



## RURAL MUNICIPALITY OF ST. ANDREWS POLICY AND PROCEDURES MANUAL

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### ST. ANDREWS SITE PERFORMANCE AGREEMENT POLICY

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#### **Introduction**

Within the municipal Zoning By-Law 4066, many Commercial and Industrially zoned lands are not permitted to be used without the presence of a primary building to facilitate the business use. This is specifically true with the new development land within the St. Andrews Industrial Business Park. Several new Owners have contacted the RM requesting to be able to develop their property prior the building being constructed.

Increasing costs in labour and materials has enticed Owners to secure quotes for immediate work that could be done on the land and not delay until the time of construction of the principal building. The delay would increase the costs for work that could be completed prior to the preparation of building plans and permits being issued.

This would include installation of an approach, grading, gravel base and fencing. As there is no building timeline within the Development Agreement or minimum size of building required in these zones, the RM is hesitant to allow this as to not encourage the use of the property for parking or storage and then delay the construction of a business-related building.

#### **Purpose**

The purpose of this policy is to provide requirements through a performance agreement and security deposit to allow property owners to develop their sites prior to the principal building permit being issued.

Entering into the Performance Agreement only allows for the development of the site. It **does not** permit the use of the land in any form for business related activities including parking or storage.

#### **Definitions**

“Owner” or “Owners” shall mean the registered owner(s) on the property as identified on the Certificate of title at the Winnipeg Land Titles Office.

“Performance Agreement” is the agreement between the Municipality and the Owner to perform the terms related to the development of the land prior to the construction of the building.

“Security Deposit” means a sum of money held in trust by the Municipality for the performance of the contractual obligations.

### **Policy Objectives**

The RM strives to support commercial and industrial development and to work with property owners to allow them to develop their properties in a reasonable manner.

- 1) Provide a consistent opportunity and process for business owners to develop their land in a manner that is financially viable and advantageous to them.

### **Scope**

The policy will be adhered to in addressing requests from property owners who request permission to develop their property in commercial and industrial zones in which their business activities requires that a principal building be constructed prior to the business operations commencing.

The policy requires the Owner to enter into a Performance Agreement and provide a Security Deposit.

### **Procedure**

- 1) Requests for the site development on commercial or industrial land shall be submitted to the Economic Development Department.
- 2) Request must include professional site plan identifying location of proposed building, building size, location and size of approach(es), landscaping, parking, fencing or buffering, waste containers and any other site features.
- 3) Owner shall be required to identify the timeline for construction of the principal building and the building size.
- 4) Administration may approve or deny the request based on factors including the building construction timeline, size of building or any other items that it deems relevant.
- 5) Administration, shall verify the validity of the request, prepare the Performance Agreement, and determine the amount of the security deposit to be held by the RM.
- 6) Administration shall have the Performance Agreement executed by the Owner, Mayor and Chief Administrative Officer and obtain the Security Deposit.
- 7) Owner/Developer shall apply for a lot grade permit through the RM to determine the required elevation for the preparation of the land and future building.
- 8) Upon the building permit being issued by the Red River Planning District, the Security Deposit shall be released or refunded to the owner.

- 9) The Security Deposit refund amount may be reduced if any remedial actions were required to be taken by the RM.
- 10) Any related items that are not dealt with in this policy shall be at the discretion of the Administration.

### **Policy Guideline**

- 1) Applications where the proposed principal building size is less than **600 sq. ft.** shall not be considered for approval.
- 2) Security Deposit shall be in the form of a Letter of Credit, or alternative if approved by the Chief Financial Officer. If alternate form being cash or cheque is received, it shall be refunded without interest.
- 3) Security Deposit amounts shall be determined based on the size of lot:
  - 0 - <2 acres in the amount of \$15,000.
  - 2 - <5 acres in the amount of \$20,000.
  - 5 > acres in the amount of \$25,000.

Amounts shall not be less than identified above unless otherwise approved by the Chief Administrative Officer and would be based on several factors including, type of business, level of land development, and timing of building permit. The amount should not be less than \$10,000.

- 4) Should the Owner default on the agreement and use the land for storage, parking or any other unauthorized use, the RM may use the Security Deposit to carry out remedial action.
- 5) Should the costs incurred by the RM to address the default exceed the funds being held, the RM may collect the outstanding amount in the same manner as a tax may be collected.