

OAKLAND AREA ADVISORY COMMITTEE

Indian Point Fire Hall

January 10th 2018 19:00

AAC Members.

Tom Lockwood, Chair
Geoff MacDonald.
Councillor Michael Ernst.

Municipal Staff.

Douglas Reid

Regrets: Bill Scott, Ron Myers

Members of the Public. 13 (10 citizens signed in)

Meeting called to order at 7.02. The Chair identified where an item of correspondence regarding the Review had been added to this Meeting's Agenda, which was an addition to the Preliminary Notice, as sent out. Committee members agreed that the letter should be the first order of business, before the Committee proceeded with further discussion on the draft Strategy (v.2), or in proceeding with any review re: proposed By-law components. A copy of the correspondence was made available to all meeting attendees.

New Business: Plan Review (ongoing)

2(a) Written Correspondence to Municipality on Plan Review

A letter was delivered to the municipal offices and local Councillor on January 5th. Planning staff sent a copy to Area Advisory Committee members on January 9th. The letter was co-signed by 18 parties, being residents of Oakland and business owners in the local area. The letter was written by Mr. Mark Belair.

The letter expressed concerns with proposed policy changes, as identified in the Plan Review, restricting new business activity to a "permitted uses" approach. This approach was identified with [1] promoting a "stay away" message to business, and [2] being inflexible in accommodating entrepreneurial ideas.

The Chair made a few initial comments. He noted that the Committee did not consider themselves as "anti-business" in outlook. The intent of the Review was for the Committee to consider different policy alternatives in the development of a new Plan. At this time: after 13 public meetings, an initial draft policy document had been reviewed with staff. Draft regulations (for the By-law) had not yet been discussed or pre-determined by the Committee, nor was any list of permitted commercial uses considered pre-ordained. Eventually, a draft Plan would go to Council for consideration. It was the Advisory Committee's intent that a draft Plan proceed with identified support from the community.

Committee members also thanked Mr. Belair for outlining concerns at this point of the Review, where the Committee can take time for soliciting further input from residents on the policy approach, and in reviewing the use of "right" language around any potential restrictions on commercial developments.

Staff was then asked to present background for those in attendance on the concerns identified in the letter. i.e. the "listed uses" policy approach, as found in the current draft Strategy. (See **Policy 2.1.7 & 2.1.8.**)

Staff also presented on a handout, which identified the type of "listed uses" permitted in the Rural-Coastal Zone of the Princes Inlet By-law. This list of commercial uses was considered as an initial starting point for discussion in Oakland's review, rather than starting any discussion from scratch. Included on the handout were definitions for such uses, where definitions could be found in current municipal planning documents.

Following staff's presentation, the Committee asked for comments or questions from the public. The Committee identified where it wanted to hear from residents on both the concern identified in the letter, and more generally how new commercial development would best fit into the existing Oakland community.

- (Forbes) Made note of staff's use of phrasing re: "will change" in presentation. Worried where the use of "will change" rather than "may change" suggests the new Plan is pre-determined, regardless of public input. **Response from staff:** When the Municipality undertakes a Plan Review process, it results in Council's adoption of a new Plan, and a repeal of the existing. So the Oakland Plan "will change." That said: it is recognized that particular policies identified in the existing Plan may or may not change, i.e. there can be continuation of the same framework / approach, based on feedback.
- (Sanderson) At an earlier meeting, she understood the introduction of a new Prohibited Uses policy. Staff's presentation tonight identified "flipping" the approach to having only listed uses permitted. This would be more restrictive than present - considers there would be greater support in seeing that certain types of developments be prohibited. Noted where previous presentation also suggested segmenting different parts of the Oakland community.
- (Belair) Noted he asked in December meeting whom a letter should go to, which is why it was sent to staff. Also noted where efforts in creating the letter represented the other parties who signed it. Identified that increases of commercial traffic along local roads has had more to do with couriers delivering goods to residences. Outlined that a "listed uses" approach could not anticipate possible innovative developments that could be opportunities for the community, and concern with limiting development to the 13 uses presented in the handout. Suggested introducing a "hard" threshold (for size) for commercial uses may alleviate concerns of a large business impacting the community. Considered it important to recall objectives from the Ivany Report, which pointed to encouraging and welcoming small business in rural communities - being more open to new ideas.
- (Belair) Letter had identified concerns with draft policy regarding business development in Oakland, but he also wanted to make note where there were concerns with process. Example: the cross-reference document provided at the previous meeting had identified changes, in terms of existing policies being taken out or changed, but it was not clear where or why this removal was done, or what the changes resulted in.
- (Forbes) Agreed with comment that changes made to the policy document in the Review were unclear - proposed that there be better document management of the changes identified. **Response from staff:** Noted where different sections of the draft document, with typical editing marks noted, (strikethrough / additions) were reviewed over 3-4 meetings with the Committee, and public discussion held as to what the proposed strikethroughs/additions meant. Presentation of a "clean" compiled version 1 was then reviewed over two meetings in November/December. At some future point: a draft is to be presented to the community at-large, at a public information meeting.
- (MacLaren) Wished to note she held a different perception of Oakland community than how it was presented in letter in [1] the community being "half-vacant", or [2] the letter suggesting that residents would be happy with the status quo in permitting for a wide range of future commercial development. She attended and participated at a number of the meetings, and considers there are residents in community who, like her, have expressed concern with commercial developments that would be incompatible.

- Councillor Ernst noted where the uses identified on the handout (*taken from Princes Inlet By-law*) may be considered as 13 categories, or types of uses, where there was a wide range of possible businesses or specific enterprises that would fall into those categories. He suggested there were certain impacts that would be relevant to size (*i.e. where a size threshold would be useful*), but that if Oakland were wanting to keep a single Zone approach for the entire community, every property could have the same rights to build to that identified threshold, which may be considered as being incompatible to adjacent residents. Ernst asked staff where Blockhouse had also adopted a setback regulation for identified uses, as a means to reduce potential incompatibility. **Response from staff:** A setback requirement was associated with identified *Restricted Developments* in an amendment undertaken in Blockhouse in 2014-2015. Staff cautioned where the layout of property ownership in Oakland would potentially make use of any setback tool a prohibition by “back-handed” means.
- (*Laughlin*) Noted an example of the limitation identified with one of the 13 types of proposed permitted uses - that is, residential daycare centre’s definition was specific to providing care to children, not other age categories.
- (*MacLaren*) Wanted to note where she considered certain commercial uses - including all existing ones - could fit well with the Oakland community, but that she did not agree to an approach where there was allowance for all potential types of commercial developments being possible in what she identified as a largely residential community. She asked for further explanation of the terms staff has used in presentations, (*this evening’s & past meetings*) - where “rural” and “residential” were considered different designations in the policy / regulations. She considered that the residential aspect found in the majority of Oakland may be at risk to certain other types of development
Response from staff: Staff identified where in the draft policy document, (see v.2, page 5, under “*Land Use Designations*”) use of the term “Rural” was further described, so that when a document is ultimately presented to Council, there may be shared understanding of what the application of a “Rural Zone” meant. In short: use of a Rural Zone designation in this Municipality’s planning documents has meant allowing for a mix of land uses in an area, and that a property did not need to be residential first, with then some subsequent allowance for a home-based business. “Rural” meant commercial uses can develop independently, with possible constraints around size, or type. “Rural” also identified an allowance for resource -related activities, being where most rural communities had a history related to such activities. “Rural” was also identified as “unconcentrated” development or development that was not associated with the provision of central (sewer) services.
- (*Forbes*) Identified where Town of Mahone Bay provided many amenities for residents. His perception was that tourism development was a crucial aspect in the Town remaining viable. Restrictions on certain uses, as may be associated with tourism, to include their development in communities surrounding the Town, impact on the region’s ability to sustain itself. There needs to be consideration of what economic aspects are crucial in keeping small communities in existence. Local business development can allow for amenities and services that local residents also use.
- (*Belair*) Noted where Committee discussion of the potential Prohibited Uses category may identify what commercial developments residents were most concerned with. Re-iterated his statement that a policy approach that was more restrictive in intent than the current Plan would generate concern to potential business enterprises who were considering the community as a place to develop. Also noted where restrictions eliminated opportunity / reduced property value for existing landowners

The Chair thanked the audience for presenting their comments. It was considered that from this discussion there was an opportunity for the Advisory Committee to try to identify a balance of viewpoints on future commercial development.

The Chair identified where further discussion on the type of uses that may be prohibited entirely, or may be restricted in some capacity from being developed as-of-right, may allow for an understanding of what is not wanted in the local area. This discussion may also then consider the use of other types of restrictions, including a “hard” size threshold, or the potential application of increased setbacks, if certain types of uses were not to be prohibited entirely.

Mr. MacDonald identified where discussion of a size threshold provision for different categories of proposed uses may be appropriate, where some uses would have more of an impact on existing residential development. For other types of uses: the actual size of a commercial structure was identified as not necessarily corresponding to the potential impact (i.e food service)

Councillor Ernst noted where the Committee should look to develop a draft Plan document that would be acceptable to most citizens in the community, and where there would be less fractious debate when it goes forward to Council for consideration. If that required additional meetings to review where there are identified concerns or different perspectives, it would be important for the Committee to identify matters before the draft documents were presented.

The Chair identified where the proposed subject matter to be covered at the next meeting could look first to what may be prohibited - having a discussion on what types of developments the community of Oakland would not necessarily want.

Next meeting date:

Meeting scheduled for Wednesday January 24th at Indian Point Fire Hall.

Meeting adjourned at approximately 9.15