

BY-LAW NO. 7175

AS AMENDED BY BY-LAW NO. 7397.

BEING A BY-LAW of The City of Brandon to establish development charges and to be known as the “Development Charges By-law”.

WHEREAS *The Planning Act*, Section 143, provides that a Council may, by by-law, set the levies to be paid by applicants to compensate the municipality for the costs specified in the by-law that may be incurred by the subdivision of land;

**AND WHEREAS *The Municipal Act*, Sections 232(2)(d), 250(1), 250(2)(b) and (c), and 252(1) and (2) provides that the Council of a municipality may by by-law impose development charges against land to pay for increased capital costs required because of increased needs for services;
[AM. B/L 7397]**

**AND WHEREAS a development charges background study, capital infrastructure policy, and 20-year development charges capital infrastructure project list have been completed which identifies new infrastructure required to service planned growth in the City of Brandon;
[AM. B/L 7397]**

AND WHEREAS a public consultation has been completed that summarizes the public and stakeholder consultations held to facilitate public input on the Development Charge By-law;

**AND WHEREAS the charges imposed by this Bylaw are related to capital costs attributable to projects included in the capital budget and/or to capital projects consistent to service planned growth as set-forth in the Brandon City Plan or subsequent plan;
[AM. B/L 7397]**

NOW THEREFORE, the Council of The City of Brandon, duly assembled, enacts as follows:

PART I: DEFINITIONS

1. DEFINITIONS
In this by-law:

“ACT” [REP. B/L 7397]

“ACCESSORY USE” [REP. B/L 7397]

“BENEFITING AREA” [REP. B/L 7397]

**“BRANDON CITY PLAN” means the Development Plan for the City of Brandon as set out in The Planning Act.
[EN. B/L 7397]**

**“BUILDING CODE ACT” means *The Buildings Act*, C.C.S.M, c. B93 and current amendments or any successor thereto.
[AM. B/L 7397]**

“CAPITAL COST” means costs incurred or proposed to be incurred by the City to
 (a) acquire land or an interest in land, including a leasehold interest;
 (b) improve land;
 (c) acquire, lease, construct or improve services designated in Schedule “A” to this by-law;
 (d) undertake growth-related studies in connection with any of the matters in clauses (a) through (c), including the development charges background study required for the provision of services designated in this by-law within or outside the City of Brandon; and/or
 **(e) interest on borrowing for those expenditures under clauses (a) through (c) that are growth-related.
[AM. B/L 7397]**

“COUNCIL” means the Council of the City of Brandon.

“DENSITY, LOW” means detached, semi-detached, duplex and row house dwellings.

**“DENSITY, HIGH” means multiple and secondary suites dwellings.
[AM. B/L 7397]**

“DEVELOPMENT” has the same meaning as set out in *The Planning Act*.

**“DEVELOPMENT CHARGE(S)” means a charge imposed with respect to this by-law.
[AM. B/L 7397]**

“DEVELOPMENT AGREEMENT” means an agreement between a landowner and the City relative to the provision of municipal services to specified lands within the City of Brandon.

“DIRECTOR” means the Director of the Engineering Department or their designate.
[EN. B/L 7397]

“DWELLING, DETACHED” means a building containing only one (1) dwelling unit and includes a mobile or modular home.

“DWELLING, DUPLEX” means a building containing two (2) dwelling units with both dwelling units occupying the same site.

“DWELLING, MULTIPLE” means a building containing three (3) or more dwelling units, other than a row house dwelling.

“DWELLING, ROW HOUSE” means a building with three (3) or more dwelling units joined side by side (or occasionally side to back), such as a townhouse, but not having any other dwellings either above or below. Each unit shall occupy its own site.

“DWELLING, SECONDARY SUITE” means a dwelling unit that is self-contained, subsidiary to, and located on the same site as a single detached dwelling and complies with the development standards as set-forth in the Zoning By-law.
[EN. B/L 7397]

“DWELLING, SEMI-DETACHED” means a building containing two (2) dwelling units with each dwelling unit occupying its own site.

“DWELLING UNIT” means one (1) or more rooms in a building designed for one (1) or more persons as a single housekeeping unit, with cooking, eating, living, sleeping and sanitary facilities. Where shared sanitary, cooking, eating and/or living facilities are utilized, each room shall be considered a dwelling unit in facilities including but not limited to dormitories, retirement homes and other supportive housing.
[AM. B/L 7397]

“FLOOR AREA” means the sum of the gross horizontal areas of all the storeys and basements of all buildings and structures on a site, measured from the exterior face of the exterior walls or from the centreline of party walls. Floor area within this by-law will be presented in square feet.
[AM. B/L 7397]

“GROWTH AREA, EMERGING” means the areas identified as such in Schedule “C” of this by-law.

“GROWTH AREA, ESTABLISHED” means the areas identified as such in Schedule “C” of this by-law.

“MIXED USE” means a building or structure of any kind whatsoever used, designed or intended to be used for a mix of residential and non-residential uses.

“MOBILE HOME” means a portable dwelling unit which is designed or used for residential occupancy, built upon or having a frame or chassis to which wheels may be attached by which it may be moved upon a highway, whether or not such structure actually has at any time such wheels attached, or is jacked up or skirted, and which conforms to the structural standards of *The Buildings Act*, C.C.S.M. C. B93 and amendments thereto.
[AM. B/L 7397]

“MODULAR HOME” means a portable dwelling unit similar to but distinct from a mobile home, in that it may be folded, collapsed or telescoped when in tow, whose chassis is not designed to accommodate wheels, but which may be extended for additional space.

“NET DEVELOPABLE AREA” means the area of land in hectares, excluding all lands for

- (a) public or school reserves,
- (b) public streets,
- (c) private roads,
- (c) land for municipal services, and
- (d) land not suitable for building sites as defined in *The Planning Act*.

“NETWORK INFRASTRUCTURE” means that infrastructure which is necessary to support planned growth within emerging growth areas, and includes transportation, water, wastewater, and land drainage network infrastructure.
[AM. B/L 7397]

“NON-RESIDENTIAL USE” means a building or structure of any kind whatsoever used, designed or intended to be used for other than a residential use and includes all commercial, industrial and institutional uses.

“OWNER” means as defined in *The Planning Act* and shall include any person, firm or corporation acting as the agent for the registered owner.

“PLANNING ACT, THE” means *The Planning Act*, C.C.S.M. c.P80 and amendments thereto.

“PLANNING COMMISSION” means the City of Brandon Planning Commission or designee.

“RESIDENTIAL ACCESSORY BUILDING” means a building which the activity is customarily incidental, related, appropriate and clearly subordinate to the principal use of the site or building.

[EN. B/L 7397]

“RESIDENTIAL USE” means land, buildings or structures of any kind whatsoever used, designed or intended to be used as living accommodations for one (1) or more individuals.

“SERVICES” (or “SERVICE”) means those services designated in Schedule “A” to this by-law.

“SITE” means an area of land that is a whole lot or block in a registered plan of subdivision, or the aggregate of all contiguous land described in a single certificate of title, or a bare land condominium unit in a registered plan of condominium.

“TREATMENT INFRASTRUCTURE” means that infrastructure which is necessary to support planned growth within established and emerging growth areas, and includes water treatment and wastewater treatment infrastructure.

[AM. B/L 7397]

“ZONING BY-LAW” means the City of Brandon Zoning By-law.

PART II: DESIGNATION OF SERVICES

2. Development charges are imposed for the following service categories:

- (a) Treatment Infrastructure - Wastewater
- (b) Treatment Infrastructure - Water
- (c) Network Infrastructure - Transportation
- (d) Network Infrastructure – Wastewater
- (e) Network Infrastructure - Water
- (f) Network Infrastructure – Land Drainage

[AM. B/L 7397]

3. The components of the service categories designated in Section 2 of this by-law are outlined in Schedule “A” of this by-law, and further defined in Schedule “D” to this by-law.

[AM. B/L 7397]

PART III: USE OF DEVELOPMENT CHARGE FUNDS

4. The funds collected by the development charges:

- (a) will be used to fund new services, upgrade existing services, or debt finance services required for planned growth; and
- (b) will be placed in six separate reserve funds in accordance with the designated service categories in Section 2.

[AM. B/L 7397]

5. The applicable services for 20-year planned growth are set-forth in the Development Charges Capital Infrastructure Policy and the Development Charges Capital Infrastructure Projects List, as per Schedule “D” and “E” to this by-law.

[AM. B/L 7397]

6. The timing for constructing the applicable services identified for growth in the Development Charges Capital Infrastructure Projects List, as per Schedule “E”, shall be informed by the Brandon City Plan and associated growth strategies, and the state of the reserve funds identified in Subsection 4(b), and available resources of the City.

[AM. B/L 7397]

7. Council, upon recommendation from Administration, shall prioritize the applicable services for 20-year planned growth in the 10-year capital plan and the annual financial plan.”

[AM. B/L 7397]

PART IV: ESTABLISHED GROWTH AREA CHARGE

[AM. B/L 7397]

8. Development charges for treatment infrastructure and transportation network infrastructure as per Schedule “B-1” to this by-law and referenced in the annual City of Brandon Fee Schedule By-law apply to all lands within the “Established Growth Area” in the City of Brandon as shown in Schedule “C” to this by-law.

[AM. B/L 7397]

9. Development charges shall be imposed on the owner for treatment infrastructure and transportation network infrastructure as per Schedule “B-1” for payment prior to the issuance of a building permit under the Building Code Act.
[AM. B/L 7397]
10. Development charges imposed as per Section 9 shall be calculated with respect to each of the services in subsection 2(a), (b), and (c) in accordance with Schedule “B-1” for the following uses:
 - (a) Residential – according to density and number of dwelling units;
 - (b) Non-Residential – according to Floor Area; and
 - (c) Mixed Use – according to density and number of dwelling units for residential portions of buildings and Floor Area for non-residential portions of buildings.
[AM. B/L 7397]
11. Development charges shall not apply to residential accessory buildings.

PART V: EMERGING GROWTH AREA CHARGE

- [AM. B/L 7397]
12. Development charges for treatment infrastructure and network Infrastructure as per Schedules “B-2” and “B-3” to this by-law and referenced in the annual City of Brandon Fee Schedule By-law apply to all lands within the “Emerging Growth Area” in the City of Brandon as shown in Schedule “C” to this by-law.
[AM. B/L 7397]
 13. Any lands annexed into The City of Brandon and designated for residential, commercial, industrial, or institutional development in the Brandon City Plan shall be included in the “Emerging Growth Area” as shown in Schedule “C” to this by-law.
[AM. B/L 7397]
 14. Development charges shall be imposed on the owner for:
 - (a) Network infrastructure (Schedule “B-2”) for payment prior to the issuance of a certificate of approval for a subdivision (plan of subdivision or condominium) or prior to a rezoning receiving third reading under *The Planning Act*; and
 - (b) Network infrastructure and treatment infrastructure (Schedule “B-3”) for payment prior to the issuance of a building permit under *The Building Code Act*.
[AM. B/L 7397]
 15. Development charges imposed as per Subsection 14(a) shall be calculated with respect to each of the services in Section 2 (c through f) according to the Net Developable Area of the site in accordance with Schedule “B-2”. Only the portion of the site which is being intensified (non-residential) or densified (residential) as a result of the subdivision or rezoning shall be included in the development charge calculation.
[AM. B/L 7397]
 16. If a site is previously subdivided and zoned to allow the proposed development as a permitted or conditional use in the Zoning By-law and no further subdivision or rezoning is required, the development charges in Subsection 14(a) shall not apply.
 17. Development charges imposed as per Subsection 14(b) shall be calculated with respect to each of the services in Section 2 in accordance with Schedule “B-3” for the following uses:
 - (a) Residential - according to density and number of dwelling units;
 - (b) Non-Residential - according to Floor Area; and
 - (c) Mixed Use - according to density and number of dwelling units for residential portions of buildings and Floor Area for non-residential portions of buildings.
[AM. B/L 7397]
 - 17.1 Any lands annexed into The City of Brandon shall be included in the “Emerging Growth Area” as shown in Schedule “C” to this by-law.
[EN. B/L 7397]
 18. Development charges shall not apply to residential accessory buildings.

PART VI: REDUCTION OF DEVELOPMENT CHARGES

19. Despite Section 9 and Subsection 14(b), development charges due for payment prior to the issuance of a building permit in Schedules “B-1” and “B-3” shall be reduced when new development occurs on a previously developed site where:
 - (a) A building in whole or in part was or will be demolished; and the use of the demolished building was discontinued for no more than sixty (60) months prior to the date of payment of development charges; or

- (b) A building in whole or in part is converted from a non-residential use to a residential use or vice versa; and the use of the converted building was discontinued for no more than sixty (60) months prior to the date of payment of development charges.
[AM. B/L 7397]
20. The reduction for a former residential use shall be calculated in the same manner as the development charges in Sections 10 and 17 for a building or portion of a building that has been or will be demolished or converted to another use.
[AM. B/L 7397]
- 20.1 The reduction for a former non-residential use shall be applied in accordance with Floor Area as noted on the most recent applicable property tax assessment record(s) for a building or portion of a building that has been or will be demolished or converted to another use.
[EN. B/L 7397]
21. The sum of reductions calculated in Sections 20 and 20.1 of this by-law shall:
- (a) not exceed the amount of the development charges otherwise payable with respect to the redevelopment; and
- (b) be applied prior to the issuance of a building permit under the *Building Code Act*.
[AM. B/L 7397]

DEVELOPMENT CHARGE OFF-SETTING

- 21.1 Council at their discretion may adopt separate development charge off-setting by-laws and fund reserves to discount development charges for specific land uses and/or areas of the City.
[EN. B/L 7397]

PART VII: TRANSITIONAL RULES

22. [REP. B/L 7397]
23. Despite Section 9 and Subsection 14(b), development charges due for payment prior to the issuance of a building permit in Schedules “B-1” and “B-3” shall be reduced when previous development agreement contributions have been paid for services listed in Section 2 and pertain to a project listed in Schedule “E of this by-law. The reduction will be calculated by the total contributions paid divided by the number and type of residential dwelling units and/or floor area of non-residential development and shall not exceed the amount of the development charges otherwise payable with respect to the development.
[AM. B/L 7397]
- 23.1 For previously approved development sites located in the “Emerging Growth Area” that have paid development charges at the time of development agreement prior to this by-law amendment coming into force, a credit towards transportation and land drainage network infrastructure development charges in Subsection 14(b) will be applied at the time of building permit equal to the total development charges paid at the time of development agreement. The credit will be calculated by the total development charge paid divided by the number and type of residential dwelling units and/or Floor Area of non-residential approved. The credit shall not exceed the amount of network infrastructure development charges otherwise payable with respect to the development.
[EN. B/L 7397]

PART VIII: PAYMENT BY SERVICES

24. Despite the development charges in Sections 9 and 14, Council, by agreement, may give a credit towards current and future development charges in exchange for an owner, at the owner’s cost, constructing services identified for growth in the 10-year capital plan.
[AM. B/L 7397]
- 24.1 The value of the credit in Section 24 is limited to the reasonable cost of the work which does not exceed the average level of service. The credit applies only to the service category to which the work relates.
[EN. B/L 7397]

PART IX: INDEXING

25. Development charges for treatment infrastructure and water and wastewater network Infrastructure imposed in Schedules “B-1”, “B-2” and “B-3” pursuant to this by-law will be automatically adjusted annually, in accordance with Statistics Canada’s “*Consumer Price Index (Manitoba)*”.
[AM. B/L 7397]
- 25.1 Development charges for transportation and land drainage network infrastructure imposed in Schedules “B-1”, “B-2” and “B-3” pursuant to this by-law will be automatically adjusted annually, in accordance with Statistics Canada “Building Construction Price Index

(Winnipeg, Division Composite)” for non-residential buildings (Statistics Canada. Table 19-10-0276-02 Building construction price Indexes, percentage change, quarterly).

[EN. B/L 7397]

26. The annual indexed percentage increase (or decrease) for the development charges imposed in Schedules “B-1”, “B-2”, and “B-3” for treatment infrastructure and water and wastewater network Infrastructure shall be equal to the previous year’s Consumer Price Index (Manitoba) percentage increase (or decrease) between September 1 of the current year and September 1st of the previous year. The indexed development charges for the new year will become effective January 1st in the annual City of Brandon Fee Schedule By-law.
[AM. B/L 7397]
- 26.1 The annual indexed percentage increase (or decrease) for the development charges imposed in Schedules “B-1”, “B-2” and “B-3” for transportation and land drainage network infrastructure shall be equal to the “Building Construction Price Index (Winnipeg, Division Composite, non-residential buildings)” percentage increase (or decreases) between Q2 of the current year and Q2 of the previous year. The indexed development charges for the new year will become effective January 1st in the annual City of Brandon Fee Schedule By-law.
[EN. B/L 7397]

PART X: CONSULTATIONS

27. The City shall consult with development and building industry representatives prior to recommending any amendments to this by-law regarding the application, the amount of development charges in Schedules “B-1”, “B-2” and “B-3” of this by-law, or new projects to be included in the Development Charges Capital Infrastructure Projects List in Schedule “E”.
[AM. B/L 7397]
28. Before amending the application, or the amount of development charges in Schedules “B-1”, “B-2” and “B-3” of this by-law, Council must hold a public hearing and give notice at least fourteen (14) days before the hearing.
[AM. B/L 7397]
- 28.1 The City shall publish an annual financial report which will provide an update on the status of the development charges reserves and capital plan projects. The City shall consult with development and building industry representatives following the publishing of the report.
[EN. B/L 7397]

PART XI: COMPLAINTS AND APPEALS

29. Development Charges may be appealed to the Planning Commission. The appeal shall:
- (a) be in writing;
 - (b) include a fee as identified in the annual City of Brandon Fee Schedule By-law;
 - (c) be filed in writing to the City Clerks Office within fourteen (14) days from the date the City sends the determination of the fee under this by-law; and
 - (d) include the reason for the appeal, indicating that:
 - (1) the amount of the charge was incorrectly determined;
 - (2) the reduction to be used against the development charge was incorrectly determined; or
 - (3) there was an error in the application of the development charge.
- [AM. B/L 7397]
30. The Planning Commission shall:
- (a) fix a date, time and place for the appeal hearing;
 - (b) at least fourteen (14) days prior to the hearing, send notice of the hearing to the appellant; and
 - (c) after considering the appeal, the Planning Commission may confirm or vary payment of the development charges.
- [AM. B/L 7397]
31. The decision of the Planning Commission is final.

PART XII: SCHEDULES

32. The following schedules of this by-law form an integral part thereof:

Schedule “A” -	Designated Services under This By-law
Schedule “B-1” -	Schedule of Development Charges – Established Growth Area – Development Charges prior to Building Permit
Schedule “B-2” -	Schedule of Development Charges – Emerging Growth Area – Development Charges prior to Subdivision or Rezoning
Schedule “B-3” -	Schedule of Development Charges – Emerging Growth Area – Development Charges prior to Building Permit

Schedule “C” -	Map of Established and Emerging Growth Areas
Schedule “D” - [EN. B/L 7397]	Development Charges Capital Infrastructure Policy
Schedule “E” - [EN. B/L 7397]	Development Charges Capital Infrastructure Projects List

PART XIII: ENACTMENT AND REVIEW

33.

This by-law shall come into full force and take effect 60 calendar days following its passage. From that day forward, development charges imposed shall apply to rezoning applications (prior to third reading), subdivision applications (prior to the issuance of a certificate of approval) and building permits (prior to the issuance of a building or foundation permit, whichever comes first).

[AM. B/L 7397]
34.

The rates in this by-law shall be reviewed in detail at minimum every five (5) years in series with updates to treatment and network infrastructure, as described in Schedule “A” to this by-law, required to service 20 years of planned growth as identified in the Brandon City Plan and associated Growth Strategies.

[AM. B/L 7397]
35.

Reviews are to follow the consultation process in Sections 27 through 28.1, and does not include the indexing rate increases (or decrease) already provided for in Sections 25 through 26.1.

[AM. B/L 7397]
36.

The City will undertake annual internal reviews of the development charge calculations in addition to the detailed calculation review and updates every five (5) years. During annual reviews, if significant increases or decreases in capital costs are observed which would result in a 5% or greater deviation from current development charge rates, a detailed update to the development charges calculations may be undertaken prior to the 5-year period.

[EN. B/L 7397]
37.

Where a new capital project has been identified to be included in the Development Charges Capital Infrastructure Projects List (Schedule “E”) prior to the five (5) year review period, the project may be considered in accordance with Section 6 of this by-law following consultation with development and building industry representatives.

[EN. B/L 7397]
38.

If a capital project identified in Section 37 requires revision to Schedule “E” prior to the five (5) year review period, an update to the development charges calculations will be undertaken at the same time.

[EN. B/L 7397]
39.

If any provision of this by-law is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this by-law shall remain valid.

[EN. B/L 7397]
40.

The Director shall prepare and adopt an administrative procedure to provide direction on how to administer the by-law.

[EN. B/L 7397]

DONE AND PASSED by the Council of The City of Brandon duly assembled this 17th day of December A.D. 2018.

<div>“R. Chrest”</div> <div>MAYOR</div>	<div>“H. Ewasiuk”</div> <div>CITY CLERK</div>
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Read a first time this	19 th	day of	June	2017.
Read a second time this	16 th	day of	October	2017.
Read a third time this	17 th	day of	December	2018.

I, Renee Sigurdson, Clerk of the City of Brandon, DO HEREBY CERTIFY the above by-law to be a true and correct copy of By-law No.7175, as amended by By-law No. 7397.

Original Signed By
R. Sigurdson
R. Sigurdson, City Clerk



SCHEDULE “A”
OF DEVELOPMENT CHARGES BY-LAW NO. 7175
Designated Services Under This By-Law

Treatment Infrastructure

(1) Wastewater

- **Municipal Pre-Treatment Facility**
- **Industrial Wastewater Treatment Facility**

(2) Water

- **Municipal Water Treatment Facility**
- **Municipal Water Reservoirs**

Network Infrastructure

(3) Transportation

- **Street Infrastructure**
 - **Arterial Streets**
 - **Collector Streets**
- **Intersection Improvements**
 - **Roundabouts**
 - **Enhanced Intersection Geometry**
 - **Traffic Control Devices**

(4) Water

- **Booster Stations and works associated with Pressure Zone Boundaries**
- **Watermains**

(5) Wastewater

- **Public lift stations and associated Forcemains**
- **Domestic Sewer Mains**

(6) Land Drainage

- **Land Drainage Mains**

Further definition of the above designated services are outlined in the Development Charges Capital Infrastructure Policy in Schedule “D” to this by-law.

[AM. B/L 7397]

SCHEDULE “B”
OF DEVELOPMENT CHARGES BY-LAW NO. 7175

Schedule “B-1”

By-law No. 7175
Schedule of Development Charges (2019 rates)
Established Growth Area – Development Charges prior to Building Permit

Service	Residential DC (per dwelling unit)		Non-residential DC (per Sq. Ft.)
	Low Density	High Density	
Treatment Infrastructure			
Wastewater	433	280	0.25
Water	339	219	0.19
Subtotal Treatment	772	499	0.44
Network Infrastructure			
Transportation (2025 rates)	2,878	2,127	1.17
Subtotal Network	2,878	2,127	1.17
Total	3,650	2,626	1.61

Schedule “B-2”

By-law No. 7175
Schedule of Development Charges (2019 rates)
Emerging Growth Area – Development Charges prior to Subdivision or Rezoning

Service	DC Per Net Hectare (Residential and Non-Residential)
Network Infrastructure	
Transportation (2025 rates)	0
Wastewater	30,943
Water	9,738
Land Drainage (2025 rates)	0
Total	40,681

Schedule "B-3"

By-law No. 7175

Schedule of Development Charges (2019 rates)

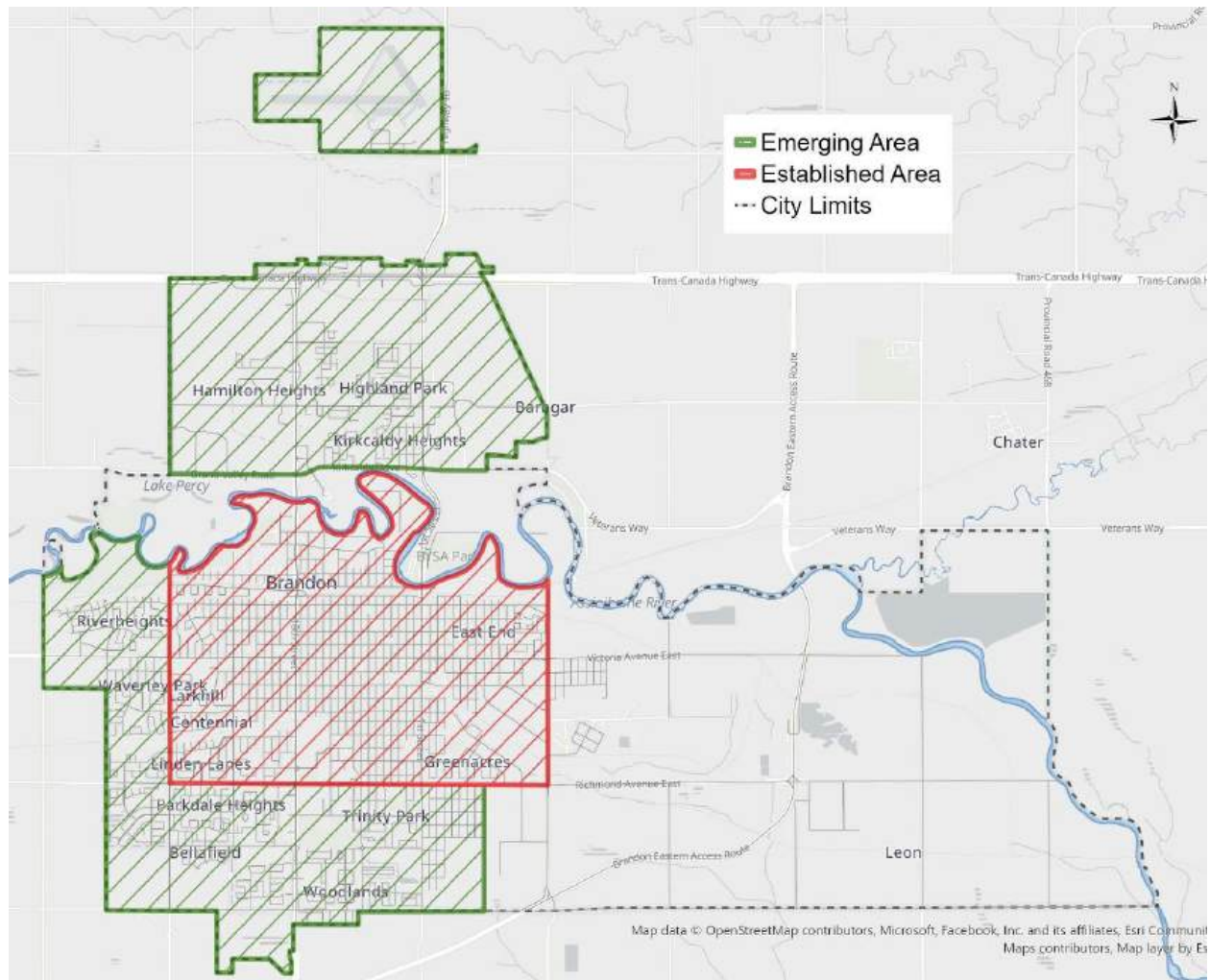
Emerging Growth Area – Development Charges prior to Building Permit

Service	Residential DC (per dwelling unit)		Non-residential DC (per Sq. Ft.)
	Low Density	High Density	
Treatment Infrastructure			
Wastewater	433	280	0.25
Water	339	219	0.19
Subtotal Treatment	772	499	0.44
Network Infrastructure			
Transportation (2025 rates)	2,878	2,127	1.17
Wastewater	1,311	848	0.75
Water	413	267	0.23
Land Drainage (2025 rates)	908	671	0.37
Subtotal Network	5,510	3,913	2.52
Total	6,282	4,412	2.96

Development charges in Schedule "B" reflect the fees at the time of this by-law's enactment in 2019 apart from 2025 rates for Transportation and Land Drainage Network Infrastructure. Since 2019, rates have been indexed annually based on Part IX of this by-law.

[AM. B/L 7397]

SCHEDULE "C"
OF DEVELOPMENT CHARGES BY-LAW NO. 7175
Map of Established and Emerging Growth Areas



[AM. B/L 7397]

SCHEDULE "D"

OF DEVELOPMENT CHARGES BY-LAW NO. 7175

Development Charges Capital Infrastructure Policy

City Policy

Title: Development Charges Capital Infrastructure Policy

Policy: 1096

Covers: Development Charge network projects within the City of Brandon

Effective:

Purpose:

To guide City Administration in determining what growth-related infrastructure and improvements shall be funded through Development Charges.

Guidelines within this Policy pertain to determining Development Charge funding for transportation, land drainage, water and wastewater network infrastructure.

**Where there is any conflict or inconsistency between the policies and procedures adopted by the City of Brandon and the terms of a Collective Agreement entered into and adopted by the City of Brandon, and/or the provisions contained within a statute or regulation of the Government of Canada and/or the Province of Manitoba and/or a by-law of the City of Brandon, the Collective Agreement or the Federal or Provincial statute or regulation or by-law of the City of Brandon shall supersede such policies or procedures adopted by the City of Brandon.*

DEFINITIONS

The following definitions provided are for the sole purpose of interpreting the Development Charges Capital Infrastructure Policy.

Arterial Street: streets used to carry large volumes of all types of traffic moving at medium-to-high speeds. The primary function is efficient traffic movement and the secondary function is providing land access. Arterial Streets are identified in Schedule “A1” of the Traffic By-law.

Bike Lane: a lane within a roadway that is intended for exclusive bicycle use.

City: the area incorporated and known as the City of Brandon.

Collector Street: streets that collect and distribute traffic to Arterial Streets and local streets as well as provide access to adjacent areas. Collector Streets typically operate as neighbourhood-wide connections and may connect to higher capacity Arterial Streets, other Collector Streets, or lower capacity local streets. The functions of providing land access and traffic movement are of equal importance. Collector Streets are identified in Schedule “A1” of the Traffic By-law.

Developer: a person, persons, or corporation who has applied to subdivide and/or develop, or to service an existing parcel of land, whether as the owner or an agent for the owner of the land.

Development Area: the aggregate of all contiguous lands within the City of Brandon within a Neighbourhood Plan which has been adopted by the City of Brandon. In the absence of an adopted Neighbourhood Plan a Development Area shall be the aggregate of all contiguous lands within a single legal section of land, typically bound by Arterial Streets.

Development Charges: a charge for new services or upgrades to existing services required for growth as defined in the Development Charges By-law No. 7175.

Domestic Sewer: a gravity fed pipe and appurtenances that receives wastewater from sewer service lines and conveys it to a public lift station or pre-treatment plant.

Forcemain: conveys wastewater from a lift station to a Domestic Sewer.

Incremental Cost: costs incurred by Developers for the installation of water, sewer and land drainage mains above and beyond what is required to service an individual Development Area. Incremental Costs do not include design costs.

Intersection Improvement: improving the operation of a vehicular intersection to maintain or improve the level of service, typically determined through a traffic impact study. Within the context of this Policy, an Intersection Improvement may include roundabouts, enhanced intersection geometry and/or traffic control devices. Traffic control devices within this Policy are installations to control traffic including but not exclusive to all pavement markings, traffic signs and traffic signals required to operate the transportation system in a safe and efficient manner.

Multi-use Path: a pathway physically separated from motor vehicle traffic and can be either within the roadway right-of-way or within an independent right-of-way. Multi-use Paths are built for all forms of active transportation. Also referred to as a multi-use trail.

Oversizing: increasing the capacity of land drainage mains, watermains or Domestic Sewer mains to and/or within a new Development Area that supports adjacent Development Areas, both existing and new. Oversizing improvements may include water distribution, wastewater collection, and land drainage infrastructure and the additional capacity may be considered a Development Charge should the infrastructure fit under the definition of a Development Charge.

1.0 POLICY STATEMENT

In the process of reviewing and updating Development Charge rates as outlined in The Development Charges By-law, City Administration shall adhere to the following guidelines for determining whether new growth-related infrastructure and improvements should be funded from Development Charge reserves.

The following guidelines need to be read in conjunction with the City's Municipal Servicing Standards requirements.

The intent of the following clauses is to define what projects are to be considered when calculating Development Charge rates. If a project does not fit within the clauses below, it is not considered to be a Development Charge project.

1. Roads¹

- 1.1 All Arterial Streets – Include in the Development Charge (D.C.) calculation
- 1.2 Collector Streets located within existing right-of-ways of sufficient width as of the initial Development Charges By-law adoption date of December 17th, 2018 – include in the D.C. calculation

In the absence of adopted City of Brandon Municipal Servicing Standards, the typical road cross sections attached as Appendix A are to be used in conjunction with the above statements to define applicable road Development Charge calculations.

¹ Road cost calculations are to include any incidentals present within the road right-of-way including but not exclusive to Bike Lanes, Multi-Use Paths, sidewalks, street lighting, trees and signage.

2. Intersection Improvements

- 2.1 Intersection Improvements external to the Development Area which do not provide a connection to a road internal to the development – include in the D.C. calculation.
- 2.2 Intersection Improvements external to the Development Area which provide a connection from a Collector Street internal to the development to an Arterial Street and directly benefits multiple Development Areas – include in the D.C. calculation
- 2.3 Notwithstanding 2.1, Intersection Improvements external to the Development Area that are warranted solely due to a specific Development Area will be the full direct responsibility of the Developer.

3. Land/Easement Acquisition

- 3.1 Land or easement acquisition required to facilitate a Development Charge project - include in the D.C. calculation

4. Storm Water Management

- 4.1 Land drainage mains external to the Development Area which support multiple Development Areas - include in the D.C. calculation
- 4.2 Land drainage mains internal to the Development Area which benefit external Development Areas and have an increased carrying capacity at the request of the City – include the Incremental Cost in the D.C. calculation²

² Developers who are required to increase capacity of their internal land drainage network at the request of the City are eligible for incremental cost reimbursement between the land drainage main size required to solely service the Development Area and the land drainage main size identified by the City in

accordance with Section 7, Oversizing, of this Policy.

5. Water

- 5.1 Booster stations and works associated with pressure zone boundaries - include in the D.C. calculation
- 5.2 Watermains external to the Development Area which support multiple Development Areas - include in the D.C. calculation
- 5.3 Watermains internal to the Development Area which benefit external Development Areas and have an increased main size at the request of the City – include the Incremental Cost in the D.C. calculation³

³ Developers who are required to increase the main size of their internal watermain network at the request of the City are eligible for incremental cost reimbursement between the watermain size required to solely service the Development Area and the watermain size identified by the City in accordance with Section 7, Oversizing, of this Policy.

6. Domestic Sewer

- 6.1 Public lift stations and associated Forcemains – include in D.C. Calculation
- 6.2 Domestic Sewer mains external to the Development Area which support multiple Development Areas – include in D.C. calculation
- 6.3 Domestic Sewer mains internal to the Development Area which benefit external Development Areas and have an increased carrying capacity at the request of the City – include the Incremental Cost in the D.C. calculation⁴
- 6.4 Domestic Sewer mains internal to the Development Area which benefit external Development Areas and are greater than 4.5m in depth at the request of the City – include Incremental Cost in the D.C. calculation⁴

⁴ Developers who are required to increase capacity and/or depth of their internal Domestic Sewer network at the request of the City are eligible for incremental cost reimbursement between the Domestic Sewer main size required to solely service the Development Area and the Domestic Sewer main size identified by the City; and between 4.5m and the Domestic Sewer main depth identified by the City in accordance with Section 7, Oversizing, of this Policy.

7. Oversizing

- 7.1 Where the City has identified potential synergies between a proposed development and Development Charge projects and it is determined to be in best interest of the project to alter the routing to cross through a Development Area, the City may require Oversizing of the development's infrastructure.
 - i. The following will be taken into consideration when assessing suitability of routing a Development Charge project through a Development Area.
 - 1. Impact on the cost of construction and potential to lower Development Charge rates
 - 2. Cost to the taxpayers for future maintenance of the asset
 - 3. Cost to the taxpayers for future renewal of the asset
- 7.2 Where a synergy has been identified in accordance with Oversizing Section 7.1 and the project meets both of the following criteria below – include Incremental Cost in the D.C. calculation.

- i. Benefits multiple Development Areas
- ii. Meets the intent and takes the place of an existing Development Charge project

RELATED ITEMS:

- Bylaw No. 7175 – Development Charges
- Appendix A – Municipal Servicing Standards Street Sections

Motion #:

Authorized By:

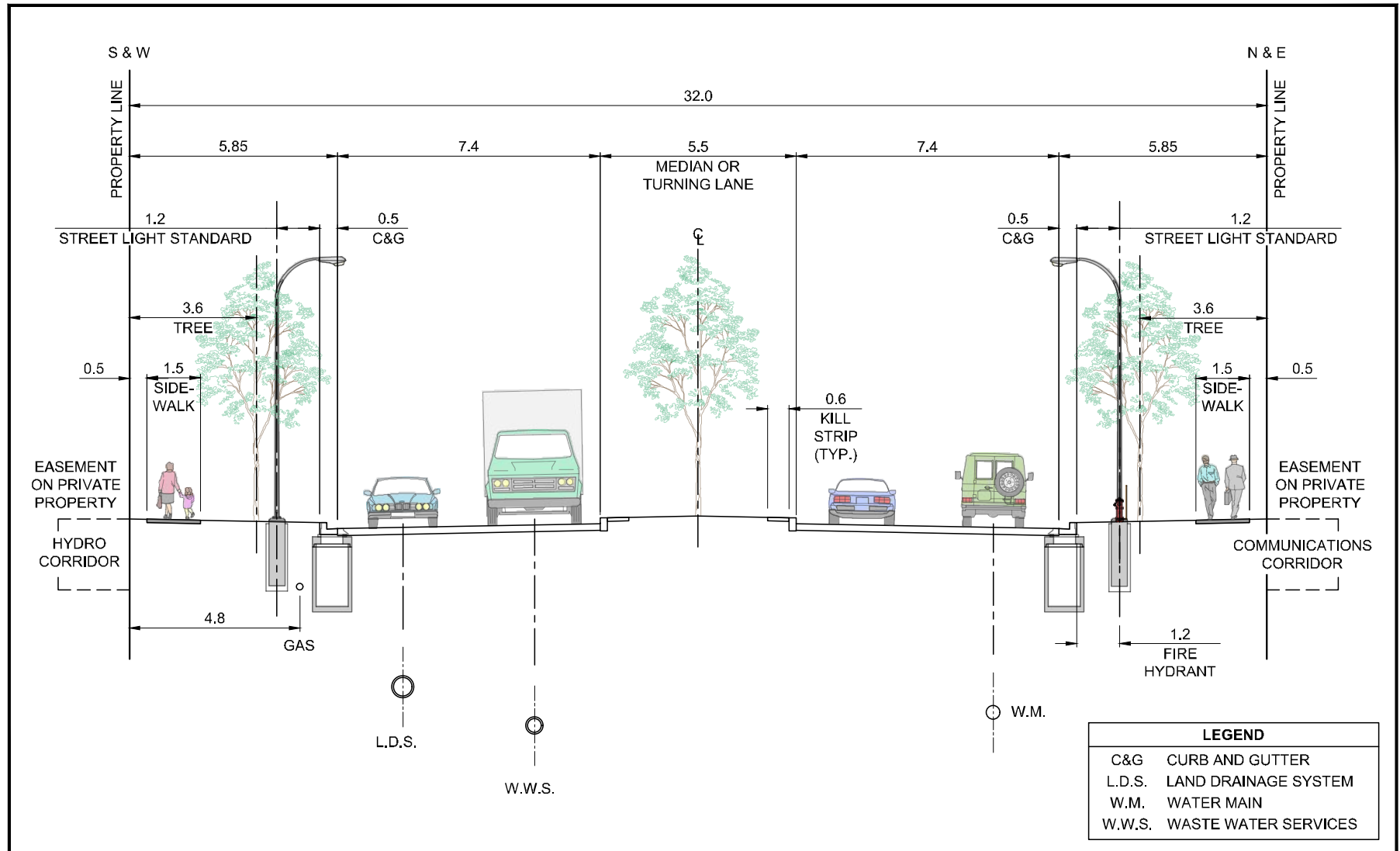
City Clerk on behalf of City Council


Revision Date:

Authorized By:

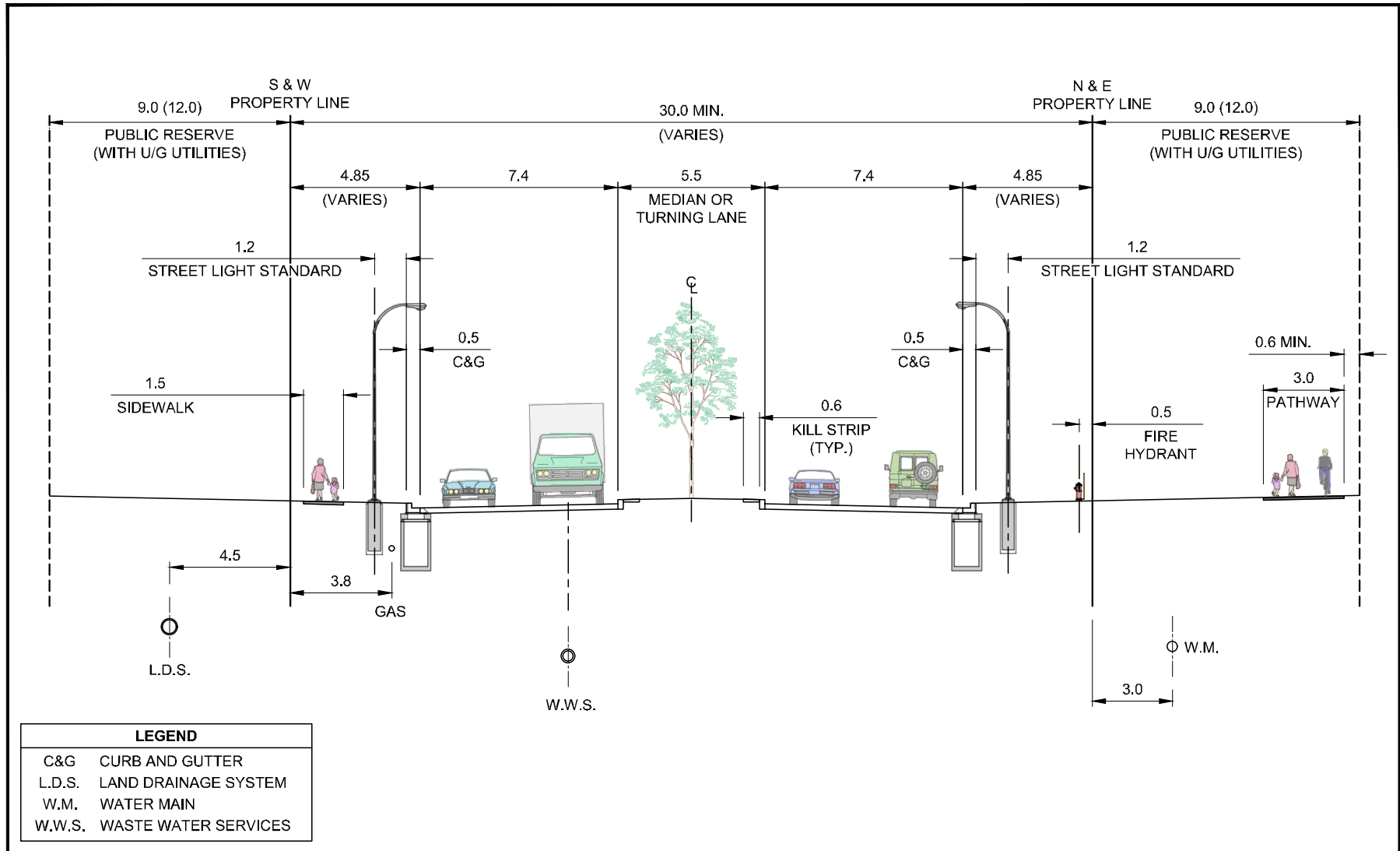
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Appendix A – Municipal Servicing Standards Street Sections



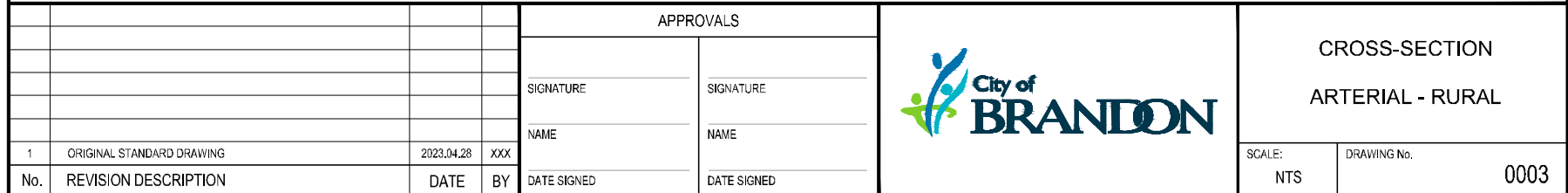
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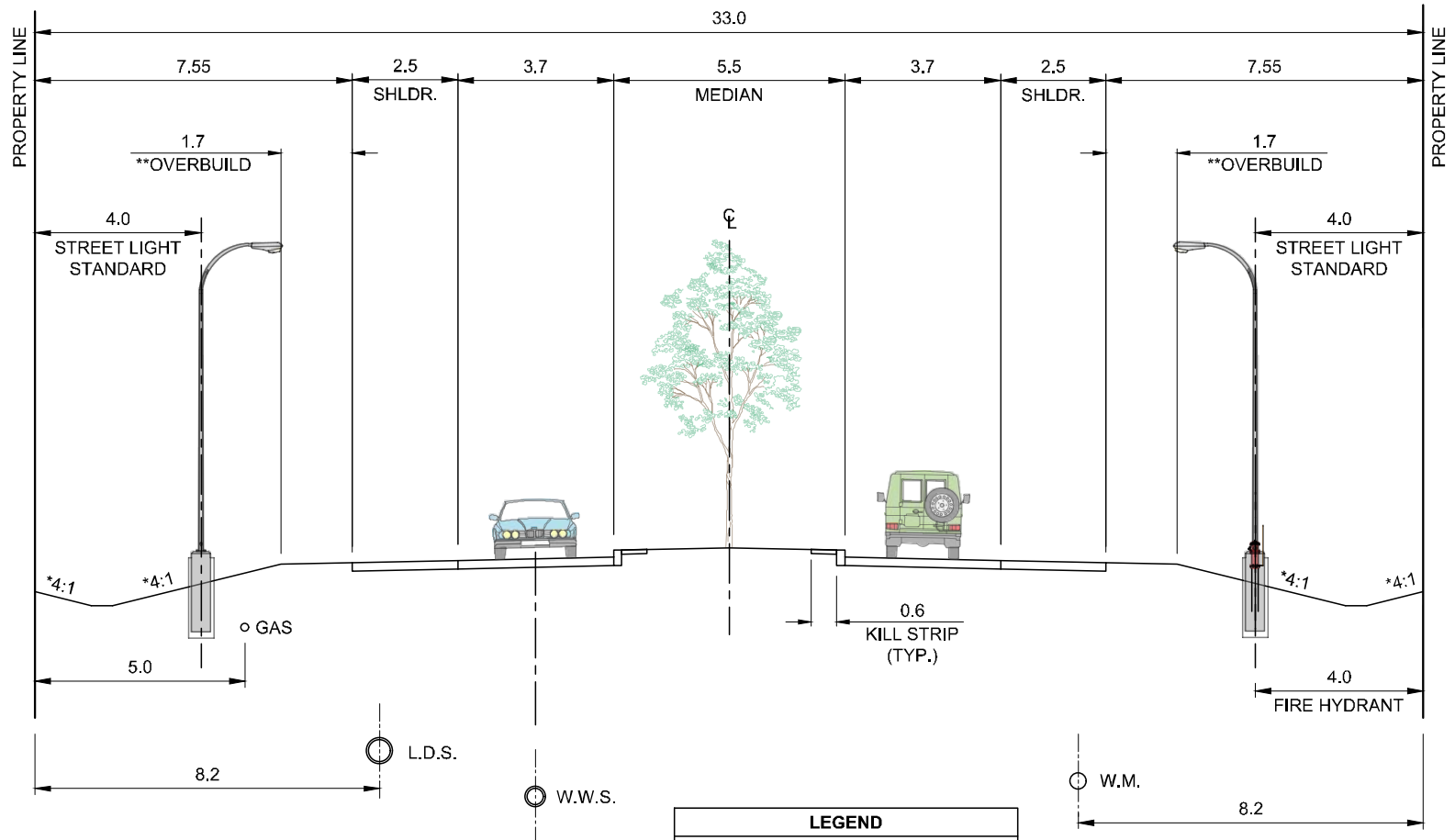




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NOTES:

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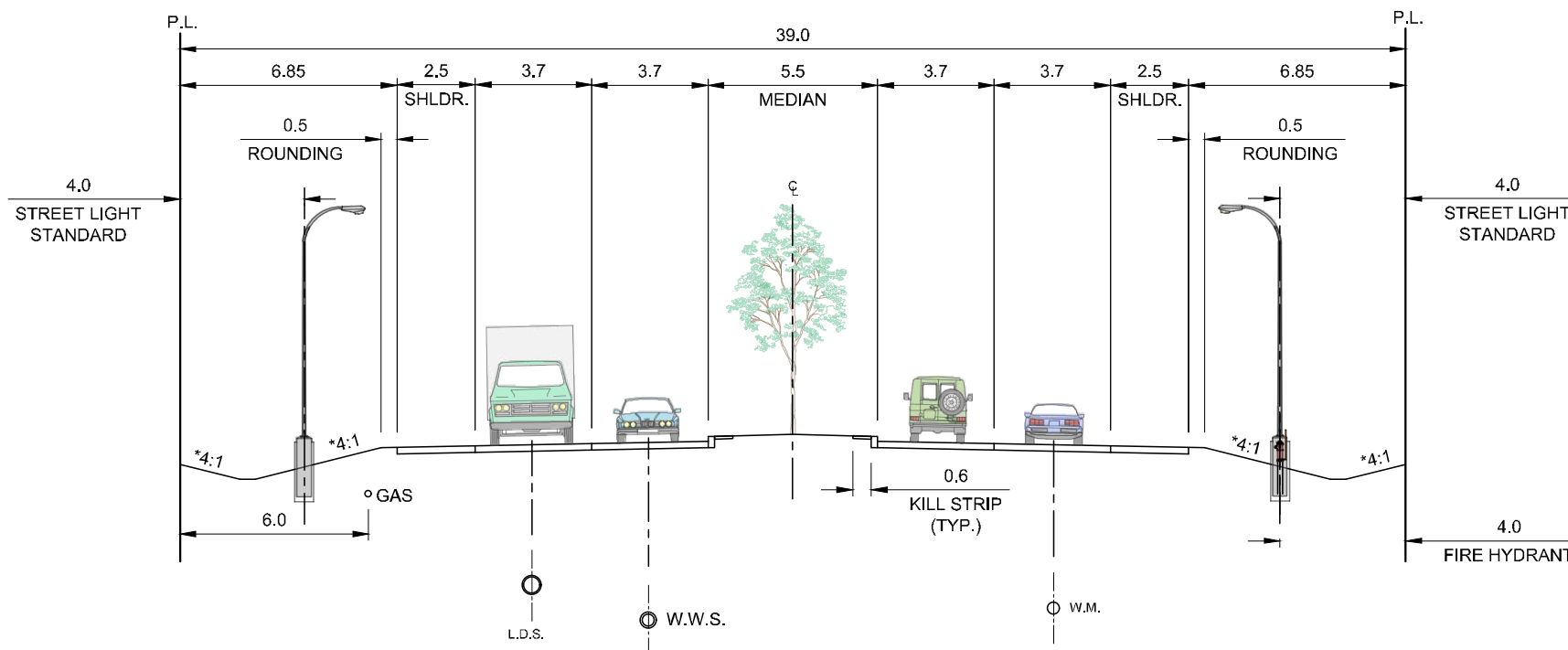
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LEGEND

L.D.S. LAND DRAINAGE SYSTEM
W.M. WATER MAIN
W.W.S. WASTE WATER SERVICES

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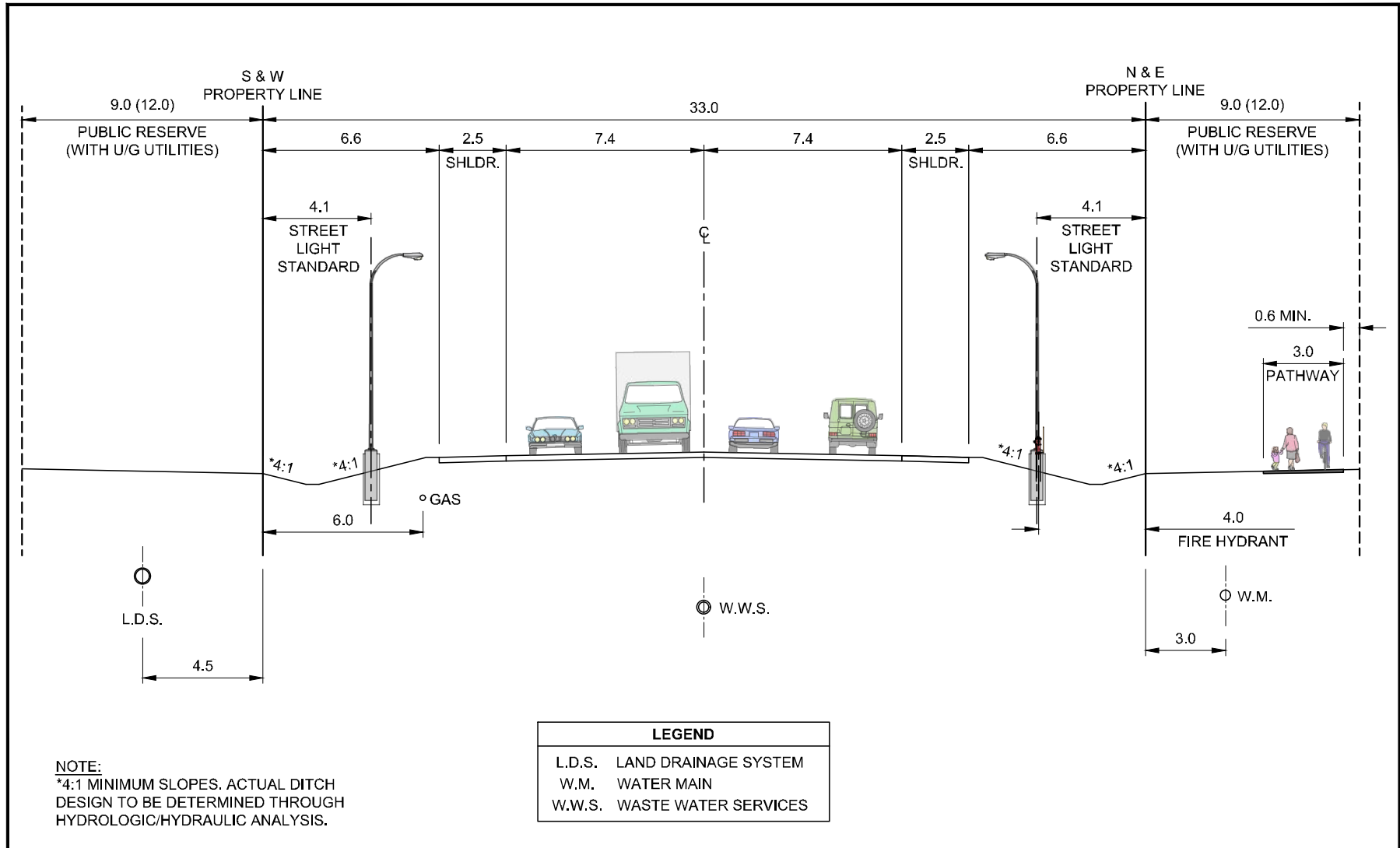


NOTES:

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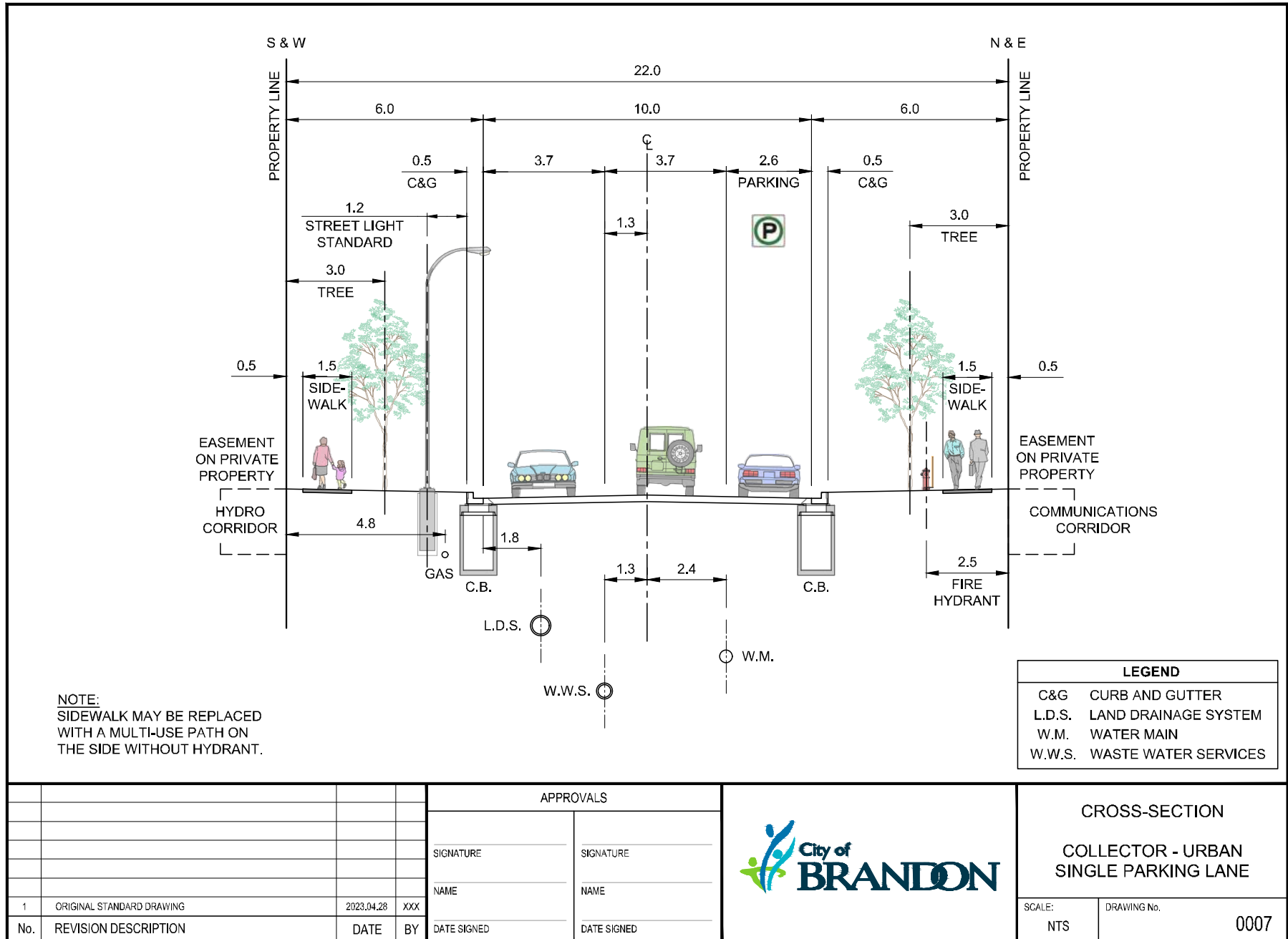
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W.M.	WATER MAIN
W.W.S.	WASTE WATER SERVICES

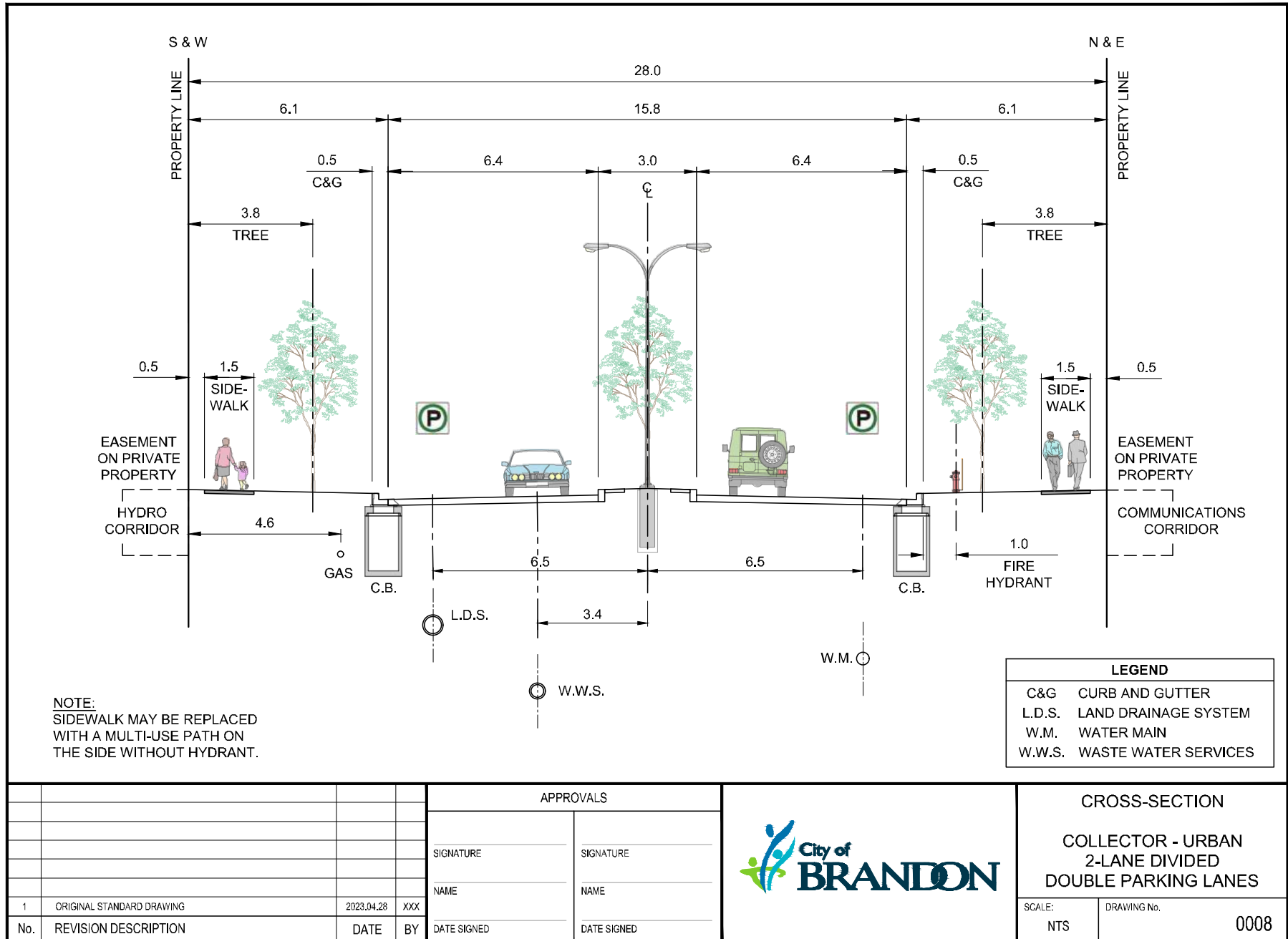
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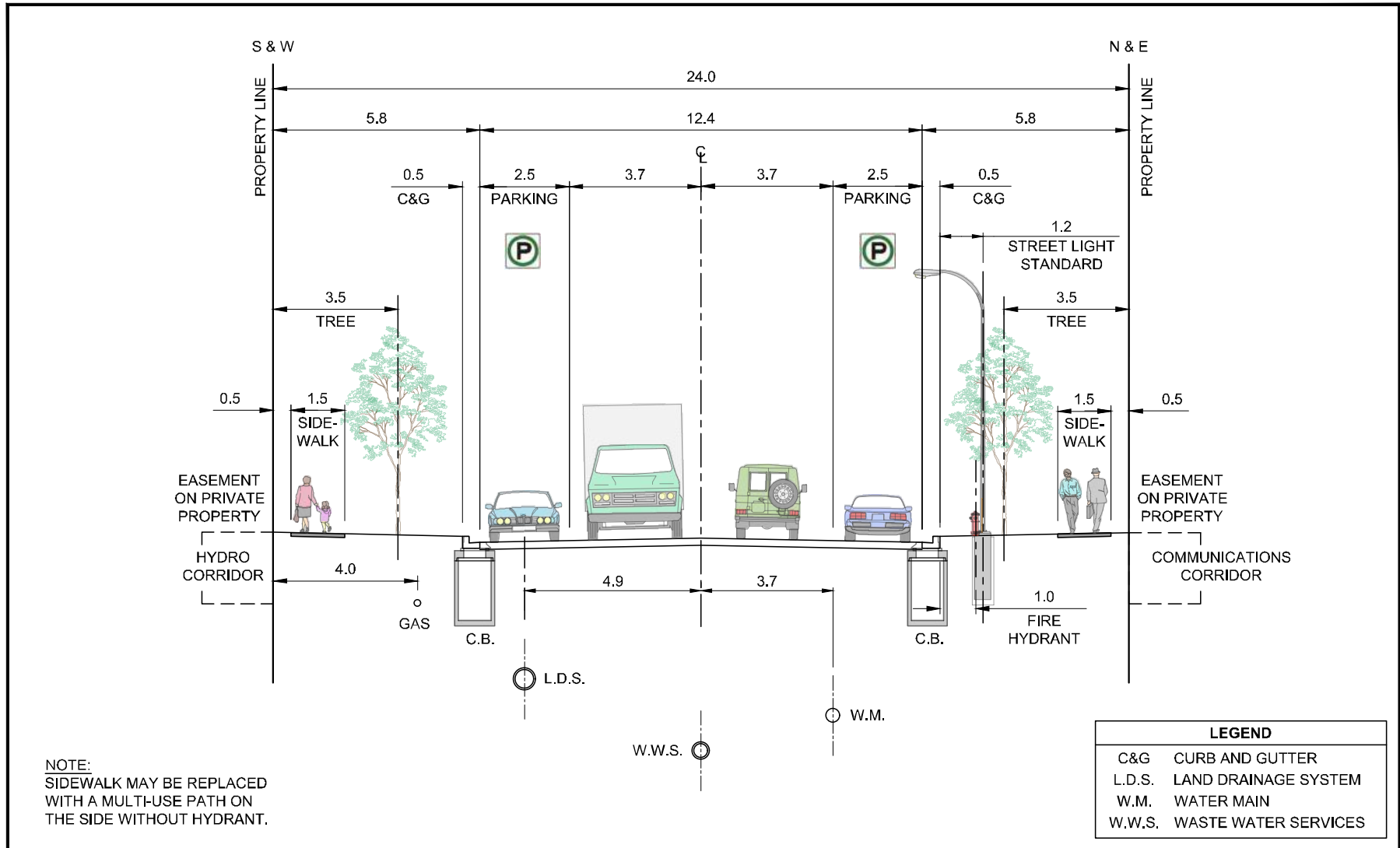


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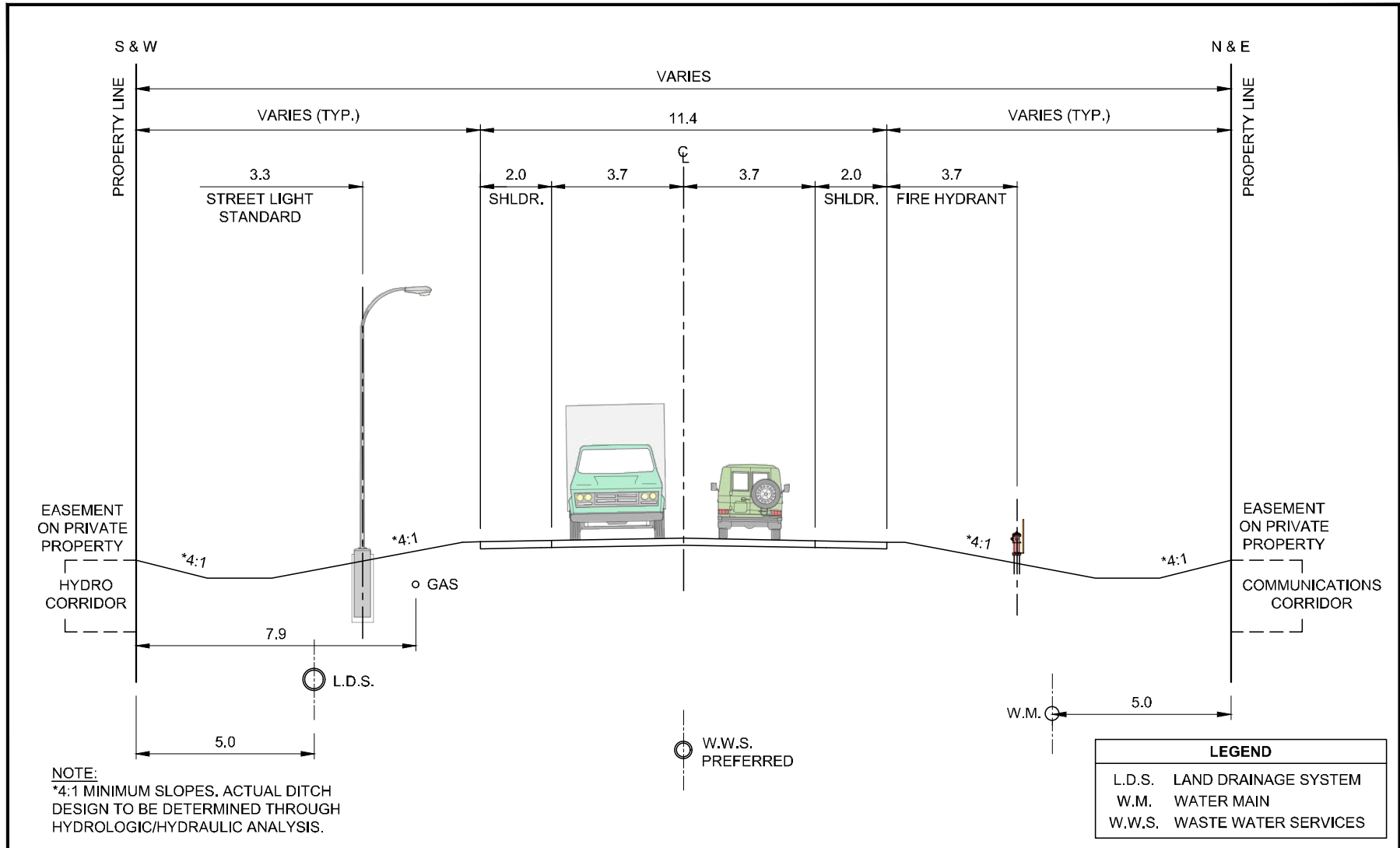





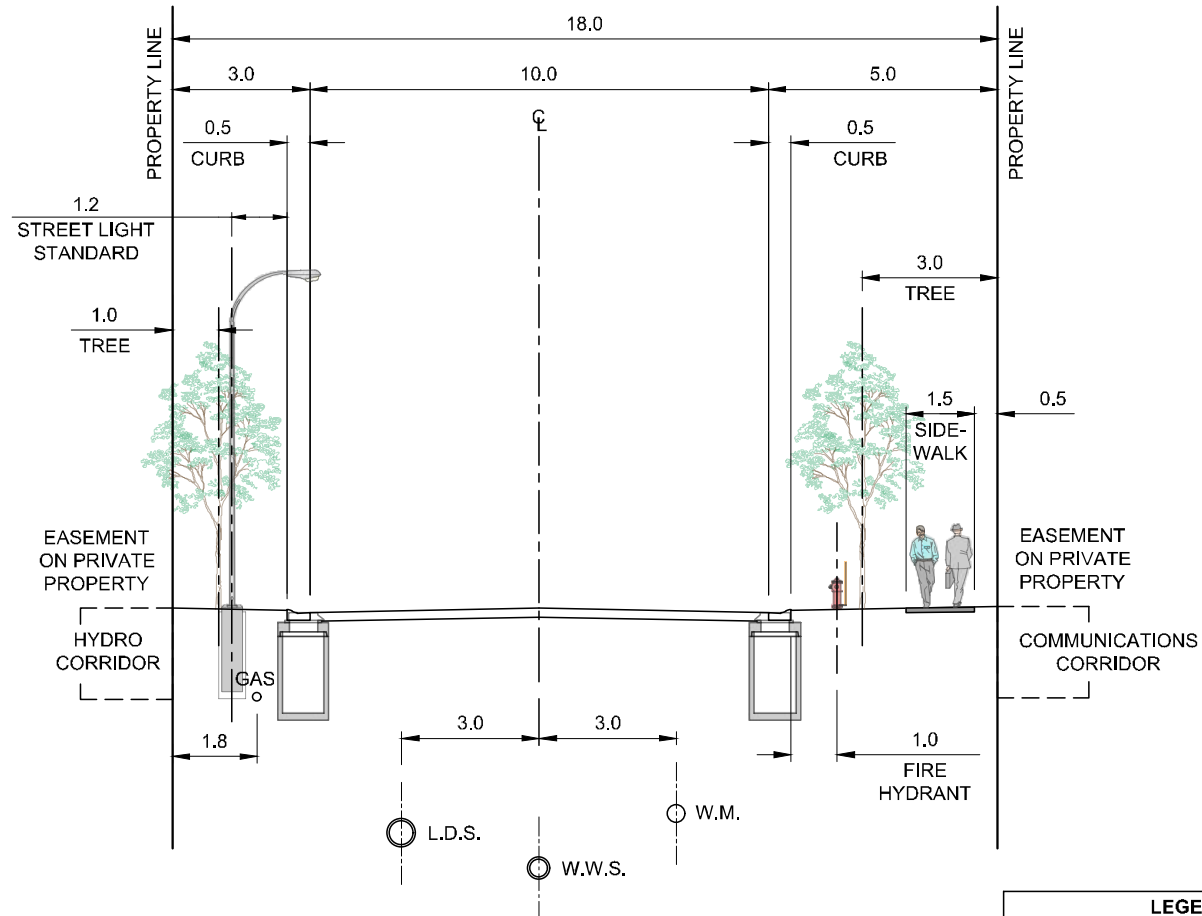


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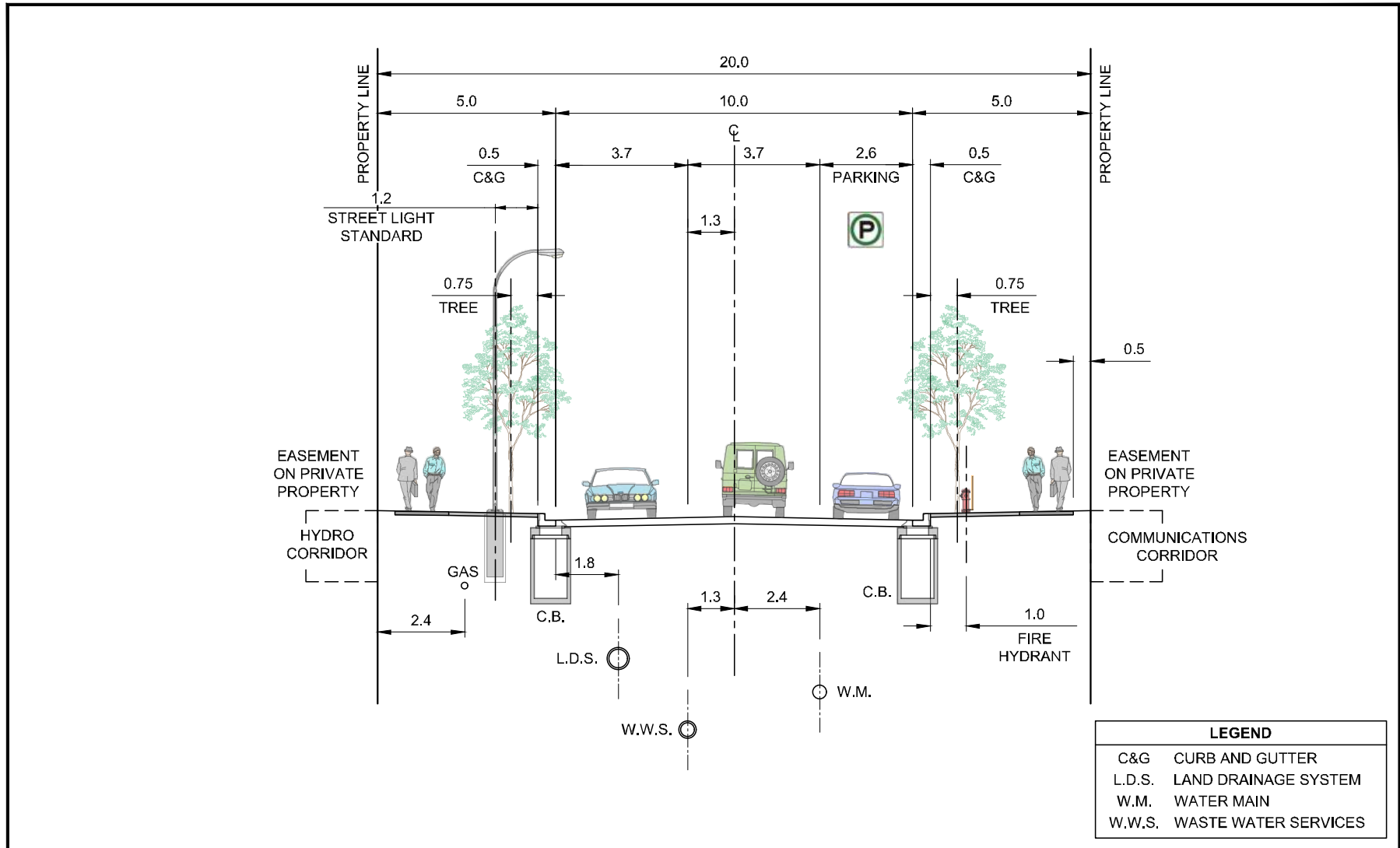


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LEGEND	
L.D.S.	LAND DRAINAGE SYSTEM
W.M.	WATER MAIN
W.W.S.	WASTE WATER SERVICES

				APPROVALS			CROSS-SECTION	
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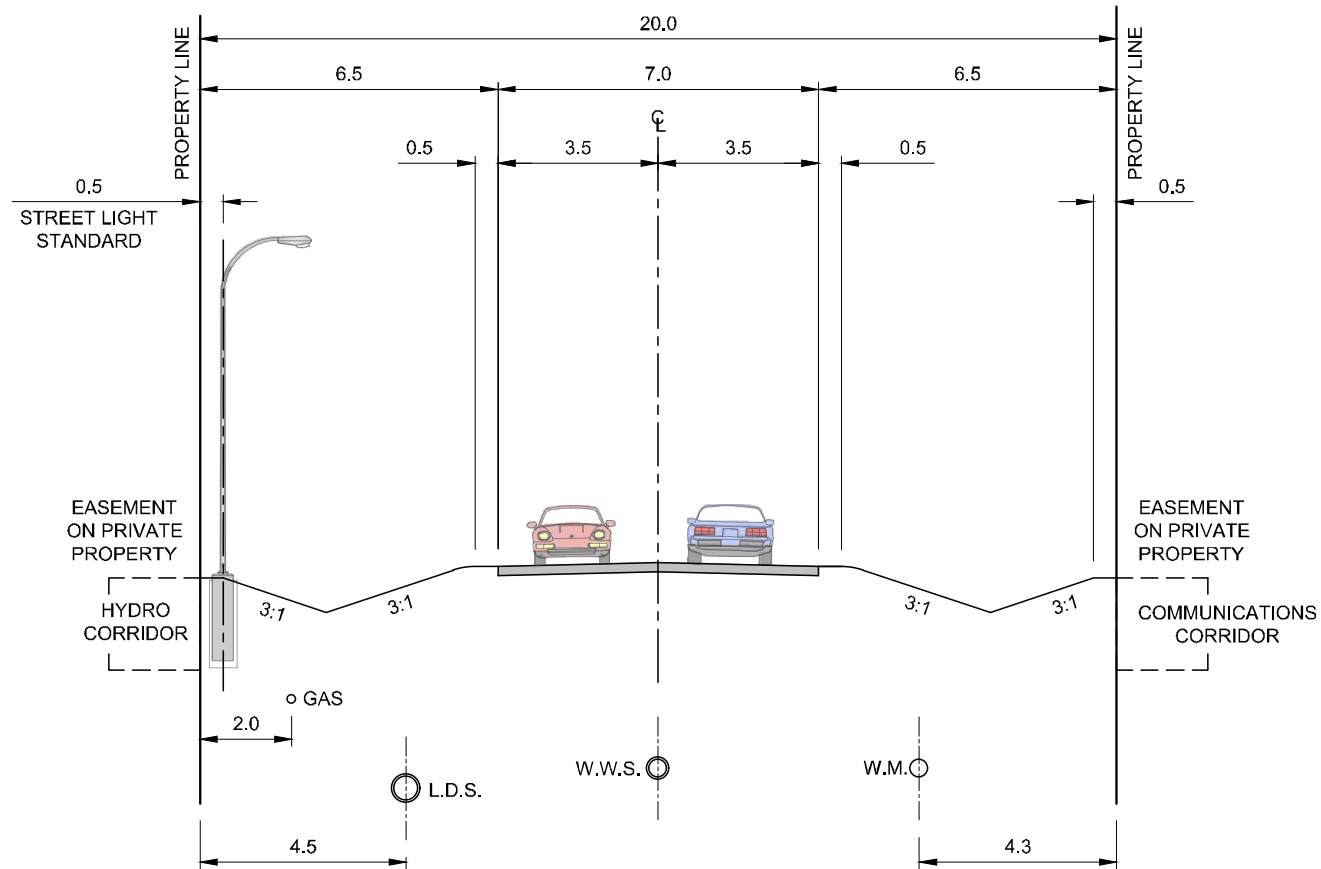


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No.	REVISION DESCRIPTION	DATE	BY



**LEGEND**

L.D.S. LAND DRAINAGE SYSTEM
 W.M. WATER MAIN
 W.W.S. WASTE WATER SERVICES

APPROVALS

SIGNATURE

SIGNATURE

NAME

NAME

DATE SIGNED

DATE SIGNED

**CROSS-SECTION****LOCAL - RURAL**

SCALE:

NTS

DRAWING No.

0013

1	ORIGINAL STANDARD DRAWING	2023.04.28	XXX
No.	REVISION DESCRIPTION	DATE	BY

SCHEDULE “E”
OF DEVELOPMENT CHARGES BY-LAW NO. 7175
Development Charges Capital Projects List

Treatment Infrastructure

(1) Wastewater

- Upgrade to Existing Treatment Plant
- Membrane Tank 10
- Maintenance Shop
- Screening Addition
- WRF Expansion Conceptual Design and Licence Update

(2) Water

- Upgrade to Existing Water Treatment Plant
- High Lift Pump Station
- UF Expansion
- Residuals Treatment Upgrade
- New Reservoir

Network Infrastructure

(3) Transportation

- Street Infrastructure
 - Clare Avenue - 18th St N to Mockingbird Dr
 - Clare Avenue - Mockingbird Dr to 1st St N
 - Braecrest Drive - 18th St N to 1st St N
 - Victoria Avenue - 34th St to 38th St
 - Maryland Avenue - 26th St to Marquis Cres
 - Patricia Avenue - 18th St to 34th Street
 - Patricia Avenue - 34th St to 38th St
 - Patricia Avenue - 1st St to 18th
 - Richmond Avenue - 26th St to 34th St
 - 1st Street - South of Richmond Ave to Maryland Ave ○ 18th Street - Strathcona Ave to Brian Ave
- Intersection Improvements
 - Maryland Avenue & 26th Street
 - 34th Street & Brookwood/Bellafield Collector ○ 1st Street & Maryland Avenue
 - Patricia Avenue & 34th Street
 - Patricia Avenue & 18th Street

(4) Wastewater

- Kirkcaldy Drive Lift Station & Forcemain
- Pacific Ave - 1st St to Douglas St
- Maryland Avenue - Lyndale Dr to 9th St
- Maryland Avenue - 26th St to Lyndale Dr
- SW Lift Station Phase 1 - Design & Contract Administration
- SW Lift Station Phase 1 - 34th Street Lift Station
- SW Lift Station Phase 1 - 18th Street Lift station
- SW Lift Station Phase 1 - Gravity Sewers to 34th Street LS
- SW Lift Station Phase 1 - Gravity sewer to 18th Street LS
- SW Lift Station Phase 1 - SW Lift Station to SE Lift Station - 34th Street Forcemain • SW Lift Station Phase 1 - SW Lift Station to SE Lift Station - 18th Street Forcemain • SW Lift Station Phase 1 - Land Acquisition
- SW Lift Station Phase 1 - Fibre Communications
- Gravity Trunk - Southeast Lift Station to Municipal Pre-treatment Plant
- South End Lift Station

(5) Water

- 18th Street N - Braecrest Dr to Husky - West WM
- 18th Street N - Braecrest Dr Intersection
- South End Water Servicing Plan
- Patricia Avenue - Currie Blvd to Bellafield Access • Patricia Avenue - Bellafield Access to 34th St
- Patricia Avenue - 34th St to 38th St
- Highland Avenue/PTH 1 - 18th St to 1st St

(6) Land Drainage

- SE Drainage Phase 1 - Design
- SE Drainage Phase 1 - 17th Street E Pond Land Acquisition
- SE Drainage Phase 1 Stage 1 - 1st to 17th Street
- SE Drainage Phase 1 Stage 2 - 17th Street to Richmond Avenue E
- SE Drainage Phase 1 Stage 3 - 1st Street & Richmond Avenue Relief LDS and Zenith Pond
- SE Drainage Phase 1 Stage 4 - Southridge Pond Modification and Lady Slipper LDS
- SE Drainage Phase 2 - 17th St E to Assiniboine River

[EN. B/L 7397]