

IN THE MATTER OF an appeal by Carol-Ann McLaine and William McLaine of a decision by the Rural Municipality of Miltonvale Park to issue a development permit for a private utility structure (solar array) on July 15, 2020.

APPEAL # LA20-012

RECORD FROM THE RURAL MUNICIPALITY OF MILTONVALE PARK

Justin L. Milne and Jonathan M. Coady, Q.C.
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Solicitors for the Respondent,
Rural Municipality of Miltonvale Park

TO: M. Lynn Murray, Q.C. and Michael D. Fleischmann
Key Murray Law
E: lynn.murray@keymurraylaw.com
E: michael.fleischmann@keymurraylaw.com
Solicitors for the Appellants,
Carol-Ann McLaine and William McLaine

AND TO: Geoff Gibson
Campbell Lea
E: ggibson@campbelllea.com
Solicitor for the Respondents,
Jade Stephens and Zach Stephens

AND TO: Philip J. Rafuse
E: pjrafuse@irac.pe.ca
Appeals Administrator

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Rural Municipality of Miltonvale Park

7B New Glasgow Road – Rte. 224 North Milton PE C1E 0S7

Tel.: (902) 368-3090

E-mail: develop@miltonvalepark.com

Fax: (902) 368-1152

Website: www.miltonvalepark.com

APPLICATION FOR DEVELOPMENT APPROVAL

pursuant to clause 3.2(1) of the Rural Municipality of Miltonvale Park Zoning & Subdivision Control (Development) Bylaw 2019

1. Parcel Information (Please print)

Parcel owner's name: Zach and Jade Stephens Tel no.: 780-747-4625/
 Parcel owner's mailing address: 390 Lonsdale Road, Springvale, PE Postal Code: C0A 1Y0
 Email: stephensj@pe.ca Property tax no. 381922 Date of acquisition: June 29, 2017
 Civic address number: Yes (☒) No (☐) If yes, state number & street: 381922 - 390 Lonsdale Road

2. Applicant Information

Applicant's name (if different than parcel owner): Zach and Jade Stephens
 Mailing address: 390 Lonsdale Road, Springvale, PE Postal Code: C0A 1Y0
 Telephone: (902) 368-3090 / (902) 368-1152 Email: develop@miltonvalepark.com

3. Highway Access Information

Will the development require the creation of a new highway access driveway or relocation of an existing access driveway? Yes (☐) No (☒)

4. Development Information

- The proposal consists of:

Constructing a new building/structure (☐) Altering an existing building/structure (☐)
 Moving/demolishing a building/structure (☐) Changing the use of a parcel or structure (☐)
 Other development (☐) describe: new detached photo studio building

- The existing use of the parcel is: Single detached dwelling (☐) Agricultural (☐) Commercial (☐)

☒ Other (specify) new detached photo studio building

- The proposed use of the (☒) new or (☐) existing building, structure or parcel is:

Single detached dwelling (☐) Duplex dwelling (☐) Multi-family (☐) Modular home (☐)
 Mini home (☐) Commercial (☐) Industrial (☐) Agricultural (☐)
 Pool (☐) Deck (☐) ☒ Other (specify) Commercial - Photo studio (new) (vehicle solar array)

- Estimated Cost of Project: \$ 70,000
- The planned start date of the project is: July 23, 2020 and the completion date is: July 23, 2020

5. Size of Proposed Building, Structure, Addition or Development

Number of stories: 1 Height: 10 ft. Number of bedrooms: 1

Main building:

1st floor 10 ft. x 10 ft. = 100 ft²

2nd floor 10 ft. x 10 ft. = 100 ft²

Addition:

1st floor 10 ft. x 10 ft. = 100 ft²

2nd floor 10 ft. x 10 ft. = 100 ft²

Accessory building:

1st floor _____ ft. x _____ ft. = _____ ft²2nd floor _____ ft. x _____ ft. = _____ ft²Total area _____ ft²

Other structure or development:

_____ ft. x _____ ft. = _____ ft²_____ ft. x _____ ft. = _____ ft²Total area _____ ft²**6. Servicing**

Are you installing or upgrading a sewage disposal system? Yes () No (✓)

If not, please explain: _____

Are you constructing an on-site well? Yes () No (✓)

If not, please explain: _____

If an addition or moving a building or structure on the parcel, will any portion of the proposed addition building or structure cover an existing well? Yes () No (✓)

If an addition or moving a building or structure on the parcel, will any portion of the proposed addition building or structure be less than 20 feet from a sewage disposal system? Yes () No (✓)

Are you installing underground fuel storage, other than an oil tank in the basement? Yes () No (✓)

7. Location of Proposed Building, Structure or Addition

Distance to the center line of the nearest highway or right-of-way: _____ ft.

Distance to the nearest lot line: _____ ft.

Distance to a watercourse, wetland or salt water body within 30 m (100 ft.) of parcel: _____ ft.

8. Mini/Modular Home Application Only

Factory built: Yes () No () Model name: _____ Age of home: _____

Size of home: Length _____ ft. Width _____ ft. Number of bedrooms: _____

9. Development Permit Application Sketch

The following information must, where applicable, be shown to scale.

- The shape, dimensions and area of the lot;
- The distance from the lot lines and dimensions of the building or structure being proposed;
- The distance from the lot lines and dimensions of every building or structure already erected on the lot and the general location of buildings on abutting lots;
- The proposed location and dimensions of any well, sewerage disposal system, parking space, parking lot, loading space, entrance way, and landscaping on the lot;
- The proposed use of the lot and each building or structure to be developed; and
- Other information the Development Officer deems necessary to determine if the proposed development conforms to the requirements of this bylaw.

Draw sketch on the following page.



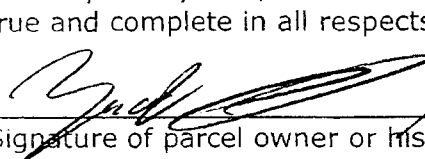
PID: 658559

PID: 856922



10. Certification

I hereby certify that, to the best of my knowledge and ability, the information provided in this form is true and complete in all respects.


Signature of parcel owner or his authorized agent

July 15, 2020
Date

The application and application fee (cheque payable to Rural Municipality of Miltonvale Park) must be sent or delivered to the above address. For further information and assistance, please visit the Municipal Office at the Milton Community Hall (7 New Glasgow Road-Rte 224) on Monday mornings (spring-fall) or telephone the Office at (902) 368-3090.

Non-identifying information contained on this form will be posted on the PEI Parcel Planning Website and in the municipality, as per provincial requirements.

For Municipality Use Only: Date Application Received: _____ Fee Received _____



Rural Municipality of Miltonvale Park
7B New Glasgow Road-Rte 224
North Milton PE C1E 0S7

DEVELOPMENT PERMIT

Issued under the authority of
Rural Municipality of Miltonvale Park Zoning and Subdivision Control (Development) Bylaws 2019

Permit No. 2020-24

Permission is hereby granted to **Zack and Jade Stephens**, applicants thereof, **to erect a 1,084-square foot Private Utility Structure (Photovoltaic Solar Array) on Parcel No. 658559 and 856922 located at 999 Loyalist Road, Springvale** according to the plans and information submitted, and by me tentatively approved, subject to compliance with the provisions of all Regulations/Bylaws governing and affecting the development.

This Permit is subject to the following condition:

That the private utility shall produce, transmit, distribute, and furnish electric energy, either directly or indirectly, only to its owner and not to or for the public.

This permit does not in any way guarantee or ensure the title of the holder in the property described herein, nor does it affect the holder's liabilities, rights or privileges of ownership to such property.

PLEASE NOTE:

This Permit expires twelve (12) months from the date issued unless work has commenced and continued within this period.

You should be aware that you or any person who is dissatisfied with this decision have the right to seek reconsideration of the application by the Council, and if dissatisfied with the Council, may appeal this decision to the Island Regulatory and Appeals Commission. The appeal must be filed within 21 days of the date of the decision (July 15, 2020).

This Development Permit has been issued in accordance with the plans and information submitted. Any deviation from the development permit application will require the submission of the revised information prior to initiating any construction. For further information, please contact the development officer at the Rural Municipality of Miltonvale Park office (902-368-3090).

July 15, 2020
Date Issued



for the Rural Municipality
of Miltonvale Park



Rural Municipality of Miltonvale Park DEVELOPMENT PERMIT

Permission is hereby granted to erect a 1,084-square foot Private Utility Structure (Photovoltaic Solar Array) on Parcel No. 658559 and 856922.

This Permit is subject to the following condition:

That the private utility shall produce, transmit, distribute, and furnish electric energy, either directly or indirectly, only to its owner and not to or for the public.

Permit holder: Zack and Jade Stephens

Location: 999 Loyalist Road, Springvale.

Permit Number: 2020-24

Authorized: _____

A handwritten signature in blue ink, appearing to read "M. Stevens", is written over the line for the authorized person.

Date: July 15, 2020

Permit to be displayed in a prominent location on or near the property being developed.
Issued by the authority of the Rural Municipality of Miltonvale Park.



Rural Municipality of Miltonvale Park

7B New Glasgow Road - Rte 224

North Milton PE C1E 0S7

902.368-3090 miltonvalepark.com admin@miltonvalepark.com

July 20, 2020

Dear

Council recently received a petition regarding the placement of a solar panel structure at 999 Loyalist Road, Springvale. We wanted to take the opportunity to thank you for supporting your neighbours who have concerns about the development and we wanted to explain further about the process.

Development in Miltonvale Park is regulated within the municipality, through the Zoning and Subdivision Control (Development) Bylaw, and the Official Plan. The most recent version of the Bylaw was adopted in July 2019, after two public meetings to gather feedback from residents. Development Bylaws are drafted by a professional planner who guides the municipality through the process, as mandated by the Provincial Planning Act. Council approves the Development Bylaw through five resolutions at two separate meetings, and the Bylaw comes into effect after it is approved by the Minister of Agriculture and Land. Council, residents, and landowners are expected to follow the Bylaws.

One change in July 2019 was to allow the Development Officer to administer ALL permit applications and subdivisions that conform to the regulations of the Bylaw. Council approval is only required for variances (which are only allowed for certain exceptions to the rules); Bylaw amendments or Rezoning Applications (changes to the rules themselves) or special applications where the rules do not apply. This change helped to make the administration of the Development Bylaw more efficient. If an application is "as of right" (meets all the requirements in the Bylaws) then permits are issued. The Development Officer can still refer applications to Council as necessary (e.g. if the rules are unclear). Another goal of this change was to allow a landowner to easily know what is, and is not, permitted on their land, as it is clearly outlined in the bylaw.

There are provisions in the bylaw for both a reconsideration by Council, or an appeal to the Island Regulatory and Appeals Commission (IRAC) if people are dissatisfied with a planning decision. There are also provisions in the Bylaw to amend the Bylaw if changes are required. Applications are considered under the Bylaw in effect when they are submitted, unless the applicant requests their application be held in abeyance and considered when an imminent bylaw amendment is adopted.

Permit 2020-24, to erect a 10'x108.4' Private Utility Structure (Photovoltaic Solar Array) was issued on July 15, 2020 as the application met all the requirements in the Development Bylaw. Ground mounted solar panels are considered a structure, and when for private use, they are considered a private utility. Clause 4.17 specifically waives any height restrictions for solar panels. Section 4.24 notes that Public and private utilities and utility-related buildings or structures may be located in any zone and no zone standards shall apply. Zone standards include setbacks. In the Agriculture (A1) Zone (where the solar installation is planned), the required setbacks are 50 feet in the front or rear yard and 15 feet in the side yard from any property line for a building. Even though solar panels are currently exempt from the setback requirements, the installation at 999 Loyalist Road at the nearest point to the neighbouring property is 24.7 feet from the side lot line and the furthest panel is 51.6 feet from the side lot line. It is over 53 feet from the front property line and also exceeds the 50-foot setback from the rear property line. This development meets or exceeds all requirements of the municipal bylaws.

A permit was issued; therefore, the property owners have the legal right to develop their property. Both the Provincial Planning Act and our Bylaws do not consider views, property values or effects on existing businesses as being “detrimental”; therefore, these concerns are not considered when permits are issued.

The owners of the property, Jade and Zach Stephens, returned home to PEI after the massive fires in Fort MacMurray and purchased their property in the spring of 2017. They, and their four young children, are enjoying being close to family members and living in the community of Miltonvale Park. The Stephens family met with the nearest neighbours early in the process to share in detail their plans for solar energy and believed they had received their support to proceed with placing the solar array in its current position. The Stephens family also planted trees near the lot line to help screen the solar panels from view.

The Council for the Rural Municipality of Miltonvale Park wishes to commend Jade and Zach Stephens for the significant financial investment they have made to install the solar panels, and for their commitment to the project, and to the environment. Both they and Matt Eye, from M.B. Eye Electrical, have been excellent to work with throughout the application process. Matt’s company is well known for quality workmanship, honesty and integrity. It is their mission to create positive experiences for home and business owners who are seeking a contractor in the electrical and solar energy industry. M.B. Eye Electrical pride themselves on having great communication with their clients. Matt contacted the Council Office in mid-June, eager to meet any permitting requirements that were in place. The Province also provides a Solar Electric Rebate Program and encourages Islanders to invest in this green energy. Indeed, the Miltonvale Park Official Plan, which guides the Development Bylaws supports alternative energy systems.

Residents are reminded to please contact the Council Office if they have any questions or concerns regarding development in the municipality. Development Officer Michael Olubiyi works in the municipal office at the Milton Community Hall on Wednesdays, 9-2 (unless he is out visiting properties), and CAO Shari MacDonald may also be able to assist, or can pass along concerns, outside these hours.

The bylaws are available at <https://miltonvalepark.com/category/planning> or contact the Council Office to purchase a print copy for \$10. There is an Official Plan review scheduled to take place in 2021, and an upcoming public meeting. Tuesday, July 28 at 7:30 regarding rezoning of Property 283242.

Thank you again for bringing this concern to our attention. Please feel free to reach out at any time. You can also follow the Rural Municipality of Miltonvale Park on Facebook or check our website to learn of news and events. Our latest project is sewing reusable cloth masks for residents (with priority given to seniors at this time). Residents who wish to pick up masks are asked to please complete an EMO survey (paper copies in the June newsletter, available at the hall, or online on the home page of the municipal website) if they haven’t already submitted a survey.

I would like to encourage all residents to be neighbourly and kind in these unusual times.

All the best wishes for a safe summer.

Hal Parker, Mayor



Miltonvale Park <develop@miltonvalepark.com>

MILTONVALE PARK - APPLICATION FOR DEVELOPMENT APPROVAL — REVISED - Jul 15, 2020

Zach Stephens <zstephens@gmail.com>

Wed, Jul 15, 12:39 PM

To: Miltonvale Park <develop@miltonvalepark.com>

Cc: Shari MacDonald <admin@miltonvalepark.com>, Matt Eye <matt@mbeyeelectrical.com>, Reice Newson <reice@mbeyeelectrical.com>, Jade Stephens <jadejstephens@yahoo.ca>

Hello Mike,

Please find attached our revised application for development approval. Your timely response is appreciated as we have contractors lined up to resume work tomorrow morning (July 16th).

Cheers,

Zach

MILTONVALE PARK - APPLICATION FOR DEVELOPMENT APPROVAL — REVISED.pdf

Miltonvale Park <develop@miltonvalepark.com>

MILTONVALE PARK - APPLICATION FOR DEVELOPMENT APPROVAL — REVISED - Jul 15, 2020

Miltonvale Park <develop@miltonvalepark.com>

Wed, Jul 15, 1:00 PM

To: Zach Stephens <zstephens@gmail.com>

Cc: Shari MacDonald <admin@miltonvalepark.com>, Matt Eye <matt@mbeyeelectrical.com>, Reice Newson <reice@mbeyeelectrical.com>, Jade Stephens <jadejstephens@yahoo.ca>

Hi Zach,

Apologies for the delay.

I have reviewed the information you provided and approved.

Thank you for the

information.

[Quoted text hidden]

--

Michael Olubiyi
Development Officer

Rural Municipality of Miltonvale Park

10000 50th Avenue, Suite 200
Miltonvale Park, AB T1A 1A1
Phone: 403-261-1000

www.miltonvalepark.com
info@miltonvalepark.com





Shari MacDonald <admin@miltonvalepark.com>

Development Permit Approval

Miltonvale Park <develop@miltonvalepark.com>
To: Zach Stephens <zstephens@gmail.com>
Cc: Shari MacDonald <admin@miltonvalepark.com>

Wed, Jul 15, 2020 at 9:58 PM

Hi Zach,

Kindly find the attached Development Permit approval.

Please acknowledge receipt, and let me know if you have any questions or concerns.

Many thanks
Michael

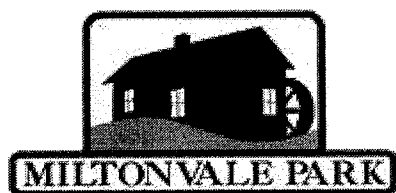
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Michael Olubiyi
Development Officer

Rural Municipality of Miltonvale Park

7B New Glasgow Road-Rte 224
North Milton PE C1E 0S7
Office: 902 368-3090

develop@miltonvalepark.com
www.miltonvalepark.com



2 attachments

Zack and Jade Development Permit Certificate.pdf
30K

Zack and Jade Stephens Development Permit Approval.pdf
102K



Shari MacDonald <admin@miltonvalepark.com>

Development Permit Approval

Zach Stephens <zstephens@gmail.com>

Wed, Jul 15, 2020 at 10:25 PM

To: Miltonvale Park <develop@miltonvalepark.com>

Cc: Admin MB Eye Electrical <admin@mbeyeelectrical.com>, Jade Stephens <jadestephens@yahoo.ca>, Shari MacDonald <admin@miltonvalepark.com>

Hi Mike,

Thank you. I do want to verify that the condition won't prevent us from selling power to Maritime Electric via a net metering agreement.

Cheers

Zach

[Quoted text hidden]



Shari MacDonald <admin@miltonvalepark.com>

Development Permit Approval

Miltonvale Park <develop@miltonvalepark.com>

Wed, Jul 15, 2020 at 10:37 PM

To: Shari MacDonald <admin@miltonvalepark.com>, Zach Stephens <zstephens@gmail.com>

The condition on the permit does not prevent you from selling energy to the Maritime Electric. You may be able to sell power back to the Maritime Electric without becoming a public utility. However, I will advise you check with Maritime Electric to know their requirement.

Thanks
Michael

[Quoted text hidden]



Shari MacDonald <admin@miltonvalepark.com>

Development Permit Approval

Zach Stephens <zstephens@gmail.com>

Wed, Jul 15, 2020 at 10:48 PM

To: Miltonvale Park <develop@miltonvalepark.com>

Cc: Admin MB Eye Electrical <admin@mbeyeelectrical.com>, Shari MacDonald <admin@miltonvalepark.com>

Hi Mike,

Thank you for clarifying that for me.

Cheers

Zach

[Quoted text hidden]



Shari MacDonald <admin@miltonvalepark.com>

Re: Updates on Bylaw Amendment, Outdoor Storage and Solar Panel

Hope Parnham <hparnham@outlook.com>

Wed, Jul 15, 2020 at 1:42 PM

To: Miltonvale Park <develop@miltonvalepark.com>, Shari MacDonald <admin@miltonvalepark.com>

Hi Michael/Shari

Thanks for keeping me in the loop.

I agree both PIDs should be identified on the permit for the solar panels. I hadn't previously thought about the separate parcels factor, but it is interesting that Maritime Electric is even allowing the panels to be located on a separate parcel from the location of the service that is being credited for the power generated. I've heard that they previously wouldn't allow this but perhaps they have resolved the issue to encourage more people to use solar panels. Either way, from the municipality's perspective the Bylaw doesn't say private utilities have to be on the same parcel as the location serviced for the utility. No one would be questioning that factor if we were discussing a private central water or central sewage disposal system for a subdivision for example.

Solicitor-client privilege

Solicitor-client privilege

On Arthur Neil's application, Council can certainly restrict the storage to the rear yard if they so choose. The Corporate Land Use Inventory classification of 'wetland' was not used when we generated the Environmental Reserve Zone - instead only the hydro network (coastlines and watercourses) were used. If Council is interested in having the wetland areas mapped for consideration of an expansion of the Environmental Reserve. I can do that for you.

Shari had also pointed out the error in the Bylaw between the term 'Outdoor Display' in the glossary and 'Outdoor product display' in the text. I agree this can be flagged for a future Bylaw amendment, but would suggest amending the definition to 'outdoor product display' rather than changing the text in the regulations. This will distinguish 'product display' from the definition for 'display' which also includes signage.

Best regards,
Hope

From: Miltonvale Park <develop@miltonvalepark.com>**Sent:** July 15, 2020 11:55 AM**To:** Hope Parnham <hparnham@outlook.com>**Subject:** Updates on Bylaw Amendment, Outdoor Storage and Solar Panel

Hi Hope,

Arthur Neil (Bylaw amendment and outdoor storage): The Planning Board has made a recommendation to the Council based on your advice, although the Council would consider the possibility of restricting the storage in the rear yard.

Solar Panel: The applicant has agreed to comply with the setbacks and review their application. Once they resubmit the application, I will make a decision.

Solicitor-client privilege

Solicitor-client privilege

Many thanks
Michael



Shari MacDonald <admin@miltonvalepark.com>

Stop Work Immediately

1 message

Shari MacDonald <admin@miltonvalepark.com>

Fri, Jul 17, 2020 at 9:15 AM

To: Development Officer <develop@miltonvalepark.com>, Hal Parker <haroldrparker@gmail.com>, Hal Parker <halrmmvp@gmail.com>, Zach Stephens <zstephens@gmail.com>, Matt Eye <matt@mbeyeelectrical.com>, Jonathan Coady <jcoady@stewartmckelvey.com>

I just received a phone call from Hon. Jamie Fox ordering that the development be stopped until he has a chance to review it.

I will be following up with Municipal Affair as I believe permitting falls under Agriculture and Land.

Shari MacDonald
Chief Administrative Officer
Rural Municipality of Miltonvale Park
902-368-3090
www.miltonvalepark.com

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Shari MacDonald <admin@miltonvalepark.com>

Minister's Order

Jamie Fox <jdfoxminister@gov.pe.ca>

Fri, Jul 17, 2020 at 9:34 AM

To: admin@miltonvalepark.com

Good Morning,

Further to our telephone conversation this morning, on the building of a solar farm located within the Municipal Boundaries on a residential property located at 999 Loyalist Road, I am here by "ordering" that the said construction be halted immediately until I review the development and or any permit that was issued under any Acts and Regulations that pertain to any said construction and or development.

You are asked to acknowledge this email upon receipt.

Hon. Jamie Fox CD
Minister of Fisheries & Communities
Province of Prince Edward Island

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Shari MacDonald <admin@miltonvalepark.com>

Minister's Order

Shari MacDonald <admin@miltonvalepark.com>


Fri, Jul 17, 2020 at 9:47 AM

To: Jamie Fox <jdfoxminister@gov.pe.ca>

Cc: Jonathan Coady <jcoady@stewartmckelvey.com>

We have received your email, and I will admit we are struggling with the rationale for the order over a legally issued development permit which meets or exceeds any requirement in our Official Plan and Bylaws, which has a mechanism in place to deal with concerns over permits which are issued.


Shari MacDonald
CAO
Miltonvale Park

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[Quoted text hidden]

--

Shari MacDonald
Chief Administrative Officer
Rural Municipality of Miltonvale Park
902-368-3090
www.miltonvalepark.com

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Shari MacDonald <admin@miltonvalepark.com>

Minister's Order

Jamie Fox <jdfoxminister@gov.pe.ca>

Fri, Jul 17, 2020 at 9:49 AM

To: Shari MacDonald <admin@miltonvalepark.com>

Cc: Jonathan Coady <jcoady@stewartmckelvey.com>

Mrs MacDonald,

Thank you for acknowledging this.

Hon. Jamie Fox CD
Minister of Fisheries & Communities
Province of Prince Edward Island

>>> Shari MacDonald <admin@miltonvalepark.com> 7/17/2020 9:47 AM >>>

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Caution External Email - Do not click links or open attachments unless you recognize the sender.

[Quoted text hidden]



Shari MacDonald <admin@miltonvalepark.com>

Follow Up Email to : Minister's Order

Jamie Fox <jdfoxminister@gov.pe.ca>
To: admin@miltonvalepark.com

Fri, Jul 17, 2020 at 10:44 AM

Good Morning,

I want to clarify, it is not the intention of my Office to usurp the authority of the Municipality regarding the issuance of any permit, however information has been brought to my attention , which is unconfirmed and unsubstantiated which suggest proper procedures may not have been followed.

I have instructed Mrs Christine MacKinnon from Municipal Affairs to immediately review with your Municipality file regarding the said development and or construction and report back to me by days end.

Hon. Jamie Fox CD
Minister of Fisheries & Communities
Province of Prince Edward Island

>>> Jamie Fox 7/17/2020 9:34 AM >>>
Good Morning,

Further to our telephone conversation this morning, on the building of a solar farm located within the Municipal Boundaries on a residential property located at 999 Loyalist Road, I am here by "ordering" that the said construction be halted immediately until I review the development and or any permit that was issued under any Acts and Regulations that pertain to any said construction and or development.

You are asked to acknowledge this email upon receipt.

Hon. Jamie Fox CD
Minister of Fisheries & Communities
Province of Prince Edward Island

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Shari MacDonald <admin@miltonvalepark.com>

Solar update

4 messages

Shari MacDonald <admin@miltonvalepark.com>

Fri, Jul 17, 2020 at 11:26 AM

To: andrewrmmvp@gmail.com, Councillor Phil Hooper <hooper.rmmvp@gmail.com>, Hal Parker <halrmmvp@gmail.com>, Hal Parker <haroldrparker@gmail.com>, Lindsey Rhynes <lindseyrmmvp@gmail.com>, Paul Poole <paulrmmvp@gmail.com>, Spencer MacDonald <spencerrmmvp@gmail.com>, Tamsyn Cosh-MacKenzie <tamsynrmmvp@gmail.com>, Development Officer <develop@miltonvalepark.com>, Steve Dickieson <cdickieson@islandtelecom.com>, B&B <pryor.turner@pei.sympatico.ca>, "sheilacur34@gmail.com" <sheilacur34@gmail.com>

After a Ministerial Order this morning ordering that the work be stopped, shortly after 9 a.m. and a flurry of phone calls, we just received a call from Christine MacKinnon noting that work can continue. Matt Eye had spoken to Minister Fox just after the order was issued and got permission to continue to bolt the panels as it would be a safety issue to leave them sitting in the frames. He thought that would take about three hours.... so other than an adrenaline rush -- I think everything should proceed on schedule.

Have a great weekend!
Shari

--

Shari MacDonald
Chief Administrative Officer
Rural Municipality of Miltonvale Park
902-368-3090
www.miltonvalepark.com



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Harold Parker <haroldrparker@gmail.com>

Fri, Jul 17, 2020 at 11:34 AM

To: Community of Miltonvale Park Council Office <admin@miltonvalepark.com>

Great!

Sent from my BlackBerry — the most secure mobile device — via the Rogers Network

From: admin@miltonvalepark.com**Sent:** July 17, 2020 11:27 AM

To: andrewrmmvp@gmail.com; hooper.rmmvp@gmail.com; halrmmvp@gmail.com; haroldrparker@gmail.com; lindseyrmmvp@gmail.com; paulrmmvp@gmail.com; spencerrmmvp@gmail.com; tamsynrmmvp@gmail.com; develop@miltonvalepark.com; cdickieson@islandtelecom.com; pryor.turner@pei.sympatico.ca; sheilacur34@gmail.com

Subject: Solar update

[Quoted text hidden]

Tamsyn Cosh-MacKenzie <tamsyncosh@gmail.com>

Fri, Jul 17, 2020 at 1:01 PM

To: Shari MacDonald <admin@miltonvalepark.com>

Good lord, what minister ordered the work be stopped, and what are they thinking!?

Tamsyn

On Jul 17, 2020, at 11:27 AM, Shari MacDonald <admin@miltonvalepark.com> wrote:

[Quoted text hidden]

Shari MacDonald <admin@miltonvalepark.com>
To: Tamsyn Cosh-MacKenzie <tamsyncosh@gmail.com>

Fri, Jul 17, 2020 at 1:02 PM

Fox (who is in charge of Communities but not Land (planning)). He was getting many phone calls, apparently.

Shari

[Quoted text hidden]



Work can continue

Shari MacDonald <admin@miltonvalepark.com>

Fri, Jul 17, 2020 at 11:13 AM

To: Development Officer <develop@miltonvalepark.com>, Hal Parker <haroldrparker@gmail.com>, Hal Parker <halrmmvp@gmail.com>, Matt Eye <matt@mbeyeelectrical.com>, Zach Stephens <zstephens@gmail.com>, Jonathan Coady <jcoady@stewartmckelvey.com>

Just had a call from Christine MacKinnon that the Minister is satisfied that work can continue.
Thank you for patience and - may the sun continue to shine!

--
Shari MacDonald
Chief Administrative Officer
Rural Municipality of Miltonvale Park
902-368-3090
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Shari MacDonald <admin@miltonvalepark.com>

(no subject)

Matt Eye <matt@mbeyeelectrical.com>
To: Shari MacDonald <admin@miltonvalepark.com>

Fri, Jul 17, 2020 at 4:04 PM

Hey Shari

I just wanted to send a quick note before we end early for the weekend, Its been a long two weeks with this and hopefully its over.... but.... i want to say i really appreciate your attention on this and the quick work. Never in my life have i had this happen.

lots of extra money and wasted time we all will never get back

Thanks again
Have a good weekend

--

Matt Eye
Owner, M.B. Eye Electrical Inc.
60 St. Peter's Road
Charlottetown, PE C1A 5N5

Cell: 902-940-5241
Office: 902-892-8839
Fax: 902-892-7812
Email: matt@mbeyeelectrical.com
www.mbeyeelectrical.com

M.B. EYE ELECTRICAL
Innovative Electrical Solutions

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Shari MacDonald <admin@miltonvalepark.com>

Re: Miltonvale Park Letter (Solar Panel Placement/Permit)

Garry Muttart <colleengarry@eastlink.ca>

Fri, Jul 24, 2020 at 9:29 AM

To: Miltonvale Park <develop@miltonvalepark.com>, "admin@miltonvalepark.com" <admin@miltonvalepark.com>

Cc: colleengarry <colleengarry@eastlink.ca>

Dear Miltonvale Council

As I sit here and review your comments in this letter, I must say it appears that the Miltonvale Council, The Stephens and especially Matt Eye Electrical are all impeccable!! Everything is great, tires are pumped!! The Stephens family survived getting out of Fort MacMurray, Miltonvale Council did everything correctly and Matt Eye has such a great reputation, Congratulations to you all!!!

However, when one talks about bylaws and following this direction or that direction there is always the use of common sense, Gray areas and of course put the shoe on the other foot. My dad always said try it on, see how it feels before making any decision that may effect others. I believe your citizens want you to be particular, strict and operating with current up to date appropriate bylaws/guidelines. But when there is a bylaw or guidance on the specs for installing a fence and a bylaw (4.25 (2) that identifies that greater then a 2 foot satellite dish is not permitted in any zone but yet no clear definition, guidance or specification for a private utility ie.108 foot solar panel, this in my opinion is short sighted and just wrong.

At the end of the day it really doesn't matter what I say or think, but I am very disappointed, discouraged and frustrated. Your letter is correct in hoping people be neighbourly, and I will continue to be that way because that's who I am, but when my neighbour for more then 30 years gets treated by the guy next door with no respect, its not right, especially when The Stephens had other options.

The McLaines did not deserve this outcome. When you look at the structure, solar panel or private utility at 999 Loyalist Road can you honestly say that if you were sitting in the McLaines shoes you would be ok with its placement?? Shame on us all!!!

Decisions like this will not make Miltonvale stronger as a community. When tough or controversial decisions need to made, why not go back to the community for assistance after all it is the community we are all part off. When the Council uses the word "Detrimental", I think we all better have a second look at decisions being made today for tomorrow!!

Garry Muttart

Shari

Shari MacDonald <admin@miltonvalepark.com>

Re: Miltonvale Park Letter (Solar Panel Placement/Permit)

Shari MacDonald <admin@miltonvalepark.com>

Sat, Jul 25, 2020 at 2:01 PM

To: Garry Muttart <colleengarry@eastlink.ca>

Thank you for your letter. I will pass it along to Council.
Have a nice weekend!
Shari

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[Quoted text hidden]

--

Shari MacDonald
Chief Administrative Officer
Rural Municipality of Miltonvale Park
902-368-3090
www.miltonvalepark.com



Shari MacDonald <admin@miltonvalepark.com>

Miltonvale Park and Solar Energy

colleengarry <colleengarry@eastlink.ca>

Fri, Jul 31, 2020 at 3:54 PM

To: Shari MacDonald <admin@miltonvalepark.com>

Good afternoon,

Just wondering does Miltonvale Park have a future plan or mission statement for where the community wants to be in regards to solar energy. I realize the Province and others are pushing this type of environment.

Pardon me for my lack of knowledge, but has our council had meeting with the community regarding our future and how solar energy is to become a bigger part, Its complexities, bylaws/regulations for today and tomorrow, growth, rebate potentials for the community, etc.?

Thanks

Garry

Sent from my Samsung Galaxy smartphone.

Shari MacDonald <admin@miltonvalepark.com>

Miltonvale Park and Solar Energy

Shari MacDonald <admin@miltonvalepark.com>
To: colleengarry <colleengarry@eastlink.ca>

Mon, Aug 3, 2020 at 6:01 PM

Good afternoon,

The Municipality engages the public and professionals in the development of Official Plans which are reviewed regularly. The next review is scheduled for 2021. The Province has a good reference page regarding Municipal Land Use Planning including Official Plans and Bylaws on their website: <https://www2019.ontario.ca/en/infrastructure-and-communities/municipal-land-use-planning>.

Miltonvale Park's Official Plans first began to touch on environmental responsibility in 1997. This was strengthened in 2009 with the addition of a policy encouraging the use of alternate energy and a plan to lessen regulatory hurdles, and support for alternate energy and renewable energy sources continues in the current Official Plan.

1997 Official Plan

Policy 7

It shall be a policy of the Community to show leadership in the field of environmental responsibility.

Plan Action: Council will lead by example when requiring all activities and works that the Community is involved in are undertaken using the most up-to-date environmental practices.

2009 Official Plan

Policy PE-3: Alternate Energy Systems

It shall be the policy of Council to encourage the use of alternate energy systems in the Community.

Plan Action:

- A windmill enabling section will be added to the Development Bylaw.
- Council will endeavour to encourage the use of alternate energy systems in the Community and will work to reduce or eliminate any regulatory hurdles which may be in place.

2016 (and 2019) Official Plan

9.3 ALTERNATE ENERGY SYSTEMS POLICY

It is the policy of Council to support the use of alternate energy systems in the Community.

Plan Action:

Wind turbine development under the *Development Bylaw* will be consistent with provincial regulations and best land use planning practices.

9.4 SUSTAINABLE DEVELOPMENT/CONSTRUCTION POLICY

It is the policy of Council to support new development that promotes sustainable practices, including the utilization of renewable energy sources, groundwater protection, reduced water consumption, and storm water management for the purpose of groundwater recharge.

Plan Action:

Council will collaborate with the provincial government department responsible for the *Environmental Protection Act* and local watershed groups to monitor ground water usage. Land uses that utilize high volumes of fresh water may require an environmental assessment for potential impacts on groundwater resources.

The *Development Bylaw* will require that applicants submit storm water management plans for certain developments, including subdivisions with 3 or more lots, developments involving new roads, and developments that have a higher hard-surface to permeable-surface ratio (i.e., lot coverage).

All Council meetings are public; however the Council has had special "public meetings" regarding the contents of the Official Plan and Development Bylaws last Spring on April 11, 2019 and May 14, 2019 where a number of changes to the bylaws and several updates to the Official Plan were discussed. There was no discussion about solar panels at either of the 2019 public meetings. Previous to that, the special public meetings for the Official Plans and Bylaws took place in September and November 2015 and on January 26, 2016. Previous to those meetings there was a resident survey circulated to each home and online to gather concerns and thoughts from residents. Council advertises these meetings throughout the community and in newsletters, public notices, social media, the municipal website and advertisements in The Guardian, on the sign at the hall and since it became available to us, the sign at Security First on Rte 2. Solar panels are currently addressed within the current Development Bylaws.

Council did discuss establishing rebates for solar panels, septic risers and generators with the municipality's Notional Gas Tax allotment in January 2020; however, they are not an eligible expense under that Infrastructure Program.

Regards,
Shari

[Quoted text hidden]

--

Shari MacDonald
Chief Administrative Officer
Rural Municipality of Miltonvale Park
902-368-3090
www.miltonvalepark.com



Shari MacDonald <admin@miltonvalepark.com>

tree question

3 messages

Shari MacDonald <admin@miltonvalepark.com>
To: Development Officer <develop@miltonvalepark.com>

Wed, May 13, 2020 at 9:52 AM

Hi

I just had a call from a resident (carol Anne MacLean) who was concerned that her new neighbours are planning a spruce hedgerow all along the edge of their property. She feels the roots will encroach into her garden, there will be mosquitoes and it will block the sun and the breeze... and she is quite upset.

I told her that people do not need permits to plant trees, and when we are consulted we ask that they consider the size of the trees and not to plant them so that they would encroach physically onto their neighbours land -but that there are no rules...

She said she had been looking into the bylaws and saw some info about buffer zones - but I said I thought they were mostly between different types of activities -eg -so that if someone set up a store, there would need to be a buffer zone between that activity and a home.

(but we should make a note to ourselves to check with the neighbour in that event to see what they want... as these trees are apparently quite a stress!)

Ironically, she mentioned that when the neighbour had the land surveyed, she learned that their lot where they have lived 40 years - was not square as they thought - so some of "their" maple trees, part of the garden and swings set were actually on the neighbour's land.... for 40 years!

Shari

--

Shari MacDonald
Chief Administrative Officer
Rural Municipality of Miltonvale Park
902-368-3090
www.miltonvalepark.com

Miltonvale Park <develop@miltonvalepark.com>
To: Shari MacDonald <admin@miltonvalepark.com>

Wed, May 13, 2020 at 11:56 AM

Hi Shari,

How was your meeting? I have been working on the PB report and I just noticed your email. As you mentioned to her, there are no regulations for tree planting on the Bylaw. The Buffer zones are to demarcate properties from different types of uses/activities, and also for properties located adjacent to the watercourse and wetlands.

The Council phone in my office rang, I tried to pick it but seems the person was silent or network.

Thanks
Michael
[Quoted text hidden]

--

Michael Olubiyi
Development Officer

Rural Municipality of Miltonvale Park
7B New Glasgow Road-Rte 224
North Milton PE C1E 0S7
Office: 902 368-3090

develop@miltonvalepark.com
www.miltonvalepark.com

Miltonvale Park <develop@miltonvalepark.com>

Request for Meeting--Objection to Development

William & Carol-Ann McLaine <willndaisy@gmail.com>

Mon, Jun 29, 2020 at 9:01 AM

To: develop@miltonvalepark.com, halrmmvp@gmail.com, Carol-Ann McLaine <willndaisy@gmail.com>

Hi Michael,

I contacted your office last Wed., June 24th & spoke to Shari. You were not in the office but Shari advised me you work hours outside of the office, & would return my call. I did speak with Hal Parker prior to trying to reach you, & was advised to contact you with further questions.

My husband & I reside at 14111 Springvale Dr. in the community of Springvale. We wish to schedule a meeting with you on our property without delay. Commencement has begun on a Structure on our southern neighbors property without a development or a building permit. We wish to discuss both the erection & placement of this structure. As there was no development or building permit obtained by our neighbors, we had no avenue to appeal. We have lived here for 41+ years and feel we deserve some consideration here.

Until we meet to discuss the bylaws of Miltonvale Park, the rules & regulations of both a Development Permit & a Building Permit, and until we have clarification on what structures are permitted to be erected & the placement of them under these regulations, then I am requesting a stoppage to any further construction to the erection of this structure on our neighboring property.

I would appreciate your immediate response to schedule to meet with you at our home property.

Thank You

Carol-Ann McLaine
(902) 368-8388 (home)
(902) 393-8686
Email willndaisy@gmail.com

3.1. DEVELOPMENT APPROVAL 1. No person shall: i. Change the use of a parcel, structure or building; ii. **Commence development;** iii. **Construct or place a structure or building;** without first applying for, and receiving a Development Permit.

110. Structure means any construction including a building fixed to, supported by or sunk into land or water, but excludes concrete and asphalt paving or similar surfacing and fencing and includes a swimming pool.



Miltonvale Park <develop@miltonvalepark.com>

Request for Meeting--Objection to Development

Miltonvale Park <develop@miltonvalepark.com>

Mon, Jun 29, 2020 at 9:36 AM

To: William & Carol-Ann McLaine <willndaisy@gmail.com>

Cc: halrmmvp@gmail.com

Bcc: Shari MacDonald <admin@miltonvalepark.com>

Hi William and Carol- Ann,

I did call you several on the number provided by Shari, but you did not pick up. I will suggest we meet by 3pm tomorrow, if that is ok by you.

Many thanks

Michael

[Quoted text hidden]

--

Michael Olubiyi

Development Officer

Rural Municipality of Miltonvale Park

100 Main Street, Box 100, Miltonvale, ON

Canada L0L 1A0

Phone: 502 302 3400

For more information, please contact:

Michael Olubiyi, Development Officer



Carol

Miltonvale Park <develop@miltonvalepark.com>

Request for Meeting--Objection to Development

William & Carol-Ann McLaine <willndaisy@gmail.com>
To: Miltonvale Park <develop@miltonvalepark.com>

Mon, Jun 29, 2020 at 9:58 AM

Hi Michael,

Tomorrow at 3 pm works for us at our home property.

Sorry you couldn't reach me. My phone does track all callers & also has voice mail.
There were no calls to my home number or messages left, so a mix up along the way.

Look forward to meeting you tomorrow.

Thank You
Carol-Ann McLaine

On Mon, Jun 29, 2020 at 9:36 AM Miltonvale Park <develop@miltonvalepark.com> wrote:
[Quoted text hidden]

11/20/20

Miltonvale Park <develop@miltonvalepark.com>

Request for Meeting--Objection to Development

William & Carol-Ann McLaine <willndaisy@gmail.com>

Tue, Jun 30, 2020 at 5:58 PM

To: Miltonvale Park <develop@miltonvalepark.com>

Thanks for your time & consideration in all of this Mike.
I am sending our contact information, while it is fresh in my mind.

We will be in touch & we wish to be contacted immediately on
either a denial or acceptance of our neighbors application for a
Development Permit.

Email willndaisy@gmail.com
(902) 368-8388 (we have vmail so leave a msg if we do not answer)
(902) 393-6280 (William's cell--call or text)
(902) 393-8686 (Carol-Ann cell--call or text)
[Quoted text hidden]

Miltonvale Park <develop@miltonvalepark.com>

Request for Meeting--Objection to Development

William & Carol-Ann McLaine <willndaisy@gmail.com>

Tue, Jun 30, 2020 at 10:14 PM

To: Miltonvale Park <develop@miltonvalepark.com>, halrmmvp@gmail.com, Carol-Ann McLaine <willndaisy@gmail.com>

Hi Mike,

After our discussion this afternoon and information we obtained, as there are currently no bylaws in place in Miltonvale Park for the erection & development of a Solar System Structure, William and I are requesting that any & all **development/building permit applications received** for such an installation, be put on hold until the Bylaws are in effect.

I spoke with you Hal last week, and you stated this would be put on the agenda for the next council meeting. Things have a way of getting put in place when under some pressure. We expect to be treated fairly and same, with whatever bylaws will be put in place for this type of development for ourselves & for all of our community.

Our neighbor was not forthright in the information given to Sheri regarding his planned development & not enough information was sought from Miltonvale Park to determine what was required. These errors do not fall upon us. It is not our duty to pay any monies whatsoever, to anyone, to have this situation rectified. Nor do we feel it is right, fair or reasonable for a person to obtain a permit for a particular type of development, if there are no regulations & bylaws in place for it.

Thank-You

William & Carol-Ann McLaine

256 Sprinvale

[Quoted text hidden]



Shari MacDonald <admin@miltonvalepark.com>

Re: Request for Meeting--Objection to Development

Miltonvale Park <develop@miltonvalepark.com>

Wed, Jul 1, 2020 at 12:12 AM

To: William & Carol-Ann McLaine <willndaisy@gmail.com>

Cc: halrmmvp@gmail.com, Shari MacDonald <admin@miltonvalepark.com>

Hi William and Carol-Ann,

Having discussed with you and your neighbour extensively, and with a failed attempt to reach a compromise on both sides after long hours of discussion, I believe you and your neighbour both agreed that I had provided clarity about the position of the development bylaw. However, for the sake of emphasis, I will like to reiterate further;

1. The development bylaw clearly stated **no person shall construct a structure without a development permit** (Section 3.1(iii)). The structure is defined as *any construction fixed to, supported by or sunk into land or water*. Hence, the development bylaw makes it clear that an application would be necessary by your neighbour. The development bylaw does not explicitly identify solar panels as a type of development excluded from requiring permits (Section 3.1.2)

2. There are no specific regulations as to the location or height of the proposed structure. Section 4.24.2 stated, *"Public and private utilities and utility-related buildings or structures may be located in any zone, and no zone standards shall apply."*

3. That you or your neighbour have the right to appeal the decision from the development office.

4. I only mentioned there are no unsightly bylaw or any way we can prevent the trees planted by your neighbour

5. I have told your neighbour to put the development on hold until a decision is made on his application.

6. I checked the setbacks in front of both of you to confirm compliance with the bylaw

Therefore, kindly be advised that there are provisions in the bylaw for such development. The decision would be made based on information submitted and the provision of the development bylaw. You would be informed of the decision, and either you or your neighbour may decide to appeal the decision as provided in the bylaw (Section 3.18).

Let me know if you have any further questions.

Many thanks
Michael

On Tue, Jun 30, 2020 at 10:14 PM William & Carol-Ann McLaine <willndaisy@gmail.com> wrote:

Hi Mike,

After our discussion this afternoon and information we obtained, as there are currently no bylaws in place in Miltonvale Park for the erection & development of a Solar System Structure, William and I are requesting that any & all **development/building permit applications received** for such an installation, be put on hold until the Bylaws are in effect.

I spoke with you Hal last week, and you stated this would be put on the agenda for the next council meeting. Things have a way of getting put in place when under some pressure. We expect to be treated fairly and same, with whatever bylaws will be put in place for this type of development for ourselves & for all of our community.

Our neighbor was not forthright in the information given to Sheri regarding his planned development & not enough information was sought from Miltonvale Park to determine what was required. These errors do not fall upon us. It is not our duty to pay any monies whatsoever, to anyone, to have this situation rectified. Nor do we feel it is right, fair or reasonable for a person to obtain a permit for a particular type of development, if there are no regulations & bylaws in place for it.

Thank-You
William & Carol-Ann McLaine
985 Loyalist Rd-Rte 256 Sprinvale

On Tue, Jun 30, 2020 at 5:58 PM William & Carol-Ann McLaine <willndaisy@gmail.com> wrote:
Thanks for your time & consideration in all of this Mike.
I am sending our contact information, while it is fresh in my mind.

We will be in touch & we wish to be contacted immediately on either a denial or acceptance of our neighbors application for a Development Permit.

Email willndaisy@gmail.com
(902) 368-8388 (we have vmail so leave a msg if we do not answer)
(902) 393-6280 (William's cell--call or text)
(902) 393-8686 (Carol-Ann cell--call or text)

On Mon, Jun 29, 2020 at 9:58 AM William & Carol-Ann McLaine <willndaisy@gmail.com> wrote:
Hi Michael,

Tomorrow at 3 pm works for us at our home property.

Sorry you couldn't reach me. My phone does track all callers & also has voice mail.
There were no calls to my home number or messages left, so a mix up along the way.

Look forward to meeting you tomorrow.

Thank You
Carol-Ann McLaine

On Mon, Jun 29, 2020 at 9:36 AM Miltonvale Park <develop@miltonvalepark.com> wrote:
[Quoted text hidden]

[Quoted text hidden]



Shari MacDonald <admin@miltonvalepark.com>

Re: Request for Meeting--Objection to Development

Shari MacDonald <admin@miltonvalepark.com>

Wed, Jul 1, 2020 at 5:30 PM

To: Miltonvale Park <develop@miltonvalepark.com>

Cc: William & Carol-Ann McLaine <willndaisy@gmail.com>, halrmmvp@gmail.com

Hi Carol-Ann and William

I hope you are enjoying a pleasant Canada Day.

I just wanted to add to what Michael had mentioned in his email of last night that the Municipality's planner has been consulted and has been advising the Development Officer and the Council on the requirements according to the Bylaw, and Official Plan, which she developed. Along with the information that Michael has already included in his email, she also advised us that the Official Plan does support the use of alternate energy systems in the Community. (Section 9.3 Official Plan)".

9.3 ALTERNATE ENERGY SYSTEMS POLICY

It is the policy of Council to support the use of alternate energy systems in the Community.

The Rural Municipality of Miltonvale Park Official Plan is a formalized statement of Objectives, Policies and Plan Actions approved by Council concerning the nature, extent and pattern of land use and development within the Community until the year 2030. The Official Plan addresses the social, economic, physical and environmental goals of the Community. It will assist Council in establishing priorities and in decision making relating to: economic development initiatives, public works, social programming, municipal services, environmental standards, and fiscal management. The Official Plan will also provide the policy framework for the Rural Municipality of Miltonvale Park Zoning and Subdivision Control Bylaw (2016), as may be amended, and which may be referred to as the Development Bylaw.

Regards,
Shari MacDonald
CAO

[Quoted text hidden]

--

Shari MacDonald
Chief Administrative Officer
Rural Municipality of Miltonvale Park
902-368-3090
www.miltonvalepark.com



Shari MacDonald <admin@miltonvalepark.com>

Solar Panel Installation--Miltonvale Park

William & Carol-Ann McLaine <willndaisy@gmail.com>

Thu, Jul 2, 2020 at 8:09 AM

To: Rural Municipality of Miltonvale Park <admin@miltonvalepark.com>, Carol-Ann McLaine <willndaisy@gmail.com>

Hi Shari,

Can you view this link, and let us know the civic address of this Solar Panel Installation in Miltonvale Park, when the permit for this was approved, and what Category of the Bylaws it was approved under.

Thank-You
William & Carol-Ann McLaine

<https://www.princeedwardisland.ca/en/information/transportation-infrastructure-and-energy/solar-electric-rebate-program>

Solar Electric Rebate Program

We have adjusted our operations based on COVID-19 public health advice. You can now visit our office to pick up or drop off your applications. We continue to encourage applications online, by email at efficiencypei@gov.pe.ca and by mail at 69 Belvedere Avenue, Suite 1-B01 Charlottetown, PE C1A 7N8. Learn more about **COVID-19 government operations**.

Solar Photovoltaic (PV) is a technology that converts sunlight into electricity. The use of solar energy can lower energy bills for Islanders, working hand-in-hand with other efficiency upgrades.

The solar program makes solar power more affordable than ever before by providing financial incentive for Island homeowners, farms and businesses to install solar PV panels. Solar incentives will help reduce greenhouse gas emissions by over 500 tonnes annually and create approximately 20 jobs in PEI's renewable energy sector.

In addition to solar rebates, financing is available through the Government of Prince Edward Island to assist with the up-front costs of solar installation.

Incentives

Homes - \$1,000/kilowatt installed, up to 40% of installed costs, to a maximum of \$10,000.

Businesses and farms- \$350/kilowatt installed, up to 40% of installed costs, to a maximum of \$10,000.

Your application must be approved by efficiencyPEI prior to installing equipment

Eligibility

The applicant must be the legal property owner, business owner and/or a bona-fide farmer to be eligible for the program. Eligible buildings include:

- a residential property, no more than three stories high, with a footprint smaller than 600 m² (6458 ft²), or commercial building with an operating business, or a farm building owned and operated year round by a bona-fide farmer.
- a single-family home, detached, side-by-side, row house or apartment building.
- a manufactured or mobile home with have a permanent electrical utility connection.

New construction is not eligible. Buildings must be inhabited for more than six months to be eligible.

Buildings that are not habitable or structurally sound (i.e. fire damage, uninhabitable, major renovation or construction in progress, etc.) are not eligible.

Requirements

You must ensure that a solar PV system is eligible for net metering from your electric utility - Maritime Electric or the City of Summerside Electric Utility. The system must meet all applicable regulations under the Canadian Electrical Code and any additional provincial laws and regulations. The system must be supplied and installed by an efficiencyPEI Network of Excellence contractor.

Residential Rebate Amounts

- \$1,000 per installed kilowatt not to exceed 40% of total installed cost to a maximum of \$10,000

The maximum rebate limit for all efficiencyPEI programs of \$5000 per property (PID) does not apply to this program.

Commercial and Farm Rebate Amounts

- \$350 per installed kilowatt not to exceed 40% of total installed cost to a maximum of \$10,000

The maximum grant limit for all efficiencyPEI programs per property (PID) does not apply to this program.

Steps to Apply

If you are interested in financing for the up-front costs of solar, learn more about the energy efficiency loan program.

1. Confirm eligibility (see terms and conditions on application form).
2. Select an approved efficiencyPEI solar PV installer from the Network of Excellence.
3. Complete the application form with your installer and send it to efficiencyPEI with your most recent electric bill, along with a quote from your installer.
4. Wait for your letter of acceptance before beginning any work.
5. Once your work is complete, submit your paid receipts to efficiencyPEI.

Program rebate amounts are subject to change over time.

Where can I find a list of contractors that offer solar electric rebates?

View the list of contractors that offer solar electric rebates. You can search for a contractor by name or by the service they provide or you can view a list of contractors by county or by program by selecting an option from the "County" and "Program" fields.

Contact:

If you need information on this program or any other energy efficiency help, get in touch. Visit us at efficiencyPEI at 69 Belvedere Avenue in Charlottetown or at Access PEI in Summerside. Program information is also available at any Access PEI location.

efficiencyPEI

69 Belvedere Ave Suite 1-B01

PO Box 2000, PE C1A 7N8

efficiencypei@gov.pe.ca

1-877-734-6336

Facebook | Twitter | Website

Energy efficiency incentives are a cost-shared with the Government of Canada under the Low Carbon Economy Fund.

Published date: June 25, 2020

Transportation, Infrastructure and Energy

General Inquiries

efficiencyPEI

69 Belvedere Avenue,

Suite 1-B01

Charlottetown, PE C1A 7N8

Phone: 902-620-3690

Toll-free: 1-877-734-6336

Fax: 902-620-3796

Follow us on Facebook

efficiencypei@gov.pe.ca



Shari MacDonald <admin@miltonvalepark.com>

Miltonvale Park Bylaws

William & Carol-Ann McLaine <willndaisy@gmail.com>

Thu, Jul 2, 2020 at 9:03 AM

To: Rural Municipality of Miltonvale Park <admin@miltonvalepark.com>, Carol-Ann McLaine <willndaisy@gmail.com>

Hi Shari,

We have been reviewing the Miltonvale Park Bylaws, and yesterday at **11:21 am**, I copied & pasted numerous sections of the bylaws into my own word document. Last evening, William & I were looking for a section which I had copied & pasted earlier, but we could not locate it.

Section 4.15 (copied at **11:21 am** July 1, 2020) is no longer there, and as of **11:39 pm** (last evening) it now appears to be section 3.11) There are other numerous rewording, removals & changes of format to what we have been reading over the past days.

Can you confirm if any changes have been made to the Miltonvale wording/any deletions or additions of the bylaws over the past few days. We would like a copy of the entire Miltonvale Park Bylaws, in their entirety, as they were worded & written as of June 24, 2020.

Please either email to me or call me & I will pick it up at the office.
We would appreciate this as soon as possible please.

Thank-You
William & Carol-Ann McLaine

Section 4.15 as of 11.21 am July 1, 2020

4.15 DEVELOPMENT RESTRICTIONS Council shall not issue a development permit for a development if, in the opinion of the Council: (1) the proposed development does not conform to this Bylaw; (2) the method of water supply is not appropriate; (3) the method of sanitary waste disposal is not appropriate; (4) there is not a safe and efficient access to the public highway, street, or road; (5) the impact of the proposed development would be detrimental to the environment; (6) the proposed development would create unsafe traffic conditions; **(7) the proposed development would significantly or permanently injure neighbouring properties by reason of architectural disharmony**

Section 3.11 as of 11:30 pm July 1, 2020

3.11 DENYING PERMITS AND DEVELOPMENT RESTRICTIONS 1. No Development Permit shall be issued if the proposed development: **i.** Could create a hazard to the general public or any resident of the municipality or could injure or damage neighbouring lot or other property in the municipality, including but not be limited to, hazards, injuries or damages arising from water drainage run-off; **ii.** Could create a health, fire or accident hazard or increase the likelihood of the existence of rodents, vermin or other pests; **iii.** Does not conform to this bylaw; **iv.** Does not have a water supply that meets minimum provincial standards; **v.** Does not have a sewerage disposal system that meets minimum provincial standards; **vi.** Does not have safe and efficient access to the highway; **vii.** Would be detrimental to the environment; **viii.** Would be detrimental to the convenience, health, or safety of residents in the vicinity of the development or the general public.



Shari MacDonald <admin@miltonvalepark.com>

Miltonvale Park Bylaws

Shari MacDonald <admin@miltonvalepark.com>

Thu, Jul 2, 2020 at 9:39 AM

To: William & Carol-Ann McLaine <willndaisy@gmail.com>

Good morning William & Carol-Ann

The process of changing the development bylaw involves, at the very minimum -a public meeting, two council meetings and approval from the Minister. The last changes to the development bylaw occurred last July and the version that is in effect is online at <https://miltonvalepark.com/wp-content/uploads/2019/08/Development-Plan-Bylaw-July-202019.pdf>.

The previous version is also available from the same page - <https://miltonvalepark.com/development-bylaws/> although it is clearly marked that it is no longer in effect. There may be the possibility that you downloaded one version at one time and the other the second time.

Shari

[Quoted text hidden]

--

Shari MacDonald
Chief Administrative Officer
Rural Municipality of Miltonvale Park
902-368-3090
www.miltonvalepark.com



Shari MacDonald <admin@miltonvalepark.com>

Meetings for both July 6th & July 8th 2020

William & Carol-Ann McLaine <willndaisy@gmail.com>

Thu, Jul 2, 2020 at 1:57 PM

To: Rural Municipality of Miltonvale Park <admin@miltonvalepark.com>, Carol-Ann McLaine <willndaisy@gmail.com>

Hi Shari,

Can you register both William & Carol-Ann McLaine as attending both July 6th & July 8th/2020 meetings please.

Thanks

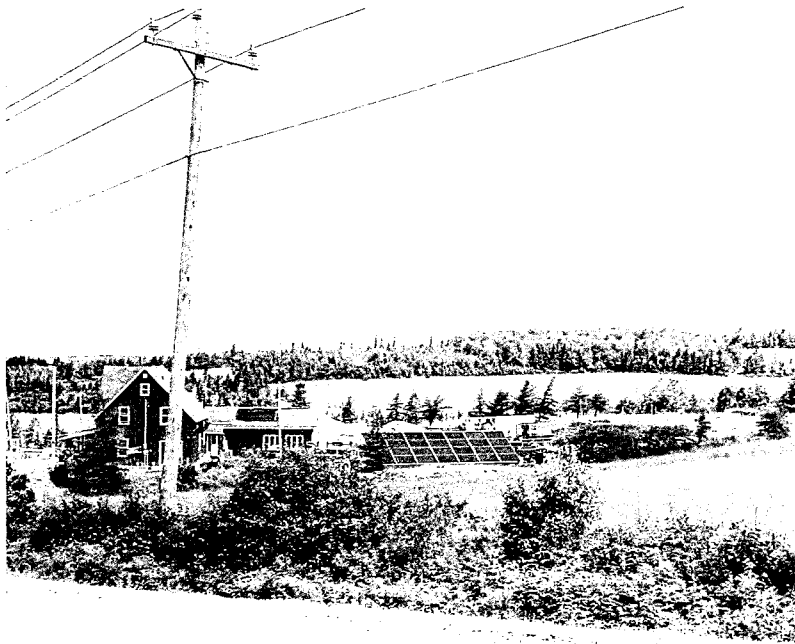
From: William & Carol-Ann McLaine <willndaisy@gmail.com>
Date: Sun, Jul 5, 2020 at 7:30 AM
To: Rural Municipality of Miltonvale Park <admin@miltonvalepark.com>

Just FYI.

On Fri, Jul 3, 2020 at 11:59 AM

Some pics of ones today. All well away from the road and none in the front yard. The one on the farm is tucked in behind the two buildings.





Sent from my iPhone

On Jul 3, 2020, at 10:05 AM, William & Carol-Ann McLaine <willndaisy@gmail.com> wrote:

Kent Dollar was just here.(agrees with us)

Andrew Frizzell (councillor on Miltonvale Park) is now here. (agrees with us)

Dennis King supposed to be dropping in on way home.

On Fri, Jul 3, 2020 at 9:24 AM Jen McKenna <jennifer.mckenna@hotmail.com> wrote:

If you could get Dennis King on board that would be amazing!! Fingers crossed he can come out and look in person. If not, I'd be finding a way to get some photos and a written note to him.

Appeals would have to be in writing and go to IRAC.

Let me know if you need anything g today.

Sent from my iPhone

On Jul 3, 2020, at 7:38 AM, William & Carol-Ann McLaine <willndaisy@gmail.com> wrote:

Good Morning,

Not any problem to have our neighbors sign the petition.....once we told them what was being constructed....very little of them knew what it was.
And some are also registering for the meeting next week to have their voices heard.
Slow going though, as our neighbors like to chat to us!!!

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I am not sure if the appeal process is in application form, or if it's just a verbal appeal when they call us. I'm curious to see if we get a personal visit to deliver the news, or if they will just call or text us. Think I know the answer.

William was talking to Kent Dollar last night. Kent is the Executive Secretary to the Premier Dennis King. Kent's son, played hockey with Mike and he suggested having Premier King pay a visit here. See if the Premier can overrule. So see what happens this July 3, 2020.



On Thu, Jul 2, 2020 at 9:56 PM Jen McKenna <jennifer.mckenna@hotmail.com> wrote:

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Night

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You may want to add a note about it potentially impacting drivers due to potential glare and glint off of the solar panels as you are not aware of any assessment having taken place to ensure this will not be an issue.
Other then that it looks good.

Sent from my iPhone

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> I don't it want it any longer than it is already.
> <Petition--Solar Panel Structure.docx>

**Fwd: Petition**

2 messages

William & Carol-Ann McLaine <willndaisy@gmail.com>

To: Rural Municipality of Miltonvale Park <admin@miltonvalepark.com>

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Shari MacDonald <admin@miltonvalepark.com>  
To: Development Officer <develop@miltonvalepark.com>, Hal Parker <haroldrparker@gmail.com>, "halrmvp@gmail.com" <halrmvp@gmail.com>

Sun, Jul 5, 2020 at 7:32 AM

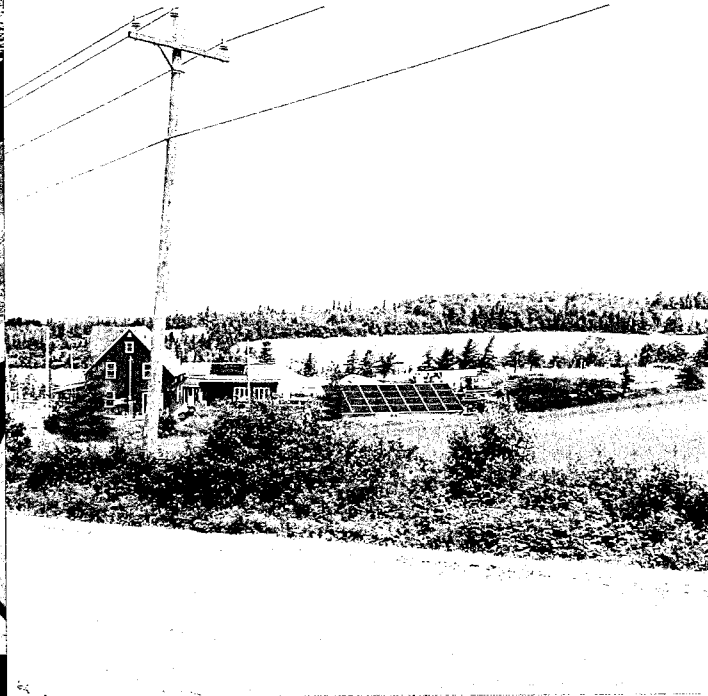
FYI

----- Forwarded message -----

From: William & Carol-Ann McLaine <wilindaisy@gmail.com>  
Date: Sun, Jul 5, 2020 at 7:30 AM  
Subject: Fwd: Petition  
To: Rural Municipality of Miltonvale Park <admin@miltonvalepark.com>

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--  
Shari MacDonald  
Chief Administrative Officer  
Rural Municipality of Miltonvale Park  
902-368-3090  
www.miltonvalepark.com



Shari MacDonald &lt;admin@miltonvalepark.com&gt;

---

**Solar Panel Installation--Miltonvale Park**

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**William & Carol-Ann McLaine** <willndaisy@gmail.com>

Sun, Jul 5, 2020 at 7:18 AM

To: Shari MacDonald &lt;admin@miltonvalepark.com&gt;, Carol-Ann McLaine &lt;willndaisy@gmail.com&gt;

Thanks for the info on this.

In my opinion, someone there had some knowledge on this, or certainly since it's installation. Hence, Miltonvale Park should have been working on Bylaws for Solar Structures, especially with one already installed in this Zone, without Miltonvale Park having any knowledge on it, without an application, or without a permit. When was this installed...2 + years ago???

We have been emailed 9.3 a number of times now. We fully support alternate energy systems as well. 9.3 only has Wind Turbine in it's plan action. It's got nothing to do with what we are trying to obtain regarding a 100 ft Solar Stucture.

9.3 ALTERNATE ENERGY SYSTEMS POLICY It is the policy of Council to support the use of alternate energy systems in the Community. Plan Action: Wind turbine development under the Development Bylaw will be consistent with provincial regulations and best land use planning practices.

No reply to this email is required

Thanks

William & Carol-Ann McLaine

[Quoted text hidden]

Gmail

Shari MacDonald &lt;admin@miltonvalepark.com&gt;

**Regarding Miltonvale Bylaws**

1 message

**William & Carol-Ann McLaine** <willndaisy@gmail.com>

Mon, Jul 6, 2020 at 5:41 PM

To: Rural Municipality of Miltonvale Park &lt;admin@miltonvalepark.com&gt;, Carol-Ann McLaine &lt;willndaisy@gmail.com&gt;

To whom it may concern,

It is logical for me, to assume that a private utility, would also for (i) (ii) (iii) (below)

**either directly or indirectly, to or for the public.....****would be just as I assume any Publicly owned company versus any Privately owned Company is also, either directly or indirectly, to or for the public.****Also review 3. Administration****3.1 Development Approval****1. No person shall****vi. Make an underground installation such as a fuel tank, foundation wall or other installation without first applying for, and receiving a Development Permit.**I am pretty sure the poles were put in the bylaw in Section 3.1 / 2. iii. were mean't to be included so we had something to attach our clotheslines to.

I worked at Bell Aliant for 27 years. I do have some knowledge on Utilities &amp; Internet Service &amp; their classifications.

**\*\*Please remove William and I from your attendance list for this evening only, July 6th 2020. We will still be attending on Wed July 8th, 2020**Thanks,  
Carol-Ann McLaine

=====

Many of the definitions in the bylaw correspond to those used by the Province, in their Planning Act Subdivision and Development Regulations, <https://www2.gov.bc.ca/gov/legislation/planning-act/subdivision-and-development-regulations>

These regulations define a public utility as:

"public utility" means any person or corporation and the lessees, trustees, liquidators or receivers of any person or corporation who owns, operates, manages or controls, or is incorporated for the purpose of owning, operating, managing or controlling any plant or equipment

- (i) for the conveyance or transmission of telephone messages,
  - (ii) for the production, transmission, distribution or furnishing of electric energy, or
  - (iii) for the provision of water or sewerage service,
- either directly or indirectly, to or for the public.**

Although the Province does not also provide a definition for a private utility it would be logical to assume that a private utility would also encompass similar services, only with private ownership and to provide for private citizens. It is interesting to note that the Planner this evening also mentioned that provision of internet services are now also considered to be a utility.



Shari MacDonald <admin@miltonvalepark.com>

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## Regarding Miltonvale Bylaws

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Shari MacDonald <admin@miltonvalepark.com>

Mon, Jul 6, 2020 at 5:44 PM

To: William & Carol-Ann McLaine <willndaisy@gmail.com>

Thank you for your note. We shall see you on Wednesday evening.

Shari

[Quoted text hidden]

[Quoted text hidden]



Shari MacDonald &lt;admin@miltonvalepark.com&gt;

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**Miltonvale Planning Meeting July 8th, 2020**

1 message

**William & Carol-Ann McLaine** <willndaisy@gmail.com>

Wed, Jul 8, 2020 at 11:34 AM

To: Rural Municipality of Miltonvale Park <admin@miltonvalepark.com>, Miltonvale Park <develop@miltonvalepark.com>, halrmmvp@gmail.com, Carol-Ann McLaine <willndaisy@gmail.com>

Hi,

We would like to bring forth & hold a discussion this evening regarding our Objection to the Solar Struction at ~~998 Loyale Road~~ in Springvale.

Please see the attached documents.

Thank You,  
William & Carol-Ann McLaine  
~~985 Loyale Road~~/Springvale



**Objection Placement of Solar Structure.pdf**  
252K



Shari MacDonald &lt;admin@miltonvalepark.com&gt;

**Miltonvale Planning Meeting July 8th, 2020**

Shari MacDonald &lt;admin@miltonvalepark.com&gt;

Wed, Jul 8, 2020 at 3:19 PM

To: William &amp; Carol-Ann McLaine &lt;willndaisy@gmail.com&gt;

Cc: Hal Parker &lt;halrmmvp@gmail.com&gt;, Development Officer &lt;develop@miltonvalepark.com&gt;

Bcc: Hal Parker &lt;haroldrparker@gmail.com&gt;

Hi Carol-Ann,

The Procedural Bylaw requires requests for presentations to be received a week prior to the meeting. The form is attached to the bylaw on the website.

<mailto:admin@miltonvalepark.com> mvp-carol-ann/uploads/2020/07/Procedural-Bylaw-481.pdf

The sections of the bylaw that pertain are included below.

**26. Committee Procedures**

26.6. Everyone has the right to be present at committee meetings that are conducted in public unless the chair expels a person for improper conduct.

26.8. Only members of the committee may participate in, debate or ask questions at a standing committee or ad hoc committee meeting except in accordance with section 28 of this bylaw.

**27. Delegations to committees**

27.1. Delegations wishing to appear before Council or a Committee of Council to present information will advise the CAO or his/her designate of their intention to do so not later than seven days prior to the meeting.

27.2. Delegations will be limited to a maximum presentation time of twenty minutes, unless Council agrees to a waiver of this time restriction by the consent of a majority of all Council members present, and each delegate may speak only once.

**28. Request for Decision from Council**

2.1. Any delegation wishing to appear before Council or a Committee of Council to make a request for action, support, resources or other will advise the CAO or his/her designate of their intention to make a request, in writing, using the prescribed form no later than seven days prior to the meeting.

Thank you,

Shari

[Quoted text hidden]

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Shari MacDonald

Chief Administrative Officer

Rural Municipality of Miltonvale Park



Shari MacDonald &lt;admin@miltonvalepark.com&gt;

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**New Development--Immediate Action Required**

1 message

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**William & Carol-Ann McLaine** <willndaisy@gmail.com>

Thu, Jul 9, 2020 at 2:21 PM

To: halrmmvp@gmail.com, Miltonvale Park <develop@miltonvalepark.com>, Rural Municipality of Miltonvale Park <admin@miltonvalepark.com>, Carol-Ann McLaine <willndaisy@gmail.com>

To whom it may concern,

William and I have sought legal council & have been advised that the land we have occupied & maintained for our 40 years, may in fact be our land, through the land quieting act or "squatters rights".

Therefore , until this has been determined through our legal council, immediate stoppage to any further development or for the approval of the Steven's application for a permit application for their Solar Structure, is to cease & desist,

Thank-You

William & Carol-Ann McLaine  
985 Loyalist Road /Springvale

Gmail

Shari MacDonald <admin@miltonvalepark.com>

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**New Development--Immediate Action Required**

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Shari MacDonald <admin@miltonvalepark.com>

Thu, Jul 9, 2020 at 3:37 PM

To: William & Carol-Ann McLaine <willndaisy@gmail.com>

Thank you for your email.

Have a pleasant day.

Shari

[Quoted text hidden]

[Quoted text hidden]





Shari MacDonald &lt;admin@miltonvalepark.com&gt;

**Miltonvale Planning Meeting July 8th, 2020**

Shari MacDonald &lt;admin@miltonvalepark.com&gt;

Fri, Jul 10, 2020 at 11:13 AM

To: andrewrmmvp@gmail.com, Councillor Phil Hooper <hooper.rmmvp@gmail.com>, Hal Parker <halrmmvp@gmail.com>, Hal Parker <haroldrparker@gmail.com>, Lindsey Rhynes <lindseyrmmvp@gmail.com>, Paul Poole <paulrmmvp@gmail.com>, Spencer MacDonald <spencerrmmvp@gmail.com>, Tamsyn Cosh-MacKenzie <tamsynrmmvp@gmail.com>, B&B <pryor.turner@pei.sympatico.ca>, "sheilacur34@gmail.com" <sheilacur34@gmail.com>, Steve Dickieson <cdickieson@islandtelecom.com>, Development Officer <develop@miltonvalepark.com>

Planning board requested a copy of the petition during the closed part of the meeting on Wednesday, so I thought I would forward it to Council as well.

The request to speak at the planning board meeting was received well after the 7 days before the meeting required in our procedural bylaw. Hal did let them speak for what was supposed to be several minutes - but was considerably longer. There are a number of inaccuracies in the petition so Hal and I have discussed, after a permit is issued (the developers intend to redesign the system and revise the application to that it has the 50ft setback, which was the only questionable point) that we would send a letter to the folks who have signed the petition politely, pleasantly and simply thanking them for supporting their neighbours, clarifying the process/bylaws re solar panels, highlighting the support in the Official Plans for alternative energy, encouraging residents to become more familiar with the bylaws and contact the office with any questions of their own, introducing the Stephens family, native Islanders who moved back to PEI after the fires in Fort McMurray, and the installers (who have both been most pleasant and understanding in this trying situation), and putting some positive messages in the community to counteract some of the negative messages people may have been receiving -and probably quote Dr. Morrison with her "Be kind" tagline.

Planning Board members may not be aware that the McLaines yesterday advised us to cease and desist re the permit as they investigate their claim to the land re squatters' rights. Legal advice suggests this is not a concern to the municipality, and I was just talking to Mr. Stephens (developer) who is quite confident that this claim would not be upheld.

I would suggest just keeping the petition for your own information at the moment please, as it wasn't formally entered into the public meeting minutes due to the timing. I expect it is difficult to refuse to sign something when your neighbour is making a personal "ask". so we think the best way to diffuse the situation is to provide some information in a personal letter,

Solicitor-client privilege

Solicitor-client privilege

Have a good weekend!

Shari

[Quoted text hidden]

[Quoted text hidden]

**Objection Placement of Solar Structure.pdf**

252K

8/5/2020

miltonvalepark.com Mail - Our Family Booking Confirmed...for Miltonvale Hall for Boxing Day 2020

Shari MacDonald &lt;admin@miltonvalepark.com&gt;

**Our Family Booking Confirmed...for Miltonvale Hall for Boxing Day 2020**

William &amp; Carol-Ann McLaine &lt;willndaisy@gmail.com&gt;

Tue, Jul 1

To: Rural Municipality of Miltonvale Park &lt;admin@miltonvalepark.com&gt;, halrmmp@gmail.com, Miltonvale Park &lt;develop@miltonvalepark.com&gt;, Carol-Ann McLaine &lt;willndaisy@gmail.com&gt;

To Whom It May Concern,

Per my email below sent Jan 8th, 2020, to book & confirm our Family's Xmas Celebration confirmed for Boxing Day 2020 at Miltonvale Hall, I now wish to **cancel this booking**.

To make a comparison between the installation of a clothesline pole, to the erection of a 100ft Solar Panel Structure....is just unbelievable, morally wrong &amp; totally unjust.

Thank you  
Carol-Ann McLaine

William &amp; Carol-Ann McLaine &lt;willndaisy@gmail.com&gt;

Wed, Jan 8, 2:02 PM

cc: Milton

Perfect...thanks very much Shari.

Regardless of whether we can have a bartender or not, we want to book it.  
Even 7-9 pm or 6-8 pm for the bar would be nice. I know it's the holidays, and people want to be at home,  
but some folks don't mind working those days either.

I will let my family know it is booked &amp; wait to hear back whether the bar will be open or not.

Carol-Ann



Shari MacDonald &lt;admin@miltonvalepark.com&gt;

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**Request for Applications**

1 message

**William & Carol-Ann McLaine** <willndaisy@gmail.com>

Wed, Jul 15, 2020 at 9:36 AM

To: Rural Municipality of Miltonvale Park &lt;admin@miltonvalepark.com&gt;, Lynn Murray &lt;lynn.murray@keymurraylaw.com&gt;, Carol-Ann McLaine &lt;willndaisy@gmail.com&gt;

Good Morning,

William and I have retained Lynn Murray/Key Murray Law, for our Legal Counsel.  
We give our consent for Lynn Murray to request any & all information that she requests or requires.

I am requesting a copy of **any & all** applications that have been submitted to you, the Council  
or the Planning Board, in relation to the development on the Stephen's property, adjacent to our own south lot line.

Please provide by email to both ourselves and to Lynn Murray as soon as possible.

 willndaisy@gmail.com lynn.murray@keymurraylaw.com

Thank You

Carol-ann &amp; William McLaine

cc Lynn Murray/Key Murray Law



Shari MacDonald <admin@miltonvalepark.com>

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**CORRECTION TO PREVIOUS EMAIL sent July 15, 2020 at 9:36 am**

1 message

**William & Carol-Ann McLaine** <willndaisy@gmail.com>

Wed, Jul 15, 2020 at 10:44 AM

To: Rural Municipality of Miltonvale Park <admin@miltonvalepark.com>, Lynn Murray <lynn.murray@keymurraylaw.com>, Carol-Ann McLaine <willndaisy@gmail.com>

**The correction to our request is as follows:**

We are requesting **any & all** applications that have been submitted by Zach & Jade Stehen's in relation to their property/property's, both located south of the lot line of William & Carol-Ann McLaine/965 Loyalla Rd/Springvale/PEI

Thank you,  
William & Carol-Ann McLaine

On Wed, Jul 15, 2020 at 9:36 AM William & Carol-Ann McLaine <willndaisy@gmail.com> wrote:  
Good Morning,

William and I have retained Lynn Murray/Key Murray Law, for our Legal Counsel.  
We give our consent for Lynn Murray to request any & all information that she requests or requires.

I am requesting a copy of **any & all** applications that have been submitted to you, the Council or the Planning Board, in relation to the development on the Stephen's property, adjacent to our own south lot line.

Please provide by email to both ourselves and to Lynn Murray as soon as possible.

willndaisy@gmail.com

lynn.murray@keymurraylaw.com

Thank You  
Carol-ann & William McLaine  
cc Lynn Murray/Key Murray Law

8/5/2020

miltonvalepark.com Mail - Re: CORRECTION TO PREVIOUS EMAIL sent July 15, 2020 at 9:36 am



Shari MacDonald &lt;admin@miltonvalepark.com&gt;

**Re: CORRECTION TO PREVIOUS EMAIL sent July 15, 2020 at 9:36 am**

Shari MacDonald &lt;admin@miltonvalepark.com&gt;

Wed, Jul 15, 2020 at 12:12 PM

To: William &amp; Carol-Ann McLaine &lt;willndaisy@gmail.com&gt;

Cc: Lynn Murray &lt;lynn.murray@keymurraylaw.com&gt;

Good afternoon,

According to the Municipal Bylaw to Regulate Access to Information and Protection of Personal Information (Bylaw # 2020-12), the information that is available to the public pertaining to development permits is for permits which have been issued. There have been no permits issued to the Stephens family.

<https://miltonvalepark.com/wp-content/uploads/2020/07/2020-12-12-Bylaw-to-Regulate-Access-to-Information-and-Protection-of-Personal-Information-Approved-signed.pdf>

Regards,

Shari MacDonald

Virus-free. [www.avg.com](http://www.avg.com)

[Quoted text hidden]

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Shari MacDonald

Chief Administrative Officer

Rural Municipality of Miltonvale Park

902-368-3090

[www.miltonvalepark.com](http://www.miltonvalepark.com)



Shari MacDonald &lt;admin@miltonvalepark.com&gt;

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**Request for Records--July 15, 2020**

1 message

**William & Carol-Ann McLaine** <willndaisy@gmail.com>

Wed, Jul 15, 2020 at 2:46 PM

To: Rural Municipality of Miltonvale Park <admin@miltonvalepark.com>, Lynn Murray <lynn.murray@keymurraylaw.com>, Carol-Ann McLaine <willndaisy@gmail.com>

Good Afternoon,

William and I have retained Lynn Murray/Key Murray Law, for our Legal Counsel.  
We give our consent for Lynn Murray to request any & all information that she requests or requires.

I am requesting a copy of **any & all Records of Applications** that have been submitted to Miltonvale Park, via It's Development Officer, It's Council or Planning Board, in relation to the property/s owned by Zach & Jade Stephen's, Parcels 658559 & 856922.

I do not require or wish to obtain any personal information, other the civic address's under which any application/s, may have been filed.

Please see the attached document-Freedom of Information and Protection of Privacy Act

Please provide by email to both ourselves and to Lynn Murray as soon as possible.

[willndaisy@gmail.com](mailto:willndaisy@gmail.com)

[lynn.murray@keymurraylaw.com](mailto:lynn.murray@keymurraylaw.com)

Thank You

Carol-ann & William McLaine

cc Lynn Murray/Key Murray Law

**Freedom of Information and Protection of Privacy Act.docx**

19K

*Freedom of Information and Protection of Privacy Act*

[https://www.princeedwardisland.ca/sites/default/files/legislation/f-15-01-freedom\\_of\\_information\\_and\\_protection\\_of\\_privacy\\_act.pdf](https://www.princeedwardisland.ca/sites/default/files/legislation/f-15-01-freedom_of_information_and_protection_of_privacy_act.pdf)

R.S.P.E.I., 1988, Cap. F-15,01

**(i) “personal information”** means recorded information about an identifiable individual, including

- (i) the individual’s name, home or business address or home or business telephone number,
- (ii) the individual’s race, national or ethnic origin, colour or religious or political beliefs or associations,
- (iii) the individual’s age, sex, marital status or family status,
- (iv) an identifying number, symbol or other particular assigned to the individual,
- (v) the individual’s fingerprints, other biometric information, blood type, genetic information or inheritable characteristics,
- (vi) information about the individual’s health and health care history, including information about a physical or mental disability,
- (vii) information about the individual’s educational, financial, employment or criminal history, including criminal records where a pardon has been given,
- (viii) anyone else’s opinions about the individual, and
- (ix) the individual’s personal views or opinions, except if they are about someone else;

**(l) “record”** means a record of information in any form, including electronic form, but does not include a mechanism or system for generating, sending, receiving, storing or otherwise processing information;

**(m) “third party”** means a person, a group of persons or an organization other than an applicant or a public body;

**2. Purposes of this Act** The purposes of this Act are (a) to allow any person a right of access to the records in the custody or under the control of a public body subject to limited and specific exceptions as set out in this Act;

**3. Scope of this Act**

(c) does not limit the information otherwise available by law to a party to legal proceedings;

**4. Records to which this Act applies (1) This Act applies to all records in the custody or under the control of a public body, including court administration records, but does not apply to the following:**

(a) information in a court file, a record of a judge of the Court of Appeal of Prince Edward Island, the Supreme Court of Prince Edward Island or the Provincial Court of Prince Edward Island, a record of the Prothonotary, a record of a sitting justice of the peace, a judicial administration record or a record relating to support services provided to a judge; (b) a personal note, communication or draft decision created by or for a person who is acting in a judicial or quasi-judicial capacity; (c) a record that is created by or for or is in the custody or under the control of an officer of the Legislative Assembly and relates to the exercise of that officer’s functions under an enactment; (d) a record that is created by or for or is in the custody or under the control of the Conflict of Interest Commissioner and relates to any advice relating to conflicts of interest whether or not the advice was given under the Conflict of Interest Act; (e) a question that is to be used on an examination or test; (e.1) teaching materials (i) of an employee of a designated educational body, (ii) of a designated educational body, or (iii) of both an employee of a designated educational body and the designated educational body; (e.2) research information of an employee of a designated educational body; (f) material that has been deposited in the Public Archives and Records Office or the archives of a public body by or for a person or entity other than a public body; (f.1) published works collected by a library of a public body in accordance with the library’s acquisition of materials policy; (g) a record relating to a prosecution if all proceedings in respect of the prosecution have not been completed; (h) a record made from information (i) in a registry of documents relating to personal property, (ii) in the office of the Director of Corporations, (iii) in the office of the Registrar of Deeds, (iv) in an office of a division registrar, district registrar, or the Office of the Director, as defined in the Vital Statistics Act R.S.P.E.I. 1988, Cap. V-4.1, or

(v) in a registry operated by a public body if that registry is authorized or recognized by an enactment and public access to the registry is normally permitted; (h.1) a personal record or constituency record of an elected or appointed member of a public body; (h.2) a personal record of an elected official of or of an appointed or elected member of the governing body of a local public body; (i) a personal record or constituency record of a member of the Executive Council; (j) a record created by or for the office of the Speaker of the Legislative Assembly or the office of a member of the Legislative Assembly; (k) a record created by or for (i) a member of the Executive Council, or (ii) a member of the Legislative Assembly that has been sent or is to be sent to a member of the Executive Council or a member of the Legislative Assembly; (l) a record relating to the business or affairs of Credit Union Deposit Insurance Corporation of Prince Edward Island, a credit union or a dissolved credit union or relating to an application for incorporation as a credit union that is obtained or produced in the course of administering or enforcing the Credit Unions Act R.S.P.E.I. 1988, Cap. C-29.1 or the regulations under it, other than a record that relates to a non-arm's length transaction between the Government and another party; (m) a record relating to the business or affairs of the Credit Union Deposit Insurance Corporation, a credit union or a dissolved credit union or relating to an application for incorporation as a credit union that is obtained or produced in the course of administering or enforcing the Credit Unions Act R.S.P.E.I. 1988, Cap. C-29.1 or the regulations under it, other than a record that relates to a non-arm's length transaction between the Government and another party; (n) personal health information as defined in the Health Information Act R.S.P.E.I. 1988, Cap. H-1.41, that is in the custody or control of a public body that is a custodian as defined in the Health Information Act

**Part I does not apply to certain records (1.1) Notwithstanding subsection (1), Part I does not apply to a record that is created by or for, or is in the custody or under the control of, a local public body before the date that this Act applies with respect to that local public body.**

#### **\*\*\*PART I — FREEDOM OF INFORMATION Division 1 — Obtaining Access to Records**

##### **6. Information rights**

(1) An applicant has a right of access to any record in the custody or under the control of a public body, including a record containing personal information about the applicant. **Excepted from disclosure under Division 2 of this Part, but if that information can reasonably be severed from a record, an applicant has a right of access to the remainder of the record.**

(2) **The right of access to a record does not extend to information excepted from disclosure under Division 2 of this Part, but if that information can reasonably be severed from a record, an applicant has a right of access to the remainder of the record**

##### **7. How to make a request**

(1) To obtain access to a record, a person shall **make a request** to the public body that the person believes has custody or control of the record.

##### **Form, etc.**

(2) A request shall be in writing and shall provide enough detail to enable the public body to identify the record. Copy or examination (3) In a request, the applicant may ask (a) for a copy of the record; or (b) to examine the record.

##### **8. Duty to assist applicants**

(1) The head of a public body shall make every reasonable effort to assist applicants and to respond to each applicant openly, accurately and completely. Creation of record

(2) The head of a public body shall create a record for an applicant if

(a) the record can be created from a record that is in electronic form and in the custody or under the control of the public body, using its normal computer hardware and software and technical expertise; and

(b) creating the record would not unreasonably interfere with the operations of the public body. 2001,c.37,s.8. 9. Time limit for responding

(1) The head of a public body shall respond to a request without undue delay and in any event shall make every reasonable effort to respond to a request not later than 30 days after receiving it unless

(a) that time limit is extended under section 12; or

(b) the request has been transferred under section 13 to another public body. Failure to respond



(2) The failure of the head to respond to a request within the 30 day period or any extended period is to be treated as a decision to refuse access to the record.

**10. Contents of response**

(1) In a response under section 9, the applicant shall be informed

(a) whether access to the record or part of it is granted or refused;

(b) if access to the record or part of it is granted, where, when and how access will be given; and

(c) if access to the record or to part of it is refused,

(i) the reasons for the refusal and the provision of this Act on which the refusal is based,

(ii) the name, title, business address and business telephone number of an officer or employee of the public body who can answer the applicant's questions about the refusal, and

(iii) that the applicant may ask for a review



Shari MacDonald &lt;admin@miltonvalepark.com&gt;

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**Request for Records--July 15, 2020**

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**Shari MacDonald** <admin@miltonvalepark.com>  
To: William & Carol-Ann McLaine <willndaisy@gmail.com>  
Cc: Lynn Murray <lynn.murray@keymurraylaw.com>

Fri, Jul 17, 2020 at 8:09 PM

Good evening,  
My apologies for the delayed response. We have been working on a COVID-19 related project in the office the last few days, and I have not been at my computer very often.

Rural Municipalities are not included under FOIPP. As I noted previously on July 15, we have a bylaw, as designated in the Municipal Government Act, to follow in this regard.

Sincerely,  
Shari MacDonald

[Quoted text hidden]

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[Quoted text hidden]



Shari MacDonald &lt;admin@miltonvalepark.com&gt;

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**Request for Records--July 15, 2020**

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**Lynn Murray** <lynn.murray@keymurraylaw.com>

Mon, Jul 20, 2020 at 2:02 PM

To: Shari MacDonald &lt;admin@miltonvalepark.com&gt;, William &amp; Carol-Ann McLaine &lt;willndaisy@gmail.com&gt;

Cc: Lynn Murray &lt;lynn.murray@keymurraylaw.com&gt;

Shari

Can you send me a copy of the permit approval regarding the above noted matter

Lynn

**M. Lynn Murray, Q.C.\***

Partner

tel +1 (902) 368 7821 | fax +1 (902) 368 3762

119 Queen Street, Suite 202

PO Box 875 Charlottetown PE C1A 7L9

Legal Assistant, Vanessa Folland | +1 (902) 368 7801

\*Practising through a professional corporation



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Shari MacDonald &lt;admin@miltonvalepark.com&gt;

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**Request for Records--July 15, 2020**

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Shari MacDonald &lt;admin@miltonvalepark.com&gt;

Mon, Jul 20, 2020 at 2:27 PM

To: Lynn Murray &lt;lynn.murray@keymurraylaw.com&gt;

Good afternoon Lynn,  
Here are copies of the permit and certificate for the solar panel installation.  
Best regards,

Shari MacDonald

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[Quoted text hidden]

Virus-free. [www.avg.com](http://www.avg.com)

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**2 attachments****Zack and Jade Development Permit Certificate.pdf**  
30K**Zack and Jade Stephens Development Permit Approval (1).pdf**  
100K

Shari MacDonald &lt;admin@miltonvalepark.com&gt;

**PEI Planning Decisions Website//Map It Link//999 Loyalist Road**

1 message

William &amp; Carol-Ann McLaine &lt;willndaisy@gmail.com&gt;

Tue, Jul 28, 2020 at 9:52 AM

To: Rural Municipality of Miltonvale Park &lt;admin@miltonvalepark.com&gt;, Lynn Murray &lt;lynn.murray@keymurraylaw.com&gt;

Good Morning,

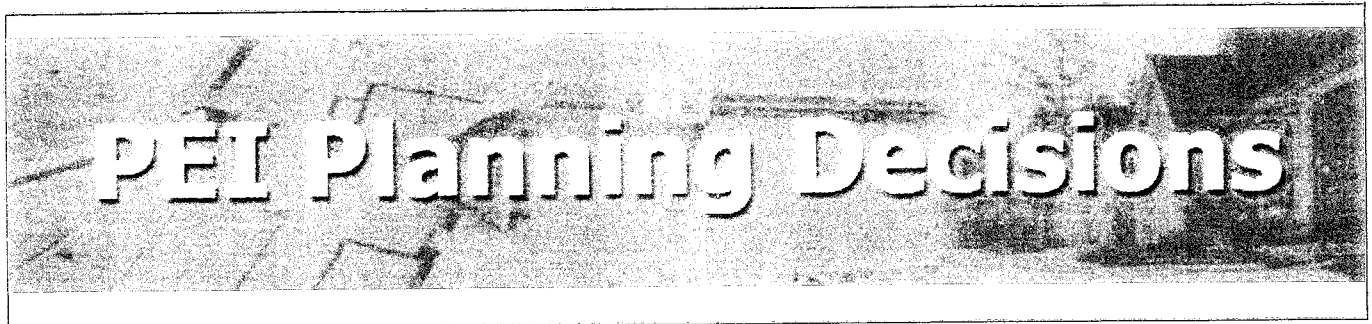
I have been checking this website daily since the Stephens approved permit was approved. There are some other neighbors that have also inquired to you regarding this, but to date have had no response. As of this morning, July 28th 2020, it is still not located on the website.

All of the Approved Permits listed below in Miltonvale Park, have a **Map It** link to access the approved permit, it's location etc. except the most recent Approved Permit for 999 Loyalist Road.

Can you check into this please, & forward me an explanation as to why it is not located on this particular permit & let me know your findings & when the Map It link will be available to the public please.

Thanks  
The McLaines  
986 Loyalist Road

**Welcome to Permits Online:** a centrally-located site designed to help members of the public, property owners and developers access information on recent planning decisions relating to subdivisions, development and building permits, and municipal bylaw amendments, including rezonings.



**Welcome to Permits Online:** a centrally-located site designed to help members of the public, property owners and developers access information on recent planning decisions relating to subdivisions, development and building permits, and municipal bylaw amendments, including rezonings.

|                                       |                      |   |
|---------------------------------------|----------------------|---|
| Location                              | Miltonvale Park      | ▼ |
| Category                              | All                  | ▼ |
| Search                                | <input type="text"/> |   |
| <input type="button" value="Search"/> |                      |   |

Map It

Map It

8/5/2020

miltonvalepark.com Mail - PEI Planning Decisions Website//Map It Link//999 Loyalist Road

Map 1

Map 2

Map 3

Map 4

Map 5

This site contains information posted by the Provincial Department of Communities, Land and Environment, and municipalities with local land use planning responsibility. The following municipalities are not covered by this site:

8/5/2020

miltonvalepark.com Mail - PEI Planning Decisions Website//Map It Link//999 Loyalist Road

Email

Shari MacDonald &lt;admin@miltonvalepark.com&gt;

**PEI Planning Decisions Website//Map It Link//999 Loyalist Road**

Shari MacDonald &lt;admin@miltonvalepark.com&gt;

Tue, Jul 28, 2020 at 10:20 AM

To: William &amp; Carol-Ann McLaine &lt;willndaisy@gmail.com&gt;

Good morning,

As I mentioned previously, when you first brought this to my attention, the website is maintained by the Province. I contacted them, at the phone number provided on the website to inquire about the Map it link, when you brought this to my attention. They sent a note to their website provider to see if the Map it link could be added. I suspect having the permit issued to two property numbers is the issue for the mapping function.

I checked again with the Province this morning, and was told their website provider was on vacation last week. They expect that he will be able to add a map link this week.

Shari

Virus-free. [www.avg.com](http://www.avg.com)

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Shari MacDonald  
Chief Administrative Officer  
Rural Municipality of Miltonvale Park  
902-368-3090

[www.miltonvalepark.com](http://www.miltonvalepark.com)Virus-free. [www.avg.com](http://www.avg.com)

8/5/2020

miltonvalepark.com Mail - PEI Planning Decisions Website//Map It Link//999 Loyalist Road

Sent

Shari MacDonald &lt;admin@miltonvalepark.com&gt;

**PEI Planning Decisions Website//Map It Link//999 Loyalist Road**

Shari MacDonald &lt;admin@miltonvalepark.com&gt;

Tue, Jul 28, 2020 at 10:29 AM

To: William &amp; Carol-Ann McLaine &lt;willndaisy@gmail.com&gt;

Sorry - it was Garry who originally brought that to my attention.... but the basic information on the lack of link remains the same.

I informed him that I would let him know, when I heard back from the Province, and I hadn't received a response from them.

Shari

On Tue, Jul 28, 2020 at 9:52 AM William & Carol-Ann McLaine <willndaisy@gmail.com> wrote:

[Quoted text hidden]

Virus-free. [View this message in your browser](#)

[Quoted text hidden]





# Rural Municipality of Miltonvale Park

7B New Glasgow Road – Rte. 224 North Milton PE C1E 0S7

Tel.: (902) 368-3090

E-mail: [develop@miltonvalepark.com](mailto:develop@miltonvalepark.com)

Fax: (902) 368-1152

Website: [www.miltonvalepark.com](http://www.miltonvalepark.com)

## APPLICATION FOR DEVELOPMENT APPROVAL

pursuant to clause 3.2(1) of the Rural Municipality of Miltonvale Park Zoning & Subdivision Control (Development) Bylaw 2019

### 1. Parcel Information (Please print)

Parcel owner's name: \_\_\_\_\_ Tel no.: 709-747-4627-4551  
 Parcel owner's mailing address: \_\_\_\_\_ Postal Code: COA 1V0  
 Email: \_\_\_\_\_ Property tax no. 37007 Date of acquisition: June 26, 2017  
 Civic address number: Yes ( ) No (✓) If yes, state number & street: \_\_\_\_\_  
 (PID 652559 has no civic number. 799 Logist is PID 756922)

### 2. Applicant Information

Applicant's name (if different than parcel owner): \_\_\_\_\_  
 Mailing address: \_\_\_\_\_ Postal Code: COA 1V0  
 Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

### 3. Highway Access Information

Will the development require the creation of a new highway access driveway or relocation of an existing access driveway? Yes ( ) No (✓)

### 4. Development Information

- The proposal consists of:

Constructing a new building/structure (✓) Altering an existing building/structure ( )  
 Moving/demolishing a building/structure ( ) Changing the use of a parcel or structure ( )  
 Other development ( ); describe \_\_\_\_\_

- The existing use of the parcel is: Single detached dwelling ( ) Agricultural ( ) Commercial ( )

✓ Other (specify) \_\_\_\_\_

- The proposed use of the (✓) new or ( ) existing building, structure or parcel is:

Single detached dwelling ( ) Duplex dwelling ( ) Multi-family ( ) Modular home ( )  
 Mini home ( ) Commercial ( ) Industrial ( ) Agricultural ( )  
 Pool ( ) Deck ( ) ✓ Other (specify) Self storage units only

- Estimated Cost of Project: \$ \_\_\_\_\_

- The planned start date of the project is: 2020 and the completion date is: July 14, 2020

### 5. Size of Proposed Building, Structure, Addition or Development

Number of stories: \_\_\_\_\_ Height: \_\_\_\_\_ ft. Number of bedrooms: \_\_\_\_\_

Main building:

Addition:

1<sup>st</sup> floor \_\_\_\_\_ ft. x \_\_\_\_\_ ft. = \_\_\_\_\_ ft<sup>2</sup>

1<sup>st</sup> floor \_\_\_\_\_ ft. x \_\_\_\_\_ ft. = \_\_\_\_\_ ft<sup>2</sup>

2<sup>nd</sup> floor \_\_\_\_\_ ft. x \_\_\_\_\_ ft. = \_\_\_\_\_ ft<sup>2</sup>

2<sup>nd</sup> floor \_\_\_\_\_ ft. x \_\_\_\_\_ ft. = \_\_\_\_\_ ft<sup>2</sup>

Total area \_\_\_\_\_ ft<sup>2</sup>

Total area \_\_\_\_\_ ft<sup>2</sup>

Accessory building:

1<sup>st</sup> floor \_\_\_\_\_ ft. x \_\_\_\_\_ ft. = \_\_\_\_\_ ft<sup>2</sup>2<sup>nd</sup> floor \_\_\_\_\_ ft. x \_\_\_\_\_ ft. = \_\_\_\_\_ ft<sup>2</sup>Total area \_\_\_\_\_ ft<sup>2</sup>

Other structure or development:

\_\_\_\_\_ ft. x \_\_\_\_\_ ft. = \_\_\_\_\_ ft<sup>2</sup>\_\_\_\_\_ ft. x \_\_\_\_\_ ft. = \_\_\_\_\_ ft<sup>2</sup>Total area \_\_\_\_\_ ft<sup>2</sup>**6. Servicing**

Are you installing or upgrading a sewage disposal system? Yes ( ) No (✓)

If not, please explain: \_\_\_\_\_

Are you constructing an on-site well? Yes ( ) No (✓)

If not, please explain: \_\_\_\_\_

If an addition or moving a building or structure on the parcel, will any portion of the proposed addition, building or structure cover an existing well? Yes ( ) No (✓)

If an addition or moving a building or structure on the parcel, will any portion of the proposed addition, building or structure be less than 20 feet from a sewage disposal system? Yes ( ) No (✓)

Are you installing underground fuel storage, other than an oil tank in the basement? Yes ( ) No (✓)

**7. Location of Proposed Building, Structure or Addition**

60+

Distance to the center line of the nearest highway or right-of-way: feet ft.Distance to the nearest lot line: -20 feet ft.Distance to a watercourse, wetland or salt water body within 30 m (100 ft.) of parcel: N/A ft.**8. Mini/Modular Home Application Only**

N/A

Factory built: Yes ( ) No ( ) Model name: \_\_\_\_\_ Age of home: \_\_\_\_\_

Size of home: Length \_\_\_\_\_ ft. Width \_\_\_\_\_ ft. Number of bedrooms: \_\_\_\_\_

**9. Development Permit Application Sketch**

The following information must, where applicable, be shown to scale.

- The shape, dimensions and area of the lot;
- The distance from the lot lines and dimensions of the building or structure being proposed;
- The distance from the lot lines and dimensions of every building or structure already erected on the lot and the general location of buildings on abutting lots;
- The proposed location and dimensions of any well, sewerage disposal system, parking space, parking lot, loading space, entrance way, and landscaping on the lot;
- The proposed use of the lot and each building or structure to be developed; and
- Other information the Development Officer deems necessary to determine if the proposed development conforms to the requirements of this bylaw.

Draw sketch on the following page.

[illegible]

**PID: 856922**





PROVINCE OF PEI DEPARTMENT OF  
PROVINCIAL TREASURY  
GEOMATICS INFORMATION CENTRE  
11 KENT ST. CHARLOTTETOWN  
PEI C1A 7N3

PHONE: 802-368-3175  
FAX: 802-368-3390

WHILE THIS MAP MAY NOT BE FREE  
FROM ERROR OR OMISSION, CAPE HAS  
BEEN TAKEN TO ENSURE THE BEST  
POSSIBLE QUALITY. THIS MAP IS A  
GRAPHICAL REPRESENTATION. IT IS NOT  
INTENDED TO BE USED TO CALCULATE  
EXACT DIMENSIONS OR AREAS.

SCALE: 1:5000  
DATE: APR 5, 2016  
TIME: 12:04:03 PM  
ACRES: 0.02  
WORK UNIT: 2113

(3)

Owner Name: PEDRO GOMEIRO & LUDRES CABRAL  
Location: 999 LOYALIST RD - RTE 268 SPRINGVALE

PEI GEOMATICS  
INFORMATION CENTRE

28 345

28 2

8188

807073

780024

938259

775064

658542

658559

656922

692698

471698

28 352

05507

28 238

791268

607285

453590

Please note this  
portion of the property is  
excluded from the sale  
and it is going to be sold  
to the owner of RD #116

**10. Certification**

I hereby certify that, to the best of my knowledge and ability, the information provided in this form is true and complete in all respects.

  
Signature of parcel owner or his authorized agent

June 30, 2020  
Date

The application and application fee (cheque payable to Rural Municipality of Miltonvale Park) must be sent or delivered to the above address. For further information and assistance, please visit the Municipal Office at the Milton Community Hall (7 New Glasgow Road-Rte 224) on Monday mornings (spring-fall) or telephone the Office at (902) 368-3090.

***Non-identifying information contained on this form will be posted on the PEI Parcel Planning Website and in the municipality, as per provincial requirements.***

**For Municipality Use Only:** Date Application Received: \_\_\_\_\_ Fee Received \_\_\_\_\_

**Phone calls/Visits**

June – (early-ish) -Call from Carol-Ann McLaine to inquire if there were regulations regarding tree-planting. I responded that there weren't any regulations in the bylaw, although we would recommend planting trees so that when they were fully-grown they were still entirely on your own property. At this point she mentioned it was the neighbour planning trees and she was concerned they would shade their deck and property and stop the breeze. During the conversation she mentioned that they had erroneously believed their property was rectangular, and recently the neighbouring property had been sold and surveyed and they learned that for 42 years they had thought they owned the same width at the back of the property as they had at the road line and but had learned it was smaller across the back. She noted that a maple tree, part of the garden and I believe she said a swing set/playground had also been on the neighbours' property for many years.

Late June ? Carol-Ann called to ask something (I don't remember what – she said not to take his personally that she had nothing against me but she was going to try to do whatever she could to stop the development.

July 2, 2020

Carol-Ann called in the morning (about 9:30) to ensure that I had received her emails about the photo of the solar installation in Miltonvale Park, for which she wanted to know the civic address, when the permit was issued and under what authority. The photo did not show up on the link on my phone, so she told me what to google to find the picture on the provincial website. The photo was of a solar panel and the top of an chain link fence that looked like a ball field fence, and a lot of sky. I told her I did not know where that particular solar panel was located, and that I had forwarded her email to the Development Officer so he could do the necessary research.

July 2, 2020

Garry and Colleen Muttart had called to be added to the list of people to attend the public meeting and the planning board meeting. Later that day, they dropped in to ask about the solar panels being installed on the Loyalist Road. Although they are in favour of solar energy, they felt that the placement in the side/front yard would be an eyesore. They asked how the project could be stopped and I explained that the bylaw permitted solar panels in any zone, without zone setbacks, and that the installers had been requested to observe the regular zone setbacks in the A1 zone (15 ft side yards and 50 feet front and rear yard), and that according to the measuring the Development Officer had done onsite with the McLaines and the property owner and installer had confirmed that the site distances were met or exceeded. They wondered if the bylaw could be changed, and I explained the process necessary to change the bylaw and noted that even if it were changed, the application would be evaluated under the bylaw when it was received. I believe I explained the Council could reconsider a decision made by the development officer, upon application, and that decisions were also appealable to IRAC. I noted that the planner had been consulted, and she advised that a permit was necessary, even though she was unaware of any municipalities issuing permits for solar installations – and that Council had the authority to issue it. And that applications received under the bylaw which meet the bylaw are an as-of-right permit. I noted that the Public Meeting on Monday was for the amendment regarding outdoor storage,

and that solar panels were not on the agenda. They decided to take their names off the meeting for Monday but still attend the Planning Board meeting on Wednesday.

They did express concern about the health and stress that the McLaines were feeling and hoped they did not have a heart attack over the issue. I gave them Canada Day cup cakes on their way out.

July 3 (?) Glenda MacKinnon Peters with the Department of Land called and informed me she was calling at the request of the Office of the Premier. She asked if I was familiar with the solar panels being installed on the Loyalist Road and I noted that they were beginning to be all-consuming! She wanted to know the situation from our perspective and the setbacks. I updated her on the status of the permit, the setbacks, the several hour meeting the Development Officer had had on Tuesday afternoon with all the stakeholders.



**Phone calls & other communications – with CAO**

Friday, July 3 – mid-late afternoon -Visit at the office from Colleen and Garry Muttart, friends of the McLaines and residents at 971 Loyalist Road. They expressed concern about the project, the “look” and how it would lower property value. It would be ugly and cause distress to all the neighbours along the road. They wanted to know how the project could be stopped. They expressed concern about the stress this was causing on the McLaines, and their health, noting they were worried one of them might have a heart attack/stroke. I explained that it looked as if the project fit the bylaws, and that although no setbacks were required, as far as I knew they were all met or exceeded. They not against solar. They thought the bylaws should be changed. I noted that changes are possible, but involve a set process and several months, and that the application would be considered under the current bylaw.

Glenda MacKinnon-Peters: Director, Agriculture and Land, (on or before July 6) She called from the Land Department -at the request of the Premier's office (he is our MLA) to find out if the CAO was familiar with the solar panel issue on the Loyalist Road. She was updated that it appeared that they would fit within all the requirements of the bylaw.

Several phone conversations over the course of several weeks (late June -July 17) with Kent Dollar who is the Executive Assistant to the Premier, who is our MLA. He noted that they had been contacted at least twice by the McLaines, who were concerned about the project. (July 17 – was confidentially told the Mrs. MacLaine had visited the Premier's home the previous evening and had been told that perhaps Minister Fox could assist them. It was not their intent, said Mr. Dollar, that the project be stopped).

July 8? – phone conversation with Kevin Campbell re highway setback – whether it was a recommendation, or requirement that the development be 50 ft from the front property line. He said he was now working contract from home, and was hesitant to put in writing that the Department of Transportation would be okay with the development being 50ft from the front property line, but that our official plan and bylaws would override their provincial regulations.

Evening of July 8 – phone conversation with Zach Stephens -re update re the conditions we were planning to put on the permit; he suggested his lawyer talk to our lawyer.

Matt Eye (not sure of date)– concerned about allegations about his company that were being circulated in the community. Told me that after his lawyer had sent Mr. McLaine a letter to have no contact, Mr. McLaine had called, texted (or emailed?), visited his office and had visited another worksite.

July 16 -morning- Mr. McLaine dropped into the office to “get a copy of the decision from last night's meeting.” I didn't recognize him immediately and asked what decision (as it was a Council meeting with a bylaw amendment) and he referenced the solar panels. He asked if the decision was posted, as his wife had not been able to find it online. I said I thought it was online, and I pulled it up on my phone, and he said he could get it at home then.

July 16 - Matt Eye –invitation to Mayor to drop by the site around noon on Friday, July 17 for photo op with a journalist who was doing a magazine article on solar.

July 17, 9:15 a.m. - Phone call from Minister Jamie Fox, where he gave a Ministerial Order to immediately stop work at the project.

July 17 – approx. 9:30 a.m. Phone conversation with Matt Eye – He had spoken to Minister Fox, and had received permission to bolt the panels in place as they were not in a stable position to be left in place, if work had to cease. This was expected to take about three hours.

July 17- Two phone conversations with Danny Jenkins, Municipal Affairs after I reached out to Municipal Affairs to see if the Minister of Communities had the authority to stop the work that was being done for a municipal permit issued under the authority of the Planning Act, which falls under the Department of Land, and Minister Bloyce Thompson. The Minister was on vacation in NB, so staff would try to rectify the situation.

July 17 -about 11 a.m. -Phone conversation with Christine MacKinnon, Acting Director, Municipal Affairs re the application and its being within the bylaws. Asked if she wanted me to forward the application as the Minister had said Christine would be reviewing the file. Assured her it met the bylaws, and we had received advice from the planner and our lawyer.

Dates unknown – several other conversations with Matt Eye and Zach Stephens – mostly from them, checking on progress of application.

July 16-17 – phone call with Matt Eye noting some Councillors and the Mayor had dropped by the site to make sure things were ok. He had heard about Mr. McLaine threatening to withdraw work from Cavendish Farms, and noted he was friends with (I don't remember first name) a Mr. Irving, and that he was sure that the Irvings would not be pleased to have their company used as a threat in this way.

## CONFIDENTIAL

Evening of July 3, 2020. -The CAO received a personal Facebook message from Councillor Rhynes who shared a screen shot of a message she had with Councillor Frizzell who noted (apparently of Mr. McLaine) that "He is pissed at Miltonvale and me not going to bring me anymore work he works at cavendish farms" Other Council members were aware of this conversation at the Planning Board meeting on July 8, and at the closed session of the Council meeting on July 15, Councillor Andrew Frizzell confirmed that he had been approached by Mr. McLaine (whom I believe drove him on approx. July 2-3 to the McLaine residence to view the poles that were installed). It was during this time that Mr. McLaine, who may be a maintenance supervisor at Cavendish Farms threatened to bring no more work from Cavendish Farms to Frizzell's Autobody.

This is the only application form that we have received for development from the McLaines, for a Single Family Dwelling in 1988. There was no deck shown in the application (MP 205) that was approved on April 28, 1988 ( Permit C119-88), and no application has since been received for any development on parcel 658542. Photo submitted by the McLaines to IRAC shows a large deck.

18

2. Draw site plan to scale provided showing:

- (a) dimensions of lot;
- (b) existing and proposed buildings;
- (c) distance between the buildings;
- (d) distance to property lines and easements;
- (e) location of the driveway, well, septic tank, and other features;
- (f) slope of lots indicate by arrows.

Existing trailer  
to be removed  
Proposed house

Field tile  
Septic tank  
Well  
Existing Driveway

550'

215'

110'

Loyalist

PART III

I HEREBY CERTIFY THAT THE INFORMATION PROVIDED IN THIS APPLICATION IS CORRECT.

DATE April 15 1988 William McLaine  
Applicant's Signature

FOR USE BY MUNICIPALITY

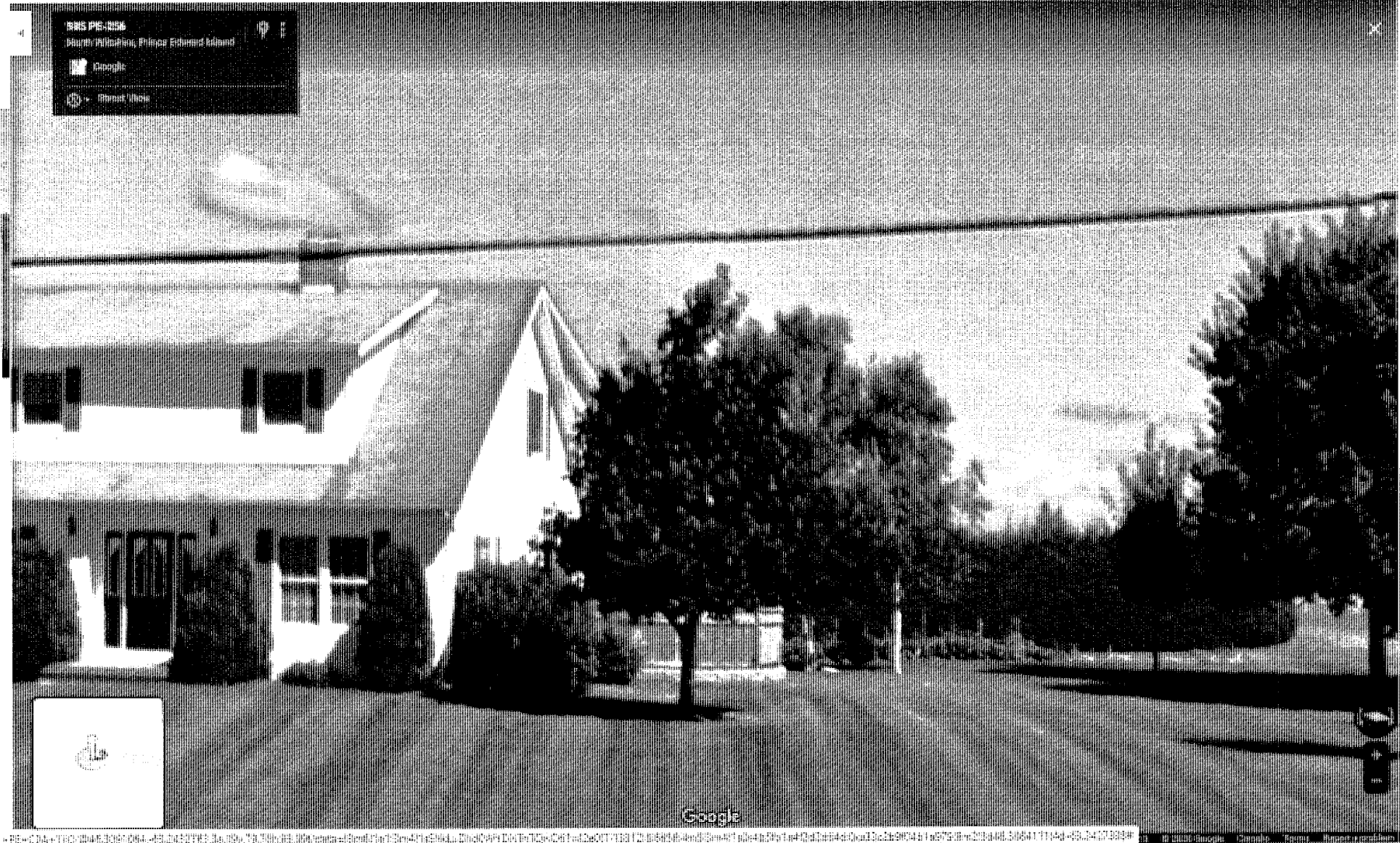
COMMENTS

DEPARTMENTAL USE ONLY -

BUILDING SERVICES DIVISION  
DEPT. OF COMMUNITY AFFAIRS

COMMENTS: Established site  
with existing services.

RECOMMENDATION: OK.  
only to use of the existing  
highway access only (2) the  
mobile home being removed from  
the property when the new house





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**Meeting on Sunday July 5, 2020 with the McLaines**

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Hal Parker <halrmvp@gmail.com>  
To: admin@miltonvalepark.com

Sun, Jul 5, 2020 at 5:42 PM

Shari:

Just a few notes on my meeting this morning.

When I arrived at the residence I put on my N-95 mask and got ready to enter the house.

Rang the doorbell and Carol Ann answered saying that William had headed to town.

She invited me through the house to the side deck.

At that point she explained about the line variance over the 40 plus years that they owned the house. The last owner was Pedro who owns the restaurant in Rustico.

Over time the McLaines did upkeep that wandered south of the line.

There are now stakes with red painted top stakes that mark the true line.

Now the correct line shows that two 40 year old maples on the other side of the line.

Also about 15 -20 feet of the garden and a spruce hedge are over the line.

She also pointed out where the neighbors had planted at least two rows of small trees.

We then proceeded through the spruce hedgerow and she outlined the property lines that were out of view from the deck.

We then went back to beside the deck and questions were asked about the building of a fence and the 15 foot setback mentioned by Michael. William then arrived back.

William was very agitated to a point that was almost intimidating.

His arrival brought numerous questions including the chain of command at the municipality.

I explained that you were the supervisor of Michael and that council set the terms of reference which you follow and that I give day to day guidance to you if matters are outside your job description.

The next item that I remember was in regard to the meeting with Michael in the previous week.

They said they were blindsided when the neighbors and the MBEYE contractor showed up to the meeting that they thought were exclusively for them.

After that there was an escalating tone in William's voice as he talked about the petition that he was putting together. He also mentioned that his realtor had said his property value would go down by \$25,000 if the panels went up. After that there were pointed allusions to appeals and court actions beyond IRAC.

As an aside there was also serious allegations that Council and myself were incompetent in allowing a planning policy and bylaws that would allow something like this to happen.

I explained how these documents were formulated and move through the public domain.

This email does not a comprehensive or absolutely complete documentation of what was discussed. Frankly William's level of hostility and agitation was very threatening and I think

probably affects my memory of all items brought up. Quite frankly in hindsight I think their questions were choreographed to try and get me to say things that would favour their arguments or that could be used against me or the community in public or legal arguments.

In future on this file there should be no meetings with the McLaines without at least two people from Miltonvale staff or councilors. Further if possible any future meetings should be recorded.

My trust on this file has disappeared.

If I remember anything else in the near term I will send a further email.

Sincerely,

Hal Parker

**Summary – Telephone conversation between Planner Hope Parnham, Michael Olubiyi and Shari MacDonald, July 5, 2020 7:30 p.m. (approx. 25 minutes)**

Hope felt that the municipality should forge ahead with processing the permit and noted there would be no harm in contacting Jonathan Coady for advice, but she could not see any reason to not issue the permit. It could not be refused on any of the grounds raised.

Throw out the argument on property values – panels would increase the property values of the owner and would likely increase property values in the neighbourhood, as when the value of one property rises, it tends to have an upward effect on neighbouring properties.... The neighbours could be directed to ask the staff at the provincial taxation office- but property values rarely decrease.

Regarding the thought about putting out a statement/letter of clarification (as requested by Matt Eye), Planning Board could discuss this. Hope would not recommend putting out a social media post this week, but Council needs to inform the residents after the permit has been issued of the process in place. She suggested waiting until after the Council meeting.

Regarding setbacks – Solar panels only work where the sun can reach them. There are constraints such as topography and trees, so she might be inclined to leave them with no setbacks.

A project such as this one should be a role model for other residents.

If the neighbours don't want to look at the panels, they could put a fence under 4 ft tall right to the property line, with no permit required. A higher fence would require setbacks.

Hope is working on a development bylaw for another municipality now and it includes that a fence can have a zero setback if the lot lines are confirmed by a survey.

Re Garry Muttart's concern about the lack of definitions for public and private utilities in the bylaw, the definition section states that if a term is not defined it is based on common usage. Private utilities are not that common.

If the permit is issued, Hope suggested that the applicable section in the bylaw be referenced on the permit, and that even the section in the Official Plan that refers to alternative energy be referenced.

It is an as-of-right development. Utilities are permitted in any zone. The property owners have the right to develop their lot.

Charlottetown waives height restrictions for solar.

Hope also noted that we must remember it is a pandemic and it affects different people differently.... So we must take this into consideration that some people are more stressed than usual, at home more, and can be bothered by things that might not ordinarily cause an issue.

**Objection to Permit Approval for the placement of 100' solar panel structure at 999 Loyalist Rd. Miltonvale Park.**

**William and Carol-Ann McLaine 985 Loyalist Road Springvale since 1980.**

We are in no way against solar, wind or any other alternative energy source, but we are against the placement of a 100' solar panel structure in our neighbors front yard. These structures are like any other building/structure that are meant to be placed in back yards not front yards. Especially when you own the three acres behind you.

There are numerous solar panel structures located in the surrounding area and we went looking for them. Even when you know where they are, it still takes some looking to find them as they are back off the road or behind a building or other structure.

We feel rules should have been put in place to prevent this type of thing from taking place. We were told it was an oversight on Councils part but should we be the ones to pay for Councils oversight with what will be diminished property value. I know the planner has stated that it may increase the owners property value but we are not the owner and we get to look at the back side of a structure that there is no way of making attractive. This is an industrial like structure. It will definitely negatively affect our property value as well as our enjoyment of our property.

We were told that since this is a new emerging technology they haven't gotten around to drafting a bylaw yet, but it has been around for quite some time. In fact, there is already a significant Solar System Structure, in Miltonvale Park, which they have advised us, they had no knowledge of, or granted a permit for, prior to it's Development. We believe it was installed in the approx. year of 2016.

We have included in this submission a copy of the petition we circulated and copies of the 104 signatures of the overwhelming majority of our Miltonvale Park neighbors who are opposed to the solar panel development on the front yard of this property.

We would like it entered into the minutes of the meeting that we stated in our petition and in this submission our desire for a bylaw to be created to regulate this type of development so there are clear rules & guidelines to prevent a future breakdown that needlessly pits neighbor against neighbor.

We would also like it entered into the minutes of this meeting, that we submitted an email on June 30, 2020 at 10:14 pm., a request for Miltonvale Park, to put, all Development/Building applications received for such a Development, to be put on HOLD until Miltonvale Bylaws are in place & in effect.



**PETITION IN SUPPORT OF OUR OBJECTION TO THE PLACEMENT OF THE "100 FT SOLAR PANEL STRUCTURE" BEING ERECTED AT 999 LOYALIST ROAD—ON THE NEIGHBORING PROPERTY LINE OF WILLIAM & CAROL-ANN MCLAINE—985 Loyalist Rd—July 2, 2020**

As you are all most likely aware, there is a 100 ft. Solar Structure being placed 15 ft from our South Lot Line. This structure was commenced, without a development permit. When we realized this was the case, we met with the new development officer, Michael Olubiyi. We were advised this development does in fact require a permit & our neighbors are in the process of obtaining one. **From what we have heard, this will be approved within 48 hrs.**

Miltonvale Park does not currently have any Bylaws in place for a Solar Panel Structure. They are classifying this as a "Private Utility" under section 4.24 PERMITTED USES IN ALL ZONES. 2. Public and private utilities and utility-related buildings or structures may be located in any zone and no zone standards shall apply. The placement of this in this category, gives us little to appeal on. If this Solar Panel Structure application permit is approved by Miltonvale Park, then they are setting a precedent which will affect us, and possibly each of you, our neighbors.

William & I have voiced our concerns & objections to this erection, as it affects our property to great extent. We have asked the Development Officer to put on hold, any development applications received, until a bylaw is in effect for Solar Panel Structures. We have been advised we do not have that option. The only option is for us to Appeal the decision, if Miltonvale Park approve this permit.

**We are asking for your support in our Objection, as this affects all of us.**

It may help us with an appeal, if necessary, and prevent others from this same, very unfortunate situation. It may be too late for us, but the BYLAW must be changed.

Miltonvale Park have a Planning Board meeting Wed July 8<sup>th</sup> 6:30 pm. Due to Covid 19, you do need to register to attend this meeting by sending an email to:

Shari MacDonald CAO. Email: [admin@miltonvalepark.com](mailto:admin@miltonvalepark.com)

**You can also voice your concerns/objections to this development by emailing:**

Hal Parker (Mayor) Email: [halrmmvp@gmail.com](mailto:halrmmvp@gmail.com)

Michael Olubiyi (Development Officer) Email: [develop@miltonvalepark.com](mailto:develop@miltonvalepark.com)

We would greatly & deeply appreciate, any & all support, any of you can give us. We have resided here for 40+ years &, from our view, from anyone's view, there is a place for alternate energy sources, **but not in front yards**, especially with no bylaws in place for a Structure of this magnitude. Our neighbors do own the approx. 3 acres behind them. If any of you have any questions, we are more than happy to share our experience these past couple of weeks.

**Our kindest of Thanks**

**William & Carol-Ann McLaine//985 Loyalist Rd//(902) 368-8388**

Email: [willndaisy@gmail.com](mailto:willndaisy@gmail.com)

**PETITION IN SUPPORT OF OUR OBJECTION TO THE PLACEMENT OF THE "100 FT SOLAR PANEL STRUCTURE" BEING ERECTED AT 999 LOYALIST ROAD—ON THE NEIGHBORING PROPERTY LINE OF WILLIAM & CAROL-ANN MCCLAIN—985 Loyalist Rd—July 8, 2020**

|      |                            |         |                               |
|------|----------------------------|---------|-------------------------------|
| NAME | <u>Lynnda M. Korte</u>     | ADDRESS | <u>17703 RTE 2</u>            |
| NAME | <u>Carol-Ann McClain</u>   | ADDRESS | <u>985 Loyalist Rd</u>        |
| NAME | <u>Carol-Ann McClain</u>   | ADDRESS | <u>985 Loyalist Rd</u>        |
| NAME | <u>Roger Middleton</u>     | ADDRESS | <u>921 Loyalist Rd</u>        |
| NAME | <u>William Middleton</u>   | ADDRESS | <u>921 Loyalist Rd</u>        |
| NAME | <u>Cathy Crocker</u>       | ADDRESS | <u>1347 Loyalist Rd</u>       |
| NAME | <u>Lowell Crocker</u>      | ADDRESS | <u>1347 Loyalist Rd</u>       |
| NAME | <u>FRANK PROVETZ</u>       | ADDRESS | <u>17833 Highway H2</u>       |
| NAME | <u>Timothy N. Hill</u>     | ADDRESS | <u>17515 Rt. #2, Milton</u>   |
| NAME | <u>Timothy N. Hill</u>     | ADDRESS | <u>17502 RTE 2 Milton</u>     |
| NAME | <u>Joe Thompson</u>        | ADDRESS | <u>17502 RTE 2 Milton</u>     |
| NAME | <u>Don J. Allen</u>        | ADDRESS | <u>18256 RTE 2 Springvale</u> |
| NAME | <u>Chester Dales</u>       | ADDRESS | <u>18164 Rt. 2 Springvale</u> |
| NAME | <u>Blair A. Lewis</u>      | ADDRESS | <u>51 Colwell Rd</u>          |
| NAME | <u>Dorlene Allen</u>       | ADDRESS | <u>18151 Springvale</u>       |
| NAME | <u>Dale Allen</u>          | ADDRESS | <u>18157 Springvale</u>       |
| NAME | <u>McKayla Allen</u>       | ADDRESS | <u>18157 Springvale</u>       |
| NAME | <u>Alan Allen</u>          | ADDRESS | <u>18070 Springvale</u>       |
| NAME | <u>Darlene Allen</u>       | ADDRESS | <u>18070 Springvale</u>       |
| NAME | <u>Chuck Allen</u>         | ADDRESS | <u>18170 Springvale</u>       |
| NAME | <u>Jane Allen</u>          | ADDRESS | <u>18170 Springvale</u>       |
| NAME | <u>SPAWN Alexander</u>     | ADDRESS | <u>"</u>                      |
| NAME | <u>William E. Davidson</u> | ADDRESS | <u>17849 RTE 2</u>            |
| NAME | <u>Robert Davidson</u>     | ADDRESS | <u>17849 RTE 2</u>            |
| NAME | <u>Robert Davidson</u>     | ADDRESS | <u>17464 Rt. 2 Milton</u>     |
| NAME | <u>Robert Davidson</u>     | ADDRESS | <u>17464 Rt. 2 Milton</u>     |
| NAME | <u>Erroll Borgoyne</u>     | ADDRESS | <u>942 Loyalist Rd</u>        |
| NAME | <u>Dorlene Allen</u>       | ADDRESS | <u>942 Loyalist Rd</u>        |
| NAME | <u>Dorlene Allen</u>       | ADDRESS | <u>4010 RTE 2 Rd</u>          |
| NAME | <u>William Allen</u>       | ADDRESS | <u>014 RTE 2 Rd</u>           |
| NAME | <u>William Allen</u>       | ADDRESS | <u>407A-1ST Rd</u>            |
| NAME | <u>William Allen</u>       | ADDRESS | <u>"</u>                      |
| NAME | <u>John Blatch</u>         | ADDRESS | <u>1357 Loyalist Rd</u>       |
| NAME | <u>John Blatch</u>         | ADDRESS | <u>1357 Loyalist Rd</u>       |
| NAME | <u>John Blatch</u>         | ADDRESS | <u>1265 Loyalist Rd</u>       |
| NAME | <u>John Blatch</u>         | ADDRESS | <u>1265 Loyalist Rd</u>       |
| NAME | <u>Margaret Cole</u>       | ADDRESS | <u>2629 Loyalist Rd</u>       |

**PETITION IN SUPPORT OF OUR OBJECTION TO THE PLACEMENT OF THE "100 FT SOLAR PANEL STRUCTURE" BEING ERECTED AT 999 LOYALIST ROAD—ON THE NEIGHBORING PROPERTY LINE OF WILLIAM & CAROL-ANN MCCLAIN—985 Loyalist Rd—July 2, 2020**

|      |                            |         |                              |
|------|----------------------------|---------|------------------------------|
| NAME | <u>London Crabbe</u>       | ADDRESS | <u>763 Crabbe Rd Rte 256</u> |
| NAME | <u>Linda Crabbe</u>        | ADDRESS | <u>763 Crabbe Rd Rte 256</u> |
| NAME | <u>[Signature]</u>         | ADDRESS | <u>820 Crabbe Road</u>       |
| NAME | <u>Marilyn Sentones</u>    | ADDRESS | <u>1087 Loyalist Road</u>    |
| NAME | <u>Jeremy Karghan</u>      | ADDRESS | <u>1085 Loyalist Rd</u>      |
| NAME | <u>Thompson</u>            | ADDRESS | <u>1085 Loyalist Rd</u>      |
| NAME | <u>DANNY FARQUHARSON</u>   | ADDRESS | <u>1084 Loyalist Rd</u>      |
| NAME | <u>BARLENE FARQUHARSON</u> | ADDRESS | <u>1084 Loyalist Rd</u>      |
| NAME | <u>Lorna Karghan</u>       | ADDRESS | <u>1156 Loyalist Rd</u>      |
| NAME | <u>Patrick Ledgwell</u>    | ADDRESS | <u>1183 Loyalist Rd</u>      |
| NAME | <u>Tina Castella</u>       | ADDRESS | <u>1183 Loyalist Rd</u>      |
| NAME | <u>Danna Bernard</u>       | ADDRESS | <u>1297 Loyalist Rd</u>      |
| NAME | <u>Kent Bernard</u>        | ADDRESS | <u>1297 Loyalist Rd</u>      |
| NAME | <u>Mark Bernard</u>        | ADDRESS | <u>1297 Loyalist Rd</u>      |
| NAME | <u>Cherie Thomas</u>       | ADDRESS | <u>234 Loyalist Rd</u>       |
| NAME | <u>Carolyn MacKinnon</u>   | ADDRESS | <u>697 Crabbe Rd</u>         |
| NAME | <u>Margaret Longden</u>    | ADDRESS | <u>690 Crabbe Rd</u>         |
| NAME | <u>Raul C. Carmore</u>     | ADDRESS | <u>658 Crabbe Rd</u>         |
| NAME | <u>Ellen Locke Doreen</u>  | ADDRESS | <u>803 Crabbe Rd</u>         |
| NAME | <u>Randy Doreen</u>        | ADDRESS | <u>803 Crabbe Rd</u>         |
| NAME | <u>William E. Locke</u>    | ADDRESS | <u>803 Crabbe Rd</u>         |
| NAME | <u>Shea Collaghan</u>      | ADDRESS | <u>10 Springvale Lane</u>    |
| NAME | <u>Brodie Smith</u>        | ADDRESS | <u>10 Springvale Lane</u>    |
| NAME | <u>Kailey Robertson</u>    | ADDRESS | <u>22 Springvale Lane</u>    |
| NAME | <u>Jammy Jay</u>           | ADDRESS | <u>963 Loyalist Road</u>     |
| NAME | <u>Chiff Leming</u>        | ADDRESS | <u>1087 Loyalist Rd</u>      |
| NAME | <u>Ed Peters</u>           | ADDRESS | <u>Miltonvale Park</u>       |
| NAME | <u>Maryann Peters</u>      | ADDRESS | <u>[Blank]</u>               |
| NAME | <u>Evan MacDonald</u>      | ADDRESS | <u>416 New Loyalist Rd</u>   |
| NAME | <u>[Blank]</u>             | ADDRESS | <u>1142 Loyalist Rd</u>      |
| NAME | <u>[Blank]</u>             | ADDRESS | <u>1085 Loyalist Rd</u>      |
| NAME | <u>Spencer Jay</u>         | ADDRESS | <u>963 Loyalist Road</u>     |
| NAME | <u>Kristen Jay</u>         | ADDRESS | <u>963 Loyalist Road</u>     |
| NAME | <u>MERLE CHAPPELL</u>      | ADDRESS | <u>18041 Springvale</u>      |
| NAME | <u>Caroline Chappell</u>   | ADDRESS | <u>18041 Springvale</u>      |
| NAME | <u>[Blank]</u>             | ADDRESS | <u>[Blank]</u>               |

| NAME                        | ADDRESS                           |
|-----------------------------|-----------------------------------|
| NAME <i>John Senter</i>     | ADDRESS <i>1119 Loyalist Road</i> |
| NAME <i>James A. Leger</i>  | ADDRESS <i>830 Crabbe Rd</i>      |
| NAME <i>Sharon Shaw</i>     | ADDRESS <i>850 Crabbe Rd</i>      |
| NAME <i>Deborah Hachler</i> | ADDRESS <i>853 Crabbe Rd</i>      |
| NAME <i>Donald Richards</i> | ADDRESS <i>855 Crabbe Rd</i>      |
| NAME <i>Alfred O'Hare</i>   | ADDRESS <i>857 Crabbe Rd</i>      |
| NAME <i>Barbara Hachler</i> | ADDRESS <i>859 Crabbe Rd</i>      |
| NAME <i>Anne Crabbe</i>     | ADDRESS <i>861 Crabbe Rd</i>      |
| NAME <i>Harry Crabbe</i>    | ADDRESS <i>863 Crabbe Rd</i>      |
| NAME <i>Toni Hachler</i>    | ADDRESS <i>865 Crabbe Rd</i>      |
| NAME <i>Frank Hachler</i>   | ADDRESS <i>867 Crabbe Rd</i>      |
| NAME <i>Arden Crabbe</i>    | ADDRESS <i>869 Crabbe Rd</i>      |
| NAME <i>John Crabbe</i>     | ADDRESS <i>871 Crabbe Rd</i>      |
| NAME <i>John Crabbe</i>     | ADDRESS <i>873 Crabbe Rd</i>      |
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| NAME <i>John Crabbe</i>     | ADDRESS <i>877 Crabbe Rd</i>      |
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| NAME <i>John Crabbe</i>     | ADDRESS <i>883 Crabbe Rd</i>      |
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| NAME <i>John Crabbe</i>     | ADDRESS <i>887 Crabbe Rd</i>      |
| NAME <i>John Crabbe</i>     | ADDRESS <i>889 Crabbe Rd</i>      |
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| NAME <i>John Crabbe</i>     | ADDRESS <i>893 Crabbe Rd</i>      |
| NAME <i>John Crabbe</i>     | ADDRESS <i>895 Crabbe Rd</i>      |
| NAME <i>John Crabbe</i>     | ADDRESS <i>897 Crabbe Rd</i>      |
| NAME <i>John Crabbe</i>     | ADDRESS <i>899 Crabbe Rd</i>      |
| NAME <i>John Crabbe</i>     | ADDRESS <i>901 Crabbe Rd</i>      |
| NAME <i>John Crabbe</i>     | ADDRESS <i>903 Crabbe Rd</i>      |
| NAME <i>John Crabbe</i>     | ADDRESS <i>905 Crabbe Rd</i>      |
| NAME <i>John Crabbe</i>     | ADDRESS <i>907 Crabbe Rd</i>      |
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| NAME <i>John Crabbe</i>     | ADDRESS <i>911 Crabbe Rd</i>      |
| NAME <i>John Crabbe</i>     | ADDRESS <i>913 Crabbe Rd</i>      |
| NAME <i>John Crabbe</i>     | ADDRESS <i>915 Crabbe Rd</i>      |
| NAME <i>John Crabbe</i>     | ADDRESS <i>917 Crabbe Rd</i>      |
| NAME <i>John Crabbe</i>     | ADDRESS <i>919 Crabbe Rd</i>      |
| NAME <i>John Crabbe</i>     | ADDRESS <i>921 Crabbe Rd</i>      |
| NAME <i>John Crabbe</i>     | ADDRESS <i>923 Crabbe Rd</i>      |
| NAME <i>John Crabbe</i>     | ADDRESS <i>925 Crabbe Rd</i>      |
| NAME <i>John Crabbe</i>     | ADDRESS <i>927 Crabbe Rd</i>      |
| NAME <i>John Crabbe</i>     | ADDRESS <i>929 Crabbe Rd</i>      |
| NAME <i>John Crabbe</i>     | ADDRESS <i>931 Crabbe Rd</i>      |
| NAME <i>John Crabbe</i>     | ADDRESS <i>933 Crabbe Rd</i>      |
| NAME <i>John Crabbe</i>     | ADDRESS <i>935 Crabbe Rd</i>      |
| NAME <i>John Crabbe</i>     | ADDRESS <i>937 Crabbe Rd</i>      |
| NAME <i>John Crabbe</i>     | ADDRESS <i>939 Crabbe Rd</i>      |
| NAME <i>John Crabbe</i>     | ADDRESS <i>941 Crabbe Rd</i>      |
| NAME <i>John Crabbe</i>     | ADDRESS <i>943 Crabbe Rd</i>      |
| NAME <i>John Crabbe</i>     | ADDRESS <i>945 Crabbe Rd</i>      |
| NAME <i>John Crabbe</i>     | ADDRESS <i>947 Crabbe Rd</i>      |
| NAME <i>John Crabbe</i>     | ADDRESS <i>949 Crabbe Rd</i>      |
| NAME <i>John Crabbe</i>     | ADDRESS <i>951 Crabbe Rd</i>      |
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| NAME <i>John Crabbe</i>     | ADDRESS <i>961 Crabbe Rd</i>      |
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| NAME <i>John Crabbe</i>     | ADDRESS <i>967 Crabbe Rd</i>      |
| NAME <i>John Crabbe</i>     | ADDRESS <i>969 Crabbe Rd</i>      |
| NAME <i>John Crabbe</i>     | ADDRESS <i>971 Crabbe Rd</i>      |
| NAME <i>John Crabbe</i>     | ADDRESS <i>973 Crabbe Rd</i>      |
| NAME <i>John Crabbe</i>     | ADDRESS <i>975 Crabbe Rd</i>      |
| NAME <i>John Crabbe</i>     | ADDRESS <i>977 Crabbe Rd</i>      |
| NAME <i>John Crabbe</i>     | ADDRESS <i>979 Crabbe Rd</i>      |
| NAME <i>John Crabbe</i>     | ADDRESS <i>981 Crabbe Rd</i>      |
| NAME <i>John Crabbe</i>     | ADDRESS <i>983 Crabbe Rd</i>      |
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| NAME <i>John Crabbe</i>     | ADDRESS <i>989 Crabbe Rd</i>      |
| NAME <i>John Crabbe</i>     | ADDRESS <i>991 Crabbe Rd</i>      |
| NAME <i>John Crabbe</i>     | ADDRESS <i>993 Crabbe Rd</i>      |
| NAME <i>John Crabbe</i>     | ADDRESS <i>995 Crabbe Rd</i>      |
| NAME <i>John Crabbe</i>     | ADDRESS <i>997 Crabbe Rd</i>      |
| NAME <i>John Crabbe</i>     | ADDRESS <i>999 Crabbe Rd</i>      |

[illegible]

**Rural Municipality of Miltonvale Park  
Planning Board Minutes -DRAFT – July 8, 2020**

**Present:** Mayor and Planning Board Chair Hal Parker, Councillors Lindsey Rhynes and Paul Poole, Planning Board Members Sheila Curtis, Betty Pryor and Steve Dickieson; Development Officer Michael Olubiyi and CAO Shari MacDonald, Residents Arthur and Heather Neill, William and Carol-Ann McLaine, Colleen and Garry Muttart, and Gail Ling and through Zoom Pauline Smith, Zach Stephens

1. **Call to Order** -Mayor Parker called the meeting to order at 6:32 p.m. and welcomed those in attendance.
2. **Minutes** – Moved by Steve Dickieson, seconded by Sheila Curtis that **the minutes of June 10, 2020, be approved as circulated.** Motion carried, 5-0.  
The minutes of the Public Meeting on July 6, 2020 were circulated for information and will be approved at the Council meeting on July 15, 2020.
3. **Agenda** – Moved by Paul Poole and seconded by Sheila Curtis that the **agenda be approved as circulated.** Motion carried, 5-0.

**4. Permits-Approvals Issued Since Last Planning Board Meeting**

**Permit No. 2020-13** was issued on 15-06-2020 at 7 Miller Drive, Milton Station, on Parcel 598425 to erect a 160 square-foot Storage Shed.

**Permit No. 2020-14** was issued on 17-06-2020 at 894 Rustico Road, North Milton on Parcel 1026756 to erect a 1440 square-foot Animal Shelter

**Permit No. 2020-15** was issued on 17-06-2020 at 47 Rustico Rd, Rte-7, Milton Station on Parcel 984799 to operate a commercial use (Equipment Storage) in the \*dwelling. **\*CORRECTION** - commercial use in residential property, equipment storage in an accessory building, was clarified after the meeting.

**Permit No. 2020-16** was issued on 17-06-2020 at 2607 North York River Rd, Milton Station. at Parcel 810929 to operate a commercial use (Home Office/Occupation) in the dwelling.

**Permit No. 2020-17** was issued on 19-06-2020 at 16882 Rte-2, Milton Station at Parcel 504647 to construct a 4800 square-foot barn.

**Permit No. 2020-18** was issued on 29-06-2020 at 19 Heather Drive, Milton Station at Parcel 487405 to erect 54.50-square foot addition to a kitchen.

**Permit No. 2020-19** was issued on 29-06-2020 at 79 Dawn Drive, Milton Station at Parcel 444232 to erect a 100-square foot mini Barn.

**Permit No. 2020-20** was issued on 30-06-2020 at 17290, Malpeque Rd, Milton Station at Parcel 283564 to erect a 36-square foot shed.

**Permit No. 2020-21** was issued on 30-06-2020 at 677 Rustico Rd - Rte 7 North Milton at Parcel 806943 to erect a 100-square foot shed.

2. **Application No. MP-1065 - Parcel No. 700443** - The Applicant applied for a Bylaw amendment to operate outdoor storage (a holding lot for shipping vehicles to the US) in a residential property located in the A1 zone. Council approved the recommendation of the Planning Board to proceed to the public meeting, which was held on Monday, July 6, 2020. In accordance with Section 3.15.5, comments were also solicited from residents and landowners within 500 ft of the property regarding the request to permit an export car lot on the property.

Comments were received from Javier Salabarria- 934 Rustico Road, Fred Smith and Jennifer Gallant- 1049 Rustico Road, Kate Larson- 953 Rustico Rd, ADI Dairy Inc- Adrian and Kaylin Kuratli- North Milton, Jane Compton- 1066 Rustico Road.

Two respondents had no objections to the proposal. Three expressed objections including 1. concerns about storage of large numbers of vehicles (environmental threat with potential leakage of toxic materials and risk of fire), frequent traffic of transport trucks/flatbed trucks that would be in the area for both arrival/departure of numerous vehicles for export, and that it would be in a residential/agricultural zone area, rather than in a commercial zone, 2. It is definitely not something the resident with a young family would want across the street, in a beautiful rural location, and 3. Although not wanting to limit Islanders, in their pursuit of business, the residents did not feel a commercial car lot fits with the community. They believe it would devalue and deface our small community, and they want to see a reserved, quiet area; houses nestled in farmland and wooded land.

Letters were also received from neighbours Rita Jackson and James Rodd at 871 Rustico Road, outside the 500 ft zone, who were supportive of the proposal for an export car lot. There was also considerable support voiced at the public meeting on July 6, 2020, where it was noted the export car lot would not have more than ten cars at a time and vehicles would not be loaded at the property.

The Bylaw clause that was under consideration was Section 4.7.1(v), which stated:

4.7.1. A *commercial use* may operate in a *dwelling* or in an *accessory building* to a *dwelling* on a *residential lot* provided:

...

v. No *outdoor storage* of materials or outdoor product *display* is used in conjunction with the *commercial use*, and where the commercial use involves services for vehicles, no more than three vehicles, in addition to those registered to the property owner may be parked or stored on the *lot* at any time, additional vehicles may be parked or stored on the *lot* within a wholly enclosed *building*.

The following clause had been widely circulated in the community as a proposed addition:

*"4.7.4. After following the process in Section 3.15.5 of this Bylaw, Council may approve a commercial use and waive the regulations of Section 4.7.1(v) in the Agricultural (A1) Zone, if the proposed outdoor storage is not considered to be an obnoxious use, and it will be located in the rear yard and screened from view by means of a landscape buffer of adequate size or architectural screening such as a wall, fence or other appropriate structure."*

\*Note the definition for obnoxious use includes noise, smells, unsightly storage, dust etc.

Planner Hope Parnham, after reviewing the minutes from the July 6, 2020 public meeting and the responses from the neighbours suggested the following:

1. With regards to the application for a commercial use (export car lot): *"...As such, I see no reason to deny the application for the export car lot as proposed, and I would recommend that if the application is approved by Council, that the resolution specify that an 'export car lot' is a commercial storage lot only, and does not include such uses as described under the definitions of Automobile Shop or Automobile service station."*
2. With regards to the Bylaw amendment proposed: *"...this decision has potential to impact other proposed businesses, and their neighbouring properties throughout the municipality and must be considered under that context. I appreciate that discussion at the public meeting also gave consideration to other issues with the regulations relating to the proposed business, more specifically the permitted sign size. After further consideration of the comments received and the public meeting minutes, I would propose a change to the proposed amendment as follows:*

*REVISED PROPOSED Addition:*

*"4.7.4. After following the process in Section 4.7.3, Council may approve exemptions to the regulations of Section 4.7.1(iii), (v), (vi) or (vii) in the Agricultural (A1) Zone, if the proposed use is not considered to be an obnoxious use and where proposed outdoor storage or outdoor product display will be screened from view by means of a landscape buffer of adequate size or architectural screening such as a wall, fence or other appropriate structure."*

This proposal would allow the following clauses to be waived, with Council's permission, after neighbouring property owners were consulted.

iii. Not more than twenty five percent (25%) of the *floor area* of the dwelling is used for the *commercial use*;

v. No *outdoor storage* of materials or outdoor product *display* is used in conjunction with the *commercial use*, and where the commercial use involves services for vehicles, no more than three vehicles, in addition to those registered to the property owner may be parked or stored on the *lot* at any time, additional vehicles may be parked or stored on the *lot* within a wholly enclosed *building*.

vi. A maximum of two (2) commercial vehicles may be parked or stored on the *lot*, and additional vehicles may be parked or stored on the *lot* within a wholly enclosed *building*.

vii. *Premise signs* shall be restricted to a maximum of 0.56 m<sup>2</sup> (6 ft<sup>2</sup>);

The process to waive these provisions would be

4.7.3. Notwithstanding the above provisions, but after having followed the process in Section 3.15.5 of this bylaw, *Council* may approve an alternative commercial use provided *Council* is satisfied the commercial use will be compatible with adjacent land uses, and that no permanent injury will be caused to the existing and permitted uses of adjoining properties.

Moved by Paul Poole, seconded by Lindsey Rhynes that, **following the recommendation from the Development Officer, Planning Board recommend to Council that the Development Bylaw be amended by the addition of Clause 4.7.4.**

*"4.7.4. After following the process in Section 4.7.3, Council may approve exemptions to the regulations of Section 4.7.1(iii), (v), (vi) or (vii) in the Agricultural (A1) Zone, if the proposed use is not considered to be an obnoxious use and where proposed outdoor storage or outdoor product display will be screened from view by means of a landscape buffer of adequate size or architectural screening such as a wall, fence or other appropriate structure."*

Motion carried, 5-0.

Moved by Sheila Curtis, seconded by Steve Dickieson that Planning Board also recommend Council amend the Development Bylaw to correct the typographical error in Section 3:16 (3) which states "Prior to amending this bylaw, Council shall provide public notice and hold a public meeting pursuant to the provisions of Section 3.12 in this bylaw." 'Section 3.12' should be replaced by 'Section 3.17'. Motion carried, 5-0.

Moved by Steve Dickieson, seconded by Paul Poole, that Planning Board Recommend that Council, under the authority of Section 4.7.3 of the Development Bylaw, approve the following use for parcel 700443: 'export car lot' that is a commercial storage lot only, and does not include such uses as described under the definitions of Automobile Shop or Automobile service station." Motion carried, 5-0.



5. **MPB-01 – Parcel No. 283242 Rezoning** - The owners of Parcel No. 283242 applied to rezone the parcel from Agricultural (A1) to General Commercial (C1). The Council approved the Planning Board recommendation to proceed to a public meeting for rezoning, which had been scheduled for March 30, 2020. The Development Officer will reach out to determine if July 27 or July 28 would be convenient for the landowners.
6. **Parcel No. 109781 – Placement of a Storage Container without a Permit -Parcel No. 109781-** The owners operate a commercial business of detailing and polishing of aluminum, stainless, cars and trucks on the parcel, without a permit. The parcel was subdivided in 2018, for "single detached dwelling/agriculture." Registered mail was received by the owners on January 3, 2020 advising them a permit is required. The owners' initial concern has been resolved. The Development Officer will follow up to ensure they apply for a development permit.
7. **Application No. MPS-296 – Parcels No. 283739 & 699919** -The Applicant wishes to subdivide two parcels into 52 lots (35 single-detached and 17 semi-detached dwellings). The Applicant has allocated approximately 15% of the land for open space. The Department of Environment, Water & Climate Change will identify the environment buffer, and the 15% open space requirement would not be included within the buffer zone.

In order for the Department of Environment, Water and Climate Change to issue the Certificate of Approval, they are requesting a letter from both the City of Charlottetown and Municipality of Miltonvale Park that the project has been granted preliminary approval. The City of Charlottetown has granted permission for the development to be serviced by the Charlottetown Water and Sewer Corporation. The Department of Transportation, Infrastructure and Energy requested an adjustment to the Engineering Drawings. The Applicants expects to have them by July 8, 2020.

The bylaw allows only 20 lots to be subdivided in any one phase of subdivision (Section 14.13.9). The Engineer has agreed to send the phased construction plans with all the necessary temporary provisions to be provided between each phase (e.g. a temporary cul-de-sac if the road will end in a dead end at the end of phase 1). The preliminary approval would be issued after receiving comments from the Planner, and it will include a list of all the conditions that must be satisfied to receive final approval.

8. **Application No. MP-1099- Parcel No. 658559- Private Utility/Solar Panel Application** - On June 17, 2020, a solar panel installer asked if an installation in the municipality needed a permit. The Development Officer initially said no, but recommended that the installer maintain the minimum setback applicable to the A1 Zone (15 ft. minimum side yard setback and 50 ft. minimum for a front/rear/flank yard setback), and also suggested he check with the provincial guidelines. The Rural Municipality of Miltonvale Park municipality has never processed or issued a permit for solar panels.

On June 25 and June 29, 2020, an adjacent neighbour expressed concern about the project, with respect to shade, view scape and property values, and the planner was consulted for direction, and clarified that the development met the definition of a structure and should be considered a private utility.

The application is being processed. Considerations include the following, and were circulated at the meeting:

1. Solar panels are included in the current Bylaw, which explicitly states they are excluded from height restrictions. Alternate energy systems are encouraged in the official plan (Section 9.3 Official Plan). The Official Plan is a higher-level document than the regulatory bylaws. If there are concerns with the bylaws, the Official Plan can provide direction.

2. Ground-mounted solar panels fit the definition of a structure. The Bylaw defines structure:

*"Structure means any construction including a building fixed to, supported by or sunk into land or water, but excludes concrete and asphalt paving or similar surfacing and fencing and includes a swimming pool."* Hence, the need to submit a development application.

3. Solar panels are considered a private utility in this case (rather than a public utility) and are permitted in any zone, and no zone requirements (such as setbacks) apply. According to Section 4.24.2 of the development bylaw, *"Public and private utilities and utility-related buildings or structures may be located in any zone, and no zone standards shall apply."*

4. Applications that meet the requirements of the bylaws are issued a permit. The Bylaws are developed through a rigorous process that involves public input (Two public meetings in the 2019 version, a professional planner, planning board review, reading, approval and adoption at two separate Council meetings before being approved by the provincial Minister). Municipal requirements must at least be as stringent at Provincial requirements. Issuing permits is an objective, not subjective process. If all requirements are met, a permit is issued.

5. Landowners have the legal right to develop their properties within the confines of the bylaws.

6. Applications are reviewed by staff and often require consulting and obtaining comments from appropriate Provincial Departments/staff, such as Transportation or the Fire Marshal. Etc.

7. There are two formal "appeal" processes, asking a Council for reconsideration and an appeal to IRAC (Section 3.18 of the Development Bylaw).

Although Carol-Ann and William McLaine had made request to speak and make a presentation at the meeting, it was received on the afternoon of the meeting, rather than seven days prior, as required in the Procedural Bylaw. The Mayor received agreement from Planning Board members to permit them to speak for several minutes.

Mr. McLaine noted that he believed the setback was wrong, and that he does not want to see the back of solar panels from his deck. He believes there are no rules or regulations. Mrs. McLaine is concerned the application could be approved. She feels the neighbours could have located the structure elsewhere and was concerned a precedent would be set. The McLaines had gathered 104 names on a petition regarding solar panels. Mr. Muttart also express concern about the appearance of the solar panels from the deck of the McLaine property. He noted solar is the way of the future, and that he felt neighbours should have a say in development and that neighbours should be treated with respect.

It was noted that the definition of detrimental impact within both the municipal bylaws and the Provincial Regulations does not include consideration of real property values or viewscales with respect to new subdivisions, buildings or developments.

The municipality will continue to process the application, with advice from the planner, Province and lawyers.

9. **Other Applications, Inquiries, etc.**

- **Parcel No. 281659.** No application has been received regarding correcting a parcel that was subdivided without approval decades previously. The owners are currently discussing the issues with their lawyer and will contact the Development Officer.
- **Parcel No. 281089** – There is no change in the status of the application to rebuild a fire-damaged dwelling, which was reported in March as possibly being a triplex. The Development Officer has requested the building plans and other information to process the application.
- **Parcel No. 843292**– In December 2019, the Development Officer was made aware of a garage being constructed on the parcel on the New Glasgow Road, North Milton. The owner must submit required information for the application to be processed; however, he has stopped construction work.
- **Parcel No. 448910**- The owner on October 7, 2019, applied to erect a 1500-square foot single detached dwelling on Parcel No. 448910 located on Heather Drive, Milton Station. Charlottetown Water and Sewer Utility confirmed that the parcel is serviced, and that the owner needs to make an application to them and to request a meter after the completion of the plumbing work. A permit will be issued when applicant submits the connection approval.
- **Parcel No. 281881**- The owner filed an application to put a mini home on his property. The application will be processed further once the pending information is submitted.
- On June 29, 2020, a resident on Heather Drive expressed concerned about the adjacent neighbour who is gathering supplies to build a home, which she believes has made it difficult for her to sell her home because of the mess. Legal action was threatened unless an 8-foot fence was installed within 7 days. They have not contacted the Council since then.
- It recently came to the attention of Council that a solar field and fence were installed at Charlottetown's wellfield property with an application or permit. Staff will follow up with the City regarding this installation.

9. **Closed Meeting Session**

Moved by Paul Poole, seconded by Steve Dickieson that **according to the Municipal Government Act, Clauses 119 1. (e) a matter still under consideration, on which the council has not yet publicly announced a decision, and about which discussion in public would likely prejudice a municipality's ability to carry out its negotiations; and (f) the conduct of existing or anticipated legal proceedings, that Planning Board moved to a closed meeting.** Motion carried, 5-0.

At 7:11 the guests left the meeting.

Moved by Paul Poole, seconded by Steve Dickieson **that the meeting return to an open meeting.** Motion carried, 5-0 at 8:05 p.m.

Moved by Paul Poole, seconded by Betty Pryor that **the Development Officer continue to process application MP-1099, following legal advice.** Motion carried, 5-0.

Moved by Betty Pryor, seconded by Sheila Curtis **that Planning Board recommend to Council that application for the bylaw amendment clause 4.7.4. be amended to restrict outdoor storage to the rear yard.** Motion carried, 5-0.

10. **Adjournment**

Moved by Paul Poole that **the meeting be adjourned**, and Mayor Parker declared it so at 8:10 p.m.

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Planning Board Chair

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CAO

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Date Approved

**Rural Municipality of Miltonvale Park Council  
MINUTES**

**Milton Community Hall**

**7:30 p.m., Wednesday, July 15, 2020**

**Present:** Mayor Hal Parker, Councillors Tamsyn Cosh-MacKenzie, Lindsey Rhynes, Paul Poole, Phil Hooper, Spencer MacDonald, and Andrew Frizzell; CAO Shari MacDonald and residents Arthur and Heather Neill

1. **CALL TO ORDER** – Mayor Parker called the meeting to order at 7:30 p.m.
2. **DECLARATION OF CONFLICT OF INTEREST** – There were no conflict of interest items declared.
3. **APPROVAL OF AGENDA**

Motion 2020:57 - Moved by Councillor Lindsey Rhynes, seconded by Councillor Spencer MacDonald that **the agenda be approved as circulated**. Motion carried, 6-0.

4. **PUBLIC PRESENTATIONS/PETITIONS/DELEGATIONS** -There were no presentations scheduled.

5. **ADOPTION OF MINUTES**

Motion 2020:58 - Moved by Councillor Tamsyn Cosh-MacKenzie, seconded by Councillor Paul Poole that **the minutes of June 17, 2020 be approved, with the correction of two minor typos**. Motion carried, 6-0.

Motion 2020:59 - Moved by Councillor Spencer MacDonald, seconded by Councillor Philip Hooper that **the minutes of the Public Meeting of July 6, 2020 be approved, as circulated**. Motion carried, 6-0.

6. **BUSINESS ARISING FROM THE MINUTES**

- i. **Capital Investment Plan. \$203,566** – The contract received from the Province is for three projects, including 54.2.1 Miltonvale Park EV Charging Stations (\$4,000). An update was received from Maritime Electric with revised timelines. They are now expecting an order from IRAC in September 2020, and hope to sign the contribution agreement with NRCan. In Oct - Nov 2020 legal agreements will be signed with communities and landowners. The designs for installations will be finalized by December. RFPs for the supply of equipment and installation of equipment will be issued in January, with contracts awarded in February 2021. Construction, installation and commissioning equipment will occur in spring and summer 2021, and the project must be completed by December 31, 2021.

Project 54.2.3 Miltonvale Community Park Revitalization \$24,000 is underway. The Pickleball players have approximately \$1000 to donate to the municipality and suggested that a small storage barn be located near the tennis court for storage. It was also suggested that GPS coordinates

for the park need to be refined. Picnic tables were discussed, and it was suggested that Campbells Concrete may be able to provide suitable picnic tables. Project 54.2.4 Miltonvale Park Broadband Completion (\$168,566) has had the previously uncommitted approximately \$7,000 rolled into it, but these funds are expected to be recommitted. It is expected the entire community will have access to highspeed by December 2020 through the Province.

ii. **Crabbe Road Transportation Concerns** -There has been no response from the Province, regarding municipal concerns regarding speed and gravel trucks on the Crabbe Road. The Province intends to replace the bridge on Rte 2 near the Crabbe Road, and intends to put a temporary bridge on Old Route 2 to use as a detour.

iii. **Speed concerns** – Councillor MacDonald spoke to a representative from the RCMP and they intend to increase patrols along Rte 2. It was noted that there is a Nova Scotian company that could provide a solar 11" speed sign with a battery back up, which changes to red if traffic is speeding. The cost for a 12" unit was \$3396 + taxes.

iv. **Procedural Bylaw Amendment to enable Electronic Meetings**

#### SCHEDULE A

To be added to the Miltonvale Park Procedural Bylaw 2018-08 following section 9.6, (page 4). Closed meetings and before 10. Electronic Participation in Meetings.

#### **10A. A Meeting by Electronic Means**

- 10A.1. Pursuant to section 122 of the Act, Council hereby authorises meetings to be conducted by electronic means, in accordance with the Act, the regulations, and the provisions of this bylaw.
- 10A.2 Council shall hold a meeting by electronic means upon passage of a resolution to that effect, where the majority of Council members are unable to meet in person.
- 10A. 3. Pursuant to subsection 122(2) of the Act and subject to section 10.5 of this bylaw, a Council committee may hold a meeting by electronic means upon passage of a resolution by the committee to that effect.
- 10A.4. A meeting shall only be conducted by electronic means if the electronic means by which the meeting is conducted enables, at a minimum:
6. the Council or Council committee members participating in the meeting to hear and speak to each other; and
  7. where the meeting is open to the public, the public to see and hear the meeting's participants at a place specified in the notice of the meeting.
- 10A. 5. The CAO shall ensure that at least 24 hours' notice of an electronic meeting is given to all Council members or committee members and to the public of a meeting, advising:
1. that the meeting will be conducted by electronic means; and
  2. where the meeting is open to the public, of the location of the facilities where the public can see and hear the meeting.

3. The CAO shall ensure that a municipal employee is present at the location specified in the notice to facilitate the viewing of the meeting and to ensure that the public can see and hear the meeting.

Bylaw Amendment Motions:

Resolution #3 -SECOND READING Date: July 15, 2020

Motion 2020:60 -Moved by Councillor Paul Poole, seconded by Councillor Spencer MacDonald,

**Whereas there may arise reasons such as a pandemic or state of emergency, whereby it may be necessary to meet electronically,**

**And whereas the “Bylaw Amendment # 2018-08-01, a bylaw to amend the Miltonvale Park Procedural Bylaw -2018-08 was read and formally approved a first time at the Council meeting held on June 17, 2020;**

**Be it resolved that the “Bylaw Amendment # 2018-08-01”, a bylaw to amend the Miltonvale Park Procedural Bylaw -2018-08 be hereby read a second time.**

Schedule A is attached. Motion carried, 6-0.

Resolution #4 – APPROVAL OF SECOND READING Date: July 15, 2020

Motion 2020:61- Moved by Councillor Tamsyn Cosh-MacKenzie, seconded by Councillor Phil Hooper,

**Whereas there may arise reasons such as a pandemic or state of emergency, whereby it may be necessary to meet electronically,**

**And whereas the Bylaw Amendment # 2018-08-01, a bylaw to amend the Miltonvale Park Procedural Bylaw -2018-08”, was read and formally approved a first time at the Council meeting held on June 17, 2020**

**and whereas the “Bylaw Amendment # 2018-08-01”, a bylaw to amend the Miltonvale Park Procedural Bylaw -2018-08, was read a second time at this Council meeting;**

**Be it resolved that the Bylaw Amendment # 2018-08-01, a bylaw to amend the Miltonvale Park Procedural Bylaw -2018-08”, be hereby approved. Motion carried, 6-0.**

Bylaw Amendment Resolution #5 – ADOPTION OF BYLAW AMENDMENT Date: July 15, 2020

Motion 2020:62-Moved by Councillor Lindsey Rhynes, seconded by Councillor Paul Poole,

**Whereas there may arise reasons such as a pandemic or state of emergency, whereby it may be necessary to meet electronically,**

**and whereas the “Bylaw Amendment # 2018-08-01”, bylaw to amend the Miltonvale Park Procedural Bylaw -2018-08, was read and approved at two separate meetings of Council held on different days;**

**Be it resolved that the “Bylaw Amendment # 2018-08-01”, a bylaw to amend the Miltonvale Park Procedural Bylaw -2018-08, be hereby formally adopted. Motion carried, 6-0.**

v. **Letter to Province re Wellfield** -The municipality has not yet had time to send a letter regarding the wellfield to the Province. It was believed that that statistics for water pumping were to have been accessible online.

vi. **Cloth masks** -The supplies are on site and production of masks for residents started this week.

vii. **Enabling Accessibility Fund (EAF)** -The hall agreed to have the Council submit an application for an addition including an elevator, which was done on July 11, 2020. The architect estimated the new building area for these three levels at about 1000 sq. ft. and considering the demolition/ renovation work and the elevator, suggested a building budget of approximately \$300,000 + contingency (10%) + HST. A budget of 10% of this should cover structural, mechanical and electrical engineering consultant fees, which would include administration and site reviews. A local contractor estimated \$96,800 for addition with new washroom, and basement, and relocation stairs, + \$115,000 for elevator = \$211,800 + HST.

## 7. READING OF CORRESPONDENCE

i **Say No to 5G** -An umbrella group promoting fiber optics connected directly to each premise sent information about the implications of 5G for local governments, including links to Getting it Wrong in Getting it Right, Creating a Proactive Antenna Siting Protocol and Small Cell Licensing Agreement, and Connected Communities ~ Wired fiber for Sustainable Last-Mile Solutions. Their website is <https://saynoto5g.ca>.

ii **Federation of Canadian Municipalities (FCM)** – The FCM shared an opinion piece emphasizing the rural role in Canada's recovery from COVID-19 in *The Western Producer* outlining the case for emergency funding to protect frontline services. They also reminded elected officials to apply for the free *Climate leadership course for elected officials*, which starts in September 2020 and combines online learning (three hours per month) and hopefully an in-person summit.

iii. The **Prince Edward Island Federation of Labour** launched a petition on June 17 demanding that federal and provincial governments support municipalities through the current COVID-19 crisis and asked that it be signed and forwarded to the other levels of government.

iv. The **Workers Compensation Board** is promoting the Safe Youth Award contest, which has \$500 prizes for each age category, 15-19, and 20-24. Young workers may apply for the award or be nominated by August 15, 2020. <http://www.wcb.pe.ca/Workplace/Programs>

## 8. REPORTS FROM STANDING AND AD HOC COMMITTEES



i. **Environment and Community Living**

a. **Watershed Update** – Councillor Cosh-MacKenzie reported there was a Cornwall and Area Watershed (CAWG) meeting on July 8, 2020. There are eleven summer staff. They are working on salmon habitat restoration at Milton Bridge. This is a federally funded five year project that will see large rock deflectors installed in a V shape to direct water around certain areas and to clean silt. They have found a dam that someone constructed to create a swimming hole near the Colville Road. CAWG is focusing on celebration environmental champions in the community. CAWG intends to move ahead with Rain Barrel sales; Rainbarrel.ca

b. **Projects**

i. **NHS -2020-2021-** “Year in France” events -Six French classes will be held on Monday afternoons, and began on July 13 at 1:30. There is a Tour de France Bike ride scheduled for Saturday morning, July 18 (rain date, July 25). Community Engagement Coordinator Charlotte Arsenault is still trying to arrange a bike maintenance session.

There has been no notification yet about the New Horizons for Seniors Funding for projects to support seniors during COVID 19. Miltonvale Park’s project included the following: to supply seniors with PPE, emergency supplies when needed, as well as information sessions on disease prevention, use of PPE and computer literacy, provision of food boxes and meal deliveries, and transportation to important appointments. Tablets would also be provided for “unconnected” seniors, and a video camera, tripod and sound equipment would be purchased to produce online events and info sessions, including exercise, cooking, and crafting classes, musical entertainment, and municipal and public meetings.

ii **PEI Senior Secretariat Funding** – There has not been notification regarding the application for \$2725 for six painting classes, three preserving/cooking classes, and three Lunch & Learns for seniors.

c. **Park**

i. **Cricket** – Mathesons Construction was notified that they had the successful proposal regarding the cricket pitch. The work has yet to be scheduled. Although the cricket players used the field last year, they have not been there this year, as they preferred to wait until the pitch is finished.

ii. **Community Garden-** All garden is planted, and the weeds are unfortunately doing very well.

iii. **Ballfield** – Charlottetown Baseball is using the field for practices only this summer. Appreciation is extended to all the summer staff and mayor who weeded the field one very hot morning.

d. **Summer Students** – Kathryn Gallant was hired to replace the original Office Assistant. It is likely the term for the park students will be extended longer than the original eight-week term. All the students have been working out well.

e. **Little Free Library** -The library has not yet been installed at the park.

**f. ParticipACTION**– The “Move More than the Mayor” contest will take place from July 10-31. There have been 16 people entered, including several from outside Miltonvale Park.

**g. Canada Day** – The municipality paid the Milton Community Hall \$650 to provide 800 cupcakes. About 20-30 of the 200 packages were left over, as well as some additional cupcakes that were not packaged. Some were delivered to senior residents, while others were donated to the food bank or frozen for coffee club. The final report needs to be submitted to the funders. The **Show your Canadian Pride** Photo contest had 18 entries, and everyone was awarded a prize from a local business. Reviews of the revised activities were favourable.

**h. Park Project** - Spruce Grove has been notified that they were awarded the project for trees. They had thought they could plant the trees in early August. There was a request to paint pickleball lines on basketball court. Council could also consider painting basketball lines. Development Officer Michael Olubiyi was appreciative of the thought to plant a tree in memory of his mother.

**i. Activities** – Yoga at the Park, with Paula Smith is Wednesdays at 11 a.m., and Chair(ish) Yoga with Leone Curtis is Mondays at 9 a.m. at the Milton Community Hall. Both are receiving financial support from Central Region Sport and Recreation Council. The Council organized a Tax Talk on July 9, with only one person attending. Donnie MacDonald is willing to do another help session if five people were registered. A Tick Talk that was planned for July 16, was recently cancelled by the presenter. Science Day at the park had six children and was successful. Three more special park days scheduled.

**j. Park cleaning/maintenance** -Staff are still pricing picnic tables, and several examples and price ranges were circulated. Four or five tables need replacing or repair, and four belt swings and soccer goal tie downs should be ordered. A new fire extinguisher and the naloxone kits were purchased. The tennis net, and two larger swings were installed. A mailing address was not obtained for the pickleball player who hurt his arm, yet. Release forms will be used for events. The security camera for front parking lot has a wasp nest being built on it.

**k. APM Center** – Sheila Curtis attended a Communities 13, Inc. board meeting on July 13 regarding a proposal for a replacement location for the Town of Cornwall’s skateboard park (beside Town Hall on rink side). She also forwarded updated financial statements.

**ii Emergency Measures –**

a. **Dorian** – The CAO still needs to submit the claim for expenses after Post Tropical Storm Dorian.

b. **Emergency Plan** – There has been no progress made on the Emergency Plan.

c. **COVID -19** -Staff and volunteers are ready to start sewing masks for residents.

d. **Park** – The CAO completed the Stage 4 Operational Plan for the park for multiple gatherings and submitted it to Environmental Health for review.

- e. **Development** –The Public Meeting on July 6, 2020 had 21 people present in person, with four online. The hall could have held about 27. A resident did express how pleased she was to be able to attend through Zoom.
- f. **First Aid** – The Red Cross Emergency First Aid course for summer students and community members was held on July 8, with eight people attending.

iii. **Personnel Committee** -There was no report.

iii **Finance/Payment of Accounts**

- a. **Remittance** –The remittance was paid for June 2020.
- b. **Reports and Payment of Accounts** – Due to the time that was required for other activities, the June financial statements were not ready for circulation and will be reviewed at the August meeting. Of note, Gas Tax funding of \$32,930 was received in late June, and the fees for the MacRae subdivision were paid in July.
- c. **Audit**- MRSB has scheduled the audit for July 29-30, 2020.
- d. **Capital Expenses** – The EMO Communications system was approved in the 2020-21 budget; however, the CAO still needs to investigate specifications and develop a Request for Proposals.

9. **REPORT FROM CAO**

In the past month, the CAO hired the new student office administrator; completed student funding paperwork, and organized payroll for the students. The students were oriented, and all are working out well. The CAO revised the operational and gathering plans for park, and circulated EMO reports to Councillors. Information and prices were gathered from architects and a contractor for the possible elevator project and an application was submitted to the Enabling Accessibility Fund. The June newsletter was produced. The CAO also helped find people to cut grass at several sites in community. Planning issues required a significant amount of time. The CAO also virtually attended two interesting presentations: Michael Olubiyi's university course presentation on the Circle Economy and a provincial government presentation on their Sustainable Communities Initiative.

<https://www.princeedwardisland.ca/en/information/transportation-infrastructure-and-energy/sustainable-communities-initiative> Significant overtime hours were worked in the past 5-6 weeks.

Upcoming activities include working on the park's Capital Improvement project and the EMO communications project, submitting the Dorian claim, and getting the mask project underway.

10. **RECOMMENDATIONS FROM THE PLANNING BOARD**

a. **Permits-Approvals Issued**

Permit No. **2020-13** was issued on 15-06-2020 at 7 Miller Drive, Milton Station, on Parcel 598425 to erect a 160 square-foot Storage Shed.

Permit No. **2020-14** was issued on 17-06-2020 at 894 Rustico Road, North Milton on Parcel 1026756 to erect a 1440 square-foot Animal Shelter

Permit No. **2020-15** was issued on 17-06-2020 at 47 Rustico Rd, Rte-7, Milton Station on Parcel 984799 to operate commercial use in residential property, equipment storage in an accessory building,

Permit No. **2020-16** was issued on 17-06-2020 at 2607 North York River Rd, Milton Station at Parcel 810929 to operate a commercial use (Home Office/Occupation) in the dwelling.

Permit No. **2020-17** was issued on 19-06-2020 at 16882 Rte-2, Milton Station at Parcel 504647 to construct a 4800 square-foot barn.

Permit No. **2020-18** was issued on 29-06-2020 at 19 Heather Drive, Milton Station at Parcel 487405 to erect 54.50-square foot addition to a kitchen.

Permit No. **2020-19** was issued on 29-06-2020 at 79 Dawn Drive, Milton Station at Parcel 444232 to erect a 100-square foot mini Barn.

Permit No. **2020-20** was issued on 30-06-2020 at 17290, Malpeque Rd, Milton Station at Parcel 283564 to erect a 36-square foot shed.

Permit No. **2020-21** was issued on 30-06-2020 at 677 Rustico Rd - Rte 7 North Milton at Parcel 806943 to erect a 100-square foot shed.

**b. Application No. MP-1065 - Parcel No. 700443** - The Applicant applied for a Bylaw amendment to operate outdoor storage (a holding lot for shipping vehicles to the US) in a residential property located in the A1 zone. The public meeting was held on Monday, July 6, 2020. In accordance with Section 3.15.5, comments were also solicited from residents and landowners within 500 ft of the property regarding the owners' request to permit an export car lot on the property.

Two respondents had no objections to the proposal. Three expressed objections including 1. Concerns about storage of large numbers of vehicles (environmental threat with potential leakage of toxic materials and risk of fire), 2. Frequent traffic of transport trucks/flatbed trucks for both arrival/departure of numerous vehicles for export, and 3. The activity would be located in a residential/agricultural zone, rather than in a commercial zone, and would not fit with the rural, agricultural community.

Letters were also received from other residents on the Rustico Road, outside the 500 ft zone, who were supportive of the proposal for an export car lot. There was also considerable support voiced at the public meeting on July 6, 2020, where it was noted the export car lot would not have more than ten cars at a time and vehicles would not be loaded or unloaded onto trucks at the property.

The Bylaw clause that was under consideration was Section 4.7.1(v), which stated:  
4.7.1. A commercial use may operate in a dwelling or in an accessory building to a dwelling on a residential lot provided:

...

v. No outdoor storage of materials or outdoor product display is used in conjunction with the commercial use, and where the commercial use involves services for vehicles, no more than three vehicles, in addition to those registered to the property owner may be parked or stored on the lot at any time, additional vehicles may be parked or stored on the lot within a wholly enclosed building.

The following clause had been widely circulated in the community as a proposed addition:

4.7.4. After following the process in Section 3.15.5 of this Bylaw, Council may approve a commercial use and waive the regulations of Section 4.7.1(v) in the Agricultural (A1) Zone, if the proposed outdoor storage is not considered to be an obnoxious use, and it will be located in the rear yard and screened from view by means of a landscape buffer of adequate size or architectural screening such as a wall, fence or other appropriate structure

\*Note the definition for obnoxious use includes noise, smells, unsightly storage, dust etc.

Planner Hope Parnham saw no reason to deny the application for a commercial use (export car lot) and recommend that if the application is approved by Council, that the resolution specify that an export car lot is a commercial storage lot only, and does not include such uses as described under the definitions of Automobile Shop or Automobile service station.

After reviewing the minutes of the Public Meeting, the planner proposed further changes to the proposed amendment as follows:

**4.7.4. After following the process in Section 4.7.3, Council may approve exemptions to the regulations of Section 4.7.1(iii), (v), (vi) or (vii) in the Agricultural (A1) Zone, if the proposed use is not considered to be an obnoxious use and where proposed outdoor storage or outdoor product display will be screened from view by means of a landscape buffer of adequate size or architectural screening such as a wall, fence or other appropriate structure;**

This proposal would allow the following clauses to be waived, with Council's permission, after neighbouring property owners were consulted.

iii. Not more than twenty five percent (25%) of the floor area of the dwelling is used for the commercial use;

v. No outdoor storage of materials or outdoor product display is used in conjunction with the commercial use, and where the commercial use involves services for vehicles, no more than three vehicles, in addition to those registered to the property owner may be parked or stored on the lot at any time, additional vehicles may be parked or stored on the lot within a wholly enclosed building.

vi. A maximum of two (2) commercial vehicles may be parked or stored on the lot, and additional vehicles may be parked or stored on the lot within a wholly enclosed building.

vii. Premise signs shall be restricted to a maximum of 0.56 m<sup>2</sup> (6 ft<sup>2</sup>);

The process to waive these provisions (Section 4.7.3.) would be "4.7.3.

Notwithstanding the above provisions, but after having followed the process in

Section 3.15.5 of this bylaw, Council may approve an alternative commercial use provided Council is satisfied the commercial use will be compatible with adjacent land uses, and that no permanent injury will be caused to the existing and permitted uses of adjoining properties.”

Section 3.15.5 states that the owner should pay the costs of a mailout to property owners within 500 ft of the lot, who would be given the details of the application and 14 days to comment in writing.

Planning Board agreed with the recommendation of the planner, but also recommended Council consider amending clause 4.7.4. to restrict outdoor storage to the rear yard.

Council discussed the concerns raised. They noted the export car lot would generally have only up to 6-8 newer model cars stored. These cars would be driven on and off the lot, and if located where the property owner proposes, would be screened from view on two sides by trees. There was a high level of support at the public meeting. With regards to outdoor storage in the rear yard, the Neill property is fairly low, with an environmental buffer zone running through the property. Conditions could be put on a permit regarding the location of outdoor storage, if Council felt it was necessary to restrict storage to a rear yard.

Planning board also recommended Council amend the Development Bylaw to correct the typographical error in Section 3:16 (3) which states “Prior to amending this bylaw, Council shall provide public notice and hold a public meeting pursuant to the provisions of Section 3.12 in this bylaw; ~~Section 3.12~~; should be replaced by ‘**Section 3.17**’.

Motion 2020:63

Resolution #1 – FIRST READING

Moved by Councillor Spencer MacDonald, seconded by Councillor Andrew Frizzell,

“Whereas an application was received from Arthur Neill, to amend section 4.7 of the Zoning and Subdivision Control (Development) Bylaw (Bylaw 2019-11) to allow for storage consistent with an export car lot in the Agricultural (A1 Zone);

And whereas a public meeting was held, and further issues identified;

And whereas a typographical error was identified in Section 3:16 (3) of the Bylaw;

Be it resolved that **the “Bylaw Amendment # 2019-11-01”, a bylaw to amend the Miltonvale Park Zoning and Subdivision Control (Development) Bylaw (Bylaw -2019-11) be hereby read a first time.** Motion carried, 6-0.

#### **Schedule A - Bylaw Amendment # 2019-11-01**

##### **Section 3:16 - BYLAW AMENDMENTS**

Clause 3:16:3: Replace the text “*Section 3.12*” with the following text “**Section 3.17**”.

Section 4.7 - **COMMERCIAL USE ON A RESIDENTIAL PROPERTY**

Addition of Clause 4.7.4. after Clause 4.7.3

**"4.7.4. After following the process in Section 4.7.3, Council may approve exemptions to the regulations of Section 4.7.1(iii), (v), (vi) or (vii) in the Agricultural (A1) Zone, if the proposed use is not considered to be an *obnoxious use* and where proposed *outdoor storage* or *outdoor product display* will be screened from view by means of a *landscape buffer* of adequate size or architectural screening such as a wall, fence or other appropriate structure.**

Motion 2020:64

Resolution #2 – APPROVAL OF FIRST READING

Moved by Councillor Spencer MacDonald, seconded by Councillor Paul Poole

“Whereas an application was received from Arthur Neill, to amend section 4.7 of the Zoning and Subdivision Control (Development) Bylaw (Bylaw 2019-11) to allow for storage consistent with an export car lot in the Agricultural (A1 Zone);

And whereas a public meeting was held, and further issues identified;

And whereas a typographical error was identified in Section 3:16 (3) of the Bylaw;

And whereas Bylaw Amendment # 2019-11-01”, a bylaw to amend the Miltonvale Park Zoning and Subdivision Control (Development) Bylaw (Bylaw -2019-11), was read a first time at this Council meeting;

Be it resolved that the **“Bylaw Amendment # 2019-11-01”, a bylaw to amend the Miltonvale Park Zoning and Subdivision Control (Development) Bylaw (Bylaw -2019-11) be hereby** approved. See Schedule A. Motion carried, 6-0.

Motion 2020:65 - Moved by Councillor Paul Poole, seconded by Councillor Phil Hooper, that whereas Section 4.7.3. of the Miltonvale Park Development Bylaw gives Council the authority to approve an alternative commercial use on a residential property after following the process in Section 3.15.5 of this bylaw, provided Council is satisfied the commercial use will be compatible with adjacent land uses, and that no permanent injury will be caused to the existing and permitted uses of adjoining properties.

**Be it resolved that Property 700443 be permitted to operate an export car lot, as a commercial storage lot only, and this permission does not include such uses as described under the definitions of Automobile Shop or Automobile service station.**

Motion carried, 6-0.

**c. MPB-01 – Parcel No. 283242 Rezoning** - The owners of Parcel No. 283242 applied to rezone the parcel from Agricultural (A1) to General Commercial (C1). The public meeting cancelled during the pandemic has been rescheduled to Tuesday, July 28 at 7:30 p.m. at the Milton Community Hall.

*Arthur and Heather Neill left the meeting at 8:36 p.m.*

**d. Parcel No. 109781** –The owners operate a commercial business of detailing and polishing of vehicles on the parcel, without a permit. The owners' initial concern has been resolved. The Development Officer will follow up to ensure they apply for a development permit.

**e. Application No. MPS-296 – Parcels No. 283739 & 699919** -The Applicant wishes to subdivide two parcels into 52 lots (35 single-detached and 17 semi-detached dwellings). The Department of Environment, Water Climate Change will identify the environment buffer, and the 15% open space requirement would not be included within the buffer zone.

The Department of Environment, Water and Climate Change are requesting a letter from both the City of Charlottetown and Municipality of Miltonvale Park that the project has been granted preliminary approval in order to issue the Certificate of Approval. The City of Charlottetown has granted permission for servicing by the Charlottetown Water and Sewer Corporation. The Department of Transportation, Infrastructure and Energy requested an adjustment to the Engineering Drawings, which was expected to be completed by July 8, 2020.

The bylaw allows only 20 lots to be subdivided in any one phase of subdivision (Section 14.13.9). The Engineer has agreed to send the phased construction plans with all the necessary temporary provisions to be provided between each phase. The preliminary approval would be issued after receiving comments from the Planner, and it will include a list of all the conditions that must be satisfied to receive final approval.

**f. Application No. MP-1099- Parcels No. 658559 and 856922 - Private Utility/Solar Panel Application**

Motion 2020:66 – Moved by Councillor Paul Poole and seconded by Councillor Phil Hooper that **that the meeting move to a closed meeting as the Municipal Government Act permits in Clause 119 1. (f) the conduct of existing or anticipated legal proceedings.** Motion carried at 8:38 p.m., 6-0.

Motion 2020:67 – Moved by Councillor Tamsyn Cosh-MacKenzie, seconded by Councillor Paul Poole that **the Council meeting return to an open meeting.** Motion carried at 9:08 p.m., 6-0.

On June 17, 2020, a solar panel installer inquired if an installation in the municipality needed a permit. The Development Officer initially said no, but recommended the installer maintain the minimum setback applicable to the A1 Zone (15 ft. minimum side yard setback and 50 ft. minimum for a front/rear/flank yard setback), and also suggested he check with the provincial guidelines. This is believed to be the first inquiry or application for solar panels in the Rural Municipality of Miltonvale Park.

On June 25 and June 29, 2020, an adjacent neighbour expressed concern about the project, with respect to shade, view scape and property values. The planner was



consulted for direction and clarified with the developers and installers that the development met the definition of a structure and should be considered a private utility.

The application is being processed. Considerations include the following.

1. Solar panels are included in the current Bylaw, which explicitly states they are excluded from height restrictions. Alternate energy systems are encouraged in the official plan (Section 9.3 Official Plan). The Official Plan is a higher-level document than the regulatory bylaws. If there are concerns with the bylaws, the Official Plan can provide direction.

2. Ground-mounted solar panels fit the definition of a structure. The Bylaw defines structure:

*"Structure means any construction including a building fixed to, supported by or sunk into land or water, but excludes concrete and asphalt paving or similar surfacing and fencing and includes a swimming pool."*

3. Solar panels are considered a private utility (rather than a public utility) and are permitted in any zone, and no zone requirements (such as setbacks) apply. According to Section 4.24.2 of the development bylaw, *"Public and private utilities and utility-related buildings or structures may be located in any zone, and no zone standards shall apply."*

4. Applications that meet the requirements of the bylaws are issued a permit. The Bylaws are developed through a rigorous process that involves public input (Two public meetings in the 2019 version, a professional planner, planning board review, reading, approval and adoption at two separate Council meetings before being approved by the provincial Minister). Municipal requirements must be at least as stringent at Provincial requirements. Issuing permits is an objective, not subjective process. If all requirements are met, a permit is issued. Throughout the current process there needed to be clarification about the front yard setbacks, and who has authority to set them.

5. Landowners have the legal right to develop their properties within the confines of the bylaws.

6. Applications are reviewed by staff and often require consulting and obtaining comments from appropriate Provincial Departments/staff, such as Transportation or the Fire Marshal.

7. There are two formal "appeal" processes, asking a Council for reconsideration and an appeal to IRAC (Section 3.18 of the Development Bylaw).

The McLaines seem to believe there are no rules or regulations and feel the neighbours could have located the structure elsewhere. They gathered 104 names on a petition regarding solar panels.

It was noted that the definition of detrimental impact within both the municipal bylaws and the Provincial Regulations does not include consideration of real property values or viewsapes with respect to new subdivisions, buildings or developments.

The revised application was received the afternoon of July 15, and it is being processed by the Development Officer who is considering advice from the planner, the Province and the lawyers. After the permit is issued, a letter, with a positive tone, will be sent to those who signed the petition to outline the process and correct misinformation that had been circulated in the community.

**g. Other Applications, Issues and Inquiries**

**i. Parcel No. 281659.** No application has been received regarding correcting a parcel that was subdivided without approval, decades previously. The owners intend to contact the Development Officer.

**ii. Parcel No. 281089** – There is no change in the status of the application to rebuild a fire-damaged dwelling, which was reported in March as possibly being a triplex. The Development Officer has requested the building plans and other information to process the application.

**iii. Parcel No. 843292**– In December 2019, the Development Officer was made aware of a garage being constructed on the parcel on the New Glasgow Road, North Milton. The owner must submit required information for the application to be processed; however, he has stopped construction work.

**iv. Parcel No. 448910**- The owner on October 7, 2019, applied to erect a 1500-square foot single detached dwelling on Parcel No. 448910 located on Heather Drive, Milton Station. Charlottetown Water and Sewer Utility confirmed that the parcel is serviced, and that the owner needs to make an application to them and to request a meter after the completion of the plumbing work. A permit will be issued when applicant submits the connection approval.

**v. Parcel No. 281881**- The owner filed an application to put a mini home on his property. The application will be processed further once the pending information is submitted.

**vi.** On June 29, 2020, a resident on **Heather Drive** expressed concerned about appearance of the property of the adjacent neighbour who is gathering supplies to build a home. She believes this has made it difficult for her to sell her home and threatened legal action unless an 8-foot fence was installed within seven days. She has not contacted the Council since.

**vii.** It recently came to the attention of Council that a solar field and fence were installed at Charlottetown's wellfield property with an application or permit. Staff will follow up with the City regarding this installation.

**viii.** There was inquiry from a Councillor regarding a new pole barn on the Loyalist Road.

Motion 2020:68 – Moved by Councillor Spencer MacDonald, seconded by Councillor Paul Poole that **the Planning Board Report be adopted.** Motion carried.

**11. INQUIRIES BY MEMBERS OF COUNCIL**- There were no other inquiries.

**12. ADJOURNMENT**

Motion 2020:69 – Moved by Councillor Philip Hooper that the **meeting be adjourned**, and Mayor Parker declared it so at 9:19 p.m.

The next Regular Council Meeting is scheduled for Wednesday, August 19, 2020 at 7:30 p.m. and a public meeting for a re-zoning to the Development Bylaw is scheduled for Tuesday, July 28 at 7:30 p.m.

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Mayor

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CAO

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Date Approved

Miltonvale Park <develop@miltonvalepark.com>

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## MILTONVALE PARK - APPLICATION FOR DEVELOPMENT APPROVAL

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**Zach Stephens** <zstephens@gmail.com>

Tue, Jun 30, 2020 at 8:13 PM

To: develop@miltonvalepark.com

Cc: Jade Stephens <jadestephens@yahoo.ca>, Admin MB Eye Electrical <admin@mbeyeelectrical.com>, Reice Newson <reice@mbeyeelectrical.com>

Hello Mike,

It was a pleasure to meet with you today. Thank you again for going above and beyond your job description to try to find a mutually agreeable solution/compromise between us and our neighbours. I think of what the great spiritual leader and teacher Jesus Christ said in the sermon on the mount, "*Blessed are the peacemakers: for they shall be called the children of God.*"

Please see the attached ***Application for Development Approval*** form. Please let me know if there is any further information we can provide.

Cheers,  
Zach



**MILTONVALE PARK - APPLICATION FOR DEVELOPMENT APPROVAL.pdf**

1740K

Miltonvale Park <develop@miltonvalepark.com>

## MILTONVALE PARK - APPLICATION FOR DEVELOPMENT APPROVAL

Miltonvale Park <develop@miltonvalepark.com>

Wed, Jul 1, 2020 at 11:41 PM

To: Zach Stephens <zstephens@gmail.com>

Hi Zach,

I have reviewed your application for development approval and I am happy to hear that you are interested in developing the property.

Thank you for your interest.

Best regards,

[Quoted text hidden]

--

Michael Olubiyl  
Development Officer

**Rural Municipality of Miltonvale Park**

18 West Clargo - 4th Floor 18

4th Floor 18 2nd Floor

18 West Clargo - 4th Floor 18

18 West Clargo - 4th Floor 18

18 West Clargo - 4th Floor 18





Shari MacDonald &lt;admin@miltonvalepark.com&gt;

**Solar panel installation at 999 Loyalist Road****Zach Stephens** <zstephens@gmail.com>

Mon, Jul 6, 2020 at 12:33 PM

To: Shari MacDonald &lt;admin@miltonvalepark.com&gt;

Cc: Miltonvale Park &lt;develop@miltonvalepark.com&gt;

Hi Shari,

I had a phone conversation with Michael Olubiyi this morning where Michael indicated to us that he has consulted with Kevin Campbell (Manager of Traffic Operations with the PEI Government Department of Transportation) regarding setbacks. Kevin responded, "*setback should be 50 feet from the edge of right of way or 83 feet from centre line. It's in their own best interest for protection of the panels.*"

My question is what is the basis for deferring to the provincial government regarding setbacks? It's my understanding that this is not the provincial government's jurisdiction and our municipal bylaws are the legal authority with respect to setbacks and development inside our municipality. Michael is citing section 4.19 of the bylaw as justification for this, but my understanding is since the regulation of setbacks with regard to development inside our municipality is out of the provincial government's jurisdiction section 4.19 does not apply to this situation.

Cheers,  
Zach Stephens, P.Eng.



Shari MacDonald <admin@miltonvalepark.com>

## Solar panel installation at 999 Loyalist Road

Shari MacDonald <admin@miltonvalepark.com>

Mon, Jul 6, 2020 at 1:04 PM

To: Zach Stephens <zstephens@gmail.com>, Development Officer <develop@miltonvalepark.com>, Hal Parker <halrmmvp@gmail.com>

Bcc: Hal Parker <haroldrparker@gmail.com>, Matt Eye <matt@mbeyeelectrical.com>

Hi Zach,

Thanks for reaching out. Municipalities have been referred to as a creature of the Province. The Province gives us all our powers and gives us rules under which we must operate. All our bylaws must be at least as stringent as the Province's regulations, and any provincial requirements must be met, and indeed override our bylaw.

When most development applications are received they are forwarded to the applicable government departments - Environment, Transportation or the Fire Marshal for their comments, and to ensure they meet any Provincial requirements.

### 4.19 LICENSES, PERMITS, AND COMPLIANCE WITH OTHER BYLAWS

1. Nothing in this bylaw shall exempt a person from complying with the requirements of any other bylaw of the municipality or from obtaining any license, permission, permit, authority, or other approval required by any other bylaw of the municipality or any statute, regulation, or other enactment of the provincial government or the Government of Canada.
2. Where the provisions of this bylaw conflict with those of any other bylaw of the municipality the highest, strictest or most stringent provision shall prevail.

Page 13 of the Planning Act (Provincial)

### PART III Municipal Planning

9.

Consistency with provincial policies, etc.

(1.1) Where

- (a) a provincial land use and development policy pursuant to clause 7(1)(a);
  - (b) minimum requirements applicable to official plans pursuant to clause 7(1)(b); or
  - (c) regulations pursuant to clause 7(1)(c)
- have been adopted, established or made, the land use policy of a council or the official bylaws of a municipality shall, subject to subsection 7(2), be consistent with them.

### 7.1 Land use policy regulations

- (1) The Lieutenant Governor in Council may make regulations with respect to land use policies adopted pursuant to clause 7(1)(a) and, in particular, may make regulations that
    - (a) establish land use designations;
    - (b) establish the objectives, purpose and function of land use designations;
    - (c) refer to or otherwise specify maps or plans that corroborate the objectives, purpose and function of the land use designations;
    - (d) prescribe the geographical boundaries within which a land use designation applies;
    - (e) refer to or otherwise specify maps or plans that illustrate the geographical boundaries within which the land use designations apply;
    - (f) regulate development and land uses within the geographical boundaries shown on a referenced map or plan for a land use designation; and
    - (g) amend or revoke a land use designation in circumstances where the objectives, purpose and function it was established to fulfill no longer apply.
- Consistency with official plan and bylaw

(2) A council's official plan and bylaw

- (a) shall be, at a minimum, consistent with the regulations established under subsection (1); and
- (b) may be more stringent than the applicable provisions of the regulations.

Protection paramount

**(3) In the event of an inconsistency or conflict between the regulations established under subsection (1) and a council's official plan and bylaw, the provisions that provide more protection for the matters specified in clause 7(1)(c) shall prevail. 2017,c.10,s.1(3).**

Thank you for your patience as we work to resolve this matter.

Shari

[Quoted text hidden]

--

Shari MacDonald

Chief Administrative Officer

Rural Municipality of Miltonvale Park

902-368-3090

[www.miltonvalepark.com](http://www.miltonvalepark.com)





Shari MacDonald &lt;admin@miltonvalepark.com&gt;

**Solar panel installation at 999 Loyalist Road**

Zach Stephens &lt;zstephens@gmail.com&gt;

Mon, Jul 6, 2020 at 2:41 PM

To: Shari MacDonald &lt;admin@miltonvalepark.com&gt;

Cc: Development Officer &lt;develop@miltonvalepark.com&gt;, Hal Parker &lt;halrmmvp@gmail.com&gt;

Hi Shari,

Are you referring to the provision regarding setbacks from the road in the Provincial regulations?

That provision provides that:

39. Building setbacks; highways (1) No person shall locate a building or development closer than the following distances to a highway or public road: (a) along any arterial highway, collector highway, local highway, or seasonal highway, 83 feet (25.3 metres) to the centre line of the highway or 50 feet (15.2 metres) to the highway boundary, whichever is greater;

Here are the definitions for "development" and "building":

(g) "development" means

(i) an excavation or stockpile, and includes the creation of either of them,

(ii) a building or an addition to, or replacement of a building, and includes the construction or placing in, on, over or under land of any of them,

(iii) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in use of the land or building, or

(iv) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building;

(c) "building" means any structure having a roof supported by columns or walls intended for the shelter, housing or enclosure of any person, animal, or chattel, and includes a mini home or mobile home;

Per the above definitions this provision regarding setbacks is all about "developments" and "buildings" and has nothing to do with solar arrays (which to be explicit is neither a "development" or "building" per the above definitions). No doubt this was all considered in depth when your bylaws were developed, and the municipality exempt private utilities (including solar arrays) from zone requirements, including setbacks.

Cheers,  
Zach Stephens, P.Eng.

[Quoted text hidden]



Shari MacDonald <admin@miltonvalepark.com>

## Solar panel installation at 999 Loyalist Road

Shari MacDonald <admin@miltonvalepark.com>

Mon, Jul 6, 2020 at 2:49 PM

To: Development Officer <develop@miltonvalepark.com>, Hal Parker <halrmmvp@gmail.com>, Matt Eye <matt@mbeyeelectrical.com>, Zach Stephens <zstephens@gmail.com>

Bcc: Hal Parker <haroldrparker@gmail.com>

Matt was going to speak to Kevin Campbell with the Province this afternoon to discuss the provincial requirements. We usually just rely on the comments from Provincial officials. It is interesting that "structures" are not mentioned.

Shari

[Quoted text hidden]



Shari MacDonald &lt;admin@miltonvalepark.com&gt;

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**Solar panel installation at 999 Loyalist Road**

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**Zach Stephens** <zstephens@gmail.com>

Mon, Jul 6, 2020 at 3:49 PM

To: Shari MacDonald &lt;admin@miltonvalepark.com&gt;

Cc: Development Officer &lt;develop@miltonvalepark.com&gt;, Hal Parker &lt;halrmmvp@gmail.com&gt;, Matt Eye &lt;matt@mbeyeelectrical.com&gt;

Hi Shari,

I have to push back. Why are we consulting Kevin? I understand the usefulness of consulting provincial officials where they have expertise on relevant provincial laws and regulations, but in this case as I understand it, unless someone can show me otherwise, provincial law does not address the topic of setbacks from the road for solar arrays, and our own municipal bylaws do already speak clearly on the topic.

Cheers,

Zach

[Quoted text hidden]



Shari MacDonald &lt;admin@miltonvalepark.com&gt;

## Tonight's planning board meeting

Shari MacDonald &lt;admin@miltonvalepark.com&gt;

Wed, Jul 8, 2020 at 3:32 PM

To: Matt Eye &lt;matt@mbeyeelectrical.com&gt;, Zach Stephens &lt;zstephens@gmail.com&gt;

Cc: Development Officer &lt;develop@miltonvalepark.com&gt;

Bcc: Hal Parker &lt;halrmmvp@gmail.com&gt;

Good afternoon Matt and Zach,

Zach had asked about the meeting this evening at 6:30.

The municipality has a procedural bylaw that includes a section on committee meetings:

The Procedural Bylaw requires requests for presentations to be received a week prior to the meeting. The form is attached to the bylaw on the website.

<https://miltonvalepark.com/wp-content/uploads/2019/01/Procedural-Bylaw-486.pdf>

The sections of the bylaw that pertain are included below.

### 26. Committee Procedures

26.6. Everyone has the right to be present at committee meetings that are conducted in public unless the chair expels a person for improper conduct.

26.8. Only members of the committee may participate in, debate or ask questions at a standing committee or ad hoc committee meeting except in accordance with section 28 of this bylaw.

### 27. Delegations to committees

27.1. Delegations wishing to appear before Council or a Committee of Council to present information will advise the CAO or his/her designate of their intention to do so not later than seven days prior to the meeting.

27.2. Delegations will be limited to a maximum presentation time of twenty minutes, unless Council agrees to a waiver of this time restriction by the consent of a majority of all Council members present, and each delegate may speak only once.

### 28. Request for Decision from Council

2.1. Any delegation wishing to appear before Council or a Committee of Council to make a request for action, support, resources or other will advise the CAO or his/her designate of their intention to make a request, in writing, using the prescribed form no later than seven days prior to the meeting.

There were no requests to appear at the meeting made until this morning (therefore they are not on the agenda). The meeting chair may choose to ask questions of someone at the meeting tonight; but otherwise participation should be limited to a discussion between planning board members.

I would ask for your continued patience as Michael is processing your application. We are reviewing legal advice and hope to have a decision as soon as possible. The Mayor and I were on a course today from 9-2 (without a

lunch break!) so we are trying to consolidate all the information that has been coming our way and we are hoping to get something in writing from the Province, as well as we work to ensure the permit would stand up well to any appeal.

Sorry for any inconvenience.

--

Shari MacDonald  
Chief Administrative Officer  
Rural Municipality of Miltonvale Park  
902-368-3090  
[www.miltonvalepark.com](http://www.miltonvalepark.com)



Shari MacDonald &lt;admin@miltonvalepark.com&gt;

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**Tonight's planning board meeting**

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**Zach Stephens** <zstephens@gmail.com>

Wed, Jul 8, 2020 at 4:10 PM

To: Shari MacDonald &lt;admin@miltonvalepark.com&gt;

Cc: Development Officer &lt;develop@miltonvalepark.com&gt;, Matt Eye &lt;matt@mbeyeelectrical.com&gt;

Hi Shari,

Thanks for such a thorough response (written on an empty stomach no less!) With what you've provided in mind I don't think our attendance tonight would contribute anything useful.

I'm very glad you are reviewing legal advice. Hopefully the provincial legal department is reviewing their forthcoming written guidance as well. We also want the permit to stand up to any appeal.

Cheers

Zach

[Quoted text hidden]

Shari MacDonald <admin@miltonvalepark.com>

**Shari MacDonald** <admin@miltonvalepark.com>

Wed, Jul 8, 2020 at 4:57 PM

To: Zach Stephens <zstephens@gmail.com>

Cc: Development Officer <develop@miltonvalepark.com>, Matt Eye <matt@mbeyeelectrical.com>

If you want to attend virtually...

Shari MacDonald is inviting you to a scheduled Zoom meeting.

Topic: Planning Board Meeting - Wed. July 8

Time: Jul 8, 2020 06:30 PM Halifax

Join Zoom Meeting

<https://us02-audio.voic.ms/j6780r940076?pwd=5FkRcJm=c2nd2wEDEqYEdoLjVWdU103>

Meeting ID: 878 0191 0076

Password: 255569

## One tap mobile

+16475580588,,87801910076#,,,0#,,255569# Canada

+17789072071,,87801910076#,,,0#,,255569# Canada

Dial by your location

+1 647 558 0588 Canada

+1 778 907 2071 Canada

+1 204 272 7920 Canada

+1 438 809 7799 Canada

+1 587 328 1099 Canada

+1 647 374 4685 Canada

Meeting ID: 878 0191 0076

Meeting ID: 912 512 1234  
Password: 255569

Find your local number: <https://ue02web.zoom.us/j/9cQ91174>

[Quoted text hidden]

Shari MacDonald <admin@miltonvalepark.com>

## Tonight's planning board meeting

**Matt Eye** <matt@mbeyeelectrical.com>

Wed, Jul 8, 2020 at 5:49 PM

To: Zach Stephens <zstephens@gmail.com>

Cc: Shari MacDonald <admin@miltonvalepark.com>, Development Officer <develop@miltonvalepark.com>

Thanks Shari but I'm going to pass as my level of frustration is fairly high and I'm going to enjoy my kids tonight.  
Thank you for the great work here and perhaps we can meet under different circumstances next time

Sent from my iPhone

[Quoted text hidden]



Shari MacDonald <admin@miltonvalepark.com>

## Tonight's planning board meeting

Zach Stephens <zstephens@gmail.com>

Wed, Jul 8, 2020 at 5:22 PM

To: Shari MacDonald <admin@miltonvalepark.com>

Cc: Development Officer <develop@miltonvalepark.com>, Matt Eye <matt@mbeyeelectrical.com>

Hi Shari,

Thanks so much. That's a great idea. And no babysitter required!

Cheers

Zach

[Quoted text hidden]



Shari MacDonald &lt;admin@miltonvalepark.com&gt;

## 2nd part of meeting

Shari MacDonald &lt;admin@miltonvalepark.com&gt;

Wed, Jul 8, 2020 at 7:13 PM

To: Miltonvale Park - Shari MacDonald &lt;admin@miltonvalepark.com&gt;

Bcc: Gail Ling &lt;gailling@pei.sympatico.ca&gt;, Pauline Smith &lt;paulejoes@gmail.com&gt;, Matt Eye &lt;matt@mbeyeelectrical.com&gt;, Zach Stephens &lt;zstephens@gmail.com&gt;

You can join before host -in the waiting room and keep an ear open for noise...  
The meeting will likely return if there are recommendations to Council after the closed session.  
Shari

Shari MacDonald is inviting you to a scheduled Zoom meeting.

Topic: Planning Board meeting -PART 2 July 8

Time: Jul 8, 2020 07:00 PM Halifax

Join Zoom Meeting

<https://us02web.zoom.us/j/84474475398?pwd=U3R0bm9VTC9lbnQ4Mm00aUo0d0o0X0ZlUXh0Zz09>

Meeting ID: 844 7447 5398

Password: 590424

One tap mobile

+12042727920,,84474475398#,,,0#,,590424# Canada

+14388097799,,84474475398#,,,0#,,590424# Canada

Dial by your location

+1 204 272 7920 Canada

+1 438 809 7799 Canada

+1 587 328 1099 Canada

+1 647 374 4685 Canada

+1 647 558 0588 Canada

+1 778 907 2071 Canada

Meeting ID: 844 7447 5398

Password: 590424

Find your local number: <https://us02web.zoom.us/j/84474475398>

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Shari MacDonald

Chief Administrative Officer

Rural Municipality of Miltonvale Park

902-368-3090

[www.miltonvalepark.com](http://www.miltonvalepark.com)

Cancel

Shari MacDonald <admin@miltonvalepark.com>

---

## 2nd part of meeting

Zach Stephens <zstephens@gmail.com>

Wed, Jul 8, 2020 at 7:17 PM

To: Shari MacDonald <admin@miltonvalepark.com>

Hi Shari,


Thanks!

Are you able to forward a copy of your working document (agenda?) "Planning Board Submission - July 8, 2020" and also a copy of the petition I believe they forwarded to you? Also will these meeting minutes be published online?

Cheers

Zach

[Quoted text hidden]



Shari MacDonald <admin@miltonvalepark.com>

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## 2nd part of meeting

Shari MacDonald <admin@miltonvalepark.com>

Wed, Jul 8, 2020 at 8:57 PM

To: Zach Stephens <zstephens@gmail.com>

I will forward the agenda for the public at the meeting tonight when I get back to my computer. The petition wasn't formally presented so I don't think it can be circulated. (It has no bearing on Council's decision).

We did get some legal advice today and so should be able to issue the permit with conditions tomorrow. Michael is at the office for a few more minutes If you would like to discuss them tonight.

902-368-3090.

Shari

[Quoted text hidden]



Shari MacDonald <admin@miltonvalepark.com>

## advice from lawyer

Shari MacDonald <admin@miltonvalepark.com>

Sun, Jul 5, 2020 at 7:20 PM

To: Hope Parnham <hparnham@outlook.com>

Cc: Development Officer <develop@miltonvalepark.com>

Hi Hope,

Sorry to bother you on a weekend... Michael suggested I call.... but it is the weekend and I don't want to intrude, so I compromise with an email... which you are free to ignore until you want to deal with it!

I am not sure how much contact you have had with Michael lately - but the neighbours to the solar panel installation are determined to do everything in their power to stop the solar panel installation on the adjacent property.

They have been circulating a petition, and according to the solar installer, slandering him, and they have threatened Hal that "Someone" will lose their job over this... etc.

I have been contacted by Glenda MacKinnon Peters from the Land Department (as a request from the Premier's office), and several of the neighbours have visited or emailed the office to request/demand that the permit not be issued until the "loopholes" in the bylaw are addressed. Hal visited with the McLaines this morning for about a half hour, and I will include a summary of his meeting. Michael also had a meeting (2+ hours with the McLaines, the people who want to install the solar panels at 999 Loyalist Road, and Matt from MB Eye Electrical) on Tuesday. It is our understanding that it will likely meet the bylaw - and in that case the permit should be issued. I think Michael has sent it to Transportation for a review, as well.

Shari:

Just a few notes on my meeting this morning.

When I arrived at the residence I put on my N-95 mask and got ready to enter the house.

Rang the doorbell and Carol Ann answered saying that William had headed to town.

She invited me through the house to the side deck.

At that point she explained about the line variance over the 40 plus years that they owned the house. The last owner was Pedro who owns the restaurant in Rustico.

Over time the McLaines did upkeep that wandered south of the line.

There are now stakes with red painted top stakes that mark the true line.

Now the correct line shows that two 40 year old maples on the other side of the line.

Also about 15 -20 feet of the garden and a spruce hedge are over the line.

She also pointed out where the neighbors had planted at least two rows of small trees.

We then proceeded through the spruce hedgerow and she outlined the property lines that were out of view from the deck.

We then went back to beside the deck and questions were asked about the building of a fence and the 15 foot setback mentioned by Michael. William then arrived back.

William was very agitated to a point that was almost intimidating.

His arrival brought numerous questions including the chain of command at the municipality.

I explained that you were the supervisor of Michael and that council set the terms of reference which you follow and that I give day to day guidance to you if matters are outside your job description.

The next item that I remember was in regard to the meeting with Michael in the previous week.

They said they were blindsided when the neighbors and the MBEYE contractor showed up to the meeting that they thought were exclusively for them.

After that there was an escalating tone in William's voice as he talked about the petition that he was putting together. He also mentioned that his realtor had said his property value would go down by \$25,000 if the panels went up. After that there were pointed allusions to appeals and court actions beyond IRAC.

As an aside there was also serious allegations that Council and myself were incompetent in allowing a planning policy and bylaws that would allow something like this to happen.

I explained how these documents were formulated and move through the public domain.

This email does not a comprehensive or absolutely complete documentation of what was discussed. Frankly

William's level of hostility and agitation was very threatening and I think

probably affects my memory of all items brought up. Quite frankly in hindsight I think their questions were

choreographed to try and get me to say things that would favour their arguments or that could be used against me

or the community in public or legal arguments.

In future on this file there should be no meetings with the McLaines without at least two people from Miltonvale staff or councilors. Further if possible any future meetings should be recorded.

My trust on this file has disappeared.

If I remember anything else in the near term I will send a further email.

Sincerely,

Hal Parker

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Anyhow -- There is a regular planning board meeting on Wednesday and a Public meeting on Monday (for the outdoor storage amendment), so we are anxious to get some advice from you if possible.

(and I know it is the weekend, and the summer... so we are of course respectful of your schedule!)

Michael can be reached at 902-218-8355 if a phone call is easier/quicker (and if written notes follow, if appropriate) and I am at the office for a while yet, I fear. 902-368-3090

THANKS!!!

[Quoted text hidden]



Shari MacDonald &lt;admin@miltonvalepark.com&gt;

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**MiltonVale and Solar Strutures erected on Residential Properties**

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**Hope Parnham** <hparnham@outlook.com>

Mon, Jul 6, 2020 at 8:21 AM

To: Shari MacDonald &lt;admin@miltonvalepark.com&gt;

Good morning Shari,

I've read through the email thread and I think you've provided him with these answers already. Unfortunately, he doesn't like your answer and the emails could go on like this for a while. I don't think it's helpful or productive to start pulling definitions off of the internet. The Bylaw is clear in that 'all words shall carry their ordinary meaning, unless defined' and in this case the ordinary meaning of a utility (private or public) is as we would all interpret it to be - which includes the provision of electrical service.

Similarly with the question on property values. You have already provided him with the answer to that question. I have no proof to my interpretation that the neighbour's value will increase as a result of their investment into their property, just as they have no proof to their assertion that their property value will decrease.

As you have already pointed out, the definition of detrimental in the Planning Act does not include impacts on real property values and therefore should not be argued as a reason for or against the issuance of the permit.

The municipality cannot change the bylaw in the midst of consideration of an application.

Better to deescalate the situation for now and allow the issue to be considered through reconsideration and/or appeal processes if that's the route that they chose.

Hope

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**From:** Shari MacDonald <admin@miltonvalepark.com>**Sent:** July 6, 2020 7:52 AM**To:** Hope Parnham <hparnham@outlook.com>**Subject:** Fwd: MiltonVale and Solar Strutures erected on Residential Properties

[Quoted text hidden]



Shari MacDonald &lt;admin@miltonvalepark.com&gt;

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## Setbacks for structure/Building?

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**Miltonvale Park** <develop@miltonvalepark.com>  
To: Hope Parnham <hparnham@outlook.com>  
Cc: Shari MacDonald <admin@miltonvalepark.com>

Mon, Jul 6, 2020 at 4:58 PM

Hi Hope,

Kindly see the below response from the Landowner. His argument in consultation with his lawyer is that the provincial regulations pertain to building and development, and not structures.

His response:

*"Are you referring to the provision regarding setbacks from the road in the Provincial regulations?"*

*That provision provides that:*

*39. Building setbacks; highways (1) No person shall locate a building or development closer than the following distances to a highway or public road: (a) along any arterial highway, collector highway, local highway, or seasonal highway, 83 feet (25.3 metres) to the centre line of the highway or 50 feet (15.2 metres) to the highway boundary, whichever is greater;*

*Here are the definitions for "development" and "building":*

*(g) "development" means*

- (i) an excavation or stockpile, and includes the creation of either of them,*
- (ii) a building or an addition to, or replacement of a building, and includes the construction or placing in, on, over or under land of any of them,*
- iii) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in use of the land or building, or*
- (iv) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or building;*

*(c) "building" means any structure having a roof supported by columns or walls intended for the shelter, housing or enclosure of any person, animal, or chattel, and includes a mini home or mobile home;*

*Per the above definitions, this provision regarding setbacks is all about "developments" and "buildings" and has nothing to do with solar arrays (which to be explicit is neither a "development" or "building" per the above definitions). No doubt this was all considered in depth when your bylaws were developed, and the municipality exempt private utilities (including solar arrays) from zone requirements, including setbacks."*

I look forward to your comments.

Many thanks  
Michael

--

**Michael Olubiyi**  
**Development Officer**

**Rural Municipality of Miltonvale Park**



7B New Glasgow Road-Rte 224  
North Milton PE C1E 0S7  
Office: 902 368-3090

[develop@miltonvalepark.com](mailto:develop@miltonvalepark.com)  
[www.miltonvalepark.com](http://www.miltonvalepark.com)





Shari MacDonald &lt;admin@miltonvalepark.com&gt;

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**Setbacks for structure/Building?**

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**Hope Parnham** <hparnham@outlook.com>

Mon, Jul 6, 2020 at 5:13 PM

To: Miltonvale Park &lt;develop@miltonvalepark.com&gt;

Cc: Shari MacDonald &lt;admin@miltonvalepark.com&gt;

I would suggest you request that TIE clarify their response and explain if the 50 ft setback is a requirement or a recommendation. If a requirement, they should clarify to the landowner under what regulation they are referring to.

The municipality was only communicating on behalf of the province today, if the applicant has further questions they should talk to TIE directly.

Hope

Sent from my iPhone

On Jul 6, 2020, at 4:59 PM, Miltonvale Park <develop@miltonvalepark.com> wrote:

[Quoted text hidden]



Shari MacDonald &lt;admin@miltonvalepark.com&gt;

**MiltonVale and Solar Strutures erected on Residential Properties**

1 message

**Garry Muttart** <colleengarry@eastlink.ca>

Fri, Jul 3, 2020 at 2:25 PM

To: halmmvp@gmail.com, "admin@miltonvalepark.com" &lt;admin@miltonvalepark.com&gt;, develop@miltonvalepark.com

Good Afternoon,

In regards to the above our family at 971 Loyalist Road would like to formally discuss/complain about the panel structure in the process of being installed in our neighbourhood.

Please be advised that our family is by no means against the idea of solar energy opportunities, in fact if anything we embrace them and anything we can do to help our environment is by all means a positive thing.

What we and a number of our neighbours are against is the placement of these above noted structures. In a number of communities these are welcomed as well, however welcomed with some noted protocol. One being the placement of them in a residential setting. In our mind to stick them out front, especially in ones direct view is wrong.

We as a community and I might say a strong community thanks to our council and their vision to protect our neighbours and their properties need to have a voice in any such structure being erected. To this end we are asking Miltonvale to formally stop the structure being built as it is now purposed. These residents have many options. To have this placement out front is an eye sore and one that does not benefit the property value for their neighbours or community.

At this point in time, the way this is purposed today is wrong and we strongly feel council needs to address and reflect on this presdence setting decision ASAP.

Thank you for your time. We look forward to your feedback.

Kindest regards

The Muttarts

971 Loyalist Road.



Shari MacDonald &lt;admin@miltonvalepark.com&gt;

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**MiltonVale and Solar Structures erected on Residential Properties**

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Miltonvale Park &lt;develop@miltonvalepark.com&gt;

Fri, Jul 3, 2020 at 10:33 PM

To: Garry Muttart &lt;colleengarry@eastlink.ca&gt;

Cc: Shari MacDonald &lt;admin@miltonvalepark.com&gt;

Hi Garry,

Thanks for your email and for letting us know the concerns you have with regards to the Solar Panel installation. Kindly note that;

1. The development bylaw clearly stated **no person shall construct a structure without a development permit** (Section 3.1(iii)). The structure is defined as *any construction fixed to, supported by or sunk into land or water*. Hence, the development bylaw makes it clear that an application would be necessary. The development bylaw does not explicitly identify solar panels as a type of development excluded from requiring permits (Section 3.1.2)
2. There are no specific regulations as to the location or height of the proposed structure. Section 4.24.2 stated, *"Public and private utilities and utility-related buildings or structures may be located in any zone, and no zone standards shall apply."*
3. That a person who is dissatisfied with a permit or application approval or rejection and feels the decision is unjustified may seek reconsideration or appeal the decision (Section 3.18).
4. The decision would be made based on the information submitted and the provision of the development bylaw.

Let me know if you have any further questions or concerns.

Many thanks  
Michael

On Fri, Jul 3, 2020 at 2:25 PM Garry Muttart <colleengarry@eastlink.ca> wrote:

[Quoted text hidden]

[Quoted text hidden]

Miltonvale Park <develop@miltonvalepark.com>

## MiltonVale and Solar Strutures erected on Residential Properties

colleengarry <colleengarry@eastlink.ca>

Sat, Jul 4, 2020 at 10:13 AM

To: Miltonvale Park <develop@miltonvalepark.com>, colleengarry@eastlink.ca

Cc: Shari MacDonald <admin@miltonvalepark.com>

Thanks for your reply.

Further to the end of your 1st paragraph "The development bylaw clearly stated no person shall construct a structure without a development permit (Section 3.1(iii))" maybe I'm missing something but this does not specifically state a dwelling, baby barn, garage etc.

And the Bylaw, "The development bylaw clearly stated **no person shall construct a structure without a development permit** (Section 3.1(iii))" maybe I'm missing something but this does not specifically state a dwelling, baby barn, garage etc.

So am I correct in stating that neither Bylaw is clear to what actually a structure is, if a dwelling or a solar structure are not clearly identified are they not interpreted in the same way?

Isn't this unclear?

Regards  
 Garry

Sent from my Samsung Galaxy smariphone.  
 [Quoted text hidden]



Shari MacDonald &lt;admin@miltonvalepark.com&gt;

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**MiltonVale and Solar Structures erected on Residential Properties**

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Shari MacDonald &lt;admin@miltonvalepark.com&gt;

Sat, Jul 4, 2020 at 11:03 AM

To: colleengarry &lt;colleengarry@eastlink.ca&gt;

Cc: Miltonvale Park &lt;develop@miltonvalepark.com&gt;

Good morning

I just came into the office, so thought I would answer as I am in front of the computer now.

Our planner, who developed the official plan and bylaws has been consulted on the issue and advised that

"if the solar panel installation is constructed "fixed to, supported by or sunk into land or water" then it is a structure by definition and requires a permit. Note that the definition and regulations for a structure are different from that of a building."

She also noted that the Official Plan does support the use of alternate energy systems in the Community. (Section 9.3 Official Plan). However, the Bylaw does not specifically identify solar panels as a type of development excluded from requiring a permit (Section 3.1.2), and while solar panels may have been grouped in theory with the "clotheslines, poles, and radio and television antennae", a development permit should probably be issued under Section 3.1.2(i) for a structure.

"There are no specified regulations as to the location or height of the proposed structure. In fact, Section 4.17 waives the maximum building height requirement for "solar collectors" and Section 4.24 states that "Public and private utilities and utility-related buildings or structures may be located in any zone and no zone standards shall apply."

Section 4.24 in the Bylaw gives the municipality the authority to approve the application.

Our bylaw defines building and structure

10. Building means any structure having a roof supported by columns or walls intended for the shelter, housing or enclosure of any person, animal or chattel.

114. Structure means any construction including a building fixed to, supported by or sunk into land or water, but excludes concrete and asphalt paving or similar surfacing and fencing and includes a swimming pool.

For further clarification, if the bylaw allows a particular development, and it meets all the regulations (which have to be at least as stringent as the Provincial regulations) then it is considered as-of-right and is approved. There is a very specific public process for developing bylaws - involving public notification, at least one public meeting (our most recent bylaw involved two public meetings) with considerable notification (newsletter, posters, website, social media). After input is gathered, and following the advice of a professional planner, planning board recommendation adoption of the development bylaw to Council, Council reads, approves and adopts it on two separate meetings, and then it and documentation of the process are submitted to the Minister, who approves it after review. Once it is approved, Council must follow it, and certainly endeavours to do so. If a legally permitted application were overturned, the applicants would have ample grounds to have the decision overturned.

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The most recent bylaw included a new option for reconsideration of decisions of the Development Officer, if there is new information obtained or if people believe an error has been made. Decisions can also be appealed to IRAC; however, I do not believe that they would ever overturn a planning decision that is supported by the legally adopted bylaw.

As with everything, bylaws are not perfect, and they are subject to change. Council must review its Official Plan and bylaw every five years, and the Official Plan review is due next year. There are procedures to amend the Development Bylaw and citizens have the right to apply for an amendment. As I mentioned when you were in this week, any applications already in the system are evaluated under the bylaw in effect when they are received.

I expect that the current situation will lead to further discussion at Planning Board about solar panels and their location. We have been doing some research with other municipalities, and have found that that solar installations in Stratford do not require a permit, Charlottetown imposes height restrictions and the Resort Municipality requires a permit for both panels on the roof and those mounted into the ground. One must always consider the rights of landowners to develop their property, versus rights of neighbours, and community standards along with goals such as environmental stewardship and sustainability.

It is unfortunate that this is causing distress with the neighbours; however, the installation appears to be allowed within the current bylaws. The application is currently being evaluated, and if/when a permit is issued, notification will be posted at the Milton Community Hall and online at the PEI Planning Decisions website. <https://www.miltonvalepark.com/peidocs/decisions/view.aspx>

I hope this helps clarify the situation somewhat. Please reach out if you have other comments or concerns -or ideas!

Shari

[Quoted text hidden]

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Shari MacDonald  
Chief Administrative Officer  
Rural Municipality of Miltonvale Park  
902-368-3090  
[www.miltonvalepark.com](http://www.miltonvalepark.com)



Shari MacDonald &lt;admin@miltonvalepark.com&gt;

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**MiltonVale and Solar Strutures erected on Residential Properties**

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colleengarry &lt;colleengarry@eastlink.ca&gt;

Sat, Jul 4, 2020 at 1:26 PM

To: Shari MacDonald &lt;admin@miltonvalepark.com&gt;

Cc: Miltonvale Park &lt;develop@miltonvalepark.com&gt;

Thanks Shari,

At the end of the day you are correct It is unfortunate that this is causing distress with the neighbours. The fact that common sense isn't prevailing is sad especially when these specific neighbors have other options.

My wife and I can certainly see the strain and stress this is causing to the health of the McLaines who have been there for over 40 years. We are deeply concerned and worried!

The fact is that solar panels are or can be the way of the future but not erected without proper provisions.

Somehow this needs to change asap!!

[Quoted text hidden]





Shari MacDonald &lt;admin@miltonvalepark.com&gt;

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**MiltonVale and Solar Strutures erected on Residential Properties**

Garry Muttart &lt;colleengarry@eastlink.ca&gt;

Sun, Jul 5, 2020 at 3:40 PM

To: "admin@miltonvalepark.com" &lt;admin@miltonvalepark.com&gt;

Cc: Miltonvale Park &lt;develop@miltonvalepark.com&gt;, halrm MVP@gmail.com

Thank you for information to date forwarded.

Further to our discussion, as noted in the Miltonvale Bylaws the reason for these bylaws are as per 1.6  
"The purpose of this bylaw is to implement the policies of the Official Plan and to establish "a transparent, fair and systematic" means of Development control for the Community".

The term "Structure" is clearly defined in the bylaws as "Means any construction, including a building fixed to, supported by or sunk into land or water, but excludes concrete and asphalt paving or similar surfacing and fencing and includes a swimming pool.

In your previous reply you have also noted section 4.24 (2) that states:  
Public and Private utilities and utility-related buildings or "Structures" may be located in any zone and no zone standard shall apply.

A couple of comments regarding the above:

- 1) No where in the Bylaws do I see a clear definition of "Public and Private and Utility as it relates to "buildings" or "Structures"
- 2) which implies a clear contradiction of the definition of what is a "Structure" or what is implied as a Public and private utility under Miltonvale current Bylaws. I was only able to obtain one definition for structure, is there more then one?

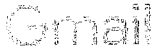
I also would like to note other terms being utilized in the bylaws;  
Deterimental which is defined as an impact suffered in person or property. Without transparent clear guidelines how do you as a council or anyone for that matter interpret this term without noted guidelines ie, height, length, placement, architectural design, property value, etc.?

As a result of these unclear definitions/guidance loopholes and any possible provisions that could/should be considered to for such a structure I am requesting Miltonvale Park Council/Planning Committee put a halt to all permits as it relates to this topic until this can be clearly clarified for all the residents of Miltonvale Park. Lets take the time to get this right and clarified the 1st time, for all concerned!

Again appreciate your time and consideration on this matter.  
Regards

Garry Muttart

[Quoted text hidden]



Shari MacDonald &lt;admin@miltonvalepark.com&gt;

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## MiltonVale and Solar Structures erected on Residential Properties

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Shari MacDonald &lt;admin@miltonvalepark.com&gt;

Sun, Jul 5, 2020 at 9:37 PM

To: Garry Muttart &lt;colleengarry@eastlink.ca&gt;

Good evening Garry,

Thank you for your email this afternoon. I hope that the following information helps to answer your questions.

Although public utility and private utility are not expressly defined in the definition section of the Bylaw, the first sentence in the section notes that the ordinary meaning would apply.

### APPENDIX 2 – Definitions (p.52)

“For the purpose of this bylaw, all words shall carry their ordinary meaning except for those defined hereafter.”

Many of the definitions in the bylaw correspond to those used by the Province, in their Planning Act Subdivision and Development Regulations. <https://www.princeedwardisland.ca/en/legislation/planning-act/subdivision-and-development-regulations>

These regulations define a public utility as:

“**public utility**” means any person or corporation and the lessees, trustees, liquidators or receivers of any person or corporation who owns, operates, manages or controls, or is incorporated for the purpose of owning, operating, managing or controlling any plant or equipment

- (i) for the conveyance or transmission of telephone messages,
  - (ii) for the production, transmission, distribution or furnishing of electric energy, or
  - (iii) for the provision of water or sewerage service,
- either directly or indirectly, to or for the public.

Although the Province does not also provide a definition for a private utility it would be logical to assume that a private utility would also encompass similar services, only with private ownership and to provide for private citizens. It is interesting to note that the Planner this evening also mentioned that provision of internet services are now also considered to be a utility.

The definition of a structure as defined in the Miltonvale Park Development Bylaws “any construction, including a *building* fixed to, supported by or sunk into land or water, but excludes concrete and asphalt paving or similar surfacing and fencing and includes a swimming pool.”

Structures, as related to utilities, would generally involve the installation of panels if they were supported by poles being sunk into land. It is important to note that the installation of poles themselves, according to section 3.1.2 do not require a permit.

### 2. For the purpose of this bylaw:

- i. Laying paving material for a patio or sidewalk;
- ii. Constructing a *fence* 1.22 m (4 ft.) in height or less;
- iii. Installing clotheslines, poles, and radio or television antennae, except satellite dishes over 0.61 m (2 ft.) in diameter;**
- iv. Growing a crop or preparing land for a crop;

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v. Removal of vegetation for agricultural and/or forestry practices;  
vi. Making *landscaping* improvements;  
vii. Constructing an *ornamental structure*;  
viii. Replacing a *deck* with a new *deck* of the same area, height and location;  
ix. Conducting routine *maintenance*;  
x. Erecting a tent under 11.15 m<sup>2</sup> (120 ft<sup>2</sup>) for temporary, personal use; or  
xi. 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***.

**Detrimental** is defined in Miltonvale Park's bylaws as an impact suffered in person or property **pursuant to the Subdivision and Development Regulations prescribed under the Planning Act R.S.P.E.I. 1988, c. P-8.**

This definition in the Planning Act states:

**"detrimental impact"** means any loss or harm suffered in person or property in matters related to public health, public safety, protection of the natural environment and surrounding land uses, but does not include potential effects of new subdivisions, buildings or developments with regard to  
(i) *real property value*;  
(ii) *competition with existing businesses*;  
(iii) *viewscapes*; or  
(iv) *development approved pursuant to subsection 9(1) of the Environmental Protection Act*;

This helps to provide clarity on what might be considered detrimental - development that would affect public health or safety or the natural environment and surrounding land uses. An example could be surface drainage issues, such as potential flooding on the neighbouring property or roadway. Blocking views, and the potential for lowering property values are not considered to be detrimental. As an aside, the planner noted that the property installing the solar panels is likely to see an increase in property values; and generally, as a property improves, those around it also see an increase in property values.

It must be noted that a person's legal right to develop their own property within the applicable bylaws is as-of-right if the regulations in the bylaw are met.

The municipality does not wish to cause harm or distress to the McLaines, or to the neighbourhood. The municipality's Official Plan encourages the use of Alternate Energy. The Province is promoting, encouraging and subsidizing solar energy systems.

The application is being evaluated by staff according to the requirements of the bylaw, and its approval or denial will be posted on the PEI Planning Decisions website when the process has been completed.

Please reach out if you have further questions,

Shari

[Quoted text hidden]



Shari MacDonald &lt;admin@miltonvalepark.com&gt;

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**MiltonVale and Solar Strutures erected on Residential Properties**

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Garry Muttart &lt;colleengarry@eastlink.ca&gt;

Mon, Jul 6, 2020 at 6:09 AM

To: "admin@miltonvalepark.com" &lt;admin@miltonvalepark.com&gt;

Cc: halrmmvp@gmail.com, Miltonvale Park &lt;develop@miltonvalepark.com&gt;

Good Morning,

As a followup to the below specifically to your response as to Public and Private facility.

"Although the Province does not also provide a definition for a private utility it would be logical to assume that a private utility would also encompass similar services, only with private ownership and to provide for private citizens"

"Logical to assume" in my mind is not factual or enforceable. Common sense in this issue should also be logical to assume as to placement criteria as well. Something that can effect a private property, community or adjacent landowners must be of utmost concern to Miltonvale council.

To present or interpret bylaws as "logical to assume" would in my opinion, not necessarily be in the best interests of the Miltonvale community. The clear definition of a Public Utility is noted, and as the bottom line of that definition states "either directly or indirectly, to or for the public". Private utility in a residential community setting is not clearly defined, one can assume, or logically assume does provide clear guidelines for our Miltonvale citizens.

You also make mention "It must be noted that a person's legal right to develop their own property within the applicable bylaws is as-of-right if the regulations in the bylaw are met". I am in full agreement however the applicable bylaws are not clear, "logical to assume" is not factual. Citizens deserve clear direction so no matter what side of the fence your on, you need clarity, this solves all gray areas.

You also make mention that "the planner noted that the property installing the solar panels is likely to see an increase in property values; and generally, as a property improves, those around it also see an increase in property values", Is this a proven fact or assumption?

As also identified, "The municipality's Official Plan encourages the use of Alternate Energy. The Province is promoting, encouraging and subsidizing solar energy systems", this is great, we all need to get behind alternate energy for our future and our kids future. However as stated previously lets have clear bylaws, lets not be assuming. Where you see terms such as "detrimental", "development that would affect public health or safety or the natural environment and surrounding land uses", we need to get this right the 1st time.

Believe me I am not putting time into this to cause trouble, I am putting time into this because I want everyone treated "fair" and have our community informed. Lets clarify these bylaws, have public consultation, "alternate energy is the way of the future" and we all need structure and deserve clear bylaws, because that's what makes a strong community and things work for everyone.

[Quoted text hidden]



Shari MacDonald &lt;admin@miltonvalepark.com&gt;

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**MiltonVale and Solar Strutures erected on Residential Properties**

---

Shari MacDonald &lt;admin@miltonvalepark.com&gt;

Mon, Jul 6, 2020 at 10:02 AM

To: Garry Muttart &lt;colleengarry@eastlink.ca&gt;

Cc: Hal Parker &lt;halrmmvp@gmail.com&gt;, Miltonvale Park &lt;develop@miltonvalepark.com&gt;

Good morning Garry

The Bylaw is clear in that 'all words shall carry their ordinary meaning, unless defined' and in this case the ordinary meaning of a utility (private or public) would include the provision of electrical service. I noted the source of my comment regarding property values. The definition of detrimental in the Planning Act does not include impacts on real property values and therefore the possible impact on property values (whether raising or lowering) is not relevant to the issuance of permits. The municipality cannot change the bylaw in the midst of consideration of an application.

The application is being processed under the current bylaw and there are avenues to pursue if there is dissatisfaction with any permits issued.

Regards,

Shari

[Quoted text hidden]



Shari MacDonald &lt;admin@miltonvalepark.com&gt;

---

**MiltonVale and Solar Strutures erected on Residential Properties****Garry Muttart** <colleengarry@eastlink.ca>

Mon, Jul 6, 2020 at 10:29 AM

To: "admin@miltonvalepark.com" &lt;admin@miltonvalepark.com&gt;

Cc: Hal Parker &lt;halrmmvp@gmail.com&gt;, Miltonvale Park &lt;develop@miltonvalepark.com&gt;

Thanks Shari,

I guess allot of things in life are open to interpretation, people will agree and disagree, same as what is considered right or wrong.

Is it possible for you to forward me the part in the bylaws where it states: The municipality cannot change the bylaw in the midst of consideration of an application.

Regards,

Garry

[Quoted text hidden]



Shari MacDonald &lt;admin@miltonvalepark.com&gt;

---

**MiltonVale and Solar Strutures erected on Residential Properties**

---

Garry Muttart &lt;colleengarry@eastlink.ca&gt;

Mon, Jul 6, 2020 at 10:38 AM

To: "admin@miltonvalepark.com" &lt;admin@miltonvalepark.com&gt;

Cc: Hal Parker &lt;halrmmvp@gmail.com&gt;, Miltonvale Park &lt;develop@miltonvalepark.com&gt;

Also, can you clarify how this situation differs from what is happening at the council as it relates to the bylaw amendment that is before council tonight? Council has received the application but yet a bylaw amendment is in process prior to permit being approved.

Thanks again

Garry

[Quoted text hidden]



Shari MacDonald &lt;admin@miltonvalepark.com&gt;

---

**MiltonVale and Solar Strutures erected on Residential Properties**

Shari MacDonald &lt;admin@miltonvalepark.com&gt;

Mon, Jul 6, 2020 at 10:51 AM

To: Garry Muttart &lt;colleengarry@eastlink.ca&gt;

The request to amend the bylaw was received last fall and has been reviewed by planning board and council who are moving forward with public consultation, according to the provisions in the bylaw - to possibly change the bylaw regarding outdoor storage which is currently restricted under the bylaw. Tonight's meeting is to address the bylaw amendment. Changes to the bylaw are only made in compliance with a very defined public process. I would expect if changes to the bylaw are approved, the landowner who requested the changes would apply under the new bylaw for to be exempt from the outdoor storage requirements if that amendment passes.

The current application is being processed according to the current regulations in the bylaw which allow private utilities in all zones.

Shari

[Quoted text hidden]





Shari MacDonald <admin@miltonvalepark.com>

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## Clarification

colleengarry <colleengarry@eastlink.ca>

Tue, Jul 21, 2020 at 10:37 AM

To: Miltonvale Park <develop@miltonvalepark.com>, Shari MacDonald <admin@miltonvalepark.com>

Good morning, can you tell me if the Map It link is supposed to be located on the Planning board Website for  
Approved Permits?

Thanks

Garry

Sent from my Samsung Galaxy smartphone.



Shari MacDonald &lt;admin@miltonvalepark.com&gt;

---

## Clarification

Shari MacDonald &lt;admin@miltonvalepark.com&gt;

Tue, Jul 21, 2020 at 11:18 AM

To: colleengarry &lt;colleengarry@eastlink.ca&gt;

Cc: Miltonvale Park &lt;develop@miltonvalepark.com&gt;

Hi

I was just in touch with the Provincial Planning Division, whose website it is. I suspect it doesn't automatically include the Map if there is more than one Parcel number entered for the permit.

They are going to look into it and I will let you know when I hear back from them.

Shari

Virus-free. [www.avg.com](http://www.avg.com)

[Quoted text hidden]

--

Shari MacDonald

Chief Administrative Officer

Rural Municipality of Miltonvale Park

902-368-3090

[www.miltonvalepark.com](http://www.miltonvalepark.com)



Shari MacDonald <admin@miltonvalepark.com>

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## Clarification

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colleengarry <colleengarry@eastlink.ca>

Tue, Jul 21, 2020 at 11:19 AM

To: Shari MacDonald <admin@miltonvalepark.com>

Ok, sounds good, thanks

Sent from my Samsung Galaxy smartphone.

[Quoted text hidden]



Shari MacDonald <admin@miltonvalepark.com>

## Clarification

Shari MacDonald <admin@miltonvalepark.com>

Tue, Jul 28, 2020 at 10:31 AM

To: colleengarry <colleengarry@eastlink.ca>

I checked again with the Province this morning, and was told their website provider was on vacation last week. They expect that he will be able to add a map link this week.  
Shari

Virus-free. [www.avg.com](http://www.avg.com)

[Quoted text hidden]

**Re: Inquiry****Miltonvale Park** <develop@miltonvalepark.com>

Wed, Jun 17, 11:34 AM

To: &lt;matt@mbeyeelectrical.com&gt;

Hi,

We hope you are well. My business has got us involved in a new project and we need some information about the area. I have a few questions and I would like to know if you can help me with them. I am looking for a place to build a new house and I need to know if there are any restrictions or if there are any other things I should know about. I would like to know if you can help me with this. I would like to know if you can help me with this. I would like to know if you can help me with this.

Let me know if you have any more questions or if you need any more information.

Thank you,

Michael

--

**Michael Olubiyi**  
**Development Officer**

**Rural Municipality of Miltonvale Park**

100 New Street, Miltonvale Park, IL

Phone: (555) 555-5555

Email: info@miltonvalepark.com

[www.miltonvalepark.com](http://www.miltonvalepark.com)[www.miltonvalepark.com](http://www.miltonvalepark.com)

**Re: Inquiry****Matt Eye** <matt@mbeyelectrical.com>

Wed, Jun 17, 11:49 AM

To: Miltonvale Park &lt;develop@miltonvalepark.com&gt;

Thank you very much for your response  
I will be passing this on to the client in a letter with our documents

Have a great day  
[Quoted text hidden]

--

**Matt Eye***Owner, M.B. Eye Electrical Inc.*

2000 W. 10th St.  
Miltonvale, OH 44130

Cell: 902-940-5241

Office: 902-892-8839

Fax: 902-892-7812

Email: matt@mbeyelectrical.com  
matt@mbeyelectrical.com

**M.B. EYE ELECTRICAL**

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Mon, Jun 29, 7:43 PM

Cc: Shari MacDonald <admin@miltonvalepark.com>





Miltonvale Park <develop@miltonvalepark.com>

## Re: Development Permit for Solar System

**Matt Eye** <matt@mbeyeelectrical.com>

Mon, Jun 29, 8:01 PM

To: Miltonvale Park <develop@miltonvalepark.com>

I'm not sure what to say here. I'm on top of this every job and now your coming back after the installation is done. You approved this a week ago. Now what. Please call me 9029405241. If that is the case. Someone needs to get there stuff together. We, and others have been installing solar for along time. I use screw pipe footings so.... it's not permanent but in this case it's staying right where it is. I have a email from you stating it's all good. I'm happy to discuss this evening

Sent from my iPhone

On Jun 29, 2020, at 7:43 PM, Miltonvale Park <develop@miltonvalepark.com> wrote:

[Quoted text hidden]

<Miltonvale Park Development Permit Application Form.pdf>





Shari MacDonald <admin@miltonvalepark.com>

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## Re: Development Permit for Solar System

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Shari MacDonald <admin@miltonvalepark.com>  
To: Miltonvale Park <develop@miltonvalepark.com>

Mon, Jun 29, 2020 at 8:34 PM

Hi Michael

Matt called here this evening and we spoke about the permit.

He asked whether it is him or the landowners who are required to submit the permit application.

I told him that either could, but that the owners would have to sign it. He was planning to contact the owners tonight (although hopes that the community could explain it more to them) and hoped that you might be able to meet them onsite tomorrow with the paperwork.

I think he had been hoping to complete the installation this week (although perhaps it was just to install the panels... I am not sure how much time is left).

He was pleasant, but is understandably frustrated at what this may do to the timing of the project, especially if there was to be an appeal, which would cause him to have to stop work.

Perhaps you can touch base with him with an idea when you were planning to be out this way tomorrow and might be able to meet.

Thanks!

(Hope supper is yummy!)

Shari

[Quoted text hidden]

--

Shari MacDonald  
Chief Administrative Officer  
Rural Municipality of Miltonvale Park  
902-368-3090  
[www.miltonvalepark.com](http://www.miltonvalepark.com)

Miltonvale Park &lt;develop@miltonvalepark.com&gt;

**999 Loyalist road Solar Installation****Matt Eye** <matt@mbeyeelectrical.com>

Fri, Jul 3, 3:35 PM

To: Miltonvale Park &lt;develop@miltonvalepark.com&gt;

Good afternoon Michael

Thank you for meeting on site the other day! This has been a very stressful situation for my client. As discussed we have installed hundreds of solar systems in the past 11 years in business. Every 6 months to a year we inquire on what is required to keep everyone in the loop and always follow what we are advised to prevent such a situation.

As you said this will be going to council for approval and based on all the information provided and all the steps taken there should be nothing to contest. We will need to be installing this next week, as currently this issue has delayed our client already and we are not only sitting on a lot of cost of equipment but also missing prime weather for solar production.

With this said i would like to know what is the next step.

In the week and a half time frame between your approval and your retraction we would have had this installed and been paid, however our client was trying to please there neighbour and we waited to get there approval and we did get permission from all parties to proceed.... In comes the rejection, and now delay.

I need to be installing this in the next few working days to avoid client disappointment in our project and to follow a very tight schedule. If not it may be several weeks for us getting this back in the schedule.

Again thank you for your visit to site and if there is anything you need please let me know

--

**Matt Eye**

Owner, M.B. Eye Electrical Inc.

4420 Highway 10 West

St. John's, NL A1B 2Y4

Cell: 902-940-5241

Office: 902-892-8839

Fax: 902-892-7812

Email: [matt@mbeyeelectrical.com](mailto:matt@mbeyeelectrical.com)[www.miltonvalepark.com](http://www.miltonvalepark.com)**M.B. EYE ELECTRICAL**

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Miltonvale Park <develop@miltonvalepark.com>

## 999 Loyalist road Solar Installation

Miltonvale Park <develop@miltonvalepark.com>  
To: Matt Eye <matt@mbeyeelectrical.com>

Fri, Jul 3, 11:02 PM

Hi Matt,

I understand your concerns and the value of your opinion. However, over an extended period of time, I have submitted the application and in the meantime, we are still waiting on the council's decision.

Very much,

Michael

[Quoted text hidden]

--  
Michael Olubiyi  
Development Officer

### Rural Municipality of Miltonvale Park

78 1st Avenue Road, Box 173

St. Catharines, ON L2R 6A7

Phone: 905.681.1000

[www.miltonvalepark.com](http://www.miltonvalepark.com)

[info@miltonvalepark.com](mailto:info@miltonvalepark.com)



Small

Shari MacDonald <admin@miltonvalepark.com>

---

**(no subject)**

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**Matt Eye** <matt@mbeyeelectrical.com>

Sat, Jul 4, 2020 at 6:44 PM

To: admin@miltonvalepark.com

Good evening Shari

Apperently there is a meeting on Wednesday night I need to sign up for. My company is being slandered around the community by a certain neighbour that we did not follow proper procedures to do our work. I need to be here as now this is deformation of character, something of which I do not appreciate. I have all our paperwork and all our emails Please let me know the details of this ridiculous meeting time

Sorry... but in 20 years of doing this and 11 years in business of my own I have never had a issue until now..

Look forward to your response

Sent from my iPhone

Shari MacDonald

Shari MacDonald <admin@miltonvalepark.com>

## Re: Planning Board

Shari MacDonald <admin@miltonvalepark.com>

Sat, Jul 4, 2020 at 6:59 PM

To: Matt Eye <matt@mbeyeelectrical.com>

Cc: Development Officer <develop@miltonvalepark.com>

Hi Matt

The meeting on Wednesday is our regular planning board meeting. It is open to the public and begins at 6:30. I am not sure yet if it will upstairs or downstairs at the Milton Community Hall. There was usually church downstairs - but they have not returned on Wednesdays.... yet. If they are here - they don't start til 7 - so if you see folks downstairs it will be us. Otherwise, there will be signage and we will be on the 2nd floor.

The main focus of the meeting on Wednesday is supposed to be a bylaw amendment about outdoor storage that is the subject of a public meeting on Monday.

Your particular application is quite straight forward and except for the associated drama would not ordinarily require discussion at Planning Board.

We have had numerous contacts with the neighbours in the past week and the mayor (who is chair of planning board) is meeting with them tomorrow morning to hopefully help them understand the situation better.

As I am sure you are aware, according to our bylaws, private utilities are permitted in all zones.

I am very sorry for the inconvenience this issue has caused you and your company. It has no doubt been a long week for all of us. (She types from the Council office in a Saturday night...).

I will include you in those expected to the meeting, and look forward to seeing you on Wednesday.

Shari

On Sat, Jul 4, 2020 at 6:44 PM Matt Eye <matt@mbeyeelectrical.com> wrote:

Good evening Shari

Apperently there is a meeting on Wednesday night I need to sign up for. My company is being slandered around the community by a certain neighbour that we did not follow proper procedures to do our work. I need to be here as now this is deformation of character, something of which I do not appreciate. I have all our paperwork and all our emails Please let me know the details of this ridiculous meeting time

Sorry... but in 20 years of doing this and 11 years in business of my own I have never had a issue until now..

Look forward to your response

Sent from my iPhone

--

Shari MacDonald  
Chief Administrative Officer  
Rural Municipality of Miltonvale Park  
902-368-3090  
[www.miltonvalepark.com](http://www.miltonvalepark.com)

Shari MacDonald <admin@miltonvalepark.com>

## Re: Planning Board

Matt Eye <matt@mbeyeelectrical.com>

Mon, Jul 6, 2020 at 9:18 AM

To: Shari MacDonald <admin@miltonvalepark.com>

Shari

Mr. and Mrs . McLaine have made there trails all over the community this weekend, I have several friends in that community who have informed me that they are providing information that is incorrect pointing at my company for not taking out the proper permits.. i would like to have a proper letter go out to the community ASAP as advised by my lawyer, to set the records straight that all the proper steps were taken and this is a personal preference not a legal issue

Please let me know this is completed this is tying up alot of people and alot of money

I appreciate your attention  
Also my lawyer is sending them a letter today to stop immediately

Look forward to hearing from you ASAP

On Sat, Jul 4, 2020 at 7:00 PM Shari MacDonald <admin@miltonvalepark.com> wrote:  
[Quoted text hidden]

--

**Matt Eye**

Owner, M.B. Eye Electrical Inc.  
60 St. Peter's Road  
Charlottetown, PE C1A 5N5

Cell: 902-940-5241  
Office: 902-892-8839  
Fax: 902-892-7812  
Email: matt@mbeyeelectrical.com  
www.mbeyeelectrical.com

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Shari MacDonald <admin@miltonvalepark.com>

## Re: Planning Board

Shari MacDonald <admin@miltonvalepark.com>  
To: Matt Eye <matt@mbeyeelectrical.com>

Mon, Jul 6, 2020 at 9:38 AM

Hi Matt

We have been fielding calls and emails as well, I provided my Councillors and planning board with the following information outlining the situation to use as talking points if they were approached and asked about the situation.

1. Solar panels are included in the current bylaw which explicitly states they are excluded from height restrictions. Alternate energy systems are encouraged in the official plan. The Official Plan is a higher level document than the regulatory bylaws. If there are concerns with the bylaws, the Official Plan can provide direction.
2. Ground mounted solar panels fit the definition of a structure.
3. They are considered a private utility in this case (rather than a public utility) and are permitted in any zone and no zone requirements (such as setbacks) apply.
4. Although zone requirements are waived, the current installation meets/exceeds the setbacks which would be a requirement for any building (even though they are a structure). (50 ft front yard, 15 ft side yard, 50 ft rear yard).
5. The installers reached out to the municipality and were initially told they did not require a permit. After review from the planner, when concerns were initially raised, the municipality was advised that as the ground mounted solar panels technically fit the definition of a structure, the developers should be asked to apply for a permit. (Although the planner was not aware of any other municipal permits issued for solar panels, and I believe the installer told us he has not been required to obtain a municipal permit at any previous installation). The installers have been most cooperative in this process and an application has been received. The applicants have ceased work until a permit is issued.
6. Applications that meet the requirements of the bylaws are issued a permit. The Bylaws are developed through a rigorous process which involves public input (Two public meetings in the 2019 version, a professional planner, planning board review, reading, approval and adoption at two separate Council meetings, before being approved by the provincial Minister). Municipal requirements must at least be as stringent as Provincial requirements. Issuing permits is an objective, not subjective process. If all requirements are met, a permit is issued.
7. Landowners have the legal right to develop their properties within the confines of the bylaws.
8. Applications are reviewed by staff, who when appropriate, consult with Provincial Departments/staff, such as Transportation or the Fire Marshal.
9. There are two formal "appeal" processes, asking a Council for reconsideration, and an appeal to IRAC.
10. The application is currently being processed.
11. The Municipality is sorry for the distress that this is causing the McLaines and the neighbours, but at this time (remember, the application is still being processed) it appears that the application will likely meet the requirements of the bylaw.

This topic is not on the agenda for the public meeting on Monday night, as that meeting has been called for a specific purpose - to deal with the outdoor storage bylaw.

\*\*

The Development Officer and I had a call with the Planner (who wrote the Bylaw) last night and she echoed her belief that there is nothing in the bylaw that would stop the municipality from issuing a permit. The application is currently at Transportation for review. I had asked the planner last night, in light of the information that had been

circulating whether I should put out a statement, and at that time, she suggested it would be best coming from Council (after the Council meeting next week). I am double checking now as to if it would be appropriate now, given your situation.

Again, I am very sorry that the situation has turned out this way, when the application is one that is quite straightforward. I will be in touch again ASAP and will work to finesse the above into a letter.

Shari

[Quoted text hidden]



Small

Shari MacDonald <admin@miltonvalepark.com>

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**Re: Planning Board**

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**Matt Eye** <matt@mbeyeelectrical.com>

Mon, Jul 6, 2020 at 10:21 AM

To: Shari MacDonald <admin@miltonvalepark.com>

Good Morning Shari!

Your Good!! haha

I would prefer if this letter went out sooner then later and would appreciate a copy, i would follow up with my several contacts as well to make sure they received it

[Quoted text hidden]



Shari MacDonald &lt;admin@miltonvalepark.com&gt;

---

**(no subject)**

---

**Matt Eye** <matt@mbeyeelectrical.com>

Tue, Jul 7, 2020 at 10:18 PM

To: admin@miltonvalepark.com

Evening Shari.

Sorry for the late email.

Just following up as per our conversation about a response from Kevin Campbell's boss. I would really like to not waste anymore of my time on this and am going to find it tough to make this meeting wed night Please update as soon as you hear.

Sent from my iPhone



**Shari MacDonald** <admin@miltonvalepark.com>

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**Re: Transportation**

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**Shari MacDonald** <admin@miltonvalepark.com>

Tue, Jul 7, 2020 at 10:30 PM

To: Matt Eye <matt@mbeyeelectrical.com>

Cc: Development Officer <develop@miltonvalepark.com>

We haven't heard anything as far as I know. Did you try any more today to make contact with him? Or do you know if Zach did yesterday? I think the planner had suggested that it might be good for you to have a discussion with him re the regulations.

Shari

On Tue, Jul 7, 2020 at 10:18 PM Matt Eye <matt@mbeyeelectrical.com> wrote:

Evening Shari.

Sorry for the late email.

Just following up as per our conversation about a response from Kevin Campbell's boss. I would really like to not waste anymore of my time on this and am going to find it tough to make this meeting wed night Please update as soon as you hear.

Sent from my iPhone

--

Shari MacDonald  
Chief Administrative Officer  
Rural Municipality of Miltonvale Park  
902-368-3090  
[www.miltonvalepark.com](http://www.miltonvalepark.com)

Shari MacDonald <admin@miltonvalepark.com>

## Re: Transportation

Matt Eye <matt@mbeyeelectrical.com>

Wed, Jul 8, 2020 at 8:15 AM

To: Shari MacDonald <admin@miltonvalepark.com>

Good Morning Shari

Time is ticking here! I'm feeling, Being the guy in the middle now that the bylaws are even more clear, its a Miltonvale decision. Seeing as Miltonvale already made a decision back more then 3 weeks ago,i don't think myself or Jade and Zach are the ones that should be emailing or contacting, We are now not only holding up my payment for equipment that was approved in all angles but also peak solar production for my client that they will never get back.

We need this today to prepare accordingly. As previously discussed the bylaws are pretty clear and.... we do already have approval but out of respect to Miltonvale and the Macleans we are letting Miltonvale provide a development permit, (Which we have been told several times that will be approved) There is Lot of money not going in my bank account right now because someone doesn't like the look of the neighbours side yard. Also i feel that if Zach and Jade had not approached the Macleans and asked for there blessing, Of which they did get! The Macleans I'm assuming are very bitter about the proper survey and having someone call them out on trying to gain land that was not owned by them in the beginning.

Please understand I'm appreciating all the communication with you. But this is a Miltonvale decision, I really should not even be involved as we took all the proper steps prior to any soil being turned. However the Macleans are spreading lies about the entire project to the community, and have forced me to hire a lawyer and prevent any further verbal damage to my company. I have varified this with several clients in this community and even friends that live on Loyalist road. Im a peace maker but if someone starts spreading lies im going to all ends to protect my reputation and my name. As discussed i will be expecting this statement to be mailed to the community members stating the proper steps were taken and the information being spread around was wrong. I can do this letter myself and have a non associated person pass this out or Miltonvale can have it completed

I would prefer to not need to be at a meeting tonight as i have already lost alot of time and money from this that i will never get back

Please lets move forward on this and get a FIRM response based on the written information

Thank you

Please forgive my lack of email skills, im a contractor not a english teacher

Im sure we will be chatting again soon!! Enjoy your day

On Tue, Jul 7, 2020 at 10:30 PM Shari MacDonald <admin@miltonvalepark.com> wrote:

[Quoted text hidden]

--

**Matt Eye**

Owner, M.B. Eye Electrical Inc.

60 St. Peter's Road

Charlottetown, PE C1A 5N5

Cell: 902-940-5241

Office: 902-892-8839

Fax: 902-892-7812

Email: matt@mbeyeelectrical.com

www.mbeyeelectrical.com

# M.B. EYE ELECTRICAL

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Shari MacDonald <admin@miltonvalepark.com>

**(no subject)**

**Matt Eye** <matt@mbeyeelectrical.com>

To: Shari MacDonald <admin@miltonvalepark.com>

Wed, Jul 8, 2020 at 7:35 PM

Evening Shari

Again sorry to email. Zach and jade called me tonight. I did speak with the mayor today and he seemed to think that this was going to be happening and there was not going to be time to talk. Apperently that's not the case. Can you provide me a update we want to install this system tomorrow and Friday. Kevin Campbell was supposed to email you there responses before lunch today. I'm free by phone after 8 if needed. Thought this was getting closed off and approved right away based on conversations in positive light today

Sent from my iPhone

---

**Development Public Meeting and Planning Board Board meeting**

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**Shari MacDonald** <admin@miltonvalepark.com>

Thu, Jul 2, 2020 at 6:03 PM

To: andrewrmmvp@gmail.com, halrmmvp@gmail.com, Councillor Phil Hooper <hooper.rmmvp@gmail.com>, Hal Parker <haroldrparker@gmail.com>, Lindsey Rhynes <lindseyrmmvp@gmail.com>, Paul Poole <paulrmmvp@gmail.com>, Spencer MacDonald <spencerrmmvp@gmail.com>, Tamsyn Cosh-MacKenzie <tamsynrmmvp@gmail.com>, Development Officer <develop@miltonvalepark.com>, Steve Dickieson <cdickieson@islandtelecom.com>, "sheilacur34@gmail.com" <sheilacur34@gmail.com>, B&B <pryor.turner@pei.sympatico.ca>

Hi folks,

Just a reminder that the public meeting for the possible amendment to waive the clause re outdoor storage in the A1 zone for the commercial use of a residential property, if the neighbours within 500 m are agreeable, and on a case by case basis, is on Monday July 6 at 7:30 at the hall. I have had one person already request online access, so it will likely be on Zoom as well.

I am requesting that people RSVP so that we can organize seating and be mindful of physical distancing. I am assuming that all of you are coming - and unless I hear otherwise, will count you all as coming for one person. please let me know if you are not coming - or if you are bringing a date!

The Planning Board meeting is on Wednesday, July 8 at 6:30. I have already had four people notify me that they want to attend that one - more to do with the solar installation on the Loyalist Road, as there is concern about the look of it and significant concern from the adjacent neighbours. Several weeks ago the installer asked if a permit was required and was initially told no. When the neighbours expressed concern - Hope was consulted and noted that although to her knowledge, no municipalities issue permits for solar developments, technically those on the ground are sunk into the earth would be considered structures -- so they should probably have a permit. Michael advised the contractors and met with him, the landowners and the neighbours for several hours on Tuesday. Although public and private utilities are not required to meet zone requirements, Michael had initially requested the contractor observe the minimum setbacks, which they have done. The Official Plan is supportive of Alternative Energy. Having measured the distances on Tuesday, Michael suspects the permit will be able to be issued, once the application is finalized. The adjacent neighbours are very concerned that it will shade their deck, devalue their property and are quite upset. They are planning to attend the public meeting (however; the public meeting agenda has been set and publicized, so I believe the outdoor storage agenda item (along with the typo) are the only topics to be addressed. I met with other neighbours on the road this afternoon as they dropped in. They are also concerned about the look of the solar panels (which are not yet installed). They have also been talking to the very concerned adj. neighbours.

Anyhow... let me know if you are planning to attend Planning Board next Wednesday.

And of course Council is Wed. July 15 at 7:30.

And it is almost the weekend... ENJOY!

S

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**Development Public Meeting and Planning Board Board meeting**

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**Shari MacDonald** <admin@miltonvalepark.com>

Sun, Jul 5, 2020 at 11:12 AM

To: andrewrmmvp@gmail.com, halrmmvp@gmail.com, Councillor Phil Hooper <hooper.rmmvp@gmail.com>, Hal Parker <haroldrparker@gmail.com>, Lindsey Rhynes <lindseyrmmvp@gmail.com>, Paul Poole <paulrmmvp@gmail.com>, Spencer MacDonald <spencerrmmvp@gmail.com>, Tamsyn Cosh-MacKenzie <tamsynrmmvp@gmail.com>, Development Officer <develop@miltonvalepark.com>, Steve Dickieson <cdickieson@islandtelecom.com>, "sheilacur34@gmail.com" <sheilacur34@gmail.com>, B&B <pryor.turner@pei.sympatico.ca>

Hi all

Further to the solar panel installation, I just wanted to update everyone. Hal met with the concerned neighbours (William and Carol-Ann McLaine) this morning. They appear to be willing to do anything they can to stop the project, and are currently circulating a petition in the area. It is important that residents, Council and Planning Board are aware of the regulations regarding solar power installations in the municipality, as they pertain to the situation. Here is a short list that might be helpful to you if you are approached by any concerned residents. I will also include Hope's response.

1. Solar panels are included in the current bylaw which explicitly states they are excluded from height restrictions. Alternate energy systems are encouraged in the official plan. The Official Plan is a higher level document than the regulatory bylaws. If there are concerns with the bylaws, the Official Plan can provide direction.
2. Ground mounted solar panels fit the definition of a structure.
3. They are considered a private utility in this case (rather than a public utility) and are permitted in any zone and no zone requirements (such as setbacks) apply.
4. Although zone requirements are waived, the current installation meets/exceeds the setbacks which would be a requirement for any building (even though they are a structure). (50 ft front yard, 15 ft side yard, 50 ft rear yard).
5. The installers reached out to the municipality and were initially told they did not require a permit. After review from the planner, when concerns were initially raised, the municipality was advised that as the ground mounted solar panels technically fit the definition of a structure, the developers should be asked to apply for a permit. (Although the planner was not aware of any other municipal permits issued for solar panels, and I believe the installer told us he has not been required to obtain a municipal permit at any previous installation). The installers have been most cooperative in this process and an application has been received. The applicants have ceased work until a permit is issued.
6. Applications that meet the requirements of the bylaws are issued a permit. The Bylaws are developed through a rigorous process which involves public input (Two public meetings in the 2019 version, a professional planner, planning board review, reading, approval and adoption at two separate Council meetings, before being approved by the provincial Minister). Municipal requirements must at least be as stringent as Provincial requirements. Issuing permits is an objective, not subjective process. If all requirements are met, a permit is issued.
7. Landowners have the legal right to develop their properties within the confines of the bylaws.
8. Applications are reviewed by staff, who when appropriate, consult with Provincial Departments/staff, such as Transportation or the Fire Marshal.
9. There are two formal "appeal" processes, asking a Council for reconsideration, and an appeal to IRAC.
10. The application is currently being processed.
11. The Municipality is sorry for the distress that this is causing the McLaines and the neighbours, but at this time (remember, the application is still being processed) it appears that the application will likely meet the requirements of the bylaw.

This topic is not on the agenda for the public meeting on Monday night, as that meeting has been called for a specific purpose - to deal with the outdoor storage bylaw.

From: **Hope Parnham** <hparnham@outlook.com>  
Date: Mon, Jun 29, 2020 at 4:09 PM  
Subject: Re: Solar Panel Installation at Loyalist Road  
To: Miltonvale Park <develop@miltonvalepark.com>

Good afternoon Michael,

In practice, I doubt that there has ever been a development permit issued for a solar panel installation. Generally speaking, they are often installed on the roof of an existing structure, and therefore have not been considered independent structures. However, if the solar panel installation is constructed "fixed to, supported by or sunk into land or water" then it is a structure by definition and requires a permit. Note that the definition and regulations for a structure are different from that of a building.

Note that the Official Plan does support the use of alternate energy systems in the Community. (Section 9.3 Official Plan). However, the Bylaw does not specifically identify solar panels as a type of development excluded from requiring a permit (Section 3.1.2), and while solar panels may have been grouped in theory with the "clotheslines, poles, and radio and television antennae", a development permit should probably be issued under Section 3.1.2(i) for a structure.

For the requirements of the development permit application for the 'structure', a site plan should be submitted but the surface drainage plan can be waived subject to 3.6.2(ii), assuming that they have not altered or change the existing grade within the minimum setbacks of



There are no specified regulations as to the location or height of the proposed structure. In fact, Section 4.17 waives the maximum building height requirement for "solar collectors" and Section 4.24 states that "Public and private utilities and utility-related buildings or structures may be located in any zone and no zone standards shall apply."

Without further information on why the neighbour is upset about the installation, I'm not sure what other issue could be raised. If the installation is really close to the road, perhaps have Transportation look at the site plan to ensure no sight lines are being impacted.

I would suggest that you direct the owner of the solar panel installation to submit a development application with a site plan for a "private utility (solar collector)" for their property. On the permit, you should reference Section 4.24 to be clear on what regulation in the Bylaw gives you the authority to approve their application.

Best regards,  
Hope

[Quoted text hidden]

--

Shari MacDonald  
Chief Administrative Officer  
Rural Municipality of Miltonvale Park  
902-368-3090  
[www.miltonvalepark.com](http://www.miltonvalepark.com)



Miltonvale Park &lt;develop@miltonvalepark.com&gt;

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## Solar panels on the Loyalist Road

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**Terry MacNeill** <t.g.macneill@pei.sympatico.ca>  
To: develop@miltonvalepark.com

Sun, Jul 5, 2020 at 1:32 PM

Dear Sir: I'm voicing my concern about the proposed Solar Panel project which is supposed to take place at 999 Loyalist Road. I don't know all the bylaws for our Miltonvale nor for the Island. I do know there should be some restrictions in place where structures affect the visual or noise pollution of our community. I'm all for technology and energy alternatives. That is not the issue. However when structures are built which impact the aesthetics and property values in our community it should cause concern among us all. I see it as a province wide issue as well as a local problem. I recently signed a petition about this matter as I was previously unaware of the construction. I would hope you would use your influence to put a pause on the erection until more thought can be put into the general issue of the impact these new technologies are having on the scenic beauty of our community and our province. Thank you for your time. Terrance G. MacNeill, 17515 Rte. 2, Milton Station.

## Solar panels on the Loyalist Road

Sun, Jul 5, 2020 at 4:12 PM

Dear Sir: I'm voicing my concern about the proposed Solar Panel project which is supposed to take place at 999 Loyalist Road. I don't know all the bylaws for our Miltonvale nor for the Island. I do know there should be some restrictions in place where structures affect the visual or noise pollution of our community. I'm all for technology and energy alternatives. That is not the issue. However when structures are built which impact the aesthetics and property values in our community it should cause concern among us all. I see it as a province wide issue as well as a local problem. I recently signed a petition about this matter as I was previously unaware of the construction. I would hope you would use your influence to put a pause on the erection until more thought can be put into the general issue of the impact these new technologies are having on the scenic beauty of our community and our province. Thank you for your time. Terrance G. MacNeill, 17515 Rte. 2, Milton Station.

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To: Kevin Campbell <jkcampbell@gov.pe.ca>

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# RURAL MUNICIPALITY OF MILTONVALE PARK

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## ZONING AND SUBDIVISION CONTROL (DEVELOPMENT) BYLAW



Prepared by DV8 Consulting

JULY 29 2019





**ZONING AND SUBDIVISION CONTROL (DEVELOPMENT) BYLAW (Bylaw 2019-11)**  
**RURAL MUNICIPALITY OF MILTONVALE PARK**

To adopt the Rural Municipality of Miltonvale Park Development Bylaw

**Effective Date:**

The effective date of the ZONING AND SUBDIVISION CONTROL (DEVELOPMENT) BYLAW (Bylaw 2019-11) is the date as signed below by the Minister of Agriculture and Land.

**Authority – Bylaw:**

The Council for the Rural Municipality of Miltonvale Park under authority vested in it by sections 11, 15, 18, and 19 of the Planning Act R.S.P.E.I., 1988 Cap P-8 hereby enacts as follows:

**First Reading:**

This Zoning and Subdivision (Development) Control Bylaw, Bylaw# 2019-11, was **read a first time** at the Council meeting held on the 15<sup>th</sup> day of May, 2019.

This Zoning and Subdivision (Development) Control Bylaw, Bylaw# 2019-11, was **approved** by a majority of Council members present at the Council meeting held on the 15<sup>th</sup> day of May, 2019.

**Second Reading:**

This Zoning and Subdivision (Development) Control Bylaw, Bylaw# 2019-11, was **read a second time** at the Council meeting held on the 19<sup>th</sup> day of June, 2019.

This Zoning and Subdivision (Development) Control Bylaw, Bylaw# 2019-11, was **approved** by a majority of Council members present at the Council meeting held on the 19<sup>th</sup> day of June, 2019.

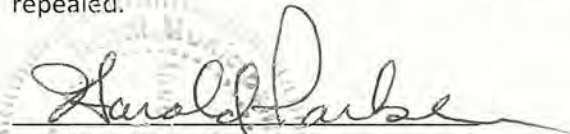
**Adoption and Approval by Council:**

This Zoning and Subdivision (Development) Control Bylaw, Bylaw# 2019-11, was **adopted** by a majority of Council members present at the Council meeting held on the 19<sup>th</sup> day of June, 2019.

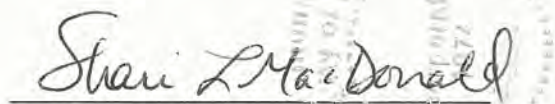
This Zoning and Subdivision (Development) Control Bylaw, Bylaw# 2019-11 is declared to be passed on this 19<sup>th</sup> day of June, 2019.

**Repeal of Existing Bylaw:**

Upon the effective date of the ZONING AND SUBDIVISION CONTROL (DEVELOPMENT) BYLAW (Bylaw 2019-11), the ZONING, DEVELOPMENT, SUBDIVISION CONTROL BYLAW 2016- Bylaw 2016-D1 is hereby repealed.



Harold Parker, Mayor  
(signature sealed)



Shari MacDonald, Chief Administrative Officer  
(signature sealed)

**Ministerial Approval:**

This Zoning Bylaw "ZONING AND SUBDIVISION CONTROL (DEVELOPMENT) BYLAW (Bylaw 2019-11)" is hereby approved.

Dated on this 29 day of July, 2019.



Hon. Bloyce Thompson  
Minister of Agriculture and Land





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This bylaw is made under the authority of the *Planning Act*, R.S.P.E.I. 1988, c. P-8.

BE IT ENACTED by the Council of the Rural Municipality of Miltonvale Park as follows:

## 1. SCOPE

### 1.1. TITLE

This bylaw shall be known and may be cited as the *Rural Municipality of Miltonvale Park Zoning and Subdivision Control Bylaw* or the *Development Bylaw*.

### 1.2. AREA DEFINED

This bylaw applies to the geographical area within which the *Council* of the *Community* has jurisdiction.

### 1.3. SCOPE

No dwelling, business, trade or other operation shall be located and no *building* or *structure* shall be erected, altered, used or have its *use* changed, and no land shall be subdivided, consolidated or used in the *Community*, except in conformity with this bylaw and subject to the provisions contained herein.

### 1.4. AUTHORITY OF DEVELOPMENT OFFICER

1. *Council* may appoint a *Development Officer* who shall have the authority to administer this bylaw.
2. Notwithstanding the foregoing, the *Development Officer* shall have the authority to approve or deny *Development Permits* and subdivision applications in accordance with this bylaw except for those applications that require Council's approval, as per this bylaw.
3. Where the *Development Officer* is unable to determine whether the proposed *development* conforms to this bylaw, the *Development Officer* may forward the application to *Planning Board*, and *Planning Board* shall make a recommendation to *Council* on the disposition of the application.

### 1.5. AUTHORITY FROM THE PROVINCE OF PRINCE EDWARD ISLAND

This bylaw is enacted under the authority of the *Planning Act*, R.S.P.E.I. 1988, c. P-8.

### 1.6. PURPOSE

The purpose of this bylaw is to implement the policies of the *Official Plan* and to establish a transparent, fair and systematic means of *Development* control for the *Community*.

**1.7. INTERPRETATION**

In this bylaw:

1. words used in the present tense include the future tense;
2. words in the singular include the plural;
3. words in the plural include the singular;
4. the word “may” is permissive and not mandatory; and
5. the word "shall" is mandatory and not permissive.

**1.8. UNITS OF MEASURE**

All official measurements in this bylaw are in metric. Where imperial measurements are provided, they are for information purposes only.

## 2. DEVELOPMENT ZONES

### 2.1. DEVELOPMENT ZONES

For the purpose of this bylaw, the *Community* is divided into the following *zones*, the boundaries of which are subject to Section 2.2 and are shown on the *Zoning Map* (See Appendix 1). These *zones* may be referred to by the following symbols.

| <u>ZONE</u>                           | <u>SYMBOL</u> |
|---------------------------------------|---------------|
| Residential Manufactured Housing Park | MHP           |
| Serviced Residential                  | RS1           |
| Residential                           | R1            |
| General Commercial                    | C1            |
| Light Industrial                      | M1            |
| Public Service and Institutional      | PSI           |
| Recreation and Open Space             | O1            |
| Environmental Reserve (Overlay)       | O2            |
| Agricultural                          | A1            |

### 2.2. INTERPRETATION OF ZONE BOUNDARIES

1. Boundaries between *zones* shall be determined as follows:

- i. Where a *zone* boundary is indicated as following a *street* or *highway*, the boundary shall be the centerline of such *street* or *highway*;
- ii. Where a *zone* boundary is indicated as following *lot lines*, the boundary shall be such *lot lines*;
- iii. Where a *zone* boundary is indicated as following the limits of the *municipality*, the limits shall be the boundary; and
- iv. Where none of the above provisions apply, the *zone* boundary shall be scaled from the original *Zoning Map* lodged with the *municipality*.

### 2.3. OFFICIAL ZONING MAP

Appendix 1 may be cited as the *Zoning Map* and shall form a part of this bylaw.

### 3. ADMINISTRATION

#### 3.1. DEVELOPMENT APPROVAL

1. No person shall:

- i. Change the *use* of a *parcel*, *structure* or *building*;
- ii. Commence *development*;
- iii. Construct or place a *structure* or *building*;
- iv. Make structural alterations to a *structure* or *building*;
- v. Make a connection to a central or municipal water supply or *sewerage disposal system*;
- vi. Make an underground installation such as a fuel tank, foundation wall or other installation;
- vii. Move or undertake the *demolition* of a *structure* or *building* that is:
  - a. Greater than 20 m<sup>2</sup> (215.3 ft<sup>2</sup>);
  - b. Affixed to a foundation; or
  - c. Connected to a water supply and/or *sewerage disposal system*.
- viii. Establish or operate an *excavation pit*;
- ix. Construct a *highway*;
- x. Place or dump any fill or other material; or
- xi. Subdivide a *parcel* or *parcels*.

without first applying for, and receiving a *Development Permit*.

2. For the purpose of this bylaw:

- i. Laying paving material for a patio or sidewalk;
- ii. Constructing a *fence* 1.22 m (4 ft.) in height or less;
- iii. Installing clotheslines, poles, and radio or television antennae, except satellite dishes over 0.61 m (2 ft.) in diameter;
- iv. Growing a crop or preparing land for a crop;
- v. Removal of vegetation for agricultural and/or forestry practices;
- vi. Making *landscaping* improvements;
- vii. Constructing an *ornamental structure*;
- viii. Replacing a *deck* with a new *deck* of the same area, height and location;
- ix. Conducting routine *maintenance*;

- x. Erecting a tent under 11.15 m<sup>2</sup> (120 ft<sup>2</sup>) for temporary, personal use; or
- xi. 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*.

### 3.2. PERMIT APPLICATION

1. A person making application for a permit shall do so on a form prescribed by *Council* and shall submit the application to the *Development Officer*.
2. Every application form shall be signed by the *owner* of the property, or the authorized agent of the *owner*, and shall be accompanied by the application fee in accordance with the fee schedule (*See Appendix 4*).

### 3.3. DEVELOPMENT PERMIT

1. A *Development Permit* shall be valid for a twelve (12) month period;
2. Upon application, a *Development Permit* may be renewed once for a period up to twelve (12) months in duration.

### 3.4. PAYMENT OF FEES

1. Notwithstanding any other section of this bylaw, a *Development Permit* is not valid until the application fee and any other required fees are paid in full and the permit is acquired by the *owner*.
2. *Council* shall adopt a Schedule of Fees (*See Appendix 4*) by resolution and may amend the Schedule of Fees from time to time to reflect the costs related to processing applications under this bylaw.

### 3.5. SITE PLAN

1. Every application for a *Development Permit* shall be accompanied by a site plan, drawn to scale and showing:
  - i. The shape, dimensions and area of the *lot*;
  - ii. The distance from the *lot lines* and dimensions of the proposed *building* or *structure*;
  - iii. The general location of every *building* or *structure* already erected on the *lot* and of *buildings* on abutting *lots*;
  - iv. The proposed location and dimensions of any well, *sewerage disposal system*, parking space, *parking lot*, *loading space*, *entrance way*, and *landscaping* on the *lot*;
  - v. The proposed *use* of the *lot* and each *building* or *structure* to be developed; and

- vi. Other information the *Development Officer* deems necessary to determine whether or not the proposed *development* conforms to the requirements of this bylaw.
- 2. Where the location of an existing *building* or *structure* with respect to a boundary is necessary to determine the compliance of an application with this bylaw, a *survey plan* may be requested by the Development Officer, in accordance with the *Land Surveyors Act*, R.S.P.E.I. 1988, c. L-3.1.

### 3.6. SURFACE DRAINAGE PLAN

- 1. A *surface drainage plan*, signed and sealed by a licensed engineer or landscape architect, shall be submitted with a *development* application for:
  - i. A change to the *grade*, when no *building* or *structure* is proposed, that involves:
    - a. Placing or dumping fill or other material on a *lot*;
    - b. Excavating and removing soil from a *lot*; or
    - c. Any alteration or change to the existing *grade* within the minimum setbacks of the *lot*.
  - ii. A *building* or *structure*:
    - a. With a *building footprint* greater than 65 m<sup>2</sup> (700 ft<sup>2</sup>) and a proposed *setback* of less than 15.3 m (50 ft) from any *lot line*, existing *building* or *structure*, excluding *accessory buildings*, and where the development requires no alteration or change to the existing *grade* within the minimum setbacks of the *lot*;
    - b. With a *lot coverage* greater than 10%; or
    - c. With a *building footprint* greater than 20 m<sup>2</sup> (215 ft<sup>2</sup>) on a *lot* with less than 30 m (100 ft.) of *lot frontage* or less than 1,858 m<sup>2</sup> (20,000 ft<sup>2</sup>) in *lot area*.
- 2. A *surface drainage plan* is not required for:
  - i. A *development* that conforms with a preapproved *storm water management plan* as prepared for subdivision approval of the *lot*;
  - ii. A *building* or *structure* that is built on raised sono-tubes or piles and will not affect the natural and existing flow for drainage on a *lot*; or
  - iii. The replacement of a *building* or *structure* with a *building* or *structure* of the same size and in the same general location, provided no changes are being made to the *grade* of the *lot*.
- 3. A *surface drainage plan* shall include the following information:
  - i. The existing and proposed *grade* elevations relative to any adjoining *lot* and *highway*;
  - ii. The surface water management strategies to be used (i.e., swales, berms, ditches, etc.) when applicable, and the proposed surface drainage flow as designed to



prevent surface water run-off from the *lot* in question onto any adjoining *lot* or *highway*.

- iii. The finished floor or foundation elevation of any existing *building(s)* on the *lot* and on any adjacent *lot* located within 15 m (49 ft.) of the adjoining *lot line*; and
  - iv. The proposed surface, finished floor or foundation elevation of the proposed *building* or *structure*.
4. For properties with, or located adjacent to, a *watercourse* or *wetland*, the site plan and/or *surface drainage plan* shall also include the location of any buffer zone as defined in the *Watercourse and Wetland Protection Regulations* prescribed under the *Environmental Protection Act*, R.S.P.E.I. 1988, c. E-9.
5. A site plan and *surface drainage plan* may be submitted together as a single plan of the proposed *development*.

### 3.7. **BUILDING DESIGN DRAWINGS**

1. Stamped construction plans and elevation drawings shall be required for all applicable *development* in accordance with the *Architects Act* R.S.P.E.I. 1988 c. A-18.1. and the *Engineering Profession Act*, R.S.P.E.I. 1988 c. E-8.1.

### 3.8. **CONSTRUCTION PLANS**

1. The *Development Officer* may require the *owner* submit a construction plan for the *development* addressing matters related to construction, including but not limited to: construction phasing, stockpiling of fill, temporary screening or fencing, erosion or run-off control measures, heavy truck access, hours of construction, remediation measures and any other matter that could present a nuisance or hazard during construction of the *development*.

### 3.9. **OTHER INFORMATION**

1. The *Development Officer* may require an *owner* to submit additional information related to the *development*, which it deems pertinent to an application, including but not limited to the following:
- i. *Parking lot* layout and internal circulation patterns;
  - ii. Location of garbage containers and description of screening or fencing;
  - iii. Storm water management plan for any *development* other than that which requires a *surface drainage plan* under Section 3.6 of this bylaw;
  - iv. Location of *open space* and amenity areas;
  - v. *Landscaping* plan;
  - vi. Existing vegetation;
  - vii. Easements;

- viii. Proposed storage areas and description of screening or fencing;
- ix. Traffic impact study, the requirements of which are site specific and will be provided on a case-by-case basis through consultation with the *provincial government* department responsible for the *Roads Act*, R.S.P.E.I. 1988, c. R-15;
- x. *Survey plans*.

### 3.10. **CONDITIONS ON PERMITS**

1. *The Development Officer* may impose conditions on a permit that are directly related to bylaws of the *Community*, the *Official Plan*, or statutes, regulations or other enactments adopted by the *provincial government*.

### 3.11. **DENYING PERMITS AND DEVELOPMENT RESTRICTIONS**

1. No *Development Permit* shall be issued if the proposed *development*:
  - i. Could create a hazard to the general public or any resident of the *municipality* or could injure or damage neighbouring lot or other property in the *municipality*, including but not be limited to, hazards, injuries or damages arising from water drainage run-off;
  - ii. Could create a health, fire or accident hazard or increase the likelihood of the existence of rodents, vermin or other pests;
  - iii. Does not conform to this bylaw;
  - iv. Does not have a water supply that meets minimum provincial standards;
  - v. Does not have a sewerage disposal *system* that meets minimum provincial standards;
  - vi. Does not have safe and efficient access to the *highway*;
  - vii. Would be *detrimental* to the environment;
  - viii. Would be *detrimental* to the convenience, health, or safety of residents in the vicinity of the *development* or the general public.

### 3.12. **AUTHORIZATION FOR INSPECTION**

An application for a *Development Permit* shall constitute authorization for inspection of the subject *building* or *lot* during *development* by an officer or agent of the *Community* for the purpose of ensuring compliance with the provisions of this bylaw.

### 3.13. **PERMITS POSTED**

The *owner* shall post the permit at a location on the *parcel* that is visible to the public.

### 3.14. **DEVELOPMENT AGREEMENT**

1. *The Development Officer* may require an *owner* to enter into a *development agreement* with

*Council*. This agreement is a contract and shall be binding on both parties.

2. The *development agreement* shall include the conditions under which a *development* is to be carried out by the *owner*.
3. Failure to comply with a *development agreement* shall constitute an offence under this bylaw.
4. A *development agreement* may address but shall not be limited to the following matters:
  - i. Site design;
  - ii. The design and construction cost of sidewalks, pathways and other pedestrian access matters;
  - iii. *Landscaping* and screening;
  - iv. Vehicular accesses and exits;
  - v. *Signage*;
  - vi. Security and safety lighting;
  - vii. Architectural design;
  - viii. Methods of waste disposal;
  - ix. Remediation measures;
  - x. Security;
  - xi. Hours of operations;
  - xii. Fencing; and
  - xiii. Other matters to ensure the health, safety and convenience of *Community* residents or any other person.
5. The *development agreement* shall be registered in accordance with the *Registry Act*, R.S.P.E.I. 1988, c. R-11.
6. A permit issued subject to a *development agreement* shall reference the signed agreement as a condition of the permit.
7. Fees associated with the preparation, registration and enforcement of the *development agreement* shall be paid by the *owner*.

### 3.15. **VARIANCES**

1. Upon receiving a recommendation from Planning Board, *Council* may grant a *variance* for a *development* application, not exceeding 10% of the minimum setback, lot area, frontage, lot coverage and/or building height as required in the zone, if the *variance* is consistent with the general intent and purpose of this bylaw, provided that:

- i. The *lot* has peculiar physical conditions, such as small lot size, irregular lot shape, exceptional topographical conditions, or other feature, which make it impractical to develop in strict conformity with the bylaw standards;
  - ii. Strict application of the bylaw standards would impose undue hardship on the *owner* by excluding them from the rights and privileges for reasonable *use* of the *lot* as enjoyed by other *owners* in the same *zone*;
  - iii. The *variance* is of the least magnitude required to enable reasonable *use* of the *lot*; and
  - iv. The proposed *variance* would not impact unduly on the enjoyment of adjacent properties, or on the essential character of the surrounding neighbourhood.
2. Authorization of a *variance* shall be documented and recorded in writing.
3. No *variance* shall be granted where the matter is the result of intentional or negligent conduct of the *owner*, including ignorance on the part of the *owner*, or where the difficulty can be remedied in some other reasonable manner.
4. Notwithstanding any other section of this bylaw, *Council* may grant a *variance* for a *development* application, in excess of 10% of the minimum setback, lot area, frontage, lot coverage and/or building height as required in the zone, if *Council* deems such a *variance* desirable and appropriate and if such *variance* is consistent with the general intent and purpose of this bylaw.
5. Before *Council* considers a *variance* in excess of 10%, the *Development Officer* shall:
  - i. Receive from the *owner* sufficient funds to cover the costs associated with a mail-out and the application fee;
  - ii. Provide written notice by ordinary mail or hand delivery, explaining the details of the proposed application, to all *owners* within 152 m (500 ft.) of the boundaries of the subject *lot*;
  - iii. Ensure that the notice identifies the subject *lot* and describes the application and the date by which written comments must be received;
  - iv. Accept comments within fourteen (14) calendar days from the date of the notice. *Planning Board* shall consider the application having regard for the criteria in Sections 3.10.1 and shall make a recommendation to *Council*.
6. Where *Council* decides a *variance* application could have a significant effect on adjacent *parcels* or *parcels* in the general vicinity of the *lot*, or when *Council* decides insufficient input has been received, *Council* may require that a public meeting be held pursuant to the provisions of Section 3.12 of this bylaw.
7. When an application for a *variance* has been decided, the same or a similar *variance* application for the *lot* shall not be heard by *Council* within one (1) year of its rendering a decision unless *Council* is of the opinion that there is new information.

8. If, after one (1) year of a *variance* approval, no *Development Permit* is issued for the *lot* or the *development* has not been commenced, the *variance* and any related *Development Permit* shall be deemed null and void.

### 3.16. **BYLAW AMENDMENTS**

1. A person may apply in writing for an amendment to the provisions of this bylaw. The applicant shall describe in detail the reasons for the desired amendment and request *Council* consider the proposed amendment. Any request for an amendment shall be signed by the person seeking the amendment.
2. An application for rezoning shall:
  - i. Be deemed to be an application to amend this bylaw;
  - ii. Include a legal description of the location of the *lot* to be rezoned, the name and address of the *owner* and, if the applicant is not the *owner*, a statement as to the applicant's interest in the *lot*;
  - iii. Include such information as may be required for the purpose of adequately assessing the desirability of the proposal, including but not limited to:
    - a. General development concept showing proposed *use*, subdivision, *building*, means of servicing, traffic access and parking;
    - b. Assessment of potentially impacts of the *development* on municipal infrastructure and the natural environment; and
    - c. Verification that the proposed *development* is in conformance with any applicable provincial statute, regulation or other enactment.
  - iv. Be submitted with a non-refundable application fee in accordance with a fee schedule (*See Appendix 4*). If the amount paid by the *owner* is not sufficient to cover the costs related to the application, the *owner* shall pay the additional amount required before *Council* gives final approval to the amendment or, if the amount paid is more than sufficient, the excess amount shall be refunded to the *owner* minus the processing fee.
3. Prior to amending this bylaw, *Council* shall provide public notice and hold a public meeting pursuant to the provisions of Section 3.12 in this bylaw.
4. *Council* shall determine whether to pursue an amendment and before making a decision shall consider whether:
  - i. the proposed amendment is in conformity with the *Official Plan*; or
  - ii. to amend the *Official Plan* in accordance with the provisions of the *Planning Act*.
5. Related *Official Plan* and bylaw amendments may be considered concurrently by *Council*, provided that both amendments are posted on the same notice and the *Official Plan* amendment precedes the bylaw amendment.

6. *Official Plan* and bylaw amendments approved by *Council* also require approval by the Minister responsible for administering the *Planning Act*.
7. Following the public meeting, *Council* shall determine whether an amendment request is approved, requires modification, or denied. The *Development Officer* will notify the *owner* that the proposed amendment has been approved or denied. Where a proposed amendment has been denied by *Council*, the reasons for the denial shall be stated in writing to the *owner*.
8. When an application for an amendment has been decided, the same or a similar application shall not be heard by *Council* within one (1) year of its rendering a decision unless *Council* is of the opinion that there is new information.
9. Nothing in this bylaw restricts the right of *Planning Board* or *Council* to initiate its own amendment to the *Official Plan* or this bylaw.

### 3.17. PUBLIC MEETINGS

1. The *Development Officer* shall review an application and will provide a recommendation to *Council* on whether to hold a public meeting.
2. *Planning Board* and *Council* shall consider the following criteria when reviewing an application for a *variance* in excess of 10%, or a bylaw amendment, as applicable:
  - i. Conformity with all requirements of this bylaw;
  - ii. Conformity with the *Official Plan*;
  - iii. Suitability of the site for the proposed *development*;
  - iv. Compatibility of the proposed *development* with surrounding land uses, including both existing and other permitted uses;
  - v. Comments from residents or other interested persons;
  - vi. Adequacy of existing or proposed water supply system, *sewerage disposal system*, road access, storm water management, electrical services, *parkland* for accommodating the *development*, and any projected infrastructure requirements;
  - vii. Impacts of the *development* on pedestrian and vehicular access and safety, including public safety generally;
  - viii. Compatibility of the *development* with agricultural, environmental, scenic and heritage resources;
  - ix. Impact on municipal finances and budgets;
  - x. Other related provisions in this bylaw; and
  - xi. Other matters considered relevant by *Planning Board* or *Council*.
3. *Council* retains the right to deny a request without holding a public meeting, if such request is deemed to be inconsistent with land use planning principles or the *Official Plan*. Should

*Council* not proceed with a public meeting, the application fee shall be returned to the *owner* minus the processing fee.

4. At least seven (7) clear days prior to holding a public meeting the *Development Officer* shall advertise the date, time and place of the public meeting, together with the general terms of the application, by:
  - i. Public notice in a newspaper circulating in the area;
  - ii. Written notice to all property *owner(s)* within 152 m (500 ft.) of the boundaries of the subject *lot*; and
  - iii. Placing a *sign* on the subject lot.
5. At a public meeting called in respect of a proposed amendment to this bylaw, *Council* shall preside at the meeting, the *owner* or their authorized agent shall describe the proposed amendment at the meeting, and the opinions of any person shall be heard by *Council*.

### 3.18. RECONSIDERATION AND APPEALS

1. A person who is dissatisfied with a permit or application approval under this bylaw that has been approved, not approved or approved subject to conditions, and feels that the decision is unjustified may seek a reconsideration of the application by Council, and Council may review, rescind, change or vary any order or decision provided that:
  - i. New material facts or evidence not available at the time of the initial decision has been presented;
  - ii. A material change in circumstances has occurred since the initial decision; or
  - iii. There is clear doubt as to the correctness of the initial decision.
2. A person who is dissatisfied with the administration of this bylaw by Council may appeal certain decisions to the Island Regulatory and Appeals Commission in accordance with the *Planning Act*.

### 3.19. 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 *Community* is also entitled to enforce this bylaw and restrain any breach of this bylaw in accordance with the *Planning Act*.

## 4. GENERAL PROVISIONS FOR ALL ZONES

### 4.1. ACCESS

1. No *Development Permit* shall be issued unless the *lot* or *parcel* intended to be used or upon which the *building* or *structure* is to be erected has *frontage* on a *highway*, or is an existing *lot* with legal access to a *private road*.
2. No person shall construct or use an *entrance way* except where that *entrance way* meets the minimum requirements as established under the *Planning Act* or the *Roads Act*.
3. Where an entrance way permit is required under the *Highway Access Regulations* prescribed under the *Roads Act*, its issuance shall be a condition precedent for approval of a *subdivision* or a *Development Permit*.
4. A *Development Permit* for a *structure* that fronts on a *private road* may be approved, provided that the following criteria are met:
  - i. The *parcel* was approved prior to the effective date of this bylaw;
  - ii. No reasonable provision can be made to provide direct access to a *highway*;
  - iii. There is a safe ingress and egress from the *lot* or *private road* to a *highway*; and
  - iv. An agreement is registered in accordance with the provisions of the *Registry Act*, binding on all *owners* abutting or fronting on the *private road*, providing for the long-term ownership and maintenance of the *private road*, and such agreement shall be binding on all heirs, successors, and assigns of the *owners*.

### 4.2. ACCESSIBILITY/BARRIER FREE DESIGN

No *Development Permit* shall be issued for a new *structure* or *building* until the applicant submits written confirmation from a qualified professional or the *provincial government* department responsible for the *Barrier-Free Design Regulations* prescribed under the *Provincial Building Code Act*, R.S.P.E.I. 1988, c. P-24, that the proposed *development* complies with such regulations.

### 4.3. ACCESSORY APARTMENTS

1. One (1) *accessory apartment* may be constructed in or as an addition to an existing *single detached dwelling* under the following conditions:
  - i. The *owner* shall submit a site plan indicating the proposed location of at least one (1) additional *parking space* in addition to the *parking space(s)* required for the *main building*.
  - ii. The design of the *accessory apartment* meets the requirements of the provincial Fire Marshal's Office.
  - iii. The exterior of the *single detached dwelling* shall retain the appearance of a *single detached dwelling*.



- iv. Where the property is serviced by an on-site water supply and *sewerage disposal system*, the *intensification of use* and necessary upgrades to the system(s) must be approved by the responsible *provincial government* department.
  - v. The *accessory apartment* shall be less than:
    - a. 80% of the Gross Floor Area of the main Dwelling, excluding the garage; and
    - b. 80 m<sup>2</sup> (861 ft<sup>2</sup>) in Floor Area.
  - vi. The *accessory apartment* shall not contain more than two bedrooms.
  - vii. The subject property does not contain an *accessory apartment* within an *accessory building* on the *lot*.
  - viii. All other provisions of the bylaw remain applicable to the *dwelling* and changes may be required to the exterior of the *dwelling* to ensure compliance with this bylaw.
2. One (1) *accessory apartment* may be permitted in a detached *building* or in an *accessory building* on a *lot* with a *single detached dwelling* if the application meets the following requirements:
- i. The *accessory apartment* shall be accessory to the *main building* on the *lot* and must be connected to the water supply and *sewerage disposal system* of the *main building*;
  - ii. In the case of connection with an on-site water supply and *sewerage disposal system*, the *intensification of use* and necessary upgrades to the system(s) must be approved by the responsible *provincial government* department; and
  - iii. The *accessory apartment* meets the requirements of the provincial Fire Marshal's Office;
  - iv. The following site standards for an *accessory apartment* in a detached *building* or *accessory building*, shall apply:

|                                 |                                                                                                                                                           |
|---------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| Lot Area (minimum)              | 4,047 m <sup>2</sup> (1.0 acre)                                                                                                                           |
| Building height (maximum)       | 4.6 m (15 ft.) or less than the height of the principle dwelling                                                                                          |
| Floor area (maximum)            | 65 m <sup>2</sup> (700 ft <sup>2</sup> )                                                                                                                  |
| Permitted location              | <i>rear yard</i> or <i>side yard</i> when the <i>side yard</i> setback is at least as wide as the minimum required setback for the <i>main building</i> . |
| Setback from lot line (minimum) | 5 m (16.4 ft.)                                                                                                                                            |

- v. The *accessory apartment* shall use the existing *entrance way* on the *lot* unless the said *entrance way* leads to a garage, in which case provision must be made for access to the *rear yard* for emergency vehicles;
- vi. The *owner* shall submit a site plan indicating the proposed location of at least one (1) additional *parking space* in addition to the *parking spaces* required for the *main building*;
- vii. A *mini home* is not permitted to be used as an *accessory apartment* unless otherwise permitted in this bylaw.
- viii. The *accessory apartment* shall not be situated over an existing underground services or utilities and shall not encroach upon a permanent easements registered on the *lot*. The *owner* may be required to submit a *survey plan* certified by a licensed Prince Edward Island Land Surveyor or licensed engineer;
- ix. The installation of the *accessory apartment* shall not interfere with, nor disrupt, the existing storm water drainage pattern on adjacent properties, and shall not cause ponding of storm water; and
- x. The *main building* shall not contain an *accessory apartment*.

#### 4.4. ACCESSORY BUILDINGS

1. An *accessory building* shall be permitted on a *parcel* but shall not be used for human habitation except where an *accessory apartment* is a permitted use.
2. An *accessory building* on a *parcel* with a *residential use* shall not:
  - i. Be located in the *front yard*;
  - ii. Be closer than 1.5 m (4.9 ft.) to a *lot line*, except that common garages for *semi-detached dwellings* may be centered on a mutual *side lot line*;
  - iii. Exceed 4.6 m (15.1 ft.) in *building height*; and
  - iv. The following regulations shall apply with regards to the maximum number and size of *accessory buildings* permitted on a *lot*:

|                                                   | Lot area is less than ½ acre | Lot area is less than 1 acre or any lot larger than ½ acre in the RS1 Zone | Lot area is between 1-3 acres (excludes RS1 Zone) | Lot area is greater than 3 acres (excludes RS1 Zone) |
|---------------------------------------------------|------------------------------|----------------------------------------------------------------------------|---------------------------------------------------|------------------------------------------------------|
| Maximum height                                    | 4.6 m (15.1 ft)              | 4.6 m (15.1 ft)                                                            | 7.62 m (25 ft)                                    | 7.62 m (25 ft)                                       |
| Number of Accessory Buildings permitted (maximum) | 2                            | 2                                                                          | 2                                                 | 3                                                    |

|                                                                                                      |                       |                       |                       |                       |
|------------------------------------------------------------------------------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Number of Accessory Buildings permitted on a property with an approved Accessory Apartment (maximum) | 2                     | 2                     | 3                     | 3                     |
| Floor Area (maximum) for individual Accessory Buildings                                              | 700 ft <sup>2</sup>   | 1,200 ft <sup>2</sup> | 1,500 ft <sup>2</sup> | 2,000 ft <sup>2</sup> |
| Combined Floor Area (maximum)                                                                        | 1,000 ft <sup>2</sup> | 1,200 ft <sup>2</sup> | 1,500 ft <sup>2</sup> | 2,000 ft <sup>2</sup> |

3. An *accessory building* on a *lot* with any other use other than residential, and excluding commercial uses on a residential *lot*, shall:
  - i. Meet the requirements for *development* of a *main building* within the applicable *zone*; or
  - ii. May be permitted to be located in the rear yard, with a reduced minimum setback of 4.6 m (15 ft), if the *accessory building* is less than 600 m<sup>2</sup> (6,458 ft<sup>2</sup>) and is no larger than 10% of the lot area and is smaller than the footprint of the main building.
4. No *accessory building* or *structure* over 12 m<sup>2</sup> (129.2 ft<sup>2</sup>) shall be constructed:
  - i. Prior to the construction of the *main building* to which it is accessory; or
  - ii. Prior to the establishment of the *use* of the *lot* where no *main building* is to be built.
5. Notwithstanding the above provisions, but after having followed the process in Section 3.15.5 of this bylaw, *Council* may approve an *accessory building* that:
  - i. Is located within the *front yard* or *flankage yard* of a *lot*; or
  - ii. 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.

#### 4.5. BUILDING SETBACK FROM HIGHWAYS

1. The minimum *building setback* from a *highway* shall be:
  - i. 15.2 m (50 ft.) from arterial, collector, and local *highways*; and
  - ii. 5.2 m (17 ft.) from interior subdivision *highways* or seasonal subdivision *highways*.
2. The minimum *building setback* from a *private road* shall be 15.2 m (50 ft.) from the centre line of the *private road*.

#### 4.6. BUILDING SEPARATION DISTANCES

1. Where more than one main building is permitted on a *lot*, the minimum separation distance between *buildings* shall be 6.0 m (19.7 ft), unless the subject *buildings* have been designed by a licensed architect and/or engineer and the separation distance has been certified accordingly.
2. The minimum separation distance between a *main building* and an *accessory building* or *temporary structure*, shall be 1.2 m (3.9 ft).

#### 4.7. COMMERCIAL USE ON A RESIDENTIAL PROPERTY

1. A *commercial use* may operate in a *dwelling* or in an *accessory building* to a *dwelling* on a *residential lot* provided:
  - i. The *owner* of the business ordinarily resides in the *dwelling*;
  - ii. Not more than two (2) employees live outside the *dwelling*;
  - iii. Not more than twenty five percent (25%) of the *floor area* of the *dwelling* is used for the *commercial use*;
  - iv. Adequate off-*highway* parking is provided on the *lot* for both the *dwelling* and the *commercial use* in accordance with Appendix 3;
  - v. No *outdoor storage* of materials or outdoor product *display* is used in conjunction with the *commercial use*, and where the commercial use involves services for vehicles, no more than 3 vehicles, in addition to those registered to the property owner may be parked or stored on the *lot* at any time, additional vehicles may be parked or stored on the *lot* within a wholly enclosed *building*
  - vi. A maximum of two (2) commercial vehicles may be parked or stored on the *lot*, and additional vehicles may be parked or stored on the *lot* within a wholly enclosed *building*.
  - vii. *Premise signs* shall be restricted to a maximum of 0.56 m<sup>2</sup> (6 ft<sup>2</sup>);
  - viii. No mechanical equipment shall be used on the *lot* except what is reasonably consistent with the *use* of the *dwelling*;
  - ix. The external appearance of the *dwelling* is not altered; and
  - x. Where the property is serviced by an on-site water supply and *sewerage disposal system*, the *intensification* of *use* and any necessary upgrades to the system(s) must be approved by the responsible *provincial government* department.
2. The following commercial uses are permitted on a residential property:
  - i. Home daycare, subject to provincial regulations;
  - ii. Tourist establishment, subject to Section 4.6 of this bylaw;

- iii. A personal service shop;
  - iv. Home office, providing clerical, computer and/or telephone based services;
  - v. Custom sewing, crafts or production of visual arts;
  - vi. Multi-level marketing retail sales;
  - vii. Catering, for off-premise delivery of products;
  - viii. Private lessons, tutoring or training sessions;
  - ix. Health and wellness services; and
  - x. Craft Studio
3. Notwithstanding the above provisions, but after having followed the process in Section 3.15.5 of this bylaw, *Council* may approve an alternative commercial use provided *Council* is satisfied the commercial use will be compatible with adjacent land uses, and that no permanent injury will be caused to the existing and permitted uses of adjoining properties.

#### 4.8. DECKS

1. A *deck* up to 0.6 m (2 ft.) in *height* above the surrounding *grade* may project into the *side yard* and *rear yard* required by this *Bylaw* by 1 m (3.3 ft.).
2. A *deck* that exceeds 0.6 m (2 ft.) in *height* above the surrounding *grade* shall be subject to the *building setback* requirements for *development* of a *main building* within the applicable *zone*.

#### 4.9. DEMOLITION OR MOVING PERMITS

1. No one may undertake a *demolition* or move a *structure* that is greater than 20 m<sup>2</sup> (215.3 ft<sup>2</sup>), that has a foundation, or that is connected to water supply and/or *sewerage disposal system* without first obtaining a *Development Permit*.
2. When a *structure* is demolished or moved, the well and *sewerage disposal system* must be decommissioned or temporarily capped in accordance with any applicable statute, regulation or other enactment.
3. When a *structure* is to be moved, the *owner* must arrange for a *highway* escort as required by any applicable statute, regulation or other enactment.
4. When a *structure* has been moved or demolished, the *lot* must be leveled to *grade*.

#### 4.10. ENVIRONMENTAL BUFFER

1. A buffer zone shall be in place for any *watercourse* or *wetland* in accordance with the *Watercourse and Wetland Protection Regulations* prescribed under the *Environmental Protection Act*.
2. The Environmental Reserve (Overlay) *zone* applies to any *wetland*, *watercourse*, and buffer zone identified on a *lot* by the *provincial government* department responsible for the

*Environmental Protection Act*, and the boundary of any *wetland*, *watercourse*, and buffer zone shall be shown on any site plan submitted to the *Community* as part of a *development* applications.

#### 4.11. EXCAVATION PITS

1. An *excavation pit* shall not be permitted within the MHP, RS1 or R1 Zones.
2. *Excavation pits* shall comply with all applicable provincial statutes, regulations and other enactments, and confirmation that the proposed *development* is in compliance with such enactments shall be submitted with a *development* applications.
3. The following minimum separation distances shall apply to all new excavation pits:

|                                                                                                                                             |                 |
|---------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| Minimum setback from a residential, institutional or recreation and <i>open space use</i> , other than a property owned by the <i>owner</i> | 300 m (984 ft.) |
| Minimum setback from lot line                                                                                                               | 8 m (26.2 ft.)  |
| Minimum setback from a <i>watercourse</i> or <i>wetland</i>                                                                                 | 50 m (164 ft.)  |
| Minimum setback from a <i>highway</i>                                                                                                       | 60m (197ft.)    |

#### 4.12. EXISTING NON-CONFORMING BUILDINGS

1. A *building* shall be deemed to exist on the effective date of approval of this bylaw if:
  - i. It was lawfully under construction; or
  - ii. The permit for its construction was in force and effect, but this clause shall not apply unless the construction is commenced within six (6) months after the date of the issue of the permit and is completed in conformity with the permit within twelve (12) months of commencing construction.
2. Where on the effective date of this bylaw, a *building* exists on a *lot* having less than the minimum *frontage* or *lot area*, or having less than the minimum front yard, *side yard* or *rear yard* required by this bylaw, the *building* may be enlarged, reconstructed, repaired or renovated provided that:
  - i. The enlargement, reconstruction, repair or renovation does not further reduce the *front yard*, *side yard* or *rear yard* that does not conform to this bylaw; and
  - ii. All other provisions of this bylaw and any applicable provincial statute, regulation or other enactment are satisfied.
3. Notwithstanding any other provisions of this bylaw, the *use* of a *building* existing on the effective date of this bylaw may be changed to a *use* permitted on the lot where the *lot area* or *frontage*, or both, is less than that required by this bylaw, provided that all other applicable provisions of this bylaw are satisfied.

4. If a *building* that does not conform to provisions of this bylaw is destroyed by a fire, or otherwise to an extent of seventy-five percent (75%) or more of the assessed value of the *building* above its foundation, the *building* shall only be rebuilt or repaired in conformity with the provisions of this bylaw.

#### 4.13. EXISTING NON-CONFORMING LOTS

1. Notwithstanding any other provisions of this bylaw, a vacant *lot* having less than the minimum *frontage* or *lot area* may be used for a *use* permitted in the *zone* in which the *lot* is located and a *building* may be erected on the *lot* provided that all other applicable provisions in this bylaw are satisfied.

#### 4.14. EXISTING NON-CONFORMING USES

1. Subject to the provisions of this bylaw, the *use* a *parcel*, a *building* or *structure* lawfully in existence on the effective date of this bylaw may continue to exist.
2. No structural alterations that would increase the exterior dimensions, except as required by statute or bylaw, shall be made to a *building* or *structure* while a non-conforming *use* is being continued.
3. A change of tenants or occupants of a *parcel* or *building* shall not be deemed to affect the *use* of the *parcel* or *building* for the purposes of this bylaw.
4. A non-conforming *use* of a *parcel*, *building* or *structure* shall not be permitted if it has been discontinued for a period of twelve (12) months consecutively and, in such event, the *parcel*, *building* or *structure* shall not thereafter be used except in conformity with this bylaw.
5. No *intensification* of *use* shall be made while a non-conforming *use* of the *lot*, *building* or *structure* is being continued.
6. No increase in the *lot area* or *floor area* occupied by the non-conforming *use* shall occur while a non-conforming *use* is being continued.

#### 4.15. FENCES

1. A fence may be erected or placed on a *lot* subject to the following regulations:
  - i. The maximum height for a fence in any zone is 2.5 m (8.2 ft);
  - ii. No fence may be electrified or incorporate barbed wire or other dangerous materials, except for an active farm.

#### 4.16. FRONT YARD SETBACKS BETWEEN EXISTING BUILDINGS

1. Notwithstanding the minimum *front yard* requirements in this bylaw, when a *building* is erected adjacent to an existing *building* or between two existing *buildings*, located within 15.2 m (50 ft.) of the proposed *building*, the minimum *front yard* setback requirement shall be no less than that of the adjacent *building(s)* that is closest to the *highway*.

**4.17. HEIGHT RESTRICTION EXEMPTION**

1. The maximum *building height* requirement set out in this bylaw shall not apply to *church* spires, lightning rods, water tanks, monuments, elevator enclosures, silos, flag poles, lighting standards, television or radio antennae, telecommunications towers, ventilators, skylights, fire towers, drive-in theatre screens, chimneys, clock towers, solar collectors, power transmission towers, roof top cupola, wind turbines, or utility poles.

**4.18. LAND USE EDGES**

1. Between adjacent *land uses*, a minimum 4.6 m (15 ft.) wide *landscape buffer* shall be maintained, or in the absence of a landscape buffer a *fence* of a type that forms a visual barrier shall be erected, on the *side lot line* and/or *rear lot line* of a *lot*, to be developed where:
  - i. A resource or non-resource *commercial* or *industrial use* abuts a *residential use* along the *side lot line* or *rear lot line*;
  - ii. A resource or non-resource *commercial* or *industrial use* abuts the O1 Zone (including the Confederation Trail) along the *side lot line* or *rear lot line*;
  - iii. An *agricultural use*, excluding crops or forestry uses, and includes development that has a setback less than 22.8 m (75 ft) from a *side lot line* or *rear lot line* that abuts a *residential use*.
2. Where a resource or non-resource *commercial* or *industrial use* abuts a *residential use* the:
  - i. Exterior lighting or illuminated *signage* shall be arranged so as to deflect light away from the adjacent *residential use*; and
  - ii. *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*.
3. The site plan for the *development* shall identify the boundary of the *land use* edge and the location, width and material of the landscaped buffer, or *fence* to be constructed.

**4.19. LICENSES, PERMITS, AND COMPLIANCE WITH OTHER BYLAWS**

1. Nothing in this bylaw shall exempt a person from complying with the requirements of any other bylaw of the *municipality* or from obtaining any license, permission, permit, authority, or other approval required by any other bylaw of the *municipality* or any statute, regulation, or other enactment of the *provincial government* or the Government of Canada.
2. Where the provisions of this bylaw conflict with those of any other bylaw of the *municipality* the highest, strictest or most stringent provision shall prevail.



**4.20. LIVESTOCK OPERATIONS**

1. *Livestock* operations shall comply with all applicable provincial statutes, regulations and other enactments, and confirmation that the proposed *development* is in compliance with such enactments shall be submitted with a *development* applications.
2. New *livestock* operations shall not be located within 152.4 m (500 ft.) from the MHP Zone, R1 Zone and RS1 Zones.

**4.21. MAIN BUILDING**

1. No person shall *erect* more than one (1) *main building* on a *lot* except in the:
  - i. C1 Zone;
  - ii. MHP Zone;
  - iii. A1 Zone;
  - iv. PSI Zone; and
  - v. M1 Zone.

**4.22. MIXED USE**

1. Where any *lot* or *building* is used for more than one (1) purpose, all provisions of this bylaw relating to each *use* shall be satisfied by the *owner*.

**4.23. PARKING**

1. Parking standards in the *Community* shall be consistent with the provisions of the *Planning Act* (See Appendix 3: Parking Standards)
2. Where the parking requirement is calculated to be greater than 0.5 of a space and less than 1.0 of a space, it shall be deemed to be a requirement for one (1) additional space.
3. A *Development Permit* application shall include a copy of a parking plan showing the provision of adequate off-street parking for residents, employees, visitors and other traffic.
4. Where parking is provided in the *front yard* of a non-residential *building*, a minimum 3 m (9.8 ft.) wide area of *landscaping* shall be provided between the parking and the *highway* boundary.

**4.24. PERMITTED USES IN ALL ZONES**

The following uses are permitted in all *zones*:

1. Temporary construction facilities such as sheds, scaffolds and equipment incidental to *development* for so long as construction is in progress or for a maximum period of six (6) months, whichever is the shorter period, and for a maximum of thirty (30) days after the completion of the *development*.
2. Public and private utilities and utility-related *buildings* or *structures* may be located in any *zone* and no *zone* standards shall apply.

3. *Public or private park, open space, or conservation activity.*

#### 4.25. PROHIBITED USES

1. Uses that are not specified as permitted uses in the *zone* shall not be permitted in the *zone*.
2. Satellite dishes greater than 0.6 m (2 ft.) in diameter are not permitted.

#### 4.26. RECREATIONAL TRAILER OR VEHICLES

1. No person shall *use* or occupy a *recreational trailer or vehicle*, unless a *Development Permit* has been issued in accordance with the following:
  - i. A *Development Permit* shall be valid for a period of not more than 120 days and shall not be renewed; and
  - ii. The *recreational trailer or vehicle* shall be removed from the *lot*, or stored and discontinued from use, immediately following expiry of the *Development Permit*.

#### 4.27. SERVICING

1. A *Development Permit* may be withheld until such time as the water supply and sewerage disposal system is shown by the *owner* to be sufficient for the whole *development*.
2. As part of the application for a *Development Permit*, the *owner* shall provide written confirmation that:
  - i. The on-site water supply system and water quality meets minimum provincial requirements; and
  - ii. The *sewerage disposal system* meets minimum provincial requirements.
3. A shared or common *sewerage disposal system* may be approved if it meets the requirements of the *provincial government* department responsible for approving such systems and subject to the approval of Council's consulting engineer. All costs related to the design and approval of a shared or common system shall be borne by the *owner*.
4. Where central sewerage disposal and/or water supply services are available, all *development* shall be connected to these services.

#### 4.28. SIDE YARD WAIVER

Notwithstanding any other provisions of this bylaw, where *buildings* on adjacent *lots* share a *common wall*, the applicable *side yard* requirement shall be zero (0) along the common *lot line*.

#### 4.29. SWIMMING POOLS

A *swimming pool* shall be permitted in the MHP, RS1, R1, A1 and O1 Zones subject to the following conditions:

1. A 1.8 m (5.9 ft.) *fence* shall be constructed in such a manner so as to impede unauthorized persons from entering the *swimming pool*;

2. The gate in the *fence* shall be capable of being locked;
3. Water from the swimming pool shall be de-chlorinated and disposal shall be either through the *sewerage disposal system* or carried off the *lot* by truck unless otherwise authorized by *Council*;
4. The *owner* shall satisfy any other conditions related to the maintenance and safety of the *swimming pool*; and
5. The *swimming pool* shall not be located in a *yard* that abuts a *highway*.

#### 4.30. TEMPORARY STRUCTURES

1. No one may erect or place a *temporary structure* without first obtaining a temporary structure permit, unless the temporary structure is incidental to a *development* that has an approved *development permit*;
2. *Temporary structures* must conform to the setback and lot coverage regulations for an accessory building in the zone;
3. The placement or erection of a *temporary structure* shall not involve an alteration to the existing grade of the *lot* and shall not result in an alteration to the natural surface drainage pattern on the *lot*;
4. *Temporary structures* with a footprint of 22.3 m<sup>2</sup> (240 ft<sup>2</sup>) or less, may be permitted on any *lot* with a main building for up to 6 months, and only one *temporary structure* shall be permitted on a residential property in a single annual cycle, unless the *temporary structure* is incidental to an approved *development*.
5. *Temporary structures* with a footprint larger than 22.3 m<sup>2</sup> (240 ft<sup>2</sup>) may be permitted for a *lot* subject to the following:
  - i. The *lot* is a residential use and the *temporary structure* is incidental to an approved *development*; or
  - ii. The *lot* is a commercial, industrial, institutional, agricultural, resource commercial or resource industrial land use, and the *temporary structure* is incidental to that use or to an approved *development*; and
  - iii. The *temporary structure* may be permitted for up to 6 months, and a maximum of two (2) consecutive temporary structure permits may be approved for the same structure, unless otherwise approved by Council after following the process in Section 3.15.5 of this *Bylaw*, and Council is satisfied that the *temporary structure* is compatible with adjacent land uses and that no permanent injury or nuisance will result from an extension to the maximum time period permitted.

#### 4.31. TOURIST ESTABLISHMENT

1. A *bed and breakfast* or *short term rental* with not more than three (3) individual rooms offered for overnight accommodation may be permitted to operate in a *single detached*

*dwelling* subject to the following:

- i. The *dwelling* shall be occupied as a residence by the principal operator and the external appearance of the dwelling shall not be changed;
  - ii. Adequate off-*highway* parking shall be provided on the *lot* according to the provisions of Appendix 3, where each room shall be considered a sleeping unit;
  - iii. *Premise signs* shall be restricted to a maximum of 0.56 m<sup>2</sup> (6 ft<sup>2</sup>);
  - iv. There shall be no other *signage*, open storage or visible *display* area;
  - v. Where the *parcel* is serviced by an on-site water supply and *sewerage disposal system*, the *intensification of use* and necessary upgrades to the system(s) shall be approved by the responsible *provincial government* department;
  - vi. The *bed and breakfast or short term rental* is licensed in accordance with the *Tourism Industry Act* R.S.P.E.I. 1988, Cap. T-3.3. A copy of the license shall be submitted and the license number shall be included in all public and online advertisements of the Tourist Establishment.
2. A *bed and breakfast* or short term rental with more than three (3) individual rooms offered for overnight accommodation, may be permitted subject to the following additional requirements:
- i. The *lot* is located in the A1 Zone;
  - ii. The *lot* satisfies the minimum *lot area* and *lot frontage* requirements for the zone;
  - iii. Adequate parking to service the *dwelling* and sleeping units is provided on the *lot* according to the provisions of Appendix 3; and
  - iv. There shall be not more than eight (8) rooms offered for overnight accommodation.
3. A *short term rental* of an entire dwelling, which is not rented to more than one group at a time on a per room basis, may be permitted subject to the following requirements:
- i. The *short term rental* shall be licensed in accordance with the *Tourism Industry Act* R.S.P.E.I. 1988, Cap. T-3.3. A copy of the license shall be submitted and the license number shall be included in all public and online advertisements of the Tourist Establishment; and
  - ii. *Premise signs* shall be restricted to a maximum of 0.56 m<sup>2</sup> (6 ft<sup>2</sup>).

#### 4.32. WIND ENERGY CONVERSION SYSTEMS

1. The *owner* of a *wind* turbine shall comply with, all applicable provincial statutes, regulations and other enactments related to *wind turbines*.
2. A *wind turbine* with a name plate capacity of 100 kilowatts or less shall not be located within the distance equal to three (3) times the total height of the *wind turbine* from any existing *residential use* or *highway*.

3. A *wind turbine* with a name plate capacity in excess of 100 kilowatts shall:
  - i. Only be permitted in the A1 Zone;
  - ii. Not be permitted on a *lot* with a *residential use*; and
  - iii. Not be permitted within 1 km of the RS1 Zone or the R1 Zone.
4. A *wind turbine* with a name plate capacity in excess of 100 kilowatts shall be subject to the following conditions:
  - i. The blade clearance shall be a minimum of 7.6 m (25 ft.) from the ground or any structure;
  - ii. The minimum separation distance between *wind turbines* shall be equal to or exceed the total height of the tallest *wind turbine*;
  - iii. The *wind turbine* shall be setback a minimum of one (1) times the total height of the *wind turbine* from all *lot lines* and *highways*;
  - iv. The *wind turbine* shall be setback from a *dwelling* a minimum of four (4) times the total height of the *wind turbine* and, where adjacent *parcels* are part of the same application, the setback requirement from a common *lot line* shall be zero;
  - v. The *wind turbine* shall be located a minimum of 1 km from any *dwelling* on a neighbouring *parcel*. This separation distance does not apply to a *dwelling* on the same *lot* on which the *wind turbine* is installed or a *dwelling* on an adjacent *parcel* containing a *wind turbine* that is part of the same application; and
  - vi. The required separation distance for any additional *wind turbine* shall be equal to or greater than the separation distance between the initial *wind turbine* development and the *dwelling*;
5. A *Development Permit* may be issued for one or more *wind turbines* to be located on a *lot* that does not have *frontage* on a *highway*, provided proof of access to a *highway* is submitted.
6. The *wind turbine* shall be finished in a non-reflective matte and unobtrusive colour.
7. The only artificial lighting permitted on the *wind turbine* is lighting that is required by a federal or provincial statute, regulation, or other enactment.
8. No *signage* shall be permitted on the *wind turbine* except for the identification of the manufacturer, provided such identification is part of the manufacturing process for the *wind turbine*.
9. The *owner* of the *parcel* on which the *wind turbine* is located shall remove the *wind turbine* and associated *structures* within two (2) years of *wind turbine* inactivity.
10. The *owner* of the *lot* on which the *wind turbine* is located shall enter into a *development agreement* with *Council*, and the agreement shall be registered in accordance with the provisions of the *Registry Act*.

11. An application for a *Development Permit* for a *wind turbine* shall include:
  - i. A project definition including the capacity of the *wind turbine*, long-term production levels, scale elevations or photos of the *wind turbine* showing total height, tower height, rotor diameter, and colour;
  - ii. A site plan showing all *buildings*, private access roads, *lot lines*, natural features, and alterations of the *lot*;
  - iii. Manufacturer's specifications for the *wind turbine* and design and approval of the turbine base from a licensed professional engineer;
  - iv. Copies of all documentation submitted pursuant to any federal or provincial statute, regulation, or other enactment;
  - v. Copies of all licenses, permits, or other approvals required under any federal or provincial statute, regulation, or other enactment;
  - vi. An emergency response plan;
  - vii. A decommissioning and reclamation plan for the *lot*; and
  - viii. Any other information the *Development Officer* or *Council* deems necessary to determine whether the *development* conforms to this bylaw.
12. No permits shall be issued for a *commercial wind energy system* without an amendment to this bylaw.

## 5. RESIDENTIAL MANUFACTURED HOUSING PARK ZONE (MHP)

### 5.1. GENERAL

Except as provided in this bylaw, all *buildings* and *structures* or parts thereof erected, placed or altered on any *parcel* in the MHP Zone shall conform to the provisions of Section 5.

Any *dwelling* in the *zone* shall be located in a *manufactured housing park*.

No person shall establish or make an extension to a *manufactured housing park* without first submitting an application and detailed plan to *Council* and receiving a written approval.

### 5.2. PERMITTED USE

In the MHP Zone no person shall *use* any *lot* or *building* except for a:

1. *Manufactured housing park*
2. *Mini home*
3. *Modular home*
4. *Single detached dwelling*
5. *Accessory building*

### 5.3. REGULATIONS FOR PERMITTED USES

No person shall establish a *manufactured housing park* that does not comply with the following standards:

1. The *manufactured housing park* and each site within the park shall be serviced by a central or municipal *sewerage disposal* and water supply system;
2. A paved *private road* not less than 7.5 m (24.6 ft.) wide shall be provided to serve each *dwelling unit* and shall connect with the *highway* and the travelled portion *private road* shall be surfaced with a minimum width of 6 m (19.7 ft.) of pavement;
3. Each *dwelling unit* shall have an allocated site that meets the following minimum requirements:
  - i. Area of 278.9 m<sup>2</sup> (3,000 ft<sup>2</sup>);
  - ii. Distance of 7.6 m (25 ft.) that fronts on the *private road*;
  - iii. Distance of 9.1 m (30 ft.) between *dwelling units*;
  - iv. Distance of 4.6 m (15 ft.) between *dwelling units* and the park boundary line or the *highway*; and
  - v. *Parking spaces* in accordance with the residential standards set out in this bylaw.
4. *Manufactured housing park* grounds, facilities, outdoor furnishings, and equipment shall be maintained in good repair and sanitary condition.

5. A *manufactured housing park* shall have an operator providing daily supervision.
6. Sufficient covered receptacles shall be provided for garbage, refuse, and liquid wastes in the *manufactured housing park*.
7. All areas in the *manufactured housing park* shall be kept free of litter, rubbish and flammable material.
8. All lands in the *manufactured housing park* shall be landscaped to provide a suitable residential environment for residents of the *Community* and the general public.
9. The maximum allowable size for an *accessory building* in a *manufactured housing park* is 11.2 m<sup>2</sup> (120 ft<sup>2</sup>) and it shall be located no closer than 1.5 m (5 ft.) from any *lot line*. *Accessory buildings* shall not be located in a *front yard* or *flankage yard*, and shall not be located closer to the *highway* or *private road* than the permitted setback of the *dwelling unit(s)*.



## 6. SERVICED RESIDENTIAL ZONE (RS1)

### 6.1. GENERAL

Except as provided in this bylaw, all *buildings* and *structures* or parts thereof erected, placed or altered on any *parcel* in the RS1 Zone shall conform to the provisions of Section 6.

### 6.2. PERMITTED USES

No *building* or part thereof and no *lot* shall be used for purposes other than:

1. *Single detached dwellings*
2. *Modular home*
3. *Accessory building*
4. *Accessory apartment*
5. *Private garage*
6. *Tourist Establishment*
7. *Duplex dwelling*
8. *Semi-detached dwelling*

### 6.3. REGULATIONS FOR PERMITTED USES

1. The following requirements shall apply to centrally serviced *development* in the RS1 Zone:

|                                                 | Single detached dwellings<br>(with or without an<br>accessory apartment) | Duplex or Semi-<br>detached dwellings          |
|-------------------------------------------------|--------------------------------------------------------------------------|------------------------------------------------|
| i. <i>Lot area</i> (minimum)                    | 990 m <sup>2</sup> (11,000 ft <sup>2</sup> )                             | 1,394 m <sup>2</sup> (15,000 ft <sup>2</sup> ) |
| ii. <i>Lot frontage</i> (minimum)               | 22.86 m (75 ft)                                                          | 24.38 m (80 ft)                                |
| iii. <i>Front yard setback</i><br>(minimum)     | 7.6 m (25 ft.)                                                           | 7.6 m (25 ft.)                                 |
| iv. <i>Rear yard setback</i><br>(minimum)       | 7.6 m (25 ft.)                                                           | 7.6 m (25 ft.)                                 |
| v. <i>Side yard setback</i> (minimum)           | 3 m (9.8 ft)                                                             | 4 m (12 ft)                                    |
| vi. <i>Flankage yard setback</i><br>(minimum)   | 7.6 m (25 ft.)                                                           | 7.6 m (25 ft.)                                 |
| vii. Height of any <i>building</i><br>(maximum) | 10.7 m (35 ft.) or 2.5 <i>stories</i>                                    | 10.7 m (35 ft.) or 2.5 <i>stories</i>          |
| viii. Lot coverage (maximum)                    | 25%                                                                      | 25%                                            |

2. The following requirements shall apply to *developments* serviced by on-site sewage treatment systems and on-site water supply in the RS1 Zone:

|                                              |                                       |
|----------------------------------------------|---------------------------------------|
| i. <i>Lot area</i> (minimum)                 | See Appendix 5                        |
| ii. <i>Lot frontage</i> (minimum)            | 45.7 m (150 ft.)                      |
| iii. <i>Front yard</i> setback (minimum)     | 15.3 m (50 ft.)                       |
| iv. <i>Rear yard</i> setback (minimum)       | 15.3 m (50 ft.)                       |
| v. <i>Side yard</i> setback (minimum)        | 4.6 m (15 ft.)                        |
| vi. <i>Flankage yard</i> setback (minimum)   | 15.3 m (50 ft.)                       |
| vii. Height of any <i>building</i> (maximum) | 10.7 m (35 ft.) or 2.5 <i>stories</i> |
| viii. Lot coverage (maximum)                 | 25%                                   |

3. All *lots* shall conform with the Minimum Lot Size Standards in the *Province-Wide Minimum Development Standards Regulations* prescribed under the *Planning Act*, as may be amended (See Appendix 5).

## 7. RESIDENTIAL ZONE (R1)

### 7.1. GENERAL

Except as provided in this bylaw, all *buildings* and *structures* or parts thereof erected, placed or altered on any *parcel* in the R1 Zone shall conform to the provisions of Section 7.

### 7.2. PERMITTED USES

No *building* or part thereof and no *lot* shall be used for purposes other than:

1. *Single detached dwellings*
2. *Modular home*
3. *Accessory building*
4. *Accessory apartment*
5. *Private garage*
6. *Tourist Establishment*
7. *Duplex dwelling*
8. *Semi-detached dwelling*

### 7.3. REGULATIONS FOR PERMITTED USES

1. The following requirements shall apply to all *development* in the R1 Zone:

|                                              |                                       |
|----------------------------------------------|---------------------------------------|
| i. <i>Lot area</i> (minimum)                 | See Appendix 5                        |
| ii. <i>Lot frontage</i> (minimum)            | 53.3 (175 ft)                         |
| iii. <i>Front yard</i> setback (minimum)     | 15.3 m (50 ft.)                       |
| iv. <i>Rear yard</i> setback (minimum)       | 7.6 m (25 ft.)                        |
| v. <i>Side yard</i> setback (minimum)        | 4.6 m (15 ft.)                        |
| vi. <i>Flankage yard</i> setback (minimum)   | 15.3 m (50 ft.)                       |
| vii. Height of any <i>building</i> (maximum) | 10.7 m (35 ft.) or 2.5 <i>stories</i> |
| viii. <i>Lot coverage</i> (maximum)          | 25%                                   |

2. All *lots* shall conform with the Minimum Lot Size Standards in the *Province-Wide Minimum Development Standards Regulations* prescribed under the *Planning Act*, as may be amended (See Appendix 5).

## 8. AGRICULTURAL ZONE (A1)

### 8.1. GENERAL

Except as provided in this bylaw, all *buildings* and *structures* or parts thereof erected, placed or altered on any *parcel* in the A1 Zone shall conform to the provisions of Section 8.

### 8.2. PERMITTED USES

1. No *building* or part thereof and no *lot* with a *lot area* of 12,140 m<sup>2</sup> (3 acre) or less shall be used for purposes other than.

- i. Single detached dwelling
- ii. Mini home
- iii. Modular home
- iv. Accessory building
- v. Accessory apartment
- vi. *Private garage*
- vii. *Tourist Establishment*
- viii. *Duplex dwelling; and*
- ix. Craft studio

2. No *building* or part thereof and no *lot* with *lot area* greater than 3 acres shall be used for purposes other than those stated above for smaller *lots*, and the following::

- i. *Resource use* including a barn, stable, other *accessory building* and *residential use* directly related to a *farm*
- ii. *Forestry use*
- iii. *Resource commercial use*
- iv. *Resource industrial use Wind turbine*

### 8.3. REGULATIONS FOR PERMITTED USES

1. The following requirements shall apply to all *development* in the A1 Zone:

|                                            |                               |
|--------------------------------------------|-------------------------------|
| i. <i>Lot area</i> (minimum)               | 4,046 m <sup>2</sup> (1 acre) |
| ii. <i>Lot frontage</i> (minimum)          | 53.3 m (175 ft.)              |
| iii. <i>Front yard</i> setback (minimum)   | 15.3 m (50 ft.)               |
| iv. <i>Rear yard</i> setback (minimum)     | 15.3 m (50 ft.)               |
| v. <i>Side yard</i> setback (minimum)      | 4.6 m (15 ft.)                |
| vi. <i>Flankage yard</i> setback (minimum) | 15.3 m (50 ft.)               |

|       |                                         |                                       |
|-------|-----------------------------------------|---------------------------------------|
| vii.  | Height of any <i>building</i> (maximum) | 10.7 m (35 ft.) or 2.5 <i>stories</i> |
| viii. | Lot coverage (maximum)                  | 25%                                   |

2. All *lots* shall conform with the Minimum Lot Size Standards in the *Province-Wide Minimum Development Standards Regulations* prescribed under the *Planning Act*, as may be amended (See Appendix 5).

## 9. GENERAL COMMERCIAL ZONE (C1)

### 9.1. GENERAL

Except as provided in this bylaw, all *buildings* and *structures* or parts thereof erected, placed or altered on any *parcel* used in a C1 Zone shall conform to the provisions of Section 9.

### 9.2. PERMITTED USES

No *building* or part thereof and no *lot* shall be used for purposes other than:

1. *Retail store*
2. *Business or professional office*
3. *Personal service shop*
4. *Funeral home*
5. *Resource commercial use*
6. *Accessory building*
7. *Public parking lot*
8. *Child care facility*
9. *Dwelling unit* in a commercial building
10. *Restaurant*
11. *Hotel or motel*

### 9.3. REGULATIONS FOR PERMITTED USES

1. The following requirements shall apply to *development* in the C1 Zone:

|                                              |                                |
|----------------------------------------------|--------------------------------|
| i. <i>Lot area</i> (minimum)                 | <i>See Appendix 5</i>          |
| ii. <i>Lot frontage</i> (minimum)            | 53.3 m (175 ft.)               |
| iii. <i>Front yard setback</i> (minimum)     | 15.3 m (50 ft.)                |
| iv. <i>Rear yard setback</i> (minimum)       | 15.3 m (50 ft.)                |
| v. <i>Side yard setback</i> (minimum)        | 4.6 m (15 ft.)                 |
| vi. <i>Flankage yard setback</i> (minimum)   | 15.3 m (50 ft.)                |
| vii. Height of any <i>building</i> (maximum) | 10.7 m (35 ft.) or 2.5 stories |
| viii. <i>Lot coverage</i> (maximum)          | 50%                            |

2. All *lots* shall conform with the Minimum Lot Size Standards in the *Province-Wide Minimum Development Standards Regulations* prescribed under the *Planning Act*, as may be amended (See Appendix 5).

#### 9.4. DWELLINGS IN COMMERCIAL BUILDINGS

Where a *dwelling unit* is located in a *building* with a *commercial use*, the following minimum standards shall apply:

1. The *dwelling unit* shall not be above a *restaurant, lounge, automobile service station, automobile shop, dry cleaning establishment* or other *commercial use* storing hazardous materials;
2. A separate entrance shall serve the *dwelling unit*;
3. For each *dwelling unit, landscaping* having an area of 37 m<sup>2</sup> (398 ft<sup>2</sup>) and one (1) additional *parking space* shall be provided;
4. Each *dwelling unit* shall meet the requirements of the provincial Fire Marshal's Office; and
5. The *floor area* of the *dwelling unit* shall be a minimum of 37 m<sup>2</sup> (398 ft<sup>2</sup>) and shall not exceed the *floor area* of the *commercial use*.

#### 9.5. TRANSIENT OR TEMPORARY COMMERCIAL PERMITS

Notwithstanding any other provisions of this bylaw, temporary permits may be issued for a transient-type *commercial use* subject to compliance with the following conditions:

1. The *development* shall comply with all applicable provincial statutes, regulations and other enactments, including the *Roads Act*, and written confirmation that the *development* is in compliance with all such enactments shall be submitted with a *development* application.
2. The *development* shall not interfere with the parking requirements of permanent users of the *lot* in which the *development* will be located;
3. The expiry date(s) of the temporary permit shall not exceed twelve (12) consecutive weeks;
4. A letter of approval from the *owner* of the *lot* on which the temporary *development* will be situated shall be submitted; and
5. Where required, the *owner* shall confirm that such *development* complies with all provincial statutes, regulations and other enactments related to public health and safety.

## 10. LIGHT INDUSTRIAL ZONE (M1)

### 10.1. GENERAL

Except as provided in this bylaw, all *buildings* and *structures* or parts thereof erected, placed or altered on any *parcel* in the M1 Zone shall conform to the provisions of Section 10.

### 10.2. PERMITTED USES

No *building* or part thereof and no *lot* shall be used for purposes other than:

1. Permitted uses in the C1 Zone
2. Manufacturing and assembly
3. Warehousing
4. Transport operations, including trailer storage
5. Wholesale operation
6. *Restaurant* or cafeteria
7. Farm machinery and *heavy equipment depot*, dealerships and repair shop
8. *Contractor's yard*
9. Storage of sand and aggregate
10. Concrete plant
11. Food processing
12. Activities connected with an *automobile shop*, *automobile service station* or repair shop

### 10.3. REGULATIONS FOR PERMITTED USES

1. The following requirements shall apply to *development* in the M1 Zone:

|                                              |                                |
|----------------------------------------------|--------------------------------|
| i. Lot area (minimum)                        | See Appendix 5                 |
| ii. Lot frontage (minimum)                   | 53.3 m (175 ft.)               |
| iii. Front yard setback (minimum)            | 15.3 m (50 ft.)                |
| iv. Rear yard setback (minimum)              | 15.3 m (50 ft.)                |
| v. Side yard setback (minimum)               | 4.6 m (15 ft.)                 |
| vi. Flankage yard setback (minimum)          | 15.3 m (50 ft.)                |
| vii. Height of any <i>building</i> (maximum) | 10.7 m (35 ft.) or 2.5 stories |
| viii. Lot coverage (maximum)                 | 50%                            |

2. All *lots* shall conform with the Minimum Lot Size Standards in the *Province-Wide Minimum Development Standards Regulations* prescribed under the *Planning Act*, as may be amended (See Appendix 5).



#### 10.4. EXCEPTIONS TO MAXIMUM BUILDING HEIGHT

Notwithstanding any other provisions in this bylaw, an application for a *structure* exceeding the maximum *building height* in the M1 Zone may be approved provided that:

1. The application meets the requirements of the provincial Fire Marshal's Office;
2. The *structure* conforms to all other provisions of this bylaw and all provincial statutes, regulations and other enactments, including the *Provincial Building Code Act*;
3. The proposed height of the *structure* is physically necessary for the processes that will be carried out in the *structure*; and
4. The proposed height of the *structure* would not exceed 30 m (98.4 ft.) or would not exceed 20 m (65.6 ft.) where the *structure* is within 100 m (328 ft.) of an existing *dwelling* or *lot* in the MHP, RS1 or R1 zone.

#### 10.5. ENVIRONMENTAL IMPACT ASSESSMENT

Where a proposed *industrial use* may have a significant impact on *highways*, *sewerage disposal systems* or water supply systems or may have a significant environmental impact, the *owner* may be required to undertake an environment impact assessment, in conjunction with staff at the responsible *provincial government* department prior to consideration of an application for a *Development Permit*.

## 11. PUBLIC SERVICE AND INSTITUTIONAL ZONE (PSI)

### 11.1. GENERAL

Except as provided in this bylaw, all *buildings* and *structures* or parts thereof erected, placed or altered on any *parcel* in the PSI Zone shall conform to the provisions of Section 11.

### 11.2. PERMITTED USES

No *building* or part thereof and no *lot* shall be used for purposes other than:

1. *Institutional use*
2. *Civic centre*
3. *Accessory building*
4. *Public or private park*
5. *Recreational use*
6. *Club*
7. *Government building* (federal, provincial or municipal)
8. *Fire training school*

### 11.3. LOT REQUIREMENTS

1. The following requirements shall apply to *development* in the PS1 Zone:

|                                              |                                       |
|----------------------------------------------|---------------------------------------|
| i. <i>Lot area</i> (minimum)                 | 4,047 m <sup>2</sup> (1 acre)         |
| ii. <i>Lot frontage</i> (minimum)            | 53.3 m (175 ft.)                      |
| iii. <i>Front yard setback</i> (minimum)     | 15.3 m (50 ft.)                       |
| iv. <i>Rear yard setback</i> (minimum)       | 7.5 m (24.6 ft.)                      |
| v. <i>Side yard setback</i> (minimum)        | 6 m (19.7 ft.)                        |
| vi. <i>Flankage yard setback</i> (minimum)   | 15.3 m (50 ft.)                       |
| vii. Height of any <i>building</i> (maximum) | 10.7 m (35 ft.) or 2.5 <i>stories</i> |

2. All *lots* shall conform with the Minimum Lot Size Standards in the *Province-Wide Minimum Development Standards Regulations* prescribed under the *Planning Act*, as may be amended (See Appendix 5).

## 12. RECREATION AND OPEN SPACE ZONE (O1)

### 12.1. GENERAL

Except as provided in this bylaw, all *buildings* and *structures* or parts thereof erected, placed or altered on any *parcel* in the O1 Zone shall conform to the provisions of Section 12.

### 12.2. PERMITTED USES

No *building* or part thereof and no *parcel* shall be used for purposes other than:

1. *Public or private park*
2. *Open space or conservation activity*
3. *Golf course*
4. *Recreational use*
5. *Pavilion or band shell*
6. *Administrative office related to the above permitted uses*
7. *Parking lot related to the above permitted uses*
8. *Accessory building*

### 12.3. LOT REQUIREMENTS

1. The following requirements shall apply to *development* in the O1 Zone:

|                                              |                                |
|----------------------------------------------|--------------------------------|
| i. <i>Lot area</i> (minimum)                 | 4,047 m <sup>2</sup> (1 acre)  |
| ii. <i>Lot frontage</i> (minimum)            | 53.3 m (175 ft.)               |
| iii. <i>Front yard setback</i> (minimum)     | 15.3 m (50 ft.)                |
| iv. <i>Rear yard setback</i> (minimum)       | 15.3 m (50 ft.)                |
| v. <i>Side yard setback</i> (minimum)        | 7.5 m (24.6 ft.)               |
| vi. <i>Flankage yard setback</i> (minimum)   | 15.3 m (50 ft.)                |
| vii. Height of any <i>building</i> (maximum) | 10.7 m (35 ft.) or 2.5 stories |

2. All *lots* shall conform with the Minimum Lot Size Standards in the *Province-Wide Minimum Development Standards Regulations* prescribed under the *Planning Act*, as may be amended (See Appendix 5).

## 13. ENVIRONMENTAL RESERVE ZONE (O2) - OVERLAY

### 13.1. GENERAL

1. Except as provided in this bylaw, all *buildings* and *structures* or parts thereof erected, placed or altered on any *parcel* in the O2 Zone shall conform to the provisions of Section 13.
2. The O2 Zone is an overlay zone intended to enhance the protection of surface and ground water quality, sensitive landscapes, and wildlife habitat. Passive agricultural activities, together with tree, shrub and plant cover is intended to be predominant *use* in this *zone*.
3. For the avoidance of doubt, the requirements in this bylaw for the O2 Zone are in addition to all requirements in the *Watercourse and Wetland Protection Regulations* made pursuant to the *Environmental Protection Act*, and any other federal or provincial statute, regulation, or other enactment.

### 13.2. PERMITTED USES

No *building* or part thereof and no *lot* shall be used for purposes other than:

1. *Passive recreational use*
2. *Conservation activity*
3. *Open space*
4. All other uses permitted within the *zone* underlying the O2 Zone

### 13.3. DEVELOPMENT PERMIT APPLICATIONS

1. Prior to the issuance of a *development permit* for any *use* other than passive *recreational use*, *conservation activity* or *open space*, the *owner* shall submit written confirmation from all responsible federal and *provincial government* departments that the application complies with applicable federal and provincial statutes, regulations, or other enactments.
2. Prior to issuance of a *development permit* within the O2 Zone and in the vicinity of the Charlottetown Well Field, the *Development Officer* may:
  - i. Notify the City of Charlottetown of the proposed *development* and land *use*; and,
  - ii. Consult with *provincial government* officials and/or private consultants to ensure that necessary measures are taken to protect the Charlottetown Well Field from potential direct, indirect and long term impacts of the proposed *development* and land *use*.

### 13.4. ZONE BOUNDARIES

1. The *Zoning Map* shall indicate the approximate boundaries of the O2 Zone; however, the exact boundaries of the O2 Zone shall be the boundaries of all *wetlands*, *watercourses*, and buffer zones as determined by the *provincial government* department responsible for the *Watercourse and Wetland Protection Regulations* prescribed under the *Environmental Protection Act*, and also includes the area defined by the boundary of the 25-year zone of influence on the City of Charlottetown's Well Field.

2. The boundary of any *wetland*, *watercourse*, and buffer zone shall be shown on any site plan submitted to the *Community* as part of a *development* application.

#### 13.5. **ZONE REQUIREMENTS**

1. In the 02 Zone, no *development* shall occur and no disturbance to the ground, soil or vegetation shall occur except in conformance with the *Watercourse and Wetland Protection Regulations* made pursuant to the *Environmental Protection Act*.

## 14. GENERAL PROVISIONS FOR SUBDIVIDING LAND

### 14.1. SUBDIVISION APPROVAL

No person shall subdivide one or more *lots* or any portion of a *lot* until the requirements of this bylaw have been complied with and the *owner* has received final approval

### 14.2. CONVEYING INTEREST IN A LOT

No person shall sell or convey any interest in a *lot* in a subdivision before final approval of the subdivision in which the *lot* is situated has been granted.

### 14.3. SPECIAL PLANNING AREA

1. Part IV of the *Subdivision and Development Regulations* prescribed under the *Planning Act*, as may be amended (See Appendix 6), being the *Special Planning Area Regulations*, apply to subdivision, land *use*, and *development* in the *Community*.
2. Applications to subdivide land must be consistent with the *Special Planning Area Regulations*.

### 14.4. PERMISSION TO SUBDIVIDE

No person shall subdivide a *parcel* unless the subdivision:

1. can be subdivided according to the provisions of this bylaw and any applicable provincial statute, regulation, or other enactment;
2. Is suitable to the topography, physical conditions, soil characteristics, and natural surface drainage of the land;
3. Has safe and convenient *highway* access;
4. Has adequate utilities and services available or can be conveniently provided with such utilities and services;
5. Will reasonably conform with existing land *use* in the immediate vicinity;
6. Will allow and provide for the safe and convenient flow of traffic;
7. Is designed so that *lots* will have suitable dimensions, shapes, orientation and accessibility;
8. Is suitable to the *use* for which it is intended;
9. Is designed so that all *lots* will have *frontage* on a *highway*;
10. Will not precipitate premature *development*, necessitate unnecessary public expenditure, or would place undue pressure on the *Community* or provincial government to provide services;
11. Will not result in flooding or erosion; and
12. Will not result in damage to the natural environment, including any *wetland* or *watercourse*.

**14.5. ROAD STANDARDS**

1. No subdivision shall be permitted on a *lot* served by a *private road*.
2. All new roads or streets shall be a *highway*.

**14.6. SPECIAL REQUIREMENTS: EXISTING RESIDENTIAL LOTS**

1. No person shall reduce the dimensions of a *lot* in the MHP Zone, RS1 Zone and R1 Zone where this would have a *detrimental* effect upon neighbouring property *owner(s)*.

**14.7. PARKLAND DEDICATION AND/OR PARK DEDICATION FEE**

1. A person seeking subdivision of a *lot* into two (2) or more *lots* shall be required to dedicate and convey to the *Community* 10% of the *lot area* for recreation and public *open space* purposes; as per the following:
  - i. The location of the *lot* to be conveyed shall be in the discretion of, and shall be subject to approval by, *Council*; and
  - ii. The *lot* shall be free of all encumbrances.
2. In lieu of *parkland*, *Council* may require a payment equivalent to ten percent (10%) of the assessed value of the *lot* to be subdivided. Any monies so collected shall be designated for the purpose recreational and public *open space* lands and/or activities.
3. Subdivision of one *lot* from a *parcel* for the purpose of a *single detached dwelling* is exempt from any requirement of providing a *parkland* dedication or cash-in-lieu fee.

**14.8. SPECIAL REQUIREMENTS: AGRICULTURAL (A1) ZONE**

1. An application for subdivision within the A1 Zone shall be reviewed by the *provincial government* department responsible for the *Roads Act*, and where an entrance way permit shall be required it shall be approved a prior to subdivision approval.
2. In the A1 Zone, no person shall be permitted to subdivide more than four (4) lots from an *existing parcel*.
3. Notwithstanding the above, the subdivision of farmland for agricultural purposes may be authorized, provided that any resulting *lots* for residential *use* comply with the provisions of this bylaw.

**14.9. SPECIAL REQUIREMENTS: SUBDIVIDING ATTACHED DWELLINGS**

1. Units in a *semi-detached dwelling* may be subdivided provided that:
  - i. A *subdivision* of the *parcel* has been approved (such *subdivision* shall provide for appropriate easements or common area to allow entry by an owner of any portion of the *building* to the *rear yard*);
  - ii. The *owner* shall submit documentation verifying that the units are separated from the basement floor to the underside of the roof by a vertical fire wall built in accordance with

the National Building Code and applicable Fire Code Regulations;

- iii. A separate water supply and *sewerage disposal system* is provided for each unit in accordance with provincial government regulations pertaining to water supply and *sewerage disposal*;
- iv. A separate electrical service shall be provided for each unit;
- v. A separate heating device shall be provided for each unit;
- vi. Separate parking shall be provided for each unit, unless *Council* waives such requirement on the basis of an easement or other agreement binding upon the heirs, successors, and assigns of the units;
- vii. A copy of the agreement made between the *owner(s)* covering the following terms shall be registered at the land registry against each unit:
  - b. *common walls*;
  - c. *maintenance*;
  - d. *fire insurance*;
  - e. *easements*;
  - f. *parking*;
  - g. *snow removal*;
  - h. *any other items jointly owned or used*; and
  - i. *any other terms and conditions shall be imposed by Council*

#### 14.10. SPECIAL REQUIREMENTS: REDUCED LOT FRONTAGE

1. If a *parcel* is of such configuration that it cannot reasonably be subdivided in such a way to provide the required minimum *frontage* on a *highway*, a reduced lot *frontage* may be approved, provided:
  - i. The *lot* width at the *building line* measures at least as long as the minimum lot *frontage* for the zone;
  - ii. The *lot* has access on a *highway*, approved by the *provincial government* department responsible for administering the *Roads Act*;
  - iii. The *entrance way* has a minimum width of 7.3 m (24 ft.); and
  - iv. The lot size in all other respects meets the requirements of this bylaw.
2. Not more than one *panhandle lot* shall be subdivided from an *existing parcel*.



#### 14.11. SPECIAL REQUIREMENTS: SUBDIVISIONS ADJACENT TO WETLANDS AND WATERCOURSES

1. The area of a *lot* identified as the Environmental Buffer as required under section 4.10, may be included as part of one or more *lots* in a *subdivision* of a *lot* adjacent to a *wetland* or *watercourse*, where the *lot* has sufficient area exclusive of the area of the buffer to permit the building setbacks, and on site services when applicable, as required by this bylaw; and
2. Where a *lot* or a portion of a *lot* contains a *wetland* or *watercourse*, the boundary of which is defined by the *Watercourse and Wetland Protection Regulations* prescribed under the *Environmental Protection Act*, the *lot(s)* shall meet the minimum *lot area* for the zone exclusive of the area of the *wetland* or *watercourse*.

#### 14.12. SUBDIVISION AGREEMENT

1. An *owner* may be required to enter into a subdivision agreement as a condition of *subdivision* approval. The subdivision agreement may cover, but is not limited to, the following matters:
  - i. Design, construction and costs of water supply services, *sewerage disposal systems*, storm water management infrastructure, roads, and street lighting;
  - ii. Dedication of land for recreation and public *open space* purposes, or payment of a fee in lieu of land;
  - iii. Deeding of *highways* to the *provincial government*;
  - iv. Deeding of utility systems to the *Community* or public utility;
  - v. Posting of a financial guarantee, bond or other security satisfactory to *Council*;
  - vi. The provision of a storm water management plan to guard against flooding in the subdivision and adjacent properties;
  - vii. Phasing for the *subdivision* of *lots*;
  - viii. Assignment of costs associated with the drafting, signing and enforcing of the agreement;
  - ix. Any other matter(s) that is deemed necessary to conform to this bylaw or to ensure the health, safety and convenience of the *Community* and its residents.
2. All subdivision agreements shall be registered in accordance with the provisions of the *Registry Act*.

#### 14.13. APPLICATION AND PRELIMINARY APPROVAL PROCESS

1. Any person seeking approval of a *subdivision* shall first make application for preliminary approval, and shall be required to submit the following:
  - i. An application in the form approved by *Council*;
  - ii. An orthophoto showing the location of the *parcel* and all adjoining properties;
  - iii. A description of *uses* on the surrounding *parcels*;

- iv. A preliminary subdivision plan, prepared by a licensed Prince Edward Island Land Surveyor and/or licensed engineer, drawn to scale showing:
  - a. contours showing topography of the *parcel* with at least 2 m (6.5 ft.) contour lines;
  - b. the true shape and dimensions of the proposed *lots*;
  - c. the location of every existing *building* or *structure* on the *parcel* and adjacent *parcels*;
  - d. existing and proposed services and utilities;
  - e. proposed widths and locations of all streets;
  - f. location of land proposed for *open space* and parks *use*;
  - g. proposed surface water drainage patterns and designed drainage features, when applicable; and
  - h. other existing features, including *buildings*, watercourses, wetlands, buffer zones, wooded areas, and areas subject to flooding or erosion.
- 2. The *owner* may be required to provide additional information as required to assist in evaluating a proposed *subdivision*, including, but not limited to:
  - i. A soil test and water test;
  - ii. An assessment on any potential environmental impacts, including any requirements imposed by provincial statutes, regulations or other enactments
  - iii. Storm water management plan; and/or
  - iv. A traffic survey or traffic study.
- 3. In formulating its decision, the Development Officer and *Council* may:
  - i. Consult with *provincial government* officials and/or private consultants; and
  - ii. Conduct a public hearing to consider public opinion in accordance with the procedures established in this bylaw.
- 4. In consultation with the *provincial government*, and in review of water supply and sewerage disposal needs subdivision approval may be withheld until such time as adequate servicing has been designed for the subdivision. Central water supply and/or *sewerage disposal* may be required as a condition of subdivision approval.
- 5. A proposed subdivision shall use appropriate *highway* design standards and *lot* configurations have been used by the owner to promote the *development* of safe, convenient, and pleasant neighbourhoods.

6. Highway design drawings and a storm water management plan prepared by a licensed engineer shall be submitted with an application for preliminary approval for any subdivision involving the construction of a new road.
7. Preliminary approval for any proposed subdivision shall not be construed as final approval of the subdivision for the purpose of describing or conveying lots. Preliminary approval shall be effective for a period of twelve (12) months.
8. Approval in principle may be renewed once for a period not exceeding twelve (12) months upon application to the *Development Officer* and shall be valid only for the time period specified at the time of renewal by the *Development Officer*.
9. The total number of *lots* approved in any one *phase* of a subdivision shall not exceed twenty (20).
10. The *Development Officer* may require such other information as may reasonably be required to assess the impact of any *subdivision*, including but not limited to the following:
  - i. A written assessment by the *provincial government* on potential environmental impacts, including requirements imposed by provincial statutes, regulations or other enactments;
  - ii. A written assessment by the *provincial government* on access, transportation or pedestrian issues related to the design; and
  - iii. Any other studies or documentation necessary to adequately assess the impact of the proposed subdivision.
11. The *Development Officer* shall reject a *subdivision* that does not satisfy the provisions of this bylaw.
12. Where the Development Officer generally accepts the details of a subdivision application, they may issue a preliminary approval, which shall include all conditions to be satisfied for the *subdivision* to proceed to final approval.
13. If preliminary approval is granted, a subdivision agreement with the *owner* that addresses all the above-noted conditions and all other related matters in this bylaw shall be executed.

#### 14.14. FINAL APPROVAL

1. A storm water management plan prepared by a licensed engineer shall be submitted with an application for final approval for any subdivision of a *lot* into 2 or more *lots*. The Storm water management plan shall include an overall surface water management strategy for the proposed subdivision, and shall include the proposed general location and top of foundation elevation for the main buildings to be erected on each lot.
2. Final subdivision approval shall be granted by the *Development Officer* only after the *owner* has complied with all applicable requirements of this section and has submitted at least seven (7) copies of a final subdivision plan showing all lots pinned and certified by a licensed Prince Edward Island Land Surveyor.

3. Notwithstanding section 14.13.1, the requirement for a *survey plan* where *lots* are in excess of 4 ha (10 acres) may be waived.
4. Final approval of a *subdivision* plan shall not be given until:
  - i. All agreements and other documents required under this bylaw have been prepared and concluded to the satisfaction of *the Development Officer*;
  - ii. All transactions involving the transfer of land, money or security in conjunction with the subdivision have been concluded to the satisfaction of *the Development Officer*.
5. A digital file containing the (real earth) geographic co-ordinates of the plan of subdivision may be required
6. An approval stamp shall be placed on the *survey plans* and at least one (1) copy shall be returned to the *owner*.

#### 14.15. **SEVERANCES/CONSOLIDATION**

1. Notwithstanding the above provisions, applications for *lot consolidations* may be approved, having regard to the provisions in this bylaw for the approval of subdivisions, as may be applicable, and provided the application otherwise conforms to this bylaw.

#### 14.16. **DEVELOPMENT PERMITS**

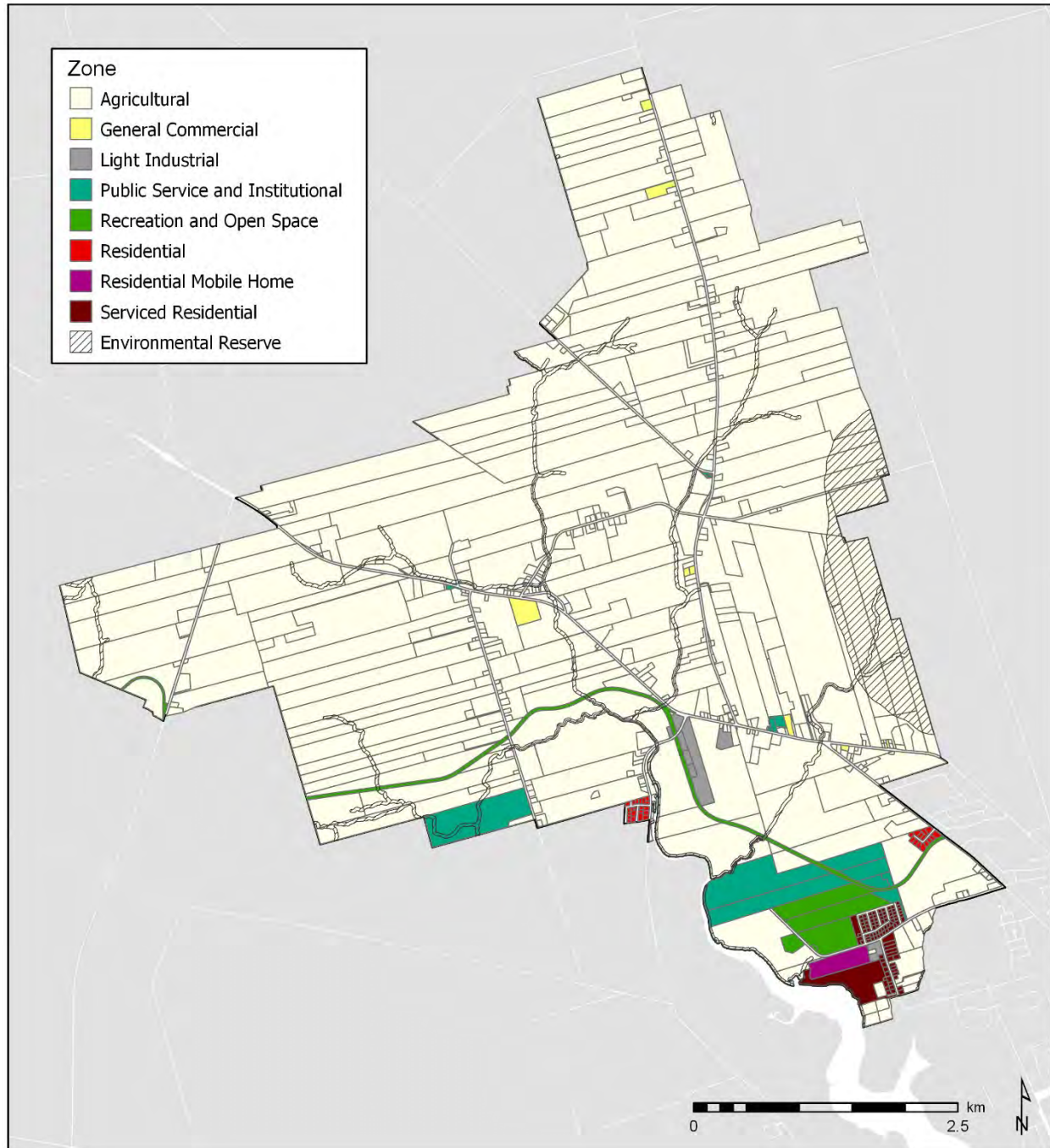
*A Development Permit* shall not be issued for a *lot* until all the requirements for subdivision approval have been satisfied and approval granted.

## 15. REPEAL

### 15.1. **REPEAL**

1. This Bylaw shall come into force effective July 29, 2019.
2. The Rural Municipality of Miltonvale Park Zoning and Subdivision Control Bylaw 2016 is hereby repealed.

## APPENDIX 1: ZONING MAP



## APPENDIX 2: DEFINITIONS

For the purpose of this bylaw, all words shall carry their ordinary meaning except for those defined hereafter. In this bylaw:

1. **Accessory building** means a *building* whose *use* is incidental and subordinate to, and consistent with, the main or approved *use* of the *lot* on which the *building* is located.
2. **Accessory apartment**, *see dwelling unit* definition.
3. **Agricultural use** means a *use* of a *parcel* or *buildings* for farming, dairying, pasturage, agriculture, apiculture, floriculture, horticulture, and animal and poultry husbandry and the necessary accessory uses for packing, storing or treating the produce.
4. **Alter** or **Alteration** means to make a change in the size, shape, bulk or *structure*, whether interior or exterior, of a *building* or any part thereof, but does not include repairs carried out for the purposes of maintenance or non-structural renovation or improvement.
5. **Attached** means a *building* or *structure* which has a *common wall* and/or common roof line and the *building* or *structure* may be considered common as long as a minimum of twenty (20) percent of the length of the wall or roof line is common with the *main building* or *structure* wall or roof.
6. **Automobile shop** or **body 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.
7. **Automobile service station** or **service station** means a *building* or part of a *building* or a clearly defined space on a *lot* used for the sale of lubricating oils and/or gasoline and may include the sale of automobile accessories and the servicing and repairing essential to the actual operation of motor vehicles.
8. **Bed and breakfast** means a *dwelling* used incidentally to provide accommodation and limited meals to transient travelers and includes a tourist home but does not include a boarding house, rooming house, domiciliary hostel, *hotel*, *motel*, *restaurant* or *lounge*.
9. **Buffer** means a portion of any *lot* or *parcel* that is set aside to serve as a visual and spatial separation between the land *use* or activity that is carried out on the *lot*, and the land *use* or activity that is carried out on the *lot* adjacent to the *buffer*.
10. **Building** means any *structure* having a roof supported by columns or walls intended for the shelter, housing or enclosure of any person, animal or chattel.
11. **Building footprint** means the area that falls directly beneath and shares the same perimeter as a *building* or *structure*.
12. **Building height** means the vertical distance measured from the averaged finished *grade* to the highest point of roof surface.
13. **Building line** means any line regulating the position of a *building* or *structure* on a lot.
14. **Building setback** means the distance between the *street line* and the nearest main wall of any *building* or *structure*, except fences, and extending the full width of the *lot*.



15. **Business or professional office** means a premise where services are offered for a fee but does not include premises used for the retailing, wholesaling, manufacturing or conversion of goods.
16. **Campground** means a *parcel* used or permitted to be used by the travelling public that provides sites for tents, trailers, or motor homes and may also be called a *RV* park but shall not include industrial, work or construction camps or permanent *manufactured housing parks*.
17. **Change of use** means the change of *use* of a *parcel* or a *building* from one type of permitted *use* to another type of permitted *use* or an increase in the *intensification* of *use*, including an increase in the number of *dwelling units*.
18. **Child care facility** means any institution, agency, or place, whether known as a day nursery, nursery school, kindergarten or play school, which receives children for temporary care apart from the parents on a daily or hourly basis, with or without stated educational purposes and during or all of the day.
19. **Church** means a *building* dedicated to religious worship and includes a church hall, church auditorium, Sunday school, parish hall, rectory, manse and day nursery operated by the church.
20. **Club** means an association of persons, whether incorporated or not, united by some common interest, meeting periodically for co-operation or conviviality. *Club* shall also mean, where the context requires, premises owned or occupied by members of such association within which the activities of the *club* are conducted.
21. **Commercial use** means the *use* of a *building* or *parcel* for the purpose of buying and selling goods and supplying services.
22. **Commercial wind energy system** means a system, which is intended to produce electricity for resale or distribution purposes and may consist of a single freestanding *wind turbine* or a cluster of *wind turbines* situated in the same location and commonly referred to as a wind farm.
23. **Common wall** means a vertical wall separating two *dwelling* units between the top of the footings to the underside of the roof deck, and shall be mutually common to both *dwelling* units.
24. **Community** means the Rural Municipality of Miltonvale Park.
25. **Conservation activity** means an activity in which people make efforts to protect, preserve or restore the environment and its biological diversity.
26. **Contractor's yard** means a yard of any general contractor or builder where equipment and materials are stored and where shop or assembly work is performed.
27. **Convenience store** means a retail commercial establishment, not exceeding 150 m<sup>2</sup> (1,614.6 ft<sup>2</sup>) of *floor area*, supplying daily household necessities for the immediate surrounding area in which articles for sale are restricted to a limited range of primarily food items such as milk, bread, soft drinks, ice cream, canned and bottled goods, snacks and candy, meat, and to compliment such items which may include the limited sale of magazines, books, housewares, toiletries, stationary, patent medicines, and tobacco products.
28. **Council** means the Council for the Rural Municipality of Miltonvale Park.

29. **Craft studio** means a space occupied by a *craftsperson* and used solely for the production and sale of craft items such as pottery, weaving, sewing, jewelry, painting and print making, sculpture and fine woodworking, and such other similar handcrafted items.
30. **Craftsperson** means a person who produces various handcrafted products in relatively limited quantities and may include an artist, a sculpture, a potter, a weaver, a seamstress, a knitter or a similar artisan.
31. **Deck** means a *structure* intended as outdoor living space, either *attached* or adjacent to a *building*.
32. **Demolition** means to demolish, remove, pull down or destroy a *structure*.
33. **Detrimental** means an impact suffered in person or property pursuant to the *Subdivision and Development Regulations* prescribed under the *Planning Act* R.S.P.E.I. 1988, c. P-8.
34. **Development** means
- i. Site alteration, including but not limited to
    - a. Altering the grade of the land;
    - b. removing vegetation from the land;
    - c. excavating the land;
    - d. depositing or stockpiling soil or other material on the land, and
    - e. establishing a parking lot,
  - ii. Locating, placing, erecting, constructing, altering, repairing, removing, relocating, replacing, adding to or demolishing *structure* or *buildings* in, under, on or over the land;
  - iii. Placing temporary or permanent mobile use or structures in, under, on or over the land; or
  - iv. Changing the use or intensity of use of a *lot* or the *use*, intensity of *use* or size of a *structure* or *building*.
35. **Development agreement** means a binding contract between an *owner* and the *Community* to ensure a *development* is carried out in a particular manner.
36. **Development Officer** means the person appointed by the *Council* with the duty of administering the provisions of this bylaw.
37. **Development Permit** means the formal and written authorization for a person to carry out any *development*.
38. **Display** includes any item, group of items, *sign*, or billboard visible to the general public, indicating that items or services are offered for sale or trade.
39. **Domestic animals** means dogs, cats, budgies, parrots, parakeets, hamsters, gerbils, guinea pigs and fish.



40. **Dwelling** means a *building* or portion thereof designed, arranged or intended for residential occupancy, and
- i. **Dwelling unit** means one or more habitable rooms designed or intended for *use* by one or more individuals as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided;
  - ii. **Accessory apartment** means a self-contained *dwelling unit* with a prescribed *floor area* located in a building or portion of a building of only residential occupancy that contains only one other *dwelling unit* and common spaces, and where both *dwelling units* constitute a single real estate entity.;
  - iii. **Single detached dwelling** means a *building* containing one *dwelling unit*;
  - iv. **Duplex dwelling** means a *building* that is divided into two *dwelling units*;
  - v. **Semi-detached dwelling** means a *building* divided vertically into two (2) separate units, each of which has at least two independent entrances;
  - vi. **Multi-unit residential dwelling** means a *building* containing three or more *dwelling units*.
41. **Edge** means the boundary between different *zones*, or the boundary between different *uses* within the same *zone*.
42. **Entertainment facility** means a space for the gathering of people to watch or listen to the performance of an act, play, music, dance, theatre, or other performance; or a digital production of the same.
43. **Entrance way** means a driveway providing access to and from a *parcel* to a *road*.
44. **Erect** means to build, construct, reconstruct, *alter* or relocate and, without limiting the generality of the foregoing, shall be taken to include any preliminary physical operation such as excavating, filling or draining.
45. **Excavation pit** means any excavation in the ground for the purpose of searching for or removing clay, gravel, sand, shale, subsoil, topsoil, rock or any other surface or subterranean deposit, but does not include an excavation made within the boundaries of a highway, or a snow-trap constructed to protect a roadway from snow accumulation;
46. **Existing parcel** means a *parcel* that existed on July 9, 1994.
47. **Farm** means arable land, dwelling and complementary *buildings* containing at least ten (10) acres, operated as a farm enterprise and includes land leased from the Crown, but does not include land leased or rented from *owner(s)* who are not bona fide farmers.
48. **Fence** means an artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

49. **Floor area** means:
- With reference to a *dwelling*, the area contained within the outside walls excluding any *private garage*, porch, veranda, sunroom, *greenhouse*, unfinished attic, unfinished basement, and other rooms not habitable at all seasons of the year;
  - With reference to a *non-residential building*, the total usable *floor area* within a *building* excluding washrooms, furnace rooms and common halls between stores; and
  - With reference to an *accessory building*, the area contained within the outside walls.
50. **Forestry use** means commercial silviculture and the production of timber or pulp and any uses associated with a *forestry use*, including sawmills, shingle mills, vehicle and equipment storage and maintenance *buildings* and yards and retail and wholesale outlets for wood and wood products.
51. **Frontage** means all land abutting on one side of a *highway* measured along the common or actual *lot line*.
52. **Grade** means
- as it applies to the determination of *building height*, the lowest of the average levels of finished ground adjoining each exterior wall of a *building*, except that localized depressions such as for vehicle or pedestrian entrances need not be considered in the determination of average levels of finished ground; and
  - as it applies to ground level, the average of the mean elevations of all the natural levels or finished ground adjoining existing walls of *buildings*, and the degree of rise or descent of the sloping surface.
53. **Greenhouse** means a *building* or *parcel* used primarily to raise and store trees, shrubs, flowers, and other plants for sale or for transplanting.
54. **Heavy equipment depot** means a *parcel* and/or *building* where heavy machinery is stored and serviced.
55. **Highway, road or street** means all the area within the boundary lines of a *road*, *street* or right-of-way which is vested in the Province of Prince Edward Island or the *municipality* and used or intended for *use* by the general public for the passage of vehicles and includes any bridge over which any such *road*, *street* or right-of-way passes.
56. **Hotel** means a *building* other than a *motel* or *bed and breakfast*, occupied or intended to be occupied as the temporary lodging place for any individual for a fee.
57. **Industrial use** means *use* of a *parcel* or *buildings* in or from which goods or materials are manufactured, processed, assembled or extracted, or premises from which wholesale trade is carried on, including warehousing.

58. **Institutional use** means the *use* of a *parcel* or *buildings* for non-profit or public purposes including but not limited to, hospitals, government *buildings*, religious institutions, cemeteries, churches, public schools, colleges, cultural centres, libraries and public recreational and park *buildings*.
59. **Intensification** means the *development* of a *parcel* at a higher density than previously existed and includes redevelopment or *development* within existing communities, infill *development*, or *development* on vacant lots or underdeveloped lots within a built-up area, conversion or the *change of use* of an existing *structure* or *use*, and the creation of apartments or other accommodation in dwellings.
60. **Kennel** means a *building* or *structure* where more than four (4) domestic animals excluding *livestock* are kept, bred and raised for profit or gain.
61. **Landscape buffer** means a visual barrier formed by a row of shrubs or trees that is maintained to form a screen between one *lot* or *land use* and another.
62. **Landscaping** means any combination of trees, shrubs, flowers, grass, other horticultural elements, paving, or other architectural elements, all of which are designed to enhance the visual amenity of a property.
63. **Livestock** means farm animals kept for use, for propagation, or for intended profit or gain and, without limiting the generality of the foregoing, includes: dairy and beef cattle, horses, swine, sheep, laying hens, chicken and turkeys, goats, geese, mink, llamas and rabbits.
64. **Loading space** means an unencumbered area of a *parcel* provided and maintained upon the same lot or lots upon which the principal *use* is located and which area is provided for the temporary parking of one (1) commercial motor vehicle while merchandise or materials are being loaded or unloaded, and such *parking space* shall not be for the purpose of sale or *display*.
65. **Lot** or **parcel** means any division of land or property which is recognized as a separate unit of land for the purposes of this bylaw, and
- i. **Lot area** means the total area included within the *lot lines* of a *parcel*;
  - ii. **Corner lot** means a lot situated at an intersection of and abutting on two or more *streets*;
  - iii. **Flankage lot line** means the *side lot line* which abuts the *street* on a *corner lot*;
  - iv. **Front lot line** means the *lot line* abutting the *street* upon which the *building* or *structure* erected or to be erected has its principal entrance;
  - v. **Interior lot** means a lot other than a *corner lot*;
  - vi. **Lot depth** means the depth from the *front lot line* to the *rear lot line*;
  - vii. **Lot line** means any boundary of a lot;

- viii. **Panhandle lot** means a lot that does not have the minimum *frontage* on a *road* required by these regulations, but has an *entrance way* providing access to a *highway*;
  - ix. **Rear lot line** means the *lot line* further from and opposite to the *front lot line*; and
  - x. **Side Lot Line** means a *lot line* other than a *front, rear* or *flankage lot line*.
66. **Lot consolidation** means the legal incorporation of two or more *existing parcels* to form a single, larger *parcel*.
67. **Lot coverage** means the percentage of the lot covered by the *main building, attached* or detached garage, and any *accessory buildings* or in-ground *swimming pools*.
68. **Lounge** means a commercial facility or *structure* licensed to sell alcoholic beverages to the public.
69. **Main building** means that *building*, the nature of the *use* of which determines the status of the lot upon which it is authorized to be constructed or upon which it is constructed.
70. **Maintenance** means those actions undertaken to prevent the deterioration of a *building* or *structure*, but does not include any *alteration*, design change, and/or replacement where such replacement involves a change in design.
71. **Manufactured housing park** means a *parcel* planned and developed for the placement of *single family dwellings, modular homes* and *mini homes*.
72. **Mini home** means a pre-manufactured *dwelling unit* having a maximum width of 5.0 m (16.4 ft.) and that which is not on a foundation. Mini homes are substantially assembled in a manufactured plant, designed to be transported as one integral unit and placed on a lot for year round occupation, not including appurtenances such as porches, entries, etc.
73. **Modular home** means a *dwelling unit* composed of components substantially assembled in a manufacturing plant and transported to the *building* lot for final assembly and installation on a foundation.
74. **Motel** means a *building* occupied in whole or in part as a temporary lodging place for an individual and for which there is an exit for any room or suite of rooms directly to the outdoors with access to *grade* level.
75. **Municipality** means the Rural Municipality of Miltonvale Park
76. **Obnoxious use** means a *use* which, from its nature or operation, creates a nuisance or is offensive by the creation of noise or vibration or by reason of the emission of gases, fumes, dust, and any objectionable odour, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other material.

77. **Open space** means that portion of a lot which may be used for *landscaping*, recreational space or leisure activities normally carried on outdoors; but does not include space used for service drive-ways or off-street parking.
78. **Ornamental structure** means a structure of less than 20 m<sup>2</sup> (215.8 ft<sup>2</sup>), erected with no foundation or footings and no connection to utility services, and which serves no purpose other than for the aesthetic value and/or delight of its user, such as a gazebo or a play structure. This definition excludes any *structures* used for storage.
79. **Outdoor display** means an area of land where goods are displayed and which are available for sale to the general public from a retail outlet located on the same *parcel*.
80. **Outdoor storage** means the storage of merchandise, goods, inventory, materials or equipment or other items which are not intended for immediate sale, by locating them outside.
81. **Owner** means a part owner, a joint owner, tenant in common or joint tenant of the whole or any part of a *parcel* or *building* and includes a trustee, and executor, and executrix, a guardian, and agent, or mortgagee in possession or other person having the care or control of any *parcel* or *building* in the event of the absence or disability of the person having the title thereof.
82. **Parcel** (see *Lot*)
83. **Park** means an area of land set aside for *recreational use* and areas designed for passive enjoyment and other similar uses, and includes the *buildings* and *structures* in connection therewith.
84. **Parking lot** means an open area of a *parcel*, other than a *street* or an area within a *structure* for the parking of vehicles.
85. **Parking space** means an area which is suitable for the parking of a vehicle, and is not less than 2.7 m (9 ft.) wide and 5.5 m (18 ft.) long and accessible to vehicles without the need to move other vehicles on adjacent areas.
86. **Pavilion** or **band shell** means a raised structure, with or without a roof or other enclosure that is intended for outdoor performances.
87. **Personal service shop** means a business in which services are administered to an individual for their personal needs and may include barber shops, hairdressing shops, beauty parlours, shoe repair and shoe shining, tailoring, and other similar services.
88. **Phase** means to develop a *parcel* over time in a series of prescribed stages; or one of such stages.
89. **Planning Board** means the Planning Board of the Community appointed by *Council* pursuant to the *Planning Act*, R.S.P.E.I. 1988, c. P-8

90. **Private garage** means a *building* or part thereof which is used for the sheltering of private motor vehicles and storage of household equipment incidental to the residential occupancy and in which there are no facilities for repairing or servicing of such vehicles for remuneration or *commercial use*.
91. **Private park** means a *park* owned by individuals or businesses and are used at the discretion of the owner.
92. **Premise sign** means a *sign* that directs attention to a business, commodity, service, industry, or other activity, which is sold, offered, or conducted on the *parcel* upon which such *sign* is located, or to which it is affixed.
93. **Private road** means a road, *street* or right-of-way which is not a *highway*.
94. **Provincial government** means the Province of Prince Edward Island.
95. **Public park or parkland** means a *park* owned by the *community* or other level of government used or intended for *use* by members of the public.
96. **Recreational trailer or vehicle (RV)** means a vehicle which provides sleeping and other facilities for short periods of time, while travelling or vacationing, designed to be towed behind a motor vehicle, or self-propelled, and includes such vehicles commonly known as travel trailers, camper trailers, pick-up coaches, motorized campers, motorized homes, recreation vehicles or other similar vehicles.
97. **Recreational use** means the *use* of a parcel for a *park*, playground, tennis court, lawn bowling green, athletic field, golf course, picnic area, *swimming pool*, day camp, and similar uses but does not include a track for the racing of animals or any form of motorized vehicles.
98. **Recycling depot** means a building or *parcel* on which recoverable materials such as newspaper, glassware, and metal cans are separated prior to shipment but does not include any processing of the material or a *salvage yard*.
99. **Residential use** means the *use* of a *parcel*, *building* or *structure* or parts thereof as a dwelling.
100. **Resource use** means the *use* a *parcel* or *building* for production and harvesting or extraction of any agricultural, forestry or fisheries product.
101. **Resource commercial use** means the *use* of a *parcel* or *building* for the storage, *display* or sale of goods directly and primarily related to *resource uses*.
102. **Resource industrial use** means the *use* of a *parcel* or *building* for any *industrial use* directly associated with agriculture, fisheries or forestry industries.

103. **Restaurant** means a *building* or *structure* or part thereof where food and drink is prepared and offered for sale to the public.
104. **Retail Store** means a *building* or part thereof in which foods, goods, wares, merchandise, substances, articles or things are offered or kept for sale directly to the public at retail.
105. **Rural tourism use** means the *use* of a *building* or building for non-recreational *commercial uses* related to tourism, including rental accommodations and *campgrounds*.
106. **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*.
107. **Sewerage disposal system** means any system or part thereof for disposing of sewage or waste by means of one or more settling or septic tanks and one or more disposal fields, and any other system or part thereof for sewage or waste disposal not directly connected to a municipal or central waste treatment system.
108. **Short-term Rental** means the use of a residential dwelling, or one or more sleeping units or rooms within a dwelling for temporary overnight accommodation for a period of 29 days or less. This use does not include bed and breakfasts, hotels or motels.
109. **Sign** or **signage** means a *structure*, device, light or natural object including the ground itself, or any part, or any device *attached*, painted or represented on which shall be used to advertise, or attract attention to any object, product, place, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry or business, or which *display* or include any letter, work, model, number, banner, flag, pennant, insignia, device or representation used as an announcement, direction, or advertisement, and which is intended to be seen from off the *parcel* or from a *parking lot*.
110. **Storage container** means a container with strength suitable to withstand shipment, storage, and handling, and may range in size from a large reusable steel cargo container typically used for intermodal shipments to smaller corrugated boxes.
111. **Storey (pl. stories)** means that portion of a *building* between any floor and ceiling or roof next above, provided that any portion of a *building* partly below *grade* level shall not be deemed a *storey* unless its ceiling is at least 1.8 m (approximately 6 feet) above *grade* and provided also that any portion of a *building* between any floor and ceiling or roof next above exceeding 4.2 m (approximately 14 feet) in height shall be deemed an additional *storey*.
112. **Street or road** (see *Highway*)
113. **Street line** means the boundary of a *street*.



114. **Structure** means any construction including a *building* fixed to, supported by or sunk into land or water, but excludes concrete and asphalt paving or similar surfacing and fencing and includes a *swimming pool*.
115. **Subdivision** means a division of a *parcel* to create two or more new *parcels*; the consolidation of two or more contiguous *parcels* to create a new *parcel*; or the attachment of a part of a *parcel* to another *parcel* contiguous to that part to create a new *parcel*, by means of a plan of subdivision, a plan of survey, an agreement, a deed or any other instrument, including a caveat that transfers or creates an estate or interest in the new *parcels* created by the division, or in the new *parcel* created by the consolidation or the attachment, as the case may be.
116. **Surface drainage plan** means a plan that complies with the surface drainage requirements set out in this bylaw and is duly sealed and signed by a qualified landscape architect or a licensed engineer.
117. **Survey plan** means an appropriately scaled drawing of survey details, certified by a licensed Prince Edward Island Land Surveyor.
118. **Swimming pool** means any outdoor *structure*, basin, chamber, or tank used or which may be used for swimming, diving, or recreational bathing and having a depth of 60 cm (1.96 ft.) or more at any point or with a surface area exceeding 10 m<sup>2</sup> (107.6 ft<sup>2</sup>).
119. **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.
120. **Tourist Establishment** means an establishment that provides temporary accommodation for a guest for a continuous period of less than one month, and includes a building, structure or place in which accommodation or lodging, with or without food, is furnished for a price to travellers;
121. **Use** means any purpose for which a *building* or other *structure* or *parcel* may be designed, arranged, intended, maintained or occupied, and includes any activity, occupation, business or operation carried on, or intended to be carried on, in a *building* or other *structure* or on a *parcel*.
122. **Warehouse** means a *building* used for the storage and distribution of goods, wares, merchandise, substances or articles and may include facilities for a wholesale or retail commercial outlet, but shall not include facilities for a truck or transport terminal or yard.
123. **Watercourse** shall have the same meaning as defined in the *Watercourse and Wetland Protection Regulations* prescribed under the *Environmental Protection Act*, as may be amended, and, in the case of any dispute, the final determination shall be made by the *provincial government* department having responsibility for enforcement of such regulations.



124. **Wetland** shall have the same meaning as defined in the *Watercourse and Wetland Protection Regulations* prescribed under the *Environmental Protection Act*, as may be amended, and, in the case of any dispute, the final determination shall be made by the *provincial government* department having responsibility for enforcement of such regulations.
125. **Wind turbine** means a wind energy generating system (turbine and accessory facilities) intended to primarily serve the electrical needs of the on-site user or consumer (either behind the meter or off-grid) and not used to produce power for resale.
126. **Yard** means an open space on a *parcel* appurtenant to a *building* and unoccupied by *buildings* or *structures* except as specifically permitted in this bylaw and
- i. **Front yard** means a yard extending across the width of a *parcel* between the *front lot line* and nearest wall of any *building* or *structure* on the *parcel* and “minimum front yard” means the minimum depth of a *front yard* on a *parcel* between the *front lot line* and the nearest main wall of any *building* or *structure* on the *parcel*;
  - ii. **Rear yard** means a yard extending across the width of a *parcel* between the *rear lot line* and the nearest wall of any *main building* or *structure* on the *parcel* and “minimum rear yard” means the minimum depth of a *rear yard* on a *parcel* between the *rear lot line* and the nearest main wall of any *main building* or *structure* on the *parcel*;
  - iii. **Side yard** means a yard extending from the *front yard* to the *rear yard* of a *parcel* between a *side lot line* and nearest wall of any *building* or *structure* on the *parcel*, and “minimum side yard” means the minimum width of a *side yard* on a *parcel* between a *side lot line* and the nearest main wall of any *main building* or *structure* on the *parcel*; and
  - iv. **Flankage yard** means the *side yard* of a *corner parcel* which *side yard* extends from the *front yard* to the *rear yard* between the *flankage lot line* and the nearest main wall of any *building* or *structure* on the *parcel*.
127. **Zone** means a designated area of land shown on the *Official Zoning Map* of the Bylaw within which land uses are restricted to those specified by this bylaw.

## APPENDIX 3: PARKING STANDARDS

Off-street parking and *loading spaces* shall be in accordance with the following requirements:

1. The minimum number of parking spaces shall be provided for the proposed use, as listed in the following table;
2. Every parking space shall have access to a clear maneuvering lane;
3. Every parking space shall have minimum dimensions of 2.7 m (9 ft.) by 5.5 m (18 ft.); and
4. Every loading space shall have minimum dimensions of 21.3 m (70 ft.) by 3.7 m (12 ft.).

| Use                                                                      | Parking Spaces Required                                               |
|--------------------------------------------------------------------------|-----------------------------------------------------------------------|
| <b><i>Dwelling</i></b>                                                   | 1.5 for each dwelling or sleeping unit;<br>minimum of 2 spaces        |
| <b><i>Auditorium, theatre, church or hall</i></b>                        | 1 per 4 seats                                                         |
| <b><i>Hotel, motel, or tourist establishment</i></b>                     | 1 per guest room                                                      |
| <b><i>Restaurants (including take out)</i></b>                           | 1 per 9.3 m <sup>2</sup> (100 ft <sup>2</sup> );<br>minimum of 10     |
| <b><i>Business or professional offices</i></b>                           | 1 per 27.9 m <sup>2</sup> (300 ft <sup>2</sup> ) of <i>floor area</i> |
| <b><i>Warehouse and storage facilities and other industrial uses</i></b> | 1 per employee;<br>1 per loading bay                                  |
| <b><i>Other commercial uses</i></b>                                      | 1 per 27.9 m <sup>2</sup> (300 ft <sup>2</sup> ) of <i>floor area</i> |
| <b><i>Other Institutional or recreational uses</i></b>                   | 1 per 37.2 m <sup>2</sup> (400 ft <sup>2</sup> ) of <i>floor area</i> |
| <b><i>Other industrial uses</i></b>                                      | 1 per employee; 1 per loading bay                                     |
| <b><i>Other</i></b>                                                      | As required by <i>Council</i>                                         |

## APPENDIX 4: SCHEDULE OF FEES

### Development Permits Application

|                                   | Fee                                                               |
|-----------------------------------|-------------------------------------------------------------------|
| Residential                       | - New Construction \$0.15/sq. ft. (Min \$250 - Max \$1,000)       |
|                                   | - Renovations/additions \$0.15/sq ft. (Min \$100 – Max \$1,000)   |
| Commercial/Industrial             | - New Construction \$0.20/sq. ft. (Min \$300 - Max \$2,000)       |
|                                   | - Renovations/additions \$.20/sq ft (Min \$200 – Max \$2,000)     |
| Agricultural/Forestry             | \$0.10/sq. ft. (Min \$100 - Max \$200)                            |
| Institutional                     | \$0.20/sq. ft. (Min \$100 - Max \$2,000)                          |
| Wind Turbine                      | \$2.00/\$1,000.00 construction costs<br>(Min \$100 - Max \$1,000) |
| Accessory building                | \$0.10/sq. ft. (Min \$50 - Max \$1,000)                           |
| Deck, pool, fence, tent or awning | \$50                                                              |
| Change of use                     | \$50                                                              |
| Demolition                        | \$50                                                              |
| Excavation Pit                    | \$200                                                             |
| Temporary Permits                 | \$50                                                              |
| Other                             | \$50                                                              |

### Variance, Amendment, Rezoning

|                          |                                                     |
|--------------------------|-----------------------------------------------------|
| Variance                 | \$50 (no public meeting) + associated costs*        |
|                          | \$200 (public meeting required) + associated costs* |
| Official Plan Amendment  | \$300 + associated costs*                           |
| Bylaw Amendment/Rezoning | \$300 + associated costs*                           |
| Reconsideration**        | \$150                                               |

### Subdivision Application Fees

|                                            |                                      |
|--------------------------------------------|--------------------------------------|
| Subdivision—up to 4 lots per subdivision   | \$250 (1 lot) + \$100/additional lot |
| Subdivision—5 or more lots per subdivision | \$600 (5 lots) + \$20/additional lot |
| Lot Consolidation                          | \$100                                |

### Agreement Fees

|                                      |       |
|--------------------------------------|-------|
| Development or Subdivision Agreement | \$200 |
| Other Agreements                     | \$100 |

### General Fees

|                                                         |                           |
|---------------------------------------------------------|---------------------------|
| Permit Extension (prior to expiration of permit)        | \$20                      |
| Permit Renewal (after expiration of permit)             | Full Fees after 12 months |
| Copy of the <i>Official Plan</i>                        | \$5                       |
| Copy of the <i>Zoning and Subdivision Control Bylaw</i> | \$10                      |
| Permits obtained after work has started                 | Double the regular fee    |

\*Associated costs shall be actual, quantifiable costs incurred by the *Community* in order to process the application (e.g. hall rental, rental of public address system, and advertisement costs).

\*\* The Reconsideration Fee will be reimbursed if it is found during the reconsideration process that there has been an error on the part of the Municipality in making the initial decision on the application.

### Policy for Refunds for Applications

A processing fee shall be retained for permits or approvals where staff, *Planning Board* or *Council* have carried out work on the application. The minimum processing fee of \$25 and with a maximum refund to be 25% of the fee paid where staff, *Planning Board*, or *Council* have acted on an application and the application was withdrawn, abandoned or otherwise discontinued. The amount of any processing fee shall be determined by *Council*.



# RURAL MUNICIPALITY OF MILTONVALE PARK OFFICIAL PLAN 2016

AMENDED JULY 29, 2019



Prepared by DV8 Consulting

MAY 31, 2016





**OFFICIAL PLAN REVIEW and AMENDMENT  
RURAL MUNICIPALITY OF MILTONVALE PARK  
Official Plan Amendment 2019-A**

To amend the Rural Municipality of Miltonvale Park Official Plan.

**Effective Date:**

The effective date of **Official Plan Amendment 2019-A** is the date as signed below by the Minister of Agriculture and Land.

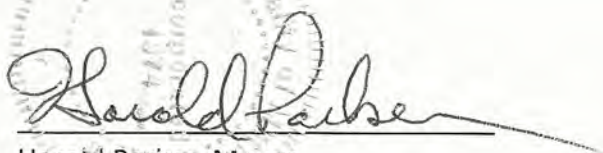
**Authority:**

The Council for the Rural Municipality of Miltonvale Park, under authority vested in it by Sections 11-15 of the Planning Act R S P E I 1988 Cap P-8 hereby enacts as follows:

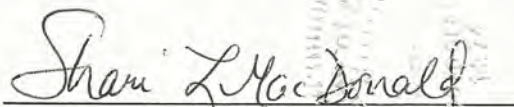
**Adoption and Approval by Council:**

This **Official Plan Amendment 2019-A** was **adopted** by a majority of Councillors present at the Council meeting held on the 19<sup>th</sup> day of June, 2019.

This **Official Plan Amendment 2019-A** is declared to be **passed** on the 19<sup>th</sup> day of June, 2019.



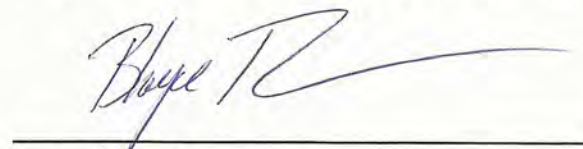
Harold Parker, Mayor  
(signature sealed)



Shari MacDonald, Chief Administrative Officer  
(signature sealed)

**Ministerial Approval:**

This **Official Plan Amendment 2019-A** is hereby **approved**.



Hon. Bloyce Thompson  
Minister of Agriculture and Land

Dated on this 29 day of July, 2019.



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## 1. INTRODUCTION

### 1.1 PURPOSE

The *Rural Municipality of Miltonvale Park Official Plan (2016)* is a formalized statement of Objectives, Policies and Plan Actions approved by Council concerning the nature, extent and pattern of land use and development within the Community until the year 2030.

The *Official Plan* addresses the social, economic, physical and environmental goals of the Community. It will assist Council in establishing priorities and in decision making relating to: economic development initiatives, public works, social programming, municipal services, environmental standards, and fiscal management. The *Official Plan* will also provide the policy framework for the *Rural Municipality of Miltonvale Park Zoning and Subdivision Control Bylaw (2016)*, as may be amended, and which may be referred to as the *Development Bylaw*.

### 1.2 PLANNING AREA

The *Official Plan* applies to the geographic area contained within the legal municipal boundaries of the Rural Municipality of Miltonvale Park. The Objectives, Policies and Plan Actions within the *Official Plan* have been developed in consideration of the adjacent municipalities, including the Greater Charlottetown Area, and in consideration of trends occurring across the Province.

### 1.3 LEGAL ENABLEMENT

The Rural Municipality of Miltonvale Park derives the majority of its powers from the Prince Edward Island *Planning Act, R.S.P.E.I. 1988, c. P-8*, and the *Municipal Government Act R.S.P.E.I. 1988, Cap. M-12.1*. The *Planning Act* empowers Council to appoint a planning board, adopt an *Official Plan*, and subsequently adopt bylaws to implement the *Official Plan*. The *Municipal Government Act* empowers the community to make bylaws and/or develop programs and strategies which help, in part, to implement the *Official Plan*.

### 1.4 PLAN CONTENT

Section 12 of the *Planning Act*, states the following:

*An official plan shall include*

- a. a statement of economic, physical, social and environmental objectives;*
- b. a statement of policies for future land use, management and development, expressed with reference to a specified period not exceeding fifteen years;*
- c. proposals for its implementation, administration and the periodic review of the extent to which the objectives are achieved.*

The Objectives in this *Official Plan* indicate the overall goals and policy direction of the Community. The Policies address the specific topics and issues relating to the Objectives. And, finally, the Plan Actions describe the actions and/or initiatives that will be undertaken to implement the Objectives and Policies.

## 2. THE RURAL MUNICIPALITY OF MILTONVALE PARK

### 2.1 COMMUNITY HISTORY

The Miltonvale Park area, particularly the area adjacent to the North River, was first settled by the French in the late 1600s and early 1700s, and by the English in the early 1800s. Agriculture has been the main focus of development and continues to be the prominent activity in the Community today. Miltonvale Park remained almost entirely a farming community until the early 1970s when suburban development became more popular. The peace and tranquility of the countryside, low cost of land, and proximity to the City of Charlottetown were strong selling points and continue to be the reasons why residents choose to settle in this area. Developers, farmers, and other landowners took advantage of the “housing boom” in the 1970s and 1980s, and developed several small subdivisions and building lots off the front of large farm properties and other land holdings. As a result of this activity, the majority of the current population is no longer involved in the agricultural sector.

### 2.2 MUNICIPAL ORGANIZATION

On July 17, 1974, Miltonvale Park was incorporated under the *Community Improvement Act* as a Community Improvement Committee. The Community incorporated for two main reasons – to collect fire dues and to have an identifiable group to represent the residents on local and regional matters. In 1975, Miltonvale Park residents adopted their first official plan. By 1983, the *Community Improvement Act* was replaced by the *Municipalities Act* and the Miltonvale Park Community Improvement Committee became the Community of Miltonvale Park. More recently, in 2017 the *Municipal Government Act* replaced the *Municipalities Act* and the name changed once again to the Rural Municipality of Miltonvale Park. The *Planning Act* vests all incorporated municipalities with the power to undertake community planning.

### 2.3 GEOGRAPHY

Miltonvale Park is located to the northwest of the City of Charlottetown. To the east is the Rural Municipality of Brackley, to the south and south-west are the Communities of Warren Grove, Hampshire, North Wiltshire, and Darlington (See Figure 1). The land to the north is unincorporated with no significant settlements or population between Miltonvale Park and the Communities of Hunter River and Oyster Bed Bridge.

Miltonvale Park is approximately 35 km<sup>2</sup> (8,600 acres) in area. The topography is gently rolling and is dominated by one major river, the North River, its tributaries and several smaller streams. The Community is bisected by Route 2, the major highway connecting Charlottetown and Summerside, and the central and western parts of the Province.

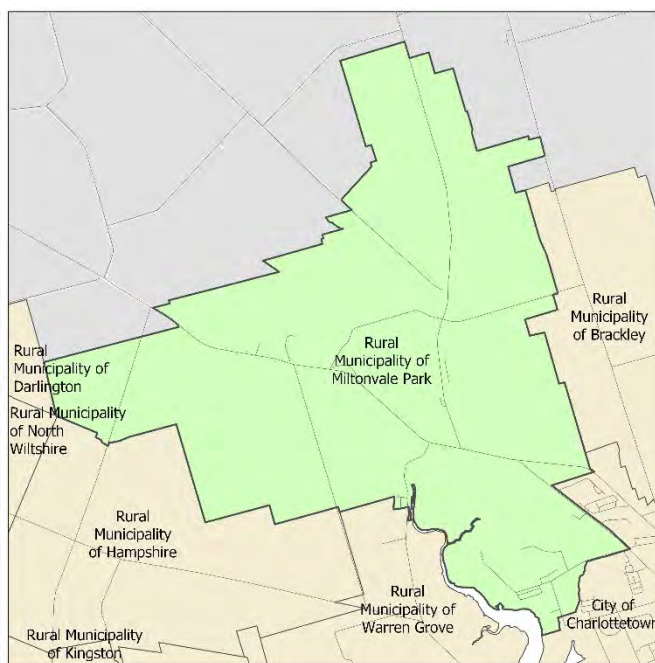


FIGURE 1. THE RURAL MUNICIPALITY OF MILTONVALE PARK AND SURROUNDING MUNICIPALITIES.

2.4 POPULATION

Population statistics for the Community are available from 1980 to the most recent Canadian census record in 2011 (See Table 1). In 1981, the population was approximately 941. The Community experienced steady growth until 1996, when the population peaked at 1,242. Since that time, the population has gradually declined. The current population (2011 census) is approximately 1,153, a 0.9% decrease from 2006.

In comparison to the 31 other municipalities in Prince Edward Island with official plans and bylaws, Miltonvale Park is ranked tenth in population. Its large land area (35.32 km<sup>2</sup>) and relatively small population results in a low population density (fourth lowest).

The population is unevenly distributed throughout the Community. There are 17 defined census Dissemination Blocks (“DB”) in the Community (See Figure 2). The DB areas are defined by the roads and/or boundaries of standard geographic areas. An analysis of the distribution of the population indicates that the southern portion of the Community, south of Route 2 and east of the North River (equivalent to 15% of the land area), contains approximately 42% of the population.

The demographic distribution of Miltonvale Park is similar to that of the provincial population. The Community consists mainly of young adults (22% of the population is between 15–29 years of age) and adults within the range of 40–54 years of age (37%). The median age is 41, which compares with the provincial median age of 42.8. These trends indicate that the Community continues to attract families with young children, as there is not a disproportionate percentage of people over the age of 65. Eighty-five percent (85%) of the families in the Community consist of couples (married or common-law) with children. The average family size is 2.8 people, which is also consistent with the provincial average. Approximately 90 people live alone in the Community, and 185 people live in two-person households without children.

|                                     | Community of<br>Miltonvale Park | Prince<br>Edward Island |
|-------------------------------------|---------------------------------|-------------------------|
| Population (2011)                   | 1,153                           | 140,204                 |
| Population (2006)                   | 1,163                           | 135,851                 |
| Change in Population since 2006 (%) | -0.9                            | +3.2                    |
| Private Dwellings                   | 473                             | 66,943                  |
| Density (per km <sup>2</sup> )      | 326                             | 24.7                    |
| Land Area (km <sup>2</sup> )        | 35.32                           | 5,685.73                |

TABLE 1. ADAPTED FROM: STATISTICS CANADA. 2012. MILTONVALE PARK, PRINCE EDWARD ISLAND (CODE 1102040) AND PRINCE EDWARD ISLAND (CODE 11) (TABLE). CENSUS PROFILE. 2011 CENSUS. STATISTICS CANADA CATALOGUE NO. 98-316-XWE. OTTAWA. RELEASED OCTOBER 24, 2012

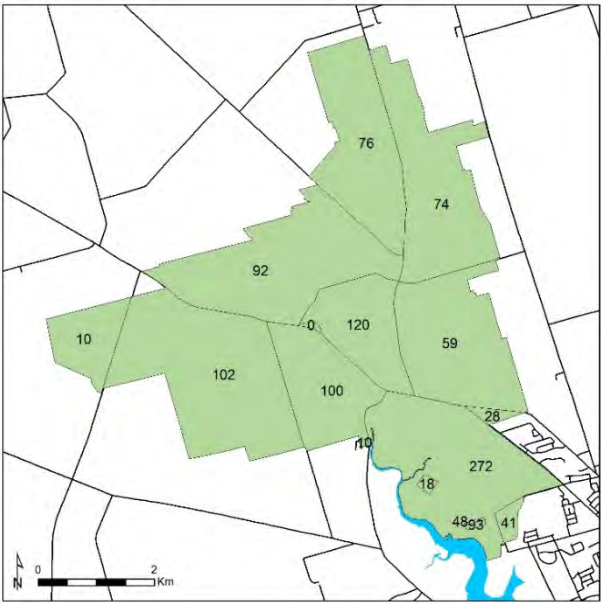


FIGURE 2. POPULATION BY CENSUS DISSEMINATION BLOCK (2011) WITHIN THE RURAL MUNICIPALITY OF MILTONVALE PARK. SOURCE: STATISTICS CANADA 2012.

## 2.5 MUNICIPAL SERVICES

### *Sanitary sewer and water*

The Rural Municipality of Miltonvale Park has entered into an agreement with the City of Charlottetown for the supply of water and sanitary sewer services for the Sleepy Hollow area; more specifically, for those properties fronting on Royalty Road, Sleepy Hollow Road and Heather Drive and as identified in Schedule “B” of the agreement. The agreement also permits the development of a public utility water supply within Miltonvale Park for the City of Charlottetown. The Sleepy Hollow area is located in the south end of Miltonvale Park. This area has a relatively high population density and small property sizes. Due to soil conditions, the provision of safe on-site wastewater treatment and disposal in this area is difficult. Following the installation of the infrastructure, identified properties were given the option to be connected to the central water distribution system and to become customers of the Charlottetown Water and Sewer Utility. New residential development within the identified area will be required to connect to the water distribution system. Further connections to the sanitary sewer infrastructure may be permitted upon request to the City from the Community.

There are no other municipal or centralized services within Miltonvale Park. The rural nature of the Community would suggest that it is unlikely that a centralized wastewater system or central water distribution system will be needed. Properties in the rural areas rely on individual wells for access to potable water and on-site wastewater treatment systems.

### *Fire Protection*

The Rural Municipality of Miltonvale Park receives fire protection from the North River Fire Department. There are usually 9-10 calls per year from Miltonvale Park. In general, the Community is satisfied with the quality and the price of the service it receives.

### *Police Protection*

The Rural Municipality of Miltonvale Park receives police protection from the RCMP. This service is provided by the Province and, at present, there are no other feasible alternatives.

### *Solid Waste Management and Recycling*

The Rural Municipality of Miltonvale Park participates in the province-wide waste reduction strategy managed by the Island Waste Management Corporation. Residents sort their household waste, compost, and recyclables for roadside pick-up.

## 2.6 TRANSPORTATION

Route 2 is the principal east/west transportation route for the movement of people and goods across the Province. The Malpeque Road is the local name given to the section of Route 2 between Charlottetown and Hunter River. This section bisects the Rural Municipality of Miltonvale Park and is designated as an arterial highway. The provincial *Roads Act - Highway Access Regulations* (“HAR”) stipulate the requirements for the location and number of new entrance ways, and regulates any changes in land uses on properties that front on an arterial highway. Access permit approvals are required for these properties.

The Rustico Road (Route 7) is a collector highway oriented north-south within the Community. The Rustico Road is one of the primary transportation routes between Charlottetown and the communities on the north shore.

The HAR requires approval for new entrance ways and any changes in the use of existing properties fronting on this highway.

There are a few existing private roads within the Community where maintenance and the responsibility of maintaining access for emergency vehicles is the responsibility of the owner(s). The remaining roads in the Community are deemed to be local and they are maintained by the Province.

## 2.7 DEVELOPMENT PERMIT APPROVALS

Development permit activity over the past five (5) years has been generally consistent from year-to-year (See Table 2). The majority of the permits approved are for residential starts and renovations. A surge in application numbers in 2012 was due to twenty-nine (29) properties in the Sleepy Hollow area connecting to the new central wastewater and water distribution services. The increase in the institutional permits in 2011 reflected renovations to the Milton Community Hall, the Fire Training Centre, and the development of the Faithworks Centre.

|                          | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 |
|--------------------------|------|------|------|------|------|------|
| Agricultural             | 1    | 2    | 3    | 2    | 3    | 4    |
| Agricultural/Residential | -    | -    | -    | 1    | 2    | 1    |
| Institutional            | 1    | 5    | -    | -    | 1    | -    |
| Residential              | 14   | 11   | 48   | 12   | 20   | 14   |
| Other                    | 2    | 1    | -    | 2    | 5    | 1    |
| Subdivision Approvals    | 2    | 7    | 8    | 13   | 10   | 1    |

TABLE 2. DEVELOPMENT PERMIT AND SUBDIVISION APPROVALS FOR MILTONVALE PARK BY YEAR (2010-2015).

## 2.8 CHARLOTTETOWN REGION SPECIAL PLANNING AREA

The Rural Municipality of Miltonvale Park is located within the Charlottetown Region Special Planning Area (“SPA”), as established in the *Subdivision and Development Regulations* of the *Planning Act*. The SPA regulations pertain to subdivision and land use development in the rural areas directly adjacent to the major urban regions in the Province. They were established to protect the rural agricultural areas from inappropriate urban scaled developments and to also prevent unsustainable suburban sprawl. The objectives of the SPA regulations are:

- to minimize the extent to which unserviced residential, commercial and industrial development may occur;*
- to sustain the rural community by limiting future urban or suburban residential development and non-resource commercial and industrial development in order to minimize the loss of primary industry lands to non-resource land uses; and*
- to minimize the potential for conflicts between resource uses and urban residential, commercial and industrial uses.*

The *Official Plan* was prepared in conformance with these objectives. Wherever there may be any conflict between the policies of this *Official Plan* and the SPA regulations, the most stringent policy shall take precedence. If the SPA regulations are rescinded at some point in the future, the *Official Plan* shall remain in full force and effect.

### 3. EXISTING LAND USES

The existing (2010) land uses in Miltonvale Park are predominantly agricultural (67%) and forest cover (22%). Developed land, including all residential, commercial, industrial, institutional and transportation related land uses, cover approximately 3 km<sup>2</sup> (9%). The remaining 2% is designated as wetlands. (See Appendix 1).

#### 3.1 AGRICULTURAL LAND USES

Approximately 21.4 km<sup>2</sup> (5,288 acres) of land within the Community has been identified as active agricultural land, and abandoned agricultural land accounts for an additional 2.4 km<sup>2</sup> (593 acres). The four predominant land use cover types are hay (43%), grain (22%), potatoes (13%), and pastures (12%).

#### 3.2 FORESTRY

Forest-covered land occupies almost 7.8 km<sup>2</sup> (1,927.4 acres). The largest forested area is in the south end of the Community, between the Confederation Trail and North River. These forested properties are mainly owned by the Province and Island Nature Trust. The remaining forest-covered land throughout the Community is in the form of small wood lots at the rear of farm properties. Over half (51%) of the forest cover in the Community is characterized as a hardwood forest stand with approximately 3 km<sup>2</sup> (741 acres) with 75% or more hardwood and 1 km<sup>2</sup> (247 acres) between 50-75% hardwood. Softwood stands account for approximately 36% of the forest-covered land area, and the remaining 13% is categorized as forest plantation, clear cut, or alder.

#### 3.3 RESIDENTIAL LAND USES

The Community has two distinct residential land use patterns. The southern portion, commonly referred to as the Sleepy Hollow area, is characterized by relatively small residential lots with suburban residential housing and a mobile-home park. In contrast, the northern portion remains primarily rural in character with a mix of active farms and farm houses. In recent years, the practice of subdividing lots from the frontage of existing farm parcels has increased. The non-farm houses in this area tend to be on large properties fronting on Route 2, the Rustico Road (Route 7) and, to a lesser extent, the Crabbe Road and the Loyalist Road.

The dwelling types within the Community are almost entirely single-detached, with 71% being single-detached houses and 25% movable dwellings. The remaining 4% are either duplex apartments, semi-detached or other attached dwellings (e.g. basement apartments, in-law suites, etc.). The 2011 census information indicates that 95% of the private dwellings are owner occupied. This statistic appears to be directly related to the single-detached dwelling types. Almost half (47%) of the dwellings were constructed after 1986, and the average value of a single-detached dwelling is approximately \$195,152 as compared to the provincial average of \$144,404. (Source: Statistics Canada, 2012)

#### 3.4 COMMERCIAL LAND USES

There is no area in the Community developed as a commercial centre. The commercial sector consists mainly of small businesses, many of which operate out of residential properties which were later rezoned to reflect their primary commercial use. Generally, the commercial needs of Miltonvale Park residents are met in the City of Charlottetown.



### 3.5 INDUSTRIAL LAND USES

The existing industrial properties within the Community are located within proximity to one another, near the intersection of Route 2 (Malpeque Road) and Route 248 (Warren Grove Road).

The former Charlottetown and Area Bulk Landfill Site located in the Sleepy Hollow area was de-commissioned by the Province in 2003. This 60-acre brown-field site holds great potential for re-development.

### 3.6 INSTITUTIONAL LAND USES

Institutional properties within the Community include the Provincial Correctional Centre, the PEI Firefighter Training Centre, St. John's Anglican Church, Faithworks Centre, and the Milton Community Hall.

The Provincial Correctional Centre was constructed in the 1970s and occupies about 0.18 km<sup>2</sup> (46 acres) of land in the south end of the Community, south of the Confederation Trail and adjacent to the North River. The PEI Firemen's Training Centre was constructed nearby in 1989. The facility includes a fire tower, fire pits, a garage, and classroom facilities, and occupies approximately 3.2 ha (8 acres) of land. St. John's Anglican Church is located on Route 2, and the Faithworks Centre is situated on an 18 ha (45 acres) parcel on the Loyalist Road.

The Milton Community Hall is located at the intersection of the Route 7 (Rustico Road) and the New Glasgow Road (Route 224). The Hall is owned and operated by Milton Community Hall Inc. and serves residents of Miltonvale Park and surrounding areas. The second floor of the Hall houses the Council offices and a meeting space. The Hall is widely known for its socials – including the seasonal rhubarb, strawberry and apple socials. Card parties are held on Thursday nights from June through September, and weekly church services are held for the Open Bible Baptist Church. Concerts, dinners, fundraisers, meetings, dances, and workshops and celebrations also take place at the Hall.

There are also several social or service groups in the Miltonvale Park area, including the Springvale, South Milton and North Milton branches of the Women's Institute.

### 3.7 RECREATIONAL AND OPEN SPACE LAND USES

Miltonvale Park has one public community park in the Sleepy Hollow area in the south end of the Community. The park contains a softball diamond, a children's play area, a soccer field, a walking trail, park shelter, dog run, and a small wooded area about one acre in size. The location of the Community Park is not geographically central, which may affect its utilization by residents in the Springvale and North Milton areas of the Community.

The Community also has about 25 ha (62 acres) of linear recreation space in the form of the Confederation Trail running across the Community in an east-west orientation. Developed throughout the 1990s on the former railway lines, this trail is commonly used for walking, hiking, and bicycling in the spring, summer, and fall. The PEI Snowmobilers Association has exclusive use of the trail in the winter months.

### 3.8 SURFACE AND GROUNDWATER RESOURCES

The protection of surface and groundwater resources is a top priority for the residents of the Rural Municipality of Miltonvale Park. The Community is almost entirely located within the North River Watershed, with relatively small areas on the west and north ends of the Community falling within the Wheatley River and Black River Watersheds. The North River, including its tributaries and streams, are protected by the provincial *Watercourse*

*and Wetland Protection Regulations*, which require that property owners maintain a buffer zone along any watercourse or wetland, whether it contains water or not. Activity within and around any wetland and watercourse is also strictly regulated. The purpose of the buffer zone is to provide a protected area that separates the developable part of a property from the watercourse or wetland.

Most Miltonvale Park residents are dependent on groundwater through private wells for their domestic water supply. The aquifers in Miltonvale Park not only supply the needs of the local residents, but will also supply the City of Charlottetown and the residents in the Sleepy Hollow area through the City's new water distribution system. The City's well field is located on the eastern boundary of the Community. Although owned and operated by the City, the Community has a responsibility to ensure that good planning practices and land management plans are in place for the long-term protection of the well field.



#### 4. THE COMMUNITY GOAL

The Community Goal is a broad statement indicating the overall shared vision of Council, residents and property owners for the future of the Community. The Goal provides the framework and general direction for the subsequent more detailed Objectives and Policies of the *Official Plan*.

The Rural Municipality of Miltonvale Park has a strong sense of community identity and independence. Most residents of Miltonvale Park moved to the Community (or stayed here) because they did not want to live in the City of Charlottetown. Residents value the small community charm, the rural lifestyle, the open space and scenic agricultural landscapes, and the convenience of commercial services within a relatively short drive.

Even with the introduction of centralized wastewater treatment and water services in the Sleepy Hollow area, residents of Miltonvale Park still desire to see their Community develop slowly and wish to protect the viability of the farming community and other resource-based activities. Residents recognize that, in order to maintain the viability of the Community and to support expanded public services, future development is necessary. The Sleepy Hollow area has been identified as the most appropriate area for growth as a residential hub within the Community. Future development of this area will be dependent on the new wastewater treatment and water services, and on the potential opportunities to extend those services in the future.

Residents in the Community have expressed their desire for more options in terms of residential dwelling types within the Community. Alternative housing options will allow current residents to age-in-place as their needs change in the future, while the Community continues to attract residents of all age groups and income levels.

The Sleepy Hollow area also presents an opportunity for additional recreational space on the former Sleepy Hollow landfill site. The 0.25 km<sup>2</sup> (60 acres) site is bordered by the Provincial Correctional Centre and the Confederation Trail. The site offers an easy roadway access and contains a mixed growth of mature trees surrounding the site. The Council is in agreement that the Rural Municipality of Miltonvale Park should not be the owner/operator of any recreation facilities created on the site. Instead, private or community groups should be encouraged to step forward as leaders in this initiative.

Miltonvale Park residents value the physical appeal and overall health of their local and regional environment. The *Future Land Use Map* will emphasize the importance of moving toward a watershed land use planning approach and will seek to protect ground and surface water resources and significant natural areas.

**In summary, the Goal of the Rural Municipality of Miltonvale Park is to continue to be a rural agricultural community while supporting residential development in appropriate areas, and promoting recreational and institutional services for its residents.**

## 5. FUTURE LAND USE MAP OBJECTIVES

### 5.1 FUTURE LAND USE MAP OBJECTIVES

The *Future Land Use Map* (See Appendix 2) reflects the overall Goal of the Rural Municipality of Miltonvale Park to remain as a distinct and viable agricultural community, while recognizing that future development in residential land uses is desirable. The *Future Land Use Map* is a conceptual representation of the direction Council envisions land use patterns to develop over the next fifteen (15) years. It lays the foundation for the *Zoning Map* in the *Development Bylaw*.

In developing the *Future Land Use Map*, Council has applied the following Objectives:

- Agriculture shall remain the dominant land use in the Community.
- New resource-based commercial and industrial development will be supported in appropriate areas.
- New centrally or municipally serviced residential development will be supported in the serviced area.
- Environmentally vulnerable or sensitive areas will be protected.
- Opportunities for future recreation and open spaces will be identified.
- All other relevant policies and principles included in this Plan will be implemented.

### 5.2 FUTURE LAND USE MAP - SERVICED RESIDENTIAL POLICY

It is the policy of Council to support a variety of residential dwelling types at an appropriate scale and density, in the serviced and serviceable areas in the Community.

**Plan Action(s):**

The area identified as serviced, and that area that is most likely to be serviceable in the future, is the most appropriate area for future residential development and will be identified as such on the *Future Land Use Map*.

### 5.3 FUTURE LAND USE MAP – ENVIRONMENTAL RESERVE OVERLAY POLICY

It is the policy of Council to identify on the *Future Land Use Map* environmentally vulnerable or sensitive areas in the Community, including those areas that affect surface water and groundwater resources.

**Plan Action(s):**

An Environmental Reserve Overlay will be added to the *Future Land Use Map* to identify the properties and/or portions of properties having wetlands and watercourses.

An Environmental Reserve Overlay will be added to the *Future Land Use Map* to identify the properties and/or portions of properties that are located within the zone of influence for the City of Charlottetown's well field site.

### 5.4 FUTURE LAND USE MAP – RECREATION AND OPEN SPACE POLICY

It is the policy of Council to identify on the *Future Land Use Map* the areas the Community values for their recreational uses and/or potential future uses.

**Plan Action(s):**

The Confederation Trail will be identified as a Recreational and Open Space land use on the *Future Land Use Map*.

The former landfill site will be identified as a Recreational and Open Space land use on the *Future Land Use Map*.

## 6. SOCIAL OBJECTIVES

The Social Objectives of the Community are:

- To preserve and enhance the rural character of the Community.
- To foster a sense of safety, security, and stability.
- To promote social interaction and healthy lifestyles.
- To support a variety of residential dwelling types to meet the changing needs of a diverse population.
- To support residential development in appropriate areas based on the scale of the development and the availability of services.

### 6.1 RESIDENTIAL COMPATIBILITY POLICY

It is the policy of Council to support a variety of residential dwelling types where they are compatible with surrounding areas and uses.

**Plan Action(s):**

Multi-unit residential development will be permitted if it will not detract from existing low density neighbourhoods and the lot on which the development located has suitable services.

Residential developments of more than one building on a property (i.e., grouped dwellings) will generally be supported if the lot on which the development is to be located has suitable services and the scale of the proposed development is compatible with the surrounding area.

Modular homes will be permitted in any zone that permits a single detached dwelling.

Mini homes will only be permitted to locate in an approved manufactured housing park and the Agricultural (A1) Zone.

Permanent occupancy of travel trailers or recreational vehicles (RVs) will be prohibited.

### 6.2 RESIDENTIAL DEVELOPMENT STANDARDS POLICY

It is the policy of Council to establish residential development standards relating to density, architectural harmony, setbacks, parking, and land use buffers in order to enhance the health, safety and convenience of residents.

**Plan Action(s):**

The *Development Bylaw* will establish residential zone designations for mini homes, modular homes, single detached dwellings, attached dwellings.

The *Development Bylaw* will establish development standards relating to lot sizes, setbacks, servicing, open space, parking, buffers and other related matters.

### 6.3 ACCESSORY APARTMENTS POLICY

It is the policy of Council to permit the addition of an accessory apartment in a single detached dwelling or accessory building to a single detached dwelling, provided that the exterior of the dwelling retains an appropriately residential appearance, the addition is compatible with surrounding areas and uses, and the property has suitable services.

#### Plan Action(s):

The *Development Bylaw* will permit the addition of an accessory apartment in a single detached dwelling or in an accessory building to a single detached dwelling.

Mini homes may be used as an accessory apartment on properties in the agricultural zone when the primary use of the property is resource-based.

### 6.4 ON-SITE SERVICES POLICY

It is the policy of Council that residential development with on-site services for potable water and wastewater treatment will not be permitted where central or municipal services are available.

#### Plan Action(s):

The *Development Bylaw* will only permit on-site services for residential development where central or municipal services are not available.

On-site services for residential development will have to comply with provincial requirements for the installation of on-site wastewater treatment systems and water services.

Residential development with on-site services will be in conformance with the objectives of the SPA regulations.

### 6.5 MINIMUM LOT SIZES POLICY

It is the policy of Council to establish minimum residential lot sizes to preserve the rural character of the Community.

#### Plan Action(s):

The *Development Bylaw* will establish a minimum lot size for lots in the residential and agricultural zones where on-site services are required for residential development and all properties will have to be of an adequate size to accommodate the installation of a second tile field in order to better ensure the long-term sustainability of the on-site wastewater system.

The *Development Bylaw* will establish a minimum lot size for lots in the serviced area of the Community and those sizes will be consistent with the existing density and character of the surrounding areas and uses.

## 6.6 UNDERSIZED LOTS POLICY

It is the policy of Council to allow appropriately-scaled development on existing undersized lots.

### Plan Action(s):

The *Development Bylaw* may permit development of an existing undersized lot where a licensed engineer has certified both the design and installation of the on-site wastewater treatment system.

## 6.7 IN-HOME OCCUPATIONS AND BED & BREAKFAST POLICY

It is the policy of Council to allow in-home occupations and bed and breakfast establishments on residential properties.

### Plan Action(s):

The *Development Bylaw* will establish standards for in-home occupations and bed and breakfast establishments to limit potential conflicts with surrounding residential uses, such as standards related to hours of operation, square footage, number of employees, parking, outdoor storage, signage, and any other factors that may represent an impediment to the safety, convenience or enjoyment of neighbouring properties.

# 7. ECONOMIC OBJECTIVES

The Economic Objectives of the Community are:

- To protect the long-term viability of farming and other resource-based commercial and industrial activities.
- To support established businesses in the Community.
- To limit new non-resource commercial and industrial development.
- To minimize conflicts between resource and non-resource land uses.

## 7.1 AGRICULTURAL LAND USE POLICY

It is the policy of Council to designate an Agricultural Zone that will protect farm and forestry lands from the intrusion of conflicting land uses and serve to discourage the conversion of primary resource lands into non-resource use.

### Plan Action(s):

All those lands currently in agriculture use will be designated on the *Zoning Map* as Agricultural Zone.

The boundaries between resource-based and non-resourced based land uses will be buffered to minimize land use conflicts.

## 7.2 RESOURCE-BASED COMMERCIAL AND INDUSTRIAL LAND USE POLICY

It is the policy of Council to support resource-based commercial and light-industrial activities that are necessary services for an agricultural community and located in appropriate areas.

**Plan Action(s):**

The *Development Bylaw* will permit resource-based commercial and industrial developments within the Agricultural Zone provided that safe access will be provided and potential land use conflicts will be mitigated.

**7.3 NON-RESOURCE BASED COMMERCIAL AND INDUSTRIAL LAND USE POLICY**

It is the policy of Council to continue to support existing non-resource based commercial and industrial uses within the Community and to encourage reasonable growth of those businesses.

**Plan Action(s):**

New non-resource based commercial uses will not be permitted.

New non-resource based industrial uses will not be permitted.

The *Development Bylaw* will permit existing non-resource based commercial and industrial land uses to grow where the proposed development will not involve the loss of existing resource land for a non-resource use.

**7.4 LIVESTOCK OPERATIONS POLICY**

It is the policy of Council to protect existing livestock operations from residential encroachment, and to protect existing residential areas and uses from the encroachment of livestock operations.

**Plan Action(s):**

The *Development Bylaw* will require that any new intensive livestock operation provide a buffer between the proposed development and primarily residential areas.

## 8. PHYSICAL OBJECTIVES

The Physical Objectives of the Community are:

- To establish a plan for future development that minimizes land use conflicts.
- To support improvements of the existing provincial transportation system and to establish minimum standards for the development of new transportation infrastructure.
- To ensure that wastewater is treated and disposed of in a healthy, efficient, and environmentally acceptable manner.
- To ensure a secure and safe supply of potable water.

**8.1 SURROUNDING LAND USES POLICY**

It is the policy of Council to establish adequate buffers between commercial and industrial developments and nearby land uses to minimize negative effects on the surrounding areas and uses.

**Plan Action:**

The *Development Bylaw* will require buffering (e.g., setbacks, vegetation, screening, landscaping etc.) for commercial and industrial developments in order to mitigate negative impacts on surrounding areas and uses.

The *Development Bylaw* will require buffering (e.g., setbacks, vegetation, screening, landscaping etc.) for any non-residential development adjacent to the Confederation Trail and other areas zoned as Recreation and Open Space.

**8.2 MINIMUM ROAD STANDARDS POLICY**

It is the policy of Council to require that all new subdivisions and developments involving the creation of new roads to meet the provincial requirements for new public roads and that new roads be owned and maintained by the Province.

**Plan Action:**

No new private roads will be permitted.

**8.3 RIBBON/STRIP DEVELOPMENT POLICY**

It is the policy of Council to regulate the number of accesses in the Agricultural Zone in order to prevent strip development patterns.

**Plan Action:**

Applications for new developments and new accesses will comply with the regulations for access under the provincial HAR.

The *Development Bylaw* will permit the subdivision and development of “panhandle” lots and, where appropriate, will encourage the use of a safe and shared access.

**8.4 ON-SITE WASTEWATER AND WATER SERVICES POLICY**

It is the policy of Council to require that all new subdivisions and developments meet the provincial requirements for the installation of on-site wastewater treatment and wells.

**Plan Action:**

The *Development Bylaw* will require provincial approval for on-site wastewater and water services prior to subdivision approval or a development permit being issued.

Council will encourage all property owners to perform regular maintenance on their on-site systems.

The *Development Bylaw* will require that on-site systems are removed, or that proper abandonment techniques are utilized, when a permit is issued for the demolition or relocation of a serviced structure.

## 9. ENVIRONMENTAL OBJECTIVES

The Environmental Objectives of the Community are:

- To protect and enhance the quality of groundwater and surface water.
- To protect and enhance significant natural areas.
- To support renewable energy generation.
- To minimize air and noise pollution.

### 9.1 POINT SOURCES OF POLLUTION POLICY

It is the policy of Council to work with the provincial government to identify and control potential point sources of pollution in groundwater and surface water.

**Plan Action:**

Council will work with the provincial government to help identify potential point sources of pollution, including underground and above-ground petroleum storage tanks, pesticide and fertilizer storage sites, other chemical storage locations, manure storage sites, etc.

### 9.2 WETLAND AND WATERCOURSE POLICY

It is the policy of Council to support the protection of the buffer zones adjacent to watercourses and wetlands in the Community.

**Plan Action:**

Council will work with the provincial government to ensure that buffer zones adjacent to watercourses and wetlands are appropriately protected and managed.

The *Development Bylaw* will require applicants to submit confirmation that any necessary provincial permits or approvals have been obtained before any decision is made on an application for a subdivision or a development permit related to properties with, or nearby, a wetland or watercourse.

All properties or portions of properties having a wetland, watercourse or buffer zone will be designated as the Environment Reserve Zone (Overlay), and applications for subdivision and development permits on these properties will be referred to the provincial department responsible for the *Environmental Protection Act*.

All properties or portions of properties within the zone of influence of the City of Charlottetown's well field site will be designated as the Environment Reserve Zone (Overlay). Applications for subdivision and development on these properties will involve notification to the City of Charlottetown and may require additional consultation to ensure that necessary measures are taken to protect the Charlottetown Well Field from potential direct, indirect and long term impacts.



### 9.3 ALTERNATE ENERGY SYSTEMS POLICY

It is the policy of Council to support the use of alternate energy systems in the Community.

**Plan Action:**

Wind turbine development under the *Development Bylaw* will be consistent with provincial regulations and best land use planning practices.

### 9.4 SUSTAINABLE DEVELOPMENT/CONSTRUCTION POLICY

It is the policy of Council to support new development that promotes sustainable practices, including the utilization of renewable energy sources, groundwater protection, reduced water consumption, and storm water management for the purpose of groundwater recharge.

**Plan Action:**

Council will collaborate with the provincial government department responsible for the *Environmental Protection Act* and local watershed groups to monitor ground water usage. Land uses that utilize high volumes of fresh water may require an environmental assessment for potential impacts on groundwater resources.

The *Development Bylaw* will require that applicants submit storm water management plans for certain developments, including subdivisions with 3 or more lots, developments involving new roads, and developments that have a higher hard-surface to permeable-surface ratio (i.e., lot coverage).

## 10. ADMINISTRATION

### 10.1 ADMINISTRATION

Administration of the *Official Plan* shall be the primary responsibility of Council. Council may, however, seek the input of Planning Board on matters pertaining to the Plan. The primary implementation tool for this Plan is the *Development Bylaw*. Aspects of the Plan may also be implemented through other municipal bylaws and regulations, Council's operating policies and procedures, the municipal budget, and other actions by Council. Council may also delegate aspects of the implementation of the *Development Bylaw* to a Development Officer appointed by Council.

Immediately upon approval by the Minister of Communities, Land and Environment, Council shall amend its current *Zoning and Subdivision Control Bylaw* to be in conformance with the policies and provisions of the *Official Plan*. The revised bylaw shall be called the *Rural Municipality of Miltonvale Park Zoning and Subdivision Control Bylaw (2016)*, as may be amended, and may be referred to as the *Development Bylaw*.

The *Development Bylaw* shall set out specific land use zones, permitted uses for each zone, standards and procedures for development and land use, and standards and procedures for the subdivision, consolidation, and development of land in the Community.

### 10.2 APPROVAL OF DEVELOPMENT OR CHANGE OF USE

The *Development Bylaw* shall require any person undertaking any development, change of use of land or premises, or subdivision/consolidation of land to apply for a permit using a standard application procedure. Exceptions shall be noted in the *Development Bylaw*. Council may attach such conditions to any permit in order to ensure conformance with the *Official Plan* and the *Development Bylaw*.

The receipt of a development permit does not excuse the applicant from complying with any provincial or federal legal requirements, including matters related to fire protection, health and safety, wastewater disposal, plumbing and electrical installation, or accessibility. Council also shall collaborate with appropriate provincial departments during the permit or approval process.

### 10.3 DEVELOPMENT AGREEMENTS

Council may, at its discretion, require the developer of a development or a subdivision to enter into a Development Agreement or Subdivision Agreement. These agreement will contain all conditions related to the development permit or subdivision approval and shall be legally binding on both parties. The agreement will be registered against the property in accordance with the *Registry Act*, R.S.P.E.I. 1988, c. R-11.

### 10.4 VARIANCES

Council may grant a variance to the provisions of the *Development Bylaw* where strict compliance would represent an undue hardship to the developer and where the general intent of the *Official Plan* is upheld.

### 10.5 REVIEW

Council shall, on a regular basis, review its activities in terms of successful implementation of the *Official Plan*. Periodic reviews of the *Official Plan* will take place as required by the *Planning Act*.

## 10.6 AMENDMENTS

The *Official Plan* and *Development Bylaw* may be amended as circumstances require or in response to requests from the public, provided that all provisions of the *Planning Act* are met.

## 10.7 APPEAL PROCEDURE

Any person who is dissatisfied with certain decisions of Council in the administration of the *Development Bylaw* may appeal to the Island Regulatory and Appeals Commission in accordance with the *Planning Act*.

## 10.8 BUDGETING

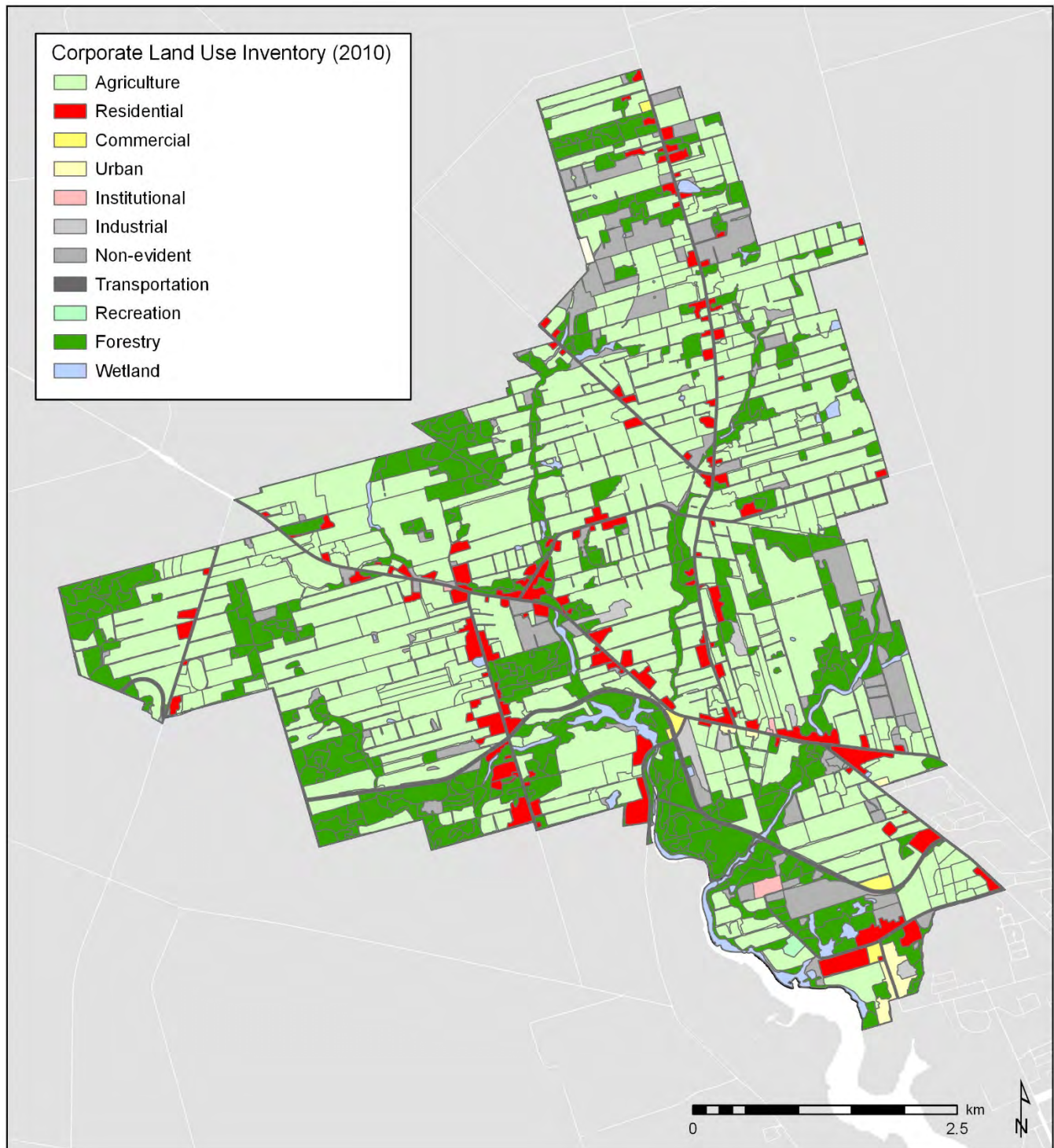
While the *Development Bylaw* and other bylaws passed under the *Municipal Government Act* are the primary tools for controlling and directing development activities in the Community, the Community budget is the key policy tool for establishing the annual priorities of Council. As such, the budget is a key implementation tool for many of the policies and plan actions laid out in the *Official Plan*. To the extent practicable, the budget should reflect the policies of the *Official Plan*.

## 10.9 BUDGET POLICIES

Council has established the following fiscal policies as a framework to guide decision-making on municipal revenues and expenditures:

- Council will advocate for stable and affordable property tax rates.
- Council will pursue all available options for cost-sharing and maximize financial assistance from other levels of government.
- Council will pursue a “user pay” approach for programs and services where appropriate.
- Council will not budget for an operating deficit in any year.
- Any incurred deficit will be addressed as part of the subsequent annual budget if possible.
- Council will maintain lower staffing levels and contract out for specialized services until the needs and projected savings to the Community warrant additional staffing.

## APPENDIX 1. CORPORATE LAND USE INVENTORY MAP





## APPENDIX 2. FUTURE LAND USE MAP

