



## CLEARWATER COUNTY APPLICATION FOR AMENDMENT TO THE LAND USE BYLAW

**EFFECTIVE DATE:** May 1995  
**REVISED:** February 2014  
**SECTION:** Planning and Development

# POLICY

**POLICY STATEMENT:** To establish the procedure for fee/refund structure for processing applications relating to a change in Land Use designation, or, a change in principle or substance to the Land Use Bylaw.

**PROCEDURE:**

1. Initial consultation between the Applicant and Development Officer.
2. Completed application and supporting documentation submitted to the County.
3. Application placed on the next available Council Agenda.
4. Development Officer conducts physical inspection of site if necessary.
5. Development Officer prepares background report.
6. Bylaw prepared by staff for inclusion with Council Agenda.
7. Applicant invited to attend Council meeting at appointed time, if necessary:
  - a. Attendance mandatory if staff feel the application is contrary to planning policy
  - b. Attendance requested if Development Officer feels that the needs of Council would be better served by the applicant's attendance.
  - c. Applicant may request an appointed time.
8. Development Officer present background report to Council.
9. Council adopts, or defeats, a motion calling for first reading to subject bylaw.

**Or**

- Council tables first reading subject to submission of further information or attendance by applicant.
10. If Council adopts a motion for first reading, the Development Officer shall prepare the application for a Public Hearing:
    - a. Reserve a time period, coinciding with a regular meeting of Council, approximately 30 days from the mailing of notification of same to mandatory recipients.
    - b. Prepare a referral listing comprised of registered owner, applicant, agent, adjacent landowner's, registered interests on title, various agencies, and any other parties whom are deemed to be affected by the subject application.
    - c. Prepare a comprehensive referral package for mailing to aforementioned referral listing.
    - d. Appointed time for Applicant to speak to application schedule with Municipal Planning Commission (MPC) if deemed necessary.
    - e. Tour subject site conducted by MPC at regular monthly meeting.
    - f. Adopted recommendation from MPC recorded.

- g. Compile responses from referrals for presentation to Council.
- h. Ensure that Public Hearing is advertised for two consecutive weeks in locally circulated newspaper.
- i. Present background report and referral responses to Council at Public Hearing

**Or**

If Council tables the subject application:

- j. Reschedule the application and ensure that reasons for tabling are addressed

**Or**

If Bylaw fails the motion for first reading:

- k. Advise applicant, in writing, that application is deemed to be refused, and, initiate applicable refund of prescribed fee.
11. Pending the results of the Public Hearing, Council will entertain a motion for second reading to the Bylaw, or, table second reading pending the address of concerns resulting from the Public Hearing.  
If a motion for a second reading the Bylaw is passed the Development Officer may request that Council table a motion for third reading pending the submission of an application for subdivision.  
If a motion for second reading to the Bylaw is adopted, and a subsequent motion for third reading is also adopted, the Bylaw is deemed to be binding. The Development Officer shall inform the applicant, in writing, of this decision and shall provide further advice as to subdivision or development.  
Should Council table second and third readings, the Development Officer shall address the outstanding deficiencies, or concerns, and bring the Bylaw back to Council at such time that it is prudent to do so.
12. Upon adoption of the amending Bylaw, the Development Officer shall initiate the update of the Land Use Bylaw accordingly.

### **Supplementary Regulations Extracted from Land Use Bylaw**

- i. The Council may, at any time, initiate a bylaw to amend the Land Use Bylaw by directing the Development Officer to initiate an amendment thereto.
- ii. The Development Officer shall determine when the application will be placed before Council, and shall issue not less than 10 days notice to the applicant.
- iii. An application for amendment shall be placed before the Council within 60 days of its receipt by the Development Officer.
- iv. If Council approves an application to re-designate any area of land for the purpose of accommodating a proposed subdivision, the re-designation shall be reversed 12 months later if, at the time, subdivision approval is not secured.

### **Application Fee Structure and Refund Policy**

The fee and refund structure attached to this Land Use Amendment Policy, shall be as outlined on the attached "Schedule A", which forms part of this Policy.



## **SCHEDULE A**

### **FEE AND REFUND STRUCTURE PLANNING AND DEVELOPMENT**

#### **DEVELOPMENT PERMITS**

Standard Permitted	\$150
Standard Discretionary	\$250
Commercial - Communication Tower	\$300
- Resort/Campground	\$500
- Recreation/Golf Course	\$500
Industrial - Natural Resource/ Aggregate Extraction	\$1,000

#### **REAL PROPERTY REPORT**

Real Property Report – Compliance Request	\$80
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#### **SUBDIVISION**

Boundary Adjustment	\$500
First Parcel Out	\$600
Fragmented Parcel	\$500 + Lot Fees
Multi-Lot Subdivision	\$500 + Lot Fees
Lot Fees – Per Parcel	\$150

#### **Subdivision Endorsement Fees**

Single Residential Parcel & Boundary Adjustment	\$150
Fragmented Parcel	\$150 (+\$100 per additional lot)
Single Industrial/Commercial	\$200
Multi-Lot Residential	\$100 per lot
Multi-Lot Industrial/Commercial	\$150 per lot

#### **Subdivision Offsite Levy**

Off-Site Levy – Per Parcel	\$200
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### **Subdivision Time Extension**

First Time Request	\$100
Additional Requests	\$200

### **Subdivision Refunds**

Prior to Circulation	100% refund of fee
After Circulation	75% refund of fee
After Site Inspection	No Refund

### **APPEALS**

Development Permit Appeal	\$300
Subdivision Permit Appeal	\$300

Appeal fees are non-refundable.

However, should the appeal be withdrawn before six working days (i.e. working days do not include Saturdays, Sundays or holidays) of the scheduled date of appeal where the date of the appeal is deemed to be one of the six days, the appeal fee will be 75 percent refunded.

### **LAND USE AMENDMENT**

REZONE TO:

“A” “CR” “CRA” “CRMI” “HR” “LR” “RR” “RE”	\$500 + \$100 per lot
“P” “LI” “IA”	\$500 + \$35 per acre
“I” “HD” “HC” “RF” “MHP”	\$1000 + \$35 per acre

### **Land Use Amendment Refunds**

After First Reading	50% refund of fee
After Second Reading	25% refund of fee

### **DISCHARGE OF CAVEAT**

Discharge of Caveat on Title	No Fee
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**PRINTING/ DOCUMENT FEES**

Land Use Bylaw (Text Only)	\$20 per copy (plus G.S.T.)
Land Use Bylaw (Text and Color Maps)	\$50 per copy (plus G.S.T.)
Municipal Development Plan (Text Only)	\$5 per copy (plus G.S.T.)