

**TOWN OF FORT NELSON  
POLICY & PROCEDURE MANUAL**

**3020-03 - Development Procedure: On-Site Paving Works Policy**

**Background/History**

*In its development over the years, the Town has experienced particular difficulty in assuring that one particular section of building requirements is met by builders and developers. That is the requirement to pave parking & other areas of a development not covered by building or landscaping. The cost of paving is high and the construction season is short in the North; too often a development that is begun one year, cannot complete until the next and frequently, "settling" of parking areas & roadways is advised before paving takes place. As a result, many builders & developers run out of money if facing cost overruns in other construction areas of their project or lose their sense of priority or urgency to complete the pavement requirement. The incidence of developments not meeting the pavement requirement is proliferating in the community, and it is the Council's position that this is generally unfair to other developers or builders who do meet established standards laid out in the zoning or other bylaws and unfair to taxpayers generally, who must meet the costs resulting from the non-compliance.*

*The desire to enforce the requirement for pavement springs from two sources: 1) paved or other finished-surface parking areas are aesthetically more desirable; and 2) paved or other finished-surface parking areas mean less dust pollution and less dirt on the roadways and in buildings. The Town currently encounters significant dust-control problems and street-cleaning costs because of the number of unpaved parking lots and roadways in the community.*

**Policy/Objective**

*Legal advice has suggested that the Town may tie the issuance of a final occupancy permit to completion of paving work, and require builders and developers to post security for the work if they request a conditional occupancy permit before completing the paving.*

<b>Policy Section: 30</b>	<b>Development &amp; Planning Policies</b>
<b>Subject: 3020-03</b>	<b>Development Procedures</b>
<b>Prepared By: Pat Bailey</b>	<b>Approved by Mgmt Team: -</b>
<b>By Administrator: August 18, 1999</b>	<b>By Council/Board: August 23, 1999</b>
<b>Revision Date: -</b>	<b>Page 1 of 2 Pages</b>

## **Implementation**

*The Town's policy with regard to all building or developments where paving is a requirement under the zoning or other bylaws & effective immediately is that:*

- 1) All builders and developers required to meet the paving requirement under the zoning or other bylaws shall henceforth be required to provide security to the Town in the amount of One Hundred and Ten (110) percent of the estimated cost of paving & any required sub-surface preparation as determined by the Town; associated with their development and to enter into an agreement with the Town that will permit the Town to enter onto their lands to complete required pavement (and any required sub-surface preparation) at the first opportunity that 1) appropriate settlement has occurred sufficient to permit paving (and any required sub-surface preparation), and 2) a paving company is available to complete paving – in the event that the builder or developer has not completed such paving prior to requesting an occupancy permit, and further to acknowledge that any amount associated with the Town's completion of pavement & any required sub-surface preparation that exceeds the amount given in security shall be an amount owing to the Town; only in this circumstance will a conditional occupancy permit be issued in advance of the pavement & any required sub-surface preparation being completed.*
- 2) In the event that the builder or developer does complete pavement prior to requesting a final occupancy permit, the security will be returned to the builder or developer in total. Should any interest be earned upon the security, it shall accrue to the builder or developer and be paid to the builder or developer upon return of the security.*
- 3) The form of security given shall be: an Irrevocable Letter of Credit, or Cash.*

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