

CONDITION #13: DEVELOPMENT AGREEMENT - RANGE ROAD 24 IMPROVEMENTS

Developer Proposal for Off-Site Road (Range Road 24) Costs Required under Conditional Subdivision Approval (File No. 2011-S-017), S.W. 21-52-2-W5M, Proposed Tranquil Waters

Summary

On March 19, 2012 the Municipal Government Board issued a conditional subdivision approval regarding File No. 2011-S-017 for a ten (10) lot traditional country residential development within SW 21-52-2-W5M (Tranquil Waters); the approval is valid until March 19, 2014. The attached Key Plan identifies the subject property along the north shores of Jackfish Lake and east of Range Road 24.

Condition #13 of the approval (attached) requires that the Developer and County enter into a Development Agreement regarding, but not limited to, the requirement to upgrade and asphalt surface approximately 1200 metres of Range Road 24 south of Township Road 524 to the south limit of the approach to proposed Lot 1 based on the most current revised tentative plan dated April 4, 2012 (attached).

The County received a *Roadway Assessment*, including a preliminary cost estimate, from the Developer's Consulting Engineer dated June 28, 2013 (attached) that identifies a number of geometric improvements required on Range Road 24 plus the required upgrading and asphalt surfacing to meet County standards. Engineering Services accepted the road assessment and preliminary cost estimate as information in August of 2012, noting that final approval and acceptance of improvements to Range Road 24 would be subject to the detailed design phase.

The *Roadway Assessment* identified a preliminary cost estimate of approximately \$475,000.00 (2012 prices) for the required off-site Range Road 24 improvements. The Developer has stated that the off-site road improvements cannot be reasonably front-ended by only the conditionally approved ten (10) lots, in addition to completing the other required on-site improvements. The Developer states that the conditional approval has a significant lower density than originally envisioned to satisfy the Jackfish Lake community as well as for the betterment of the lake itself through increased conservation lands. Doing so, has imposed a greater financial strain against the ten (10) lots to front-end the improvements. Furthermore, potential benefiting lands for which recoveries could be considered on adjacent lands are already developed (Bergman Estates and Lakecrest) or are under an agricultural restricted zoning (SE 20-52-2-W5M).

The Developer, as part of trying to execute the required Development Agreement and satisfy Condition #13 of the amended conditional approval issued by the Municipal Government Board is requesting that Council re-consider the requirement to requiring the upgrading and asphalt surfacing of Range Road 24 at this time and under Subdivision File 2011-S-017. The Developer suggest the upgrading and asphalt of Range Road 24 is not required to serve 10 lots, and requests the upgrade be deferred until required by subdivision of other lands in the benefiting area. The Developer wishes to contribute 1/3 of the cost of the upgrade and asphalt.

Administration's Recommendation

Administration does not often support request to waive the developer's responsibility to front end the construction of off-site roads for the proposed development, but in this instance there are extenuating circumstances. This portion of Range Road receives very little traffic because it dead ends at Jackfish Lake, and not much traffic will be generated by an additional 10 lots. Additionally, the Developer has reduced to lot density to only 10 lots and increase the combined dedication of conservation land to nearly 50% of the land area, resulting in nearly 50 acres of ERE, ER and MR dedication.

Deferring off-site road upgrading requirements is inconsistent with a number of policies (3.4, 10.8 and 10.12) under the County's Municipal Development Plan. Development in the County has been allowed to proceed on a "Developer's Pay" principle. This has meant that the Developer's pay for and build the ultimate necessary improvements to County standards to support the development at no cost to the County. This would certainly set a precedent and lead to similar requests from Other Developers who wish to have off-site pavement improvements waived under County standards.

However, Administration is prepared to support a deferment of the road upgrading subject to the Developer providing a contribution of 1/3 of the total cost of the road upgrade and asphalt to an 8 meter standard. The total cost will be determined by a detailed cost estimate and preliminary design prepare by the Developers Consulting Engineer to the satisfaction of the County's Manager of Engineering Services. The financial contribution could then be used by an Other Developer, or the County to complete the road improvements on the identified portion of Range Road 24 at a future date.

Based on a review of the Jackfish Lake Area Structure Plan, the Traffic Impact Assessment and more recently completed Range Road 24 Assessment submitted in support of the Tranquil Water's development by the Developer, and the developability of neighbouring undeveloped lands, Administration recommends that SW 21-52-2-W5M is responsible for approximately one third (1/3) the total costs for upgrading and asphalt surfacing the identified portion of Range Road 24. In determining the total costs for the Range Road 24 improvements, Administration recommends that a detailed design be completed to the satisfaction of the Manager of Engineering Services and utilizes current industry prices. Further, Administration suggests that as a future date for the road improvements of this portion of Range Road 24 has not yet been determined, that the total estimated costs include inflation. Administration suggests a two percent (2%) per year for a period of ten years be considered and reasonable.

Administration notes that this may also sent a precedent that could lead to similar requests from other developers who wish to financially contribute, but not actually complete off-site pavement improvements required under County standards. However, similar financial contributions have been accepted in the past by the County, including but not limited to:

- (1) Subdivision File 2003-S-002, Century Estates and Range Road 272,
- (2) Subdivision File 2002-S-015, Creekside Estates and Centre Avenue, and
- (3) Development Permit 02-D-207, Pro Tech and Range Road 262 (Zone 4 Acheson).

Alternatives

The following alternatives may also be considered by Council:

- 1) Require the Developer to construct and pay for upgrading the Range Road 24 to an 8 metre wide all weather gravel standard road as a condition of endorsement, and contribute 1/3 of the cost of future paving of the road.
- 2) Require the Developer to upgrade and asphalt Range Road 24 to an 8 metre wide paved standard prior to subdivision endorsement.