



Rural Municipality of Miltonvale Park

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The Council for the Rural Municipality would like to again acknowledge the 110 concern forms that were submitted on your behalf to the Council office on the afternoon of March 15, 2024 regarding PIDs 283325, 658799, 458190, 283317, and 283309.

We apologize for the delay in the final response to you. This has been a very busy few months for staff. Council generally meets monthly and these concerns were not received in time to be reviewed at the March meeting. All the residents who submitted concern forms regarding conflict of interest complaints against Councillor Frizzell (Concern form #110) were invited to the April Council meeting, to speak to their concerns, as per the process required under the Conflict of Interest Bylaw (Bylaw 2018-10). Bylaws are available on the “Municipal” section of the website www.miltonvalepark.com.

Two electors asked to be allowed to speak instead at the May Council meeting, and this request was granted, but did delay the investigation into that complaint.

Council and staff reviewed all the concerns that were submitted from the residents through the Resident Concern Forms regarding properties 283325, 658799, 458190, 283317, and 283309.

Enforcement of regulations is at the discretion of Council, and involves the consideration of many factors, including municipal authority, time and financial resources, seriousness of the breach, complaints from residents, and practicality. With an application for rezoning and lot revision in progress, which will include a Development Agreement, there is an opportunity to address the concerns that you have brought forward. These concerns will be considered as the Development Agreement continues to be drafted.

Please note, that a Municipal Council is not responsible for the enforcement of Provincial regulations such as the Planning Act, Highway Access Regulations or Environmental Protection Act.

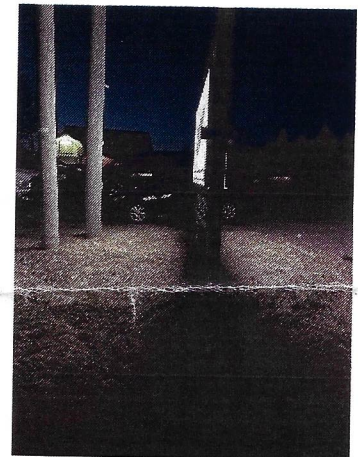
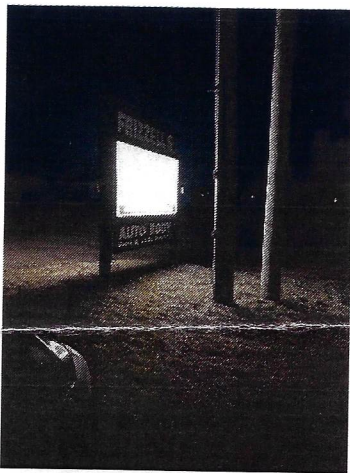
Development applications are assessed under the Development Bylaws in effect at the time of the application or approval. If they were approved under the Bylaws of 1982, or 2009, for instance, when these Bylaws are amended or repealed, the developments remain approved, even if they no longer meet the requirements of the new Development Bylaw. Section 4.13 of the current 2021 Development

Bylaw notes “Subject to the provisions of this bylaw, the Use of a Parcel, a Building or Structure lawfully in existence on the effective date of this bylaw may continue to exist.”

In the current municipal bylaws, an **Automobile Shop** means a Building or part of a Building or a clearly defined space on a Lot used for the sale, Maintenance or repair of used or new automobiles.

In May 2023, Council received an application from the owner of properties 283325 and 658799 to rezone 283325 and approximately 1.83 acres of PID 658799 to Light Industrial. The intent of the proposal is to consolidate the parking that has spread across several parcels owned by the developer, and Council will be enacting a Development Agreement in conjunction with an application for a subdivision/lot revision. Parking of vehicles and storage containers (Complaints 1-99) will be dealt with to the satisfaction of Council in this Development Agreement.

Section 3.1. 2. 1. of the Development Bylaw states that Placing or Erecting a Temporary Structure that is incidental to a Development that has an approved Development Permit shall not be interpreted as a Change of Use, or constructing or placing a Structure or Building, and shall not require a Development Permit. A **Temporary Structure** means a Structure that is not affixed to the ground by foundation, footings or piles, and has a short-term or seasonal purpose, and which will be removed when the designated time period, activity or Use for which the Temporary Structure was Erected has ceased, and for greater certainty includes but is not limited to any tent, awning, bin, bunk, platform vessel, trailer truck body or container.



#100 – The Complaint references 4.17.2.a of the 2021 Development Bylaw.

Where a resource or non-resource commercial or Industrial Use abuts a Residential Use the:

- a) Exterior lighting or illuminated Signage shall be arranged so as to deflect light away from the adjacent Residential Use;...”

No permits for the property have been issued under the authority of this Bylaw; therefore, this clause is not applicable to the property. Permits are issued under the authority of the Bylaw in existence at the time of the application or approval. The sign was investigated and as is evidenced in the photos, the exterior lighting/illuminated sign does not throw light near the adjacent residence. The sign is located in the grassed area at the center front of the parcel, and the light from it appears to fall entirely within the boundary of the parcel 283325.

#101 – The Complaint references section 4.17. 2b of the 2021 Bylaw – “Where a resource or non-resource commercial or Industrial Use abuts a Residential Use the:

- d) Outdoor Storage shall be prohibited unless it is screened from view by means of a Landscape Buffer of adequate size or architectural screening such as a wall, Fence or other appropriate Structure.”

Again, no permits were issued for the property under the authority of this Bylaw, therefore this clause in the Bylaw is not applicable to the property at this time.

There is no requirement for a parking lot to be screened, nor for an automobile shop to be screened. The developer has planted a large number of trees on the property to screen some of the property and the intent of the rezoning and lot revision is to consolidate the parking, increase the screening on the parking and automobile shop area, and return portions of the area to green space. Clause 4.17 2b will be considered in the new Development Agreement that accompanies the lot revision.

#102 – No permit for PID 458190 – The complaint notes that trees were cleared from the lot and it is now used for vehicle parking. There is no requirement for a permit to cut trees. The intention with the rezoning is to return the parcel to green space and its original agricultural use. This will be addressed in the new Development Agreement.

#103 – Failure to comply with environmental requirements regarding potential parking on the septic system. The municipality does not enforce provincial regulations. It is the onus of the landowner to ensure they properly care for their septic system.

#104 – Failure to comply with Development Agreement 1999. This Development Agreement is 25 years old, and would not be subject to the Clause 3.13 in the 2021 Development Bylaw. Miltonvale Park’s Record Retention Bylaw (Bylaw 2021-11) has a schedule stating how long records must be kept. Development Agreements need to be retained for 12 years. It may not be realistic to require an agreement to be enforced 13 years after it can be destroyed by the municipality. Clause 3.13.7 from the 2021 Bylaw stating that the fees to enforce the Development Agreement from 1999 would be the responsibility of the owner would not apply, as a similar clause was not in the Development Bylaw in effect in 1999. Enforcement can be costly, and Councils consider many factors when determining what to enforce and at what level.

#105 – Development Permit No 06. 2008 (PID 283325) did not include a development Agreement. Again, according to the Records Retention Bylaw, Development Permits are only required to be retained 12 years, which have since passed. On April 21, 2010, Council sent the Developer a letter congratulating him on improvements to his property. This appears to suggest that they were satisfied

with his permit at that time. Again, clause 3.13 does not necessarily apply to this permit, and 3.13.7 is not applicable.

#106 – PID 283325, PID 658799, PID 458190, PID 283317, PID 283309 – Materials related to the Automobile shop will be removed from PIDS PID 458190, PID 283317, PID 283309, and the portion of PID 658799 that remains zoned A1. Salvage automobiles are those which are not able to be returned to a driveable state. Council has recently amended the Development Bylaw to explicitly state that Salvage Yards are not a permitted use in any zone. The new Development Agreement will include conditions to balance the supplies and materials required for an autobody shop to ensure that the parcels do not become a salvage yard. The Development Agreement will also address screening and other issues of concern.

#107 – Concern over unsightly property and the parking of vehicles on PID 458190 without a permit. Vehicles for the business will no longer be parked on PID 458190 when the development is finalized, as parking for most vehicles will move to behind the main building on PID 283325. The municipality does not have authority to enforce the provincial Highway Access Regulations.

#108 – Failure to comply with permitted uses for 66 ft right of way or Entrance Way Permit. The developer is the current owner of the right of way. The enforcement of the PEI Planning Act, Roads Act and Highway Access Regulations do not fall within the authority of the municipality.

#109 – Non-conforming Use of the commercial building for residential use. Section 4.13 of the 2021 Development Bylaw notes “Subject to the provisions of this bylaw, the Use of a Parcel, a Building or Structure lawfully in existence on the effective date of this bylaw may continue to exist.” The residential use on the property was approved in 1986, so can continue.

#110 – Compliance with the Municipal Government Act and Code of Conduct – Council, under the authority of the Conflict of Interest Bylaw (2018-10), investigated the complaint of Conflict of Interest, following the procedures outlined in the Bylaw. Council also received professional advice on the matter and dealt with the issue at the April and May Council meetings, hearing from some electors who had lodged the conflict of interest complaint.

After the investigation the following motions were passed.

Motion 2024:54 – Moved by Councillor Paul Poole, seconded by Councillor Leo Doucette **that Council find Councillor Frizzell not to be in Conflict of Interest for the meetings of September 20, 2023 and October 18, 2023.** Motion carried, 5-0.

Motion 2024:55 – Moved by Councillor Jamie Taylor, seconded by Councillor Leo Doucette **that Council find Councillor Frizzell to inadvertently be in Conflict of Interest for the meeting of January 17, 2024.** Motion carried, 5-0.

Motion 2024:56 – Moved by Councillor Paul Poole, seconded by Councillor Rose Ramsay **that as Councillors believe Councillor Frizzell was inadvertently in Conflict of Interest for the meeting of January 17, 2024, when the administrative decision to hold a Public Meeting was made, pursuant to subsection 96(6) of the Municipal Government Act, and under the authority of 8.2 of the Conflict of Interest Bylaw, that Council pardon Councillor Frizzell.** Motion carried, 5-0.

At the September and October meetings, being in the meeting room during the listing of applications in progress was not considered to be a conflict of interest.

It was noted that Councillor Frizzell was in attendance at the January 17, 2024, Council Meeting when the vote was taken to hold a public meeting to present the amendments to the Official Plan and Bylaws. Amongst the many amendments presented, was the proposed amendment to the Future Land Use Map which affected Parcels 283325 and 658799. It was also noted that any time since the application for re-zoning of these parcels had been received when there had been discussion regarding the evaluation of the rezoning and lot revision, that Councillor Frizzell had been diligent in leaving the meetings.

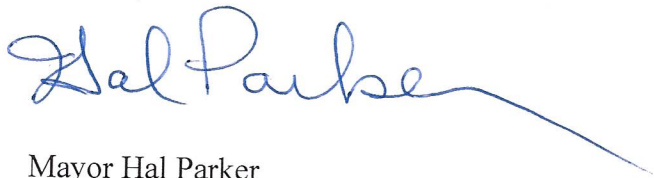
Councillor Frizzell, and all the other Councillors have recently completed training on the Code of Conduct. They continue to work diligently for the betterment of the municipality.

Thank you again for your submission of your concerns.

Council and staff will be diligent in the drafting of the Development Agreement relating to the current application regarding PIDs 283325 and 658799 and believe that the re-zoning of the properties will improve the situation, not only for the Developer, but also for the residents of the area.

Thank you again for coming forward with your concerns, and once again, please accept my apologies for the delay in the response to you.

Sincerely,

A handwritten signature in blue ink that reads "Hal Parker". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Mayor Hal Parker