



Mid-West Planning District

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POLICY

Title	Planning Application Administrative Procedures
Policy #	2-2022
Issue Date	April 7, 2022
Resolution	30/22
Authority	Mid-West Planning District Board
Repeals Policy #	9-2021

SUBJECT / APPLICATION: Outlining the internal process and procedures for accomplishing the following project requests: Conditional Use, Variance, Zoning By-Law Amendment, Zoning Memorandum, and Development Plan Amendment.

LEGAL AUTHORITY / RELEVANT BY-LAWS: The implementation of this policy will be by resolution of the Board of the Mid-West Planning District.

POLICY:

Planning Application Process and Procedures

Planning applications can result in different processes depending on what is being asked for in the application. The most common result is the need for a Conditional Use or Variance, but if the ask requires more a Zoning By-Law amendment or Zoning Memorandum may be required. In rare cases a Development Plan amendment may be required.

Because each process has many steps the following lists are to be noted as complete by the employee completing them and confirmed by a co-worker within the project file.

All processes start with the intake of a Planning Application.

MID-WEST APPLICATION REQUIREMENTS:

- Planning Application form
- Detailed Letter of Intent
- Detailed Site Plan
- Survey from a Licensed Surveyor
- Status of Title no more than 30 days old

Upon receiving an application:

- Confirm application data with the applicant.
 - Confirm Municipality, Roll number, legal address
 - Clarify and confirm the ask
- Assess what process is needed
- Create a file based on the process(es) required
- Assess the fees required
- Send fee request to applicant along with a letter outlining the process and next steps via mail
- Submit fee request to S-T for input into QuickBooks as an estimate

- Once fees received – S-T to create actual invoice and record payment in QuickBooks and issue an official receipt.
- S-T to deposit funds into bank.

Once the fees are received, we are allowed to proceed with the project and the next steps will vary based on which process is required.

1. DEVELOPMENT PLAN AMENDMENT PROCEDURES:

PROCESS:

1. Notify Community Planning of the application and requested change to the Development Plan (Board staff to send an e-mail request to Community Planning requesting assistance in preparing the desired development plan amendment (map and or text) including the amending by-law number and the date proposed for 1st reading of the plan amendment).
2. Community Planning shall draft the requested development plan (text and or mapping) amendment and then provide it to the Board for 1st reading.
3. Create a Landowners list based on 100 meters from the edge of the property in question.
4. Email the effected Municipality and coordinate setting up a location, date, time for a public hearing.
5. Set up public hearing in the municipality effected.
6. Notice of the hearing must be given in accordance with one of the following:
 - (a) if there is a newspaper with a general circulation in the planning district or municipality,
 - (i) by publishing the notice of the hearing in one issue of the newspaper on two occasions at least 6 days apart during the period beginning 40 days before the hearing and ending 7 days before the hearing, or
 - (ii) by posting the notice prominently on the website of the newspaper for at least 14 days before the hearing;
 - (b) if there is no such newspaper, by posting the notice in a conspicuous manner at the office of the planning district or municipality and at least two other public places in the district or municipality at least 14 days before the hearing.
7. At least 27 days before the hearing, a copy of the notice of the hearing must be sent
 - (a) to the applicant, if there is one;
 - (b) to the minister;
 - (c) to all adjacent planning districts and municipalities;
 - (d) when the hearing is held by the council of a municipality that is part of a planning district, to that planning district and all other municipalities in the district; and
 - (e) when the hearing is held by the board of a planning district, to all municipalities in the district.
8. If the hearing is held to consider an amendment to a by-law that would affect a specific property,
 - (a) a copy of the notice of hearing must be sent at least 14 days before the hearing to the owner of the affected property, and every owner of property located within 100 metres of the affected property; or
 - (b) where the affected property is not remote or inaccessible, a copy of the notice of hearing must be posted on the affected property.
 - (i) at least 28 x 43 centimetres in size with the words "NOTICE OF PUBLIC HEARING" printed in large bold letters;
 - (ii) posted outdoors for 14 days immediately before the date of the hearing
 - (1) in conspicuous locations on the site of the property,
 - (2) facing each public road adjacent to the property, and
 - (3) not more than 1 metre inside the boundary lines of the property; and
 - (iii) kept in legible form.

9. Evidence that a notice was posted on two occasions at least six days apart during the 14 day period referred to in clause (1)(b) is proof that the notice was posted for the entire 14 day period.
10. Invite the Community Planner to attend Public Hearing following 1st reading.
11. Prepare a sign-in sheet for use at the Hearing. Attendees should sign-in to the hearing and provide their mailing address, e-mail and phone number and the sign-in sheet should include a space for each attendee to indicate their support or opposition to the proposed amendment.
12. Attend hearing to answer any questions.
13. Take notes from the hearing.
14. Create a By-Law Amendment at the end of the existing By-Law and submit to the MWPD for voting.
15. Following the conclusion of the required Public Hearing and 2nd reading by the Board (with or without outstanding objections, the Board is required to submit the by-law, minutes from the public hearing and copies of all written submissions to the Minister (c/o the Brandon Community Planning Office) for his/her consideration of approval. If the Minister approves the plan amendment, he/she will return a copy of the plan amendment to the Board for 3rd reading.
16. As soon as practicable after submitting the development plan by-law to the minister for approval, the board or council must send a notice to every person who objected to the by-law at the hearing stating that a) second reading was given to the by-law; (b) the by-law has been submitted to the minister for approval; and (c) any person who made an objection at the hearing may file an objection with the minister that sets out the reasons for his or her objection, within 14 days after the notice is given.
17. The Development Plan amendment needs 3 readings to be adopted by the Board.
18. The third reading must be a recorded vote.
19. As soon as practicable after giving third reading to the development plan by-law, the Board must a) give the minister (c/o the Brandon Community Planning Office) a signed and certified 3rd reading copy of the development plan by-law; and send a notice stating that the by-law has been adopted to a) every person who made a representation at the Public Hearing, and b) to every person who made a representation at the Municipal Board hearing, if one was held.
20. Once the updated office consolidation of the development plan has been provided to the Board by Brandon Community Planning Office, Board staff shall record approval and post the new Development Plan on the MWPD website and distribute copies to the member municipalities.
21. Any bills for location rental and advertising to be given to S-T to enter into QuickBooks and pay.

2. ZONING BY-LAW AMENDMENT PROCEDURES:

Map amendments – commonly referred to as re-zonings – are required in order to change the zoning of a particular property. An example of this would be changing the zoning of a property from residential to commercial to allow a business to be developed on said property.

Proposed re-zonings must demonstrate consistency with the planning policies and land use designations outlined in the Mid-West Planning District (MWPD) Development Plan. If a conflict exists with the planning policies and land use designations of the MWPD Development Plan, map and/or text amendments to the Development Plan may also be required prior to adoption of a related zoning amendment.

PROCESS:

1. Confirm request is consistent with the MWPDP Development Plan. If the proposed use is not consistent with Development Plan, an amendment to the Plan (text and or mapping) will be required **prior to** adoption of related zoning amendment.
2. Notify Community Planning of the application and requested change to the Zoning by-law (have the municipal CAO provide an e-mail request to Community Planning asking for assistance in preparing the requested zoning amendment including providing an amending by-law number and proposed date of first reading of the zoning amendment).
3. Brandon Community Planning will draft the requested zoning (text and or mapping) amendment and draft Public Hearing Notice and provide it to the Board and Council.
4. Create a land owners list based on 100 meters from the edge of the property in question.
5. Email the effected Municipality and coordinate setting up a location, date, time for a public hearing.
1. Notice of the hearing must be given in accordance with one of the following:
 - (a) if there is a newspaper with a general circulation in the planning district or municipality,
 - (i) by publishing the notice of the hearing in one issue of the newspaper on two occasions at least 6 days apart during the period beginning 40 days before the hearing and ending 7 days before the hearing, or
 - (ii) by posting the notice prominently on the website of the newspaper for at least 14 days before the hearing;
 - (b) if there is no such newspaper, by posting the notice in a conspicuous manner at the office of the planning district or municipality and at least two other public places in the district or municipality at least 14 days before the hearing.
2. At least 27 days before the hearing, a copy of the notice of the hearing must be sent
 - (a) to the applicant, if there is one;
 - (b) to the minister;
 - (c) to all adjacent planning districts and municipalities;
 - (d) when the hearing is held by the council of a municipality that is part of a planning district, to that planning district and all other municipalities in the district; and
 - (e) when the hearing is held by the board of a planning district, to all municipalities in the district.
3. If the hearing is held to consider an amendment to a by-law that would affect a specific property,
 - (a) a copy of the notice of hearing must be sent at least 14 days before the hearing to the owner of the affected property, and every owner of property located within 100 metres of the affected property; or
 - (b) where the affected property is not remote or inaccessible, a copy of the notice of hearing must be posted on the affected property.
 - (i) at least 28 x 43 centimetres in size with the words "NOTICE OF PUBLIC HEARING" printed in large bold letters;
 - (ii) posted outdoors for 14 days immediately before the date of the hearing
 - (1) in conspicuous locations on the site of the property,
 - (2) facing each public road adjacent to the property, and
 - (3) not more than 1 metre inside the boundary lines of the property; and
 - (iii) kept in legible form.
4. Evidence that a notice was posted on two occasions at least six days apart during the 14-day period referred to in clause (1)(b) is proof that the notice was posted for the entire 14 day period.
5. Invite the Community Planner to attend the Public Hearing following 1st reading.
6. Prepare a sign-in sheet for use at the Hearing. Attendees should sign-in to the hearing and provide their mailing address, e-mail and phone number and an indication of whether each attendee support or are opposition to the proposed amendment.
7. Attend hearing to answer any questions.
8. Municipal council to vote on the proposed Amendment.

9. A zoning by-law amendment requires 3 readings to be adopted by Council. If there are no objections to the by-law at the Public Hearing, Council may give by zoning amendment 2nd and 3rd reading immediately following the conclusion of the required Public Hearing.
10. As soon as practicable after a council adopts a zoning by-law, it must (a) send a signed and certified 3rd reading copy of of the by-law to the minister (c/o the Brandon Community Planning Office); and (b) send a notice stating that the by-law was adopted to every person who made a representation at the Public Hearing.
11. Municipal decision scanned to file.
12. Post revised Zoning By-Law to website.
13. Any bills for location rental and advertising to be given to S-T to enter into QuickBooks and pay.
14. Bill the Municipality for the advertising costs.
15. NOTE: If Council proceeds with a zoning amendment where a development plan amendment is also required, Council **must not** give the zoning amendment 3rd reading unless and until the Minister has approved the development plan amendment to the Board following 2nd reading and the Board gives the Plan amendment 3rd reading. Once the related development plan amendment has received 3rd reading by the Board, Council may then proceed to give the related zoning amendment 3rd reading.

Planning Approvals Issued Under Authority of a Member Municipal Zoning By-law

A) Conditional Uses:

1. Create a landowners list based on 100 meters from the edge of the property in question (1.6 km if it's a livestock operation 300AU or more in size, or an aggregate pit).
2. Email the effected Municipality and coordinate setting up a location, date, time for a public hearing.
3. Set up public hearing in the municipality affected.
4. Send Municipality required public hearing documents 20 days before the hearing.
5. Book advertising spots in municipal area newspapers to run the two weeks before the hearing date.
6. Municipality and MWPDP to post the public hearing notice. MWPDP to post on the website.
7. Prepare letter about the hearing and commonly ask questions handout and mail out to the applicant, landowner, landowner list, affected municipality Council. Must be mailed out 14 days in advance of the hearing date.
8. Attend hearing to answer any questions.
9. Take notes from the hearing. Provide Council with any answers to outstanding questions from the hearing.
10. Municipal council to vote on the proposed Conditional Use.
11. Municipal decision scanned to file.
12. If the Municipality is ok to proceed, then notify the applicant/landowner of the decision.
13. Submit the Conditional Use to Property Assessment and Community Planning.
14. Send any Development and Building application forms to the applicant/landowner.
15. Any bills for location rental and advertising to be given to S-T to enter into QuickBooks and pay.

B) Variances:

TYPES:

1. **Variation Orders:** Relief in excess of 15% of a zoning by-law performance standard may be granted at the discretion of Council and require a formal public hearing and involve the following:
 1. Create a Landowners list based on 100 meters from the edge of the property in question.
 2. Email the effected Municipality and coordinate setting up a location, date, time for a public hearing.
 3. Set up public hearing in the municipality affected.
 4. Send Municipality required public hearing documents 20 days before the hearing.
 5. Municipality and MWPDP to post the public hearing notice. MWPDP to post on the website.
 6. Prepare letter about the hearing and commonly ask questions handout and mail out to the applicant, landowner, landowner list, affected municipality Council. Must be mailed out 14 days in advance of the hearing date.
 7. Attend hearing to answer any questions.
 8. Take notes from the hearing. Provide Council with any answers to outstanding questions from the hearing.
 9. Municipal council to vote on the proposed Variance.
 10. Municipal decision scanned to file.
 11. If the Municipality is ok to proceed, then notify the applicant/landowner of the decision.
 12. Submit the Variance to Property Assessment and Community Planning.
 13. Send any Development and Building application forms to the applicant/landowner.
 14. Any bills for location rental and advertising to be given to S-T to enter into QuickBooks and pay.

2. **Minor Variance:** Relief may be granted (at the discretion of the Development Officer) up to 15% of the minimum zoning by-law performance standard to which relief is being requested, without the need for a public hearing held by Council. Minor Variances can be issued to the applicant by the Development Officer and involve the following:
 1. Send the receipt and official paperwork issuing the Minor Variance.
 2. Submit the variance to the Municipality, Property Assessment and Community Planning.
 3. Send any Development and Building application forms to the applicant/landowner.

C) Zoning Memorandums:

Zoning Memorandum (with Building Location Certificate): Confirms conformance with zoning site regulations.

Requests for this type of Zoning Memorandum must include:

1. Ask client for a Building Location Certificate (BLC) for the subject property
2. Research property history
3. Write official letter and send via Mail.

NOTE: A Zoning Memorandum without a BLC can be issued for the purpose of confirming that a current land use is in conformance with current applicable zoning regulations. This type of Zoning Memorandum must include details on the current land use within the written request.

Zoning Memorandum (Permit History): All others, including the status of previously issued permits.

Requests for this type of Zoning Memorandum must include:

1. Research property history
2. Write official letter and send via Mail.

END OF POLICY.

This Policy has been reviewed and approved for use or implementation by the Board of the Mid-West Planning District on 7th of April 2022 by Resolution # 30/22.

Development Officer/Designated Officer

Chairman of the Board