



Rural Municipality of West River Planning Board Committee Minutes

Meeting No	2025-17	Time	6:00 PM
Session	Regular - Public	Date	Thursday, February 20, 2025
Chair	Helen Smith-MacPhail - Mayor	Location	Afton Community Centre
Adoption status	Approved	Contact Person	Susan Morse - CAO
Attendance	Mayor Helen Smith-MacPhail, Deputy Mayor Shaun MacArthur, Councillor Aaron MacEachern, Councillor Daniel Sud, Councillor John Yeo, Councillor Lillian MacCannell, Councillor Steve Pollard, Susan Morse – CAO, Mirko Terrazas – Development Officer Ehi Itua – Administrative Assistant		
Regret	Nil		

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 John Yeo, seconded by Councillor Aaron MacEachern, and unanimously carried.

- **Declarations of Conflict of Interest**

Councillor Steve Pollard recused himself from item 5.1 – PLB.25.17.6, citing a conflict of interest.

- **Recommendation Items**

- **PLB.25.17.1 – Animal Control Bylaw**

Decision Type: Action

Status: Referred

Background:

PLB.25.16.1

Description:

The CAO informed the committee that a copy of the proposed bylaw has been forwarded to the Humane Society for review and to provide feedback regarding its enforceability. We are currently awaiting their response. Additionally the Municipality's lawyer recommended that a Summary Proceeding Bylaw be established in order to effectively enforce the Animal Control Bylaw.

The CAO further advised that this matter be referred to the Committee of Council for continued discussion, as the responsibility for drafting the Animal Control Bylaw falls outside the scope of the Planning Board Committee. It was moved by Councillor John Yeo and Seconded by Councillor Lillian MacCannell and unanimously.

- **PLB.25.17.2 – Rezoning Application – PID 681239**

Decision Type: Action

Status: Recommended

Background:

PLB.24.15.3

Description:

The Development Officer presented the preliminary report regarding the rezoning application for a parcel located on Rte 19, Cumberland. The application requests a rezoning from Rural Area (RA) to Rural Residential (RR) to facilitate the subdivision of the parcel into eleven residential lots. Appendix A attached hereto forming a part of the minutes. The committee reviewed the rezoning application and the Development Officer's report. The committee discussed that the preliminary report identified a few aspects of the proposed rezoning which need to be weighed to determine their compatibility with the Official Plan, and there are many aspects of the proposed rezoning which are compatible with the Official Plan. The committee determined that to properly weigh this request, it requires public feedback and an in depth planning report. The committee recommended that Council accept the rezoning request and begin the next steps to evaluate the application. It was moved by Councillor Aaron MacEachern and, seconded by Councillor John Yeo, and unanimously carried.

- **PLB.25.17.3 – Excavation Pit Permit Application – PID 737163**

Decision Type: Action

Status: Recommended

Background:

Samantha Murphy shared with the CAO a document on general information about Excavation Pits. Appendix B attached hereto forming a part of these minutes.

Description:

The CAO informed the committee that, prior to this date, the office of West River had been processing and approving excavation pit applications and renewals without presenting them to Council. These permits were issued for a two-year period. However, Appendix B indicates that Council makes the final decisions on all excavation pit applications, including renewals, and that permits be issued for a one-year period. The CAO explained that the Land Use Bylaw did not provide clear directions on this matter, which is why the practice of issuing two-year permits was not identified earlier. The committee discussed this updated information and recommended to Council that previously approved excavation pit permits for two years remain valid. Staff will follow up with the permit holders to evaluate compliance with the permits throughout the two year period. Additionally, future applications will be reviewed and decided on by Council for a one-year permit period.

The committee also agreed to continue its discussion on reviewing the excavation pit application fee. The CAO informed the committee that staff spend as much or more time on processing these permits as they do for any other type of application with a comparable fee.

- **PLB.25.17.4 – Excavation Pit Permit Application – PID 737163**

Decision Type: Action

Status: Recommended

Description:

The Development Officer presented a report on the excavation pit application received for PID#737163 Appendix C attached hereto forming a part of these minutes. The committee reviewed the application and accompanying report and recommended it to Council for

approval. It was moved by Councillor John Yeo and, seconded by Councillor Steve Pollard, and unanimously carried.

PLB.25.17.4 – Excavation Pit Permit Application – PID 202465

Decision Type: Action

Status: Recommended

Description:

The Development Officer presented a report on the excavation pit application received for PID#202465 Appendix D attached hereto forming a part of these minutes. The committee reviewed the application and accompanying report and recommended it to Council for approval. It was moved by Councillor Aaron MacEachern and, seconded by Councillor Daniel Sud, and unanimously carried.

▪ **PLB.25.17.5 – Enforcement**

Decision Type: Information

Status: Received

Background:

PLB.24.15.2

Description:

The CAO updated the committee that the Enforcement Officer confirmed the pit operators at PID# 202465, who had been working without a valid permit, have ceased operations on the pit. Additionally, the applicant for the St. Catherine's property has emailed to withdraw the variance application and has committed to dismantling the structure as soon as weather conditions permits.

• **Informational Items**

▪ **PLB.25.17.6 – Commercial Use Permit Application – PID 1149327**

Decision Type: Information

Status: Received

Description:

In accordance with Section 1.6 of the Land Use Bylaw #2022-04 the CAO informed the committee that the office of the RMWR received a development application for a property zoned Commercial Industrial. Staff are reviewing the application to determine the use of the property and if the application will be required to be approved by Council.

- **PLB.25.17.7 – Permit Report**

Decision Type: Information

Status: Received

Description:

The CAO presented a summary of permits issued from January 2025 by RMWR.

- **PLB.25.17.18– Land Use Report**

Decision Type: Information

Status: Received

Description:

The CAO informed the committee that a document prepared by Stewart McKelvey, pertaining to Land Use - review of IRAC decisions from 2024, has been shared with Council.

- **Questions from Audience and Public Input**

- Michael Hogan - raised a concern regarding the requirement for a paved road in subdivisions. He questioned whether this standard could be relaxed for smaller subdivisions. Mayor Helen Smith-MacPhail acknowledged the concern but explained that the RMWR Bylaw follows the provincial standard, which mandates paved roads. Deputy Mayor Shaun MacArthur mentioned that he believes this standard may have changed, as the province has begun installing unpaved roads in some cases. The council agreed to confirm whether there has been a change in the provincial standard and to revisit the issue for further discussion.
- Hans Wilting – raised concerns about an information request received from the office of West River on his subdivision application - WR-0095 on obtaining approval from the Department of Environment (DOE) regarding crossing a waterway on the remanent parcel.

With information gathered from the Department of Environment he is requesting council to consider removing the requirement. Mayor Helen Smith-MacPhail directed staff to review this request and provide a response.

- **Adjournment**

- Deputy Mayor Shaun MacArthur to adjourn the meeting at 7:35 PM.

Helen Smith-MacPhail	Susan Morse
Mayor _____	Chief Administrative Officer _____

Appendix A

PLANNING REPORT

REPORT NO: 001-2025
RURAL MUNICIPALITY OF WEST RIVER

Report For	Planning Board, Rural Municipality of West River
Report Type	Preliminary
Prepared by	<u>Mirko Terrazas, DO</u>
Reviewed by	Susan Morse, CAO
Date	February 7th, 2025
Application No.	WR-0240
Applicant	<u>Daniel W MacIsaac</u>
Property Identification Number (PID)	681239
Location	Cumberland, Rte. 19
Existing Zone	Rural Area (RA)
Planning Authority	Rural Municipality of West River <i>pursuant to 2022 Official Plan & 2022 Land Use Bylaw (Bylaw #2022-04) as approved by Minister of Housing, Land, and Communities, government of Prince Edward Island on July 20, 2023</i>
Subject	Application for Rezoning PID # 681239 from Rural Area (RA) to Rural Residential (RR) on Rte. 19, Cumberland, for the purpose of subdividing the parcel into 11 residential lots.

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BACKGROUND SUMMARY

An application to rezone a parcel of land, PID # 681239, located at the end of Cumberland Line Rd and Rte. 19, Cumberland has been submitted to the Rural Municipality of West River. The application has been submitted concurrently with a subdivision application for 11 lots on the subject parcel. The applicant applied to rezone his property from Rural Area (RA) to Rural Residential (RR) zone so that they could eventually be allowed to subdivide the subject parcel into 11 lots for residential development (appendix 1).

The current Land Use Bylaw # 2022-04 does not permit such subdivision of lots in the Rural Area zone. Subsection 13.5 (1) of the Land Use Bylaw states that "Within a Rural Area Zone, subdivisions shall be restricted to existing parcels only and no person shall be permitted to subdivide more than four (4) lots, no more than two (2) of which may be approved for uses other than residential uses or resource-related uses." However, there is no explicit restriction to subdivide existing parcels in Rural Residential. Hence, the applicant applied to re-zone the parcel (PID #681239) from Rural Area (RA) to Rural residential (RR).

This rezoning application involves changes to the Rural Municipality of West River's Future Land Use Map and Zoning Map, and hence also involves an amendment to the Rural Municipality of West River 2022 Official Plan, which may be considered concurrently.

TECHNICAL INFORMATION

Information provided by the applicant included the application form, and preliminary site map.

OTHER DISCLOSURE

No other disclosure has been made by the applicant in their application.

REZONING PROCESS

The proposed rezoning would require amendment to the zoning map. Subsection 12.1(2) of the Land Use Bylaw, states that "A change to either the text of this Bylaw or the Zoning Map is an amendment, and any amendment shall be consistent with the policies of the Official Plan."

Hence, in accordance with Subsection 12.4(b)(ii) of the Land Use Bylaw, written notice will be provided to property owners wholly or partially within 153 m (502 ft) of all boundaries of the subject property where the property is the subject of the meeting for an amendment to the Official Plan or the Bylaw, including a change in zoning or site-specific amendments. Moreover, according to

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Subsection 12.2. 2 (b) a public meeting is required to receive comments on the proposed site-specific amendment use in accordance with the requirements of Subsection 12.4.

Now, in accordance with Subsection 12.3.3. "Following the public meeting, Planning Board shall consider the feedback received from the public by way of written responses and comments made at the public meeting. The applicant may be provided with another opportunity to present to the Planning Board to answer any further questions that may have arisen at or following the public meeting. The Planning Board shall make a recommendation to the Council on the application."

Following the public meeting and after having considered the recommendation of the Planning Board, Council shall formulate a decision on the proposed amendment. The council shall have the authority to determine whether an amendment request is approved, modified, or denied in accordance with the procedures established under the Planning Act.

Amendments to the Official Plan or the Land Use Bylaw approved by the Council also require approval by the province's minister responsible for administering the Planning Act or any successive legislation. No development permits or subdivisions related to a proposed amendment shall be approved until the approval of the Minister responsible for administering the Planning Act or any successor legislation has been granted for the necessary amendments.

ASSESSMENT

Subsection 12.3(4) of the Land Use Bylaw # 2022-04 establishes criteria to be considered by the Council and Planning Board when reviewing applications for Official Plan and Bylaw amendments. These include: conformity with the Official Plan; conformity with all requirements of the Land Use Bylaw: suitability of the site for the proposed development; compatibility of the proposed development with surrounding land uses, including both existing and future uses as per the Zoning Map; any comments from residents or other interested persons; adequacy of existing water supply, wastewater treatment and disposal systems, streets, stormwater management, and parks and parkland for accommodating the development, and any projected infrastructure requirements; impacts from the development on pedestrian and vehicular access and safety, and on public safety generally; compatibility of the development with environmental systems; impact on the Municipality's finances and budgets; and other planning matters as considered relevant by the Planning Board or Council. A detailed assessment begins on the following page.

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CRITERIA	COMPLIANCE	NOTES
As per Land Use Bylaw #2022-04 Subsection 12.3(4)		
a) Conformity with the Official Plan	Weighing required	Some aspects of this application do confirm with the Official Plan, while others do not.
Economic Objectives and Policies	COMPLIANCE	NOTES
RU-1: Designation and Zoning It shall be the policy of Council to protect agricultural and other resource-related land uses from the intrusion of conflicting land uses. Further, the <u>largescale</u> conversion of primary resource lands into non-resource uses will be discouraged by identifying and designating areas primarily for agricultural and resource uses, along with compatible rural land uses.	Inconsistent	The developer wants to rezone 14.4 Acres from Rural Area (RA) to Rural Residential (RR). The Official Plan and Future Land Use Map shows the existing use of land as Agricultural, with no indication to change to Residential Use.
RU-2: Protection for Agricultural and Other Resource Uses It shall be the policy of Council to promote the overall protection of resource lands and activities and to manage the level of unserviced development within the Municipality, with the exception of areas identified as community nodes, through limits on the creation of new parcels based on the permitted uses within each zone.	Inconsistent	The Property was covered by Forestry for the last 10 years, and it was strongly affected by Fiona's Disaster. The owner cut damaged trees, and contracted a construction company to haul debris away, which meant according to him a significant investment to move forward with the rezoning of the property.
RU-2 Continued: It shall further be the policy of Council to support the rights of farmers in the Municipality to conduct appropriate farming practices without harassment and, while recognizing that the Municipality has no direct role in the regulation of agricultural practices such as spraying, crop rotation, cultivation methods, and fencing of livestock, to work with the farming community and the Province to encourage responsible agriculture and forestry practices and to foster a better level of understanding between residents and farmers.	N/A	As Above
RU-3: Subdivision of Primary Resource Land It shall be the policy of Council to limit the number of parcels that can be severed from primary resource land or other parcels in the Rural Area (RA) Zone and to require lots of a larger size in order to minimize and discourage the fragmentation of primary resource activities and to promote development patterns more suitable to a rural landscape.	Inconsistent	The Developer is proposing to subdivide the whole parcel, that used to be forestry which is currently zoned Rural Area and turn into 11 Residential Lots with a Public Road in a Rural Residential zone.

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Conformity with the Official Plan Physical Objectives and Policies	COMPLIANCE	NOTES
<p>PHY-3: Ribbon and Strip Development It shall be the policy of Council to limit further development of residential properties along major roadways to limit ribbon development and the fragmentation of resource uses. The clustering of new lots and the creation of new subdivision roads will be promoted to service new lots and minimize the number of direct accesses along major roadways.</p>	Generally Consistent	The proposed residential development on proposed 11 lot subdivision will be alongside its own Subdivision Road.
<p>PHY-4: Community Nodes It shall be the policy of Council to identify community nodes where a larger mix of uses, services, and amenities might be encouraged to locate and develop over time</p>	Inconsistent	The location of the proposed subdivision is neither a community node as per the current Official Plan nor is it intended to be as such as per the Future Land Use Map.
<p>PHY-5: Development Constrains It shall be the policy of Council to identify and manage uses in hazard areas and other areas subject to development constraints, including Environmentally vulnerable or sensitive areas in the Municipality such as wetlands, watercourses, environmental buffers, coastal areas, and <u>wetfields</u>, in order to ensure the protection of the natural environment, people, and property.</p>	Consistent	The Average Coastal Erosion Rate for this property is 10 cm/year which is considered low risk. Coastal erosion hazard classification is considered low. The property falls entirely in the minimal flood hazard zone. The highest point of elevation of this property is approximately 34m and the lowest elevation is roughly 6m at the shoreline.
<p>PHY-6: Development Subject to Flood Risk It shall be the policy of Council to ensure that all subdivision or development of areas adjacent to coastal areas, watercourses, and wetlands meet standards necessary to mitigate risks associated with coastal or riverine erosion and flooding due to current or future storm surges and projected sea level rise due to climate change, and that those standards are updated as new data and information is made available to the Municipality.</p>	Generally Consistent	<p>A storm-water management assessment will be required in the subdivision-phase, as well as approval from the Department of Transportation if the Subdivision Road complies with the minimum Standards.</p> <p>A report from the Department of Environment, energy and Climate Action was received indicating that at least a 15-meter buffer zone adjacent to the watercourse located near the south boundary of the property will be required for a 11 lot Subdivision. Almost all the proposed lots are above the minimum altitude above sea level to avoid Flood Risk, which means a Minimal Flood Hazard.</p>

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Conformity with the Official Plan Social Objectives and Policies	COMPLIANCE	NOTES
<p>R-1: Designation and Zoning It shall be the policy of Council to designate sufficient residential land to accommodate the projected housing needs in the Municipality during the Official Plan period. Residential development shall be permitted in the Rural Area, Rural Residential, and Commercial Industrial zones. It shall be the policy of Council to zone existing residential lots of less than 2 acres as Rural Residential, and new multi-lot (five lots or more) residential subdivisions may only proceed via bylaw amendment (rezoning) applications where larger subdivisions are not permitted in the existing zone. It shall further be the policy of Council to permit only limited residential developments in the Rural Area zone, using the Rural Residential zone to direct multi-lot subdivisions to locations where they are less likely to create conflicts with established farming operations, where the site is appropriate for long term on-site services, and where the safety and efficiency of the road network will not be negatively affected.</p>	Weighing required	The proposed development will have a Subdivision Road to access Rte.19, and a private onsite water and sewer system that service each lot. The land is close to residential lots, as well as agricultural land.
<p>R-2: Density and Housing Variety It shall be the policy of Council to support duplex, semi-detached, and small-scale multi-unit dwellings, as well as seniors housing, where appropriate, and to enable the development of innovative and diverse housing forms where shared systems are provided in order to attract new residents, address the needs of young families, seniors, and seasonal workers, and provide affordable home ownership options.</p>	Inconsistent	The applicant is offering a year-round single-family dwelling in 11 lots, with a minimum size of 1 acre for each lot.
<p>R-4: Residential Development Standards It shall be the policy of Council to establish matters to be considered for all new residential subdivisions and dwellings in terms of design, site planning, landscaping, and physical appearance that stress safety, efficiency, and fostering of a healthy lifestyle. Council shall promote shared services and require appropriate lot sizes and subdivision design to meet the needs of developments supported by on-site services.</p>	Consistent	Lot area sizes of the Subdivision are above the minimum one-acre area, as well as the minimum frontage. The new road will comply with the Act Regulations. However, on site services support has not been submitted at this stage of the application process.

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Conformity with the Official Plan Recreational Policies	COMPLIANCE	NOTES
<p>PR-3: Public Access in Coastal Areas It shall be the policy of Council to pursue opportunities to protect public access to the shoreline and to the natural environment.</p>		The applicant will have to provide land for the municipality for an open space area with a total of 10% of the lot subdivision area (approx. 1.44 acres). The proposal shows an open space area of 0.54 Acres on the Eastern part (access to the beach), and a 0.75 Acres in the Southern area that includes the buffer zone.
Conformity with the Official Plan Environmental Objectives and Policies	COMPLIANCE	NOTES
<p>EN-3: Surface Water It shall be the policy of Council to protect and enhance the quality of streams, ponds, wetlands, and rivers within the Municipality and to work with our neighbours, watershed groups and volunteers, and the province to protect the local watershed systems in accordance with the province's regulations.</p>	Consistent	A report from the Department of Environment, energy and Climate Action was received indicating that at least a 15-meter buffer zone adjacent to the watercourse. Development has also to comply with the minimum rear setback for the zone.
<p>EN-3: Stormwater Management It shall be the policy of Council to work closely with the province's responsible department to ensure that stormwater run-off is managed in a manner that is cost-effective and environmentally sensitive, and which minimizes risks to public health and safety and to private property. Wherever appropriate, it shall be the policy of Council to protect and enhance the existing surface water drainage system in the Municipality, and to upgrade its capacity to handle stormwater run-off.</p>	Insufficient information	The information on stormwater management on the proposed subdivision has not yet been provided by the applicant. This information will be required at the subdivision's stage of approval.
<p>EN-5: On-Site Sewage Treatment Systems It shall be the policy of Council to continue to support the long-term sustainability and effectiveness of high quality, well maintained on-site wastewater treatment systems.</p>	Insufficient information	The information for On-site Sewage Treatment Systems has not yet been provided by the applicant. This information will be required at the subdivision's stage of approval.
<p>EN-7: Vegetation It shall be the policy of Council to encourage the protection of trees, particularly in areas adjacent to streams and wetlands, and to generally encourage the preservation and planting of trees in the Municipality. Council shall also encourage protection of natural vegetation and landscaping activities that beautify the Municipality, maintain biological diversity, and add soil and coastal stabilisation.</p>	Inconsistent	Part of the land was cleared up to provide access, as well as affected by Fiona's disaster.

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Conformity with the Official Plan continued As per Land Use Bylaw #2022-04 Subsection 12.3(4)	COMPLIANCE	NOTES
b) conformity with all requirements of this Bylaw.	Generally consistent	The proposed concept plan of single-family dwellings for the proposed property to be rezoned is a permitted use in Rural Residential Zone.
c) suitability of the site for the proposed development.	Insufficient information	A Site Suitability Test (Perc Test) is pending, to determine the Category of Soil that the Lots will have, to ensure good quality of drainage soil to install sewage systems, access to the lots will be provided by a public road and with common areas.
d) compatibility of the proposed development with surrounding land uses, including both existing and projected uses as Per the Zoning Map	Weighing required	The proposed property is located close to an existing residential zone, as well as a Rural Area Zone. The Official Plan and Future Land Use Map shows the existing use of land as Agricultural, with no indication to change to Residential Use.
e) any comments from residents or other interested people.	Insufficient information	A public meeting was not held yet nor received public feedback.
f) adequacy of existing water supply, wastewater treatment and disposal systems, streets, stormwater management, parks and parkland for accommodating the development, and any projected infrastructure requirements.	Insufficient information	The proposed subdivision will be serviced by a subdivision public road and a proposed new street, and private onsite water and sewer system will be installed, a stormwater management plan will be provided at the stage of subdivision, and parkland to accommodate the development will be provided by the Developer.
g) impacts from the development on pedestrian/vehicular access and safety, and on public safety generally.	Weighing required	<p>The proposed subdivision would be required to be reviewed by the Department of Transportation for vehicular and safe access</p> <p>The province would have to be willing to take on the new street. However, a new subdivision street is being proposed for the new lots, reducing the number of potential lots being subdivided with separate access along more general routes.</p>

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PLANNING REPORT

Conformity with the Official Plan continued As per Land Use Bylaw #2022-04 Subsection 12.3(4)	COMPLIANCE	NOTES
h) compatibility of the development with environmental systems	Consistent	The Development will have an open space area, a buffer zone to protect the coastal area, and a low-density development residency to reduce future impacts to air, soil, and water components of the environmental systems.
i) impact on Municipal finances and budgets	Consistent	It is anticipated this development would have a limited impact on the municipal budget, except for an increase in parkland and a moderate increase in tax revenues from the associated development over time.
Considerations for Site-Specific Amendments under Subsection 12.2.1 of the Land Use Bylaw		
a. the proposed site-specific amendment is not contrary to the Official Plan. If an application is contrary to the policies in the Official Plan, an application to amend the Official Plan must be filed in conjunction with the application to amend the Bylaw.	Not applicable	
b. the proposed use of land or a building that is otherwise not permitted in a zone is sufficiently similar to or compatible with the permitted uses in that zone; and	Not applicable	
c. the proposed use does not undermine the overall integrity of the zone, is in the public interest, and is consistent overall with sound planning principles.	Not applicable	
Considerations for Special Planning Area under Subsection 13.6.1 of the Land Use Bylaw		
In the areas subject to the Comwall Region Special Planning Area, the requirements of clause 63(10)(d) of the Subdivision and Development Regulations shall apply. (See Schedule F)	Not applicable	

RECOMMENDATION

Considering all the aspects described in the assessment above. It is recommended that the application to rezone PID # 681239, located at Cumberland Rte. 19, Cumberland, from Rural Area (RA) to Rural Residential (RR) for the purpose of subdividing the parcel into 11 lots, be recommended from Planning Board to Council for approval.

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APPENDIX 1 CURRENT ZONE AND USE OF PID 681239



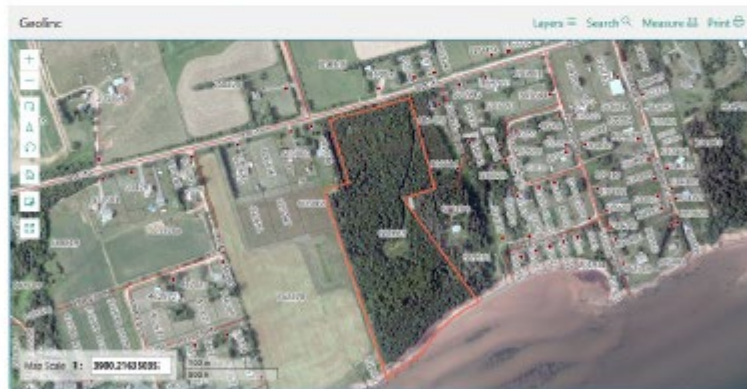
The Rural Municipality of West River

July 21, 2022

Map Index: D5

- Road Network (2020)
- DRAFT Zone**
 - Commercial Industrial (C1)
 - Parks and Recreation (PR)
 - Rural Area (RA)
 - Rural Residential (RR)
 - Environmental Risk (ER)

Geolinc Plus Property Map



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PLANNING REPORT

APPENDIX 2 - PROPOSAL



Appendix A Continued

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APPENDIX 2 - PROPOSAL CONTINUED



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APPENDIX 3 SPECIAL PLANNING AREA



Appendix B

INTRODUCTION

Excavation pits are a particular land use that require special consideration because of their intensive nature and potential impact on surrounding land owners. As such, the Municipality has determined that any new excavation pit requires a public vetting process, and that ongoing pit operations need to be permitted on an annual basis.

PURPOSE

The purpose of this document is to provide guidance to Municipal staff on managing new excavation pit applications or renewals for existing excavation pits. In this document, the "developer" refers to the individual or business that intends to operate the excavation pit and may not necessarily be the land owner.

PROCEDURE for NEW EXCAVATION PITS

Pre-Application Process

1. A developer will usually contact the Municipality to advise it of an intention to operate a new excavation pit. During this initial contact, the Development Officer (DO) should advise the developer of the requirements for an Excavation Pit Permit Application including:
 - a) The **Excavation Pit Permit Application Form**
 - b) A copy of Schedule G of the Bylaw
 - c) Notification of the fee (as per Schedule C of the Bylaw)
 - d) **Land owner declaration** (if the developer/pit operator is not the owner)
 - e) The **Municipality's Guide** to Excavation Pit Applications
2. The developer needs to be made aware that Council has final approval of all Excavation Permits (new and renewals). Further, all new excavation pit applications must go through a public process prior to Council's decision on the application. As such, an Excavation Pit application can take several months before it is approved (or denied).
3. Once the fee has been paid and a completed application has been received by the DO, staff create a file (electronic and/or paper) to initiate the process.

Application Requirements

4. Using the **Excavation Pit Permit Assessment Checklist**, the DO shall ensure that all components of the application are complete, particularly in relation to the Site Plan. Any elements of the Site Plan considered "conforming" are those that meet the minimum requirements set out in Schedule G of the Bylaw.
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Appendix B Continued

- a) Should any elements be missing from the site plan or not conform to the standards (e.g., setback minimums are not met), these items must be flagged.
 - b) The DO should meet with the developer to review these non-conforming elements and work to ensure that all setbacks and safety requirements are addressed prior to proceeding to the next step.
 - c) Should the developer be unwilling to modify the site plan to ensure the proposed pit will be in conformance with the bylaw, a brief report should be prepared by the DO to Council recommending that Council deny the application outright.
5. Once the Site Plan and application are determined to be complete (and conforming to the Bylaw), the DO should undertake a site assessment by walking the property to verify the location of accesses, waterways, and other elements.
- a) At this time, the DO may choose to contact technical experts from the Province or an Engineering firm to assist with the site assessment should there be concerns related to elevation adjacent to coastlines, buffers or other elements of concern.
 - b) If outside technical expertise is sought, the DO should await the findings from the experts to ensure there are not outstanding issues. It may be that the technical experts identify particular operating conditions for the proposed pit that can be incorporated into the final permit, should it be approved by Council.
6. With a completed application and site visit that meets the DO's interpretation of conformity, the application should then proceed to the Bylaw amendment stage.

Processing the Site-Specific Amendment

7. The DO prepares a report to the Planning Board outlining all relevant aspects of the application, findings from the site visit, and any recommendations from technical experts as appropriate. The report should include a staff recommendation in favour or against the application with supporting information for that recommendation.
8. Planning Board then makes a recommendation to Council about whether to proceed to the public meeting stage.
9. Council receives the DO report and the Planning Board recommendation and makes a motion to either proceed to public meeting, or to deny the application outright.

Appendix B Continued

- a) If Council denies the application at this stage, the DO will then notify the developer in writing to advise them of the decision, the application fee is returned to the developer (as per 12.13 (1)), and the file is closed.
10. Should Council decide to proceed to the public meeting, a date is set by Council.
11. Following the requirements of the Bylaw (section 12.4), Staff shall:
- a) place a notice a notice on the Municipality's website as well as in a local newspaper advising the public of the application and the meeting (notice to include the date, time and place of the meeting)
 - b) send a letter to adjoining property owners within 153m of the subject property (Bylaw Section 12.4 (1) b. ii))
 - c) place a sign on the subject property indicating the site-specific amendment application (Bylaw Section 12.4 (1) c.)
12. The public meeting is held before Council. Public input is received.
13. Council makes a decision on the site-specific amendment related to the proposed Excavation Pit application.
14. If the site-specific amendment is approved, the documents are forwarded to the Minister responsible for final approval.
15. Upon a denial by Council or a subsequent denial by the Minister, the developer shall be notified in writing of said decision.
16. Upon approval by both Council and the Minister, the DO proceeds to the Permit approval process.

The need for 2 Council approvals

The separation of approval of site-specific amendment and approval of an excavation pit development permit needs to be maintained for 3 reasons:

- the site-specific amendment could be appealed to IRAC.
- the site-specific amendment process deals primarily with land use conflict considerations and not the operation of the pit itself.
- Section 12.3(9) of the Bylaw states as follows:

"No development permits or subdivisions related to a proposed amendment shall be approved until the approval from the Minister responsible for administering the Planning Act or any successor legislation has been granted for the necessary amendments."

Appendix B Continued

Excavation Pit Permit Approval Process – for New Pits

17. In most cases, approval by Council of a site-specific amendment for a new extraction pit indicates Council support for its operation. As such, the permit approval process is a formality (see Box 1). Thus, following Council approval of the amendment and the Minister's subsequent approval, the ensuing steps are:
 - a) DO prepares a brief report to Council outlining the application and conditions to be imposed on the operation of the Excavation Pit as part of the permit.
 - b) Council approves the Excavation Pit by a motion of Council
 - c) DO issues the Excavation Pit permit including any conditions with an expiration of one year from the date of issue.

Conditions on Excavation Pit Permits

18. Often times, conditions to the Excavation Pit operation are included on the Permit to limit impacts to the local environment and community. These conditions may include requirements beyond what is included in the Bylaw (Schedule G) (e.g., hours of operation, safety measures, depth of extraction, stormwater runoff protection, or other such measures).
19. These conditions should be monitored by the Municipality during the operation of the pit through site visits. Pit operations adhering to these conditions will be a critical element to a successful renewal of any existing pit permit.
20. In some cases, Council may determine that a Development Agreement is required to legally bind the developer to conducting the operation under the conditions it deems appropriate. In these situations, the Development Agreement is drawn up, usually in consultation with an Environmental Engineer and following feedback from the public (during the public meeting process). The Excavation Pit Permit is only issued once the Development Agreement is signed by both parties.

Appendix B Continued

PROCEDURE for RENEWAL OF EXISTING EXCAVATION PITS

Pre-Application Process

1. The developer must contact the Municipality to apply for a Renewal Permit **BEFORE THE EXPIRY OF THE EXISTING PERMIT**. To initiate the process for renewal, the following information must be submitted by the anniversary deadline of the existing permit:
 - a) A completed Excavation Pit Permit Application Form
 - b) Payment of the required fee as per Schedule C of the Bylaw
2. The developer should be made aware that Council has final approval of all Excavation Permits (for both new and renewals).
3. Once the fee has been paid and a completed application has been received by the DO, staff create a file (electronic and/or paper) to initiate the process.

Application Review Requirements

4. Using the **Excavation Pit Permit Assessment Checklist**, the DO shall ensure that all components of the application are complete.
 - a) The Site Plan from the original application permit can be reused so long as nothing has changed in terms of the extent of the extraction site or its operations.
5. A site compliance visit must be undertaken by the DO to verify that the operations of the existing pit comply with the approved site plan and any conditions set by Council.
 - a) At this time, the DO may choose to contact technical experts from the Province or an Engineering firm to assist with the site assessment should there be concerns related to elevation adjacent to coastlines, buffers or other elements of concern.
 - b) If outside technical expertise is sought, the DO should await the findings from the experts to ensure there are not outstanding issues. It may be that the technical experts identify deficiencies or new operating conditions for the excavation pit that should be incorporated into the renewal permit, to be considered by Council.

Appendix B Continued

Excavation Pit Permit Approval Process – for Existing Pits

6. Because existing excavation pits are already appropriately zoned, the approval process for the Excavation Pit renewal goes directly to Council for consideration. Specifically, the steps are:
 - a) DO prepares a report to Council describing the application and the results of the site compliance visit. At this point, the DO will make a recommendation to Council to: 1) approve the permit renewal with existing conditions; 2) approve the permit renewal with new conditions; or 3) deny the permit renewal.
 - b) Council considers the DO's recommendation and makes a decision to permit or deny the Excavation Pit renewal by a motion of Council.
 - c) If Council approves the renewal application, the DO issues the Excavation Pit permit with appropriate conditions with an expiration of one year from the date of issue.
 - d) Should Council deny the renewal application, the developer and the public are notified of Council's decision including reasons for the denial.

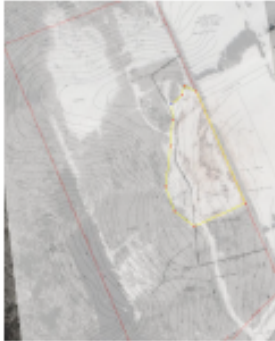
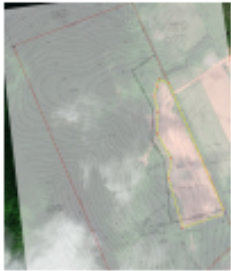
Conditions on Excavation Pit Permits

7. Conditions to the Excavation Pit operation are included on the Permit to limit impacts to the local environment and community. These conditions may include requirements beyond what is included in the Bylaw (Schedule G) (e.g., hours of operation, safety measures, depth of extraction, stormwater runoff protection, or other such measures).
8. These conditions should be monitored by the Municipality during the operation of the pit through site visits. Adhering to these conditions are critical to a successful renewal of any existing pit permit.
9. In some cases, Council may determine that a Development Agreement is required to legally bind the developer to conducting the operation under the conditions it deems appropriate. This will likely become a requirement for any existing pit operation that is seeking a renewal but has failed to adhere to conditions originally set by Council. In these situations, the Development Agreement is drawn up, usually in consultation with an Environmental Engineer. A renewal of an Excavation Pit Permit is only issued once the Development Agreement is signed by both parties.

Appendix C

Applicants Name	Lomer MacDonald Inc.
Company:	Lomer MacDonald Inc.
Address	1045 Cornwall
Phone No.	902-940-0247
Email	Jeremy_Macdonald@hotmail.com
Property Owner Name	Lomer MacDonald
Company:	Lomer MacDonald Inc.
Address	Trans Canada Highway Rte. 1, Bonshaw
Phone No.	902-940-0247
Email	Jeremy_Macdonald@hotmail.com
Property Location:	Bonshaw
Existing Use:	Pit
Proposed Use:	Pit
Proposed Structures:	N/A
Lot Size:	115 Acres
Site Suitability Assmt.	N/A
Access	Highway 1
Regulations that Apply Bylaw 2022#04	
Renewal-Schedule G	Comments
1) A development permit holder may renew the development permit prior to its expiry by submitting a completed application in the form required by <i>Council to Council</i> , accompanied by the renewal fee set out in Schedule C. (2) An applicant under subsection (1) shall provide, in respect of the <i>excavation pit</i> to which development permit relates, (a) the information required under clauses .1(4)(a) and (b); and (b) any information under clauses .1(4)(d) and (e) that has changed since the issuance of the development permit or the previous renewal, whichever last occurred.	A development application for an excavation pit operation was presented on Jun 10, 2024, after the excavation pit permit with the province has expired. On Jun 28 th an e-mail was sent to the Department of Environment to review the proposal. On August 23 rd Department of Environment responded that the pit is close to a watercourse, and sent geographical points, and mentioned that your setbacks has to be measured from that points
(a) if the applicant is not the <i>owner</i> of the parcel of land where the proposed <i>excavation pit</i> is to be operated, the written consent of the <i>owner</i> to the operation of the <i>excavation pit</i> on that <i>parcel</i> of land;	A Land Use Declaration form was signed by Jeremy MacDonald representing Lomer MacDonald Ltd.
(b) the real property tax number and the name of the owner as shown on the tax notices under the <i>Real Property Tax Act R.S.P.E.I. 1988, Cap. R-5</i> , for the <i>parcel</i> of land where the proposed <i>excavation pit</i> is to be located	The application form indicates the PID# and the name of the owner as shown on the tax notices
(d) details of the existing land use of the location of the proposed <i>excavation pit</i> , including	On August 7 th , 2024, an e-mail was sent to the applicant requesting further information regarding Schedule G clause 4. (d) of the Land Use Bylaw, as well as details of the use of all

Appendix C Continued

<p>whether the <i>property</i> on which the proposed <i>excavation pit</i> is located is designated under the <i>Prince Edward Island Lands Protection Act</i> R.S.P.E.I. 1988, Cap. L-5;</p>	<p>the land within 500 meters of the boundary of the proposed excavation pit</p> <p>A licence to develop or operate an excavation Pit was presented on October 10th, 2024 issued for Lomer MacDonald Inc with regulations regarding a Setback Criteria, Hours of Operation, Signage, and Runoff Prevention</p> <p>A survey plan was presented on January 06th, 2025, indicating where the Pit is located, however the plan didn't include the watermark points. On January 22nd,2025 the plan was updated indicating the stream close to the pit and a 50m environmental buffer zone.</p>
<p>(e) details of the <i>use</i> of all land within 500 metres of the boundary of the proposed <i>excavation pit</i>;</p>	<p>Locations of any building or structure within 500 m of the proposed pit was presented.</p>
<p>Analysis:</p>	<p>The Excavation Pit has been changed shape since 2015 (9.59 Acres)</p>  <p>Google Earth Image 2019 (13 Acres)</p>  <p>Google Earth Image 2020 (13,3 Acres)</p>

Appendix C Continued





	 <p data-bbox="771 730 1149 762">Google Earth Image 2025 (9.37 Acres)</p>  <p data-bbox="771 1165 1377 1224">The operation area of the pit in the 10 past years was around 13,3 Acres</p> <p data-bbox="771 1255 1385 1344">An updated Pit Area layout was presented by ISE Island Surveying & Engineering, indicating that the operation area of the Pit (black lines) or workable area will be 13.25 Acres.</p> <p data-bbox="267 1386 454 1417">Recommendation:</p> <p data-bbox="771 1407 1385 1581">To approve the Development Permit for the excavation pit, subject that No part of the excavation pit shall be located within 50 meters of a watercourse and not to cause any run-off to neighbours' boundaries, and that the falling precipitation and surface water will continue to be contained within the excavated area.</p>
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Appendix D

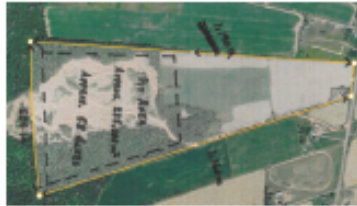
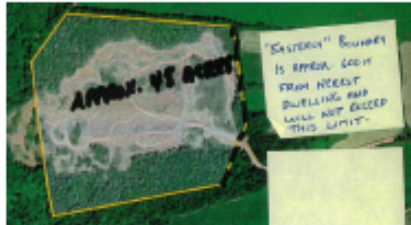
Excavation Pit Renewal - PID 202465

Applicants Name	Anita MacCabe (Executor)
Company:	Island Coastal Services ICS
Address	Nine Mile Creek
Phone No.	902-213-0496
Email	anidarmcc@gmail.com
Property Owner Name	William C MacDougall
Company:	Island Coastal Services (ICS)-Operator
Address	5122 route 19
Phone No.	902-892-1062
Email	anidarmcc@gmail.com
Property Location:	Nine Mile Creek
Existing Use:	Pit
Proposed Use:	Pit
Proposed Structures:	N/A
Lot Size:	97.8 Acres
Site Suitability Assmt.	N/A
Access	Rte. 19
Regulations that Apply Bylaw 2022#04	
Renewal-Schedule G	Comments
1) A development permit holder may renew the development permit prior to its expiry by submitting a completed application in the form required by <i>Council to Council</i> , accompanied by the renewal fee set out in Schedule C. (2) An applicant under subsection (1) shall provide, in respect of the <i>excavation pit</i> to which development permit relates, (a) the information required under clauses .1(4)(a) and (b); and (b) any information under clauses .1(4)(d) and (e) that has changed since the issuance of the development permit or the previous renewal, whichever last occurred.	A development application for an excavation pit operation was presented on October 4, 2024 after the excavation pit permit with the province has expired. The Excavation Pit has been operating since then without a Development Permit issued by the Municipality.
(a) if the applicant is not the <i>owner</i> of the parcel of land where the proposed <i>excavation pit</i> is to be operated, the written consent of the <i>owner</i> to the operation of the <i>excavation pit</i> on that <i>parcel</i> of land;	A Land Use Declaration form was signed by Anita MacCabe (Executor) representing Estate of Lloyd Mac Dougall
(b) the real property tax number and the name of the owner as shown on the tax notices under the <i>Real Property Tax Act R.S.P.E.I. 1988, Cap. R-5</i> , for the <i>parcel</i> of land where the proposed <i>excavation pit</i> is to be located	The application form indicates the PID# and the name of the owner as shown on the tax notices
(d) details of the existing land <i>use</i> of the location of the proposed <i>excavation pit</i> , including whether the <i>property</i> on which the proposed <i>excavation pit</i> is located is designated under	A site plan was presented indicating where the Pit is located. A licence to develop or operate an excavation Pit was presented on January 03, 2025 issued for Island Coastal with

Appendix D Continued

<p>the <i>Prince Edward Island Lands Protection Act</i> R.S.P.E.I. 1988, Cap. L-5;</p>	<p>regulations regarding a Setback Criteria, Hours of Operation, Signage, and Runoff Prevention</p> <p>An e-mail from the Operator (ICS) was received on January 24 indicating the following:</p> <ol style="list-style-type: none"> a. The excavation pit is expanding as the material is mined out of it. b. A working area was presented c. Is not the intention to create any runoff issues, the falling precipitation and surface water will continue to be contained within the excavated area. d. There is no intention to expand the area further down the face of the "easterly" hill towards route 19.
<p>(e) details of the use of all land within 500 metres of the boundary of the proposed excavation pit;</p>	<p>Locations of any building or structure within 500 m of the proposed pit is difficult to identified, since the site plan presented is not on scale.</p>
<p>Analysis:</p>	<p>The Excavation Pit has been changed shape since 2000</p> <div style="display: flex; align-items: center; margin-bottom: 10px;">  <div style="margin-left: 20px;">Geolinc Image 2000</div> </div> <div style="display: flex; align-items: center; margin-bottom: 10px;">  <div style="margin-left: 20px;">Geolinc Image 2010</div> </div> <div style="display: flex; align-items: center; margin-bottom: 10px;">  <div style="margin-left: 20px;">Geolinc Image 2020</div> </div> <div style="display: flex; align-items: center;">  <div style="margin-left: 20px;">Geolinc Image 2024</div> </div> <p>The expansion in 24 years was to the North and West Part of the Property</p> <p>The first site plan presented shows the proposed expansion of the pit (dotted line) for about 58 acres, the existing area of the</p>

Appendix D Continued

<p>Recommendation:</p>	<p>Pit is 30 Acres. The operator explained verbally that the Pit moves while material is found, so the intention is to work within the boundaries of the Lot.</p> <p>The plan presented contravenes the intention to expand the area further down the face of the "easterly" hill towards route 19.</p>  <p>An updated Pit Area layout was presented by the Operator on Feb 03, 2025, indicating that the expansion of the Pit will be approx. 48 Acres not exceeding the Easterly boundary</p>  <p>To approve the Development Permit for the excavation pit, subject not to cause any run-off to neighbours' boundaries, and that the falling precipitation and surface water will continue to be contained within the excavated area.</p>
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