



# COUNCIL POLICY

**Subject: Development Works Agreement**

**Policy No:**

**07-352**

**Previous Policy No:**

**07-401**

**Approved by Council:**

**2004-11-15**

**Revised by Council:**

**2016-05-30**

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## 1. Purpose

- 1.1 To provide guidelines for the administration of Development Works Agreements.

## 2. Background

- 2.1 The Township of Langley is committed to the management of growth in an environmentally and fiscally responsible manner
- 2.2 The Neighbourhood Plans Policy provides the basis of a neighbourhood planning process that capitalizes on voluntary contributions and facilitates growth consistent with community goals and objectives.
- 2.3 Neighbourhood plans, adopted by Council, designate land uses, illustrate projected subdivision patterns, transportation facilities, servicing schemes, amenities and other facilities.
- 2.4 The *Local Government Act* (the Act), authorizes the Township to enter into development works agreements with private developers for the provision of sewage, water, drainage and highway facilities; and for the allocation of all or part of the costs associated with the construction of such facilities, amongst owners of real property within the benefitting area.

## 3. Related Policies

- 3.1 07-220 Neighbourhood Plans
- 3.2 07-230 Subdivision
- 3.3 Development Cost Charges Bylaw 2012 No. 4963, as amended
- 3.4 07-354 Development Cost Charges (DCCs)
- 3.5 Subdivision and Development Services Bylaw 2011, No: 4861, as amended

## 4. Policy

- 4.1 Development Works Agreements (DWAs) must be completed in compliance with all relevant statutes.
- 4.2 All works to be completed under a proposed DWA must be designed in harmony with the latest overall community and neighbourhood plans and corresponding engineering servicing schemes.
- 4.3 A bylaw authorizing a DWA may only be considered by Council, when supported by a sufficient petition from the owners of real property within the area subject to the DWA. Sufficiency of a petition is determined in accordance with governing statutes.

- 4.4 DWAs shall only be considered for the provision of works and services in areas of the Township where a Neighbourhood Plan has been adopted, or otherwise approved by Council; and only if such works and services are in support of proposed developments within the benefiting areas.
- 4.5 DWAs shall only be completed upon execution of a Servicing Agreement in accordance with the Township's Subdivision and Development Servicing Bylaw 2011 No. 4861, as amended, including provision of securities by the developer to ensure compliance with the terms and conditions of the DWA and the Servicing Agreement.
- 4.6 Requests for initiation of a DWA must be submitted in writing by the proponent to the Development Engineering Department and shall contain the following preliminary information:
  - 4.6.1 Maps highlighting the works that are proposed under the DWA, the tributary catchment area of the proposed works and the benefiting area that is subject of the DWA, to scales not exceeding 1:2,500 with legal and topographical information, prepared by a qualified professional engineer.
  - 4.6.2 Construction cost estimates for the proposed works, signed and sealed by a qualified professional engineer, indicating which components of the proposed works, if any, have been included in the Township Development Cost Charges program.
  - 4.6.3 Confirmation of when the proposed works are to be provided and the anticipated term of the DWA.
  - 4.6.4 A proposed formula for calculating the amount of specified charges in accordance with the act.
- 4.7 Requests for cost sharing by the Township must be submitted in writing and may be considered, subject to Council approval.
- 4.8 When actual construction costs are to be used in determining the specified charge in a DWA, the actual charge shall not exceed 110% of the estimated charge, unless the DWA bylaw is amended, complete with new petition.
- 4.9 Terms and conditions of a proposed DWA, including the term (validity period) and applicable interest rate (based on the current Bank of Canada rate plus 1.5%), must be agreed to by the Township prior to commencing the required petition process.
- 4.10 Charges imposed under a DWA shall be collected by the Township and held pending Township acceptance of actual costs. After acceptance of actual costs, payment will be forwarded to the developer on an annual basis, with no interest payable by the Township.
- 4.11 If the payments, referred to in 4.10 above, are returned to the Township and after all reasonable efforts by the Township to locate the developer and the said payments remain unclaimed after 12 months from the date of expiry of the DWA, any unclaimed funds shall be forfeited to the Township for use at its discretion.
- 4.12 When the works contemplated under a DWA include the installation of works whose costs have been included in calculating the Township Development Cost Charges (DCCs), owners within the benefiting area may be entitled to credits against DCCs payable in respect of a proposed development, all in accordance with bylaws, policies and statutes current at the time that such DCC payment is due and payable.

- 4.13 The term of a DWA commences at the time of adoption of the authorizing bylaw.
- 4.14 All works proposed under a DWA must be completed within two years of the date of final adoption of the authorizing bylaw.
- 4.15 All DWAs are subject to an administration fee of \$1,000 plus applicable taxes, for each year of the term, payable prior to the execution date.
- 4.16 Detailed procedures and operational guidelines assist staff and the development community with implementation of this policy.