

Official Plan & Land Use Bylaw

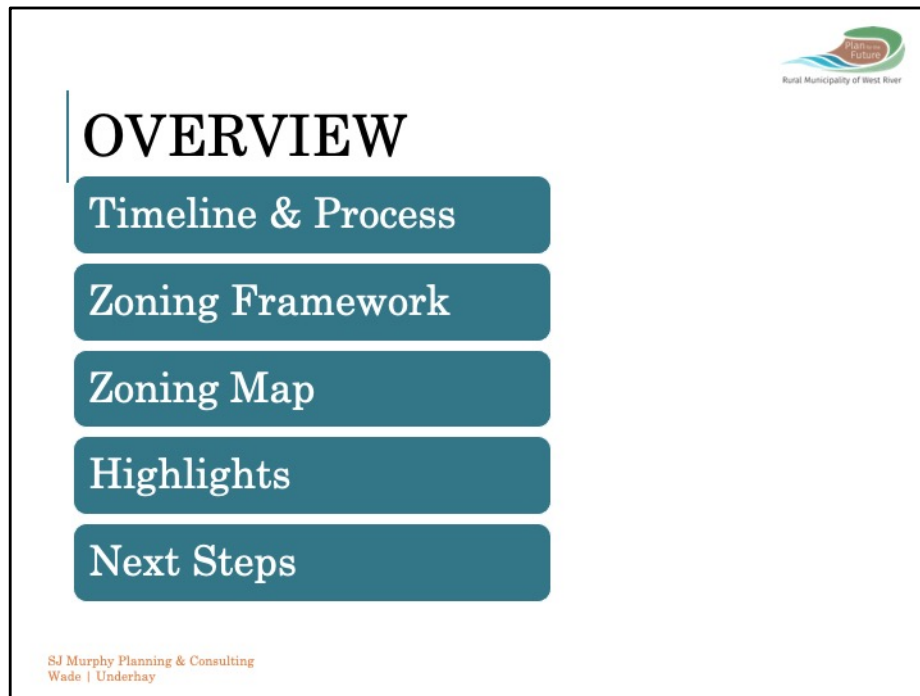
Public Session #4
Public Open House
April 26, 2022

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Rural Municipality of West River

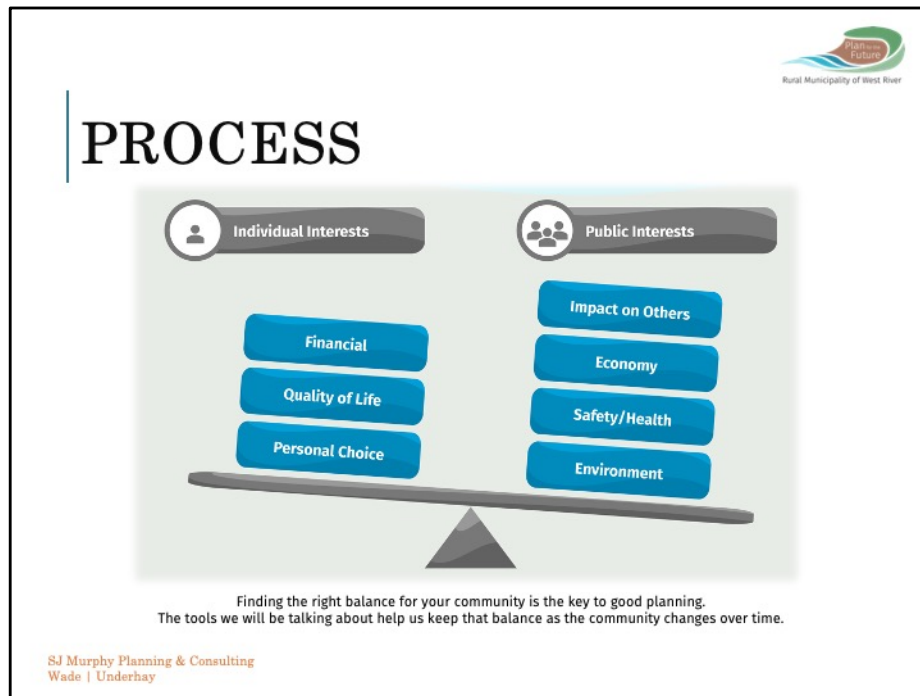




In the spring of 2021, the Rural Municipality of West River began preparing its first official plan and land use bylaw.

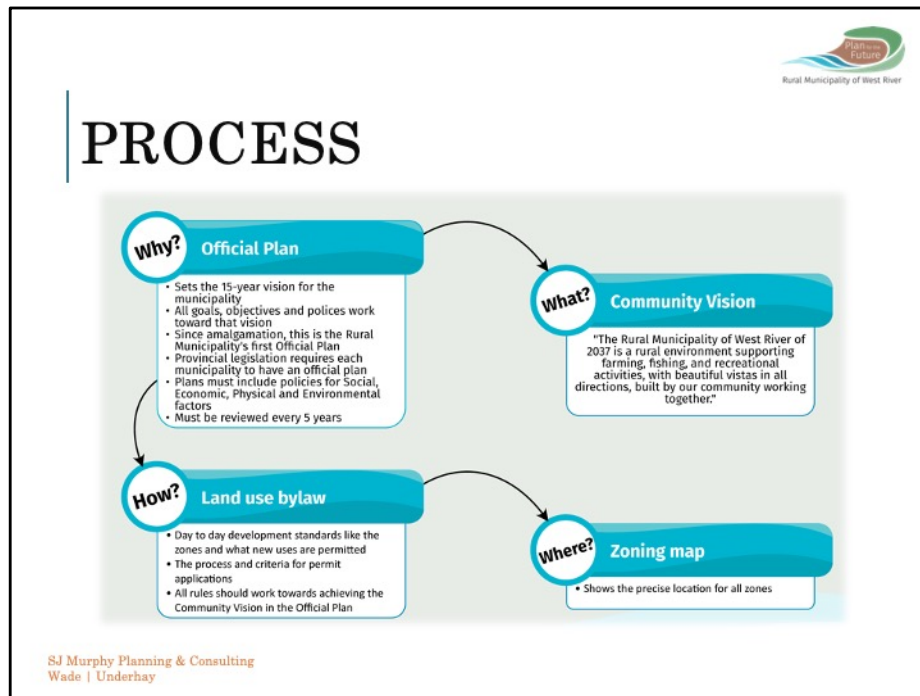
This presentation provides an overview of the latest versions of the Official Plan and Bylaw, based on the public feedback in March, and is a summary of the information available at the April 26th 2022 Open House.

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.



Land use planning is the process of determining how a community wants to develop over time, including what to protect and what changes to promote, and then figuring out the policies and standards needed to achieve that.

Since the March 2022 public meeting, the consulting team has taken what we heard from the public and prepared new versions of the draft documents.



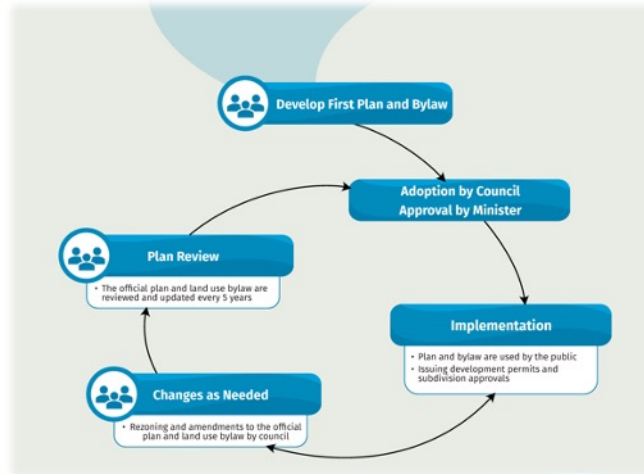
This slide illustrates the types of planning tools available to the municipality.

The official plan sets out the vision for the community 15 years into the future, as well as the policies (goals and objectives) that guide decision-making over time. Every five years, the official plan is reviewed to make sure the content is current and meeting community expectations.

The land use bylaw sets out the standards that put those goals and objectives, and the community vision, into action – in other words, the day-to-day rules about how land is protected and developed.

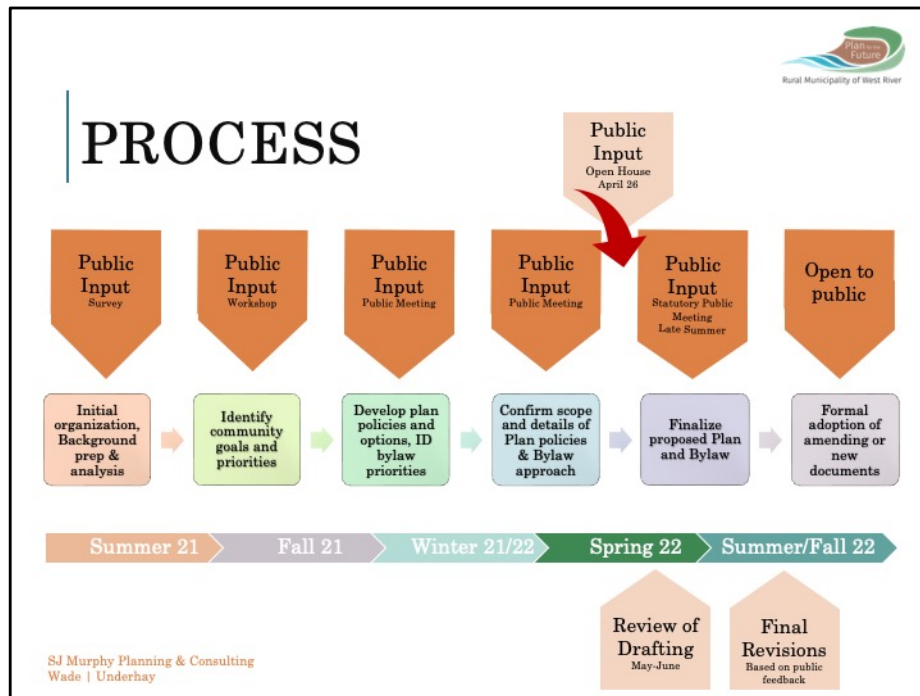
The Zoning Map shows the precise location for where different categories of land uses are permitted throughout the municipality.

PROCESS



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As noted earlier, this is the Rural Municipality of West River’s first Official Plan and bylaw. The planning process is a cycle of developing the plan and bylaw, adopting them, implementation (applying the policies and standards to applications for development), and making amendments over time where appropriate. The five year review begins the planning cycle over again.



Since the March public meeting, the consulting team has taken what we heard from the public, and prepared another round of draft documents which were made public at the beginning of April 2022.

COMPLETED ACTIVITIES

Type	Date	Format
1. Community Survey	July – October, 21	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 - 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

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This slide illustrates the public sessions and touchpoints the team has undertaken over the course of the last 9 months or so.

In addition, the project website, the municipality’s website, and social media has been used to regularly share information with the public. Residents were invited to reach out to the municipality for other ways to access the relevant information, particularly where internet access is a challenge. In March, the municipality also issued a mail-out to all registered property owners within West River.

As we go through the following slides, we will provide another overview of the proposed approach and highlight changes made as a result of the feedback at and following the March public meeting.

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 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.

In describing the West River of 2037, we are seeking to set out standards that balance individual use of land and meeting the needs of residents and property owners with the public interest of protecting the resource-based and rural nature of the community and the environment.

FOCUS

- Protect valued community character
- Direct uses to specific areas in order to limit conflicts
- Provide opportunities for public discussion on more significant development
- 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.

The Official Plan outlines a range of goals covering economic, physical, social, and environmental priorities.

The approach laid out in the Plan focuses on:

- Protecting the valued community character
- Directing uses to specific areas in order to limit conflicts
- Providing opportunities for public discussion on more significant development
- Balancing flexibility with shared interests and
- Promoting safety and the protection of the environment, life, and property

Further, the Official Plan considers certain potentially more contentious uses through site-specific amendments, a process that includes public engagement. Importantly, existing legal uses may continue, 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

* Indicates a change in the latest drafts

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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, Parks & Recreation, and the Environmental Risk zone.

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, parks, and playgrounds, farm gate sales (to support the local rural economy), and utility structures.

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

In this latest version of the Plan and Bylaw, the change in zone title from Open Space to Parks & Recreation was made as a result of public feedback.

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-detached • 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

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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, limited by lot size for new parcels).

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 proposed 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 is to be permitted on the site in question.

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

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* Indicates a change in the latest drafts

The Rural Residential (RR) Zone is primarily for a range of residential uses. Permitted uses here are a range of housing types, permitted based on meeting minimum standards for lot size and service capabilities on-site. Accessory uses like home-based businesses, sheds and 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 involve small clustered residential lots on shared services with 50% of the land base being permanently maintained as open space. These types of development are more intensive, but still reflect the desire of the community to maintain that rural feel.

Based on public feedback, the RR Zone has been changed so that it now applies to all residential lots of less than 2 acres. Any proposals for new rural residential developments would have to go through a public rezoning process.

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 already 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 the site-specific amendment process which, again, involves public consultation.

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"> • 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 	<ul style="list-style-type: none"> • none

* Indicates a change in the latest drafts

The Parks and Recreation (PR) Zone was renamed from Open Space. This zone covers 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 more of a recreational activity which is 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 an inherent danger to people or structures, or sensitive environmental features.

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

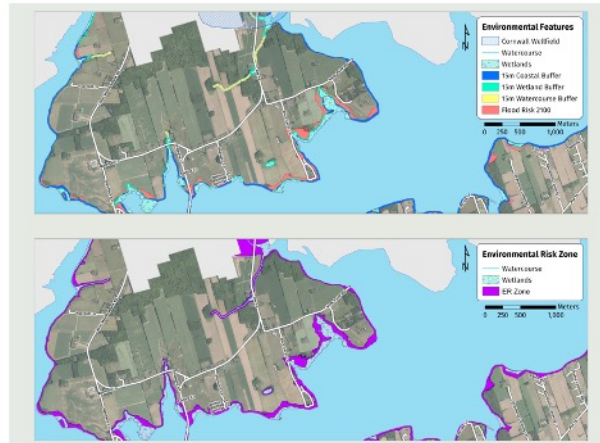
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The Environmental Risk (ER) Zone is a protective zone that is concerned with the safety of people and the viability of structures in flood risk areas, areas subject to erosion, and on contaminated sites. It is a protective measure for Cornwall’s wellfield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

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 or include hazards.

ENVIRONMENTAL RISK ZONE



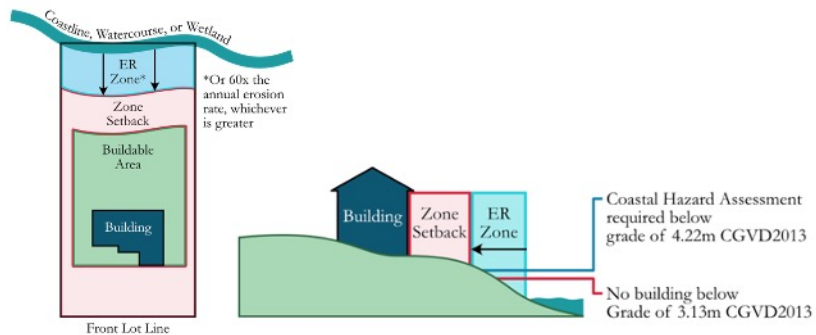
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As just mentioned, there are several types of development constraints captured in the Environmental Risk Zone and each type of constraint will be treated slightly differently.

You can see examples in the slide images, where the ER zone includes the Cornwall wellfield at the top, watercourses, wetlands, their buffers, and the projected flood risk for the year 2100.

This flood risk is based on new provincial data.

ENVIRONMENTAL RISK ZONE

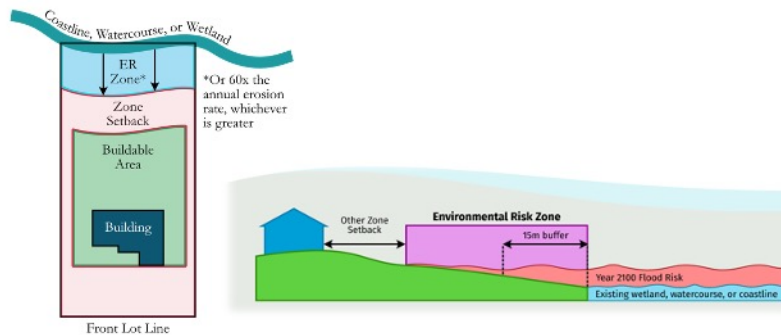


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The following slides illustrate how the ER zone works in terms of buffers and setbacks from environmental hazards. As shown here, the ER zone is a 15m buffer from the edge of a watercourse or wetland. In the case of a coastal property, it is either 15m plus the zone setback OR 60 times the annual rate of erosion, whichever is greater.

These reflect provincial standards across the island – where we have included the ER zone plus the building setback, provincial rules have a standard setback of **75 ft (22.9 m)** for all buildings, but the results are largely the same.

ENVIRONMENTAL RISK ZONE



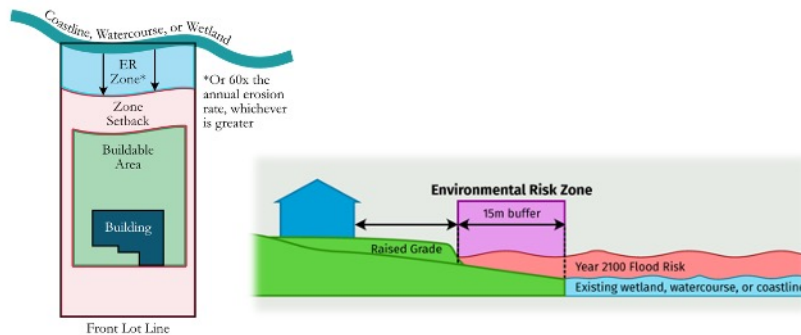
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There is also a vertical buffer for any proposed development below a minimum elevation, based on future flood risks identified by the province.

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. This restriction is important for protecting against the potential hazards and risk to safety associated with erosion, sea level rise, and storm surges, as well as damage to property.

If the flood risk area on a coastal property does not extend past the standard 15m buffer, the ER Zone stops at the 15m buffer.

ENVIRONMENTAL RISK ZONE



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Where there are flood risk constraints, 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 graphic on the right.

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

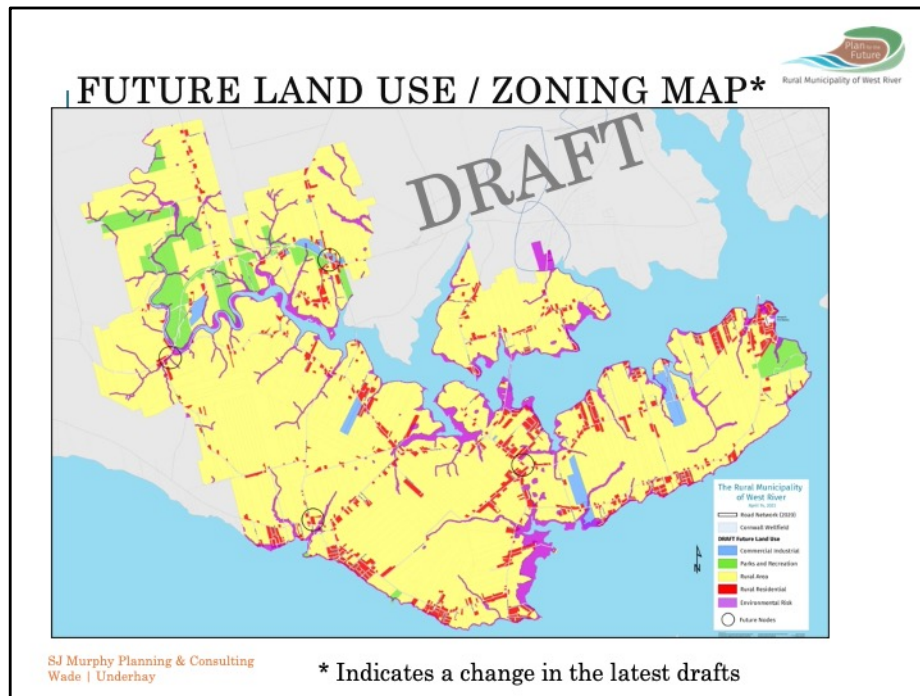
The following properties have been subject to a site or area specific amendment or amendments to the permitted uses or regulations by way of an amendment to a zone for a particular property or properties:

Zone	PID	City Address	Use	Regulation
Downtown Mixed Use Neighbourhood (DMUN)	339994	99 Pousaal Street	Fitness Centre	
Medium Density (R3)	357756, 361519, 361527, 581755, 361535, 361581, 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

Using a site specific amendment approach allows very specific uses on individual parcels of land through a public process for activities that have a greater risk of causing land use conflicts for adjoining properties or the community as a whole. 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 on this slide is an example of how site specific uses will be tracked in the bylaw.



Here is the Rural Municipality’s Future Land Use Map, which sets the basis for and will be the same as the Zoning Map. The map illustrates the future land uses and identifies possible future community nodes with circles. These nodes will not be depicted on the zoning map.

Changes to the Map since the meeting in March include: applying the Rural Residential (RR) Zone to all existing residential lots of less than 2 acres, reducing the proposed 60m buffer on the upper West River to 15m, capturing a missed golf course as Commercial Industrial and a recent zoning amendment in New Haven-Riverdale.

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.: 4 residential lots or 3 residential, 1 commercial or 2 residential, 2 commercial
Rural Residential (RR)	1 acre, smaller with shared services	None	++	No limit if lots are serviced
Commercial – Industrial (CI)	As needed for on-site services	2 acre	2	
Parks & Recreation (PR)	As needed for on-site services	None		

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* Indicates a change in the latest drafts

Aside from the permitted uses, one of the key areas 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, 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. The proposed minimum lot size of 5 acres has been reduced to 1 acre. In order to minimize large-scale commercial uses not appropriate to rural areas, a 2-acre maximum will be established for new commercial lots. If more than 4 residential lots are desired, then an application will have to be made to rezone the area as Rural Residential (RR) Zone.

For the **RR Zone**, 1 acre lots are again required, with smaller lots encouraged where shared water and waste water services are provided. There is no limit on the number of lots in the RR Zone, assuming that they can be serviced and accessed.

New lots are also required to meet provincial regulations for lot size based on soil quality based on their ability to site wells and septic systems.

The **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 push 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 Parks & Recreation Zone other than those required to accommodate on-site servicing.

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
- ❑ Includes B&Bs and short-term rentals



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 auto sales or service operations, autobody shops or car washes are included in the **Rural Residential Zone**, as these uses 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.

Permitted home-based business uses do include short-term rentals and bed & breakfast operations.

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.

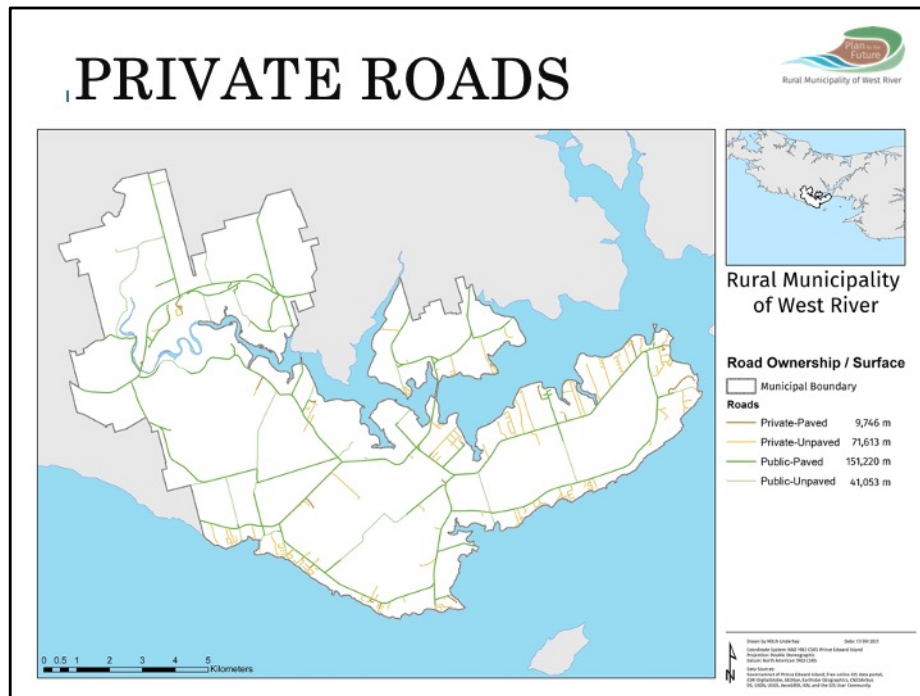
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* Indicates a change
in the latest drafts



For those larger subdivision proposals, particularly those that fall within the RR Zone, the municipality would require 10% of the land to be put toward a parkland dedication when there are 5 or more lots.

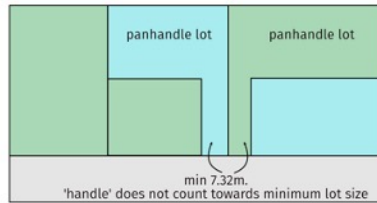
This includes a change from the last draft, where parkland dedications were required for subdivisions of 3 lots or more. If there isn't an appropriate area of land for recreation purposes, Council may take cash in lieu. This land or cash-in-lieu dedication must be for recreational uses such as parks, 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, those uses 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
- ❑ Up to 2* panhandle lots will be permitted where providing frontage on a public road is a challenge.



* Indicates a change in the latest drafts

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

- No new, or extensions to, private roads, and
- All new roads and extensions must be public, meaning they are built to public standard and deeded to the Province, who then becomes responsible for maintaining those roads over time.
- The number of panhandle lots that may be permitted where providing frontage on a public road is a challenge has been increased from 1 lot to 2.



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

The SPA has three main objectives: 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.

Here we have addressed the three required SPA objectives 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.

One difference in this approach for areas under the SPA will be the requirement for subdivisions of more than 5 lots in the SPA to include shared services, which must be municipal water or sewer or both in order to comply with the SPA regulations.

OTHER REVISIONS

Other changes made in response to public feedback:

- No permits required for fences or pools
- Height limits removed
- Height, size, and number limit removed for accessory buildings
- Semi-detached dwellings no longer required to be built in such a way as to permit subdivision, although those standards would have to be met in order to be eligible to subdivide down the road.

Other changes made in response to public feedback include the removal of requirement for permit for fences or pools, the removal of building height limits, the removal of height, size, and number limits for accessory buildings, and semi-detached dwellings no longer be required to be built in such a way as to permit subdivision, although those standards would have to be met in order to be eligible to subdivide down the road.

OTHER RESOURCES

Other resources now available include:

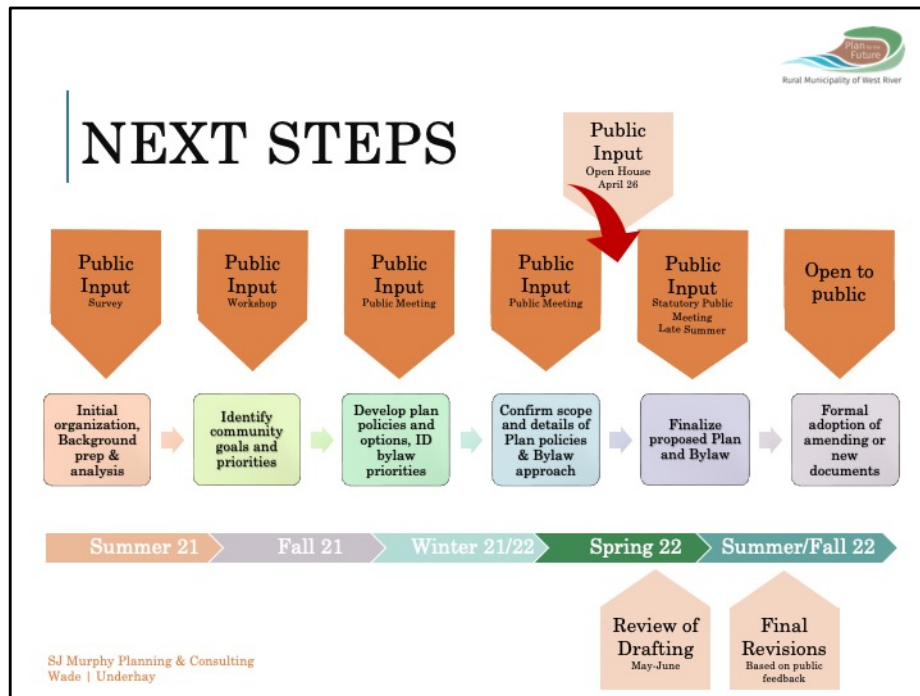
- Survey summary
- What We Heard summary
- Background Report / Municipal Profile
- Watershed Flood Risk report

These can be found at westriverpe.ca or planrmwr.ca

Other resources and information now available include:

- The survey summary summary report from last fall
- A summary of what we've heard to date
- The Background Report / Municipal Profile, and
- The Watershed Flood Risk report

These documents, along with the latest draft official plan, land use bylaw, and proposed map can be found at westriverpe.ca or planrmwr.ca



We invite public input on the latest draft documents until May 10th. After that, the team will compile the comments to prepare a draft of the documents that will go for a legal review.

Once the review of the drafting is completed, the Official Plan and Land Use Bylaw will be formally presented to the public at a Statutory Public Meeting later in the summer. After the statutory public meeting, only minor revisions are generally made, based on public feedback. Following any final revisions, the documents will be formally considered for adoption by Council and sent to the province for Ministerial Approval.



LINKS

Project website: planRMWR.ca

Email: admin@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 May 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.



Thank you for following along. We look forward to hearing from you.