



Rural Municipality of West River Planning Board Committee Minutes

Meeting No	2024-13	Time	6:00 PM
Session	Regular - Public	Date	Thursday, October 10, 2024
Chair	Helen Smith-MacPhail - Mayor	Location	Afton Community Centre
Adoption status	Approved	Contact Person	Susan Morse – Interim CAO
Attendance	Mayor Helen Smith-MacPhail, Councillor Aaron MacEachern, Councillor John Yeo, Councillor Lillian MacCannell, Councillor Steve Pollard, Susan Morse – Interim CAO, Ehi Itua – Administrative Assistant		
Regret	Deputy Mayor Shaun MacArthur		
Guest			

- **Call to Order**

Mayor Helen Smith-MacPhail called the meeting to order at 6:05 PM.

- **Adoption & Approval of Agenda**

The agenda was approved as circulated. It was moved by Councillor Steve Pollard, seconded by Councillor John Yeo, and unanimously carried.

- **Declarations of Conflict of Interest**

Nil

- **Delegations & Public Input**

Nil

- **Recommendation Items**

- **PLB.24.13.1 – Permit Applications for Review - Application WR-0189**

Decision Type: Action

Status: Not Recommended

Background:

Application WR-0189 was received proposing the subdivision of 3 lots accessed by a private right of way.

Land Use Bylaw#2022-04 Section 1.6 1) a development officer shall have the authority to approve or deny subdivisions, lot consolidations, and development permits in accordance with this Bylaw in all areas except for: d. subdivisions or developments where streets, central on-site services, or parkland dedications are required.

Description:

The CAO presented application WR-0189 to the committee. The applicant was advised by the development officer that all new roads must be public roads and that Per Land Use Bylaw#2022-04 Section 13.3 1) No land shall be subdivided within the Municipality unless the subdivision: d. has street access. Therefore the proposed subdivision of 3 lots could not be approved. The applicant presented a new proposal for the subdivision of one lot with access from existing public road frontage. The department of transportation denied driveway access for the proposed single lot, therefore the committee does not recommend approval of this subdivision application.

- **PLB.24.13.2 – Permit Applications for Review - Application WR-0202**

Decision Type: Information

Status: Received

Background:

PLB.24.12.2

Description:

The CAO presented the Planning Board with an update on application WR-0202 for subdivision of PID 218354. The development officer has concluded that the land can be recognized as two separate parcels per Land Use Bylaw#2022-04 Section 13.1 2) Notwithstanding subsection (1), where a parcel is naturally subdivided into two or more

units by a street, a watercourse, or other body of water, each of the units shall be treated as a separate parcel.

▪ **PLB.24.13.3** –Bylaw Amendments

Decision Type: Action

Status: Referred

Background:

PLB.24.12.4. The Planning Board Committee had a workshop meeting on September 18, 2024 to discuss possible amendments to the Land Use Bylaw and to explore additional bylaws that may be needed in the Municipality.

Description:

The Interim CAO presented a summary of the results of the Planning Board Committee workshop. The committee discussed the following Bylaws and Proposed Amendments -

Noise & Nuisance Bylaw – the committee discussed proposing times for prohibiting excessive noise (ex. From 7pm-7am on weekdays and 7pm-8am on weekends).

Consideration would need to be given to the rural activities of the municipality such as harvesting of crops. The committee referred this item to the CAO to continue researching and drafting options.

Unightly/Dangerous Property Bylaw – RMWR receives multiple complaints about unsightly/dangerous properties. Many other municipalities have bylaws to address this. In some cases municipalities must clean up a property at their own expense as the property owner refuses to pay or can not pay. The financial implications of enforcing this bylaw would need to be considered before adoption. The committee discussed placing liens against properties if fines aren't paid. The committee referred this item to the CAO to continue researching and drafting options.

Summary Offense Bylaw for issuing fines. The committee did not discuss this.

Animal Control Bylaw –RMWR has no bylaw and is under provincial regulations for animal control. To adopt a bylaw the Municipality might be required to enter into an agreement

with the PEI Humane Society or another organization to provide services for enforcement. The CAO will investigate this and report back.

Secondary Suites –The committee recommends the following for Section 4.18 of the Land Use Bylaw - removing section e requiring a development agreement. Amendments should be made to stipulate in the permit that both Dwelling Units constitute a single real estate entity. Amend section d to read “water and wastewater treatment services for the secondary suite shall be provided through the single-detached dwelling where feasible and where these systems are capable of handling the increase in use. Consider a bylaw that reflects the provincial guidelines for Accessory Dwelling Units. Consider the implications of restricting short-term rentals – RMWR has many seasonal properties and is a popular tourist destination with many tourism accommodations in private homes and secondary suites already operating.

Site Specific Amendments in RA Zones – The current Land Use Bylaw does not permit more than one residence on RA properties. The committee recognizes that in Rural areas many farms are multi-generational, and it is often the practice to build more than one home on a single parcel of land. The committee discussed possible amendments that could provide for the allowance of a second residence on farm properties in RA zones. A minimum lot size would be required, soil category would be a factor to development being permitted. All other requirements of the land use bylaw would have to be met. The committee referred this item to the CAO to continue researching and drafting options.

Zoning Amendments - Currently we have 5 development Zones – Rural Residential, Rural Area, Commercial Industrial, Parks & Recreation, Environmental Risk. The committee discussed adding an additional zone to allow for multiple dwelling units and amending the permitted uses for RA and RR zones to exclude townhouse and apartment dwellings. The committee recommended considering the PEI Planning Act – Subdivision and Development regulations for Multiple unit dwellings “No person shall construct or structurally alter a building for use as a multiple unit dwelling containing more than four units unless the proposal meets one of the following sets of criteria: a) the lot is serviced by a municipal waste treatment system and meets the minimum standards set out in Table 1 for either lots with on-site water supply and central waste treatment system, or for fully serviced lots; b) the dwelling units are in a single storey building intended for senior citizens housing, and the

proposal is appropriate for a rural area.” The committee referred this item to the CAO to investigate further and report back.

Requirements for Subdivisions – Section 13.15 of the Land Use Bylaw states that before final subdivision approval can be given it is required to have a final survey plan showing all lots pinned and certified by a professional land surveyor. Possible Amendments Discussed were:

1. Where a parcel that is being subdivided will result in a remaining parent parcel that exceeds 10 acres in Lot Area, the pinned Survey Plan requirement may be waived for the remaining portion of the parcel from which a lot is being subdivided provided a plan of subdivision drawn accurately to scale on a provincial property map is submitted and the application conforms with all other Sections of this Bylaw.*For Rural Area (not commercial zones) and all RR areas are too small for this to apply.

2. Where a parcel that is being subdivided all those lots that will be 10 acres or greater in area. the pinned Survey Plan requirement may be provided a plan of subdivision drawn accurately to scale on a provincial property map is submitted and the application conforms with all other Sections of this Bylaw. *For Rural Area (not commercial zones) and all RR areas are too small for this to apply.

3. Council may approve applications for single Lot Subdivisions, partial Lots or easements and Lot consolidations at its discretion, having regard for only those provisions which it deems applicable to each individual application,

The committee recommends option 1 and directed the CAO to continue researching and report back.

No Development Permit required for a fence - Bylaw Section 3.2 states that unless otherwise specified, no development permit shall be required for: a. constructing or replacing a fence;

The committee recommends amending this to add that the fence must have a 1 ft setback from the property line and safe sight distances must be maintained for traffic purposes. The committee referred this item to the CAO to continue researching and drafting options.

Road Standards Amendments - The current bylaw Section 13.9 states “all new streets or extensions to existing streets or to private rights-of-way shall be streets and no subdivision

shall be permitted of a lot served by a private road". The committee discussed the following possible amendments:

1. Where a private road is existing prior to the date of this Bylaw, subdivision shall be permitted to a maximum of 4 lots provided ROW access can be deeded to the new parcels and the landowners enter an agreement for the maintenance of the road. The Municipality assumes no liability for the maintenance of the private road.
2. Rural Area Zone only - At Council's discretion, private roads may be approved at a lower standard provided that a professional engineer licensed to practice on Prince Edward Island has certified the design to Council's satisfaction to be fully serviceable on a year round basis; that a storm water management plan has been prepared; and the engineer certifies that a storm water management system has been designed and installed that will adequately handle projected storm water flows and provide protection from flooding for all properties in the subdivision and for adjacent properties.

The committee discussed these options and instructed the CAO to add a section to option 1 regarding road standards/upgrading the ROW. The committee instructed the CAO to investigate this further and report back.

Accessory Structures - Section 3.2 of the current bylaw states "No development permit is required to make landscaping improvements or construct or install ornamental structures, play structures, or accessory structures of 6 sq. m. (64.5 sq. ft.) or less in area;

Possible Amendments Discussed were:

1. increase the size of structures that can be built without a permit to approx 200sq ft.
2. allowance for construction of accessory structures (storage building or shed) prior to establishment of main use in RA zone only.
3. adding limitations to accessory structures in RR zone. For ex: limit how many accessory structures per lot or limit the total combined sq footage of accessory structures per lot.

The committee referred this item to the CAO to continue researching and drafting options.

Variances - The current bylaw section 11 states Variances can be issued for

- lot area or dimensions or both;
- setbacks; or

- the area, height, or size of a structure.

Section 11.4 Variances in excess of 10% must hold public meetings

The committee discussed increasing the variance that Council can approve without holding a public meeting to 20%. The committee instructed the CAO to investigate the variance percentage and parameters for allowing council to make exemptions to the bylaw and report back.

Height Limits - Current Bylaw has no limit to height for residential dwellings.

The committee discussed adding a limit of 33ft for residential dwellings. The committee referred this item to the CAO to continue researching and drafting options.

RVs/Tent Encampments/Etc - This item was deferred to the next meeting due to time constraints.

The committee also reviewed two emails from residents regarding bylaw amendments. (attached hereto forming a part of these minutes).

- **PLB.24.13.4** –Civonus Engagement Platform Project Planning

Decision Type: Action

Status: Recommended

Background:

PLB.24.11.7

Description:

Robert Hughes from Civonus has reviewed the results of the Municipal Survey regarding policy. Mr. Hughes offered recommendations via email for topics which Civonus could assist with developing policy for. The committee reviewed the recommendations and recommended that Civonus engagement platform be used for one of the following:

1. Making our area a better place to live, work and play, or
2. Meeting the recreational needs of the community.

- **Informational Items**

- **PLB.24.13.5 - Permit Reports**

Decision Type: Information

Status: Received

Description:

The CAO presented a summary of permits issued from September 2024 by RMWR.

- **PLB.24.13.6 - Enforcement Officer Report**

Decision Type: Information

Status: Deferred

Description:

No report at this time.

- **Motion to Extend the Meeting**

At 7:30 PM Councillor Lillian MacCannell, motioned to extend the meeting. Seconded by Councillor Steve Pollard and unanimously carried.

- **Meeting Closed**

Councillor Aaron MacEachern motioned for the meeting to be closed. It was seconded by Councillor Lillian MacCannell and unanimously carried.

- **In Camera Items**

- **PLB.24.13.7 - Pursuant to the Municipal Government Act Section 119(1)g**

- **PLB.24.13.8 - Pursuant to the Municipal Government Act Section 119(1)f**

Decision Type: Action

Status: Deferred

Description:

This item was deferred due to time constraints.

- **Meeting Opened**

Councillor Aaron MacEachern motioned for the meeting to be opened. It was seconded by Councillor Steve Pollard and unanimously carried.

- **Adjournment**

- Councillor Aaron MacEachern to adjourn the meeting at 7:42 PM.
- The next meeting will be on November 14, 2024

Helen Smith-MacPhail

Susan Morse

Mayor _____

Interim Chief Administrative Officer _____

Appendix A – Emails to Planning Board from Residents Regarding Bylaw Amendments

Hi all,

It is my understanding that you are looking at bylaws at the meeting tonight. I am unable to attend as I have a previous commitment but would like the following to be considered:

- Prevent road lighting to be added to any sub-divisions to prevent light pollution at night;
- Ensuring the buffer zones in provincial and federal legislation are adhered to before a building permit can be issued;
- Not allowing building/construction to be completed in any area that has a protected or endangered species.
- Development of sub-divisions not allowed when road infrastructure to get to that subdivision does not exist;
- putting in place times when building can take place and allowing it to be enforceable in the community regardless of whether West River issued the permit;
- No rental properties allowed in newly developed subdivisions that used to be farmland;
- Protection of our scenic landscape by limiting house sizes to 2500 square feet and no more than 2 stories, for scenic land of our community, ie farmland that is now coastal property for development;

Please confirm receipt of this email and if this is sufficient documentation to be considered for the amendments to the bylaws.

Hi,

I would like to support the below amendments/additions to the bylaws. I would also like to add some building limitations to reduce "mcmansions" from ruining our landscape. These limitations would apply specifically for scenic farmland areas. Homes not subject to this would include houses mostly shielded by mature trees or located inland and not visible from any highway(meaning rt-19 or similar. The legal definition of highway might include any roadway).

Houses should not exceed 40ft in any horizontal dimension, excluding decks. The vertical dimension shall not exceed 27ft from original grade for a slab or 30ft for a home with a basement. The combined area of any decks shall not exceed 420ftsq. Any privacy fences/screens shall not exceed 10ft above deck surface.

These dimensions should allow a 2500ftsq home with 8" thick exterior walls and 16" roof overhang. The height allows for 2 stories with 8' ceilings, floors built with 18" engineered floor joists, and a 4/12 roof that can be covered with standard shingles. With some home designs you could add a 3rd story with parts of your ceiling matching the roof slope. With 3 stories and a basement the total size could be 5000ftsq. The deck size is based on a 14x30ft deck. These dimensions reduce the impact of new homes on the country esthetic while allowing very large homes to be built.

Thanks