



P.O. Box 1749
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Item No. 13.1.2
Harbour East-Marine Drive Community
Council June 15, 2023

TO: Chair and Members of Harbour East-Marine Drive Community Council

SUBMITTED BY: - Original Signed -

Denise Schofield, Acting Chief Administrative Officer

DATE: May 26, 2023

SUBJECT: **Implementation of Area Rate to Fund Sidewalks Outside of the Urban Tax Area in East Preston**

ORIGIN

Staff initiated.

LEGISLATIVE AUTHORITY

Administrative Order Number 2022-008-ADM Respecting the Implementation of Area Rates to Fund Sidewalks Outside of the Urban Tax Area in the Halifax Regional Municipality

Halifax Regional Municipality Charter, Clause 73 (a):

73 The Municipality may enter into and carry out agreements

(a) for highway construction, improvement and maintenance and other purposes pursuant to the Public Highways Act,

Halifax Regional Municipality Charter, Subsections 96 (1), (2), (3), and (4):

96 (1) The Council may spend money in an area, or for the benefit of an area, for any purpose for which the Municipality may expend funds or borrow.

(2) The Council may recover annually from the area the amount required or as much of that sum as the Council considers advisable to collect in any one fiscal year by an area rate of so much on the dollar on the assessed value of the taxable property or occupancy assessments in the area.

(3) The Council may provide

(a) a subsidy for an area rate from the general rate in the amount or proportion approved by the Council,

(b) in the resolution setting the area rate, that the area rate applies only to the assessed value of one or more of the taxable commercial, residential or resource property and occupancy assessments in the area.

RECOMMENDATION ON PAGE 2

- (4) The Council may, in lieu of levying an area rate, levy a uniform charge on each
- (a) taxable property assessment,
 - (b) dwelling unit,
- in the area.

Halifax Regional Municipality Charter, Subsections 322(1)(3)

322 (1) Council may design, lay out, open, expand, construct, maintain, improve, alter, repair, light, water, clean, and clear streets in the Municipality.

(3) The Council may expend funds for the purpose of clearing snow and ice from the streets, sidewalks and public places in all, or part, of the Municipality. 2008, c. 39, s. 322.

Public Highways Act, Subsections 28(1)(2)

28 (1) A municipality shall not affect improvements of a permanent character on any highway, unless it

- (a) submits to the Minister plans, specifications, estimates and other particulars respecting the proposed improvements,
- (b) satisfies the Minister that suitable provision will be made for the future maintenance of such highway after it has been so improved; and
- (c) obtains the Minister's written consent.

(2) The municipality may, after compliance with the conditions set out in subsection (1), enter into an agreement with the Minister for the carrying out of such improvement by the municipality, the Minister or some other person upon such terms and subject to such conditions as the Minister prescribes and the Governor in Council approves.

RECOMMENDATION

It is recommended that Harbour East-Marine Drive Community Council recommend that Regional Council apply an area rate equal to the difference between the urban and rural general tax rates to all residential, resource, and commercial properties paying the rural general rate in the community of East Preston, as shown on Attachment A, consistent with the process outlined in *Administrative Order Number 2022-008-ADM*, the *Rural Sidewalk Area Rates Administrative Order*.

BACKGROUND

Halifax Regional Council approved a Rural Active Transportation (AT) Program in January 2022 that outlined the approach for building and maintaining sidewalks and multi-use pathways in rural community centres. This program fulfilled recommendations of the Active Transportation Priorities Plan and the Integrated Mobility Plan. The mechanism to ensure tax rate consistency related to the eligibility for sidewalk services between urban and rural tax zones involves the application of an area rate to rural communities. In 2023 that difference is \$33 per \$100,000 of assessed property value.

The process to implement the area rate increase is outlined in *Administrative Order Number 2022-008-ADM Respecting the Implementation of Area Rates to Fund Sidewalks Outside of the Urban Tax Area* which Regional Council approved in February 2023. The East Preston Greenway would be the first project implemented under the Rural AT Program and is the first application of the new area rate process. The project is being advanced separate from other priority communities as it already has cost sharing from other orders of government and there is a need to initiate the project to meet the funding agreement conditions.

The East Preston Greenway project originated in the East Preston community through their participation in a Rural Access to Physical Activity (RAPA) project. This multi-stakeholder project involved a community

advisory committee (“Action Team”) working with the United Way, Nova Scotia Public Health and the Province among others. The key deliverable from the project was a community-based active transportation planning process in 2018 and 2019. Their “Community of East Preston Active Transportation Plan” (the Plan) was presented to Transportation Standing Committee and Regional Council, resulting in the Plan’s priority recommendations being added to the municipal Active Transportation Priorities Plan in 2020. The “Action Team” that supported that Plan was reconstituted as the East Preston Active Transportation Committee to oversee its implementation.

The priority project in the Plan is a 1.3km multi-use pathway on Trunk 7 between the East Preston Day Care Centre and the East Preston Recreation Centre. In addition to providing a safer place for residents and visitors to walk and bicycle on busy Trunk 7, the facility will provide safer and more comfortable Halifax Transit stops, opportunities for street trees and landscaping, integration with marked crosswalks, and, where possible, opportunities for cultural interpretation. The facility will be built over the ditch, which eliminates the need for property acquisition. However, easements may be required for relocation of guy wires or culvert headwalls. Ownership and responsibility for this section of Trunk 7 was transferred to HRM in 2022.

Construction of this priority segment is targeted to start in August 2023 and likely extend into the 2024 construction season. The project is receiving \$1.1 million from the federal and provincial governments which should cover about 25% of capital costs. HRM would be responsible for ongoing maintenance and any recapitalization.

DISCUSSION

The *Administrative Order Number 2022-008-ADM Respecting the Implementation of Area Rates to Fund Sidewalks Outside of the Urban Tax Area in the Halifax Regional Municipality* identifies the steps that need to be taken before making a recommendation to Regional Council on the implementation of an area rate for new sidewalks in rural communities. The two key steps are setting a boundary for the area rate and engaging property owners and residents within that boundary to determine their views on the area rate.

Establishment of Community Area Rate Boundary

The Administrative Order specifies that the boundary for the area rate will be the community area, but that it could extend into neighbouring rural communities if they are deemed to benefit from the implementation of the sidewalk. The inclusion of neighbouring communities would be considered in cases, for example, if the destinations in the community with the sidewalk were used by residents from other communities (e.g., large grocery stores, regional public services, schools, etc.).

The Administrative Order identifies criteria to consider when extending the area rate boundary outside of the community boundary. The criteria and how they were considered are described below.

- (a) *Community and stakeholder engagement.* Most survey respondents and in-person meeting attendees supported using the existing community boundary. There were no suggestions to go outside the community.
- (b) *Travel patterns as determined by travel monitoring data.* This criterion is intended to help understand if areas outside of the community boundary would benefit from the new sidewalk or multi-use pathway. This would most likely be in rural communities with destinations such as shopping or services. Based on data available from HRM’s subscription to the “Streetlight Insight Platform” data system more than 50% of vehicles on Trunk 7 in East Preston are traveling between communities to the east (e.g. Lake Echo, Mineville, Porters Lake) and Dartmouth. Very few of these trips (less than 5%) stop in East Preston to access services. This is consistent with the types

of destinations and services in East Preston, which are largely oriented to meeting community needs.

- (c) *School catchment boundaries*. This was not a factor in determining the boundary as the Greenway is not abutting or near the elementary school in the community.
- (d) *Concentration and use of community amenities*. The destinations on the East Preston Greenway are targeted primarily at East Preston residents.

Based on the above, it is proposed that the boundary for the area rate correspond to the community boundary as already established (see map in “Attachment A”). There is little evidence at this time that there are destinations in East Preston (e.g. shopping or services) that attract significant numbers of residents from outside the community.

Notification and Community Engagement – East Preston Community Perspectives on Project and Area Rate

The administrative Order specifies that before making a recommendation to Regional Council on a change to the area rate, there must be a community engagement process to assist in making the decision.

Based on the community engagement process undertaken in March and April 2023 there is support in the community for the addition of the area rate and little opposition.

Community engagement included:

- Two in-person sessions at the East Preston Community Centre, March 23rd and March 27th. These were attended by a total of 62 people, mostly from East Preston. The two sessions featured a presentation, Q&A, discussion groups and information boards. See “Attachment B” for the meeting presentation and “Attachment C” for an information board explaining the area rate.
- On-line information and survey. This was hosted on the Shape your City Web site and included all information available at the in-person sessions. See “Attachment D” for a copy of the survey.
- Letters to all residents and property owners. A total of 556 letters were sent to property owners and another 450 letters were distributed to residents at civic addresses. These are all within the East Preston boundary. See letter in “Attachment E”.
- Flyers and posters were posted and distributed in the community by the East Preston Active Transportation Committee.

Results of the two in-person sessions are as follows and were based on group discussions and facilitator notes. Please see “Attachment B” for a copy of the presentation.

- There were 48 comments on the Greenway Project as follows:
 - 25 in favour
 - 3 suggestions for enhancements and future work
 - 17 general comments (e.g., amenity suggestions, questions, process suggestions)
 - 2 opposed to the project
- There were 16 comments on area rate as follows:
 - 8 general comments (e.g., understand the proposal)
 - 4 supportive
 - 4 not necessarily opposed, but have concerns
- When specifically asked for views on the area rate the response was:
 - 24 people specifically said that they are in favour of the area rate
 - 3 people specifically said that they are opposed to Area Rate.

Most surveys were submitted via the on-line portal, but several hard copy surveys were also received. A total of 16 were submitted. The results to the survey questions were as follows:

- When asked whether they supported the East Preston Greenway Project:
 - 73% were supportive
 - 27% were opposed
 - 7% were mostly supportive but had concerns
- There were 32 comments received on the Greenway project in the survey:
 - 10 supportive
 - 14 general comments (e.g., questions, process suggestions)
 - 5 suggestions for enhancements and future work
 - 3 opposed to project
- Residents were asked whether they supported the implementation of an area rate to enable the construction and maintenance of the East Preston Greenway. The responses were:
 - 65% were supportive
 - 24% were neither supportive or opposed
 - 12% were opposed.

East Preston AT Committee is a twelve-member volunteer group that succeeded the East Preston Action Team that helped implement the Community AT Plan. The Committee was a co-host at the engagement sessions, co-signed the letter to property owners and residents and helped as an intermediary between the community and HRM. This committee features representatives from key community organizations such as the Family Resource Centre and East Preston Day Care Centre. They are fully supportive of the project. The East Preston Board of Trade has also expressed support.

FINANCIAL IMPLICATIONS

The area rate equal to \$33 per \$100,000 of assessed property value will generate revenue that will partially fund the capital cost of implementing community sidewalks as well as ongoing maintenance work. As this revenue will be used directly towards the capital cost of community sidewalks there would be no impact on the HRM Operating Budget.

However, if Council adopts the alternative, an alternate funding source will need to be identified to offset this cost. This would require incremental budget resources relative to current resourcing.

RISK CONSIDERATION

As with all property taxes, HRM may impose a lien on properties for which area rate or uniform charges are past due. Therefore, the risk of not being able to collect these taxes is minimized.

COMMUNITY ENGAGEMENT

As noted, and detailed in the Discussion Section, there was a multi-faceted community engagement process.

ENVIRONMENTAL IMPLICATIONS

The construction of the East Preston Greenway will provide a safer and environmentally sustainable way for residents to travel. The project will also improve bus stops, helping to make sustainable travel modes easier to access.

ALTERNATIVE

Community Council could recommend that Regional Council implement the project but not apply an area rate.

ATTACHMENTS

Attachment A: East Preston community map illustrating proposed area rate boundary

Attachment B: Engagement session presentation

Attachment C: Information Board Explaining the Area Rate

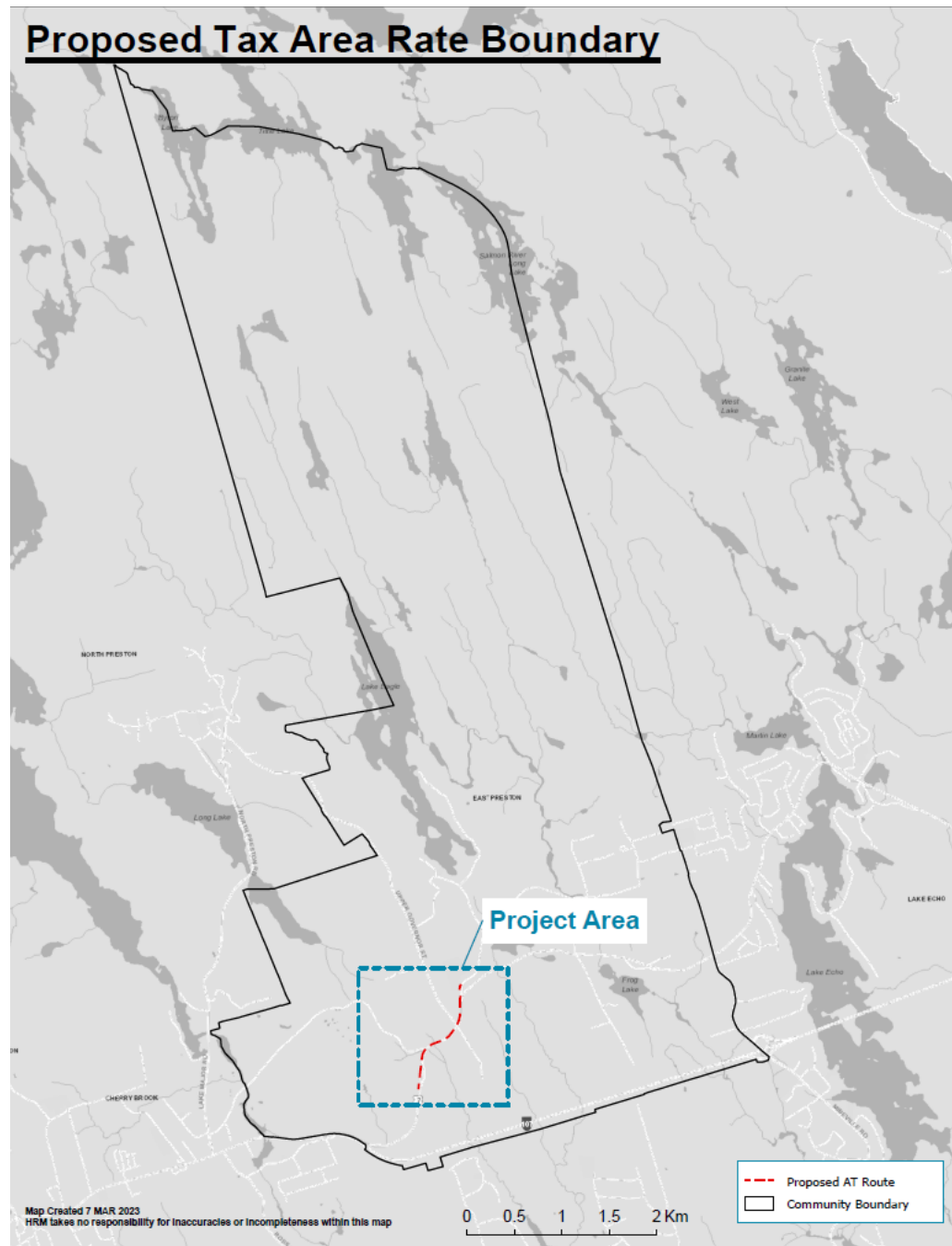
Attachment D: Copy of Community Survey

Attachment E: Letter to all East Preston Property Owners and residents.

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: David MacIsaac, Manager, Active Transportation, Public Works, 902.240.7852

Attachment A – Proposed Area Rate Boundary (corresponding to East Preston community boundary)



HALIFAX

East Preston Greenway Community Engagement

March 23 and 27, East Preston Recreation Centre

2023-04-25

Meeting Agenda

- 1) 6:30-6:40: Mingle
- 2) 6:40-6:45: Welcome-and introductions
- 3) 6:45-6:55: Background on East Preston Active Transportation Plan - Intro from EPAT
- 4) 6:55-7:15 Presentation on Greenway and Area Rate
- 5) 7:15-7:45 Discussion tables
- 6) 7:45-8:30: Continue discussions and mingling

Presentation

- 1) Overview of East Preston Greenway (Phase One)
- 2) Overview of Area Tax



East Preston Greenway – Purpose

- Top priority of the East Preston Active Transportation (AT) Plan
- Improves safety
- Makes being physically active easier
- Helps connect community
- Integrates with Transit



Community of East Preston
Active Transportation Plan

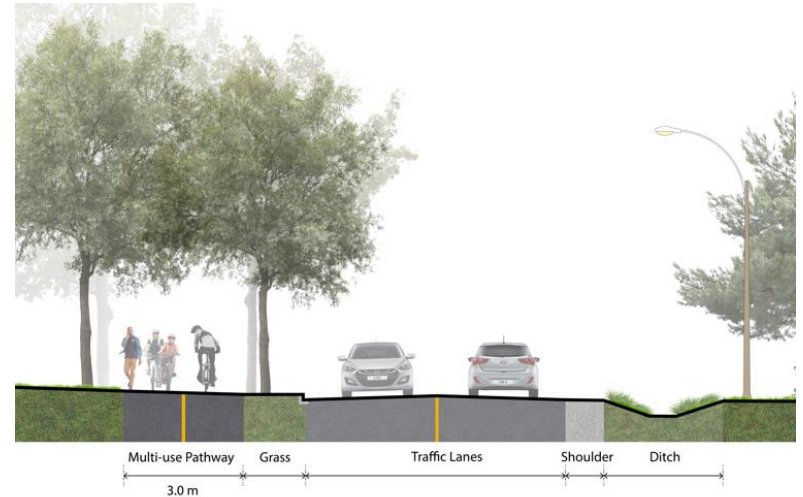
Prepared for the
East Preston Rural Access to Physical Activity Action Team

UPLAND
Planning + Design Studio

Final Report - May 2019

East Preston Greenway Phase I – Preferred Option

- Paved, 3m wide multi-use pathway for walking and bicycling
- Between East Preston Day Care and East Preston Recreation Centre
- Located where ditch is now
- Does not require property acquisition
- Total cost will be about \$4 million



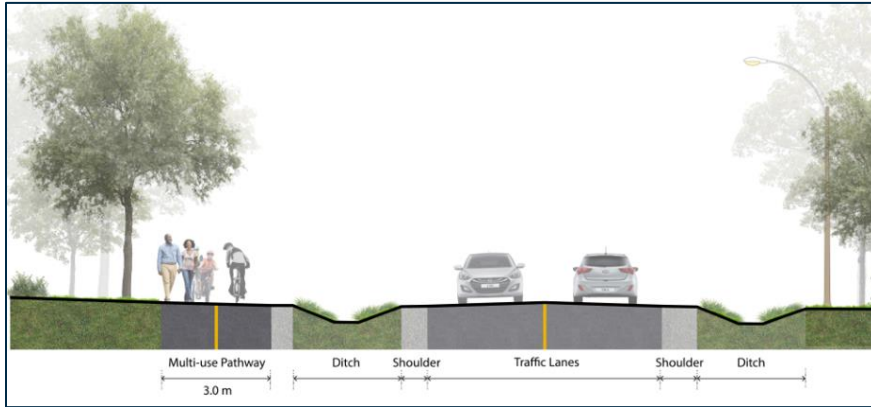
East Preston Greenway – Construction Scenario

- Start construction in late summer 2023
- Will require installation of storm pipes in place of ditch,
- Some utility pole relocation
- Completion in 2024



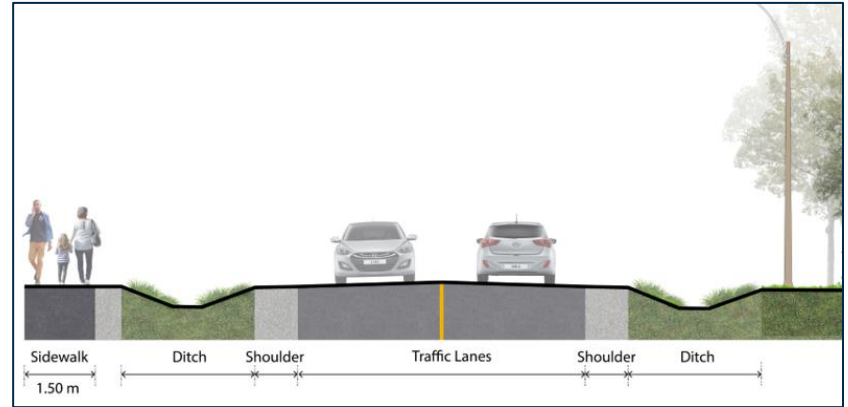
East Preston Greenway – Other options

Multi-use pathway with ditch



- Requires property acquisition

Sidewalk with ditch



- Requires property acquisition
- Would not allow bicycling

Area Rate

- Property owners in rural communities pay lower tax rate than urban areas.
 - therefore are not eligible for sidewalks/multi-use pathways as per HRM finance policy.
- New HRM Rural Active Transportation Program says when sidewalks/multi-use pathways built that an area rate of \$33 per \$100,000 of assessed property value should be added.

Area Rate

Example of Assessed Property Value	Annual Tax Charged for Rural AT
\$50,000	\$16.50
\$100,000	\$33
\$200,000	\$66
\$300,000	\$99
\$400,000	\$132
\$500,000	\$165

- Total new contribution through the area rate from all East Preston Property Owners is about \$17,000/ year
- Would start the year following completion of Phase One
- Regional Council makes final decision on the area rate

Discussion Questions - Greenway

East Preston Greenway (Phase one)

- It is clear why this option is being proposed?
- How will this benefit East Preston community?
- Are there project elements we overlooked?
- Other questions?

Area Rate

- Is the amount and timing of the area rate clear?
- How do you feel about supporting the area rate to have the East Preston Greenway?
- Other questions?

Thank you!

www.shapeyourcity.ca/east-preston-greenway

Area Rate for Rural Active Transportation: East Preston

Why would my taxes change?

An area rate is a uniform charge applied to property owners within a specific community boundary to support recreational activities or community capital projects, such as the implementation of a sidewalk or a greenway.

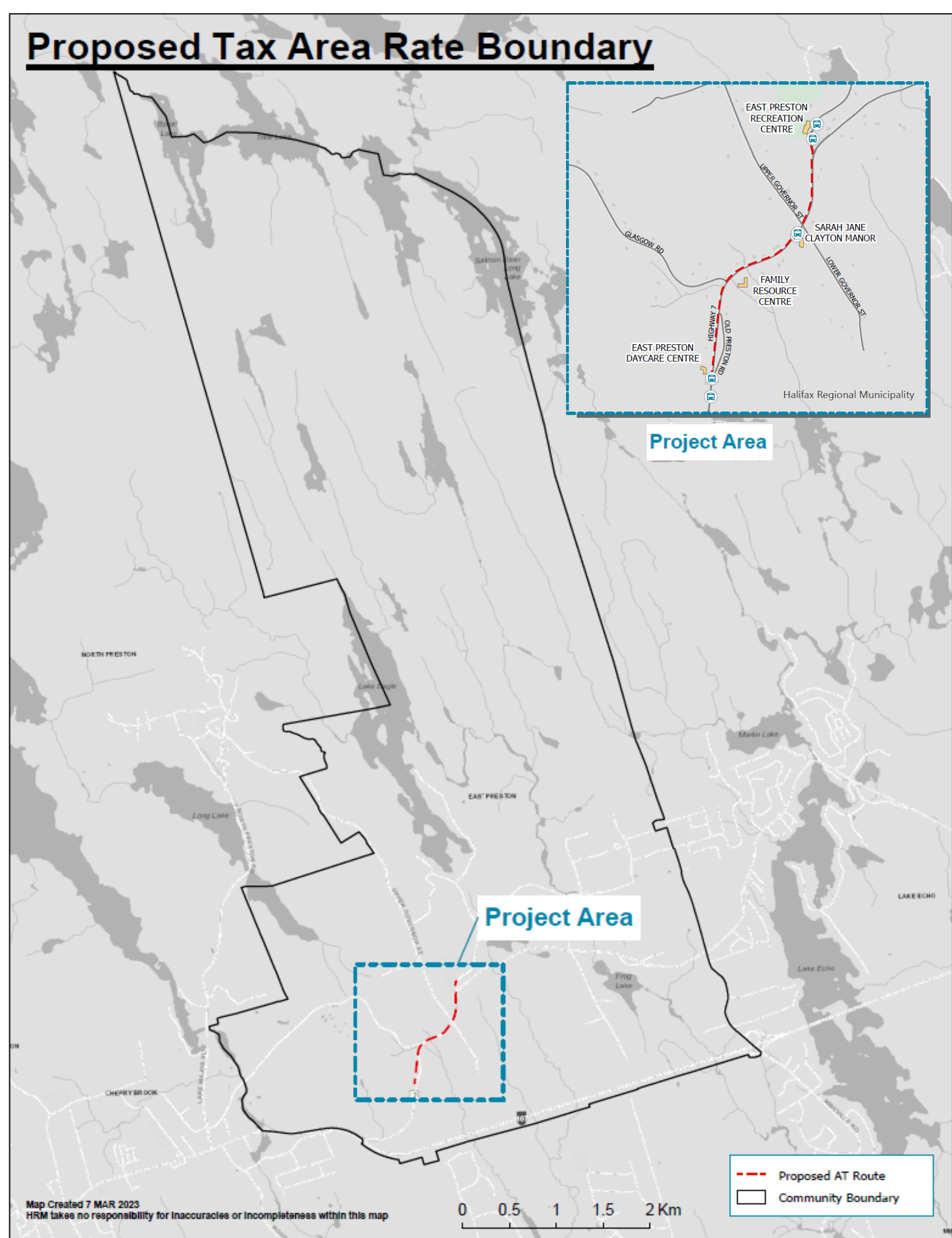
HRM policy states that suburban and rural communities that have sidewalks or multi-use pathways should pay an area rate to partially fund active transportation infrastructure, which is currently not included in the suburban or rural general tax rate.

Revenue from the area rate would help to fund the operation and maintenance of the East Preston Greenway for years to come. East Preston is the first community to go through the program.

Who would be affected?

Anyone who owns a property within the proposed tax area rate boundary would be affected .

Staff is currently proposing the East Preston community boundary below as the area rate.



What are the changes?

Area rate will be \$33 per \$100,000 of assessed property value paid annually. This rate reflects the difference in the residential general tax rate between the urban areas and the suburban and rural areas because sidewalks are currently the only service which is not provided in the sub-urban and rural residential tax rates.

Example of Assessed Property Value	Annual Tax Charged for Rural AT
\$50,000	\$16.50
\$100,000	\$33
\$200,000	\$66
\$300,000	\$99
\$400,000	\$132
\$500,000	\$165

When is the rate applied?

Your tax rate will not change until the fiscal year (April 1 - March 31) after the greenway construction is substantially complete.

The additional rate would be listed on your property tax bill.

Proposed Area Rate Boundary -
Official Community Boundary for East Preston

Next Steps

1. Staff informs the community about the area rate policy and gets feedback
2. Staff will write a report summarizing the community's feedback about the area rate and proposed area rate boundary
3. Council makes final decision on whether to approve the area rate
4. If approved, the area rate is applied the fiscal year after the Greenway construction is complete (April 2025 based on current construction timeline)



East Preston Greenway

Shape Your City Halifax

East Preston Greenway & Area Rate Survey

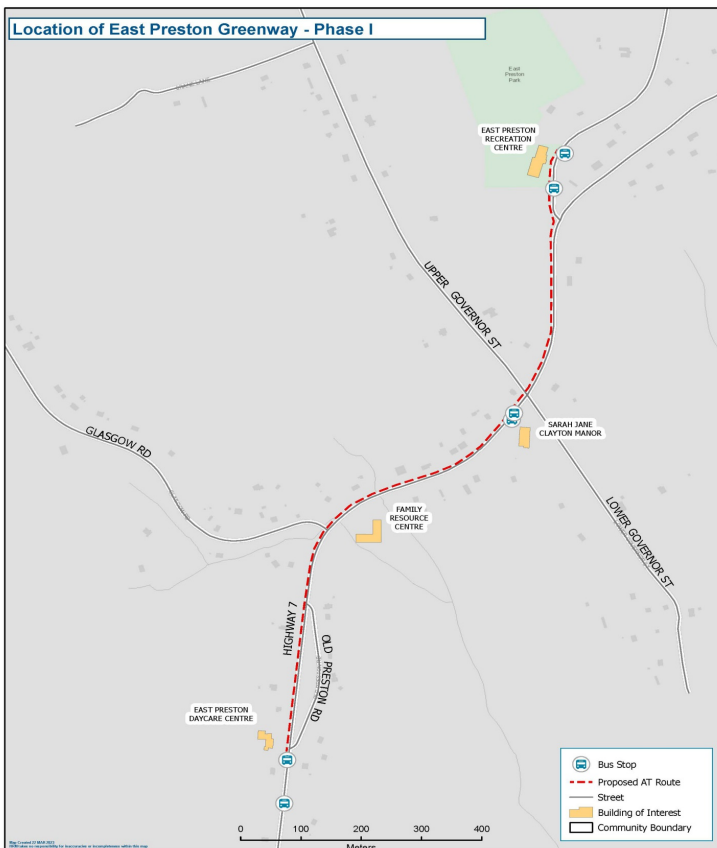
1. Respondent information

(Choose all that apply) - **Required**

- Yes, I live in East Preston
- Yes, I own or co-own property in East Preston
- Yes, I have other connections to the community (e.g. visit regularly)
- Other (please specify)

East Preston Greenway Design Questions

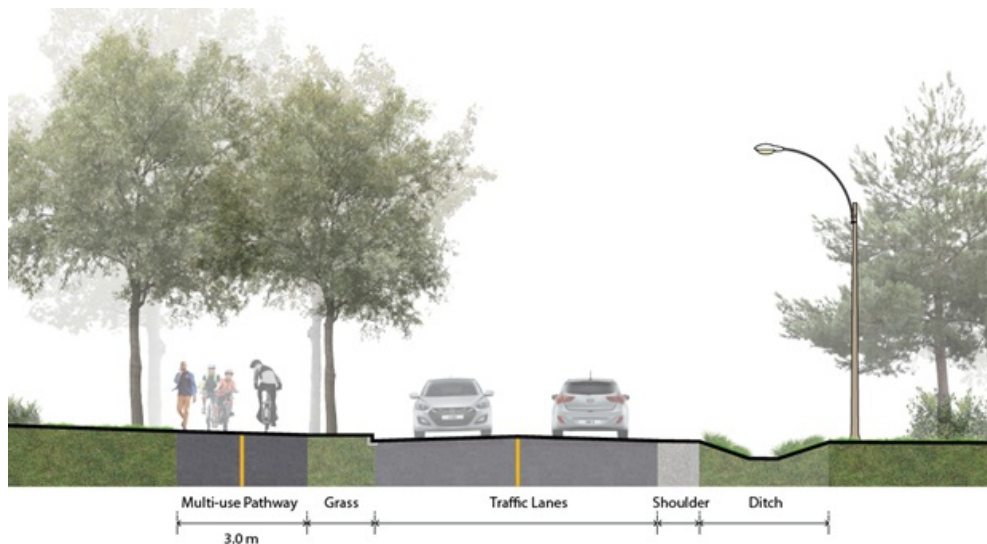
The East Preston Greenway is a proposed multi-use pathway for people walking and bicycling that would be built from the East Preston Day Care (1799 Highway 7) to the East Preston Recreation Centre (24 Brooks Drive).



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East Preston Greenway

Shape Your City Halifax



This is a cross section of the proposed design for the East Preston Greenway.

2. What do you think of the proposed greenway?

(Choose any one option) - **Required**

- I support it
- I mostly support it but have some concerns
- I do not support it
- I am not sure

2a Answer this question only if you have chosen 'I mostly support it but have some concerns'. What changes would you suggest to increase your support for the greenway?

2b If you do not support the greenway, please explain why:

2c Do you have any other comments or questions about this project?

East Preston Greenway

Shape Your City Halifax

Area Rate Questions

Pending Council approval, an area rate of \$33 per \$100,000 of assessed property value will be applied to East Preston property owners annually to partially fund the implementation of the new Greenway. *Example of how much the area rate would cost property owners:*

Assessed Property Value	Area Rate Applied to Property Bill Annually
\$100,000	\$33
\$200,000	\$66
\$250,000	\$82.50
\$300,000	\$99
\$400,000	\$132

Community perspectives will be shared with Regional Council to help make the final decision.

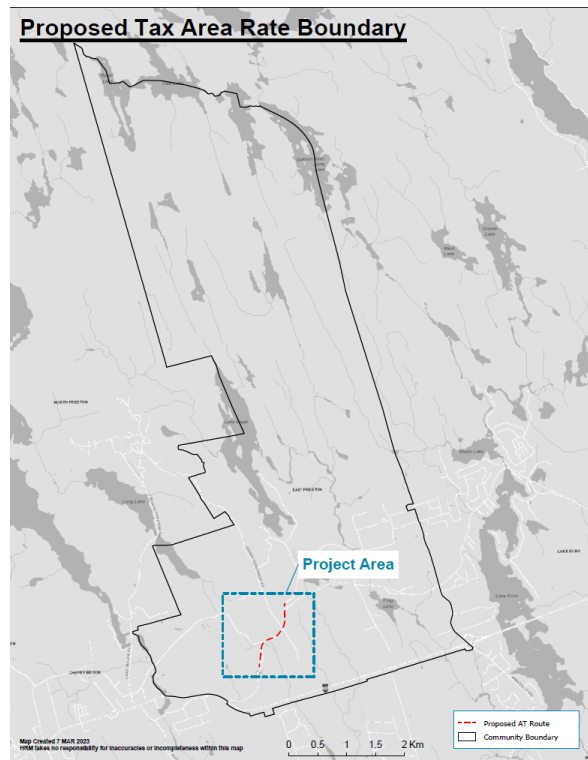
3. Do you support the addition of this area rate to enable construction and maintenance of Phase One of the East Preston Greenway? (Choose any one option)- **Required**

- Yes
- No
- Other (please specify)

4. Municipal staff are proposing the boundary of the community of East Preston as the location where the area rate would be applied. Do you agree with this?

(Choose only one option) - **Required**

- Yes
- No
- Other (please explain)



East Preston Greenway

Shape Your City Halifax

5. What changes would you suggest to increase your support for the greenway?

6. If you do not support the greenway, please explain why:

7. Do you have any other comments or questions about this project?

Privacy Statement

In accordance with Section 485 of the Municipal Government Act (MGA), any personal information collected in this survey will only be used by municipal staff and, if necessary, individuals and/or organizations under service contract with the Halifax Regional Municipality for purposes relating to processing the East Preston Greenway Engagement survey results, and the information will not be presented or compiled in a manner that could potentially identify any respondent.

If you have any questions about the collection and use of this personal information, please contact the Access and Privacy Office at 902.943.2148 or privacy@halifax.ca.

Thank you!

Thank you for completing the East Preston Greenway survey. If you have any questions or feedback about this survey or the project in general, please contact David MacIsaac at 902.240.7852 or macisad@halifax.ca

Please consider participating in the upcoming in-person public engagement sessions listed on the <https://www.shapeyourcityhalifax.ca/east-preston-greenway>

Lines for address

March 14, 2023

Dear East Preston Residents and Property Owners:

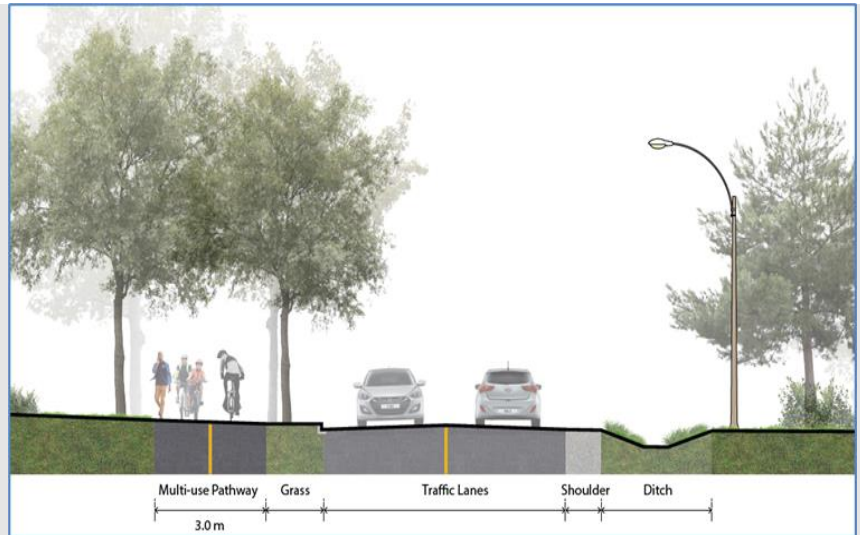
This letter is to invite you to a public meeting to discuss Phase 1 of the East Preston Greenway.

Location: Multi-purpose room,
East Preston Recreation Centre

Dates and Times:

- Thursday, March 23, 6:30-8:30pm
and,
- Monday, March 27, 1:00-3:00pm

Refreshments will be served.
Door prizes of Atlantic Superstore gift
certificates courtesy of East Preston
Day Care



These meetings will share information and seek resident views on the project and on potential changes to property taxes. Please see the back of this letter for more detailed information.

We hope to see you on March 23rd or 27th!

Sincerely,

David MacIsaac,
Manager, Active Transportation
Halifax Regional Municipality

Tammy Ewing and Kendra Slawter,
On behalf of The East Preston Active
Transportation Committee

Tel 902.240.7852
Email macisad@halifax.ca

East Preston Greenway Project Information

What is Phase One of the East Preston Greenway?

- A paved three metre wide pathway for people walking and bicycling between the East Preston Day Care (1799 Highway 7) and the East Preston Recreation Centre (24 Brooks Drive).
- It would be built over the existing ditch and would include installation of curb and gutter on one side of the road along with better bus stops and street trees.
- Pending the results of this engagement, construction would start in late summer 2023 and finish in summer 2024.

Who is involved?

- This project was originally planned and proposed by the East Preston Active Transportation Committee and was the top priority in their East Preston Active Transportation Plan
- Halifax Regional Municipality is leading the design and construction of the project and would be responsible for maintenance (for example snow clearing).
- The federal and provincial governments are funding some of the construction costs.

What is the proposed change to property tax rates?

- HRM policy states that property owners in rural communities that have active transportation infrastructure should pay an area rate of \$33 per \$100,000 of assessed property value.
- The increase would come into effect the year following completion of the greenway.
- Regional Council would make the final decision on the tax rate change.

How can I learn more and share my opinion?

- 1) Attend one of the two public meetings noted above, participate in the discussions and fill out a survey.
- 2) Visit the project web site and survey at: www.shapeyourcityhalifax.ca/east-preston-greenway
- 3) Contact David Maclsaac or members of the East Preston Active Transportation Committee to discuss or obtain a paper copy of the survey by mail.