

Minutes  
Public Meeting  
August 21, 2023  
7:00 p.m.

The Public Meeting of the Resort Municipality was held on August 21, 2023, at the North Rustico Lion's Club.

**PRESENT:** Mayor Matthew Jelley. Deputy Mayor Linda Lowther, Councillors George Clark Dunning, Ryan Simpson, Lee Brammer and Chris Robinson. CAO - Brenda MacDonald, Deputy CAO – Heather Hay.

**ABSENT:** Kay Hryckiw.

**VISITORS:** There were approximately 34 visitors in attendance.

**CALL TO ORDER:**

Mayor Jelley called the meeting to order at 7:00 p.m.

Mayor Jelley advised that the meeting was being held for the Resort Municipality and its Boundaries and is not the public meeting for the Town of North Rustico as their meeting is taking place on August 22, 2023.

Mayor Jelley advised that:

- the meeting is being taped for office use only.
- the Official Plan and Land Use Bylaw are the only agenda items for the public meeting tonight.
- the Official Plan review process is required to complete a substantial review every five years.
- the goal is that the new Official Plan and Bylaw review will be approved by the Minister and in place by the spring.
- the Official Plan and Bylaw Review with the consultants has undergone a substantial review with a number of changes made based on land use and the Strategic Plan as well as changes due to provincial regulations, climate change, agriculture and its importance to the local economy, hurricanes and hazard risk areas, setbacks and heights of structures, ground mounted solar panels, sea cans, secondary suites, dog parks and parkland dedication.

Mayor Jelley advised that the Official Plan and Bylaw Review process started on December 18, 2020, with the hiring of SJ Murphy Consulting. The company includes services from Samantha Murphy, Mitch Underhay and Greg Morrison.

Mayor Jelley noted the first meeting to start the review process with Planning Board was on January 20, 2021.

A community survey was completed between March 1 – 31, 2021. Sector Stakeholder meetings were held in the Spring of 2021.

Public Session # 1 – date and issue gathering public meeting was held on July 21, 2021.

Public Session # 2 – review of proposed plan changes, discussion of bylaw was held on September 13, 2021.

A number of meetings have followed with the planning board, Council, and legal counsel since then and we are now at the final consultation phase of the presentation of the Draft Official Plan and Land Use Bylaw for the public tonight.

Mayor Jelley advised everyone that if they wish to speak to come to a microphone and state their name for the record.

Mayor Jelley turned the meeting over to Samantha Murphy to present the Official Plan and Land Use Bylaw. Samantha Murphy commented on the Official Plan and Bylaw Review documents:

The community survey was open from April 28, 2021, to June 11, 2021 - 49 responses were received.

- Targeted stakeholder meetings were held May 17 and 18, 2021.
- First public meeting was held in July 2021, with a focus on the official plan, second public meeting in September 2021 with specific questions.

Planning is: Land uses, Environmental protection, Allocation of resources and activities, and their social, cultural, and economic impacts.

Planning is not: Economic strategy, Marketing strategy, Property maintenance, etc. The Plan may include policies around creating these.

### **Planning Act**

- Defines the framework, authority, powers and processes for municipalities.
- Municipal plans and bylaws must be reviewed every five years and are subject to approval by the province.

### **Official Plan - The Why:**

- Last reviewed in 2017
- Legally binding 15-year vision for Municipality
- Land-use issues: natural areas, housing, commercial, parks, roads, services etc.

### **Land Use Bylaw – The How:**

- Day to day standards for development in the community
- The process and criteria for permit applications

### **Strategic Plan**

- Created in 2020
- Action oriented corporate strategy for short-term actions, programs and services
- Influences community decisions
- Not legally binding

### **Official Plan Updates (general)**

- Updated background and technical information
- Streamlined approach, removal of content no longer relevant
- New additional areas of major focus:
  - climate change and environmental protection – flooding, erosion,
  - active transportation – pedestrian, cycling, other,
  - Renewable energy –solar

**2023 Official Plan Vision** *“A unique Island community, the Resort Municipality of future generations will ensure a high quality of life for each of its residents. The historic rural lifestyle will be preserved and strengthened. Entrepreneurs and newcomers will be welcomed with many opportunities, and visitors will explore freely. Connections between places will be clear and intuitive for all.”*

### **2023 Official Plan**

To preserve the irreplaceable qualities and character of the Resort Municipality.

To balance the interests of all those who live, work, and play in the Resort Municipality.

To foster a safe and stable civic environment that offers opportunities for human enrichment and economic growth.

To ensure an adequate supply of land designated to accommodate the projected needs of various land uses within the period of the Plan. (15 years)

### **Economic Goals**

Long-term viability of agriculture

Long-term sustainable local economy with focus on a strong tourism industry

Local economic opportunities for residents and property owners

### **Energy independence**

1. Protect productive farmland and resource lands for agricultural and other resource uses.
2. Minimize land use conflicts between farmers, residents, and business operators.
3. Support responsible and productive resource uses & activities.
4. Strong tourism industry founded on quality, diversity, and respect for the community's history and context.
5. Clear and well-developed core commercial area.
6. New commercial development that builds on and complements the established economic sectors.
7. Collaborate with Parks Canada on matters of mutual interest.
8. Local employment and business development opportunities
9. Affordable services and tax rates
10. Growth of the year-round residential population.
11. Promote and support solar energy generation
12. Reduced dependence on non-renewable forms of energy
13. Energy efficiency in land use, infrastructure, & transportation decisions.

### **Physical Goals**

Meet the housing needs of year-round and seasonal residents

Effective transportation system that supports different modes of travel

Attractive built and natural landscape that builds on the history of the region

Effective and sustainable public infrastructure

1. Variety of housing opportunities to meet needs and new, innovative, and economical housing forms.
2. Standards for subdivision design, site planning, and physical appearance for safety, efficiency, diverse housing, land use compatibility, and healthy lifestyles
3. Minimized land use conflicts between residential development and established farms, tourism & commercial operations, and the National Park.
4. Limit residential encroachment and ribbon development of residential uses along major roadways in rural areas.
5. Residential development is appropriately serviced and sensitive to the natural environment.
6. A safe and efficient transportation system for all modes of travel
7. Increased pedestrian, cycling, and other active transportation Infrastructure
8. Limit the climate impacts of transportation activities
9. Protect the visual qualities of the community and develop an identifiable and appropriate community image
10. Protect the integrity of the community's heritage places
11. Protect the cultural landscape and designated strategic viewscapes
12. Public access to and enjoyment of the natural environment
13. Long term planning and consideration in infrastructure development
14. Capital costs associated with private development are recouped

### **Social Goals**

Safe and resilient community

Meet the social and physical needs of the community

A welcoming community known for its focus on equity and inclusion

1. Provide cost effective emergency response services
2. Plan and prepare for human and natural disasters, including through risk reduction
3. Support existing and new institutional services and facilities
4. Develop and support recreational and social programs
5. Support arts and culture programming
6. Provide safe and appropriate recreational facilities
7. Include and support those segments of the population with special or differing needs
8. Ensure information sharing and community engagement are front and centre
9. Factor equity, diversity, and inclusion into municipal decision-making

### **Environmental Goals**

Safe and clean water

Safe and effective drinking water and waste-water treatment systems

Protect and enhance natural areas

Increased climate change resiliency and minimize contributions to climate change

1. Protect the quality and quantity of ground and surface water
2. Manage stormwater run-off in the most cost effective and environmentally appropriate manner, reducing environmental and property-related damage
3. Protect the supply of high-quality domestic water
4. Efficient, cost-effective, and environmentally appropriate wastewater collection and treatment
5. Promote safe and effective on-site sewage treatment systems
6. Protect wildlife habitat and significant natural features
7. Ensure healthy watersheds
8. Foster opportunities to enjoy the natural environment
9. Assist in the protection of sensitive ecosystems within the National Park
10. Promote the taking of mitigation measures in the development of land to reduce climate impacts
11. Integrate adaptation measures and policies into programs and facilities

### **Key Policy and Bylaw Updates – Economy**

#### **Resource Uses**

Updated criteria on transitioning to non-resource uses

#### **Commercial**

Merging and simplification of commercial zones (4 > 2)

Updated standards for home-based businesses

New procedures for special event/ temporary uses

#### **Resort Core**

Set up to allow more detailed standards over time Core overlay identified with consistent setback along Route 6 and edges

#### **Energy**

Provisions for solar, particularly ground base

**Key Policy and Bylaw Updates – Physical Housing**

Broader range of housing opportunities, including

- secondary suites,
- mini homes, and dormitories

Merging of cottages and single detached dwellings

Clustered housing and conservation subdivision criteria

**Infrastructure**

Standards for private roads and internal drives

Policies for active transportation

**General Physical**

Accessory structures now include private garages, adjustments to standards

Standards for use of sea cans

Rules for temporary use of RVs

Removal of architectural design standards

Slightly increased height limits

**Key Policy and Bylaw Updates – Social Community Safety**

Increased emphasis on emergency management

**Recreation and Programs**

New objectives re day parks and dog parks

Updated standards for parkland dedications

**Equity and Inclusion**

New policy area re an inclusion lens when dealing with policies and programs

**Key Policy and Bylaw Updates – Environmental General**

Consistent standards for connecting to sewer where available

Updated standards for on-site systems and undersized lots

**Flooding and Water**

Stormwater management standards

Clarified setbacks and calculation of minimum lot size for properties adjacent to watercourses and wetlands

**Climate Change and Coastal Hazards**

Vertical setbacks for properties in the 2100 flood plain

References to future planning for shade (heat), subdivision design and reduction in travel distance (reducing GHG emissions)

**Future Land Use Map:**

- Broader designations than Zoning Map (commercial)
- Overlays: Resort Core and Environmental Reserve
- Splitting of Rural and Open Space
- Resort Core tightened to focus on road-facing
- Updates for changes over time

**Zoning Map:**

- General Commercial (C1) and Resort Commercial (RD4) merged – now Resort Commercial (C1)
- Resort Accommodations (RD2) and Resort Campground (RD3) merged – now Resort Accommodations (C2)
- Resort Core tightened
- Updates for changes over time, harmonized in core
- Overlays: Resort Core and Environmental Reserve
- ‘Rural’ renamed ‘Rural Reserve’

**Planning Considerations**

- Legal • Policy alignment
- Sound planning principles
- Land use impact
- Risk
- Stakeholder and public input
- Diversity, equity and inclusion
- Enforceability
- Reasonability and cost of service
- Alternative means of regulation

**Should we regulate it?**

- Health & safety
- Consequences
- Reasonability
- Improves or enhances equity
- Stakeholder and public input
- Predictability
- Service outcomes
- Land use impact
- Local and regional impacts
- Monitoring If yes, to what degree?

The maps are consistent with Provincial Maps and the bylaw has been updated to meet all provincial changes.

Mayor Jelley opened the meeting to the public.

Brad Trivers – MLA, talked about subdivisions and road access and that new subdivisions should be built to provincial standards in order for the Province to take the roads over. Route 6 is a collector highway and access is limited for new driveways and subdivision access.

Samantha Murphy advised that all new bylaw standards are completed to meet provincial requirements. Samantha Murphy advised that over time, internal subdivisions could connect to one another and developments that are submitted for approval have to meet all provincial and municipal regulations when they are submitted.

Brad Trivers – MLA, advised that roads are very expensive for developers and the Province is looking into funding sources of funding.

Fred Schreiner – asked about the Future Land Use map and the Resort Core Overlay and what was envisioned in the plan.

Page Seven

Mayor Jelley advised that it was created to identify a core commercial area with closer setbacks and higher density, amenities such as walkways, possibly different tax rates, primarily areas with the municipal sewer serviced area.

Fred Schreiner asked about the impacts of hurricane Fiona and if there is any quantified data on beach erosion and trees that fell during the hurricane.

Samantha Murphy advised that the province has been working on gathering data since Fiona and the Hazard Risk area has been added as part of the Official Plan and Bylaw Review.

Mayor Jelley advised that the government created a two billion tree program, and the municipalities are able to apply for that funding to plant trees in their area and they could be available for the public as well.

Brad Trivers – MLA advised that the government has a funding program as well to help property owners with downed trees especially larger properties.

Mayor Jelley advised that the funding program is not paying towards a significant cost to the removal of the fallen trees on properties.

Brad Trivers – MLA advised that the government is providing up to 70% of the costs and that larger property owners are encouraged to apply for funds.

Mike Duffy commented on Parks Canada and the tree cleaning within the Park and that there is not much happening with the trees.

Mayor Jelley advised that there are Resource Conservation Teams in place and they attended meetings in the spring and the Park is advising that the trees are in a natural state and that they are prepared for any fire activities within the National Park with the teams.

Mayor Jelley advised that there were fifteen calls and two letters received at the municipal office for the meeting tonight.

August 18, 2023, at 10:42 a.m.

Tim Bos

*“Good morning.*

*First, we appreciate the work that is done by the Council and all staff to keep the municipality running and beautiful. Please keep up the good work, your hard work is noticed.*

*As an out of province landowner with an income property in the area, my comment is one that affects most of the owners (or the many that I have spoken to) in the same situation that I am in. After reading the Summer newsletter and the proposed changes with the survey results, I noticed a push to get more full time, year round residence, and in turn the promotion of year round business and services would be established. I fully support this thought process. However, this can be done with existing housing already in place, like mine for example, that is a four season home with year round access. We continuously hear of the lack of housing options for winter in the province, and ability to find affordable housing for families. I suggest to you that the amount of vacant houses I see while driving through the community during off season months is staggering. Mine included. We need to ask why these are not being utilized for the benefit of the community and owners alike.*

*There is one simple reason why many of us do not allow off season long term (month by month or more) rentals in our home. Simply, the laws are there to protect the renters, not the homeowners. So, I am better off protecting my asset by keeping people out and taking a loss in the off season then risking getting a renter in the off season that:*

- a) wont leave when the lease is done,*
- b) refuse to pay the rent,*
- c) damage the place beyond financial viability for the rental.*

*I understand that this is more of a provincial issue, however, it would be worth noting that if the municipality would lobby on behalf of the homeowners to reconcile these renter weighted protections, the logical outcome would be more residents all year with less building. This would increase local business needs, promoting year round local business, and employment, slow the degrading of sight lines, preservation of green spaces and conservation lands, reduce the stress of development on farmland.*

*I have numerous people on a yearly basis asking to rent in the off season. However, unless they are directly referred to me by someone I know, my experience is, this is a risky proposition that quickly takes up any resources that you have made in the high season. So unfortunately, until the rights of the homeowners are equal to or above the rights of the renters, many houses that are able to house in the off season, will remain shuttered.*

*Respectfully submitted for your consideration."*

August 21, 2023, at 12:05 p.m.

Murdock and Connie Morrison

*"Hi Brenda : I read the online information of the Official Plan and found that it covers all of the important areas that the Resort Municipality needs to have in it's mandate to operate and govern the municipality. As residents of the resort municipality , we approve of the new areas that are being presented tonight. Murdock and Connie Morrison."*

Fred Schreiner questioned the removal of the Architectural Standards.

Mayor Jelley advised that the architectural standards were selectively enforced. People have been pressured into or guilted into putting certain things on their structures to meet the standards. There are a lot of new products on the market now and Council did not want to dictate as to whether all properties had to match a certain cookie cutter type of appearance.

Samantha Murphy advised that for Major Developments there would be consultation on a development and more standards would need to be met.

Pat Clark asked about the height regulations changing and the impact on properties in Trim Acres. The current restriction is 24' and the new regulations can allow them to be over 35'.

Samantha Murphy advised that height restrictions across the province vary and short of having an extensive public engagement there is a height standard in place. If people wish to go higher than that there are provisions in place that are required for fire departments.

Pat Clark wanted to know the definition of clustered housing.



Page Nine

Samantha Murphy advised that this type of housing is for condo developments, multiple townhouse dwellings and seniors housing with multiple units on the same property.

Pat Clark asked about RV permits and 7 days and can there be more than one on a property.

Mayor Jelley advised that there is an allowance with a temporary permit for up to 7 days and a permit cannot be issued consecutively and there can only be one unit on a property at a time.

Mayor Jelley advised that there is still going to be some work needed on enforcement. There is not just an issue with the number of people in a trailer, but also the number of people that can be in a cottage or rental unit and enforcement of it as well as for where the effluent from the trailer is going to go.

Pat Clark asked about Forest Fire and Evacuation.

Mayor Jelley advised that there were two different meetings held in the spring, one with Parks Canada and the other with Emergency Measures.

Parks Canada has advised that they are prepared and will work with the Province and the Municipality.

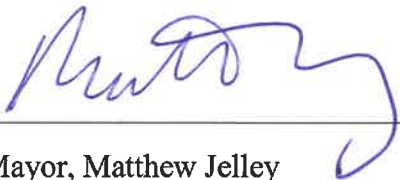
The municipality did an EMO session and there is one road in and one road out. A large number of people can be evacuated over time, but the people need to decide if they will leave.

The municipality will also continue to work with government on a second road for the area.

Mayor Jelley reminded the public that they have until August 28, 2023, to send in written comments to the municipal office.

**ADJOURNMENT:**

Mayor Jelley adjourned the meeting at 8:20 p.m.



Mayor, Matthew Jelley



CAO, Brenda MacDonald