

A Committee of the Whole meeting was held in Council Chambers in Baddeck, on April 23, 2024, at 2:00pm with Deputy Warden Dauphinee in the Chair to discuss the draft planning documents submitted by Upland.

COUNCILLORS PRESENT

District #1- Paul MacNeil

District #2- Perla MacLeod

District #3- Bruce Morrison, Warden

District #4 – Barbara Longva

District #5 – Fraser Patterson

District #6 – Larry Dauphinee, Deputy Warden

District #8- Norman MacDonald

STAFF PRESENT

Leanne MacEachen, CAO

Alix Redden, CFO

Stephanie MacLeod, Recorder

Jennifer Dagsvik, Communications

ABSENT

District #7- Jackie Organ

There were 3 people from the public.

Deputy Warden Dauphinee welcomed everyone and acknowledged that this meeting is being held in Unama'ki, one of seven traditional districts of Mi'kma'ki, the ancestral and unceded territory of the Mi'kmaw People.

CALL TO ORDER

Deputy Warden Dauphinee called the meeting to order.

On Motion of Warden Morrison seconded by Councillor MacNeil that the Minutes for April 15, 2024, be approved.

Motion Carried.

On Motion of Councillor Longva seconded by Warden Morrison that the Minutes for April 15, 2024, be approved.

Motion Carried.

UPLAND SUMMARY – NATHAN MACLEOD

Mr. MacLeod went over public submissions with Council and gave them areas of decisions that they need to move onto the next draft. This is a working session, requesting direction from Council as to what changes to make.

Upland heard more from Victoria County than any other municipality in the Province.

CAO MacEachen reiterated the steps and processes taken by Upland to engage the public and reminded Council that if this document is not accepted, the Province will step in and give the Municipality standards to go by.

Mr. MacLeod said some municipalities have gone through the First Reading of their draft planning documents.

CAO MacEachen read correspondence she received from the Department of Municipal Affairs explaining the request for an extension of adopting the draft planning document and the Department of Municipal Affairs explained that if the intent is to use the extension to amend the current (Municipal Planning Strategy/Land Use Bylaw (MPS/LUB) to incorporate reasonable changes due to feedback from the review of the draft and any public hearings the County has held, then the Department would be happy to recommend to the Minister that he grants an extension. If council is considering making considerable changes to the planning documents as drafted that would require work beyond December 31, 2024, there would need to be a strong rationale provided.

If a plan is not adopted and submitted to the Provincial Director of Planning for review by the due date, the Minister may invoke Section 214A (2) of the Municipal Government Act and set up an interim planning area for the municipality.

Mr. MacLeod said they spent hours on the phone with some residents and Warden Morrison and Councillor MacNeil added that they have received positive feedback from residents that engaged with Upland.

Councillor MacNeil said the Agriculture zone is very restricted in his area and asked why most of District 1 was zoned that way and Mr. MacLeod said that will be discussed on a later slide.

There was some discussion around Airbnb's and some units were built just for short term rentals, Mr. MacLeod said he can put them in a different zone, they can be put in the (legal non-conformist) commercial zone, there would be grandfathering in if they were legal in the first place as well. If new Airbnb's are being built, they will run into some roadblocks if they are not in a commercial zone.

Decision #1 - As-of-Right Dwellings in the Rural General Zone:

Council recommended to direct UPLAND to increase the number of as-of-right dwelling units in areas where it is currently 3, to 4.

Decision #2 - Number of Dwelling Units by SPA or DA in RG Zone:

Council recommended to direct UPLAND to include more dwelling units per lot in the Rural General zone by Site Plan Approval and/or by Development Agreement.

Decision #3 - Number of Dwelling Units in the AP Zone:

Council recommended to direct UPLAND to make no changes to the Agriculture Potential zone regarding permitted dwelling units per lot (i.e. match the number permitted in the Rural General zone).

Decision #4 - Number of Dwelling Units in the Hamlet Core Zone:

Council recommended to direct UPLAND to make no changes to the number of dwelling units permitted in the Hamlet Core.

Decision #5 - Number of Dwelling Units in the GC and MS zones:

Council recommended to direct UPLAND to make no changes to the number of dwelling units permitted in the General Centre and Main Street zones.

Decision #6 - Number of Dwelling Units in the CR zone:

Council recommended to direct UPLAND to make no changes to the Commercial Recreation zone.

Habitation of Vehicles:

Council recommended to direct UPLAND to work with the EDPC to make changes to permit habitation of vehicles if certain conditions are met.

Recreational Vehicles:

Council recommended to direct UPLAND to make no changes regarding RVs and continue considering four or more RVs on a property to be a “campground” and therefore permitted by Site Plan Approval in the Commercial Recreation zone.

Nursing Homes:

Council recommended to direct UPLAND to change the documents to allow Nursing Homes in the Main Street, General Centre, Residential Centre, Hamlet Residential, Hamlet Core, Rural General, Rural Commercial and Institutional Zones by Site Plan Approval.

Coastal Protection Act:

Council recommended to direct UPLAND to add a specific setback distance from the ocean in section 6.32 (Watercourse Buffer) that requires a greater distance than the 15.0m currently in place with added policy/bylaw support at a later date.

Agricultural:

Council recommended to direct UPLAND to reduce the restrictions in the AP zone by increasing the number of lots allowed on a private road to 15 and allow for accommodations as a permitted use. And add a clause to the interpretation of zone boundaries to give flexibility in the AP zone based on a Qualified Person’s report. (Example of additional clause: “where the zone boundary is indicated as following a physical feature, such as, but not limited to, topographic elevations or agricultural soil classification, the Development Officer may interpret the boundary to align with a site-specific delineation completed by a qualified professional;”)

Home Based Businesses:

- Take-Out Restaurants: Council recommended to direct UPLAND to leave take-out restaurants as a permitted use for Home Based Business Level II.
- Daycares: Council recommended to direct UPLAND to exempt daycares from the maximum floor area requirements.
- Recreation Vehicles: Council recommended to direct UPLAND to add recreation rentals to the list of permitted uses for Home Based Business Level I and II, 6 vehicles permitted at a time.

Source Water Protection Zones:

- Agricultural Uses in the WP2 zone:

Council recommended to direct UPLAND to make no changes to the WP2 zone but investigate removing Peter's Brook water supply area and wait for mapping for the Ingonish area.

- Accommodations:

Council recommended to direct UPLAND to match the same approach as the Rural General and Agricultural Potential (RGAP).

- Number of Dwellings on a Lot in the WP2 zone:

Council recommended to direct UPLAND to make no changes to the WP2 zone regarding permitted number of dwellings on a lot except adding "With Site Plan Approval, more than one with a potential cap of 4 or 6.

- MPS Support for Source Water Protection (SWP) Plan Updates:

Council recommended to direct UPLAND to include additional policy support in the Municipal Planning Strategy for Source Water Protection Planning and subsequent amendments to the documents (including adjusting the extent of the WP1 and WP2 zones as well as the uses permitted in them) based on future versions of any Source Water Protection plan.

Flag Lots:

Council recommended to direct UPLAND to place no restrictions on flag lots with added considerations on the size of the flagpole. No regulations on flag lots but minimizing the size.

No action required on the following; just sharing feedback:

- Conservation & Environmental Protection:
- Public Roads
- Site Plan Approvals & Development Agreements. Err on the side of not having more restrictions, keeping with status quo of the previous draft.
- Administration & Enforcement.
- Specific Zoning Requests.

Decision Areas:

- Campground on Kempt Head Road. Current Campground:

Council recommended to direct UPLAND to rezone PIDs 85106912 and 85174332 from Rural General Zone (RG) to

Commercial Recreation Zone (CR).

COMMITTEE OF THE WHOLE MEETING

April 23, 2024

- Property on Highway 223. Existing commercial use, taxed at commercial rate:

Council recommended to direct UPLAND to rezone PID 85094902 from Agriculture Potential (AP) to Rural Commercial (RC).

- Property on St. James Road. Existing use and fits with desires to expand their business. Adjacent to Hamlet Core zone:

Council recommended to direct UPLAND to rezone 85034908 from Hamlet Residential to Hamlet Core.

- Property on Portage Road. Plans to open a kayak rental business and accommodations:

Council recommended to direct UPLAND to rezone 85097855 from Agriculture Potential (AP) to Commercial Recreation (CR).

- Potential Condo & Marina Development. South Cove - request from landowner who wishes to pursue condo and marina development:

Council recommended to direct UPLAND to rezone PIDs 85006948 and 85006955 from Rural General to Commercial Recreation.

- Big Baddeck Road Multi-Use Development. Landowner has subdivided and developed a septic field with intent to develop a commercial multi-use with ice rink, community centre, etc.:

Council recommended to direct UPLAND to rezone PIDs 85175107 and 85175099 to Rural Commercial.

- Black Point Lighthouse. Community opposition (petition received from Black Point residents). Property is currently assessed as commercial (taxed as such). Not by request of landowner:

Council recommended to direct UPLAND to keep the existing zone on these PIDs. But will flag this and wait for more information from Councillor Patterson.

- Hazeldale Industrial. Existing trucking, landscaping and excavation business. Contains a residential dwelling on the property:

Council recommended to direct UPLAND to rezone the properties on Little Narrows Road (PIDs 85095313 & 85006757) to Rural Industrial.

- Middle River Campground. Existing campground use. Desire to grow the business:

Council recommended to direct UPLAND to rezone PIDs 85009652 and 85074045 to Commercial Recreation.

Other Topics: Feedback Outside of the Scope of the Project

- Baddeck Planning Documents

COMMITTEE OF THE WHOLE MEETING
April 23, 2024

- Nonconforming Uses
- Taxation
- Recreation
- Septic System Requirements
- Wind Turbines
- Inclusion of Best Practices Appendices
- Government Capacity & Education

Mr. MacLeod will add changes and send out a new draft to Council.

NEXT MEETING

Next Committee of the Whole meeting is May 13, 2024.

ADJOURN

Councillor MacLeod called to adjourn at 1:30pm