

RURAL MUNICIPALITY OF ST. ANDREWS

BY-LAW NO. 4396

BEING a By-Law of the Rural Municipality of St. Andrews (the “Municipality”) to provide for the imposition of a capital levy on all new lots created by subdivision of lands and all new units created within the Municipality and for the purpose of establishing the amount of contribution to Reserve Funds from new development.

WHEREAS Sub-section 135 (6) of *The Planning Act* provides that

A condition that the applicant dedicate the following land, without compensation:

- (a) *land for adequate public roads and municipal services in the subdivision;*
- (b) *land for public reserve purposes, not exceeding 10% of the land being subdivided, but only if the land is being divided into parcels of less than 4 hectares;*
- (c) *land for school purposes, not exceeding 10% of the land being subdivided;*
- (d) *land not suitable for building sites or other development because it is unstable, subject to severe flooding, required for source water protection, or is otherwise unsuitable because of topographical or subsurface features, such as wetlands, gullies, ravines, natural drainage courses, creeks, ponds, or lake beds;*
- (e) *shore lands designated in a development plan by-law as land to be dedicated upon subdivision as a Crown reserve or a public reserve, including land that is or might be required to provide access to shore lands.*

AND WHEREAS Section 143(1) of *The Planning Act* of the Province of Manitoba (the “Act”) provides as follows:

A Council may, by by-law, set the levies to be paid by applicants to compensate the municipality for the capital costs specified in the by-law that may be incurred by the subdivision of land.

AND WHEREAS the Council of the Municipality has reviewed the existing capital infrastructure of the Municipality and the anticipated future capital needs of the Municipality, demand for which may be created or accelerated by development including:

1. *drainage systems;*
2. *water and sewage treatment and distribution systems;*
3. *fire and protection services, buildings, and major equipment;*
4. *roads and road systems;*
5. *public works, buildings, and major equipment;*
6. *parks, recreational facilities, and walkways;*
7. *nuisance grounds, environmental collection and refuse collection areas and equipment;*
8. *other capital works, structures, and equipment.*

AND WHEREAS the Council of the Municipality deems it prudent and in the best interests of the Municipality to ensure that a sufficient capital levy is obtained from new lots created by subdivision within the Municipality to contribute to the anticipated necessary capital development, capital repairs, expansion, replacement, and renewal of the capital infrastructure of the Municipality.

AND WHEREAS the Council of the Municipality wishes to continue a reserve fund into which capital levies collected pursuant to this by-law shall be transferred.

1. Development Fund Reserve
2. Road Improvement Reserve
3. Fire Truck Reserve
4. Recreation Reserve
5. Utility Reserve

AND WHEREAS it is expedient and in the best interest of the Municipality to prescribe a City of Winnipeg Service Sharing Up-Front Charge on new lots created by subdivision and all new units to be collected by the Municipality and submitted annually to the City of Winnipeg as outlined in the Service Sharing Agreement.

AND WHEREAS the Council of the Municipality desires to enact a by-law prescribing the scale of levies to be paid by an applicant for subdivision approval as compensation to the Municipality for capital costs pursuant to Section 143(1) of *The Planning Act*.

AND WHEREAS the Council of the Municipality desires to enact a by-law prescribing the imposition of capital levies on all new lots created by subdivision of lands and all new units created within the Municipality and establishing a reserve fund for those capital levies.

NOW THEREFORE BE IT ENACTED as a by-law of the Rural Municipality of St. Andrews as follows:

1. That capital levies be assessed, charged, and imposed upon any applicant for subdivision approval in accordance with the prescribed scales set out in Schedule “A” hereto.
2. All such dedication shall be paid as a condition of subdivision approval and no subdivision shall be approved:
 - (a) Except subject to a condition requiring the payment of the applicable capital levies.
 - (b) Until such capital levies have been paid or arrangements satisfactory to the Municipality for the payment of the capital levies have been made, including, if required, the posting of security to ensure payment of the capital levies in accordance with such arrangement.
3. The Municipality has created a reserve fund for the purposes of capital levies paid to the Municipality pursuant to this by-law and funds paid into the reserve fund shall be used for capital purposes only, including capital expenditures for developing, repairing, expanding, replacing or renewing the capital infrastructure of the Municipality and shall be dealt with and expended only in accordance with the requirements of Section 168(2) of *The Municipal Act*.
4. This By-Law shall come into force and take effect following the Third Reading of the By-Law and shall apply to all conditionally approved subdivisions dated after June 25, 2024, as indicated on a conditional approval letter issued by the Red River Planning District.
5. That By-Law No.’s 4309 & 4360 are hereby repealed.
6. That Council may from time to time, by resolution, amend Schedule “A” attached to this by-law.

DONE AND PASSED by the Council of The Rural Municipality of St. Andrews, in Council duly assembled in Clandeboye, Manitoba this 25th day of June, A.D., 2024.



THE RURAL MUNICIPALITY OF ST. ANDREWS



Mayor



Chief Administrative Officer

RECEIVED First Reading on this 11th day of June, A.D., 2024.

RECEIVED Second Reading on this 25th day of June, A.D., 2024.

RECEIVED Third Reading on this 25th day of June, A.D., 2024.

SCHEDULE “A” TO BY-LAW NO. 4396

PUBLIC RESERVE LAND DEDICATION OR CASH IN-LIEU

All subdivisions where land is to be divided into parcels of less than 4 hectares will be required to provide up to 10% of the land area for public reserve purposes, or a cash in-lieu fee. If the cash in-lieu option is required, the value of the cash in-lieu will be calculated up to 10% of the assessed value of the land, pre-subdivision.

This dedication shall be made a condition of approval on all applicable subdivisions.

CAPITAL DEVELOPMENT LEVIES

Capital Development Levies shall be paid as outlined within the Development Agreement or as per the conditions of approval in accordance with Tables 1 and 2.

TABLE 1: CAPITAL DEVELOPMENT LEVIES FOR NON-SERVICED LOTS

NON-SERVICED LOTS	ZONING / USE	LEVY PER NEW LOT / UNIT	
Residential & Agricultural	Residential / Agricultural Lots	\$7,500.00	
	Development Fund Reserve		\$4000
	Road Improvement Reserve		\$2000
	Fire Reserve		\$500
	Recreation Reserve		\$500
	Utilities Reserve		\$500
	Multi-Family (per dwelling unit) *	\$5000.00	
	Development Fund Reserve		\$2000
	Road Improvement Reserve		\$1500
	Fire Reserve		\$500
	Recreation Reserve		\$500
Utilities Reserve	\$500		
Commercial & Industrial	Commercial / Industrial Lots	\$10,000.00	
	Development Fund Reserve		\$6000
	Road Improvement Reserve		\$2500
	Fire Reserve		\$500
	Recreation Reserve		\$500
	Utilities Reserve		\$500
	Commercial / Industrial Units	\$7,500.00	
	Development Fund Reserve		\$4000
	Road Improvement Reserve		\$2000
	Fire Reserve		\$500
	Recreation Reserve		\$500
Utilities Reserve	\$500		

* Building containing two (2) or more dwelling units, each unit designed for and used by one (1) family.

TABLE 2: CAPITAL DEVELOPMENT LEVIES FOR SERVICED LOTS AND UNITS

SERVICED LOTS	ZONING / USE	LEVY PER NEW LOT / UNIT
Residential & Agricultural	Residential / Agricultural Lots	
	Development Fund Reserve	\$4000
	Road Improvement Reserve	\$2000
	Fire Reserve	\$500
	Recreation Reserve	\$500
	Utilities Reserve	\$500
	City of Winnipeg – Up-Front Charges (5/8") (2024)	\$3760
	Multi-Family (per dwelling unit) *	
	Development Fund Reserve	\$2000
	Road Improvement Reserve	\$1500
	Fire Reserve	\$500
	Recreation Reserve	\$500
Utilities Reserve	\$500	
City of Winnipeg – Up-Front Charges (5/8") (2024)	\$3760	
Commercial & Industrial	Commercial / Industrial Lots	
	Development Fund Reserve	\$6000
	Road Improvement Reserve	\$2500
	Fire Reserve	\$500
	Recreation Reserve	\$500
	Utilities Reserve	\$500
	City of Winnipeg – Up-Front Charges (5/8") (2024)	\$3760
	Commercial / Industrial Units	
	Development Fund Reserve	\$4000
	Road Improvement Reserve	\$2000
	Fire Reserve	\$500
	Recreation Reserve	\$500
Utilities Reserve	\$500	
City of Winnipeg – Up-Front Charges (5/8") (2024)	\$3760	

* Building containing two (2) or more dwelling units, each unit designed for and used by one (1) family.