



Rural Municipality of West River Planning Board Committee Minutes

Meeting No	PLB-23-02	Time	7:00 PM
Session	Regular - Public	Date	Thursday, May 15, 2023
Chair	Helen Smith-MacPhail - Mayor	Location	Afton Community Centre
Adoption status	Approved	Contact Person	Laala Jahanshahloo - CAO
Attendance	Mayor Helen Smith-MacPhail, Councillor John Yeo, Sharon Slauenwhite, Laala Jahanshahloo - CAO		
Regret	Bob Clow		
Guest	Samantha Murphy - SJ Murphy Planning & Consulting		

- **Call to Order**

Mayor Helen Smith-MacPhail called the meeting to order at 7:00 PM.

- **Adoption & Approval of Agenda**

The agenda was approved as circulated. It was moved by Mayor Helen Smith-MacPhail and, seconded by Councillor John Yeo, unanimously carried.

- **Declarations of Conflict of Interest**

No conflict of interest was declared.

- **Adoption of Previous Meeting's Minutes**

Adoption of Previous Meeting's Minutes The minutes of March 7, 2023, Planning Board Committee Meeting were approved as circulated. It was moved by Councillor John Yeo and, seconded by Mayor Helen Smith-MacPhail, unanimously carried.

- **Informational Items**

- **PLB.23.02.1 - IRAC LA21-024 Planning Appeal**

Decision Type: Information

Status: Received

Description:

The Committee reviewed case # LA21-024. This was an appeal of the Minister of Agriculture and Land decision dated September 17, 2021, to deny an application by L&J Holdings Inc. to subdivide PIDs 20300 and 808154 located in Rice Point. IRAC allowed the appeal; the decision of the Minister was quashed, and it was ordered that the Property be consolidated and subdivided to permit a 19-lot subdivision for residential use.

- **Recommendation Items**

- **PLB.23.02.2 - Province's review of OP&LUB**

Decision Type: Action

Status: Recommended

Background:

PLB.23.4.1

Description:

The Committee and the Consultant reviewed the letter from the Director of Land dated May 3, 2023, handed to the CAO at the May 9, 2023 meeting with Minister Lantz (Appendix 2.1, attached hereto, forming a part of this minutes).

The Committee and Consultant will draft a letter to be sent from the Mayor to Minister Lantz in response to the letter of May 3, 2023.

- **PLB.23.02.3 - Transition Process**

Decision Type: Action

Status: Recommended

Background:

PLB12.3

Description:

This issue will be addressed in the letter written to Minister Lantz for PLB.23.02.2.

▪ **PLB.23.02.4 - Enforcement Bylaw – Draft Review**

Decision Type: Action

Status: Recommended

Background:

PLB.23.01.3

Description:

The Committee recommended that the Council read the first time reading of the Enforcement Bylaw – Baylaw#2023-01.

▪ **PLB.23.02.5 - Excavation Pit Administration Add-on**

Decision Type: Action

Status: Recommended

Background:

PLB.23.01.6

Description:

The Council for the Rural Municipality of West River accepts the proposed add-on component for Excavation Pit Administration (Appendix 2.2, attached hereto, forming a part of this minutes) to the Official Plan and Land Use Bylaw project contract with SJ Murphy Planning & Consulting (Motion # 2021- 37) at the cost of \$ 8,301.56 HST included.

- **Adjournment**

- Councillor John Yeo motioned to adjourn the meeting at 8:30 PM.
- The next meeting is TBD.

Helen Smith-MacPhail

Laala Jahanshahloo

Mayor _____

Chief Administrative Officer _____

Appendix 2.1



Housing, Land and
Communities

File: WR2022

May 3, 2023

Laala Jahanshaloo, Chief Administrative Officer
Rural Municipality of West River
1552-B Rte. 19
New Dominion, PE C0A 1H5

Dear Laala Jahanshaloo,

**Re: Rural Municipality of West River's Official Plan and Zoning Bylaw under the
*Planning Act***

Thank you for the correspondence dated February 8, 2023 regarding your concerns of the Province's review of the Rural Municipality of West River's (the Municipality) Official Plan and Zoning Bylaw.

In accordance with the *Planning Act*, Section 2.1, the Minister of Housing, Land and Communities (the Minister) in carrying out the Minister's responsibilities in relation to planning matters and development under the *Act*, shall have regard for matters of provincial interest. In reviewing the Municipality's Land Use Bylaw, the Department of Housing, Land and Communities (the Department) identified the following issues in how the Bylaw meets the following areas of provincial interest:

- (h) the effect of proposed planning development on, and measures for the protection of, public health and safety;
- (j) the protection of viewsapes that contribute to the unique character of Prince Edward Island;
- (k) the direction of development to areas designed to support servicing;
- (l) the orderly and sustainable development of safe and healthy communities
- (m) the adequate provision of a full range of housing
- (p) the adaptation of the built and natural environment to address the effects of climate change;
- (q) the mitigation of greenhouse gas emissions;

Page 1 of 2

Appendix 2.1 (Continued)

Given the Municipality's disagreement with the Provincial Reviewer's feedback based on best planning practices in a rural community, we ask that you please identify how the Land Use Bylaw satisfies these areas of Provincial Interest.

In accordance with the *Planning Act*, Section 2.1 (h)(l) and (p), the Department has evaluated page 43 – 10.6 (6)(d.) and page 12 - 3.18(1)(b) of the Rural Municipality of West River's Land Use Bylaw and is requiring that 10.6(6)(d) be removed. The Department believes that a waiver is not an adequate legal remedy to remove the Authority with Jurisdiction's obligations to 3.18(1)(b) and 12.3(4)(c).

On Page 18 – 4.9(2)(f), a development agreement cannot include language about what the Government of PEI will or will not do unless it is signed by the Province. Therefore, we request that the standardized language that includes the Province be removed.

Of note, the Municipality's Council has adopted the Official Plan and Land Use Bylaw and given them standing. Therefore, it is the Department's view that any changes required by the Department do not require that the entire document be opened up again. Items which require to be addressed will be amendments and only those amendments will need to be included in the required public hearing and debated by Council.

The additional planning items identified in previous communication by the Provincial Reviewer can be considered optional in terms of amendments to the Municipality's Official Plan and Land Use Bylaw.

If you have any questions regarding the above, please contact myself at gcmackinnon-peters@gov.pe.ca or (902) 368-4874.

Sincerely,



Glenda MacKinnon-Peters, FEC, P.Eng.
Director of Land
PEI Department of Housing, Land and Communities

c: Jennifer MacLaren, Planner – Land Division
Danny Jenkins, Manager of Municipal Affairs

Appendix 2.2



Official Plan & Bylaw Estimate: Excavation Pit Administration Add-on

May 1, 2023
Rural Municipality of West River
PO Box 309, Cornwall, PE, C0A 1H0
c/o Laala Jahanshahloo,
Chief Administrative Officer

Dear Ms. Jahanshahloo:

Please find below an estimate for an add-on component to the Official Plan and Bylaw project that would involve the development of the components to support the administration of applications for excavation pits permits and permit renewals. This work through SJ Murphy Planning and Consulting would involve consulting with subject matter experts as I deem appropriate or required. The components of this project would include:

- Forms and Checklists
- Process flows
- Waivers and other specific language or content requirements
- Templates

My estimate for the level of effort and associated costs, including any subcontracting or consultation with subject matter experts, is as follows:

Fees (including subject matter experts)	\$6,875.00
Fixed rate disbursements/ Administration and Handling (5%)	\$343.75
Subtotal	\$7,218.75
HST	\$1,082.81
Total	\$8,301.56

Considerations and Terms

As this work will involve research and the development of new resources, providing an exact figure for the cost is challenging, but I propose the above as an upper limit and would consult with the municipality should I find that there would be difficulty in completing the work within the level of effort and cost set out above. Work would be billed based on the actual level of effort dedicated to this project. The municipality be responsible for all expenses incurred by SJ Murphy Planning & Consulting associated with the project and any expenses outside of fees would be billed at cost.

It would be understood that the tools provided would not remove the general responsibility of the municipality to seek legal or other professional advice in relation to specific situations.

Should you have any questions on any of the above or would like to discuss in further detail, please do not hesitate to reach out.

Respectfully submitted,

Samantha Murphy, RPP, LPP, MCIP
SJ Murphy Planning & Consulting

