
INFRASTRUCTURE CHARGES

BEST PRACTICE GUIDE

A Capital Cost Contribution Policy

Notes about this Document

This document was prepared by Halifax Regional Municipality with the understanding that the Department could use it as a Best Practices Guide.

This is a good guide for municipalities with a high level of development. The Department is working on a more basic guide for municipalities with less development. It is hoped the basic guide will provide an equal level of instruction but be more suited to areas experiencing slower rates of development.

Acknowledgments

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
TABLE OF CONTENTS

| | <u>Page</u> |
|---|-------------|
| I. The Nature and Scope of the Review | 1 |
| II. Enabling Legislation | 2 |
| III. Capital Cost Contribution Policy | 2 |
| IV. Municipal Administrative Process | 4 |
| V. The Municipality - Municipal Planning Strategy and By-Law Amendments | 6 |
| VI. Bedrock Test Case | 6 |

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) 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 charge cannot include any costs related to the maintenance of the systems.

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.

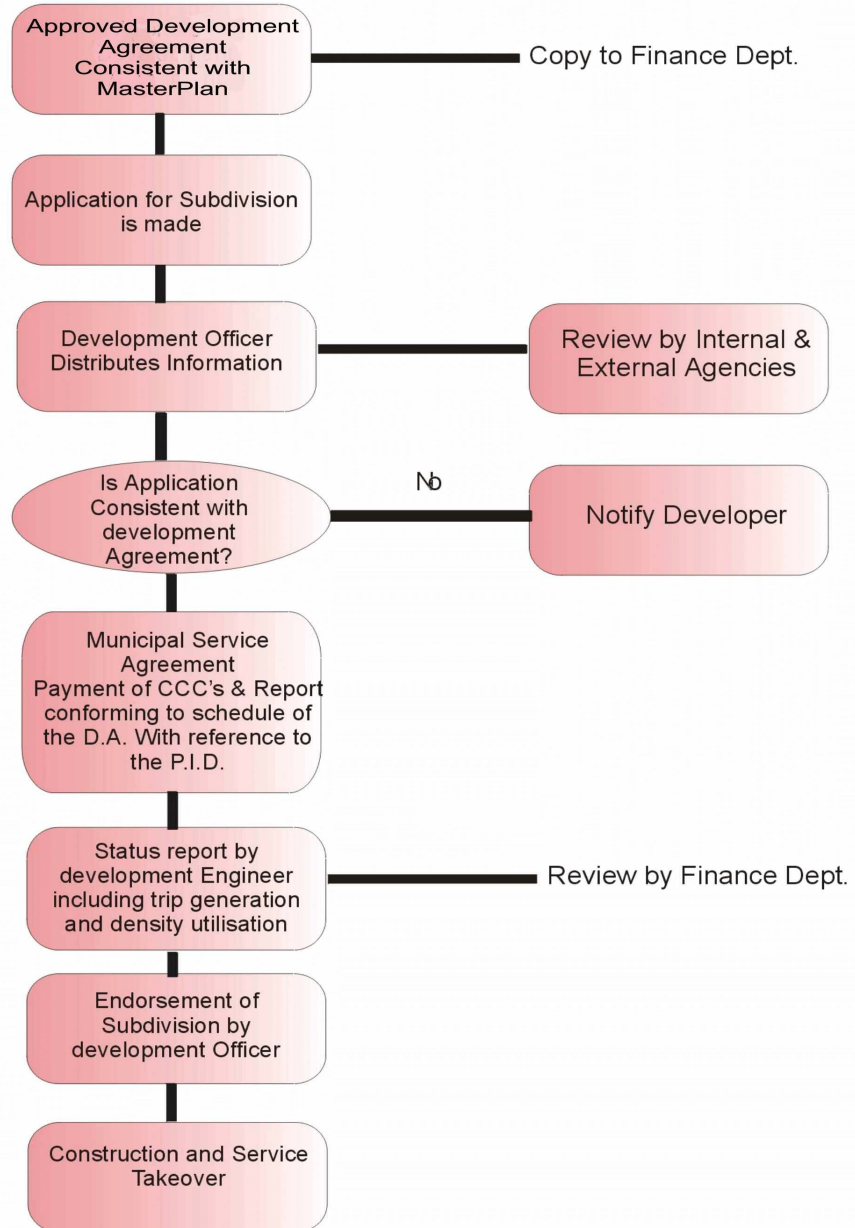
To the extent that new infrastructure includes water related systems and facilities, expenditures for water infrastructure require approval of the Halifax Regional Water Commission. The water services component of the infrastructure charge will therefore require approval by the Commission prior to consideration 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



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

Table of Contents

| | |
|---|---------|
| Part I: Current Situation | A1 |
| Part II: Policy Intent | A2 |
| Part III: Definitions & Guiding Principles | A2 |
| Part IV: Capital Cost Rationale | A4 |
| Part V: CCC Policy Features | A4 |
| Part VI: The Municipality’s Role | A5 |
| Part VII: Capital Cost Contribution Policy | A5 |
| Preamble | A5 |
| Policy Statements | A6-A12 |
| Part VIII: Policy Template- Capital Cost Contribution Formula | A13 |
| Part IX: Traffic and Trip Generation | A15-A16 |

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 Study¹ 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.

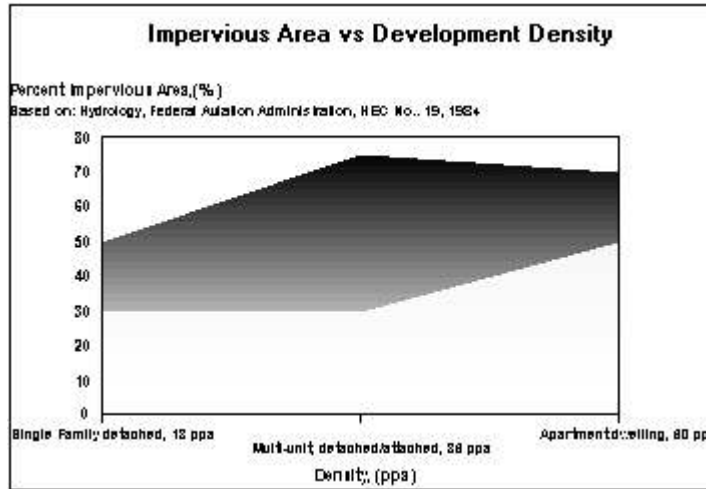
11.1 A minor addition to a charge area may be considered when the infrastructure within the existing charge area is adequate to provide the required service to the additional area. All new development within the adjusted charge area boundary will pay Capital Cost Contributions, based on the same charges 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 (C - 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) | $\frac{L=F}{K}$ | $\frac{LL=FF}{KK}$ | LLL |
| (7) | Average Density(ppa)/Trip Generation | M | MM | |

(trips per acre) of charge area

Adjustments for Density and Trip Generation of the Parcel being Subdivided

| | | | |
|------|---|--------------|------------------|
| (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(=LxP) M | QQ=(LLxPP) MM |
| (12) | Total Capital Cost Contribution | R(=QxN) | RR(=QQxNN)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; 4th 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 ² /acre, based on survey of existing sites |
| Mixed Commercial/Office | 118 | General Office Building | 6,200 ft ² /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. |

Appendix “B”
Bedrock Test Case
Table of Contents

| | |
|---|-------|
| Part I: Bedrock Test Case | B1 |
| Part II: Supporting Plans/Schematics | B1 |
| Part III: Calculation Assumptions | B2 |
| Part IV: Traffic Assumptions | B2 |
| Part V: Cost Recovery Provisions | B2 |
| Part VI: CCC Methodology | B3 |
| Part VII: Master Plan Study | B3 |
| Part VIII: Implementation Plan | B3 |
| Part IX: Finance Plan | B4 |
| Part X: Traffic Trip Generation | B4 |
| Part XI: Bedrock Case Implementation Schedule | B4-B5 |
| Part XII: Bedrock Test Case Summary | B5 |
| Spreadsheets: | |
| Bedrock Financing Model | |
| Bedrock Development Capital Cost Contribution Calculation | |

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
Table of Contents

PART I: Municipal Planning Strategy C1-C4

PART II: Land Use By-law C5

PART III: S/D BY-LAWS GENERAL AMENDMENTS C6-C26

SCHEDULE “X” TEMPLATE for SITE SPECIFIC AMENDMENT to SUBDIVISION BY-LAW
INFRASTRUCTURE CHARGE AND CHARGE AREA
- **OPTION 1** ... C27-C28

SCHEDULE “X” TEMPLATE for SITE SPECIFIC AMENDMENT to SUBDIVISION BY-LAW
INFRASTRUCTURE CHARGE AND CHARGE AREA
- **OPTION 2** C29

SAMPLE INFRASTRUCTURES CHARGES AGREEMENT C30-C32

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:

2. By including the following PART:

PART (X) - 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 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 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, as set out in the Subdivision By-law.

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 each 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.

Policy 6

An Infrastructure Charge Holding Zone shall be established in the LUB. The 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,
- (c) stormwater systems or water systems would be premature, or
- (d) the cost of maintaining municipal streets would be prohibitive.

Development permitted within a 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 6A

Where an area is designated as an Infrastructure Charge Holding Zone area, the municipality shall, within one year of the effective date of the designation, commence the procedure to amend the Municipal Planning Strategy and Land Use By-law to require a developer to enter into a development agreement with Council, which includes provision for the payment of Infrastructure Charges, prior to permitting development or the designation(s) and zones(s) in effect immediately prior to the Pending Infrastructure Charges Area designation comes into effect.

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: Land Use By-Law

A By-Law To Amend All Land Use By-Laws To Include Provisions Respecting Infrastructure Charges

All Municipal Land Use By-law's are hereby amended as follows:

1. By including the following definitions:

- (a) **Capital Costs:** The 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 related to the Master Plan or legal services.
2. By including the following "General Provisions for All Zones":

2. By adding the following sections:

Other Uses Considered by Development Agreement

As provided for by "Infrastructure Policies 5 and 6" 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.

3. By establishing the following Zone:

- (a) **Infrastructure Charge Holding Zone**

Holding Zone Uses Permitted

No development permit shall be issued in any Infrastructure Charge Holding Zone except for the following:

Single Unit Dwellings

Open Space Uses

On lots in existence on the date of adoption of this by-law as per the requirements of the R-1 Zone.

PART III
Attachment “I”

**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 Bylaw for Halifax is hereby amended as follows:

Subdivision Regulations

- (1) Adding three new definitions immediately following Sub-section 1(ff) as follows:
- “1(gg) "Capital Costs" means the costs of providing new or expanded infrastructure (e.g., trunk or transmission lines, collector roads) 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) Adding a new section immediately following Section 6 as follows:
- “6A Subdivision Concept Plans
- (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:
 - (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, 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.

- (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 forward the Concept Plan and all supplementary information to appropriate departments in order to 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.
- (1) 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."

Subdivision By-law

- (3) Deleting clause 35(2) and replacing it with a new clause as follows:

" 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) Deleting clause 36(2) and replacing it with a new clause as follows:

" 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) Deleting Section 37 and replacing it with new section 37 as follows:

“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) 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) 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.

- (4) 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.
 - (5) 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) A charge paid pursuant to this By-law shall only be used for the purpose for which it has been collected.
 - (7) A charge imposed pursuant to the 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) 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.”
- (6) Deleting Sub-section 2(u) to 2(x), inclusive from Form 1 - Agreement "A" and adding the following sub-sections immediately following 2(t) as follows:
- “(u) Infrastructure Charges; and
 - (v) additional requirements”
- (7) Deleting Sub-section 2(v) to 2(x), inclusive from Form 2 - Agreement "B" and adding the following sub-sections immediately following 2(u) as follows:
- “(v) Infrastructure Charges; and
 - (w) additional requirements”

**A By-law to Amend the
Dartmouth Subdivision Regulations**

- (1) Adding three new definitions immediately following Sub-section 1(j) as follows:
- “(k) "Capital Costs" means the costs of providing new or expanded infrastructure (e.g., trunk or transmission lines, collector roads) 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) Adding a new section immediately following Section 6 as follows:
- “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 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, 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.

- (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 forward the Concept Plan and all supplementary information to appropriate departments in order to 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.
- (1) 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) Adding a new section immediately following Section 14 as follows:
- “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) 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) 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.
- (4) 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.
- (5) 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) A charge paid pursuant to this By-law shall only be used for the purpose for which it has been collected.
- (7) A charge imposed pursuant to the 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) 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.”

**A By-law to Amend the
Bedford Subdivision Bylaw**

- (1) Adding three new definitions immediately following Section 3.25 as follows:
- “3.26 Capital Costs means the costs of providing new or expanded infrastructure (e.g., trunk or transmission lines, collector roads) 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) Adding a new Part immediately following “PART 5: PRELIMINARY SUBDIVISION EXAMINATION (OPTIONAL FIRST STEP)” as follows:
- “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, 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, public streets or highways or private roads;
 - 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 forward the Concept Plan and all supplementary information to appropriate departments in order to 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) Adding a new Part immediately following "PART 11: GENERAL PROVISIONS" as follows:
- "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 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.

- 11A.3 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.4 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.
- 11A.5 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.
- 11A.6 A charge paid pursuant to this By-law shall only be used for the purpose for which it has been collected.
- 11A.7 A charge imposed pursuant to the 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*.
- 11A.8 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.”

**A By-law to Amend the
Halifax County Subdivision By-law**

- (1) Adding two new definitions immediately following section 2.2 as follows:

- “2.2A "CAPITAL COSTS" means the costs of providing new or expanded infrastructure (e.g., trunk or transmission lines, collector roads) 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) Adding a new definition immediate following Section 2.10A as follows:

- “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) Adding a new Part immediately following “PART 4: GENERAL REQUIREMENTS” as follows:

“ 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 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.
- 4A.3 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.4 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.

4A.5 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.

4A.6 A charge paid pursuant to this By-law shall only be used for the purpose for which it has been collected.

4A.7 A charge imposed pursuant to the 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*.

4A.8 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.”

(4) Deleting Sections 5A.2, 5A.3 and 5A.4 and adding eleven new sections as follows:

“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 forward the Concept Plan and all supplementary information to appropriate departments in order to 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) Delete Sections 12.9 and 12.10.

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:

SCHEDULE “X”

Adjustments for Density and Trip Generation of the Parcel being Subdivided

| | | <u>Water, sanitary Storm sewer</u> | <u>Traffic</u> | <u>Total</u> |
|-----|---|--|---------------------------|--------------|
| (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(= <u>LxP</u>) M | QQ(= <u>LLxPP</u>) 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.

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 ¹ | Transportation Systems Land Use Factor ¹ |
|------|----------------------------|--|---|
| | 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 |

¹ 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:

(Subdivider)

=====

SEALED, DELIVERED AND ATTESTED to by the proper signing officers of Halifax Regional Municipality, duly authorized in that behalf, in the presence of:

Per:-----

Per:-----

=====

HALIFAX REGIONAL MUNICIPALITY

Per:-----

Mayor

Per:-----

Clerk

APPENDIX "D"
ADMINISTRATIVE PROCESS
TABLE OF CONTENTS

Part I: Governance and Approval D1

Part II: Subdivision Approval Process D1

Part III: Pre-Application D1

Part IV: Application Review D1

Part V: Construction and Service Agreement D1

Part VI: Collection and Payment of Funds D2

Part VII: Concept Plan Requirements D2

Part VIII: Development Agreement D2

Part IX: Master Plan Study Plan D2

Proposed Master Plan D2-D4

Part X: Risk Assessment and Securities D4

Part XI: Public Input and Stakeholder Involvement D4

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.

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 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.

APPENDIX ‘E’
Capital Cost Contribution Policy
Glossary Of Terms

| | |
|--|---|
| Capital Cost Contribution (CCC) | <p>(a form of impact fees, development charges or Infrastructure Charges)</p> <p>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</p> |
| Capital Cost | <p>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</p> |
| Charge Area | <p>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.</p> |
| Core Area | <p>References the serviceable and development boundaries of the former Halifax, Dartmouth, Bedford/Halifax County areas of the Municipality.</p> |
| Cost Causer | <p>Stakeholder, imposing a demand for new services requiring Oversized Infrastructure systems</p> |
| Developable Land | <p>The area of land that is included in the cost apportioning calculation. Gross land less the lands defined by the Municipality as undevelopable.</p> |
| Direct Benefit | <p>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.</p> |
| EMT | <p>Executive management team, comprising of the Chief Administrative Officer and the two Deputy CAO’s of the Municipality</p> |
| ENR | <p>Engineering News Record; technical engineering journal</p> |
| Facility | <p>refers to systems such as: piping systems, buildings, treatment plants, pressure control/pumping facilities</p> |
| Feeder Main | <p>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</p> |

which supplies water to several branch lines (distribution lines). The Feed Main provides a significant carrying capacity or flow capability to a large area.

Financial Plan

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.

Gross Land

Total area of land in the Charge Area, expressed in acres or hectares

The Municipality

Halifax Regional Municipality

Master Plan Study Team

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.

The Water Commission

Halifax Regional Water Commission

Infrastructure Charges

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.

Implementation Plan

A construction timetable plan for Oversized Systems in a Charge Area. The sequence and timing of Oversized Systems construction are defined.

Land Use By-Law

Land Use By-Law

MGA

Nova Scotia Municipal Government Act

Municipal Planning Strategy

Municipal Planning Strategy

Master Plan

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.

Oversized Systems

Larger sized infrastructure providing service to the Charge Area.

Oversized Infrastructure

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.

QRS Trip Generator

A dynamic traffic calculation software model used by the Municipality to determine Traffic Trip generations and street loading capacities

SAP

A financial based software system used at the Municipality

Stakeholder

A landowner, developer, company, group, agency, organization, person or municipality who is affected by, or vested interest in the policy.

Subdivision Approval

“Subdivision Approval” means Final Approval of subdivision granted by the Development Officer, in accordance with the Subdivision By-law of the Municipality.

Traffic Trip

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”.

Unit Costs

Cost per unit. A unit may be a length, weight, volume or dimension.