



Rural Municipality of  
**WEST RIVER**

## Public Guide

This is a public guide for applicants seeking a:

- **change in an official plan policy**
- **change in bylaw standards**
- **change in zoning (which typically also requires a concurrent amendment to the Official Plan Future Land Use Map, or**
- **site-specific amendment.**

It will walk you through:

- What to include in an application
- The process to request an amendment to the Official Plan or Land Use Bylaw

All questions and clarifications with municipal staff are considered informal until a completed application is submitted.

For Development Permits, see Development Permit Application Guide

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## Before You Begin

### Before You Begin

### Amendment Process

### Application

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### Review

### Final Approval Process

### Appeals

- Sometimes proposed developments are not permitted under the official plan or land use bylaw:
  - The development doesn't meet a standard (such as setbacks)
  - The development is not a permitted use in the zone
  - A site-specific amendment is required for the specific property
- A change in zoning involves amending the Zoning Map in the Bylaw and the Future Land Use Map in the Official Plan.
- Any application is evaluated by the Municipality against:
  - The goals and policies in the Official Plan
  - The criteria in the Land Use Bylaw (the Bylaw)
    - Section 12 of the Bylaw provides more details on the rules around the amendment process
- Amendments to the Official Plan and/or the Land Use Bylaw require a public process and can take 4-6 months depending on the complexity.

## Amendment Process

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### **Pre-application**

- Discussion with the municipality about options and process, application requirements

### **Application is submitted**

- The application is assessed for completeness and reviewed in relation to criteria set out in the Bylaw. A report is prepared and often requires a professional planner's involvement.
- Planning Board makes a recommendation to Council about whether or not to proceed to a public meeting.
- Council makes a decision about whether to proceed, date is set for the public meeting

### **Public Meeting and Notice**

- A notice is placed in the paper advising the public of the application and the meeting
- For property-specific applications, a letter is sent to adjoining property owners and a sign is placed on the property.

### **Post Public Meeting**

- Staff, Planning Board, and Council assess the requested changes against the Official Plan policies, bylaw requirements and any matters raised through the public process and a decision is made on the application.



# Application

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Your submission should include:

- Completed Amendment Application Form
- All required supporting documents, including any additional information required by the Municipality
- Fee, as per the Fee Schedule on the municipal website and in Schedule C of the Bylaw

Property information

- The applicant must have written permission from the property owner when they are not the same (contractor, family, etc.)
- Owner is responsible for ensuring proper title to the parcel

Application review

- The application and supporting documents are reviewed for consistency and appropriateness under the Official Plan policies and Bylaw requirements. More information may be requested and government officials and other subject matter expert may be consulted.



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# Public Meeting

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If Council is willing to consider the application, a public meeting is held. The public meeting process generally includes:

- An overview of the request
- An opportunity for the applicant to provide information on the request and the reasons for it
- An opportunity for members of the public to provide comments on the proposed amendment, change in zoning, or site-specific amendment

There is usually a period of time after the public meeting for the public to submit written comments.

After the comment period has ended, the matter returns to Planning Board for a recommendation to Council.

While important, comments from the public are only one of a range of matters Council considers in making its decision. The decision must be based on sound planning principles.



# Review

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During the review of the application, Council must consider:

- conformity with the Official Plan;
- conformity with all requirements of the Bylaw;
- suitability of the site for the proposed development;
- compatibility of the proposed development with surrounding land uses, including both existing and future uses as per the Zoning and Future Land Use Maps;
- any comments from residents or other interested persons;
- adequacy of water supply, sewage treatment, streets, stormwater management, and parks and parkland for accommodating the development, and any projected infrastructure requirements;
- impacts from the development on pedestrian and vehicular access and safety, and on public safety generally;
- compatibility of the development with environmental systems;
- impact on the Municipality’s finances and budgets; and
- other matters as considered relevant by the Planning Board or Council.



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# Site-Specific Amendments

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## Potential scenarios

- Combined change in zoning and site-specific amendment: 1 public meeting to consider
  - An amendment to the Future Land Use Map in the Official Plan and an amendment to the Zoning Map in the Bylaw; and
  - An amendment to the Bylaw for the site-specific amendment for the specific development on the site (a development permit comes later but conditions may be identified at the site-specific amendment stage).
- Change in zoning, with site-specific amendment later: 2 public meetings to consider:
  - An amendment to the Official Plan’s Future Land Use Map and amendment to the Bylaw’s Zoning Map at one meeting, considering the appropriateness of the requested zone; and
  - At a separate meeting, an amendment to the Bylaw for the site-specific amendment for the specific development on the site (a development permit comes later but conditions may be identified at the site-specific amendment stage).
- Site-specific amendment application under existing zoning: 1 public meeting to consider:
  - An amendment to the Bylaw for the site-specific amendment for the specific development on the site (a development permit comes later but conditions may be identified at the site-specific amendment stage).



# Final Approval Process

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If a request is determined to be appropriate, the Municipality’s documents are amended as follows:

- Official Plan
  - An amendment to the Official Plan is adopted by a resolution of Council at a meeting open to the public
  
- Bylaw
  - An amending bylaw to the original bylaw is adopted by Council at a meeting open to the public
  - Adopting the amendment involves 2 readings by Council, which must take place on two different days.
  
- Ministerial Approval
  - Amendments must be approved by the Minister responsible for the *Planning Act*, which involves the Province reviewing the process and amendments against the requirements of the *Planning Act* and any standards the Province has put in place for municipal plans and bylaws.





# Appeals

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If a person is dissatisfied with a decision by the Council to amend a bylaw, the process to file an appeal is set out in the *Planning Act* and summarized in section 16 of the Bylaw.

- **Deadline to appeal**
  - The appeal must be filed within 21 days of the final decision at the Council level, rather than once the Minister has approved the amendment.
  
- **Appeals are generally launched when**
  - A person feels the required process was not followed
  - A person feels the decision by Council did not properly take into account the policies of the official plan or factors which should be considered by Council when decisions are being made.