

Summary of Revisions Since April Open House

The final drafts of the proposed Official Plan and Land Use Bylaw for the Rural Municipality of West River are now available for public review. In the tracked drafts, all revisions, with the exception of minor typographical edits, are indicated with bolded text.

These drafts will be presented to the public on September 15, 2022 for a final round of comments. At the end of the feedback period on September 23, 2022, final drafts will be prepared for Planning Board’s consideration. If Planning Board is comfortable with the draft, a recommendation will be made to Council for their approval and adoption.

The following outlines the major changes since the April Open House.

Proposed Official Plan Changes

| Section | Changes | Reason |
|---------------------------------------|---|---|
| 3.1 | Additional text was added to the Future Development Concept to further clarify the guiding principles of balancing land use planning and flexibility in a rural setting. | The additional language provides more explanation for the ideas behind the policies that follow in the rest of the Plan. |
| Policy EI-1: Renewable Energy Systems | The Commercial Industrial (CI) Zone was added as a zone where larger wind farms might be permitted through site-specific amendments | The previous draft of the Bylaw indicated that such wind farms would be permitted in the CI zone but this was placed in the Schedule setting out wind farm standards rather than in the main text. The Plan text provides a basis for the establishment of this idea. |
| Policy PHY-5: Development Constraints | Addition of 2 plan actions relating to a new Legacy Lands approach with regards to properties subject to flood risk | There may be a few properties where the original approval of the lot established a vested right to develop where the flood risk standards might otherwise make it impossible to develop. In order to recognize this, a policy setting out the criteria and tests to identify such properties as ‘legacy lands’ was created. Clearer language was added regarding non-permanent seasonal use of lots for lots that won’t qualify as ‘legacy lands.’ Schedule E at the end of the Plan sets out the tests for legacy lands. |
| Policy EN-1: Habitat Areas | Revised policy for Council to support efforts between the local watershed groups and landowners to identify and protect significant habitat areas and natural features in the Municipality. | Concerns that April wording implied intent to add 60 m buffer in future. Recommended more general wording and changes for Council to be supportive of activities rather than actively involved in habitat protection. Removed plan action to consider expanded watercourse and wetland buffers in significant habitat areas in future plans but retained the overall policy |

| Section | Changes | Reason |
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| | | regarding habitat as Council has an obligation to consider environmental matters, including habitat areas, in its official plan. |
| General | A range of minor drafting edits are being identified to better reflect changes made for the April drafts, to ensure consistency with the draft land use bylaw, and for overall drafting clarity, including where previous language may have been too vague. | |

Proposed Bylaw Changes

| Section | Change | Reason |
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| 3.9 | Professional Design of Buildings – simplified wording | Intent was only to cover situations where signed and stamped drawings are required under provincial legislation for the purposes of the Municipality’s review of applications, so wording was clarified. |
| 3.15 | Removal of the extension to development permits | The option for extending permits was deemed to be too arbitrary, potentially leading to situations where different applications are treated differently. |
| 4.1 | Accessory Structures <ul style="list-style-type: none"> Restricted in front yard setback from the property line, rather than in full front yard Can be built without a main building Shipping containers permitted in all zones, but must be in the rear yard. | Drafted regulations were too restrictive in a rural community context |
| 4.13 | Restricting number of Main Buildings <ul style="list-style-type: none"> Only in the RR zone Other standards for properties with multiple main buildings simplified Standards for internal drives changed from a list of criteria in schedule to a requirement for involvement of engineer | The change will allow people to have a house and commercial operation with more than one building the same lot where permitted in the RA zone. The requirement for engineers to design and certify internal drives is simpler than listing standards that could become outdated over time. |
| 4.18 | Restriction (in definition) for secondary suites to be owner-occupied houses removed. | Tenancy of the main dwelling is less relevant to the proposed use. |
| 6.8 | Intensive Livestock Operations <ul style="list-style-type: none"> Minimum distance separation for new livestock operations only | Removed application of standards for extensions to existing operations in order to protect existing agricultural uses. |

| Section | Change | Reason |
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| | <ul style="list-style-type: none"> All new residential subdivisions require a 305m (1000 ft.) setback from an existing intensive livestock operation. | |
| 6.9 | Excavation pits <ul style="list-style-type: none"> Relevant standards from the provincial regulations added as a schedule Slight change in approach but design and operation standards remain the same | Provincial regulations do not apply where a municipality regulates excavation pits, so referring to the regulations was not sufficient. |
| 7.6 | Livestock in Rural Residential (RR) Zone <ul style="list-style-type: none"> Added standard for horses (max 1 per ½ acre) Other animals not specifically listed would be up to Council, with criteria | Revisions made in response to concerns about too limited an approach to regulating livestock on residential properties. |
| 8.2 | New purpose section describing the policy objectives of the zone | Consistency with other zones |
| 8.3/8.4 | Wind energy added as permitted and site-specific amendment uses | Had been permitted but had only been included in the schedule with the standards for wind energy. Placing in the zone text adds consistency with RA Zone |
| 10.6 | Changes in wording to clarify setbacks from watercourses, wetlands, buffers, and flood risk areas. | Revisions are intended to make it simpler to understand the standards. |
| 10.6(5) and (6) | Flood Risk Areas <ul style="list-style-type: none"> New approach addressing certain limited circumstances where the use of existing lots identified as legacy lands that would otherwise not be permitted in flood risk areas. Provision previously located in Part 4 moved here, establishes options to use existing non-legacy land lots for non-permanent seasonal uses where the development of the lots would not otherwise be permitted in the flood risk area. | Changes recognize that some properties, based on how/when they were approved, might have vested rights to develop. This exception will not automatically apply to all older properties, and the option to use lots that could otherwise not be developed due to flood risk for non-permanent seasonal uses moved to this section to keep all provisions related to flood risk and the ER zone together. |
| 13.3 | Requirements for frontage on a public road <ul style="list-style-type: none"> A new exception for lands that are permanently set aside for conservation | Permits an access to an internal (ie landlocked) parcel that was created and turned over for permanent conservation, where the parcel won't be further developed over time. |

| Section | Change | Reason |
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| General | A range of minor drafting edits are being identified to better reflect changes that had been made for the April drafts, to ensure consistency with the draft official plan, and for overall drafting clarity. In some cases, provisions were moved to different places in the Bylaw and in others, more detailed wording was provided when the previous draft was potentially vague or too discretionary. | |

Zoning changes

| Zone | Change | Reason |
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| Rural Residential (RR) | A couple of properties were identified where they were not in fact separate legal parcel and where their inclusion in the RR zone was due to a mapping error. | Changes respond to feedback regarding zoning on specific sites. |
| Existing private ROWs | Some private rights-of-way are not distinct individual properties and/or are not recognized by the regulating authority as rights-of-way – the zoning of those parcels was adjusted to match the surrounding zoning. | Changes reflect questions raised about zoning of existing rights-of-way. |
| Cemeteries | Identified sites have been redesignated as Rural Area | Some existing cemeteries were zoned Rural Residential – this was a mapping results based on parcel size. While institutional uses are permitted in the RR zone, it is clearer to designate them as RA. |

Next steps

- Drafts have been reviewed for drafting and form.
- Drafts have been submitted to Planning Board for approval to release drafts in preparation for the statutory public meeting.
- Statutory public meeting will be held – follow the project website, the municipality’s website, the project social media accounts and the Guardian for details
- Revisions made as appropriate based on comments from statutory public meeting and submission of drafts to Planning Board
- Final recommendation from Planning Board to send to Council for consideration
- Council meetings (requires 2 meetings on separate days for readings of the Bylaw)
- Submission of package to Province for ministerial approval.

For information on this project: www.planrmwr.ca | www.westriverpe.ca | Facebook: www.facebook.com/planwestriver

If internet access is a challenge for you, please contact the municipal office for other ways to get the information.

Municipal Office: 902 675 7000 | admin@westriverpe.ca | Afton Community Center, MacEwen Room, 1552-B Rte. 19, New Dominion, PE C0A 1H6

What We Heard – April Open House

32 written submissions were received (online feedback form, email, written feedback) following the April 26th open house. Each submission was reviewed for key themes and implications. The following outline issues/concerns that did not lead to changes and the reasons.

| Broad Areas of Issue/Concern | Recommendation |
|--|--|
| <p><u>Private roads</u> – Submissions were received about the proposal to require public roads for all new subdivisions or lots.</p> | <p><i>The underlying policy intention in the proposed approach has not changed and no change is recommended.</i></p> |
| <p><u>Flood risk areas</u> – concerns about preventing development of residential uses in projected flood plain. Some requested that the provisions be removed, others asked for a waiver option or for existing property owners to be exempted.</p> | <p><i>Flood risk standards include a range of objectives, not simply protecting property owners from damage to property. Building in a flood plain can result in public safety challenges during emergency situations, health and safety considerations as a result of mold and other flood damage, and environmental contamination considerations resulting from contaminated wells and compromised septic systems. Further, land use planning is not based on ownership (current owners vs future owners) but rather on the use. However, other options were identified and assessed – see previous tables</i></p> |
| <p><u>Restrictions on number of lots in RA zone</u> – some submissions and comments were received about the proposed restrictions</p> | <p><i>The underlying policy intention in the proposed approach has not changed and the option for property owners to seek a change in zoning remains. No change is recommended.</i></p> |
| <p><u>Written notification to surrounding uses before development</u> – one request that all adjoining property owners be notified in writing as part of the application for subdivision approval.</p> | <p><i>Making the requested change would imply a level of influence for adjoining property owners that does not exist. It is also administratively burdensome. The purpose of the plan and zoning is to indicate potential accepted uses. So long as proposals for development fit within that plan, no public notice is required. The public process kicks in when a change in zoning or a site-specific amendment is proposed and it is here that the public can weigh in and provide input to Council's decision on whether or not to permit the proposed development.</i></p> |
| <p><u>Parkland Dedication</u> – being subject to Council discretion on location and/or the requirement to provide at all, as well as questions regarding existing parkland and responsibility for their maintenance.</p> | <p><i>While councils generally work with developers based on the intended design of a subdivision, it is important for councils to be able to say no when proposed parkland is in such a location or configuration as to be unusable as parkland.</i></p> <p><i>Parkland is an important concept in terms of ensuring the preservation of open space networks and providing for the recreation needs of a growing community.</i></p> <p><i>Existing parks approved under provincial jurisdiction in most cases either continued to be owned by the developer or held in common by the property owners in the subdivision. Unless those parks/open spaces are turned over to the municipality, their long-term maintenance remains the responsibility of the owner of the open space.</i></p> |