

Public Consultation Meeting Notes
District #1 East River Union Hall
7 p.m. April 9th, 2018

Attendance

Council: Cllr. Tina Connors
Cllr. Marshall Hector
Cllr. Danielle Barkhouse

CPAC: Trevor Hume

Staff: Tara Maguire, Director of Community Development
Garth Sturtevant, Planner
Heather Archibald, Development Officer
Sandra Challis, Admin. Assistant
Tammy Wilson, CAO

Gallery: There were approximately 11 members of the public present.

Summary of Comments & Questions

COMMENT - Castle Rock should be moved to the Conservation Area following the recent acquisition of the land by the Municipality for recreation purposes.

QUESTION - The Department of Agriculture guidelines were followed when setting the Farm Animal Setbacks, who is enforcing them now?

ANSWER - Department of Agriculture have manure management guidelines, but they are only guidelines and they are not enforceable. If we adopt them as the municipal standards for farm animal operations as part of the new planning documents then the Municipality would be able to enforce them.

QUESTION - What about existing uses (e.g. farm animals) that exist prior to the implementation of the plan? How are they impacted?

ANSWER - If a use is legal prior to the implementation of the plan, and you are unable to meet the new guidelines, the use will still be allowed to continue as a “non-conforming use”. This applies to all uses, including farm animals. If the use stops for 6 months you would lose your “non-conforming” status which would mean that if you wish to restart the use, you would need to meet the new rules. If the use is restarted within 6 months, the “non-conforming” use is allowed to continue.

“Non-conforming” use status only protects what existed prior to the new rules coming in place. If you wish to expand the “non-conforming” use you would need to be able to meet all the setback requirements to the rules or other requirements of the zone.

QUESTION - It seems like there has been a lot of work to get to this. What happens if this is all opposed?

ANSWER - Council has the final decision. There are a number of possible outcomes. The Citizen's Planning Advisory committee will review all the feedback from these sessions. They can make recommendations for adjustment and then eventually will forward their recommendations to council. Council will receive the recommended changes and they can choose to retain the original documents, accept the recommendations for changes from the committee, or they can direct staff to look at the permitted uses and address specific issues, or they could adjust the zone boundaries. They also have the option to choose not to proceed with adopting any of the changes to the document.

QUESTION - How were the boundaries determined? It does seem a little unfair that neighbours may need to meet different criteria or may have fewer regulations depending on where the boundaries between the zones was placed.

ANSWER - The Committee and Council looked at community character areas when drawing the boundaries. "Character Areas" were identified as Rural Area, Settlement Area, Hamlet Area and Village Area. The Municipal Planning Strategy describes the characteristics of each of the "Character Areas" and the committee then went through several different mapping exercises to determine where the character areas were in the Municipality. Once the areas were in place we then went into each area and looked at what zones were most appropriate within each area. In the Settlement Area, the Mixed Use zone was created to place some additional controls and to differentiate it from the General Basic Zone. This is in recognition of the more developed character, smaller lots, and denser residential nature. In this District, parts of the area will change from being zoned General Basic to Mixed Use, and although you are mostly allowed to use your land the same way, there may be a different permissions process – you made need to apply for a development permit, for example.

Staff, Council and the Citizens Planning Advisory Council, Municipal Area Advisory Committee considered each area and identified which are likely to face development pressures in the next 25-years – looking at the possible twinning of Highway 103 and where development is currently focused. These growth pressure areas also have smaller lot sizes, being closer to neighbours, perhaps justifying tighter controls.

The input from these sessions will be reviewed and the feedback will be used to determine what adjustments may need to be made. This can include adjusting the boundary lines, adjusting the uses or regulations in the zones or addressing issues we may have missed.

QUESTION - How much has this process cost?

ANSWER - For the last three or four years, the budget has been around \$40,000 and there was a contract staff person, but not all of the budget was spent.

QUESTION - The area newly identified as mixed-use, due to its potential for development, is already developed as much as it is likely to be. Where is the development going to be?

ANSWER - Development pressure was not the only consideration in determining zoning. We also considered lot sizes, what concerns are we hearing from residents, and reviewing the issues and complaints that we have heard over the past few years. The plan is a 25-year plan, so careful thought has been taken in thinking how this area may change and grow for the future.

QUESTION - What if a non-conforming property with farm animals changes hands, can the new owners still keep animals?

ANSWER - Yes, providing the operation continues within 6 months of the previous operation stopping. Property ownership is not linked to the non-conforming use status.

QUESTION - Why 6 months, can we change that?

ANSWER - We are governed by the *Municipal Government Act* which states that a non-conforming use is no longer allowed after the use ceases to operate consecutively for 6 months. *We may need to seek some legal advice, but it may be possible that if we have some policy to support it, we may be able to extend this time period.* It has already been identified, that for certain farm operations, raising meat birds for example, a 6-month gap between uses is not long enough.

QUESTION - What about people who buy a property to retire and think they may have a hobby farm in the future, and people with smaller lots, this is taking their current rights away?

ANSWER - The zoning was considered to allow for a good balance between people who want to farm and people living next door to a farm. The regulations in the General Basic zone do allow most farming operations without a permit, it is only when you get to the larger scale operations (over 20 Farm Animal Units) that permissions are needed. Anything under 20 FAU is not regulated, so not controlled.

In Mixed Use, a permit is required for any farming operation except backyard fowl. The minimum lot size for a single Farm Animal Unit (i.e. 1 horse or 1 cow or 3 pigs or 33 chickens) is 4000 sq.m. (approx. 43,000 sq.ft or 1 acre) and there are set back requirements for buildings for animal shelter and manure management. If you have a larger lot, then you are permitted to one additional Farm Animal Unit per 2000 sq.m.

Maybe the minimum lot size is too large in order to be practical, perhaps this needs to be looked at again.

COMMENT - The document seems more worried about controlling farm animals and their manure than salvage yards.

QUESTION - How was the decision made on where the zone boundaries change. For example, on this side of the Aspotogan, the proposed zoning changes at Quarry Road, why there?

ANSWER - Mapping exercises were held with the Citizens Planning Advisory Committee and they were broken into working groups, presented with each district and were given the opportunity to create the boundaries. This information was then collated and analyzed by Staff and identified the common areas and set boundaries accordingly. The maps have been back to CPAC and Council and are now out for public consultation.

Some areas of District 1 have the houses close together, yet are zoned GB, and others along Highway 3 are zoned differently, yet are further apart.

QUESTION - Why zone areas that are already developed, with not much chance for further development?

ANSWER - The committee considered the type of development that was happening there, and the potential for future development when the zones were created, thinking of where future commercial uses may want to locate following the twinning of Highway 103.

QUESTION - How can lots be developed when they don't exist?

ANSWER - This is a long-term plan, looking ahead for the next 25 years. What would be an appropriate use for the land occupied by Canoxel, should they sell the site for example? This is what the Committee has to consider. One reason for zoning developed areas is to reduce potential land-use conflicts. For example, if a lot were developed for a noxious use that everyone was opposed to, there is no protection in the current documents against this. The new document is prescribing the types of use that are preferred in an area.

QUESTION - Were the general public asked specifically about these decisions when these boundary lines were made?

ANSWER - The Committee made the decision and this has been shown to Council. The character areas were shown at previous public engagement sessions held in each district, but the mapping was in the very early stages and areas were broadly shown with no exact regulations and no exact zones. These engagement sessions are the public's opportunity to let us know if we got it right.

QUESTION- Do the zone boundaries follow property lines?

ANSWER - Generally speaking yes, however for some larger properties, especially longer narrower properties, it seems reasonable in some situations, to split zone the property between front and back.

QUESTION - What about the existing subdivisions on the Aspotogan, the plan doesn't protect them from further development? Perhaps the Mixed-Use zone should be extended, perhaps District 1 should be zoned the same, as not doing so, may push development into the already more densely populated areas.

ANSWER - This point of view has not been heard so far, we have heard that the mixed-use zone should be removed from this District. In previous versions the zoning did come further down the peninsula, this

was felt more important whilst there were still some of the Heavy Industrial uses permitted, but as these have been moved the zone was shrunk back.

COMMENT - *The potential zoning should be shown to all residents of the area and they should be asked specifically to agree or disagree with the proposal.*

QUESTION - Does the Municipality *have to do this plan?*

ANSWER - No, we are not mandated by the Province to make changes. We are required to review the plan, and previously we were required to do so every 5 years. However, now we only are required to review the plan with no defined timeline. The plan has not been through a review in nearly 20 years, and it has been about 14 years since General Basic zone was created. For this reason we have initiated the current review process. This plan outlines a 25-year vision, but we will still need to monitor and review the plan on a more regular basis, probably every 5-10 years.

QUESTION - *When did the Chester Village Planning Area boundary come into effect?*

ANSWER - Probably around 20 years ago. It was brought in to offer some planning guidelines for the area immediately outside the Village Boundary. However, this process, will now move this area under the jurisdiction of the Municipal document, rather than the Village Planning Document, so that the Village planning document reflects the political boundary of the Village of Chester. One result of this is that the 33 foot height restriction will no longer apply to the area which is now under the Municipal document. There will still be some height regulations in some zones, depending on the use, but the requirement is relaxed and the way of measuring height is less restrictive.

QUESTION - *Is it correct there are now restrictions on Yard Sales and Outdoor Wood Furnaces?*

ANSWER - Yes, there are a number of things that are included under the General Provisions of the new document. In order to prevent unauthorised commercial uses, yard/garage sales are permitted if conducted by the owner/resident of a property or a non-profit group, are not held more than 6 times per year and that each sale does not last more than three consecutive days.

Controls on outdoor wood burning furnaces was a specific request of Council. Currently they are permitted without any restrictions. Due to a number of complaints of smoke adversely affecting neighbours, set backs of 45 metres from a lot line and 90 metres from dwellings on adjacent properties and the chimney height should not be lower than the eaves of the building it serves, are proposed. Staff has not reviewed this requirement with council. They did ask for some regulations, but the specific requirements were borrowed from the Village planning documents. We are looking for feedback on this as we do recognize that it is perhaps too onerous.

COMMENT - *Maybe the focus should be on the chimney height rather than imposing setbacks.*

QUESTION - *Who will police the yard sales, and will it affect sales in the Village at the old Petrocan site?*

ANSWER - Enforcement will be complaint driven. This type of activity is controlled in the Village through our temporary vendors permit. This permit is not in use in the Municipality. There is some suggestion that 6 per year too restrictive and that perhaps 12 or some other number would be more reasonable.

COMMENT - *There are 30 pages of General Provisions that apply to all zones. In order to be transparent, handouts should be provided on each of them. We should be doing a better job of summarizing them for people. It is going to be hard for people to understand what is changing and they won't know what questions to ask.*

RESPONSE - It is challenging to summarize a 350-page document, and hand-outs have been created to highlight some of the items that Staff believed could be contentious. There is no intention to hide behind the document and we will look at what improvements can be made for future sessions.

QUESTION - **Is it possible to produce a change log, showing what the changes are from the existing document to the new one, highlighting the specific changes made to the zones and the implications?**

ANSWER - There are too many changes to show in this manner, there are some completely new zones. We have created information sheets for each zone showing what the existing zone means, and there are other handouts for what the new zones mean. We are able to give people handouts on what their existing zone is, and what their new zone is, and what this means. The afternoon and evening open-house sessions give people the opportunity for Staff to discuss individual concerns on a one-to-one basis.

QUESTION - **Why isn't the potential quarry site at Exit 7 included in the Mixed Use Zone?**

ANSWER - It is understood they already have their Provincial approvals in place and highway access. The Committee had discussed covering both sides of the interchange, but it was agreed that there would need to be significant investment to improve access to the intersection, which could discourage development potential. It is understood that the quarry already has a right-of-way or access established.