

Public Meeting -Miltonvale Park
Official Plan & Bylaw Amendments – Tuesday, March 19, 2024
Milton Community Hall **7:30 p.m.**

Present: Mayor Hal Parker (from approximately 8:20), Planning Board Chair Paul Poole, Councillors Rose Ramsay, Spencer MacDonald, Leo Doucette, Jamie Taylor, and Andrew Frizzell, Planning Board Members Bob Peake and Zach Stephens (via Zoom), CAO Shari MacDonald, Development Officer Mirko Terrazas, and Samantha Murphy (Planner); Residents Michelle Walsh-Doucette, Mike Doucette, Betty Pryor, Pauline Smith, Joy MacIntyre, Anne and Dean MacQuarrie, Denise MacDonald-Vail, Sheila Curtis, Steve Dickieson, Rita Jackson, James Rodd, Trish Doucette, Joyce Blackett, Roger Matheson, Debbie and Melvin Ramsay, Orville Curtis, David and Eva Mol, Wayne Coles, Wade MacQuarrie, Terry and Dianne MacLean; and members of the public, Connor MacQuarrie, Ricky Garipey, Jessica Vos, and Detry Carragher

Planning Board Chair, Deputy Mayor Paul Poole called the meeting to order at 7:30 p.m. and welcomed residents. He introduced Samantha Murphy, of SJ Murphy Planning and Consulting, who is Miltonvale Park’s Planner, CAO Shari MacDonald, Development Officer Mirko Terrazas, and noted that Mayor Hal Parker would be arriving after 8 p.m.

Deputy Mayor Poole noted that the reason for the public meeting was to present Development Bylaw Amendments, which were mostly housekeeping in nature and Official Plan Amendments, which were also mainly housekeeping amendments, along with an amendment to the Future Land Use Map.

Planner Samantha Murphy will present the amendments which would be followed by a question period for comments and questions on the presentation and amendments.

The planner noted that there were a variety of topics that were being amended and in the Official Plan and the Development Bylaw. Some were being addressed because Provincial regulations had changed, or changes in circumstances, while others were proposed because certain clauses weren’t working quite the way they were intended.

Regarding the **Official Plan**, the Commercial and Industrial Policies in 8.2.1 were proposed to be amended to become consistent with each other and the rest of the Official Plan regulations, and to provide flexibility for Council to allow for a more nuanced consideration of factors. The changes are outlined on the screen and in the handout.

“8.2.1 Non-Resource Commercial and Industrial Land Use Policy CI-1 The Council shall consider potential impacts on the supply or use of resource lands when reviewing applications for a proposed expansion of existing non-resource based commercial and industrial land uses or for a change from an agricultural to a commercial or industrial designation and zoning.”

“8.2.5 Industrial Zone Policy It shall be the policy of Council to establish a zone on land designated for industrial uses.

New Plan Action CI-7.1 The Development Bylaw may be amended on application to apply the Light Industrial (M1) Zone to lands determined to be unsuited for primary resource uses, for new small-scale light industrial activities appropriate to a rural area, where the objective of limiting unserved commercial development and the other policies of this official plan can be met.”

The word “be” was missing in the policy statement and a Plan Action was missed during 2021 plan review process. This plan action mirrors CI-6, which allows for changes over time in the commercial Zone, but it was not matched with a similar clause for the Industrial Zone.

9.2.2 General Development Standards Policy P-6. The Development Bylaw shall establish standards for each ~~zone~~ relating to the permitted number, size, and siting of accessory structures and uses, including exempting certain uses or structures from the requirement to seek a permit.

The change for clause 9.2.2 was made as the standards for accessory structures are established in Part 4 of the Development Bylaw, as a general standard.

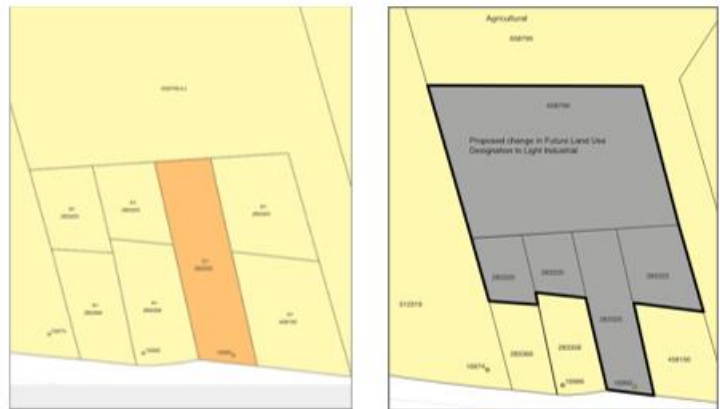
9.2.3. The Excavation Pit Policy is being removed from the Official Plan. The Province’s approach to interpreting Excavation Pits policies has changed, and the municipality is removing excavation pits from municipal authority and the Province will completely administer their regulation.

12.8 Appeal procedure Any appeal of a decision in respect to the administration of the Development Bylaw shall be undertaken in accordance with Part V of the Planning Act. This policy was updated to reflect changes to the Planning Act, which occurred in November 2023. The wording is designed to be flexible in case the provincial regulations change again.

The Rural Municipality of Miltonvale Park Official Plan (2021) Appendix B, Future Land Use Map, is amended, as indicated in Figure 1, by the following:

- The future land use designation of PID 283325 is changed from a combination of General Commercial and Agricultural to Light Industrial; and
- The future land use designation of a 1.8-acre portion of PID 658799 is changed from Agricultural to Light Industrial.

Future Land Use Map Amendments



Planner Samantha Murphy noted that the Future Land Use Maps and Zoning maps are essential similar, except for areas which have been zoned as PURD (Planned Unit Residential Development).

The May 2023 application for properties 283325 and 658799 was already brought to the public and Council has considered that information presented previously.

Changes to the zoning map must be consistent with the Future Land Use Map in the Official Plan; Council may consider concurrent amendments to the both the Official Plan and Bylaw.

Regarding proposed changes for the **Development Bylaw**, the planner noted these changes were very “housekeeping/typographical” in nature, and all were outlined in the handout provided, and on the screen of her presentation.

3.1 DEVELOPMENT APPROVAL

1. No person shall:

- Change the Use or intensity of Use of a Parcel, Structure or Building;
- Locate, place, erect, Construct, or replace a Structure or Building;
- Make structural Alterations, repairs, or additions to a Structure or Building;
- Make a connection to a central or municipal water supply or Sewerage Disposal System;
- Make an underground installation such as a fuel tank, foundation wall or other installation;
- Move or undertake the Demolition of a Structure or Building that is greater than 20 m² (215.28 ft²);
- Construct a Highway;

*h) Place or dump any fill or other material or otherwise Altering the grade of the land; or
i) Subdivide or consolidate a Parcel or Parcels
without first applying for, and receiving, a Development Permit or Subdivision approval, as the case may be,
except where otherwise specifically provided in this bylaw.*

The clause “g) Establish or operate an Excavation Pit:” and the “” after “Parcels” in what then became clause i), were both removed, to remove references of Excavation Pits and correct the punctuation.

In **3.14 VARIANCES**, the numbering was corrected in the clauses from “6. 7. 6. 7.” to “6. 7. 8. 9.”

In **3.15 BYLAW AMENDMENTS**, the language in clauses 5 and 9 was simplified to remain current with any future changes to the Planning Act.

5. Prior to amending this bylaw, Council shall provide public notice and hold a public meeting pursuant to the provisions of section 3.16 in this bylaw and the requirements of the Planning Act.

9. No Development Permits or Subdivision applications related to a proposed amendment(s) shall be approved by the Municipality until any necessary amendments approved by Council have taken effect.

3.17 APPEALS 1. *Any appeal of a decision in respect to the administration of this Bylaw shall be undertaken in accordance with Part V of the Planning Act.* This change was to simplify the language to remain current with recent or any future changes to the Planning Act. The Planning Act recently changed to require that to lodge an appeal, one needs to be an “aggrieved” person, rather than any person no longer satisfied. The Planner noted that the Planning Act defines an aggrieved person as

(a) the applicant;

(b) the Minister;

(c) a municipality affected by the decision;

(d) an individual who in good faith believes the decision will adversely affect the reasonable enjoyment of the individual’s property or property occupied by the individual;

(e) an incorporated organization, the objects of which include promoting or protecting

(i) the quality of life of persons residing in the neighbourhood affected by the decision,

(ii) the natural environment in the community affected by the decision, or

(iii) features, structures or sites having significant cultural or recreational value in the community affected by the decision; or

(f) an organization, the majority of whose members are individuals referred to in clause (d).

3.18 OFFENCES AND PENALTIES 1. *A person who violates any provision of this Bylaw is guilty of an offence and liable on summary conviction to the penalties set forth in the Planning Act.* 2. *The Municipality is also entitled to enforce this Bylaw and restrain any breach of this bylaw in accordance with the Planning Act and the Municipal Government Act.* The word “Bylaw” was capitalized to indicate a defined term.

4.2 ACCESSORY APARTMENTS 2. *One (1) Accessory Apartment may be permitted in a detached Building or in an Accessory Building on a Lot with a Single Unit Dwelling if the application meets the following requirements:*

[(a)-(d) – no change proposed]

e) The following site standards for an Accessory Apartment in a detached Building or Accessory Building, shall apply: Permitted location Rear Yard or Side Yard

*Setback from Lot Line (Minimum) 5 m (16.4 ft) or the minimum Yard Setback for the applicable Zone,
whichever is greater*

This change was made to improve the wording regarding lot standards for separate accessory apartments such as garden suite.

4.3 ACCESSORY BUILDINGS AND STRUCTURES A table is proposed to show the same information that was in clauses 1-5 for ease of reference and clauses 6 & 7 were renumbered to 2 & 3.

1. *The standards for Accessory Buildings shall be as follows*

Proposed new table for 4.3(1) to summarize standards.

		All zones			
Used for human habitation	Only where a dwelling is a permitted accessory use				
More than one Accessory Building permitted	All zones except the O2 Zone				
	Farm or Resource Use property, Commercial Zone, Industrial Zone	All other parcels			
Located in front yard or flankage yard	No restriction	Not permitted			
Setback from Lot Line	Zone setbacks apply	1.5 m (4.92 ft) except common garages for semi-detached dwellings			
Minimum distance from <i>main building on the lot</i>	As required under the National Building Code	The greater of 1.5 m (4.92 ft) or any applicable National Building Code standard			
Maximum height	Zone standards apply	4.60 m (15.1 ft) where Lot is less than 0.405 ha (1 acre) or is located in RS1 Zone			
		7.62 m (25 ft) where Lot is equal to or greater than 0.405 ha (1 acre)			
	Farm or Resource Use property, Commercial Zone, Industrial Zone	Lot is < 0.202 ha (0.5 acre)	Lot is equal to or greater than 0.202 ha (0.5 acre) but less than 0.405 ha (1 acre) or is located in the RS1 Zone and is equal to or greater than 0.202 ha (0.5 acre)	Lot is between 0.405 ha (1 acre) and 1.22 ha (3 acres)	Lot is greater than 1.22 ha (3 acres)
Maximum combined gross Floor Area of all Accessory Buildings on Parcel	No restriction	10% of the Lot Area	the greater of 10% or 112 sq m (1,205.6 sq ft)	10% of the Lot Area	10% of the Lot Area
Maximum gross Floor Area of an individual Accessory Building	No restriction	93 sq m (1,001 sq ft)	112 sq m (1,205 sq ft)	140 sq m (1,507 sq ft)	186 sq m (2,002 sq ft)
	Residential Lot (including commercial uses on a Residential Lot)	All other parcels			
Zone Standards	Standards of this section apply	Zone Standards for the Main Building apply			
Reduced setback in rear yard	Not permitted	Minimum Setback of 4.57 m (15) if the Accessory Building is less than 600 sq m (6,458.35 sq ft) and is smaller than the footprint of the Main Building			

2. *No Accessory Building or Structure shall be constructed: a) Prior to the construction of the Main Building to which it is accessory; or b) Prior to the establishment of the Use of the Lot where no Main Building is to be built.*

3. *Notwithstanding the above provisions of section 4.3, but after having followed the process in Section 3.14.5 of this bylaw, Council may approve an Accessory Building that is located within the Front Yard or Flankage Yard of a Lot provided Council is satisfied the proposed Structure will be architecturally compatible with adjacent Structures and no permanent injury will be caused to the existing and permitted Uses of adjoining properties.*

4.4 SETBACKS FROM HIGHWAYS -These clauses were repealed, as setbacks are set out in each zone’s requirements

4.10 EXCAVATION PITS -This section was repealed as Excavation Pits will be regulated by the Province.

4.25 PROHIBITED USES 1. *Uses that are not specified as permitted Uses in the Zone shall not be permitted in the Zone unless otherwise indicated.* 2. *Without limiting the foregoing, the following uses are not permitted in any zone: a) satellite dishes greater than 0.61 m (2 ft) in diameter; and b) Salvage Yards.* Salvage Yards was added

to clarify that salvage yards are not permitted in any zone. Salvage Yards were previously defined, but not included in the permitted uses for any zone. The wording now matches the intent.

4.28 SOLAR ARRAYS *Ground Mounted Solar Arrays shall be permitted in all Zones, subject to the following:*

a) The minimum Setback to adjacent Lot Lines for Ground Mounted Solar Arrays shall be 4.57 m (15 ft) or the height of the Ground Mounted Solar Array as measured from Grade to the highest point of the Solar Array, whichever is greater;

b) Ground Mounted Solar Arrays may be placed in any Yard; and

Revisions were made to establish setbacks that apply to all lots lines and yards in which ground mounted solar arrays may be place, and to make the language broad enough to capture flankage yards, which was the original intent.

4.31 SWIMMING POOLS

1. A Swimming Pool shall be permitted in the MHP, RS1, R1, A1 and O1 Zones subject to the following conditions:

a) a Development Permit has been issued for the Swimming Pool;

b) a 1.8 m. (6 ft.) high Fence fully encloses the Swimming Pool and is constructed in such a manner so as to impede unauthorized Persons from entering over or under said Fence;

c) any gate on such Fence is self-closing and self-latching to prevent its opening from outside the fenced area;

d) notwithstanding clause 4.31(1)(b), the Development Officer may allow one or more Buildings to take the place of a portion of the Fence so long as the Swimming Pool is fully enclosed by the Fence and Building(s);

e) The Owner shall satisfy any other conditions related to the Maintenance and safety of the Swimming Pool; and

f) The Swimming Pool shall not be located in a Yard that abuts a Highway.

Updates were made to improve the wording to address common scenarios, such as using a part of a building as a fence, and requirements for gates.

4.34 WIND ENERGY

10. A Development Permit application for a Wind Energy Facility in excess of 100 kilowatts shall include: ...

g) A site plan showing: (i) Existing and proposed Wind Energy Facilities;

12. Section 4.34 does not apply to Wind Energy Facilities with a nameplate capacity equal to or greater than 1 megawatt.

The capitalization of “Wind Energy” indicates a defined term. Subsection 12 was added to address recent changes to Renewal Energy Act Development Permit Regulations, as the Province removed municipal authority over large wind energy projects.

8.3 REGULATIONS FOR PERMITTED USES *1. The following requirements shall apply to single-unit residential & Mini Home Developments in the PURD Zone:... vi. Flankage Yard Setback (minimum) 6.0 m (19.7 ft) 6.0 m (19.7 ft).* The Bylaw was missing the measurements in the Flankage yard setback for interior lots.

9.2 PERMITTED USES *1. No Building or part thereof and no Lot with a Lot Area of 12,140.57 m² (3-acre) or less shall be used for purposes other than...* The phrase regarding lots under three acres was removed, as it was left-over language from a previous bylaw.

Schedule 2: Definitions

35. *Development means iv. Changing the Use or intensity of Use of a Lot or the Use, intensity of Use or size of a Structure or Building but does not include an excavation pit as defined in the Excavation Pit Regulations, EC146/17.*

45. The definition of Excavation Pit was repealed to reflect the removal of excavation pits as a use regulated by the Municipality.

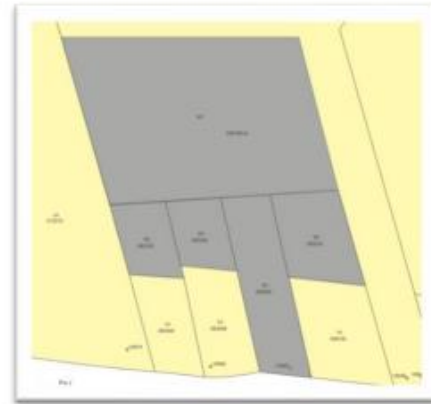
Schedule 4: Schedule of Fees: ~~Excavation Pit \$200~~ [row to be removed] With the removal of excavation pits from the bylaw, the fee will no longer be required.

Schedule 6: Special Planning Area Regulations. The text of these regulations will be updated from the 2021 regulations to the 2023 Special Planning Area Regulations.

Schedule 1: Zoning Map As was previously presented at the May 30, 2023 Public Meeting, Council had received an application to change the zoning of PID 283325 and a 1.8 - acre portion of PID 658799.

Schedule 1: Zoning Map

Area indicated below to have zoning of Light Industrial (M1), including 1.8 acres of PID 658799.



Deputy Mayor Poole opened the floor to questions, reminding people to stand, identify themselves and limit remarks to three minutes, to allow people to have an opportunity to speak. He hoped that 25 minutes would allow time for all comments.

Rita Jackson asked about the change to swimming pools, and asked to see slide 15 again. It was noted that changes allow a house to form one side of a required fence.

Detry Carragher asked if there is a definition of salvage yard and was directed to definition 108, on page 73 of the Development Bylaw, which states *“Salvage Yard means an area of a Parcel used for the storage, handling or processing of and sale of scrap material, and without limiting the generality of the foregoing, may include waste paper, rags, bones, used bicycles, vehicles, tires, metals or other scrap material or salvage, but shall not include a hazardous waste material storage or disposal site or Recycling Depot.* No change had been proposed to its definition.

Ms. Carragher also asked if the new provisions for enforcement which came into effect in 2023 would have an effect on any agreement that were made previous to then, for instance Development Agreements from 1999 or 2008. Planner Samantha Murphy noted that the only changes proposed to the Offences and Penalties in the section was the capitalization of “Bylaw” as capitalizing a word in the bylaw denotes that it is a defined term.

David Mol noted that he had hoped to see a map of Miltonvale and a concept plan, with zoning to show the best area to do things. He noted everyone has opinions, but he felt leadership was needed, and people who are buying property with intentions for using it for farms or ice cream shops need to know the zoning. He had spoken with someone who is not putting a property on the market now as they feel it is impossible to get a zoning change from the Miltonvale Park Council. He felt Council could have stifled bringing something to the community which would not have been offensive, or would have enhanced the municipality. Mr. Mol noted that he spoke at the meeting in May 2023 when there was discussion about changing zones, and he believed it was not a fait accompli, and believed that was the reason he got notice for this meeting. With so many meetings, he is still not seeing satisfaction.

Deputy Mayor Poole noted that the Public Meeting held last May was related to the application for rezoning. Planning Board reviewed the information and had discussions with the applicant, and the Planner. Planning Board subsequently recommended approval of that application, and Council's intent is to do so. It is on the agenda to be approved at the next two Council meetings, and then will be submitted to the Province for approval.

Ms. Carragher noted that if the Applicant was able to present new information, the public should also be able to present new information about the rezoning as a number of people want to present information. She believed the meeting was scheduled to end at 9 p.m. Deputy Mayor Paul Poole noted that written comments will be accepted at the Council Office until April 2, for anyone who wishes to do so.

Ms. Carragher noted she would share a packet of information with anyone interested and that if the meeting wasn't open to further discussion, it did not seem like a good process. She questioned what Council was afraid of and felt it was Council's duty as elected officials to take all information into account. Deputy Mayor Poole noted that Council had completed that process regarding rezoning after the Public Meeting in May, 2023. Ms. Carragher reiterated that the Developer had another opportunity to present to Council, and she felt entitled to the same right.

Eva Mol noted that she was also at the last meeting in May and was under the impression that there would be a follow up meeting.

Ms. Carragher felt that not all people had access to technology and might have concerns, and that the information should be accessible to all residents. She said the video doesn't get put on the website, and not everyone is on Facebook, when Deputy Mayor Poole said he expected the video would be posted to Facebook.

At 7:53 p.m. Ms. Carragher again spoke noting that she was not a resident but was speaking on behalf of the owner of PIDs 283366 and 512319, whom she did not identify to the gathering, but she submitted to the Council a signed letter from Gezinus Vos authorizing her to speak on his behalf.

She noted that they had concerns about the Planning Board, the Council and/or the Developer and their failure to comply with several previous development agreements, municipal bylaws and provincial legislation. They believe the Developer is currently non-conforming with the Miltonvale Bylaw for PIDs 283325, 658799, 458190, 283317 and 283309. She said there were over 100 complaints filed by more than six nearby residents, including complaints regarding non-compliance with Development Agreements from 1999 and 2008. They believe that the Municipality has not taken action to enforce the bylaws and development agreements but has enforced other bylaws and taken other property owners to court. She noted an email from the Municipality on February 23 stated "Council believes the Developer is committed to working with the municipality to improve the appearance of the property and bring the property into compliance with a new Development Agreement."

She noted some conditions in previous development agreements included:

1. No parking of vehicles on the septic system.
2. No parking vehicles adjacent to the house.
3. No parking of vehicles any closer to the highway than the building line as established on an adjacent property.
4. Maximum of seven vehicles (year-round) in the front yard,
5. Tree planning required in designated areas.
6. Parking areas shall be constructed with a stable surface that is treated to prevent the raising of dust.

Ms. Carragher believes that the Developer has not made any attempts to meet these conditions over the past 15-20 years.

She noted that the proposed amendment states “The Development Bylaw may be amended on application to apply the Light Industrial (M1) Zone to lands determined to be unsuited for primary uses.” She had previously asked what criteria the municipality uses and was told criteria included such things as size, soil type and current use. The 2023 Soil Survey map indicates the soil is suitable for primary resource use and as it is currently used as a horse paddock, they believe it must be suitable for primary resource use.

She noted that Planning Board minutes of November 8, 2023 said that updating the Future Land Use Map gives Planning Board the opportunity to review other amendments that could be made at the same time, and drew the conclusion that rezoning the parcel to Industrial would not address the housing crisis.

She noted that the July 2023 Planning Board minutes suggested keeping restrictions as simple as possible, and that for those living along Rte. 2, which is an arterial highway, there would be an expectation of some noise. The minutes had noted that the Autobody shop was already operating when some of the people with concerns had moved to the area. The municipality has tried to have the property come into compliance over the years. The minutes noted the developer has also purchased some adjacent lands. Planning Board could not see a compelling reason to deny the rezoning application if the cars could be screened and concerns of nearby residents addressed. Ms. Carragher could find no evidence of enforcement other than making the Developer remove a sandblasting building which was erected without a permit.

Ms. Carragher also expressed concerns with the volume of repairs noted in the rezoning application, with an estimate of 20-25 major and 15-20 minor repairs per month. Commercial vehicle turnaround time was estimated at 60-120 days. She noted there were well over 120 vehicles, including 20 tractor trailers parked on the two properties that were considered for rezoning. She noted Google Earth showed vehicles in the same spots and more added since May.

She noted they have concerns about the Developer and Council stating that rezoning will address parking issues and unsightliness. She expressed concerns that the property has become a salvage yard. She has concerns as to how the 2024 plan would address the parking.

She noted in the Developer’s proposal to rezone, the entrance to PID 658799 would be via an extension of the existing driveway from Rte 2 unto PID 283325, and they have concerns that this may impact his septic system according to his 2008 site plan. She said that the Developer had noted that he had submitted a storm water management plan and that changes had been made to reduce water that naturally flows to the west of the property, and that the creation of a berm would not increase storm water. She said that around 2019 black sludge twice came from PID 283325 and flowed to PID 512319, and she asked that Council request verified septic system details and soil tests.

She also expressed concern over the residential dwelling in the building on PID 283325, which she stated is not permitted under Commercial or Light Industrial zones. She stated that all potential projects with an environmental impact must be registered with the Province to determine whether it would trigger a full provincial environmental assessment process. She requested the Developer outline and verify his waste products and contaminant disposal procedure.

Ms. Carragher outlined concerns about the non-conforming use of agricultural land, with the Developer proposing to regrade PID 458190 and returning it to green space; however, she noted that the site plan with the rezoning application shows the area as being a proposed parking area for customer cars ready for pick up.

Ms. Carragher believes neither Planning Board nor the Developer considered the residential use, and quoted from the Bylaw which states that “*No building or part thereof is permitted to be used for residential purposes in commercial buildings and light industrial zones which store hazardous materials.*”

Ms. Carragher had expressed concerns about noise and dust previously. She noted a reference to a 40x60 structure to be built on the proposed extension of lot 283325, and believes that the Municipality erroneously states that concentrating all activities of the operation indoors will reduce the noise generated. There is currently no building approved or erected to reduce dust and noise; therefore, she believes this argument should not be considered in the rezoning. As well she believes a building would take away from the intended parking area.

They believe Council should hold the Developer accountable for the 1999 and 2008 Development Agreements and allocate financial resources to the cost of enforcement. They also believe if Council decides to approve the rezoning, it will more than likely need to present its case to IRAC. She noted changes to the Planning Act in 2023 have given the municipalities more tools for bylaw enforcement, including fines of up to \$100,000 for commercial entities which violate the Planning Act. She noted failure to comply with municipal legislation can become costly and that, as a member of the Miltonvale Council, the Developer should be fully aware of the importance of adhering to bylaws and the financial implications the entire process has on the municipality's already limited resources.

At 8:07 p.m. resident Steve Dickieson said that he could see Council having to do these amendments to give the long-time resident a chance to improve his business. Mr. Frizzell was made to tear down a previous building, with the understanding that he could erect another; however, this did not happen. This is the only way he can operate properly, by expanding with the proposed changes to clean up the property. Would the community rather see him shut down or go somewhere else? He believes Council's only option is to move forward with the application. Council has told us that they have made the decision to move forward with the rezoning already. He noted that with the ridicule that Mr. Frizzell has had to endure, if it were him, he wouldn't want to clean up his property either. Mr. Dickieson also noted that many residents, including some in the room, also have junk in their back yards that they have accumulated over the last 20 years.

Denise MacDonald-Vail has been a resident for over 50 years and noted it appeared the municipality intends to amend and rezone this property which continues to be a mess. Two permits have already been denied, one that she was a part of and another that she wasn't. The property continues to be non-conforming. What guarantee does the municipality have that he will now follow the regulations and abide by the bylaws when he has not done so since he has been there.

At 8:10, David Mol remarked that he felt it was nearsighted of the meeting to tear Mr. Frizzell's previous building down as it was needed as part of the business. He feels Council should have given him a fine and moved on, which would have likely resulted in a far better situation today. He feels that keeping the noise and dust an enclosed building would certainly help, and in his opinion, this could be done within the commercial zone, without a need for a rezoning to Light Industrial. When Mr. Frizzell was promised a building years ago, there was no discussion about changing the zoning at that time. Mr. Mol's third concern was about the Light Industrial zoning. Mr. Frizzell owns considerable land and rezoning a couple of acres could be seen as a foot in the doorway to a future rezoning. The lease is coming up on the riding stable, and Mr. Mol would like to know what agreement would be made to ensure it would not be used as light industrial? Mr. Mol also noted that the rezoning seems to be driven by the expansion of the business. Mr. Frizzell owns a property in Breadalbane which is very well-kept, with not a blade of grass out of place, and the trucks neatly lined up. What changes would come about at the properties under consideration with the rezoning change? Mr. Mol noted that he and Mr. Frizzell were both pack rats, with yards full of "lost opportunities." He shared that when he was farming in the City, he had been told by the City to clean up his property as he was selling farm equipment, and he is now trying to clean up his property in Milton. Mr. Mol's property is bordered on the back by van trailers, and vehicles are along the side of the property. The barn hides them from view, but he feels they aren't vehicles

that are at the autobody to be repaired. He would like a guarantee that the property would be cleaned up before he would be happy about anything proposed.

Betty Pryor spoke again at 8:14 p.m. and noted that the change to clause 8.2.1 in the Official Plan seems to be related to this situation regarding use of resource land. She would hate to see that clause get watered down as she believes the municipality is still trying to be a resource place. She also noted that in the amendment to section 8.3, it looked as if the 6.0 m may be a typo, and wanted to bring it to the Planner's attention for later review. Ms. Pryor also asked if only someone who is an aggrieved person is allowed to appeal an appealable decision. She noted that a salvage yard is not permitted in any zone, yet the property does appear to resemble a salvage yard. She noted that a parking lot can't be on a parcel, and if the property was deemed to be a salvage yard, when does it go from the authority of the municipality to the Province. The Province, under the Environmental Protection Act has a much stronger definition of a salvage yard. Ms. Pryor believes the municipality can be no less stringent than the Province. She also noted that the Official Plan is the main overriding document for the municipality.

Planner Samantha Murphy responded that the changes to the Commercial and Industrial Policy proposed for the Official Plan were intended to provide the Council flexibility to consider issues from all perspectives. The clauses were incredibly narrow and the policy was likely in violation of other policies in the Official Plan, such as the one that allows limited expansion of existing businesses. In 8.3 of the Bylaw, where Ms. Pryor noted a possible typo, only part of the table that has two columns, for interior and exterior lots, was shown, so when it is inserted in to the Bylaw, as the measurement for interior lots, it is correct.

The Planner believes the new "aggrieved person" requirement has not yet been tested at IRAC. Appeals are now limited to those who in good faith show there will be some impact on the reasonable enjoyment of their property, rather than by someone who may oppose the development on principle. Bylaw amendments are appealable to IRAC; however, amendments to the Official Plan are not appealable. Ms. Murphy noted she would have to review the Environmental Protection Act regarding salvage yards, as it may have certain sections that do not apply to municipalities.

Ms. Carragher requested to speak again; however, Deputy Mayor Poole noted that she had already had the floor for approximately 15 minutes.

Eval Mol asked what reasons Council had to approve the rezoning to Industrial.

The Deputy Mayor responded that Council had received an application and made a decision based on the Bylaw.

Ms. Mol asked if Council had been provided any evidence that the property was unsuited for its primary use, such as soil testing. The Deputy Mayor responded that ability to rezone is in the Bylaw and that the business has grown but was landlocked, and required room to expand. The Developer applied to Council in good faith and is willing to work with Council. Previously he has been told what to do.

Ms. Carragher feels that the Council is making biased remarks towards the Developer, and feels they should be neutral. She again asked for evidence that the land is unsuitable for primary resource use and noted Council hasn't enforced the development agreements. Deputy Mayor Poole noted that another part of the Bylaw says that Council can allow reasonable growth, and that there hadn't been any requests to enforce, through complaints received. Ms. Carragher responded that there were over 100 complaints received, and that Council was now being asked to enforce them. Deputy Mayor Poole noted that Council has previously considered the rezoning application and has voted to move forward with its approval. Readings to the amendment are scheduled to take place at the April and May Council meetings, and then will be submitted to the Province. Ms. Carragher believes that 100 complaints were filed before approval and should be addressed at the same time

and that Council should enforce the existing bylaws. She alleged that Council had no problem enforcing the problem of the person placing fill illegally, right away and slapping them with a \$7,000 bill. She alleged reading biased comments towards the Developer in the minutes and gave notice that if the complaints weren't addressed in a timely manner, they would go to IRAC or take legal action.

At 8:24, Rita Jackson asked what stage was the future land use amendment, and whether it had been approved, and who voted on it, and was told that it has not yet been approved, as that was one of the amendments being addressed at the meeting, and that it would be voted upon by Council. Ms. Jackson asked if Council was supposed to listen to what residents want too. She then noted that she could not hear if other people were talking, as she has hearing loss attributed to time served in the Army. Deputy Mayor Poole noted that the Council had already voted to proceed with the Developer's application, and proposed that the Future Land Use Map be amended. Planning Board and Council will address the amendments, and approve a Development Agreement. Ms. Jackson asked if the change has to be approved by the Province and was told that it does, and she asked if concerns should be addressed to the Province now.

The Planner noted that the Province is not involved in municipal decision making. The Provincial role is to look at the submissions from the municipality. The Act requires that amendments be brought to the public for comments, which are then weighed, along with many other factors as the sound planning principles, the Plan and Bylaws.

Ms. Carragher reported reviewing the minutes of Council meetings and noting three instances where she felt the Code of Conduct was breached where Councillor Frizzell had not secluded himself from the meeting or acknowledged Conflict of Interest for discussions about his application, specifically when the list of applications being considered was announced. The Planner noted that she was not at these meetings, so could not speak to the accusations; however, Code of Conduct violations are addressed under the Municipal Government Act. She noted Councillors are allowed to be at a meeting when the applications are mentioned under certain circumstances. Deputy Mayor Poole asserted that he had been at Council and Planning Board Meetings, and could confirm that Councillor Frizzell had left the meeting room any time his application was discussed. This was confirmed by Councillor Leo Doucette, who said that Councillor Frizzell always leaves the room prior to his application being discussed.

Ms. Carragher noted that she could go on and on and if this was to be brought to IRAC she hoped the Council had better evidence.

Betty Pryor noted that previously she left the room any time the property next to her was discussed.

Ms. Pryor asked if the intent was for the four properties which currently have the same PID number to be consolidated into one, and have the area to be rezoned from PID 658799 amended to it to form one parcel. Deputy Mayor Poole assumed that would be the case, what type of buffer would be required from Light Industrial to Resource. The Deputy Mayor noted the currently the only part zoned Commercial is the center part of the "T".

Ms. Carragher again noted that the 2023 PEI Soil Survey Maps shows vehicles on the property without authorization, and there is the entrance way permit and she again noted she could go on and on.

David Mol asked if Deputy Mayor Poole had driven up to the pumping station to see the cars. Deputy Mayor Poole responded that he had. Mr. Mol noted Mr. Frizzell has a great business, but he has concerns that there is too much expansion, and how it can be contained through the use of buffer zones. He is not aware of what that would entail a separation with the Industrial uses beside a residential area or the llamas owned by Mr. Vos. He is not hearing how individual concerns of the neighbours would be addressed, and nothing presented at the meeting has addressed the actions that need to take place, such as vehicles being moved or the

perception of the place. Deputy Mayor Poole noted that these would be items that would be spelled out in a Development Agreement, such as number of vehicles and conditions.

Detry Carragher spoke again to say that she did not believe that Mr. Frizzell would live up to any Development Agreement. Deputy Mayor Poole noted that a previous agreement allowed for six cars and the conditions may no longer be appropriate. Ms. Carragher responded that if his business is too big he should consider moving. Deputy Mayor Poole noted that the Developer owns approximately 30 acres in the area, and Council is dealing with his current development application.

Ms. Carragher interjected that if that is his opinion it is unfortunate if that is how he sees his role; she believes it is not the right role for Councillors and they are not living up to the authority delegated to them by residents and she felt this was another biased comment.

Development Officer Mirko Terrazas noted that the Developer had presented a plan to propose a berm around the property. The application received in May was just to rezone that portion of the parcel. The proposal for rezoning was presented at the public meeting in May, 2023.

Following the public meeting, Planning Board considered the feedback received from the public and the applicant was provided another opportunity to present to Planning Board to answer any further questions that may have arisen at, or following, the public meeting. The Developer presented plans to address concerns that were raised.

Planning Board made a recommendation to Council on the application, and Council determined to proceed with processing the application. Amendments to the Official Plan or the Development Bylaw approved by Council will also require approval by the Minister. This meeting is to address the Future Land Use map as well as the other issues presented by the Planner.

Detry Carragher noted that the over 100 complaints that had been submitted were not submitted as part of the public planning process dealing with the rezoning and asked that they be considered outside of this process.

Ms. Carragher continued that the site plan for 2024 did not show the demarcated parking spots, and the previous plan only allowed for five parking spots, plus two accessible parking spaces. A 40x60 building would also have a buffer requirement and would impact parking. She reiterated her concern that the lands were not unsuited for primary resource uses.

Rita Jackson attempted to move that the 100, or so, complaints and questions that not been responded to, be addressed in a public meeting by the Planning Board and that, concurrently, all the evidence, plans and so on for this proposed amendment that the public should approve, be presented to the public, and then she asked for a seconder. Planner Samantha Murphy noted that motions from the floor were not a valid procedure as Public Meetings are an opportunity for the public to give comments. Ms. Jackson felt that any public meeting could have motions from the floor and that the process was anti-democratic, and she told Ms. Murphy that she was not elected, but a paid consultant. Ms. Jackson wanted Council to take actions on the concerns of the residents, those who voted them in and could perhaps vote them out. Residents need clarity. She felt the information was not presented clearly and that it could perhaps be resolved with a lot less rancor. She again tried to move the motion and told the "paid consultant" not to talk now as they were having a democratic meeting, before asking again for a seconder. James Rodd said he would second the motion. The chair noted that the motion was not acknowledged and Ms. Jackson challenged the chair under Robert's Rules of Order.

Deputy Mayor Poole informed Ms. Jackson that her motion was not recognized, and asked if there were any other comments from the floor.

Betty Pryor suggested that Planning Board review aerial photos of the property from May 2023 and now, and note the changes which appear to show an increase in the number of vehicles on the property.

David Mol noted that Council can't help but leave the meeting knowing there was a "lot more salt in the soup" and that he felt a strong message had been put forward this evening.

Eval Mol shared that she took offence to the request that there was only three minutes allotted to speak and that people should not be told how long they have to speak at a public meeting, and that she felt it was disrespectful to residents.

Deputy Mayor Paul Poole acknowledged her comment, and adjourned the meeting at 8:44 p.m.

Mayor or Deputy Mayor

CAO

April 17, 2024

Date approved