

Union Bay Improvement District

Development Policy

Approved by: Board of Trustees
Date: July 13, 2005
Policy Number: 4.05.11

Purpose: To establish clear guidelines for the processing of applications for providing services to parcels of land.

Background: From time to time, additional information is required by the developer and the improvement district to ascertain the most appropriate method to arrange, negotiate and manage the development of the necessary works to provide required services to lands proposed for development in the Union Bay Improvement District. Certain guidelines are provided in the Improvement District Manual. This policy reiterates those guidelines and expands them where deemed necessary for clarification.

Procedures:

1. Landowners may require information about the existing waterworks, the planned improvements and development of the waterworks system and what is required in order to obtain this and other services from the district. Staff may supply this information together with available supporting and existing professional opinion (i.e. accepted planning reports and projections for the future). Such information would be provided at no cost to the landowner.
2. If information is requested that requires further investigation by engineers or other specified professionals, the landowner (developer) must apply for the service, pay the applicable fees and be advised and agree that costs for obtaining and supplying this information from the improvement district's agent or consultant will be the responsibility of and paid for by the developer (landowner).
3. Once the improvement district staff has received a formal application and fees, staff will evaluate the application, verify that all necessary information has been supplied and prepare a report for presentation to the board of trustees for their consideration.
4. An application for service may concern expansion, upgrading or restructuring of the existing infrastructure. In these circumstances, meetings between the Applicant and the trustees may be necessary, prior to commencing the formal application process, so as to determine if the proposal is feasible and reasonable. At no time should the improvement district incur costs for these negotiations. A meeting for this purpose will be called at the discretion of the chair and a quorum must be present. Meeting minutes may be taken, and recommendations

and requirements for processing of the entire application must be forwarded for the trustees' consideration at a regular board meeting.

5. Section 752 of the *Local Government Act* (LGA) states there is no obligation on an improvement district to convey, supply or furnish any service to any person, land or premises. Furthermore, an improvement district may provide only those services it is authorized to provide by its Letters Patent [see section 747.1(9) LGA]. Section 752 also states that a person to whom an improvement district refuses to convey, supply or furnish any service may appeal to the Inspector of Municipalities, who may make any order in the matter that he/she considers just and reasonable. With this in mind, the ability to provide the service without jeopardizing an existing service is the trustees' major consideration when determining whether to provide the additional service.
6. Proposed plans and negotiations must be presented in writing and recorded in the minutes of the regular board meeting when the application is being considered for approval.
7. The board of trustees should consider the impacts of providing the requested service, such as available resources, the effect on existing services and the feasibility of maintaining the proposed service. The board also needs to address the ongoing operational costs of the additional infrastructure that the improvement district will assume ownership of once the development is completed.
8. A proposed service that includes cost-sharing by the improvement district will be brought forward to the affected landowners (taxpayers) for agreeable consensus through an acceptable public forum.
9. Capital Expenditure Charges chargeable to the proposed development must take account of (provide deductions for) actual improvements to the infrastructure system that upgrade and improve the existing infrastructure [see sections 747.1(70 and 933(8)(a) LGA], if those improvements are deemed to meet the criteria established in the "Improvement District Manual – Section C – Capital Expenditure Charges" and are approved in advance by the trustees.
10. All alterations and additions to the existing infrastructure and all new services must be constructed to meet Union Bay Improvement District servicing standards as prescribed in Bylaw 176.

I HEREBY CERTIFIED THAT the foregoing is a true copy of Policy No. 04.05.11 as adopted by the District and sealed with the District seal on the 13th day of July 2005.

Brenda Fisher, Administrator