden on the existing taxpayers of the Municipality, it is Council's intention to recover infrastructure-related costs associated with new growth in the form of Infrastructure Charges in accordance with the provisions of the *Municipal Government Act (MGA)*. Recovery of**

**Infrastructure Charges will enable the Municipality to allocate the capital costs associated with new infrastructure to developers and subdividers deriving servicing benefits from the new infrastructure.**

**In keeping with the *MGA*, Infrastructure Charges for:**

- (a) new or expanded water systems;**
- (b) new or expanded waste water facilities;**
- (c) new or expanded storm water systems;**
- (d) new or expanded streets;**
- (e) upgrading intersections, new traffic signs and signals, and new transit bus bays,**

**may be imposed in the Subdivision By-law to recover all, or part, of the capital costs incurred, or anticipated to be incurred, by the Municipality by reason of the subdivision and future development of land as well as to recover costs associated with land, planning, studies related to the Master Plan, engineering, surveying and legal costs incurred with respect to any of them.**

**The Subdivision By-law shall set out the infrastructure charge areas in which Infrastructure Charges are to be levied, the purposes for which Infrastructure Charges are to be levied and the amount of, or method of calculating, each infrastructure charge.**

**The Municipality will initiate Master Plan studies where necessary in order to determine appropriate charge areas and the costs associated with oversized and new infrastructure. The cost of any such studies will be included as part of the infrastructure charge to be recovered under the Subdivision By-law.**

**Where the costs of providing infrastructure to accommodate development activity in specific geographic locations may place excessive financial burden on the Municipality, it may be necessary to restrict development pending completion of Master Plan studies and establishing of charge areas. In such instances provision will be made for application by Council of a holding zone to such areas. Additionally, where proposed development agreements would result in a subdivision requiring new infrastructure, approval of such proposals will be subject to Infrastructure Charges. The methodology for determining charge areas will be generally outlined in a Capital Cost Contribution Policy adopted by Council.**

### **Objectives**

**The following statements generally define the objectives Council wishes to achieve through the imposition of Infrastructure Charges within the Municipality:**

- (a) to provide a leadership role in facilitating future growth in the Municipality;**
- (b) to recover an infrastructure charge where the subdivision or development presents a requirement for new infrastructure;**
- (c) to ensure that the costs of new infrastructure are properly allocated to subdividers and other stakeholders deriving benefit from the infrastructure;**
- (d) to limit the Municipality's financial contribution having regard to other budgetary commitments and constraints;**

- (e) to provide greater certainty to subdividers and other stakeholders with respect to the costs of development in the Municipality;
- (f) to maintain a consistent approach to recovery of Infrastructure Charges across the Municipality;
- (g) to ensure that recovery of Infrastructure Charges is compatible with good land use planning in the Municipality.

## **Policy Statements**

The following policy statements identify the intentions of Council in adopting municipal planning policy with respect to Infrastructure Charges. These policies will be implemented through provisions established in the Subdivision and Land Use By-law's and by administrative practices and procedures.

- IC-1** Where capital costs have been or are anticipated by reason of the subdivision or future development of land, the Subdivision By-law shall be amended from time to time to identify specific charge areas and related Infrastructure Charges applicable in the Municipality. In amending the Subdivision By-law to establish a charge area, Council shall consider:
- (a) The adequacy of existing infrastructure;
  - (b) Transportation requirements, including existing streets;
  - (c) Drainage patterns and drainage requirements;
  - (d) Water service requirements, including existing and proposed water service districts;
  - (e) Storm and sanitary sewer system requirements, including the extension of existing systems and servicing boundaries;
  - (f) Land use and existing and future development;
  - (g) Financial impacts on the Municipality;
  - (h) Soil conditions and topography; and
  - (i) Any other matter of relevant planning concern.
- IC-2** Infrastructure Charges within a charge area shall be in an amount determined by Council, as set out in the Subdivision By-law.
- IC-3** Infrastructure Charges imposed pursuant to the Subdivision By-law may be set at different levels related to the proposed land use, zoning, density, traffic generation, lot size and number of lots in a subdivision and the anticipated servicing requirements for each infrastructure charge area.
- IC-4** The Subdivision By-law shall establish conditions for Subdivision Approval with respect to the payment of Infrastructure Charges including provisions for any agreements with the Municipality as a condition of Subdivision Approval.



**IC-5      An Infrastructure Charge Holding Zone shall be established in the Land Use By-law. The Holding Zone may be applied by Council to lands within any designation on the Generalized Future Land Use Map where, in respect of development, Council has determined that: the cost of providing municipal wastewater facilities, stormwater systems or water systems would be prohibitive; or the cost of maintaining municipal streets would be prohibitive.**

**Development permitted within an Infrastructure Charge Holding Zone shall be restricted to single unit dwellings except in conformity with a development agreement approved by Council in accordance with the MGA.**

**IC-6      Where an area is zoned as an Infrastructure Charge Holding Zone area, the municipality shall, within one year of the effective date of the zone, commence the procedure to amend the Subdivision By-law to include provision for the payment of Infrastructure Charges, prior to permitting development or the designation(s) and zone(s) in effect immediately prior to the Pending Infrastructure Charges Area zone comes into effect.**

**IC-7      Council shall be guided by the Municipality's Multi-Year Financial Strategy and capital budget process in determining the extent and timing of municipal contributions toward new infrastructure.**

**IC-8      An infrastructure charge may only be used for the purpose for which it is collected.**

**3.      Amending Policy IM-10 by adding two new clauses immediately following clause IM-10(e) as follows:**

**(f)      Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy IC-6", Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the "Infrastructure Charges" Policies of this MPS.**

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of \_\_\_\_, A.D. 2002.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, A.D., 2002.

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Vi Carmichael  
Municipal Clerk

**Attachment "XXXIII"**

**Amendments to the  
Land Use By-law for Musquodoboit Valley -Dutch Settlement Area**

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Land Use By-law for **Musquodoboit Valley-Dutch Settlement Area** is hereby amended as follows:

1. Amending Section 3.11 (**ZONES ESTABLISHED**) by listing one new zone immediately following "*Construction and Demolition (C&D) Zones CD-3 C&D Materials Disposal Sites Zone*" as follows:

**"Infrastructure Charge Zone ICH Infrastructure Charge Holding Zone"**

2. Adding a new zone immediately following "*PART 14: CD-3 (C&D Materials Disposal Sites) Zone*" as follows:

**"PART 15: ICH (INFRASTRUCTURE CHARGE HOLDING) ZONE**

**15.1 ICH USES PERMITTED**

**No development permit shall be issued in any ICH Zone except on lots in existence on the date of adoption (ENTER DATE) of this zone for the following:**

**Single Unit Dwellings  
Open Space Uses**

**15.2 ICH ZONE REQUIREMENTS**

**In any ICH Zone, no development permit shall be issued except in conformity with the requirements of the RR-1 Zone.**

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of \_\_\_\_, A.D. 2002.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, A.D., 2002.

\_\_\_\_\_  
Vi Carmichael  
Municipal Clerk

## **Attachment "XXXIV"**

### **Amendments to the Municipal Planning Strategy for Eastern Passage/Cow Bay**

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Municipal Planning Strategy for **Eastern Passage/Cow Bay** is hereby amended as follows:

1. Adding new preamble and policy immediately after Policy SW-11 as follows:

#### **"Infrastructure Charges**

**Halifax Regional Municipality has experienced sustained residential and commercial growth throughout the past several decades. The provision of new street and underground servicing systems to accommodate new developments is generally the responsibility of individual developers as condition of development approval and municipal take over of such servicing systems. In many cases, however, these servicing systems are sized and constructed to accommodate only the immediate area in which new development occurs . This leads to problems when the cumulative effect of individual developments either impact on, or are impacted by, the capability of overall community and regional infrastructure to accommodate growth.**

**Costs associated with ensuring that the size and extent of infrastructure required to accommodate new growth and its impacts on existing communities have been assumed largely by public sector funding. Traditional sources of public funding for municipal infrastructure have been reduced and new infrastructure will need to be funded without public financing available in the past. This presents a significant challenge to the Municipality in terms of balancing the economic benefits of new growth with the need to ensure that the infrastructure required to support growth is provided in a timely and cost-effective manner.**

**Council is concerned that many of the trunk infrastructure systems in the Municipality are nearing their design capacities and recognizes that new servicing systems are required to meet the needs of the community. An Integrated Servicing Study recently prepared for the Municipality identified substantial new infrastructure required in order to accommodate future development.**

**The Municipality has adopted a Multi-Year Financial Strategy with respect to its debt load and financial position. The Municipality is not in a financial position to absorb the capital costs associated with upgrading and extending the infrastructure necessary to facilitate future development, nor is it prepared to burden existing taxpayers with additional capital costs associated with new development.**

**In order to help facilitate continued growth without imposing an excessive financial burden on the existing taxpayers of the Municipality, it is Council's intention to recover infrastructure-related costs associated with new growth in the form of Infrastructure Charges in accordance with the provisions of the *Municipal Government Act (MGA)*. Recovery of**

**Infrastructure Charges will enable the Municipality to allocate the capital costs associated with new infrastructure to developers and subdividers deriving servicing benefits from the new infrastructure.**

**In keeping with the *MGA*, Infrastructure Charges for:**

- (a) new or expanded water systems;**
- (b) new or expanded waste water facilities;**
- (c) new or expanded storm water systems;**
- (d) new or expanded streets;**
- (e) upgrading intersections, new traffic signs and signals, and new transit bus bays,**

**may be imposed in the Subdivision By-law to recover all, or part, of the capital costs incurred, or anticipated to be incurred, by the Municipality by reason of the subdivision and future development of land as well as to recover costs associated with land, planning, studies related to the Master Plan, engineering, surveying and legal costs incurred with respect to any of them.**

**The Subdivision By-law shall set out the infrastructure charge areas in which Infrastructure Charges are to be levied, the purposes for which Infrastructure Charges are to be levied and the amount of, or method of calculating, each infrastructure charge.**

**The Municipality will initiate Master Plan studies where necessary in order to determine appropriate charge areas and the costs associated with oversized and new infrastructure. The cost of any such studies will be included as part of the infrastructure charge to be recovered under the Subdivision By-law.**

**Where the costs of providing infrastructure to accommodate development activity in specific geographic locations may place excessive financial burden on the Municipality, it may be necessary to restrict development pending completion of Master Plan studies and establishing of charge areas. In such instances provision will be made for application by Council of a holding zone to such areas. Additionally, where proposed development agreements would result in a subdivision requiring new infrastructure, approval of such proposals will be subject to Infrastructure Charges. The methodology for determining charge areas will be generally outlined in a Capital Cost Contribution Policy adopted by Council.**

### **Objectives**

**The following statements generally define the objectives Council wishes to achieve through the imposition of Infrastructure Charges within the Municipality:**

- (a) to provide a leadership role in facilitating future growth in the Municipality;**
- (b) to recover an infrastructure charge where the subdivision or development presents a requirement for new infrastructure;**
- (c) to ensure that the costs of new infrastructure are properly allocated to subdividers and other stakeholders deriving benefit from the infrastructure;**

- (d) to limit the Municipality's financial contribution having regard to other budgetary commitments and constraints;
- (e) to provide greater certainty to subdividers and other stakeholders with respect to the costs of development in the Municipality;
- (f) to maintain a consistent approach to recovery of Infrastructure Charges across the Municipality;
- (g) to ensure that recovery of Infrastructure Charges is compatible with good land use planning in the Municipality.

## **Policy Statements**

The following policy statements identify the intentions of Council in adopting municipal planning policy with respect to Infrastructure Charges. These policies will be implemented through provisions established in the Subdivision and Land Use By-law's and by administrative practices and procedures.

- IC-1** Where capital costs have been or are anticipated by reason of the subdivision or future development of land, the Subdivision By-law shall be amended from time to time to identify specific charge areas and related Infrastructure Charges applicable in the Municipality. In amending the Subdivision By-law to establish a charge area, Council shall consider:
- (a) The adequacy of existing infrastructure;
  - (b) Transportation requirements, including existing streets;
  - (c) Drainage patterns and drainage requirements;
  - (d) Water service requirements, including existing and proposed water service districts;
  - (e) Storm and sanitary sewer system requirements, including the extension of existing systems and servicing boundaries;
  - (f) Land use and existing and future development;
  - (g) Financial impacts on the Municipality;
  - (h) Soil conditions and topography; and
  - (i) Any other matter of relevant planning concern.
- IC-2** Infrastructure Charges within a charge area shall be in an amount determined by Council, as set out in the Subdivision By-law.
- IC-3** Infrastructure Charges imposed pursuant to the Subdivision By-law may be set at different levels related to the proposed land use, zoning, density, traffic generation, lot size and number of lots in a subdivision and the anticipated servicing requirements for each infrastructure charge area.
- IC-4** The Subdivision By-law shall establish conditions for Subdivision Approval with respect to the payment of Infrastructure Charges including provisions for any agreements with the Municipality as a condition of Subdivision Approval.

**IC-5**      **An Infrastructure Charge Holding Zone shall be established in the Land Use By-law. The Holding Zone may be applied by Council to lands within any designation on the Generalized Future Land Use Map where, in respect of development, Council has determined that: the cost of providing municipal wastewater facilities, stormwater systems or water systems would be prohibitive; or the cost of maintaining municipal streets would be prohibitive.**

**Development permitted within an Infrastructure Charge Holding Zone shall be restricted to single unit dwellings except in conformity with a development agreement approved by Council in accordance with the MGA.**

**IC-6**      **Where an area is zoned as an Infrastructure Charge Holding Zone area, the municipality shall, within one year of the effective date of the zone, commence the procedure to amend the Subdivision By-law to include provision for the payment of Infrastructure Charges, prior to permitting development or the designation(s) and zone(s) in effect immediately prior to the Pending Infrastructure Charges Area zone comes into effect.**

**IC-7**      **Council shall be guided by the Municipality's Multi-Year Financial Strategy and capital budget process in determining the extent and timing of municipal contributions toward new infrastructure.**

**IC-8**      **An infrastructure charge may only be used for the purpose for which it is collected.**

3.      Amending the Policy IM-11 by adding two new clauses immediately following Policy IM-11(d) as follows:

**(e)      Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy IC-6", Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the "Infrastructure Charges" Policies of this MPS.**

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of \_\_\_\_, A.D. 2002.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, A.D., 2002.

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Vi Carmichael  
Municipal Clerk

**Attachment "XXXV"**

**Amendments to the  
Land Use By-law for Eastern Passage/Cow Bay**

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Land Use By-law for **Eastern Passage/Cow Bay** is hereby amended as follows:

1. Amending Section 3.1 (**ZONES**) by listing one new zone immediately following "*Construction and Demolition (C&D) Zones CD-1 C&D Materials Transfer Stations Zone*" as follows:

**"Infrastructure Charge Zone ICH Infrastructure Charge Holding Zone"**

2. Adding a new zone immediately following "*PART 26C: CD-1 (C&D Materials Disposal Sites) Zone*" as follows:

**"PART 26D: ICH (INFRASTRUCTURE CHARGE HOLDING) ZONE"**

**26D.1 ICH USES PERMITTED**

**No development permit shall be issued in any ICH Zone except on lots in existence on the date of adoption (ENTER DATE) of this zone for the following:**

**Single Unit Dwellings  
Open Space Uses**

**26D.2 ICH ZONE REQUIREMENTS**

**In any ICH Zone, no development permit shall be issued except in conformity with the requirements of the R-1 Zone.**

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of \_\_\_\_, A.D. 2002.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this \_\_\_\_ day of \_\_\_\_, A.D., 2002.

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Vi Carmichael  
Municipal Clerk

## **Attachment "XXXVI"**

### **Amendments to the Municipal Planning Strategy for Cole Harbour/Westphal**

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Municipal Planning Strategy for **Cole Harbour/Westphal** is hereby amended as follows:

1. Adding new preamble and policy immediately after Policy SW-11 as follows:

#### **"Infrastructure Charges**

**Halifax Regional Municipality has experienced sustained residential and commercial growth throughout the past several decades. The provision of new street and underground servicing systems to accommodate new developments is generally the responsibility of individual developers as condition of development approval and municipal take over of such servicing systems. In many cases, however, these servicing systems are sized and constructed to accommodate only the immediate area in which new development occurs . This leads to problems when the cumulative effect of individual developments either impact on, or are impacted by, the capability of overall community and regional infrastructure to accommodate growth.**

**Costs associated with ensuring that the size and extent of infrastructure required to accommodate new growth and its impacts on existing communities have been assumed largely by public sector funding. Traditional sources of public funding for municipal infrastructure have been reduced and new infrastructure will need to be funded without public financing available in the past. This presents a significant challenge to the Municipality in terms of balancing the economic benefits of new growth with the need to ensure that the infrastructure required to support growth is provided in a timely and cost-effective manner.**

**Council is concerned that many of the trunk infrastructure systems in the Municipality are nearing their design capacities and recognizes that new servicing systems are required to meet the needs of the community. An Integrated Servicing Study recently prepared for the Municipality identified substantial new infrastructure required in order to accommodate future development.**

**The Municipality has adopted a Multi-Year Financial Strategy with respect to its debt load and financial position. The Municipality is not in a financial position to absorb the capital costs associated with upgrading and extending the infrastructure necessary to facilitate future development, nor is it prepared to burden existing taxpayers with additional capital costs associated with new development.**

**In order to help facilitate continued growth without imposing an excessive financial burden on the existing taxpayers of the Municipality, it is Council's intention to recover infrastructure-related costs associated with new growth in the form of Infrastructure Charges in accordance with the provisions of the *Municipal Government Act (MGA)*. Recovery of**



**Infrastructure Charges will enable the Municipality to allocate the capital costs associated with new infrastructure to developers and subdividers deriving servicing benefits from the new infrastructure.**

**In keeping with the *MGA*, Infrastructure Charges for:**

- (a) new or expanded water systems;**
- (b) new or expanded waste water facilities;**
- (c) new or expanded storm water systems;**
- (d) new or expanded streets;**
- (e) upgrading intersections, new traffic signs and signals, and new transit bus bays,**

**may be imposed in the Subdivision By-law to recover all, or part, of the capital costs incurred, or anticipated to be incurred, by the Municipality by reason of the subdivision and future development of land as well as to recover costs associated with land, planning, studies related to the Master Plan, engineering, surveying and legal costs incurred with respect to any of them.**

**The Subdivision By-law shall set out the infrastructure charge areas in which Infrastructure Charges are to be levied, the purposes for which Infrastructure Charges are to be levied and the amount of, or method of calculating, each infrastructure charge.**

**The Municipality will initiate Master Plan studies where necessary in order to determine appropriate charge areas and the costs associated with oversized and new infrastructure. The cost of any such studies will be included as part of the infrastructure charge to be recovered under the Subdivision By-law.**

**Where the costs of providing infrastructure to accommodate development activity in specific geographic locations may place excessive financial burden on the Municipality, it may be necessary to restrict development pending completion of Master Plan studies and establishing of charge areas. In such instances provision will be made for application by Council of a holding zone to such areas. Additionally, where proposed development agreements would result in a subdivision requiring new infrastructure, approval of such proposals will be subject to Infrastructure Charges. The methodology for determining charge areas will be generally outlined in a Capital Cost Contribution Policy adopted by Council.**

### **Objectives**

**The following statements generally define the objectives Council wishes to achieve through the imposition of Infrastructure Charges within the Municipality:**

- (a) to provide a leadership role in facilitating future growth in the Municipality;**
- (b) to recover an infrastructure charge where the subdivision or development presents a requirement for new infrastructure;**
- (c) to ensure that the costs of new infrastructure are properly allocated to subdividers and other stakeholders deriving benefit from the infrastructure;**
- (d) to limit the Municipality's financial contribution having regard to other budgetary commitments and constraints;**

- (e) to provide greater certainty to subdividers and other stakeholders with respect to the costs of development in the Municipality;
- (f) to maintain a consistent approach to recovery of Infrastructure Charges across the Municipality;
- (g) to ensure that recovery of Infrastructure Charges is compatible with good land use planning in the Municipality.

## **Policy Statements**

The following policy statements identify the intentions of Council in adopting municipal planning policy with respect to Infrastructure Charges. These policies will be implemented through provisions established in the Subdivision and Land Use By-law's and by administrative practices and procedures.

- IC-1** Where capital costs have been or are anticipated by reason of the subdivision or future development of land, the Subdivision By-law shall be amended from time to time to identify specific charge areas and related Infrastructure Charges applicable in the Municipality. In amending the Subdivision By-law to establish a charge area, Council shall consider:
- (a) The adequacy of existing infrastructure;
  - (b) Transportation requirements, including existing streets;
  - (c) Drainage patterns and drainage requirements;
  - (d) Water service requirements, including existing and proposed water service districts;
  - (e) Storm and sanitary sewer system requirements, including the extension of existing systems and servicing boundaries;
  - (f) Land use and existing and future development;
  - (g) Financial impacts on the Municipality;
  - (h) Soil conditions and topography; and
  - (i) Any other matter of relevant planning concern.
- IC-2** Infrastructure Charges within a charge area shall be in an amount determined by Council, as set out in the Subdivision By-law.
- IC-3** Infrastructure Charges imposed pursuant to the Subdivision By-law may be set at different levels related to the proposed land use, zoning, density, traffic generation, lot size and number of lots in a subdivision and the anticipated servicing requirements for each infrastructure charge area.
- IC-4** The Subdivision By-law shall establish conditions for Subdivision Approval with respect to the payment of Infrastructure Charges including provisions for any agreements with the Municipality as a condition of Subdivision Approval.

**IC-5        An Infrastructure Charge Holding Zone shall be established in the Land Use By-law. The Holding Zone may be applied by Council to lands within any designation on the Generalized Future Land Use Map where, in respect of development, Council has determined that: the cost of providing municipal wastewater facilities, stormwater systems or water systems would be prohibitive; or the cost of maintaining municipal streets would be prohibitive.**

**Development permitted within an Infrastructure Charge Holding Zone shall be restricted to single unit dwellings except in conformity with a development agreement approved by Council in accordance with the MGA.**

**IC-6        Where an area is zoned as an Infrastructure Charge Holding Zone area, the municipality shall, within one year of the effective date of the zone, commence the procedure to amend the Subdivision By-law to include provision for the payment of Infrastructure Charges, prior to permitting development or the designation(s) and zone(s) in effect immediately prior to the Pending Infrastructure Charges Area zone comes into effect.**

**IC-7        Council shall be guided by the Municipality's Multi-Year Financial Strategy and capital budget process in determining the extent and timing of municipal contributions toward new infrastructure.**

**IC-8        An infrastructure charge may only be used for the purpose for which it is collected.**

**3.           Amending Policy IM-11 by adding two new clauses immediately following clause IM-11(e) as follows:**

**(f)        Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy IC-6", Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the "Infrastructure Charges" Policies of this MPS.**

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of \_\_\_\_, A.D. 2002.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this \_\_\_\_ day of \_\_\_\_\_, A.D., 2002.

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Vi Carmichael  
Municipal Clerk

Attachment "XXXVII"

Amendments to the  
Land Use By-law for Cole Harbour/Westphal

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Land Use By-law for **Cole Harbour/Westphal** is hereby amended as follows:

1. Amending Section 3.1 (**ZONES**) by listing one new zone immediately following "*Construction and Demolition (C&D) Zones CD-3 C&D Materials Disposal Sites Zone*" as follows:

**"Infrastructure Charge Zone ICH Infrastructure Charge Holding Zone"**

2. Adding a new zone immediately following "*PART 24C: CD-3 (C&D Materials Disposal Sites) Zone*" as follows:

**"PART 24D: ICH (INFRASTRUCTURE CHARGE HOLDING) ZONE**

**24D.1 ICH USES PERMITTED**

**No development permit shall be issued in any ICH Zone except on lots in existence on the date of adoption (ENTER DATE) of this zone for the following:**

**Single Unit Dwellings  
Open Space Uses**

**24D.2 ICH ZONE REQUIREMENTS**

**In any ICH Zone, no development permit shall be issued except in conformity with the requirements of the R-1 Zone.**

THIS IS TO CERTIFY that the by-law of which this is a true copy was duly passed at a duly called meeting of the Council of Halifax Regional Municipality held on the \_\_\_\_ day of \_\_\_\_, A.D. 2002.

Given under the hand of the Municipal Clerk and under the corporate seal of the said Municipality this \_\_\_\_ day of \_\_\_\_, A.D., 2002.

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Vi Carmichael  
Municipal Clerk

## ATTACHMENT 2

### **A By-law to Amend the Halifax Subdivision Regulations and By-law**

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Subdivision Regulations and By-law for the City of Halifax are amended as follows:

1. By inserting after Section 1(ff) of the Subdivision Regulations the following:
  - "1(gg) "Capital Costs" means the costs of providing new or expanded infrastructure systems needed to service the Charge Area. Capital Costs may include necessary infrastructure external to the Charge Area. Cost estimates may be used. Costs may include design, construction, materials and cost escalators, interest during construction, financial costs, legal, surveying and land costs.
  - 1(hh) "Charge Area" means an area which has been designated by Council by amendment to this By-law in which Infrastructure Charges are to be levied.
  - 1(ii) "Infrastructure Charge" means a charge levied on a subdivider as a condition of subdivision approval within a Charge Area for the purpose of recovering Capital Costs associated with new or expanded infrastructure related to centralized water, sanitary and storm sewer systems, streets and intersections, traffic signs, signals and bus bays as well as other related or required infrastructure to service the Charge Area both on and off-site, along with any costs associated with land acquisition, surveying, studies or legal services."
2. By inserting after Section 6 of the Subdivision Regulations the following:
  - "6A Subdivision Concept Plans
    - (1) Where new Streets are to be constructed in an area of land being subdivided under the ownership of the subdivider, and where no Concept Plan has previously been provided, the subdivider shall submit an application accompanied by the following information:
      - (a) 18 copies of a Concept Plan for the entire area of land(s);
      - (b) one (1) one reduced copy (28 cm by 43 cm) of the Concept Plan; and a processing fee payable to the Municipality in the amount of two hundred and fifty dollars (\$250) total.

- (2) Where the Concept Plan includes land under multiple ownership, the application must be accompanied by a letter of permission from all property owners.
- (3) Upon approval of the Concept Plan by the Development Officer, Tentative or Final Subdivision applications may be approved provided that all other requirements of this By-law are met.
- (4) The Concept Plan shall be at a scale sufficient for clarity of all particulars of the plan. The Concept Plan shall be prepared by a Nova Scotia Land Surveyor and be based on the best available mapping or aerial photos and shall show:
  - (a) the name of the proposed Subdivision and of the owner of the area of land if different from the Subdivision name, including the book and page number of the deed for the area of land as recorded in the name of the owner in the Registry of Deeds;
  - (b) the name of each abutting Subdivision or the names of the owners of all abutting land;
  - (c) the North point;
  - (d) the scale to which the plan is drawn;
  - (e) the internal street system of the development with connections to abutting Streets or highways, and anticipated major pedestrian traffic patterns;
  - (f) the location of any watercourse, swamp, prominent rock formation, wooded area, area subject to flooding and any other prominent natural feature which might affect the provision or layout of sanitary sewerage systems, storm sewerage systems, water distribution systems, Streets or highways;
  - (g) the proposed street names in accordance with the Civic Addressing By-law;
  - (h) the words "Concept Plan" above the title block along with an estimated lot yield figure, based on zoning and the Department of Environment and Labour's lot size requirements, if applicable;
  - (i) the proposed subdivision phasing sequence;
  - (j) existing on-site development, the proposed location of the Parkland dedication, and existing and proposed community and commercial uses;
  - (k) all existing registered easements and rights-of-way;
  - (l) contours at 5 m intervals;
  - (m) the location of any municipal service boundary on the site; and
  - (n) any other information required by the Development Officer to determine if the Concept Plan conforms to this By-law.

- (5) The Concept Plan shall be accompanied by a traffic impact analysis, prepared by a Professional Engineer in accordance with the current version of the Municipality's *Guidelines for the Preparation of Transportation Impact Studies*, the level of detail of which shall be relative to the scope of the development.
- (6) Where the proposed subdivision is to be serviced by a sanitary sewerage system, storm sewerage system or water distribution system, the Concept Plan is to be accompanied by 8 copies of a Concept Plan servicing schematic, prepared by a Professional Engineer in accordance with the Municipal Service Systems Design Guidelines, which shows:
  - (a) the existing and proposed site drainage patterns including the approximate total area of:
    - (i) the proposed subdivision;
    - (ii) the land tributary to the proposed subdivision; and
    - (iii) the appropriate run-off coefficients;
  - (b) the existing and proposed water distribution system, including pipe sizes;
  - (c) the existing and proposed sanitary sewerage system, including pipe sizes, pumping stations and pressure sewers, and, a preliminary design summary in tabular form including development densities and sewerage generation estimates which support the proposed sewerage system;
  - (d) the existing and proposed storm sewerage system, including pipe sizes;
  - (e) any other information required by the Development Officer to determine if the Concept Plan servicing schematic conforms to this By-law.
- (7) The Development Officer shall evaluate the concept in terms of:
  - (a) the design's consideration of topography, natural features, and other site constraints and restrictions;
  - (b) the street layout, pedestrian routes, phasing sequence and connections with existing and proposed transportation links on a local and regional scale;
  - (c) the feasibility of servicing with applicable services, and the effect of the development on existing municipal services and the provision of future municipal services where applicable;
  - (d) the new or expanded infrastructure which will be required by the subdivision;
  - (e) the location of the proposed Parkland dedication and open space areas; and

- (f) the location of any proposed community and commercial uses.
  - (8) Approval of a Concept Plan may not be refused or withheld as a result of the assessment or recommendations made by the Department of the Environment and Labour, the Department of Transportation and Public Works or of any other agency of the Province or the Municipality, unless the Subdivision plan is clearly contrary to a law of the Province or regulation made pursuant to a law of the Province, including any applicable requirements for lot area and lot frontage contained in a Land Use By-law.
  - (9) The Development Officer shall forward a copy of the approved Concept Plan of Subdivision to the owner, the Surveyor and any agency which provided an assessment or recommendation regarding the Concept Plan.
  - (10) Where the Development Officer refuses to approve a Concept Plan, the Development Officer shall give notice of the refusal to all agencies which were forwarded a plan pursuant to subsection 7 and shall notify the subdivider, give reasons for refusal, and advise the subdivider of the appeal provisions of Part IX of the *Municipal Government Act*.
  - (11) The following information shall be stamped or written on any Concept plan of Subdivision which is approved:
    - (a) "This concept plan is approved."
    - (b) the date of the approval of the concept plan; and
    - (c) "This concept plan shall not be filed in the Registry of Deeds as no Subdivision takes effect until a final plan of Subdivision is approved by the Development Officer and filed in the Registry of Deeds."
3. By deleting clause 35(2) of the Subdivision By-law and replacing it with the following:
- " Notwithstanding subsection (1), and upon agreement between the parties, Agreement "A" may, in addition to other terms, include:
- (a) encroachment licences;
  - (b) erection of subdivision entrance signs;
  - (c) restrictions on the removal of top soil; and
  - (d) Infrastructure Charges."



4. By deleting clause 36(2) of the Subdivision By-law and replacing it with the following:

" Notwithstanding subsection (1), and upon agreement between the parties, Agreement "B" may, in addition to other terms, include:

- (a) encroachment licences;
- (b) erection of subdivision entrance signs;
- (c) restrictions on the removal of top soil; and
- (d) Infrastructure Charges."

5. By deleting Section 37 of the Subdivision By-law and replacing it with the following:

"37 Infrastructure Charges

- (1) Where a Charge Area has been established by Council, an Infrastructure Charge shall be paid by the subdivider in accordance with the Schedules which are attached to this By-law.
- (2) Final subdivision approval shall not be granted unless the Infrastructure Charge established under this By-law is paid or the subdivider has entered into an agreement with the Municipality deferring the payment of the Infrastructure Charge until such time as the Municipality has accepted the primary service system.
- (3) The Municipality and the subdivider may enter into an Infrastructure Charges agreement which may contain reasonable provisions with respect to any or all of the following:
  - (a) the payment of Infrastructure Charges in installments;
  - (b) the applicant's provision of certain services in lieu of the payment of all, or part, of the Charges;
  - (c) the provision of security to ensure that the Infrastructure Charges are paid when due; or
  - (d) any other matter necessary or desirable to effect the agreement."

6. By deleting Subsection 2(u) to 2(x) inclusive of the Subdivision By-law, from Form 1 - Agreement "A" and adding the following sub-sections immediately after 2(t) as follows:

- "(u) Infrastructure Charges; and
- (v) additional requirements"

7. By deleting Subsection 2(v) to 2(x) inclusive of the Subdivision By-law, from Form 2 - Agreement "B" and adding the following sub-sections immediately after 2(u) as follows:

"(v) Infrastructure Charges; and  
(w) additional requirements"

## **A By-law to Amend the Dartmouth Subdivision Regulations**

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Subdivision Regulations for the City of Dartmouth are amended as follows:

1. By inserting after Section 1(j) of the Subdivision Regulations the following:
  - "(k) "Capital Costs" means the costs of providing new or expanded infrastructure systems needed to service the Charge Area. Capital Costs may include necessary infrastructure external to the Charge Area. Cost estimates may be used. Costs may include design, construction, materials and cost escalators, interest during construction, financial costs, legal, surveying and land costs.
  - (l) "Charge Area" means an area which has been designated by Council by amendment to this By-law in which Infrastructure Charges are to be levied.
  - (m) "Infrastructure Charge" means a charge levied on a subdivider as a condition of subdivision approval within a Charge Area for the purpose of recovering Capital Costs associated with new or expanded infrastructure related to centralized water, sanitary and storm sewer systems, streets and intersections, traffic signs, signals and bus bays as well as other related or required infrastructure to service the Charge Area both on and off-site, along with any costs associated with land acquisition, surveying, studies or legal services."
2. By inserting after Section 6 of the Subdivision Regulations the following:

"6A Subdivision Concept Plans

  - (1) Where new Streets or Private Lanes are to be constructed in an area of land(s) being subdivided under the ownership of the subdivider, and where no Concept Plan has previously been provided, the subdivider shall submit an application accompanied by the following information:
    - (a) 18 copies of a Concept Plan for the entire area of land(s);
    - (b) one (1) one reduced copy (28 cm by 43 cm) of the Concept Plan;  
and
    - (c) a processing fee payable to the Municipality in the amount of two hundred and fifty dollars (\$250) total.
  - (2) Where the Concept Plan includes land under multiple ownership, the application must be accompanied by a letter of permission from all property owners.

- (3) Upon approval of the Concept Plan by the Development Officer, Tentative or Final Subdivision applications may be approved provided that all other requirements of this By-law are met.
- (4) The Concept Plan shall be at a scale sufficient for clarity of all particulars of the plan. The Concept Plan shall be prepared by a Nova Scotia Land Surveyor and be based on the best available mapping or aerial photos and shall show:
  - (a) the name of the proposed Subdivision and of the owner of the area of land(s) if different from the Subdivision name, including the book and page number of the deed for the area of land(s) as recorded in the name of the owner in the Registry of Deeds;
  - (b) the name of each abutting Subdivision or the names of the owners of all abutting land;
  - (c) the North point;
  - (d) the scale to which the plan is drawn;
  - (e) the internal street system of the development with connections to abutting Streets or highways or Private Lanes, and anticipated major pedestrian traffic patterns;
  - (f) the location of any watercourse, swamp, prominent rock formation, wooded area, area subject to flooding and any other prominent natural feature which might affect the provision or layout of sanitary sewerage systems, storm sewerage systems, water distribution systems, Streets or highways or Private Lanes;
  - (g) the proposed street names in accordance with the Civic Addressing By-law;
  - (h) the words "Concept Plan" above the title block along with an estimated lot yield figure, based on zoning and the Department of Environment and Labour's lot size requirements, if applicable;
  - (i) the proposed subdivision phasing sequence;
  - (j) existing on-site development, the proposed location of the Parkland dedication, and existing and proposed community and commercial uses;
  - (k) all existing registered easements and rights-of-way;
  - (l) contours at 5 m intervals;
  - (m) the location of any municipal service boundary on the site; and
  - (n) any other information required by the Development Officer to determine if the Concept Plan conforms to this By-law.
- (5) The Concept Plan shall be accompanied by a traffic impact analysis, prepared by a Professional Engineer in accordance with the current version of the Municipality's *Guidelines for the Preparation of Transportation Impact Studies*, the level of detail of which shall be relative to the scope of the development.

- (6) Where the proposed subdivision is to be serviced by a sanitary sewerage system, storm sewerage system or water distribution system, the Concept Plan is to be accompanied by 8 copies of a Concept Plan servicing schematic, prepared by a Professional Engineer in accordance with the Municipal Service Systems Design Guidelines, which shows:
- (a) the existing and proposed site drainage patterns including the approximate total area of:
    - (i) the proposed subdivision;
    - (ii) the land tributary to the proposed subdivision; and
    - (iii) the appropriate run-off coefficients;
  - (b) the existing and proposed water distribution system, including pipe sizes;
  - (c) the existing and proposed sanitary sewerage system, including pipe sizes, pumping stations and pressure sewers, and, a preliminary design summary in tabular form including development densities and sewerage generation estimates which support the proposed sewerage system;
  - (d) the existing and proposed storm sewerage system, including pipe sizes;
  - (e) any other information required by the Development Officer to determine if the Concept Plan servicing schematic conforms to this By-law.
- (7) The Development Officer shall evaluate the concept in terms of:
- (a) the design's consideration of topography, natural features, and other site constraints and restrictions;
  - (b) the street layout, pedestrian routes, phasing sequence and connections with existing and proposed transportation links on a local and regional scale;
  - (c) the feasibility of servicing with applicable services, and the effect of the development on existing municipal services and the provision of future municipal services where applicable;
  - (d) the new or expanded infrastructure which will be required by the subdivision;
  - (e) the location of the proposed Parkland dedication and open space areas; and
  - (f) the location of any proposed community and commercial uses.

- (8) Approval of a Concept Plan may not be refused or withheld as a result of the assessment or recommendations made by the Department of the Environment and Labour, the Department of Transportation and Public Works or of any other agency of the Province or the Municipality, unless the Subdivision plan is clearly contrary to a law of the Province or regulation made pursuant to a law of the Province, including any applicable requirements for lot area and lot frontage contained in a Land Use By-law.
- (9) The Development Officer shall forward a copy of the approved Concept Plan of Subdivision to the owner, the Surveyor and any agency which provided an assessment or recommendation regarding the Concept Plan.
- (10) Where the Development Officer refuses to approve a Concept Plan, the Development Officer shall give notice of the refusal to all agencies which were forwarded a plan pursuant to subsection 7 and shall notify the subdivider, give reasons for refusal, and advise the subdivider of the appeal provisions of Part IX of the *Municipal Government Act*.
- (11) The following information shall be stamped or written on any Concept plan of Subdivision which is approved:
  - (a) "This concept plan is approved."
  - (b) the date of the approval of the concept plan; and
  - (c) "This concept plan shall not be filed in the Registry of Deeds as no Subdivision takes effect until a final plan of Subdivision is approved by the Development Officer and filed in the Registry of Deeds."

3. By inserting after Section 14 of the Subdivision Regulations the following:

"14A Infrastructure Charges

- (1) Where a Charge Area has been established by Council, an Infrastructure Charge shall be paid by the subdivider in accordance with the Schedules which are attached to this By-law.
- (2) Final subdivision approval shall not be granted unless the Infrastructure Charge established under this By-law is paid or the subdivider has entered into an agreement with the Municipality deferring the payment of the Infrastructure Charge until such time as the Municipality has accepted the primary service system.

- (3) The Municipality and the subdivider may enter into an Infrastructure Charges agreement which may contain reasonable provisions with respect to any or all of the following:
- (a) the payment of Infrastructure Charges in installments;
  - (b) the applicant's provision of certain services in lieu of the payment of all, or part, of the Charges;
  - (c) the provision of security to ensure that the Infrastructure Charges are paid when due; or
  - (d) any other matter necessary or desirable to effect the agreement.

**A By-law to Amend the  
Bedford Subdivision By-law**

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Subdivision By-law for the Town of Bedford is amended as follows:

1. By inserting after Section 3.25 of the Subdivision By-law the following:
  - "3.26 Capital Costs means the costs of providing new or expanded infrastructure systems needed to service the Charge Area. Capital Costs may include necessary infrastructure external to the Charge Area. Cost estimates may be used. Costs may include design, construction, materials and cost escalators, interest during construction, financial costs, legal, surveying and land costs.
  - 3.27 Charge Area means an area which has been designated by Council by amendment to this By-law in which Infrastructure Charges are to be levied.
  - 3.28 Infrastructure Charge means a charge levied on a subdivider as a condition of subdivision approval within a Charge Area for the purpose of recovering Capital Costs associated with new or expanded infrastructure related to centralized water, sanitary and storm sewer systems, streets and intersections, traffic signs, signals and bus bays as well as other related or required infrastructure to service the Charge Area both on and off-site, along with any costs associated with land acquisition, surveying, studies or legal services."
2. By inserting after Part 5 of the Subdivision By-law the following:

"Part 5A: Subdivision Concept Plans

  - 5A.1 Where new Streets are to be constructed in an area of land(s) being subdivided under the ownership of the subdivider, and where no Concept Plan has previously been provided, the subdivider shall submit an application accompanied by the following information:
    - 5A.1.1 18 copies of a Concept Plan for the entire area of land(s);
    - 5A.1.2 one (1) one reduced copy (28 cm by 43 cm) of the Concept Plan;  
and
    - 5A.1.3 a processing fee payable to the Municipality in the amount of two hundred and fifty dollars (\$250) total.
  - 5A.2 Where the Concept Plan includes land under multiple ownership, the application must be accompanied by a letter of permission from all property owners.



- 5A.3 Upon approval of the Concept Plan by the Development Officer, Tentative or Final Subdivision applications may be approved provided that all other requirements of this By-law are met.
- 5A.4 The Concept Plan shall be at a scale sufficient for clarity of all particulars of the plan. The Concept Plan shall be prepared by a Nova Scotia Land Surveyor and be based on the best available mapping or aerial photos and shall show:
- 5A.4.1 the name of the proposed Subdivision and of the owner of the area of land(s) if different from the Subdivision name, including the book and page number of the deed for the area of land(s) as recorded in the name of the owner in the Registry of Deeds;
  - 5A.4.2 the name of each abutting Subdivision or the names of the owners of all abutting land;
  - 5A.4.3 the North point;
  - 5A.4.4 the scale to which the plan is drawn;
  - 5A.4.5 the internal street system of the development with connections to abutting Streets, or highways and anticipated major pedestrian traffic patterns;
  - 5A.4.6 the location of any watercourse, swamp, prominent rock formation, wooded area, area subject to flooding and any other prominent natural feature which might affect the provision or layout of sanitary sewerage systems, storm sewerage systems, water distribution systems, Streets or highways;
  - 5A.4.7 the proposed street names in accordance with the Civic Addressing By-law;
  - 5A.4.8 the words "Concept Plan" above the title block along with an estimated lot yield figure, based on zoning and the Department of Environment and Labour's lot size requirements, if applicable;
  - 5A.4.9 the proposed subdivision phasing sequence;
  - 5A.4.10 existing on-site development, the proposed location of the Parkland dedication, and existing and proposed community and commercial uses;
  - 5A.4.11 all existing registered easements and rights-of-way;
  - 5A.4.12 contours at 5 m intervals;
  - 5A.4.13 the location of any municipal service boundary on the site; and
  - 5A.4.14 any other information required by the Development Officer to determine if the Concept Plan conforms to this By-law.
- 5A.5 The Concept Plan shall be accompanied by a traffic impact analysis, prepared by a Professional Engineer in accordance with the current version of the Municipality's *Guidelines for the Preparation of Transportation Impact Studies*, the level of detail of which shall be relative to the scope of the development.

5A.6 Where the proposed subdivision is to be serviced by a sanitary sewerage system, storm sewerage system or water distribution system, the Concept Plan is to be accompanied by 8 copies of a Concept Plan servicing schematic, prepared by a Professional Engineer in accordance with the Municipal Service Systems Design Guidelines, which shows:

- 5A.6.1 the existing and proposed site drainage patterns including the approximate total area of:
  - 5A.6.1.1 the proposed subdivision;
  - 5A.6.1.2 the land tributary to the proposed subdivision; and
  - 5A.6.1.3 the appropriate run-off coefficients;
- 5A.6.2 the existing and proposed water distribution system, including pipe sizes;
- 5A.6.3 the existing and proposed sanitary sewerage system, including pipe sizes, pumping stations and pressure sewers, and, a preliminary design summary in tabular form including development densities and sewerage generation estimates which support the proposed sewerage system;
- 5A.6.4 the existing and proposed storm sewerage system, including pipe sizes;
- 5A.6.5 any other information required by the Development Officer to determine if the Concept Plan servicing schematic conforms to this By-law.

5A.7 The Development Officer shall evaluate the concept in terms of:

- 5A.7.1 the design's consideration of topography, natural features, and other site constraints and restrictions;
- 5A.7.2 the street layout, pedestrian routes, phasing sequence and connections with existing and proposed transportation links on a local and regional scale;
- 5A.7.3 the feasibility of servicing with applicable services, and the effect of the development on existing municipal services and the provision of future municipal services where applicable;
- 5A.7.4 the new or expanded infrastructure which will be required by the subdivision;
- 5A.7.5 the location of the proposed Parkland dedication and open space areas; and
- 5A.7.6 the location of any proposed community and commercial uses.

5A.8 Approval of a Concept Plan may not be refused or withheld as a result of the assessment or recommendations made by the Department of the Environment and Labour, the Department of Transportation and Public Works or of any other agency of the Province or the Municipality, unless the Subdivision plan is clearly contrary to a law of the Province or regulation made pursuant to a law of the Province, including any applicable requirements for lot area and lot frontage contained in a Land Use By-law.

5A.9 The Development Officer shall forward a copy of the approved Concept Plan of Subdivision to the owner, the Surveyor and any agency which provided an assessment or recommendation regarding the Concept Plan.

5A.10 Where the Development Officer refuses to approve a Concept Plan, the Development Officer shall give notice of the refusal to all agencies which were forwarded a plan pursuant to section 5A.7 and shall notify the subdivider, give reasons for refusal, and advise the subdivider of the appeal provisions of Part IX of the *Municipal Government Act*.

5A.11 The following information shall be stamped or written on any Concept plan of Subdivision which is approved:

5A.11.1 "This concept plan is approved."

5A.11.2 the date of the approval of the concept plan; and

5A.11.3 "This concept plan shall not be filed in the Registry of Deeds as no Subdivision takes effect until a final plan of Subdivision is approved by the Development Officer and filed in the Registry of Deeds.""

3. By inserting after Part 11 of the Subdivision By-law the following:

"Part 11A Infrastructure Charges

11A.1 Where a Charge Area has been established by Council, an Infrastructure Charge shall be paid by the subdivider in accordance with the Schedules which are attached to this By-law.

11A.2 Final subdivision approval shall not be granted unless the Infrastructure Charge established under this By-law is paid or the subdivider has entered into an agreement with the Municipality deferring the payment of the Infrastructure Charge until such time as the Municipality has accepted the primary service system.

11A.3 The Municipality and the subdivider may enter into an Infrastructure Charges agreement which may contain reasonable provisions with respect to any or all of the following:

- 11A.4.1 the payment of Infrastructure Charges in installments;
- 11A.4.2 the applicant's provision of certain services in lieu of the payment of all, or part, of the Charges;
- 11A.4.3 the provision of security to ensure that the Infrastructure Charges are paid when due; or
- 11A.4.4 any other matter necessary or desirable to effect the agreement.

**A By-law to Amend the  
Halifax County Subdivision By-law**

BE IT ENACTED by the Council of the Halifax Regional Municipality that the Subdivision By-law for Halifax County Municipality is amended as follows:

1. By inserting after Section 2.2 of the Subdivision By-law the following:

"2.2A           "CAPITAL COSTS" means the costs of providing new or expanded infrastructure systems needed to service the Charge Area. Capital Costs may include necessary infrastructure external to the Charge Area. Cost estimates may be used. Costs may include design, construction, materials and cost escalators, interest during construction, financial costs, legal, surveying and land costs.

2.2B           "CHARGE AREA" means an area which has been designated by Council by amendment to this By-law in which Infrastructure Charges are to be levied."

2. By inserting after Section 2.10A of the Subdivision By-law the following:

"2.10B           "INFRASTRUCTURE CHARGE" means a charge levied on a subdivider as a condition of subdivision approval within a Charge Area for the purpose of recovering Capital Costs associated with new or expanded infrastructure related to centralized water, sanitary and storm sewer systems, streets and intersections, traffic signs, signals and bus bays as well as other related or required infrastructure to service the Charge Area both on and off-site, along with any costs associated with land acquisition, surveying, studies or legal services."

3. By inserting after Part 4 of the Subdivision By-law the following:

" Part 4A           Infrastructure Charges

4A.1           Where a Charge Area has been established by Council, an Infrastructure Charge shall be paid by the subdivider in accordance with the Schedules which are attached to this By-law.

4A.2           Final subdivision approval shall not be granted unless the Infrastructure Charge established under this By-law is paid or the subdivider has entered into an agreement with the Municipality deferring the payment of the Infrastructure Charge until such time as the Municipality has accepted the primary service system.

- 4A.3 The Municipality and the subdivider may enter into an Infrastructure Charges agreement which may contain reasonable provisions with respect to any or all of the following:
- (a) the payment of Infrastructure Charges in installments;
  - (b) the applicant's provision of certain services in lieu of the payment of all, or part, of the Charges;
  - (c) the provision of security to ensure that the Infrastructure Charges are paid when due; or
  - (d) any other matter necessary or desirable to effect the agreement.
4. By deleting Sections 5A.2, 5A.3 and 5A.4 of the Subdivision By-law and replacing with the following:
- "5A.2 Where new Public Streets or Highways or Private Roads are to be constructed in an area of land(s) being subdivided under the ownership of the subdivider, and where no Concept Plan has previously been provided, the subdivider shall submit an application accompanied by the following information:
- (a) 18 copies of a Concept Plan for the entire area of land(s);
  - (b) one (1) one reduced copy (28 cm by 43 cm) of the Concept Plan; and
  - (c) a processing fee payable to the Municipality in the amount of two hundred and fifty dollars (\$250) total.
- 5A.3 Where the Concept Plan includes land under multiple ownership, the application must be accompanied by a letter of permission from all property owners.
- 5A.4 Upon approval of the Concept Plan by the Development Officer, Tentative or Final Subdivision applications may be approved provided that all other requirements of this By-law are met.
- 5A.5 The Concept Plan shall be at a scale sufficient for clarity of all particulars of the plan. The Concept Plan shall be prepared by a Nova Scotia Land Surveyor and be based on the best available mapping or aerial photos and shall show:
- (a) the name of the proposed Subdivision and of the owner of the area of land(s) if different from the Subdivision name, including the book and page number of the deed for the area of land(s) as recorded in the name of the owner in the Registry of Deeds;
  - (b) the name of each abutting Subdivision or the names of the owners of all abutting land;
  - (c) the North point;
  - (d) the scale to which the plan is drawn;

- (e) the internal street system of the development with connections to abutting Public Streets or Highway, and Road Entrances, and anticipated major pedestrian traffic patterns;
- (f) the location of any watercourse, swamp, prominent rock formation, wooded area, area subject to flooding and any other prominent natural feature which might affect the provision or layout of sanitary sewerage systems, storm sewerage systems, water distribution systems, Public Streets or Highways or Private Roads;
- (g) the proposed street names in accordance with the Civic Addressing By-law;
- (h) the words "Concept Plan" above the title block along with an estimated lot yield figure, based on zoning and the Department of Environment and Labour's lot size requirements, if applicable;
- (i) the proposed subdivision phasing sequence;
- (j) existing on-site development, the proposed location of the Parkland dedication, and existing and proposed community and commercial uses;
- (k) all existing registered easements and rights-of-way;
- (l) contours at 5 m intervals;
- (m) the location of any municipal service boundary on the site; and
- (n) any other information required by the Development Officer to determine if the Concept Plan conforms to this By-law.

5A.6 The Concept Plan shall be accompanied by a traffic impact analysis, prepared by a Professional Engineer in accordance with the current version of the Municipality's *Guidelines for the Preparation of Transportation Impact Studies*, the level of detail of which shall be relative to the scope of the development.

5A.7 Where the proposed subdivision is to be serviced by a sanitary sewerage system, storm sewerage system or water distribution system, the Concept Plan is to be accompanied by 8 copies of a Concept Plan servicing schematic, prepared by a Professional Engineer in accordance with the Municipal Service Systems Design Guidelines, which shows:

- (a) the existing and proposed site drainage patterns including the approximate total area of:
  - (i) the proposed subdivision;
  - (ii) the land tributary to the proposed subdivision; and
  - (iii) the appropriate run-off coefficients;
- (b) the existing and proposed water distribution system, including pipe sizes;
- (c) the existing and proposed sanitary sewerage system, including pipe sizes, pumping stations and pressure sewers, and, a preliminary design summary in tabular form including development densities and sewerage generation estimates which support the proposed sewerage system;
- (d) the existing and proposed storm sewerage system, including pipe sizes;
- (e) any other information required by the Development Officer to determine if the Concept Plan servicing schematic conforms to this By-law.

5A.8 The Development Officer shall evaluate the concept in terms of:

- (a) the design's consideration of topography, natural features, and other site constraints and restrictions;
- (b) the street layout, pedestrian routes, phasing sequence and connections with existing and proposed transportation links on a local and regional scale;
- (c) the feasibility of servicing with applicable services, and the effect of the development on existing municipal services and the provision of future municipal services where applicable;
- (d) the new or expanded infrastructure which will be required by the subdivision;
- (e) the location of the proposed Parkland dedication and open space areas; and
- (f) the location of any proposed community and commercial uses.

5A.9 Approval of a Concept Plan may not be refused or withheld as a result of the assessment or recommendations made by the Department of the Environment and Labour, the Department of Transportation and Public Works or of any other agency of the Province or the Municipality, unless the Subdivision plan is clearly contrary to a law of the Province or regulation made pursuant to a law of the Province, including any applicable requirements for lot area and lot frontage contained in a Land Use By-law.

5A.10 The Development Officer shall forward a copy of the approved Concept Plan of Subdivision to the owner, the Surveyor and any agency which provided an assessment or recommendation regarding the Concept Plan.

5A.11 Where the Development Officer refuses to approve a Concept Plan, the Development Officer shall give notice of the refusal to all agencies which were forwarded a plan pursuant to section 5A.8 and shall notify the subdivider, give reasons for refusal, and advise the subdivider of the appeal provisions of Part IX of the *Municipal Government Act*.

5A.12 The following information shall be stamped or written on any Concept plan of Subdivision which is approved:

- (a) "This concept plan is approved."
- (b) the date of the approval of the concept plan; and
- (c) "This concept plan shall not be filed in the Registry of Deeds as no Subdivision takes effect until a final plan of Subdivision is approved by the Development Officer and filed in the Registry of Deeds."

5. By deleting Sections 12.9 and 12.10 of the Subdivision By-law.





Attachment 3

# INFRASTRUCTURE CHARGES

## BEST PRACTICE GUIDE

A Capital Cost Contribution Policy

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**DRAFT**

Revised: May, 2002

## Acknowledgments

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This document was initiated by the Municipality to implement municipal infrastructure charges enabled through the Nova Scotia Municipal Government Act.

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**DRAFT BEST PRACTICE GUIDE**  
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**APPENDICES**

**Appendix A** - The CCC Policy

**Appendix B** - Bedrock Test Case

**Appendix C** - Municipal Planning Strategy & By-law Amendments

**Appendix D** - Administrative Process

**Appendix E** - Glossary of Terms

## I Nature and Scope of the Review

### Background

Halifax Regional Municipality (“the Municipality”) has experienced sustained growth since the 1980s in both the urban and suburban areas. Many of the trunk infrastructure systems installed during this time are approaching their design capacities.

An Integrated Servicing Study completed for the Municipality in July 1999 examined the future infrastructure needs of the Municipality. The Study identified substantial expenditures for new infrastructure required for the “core” area of the Municipality.

A Multi-Year Financial Strategy has been adopted to address the debt load and financial position of the Municipality. The Municipality cannot absorb the costs identified in the Integrated Servicing Study for new infrastructure required to service future development.

Federal and Provincial Government funding for Oversized Infrastructure has diminished and is insufficient to meet ongoing and future needs. Alternative sources of funding need to be considered in order to support future growth.

The *Municipal Government Act* (the “MGA”) authorizes a municipality to impose an infrastructure charge to recover the capital costs incurred by a municipality by reason of the subdivision and future development of land. To date the Municipality has not implemented a charge pursuant to this power under the MGA.

In August 2000 the Municipality undertook to develop a policy for implementing Infrastructure Charges in the Municipality. A study team was assembled and a review undertaken to create a policy that would operate effectively in the Municipality. The review included extensive consultation with Municipal Staff and liaison with the development community.

This Guide addresses the legislation, policies and practices relevant to cost apportionment for new

infrastructure in the Municipality. It provides a framework within which Council can consider the implementation of Infrastructure Charges pursuant to the MGA. It proposes a policy for recovery of Infrastructure Charges in the Municipality.

The charge recovered under the policy is intended to capture costs directly attributable to the subdivision of land - rather than all costs associated with new infrastructure required for the “core” area of the Municipality. The policy is designed to allow the Municipality to apportion the costs associated with new infrastructure without unduly impacting normal market forces and conditions.

### Definitions

Throughout the Guide the term “new infrastructure” is used. It is generally meant to include both oversized and other infrastructure required to provide reliable service to a particular area of land. The Capital Cost Contribution policy provides a methodology to apportion costs amongst developers and other Stakeholders deriving service benefits from the new infrastructure.

### Implementation

This Guide is an important first step towards implementing a Capital Cost Contribution policy in the Municipality.

This Guide also recognizes that stakeholder involvement is a key feature of the Policy, and should begin shortly after initiation of the process to adopt the policy. Key to the success of this policy is a Development Liaison Committee with a mandate to facilitate safe and affordable housing. This Committee is typically comprised of representatives from industry, local government and Provincial agencies as required.

Ultimately, the policy must meet with the approval of Council. The concept of Infrastructure Charges is new to the Municipality and the Report recognizes that the policy will be subject to discussion and possible change through deliberations of Council.

Finally, the Report recognizes that implementation of the proposed regulatory scheme involves legislative amendments requiring the approval of the Province.

The Guide is designed to facilitate a constructive and practical approach to adopt an effective policy for a municipality. Although developed for application in a Regional Municipality, the approach and methodology is sufficiently high level and simple enough to enable broader application. The limits of a 'charge area' may coincide with growth areas, municipal boundaries, or other boundaries as warranted.

## II Enabling Legislation

### Municipal Government Act - Infrastructure Charges

Section 274 of the MGA provides authority for municipalities to recover Infrastructure Charges in respect of the capital costs associated with new development. The MGA provides that a Municipal Planning Strategy (Municipal Planning Strategy) may authorize the inclusion of provisions for Infrastructure Charges in a Subdivision By-law.

Under the MGA, Infrastructure Charges can include amounts in respect of:

- (a) new or expanded water systems;
- (b) new or expanded wastewater facilities;
- (c) new or expanded stormwater systems;
- (d) new or expanded streets;
- (e) upgrading intersections, new traffic signs and signals and new transit bus bays.

A charge in respect of these items may be imposed in the Subdivision By-law to recover all, or part, of the capital costs incurred, or anticipated to be incurred, by a municipality by reason of the subdivision and future development of land. The infrastructure charge may include costs associated with land acquisition, planning, studies, engineering, surveying and legal costs incurred as a result of new development.

The MGA requires that the Subdivision By-law set out the infrastructure charge areas in which Infrastructure Charges are to be levied, the purposes for which Infrastructure Charges are to be levied and the amount of, or method of calculating, each infrastructure charge. The MGA provides that final approval of a subdivision

shall not be granted unless the infrastructure charge is paid or the applicant has entered into an agreement with the municipality securing the payment of the charges.

## III Capital Cost Contribution Policy

### Overview

The MGA permits the Municipality to recover a charge through the Subdivision Approval process. It affords the municipality an opportunity to control its financial exposure and recover costs where development requires capital expenditure for new infrastructure.

The Municipality currently has up-sizing policies (predating amalgamation) which allow the Municipality to contribute to the costs of new streets, sanitary and storm sewers. The existing policies do not require comprehensive master planning nor do they allocate the costs associated with new infrastructure to the developers (and other Stakeholders) deriving benefit from these services.

The policy proposed in this Guide is designed to identify and capture the costs of new infrastructure (both on and off-site) necessary to provide reliable service to a defined area of land. These costs are then apportioned (by application of the policy's costing methodology) to developers and other Stakeholders deriving service benefits from the new infrastructure.

The Municipality will administer the policy. In doing so, Municipality Staff will have an opportunity to consult with developers and other Stakeholders for purposes of defining the new infrastructure and ensuring optimum integration of the new infrastructure into the existing network of services.

The policy's costing methodology provides a reasonable and equitable procedure for identifying expenditures, recognizing benefits and apportioning costs related to new infrastructure.

### The Policy

The Capital Cost Contribution Policy provides a mechanism by which the costs associated with new

infrastructure can be recovered from subdividers (and other Stakeholders) deriving service benefits. The costs of providing the infrastructure are shared by developers and, in some cases, by the Municipality and other Stakeholders on a fair and equitable basis.

The proposed Capital Cost Contribution Policy for the Municipality, including the Methodology and Costing Formula and Oversized Infrastructure Criteria, is attached as Appendix “A” (the “CCC Policy”).

The CCC Policy requires Master Plan studies by the Municipality to determine the new infrastructure requirements associated with a proposed development (and the associated costs). Ideally the Municipality will lead the master planning exercise. By getting “out front” with Master Plan studies, the Municipality can identify primary areas for growth and establish appropriate charges for development in these areas.

The Master Plan studies will determine the infrastructure necessary to provide transmission, trunk, collector or other infrastructure required to properly service the area subject to development. The CCC Policy includes Guiding Principles to assist in the interpretation and administration of the Policy. The Master Plan studies will utilize the service standards and design specifications of the Municipality.

The Master Plan studies will identify areas of land which the new infrastructure is designed to service. These areas will be known as the “charge areas”.

Through application of the CCC Policy, the charge area will yield an infrastructure charge applicable to that area. The calculation of the infrastructure charge takes into consideration all aspects of the required infrastructure, financial risks to the Municipality, timing of contributions, phasing of development and any other considerations having a financial impact on the project. The infrastructure charge for any given area will consist of a traffic system charge per acre, and a water and sewer system charge per acre. The traffic system charge will be apportioned to each development within the charge area on the basis of trip generation. The water and sewer systems charge will be apportioned to each development on the basis of development density.

It is anticipated that the Master Plan studies will provide a road map for recovery of costs associated with new infrastructure. In addition to determining new infrastructure requirements, the studies should establish Implementation Plans dealing with the timing and sequencing of construction and a Financial Plan making provision for expenditure and recovery of funds consistent with the infrastructure charge proposed for “charge areas”.

The infrastructure charge shall be recovered by the Municipality prior to approval of a final plan of subdivision of any lands falling within the charge area. Failing payment of the infrastructure charge, Subdivision Approval will not be granted.

The CCC Policy will be adopted by Council to guide staff in the determination of the applicable infrastructure charge in any given case. Once approved by Council, charge areas and applicable Infrastructure Charges will be set out in the Subdivision By-law (as noted above).

#### The Municipality’s Role

There are costs and benefits associated with new development. It is important to balance these considerations in deciding on an approach to cost recovery for new infrastructure. The Municipality has not traditionally required developers to install (at their own expense) all new infrastructure (on and off-site) necessitated by subdivision development. In fact, through application of its cost sharing policy, the Municipality has tended to subsidize new development (with the attendant costs borne by existing taxpayers).

While remaining supportive of new development, the CCC Policy enables the Municipality to better control its risk in the financing or installation of new infrastructure. In any given case, the Municipality can stipulate that developers install any new infrastructure required to provide reliable service to the area subject to Subdivision Approval. In those cases where the Municipality decides to support new development by contributing to the cost of new infrastructure (in order to facilitate development in a particular area), the CCC Policy provides a means by which to assess the extent of the risk and effect recovery of the financial outlay on a go-forward basis.

It is generally intended that the Municipality will assume a leadership role in the following areas:

- establish the land use and planning strategies for the charge area;
- lead the master planning study for identification of required infrastructure, and determine the beneficiaries of the new systems through contribution calculations;
- create the charge area through the CCC Policy;
- facilitate the sequence of infrastructure construction with developers;
- prepare a Financial Plan for the charge area infrastructure installation;
- coordinate Stakeholder participation in the design, financing and construction of these systems;
- enable or facilitate continued development through a valued risk determination of “bridged” system construction that may be necessary to ensure sequential construction of systems;
- administer the Financial Plan throughout the project.

As noted above, the Municipality may, where it deems appropriate, assume financial responsibility with respect to new infrastructure on the basis that costs incurred will be captured through recovery of Infrastructure Charges in accordance with the CCC Policy.

## IV Administrative Process

It is anticipated that Infrastructure Charges will apply primarily in areas where development proceeds by development agreement. The proposed Municipal Planning Strategy and By-law amendments require that a development agreement make provision for payment of an infrastructure charge at the time of Subdivision Approval.

It should be recognized however that a charge area (with a corresponding infrastructure charge) might also be imposed in areas where subdivision can occur as-of-right. In such cases, the infrastructure charge would simply be recovered at the time of Subdivision Approval.

The proposed Subdivision By-law amendments include requirements for provision of an enhanced concept plan as part of the Subdivision Approval process. It is intended that the information provided with the concept plan will enable staff to identify development patterns which, absent the imposition of Infrastructure Charges, could result in substantial future costs to the Municipality for new infrastructure.

As a safeguard against undue exposure to anticipated future costs, the proposed By-law amendments give the Municipality authority to impose a Holding Zone (permitting certain limited development) where it appears that new infrastructure costs associated with future development would be prohibitive.

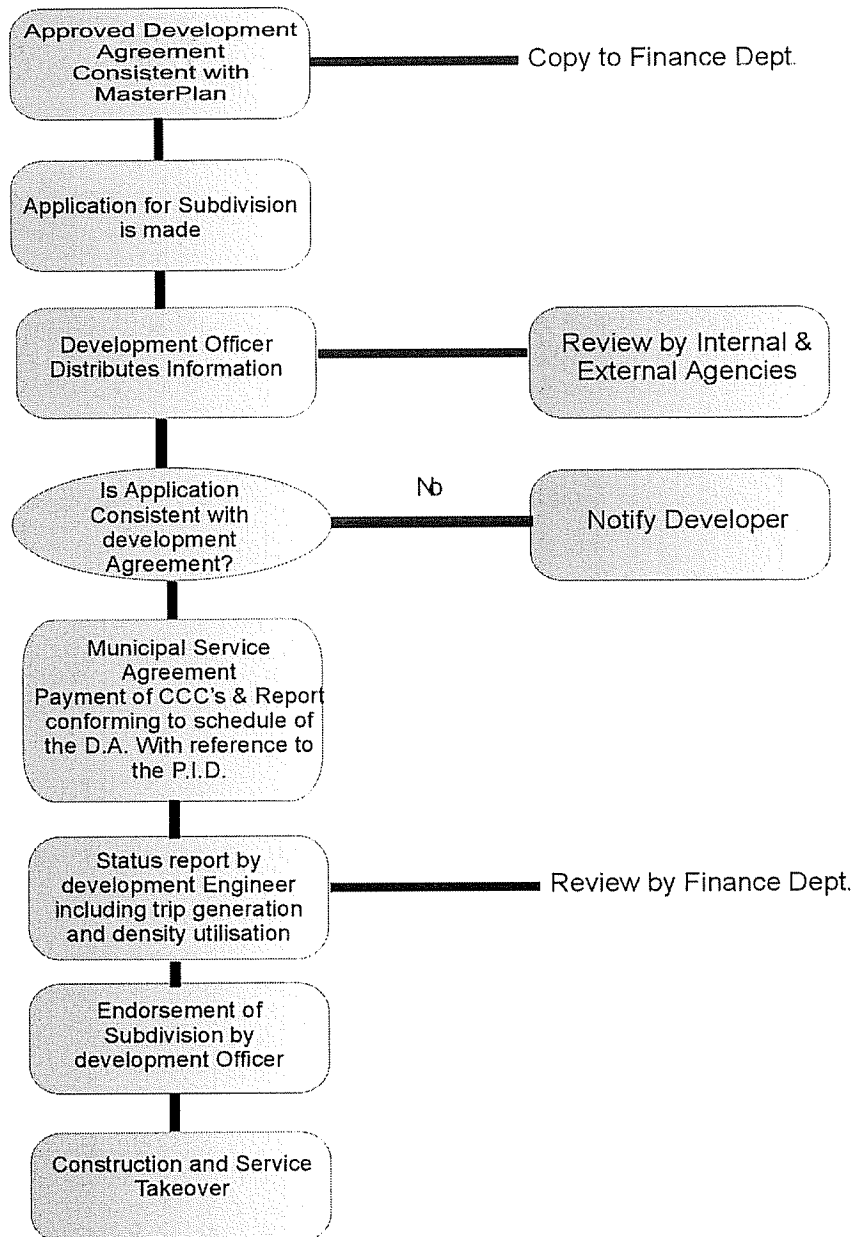
To the extent that new infrastructure includes water related systems and facilities, expenditures for water infrastructure require approval of the Halifax Regional Water Commission. The water services component of the infrastructure charge will therefore require approval by the Commission prior to consideration of the infrastructure charge by Regional Council.

Under the MGA the infrastructure charge is to be paid (or satisfactory arrangements made) at the time of Subdivision Approval. Provision can be made under the Municipal Services Agreement (which facilitates the construction and take-over of services) for deferral of payment until Primary Service take-over.

The charge area will be designed to accommodate the use allowed by the Land Use By-law (LUB) which will generate the maximum design loading. The corresponding infrastructure charge will therefore be based on the land use that allows for the maximum anticipated infrastructure demand with respect to the lands in the charge area. Anticipated reductions in density and trip generation (for transportation) must therefore be identified during preparation of the Master Plan (and, where applicable, reflected in the Development Agreement resulting from the Master Plan process).

An Administrative Process Flow Diagram is set out on the following page:

## Subdivision Approval Process





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## V Municipal Planning Strategy and By-Law Amendments

### Municipal Planning Strategies

The amendments provide policy support for recovery of Infrastructure Charges through the Subdivision By-law (attached as Appendix “C”). The policy statements indicate that the Municipality will follow the methodology outlined in the CCC Policy adopted by Administrative Order of Council in determining charge areas and calculating Infrastructure Charges in the Municipality.

### Subdivision By-law

The amendments enable Council to determine charge areas and related Infrastructure Charges and effect recovery of the charges through the Subdivision By-law (attached as Appendix “C”). Under the proposed amendments, charge areas (and applicable charges) would be adopted by Council from time to time by amendment of the Subdivision By-law.

### Land Use By-laws

The amendments implement and enable the Municipal Planning Strategy policies regarding recovery of Infrastructure Charges in the Municipality (attached as Appendix “C”).

The amendments noted above (and attached as Appendices) are presented in a standard form for purposes of this report. Ultimately, the standard form amendments will need to be adapted for incorporation into the various strategies and by-laws now in effect in the Municipality.

## VI Bedrock Test Case

The CCC Policy is designed to apply to many and varied development situations. In order to demonstrate the application of the CCC Policy a fictitious case study has been prepared for purposes of this Report.

The fictitious development is referred to as “Bedrock” and the application of the CCC Policy is described and shown at Appendix “B”.

The Bedrock case was developed specifically to test the CCC Policy and costing methodology. The Bedrock case utilizes its own assumptions, costing

considerations and implementation timing and sequence.

The Bedrock test case is included in the report for illustration purposes only.

It demonstrates that with prudent planning, construction costs can be determined and reasonably apportioned amongst the beneficiaries of the new infrastructure.

## **Appendix “A”**

### **THE CCC POLICY**

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## The CCC Policy

### PART I: CURRENT SITUATION

1. Integrated Servicing Study for HRM Regional Operations, July 27, 1999, by Harbour Engineering

The Municipality has experienced sustained growth since the 1980's in both the urban and suburban areas of its jurisdiction. Many of the trunk infrastructure systems installed during this time are approaching their design capacities.

An Integrated Servicing Study<sup>1</sup> was initiated to evaluate the infrastructure requirements of the Municipality. This study was completed in July 1999. This Study identified over \$100 million of new infrastructure required for the “core” urban area of the Municipality. The traditional source of Federal and Provincial government funding for oversized or trunk services has been limited and is insufficient to address the funding requirements for new infrastructure as defined within the Integrated Servicing Study. Today, the Municipality is faced with a situation whereby new development will place excessive demands on current infrastructure systems. For continued growth, the Municipality requires a funding mechanism beyond the traditional government funding instruments used in the past.

The Municipality has experienced sprawl development in the suburban and rural areas for some time. Development outside the Core Area is placing additional loading on existing transportation systems throughout the metropolitan area. In addition, suburban developments are demanding new services that have been traditionally provided for within the serviceable boundary.

Concurrently, there is development pressure to extend the existing serviceable boundaries beyond the current defined areas. The serviceable boundaries typically include central water and fire protection systems, sanitary and storm sewer systems. The existing service systems are nearing and in some areas, have exceeded their design capacity. The continued “As-Of-Right” developments in these areas are contributing to an overcapacity situation that is not sustainable.

Development has continued through ad hoc extensions to the serviceable boundary and in the suburban area, which in many respects are occurring without an

overall Master Plan for infrastructure services in place. This situation will create additional capital expenditures by the Municipality to address undersized and/or inadequate services at taxpayers' expense.

The Municipality has studied the infrastructure needs of the “core” urban area and recognizes that new Oversized Systems are required to meet the needs of the community. Oversized Systems refer to the up-sized or larger services required to serve a defined charge area. Oversized services would include such items as trunk sewer systems, reservoirs, collector roads and interchanges.

The Integrated Servicing Study has identified many of the Oversized Systems required to address current and expanding needs of the Municipality.

The Municipality has current up-sizing policies that allow the Municipality to contribute, or subsidize, the cost of construction of streets, sanitary and storm sewers. The Municipality may contribute, through its tax base, financial support for the construction of oversized services in new development. This oversizing is for the expressed benefit of new developers who will construct new phases of development at some time in the future. These policies do not require comprehensive master planning, nor do they allow any allocation of costs from oversized expenditures to the new developers deriving benefit of these services.

The existing oversized contribution policies will be eliminated in the year 2001. The Municipality will fulfill its current obligations and commitments where oversized contributions by the Municipality have already been negotiated with developers.

From a financial perspective, the Municipality has adopted a Multi-Year Financial Strategy to address the debt load and financial position of the Municipality. Currently, the Municipality cannot absorb the costs identified in the Integrated Servicing Study for new systems throughout the metropolitan area.

In August of 2000, the Municipality initiated the Capital Cost Contribution Project. This project is intended to create a policy and costing methodology to address Oversized Infrastructure necessary to provide the broad base service to new development communities. The “hard services” that are considered in this policy are defined in the MGA and include streets, intersections, signs and signals, bus bays, and

water, sanitary and storm sewer systems. The Oversized Infrastructure considered in this policy references the infrastructure necessary to service a specific “charge area”. This area will be defined during a Master Plan study in areas where anticipated growth may occur in the Municipality.

The developers are required to provide the local collection and distribution systems, local streets and other services at their entire expense. This requirement will continue in the future as the Municipality considers the application of how the Oversized Systems will be planned, constructed and financed to provide the broader service requirements of new infrastructure systems for charge area.

The Capital Cost Contribution Policy provides a mechanism for The Municipality, developers and other Stakeholders to identify oversized and required infrastructure to provide service to define charge areas. These costs are shared amongst the Stakeholders on the basis of direct service benefits derived from the planning infrastructure. It is not envisioned that all the defined infrastructure systems in the Integrated Servicing Study be included in the Capital Cost Contribution Policy. There will be components of the infrastructure defined in the Integrated Servicing Study that will provide the required or Oversized Systems necessary for the charge areas considered in this policy. The CCC Policy is intended to facilitate required new infrastructure and required systems to service new areas and will not include the financial loading of infrastructure systems providing service to the existing region.

## PART II: POLICY INTENT

It is the Municipality’s intent to create simple, predictable and reasonably equitable policy to identify and apportion Oversized Infrastructure system cost necessary to provide service to new development areas.

In an effort to keep this policy simple and easy to understand, the policy must be viewed from a reasonably high level in its approach to the allocation of costs to Stakeholders deriving direct service benefits from these new systems. This policy is not intended to apply micro benefits to small developments

that may only use part of the Oversized Infrastructure considered in the charge area, or apply some discrete cost savings that may be calculated for smaller areas. The high level approach of this policy simply considers the Oversized Infrastructure, both on and off-site, necessary to provide adequate services to a defined community area. These costs are then apportioned to the developers and Stakeholders deriving service from these new systems. The policy lays out a reasonable, fair and equitable procedure for calculating benefit and apportioning costs, at a high level, for the developer and homeowner to understand.

The policy embraces simplicity and encourages Stakeholder participation in the development of estimated capital costs upon which the contributions are calculated. The funding and financing options that will be developed are intended to allow the Oversized Systems to be constructed without undo financial risk transfer to the Municipality.

The Municipality will undertake a leadership role to facilitate new development amongst developers. To that end, negotiation and participation of Stakeholders are paramount in the coordinated effort to identify Oversized Systems and estimated costs, and developer participation in the construction of these systems at predetermined costs and payment schedules. The policy requires the agreement amongst the parties to fulfill their obligations upon which the overall community base systems may be constructed in a sequential, cost-effective manner.

The Municipality will administer this policy on behalf of the developers participating in the Capital Cost Contribution Policy. The Municipality will direct the Master Plan study process and coordinate efforts amongst developers and the public in defining Oversized Systems and ensuring optimum integration and benefit to the community-based services as a whole.

## PART III: DEFINITION & GUIDING PRINCIPLES

To assist Stakeholders and the Municipality in the application of this policy, Guiding Principles have been prepared that will be used to provide consistency in the evaluation and implementation of the Policy. The Principles are intended to provide predictability to the development community and direction to the administrators in the application of costing and financing

options in the preparation of Capital Cost Contributions.

**Definition:**

**Capital Cost Contributions is an infrastructure oversizing policy and costing methodology that facilitate continued development through apportioning new infrastructure costs amongst developers and Stakeholders deriving direct service benefits from new capital expenditures.**

**GUIDING PRINCIPLES:**

**Principle 1:**

**The policy will be applied where Oversized or other required Infrastructure considerations are applicable**

Regular approval processes will occur if Oversized Infrastructure is not required

**Principle 2:**

**Direct the costs to the “Cost Causer”**

If not for the Cost Causer, would the Municipality be building the proposed infrastructure now? Costs are allocated to the cost creator.

**Principle 3:**

**Whomever derives a “direct” benefit pays**

Apportion costs consistent with a Direct Benefit derived from the new infrastructure

**Principle 4:**

**Municipality will balance its financial responsibilities with its ability to pay through approved capital budgeted expenditures**

Achieved through a rational calculation of costs, consideration of accrued benefits to existing rate

payers, balanced by an ability to pay

**Principle 5:**

**The Municipality will provide a leadership role in facilitating developers in the provision of services for new development, without assuming developers’ risk**

The Municipality to facilitate new development with developers through meaningful input from Stakeholders

**Principle 6:**

**Policy will require a Master Infrastructure Plan, an Implementation Plan of Construction and a prudent Financial Plan in each “charge area”**

The overall Master Plan, cost definition and sequence and timing of construction will be approved in advance of system construction

**Principle 7:**

**Policy requires a clear definition and apportionment of costs, and the collection and payment of funds for new infrastructure**

A comprehensive Financial Plan will define the risk and costs to the Municipality

**Principle 8:**

**Policy will be consistently applied in all areas, with a balance of fairness and flexibility exercised within the costing methodology and a financing process**

Providing equal treatment and predictable policy implementation

**Principle 9:**

**The Capital Cost will be apportioned in a reasonable, fair and equitable manner**

Cost Contributions will be apportioned on the basis of system demand use and benefits derived by the Stakeholder. Land use and zoning criteria will be used in the apportionment of the estimated Capital Cost to Stakeholders

The Capital Cost Contribution definition and Guiding Principles will be the cornerstones of the policy framework. They will be used to consider how new

development and associated oversized and required infrastructure systems can be built to provide reliable, integrated service within the surrounding community.

#### PART IV: CAPITAL COST RATIONALE

The policy will apply to a specific charge area created through a Master Plan study. The specific Oversized Infrastructure required for the charge area will be defined as the capital cost. This community-based infrastructure will form the costing basis for capital contributions.

The Integrated Service Study identified a number of regional oversize systems and infrastructure necessary to provide region-wide service. This policy is not intended to include the regional infrastructure providing region-wide benefits, but is intended to include Oversized Systems and infrastructure necessary to provide discrete benefit to defined charge areas within the Municipality. It is proposed that regional services will be funded through the Municipality's Capital Budget contributed to by all taxpayers deriving service. Capital Cost Contributions are intended to apportion community-based, Oversized Systems and infrastructure necessary to provide discrete service benefits to a defined area.

In determining the infrastructure required for a charge area, the Guiding Principles should be used in determining whether the facilities or systems under consideration are appropriate for inclusion into the capital cost. The principles should be relied upon to provide the clarifications necessary to reach a fair and consistent decision whether to include, or exclude, a component of infrastructure.

Notwithstanding, there may be situations where the generality of one or more principles may not fully address a component of infrastructure for inclusion in the capital cost. In such situations, the administrators should keep in mind that the policy is an intended framework that must be applied at a reasonably high level considering the macro issues pertinent to the charge area. Also, the policy anticipates a reasonable and fair inclusion of required infrastructure costs to provide a broader benefit within the charge area. The Stakeholders in the charge area are to be consulted in the process which may provide further guidance in determining the appropriateness of facilities' inclusion.

#### PART V: CCC POLICY FEATURES

The Capital Cost Contribution Policy includes several elements that will be further discussed in this report. The Capital Cost Contribution Policy includes;

- a **Master Plan** created from a study to identify required infrastructure and Oversized Systems both on and off-site to provide reliable service
- an **Implementation Plan** of system construction that defines the sequence and timing of infrastructure construction in the charge area that will ensure appropriate service standards are sustained throughout development
- a **Finance Plan** that sets forth the collection of funds and payment expenses to construct the required infrastructure as defined in the Master Plan

The Master Plan Study will be directed by the Municipality and will utilize the existing service standards and design guidelines as adopted by the Municipality.

The Municipal Planning Strategy, Subdivision and Land-Use By-laws will be amended to support the Capital Cost Contribution Policy features, charge areas, and corresponding charges as required by the Municipal Government Act of the Province of Nova Scotia. It is therefore intended that the final Master Plan, charge area, and corresponding Capital Cost Contribution will be subject to a public participation process and will be approved by Regional Council.

The Capital Cost Contribution Policy provides clarity in the requirements for system design, construction, financing, cost allocation and the charge area boundary definition. These elements should be fully integrated with municipal planning strategies, by-laws and apply the engineering design standards & guidelines of the Municipality. It should be noted that the cost of providing service systems which are required to develop individual parcels of land remain the sole responsibility of the developer of that land.

## PART VI: THE MUNICIPALITY'S ROLE

The Municipality, in its role to service the needs and interests of its citizens, should assume a leadership position in facilitating properly planned new infrastructure for continued development for the greater good and common wealth of the community.

To achieve this goal, the Municipality will coordinate the input from the development community and Stakeholders, to initiate comprehensive infrastructure studies to determine the service areas, Master Plans and costs associated with new infrastructure. The Municipality will facilitate new development by providing administrative services on behalf of developers through a Capital Cost Contribution Policy that will be applied consistently and fairly across the Region.

The Municipality will provide leadership by facilitating developers to collectively design, estimate and construct Oversized Systems and required infrastructure to support new development. The Municipality will:

- Establish the land use and planning strategies for the charge area
- Lead the master planning study for identification of required infrastructure, and determine the beneficiaries of the new systems through contribution calculations
- Create the charge area through application of the Policy
- Facilitate the sequence of infrastructure construction with developers
- Prepare a Financial Plan for the charge area infrastructure installation
- Coordinate Stakeholder participation in the design, financing and construction of these systems
- Facilitate continued development through a valued risk determination of 'bridged' system construction that may be necessary to ensure sequential construction of systems
- Administer the finance plan throughout the project

The Municipality is not under an obligation to assume the developers' risk in the financing or installation of new Oversized Systems for new development. The Municipality does not intend to reap profit from its involvement, nor does it intend to assume developers'

risk created in part, through market demand conditions, for new development.

The Municipality will facilitate development and where appropriate, may assume a measured risk with a plan for cost recovery for investments made by the Municipality, on behalf of existing or future developers, deriving service from new systems.

The Municipality may achieve risk mitigation for its capital investments through a variety of options. Interest may be applied to investment funds by the Municipality on the basis of a reasonable return on investment. Other securities may be required in the form of performance bonds, certified cheque, mortgages or other financial means to protect the Municipality and its taxpayers from undo risk associated with development time tables or other factors related to market conditions.

## PART VII: CAPITAL COST CONTRIBUTION POLICY

### Preamble

The Capital Cost Contribution Policy enables the recovery of costs required to provide oversized and other infrastructure within a 'charge area'. The costs of providing this infrastructure are shared by developers, and in some cases, by the Municipality, on a fair and equitable basis. After the completion of a Master Plan Study by the Municipality, a charge area will be established that becomes the basis for the development of a Capital Cost Contribution. The Capital Cost Contribution shall take into consideration all aspects of the required infrastructure, financial risks to the Municipality, timing of contributions, phasing of development and any other considerations that have a financial impact on the project.

The following Policy Statements must be read in conjunction with the preceding sections when the user is designing a CCC. In particular, Part II: Guiding Principles, and Part IV: Capital Cost Rationale provide important guidance in applying these Policies:

The Municipal Government Act (MGA) supports the collection of a Capital Cost Contribution. The Capital Cost Contribution Policy proposed by the Municipality is in compliance with the MGA.

## Policy Statements

### Policy 1. Master Plan Study Area & Charge Area

1.1 The Municipality will administer a Master Plan Study where there is a demand for new infrastructure. The Municipality shall set the terms of reference, and may be the client, for any Master Plan Study.

1.2 The Master Plan area and terms of reference for the study will consider such factors as transportation, density, trip generation, existing streets, drainage basins, existing & proposed water service districts, service boundaries, land use development areas, soil conditions, topography, and other factors deemed appropriate. In addition, the Master Plan area shall not be constrained by land ownership.

1.3 The charge area will generally be the Master Plan study area. However, depending on service considerations, the charge area may also include areas outside the Master Plan area.

Oversized and other required infrastructure will be defined in the Master Plan for the charge area. Notwithstanding, the impact on existing or planned infrastructure outside the Master Plan study area will be taken into account in the Master Plan Study.

The Municipality may require information from the developer(s) regarding the planning and system requirements in the preparation of the Master Plan.

### Policy 2. Oversized Components

2.1 Oversizing components of a charge area may include, but are not necessarily limited to: water distribution & transmission system, reservoirs and pumping stations; waste water collection system, including pumping stations; storm water collection systems, including retention ponds; roads and streets, including bus bays, traffic lights and interchanges. The infrastructure required to service a charge area may be located outside of the charge area and may include land costs associated with providing required infrastructure.

2.2 Infrastructure which is exterior to a Charge Area, such as water and wastewater treatment plants and related infrastructure may be included in the capital cost calculations. In any event, all costs of Oversized

Infrastructure to provide service to the charge area will from part of the Capital Cost Contribution.

### Policy 3 Oversized Infrastructure Required to Serve Future Developments

Where oversizing of infrastructure within a charge area is identified as providing benefit to future development, the Municipality may invest in the Oversized Infrastructure required for the future development. The oversizing required to service future development on lands adjacent the charge area, shall be determined, and the investment by the Municipality shall be evaluated in accordance in the Funding Criteria defined in Policy 19.

### Policy 4. Drainage from Adjacent Lands

If drainage from adjacent lands requires the oversizing of storm sewers, the cost of providing the oversizing will form part of the CCC for the charge area.

### Policy 5 Oversized Infrastructure that benefits existing developed areas

5.1 Where an existing developed area receives a direct service benefit from Oversized Infrastructure, the Municipality may pay a share of the oversized system costs based upon the Capital Costs per acre. The municipal share is not included in the Capital Cost Contribution recovered from new development within the charge area.

5.2 The Municipality will establish the extent to which the existing developed areas receives a benefit from Oversized Infrastructure or transportation infrastructure. This benefit will be determined according to the procedures and guidelines of this Policy.

5.3 Where system capacity provided by new infrastructure within a charge area is used by existing serviced areas, to a degree less than or equal to that existing system capacity used by the charge area, the Oversized Infrastructure required for the charge area will not be considered a benefit to the existing area.

5.4 Existing developed areas may be excluded from a charge area if they are not included in the new infrastructure design calculation, or do not derive a direct benefit from these new systems.



5.5 Where the Municipality has contributed to existing developed areas contained in a charge area, the Municipality may recover from CCC from infilling or by way of rezoning, or subdivision, the Equivalent Capital Cost Contributions from new development within the existing community. In effect, the Municipality or the Water Commission, may make payment of Capital Cost Contributions in advance for future development in existing areas and recover the contributions when new development occurs.

5.6 Municipal expenditures shall be evaluated in accordance with the Funding Criteria defined in Policy 19, Funding Criteria.

#### **Policy 6. Parks and Open Space**

6.1 Council shall consider additional investment for public open space which has more than 100 feet of frontage on an oversized street. The additional investment by the municipality shall be based on 50% of the cost to construct the required street classification referenced in Policy 18.3

6.2 Municipal expenditures shall be evaluated with the funding criteria defined in Policy 16, Funding Criteria.

#### **Policy 7. Upfront Payment of Oversized Infrastructure by the Municipality**

To fulfill its leadership role, the Municipality may consider it necessary to invest in the oversized and required infrastructure in a Charge Area in advance of the revenue stream necessary to construct the systems. The Municipality may also decide to facilitate the acquisition of rights-of-ways, land, and other required systems or facilities beyond the control of one or more developers. Municipal investments shall be evaluated in accordance with the criteria determined in Policy 19, Funding Criteria.

#### **Policy 8. Infrastructure Exterior to the Charge Area**

8.1 Oversized and required infrastructure exterior to the charge area will be included in the capital Oversized Infrastructure for the charge area. The Municipality will be required to accurately establish the Oversized Infrastructure that is attributed to a specific charge area.

8.2 Water or wastewater facilities would only be included in the capital cost if their upgrade or expansion can be directly attributable to a specific charge area.

8.3 Street improvements which are required due to traffic generated from the charge area will be included in the capital cost proportional to the traffic contribution using the procedures of the Policy.

#### **Policy 9. Engineering Estimates**

9.1 The basis for the Capital Cost Contribution is an engineering estimate of the Oversized Infrastructure required to service the charge area. The estimated costs shall be escalated to account for the year in which the construction takes place and shall include interest during construction. The Municipality will use the ENR Indices to estimate costs in the future, in accordance with Policy 15, Timing and Sequence of Development. In addition, the Municipality will include appropriate administration costs for the project.

9.2 The Municipality, in consultation with the developers, will develop the cost estimates for Oversized Infrastructure, both within and outside the charge area, that will form the basis of the Capital Cost Contribution. The Municipality will make every effort to establish cost estimates that are acceptable to the Stakeholders. The Municipality may accept the developers' estimates to construct the systems if the developers agree to construct the Oversized Infrastructure at the estimated cost.

#### **Policy 10. Cost Apportionment Criteria**

The revenue stream arising from cost apportionment will be used in the Financial Plan of the charge area.

Criteria used to apportion costs have been divided into two calculation methods, based upon the primary service demand factor. Both methods are described below.

##### **10.1 Density Demand**

For water and sewage infrastructure costs, a density factor related to system demand will be utilized to apportion costs.

The Capital Cost Contribution is based on average density per acre for the entire charge area, adjusted for

the actual density or land use within the parcel being subdivided. Actual density of the parcel being subdivided shall be determined at the time of Subdivision Approval using the maximum density which is permitted by the Land Use Bylaw.

If the density in a sub-division is lower than the average, the Capital Cost Contribution may be accelerated based on the average, ratio amount until the total Capital Cost Contribution for the subdivision is collected from a developer. This process may be applied if cash flow requirements dictate more funds are needed to pay for required infrastructure.

In institutional, commercial or industrial zones or uses, the average density for the charge area will apply. The area of the parcel being developed will be adjusted to allow for multiple stories.

Stormwater Collection Systems are considered in the same manner as water and sanitary sewage systems. This approach implies there is a relationship between development density and the amount of stormwater run-off which is generated. Given the accuracy and factor of safety inherent in estimating run-off, there is a direct relationship between density and run-off for residential development. (refer to Figure 1).

Although the same relationship does not exist for industrial, commercial, or institutional uses, this policy accepts that apportioning stormwater collection system costs on the basis of density is a reasonable, fair, and equitable approach. This approach is also supported by the fact that storm sewers often share the same trench as other services, and are administered in the same construction contract.

The fairness and equity of this approach may be enhanced by implementing land use policies which require run-off levels to be maintained at residential levels. Such policies are easily implemented through a development agreement.

10.2 In the case of traffic-related infrastructure, a trip generation factor will be utilized to apportion costs. The criteria to determine the total number of Traffic Trips generated in the charge area, will be in accordance with Part IV, Traffic and Trip Generation. Actual traffic generated for a parcel being subdivided shall be determined at the time of Subdivision Approval using the maximum trip generation which is permitted by the Land Use Bylaw. As in density, the

Capital Cost Contribution may be accelerated based on average trip generation, until the total Capital Cost Contribution for the subdivision is collected.

#### **Policy 11. Charge Area Boundary Changes**

After a charge area has been established and phased development has commenced, there may be reasons to increase or decrease the charge area. The Municipality may permit a change in the charge area based on the Oversized Infrastructure capacity to provide service to the new area. Changes to charge area boundaries will be considered as either minor additions or major changes.

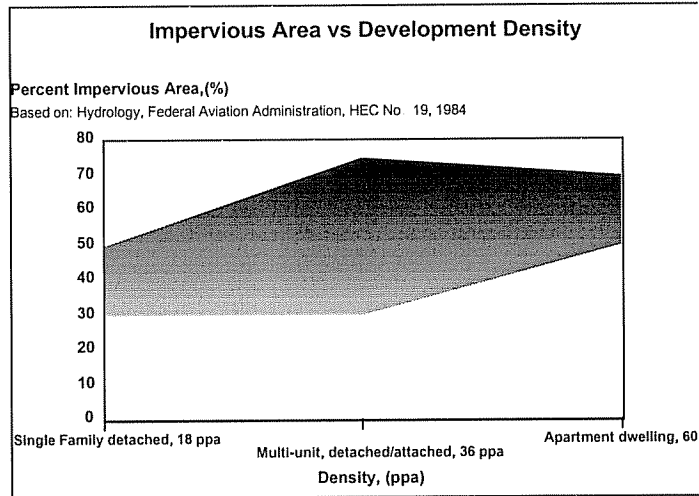
11.1 A minor addition to a charge area may be considered when the infrastructure within the existing charge area is adequate to provide the required service to the additional area. All new development within the adjusted charge area boundary will pay Capital Cost Contributions, based on the same charges that apply to the original charge area.

11.2 A major change to a charge area is required when the proposed additional area cannot be adequately serviced by the existing infrastructure. New, Oversized Infrastructure will be required and a new Capital Cost Contribution must be calculated. Capital costs collected from the original charge area will be applied to the funding of the new infrastructure.

Where a major change in the charge area is required, a revised Master Plan Study, a new charge area and corresponding Capital Cost Contribution will be calculated. These changes will require an amendment to the Subdivision Bylaw to the charge area under consideration. Major changes may include expansion or extension of the charge area boundary or; a combination of two existing charge areas requiring a revision to the capital costs contributions calculated from the area.

A developer in the original charge area will not be required to pay a Capital Cost Contribution which exceeds the amount calculated in the original charge area.

Figure 1



#### Policy 12. Combined Charge Areas

Where two charge areas are adjacent and there are valid reasons to share some or all of the entire Oversized Infrastructure, the Municipality may combine the charge areas and recalculate the Capital Cost Contributions.

The Municipality will determine the components of Oversized Infrastructure that will be included in the new charge area.

Capital Cost Contributions collected from the original charge area will be included in the new charge area, and the Capital Cost Contributions will be collected on a go forward basis.

#### Policy 13. Cost Exceptions

Costs that will be deducted from the developers' portion of the Capital Cost Contribution include the following:

- The proportion which is considered to benefit the existing population of the Municipality, as determined in accordance with Policy 5.
- The public fire protection component of the demand assets of the oversized water system or such other percentage as may be established by the Water Commission shall be deducted from the capital cost calculation.

- Municipal investments in infrastructure for future development or another charge area, determined in accordance with Policy 3.

#### Policy 14. Interest and Risk Mitigation

14.1 The Municipality supports new development; however, it is not prepared to accept the financial risk of new development. As a result, where the Municipality decides to invest in the Oversized Infrastructure before the required contribution is collected, interest will be added to the Capital Cost Contribution.

14.2 In the event that a major component of infrastructure is required before the contributions are collected, the Municipality may require the developers to assume the risk and invest in the infrastructure. The developer(s) would be subsequently reimbursed when capital contributions are received by the Municipality through continued development in the charge area.

#### Policy 15. Timing and Sequencing of Development

15.1 The development phasing will be taken into consideration when designing and costing oversized infrastructure in the charge area. Since Capital Cost Contributions are calculated on the basis of best estimates, reasonable and appropriate estimates must also be made in respect of development timing and corresponding cost escalators and interest rates that are dictated by the developers' schedule.

15.2 The infrastructure capital cost estimate will be factored upwards to reflect prudent and appropriate cost escalators based upon interests and escalated cost of servicing, indicated through an ENR index factor.

The Municipality will track and record all Capital Cost Contribution funds and expenditures. Interest will be charged when the account is in deficit and will be credited when the account is in surplus.

The Municipality, the Province of Nova Scotia or the Water Commission may require significant components of infrastructure be built at a predetermined time frame; or based upon system demands or capacity loading arising from new or existing development. The significant components will be constructed within the time frame established by these governing authorities. As an example, the timing of a major interchange, pumping station or water reservoir which may be required and administered by an outside agency.

The timing and sequence of development phasing may also have an impact upon the design capacity (or size) of infrastructure needed to provide adequate interim service standards throughout development stages in the charge area. It would be inappropriate for the Municipality to approve the installation of services that did not adequately meet the design guidelines and minimum service standards to provide requisite services to its citizens. Therefore, additional Oversized Infrastructure and facilities may be required at interim stages of the development as deemed appropriate by the Municipality.

The Municipality may require security on the property when a development agreement has been approved by the Municipality, to indemnify the Municipality in the event that the development does not proceed in the prescribed period of time. The amount of the lien will be equal to the Capital Cost Contribution that would have been collected from the area in question.

The Municipality will determine the sequence of oversized system construction, based upon information from the developer, and the requirements of the development. The Municipality will determine the densities and trip generation based on the Land Use By-law for each phase of the development in the charge area. The Municipality may, in some cases, construct infrastructure prior to receiving the necessary Capital Cost Contribution; or require the developers to

construct the Oversized Infrastructure. Developers may be required to construct Oversized Infrastructure in an earlier phase that will be used in latter phases of the development.

#### **Policy 16. Developers Acting as Contractors**

16.1 The developer may be allowed to construct some or all of the Oversized Infrastructure based on the agreed upon estimates in compliance with the Municipality's standards and guidelines. In most cases developers will be required to construct Oversized Systems in their development lands, but the Municipality reserves the right to construct oversized or required infrastructure for the charge area.

16.2 When the Developer is acting as a contractor, the Municipality will inspect service system construction to ensure the system(s) meet Municipal Design Guidelines. The developer will be required to build the infrastructure as required by the phased development determined in the Master Plan Study.

16.3 Cost estimates for Oversized Systems and associated payments schedules may require formal Development Agreements or Municipal Services Agreements to determine & implement Capital Cost Contributions. The Municipality recognizes that the developer acting as contractor, may make a profit on the construction. The payment to the developer is based upon agreed cost estimates amongst the participating Stakeholders.

16.4 The Municipality will inspect the system construction to ensure it meets its guidelines.

#### **Policy 17. Discrete Infrastructure Components**

17.1 Discrete components of water and sewer systems such as water reservoirs, water booster pumps, sewage pumping stations, and storm water storage facilities will form part of the Capital Cost if they provide a Direct Benefit to more than one developer within the Charge Area. In this instance, the costs will be apportioned in accordance with the CCC Policy using the appropriate design criteria, and may include land costs.

17.2 Components that provide only local benefits, and service a part of one development within the

Charge Area, are solely the responsibility of the developer of that parcel.

**17.3** The Municipality may require the developer who first requires a pumping station to build the Oversized Infrastructure and subsequently reimburse oversizing costs when the Municipality has collected from future developments or apply a CCC credit to the developer for the Oversized Infrastructure investment.

## **Policy 18. Oversized Infrastructure Criteria**

### **18.1 Oversizing Criteria**

The cost of providing Oversized Infrastructure will be funded through the Capital Cost Contributions levied in a Charge Area.

The cost of providing Oversized Infrastructure may also include discrete upgrades of, or new connections to, existing systems outside of the charge area.

There are several methods of calculating the over size cost, which generally fall into one of two broad categories:

Incremental basis - where the oversize cost would be calculated by determining the incremental, or marginal cost of up-sizing to the required Oversized Infrastructure defined in the Master Plan. This method is most fairly applied if there is a base value or benefit associated with providing the minimum service requirements without considering oversizing. For the purpose of oversizing, minimum service requirements would be those necessary to provide service to an area being developed and may be based on minimum pipe sizes and local road standards.

Capacity basis - where the oversize cost is determined on the basis of capacity allocated to the Charge Area. The cost to be recovered through a Capital Cost Contribution would be calculated by pro-rating total cost on the basis of capacity. This method is most fairly applied for a discrete upgrade of an existing system outside of the charge area.

### **18.2 Water & Sewer Systems within a Charge Area**

The oversized costs to provide water and sewer systems within a charge area will be determined on an incremental basis.

There are various methods for calculating incremental costs of piped systems:

Dual Design Method, where the oversize cost is determined by deducting the total cost of the minimum required pipe size from the total cost of the oversized pipe.

Cost Ratio method, which assumes a direct relationship between the cost of providing a service and the size of the pipe. A cost factor can be determined and applied similar to the Cost Sharing Policy of the former City of Halifax, or a simple percentage based on nominal dimensions may be applied.

### **18.3 Roads & Streets within a Charge Area**

The oversized costs to provide roads and streets within a charge area will be determined on an incremental basis by applying the Dual Design Method of deducting the total cost of providing the required street classification from the total cost of providing the oversized street.

The classification of a street shall be determined in accordance with the Sub-division by-law.

The over sizing costs may include (but are not limited to) the following:

- a. Mass excavation, clearing and grubbing
- b. Base and sub-base gravel;
- c. Asphalt;
- d. Curb and gutter;
- e. Sidewalk;
- f. Catchbasins and catchbasin leads, street lights, fill and landscaping behind the curb and other additional secondary services;
- g. Additional lateral lengths;
- h. Land costs, including legal and survey costs, for the additional right-of-way.

### **18.4 Infrastructure Exterior to a Charge Area**

The portion of the cost of an upgrade, expansion, or provision of a discrete component of infrastructure to be recovered through a Capital Cost Contribution will be determined on the basis of capacity allocated to the charge area.

## **Policy 19. Funding Criteria**

19.1 Opportunity costs should be considered and calculated in an effort to prioritize the Municipality's investment. These costs may be used to compare and contrast the investment potential in one charge area versus another request for funding. Opportunity costs may include consideration of existing system capacities, potential diversion of demand and capacity allocations, or mitigation of future capital expenditures arising from strategic Municipality investments from a regional perspective. Other cost factors for consideration include treatment plants, trunk piping systems, traffic loading, interchanges and other support services including operations and maintenance, transit, schools, police, fire and recreational services.

19.2 The Municipality may opt to encourage development and growth in strategic areas by supporting Master Plan funding on a priority basis. The Municipality would initially invest in comprehensive Master Plan studies where it wishes to promote growth and development optimizing use of existing systems and services.

19.3 Inevitably, the demand for the Municipality's contributions and investments for Capital Cost Contribution Policy may require priority decisions from Council. A balance of strategic master planning will mitigate future capital costs through good planning and optimized infrastructure utilization.

19.4 The Municipality may determine the risk too high in consideration of upfront payments for Oversized Infrastructure. In this case, development may proceed if the developers build the required infrastructure. The developers may be given Capital Cost credits to future contributions or may be re-paid when the Municipality collects future CCC from subsequent development utilizing these Oversized Systems.

The requirement for security would reduce the risk to the Municipality if development does not proceed. Time will be the essence of any agreement and may determine the type and condition of the security required to mitigate the Municipality financial risk.

## PART VIII: CCC Policy Templates

The capital cost templates and supporting notes will be used to calculate Capital Cost Contributions.

### CAPITAL COST CONTRIBUTION FORMULA

		Water, sanitary Storm sewer	Traffic Total
(1)	Total cost of Oversized Infrastructure and other required infrastructure	A	AA AAA
(2)	Interest during construction BBB	B	BB
	Total cost of infrastructure (A + B)	C	CC CCC
(3)	Deduct infrastructure that benefits the Municipality	D	DD DDD
(4)	Deduct fire protection charges paid by The Municipality (Water) x 37% EEE	E	
	Total Capital Cost Contribution © - D - E)	F	FF FFF
(5)	Gross area (acres) in charge area	I	
(6)	Area of land that cannot be developed	J	
	Area of land that can be developed (I - J)	K	
	Development charge per acre (w, s & ss) (F/K)	$L = \frac{F}{K}$	$LL = \frac{FF}{KK}$ LLL
(7)	Average Density(ppa)/Trip Generation (trips per acre) of charge area	M	MM
<b>Adjustments for Density and Trip Generation of the Parcel being Subdivided</b>			
(8)	Area of Parcel Being Subdivided	N	NN
(9)	Trips for Parcel being subdivided		OO
(10)	Density(ppa)/Trip Generation Rate (trips per acre) for parcel being subdivided	P	PP(=OO/NN)
(11)	Capital Cost Contribution per Acre	$Q(=L \times P)$ M	$QQ(=LL \times PP)$ MM
(12)	Total Capital Cost Contribution	$R(=Q \times N)$	$RR(=QQ \times NN)$ RRR

### Notes to Capital Cost Formula

- (1) The cost of Oversized Infrastructure and other required infrastructure is based on an engineering estimate of construction that includes Engineering design and inspection fees. Other items to be included Are planning studies, land purchases, surveying costs, legal costs and Municipal audit inspection costs. The costs will be escalated based on the ENR index to the year costs are incurred for each component of the infrastructure.
- (2) The interest rate shall be the prime bank rate plus one percent. The construction period is assumed to be two years.
- (3) Benefits to the Municipality may include infrastructure costs that benefit the existing population of The Municipality.
- (3a) If there is an area within the charge area that benefits the Municipality and the Municipality pays a portion of the oversized and other infrastructure costs any vacant land within the area that is developed shall pay a Capital Cost Contribution equal to cost per acre paid by the Municipality.
- (4) The fire protection charge paid by the Municipality to the Halifax Regional Water Commission is a percentage of the cost of the oversized water related infrastructure. The current 37% has been calculated based on the fire protection component of the demand assets of the utility as approved by the UARB in the latest rate study. Future rate studies may result in a modest change in the percentage.
- (5) Gross area includes all land, including streams and lakes within the charge area.
- (6) Area that cannot be developed will include streams, lakes, flood plains and any other land deemed non-developable by the Municipality.
- (7) Average density and trip generation shall be established by the Municipality.
- (8) For industrial, commercial, and institutional uses with multiple storeys, the area of the parcel being subdivided shall be increased by an amount equal to the *allowable* floor space of the additional storeys. For the purpose of this calculation, underground parking is considered an additional storey.
- (9) Trips for the parcel being subdivided shall be calculated by the Municipality in accordance with the Policy.
- (10) Development of a parcel of land within a charge area that has density below the average may be required to accelerate contributions on the basis of the average density, until the total required Capital Cost Contribution for the original parcel has been made.

Similarly, Development within a charge area that has a trip generation rate below the average may be required to pay on the basis of the average trip generation rate until the total required Capital Cost Contribution has been made.

For Industrial, commercial, and institutional uses, Density shall be taken as the average density for the Charge Area.



## PART IX: Traffic and Trip Generation

The following procedures will be used to determine the allocation of cost responsibilities between the Municipality and the other Stakeholders in the charge area. The procedure will apply where a new transportation facility will provide Direct Benefit to both the charge area and existing and/or anticipated future development outside of the charge area.

In cases where existing traffic using a new street facility has been 'shifted' from an existing Municipality facility, thereby releasing capacity for use by traffic generated in the charge area, no Direct Benefit will be attributed to the Municipality.

For other roadways, the percentage of the cost responsibility is the same as the percentage of traffic from each generator.

System improvements to existing off-site transportation facilities will be factored into the capital cost of the charge area when the Traffic Trip loading generated by the charge area has a direct impact on upgrading the facility. The cost will be proportional to the loading caused by the charge area. The Municipality's Guidelines for the Preparation of Transportation Impact Studies provide further background information on this subject. The following principles will be applied when determining the proportion of facility costs attributable to the charge area:

- ▶ The QRS trip demand model maintained by the Municipality will be applied using the full development build out of the charge area. The "Select Link" tool will be used to determine the daily volume of traffic using each component of the transportation facility under consideration.
- ▶ For highway interchanges, the cost responsibility is determined by the total traffic volumes using any of the interchange ramps. A separate calculation may be used for an over/underpass if some traffic uses it without using the interchange ramps. No cost responsibility is attributed to the existing highway traffic not using the interchange ramps.

- ▶ For traffic signals, at intersections created by access points to the charge area, the cost is fully attributed to the charge area. For traffic signals required at an existing intersection and warranted because of additional traffic loading from the charge area, the percentage cost responsibility of the charge area will be 100 minus the current number of signalization priority points (as determined using the Transportation Association of Canada methodology).

The charge area will be fully assessed the costs for the creation of new intersections, or modifications to existing intersections, to achieve adequate access to the charge area (other than traffic signals) and to provide sufficient capacity for traffic generated by the charge area.

### TRIP GENERATION

The allocation of responsibility for funding transportation infrastructure is based on the generation of daily trip ends. Daily trips ends for the major land uses considered in a master planning area are shown in the Traffic Trip Generation Chart.

The most accepted reference for the calculation of trip end generation is the Trip Generation Manual (Institute of Transportation Engineers; 4<sup>th</sup> Edition). The trip generation table below is based on the Institute of Transportation Engineers (ITE) values. However, several assumptions have been made to convert the specific land uses referenced in the manual into the generalized land uses for the Capital Cost Contribution calculation. This is necessary, because only generalized land uses will be known at the time of the CCC calculation.

### TRAFFIC TRIP GENERATION CHART

The following average daily Traffic Trip loads will apply in the calculation of the total Traffic Trips generated for a “charge area”. The proportion of Traffic Trips generated from a development within a charge area will be assigned that same proportion of the traffic related capital costs calculated for the charge area.

Land Use Designation	Weekday Trip Ends per Acre	ITE Classification Referenced	Assumptions
Mixed Residential	70	Single Family Residential Townhouse Apartment	Ratio of 70:15:15 low:medium:high density
Commercial	463	Shopping Centre	10,800 ft <sup>2</sup> /acre, based on survey of existing sites
Mixed Commercial/Office	118	General Office Building	6,200 ft <sup>2</sup> /acre based on survey of existing sites. Commercial is primarily supportive of office use and does not generate additional trips.
Industrial	63	Industrial Park	
General Institutional	60	High School	High school represents an average trip generation for all institutional uses. Based on a sample of existing school populations and land areas.

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Bedrock Test Case  
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## BEDROCK TEST CASE

### PART I: “BEDROCK” TEST CASE

The “Bedrock” test case is fictitious example intended to evaluate the Capital Cost Contribution Policy, costing methodology and proposed Guiding Principles enclosed in this report. The application of this Policy for hard services including water, sanitary and storm sewer systems, oversized streets, intersections, bus bays and traffic signals are enabled through the MGA of Nova Scotia. The policy and methodology are developed to enable the functional application of this Provincial legislation at the municipal level.

**THE “BEDROCK” TEST CASE WAS DEVELOPED SPECIFICALLY FOR THE TEST OF THE CAPITAL COST CONTRIBUTION POLICY AND COSTING METHODOLOGY. THE MUNICIPALITY HAS PREPARED ITS OWN ASSUMPTIONS, COSTING, AND IMPLEMENTATION TIMING AND SEQUENCE. THIS EXAMPLE DOES NOT IMPLY ENDORSEMENT, WHOLE OR IN PART, OF ANY SUBDIVISION APPLICATION THAT MAY BE SUBMITTED TO THE MUNICIPALITY.**

### PART II: SUPPORTING PLANS/SCHEMATICS

The Bedrock test case includes a number of enclosed schematics which outline the charge area, major property owner land boundaries, assumed densities and corresponding acreage outlined in the Concept Plan for the charge area. The drainage basins have been defined indicating the overland water flow and off-site required infrastructure. A schematic illustrates the land areas assumed for the sequence and phasing of infrastructure construction, and which have also been used in the cash flow-Financial Plan calculations. The schematics are enclosed in Appendix “B”.

The Bedrock charge area is assumed to have a total acreage of approximately 800 developable acres. The oversized and required infrastructure to service this area, as detailed on the attached appendices, include off-site turning lane and sanitary and storm water sewer systems and a traffic interchange. The required on-site Oversized Systems include traffic signals, bus bays, water transmission systems & reservoir, pressure

reducing chambers, sewage lift station and oversized piping. The oversized street network includes a ring road, along with an access road to the proposed interchange. Oversized storm and sanitary systems are also included in the capital works.

The Bedrock case reflects a capital works Implementation Plan, which generally coincides with major landowner’s boundary lines, for six discrete phases of development implementation. Each phase of implementation was balanced, as best as possible, with the oversized expenditures required for servicing the charge area against a revenue stream to offset these expenditures. At each phase of the Implementation Plan, the infrastructure required has been deemed appropriate to provide adequate service to the phases of development completed at that point in time. The service standards required by the Municipality are assumed to be sustained at each phase of the development identified in the Implementation Plan.

The test case also identified the base information required to apportion costs amongst Stakeholders. The land use, planning and development densities must be identified in lands throughout the charge area. Developers should provide information about their land, development acreage and intended subdivision layouts. It is assumed that the Concept Plan layout for the entire charge area would be completed during the Master Plan Study (see Appendix “D”) and all significant oversized and required infrastructures to provide service to the charge area have been defined.

### PART III: CALCULATION ASSUMPTIONS

The test case assumed a number of assumptions upon which the calculations have been derived. These assumptions are tabled as follows:

- Assume 20 persons per acre (20 ppa) average density for the entire charge area
- Each of the five land owners would provide subdivision layout during the Master Plan Study
- Average density of 20 ppa will be applied to each major land owner holdings in the charge area
- Assume Phase I will be constructed within a 1 Year time frame
- Phase II will be built during Year 3 and 4 of the development
- Storm drainage from Phase II drains toward Phase I
- Phase IIIA Drainage is directed to Phase I/II
- Traffic capacity can accommodate 2000 equivalent dwelling units (6000 persons) on the Bedford Highway. At this point, the Interchange on the Bi-Centennial Drive will be required to accommodate new development
- Drainage of Phase IIIB will flow toward Phases I/II
- Each phase is assumed to be constructed within the anticipated years of ENR indexing
- Oversized Infrastructure off-site, will be apportioned on a percentage use allocation and corresponding cost to the beneficiary.

### PART IV: TRAFFIC ASSUMPTIONS

The Municipality has developed an equivalent “Traffic Trip Chart” to calculate the trip generation arising from each land use. A trip is a one way vehicular excursion.

**RESIDENTIAL:** Residential development considered within the yellow area, has been assumed to be 70 trips per acre. This is a calculated average between high-medium-low residential development communities.

**COMMERCIAL RATE:** It is assumed that shopping centers indicated on the red area of the land use mapping, would generate 463 trips per acre.

**MIXED OFFICE-LIGHT COMMERCIAL:** The land use mapping for orange and brown areas will be calculated on the basis of 118 trips per acre.

**INSTITUTIONAL-SCHOOLS:** Indicated in blue, will be calculated at 60 trips per acre

**INDUSTRIAL LAND USE:** Will be calculated using 63 trips per acre.

The land use mapping, with associated acreage, will be used with the trip generation chart to calculate trips arising from each land use application. A sum of the total trips generated in the area will provide the total trips for the charge area.

The total acreage in the charge area will be divided into the total trips generated in the charge area to yield an average trip per acre for the charge area.

Each developer will pay their corresponding amount (upset amount) for traffic services generated from their charge area. The revenue stream will be capped for any developer, based on their traffic generated from land use assigned to their area. In other words, total capital costs from any developer (phased development) will be predetermined and developers will contribute their revenue stream on the basis of escalated contributions of traffic/density up to that calculated cap amount.

Developers may be assessed the traffic contribution by multiplying the ratio of average trip per acre (x) the average traffic Capital Costs per acre (x) number of acres in the development application. A revenue stream may be required for a minimum contribution or cash flow for each development phase for traffic generated costs.

Once the average trip per acre is calculated, developers may pay at the minimum average cost per acre from previous calculation or the escalated amount above the average trips per acre, based upon the land use/development application. Contributions will be collected until the cap is achieved for any one developer.

### PART V: COST RECOVERY PROVISIONS

To mitigate the Municipality’s financial risk, accelerated revenue streams may be required on the trip generation and density basis.

A revenue stream to the Municipality may require:

- A) Collect at an average cost per acre for all services to balance revenue and expenditure
- B) Higher loading (traffic/density) is charged at a proportionally greater amount than the average cost per acre
- C) Contribution Cap: Developers will only pay up to a total amount of oversize costs attributable to their lands. This will ensure developers do not over contribute based on accelerated revenue funds from their development.
- D) The Municipality may define a set amount (or cap) that will be paid to the developer for estimated oversized or required systems constructed in their development.

#### **PART VI: CAPITAL COST CONTRIBUTION METHODOLOGY**

- Capital costs in each phase are assumed to include engineering and contingencies in the assumed unit cost
- For traffic service calculation, in this example, the existing community of 44 acres in Phase 6 do not contribute to any of the traffic associated oversizing costs in the charge area. Consequently, this area will not be considered in the cost contribution (revenue in) calculation for traffic oversized services. This area is included in the density apportionment for water, sewer and storm systems, based upon derived service benefits from these systems.
- In the event that different acreage apply to traffic oversized services and people/density Oversized Systems, discrete calculations should be used with the correct number of acres in each costing category to ensure accuracy.
- Phased development will contribute on the basis of the trip generated per land use, divided by total trips per charge area, times the total traffic related oversize costs, or by the average trip cost per acre (total oversize traffic costs divided by net acreage deriving benefit) of \$14,095, in this example, whichever is the greater amount.
- A developer will only contribute up to a predetermined “cap” amount calculated for the developers lands based upon the trip generated from the land use plan.

The assumptions, calculation methods and other provisions of this case study may be applied in future Municipality charge area calculations. It is important to recognize that each charge area will be different and have unique conditions, assumptions and develop commitments required to establish a Capital Cost Contribution.

The policy and methodology are intended to provide a consistent frame work within which flexibility may be exercised in the implementation and financing plans. Developers should be aware of the capital infrastructure requirements and the responsibilities of each Stakeholder in the timing and construction of facilities upon which the fundamentals of this policy are intended to address.

#### **PART VII: MASTER PLAN STUDY**

It is assumed that the Master Plan Study has been completed for the Bedrock charge area. All Oversized Infrastructure has been defined, both on and off-site, required for the adequate servicing of the charge area. Unit Costs have been provided by the consultant and it is anticipated that the Stakeholders and the Municipality have participated in reviewing the proposed design and construction estimates upon which the capital costs of the charge area will be developed.

The engineering consultant will have considered the sequence of required infrastructure in the charge area which may dictate the optimum phasing approval for development. This will also ensure the most effective and efficient infrastructure design throughout the charge area to provide sustained reliable service. This information will be used by the Municipality review team in addressing the Financial Plan-cash flow analysis and the timing of significant Oversized Infrastructure construction.

#### **PART VIII: IMPLEMENTATION PLAN**

The timing and sequence of the master infrastructure plan should ensure that each phase of development is adequately serviced to sustain the minimum standards of the Municipality. This process should ensure that systems are adequately designed such that at any point in time, should market conditions dictate a slow down in development trends, services are adequate to provide requisite service levels to current development in the charge area.

## **PART IX: FINANCE PLAN**

Based on the Master Plan and Implementation Plan, a Financial Plan will be developed to evaluate the cash in-cash out (required revenue and expenditures) to construct the required infrastructure. The time table of development will dictate the appropriate interest and ENR indices to be applied to the estimated capital costs. In addition, the Municipality will undertake a risk assessment, based upon the cash flow analysis, to determine the appropriateness of the Municipality participation, or investment in infrastructure, to facilitate continued, sequential construction of required infrastructure. The risk assessment will dictate the conditions, agreements and financial return required by the Municipality to participate in this process.

The Financial Plan, considering the aforementioned factors, will determine the overall capital cost for the charge area and the apportionment of costs and cash flow required to balance revenues with expenditures.

## **PART X: TRAFFIC TRIP GENERATION**

The costing methodology provides for allocation of costs for streets and intersections. The streets, signs and signals and transit bus bays are considered in this section. The total capital costs for these traffic related services are proposed to be apportioned on a Traffic Trip generation basis. The attached Traffic Trip Generation Chart (Appendix C) will be used to estimate the total one-way trips generated from specific categories of land use. The total capital costs of the transportation related services will be apportioned on the basis of the ratio of development trip generation divided by the total trip generation for the charge area, multiplied by the total traffic related capital cost.

## **PART XI: BEDROCK TEST CASE - IMPLEMENTATION SCHEDULE**

All capital costs in each phase are net of fire protection costs and costs of benefit to the Municipality.

### **PHASE I:**

Phase I is anticipated to be constructed in Years 1 and 2 of the project. It includes off-site turning lane, sanitary trunk sewer, signs and signals and water transmission. Phase I includes approximately 170 acres of charge area lands. ENR indexing is 1.0. Total

Traffic Trip generations for Phase I equal 16,500, based upon the Traffic Trip chart per land use. Total capital cost for Phase I is \$2,538,001.

### **PHASE II:**

Phase II is anticipated to be fully constructed in Years 3 and 4. Phase II is 110 acres. ENR indexing is 1.051. Total trip generation is 7,700. Total capital cost for Phase II is \$458,513.

### **PHASE IIIA:**

Phase IIIA is assumed to be constructed in Year 5. ENR index equals 1.082. Phase IIIA comprises of 45 acres, average density will be applied at 20 persons per acre. Total Traffic Trip generation: 3,150. Total capital cost for Phase IIIA is \$462,455.

### **PHASE IIIB:**

Phase IIIB is constructed in year 6 of Implementation Plan. ENR index equals 1.104. Total acreage equals 60 acres. Traffic Trip generation is 4,200. Total capital cost for Phase IIIB is \$148,841.

### **PHASE IV:**

Assume Phase IV is constructed in Year 7 and 8 of Implementation Plan. ENR indexing equals 1.138. 260 acres are included in this phase, with total Traffic Trip generation of 38,800. Phase IV dictates that the Series 100 Highway interchange be constructed. A Development Agreement with developers requires that the entire Phase IV will be completed within a 2 year time frame. Security for the Municipality's investment is required from developers. It is assumed that all revenue generated from Phases I-IIIB are collected. Total capital cost for Phase IV is \$9,801,057. The Municipality's share for Interchange: \$1,194,900.

### **PHASE V:**

Phase V is constructed in Year 9-10. ENR indexing equals 1.183. Phase V includes 200 acres of development. Total Traffic Trip generation equals 14,000. The water reservoir is constructed in Phase V. Total capital cost for Phase V is \$2,164,472.

## PHASE VI:

Phase VI represents an existing community within the charge area. This community will not receive any Direct Benefit from the transportation systems required for the charge area. Consequently, Phase VI is not included in the Traffic Trip generation calculation nor will it be assessed costs for traffic services and will not contribute to the traffic required capital expenditures.

The existing community is assumed to derive direct service benefit from the sanitary, storm and water systems. Consequently, the 45 acres of residential development will contribute towards the acreage/density contributions for these services. Due to the nature of the existing development, it is not receiving service from the Municipality/the Water Commission owned water, sanitary or storm systems. In this example, the Municipality will contribute on behalf of this community and collect funds at such time as services are provided to the area, through other administrative processes currently in place. Total capital cost for Phase VI is \$110,611.00.

The Bedrock Test Case resulted in the calculation of \$19,265,768. total cost of oversized and required infrastructure. This cost was allocated over 890 developable acres. An 11 year development schedule was assumed and each phase of development was considered to be fully constructed within the estimated time frames of each phase, and corresponding cost assignment and revenue streams were assumed to be completed at the end of each phase. The Policy determined \$16,244,790. would be recoverable from developers. Other contributions from the Water Commission, fire protection allocations and the Municipality comprises the difference in the figures. On an average basis, \$18,253. per acre is calculated. This figure will be adjusted by density for water, sewer and storm systems costs and traffic ratios, for traffic-based costs. The sum of the two apportionment methods will be used to assign the overall Capital Cost Contribution from each phase of development. The average CCC per acre amount is a generalized figure within the context of this illustration and contingent upon the assumptions and costing figures included in the test case.

## PART XII: BEDROCK TEST CASE SUMMARY

The Bedrock test case is included in this document for illustration purposes only. The assumptions provided for in this example, along with the trip generation chart, acreage and assumed oversized capital costs are not intended to establish precedent in future applications of this policy. This example simply demonstrates how the Policy can be applied to oversized and required infrastructure. It shows that with prudent planning, construction costs can be determined and allocated to Stakeholders. The required systems can be constructed to the collective benefit of developers participating in the process.

The Policy requires all Stakeholders to consider the Master Plan, sequence and timing of construction and financial issues prior to the commencement of new development.

The example demonstrates that costs may be reasonably apportioned by two different processes. Water, sanitary and storm sewer systems costs are reasonably apportioned on the basis of density demand of the system. Traffic related services costs may be reasonably apportioned on the basis of traffic generated from land use designation.

The Capital Cost Contribution Policy provides a simple, reasonable and predictable framework within which costs can be reasonably apportioned amongst the beneficiaries of the oversized and required infrastructure. Although other methods of calculation may provide a more precise allocation of benefit and costs, such processes do not reflect the intent of this Policy which embraces a simple, reasonably equitable and predictable policy for ease of understanding and implementation.



Appendix “C”  
Municipal Planning Strategy & By-law Amendments  
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**SCHEDULE “X”**  
**TEMPLATE FOR SITE SPECIFIC AMENDMENT TO SUBDIVISION BY-LAW-OPTION 1.**  
**Infrastructure Charge and Charge Area**

- 1 In accordance with Part “X”, all parcels being subdivided which are situate whole or in part within the Charge Area identified in Figure 1 shall be subject to an Infrastructure Charge in the amount prescribed in Part 2 of this Schedule.
- 2 The total Infrastructure Charge for a parcel being subdivided shall be the sum of a **Water and Sewer Systems charge** and a **Transportation Systems Charge**, each of which are more accurately described below:
  - i) **Water and Sewer Systems Charge**  
  
For residential and/or mixed use residential/commercial development, the Water and Sewer Systems Charge shall be \$ \_\_\_\_\_/acre, subject to adjustment for density.
  - ii) **Transportation Systems Charge**  
  
For all land uses, the Transportation Systems Charge shall be \$ \_\_\_\_\_/acre
3. The Infrastructure Charges identified in Section (2) shall each be adjusted to allow for the actual density and trip generation of the parcel being subdivided in accordance with the following Table:

<b>SCHEDULE “X”</b>			
<b>Adjustments for Density and Trip Generation of the Parcel being Subdivided</b>			
	<b>Water, sanitary Storm sewer</b>	<b>Traffic</b>	<b>Total</b>
(1) Development charge per acre	L	LL	LLL
(2) Average Density(ppa)/Trip Generation (trips per acre) of charge area	M	MM	
(3) Area of Parcel Being Subdivided	N	NN	
(4) Trips for Parcel being subdivided		OO	
(5) Density(ppa)/Trip Generation (trips per acre) for parcel being subdivided	P	PP(=OO/NN)	
(6) Capital Cost Contribution per Acre	Q(=LxP) M	QQ=(LLxPP) MM	
(7) Total Capital Cost Contribution	R(=QxN)	RR(=QQxNN)	RRR

### Notes to Capital Cost Formula

- (2) Actual density & trip generation of the parcel being subdivided shall be the maximum which is allowed by the Land Use By-law, or as amended by Development Agreement.

Average density and trip generation shall be established by the Municipality.

- (3) For Industrial, commercial, and institutional uses with multiple storeys, the area of the parcel being subdivided shall be increased by an amount equal to the floor space of the additional storeys. For the purpose of this calculation, underground parking is considered an additional storey.

- (4) Trips for the parcel being subdivided shall be calculated by the Municipality in accordance with the Policy.

- (5) Development within a charge area that has density below the average may be required to pay on the basis of the average density until the total required capital cost contribution has been made.

Similarly, Development within a charge area that has a trip generation rate below the average may at the discretion of the Municipality be required to pay on the basis of the average trip generation rate until the total required capital cost contribution has been made.

For Industrial, commercial, and institutional uses, Density shall be taken as the average density for the Charge Area.

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**SCHEDULE “X”**  
**TEMPLATE FOR SITE SPECIFIC AMENDMENT TO SUBDIVISION BY-LAW- OPTION 2.**  
**Infrastructure Charge and Charge Area**

1. In accordance with Section “X”, all parcels being subdivided which are situate whole or in part within the Charge Area identified in Figure 1 shall be subject to an Infrastructure Charge in the amount prescribed in Part 2 of this Schedule.
2. The total Infrastructure Charge for a parcel being subdivided shall be the sum of a Water and Sewer Systems charge and a Transportation Systems Charge, each of which are more accurately described below:
  - i) Water and Sewer Systems charge  
  
The Water and Sewer Systems Charge shall be \$ \_\_\_\_\_/acre, subject to adjustment for Land Use, by multiplying by the appropriate Land Use Factor in accordance with Table 1.
  - ii) Transportation Systems Charge  
  
For all land uses, the Transportation Systems Charge shall be \$ \_\_\_\_\_/acre subject to adjustment for Land Use, by multiplying by the appropriate Land Use Factor in accordance with Table 1.

TABLE 1. Land Use Factors

Zone	Land Use	Water & Sewer Systems Land Use Factor <sup>1</sup>	Transportation Systems Land Use Factor <sup>1</sup>
	Low Density Residential	0.6	0.7
	Medium Density Residential	1	0.7
	High Density Residential	2.2	0.7
	General Commercial	1	4.6
	Mixed Commercial/Office	1	1.2
	Industrial	1	0.6
	General Institutional	1	0.6

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<sup>1</sup> Land Use Factor is based on the average loading across the Charge Area and is therefore unique to the Charge Area.

The following 'sample agreement' allow a sub-divider to receive Final Approval of Subdivision and defer payment of the Infrastructure Charge until acceptance of primary services.

### INFRASTRUCTURE CHARGES AGREEMENT

**THIS AGREEMENT** made this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_.

**BETWEEN:**

\_\_\_\_\_,  
(hereinafter called the "Subdivider")

of the First Part

- and -

**HALIFAX REGIONAL MUNICIPALITY,**  
(hereinafter called the "Municipality")

of the Second Part

**WHEREAS** the Subdivider has applied to the Municipality for approval of the Subdivision of certain lands which are more particularly described herein and as filed with the Halifax Regional Municipality Development Services Department as **File No.** \_\_\_\_\_ - \_\_\_\_, in connection therewith, the Subdivider has agreed to enter into this Agreement for the payment of Infrastructure Charges pursuant to the provisions of the Municipality's Subdivision By-law.

**IN CONSIDERATION** of the sum of One Dollar (\$1.00), the mutual covenants and agreements herein contained and other good and valuable consideration (the receipt and sufficiency of which is hereby acknowledged), the parties covenant, promise and agree as follows:

1. In this Agreement all words shall carry their customary meaning except those defined in the Subdivision By-law and, unless the context otherwise requires, the following words shall have the following meanings:
  - (a) "Applicable Laws" means any law, rule, regulation, by-law, requirement, guideline, judgement or order of any federal, provincial or municipal government, governmental body or agency or court having jurisdiction, applicable from time to time to the design, construction, installation or operation of the Primary or Secondary Services.
  - (b) "By-law" means the Halifax Regional Municipality's Subdivision By-law.
  - (c) "Infrastructure Charge" means a non-refundable contribution for Capital Costs pursuant to Section \_\_\_\_ of the Subdivision By-law.
  - (d) "Plan of Subdivision" means the plan showing the proposed Subdivision of the Property dated \_\_\_\_\_ prepared by \_\_\_\_\_, NSLS and entitled, "\_\_\_\_\_".
  - (e) "Property" means the land comprising the Subdivision as shown on the Plans of Subdivision.
  - (f) "Subdivision" means the Subdivision proposed in the Plans of Subdivision.

2. The Subdivider agrees:

- (a) if an Infrastructure Charge is payable pursuant to the Subdivision By-law, the Subdivider shall as a condition of final approval of subdivision:
  - (i) pay an Infrastructure Charge to the Municipality in the amount of \$\_\_\_\_\_; or
  - (ii) post performance security with the Municipality in the amount of \$\_\_\_\_\_ (being the equivalent of the Infrastructure Charge payable pursuant to \_\_\_\_\_), to be held by the Municipality pending payment of the Infrastructure Charge in the amount of \$\_\_\_\_\_ by the Subdivider upon acceptance by the Municipality of the Primary Services provided by the Subdivider; and upon acceptance of Primary Services, the subdivider shall deposit with the Municipality and certified cheque payable to the order of the Halifax Regional Municipality in the amount of \$\_\_\_\_\_, representing the Capital Cost Contribution payable by the Subdivider to the Municipality pursuant to section 2(b)(i) of this Agreement;
- (b) The Municipality is under no obligation to the Subdivider or any third party to grant final approval of the Plan of Subdivision unless and until the Subdivider has paid the Infrastructure Charge to the Municipality or post security in accordance with clause (h).
- (c) The Subdivider hereby agrees to assume and does hereby assume liability for, and does hereby agree to indemnify, protect and save and keep harmless the Municipality, its agents, servants, employees and officers, from and against any and all liabilities, obligations, losses, damages, penalties, claims, actions, suits, costs and expenses (including legal expenses) of whatsoever kind and nature imposed or assumed by, incurred by or asserted against the Municipality, or its agents, servants, employees or officers, in any way relating to or arising out of the failure by the Subdivider to observe or perform any condition, obligation, agreement, covenant or provision contained in this Agreement to be observed or performed by the Subdivider or resulting from the breach of any representation or warranty contained herein on the part of the Subdivider.

3. Rights and Remedies on Default

- (a) If the Subdivider becomes insolvent or makes an assignment for the benefit of creditors, the Development Officer may declare that the Subdivider is in default of this Agreement.
- (b) Seven days after written notice of default signed by the Development Officer and sent to the Subdivider by certified mail, the Municipality may, at its option:
  - i) make any payment which ought to have been made by the Subdivider, and upon demand, collect the amount thereof from the Subdivider, or enforce any Security available to the Municipality, including performance Security for the Capital Cost Contribution pursuant to section 2(b)(i) of this Agreement;
  - ii) exercise any other remedy granted to the Municipality under the terms of this Agreement or available to the Municipality in law including the repeal of the final plan approval as outlined under sections 147 through 156 of the Subdivision By-law;
  - iii) time shall be the essence of this Agreement;
- (b) This Agreement and everything contained herein shall enure to the benefit of and be binding upon the parties hereto, their heirs, successors and assigns.

IN WITNESS WHEREOF the parties have executed this Agreement as of the day and year first above written.

**SIGNED, SEALED AND DELIVERED** in the  
presence of:

\_\_\_\_\_  
=====

**SEALED, DELIVERED AND ATTESTED** to by  
the proper signing officers of Halifax Regional  
Municipality, duly authorized in that behalf, in the  
presence of:

\_\_\_\_\_

**(Subdivider)**

Per: \_\_\_\_\_

Per: \_\_\_\_\_  
=====

**HALIFAX REGIONAL MUNICIPALITY**

Per: \_\_\_\_\_

Mayor

Per: \_\_\_\_\_

Clerk

**APPENDIX “D”  
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## ADMINISTRATIVE PROCESS

### PART I: GOVERNANCE AND APPROVAL

Amendments to the Subdivision and other by-laws arising from this Policy will require the approval from the Province of Nova Scotia. The Capital Cost Contribution Policy is enabled through the **MGA of Nova Scotia**.

The Capital Cost Contribution Policy requires that Municipal Council approve the charge area and each corresponding charge arising from discrete amendments to the Subdivision Bylaw. Any amendment to the charge area and charge will be subject to the bylaw amendment process and include a public hearing and Council approval before implementation.

The water services component of the Municipal Capital Cost Contribution Policy will include the participation of the Water Commission. To fulfill and respect the governance of the Board of Commissioners, water related expenditures will require the approval of the Board of the Commission, prior to consideration of the matter before Regional Council.

### PART II: SUBDIVISION APPROVAL PROCESS

Capital Cost Contributions are to be paid at the time of sub-division approval. The Master Plan and Development Agreement if applicable, must be finalized prior to the application for subdivision.

As an alternative to payment of CCC's at the time of Subdivision Approval, an agreement may be entered into to defer payment until takeover of the primary services, provided the necessary Surety is posted.

It is anticipated that CCC's will generally apply to developments which are subject to Development Agreements, and the process illustrated on the following Figure I, allows for development by Development Agreement. However, a Development Agreement is not required to implement CCC's.

There is both a legislative requirement and a Stakeholder expectation for a high level of accountability in the financial management of Capital Cost Contributions.

In addition, the development of a Charge Area must

be fully integrated with, and supported by, the Multi Year Financial Strategy of the Municipality. In order to provide the requisite financial documentation and accountability, the sub-division approval process must facilitate information sharing between Development Services, Financial Services and the Water Commission.

### PART III: PRE-APPLICATION

A Development Agreement will typically have been approved and executed. The Development Agreement will comply with and support the Master Plan developed for the Charge Area. A copy of this Agreement will be forwarded to Financial Services to begin a financial tracking file for each phase of Development within the Master Plan Area.

### PART IV: APPLICATION REVIEW

When application for sub-division approval is made within a Charge Area, the Development Officer will distribute the application to the appropriate internal and external reviewing agencies.

The Development Engineer will determine if the application is consistent with the Development Agreement, or with the Master Plan if no Development Agreement exists. When the Development Officer is satisfied that the application is consistent with the Development Agreement/Master Plan, as well as all other requirements of the sub-division by-law, the application will be endorsed. As an alternative to payment of CCC's at the time of Subdivision Approval, an agreement may be entered into to defer payment until takeover of the primary services, provided the necessary Surety is posted.

### PART V: CONSTRUCTION AND SERVICE ACCEPTANCE

After endorsement of an application by the Development Officer, a status report which includes a summary of density and trip utilization will be prepared by the Development Engineer. The initial status report will be reviewed by Finance, a copy of which will be forwarded to the Developer. This process will form the basis for future status reports from Development Services to the Finance Department.

D1

The initial "off-book" accounting will be maintained

by the Development Engineer, and the information will flow to the Finance Department through the regular status reports referenced above. Copies of the status reports will be forwarded to the Developer, and standard formats for reporting will be attached as a Schedule to the Development Agreement, if applicable

## **PART VI: COLLECTION AND PAYMENT OF FUNDS**

The Capital Cost Contribution will be required from the developer, at the time of Subdivision Approval, or as provided by an agreement with the Municipality.

## **PART VII: CONCEPT PLAN REQUIREMENTS**

The Development Officer will require the new provisions of the Concept Plan be submitted with the Subdivision Application. A tentative Subdivision Application may be rejected if an incomplete or inaccurate Concept Plan is submitted to the Development Officer. The revised Concept Plan requirement will apply throughout the Municipality, which will include existing “As-Of-Right” developments. The enhanced Concept Plan will provide staff with an indication as to the extent of Oversized Infrastructure systems arising from a new development application. This provision will enable the Municipality to initiate Master Plan studies for areas that are deemed appropriate or may have oversized and other major infrastructure required necessary to provide adequate service.

## **PART VIII: DEVELOPMENT AGREEMENT**

The Municipal Planning Strategy and By-law provisions will require that a charge area and corresponding charge be in place prior to the approval of a development agreement. This process will ensure that developments are considered in the broader context of overall Master Plan design, appropriate integration of proposed systems and a Financial Plan indicating how infrastructure will be financed and the extent of risk associated with the installation of new required systems.

Council may deem it appropriate to approve a holding zone until such time as a Master Plan Study, charge area and corresponding charges are approved by Council.

## **PART IX: MASTER PLAN STUDY**

The Municipality will assemble a multi-department

Master Plan Study Team that will be involved in the Master Plan Study and corresponding preparation and determination of Capital Cost Contributions. This team will comprise of a core staff from the Finance Department, Planning and Development Department, Transportation and Environmental Services and the Water Commission. Additional departments or agencies may be involved in the preparation of the Master Plan and the Capital Cost Contributions. Master Plan Study Team will involve the participation of the Stakeholders, and their consultants, in the preparation of final capital costs, phasing, implementation and financial conditions and required agreements for the charge area.

In addition to the enabling amendments contained in Appendix “C”, a CCC is implemented through a site-specific amendment to the sub-division by-law, and possibly supporting amendments to an MPS and/or land Use By-law which support the implementation plan and financing plan determined in the Master Plan Study. The Master Plan Study is critical to the successful implementation of a CCC which meets the policy principles of fairness and equity.

A framework as provided below is therefore required under which to conduct the Master Plan Study, in order to bring certainty to the respective roles of the Municipality and other Stakeholders. The framework will also bring certainty to the approval process in the following areas:

The level of effort required to determine the amount of the charge; optimization of system design by establishing the “base line”, based on servicing standards, community values, and developer needs; enable a fair and equitable method of determining the cost causer and who benefits; municipal commitment to funding.

### Proposed Master Plan Process Objective

To prepare community plans which anticipate future trends giving specific consideration to how the community could fulfill a role in the regional context. The plan should provide for optimization of system design by fully integrating land use, sequencing of development, system financing, design standards, and capacity allocation and utilization. The plan should also minimize demands on the Municipality’s fiscal resources and provide for a fair and predictable method of sharing infrastructure costs between the Municipality and the land owners according to the Capital Cost Contribution Program.

## Process Principles

- Municipality takes lead
- Regional context must be considered
- Baseline established on least-cost development program as starting point for negotiation
- Sign-off on stakeholder roles required from majority of stakeholders (Attachment One) before the process begins.

## Process Steps

### One: Pre Design-Baseline Information

Objective: To prepare an information package containing baseline information which will have a bearing on the development potential of the study area:

Staff provide educational package on existing MPS policy; regional context; transportation planning guidelines; park land planning guidelines; environmental planning guidelines; engineering specifications, and service system constraints.

Staff and Developers collaborate on information package including: land ownership pattern; topography; soil and geological conditions; hydrology; vegetation; existing infrastructure; watershed boundaries; sewershed boundaries, and environmentally sensitive areas.

Get community and land owners input on design principles, values, and significant features to be protected;

Describe service system constraints;

Determine if there is a reasonable consensus on density.

### Two: Baseline Costs

Objective: Preparation of a preliminary design brief addressing issues at a broad conceptual level including an explanation of design principles as well as illustrations of the main land use and infrastructure components with cost estimates.

Definition of baseline costs will require a high degree of collaboration and input from stakeholders. Activities include:

Engaging consultants and preparing high level typical land use map which indicates basic design principles, community values open space, and basic interrelationship with existing communities and infrastructure.

Removing property lines from the discussion and establishing baseline estimate of Capital Cost Contributions.

Identifying opportunities and constraints for optimization (development sequence, capacity allocations, conflicting requirements between systems, other regulatory agencies, etc.).

### Three: Validation

Objective: To have Municipal Council and Stakeholders validate the baseline costs. Validation of the preliminary design brief will be confirmation of the viability of the implementation plan.

Preliminary municipal contributions will be validated against the Multi-Year Financial Strategy.

### Four: Final Master Plan

Objective: To prepare a plan for implementation and financing of infrastructure and development, giving regard to meeting requirements of the community while optimizing the goals of efficiency and cost. The plan should define community form and context and address relevant regional issues such as housing affordability, integration of design with established communities, travel time for residents, preservation of environmentally sensitive areas, maintaining adequate servicing levels and providing guidance for more detailed negotiations with developers.

Design Analyses at this step should include: Transportation Impact; Open Space/Recreational Needs; Fiscal Impact; Environmental Impact; Trunk Sanitary Sewer; Stormwater Master Planning, and Water Distribution System Master Planning.

Key features of the Master Plan also include: Phasing and timing; financial plan options; sensitivity analysis; and risk assessment. Also at this step, other Municipal charges should be reconciled and costs fine-tuned.

Input from developers is critical, especially during the preparation of construction cost estimates and phasing

plans.

#### **Five: Statutory Public Process**

MPS Policies /Land Use Bylaw/Subdivision Bylaw

#### **Stakeholders**

Stakeholders in Master Planning Process include:

Land owners

Advisory Committee drawing membership from across the region

Municipal Staff including Financial Services, Planning & Development, Public Works & Transportation, Environment, Transit, Parks and Recreation, Police and

Fire Services and relevant provincial and federal agencies.

active participation by the Stakeholders in the preparation of the Master Plan, Implementation and Finance plans for the charge area.

Municipal Council will be the approval authority for the “charge area” and corresponding Capital Cost Contributions. The Development Liaison Group, comprising of a cross-section of the development community, has provided some initial suggestions and comment about the overall Capital Cost Contribution Policy. The Municipality facilitated a workshop in December, 2000 and have committed to provide additional opportunities for input and issue resolution prior to the submission of the policy to Municipal Council.

#### **PART X: RISK ASSESSMENT AND SECURITIES**

The Master Plan Study Team will address the financial risk exposure to the Municipality as part of the determination of the Capital Cost for the charge area. The opportunity costs, the risks, the Municipality investment requirements and apportionment of costs will be clearly defined and tabled with Municipal Council for consideration.

The Municipality may require securities or other agreements with developers to ensure that major elements of infrastructure are constructed within predetermined time frames upon with the Financial Plan has been determined. All Stakeholders are expected to fulfill their obligations and contracted requirements of the Financial Plan.

#### **PART XI: PUBLIC INPUT AND STAKEHOLDER INVOLVEMENT**

The Subdivision and Land Use By-law amendments require a public hearing process. The Master Plan, ‘charge area’, implementation schedules and Financial Plan will be presented in a public format and conform to the requirements of public hearings as prescribed by the Municipality.

The Master Plan Review Team will solicit the participation of developers and other Stakeholders having a direct interest in the charge area and Capital Cost Contribution. It is intended that there will be

**APPENDIX ‘E’**  
**Capital Cost Contribution Policy**  
**Glossary Of Terms**

<b>Capital Cost Contribution (CCC)</b>	(a form of impact fees, development charges or Infrastructure Charges) A policy that considers Oversized Systems and other required infrastructure and methods to allocate these costs to the users, or beneficiaries deriving direct service benefit from the capital expenditure
<b>Capital Cost</b>	The cost of oversized (e.g., trunk or transmission lines, collector roads) infrastructure systems needed to service the charge area. Capital Cost may also include necessary infrastructure external to the charge area. Cost estimates may be used. Costs may include design, construction, materials and cost escalators, interest during construction, financial costs, legal, surveying, administration and land costs
<b>Charge Area</b>	The master infrastructure plan study area within which the Oversized Systems are designed to service. The “charge area” is referred to in the Municipal Government Act.
<b>Core Area</b>	References the serviceable and development boundaries of the former Halifax, Dartmouth, Bedford/Halifax County areas of the Municipality.
<b>Cost Causer</b>	Stakeholder, imposing a demand for new services requiring Oversized Infrastructure systems
<b>Developable Land</b>	The area of land that is included in the cost apportioning calculation. Gross land less the lands defined by the Municipality as undevelopable.
<b>Direct Benefit</b>	Stakeholder deriving a direct service or benefit from the Oversized Infrastructure identified in the Master Plan. The beneficiary demand was included in the design of the oversized system. Intangible or existing system integration benefits are not considered as a Direct Benefit.
<b>EMT</b>	Executive management team, comprising of the Chief Administrative Officer and the two Deputy CAO’s of the Municipality

<b>ENR</b>	Engineering News Record; technical engineering journal
<b>Facility</b>	refers to systems such as: piping systems, buildings, treatment plants, pressure control/pumping facilities
<b>Feeder Main</b>	A water main which typically receives flow from transmissions mains or from pressure control facilities (i.e., booster pumping stations or pressure reducing valves), and which supplies water to several branch lines (distribution lines). The Feed Main provides a significant carrying capacity or flow capability to a large area.
<b>Financial Plan</b>	A Financial Plan will outline the estimated Capital Costs and other cost factors considered in the Master Plan. It will define the revenue requirements and timing, necessary to construct / finance the Master Plan implementation. A revenue and expenditure plan will be developed considering the Implementation Plan effects to the project cost. Cost / Risk assessment and valuation will be a component part of the Financial Plan.
<b>Gross Land</b>	Total area of land in the Charge Area, expressed in acres or hectares
<b>The Municipality</b>	Halifax Regional Municipality
<b>Master Plan Study Team</b>	A multi-business unit team, comprised of a core group from Finance, Public Works & Transportation, Planning and Development Departments of the Municipality and the Water Commission. Additional agencies and the Municipality Departments may also participated in the study.
<b>The Water Commission</b>	Halifax Regional Water Commission
<b>Infrastructure Charges</b>	A charge assessed to land to pay for Oversized Infrastructure systems for water, sanitary and storm sewer systems, streets and intersections, signs and signals and transit bus bays. Other required infrastructure may also be included in the charge.
<b>Implementation Plan</b>	A construction timetable plan for Oversized Systems in a Charge Area. The sequence and timing of Oversized Systems construction are defined.
<b>Land Use By-Law</b>	Land Use By-Law
<b>MGA</b>	Nova Scotia Municipal Government Act

<b>Municipal Planning Strategy</b>	Municipal Planning Strategy
<b>Master Plan</b>	A plan which defines Oversized Infrastructure systems necessary to provide transmission, trunk, collector or other wider based services for the benefit of the Charge Area. Typically, the Oversized Systems are required for the reliable service cross the boundaries of more than one land owner, phase or area of the Charge Area.
<b>Oversized Systems</b>	Larger sized infrastructure providing service to the Charge Area.
<b>Oversized Infrastructure</b>	Referenced as trunk and transmission systems, arterial and collector systems etc., that provide a wide area service benefit. The reference to Oversized Infrastructure may also include additional required infrastructure or facilities to provide service to the Charge Area.
<b>QRS Trip Generator</b>	A dynamic traffic calculation software model used by the Municipality to determine Traffic Trip generations and street loading capacities
<b>SAP</b>	A financial based software system used at the Municipality
<b>Stakeholder</b>	A landowner, developer, company, group, agency, organization, person or municipality who is affected by, or vested interest in the policy.
<b>Subdivision Approval</b>	“Subdivision Approval” means Final Approval of subdivision granted by the Development Officer, in accordance with the Subdivision By-law of the Municipality.
<b>Traffic Trip</b>	A term used to describe a “one way” vehicular trip into, or out of, the Charge Area. A return trip from and to a property would generate 2 “Traffic Trips”.
<b>Unit Costs</b>	Cost per unit. A unit may be a length, weight, volume or dimension.

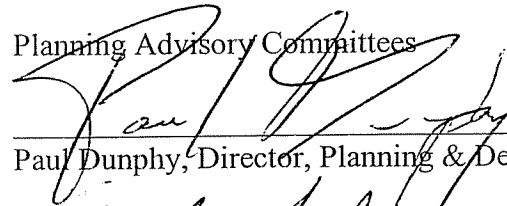
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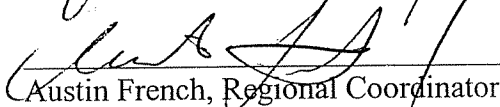
Joint Planning Advisory Committee Meeting  
December 13, 2001

**TO:**

Planning Advisory Committees

**SUBMITTED BY:**

  
Paul Dunphy, Director, Planning & Development Services

  
Austin French, Regional Coordinator

**DATE:**

December 5, 2001

**SUBJECT:**

Capital Cost Contribution Policy Public Participation Program

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### INFORMATION REPORT

**ORIGIN:**

Regional Council decision of October 9, 2001, to conduct a regional public participation program concerning the Capital Cost Contribution Policy.

**BACKGROUND:**

In August of 2000, the Municipality undertook to develop a policy for implementing infrastructure charges in the municipality. A study team was assembled and a review undertaken to create a policy that would operate effectively in HRM. The review included extensive consultation with municipal staff and liaison with the development community.

Stakeholder consultation has been key to development of the policy to date. The policy was initially drafted by a steering committee consisting of representatives from across HRM's various departments. It was continuously refined through a dialogue over several months in the spring and summer of 2001 with development industry representatives on the municipality's Development Liaison Group. The committee, with representation from industry and various public agencies, has a mandate to encourage safe and affordable housing development in HRM.

On October 9, 2001, HRM Council adopted a Regional Public Participation Strategy and directed staff to carry out a series of public sessions and report back on the outcome.



## DISCUSSION:

This report provides an overview of comments and issues received to date from discussions with the development industry and during sessions with the public at large. It is provided as a supplement to the detailed information provided to Planning Advisory Committee members.

Further to the ongoing dialogue with the development community through the Development Liaison Group, the primary outstanding issues can be summarized as follow:

*To what extent will the municipality commit to funding the municipal share of infrastructure?*

To address this, a framework for master planning has been developed in conjunction with industry. The framework allows for Council validation of costs through the municipality's Multi-Year Financial Strategy at the appropriate stages of planning and development. The policy requires that all relevant infrastructure items be brought to Council as part of any Master Planning exercise.

*To what extent will the municipality "load" upgrades of off site infrastructure on a charge area?*

The primary concern is large off-site infrastructure components required to provide service to a charge area, which also provide a broader regional benefit. Even when costs are allocated in accordance with the draft policy, significant infrastructure charges can still result when sizeable infrastructure is required to provide service to an area.

Examples of "sizeable" infrastructure would be the new interchange with Highway 102 required for the development of the Wentworth Estates study area, the new interchange with Highway 111 required for the development of the Morris/Russell Lakes study area, and the North Dartmouth Trunk Sewer required for the development of the Port Wallis study area.

The development community questions the fairness of passing 100% of these costs through to the first time lot purchaser. Developers have suggested allowing the policy to be flexible enough to provide for spreading the amount of the charge over a longer period of time - say 10 years. Sources of revenue which have been suggested to enable this include the Deed Transfer Tax on new developments and the Sewer Re-development Charge.

Discussions with the development community have also focused on current practices and procedures which could be tabled by the Municipality to mitigate the effect of an Infrastructure Charge. These include:

- ▶ Funding Fire Protection Charges through the Regional Hydrant Rental Rate

- ▶ Eliminating the Sewer Re-development Charge in a Charge Area
- ▶ Comprehensively reviewing the Design Guidelines for new developments
- ▶ Business Process initiatives relating to faster approval times, and securities/bonding requirements on new developments

Issues raised in the public meeting portion of the public consultation program to-date are discussed below.

*The Nova Scotia Homebuilders Association expressed "extreme disappointment" at the level of information provided to the public.*

The printed information made available to the public included a copy of the Infrastructure Charges Best Practices Guide. This is a complete and thorough explanation of the policy including detailed explanation of the mechanics of how the policy will be put into practice. The package also included a staff report which summarized the intent of the policy. Proposed language to be included in all Municipal Planning Strategies is appended.

Presentations made during the public meetings focused on the overall intent of the policy and highlighted key features. It also demonstrated the physical locations in HRM where the policy will be most actively applied.

Overall, staff feel the information is relevant and complete but are disappointed by the lack of attendance at public meetings.

Additional measures to be employed to encourage public awareness are:

- ▶ Presentation of the policy at the Wentworth Estates Master Plan public meeting
- ▶ Publication of a brief overview of the policy with a questionnaire on the HRM Web Page
- ▶ Presentation to the annual CMHC Housing Outlook Conference

*The Nova Scotia Homebuilders Association also indicated that the policy should not proceed because the impact on the price of new housing would be too great, especially when considered in the context of existing taxes.*

Staff have indicated that it is anticipated that the program will impact the price of new housing in the range of \$3,000 to \$5,000 per finished single family home.

This is relatively modest compared to the charges applied in other areas of Canada where infrastructure charges are in place. Further, the policy is designed to very carefully apportion costs to those areas which have generated the need for the infrastructure. Funds are used only to

pay for the infrastructure required to serve new development. The only alternative to funding this infrastructure is to finance it through debt servicing and recover debt charges through the municipal tax base.

*The Sackville Rivers Association stated that the charges contemplated by the municipality should be much higher (\$50,000) per lot. This would allow the municipality to generate funds to cover additional infrastructure such as the creation of green areas and protection for watercourses.*

HRM's ability to apply charges is constrained by the N.S. Municipal Government Act (MGA) to recover costs for new or expanded wastewater systems, storm sewers, streets, traffic signals, and bus bays. The MGA also requires that charges be specific to the geographic area where the charge is being applied.

Major regional infrastructure items such as the sewage treatment plants will continue to be paid for by HRM through means other than the Capital Cost Contribution Policy.

*Members of the public expressed the concern that funds allocated by HRM through the Capital Cost Contribution program would not be used for the intended purpose.*

The MGA requires that all funds allocated under the program be used only to pay for the infrastructure requirements identified when the charge was established by Council.

*Members of the public also questioned whether the policy would be applied to areas outside of the existing servicing boundaries.*

The Policy will apply across HRM but will only be put in place when amendments to the Subdivision By-law are adopted to cover a specific charge area. The areas most likely to be adopted as charge areas are those on the servicing area boundaries where existing infrastructure systems may be expanded to accommodate new growth. The Charge may also apply in a rural area. However, it will only be applied where HRM undertakes a study. The study would be triggered by increasing rates of development requirement expanded servicing. It may be preceded by a rezoning process to create an Infrastructure Charges Holding Zone to limit development during the study process.

*Members of the public indicated that there is a concern that the charges will be applied in such a way as to make development in the serviced areas more expensive. This would cause developers to look to rural areas for development opportunities and encourage sprawl.*

The Capital Cost Contribution policy will apply to a narrow range of infrastructure and therefore the costs charges to the developer will not be substantial. The percentage increase for the cost of

new housing will be small. As indicated above, Council may choose to limit growth in certain areas by applying an Infrastructure Charges Holding Zone. However, Council will deal with the growth management issue in HRM in a comprehensive way through the regional planning process.

*It was pointed out that these charges are not going to be used to provide greater environmental protection in developed areas.*

Charges can only be applied to cover hard services such as water and road systems under the MGA's legislated requirements. A separate HRM initiative is underway to recommend best practices in water quality and quantity control. These recommendations will be incorporated into the overall regional planning process and impact development standards and practices. While it will be possible for HRM to require certain standards in storm water management, it is not permitted for HRM to recover costs for such things as assembling lands for environmental protection.

*Members of the public questioned as to the limits of growth currently permitted in HRM, and also whether or not HRM was "putting the cart before the horse" by pursuing this strategy before regional planning is complete.*

HRMs existing Municipal Planning Strategies clearly define the limits to development permitted to connect to municipal water and sewer services. The property development rights of all parcels of land in HRM are delineated in HRMs existing Land Use By-laws. Additional methods are employed to restrict growth in certain areas through the Subdivision By-laws.

HRM is currently embarking on a regional planning project which will focus on four key areas:

- ▶ Growth management
- ▶ Transportation
- ▶ Healthy Community
- ▶ Environment

It is anticipated that completion of the plan will take two to three years. Growth will continue in HRM during this period. It is important that the Capital Cost Contribution policy be in place to ensure appropriate infrastructure is in place.

The proposed Capital Cost Contribution policies permit Council, through a rezoning process, to create an Infrastructure Charges Holding Zone where it appears that new infrastructure costs associated with new development would be prohibitive.

*It was questioned as to whether the infrastructure charges applied to the Harbour Solutions sewage treatment program.*

The central harbour sewage treatment system will be funded through other mechanisms established by Council. The same would apply for centralized water treatment facilities. The costs to be recovered through the Capital Cost Contribution program will be those that are directly attributable to the development area.

**ATTACHMENTS:**

Minutes of Public Meetings - November 5, November 7, and November 14, 2001

Additional copies of this report and information on its status can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report prepared by Austin French, Regional Coordinator, Planning & Development Services, 490-6717.

**CAPITAL COST CONTRIBUTION  
PUBLIC INFORMATION MEETING  
November 5, 2001**

In attendance:       Peter Duncan, Planning & Development Services  
                          Austin French, Planning & Development Services  
                          Maria Jacobs, Planning & Development Services  
                          David McCusker, Planning & Development Services  
                          Cara McFarlane, Planning & Development Services  
                          Catherine Sanderson, Financial Services

The meeting commenced at approximately 7:02 p.m.

Austin French, Regional Coordinator, Halifax Regional Municipality Planning & Development Services, opened the meeting. He noted that this was a public meeting to inform the public how the Capital Cost Contribution Policy would affect lot charges in new subdivisions throughout the Municipality. Municipalities for the first time are permitted to charge infrastructure charges or lot levies. This is a means for raising funds to cover the costs of newer expanded infrastructure in the areas of water systems, waste water facilities, storm water systems, and upgrading traffic signals and bus systems.

Within HRM there have been lot levies and infrastructure charges linked to the water systems for some time. These charges are paid to the Halifax Water Commission. The new Legislation sees expansion to that primarily to cover new roads and pipe services in addition to water, sanitary, storm water, and sewer systems.

Mr. French introduced the first speaker of the night, Peter Duncan, Senior Development Engineer. He is also Project Manager for the Capital Cost Contribution Program.

Mr. Duncan began with a Corel Presentation to explain a bit of the background and history about the Legislation surrounding the Capital Cost Contribution Policy.

Once the presentation was completed, Mr. French opened the floor to questions and comments.

Paul Pettipas, CEO of Nova Scotia Home Builders, expressed his extreme disappointment in the lack of information provided to the public. He believes this is the reason why there was not a good turn out for the meeting. He asked for a show of hands of who actually worked for HRM or who was being paid to work on the plans. Mr. Pettipas, speaking on behalf of the NSHO, said that they do not agree with HRM on this. They have sat at the table with HRM on this because staff is bound and determined to put it through. He said that they have gone through the process of showing HRM the reasons why it shouldn't go. He said that Mr. Duncan has not answered their questions. He mentioned that Mr. Duncan put the concerns out, but

they are still waiting for the answers. He is curious as to why we're in this stage when we haven't answered stakeholders. He also asked if a document prepared by Greg Lanford, showing the costs associated with this, had been given to the Councillors.

Mr. French assured that a copy could be given to each of the Councillors.

Mr. Pettipas mentioned that they talk about stakeholders being the developers. It is the new home buyer that is the stakeholder because it is that person that will be paying the bill. He made mention that Councillor Blumenthal did not understand the process when he made note of why they were only going three to seven thousand. Referring to the questions asked by Councillor Blumenthal's at last week's Regional Council meeting, "Why don't we go more? Mississauga has six million in the bank." Mr. Pettipas said that this is frightening for all of us because there is no understanding. Not from the public and obviously not from Councillor Blumenthal. These are supposed to cover hard costs. Councillor Blumenthal seems to be looking at this as a slush fund.

Mr. Pettipas says that if the general public hears about this report, we are talking major costs in the last five years. If this is fair, and you want the public to come out, more information has to be provided. Mr. Pettipas asked the how many in attendance had a general understanding of this project. One did, another didn't. He blamed the HRM being strapped for cash and wanting to get this project through. He mentioned that HRM is not raising taxes, but going on a more indirect approach. Mr. Pettipas said that this is an indirect tax. It is a tax of new housing. A new homeowner is going to pay more because of this project.

Mr. Pettipas finalized by saying that NSHO totally disagrees with this. It affects the affordability of housing. It affects the way people are going to live. It will force more people to rent. He said that the reports states that since 1996 a person would have had to earn \$10,000 more just to stay level on taxes. He stated that if we were to look back at the way cost increases and wage levels have gone up, it is very doubtful that the average person has had an \$10,000 increase. Mr. Pettipas told Mr. Duncan that the Councillors need to be informed as well as the public.

Mr. French explained that Regional Council was comparing this to the way things are done in other Municipalities. The purpose of the meetings is to collect comments from the community and bring them back to Council for more discussion on how the amount of money being charged to developers through this process would stack up against the amount charged to developers in other areas in Canada.

Mr. French assured that the way it is being applied in HRM is not the way it has been applied in other areas. The cost will actually be much lower in the Halifax area because in other areas of Canada, Ontario and out west, they tend to look at their overall

infrastructure requirements over a long period of time. Then one charge is applied across the board. So you look at all your big regional infrastructure costs and then anticipate the number of lots that will be created in the area during a particular time period and basically divide one into the other. It is not unusual for it to come out between twenty and thirty thousand dollars per lot.

In HRM the charge will be applied to a certain area, such as the master plan areas referred to during the presentation. In any one of those areas, specific costs of roads and pipe services are looked at and the developer pays through the lot levy to reimburse HRM for only those services that they are directly related to. Whomever derives the direct benefit pays. There will certainly be more information provided to Council on this and there has been some already provided to Council.

Mr. French assures that ads were run in the paper and actually more ads were run than usual. The background information and the Council report, the best practices guide, and other information are in our offices and we run the ads. People in attendance were encourage to come up and look through the information at their leisure. We are running the process over a fairly long period of time and we are hoping that people will get a chance to read through the material and we'll see some constructive debate take place. We will go back to Regional Council, through a Committee of the Whole session, or a Community Council, and tell them about what has happened and they may say that they want additional time spent and/or tools used to get more information out. Mr. French explained to Mr. Pettipas that probably there wasn't as big of a turn out as anticipated due to the fact that there is not an immediate concern to people's properties.

Mr. Pettipas again brought up the issue about questions of theirs not being answered. Mr. Duncan assured Mr. Pettipas that answers were sent to him and he was concerned that maybe Mr. Pettipas did not receive them. Questions were asked at a previous meeting of how HRM was going to go about things and these were left unanswered. Mr. Pettipas does not believe they have the final answers.

Mr. Pettipas suggested to be direct in the paper and to explain the policy in it's simplest form. Tell the public that they will pay a certain percentage more. He suggested that they leave the developer out of it in the beginning. This increase will be part of the price of the property/home. Tell the public exactly what they will be paying (how much of an increase). When you use the word "developer", people look at that and think it doesn't affect them at all. They believe that it will be the developer that is affected where in fact it would be the consumer.

Mr. French agreed with trying to simplify the program through ads in the paper and that it will be raised with Council when discussion is brought back. HRM was hoping for a



better turnout so it could be explained a bit more, but we are certainly open to experimentation.

Walter Regan, Sackville Rivers Association. Mr. Regan congratulated staff. He believes this policy is well overdue. He would like to have seen much a higher per lot charge (\$50,000 per lot) because he sees this as increasing capital expenses. Who is going to pay for more policing, garbage collection, etc. Mr. Regan feels that the lot charges should cover more area (ie: more green area, parks, buffers, protection for water sources and flood plains). This should be looked at. He asked if HRM has looked at charging per gallon or liter for storm water coming off development sites as they do in the States.

Mr. Duncan replied that they haven't. HRM would like to keep it simple.

Mr. Regan would like to see back charges to existing subdivisions and developers because these increased costs should not only be shared by new developers, but existing developers as well.

Mr. Duncan explained that the existing Legislation does not allow this.

Mr. Regan asked about charges on large infrastructures like the Harbour clean-up. Can we charge a large portion of the Harbour clean-up to these new subdivisions because they will be adding to the load in a lot of cases?

Mr. Duncan said that it was decided that large regional treatment facilities would be through a regional charge.

Mr. Regan said he was disappointed with HRM that only applying the five areas were being applied in the master plan. What about the people that buy rite? Are they going to get away without paying?

Mr. French said that they will not be paying the charges immediately. The municipality will monitor the development activity and the affect on its infrastructure and reserve the right to place a charge area around those developments as demands are being placed on the infrastructure system.

Mr. Regan stated that he was told privately that developers do not care what lot charges or rules are brought in, as long as they are applied evenly across HRM. So now from what he understand there is a two or three tiered system.

Mr. French said that charges will be unique to each large development area. The lot charges will depend on what is needed in that development area.

Mr. Regan asked if there would be a loss in environment charges.

Mr. French informed that the Municipality is looking at other initiatives under the Regional Planning Program and there will certainly be a lot more people present when talking about these issues. These will be pursued over the next two or three years. These will not be paid for under this program. The Legislation would not permit it.

Mr. Regan said one particular area in Sackville where new developments will be taking place is in the Mill Cove treatment plant. Will this policy affect that? Will there be an extra surcharge?

Mr. Duncan said that if you wanted to expand the plant to accommodate the charge area outside of the service boundaries then that would be funded through the general waste water levy.

Mr. Regan agreed that there hasn't been enough public information. He believes that HRM would have more people coming out in support of this policy if they were better informed. He certainly hopes that this is carried forward.

In conclusion, Mr. French informed everyone that there were copies of reports at the front table and to help themselves. There were phone numbers published in the newspaper and they were more than welcome to call if there were any questions. Thanked everyone for coming.

The meeting adjourned at approximately 8:12 p.m.

**HALIFAX REGIONAL MUNICIPALITY  
PLANNING AND DEVELOPMENT SERVICES  
PUBLIC MEETING - CAPITAL COST CONTRIBUTION**

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**7:00 p.m.**

**Wednesday, November 7, 2001  
Forest Room, Cole Harbour Place**

**STAFF:** Austin French, Planning and Development Services  
Peter Duncan, Planning and Development Services  
Catherine Sanderson, Financial Services  
Hilary Campbell, Planning and Development Services  
Connie Moore, Planning and Development Services

**OTHER:** Ron Cooper, Harbour East Planning Advisory Committee  
Bob Horne, Harbour East Planning Advisory Committee  
Harold Northrup, Harbour East Planning Advisory Committee  
Jack Thomas, Harbour East Planning Advisory Committee

**MEMBERS OF  
THE PUBLIC:** 5 approximately

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**1. CALL TO ORDER/OPENING COMMENTS**

The meeting was called to order at 7:00 p.m. by Austin French. There were approximately 5 members of the public present. Austin French introduced staff in attendance and gave a brief history of the project to date.

Austin French explained this is a public meeting to inform the public how the Capital Cost Contribution Policy would affect lot charges in new subdivisions throughout the Municipality. Municipalities for the first time are permitted to charge infrastructure charges or lot levies. This is a means for raising funds to cover the costs of newly expanded infrastructure in the areas of water systems, waste water facilities, storm water systems, and upgrading traffic signals and bus systems. Within HRM there have been lot levies and infrastructure charges linked to the water systems for some time. These charges are paid to the Water Commission. The new Legislation sees expansion to primarily cover new roads and pipe services in addition to water, sanitary, storm water, and sewer systems.

**2. PRESENTATIONS - AUSTIN FRENCH/PETER DUNCAN, PLANNING AND DEVELOPMENT SERVICES**

Peter Duncan, with the use of Corel Presentations, gave a presentation on Capital Cost Contribution: He explained what the term "CCC" means and why there is a need for it. He also provided some background information, the Municipality's role and Stakeholder involvement. A detailed copy of the presentation is attached.

Austin French, with the use of powerpoint, provided information on the Regional Planning Context. He explained project outcomes, the implementation program and industry issues. A detailed copy of the presentation is attached.

3. QUESTIONS AND COMMENTS

Dennis Doyle, 35 Beaver Crescent, Cole Harbour stated the Developer will be paying for adequate infrastructure to be provided in future expansions. The money is deemed to go into a bank account until there is a need for it. The City of Halifax went through the same process with the Harbour Cleanup Project and this money did not go where it was supposed to. What guarantee is there that this money will go to the proper place? Is the 5 percent charge for recreational development? He noted half of the 5 percent has been going to capital projects with the remaining portion to the area that funded it, however, currently, capital projects are applied for under the Grants Program. It is easy to stand there and say you can put money aside, however, the taxpayers will ultimately get stuck with the costs in the end.

Austin French clarified the policy for capital cost contributions comes from the Municipal Government Act. Once the funds have been collected, they must be applied to a specified area. To do anything beyond this, with contradict the Act. The monies are paid by the Developer and kept in trust. The Developer has the right to monitor this money and could take the Municipality to court if the money is mishandled. The 5 percent land dedication related to parks is given to the Municipality by the Developer for recreation purposes. The money is deposited into a recreation fund and is disbursed as Council sees fit. All these steps are directed by the Municipal Government Act and must be followed precisely.

Dennis Doyle indicated laws have been broken in the past and the taxpayers seem to pay for these mistakes in the end. The overall 5 percent charge collected for recreation/capital projects is reported to be \$80,000 when, in fact, this money is probably more than a million \$\$\$.

Austin French stated the money is greater than \$80,000, however, he did not have the actual figures available at the meeting nor was he familiar with any concerns of misdirected funds.

Andrew Giles, Kimberly Lloyd Developments asked if existing treatment plants are included in the policy?

Peter Duncan stated he did not contemplate about the treatment plants.

Andrew Giles asked for clarification of the holding zone? He identified a piece of property outside the master plan area, and asked how does it come into play?

Austin French explained no development is permitted in this area because it is outside the municipal planning strategy - reserve area. The idea is to extend services into this area which will allow development to occur. There are a number of areas which fall into this category and the final decision is up to the Municipality to determine where growth is to occur.

Andrew Giles asked if this included areas outside the servicing boundary?

Austin French indicated "yes". The holding zone give us time to determine costs for infrastructure.

Andrew Giles indicated in the Morris Lake master plan area, there is the intention to extend services. Could a holding zone be applied to this land?

Austin French explained a holding zone could be applied to these lands, however, it is the not intention to redirect growth with this policy. The Municipality is trying to identify where growth will occur in order to facilitate it.

Harold Northrup, Harbour East PAC asked how are water trucks handled? There are trucks being hired to haul water to individual homes because their wells are dry. These trucking companies are being charged a certain price per load, for example \$300 for the first load, \$200 for the second load and \$100 for the third and than it is on an honor system. This water is sometimes hauled as far as Truro.

Peter Duncan explained this water is bought from us and taken from hydrants designated by the Water Commission. HRM is looking at ways to better monitor their sales. There are certain rates for these water sales. He indicated he could get the name of the contact person with the Water Commission for more information.

Harold Northrup explained it is a waste of water because the Municipality is not getting their monies worth.

Ron Cooper, Harbour East PAC noted he sits of the Board of the Water Commission. He explained HRM is looking into the possibility of a card system which would enable the number of gallons used to be recorded. There would be a yearly charge applied for the use of the hydrants. Although this is not the best system, they are looking into ways to appropriately charge.

Andrew Giles asked if the charge areas are in blue?

Austin French explained they contemplated this, however, there are currently no charge areas even though it is under active consideration. A public meeting has been scheduled for December 10 to talk about one of the areas.

4. CLOSING COMMENTS

Austin French thanked those in attendance for their input. Notices will be sent out regarding future meetings to those persons whose names are on the sign up sheets.

5. ADJOURNMENT

The meeting adjourned at 7:55 p.m.

Connie Moore  
Administrative Support  
Planning and Development Services

**Public Meeting**  
**Capital Cost Contribution Policy**  
**November 14, 2001**

In attendance: Peter Duncan, Planning & Development Services  
Austin French, Planning & Development Services  
Maria Jacobs, Planning & Development Services  
Gail Harnish, Planning & Development Services

Austin French called the meeting to order at approximately 7:00 p.m. in the Council Chambers, 2750 Dutch Village Road. He introduced members of staff in attendance.

Austin French explained that the capital cost contribution (CCC) policy is a new program that HRM is thinking about putting into place. It involves the recapture of expenditures and re-apportioning of expenditures in a fair way to ensure that the proper infrastructure is put in place to accommodate new development. He provided a brief history of the project to-date in terms of meetings, etc. Regional Council recently adopted the public participation process to implement the amendments. Information will be placed on HRM's Webb page in the near future. In addition, a presentation will be made at a joint Planning Advisory Committee meeting on December 13<sup>th</sup>.

Peter Duncan, with the use of Corel Presentations, made a presentation which included: what is CCC and why we need it; what is a CCC policy; the practices of the former municipal units; a project summary; and a policy overview which included terminology, guiding principles, policy features, the municipal role, the stakeholder involvement, and the program outcomes.

Peter Duncan was asked to provide examples of the types of trunk infrastructure. Peter referred to oversized systems as an example. Someone subdividing their land would have to size their mains to accommodate their development. Sometimes there is a requirement for oversizing of streets, and water and sewer services. The legislation is quite specific as to what we can levy a CCC cost for.

Reference was made to the slide showing the Bedrock Master Plan. In response, Peter advised it was not an approved subdivision plan. It is a fictitious example of an earlier version of a proposed master plan which we wanted to test. Austin noted that what is referred to as the Bedrock Master Plan is what is referred to as Wentworth Estates. There is a lot of work being done on that area now. The concept plan that HRM and landowners are interested in proceeding with is scheduled for a public meeting on December 10<sup>th</sup>.

Peter Duncan noted that we are going through the development of the master plan for Wentworth Estates. We rely heavily on consultative input from the landowners in terms of construction costs and what they can plan the systems for. A lot of the time the landowners will be doing the work. A portion of that will comprise oversizing, so they will be doing the work and we rely on them to validate construction estimates. The policy from our perspective is that it would be cash in and cash

out. The developer would oversize the infrastructure and HRM would subsidize them through the CCC program. That fund would be topped up by levies.

An individual questioned if it was being said in the Wentworth Estates example that the developer would estimate the cost of the trunk road and give that figure to HRM because HRM reimburses the cost.

Peter Duncan responded that the CCC cost would be funded out of the CCC fund which would be funded through a lot levy. HRM will use the monies that accrue from lot levies to fund the cost of oversizing so if you are subdividing and have to oversize you do the work and HRM will pay you for it. HRM will charge you for a lot levy when you get final approval. It is cash in and cash out. It is almost a certainty that the amount of the lot levy will be charged over the entire charge area.

Austin French, with the use of Corel Presentations, made a presentation on the CCC policy in terms of the regional planning context. The presentation included slides showing development controls noting development boundaries, development agreements, master plan areas, growth rate control areas, and growth pressure areas.

It was questioned whether it has been determined how many lots would be obtained from the Wentworth Estates area and the cost per lot. Austin responded it has not been determined yet but we anticipate being able to announce that figure at the December 10<sup>th</sup> public meeting. Assuming that the developer pays for the road, which they contemplate being the main expenditure for HRM, the cost could be \$3000-\$5000 per lot.

Austin French indicated the other thing to focus on is that in order to bring everything together you need a strong land use plan to determine where different types of development can occur to create the transportation and other infrastructure required and all that works into a financial plan. Density is a very important part of this discussion.

Margery Williston stated that density is something she was quite interested in. She understood that method determines the type of housing and that townhouses, for instance, consumes less land and less infrastructure. People like to feel safe letting their children play outside unsupervised. It seems that is something this City should be promoting and questioned how that would play into this.

Austin French responded that the density would be towards the higher end of the spectrum - medium to high. From a developer's perspective, the goal is to have a larger consumer base to spread that out. From HRM's perspective, we are not opposed to actively pursuing that option because the policy that we are writing for that area (Wentworth Estates) is based on our understanding of transit oriented development principles which looks to medium density to support the transit system. It is much easier to operate transit in a higher density development. For instance, Clayton Park has a much higher rate using transit than Colby Village. It has a lot to do with how it is laid out, ie., 26 ppa (persons per acre) in Clayton Park versus 12 ppa in Colby Village.



Margery Williston commented she could understand HRM's reasons for pursuing this, otherwise we cannot grow. She asked if the City has written down the limitation on how much HRM will grow.

Austin French responded by referring to the slides showing the service boundaries and the development agreement boundaries. He also referred to areas which have put development controls in place to slow down development so that infrastructure can catch up. The controls for the latter are implemented in the Subdivision By-law which basically control the number of lots you can create. Anne Muecke will be looking at how development should occur, etc. He noted we are trying to keep this policy growth neutral as part of the CCC policy. Growth areas will be determined through the regional planning process. Initially it will be more active in the area described - in and around the service boundaries, development agreement areas, just on the fringe of master plans, or the additional areas where Council may give consideration to expanding boundaries. The potential exists to create them further out if the demand is there.

Gloria Lowther referenced the holding zone in the Bedford plan area and questioned what criteria will be used to determine which areas get developed first.

Austin French responded that the decision to look at the four master plan areas was made by Regional Council 2.5 years ago. How you look at additional areas and the level of priority is a question he could not answer tonight. It will be determined as part of the regional planning process. They are doing an overview analysis and are looking at infrastructure constraints in each area, ie., the Mill Cove sewage treatment plant. One of the criteria will be which area makes most sense from an engineering cost perspective but that will not be the only factor. We will look at various land use implications. It will likely be that in some areas growth will occur and when it does it will funnel through the CCC program.

Peter Duncan, with the use of Corel Presentations, made a summary presentation which included the implementation program, what the CCC policy is all about, and the industry issues.

Gloria Lowther referenced the proposed interchange in the Bedrock Master Plan example. She questioned whether the Municipality would be responsible for the cost of the interchange and whether the Municipality would be reimbursed through a lot levy.

Austin French responded that the interchange would likely be funded by the Municipality and then the Municipality's funding would be recouped through the application of the lot levy.

It was questioned whether studies have been done to determine how lot levies would affect the Municipality's revenues.

Austin French responded that there have been studies. HRM is one of the few areas that has not historically charged these types of costs. There is a lot of evidence from other regions of Canada where these types of charges have been applied. We anticipate that the cost of applying these

charges to new housing would increase the cost of housing by approximately 3%. Typically across Canada, the increase in cost is 3-5%.

Staff was asked to elaborate how CCC policies work in other regions. Austin advised that the more common approach to applying infrastructure charges in Ontario and the western provinces is to look at the anticipated 20 year capital requirements of a municipality and compare them to the amount of growth that would occur and you divide it into the other. This calculation includes all the regional roadways or the large regional systems. Our legislation is geared more towards generating costs to certain development principles so our range of options is narrower.

Gary Pierce questioned whether there was any intention to recover costs for the Harbour Clean-up project. Peter responded no. There is already a funding program set-up for that so we do not contemplate any of the regional treatment facilities through the CCC program. The same would apply for new water treatment facilities. The one qualifier is that there are growth areas around HRM, the Timberlea area for instance, where there is some question as to whether they should be treated the same way as more the regional sewage treatment facilities.

Gary Pierce questioned the argument for treating them differently. Peter responded it is a growth area in close proximity to the core but is also an area that has a treatment plant to accommodate only the existing population. You can tie the cost to upgrade the plant to the new subdivision growth. It is a bit different than an example in the greater Halifax area where Harbour Solutions will put 2-3 treatment facilities. A much greater percentage of the population is existing.

Gary Pierce stated that he thought it was misleading to say the developer is paying. The person paying will be the person buying the lot. The other impact is that by forcing lot prices up in this core area, where you want to encourage development, you will be forcing people to outlying areas.

Austin French commented he thought it was fair to say the developer would pass on the cost to the consumer and that increase would be directly attributable to this program. In terms of having this charge only in the inner area, thus possibly driving more development outside to outlying regions, there are two things he felt were relevant. Because of the way the legislation is drafted and because it applies to a very narrow range of infrastructure, the increase will be slight. In each case the issue will come up before Council and if they feel the CCC cost is too high, they can choose to subsidize. The real point is to take an area like Wentworth Estates which is dependent on proceeding with that interchange. We considered that area to have development potential for varying reasons. It exists between two former municipal units - the Town of Bedford and the City of Halifax; it is close to major employment centres; it is close to the bicentennial highway; and it is well set-up for water and storm drainage. The municipality invested in provision for sanitary sewer. The question is "How will you capitalize if development requires an interchange - who will pay?" Traditionally we would have looked to the Federal and Provincial governments. We have seen over the past decade a refusal to do that, so without a program like this we cannot put the infrastructure in place for good growth

growth areas. Without this CCC policy, growth that might have occurred in a very positive growth area could not happen.

Gary Pierce said he was not suggesting it was not a good idea but it may force people to look outside the core area for cheap land.

Austin French responded we are striking a balance between raising the money needed to build infrastructure and keeping it at a low per acre rate and not inflating the cost.

An individual commented they believed \$3,000 - \$5,000 was not significant.

George Russell stated that relative to the comment about pushing people to the outlying areas, there is no question they got creamed in Clayton Park by developments like Kingswood and partially unserviced subdivisions. He asked if there was a way to widen the development areas for the surcharge. The homeowners go out there and say they did not know how to maintain sewage systems and then you get pollution of ground water and the politicians will cave in. Huge problems are corrected as was the case for Woodbine Mobile Home Park, for instance.

It was commented that there was a study done locally for the home builders. If you want to look at the average cost of a home in this City with the all taxes it goes up to about \$36,000 which is not peanuts. They felt that if HST is charged on a lot levy, the Municipality should be able to claw that cost back.

Austin French responded that the legislation is very clear. They cannot apply a CCC charge if they are not building the infrastructure. If they see a particular problem area occurring around St. Margarets Bay, for instance, they can apply a zone to stop growth while they're doing the analysis.

George Russell commented that has not happened in the past. If you get a lot of people wanting to build small houses for their children next door you will never stop it.

Austin French concurred but pointed out HRM can curtail development through its land use by-laws. We are trying to determine where it makes sense to develop.

Peter Duncan advised that HRM did jointly hire an individual to do a study with UDI and the Home Builders Association. The other thing happening is that the HST rebate structure is changing, particularly for first time home buyers. They have gone through that and there is some difference of opinion on the effect but they all know what the numbers are.

Daniel Rainham said he was interested in how this will relate to regional planning and what will transpire over time. There seems to be no real direction for planning in Halifax. He felt they are adding to the problem of not incorporating standard ecological principles into any new policies. He questioned who did the economical modeling. There is absolutely no accounting here for

environmental extras in the figures. They are going to have increased health care costs due to physical ailments associated with increasing obesity, cardiologic problems, etc. We will have more air pollution. You will have reduced watershed re-charging, increased run-off, higher carcinogenic chemicals, etc. He was surprised that these types of costs have not been incorporated given that they are talking about future development.

Austin French responded that one reason those costs have not been considered is not because they are not relevant but are not permitted to be considered under the legislation governing the program from the Provincial government for the Municipality. It is very specific that it refers to water systems, wastewater facilities, stormwater systems, and upgrading traffic signals and bus systems. The range of services that can be charged is very narrow as defined by the Provincial government in setting up our authority to proceed. We are looking to develop practices that encourage transit ridership and conservation of land and lowering the dependency on automobile use in terms of connections to employment centres, ie., encourage walking as opposed to driving.

Anne Muecke, Project Manager for Regional Planning, stated that the plan right now is to create a plan that has four strategies;

(1) Growth management strategy - this particular program will be a contributor in helping to control that.

(2) Form of community - there will be design elements to try and improve walking and transit ridership so that there will be built communities rather than a series of subdivisions.

(3) Transportation mobility plan - that is intended to look at the best way of moving people. Maybe in some cases it may be undertaking road improvements but also to look at bicycles and walking - different ways of moving people around and looking at the best opportunities within the Municipality, ie., para-transit in rural areas where it is not feasible to run bus service.

(4) Environmental assessment management strategy - this will look at things like protecting lakes and waterways, certain areas of shoreline, and valued green space. It is basically identifying valuable environmental assets. The Municipality does not have authority over environment but it has a role in managing it. Things like getting more compact development or cluster housing serves the needs of transit planning. Also, to look at stormwater management so that you can get more recharge areas. It has always been difficult to cost that. It looks like a more practical thing to try and improve design so that we protect the environment that way.

Peter Duncan commented that in terms of the stormwater management component, when you have a policy that shifts some of the focus on the cost of providing oversized storm system, it also provides a system. One way to reduce is to take away the need for oversized sewer systems.

An individual commented they saw it as the "cart before the horse". She felt it was likely in the interim that we would be looking at developments as separate entities and their costs would not be incorporated. We have not spoken about ferries or light rail transit. It is hard to incorporate if we do not know what we will want as a whole. She referred to Westgate which will add a potential 8000 people and potentially 60% of them will be heading towards the peninsula for work.

Austin French indicated the question he was hearing was "Should we not wait until regional planning is complete?" Right now there are 18 municipal planning strategies and land use by-laws which govern land development patterns in HRM and all of these will be looked at as part of regional planning. These policies have been in place for some time and they created an overview of use that fit together. Out of these policies there are areas such as in Clayton Park West and Westgate where the developers have property rights arising from existing municipal planning strategies. When people want to develop their land, we do not have the right to tell them to go away until we develop the regional planning process. We have to deal with them under the existing planning strategies. In some areas, development can occur. These areas were chosen a couple of years ago based on proximity to the core. They are sitting within the framework of the existing service boundaries and we felt it was reasonable to proceed with investigation in light of the fact that development was looking for a place to grow and we could not put development on hold until regional planning was completed. If the decision of Council is to allow development in areas such as this, where we think it will make sense, then the CCC charge will apply. In an area like Wentworth Estates where half the land fell within the former City of Halifax, it has development rights. The portion of Wentworth Estates within the former Town of Bedford was in a holding pattern but we wanted to look at the whole area comprehensively. We felt the CCC program is needed now in order to accommodate the growth to occur while regional planning is taking place.

In response to how many people would potentially live in Wentworth Estates, it was responded about 15,000 people.

It was commented that for now what we see as major infrastructure for the Wentworth Estates area is the interchange to the bi-centennial highway. It was questioned how the City would deal with, a rail system, for instance, in two years time in that plan.

Austin French responded that in the selection of these areas, we were looking at proximity to the existing population. There is some risk with proceeding with the CCC policy but would argue in this instance that the risk would be greater if HRM did nothing because development rights exist. If Council chooses to proceed, we will create the policy so that Council has some flexibility. There would be opportunity to shape it and bring it in line with regional planning but could not say that latitude would be wide open. The overall point is that within HRM you have development rights of varying stature and we have to live with them as we go through the regional planning process.

George Russell commented the interchange is an unusual circumstance and a major ticket item for that area. The normal situation does not include that. It is mainly oversizing of streets and servicing. He questioned whether they considered expanding the City's cost-sharing formula.

Peter Duncan responded they looked at that when they first started. To expand that program geographically to a regional level is not fiscally possible. Right now we are spending about \$1.5 million dollars annually just subsidizing. To expand that without a funding mechanism was not considered.

George Russell stated another option was for Council to increase taxes. Peter responded that was an option. He noted that HRM has one of the highest debt ratios than any other municipality per capita.

David Aalders said that he felt the CCC policy should be applied to the ribbons of development such as in Hammonds Plains. He questioned whether the CCC policy recognizes potential designs that would reduce traffic generation.

Austin French responded that the CCC policy tries to promote efficiency because the people do not want to pay more than necessary but the policy does not in itself bring about better design. We have to do that through other approaches in the Municipal Government Act. In the case of Wentworth Estates, what we are doing is an amendment to the MPS and in so doing will set up neighbourhood parameters for design that promote transit oriented development. We will have a session on that on December 10<sup>th</sup> in Bedford. In all of these areas, we will be working towards that. When you talk about pushing development out, we think there is a balance. If we did nothing, development continues to sprawl out and we do not have a funding source to encourage development where we want it. We see this as a positive development to combating sprawl. By keeping the costs low we think we will not do any harm and we think we can create a beautiful area for people to live.

David Aalders stated the CCC policy should be applied to areas like Hammonds Plains. We have to put something in place to recover costs and discourage sprawl as much as possible.

Austin French indicated it is something we have been concerned about. Our compromise is that we will monitor. If we are in the scenario where we see rapid growth happening in a short period of time, a holding zone could be put in place to give us enough time to do the analysis.

It was questioned whether HRM has a requirement to require bus lanes or bike trails and sidewalks. Peter responded he thought it was something we could do.

It was questioned whether HRM intends to do it. Austin responded it is a possibility. We have not included any consideration for dedicated bus lanes. We will leave room in the transportation corridor for that.

It was stated that we need to recognize in the design a way of creating an incentive for people to choose alternative kinds of transportation. They spoke in favour of looking at that upfront and not deferring it until later.

The meeting adjourned at approximately 9:00 p.m.




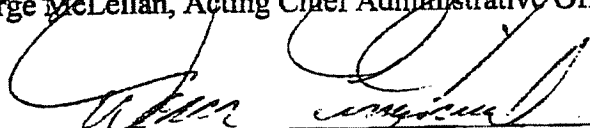
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Halifax Regional Council  
October 9, 2001

**TO:** Mayor Kelly and Members of Halifax Regional Council

**SUBMITTED BY:**

  
George McLellan, Acting Chief Administrative Officer

  
Dan English, Deputy Chief Administrative Officer

**DATE:** September 24, 2001

**SUBJECT:** Capital Cost Contribution Policy Public Participation Strategy

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**ORIGIN:**

Proposal originates from the Halifax Regional Municipality's intention to implement a Capital Cost Contribution Policy to recover infrastructure charges in respect of the capital costs associated with new development.

July 3, 2001 motion of the Committee of the Whole recommending that Regional Council adopt a region-wide approach to public participation.

**RECOMMENDATION:**

It is recommended that Halifax Regional Council adopt the public participation process for the Municipal Planning Strategy and By-law amendments required for implementation of the Capital Cost Contribution program as outlined in Attachment I of this report.



## BACKGROUND:

Halifax Regional Municipality has experienced sustained growth for several decades in both the urban and suburban areas. Many of the trunk infrastructure systems are approaching their design capacities.

An Integrated Servicing Study completed for the Municipality in July 1999 examined the future infrastructure needs of the Municipality. The Study identified substantial expenditures for new infrastructure required for the “core” area of the Municipality.

A Multi-Year Financial Strategy has been adopted to address the debt load and financial position of the Municipality. The Municipality cannot absorb the costs identified in the Integrated Servicing Study for new infrastructure required to service future development.

Federal and Provincial Government funding for Oversized Infrastructure has diminished and is insufficient to meet ongoing and future needs. Alternative sources of funding need to be considered in order to support future growth.

The *Municipal Government Act* (the “MGA”) authorizes a municipality to impose an infrastructure charge to recover the capital costs incurred by a municipality by reason of the subdivision and future development of land. To date the Municipality has not implemented a charge pursuant to this power under the MGA.

In August 2000, the Municipality undertook to develop a policy for implementing Infrastructure Charges in the Municipality. A study team was assembled and a review undertaken to create a policy that would operate effectively in the Municipality. The review included extensive consultation with Municipal Staff and liaison with the development community.

Stakeholder consultation has been key to the development of the policy to date. The policy was initially drafted by a steering committee consisting of representatives from across HRM’s various departments. It was continuously refined through a dialogue over several months in the spring and summer of 2001 with development industry representatives on the Development Liaison Committee. This committee, with representation from industry and various public agencies, has a mandate to encourage safe and affordable housing development in HRM.

Further to the above-noted discussions, staff made a presentation to Committee of the Whole in July providing an overview of the policy and recommended approach to further consultation. The Committee passed a motion to be adopted by Regional Council calling for a regional approach to public consultation for the CCC policy.

## **DISCUSSION:**

The Infrastructure Charge Best Practice Guide, previously distributed to members of Council, addresses the legislation, policies and practices relevant to cost apportionment for new infrastructure in the Municipality. It provides a framework within which Council can consider the implementation of Infrastructure Charges pursuant to the Municipal Government Act. It proposes a policy for recovery of Infrastructure Charges in the Municipality.

The charge recovered under the policy is intended to capture costs directly attributable to the subdivision of land - rather than all costs associated with new infrastructure required for the “core” area of the Municipality. The policy is designed to allow the Municipality to apportion the costs associated with new infrastructure without unduly impacting normal market forces and conditions.

### Municipal Government Act - Infrastructure Charges

Section 274 of the MGA provides authority for municipalities to recover Infrastructure Charges in respect of the capital costs associated with new development. The MGA provides that a Municipal Planning Strategy (Municipal Planning Strategy) may authorize the inclusion of provisions for Infrastructure Charges in a Subdivision By-law.

Under the MGA, Infrastructure Charges can include amounts in respect of:

- (a) new or expanded water systems;
- (b) new or expanded wastewater facilities;
- (c) new or expanded stormwater systems;
- (d) new or expanded streets;
- (e) upgrading intersections, new traffic signs and signals and new transit bus bays.

A charge in respect of these items may be imposed in the Subdivision By-law to recover all, or part, of the capital costs incurred, or anticipated to be incurred, by a municipality by reason of the subdivision and future development of land. The infrastructure charge may include costs associated with land acquisition, planning, studies, engineering, surveying and legal costs incurred as a result of new development.

The MGA requires that the Subdivision By-law set out the infrastructure charge areas in which Infrastructure Charges are to be levied, the purposes for which Infrastructure Charges are to be levied and the amount of, or method of calculating, each infrastructure charge. The MGA provides that final approval of a subdivision shall not be granted unless the infrastructure charge is paid or the applicant has entered into an agreement with the municipality securing the payment of the charges.

#### Proposed Municipal Planning Strategy and By-law Amendments

It is anticipated that Infrastructure Charges will apply primarily in areas where development proceeds by development agreement. The proposed Municipal Planning Strategy and By-law amendments require that a development agreement make provision for payment of an infrastructure charge at the time of Subdivision Approval.

It should be recognized however that a charge area (with a corresponding infrastructure charge) might also be imposed in areas where subdivision can occur as-of-right. In such cases, the infrastructure charge would simply be recovered at the time of Subdivision Approval.

The proposed Subdivision By-law amendments include requirements for provision of an enhanced concept plan as part of the Subdivision Approval process. It is intended that the information provided with the concept plan will enable staff to identify development patterns which, absent the imposition of Infrastructure Charges, could result in substantial future costs to the Municipality for new infrastructure.

As a safeguard against undue exposure to anticipated future costs, the proposed By-law amendments give the Municipality authority to impose a Holding Zone (permitting certain limited development) where it appears that new infrastructure costs associated with future development would be prohibitive.

To the extent that new infrastructure includes water related systems and facilities, expenditures for water infrastructure require approval of the Halifax Regional Water Commission. The water services component of the infrastructure charge will therefore require approval by the Commission prior to consideration of the infrastructure charge by Regional Council.

Under the MGA the infrastructure charge is to be paid (or satisfactory arrangements made) at the time of Subdivision Approval. Provision can be made under the Municipal Services Agreement (which facilitates the construction and take-over of services) for deferral of payment until Primary Service take-over.

### Municipal Planning Strategies

The amendments provide policy support for recovery of Infrastructure Charges through the Subdivision By-law. The policy statements indicate that the Municipality will follow the methodology outlined in the CCC Policy adopted by policy of Council in determining charge areas and calculating Infrastructure Charges in the Municipality.

### Subdivision By-law

The amendments enable Council to determine charge areas and related Infrastructure Charges and effect recovery of the charges through the Subdivision By-law. Under the proposed amendments, charge areas (and applicable charges) would be adopted by Council from time to time by amendment of the Subdivision By-law. Each amendment would include a map of the charge area as well as the amount of the charge.

### Land Use By-laws

The amendments implement and enable the Municipal Planning Strategy policies regarding recovery of Infrastructure Charges in the Municipality.

The amendments noted above are presented in a standard form for purposes of this report. Ultimately, the standard form amendments will need to be adopted for incorporation into the various strategies and by-laws now in effect in the Municipality.

## **BUDGET IMPLICATIONS:**

There are no immediate implications associated with adopting the recommended public participation program. The adoption of the proposed plan and bylaw amendments will have significant implications over the long run as described below.

## **MULTI-YEAR FINANCIAL STRATEGY:**

The Capital Cost Contribution program will provide clarity both in defining the future requirements for infrastructure in HRM and also in the fair apportionment of costs to those deriving direct benefit. The Municipality will establish 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 annual capital budgeting process. The policy recognizes that investments must be consistent with the Multi-Year Financial Strategy.

**ATTACHMENTS:**

Attachment I: Capital Cost Contribution Policy: Proposed Public Participation Program

Attachment II: Proposed Municipal Planning Strategy and By-law Amendments (Standard Form)

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210 or Fax 490-4208.

Report prepared by: Austin French, Regional Coordinator, Community/Regional Planning  
490-6717

Report approved by:   
Paul Dunphy, Director of Planning & Development Services

**Attachment I**

**Proposed Public Participation Process**

**Purpose:**

To obtain input from the development industry and the public at large on amendments to all Municipal Planning Strategies (MPS); Land Use By-laws, and Subdivision By-Laws in order to implement a Capital Cost Contribution (CCC) Policy.

**Jurisdiction:**

The CCC policy is of region-wide significance and therefore will be handled directly by Regional Council. This will help ensure that the issue is handled consistently throughout HRM.

**Process:**

A single region-wide program allowing the Capital Cost Contribution policy to be presented, discussed and adopted as a comprehensive package. Steps in the process are as follows:

- . consult the general public through a minimum of three public information sessions to be held in each of the three administrative regions (Western, Central and Eastern). Staff would present the proposed strategy and chair the meetings. Members of Planning Advisory Committees would be notified of the meetings.
- . currently planned meeting dates are:
  - Monday, November 5<sup>th</sup> - Basinview Community School in the cafeteria;
  - Wednesday, November 7<sup>th</sup> - Cole Harbour Place in the Forest Room.
  - Wednesday, November 14<sup>th</sup> - Dutch Village Road (former Council Chambers);
- . review the results of the public participation process with the development industry through the contacts established in the Development Liaison Group.
- . conduct further review of the issues with internal and external agencies (e.g. Department of Service Nova Scotia & Municipal Relations)
- . revise wording of proposed MPS, and By-law amendments and identify placement within each of HRM's existing MPS and By-law documents.
- . prepare a staff report outlining the results of the public participation process.

- . present and discuss the results of the public participation process a meeting of the Committee of the Whole Council.

When Council is satisfied with the proposed amendments to the various Municipal Planning Strategies and Land Use By-laws, Council would move First Reading of the proposed CCC Policy. At that same meeting, Council would set a date for a public hearing on the proposed MPS/LUB amendments.

Council would adopt a resolution that all appropriate MPS and By-law documents be amended simultaneously.

## ATTACHMENT II

### PART I:

#### **A By-Law To Amend All Municipal Planning Strategies To Include Provisions Respecting Infrastructure Charges**

**All Municipal Planning Strategies are hereby amended as follows:**

1. By including the following PART:

#### **PART (X-1) - INFRASTRUCTURE CHARGES**

##### **Preamble**

Halifax Regional Municipality has experienced sustained residential and commercial growth throughout the past several decades. The provision of new street and underground servicing systems to accommodate new developments is generally the responsibility of individual developers as condition of development approval and municipal take over of such servicing systems. In many cases, however, these servicing systems are sized and constructed to accommodate only the immediate area in which new development occurs. This leads to problems when the cumulative effect of individual developments either impact on, or are impacted by, the capability of overall community and regional infrastructure to accommodate growth.

Until recently, costs associated with ensuring that the size and extent of infrastructure required to accommodate new growth and its impacts on existing communities have been assumed largely by public sector funding. Traditional sources of public funding for municipal infrastructure have been reduced and new infrastructure will need to be funded without public financing available in the past. This presents a significant challenge to the Municipality in terms of balancing the economic benefits of new growth with the need to ensure that the infrastructure required to support growth is provided in a timely and cost-effective manner.

Council is concerned that many of the trunk infrastructure systems in the Municipality are nearing their design capacities and recognizes that new servicing systems are required to meet the needs of the community. An Integrated Servicing Study recently prepared for the Municipality identified substantial new infrastructure required in order to accommodate future development.

The Municipality has adopted a Multi-Year Financial Strategy with respect to its debt load and financial position. The Municipality is not in a financial position to absorb the capital costs associated with upgrading and extending the infrastructure necessary to facilitate future



development, nor is it prepared to burden existing taxpayers with additional capital costs associated with new development.

In order to help facilitate continued growth without imposing an excessive financial burden on the existing taxpayers of the Municipality, it is Council's intention to recover infrastructure-related costs associated with new growth in the form of Infrastructure Charges in accordance with the provisions of the *MGA*. Recovery of Infrastructure Charges will enable the Municipality to allocate the capital costs associated with new infrastructure to developers and subdividers deriving servicing benefits from the new infrastructure.

In keeping with the *MGA*, Infrastructure Charges for:

- (a) new or expanded water systems;
- (b) new or expanded waste water facilities;
- (c) new or expanded storm water systems;
- (d) new or expanded streets;
- (e) upgrading intersections, new traffic signs and signals, and new transit bus bays,

may be imposed in the Subdivision By-law to recover all, or part, of the capital costs incurred, or anticipated to be incurred, by the Municipality by reason of the subdivision and future development of land as well as to recover costs associated with land, planning, studies, engineering, surveying and legal costs incurred with respect to any of them.

In accordance with the provisions of the *MGA*, development agreements may contain terms with respect to matters that a land use by-law and a subdivision by-law may contain. Where the policies of this strategy provide for consideration of a proposed development by development agreement, and where the cost of providing municipal wastewater facilities, stormwater systems, streets or water systems would be prohibitive or premature, such agreements may contain provisions to minimize the financial burden on the existing tax base, including the recovery of infrastructure charges.

The Subdivision By-law shall set out the infrastructure charge areas in which Infrastructure Charges are to be levied, the purposes for which Infrastructure Charges are to be levied and the amount of, or method of calculating, each infrastructure charge.

The Municipality will initiate Master Plan studies where necessary in order to determine appropriate charge areas and the costs associated with oversized and new infrastructure. The cost of any such studies will be included as part of the infrastructure charge to be recovered under the Subdivision By-law.

Where the costs of providing infrastructure to accommodate development activity in specific geographic locations may place excessive financial burden on the Municipality, it may be necessary

to suspend development pending completion of Master Plan studies and establishing of charge areas. In such instances provision will be made for application by Council of a holding zone to such areas. Additionally, where proposed development agreements would result in subdivisions requiring new infrastructure, approval of such proposals will be subject to Infrastructure Charges. The methodology for determining charge areas and for calculating Infrastructure Charges will be generally outlined in a Capital Cost Contribution Policy adopted by Council.

### **Objectives**

The following statements generally define the objectives Council wishes to achieve through the imposition of Infrastructure Charges within the Municipality:

- (a) to provide a leadership role in facilitating future growth in the Municipality;
- (b) to recover an infrastructure charge where the subdivision or development presents a requirement for new infrastructure;
- (c) to ensure that the costs of new infrastructure are properly allocated to subdividers and other stakeholders deriving benefit from the infrastructure;
- (d) to limit the Municipality's financial contribution having regard to other budgetary commitments and constraints;
- (e) to provide greater certainty to subdividers and other stakeholders with respect to the costs of development in the Municipality;
- (f) to maintain a consistent approach to recovery of Infrastructure Charges across the Municipality;
- (g) to ensure that recovery of Infrastructure Charges is compatible with good land use planning in the Municipality.

### **Policy Statements**

The following policy statements identify the intentions of Council in adopting municipal planning policy with respect to Infrastructure Charges. These policies will be implemented through provisions established in the Subdivision and LUB's and by administrative practices and procedures.

#### **Policy 1**

Where capital costs have been or are anticipated by reason of the subdivision or future development of land, the Subdivision By-law shall be amended from time to time to identify specific charge areas and related Infrastructure Charges applicable in the Municipality. In amending the Subdivision By-law to establish a charge area, Council shall consider:

- (a) The adequacy of existing infrastructure;
- (b) Transportation requirements, including existing streets;

- (c) Drainage patterns and drainage requirements;
- (d) Water service requirements, including existing and proposed water service districts;
- (e) Storm and sanitary sewer system requirements, including the extension of existing systems and servicing boundaries;
- (f) Land use and existing and future development;
- (g) Financial impacts on the Municipality;
- (h) Soil conditions and topography; and
- (i) Any other matter of relevant planning concern.

**Policy 2**

Infrastructure Charges within a charge area shall be in an amount determined by Council.

**Policy 3**

Infrastructure Charges imposed pursuant to the Subdivision By-law may be set at different levels related to the proposed land use, zoning, density, traffic generation, lot size and number of lots in a subdivision and the anticipated servicing requirements for the infrastructure charge area.

**Policy 4**

The Subdivision By-law shall establish conditions for Subdivision Approval with respect to the payment of Infrastructure Charges including provisions for any agreements with the Municipality as a condition of Subdivision Approval.

**Policy 5**

Where the LUB requires a developer to enter into a development agreement with Council prior to permitting development, and where a proposed development agreement will result in a subdivision which imposes a requirement for new or expanded infrastructure, any development agreement shall include provision for the payment of Infrastructure Charges. In addition to any other applicable policies and evaluation criteria established by this MPS, consideration of a development agreement which would result in a subdivision which imposes a requirement for new or expanded infrastructure shall be considered in relation to:

- (a) The adequacy of existing infrastructure;
- (b) Transportation requirements, including existing streets;
- (c) Drainage patterns and drainage requirements;
- (d) Water service requirements, including existing and proposed water service districts;

- (e) Storm and sanitary sewer system requirements, including the extension of existing systems and servicing boundaries;
- (f) Land use and existing and future development;
- (g) Financial impacts on the Municipality;
- (h) Soil conditions and topography; and
- (i) Any other matter of relevant planning concern.

### **Policy 6**

An Infrastructure Charges Holding Zone shall be established in the LUB. The Infrastructure Charges Holding Zone may be applied by Council to lands within any designation where, in respect of development, Council has determined that:

- (a) the cost of providing municipal wastewater facilities, stormwater systems or water systems would be prohibitive;
- (b) the provision of municipal wastewater facilities, stormwater systems or water systems would be premature, or
- (c) the cost of maintaining municipal streets would be prohibitive.

Development permitted within an Infrastructure Charges Holding Zone shall be restricted to single unit dwellings except in conformity with a development agreement approved by Council in accordance with the MGA. Additionally, provision will be made in the Subdivision By-law to limit the number of building lots approved to a maximum of 5 lots per year per area of land in existence on the effective date of this policy.

### **Policy 6A**

Upon the application by Council of a Charge Area pursuant to Policy 1, or upon determining that application of a Charge Area is not required, it is Council's intention that an Infrastructure Charges Holding Zone applied under Policy 6 be repealed and replaced by either the pre-existing zoning or such other appropriate zoning which is consistent with the applicable land use designation established under this MPS.

### **Policy 7**

Council shall be guided by the Municipality's Multi-Year Financial Strategy and capital budget process in determining the extent and timing of municipal contributions toward new infrastructure.

### **Policy 8**

An infrastructure charge may only be used for the purpose for which it is collected.

**2. By including the following General Implementation Policy:**

**Policy 9**

- (a) Within any designation, development agreements which result in subdivision requiring new infrastructure, shall be considered pursuant to "Infrastructure Charges -Policy 5";
- (b) Within any designation, where a holding zone has been established pursuant to "Infrastructure Charges - Policy 6", Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the "Infrastructure Charges" Policies of this MPS.

**Part II: LUB**  
**A By-Law To Amend All Land Use By-laws to Include**  
**Provisions Respecting Infrastructure Charges**

All Municipal LUB's are hereby amended as follows:

**1. By including the following definitions:**

- (a) **Capital Cost:** The cost of oversized (e.g., trunk or transmission lines, collector roads) infrastructure systems needed to service the charge area. Capital cost may include necessary infrastructure external to the charge area. Cost estimates may be used. Costs may include design, construction, materials and cost escalators, interest during construction, financial costs, legal, surveying, administration and land costs.
- (b) **Charge Area:** An area which has been designated by Council by amendment to the Subdivision By-law in which Infrastructure Charges are to be levied.
- (c) **Infrastructure Charge:** A charge levied on a subdivider as a condition of Subdivision Approval within a charge area for the purpose of recovering capital costs associated with new or expanded infrastructure related to centralized water, sanitary and storm sewer systems, streets and intersections, traffic signs, signals and bus bays required to service the charge area, along with any costs associated with land acquisition, surveying, studies or legal services.
- (d) **Oversized Infrastructure Systems:** Larger sized infrastructure providing service to the Charge Area, including, but not limited to trunk and transmission systems, arterial and collector systems, that provide a wide area service benefit, and may also include additional required infrastructure or facilities to provide service to the Charge Area.

**2. By including the following "General Provisions For All Zones":**

(a) **Infrastructure Charges**

No development permit shall be issued for a development within a charge area as identified in the Subdivision By-law unless and until the infrastructure charge established under the Subdivision By-law has been paid or the subdivider has entered into an agreement with the Municipality securing the payment of the infrastructure charge.

(b) **Other Uses Considered by Development Agreement**

As provided for by "Infrastructure Policies 5 and 6" of this MPS, uses within any designation which would require new or expanded infrastructure may be permitted subject to the development agreement provisions of the MGA.

3. **By establishing the following Zone:**

(a) **H (Holding) Zone**

**Holding Zone Uses Permitted**

No development permit shall be issued in any H(Holding) Zone except for the following:

Single Unit Dwellings  
Open Space Uses

### PART III

#### A By-law To Amend All Municipal Subdivision By-laws to Include Provisions Respecting Infrastructure Charges

All Municipal Subdivision By-laws are hereby amended as follows:

1. By adding the following definitions:

- (a) **Capital Cost:** The cost of oversized (e.g., trunk or transmission lines, collector roads) infrastructure systems needed to service the charge area. Capital cost may include necessary infrastructure external to the charge area. Cost estimates may be used. Costs may include design, construction, materials and cost escalators, interest during construction, financial costs, legal, surveying, administration and land costs.
- (b) **Charge Area:** An area which has been designated by Council by amendment to this Subdivision By-law in which Infrastructure Charges are to be levied.
- (c) **Infrastructure Charge:** A charge levied on a subdivider as a condition of Subdivision Approval within a charge area for the purpose of recovering capital costs associated with new or expanded infrastructure related to centralized water, sanitary and storm sewer systems, streets and intersections, traffic signs, signals and bus bays as well as other related or required infrastructure to service the charge area both on and off-site, along with any costs associated with land acquisition, surveying, studies or legal services.
- (d) **Oversized Infrastructure Systems:** Larger sized infrastructure providing service to the Charge Area, including, but not limited to trunk and transmission systems, arterial and collector systems, that provide a wide area service benefit, and may also include additional required infrastructure or facilities to provide service to the Charge Area.

1A. By adding the following section to General Lot Design Provisions”:

Where a Holding Zone has been applied by Council pursuant to “policies respecting Infrastructure Charges” of a Municipal Planning Strategy, no more than 5 lots plus a remainder shall be approved per calendar year from any area of land that existed on or before (the effective date of this amendment).



2. By adding the following PART:

(a) PART (X) Infrastructure Charges

1. Infrastructure Charge Imposed

Where a Charge Area has been established by Council, an infrastructure charge shall be paid by the subdivider in accordance with the Schedules annexed to this By-law.

2. Infrastructure Charge Areas

A Charge Area, and the applicable infrastructure charge to be paid by a subdivider shall be as determined by Council and identified in the Schedules which are attached to this By-law.

3. Timing of Payment

Final Subdivision Approval shall not be granted unless the infrastructure charge established under this By-law is paid or the subdivider has entered into an agreement with the Municipality securing the payment of the infrastructure charge.

4. Agreement

1. The Municipality and subdivider may enter into an Infrastructure Charges agreement that:
  - (a) provides for the payment of Infrastructure Charges in installments;
  - (b) permits the applicant to provide certain services in lieu of the payment of all, or part, of the charge;
  - (c) provides for security to ensure that the Infrastructure Charges are paid when due;
  - (d) provides for any other matter necessary or desirable to effect the agreement.
2. Notwithstanding the provisions of subsection 1., the decision to enter into an Infrastructure Charges agreement and the terms thereof shall be at the discretion of the Development Officer acting upon the advice of the Development Engineer.

5. Exemption from Infrastructure Charge

Infrastructure Charges shall not be payable if an infrastructure charge has been paid with respect to the area of land, unless further subdivision of the land will impose additional costs on the Municipality.

**6. Charges Paid**

A charge paid pursuant to this By-law shall only be used for the purpose for which it is collected but under no circumstance shall any charge collected under this By-law be refunded.

**7. Lien**

A charge imposed pursuant to this By-law constitutes a lien upon the property with respect to which the charge has been levied in the same manner and with the same effect as rates and taxes under the *Assessment Act*.

**8. Interest**

The lien provided for in this By-law shall remain in effect until the charge, together with interest at the rate charged to the Municipality by its banks plus four (4) percentage points on the entire amount from time to time outstanding and unpaid beginning from the date on which the lien became effective, has been paid.

**3. Deleting the "Requirements Respecting Concept Plans" in the Halifax County Subdivision By-law and replacing with the following:**

**(a) Requirements Respecting Concept Plans**

1. The subdivision concept plan shall show:
  - (b) Name of property owner(s) and name of all abutting land owners;
  - (c) The north point;
  - (d) The words "Concept Plan" above the title block along with an estimated lot yield figure, based on zoning and/or Department of Environment's lot size requirements;
  - (e) Contours at 5 metre intervals;
  - (f) The location of any municipal service boundary on the site;
  - (g) The scale to which the plan is drawn;
  - (h) Existing on-site development, the proposed location of public open space, and existing and proposed community and commercial uses;
  - (i) All registered easements and rights of ways on site;
  - (j) Internal street system. Highways, and road reserves; and anticipated major pedestrian routes;
  - (k) Traffic impact analysis, the level of detail of which will be relative to the scope of the development.

- (l) The location of any watercourse, swamp, prominent rock formation, wooded area, area subject to flooding and any other prominent natural feature which might affect the provision or layout of sanitary sewage systems, storm sewerage systems, water distribution systems, public streets or public highways or private roads;
- (m) The approximate total area of:
  - i) the proposed subdivision; and
  - ii) the land tributary to the proposed subdivision; and
  - iii) the appropriate run-off coefficients;
- (n) Existing and proposed water distribution system including pipe sizes;
- (o) Existing and proposed sanitary sewerage systems, including pie sizes, pumping stations and pressure sewers, and; preliminary design summary in tabular form including development densities and sewerage generation estimates which support the proposed sewerage system;
- (p) Existing and proposed storm sewerage system including pipe sizes;
- (q) Any additional information required by the Development Officer in support of the proposal.

**(b) Subdivision Concept Plan Consistent With Master Plan**

- 1. Where the plan of subdivision contains lots which are within a Charge Area as designated by Council, the Concept Plan shall be consistent with any Master Plan Study undertaken for the Charge Area.

**4. Adding the following PART to the Halifax, Dartmouth and Bedford Subdivision By-laws:**

**(a) PART (X) SUBDIVISION CONCEPT PLANS**

- 1. Where new streets are to be constructed in an area of land(s) under the ownership the subdivider, the subdividers shall submit an application for subdivision concept plan approval for the entire area of land(s).
- 2. The application shall include 18 copies of the subdivision concept plan meeting the requirements of this part of the by-law.
- 3. The application shall include a processing fee in the amount of
- 4. The subdivision concept plan shall show:
  - (a) Name of property owner(s) and name of all abutting land owners;
  - (b) The north point;
  - (c) The words "Concept Plan" above the title block along with an estimated lot yield figure, based on zoning and/or Department of Environment's lot size requirements;

- (d) Contours at 5 metre intervals;
  - (e) The location of any municipal service boundary on the site;
  - (f) The scale to which the plan is drawn;
  - (g) Existing on-site development, the proposed location of public open space, and existing and proposed community and commercial uses;
  - (h) All registered easements and rights of ways on site;
  - (i) Internal street system. Highways, and road reserves; and anticipated major pedestrian routes;
  - (j) Traffic impact analysis, the level of detail of which will be relative to the scope of the development.
  - (k) The location of any watercourse, swamp, prominent rock formation, wooded area, area subject to flooding and any other prominent natural feature which might affect the provision or layout of sanitary sewage systems, storm sewerage systems, water distribution systems, public streets or public highways or private roads;
  - (l) The approximate total area of:
    - (a) the proposed subdivision; and
    - (b) the land tributary to the proposed subdivision; and
    - (c) the appropriate run-off coefficients;
  - (m) Existing and proposed water distribution system including pipe sizes;
  - (n) Existing and proposed sanitary sewerage systems, including pie sizes, pumping stations and pressure sewers, and; preliminary design summary in tabular form including development densities and sewerage generation estimates which support the proposed sewerage system;
  - (o) Existing and proposed storm sewerage system including pipe sizes;
  - (p) Any additional information required by the Development Officer in support of the proposal.
5. The subdivision concept plan shall include 8 copies of a drainage plan, prepared by a Professional Engineer and in accordance with the Municipal Service Systems Design Guidelines, showing:
- (a) The location of the proposed subdivision within the drainage area;
  - (b) The location and direction of flow of every watercourse;
  - (c) The approximate total area of:
    - i) the proposed subdivision; and
    - ii) the land tributary to the proposed subdivision and the appropriate run-off coefficients;
  - (d) Contour lines at 5 feet or 2 metres intervals or as otherwise required by the Development Officer in order to determine site drainage patterns;
  - (e) The receiving water of the proposed storm drainage system;
  - (f) Any other information deemed necessary by the Development Officer to determine if the drainage plan conforms to this by-law.

6. The subdivision concept plan shall include 8 copies of a schematic engineering plan, prepared by a Professional Engineer and in accordance with the Municipal Service Systems Design Guidelines, showing:
  - (a) The existing and proposed water distribution systems;
  - (b) The existing and proposed sanitary sewerage systems, including pumping stations and force mains and indicating the minimum slope of the sanitary sewerage system;
  - (c) The existing and proposed storm sewerage system;
  - (d) The existing and proposed public streets;
  - (e) A layout and description of existing and proposed utilities including:
    - i) street and walkway lighting;
    - i) electrical distribution systems;
    - ii) telecommunication systems;
    - iii) any other required utility;
    - iv) location of postal service boxes; and
  - (f) Proposed method of servicing if public central water and sewer services are not available;
  - (g) Where the plan of subdivision contains lots to be serviced by an on-site sewage disposal system, the following information is required:
    - i) the lot layout including buildings, proposed on-site sewage disposal system, proposed driveway and water wells;
    - ii) an explanation of the extent, volume and type of usage to which the system will be subjected;
    - iii) if required by the On-site Sewage Disposal Systems Regulations, an assessment report of the lot respecting its suitability to support an on-site sewage disposal system including the results of a soil evaluation test, except where the assessment report is to be prepared by the Department of the Environment; and
    - iv) any other information necessary to determine whether the Subdivision meets the On-site Sewage Disposal Systems Regulations.
  - (h) Any other information deemed necessary by the Development Officer to determine if the schematic engineering plan conforms to this by-law.
7. Where the plan of subdivision contains lots which are within a Charge Area as designated by Council, the Concept Plan shall be consistent with any Master Plan Study undertaken for the Charge Area.

5. **Repeal**

(This space reserved for a clause to repeal any existing policies or regulations respecting Infrastructure Charges, such as the former Halifax and Halifax County cost-sharing policies)

**6. Effective Date**

The effective date for this amendment shall be \_\_\_\_\_ or on the date of adoption, whichever is the later.

Done and Passed by Council this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 2001.

Attachment 6  
Questions & Answers from Public Participation Program

Public Participation Program:

On October 9, 2001, HRM Council adopted a Regional Public Participation process and directed staff to carry out a series of public sessions and report back on the outcome. A report on the program was presented at the April 2, 2002 Committee of the Whole Council meeting.

The public participation program generally consisted of the following elements:

- Public Information Meetings held on:  
  
November 5, 2001 - Basinview School, Bedford  
November 7, 2001 - Forest Room, Cole Harbour Place  
November 14, 2001 - Former Council Chambers, Dutch Village Road
- Wentworth/Bedford South Public Meeting: December 10, 2001 - Basinview School
- Joint Planning Advisory Committee Meetings held on:  
  
December 13, 2001 - Former Council Chambers, Dutch Village Road  
February 13, 2002 - Forest Room, Cole Harbour Place
- Canada Mortgage and Housing Corporation Annual Conference: January 30, 2002
- HRM Web Page Information Sheet and Questionnaire: January to Mid February 2002
- Presentation to Nova Scotia Planning Directors Conference - May 10, 2002

Questions and Answers:

The development community, represented substantially through the Development Liaison Group (DLG), has raised numerous issues throughout the stakeholder consultation process. These issues generally speak to the impact the CCC will have on the cost of new homes. The DLG has also requested that staff provide Council with a copy of a report prepared by Greg Lampert entitled "Charges and Taxes on New Housing in HRM". (Attachment 7)

*To what extent will the municipality commit to funding the municipal share of infrastructure?*

To address this, a framework for master planning has been developed in conjunction with industry. The framework allows for Council validation of costs through the MYFS at the appropriate stages

of planning and development. Where an infrastructure charge has been imposed, funds must be expended on the appropriate infrastructure.

*To what extent will the municipality "load" upgrades of off site infrastructure on a charge area?*

The primary concern is large off-site infrastructure components required to provide service to a charge area, which also provide a broader regional benefit. Even when costs are allocated in accordance with the draft policy, significant infrastructure charges can still result when sizeable infrastructure is required to provide service to an area.

Examples of "sizeable" infrastructure would be the new interchange with Highway 102 required for the development of the Wentworth/Bedford South area, the new interchange with Highway 111 required for the development of the Morris/Russell Lakes area, and the North Dartmouth Trunk Sewer required for the development of the Port Wallis study area.

The development community question the fairness of passing 100% of these costs through to the first time lot purchaser. Developers have suggested allowing the policy to be flexible enough to provide for spreading the amount of the charge over a longer period of time - say 10 years. Sources of revenue which have been suggested to enable this include the Deed Transfer Tax on new developments and the Sewer Re-development Charge.

In response to these issues, staff maintain that the costs of this type of infrastructure should be included as part of the CCC charge calculation. The CCC policy ensures that only the portion of the infrastructure that directly benefits the development area will be included in the charge. The apportionment of benefit is established through standard traffic modeling and trip calculations.

It is not reasonable to replace the CCC charge as a source of revenue with the Deed Transfer Tax or other taxes as these funds are already dedicated to HRM's general revenues and fund HRM's operations. If applied to the cost of new development, they would have to be replaced with other sources of revenues such as an increase in the general tax rate.

*HRM should commit to carrying a significant share of the financial risk.*

The policy is designed to ensure the Municipality assumes a limited role in financing where new investment furthers municipal growth objectives. Under the proposed policy, the risk associated with new development costs is largely borne by the private development industry.

*HRM should conclude Wentworth/Bedford South plan amendment process as a test case.*

Staff believe that the opportunity to work through the implementation of the Capital Cost Contribution Approach to establishing an infrastructure charge has been very useful. However, it is not necessary to complete all aspects of the negotiations prior to proceeding with the overall policy. Staff is committed to continuing the process with the stakeholders at Wentworth/Bedford



South. Currently the amount of the charge for Wentworth/Bedford South is estimated at between \$18,000 to \$23,000 per acre. This equates to a charge of \$3,000 to \$3,800 per single family unit. The purpose of these amendments is to ensure that there is a consistent policy throughout the entire region and that all developments will be equally subject to these policies. In the case of Wentworth Estates and all future developments, the specific amount of capital cost charge is the focus of specific public hearings for each development when the Subdivision By-law is amended.

Issues raised in the public meeting portion of the public consultation program to-date are discussed below.

*The Nova Scotia Homebuilders Association expressed "extreme disappointment" at the level of information provided to the public.*

The printed information made available to the public included a copy of the Infrastructure Charges Best Practices Guide. This is a complete and thorough explanation of the policy including detailed explanation of the mechanics of how the policy will be put into practice.

The package also included a staff report which summarized the intent of the policy. Proposed language to be included in all Municipal Planning Strategies is appended.

Presentations made during the public meetings focused on the overall intent of the policy and highlighted key features. It also demonstrated the physical locations in HRM where the policy will be most actively applied.

Overall, staff feel the information is relevant and complete but are disappointed by the lack of attendance at public meetings.

Additional measures employed to encourage public awareness were:

- presentation of the policy at the Wentworth/Bedford South Master Plan public meeting.
- publication of a brief overview of the policy with a questionnaire on the HRM Web Page.
- presentation to the annual CMHC Housing Outlook Conference.

*The Nova Scotia Homebuilders Association also indicated that the policy should not proceed because the impact on the price of new housing would be too great.*

Staff have indicated that it is anticipated the program will impact the price of new housing in the range of \$3,000 to \$5,000 per finished single family home.

This is relatively modest compared to the charges applied in other areas of Canada where infrastructure charges are in place. Further, the policy is designed to very carefully apportion costs

to those areas which have generated the need for the infrastructure. Funds are used only to pay for the infrastructure required to serve new development.

The only alternative to funding this infrastructure is to finance it through debt servicing and recover debt charges through the municipal tax base.

*The Sackville Rivers Association stated that the charges contemplated by the municipality should be much higher (\$50,000) per lot. This would allow the municipality to generate funds to cover additional infrastructure such as the creation of green areas and protection for watercourses.*

HRM's ability to apply charges is constrained by the MGA to recover costs per new or expanded wastewater systems, storm sewers, streets, traffic signals, and bus bays.

The MGA also requires that charges be specific to the geographic area where the charge is being applied.

Major regional infrastructure items such as the sewage treatment plants will continue to be paid for by HRM through means other than the Capital Cost Contribution Policy.

A charge on the order of \$50,000 per lot would significantly and negatively affect housing affordability in the region.

*Members of the public expressed the concern that funds allocated by HRM through the Capital Cost Contribution program would not be used for the intended purpose.*

The MGA requires that all funds allocated under the program be used only to pay for the infrastructure requirements identified when the charge was established by Council.

*Members of the public also questioned whether the policy would be applied to areas outside of the existing servicing boundaries.*

The Policy will apply across HRM but will only be put in place when amendments to the Subdivision By-law are adopted to cover a specific charge area. The areas most likely to be adopted as charge areas are those on the servicing area boundaries where existing infrastructure systems may be expanded to accommodate new growth. The Charge can also apply in a rural area. However, it will only be applied where HRM undertakes a study. The study would be triggered by increasing rates of development requirement expanded servicing.

*Members of the public indicated that there is a concern that the charges will be applied in such a way as to make development in the serviced areas more expensive. This would cause developers to look to rural areas for development opportunities and encourage sprawl.*

The Capital Cost Contribution policy will apply to a narrow range of infrastructure and therefore the costs charges to the developer will not be substantial. The percentage increase for the cost of new housing will be small.

Funds will be applied in such a way as to permit growth in serviced areas. Staff believe that the most appropriate way for HRM to address growth form issues is through land use policy pursuant to the regional planning process.

*It was pointed out that these charges are not going to be used to provide greater environmental protection in developed areas.*

Charges can only be applied to cover hard services under the MGA's legislated requirements.

*Members of the public questioned as to the limits of growth currently permitted in HRM. and also whether or not HRM was putting the cart before the horse by pursuing this strategy before regional; planning is complete.*

HRMs existing Municipal Planning Strategies clearly define the limits to development permitted to connect to municipal water and sewer services. The property development rights of all parcels of land in HRM are delineated in HRMs existing Land Use By-laws.

HRM is currently embarking on a regional planning project which will focus on four key areas:

- Growth management
- Transportation
- Healthy Community
- Environment

It is anticipated that completion of the plan will take two to three years. Growth will continue in HRM during this period. It is important that the CCC policy be in place to ensure appropriate infrastructure is in place.

The proposed Capital Cost Contribution policies permit Council, through a rezoning process, to create an Infrastructure Charges Holding Zone where it appears that new infrastructure costs associated with new development would be prohibitive. Before taking such action, however, it is reasonable and necessary to have completed the appropriate studies. These are being undertaken.

*It was questioned whether the infrastructure charges applied to the Harbour Solutions sewage treatment program.*

The central harbour sewage treatment system will be funded through other mechanisms established by Council. The same would apply for centralized water treatment facilities. The costs to be recovered through the Capital Cost Contribution program will be those that are directly attributable to the development area.

#### HRM Webb Page

An information sheet and informal survey concerning the Capital Cost Contribution Policy was placed on the HRM Webb Page for about six weeks. There were about 420 visits to the information sheet with an average time of two and one half minutes. Eighty-six people responded to the survey questions as indicated below.

*Question 1 - The Capital Cost Contribution would shift the cost burden for main line infrastructure for land development subdivision from the municipal tax base to the landowner. Please indicate your level of support for this initiative.*

- |                     |     |
|---------------------|-----|
| - Strongly agree    | 62% |
| - Somewhat agree    | 21% |
| - Not sure          | 4%  |
| - Somewhat disagree | 4%  |
| - Strongly disagree | 9%  |

*Question 2 - If HRM proceeds with the Capital Cost Contribution policy, this could result in the increase of a new home in some areas of HRM of somewhere in the 2-5% range. Please indicate if you generally believe this to be an acceptable outcome.*

- |                     |     |
|---------------------|-----|
| - Strongly agree    | 63% |
| - Somewhat agree    | 19% |
| - Not sure          | 9%  |
| - Somewhat disagree | 5%  |
| - Strongly disagree | 4%  |

*Question 3 - The Halifax Regional Municipality should proceed with implementing the Capital Cost Contribution Policy.*

–	Strongly agree	63%
–	Somewhat agree	19%
–	Not sure	9%
–	Somewhat disagree	5%
–	Strongly disagree	4%



This research project was funded by the Nova Scotia Home Builders' Association, the Urban Development Institute, and the Halifax Regional Municipality. The views expressed in the report are those of the author and do not necessarily represent the views of the sponsors.

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# **Charges and Taxes on New Housing In the Halifax Regional Municipality**

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*Prepared For:*

***Nova Scotia Home Builders' Association  
Urban Development Institute  
Halifax Regional Municipality***

*August 2001*

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## **1. Introduction**

This report was commissioned by the Nova Scotia Home Builders' Association (NSHBA), Urban Development Institute (UDI), and Halifax Regional Municipality (HRM). The purpose of the report is to assess the volume of government-imposed costs on new housing in the HRM and, specifically, the effect of proposed changes in infrastructure charges and the Harmonized Sales Tax (HST) on the cost of new housing and affordability in the HRM.

In addition to this introduction, the report is structured into the following sections:

2. **Municipal Charges on New Housing in the HRM** – a review of the charges which apply to new housing in Halifax at present.
3. **Total Charges and Taxes on New Housing in the HRM** – a consolidation of the municipal charges (from Section 2) with other taxes raised on new housing, including the HST and the Deed Transfer Tax.
4. **The Effect of Government Charges and Taxes on the Cost and Affordability of New Housing in the HRM** – an assessment of the share of the total price of a new house in the HRM which is comprised of government charges and taxes, and the impact of these charges and taxes on affordability.

The report is based on information provided by a variety of sources, including members of the home building industry in Halifax and HRM municipal officials. Their cooperation in providing this essential background is gratefully acknowledged – without this information, the report could not have been completed.

## **2. Municipal Charges on New Housing In the HRM**

Like municipalities across Canada, the HRM has a number of municipal levies, fees and charges which apply to new housing. For the purposes of this report, these have been categorized under four broad headings:

- Infrastructure charges;
- Land dedications;
- Development application fees; and
- Building and plumbing permit fees.

Details behind the application of each of these types of charges to typical new houses in the HRM are discussed in this section, following a description of the 'typical' houses used to illustrate the amounts of the charges in each case.



For the purposes of illustrating the various charges which apply to new housing in the HRM, the actual charges which would apply to two types of houses have been estimated – the two houses selected for illustration are:

- Modest new house – a 1,500 square foot single-detached house on a 50 foot lot, with an estimated sales price of \$162,500 (excluding HST).<sup>1</sup>
- Mid-range new house – a 2,000 square foot single-detached house on a 60 foot lot, with an estimated sales price of \$210,000 (excluding HST).

## ***Infrastructure Charges***

The HRM plans to introduce infrastructure charges to assist the municipality in financing the 'hard services' (i.e. roads, intersections, signs and signals, busbays, and water, sanitary and storm sewer systems) required for new developments. The new infrastructure charges, called a Capital Cost Contribution (CCC), are currently under discussion. It is expected that they will apply to new subdivisions on which development will commence in 2002. The CCC will vary for new developments, depending on their location and the estimated cost of installing the required infrastructure. According to discussions with HRM officials, the CCC in new developments in the HRM will likely range from about \$3,000 per lot up to as high as \$10,000 per lot in areas which are more costly to service.

For the purposes of this analysis, the CCC is assumed to be \$5,000 per lot, and is assumed to apply to new subdivisions developed in 2002.

Internal subdivision services (i.e. roads, sewer and water) are installed by developers at their expense (excluding any required oversizing to service other subdivisions). The HRM levies an engineering fee of 2% of the cost of installation of the services. The cost of installing these services is estimated at roughly \$500 per front foot<sup>2</sup>, so the engineering fees for the two typical homes used for analysis here would be:

- 1,500 square foot house: [50 foot lot @ \$500 = \$25,000 in servicing costs] x 2% = \$500
- 2,000 square foot house: [60 foot lot @ \$500 = \$30,000 in servicing costs] x 2% = \$600

In addition, there is a \$100 fee per lot for service extensions and driveway/curb cuts.

In addition, at present, there is a Sewer Re-development fee of \$0.30 per square foot to fund replacements and repairs to existing sewer lines. Areas subject to the CCC (when it is introduced in 2002) will be exempt from the Sewer Re-development Fee. The current cost of the Sewer Re-development Fee for the two typical homes used for analysis here would be:

- 1,500 square foot house: 1,500 x \$0.30 = \$450
- 2,000 square foot house: 2,000 x \$0.30 = \$600

<sup>1</sup> The house prices were estimated from a sample of houses submitted by local builders; they include the cost of a garage. The prices are based on an estimated construction cost (including overhead and profit) of \$75 per square foot, and land costs of \$1,000 per front foot.

<sup>2</sup> According to developers, servicing costs have increased significantly since amalgamation of the HRM.

So, for the purposes of this analysis, the infrastructure charges which would apply on the typical new houses at present, and after the CCC, is introduced in 2002 are:

- 1,500 square foot house:
  - current charges: \$1,050 (\$500 + \$100 + \$450);
  - charges for new subdivisions in 2002: \$5,600 (\$500 + \$100 + \$5,000 CCC)
- 2,000 square foot house:
  - current charges: \$1,300 (\$600 + \$100 + \$600)
  - charges for new subdivisions in 2002: \$5,700 (\$600 + \$100 + \$5,000 CCC).

## **Land Dedications**

The *Municipal Government Act* allows municipalities to require a parkland dedication of up to 10% of a subdivision. The HRM subdivision by-law requires 5% of the subdivided area for parkland – or cash-in-lieu equivalent to 5% of the *market value* of the land. For the purposes here, it is assumed the land is conveyed for parkland – rather than the higher cash-in-lieu costs. Therefore, the ‘cost’ of the parkland dedication is assumed to be 5% of the market value of the lot (less infrastructure charges and the internal subdivision servicing costs):

- 1,500 square foot house: estimated lot value is \$50,000; servicing costs are estimated at \$25,000; infrastructure charges are \$1,050. The estimated value of the unserviced lot is \$23,950 [ $\$50,000 - (\$25,000 + \$1,050)$ ]. The value of the land conveyed for parkland is therefore estimated to be \$1,198 (5% of \$23,950).
- 2,000 square foot house: estimated lot value is \$60,000; servicing costs are estimated at \$30,000; infrastructure charges are \$1,300. The estimated value of the unserviced lot is \$28,700 [ $\$60,000 - (\$30,000 + \$1,300)$ ]. The value of the land conveyed for parkland is therefore estimated to be \$1,435 (5% of \$28,700).

## **Development Application Fees**

The application fees for approval of subdivisions in the HRM are:

- \$125 for a 1-5 lot subdivision;
- \$250 for a 6-10 lot subdivision;
- \$500 for an 11-20 lot subdivision;
- \$1,000 for a 21-50 lot subdivision; and
- \$1,500 for a subdivision with more than 50 lots.

In addition, there is a \$71 fee for registration of the subdivision plan.

For the purposes of this analysis, a 40 lot subdivision is assumed, so the applicable fees would total \$1,071 (\$1,000 for a 21-50 lot subdivision + \$71) – an average of \$27 per lot.

## ***Building and Plumbing Permit Fees***

The fees for building and plumbing permits for new housing in the HRM are:

- Building permit – 30¢ per square foot; and
- Plumbing permit – \$50 per unit for buildings with 1-4 units, and \$25 per unit for buildings with 5+ units.

For the typical homes used for analysis here, the building and plumbing permit fees would be:

- Building permit:
  - 1,500 square foot house:  $1,500 @ 30¢ = \$450$
  - 2,000 square foot house:  $2,000 @ 30¢ = \$600$
- Plumbing permit:
  - 1,500 square foot house: \$50
  - 2,000 square foot house: \$50

Therefore the total building permit and plumbing fees for the two typical houses would be:

- 1,500 square foot house: \$500
- 2,000 square foot house: \$650.

## ***3. Total Charges and Taxes on New Housing In the HRM***

Section 2 outlined the municipal charges related to new development in the HRM and presented estimates of the amounts which would apply to typical new homes. This section presents estimates of the HST and Deed Transfer Tax which would apply to the sale of these homes. In addition, the section presents the cumulation of all of the estimated charges and taxes which would apply to these new homes.

### ***Harmonized Sales Tax***

The 15% HST which applies in Nova Scotia is a combination of the 7% GST which applies across Canada and the 8% Nova Scotia PST. Each of the two components provide rebates for new housing; however, the rebate schedules differ:

- The GST rebate is equivalent to 36% of the GST payable on new homes priced less than \$350,000. For new homes priced between \$350,000 and \$450,000, the amount of the GST rebate declines progressively to nil for homes priced at \$450,000 or more.

- The PST rebate is equivalent to 18.75% of the PST payable on new homes, up to a maximum rebate of \$2,250 (equivalent to 18.75% of the 8% PST which applies to a home priced at \$150,000). For homes priced above \$150,000, the maximum rebate (\$2,250) applies. This will change in January 2002: the maximum rebate will be reduced to \$1,500 (the rebate for a \$100,000 home) and will be limited to first-time buyers only.

The combination of the two taxes and their rebates, plus the net effective rates of PST, GST and HST for homes of various values are presented in Exhibit 1.

**Exhibit 1: HST on New Housing, Nova Scotia (\$)**

Price (no HST)	Gross Taxes			Rebates			Net Taxes			HST as % of Price
	GST	PST	HST	GST	PST	HST	GST	PST	HST	
Pre-2002 (All Buyers):										
\$80,000	5,600	6,400	12,000	2,016	1,200	3,216	3,584	5,200	8,784	10.98
\$100,000	7,000	8,000	15,000	2,520	1,500	4,020	4,480	6,500	10,980	10.98
\$150,000	10,500	12,000	22,500	3,780	2,250	6,030	6,720	9,750	16,470	10.98
\$200,000	14,000	16,000	30,000	5,040	2,250	7,290	8,960	13,750	22,710	11.36
\$350,000	24,500	28,000	52,500	8,820	2,250	11,070	15,680	25,750	41,430	11.84
\$450,000	31,500	36,000	67,500	-	2,250	2,250	31,500	33,750	65,250	14.50
2002+ (First-Time Buyers):										
\$80,000	5,600	6,400	12,000	2,016	1,200	3,216	3,584	5,200	8,784	10.98
\$100,000	7,000	8,000	15,000	2,520	1,500	4,020	4,480	6,500	10,980	10.98
\$150,000	10,500	12,000	22,500	3,780	1,500	5,280	6,720	10,500	17,220	11.48
\$200,000	14,000	16,000	30,000	5,040	1,500	6,540	8,960	14,500	23,460	11.73
\$350,000	24,500	28,000	52,500	8,820	1,500	10,320	15,680	26,500	42,180	12.05
\$450,000	31,500	36,000	67,500	-	1,500	1,500	31,500	34,500	66,000	14.67
2002+ (Repeat Buyers):										
\$80,000	5,600	6,400	12,000	2,016	-	2,016	3,584	6,400	9,984	12.48
\$100,000	7,000	8,000	15,000	2,520	-	2,520	4,480	8,000	12,480	12.48
\$150,000	10,500	12,000	22,500	3,780	-	3,780	6,720	12,000	18,720	12.48
\$200,000	14,000	16,000	30,000	5,040	-	5,040	8,960	16,000	24,960	12.48
\$350,000	24,500	28,000	52,500	8,820	-	8,820	15,680	28,000	43,680	12.48
\$450,000	31,500	36,000	67,500	-	-	-	31,500	36,000	67,500	15.00

Highlights of Exhibit 1 include:

- Prior to January 2002, the effective rate of HST is 10.98% on new homes of \$150,000 or less. From there, the cap on the PST rebate causes the effective rate of HST to rise gradually to 11.84% for new homes priced at \$350,000. The phase-out of the GST rebate between \$350,000 and \$450,000 results in an effective rate of HST of 14.5% for new homes priced at \$450,000 or more.
- In January 2002, the reduction in the maximum PST rebate will raise the effective rate of HST on new homes priced at more than \$100,000. For a \$200,000 new home, for example, the effective rate of HST will rise to 11.73% (from 11.36%) for first-time buyers; for repeat buyers, the effective rate of HST will rise to 12.48%. The effective rate of HST on a home priced at \$450,000 or more purchased by a repeat buyer will be 15% in January 2002.

## HST on Typical New Houses

For the two typical new houses in this analysis, the HST payable at present and after January 2002 is illustrated in Exhibit 2.

### Exhibit 2: HST on Typical New Houses (\$)

	Gross Taxes			Rebates			Net Taxes			HST as % of Price
	GST	PST	HST	GST	PST	HST	GST	PST	HST	
1,500 Square Foot House - Price: \$162,500										
First-Time Buyers										
Pre-2002	11,375	13,000	24,375	4,095	2,250	6,345	7,280	10,750	18,030	11.10
2002+	11,375	13,000	24,375	4,095	1,500	5,595	7,280	11,500	18,780	11.56
Repeat Buyers										
Pre-2002	11,375	13,000	24,375	4,095	2,250	6,345	7,280	10,750	18,030	11.10
2002+	11,375	13,000	24,375	4,095	-	4,095	7,280	13,000	20,280	12.48
2,000 Square Foot House - Price: \$210,000										
First-Time Buyers										
Pre-2002	14,700	16,800	31,500	5,292	2,250	7,542	9,408	14,550	23,958	11.41
2002+	14,700	16,800	31,500	5,292	1,500	6,792	9,408	15,300	24,708	11.77
Repeat Buyers										
Pre-2002	14,700	16,800	31,500	5,292	2,250	7,542	9,408	14,550	23,958	11.41
2002+	14,700	16,800	31,500	5,292	-	5,292	9,408	16,800	26,208	12.48

Exhibit 2 is based on the *current* prices of the typical houses. However, as discussed, the CCC is expected to apply to new subdivisions in 2002, and this can be expected to result in higher housing prices. How much higher is open to some debate.

This subject is discussed in a recent study by the author of this report (*Restoring the Balance: Financing Municipal Infrastructure Required for New Development*, prepared by Greg Lampert for the Canadian Home Builders' Association, 2000, pages 5-7). While there is no uniform academic view of the amount by which house prices will rise as a result of the higher infrastructure charges, there appears to be a consensus that all or virtually all of the increased charge will be reflected in higher land and house prices. In fact, some research suggests that the rise in lot prices would be *greater* than the rise in infrastructure charges because of increased financing and administration costs for developers. For example, according to Skaburskis and Qadeer:

“In stable markets, development impact fees directly increase lot prices by an amount that is approximately 20 per cent greater than the fee.”<sup>3</sup>

For the purposes of this analysis, it is assumed that the rise in house prices is *equivalent* to the amount of the CCC (less the amount of the Sewer Re-development Fee, which will not in future apply to areas where the CCC applies).

<sup>3</sup> “An Empirical Estimation of the Price Effects of Development Impact Fees” (Andrejs Skaburskis and Mohammed Qadeer, *Urban Studies*, Volume 29, Number 5, page 667).

Therefore, the estimated price of the two typical houses used for analysis here following the introduction of the CCC is estimated as follows:

- 1,500 square foot house:  $\$162,500 + (\$5,000 - \$450) = \$167,050$
- 2,000 square foot house:  $\$210,000 + (\$5,000 - \$600) = \$214,400$ .

The HST which would be payable on these houses would be:

- 1,500 square foot house: \$167,050 price – HST: \$19,348 [11.58%]
- 2,000 square foot house: \$214,400 price – HST: \$25,257. [11.78%]

The HST results in a pyramiding of taxes on other government-imposed costs. The effective 11.5%+ HST applies to the *increase* in the price of the homes resulting from the CCC – for example, the additional HST payable on the \$4,550 *increase* in price on the 1,500 square foot house (due to the CCC), would be more than \$525.

For the purposes of the estimates here, it is assumed that the homes are purchased by first-time buyers. In fact, if they are purchased by previous homeowners, the provincial HST rebate would no longer apply and the effective rate of HST would rise to 12.5% – i.e. \$20,848 for the 1,500 square foot house and \$26,757 for the 2,000 square foot house.

## ***Deed Transfer Tax***

The HRM levies a Deed Transfer Tax on the purchase price of homes.

Exhibit 3 presents the Deed Transfer Tax which would be payable for the two typical homes used for analysis here (assuming they are purchased by first-time buyers).

### ***Exhibit 3: Deed Transfer Tax on Typical New Houses (\$)***

	<u>Price</u>	<u>Deed Transfer Tax</u>
<b><i>1,500 Square Foot House:</i></b>		
2001	162,500	2,438
2002	167,050	2,506
<b><i>2,000 Square Foot House:</i></b>		
2001	210,000	3,150
2002	214,400	3,216

The Deed Transfer Tax payable on the typical houses will rise in 2002 as a result of the impact of the CCC on the prices of the houses.

## ***Total Estimated Government Charges and Taxes***

Exhibit 4 presents the total estimated current charges and taxes which apply to the typical new houses in the HRM in 2001 and 2002. All taxes and charges are assumed to remain the same except for:

- The addition of the CCC, which will apply in 2002 (and which will replace the Sewer-Re-development Fee where the CCC applies);
- The changes in the HST, which also will apply in 2002; and
- The rise in the Deed Transfer Tax due to the higher house prices with the CCC.

The prices of the typical new houses are assumed to rise by the amount of the \$5,000 CCC, less the Sewer Re-development Fee which will no longer apply in these areas.

### ***Exhibit 4: Total Charges and Taxes on Typical New Houses (\$)***

	<b>1,500 Sq. Ft. House</b>		<b>2,000 Sq. Ft. House</b>	
	<b>2001</b>	<b>2002</b>	<b>2001</b>	<b>2002</b>
<b><u>Municipal Charges on New Development</u></b>				
Infrastructure Charges				
Capital Cost Contribution	-	5,000	-	5,000
Sewer Re-Development Fee	450	-	600	-
Engineering Fee	500	500	600	600
Service Extension	100	100	100	100
Land Dedication	1,198	1,198	1,435	1,435
Development Application Fees	27	27	27	27
Building and Plumbing Permit Fees	500	500	650	650
Total Municipal Charges on New Development	2,775	7,325	3,412	7,812
<b><u>Taxes on the Sale</u></b>				
HST	18,030	19,348	23,958	25,257
Deed Transfer Tax	2,438	2,506	3,150	3,216
Total Taxes on Sale	20,468	21,854	27,108	28,473
<b><u>Total Charges and Taxes</u></b>	<b>23,243</b>	<b>29,179</b>	<b>30,520</b>	<b>36,285</b>
Estimated House Price	162,500	167,050	210,000	214,400
<b><u>Charges and Taxes as % of House Price</u></b>	<b>14.3%</b>	<b>17.5%</b>	<b>14.5%</b>	<b>16.9%</b>

Highlights of Exhibit 4 include:

- The government charges and taxes on the typical new houses are estimated to total \$23,243 for the 1,500 square foot house and \$30,520 for the 2,000 square foot house in 2001. Government charges and taxes in 2001 represent an estimated 14.3% and 14.5% of the prices of these houses, respectively.

- The largest single tax is the HST – comprising over 11% of the (pre-HST) price of the houses in 2001.
- In 2002, as a result of the CCC and the changes in the HST, the total government charges and taxes on the typical new houses are estimated to rise to \$29,179 for the 1,500 square foot house (a rise of over 25%) and \$36,285 for the 2,000 square foot house.
- In 2002, government charges and taxes will account for an estimated 17.5% of the price of the 1,500 square foot house.
- The estimates presented in Exhibit 4 assume a first-time buyer – who therefore qualifies for the (reduced) HST rebate. The total taxes and charges for a repeat buyer would be \$1,500 higher for the HST.

Clearly, government charges and taxes account for a significant share of housing costs in the HRM – a share which will rise further in 2002 when the CCC and changes to the HST are introduced.

#### ***4. The Effect of Government Charges and Taxes on the Cost and Affordability of New Housing In the HRM***

The government charges and taxes discussed in Section 3 add to the cost of new housing and, of course, are passed through to new home buyers in terms of higher prices for new homes, and/or higher closing costs. New homes and resale homes operate in the same broad housing market so an increase in the cost of new housing (as a result of government-imposed costs, or other pressures) leads also to higher prices for resale housing.<sup>4</sup> Inevitably, higher housing prices have a negative effect on affordability for those seeking to purchase a home.

#### ***Government Charges and Taxes on New Housing Have Risen Significantly in the Past 5 Years***

The total government charges and taxes which apply to new housing are well above those that applied in the mid-1990s – and, as discussed, are set to rise again in 2002 with the introduction of the CCC and the changes in the HST. Exhibit 5 presents a comparison of the total government charges and taxes which apply to the typical new houses in 2001 and 2002 (from

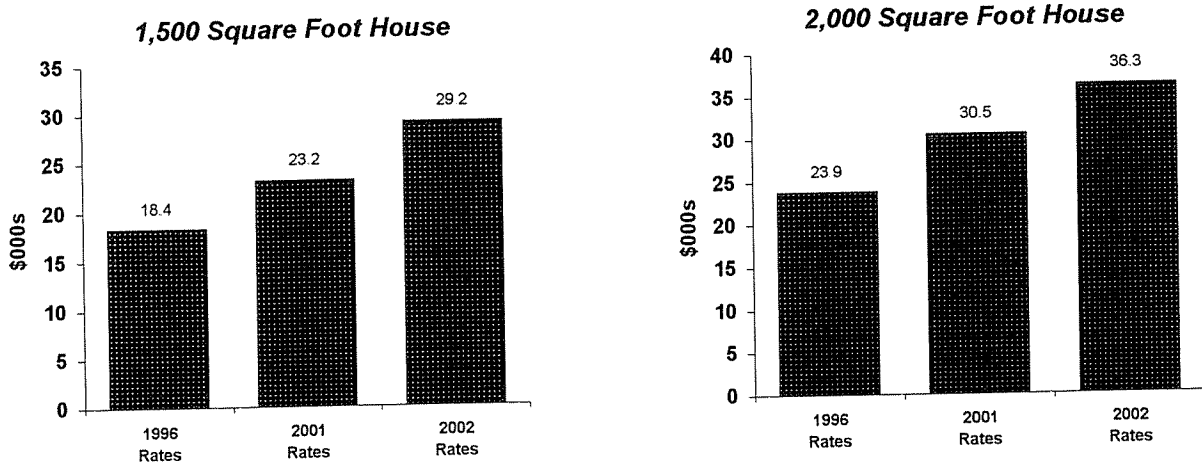
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<sup>4</sup> While neither the HST nor most of the other charges and taxes discussed here apply to resale housing, they indirectly result in higher resale prices by causing a rise in new housing prices which results in a shift of demand towards resale housing – thereby bidding up prices in the resale market. Ultimately, charges and taxes on new housing result in higher housing prices in all parts of the market. Indirectly, such charges and taxes lead to windfall gains for existing property owners since these owners enjoy a higher price for their existing properties as a result of the charges and taxes, while not having to bear the cost. This issue is discussed in greater detail in Greg Lampert, *Restoring the Balance: Financing Municipal Infrastructure Required for New Development*, Canadian Home Builders' Association, 2000, pages 7-9.



Exhibit 4). In addition, estimates of the total charges and taxes which would apply to the 2001 houses at the rates of charges and taxes which applied in 1996<sup>5</sup> are also presented – these 1996 estimates are based on the same 2001 housing costs and prices as the 2001 and 2002 estimates of charges and taxes (i.e. they use only the 1996 *rates* for charges and taxes, not the actual 1996 *costs*).

### **Exhibit 5: Total Government Charges and Taxes**



Since 1996, there has been a dramatic increase in the government charges and taxes which apply to new housing in the HRM. For the modest 1,500 square foot typical house, the government taxes and charges which would apply to the 2001 house if 1996 tax rates applied would be about \$18,400 – a substantial sum, but far below the \$23,243 which is estimated to apply today (Exhibit 4) or the \$29,179 which it is estimated will apply next year after the introduction of the CCC and the changes in the HST.

The main reason for the difference between the total charges and taxes which would apply at 1996 rates and those which actually apply in 2001 was the introduction of the HST in 1997. In 1996, the provincial sales taxes (PST) on new housing were much lower – the 11% PST applied only to building materials. Today, while the 8% PST rate included in the HST is somewhat lower, it applies to the *full* price of the house, including not only building materials, but also, labour, land and builders' overhead and profit. The provincial share of sales taxes collected on the 1,500 square foot house if the 1996 PST applied are estimated at roughly \$6,400 – compared to the \$10,750 collected as the provincial share of HST in 2001, and the \$11,860 which will be collected in 2002 when the rebate of HST is reduced, and the CCC is built into the cost of a new house.

<sup>5</sup> The estimates of each of the charges and taxes are presented in the appendix. The estimates were prepared based on information collected for a previous assignment relating to charges and taxes in the Halifax area.

## ***Housing Affordability is Negatively Affected By Increased Charges and Taxes***

Much of the concern about rising government charges and taxes on new housing stems from their effect on affordability. Since higher costs are inevitably passed on from the builder to the buyer, an increase in government-imposed costs raises housing prices – and thereby reduces the number of potential first-time home buyers who are able to afford to purchase a home. Exhibit 6 illustrates the impact of rising government charges and taxes on affordability. The analysis assumes a home buyer with \$25,000 in cash who is interested in purchasing the 1,500 square foot typical house. It also assumes the buyer has sufficient additional funds to cover all closing costs (e.g. legal fees), other than the HST and the Deed Transfer Tax.

### ***Exhibit 6: Impact of Government Charges and Taxes on Affordability***

	<b>No Charges or Taxes</b>	<b>1996 Rates</b>	<b>2001 Rates</b>	<b>2002 Rates</b>
Total Outlay	159,725	178,618	182,968	188,904
Buyer Equity	25,000	25,000	25,000	25,000
Mortgage	134,725	153,618	157,968	163,904
Mortgage Payment	11,827	13,486	13,867	14,389
Minimum Income	47,308	53,942	55,470	57,554

Highlights of Exhibit 6 include:

- The purchaser's outlay is assumed to consist of the house price plus all taxes payable on closing. In the case of the 'no charges or taxes' scenario, the outlay is estimated at \$159,725 (the 2001 house price less the municipal charges which are included in that price). For the other years, the total outlay includes the base house price plus the estimated PST/GST or HST which apply in that year, plus the Deed Transfer Tax.
- Deducting the \$25,000 assumed equity yields the mortgage amount required to purchase the house. With no charges or taxes, the mortgage amount would be less than \$135,000. Today, the mortgage amount would be \$157,968. In 2002, following the introduction of the CCC and the changes in the HST, it is estimated to be \$163,904.
- The impact of the charges and taxes on affordability is evident from the mortgage payments required for these mortgages (assuming a 7.5% mortgage rate amortized over 25 years) and the resulting minimum incomes required to qualify for these mortgages – assuming a minimum mortgage payment to income ratio of 25%.<sup>6</sup>

<sup>6</sup> For simplicity, the effects of mortgage insurance (required on all mortgages with a value of more than 75% of property value) have been ignored in this analysis. The assumed minimum 25% mortgage payment to income ratio approximates the CMHC requirement that a maximum of 32% of a borrower's income be used for shelter costs (assumed to include mortgage payments, *plus property taxes and heating costs* – which are, of course, not included in the analysis here).

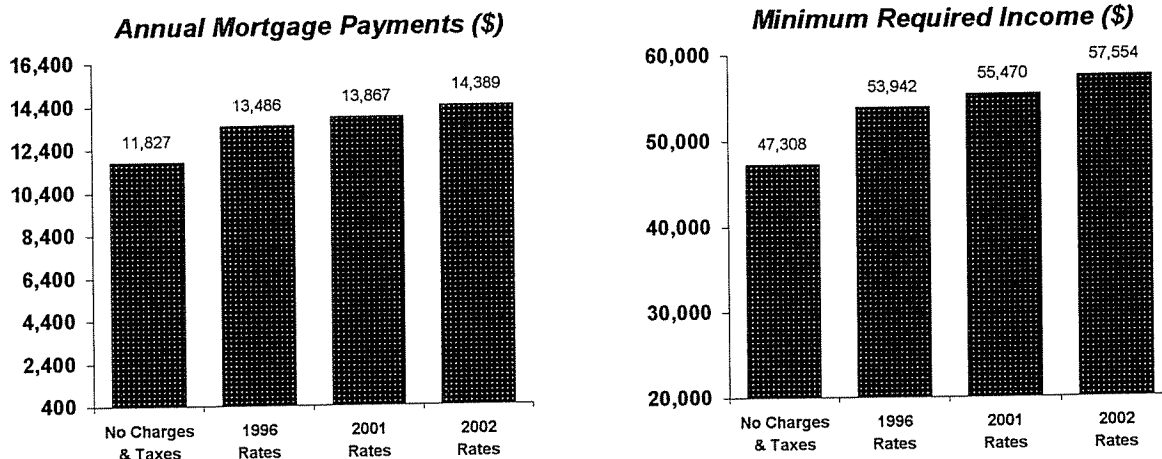
- Only \$47,300 in income would be required in the 'no charges or taxes' scenario. In 2001, it is estimated that an income of \$55,470 is required to qualify for the mortgage. Next year, with the introduction of the CCC and the changes in the HST, the required income is estimated to rise to \$57,554.

As noted, the change in affordability between 2001 and 2002 is due to the introduction of the CCC and the changes in the HST. The total outlay required to purchase the house rises from \$182,968 in 2001 to \$188,904 in 2002. The components of this \$5,936 rise in total required outlays are:

CCC:	\$4,550
Reduction in HST rebate:	\$750
Incremental HST and Deed Transfer Tax due to CCC:	\$636
Total increase in required outlay:	\$5,936

Exhibit 7 presents the same information as Exhibit 6 in chart form.

### ***Exhibit 7: Impact of Government Charges and Taxes on Affordability***



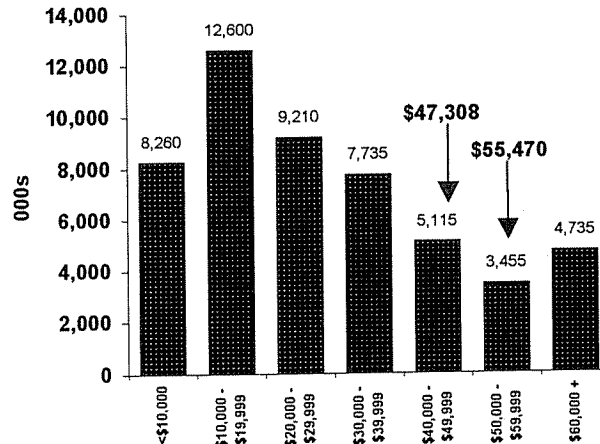
### ***Higher Prices Lead to a Reduction in the Pool of Potential Buyers***

Exhibit 8 presents the income distribution of the 51,100 renter households in the Halifax Census Metropolitan Area (CMA) for the year 1996 – the latest data available.<sup>7</sup> These renter households represent the pool of potential first-time home buyers in Halifax.

<sup>7</sup> The 1996 Census numbers are clearly out of date; however, they are the latest available. While the income distribution in 2001 will differ from the 1996 distribution, the differences will not be great – and the broad results of an analysis of the effects of charges and taxes on affordability would be similar.

As is evident from Exhibit 8, most renters have relatively modest incomes. The average income of renter households in 1996 was less than \$30,000. Half of renter households had incomes of less than \$25,000. Only 13,300 of the renter households (26%) had incomes of more than \$40,000 in 1996.

**Exhibit 8: Renter Households by Income  
Halifax CMA, 1996**



Also shown in Exhibit 8 is the income required to purchase the 1,500 square foot typical house in 2001 (\$55,470) and the income that would be required to purchase that house if there were no government charges and taxes (\$47,308). The point of the chart is not to suggest that all charges and taxes on new housing are inappropriate – rather the point is to demonstrate that government-imposed costs and taxes impact on the number of potential purchasers who can afford to buy a home. And, that the higher the charges and taxes on new housing, the smaller the number who can afford to buy. For example, in 1996:

- About 9,315 renter households (about 18% of the 51,100 total number of renter households) had incomes of \$47,308 or more – i.e. today, they could afford the 1,500 square foot typical house if there were no government charges and taxes.
- About 6,300 renter households (just over 12% of all renter households) had incomes of \$55,470 or more – i.e. today they could afford the 1,500 square foot typical house, including the government charges and taxes.

Due to the cumulation of charges and taxes which apply to new housing today the potential pool of buyers for the modest 1,500 square foot house is almost one-third smaller than it would be in the absence of these taxes. The potential pool is reduced from roughly 9,300 who had incomes above \$47,308 to about 6,300 who had incomes above \$55,470.

The addition of the CCC and the change in the HST in 2002 will, together, further raise the required income to purchase the 1,500 square foot home to \$57,554 – further shrinking the size