

RURAL MUNICIPALITY OF BROKENHEAD POLICY AND PROCEDURE MANUAL		POLICY NO: PLG-102
REFERENCE: PLANNING	ADOPTED BY: Resolution #402-21 <hr/> Date: November 3, 2021	Page 1 of 2
TITLE: Municipal Subdivision Park Land Dedication Fee In Lieu of Land Dedication		DATE LAST REVIEWED BY MGMT: Nov. 9/21

1. Purpose

The purpose of this Policy is to require developers/landowners to pay a fee in lieu of land dedication for future subdivisions in the Rural Municipality of Brokenhead.

2. Authority

Section of *The Planning Act* outlines the process for the contribution of money in lieu of land for any future subdivisions as follows:

135 A subdivision of land may be approved subject to one or more of the following conditions, which must be relevant to the subdivision:

6. 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;

136(1) The council may require the land owner of land that is the subject of a proposed subdivision to provide money to the municipality or a school board or school district in place of dedicating land for public reserve purposes or for school purposes under section 135, item 6(b) or (c),

136 (2) If money is required to be paid in place of dedicating lands, the council must specify that such a payment is required in a resolution under section 125.

136 (3) The applicant and the municipality may reach an agreement about the amount payable under this section, but if they cannot agree, either one may submit the matter to arbitration by sending a notice to that effect to the other.

3. Definitions

Assessed Value Shall mean the current assessed value of the property as set out by the Province of Manitoba Assessment.

4. Procedure

- (1) The Municipality shall determine if the developer/landowner will provide land dedication or fees in lieu.
- (2) When a developer/landowner of a new subdivision in the RM of Brokenhead is required to provide a fee in lieu of land dedication, the following procedure shall be followed to calculate the amount of the contribution:
 - (a) The assessed value shall be determined on the property as described in the Subdivision application;
 - (b) The property as described in the Subdivision application shall be divided into the residual lot and the new lot/lots that are being created;
 - (c) The Developer/landowner shall pay \$2000.00 per new lot for 0-9 lot subdivision, or 10% of the assessed value of the newly created lots for subdivisions with 10 or more lots.
 - (d) There will be no “Park Land Dedication” levied against the residual lot;
 - (e) The following shall be included in the Development Agreement;

For 0-9 Lot subdivisions:

“As per *The Planning Act*, in lieu of parkland dedication, the developer/landowner covenants and agrees to pay to the municipality \$2000.00 per newly created lot being _____ Dollars (\$_____). Said sum shall be paid upon signing of this Agreement by the developer/landowner.

For subdivisions with 10 or more lots:

“As per *The Planning Act*, in lieu of parkland dedication, the developer/landowner covenants and agrees to pay to the Municipality _____ dollars (\$ _____) which is ten (10) percent of the assessed value of the newly created lots. Said sum shall be paid upon signing of this agreement by the developer/landowner.

- (3) All contributions made under this policy shall be placed in the Recreation and Culture reserve.