

OAKLAND AREA ADVISORY COMMITTEE Indian Point Fire Hall - November 27th 2018, 19:00

AAC Members.

Tom Lockwood, Chair
Geoff MacDonald
Bill Scott
Councilor Michael Ernst
Regrets.
Ron Myers

Municipal Staff.

Douglas Reid
Jeff Merrill

Members of the Public.

10 (8 signed in)

Meeting called to order at 19:04.

Staff reviewed Meeting procedures. Introductions from the Committee Chair. No additions.

Approval of Minutes

November 14th minutes were presented. A line at the bottom of the second page was struck out (*referencing a comment made by Swinamer*) as it was not considered accurate. Change agreed to by all. Adoption of minutes for November 14th moved and carried.

Arising from minutes:

Noted from 4(b): A question from the floor was asked regarding deletion of the existing By-law's Lot Development Limitation regulation (s.5.1.5):

(*Maclaren*) Was there any possible rewording of s.5.1.5 that the Committee had agreed to remove?

Staff response: Any proposed re-wording would be difficult, where the regulation referred to lot boundaries as of 1992, which was the identified problem.

(*Lockwood*) Considered that the Draft By-law's proposed Listed Use and size limitation approach, together with regulations on subdivision of new lots would be adequate.

(*MacDonald*) The existing regulation was ineffective, unfair and inequitable.

Staff response: Explained the Subdivision By-law and issues in keeping a rule in the local Land Use By-law regarding thresholds based on 1992 lot sizes. Where this proposed deletion has been identified as a matter of repeated public concern, the concern at its deletion will be communicated at PAC.

2(a) Public Notice Requirements

Staff presented the written report on Public Notice Requirements and the proposed increase during amendment and Development Agreement applications from 30m to 305m.

(*Scott*) The purpose of the Notice requirement is to get input from local residents during the Development Agreement application process. The distance in Riverport, Blockhouse and Princes Inlet regulations is set at 305m. Satisfied with the proposed change to 305m.

(*MacDonald*) 30m (100 feet) is not much. Satisfied with move to 305m.

(*Ernst*) Satisfied with 305m. Is the distance from the building or property boundaries?

(*Lockwood*) Satisfied with 305m. Is the affected property also "posted" during an application?

Staff response: The radius is determined from the property boundary line. Yes, a notice is posted.

The Chair asked for comment from the public. **None.**

The proposed change from 30m to 305m in regulation was agreed upon by the Committee.

2(b) List of Prohibited Uses – Inclusions, exclusions

Staff presented the written report on List of Prohibited Uses category. Two possible changes based on the received public feedback were identified:

- The possible removal of the fishery -related use from the Prohibited Uses list (**s.4.8.19**)
- Where there was written concerns regarding possible mining and quarry activities not being included on the Prohibited list - staff proposed the possible addition of “Uses associated with” to the (existing) “aggregate and mineral resource extraction operations” as identified as a Restricted Development in the current 2003 By-law.

The Chair asked for comment from the Committee:

Deletion of Fish Processing from the Prohibited Uses list:

(Ernst) It is possible that the concerns about fish -related activities, including fish processing, is a misunderstanding, similar with understanding around round wood cutting.

(Lockwood) Satisfied with deleting s.4.8.19 where the Fish Processing aspect was not permitted as-of-right (As it was specifically identified as not being included as a food production facility). Proposed development of a fish processing plant would be considered a restricted use, requiring a Development Agreement.

Staff response: Deleting the prohibition of fishery -related use (**s.4.8.19**) would not allow for the as-of-right commercial development of a fish processing plant, per the Draft By-law **s.5.4.1c**. Staff re-iterated that the By-law regulated commercial uses, not activities that a resident might do for themselves. (*smoking their own mackerel was an activity*)

Determination on Aggregate and mineral resource extraction -related uses

(Ernst) The current local activity was extraction of boulders from personal property, not considered under By-law’s control.

(MacDonald) Agreed that aggregate and mineral resource extraction was controlled by the Province. Oakland By-law could only look to control the manufactured aspect of extracted products.

Staff response: Noted where the existing By-law looked to control for operations by identifying it as a Restricted Development. Consideration of keeping as a use requiring a Development Agreement would potentially permit for public notification of related application, even where the Province retained authority over the aspects specifically associated with the extraction.

The Chair asked for comment from the public:

Several questions to clarify the proposed deletion of fish -related uses.

(Maclaren) Was storage of tires included in s.4.8.18 (tire recycling facility) as there could be an identified fire and environmental hazard?

Staff response: Where it pertained to warehouse for used tires destined for recycling / waste stream - identified in the definition under Solid waste management.

The Committee directed for the **deletion** of s.4.8.19 from the Draft, and for the **added** inclusion of “uses associated with aggregate and mineral resource extraction operations” as a Restricted Use.

2(c) Framework for Commercial Development in Rural Zone:

Staff identified [1] the proposed Listed Uses framework, found in the Draft, and [2] the alternative framework (“Restricted Uses”) presented to the Committee in previous meetings and discussed, following stated public concerns with proposed changes in the Plan Review. Sought Committee direction.

The Chair asked for comments from the Committee. All Committee members agreed with continued application of the Listed Used approach.

The Chair asked for comment from the public. **None.**

Additional comments taken from the public on Listed Uses:

(Maclaren) As a related question to the identified list of permitted uses: How are “greenhouses” considered? Greenhouses have no limit on their size and could cause light and noise problems.

(MacDonald) Greenhouses are buildings for agriculture use permitted in the Rural Zone.

After further discussion, it was considered that a size threshold for greenhouses would not likely be a concern in Oakland.

(Mathew) Why does the By-law look to identify all three lists - Permitted, Restricted, Prohibited Uses - rather than leave the Restricted Uses to cover whatever is not identified under the other two categories?

Staff response: Reviewed s.5.3.3 in the Draft framework. This is the section that allowed for consideration of Restricted Uses. Different types of developments may be considered by way of Development Agreement - the identified Policy consideration was referenced in the By-law so that it was clear that these uses would be permitted only under certain considerations by Council. Section 5.3.3 makes that link in the By-law.

(Fraser) Was breeding your dog permitted as-of-right?

Staff response: No permit was required where this was associated with your residency - it was your dog, it bred from time to time. It is when such an activity becomes a commercial operation that it would require a development agreement process.

(Fraser) Where was the limit? At two dogs, three?

Staff response: With respect to “breeding and boarding of animals (animal kennels) - no change had been proposed between the existing By-law and proposed Draft. A Development Agreement is required when it is identified as a commercial operation.

(Creery) Wanted to know if it was still possible to open a mussel farm.

Staff response: Outside of municipal jurisdiction once in the ocean.

2(d) Creery Letter & petition

Mr. N Mathew presented to the Committee the original copy of the petition supporting Ray Creery’s letter and the proposed Draft By-law. It included names, signatures and addresses of 60 Oakland residents.

3(a) New Business - Next Steps in Committee’s Review

Staff reviewed changes since the last Draft. (Version 2.1, as presented at the August 21 Public Open House.) All items were identified from discussions during the last three Advisory Committee meetings.

Two specific areas were identified for the next meeting. The Chair asked for further comments from the public:

(Maclaren) Stated she was unhappy with proposed changes to s.5.5.2 (Shelters for Farm Animals) The proposed revision to the Draft By-law allowed for a larger number of identified animals than the current regulations. Where it was understood that the intent was to encourage best management practices, it was proposed that some individuals may choose to go the easiest path, when given the option. There could be an odor problem associated with certain animals (i.e. mink), as much as a manure management issue.

After lengthy discussion, the Committee agreed to reinstate and review the wording and use of the existing Farm Animal Unit list found in the definitions of the current Draft & existing By-law. This option would be done in addition to identifying the new “Best Practices” options in the regulations.

Ongoing Procedure following Advisory Committee

It was agreed that the next Committee meetings should present the final version of the Draft By-law, following the changes as identified during the previous meetings.

The Chair also asked for information from planning staff on the process, going forward. In particular:

- What is the timing for PAC meetings, and
- What input is possible from both the public and the committee members at these meetings? Staff is to supply this information to the Committee at the next meeting.

Next meeting date.

Wednesday 5th December, 7:00pm at the Indian Point Fire Hall.

Meeting adjourned at 21:25