

Official Plan

GENERAL

The final review has been undertaken based on the documents provided, namely the existing drafts of the Official Plan and Land Use Bylaw, and the review did not extend to policy discussions from the original review. While some general gaps or linkages have been identified, the documents were not reviewed with a comprehensive view as it is assumed that this took place during the original review. A small range of additional, minor revisions for basic clarity have been identified in the Official Plan, in addition to the specific final review questions presented to me.

Items representing revisions from the previous statutory public meeting are indicated in bold for emphasis and include revisions from the original planner, as well as changes from the final round of review. Some smaller edits relating to grammatical or punctuation may not necessarily be indicated.

The majority of final edits recommended by the original planner have been maintained – it is clear that extensive and comprehensive discussion has taken place to get to the point of the documents that have been shared with me.

SIGNIFICANT CHANGES

The changes identified below represent areas which are a shift in direction or deviation from the documents previously presented to the community as complete drafts.

LIVESTOCK OPERATIONS

Given the different legislation and regulatory framework focussed on livestock operations versus intensive livestock operations, the concept of 'intensive' livestock operations was reinserted into the language of the official plan and bylaw to meet the official plan policy direction of protecting livestock operations.

WATER & SEWAGE DISPOSAL SYSTEMS

A few revisions have been made to reflect the interaction of legislation, regulations, and approval processes.

TOPICS FOR FUTURE EXPLORATION

RENEWABLE ENERGY POLICY

The sections on both solar energy systems and wind turbine systems would warrant further consideration in the future given the lack of standards that currently apply to or guide municipal planning authorities.

LIVESTOCK AND HOBBY FARMS

Additional work may be warranted to explore smaller scale livestock and hobby farm options.

Land Use Bylaw

GENERAL

The final review has been undertaken based on the documents provided, namely the existing drafts of the Land Use Bylaw, and the review did not extend to policy discussions from the original review. While some general gaps or linkages have been identified, the documents were not reviewed with a comprehensive view as it is assumed that this took place during the original review. A small range of minor revisions for basic clarity have been identified in the Bylaw. Items representing revisions from the previous statutory public meeting are indicated in bold for emphasis and include revisions from the original planner, as well as changes from the final round of review. Some smaller edits relating to grammatical or punctuation may not necessarily be indicated. The majority of final edits recommended by the planner who undertook the full review process are maintained.

SIGNIFICANT CHANGES

AUTHORITY OF DEVELOPMENT OFFICER

Clearer language has been provided for the authorities being delegated to the Development Officer.

ON-SITE SERVICES

This section has been revised to reflect procedures and standards that apply. The requirement for engineered septic systems (ie, not designed by a licensed contractor) has been reinstated for lots that do not meet the provincial lot size standards.

A requirement for a well permit for the restricted well area located in the municipality as identified under the *Environmental Protection Act* Water Well Regulations.

Throughout the bylaw, references to requirements for on-site services have been updated where applicable in accordance with this section.

VARIANCES

Variance requests of up to and including 10% have been delegated to the Development Officer, while Council retains decision-making on variances in excess of 10%, to a max of 20%. The prohibition on variances on lot size has been removed in conjunction with the edits to the provisions for on-site services. Additional revisions were made for clarity.

BYLAW AND OFFICIAL PLAN AMENDMENTS

Some revisions have been made for clarity, for consistent practices, and to reflect the procedures and requirements under the *Planning Act*.

RECONSIDERATIONS AND APPEALS

The reconsideration process has been removed for consistency with the *Planning Act*. Wording for clarity was also added on what can be appealed.



HOME OCCUPATIONS

New exemptions have been provided for the use of a dwelling and building accessory to a dwelling as a personal office and for the instruction of up to 2 students.

LIVESTOCK OPERATIONS

Standards for intensive livestock operations have been added, including some language for protecting existing intensive livestock operations from residential encroachment — this replaces the previous draft language.

NON-CONFORMING LOTS AND USES

Provisions have been added regarding the maximum height of buildings on a non-conforming lot.

Changes have also been made for consistency with the requirements for on-site services.

PROHIBITED USES

The prohibition of hazardous materials contained in the official plan has been carried over explicitly for the avoidance of confusion.

SECONDARY SUITES

Changes have been made for consistency with the requirements for on-site services.

RESIDENTIAL ZONE

Clarification has been added to clarify that the option for larger greenhouses relates to greenhouses that might be larger than permitted as an accessory structure rather than greenhouses generally.

The option for reduced lot size standards has been clarified to provide direction on which standards would apply if one, but not both, central services are available.

PARKLAND DEDICATIONS

The number of lots for which a parkland dedication is required has been set as coming into effect with the subdivision of the 5th lot the parent parcel. The requirement would be cumulative and would run with the parent parcel, so that once the 5th lot is proposed, the parkland requirement would also include the parkland for the first 4 lots.

The parkland dedication amount has been set at 7.5% rather than a range to ensure consistent application, but the form of the dedication may be land or cash-in-lieu or a combination of both, depending on the appropriateness of land in the area in question, as determined by Council.

TOPICS FOR FUTURE EXPLORATION

As with the Official Plan, several areas warrant further consideration once the Official Plan and Bylaw have been adopted and approved.

RENEWABLE ENERGY PRODUCTION

- The bylaw has very limited standards for wind turbine systems compared to the provincial standards in the *Planning Act* Subdivision and Development Regulations, which do not apply to municipal planning authorities. For example, additional setbacks could be established for setback from roads, etc. As time permits, the municipality may wish to consider different frameworks, including provincial standards and those being used in other municipalities.
- The regulation of ground-mounted solar is still largely emerging in terms of the standards to apply for placement and height and there is a large range of approaches currently. The municipality may find that over time, more specific standards may be appropriate, although the approach in the current draft does provide criteria to assess applications.

ROAD STANDARDS

- The *Roads Act* Highway Access Regulations establish the standards to be applied to the approval of lots with regards to highway access but there is currently some ambiguity regarding the status of standards to be applied to the minimum frontage of lots along collector highways. This ambiguity should be reduced to assist all parties in understanding requirements for subdivisions along collector highways.

DEVELOPMENT IN OR ADJACENT TO SAND DUNES

- The primary rules for sand dunes are contained in the *Planning Act* Subdivision and Development Regulations, which do not apply to municipal planning authorities. The *Environmental Protection Act* does apply to municipal planning authorities and provides overarching guidance, but it is recommended that the municipality consider adding provisions providing greater clarity on the standards to be applied, possibly based on the Subdivision and Development Regulations but modified or strengthened where appropriate to meet the municipality's needs and to reflect the principles of environmental protection, after consultation with the Department of Environment.
- The provincial Excavation Pit Regulations do not apply in municipalities that regulate excavation pits, as North Shore does in this bylaw. It is recommended that the municipality consider additional standards in the bylaw, based perhaps on the provincial regulations.

FORMS

Following adoption of the new official plan and bylaw, the municipality should consider updating the forms to include a broader list of applications, including variances and text amendments, and to reflect updated processes that have changed.

Existing Forms

- The development permit application form makes no mention of wells but does stipulate that a sewage disposal system permit is required for any development that requires a new or expanded system.



- The subdivision permit application form is outdated - applicants now have to arrange test pits themselves, not go to Gordon Drive to have them arranged; also no mention of water testing or water wells
- The excavation pit application form is similar to the development permit form
- The rezoning request form could likely be expanded, as none of the existing forms mention variances or bylaw amendments other than rezoning applications; but there is currently no clear way to apply to have another aspect of the bylaw or OP updated or changed.

This review has been undertaken with the research and policy assistance of Alexandra Keene.

Respectfully submitted,

Samantha Murphy, RPP, LPP, MCIP