

LAC LA BICHE COUNTY POLICY

TITLE: WATER AND SEWER ENDEAVOUR TO ASSIST POLICY(OVER SIZING OF PIPE)	POLICY NO. PI-61-007
RESOLUTION: 10.007	EFFECTIVE DATE: JANUARY 12, 2010
LEAD ROLE: MANAGER, ENVIRONMENTAL PLANNING	NEXT REVIEW DATE: DECEMBER 31, 2009
SPECIAL NOTES/CROSS REFERENCE: CM-61-006 WATER AND SEWER CONNECTIONS POLICY	AMENDMENT DATE:

POLICY STATEMENT:

Lac La Biche County is committed to providing water and sewer services, particularly to lands adjacent to Lac La Biche and other environmentally significant areas. Council's goals are to improve the health of the natural environment and ensure the health of residents through investment in municipal infrastructure.

PROCEDURE:

1. To achieve this goal, Lac La Biche County will require developers to "oversize" water/sewer infrastructure in accordance with the provisions of this policy.
*Please see background as per Schedule "A".
2. In accordance with Section 651 of the *Municipal Government Act*, all persons seeking to subdivide lands or seeking a development permit within the Water and Sewer Connection Policy Area may be required as a condition of subdivision or a development permit approval, and at the applicant's cost, to provide water and/or sewer capacity that is in excess of that required to adequately service their proposed subdivision or development.
3. In cases where Lac La Biche County requires an owner to construct water and/or sewer infrastructure that is in excess of that required to adequately service a proposed subdivision or development, the County will endeavour to assist that owner by requiring, as a condition of a subdivision or development permit approval, future owners to provide a sum proportionate to the benefit they will derive from connection to the previously provided servicing capacity. The required share of the monies collected by the County from subsequent owners will be returned to the owner that originally provided the excess servicing capacity.

4. In accordance with procedure # 2, there may be instances where the costs of providing the required excess servicing capacity may be overly restrictive on an owner. In these cases, the County may endeavour to assist that owner in defraying these restrictive costs by requiring the second developer in the area to purchase additional infrastructure capacity above and beyond what is needed to adequately service the second owner's lands or development. The sum recovered would be returned by the County to the original developer. The County would then endeavour to assist the second developer to recover the additional capacity costs they provided (including interest) from subsequent benefiting developments.
5. Development applications in the Water and Sewer Connection Policy Area will be reviewed for the need for oversizing of infrastructure to serve adjacent lands.
6. If the subject land of an application is located in such a way that water and sewer services will, in the future, need to be:
 - a. Connected to an adjacent property through the subject land in order to service other properties;
 - b. Extended past the subject land to other properties within the Water and Sewer Connection Policy Area; or
 - c. Accessed by other properties in the area between the line and the subject properties,

The County's Engineer and/or Consultant Engineer should review the application to ascertain a potential "benefiting area" (i.e. the area of land that would likely be connecting to lines provided by the original developer, therefore potentially triggering a need for excess capacity in the original developer's lines).

7. If the County's Engineer and/or Consultant Engineer determines there is a need for oversizing, based on the above step, the applicant will be notified that oversizing will be required. Based on future land use designations and/or districting on the Benefiting Area, the County Engineer and/or Consultant Engineer will calculate servicing needs for the Benefiting Area and advise the applicant of the excess capacity required.
8. The County will require the applicant to submit the cost of the oversizing requirements as requested (i.e. the cost to provide water and/or sewer capacity that is in excess of that required to adequately service their proposed subdivision or development), for approval by the County's Engineer and/or Consultant Engineer.

9. The oversizing costs will then be converted into a cost per hectare of land in the benefiting area (calculated by dividing the total cost by the number of hectares in the benefiting area).
10. The oversizing costs, as a lump sum and as a cost per hectare and the benefiting area will be documented in the Development Agreement. Further, an agreed rate of interest on the cost of the oversizing will be included as part of the monies to be recovered.
11. When a development application is submitted for lands within the benefiting area, the County will calculate funds owing for the oversizing of water and sewer infrastructure, based on the costs included in the original development agreement with the developer that provided the oversized infrastructure. The funds owing will be calculated on a per hectare basis and will be included in the development agreement for any subsequent development in the benefiting area.
12. If the County determines that the carrying the costs of the oversizing of water and sewer infrastructure is overly restrictive, the County may require subsequent developers to repay more than their calculated proportion of the oversizing (based on the per hectare charge included in the original agreement), in essence paying for more capacity than is need for their own development. This capacity will then be charged forward to the next subsequent applicant within the benefiting area.
13. The condition of the endeavour to assist on any development agreement shall be from the time of registration of the subdivision and hence forth for a period of twenty (20) years or such time as deemed appropriate by a directive of Council.
14. County Administration and Council will review this policy annually to ensure that it remains effective and addresses oversize infrastructure issues in a proactive, fair, and consistent manner.

"Original Signed"
Chief Administrative Officer

January 22, 2010
Date

"Original Signed"
Mayor

January 22, 2010
Date

Schedule “A”

Lac La Biche County ensures full benefits associated with new water and sewer lines are achieved through the Water and Sewer Connection Policy. The policy clarifies how the County will address its water and sewer infrastructure assets. Ultimately, the policy serves as a basis to facilitate connections to the County’s water and sewer infrastructure.

Further to the Water and Sewer Connection Policy Area is the area in which:

- all new subdivisions and developments will be required to connect to the municipal water and sewer lines, and
- existing developments will have the opportunity to connect to the lines.

Generally, all parcels within 800 metres of the lines or those in close proximity to hamlets are included in the Water and Sewer Connection Policy Area, as defined in Schedule A of that policy

Although not directly stated in the Water and Sewer Connection Policy, the *Municipal Government Act* provides the County with the authority to require an applicant for subdivision or development permit to provide infrastructure with a capacity to adequately service not only just that owner’s lands, but also to provide water and sewer infrastructure that would adequately service additional lands in the immediate area. This is generally referred to as “oversizing”. In this scenario, the first owner to develop would be responsible for the costs of construction of infrastructure that would serve not only that owner’s lands, but also some amount of future development of adjacent parcels.

In order to ensure fairness and equity in the provision of service connection to the water and sewer infrastructure, Council is willing to “endeavour to assist” an owner in recouping the cost of the excess capacity required for subsequent development. When a subsequent developer whose land is benefited by the excess capacity provided by the original developer seeks subdivision or development permit approval for that land, the municipality will impose a condition on the subdivision or development permit approval requiring the second (and other subsequent) developer(s) to enter into an agreement obliging them to pay a sum to the County in respect of the excess infrastructure capacity that is proportionate to the benefit that will be derived by the development that would occur on that owner’s land. The amount collected by the municipality is then remitted directly back to the developer who paid for the initial excess infrastructure capacity.

The following policies will guide Lac La Biche County's actions with respect to the requirement for construction of oversized water and/or sewer infrastructure, and the opportunities for the County to endeavour to assist initial developers to help defray the costs of providing this excess capacity.