Public Consultation Meeting Notes
District #5 Western Shore Legion
7 p.m. May 17, 2018

Attendance

Council:	Cllr. Sharon Church Cllr. Tina Connors
CPAC:	N/A
Staff:	Tara Maguire, Director of Planning Garth Sturtevant, Planner Sandra Challis, Administrative Assistant Carol Randall, Facilitator
Gallery:	There were approximately 29 members of the public present.

Summary of Comments & Questions

QUESTION - Why the changes? Who determined the zone boundaries, we all pay the same property taxes?

ANSWER - The process began in 2014 with visioning in each district, asking people what they liked and didn't like about their communities. Some of these sessions discussed Environmental Issues, Housing, Economic Development, Communication and Transportation. One message heard was to protect community character, but allow communities to grow and develop with uses appropriate to the area. The Citizens Planning Advisory Committee (CPAC) was formed to oversee this process including a representative from each district, the chairs of both the Village and Municipal Planning Advisory Committees and the Warden. Regular meetings, usually monthly, have been held by this Committee, which are all open to the public. The area south of the #103 was seen as having the most likely development pressures in the next 20-25 years. We went out to the public again in 2015 to show people what general direction the policies were taking and the goals we were hoping to achieve. Between 2015 and 2017 staff worked with CPAC to create the policy document (Municipal Planning Strategy) and then the regulations document (Land Use By-law). In January 2018, both draft documents were presented to Council and Council agreed that the documents could be bought out for public consultation and feedback, which is why we are here.

The boundaries were not drawn by one person; it was a collaborative process. Committee members and staff drew on maps to represent where they saw the general areas and communities. The Hamlet zone was designed for areas that are more densely populated and act as service hubs to their nearby communities. None of the boundaries are set in stone, this is why we are here, to receive feedback on where these boundaries should be and where we need to make changes.

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QUESTION - Have there been a lot of complaints about the old by-law, or are we just creating more bureaucracy?

ANSWER - Complaints and comments come into our office by various methods, but they are not necessarily all recorded. We may receive a complaint asking us why a neighbour is allowed to put a horse on their land, and our reply is that we don't control that issue – these types of complaints are not recorded.

COMMENT - ***You think you won't get any complaints on this new document?***

ANSWER – No, we don't think complaints will stop. This is a living document and we are trying to do what's right for each community, although you've never going to please everyone.

COMMENT - ***I like my proposed zone, I like what I see. But do we really need to change things or should we just be enforcing what's there already? I notice that church bells and fire station alarms are being turned off, when is this going to end? You have an unsightly by-law, but I can't see anything being done with that.***

ANSWER – We work on a complaint basis, we do not actively look for violations. If unsightly complaints are received, we follow up and investigate and there is a specific committee that deals with this. Unsightly can be subjective, so not all complaints result in action, we try to work with the owner to get the matter resolved, that could be just asking them to tidy up. This is a living document, it can be changed once approved. We usually go through a couple of amendments per year on our Planning Strategy. After these public sessions, all the comments and a report will go back to CPAC and Council and we will see what needs to be changed. It will likely be Late Fall/Early Winter before we get to First Reading on the documents.

QUESTION - How are these complaints being legitimized and investigated, and how are they quantified? If one person complains about the neighbours and that gets acted on, it's irresponsible.

ANSWER – We have to investigate and do keep records of complaints. Although sometimes we do not have the ability to control, so the complaint is not logged.

COMMENT - You say the Hamlet Zone is based on smaller lots – I live on one of the biggest lots and you have included my property in the Hamlet Zone. I have chickens, that's why you included me. I complained about chickens being mistreated in this community, but nobody did anything about it, I had to report it to the Department of Agriculture in Truro.

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ANSWER - We do not control the welfare of chickens. We have a bylaw that requires chickens to be fenced/contained on the owner's property – that's what we can control.

COMMENT - I appreciate the process you are doing, but the documents do not answer what we're seeing on social media. We're hearing you can't have friends parking in your driveway, you can't have any chickens. You need to put something up on the internet to address these. You need to have a Mythbusters!

ANSWER - That's a great idea! We have a specific website for the process www.voicesandchoices.ca/revision where people can get information, and ask questions. Unfortunately, we are unable to respond to misinformation posted on private Facebook feeds.

COMMENT - My one problem with this plan is the 6-month duration regarding animals. You can send cows out to pasture, and keeping chicks and broilers may not meet these requirements.

ANSWER - The 6-month provision only applies if you're a non-conforming use. If you are conforming, there is no time limit, you're allowed to continue. If you sell your property a non-conforming use is permitted to continue. The only issue is if the use stops for 6 months, this protection is in the Municipal Government Act (MGA). We have heard comments at each meeting that 6-months is insufficient, and it is something we will be looking into, to see if it can be extended.

QUESTION - I would like to know who represents our district on CPAC? She's now away working, will you be looking for a replacement?

ANSWER - Council has some policies regarding missed meetings etc. Ultimately it will be a recommendation of the committee and Council to look at replacing her.

COMMENT - I think we have not been represented for a number of things. Our previous Councillor passed away, the current Councillor is sick and our CPAC member is away.

QUESTION - What is the 6-month provision?

ANSWER - It refers to a non-conforming use clause. If the use was legally permitted before the rules change, you are allowed to continue this use, providing the use does not stop for a period of 6-months. If you did, and wished to re-start the use, you would have to meet the new rules.

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It's different for a non-conforming structure, something built too close to the property line under the new rules for example. You are still permitted to use that building* for any use that is permitted in the zone. We will not be telling you to take it down or move it. If the structure burns down, you would be permitted to rebuild in the same location (subject to not being built across a property line). If you wanted to make an addition to this structure however, the addition would have to meet the new regulations.

*Subject to any Building Code requirements.

QUESTION - What about seasonal businesses, ploughing driveways for example?

ANSWER - For seasonal businesses, we wouldn't consider the 6-month period, but would look at whether you'd missed two or more seasons for conducting your business, if closed for two or more seasons, we would then consider that you have stopped running that business. **There is nothing specific in the by-law that explicitly says this, so we will try to create policy to clarify this matter.** However, in most zones, the majority of uses are permitted, we have very few prohibited uses. The Single Unit Residential is the most restrictive zone, at the request of landowners, but all other zones allow some form of commercial activity. We do not always specify the actual type of business, just base the permitted activity on the size of the operation; either by square footage for a business in a structure, or by land area for an uncontained activity, like a salvage yard for example. If you are not permitted an activity under the "home-based business category" it is likely you would be permitted under the "other commercial uses" category.

QUESTION - How do you determine which designation you are?

ANSWER - Start at the least restrictive and go from there. Home-based businesses are classed as a residential use and are generally limited to 500 ft^2 within the residence, B&Bs may be limited to a certain number of rooms. The Building Code does have some standards for Home Based Businesses.

QUESTION - It looks like a home business can take up 25% of the residence, but you can't have a sign advertising your business?

ANSWER - Our apologies if we've missed this or if it's confusing, but it was not our intention to ban signage (except in the SU Zone). **We will look into this and correct where necessary.**

QUESTION - Is there an estimate of what this is all going to cost, with time and needing extra people?

ANSWER - Right now there is no intention to hire extra staff. The Development Officer will administer the by-law – processing permits and following up on land-use complaints. There is an assistant to the Development Officer position which we've had for about 4 ½ years. (It is currently vacant, but due to be filled shortly). For the Plan Review process, we have had a term position, and since the beginning have

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had two people in this role, both leaving to go to full time positions with HRM. Last year Council approved to make that a permanent position and we are in the process of filling it now. This position is a necessity, despite the on-going Plan Review, as there are many additional projects that full under this department.

QUESTION - Does the website show staffing details?

ANSWER - Yes, this information, and salary bands, is all available on the Municipal website.

QUESTION - Are boundaries up for review?

ANSWER - Yes they are. Give us your specific concerns and we will try to address them. If your property is on the edge of a boundary and you feel that your property does not fit the zoning assigned, let us know.

QUESTION - Please can you explain how amendments are made to the existing by-law?

ANSWER - We don't generally do amendments as a result of complaints. Amendments are usually undertaken if staff have identified an issue in administering the bylaw, we have received a specific request from individuals to alter something, or through Council direction. If we change something within a zone, this affects everybody in this zone. The process is:

- Receive Council direction to proceed;
- Prepare Staff report for Area Advisory Committee for discussion and comments. Once they are satisfied (can mean more than one meeting) they make a recommendation to CPAC;
- Hold Public Information Meeting (sometimes this happens before the Committee meeting). This is held in the evening;
- Take the report to CPAC for their discussion and comments. Once they are satisfied, they make a recommendation to Council. (Recommendations can be positive or negative);
- Council receives information and if satisfied give the amendment First Reading;
- Then a Public Hearing is held where Council holds a vote to approve or reject the amendment.

All steps in this process are advertised in the local paper and are on our website. Public Information Meetings and Public Hearings are also promoted on our Facebook page. If the amendment is location specific (i.e. just apply to one particular spot), we notify neighbours within a certain distance of the proposed amendment, but for general zone or document amendments, we do not individually notify the public.

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QUESTION - Regarding shipping containers, can I have a pod if I'm moving?

ANSWER - Outside of Chester Village Area, shipping containers are only prohibited in Single Unit Residential, the Protected Watershed and Conservation zones. The draft document has not altered any of the existing regulations.

QUESTION - Should they be limited to commercial use only?

ANSWER - Council specifically wanted to allow their use outside of the stated areas.

QUESTION - Are there any restrictions on feral cats, who do you complain to?

ANSWER - The Municipality does not regulate feral cats. Perhaps contact the SPCA or SHAID, we think they operate a Trap, Neuter, Release program.

COMMENT - I'm surprised to hear that you are not regulating shipping containers. They are more affordable than building a structure so may become more popular. You're going to allow them everywhere, they'll all be rusting in 5 years?

COMMENT - We really enjoy Wild Rose Park. In the fall, garbage collection stops in the park and it accumulates all winter. With the shorter winters, by early Spring tourists are coming, but the garbage is overflowing. Can anything be done?

COMMENT - What about RVs. I have friends and family visit over the summer and stay in their RVs, tents and tent-trailers. I appreciate you want to try to control long-term stays, but…

ANSWER - These regulations are proposed in the draft document, but we have heard this at other meetings so this will go back for review.

QUESTION - What was the reason behind making these new changes?

ANSWER - The original planning documents date back to 1997 and the Province requires us to review them on a regular basis. We were mandated to review them every 5 years but this requirement has been removed and replaced by a municipal review policy. We are overdue for this review and we have to ensure that our documents make reference and address the Provincial Statements of Interest, topics such as Drinking Water, Agriculture and Housing.

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QUESTION - So, a review could result in no action?

ANSWER - Yes, providing the Provincial Statements of Interest are addressed

QUESTION - Who were the professionals you brought in?

ANSWER - We bought in a group of facilitators to run the community sessions in 2014/15 and our Planning Staff have been working on preparing the document – following Committee and Council direction.

QUESTION - Will the new bylaws be enforced by complaints only?

ANSWER - We are complaint driven, so are not actively seeking violations. If you had applied for a building permit, but failed to get a development permit, we would follow that up.

QUESTION - What happens if someone complains that I had chickens in the Hamlet Zone, how do I prove that I had them before the rules came in?

ANSWER - We would try to find some historic evidence, maybe a permit for a related structure, but there may be nothing, so we would ask you for a sworn affidavit as proof.

QUESTION - Why are you so arbitrary about the 6-month thing?

ANSWER - The MGA has this 6-month protection, and we have heard that this is not long enough. We will be looking at ways to extend this. The 6-month rule works well with non-conforming commercial uses, it makes sense, but it doesn't work so well with the farm animal situation.

QUESTION - The 6-month is a grace period in case your zoning changes. Is this the beginning of many changes to come? What about if the zone changes again?

ANSWER - The amendment process to make changes to the zoning takes around while 4-6months requiring staff, committee public meetings. While I cannot be 100%, I do not foresee Council making sweeping changes, in the immediate future, following the adoption of new planning documents.

COMMENT - We have to have bylaws. We do we have to have changes. But you should concentrate on Chester. Forget us, we're the ones keeping Chester going. If sewer stuff for Chester is going to be stored out here, they should be paying for it.

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QUESTION - The tax rate is the same throughout the municipality?

ANSWER - Yes, but different areas have different area rates – related to things like sewer and street lights.

COMMENT - I have a petition Stop the Zoning if anyone is interested in signing

STAFF COMMENT - We have comment sheets here, please fill one out so that Council to see your words. They want to see positive and negative. If you want to borrow the draft documents, they are available locally from Petro-Can, Richardson's Garage, the Municipal Office and the Mobile Library. You can make comments and get updates on our www.voiceandchoices.ca/revision website. The next public meetings are May 23rd Chester Legion and May 28th New Ross Fire Hall. All comments will be reviewed by the Committee and we will be working on changes over the summer and fall and hopefully get it to Council for First Reading late Fall/early Winter.

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