



## Rural Municipality of West River Planning Board Committee Minutes

<b>Meeting No</b>	PLB-23-01	<b>Time</b>	7:00 PM
<b>Session</b>	Regular - Public	<b>Date</b>	Thursday, March 7, 2023
<b>Chair</b>	Helen Smith-MacPhail - Mayor	<b>Location</b>	Afton Community Center
<b>Adaptation status</b>	Approved	<b>Contact Person</b>	Laala Jahanshahloo - CAO
<b>Attendance</b>	Mayor Helen Smith-MacPhail, Councillor John Yeo, Bob Clow, Sharon Slauenwhite, Laala Jahanshahloo - CAO		
<b>Regret</b>	Nil		
<b>Guest</b>	Nil		

- **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 Councillor John Yeo and, seconded by Mayor Helen Smith-MacPhail, unanimously carried.

- **Declarations of Conflict of Interest**

No conflict of interest was declared.

- **Informational Items**

- **PLB.23.01.1 - OP&LUB Approval Update**

**Decision Type:** Information

**Status:** Received

**Description:**

On March 1, 2023, Mayor Helen Smith-MacPhail spoke with Glenda MacKinnon Peters, the Director of Land and expressed her frustration with the fact that the Province has had this document since October.

The plan received overall feedback on January 26, 2023, from the Manager of the Land Division as "a good official plan that meets the requirements set out in the Planning Act "but has not yet been approved by Minister. There has been no other update or communication so far.

- **PLB.23.01.2 - Section 2A of the Excavation Pit Regulations**

**Decision Type:** Information

**Status:** Received

**Background:**

OTR.2023.1.8

**Description:**

On February 1, 2023, the Department of Environment, Energy and Climate Action adopted a policy by the Environmental Land Management Section (Appendix 1.1, attached hereto, forming a part of this minutes).

- **Recommendation Items**

- **PLB.23.01.3 - Enforcement Bylaw**

**Decision Type:** Action

**Status:** Referred

**Background:**

Motion#2022-06 and PLB21.6

**Description:**

The item was referred to the Consultant (SJM) to draft the bylaw based on the standard escalation procedures following MGA Sections (225) and (234) and Planning Act Section (24) instead of the traditional ticketing process.

- **PLB.23.01.4 - OP&LUB Admin Tool**

**Decision Type:** Action

**Status:** Referred

**Background:**

RFP 2021-01

**Description:**

The Planning Board Committee approved the "OP&LUB Admin tool," moved by Mayor Helen Smith-MacPhail, seconded by Councillor John Yeo, and referred to the CAO to start preparing the launching process as awaiting Ministerial approval.

- **PLB.23.01.5 - Interim Planning Policy**

**Decision Type:** Action

**Status:** Not Recommended

**Background:**

Planning Act Section (10) and PLB.23.01.1

**Description:**

The Committee reviewed the requirements of the "Interim Planning Policy" and concluded that this is not a practical and effective solution for now.

- **PLB.23.01.6 - Excavation Pit**

**Decision Type:** Action

**Status:** Referred

**Background:**

PLB21.5

**Description:**

The Committee reviewed Schedule G of RMWR's 2022 Land Use Bylaw, and no changes were recommended for the time being. The item was referred to the Consultant (SJM) to prepare a proposal for all necessary legal, planning, environmental, and administrative requirements to issue and renew the Excavation Pits permit according to the Schedule G of RMWR's 2022 Bylaw.

- **PLB.23.01.7 - Permits Fee Schedule**

**Decision Type:** Action

**Status:** Deferred

**Background:**

Bylaw#2022-11

**Description:**

The Committee deferred the updating the Schedule C of RMWR's 2022 Bylaw until completion of the PLB.23.01.6.

- **PLB.23.01.8 - Interim Development Officer**

**Decision Type:** Action

**Status:** Recommended

**Background:**

Planning Act Section (10) (2), PLB21.3, FIN 21.9, also the uncertainty about the number and type of applications and required skill and time for processing them.

**Description:**

The Council for the Rural Municipality of West River appoints Terrazas Moya Mirko Xavier as its Interim Development Officer.

- **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 1.1

February 1, 2023

### **Policy Adopted by the Environmental Land Management Section, Department of Environment, Energy and Climate Action**

Section 2A of the *Excavation Pit Regulations* states that the regulations do not apply to any excavation pit located within the boundaries of a municipality as defined in the *Interpretation Act* that has enacted bylaws to regulate excavation pits.

A Municipality with an official plan may require a one-time development permit for a **new** excavation pit as defined within their bylaws, so as long as the bylaws are approved under the *Planning Act* by the Minister. The ELM Section would not consider this to be the regulation of excavation pits; therefore, the Province would continue to regulate within the municipal boundaries as per the *Excavation Pit Regulations*. However, this only applies to new excavation pits, and the Province will not recognize development permits issued for existing excavation pits.

The Regulation of an excavation pit by a municipality with an official plan is defined by the ELM Section as:

- Any regulation over the permitting and licensing of a new or existing excavation pit, with the exemption of a one-time development permit for the rezoning of a new excavation pit.
- Issuing a development permit for an existing excavation pit.
- Any regulation over the operation of a new or existing excavation pit.
- Any regulation over the setback criteria of a new or existing excavation pit.
- Any regulation over the signage of a new or existing excavation pit.
- Any regulation over the closure and/or reclamation process of a new or existing excavation pit, including the implementation of bonding requirements.
- Any regulation over the design of an excavation pit.

Should a municipality wish to regulate excavation pits in any capacity, as defined in the section above, permitting and enforcement would become the responsibility of the municipality. The Province would no longer have jurisdiction to issue permits, inspect or provide enforcement for these excavation pits. As per Section 2A of the *Excavation Pit Regulations*, municipalities cannot take a portion of the responsibilities to regulate excavation pits. The municipality must take responsibility for the entire regulation of excavation pits within its boundaries or leave it to the Province to regulate.

Should a municipality that is regulating excavation pits as described above remove such regulation from their planning documents, the Province would resume regulation under the *Excavation Pit Regulations*.

#### **Information provided by:**

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