

**Planning Board Meeting
5 December 2023, 6pm
Victoria Schoolhouse, 730 Victoria Rd**

MINUTES

Planning Board members in attendance: Chair Eric Gilbert; Vice-Chair Shelley Trainor; Councillor Ben Smith, Janet Lauzon, Susan Oxley, Mayor Martin Ruben (electronically).

Staff present: CAO Anna Keenan, FAA Marsha Empson, Development Officer Derek French

And members of the public.

1. Call to Order - 6:24

The chair called the meeting to order @ 6:24pm.

2. Adoption of Agenda

The Agenda was adopted by consensus of all present

3. Approval of minutes

- a. **Public session October 24, 2023**
- b. **Closed session October 24, 2023** (*the minutes of the closed portion of this meeting contain no information that must be kept confidential, therefore can be published*)

Janet Lauzon moved that the minutes of both the public and closed sessions of the Planning Board meeting of October 24 be approved, Shelley Trainor seconded. Carried unanimously (5/0).

4. Reviewing newly-updated drafts of the Official Plan and Development Bylaw, and proposing amendments if necessary.

a. Discussion on significant changes from previous drafts

CAO Keenan verbally summarised the major changes that were agreed to by the planning board since the 2022 version of the Official Plan, reflecting the changes seen in the updated draft of the documents that were provided with the meeting package.

- There were 132 individual decisions of the planning board, the vast majority of which were very small, for example addressing typos, or inconsistencies between the draft Official Plan and Development Bylaw.
- Collaboration between the CAO and Samantha Murphy over October and November included research and recommendations based on the practices of other comparable municipalities, as instructed by the Planning Board, to find solutions to larger and as-yet unresolved issues.
- 4 major changes were made:

- 1 - Moving from a prohibition on short-term rentals, to allowing short-term rentals under very strict regulation, including that they should only be allowed in the operator's primary residence, so as not to compete with housing stock for year-round residents;
- 2 - Removing intensive livestock operations as an allowable use within Victoria's agricultural zone, with 'intensive' as defined by the province.
- 3 - Defining an Environmental Overlay Zone
- 4 - Allowing for a greater diversity of housing

No questions or comments on summary.

b. Issues yet to be discussed

Chair Eric Gilbert invited input on the 'issues yet to be discussed'.

Derek French, Development Officer for the Municipality of Victoria, was invited to share his input on the draft, from his perspective as the professional who will be responsible for implementation of the bylaw. He gave his input as follows:

- **Roof mounted solar** - province requires a permit for this, in areas where they have development authority. Derek is not comfortable with not requiring a permit, but recognizes that some municipalities (Charlottetown, Three Rivers) are going the same direction as Victoria.
- **3.20 - Temporary uses** - recommends changing from 'development officer' to "development officer and/or council", so that Council may have input on temporary uses.
- **4.4 - current bylaw says accessory structures can't be inhabited**, and this was removed from draft for the future bylaw. Wanted to check that this was the intention?
 - Concerned, as it is rare in the province to allow 2 residences on one lot.
 - CAO Keenan affirmed that this vision was part of the drafts since the 2022 drafts, and is not an issue that was introduced in the last 6 months of work by the Planning Board. Discussions within the Planning Board allowed for duplexes, grouped/clustered housing, multi-unit housing, in favour of density.
 - Cluster development (group development) is a good design, some places are perfect for that set up, but he remains concerned about allowing 2 houses on one lot.
- **Section 5.5 - Fowl & Rabbits** - asked for clarity if the intention was to allow free-range fowl and rabbits in your community? Suggested adding language to ensure that these animals should be penned on people's properties. **Action** - changes to be added to draft as discussed.
- **Section 5.19 - short term rentals** - recommend adding language to make these subject to fire marshall's approval. **Action** - staff to verify that being licensed requires fire marshall approval, and if unclear, to ensure that this requirement is reflected in the bylaw text.
- **5.20 - Outdoor Storage and Display** - discussion clarified the meaning of the draft language, and clarified that this item can remain as stated without change.

6:55pm - Ben Smith left the meeting

- **6.1.2 Land Use Zones, R1 (General Residential) zone (along Nelson)** - The concern is that allowing for multi-units in an area without municipal water & sewer. This could cause future problems for municipal well.
 - CAO Keenan clarified that there is municipal water service up Nelson St at the moment, no sewer. And, there is a well-defined Wellfield Protection Area that does not cross into the General Residential Zone. Derek noted that multi-units are generally very much frowned upon in areas without municipal water and sewer.
- **6.1.3 - Short-Term Rentals** allowed in a single detached dwelling... this appears to be inconsistent with the section on Short-Term Rentals, which allows Short-Term Rentals in accessory dwellings for all zones.
 - The definition of Accessory Dwellings was discussed, and that the current definitions includes both in-law suites within the primary dwelling; and also separate buildings.
 - The short-term rental definition was also reviewed, verifying that yes, the current bylaw would allow for accessory buildings to be rented out as short-term rentals.
 - After discussion, it was clarified that the intent of our bylaw draft is to prevent the buy-up of year-round housing stock for use as short-term rentals of a whole house.
 - The parking guidelines were discussed in relation to short-term rentals. **Action:** staff to add Short-Term Rentals to parking guidelines, requiring 1 parking space in addition to the primary residence (dwelling unit).
 - Discussion clarified that Accessory Dwellings were desirable to promote the goals of density, and that while there may be risks, the benefits for flexibility, density, and diversity of housing, do outweigh the risks. No further changes required to the draft.
- **6.2.9 - In the Single Unit Residential Zone Lot (Dunrovin Estates & Dunrovin Shores), minimum lot size requirements were increased from the current Dev Bylaw (from 5000sq ft to 8000sq ft). And side setbacks increased.**
 - Commercial zone does allow duplexes and multi-unit residential developments, however the minimum lot sizes in the current draft are very large. The requirements don't allow for affordability. The suggestion is to reduce lot requirements for residences in the Commercial zone to match the Central Core.
 - CAO shared her support for the proposal, as the current draft effectively enforces lower density than may be desirable.
 - Derek French suggested that the existing lot requirements be maintained for commercial uses, but that smaller lots be permitted for residential uses.
 - **Action** - agreed that minimum lot sizes should be reduced, and that Derek French would share his proposed lot requirements in writing so that they may be incorporated into the redraft.
- **Height restrictions** - recommend not having a maximum number of storeys (1.5) for the Commercial, but rather have a maximum expressed in metres, and in zones across the board.
 - CAO clarified that for reasons of heritage character, the 1.5 storey requirement in the central core and single-unit residential zones was likely desirable to maintain. (ie, no flat-pitched single-storey buildings)

- **Action** - Height restrictions that are expressed in storeys be removed from all zones except the Central Core and Single-Unit Residential zones.

Monique Guerts provided her input:

- Page 7 of the Official Plan map showing current land use - one property is currently shown as commercial, but this is incorrect, as it is only residential.
- It is important to note that a property can be a residence, while being in the Commercial Zone, as the Commercial Zone does allow residential uses, as well as commercial uses. It is not exclusive.
- **Action** - CAO will edit the current use map within the Official Plan, to ensure that the Geurts residential property is correctly labelled.

Derek French:

- **6.6.2 permitted uses in the Agricultural Zone.**
 - Rationale from Planning Board was to allow denser development for housing, even in the Agricultural Zone, which ultimately protects farmland in a larger sense (vs suburban sprawl) whether or not that farmland protection occurs within Victoria or elsewhere.
 - **Action** - decision to leave as-is in the Dev Bylaw, and CAO to review purpose and title of agricultural zone in the Official Plan to ensure consistency with the Bylaw.
- **6.7 - recreation and public space** - permitted uses, don't see pedestrian and bicycle trails listed, should be implied? **Action** - agreement to add this language
- **Section 8.3.2** - if in one section, should be in one overall section to include all. **Action** - add to 3.15 - page 10 'Other Information'
- **Section 9.5 (requiring central sewer connection in the SR zone) is in conflict with 6.2.7 (allowing development that is not connected)** - CAO Keenan confirmed that she is in agreement, this is indeed an error, and a result of too-rapid editing. **Action** - CAO will remove the 6.2.7 text from SR zone.
- **9.8 - Subdivision agreement as a condition of subdivision approval** - Dev Officer suggested that he suspects the intention is likely that a subdivision agreement should only be required for 4 or more lots. It would be unusual for a subdivision agreement to be entered into for subdivision of a single lot. **Action** - staff will add language to reflect this, 4 cumulative lots.
- **Page 51, 9.9.3 - Does the municipality have a seal?** Yes we do. No changes necessary.
- **Page 62 - definition for a single-unit home includes the term 'tiny home'.** **Actions** - Definitions section to include both 'tiny' and 'mini' home definitions.

Derek French:

- Overall, this is a well written plan, well thought out. Well done to the planning board and staff on their work to date.

CAO Keenan sought instruction from the planning board on the items included in the meeting package as 'yet to be discussed' items.

- She assumes that staff have the Planning Board's support to go ahead with the minor formatting items listed in the document that do not change the intent of the plan or bylaw. **Action:** staff will move forward with these minor changes.

- All of the other issues listed in that document were raised by Derek, except one, which was raised in discussions with our consulting planner, Samantha Murphy: that 'Residential-Commercial Operations' be re-named 'Home Based Businesses', which is a plainer-language term more commonly used in other jurisdictions, and to allow these in all zones that allow residences.
 - **Action:** after discussion, the Planning Board agreed to change the terminology, and to allow Home-Based businesses to operate in all zones that allow residential uses (including verifying that it is a special permitted use in the central core).

There were no further comments.

5. Next steps for a public meeting:

Vice-Chair Trainor moves that the planning board present updated drafts of the Official Plan and Development Bylaw, containing the changes agreed upon at this meeting, for public comment and discussion at an official Public Meeting on January 16, 2024. Seconded by Susan Oxley. Carried Unanimously (4/0).

Action: staff to schedule the meeting, ensure that public notice is given as per the regulations, and prepare the required updated drafts of the documents.

6. Scheduling next Planning Board meeting dates

The board agreed on January 23, 2024, for the next meeting of the Planning Board, 1 week following the official Public Meeting.

Councillor Jean McCardle, speaking as an observer to the meeting, applauded the Planning Board for their work.

7. Adjournment

With no further business, the meeting was adjourned at 8:12pm.

Approved by Chair Eric Gilbert