

Official Plan & Land Use Bylaw

Public Meeting #3
March 2, 2022

SJ Murphy Planning & Consulting
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Rural Municipality of West River



OVERVIEW

- Timeline & Process
- Zoning Framework
- Zoning Map
- Highlights
- Next Steps

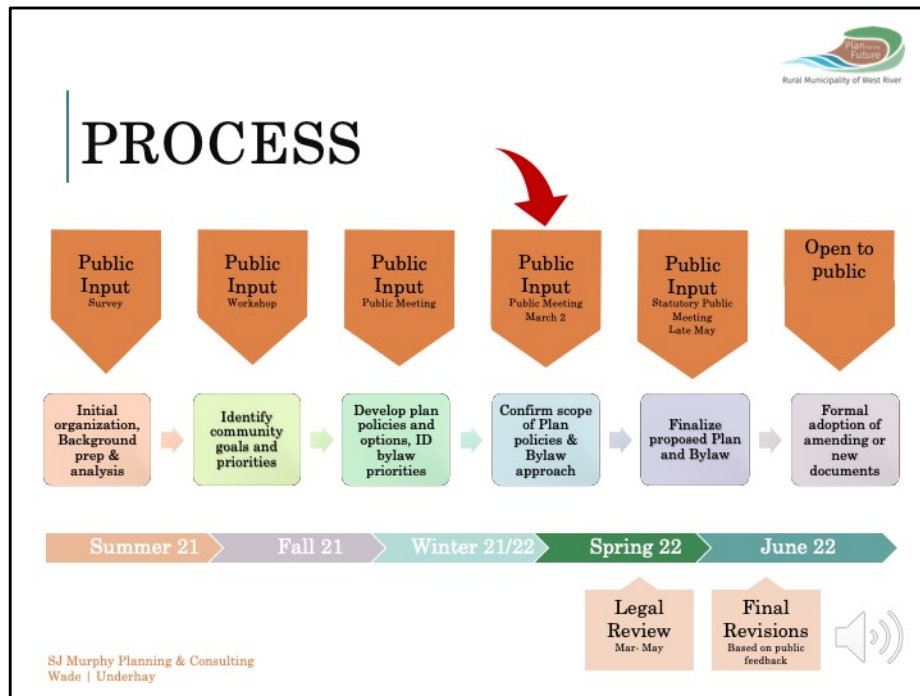
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Plan the Future
Rural Municipality of West River

Hi there - I'm Samantha Murphy and, along with Mitch Underhay and Tracey Wade, we form the consulting team for the development of the first Official Plan and Land Use Bylaw for the Rural Municipality of West River.

This presentation is third public session in the planning process. Our discussion will focus on the concepts captured in the draft Official Plan and how those policies can be implemented through the Land Use Bylaw.

For today, I will give you an overview of the timeline and process, and then we will get into the Zoning Framework, present the Zoning Map and provide some key highlights, ending with next steps in the process.



Since the last session, the consulting team took what we heard from the public, and through several consultations with the Planning Board and Council, we prepared draft documents.

Tonight we present these drafts for public comments.

COMPLETED ACTIVITIES

Type	Date	Format
1. Community Survey		Online
2. Public Session #1 – data and issue gathering	October 13, 21	Public Meeting
3. Stakeholder & Rightsholder Engagement: Mtgs: L'Nuey, Provincial Planning, Watershed Outreach: Environment, Climate Change, Public Safety, Tourism, Heritage, Agriculture Invitations: Fed of Ag, Fishermen's Association, TIAPEI	July – December, 21	Emails, phone calls, in person meetings
4. Reports: Background, What We Heard, Issues & Opportunities	December 21	Drafts Submitted to PB
5. Public Session #2 – Key themes and directions for Official Plan	January 25, 22	Online
6. Public Session #3 – Presentation of draft documents	March 2, 22	Hybrid (in person and on-line)



This slide illustrates the public sessions and touchpoints the team has undertaken over the course of the last 8 months or so. In addition, the project website and social media has been used to regularly share information with the public, as has been the Municipality’s website. We thank those who have taken the time to contribute to the project using those tools.

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.



The municipal council has developed and approved a vision statement, which we have drawn upon to create this Community Vision statement, to guide decisions related to land use policy.

Now we turn to some of the key sections of the planning documents starting with the proposed zones.

PROPOSED ZONES

1. Rural Area (RA)
2. Rural Residential (RR)
3. Commercial Industrial (CI)
4. Open Space (OS)
5. Environmental Risk (ER)

Permitted Uses in all Zones	Site Specific uses in all Zones
<ul style="list-style-type: none"> • Institutional • Parks and open space • Farm gate sales • Utility structures 	Allows specific, non-conforming use on specific parcel(s)



The Rural Municipality of West River is a predominantly rural community and we have created 5 zones to reflect this rural nature.

The five zones are: Rural Area, Rural Residential, Commercial Industrial, Open Space, and Environmental Risk. We will discuss each of these – their purpose and the permitted uses in the next few slides.

Importantly, there are some uses that will be permitted in all zones – institutional uses (for example community centres), parks and open space uses such as trails, farm gate sales (to support the rural local economy), and finally utility structures as these are established for public purposes.

We have also employed “site specific” uses as a tool to deal with those unique situations that may be appropriate on the lot, but need to go through a public process to ensure the proposal is a good fit in the vicinity. I’ll give you some examples as we go through.

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



When you look at the Zoning and Future Land Use maps for the community, you'll see that the Rural Area (RA) zone is the predominant zone throughout the municipality. The focus of this zone is on primary resource industries and their activities – agriculture, fishing and forestry. Commercial activities related to resource uses are also permitted as are animal sanctuaries. Residential uses will continue to be common in this zone including both single detached as well as duplexes or semi-detached dwellings. We've also included small-scale commercial that is not related to resource industries (such as bakeries or certain tourism uses that are limited by size).

- Accessory uses, are those uses incidental to the main use and include the list here, such as home-based businesses or small wind turbines for personal use. Dormitories are generally used for seasonal workers related to farming.
- In terms of site specific uses – these are developments that would have to go through a public process – we have included resource-related industrial uses (food processing plants), intensive resource uses (hog operations, excavation pits), kennels and large wind and solar energy developments. Where these are listed as site-specific in a zone, when such a development is proposed, it would be up to Council, with input from the public, to determine if it was to be permitted on the site in question.

RURAL RESIDENTIAL ZONE

Purpose: areas established for multi-lot residential uses, includes existing housing clusters already established on shared accesses.

Permitted Uses	Accessory	Site Specific
<ul style="list-style-type: none"> • Single detached • Duplex and semi • Apartments & townhouses 	<ul style="list-style-type: none"> • Accessory buildings • Home-based businesses • Secondary suites 	<ul style="list-style-type: none"> • Clustered housing • Conservation subdivisions



The Rural Residential (RR) zone is primarily for a range of residential uses. Given that the vast majority of residential lots in the municipality use on-site services (wells and septic systems), it is not appropriate to use the term R1 as you might find in a more urban centre where there are public services. Permitted uses here are a range of housing types which would be permitted based on meeting minimum standards for lot size and service capability on-site. Accessory uses like home-based businesses, garages, and secondary suites are also permitted.

Site-specific uses in this zone include clustered housing proposals (such as vacant land condominiums) or conservation subdivisions, which require small clustered residential lots on shared services with 50% of the land base being maintained as open space. These types of development are more intensive, but still reflect the desire of the community to maintain that rural feel.

COMMERCIAL INDUSTRIAL ZONE

Purpose: to capture the more intensive commercial and/or industrial uses in the municipality.

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

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The Commercial Industrial (CI) zone includes properties that are currently being used for commercial or industrial activities. We have not pre-zoned any vacant lands to permit such activity. As such, any new commercial or industrial use that is being considered and not permitted in the Rural Area zone must go through the public process of a zoning amendment. Permitted uses are listed in this table and include a range of commercial activities, any residential uses, as well as some specific uses that tend to be common or controversial in other zones. Light industrial uses include such things as warehousing and manufacturing that does not involve excessive noise, smell, light or other activities that may create conflicts with neighbouring uses. Accessory uses are similar to other zones.

Cannabis operations or heavier industrial uses are required to go through site-specific consideration processes.

OPEN SPACE ZONE

Purpose: to identify lands that are public or private recreation or open space lands, which protect it from excessive development.

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



The Open Space (OS) Zone is created to cover those lands set aside for conservation or recreational activities. As noted in the table, permitted uses include historic and heritage uses, trails, pavilions, recreation facilities and sports fields. These lands can be held privately or publicly, but are intended generally for public use and enjoyment without profit or significant impact on the land base. A golf course, is considered a commercial use, because of the intensive nature of the operation and because it is intended to generate income for private use. The disc golf course, is much more of a recreational property which is much less intensive in nature.

Accessory uses include buildings and concessions stands, administration offices and parking facilities.

ENVIRONMENTAL RISK ZONE

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

Permitted Uses	Accessory	Criteria
<ul style="list-style-type: none"> • Depends development constraint • Conservation • Open space • Passive recreation • Flood control • Intake and conveyance - aquaculture, water-related • Additional uses for some categories of constraint 		<ul style="list-style-type: none"> • 15m wetland and watercourse • 15m coastal area • 60m salmon habitat • Flood Risk 2100 • Cornwall Wellfield • Contaminated Sites

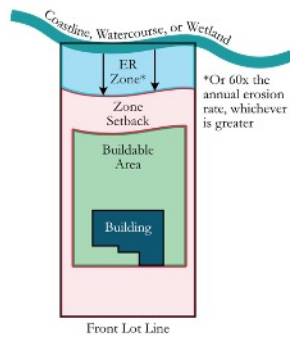
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The Environmental Risk (ER) zone is a protective zone that is concerned with the safety of people and the viability of structures in flood risk areas, areas subject to erosion, and on contaminated sites. It is a protective measure for Cornwall’s wellfield which is partially located within the municipality. It also includes buffers along wetlands, watercourses and coastal areas, as well as a proposed buffer of 60m along the upper West River to protect a valuable salmon spawning area.

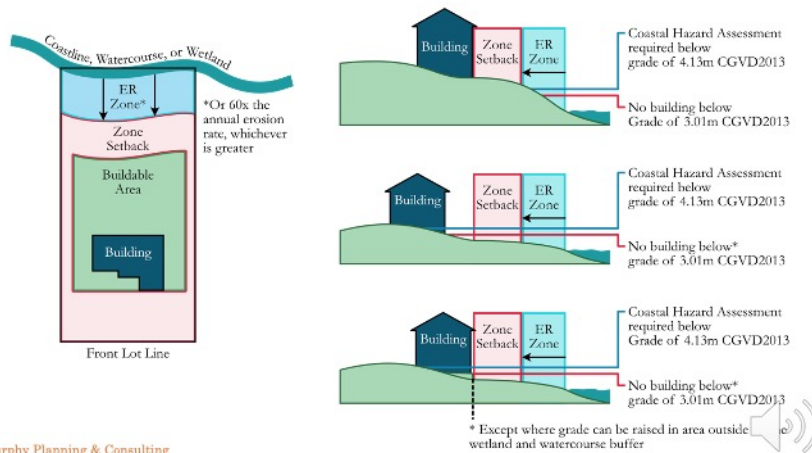
Permitted uses vary by what the development constraint is, with the ultimate goal being the protection of the environment and people in areas that could become hazards.

ENVIRONMENTAL RISK ZONE



The following slides illustrate how the ER zone works in terms of buffers and setbacks from environmental hazards. As shown here, the ER zone is a 15m buffer from the edge of a watercourse or wetland. In the case of a coastline, it is either 15m or 60 times the annual rate of erosion, whichever is greater. These reflect provincial standards across the island.

ENVIRONMENTAL RISK ZONE



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There is also a vertical buffer for any proposal below a minimum elevation based on future flood risks identified by the province.

Depending on the grade of the land from the coastline, the horizontal buffers established through the ER zone and the required building setback in specific zones, the placement of new buildings below a certain elevation may also be restricted.

There may be opportunity to engineer the site to raise the grade to meet the minimum elevation requirements outside of the ER zone, as shown in the bottom graphic.

SITE SPECIFIC AMENDMENT

Site Specific Amendment

- Allows specific, non-conforming use on specific parcel(s)
- Is a bylaw amendment
 - Council Discretion
 - Public Process
 - Underlying zone remains in place
- Appended to bylaw with PID

APPENDIX C. APPROVED SITE SPECIFIC EXEMPTIONS

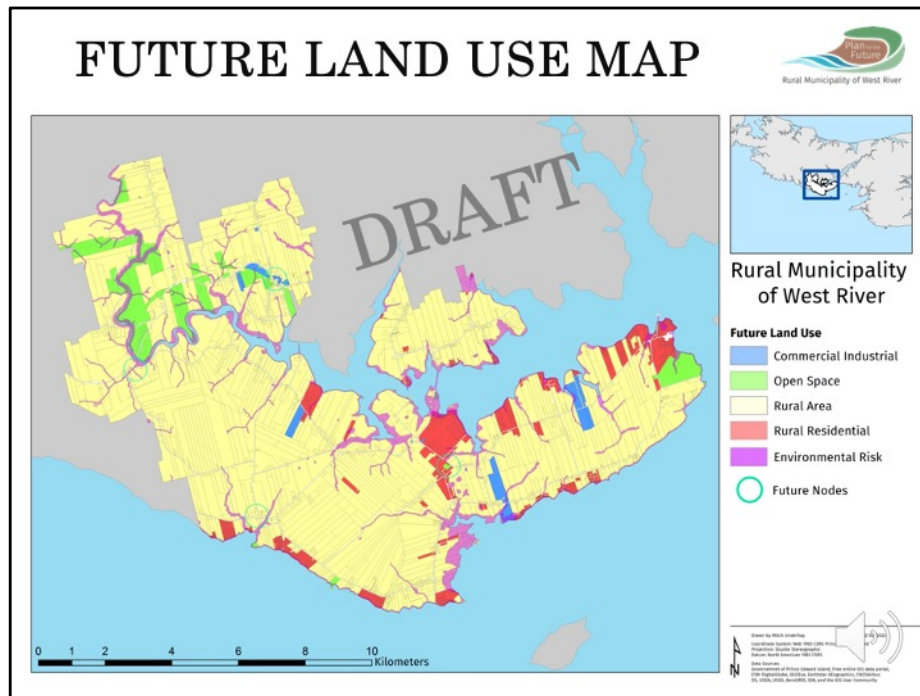
The following properties have been subject to a site or area specific amendment or amendments to the permitted uses or regulations by way of an amendment to a zone for a particular property or properties:

Zone	PID	City Address	Use	Regulation
Downtown Mixed Use Neighbourhood (DMUN)	339994	99 Pounal Street	Fitness Centre	
Medium Density (R3)	357756, 361519, 361527, 581755, 361535, 361681, 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	
Downtown Neighbourhood (DN)	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



Uses requiring site specific amendments that were noted for most zones allow very specific uses on individual parcels of land. Without this process, these specific uses would not otherwise be permitted or conform to the bylaw. Applications for site specific uses go through a bylaw amendment process which is public and approved at Council's discretion. Appendix C here is an example of how site specific uses are tracked in the bylaw.



Here is the Rural Municipality’s Future Land Use Map. It will be almost exactly the same as the Zoning Map. In urban centres, there would be many types of residential or commercial zones that would be shown differently. For the rural municipality, this map illustrates the future land uses and identifies possible future community nodes with circles. These nodes will not be depicted on the zoning map.

SUBDIVISION

Zone	Min Lot size	Max Lot size	Number of Lots	Use of lots
Rural Area (RA)	5 acre	2 acre (commercial)	4	4 residential, incl max 2 CI lots
Rural Residential (RR)	1 acre, smaller with shared services		++	No limit if lots are serviced
Commercial – Industrial (CI)		2 acre	2	Up to 2 CI lots
Open Space (OS)	None	None	0	



Now that we have presented the zones, one of the keys that define the different Zones are the subdivision standards for each.

- Given that the goal in the RA zone is to protect primary resource uses, this zone will require large minimum residential lots sizes at 5 acres and a restricted number of new lots is permitted for each existing parcel. Specifically, the creation of 4 new lots will be allowed, with up to 2 of those lots being commercial. In order to minimize large-scale commercial uses not appropriate to rural areas, a 2-acre maximum will be established for new commercial lots.
- For the RR zone, 1 acre lots are permitted, with even smaller lots encouraged where shared water and waste water services are provided. There is no limit on the number of lots, assuming that they can be serviced. Otherwise, lots are limited to what is permitted in provincial regulations based on soil quality and lot size.
- CI zone rules limit the maximum lot size to 2 acres, and there can be up to 2 commercial lots subdivided off a parent lot. Again, this limit is imposed to reduce the amount of commercial or industrial activity proposed in the region and pushing very large activities into municipal business or industrial parks where they can be serviced and reduce conflicts with neighbouring uses.
- There are no subdivision standards for lands in the Open Space Zone.

HOME BASED BUSINESS

- ❑ Very flexible and permissive approach
- ❑ Allowing small-scale autobody shop or industrial use in the RA zone with notice and public meeting
- ❑ No auto sales, autobody shops or car washes in the RR zone



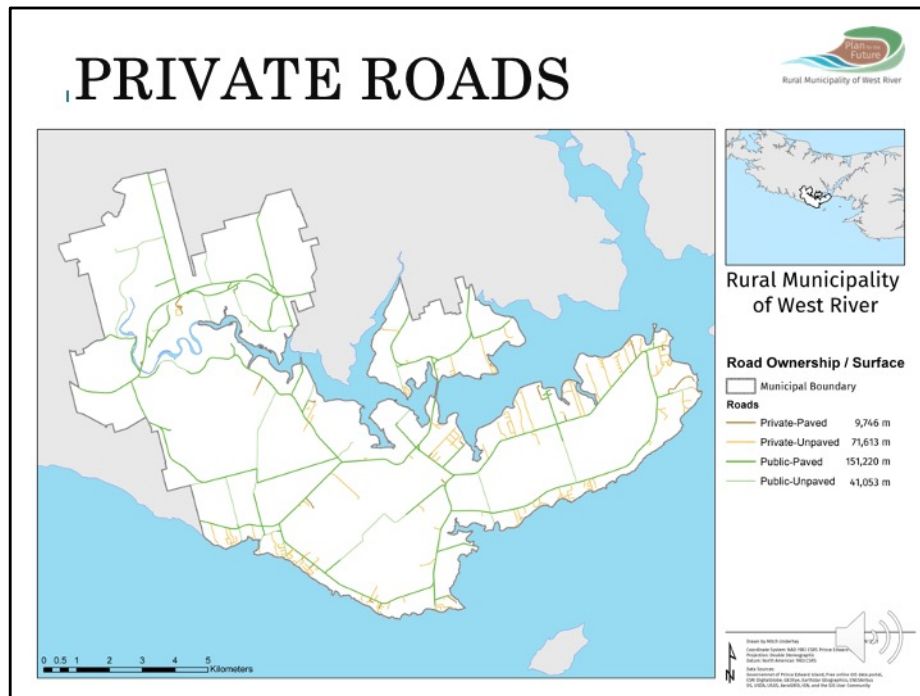
As noted earlier, Home-based businesses are permitted in any zone where residential uses are permitted. They have been defined to limit what is included in them, so no autobody shops, car washes are included as they can be more intrusive. Small scale autobody shops in the RA zone are one of those site-specific uses that may be permitted following a public meeting.

PARKLAND

- ❑ 10% for subdivisions with 3 or more lots
- ❑ Can be mix of cash and land
- ❑ Council may choose location on property
 - Future work to establish criteria
- ❑ May include natural areas, trails, etc.



For those larger subdivision proposals, particularly those that fall within the RR zone, the municipality requires 10% of the land to be put toward parkland dedication when there are 3 or more lots. If there isn't an appropriate area of land for recreation purposes, Council can take cash in lieu. This land or cash-in-lieu dedication must be for recreational uses such as natural areas, trails, or the like.



Private Roads are a significant issue for the municipality. This map illustrates the network of both public and private roads, with over 80 kilometres of roadways privately held. As many former cottage properties are being converted to year-round residences, the official plan and land use bylaw do not differentiate between cottages and single-detached dwellings. For all intents and purposes, they are the same from a regulatory point of view.

PRIVATE ROADS

- ❑ No new or extensions to private roads
- ❑ All new roads and extensions must be public
- ❑ Development of existing lots on existing private roads will be permitted, subject to criteria and conditions



In the land use bylaw, proposed standards include the following:

- No new, or extensions to, private roads
- All new roads and extensions must be public, meaning they are built to public standard and deeded to the Province, and
- The development of existing lots on private roads will be permitted, subject to certain criteria and conditions.



Another unique feature for West River is the Cornwall Special Planning Area which takes in the areas in green on the map.

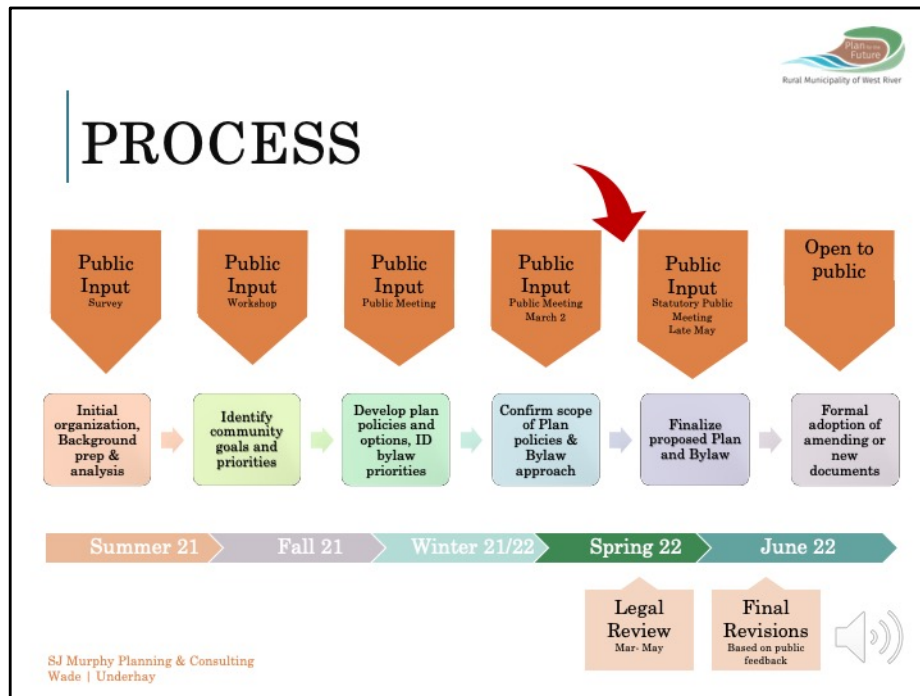
As some of you know, the SPA has three main rules: prioritize and protect resource uses; minimize the potential for conflict between uses; and limit unserved development.



In our proposed approach, the areas subject to the Special Planning Area and those beyond are treated in essentially the same way. This reflects the values expressed to us by the public through-out this process, being the protection of the rural character and resource uses, as well as the goal of bringing the various communities together under the umbrella of the new, larger municipality.

In this, we have addressed the three SPA objectives that must be met through limiting the size and scale of new developments with on-site servicing, limiting the overall number of lots in the Rural Area zone, prioritizing resource uses, with caveats on permits, and addressing potential conflicts through the use of the site-specific amendments process.

The one aspect in this approach that will feature a difference for areas under the SPA will be the requirement for multi-lot subdivisions in the SPA area to include shared services.



Council has suggested that public input on the draft documents presented here be open until March 10th. After that time, the team will compile all the comments heard both here and in the next week or so to prepare a draft of the documents that will go for legal review.

Once legal review is completed in May, the Official Plan and Land Use Bylaw will be formally presented to the public at a Statutory Public Meeting around approximately May 31st. After that meeting, only minor revisions can be made to the documents based on public feedback. They will then be formally adopted by Council in June. After that, the documents are sent to the province for Ministerial Approval.



LINKS

Project website: planRMWR.ca

Email: planrmwr@westriverpe.ca

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

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

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

Municipal Office: 902-675-7000

Please submit all comments by March 10th

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As always, there are multiple ways to engage in the discussion - through the project website, by email, or follow along on through our social media accounts. You can also reach the municipal office by phone.



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The image is a presentation slide with a white background and a black border. In the top right corner, there is a small logo for the Rural Municipality of West River, featuring a stylized wave and the text 'Plan for the Future' and 'Rural Municipality of West River'. The main graphic is a large, stylized wave shape composed of green and blue segments, with a brown section in the center containing the text 'Plan for the Future'. Below this graphic, the text 'Rural Municipality of West River' is written in a black, sans-serif font. In the bottom left corner, the text 'SJ Murphy Planning & Consulting' and 'Wade | Underhay' is displayed in a smaller, brown font. In the bottom right corner, there is a small speaker icon with sound waves, indicating an audio recording.

Thank you for your time - we look forward to hearing from you.