



Rural Municipality of Eastern Kings

SPECIAL MEETING MINUTES

Thursday, April 20, 2023 6:15 p.m.

In Attendance: Mayor Larry Fitzpatrick, Deputy Mayor Danelle Elliott, Councillor's Donna Campbell Dixon, Don Humphrey, and Chief Administrative Officer (CAO) Sonya Martin, Development Officer, Michelle Paquet Monette.

Upland Team Lead Presenter: Ian Watson

Regrets: Councillor's Bernadette McInnis, Nathan Paton and Arthur Baker

1. Call to Order

The Upland presentation meeting was called to order at 6:16 p.m.

2. Conflicts of Interest Declaration – Individual Councillors – none heard

3. Agenda Approval

It was moved by Deputy Mayor Danelle Elliott and seconded by Councillor Donna Campbell Dixon to approve the agenda as presented.

4. Topic of Meeting

Upland Urban Planning Team Lead presentation by Ian Watson to Council with the current draft of the RMEK Official Plan and Subdivision & Development Control Bylaw. This is to be followed by a question-and-answer period for Council.

Ian provided an introduction followed by highlights, key changes and a discussion with a Q&A of the Official Plan and Subdivision & Development Control Bylaw.

Upland Power Point Presentation - See Appendix "A"

Question and Answer Session

Don "Q": The 2013 official plan windmill policy RR1 special guide, bottom of pg. 31; Gave the municipality some trouble at the hearing because the appellant said we did not have a special guide.

5.6.9 wind turbines 5-78 limited zones (plan)

Development bylaws 6.1 There is nothing about limited zones regulations.

Ian "A": That is in the "Zone Tables"

PG 38 For Example. The only one where they are allowed larger than 100 kw is agricultural zone. Ian noting, he will "be more specific."

Don "Q":

Agricultural Resource Area/Agricultural Zone? That is not consistent throughout the document.



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Ian "A": In earlier drafts there were more than one type of zones. Ian will search within document and adjust.

Don "Q":

There are no limited zones in Agricultural zone. If special permit process is removed then the Development Officer determines if the permit is issued. Should it be the Development Officer who decides this. Is it up to an employee to make that decision or should that come from Council because it is a policy decision.

Ian "A": It is up to the Development Officer to determine if the application meets the standards.

Don "Q": Should it be up to D.O.?

Ian "A": The approach is to ensure clarity. Do you meet a yes or no. It's a process decision. Not a value decision. Does this meet the process step by step. If all boxes are ticked then the permit is granted. If not, then no.

Don "Q": Is that up to you (Michelle) to decide?

Ian "A": That is the recommendation. The approach is up to Council. Up to now we have seen the process is grey. There are not standards. That serves neither the community nor the proponent.

Sonya: Consider: Is our standard strict enough?

Ian "A": Challenge with special permitted uses: what are you as council then using to create decisions. Does it become a value judgement? That introduces a new set of challenges.

Sonya: can council be involved in decision: based on dollar amounts? Can we add an approval stage with council.

Ian "A": What are you making your decision based on? Because "they" do not like it, is a shaky decision to make it on.

Result of Discussion: Ian to write a clear process for wind turbines.

Don "Q": Bylaw section 6.16 D. No longer the Canadian Environmental Act: Impact Assessment Act.

Further to that. In current bylaw: 13D copies of all documentation...correct to new act 5.33: the higher or more stringent provisions shall prevail...

Cw66-363-2007 & Cw66-364-2007

Wind turbines and birds: a guidebook for environmental assessment. Section 1.3 Wind Energy Projects, Federal guidelines are more stringent than provincial.

RMEK regulations re. wind turbines > 100kw

Environmental assessment must follow federal guidelines for assessment, include consultation with Canadian Wildlife Service and be evaluated by a third party, independent of the proponent. Note that the Impact Assessment Act does not require any approvals for wind farms.



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Ian "A": A municipality cannot compel a federal assessment. But we can tick the boxes that say yes, you followed the obligations.

5. Adjournment

The meeting was adjourned at 8:05 p.m.

It was moved by Deputy Mayor Danelle Elliott and seconded by Councillor Donna Campbell Dixon.

Signed in accordance

Municipal Government Act S.116(4)

Larry Fitzpatrick, Mayor

Date

Sonya Martin, Chief Administrative Officer

Date