

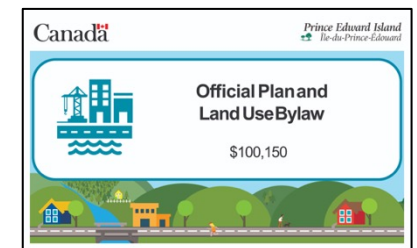
# Official Plan & Land Use Bylaw

Public Session #5  
Statutory Meeting  
September 15,  
2022

SJ Murphy Planning & Consulting  
Wade | Underhay



## Rural Municipality of West River



# OVERVIEW

Timeline & Process

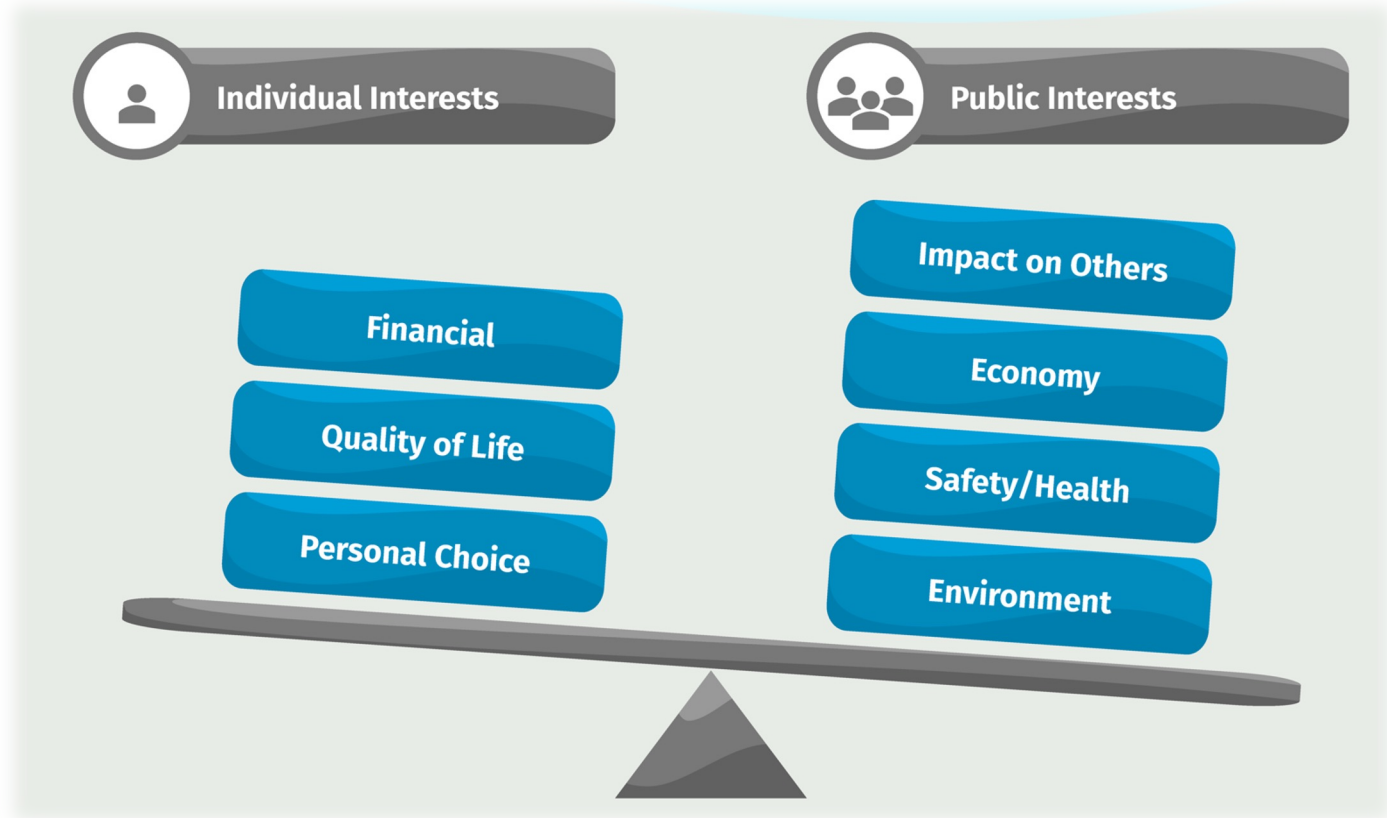
Zoning Framework

Zoning Map

Highlights

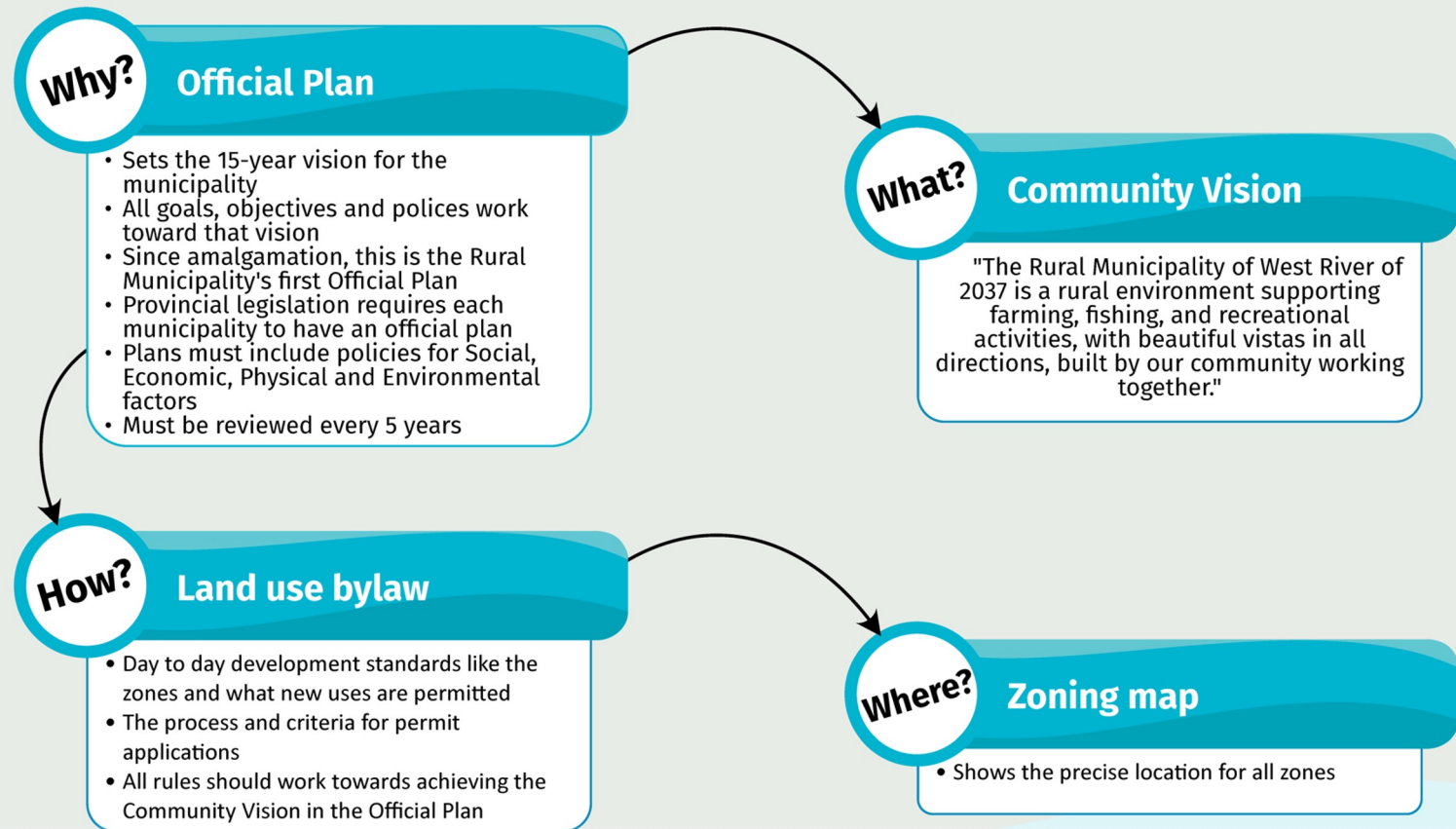
Next Steps

# PROCESS

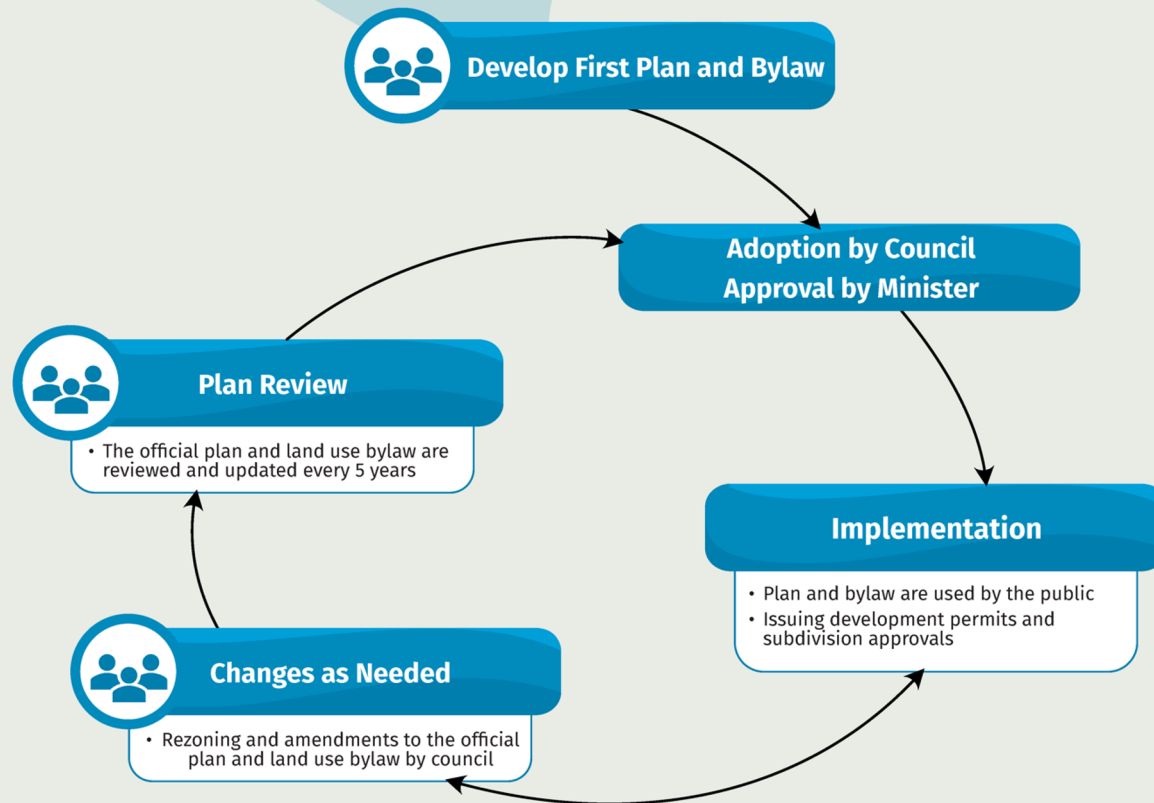


Finding the right balance for your community is the key to good planning.  
The tools we will be talking about help us keep that balance as the community changes over time.

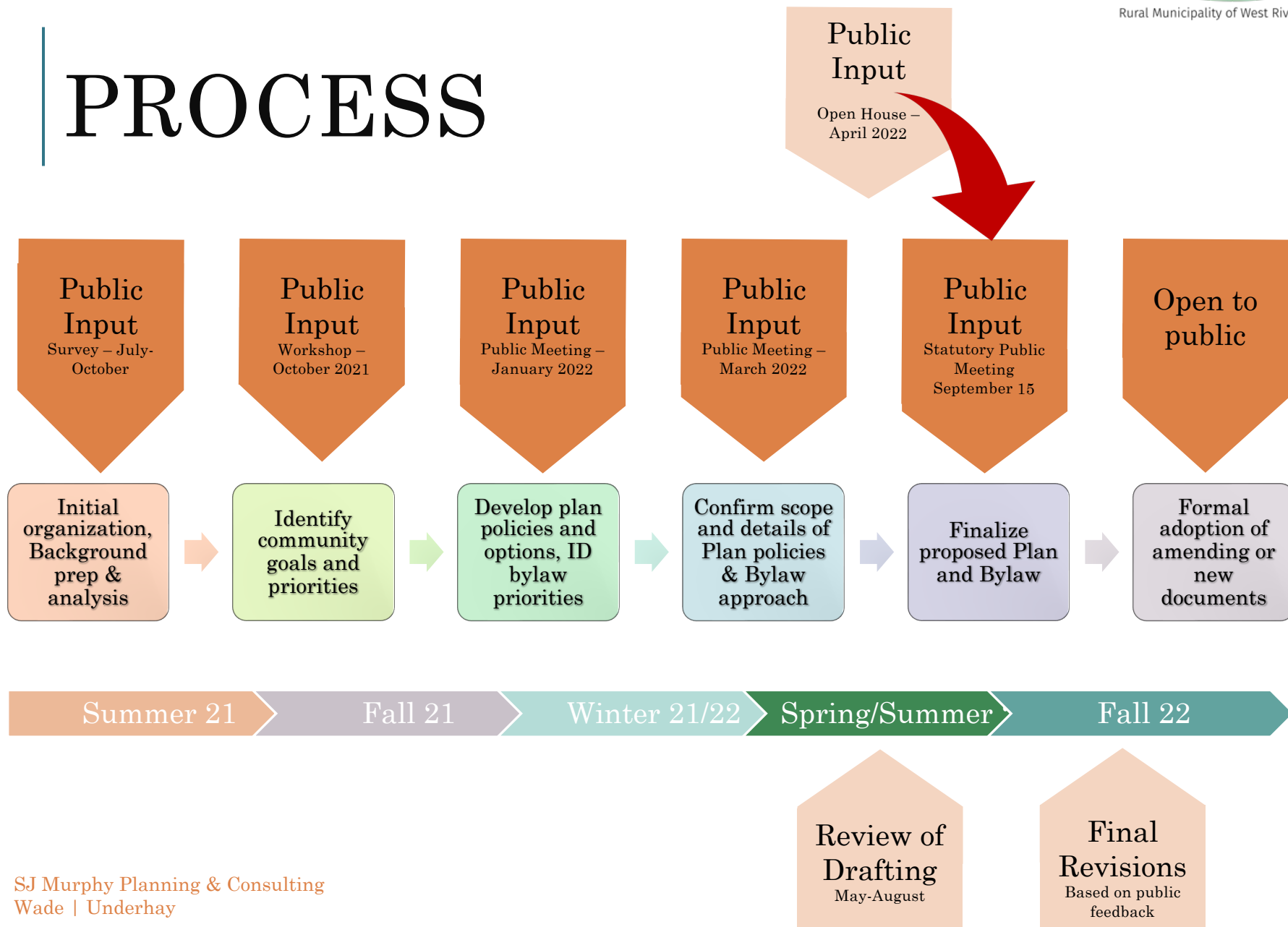
# PROCESS



# PROCESS



# PROCESS



# COMPLETED ACTIVITIES

Type	Date	Format
1. Community Survey	July – Oct, 21	Online
2. Public Session #1 – data and issue gathering	October 13, 21	Public Meeting
3. Stakeholder & Rightsholder Engagement: <b>Mtgs:</b> L’Nuey, Provincial Planning, Watershed <b>Outreach:</b> Environment, Climate Change, Public Safety, Tourism, Heritage, Agriculture <b>Invitations:</b> Fed of Ag, Fishermen's Association, TIAPEI	July – Dec, 21	Emails, phone calls, in person meetings
4. Reports: Background, What We Heard, Issues & Opportunities	Dec - March	Available online
5. Public Session #2 – Key themes and directions for Official Plan	January 25, 22	Online
6. Public Session #3 – Presentation of first round of draft documents, followed by comment period and mail-out to property owners	March 2, 22	Hybrid (in person and on-line)
7. Public Open House – Public Session #4 – Revised drafts	April 26, 22	Drop in open house, pre-recorded presentation
8. Review of drafting for consistency of policy and standards	May-Aug 22	Final drafts available online and at the municipal office

# DOCUMENTS & RESOURCES

For those looking for more detailed information than is outlined in this presentation:

*Draft  
Official  
Plan  
August Draft*

*Draft Land  
Use Bylaw  
August Draft*

*September  
Summary  
of Changes*

*Background  
Report  
(May 2022  
update)*

These can be found at [planrmwr.ca](http://planrmwr.ca) or [westriverpe.ca](http://westriverpe.ca)



# COMMUNITY VISION

The Rural Municipality of West River of 2037 is a rural environment supporting farming, fishing, and recreational activities, with beautiful vistas in all directions, built by our community working together.



# FOCUS

- Protect valued community character
- Direct uses to specific areas in order to limit conflicts
- Provide opportunities for public discussion on more significant development proposals
- Balance flexibility with shared interests
- Promote safety and the protection of the environment, life, and property

## Considerations

- Proposals for certain potentially more contentious uses will be assessed through site-specific amendments with a public process
- Existing legal uses are protected, even if the use is not a permitted use in the zone.

# PROPOSED ZONES

1. Rural Area (RA)
2. Rural Residential (RR)
3. Commercial Industrial (CI)
4. Parks & Recreation (PR)
5. Environmental Risk (ER)

## Permitted Uses in all Zones

- Institutional
- Parks and open space
- Farm gate sales
- Utility structures

# RURAL AREA (RA) ZONE

**Purpose:** The parts of the community where primary resource activities take place and prosper.

Permitted Uses	Accessory	Site Specific
<ul style="list-style-type: none"> <li>• Agricultural</li> <li>• Fishery</li> <li>• Forestry</li> <li>• Resource commercial</li> <li>• Animal sanctuaries</li> <li>• Single detached dwelling</li> <li>• Duplex and semi-detached</li> <li>• Non-resource commercial (small-scale)</li> </ul>	<ul style="list-style-type: none"> <li>• Accessory buildings</li> <li>• Dormitories</li> <li>• Home-based businesses</li> <li>• Secondary suites</li> <li>• Wind energy systems up to 100kw</li> </ul>	<ul style="list-style-type: none"> <li>• Resource industrial</li> <li>• Intensive resource uses</li> <li>• Kennels</li> <li>• Large wind and solar</li> </ul>

# RURAL RESIDENTIAL ZONE

**Purpose:** directing clusters of residential uses to appropriate areas. This zone for multi-lot residential uses includes existing residential lots of less than 2 acres.

Permitted Uses	Accessory	Site Specific
<ul style="list-style-type: none"> <li>• Single-detached houses</li> <li>• Duplex and semi-detached</li> <li>• Apartments &amp; townhouses</li> </ul>	<ul style="list-style-type: none"> <li>• Accessory buildings</li> <li>• Home-based businesses (including B&amp;Bs and short-term rentals)</li> <li>• Secondary suites (small apartments / garden suites)</li> </ul>	<ul style="list-style-type: none"> <li>• Clustered housing (multiple dwellings on same parcel, incl. vacant land condos)</li> <li>• Conservation subdivisions (permanent conservation of large portion of original parcel, with smaller lots on remainder)</li> </ul>

# COMMERCIAL INDUSTRIAL ZONE

**Purpose:** a range of rural uses while permitting more intensive commercial and industrial uses less appropriate in other zones.

Permitted Uses	Accessory	Site Specific
<ul style="list-style-type: none"> <li>• Resource or Non-resource commercial</li> <li>• Light industrial</li> <li>• All residential</li> <li>• Mixed commercial/ residential</li> <li>• Kennels</li> <li>• Tourism establishments</li> <li>• Tourism attractions</li> <li>• Golf courses</li> <li>• Auto body repair</li> <li>• Service stations</li> <li>• Car washes</li> <li>• Wind energy up to 100 kw*</li> </ul>	<ul style="list-style-type: none"> <li>• Accessory buildings</li> <li>• Home-based businesses</li> <li>• Secondary suites</li> </ul>	<ul style="list-style-type: none"> <li>• Cannabis operations</li> <li>• Heavier industrial</li> <li>• Wind energy over 100 kw*</li> </ul>

# PARKS & RECREATION ZONE

**Purpose:** to identify lands that involve public or private recreation uses or open space areas, to protect from excessive development.

Permitted Uses	Accessory	Site Specific
<ul style="list-style-type: none"> <li>• Historic and heritage</li> <li>• Trails</li> <li>• Pavilions and bandstands</li> <li>• Rec facilities</li> <li>• Sports fields (incl disc golf)</li> </ul>	<ul style="list-style-type: none"> <li>• Accessory buildings (includes concession stands)</li> <li>• Admin offices</li> <li>• Parking</li> </ul>	<ul style="list-style-type: none"> <li>• none</li> </ul>

# ENVIRONMENTAL RISK ZONE

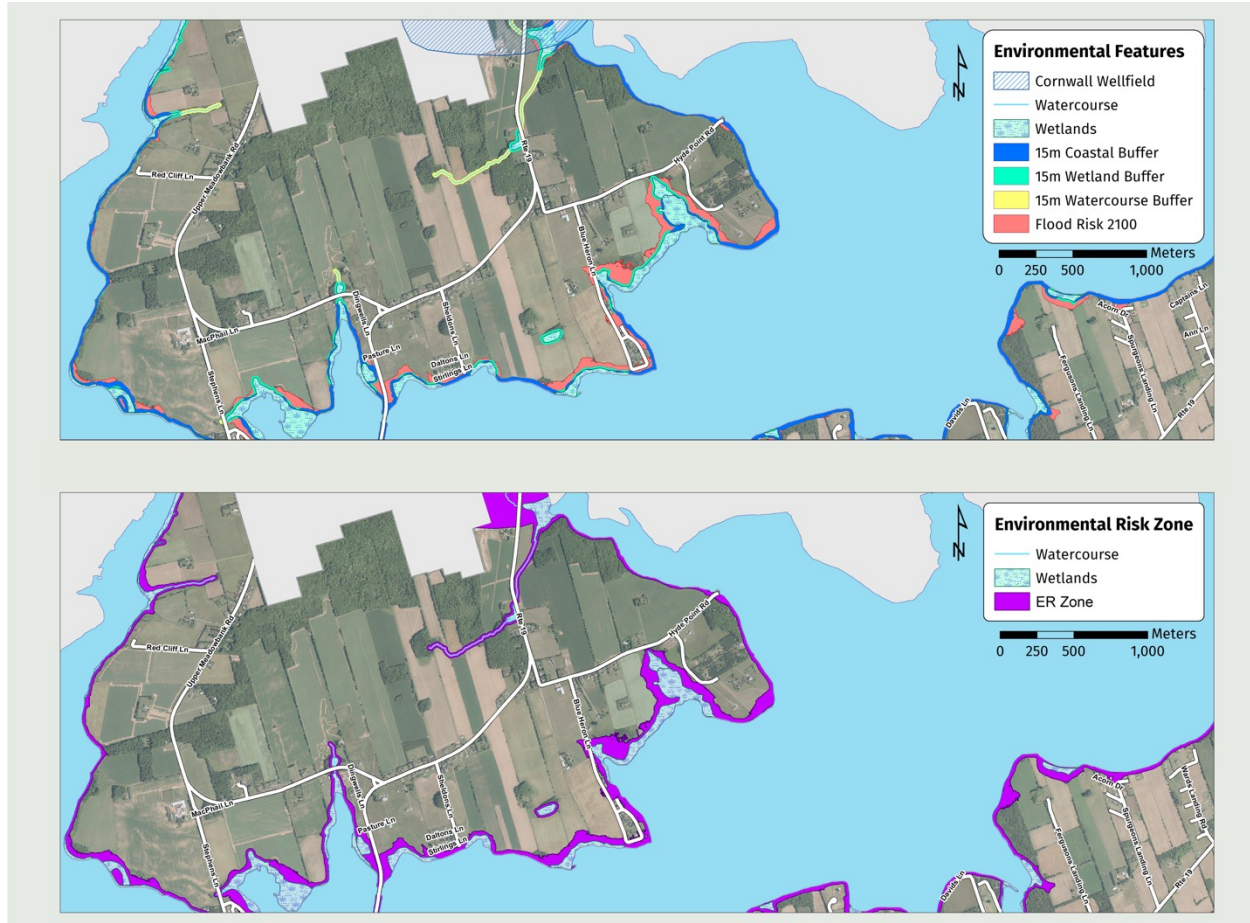
**Purpose:** to identify areas of particular concern related to an inherent danger to people or structures, or sensitive environmental features.

Permitted Uses	Criteria
<p>Permitted uses depend on type of development constraint. Generally:</p> <ul style="list-style-type: none"> <li>• Conservation</li> <li>• Open space</li> <li>• Passive recreation</li> <li>• Flood control</li> <li>• Intake and conveyance - aquaculture, water-related</li> </ul> <p>Additional uses for some types of development constraints</p>	<p>Environmental Protection:</p> <ul style="list-style-type: none"> <li>• 15m wetland and watercourse</li> <li>• 15m coastal area</li> <li>• Cornwall Wellfield (more uses permitted)</li> </ul> <p>Flood Risk:</p> <ul style="list-style-type: none"> <li>• Flood Risk for year 2100*</li> </ul> <p>Hazards:</p> <ul style="list-style-type: none"> <li>• Contaminated Site(s)</li> </ul>

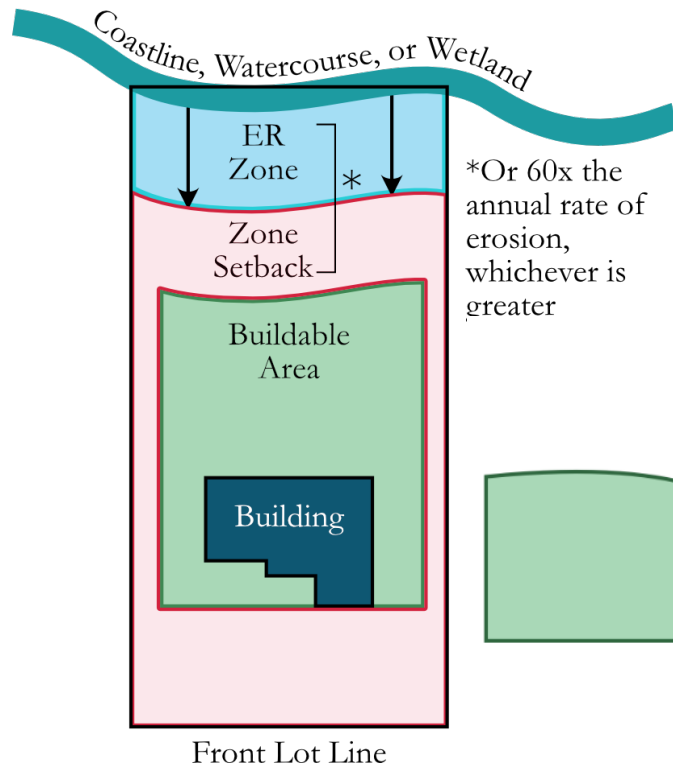
\* Indicates a change in the latest drafts



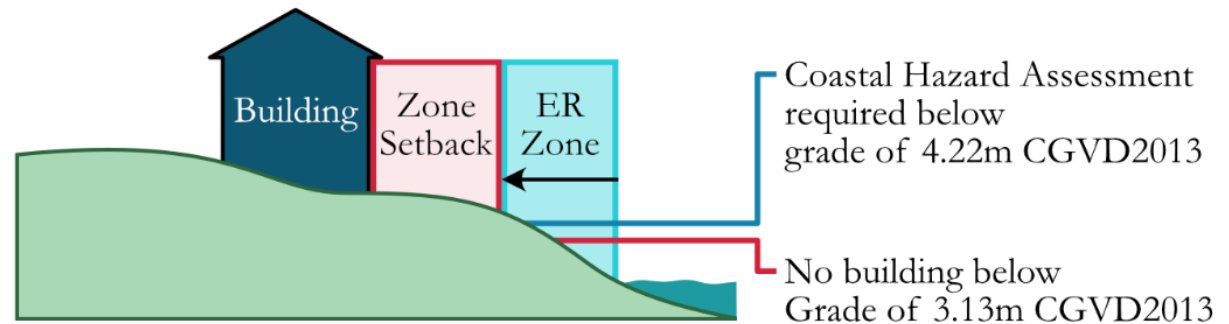
# ENVIRONMENTAL RISK ZONE



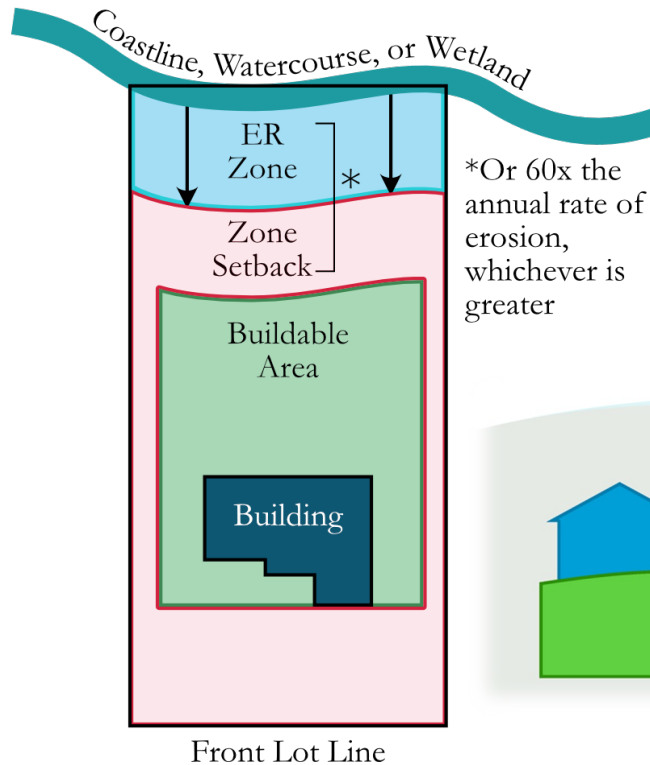
# ENVIRONMENTAL RISK ZONE



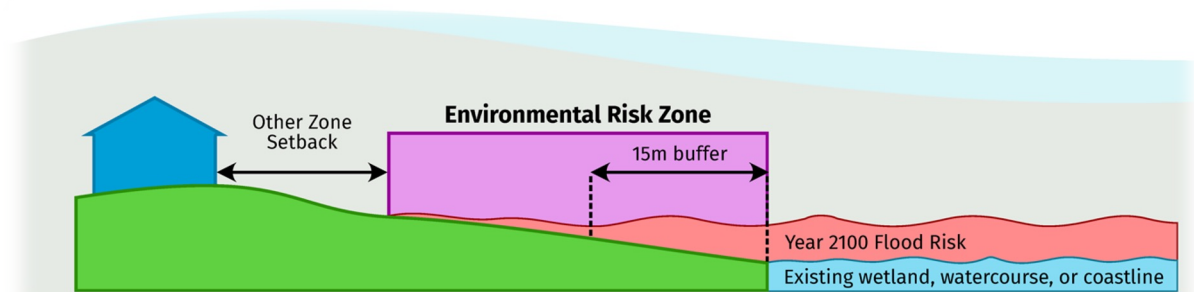
## Basic Approach



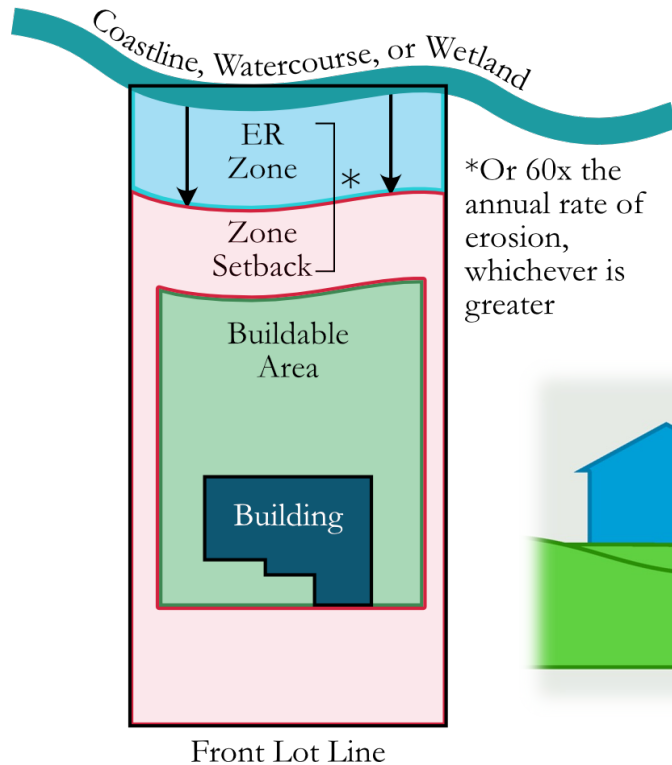
# ENVIRONMENTAL RISK ZONE



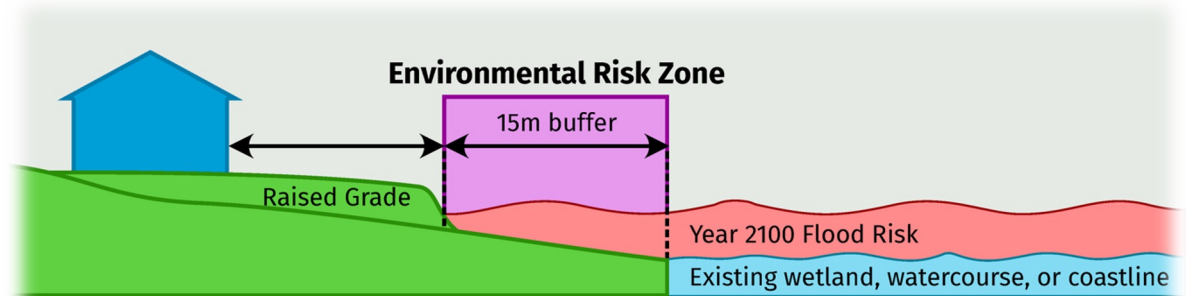
## Impact of flood risk areas



# ENVIRONMENTAL RISK ZONE



Adjusting for flood risk areas



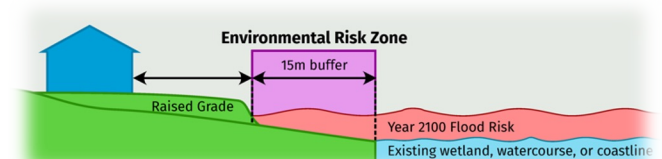
# ENVIRONMENTAL RISK ZONE

Lots that can't be developed due to flood risk  
— new Legacy Lands Assessment Policy

Will include consideration of:

1. pre-existing approved use and whether the lot has been actively put to that use
2. Continuation or evolution of existing use(s) vs new use
3. Evolution of approved use in relation to community's interest re character

Council assessment in accordance with Legacy Lands Assessment Policy  
That considers existing non-compliant lots where a vested right to develop might exist



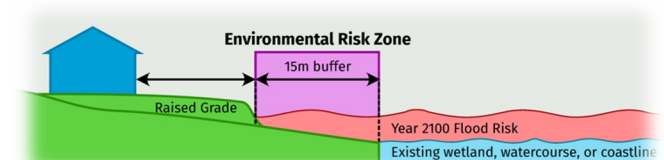
# ENVIRONMENTAL RISK ZONE

Lots that can't be developed due to flood risk  
— new Legacy Lands Assessment Policy

- Will be assessed on a case by case basis
- Applies where lot could not otherwise be developed

If legacy land is confirmed,

- development is limited to pre-approved use, not other uses contemplated by the owner
- Grading plan required
- No encroachment on buffer zone without provincial approval,
- Least degree of non-compliance possible
- Signed waiver
- Written assignment of waiver to future owners



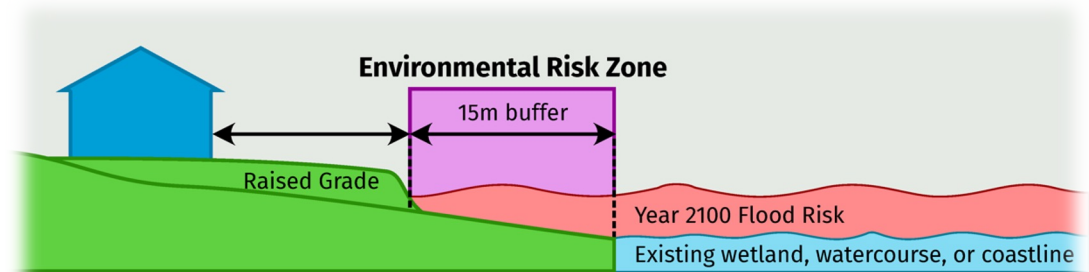
# ENVIRONMENTAL RISK ZONE

Lots that can't be developed due to flood risk  
— new Legacy Lands Assessment Policy

If existing non-conforming lot is **not** confirmed as a legacy land and can't be developed under Bylaw requirements regarding flood risk areas,

- It may be used for seasonal, non-permanent uses, subject to meeting requirements for wastewater disposal.

Reminder – affected parcels may still be developed for permanent uses where the grade is raised



# SITE SPECIFIC AMENDMENT

## Site Specific Amendments

- Allows specific, non-conforming use on specific parcel(s)
- Is a bylaw amendment:
  - Council discretion
  - Public process
  - Underlying zone remains in place
- Included in a bylaw schedule with PID (parcel number)
- Will include existing licensed excavation pits

## APPENDIX C. APPROVED SITE SPECIFIC EXEMPTIONS

The following properties have been subject to a site or area specific amendment or amendments to the permitted uses or regulations by way of an amendment to a zone for a particular property or properties:

Zone	PID	Civic Address	Use	Regulation
<b>Downtown Mixed Used Neighbourhood (DMUN)</b>	339994	99 Pownal Street	Fitness Centre	
<b>Medium Density (R3)</b>	357756,361519,361527,584755,361535,361683,361675,361667,361659	49 Chestnut Street, 51 Chestnut Street, 57 Chestnut Street, 59 Chestnut Street, 61 Chestnut Street, 18 Passmore Street, 26-30 Passmore Street, 32 Passmore Street and 24 Passmore Street	Four storey building with 48 dwelling units, 10 home occupation, and 4,766 sq ft of commercial space	
<b>Downtown Neighbourhood (DN)</b>	344861, 344887, 344895, 344903, 344911	275 Kent Street , 281 Kent Street 285 Kent Street, 291 Kent Street and 295-297 Kent Street	Educational Institution	

Example from City of Charlottetown



# Rural Municipality of West River DRAFT Zoning Map

**The Rural Municipality of West River**  
July 21, 2022

— Road Network (2020)

**DRAFT Zone**

- Commercial Industrial (C1)
- Parks and Recreation (PR)
- Rural Area (RA)
- Rural Residential (RR)
- Environmental Risk (ER)

Map by West River  
Data Source: Government of Prince Edward Island, New Brunswick  
Coordinate System: NAD 1983-1985 Prince Edward Island  
Projection: UTM Zone 18N  
Datum: North American 1983-1985

# SUBDIVISION STANDARDS

Zone	Min lot size (larger lots may be required to accommodate well and septic)	Max lot size (new lots)	# of new lots	New lot features
Rural Area (RA)	1 acre	2 acre (commercial), no maximum other types of lots	4	4 lots, no more than 2 of which can be commercial lots, i.e.: <ul style="list-style-type: none"> <li>• 4 residential lots or</li> <li>• 3 residential, 1 commercial</li> <li>• 2 residential, 2 commercial</li> </ul>
Rural Residential (RR)	1 acre, smaller with shared services	None	++	
Commercial – Industrial (CI)	As needed for on- site services	2 acre	2	No more than 2 lots, from existing parcels
Parks & Recreation (PR)	As needed for on- site services	None		

# HOME BASED BUSINESS

- ❑ Very flexible and permissive approach
- ❑ Allowing small-scale autobody shop or industrial use as a home-based business in the RA Zone with notice and public meeting
- ❑ No auto sales, autobody shops or car washes in the RR Zone
- ❑ Includes B&Bs and short-term rentals





# PARKLAND

- ❑ 10% for subdivisions with 5 or more lots
  - Preserves open space as land is developed over time and provides space in the community for active and passive recreation.
- ❑ Can be mix of land and cash-in-lieu
- ❑ Council may determine whether the proposed location is appropriate
  - Future work to establish criteria
- ❑ May include natural areas, trails, etc.



# PRIVATE ROADS



## Rural Municipality of West River

### Road Ownership / Surface

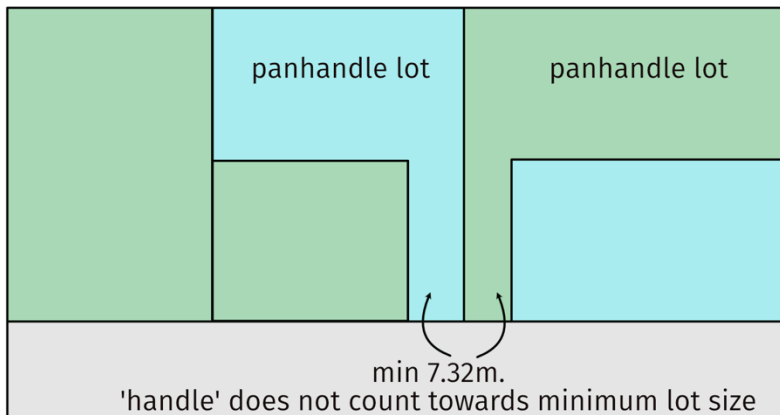
 Municipal Boundary

#### Roads

	Private-Paved	9,746 m
	Private-Unpaved	71,613 m
	Public-Paved	151,220 m
	Public-Unpaved	41,053 m

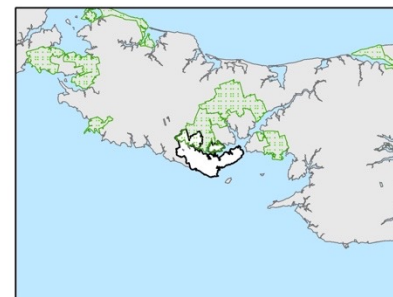
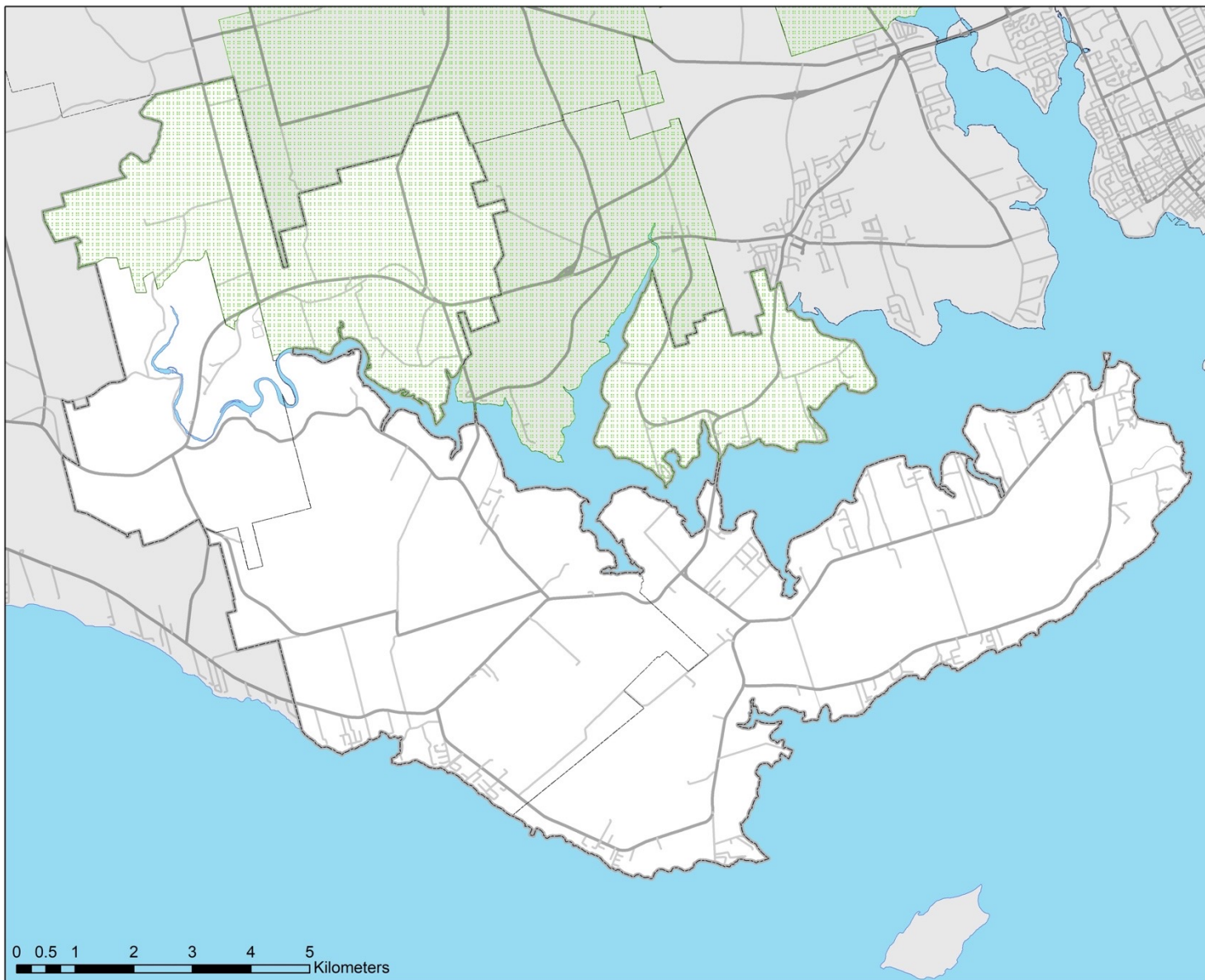
# PRIVATE ROADS

- ❑ No new or extensions to private roads
- ❑ All new roads and extensions must be public
- ❑ Up to 2 panhandle lots will be permitted where providing frontage on a public road is a challenge.








# SPECIAL PLANNING AREA



## Rural Municipality of West River

-  Special Planning Areas
-  Municipal Boundary
-  Former Municipal Boundary

# CORNWALL REGION SPECIAL PLANNING AREA

The SPA objectives are to:

Our approach:

Minimize the extent to which unserviced residential, commercial and industrial development may occur;

- Limit size and scale of new development with on-site servicing
- Multiple-lot subdivisions – in SPA, will have to have municipal services for more than 5 lots

Sustain the rural community by limiting future development to minimize the loss of primary industry lands to non-resource land uses; and

- Limit number of new lots – 4 lots in RA Zone, max 2 commercial in RA, CI, incl. up to 2 of the 4 lots in the RA Zone
- Min size for residential (1 acre), max size for commercial & industrial (2 acres)
- Conservation subdivision option to preserve open space

Minimize the potential for conflicts between resource uses and other uses (residential, commercial and industrial)

- Prioritize resource uses, caveats on permits
- Site-specific amendments to address potential conflicting uses
- Set-backs and buffers



# OTHER REVISIONS

## **Other changes made since the April Open House:**

- ☐ Minor changes to provisions like the placement of accessory structures, setbacks for existing intensive livestock operations
- ☐ Range of revisions for greater clarity

Please see the September Summary of Revisions for more details

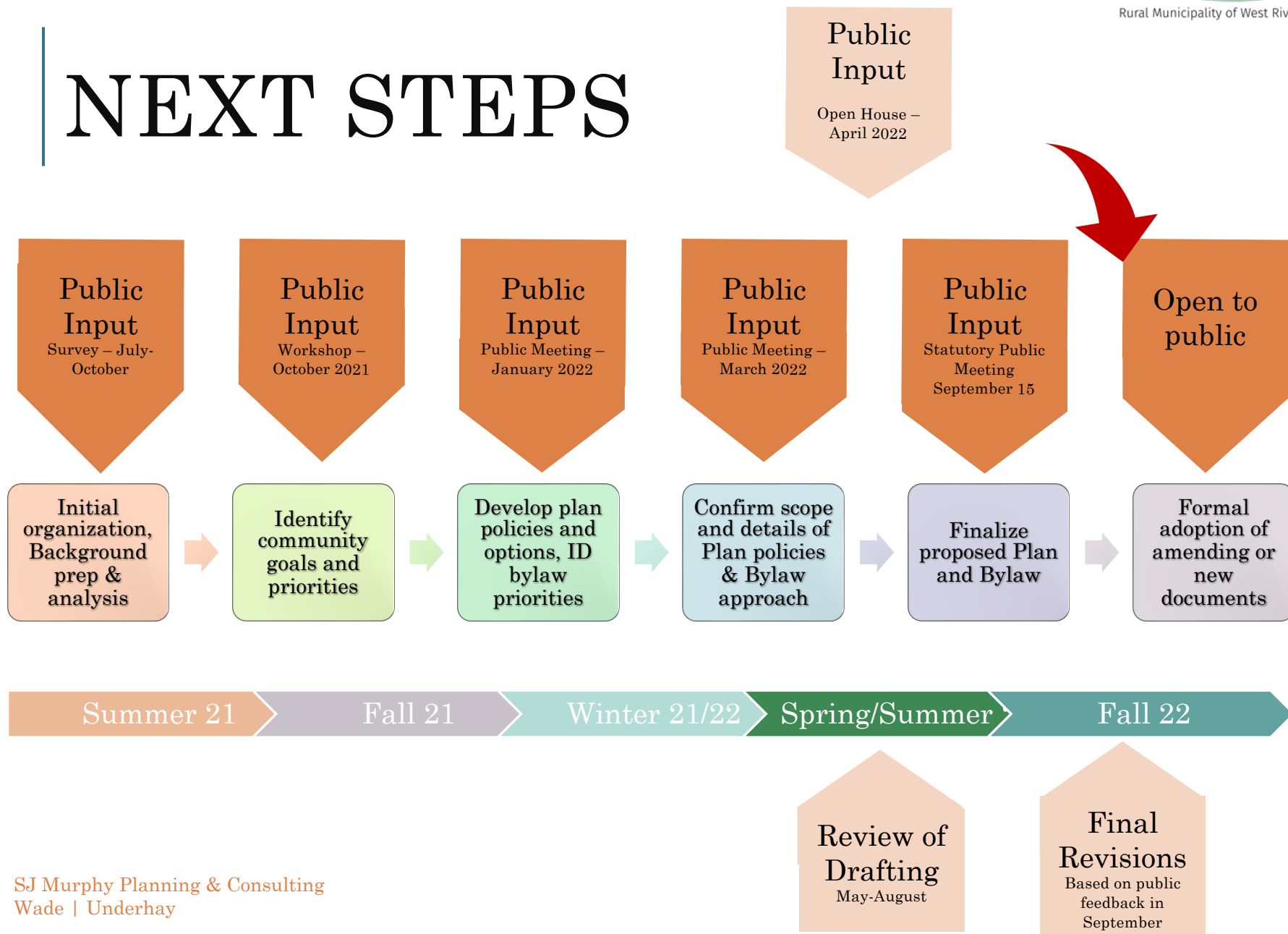
# OTHER RESOURCES

## **Other resources now available include:**

- ☐ September Summary of Revisions
- ☐ Background Report / Municipal Profile
- ☐ Watershed Flood Risk report

These can be found at [westriverpe.ca](http://westriverpe.ca) or [planrmwr.ca](http://planrmwr.ca)

# NEXT STEPS



# LINKS

Project website: [planRMWR.ca](http://planRMWR.ca)

Municipal website: [westriverpe.ca](http://westriverpe.ca)

Email: [admin@westriverpe.ca](mailto:admin@westriverpe.ca)

Twitter: [@plan\\_river](https://twitter.com/plan_river)

Instagram: [@planwestriver](https://www.instagram.com/planwestriver)

Facebook: [facebook.com/planwestriver](https://facebook.com/planwestriver)

Municipal Office: 902-675-7000

Please submit all comments by September 23 at 4pm



# Rural Municipality of West River