

27. Re: Road Construction Requirements on Streets Partially Within and Outside Subdivisions.  
Subdivision Procedure.

Council presently has before it the following requests in connection with the above:

1. Norburn Construction (Ref. #56/70) - Request dated Aug. 9, 1971, for some form of cost sharing of constructing Buffalo St. east from Bainbridge.
2. Chivers Realty (Ref. #86/71) - Request dated Aug. 5, 1971, for total relief from constructing Blaine Drive from Curtis Street to subdivision boundary.

The Engineer is also presently holding a letter dated July 14, 1971, from Norgate Developments Ltd. (Ref. #95/71) in which the developer requests that the Municipality waive all the cost of constructing Lochdale Street from Sperling Avenue for the entire flankage of the two-lot subdivision, or alternatively that the Municipality share in these costs.

Basically, these three requests are appeals to the requirements made by the Approving Officer when he approved of the subdivisions. The subdivision plans have all been approved with the requirement that the developer in each case pay the total costs involved in doing the work concerned.

The Council has never formally adopted a policy in connection with these types of problems and, before dealing with each of these requests, we felt that a review of our whole approach to assessing road costs on streets partially within, adjacent to or connecting with a subdivision would be in order. If we can reach a conclusion on the general subject, then each of the three cases could be reviewed to see what should be done with them. The following three Report Items therefore deal with each case individually.

Throughout Burnaby there are numerous fragments of road allowances created by subdivision but not constructed or only partially constructed and for which no money is held in trust. They remain to be brought up to full standard as further subdivision takes place.

A review of past subdivisions and numerous staff discussions reveal that in subdivisions involving existing substandard portions of road, the general practice has been to require the developers to bring these roads up to full standard with the following results:

- (a) Some developers have complied with the requirements.
- (b) Some developers have appealed the requirements and have either been allowed to leave the roads in the unfinished state or the Municipality has borne the cost of bringing the roads up to full standard.

There are several reasons why roads allowances have been left unconstructed or partially constructed. Some of these reasons are:

- (a) The standard in force at the time of subdivision was for interim roads only. The full standard road has been a requirement for only the past six or seven years.
- (b) Subdivisions are created on half road allowances. This limited width does not permit full standard road construction.
- (c) Subdivisions can take place on a one lot at a time basis along an open full right-of-way making it impractical to demand an upgrading to full standard for the short distance of one lot.

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- (d) Changing policies. In early subdivisions construction of flankage roads may not have been required or developers may have questioned the need for constructing flankage roads on the grounds that they were not needed to give access to their subdivisions and were, therefore, permitted to leave flankage roads unconstructed.
- (e) No deposits have been required from developers to cover costs of upgrading roads when construction has become possible.
- (f) Departures from the intended pattern of subdivision dictated by subsequent land use decisions.

Our review has indicated that there has been a fairly consistent approach on the part of the Approving Officer to require the subdivider to bring roads partially within or adjacent to the subdivision up to the current Engineering Standards. In each of the three cases before us now, this has been the Approving Officer's position.

It would seem that there are two basic alternatives open to Council:

- (1) Council could, reaffirm the stance taken by the Approving Officer and formalize this approach into a policy. If this were done, the services required on each of these subdivisions would stand. A policy adopted on this basis would be on the assumption that it would not be in the public interest to spend funds to enhance a particular subdivision or the approach road to a subdivision. In other words, subdivision is a privilege and all costs must be borne by the subdivision.
- (2) Council could agree to share some portion of the cost of upgrading or constructing roads which are not being dedicated in the subdivision or which are required other than for primary access. A policy adopted on this basis would be on the assumption that the Municipality receives some benefit from the subdivision and has some responsibility for the unfinished or undeveloped position of the road. Since there is no way of defining responsibility, if this approach is adopted, perhaps the sharing should be on a 50/50 basis of the "extra" costs; i.e., those costs for work "outside" the subdivision except for prime access roads. If such an arbitrary policy were adopted it would appear on the average that it would cost the Municipality approximately \$25,000. to \$30,000. per year for its share, but the costs are liable to vary considerably from year to year depending on the number and type of subdivisions. For the three specific cases before us the cost would be approximately \$10,600.00.

RECOMMENDATION:

THAT Council adopt a policy of sharing on a 50/50 basis the contractor's costs (excluding inspection fees) of "extra" road and sidewalk and/or curb and gutter work which is "outside" the legal limits of the subdivision beyond a minimum half flankage-road allowance, but which road work is not on the sole connecting link to the subdivision; and  
THAT the Approving Officer determine those cases which would be eligible for Municipal participation under this policy; and  
THAT the Engineer, based on his estimate of the work involved, determine the maximum upset amount of the Municipality's participation, which amount shall not be exceeded; and  
THAT all such cases be approved by Council as they arise.