

<b>Policy Title:</b>	<b>Applies to:</b>		<b>Reference #</b>
<b>Interim Extra-Municipal Servicing Policy</b>	All divisions		###-XXX-##
<b>Approved by:</b>	<b>Dates:</b>		<b>Total # of Pages</b>
City Council	<b>Effective:</b>	29-JUL-2013	9
	<b>Last Review:</b>		
	<b>Next Review:</b>		
<b>Authority:</b>			
<ul style="list-style-type: none"> <li>▪ <i>The Regina Water Bylaw No. 8942</i></li> <li>▪ <i>The Sewer Service Bylaw No. 5601</i></li> <li>▪ <i>The Planning and Development Act, 2007</i></li> </ul>			

## 1.0 Purpose

The intent of this document is to provide a consistent policy to standardize the decision-making framework and procedures for reviewing requests for the provision of water distribution, wastewater collection (or septic tank wastewater discharge), and/or stormwater collection, and related management services outside of the City limits. The policy establishes the criteria for evaluating applications, and clarifies roles and responsibilities of the various City of Regina Divisions, Departments and Branches in managing requests for these services.

This interim policy is intended to be a temporary measure that will be ultimately superseded by a long-term servicing strategy and policy in alignment with a broad regional planning approach.

## 2.0 Scope

This policy only applies to potential direct retail customers outside of City limits (e.g., private land/property owners or development proponents). Inter-

governmental agreements or wholesale agreements with third party servicing providers shall be examined outside the scope of the Interim Policy and the associated fees structure. Examination of intergovernmental or wholesale agreements shall consider the same elements and implications as evaluated within the scope of the Interim Policy.

This policy applies to the development of lands located outside of the City limits which the City's water distribution, wastewater collection (or septic tank wastewater discharge), and/or stormwater collection and related management systems are requested. As many developments external to City limits would benefit from the provision of municipal services, the policy addresses how providing these services would impact the City and the Region as a whole.

This policy:

- establishes authority to approve or deny applications for direct or indirect connection to the City water distribution, wastewater collection, and/or stormwater collection services and related management systems for developments outside of City limits; and
- provides the policy framework, or criteria, for evaluating whether or not an application would be approved or denied for providing these services outside of City limits.

### **3.0 Definitions**

#### **Administration:**

The employees and officials comprising the administration of the City of Regina. City Administration communicates City Council's Vision throughout the corporation. They lead employees and manage financial resources set out in the budgetary process.

#### **City:**

The municipal corporation of the City of Regina or the geographical area within City limits, as the context requires.

#### **City Limits/City Boundaries:**

The legal corporate limits/boundaries of the municipal corporation of the City of Regina; may be expanded from time to time through annexation.

#### **Development:**

The carrying out of any building, engineering, mining or other operations in, on or over land or the making of any material change in the uses or intensity of the use of any building or land.

**Proposed Development Lands:**

Those lands (or any part thereof) outside of City limits where no previous extra-municipal servicing agreement has been entered into for the specific proposed development.

**Executive Leadership Team (ELT):**

The City Manager, Deputy City Managers, Executive Director of Governance & Strategy and Executive Director of Legal.

**Official Community Plan or OCP:**

The Regina Development Plan, Bylaw 7787, pursuant to sections 29 to 43 of The Planning and Development Act, 2007

**Outside User:**

An owner or developer of a property or land situated beyond the City boundaries that has applied for or is receiving City service(s) covered by this policy.

**Region:**

There are a number of different definitions of regions that surround Regina (e.g. eco regions, watershed, economic regions, etc.). The City of Regina does not have a defined region for planning purposes. For the sake of this policy, the region will be the City of Regina and the surrounding RM of Sherwood, since the RM of Sherwood is where most of the requests have originated, and are anticipated into the near future. It should be acknowledged that the City has received, and anticipates continuing to receive, occasional requests for servicing from other nearby municipalities, which will also be considered using the principles outlined in this Policy.

**Extra-Municipal Servicing Agreement:**

An agreement signed between the City of Regina and the Outside User for extending the City's water, domestic sewer and/or stormwater services and related management systems to a Development or Development lands located outside of City limits. Such agreements executed prior to the effective date of this policy may be titled as '*Extra-Municipal Water Supply Contract*' or '*Agreement*'.

## **4.0 Policy Statement**

### **4.0.1 Application**

A formal written application must be submitted for each request for a new extension of water distribution, wastewater collection or stormwater

collection service and related management systems provided by the City of Regina. The City shall respond, in writing, to each application indicating approval, denial or conditional approval, as the case may be.

A formal application shall consist of and be considered complete on the date the City has received all of the following:

- an application form completed and signed by the applicant(s);
- all related forms, drawings or other documents deemed necessary by the Administration for proper consideration of the application; and
- appropriate application fee.

Applications shall be directed to: Planning Department, 12th Floor of City Hall, 2476 Victoria Avenue, PO Box 1790, Regina, SK S4P 3C8.

Please refer to *Procedures for Entering into an Extra-Municipal Servicing Agreement with the City of Regina* for more details on the application, approval and post-approval processes.

#### **4.0.2 Delegated Authority**

##### **(1) Approval Authority**

The Executive Director, City Planning and Development or his/her delegate is authorized to approve or deny a request. However, if it is unclear whether or not an application can result in net benefits to the City and the region, City Council's direction or decision will be required. The approval authority is illustrated in *Appendix A - Extra-Municipal Servicing Request Review Decision Tree*.

##### **(2) Signing Authority**

The Executive Director, City Planning and Development or his/her delegate is authorized to sign the decision letter for approving or denying a formal application.

##### **(3) Administrative Authority**

The Executive Director, City Planning and Development or his/her delegate is authorized to develop and manage Administrative procedures to implement this policy.

### 4.0.3 Evaluation Criteria

Each application is to be considered on its own merits. Approval or denial of any application shall not bind the City to approval or denial of any other application.

A two-level decision making framework is adopted to evaluate the requests of service(s). The first level is used to screen out applications that do not meet the basic mandatory requirements of the City. These mandatory requirements are based on the following principles:

- (1) It does not cause planning conflicts – This means that the development will not result in potential land use incompatibilities with *Regina's OCP, Regina Zoning Bylaw No. 9250, and Sherwood - Regina Planning District Development Plan*;
- (2) It can only be, or is more suitable to be, located outside of City limits – This means that there is no suitable land available within the City for the development, or it must locate in rural areas due to location requirements or other special characteristics, as determined at the City's discretion; and it does not compete with development within the City; and
- (3) The City has capacity to extend the service(s) – This means that the City does not have immediate technical difficulties to service the specific connection point/development at the time of the application review.

If an application demonstrates compliance with the first-level mandatory criteria, it will then be evaluated case by case, based on the principle of net benefits to the City and the region. Two checklists will be reviewed separately to determine if the extension of service(s) will result in net benefits to the City and the region.

Applications shall be circulated to the following City branches as necessary to determine the impacts on the City:

- Long Range Planning;
- Infrastructure Planning;
- Environmental Engineering;
- Utility Billing;
- Landfill Operations;
- Water & Sewer Engineering;
- Water Operations;
- Sewer & Drainage Operations; and
- Fire Department.

Applications shall be circulated to the following City branches and external stakeholder as necessary to determine the net benefit to the region:

- Long Range Planning;
- External stakeholders (e.g. Government Relations, Saskatchewan Watershed Authority); and
- Other internal branches if required.

Determination of an application (approval, denial, conditional approval) will be made as per the results from the checklist review of the evaluation criteria, as well as any other factors the Administration may deem relevant in the particular circumstances. If there is uncertainty whether or not an application can bring about net benefits to the City and the region, City Council's direction or decision will be required.

For more details, please refer to *Appendix A - Extra-Municipal Servicing Request Review Decision Tree*, *Appendix B - Checklist for Evaluating Net Benefit to City*, and *Appendix C - Checklist for Evaluating Net Benefit to Region*.

#### **4.0.4 Existing Outside Users**

##### **Users with an Agreement with the City**

All existing outside users with an extra-municipal servicing agreement signed prior to the effective date of this policy will not be affected. However, a new application for re-evaluation as per this policy may be required if any of the following conditions occur:

- The use of the land has been changed;
- The land has been subdivided;
- The water consumption has increased significantly above the original intended provision of service, or an alteration to the connection is required to provide a greater level of service; and/or
- The type of service requested has been changed or additional types of services are requested.

When the existing user holding an agreement with the City sells, leases, or assigns all or part of his/her/its interest in the property and/or the service(s), the buyer, lessee or assignee that obtains the interest, shall apply to the City to become a new customer. The City will enter into a new agreement with the new customer, or re-review the application if necessary when any of the above conditions occur.

## **Septic Tank Discharge Users**

All existing outside users who have received approval from the local authority for a septic tank prior to the effective date of this policy will not be affected. However, a new application for re-evaluation as per this policy may be required if any of the following conditions occur:

- The use of the land has been changed;
- The land has been subdivided; or
- The volume of hauled liquid waste has increased significantly above the original intended provision of service.

When an existing user of the City's Septic Tank Discharge Service sells, leases, or assigns all or part of his/her/its interest in the property and/or the service(s), the buyer, lessee or assignee that obtains the interest, shall become a new customer. Re-application will be necessary when any of the conditions listed above occur.

### **4.0.5 Extra-Municipal Fees and Surcharges**

The applicant is required to pay all the applicable extra-municipal servicing fees and surcharges.

For more information, refer to the *Extra-Municipal Servicing Fees and Surcharges*.

### **4.0.6 Extra-Municipal Servicing Agreement**

Once the City accepts the servicing applications and receives the applicable fees, the City and the service proponent will proceed to the process of reaching an Extra-Municipal Servicing Agreement. The City approved plans, as well as applicable external approvals, will form the schedules in the agreement.

The Extra-Municipal Servicing Agreements shall specify the conditions associated with the extension of the City's water, domestic sewer and/or stormwater services and related management systems to the proposed development land located outside of City limits, such as each party's obligations and the approved flow rate/meter size.

The City makes no guarantee with regards to the quantity, quality, pressure or uninterrupted availability of the service(s) provided; and reserves the right to interrupt or permanently terminate the service(s).

The Extra-Municipal Servicing Agreements are to be prepared by the Planning Department with review by the Legal Department, and then executed by the Outside User for service and City Clerks.

## 5.0 Appendices

- Appendix A - Extra-Municipal Servicing Request Review Decision Tree
- Appendix B - Criteria Checklist for Evaluating the Net Benefit to the City
- Appendix C - Criteria Checklist for Evaluating the Net Benefit to the Region

## 6.0 Supporting Documents

- Extra-Municipal Servicing Fees and Surcharges
- Procedures for Entering into an Extra-Municipal Servicing Agreement with the City of Regina
- Extra-Municipal Servicing Application Form
- Extra-Municipal Servicing Agreement (blank template)

## 7.0 Contact

For more information on this policy, contact:

City Planning & Development Division  
 Regional Planning Branch  
 12th Floor, City Hall  
 2476 Victoria Avenue  
 PO Box 1790  
 Regina, SK S4P 3C8

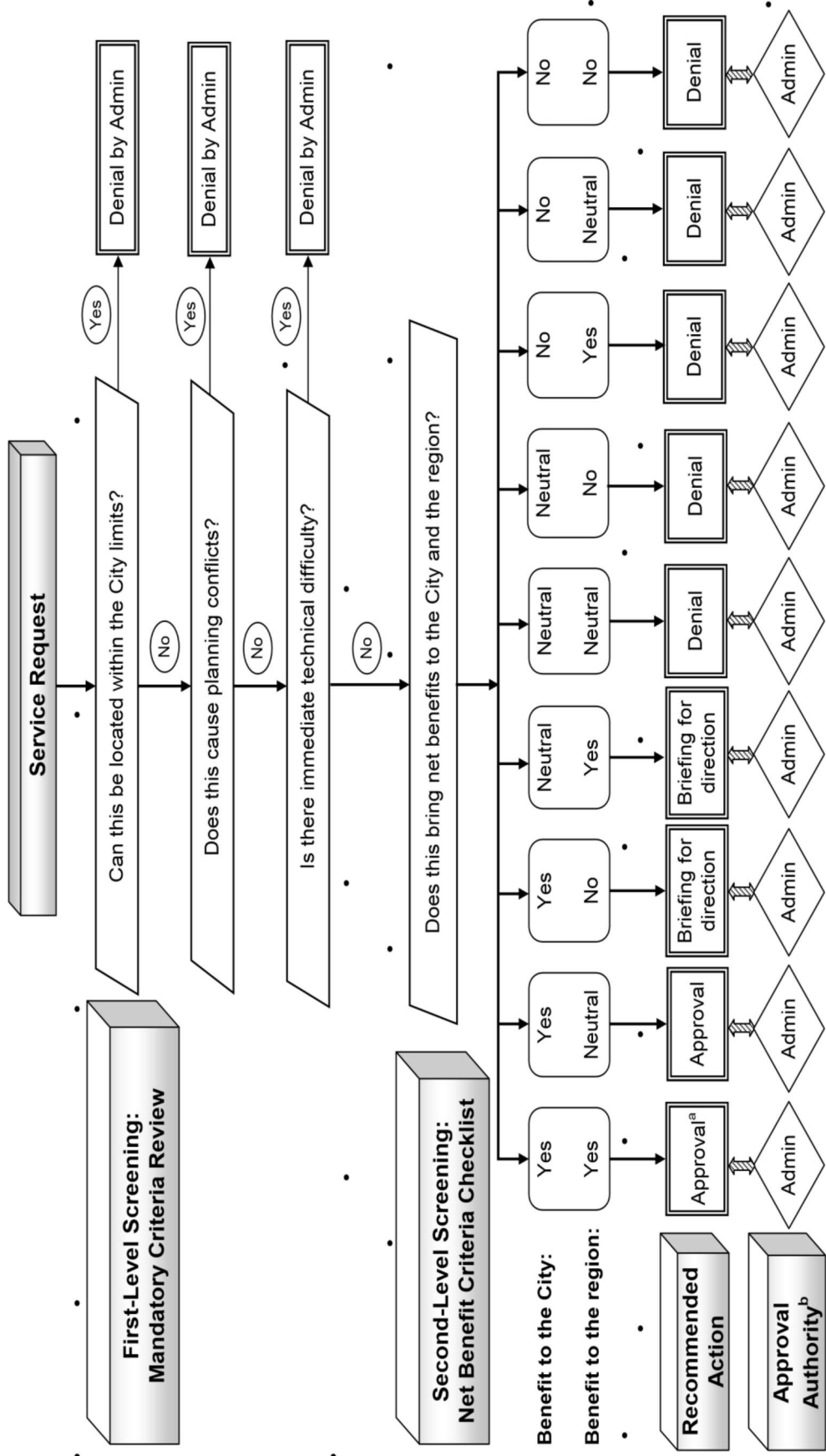
## 8.0 Revision History

Date	Description of Change	(Re)-Approval Required (y/n)
29-06-2013	Initial Release.	Y
29-03-2016	4.0.2 –Delegated Authority – Updated to reflect current position holding approval, signing, and administrative authority.	Y



29-03-2016	4.0.2 Existing Outside Users – Updated to include existing users with an agreement as well as septic tank discharge users.	Y
29-03-2016	7.0 – Contact – Updated due to change in policy ownership.	Y

# Appendix A: Extra-Municipal Servicing Request Review Decision Tree



**Notes:** a. Approval is subject to third party approvals, technical review and agreement execution;  
 b. Council's direction or approval may be required if necessary.

## Appendix B – Criteria Checklist for Evaluating the Net Benefit to the City

Considerations	Criteria	Impact					Notes
		Negative	Slightly negative	Neutral	Slightly positive	Positive	
<b>Revenue opportunity (gross income)</b>	Utility revenue opportunity						* Dollar amount
	Capital contribution						* Dollar amount
<b>Capital costs</b>	Impact on water infrastructure						
	Impact on sewer infrastructure						
	Impact on drainage infrastructure						
	Impact on roadways						
	Impact on parks & recreation facilities						
	Impact on landfill						
<b>Risk to in-town services</b>	Reliability of water service						* Flow rate * Connection location (e.g., existing or new pipeline)
	Reliability of sewer service						* Flow rate * Connection location
	Reliability of drainage service						* Prior development flow * Post development flow

<b>Impact on urban environment and quality of life</b>	Groundwater aquifer									
	Surface water within the City									
	Urban air quality and odour									
	Hazardous waste discharge/disposal									
	Noise									
	Visual nuisance (e.g., glare)									
	Safety									
	<b>Others</b>									
<b>Overall Net Benefit</b>		<input type="checkbox"/> Positive <input type="checkbox"/> Negative <input type="checkbox"/> Neutral								

**Notes:**  
If individuals assign different ratings to the same criterion, discuss this to arrive at a consensus. Do not average the ratings or vote for the most popular one.

## Appendix C – Criteria Checklist for Evaluating the Net Benefit to the Region

Considerations	Criteria	Impact				Notes
		Negative	Slightly negative	Neutral	Slightly positive	
<b>Economic development</b>	Job creation					
	Regional economic growth					
<b>Other opportunities</b>	Social opportunity					
	Recreational opportunity					
	Groundwater					
<b>Impact on the regional environment and ecosystem</b>	Surface water					
	Air quality and odour					
	Waste disposal					
	Hazardous substances					
	Loss of prime agricultural land					
	Drainage					
	Natural habitat					
<b>Others</b>						
<b>Overall Net Benefit</b>		<input type="checkbox"/> Positive <input type="checkbox"/> Negative <input type="checkbox"/> Neutral				

**Notes:** If individuals assign different ratings to the same criterion, discuss this to arrive at a consensus. Do not average the ratings or vote for the most popular one.