

# **Rural Municipality of West River**

2022 Official Plan

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

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Prepared by SJ Murphy Planning & Consulting,  
in association with Tracey Wade, RPP, MCIP,  
and Mitch Underhay

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# 1 OFFICIAL PLAN INTRODUCTION

## 1.1 PURPOSE

The Official Plan for the Rural Municipality of West River is a formalized statement of goals, objectives, policies, and plan actions approved by the Council of the Rural Municipality of West River (the “Municipality”). The Plan addresses the nature, extent, and pattern of land use and development within the Municipality until 2037.

The Municipality’s goals as set out in this Plan indicate overall policy direction, while the objectives and policies deal with specific topics and issues. Plan actions are statements indicating specific initiatives or directions that will be undertaken to implement the Plan’s policies and objectives.

The Official Plan guides the physical, social, environmental, and economic development of the Municipality. It provides the policy framework for the Municipality’s Land Use Bylaw and policy direction for Council’s actions in relation to economic development initiatives; public works; social programs; municipal services; environmental standards; and fiscal management.

**This document together with any Appendices or Amendments constitutes the Official Plan for the Rural Municipality of West River, hereinafter referred to as the ‘Municipality.’**

## 1.2 PLANNING AREA

The Official Plan covers the geographic area contained within the legal boundaries of the Municipality. Although the Plan formally addresses only those matters that arise within the Municipality’s legal boundaries, consideration has also been given to the Municipality’s relationship with adjacent municipalities, the region, and the province as a whole.

## 1.3 LEGAL ENABLEMENT

The Municipality derives the majority of its powers from the *Municipal Government Act* and the *Planning Act*. The *Municipal Government Act*, which took effect on December 23, 2017, requires the Municipality to provide “municipal planning services, including an official plan and bylaws,” and enables other bylaws, programs, and strategies to help implement other aspects of the Official

Plan. The *Planning Act* empowers Council to appoint a Planning Board, adopt an Official Plan, and, subsequently, to adopt implementing land use and development control bylaws.

## 1.4 OFFICIAL PLAN DEVELOPMENT

This document is the inaugural official plan for the Municipality following the 2020 amalgamation of the former rural municipalities of Afton, Bonshaw, Meadowbank, New Haven-Riverdale, and West River. The only pre-existing official plan in this area was for New Haven-Riverdale. This Official Plan was developed by SJ Murphy Planning & Consulting between May 2021 and September 2022. Subsequent reviews will be undertaken in accordance with the provisions of the *Planning Act*. The Official Plan will be monitored on an ongoing basis to ensure its compatibility with changing circumstances.

## 1.5 PLAN DEVELOPMENT PROCESS

The plan development process involved engagement with the Municipality's Planning Board, chief administrative officer, Council, stakeholder and rightsholder groups, provincial departments, and the general public. Initiated in the middle of the COVID-19 pandemic, traditional public engagement techniques were adjusted to reflect public health requirements.

Rightsholder and stakeholder engagement included outreach to:

- L'Nuey
- Agricultural Sector
- Local watershed organizations
- Federal Government: Parks Canada
- Provincial Government: Lands Division, Climate Change Division, Tourism, Environment, Public Safety, Transportation, Fisheries
- Tourism Sector
- Fishing Sector

A project website was developed featuring a range of public engagement tools including surveys, discussion forums, polls, place marking on maps, comment pages, and more. A community survey sought community input on key topics, and four public engagement sessions were held before the final statutory public meeting for the presentation of the proposed Official Plan and Land Use Bylaw. The process was overseen by the Municipality's Planning Board, with support from the chief administrative officer.

## 1.6 PLAN CONTENT

The *Planning Act*, R.S.P.E.I. 1988, Cap P-8. requires an Official Plan to include:

- A statement of economic, physical, social and environmental objectives;

- A statement of policies for future land use, management and development, expressed with reference to a specified period not exceeding fifteen years;
- Proposals for its implementation, administration, and the periodic review of the extent to which the objectives are achieved.

This document contains six parts:

1. Official Plan Overview
2. The Municipality Today
3. Development Goals
4. Objectives, Policies, and Plan Actions
5. Future Land Use Map
6. Official Plan Implementation.

This first part deals with the purpose, scope, and legal framework for the Official Plan. The second part summarizes relevant background studies and provides a description of the physical, social, environmental and economic characteristics of the Municipality. The third provides a broad summary of how the Municipality desires to see its development unfold. The fourth part is the core of the document, stating objectives, policies and intended actions for specific topics. The fifth includes the framework for the Future Land Use Map, addressing the future land uses upon which the Municipality's Zoning Map is based. The last part sets out the process for administering and implementing the Official Plan and Land Use Bylaw.

# 2 THE MUNICIPALITY TODAY

## 2.1 BACKGROUND

On September 1, 2020, the five rural municipalities of Afton, Bonshaw, Meadow Bank, New Haven-Riverdale, and West River amalgamated to form the new Municipality. The new Municipality is “a community of communities connected by the West River and its watershed.” This Official Plan represents the first local land use regulation for the Municipality as a whole. The summary provided in this section of the Official Plan is supplemented by a full background report on the governance, history, social, economic, physical, and environmental characteristics and context of the Municipality. The background report provides a full analysis that, along with community input, has led to the policy and standards as presented in this Official Plan.

## 2.2 HISTORY

Prince Edward Island is known as Epekwitk and is part of Mi’kma’ki, the traditional, unceded territory of the Mi’kmaq people for more than 12,000 years. European explorers arrived on the Island in the 18th century, and in 1767, the colonial government divided the island into 67 lots. The Municipality is composed of Lot 65, the majority of Lot 30, and small southerly portions of Lots 31 and 32. The area was sparsely populated by colonists, primarily from Scotland, until the early 1800s. Evidence of both Mi’kmaq and colonial history can be found throughout the Municipality.



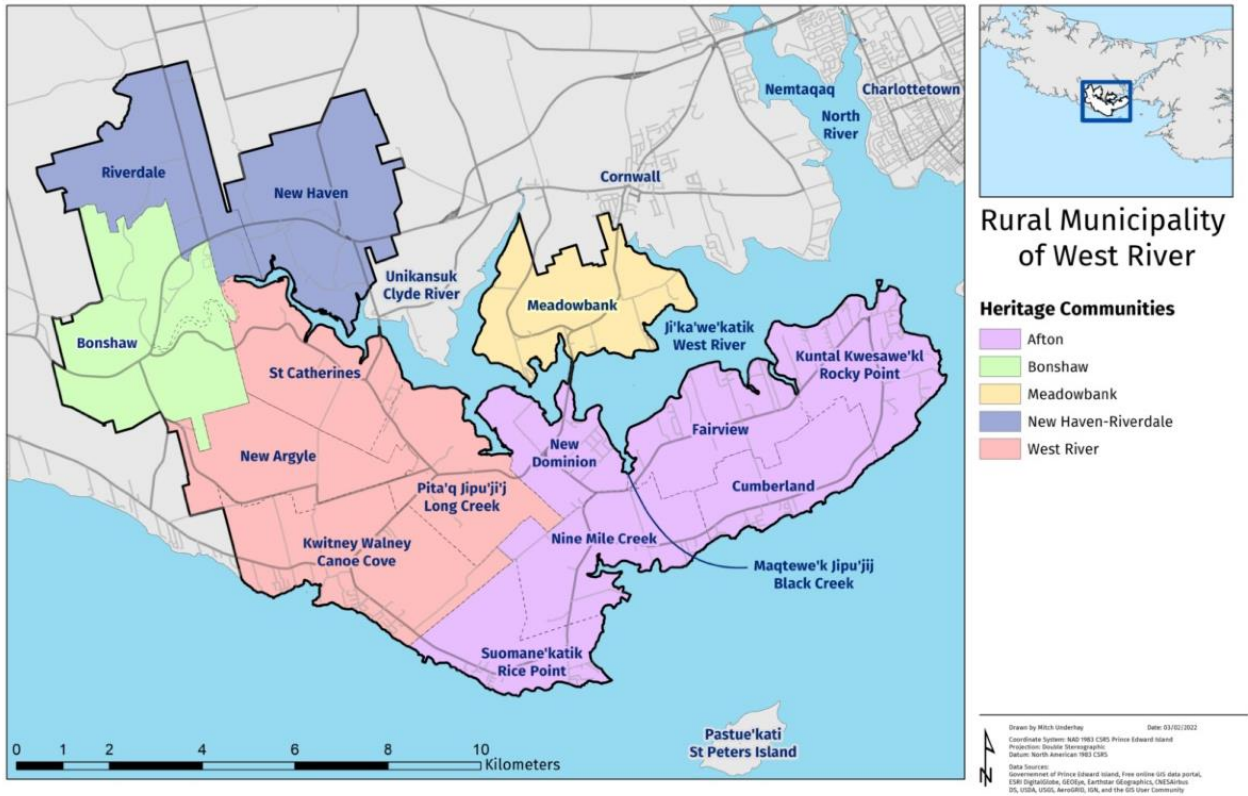


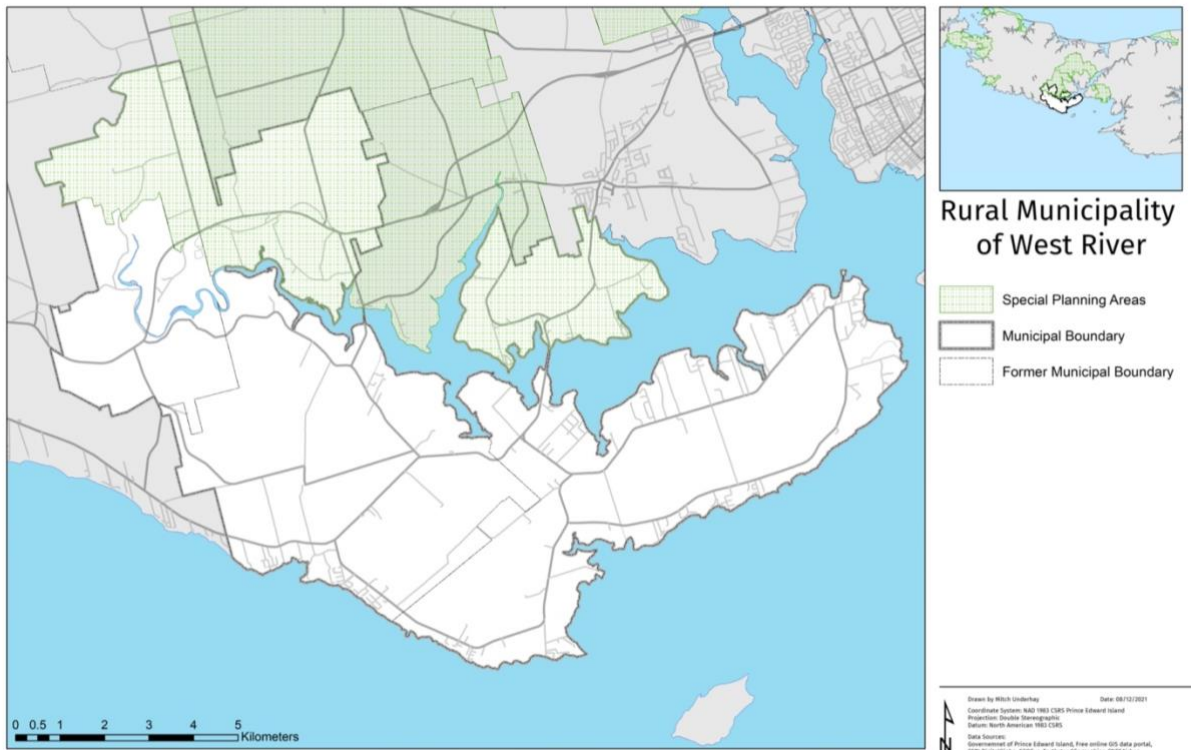
Figure 1 Communities of the Municipality

## 2.3 SITE AND CONTEXT

The Municipality is situated on the southern shore of Prince Edward Island in Queen’s County. The Municipality is roughly 120 sq. km. (29,611 acres) in area. The geography is dominated by the West River running southwest through the Municipality, which is further bounded by the waters of Hillsborough Bay to the east and the Northumberland Strait to the south.

### Regional Context

The Municipality is bordered to the east by the Town of Cornwall, with the incorporated Rural Municipality of Clyde River nestled between the New Haven-Riverdale and Meadowbank portions of the Municipality. To the west is the unincorporated Argyle Shore / South Shore region. The Town of Cornwall and the City of Charlottetown represent the largest influences to economic activities and priorities for development patterns. Given the strong growth in these urban centres in the past ten and more years, the local community feels the pressure to suburbanize quite heavily, placing a strong emphasis on protecting local rural character.



**Figure 2 Regional Context of the Municipality**

The surrounding region, however, also represents an opportunity for continued cooperation, building on the Communities 13 experience that led to the development of the APM Centre located in Cornwall.

## 2.4 EXISTING LAND USES

Land uses in the Municipality range from traditional resource uses, rural residential uses, and tourism-related activities in the form of cottages, campgrounds, attractions, and some related retail and services.

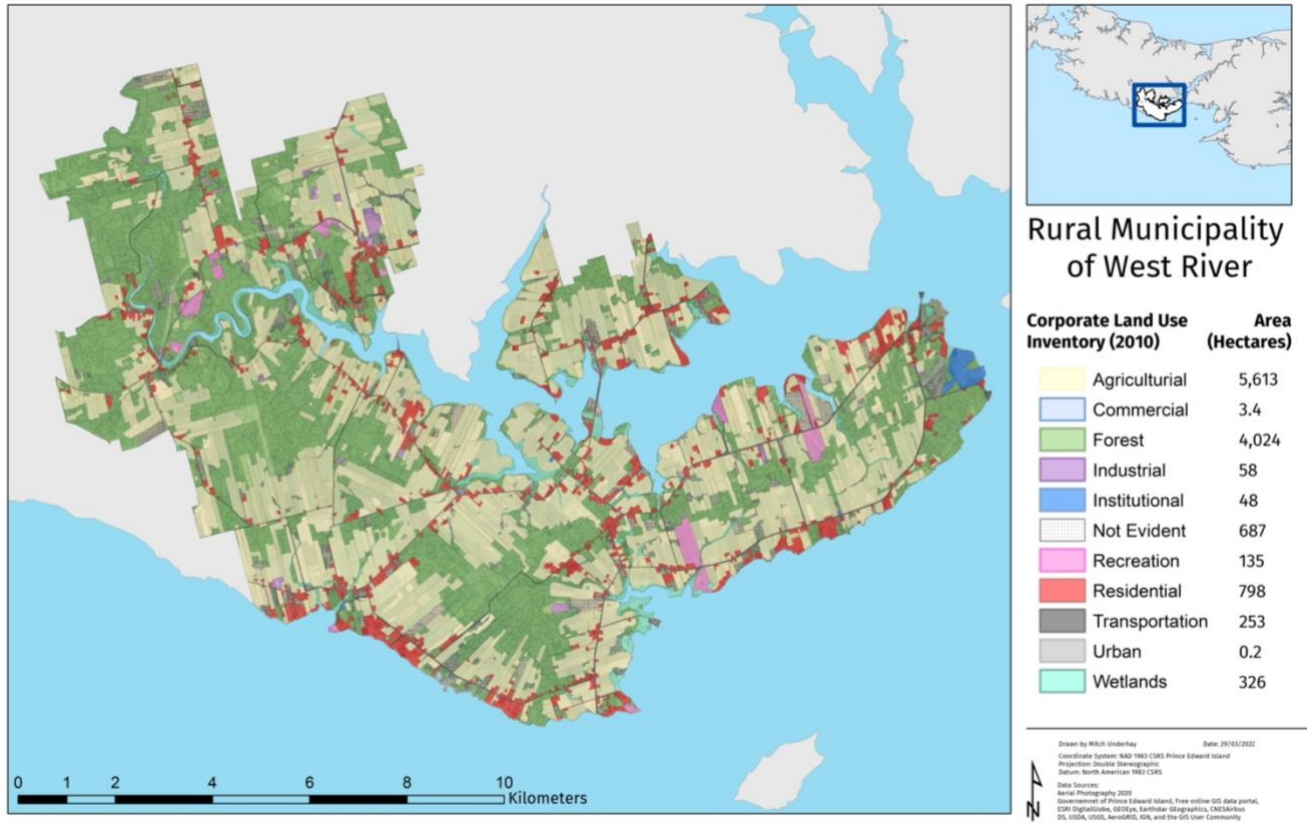
### Housing

According to Statistics Canada, there were over 1774 private dwellings in the Municipality as of 2021, with 76% being occupied by usual residents. Approximately 86% (2831) of all properties (residential and commercial) are owned by full-time residents, compared to 14% (462) owned by non-residents.<sup>1</sup> In terms of types of housing, 93% of the Municipality is comprised of single detached dwellings.

<sup>1</sup>Data based on the Control Report provided by the Rural Municipality of West River’s CAO dated July 12, 2021.

## Farmland and Forestry

Agriculture is one of the primary industries of the Municipality with more than 5,000 hectares being actively farmed. There are 52.5 sq. km. of *bona fide* farmland in the Municipality, located on 490 parcels. The expanse of farmland is what gives the community its sense of rural identity. The bulk of the non-developed areas that are not used for farming is forested.



## 2.5 DEMOGRAPHIC ANALYSIS

Current population estimates are at 2462 people of voting age. Statistics Canada has reported a 2021 population of 3473 residents, an 11.7% increase over a 2016 population (revised to reflect today’s boundaries) of 3110. Population forecasts based on a 5% growth rate suggest that the population could increase to 3800 or more by 2037. With a 10% growth rate, the population by 2037 (the end of this plan period) could reach 4623. Given the very rapid growth experienced from 2016 to 2021 in the Queens County region as a whole and the Municipality’s proximity to the Town of Cornwall and the City of Charlottetown, it is reasonable to expect that, barring policies limiting development to a certain degree, much of the pressures in the capital area would result in spill-over suburban growth in the West River area.

## 2.6 DEVELOPMENT TRENDS

As is common in rural municipalities, the majority of housing in this community is owner-occupied at 87% (compared with 70% provincially). The community’s housing stock is almost exclusively

made up of single-detached homes, and many of the residential areas in the Municipality are interspersed with seasonal homes and cottages, many of which have been converted to year-round homes.

An analysis of properties in the Municipality indicates that there are more than 2200 parcels of less than two acres in size. A conservative analysis suggests there are at least 650 vacant residential lots. An estimated 10% of these approved vacant lots are below the minimum lot size requirements for well-drained lots with one dwelling unit (25,000 square feet). Additionally, an estimated 3% of vacant parcels are less than 10,000 square feet in area, making development with on-site services problematic. Many of these lots are further impacted by the effects of erosion and future flood risk, making them challenging to develop.

The Municipality is partially located within the Cornwall Region Special Planning Area (SPA), under the Subdivision and Development Regulations of the *Planning Act*. The SPA regulations were established to protect the rural agricultural areas from inappropriate urban-scaled developments, as well as to prevent unsustainable suburban sprawl. This Official Plan addresses the SPA, integrating the SPA objectives into the overarching policies for the Municipality.

## 2.7 ECONOMY

While much of the commercial activity in the Municipality is centred around agriculture-related uses and farming, there are other non-farm commercial activities as well. Other commercial businesses in the Municipality are collectively assessed at \$3.14M, while the total assessment value for farms is \$51M. The participation rate in the workforce in the Municipality is approximately 66.5%.

Agricultural activities remain important to the community and protecting the viability of the industry is critical. However, the bulk of the Municipality's residents do not work in the agricultural sector. Indeed, more than three-quarters of residents who work commute more than 15 minutes to their place of work, likely to Charlottetown or possibly Summerside. The pandemic experience and shifting economic recovery, coupled with a transition to more remote work, makes anticipating the shape of the future local economy over the coming years a challenge. The pandemic has been both a prompt for a more flexible approach to regulating land uses, as well as a challenge in anticipating the long-term impacts on development trends. The experience has also highlighted infrastructure and workforce infrastructure gaps, such as local access to broadband and local meeting spaces and remote work supports.

From a tourism standpoint, the Municipality is situated in the province's "Red Sands Shore" tourism area, an area famous for its red sand beaches. There are popular recreation areas, roadside produce stands, scenic vistas, and a working wharf, as well as new and developing commercial businesses that cater to travellers from both on and off island. There is a mix of tourist accommodation options including cottages, short-term rentals, and beds and breakfasts. Further, 24% of the dwellings in the Municipality are owned by seasonal residents, or people whose primary residence is outside of the Municipality.

## 2.8 INFRASTRUCTURE & SERVICES

The Municipality does not have a central water or public sewer system, as such almost all development uses on-site systems. All public roads in the Municipality are owned and maintained by the Province of Prince Edward Island (the “Province”). However, there are more than 80 kilometres of private roads within the Municipality, 41 kilometres of which are unpaved and most of which are not built or maintained to public standards.

## 2.9 INSTITUTIONAL FACILITIES

Community buildings are scattered throughout the Municipality and include at least seven faith-based organizations, a number of community centres, as well as several small recreation and park sites. Given the average age of residents in the community, both the needs of an aging population as well as the services and amenities that would attract younger residents are important. Less than half of participants in engagement exercises felt that there were adequate community facilities and services in the Municipality.

The Municipality is home to 11 registered and three designated heritage places under the provincial *Heritage Places Protection Act*, and five designated national historic sites, including the Parks Canada Skmaq-Port-la-Joye-Fort Amherst site.

## 2.10 PARKS AND RECREATION

There are currently three municipal parks as well as a significant trail system in the Municipality, with at least 21 trails totaling 52.4 kilometres. The Municipality also has two provincial park properties, three golf courses, and two children’s camps.

## 2.11 ENVIRONMENTAL PROTECTION

The Municipality has almost 108 kilometres of coastline and the West River is a major tributary of the Hillsborough River.

From a species at risk perspective, the northern stretch of the West River features a significant salmon spawning ground which is particularly sensitive to surrounding land use activities such as farming and forestry.

### Climate Resiliency

Climate change is happening and will continue to impact the Municipality (as it will the rest of the world) in a variety of ways. Projections for 2080 show warming temperature trends, with an expected increase in the average temperature of more than 4 °C in the Municipality. The number of days above 30 °C will increase dramatically and the last spring frost is projected to move to six weeks earlier than in was in 2005.

Flood and Erosion Risk maps illustrate current flood and erosion hazard areas along the coast and climate change projections by 2100 due to sea level rise. Climate change may also impact the

Municipality's groundwater supply and private wells as a result of salt-water intrusion and/or drought. As well, property-level storm water management will be needed to deal with increased precipitation and extreme weather events resulting from climate change.

## Climate Change Mitigation

### Energy

Increased demand for new renewable energy may occur at different scales, from single-detached dwellings, multi-unit dwellings, or larger commercial applications. These systems may also include energy storage systems of varying scales. There is a need to balance the need for, and facilitation of, renewable energy options and climate change mitigation against the potential resistance to changing technology and their impacts on the landscape in the community.

*Climate change mitigations are human interventions to reduce the sources of (or increase the sinks for) greenhouse gases.*

### Transportation

The Municipality remains heavily dependent on fossil-fuel powered vehicles for transportation. Directing new residential development to more compact subdivisions and increasing connections between residential developments and core service areas would reduce greenhouse gas (GHG) emissions. Promoting more flexibility in working from home allows for the reduction in vehicular travel.

### Carbon Sequestration

Promotion of reforestation and afforestation efforts acts as carbon sinks and promotes ecological health within the watershed offers additional options for mitigation.

## Climate Change Adaptation

### Coastal and Overland Flooding

Adapting to threats of coastal flooding due to climate impacts means it is critical for the Municipality to regulate how new development in at-risk areas is undertaken.

### Stormwater Management

The more frequent intense precipitation events associated with climate change will likely impact existing properties and infrastructure, as well as new development. New development projects should address stormwater management by integrating future climate considerations into subdivision design, stormwater management, and other infrastructure and asset management.

*Adaptation is the process of adjustment to actual or expected climate and its effects. In human systems, adaptation seeks to moderate or avoid harm, or to exploit beneficial opportunities.*

# 3 DEVELOPMENT GOALS

## 3.1 FUTURE DEVELOPMENT CONCEPT

The community prioritizes the rural character of the landscape, supporting local, and ensuring food and water security.

Throughout the public engagement, members of the public stressed the importance of rural (not urban) approaches to dealing with development pressures, support for home-based businesses and local economy solutions, and real responses to environmental challenges.

Many recognize that there will be a balance needed between development standards that are both flexible and accessible and that include sustainable approaches to protecting water and resource lands in the long-term.

In many rural communities, development is typically restricted to minimize the fragmentation of farmland and other resource lands, particularly in communities where on-site services place additional strain on the local water supply. Development may also be restricted to protect unique natural features, for resource development or protection, and where development may be unsafe (e.g., floodplains, coastal lands, and steeply sloped lands).

Residential uses are the primary development pressure in the Municipality, and flexible housing options are needed to allow community members to age in place. **In seeking a balance between good land use planning and rural expectations for limited regulation, Council has purposely decided to not regulate certain uses (i.e., swimming pools, building height, and lot coverage). Council will also encourage a mixed-use approach throughout most of the Municipality so that commercial uses can be expected to be interspersed with residential and resource uses, an approach typical in a vibrant rural setting that allows people to live and work in the community.**

**The Goals presented in this chapter are broad statements of the overall shared vision of the Municipality's Council, residents, and property owners for the future of Municipality. The Goals provide the framework and general direction for the more detailed objectives, policies, and actions set out below.**

Pulling these principles together and drawing on the vision statement adopted by Council in 2021, the following vision for the Municipality of 2037 will guide the Municipality's planning approach:

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

## 3.2 GOALS

Goals represent current and future conditions and circumstances to which Council aspires. The goals provide the framework for objectives and policies that follow in Part 4. While there are inevitably overlaps between the goal areas, they have been categorized to accommodate the four areas identified under the *Planning Act*: economic, physical, social, and environmental.

### General Goals

- To enhance the appeal of the Municipality as a great place to live, work, and play.
- To protect and enhance the current rural lifestyle and rural economy of the community.
- To ensure an adequate supply of land designated to accommodate the projected needs of various land uses within the period of the Plan.
- To ensure that continued development is done in a sustainable manner to protect the natural environment in terms of air, water, and land.

### Economic Goals

- To protect existing primary resource industries.
- To expand local economic opportunities for residents and property owners while limiting large scale non-resource commercial and industrial development.
- To support energy independence.

### Physical Goals

- To minimize land use conflicts and provide for an orderly approach to growth that balances individual and shared interests.
- To protect and enhance the heritage and natural landscape.
- To ensure safe, effective, and sustainable infrastructure.

### Social Goals

- To meet the current and future housing needs of residents.
- To be a safe and resilient community.
- To meet the health and recreational needs of the community.



- To be a welcoming community known for its focus on equity and inclusion.

## Environmental Goals

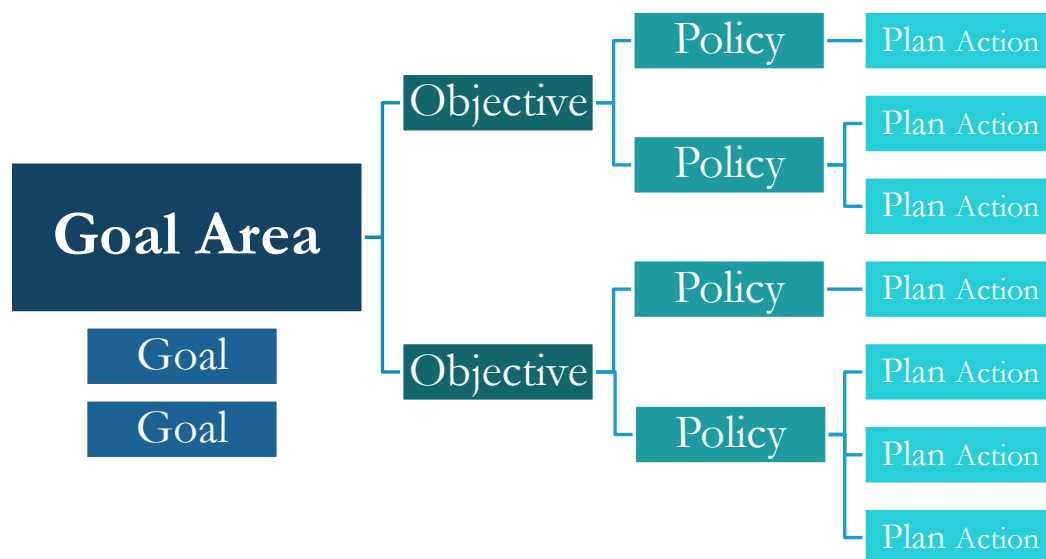
- To ensure safe and clean water and wastewater disposal within the Municipality.
- To protect and enhance natural areas in the Municipality.
- To increase the community's climate change resiliency and minimize contributions to climate change.

# 4 PLAN OBJECTIVES, POLICIES AND ACTIONS

This section is the policy core of the Official Plan. Within the broad policy framework laid down by the previous section, the following Objectives provide more precise statements that address specific issues and concerns within the Municipality.

Policies and Plan Actions outline the proposed course of action to achieve the performance targets described in the Objectives. Policies detail the approach the Municipality will take in pursuing its Objectives. Plan Actions are concrete measures that implement that approach.

At the time of approval of this Official Plan, portions of the Municipality remained under the Cornwall Region Special Planning Area established under the *Planning Act's* Subdivision and Development Regulations (the “Regulations”). This Plan was prepared in conformance with the Regulations. Wherever there may be any conflict between the policies of this Official Plan and the objectives of subsection 63(3) of the Regulations, the objectives in the Regulations shall take precedence.



## 4.1 ECONOMIC OBJECTIVES AND POLICIES

### 4.1.1 Viable Primary Resource Sector

Agricultural and other primary resource activities form the basis for the landscape and the local economy of the Municipality. Despite minor conflicts between resource uses, such as farming, and residential uses, it is generally recognized that primary resource uses are an integral part of the community fabric.

The Municipality's planning framework recognizes that farming and resource use are significant components of the long-term health of the community and that controls on unplanned development are needed to retain the viability of farming and ultimately, the rural character of the community.

#### Objectives:

- To protect the long-term viability of farming and other primary resource activities in the Municipality.
- To accommodate business development opportunities related directly to primary resource industries.
- To minimize land use conflicts between primary resource uses and non-farm residents.

#### Primary Resource Use Policies

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##### Policy RU-1: Designation and Zoning

It shall be the policy of Council to protect agricultural and other resource-related land uses from the intrusion of conflicting land uses. Further, the largescale conversion of primary resource lands into non-resource uses will be discouraged by identifying and designating areas primarily for agricultural and resource uses, along with compatible rural land uses.

#### Plan Actions:

- a. The Future Land Use Map shall designate all resource land and lands not currently approved for development as Rural Area.
- b. The Land Use Bylaw shall zone as Rural Area (RA) all lands currently in resource and residential uses, with the exception of smaller existing residential lots. Within this zone, primary resource activities shall be given priority and protected. The RA Zone shall also be applied to all existing institutional properties adjacent to underlying RA uses.
- c. The Land Use Bylaw shall establish criteria and standards for resource-based uses, including agriculture, fishing, and forestry sectors, as well as resource commercial and resource industrial uses, in the Rural Area Zone.
- d. Additional uses compatible with primary resource activities may be permitted in the RA Zone, including limited residential development and small-scale commercial uses.

### **Policy RU-2: Protections for Agricultural and Other Resource Uses**

It shall be the policy of Council to promote the overall protection of resource lands and activities and to manage the level of unserviced development within the Municipality, with the exception of areas identified as community nodes, through limits on the creation of new parcels based on the permitted uses within each zone.

It shall further be the policy of Council to support the rights of farmers in the Municipality to conduct appropriate farming practices without harassment and, while recognizing that the Municipality has no direct role in the regulation of agricultural practices such as spraying, crop rotation, cultivation methods, and fencing of livestock, to work with the farming community and the Province to encourage responsible agriculture and forestry practices and to foster a better level of understanding between residents and farmers.

#### **Plan Actions:**

- a. The impact of the conversion of resource land into non-resource uses on farming and other resource operations in the area shall be considered by Council in relation to applications to transition Rural Area lands to non-resource zones.
- b. The Municipality will include a caveat on all subdivision approvals and development permits stating that the Municipality is a rural community and property owners are therefore notified that they will be subject to exposure to agricultural odours, slow moving farm equipment, noise and dust from cultivation, agricultural chemicals and other normal farm activities.
- c. The Land Use Bylaw shall require buffers between resource and non-resource land uses to minimize land use conflicts, in the form of expanded building setbacks.

### **Policy RU-3: Subdivision of Primary Resource Land**

It shall be the policy of Council to limit the number of parcels that can be severed from primary resource land or other parcels in the Rural Area (RA) Zone and to require lots of a larger size in order to minimize and discourage the fragmentation of primary resource activities and to promote development patterns more suitable to a rural landscape.

#### **Plan Actions:**

- a. The Land Use Bylaw shall establish criteria for the number of lots that may be subdivided from any parcel. The Land Use Bylaw shall specify the zones and conditions in which this may occur.
- b. The Land Use Bylaw shall limit the subdivision of lots to parcels in existence at the effective date of this Official Plan and shall limit the number of lots that may be subdivided in the RA Zone to a maximum of 4 lots, of which no more than 2 lots may be approved for commercial or industrial uses.
- c. The Land Use Bylaw shall establish minimum lot size requirements for the RA Zone that exceed provincial minimum lot size standards.

#### **Policy RU-4: Resource Commercial and Industrial Activities**

It shall be the policy of Council to support resource-related commercial industrial uses and activities that provide necessary support for the agricultural, fishing, and forestry sectors, such as farm gate outlets, seafood vendors, on-shore aquaculture, feed mills, and saw mills in appropriate areas.

##### **Plan Actions:**

- a. The Land Use Bylaw shall allow resource-related commercial and industrial uses in the RA Zone as permitted uses or permitted by site-specific amendment uses, and shall set out standards and criteria for those uses.

#### **Policy RU-5: Intensive Resource Uses**

It shall be the policy of Council to protect existing livestock operations from residential encroachment, and to protect existing residential areas and uses from the encroachment of new intensive livestock operations. It shall also be the policy of Council to establish criteria and standards for intensive livestock operations.

It shall further be the policy of Council to restrict intensive resource commercial and resource industrial uses such as excavation pits, cannabis operations, seafood processing, and water bottling plants in areas that may present land use conflicts and to only permit such uses where the environmental and physical impacts can be strictly controlled.

##### **Plan Actions:**

- a. New intensive resource uses, such as intensive livestock, intensive agriculture, and intensive resource-based commercial and industrial uses may be permitted through a site-specific bylaw amendment process only. The Land Use Bylaw shall establish standards and criteria for livestock and intensive resource uses, including separation distances between new residential development and existing intensive livestock operations and vice versa, environmental assessments and controls, setbacks, and buffering.
- b. Intensive resource uses shall not be permitted within the Rural Residential (RR) Zone.
- c. Site-specific bylaw amendment processes shall involve consideration of potential land use conflicts and environmental sensitivity, and potential public nuisance due to: smoke; odours; dust or other emissions; noise or excessive vibrations; hours of operation or excessive lighting.

#### **4.1.2 Strong and Sustainable Local Economy**

Given its proximity to larger service centres, the focus for the Municipality is to enable local economic opportunities that do not undermine primary resource industries. Society's changing experiences and expectations for remote work, artisan culture, and local services prompt a compatible approach that prioritizes flexibility while continuing to protect against premature loss of resource lands and potential land use conflicts. The Municipality also needs to balance its support for tourism development and responding to local community priorities.

**Objectives:**

- To support small-scale commercial and industrial development that is compatible with neighbouring land uses.
- To provide flexibility for new commercial and other economic activities that are compatible with the rural area.
- To support the home-based economy and rural economy solutions.

**Commercial and Industrial Policies:**

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**Policy CI-1: Non-Resource Commercial and Industrial Land Uses**

It shall be the policy of Council to continue to support existing non-resource commercial and industrial uses within the Municipality, such as retail, services, and animal kennels, and to encourage the reasonable growth of those businesses, while permitting the limited approval of new non-resource commercial and industrial uses suitable to a rural area in such a way as to minimize the loss of primary resource lands to non-resource commercial and industrial uses while meeting the economic and commercial needs of local residents.

**Plan Actions:**

- a. The expansion of existing non-resource based commercial and industrial land uses will be supported, provided that potential land use conflicts can be mitigated and the proposed development does not involve the loss of existing resource land for a non-resource use.
- b. New innovative economic development opportunities and other small-scale commercial or industrial developments that provide direct services to local residents will be supported where productive agricultural and other resource land will not be impacted and potential land use conflicts can be mitigated.
- c. The Bylaw shall limit the subdivision of lots in the Commercial Industrial Zone to parcels in existence at the effective date of this Official Plan and shall limit the number of lots that may be subdivided in for commercial and industrial uses to 2 lots.

**Policy CI-2: Commercial and Industrial Designations and Zoning**

It shall be the policy of Council to designate land for non-resource commercial uses and non-resource industrial uses. It shall also be the policy of Council to establish a mixed commercial industrial zone and zone land within those areas for commercial and industrial uses. Future commercial and industrial developments not permitted within the existing zoning shall proceed via a rezoning application. The decision to rezone shall take into consideration the potential impact on resource land uses, need for the proposed commercial operation, compatibility with adjacent land uses, site suitability, and impact on traffic circulation and public safety.

**Plan Action:**

- a. The Future Land Use Map shall designate certain areas currently being used for commercial or industrial operations as Commercial Industrial.
- b. The Land Use Bylaw shall establish a Commercial Industrial (CI) Zone for general commercial and industrial uses.
- c. The Land Use Bylaw shall establish the types of permitted commercial and industrial uses and the criteria and development standards within the Commercial Industrial (CI) zone.
- d. Additional land may be designated commercial industrial and zoned for such uses through a rezoning bylaw amendment process, and Official Plan amendment where needed, or site-specific amendment process where so enabled.
- e. The Bylaw may establish standards and requirements for mixed use commercial/residential buildings and secondary residential uses may be permitted on commercial properties.
- f. Council shall not seek authority to regulate signage under the *Highway Signage Act* and shall coordinate with the Province's responsible department as it pertains to applications for developments that may require signage permits.
- g. The Land Use Bylaw shall identify specific intensive non-resource-based uses, such as automotive restoration and salvage yard uses, that shall be prohibited or restricted within the Municipality.

**Policy CI-3: Home-Based Businesses**

It shall be the policy of Council to promote live-work flexibility by permitting a range of commercial uses as home-based businesses on residential properties. Standards shall be established to minimize the impact on adjacent properties, suitable to rural land use activities.

**Plan Action:**

- a. The Land Use Bylaw shall permit home-based businesses on residential properties, including within the dwelling or in an accessory structure.
- b. The Land Use Bylaw may set out standards for home-based businesses to limit potential conflicts with surrounding residential use such as noise, hours of operation, square footage, number of employees, parking, physical changes to the structure, outdoor storage, and any other factors that may represent an impediment to the safety, convenience, or enjoyment of neighbouring properties.
- c. Bylaw standards for home-based businesses shall distinguish between working from home and home occupations and shall not require a permit for the use of any dwelling unit or building accessory to a dwelling unit as a personal office or studio.

- d. The Land Use Bylaw may establish standards and procedures to consider home-based industrial uses to permit such activities where the activity is deemed to be of low impact on adjoining properties.

#### **Policy CI-4: Tourism Land Uses**

It shall be the policy of Council to permit a range of tourism-related uses in the Municipality and to distinguish between the types of uses suitable for residential areas and those suitable only for rural, commercial, or parks and recreation areas.

##### **Plan Action:**

- a. The Land Use Bylaw shall permit the operation of bed and breakfast establishments and short-term rentals in dwellings and shall establish standards and criteria to limit potential conflicts with surrounding residential uses, such as standards related to square footage, number of employees, parking, outdoor storage, signage, and any other factors that may represent an impediment to the safety, convenience or enjoyment of neighbouring properties.
- b. The Land Use Bylaw shall permit hotels and motels, as well as other tourism establishments such as campgrounds, RV Parks, domes, yurts, and treehouse accommodations, in the Commercial Industrial (CI) zone or where commercial uses are permitted, and shall establish standards for those uses.
- c. The Land Use Bylaw may establish criteria and standards for secondary commercial uses that are supportive of tourism and other commercial activities.
- d. All tourism establishments must be licensed under the applicable provincial legislation and where required for the Province's purposes, Council shall coordinate with the appropriate departments regarding proposals for tourism developments.
- e. The Land Use Bylaw shall establish standards and criteria for tourism and commercial recreation uses such as campgrounds, attractions, special events and festivals, and golf courses.
- f. Summer camps shall be classified as institutional uses and shall be permitted in all zones.

#### **Policy CI-5: Economic Development Infrastructure**

It shall be the policy of Council to identify and advocate for the economic infrastructure needed to support the development of new or expanded businesses within the community.

##### **Plan Actions:**

- a. Council shall work with business and community members to identify areas of shortfall related to business development, such as broadband infrastructure.
- b. The Land Use Bylaw shall permit, where appropriate, secondary and ancillary uses such as dormitories for employee accommodations.



- c. Council may explore opportunities to provide infrastructure supports to the local economy, such as flexible public workspaces for residents working remotely.

### 4.1.3 Energy Independence

Energy independence strategies can achieve several outcomes at once, reducing carbon footprints while enabling options for residents and property owners to reduce costs and explore alternate technologies. However, permitting and regulating wind farms, small-scale wind turbines and solar energy infrastructure will be important for retaining community character while reducing the community's climate footprint.

#### Objectives:

- To encourage energy conservation and the use of alternate and renewable energy sources.

#### Energy Independence Policies

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##### Policy EI-1: Renewable Energy Systems

It shall be the policy of Council to support the use of renewable energy generation systems of varying sizes, aimed toward enabling economic benefit for the community and individual residents, and to support the incorporation of alternative energy technologies and infrastructure for both the direct benefits to citizens and the avoidance or reduction of greenhouse gas emissions.

#### Plan Actions:

- a. The Bylaw shall permit small wind turbines in the RA and CI Zones but shall require a site-specific amendment process for larger wind farm developments, and shall establish standards regulating the size and placement of wind turbines.
- b. The Bylaw shall permit and establish standards for roof-mounted and ground-mounted solar systems.
- c. Council shall work with all levels of government to encourage residents to consider renewable energy sources in new and existing development.
- d. Council shall explore options for promoting the incorporation of renewable energy systems, such as charging infrastructure, into new developments.

##### Policy EI-2: Energy Efficiency

It shall be the policy of Council to build energy efficiency into the development of any future municipal buildings and infrastructure, and to encourage and consider energy efficiency features in private development.

#### Plan Actions:

- a. Council shall work with other levels of government and community organizations to promote the adoption of energy efficiency standards and measures.

## 4.2 PHYSICAL OBJECTIVES AND POLICIES

### 4.2.1 Land Use Forms

The general goal of land use planning in rural areas is to manage development in an efficient and effective way that meets the growth needs and desires of the community while protecting environmental services (water recharge areas, sensitive habitats) and preventing land use conflicts.

The topography of the Municipality ranges from gentle slopes to 30% grades, creating challenges to development and environmental protection. While buffers established in the *Environmental Protection Act's* Watercourse and Wetlands Protection Regulations are a first line of protection for watercourses, this Plan explores options in more detail to address ways to develop the community away from hazard areas.

#### Objectives

- To establish standards for different land uses that minimize conflicts
- To limit residential encroachment and ribbon development of residential uses along major roadways in rural areas
- To identify areas subject to development constraints and manage land uses in those areas

#### Land Use Form Policies

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##### Policy PHY-1: General

It shall be the policy of Council to establish general standards relating to uses of properties to promote flexibility and enjoyment of property while minimizing potential impacts on adjoining properties.

##### Plan Actions:

- a. The Land Use Bylaw shall establish standards for each zone relating to the permitted number and siting of main and accessory structures and uses, including exempting certain uses or structures from the requirement to seek a permit.
- b. The Land Use Bylaw shall establish standards and criteria for where secondary or ancillary uses are permitted.
- c. The Land Use Bylaw shall impose minimum development standards addressing: setbacks, landscaping, parking, vehicular and pedestrian circulation, amenity areas, ingress and egress, compatibility and integration with adjacent sites, outside storage and waste disposal, lighting and other such matters for more intensive uses, such as all commercial, industrial and other non-residential developments.

### Policy PHY-2: Buffers and Landscape Edges

It shall be the policy of Council to establish adequate buffers between commercial or industrial developments and nearby land uses to minimize negative effects on the surrounding areas and uses.

#### Plan Actions:

- a. The Land Use Bylaw shall establish standards for the provision of landscaping and buffering (e.g., setback distances, vegetation, screening, landscaping etc.) for commercial and industrial developments in order to mitigate negative impacts on other uses.

### Policy PHY-3: Ribbon and Strip Development

It shall be the policy of Council to limit further development of residential properties along major roadways to limit ribbon development and the fragmentation of resource uses. The clustering of new lots and the creation of new subdivision roads will be promoted to service new lots and minimize the number of direct accesses along major roadways.

#### Plan Action:

- a. The Land Use Bylaw shall regulate the limited subdivision and development of “panhandle” lots and shall, where appropriate, permit the use of a safe and shared access or encourage the development of new public roads.
- b. Council shall foster opportunities to encourage the clustering of housing and commercial activities and subdivision design.
- c. The Land Use Bylaw may permit the development of conservation subdivisions, with standards and criteria, which shall include but not be limited to reduced lot size requirements, the provision of shared water and wastewater treatment services and the permanent protection of a significant proportion of open space.
- d. The Bylaw may permit grouped housing developments featuring multiple residential buildings on single parcels, where such developments are appropriately sited, serviced, and designed to ensure that all public and environmental health and safety considerations are met, and shall establish procedures for the consideration of clustered housing development concepts where permitted.

### Policy PHY-4: Community Nodes

It shall be the policy of Council to identify community nodes where a larger mix of uses, services, and amenities might be encouraged to locate and develop over time.

- a. Council shall identify Community Nodes on the Future Land Use Map, the exact boundaries of which shall not be fixed but rather which indicate general areas identified for future consideration.
- b. Properties located within designated Community Nodes shall not be zoned for more intensive or mixed uses until such time as their development is appropriate.

### **Policy PHY-5: Development Constraints**

It shall be the policy of Council to identify and manage uses in hazard areas and other areas subject to development constraints, including environmentally vulnerable or sensitive areas in the Municipality such as wetlands, watercourses, environmental buffers, coastal areas, and wellfields, in order to ensure the protection of the natural environment, people, and property.

#### **Plan Actions:**

- a. Council will work with the Province and qualified professionals to identify hazard areas and any other areas presenting constraints on development, including but not limited to, contaminated properties.
- b. Properties and portions of properties having hazard areas and other areas subject to development constraints, including environmentally vulnerable or sensitive areas in the Municipality such as wetlands, watercourses, environmental buffers, coastal areas, and wellfields, shall be designated as Environmental Risk areas on the Future Land Use Map.
- c. The Land Use Bylaw shall establish an Environmental Risk (ER) Zone, which shall be applied on areas designated as such on the Future Land Use Map.
- d. The Land Use Bylaw shall establish standards and criteria for land uses in the ER Zone, including but not limited to setbacks, permitted uses, special requirements, and consultation with other governments and agencies.
- e. Council shall establish criteria in a Legacy Lands Assessment Policy recognizing properties for which there may be a vested right to develop non-compliant lots in the ER Zone (see Schedule E). The Land Use Bylaw shall establish standards for the limited development of such properties in accordance with the Legacy Lands Assessment Policy, notwithstanding that such development may not otherwise be in compliance with the requirements of the Bylaw.
- f. Where a non-compliant lot does not qualify as legacy lands, the Land Use Bylaw may establish alternate permitted uses, such as seasonal, non-permanent structures.

### **Policy PHY-6: Development Subject to Flood Risk**

It shall be the policy of Council to ensure that all subdivision or development of areas adjacent to coastal areas, watercourses, and wetlands meet standards necessary to mitigate risks associated with coastal or riverine erosion and flooding due to current or future storm surges and projected sea level rise due to climate change, and that those standards are updated as new data and information is made available to the Municipality.

#### **Plan Actions:**

- a. The Land Use Bylaw shall include areas subject to erosion and flood risk in the Environmental Risk (ER) Zone.

- b. Council shall work in cooperation with the Province to develop best management practices to address coastal hazards and will make information on coastal and other flood risks available to the public.
- c. The Land Use Bylaw shall require a provincial coastal hazard assessment prior to the review of a development or subdivision application on a lot adjacent to a wetland or watercourse, or in flood risk areas as identified by the Province.
- d. The Land Use Bylaw shall establish vertical and horizontal setbacks between new developments and eroding shorelines to provide sufficient distance to ensure that the adverse effects of erosion or flooding do not endanger the development over its life, cause risk to public safety, or result in environmental contamination.
- e. Council shall continue to update erosion and flood risk data and related standards as new data and information is made available from the Province or other sources on the delineation of wetlands and water sources, and changes to the location of coastline over time.

#### 4.2.2 Natural and Heritage Landscape

The rolling landscape and coastal features combined with local history have shaped the Municipality and the Municipality respects the unique characteristics of the traditional communities within its boundary. Integral to the community is the concept of rural culture, which celebrates existing heritage buildings, sites, and landscapes. However, it is recognized that flexibility is required to preserve community character while adapting to modern needs and trends.

##### Objectives

- To protect strategic views and vistas
- To encourage the protection and/or redevelopment of existing heritage buildings

##### Natural and Heritage Landscape Policies

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##### Policy PHY-7: Scenic Vistas

It shall be the policy of Council to seek to preserve and enhance the scenic vistas valued by the community as a whole, built on an approach to regulation appropriate to a rural community.

##### Plan Action:

- a. Council may explore the identification and designation of strategic views and protection tools, such as height limits for new structures, that might be implemented over time.
- b. Council may explore options for the purchase of development rights, including legal mechanisms and funding mechanisms, to preserve strategic views and open space networks where appropriate, particularly as land is considered for removal from active farm or other resource uses.

- c. Council shall encourage sensitive subdivision and site planning in the application review process to integrate new developments into the surrounding natural and built landscape and to minimize the removal of established vegetation, including hedgerows.
- d. Council may explore the development of a dangerous and unsightly premises bylaw, which imposes controls on such matters as may detract from the general appearance of the community.

#### **Policy PHY-8: Conservation Subdivisions**

In order to promote the long-term conservation of open space, Council may enable the development of conservation subdivisions where these subdivisions meet special requirements.

##### **Plan Action:**

- a. The Land Use Bylaw may establish criteria for conservation subdivisions in the Rural Residential Zone where half or more of the buildable land area is designated as undivided, permanently-protected open space.
- b. The Land Use Bylaw may require that developers of conservation subdivisions establish common water and wastewater systems in such a manner that will not damage groundwater or surface water systems.

#### **Policy PHY-9: Community Character**

It shall be the policy of Council to support the preservation of the Municipality's cultural and heritage landscape as a strategy to protect the area's overall character and appeal.

##### **Plan Action:**

- a. Council may consider beautification programs which encourage and provide recognition for superior landscaping efforts, building improvements and site improvements.
- b. Council shall support the redevelopment, transition, or modification of existing heritage buildings into any use permitted in the zone in which the building is situated.
- c. Council shall continue to honour and celebrate the historic communities that form the Municipality while fostering a larger sense of community built on shared values, interests, priorities, and needs.
- d. Council shall support efforts to have the Eliot River and the West River designated as Canadian Heritage Rivers.

#### **4.2.3 Effective and Sustainable Infrastructure**

The sustainability of publicly-owned infrastructure over the long term is a critical component of municipal governance, even where such infrastructure is minimal. Access to the roads system must be controlled to maximize safety and efficiency.

Significant portion of the road system in Municipality is privately owned and not built to any identified construction or maintenance standard. The remaining road network is largely in the arterial and collector class of roads, which constrains safe future development.

Further, given the impact of transportation options on the affordability and accessibility of the area for local residents, transit options may become more important over time.

The Municipality will work to promote alternative modes of transportation wherever possible. Higher density development in the identified core ‘nodes’ over time could further promote development patterns more conducive to active transportation options.

### Objectives

- To promote a safe and efficient transportation system for all modes of travel
- To work to ensure effective and sustainable public infrastructure

### Transportation Policies:

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#### Policy TI-1: Coordination and Design

It shall be the policy of Council to work closely with the Province’s Department of Transportation and Infrastructure in the design and management of the community's transportation system. Priorities will include co-ordination of land use planning and transportation planning, control of private accesses and stormwater management, and the incorporation of active transportation facilities where feasible. Priority should be given to projects that connect to existing Active Transportation infrastructure.

#### Plan Action:

- a. The Council shall meet routinely with officials of the Province’s Department of Transportation and Public Works to jointly review new subdivision roads, speed limits, and developments which may generate significant traffic volumes.
- b. Council shall work with the Province to identify and communicate priorities for roadways or intersection improvements, bridge repairs, and annual road maintenance to enhance traffic flow and public safety.
- c. Council shall consider climate change projections in its assessment of subdivision layout and design and emergency access requirements, including in relation to the road networks.
- d. Council may engage with the Capital Region municipalities and the Province regarding the T3 transit system to promote both community-based connections and active transportation opportunities.

#### Policy TI-2: Minimum Road Standards

It shall be the policy of Council to require that all new subdivisions and developments involving the creation of new roads meet the provincial requirements for new public roads and that new roads be

owned and maintained by the Province. Developers of residential subdivisions or other developments involving new streets shall be responsible for the full cost of all streets.

It shall further be the policy of Council to require that the safety requirements of collector highways be considered in the review of applications for subdivision.

**Plan Action:**

- a. The Land Use Bylaw shall not permit the development of new private roads except within developments featuring multiple main buildings on a single parcel, in which the private roads shall be treated as internal drives. The Land Use Bylaw may establish minimum standards or requirements for the design and construction of internal drives.
- b. The Land Use Bylaw shall require that all new streets and extensions to existing streets and private roads be built to the Province's standards and deeded to the Province as public rights-of-way.
- c. Developers shall be responsible the full cost of the design and construction of streets associated with new developments in accordance with Province's standards administered by the Province's department responsible for transportation.
- d. The Land Use Bylaw will prohibit the approval of new lots or developments and new accesses except where those developments and accesses comply with the standards for access under the Highway Access Regulations established under the *Roads Act*.
- e. The Land Use Bylaw shall establish a requirement for new lots to have frontage on a public road, and shall prohibit the approval of new parcels along existing private roads. Standards and criteria shall be established for the approval of development permits on parcels fronting on or access through existing private roads or rights-of-way.
- f. The Land Use Bylaw shall permit the subdivision of a limited number of panhandle lots where full frontage on a public road is not feasible.
- g. The Land Use Bylaw shall establish criteria for lots that may be approved along collector highways as designated under the *Roads Act* to protect the safety of the travelling public.

**Policy TI-3: Active Transportation**

It shall be the policy of Council to promote pedestrian traffic and to provide for the safe and accessible movement of people within the Municipality. It shall be the policy of Council to seek to identify and develop with the Province the infrastructure necessary to promote cycling, walking, and other forms of human-powered movement, as well as mobility aids, as a form of both transportation and recreation in the Municipality, promoting pedestrian and cycling safety and reducing parking and traffic.

**Plan Action:**

- a. Council shall support efforts to create a linkage to trail networks in the region.



- b. Council shall work with developers of new subdivisions regarding the development of trails where appropriate.
- c. Council may identify long-term priorities for sidewalk and active transportation corridors, including as identified in Schedule E to this Plan.
- d. Council may encourage the installation of bike racks in association with commercial and recreational uses.

## Infrastructure Policies

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### Policy TI-4: Infrastructure Planning

It shall be the policy of Council to consider the long-term consequences of infrastructure investment decisions and to identify options and alternatives to maximize efficiency.

#### Plan Actions

- a. Council shall consider regional services and opportunities for cost-sharing with adjoining municipalities and communities.
- b. Council shall consider the principles of asset management and the sustainability of the Municipality's infrastructure in make decisions related to infrastructure and development.
- c. Council may explore long-term needs for municipal services and infrastructure and potential land requirements associated with those future needs.

## 4.3 SOCIAL OBJECTIVES AND POLICIES

### 4.3.1 Housing

Residential development has expanded significantly over the past decade. The expansion of residential land uses implies a need to ensure proper servicing, minimize of land use conflicts, and protect the rural qualities of the area, while meeting the needs of residents.

Given recent trends in winterizing seasonal homes, it is important to ensure that standards are applied to residential subdivisions and developments that are suitable and appropriate to both year-round and seasonal uses, including those related to on-site services. And while the predominant residential type is a single-detached dwelling, it is important to plan for new trends in vacant land condominiums, tiny homes, or clustered multiple-detached or semi-detached dwellings on single parcels.

The existence of undeveloped but approved subdivisions means that special standards are appropriate to ensure that lots, many of which are undersized, are developed safely over time.

#### Objectives:

- To enable the creation of a variety of housing opportunities to meet various socio-economic needs and to encourage new, innovative, and economical housing forms

- To ensure appropriate standards of subdivision design and site planning, and to discourage inefficient land use patterns
- To ensure that residential development is appropriately serviced and sensitive to the natural environment

## Residential Policies

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### Policy R-1: Designation and Zoning

It shall be the policy of Council to designate sufficient residential land to accommodate the projected housing needs in the Municipality during the Official Plan period. Residential development shall be permitted in the Rural Area, Rural Residential, and Commercial Industrial zones. It shall be the policy of Council to zone existing residential lots of less than 2 acres as Rural Residential, and new multi-lot (five lots or more) residential subdivisions may only proceed via bylaw amendment (rezoning) applications where larger subdivisions are not permitted in the existing zone. It shall further be the policy of Council to permit only limited residential developments in the Rural Area zone, using the Rural Residential zone to direct multi-lot subdivisions to locations where they are less likely to create conflicts with established farming operations, where the site is appropriate for long term on-site services, and where the safety and efficiency of the road network will not be negatively affected.

#### Plan Actions:

- a. Parcels of less than 2 acres where the primary use is residential shall be designated as residential on the Future Land Use Map.
- b. Parcels where the primary use is seasonal or year-round residential shall be zoned Rural Residential (RR) in the Land Use Bylaw.
- c. Certain limited accessory uses shall be permitted in the RR Zone, where they will not conflict with residential uses.
- d. The Land Use Bylaw shall permit the subdivision of a limited number of new lots in the Rural Area Zone, subject to proof of site suitability for on-site services, appropriate setbacks from adjacent farming activities, and appropriate road access.
- e. Consideration of new major residential subdivisions developments of more than 4 lots shall proceed via a rezoning application where multi-lot subdivisions are not permitted in the existing zone and shall be subject to an assessment of the overall subdivision's ability to accommodate the projected on-site services, and subdivision design consideration to limit the increase of residential development along major roadways.
- f. A change in the designation of land zoned Rural Area to Rural Residential shall only be permitted in accordance with Policies PR-2 and PR-3, and where the transition will not pose a significant risk of increased land use conflicts with adjoining agricultural uses.

- g. Residential development shall be encouraged to locate in areas adjacent to existing housing clusters and where appropriate, identified future nodes, and away from active primary resource lands.
- h. Residential developments of more than five lots in the Rural Residential Zone in areas subject to the Regulations shall only be permitted where municipal water and wastewater treatment services are available in order to minimize the extent to which unserved residential development may occur.

#### **Policy R-2: Density and Housing Variety**

It shall be the policy of Council to support duplex, semi-detached, and small-scale multi-unit dwellings, as well as seniors housing, where appropriate, and to enable the development of innovative and diverse housing forms where shared systems are provided in order to attract new residents, address the needs of young families, seniors, and seasonal workers, and provide affordable home ownership options.

##### **Plan Actions:**

- a. The Land Use Bylaw shall permit single-detached, duplex, and semi-detached dwellings in any zone in which residential uses are permitted.
- b. The Bylaw may permit the development of townhouse and apartment dwellings and supportive housing developments in the Rural Residential and Commercial Industrial Zones while setting limits on the total number of units on a parcel in accordance with the *Planning Act* Province-Wide Minimum Development Standards Regulations.
- c. The Bylaw may permit clustered housing options in the Rural Residential Zone through a site-specific amendment process, subject to subdivision design standards and may permit smaller lots in accordance with the Province-Wide Minimum Development Standards regulations where shared servicing is provided.

#### **Policy R-3: Secondary Suites**

It shall be the policy of Council to allow the addition of a secondary suite in single-detached dwellings and in structures accessory to a single-detached dwelling, provided that the exterior of the residence retains a residential appearance.

##### **Plan Actions:**

- a. The Land Use Bylaw shall permit the addition of a secondary suite in single-detached dwellings and in structures accessory to a single-detached dwelling.
- b. The Land Use Bylaw shall establish criteria for water and wastewater treatment servicing and standards regarding the secondary suite and shall require all water and wastewater treatment services for the secondary suite to be provided through the main dwelling.

#### Policy R-4: Residential Development Standards

It shall be the policy of Council to establish matters to be considered for all new residential subdivisions and dwellings in terms of design, site planning, landscaping, and physical appearance that stress safety, efficiency, and fostering of a healthy lifestyle.

Council shall promote shared services and require appropriate lot sizes and subdivision design to meet the needs of developments supported by on-site services.

##### Plan Actions:

- a. The Land Use Bylaw shall establish residential subdivision and development standards relating to lot sizes, circulation, lot configuration, open space, servicing, setbacks, parking, the protection of natural features, development constraints in hazard areas, and other matters to enhance the health and safety of residents.
- b. The Bylaw shall establish minimum lots sizes that are at least as stringent as those required under the *Planning Act* Province-Wide Minimum Development Standards Regulations and may, by zone, establish minimum lot sizes that exceed provincial minimum requirements.
- c. The Bylaw may establish restrictions on certain uses and structures on residential properties, including the use of recreational vehicles and travel trailers and sea cans and other storage containers.

#### Policy R-5: Legacy Subdivisions and Undersized Lots

It shall be the policy of Council to promote the protection of the environment, people, and property in the consideration of applications to developing lots in existing legacy subdivisions, particularly where no services or appropriate access are currently available.

##### Plan Actions

- a. The Land Use Bylaw shall establish standards related to the development and servicing of existing approved undersized lots.
- b. The Land Use Bylaw shall restrict the development of existing approved lots in unserviced legacy subdivisions until such time as access for the lots has been approved to the satisfaction of the Province's department responsible for transportation and the Fire Marshal's Office.
- c. The Land Use Bylaw shall restrict the development of existing approved lots in unserviced legacy subdivisions until such time as a stormwater management plan has been prepared for the lot proposed for development.

### 4.3.2 Safe and Resilient Community

As the Municipality builds a more integrated understanding of shared priorities, Council must develop a long-term planning approach to monitoring demands for various municipal services and implement changes or upgrading, keeping in mind the priorities of public health and safety, the maintenance of affordable tax rates, and the protection of the natural environment.

**Objectives:**

- To provide cost effective protective and emergency response services
- To plan and prepare for human and natural disasters, including risk reduction
- To support existing and new institutional services and facilities

**Community Safety and Support Policies**

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**Policy CS-1: Protective Services**

It shall be the policy of Council to continue to rely on the Province’s policing contract with the RCMP and to ensure that adequate fire protection services are provided to all residents, businesses, and property owners in the Municipality at affordable rates and with rapid response times.

**Plan Actions:**

- a. Council shall communicate with the RCMP on safety issues in the Municipality where necessary.
- b. Council shall continue to purchase fire protection services from the North River Fire Department and meet on a regular basis with the fire department to discuss fire services, dues, and fire prevention programs.
- c. Council shall undertake to enter into a written agreement with the contracted fire department regarding the services to be provided for the Municipality.

**Policy CS-2: Emergency Management**

It shall be the policy of Council to ensure that the Municipality’s Emergency Measures Program, including an EMO Plan and bylaw, is maintained, updated, and exercised in accordance with the *Municipal Government Act*.

**Plan Action:**

- a. Council shall continue to develop, update, and revise the Municipality’s Emergency Measures Plan and bylaw and maintain the overall EMO Program as required under the *Municipal Government Act* and the *Emergency Measures Act*.
- b. Council shall work with other municipalities in the region, particularly the Town of Cornwall, to identify opportunities for the coordination of emergency preparedness and response efforts.
- c. Council and the Emergency Management Coordinating Committee shall take into consideration the increasing impacts of climate change in identifying emergency centres, including the potential use of emergency shelters as cooling shelters.
- d. Council and the Emergency Management Coordinating Committee shall identify areas at risk of coastal flooding ahead of anticipated storm surge events to assess the ability of emergency responders to gain access.

- e. Council shall seek to minimize the potential impacts of power outages by working with developers to promote the installation of underground services and to ensure that trees do not interfere with power line corridors.
- f. The Bylaw will include future emergency hazard considerations in design and development standards for new subdivisions and development projects.

## **Institutional Policies**

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### **Policy CS-3: Institutional Uses**

It shall be the policy of Council to support the continued use or adaptive reuse of existing institutional facilities and to encourage the development of new facilities in response to local needs. It shall further be a policy of Council to support the efforts of our neighbouring communities to protect and enhance those regional institutional facilities on which the residents of the community depend.

#### **Plan Action:**

- a. Institutional uses shall be permitted in all zones.
- b. The Land Use Bylaw may establish criteria and development standards for institutional uses.
- c. The Bylaw may include institutional uses as ancillary and accessory uses in association with permitted uses in other zones.
- d. Council shall promote the Municipality as a location for institutional land uses.
- e. Council shall promote the development of public and private community care and nursing home facilities in the Municipality.

### **Policy CS-4: Regional Coordination and Collaboration**

It shall be the policy of Council to recognize and support the interconnectedness of regional institutional facilities and programs and to pursue opportunities for regional coordination and collaboration for facilities, services, and programs to minimize the unnecessary duplication of municipal expenditures.

#### **Plan Actions:**

- a. Council shall support the efforts of neighbouring municipalities and communities to ensure the long-term health and viability of regional institutional facilities, such as schools, community care facilities, and health centres.
- b. Council will collaborate, where appropriate, with the Town of Cornwall and other 'Communities 13' municipalities for services and programming.
- c. Council will work with the Town of Cornwall and other 'Communities 13' municipalities to leverage funding for the development of infrastructure and facilities.

### 4.3.3 Social and Recreational Needs of the Community

West River is rich in recreational opportunities, primarily in the area of active natural recreation in trails, beaches and parks, private recreation such as golf courses, and the APM Centre in nearby Cornwall.

Community members are interested in seeing more recreational opportunities and municipal services, and Council will continue to consider the infrastructure, institutional, and recreation needs of residents as the Municipality grows over time. While cultural programming is not specifically land-related, Council recognizes the importance of sharing and celebrating local culture and heritage and facilitating social programs and opportunities in the Municipality.

#### Objectives:

- To develop and support recreational and programs so as to foster opportunities for community members to enjoy the natural environment
- To develop and support social programs and arts and culture programming in the community to facilitate health and resilience and community inter-connectedness.
- To ensure continued access to natural recreation amenities
- To enhance local food security

#### Recreational Policies

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##### Policy PR-1: Recreational Services and Facilities

It shall be the policy of Council to develop and implement a long-term approach to the provision of recreational facilities and programs that promotes healthy lifestyles and wellness for all groups in the Municipality area in a cost-effective manner.

#### Plan Action:

- a. Council shall explore options to support the expansion of a connected network of trails in the Municipality.
- b. The Land Use Bylaw shall establish requirements and criteria for the dedication of parkland or cash-in-lieu of parkland, or a combination thereof, in new subdivisions.
- c. Council shall explore the development of a parks and recreation strategy to outline priorities for parkland dedications in new subdivisions, such as conservation areas, trail systems, new playgrounds or other recreation infrastructure, and public beach accesses.
- d. Council shall prioritize the inclusion of shading in the design and development of any public spaces to provide opportunities for cooling with the anticipated rise in temperatures associated with climate change.
- e. Council shall engage with the Province to coordinate land use planning and provincial recreational facilities and provincial parks.

- f. Council shall include consideration of social and arts & culture programming needs as part of its approach for recreation services.
- g. Designated open spaces and properties used for parkland or recreational uses shall be designated as Open Space and Recreation on the Future Land Use Map and zoned as Parks and Recreation (PR) in the Land Use Bylaw.

**Policy PR-2: Co-operation & Joint Planning with Parks Canada**

It shall be the policy of Council to consider the management plan and Parks Canada’s long-term goals and objectives in relation to the Skmaqñ–Port-la-Joye–Fort Amherst National Historic Site (the “Site”) in considering development proposal on properties adjacent to the Site.

**Plan Action:**

- a. Council shall consult Parks Canada on any major development applications which could directly affect the Site’s interests and shall include Parks Canada in the development process.
- b. Council shall support tourism-related economic development initiatives that complement and support usage of the Site in the long term.

**Policy PR-3: Public Access in Coastal Areas**

It shall be the policy of Council to pursue opportunities to protect public access to the shoreline and to the natural environment.

**Plan Action**

- a. The Land Use Bylaw shall establish development standards relating to subdivisions in coastal areas with special regard for siting of parklands, public spaces, and public beach accesses.
- b. Council shall seek to secure waterfront lands through the subdivision land dedication process and develop such land for parks and trails accessible to the public.

**Policy PR-4: Food Security**

It shall be the policy of Council to respond to concerns of food insecurity by building capacity around the connections between food production and consumption.

- a. The Land Use Bylaw shall permit outdoor food cultivation as-of-right in all zones for personal use or roadside sale, which shall be permitted in all zones throughout the Municipality
- b. The Land Use Bylaw may permit the keeping of a limited number of livestock for personal use throughout the Municipality and shall establish standards and criteria based, among other things and in certain zones, on lot size.



#### 4.3.4 Equity, Diversity, and Inclusion

Municipalities are increasingly taking steps to include considerations of equity, diversity, and inclusion (EDI) in policy making and service-delivery, including in relation to land uses.

##### Objectives:

- To include and support those segments of the population with special or differing needs
- To ensure effective information sharing and community engagement
- To factor equity, diversity, and inclusion into municipal decision-making

##### Equity, Diversity, and Inclusion Policies

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##### Policy EDI-1: Community Supports

It shall be the policy of Council to give consideration to different abilities and needs in the development of policies, programs, and facilities.

##### Plan Actions

- a. Council shall integrate the principles of accessibility and universal design in the development of public parks, facilities, services and programming.
- b. Council shall promote the development of community care and other supportive programs and facilities within the community.

##### Policy EDI-2: Communications and Engagement

It shall be the policy of Council to provide opportunities for inclusion and engagement in municipal activities.

##### Plan Actions

- a. Council shall explore the development of a communications strategy to provide enhanced public communication.
- b. Council shall explore establishing a community newsletter or other means of communication to provide community members with information on events and opportunities around the community.
- c. Council shall give opportunities to members of the community to participate on committees and project teams.

##### Policy EDI-3: Equity, Diversity, and Inclusion Lens

It shall be the policy of Council to apply an equity, diversity, and inclusion (EDI) lens in municipal activities and decision-making.

#### Plan Actions

- a. Council shall develop an EDI checklist to apply to municipal decision-making.
- b. Council shall explore ways to increase representation and participation by traditionally under-represented segments of the population.

## 4.4 ENVIRONMENTAL OBJECTIVES AND POLICIES

Long term planning for the Municipality must be founded on a well-informed understanding and respect for the area's natural systems. The Municipality is fully dependent on groundwater for its domestic water supply. The complete eco-system, including residents, are all dependent on the quality of surface water and the protection of habitat areas is critical for wildlife. The overall carrying capacity of the area is limited by the ability of natural systems (primarily soil and surface water) to assimilate wastewater volumes; groundwater volumes and quality are dependent on the preservation of vegetation and aquifer re-charge areas and control of pollution.

### 4.4.1 Safe and Clean Water Systems

The regulation of stormwater run-off and erosion due to construction and farming activities, as well as the preservation of trees, and protection of shoreline areas serves both to protect and enhance the natural environment, and lower servicing costs, increase property values, and improve the overall health of residents.

The Municipality has joint responsibility with the Province for stormwater management; the Province manages stormwater in the context of the transportation system, while the Municipality has responsibility to considering stormwater and drainage in its regulation of subdivisions and development.

#### Objectives

- To protect the quality and quantity of ground water
- To manage stormwater run-off in the most cost effective and environmentally appropriate manner, reducing environmental and property-related damage

#### Clean Water Policies

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##### Policy EN-1: Groundwater

It shall be the policy of Council to work with the Province to protect both the quantity and quality of groundwater resources in the Municipality.

#### Plan Actions:

- a. Land uses which would pose serious groundwater contamination risks, such as chemical plants or storage depots, shall not be permitted in the Municipality.

- b. Chemical storage areas or petroleum storage shall be identified on development permit applications.
- c. Council shall prioritize the maintenance and protection of features which contribute to groundwater re-charging such as wetlands, stormwater retention areas, trees and other dense vegetation.
- d. Council shall encourage site plans which minimize the use of impervious surfaces.
- e. The Environmental Risk (ER) Zone shall include conservation setbacks or buffers adjacent to all coastline lands, streams, drainage courses, bodies of surface water (including ponds and seasonal retention areas), and wetlands to limit the impacts of construction activities and minimizing the disruption of natural vegetation in areas abutting watercourses, and protect significant or sensitive habitat, which shall be at least as stringent as the requirements under the *Environmental Protection Act*.

### Policy EN-2: Surface Water

It shall be the policy of Council to protect and enhance the quality of streams, ponds, wetlands, and rivers within the Municipality and to work with our neighbours, watershed groups and volunteers, and the Province to protect the local watershed systems in accordance with the Province's regulations.

#### Plan Actions:

- a. The Land Use Bylaw shall establish provisions restricting the disturbance of natural vegetation adjacent to streams, wetlands, and other watercourses, and such provisions shall be no less stringent than those established under the *Environmental Protection Act's* Watercourse and Wetlands Protection Regulations.
- b. Council may explore options to acquire ownership of surface water systems through parkland dedications in the subdivision process and through negotiations with landowners where appropriate.
- c. The Bylaw shall require construction activities to implement erosion and siltation control measures to ensure the protection of adjacent streams and wetlands and prevent run-off on to adjacent properties.
- d. Council may engage with the Province, private landowners, Ducks Unlimited, the Island Nature Trust, and other interested parties to encourage the development of management plans for all major stream systems and wetlands in the Municipality.
- e. Site plans shall be required to identify adjacent surface water features, steep slopes and existing vegetation and demonstrate how these features have been protected.

### Policy EN-3: Stormwater Management

It shall be the policy of Council to work closely with the Province's responsible department to ensure that stormwater run-off is managed in a manner that is cost-effective and environmentally sensitive,

and which minimizes risks to public health and safety and to private property. Wherever appropriate, it shall be the policy of Council to protect and enhance the existing surface water drainage system in the Municipality, and to upgrade its capacity to handle stormwater run-off.

**Plan Actions:**

- a. Council shall work with the Province to ensure stormwater systems are properly installed and maintained in the Municipality in association with the development of new roads.
- b. The Land Use Bylaw shall require the inclusion of storm water management plans in all applications for residential subdivisions involving three lots or more.
- c. The Land Use Bylaw shall require drainage plans in applications for a development permit but may establish criteria for when an exemption is appropriate.
- d. Council may require developers to mitigate or retain stormwater flows on site to prevent adverse effects on downstream properties.

#### 4.4.2 Safe and Effective Water and Waste-Water Systems

Given that Prince Edward Island has no large bodies of fresh water, communities are dependent on groundwater as the source of their drinking water, making it imperative that this invaluable resource be protected from depletion or contamination and the impact of the introduction of waste-water into the environment minimized. Although there is no central water system operated by the Municipality, one of the Town of Cornwall's wellfields extends into the Meadowbank area.

**Objectives**

- To protect the supply of high-quality domestic water for all
- To ensure efficient, cost-effective, and environmentally appropriate wastewater collection and treatment

**Drinking Water and Waste-Water Policies**

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**Policy EN-4: Drinking Water**

It shall be the policy of Council to take measures to ensure an adequate supply of high-quality domestic water supply for all.

**Plan Actions:**

- a. Council shall encourage water conservation by residents, businesses, and visitors through public education and communication.
- b. Council shall work with the Town of Cornwall to identify appropriate actions to enhance the security of the Town of Cornwall's designated well fields.

### Policy EN-5: On-site Sewage Treatment Systems

It shall be the policy of Council to continue to support the long-term sustainability and effectiveness of high quality, well maintained on-site wastewater treatment systems.

#### Plan Actions:

- a. Council will work closely with the Province to ensure that all on-site wastewater systems, or cluster systems which are installed in the Municipality meet the highest standards of design and reflect the capability of the site.
- b. The Land Use Bylaw shall establish requirements for soil and lot classification during the development of new subdivisions and at the time of developing existing approved lots, particularly in the case of older lots. Lot size standard requirements shall be, at minimum, no less stringent than those in the *Environmental Protection Act's* Sewage Disposal Systems Regulations.
- c. The Land Use Bylaw shall require on-site sewage treatment systems to be designed and certified by a licensed professional engineer for all existing parcels that do not meet the lot size standards established under the *Planning Act's* Province-Wide Minimum Development Standards Regulations.
- d. Council may explore an approach to distribute public information on the importance of proper care and maintenance of septic systems, including routine pump out and inspection.

#### 4.4.3 Safe and Healthy Natural Areas

The Municipality's extensive shoreline, forests, ponds, stream systems, and wetlands all contribute to its beauty and natural diversity. Wildlife habitat areas and significant old growth forests are particularly important and require careful management. Consideration of the environmental impacts of development particularly on sensitive areas is a key aspect of subdivision and development control.

#### Objectives

- To protect wildlife habitat and significant natural features
- To ensure healthy watersheds and protect sensitive ecosystems

#### Clean Environment Policies

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### Policy EN-6: Habitat Areas

It shall be the policy of Council to support efforts between the local watershed groups and landowners to identify and protect significant habitat areas and natural features in the Municipality, to restrict development in and adjacent to these areas, to encourage the implementation of management plans, and to work with the Province and the Municipality's neighbours to jointly protect significant habitat areas in the region.

**Plan Actions:**

- a. Council shall apply the Environmental Risk (ER) Zone to particularly significant or sensitive areas.
- b. Council shall support the work of property owners and watershed and environmental organisations by identifying additional incentives, measures and programs to protect sensitive habitat areas.
- c. Council may encourage public control and ownership of sensitive areas through parkland dedication in the subdivision process, and donations or purchase by other public or private conservation interests, with a focus on protecting significant areas and establishing ecosystem corridors where appropriate.

**Policy EN-7: Vegetation**

It shall be the policy of Council to encourage the protection of trees, particularly in areas adjacent to streams and wetlands, and to generally encourage the preservation and planting of trees in the Municipality. Council shall also encourage protection of natural vegetation and landscaping activities that beautify the Municipality, maintain biological diversity, and add soil and coastal stabilisation.

**Plan Actions:**

- a. Council shall generally encourage the protection of stands of trees and hedgerows as part of the review process for development applications and subdivisions.
- b. Council may consider the implementation of a Tree Preservation Bylaw.
- c. Council shall generally encourage tree planting and landscaping activities in the Municipality.
- d. Council may prioritize the acquisition of significant stands of trees and hedgerows as part of the parkland dedication process.
- e. Council may explore opportunities to collaborate with the Province and private woodlot owners in the identification and sustainability of a healthy forest system.

**Policy EN-8: Natural Systems**

It shall be the policy of Council to respect and prioritize the protection of natural systems, including wetlands, forests, and other significant ecosystems.

**Plan Action:**

- a. Council shall create an inventory of natural areas and ecosystems within the Municipality and develop a policy to prioritize these areas in future plan reviews.

**4.4.4 Climate Change Resiliency**

Being resilient to climate change means it is a factor in all municipal decision-making. Using a climate change lens is vital in land use decisions and promotes decisions and actions that will help in

mitigating climate impacts such as reducing greenhouse gas emissions and increasing carbon sequestration, while building long-term adaptation standards into day-to-day design and regulation standards.

### Objectives

- To limit the climate impacts of transportation activities
- To promote using mitigation measures in land development to reduce climate impacts
- To integrate climate change considerations into decisions on municipal policies, programs, and facilities, and in relation to applications for subdivision and development

### Climate Change Policies

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#### Policy EN-9: Subdivision Design

It shall be the policy of Council to encourage compact development design to reduce dependence on non-renewable forms of energy and dependence on vehicular travel and encourage promotion of co-locating residential development and services and amenities.

#### Plan Actions:

- a. The Land Use Bylaw shall establish standards for clustered developments with reduced lot size standards for lots serviced by shared water and wastewater treatment systems, while ensuring that such standards are no less stringent than those established in the *Planning Act's* Province-Wide Minimum Development Standards Regulations.
- b. Council shall consider transportation options when reviewing subdivision applications to reduce where possible the distance required for travel by means dependent on fossil fuels.

#### Policy EN-10: Sustainable Practices

It shall be the policy of Council to support new development that promotes sustainable practices and climate change resiliency, including the utilization of energy efficiency, renewable energy sources, groundwater protection, reduced water consumption, and stormwater management for the purpose of groundwater recharge.

#### Plan Actions:

- a. The Land Use Bylaw may establish criteria for reporting on energy efficiency or other sustainable practices in the development application process to facilitate the tracking and promoting of such practices.
- b. The Land Use Bylaw may establish standards and criteria for development and construction practices that support climate change mitigation and adaptation, including in relation to impermeable surfaces, subdivision design, the protection of forest cover, and natural infrastructure.

- c. Council shall work with the Province to develop features associated with the road network that will reduce energy use, support alternative transportation modes, and enhance public safety such as sidewalks, park and ride facilities, charging stations, and crosswalks.

#### **Policy EN-11: Climate Change Decisions**

It shall be a policy of Council to review policy, program and capital decisions using a climate change lens to ensure that decisions are being made that adapt the community to future climate change impacts of sea level rise, extreme weather and increasing temperatures.

#### **Plan Actions:**

- a. Council shall establish a climate-resilient decision tree with which to process actions on municipal infrastructure and facilities.
- b. Council may investigate the broad range of impacts of climate change on the community, including but not limited to, health, food security, and air quality and identify areas in which the Municipality may act.



# 5 FUTURE LAND USE MAP

## 5.1 LAND USE CRITERIA

In formulating the Future Land Use Map, Council has applied the following criteria:

- Land use conflicts shall be minimized.
- Primary resource areas shall be protected.
- Existing institutional uses shall be designated in accordance with adjacent uses.
- Residential parcels of 2 acres or less shall be designated as Residential, except where fully encapsulated by surrounding rural area uses. Infill areas between residential areas shall not be pre-zoned for residential use, leaving those larger parcels with the flexibility in uses associated with the Rural Area zone until such time as there is a proposal for development. The change in designation and zone shall require a public official plan and bylaw amendment process.
- Future Community Nodes shall be indicated on the Future Land Use Map but shall not be zoned for more intensive uses until such time as development of those areas is probable. Over time, mixed-use development shall be encouraged to be located in those Nodes.
- Provincially, municipally, and federally-owned parks and sites shall be designated as Open Space and Recreation.
- Land adjacent to watercourses and other significant natural areas, as well as hazard areas shall be designated as Environmental Risk.
- All other relevant policies and principles included in this plan will be reflected.

The Special Planning Area (SPA) shall not be designated as a distinct zone on the Future Land Use Map as policies have been generally designed to uphold the SPA objectives and shall apply even in the event that the SPA regulations are repealed.

**The Future Land Use Map is a generalized conceptual representation of the land use patterns Council envisions emerging over the next 15 years. It lays the foundation and establishes the direction for the Zoning Map in the Land Use Bylaw, which may be more precise in terms of land use designations within the broad categories of use. The Zoning Map must, however, conform to the general Future Land Use Map.**

# 6 OFFICIAL PLAN IMPLEMENTATION

## 6.1 LAND USE BYLAW

Concurrently with the adoption of this Official Plan, Council shall adopt a Land Use Bylaw to conform with the policies and provisions of this Official Plan, in accordance with the provisions of the *Planning Act*. The new bylaw shall be titled the Municipality Land Use Bylaw, Bylaw #2022-04, and may be referred to as the Land Use Bylaw. Both documents take effect upon approval by the Minister responsible for the *Planning Act*.

The Land Use Bylaw shall set out specific land use zones, permitted uses for each zone, standards and procedures for development and land use, and procedures and standards controlling the subdivision and consolidation of land in the Municipality. The Bylaw may also provide for “special permit” uses.

Upon taking effect following ministerial approval, the Municipality shall take full acquire full jurisdiction over planning within the Municipality’s boundaries and this Official Plan and associated Land Use Bylaw shall replace the existing official plan and bylaw for the area currently covered by the New Haven-Riverdale official plan and bylaw.

**Administration and implementation of this Official Plan are the responsibility of Council. Council shall, however, seek the input of the Planning Board and other Committees on matters pertaining to the Plan. The primary implementation tool for the Plan is the Land Use Bylaw. Aspects of the Plan may also be implemented through other municipal bylaws or regulations, Council’s operating policies and procedures, the municipal budget and other appropriate Council actions.**

### Approvals of Developments, Changes of Use, and Subdivisions

The Land Use Bylaw shall set out processes and requirements for:

- any person undertaking any development or change of use of land or premises to apply for a development permit, including any exceptions;

- the processing and making of decisions by Council or the development officer of such applications based on the provisions of the Bylaw and this Plan;
- the identification and inclusion of such conditions as Council deems appropriate to development permits and subdivision approvals to ensure conformance with this Official Plan and the Land Use Bylaw;
- the submission of a construction plan for the development, including such details as construction phasing, stockpiling of soil, screening or fencing, erosion or run-off control measures, heavy truck access, and any other item that could present a nuisance or hazard during construction;
- the submission of a site plan, footing plan, stormwater management or drainage plan, and/or landscape plan to assist the Development Officer or Council in determining if the proposed development meets the requirements set out in the Land Use Bylaw; and
- requirements for approved permits to be displayed at the site.

The receipt of a development permit does not excuse the applicant from complying with any Provincial or Federal laws in force, relating to matters such as the National Building Code, fire protection, health and safety, sewage disposal, signage, plumbing and electrical installations, and others. The Municipality will liaise with Provincial officials during the application review process as appropriate.

## Subdivision and Development Agreements

The Land Use Bylaw shall allow Council to, at its discretion, require the developer of a subdivision or a development to enter into a Development or Subdivision Agreement. This agreement shall contain all conditions attached to the development permit or subdivision approval, including financial performance bonds, which are deemed necessary by Council to ensure conformance with the provisions of the Land Use Bylaw and this Official Plan, and will be legally binding on both parties.

## Administration and Implementation

The Land Use Bylaw shall establish the delegation of decision-making on certain applications or other aspects of the implementation of this Official Plan and the Land Use Bylaw, including decision-making related to certain types of development, types of subdivisions, and variances to a development officer.

## Variances

The Land Use Bylaw shall establish procedures for the granting of variances to the provisions of the Land Use Bylaw in circumstances where a proposed development may not be able to meet the requirements of the Municipality's Land Use Bylaw where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the zoning requirement would result in unnecessary and undue hardship, and where the general intent of this Official Plan is upheld and such variance will not be contrary to the public interest.

## Development Assistance and Promotion

Council and staff of the Municipality shall take a collaborative approach to supporting prospective developers, seeking to ensure accessibility in the communication of Land Use Bylaw requirements, promoting good design and the safe, efficient use of land, and protecting the environment.

## 6.2 BUDGETING

While the Land Use Bylaw, as well as bylaws passed under the *Municipal Government Act*, is the primary tool for controlling and directing private sector development activities in the Municipality, the municipal financial plan is the key policy tool for directing the activities of Council. As such, the budget is a key implementation tool for the policies laid out in this Official Plan and, to the extent practicable, the budget should conform with the policies of this Official Plan.

### Budget Policies and Municipal Expenditures

Council shall strive to offset the cost of programs and services through the use of user fees, while remaining sensitive to the needs of all socio-economic groups. Council has established the following fiscal policies as a framework to guide municipal revenues and expenditures, in addition to the requirements of the *Municipal Government Act*:

- The Land Use Bylaw shall include a schedule of fees for applications under the Official Plan and Land Use Bylaw, and Council may amend the schedule from time to time by resolution in accordance with section 135 of the *Municipal Government Act*.
- Council may enact new or maintain existing bylaws establishing user fees for other municipal programs and services.
- Council shall continue the arrangement with the Province to have the National Building Code and building permits administered provincially until such time as Council determines it is in the interest of the Municipality to administer the National Building Code directly.
- Council shall generally apply a “user pay” approach for programs and services, while accounting for socio-economic inequities.
- Council shall pursue options for cost-sharing and maximize assistance from all other levels of government and other sources.
- Council shall consider establishing reserve funds to cover the professional and legal expenses relating to the administration, enforcement, and review of this Official Plan and the Land Use Bylaw over time, and set aside funds on an annual basis where municipal revenues permit.

### Capital Priorities

Due to the relatively short period of time since the Municipality’s restructuring and the priority placed on completing the work of developing this Official Plan and the Land Use Bylaw, a definitive list of strategic capital priorities has not yet been fully developed. Council shall endeavour to develop a more complete list of strategic capital priorities as an early task.

### 6.3 REVIEW

Council shall, on a regular basis, evaluate its activities in terms of the successful implementation of this Official Plan and shall undertake a review of the Official Plan and Land Use Bylaw in accordance with the provisions of the *Planning Act*.

### 6.4 AMENDMENTS

Council may amend the Official Plan and Land Use Bylaw as circumstances change in the Municipality or in response to requests from the public, provided that all provisions of the *Planning Act*, this Plan, and the Bylaw are met.

#### Site Specific Amendments to the Land Use Bylaw

Bylaw amendments may be site specific or area specific, and may vary the permitted uses and standards within any zoning category through a site-specific amendment.

### 6.5 POSTING OF DECISIONS

The Development Officer shall post all decisions made in respect of an application under the Land Use Bylaw for:

- a development permit;
- an occupancy permit, in relation to a matter under the *Planning Act*, regulations made pursuant to the *Planning Act*, or the Land Use Bylaw;
- a preliminary approval of a subdivision,
- a final approval of a subdivision; or
- an amendment to a bylaw, including an amendment to the zoning map established in the Land Use Bylaw, or
- an amendment to the text of the Land Use Bylaw;

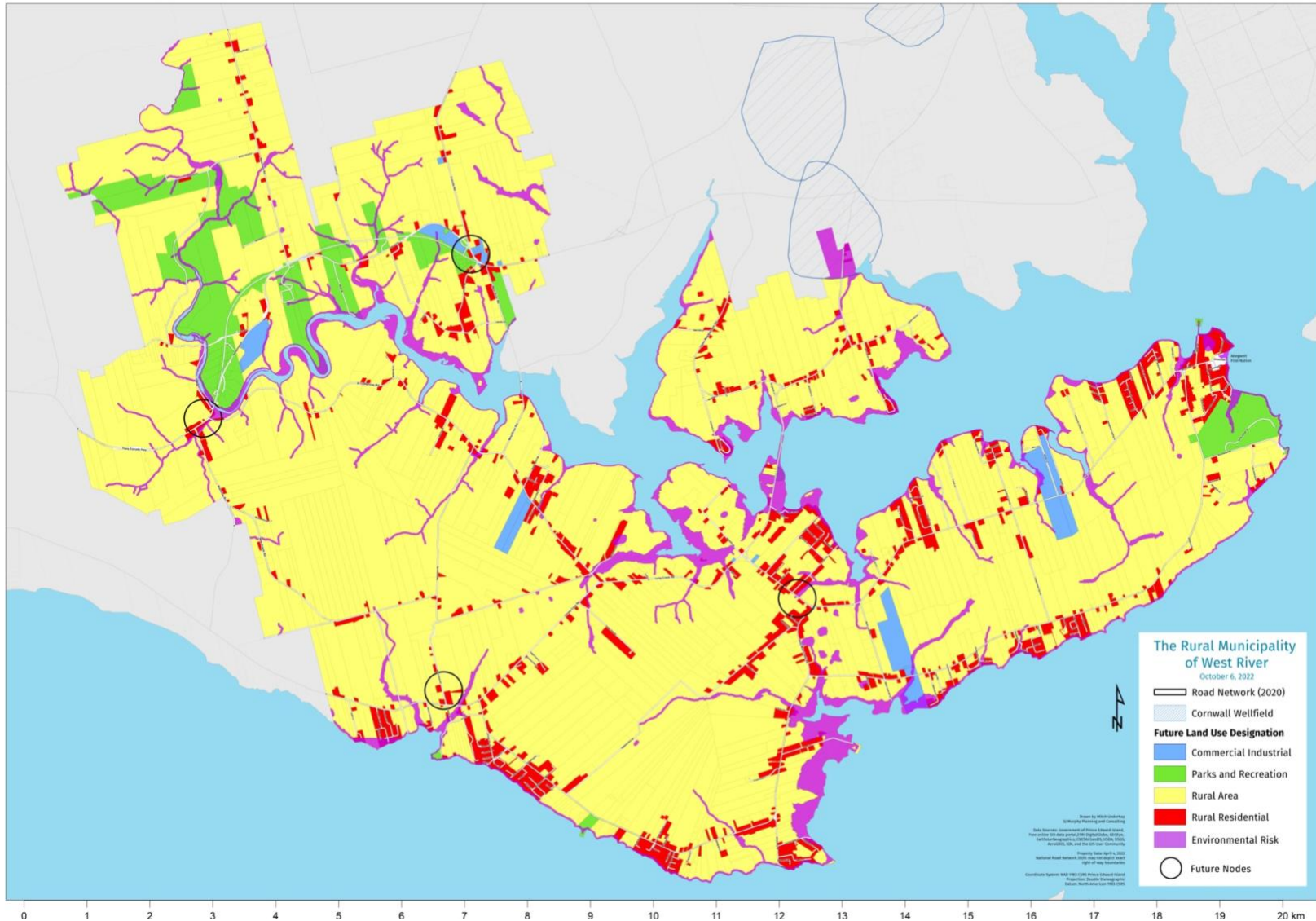
or any other decision for which notice is required under the *Planning Act*, in accordance with the requirements of section 23.1 of the *Planning Act*.

### 6.6 APPEAL PROCEDURE

Any person who is dissatisfied with a decision of the Development Officer or Council in the administration of the Land Use Bylaw, as enumerated in Section 28 of the *Planning Act* may, within 21 days of the decision, appeal that decision in accordance with the *Act*.

# SCHEDULE A – FUTURE LAND USE MAP

## Rural Municipality of West River Future Land Use Map



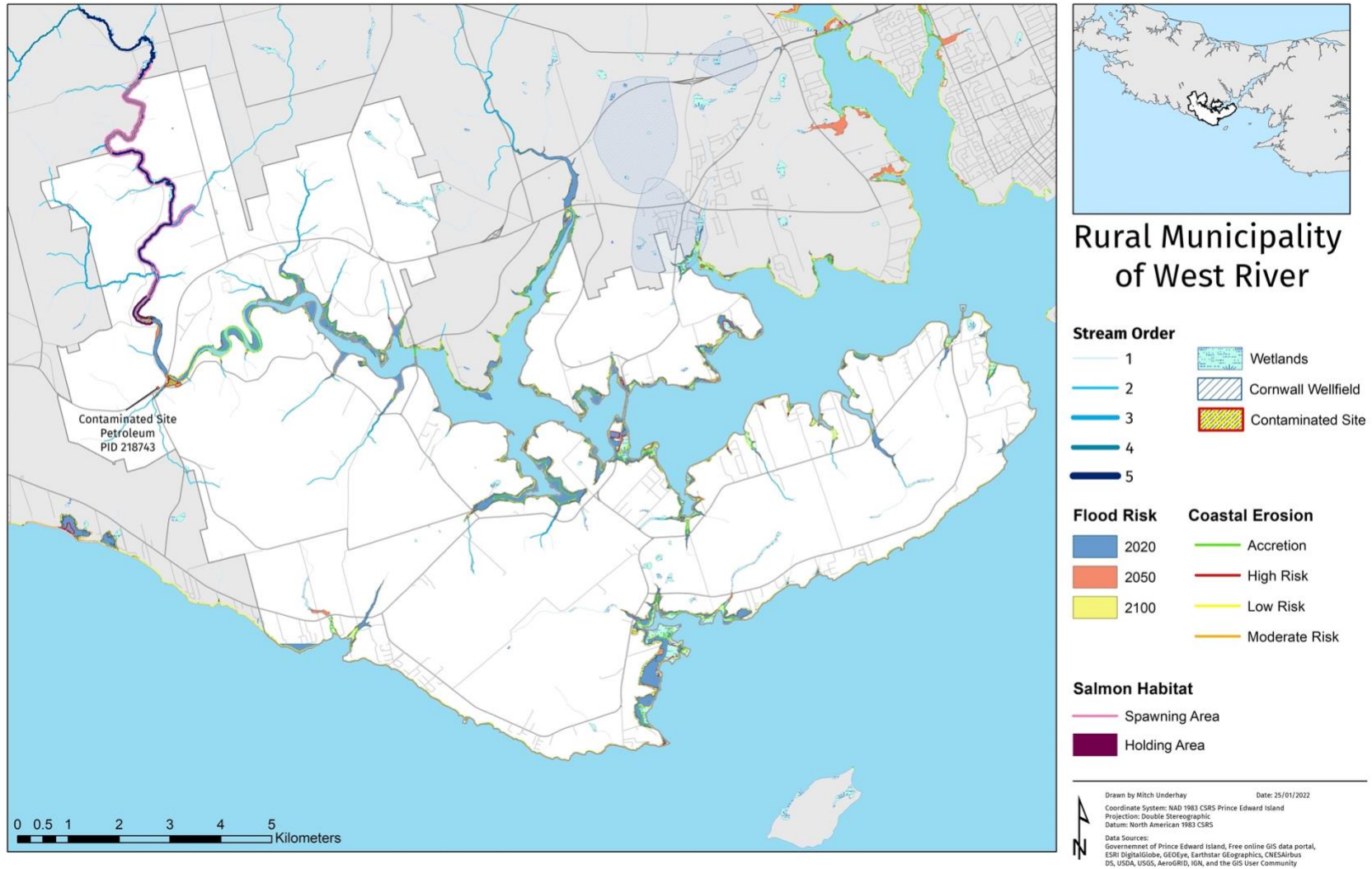
## SCHEDULE B – PUBLIC ROADS IN THE MUNICIPALITY

Names	Class (Roads Act Highway Access Regulations)
Trans Canada Hwy	Arterial
Route 19 (partial)	Collector
Route 19 (partial), Route 19A (Long Creek Rd), Route 245 (Riverdale Rd), Colville Rd, West River Rd, Canoe Cove Rd, Bonshaw Rd	Local 1
Nine Mile Creek Rd, Cumberland Line Rd, Hyde Point Rd, New Argyle Rd, Highland Park Rd, blockhouse Rd, Rocky Point Rd, Wharf Rd, Darrach Rd, Westville Rd, Church Rd, St. Rd, MacQuarrie Rd, Green Rd, Wharf Rd, Strathgartney Rd Boyle Rd, Churchill Rd, Cameron Rd (partial), Hennebury Rd, Country View Dr	Local 2
MacEachern Rd, Perley Shaw Rd, Park Rd, Bolger Park Rd	Local 3
MacPhail Cove Rd	Residential
Cameron Rd (partial), Stephens Ln, Peters Rd, Hennebury Rd (partial), Peters Rd, Mackinnon Ln	Seasonal
Haché Gallant Dr, Maplewood Dr	Federal

This is an unofficial list – refer to the *Roads Act Highway Access Regulations* for full details.

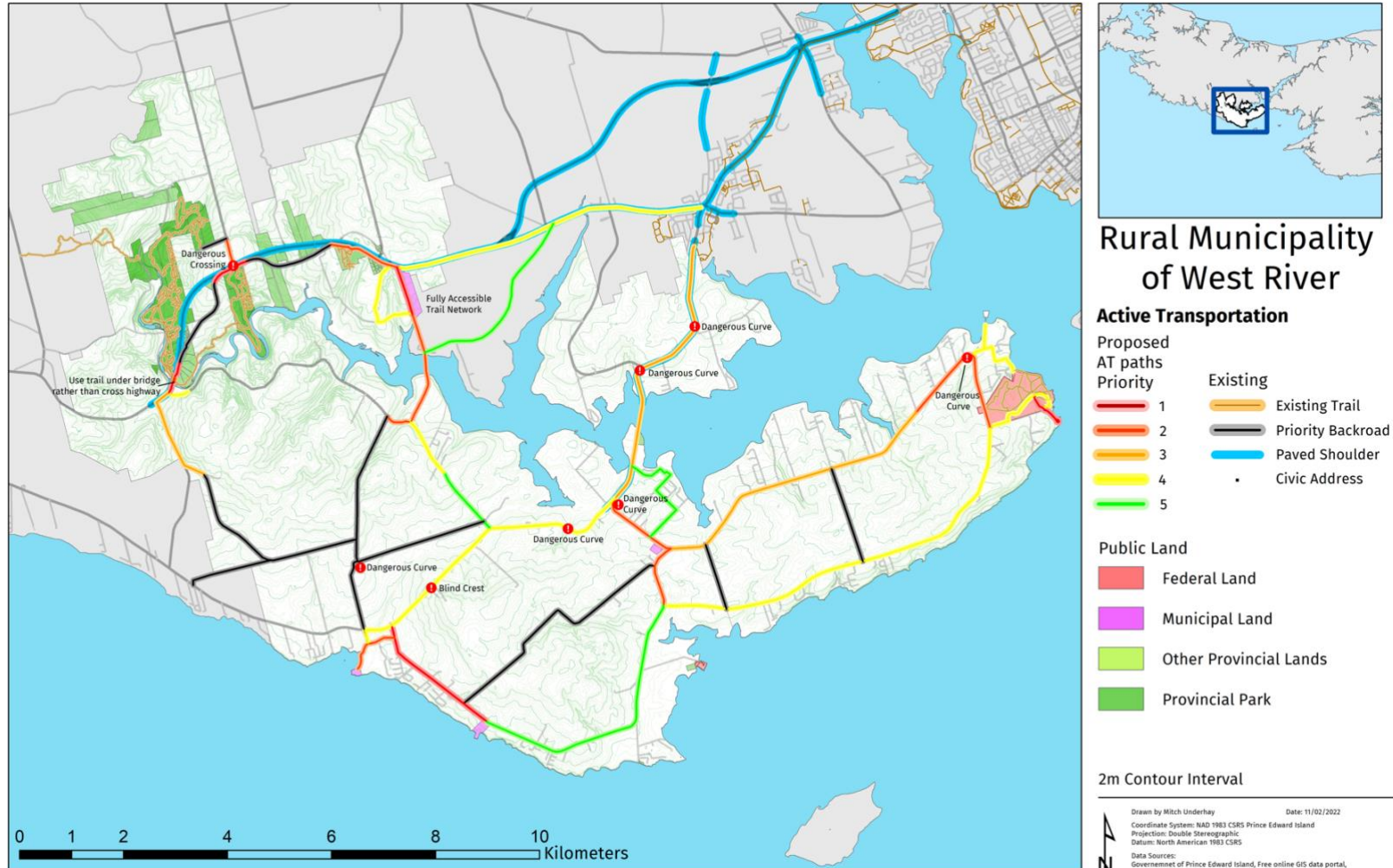
Not listed: private roads, unclassified roads.

# SCHEDULE C - HYDROLOGY





# SCHEDULE D - POTENTIAL FUTURE ACTIVE TRANSPORTATION CONNECTIONS



## SCHEDULE E - LEGACY LANDS ASSESSMENT POLICY

This policy is included for reference purposes only – please contact the Municipality for the latest version of the Policy as it may be amended from time to time.

Last Reviewed and Approved: October 6, 2022

### Reasons for the Policy

WHEREAS Legacy Lands (as defined below) exist in the Municipality;

AND WHEREAS it is not always certain whether a Lot qualifies as Legacy Lands;

AND WHEREAS the Municipality is desirous of determining and recognizing the existing legitimate rights of Property Owners of Legacy Lands;

AND WHEREAS the Municipality is desirous of enacting this policy to guide its decision-making regarding the determination of the existence of Legacy Lands (the “Policy”).

NOW THEREFORE the Municipality wishes to adopt the following policy, effective upon approval of the 2022 Official Plan by the Minister of Agriculture and Land.

### Purpose

1. The purpose of the Policy is to provide guidance to Council, Development Officers and Property Owners regarding the identification of Legacy Lands (as defined below). Council must rely on the Policy when determining the existence of Legacy Lands.

### Definitions

1. Capitalized terms not otherwise defined in the Policy have the meaning prescribed in the 2022 Land Use Bylaw as passed on October 13, 2022 (the “Bylaw”).
2. “Legacy Lands” means lands which:
  - a. have a Subdivision or Development approval in effect for certain Uses,
  - b. have not yet been fully developed,
  - c. meet the assessment criteria prescribed in the Policy, and
  - d. currently do not comply with the Municipality’s Bylaw.

### Assessment Criteria

1. Three criteria will be considered. The examples accompanying each criterion will be used in the assessment of the Legacy Lands.
  - (1) What is the pre-existing approved Use of the Lot and how has the Lot been actively put towards that Use?

- (i.) Examples:
  - (A) the extent to which the lands have been developed,
  - (B) whether the Developer was in the process of actively developing the Lot at the time the Bylaw was passed,
  - (C) how long the Lot has been vacant and/or unused,
  - (D) what are the real and reasonable expectations of the Property Owner, as evidenced by their actions or inactions with regards to the Lot.
- (ii.) The following shall not be considered:
  - (A) the contemplated Uses of the Lot,
  - (B) the probable eventual Uses of the Lot, or
  - (C) the desired Uses of the Lot

which have not been actualized on the date the Bylaw came into effect.

- (2) Is the proposed Development merely a continuation or evolution of the existing Use or is it a new Use?
  - (i.) Examples:
    - (A) extending a cottage is likely a continuation of a Use,
    - (B) finishing a subdivision is likely a continuation of a Use whereas beginning to build a new one (i.e. beginning with the subdivision of a Parcel) is likely a new Use, and
    - (C) removing substantially all of a structure to build a larger structure would be a new Use.
- (3) If the Use of the Property is merely an evolution of an approved Use, does the expanded use balance with the community's interest in maintaining the character of the surrounding lands?
  - (i.) Example:
    - (A) Continuing the construction of a residential subdivision development is in the interest of the community and the Property Owner.

2. Two interpretation principles will guide the application of the criteria:

- (1) The resulting characterization of the Legacy Lands should not be so general as to liberate the Property Owner from constraints of what they actually did, and not be so narrow as to rob them of some flexibility in the reasonable evolution of prior activities. The degree of this flexibility may vary with the type of Use.
- (2) While the definition of the Legacy Lands will always have an element of subjective judgment, the criteria mentioned above ground the decision-making in objective facts. The outcome of the balancing in step three of the analysis should not turn on personal value judgments.