Public Consultation Meeting Notes
District #1 Chester Basin Fire Hall
7 p.m. May 9, 2018

Attendance

Council:	Cllr. Danielle Barkhouse Cllr. Marshall Hector Cllr. Sharon Church Cllr. Tina Connors Deputy Warden Floyd Shatford Warden Allen Webber
CPAC:	Debbie Reeves
Staff:	Tara Maguire, Director of Planning Garth Sturtevant, Planner Sandra Challis, Administrative Assistant Carol Randall, Facilitator
Gallery:	There were approximately 40 members of the public present.

Summary of Comments & Questions

QUESTION - I'm a bee farmer, what does this mean for me? Mahone Bay has regulations in place for bee-keeping, are there regulations in the Municipality?

ANSWER - There are no regulations regarding beekeeping in this document and there has been no discussion around imposing regulations.

COMMENT - Regarding the RV regulations, if Marvin's Island don't want RVs, then let them put a sign on their road and leave the rest of us alone.

COMMENT - Regarding Yard Sales limited to 6 per year. We are a community, we are average people trying to get by. Some people depend on yard sales to put food on the table. They should not be taxed on their earnings. Take this regulation off the table.

QUESTION - Why are the zoning rules being changed?

ANSWER - We are mandated by the Province to review our planning documents. The current documents came into effect in 1997, so a review is due. When the Committee was formed, their task was to review the existing documents and suggest changes. Following public meetings, staff research, and discussion with the committee, a number of ideas were collected. Added to this, consideration of administrative issues with the original document, feedback, complaints and comments heard officially or unofficially over the years and looking at best practices of other municipalities – the document shaped into the policies and by-laws in the draft document.

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COMMENT - I grew up in the area. My grandfather made barrels and it was a very noisy business. This type of industry is now considered heritage, like shipbuilding. Life was simpler back then. Seems like nowadays everyone has something to complain about, about their neighbour. When do you draw the line? I see things in the community I would like to see changed, and although some zoning changes may make things better, Council should be dealing with more pressing matters.

QUESTION - If some of the reasons for changing are due to complaints, and all the existing stuff will be "grandfathered in" why bother?

ANSWER - Any existing uses or structures that are currently in existence will be permitted to continue. You're right, it won't get rid of what's there currently. However, this is a long-term plan and going forward, the regulations will try to reduce the number of future complaints.

COMMENT - There seems to be different answers given at each meeting…in New Ross we were told that you are looking to change the Backyard Fowl rules to include roosters. At Bonny Lea, you said, it was a mistake and wasn't meant to be there. In Blandford we were told that roosters are covered under livestock. People are getting mixed messages.

ANSWER - We have heard that there are concerns with Farm Animals as a whole and it is highly likely this will be reviewed and looked again by the Committee. Roosters are prohibited where you are only permitted backyard fowl. In areas where you are allowed Farm Animal Units, a rooster would fall under the category of the fowl/rabbit farm animal unit.

COMMENT - Much of the document seems to be open to interpretation, who will be interpreting it? Also, it feels like staff don't know what they are looking it, needing to check back all the time. There seems to be conflicting information about what uses are permitted and what uses are not allowed from section to section and its confusing.

ANSWER - Interpretation and enforcement of the land use by-law is the responsibility of the Development Officer. These are complex documents and Staff constantly refer to them to ensure they are giving accurate information. The current documents are used at the same level and are never far from us when we deal with clients. Regarding conflicting statements, the statement on the bottom of the handout for the proposed GB Zone states "Uses not listed above, which are not listed as prohibited in the Land Use By-law are permitted and DO NOT require a Development Permit or any other Planning Approval". Policy G-1 in the Planning Strategy states "Unless otherwise indicated as a permitted use in a zone within the Land Use By-law, the use shall be prohibited in the zone specified". These appear to conflict each other, however General Basic is an anomaly, as this zone works the opposite to other zones. All other zones list permitted uses and anything not listed is prohibited, but in General Basic everything is permitted, except the specific prohibited uses which are listed.

COMMENT - We have been told that drafts have already been sent to the Province for pre-approval.

ANSWER - The Province issues *Statements of Provincial Interest* – currently these are in regard of the following matters: Drinking Water, Flood Risk Areas, Agricultural Land, Infrastructure and Housing. These items *must* be addressed in any municipal planning documents. When the draft was ready, we

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sent it to the Province for a preliminary review, to ensure that there are no conflicts in relation to these statements. If we had failed to address any of these items, the Province would have let us know and we would not have been able to bring these documents out for public discussion without correcting this.

COMMENT - There are too many rules to start with. The 6-months stopping period is too short for seasonal uses like Air BnBs.

QUESTION - What happens if Air BnBs do not meet the proposed set-back rules?

ANSWER - Currently, Air BnBs and short-term rentals are not regulated by us, so something that is not regulated would not be required to meet any regulations. What is considered "tourist accommodation" is defined in the land use by-law in Section 2.

COMMENT - Leave RV's alone. Just because someone doesn't like looking at them, doesn't mean we shouldn't be allowed to use them on our own land.

QUESTION - What about a seasonal business? If you stop for 6 months over the winter, you won't be allowed to re-open!

ANSWER - We're not limiting this type of business. In order for the "non-conforming use" 6-month clause to come in, it has to fall under something that we *are* regulating.

QUESTION - Is there a minimum acreage for Farm Animals?

ANSWER - This depends on which Zone you are in. In GB Zone, there is no minimum lot size. For NEW operations in MU, SR1, SR2 you would be required to have approximately 1 acre for the first Farm Animal Unit (1 FAU = 1 cow, or 1 horse, or 3 pigs for example.) For each additional FAU, you need approximately an additional ½ acre.

COMMENT - Might be in the minority, but would like to commend Staff for the hard work they are doing. I am a planner for Kings County and would liken the documents to the game "whack-a-mole. The documents are linked to each other, if you address one thing in one document, it affects something in the other document.

COMMENT - It seems that the 6-month period is a contentious issue. This period is mandated by the Province for non-conforming uses and structures. We run into this problem in Kings often.

COMMENT - There are no regulations for chickens/turkeys on the opposite side of the 103. In the Hamlet you're allowed 10 female birds. When I raise meat birds, I have no control over what sex

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they're going to be and it only takes 3 months to raise them. In other zones that allow for farm animals, you're allowed roosters. It seems to be either none, or lots.

ANSWER - If your property meets the new rules then you're Ok. If not, and you currently have birds, you are allowed to continue. We have already heard about the 6-month rule and this will be going back to the Committee for discussion, your comments are duly noted.

COMMENT - When people set up business, there is no input from neighbours. People might have to put up with smells and noise with no say. You should be cleaning up the existing messes before creating new rules.

QUESTION - I have 8 acres in the Mixed Use Zone, can I have an abattoir?

ANSWER - Yes, abattoirs less than 2500 sq.m are permitted through a Site Plan Approval process. Current regulations permit you to have a larger facility.

QUESTION - If zoning was only brought in in 1997, was it because the Province said you *had* to do it, was the Municipality a little slack in imposing zoning? Did the province say you had to do it?

ANSWER - The Province gives municipalities the ability to zone, although not all do.

COMMENT - I just see this as a lot of restrictions for future generations. At the next UNSM meeting you should lobby them to change the 6-months rule, it's much too short.

QUESTION - Why aren't roosters allowed in some areas?

ANSWER - Hamlet Zones where the lots tend to be smaller and closer together, the noise roosters make can create problems for neighbours which is why we are proposing to restrict them. In areas where you are allowed Farm Animal Units, a rooster would fall under the category of the fowl/rabbit farm animal unit. It was felt that allowing 10 laying-hens would be appropriate for most zones.

QUESTION - What about Dogs Barking?

ANSWER - We have a by-law to control this and an Animal Control Officer to handle these complaints.

COMMENT - Many years ago we were told there was a complaint about our rooster and we were told to get rid of it.

ANSWER - Currently, the only reason you would be asked to remove it if it was regularly roaming on someone's land and you had failed to contain it despite requests.

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COMMENT - I bought my house last year. I am from this area, grew up here. If I knew these rules were coming into effect, I wouldn't have bought here. How is a noisy child any different to a rooster?

QUESTION - With all these changes, how many officers do you have or will you need and how are you going to police it?

ANSWER - Enforcement will be the same as it is now, a complaint driven process. We have a bylaw enforcement officer who deals with Dangerous and Unsightly structures. The Development Officer issues the development permits and enforces land use violations. There is an assistant position to assist the Development Officer, which although currently vacant, is not a new position. There is no active policing, we only act if a complaint is received or there is an obvious violation that is noticed by a staff member.

QUESTION - Is the reason why you are having regulations on chickens, roosters, horses because of manure?

ANSWER - In part, yes. There are environmental concerns regarding run off, nuisance concerns regarding smells and also noise concerns regarding roosters. That's why we are suggesting a minimum lot size and set back requirements from lot lines and waterways to reduce the negative impact on waterways and neighbours.

COMMENT - What about the straight pipes running in the water in Gold River? You are giving us a bag of rules without addressing real issues. You should be focused on getting these things right first.

ANSWER - Unfortunately, the Municipality does not have jurisdiction over these matters. It sits with the Provincial government, Dept. of Environment, who deal with approvals and complaints. We are not trying to ignore these gaping holes, we are just dealing things that we have authority over.

QUESTION - If you have 8 acres in the Mixed-Use Zone, will you need a development permit to have a rooster?

ANSWER - A rooster falls under the category of the fowl/rabbit farm animal unit, 33 of these animals make up one FAU. You would require a development permit for any farm animals, except 10 female fowl, so yes, if you have 1 rooster, you would require a development permit and be required to meet the minimum lot size.

QUESTION - This property has been a farm for hundreds of years, why not leave it as it is?

ANSWER - We have already heard concerns about FAUs in the Mixed-Use Zone, and similar comments in the General Basic Zone. Mixed-Use Zone is mostly located between Hwy 103 and the Coast and is hoped to be reflective of what is already there – a mixed use of businesses, farms and residential. The regulations are proposed to hopefully reduce the number of conflicts between land uses.

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QUESTION - Was the zoning brought in in 1997 forced?

ANSWER - No, there was a similar process as today.

QUESTION - Will we be able to vote to get rid of them?

ANSWER - No, there is no plebiscite on these documents. Council has the final decision. Once the public meetings are concluded a report will be prepared, attaching all the comment sheets, notes, questions raised etc and this will all go back to the Committee (CPAC). They will then discuss what needs to be done, this could include changing zones, deleting sections all together, virtually anything. Once the Committee signs off, it will then go to Council for them to make changes. Changes can be made once the document is adopted, there is an Amendment Process that can be undertaken.

COMMENT - If we don't have to have zoning, why not have a vote to see what changes people really want to make?

COMMENT - Why are you trying to change this area? I want to stay in a rural area, to show this way of life? I only just found out about it….

ANSWER - We have tried to advertise this as widely as possible. This current meeting schedule was advertised in the Progress Bulletin, the Masthead News, on our social media and our website. Posters were put up in various businesses/locations in each District and everybody in the Municipality who received the Municipal Insight newsletter received a 6-page flyer all about the Plan Review. There is no intent to hide this document from the public. We *want* feedback, that's why we're here.

QUESTION - What's the thing about the campers?

ANSWER - There are no restrictions on campers in Beech Hill (General Basic Zone). These are only proposed to be regulated in other zones.

QUESTION - I've read through the draft and it looks like Composting facilities are a big no-no.

ANSWER - We are only regulating commercial or industrial composting facilities; these regulations do not apply to residential or backyard compost piles kept on a residential lot. We provide a definition for composting facilities in Section 2 to ensure clarity on what is being regulated by the Land Use By-law.

COMMENT - I've had Livestock for 53 years but am a little confused with the draft documents and they are raising lots of questions from lots of normal people, especially about the farm regulations.

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ANSWER - In General Basic Zone, no rules or permits apply if you have fewer than 20 FAUs. The 6-month rule only comes in when the use is non-conforming, i.e. if the new zoning does not permit the use; if the use stops for more than 6 months, it is only allowed to re-start if the new regulations can be met (minimum lot size, set-backs for example). We have heard that there is an issue with the 6-month rule, that it is not long enough and we will be reviewing this.

COMMENT - I would commend the Municipality for their efforts. I was involved in the 1997 zoning and understand what they are going through.

QUESTION - What about a 4H member that's in a zone that's not allowed farm animals? Can they be grandfathered in because they're a member? They may not have farm animals when the new regulations come in.

ANSWER - We have heard concerns about 4H and your comments have been recorded and will be taken back to the Committee for discussion. Currently in order to be a non-conforming use, the use would need to be taking place when the regulations come into effect.

COMMENT - You are taking people's rights away.

QUESTION - When is a farm animal considered a pet, like a horse? Is it treated differently? The Province does not recognize horses as farm animals.

ANSWER - The Province may not, but we treat them as farm animals.

COMMENT - There being inconsistencies in the documents does not seem like a good excuse for creating new documents. There are lots of concerns being raised that the regulations are too nitpicking. Looking at the proposals it seems that if I want to put up 24-hr gas station, or shopping mall or big-box store, it would pretty much be wide open where it could be located. This would be quite an intensive use, potentially creating problems for the surrounding community. I wonder what the thinking was behind this? In the GB Zone I can pretty much develop wherever I like, there does not seem to be any area focused on business development. This seems to be inconsistent with the policies.

ANSWER - This matter was discussed extensively when arriving at these documents. We wanted to bring in some level of regulation where development is more likely, South of Hwy 103 predominantly around Exits 6 & 9. The original draft included architectural controls and higher regulations exactly for this reason, however Council felt that the regulations were too high and discarded it. We realize that we do need to relook at the Gateway Zone in relation to the size and impact of development.

COMMENT - Why would I bother with commercial activity, having to go through these regulations?

ANSWER - *Location! It is more likely that commercial development will occur where there is access to the most customers.*

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COMMENT - If I were to locate a Shopping Mall at Exit 9 in the Gateway Zone, it would go through Site Plan Approval. This means the Development Officer would approve this with no public consultation. There would be notification to the neighbours, but no public hearing or Council vote.

ANSWER - *That is correct, although neighbouring property owners would receive notice that they may appeal the decision to grant the Site Plan Approval to Council.*

COMMENT - It is possible to circumvent the 6-month requirement. Instead of having a non-conforming use, Municipalities are able to have a table of existing uses. This in effect changes them into conforming uses.

ANSWER - *We are aware of this, but have had trouble administering this in the past.*

QUESTION - If a rabbit is kept indoors as a pet, would this be allowed?

ANSWER - *If an animal is kept indoors, it is unlikely we would ever get to know about in in order to control it.*

QUESTION - Where can we get a full copy of the draft documents?

ANSWER - *We have copies available in each district that can be borrowed. Some are available at the PetroCan. We also have some on the mobile library and at the Municipal Office. You may purchase a copy for $10.*

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