

**ISLAND REGULATORY AND APPEALS COMMISSION**

BETWEEN:

**MUDDY CREEK DEVELOPMENTS LTD.**

Appellant

- and -

**RURAL MUNICIPALITY OF WEST RIVER**

Respondent

---

**APPEAL RECORD**

---

**STEWART McKELVEY**  
65 Grafton St, Charlottetown,  
PE C1A 1K8

**J. Curtis Doyle**  
**Jenna Mollison (articled clerk)**

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**Counsel for the Rural Municipality of  
West River**



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Rural Municipality of  
WEST RIVER

# Application for Subdivision or Consolidation

## For Office Use Only

File # **WR-0208** Zone  
Approval # Fee: **\$1,050** ☒ Paid  
PID # **203000** Date received  
**2024 154** (complete)  
Date approved \_\_\_\_\_

RECEIVED SEP 16 2024 PAID MAR 28 2025

## Type of Work

☒ Subdivision (incl. severance) ☐ Lot Consolidation ☐ Boundary Line Adjustment (severance & consolidation)

## Contact Information

Applicant	Name	<b>MUDDY CREEK DEVELOPMENT</b>		
	Address	<b>75 W.B. MARSHALL DRIVE</b>	Postal Code	<b>COA 1H5</b>
	Email	<b>THAMEL@ARSENALTBROS.WM</b>	Phone	<b>902 940 5398</b>

If different than above:

Property Owner	Name	<b>N/A</b>		
	Address		Postal Code	
	Email		Phone	

## Project Information

Civic Address/Street:	110 HENNERBURY	PID 203000 (806154)		Zone	
Community:	RICE POINT	Parent Parcel lot # (if applicable)	N/A	Previously subdivided?	<input type="checkbox"/> yes <input type="checkbox"/> no
Current Size Parent Parcel	40 AC ±	Size of proposed lot(s) (new)	≈ 1 AC ±	# of new lots	4
Size of Proposed Remnant	0				
Intended purpose of the subdivision or consolidation:		Current use of the parcel and adjoining parcels:			
SUBDIVIDING 4 LOTS LOTS 24-1, 24-21, 24-22, 24-23					



## Application for Subdivision or Consolidation

### Documentation

Please include:

- ⇒ soil/site assessment categorizing each lot
- ⇒ five (5) copies of a preliminary subdivision plan, prepared by professional land surveyor or professional engineer, showing
  - a) contours showing topography of the parcel with at least 2 m (6.56 ft) contour lines;
  - b) the true shape and dimensions of every lot;
  - c) the location of every existing building or structure on the parcel;
  - d) existing and proposed services and utilities;
  - e) proposed widths and locations of all streets;
  - f) location of land proposed for recreation and public open space use if applicable; and
  - g) proposed surface water drainage patterns and designed drainage features, when applicable; and
  - h) other existing features, including buildings, watercourses, wetlands, buffer zones, wooded areas, and areas subject to current or projected future flooding or erosion
  - i) stormwater management plan for subdivisions involving three or more lots
  - j) other information or documentation required in accordance with section 13.11 of the Bylaw.

### Process:

#### 1. Preliminary Approval

- Evaluation of the application by the development officer against the Land Use Bylaw (the Bylaw)
- If the subdivision includes the development of new streets, shared services or a parkland dedication, the application is sent to Planning Board and Council for decision. A subdivision agreement may be required.

Simple applications can be processed quickly, larger, or more complicated require more assessment.

- Once the applicant has obtained a valid Letter of Preliminary Approval and has met all conditions associated with preliminary approval, they may apply for a Final Approval
- Preliminary Approval is valid for 24 months

#### 2. Final Approval

- Submit 7 copies of a surveyor-stamped plan along with any required documentation.





Rural Municipality of  
WEST RIVER

## Application for Subdivision or Consolidation

### Certification and Notes

#### I HEREBY AFFIRM AND DECLARE TO THE MUNICIPALITY THAT:

- (1) I am the owner or authorized agent of the owner of the property named in this application.
- (2) The statements contained in this application are true, complete, and made with full knowledge of the circumstances connected with this application.
- (3) I know of no reason why the approval should not be granted, and I make this declaration conscientiously believing it to be true.
- (4) I waive all rights, claims, actions, and/or causes of action against the Municipality, including members of council, officers, employees, agents and/or volunteers, for any damages or losses which may be caused through the operation of any provision(s) in any of the bylaws or for the refusal of a permit and/or approval or for any other cause, irregularity, and/or nonconformity with the bylaws or regulations adopted by the Municipality.
- (5) I acknowledge that the payment of monies for this application does not constitute approval of this application by the Municipality.
- (6) By submitting this application to the Municipality, I consent to the collection, use, and disclosure of the personal information in this application by the Municipality for the purposes of processing this application, making a decision, and publishing public notice of the decision in relation to this application. I understand that the personal information contained in this application is being collected, used, and disclosed by the Municipality in accordance with Bylaw #2021-05 – Access to Information and Protection of Personal Information – and the *Municipal Government Act*, including the *Access to Information and Protection of Personal Information Regulations*. I also understand that, if I have any questions about the collection, use, disclosure, or correction of the personal information, I can contact the Chief Administrative Officer of the Municipality at 902-675-7000 or [admin@westriverpe.ca](mailto:admin@westriverpe.ca).
- (7) I agree to comply with all federal and provincial laws, regulations, and orders pertaining to the approval being sought herein.

Owner signature:

Date:

SEPT 9, 2024

Owner name (print):

LUCAS ARSENAULT

Authorized agent signature:

Date:

Sept 9/24

Authorized agent (print):

Tim Hanna



Rural Municipality of  
WEST RIVER

## Landowner Declaration

I, LUCAS ARSENAULT residing at,  
Land owner's name

OSPREY AVENUE WANWATU PK 6A 1H4,  
No. Street Place Province Postal Code

do solemnly declare:

1. THAT I am the owner(s) of the property or properties having Property Identification  
Number(s) (PID) 808154 / 203000, with respect to the attached application;

2. THAT the declaration contained herein is completely true and made with full  
knowledge of all circumstances connected therewith;

3. AND I make this solemn declaration that Tim Hamel,  
Name of Agent/Applicant

representing the following agency (if applicable) ARSENAULT BROS CONSTRUCTION / MUDDY CREEK  
Name of Agency DEVELOPMENT

is/are authorized to act as my agent / applicant and do assign hereto full authority in  
dealing with the subject application.

Signature: [Signature]  
Owner's Signature

Owner's contact information: (tel) 902-393-9941 (email) LUCAS@ARSENAULTBROS.COM

Signed at Wanwatu on this 9 day of Sept 2024  
Place date month year

\*In the case of multiple ownership, each property owner must sign a Landowner Declaration so that an application can be considered complete.



## Landowner Declaration

I, JENNIE ARSENAULT residing at,  
Land owner's name

OSPREY AVE GRANVILLE PR COA 1H4  
No. Street Place Province Postal Code

do solemnly declare:

1. THAT I am the owner(s) of the property or properties having Property Identification  
Number(s) (PID) 808154/203000, with respect to the attached application;

2. THAT the declaration contained herein is completely true and made with full  
knowledge of all circumstances connected therewith;

3. AND I make this solemn declaration that TIM HANKE,  
Name of Agent/Applicant

representing the following agency (if applicable) ARSENAULT BROS CONSTRUCTION / MIDDY CARR  
Name of Agency DIANE ARSENAULT

is/are authorized to act as my agent / applicant and do assign hereto full authority in  
dealing with the subject application.

Signature: [Signature]  
Owner's Signature

Owner's contact information: (tel) \_\_\_\_\_ (email) \_\_\_\_\_

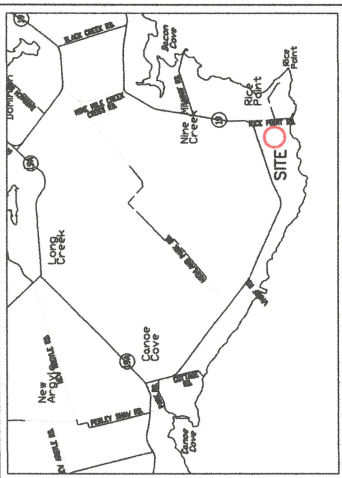
Signed at GRANVILLE on this 9 day of Sept 2024  
Place date month year

*\*In the case of multiple ownership, each property owner must sign a Landowner Declaration so that an application can be considered complete.*



<b>Business Type</b>	Incorporated
<b>Business Number</b>	745682344
<b>Entity Name</b>	Muddy Creek Developments Ltd.
<b>Entity Secondary Name</b>	
<b>Registration Date</b>	December 20, 2022
<b>Registration Number</b>	162718
<b>Status</b>	Active
<b>Corporation Type</b>	Non-distributing
<b>Last Return Date</b>	December 20, 2023
<b>Address</b>	75 W B MACPHAIL DR CORNWALL Prince Edward Island C0A 1H5
<b>End Date</b>	
<b>Amalgamated Name</b>	
<b>Converted From</b>	
<b>Converted To</b>	
<b>Former Name(s)</b>	
<b>Nature of Business</b>	Real estate development
<b>Continued From</b>	
<b>Discontinued To</b>	
<b>Gazette Date</b>	December 31, 2022
<b>Revival Date</b>	
<b>Directors and Shareholders</b>	Lucas Arsenault - Director, President, Secretary, Treasurer Lucas Arsenault (2023) Family Trust - Shareholder
<b>Trade Names</b>	

PEI	DOUBLE	STEREOPHIC	COORDINATE LIST EXPRESSED IN (MAUR) METRIC	
			Nothing	Easting
400	675433.085	361919.054		
401	675433.445	361656.276		
402	675433.547	361859.783		
403	675433.547	361859.783		
404	675433.547	361744.485		
405	675433.547	361744.485		
406	675432.275	361701.855		
407	675431.311	361681.171		
408	675430.459	361656.276		
409	675429.459	361570.240		
410	675428.525	361543.017		
411	675427.525	361465.549		
412	675426.525	361337.562		
413	675425.525	361259.574		
414	675424.584	361132.740		
415	675423.584	361055.319		
416	675422.584	360977.845		
417	675421.282	360851.715		
418	675420.282	360774.240		
419	675419.282	360696.765		
420	675418.282	360619.290		
421	675417.282	360541.815		
422	675416.282	360464.340		
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424	675414.282	360309.390		
425	675413.282	360231.915		
426	675412.282	360154.440		
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460	675378.282	357519.490		
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462	675376.282	357364.490		
463	675375.282	357286.965		
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465	675373.282	357131.965		
466	675372.282	357054.490		
467	675371.282	356976.965		
468	675370.282	356899.490		
469	675369.282	356821.965		
470	675368.282	356744.490		
471	675367.282	356666.965		
472	675366.282	356589.490		
473	675365.282	356511.965		
474	675364.282	356434.490		
475	675363.282	356356.965		
476	675362.282	356279.490		
477	675361.282	356201.965		
478	675360.282	356124.490		
479	675359.282	356046.965		
480	675358.282	355969.490		



KEY PLAN (N.T.S.)

- LEGEND**
- LARGE TREAT WITH BY THIS PLAN  
FOUND SURVEY MARKER  
PLACED SURVEY MARKER  
CALCULATED POINT  
TREE/HEDGE LINE  
MANHOLE  
CATCH BASIN  
UTILITY POLE  
LIGHT  
SIGN
- F.d.  
MH  
CB  
UP

## NOTES

1. THE FIELD WORK FOR THIS SURVEY WAS EXECUTED DURING THE PERIOD OF SEPTEMBER 2021 TO JULY 2024.
2. AZIMUTHS ARE GRID DERIVED, SURVEY REFERENCED TO PEI GRID MONUMENT NO. 984.
3. PARCELS 0-1 TO 0-3 ARE DEDICATED FOR OPEN SPACE.
4. PARCEL R-2 IS FOR FUTURE ACCESS TO PID NO. 790883.

## AREA SUMMARY

TOTAL DEVELOPMENT AREA = 41.30 Ac±  
AREA OF ROADS = 3.63 Ac±  
AREA OF OPEN SPACE = 4.14 Ac±  
AREA OF LOTS = 33.53 Ac±



**Island Surveying & Engineering**  
4 PLYWOOD PLACE  
CHARLOTTETOWN, PEI  
C1A 5H2  
PHONE 902-394-  
FAX 902-569-  
www.isesurvey

## PLAN OF SURVEY SHOWING

LOT 24-1 &  
LOTS 24-21 TO 24-23

PID No. 808154 &  
PID No. 203000

SCALE 1 : 1250 Metric

PRICE POINT  
QUEENS COUNTY  
TOWNSHIP No. 65  
P.E.I.

DRAWN BY: AMD  
DRAWING No. 21375-1

I, ANTHONY D. INMAN, PRINCE EDWARD ISLAND LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS SURVEY WAS EXECUTED UNDER MY DIRECTION AND SUPERVISION, AND THAT THIS PLAN IS A TRUE AND CORRECT REPRESENTATION OF SAID SURVEY.



# PRELIMINARY PLAN ONLY

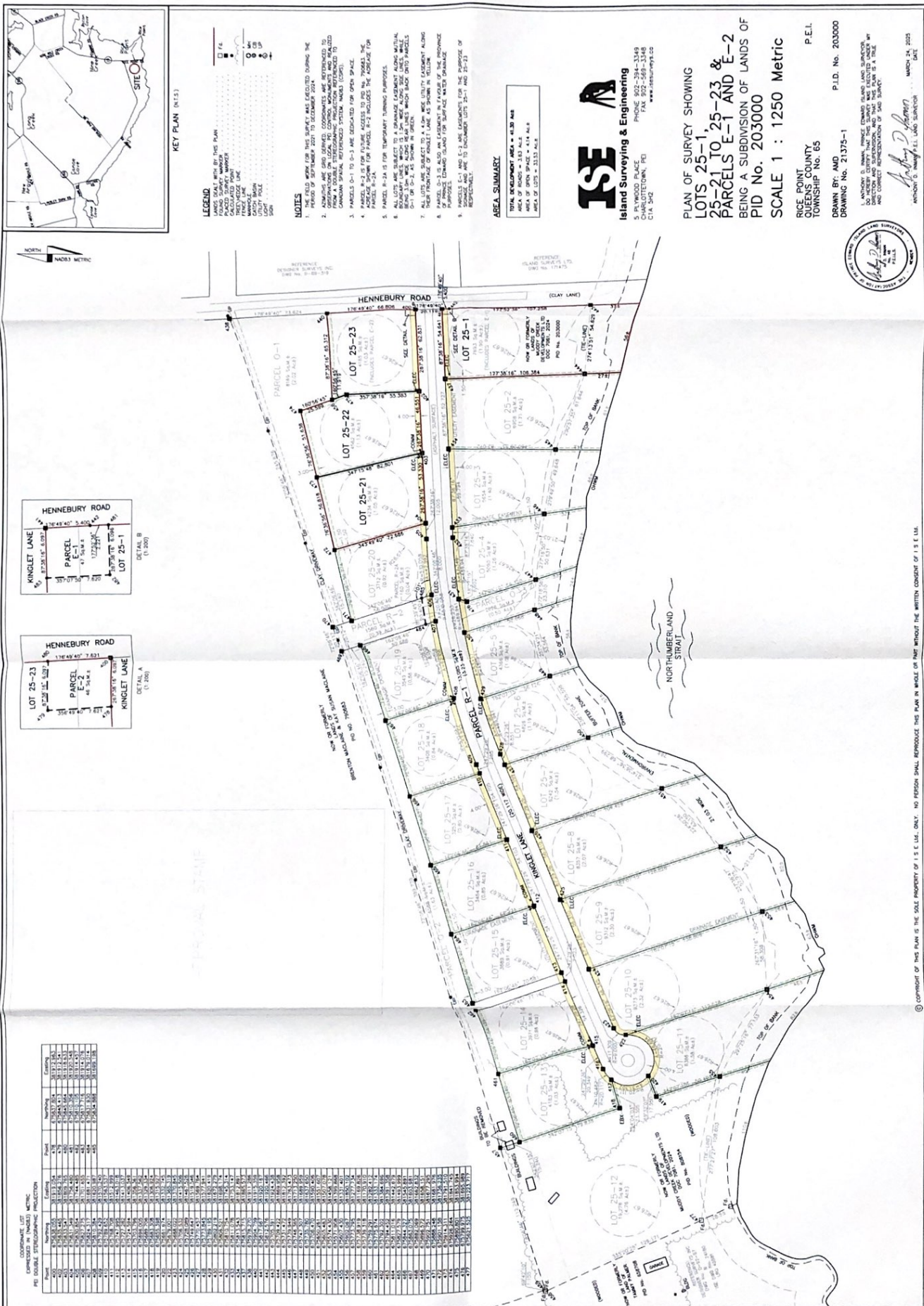
NOT TO BE USED FOR LEGAL DESCRIPTIONS. AUGUST 19, 2024  
 ANTHONY D. INMAN P.E.I. LAND SURVEYOR DATE

© COPYRIGHT OF THIS PLAN IS THE SOLE PROPERTY OF I S E Ltd., ONLY. NO PERSON SHALL REPRODUCE THIS PLAN IN WHOLE OR PART WITHOUT THE WRITTEN CONSENT OF I S E Ltd.









## ON-SITE SEWAGE DISPOSAL SYSTEM SITE SUITABILITY ASSESSMENT REPORT

HENNEBURY ROAD

RICE POINT, PE

(PID: 808154 AND 203000)

Prepared for:

Mr. Tim Hamel  
Arsenault Bros Construction Ltd  
75 W.B. MacPhail Drive  
Cornwall, PE  
C0A 1H5

September 26<sup>th</sup>, 2024

Project No: 17838

**FUNDY Engineering**

*Serving Our Clients' Needs First*

OFFICES IN SAINT JOHN AND CLYDE RIVER




<b>JOB FILE:</b>	17838- Hennebury Road, Rice Point, PE		
<b>PROJECT TITLE:</b>	On-Site Sewage Disposal System- Site Suitability Assessment		
<b>VERSION</b>	<b>ISSUANCE DATE</b>	<b>PREPARED BY</b>	<b>REVIEWED BY</b>
1.0	September 26 <sup>th</sup> , 2024	Logan MacKay P. Eng.	Rickey Wakelin C. Tech

**FUNDY Engineering**

Serving Our Clients' Needs First

*This report was prepared for the sole use of the Client. The material and observations presented reflects Fundy Engineering & Consulting Ltd.'s opinion and best judgment based on the information available. Fundy Engineering & Consulting Ltd. accepts no liability or responsibility whatsoever for or in respect of any use of or reliance upon the material, observations, and / or opinions by any third-party or for any damages suffered by any third-party resulting from the use of this report.*

**PROFESSIONAL SEAL:**



PROFESSIONAL ENGINEER  
THE ASSOCIATION OF  
PROFESSIONAL ENGINEERS  
OF THE PROVINCE OF  
PRINCE EDWARD ISLAND  
Logan T. MacKay  
2829  
DATE  
2024-09-25  
PROVINCE OF PRINCE EDWARD ISLAND

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## LIST OF APPENDICES

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## 1.0 INTRODUCTION

Fundy Engineering & Consulting Ltd. (Fundy Engineering) was retained by Arsenault Bros Construction Ltd. (the client) to undertake a site suitability assessment for on-site sewage disposal systems at a development located on Hennebury Road in Rice Point, PE. This area is in the Prince Edward Island Geographic Information System as PID 808154 and PID 203000. The area investigated is currently being used as farmland and a portion covered with woodland. An abandoned house and barn are located on the northwest corner of the property. A preliminary plan of the development which includes 23 lots was provided to Fundy Engineering by the client and is included in Appendix I.

### 1.1 SCOPE OF WORK COMPLETED

This following scope of work was performed by Fundy Engineering as part of this site suitability assessment investigation:

- Twenty-three test pits were extended to depths necessary to provide the required soils, bedrock, and groundwater information for the intended project;
- Standard Pask Constant Well Permeameter Testing was completed at each lot to determine the permeability of the soil;
- A Site Suitability Assessment report based on guidelines outlined in the On-Site Sewage Disposal Systems in PEI, Construction Standards Handbook, including an introduction, comments on the site, results of the field investigation, and conclusions/recommendations.

### 1.2 LIMITATIONS

The observations made and facts presented in this report are based on test pitting and permeability testing carried out from September 10<sup>th</sup> to 12<sup>th</sup>, 2024.

Test Pits and Boreholes are discrete investigations put down in a pattern based on experience and best practice that are most likely to determine subsurface conditions for the site. However, they are discrete and may not describe all conditions between the Test Pits and Boreholes.

While every effort has been made to determine the sewage disposal concerns pertaining to the proposed development, the discovery or development of additional concerns cannot be precluded. Further investigation may reveal additional information that may influence the recommendations included herein. Should such information be revealed, Fundy Engineering is to be notified in a timely fashion so that any required amendments to our recommendations can be made. Please refer to Appendix III for a complete list of limitations.

These results are reported confidentially to the client, who is advised to take appropriate action to rectify any areas of concern. No professional responsibility is assumed for them use or interpretation of these findings by others.

Fundy Engineering's investigation was limited to a total of twenty-three test pits.



## 2.0 BACKGROUND

### 2.1 SITE DESCRIPTION AND LOCATION

The subject site for this site suitability assessment is located on Hennebury Road in Rice Point, PE (PIDs 808154 and 203000).

The site is bordered by farmland to the North, Hennebury Road to the East, houses on the eastern side of Hennebury Road, woodland and a house to the West, and the Gulf of Saint Lawrence to the South.

The parcel has a naturally occurring downward slope from North to South with a gradual change.

### 2.2 SOILS SETTING & TOPOGRAPHY

Based on the Soils of Prince Edward Island Soil Survey from 1988, the property is located within the Charlottetown soils map unit. The survey describes the Charlottetown map unit as:

*Soils of the Charlottetown map unit are dominantly well drained, but a moderately well drained phase also occurs. Charlottetown soils have good surface drainage and adequate to rapid upper profile permeability, but below 50 or 60 cm the soils have fine porosity and slow hydraulic conductivity.*

Furthermore, the soils survey indicated that the property would have a slope of 2% to 9% and consist of Fine Sandy Loam.

## 3.0 SITE WORK COMPLETED

### 3.1 TEST PIT INVESTIGATION

A test pit investigation was completed at the subject site to collect information pertaining to the soil, bedrock, and groundwater properties in the project area, and to assess their suitability for on-site sewage disposal.

On September 10<sup>th</sup>, 2024, twenty-three (23) test pits were extended to obtain this information using an excavator, under the direction of Logan MacKay, *P. Eng*, of Fundy Engineering.

On September 11<sup>th</sup> and 12<sup>th</sup>, 2024 Pask In-situ Permeameter testing was completed at all twenty-three (23) proposed lots to determine the permeability of the soil at each location.

### 3.2 SOILS ENCOUNTERED

The soils encountered in all test pits completed can be primarily classified as either Sandy Loam or Loamy Sand.

A detailed description of the soils encountered in the investigation can be found on the test pits logs in Appendix II.

### 3.3 BEDROCK

Fractured sandstone bedrock was encountered in six of the test pits.

### 3.4 GROUNDWATER

No groundwater was encountered in any of the test pits.

#### 4.0 RECOMMENDATIONS AND CONCLUSIONS

The results of this site investigation indicate that generally, the soils are permeable as outlined in the On-Site Sewage Disposal Systems in PEI, Construction Standards Handbook and the lots are able to support on-site sewage disposal systems.

Four (4) of the lots have been assessed as "Category I" lots while the remaining nineteen (19) lots have been assessed as "Category II" lots.

At the locations of the Category II lots, the top 40 to 50 cm of soil is generally permeable before becoming denser. We recommend added 30 cm of approved Fill material at these locations to increase the thickness of permeable soil above the septic systems.

Test pit records that contain the assessed lot category and permeability testing results are included in Appendix II.

#### 5.0 CLOSING REMARKS

The recommendations herein have been devised based on the findings in this site suitability assessment. These recommendations are based on our current knowledge and understanding of the site in its present state. If there are any changes or discoveries identified in the future that may pertain to the site suitability aspects of this undertaking, we must be notified immediately to make any necessary changes or adjustments to our recommendations.

We trust this is sufficient for your present needs, please feel free to contact the undersigned for any additional information or clarification that may be required. This report has been prepared by Logan MacKay, *P.Eng.* and reviewed by Rickey Wakelin, *C.Tech.*

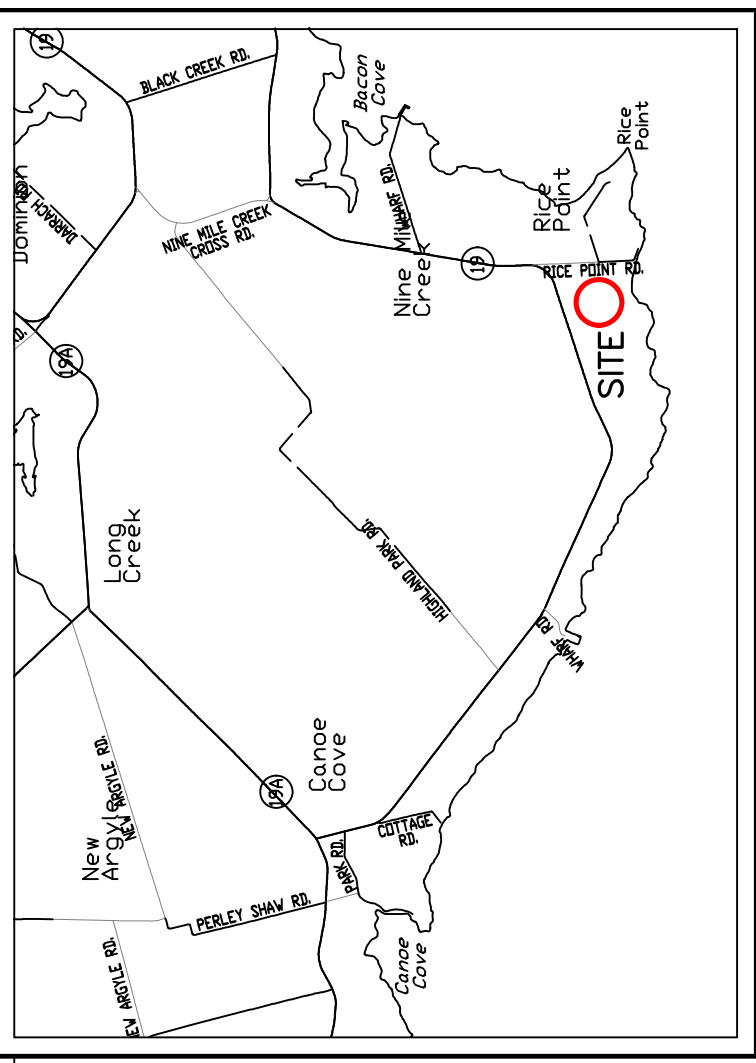
Sincerely,



**Mr. Logan MacKay, *P.Eng.***  
***Senior Geotechnical Engineer***

**APPENDIX I**  
**SITE LOCATION PLAN**





KEY PLAN (N.T.S.)

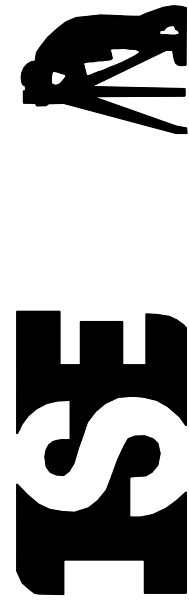
- LEGEND**
- LANDS DEALT WITH BY THIS PLAN . . . . .  
PLACED SURVEY MARKER . . . . .  
CALCULATED POINT . . . . .  
TREE/HEDGE LINE . . . . .  
MANHOLE . . . . .  
CATCH BASIN . . . . .  
UTILITY POLE . . . . .  
LIGHT SIGN . . . . .  
SIGN . . . . .
- Fd.  
MH  
CB  
UP

**NOTES**

1. THE FIELD WORK FOR THIS SURVEY WAS EXECUTED DURING THE PERIOD OF SEPTEMBER 2021 TO JULY 2024.
2. AZIMUTHS ARE GRID DERIVED. SURVEY REFERENCED TO PEI GRID MONUMENT No. 984.
3. PARCELS 0-1 TO 0-3 ARE DEDICATED FOR OPEN SPACE.
4. PARCEL R-2 IS FOR FUTURE ACCESS TO PID No. 790683.

**AREA SUMMARY**

TOTAL DEVELOPMENT AREA = 41.30 Ac±
AREA OF ROADS = 3.63 Ac±
AREA OF OPEN SPACE = 4.14 Ac±
AREA OF LOTS = 33.53 Ac±



**Island Surveying & Engineering**  
5 PLYWOOD PLACE  
CHARLOTTETOWN, PEI  
C1A 5H2  
PHONE 902-394-3349  
FAX 902-569-3348  
www.isesurveys.ca

PLAN OF SURVEY SHOWING  
LOTS 24-2 TO 24-20, &  
PARCELS 0-1 TO 0-3 &  
R-1 & R-2  
BEING A SUBDIVISION OF LANDS OF  
PID No. 808154 &  
PID No. 203000

SCALE 1 : 1250 Metric

RICE POINT  
QUEENS COUNTY  
TOWNSHIP No. 65  
P.E.I.

DRAWN BY: AMD  
DRAWING No. 21375  
P.I.D. No. 808154  
203000

I, ANTHONY D. INMAN, PRINCE EDWARD ISLAND SURVEYOR,  
DO HEREBY CERTIFY THAT THIS SURVEY WAS EXECUTED UNDER MY  
DIRECTION AND SUPERVISION, AND THAT THIS PLAN IS A TRUE  
AND CORRECT REPRESENTATION OF SAID SURVEY.

**PRELIMINARY PLAN ONLY**

NOT TO BE USED FOR LEGAL DESCRIPTIONS.  
ANTHONY D. INMAN P.E.I. LAND SURVEYOR . . . . . AUGUST 13, 2024  
DATE

COORDINATE LIST EXPRESSED IN (NAD83) METRIC PEI DOUBLE STEREOGRAPHIC PROJECTION		
Point	Northing	Easting
400	675859.52	381899.54
401	675859.52	381899.54
402	675833.547	381809.765
403	675833.547	381809.765
404	675831.349	381756.480
405	675830.854	381744.485
406	675824.317	381681.471
407	675824.317	381681.471
408	675810.384	381620.987
409	675792.429	381570.240
410	675788.708	381535.939
411	675788.708	381535.939
412	675747.995	381463.018
413	675727.282	381413.037
414	675724.594	381406.549
415	675696.005	381337.502
416	675696.005	381337.502
417	675689.706	381329.334
418	675683.308	381306.974
419	675655.999	381315.977
420	675655.999	381315.977
421	675674.593	381365.330
422	675679.001	381365.319
423	675688.022	381370.845
424	675688.022	381370.845
425	675720.089	381487.506
426	675749.647	381519.546
427	675770.457	381569.764
428	675773.845	381577.941
429	675773.845	381577.941
430	675802.219	381622.279
431	675806.521	381696.174
432	675810.754	381745.314
433	675811.193	381745.314
434	675811.193	381745.314
435	675815.375	381857.323
436	675815.375	381857.323
437	675815.715	381865.573
438	675878.270	381911.286
439	675878.270	381911.286
440	675878.270	381911.286
441	675811.987	381920.107
442	675812.576	381920.466
443	675705.391	381924.438
444	675747.307	381689.959
445	675747.307	381689.959
446	675705.422	381689.959
447	675738.949	381763.743
448	675746.365	381713.250
449	675747.307	381689.959
450	675705.422	381689.959
451	675650.281	381551.607
452	675605.483	381507.078
453	67574.430	381458.171
454	675650.281	381551.607
455	675607.430	381331.401
456	675902.087	381850.102
457	675773.795	381777.734
458	675738.949	381705.876
459	675738.949	381705.876
460	675759.291	381782.412
461	675775.674	381333.174
462	675792.302	381384.696
463	675792.302	381384.696
464	675811.016	381442.679
465	675827.579	381493.999
466	675844.327	381545.891
467	675853.075	381603.993
468	675853.075	381603.993
469	675896.572	381658.151
470	675902.751	381677.295
471	675896.248	381681.976
472	675911.339	381791.510
473	675911.339	381791.510
474	675926.284	381841.745
475	675890.801	381853.994
476	675793.975	381695.989
477	675793.975	381695.989
478	675995.151	381253.988

APPROVAL STAMP

REFERENCE:  
DESIGNER SURVEYS INC.  
DWG No. D-89-319

REFERENCE:  
ISLAND SURVEY LTD.  
DWG No. 171475

NORTHUMBERLAND STRAIT

ENVIRONMENTAL BUFFER ZONE

TOP OF BANK

TOP OF BANK

TOP OF BANK

**APPENDIX II**  
**TEST PIT LOGS**

## FUNDY Engineering

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Clyde River, PE Tel. (902) 675 4885  
Canada www.fundyeng.com  
C0A 1H1 fundy@fundyeng.com

Test Pit No: TP-24-Lot-01  
Location: Border of Lots 24-1 and 24-2  
Assessor: Logan MacKay, P.Eng.  
Date: 10-Sep-24

Project: Rice Point Subdivision Project No: 17838  
Client: Arsenault Bros. Construction Ltd. Temp.: 19°C  
Contractor: Island Coastal Services Ltd. Weather: Sunny

### Test Pit Record

Horizon	Depth (cm)	Soil Horizon Description
1	0-34	Sandy Loam; loose to compact, structureless, non-sticky, non-plastic, reddish brown, moist.
2	34-55	Sandy Loam; compact, weak platy, non-sticky, non-plastic, reddish brown, moist.
3	55-119	Sandy Loam; compact to dense, weak to moderate platy, non-sticky, non-plastic, reddish brown, moist, some gravel.
4	119-185	Sandy Loam; compact to dense, weak platy, non-sticky, non-plastic, reddish brown, moist.
Root Mat Thickness: 0 cm		Rooting Zone Depth: 55 cm

Estimated Depth of Permeable Soil: 55 cm  
Total Depth of Test Pit: 185 cm  
Depth to Water Table: Not evident  
Depth to Bedrock: Not evident  
Permeability: 0.25 cm/min  
Lot Category: **Category II**

Discussion: No evidence of mottling. Evidence of confining layers below 55 cm. Final test pit depth was 185 cm. Test pit remained open for several hours with no evidence of groundwater infiltration. Recommend adding 30 cm of permeable soil to increase depth of permeable zone thickness.



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Test Pit No: TP-24-Lot-02  
Location: Border of Lots 24-1 and 24-2  
Assessor: Logan MacKay, P.Eng.  
Date: 10-Sep-24

Project: Rice Point Subdivision Project No: 17838  
Client: Arsenault Bros. Construction Ltd. Temp.: 19°C  
Contractor: Island Coastal Services Ltd. Weather: Sunny

## Test Pit Record

Horizon	Depth (cm)	Soil Horizon Description
1	0-34	Sandy Loam; loose to compact, structureless, non-sticky, non-plastic, reddish brown, moist.
2	34-55	Sandy Loam; compact, weak platy, non-sticky, non-plastic, reddish brown, moist.
3	55-119	Sandy Loam; compact to dense, weak to moderate platy, non-sticky, non-plastic, reddish brown, moist, some gravel.
4	119-185	Sandy Loam; compact to dense, weak platy, non-sticky, non-plastic, reddish brown, moist.
Root Mat Thickness: 0 cm		Rooting Zone Depth: 55 cm

Estimated Depth of Permeable Soil: 55 cm  
Total Depth of Test Pit: 185 cm  
Depth to Water Table: Not evident  
Depth to Bedrock: Not evident  
Permeability: 0.25 cm/min  
Lot Category: **Category II**

Discussion: No evidence of mottling. Evidence of confining layers below 55 cm. Final test pit depth was 185 cm. Test pit remained open for several hours with no evidence of groundwater infiltration. Recommend adding 30 cm of permeable soil to increase depth of permeable zone thickness.

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Test Pit No: TP-24-Lot-03  
Location: Border of Lots 24-3 and 24-4  
Assessor: Logan MacKay, P.Eng.  
Date: 10-Sep-24

Project: Rice Point Subdivision Project No: 17838  
Client: Arsenault Bros. Construction Ltd. Temp.: 19°C  
Contractor: Island Coastal Services Ltd. Weather: Sunny

### Test Pit Record

Horizon	Depth (cm)	Soil Horizon Description
1	0-24	Sandy Loam; loose, structureless, non-sticky, non-plastic, reddish brown, moist.
2	24-46	Sandy Loam; loose to compact, structureless, non-sticky, non-plastic, reddish brown, moist.
3	46-125	Sandy Loam; compact to dense, weak to moderate platy, non-sticky, non-plastic, reddish brown, moist.
4	125-185	Sandy Loam; compact to dense, weak to moderate platy, non-sticky, non-plastic, reddish brown, moist, trace angular gravel and cobble.
Root Mat Thickness: 0 cm		Rooting Zone Depth: 55 cm

Estimated Depth of Permeable Soil: 46 cm  
Total Depth of Test Pit: 185 cm  
Depth to Water Table: Not evident  
Depth to Bedrock: Not evident  
Permeability: 0.2 cm/min  
Lot Category: **Category II**

Discussion: No evidence of mottling. Evidence of confining layers below 46 cm. Final test pit depth was 185 cm. Test pit remained open for several hours with no evidence of groundwater infiltration. Recommend adding 30 cm of permeable soil to increase depth of permeable zone thickness.



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Test Pit No: TP-24-Lot-04  
Location: Border of Lots 24-3 and 24-4  
Assessor: Logan MacKay, P.Eng.  
Date: 10-Sep-24

Project: Rice Point Subdivision Project No: 17838  
Client: Arsenault Bros. Construction Ltd. Temp.: 19°C  
Contractor: Island Coastal Services Ltd. Weather: Sunny

### Test Pit Record

Horizon	Depth (cm)	Soil Horizon Description
1	0-24	Sandy Loam; loose, structureless, non-sticky, non-plastic, reddish brown, moist.
2	24-46	Sandy Loam; loose to compact, structureless, non-sticky, non-plastic, reddish brown, moist.
3	46-125	Sandy Loam; compact to dense, weak to moderate platy, non-sticky, non-plastic, reddish brown, moist.
4	125-185	Sandy Loam; compact to dense, weak to moderate platy, non-sticky, non-plastic, reddish brown, moist, trace angular gravel and cobble.
Root Mat Thickness: 0 cm		Rooting Zone Depth: 55 cm

Estimated Depth of Permeable Soil: 46 cm  
Total Depth of Test Pit: 185 cm  
Depth to Water Table: Not evident  
Depth to Bedrock: Not evident  
Permeability: 0.2 cm/min  
Lot Category: **Category II**

Discussion: No evidence of mottling. Evidence of confining layers below 46 cm. Final test pit depth was 185 cm. Test pit remained open for several hours with no evidence of groundwater infiltration. Recommend adding 30 cm of permeable soil to increase depth of permeable zone thickness.

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Test Pit No: TP-24-Lot-05  
Location: Border of Lots 24-5 and 24-6  
Assessor: Logan MacKay, P.Eng.  
Date: 10-Sep-24

Project: Rice Point Subdivision Project No: 17838  
Client: Arsenault Bros. Construction Ltd. Temp.: 19°C  
Contractor: Island Coastal Services Ltd. Weather: Sunny

### Test Pit Record

Horizon	Depth (cm)	Soil Horizon Description
1	0-30	Sandy Loam; loose, structureless, non-sticky, non-plastic, reddish brown, moist.
2	30-116	Loamy Sand; loose to compact, structureless-granular, non-sticky, non-plastic, reddish brown, moist.
3	116-126	Silt Loam; compact, structureless- massive, plastic, greenish grey, moist.
4	126-185	Loamy Sand; loose to compact, structureless-granular, non-sticky, non-plastic, reddish brown, moist.
Root Mat Thickness: 0 cm		Rooting Zone Depth: 55 cm

Estimated Depth of Permeable Soil: 116 cm  
Total Depth of Test Pit: 185 cm  
Depth to Water Table: Not evident  
Depth to Bedrock: Not evident  
Permeability: 1.5 cm/min  
Lot Category: **Category I**

Discussion: No evidence of mottling. Evidence of Silt Loam confining layer at 116 cm. Final test pit depth was 185 cm. Test pit remained open for several hours with no evidence of groundwater infiltration.

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Test Pit No: TP-24-Lot-06  
Location: Border of Lots 24-5 and 24-6  
Assessor: Logan MacKay, P.Eng.  
Date: 10-Sep-24

Project: Rice Point Subdivision Project No: 17838  
Client: Arsenault Bros. Construction Ltd. Temp.: 19°C  
Contractor: Island Coastal Services Ltd. Weather: Sunny

### Test Pit Record

Horizon	Depth (cm)	Soil Horizon Description
1	0-30	Sandy Loam; loose, structureless, non-sticky, non-plastic, reddish brown, moist.
2	30-116	Loamy Sand; loose to compact, structureless-granular, non-sticky, non-plastic, reddish brown, moist.
3	116-126	Silt Loam; compact, structureless- massive, plastic, greenish grey, moist.
4	126-185	Loamy Sand; loose to compact, structureless-granular, non-sticky, non-plastic, reddish brown, moist.
Root Mat Thickness: 0 cm		Rooting Zone Depth: 55 cm

Estimated Depth of Permeable Soil: 116 cm  
Total Depth of Test Pit: 185 cm  
Depth to Water Table: Not evident  
Depth to Bedrock: Not evident  
Permeability: 1.5 cm/min  
Lot Category: **Category I**

Discussion: No evidence of mottling. Evidence of Silt Loam confining layer at 116 cm. Final test pit depth was 185 cm. Test pit remained open for several hours with no evidence of groundwater infiltration.

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Test Pit No: TP-24-Lot-07  
Location: Border of Lots 24-7 and 24-8  
Assessor: Logan MacKay, P.Eng.  
Date: 10-Sep-24

Project: Rice Point Subdivision Project No: 17838  
Client: Arsenault Bros. Construction Ltd. Temp.: 19°C  
Contractor: Island Coastal Services Ltd. Weather: Sunny

## Test Pit Record

Horizon	Depth (cm)	Soil Horizon Description
1	0-26	Sandy Loam; loose to compact, structureless, non-sticky, non-plastic, reddish brown, moist.
2	26-56	Sandy Loam; compact, structureless to weak platy, non-sticky, non-plastic, reddish brown, moist.
3	56-145	Sandy Loam; compact to dense, weakplaty, non-sticky, non-plastic, reddish brown, moist, trace angular gravel and cobble.
4	145-185	Sandy Loam; compact, weak platy, non-sticky, non-plastic, reddish brown, moist.
Root Mat Thickness: 0 cm		Rooting Zone Depth: 55 cm

Estimated Depth of Permeable Soil: 56 cm  
Total Depth of Test Pit: 185 cm  
Depth to Water Table: Not evident  
Depth to Bedrock: Not evident  
Permeability: 0.4 cm/min  
Lot Category: **Category II**

Discussion: No evidence of mottling. Evidence of confining layers below 56 cm. Final test pit depth was 185 cm. Test pit remained open for several hours with no evidence of groundwater infiltration. Recommend adding 30 cm of permeable soil to increase depth of permeable zone thickness.

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Test Pit No: TP-24-Lot-08  
Location: Border of Lots 24-7 and 24-8  
Assessor: Logan MacKay, P.Eng.  
Date: 10-Sep-24

Project: Rice Point Subdivision Project No: 17838  
Client: Arsenault Bros. Construction Ltd. Temp.: 19°C  
Contractor: Island Coastal Services Ltd. Weather: Sunny

## Test Pit Record

Horizon	Depth (cm)	Soil Horizon Description
1	0-26	Sandy Loam; loose to compact, structureless, non-sticky, non-plastic, reddish brown, moist.
2	26-56	Sandy Loam; compact, structureless to weak platy, non-sticky, non-plastic, reddish brown, moist.
3	56-145	Sandy Loam; compact to dense, weakplaty, non-sticky, non-plastic, reddish brown, moist, trace angular gravel and cobble.
4	145-185	Sandy Loam; compact, weak platy, non-sticky, non-plastic, reddish brown, moist.
Root Mat Thickness: 0 cm		Rooting Zone Depth: 55 cm

Estimated Depth of Permeable Soil: 56 cm  
Total Depth of Test Pit: 185 cm  
Depth to Water Table: Not evident  
Depth to Bedrock: Not evident  
Permeability: 0.4 cm/min  
Lot Category: **Category II**

Discussion: No evidence of mottling. Evidence of confining layers below 56 cm. Final test pit depth was 185 cm. Test pit remained open for several hours with no evidence of groundwater infiltration. Recommend adding 30 cm of permeable soil to increase depth of permeable zone thickness.

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Test Pit No: TP-24-Lot-09  
Location: Border of Lots 24-9 and 24-10  
Assessor: Logan MacKay, P.Eng.  
Date: 10-Sep-24

Project: Rice Point Subdivision Project No: 17838  
Client: Arsenault Bros. Construction Ltd. Temp.: 19°C  
Contractor: Island Coastal Services Ltd. Weather: Sunny

## Test Pit Record

Horizon	Depth (cm)	Soil Horizon Description
1	0-15	Sandy Loam; loose, structureless, non-sticky, non-plastic, reddish brown, moist.
2	15-50	Sandy Loam; loose to compact, structureless to weak platy, non-sticky, non-plastic, reddish brown, moist.
3	50-140	Sandy Loam; compact to dense, weak platy, non-sticky, non-plastic, reddish brown, moist, trace angular gravel and cobble.
4	140-185	Sandy Loam; compact, weak platy, non-sticky, non-plastic, reddish brown, moist.
Root Mat Thickness: 0 cm		Rooting Zone Depth: 55 cm

Estimated Depth of Permeable Soil: 50 cm  
Total Depth of Test Pit: 185 cm  
Depth to Water Table: Not evident  
Depth to Bedrock: Not evident  
Permeability: 0.4 cm/min  
Lot Category: **Category II**

Discussion: No evidence of mottling. Evidence of confining layers below 50 cm. Final test pit depth was 185 cm. Test pit remained open for several hours with no evidence of groundwater infiltration. Recommend adding 30 cm of permeable soil to increase depth of permeable zone thickness.

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Test Pit No: TP-24-Lot-10  
Location: Border of Lots 24-9 and 24-10  
Assessor: Logan MacKay, P.Eng.  
Date: 10-Sep-24

Project: Rice Point Subdivision Project No: 17838  
Client: Arsenault Bros. Construction Ltd. Temp.: 19°C  
Contractor: Island Coastal Services Ltd. Weather: Sunny

## Test Pit Record

Horizon	Depth (cm)	Soil Horizon Description
1	0-15	Sandy Loam; loose, structureless, non-sticky, non-plastic, reddish brown, moist.
2	15-50	Sandy Loam; loose to compact, structureless to weak platy, non-sticky, non-plastic, reddish brown, moist.
3	50-140	Sandy Loam; compact to dense, weak platy, non-sticky, non-plastic, reddish brown, moist, trace angular gravel and cobble.
4	140-185	Sandy Loam; compact, weak platy, non-sticky, non-plastic, reddish brown, moist.
Root Mat Thickness: 0 cm		Rooting Zone Depth: 55 cm

Estimated Depth of Permeable Soil: 50 cm  
Total Depth of Test Pit: 185 cm  
Depth to Water Table: Not evident  
Depth to Bedrock: Not evident  
Permeability: 0.4 cm/min  
Lot Category: **Category II**

Discussion: No evidence of mottling. Evidence of confining layers below 50 cm. Final test pit depth was 185 cm. Test pit remained open for several hours with no evidence of groundwater infiltration. Recommend adding 30 cm of permeable soil to increase depth of permeable zone thickness.

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Test Pit No: TP-24-Lot-11  
Location: Border of Lots 24-11 and 24-12  
Assessor: Logan MacKay, P.Eng.  
Date: 10-Sep-24

Project: Rice Point Subdivision Project No: 17838  
Client: Arsenault Bros. Construction Ltd. Temp.: 19°C  
Contractor: Island Coastal Services Ltd. Weather: Sunny

## Test Pit Record

Horizon	Depth (cm)	Soil Horizon Description
1	0-25	Sandy Loam; loose, structureless, non-sticky, non-plastic, reddish brown, moist.
2	25-53	Sandy Loam; loose to compact, structureless to weak platy, non-sticky, non-plastic, reddish brown, moist.
3	53-145	Sandy Loam; compact to dense, weak platy, non-sticky, non-plastic, reddish brown, moist, trace angular gravel and cobble.
4	145-185	Sandy Loam; compact, weak platy, non-sticky, non-plastic, reddish brown, moist.
Root Mat Thickness: 0 cm		Rooting Zone Depth: 60 cm

Estimated Depth of Permeable Soil: 53 cm  
Total Depth of Test Pit: 185 cm  
Depth to Water Table: Not evident  
Depth to Bedrock: Not evident  
Permeability: 0.4 cm/min  
Lot Category: **Category II**

Discussion: No evidence of mottling. Evidence of confining layers below 53 cm. Final test pit depth was 185 cm. Test pit remained open for several hours with no evidence of groundwater infiltration. Recommend adding 30 cm of permeable soil to increase depth of permeable zone thickness.



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Test Pit No: TP-24-Lot-12  
Location: Border of Lots 24-11 and 24-12  
Assessor: Logan MacKay, P.Eng.  
Date: 10-Sep-24

Project: Rice Point Subdivision Project No: 17838  
Client: Arsenault Bros. Construction Ltd. Temp.: 19°C  
Contractor: Island Coastal Services Ltd. Weather: Sunny

## Test Pit Record

Horizon	Depth (cm)	Soil Horizon Description
1	0-25	Sandy Loam; loose, structureless, non-sticky, non-plastic, reddish brown, moist.
2	25-53	Sandy Loam; loose to compact, structureless to weak platy, non-sticky, non-plastic, reddish brown, moist.
3	53-145	Sandy Loam; compact to dense, weak platy, non-sticky, non-plastic, reddish brown, moist, trace angular gravel and cobble.
4	145-185	Sandy Loam; compact, weak platy, non-sticky, non-plastic, reddish brown, moist.
Root Mat Thickness: 0 cm		Rooting Zone Depth: 60 cm

Estimated Depth of Permeable Soil: 53 cm  
Total Depth of Test Pit: 185 cm  
Depth to Water Table: Not evident  
Depth to Bedrock: Not evident  
Permeability: 0.4 cm/min  
Lot Category: **Category II**

Discussion: No evidence of mottling. Evidence of confining layers below 53 cm. Final test pit depth was 185 cm. Test pit remained open for several hours with no evidence of groundwater infiltration. Recommend adding 30 cm of permeable soil to increase depth of permeable zone thickness.

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Test Pit No: TP-24-Lot-13  
Location: Border of Lots 24-12 and 24-13  
Assessor: Logan MacKay, P.Eng.  
Date: 10-Sep-24

Project: Rice Point Subdivision Project No: 17838  
Client: Arsenault Bros. Construction Ltd. Temp.: 19°C  
Contractor: Island Coastal Services Ltd. Weather: Sunny

### Test Pit Record

Horizon	Depth (cm)	Soil Horizon Description
1	0-25	Sandy Loam; loose, structureless, non-sticky, non-plastic, reddish brown, moist.
2	25-45	Sandy Loam; loose to compact, structureless to weak platy, non-sticky, non-plastic, reddish brown, moist.
3	45-175	Sandy Loam; compact to dense, weak platy, non-sticky, non-plastic, reddish brown, moist, trace angular gravel and cobble.
4	175-185	Fractured Sandstone Bedrock
Root Mat Thickness: 0 cm		Rooting Zone Depth: 50 cm

Estimated Depth of Permeable Soil: 45 cm  
Total Depth of Test Pit: 185 cm  
Depth to Water Table: Not evident  
Depth to Bedrock: 175 cm  
Permeability: 0.3 cm/min  
Lot Category: **Category II**

Discussion: No evidence of mottling. Evidence of confining layers below 45 cm. Final test pit depth was 185 cm. Test pit remained open for several hours with no evidence of groundwater infiltration. Recommend adding 30 cm of permeable soil to increase depth of permeable zone thickness.

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Test Pit No: TP-24-Lot-14  
Location: Border of Lots 24-14 and 24-15  
Assessor: Logan MacKay, P.Eng.  
Date: 10-Sep-24

Project: Rice Point Subdivision Project No: 17838  
Client: Arsenault Bros. Construction Ltd. Temp.: 18°C  
Contractor: Island Coastal Services Ltd. Weather: Sunny

### Test Pit Record

Horizon	Depth (cm)	Soil Horizon Description
1	0-44	Sandy Loam; loose to compact, structureless, non-sticky, non-plastic, reddish brown, moist.
2	44-75	Sandy Loam; loose to compact, weak platy, non-sticky, non-plastic, reddish brown, moist.
3	75-145	Sandy Loam; compact, weak to moderate platy, non-sticky, non-plastic, reddish brown, moist, trace angular gravel and cobble.
4	145-205	Sandy Loam; compact, weak platy, non-sticky, non-plastic, reddish brown, moist, trace angular gravel and cobble.
5	205	Fractured Sandstone Bedrock

Root Mat Thickness: 0 cm

Rooting Zone Depth: 50 cm

Estimated Depth of Permeable Soil: 44 cm  
Total Depth of Test Pit: 210 cm  
Depth to Water Table: Not evident  
Depth to Bedrock: 205 cm  
Permeability: 0.2 cm/min  
Lot Category: **Category II**

Discussion:

No evidence of mottling. Evidence of confining layers below 44 cm. Final test pit depth was 210 cm. Test pit remained open for several hours with no evidence of groundwater infiltration. Recommend adding 30 cm of permeable soil to increase depth of permeable zone thickness.

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Test Pit No: TP-24-Lot-15  
Location: Border of Lots 24-14 and 24-15  
Assessor: Logan MacKay, P.Eng.  
Date: 10-Sep-24

Project: Rice Point Subdivision Project No: 17838  
Client: Arsenault Bros. Construction Ltd. Temp.: 18°C  
Contractor: Island Coastal Services Ltd. Weather: Sunny

## Test Pit Record

Horizon	Depth (cm)	Soil Horizon Description
1	0-44	Sandy Loam; loose to compact, structureless, non-sticky, non-plastic, reddish brown, moist.
2	44-75	Sandy Loam; loose to compact, weak platy, non-sticky, non-plastic, reddish brown, moist.
3	75-145	Sandy Loam; compact, weak to moderate platy, non-sticky, non-plastic, reddish brown, moist, trace angular gravel and cobble.
4	145-205	Sandy Loam; compact, weak platy, non-sticky, non-plastic, reddish brown, moist, trace angular gravel and cobble.
5	205	Fractured Sandstone Bedrock

Root Mat Thickness: 0 cm

Rooting Zone Depth: 50 cm

Estimated Depth of Permeable Soil: 44 cm  
Total Depth of Test Pit: 210 cm  
Depth to Water Table: Not evident  
Depth to Bedrock: 205 cm  
Permeability: 0.2 cm/min  
Lot Category: **Category II**

Discussion:

No evidence of mottling. Evidence of confining layers below 44 cm. Final test pit depth was 210 cm. Test pit remained open for several hours with no evidence of groundwater infiltration. Recommend adding 30 cm of permeable soil to increase depth of permeable zone thickness.

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Test Pit No: TP-24-Lot-16  
Location: Border of Lots 24-16 and 24-17  
Assessor: Logan MacKay, P.Eng.  
Date: 10-Sep-24

Project: Rice Point Subdivision Project No: 17838  
Client: Arsenault Bros. Construction Ltd. Temp.: 19°C  
Contractor: Island Coastal Services Ltd. Weather: Sunny

## Test Pit Record

Horizon	Depth (cm)	Soil Horizon Description
1	0-40	Sandy Loam; loose, structureless, non-sticky, non-plastic, reddish brown, moist.
2	40-50	Sandy Loam; loose to compact, structureless to weak platy, non-sticky, non-plastic, reddish brown, moist.
3	50-145	Sandy Loam; compact to dense, weak platy, non-sticky, non-plastic, reddish brown, moist, trace angular gravel and cobble.
4	145-200	Sandy Loam; dense, weak platy, non-sticky, non-plastic, reddish brown, moist, trace angular gravel and cobble.
Root Mat Thickness: 0 cm		Rooting Zone Depth: 50 cm

Estimated Depth of Permeable Soil: 50 cm  
Total Depth of Test Pit: 200 cm  
Depth to Water Table: Not evident  
Depth to Bedrock: Not evident  
Permeability: 0.2 cm/min  
Lot Category: **Category II**  
No evidence of mottling. Evidence of confining layers below 50 cm. Final test pit depth was 200 cm. Test pit remained open for several hours with no evidence of groundwater infiltration.  
Discussion: Recommend adding 30 cm of permeable soil to increase depth of permeable zone thickness.

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Test Pit No: TP-24-Lot-17  
Location: Border of Lots 24-16 and 24-17  
Assessor: Logan MacKay, P.Eng.  
Date: 10-Sep-24

Project: Rice Point Subdivision Project No: 17838  
Client: Arsenault Bros. Construction Ltd. Temp.: 19°C  
Contractor: Island Coastal Services Ltd. Weather: Sunny

## Test Pit Record

Horizon	Depth (cm)	Soil Horizon Description
1	0-40	Sandy Loam; loose, structureless, non-sticky, non-plastic, reddish brown, moist.
2	40-50	Sandy Loam; loose to compact, structureless to weak platy, non-sticky, non-plastic, reddish brown, moist.
3	50-145	Sandy Loam; compact to dense, weak platy, non-sticky, non-plastic, reddish brown, moist, trace angular gravel and cobble.
4	145-200	Sandy Loam; dense, weak platy, non-sticky, non-plastic, reddish brown, moist, trace angular gravel and cobble.
Root Mat Thickness: 0 cm		Rooting Zone Depth: 50 cm

Estimated Depth of Permeable Soil: 50 cm  
Total Depth of Test Pit: 200 cm  
Depth to Water Table: Not evident  
Depth to Bedrock: Not evident  
Permeability: 0.2 cm/min  
Lot Category: **Category II**  
No evidence of mottling. Evidence of confining layers below 50 cm. Final test pit depth was 200 cm. Test pit remained open for several hours with no evidence of groundwater infiltration.  
Discussion: Recommend adding 30 cm of permeable soil to increase depth of permeable zone thickness.

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Test Pit No: TP-24-Lot-18  
Location: Border of Lots 24-18 and 24-19  
Assessor: Logan MacKay, P.Eng.  
Date: 10-Sep-24

Project: Rice Point Subdivision Project No: 17838  
Client: Arsenault Bros. Construction Ltd. Temp.: 17°C  
Contractor: Island Coastal Services Ltd. Weather: Sunny

## Test Pit Record

Horizon	Depth (cm)	Soil Horizon Description
1	0-25	Sandy Loam; loose, structureless, non-sticky, non-plastic, reddish brown, moist.
2	25-72	Loamy Sand; loose, structureless-granular, non-sticky, non-plastic, reddish brown, dry to moist.
3	72-102	Sandy Loam; dense, weak platy, non-sticky, non-plastic, reddish brown, moist.
4	102-185	Loamy Sand; loose to compact, structureless-granular, non-sticky, non-plastic, reddish brown, moist.

Root Mat Thickness: 0 cm

Rooting Zone Depth: 40 cm

Estimated Depth of Permeable Soil: 72 cm  
Total Depth of Test Pit: 185 cm  
Depth to Water Table: Not evident  
Depth to Bedrock: Not evident  
Permeability: 5.0 cm/min  
Lot Category: **Category I**

No evidence of mottling. Evidence of confining layers below 72 cm.  
Final test pit depth was 185 cm. Test pit remained open for several hours with no evidence of groundwater infiltration.

Discussion:

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Test Pit No: TP-24-Lot-19  
Location: Border of Lots 24-18 and 24-19  
Assessor: Logan MacKay, P.Eng.  
Date: 10-Sep-24

Project: Rice Point Subdivision Project No: 17838  
Client: Arsenault Bros. Construction Ltd. Temp.: 17°C  
Contractor: Island Coastal Services Ltd. Weather: Sunny

## Test Pit Record

Horizon	Depth (cm)	Soil Horizon Description
1	0-25	Sandy Loam; loose, structureless, non-sticky, non-plastic, reddish brown, moist.
2	25-72	Loamy Sand; loose, structureless-granular, non-sticky, non-plastic, reddish brown, dry to moist.
3	72-102	Sandy Loam; dense, weak platy, non-sticky, non-plastic, reddish brown, moist.
4	102-185	Loamy Sand; loose to compact, structureless-granular, non-sticky, non-plastic, reddish brown, moist.

Root Mat Thickness: 0 cm

Rooting Zone Depth: 40 cm

Estimated Depth of Permeable Soil: 72 cm  
Total Depth of Test Pit: 185 cm  
Depth to Water Table: Not evident  
Depth to Bedrock: Not evident  
Permeability: 5.0 cm/min  
Lot Category: **Category I**

No evidence of mottling. Evidence of confining layers below 72 cm.  
Final test pit depth was 185 cm. Test pit remained open for several hours with no evidence of groundwater infiltration.

Discussion:



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Test Pit No: TP-24-Lot-20  
Location: Border of Lots 24-20 and 24-21  
Assessor: Logan MacKay, P.Eng.  
Date: 10-Sep-24

Project: Rice Point Subdivision Project No: 17838  
Client: Arsenault Bros. Construction Ltd. Temp.: 19°C  
Contractor: Island Coastal Services Ltd. Weather: Sunny

## Test Pit Record

Horizon	Depth (cm)	Soil Horizon Description
1	0-33	Sandy Loam; loose, structureless, non-sticky, non-plastic, reddish brown, moist.
2	33-50	Sandy Loam; loose to compact, structureless to weak platy, non-sticky, non-plastic, reddish brown, moist.
3	50-125	Sandy Loam; dense, weak platy, non-sticky, non-plastic, reddish brown, moist, trace angular gravel and cobble.
4	125-185	Fractured Sandstone Bedrock
Root Mat Thickness: 0 cm		Rooting Zone Depth: 50 cm

Estimated Depth of Permeable Soil: 50 cm  
Total Depth of Test Pit: 185 cm  
Depth to Water Table: Not evident  
Depth to Bedrock: 125 cm  
Permeability: 0.2 cm/min  
Lot Category: **Category II**  
No evidence of mottling. Evidence of confining layers below 50 cm. Final test pit depth was 185 cm. Test pit remained open for several hours with no evidence of groundwater infiltration.  
Discussion: Recommend adding 30 cm of permeable soil to increase depth of permeable zone thickness.

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Test Pit No: TP-24-Lot-21  
Location: Border of Lots 24-20 and 24-21  
Assessor: Logan MacKay, P.Eng.  
Date: 10-Sep-24

Project: Rice Point Subdivision Project No: 17838  
Client: Arsenault Bros. Construction Ltd. Temp.: 19°C  
Contractor: Island Coastal Services Ltd. Weather: Sunny

## Test Pit Record

Horizon	Depth (cm)	Soil Horizon Description
1	0-33	Sandy Loam; loose, structureless, non-sticky, non-plastic, reddish brown, moist.
2	33-50	Sandy Loam; loose to compact, structureless to weak platy, non-sticky, non-plastic, reddish brown, moist.
3	50-125	Sandy Loam; dense, weak platy, non-sticky, non-plastic, reddish brown, moist, trace angular gravel and cobble.
4	125-185	Fractured Sandstone Bedrock
Root Mat Thickness: 0 cm		Rooting Zone Depth: 50 cm

Estimated Depth of Permeable Soil: 50 cm  
Total Depth of Test Pit: 185 cm  
Depth to Water Table: Not evident  
Depth to Bedrock: 125 cm  
Permeability: 0.2 cm/min  
Lot Category: **Category II**  
No evidence of mottling. Evidence of confining layers below 50 cm. Final test pit depth was 185 cm. Test pit remained open for several hours with no evidence of groundwater infiltration.  
Recommend adding 30 cm of permeable soil to increase depth of permeable zone thickness.

Discussion:

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Test Pit No: TP-24-Lot-22  
Location: Border of Lots 24-22 and 24-23  
Assessor: Logan MacKay, P.Eng.  
Date: 10-Sep-24

Project: Rice Point Subdivision Project No: 17838  
Client: Arsenault Bros. Construction Ltd. Temp.: 19°C  
Contractor: Island Coastal Services Ltd. Weather: Sunny

## Test Pit Record

Horizon	Depth (cm)	Soil Horizon Description
1	0-20	Sandy Loam; loose, structureless, non-sticky, non-plastic, reddish brown, moist.
2	20-50	Sandy Loam; loose to compact, structureless to weak platy, non-sticky, non-plastic, reddish brown, moist.
3	50-125	Sandy Loam; compact, weak platy, non-sticky, non-plastic, reddish brown, moist, trace angular gravel and cobble.
4	125-175	Factured Sandstone Bedrock
Root Mat Thickness: 0 cm		Rooting Zone Depth: 50 cm

Estimated Depth of Permeable Soil: 50 cm  
Total Depth of Test Pit: 175 cm  
Depth to Water Table: Not evident  
Depth to Bedrock: 125 cm  
Permeability: 0.2 cm/min  
Lot Category: **Category II**  
No evidence of mottling. Evidence of confining layers below 50 cm. Final test pit depth was 175 cm. Test pit remained open for several hours with no evidence of groundwater infiltration.  
Discussion: Recommend adding 30 cm of permeable soil to increase depth of permeable zone thickness.

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Test Pit No: TP-24-Lot-23  
Location: Border of Lots 24-22 and 24-23  
Assessor: Logan MacKay, P.Eng.  
Date: 10-Sep-24

Project: Rice Point Subdivision Project No: 17838  
Client: Arsenault Bros. Construction Ltd. Temp.: 19°C  
Contractor: Island Coastal Services Ltd. Weather: Sunny

### Test Pit Record

Horizon	Depth (cm)	Soil Horizon Description
1	0-20	Sandy Loam; loose, structureless, non-sticky, non-plastic, reddish brown, moist.
2	20-50	Sandy Loam; loose to compact, structureless to weak platy, non-sticky, non-plastic, reddish brown, moist.
3	50-125	Sandy Loam; compact, weak platy, non-sticky, non-plastic, reddish brown, moist, trace angular gravel and cobble.
4	125-175	Factured Sandstone Bedrock
Root Mat Thickness: 0 cm		Rooting Zone Depth: 50 cm

Estimated Depth of Permeable Soil: 50 cm  
Total Depth of Test Pit: 175 cm  
Depth to Water Table: Not evident  
Depth to Bedrock: 125 cm  
Permeability: 0.2 cm/min  
Lot Category: **Category II**  
No evidence of mottling. Evidence of confining layers below 50 cm. Final test pit depth was 175 cm. Test pit remained open for several hours with no evidence of groundwater infiltration.  
Discussion: Recommend adding 30 cm of permeable soil to increase depth of permeable zone thickness.

**APPENDIX III**

**LIMITATIONS**

## Site Investigations

### ***Legal Notification***

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### ***Basis of Report***

This report is based on site conditions known or inferred during the site investigation that was conducted during the period noted in this report. Should changes occur that could potentially impact the condition of the site, or if construction is initiated more than one year following the date of this report, Fundy Engineering's recommendations may require re-evaluation.

When completing a site investigation, Fundy Engineering adheres to appropriate codes and standards. This report is provided solely for the guidance of design engineers and assumes that their design will be in accordance with applicable codes and standards. Any changes in the design features that could potentially impact the geotechnical analyses or issues concerning the geotechnical aspects of applicable codes and standards will necessitate a review of the design by Fundy Engineering. Additional fieldwork and reporting may be required as part of that review.

Where applicable, field services recommended by Fundy Engineering are those considered necessary to ascertain that the investigation will be carried out in general conformity with sound environmental investigation practices and the expertise of Fundy Engineering's trained professional and technical / scientific staff.

Where applicable, field services recommended by Fundy Engineering are those considered necessary to ascertain that construction will be carried out in general conformity with building code guidelines, sound geotechnical practices, and expertise of Fundy Engineering's trained professional and technical / scientific staff. Any reduction in the level of services recommended will result in Fundy Engineering providing qualified opinions regarding the adequacy of the work. Fundy Engineering can assist design professionals or contractors retained by the Client to review applicable plans, drawings, and specifications as they relate to this report or to conduct field reviews during construction.

Contractors contemplating work on the site are responsible for conducting an independent site investigation and interpretation of the results included in this report. The number of test pits and / or boreholes necessary to determine the localized underground conditions



as they impact construction costs, techniques, sequencing, equipment, and scheduling may be greater than those carried out for the purpose of this report.

Classification and identification of soils, rocks, geological units, contaminant materials, building envelope assessments, and engineering assessments are based on investigations performed in accordance with the standard of care set out below and require exercising judgement. Therefore, even comprehensive sampling and testing programs implemented with appropriate equipment by experienced personnel may fail to identify or locate some conditions. Although all Fundy Engineering site investigations are completed by qualified persons using their professional experience and best practices, all site investigations involve an inherent risk that some conditions may not be detected. All documents or records summarizing investigations are based on assumptions or inferences of what exists between the actual discrete points sampled. Actual conditions between the discrete points investigated may vary significantly. Some conditions are subject to change over time and this report presents the condition at the discrete points sampled during the period noted in this report. Where special concerns exist, or the Client has special considerations or requirements, those should be disclosed to Fundy Engineering to allow for additional or special investigations to be conducted that were not otherwise within the scope of work for the geotechnical investigation completed for this report.

#### ***Reliance of Information Provided***

The evaluation and conclusions provided in this report are based on conditions in evidence at the time of site inspections during the period noted in this report and information provided to Fundy Engineering by the Client and others. This report was prepared for the specific site, development, building, design, or building assessment objectives and purpose as communicated by the Client and noted in this report. Fundy Engineering has relied in good faith upon such representations, information, and instructions and accepts no responsibility for any deficiency, misstatement, or inaccuracy contained in this report because of any misstatements, omissions, misrepresentations, or fraudulent acts of persons providing the information. Unless specifically stated otherwise, the applicability and reliability of the findings, recommendations, suggestions, or opinions expressed in this report are only valid to the extent that there is no material alteration to or variation from any of the information provided to Fundy Engineering.

#### ***Standard of Care***

This report was prepared in a manner consistent with the degree of care and skill exercised by geotechnical engineering consultants practicing under similar circumstances and similar location(s) during the period noted in this report and in accordance with the scope of work noted. No other warranty, expressed or implied, is made. Unless specifically stated otherwise, this report does not contain environmental consulting advice.

#### ***Complete Report***

All documents, records, data, and files, whether electronic or otherwise, created as part of this work are part of this report. That material includes, but is not limited to, the terms of reference provided to Fundy Engineering by the Client, communications between Fundy Engineering and the Client, other reports, proposals, or documents prepared by Fundy Engineering for the Client in relation to the site described in this report. To adequately

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
















### Stormwater Information

This stormwater management plan is for the proposed 24 lot subdivision development located in Rice Point, PEI.

[illegible]

LEGEND:	
NEW ASPHALT	
STRAWBALE CHECKDAM	
RIP-RAP CHECKDAM	
SHOULDER	
EDGE OF PAVEMENT	
NEW MH	
EX. MH	
NEW CB	
DITCH	
EXISTING PROPERTY	
NEW SAN. MAIN	
NEW SAN. SERVICE	
NEW SPOT ELEVATION	
EXISTING SPOT ELEVATION	
POWER POLE	
LIGHT POLE	
SURVEY MARKER FOUND.	
EXISTING CONTOUR	
NEW HYDRAUNT	
NEW VALVE	
EX. VALVE	
NEW STORM	
EX. STORM	
NEW WATERMAIN	
EX. WATERMAIN	
NEW WATER SERVICE	

[illegible]

## REVISIONS



SCL Engineering (2005) Inc.

*Consulting Engineers & Project Managers*

16 Great George Street, Landing Place  
P.O. Box 731, Charlottetown, P.E.I., C1A 7L3  
Phone: (902) 628-8620, Fax: (902) 892-8620

Engineer's Seal

RICE POINT SUBDIVISION  
Rice Point, PEI

STORMWATER PLAN

Project No.	222006	Date	DEC, 2023
Checked	C.M.	Scale	1:4000
Drawn	C.M.	File Name	

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- GENERAL NOTES:
1. FINAL FOUNDATION ELEVATION WILL VARY DEPENDING ON BUILDING CONFIGURATION AND BUILDING LOCATION.
  2. LOT PLANS ARE TO INCLUDE DRIVEWAY LOCATIONS AND GRADES.
  3. GRADING OF LOTS TO USE SILT FENCE, CHECK DAMS AND SOIL STABILIZATION AS REQUIRED TO PROVIDE EROSION AND SEDIMENT CONTROL UNTIL SEEDING AND VEGETATION IS ESTABLISHED.

TF=TOP OF FOUNDATION

LEGEND:

NEW ASPHALT

STRAWBALE CHECKDAM

RIP-RAP CHECKDAM

SHOULDER

EDGE OF PAVEMENT

NEW MH

EX. MH

NEW CB

EXISTING PROPERTY

NEW SAN. MAIN

EX. SAN. MAIN

NEW SAN. SERVICE

EX. SAN. SERVICE

NEW SPOT ELEVATION

EX. SPOT ELEVATION

POWER POLE

LIGHT POLE

SURVEY MARKER FOUND

EXISTING CONTOUR

NEW HOBBANT

NEW VALVE

EX. VALVE

NEW STORM

EX. STORM

NEW WATERMAIN

EX. WATERMAIN

NEW WATER SERVICE

EX. WATER SERVICE

WATER FLOW DIRECTION

TF=7.2

TF=7.7

TF=7.40

TF=7.0

3	C.M.	GRADING LOTS	04/24/25
2	C.M.	ASBUILTS	12/18/24
1	C.M.	ISSUED FOR APPROVAL	08/13/24
	C.M.	PRELIMINARY	12/21/23

No.	By	Description	Date
R E V I S I O N S			

Consultant

**SCL Engineering (2005) Inc.**  
Consulting Engineers & Project Managers  
16 Great George Street, Landing Place  
P.O. Box 731, Charlottetown, P.E.I. C1A 7L3  
Phone: (902) 628-8620, Fax: (902) 682-8620

Engineer's Seal

PROFESSIONAL ENGINEER  
R.C. MacCaig  
No. 589  
PRINCE EDWARD ISLAND

Project Title

RICE POINT SUBDIVISION  
Rice Point, PEI

Drawing Title

GRADING PLAN LOT 24-1,  
24-21, 24-22 & 24-3

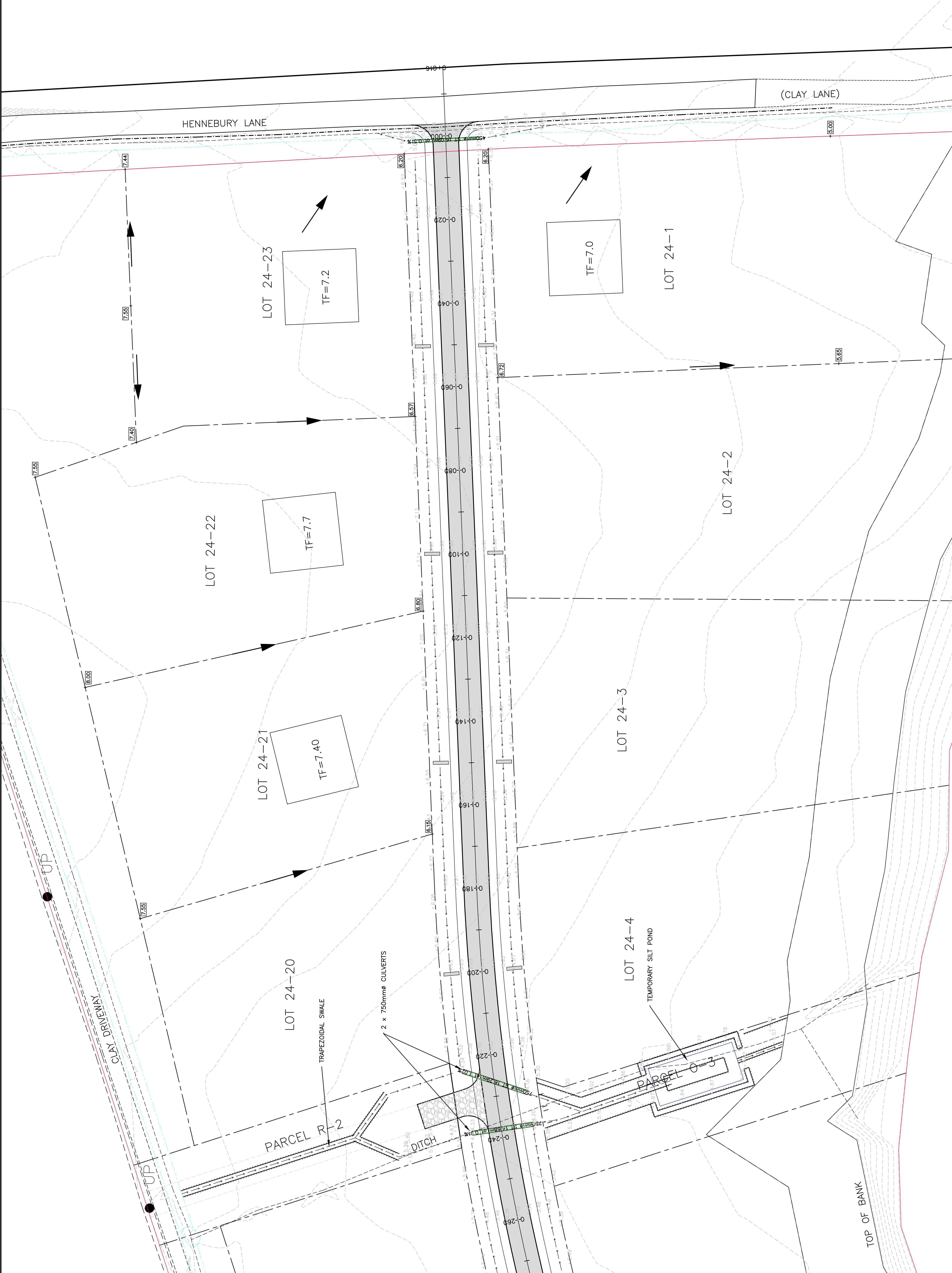
Project No.	222006	Date	APRIL, 2025
Checked	C.M.	Scale	1:400
Drawn	R.U.	File Name	

Sheet

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Rev No. 0

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## Rural Municipality of West River Planning Board Committee Tentative Agenda

**Meeting No:** PLB-25-21

**Time:** 6:00 PM

**Date:** Thursday, June 12, 2025

**Session:** Regular - Public

**Location:** Afton Community Centre

**Contact Person:** Susan Morse- CAO

**Chair:** Helen Smith-MacPhail - Mayor

**Contact Info.:** 902 675 7000 - [admin@westriverpe.ca](mailto:admin@westriverpe.ca)

### Order of Business

- 1. Call to Order**
- 2. Adoption & Approval of Agenda**
- 3. Declarations of Conflict of Interest**
- 4. Recommendation Items**
  - 4.1. PLB.25.21.1** – Subdivision Request PID 203000
  - 4.2. PLB.25.21.2** – Rezoning Request PID 681239
  - 4.3. PLB.25.21.3** – Land Use Bylaw Amendments Subdivision Requirements
  - 4.4. PLB.25.21.4** – Land Use Bylaw Amendments – Hiring Planner
- 5. Informational Items**
  - 5.1. PLB.25.21.5** – Permit Report
  - 5.2. PLB.25.21.6** – Upcoming Applications
  - 5.3. PLB.25.21.7** – Enforcement Report
- 6. Questions from the Audience and Public Input**
- 7. Adjournment**





## Rural Municipality of West River Planning Board Committee Minutes

<b>Meeting No</b>	2025-21	<b>Time</b>	6:00 PM
<b>Session</b>	Regular - Public	<b>Date</b>	Thursday, June 12, 2025
<b>Chair</b>	Helen Smith-MacPhail - Mayor	<b>Location</b>	Afton Community Centre
<b>Adoption status</b>	Approved	<b>Contact Person</b>	Susan Morse - CAO
<b>Attendance</b>	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		
<b>Regret</b>	Nil		
<b>Guest</b>	Nil		

- **Call to Order**

Mayor Helen Smith-MacPhail called the meeting to order at 6:01 PM.

- **Adoption & Approval of Agenda**

The agenda was approved as circulated. It was moved by Deputy Mayor Shaun MacArthur, seconded by Councillor Steve Pollard and unanimously carried.

- **Declarations of Conflict of Interest**

Nil

- **Recommended Items**

- **PLB.25.21.1 – Subdivision Request PID 203000**

**Decision Type:** Action

**Status:** Recommended

**Background:**

PLB.25.20.1, [IRAC Order-LA23-04](#)

An application was received to subdivide PID 203000. This application complements a 19 Lot Subdivision of PIDs 203000 & 808154 (Lot 25-2 to Lot 25-20) which was approved by the Province in March 12, 2025 as a result of IRAC order LA23-04. The application is to divide PID 203000 into 4 lots.

**Description:**

The committee reviewed the Subdivision Evaluation Report prepared by the municipality's Development Officer (Appendix A attached hereto forming a part of these minutes). The committee agreed with the Development Officer's report which outlines how the application conforms to the requirements of the Land Use Bylaw. The Committee recommended that Council approve the subdivision application.

▪ **PLB.25.21.2 – Rezoning Request PID 681239**

**Decision Type:** Action

**Status:** Recommended

**Background:**

PLB.25.20.1

**Description:**

The committee reviewed reports from the Development Officer and from Registered Planner Mary Bishop (Appendix B & C attached hereto forming a part of these minutes). The reports clarified concerns that the Committee identified following the public meeting:

- availability of adequate water supply for wells would be addressed during the subdivision stage
- there was a non-development clause in the property's deed dated August 29, 1996 which had an expiration of ten years.
- Section 13.7.1(A) of the Land Use Bylaw pertaining to deeded beach access – it is the Planner's opinion that providing steps to the beach would be something that gets negotiated through a subdivision agreement.
- regarding Buffer Zone infringements the province informed the CAO that Conservation Officers inspected the site and a remedial letter was issued last year.



The site was brought into compliance; it was reinspected this year and no issues were found. The Planner advises that this is a matter outside of the Municipality's authority and that Council should not intercede in this. The Committee agreed with this advice.

Mayor Smith MacPhail read the Planner's recommendations.

The committee reviewed the Development Officer's Report. Mayor Smith MacPhail read the Development Officer's recommendation. She reminded the committee of the importance of the committee weighing the planning principles in the report.

The Committee went through the Development Officer's report noting the compliance for the rezoning with the Official Plan and Land Use Bylaw. For the items that were determined as having insufficient information to determine compliance the committee agreed these questions would be addressed at a subdivision stage. The committee stated some questions such as water supply would be beneficial to inform a rezoning when trying to determine the suitability of the parcel for the proposed use. However, the Committee understood that these items will be addressed at a subdivision application stage.

For items determined to be inconsistent or requiring weighing the committee discussed and made the following comments:

**Policy 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 largescale 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.”

#### **Compliance with Official Plan - Inconsistent**

##### **Committee comments:**

The Committee agreed that this property's resource (wood land) sustained significant damage during Post Tropical Storm Fiona. The Municipality does not have authority to direct the landowner's decision to clean up and not reforest and therefore there is no resource left for the Council to protect. It was noted that this property is not and has not been used for farming.

**Policy RU-2 – Protections 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 un-serviced 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.

**Compliance with Official Plan - Inconsistent**

**Committee comments:**

The Official Plan and Future Land Use Map was developed as a baseline with minimal guidance to inform rezoning requests and the community nodes identified are not the only areas where new parcels could or should be created.

**Policy 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 to minimize and discourage the fragmentation of primary resource activities and to promote development patterns more suitable to a rural landscape.

**Compliance with Official Plan - Inconsistent**

**Committee comments:**

This parcel was never farmland and as the primary resource was destroyed there is no severance from primary resource land. The applicant is proposing large lots, greater than 1 acre in size which is in keeping with a rural landscape.

**Policy 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.

**Compliance with Official Plan - Inconsistent**

**Committee comments:**

The committee recognizes that this property is not near the nodes identified on the future land use map and agrees that the nodes are not prescriptive enough to restrict this rezoning request.

**Policy 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.

**Compliance with Official Plan – Weighing Required**

**Committee comments:**

Rezoning this land will cause neighboring farmland to be surrounded by residential uses. Most of the surrounding area is already zoned rural residential therefore the Committee agreed that rezoning this parcel would not create a conflict with any established farming operations. PID 681239 could be developed into a total of 5 residential lots without rezoning, it was the consensus of the committee that the additional lots allowed by the rezoning will not significantly alter the impact on the neighboring farmland. The committee asked if there is an existing hedge or buffer between PID 681239 and the neighboring farm.

**Policy 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.

**Compliance with Official Plan - Inconsistent**

**Committee comments:**



The applicant is not proposing density. The committee noted that the policy is to support multi unit dwellings, but it is not to prohibit single family dwellings. Therefore, the committee determined this was not inconsistent with the Official Plan.

**Policy 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.

**Compliance with Official Plan - Inconsistent**

**Committee comments:**

The applicant will have to provide 10% of the lot subdivision area as open space (approximately 1.44 acres). The proposal shows only 1.29 acres.

The committee wondered if the area in the buffer zone is permitted to be included in the open space. They determined that the provision of open space would be a concern to address during the subdivision stage.

**Policy 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.

**Compliance with Official Plan - Inconsistent**

**Committee comments:** The Committee commented that one can't protect what is no longer there. It is regrettable that the trees are gone. While the policy states Council shall protect trees the Municipality does not have authority to prevent their removal.

**Land Use Bylaw Subsection 12.3(4) d)** compatibility of the proposed development with surrounding land uses, including both existing and projected uses as Per the Zoning Map

**Compliance – Weighing Required**

**Committee comments:** The Future Land Use Map does not designate Rural Areas for projected uses as Rural Residential zones. The committee asked how they are to determine which areas of RA zoning should be identified for potential future development and which areas should be preserved. The committee discussed the importance of identifying areas for future development through undertaking a housing needs assessment to better inform future rezoning

applications. As PID 681239 is surrounded by RR uses, the committee determined the rezoning would be compatible with the surrounding land uses.

**Land Use Bylaw Subsection 12.3(4) e)** any comments from residents or other interested people.

**Compliance – Weighing Required**

**Committee Comments:** Mayor Smith-MacPhail read pages 9 -14 of the Development officers report. The committee made the following comments

Regarding water supply – the planner recommends this is considered at the subdivision stage and the committee agreed.

Regarding development being too close to the coast – the committee agreed with the Development Officer's comments, this concern will be addressed at the subdivision phase and all applicable setbacks will be in place for any development.

Regarding buffer zone infringements – the committee agreed that this was the jurisdiction of the Province.

Regarding Increased noise from construction – The committee agreed that provisions could be made in a subdivision agreement to limit hours of operation, noise control and dust control.

Regarding Increase in Traffic – The committee agreed that this would be considered at the subdivision stage and is the jurisdiction of the Department of Transportation and Infrastructure.

Regarding Erosion and Soil Maintenance – the Committee agreed this concern will be addressed at the subdivision phase.

For all other public comments the committee agreed with the development officer's comments.

**Land Use Bylaw Subsection 12.3(4) g)** impacts from the development on pedestrian/vehicular access and safety, and on public safety generally.

**Compliance – Weighing Required**

**Committee comments:** The committee determined that compliance with this section would be determined at the subdivision stage.

The committee agreed that any unanswered questions would be addressed at the subdivision stage.

Mayor Smith-MacPhail read the Planner's recommendation on page 3 of the Planning Report by Mary Bishop.

The Committee considered the two options in the Planner's Report (Approval and Denial) and determined that the proposed change is in keeping with the rural character of the area because single family dwellings on one acre lots is quite rural, the parcel in question is not good farmland, and the proposed subdivision road off is in keeping with a rural feel while preventing ribbon development. The committee agreed that the proposal would add to the housing in the municipality and that housing is much needed on Prince Edward Island.

The committee discussed that fine tuning the municipality's future plan would help Council make decisions for planning subdivisions, as it could designate areas for subdivisions, commercial uses, and create additional nodes, as well as address the needs of young families or seniors wanting to live in the area.

The Planning Board Committee recommended that Council approve the rezoning. It was moved by Deputy Mayor Shaun MacArthur, seconded by Councillor Daniel Sud, and carried 5-1 with Councillor Aaron MacEachern voting against.

- **PLB.25.21.3 – Land Use Bylaw Amendments Subdivision Requirements**

**Decision Type:** Action

**Status:** Recommended

**Background:**

PLB.25.20.2

**Description:**

The CAO presented the committee with legal opinion that was received regarding survey requirements for subdivisions. The committee recommends amending the Land Use Bylaw to waive the survey requirement for remanent parcels greater than 10 acres. The committee also recommends the CAO continue discussions with the municipality's lawyer to determine the best course of action to ascertain what amendments are required.

- **PLB.25.21.4 – Land Use Bylaw Amendments – Hiring Planner**

**Decision Type:** Action



**Status:** Recommended

**Background:**

PLB.25.19.1

**Description:**

The committee discussed the best course of action to proceed with implementing the Land Use Bylaw amendments that they have identified as desirable. It was determined that hiring a planner would expedite the process, and the committee recommended that the CAO look into this and report back to Council.

- **Information Items**

- **PLB.25.21.5 – Permit Report**

**Decision Type:** Information

**Status:** Received

**Description:**

The Committee received a report of permits issued in [May 2025](#).

- **PLB.25.21.6– Upcoming Applications**

**Decision Type:** Information

**Status:** Received

**Description:**

The CAO informed the Committee that an application was received on June 4, 2025 to rezone a parcel of land located on Black Creek Road. The Development Officer will prepare a report. The committee will consider calling a special meeting in the summer to review this report so the applicant doesn't have to wait until September. The CAO will inform the committee when the report is ready.

- **PLB.25.21.7– Enforcement Report**

**Decision Type:** Information



**Status:** Received

**Description:**

The committee received a report of Enforcement Activities during the Month of May.

- **Questions from the Audience**

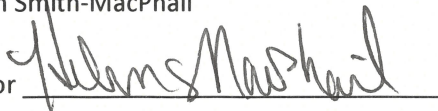
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- **Adjournment**

- Deputy Mayor Shaun MacArthur to adjourn the meeting at 7:43 PM.
  - The next scheduled meeting will be September 11, 2025.

Helen Smith-MacPhail

Mayor



Susan Morse

Chief Administrative Officer





Subdivision Evaluation Report for PID 203000

PID	203000
Applicants Name	Tim Hamel
Company:	Muddy Creek Development
Address	75 MacPhail Drive
Phone No.	902-940-5398
Email	Thamel@arsenaultbros.com
Property Owner Name	Muddy Creek Development
Property Location:	110 Hennebury, Rice Point
Existing Use:	Rural Area
Proposed Use:	Taken off 3 Lots for Residential Use, 1 Lot is a remnant of previous subdivision
Proposed Structures:	Single Unit Dwellings
Lot Size:	4 Acres, each Lot has 1 Acre area
Site Suitability Assmt.	Category II, for all 4 Lots
Access	Hennebury Road-Kinglet Ln
Background Summary	A 3 Lot Subdivision and approval for remanent land, a total of 4 Lots. This application complements a 19 Lot Subdivision of PID 203000 & PID 808154 (Lot 25-2 to Lot 25-20) already approved by the Province in March 12, 2025. This subdivision was approved for Residential (Single Unit Dwelling) Use Only, and included the design of a Public Road (Kinglet Lane). Parcels O-1 to O-3 are dedicated as open space areas, Parcel R-2 for future access to PID 790683, Parcel R2-A for temporary turning purposes .

**Recommendation**

Considering all the aspects described in this report it is recommended that the application to subdivide PID # 203000 located at Hennebury Rd and Kinglet Lane, Rice Point, for the purpose of subdividing the parcel into 4 lots, be recommended from Planning Board to Council for approval.

See Development Officer's Evaluation on Next Page

Subdivision Evaluation Report for PID 203000

Bylaw 2022#04 Provisions & Development Officer's Evaluation	
13.5 SUBDIVISIONS IN RA AND CI ZONES	1) Within a Rural Area Zone, <i>subdivisions</i> shall be restricted to existing <i>parcels</i> only and no <i>person</i> shall be permitted to <i>subdivide</i> more than four (4) <i>lots</i> , no more than two (2) of which may be approved for uses other than <i>residential</i> uses or resource-related uses.
Development Officer's Evaluation	PID 203000 is Zoned Rural Area (RA), and the proposal complies with the maximum amount of Lots to be taken off.
13.7 SUBDIVISIONS IN COASTAL, WATERFRONT, AND WETLAND AREAS	1) Where a <i>subdivision</i> is located adjacent to a <i>coastal area</i> , <i>watercourse</i> , or <i>wetland</i> , the <i>subdivision</i> shall be subject to the following:  a. <i>public</i> access to the beach shall be provided if the <i>property</i> being subdivided includes <i>shore frontage</i> on a beach, with at least one access measuring at least 6.1 m. (20 ft.) to be located approximately every 200 m. (656.2 ft.) of <i>shore frontage</i> ;  b. the area to be set aside as <i>parkland</i> dedication may include land located along the <i>watercourse</i> ; and  c. compliance with the requirements of subsection 4.5. (Coastal Hazard Assessment)
Development Officer's Evaluation	Since the Subdivision proposal will complement a Subdivision already in place, The survey presented shows Parcel O-3 as an Open Space, area that will provide public access to the beach. This parcel has a 24 m shore frontage.  Section 4.5 Coastal Hazard Assessment doesn't apply for Lot 25-21 to Lot 25-23 since the parcels are above 4.22 m(13.85ft) above sea level and not adjacent to the shoreline.  For Lot 25-1 the applicant presented an Environmental Assessment made by the Province on May 22,2025 that states that a 15-meter buffer zone adjacent the watercourse near the south boundary of proposed Lot will be required.
13.9 ROAD STANDARDS	1) All new <i>streets</i> or extensions to existing <i>streets</i> or to <i>private rights-of-way</i> shall be <i>streets</i> and no <i>subdivision</i> shall be permitted of a <i>lot</i> served by a <i>private road</i> .  2) All applications for <i>subdivision</i> shall be reviewed by the <i>Province's</i> department responsible for the <i>Roads Act</i> , and where an entrance way permit or other approval or permit is required pursuant to the <i>Roads Act</i> , a final approval of <i>subdivision</i> shall not be granted until that entrance way permit or other approval or permit has been granted.

Appendix A Continued

Subdivision Evaluation Report for PID 203000

<b>Development Officer's Evaluation</b>	<p>The applicant presented an application on September 16, 2024, paid the fee on March 28 of \$1,050.</p> <p>The proposal describes the residential uses on the surrounding parcels.</p> <p>5 Copies of a preliminary survey plan prepared by a professional land surveyor were presented, as well as contours of the parcel every 2m. This Survey includes or shows the subdivision of Lot 25-2 to Lot 25-20 already approved.</p> <p>The survey includes the shape and dimensions of the proposed Lots. Each lot complies with the minimum Lot Area of 1 Acre, minimum frontage of 150 ft, and a minimum circle diameter is within each Lot.</p> <p>Notes of the Surveyor are the following:</p> <ul style="list-style-type: none"> <li>• All Lots are subject to a drainage easement along mutual boundary lines, which backs onto parcels O-1 or O-2 as show I the map.</li> <li>• All Lots are subject to a 4m wide Utility Easement along their frontage of Kinglet Lane as show in the map.</li> <li>• Parcel O-3 is also an easement in favour of the province for surface water drainage purposes.</li> </ul> <p>Since this 4 Lot subdivision is beside the subdivision already approved, the same notes described before, apply to them.</p> <p>The applicant presented a Storm-water management Plan designed by an Engineer, showing the top of the foundation of future structures and flow along boundaries lines for water-run off.</p> <p>Site suitability Assessment was also presented</p>
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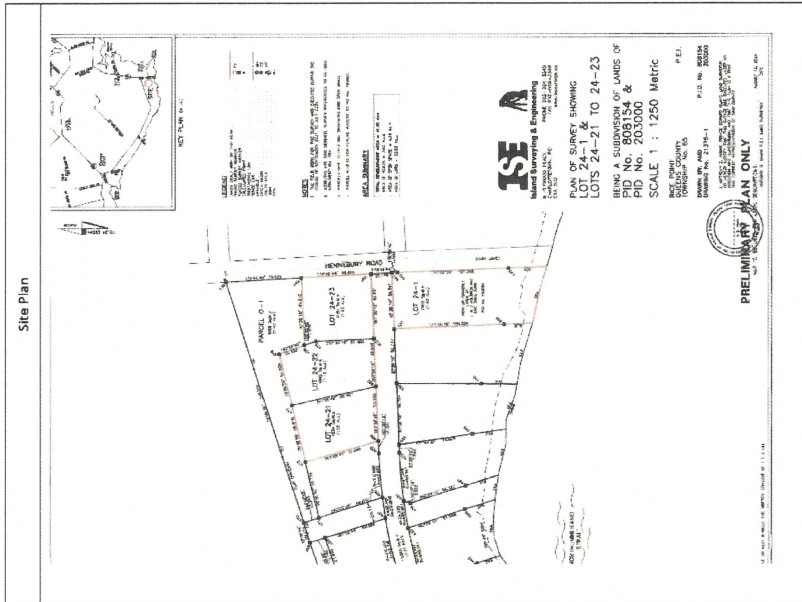
Subdivision Evaluation Report for PID 203000

<b>Development Officer's Evaluation</b>	<p>The subdivision of the 4 Lots will be serviced by a Public Road 66 feet wide (Kinglet Lane) deeded to the province, approved for previous subdivision.</p>
<b>13.11 APPLICATION AND PRELIMINARY APPROVAL PROCESS</b>	<p>1) Any person seeking approval of a <i>subdivision</i> shall first make application for preliminary approval, and shall be required to submit to the <i>development officer</i> the following:</p> <ol style="list-style-type: none"> <li>a. an application in the form prescribed by the <i>Council</i>.</li> <li>b. the application fee as set forth in Schedule C.</li> <li>c. a soil assessment.</li> <li>d. a description of <i>uses</i> on the surrounding <i>parcels</i>; and</li> <li>e. five (5) copies of a preliminary <i>subdivision</i> plan, prepared by <i>professional land surveyor</i> or <i>professional engineer</i>, showing: <ol style="list-style-type: none"> <li>i. contours showing topography of the <i>parcel</i> with at least 2 m (6.56 ft) contour lines.</li> <li>ii. the true shape and dimensions of the proposed <i>lots</i>;</li> <li>iii. the location of every existing <i>building</i> or <i>structure</i> on the <i>parcel</i> and adjacent <i>parcels</i>.</li> <li>iv. existing and proposed services and utilities.</li> <li>v. proposed widths and locations of all <i>streets</i>.</li> <li>vi. location of land proposed for <i>open space</i> and <i>parks use</i>, if applicable.</li> <li>vii. proposed surface water drainage patterns and designed drainage features, when applicable; and</li> <li>viii. other existing features, including <i>buildings</i>, <i>watercourses</i>, <i>wetlands</i>, <i>buffer zones</i>, wooded areas, and areas subject to current or projected future flooding or erosion.</li> </ol> </li> </ol> <p>13.11 7) Street design drawings and a stormwater management plan prepared by a professional engineer shall be submitted with an application for preliminary approval for any subdivision involving the construction of a new street.</p>

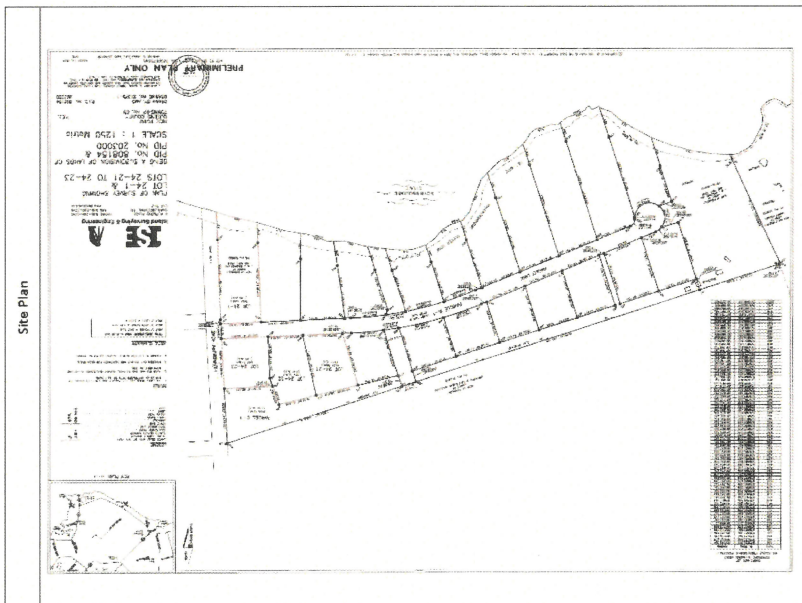


Appendix A Continued

Subdivision Evaluation Report for PID 203000



Subdivision Evaluation Report for PID 203000





#### PLANNING REPORT

REPORT NO: \_\_002-2025\_\_

#### RURAL MUNICIPALITY OF WEST RIVER

**Report For:** Planning Board, Rural Municipality of West River

**Report Type:** Final Development Officer's Report

**Prepared by:** Mirko Terrazas, Development Officer

**Reviewed by:** Susan Morse, Chief Administrative Officer

**Date:** June 09<sup>th</sup>, 2025

**Application:** WR-0240

**Applicant:** Daniel MacIsaac

**Property Identification Number (PID):** 681239

**Location:** Cumberland, Rte. 19

**Existing Zone:** Rural Area (RA)

**Planning Authority:** Rural Municipality of West River Land Use Bylaw # 2022-04

**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.

#### BACKGROUND SUMMARY

An application was submitted to rezone the parcel of land identified as PID 681239, from Rural Area (RA) to Rural Residential (RR) (Appendix 1). The applicant intends to eventually subdivide the parcel into 11 residential lots (Appendix 2).

According to the Rural Municipality of West River's Land Use Bylaw # 2022-04 "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." However, there is no explicit restriction on the number of lots which can be subdivided from existing parcels in the Rural Residential (RR) Zone. Therefore, the applicant has requested that PID 681239 be rezoned RA to RR.

On February 20, 2025, the Municipality's Development Officer presented a preliminary report on the application to the Planning Board Committee. The committee concluded that to fully evaluate the request, public input and a comprehensive planning report would be required. The committee

#### PLANNING REPORT

recommended that Council accept the rezoning application and begin the next steps in the evaluation process.

On March 3, 2025, Motion 2025-07 passed, authorizing the Chief Administrative Officer to conduct a public meeting in accordance with Section 12.4 of Land Use Bylaw #2022-04 and Section 19(1)(b) of the Planning Act R.S.P.E.I 1988, Cap. P-8.

A public meeting was held on May 1<sup>st</sup>, 2025, at 7:00 p.m. at the Afton Community Centre. Notice of the meeting was published in "The Guardian" on April 23, 2025. In addition, letters were mailed to all landowners within 153 m. (502 ft.) of the subject parcel, and a notice sign was posted on the property on April 17, 2025, directing people to contact the Municipality for more information.

#### TECHNICAL INFORMATION

The applicant provided an application form and preliminary site map.

#### OTHER DISCLOSURE

No additional disclosures were made by the applicant.

#### REZONING PROCESS

In accordance with Subsection 12.3.3, the Planning Board will consider feedback received from the public and comments made at the public meeting. The applicant may be invited to present further information or respond to new questions arising from the meeting. The Planning Board will then make a recommendation to Council.

Following the public meeting and after having received the Planning Board's recommendation, Council will make a final decision on the proposed amendment. Council has the authority to determine whether an amendment request is approved, modified, or denied in accordance with the procedures established under the Planning Act.

The proposed rezoning would require an amendment to the Rural Municipality of West River's Future Land Use and Zoning Map and also involves an amendment to the Municipality's Official Plan, which may be considered concurrently.

#### ASSESSMENT

Subsection 12.3(4) of 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:





PLANNING REPORT		
CRITERIA	COMPLIANCE	NOTES
a) Conformity with the Official Plan	Weighing required	Some aspects of this application do confirm with the Official Plan, while others do not.
Conformity with the Official Plan Economic Objectives and Policies	COMPLIANCE	NOTES
<b>RU-1: Designation and Zoning</b> 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 largescale 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 Rural Area, with no indication to change to Rural Residential Use.
<b>RU-2: Protection for Agricultural and Other Resource Uses</b> It shall be the policy of Council to promote the overall protection of resource lands and activities and to manage the level of un-serviced 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	In past years the property was forested. It sustained significant damage from Post Tropical Storm Fiona. The owner removed the damaged trees, hiring a construction company to haul away debris. According to the owner, this represented a substantial investment which resulted in the decision to begin the rezoning process.
<b>RU-2 Continued:</b> 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
<b>RU-3: Subdivision of Primary Resource Land</b> 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 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 entire parcel, that used to be forestry and is currently zoned Rural Area and develop 11 Residential Lots with a Public Road in a Rural Residential zone.

PLANNING REPORT		
Conformity with the Official Plan Physical Objectives and Policies	COMPLIANCE	NOTES
<b>PHY-3: Ribbon and Strip Development</b> 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.	Generally Consistent	The proposed residential development on proposed 11 lot subdivision will be alongside its own Subdivision Road.
<b>PHY-4: Community Nodes</b> 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	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.
<b>PHY-5: Development Constrains</b> 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 wellfields, in order to ensure the protection of the natural environment, people, and property.	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.
<b>PHY-6: Development Subject to Flood Risk</b> 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.	Generally Consistent	A storm-water management assessment will be required in the subdivision phase, as well as approval from the Department of Transportation that the Subdivision Road complies with the minimum Standards.  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.



#### PLANNING REPORT

Conformity with the Official Plan Social Objectives and Policies	COMPLIANCE	NOTES
<b>R-1: Designation and Zoning</b> 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.	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.
<b>R-2: Density and Housing Variety</b> 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.	Inconsistent	The applicant is offering a year-round single-family dwelling in 11 lots, with a minimum size of 1 acre for each lot.
<b>R-4: Residential Development Standards</b> 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.	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.

#### PLANNING REPORT

Conformity with the Official Plan Recreational Policies	COMPLIANCE	NOTES
<b>PR-3: Public Access in Coastal Areas</b> It shall be the policy of Council to pursue opportunities to protect public access to the shoreline and to the natural environment.	Inconsistent	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
<b>EN-3: Surface Water</b> 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.	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.
<b>EN-3: Stormwater Management</b> 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.	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.
<b>EN-5: On-Site Sewage Treatment Systems</b> 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.	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.





#### PLANNING REPORT

Conformity with the Official Plan Environmental Objectives and Policies	COMPLIANCE	NOTES
<b>EN-7: Vegetation</b> 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.	Inconsistent	The property was wooded in the past. A majority of the vegetation was damaged during Post Tropical Storm Fiona in September 2022. The landowner has been clearing the damaged trees and as a result most of the parcel has been cleared of vegetation.
Conformity with the Official Plan	COMPLIANCE	NOTES
<b>Subsection 12.3(4)</b> <b>b) conformity with all requirements of this Bylaw.</b>	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.
<b>Subsection 12.3(4)</b> <b>c) suitability of the site for the proposed development.</b>	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.
<b>Subsection 12.3(4)</b> <b>d) compatibility of the proposed development with surrounding land uses, including both existing and projected uses as Per the Zoning Map</b>	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 Rural Area, with no indication to change to Rural Residential Use.
<b>Subsection 12.3(4)</b> <b>e) any comments from residents or other interested people.</b>	Weighing required	A public meeting was held and public feedback was received. Please see below.
<b>Subsection 12.3(4)</b> <b>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.</b>	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.

#### PLANNING REPORT

Conformity with the Official Plan	COMPLIANCE	NOTES
<b>Subsection 12.3(4)</b> <b>g) impacts from the development on pedestrian/vehicular access and safety, and on public safety generally.</b>	Weighing required	The proposed subdivision would be required to be reviewed by the Department of Transportation for vehicular and safe access.  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.
<b>Subsection 12.3(4)</b> <b>h) compatibility of the development with environmental systems</b>	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.
<b>Subsection 12.3(4)</b> <b>i) impact on Municipal finances and budgets</b>	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.
<b>Considerations for Site-Specific Amendments under Subsection 12.2.1 of the Land Use Bylaw</b>		
Not Applicable		
<b>Considerations for Special Planning Area under Subsection 13.6.1 of the Land Use Bylaw</b>		
Not Applicable		



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PUBLIC FEEDBACK	
COMMENT/QUESTION	Inadequate water access, no water table information, surrounding properties' wells are unreliable.
<b>REGULATION</b> Land Use Bylaw # 2022-04	12.3 Amendment Procedures 4) Planning Board and Council shall consider the following general criteria when reviewing applications for amendments to the Bylaw, as applicable: f) adequacy of existing water supply  13.11 Application and Preliminary Approval Process 2) The development officer may also require the applicant to provide additional information required to assist in evaluating a proposed subdivision, including, but not limited to: a. a water test
<b>DEVELOPMENT OFFICER'S COMMENTS</b>	An assessment for the water tables will be necessary to determine if the existing water tables will support the proposed Development – it is the Planning Board and Council's discretion whether they want to consider this now or at the subdivision stage.
COMMENT/QUESTION	Coastal Development, lots are too close to the water edge
<b>REGULATION</b> Land Use Bylaw # 2022-04	10. Environmental Risk (ER) Zone 10.6 Setbacks from watercourses, embankments and wetlands. 1) The boundary of any wetland, watercourse, and buffer zone shall be shown on any site plan submitted to the development officer as part of a development permit application. 2) Notwithstanding anything contained in this Bylaw, the minimum horizontal structure setbacks for watercourse and wetland buffer zones shall be determined as follows: a. coastal area: the greater of: i. 15 m. (49.21 ft.) plus the minimum setbacks for the proposed structure for the applicable zone adjacent to the Environmental Risk Zone; or ii. 60 times the annual rate of erosion, where applicable, as determined by the Province's department responsible for such calculations; or b. non-coastal area: 15 m. (49.21ft.) plus the minimum setbacks for the proposed structure for the applicable zone adjacent to the Environmental Risk Zone.
<b>DEVELOPMENT OFFICER'S COMMENTS</b>	In the subdivision phase the developer shall present a survey plan where the buffer zone is delineated, and any development must comply with the minimum setback from the buffer zone, plus additional setbacks required for the residential zone.

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COMMENT/QUESTION	There might have been buffer zone infringements and/or fines levied during the cleanup work that was done on the property.
<b>REGULATION</b> Land Use Bylaw # 2022-04	10.3 Buffer Zone 1) In a buffer zone, no development shall occur and no disturbance to the ground, soil or vegetation shall occur except in conformance with the Watercourse and Wetland Protection Regulations. 2) No person shall without a license or a provincial watercourse, wetland and buffer zone activity permit, alter or disturb the ground or soil within the buffer zone as defined in the Environmental Protection Act and Watercourse and Wetland Protection Regulations.
<b>DEVELOPMENT OFFICER'S COMMENTS</b>	If vegetation within the buffer zone was removed, the landowner shall present a buffer zone activity permit issued by the province. A Request was sent to the Province to determine if any permits were issued to the landowner. Conservation Officers inspected the site and a remedial letter was issued last year. The site was brought into compliance; it was reinspected this year and no issues were found.
COMMENT/QUESTION	There will be copious noise related to development for many years
<b>REGULATION</b> Land Use Bylaw # 2022-04	3.12 Development Agreement 1) The development officer or Council, as appropriate, may require any owner of a property that is the subject of an application for a development permit to enter into a development agreement. 4) A development agreement may address but shall not be limited to the following matters: h. any other matters that the development officer or Council, as appropriate, deems necessary to ensure compliance with this Bylaw.  13.14 Subdivision Agreement 1) The development officer or Council, as the case may be, may require an applicant to enter into a subdivision agreement prior to issuing preliminary approval. The subdivision agreement may cover such matters required in order to ensure compliance with this Bylaw and may include, but not be limited to the following: f. the provision of such services, facilities or actions as are necessary to ensure the satisfactory development of the subdivision. g. the provision for the phasing of the subdivision;
<b>DEVELOPMENT OFFICER'S COMMENTS</b>	Council may, at its discretion, require the applicant to enter into a development or subdivision agreement which would include relevant topics

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	not regulated in the Land Use Bylaw, including but not limited to hours of operation related to the development, noise control, and dust control,
<b>COMMENT/QUESTION</b>	There will be an increase in road traffic
<b>REGULATION</b> Land Use Bylaw # 2022-04	<p>12.3 Amendment Procedures</p> <p>4) Planning Board and Council shall consider the following general criteria when reviewing applications for amendments to the Bylaw, as applicable:</p> <p>g. impacts from the development on pedestrian and vehicular access and safety, and on public safety generally;</p> <p>13.3 Permission to Subdivide</p> <p>1) No land shall be subdivided within the Municipality unless the subdivision:</p> <p>f. will provide for effective and efficient traffic flow and access that takes into consideration emergency access, natural hazards, and other safety risks; is designed so that lots will have suitable dimensions, shapes, orientation and accessibility;</p> <p>13.9 Road Standards</p> <p>2) All applications for subdivision shall be reviewed by the Province's department responsible for the Roads Act, and where an entrance way permit or other approval or permit is required pursuant to the Roads Act, a final approval of subdivision shall not be granted until that entrance way permit or other approval or permit has been granted.</p> <p>13.11 Application and Preliminary Approval Process</p> <p>2) The development officer may also require the applicant to provide additional information required to assist in evaluating a proposed subdivision, including, but not limited to:</p> <p>d. a traffic survey or a traffic study;</p> <p>13.15 Final Approval</p> <p>2) Final Subdivision approval shall be granted only after the applicant has:</p> <p>e. the applicant has completed any necessary conditions of agreements with the Province's department responsible for transportation respecting street construction and the street has been accepted as public; and</p> <p>f. the applicant has completed any necessary conditions of agreements with the Province's Department of Transportation and Infrastructure or its successor and the street has been accepted as public.</p>
<b>DEVELOPMENT OFFICER'S COMMENTS</b>	It is the Planning Board and Council's discretion whether they want to consider this now or at the subdivision stage.

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	The Municipality has authority to request a traffic survey or traffic study in the subdivision phase. Traffic concerns are usually addressed in the conditions of the agreements with the Province's Department of Transportation and Infrastructure.
<b>COMMENT/QUESTION</b>	Erosion and soil maintenance
<b>REGULATION</b> Land Use Bylaw # 2022-04	<p>10.3 Buffer Zone</p> <p>3) That portion of any property having a wetland, watercourse, or buffer zone, or any combination thereof, shall be included in the Environmental Risk Zone and applications for subdivision and development permits on that portion of those properties will be referred to the Province's department responsible for the Environmental Protection Act.</p> <p>13.3 Permission to Subdivide</p> <p>1) No land shall be subdivided within the Municipality unless the subdivision:</p> <p>h. is designed to accommodate climate change mitigation and adaptation measures such as ensuring there is adequate land above the flood risk elevation to establish legal access, accommodate the proposed development, and adequately support on-site services; and</p> <p>i. is suitable to the use for which it is intended, and the future use of adjacent lands.</p> <p>13.15 Final Approval</p> <p>1) Except where otherwise provided for in this Bylaw, a stormwater management plan prepared by a professional engineer shall be submitted with an application for final approval for any subdivision of a lot into three (3) or more lots. The stormwater management plan shall include an overall surface water management strategy for the proposed subdivision and shall include the proposed general location and top of the foundation elevation for the main buildings to be erected on each lot.</p>
<b>DEVELOPMENT OFFICER'S COMMENTS</b>	A storm water management plan for the whole subdivision is helpful for the control of soil erosion and maintenance of it. This will be a requirement at the Subdivision stage.
<b>COMMENT/QUESTION</b>	Is there a non-development clause in the deed for this property?
<b>REGULATION</b>	<p>Deed #6592 dated 29th August 1996 Between Daniel MacIsaac and The Province of Prince Edward Island that states:</p> <p>Pursuant to the provisions of the Land Identification Regulations, the Covenantor does hereby give notice of the expiration of ten (10) years from the anniversary date of receipt of this notice by the Minister responsible for the Prince Edward Island Lands Protection Act that the</p>

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	Land Identification Agreement entered into between Daniel and Marjorie Crosby, predecessor in title to the covenantor, and covenantee shall cease to have affect.
<b>DEVELOPMENT OFFICER'S COMMENTS</b>	In the past there was an agreement for non-development, but this was only valid for 10 years.
<b>COMMENT/QUESTION</b>	The common spaces belonging to surrounding cottage owners are being infringed upon.
<b>REGULATION</b> Land Use Bylaw # 2022-04	13.15 Final Approval 2) Final subdivision approval shall be granted by the Municipality only after the applicant has: b. submitted at least seven (7) copies of a final survey plan showing all lots pinned and certified by a professional land surveyor.
<b>DEVELOPMENT OFFICER'S COMMENTS</b>	In the Subdivision Stage a final survey must show delineation (pins) of the proposed lots, to ensure the boundaries of all lots are clear and there is no encroachment to neighboring properties.
<b>COMMENT/QUESTION</b>	The possibility of multi-family dwellings and not wanting more neighbors.
<b>REGULATION</b> Land Use Bylaw # 2022-04	The proposal is to rezone from RA to RR zone for single unit dwellings, the permitted uses for RR are the following: 7.3 Permitted Uses a. single-detached dwellings. b. duplex dwellings and semi-detached dwellings. c. apartment dwellings; and d. townhouse dwellings.
<b>DEVELOPMENT OFFICER'S COMMENTS</b>	The proposal for Rezoning to RR complies with the permitted dwelling uses. The applicant does not intend to develop multi family dwellings, however they are a permitted use in the RR zone.
<b>COMMENT/QUESTION</b>	There will be an increase in the public use of the beach and decreased privacy. Currently the neighbouring residents enjoy a secluded beach and this will be impeded. Does this section 13.7 mean that a developer must provide steps to the beach?
<b>REGULATION</b>	13.7 Subdivisions in Coastal, Waterfront and Wetlands Areas

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	1) a. public access to the beach shall be provided if the property being subdivided includes shore frontage on a beach, with at least one access measuring at least 6.1 m. (20 ft.) to be located approximately every 200 m. (656.2 ft.) of shore frontage. b. the area to be set aside as parkland dedication may include land located along the watercourse.
<b>DEVELOPMENT OFFICER'S COMMENTS</b>	In the Subdivision Stage the developer has to provide access to the beach for the proposed subdivision. It is up to the Developer to provide steps to the beach, however they will need to apply to the province for a watercourse, wetland, and Buffer Zone Activity Permit. In most cases a beach on the water side of the high water mark is provincially owned and the public has a right to use it. Public use of the beach cannot be blocked as part of any development (PEI Coastal Property Guide 2024)






RECOMMENDATION

Considering all the aspects described in the assessment above it is recommended that the application to rezone PID # 681239, from RA to RR for the purpose of subdividing the parcel into 11 lots for single family dwellings, be recommended from Planning Board to Council for approval.

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<p>PLANNING REPORT</p>	<p>APPENDIX 2 - PROPOSAL</p>  	<p>Page   16</p>
<p>PLANNING REPORT</p>	<p>APPENDIX 1</p> <p>CURRENT ZONE AND USE OF PID 681236</p> <p><b>The Rural Municipality of West River</b> July 21, 2022 Map Index: DS</p>  <p><b>DRAFT Zone</b></p> <ul style="list-style-type: none"> <li>Road Network (2020)</li> <li>Commercial Industrial (CI)</li> <li>Parks and Recreation (PR)</li> <li>Rural Area (RA)</li> <li>Rural Residential (RR)</li> <li>Environmental Risk (ER)</li> </ul>   <p>Photo - Google Earth April 2023</p> <p>Photo - GEOLINC 2020 Overlay</p>	<p>Page   15</p>





Appendix C

**We6 Planning Group**

**Planning Report**

**REPORT FOR:** West River  
**DATE:** June 10, 2025  
**PREPARED BY:** Mary Bishop, RPP, MCIP  
**MUNICIPAL FILE NO:** WR-0240  
**SUBJECT:** Official Plan and Bylaw Amendment to Rezone PID 681239 from Rural Area (RA) to Rural Residential (RR)

**1. BACKGROUND**

West River Municipality is in receipt of an application to rezone PID 681239 from Rural Area (RA) to Rural Residential (RR) to enable the subdivision of the parcel into 11 residential lots.

A planning opinion was requested for the application, to be based on consideration of the requested amendment, the material presented at the public meeting May 1, public feedback received, and sound planning principles. This opinion is based on the information provided, including the West River Official Plan and Land Use Bylaw and the DO's Report dated February 7, 2025.

As the application affects both the *Future Land Use Map* and *Zoning Map*, this application also involves an amendment to the Municipality's Official Plan to change the future land use designation from Rural Area to Rural Residential, which may be considered concurrently.

**2. SITE OVERVIEW**

In addition to the information included in the DO's report dated February 7, 2025, the following should also be noted:

1. Lands to the west of the subject property are in agricultural use. Rural residential and agricultural use is evident to the north along Route 19. To the east of the subject property the land is rural residential, including a small cottage lot development.
2. The agricultural parcel adjoining the subject parcel is surrounded by existing residential development to the north along Route 19, and on the west side of the property. The proposed development will result in the agricultural property being essentially surrounded by residential uses.
3. A review of the property using the provincial Climate Hazard and Risk Information System (CHRIS), shows that while flood hazard is low, erosion is occurring along the coastal shoreline within the boundaries of the property. Photographs presented at the public meeting show the eroding cliff.



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**3. LIMITATIONS AND EVALUATION**

All professional analysis of the submission is based on the documents provided by the Municipality, which:

- the application form dated December 5, 2024;
- the Rural Municipality of West River 2022 Official Plan and Land Use Bylaw;
- Minutes of the May 1, 2025 public meeting;
- public submissions following the May 1, 2025 meeting;

The planning review did not involve managing the procedural aspects of the file.

**4. ANALYSIS**

*The subdivision details considered in this analysis help inform the determination of the suitability of the site for the proposed use. Specific questions on the preliminary concept itself are not assessed at the zoning stage and are only used as an aid to understanding whether the proposed use is feasible and appropriate.*

The following observations build on the analysis provided in the DO's planning report.

**Supporting Organized and Sustainable Residential Development**

Considered on its own, the proposed development that is the subject of the proposed amendment is consistent with Policy PHY-3 to limit ribbon development along roadways. The proposed development would create one access onto Route 19. Under the current zoning, the parcel can be subdivided into 4 lots. The proposed development would add an additional 7 lots (11 in total).

**Protecting productive agricultural land and natural assets**

The proposed amendment will result in residential development in an area along the south side of Route 19 that is characterized by rural residential use in the form of small cottage lot development, and larger lot rural residential development. The subject property is/was forested and a portion of the subject property is bound by an agricultural property along its western boundary. The agricultural property is in turn bound by rural residential uses along Route 19 and on its western boundary. With the development of the subject property, the agricultural property will be surrounded by rural residential uses. In considering the proposed amendment, consideration must be given to the impact additional residential lots would have on the adjoining agricultural use, and the conversion of resource land (forest) to residential use.

Under the current zoning, the property could be subdivided into 4 residential lots. A re-zoning of the property to the Rural Residential Zone would permit the creation of additional lots, of which 11 are proposed.





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The emphasis of the Official Plan is on preserving agricultural and resource lands and the rural residential pattern of development, specifically Policy RU-2 and RU-3. The proposed amendment is inconsistent with these policies of the Plan.

Limiting Land Use Conflicts

The proposed subdivision design shows a vegetated buffer provided between the subdivision lots and the agricultural property to the west.

**5. RECOMMENDATION**

The primary consideration in Council's decision on this application will depend on whether the proposed change from Rural Area to Rural Residential is contrary to the intent and policies of the Official Plan to preserve the rural character of West River by protecting agricultural and resource lands and limiting rural residential development.

If Council determines that the proposed change is in keeping with the rural character of the area, is consistent with policies that enable residential development where it does not contribute to ribbon development and adds to the supply of housing stock in the municipality, then the amendment can be considered for approval.

If Council determines that the proposed amendment will result in an intensification of residential use that is not in keeping with the rural character of the area, and will not serve to preserve agricultural and resource lands, then the application should be denied.

The two options for Council's consideration are:

**Approval:**

Upon review of the matters in this report and after weighing the applicable policies and bylaw criteria, the proposed amendment to change the zoning of the subject parcel appears to be largely consistent with sound planning principles and the Municipality's Official Plan and Land Use Bylaw. Approval would be undertaken through the adoption of an amendment to the West River *Official Plan's Future Land Use Map* and the full set of readings, approval and adoption of a bylaw to amend the West River *Land Use Bylaw's Zoning Map*. A subdivision application process would then follow as a subsequent step.

The above approval should only be considered if, in Council's opinion, the following criteria are met:

- the Official Plan policies sufficiently support the requested change in future land use designation and zoning;
- the proposed parcel demonstrates a logical location for future concentrated residential development in the Municipality and the proposed use is appropriate to the site;
- additional housing is needed in the municipality; and



Appendix C Continued

- the implications that have been identified in this report regarding the conversion of resource zoned land to residential zoned land are sufficiently offset by the housing need and other policy and land use considerations.

**Denial:**

While the application appears to be supported by a number of Official Plan policies, Council's decision-making must weigh the policies supporting the application against the policies regarding the preservation and protection of the rural character of the Municipality.

If Council determines that the proposed intensification of residential use through a change in zoning is not sufficiently consistent with or supported by the Official Plan policies, Council would, by resolution, deny the application. A response in writing with reasons would be required and the decision would be posted in accordance with the Bylaw and the *Planning Act*.

**6. CONCLUSION**

In addition to the enclosed assessment, analysis and recommendations, there are a few items of note for the Municipality:

- As the province continues to see unprecedented population growth, it is likely that the Municipality will continue to receive rezoning applications for the conversion of resource land to residential uses. The Municipality may want to consider undertaking a housing needs assessment that would help determine future housing needs to better inform future applications. As the Municipality continues to develop its planning framework as a newly amalgamated community, even high-level housing and population growth projections would help the Council establish longer term guidelines on when and where to approve a transition of land uses.
- It is recommended that the Municipality consult with officials from the relevant provincial departments to ensure adequate assessments are conducted and site conditions are included in any subsequent subdivision approval, should Council approve this application.
- It is further recommended that the Municipality provide written notice to the applicant that a successful rezoning does not imply approval of the current subdivision concept.





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**7. PUBLIC COMMENTS**

Public feedback expressed at the public meeting and through written responses:

Comment theme	Consideration
Change the tranquility and nature of the area and loss of privacy to neighbouring landowners.	<p>Residents noted the impact of the proposed intensity of development and the change in rural nature of the area.</p> <p>The question of intensity of use should be given careful consideration given the policies in the Official Plan regarding preservation of the rural character of the community and assessment and analysis has been provided in this report.</p> <p>The proposed development is similar to the existing development pattern in the area (single detached residential homes), however the intensity of development is higher than currently exists in the immediate area.</p>
Preservation of agricultural land and rural nature of the area	<p>The property proposed for development is/is was forested. The proposed development borders on agricultural land to the west, and north (across the roadway). The proposed development will result in the agricultural land to the west becoming surrounded (on three sides) by residential uses.</p> <p>Under the current zoning, the property could be subdivided to create a total of 4 residential lots. The proposed development is for 11 lots. The question of intensity of use should be given careful consideration given the policies in the Official Plan regarding the impact of development on agricultural lands.</p>
Impact of development on the coastal cliff and beach leading to further erosion.	<p>The risk of coastal flooding and erosion on the subject property is considered low based on provincial data. Residents noted that land clearing to the top of the bank at the shoreline will lead to increased erosion.</p>
Runoff water from the elevation of the subject parcel onto neighboring parcels.	<p>The siting and locating of properties will be considered and fully assessed in the subdivision application stage; the Planning Act Province-Wide Minimum Development Standards Regulations provide minimum lot sizes with these health and safety considerations integrated.</p>







## Rural Municipality of West River Council Meeting Minutes

<b>Meeting No</b>	2025-28	<b>Time</b>	7:00 PM
<b>Session</b>	Regular - Public	<b>Date</b>	Thursday, June 26, 2025
<b>Chair</b>	Helen Smith-MacPhail - Mayor	<b>Location</b>	Afton Community Centre
<b>Adoption status</b>	Approved	<b>Contact Person</b>	Susan Morse - CAO
<b>Attendance</b>	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, Ehi Itua – Administrative Assistant		
<b>Regret</b>	Nil		
<b>Guest</b>	Nil		

- **Call to Order**

Mayor Helen Smith-MacPhail called the meeting to order at 7:00 PM, and gave a land acknowledgement.

- **Adoption & Approval of Agenda**

The following item was added to the agenda by Councillor John Yeo

- **WRC.2025.28.14 - Road Work**

Councillor Daniel Sud requested item 8 “Delegations and Public Input” be moved and inserted prior to the discussion item 6.1 WRC.2025.28.14, to receive comments from the public.

The agenda was approved as circulated, including the added item and requested change of order. It was moved by Deputy Mayor Shaun MacArthur, seconded by Councillor Aaron MacEachern, and unanimously carried.

- **Declarations of Conflict of Interest**

Mayor Helen Smith-MacPhail recused herself from item WRC.2025.28.3, citing a conflict of interest.

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

The minutes of May 22, 2025, Council Meeting were approved as circulated. It was moved by Councillor Aaron MacEachern, seconded by Councillor Daniel Sud and unanimously carried.

The minutes of June 12, 2025, Planning Board Meeting were approved as circulated. It was moved by Deputy Mayor Shaun MacArthur, seconded by Councillor John Yeo, and unanimously carried.

The minutes of June 12, 2025, Committee of Council Meeting were approved as circulated. It was moved by Councillor Lillian MacCannell, seconded by Councillor Daniel Sud, and unanimously carried.

- **Delegations and Public Input**

Mayor Helen Smith-MacPhail invited members of the audience to address the Council.

Bruce Lyng and Jerry Redmond, residents of Rice Point spoke regarding Agenda Item 6.1 – WRC.2025.28.1 – Subdivision Application PID 203000.

Mr. Lyng & Mr. Redmond voiced the following concerns; the original 19-lot subdivision at this location was approved by the Province without public consultation. Documents from the IRAC case show that the intention was to create more than 19 lots, it is obvious that this current subdivision application is an expansion of the subdivision ordered by IRAC. Why don't the province's rules for subdivision phasing apply in this situation?

The Rural Municipality of West River's Official Plan has a vision of maintaining "rural, not urban" development and they feel this subdivision undermines that goal. Mr. Lyng & Mr. Redmond are concerned about environmental impacts on neighboring lands, to wetlands, wildlife, erosion, risks to aquifers, and potential contamination of wells. They are also concerned there will be an increased burden on taxpayers due to the cost of maintaining the new public roads created by the development.

Mr. Lyng stated that during IRAC proceedings the developer stated there would be beach access, parkland dedication and paving of Hennebury Road carried out by the developer as a part of the subdivision. Will these statements be honoured?

Mayor Helen Smith-MacPhail clarified that the 19-lot subdivision was ordered by IRAC and cannot be retroactively reconsidered. The subdivision being considered now is a separate application under the

West River Land Use Bylaw. The Bylaw permits the subdivision of four lots from a property zoned Rural Area.

- **Discussion Items**

- **WRC.2025.28.1 – Subdivision Approval PID 203000**

**Decision Type:** Action

**Status:** Deferred (6-0)

**Background:**

PLB.25.21.1

**Description:** Motion 2025-25

Council discussed the comments made by the public. They agreed that clarification was required regarding subdivision phasing regulations.

The CAO was directed to obtain a professional planner's review regarding this application. Council deferred this decision pending receipt of this review.

**Moved by** Councillor John Yeo, and **Seconded by** Councillor Lillian MacCannell.

- **WRC.2025.28.2 – Rezoning Approval PID 681239**

**Decision Type:** Action

**Status:** Deferred (6-0)

**Background:**

PLB.25.21.2

**Description:** Motion 2025-26

The CAO informed Council that a legal review has not yet been completed due to limited availability of counsel. Additionally, amendments from the Planner have not yet been received. Council deferred this decision until a legal review can be completed.

**Moved by** Councillor Aaron MacEachern, and **Seconded by** Deputy Mayor Shaun MacArthur.



▪ **WRC.2025.28.3 – Awarding Grant – June 2025**

Mayor Helen Smith MacPhail left the meeting room. Deputy Mayor Shaun MacArthur chaired this item.

**Decision Type:** Action

**Status:** Motion Carried (5-0)

**Description:** Motion 2025-27

**Moved by** Councillor Steve Pollard, and **Seconded by** Councillor Aaron MacEachern.

**WHEREAS**

Pursuant to Municipal Grant Bylaw #2022-02, the Committee of Council reviewed the grant request application and completed Schedule C for East Wiltshire Duke of Edinburgh Group, and

**WHEREAS**

This resolution bears the recommendation of the Committee of Council as discussed at a meeting held on June 12<sup>th</sup>, 2025,

**BE IT RESOLVED**

The Council for the Rural Municipality of West River approves awarding a one-time grant to waive the rental fee for East Wiltshire Duke of Edinburgh Group to use the Bonshaw Community Centre for their overnight adventurous journey and authorizes the CAO to execute it.

Mayor Helen Smith MacPhail returned to the meeting and resumed the position of Chair.

▪ **WRC.2025.28.4 – Nuisance & Summary Proceedings Bylaw Preparation**

**Decision Type:** Action

**Status:** Motion Carried (6-0)

**Description:** Motion 2025-28

**Moved by** Deputy Mayor Shaun MacArthur, and **Seconded by** Councillor Steve Pollard.



**WHEREAS**

Subsection 180 of the Municipal Government Act R.S.P.E.I. 1988, Cap. M-12.1., enables Council to pass bylaws and provide services for municipal purposes respecting(a) the safety, health and welfare of people and the protection of persons and property; (i) nuisances, loitering, dangerous or unsightly property, noise, pollution and waste in or on public or private property; and (t) the enforcement of bylaws, and

**WHEREAS**

This resolution bears the recommendation of the Committee of Council as discussed at a meeting held on June 12th, 2025

**BE IT RESOLVED**

The Council for the Rural Municipality of West River directs the CAO to consult with the Municipality's lawyer and initiate the process for the preparation of bylaws pertaining to the Abatement of Nuisance and Summary Proceedings within the Rural Municipality of West River.

▪ **WRC.2025.28.5 – Facility Schedule of Fees**

**Decision Type:** Action

**Status:** Motion Carried (6-0)

**Description:** Motion 2025-29

**Moved by** Councillor Aaron MacEachern, and **Seconded by** Councillor John Yeo.

**WHEREAS**

According to Fees Bylaw#2021-11 subsection (6.1), the Rural Municipality of West River establishes fees to be charged for recreation, and

**WHEREAS**

Pursuant to Fees Bylaw#2021-11 subsection (6.3), Council may revise fees at any time by resolution, and

**WHEREAS**

This resolution bears the recommendation of the Interim Community Services Committee as discussed at a meeting held on March 25, 2025,

**BE IT RESOLVED**

The Council for the Rural Municipality of West River authorizes the following changes to the fees for Municipal Owned Facilities:

- Remove the option for table tennis rental at Bonshaw Community Centre.
  - Change the office space at Bonshaw Community Centre to a \$/sq ft/yr + HST formula
  - The CAO shall be authorized to waive rental deposits for residents of the Municipality in good standing, and for returning renters with good rental history.
  - Afton Community Centre:
    - o Table Cloths: charge per cloth to be based on the cost of laundering
  - Bonshaw Community Centre:
    - o Table Cloths: charge per cloth to be based on cost of laundering
- **WRC.2025.28.6 – Electricity System Capacity at Afton Community Centre – CCBF Scope Change Request for Project 58.2.3 Solar Panels & EV Charger for Afton Community Centre**

**Decision Type:** Action

**Status:** Motion Carried (6-0)

**Description:** Motion 2025-30

**Moved by** Councillor Lillian MacCannell, and **Seconded by** Councillor Aaron MacEachern.

**WHEREAS**

Pursuant to motion 2025-15 the Rural Municipality of West River has entered into the 2024-2029 Canada Community Building Fund Agreement, and

**WHEREAS**

The CAO has received an update from the Community Services Manager that to complete project 58.2.3 “Solar Panels & EV Charger for Afton Community Centre” the electrical system at Afton Community Centre needs to be upgraded to 400A services, and

**WHEREAS**

This resolution bears the recommendation of the Committee of Council as discussed at a meeting held on June 12<sup>th</sup>, 2025

**BE IT RESOLVED**

The Council for the Rural Municipality of West River authorizes the Chief Administrative Officer to request the PEI Infrastructure Secretariat to change the CCBF project (58.2.3) to revise it by adding the following description to the original application:

- Upgrades to the electrical system at Afton Community Centre

▪ **WRC.2025.28.7 – CAO Authorization for In-Kind Grants**

**Decision Type:** Action

**Status:** Motion Carried (6-0)

**Description:** Motion 2025-31

**Moved by** Councillor Steve Pollard, and **Seconded by** Deputy Mayor Shaun MacArthur.

**WHEREAS**

The Rural Municipality of West River's mission is to be a transparent and accountable government, to serve its residents and to protect what is valuable for the community, and

**WHEREAS**

This resolution bears the recommendation of the Committee of Council as discussed at a meeting held on June 12<sup>th</sup>, 2025,

**BE IT RESOLVED**

The Council for the Rural Municipality of West River authorizes the Chief Administrative Officer to approve in-kind facility rental grant requests up to a value of \$300 plus HST. This authority applies to applications from

- groups/organizations based in the Rural Municipality of West River,
- groups that have previously applied, provided the use remains consistent and
- marginalized groups



- **WRC.2025.28.8 – Shared Services Agreement**

**Decision Type:** Action

**Status:** Motion Carried (6-0)

**Description:** Motion 2025-32

**Moved by** Councillor Steve Pollard, and **Seconded by** Councillor John Yeo.

**WHEREAS**

Bylaw 2025-01 authorizes Council to enter into an agreement with the Rural Municipalities of Kingston and Miltonvale Park for the provision of Planning and development services, and

**WHEREAS**

According to Section 156 of the Municipal Government Act, agreements, contracts, and other legal or financial instruments shall be signed or authorized by both the Mayor and the Chief Administrative Officer of a municipality, and

**WHEREAS**

This resolution bears the recommendation of the Committee of Council as discussed at a meeting held on June 12th, 2025,

**BE IT RESOLVED**

The Council for the Rural Municipality of West River authorizes the CAO and the Mayor to sign the Shared Services Agreement (appendix A, attached hereto forming a part of this resolution) for the provision of Planning and Development services.

- **WRC.2025.28.9 – Summer Meeting Schedule**

**Decision Type:** Action

**Background:**

Motion 2023-05

**Description:**

Pursuant to motion 2023-05 there are no scheduled meetings for Council during July and August. Council discussed holding a special meeting for Planning Board and Council during

the summer to review deferred business from this meeting. Council scheduled Planning Board Committee and Council meetings on July 21, at 6:00pm and 6:30pm respectively.

- **WRC.2025.28.10 – Municipal Funding Agreement**

**Decision Type:** Action

**Status:** Motion Carried (6-0)

**Description:** Motion 2025-33

**Moved by** Deputy Mayor Shaun MacArthur, and **Seconded by** Councillor Aaron MacEachern

**WHEREAS**

A new Municipal Funding Framework has been announced by the Province of Prince Edward Island, and

**WHEREAS**

According to Section 156 of the Municipal Government Act, agreements, contracts, and other legal or financial instruments shall be signed or authorized by both the Mayor and the Chief Administrative Officer of a municipality, and

**BE IT RESOLVED**

The Council for the Rural Municipality of West River authorizes the Mayor and CAO to sign the Municipal Funding Agreement with the Province of Prince Edward Island.

- **WRC.2025.28.11 – Mulching at Mutter Park**

**Decision Type:** Action

**Status:** Motion Carried (6-0)

**Description:** Motion 2025-34

**Moved by** Councillor Steve Pollard, and **Seconded by** Deputy Mayor Shaun MacArthur.

**WHEREAS**

Pursuant to Motion 2024-76 the second Phase of Mutter Park Salvage Harvest has been carried out, and

**WHEREAS**

The harvest contractor has submitted a quote to provide additional mulching services to mulch the newly harvested areas located beyond the main trails to enhance the park's appearance and accessibility, and

**WHEREAS**

This resolution bears the recommendation of the Committee of Council as discussed at a meeting held on June 12th, 2025,

**BE IT RESOLVED**

The Council for the Rural Municipality of West River accepts the quote from Mulching Forward Inc at a cost of \$4,200 + HST and authorizes the CAO to execute it.

- **WRC.2025.28.12 – Transfer from Reserve Fund**

**Decision Type:** Action

**Status:** Motion Carried (6-0)

**Description:** Motion 2025-35

**Moved by** Councillor Daniel Sud, and **Seconded by** Councillor Aaron MacEachern.

**WHEREAS**

Pursuant to Reserve Funds Bylaw#2021-15 Section (6) Clause (6.3), all withdrawals from the Reserve Fund must be approved by a resolution of the Council, and

**BE IT RESOLVED**

The Council for the Rural Municipality of West River approves the transfer of \$39,100 from the "Reserve Fund" to the Municipality's General Bank Account to cover the Mutter Park Fiona Salvage Harvest Phase 2 Project and replace it as soon as any reimbursement has been received from EMOPEI and authorizes the CAO to execute it.

- **WRC.2025.28.13 – Emergency Shelter Kits Lease Agreement**

**Decision Type:** Action

**Status:** Motion Carried (6-0)



**Description:** Motion 2025-36

**Moved by** Deputy Mayor Shaun MacArthur, and **Seconded by** Councillor Steve Pollard.

**WHEREAS**

The province of Prince Edward Island has acquired mobile emergency shelter kits that provide cots, bedding, hygiene, and first aid supplies to support up to 25 individuals in a reception warming centre during a disaster event in Prince Edward Island, and wishes to enhance readiness and ensure the availability of shelter services by distributing the emergency shelter kits to various Municipalities, and

**WHEREAS**

In accordance with the purpose of Rural Municipality of West River's EMO plan to provide a prompt and coordinated response to emergencies,

**BE IT RESOLVED**

The Council for the Rural Municipality of West River authorizes the Mayor and CAO to sign and execute the Emergency Shelter Kits Lease Agreement with the Government of Prince Edward Island.

- **WRC.2025.28.14 – Road Work**

**Decision Type:** Action

**Status:** Received

**Description:**

Councillor John Yeo raised concerns about the deteriorating condition of St. Catherines Road, noting complaints about potholes and safety issues. He also mentioned the lack of speed limit signage on West River Road from Legacy Park playground to the Royal Canadian Legion and suggested this area should have a lower speed limit.

- **Information Items**

- **WRC.2025.28.15 – Playground Update**

**Decision Type:** Information

**Status:** Received

**Description:**

The CAO informed Council that the playground at Afton Community Centre has been installed and is now open to the public.

▪ **WRC.2025.28.16 - Canada Day**

**Decision Type:** Information

**Status:** Received

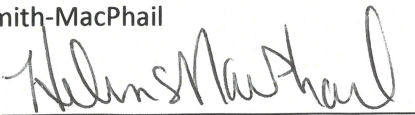
**Description:**

The CAO provided an overview of the upcoming Canada Day celebration:

- The morning pancake breakfast will be held at the Afton Community Centre from 8:30 to 10:30 a.m., with volunteers asked to arrive by 7:00 am to assist with the setup.
  - Afternoon festivities at Inman Park will take place from 1:00 to 4:00 pm, featuring food, games, cupcakes, live music by Perry Williams and Friends, scheduled to perform from 1:30 to 3:30 pm and flag ceremony at 2:30 pm.
  - Two additional volunteers are still needed to help with the BBQ in the afternoon. Council members were encouraged to reach out to anyone who might be available to assist.
- **Adjournment**
    - Deputy Mayor Shaun MacArthur to adjourn the meeting at 8:29 PM.

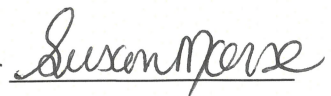
Helen Smith-MacPhail

Mayor



Susan Morse

Chief Administrative Officer





## Rural Municipality of West River Resolution

**Title:** Subdivision Application - PID 203000

<b>Motion Carried</b>	_____	<b>Motion No</b>	2025-25
<b>Motion Lost</b>	_____	<b>Date</b>	June 26, 2025
<b>Motion Deferred</b>	6-0	<b>Council Meeting No</b>	2025-28
<b>Moved by</b>	Councillor John Yeo	_____	
<b>Seconded by</b>	Councillor Lillian MacCannell	_____	

### WHEREAS

The Council received a recommendation from the Planning Board concerning an application to subdivide PID 203000. This application complements a 19 Lot Subdivision of PIDs 203000 & 808154 (Lot 25-2 to Lot 25-20) which was approved by the province in March 12, 2025 as a result of IRAC order LA23-04. The application is to divide PID 203000 into 4 lots, and

### WHEREAS

The Council concurs with the recommendation of the Planning Board



**BE IT RESOLVED**

The Council for the Rural Municipality of West River approves the subdivision application for PID 203000 as shown in ISE Plan of Survey No. 21375-1 Dated March 24, 2025 (Appendix A attached hereto forming a part of this resolution) and directs the Development Officer to affix an approval stamp to the plan and have it registered in the PEI Land Registry Office.

I certify that this is a true copy of the resolution.

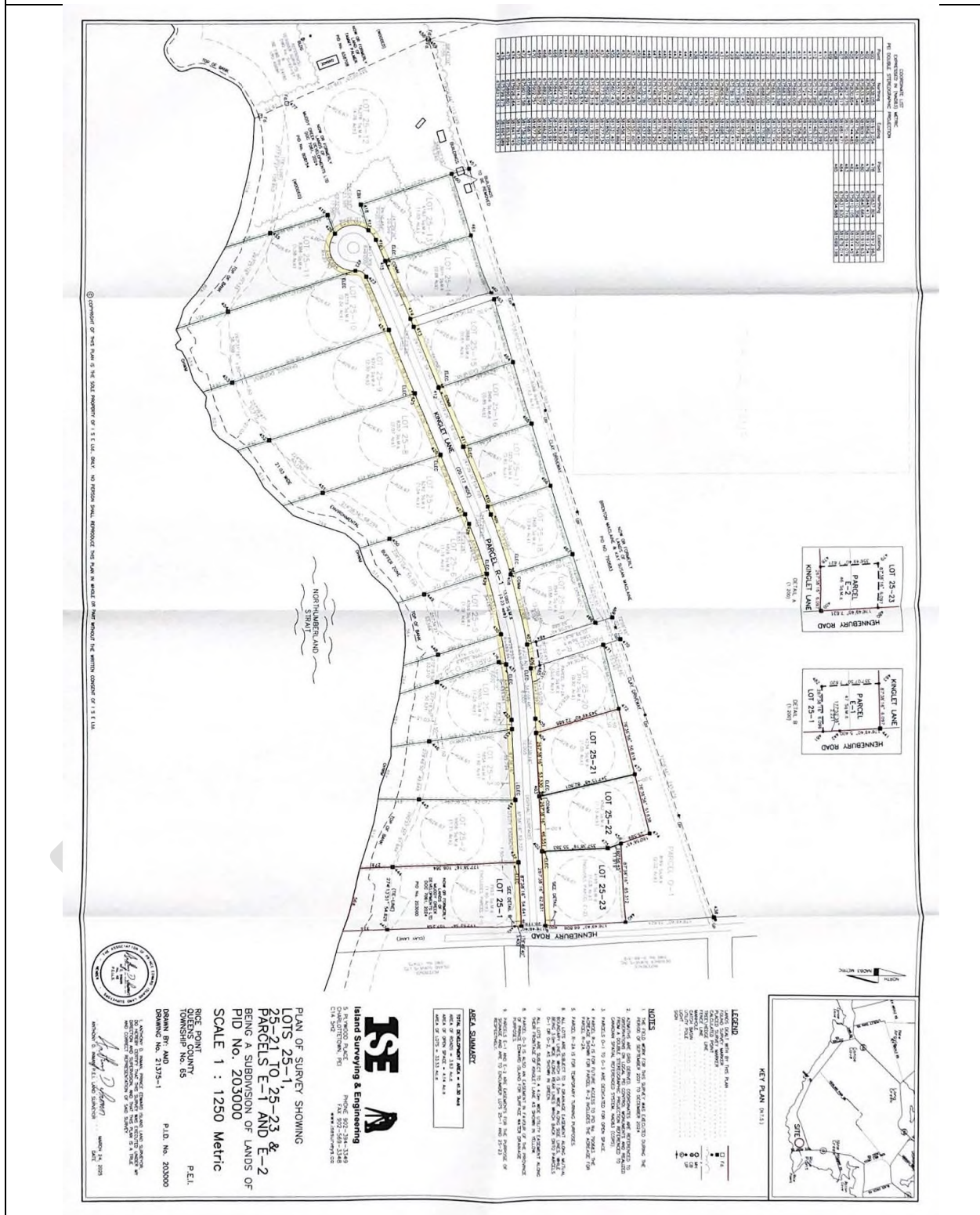
Helen Smith-MacPhail

Susan Morse

Mayor \_\_\_\_\_

Chief Administrative Officer \_\_\_\_\_

# Appendix A





## Rural Municipality of West River Committee of Council Meeting Minutes

<b>Meeting No</b>	2025-25	<b>Time</b>	7:00 PM
<b>Session</b>	Regular - Public	<b>Date</b>	Thursday, September 11, 2025
<b>Chair</b>	Helen Smith-MacPhail - Mayor	<b>Location</b>	Afton Community Centre
<b>Adoption status</b>	Approved	<b>Contact Person</b>	Susan Morse - CAO
<b>Attendance</b>	Mayor Helen Smith-MacPhail, Deputy Mayor Shaun MacArthur, Councillor Daniel Sud, Councillor John Yeo, Councillor Lillian MacCannell, Councillor Steve Pollard, Susan Morse - CAO, Ehi Itua - Administrative Assistant		
<b>Regret</b>	Councillor Aaron MacEachern		
<b>Guest</b>	Nil		

- **Call to Order**

Mayor Helen Smith-MacPhail called the meeting to order at 7:55 PM, and gave a land acknowledgement.

- **Adoption & Approval of Agenda**

The agenda was approved as circulated. It was moved by Deputy Mayor Shaun MacArthur, seconded by Councillor Steve Pollard and unanimously carried.

- **Declarations of Conflict of Interest**

Nil

- **Recommended Items**

- **CW.25.25.1 – July Meeting Cancelled**

**Decision Type:** Action

**Status:** Recommended



**Description:**

The Committee noted that the July 2025 meetings of Planning Board and Council were cancelled. This was due to inability to obtain legal information in time to make decisions on matters scheduled for discussion at those meetings.

▪ **CW.25.25.2 – Afton Imagination After School Program**

**Decision Type:** Action

**Status:** Recommended

**Background:**

CW.25.24.9

**Description:**

The Committee received an update from the CAO on the Afton Imagination After School Program. Enrollment presently sits at 13 children. While the target enrolment for the program was identified at 20 children, the program is still in its early stages and there is optimism that numbers will increase as awareness grows.

Additional measures have been taken to encourage enrollment including:

- Offering part-time options
- Promotional measures
- Providing care until 6:00 PM daily
- Offering PD Day programming

The Committee acknowledged that despite enrolment having not reached the target number, it would be premature to discontinue the program this early. The committee emphasized the importance of allowing time for the program to grow and promotional efforts to take effect. The Committee recommended to continue the program and directed the CAO to continue promotional efforts and to monitor enrollment and budget closely.

▪ **CW.25.25.3 – Credit Card Holders**

**Decision Type:** Action

**Status:** Recommended

**Background:**

Motion#2025-74

**Description:**

The CAO informed the Committee of the need to appoint card holders. The Committee recommend that Council authorize the CAO and Community Services Manager as credit cards holders.

▪ **CW.25.25.4 – Letter of Support for PACE**

**Decision Type:** Action

**Status:** Recommended

**Background:**

FPEIM is seeking to establish a province-wide PACE (Property Assessed Clean Energy) program and requested a letter of support from the municipality. The proposed program would allow homeowners to access affordable funding for energy efficiency upgrades such as solar panels, heat pumps, and insulation improvements.

**Description:**

The CAO after consulting with Council via email, issued a letter of support on behalf of the Municipality (Appendix A attached hereto forming a part of this minutes). The Committee agreed that the PACE program aligns with municipal priorities. The Committee endorsed the CAO's action in sending the letter of support.

▪ **CW.25.25.5 – Recreation PEI Anti-Racism Charter**

**Decision Type:** Action

**Status:** Recommended

**Background:**

Recreation PEI recently launched an Anti-Racism Charter in an effort to encourage action in making recreation facilities and programs safe and welcoming for everyone. Members and other organizations are all encouraged to become a signatory of the Charter and to create an action plan. Recreation PEI created an awareness campaign with the slogan #UnitedWePlay

(Appendix B attached hereto forming a part of this minutes). Recreation PEI invited the municipality to join this initiative by placing signs at our sport fields and explore the option of being a signatory.

**Description:**

The Committee discussed the two aspects of participation. Members agreed with posting signs at municipal owned sports fields and inquired about including community centres and parks. The Committee considered whether to formally become a signatory to the Anti-Racism Charter. Members recognized that this endorsement can have meaningful impacts for residents from diverse backgrounds. The Committee recommend that the CAO obtain more details about becoming a signatory and proceed with the posting of signs at municipal owned sports fields.

▪ **CW.25.25.6 – Association of Rural Community Halls (ARCH)**

**Decision Type:** Action

**Status:** Recommended

**Description:**

The Committee reviewed correspondence regarding potential membership in ARCH. The CAO was directed to monitor ARCH communications and activities to evaluate whether membership would add value to the Municipality's operations and community engagement.

▪ **CW.25.25.7 – Konica Minolta – Printer & Copier Lease Agreement**

**Decision Type:** Action

**Status:** Recommended

**Background:**

[Motion#2020-19](#)

**Description:**

The Municipal Office's printer and copier lease is expiring. The Committee reviewed options for renewal (Appendix C attached hereto forming a part of this minutes). The Committee discussed these options and agreed that the new copier option provides updated technology, improved efficiency, and a warranty, with only a negligible increase in cost compared to the other options.



The Committee recommend that Council authorize the CAO to execute a new lease with the service provider for the purchase of the new copier.

▪ **CW.25.25.8 – ICS Committee Canada Day Event Recommendation**

**Decision Type:** Action

**Status:** Recommended

**Description:**

The Committee received the ICS Committee meeting report on Canada Day activities. The Committee discussed the following recommendations approved by the ICS Committee for future Canada Day events:

- Traffic flow at Inman Park
    - Use cones to block one side of the road to improve traffic flow and prevent parking on both sides
    - Assign at least 2 parking attendants equipped with walkie talkies
    - Designate and close off accessible parking & loading zone
  - Use of facilities by other groups
    - Restrict use—currently, Inman Park is available on a first-come, first-served basis.
- The ICS Committee recommended amending the Municipal Owned Facilities Schedule of Fees to give municipal-sponsored events priority use of facilities.

The Committee recognized concern about overlapping events, particularly when outside groups hold gatherings on the same day, and place as municipal events. It was noted that this creates confusion and tension, including issues with food services and parking congestion.

The Committee agreed with the recommendations of the ICS Committee. The CAO was directed to investigate installation of permanent No Parking signs on one side of the Inman Park access road, and to explore feasibility and costs associated with road widening the access road.

▪ **CW.25.25.9 – Afton Community Centre Side Steps Repair/Replacement**

**Decision Type:** Action

**Status:** Recommended

**Description:**

The CAO informed the Committee of the deteriorating condition of the front side steps at the Afton Community Centre. Doiron's Landscaping has advised that the entire stairs structure would need to be dismantled and rebuilt to ensure safety. They presented an estimate (Appendix D attached hereto forming a part of this minutes).

The Committee directed the CAO to obtain additional information on available options and pricing.

- **Information Items**

- **CW.25.25.9– EMO Committee Report**

**Decision Type:** Information

**Status:** Received

**Background:** EMO.25.06

**Description:**

The Committee received the report of the EMO committee meeting.

- **CW.25.25.10– ICS Committee Report**

**Decision Type:** Information

**Status:** Received

**Background:** ICS.25.14

**Description:**

The Committee received the report of the ICS committee meeting.

The Committee also received the report from the Community Services Manager outlining Completed, pending and upcoming projects.

**Completed Projects:**

- Afton Community Centre Solar Project
- Afton Playground
- Bonshaw Playground – almost complete

- Mutter Park Tree Planting
- Afton Imagination After School Program
- Afton Playground Grand Opening Event

Upcoming & Pending Projects:

- EV Chargers Upgrades
  - Afton Hall Side Door Replacement
  - Afton Hall Side Steps Repair/Replacement
  - Seniors Dinner Grant 2025
  - Fall Activities: Planning is underway for fall events (both municipally & Community Organized), including music jams in Bonshaw, a Kid's Keilidh, craft fair, fitness classes, line dancing, trivia, Tip R Back, Children's Halloween Dance in support of the Community Fridge. An Adult Halloween Dance is also being considered. The ICS committee is looking into open mic night/karaoke with Take the Mic & Toastmasters training (winter).
  - Proposed New Municipal Office Building: EastPoint Engineering has completed a proposed layout for a new municipal office building. The CAO will email this report to Council. A presentation by the consultant could be arranged for October.
- **CW.25.25.11– Cornwall Cenotaph Service**

**Decision Type:** Information

**Status:** Received

**Description:**

The Committee was reminded of the upcoming Cornwall Cenotaph Service, scheduled for September 21, 2025. Mayor Helen Smith-MacPhail confirmed her availability to attend and lay a wreath. Councillor John Yeo confirmed his attendance, and other Councillors were encouraged to join the service in support of veterans and community remembrance.

- **Questions from the Audience and Public Input**

- Nil.



- **Meeting Closed**

At 8:47 PM Deputy Mayor Shaun MacArthur motioned for the meeting to be closed. It was seconded by Councillor Steve Pollard and unanimously carried.

- **In Camera Item**

- **CW.25.25.12** – Pursuant to the Municipal Government Act Section 119 (1)f

- **Meeting Opened**

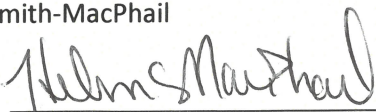
At 9:10 PM Deputy Mayor Shaun MacArthur, motioned for the meeting to be opened. It was seconded by Councillor John Yeo and unanimously carried.

- **Adjournment**

- Councillor Steve Pollard to adjourn the meeting at 9:10PM.

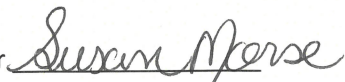
Helen Smith-MacPhail

Mayor



Susan Morse

Chief Administrative Officer



Appendix A



13/08/2025

Federation of Canadian Municipalities  
Green Municipal Fund  
Community Efficiency Financing Program  
24 Clarence Street  
Ottawa, Ontario K1N 5P3

To: CEF Program Evaluation Committee

**RE: Support for Federation of PEI Municipalities' Community Efficiency Financing (CEF) Program Funding Application**

I am writing on behalf of the Council for the Rural Municipality of West River in support of the Federation of PEI Municipalities' application to the Community Efficiency Financing program through the Federation of Canadian Municipalities (FCM) Green Municipal Fund to help support a provincewide "PACE in a Box" offering.

Like other communities on PEI, we are experiencing the dramatic impacts of climate change. It is imperative that we act at the local level to empower our citizens. The Property Assessed Clean Energy (PACE) program service offering contemplated by the Federation of PEI Municipalities in 2026 would greatly reduce the barriers in implementing a PACE program in our municipality. By working closely with FPEIM and other PEI municipalities through a shared services model, we believe we can spur local action on climate change, while reducing energy costs and creating local economic opportunities.

With buildings accounting for 20 percent of PEI's emissions, this is an important sector to support carbon reductions. The program proposed by FPEIM to develop an integrated financing program for energy efficiency, renewable energy, resiliency to extreme weather, and other technologies that support GHG-emission reductions in residential buildings will provide a turnkey solution that eliminates the ongoing barriers preventing homeowners from moving forward with home energy upgrades and deep energy retrofit projects.

FPEIM's concept of a "PACE in a Box" service offering to its municipal members would be a highly innovative and scalable approach to a provincewide PACE initiative. Subject to Green Municipal Fund Council approval of the funding application, and our Council's final approval, we fully support FPEIM's efforts to deliver a new program offering in early 2026 and anticipate participating.

Sincerely,

*Susan Morse*

Susan Morse  
Chief Administrative Officer  
Rural Municipality of West River  
[admin@westriverpe.ca](mailto:admin@westriverpe.ca)

Rural Municipality of West River 1552-B Rte. 19, New Dominion, PE C0A 1H6  
[westriverpe.ca](http://westriverpe.ca)



Appendix B

# #UNITEDWEPLAY

Everyone deserves the benefits of an active, healthy lifestyle. When we come together to play as one, we create spaces where no one is left out, and our communities grow stronger. Every individual plays a role in ensuring that recreation programs and spaces are welcoming, safe and accessible for all. By embracing equity, diversity, and inclusion, we build a community where everyone thrives.

**Recreation is for everyone, everywhere.**

This Anti-Racism initiative is supported by:





Appendix C

Konica Minolta Printer Copier	
<b>Current Costs – Bizhub C300i System Lease Payment</b>	415.29+ Tax per Quarter
C300i B & W Rate & Volumes	5811 x \$ 0.01065 = \$ 61.89
C300i Colour Rate & Volumes	4698 x \$ 0.07587 = \$ 356.44
<b>Total for C300i Color (Lease &amp; Service Costs per Quarter)</b>	<b>\$ 833.62/quarter + Tax</b>
<b>Lease Extension Current System - Lease Payment</b>	\$ 373.76 + Tax per Quarter (1 <sup>st</sup> year)
Service rates annual 10% Escalator	\$ 332.23 + Tax per Quarter (2nd year)
	\$ 290.70 + Tax per Quarter (3 <sup>rd</sup> year)
C300i B & W Rate & Volumes	5811 x \$ 0.011715 = \$68.08
C300i Colour Rate & Volumes	4698 x \$0.083457 = 392.08
<b>Lease Extension Total for C300i Color (Lease &amp; Service Costs per Quarter)</b>	<b>\$833.92/quarter + Tax (first year)</b>
<b>Buy Out Current System</b>	<b>\$1500 + HST</b>
Service rates remain the same with (annual 10% Escalator)	
C300i B & W Rate & Volumes	5811 x \$ 0.011715 = \$68.08 (first year)
C300i Colour Rate & Volumes	4698 x \$0.083457 = 392.08 (first year)
<b>Total for C300i Color</b>	<b>\$1960 or \$490/quarter + Tax (1st year)</b>
<b>Proposed New Bizhub C301i Color Unit 68 Month Lease</b>	\$ 484.00 Per Quarter + Tax
C301i B & W Rate & Volumes	5811 x 0.0088 = \$ 51.14
C301i Color Rate & Volumes	4698 x 0.065 = \$ 305.37
<b>Total for C301i Lease &amp; Service Costs per Quarter)</b>	<b>\$ 840.51 Per Quarter + Tax</b>
Quarterly Increase	\$ 6.89 Per Q or \$ 2.30 a month

Appendix D

**RURAL MUNICIPALITY OF WEST RIVER**  
**1552 PRINCE EDWARD ISLAND 19**  
**NEW DOMINION, PRINCE EDWARD ISLAND**  
**COA 1H6**

**Sales:** Jeremy Dolron  
**1552 Route 19-Hardscaping**  
 1552 Route 19 New Dominion, PE COA 1H6

**Est ID:** EST5713474

**Date:** Sep-10-2025

**Step Repair**

**\$3,736.16**

Supply labor and material to repair block steps and railing

40 Hours	Hardscape Crew (2)	Labor
1 Each	Class A Gravel Bulk (1/2 cubic yard)	
1 Each	1/4" Rock Dust Bulk (per 0.5 cubic yard)	
6 Ft	3 oz Ground Cover - 12' x 300'	
2 Tube	PL Premium	Construction Adhesive
1 Each	3 inch Concrete screws - 3 inch	
8 Each	Allan Block - Wall Stone	
8 Each	Allan Block Caps - Capstone	

**Subtotal** **\$3,736.16**

**Taxes** **\$560.42**

**Estimate Total** **\$4,296.58**



## Rural Municipality of West River Council Meeting Tentative Agenda

**Meeting No:** 2025-29

**Time:** 7:00 PM

**Date:** Wednesday, September 24, 2025

**Session:** Regular - Public

**Location:** Afton Community Centre

**Contact Person:** Susan Morse – CAO

**Chair:** Helen Smith-MacPhail - Mayor

**Contact Info.:** 902 675 7000 - [admin@westriverpe.ca](mailto:admin@westriverpe.ca)

### Order of Business

1. **Call to Order & Land Acknowledgement**
2. **Adoption & Approval of Agenda**
3. **Declarations of Conflict of Interest**
4. **Adoption of Previous Meeting's Minutes**
  - 4.1. **WRC.2025.28** - June 26, 2025, Council Meeting
  - 4.2. **PLB.2025.22** - September 11, 2025, Planning Board Committee Meeting
  - 4.3. **CW.2025.25** - September 11, 2025, Committee of Council Meeting
5. **Discussion Items**
  - 5.1. **WRC.2025.29.1** – Subdivision PID 203000
  - 5.2. **WRC.2025.29.2** – Rezoning Request PID 681239 - Legal Review
  - 5.3. **WRC.2025.29.3** – Official Plan Amendment 2025-02
  - 5.4. **WRC.2025.29.4** – Land Use Bylaw Amendment 2025-03 First Reading
  - 5.5. **WRC.2025.29.5** – Land Use Bylaw Amendment 2025-03 Approval of First Reading
  - 5.6. **WRC.2025.29.6** – Afton Imagination Program
  - 5.7. **WRC.2025.29.7** – Credit Card – Appointing Card Holders
  - 5.8. **WRC.2025.29.8** – Konica Minolta Copier Lease Agreement
  - 5.9. **WRC.2025.29.9** – Use of Municipal Facilities During Special Events
  - 5.10. **WRC.2025.29.10** – EV Funding Agreement
  - 5.11. **WRC.2025.29.11** – Senior's Meal Grant
  - 5.12. **WRC.2025.29.12** – CCBF Project 58.2.3 – Hiring Contractor



**6. Informational Items**

**6.1. WRC.2025.29.13** – CAO's Report

**6.2. WRC.2025.29.14** – Mayor's Update

**6.3. WRC.2025.19.15**– FPEIM Semi-Annual Meeting

**6.4. WRC.2025.29.16** - Update from Landowner Concerning PID 202671

**7. Delegations & Public Input**

**8. Adjournment**



## Rural Municipality of West River Council Meeting Minutes

<b>Meeting No</b>	2025-29	<b>Time</b>	7:00 PM
<b>Session</b>	Regular - Public	<b>Date</b>	Wednesday, September 24, 2025
<b>Chair</b>	Helen Smith-MacPhail - Mayor	<b>Location</b>	Afton Community Centre
<b>Adoption status</b>	Approved	<b>Contact Person</b>	Susan Morse - CAO
<b>Attendance</b>	Mayor Helen Smith-MacPhail, Councillor Aaron MacEachern, Councillor Daniel Sud, Councillor John Yeo, Councillor Lillian MacCannell, Councillor Steve Pollard, Susan Morse – CAO, Ehi Itua –Administrative Assistant		
<b>Regret</b>	Deputy Mayor Shaun MacArthur		
<b>Guest</b>	Nil		

- **Call to Order**

Mayor Helen Smith-MacPhail called the meeting to order at 7:09 PM and gave a land acknowledgment.

- **Adoption & Approval of Agenda**

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

- **Declarations of Conflict of Interest**

Nil

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

The minutes of June 26, 2025, Council Meeting were approved as circulated. It was moved by Councillor John Yeo, seconded by Councillor Daniel Sud and unanimously carried.

The minutes of September 11, 2024, Planning Board Committee Meeting were approved as circulated. It was moved by Councillor Daniel Sud, seconded by Councillor Lillian MacCannell, and unanimously carried.

The minutes of September 11, 2024, Committee of Council Meeting were approved as circulated. It was moved by Councillor Daniel Sud, seconded by Councillor Steve Pollard, and unanimously carried.

- **Discussion Items**

- **WRC.2025.29.1 - Subdivision Application PID 203000**

- Background:**

- Mayor Helen Smith-MacPhail provided the background of this application, professional review and the provisions of the Municipality's Land Use Bylaw that guided the discussions and decision of Council as follows:

- On May 12, 2023, the Island Regulatory and Appeals Commission (IRAC) issued an order in matter LA21-024, wherein it quashed the decision of the Minister of Agriculture and Land to deny a 19-lot subdivision on PIDs 203000 and 808154. IRAC ordered that the property be subdivided to permit a 19-lot subdivision for residential use.
      - On July 20, 2023, the Minister of Housing, Land and Communities approved the Rural Municipality of West River's new Official Plan and Land Use Bylaw. This approval brought these two planning documents into effect, and, from that date, the Rural Municipality of West River (the "Municipality") assumed land use planning jurisdiction over the property in question (PID 203000).
      - On June 10, 2024, IRAC issued an implementation order in connection with matter LA21-024. The implementation order was requested by the Minister as he questioned his planning authority over the property given that the Official Plan and Land Use Bylaw was now in effect in the Municipality. IRAC issued the order and set conditions for the 19-lot subdivision. The conditions were to be completed within 2 years of the date of the implementation order. The last paragraph of the implementation order stated as follows:
        - Paragraph 11. Upon fulfillment of each of the conditions noted in paragraph 9(I)-(X), inclusive, the Commission orders that the Department of Housing, Land and Communities shall stamp the subdivision plan for final approval.



- On September 16, 2024, the Applicant submitted the Application to subdivide the 4 lots that were not captured in the 19-lot subdivision. The Application states that the lots are part of PIDs 808154 and 203000 but, in fact, they are only part of PID 203000. The application fee was not submitted with the Application. The Municipality's records indicate that an invoice was sent to the applicant on September 16, 2024, and again on March 26, 2025, per the Applicant's request. Payment was not received until March 28, 2025. The Municipality does not consider an application officially open for processing until the application fee has been paid.
- On March 12, 2025, the Province approved Lots 25-2 to 25-20 (the 19-lot subdivision).
- The Municipality was not in a position to consider the Application until the Applicant submitted the application fee on March 28, 2025.
- PID 203000 is currently zoned Rural Area (RA). Section 13.5(1) of the Municipality's Land Use Bylaw restricts the number of lots that can be subdivided in that zone—"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*...."
- Section 13.5(3) states "For the purposes of this section, existing *parcel* shall mean a *parcel* of land which was held in separate *ownership* as of the effective date of this Bylaw."
- The Land Use Bylaw came into effect on July 20, 2023. At that time, IRAC had ordered that PID 203000 and PID 808154 be subdivided, but the subdivision did not actually occur until the conditions of the implementation order were met and the Province approved the subdivision plan. This approval didn't occur until March 12, 2025. As a result, the existing parcel on July 20, 2023, was the un-subdivided PID 203000. As more than 4 lots have already been taken from PID 203000 since July 20, 2023, section 13.5 of the Land Use Bylaw does not allow any further lots to be subdivided.

Mayor Smith-MacPhail stated that Council must now decide to either deny the subdivision for the reasons above or disregard this information and approve the subdivision request. She reminded Council that this information came as a legal opinion.

Councillor John Yeo asked “203000 is the 19 lots correct?”

Councillor Dan Sud answered “its a portion of because there were two initial”

Councillor Yeo asked “But the other, 808154 is where?”

Councillor Sud “It’s the other portion, basically the initial plan submitted had 23 lots identified on two PIDS so that the subdivision kind of merges and re-splits them. But the four new lots that are requested here are part of only one of them (203000), they are basically separated by a small stream.”

**Decision Type:** Action

**Status:** Motion Carried (4-0). Councillor Steve Pollard abstained.

**Description:** Motion 2025-37

**Moved by** Councillor John Yeo, and **Seconded by** Councillor Lillian MacCannell.

**WHEREAS**

Pursuant to motion 2025-25 the Council deferred a decision concerning the application to subdivide PID #203000, and directed the CAO to obtain a professional review of the application, and

**WHEREAS**

Under the Rural Municipality of West River Land Use Bylaw section 13.5 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, and

**WHEREAS**

Council has determined that the existing parcel on July 20, 2023 was the un-subdivided PID #203000, and

**WHEREAS**

Pursuant to IRAC order LA21-024, the Province approved Lots 25-2 to 25-20 (the 19-lot subdivision) on March 12, 2025, and

**WHEREAS**

More than 4 lots have already been taken from PID #203000 since July 20, 2023,

**BE IT RESOLVED**

The Council for the Rural Municipality of West River denies the subdivision application for PID #203000.

**Discussion:**

Councillor Sud “Initially the plan submitted to IRAC did include 23 lots. Only 19 were approved because the province relies on the Planning Act Subdivision and Development Regulations which specifies that there can only be 20 lots at a time, and the additional lots would be in a second phase. However, the Municipality having its own Land Use Bylaws is not subject to those requirements and does not have a phasing requirement. So comments like ‘You need to have sold 50% of the lots in phase one before you can open phase two’ wouldn’t apply here. Denying that the lots be subdivided here is not the end to the process because this is a Rural Area Zone; basically in order to be compliant with the Municipality’s Process, there is a path but it involves a rezoning application prior to a subdivision. So this would be but a step in the overall process.”

Mayor Smith-MacPhail agreed rezoning is one method and commented about the natural barriers “although the application for four lots cannot be approved, Kinglet Lane is now a public road (a “street”). Based on subsection 13.1(2) of the Land Use Bylaw, the existing lot south of Kinglet Lane (depicted as Lot 25-1 on the approved plan for the 19-lot subdivision) would be considered an approved lot because the road acts as a division, a natural separation of that lot, so that would be an approved lot. The area north of Kinglet Lane depicted as Lots 25-21, 25-22 and 25-23 on the approved plan for the 19-lot subdivision likewise exists as one approved lot, so those three lots would be merged together as one lot, but it cannot be further subdivided under the current Bylaw provisions, unless it is rezoned to Rural Residential.”

Councillor Steve Pollard “so it has to be rezoned because it’s being considered part of the original.”

Mayor Smith-MacPhail “yes and the road acts as a natural subdivision of that other lot (25-1). According to our bylaw if there is a natural line of division like a road, or a stream, or river, that makes a lot that is on its own.”



Councillor Yeo “So basically if we deny it, we’re just denying three lots.”

Mayor Smith-MacPhail “No, we’re denying two really because the whole lot north would be considered one lot and the lot south would be considered one lot, so instead of four lots it’s two lots.”

Mayor Smith-MacPhail reiterated “The 19 lots that was approved by the province, we have no, that is out of our range and we are looking at the four lots that were applied for separate from the 19 lots, but because of the dates where the application was finalized it impacts how it’s portrayed under our Bylaw and our Bylaw says that 203000 has to be considered in that application.”

Councillor Sud “as Council members if we know of a bylaw but we don’t necessarily agree to it, we don’t have the liberty to willfully ignore a piece of the Bylaw.”

Mayor Smith MacPhail “No, the law is the law, we cannot ignore that. And now we’ve had legal counsel that is telling us that they’ve interpreted our bylaw and have said this is how it has to be interpreted. So the risk in, there’s no risk in denying it, because we would have done our due diligence. The risk in disregarding this information is that we are essentially going against our own law ” leaving the decision vulnerable to appeal and “that is something that we have to consider in this matter.”

Councillor Yeo stated “So bottom line is if they want to develop those three lots they have to put in a rezoning application.”

Councillor Sud stated “there exists a due process that they can follow.”

Mayor Smith-MacPhail stated “there is a due process and that would be to apply to have the land rezoned and then subdivide the lots.” A Public meeting would be required for the rezoning.

Motion carried 4-0. Councillor Steve Pollard abstained.

▪ **WRC.2025.29.2 – Rezoning Request PID 681239 – Legal Review**

**Decision Type:** Action

**Status:** Received

**Background:**

PLB.25.21.2 – Council deferred their decision until a legal review could be obtained.

**Description:**

Council considered the legal review (Appendix A attached hereto forming a part of this minutes). The review notes that the Municipality generally followed the intent and core requirements of its procedures.

Mayor Smith-MacPhail read from the review “When Council follows Planning Board’s recommendation Council is adopting the reasoning and analysis used by Planning Board.”

Mayor Smith-MacPhail directed Council “We as the Council are the Planning Board so we have two things we can do here, we can accept Planning Board’s deliberations which we’ve already gone through because all members of Council are members of Planning Board and we would accept the analysis provided by Planning Board, or Council could now perform our own deliberations and analysis.”

Mayor Smith-MacPhail requested direction from Council on whether they want to accept Planning Board’s recommendations and deliberations or perform their own analysis and deliberations.

Councillor Sud “There doesn’t seem to be an argument to warrant that second option.”

Mayor Smith-MacPhail “No there does not.”

Councillor Pollard “I think what we’re doing now is fine, I really do, you know. It probably gives us more time to really, I mean we can take as much time as we want but if we debate it as a Council or a Planning Board but I think as a Planning Board we get more.”

Mayor Smith-MacPhail “So you think we’re ok as Council to carry on and move this forward is that what I’m understanding there?”

Councillor Pollard “Yep.”

Councillor Sud “There were concerns that were expressed that might be better addressed in a future phase, like in a subdivision, because not every element was considered as part of the rezoning, it wasn’t an appropriate concern for rezoning specifically. So it’s not to say

that this is a go to develop it, it's a go for the rezoning and then there's going to be future stages."

Mayor Smith-MacPhail requested addition input from Council.

Councillor MacCannell "I think we can proceed, we have already discussed it, same people."

▪ **WRC.2025.29.3 – Official Plan Amendment No.2025-02**

**Decision Type:** Action

**Status:** Motion Carried (5-0)

**Description:** Motion 2025-38

**Moved by** Councillor Daniel Sud, and **Seconded by** Councillor Lillian MacCannell.

**WHEREAS**

The Rural Municipality of West River has received an application for a change in zoning of parcel PID #681239 from Rural Area (RA) to Rural Residential (RR); and

**WHEREAS**

A public meeting was held on May 1, 2025, at which residents and other interested persons were invited to make representation in accordance with sections 11 and 18 of the Planning Act; and

**WHEREAS**

In accordance with the Land Use Bylaw, the general criteria for amendments have been considered, including conformity with the Official Plan and the requirements of the Bylaw, comments from residents or other interested persons, the adequacy of public infrastructure and environmental systems, and the impact on the Rural Municipality of West River's finances and budgets; and

**WHEREAS**

This bears the recommendation of the Planning Board from the meeting held on June 12, 2025



**BE IT RESOLVED**

That West River Official Plan Amendment No. 2025-02 to amend the Rural Municipality of West River 2022 Official Plan be hereby formally adopted;

**AND BE IT FURTHER RESOLVED**

That the Rural Municipality of West River Official Plan Amendment No. 2025-02 be hereby declared to be passed.

The Rural Municipality of West River Official Plan Amendment No. 2025-02 is attached. (Appendix B attached hereto forming a part of these minutes).

**Discussion:**

Councillor MacCannell stated “I think we have discussed it thoroughly.”

Councillor Sud stated “Like I mentioned previously I think there are some valid concerns that were brought up by the public but they’re to be considered in the subdivision phase rather than the rezoning phase.”

Motion Carried (5-0).

▪ **WRC.2025.29.4 – Land Use Bylaw Amendment 2025-03 First Reading**

**Decision Type:** Action

**Status:** Motion Carried (5-0)

**Description:** Motion 2025-39

**Moved by** Councillor John Yeo, and **Seconded by** Councillor Steve Pollard.

**WHEREAS**

The Rural Municipality of West River has received an application for a change in zoning of parcel PID # 681239 from Rural Area (RA) to Rural Residential (RR); and

**WHEREAS**

A public meeting was held on May 1, 2025, at which residents and other interested persons were invited to make representation in accordance with sections 11 and 18 of the Planning Act; and

**WHEREAS**

In accordance with Section 12 of the Land Use Bylaw, the Council may amend the Land Use Bylaw No. 2022-04; and

**WHEREAS**

Approval of Rural Municipality of West River Land Use Bylaw Amendment No. 2025-02 has been recommended by Planning Board, and

**WHEREAS**

In accordance with the Rural Municipality of West River Land Use Bylaw , the general criteria for amendments have been considered, including conformity with the Official Plan and the requirements of the Bylaw, comments from residents, the adequacy of public infrastructure and environmental systems, and the impact on the Rural Municipality of West River 's finances and budgets; and

**WHEREAS**

Official Plan Amendment No. 2025-02 to amend the Rural Municipality of West River 2022 Official Plan has been considered and approved;

**BE IT RESOLVED THAT**

The Rural Municipality of West River Land Use Bylaw Amendment No. 2025-03, a bylaw to amend the Rural Municipality of West River Land Use Bylaw 2022-04, be hereby read a first time.

Rural Municipality of West River Land Use Bylaw Amendment No. 2025-03 is attached.  
(Appendix C attached hereto forming a part of these minutes).

▪ **WRC.2025.29.5 – Land Use Bylaw Amendment 2025-03 Approval of First Reading**

**Decision Type:** Action

**Status:** Motion Carried (5-0)

**Description:** Motion 2025-40

**Moved by** Councillor Steve Pollard, and **Seconded by** Councillor John Yeo.

**WHEREAS**

The Rural Municipality of West River Land Use Bylaw Amendment No. 2025-03 was declared read a first time;

**BE IT RESOLVED**

That the first reading of the Rural Municipality of West River Land Use Bylaw Amendment No. 2025-03, a bylaw to amend the Rural Municipality of West River Land Use Bylaw 2022-04, be hereby formally approved.

▪ **WRC.2025.29.6 – Afton Imagination Program**

**Decision Type:** Action

**Status:** Motion Carried (5-0)

**Description:** Motion 2025-41

**Moved by** Councillor Daniel Sud, and **Seconded by** Councillor Lillian MacCannell.

**WHEREAS**

Pursuant to Motion 2025-26 the Council for the Rural Municipality of West River approved the opening of a Municipally run after-school childcare program “Afton Imagination” for the 2025-26 School Year subject to enrolment of at least 20 children, and

**WHEREAS**

Despite an initial wait list of over 20 children, only 13 are currently enrolled in the program, and

**WHEREAS**

This resolution bears the recommendation of the Committee of Council as discussed at a meeting held on September 11th, 2025

**BE IT RESOLVED**

The Council for the Rural Municipality of West River approves the continuation of the after-school care program.



**BE IT FURTHER RESOLVED**

The Council for the Rural Municipality of West River directs the CAO to continue promotional efforts, to monitor enrolment and budget closely and to update Council regularly.

▪ **WRC.2025.29.7 – Credit Card – Appointing Card Holders**

**Decision Type:** Action

**Status:** Motion Carried (5-0)

**Description:** Motion 2025-42

**Moved by** Councillor John Yeo, and **Seconded by** Councillor Daniel Sud.

**WHEREAS**

Pursuant to Motion 2024-74 Credit Card Policy 2024-02 was approved, and

**WHEREAS**

The Credit Card Policy provides guidelines on usage, however it does not specifically designate card holders, and

**WHEREAS**

This resolution bears the recommendation of the Committee of Council as discussed at a meeting held on September 11, 2025

**BE IT RESOLVED**

The Council for the Rural Municipality of West River approves designating the Chief Administrative Officer and the Community Services Manager as card holders.

▪ **WRC.2025.29.8 – Konica Minolta Copier Lease Agreement**

**Decision Type:** Action

**Status:** Motion Carried (5-0)

**Description:** Motion 2025-43

**Moved by** Councillor Steve Pollard, and **Seconded by** Councillor Lillian MacCannell.

**WHEREAS**

The Rural Municipality of West River's current photocopier lease is due for renewal, and

**WHEREAS**

Staff have reviewed the options available through the current copier provider,

**WHEREAS**

This resolution bears the recommendation of the Committee of Council as discussed at a meeting held on September 11, 2025

**BE IT RESOLVED**

That Council accepts the lease offer from Konica Minolta for a Bizhub C301i copier for 66 months at a cost of \$484.00 plus HST per quarter and authorizes the Mayor and CAO to sign the agreement.

▪ **WRC.2025.29.9 – Use of Municipal Facilities During Special Events**

**Decision Type:** Action

**Status:** Motion Carried (5-0)

**Description:** Motion 2025-44

**Moved by** Councillor Steve Pollard, and **Seconded by** Councillor Lillian MacCannell.

**WHEREAS**

Overlapping events at Municipal Properties create overcrowding, confusion, and safety concerns for attendees, and

**WHEREAS**

The Municipality has a responsibility to ensure the success and accessibility of public events, and

**WHEREAS**

This resolution bears the recommendation of the Committee of Council as discussed at a meeting held on September 11 2025,

**BE IT RESOLVED**

The Council for the Rural Municipality of West River authorizes adding the following to the Schedule of fees for Municipal Owned Facilities:

All Properties which operate as first come first serve are subject to the following:

- On dates when the Municipality organizes or sponsors a public event, the Municipality shall have priority use of the facility and may limit other groups from hosting events at the same location to ensure public safety, adequate space, and a positive experience for all attendees. Private groups wishing to host events on municipal property are encouraged to check the municipal events calendar in advance and coordinate with staff to avoid scheduling conflicts.

▪ **WRC.2025.29.10 – EV Funding Agreement**

**Decision Type:** Action

**Status:** Motion Carried (5-0)

**Description:** Motion 2025-45

**Moved by** Councillor Daniel Sud, and **Seconded by** Councillor John Yeo.

**WHEREAS**

According to Section 156 of the Municipal Government Act, agreements, contracts, and other legal or financial instruments shall be signed or authorized by both the Mayor and the Chief Administrative Officer of a municipality, and

**WHEREAS**

Pursuant to resolution 2024-70 the Council approved the 2024-2029 CCBF Projects which included upgrading EV chargers at Afton Community Centre, and

**WHEREAS**

The Municipality has applied and been approved for additional funding of \$15,000 through the Zero Emission Vehicle Infrastructure Program for PEI Electric Vehicle Charger Funding; and



**WHEREAS**

According to the Municipal Government Act Subsection (156) (5), a council may, by resolution, authorize the Chief Administrative Officer (CAO) alone to sign contracts and agreements,

**BE IT RESOLVED**

The Council for the Rural Municipality of West River authorizes the CAO to sign the necessary documents and contracts on behalf of the Municipality.

▪ **WRC.2025.29.11 – Senior’s Meal Grant**

**Decision Type:** Action

**Status:** Motion Carried (5-0)

**Description:** Motion 2025-46

**Moved by** Councillor Steve Pollard, and **Seconded by** Councillor Lillian MacCannell.

**WHEREAS**

The Municipality applied for the Seniors Community Meal Grant Program, and received approval from the Department of Social Development and Seniors for \$5,000, and

**WHEREAS**

According to the Municipal Government Act Subsection (156) (5), a council may, by resolution, authorize the Chief Administrative Officer (CAO) alone to sign contracts and agreements,

**BE IT RESOLVED**

The Council acknowledges that signing this agreement to participate reflects the Municipality's understanding of shared objectives and terms established by the 2025 Seniors Community Meal Grant Funding Agreement between the Government Province of PEI and the Rural Municipality of West River and authorizes the CAO to sign the necessary documents and contracts on behalf of the Municipality.

▪ **WRC.2025.29.12 – CCBF Project 58.2.3 – Hiring Contractor**

The quotes from Hansen Solar Energy LTD.

**Decision Type:** Action

**Status:** Motion Carried (5-0)

**Description:** Motion 2025-47

**Moved by** Councillor Daniel Sud, and **Seconded by** Councillor John Yeo.

**WHEREAS**

CCBF project 58.2.3 Solar Panels & EV Charger for Afton Community Centre was approved for funding and

**WHEREAS**

Pursuant to Motion 2025-30 upgrading the electrical system at Afton Community Centre was added to the project scope, and

**WHEREAS**

In accordance with Purchase Policy 2022-03 section 8.11 the Chief Administrative Officer has recommended hiring Hansen Solar Energy to complete the 400A Overhead Service Upgrade and to supply and install 2 80A EV Chargers at Afton Community Centre

**BE IT RESOLVED**

The Council for the Rural Municipality of West River accepts the quote from Hansen Solar Energy LTD (Appendix D attached hereto forming a part of this minutes) to complete the 400A Overhead Service Upgrade at the cost of \$16,982.00 plus HST and authorizes the Chief Administrative Officer to start the acquisition process.

**BE IT FURTHER RESOLVED**

The Council for the Rural Municipality of West River accepts the quote from Hansen Solar Energy LTD to supply and install 280A EV chargers at the cost of \$13,769.00 plus HST and authorizes the Chief Administrative Officer to start the acquisition process.

- **Information Items**

- **WRC.2025.29.13 – CAO's Report**

**Decision Type:** Action

**Status:** Received

**Description:**

The CAO presented her report covering activities from July through September 2025. She highlighted that the office had experienced a particularly busy summer and provided the following key areas of work.

- **Staff Management:** The Municipality hired three summer students. The Administrative Assistant had been upgraded to a full-time role.
- **Afton Imagination After School Program:** Launched this fall. Considerable effort has gone into establishing administrative and programming procedures as well as staffing & student registrations.
- **Preparation for Audit:** the auditor has communicated that they will not be able to complete the audit before Oct. 15, this scheduling issue originates from the Auditor.
- **Planning and Development:** The Municipality continues to face increasingly complex applications. Office staff are working on improving communication tools such as the "Frequently Asked Questions" section to address recurring inquiries (e.g., survey requirements for remnant parcels, prohibition of private road subdivisions).
- **Shared Services Project:** Municipal Affairs has reviewed the submission and indicated no further concerns; the process is underway to advance it for approval.
- **Legal Communication:** Involvement in a range of legal matters.
- **Community Events:** The successful grand opening of the playground attracted approximately 200 attendees and benefited from volunteer support by Long Creek Baptist Church.
- **4 Professional Development and Training Sessions** were attended.
- **Completion of Statistics Canada municipal surveys.**
- **Follow-up on road work with Department of Transportation.** "No Parking" signs will be replaced on Rte 9 and a request will be put in for the reduced speed zone, however, that will take some time.



▪ **WRC.2025.29.14 – Mayor’s Report**

**Decision Type:** Action

**Status:** Received

**Description:**

Mayor Helen Smith-MacPhail provided Council with an update on recent events and meetings:

- Canada Day celebrations were a success, with strong attendance at both events. She thanked Council members for their volunteer contributions, which make a significant difference in the day’s success.
- She attended the summer social of Women in Government. She emphasized the importance of these professional networks, both for herself and for staff, as sources of mentorship and problem-solving.
- The playground opening was described as a milestone. She acknowledged the extensive efforts of Municipal staff and community partners, particularly Long Creek Baptist Church, whose volunteers ensured the event ran smoothly.
- She also attended the Federation of PEI Municipalities (FPEIM) board meeting on September 18 and encouraged Council to consider attending the upcoming semi-annual meeting.
- She further commented on a recent visit to the municipal office, where she observed firsthand how busy the environment has become, particularly on Fridays. She expressed confidence in the Enforcement Officer’s role in supporting compliance with bylaws.
- She participated in a podcast hosted by the Coalition for Land Protection, where she was asked to discuss the relationship between municipal land use planning, IRAC, and provincial government oversight. She emphasized her strong belief in the value of West River having an official land use plan. While it increases the administrative workload, it provides clarity, structure, and fairness in decision-making and helps the municipality navigate complex development issues.

The CAO informed Council that with the bylaw amendments, she has inquired about a housing needs assessment, and she is yet to hear back from the provider. She will send a follow-up email this week.

- **WRC.2025.29.15 – FPEIM Semi-Annual Meeting**

**Decision Type:** Action

**Status:** Received

**Description:**

Mayor Helen Smith-MacPhail informed Council of the upcoming semi-annual meeting of the Federation of PEI Municipalities (FPEIM), scheduled for Saturday, October 18, 2025, in Eastern Kings. The deadline for registration is Thursday, October 9, 2025. Registration includes an optional tour of the Eastern Kings wind farm.

The Mayor advised that she will be unable to attend due to family obligation, but strongly encouraged that the Municipality be represented, stressing the value of participation in these gatherings for both learning and networking purposes. She emphasized that FPEIM events provide insight into common challenges faced by Island municipalities and often present innovative approaches to governance and community development.

- **WRC.2025.29.16 – Update from Landowner Concerning PID 202671**

**Decision Type:** Action

**Status:** Received

**Description:**

Council received correspondence from the landowner, dated September 8, 2025, providing an update concerning the rezoning request for PID 202671. He confirmed that he and his partner remain committed to proceeding with the development of Fraser Lane. However, they are awaiting feedback from Brett Wallace on a resolution of water drainage.

The CAO reminded Council that in March 2024 a Council deferred a decision on this rezoning request until specific requirements were met, among these was written confirmation from the Department of Transportation and Infrastructure that they will accept Fraser Lane as a public road. The CAO confirmed, based on advice from the municipal planner, that such

motions do not carry a formal expiry date. However, she cautioned that no Council can bind a future Council to a decision. This means that while the March 2024 recommendation remains on record, a future Council is free to revisit the matter.

- **Delegations & Public Input**

Mayor Smith-MacPhail opened the meeting for public questions and comments.

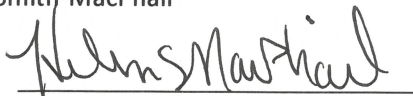
- A resident expressed appreciation to Council for its diligence and for maintaining open channels of communication with the community. She specifically thanked Mayor Helen Smith-MacPhail for representing the Municipality in the recent Coalition for Land Protection podcast, noting that her contributions helped the broader public better understand the role of municipal planning and the importance of having a clear Official Plan.
- Another resident asked about the lot size permitted under current laws and whether smaller lots seen in some nearby subdivisions could still be approved. The CAO clarified that since adopting its own Official Plan and Land Use Bylaw, West River requires all new lots to meet the one-acre minimum. Existing undersized lots remain legal and may be developed in accordance with current bylaw provisions, but no new undersized lots may be created. She explained that some subdivisions include lots under an acre, however those were approved by the Province prior to July 2023, before the Municipality assumed planning jurisdiction.

- **Adjournment**

- Councillor John Yeo to adjourn the meeting at 8:42 PM.

Helen Smith-MacPhail

Mayor



Susan Morse

Chief Administrative Officer





## Appendix A

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New Brunswick | Newfoundland and Labrador | Nova Scotia | Prince Edward Island

### Solicitor Client Privileged and Confidential

To: Rural Municipality of West River  
From: Cox & Palmer  
Date: July 27, 2025  
Re: Procedural Review – Rezoning Application - PID 681239  
File No.: 64947-1

### Background:

The Rural Municipality of West River ("Municipality") is in the process of reviewing an application to rezone PID 681239 ("Property") from Rural Area to Rural Residential to allow for the potential subdivision of eleven residential lots. The proposed rezoning requires an amendment to the Municipality's zoning map in its Land Use Bylaw ("Bylaw") and future land use map in its Official Plan (collectively, the "Application").

The Municipality has requested our review and opinion with respect to whether it has fulfilled the procedural requirements under its Bylaw and Official Plan prior to making its determination on the merits of the Application.

### Assumptions and Qualifications:

- This analysis is based solely on the documentation and information provided by the Municipality as of the date hereof. It is assumed that all such materials are complete, accurate, and current. We have not undertaken any independent verification of the facts.
- The conclusions expressed herein are based on our interpretation of the relevant planning enactments. Where provisions are ambiguous, they have been interpreted in light of standard principles of statutory interpretation. Generally, we note that the interpretation of legislation is a subjective exercise. We cannot predict with certainty whether a court or tribunal would impose the same interpretation.
- This memo addresses only the procedural compliance with the relevant planning enactments and, other than as expressly noted herein, does not comment on the planning merits or policy reasons on which any decision of the Application is based.
- This memo is subject to further revision or supplementation should additional facts, documents, or clarifying questions arise.

### Analysis:

Based on our review of the relevant sections of the Bylaw, Official Plan, and *Planning Act*, below is a summary of the applicable procedure, the corresponding action taken by the Municipality, and the extent to which said action is compliant with the procedural requirements.

For the purposes of this analysis, compliance with the procedural requirements has been assessed using a three-tier grading scale. A finding of "Non-Compliant" indicates that the Municipality failed to follow the required procedures in a material way, potentially undermining the validity of the process or decision. A finding of "Substantially Compliant" means that the Municipality generally adhered to the intent and core requirements of the relevant planning enactments, but with minor deficiencies or ambiguities that, while not invalidating the process, could be addressed to ensure ongoing compliance. A finding of "Fully Compliant" reflects adherence to all applicable procedural requirements, in both form and substance, without any material concerns. Where a finding of Non-Compliant or Substantially Compliant is made, recommendations are provided for future consideration.

Step 1:	Application Submission
Requirements:	Sections 12.1(1) to (4) of the Bylaw set out the applicable application requirements. To start, a person seeking to amend the Bylaw, whether to the text or to the zoning map (as is the case here), must submit a completed application form to the Municipality's development officer. The application must be made on a form prescribed by Council, signed by the applicant (or their authorized agent), and must describe in detail the reasons for the proposed amendment. The submission must be accompanied by the required fee and include any supporting information needed to properly assess the merits of the proposal. This includes a general development concept illustrating proposed land uses, access, parking, and servicing, as well as an assessment of the anticipated impact on municipal infrastructure and the natural environment.
Actions Taken:	The signed Application from Dan MacIsaac, dated December 4, 2024, was received by Municipality on December 5, 2024, on the prescribed form available on the Municipality's website. The Application was marked paid on January 8, 2025. The Application included a summary of the proposed subdivision and various supporting documentation, such as a general development concept (pp. 4-5) and a costal hazard (pp. 8-12).
Assessment:	Fully compliant. The Applicant adhered to all relevant procedural requirements in both form and substance, in a manner consistent with the Bylaw, thus allowing the Municipality to move forward with its assessment. No material deficiencies or procedural concerns were identified.

## Appendix A CONTINUED

<b>Step 2:</b>	<b>Preliminary Determination of Council</b>
<b>Requirements:</b>	Section 12.1(5) of the Bylaw indicates that once an application is received, Council shall determine whether or not to consider the amendment proposed thereunder. In that sense, it appears that Council is not obligated to consider every application received and that it retains discretion to reject an application at this preliminary stage. The initial determination involves evaluating (a) whether the amendment is consistent with the Official Plan or (b) whether an Official Plan amendment is necessary. If the proposed amendment would be inconsistent with the Official Plan, an amendment to the Official Plan must be sought. Section 12.1(6) allows for concurrent processing of Bylaw and Official Plan amendments.
<b>Actions Taken:</b>	The Municipality's development officer prepared a preliminary report to the Planning Board dated February 7, 2025. At a meeting on February 20, 2025, the Planning Board recommended to Council that Council proceed to consider the Application. Council passed a resolution on March 3, 2025, to proceed to a public meeting.
<b>Assessment:</b>	<p><b>Substantially compliant.</b> The Municipality generally followed the intent and core requirements of the Bylaw, but there were minor procedural ambiguities which could be improved.</p> <p>Council appears to have exercised its discretion appropriately by reviewing recommendations from the Planning Board and passing its resolution of March 3, 2025, to proceed to a public meeting. This supports the inference that Council made the preliminary determination to consider the application, as contemplated by section 12.1(5), but the lack of a specific reference that it had determined to consider the amendment, while not fatal, could be perceived as a minor gap.</p> <p>Further, the recitals to said resolution contemplate the need for an amendment to both the Bylaw and Official Plan, thereby suggesting concurrent review in accordance with section 12.1(6), but said resolution did not specifically address whether the review would be concurrent.</p>
<b>Recommendation:</b>	<p>Future Council resolutions at this stage should clearly:</p> <ul style="list-style-type: none"> <li>state the decision to consider an application, with specific reference to s. 12.1(5) of the Bylaw; and</li> <li>state whether concurrent processing of the Bylaw and Official Plan amendments is being undertaken pursuant to s. 12.1(6) of the Bylaw, where applicable.</li> </ul>
<b>Step 3:</b>	<b>Public Notice Requirements</b>
<b>Requirements:</b>	<p>Where Council chooses to proceed with the consideration of an application, then the application must be referred to the Planning Board for review. Before providing its final recommendation to Council, the Planning Board is required to hold a public meeting in accordance with the notice provisions outlined in section 12.4(1) of the Bylaw and section 18(2)(a) of the <i>Planning Act</i>.</p> <p>Public notice must be provided in three forms. First, the notice must be published in a newspaper<sup>1</sup> circulating in the area and posted on the Municipality's website. Second, written notice must be provided to all property owners located within 153 metres of the subject property. Third, a sign measuring at least 1.22 metres by 1.22 metres (4 feet by 4 feet) must be placed on the subject property, advising the public that an application has been submitted and directing inquiries to the Municipality for further details. Such notice must include the nature of both the proposed Official Plan amendment and proposed Bylaw amendment.</p> <p><sup>1</sup> (where a comprehensive review of an official plan is being undertaken by a municipality (as required at least every five years as per section 15.1(1) of the <i>Planning Act</i>), then notice of the public meeting must be published in <u>two</u> newspapers, as per section 11(2) of the <i>Planning Act</i>. Where a bylaw amendment concurrently requires an amendment to an official plan, as is the case here, notice of the public meeting need only be published in <u>one</u> newspaper, as per section 18(1)(b) of the <i>Planning Act</i>).</p>
<b>Actions Taken:</b>	<p>A letter was sent to all landowners within 153 metres of all boundaries of the Property on April 10, 2025.</p> <p>A sign was placed on the Property on April 17, 2025, directing people to contact the municipality for specific details.</p> <p>Notice was published on the Municipality's website on April 21, 2025 and in "The Guardian" on April 23, 2025, both of which included the general terms the nature of the proposed amendment and the date, time and place of the public meeting.</p> <p>All notices correctly contemplated the nature of both the proposed Official Plan amendment and proposed Bylaw amendment.</p>
<b>Assessment:</b>	<b>Fully compliant.</b> The Municipality adhered to all relevant procedural requirements in both form and substance, in a manner consistent with the Bylaw. No material deficiencies or procedural concerns were identified.



## Appendix A CONTINUED

<b>Step 4:</b>	<b>Public Meeting</b>
<b>Requirements:</b>	Section 12.3(2) of the Bylaw provides that the Planning Board must hold a public meeting and allow the public to provide input on the proposed amendment.
<b>Actions Taken:</b>	A public meeting was held on May 1, 2025, at 7:00 p.m. at the Afton Community Centre. The minutes reflect that the public was given ample opportunity at the public meeting to provide input.
<b>Assessment:</b>	<b>Fully compliant.</b> The Municipality adhered to all relevant procedural requirements in both form and substance, in a manner consistent with the Bylaw. No material deficiencies or procedural concerns were identified.
<b>Step 5:</b>	<b>Planning Board Consideration and Recommendation</b>
<b>Requirements:</b>	<p>Section 12.3(3) of the Bylaw states that after the public meeting is held, the Planning Board must consider any written submissions or comments received at the meeting and the applicant may be invited to respond to outstanding questions or concerns. Following same, the Planning Board shall make a recommendation to Council on the merits of an application.</p> <p>Section 12.3(4) of the Bylaw sets out various factors which the Planning Board and Council must consider prior to its recommendation/determination. These include, among other things, conformity with the Official Plan, compliance with the Bylaw, and public input received during the consultation process.</p>
<b>Actions Taken:</b>	The Planning Board reviewed reports from both the Municipality's development officer and a registered municipal planner, whom the Municipality had engaged to provide an opinion on the merits of planning principles. The minutes of Planning Board's meeting on June 12, 2025, indicate that Planning Board had engaged in substantial discussion regarding said reports, the weighing of numerous policy considerations outlined in the Official Plan and Bylaw and consideration to public input. The Planning Board recommended that Council approve the Application.
<b>Assessment:</b>	<b>Fully compliant.</b> The Municipality adhered to all relevant procedural requirements in both form and substance, in a manner consistent with the Bylaw. No material deficiencies or procedural concerns were identified.

### Conclusions and Next Steps:

All actions taken by the Municipality to date have been compliant with the procedures under the relevant planning enactments. That said, we wish to point out that an appeal to the Island Regulatory and Appeals Commission ("Commission") will be adjudicated in accordance with the two-part test set out by the Commission in *Stringer v Minister of Communities, Land and Environment*, Order LA17-06. The applicable test is comprised of both procedural and substantive planning considerations:

- whether the municipal council followed the proper procedure, as required by its bylaw, the *Planning Act*, and the law in general, including the principles of natural justice and fairness; and
- whether the decision made by the municipal council has merit based on sound planning principles within the field of land use planning and as identified in the objects of its official plan and bylaw.

The Commission will generally be reluctant to interfere with a decision properly made in accordance with the proper procedures and where the decision is supported by objective and reliable evidence, such as the opinion of planning professionals.

We note that there are still a few outstanding procedural requirements in relation to the Application, which we understand will be addressed in the very near future, in particular:

- **Council's consideration of evaluation criteria and decision** – just as Planning Board did at its meeting on June 12, 2025, Council must also undertake its own review of the factors outlined in section 12.3(4) of the Bylaw. We recommend that Council clearly and methodically set out its own thought process and analysis on which its decision is based, all of which should be documented in its minutes. It is worth noting that when Council follows Planning Board's recommendation, the Commission has acknowledged that in so doing, Council is adopting the reasoning and analysis used by Planning Board.
- **Notification of decision** – after rendering a decision, section 12.3(7) of the Bylaw indicates that the applicant must be notified in writing. If denied, reasons must be provided within the notice itself (consistent, of course, with the reasons identified in Council's minutes). Notice of the decision must also be posted publicly.
- **Ministerial approval** – even where Council approves an application, sections 12.3(8) and (9) of the Bylaw provide that approval must also be sought from the Minister responsible for administering the *Planning Act*, and that no subsequent development permits or subdivision approvals relating to the proposed amendment may be issued until such ministerial approval has been obtained.



Appendix A CONTINUED

While no outcome is guaranteed, provided that these remaining steps are carried out in accordance with the procedures identified above, **the risk of a successful appeal by an aggrieved person based on procedural deficiencies is relatively low.** Similarly, although this memo does not purport to provide a comprehensive review of the planning principles set out in the reports prepared by the Municipality's development officer and registered municipal planner, Council's reliance on the analysis and recommendations contained in said reports would significantly mitigate against the risk of a successful appeal on the basis of sound planning principles. As indicated in *Andrea Battison v City of Charlottetown*, Docket LA20003, Order LA20-02:

*[...] appellants cannot expect that they will be successful in challenging decisions of municipal or provincial planning authorities, where the decision-maker has availed itself of planning expertise and provided sound reasons for its decision, absent evidence to the contrary. Subjective complaints, without more, are insufficient to overturn proper, reasoned municipal planning decisions.*

*[emphasis added].*

For posterity, we note that, even where the Municipality follows the proper procedures and relies on sound planning principles, there remains a possibility that an appeal may be brought by a disgruntled resident. Under the *Planning Act*, the right to an appeal is broadly available to any "aggrieved person," regardless of the procedural or substantive merits of the decision in question. As such, we cannot opine on the likelihood of an appeal being initiated, but rather on the relative risk of an appeal succeeding if brought, which we perceive to be relatively low.

Should any additional information become available or if further clarification is required, we would be pleased to review and revise this memo accordingly. We remain available to respond to any questions or to provide further assistance with this matter as needed.

Appendix B

**Official Plan Amendment No. 1-2025-02  
To amend the Rural Municipality of West River 2022 Official Plan**

**September 24, 2025**

**Effective Date**

The effective date of the Rural Municipality of West River OP Amendment No. 2025-02, to amend the Rural Municipality of West River 2022 Official Plan, is the date as signed below by the Minister of Housing, Land and Communities.

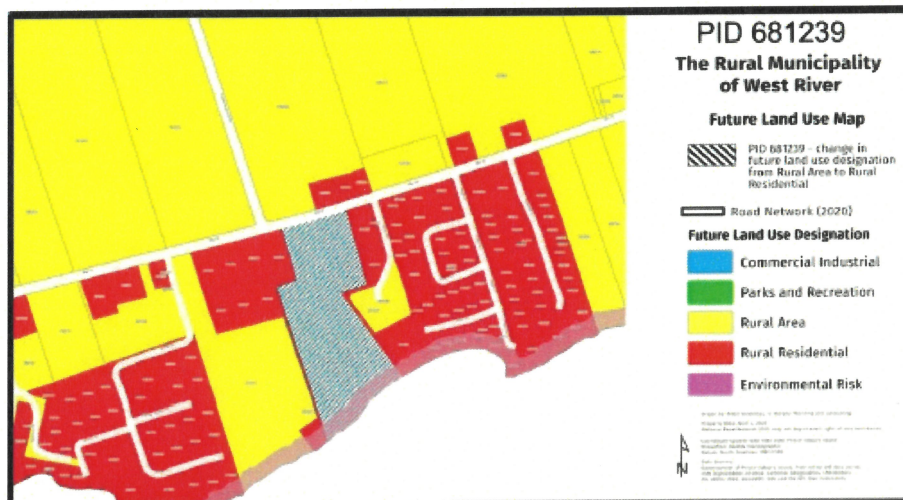
**Authority**

This Official Plan Amendment is made under the authority of the *Planning Act* R.S.P.E.I. 1988, Cap. P-8 and the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1.

BE IT ENACTED by the Council of the Rural Municipality of West River as follows:

The Rural Municipality of West River 2022 Official Plan Map OP-2, Future Land Use, is amended, as indicated in the figure below, by the following:

Designation of PID 681239 changed from Rural Area to Rural Residential.



**Adoption and Approval by Council**

The Rural Municipality of West River Official Plan Amendment No. 2025-02 was approved and adopted by a majority of council members present at the Council meeting held on **September 24, 2025**.

The Rural Municipality of West River Official Plan Amendment No. 2025-02 was declared to be passed on **September 24, 2025**.

**Appendix B CONTINUED**

\_\_\_\_\_  
Mayor  
(signature sealed)

\_\_\_\_\_  
Chief Administrative Officer  
(signature sealed)

**Ministerial Approval**

The Rural Municipality of West River Official Plan Amendment No. 2025-02 is hereby approved.

\_\_\_\_\_  
Minister of Housing, Land and Communities

\_\_\_\_\_  
Date



## Appendix C

### Land Use Bylaw Amendment No. 2025-03 A bylaw to amend the Rural Municipality of West River Land Use Bylaw 2022-04

September 24, 2025

#### Effective Date

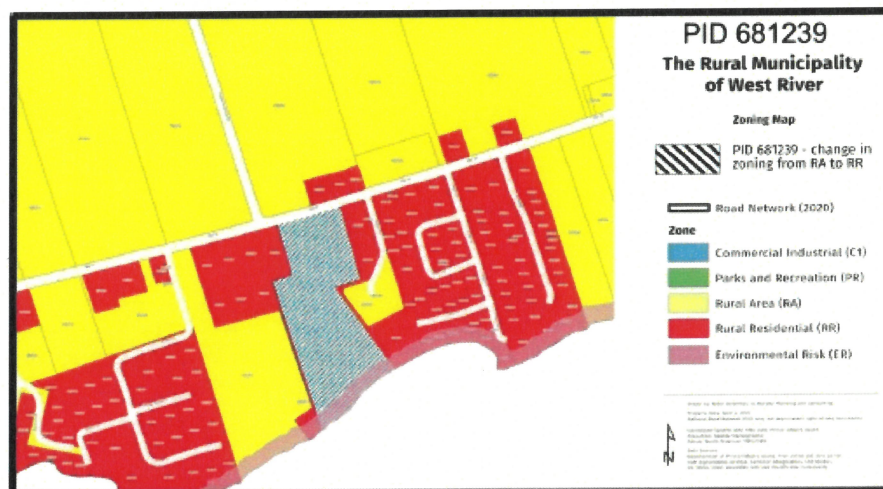
The effective date of the Rural Municipality of West River Land Use Bylaw Amendment 2025-03, a bylaw to amend the Land Use Bylaw 2022-04, is the date as signed below by the Minister of Housing, Land and Communities.

#### Authority

This Bylaw is made under the authority of the *Planning Act* R.S.P.E.I. 1988, Cap. P-8 and the *Municipal Government Act* R.S.P.E.I. 1988, Cap. M-12.1.

BE IT ENACTED by the Council of the Rural Municipality of West River as follows:

1. The Rural Municipality of West River Land Use Bylaw 2022-04 Zoning Map is amended by:
  - 1.1. Designation of PID 681239 changed from Rural Area (RA) to Rural Residential (RR) as indicated in the Figure below.



#### Adoption and Approval by Council

##### First Reading:

Land Use Bylaw Amendment No. 2025-03 was read and approved a first time at the Council meeting held on September 24, 2025.

Appendix D



**S13022SU - Afton Community Center**

**Cody MacDonald**  
cservices@westriverpe.ca  
+19029168970

Reference: 20250922-073834588  
Quote created: September 22, 2025  
Quote expires: October 22, 2025

**Hansen Solar Energy Ltd.**  
14 Garfield Street

Charlottetown, PE C1A 6A5  
Canada

**Prepared by: Linda McKenna**  
Customer Experience Representative  
solar@hansensolarenergy.ca  
+19026263203

**Total** **CA\$19,529.30**

PRODUCTS & SERVICES	QUANTITY	PRICE
400A Overhead Service Upgrade	1	CA\$16,902.00
Electrical Permit	1	CA\$80.00
<b>SUMMARY</b>		
One-time subtotal		CA\$16,982.00
HST		CA\$2,547.30 15% tax

<b>Total</b>	<b>CA\$19,529.30</b>
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**Comments**

Upgrade overhead electrical service to 400A

## Appendix D CONTINUED



### S13022EV - Afton Community Center

**Cody MacDonald**  
1662 PE-15, New Dominion, PE  
cservices@westriverpe.ca  
+19029188970

**Hansen Solar Energy Ltd.**  
14 Garfield Street  
Charlottetown, PE C1A 6A5  
Canada

**System Type:** EV Charger  
**Sales Rep:** Jeff Rogers  
**Estimated Install Date:** To be Determined  
**Method of Payment:** Cash  
**Terms:** Due upon Installation  
BHF786754002 RT0001

**Prepared by:** Linda McKenna  
Customer Experience Representative  
solar@hansensolarenergy.ca  
+19026263203

Quote created: September 22, 2025  
Quote expires: October 22, 2025

**Total** **CAN\$15,834.35**

PRODUCTS & SERVICES	QUANTITY	UNIT PRICE	PRICE
Supply and Install 2 West Pro 60A EV Chargers - Labour & Material Included	1	CAN\$13,689.00	CAN\$13,689.00
Electrical Permits	1	CAN\$80.00	CAN\$80.00

SUMMARY	
One-time subtotal	CAN\$13,769.00
HST	CAN\$2,065.35 15% tax

<b>Total</b>	<b>CAN\$15,834.35</b>
--------------	-----------------------

**Includes the following:**

- Installation of EV Charger

**Warranty Information:**

- EV Charger: 3 Year Warranty (Manufacturer)
- Installation, Labor & Workmanship: 3 Year Warranty (Hansen Solar Energy)

**EV Charger Install Terms:**

- Pricing & Quote Validity: Quote includes full installation (labor, materials, fees) and requires customer signature within 30 days
- Payments: Final invoice is due after installation
  - If Customer requests to delay the project, a \$500 deposit will hold the quoted price
- A deposit may be required prior to install


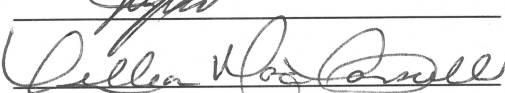




**Rural Municipality of West River**  
**Resolution**

**Title:** Subdivision Application - PID #203000

<b>Motion Carried</b>	<u>5-0</u>	<b>Motion No</b>	2025-37
<b>Motion Lost</b>	<u>          </u>	<b>Date</b>	September 24, 2025
<b>Motion Deferred</b>	<u>          </u>	<b>Council Meeting No</b>	2025-29
<b>Moved by</b>	Councillor John Yeo		
<b>Seconded by</b>	Councillor Lillian MacCannell		

**WHEREAS**

Pursuant to motion 2025-25 the Council deferred a decision concerning the application to subdivide PID 203000, and direct the CAO to obtain a professional review of the application, and

**WHEREAS**

Under the Rural Municipality of West River Land Use Bylaw section 13.5 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, and

**WHEREAS**

Council has determined that the existing parcel on July 20, 2023 was the un-subdivided PID #203000, and

**WHEREAS**

Pursuant to IRAC order LA21-024, the Province approved Lots 25-2 to 25-20 (the 19-lot subdivision) on March 12, 2025, and

**WHEREAS**

More than 4 lots have already been taken from PID #203000 since July 20, 2023,

**BE IT RESOLVED**

The Council for the Rural Municipality of West River denies the subdivision application for PID #203000,  
and

**WHEREAS**

Four councillors voted in favour of this motion, and

**WHEREAS**

Councillor Steve Pollard abstained from voting on this motion, and

**WHEREAS**

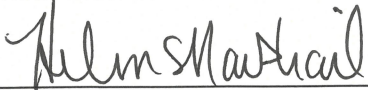
Pursuant to Procedural Bylaw #2021-01 section 16.1(d) the failure or refusal of a member to vote on a matter that is properly before the Council will be considered a vote in favour except when the member is excused or prohibited from voting,

**THEREFORE**

The motion is carried 5-0.

I certify that this is a true copy of the resolution.

Helen Smith-MacPhail

Mayor 

Susan Morse

Chief Administrative Officer 





**From:** [RMWR AA](#)  
**To:** ["Tim Hamel"; "Lucas Arsenault"](#)  
**Bcc:** [admin@westriverpe.ca](mailto:admin@westriverpe.ca); [rmwr@westriverpe.ca](mailto:rmwr@westriverpe.ca)  
**Subject:** Invoice/Action Required PID 203000  
**Date:** Monday, September 16, 2024 2:15:26 PM  
**Attachments:** [Invoice PID 203000.pdf](#)  
**Importance:** High

---

Hi,

This email is to confirm that the Rural Municipality of West River has received your Development Permit Application for PID 203000 808154.

According to our schedule of fees the amount for your application is \$1,050. Please find the attached invoice.

We accept cash, cheque to Rural Municipality of West River or e-transfer to [admin@westriverpe.ca](mailto:admin@westriverpe.ca)

Also, it appears from your application that certain information was not provided. Please complete the property owner section on the application form and include the contact information of Jennie Arsenault on the landowner declaration form.

Is it possible to please stop by the office to submit the completed application form/landowner declaration or send it here via email. Our office is open Monday, Wednesday & Friday from 9am-4pm.

Please acknowledge receipt of this email.

Thank you,

Ehi Itua

**Administrative Assistant**

Rural Municipality of West River

1552-B Rte. 19, New Dominion, PE C0A 1H6

Tel: 902-675-7000

[westriverpe.ca](http://westriverpe.ca)

<https://www.facebook.com/ruralmunicipalityofwestriverpe>

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Please consider the environment before printing this email.



To: Muddy Creek Development  
Tim Hamel  
75 W.B MacPhail Drive,  
Cornwall, PE, C0A 1H5

Date: 16-09-2024

Subject: Request for payment

This letter confirms that the Rural Municipality of West River has received your subdivision application for PID 203000 808154, Hennebury Road, Rice Point. According to the schedule of fees, we require a payment of \$1,050.

Please note that your application will not be processed until the fee is received.

We accept cash, cheque made out to the Rural Municipality of West River, or E-transfer to [admin@westriverpe.ca](mailto:admin@westriverpe.ca). Please reference your PID when submitting payment.

Our office is open Monday, Wednesday and Friday from 9 am – 4 pm.

Thank you,

*Susan Morse*

Chief Administrative Officer (CAO)

**From:** [RMWR AA](#)  
**To:** ["Tim Hamel"; "Lucas Arsenault"](#)  
**Subject:** FW: Invoice PID 203000  
**Date:** Wednesday, March 26, 2025 4:09:08 PM  
**Attachments:** [Invoice PID 203000.pdf](#)  
**Importance:** High

---

Hi,

According to our schedule of fees the amount for your application is \$1,050. Please find the attached invoice.

We accept cash, cheque to Rural Municipality of West River or e-transfer to [admin@westriverpe.ca](mailto:admin@westriverpe.ca)

Please acknowledge receipt of this email.

Thank you,

Ehi Itua  
**Administrative Assistant**  
Rural Municipality of West River  
1552-B Rte. 19, New Dominion, PE C0A 1H6  
Tel: 902-675-7000  
[westriverpe.ca](http://westriverpe.ca)  
<https://www.facebook.com/ruralmunicipalityofwestriverpe>

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---

**From:** RMWR AA <rmwr@westriverpe.ca>  
**Sent:** September 16, 2024 2:15 PM  
**To:** 'Tim Hamel' <thamel@arsenaultbros.com>; 'Lucas Arsenault' <Lucas@arsenaultbros.com>  
**Subject:** Invoice/Action Required PID 203000  
**Importance:** High

Hi,

This email is to confirm that the Rural Municipality of West River has received your Development Permit Application for PID 203000 808154.

According to our schedule of fees the amount for your application is \$1,050. Please find the attached invoice.

We accept cash, cheque to Rural Municipality of West River or e-transfer to



[admin@westriverpe.ca](mailto:admin@westriverpe.ca)

Also, it appears from your application that certain information was not provided. Please complete the property owner section on the application form and include the contact information of Jennie Arsenault on the landowner declaration form. Is it possible to please stop by the office to submit the completed application form/landowner declaration or send it here via email. Our office is open Monday, Wednesday & Friday from 9am-4pm.

Please acknowledge receipt of this email.

Thank you,

Ehi Itua  
**Administrative Assistant**  
Rural Municipality of West River  
1552-B Rte. 19, New Dominion, PE C0A 1H6  
Tel: 902-675-7000  
[westriverpe.ca](http://westriverpe.ca)  
<https://www.facebook.com/ruralmunicipalityofwestriverpe>

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Please consider the environment before printing this email.

**From:** [Tim Hamel](#)  
**To:** [admin@westriverpe.ca](mailto:admin@westriverpe.ca)  
**Cc:** [Susan Morse](#)  
**Subject:** Kinglet Lane, Rice Point (4-lot subdivision application)  
**Date:** Thursday, March 27, 2025 1:11:09 PM  
**Attachments:** [222006.Design.12.21.23-ST1.pdf](#)  
[17838 - GI - Site Suitability Assessment, Rice Point, PE.pdf](#)

---

Good morning. Please find attached the two (2) documents we discussed yesterday when I was in submitting the application for the four (4) lots off Henebury Lane, on newly constructed Kinglet Lane.

I will be in on Friday with a cheque to complete the application.

Thanks!

Tim Hamel  
Arsenault Bros Construction Ltd.  
75 W.B. MacPhail Drive  
Cornwall, PE C0A 1H5

Office: [902-892-7882](tel:902-892-7882)  
Fax: [902-892-3084](tel:902-892-3084)  
Cell: [902-940-5398](tel:902-940-5398)  
[www.arsenaultbros.com](http://www.arsenaultbros.com)

**From:** [RMWR AA](#)  
**To:** "Tim Hamel"  
**Cc:** [admin@westriverpe.ca](mailto:admin@westriverpe.ca)  
**Bcc:** [rmwr@westriverpe.ca](mailto:rmwr@westriverpe.ca)  
**Subject:** RE: Application Fee Confirmation WR-0268  
**Date:** Monday, March 31, 2025 10:41:27 AM  
**Attachments:** [WR-0268 receipt.pdf](#)

---

Hi,

This email is to confirm that the Rural Municipality of West River has received your Subdivision Application Fee.

A fee of \$1,050 was received. Please find the attached receipt.

Your application will be sent to our development officer for review. Should we require further information we will request it via email.

Your application number is WR – 268.

Kindly acknowledge receipt of this email.

Thank you,

Ehi Itua

**Administrative Assistant**

Rural Municipality of West River

1552-B Rte. 19, New Dominion, PE C0A 1H6

Tel: 902-675-7000

[westriverpe.ca](http://westriverpe.ca)

<https://www.facebook.com/ruralmunicipalityofwestriverpe>

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Please consider the environment before printing this email.

---

**From:** RMWR AA <[rmwr@westriverpe.ca](mailto:rmwr@westriverpe.ca)>  
**Sent:** March 28, 2025 10:48 AM  
**To:** 'Tim Hamel' <[thamel@arsenaultbros.com](mailto:thamel@arsenaultbros.com)>; [admin@westriverpe.ca](mailto:admin@westriverpe.ca)  
**Subject:** RE: Kinglet Lane, Rice Point (4-lot subdivision application)

Good morning,

Acknowledge receipt of information.

Thank you,



Ehi Itua  
**Administrative Assistant**  
Rural Municipality of West River  
1552-B Rte. 19, New Dominion, PE C0A 1H6  
Tel: 902-675-7000  
[RMWR@westriverpe.ca](mailto:RMWR@westriverpe.ca)  
[westriverpe.ca](http://westriverpe.ca)  
<https://www.facebook.com/ruralmunicipalityofwestriverpe>

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Please consider the environment before printing this email.

---

**From:** Tim Hamel <[thamel@arsenaultbros.com](mailto:thamel@arsenaultbros.com)>  
**Sent:** March 27, 2025 1:11 PM  
**To:** [admin@westriverpe.ca](mailto:admin@westriverpe.ca)  
**Cc:** Susan Morse <[rmwr@westriverpe.ca](mailto:rmwr@westriverpe.ca)>  
**Subject:** Kinglet Lane, Rice Point (4-lot subdivision application)

Good morning. Please find attached the two (2) documents we discussed yesterday when I was in submitting the application for the four (4) lots off Henebury Lane, on newly constructed Kinglet Lane.

I will be in on Friday with a cheque to complete the application.

Thanks!

Tim Hamel  
Arsenault Bros Construction Ltd.  
75 W.B. MacPhail Drive  
Cornwall, PE C0A 1H5

Office: 902-892-7882  
Fax: 902-892-3084  
Cell: 902-940-5398  
[www.arsenaultbros.com](http://www.arsenaultbros.com)



**From:** [permits@westriverpe.ca](mailto:permits@westriverpe.ca)  
**To:** ["Jeff Sampson"](#)  
**Cc:** ["RMWR AA"](#)  
**Subject:** PID 203000  
**Date:** Monday, March 31, 2025 3:07:12 PM  
**Attachments:** [WR-0268 Site plan.pdf](#)

---

Hi Jeff,

We received a Subdivision application to take off 4 lots from PID 203000, along Kinglet Lane, I just want to confirm if the 4 Lots have proper access?, since this street was created recently for public access.

Sincerely,

Mirko Terrazas  
**Development Officer**  
Rural Municipality of West River  
1552-B Rte.19  
New Dominion, PE C0A 1H6  
Tel 902-675-7000



**From:** RMWR AA  
**To:** "Tim Hamel"  
**Cc:** admin@westriverpe.ca; "Permits West River"  
**Bcc:** rmwr@westriverpe.ca  
**Subject:** RE: Information Request - WR-0268  
**Date:** Wednesday, April 2, 2025 4:11:08 PM  
**Importance:** High

---

Good Afternoon,

Your application is being reviewed. A Stormwater Management Plan signed by a Professional Engineer that complies with the requirements of **Section 3.8 of the Land Use Bylaw** is required to proceed. This information is being requested to comply with the **Rural Municipality of West River Land Use Bylaw #2022-04**.

The tabular representation below is a list of the requirements that the plan must show:

<b>DRAINAGE PLAN SHOULD CONTAIN</b>	<b>Presented</b>	<b>Comments</b>
Existing and proposed grade elevations relative to the adjoining lot(s) and the street or right-of-way;	NO	Not included in the plan presented
Stormwater management design features, including but not limited to swales and berms, and the proposed direction of flow for the surface water runoff, which shall not result in direct water runoff onto adjacent lots, including existing private roads and rights-of-way.	NO	The stormwater management plan presented, Plan No 222006 differs from subdivision plan drawing 21375-1. Regarding the shapes of the lots to be subdivided, there is no indication of direction of flow for the surface water runoff of these lots.
The proposed surface, finished floor elevation or foundation elevation of the proposed building or structure.	NO	Not included in the plan presented
For properties with, or located adjacent to, a watercourse or wetland, the stormwater management plan shall also include the location of any buffer zone as defined in the Watercourse and Wetland Protection Regulations	YES	This requirement is shown in the plan presented

When the above information has been received, we will continue processing your application. If you have any questions about the requests, please reply to this email. Electronic copies can be emailed to this address.  
Paper copies can be received at our office, Monday, Wednesday & Friday 9 am – 4 pm. For your convenience we have a secure drop box located at the office for after hours use.

Kindly acknowledge receipt of this email.

Thank you,

Ehi Itua  
**Administrative Assistant**  
Rural Municipality of West River  
1552-B Rte. 19, New Dominion, PE C0A 1H6  
Tel: 902-675-7000  
[westriverpe.ca](mailto:westriverpe.ca)  
<https://www.facebook.com/ruralmunicipalityofwestriverpe>

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---

**From:** RMWR AA <rmwr@westriverpe.ca>  
**Sent:** March 28, 2025 10:48 AM  
**To:** 'Tim Hamel' <thamel@arsenaultbros.com>; admin@westriverpe.ca  
**Subject:** RE: Kinglet Lane, Rice Point (4-lot subdivision application)

Good morning,

Acknowledge receipt of information.

Thank you,

Ehi Itua

**Administrative Assistant**

Rural Municipality of West River

1552-B Rte. 19, New Dominion, PE C0A 1H6

Tel: 902-675-7000

[RMWR@westriverpe.ca](mailto:RMWR@westriverpe.ca)

[westriverpe.ca](http://westriverpe.ca)

<https://www.facebook.com/ruralmunicipalityofwestriverpe>

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---

**From:** Tim Hamel <[thamel@arsenaultbros.com](mailto:thamel@arsenaultbros.com)>

**Sent:** March 27, 2025 1:11 PM

**To:** [admin@westriverpe.ca](mailto:admin@westriverpe.ca)

**Cc:** Susan Morse <[rmwr@westriverpe.ca](mailto:rmwr@westriverpe.ca)>

**Subject:** Kinglet Lane, Rice Point (4-lot subdivision application)

Good morning. Please find attached the two (2) documents we discussed yesterday when I was in submitting the application for the four (4) lots off Henebury Lane, on newly constructed Kinglet Lane.

I will be in on Friday with a cheque to complete the application.

Thanks!

Tim Hamel

Arsenault Bros Construction Ltd.

75 W.B. MacPhail Drive

Cornwall, PE C0A 1H5

Office: [902-892-7882](tel:902-892-7882)

Fax: [902-892-3084](tel:902-892-3084)

Cell: [902-940-5398](tel:902-940-5398)

[www.arsenaultbros.com](http://www.arsenaultbros.com)

**From:** [Tim Hamel](#)  
**To:** [RMWR AA](#)  
**Cc:** [admin@westriverpe.ca](mailto:admin@westriverpe.ca); "Permits West River"; [Lucas Arsenault](#)  
**Subject:** RE: Information Request - WR-0268  
**Date:** Wednesday, May 7, 2025 2:09:16 PM  
**Attachments:** [222006.Grading.05.07.25.G1-D.pdf](#)

Good afternoon. Please find attached the revised/updated stormwater plan for the four (4) lot subdivision application that was submitted to your office on March 26<sup>th</sup>.

Any questions – let me know.

Thanks!

Tim Hamel  
 Arsenault Bros Construction Ltd.  
 75 W.B. MacPhail Drive  
 Cornwall, PE COA 1H5

Office: [902-892-7882](tel:902-892-7882)  
 Fax: [902-892-3084](tel:902-892-3084)  
 Cell: [902-940-5398](tel:902-940-5398)  
[www.arsenaultbros.com](http://www.arsenaultbros.com)

**From:** RMWR AA <rmwr@westriverpe.ca>  
**Sent:** Wednesday, April 2, 2025 4:11 PM  
**To:** Tim Hamel <thamel@arsenaultbros.com>  
**Cc:** admin@westriverpe.ca; 'Permits West River' <permits@westriverpe.ca>  
**Subject:** RE: Information Request - WR-0268  
**Importance:** High

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good Afternoon,

Your application is being reviewed. A Stormwater Management Plan signed by a Professional Engineer that complies with the requirements of **Section 3.8 of the Land Use Bylaw** is required to proceed. This information is being requested to comply with the **Rural Municipality of West River Land Use Bylaw #2022-04**.

The tabular representation below is a list of the requirements that the plan must show:

DRAINAGE PLAN SHOULD CONTAIN	Presented	Comments
Existing and proposed grade elevations relative to the adjoining lot(s) and the street or right-of-way;	NO	Not included in the plan presented
Stormwater management design features, including but not limited to swales and berms, and the proposed direction of flow for the surface water runoff, which shall not result in direct water runoff onto adjacent lots, including existing private roads and rights-of-way.	NO	The stormwater management plan presented, Plan No 222006 differs from subdivision plan drawing 21375-1. Regarding the shapes of the lots to be subdivided, there is no indication of direction of flow for the surface water runoff of these lots.
The proposed surface, finished floor elevation or foundation elevation of the proposed building or structure.	NO	Not included in the plan presented
For properties with, or located adjacent to, a watercourse or wetland, the stormwater management plan shall also include the location of any buffer zone as defined in the Watercourse and Wetland Protection Regulations	YES	This requirement is shown in the plan presented

When the above information has been received, we will continue processing your application. If you have any questions about the requests, please reply to this email. Electronic copies can be emailed to this address.  
 Paper copies can be received at our office, Monday, Wednesday & Friday 9 am – 4 pm. For your convenience we have a secure drop box located at the office for after hours use.



Kindly acknowledge receipt of this email.

Thank you,

Ehi Itua

**Administrative Assistant**

Rural Municipality of West River

1552-B Rte. 19, New Dominion, PE C0A 1H6

Tel: 902-675-7000

[westriverpe.ca](http://westriverpe.ca)

<https://www.facebook.com/ruralmunicipalityofwestriverpe>

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Please consider the environment before printing this email.

---

**From:** RMWR AA <[rmwr@westriverpe.ca](mailto:rmwr@westriverpe.ca)>

**Sent:** March 28, 2025 10:48 AM

**To:** 'Tim Hamel' <[thamel@arsenaultbros.com](mailto:thamel@arsenaultbros.com)>; [admin@westriverpe.ca](mailto:admin@westriverpe.ca)

**Subject:** RE: Kinglet Lane, Rice Point (4-lot subdivision application)

Good morning,

Acknowledge receipt of information.

Thank you,

Ehi Itua

**Administrative Assistant**

Rural Municipality of West River

1552-B Rte. 19, New Dominion, PE C0A 1H6

Tel: 902-675-7000

[RMWR@westriverpe.ca](mailto:RMWR@westriverpe.ca)

[westriverpe.ca](http://westriverpe.ca)

<https://www.facebook.com/ruralmunicipalityofwestriverpe>

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Please consider the environment before printing this email.

---

**From:** Tim Hamel <[thamel@arsenaultbros.com](mailto:thamel@arsenaultbros.com)>

**Sent:** March 27, 2025 1:11 PM

**To:** [admin@westriverpe.ca](mailto:admin@westriverpe.ca)

**Cc:** Susan Morse <[rmwr@westriverpe.ca](mailto:rmwr@westriverpe.ca)>

**Subject:** Kinglet Lane, Rice Point (4-lot subdivision application)

Good morning. Please find attached the two (2) documents we discussed yesterday when I was in submitting the application for the four (4) lots off Henebury Lane, on newly constructed Kinglet Lane.

I will be in on Friday with a cheque to complete the application.

Thanks!

Tim Hamel

Arsenault Bros Construction Ltd.

75 W.B. MacPhail Drive

Cornwall, PE C0A 1H5

**From:** [permits@westriverpe.ca](mailto:permits@westriverpe.ca)  
**To:** [ELM@gov.pe.ca](mailto:ELM@gov.pe.ca)  
**Cc:** ["Dale Thompson"; "RMWR AA"](#)  
**Subject:** Lot 25-1, Lot 25-21, Lot 25-22 and Lot 25-23  
**Date:** Monday, May 12, 2025 1:51:09 PM  
**Attachments:** [45954-3.pdf](#)

---

Hi,

We received an application to subdivide PID 203000, basically Lot 25-1, Lot 25-21, Lot 25-22 and Lot 25-23, as a continuation of an approved subdivision, please see attached. Lot 25-1 is close to the coast; I wonder if there will be any issue, please advise. I wonder if you reviewed this project before?

Sincerely,

Mirko Terrazas  
**Development Officer**  
Rural Municipality of West River  
1552-B Rte.19  
New Dominion, PE C0A 1H6  
Tel 902-675-7000

**From:** [permits@westriverpe.ca](mailto:permits@westriverpe.ca)  
**To:** ["Environmental Land Management"](#)  
**Cc:** ["RMWR AA"](#)  
**Subject:** RE: Lot 25-1, Lot 25-21, Lot 25-22 and Lot 25-23  
**Date:** Wednesday, May 21, 2025 2:31:35 PM  
**Attachments:** [WR-0268 App.pdf](#)  
[WR-0268 Stormwater Plan.pdf](#)

---

Hi Dale,

Attached I send the application

Sincerely,

Mirko Terrazas  
**Development Officer**  
Rural Municipality of West River  
1552-B Rte.19  
New Dominion, PE C0A 1H6  
Tel 902-675-7000

---

**From:** Environmental Land Management <ELM@gov.pe.ca>  
**Sent:** May 21, 2025 2:27 PM  
**To:** [permits@westriverpe.ca](mailto:permits@westriverpe.ca); Environmental Land Management <ELM@gov.pe.ca>  
**Cc:** 'RMWR AA' <[rmwr@westriverpe.ca](mailto:rmwr@westriverpe.ca)>  
**Subject:** RE: Lot 25-1, Lot 25-21, Lot 25-22 and Lot 25-23

Hi Mirko,  
Please provide the entire application for review,  
Tks, Dale

Dale Thompson  
Environmental Assessment Officer  
PEI Department of Environment, Energy and Climate Action  
(902)368-5049

---

**From:** [permits@westriverpe.ca](mailto:permits@westriverpe.ca) <[permits@westriverpe.ca](mailto:permits@westriverpe.ca)>  
**Sent:** Monday, May 12, 2025 1:51 PM  
**To:** Environmental Land Management <[ELM@gov.pe.ca](mailto:ELM@gov.pe.ca)>  
**Cc:** Dale Thompson <[DETHOMPSON@gov.pe.ca](mailto:DETHOMPSON@gov.pe.ca)>; 'RMWR AA' <[rmwr@westriverpe.ca](mailto:rmwr@westriverpe.ca)>  
**Subject:** Lot 25-1, Lot 25-21, Lot 25-22 and Lot 25-23

Hi,

We received an application to subdivide PID 203000, basically Lot 25-1, Lot 25-21, Lot 25-



22 and Lot 25-23, as a continuation of an approved subdivision, please see attached. Lot 25-1 is close to the coast; I wonder if there will be any issue, please advise. I wonder if you reviewed this project before?

Sincerely,

Mirko Terrazas  
**Development Officer**  
Rural Municipality of West River  
1552-B Rte.19  
New Dominion, PE C0A 1H6  
Tel 902-675-7000

**From:** [Dale Thompson](#)  
**To:** [permits@westriverpe.ca](mailto:permits@westriverpe.ca)  
**Cc:** ["RMWR AA"](#)  
**Subject:** RE: Lot 25-1, Lot 25-21, Lot 25-22 and Lot 25-23  
**Date:** Thursday, May 22, 2025 7:46:50 AM  
**Attachments:** [Muddy Creek Development, Rice Point, PID # 203000 - COM.pdf](#)

---

Hi Mirko,  
Thank you, pls see comments attached,  
Regards,

Dale Thompson  
Environmental Assessment Officer  
PEI Department of Environment, Energy and Climate Action  
(902)368-5049

---

**From:** Environmental Land Management <ELM@gov.pe.ca>  
**Sent:** Wednesday, May 21, 2025 2:45 PM  
**To:** Dale Thompson <DETHOMPSON@gov.pe.ca>  
**Subject:** FW: Lot 25-1, Lot 25-21, Lot 25-22 and Lot 25-23

---

**From:** [permits@westriverpe.ca](mailto:permits@westriverpe.ca) <[permits@westriverpe.ca](mailto:permits@westriverpe.ca)>  
**Sent:** Wednesday, May 21, 2025 2:31 PM  
**To:** Environmental Land Management <[ELM@gov.pe.ca](mailto:ELM@gov.pe.ca)>  
**Cc:** 'RMWR AA' <[rmwr@westriverpe.ca](mailto:rmwr@westriverpe.ca)>  
**Subject:** RE: Lot 25-1, Lot 25-21, Lot 25-22 and Lot 25-23

Hi Dale,

Attached I send the application

Sincerely,

Mirko Terrazas  
**Development Officer**  
Rural Municipality of West River  
1552-B Rte.19  
New Dominion, PE C0A 1H6  
Tel 902-675-7000

---

**From:** Environmental Land Management <[ELM@gov.pe.ca](mailto:ELM@gov.pe.ca)>

**Sent:** May 21, 2025 2:27 PM

**To:** [permits@westriverpe.ca](mailto:permits@westriverpe.ca); Environmental Land Management <[ELM@gov.pe.ca](mailto:ELM@gov.pe.ca)>

**Cc:** 'RMWR AA' <[rmwr@westriverpe.ca](mailto:rmwr@westriverpe.ca)>

**Subject:** RE: Lot 25-1, Lot 25-21, Lot 25-22 and Lot 25-23

Hi Mirko,  
Please provide the entire application for review,  
Tks, Dale

Dale Thompson  
Environmental Assessment Officer  
PEI Department of Environment, Energy and Climate Action  
(902)368-5049

---

**From:** [permits@westriverpe.ca](mailto:permits@westriverpe.ca) <[permits@westriverpe.ca](mailto:permits@westriverpe.ca)>

**Sent:** Monday, May 12, 2025 1:51 PM

**To:** Environmental Land Management <[ELM@gov.pe.ca](mailto:ELM@gov.pe.ca)>

**Cc:** Dale Thompson <[DETHOMPSON@gov.pe.ca](mailto:DETHOMPSON@gov.pe.ca)>; 'RMWR AA' <[rmwr@westriverpe.ca](mailto:rmwr@westriverpe.ca)>

**Subject:** Lot 25-1, Lot 25-21, Lot 25-22 and Lot 25-23

Hi,

We received an application to subdivide PID 203000, basically Lot 25-1, Lot 25-21, Lot 25-22 and Lot 25-23, as a continuation of an approved subdivision, please see attached. Lot 25-1 is close to the coast; I wonder if there will be any issue, please advise. I wonder if you reviewed this project before?

Sincerely,

Mirko Terrazas  
**Development Officer**  
Rural Municipality of West River  
1552-B Rte.19  
New Dominion, PE C0A 1H6  
Tel 902-675-7000





Environment,  
Energy and  
Climate Action

Environnement,  
Énergie et  
Action climatique



PO Box 2000, Charlottetown  
Prince Edward Island  
Canada C1A 7N8

C.P. 2000, Charlottetown  
Île-du-Prince-Édouard  
Canada C1A 7N8

May 22, 2025

Via email: [permits@westriverpe.ca](mailto:permits@westriverpe.ca)

Mirko Terrazas, Development Officer  
Rural Municipality of West River  
1552-B Route 19  
New Dominion, PE C0A 1H6

Dear Mr. Terrazas:

**RE: Rural Municipality of West River, Application for Subdivision or Consolidation  
WR-0268, Muddy Creek Development, PID # 203000**

The Environmental Land Management (ELM) Section of the Department of Environment, Energy and Climate Action has reviewed the above noted application dated September 9, 2024. We understand that the applicant proposes to subdivide three lots from a previously approved subdivision.

Based on our understanding of the information provided and a desktop watercourse/wetland assessment (using provincial GIS mapping), the ELM Section offers the following comments:

1. The *Environmental Protection Act* provides protection for watercourses and wetlands, and the *Act* requires a 15 meter buffer zone adjacent the watercourse/wetland located at/near the south boundary of proposed Lot 25-1. The applicant is advised that no development (including, but not limited to, the placement/construction of a building or other structure, the cutting of trees/shrubs, the operation of heavy equipment and any excavation/disturbance of the ground) is permitted in a watercourse, wetland or buffer zone without a Watercourse, Wetland and Buffer Zone (WWBZ) Activity Permit. For information on permitting requirements or for assistance in determining the location of a watercourse, wetland or buffer zone, the applicant should contact the Department of Environment, Energy and Climate Action at (902)368-5700.

Thank you for submitting the application for review. If you have questions feel free to contact me at [dethompson@gov.pe.ca](mailto:dethompson@gov.pe.ca) or (902)368-5049.

Dale Thompson  
Environmental Assessment Officer

**From:** [Rural Municipality of West River](#)  
**To:** ["Lucas Arsenault"; "Tim Hamel"](#)  
**Cc:** [rmwr@westriverpe.ca](#); [hsMacPhail@westriverpe.ca](#); [permits@westriverpe.ca](#)  
**Subject:** RE: Re: Information Request - WR-0268  
**Date:** Friday, May 30, 2025 2:57:05 PM

---

Hi Tim & Lucas,

Apologies, our development officer was having technical difficulties with his email.

Thank you for inquiring regarding your application for the subdivision of Lots 25-1 and 25-21 to 25-23 from PID 203000.

We have now received all the required documentation in compliance with our Land Use Bylaw, including the stormwater management plan, survey plans, and the on-site suitability assessment report. These materials have been reviewed and deemed complete.

As you may be aware, the Development Officer only has authority over simple subdivisions. Larger or more complex applications—particularly those involving multiple lots or, as in this case, those that serve as a complement to an existing subdivision approval—must be reviewed and decided upon by Council.

This information will be presented to the Planning Board on June 12th. The Planning board will make a recommendation to Council and then Council will decide on the application at their next meeting which is June 26th.

Please rest assured that I do not anticipate any issues or concerns at this stage. We are simply ensuring that all regulatory steps are followed thoroughly—this process not only upholds the integrity of the approval but also provides important protections for the applicant (yourself) by ensuring decisions are transparent, well-documented, and defensible.

Thank you again for your continued patience and understanding. If you have any questions or would like to discuss anything further, please don't hesitate to reach out.

Thanks,  
Susan Morse  
Chief Administrative Officer  
Rural Municipality of West River

-----Original Message-----

From: Lucas Arsenault <[Lucas@arsenaultbros.com](mailto:Lucas@arsenaultbros.com)>  
Sent: Friday, May 30, 2025 8:40 AM  
To: Tim Hamel <[thamel@arsenaultbros.com](mailto:thamel@arsenaultbros.com)>  
Cc: [rmwr@westriverpe.ca](mailto:rmwr@westriverpe.ca); [admin@westriverpe.ca](mailto:admin@westriverpe.ca)

Subject: FW: Re: Information Request - WR-0268

Fyi..

Not sure if these emails are going through to this permits email..

Could we get a confirmation here if we have the right email, thanks.

Lucas Arsenaault  
President & CEO  
Arsenaault Bros Construction Ltd.  
75 W.B. MacPhail Drive  
Cornwall, PE C0A 1H5

Office: 1-902-892-7882  
Fax: 1-902-892-3084  
Cell: 1-902-393-9941  
[www.arsenaaultbros.com](http://www.arsenaaultbros.com)

--

This email has been checked for viruses by AVG antivirus software.  
[www.avg.com](http://www.avg.com)



**From:** [permits@westriverpe.ca](mailto:permits@westriverpe.ca)  
**To:** "Susan Morse"  
**Subject:** FW: PID 203000  
**Date:** Friday, June 13, 2025 2:43:26 PM

---

FW

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**From:** Ben Lanigan <[bpklanigan@gov.pe.ca](mailto:bpklanigan@gov.pe.ca)>  
**Sent:** June 13, 2025 1:29 PM  
**To:** [permits@westriverpe.ca](mailto:permits@westriverpe.ca)  
**Cc:** [admin@westriverpe.ca](mailto:admin@westriverpe.ca)  
**Subject:** RE: PID 203000

Hi Mirko,

The recommendation from our department would be to have water wells drilled at least 100 m from the shoreline to prevent salt water intrusion. There should be no issues with installing onsite septic for these lots.

Regards,  
Ben

**Ben Lanigan**, P. Eng  
Acting Approvals and Compliance Engineer  
Drinking Water and Wastewater Management  
[bpklanigan@gov.pe.ca](mailto:bpklanigan@gov.pe.ca)  
902-368-5043

**Department of Environment, Energy and Climate Action**  
Government of Prince Edward Island  
4<sup>th</sup> Floor, Jones Building  
11 Kent Street  
PO Box 2000  
Charlottetown, PE C1A 7N8  
[www.PrinceEdwardIsland.ca](http://www.PrinceEdwardIsland.ca)

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**From:** [permits@westriverpe.ca](mailto:permits@westriverpe.ca) <[permits@westriverpe.ca](mailto:permits@westriverpe.ca)>  
**Sent:** Wednesday, June 11, 2025 2:50 PM  
**To:** Ben Lanigan <[bpklanigan@gov.pe.ca](mailto:bpklanigan@gov.pe.ca)>  
**Cc:** [admin@westriverpe.ca](mailto:admin@westriverpe.ca)

**Subject:** PID 203000

You don't often get email from [permits@westriverpe.ca](mailto:permits@westriverpe.ca). [Learn why this is important](#)

**Subject:** PID 203000

Hi Ben,

The Owner of PID 203000 presented a proposal to subdivide 4 Lots from PID 203000 (Lot 25-1, Lot 25-1 to Lot 25-3) , since this Lots will complement Subdivision of 19 Lots Approved before,please see attached, I wonder for the water supply and sewer disposal needs when it was approved , please advise.

Sincerely,

Mirko Terrazas  
**Development Officer**  
Rural Municipality of West River  
1552-B Rte.19  
New Dominion,PE C0A 1H6  
Tel 902-675-7000

**From:** [Tim Hamel](#)  
**To:** [admin@westriverpe.ca](mailto:admin@westriverpe.ca); [Lucas Arsenault](#)  
**Cc:** [rmwr@westriverpe.ca](mailto:rmwr@westriverpe.ca); [hsMacPhail@westriverpe.ca](mailto:hsMacPhail@westriverpe.ca); [permits@westriverpe.ca](mailto:permits@westriverpe.ca)  
**Subject:** RE: Re: Information Request - WR-0268  
**Date:** Thursday, June 26, 2025 9:31:42 PM

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Good evening all.

I was unable to make the meeting due to the fact that I coach one of my son's U13 baseball team and we had a game in Cornwall 6-8pm.

Just wondering if you could give me an update from tonight's council meeting and what our next step is.

Look forward to hearing from you.

Thanks!

Tim Hamel  
Arsenault Bros Construction Ltd.  
75 W.B. MacPhail Drive  
Cornwall, PE C0A 1H5

Office: 902-892-7882  
Fax: 902-892-3084  
Cell: 902-940-5398  
[www.arsenaultbros.com](http://www.arsenaultbros.com)

-----Original Message-----

From: Rural Municipality of West River <[admin@westriverpe.ca](mailto:admin@westriverpe.ca)>  
Sent: Friday, May 30, 2025 2:57 PM  
To: Lucas Arsenault <[Lucas@arsenaultbros.com](mailto:Lucas@arsenaultbros.com)>; Tim Hamel <[thamel@arsenaultbros.com](mailto:thamel@arsenaultbros.com)>  
Cc: [rmwr@westriverpe.ca](mailto:rmwr@westriverpe.ca); [hsMacPhail@westriverpe.ca](mailto:hsMacPhail@westriverpe.ca); [permits@westriverpe.ca](mailto:permits@westriverpe.ca)  
Subject: RE: Re: Information Request - WR-0268

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Tim & Lucas,

Apologies, our development officer was having technical difficulties with his email.

Thank you for inquiring regarding your application for the subdivision of Lots 25-1 and 25-21 to 25-23 from PID 203000.

We have now received all the required documentation in compliance with our Land Use Bylaw, including the stormwater management plan, survey plans, and the on-site suitability assessment report. These materials have been reviewed and deemed complete.

As you may be aware, the Development Officer only has authority over simple subdivisions. Larger or more complex applications-particularly

those involving multiple lots or, as in this case, those that serve as a complement to an existing subdivision approval-must be reviewed and decided upon by Council.

This information will be presented to the Planning Board on June 12th. The Planning board will make a recommendation to Council and then Council will decide on the application at their next meeting which is June 26th.

Please rest assured that I do not anticipate any issues or concerns at this stage. We are simply ensuring that all regulatory steps are followed thoroughly-this process not only upholds the integrity of the approval but also provides important protections for the applicant (yourself) by ensuring decisions are transparent, well-documented, and defensible.

Thank you again for your continued patience and understanding. If you have any questions or would like to discuss anything further, please don't hesitate to reach out.

Thanks,  
Susan Morse  
Chief Administrative Officer  
Rural Municipality of West River

-----Original Message-----

From: Lucas Arsenault <Lucas@arsenaultbros.com>  
Sent: Friday, May 30, 2025 8:40 AM  
To: Tim Hamel <thamel@arsenaultbros.com>  
Cc: rmwr@westriverpe.ca; admin@westriverpe.ca  
Subject: FW: Re: Information Request - WR-0268

Fyi..  
Not sure if these emails are going through to this permits email..  
Could we get a confirmation here if we have the right email, thanks.

Lucas Arsenault  
President & CEO  
Arsenault Bros Construction Ltd.  
75 W.B. MacPhail Drive  
Cornwall, PE C0A 1H5

Office: 1-902-892-7882  
Fax: 1-902-892-3084  
Cell: 1-902-393-9941  
<https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.arsenaultbros.com&c=E,1,taCofBAUwpHNXDJRbtw0RjCgG7jZvqkMX9qMxCJxqqoCHGyg4tKlsJg0KQEVBPn6rZ2e0qf-fAoLo4roFzb5oJoDZeaOVwIE3YFsquUdHQsJoF43&typo=1>

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[www.avg.com](http://www.avg.com)



**From:** [Daniel Sud](#)  
**To:** [admin@westriverpe.ca](mailto:admin@westriverpe.ca)  
**Subject:** Fwd: Further information regarding Council's decision regarding Subdivision Approval PID 203000  
**Date:** Monday, June 30, 2025 9:30:25 AM  
**Attachments:** [Exhibit E.pdf](#)

---

Hello Susan,

Please see the email and attachments below from Bruce Lyng, who came to talk to the council at our last meeting.

It seems that the requirement to have 50% of prior subdivided lots before approving an additional phase, and the 10% green space requirement over 20 lots are both valid and should be considered as part of the approval for the 4 additional lots.

Thanks  
Dan

----- Forwarded message -----

From: **Bruce Lyng** <[\[REDACTED\]@gmail.com](#)>  
Date: Fri, Jun 27, 2025 at 1:09 PM  
Subject: Further information regarding Council's decision regarding Subdivision Approval PID 203000

As the councilor for the Rice Point ward (within which, I am a resident), as part of the Rural Municipality of West River, I am submitting the following information for yours' and Councils' consideration and review with regard to the above noted subject. It is my understanding that Council's approval decision in this regard, has been deferred.

For Council's further consideration:

**Q. Are the lots for which approval is being sought to be considered within the subdivision as originally approved by IRAC (acting on behalf of the Minister) and as such, are they to be considered as a phased-in expansion of the original subdivision request?**

**A.** In order to create the subject subdivision, the developer requested amalgamation of 2 separate PIDs, specifically PID 750583 and PID 203000. This can be evidenced in the application submitted to the province and was a required action by the developer, as the 19 lots requested to create the subdivision are located within both of these PIDs. Approval for this amalgamation, in support of the subdivision plan, was granted by IRAC.

**Q. Was it always the intention of the applicant/developer to expand the approved subject subdivision through a phased-in approach?**

**A.** Clear evidence of the developer's intentions can be found in both the original application for subdivision development plan as submitted to the province. In the submission, lots 24-21, 24-22, 24-23 and 24-1 are identified as Lot 1, Lot 2, Lot 3, Lot 23, & Lot 24 (ref. exhibit A). Handwritten comments by the provincial land planner/reviewer with regard to clarification of the applicant's intentions are also evidenced in the supporting documents shared at the public hearing (ref. exhibit B). Additionally, the subject 4 lots that are being added to the

subdivision are contiguous to the lots that have been conditionally approved by IRAC (on behalf of the Minister).

**Q. Was it the Applicant's intention to allocate a lot or a portion thereof to accommodated beach parking?**

A. As part of the applicant's/appellant's testimony during the IRAC appeal hearings, the applicant verbally stated that this would be the case. A record of the verbal transcript from the hearing (Docket LA21-024) can be requested from IRAC by the Municipality's CAO. I have been told that this record is sharable, if it serves to prevent further commission/judicial review or is required for the appropriate application of a Municipality's planning bylaws.

**Q. Will the 50% sale requirement, before subdivision expansion, apply to this subdivision?**

A. During the applicant's appeal hearing the reference to a 25 lot subdivision was made and it was clarified by representatives that only 19 lots would be approved as part of the initial request with additional lots being added afterwards. Section 14 (4) & (5) of The Province's Planning Act Subdivision and Development Regulations (PPASDR) addresses the number of lots in a subdivision and incremental subdivision (Exhibit C). The province's 50% requirement can be found in Section 18 of the PPASDR (exhibit D). If it is accepted by Council, that it was the applicant's intention to phase in additional lots within the approved subdivision (based on exhibit A,B, and verbal transcript testimony, as recorded at the appeal hearing), and recognizing that IRAC's (acting on behalf of the Minister) final approval of the subdivision will only be granted once the *Conditions*, as laid out in the implementation Order of June 10, 2024 (Exhibit E), are satisfied, the request to the Municipality to add 4 additional lots, can only be viewed holistically as a preliminary request to both the Minister and the Municipality for a subdivision that will be composed of 23 lots.

**Q. Why is it important for Council to consider this approval decision from a holistic approach as one subdivision subject to both Provincial and Municipal planning requirements?**

A. Subdivisions are specifically defined and then addressed as an entity or a land mass with specific requirements, within both the PPASDR (Section B) and the Municipality's Planning Bylaws (Section 13). It is acknowledged that Municipal Council members recognize this specific need for additional regulation, but it should be further highlighted with regard to this particular subdivision, and the circumstances surrounding its approval, that the council's decision in this regard has significant implications with regard to the legislation's application and intent. More specifically:

- Deciding to view this application in isolation from the Subdivision requirements of both the PPASDR and the Municipal Planning Bylaws, will result in the joint approval of, what will be obvious to everyone, as a 23 lot subdivision. A 23 lot subdivision that is not subject to the requirements of section 18 of the PPASDR (as this requirement is only triggered at the 20 lot marker).
- Additionally, the approved 23 lot subdivision will also circumvent the requirements under both the PPASDR and the Municipality bylaws for appropriate (10% or more)

greenspace/parkland allocation within the subdivision. Since, in the case of the PPASDR, this requirement is only triggered when a subdivision contains 20 or more lots and under Municipal bylaws, the parkland (or payment in lieu of) is only triggered when 5 or more lots are requested.

In reaching a decision on this matter, Council members should ask themselves whether it was the intent of both of these regulatory planning and approval requirement documents, to exempt this particular subdivision from the 50% rule and the Greenspace/parkland requirement. An exemption that is clearly not provided for in regulation or bylaw and is based simply on the fact that the land planning approval process resides with 2 different regulatory entities due to the Minister's failure to process and approve the Municipality's Official Plan in a diligent manner.

**Respectfully Submitted to Council June 27, 2025**

Bruce Lyng  
Rice Point, PE

**From:** [Daniel Sud](#)  
**To:** [admin@westriverpe.ca](mailto:admin@westriverpe.ca)  
**Subject:** Fwd: Council Meeting June 26, 2025 - Agenda Item WRC.2025.28.1  
**Date:** Monday, June 30, 2025 9:34:58 AM  
**Attachments:** [Att.1 Implementation.pdf](#)  
[Att.2 Rice Point Subdivision.pdf](#)

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FYI. Additional information on the Rice Point subdivision.

----- Forwarded message -----

From: **Bruce Lyng** <[\[REDACTED\]@gmail.com](#)>  
Date: Mon, Jun 30, 2025 at 8:47 AM  
Subject: Council Meeting June 26, 2025 - Agenda Item WRC.2025.28.1

Daniel, I am submitting this additional information to you, for further review and dissemination, as our Ward Councillor for the RMWR.

#### Summary of Issue

The Rice Point Hennebury road subdivision of 19 lots has been conditionally approved by IRAC (on behalf of the Minister) with Final approval and stamping being subject to satisfaction of the conditions of the Implementation order (see att.1) issued by IRAC on June 10, 2024.

The Rural Municipality of West River (RMWR) has received a request to approve the further subdividing of an additional 4 lots from the original amalgamated parcels (PIDs 750583 & 203000). The 4 additional lots are contiguous to the 19 lots approved by IRAC (see att. 2). It would stand to reason that the applicant is seeking permission from the Municipality for the enlargement of their original 19 lot subdivision request (made to and preliminarily approved by the Province). Approval of these additional lots by the Municipality would, in turn, create a 23 lot subdivision where, in practice, all lots would be made available for sale within the subdivision.

When this additional lot request was addressed at the RMWR Council meeting of June 26th, 2025, the Mayor, in response to publicly raised concerns about approving the addition of 4 more lots to a 19 lot subdivision that in itself would not have received approval under the RMWR's planning bylaws (as relates to RA (Rural area) parcels), the Mayor advised of the following:

The mayor confirmed that the subdivision parcels were still classified as RA land and that, on the advice of their Municipal Planner, this application was going to be approved in isolation from the IRAC subdivision approval. More specifically, it was going to be viewed as a standalone request by a land owner wishing to simply subdivide 4 acres from a larger parcel of RA land (where the subject lots have access to a road meeting provincial requirements).

This decision rationale by Council, with regard to the developer's request, is both interesting and concerning from a couple of perspectives:

1) It is obvious to all residents of the municipality that the approval of this subdivision by



IRAC (on appeal by the developer) is a direct result of the Minister's negligence in approving the RMWR's Official Plan in a timely manner. An approval delay that would not have met anyone's definition or expectations with regard to due process. It is also highly unlikely that this subdivision would have received approval by RMWR under the Official Plan (had it been approved) considering the definition of RA land and the policies and bylaws applicable to it.

2) It raises a very important concern that, from a planning perspective, the Municipality appears to be looking at the Subdivision in isolation from the rest of the parcel and in turn from its own Subdivision Planning bylaws.

If this subdivision can in fact be looked at from this isolated perspective, it raises the important question as to why the Minister felt an obligation to abandon the appeal (Provincial Court of Appeal) and in turn required IRAC to act on their behalf as concerns the subdivision's final approval. The basis for the Minister's decision in this regard can be found in the IRAC Implementation order (see att.1) and it clearly states that the Minister questioned his authority over the subdivision, now that RMWR's Official plan was in effect for this area.

If the Minister questioned his authority given that the RMWR Official Plan was in effect in this area, it would seem to imply that the IRAC Implementation Order grants IRAC limited power to Act on behalf of the Minister. Power that is limited to ensuring that the Implementation Order is complied with in regards to the 19 lot subdivision prior to receiving final approval. It does not, however, exclude the subdivision from any further RMWR subdivision planning requirements (i.e. those which complement but do not contradict the basic planning requirements contained in the Implementation Order).

#### Why is this important?

It is important as it supports that this request as well any future requests should not be looked at in isolation from the order and should be considered instead under both the Implementation Order and the Municipal by laws. An appropriate action in this regard, as this particular request is an incremental addition to the subdivision size (i.e. the RMWR has received from the developer a request for an additional 4 lots to bring the total to 23). Clearly, going forward once the Implementation Order has been satisfied, there will always be a need to consider RMWR planning bylaws or is Council considering IRAC's Implementation Order as the only planning requirements applicable to this subdivision ? If this is the case, then the subdivision will be excluded from many important additional requirements of RMWR subdivision bylaw. For example, those found in *Section 4. General Provisions* which address items such as bed and breakfasts, short term rentals, fuel storage, kennels, etc.

Most importantly, as per the RMWR's Official Plan, a subdivision developer must dedicate 10% of the approved lots total acreage to public parkland space that meets the needs of the community.

The RMWR's Official Plan lays out the following Policies applicable to the subdivision of RA land.:

*Policy 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.*

This Policy is supported by the following RMWR Planning Bylaw:

*13.5 SUBDIVISIONS IN RA AND CI ZONES*

*1) 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.*

Obviously this requirement was not met, given that it is zoned RA land and 19 lots were given approval by IRAC pre-Official Plan sign-off. But it does raise the question as to whether it's appropriate for RMWR council to even consider the further approval of an additional 4 lots to increase the subdivision size to 23 lots, if the original 19 do not meet current requirements.

3) The subdivision as approved by IRAC is considered as a coastal subdivision and is subject the following Official Plan Policies and By-laws:

*Policy PHY-7: Scenic Vistas It shall be the policy of Council to seek to preserve and enhance the scenic vistas valued by the community as a whole, built on an approach to regulation appropriate to a rural community.*

RMWR By-Law

**13.12 PARKLAND DEDICATION AND / OR PARKLAND DEDICATION FEE**

*1) A person seeking to subdivide five (5) or more lots, exclusive of the parent parcel, shall be required to dedicate and convey to the Municipality 10% of the lands being subdivided from the parent parcel for recreation and public open space purposes, subject to the following: a. b. c. the location of the parkland to be conveyed shall be at the discretion of, and shall be subject to approval by Council; the parkland shall be free of all encumbrances; and Council may apply some or all of the dedication and conveyance of the lot area to active transportation routes or trail systems or both where such can be provided within or between subdivisions, or to ensure that valued natural assets such as forest cover can be protected.*

One of the lots (24-01) (see att.2) for which permission is being sought for addition to the subdivision, is a beachfront lot that is bordered by Hennebury Rd. public beach access. During the IRAC Appeal hearings the Developer testified that this lot would be reserved as public space and made available to the public.

RMWR Council members were questioned about parkspace allocation in the subdivision during the recent meeting, but no additional clarity was provided as to how much land would be parkspace or where it would be located.

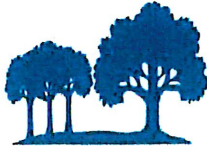
In this regard, it is interesting to note that IRAC's implementation order mandates a 10% openspace, however the developer in satisfying this requirement appears to have allocated (based simply on the lot numbering) Parcel 0-1 for this purpose (see att.2). This parcel is composed of a back corner wedge and a narrow strip of property that borders the original dirt road that runs up the length of the parent parcel. It appears that this land would run along the backyards of any houses built on the lots which back onto this side of the road. This is not public park land (as defined under the RMWR planning bylaws ) but is simply leftover land that will, in practice, be incorporated into the backyards of those owning adjacent lots to Parcel 0-1.

If IRAC's 10% open space requirement was complemented and clarified by RMWR's subdivision parkland requirement (as it should), Council would have input and final approval of where this public parkland space is to be located within the subdivision as required by section 13.12 of RMWR's Planning Bylaws (below).

Conclusion

- RMWR Council's position on the developer's request for an additional 4 lots to be subdivided from the parent parcel as a subdivision request that is separate from IRAC's approval of 19 lots, needs to be reconsidered by Council, as it has much larger implications regarding regulation of the subdivision as a whole.
- IRAC's approval of the subdivision's 19 lots under the standard provisions of the provincial *Planning Act* as identified in IRAC's Implementation Order of June 10, 2024, should not exclude the subdivision from any additional RMWR bylaws which do not conflict with the Implementation Order requirements.
- If RMWR Council approves the additional 4 lots to be added to the subdivision's previously approved 19 lots, consideration should be given by Council to identifying these lots or a portion thereof (as needed to meet the 10% requirement) as land required in support of public park land (as defined in the RMWR's planning Bylaws). More specifically, given that the subdivision is being built on a scenic ocean front vista that runs alongside a public beach access road, Council should give further consideration to the identification of Lots 24-01 and 24-03 (att.2) and the corner portion of parcel 0-1 as parkland lots.

Respectfully submitted by  
Bruce Lyng  
Rice Point



PRINCE EDWARD ISLAND  
Regulatory & Appeals Commission  
Commission de réglementation et d'appels  
ÎLE-DU-PRINCE-ÉDOUARD



**Date Issued:** June 10, 2024  
**Docket:** LA21-024  
**Type:** Planning Act Appeal

**BETWEEN:**

Lucas Arsenault, Jennie Arsenault and L&J Holdings Inc.

**Appellants**

**AND:**

Minister of Housing, Land and Communities  
(successor to Minister of Agriculture and Land)

**Respondent**

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**IMPLEMENTATION ORDER**

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Panel Members:

M. Douglas Clow, Panel Chair

Kerri Carpenter, Commissioner



## 1. BACKGROUND

1. The Minister denied an application for a 19 Lot Subdivision for Residential Use from PIDs 203000 and 808154 (parcels to be consolidated to form one consolidated parcel of approximately 44 acres) (the "Property").
2. An appeal was filed with the Commission on October 7, 2021, appealing the Minister's decision to deny the application.
3. The Commission heard three days of oral testimony relating to the application. Final submissions were filed with the Commission in June 2022.
4. On May 12, 2023, the Commission issued Order LA23-04 allowing the appeal, and ordering the Property be consolidated and subdivided to permit the 19 lot subdivision for residential use.
5. On May 31, 2023, the Minister appealed Commission Order LA23-04 to the Prince Edward Island Court of Appeal. On October 23, 2023, the Minister abandoned the appeal to the Court of Appeal.
6. On July 20, 2023, the Minister approved the Official Plan and Land Use Bylaw for the Rural Municipality of West River.
7. On November 3, 2023, the Minister requested the Commission act in the name of the Minister and implement Order LA23-04 under section 28(11) of the *Planning Act*. The Minister made this request as he questioned his planning authority over the Property given the Official Plan and Land Use Bylaw was now in effect in this area. The Minister suggested the standard subdivision conditions, as they existed in 2021 (when the application was processed), be implemented by the Commission.
8. The Appellants have agreed with the Commission acting in the name of the Minister to implement Order LA23-04 as set out in section 28(11) of the *Planning Act*. The Appellants have further agreed to the inclusion of the standard subdivision conditions as suggested by the Minister.

## 2. IMPLEMENTATION ORDER

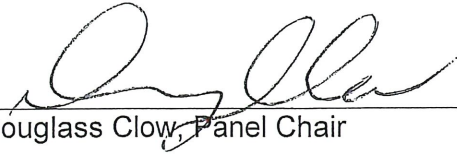
9. The parties having agreed to the conditions, which are the standard conditions that would have been in place at the time the Minister denied the Appellants' subdivision application, and in accordance with the Order LA23-04 and section 28(11) of the *Planning Act*, the Commission sets out the following conditions to be completed within two (2) years of the date of the within Implementation Order:
  - I. The lots being surveyed by a qualified surveyor and at least eight (8) copies of the survey plan being submitted to the Department of Housing, Land and Communities (the "Department"), for approval stamping.
  - II. Soil test(s) to be provided to the Department, and:
    - a. All Category 1 lots must have a minimum frontage of 100 feet with a minimum area of 25,000 square feet with dimensions that will permit the lot to contain a

- 150-foot circle within its boundaries, with an assumed depth of permeable soil of at least 60 cms;
- b. All Category 2 lots must have a minimum frontage of 100 feet with a minimum area of 35,000 square feet with dimensions that will permit the lot to contain a 175-foot circle, with an assumed depth of permeable soil of at least 30 cms;
  - c. All Category 3 lots must have a minimum frontage of 100 feet with a minimum area of 51,000 square feet with dimensions that will permit the lot to contain a 225-foot circle, with an assumed depth of permeable soil of at least 30 cms; and
  - d. All Category 4 lots must have a minimum frontage of 100 feet with a minimum area of 75,000 square feet with dimensions that will permit the lot to contain a 300-foot circle, with an assumed depth of permeable soil of less than 30 cms.
- III. A surface water management plan shall be submitted to the Department by a qualified engineer. This water management plan will be reviewed by the Department of Transportation and Infrastructure. The Department of Transportation and Infrastructure must be satisfied with the water management plan, based on the standard requirements for a 19-lot subdivision, prior to final approval being granted by the Department for any part of the subdivision.
  - IV. The roads within the subdivision must be named and approved or verified by the 911 Administration Office. The names must be shown on the final plan of survey. Contact the office at (902)894-0385, 134 Kent Street, Suite 600, Charlottetown, PE, C1A 8L8.
  - V. The road must be designed and constructed by a qualified professional engineer to the satisfaction of the Department of Transportation and Infrastructure. That department must be satisfied with the plan prior to final approval being granted for any part of the subdivision.
  - VI. Open space of a minimum of 10% of the total area of the lots being subdivided must be set aside. This must be shown on the final survey plan.
  - VII. All standard requirements of the Department of Transportation and Infrastructure must be satisfied.
  - VIII. The *Planning Act Subdivision and Development Regulations* require a minimum 60 foot buffer or 60 times the annual rate of erosion, whichever is greater, measured from the top of bank along the watercourse. As well, the *Environmental Protection Act* requires a minimum 15-meter buffer zone adjacent the watercourse located at/near the southern boundary of this property. The applicant is advised that no development (including, but not limited to, the placement/construction of a building or other structure, the cutting of trees/shrubs, the operation of heavy equipment and any excavation/disturbance of the ground) is permitted in a watercourse, wetland or buffer zone without a Watercourse, Wetland and Buffer Zone (WWBZ) Activity Permit. For information on permitting requirements or for assistance in determining the location of a watercourse, wetland or buffer zone, the applicant should contact the Department of Environment, Energy and Climate Action at (902)368-5700.

- IX. All lots must be accessed via the internal subdivision road only, unless otherwise approved by the applicable Department.
  - X. The domestic wells for the proposed lots must be kept minimum 50 meters from the closest shoreline in order to reduce the risk of saltwater intrusion.
10. The Commission notes the following disclaimers attaching to the subdivision approval:
- a) The subdivision approval granted herein is permission to divide land. Subdivision approval should not be interpreted as including approval of the location of structures that are currently on the property.
  - b) Utility easements are not addressed by this approval.
  - c) Issuance of this subdivision approval/development permit does not imply any warranty against damages related to weather and/or climate change, including, but not limited to, coastal erosion and flooding. Government shall not be liable for any claims, demands, losses, costs, damages, actions, suits or proceedings of every nature and kind whatsoever arising out of or resulting from the issuance of this subdivision approval/development permit or which may occur to this subdivision/development as a result of damages related to the weather and/or climate change.
  - d) Properties located near a watercourse and/or coastline may be subject to erosion and flood hazards. For these properties, a Coastal Hazard Assessment is included as part of the development permit review process. The information contained in the Coastal Hazard Assessment should be taken into consideration in the design of the proposed subdivision/development.
  - e) All rights of way serving the approved subdivision meet the requirements of the *Planning Act Subdivision and Development Regulations*. Subdivision approval does not include or provide any actual legal right of way from the approved subdivision lot(s) to the public road. The provision of any such right of way is the responsibility of the rights of way owner(s).
11. Upon fulfillment of each of the conditions noted in paragraph 9(I)-(X), inclusive, the Commission orders that the Department of Housing, Land and Communities shall stamp the subdivision plan for final approval.

**DATED** at Charlottetown, Prince Edward Island, May 31, 2024.

**BY THE COMMISSION:**

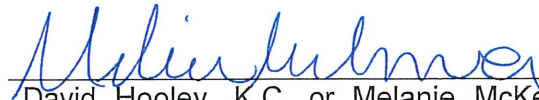


M. Douglass Clow, Panel Chair



Kerri Carpenter, Commissioner

**CONSENTED TO BY THE PARTIES:**



David Hooley, K.C. or Melanie McKenna,  
Counsel for the Appellants

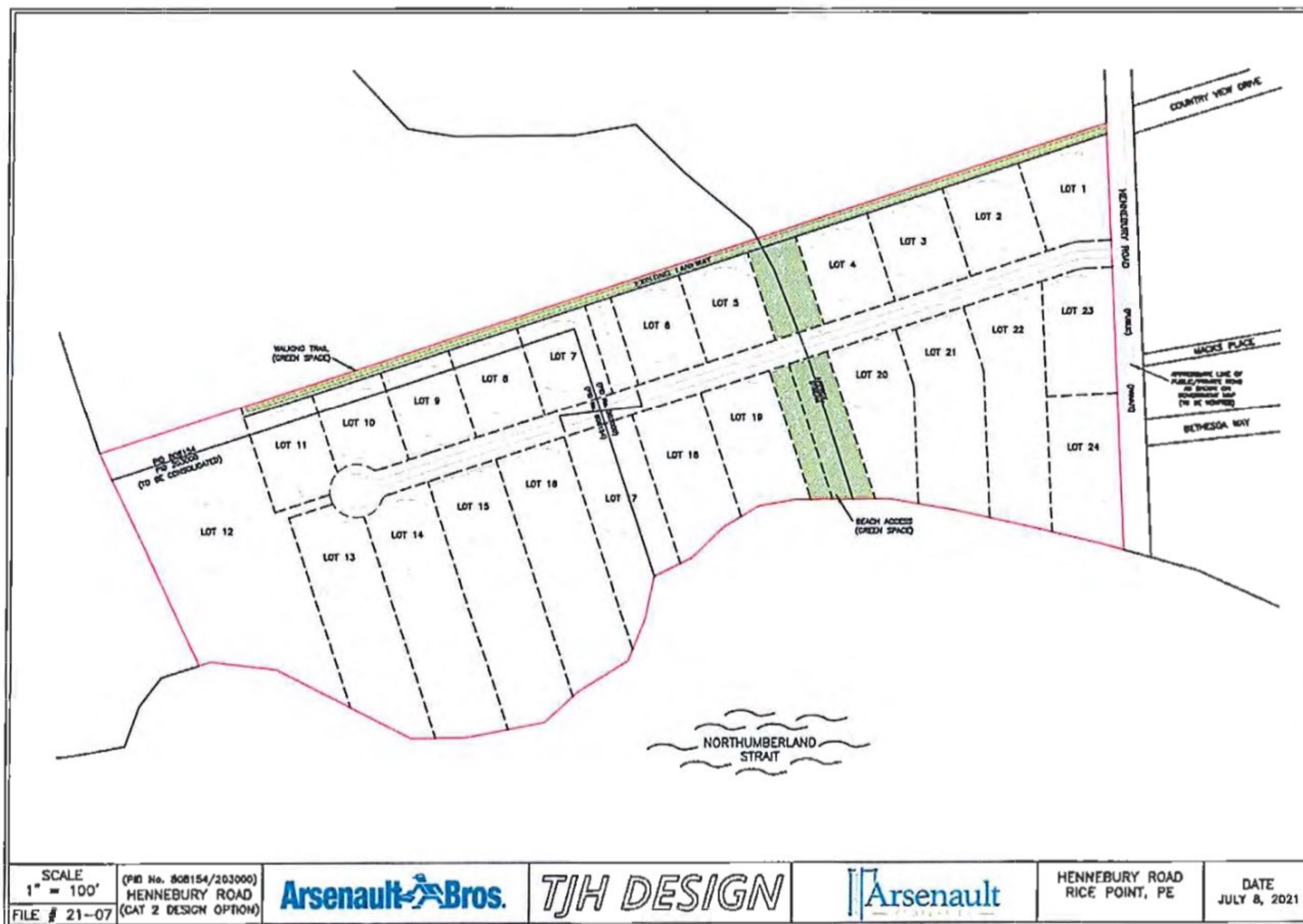


Richard Collier, Counsel for the Respondent





irac.pe.ca



☒ Single-unit residential☐ Commercial☐ Agricultural☐ Multi-unit residential☐ Industrial☐ Aquaculture/Fisheries☐ Rental accommodations☐ Institutional☐ Forestry

d. Describe the proposed land use in detail.

step 1 - consolidate pid 808154 & 203000, step 2 - subdivide 44 acre into approximately 20-24 lots

e. Describe your reasons for making this application and provide any other information that you think may be helpful.

*Note: Talked to Lucas Arsenault July 09-21 to  
better the number of lots other than a range of 20-24.  
for the purpose of obtaining the correct fees... He  
is going with 19 lots and if required will pay for  
any additional later. -*



**Number of lots**

- (4) For the purpose of determining the number of lots, all parcels to be severed from the original parcel shall be counted.

**Incremental subdivision**

- (5) All provisions of these regulations for subdivisions of six or more lots shall apply where a parcel has been subdivided incrementally so as to bring the number of lots created since June 12, 1993 to six or more. *(EC693/00; 137/09)*

**18. Phasing**

- (1) Subdivisions having preliminary approval for more than 20 lots shall be granted final approval in phases.

**Number of lots**

- (2) The total number of lots approved in any one phase of a subdivision shall not exceed 20.

**50% of lots must be sold before next phase approved**

- (3) Final approval shall not be granted for the second or a subsequent phase of a subdivision until 50% of the lots in the immediately preceding phase of the subdivision have been sold by the developer.

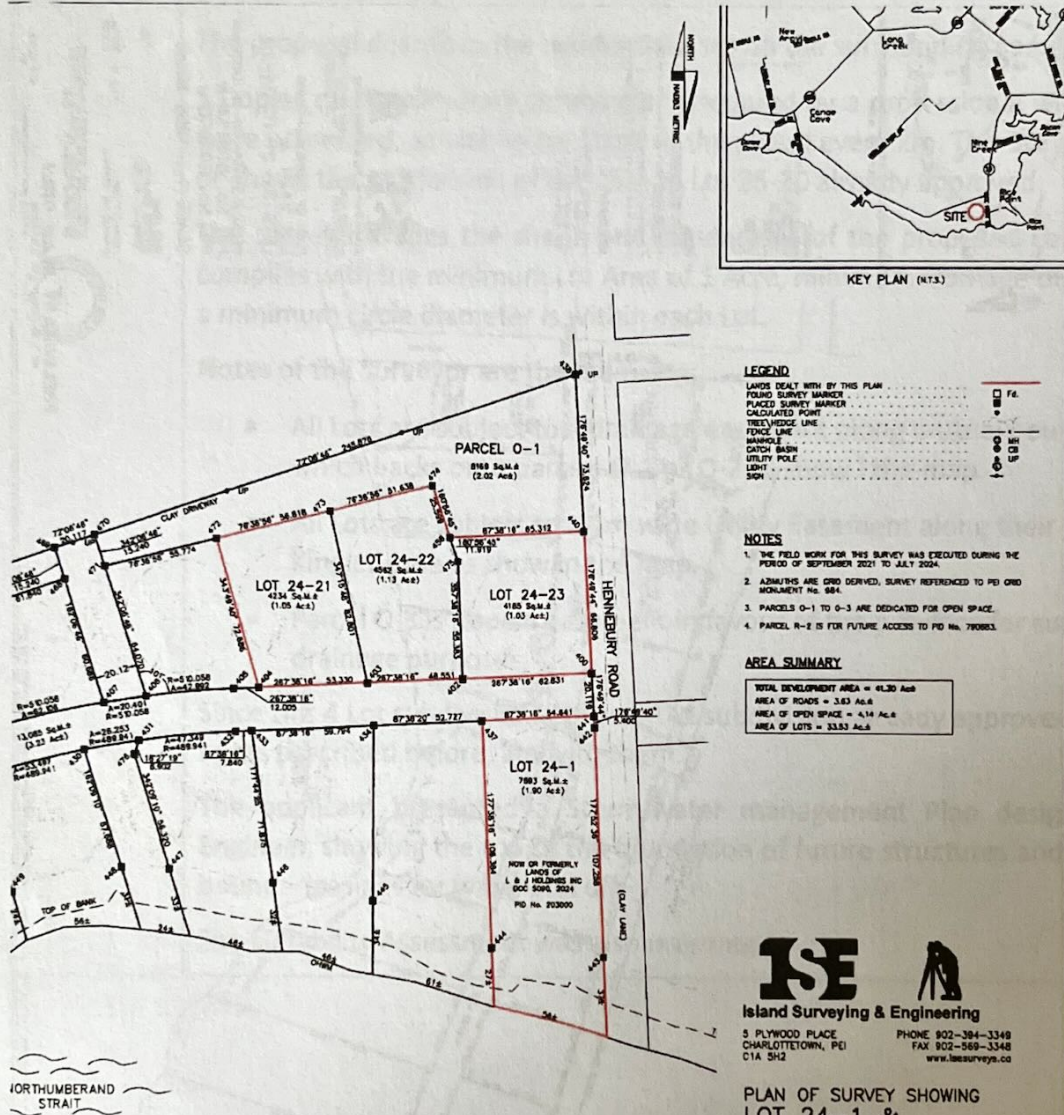
**Application**

- (4) Subsections (1) to (3) do not apply to subdivisions within a resort development. *(EC693/00; 176/03;422/03)*



# Subdivision Evaluation Report for PID 203000

## Site Plan



**PRELIMINARY PLAN ONLY**

NOT TO BE USED FOR LEGAL DESCRIPTIONS.

LE OR PART WITHOUT THE WRITTEN CONSENT OF I S E L M.

**From:** [Tim Hamel](#)  
**To:** [admin@westriverpe.ca](mailto:admin@westriverpe.ca); [Lucas Arsenault](#)  
**Cc:** [rmwr@westriverpe.ca](mailto:rmwr@westriverpe.ca); [hsMacPhail@westriverpe.ca](mailto:hsMacPhail@westriverpe.ca); [permits@westriverpe.ca](mailto:permits@westriverpe.ca)  
**Subject:** RE: Re: Information Request - WR-0268  
**Date:** Thursday, July 3, 2025 8:13:49 AM

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Good morning Susan,

Thank you for the update.

We and our legal counsel view this requested subdivision to be "as of right" under the Bylaw, and so to the extent that any of these questions from the public result in Council contemplating a denial of our application, we would want to have the opportunity to review the questions/concerns and to provide a response for Council's consideration.

I have personally been to a number of meetings (over the past 6-8 months) and discussed these four (4) lots with council and staff, and have never been asked any questions.

Please provide us with the questions/concerns that were raised by the public that council/staff are now considering.

Thank you.

Tim Hamel  
Arsenault Bros Construction Ltd.  
75 W.B. MacPhail Drive  
Cornwall, PE C0A 1H5

Office: 902-892-7882  
Fax: 902-892-3084  
Cell: 902-940-5398  
[www.arsenaultbros.com](http://www.arsenaultbros.com)

-----Original Message-----

From: Rural Municipality of West River <[admin@westriverpe.ca](mailto:admin@westriverpe.ca)>  
Sent: Wednesday, July 2, 2025 9:18 AM  
To: Tim Hamel <[thamel@arsenaultbros.com](mailto:thamel@arsenaultbros.com)>; Lucas Arsenault <[Lucas@arsenaultbros.com](mailto:Lucas@arsenaultbros.com)>  
Cc: [rmwr@westriverpe.ca](mailto:rmwr@westriverpe.ca); [hsMacPhail@westriverpe.ca](mailto:hsMacPhail@westriverpe.ca); [permits@westriverpe.ca](mailto:permits@westriverpe.ca)  
Subject: RE: Re: Information Request - WR-0268

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Tim & Lucas,

Thank you for your continued patience as Council reviews your subdivision application.

Apologies for the delayed response - our entire staff have been occupied with preparations for Canada Day celebrations.

At its most recent meeting, Council deferred a decision on your application.

During that meeting, questions from the public brought forward a point that Council determined requires further clarification before a decision can be made.

Staff are currently working to provide the necessary information to support Council's review. Once this is complete, the application will be brought back to Council for consideration.

We will keep you informed as this progresses and notify you as soon as a new decision date is scheduled. In the meantime, if you have any questions Mayor Smith-MacPhail would be happy to discuss.

Thank you,  
Susan Morse  
Chief Administrative Officer  
Rural Municipality of West River  
1552-B Rte. 19, New Dominion, PE C0A 1H6  
Tel: 902-675-7000  
[https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwestriverpe.ca&c=E.1.Sq8w09msaNITCG2xXet8xAgU7RJaaY5Z4xLpFJFoOQH7cQgfl d5nWqj22b-NqMUoPfJiwFTwgND0cXKA78qZiumSlG6\\_wwAMO1k1Ew\\_JdK3&typo=1](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwestriverpe.ca&c=E.1.Sq8w09msaNITCG2xXet8xAgU7RJaaY5Z4xLpFJFoOQH7cQgfl d5nWqj22b-NqMUoPfJiwFTwgND0cXKA78qZiumSlG6_wwAMO1k1Ew_JdK3&typo=1)  
<https://www.facebook.com/ruralmunicipalityofwestriverpe>

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-----Original Message-----

From: Tim Hamel <thamel@arsenaultbros.com>  
Sent: Thursday, June 26, 2025 9:32 PM  
To: admin@westriverpe.ca; Lucas Arsenault <Lucas@arsenaultbros.com>  
Cc: rmwr@westriverpe.ca; hsMacPhail@westriverpe.ca; permits@westriverpe.ca  
Subject: RE: Re: Information Request - WR-0268

Good evening all.

I was unable to make the meeting due to the fact that I coach one of my son's U13 baseball team and we had a game in Cornwall 6-8pm.

Just wondering if you could give me an update from tonight's council meeting and what our next step is.

Look forward to hearing from you.

Thanks!

Tim Hamel  
Arsenault Bros Construction Ltd.



75 W.B. MacPhail Drive  
Cornwall, PE C0A 1H5

Office: 902-892-7882  
Fax: 902-892-3084  
Cell: 902-940-5398

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-----Original Message-----

From: Rural Municipality of West River <admin@westriverpe.ca>  
Sent: Friday, May 30, 2025 2:57 PM  
To: Lucas Arsenault <Lucas@arsenaultbros.com>; Tim Hamel <thamel@arsenaultbros.com>  
Cc: rmwr@westriverpe.ca; hsMacPhail@westriverpe.ca; permits@westriverpe.ca  
Subject: RE: Re: Information Request - WR-0268

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Tim & Lucas,

Apologies, our development officer was having technical difficulties with his email.

Thank you for inquiring regarding your application for the subdivision of Lots 25-1 and 25-21 to 25-23 from PID 203000.

We have now received all the required documentation in compliance with our Land Use Bylaw, including the stormwater management plan, survey plans, and the on-site suitability assessment report. These materials have been reviewed and deemed complete.

As you may be aware, the Development Officer only has authority over simple subdivisions. Larger or more complex applications-particularly those involving multiple lots or, as in this case, those that serve as a complement to an existing subdivision approval-must be reviewed and decided upon by Council.

This information will be presented to the Planning Board on June 12th. The Planning board will make a recommendation to Council and then Council will decide on the application at their next meeting which is June 26th.

Please rest assured that I do not anticipate any issues or concerns at this stage. We are simply ensuring that all regulatory steps are followed thoroughly-this process not only upholds the integrity of the approval but also provides important protections for the applicant (yourself) by ensuring decisions are transparent, well-documented, and defensible.

Thank you again for your continued patience and understanding. If you have any questions or would like to discuss anything further, please don't hesitate to reach out.

Thanks,  
Susan Morse



Chief Administrative Officer  
Rural Municipality of West River

-----Original Message-----

From: Lucas Arsenault <Lucas@arsenaultbros.com>  
Sent: Friday, May 30, 2025 8:40 AM  
To: Tim Hamel <thamel@arsenaultbros.com>  
Cc: rmwr@westriverpe.ca; admin@westriverpe.ca  
Subject: FW: Re: Information Request - WR-0268

Fyi..

Not sure if these emails are going through to this permits email..  
Could we get a confirmation here if we have the right email, thanks.

Lucas Arsenault  
President & CEO  
Arsenault Bros Construction Ltd.  
75 W.B. MacPhail Drive  
Cornwall, PE C0A 1H5

Office: 1-902-892-7882  
Fax: 1-902-892-3084  
Cell: 1-902-393-9941

[https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.arsenaultbros.com&](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.arsenaultbros.com&c=)

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[www.avg.com](http://www.avg.com)

**From:** [Samantha Murphy](#)  
**To:** [admin@westriverpe.ca](mailto:admin@westriverpe.ca)  
**Subject:** Re: PID 203000  
**Date:** Tuesday, July 8, 2025 2:56:27 PM

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Hi Susan - these are my initial thoughts:

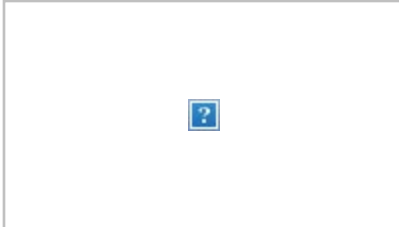
1. Existing parcel: the remnant of the parcel would, in my opinion, would be the portion of the original parcel that would be considered 'existing' as it is essentially what would have applied at the effective date of the Bylaw, **although given the timing of the implementation order from IRAC, that might warrant confirmation from your lawyer.**
2. Rules in effect: The municipality is generally not responsible for ensuring compliance with original conditions of approval under the provincial Subdivision and Development Regulations and the implementation order from IRAC, except on a case-by-case basis as it relates to new decisions on those lots (development permits, setbacks, roads, etc), although there may be other exceptions. But, for example, I don't think you would count lots that were effectively approved prior to the effective date of the Bylaw to rules that came into being through the Bylaw. More specifically, I don't think you would count the original 19 lots in the calculation of total lots for the purpose of parkland dedication, **unless as noted in my conclusion below, the existing parcel is that of the parcel prior to the implementation order.**
3. Provincial regulations: The open space ownership and use provisions are different under the provincial regs versus your bylaw and I do not believe the full 'public use' aspect of the parkland dedication in your Bylaw could be retroactively applied to the original 19 lots.
4. Public roads: Have you confirmed that the road within the subdivision will indeed be (or has already been) deeded to the Province as public?
5. Phasing: There are no mandatory phasing requirements in your bylaw, so I do not believe provincial rules would apply. Those provincial rules no longer have effect in your area, with the exception of the SPA.
6. Scenic vistas (PHY-7) in the OP were included as an initial policy to allow Council to explore more options over time, but that policy area did not identify specific viewscales to be implemented immediately. The intention at the time was that the Municipality would undertake future work to create a more extensive viewscale approach and I do not believe that you have the authority to deny the lots on the basis of coastal vistas. This is something the municipality may wish to add to its policy development workplan, however, given the plan actions included in the Official Plan.
7. Stormwater management plan: the SWMP that you included in what you sent me only has a general level water drainage, not a drainage plan internal to the subdivision. The planning report suggests that there is an engineering SWMP that shows minimum building elevation, however, so I'll assume that has been addressed.
8. Coastal Hazard Assessment: there's a note that the elevation is such that a CHA is not required; a CHA will still be required for Lot 25-1 as it falls under 4.5(1)(b) - this may assist in identifying erosion risk and provide guidance on where to place future buildings, given the ER zone requirements in relation to 10.6(2)(a). I also assume that Lot 25-1 has been assessed against 13.7(2) of the Bylaw.

There are potentially any number of developments that were approved as a phase or initial development in the past, with some expectation on the developer's part that they might pursue

additional phases down the road -- any additional phases or new developments are subject to the OP and Bylaw. The general complication here, as you know, is the very close timing of the appeal decision and implementation order with the effective date of the OP and Bylaw. Had the subdivision been even a year or two older, I suspect it would be possibly easier to explain the 'from effective date forward' aspect of the transfer of planning authority and the new plan and bylaw.

All of that being said, the question of which version of the consolidated PID 203000 and 808154 counts as the 'existing lot' under the Bylaw - the property as of the date of Order LA23-04 or the June 10, 2024 date of the implementation order is a key one that I would defer to your lawyer.

Regards,  
Samantha Murphy, RPP, FCIP (she/her)



I respectfully acknowledge that the land on which I live and work, Epekwitk (Prince Edward Island), is the traditional and unceded territory of the Indigenous Mi'kmaq People, covered by the historic Treaties of Peace and Friendship.

My working day may not be your working day; please do not feel obliged to reply to this email outside of your normal working hours.

On Thu, Jul 3, 2025 at 1:46 PM Rural Municipality of West River <[admin@westriverpe.ca](mailto:admin@westriverpe.ca)> wrote:

Hi Sam,

Thanks for the guidance regarding the variance question.

The next file is a subdivision of 4 lots from PID 203000. This is remanent land from IRAC order LA23-04 ordering the approval of a 19 lot subdivision in Rice Point.

We have had members of the public tell us they would appeal any decisions we make regarding development on the 19 lots so I'm trying to make sure everything is done properly.

I thought it could be justified that this falls under the development officer's authority to approve however, given the background and that it obviously complements the 19 lot

subdivision I felt it was best to take this to Council.

Planning Board reviewed the application and the DO's report and recommended Council approve the S/D.

At the Council Meeting last week questions were brought to Council's attention about the obvious intent to enlarge an existing subdivision, it is clear from the documentation that a 23 lot subdivision was always the developer's intention. Concerns were raised of why phasing rules don't apply here. IRAC only approved 19 lots, not triggering the phasing rules that would exist under the Province's standards.

We have been looking at the application with the following lens – the subdivision order should be considered as an approval before our Bylaw came into effect (even though it happened after). Therefore, the remanent is being treated as an existing parcel as of the date of the LUB and is allowed 4 lots off subject to the provisions of the LUB, which the proposal meets.

I will also forward 2 emails that were sent to Council summarizing the concerns raised at the meeting. I think it's fair to say that Council's need to feel their approval is justified and these questions created uncertainty about balancing our LUB with the province's requirements and whether it's fair to consider this application as a separate matter from the 19 lots.

Council's first inclination was to obtain a legal opinion, I suggested we talk to you first.

I think that about sums up why we're looking for clarification.

Thank you,

Susan Morse  
Chief Administrative Officer

Rural Municipality of West River  
1552-B Rte. 19, New Dominion, PE C0A 1H6

Tel: 902-675-7000

[westriverpe.ca](http://westriverpe.ca)

<https://www.facebook.com/ruralmunicipalityofwestriverpe>



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**From:** [Tim Hamel](#)  
**To:** [admin@westriverpe.ca](mailto:admin@westriverpe.ca); [Lucas Arsenaault](#)  
**Cc:** [rmwr@westriverpe.ca](mailto:rmwr@westriverpe.ca); [hsMacPhail@westriverpe.ca](mailto:hsMacPhail@westriverpe.ca); [permits@westriverpe.ca](mailto:permits@westriverpe.ca); ["Shaun MacArthur"](#); [steven@westriverpe.ca](mailto:steven@westriverpe.ca)  
**Subject:** RE: Re: Information Request - WR-0268  
**Date:** Friday, July 11, 2025 11:35:33 AM

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Good morning all. Just looking for some information.

I attended the Planning meeting on June 12th, and there was zero questions or concerns from the public, or council or staff.

I could not attend the Council meeting on June 26th (as I was coaching kids baseball), and there were questions/concerns that were brought up by the public that council could not answer and needed to get information from staff (email July 2nd).

We are now two (2) plus weeks after our application for the four (4) as of right lot subdivision was not approved, and no one has been able to give us any information as why it was not approved and what additional information is required from staff and/or us the applicants/owners.

When can we expect some sort of communication from the Community with regards to our application (we applied for these 4-lots on March 26th, 2025).

Look forward to hearing back from someone at the Community.

Tim Hamel  
Arsenaault Bros Construction Ltd.  
75 W.B. MacPhail Drive  
Cornwall, PE C0A 1H5

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Fax: 902-892-3084  
Cell: 902-940-5398  
[www.arsenaaultbros.com](http://www.arsenaaultbros.com)

-----Original Message-----

From: Tim Hamel  
Sent: Thursday, July 3, 2025 8:14 AM  
To: [admin@westriverpe.ca](mailto:admin@westriverpe.ca); Lucas Arsenaault <[Lucas@arsenaaultbros.com](mailto:Lucas@arsenaaultbros.com)>  
Cc: [rmwr@westriverpe.ca](mailto:rmwr@westriverpe.ca); [hsMacPhail@westriverpe.ca](mailto:hsMacPhail@westriverpe.ca); [permits@westriverpe.ca](mailto:permits@westriverpe.ca)  
Subject: RE: Re: Information Request - WR-0268

Good morning Susan,

Thank you for the update.

We and our legal counsel view this requested subdivision to be "as of right" under the Bylaw, and so to the extent that any of these questions from the public result in Council contemplating a denial of our application, we would want to have the opportunity to review the questions/concerns and to provide a response for Council's consideration.

I have personally been to a number of meetings (over the past 6-8 months)

and discussed these four (4) lots with council and staff, and have never been asked any questions.

Please provide us with the questions/concerns that were raised by the public that council/staff are now considering.

Thank you.

Tim Hamel  
Arsenault Bros Construction Ltd.  
75 W.B. MacPhail Drive  
Cornwall, PE C0A 1H5

Office: 902-892-7882  
Fax: 902-892-3084  
Cell: 902-940-5398  
www.arsenaultbros.com

-----Original Message-----

From: Rural Municipality of West River <admin@westriverpe.ca>  
Sent: Wednesday, July 2, 2025 9:18 AM  
To: Tim Hamel <thamel@arsenaultbros.com>; Lucas Arsenault <Lucas@arsenaultbros.com>  
Cc: rmwr@westriverpe.ca; hsMacPhail@westriverpe.ca; permits@westriverpe.ca  
Subject: RE: Re: Information Request - WR-0268

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Tim & Lucas,

Thank you for your continued patience as Council reviews your subdivision application.

Apologies for the delayed response - our entire staff have been occupied with preparations for Canada Day celebrations.

At its most recent meeting, Council deferred a decision on your application.

During that meeting, questions from the public brought forward a point that Council determined requires further clarification before a decision can be made.

Staff are currently working to provide the necessary information to support Council's review. Once this is complete, the application will be brought back to Council for consideration.

We will keep you informed as this progresses and notify you as soon as a new decision date is scheduled. In the meantime, if you have any questions Mayor Smith-MacPhail would be happy to discuss.

Thank you,  
Susan Morse  
Chief Administrative Officer  
Rural Municipality of West River  
1552-B Rte. 19, New Dominion, PE C0A 1H6

Tel: 902-675-7000

[https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwestriverpe.ca&c=E.1.Sq8w09msaNITCG2xXet8xAgU7RJaaY5Z4xLpFJFoOQH7cQgfl d5nWqj22b-NqMUoPfJiwFTwgNDOcXKA78qZiumSlG6\\_wwAMO1k1Ew\\_JdK3&typo=1](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwestriverpe.ca&c=E.1.Sq8w09msaNITCG2xXet8xAgU7RJaaY5Z4xLpFJFoOQH7cQgfl d5nWqj22b-NqMUoPfJiwFTwgNDOcXKA78qZiumSlG6_wwAMO1k1Ew_JdK3&typo=1)  
<https://www.facebook.com/ruralmunicipalityofwestriverpe>

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-----Original Message-----

From: Tim Hamel <thamel@arsenaultbros.com>  
Sent: Thursday, June 26, 2025 9:32 PM  
To: admin@westriverpe.ca; Lucas Arsenault <Lucas@arsenaultbros.com>  
Cc: rmwr@westriverpe.ca; hsMacPhail@westriverpe.ca; permits@westriverpe.ca  
Subject: RE: Re: Information Request - WR-0268

Good evening all.

I was unable to make the meeting due to the fact that I coach one of my son's U13 baseball team and we had a game in Cornwall 6-8pm.

Just wondering if you could give me an update from tonights council meeting and what our next step is.

Look forward to hearing from you.

Thanks!

Tim Hamel  
Arsenault Bros Construction Ltd.  
75 W.B. MacPhail Drive  
Cornwall, PE C0A 1H5

Office: 902-892-7882  
Fax: 902-892-3084  
Cell: 902-940-5398  
[https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.arsenaultbros.com&c=E.1,zCb4w3lfE2BKljcBWXfiqT-V44Q61qhZ2Wq8N5AfPjcTxFzRhO85B9GMLJdoS808yIf05PIAk9\\_Rujeqw\\_FjcATeuEZf7cioulWfqWQPbMi5EcEU&typo=1](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.arsenaultbros.com&c=E.1,zCb4w3lfE2BKljcBWXfiqT-V44Q61qhZ2Wq8N5AfPjcTxFzRhO85B9GMLJdoS808yIf05PIAk9_Rujeqw_FjcATeuEZf7cioulWfqWQPbMi5EcEU&typo=1)

-----Original Message-----

From: Rural Municipality of West River <admin@westriverpe.ca>  
Sent: Friday, May 30, 2025 2:57 PM  
To: Lucas Arsenault <Lucas@arsenaultbros.com>; Tim Hamel <thamel@arsenaultbros.com>  
Cc: rmwr@westriverpe.ca; hsMacPhail@westriverpe.ca; permits@westriverpe.ca  
Subject: RE: Re: Information Request - WR-0268

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Hi Tim & Lucas,

Apologies, our development officer was having technical difficulties with his email.

Thank you for inquiring regarding your application for the subdivision of Lots 25-1 and 25-21 to 25-23 from PID 203000.

We have now received all the required documentation in compliance with our Land Use Bylaw, including the stormwater management plan, survey plans, and the on-site suitability assessment report. These materials have been reviewed and deemed complete.

As you may be aware, the Development Officer only has authority over simple subdivisions. Larger or more complex applications-particularly those involving multiple lots or, as in this case, those that serve as a complement to an existing subdivision approval-must be reviewed and decided upon by Council.

This information will be presented to the Planning Board on June 12th. The Planning board will make a recommendation to Council and then Council will decide on the application at their next meeting which is June 26th.

Please rest assured that I do not anticipate any issues or concerns at this stage. We are simply ensuring that all regulatory steps are followed thoroughly-this process not only upholds the integrity of the approval but also provides important protections for the applicant (yourself) by ensuring decisions are transparent, well-documented, and defensible.

Thank you again for your continued patience and understanding. If you have any questions or would like to discuss anything further, please don't hesitate to reach out.

Thanks,  
Susan Morse  
Chief Administrative Officer  
Rural Municipality of West River

-----Original Message-----

From: Lucas Arsenault <Lucas@arsenaultbros.com>  
Sent: Friday, May 30, 2025 8:40 AM  
To: Tim Hamel <thamel@arsenaultbros.com>  
Cc: rmwr@westriverpe.ca; admin@westriverpe.ca  
Subject: FW: Re: Information Request - WR-0268

Fyi..

Not sure if these emails are going through to this permits email..  
Could we get a confirmation here if we have the right email, thanks.

Lucas Arsenault  
President & CEO  
Arsenault Bros Construction Ltd.  
75 W.B. MacPhail Drive

Cornwall, PE C0A 1H5

Office: 1-902-892-7882

Fax: 1-902-892-3084

Cell: 1-902-393-9941

[https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.arsenaultbros.com&](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.arsenaultbros.com&c=)

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--

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[www.avg.com](http://www.avg.com)

**From:** [helen@westriverpe.ca](mailto:helen@westriverpe.ca)  
**To:** [Tim Hamel](mailto:Tim.Hamel)  
**Cc:** [admin@westriverpe.ca](mailto:admin@westriverpe.ca); [Lucas Arsenault](mailto:Lucas.Arsenault); [rmwr@westriverpe.ca](mailto:rmwr@westriverpe.ca); [hsMacPhail@westriverpe.ca](mailto:hsMacPhail@westriverpe.ca); [permits@westriverpe.ca](mailto:permits@westriverpe.ca); "Shaun MacArthur"; [steven@westriverpe.ca](mailto:steven@westriverpe.ca)  
**Subject:** RE: Re: Information Request - WR-0268  
**Date:** Sunday, July 13, 2025 9:04:19 AM

---

Hi Tim,

My apologies for the slow reply. I had told the staff that I would respond to your questions and then the last 10 days were awful with a death in my family.

At the June 26th meeting, we did have some questions brought by the public regarding your subdivision proposal.

After discussion at the meeting with and between Council, it was decided that we should be very careful when making this decision to be sure that all procedures have been followed. The Council has asked the CAO to provide us with information from a certified planner and a legal opinion.

The CAO informed me today that it will be at least a month or so before we have the information we need to make our final decision.

As you have already had an experience with IRAC in the past and the Municipality is currently having an experience with IRAC, the Council feels it is everyone's best interest to be sure that we are making a careful and informed decision.

As you are aware, we have a bylaw that we must work within and part of Council's work is to consider the views of all parties. Time is needed to make a careful and informed decision. I ask that you have patience so that Council can do its job in making this decision.

I can assure you that municipal staff and Council are working as quickly as possible on this file.

If you need further discussion, I can be reached at 902 393-7110.

Cheers,  
Helen

Helen Smith-MacPhail  
Mayor, Rural Municipality of West River

I live, work and play on Epekwitk, and give respect to the Indigenous Mi'kmaq People.

On Jul 11, 2025 11:35 a.m., Tim Hamel <[thamel@arsenaultbros.com](mailto:thamel@arsenaultbros.com)> wrote:

Good morning all. Just looking for some information.

I attended the Planning meeting on June 12th, and there was zero questions or concerns from the public, or council or staff.

I could not attend the Council meeting on June 26th (as I was coaching kids baseball), and there were questions/concerns that were brought up by the public that council could not answer and needed to get information from staff (email July 2nd).

We are now two (2) plus weeks after our application for the four (4) as of right lot subdivision was not approved, and no one has been able to give us any information as why it was not approved and what additional information is required from staff and/or us the applicants/owners.

When can we expect some sort of communication from the Community with regards to our application (we applied for these 4-lots on March 26th, 2025).

Look forward to hearing back from someone at the Community.

Tim Hamel  
Arsenault Bros Construction Ltd.  
75 W.B. MacPhail Drive  
Cornwall, PE C0A 1H5

Office: 902-892-7882  
Fax: 902-892-3084  
Cell: 902-940-5398  
[www.arsenaultbros.com](http://www.arsenaultbros.com)

-----Original Message-----  
From: Tim Hamel

Sent: Thursday, July 3, 2025 8:14 AM  
To: admin@westriverpe.ca; Lucas Arsenault <Lucas@arsenaultbros.com>  
Cc: rmwr@westriverpe.ca; hsMacPhail@westriverpe.ca; permits@westriverpe.ca  
Subject: RE: Re: Information Request - WR-0268

Good morning Susan,

Thank you for the update.

We and our legal counsel view this requested subdivision to be "as of right" under the Bylaw, and so to the extent that any of these questions from the public result in Council contemplating a denial of our application, we would want to have the opportunity to review the questions/concerns and to provide a response for Council's consideration.

I have personally been to a number of meetings (over the past 6-8 months) and discussed these four (4) lots with council and staff, and have never been asked any questions.

Please provide us with the questions/concerns that were raised by the public that council/staff are now considering.

Thank you.

Tim Hamel  
Arsenault Bros Construction Ltd.  
75 W.B. MacPhail Drive  
Cornwall, PE C0A 1H5

Office: 902-892-7882  
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www.arsenaultbros.com

-----Original Message-----

From: Rural Municipality of West River <admin@westriverpe.ca>  
Sent: Wednesday, July 2, 2025 9:18 AM  
To: Tim Hamel <thamel@arsenaultbros.com>; Lucas Arsenault <Lucas@arsenaultbros.com>  
Cc: rmwr@westriverpe.ca; hsMacPhail@westriverpe.ca; permits@westriverpe.ca  
Subject: RE: Re: Information Request - WR-0268

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Hi Tim & Lucas,

Thank you for your continued patience as Council reviews your subdivision application.

Apologies for the delayed response - our entire staff have been occupied with preparations for Canada Day celebrations.

At its most recent meeting, Council deferred a decision on your application. During that meeting, questions from the public brought forward a point that Council determined requires further clarification before a decision can be made.

Staff are currently working to provide the necessary information to support Council's review. Once this is complete, the application will be brought back to Council for consideration.

We will keep you informed as this progresses and notify you as soon as a new decision date is scheduled. In the meantime, if you have any questions Mayor Smith-MacPhail would be happy to discuss.

Thank you,  
Susan Morse  
Chief Administrative Officer  
Rural Municipality of West River  
1552-B Rte. 19, New Dominion, PE C0A 1H6  
Tel: 902-675-7000  
[https://linkprotect.cudasvc.com/url?  
a=https%3a%2f%2fwestriverpe.ca&c=E,1,Sq8w09msaNITCG2xXet8xAgU7RJaAaY5Z4xLpFJFoOQH7cQgflD5nWqj22b-  
NqMUoPFJiwFTwgNDOcXKA78qZiumSlG6\\_wwAMO1k1Ew\\_JdK3&typo=1](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwestriverpe.ca&c=E,1,Sq8w09msaNITCG2xXet8xAgU7RJaAaY5Z4xLpFJFoOQH7cQgflD5nWqj22b-NqMUoPFJiwFTwgNDOcXKA78qZiumSlG6_wwAMO1k1Ew_JdK3&typo=1)  
<https://www.facebook.com/ruralmunicipalityofwestriverpe>

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-----Original Message-----

From: Tim Hamel <thamel@arsenaultbros.com>  
Sent: Thursday, June 26, 2025 9:32 PM  
To: admin@westriverpe.ca; Lucas Arsenault <Lucas@arsenaultbros.com>  
Cc: rmwr@westriverpe.ca; hsMacPhail@westriverpe.ca; permits@westriverpe.ca  
Subject: RE: Re: Information Request - WR-0268

Good evening all.

I was unable to make the meeting due to the fact that I coach one of my son's U13 baseball team and we had a game in Cornwall 6-8pm.

Just wondering if you could give me an update from tonight's council meeting and what our next step is.

Look forward to hearing from you.

Thanks!

Tim Hamel  
Arsenault Bros Construction Ltd.  
75 W.B. MacPhail Drive  
Cornwall, PE C0A 1H5

Office: 902-892-7882  
Fax: 902-892-3084  
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[https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.arsenaultbros.com&c=E,1,zCb4w3lfE2BKljcBWxfiqT-V44Q61qhZ2Wq8N5AfPjcTxFzRhO85B9GMLJdoS808yIf05PIAk9\\_Rujeqw\\_FjcATeuEZf7cioulWfqWQPbMi5EcEU&typo=1](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.arsenaultbros.com&c=E,1,zCb4w3lfE2BKljcBWxfiqT-V44Q61qhZ2Wq8N5AfPjcTxFzRhO85B9GMLJdoS808yIf05PIAk9_Rujeqw_FjcATeuEZf7cioulWfqWQPbMi5EcEU&typo=1)

-----Original Message-----

From: Rural Municipality of West River <admin@westriverpe.ca>  
Sent: Friday, May 30, 2025 2:57 PM  
To: Lucas Arsenault <Lucas@arsenaultbros.com>; Tim Hamel <thamel@arsenaultbros.com>  
Cc: rmwr@westriverpe.ca; hsMacPhail@westriverpe.ca; permits@westriverpe.ca  
Subject: RE: Re: Information Request - WR-0268

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Please rest assured that I do not anticipate any issues or concerns at this stage. We are simply ensuring that all regulatory steps are followed thoroughly-this process not only upholds the integrity of the approval but also provides important protections for the applicant (yourself) by ensuring decisions are transparent, well-documented, and defensible.

Thank you again for your continued patience and understanding. If you have any questions or would like to discuss anything

further, please don't hesitate to reach out.

Thanks,  
Susan Morse  
Chief Administrative Officer  
Rural Municipality of West River

-----Original Message-----

From: Lucas Arsenault <Lucas@arsenaultbros.com>  
Sent: Friday, May 30, 2025 8:40 AM  
To: Tim Hamel <thamel@arsenaultbros.com>  
Cc: rmwr@westriverpe.ca; admin@westriverpe.ca  
Subject: FW: Re: Information Request - WR-0268

Fyi..  
Not sure if these emails are going through to this permits email..  
Could we get a confirmation here if we have the right email, thanks.

Lucas Arsenault  
President & CEO  
Arsenault Bros Construction Ltd.  
75 W.B. MacPhail Drive  
Cornwall, PE C0A 1H5

Office: 1-902-892-7882  
Fax: 1-902-892-3084  
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<https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.arsenaultbros.com&c=E,1,taCofBAUwpHNXDJRbtw0RjCgG7jZvqkMX9qMxCJxqqoCHGyg4tKlsJg0KQEVBPn6rZ2e0qf-fAoLo4roFzb5oJoDZeaOVwIE3YFsqvUdHQsJoF43&typo=1>

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[www.avg.com](http://www.avg.com)

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[www.avg.com](http://www.avg.com)

**From:** Daniel Sud  
**To:** [admin@westriverpe.ca](mailto:admin@westriverpe.ca)  
**Subject:** Re: FW: PID 203000  
**Date:** Friday, September 5, 2025 3:44:02 PM

---

Ok, I see. Thank you for looking into it.

Have a nice weekend  
Dan

On Fri, Sep 5, 2025 at 3:39 PM Rural Municipality of West River <[admin@westriverpe.ca](mailto:admin@westriverpe.ca)> wrote:

Hi Dan,

After you left I took a quick look at the Prov Planning Act, Subdivision & Dev Regulations and found at the bottom of page 14 I (Part II – Application of Regulations) it says the regulations don't apply to municipalities with official plans and bylaws so with the exception of Special Planning Areas we are not subject to the Provincial Regs even if they are more stringent than ours. I confirmed with Sam (see below) that this is the reason she gave for why the phasing rules wouldn't apply.

[https://www.princeedwardisland.ca/sites/default/files/legislation/p08-3-planning\\_act\\_subdivision\\_and\\_development\\_regulations\\_1.pdf](https://www.princeedwardisland.ca/sites/default/files/legislation/p08-3-planning_act_subdivision_and_development_regulations_1.pdf)

I hope this helps.

Thank you,

Susan Morse  
Chief Administrative Officer

Rural Municipality of West River  
1552-B Rte. 19, New Dominion, PE C0A 1H6

Tel: 902-675-7000

[westriverpe.ca](http://westriverpe.ca)

<https://www.facebook.com/ruralmunicipalityofwestriverpe>

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---

**From:** Samantha Murphy <[sam@sjmurphyconsulting.com](mailto:sam@sjmurphyconsulting.com)>  
**Sent:** Friday, September 5, 2025 2:11 PM  
**To:** Susan Morse <[admin@westriverpe.ca](mailto:admin@westriverpe.ca)>  
**Subject:** Re: PID 203000

You are exactly right. The Subdivision and Development Regulations (outside of the SPA provisions) explicitly do not apply to municipalities with official plans and bylaws. You would have to add phasing requirements to your bylaw if you wanted something along those lines.

Samantha Murphy, RPP, FCIP (she/her)

We6 Planning Group

[sam@we6planning.com](mailto:sam@we6planning.com)

[sam@sjmurphyconsulting.com](mailto:sam@sjmurphyconsulting.com)

Charlottetown, Epekwitk | PE

902.629.5702



*I respectfully acknowledge that the land on which I live and work, Epekwitk (Prince Edward Island), is the traditional and unceded territory of the Indigenous Mi'kmaq People, covered by the historic Treaties of Peace and Friendship.*

*My working day may not be your working day; please do not feel obliged to reply to this email outside of your normal working hours.*



On Sep 5, 2025, at 2:09 PM, Rural Municipality of West River  
<[admin@westriverpe.ca](mailto:admin@westriverpe.ca)> wrote:

Hi Sam,

I just have a quick follow up question regarding this – in your answer to #5 below you say that provincial rules re phasing don't apply – one of my Councillors wants to know why the provincial regs don't supersede ours when they provincial regs are more stringent.

I assume it's because the Planning Act Subdivision & Dev Regs aren't applicable to municipalities with official plans and bylaws.

Thank you,

Susan Morse  
Chief Administrative Officer

Rural Municipality of West River  
1552-B Rte. 19, New Dominion, PE C0A 1H6

Tel: 902-675-7000

[westriverpe.ca](http://westriverpe.ca)

<https://www.facebook.com/ruralmunicipalityofwestriverpe>

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**From:** [McKenna, Melanie \(Charlottetown\)](#)  
**To:** [admin@westriverpe.ca](mailto:admin@westriverpe.ca)  
**Subject:** RE: Re: Information Request - WR-0268  
**Date:** Wednesday, September 17, 2025 9:51:16 AM

---

Hi Susan:

Thank you for getting back to me and providing this information. We will send along brief correspondence sometime today which hopefully clarifies any confusion.

Thanks,  
Melanie

Melanie McKenna  
she/her  
Associate | Cox & Palmer  
P 902 629 3929  
E [mmckenna@coxandpalmer.com](mailto:mmckenna@coxandpalmer.com)  
F 902 566 2639  
Dominion Building, 97 Queen Street Suite 600, Charlottetown, PE C1A 4A9

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---

**From:** Rural Municipality of West River <[admin@westriverpe.ca](mailto:admin@westriverpe.ca)>  
**Sent:** Tuesday, September 16, 2025 9:13 AM  
**To:** McKenna, Melanie (Charlottetown) <[mmckenna@coxandpalmer.com](mailto:mmckenna@coxandpalmer.com)>  
**Subject:** RE: Re: Information Request - WR-0268

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Hi Melanie,

Regarding the status of the application – it is on the agenda for the next Council meeting (September 24<sup>th</sup> at 7pm) and I expect the Council to make a decision at that meeting. There isn't any information that our office requires from the applicant.

Thank you,

Susan Morse  
Chief Administrative Officer

Rural Municipality of West River  
1552-B Rte. 19, New Dominion, PE C0A 1H6  
Tel: 902-675-7000  
[westriverpe.ca](http://westriverpe.ca)  
<https://www.facebook.com/ruralmunicipalityofwestriverpe>

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Please consider the environment before printing this email.

---

**From:** McKenna, Melanie (Charlottetown) <[mmckenna@coxandpalmer.com](mailto:mmckenna@coxandpalmer.com)>  
**Sent:** Monday, September 15, 2025 2:17 PM  
**To:** [admin@westriverpe.ca](mailto:admin@westriverpe.ca)  
**Subject:** RE: Re: Information Request - WR-0268

Hi Susan: just following up on below to see if you have time this week for a phone call.

Thank you,  
Melanie

Melanie McKenna  
she/her  
Associate | Cox & Palmer  
P 902 629 3929  
E [mmckenna@coxandpalmer.com](mailto:mmckenna@coxandpalmer.com)  
F 902 566 2639  
Dominion Building, 97 Queen Street Suite 600, Charlottetown, PE C1A 4A9

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**From:** McKenna, Melanie (Charlottetown)  
**Sent:** Tuesday, September 9, 2025 2:28 PM  
**To:** 'admin@westriverpe.ca' <[admin@westriverpe.ca](mailto:admin@westriverpe.ca)>  
**Subject:** FW: Re: Information Request - WR-0268

Hi Susan:

Touching base with you with respect to this matter for Muddy Creek Development Ltd.  
Wondering if we could have a quick chat on the phone just so I can provide an update to my client as to the status of this and if there is any more information we can provide. My schedule is flexible so can make anytime work.

Thanks in advance.

Melanie

Melanie McKenna  
she/her  
Associate | Cox & Palmer  
P 902 629 3929  
E [mmckenna@coxandpalmer.com](mailto:mmckenna@coxandpalmer.com)

F 902 566 2639  
Dominion Building, 97 Queen Street Suite 600, Charlottetown, PE C1A 4A9

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On Jul 11, 2025 11:35 a.m., Tim Hamel <[thamel@arsenaultbros.com](mailto:thamel@arsenaultbros.com)> wrote:

Good morning all. Just looking for some information.

I attended the Planning meeting on June 12th, and there was zero questions or concerns from the public, or council or staff.

I could not attend the Council meeting on June 26th (as I was coaching kids baseball), and there were questions/concerns that were brought up by the public that council could not answer and needed to get information from staff (email July 2nd).

We are now two (2) plus weeks after our application for the four (4) as of right lot subdivision was not approved, and no one has been able to give us any information as why it was not approved and what additional information is required from staff and/or us the applicants/owners.

When can we expect some sort of communication from the Community with regards to our application (we applied for these 4-lots on March 26th, 2025).

Look forward to hearing back from someone at the Community.

Tim Hamel  
Arsenault Bros Construction Ltd.  
75 W.B. MacPhail Drive  
Cornwall, PE C0A 1H5

Office: 902-892-7882  
Fax: 902-892-3084  
Cell: 902-940-5398  
[www.arsenaultbros.com](http://www.arsenaultbros.com)

-----Original Message-----

From: Tim Hamel  
Sent: Thursday, July 3, 2025 8:14 AM  
To: [admin@westriverpe.ca](mailto:admin@westriverpe.ca); Lucas Arsenault <[Lucas@arsenaultbros.com](mailto:Lucas@arsenaultbros.com)>  
Cc: [rmwr@westriverpe.ca](mailto:rmwr@westriverpe.ca); [hsMacPhail@westriverpe.ca](mailto:hsMacPhail@westriverpe.ca); [permits@westriverpe.ca](mailto:permits@westriverpe.ca)  
Subject: RE: Re: Information Request - WR-0268

Good morning Susan,

Thank you for the update.



We and our legal counsel view this requested subdivision to be "as of right" under the Bylaw, and so to the extent that any of these questions from the public result in Council contemplating a denial of our application, we would want to have the opportunity to review the questions/concerns and to provide a response for Council's consideration.

I have personally been to a number of meetings (over the past 6-8 months) and discussed these four (4) lots with council and staff, and have never been asked any questions.

Please provide us with the questions/concerns that were raised by the public that council/staff are now considering.

Thank you.

Tim Hamel  
Arsenault Bros Construction Ltd.  
75 W.B. MacPhail Drive  
Cornwall, PE C0A 1H5

Office: 902-892-7882  
Fax: 902-892-3084  
Cell: 902-940-5398  
[www.arsenaultbros.com](http://www.arsenaultbros.com)

-----Original Message-----

From: Rural Municipality of West River <[admin@westriverpe.ca](mailto:admin@westriverpe.ca)>  
Sent: Wednesday, July 2, 2025 9:18 AM  
To: Tim Hamel <[thamel@arsenaultbros.com](mailto:thamel@arsenaultbros.com)>; Lucas Arsenault <[Lucas@arsenaultbros.com](mailto:Lucas@arsenaultbros.com)>  
Cc: [rmwr@westriverpe.ca](mailto:rmwr@westriverpe.ca); [hsMacPhail@westriverpe.ca](mailto:hsMacPhail@westriverpe.ca); [permits@westriverpe.ca](mailto:permits@westriverpe.ca)  
Subject: RE: Re: Information Request - WR-0268

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Hi Tim & Lucas,

Thank you for your continued patience as Council reviews your subdivision application.

Apologies for the delayed response - our entire staff have been occupied with preparations for Canada Day celebrations.

At its most recent meeting, Council deferred a decision on your application. During that meeting, questions from the public brought forward a point that Council determined requires further clarification before a decision can be made.

Staff are currently working to provide the necessary information to support Council's review. Once this is complete, the application will be brought back to Council for consideration.

We will keep you informed as this progresses and notify you as soon as a new decision

date is scheduled. In the meantime, if you have any questions Mayor Smith-MacPhail would be happy to discuss.

Thank you,  
Susan Morse  
Chief Administrative Officer  
Rural Municipality of West River  
1552-B Rte. 19, New Dominion, PE C0A 1H6  
Tel: 902-675-7000  
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https://www.facebook.com/ruralmunicipalityofwestriverpe](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwestriverpe.ca&c=E,1,Sq8w09msaNITCG2xXet8xAgU7RJAAaY5Z4xLpFJFoOQH7cQgflD5nWqj22b-NqMUoPfJiwFTwgNDOcXKA78qZiumSlG6_wwAMO1k1Ew_JdK3&typo=1https://www.facebook.com/ruralmunicipalityofwestriverpe)

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-----Original Message-----

From: Tim Hamel <[thamel@arsenaultbros.com](mailto:thamel@arsenaultbros.com)>  
Sent: Thursday, June 26, 2025 9:32 PM  
To: [admin@westriverpe.ca](mailto:admin@westriverpe.ca); Lucas Arsenault <[Lucas@arsenaultbros.com](mailto:Lucas@arsenaultbros.com)>  
Cc: [rmwr@westriverpe.ca](mailto:rmwr@westriverpe.ca); [hsMacPhail@westriverpe.ca](mailto:hsMacPhail@westriverpe.ca); [permits@westriverpe.ca](mailto:permits@westriverpe.ca)  
Subject: RE: Re: Information Request - WR-0268

Good evening all.

I was unable to make the meeting due to the fact that I coach one of my son's U13 baseball team and we had a game in Cornwall 6-8pm.

Just wondering if you could give me an update from tonight's council meeting and what our next step is.

Look forward to hearing from you.

Thanks!

Tim Hamel  
Arsenault Bros Construction Ltd.  
75 W.B. MacPhail Drive  
Cornwall, PE C0A 1H5

Office: 902-892-7882

Fax: 902-892-3084

Cell: 902-940-5398

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[a=https%3a%2f%2fwww.arsenaultbros.com&c=E.1.zCb4w3lfE2BKljcBWXfiqT-V44Q61qhZ2Wq8N5AfPjcTxFzRhO85B9GMLJdoS808yIf05PIAk9\\_Rujeqw\\_FjcATeuEZf7cioulWfqWQPbMi5EcEU&typo=1](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.arsenaultbros.com&c=E.1.zCb4w3lfE2BKljcBWXfiqT-V44Q61qhZ2Wq8N5AfPjcTxFzRhO85B9GMLJdoS808yIf05PIAk9_Rujeqw_FjcATeuEZf7cioulWfqWQPbMi5EcEU&typo=1)

-----Original Message-----

From: Rural Municipality of West River <[admin@westriverpe.ca](mailto:admin@westriverpe.ca)>

Sent: Friday, May 30, 2025 2:57 PM

To: Lucas Arsenault <[Lucas@arsenaultbros.com](mailto:Lucas@arsenaultbros.com)>; Tim Hamel  
<[thamel@arsenaultbros.com](mailto:thamel@arsenaultbros.com)>

Cc: [rmwr@westriverpe.ca](mailto:rmwr@westriverpe.ca); [hsMacPhail@westriverpe.ca](mailto:hsMacPhail@westriverpe.ca); [permits@westriverpe.ca](mailto:permits@westriverpe.ca)

Subject: RE: Re: Information Request - WR-0268

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Hi Tim & Lucas,

Apologies, our development officer was having technical difficulties with his email.

Thank you for inquiring regarding your application for the subdivision of Lots 25-1 and 25-21 to 25-23 from PID 203000.

We have now received all the required documentation in compliance with our Land Use Bylaw, including the stormwater management plan, survey plans, and the on-site suitability assessment report. These materials have been reviewed and deemed complete.

As you may be aware, the Development Officer only has authority over simple subdivisions. Larger or more complex applications-particularly those involving multiple lots or, as in this case, those that serve as a complement to an existing subdivision approval-must be reviewed and decided upon by Council.

This information will be presented to the Planning Board on June 12th. The Planning board will make a recommendation to Council and then Council will decide on the application at their next meeting which is June 26th.

Please rest assured that I do not anticipate any issues or concerns at this stage. We are simply ensuring that all regulatory steps are followed thoroughly-this process not only upholds the integrity of the approval but also provides important protections for the applicant (yourself) by ensuring decisions are transparent, well-documented, and defensible.

Thank you again for your continued patience and understanding. If you have any questions or would like to discuss anything further, please don't hesitate to reach out.

Thanks,  
Susan Morse  
Chief Administrative Officer

Rural Municipality of West River

-----Original Message-----

From: Lucas Arsenault <[Lucas@arsenaultbros.com](mailto:Lucas@arsenaultbros.com)>

Sent: Friday, May 30, 2025 8:40 AM

To: Tim Hamel <[thamel@arsenaultbros.com](mailto:thamel@arsenaultbros.com)>

Cc: [rmwr@westriverpe.ca](mailto:rmwr@westriverpe.ca); [admin@westriverpe.ca](mailto:admin@westriverpe.ca)

Subject: FW: Re: Information Request - WR-0268

Fyi..

Not sure if these emails are going through to this permits email..

Could we get a confirmation here if we have the right email, thanks.

Lucas Arsenault  
President & CEO  
Arsenault Bros Construction Ltd.  
75 W.B. MacPhail Drive  
Cornwall, PE C0A 1H5

Office: 1-902-892-7882

Fax: 1-902-892-3084

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# **Rural Municipality of West River**

2022 Official Plan

The Rural Municipality of West River is a rural environment supporting farming, fishing, and recreational activities, with beautiful vistas in all directions, built by our community working together.

<b>Date of approval by Council</b>	October 6, 2022
<b>Original date of approval by Minister</b>	July 20, 2023
<b>Amended:</b>	
<b>Amendment Number</b>	<b>Effective Date</b>

Prepared by SJ Murphy Planning & Consulting,  
in association with Tracey Wade, RPP, MCIP,  
and Mitch Underhay

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# 1 OFFICIAL PLAN INTRODUCTION

## 1.1 PURPOSE

The Official Plan for the Rural Municipality of West River is a formalized statement of goals, objectives, policies, and plan actions approved by the Council of the Rural Municipality of West River (the “Municipality”). The Plan addresses the nature, extent, and pattern of land use and development within the Municipality until 2037.

The Municipality’s goals as set out in this Plan indicate overall policy direction, while the objectives and policies deal with specific topics and issues. Plan actions are statements indicating specific initiatives or directions that will be undertaken to implement the Plan’s policies and objectives.

The Official Plan guides the physical, social, environmental, and economic development of the Municipality. It provides the policy framework for the Municipality’s Land Use Bylaw and policy direction for Council’s actions in relation to economic development initiatives; public works; social programs; municipal services; environmental standards; and fiscal management.

**This document together with any Appendices or Amendments constitutes the Official Plan for the Rural Municipality of West River, hereinafter referred to as the ‘Municipality.’**

## 1.2 PLANNING AREA

The Official Plan covers the geographic area contained within the legal boundaries of the Municipality. Although the Plan formally addresses only those matters that arise within the Municipality’s legal boundaries, consideration has also been given to the Municipality’s relationship with adjacent municipalities, the region, and the province as a whole.

## 1.3 LEGAL ENABLEMENT

The Municipality derives the majority of its powers from the *Municipal Government Act* and the *Planning Act*. The *Municipal Government Act*, which took effect on December 23, 2017, requires the Municipality to provide “municipal planning services, including an official plan and bylaws,” and enables other bylaws, programs, and strategies to help implement other aspects of the Official

Rural Municipality of West River Official Plan | Effective July 20, 2023

Plan. The *Planning Act* empowers Council to appoint a Planning Board, adopt an Official Plan, and, subsequently, to adopt implementing land use and development control bylaws.

## 1.4 OFFICIAL PLAN DEVELOPMENT

This document is the inaugural official plan for the Municipality following the 2020 amalgamation of the former rural municipalities of Afton, Bonshaw, Meadowbank, New Haven-Riverdale, and West River. The only pre-existing official plan in this area was for New Haven-Riverdale. This Official Plan was developed by SJ Murphy Planning & Consulting between May 2021 and September 2022. Subsequent reviews will be undertaken in accordance with the provisions of the *Planning Act*. The Official Plan will be monitored on an ongoing basis to ensure its compatibility with changing circumstances.

## 1.5 PLAN DEVELOPMENT PROCESS

The plan development process involved engagement with the Municipality's Planning Board, chief administrative officer, Council, stakeholder and rightsholder groups, provincial departments, and the general public. Initiated in the middle of the COVID-19 pandemic, traditional public engagement techniques were adjusted to reflect public health requirements.

Rightsholder and stakeholder engagement included outreach to:

- L'Nuey
- Agricultural Sector
- Local watershed organizations
- Federal Government: Parks Canada
- Provincial Government: Lands Division, Climate Change Division, Tourism, Environment, Public Safety, Transportation, Fisheries
- Tourism Sector
- Fishing Sector

A project website was developed featuring a range of public engagement tools including surveys, discussion forums, polls, place marking on maps, comment pages, and more. A community survey sought community input on key topics, and four public engagement sessions were held before the final statutory public meeting for the presentation of the proposed Official Plan and Land Use Bylaw. The process was overseen by the Municipality's Planning Board, with support from the chief administrative officer.

## 1.6 PLAN CONTENT

The *Planning Act*, R.S.P.E.I. 1988, Cap P-8. requires an Official Plan to include:

- A statement of economic, physical, social and environmental objectives;

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- A statement of policies for future land use, management and development, expressed with reference to a specified period not exceeding fifteen years;
- Proposals for its implementation, administration, and the periodic review of the extent to which the objectives are achieved.

This document contains six parts:

1. Official Plan Overview
2. The Municipality Today
3. Development Goals
4. Objectives, Policies, and Plan Actions
5. Future Land Use Map
6. Official Plan Implementation.

This first part deals with the purpose, scope, and legal framework for the Official Plan. The second part summarizes relevant background studies and provides a description of the physical, social, environmental and economic characteristics of the Municipality. The third provides a broad summary of how the Municipality desires to see its development unfold. The fourth part is the core of the document, stating objectives, policies and intended actions for specific topics. The fifth includes the framework for the Future Land Use Map, addressing the future land uses upon which the Municipality's Zoning Map is based. The last part sets out the process for administering and implementing the Official Plan and Land Use Bylaw.

# 2 THE MUNICIPALITY TODAY

## 2.1 BACKGROUND

On September 1, 2020, the five rural municipalities of Afton, Bonshaw, Meadow Bank, New Haven-Riverdale, and West River amalgamated to form the new Municipality. The new Municipality is “a community of communities connected by the West River and its watershed.” This Official Plan represents the first local land use regulation for the Municipality as a whole. The summary provided in this section of the Official Plan is supplemented by a full background report on the governance, history, social, economic, physical, and environmental characteristics and context of the Municipality. The background report provides a full analysis that, along with community input, has led to the policy and standards as presented in this Official Plan.

## 2.2 HISTORY

Prince Edward Island is known as Epekwitk and is part of Mi’kma’ki, the traditional, unceded territory of the Mi’kmaq people for more than 12,000 years. European explorers arrived on the Island in the 18th century, and in 1767, the colonial government divided the island into 67 lots. The Municipality is composed of Lot 65, the majority of Lot 30, and small southerly portions of Lots 31 and 32. The area was sparsely populated by colonists, primarily from Scotland, until the early 1800s. Evidence of both Mi’kmaq and colonial history can be found throughout the Municipality.



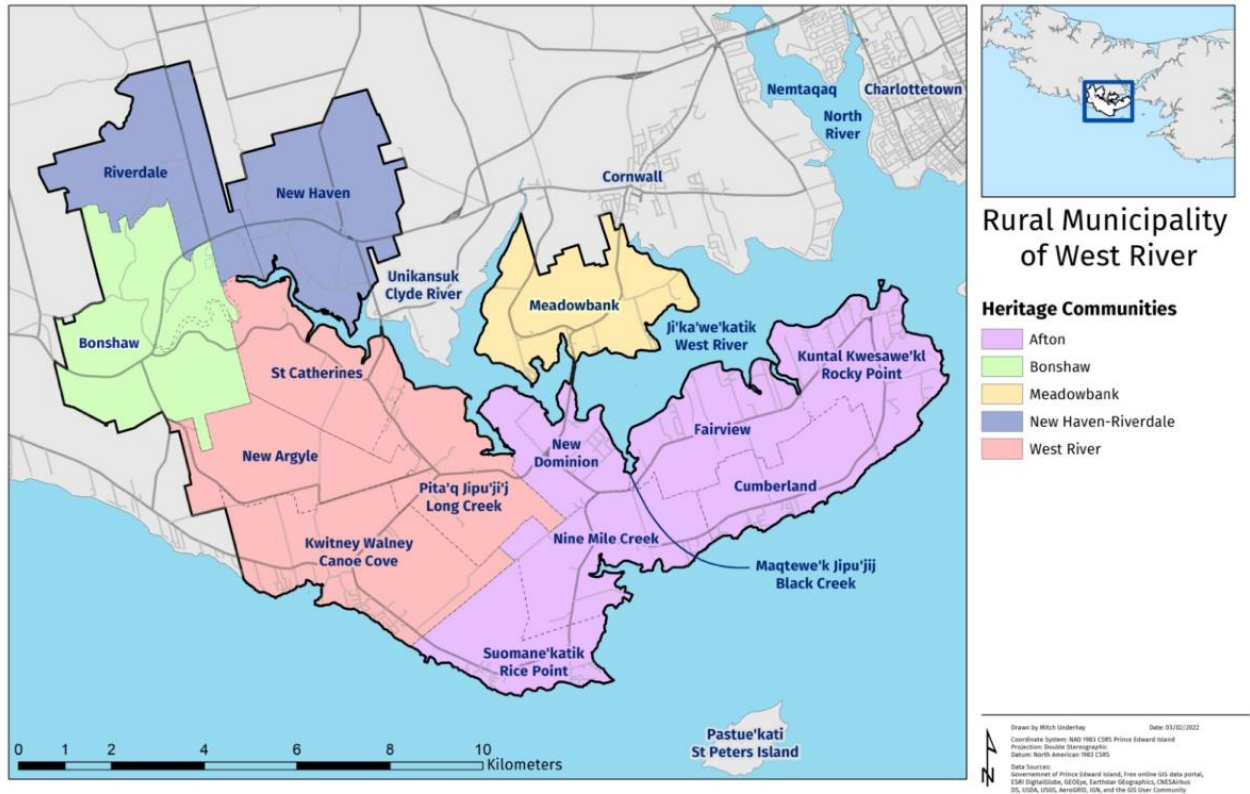


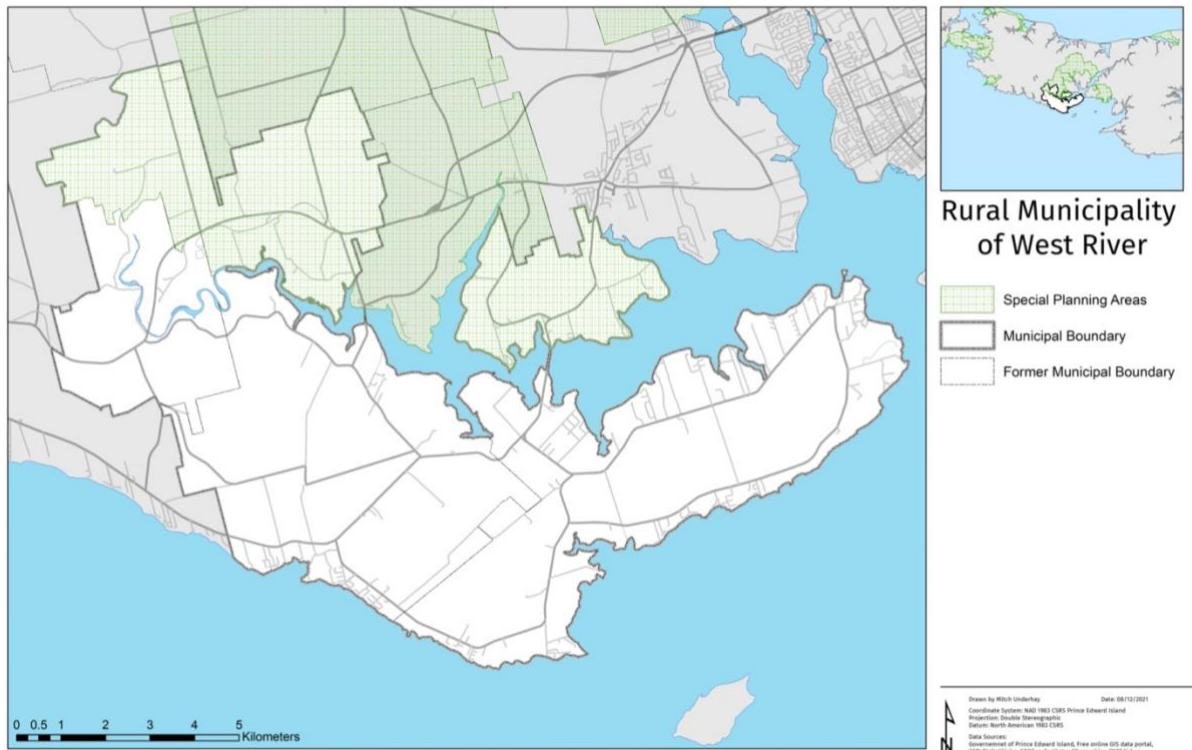
Figure 1 Communities of the Municipality

## 2.3 SITE AND CONTEXT

The Municipality is situated on the southern shore of Prince Edward Island in Queen's County. The Municipality is roughly 120 sq. km. (29,611 acres) in area. The geography is dominated by the West River running southwest through the Municipality, which is further bounded by the waters of Hillsborough Bay to the east and the Northumberland Strait to the south.

### Regional Context

The Municipality is bordered to the east by the Town of Cornwall, with the incorporated Rural Municipality of Clyde River nestled between the New Haven-Riverdale and Meadowbank portions of the Municipality. To the west is the unincorporated Argyle Shore / South Shore region. The Town of Cornwall and the City of Charlottetown represent the largest influences to economic activities and priorities for development patterns. Given the strong growth in these urban centres in the past ten and more years, the local community feels the pressure to suburbanize quite heavily, placing a strong emphasis on protecting local rural character.



**Figure 2 Regional Context of the Municipality**

The surrounding region, however, also represents an opportunity for continued cooperation, building on the Communities 13 experience that led to the development of the APM Centre located in Cornwall.

## 2.4 EXISTING LAND USES

Land uses in the Municipality range from traditional resource uses, rural residential uses, and tourism-related activities in the form of cottages, campgrounds, attractions, and some related retail and services.

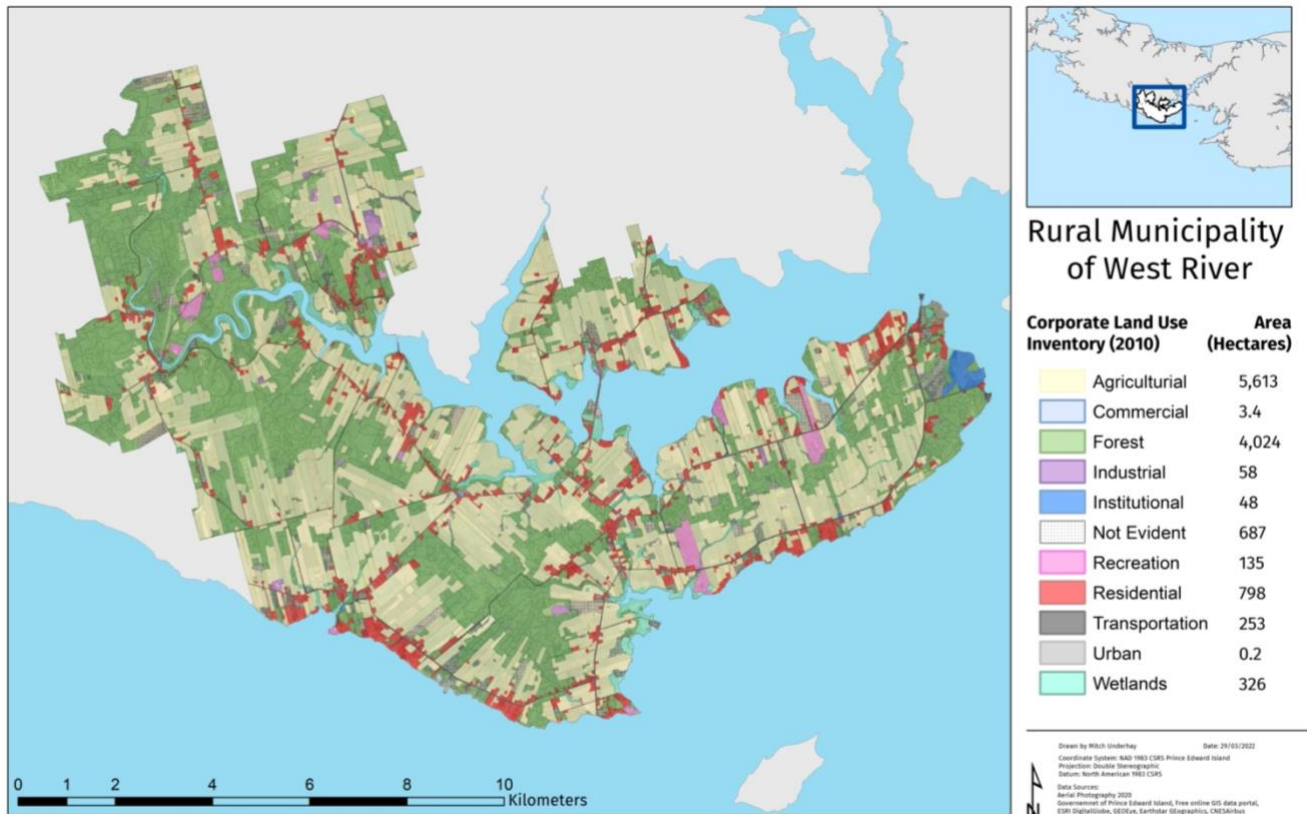
### Housing

According to Statistics Canada, there were over 1774 private dwellings in the Municipality as of 2021, with 76% being occupied by usual residents. Approximately 86% (2831) of all properties (residential and commercial) are owned by full-time residents, compared to 14% (462) owned by non-residents.<sup>1</sup> In terms of types of housing, 93% of the Municipality is comprised of single detached dwellings.

<sup>1</sup> Data based on the Control Report provided by the Rural Municipality of West River's CAO dated July 12, 2021.

## Farmland and Forestry

Agriculture is one of the primary industries of the Municipality with more than 5,000 hectares being actively farmed. There are 52.5 sq. km. of *bona fide* farmland in the Municipality, located on 490 parcels. The expanse of farmland is what gives the community its sense of rural identity. The bulk of the non-developed areas that are not used for farming is forested.



## 2.5 DEMOGRAPHIC ANALYSIS

Current population estimates are at 2462 people of voting age. Statistics Canada has reported a 2021 population of 3473 residents, an 11.7% increase over a 2016 population (revised to reflect today's boundaries) of 3110. Population forecasts based on a 5% growth rate suggest that the population could increase to 3800 or more by 2037. With a 10% growth rate, the population by 2037 (the end of this plan period) could reach 4623. Given the very rapid growth experienced from 2016 to 2021 in the Queens County region as a whole and the Municipality's proximity to the Town of Cornwall and the City of Charlottetown, it is reasonable to expect that, barring policies limiting development to a certain degree, much of the pressures in the capital area would result in spill-over suburban growth in the West River area.

## 2.6 DEVELOPMENT TRENDS

As is common in rural municipalities, the majority of housing in this community is owner-occupied at 87% (compared with 70% provincially). The community's housing stock is almost exclusively

Rural Municipality of West River Official Plan | Effective July 20, 2023

made up of single-detached homes, and many of the residential areas in the Municipality are interspersed with seasonal homes and cottages, many of which have been converted to year-round homes.

An analysis of properties in the Municipality indicates that there are more than 2200 parcels of less than two acres in size. A conservative analysis suggests there are at least 650 vacant residential lots. An estimated 10% of these approved vacant lots are below the minimum lot size requirements for well-drained lots with one dwelling unit (25,000 square feet). Additionally, an estimated 3% of vacant parcels are less than 10,000 square feet in area, making development with on-site services problematic. Many of these lots are further impacted by the effects of erosion and future flood risk, making them challenging to develop.

The Municipality is partially located within the Cornwall Region Special Planning Area (SPA), under the Subdivision and Development Regulations of the *Planning Act*. The SPA regulations were established to protect the rural agricultural areas from inappropriate urban-scaled developments, as well as to prevent unsustainable suburban sprawl. This Official Plan addresses the SPA, integrating the SPA objectives into the overarching policies for the Municipality.

## 2.7 ECONOMY

While much of the commercial activity in the Municipality is centred around agriculture-related uses and farming, there are other non-farm commercial activities as well. Other commercial businesses in the Municipality are collectively assessed at \$3.14M, while the total assessment value for farms is \$51M. The participation rate in the workforce in the Municipality is approximately 66.5%.

Agricultural activities remain important to the community and protecting the viability of the industry is critical. However, the bulk of the Municipality's residents do not work in the agricultural sector. Indeed, more than three-quarters of residents who work commute more than 15 minutes to their place of work, likely to Charlottetown or possibly Summerside. The pandemic experience and shifting economic recovery, coupled with a transition to more remote work, makes anticipating the shape of the future local economy over the coming years a challenge. The pandemic has been both a prompt for a more flexible approach to regulating land uses, as well as a challenge in anticipating the long-term impacts on development trends. The experience has also highlighted infrastructure and workforce infrastructure gaps, such as local access to broadband and local meeting spaces and remote work supports.

From a tourism standpoint, the Municipality is situated in the province's "Red Sands Shore" tourism area, an area famous for its red sand beaches. There are popular recreation areas, roadside produce stands, scenic vistas, and a working wharf, as well as new and developing commercial businesses that cater to travellers from both on and off island. There is a mix of tourist accommodation options including cottages, short-term rentals, and beds and breakfasts. Further, 24% of the dwellings in the Municipality are owned by seasonal residents, or people whose primary residence is outside of the Municipality.



## 2.8 INFRASTRUCTURE & SERVICES

The Municipality does not have a central water or public sewer system, as such almost all development uses on-site systems. All public roads in the Municipality are owned and maintained by the Province of Prince Edward Island (the “Province”). However, there are more than 80 kilometres of private roads within the Municipality, 41 kilometres of which are unpaved and most of which are not built or maintained to public standards.

## 2.9 INSTITUTIONAL FACILITIES

Community buildings are scattered throughout the Municipality and include at least seven faith-based organizations, a number of community centres, as well as several small recreation and park sites. Given the average age of residents in the community, both the needs of an aging population as well as the services and amenities that would attract younger residents are important. Less than half of participants in engagement exercises felt that there were adequate community facilities and services in the Municipality.

The Municipality is home to 11 registered and three designated heritage places under the provincial *Heritage Places Protection Act*, and five designated national historic sites, including the Parks Canada Skmaq-Port-la-Joye-Fort Amherst site.

## 2.10 PARKS AND RECREATION

There are currently three municipal parks as well as a significant trail system in the Municipality, with at least 21 trails totaling 52.4 kilometres. The Municipality also has two provincial park properties, three golf courses, and two children’s camps.

## 2.11 ENVIRONMENTAL PROTECTION

The Municipality has almost 108 kilometres of coastline and the West River is a major tributary of the Hillsborough River.

From a species at risk perspective, the northern stretch of the West River features a significant salmon spawning ground which is particularly sensitive to surrounding land use activities such as farming and forestry.

### Climate Resiliency

Climate change is happening and will continue to impact the Municipality (as it will the rest of the world) in a variety of ways. Projections for 2080 show warming temperature trends, with an expected increase in the average temperature of more than 4 °C in the Municipality. The number of days above 30 °C will increase dramatically and the last spring frost is projected to move to six weeks earlier than in was in 2005.

Flood and Erosion Risk maps illustrate current flood and erosion hazard areas along the coast and climate change projections by 2100 due to sea level rise. Climate change may also impact the

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Municipality's groundwater supply and private wells as a result of salt-water intrusion and/or drought. As well, property-level storm water management will be needed to deal with increased precipitation and extreme weather events resulting from climate change.

## Climate Change Mitigation

### Energy

Increased demand for new renewable energy may occur at different scales, from single-detached dwellings, multi-unit dwellings, or larger commercial applications. These systems may also include energy storage systems of varying scales. There is a need to balance the need for, and facilitation of, renewable energy options and climate change mitigation against the potential resistance to changing technology and their impacts on the landscape in the community.

*Climate change mitigations are human interventions to reduce the sources of (or increase the sinks for) greenhouse gases.*

### Transportation

The Municipality remains heavily dependent on fossil-fuel powered vehicles for transportation. Directing new residential development to more compact subdivisions and increasing connections between residential developments and core service areas would reduce greenhouse gas (GHG) emissions. Promoting more flexibility in working from home allows for the reduction in vehicular travel.

### Carbon Sequestration

Promotion of reforestation and afforestation efforts acts as carbon sinks and promotes ecological health within the watershed offers additional options for mitigation.

## Climate Change Adaptation

### Coastal and Overland Flooding

Adapting to threats of coastal flooding due to climate impacts means it is critical for the Municipality to regulate how new development in at-risk areas is undertaken.

### Stormwater Management

The more frequent intense precipitation events associated with climate change will likely impact existing properties and infrastructure, as well as new development. New development projects should address stormwater management by integrating future climate considerations into subdivision design, stormwater management, and other infrastructure and asset management.

*Adaptation is the process of adjustment to actual or expected climate and its effects. In human systems, adaptation seeks to moderate or avoid harm, or to exploit beneficial opportunities.*

# 3 DEVELOPMENT GOALS

## 3.1 FUTURE DEVELOPMENT CONCEPT

The community prioritizes the rural character of the landscape, supporting local, and ensuring food and water security.

Throughout the public engagement, members of the public stressed the importance of rural (not urban) approaches to dealing with development pressures, support for home-based businesses and local economy solutions, and real responses to environmental challenges.

Many recognize that there will be a balance needed between development standards that are both flexible and accessible and that include sustainable approaches to protecting water and resource lands in the long-term.

In many rural communities, development is typically restricted to minimize the fragmentation of farmland and other resource lands, particularly in communities where on-site services place additional strain on the local water supply. Development may also be restricted to protect unique natural features, for resource development or protection, and where development may be unsafe (e.g., floodplains, coastal lands, and steeply sloped lands).

Residential uses are the primary development pressure in the Municipality, and flexible housing options are needed to allow community members to age in place. **In seeking a balance between good land use planning and rural expectations for limited regulation, Council has purposely decided to not regulate certain uses (i.e., swimming pools, building height, and lot coverage). Council will also encourage a mixed-use approach throughout most of the Municipality so that commercial uses can be expected to be interspersed with residential and resource uses, an approach typical in a vibrant rural setting that allows people to live and work in the community.**

**The Goals presented in this chapter are broad statements of the overall shared vision of the Municipality's Council, residents, and property owners for the future of Municipality. The Goals provide the framework and general direction for the more detailed objectives, policies, and actions set out below.**

Pulling these principles together and drawing on the vision statement adopted by Council in 2021, the following vision for the Municipality of 2037 will guide the Municipality's planning approach:

**The Municipality is a rural environment supporting farming, fishing, and recreational activities, with beautiful vistas in all directions, built by our community working together.**

### 3.2 GOALS

Goals represent current and future conditions and circumstances to which Council aspires. The goals provide the framework for objectives and policies that follow in Part 4. While there are inevitably overlaps between the goal areas, they have been categorized to accommodate the four areas identified under the *Planning Act*: economic, physical, social, and environmental.

#### General Goals

- To enhance the appeal of the Municipality as a great place to live, work, and play.
- To protect and enhance the current rural lifestyle and rural economy of the community.
- To ensure an adequate supply of land designated to accommodate the projected needs of various land uses within the period of the Plan.
- To ensure that continued development is done in a sustainable manner to protect the natural environment in terms of air, water, and land.

#### Economic Goals

- To protect existing primary resource industries.
- To expand local economic opportunities for residents and property owners while limiting large scale non-resource commercial and industrial development.
- To support energy independence.

#### Physical Goals

- To minimize land use conflicts and provide for an orderly approach to growth that balances individual and shared interests.
- To protect and enhance the heritage and natural landscape.
- To ensure safe, effective, and sustainable infrastructure.

#### Social Goals

- To meet the current and future housing needs of residents.
- To be a safe and resilient community.
- To meet the health and recreational needs of the community.



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- To be a welcoming community known for its focus on equity and inclusion.

### Environmental Goals

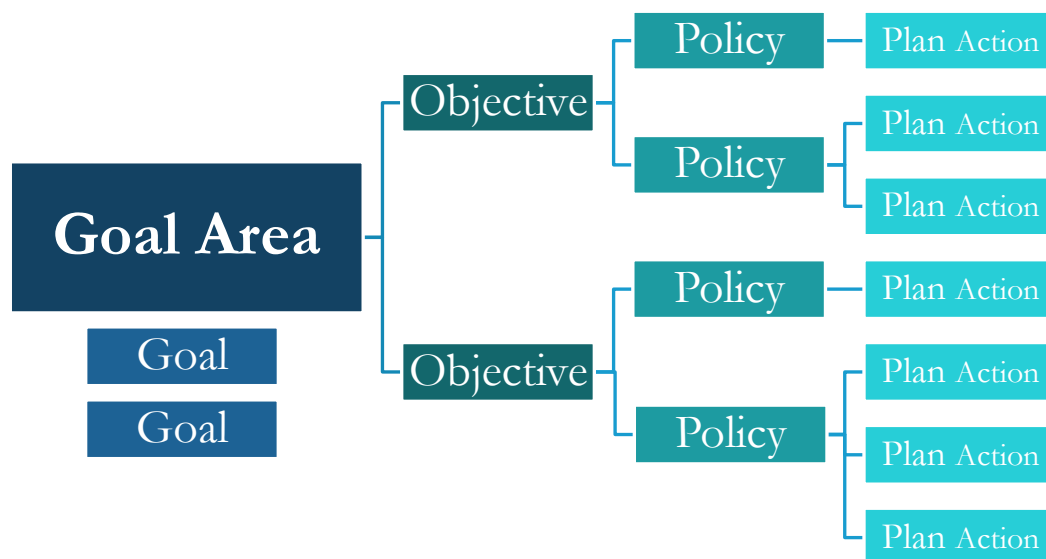
- To ensure safe and clean water and wastewater disposal within the Municipality.
- To protect and enhance natural areas in the Municipality.
- To increase the community's climate change resiliency and minimize contributions to climate change.

# 4 PLAN OBJECTIVES, POLICIES AND ACTIONS

This section is the policy core of the Official Plan. Within the broad policy framework laid down by the previous section, the following Objectives provide more precise statements that address specific issues and concerns within the Municipality.

Policies and Plan Actions outline the proposed course of action to achieve the performance targets described in the Objectives. Policies detail the approach the Municipality will take in pursuing its Objectives. Plan Actions are concrete measures that implement that approach.

At the time of approval of this Official Plan, portions of the Municipality remained under the Cornwall Region Special Planning Area established under the *Planning Act's* Subdivision and Development Regulations (the “Regulations”). This Plan was prepared in conformance with the Regulations. Wherever there may be any conflict between the policies of this Official Plan and the objectives of subsection 63(3) of the Regulations, the objectives in the Regulations shall take precedence.



## 4.1 ECONOMIC OBJECTIVES AND POLICIES

### 4.1.1 Viable Primary Resource Sector

Agricultural and other primary resource activities form the basis for the landscape and the local economy of the Municipality. Despite minor conflicts between resource uses, such as farming, and residential uses, it is generally recognized that primary resource uses are an integral part of the community fabric.

The Municipality's planning framework recognizes that farming and resource use are significant components of the long-term health of the community and that controls on unplanned development are needed to retain the viability of farming and ultimately, the rural character of the community.

#### Objectives:

- To protect the long-term viability of farming and other primary resource activities in the Municipality.
- To accommodate business development opportunities related directly to primary resource industries.
- To minimize land use conflicts between primary resource uses and non-farm residents.

#### Primary Resource Use Policies

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##### Policy 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 largescale 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.

#### Plan Actions:

- a. The Future Land Use Map shall designate all resource land and lands not currently approved for development as Rural Area.
- b. The Land Use Bylaw shall zone as Rural Area (RA) all lands currently in resource and residential uses, with the exception of smaller existing residential lots. Within this zone, primary resource activities shall be given priority and protected. The RA Zone shall also be applied to all existing institutional properties adjacent to underlying RA uses.
- c. The Land Use Bylaw shall establish criteria and standards for resource-based uses, including agriculture, fishing, and forestry sectors, as well as resource commercial and resource industrial uses, in the Rural Area Zone.
- d. Additional uses compatible with primary resource activities may be permitted in the RA Zone, including limited residential development and small-scale commercial uses.

**Policy RU-2: Protections 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.

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.

**Plan Actions:**

- a. The impact of the conversion of resource land into non-resource uses on farming and other resource operations in the area shall be considered by Council in relation to applications to transition Rural Area lands to non-resource zones.
- b. The Municipality will include a caveat on all subdivision approvals and development permits stating that the Municipality is a rural community and property owners are therefore notified that they will be subject to exposure to agricultural odours, slow moving farm equipment, noise and dust from cultivation, agricultural chemicals and other normal farm activities.
- c. The Land Use Bylaw shall require buffers between resource and non-resource land uses to minimize land use conflicts, in the form of expanded building setbacks.

**Policy 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.

**Plan Actions:**

- a. The Land Use Bylaw shall establish criteria for the number of lots that may be subdivided from any parcel. The Land Use Bylaw shall specify the zones and conditions in which this may occur.
- b. The Land Use Bylaw shall limit the subdivision of lots to parcels in existence at the effective date of this Official Plan and shall limit the number of lots that may be subdivided in the RA Zone to a maximum of 4 lots, of which no more than 2 lots may be approved for commercial or industrial uses.
- c. The Land Use Bylaw shall establish minimum lot size requirements for the RA Zone that exceed provincial minimum lot size standards.



#### Policy RU-4: Resource Commercial and Industrial Activities

It shall be the policy of Council to support resource-related commercial industrial uses and activities that provide necessary support for the agricultural, fishing, and forestry sectors, such as farm gate outlets, seafood vendors, on-shore aquaculture, feed mills, and saw mills in appropriate areas.

##### Plan Actions:

- a. The Land Use Bylaw shall allow resource-related commercial and industrial uses in the RA Zone as permitted uses or permitted by site-specific amendment uses, and shall set out standards and criteria for those uses.

#### Policy RU-5: Intensive Resource Uses

It shall be the policy of Council to protect existing livestock operations from residential encroachment, and to protect existing residential areas and uses from the encroachment of new intensive livestock operations. It shall also be the policy of Council to establish criteria and standards for intensive livestock operations.

It shall further be the policy of Council to restrict intensive resource commercial and resource industrial uses such as excavation pits, cannabis operations, seafood processing, and water bottling plants in areas that may present land use conflicts and to only permit such uses where the environmental and physical impacts can be strictly controlled.

##### Plan Actions:

- a. New intensive resource uses, such as intensive livestock, intensive agriculture, and intensive resource-based commercial and industrial uses may be permitted through a site-specific bylaw amendment process only. The Land Use Bylaw shall establish standards and criteria for livestock and intensive resource uses, including separation distances between new residential development and existing intensive livestock operations and vice versa, environmental assessments and controls, setbacks, and buffering.
- b. Intensive resource uses shall not be permitted within the Rural Residential (RR) Zone.
- c. Site-specific bylaw amendment processes shall involve consideration of potential land use conflicts and environmental sensitivity, and potential public nuisance due to: smoke; odours; dust or other emissions; noise or excessive vibrations; hours of operation or excessive lighting.

#### 4.1.2 Strong and Sustainable Local Economy

Given its proximity to larger service centres, the focus for the Municipality is to enable local economic opportunities that do not undermine primary resource industries. Society's changing experiences and expectations for remote work, artisan culture, and local services prompt a compatible approach that prioritizes flexibility while continuing to protect against premature loss of resource lands and potential land use conflicts. The Municipality also needs to balance its support for tourism development and responding to local community priorities.

**Objectives:**

- To support small-scale commercial and industrial development that is compatible with neighbouring land uses.
- To provide flexibility for new commercial and other economic activities that are compatible with the rural area.
- To support the home-based economy and rural economy solutions.

**Commercial and Industrial Policies:**

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**Policy CI-1: Non-Resource Commercial and Industrial Land Uses**

It shall be the policy of Council to continue to support existing non-resource commercial and industrial uses within the Municipality, such as retail, services, and animal kennels, and to encourage the reasonable growth of those businesses, while permitting the limited approval of new non-resource commercial and industrial uses suitable to a rural area in such a way as to minimize the loss of primary resource lands to non-resource commercial and industrial uses while meeting the economic and commercial needs of local residents.

**Plan Actions:**

- a. The expansion of existing non-resource based commercial and industrial land uses will be supported, provided that potential land use conflicts can be mitigated and the proposed development does not involve the loss of existing resource land for a non-resource use.
- b. New innovative economic development opportunities and other small-scale commercial or industrial developments that provide direct services to local residents will be supported where productive agricultural and other resource land will not be impacted and potential land use conflicts can be mitigated.
- c. The Bylaw shall limit the subdivision of lots in the Commercial Industrial Zone to parcels in existence at the effective date of this Official Plan and shall limit the number of lots that may be subdivided in for commercial and industrial uses to 2 lots.

**Policy CI-2: Commercial and Industrial Designations and Zoning**

It shall be the policy of Council to designate land for non-resource commercial uses and non-resource industrial uses. It shall also be the policy of Council to establish a mixed commercial industrial zone and zone land within those areas for commercial and industrial uses. Future commercial and industrial developments not permitted within the existing zoning shall proceed via a rezoning application. The decision to rezone shall take into consideration the potential impact on resource land uses, need for the proposed commercial operation, compatibility with adjacent land uses, site suitability, and impact on traffic circulation and public safety.

**Plan Action:**

- a. The Future Land Use Map shall designate certain areas currently being used for commercial or industrial operations as Commercial Industrial.
- b. The Land Use Bylaw shall establish a Commercial Industrial (CI) Zone for general commercial and industrial uses.
- c. The Land Use Bylaw shall establish the types of permitted commercial and industrial uses and the criteria and development standards within the Commercial Industrial (CI) zone.
- d. Additional land may be designated commercial industrial and zoned for such uses through a rezoning bylaw amendment process, and Official Plan amendment where needed, or site-specific amendment process where so enabled.
- e. The Bylaw may establish standards and requirements for mixed use commercial/residential buildings and secondary residential uses may be permitted on commercial properties.
- f. Council shall not seek authority to regulate signage under the *Highway Signage Act* and shall coordinate with the Province's responsible department as it pertains to applications for developments that may require signage permits.
- g. The Land Use Bylaw shall identify specific intensive non-resource-based uses, such as automotive restoration and salvage yard uses, that shall be prohibited or restricted within the Municipality.

**Policy CI-3: Home-Based Businesses**

It shall be the policy of Council to promote live-work flexibility by permitting a range of commercial uses as home-based businesses on residential properties. Standards shall be established to minimize the impact on adjacent properties, suitable to rural land use activities.

**Plan Action:**

- a. The Land Use Bylaw shall permit home-based businesses on residential properties, including within the dwelling or in an accessory structure.
- b. The Land Use Bylaw may set out standards for home-based businesses to limit potential conflicts with surrounding residential use such as noise, hours of operation, square footage, number of employees, parking, physical changes to the structure, outdoor storage, and any other factors that may represent an impediment to the safety, convenience, or enjoyment of neighbouring properties.
- c. Bylaw standards for home-based businesses shall distinguish between working from home and home occupations and shall not require a permit for the use of any dwelling unit or building accessory to a dwelling unit as a personal office or studio.

- d. The Land Use Bylaw may establish standards and procedures to consider home-based industrial uses to permit such activities where the activity is deemed to be of low impact on adjoining properties.

#### **Policy CI-4: Tourism Land Uses**

It shall be the policy of Council to permit a range of tourism-related uses in the Municipality and to distinguish between the types of uses suitable for residential areas and those suitable only for rural, commercial, or parks and recreation areas.

##### **Plan Action:**

- a. The Land Use Bylaw shall permit the operation of bed and breakfast establishments and short-term rentals in dwellings and shall establish standards and criteria to limit potential conflicts with surrounding residential uses, such as standards related to square footage, number of employees, parking, outdoor storage, signage, and any other factors that may represent an impediment to the safety, convenience or enjoyment of neighbouring properties.
- b. The Land Use Bylaw shall permit hotels and motels, as well as other tourism establishments such as campgrounds, RV Parks, domes, yurts, and treehouse accommodations, in the Commercial Industrial (CI) zone or where commercial uses are permitted, and shall establish standards for those uses.
- c. The Land Use Bylaw may establish criteria and standards for secondary commercial uses that are supportive of tourism and other commercial activities.
- d. All tourism establishments must be licensed under the applicable provincial legislation and where required for the Province's purposes, Council shall coordinate with the appropriate departments regarding proposals for tourism developments.
- e. The Land Use Bylaw shall establish standards and criteria for tourism and commercial recreation uses such as campgrounds, attractions, special events and festivals, and golf courses.
- f. Summer camps shall be classified as institutional uses and shall be permitted in all zones.

#### **Policy CI-5: Economic Development Infrastructure**

It shall be the policy of Council to identify and advocate for the economic infrastructure needed to support the development of new or expanded businesses within the community.

##### **Plan Actions:**

- a. Council shall work with business and community members to identify areas of shortfall related to business development, such as broadband infrastructure.
- b. The Land Use Bylaw shall permit, where appropriate, secondary and ancillary uses such as dormitories for employee accommodations.



- c. Council may explore opportunities to provide infrastructure supports to the local economy, such as flexible public workspaces for residents working remotely.

#### 4.1.3 Energy Independence

Energy independence strategies can achieve several outcomes at once, reducing carbon footprints while enabling options for residents and property owners to reduce costs and explore alternate technologies. However, permitting and regulating wind farms, small-scale wind turbines and solar energy infrastructure will be important for retaining community character while reducing the community's climate footprint.

##### Objectives:

- To encourage energy conservation and the use of alternate and renewable energy sources.

#### Energy Independence Policies

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##### Policy EI-1: Renewable Energy Systems

It shall be the policy of Council to support the use of renewable energy generation systems of varying sizes, aimed toward enabling economic benefit for the community and individual residents, and to support the incorporation of alternative energy technologies and infrastructure for both the direct benefits to citizens and the avoidance or reduction of greenhouse gas emissions.

##### Plan Actions:

- a. The Bylaw shall permit small wind turbines in the RA and CI Zones but shall require a site-specific amendment process for larger wind farm developments, and shall establish standards regulating the size and placement of wind turbines.
- b. The Bylaw shall permit and establish standards for roof-mounted and ground-mounted solar systems.
- c. Council shall work with all levels of government to encourage residents to consider renewable energy sources in new and existing development.
- d. Council shall explore options for promoting the incorporation of renewable energy systems, such as charging infrastructure, into new developments.

##### Policy EI-2: Energy Efficiency

It shall be the policy of Council to build energy efficiency into the development of any future municipal buildings and infrastructure, and to encourage and consider energy efficiency features in private development.

##### Plan Actions:

- a. Council shall work with other levels of government and community organizations to promote the adoption of energy efficiency standards and measures.

## 4.2 PHYSICAL OBJECTIVES AND POLICIES

### 4.2.1 Land Use Forms

The general goal of land use planning in rural areas is to manage development in an efficient and effective way that meets the growth needs and desires of the community while protecting environmental services (water recharge areas, sensitive habitats) and preventing land use conflicts.

The topography of the Municipality ranges from gentle slopes to 30% grades, creating challenges to development and environmental protection. While buffers established in the *Environmental Protection Act's* Watercourse and Wetlands Protection Regulations are a first line of protection for watercourses, this Plan explores options in more detail to address ways to develop the community away from hazard areas.

#### Objectives

- To establish standards for different land uses that minimize conflicts
- To limit residential encroachment and ribbon development of residential uses along major roadways in rural areas
- To identify areas subject to development constraints and manage land uses in those areas

#### Land Use Form Policies

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##### Policy PHY-1: General

It shall be the policy of Council to establish general standards relating to uses of properties to promote flexibility and enjoyment of property while minimizing potential impacts on adjoining properties.

##### Plan Actions:

- a. The Land Use Bylaw shall establish standards for each zone relating to the permitted number and siting of main and accessory structures and uses, including exempting certain uses or structures from the requirement to seek a permit.
- b. The Land Use Bylaw shall establish standards and criteria for where secondary or ancillary uses are permitted.
- c. The Land Use Bylaw shall impose minimum development standards addressing: setbacks, landscaping, parking, vehicular and pedestrian circulation, amenity areas, ingress and egress, compatibility and integration with adjacent sites, outside storage and waste disposal, lighting and other such matters for more intensive uses, such as all commercial, industrial and other non-residential developments.

**Policy PHY-2: Buffers and Landscape Edges**

It shall be the policy of Council to establish adequate buffers between commercial or industrial developments and nearby land uses to minimize negative effects on the surrounding areas and uses.

**Plan Actions:**

- a. The Land Use Bylaw shall establish standards for the provision of landscaping and buffering (e.g., setback distances, vegetation, screening, landscaping etc.) for commercial and industrial developments in order to mitigate negative impacts on other uses.

**Policy 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.

**Plan Action:**

- a. The Land Use Bylaw shall regulate the limited subdivision and development of “panhandle” lots and shall, where appropriate, permit the use of a safe and shared access or encourage the development of new public roads.
- b. Council shall foster opportunities to encourage the clustering of housing and commercial activities and subdivision design.
- c. The Land Use Bylaw may permit the development of conservation subdivisions, with standards and criteria, which shall include but not be limited to reduced lot size requirements, the provision of shared water and wastewater treatment services and the permanent protection of a significant proportion of open space.
- d. The Bylaw may permit grouped housing developments featuring multiple residential buildings on single parcels, where such developments are appropriately sited, serviced, and designed to ensure that all public and environmental health and safety considerations are met, and shall establish procedures for the consideration of clustered housing development concepts where permitted.

**Policy 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.

- a. Council shall identify Community Nodes on the Future Land Use Map, the exact boundaries of which shall not be fixed but rather which indicate general areas identified for future consideration.
- b. Properties located within designated Community Nodes shall not be zoned for more intensive or mixed uses until such time as their development is appropriate.

**Policy PHY-5: Development Constraints**

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 wellfields, in order to ensure the protection of the natural environment, people, and property.

**Plan Actions:**

- a. Council will work with the Province and qualified professionals to identify hazard areas and any other areas presenting constraints on development, including but not limited to, contaminated properties.
- b. Properties and portions of properties having 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 wellfields, shall be designated as Environmental Risk areas on the Future Land Use Map.
- c. The Land Use Bylaw shall establish an Environmental Risk (ER) Zone, which shall be applied on areas designated as such on the Future Land Use Map.
- d. The Land Use Bylaw shall establish standards and criteria for land uses in the ER Zone, including but not limited to setbacks, permitted uses, special requirements, and consultation with other governments and agencies.
- e. Council shall establish criteria in a Legacy Lands Assessment Policy recognizing properties for which there may be a vested right to develop non-compliant lots in the ER Zone (see Schedule E). The Land Use Bylaw shall establish standards for the limited development of such properties in accordance with the Legacy Lands Assessment Policy, notwithstanding that such development may not otherwise be in compliance with the requirements of the Bylaw.
- f. Where a non-compliant lot does not qualify as legacy lands, the Land Use Bylaw may establish alternate permitted uses, such as seasonal, non-permanent structures.

**Policy 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.

**Plan Actions:**

- a. The Land Use Bylaw shall include areas subject to erosion and flood risk in the Environmental Risk (ER) Zone.



- b. Council shall work in cooperation with the Province to develop best management practices to address coastal hazards and will make information on coastal and other flood risks available to the public.
- c. The Land Use Bylaw shall require a provincial coastal hazard assessment prior to the review of a development or subdivision application on a lot adjacent to a wetland or watercourse, or in flood risk areas as identified by the Province.
- d. The Land Use Bylaw shall establish vertical and horizontal setbacks between new developments and eroding shorelines to provide sufficient distance to ensure that the adverse effects of erosion or flooding do not endanger the development over its life, cause risk to public safety, or result in environmental contamination.
- e. Council shall continue to update erosion and flood risk data and related standards as new data and information is made available from the Province or other sources on the delineation of wetlands and water sources, and changes to the location of coastline over time.

#### 4.2.2 Natural and Heritage Landscape

The rolling landscape and coastal features combined with local history have shaped the Municipality and the Municipality respects the unique characteristics of the traditional communities within its boundary. Integral to the community is the concept of rural culture, which celebrates existing heritage buildings, sites, and landscapes. However, it is recognized that flexibility is required to preserve community character while adapting to modern needs and trends.

##### Objectives

- To protect strategic views and vistas
- To encourage the protection and/or redevelopment of existing heritage buildings

##### Natural and Heritage Landscape Policies

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##### Policy PHY-7: Scenic Vistas

It shall be the policy of Council to seek to preserve and enhance the scenic vistas valued by the community as a whole, built on an approach to regulation appropriate to a rural community.

##### Plan Action:

- a. Council may explore the identification and designation of strategic views and protection tools, such as height limits for new structures, that might be implemented over time.
- b. Council may explore options for the purchase of development rights, including legal mechanisms and funding mechanisms, to preserve strategic views and open space networks where appropriate, particularly as land is considered for removal from active farm or other resource uses.

- c. Council shall encourage sensitive subdivision and site planning in the application review process to integrate new developments into the surrounding natural and built landscape and to minimize the removal of established vegetation, including hedgerows.
- d. Council may explore the development of a dangerous and unsightly premises bylaw, which imposes controls on such matters as may detract from the general appearance of the community.

#### **Policy PHY-8: Conservation Subdivisions**

In order to promote the long-term conservation of open space, Council may enable the development of conservation subdivisions where these subdivisions meet special requirements.

##### **Plan Action:**

- a. The Land Use Bylaw may establish criteria for conservation subdivisions in the Rural Residential Zone where half or more of the buildable land area is designated as undivided, permanently-protected open space.
- b. The Land Use Bylaw may require that developers of conservation subdivisions establish common water and wastewater systems in such a manner that will not damage groundwater or surface water systems.

#### **Policy PHY-9: Community Character**

It shall be the policy of Council to support the preservation of the Municipality's cultural and heritage landscape as a strategy to protect the area's overall character and appeal.

##### **Plan Action:**

- a. Council may consider beautification programs which encourage and provide recognition for superior landscaping efforts, building improvements and site improvements.
- b. Council shall support the redevelopment, transition, or modification of existing heritage buildings into any use permitted in the zone in which the building is situated.
- c. Council shall continue to honour and celebrate the historic communities that form the Municipality while fostering a larger sense of community built on shared values, interests, priorities, and needs.
- d. Council shall support efforts to have the Eliot River and the West River designated as Canadian Heritage Rivers.

#### **4.2.3 Effective and Sustainable Infrastructure**

The sustainability of publicly-owned infrastructure over the long term is a critical component of municipal governance, even where such infrastructure is minimal. Access to the roads system must be controlled to maximize safety and efficiency.

Significant portion of the road system in Municipality is privately owned and not built to any identified construction or maintenance standard. The remaining road network is largely in the arterial and collector class of roads, which constrains safe future development.

Further, given the impact of transportation options on the affordability and accessibility of the area for local residents, transit options may become more important over time.

The Municipality will work to promote alternative modes of transportation wherever possible. Higher density development in the identified core ‘nodes’ over time could further promote development patterns more conducive to active transportation options.

### Objectives

- To promote a safe and efficient transportation system for all modes of travel
- To work to ensure effective and sustainable public infrastructure

### Transportation Policies:

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#### Policy TI-1: Coordination and Design

It shall be the policy of Council to work closely with the Province’s Department of Transportation and Infrastructure in the design and management of the community's transportation system. Priorities will include co-ordination of land use planning and transportation planning, control of private accesses and stormwater management, and the incorporation of active transportation facilities where feasible. Priority should be given to projects that connect to existing Active Transportation infrastructure.

#### Plan Action:

- a. The Council shall meet routinely with officials of the Province’s Department of Transportation and Public Works to jointly review new subdivision roads, speed limits, and developments which may generate significant traffic volumes.
- b. Council shall work with the Province to identify and communicate priorities for roadways or intersection improvements, bridge repairs, and annual road maintenance to enhance traffic flow and public safety.
- c. Council shall consider climate change projections in its assessment of subdivision layout and design and emergency access requirements, including in relation to the road networks.
- d. Council may engage with the Capital Region municipalities and the Province regarding the T3 transit system to promote both community-based connections and active transportation opportunities.

#### Policy TI-2: Minimum Road Standards

It shall be the policy of Council to require that all new subdivisions and developments involving the creation of new roads meet the provincial requirements for new public roads and that new roads be

owned and maintained by the Province. Developers of residential subdivisions or other developments involving new streets shall be responsible for the full cost of all streets.

It shall further be the policy of Council to require that the safety requirements of collector highways be considered in the review of applications for subdivision.

**Plan Action:**

- a. The Land Use Bylaw shall not permit the development of new private roads except within developments featuring multiple main buildings on a single parcel, in which the private roads shall be treated as internal drives. The Land Use Bylaw may establish minimum standards or requirements for the design and construction of internal drives.
- b. The Land Use Bylaw shall require that all new streets and extensions to existing streets and private roads be built to the Province's standards and deeded to the Province as public rights-of-way.
- c. Developers shall be responsible the full cost of the design and construction of streets associated with new developments in accordance with Province's standards administered by the Province's department responsible for transportation.
- d. The Land Use Bylaw will prohibit the approval of new lots or developments and new accesses except where those developments and accesses comply with the standards for access under the *Roads Act*.
- e. The Land Use Bylaw shall establish a requirement for new lots to have frontage on a public road, and shall prohibit the approval of new parcels along existing private roads. Standards and criteria shall be established for the approval of development permits on parcels fronting on or access through existing private roads or rights-of-way.
- f. The Land Use Bylaw shall permit the subdivision of a limited number of panhandle lots where full frontage on a public road is not feasible.
- g. The Land Use Bylaw shall establish criteria for lots that may be approved along collector highways as designated under the *Roads Act* to protect the safety of the travelling public.

**Policy TI-3: Active Transportation**

It shall be the policy of Council to promote pedestrian traffic and to provide for the safe and accessible movement of people within the Municipality. It shall be the policy of Council to seek to identify and develop with the Province the infrastructure necessary to promote cycling, walking, and other forms of human-powered movement, as well as mobility aids, as a form of both transportation and recreation in the Municipality, promoting pedestrian and cycling safety and reducing parking and traffic.

**Plan Action:**

- a. Council shall support efforts to create a linkage to trail networks in the region.



- b. Council shall work with developers of new subdivisions regarding the development of trails where appropriate.
- c. Council may identify long-term priorities for sidewalk and active transportation corridors, including as identified in Schedule E to this Plan.
- d. Council may encourage the installation of bike racks in association with commercial and recreational uses.

## Infrastructure Policies

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### Policy TI-4: Infrastructure Planning

It shall be the policy of Council to consider the long-term consequences of infrastructure investment decisions and to identify options and alternatives to maximize efficiency.

#### Plan Actions

- a. Council shall consider regional services and opportunities for cost-sharing with adjoining municipalities and communities.
- b. Council shall consider the principles of asset management and the sustainability of the Municipality's infrastructure in make decisions related to infrastructure and development.
- c. Council may explore long-term needs for municipal services and infrastructure and potential land requirements associated with those future needs.

## 4.3 SOCIAL OBJECTIVES AND POLICIES

### 4.3.1 Housing

Residential development has expanded significantly over the past decade. The expansion of residential land uses implies a need to ensure proper servicing, minimize of land use conflicts, and protect the rural qualities of the area, while meeting the needs of residents.

Given recent trends in winterizing seasonal homes, it is important to ensure that standards are applied to residential subdivisions and developments that are suitable and appropriate to both year-round and seasonal uses, including those related to on-site services. And while the predominant residential type is a single-detached dwelling, it is important to plan for new trends in vacant land condominiums, tiny homes, or clustered multiple-detached or semi-detached dwellings on single parcels.

The existence of undeveloped but approved subdivisions means that special standards are appropriate to ensure that lots, many of which are undersized, are developed safely over time.

#### Objectives:

- To enable the creation of a variety of housing opportunities to meet various socio-economic needs and to encourage new, innovative, and economical housing forms

- To ensure appropriate standards of subdivision design and site planning, and to discourage inefficient land use patterns
- To ensure that residential development is appropriately serviced and sensitive to the natural environment

## Residential Policies

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### Policy 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.

#### Plan Actions:

- Parcels of less than 2 acres where the primary use is residential shall be designated as residential on the Future Land Use Map.
- Parcels where the primary use is seasonal or year-round residential shall be zoned Rural Residential (RR) in the Land Use Bylaw.
- Certain limited accessory uses shall be permitted in the RR Zone, where they will not conflict with residential uses.
- The Land Use Bylaw shall permit the subdivision of a limited number of new lots in the Rural Area Zone, subject to proof of site suitability for on-site services, appropriate setbacks from adjacent farming activities, and appropriate road access.
- Consideration of new major residential subdivisions developments of more than 4 lots shall proceed via a rezoning application where multi-lot subdivisions are not permitted in the existing zone and shall be subject to an assessment of the overall subdivision's ability to accommodate the projected on-site services, and subdivision design consideration to limit the increase of residential development along major roadways.
- A change in the designation of land zoned Rural Area to Rural Residential shall only be permitted in accordance with Policies PR-2 and PR-3, and where the transition will not pose a significant risk of increased land use conflicts with adjoining agricultural uses.

- g. Residential development shall be encouraged to locate in areas adjacent to existing housing clusters and where appropriate, identified future nodes, and away from active primary resource lands.
- h. Residential developments of more than five lots in the Rural Residential Zone in areas subject to the Regulations shall only be permitted where municipal water and wastewater treatment services are available in order to minimize the extent to which unserviced residential development may occur.

#### Policy 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.

##### Plan Actions:

- a. The Land Use Bylaw shall permit single-detached, duplex, and semi-detached dwellings in any zone in which residential uses are permitted.
- b. The Bylaw may permit the development of townhouse and apartment dwellings and supportive housing developments in the Rural Residential and Commercial Industrial Zones while setting limits on the total number of units on a parcel in accordance with the *Planning Act* Province-Wide Minimum Development Standards Regulations.
- c. The Bylaw may permit clustered housing options in the Rural Residential Zone through a site-specific amendment process, subject to subdivision design standards and may permit smaller lots in accordance with the Province-Wide Minimum Development Standards regulations where shared servicing is provided.

#### Policy R-3: Secondary Suites

It shall be the policy of Council to allow the addition of a secondary suite in single-detached dwellings and in structures accessory to a single-detached dwelling, provided that the exterior of the residence retains a residential appearance.

##### Plan Actions:

- a. The Land Use Bylaw shall permit the addition of a secondary suite in single-detached dwellings and in structures accessory to a single-detached dwelling.
- b. The Land Use Bylaw shall establish criteria for water and wastewater treatment servicing and standards regarding the secondary suite and shall require all water and wastewater treatment services for the secondary suite to be provided through the main dwelling.

**Policy 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.

**Plan Actions:**

- a. The Land Use Bylaw shall establish residential subdivision and development standards relating to lot sizes, circulation, lot configuration, open space, servicing, setbacks, parking, the protection of natural features, development constraints in hazard areas, and other matters to enhance the health and safety of residents.
- b. The Bylaw shall establish minimum lots sizes that are at least as stringent as those required under the *Planning Act* Province-Wide Minimum Development Standards Regulations and may, by zone, establish minimum lot sizes that exceed provincial minimum requirements.
- c. The Bylaw may establish restrictions on certain uses and structures on residential properties, including the use of recreational vehicles and travel trailers and sea cans and other storage containers.

**Policy R-5: Legacy Subdivisions and Undersized Lots**

It shall be the policy of Council to promote the protection of the environment, people, and property in the consideration of applications to developing lots in existing legacy subdivisions, particularly where no services or appropriate access are currently available.

**Plan Actions**

- a. The Land Use Bylaw shall establish standards related to the development and servicing of existing approved undersized lots.
- b. The Land Use Bylaw shall restrict the development of existing approved lots in unserviced legacy subdivisions until such time as access for the lots has been approved to the satisfaction of the Province's department responsible for transportation and the Fire Marshal's Office.
- c. The Land Use Bylaw shall restrict the development of existing approved lots in unserviced legacy subdivisions until such time as a stormwater management plan has been prepared for the lot proposed for development.

**4.3.2 Safe and Resilient Community**

As the Municipality builds a more integrated understanding of shared priorities, Council must develop a long-term planning approach to monitoring demands for various municipal services and implement changes or upgrading, keeping in mind the priorities of public health and safety, the maintenance of affordable tax rates, and the protection of the natural environment.



**Objectives:**

- To provide cost effective protective and emergency response services
- To plan and prepare for human and natural disasters, including risk reduction
- To support existing and new institutional services and facilities

**Community Safety and Support Policies**

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**Policy CS-1: Protective Services**

It shall be the policy of Council to continue to rely on the Province's policing contract with the RCMP and to ensure that adequate fire protection services are provided to all residents, businesses, and property owners in the Municipality at affordable rates and with rapid response times.

**Plan Actions:**

- a. Council shall communicate with the RCMP on safety issues in the Municipality where necessary.
- b. Council shall continue to purchase fire protection services from the North River Fire Department and meet on a regular basis with the fire department to discuss fire services, dues, and fire prevention programs.
- c. Council shall undertake to enter into a written agreement with the contracted fire department regarding the services to be provided for the Municipality.

**Policy CS-2: Emergency Management**

It shall be the policy of Council to ensure that the Municipality's Emergency Measures Program, including an EMO Plan and bylaw, is maintained, updated, and exercised in accordance with the *Municipal Government Act*.

**Plan Action:**

- a. Council shall continue to develop, update, and revise the Municipality's Emergency Measures Plan and bylaw and maintain the overall EMO Program as required under the *Municipal Government Act* and the *Emergency Measures Act*.
- b. Council shall work with other municipalities in the region, particularly the Town of Cornwall, to identify opportunities for the coordination of emergency preparedness and response efforts.
- c. Council and the Emergency Management Coordinating Committee shall take into consideration the increasing impacts of climate change in identifying emergency centres, including the potential use of emergency shelters as cooling shelters.
- d. Council and the Emergency Management Coordinating Committee shall identify areas at risk of coastal flooding ahead of anticipated storm surge events to assess the ability of emergency responders to gain access.

- e. Council shall seek to minimize the potential impacts of power outages by working with developers to promote the installation of underground services and to ensure that trees do not interfere with power line corridors.
- f. The Bylaw will include future emergency hazard considerations in design and development standards for new subdivisions and development projects.

## **Institutional Policies**

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### **Policy CS-3: Institutional Uses**

It shall be the policy of Council to support the continued use or adaptive reuse of existing institutional facilities and to encourage the development of new facilities in response to local needs. It shall further be a policy of Council to support the efforts of our neighbouring communities to protect and enhance those regional institutional facilities on which the residents of the community depend.

#### **Plan Action:**

- a. Institutional uses shall be permitted in all zones.
- b. The Land Use Bylaw may establish criteria and development standards for institutional uses.
- c. The Bylaw may include institutional uses as ancillary and accessory uses in association with permitted uses in other zones.
- d. Council shall promote the Municipality as a location for institutional land uses.
- e. Council shall promote the development of public and private community care and nursing home facilities in the Municipality.

### **Policy CS-4: Regional Coordination and Collaboration**

It shall be the policy of Council to recognize and support the interconnectedness of regional institutional facilities and programs and to pursue opportunities for regional coordination and collaboration for facilities, services, and programs to minimize the unnecessary duplication of municipal expenditures.

#### **Plan Actions:**

- a. Council shall support the efforts of neighbouring municipalities and communities to ensure the long-term health and viability of regional institutional facilities, such as schools, community care facilities, and health centres.
- b. Council will collaborate, where appropriate, with the Town of Cornwall and other 'Communities 13' municipalities for services and programming.
- c. Council will work with the Town of Cornwall and other 'Communities 13' municipalities to leverage funding for the development of infrastructure and facilities.

### 4.3.3 Social and Recreational Needs of the Community

West River is rich in recreational opportunities, primarily in the area of active natural recreation in trails, beaches and parks, private recreation such as golf courses, and the APM Centre in nearby Cornwall.

Community members are interested in seeing more recreational opportunities and municipal services, and Council will continue to consider the infrastructure, institutional, and recreation needs of residents as the Municipality grows over time. While cultural programming is not specifically land-related, Council recognizes the importance of sharing and celebrating local culture and heritage and facilitating social programs and opportunities in the Municipality.

#### Objectives:

- To develop and support recreational and programs so as to foster opportunities for community members to enjoy the natural environment
- To develop and support social programs and arts and culture programming in the community to facilitate health and resilience and community inter-connectedness.
- To ensure continued access to natural recreation amenities
- To enhance local food security

#### Recreational Policies

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##### Policy PR-1: Recreational Services and Facilities

It shall be the policy of Council to develop and implement a long-term approach to the provision of recreational facilities and programs that promotes healthy lifestyles and wellness for all groups in the Municipality area in a cost-effective manner.

#### Plan Action:

- a. Council shall explore options to support the expansion of a connected network of trails in the Municipality.
- b. The Land Use Bylaw shall establish requirements and criteria for the dedication of parkland or cash-in-lieu of parkland, or a combination thereof, in new subdivisions.
- c. Council shall explore the development of a parks and recreation strategy to outline priorities for parkland dedications in new subdivisions, such as conservation areas, trail systems, new playgrounds or other recreation infrastructure, and public beach accesses.
- d. Council shall prioritize the inclusion of shading in the design and development of any public spaces to provide opportunities for cooling with the anticipated rise in temperatures associated with climate change.
- e. Council shall engage with the Province to coordinate land use planning and provincial recreational facilities and provincial parks.

- f. Council shall include consideration of social and arts & culture programming needs as part of its approach for recreation services.
- g. Designated open spaces and properties used for parkland or recreational uses shall be designated as Open Space and Recreation on the Future Land Use Map and zoned as Parks and Recreation (PR) in the Land Use Bylaw.

#### **Policy PR-2: Co-operation & Joint Planning with Parks Canada**

It shall be the policy of Council to consider the management plan and Parks Canada's long-term goals and objectives in relation to the Skmaqñ–Port-la-Joye–Fort Amherst National Historic Site (the "Site") in considering development proposal on properties adjacent to the Site.

##### **Plan Action:**

- a. Council shall consult Parks Canada on any major development applications which could directly affect the Site's interests and shall include Parks Canada in the development process.
- b. Council shall support tourism-related economic development initiatives that complement and support usage of the Site in the long term.

#### **Policy 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.

##### **Plan Action**

- a. The Land Use Bylaw shall establish development standards relating to subdivisions in coastal areas with special regard for siting of parklands, public spaces, and public beach accesses.
- b. Council shall seek to secure waterfront lands through the subdivision land dedication process and develop such land for parks and trails accessible to the public.

#### **Policy PR-4: Food Security**

It shall be the policy of Council to respond to concerns of food insecurity by building capacity around the connections between food production and consumption.

- a. The Land Use Bylaw shall permit outdoor food cultivation as-of-right in all zones for personal use or roadside sale, which shall be permitted in all zones throughout the Municipality
- b. The Land Use Bylaw may permit the keeping of a limited number of livestock for personal use throughout the Municipality and shall establish standards and criteria based, among other things and in certain zones, on lot size.



#### 4.3.4 Equity, Diversity, and Inclusion

Municipalities are increasingly taking steps to include considerations of equity, diversity, and inclusion (EDI) in policy making and service-delivery, including in relation to land uses.

##### Objectives:

- To include and support those segments of the population with special or differing needs
- To ensure effective information sharing and community engagement
- To factor equity, diversity, and inclusion into municipal decision-making

#### Equity, Diversity, and Inclusion Policies

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##### Policy EDI-1: Community Supports

It shall be the policy of Council to give consideration to different abilities and needs in the development of policies, programs, and facilities.

##### Plan Actions

- a. Council shall integrate the principles of accessibility and universal design in the development of public parks, facilities, services and programming.
- b. Council shall promote the development of community care and other supportive programs and facilities within the community.

##### Policy EDI-2: Communications and Engagement

It shall be the policy of Council to provide opportunities for inclusion and engagement in municipal activities.

##### Plan Actions

- a. Council shall explore the development of a communications strategy to provide enhanced public communication.
- b. Council shall explore establishing a community newsletter or other means of communication to provide community members with information on events and opportunities around the community.
- c. Council shall give opportunities to members of the community to participate on committees and project teams.

##### Policy EDI-3: Equity, Diversity, and Inclusion Lens

It shall be the policy of Council to apply an equity, diversity, and inclusion (EDI) lens in municipal activities and decision-making.

### Plan Actions

- a. Council shall develop an EDI checklist to apply to municipal decision-making.
- b. Council shall explore ways to increase representation and participation by traditionally under-represented segments of the population.

## 4.4 ENVIRONMENTAL OBJECTIVES AND POLICIES

Long term planning for the Municipality must be founded on a well-informed understanding and respect for the area's natural systems. The Municipality is fully dependent on groundwater for its domestic water supply. The complete eco-system, including residents, are all dependent on the quality of surface water and the protection of habitat areas is critical for wildlife. The overall carrying capacity of the area is limited by the ability of natural systems (primarily soil and surface water) to assimilate wastewater volumes; groundwater volumes and quality are dependent on the preservation of vegetation and aquifer re-charge areas and control of pollution.

### 4.4.1 Safe and Clean Water Systems

The regulation of stormwater run-off and erosion due to construction and farming activities, as well as the preservation of trees, and protection of shoreline areas serves both to protect and enhance the natural environment, and lower servicing costs, increase property values, and improve the overall health of residents.

The Municipality has joint responsibility with the Province for stormwater management; the Province manages stormwater in the context of the transportation system, while the Municipality has responsibility to considering stormwater and drainage in its regulation of subdivisions and development.

### Objectives

- To protect the quality and quantity of ground water
- To manage stormwater run-off in the most cost effective and environmentally appropriate manner, reducing environmental and property-related damage

### Clean Water Policies

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#### Policy EN-1: Groundwater

It shall be the policy of Council to work with the Province to protect both the quantity and quality of groundwater resources in the Municipality.

### Plan Actions:

- a. Land uses which would pose serious groundwater contamination risks, such as chemical plants or storage depots, shall not be permitted in the Municipality.

- b. Chemical storage areas or petroleum storage shall be identified on development permit applications.
- c. Council shall prioritize the maintenance and protection of features which contribute to groundwater re-charging such as wetlands, stormwater retention areas, trees and other dense vegetation.
- d. Council shall encourage site plans which minimize the use of impervious surfaces.
- e. The Environmental Risk (ER) Zone shall include conservation setbacks or buffers adjacent to all coastline lands, streams, drainage courses, bodies of surface water (including ponds and seasonal retention areas), and wetlands to limit the impacts of construction activities and minimizing the disruption of natural vegetation in areas abutting watercourses, and protect significant or sensitive habitat, which shall be at least as stringent as the requirements under the *Environmental Protection Act*.

### Policy EN-2: 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.

#### Plan Actions:

- a. The Land Use Bylaw shall establish provisions restricting the disturbance of natural vegetation adjacent to streams, wetlands, and other watercourses, and such provisions shall be no less stringent than those established under the *Environmental Protection Act's* Watercourse and Wetlands Protection Regulations.
- b. Council may explore options to acquire ownership of surface water systems through parkland dedications in the subdivision process and through negotiations with landowners where appropriate.
- c. The Bylaw shall require construction activities to implement erosion and siltation control measures to ensure the protection of adjacent streams and wetlands and prevent run-off on to adjacent properties.
- d. Council may engage with the Province, private landowners, Ducks Unlimited, the Island Nature Trust, and other interested parties to encourage the development of management plans for all major stream systems and wetlands in the Municipality.
- e. Site plans shall be required to identify adjacent surface water features, steep slopes and existing vegetation and demonstrate how these features have been protected.

### Policy 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.

**Plan Actions:**

- a. Council shall work with the Province to ensure stormwater systems are properly installed and maintained in the Municipality in association with the development of new roads.
- b. The Land Use Bylaw shall require the inclusion of storm water management plans in all applications for residential subdivisions involving three lots or more.
- c. The Land Use Bylaw shall require drainage plans in applications for a development permit but may establish criteria for when an exemption is appropriate.
- d. Council may require developers to mitigate or retain stormwater flows on site to prevent adverse effects on downstream properties.

#### 4.4.2 Safe and Effective Water and Waste-Water Systems

Given that Prince Edward Island has no large bodies of fresh water, communities are dependent on groundwater as the source of their drinking water, making it imperative that this invaluable resource be protected from depletion or contamination and the impact of the introduction of waste-water into the environment minimized. Although there is no central water system operated by the Municipality, one of the Town of Cornwall's wellfields extends into the Meadowbank area.

**Objectives**

- To protect the supply of high-quality domestic water for all
- To ensure efficient, cost-effective, and environmentally appropriate wastewater collection and treatment

#### Drinking Water and Waste-Water Policies

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##### Policy EN-4: Drinking Water

It shall be the policy of Council to take measures to ensure an adequate supply of high-quality domestic water supply for all.

**Plan Actions:**

- a. Council shall encourage water conservation by residents, businesses, and visitors through public education and communication.
- b. Council shall work with the Town of Cornwall to identify appropriate actions to enhance the security of the Town of Cornwall's designated well fields.



### Policy 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.

#### Plan Actions:

- a. Council will work closely with the Province to ensure that all on-site wastewater systems, or cluster systems which are installed in the Municipality meet the highest standards of design and reflect the capability of the site.
- b. The Land Use Bylaw shall establish requirements for soil and lot classification during the development of new subdivisions and at the time of developing existing approved lots, particularly in the case of older lots. Lot size standard requirements shall be, at minimum, no less stringent than those in the *Environmental Protection Act's* Sewage Disposal Systems Regulations.
- c. The Land Use Bylaw shall require on-site sewage treatment systems to be designed and certified by a licensed professional engineer for all existing parcels that do not meet the lot size standards established under the *Planning Act's* Province-Wide Minimum Development Standards Regulations.
- d. Council may explore an approach to distribute public information on the importance of proper care and maintenance of septic systems, including routine pump out and inspection.

#### 4.4.3 Safe and Healthy Natural Areas

The Municipality's extensive shoreline, forests, ponds, stream systems, and wetlands all contribute to its beauty and natural diversity. Wildlife habitat areas and significant old growth forests are particularly important and require careful management. Consideration of the environmental impacts of development particularly on sensitive areas is a key aspect of subdivision and development control.

#### Objectives

- To protect wildlife habitat and significant natural features
- To ensure healthy watersheds and protect sensitive ecosystems

#### Clean Environment Policies

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### Policy EN-6: Habitat Areas

It shall be the policy of Council to support efforts between the local watershed groups and landowners to identify and protect significant habitat areas and natural features in the Municipality, to restrict development in and adjacent to these areas, to encourage the implementation of management plans, and to work with the Province and the Municipality's neighbours to jointly protect significant habitat areas in the region.

**Plan Actions:**

- a. Council shall apply the Environmental Risk (ER) Zone to particularly significant or sensitive areas.
- b. Council shall support the work of property owners and watershed and environmental organisations by identifying additional incentives, measures and programs to protect sensitive habitat areas.
- c. Council may encourage public control and ownership of sensitive areas through parkland dedication in the subdivision process, and donations or purchase by other public or private conservation interests, with a focus on protecting significant areas and establishing ecosystem corridors where appropriate.

**Policy 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.

**Plan Actions:**

- a. Council shall generally encourage the protection of stands of trees and hedgerows as part of the review process for development applications and subdivisions.
- b. Council may consider the implementation of a Tree Preservation Bylaw.
- c. Council shall generally encourage tree planting and landscaping activities in the Municipality.
- d. Council may prioritize the acquisition of significant stands of trees and hedgerows as part of the parkland dedication process.
- e. Council may explore opportunities to collaborate with the Province and private woodlot owners in the identification and sustainability of a healthy forest system.

**Policy EN-8: Natural Systems**

It shall be the policy of Council to respect and prioritize the protection of natural systems, including wetlands, forests, and other significant ecosystems.

**Plan Action:**

- a. Council shall create an inventory of natural areas and ecosystems within the Municipality and develop a policy to prioritize these areas in future plan reviews.

**4.4.4 Climate Change Resiliency**

Being resilient to climate change means it is a factor in all municipal decision-making. Using a climate change lens is vital in land use decisions and promotes decisions and actions that will help in

mitigating climate impacts such as reducing greenhouse gas emissions and increasing carbon sequestration, while building long-term adaptation standards into day-to-day design and regulation standards.

### Objectives

- To limit the climate impacts of transportation activities
- To promote using mitigation measures in land development to reduce climate impacts
- To integrate climate change considerations into decisions on municipal policies, programs, and facilities, and in relation to applications for subdivision and development

### Climate Change Policies

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#### Policy EN-9: Subdivision Design

It shall be the policy of Council to encourage compact development design to reduce dependence on non-renewable forms of energy and dependence on vehicular travel and encourage promotion of co-locating residential development and services and amenities.

#### Plan Actions:

- a. The Land Use Bylaw shall establish standards for clustered developments with reduced lot size standards for lots serviced by shared water and wastewater treatment systems, while ensuring that such standards are no less stringent than those established in the *Planning Act's* Province-Wide Minimum Development Standards Regulations.
- b. Council shall consider transportation options when reviewing subdivision applications to reduce where possible the distance required for travel by means dependent on fossil fuels.

#### Policy EN-10: Sustainable Practices

It shall be the policy of Council to support new development that promotes sustainable practices and climate change resiliency, including the utilization of energy efficiency, renewable energy sources, groundwater protection, reduced water consumption, and stormwater management for the purpose of groundwater recharge.

#### Plan Actions:

- a. The Land Use Bylaw may establish criteria for reporting on energy efficiency or other sustainable practices in the development application process to facilitate the tracking and promoting of such practices.
- b. The Land Use Bylaw may establish standards and criteria for development and construction practices that support climate change mitigation and adaptation, including in relation to impermeable surfaces, subdivision design, the protection of forest cover, and natural infrastructure.

- c. Council shall work with the Province to develop features associated with the road network that will reduce energy use, support alternative transportation modes, and enhance public safety such as sidewalks, park and ride facilities, charging stations, and crosswalks.

#### **Policy EN-11: Climate Change Decisions**

It shall be a policy of Council to review policy, program and capital decisions using a climate change lens to ensure that decisions are being made that adapt the community to future climate change impacts of sea level rise, extreme weather and increasing temperatures.

##### **Plan Actions:**

- a. Council shall establish a climate-resilient decision tree with which to process actions on municipal infrastructure and facilities.
- b. Council may investigate the broad range of impacts of climate change on the community, including but not limited to, health, food security, and air quality and identify areas in which the Municipality may act.



# 5 FUTURE LAND USE MAP

## 5.1 LAND USE CRITERIA

In formulating the Future Land Use Map, Council has applied the following criteria:

- Land use conflicts shall be minimized.
- Primary resource areas shall be protected.
- Existing institutional uses shall be designated in accordance with adjacent uses.
- Residential parcels of 2 acres or less shall be designated as Residential, except where fully encapsulated by surrounding rural area uses. Infill areas between residential areas shall not be pre-zoned for residential use, leaving those larger parcels with the flexibility in uses associated with the Rural Area zone until such time as there is a proposal for development. The change in designation and zone shall require a public official plan and bylaw amendment process.
- Future Community Nodes shall be indicated on the Future Land Use Map but shall not be zoned for more intensive uses until such time as development of those areas is probable. Over time, mixed-use development shall be encouraged to located in those Nodes.
- Provincially, municipally, and federally-owned parks and sites shall be designated as Open Space and Recreation.
- Land adjacent to watercourses and other significant natural areas, as well as hazard areas shall be designated as Environmental Risk.
- All other relevant policies and principles included in this plan will be reflected.

The Special Planning Area (SPA) shall not be designated as a distinct zone on the Future Land Use Map as policies have been generally designed to uphold the SPA objectives and shall apply even in the event that the SPA regulations are repealed.

**The Future Land Use Map is a generalized conceptual representation of the land use patterns Council envisions emerging over the next 15 years. It lays the foundation and establishes the direction for the Zoning Map in the Land Use Bylaw, which may be more precise in terms of land use designations within the broad categories of use. The Zoning Map must, however, conform to the general Future Land Use Map.**

# 6 OFFICIAL PLAN IMPLEMENTATION

## 6.1 LAND USE BYLAW

Concurrently with the adoption of this Official Plan, Council shall adopt a Land Use Bylaw to conform with the policies and provisions of this Official Plan, in accordance with the provisions of the *Planning Act*. The new bylaw shall be titled the Municipality Land Use Bylaw, Bylaw #2022-04, and may be referred to as the Land Use Bylaw. Both documents take effect upon approval by the Minister responsible for the *Planning Act*.

The Land Use Bylaw shall set out specific land use zones, permitted uses for each zone, standards and procedures for development and land use, and procedures and standards controlling the subdivision and consolidation of land in the Municipality. The Bylaw may also provide for “special permit” uses.

Upon taking effect following ministerial approval, the Municipality shall take full acquire full jurisdiction over planning within the Municipality’s boundaries and this Official Plan and associated Land Use Bylaw shall replace the existing official plan and bylaw for the area currently covered by the New Haven-Riverdale official plan and bylaw.

**Administration and implementation of this Official Plan are the responsibility of Council. Council shall, however, seek the input of the Planning Board and other Committees on matters pertaining to the Plan. The primary implementation tool for the Plan is the Land Use Bylaw. Aspects of the Plan may also be implemented through other municipal bylaws or regulations, Council’s operating policies and procedures, the municipal budget and other appropriate Council actions.**

### Approvals of Developments, Changes of Use, and Subdivisions

The Land Use Bylaw shall set out processes and requirements for:

- any person undertaking any development or change of use of land or premises to apply for a development permit, including any exceptions;

- the processing and making of decisions by Council or the development officer of such applications based on the provisions of the Bylaw and this Plan;
- the identification and inclusion of such conditions as Council deems appropriate to development permits and subdivision approvals to ensure conformance with this Official Plan and the Land Use Bylaw;
- the submission of a construction plan for the development, including such details as construction phasing, stockpiling of soil, screening or fencing, erosion or run-off control measures, heavy truck access, and any other item that could present a nuisance or hazard during construction;
- the submission of a site plan, footing plan, stormwater management or drainage plan, and/or landscape plan to assist the Development Officer or Council in determining if the proposed development meets the requirements set out in the Land Use Bylaw; and
- requirements for approved permits to be displayed at the site.

The receipt of a development permit does not excuse the applicant from complying with any Provincial or Federal laws in force, relating to matters such as the National Building Code, fire protection, health and safety, sewage disposal, signage, plumbing and electrical installations, and others. The Municipality will liaise with Provincial officials during the application review process as appropriate.

### Subdivision and Development Agreements

The Land Use Bylaw shall allow Council to, at its discretion, require the developer of a subdivision or a development to enter into a Development or Subdivision Agreement. This agreement shall contain all conditions attached to the development permit or subdivision approval, including financial performance bonds, which are deemed necessary by Council to ensure conformance with the provisions of the Land Use Bylaw and this Official Plan, and will be legally binding on both parties.

### Administration and Implementation

The Land Use Bylaw shall establish the delegation of decision-making on certain applications or other aspects of the implementation of this Official Plan and the Land Use Bylaw, including decision-making related to certain types of development, types of subdivisions, and variances to a development officer.

### Variances

The Land Use Bylaw shall establish procedures for the granting of variances to the provisions of the Land Use Bylaw in circumstances where a proposed development may not be able to meet the requirements of the Municipality's Land Use Bylaw where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the zoning requirement would result in unnecessary and undue hardship, and where the general intent of this Official Plan is upheld and such variance will not be contrary to the public interest.

## Development Assistance and Promotion

Council and staff of the Municipality shall take a collaborative approach to supporting prospective developers, seeking to ensure accessibility in the communication of Land Use Bylaw requirements, promoting good design and the safe, efficient use of land, and protecting the environment.

## 6.2 BUDGETING

While the Land Use Bylaw, as well as bylaws passed under the *Municipal Government Act*, is the primary tool for controlling and directing private sector development activities in the Municipality, the municipal financial plan is the key policy tool for directing the activities of Council. As such, the budget is a key implementation tool for the policies laid out in this Official Plan and, to the extent practicable, the budget should conform with the policies of this Official Plan.

## Budget Policies and Municipal Expenditures

Council shall strive to offset the cost of programs and services through the use of user fees, while remaining sensitive to the needs of all socio-economic groups. Council has established the following fiscal policies as a framework to guide municipal revenues and expenditures, in addition to the requirements of the *Municipal Government Act*:

- The Land Use Bylaw shall include a schedule of fees for applications under the Official Plan and Land Use Bylaw, and Council may amend the schedule from time to time by resolution in accordance with section 135 of the *Municipal Government Act*.
- Council may enact new or maintain existing bylaws establishing user fees for other municipal programs and services.
- Council shall continue the arrangement with the Province to have the National Building Code and building permits administered provincially until such time as Council determines it is in the interest of the Municipality to administer the National Building Code directly.
- Council shall generally apply a “user pay” approach for programs and services, while accounting for socio-economic inequities.
- Council shall pursue options for cost-sharing and maximize assistance from all other levels of government and other sources.
- Council shall consider establishing reserve funds to cover the professional and legal expenses relating to the administration, enforcement, and review of this Official Plan and the Land Use Bylaw over time, and set aside funds on an annual basis where municipal revenues permit.

## Capital Priorities

Due to the relatively short period of time since the Municipality’s restructuring and the priority placed on completing the work of developing this Official Plan and the Land Use Bylaw, a definitive list of strategic capital priorities has not yet been fully developed. Council shall endeavour to develop a more complete list of strategic capital priorities as an early task.



### 6.3 REVIEW

Council shall, on a regular basis, evaluate its activities in terms of the successful implementation of this Official Plan and shall undertake a review of the Official Plan and Land Use Bylaw in accordance with the provisions of the *Planning Act*.

### 6.4 AMENDMENTS

Council may amend the Official Plan and Land Use Bylaw as circumstances change in the Municipality or in response to requests from the public, provided that all provisions of the *Planning Act*, this Plan, and the Bylaw are met.

#### Site Specific Amendments to the Land Use Bylaw

Bylaw amendments may be site specific or area specific, and may vary the permitted uses and standards within any zoning category through a site-specific amendment.

### 6.5 POSTING OF DECISIONS

The Development Officer shall post all decisions made in respect of an application under the Land Use Bylaw for:

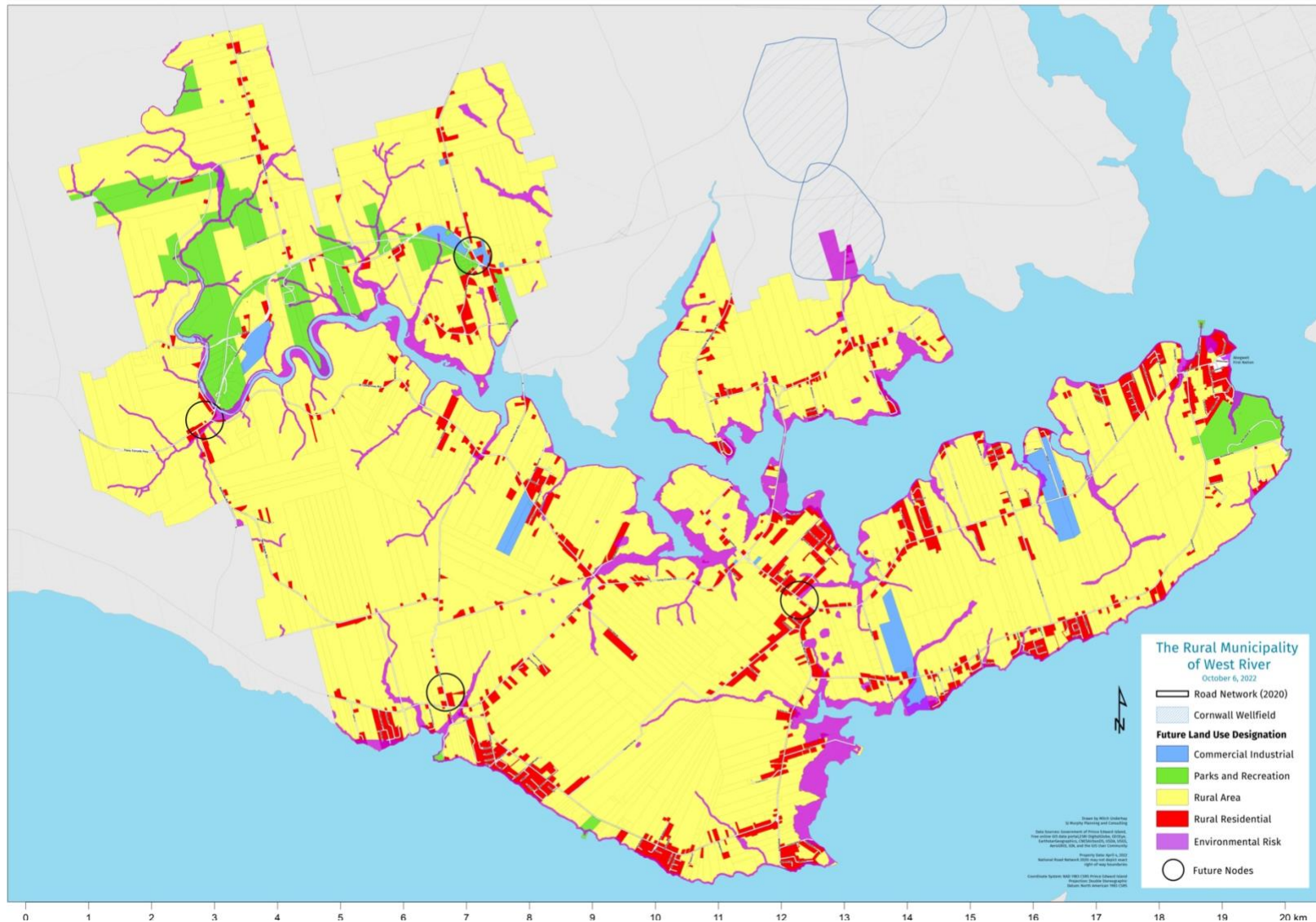
- a development permit;
- an occupancy permit, in relation to a matter under the *Planning Act*, regulations made pursuant to the *Planning Act*, or the Land Use Bylaw;
- a preliminary approval of a subdivision,
- a final approval of a subdivision; or
- an amendment to a bylaw, including an amendment to the zoning map established in the Land Use Bylaw, or
- an amendment to the text of the Land Use Bylaw;

or any other decision for which notice is required under the *Planning Act*, in accordance with the requirements of section 23.1 of the *Planning Act*.

### 6.6 APPEAL PROCEDURE

Any person who is dissatisfied with a decision of the Development Officer or Council in the administration of the Land Use Bylaw, as enumerated in Section 28 of the *Planning Act* may, within 21 days of the decision, appeal that decision in accordance with the *Act*.

# Rural Municipality of West River Future Land Use Map



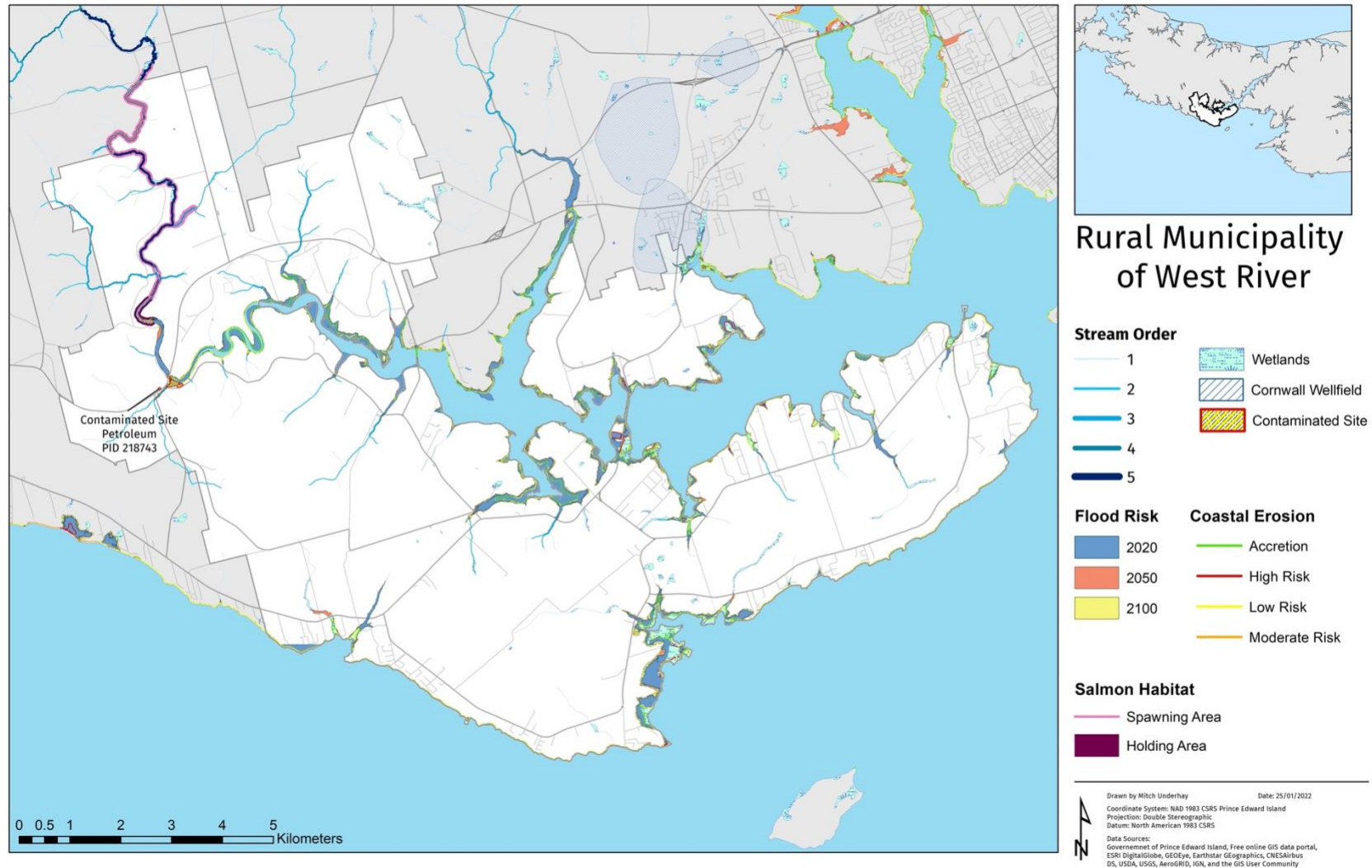
## SCHEDULE B – PUBLIC ROADS IN THE MUNICIPALITY

<b>Names</b>	<b>Class (Roads Act Highway Access Regulations)</b>
Trans Canada Hwy	Arterial
Route 19 (partial)	Collector
Route 19 (partial), Route 19A (Long Creek Rd), Route 245 (Riverdale Rd), Colville Rd, West River Rd, Canoe Cove Rd, Bonshaw Rd	Local 1
Nine Mile Creek Rd, Cumberland Line Rd, Hyde Point Rd, New Argyle Rd, Highland Park Rd, blockhouse Rd, Rocky Point Rd, Wharf Rd, Darrach Rd, Westville Rd, Church Rd, St. Rd, MacQuarrie Rd, Green Rd, Wharf Rd, Strathgartney Rd Boyle Rd, Churchill Rd, Cameron Rd (partial), Hennebury Rd, Country View Dr	Local 2
MacEachern Rd, Perley Shaw Rd, Park Rd, Bolger Park Rd	Local 3
MacPhail Cove Rd	Residential
Cameron Rd (partial), Stephens Ln, Peters Rd, Hennebury Rd (partial), Peters Rd, Mackinnon Ln	Seasonal
Haché Gallant Dr, Maplewood Dr	Federal

This is an unofficial list – refer to the *Roads Act Highway Access Regulations* for full details.

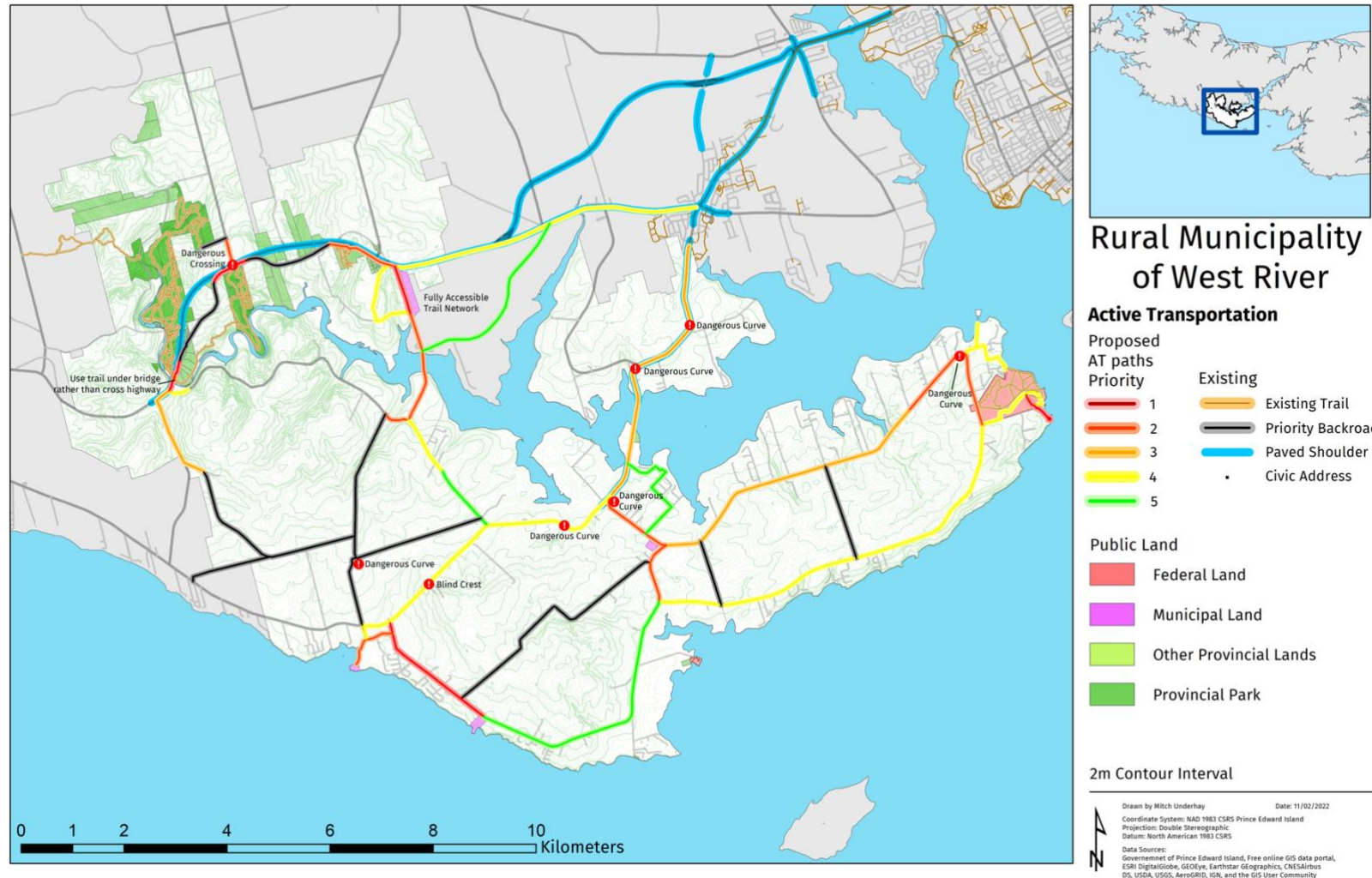
Not listed: private roads, unclassified roads.

## SCHEDULE C - HYDROLOGY





# SCHEDULE D - POTENTIAL FUTURE ACTIVE TRANSPORTATION CONNECTIONS



## SCHEDULE E - LEGACY LANDS ASSESSMENT POLICY

This policy is included for reference purposes only – please contact the Municipality for the latest version of the Policy as it may be amended from time to time.

Last Reviewed and Approved: October 6, 2022

### Reasons for the Policy

WHEREAS Legacy Lands (as defined below) exist in the Municipality;

AND WHEREAS it is not always certain whether a Lot qualifies as Legacy Lands;

AND WHEREAS the Municipality is desirous of determining and recognizing the existing legitimate rights of Property Owners of Legacy Lands;

AND WHEREAS the Municipality is desirous of enacting this policy to guide its decision-making regarding the determination of the existence of Legacy Lands (the “Policy”).

NOW THEREFORE the Municipality wishes to adopt the following policy, effective upon approval of the 2022 Official Plan by the Minister of Agriculture and Land.

### Purpose

1. The purpose of the Policy is to provide guidance to Council, Development Officers and Property Owners regarding the identification of Legacy Lands (as defined below). Council must rely on the Policy when determining the existence of Legacy Lands.

### Definitions

1. Capitalized terms not otherwise defined in the Policy have the meaning prescribed in the 2022 Land Use Bylaw as passed on October 13, 2022 (the “Bylaw”).
2. “Legacy Lands” means lands which:
  - a. have a Subdivision or Development approval in effect for certain Uses,
  - b. have not yet been fully developed,
  - c. meet the assessment criteria prescribed in the Policy, and
  - d. currently do not comply with the Municipality’s Bylaw.

### Assessment Criteria

1. Three criteria will be considered. The examples accompanying each criterion will be used in the assessment of the Legacy Lands.
  - (1) What is the pre-existing approved Use of the Lot and how has the Lot been actively put towards that Use?

## (i.) Examples:

- (A) the extent to which the lands have been developed,
- (B) whether the Developer was in the process of actively developing the Lot at the time the Bylaw was passed,
- (C) how long the Lot has been vacant and/or unused,
- (D) what are the real and reasonable expectations of the Property Owner, as evidenced by their actions or inactions with regards to the Lot.

## (ii.) The following shall not be considered:

- (A) the contemplated Uses of the Lot,
- (B) the probable eventual Uses of the Lot, or
- (C) the desired Uses of the Lot

which have not been actualized on the date the Bylaw came into effect.

## (2) Is the proposed Development merely a continuation or evolution of the existing Use or is it a new Use?

## (i.) Examples:

- (A) extending a cottage is likely a continuation of a Use,
- (B) finishing a subdivision is likely a continuation of a Use whereas beginning to build a new one (i.e. beginning with the subdivision of a Parcel) is likely a new Use, and
- (C) removing substantially all of a structure to build a larger structure would be a new Use.

## (3) If the Use of the Property is merely an evolution of an approved Use, does the expanded use balance with the community's interest in maintaining the character of the surrounding lands?

## (i.) Example:

- (A) Continuing the construction of a residential subdivision development is in the interest of the community and the Property Owner.

## 2. Two interpretation principles will guide the application of the criteria:

- (1) The resulting characterization of the Legacy Lands should not be so general as to liberate the Property Owner from constraints of what they actually did, and not be so narrow as to rob them of some flexibility in the reasonable evolution of prior activities. The degree of this flexibility may vary with the type of Use.
- (2) While the definition of the Legacy Lands will always have an element of subjective judgment, the criteria mentioned above ground the decision-making in objective facts. The outcome of the balancing in step three of the analysis should not turn on personal value judgments.

# Rural Municipality of West River

2022 Land Use Bylaw  
Bylaw #2022-04



<b>Date of Council Adoption</b>	October 13, 2022
<b>Original date of approval by Minister</b>	July 20, 2023
<b>Amended:</b>	
<b>Amendment Number</b>	<b>Effective Date</b>

Prepared by SJ Murphy Planning & Consulting, in  
association with Tracey Wade, RPP, MCIP, and  
Mitch Underhay

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# 1. SCOPE

## 1.1 TITLE

- 1) This *Bylaw* shall be known and may be cited as the Rural Municipality of West River Land Use Bylaw.

## 1.2 AUTHORITY

- 1) This *Bylaw* is enacted under the authority of the *Planning Act* and clause 14 (b) of the *Municipal Government Act*.

## 1.3 AREA DEFINED

- 1) This *Bylaw* applies to the geographical area within which the *Municipality's Council* has jurisdiction.

## 1.4 PURPOSE

- 1) The purpose of this *Bylaw* is to implement the policies of the *Official Plan* and to establish a transparent, fair, and systematic means of *subdivision* and *development* control for the *Municipality*.

## 1.5 SCOPE

- 1) No *dwelling*, *business*, trade, or industry shall be located, nor shall any *building* or *structure* be *erected*, *altered*, *used* or have its *use* changed, nor shall any land be *subdivided*, *consolidated* or *used* in the *Municipality*, except in conformity with this *Bylaw* and subject to the provisions contained herein.

## 1.6 AUTHORITY OF DEVELOPMENT OFFICER

- 1) *Council* shall appoint a *development officer(s)* whose duties shall be as provided in this *Bylaw*. A *development officer* shall have the authority to administer this *Bylaw*. Notwithstanding the foregoing and except where otherwise specified in this *Bylaw*, 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:
  - a. *institutional uses*;
  - b. *developments* associated with a *site-specific amendment*;
  - c. *variances* of more than 5%; and
  - d. *subdivisions* or *developments* where *streets*, central on-site services, or *parkland* dedications are required.

### 1.7 PERMITTED USES

- 1) In this *Bylaw*, any *use* not listed as a *permitted use* in a *zone* is prohibited in that *zone* unless otherwise indicated.

### 1.8 CERTAIN WORDS

- 1) In this *Bylaw*, words used in the present tense include future; words in the singular number include the plural; words in the plural include the singular, the word ‘shall’ is mandatory and not permissive; and the word ‘may’ is permissive and not mandatory.
- 2) In this *Bylaw*, italicized words carry the defined meaning set forth in section 18. Words that are defined in section 18 but are not italicized when used in the *Bylaw* carry their ordinary meaning.

### 1.9 UNITS OF MEASURE

- 1) All official measurements are in metric. Where imperial measurements are provided, they are for information purposes only.

### 1.10 SCHEDULES

- 1) All schedules attached to this *Bylaw* form part of this *Bylaw*.
- 2) Notwithstanding subsection (1), certain matters in the *Bylaw* may be established or altered by resolution of *Council*, in accordance with section 135 of the *Municipal Government Act*.
- 3) The matters referred to in subsection (2) shall be limited to:
  - a. schedule of fees and charges for activities authorized by the *Bylaw*;
  - b. forms required for the purposes of the *Bylaw*; and
  - c. other matters related to the administration of the *Bylaw*.



## 2. DEVELOPMENT ZONES

### 2.1 DEVELOPMENT ZONES

- 1) For the purpose of this *Bylaw*, the *Municipality* is divided into the following *zones*, the boundaries of which are subject to section 2.2 and are shown on the *Zoning Map* in Schedule A. Such *zones* may be referred to by the appropriate symbols.

Zone	Symbol
Rural Residential	RR
Rural Area	RA
Commercial Industrial	CI
Parks & Recreation	PR
Environmental Risk	ER

### 2.2 INTERPRETATION OF ZONE BOUNDARIES

- 1) Boundaries between *zones* shall be determined as follows:
  - a. where a *zone* boundary is indicated as following a *street*, the boundary shall be the centre line of such *street*;
  - b. where a *zone* boundary is indicated as following *lot lines*, the boundary shall be such *lot lines*;
  - c. where a *zone* boundary is indicated as following the limits of the *Municipality*, the limits shall be the boundary of the *Municipality*; or
  - d. where none of the above provisions apply, the *zone* boundary shall be scaled from the original *Zoning Map* on file at the *Municipality's* office.

### 2.3 ZONING MAP

- 1) Schedule A shall be cited as the *Zoning Map* and forms part of this *Bylaw*.
- 2) Where the *Zone* boundary delineates the Environmental Risk *Zone*, the *Zoning Map* shall indicate the approximate boundaries of the following:
  - a. *watercourses*, *coastal areas* and *wetland*, the exact boundaries of which shall be the boundaries of all *wetlands*, *coastal areas*, and *watercourses*, as determined by the *Province's* department responsible for the *Watercourse and Wetland Protection Regulations*, and any *buffer zones* required under those Regulations or by this *Bylaw*. In the event of a conflict, the more stringent standard shall apply;
  - b. all designated contaminated properties in the *Province's* contaminated sites registry;
  - c. all *designated wellfields*; and
  - d. *coastal floodplains*.
- 3) The specific location of the Environmental Risk *Zone* boundary may change over time as:

- a. the *coastal area, wetland, and watercourse boundaries* change due to natural processes, including sea level rise and coastal erosion;
  - b. wellfields are designated or modified; or
  - c. contaminated sites are designated or have their designation removed.
- 4) In the event of discrepancies between the Environmental Risk *Zone* as indicated on the *Zoning Map* and a site-level analysis, the *development officer* may consult qualified professionals or the *Province's* department responsible for the *Environmental Protection Act* or both and a determination will be made as to the actual boundary of the Environmental Risk *Zone*. If the *property* or portion of a *property* is found to not contain the *development* constraint associated with the Environmental Risk *Zone*, the adjacent *zone* shall be considered to apply.

### 3. ADMINISTRATION

#### 3.1 DEVELOPMENT PERMIT REQUIRED

- 1) No *person* shall:
  - a. make a *change of use* on a *parcel* of land, or of a *structure* or part of a *structure*;
  - b. commence any *development*;
  - c. construct any *structure* on a *property*;
  - d. make *structural alterations* to any *structure*;
  - e. establish or start a *home-based business*;
  - f. make any underground installation such as a foundation wall;
  - g. move or *demolish* any *structure* greater than 20 sq. m. (215.28 sq. ft.);
  - h. construct a new driveway or alter a driveway access;
  - i. place or dump any fill or any other material;
  - j. *subdivide* or *consolidate* a *parcel* or *parcels* of land;
  - k. *erect* or replace a *solar array*; or
  - l. construct or replace a *deck* or *patio*

without first applying for, and receiving, a *development permit* or *subdivision* approval, as the case may be, except where otherwise specifically provided in this *Bylaw*.

#### 3.2 NO DEVELOPMENT PERMIT REQUIRED

- 1) Unless otherwise specified, no *development permit* shall be required for:
  - a. constructing or replacing a *fence*;
  - b. installing clotheslines, poles, and radio or television antennae;
  - c. making a *garden*;
  - d. growing a crop or preparing land for a crop;
  - e. making *landscaping* improvements or constructing or installing *ornamental structures*, play *structures*, or *accessory structures* of 6 sq. m. (64.5 sq. ft.) or less in area;
  - f. conducting routine maintenance which has the effect of maintaining or restoring a *structure* or any of its elements to its original state or condition;
  - g. a *development* that involves the interior or exterior renovation of a *building* that will not change the shape of the *building* or increase its volume, will not add more *dwelling units*, or will not result in a *change of use* of the *building*;
  - h. the *use* of a portion of any *dwelling unit* or *building accessory* to a *dwelling unit* as a personal office for residents of the *dwelling unit*, provided no *signage* is posted;
  - i. establishing or placing a *swimming pool*; and

- j. *public utilities* located within the *street*,

although the applicable requirements of this *Bylaw* shall still be met.

### 3.3 LICENSES, PERMITS AND COMPLIANCE WITH OTHER BYLAWS

- 1) Nothing in this *Bylaw* shall exempt any *person* from complying with the requirements of any other bylaw of the *Municipality* or from obtaining any license, permission, authority, or approval required by any other bylaw of the *Municipality* or any legislation or regulation of the *Province* or the Government of Canada.
- 2) Where the provisions of this *Bylaw* conflict with those of any other bylaw of the *Municipality*, the more stringent provision shall prevail.
- 3) When a *development* does not require a *development permit*, the requirements of the *Bylaw* and any other applicable bylaws of the *Municipality* or any statute, regulation, or other enactment of the *Province* or the Government of Canada, shall still apply.
- 4) A *development permit* issued under the *Bylaw* does not substitute or supersede the requirement for a building permit for the construction, demolition, occupancy or *use* of a *building* under the *Building Codes Act* and applicable regulations.
- 5) A building permit issued under the *Building Codes Act* and applicable regulations, does not substitute for or supersede the requirement for a *development permit* under the *Bylaw*.

### 3.4 PERMIT APPLICATIONS

- 1) Any *person* applying for a *development permit* or *subdivision* approval shall do so on a form prescribed by *Council* and shall submit the application to the *Municipality*. Where the *applicant* is not the *owner* of the subject *property*, the *applicant* must provide the *Municipality* with written authorization from the *property owner* confirming that the *applicant* is allowed to apply for the *development permit* or *subdivision* approval on the *owner's* behalf as the *owner's* authorized agent.
- 2) An application is considered incomplete, and a decision shall not be rendered on such an application, until such time as all required information is submitted, including the:
  - a. application form, signed and dated by the *owner* or *owner's* authorized agent;
  - b. the application fee and any other required fees in accordance with the schedule of fees established by *Council* and annexed hereto as schedule C;
  - c. *site plans*, drawings, and other representations of the proposed *development*, as required;
  - d. approval(s) from other governments or agencies, as required; and
  - e. additional information, as required by the *development officer*.
- 3) An incomplete application shall be considered null and void if the *applicant* does not submit the required information and does not make payment in full on the application, within six (6) months of submitting the initial application form.

- 4) Notwithstanding any section of this *Bylaw*, *development permits* are not valid and will not be recognized until the application fee and any other required fees are paid in full, and the *development permit* is signed by the *applicant*.

### 3.5 SITE PLAN

- 1) Every application for a *development permit* shall be accompanied by a *site plan*, drawn to scale, and showing:
- a. the proposed use of the *lot* and each *building* or *structure* to be developed;
  - b. the boundaries of the subject *lot*, including dimensions and *lot area*;
  - c. the general location and *use* of every *building* or *structure* already *erected* on the *lot* and of *buildings* on abutting *lots* within 15.2 m. (50 ft.) of the location of the proposed *building* or *structure*;
  - d. the location of the *sewage disposal system*, if required;
  - e. the location of the well or water service, if required;
  - f. the distance between any existing or proposed well and *sewage disposal system*;
  - g. the location of any well, *sewage disposal system*, and driveways within 30 m (98.43 ft) on adjacent *lots*;
  - h. the proposed and existing location and dimensions of any entrance way, *parking space*, and *parking lot* on the *lot*;
  - i. all existing *streets*, rights-of-way, and easements on and adjacent to the *lot*;
  - j. the location of existing and proposed driveways, including the distance from the centre of the driveway to the nearest *property* boundary;
  - k. the location and exterior dimensions of the proposed *building* or *structure*, including any *deck*, *porch* or veranda *attached* thereto;
  - l. the distance from the proposed *building* or *structure* to all *property* boundaries;
  - m. the distance from the proposed *building* or *structure* to any existing *buildings* or *structures*;
  - n. elevation plan(s) of each exterior wall of the proposed *building* or *structure*;
  - o. slope and direction of surface drainage;
  - p. the distance from the proposed *structure* to the boundary of any *wetland*, *watercourse*, sand dune, or the top of the bank adjacent to a *wetland* or *watercourse* and the location of the *buffer zone* as defined in the *Watercourse and Wetland Protection Regulations*;
  - q. north arrow and scale; and
  - r. any other information the *development officer* deems necessary to determine whether the proposed *development* conforms to the requirement of this *Bylaw*.
- 2) Notwithstanding subsection 1), the *development officer* may receive applications for *accessory structures*, requiring only the information which they deem applicable to each individual application.



### 3.6 OTHER INFORMATION

- 1) The *development officer* or *Council* may require an *applicant* to submit any additional information related to the proposed *development*, which is deemed necessary in order to determine whether or not the *development* conforms to the requirements of the *Bylaw*, *Official Plan*, and applicable laws of the *Province*, including but not limited to the following:
  - a. existing and proposed contours;
  - b. adjacent surface water features and steep slopes;
  - c. the stormwater management plan for the *subdivision*;
  - d. the location of *open space* and *amenity areas*;
  - e. existing and proposed vegetation including trees and *landscaping*, with proposed and existing differentiated;
  - f. the proposed storage areas and description of any *screening* or *fencing*;
  - g. the location and size of underground shared or central sewer and water utilities;
  - h. an indication that consideration has been given to accommodating the appropriate future *development* of the balance of the site; and
  - i. traffic impact studies.
- 2) In the event of an application in relation to a *lot* located within or within 30 m. (98.43 ft) of the Environmental Risk *Zone*, the boundary of the *watercourse* or *wetland* shall be determined by a qualified professional authorized to do so by the *Province* and delineated on a *survey plan*, which shall be dated no more than 12 months from the date of the application.

### 3.7 SURVEYS REQUIRED

- 1) Where it is necessary to confirm the location of an existing *building* or *structure* in relation to a boundary in order to determine the compliance of an application with this *Bylaw* or other bylaws, policies or regulations in force which apply to the proposed *development*, the *development officer* may require the *developer* to provide a *survey plan*.
- 2) Following the issuance of a *development permit* for any proposed *development* within 0.30 m. (1.0 ft.) or less of the minimum *setback* permitted in the *zone*, a footing certificate or *survey plan* shall be prepared by a *professional land surveyor* and submitted to the *Municipality* to confirm the location of the *building's* footing prior to the foundation walls being poured.
- 3) The *site plan* shall be based on a *survey plan* when:
  - a. the *lot* subject to a *development* does not meet the minimum *lot area* or *lot frontage* requirements of this *Bylaw*; or
  - b. the location of an existing *building* or *structure* with respect to the *lot* boundary or with respect to the proposed *building* or *structure* is necessary, in the opinion of the *development officer*, in order to determine whether the application complies with the *Bylaw*.

### 3.8 STORMWATER MANAGEMENT PLAN

- 1) Except for the reasons provided by subsection (2) below, a *development permit* application shall be accompanied by a stormwater management plan, prepared by a *professional engineer* or *landscape architect*, drawn to scale and showing the following information:
  - a. existing and proposed *grade* elevations relative to the adjoining *lot(s)* and the *street* or right-of-way;
  - b. stormwater management design features, including but not limited to swales and berms, and the proposed direction of flow for the surface water runoff, which shall not result in direct water runoff onto adjacent *lots*, including existing *private roads* and rights-of-way.
  - c. the finished floor elevation or foundation elevation of existing *buildings* or *structures* on the *lot* and of existing *buildings* or *structures* on adjacent *lots* located within 15 m (49.2 ft) of the adjoining *lot line*; and
  - d. the proposed surface, finished floor elevation or foundation elevation of the proposed *building* or *structure*.
- 2) A stormwater management plan is not required for the following types of *development*, where the *development* does not involve an alteration or change to the existing *grade* of the land within the minimum *yard setbacks* of the *lot*:
  - a. a *development* that conforms with a preapproved stormwater management plan as prepared for the *subdivision* approval of the *lot*;
  - b. a *development* of a *structure* with a footprint less than 65 sq. m. (699.7 sq. ft.) and a proposed *setback* of more than 15 m. (49.2 ft.) from any *lot line* or existing *building* or *structure*;
  - c. a *development* that will result in a total *lot coverage* of less than 10%;
  - d. a *development* of a *building* or *structure* with a footprint less than 20 sq. m.(215.3 sq. ft.);
  - e. a *development* of a *building* or *structure* that will be built on raised sono-tubes, posts or piles and will not affect the natural and existing flow for drainage; or
  - f. the replacement of a *building* or *structure* with one of the same size and in the same general location, provided no changes are being made to the grade of the *lot* under or around the *building* or *structure*.
- 3) For *properties* with, or located adjacent to, a *watercourse* or *wetland*, the stormwater management plan shall also include the location of any *buffer zone* as defined in the *Watercourse and Wetland Protection Regulations*.
- 4) A *site plan* and stormwater management plan may be submitted together as a single plan of the proposed *development*.

### 3.9 BUILDING DESIGN DRAWINGS

- 1) In cases where signed and stamped drawings are required under the *Building Codes Act*, the *Architects Act* and/or the *Engineering Profession Act*, no *development* shall be approved until such signed and stamped drawings are received by the *Municipality*.

### 3.10 CONDITIONS AND CAVEATS ON PERMITS

- 1) The *development officer* or *Council*, as appropriate, shall have the authority to impose conditions on a *development permit* subject to such conditions being directly related to and consistent with the bylaws and *Official Plan* of the *Municipality*.
- 2) All *development permits* shall contain a caveat informing the *developer* that the *Municipality* is an established agricultural area and they should expect to be exposed to normal agricultural activities such as: manure spreading; chemical spraying; planting, cultivating and harvesting activities; noises; and slow-moving equipment on roadways.

### 3.11 FIRE MARSHAL APPROVAL

- 1) The *development officer* shall refer applications involving the following *uses* to the *Province's* fire marshal's office for comment prior to the *development permit* being issued:
  - a. twelve or more *dwelling units* on a *parcel*;
  - b. *campgrounds* and *RV parks* or expansions to them;
  - c. *commercial uses*;
  - d. public service and *institutional uses*; and
  - e. outdoor sporting event or concerts.
- 2) The *development officer* may refer any other applications for a *development permit* as required to the *Province's* fire marshal's office for comment prior to the *development permit* being issued.

### 3.12 DEVELOPMENT AGREEMENT

- 1) The *development officer* or *Council*, as appropriate, may require any *owner* of a *property* that is the subject of an application for a *development permit* to enter into a *development agreement*. This *agreement* shall be a contract binding on both parties, containing all conditions which were attached to the *development permit*, as well as any other matters identified pursuant to subsection (4).
- 2) Failure to comply with a *development agreement* shall constitute an offence under this *Bylaw*.
- 3) A *development agreement* shall be required for all *non-resource industrial uses*.
- 4) A *development agreement* may address but shall not be limited to the following matters:
  - a. *site plan* design;

- b. the design and construction of pathways, trails and other pedestrian circulation facilities, where required;
  - c. *landscaping* and *screening*, including the specification of the number and type of trees to be maintained or planted or both;
  - d. *vehicular* access and exits;
  - e. the design and allocation of *parking lots* and *parking spaces*;
  - f. security and safety lighting;
  - g. methods of waste storage and disposal; and
  - h. any other matters that the *development officer* or *Council*, as appropriate, deems necessary to ensure compliance with this *Bylaw*.
- 5) The *development agreement* shall be registered in accordance with the *Registry Act* and all fees associated with the preparation, registration, and enforcement of the *development agreement* shall be paid by the *developer*.
- 6) A *development permit* that is subject to a *development agreement* shall not take effect until the *development agreement* has been signed.

### 3.13 AUTHORIZATION FOR INSPECTION

- 1) An application submitted in accordance with the *Bylaw* shall constitute authorization for inspection of the *structure* or land in question by the *development officer* or an officer or agent of the *Municipality* for the purpose of ensuring compliance with the provisions of this *Bylaw* and in accordance with Part IV of the *Planning Act* and Part 9, Division 1 of the *Municipal Government Act*.

### 3.14 PERMITS POSTED

- 1) The *property owner* shall be responsible for displaying a copy of all permits in a visible location on the *property*.

### 3.15 EXPIRY OF APPROVALS

- 1) A *development permit* shall be valid for a 24-month period from the date of issue.
- 2) If, after 24 months, work has not been completed, an application shall be made to the *development officer*; the appropriate fee shall again be paid, and a new *development permit* shall be obtained before any further work is undertaken, and the application shall be assessed against the requirements of this *Bylaw* and the *Official Plan* at the time of re-application.
- 3) Preliminary approvals of a *subdivision* shall be effective for a period of 24 months.
- 4) If the *applicant* applies before the expiry of the preliminary approval, *Council* may authorize an extension of an additional 12 months.

### 3.16 DEMOLITION OR MOVING PERMITS

- 1) No *building* shall be moved out of or within the *Municipality* without a *development permit* and such other permits as may be required by law.
- 2) When a *structure* is *demolished* or moved, the *applicant* shall be responsible for ensuring that the well and *sewage disposal system*, where they exist, are decommissioned or temporarily capped in accordance with any applicable statute, regulation or other enactment.

### 3.17 DEVELOP IN ACCORDANCE WITH APPLICATION

- 1) Any *person* who has been granted a *development permit* shall develop in accordance with the information given on the prescribed application form and the conditions included in the *development permit* and/or the *development agreement*.
- 2) The *development officer* may revoke a *development permit* where information provided on the application is found to be inaccurate.
- 3) No *building* shall be *erected* or placed except in conformance with the approved finished *grade* for its site, or the *street* after its construction.

### 3.18 DENYING PERMITS

- 1) No *development permit* shall be issued if:
  - a. the proposed *development* does not conform to this *Bylaw* or other bylaws of the *Municipality* or any applicable enactments of the *Province* or of the Government of Canada;
  - b. the proposed *development* could create a hazard to the general public, including but not be limited to, hazards, injuries or damages arising from excessive slope, water drainage run-off, and flooding;
  - c. the method of water supply is not appropriate;
  - d. the method of sanitary waste disposal is not appropriate;
  - e. there is not a safe and efficient access to a *street*;
  - f. the proposed *development* would create unsafe traffic conditions;
  - g. the proposed *development* involves a proposed access that requires the use of an existing *private road* or access over an adjacent *property* for which a legal right-of-way has not been properly granted; or
  - h. the proposed *development* would be *detrimental* to the environment, including by reason of noise, dust, drainage, infilling, or excavation which affects environmentally sensitive or residential areas.



### 3.19 CONSTRUCTION PLAN

- 1) Prior to any construction being carried out, the *development officer* may require the *applicant* to submit a construction plan for the *development* addressing such details as:
  - a. construction phasing;
  - b. hours of operation;
  - c. stockpiling of soil including the location and the date of removal;
  - d. temporary *screening* or fencing;
  - e. erosion or run-off control measures, including type, location and maintenance procedures;
  - f. heavy truck access; and
  - g. any other item which could in the opinion of the *development officer* present a nuisance or hazard during construction.

## 4. GENERAL PROVISIONS

### 4.1 ACCESSORY STRUCTURES

- 1) *Accessory structures* may be permitted on any *lot* but shall not:
  - a. be *used* for human habitation except where a *dwelling* is a permitted *accessory use*;
  - b. be built closer than 1.2 m. (4 ft.) to any *lot line*; or
  - c. be located within the required *front yard setback* or the *flankage yard setback*.
- 2) No *accessory structure* shall be:
  - a. considered an *accessory structure* if it is *attached* to the *main building*; or
  - b. considered an *accessory structure* or *structure* if it located completely underground.
- 3) No *accessory structure* shall be constructed prior to the establishment of the *main use* to which it is accessory.
- 4) Notwithstanding the *setbacks* in clause (1)(b), common garages for *semi-detached dwellings* and *townhouse dwellings* may be centered on a mutual *side lot line*;
- 5) A shipping container, trailer, or similar *structure* may be *used* as an *accessory structure* provided the shipping container, trailer, or similar *structure* is located in the *rear yard*.

### 4.2 BED AND BREAKFAST AND SHORT-TERM RENTALS

- 1) A *bed and breakfast* shall be permitted to operate in any *single-detached dwelling* subject to the following:
  - a. the *dwelling* shall be occupied as a residence by the operator and the external residential appearance of the *dwelling* shall not be changed by the *bed and breakfast* operation;
  - b. not more than six (6) rooms shall be offered for overnight accommodation;
  - c. adequate off-*street parking spaces* shall be provided in accordance with Part 5 of this *Bylaw* and such parking shall be in addition to the *parking spaces* required for the *dwelling*;
  - d. there shall be no *open storage* or *display* area; and
  - e. there shall be no *signs* permitted except in accordance with the *Highway Signage Act*.
- 2) A *short-term rental* shall be permitted to operate in any *single-detached dwelling* subject to the following:
  - a. the external residential appearance of the *dwelling* shall not be changed by the *short-term rental* operation;
  - b. not more than six (6) rooms shall be offered for overnight accommodation;

- c. adequate off-*street parking spaces* shall be provided in accordance with Part 5 of this *Bylaw* and such parking shall be in addition to the *parking spaces* required for the *dwelling*;
  - d. there shall be no *open storage* or *display* area; and
  - e. there shall be no *signs* permitted except in accordance with the *Highway Signage Act*.
- 3) *Bed and breakfasts* and *short-term rentals* shall be licensed in accordance with the *Tourism Industry Act*.

#### 4.3 BUFFERING

- 1) The provision and maintenance of adequate *landscaping* buffering or appropriate *fencing* or both shall be required to the satisfaction of the *development officer* or *Council*, as appropriate, between *residential uses* and new *commercial, industrial* or other land *uses* characterized by significant traffic generation, the heavy use of trucks, noise, outdoor storage, congregations of people or other factors that may adversely affect adjacent residential amenities.
- 2) Where a Commercial Industrial *Zone property* abuts *residential uses* along a *side* or *rear lot line* or both, the provision of a *landscaping* buffer of not less than 7.6 m. (25 ft.) in width along that *side* or *rear lot line* to the satisfaction of the *development officer* or *Council*, as appropriate, shall be included as a condition on the *development permit* where a *development permit* has been granted.
- 3) An adequate *landscaping* buffer may consist of, among other things, the following or a combination of the following:
  - a. a grassed berm;
  - b. planted vegetation;
  - c. mature trees; and/or
  - d. appropriate *fencing*.

#### 4.4 BUILDING TO BE ERECTED ON A LOT

- 1) No *building* shall be *erected* or *used* unless it is *erected* on and contained within a single *lot*.

#### 4.5 COASTAL HAZARD ASSESSMENT

- 1) A *coastal hazard assessment* shall be included with a *development* or *subdivision* application for a *lot* that is:
  - a. 4.22 m. (13.85 ft.) *CGVD2013* (or 4.61m (15.12 ft.) *CGVD28*) or less in elevation and is adjacent to a *coastal area, wetland, watercourse, or shoreline*; or
  - b. located within 23 m. (75.5 ft.) of a *coastal area, wetland, watercourse, or shoreline*.

#### 4.6 EXISTING NON-CONFORMING STRUCTURES

- 1) Where a *structure* has been *erected* on or before the effective date of this *Bylaw* on a *lot* having less than the minimum *frontage* or area, or having less than the minimum *setback* or *side yard* or *rear yard* required by this *Bylaw* or is subject to the Environmental Risk Zone, the *structure* may be enlarged, reconstructed, repaired or renovated provided that:
  - a. the repair or renovation does not further reduce the *front yard* or *side yard* or *rear yard* which does not conform to this *Bylaw*; and
  - b. all other applicable provisions of this *Bylaw* are satisfied.
- 2) If a *structure* which does not conform to provisions of this *Bylaw* is destroyed by a fire or otherwise to an extent of fifty percent (50%) or more of the assessed value of the *structure* above its foundation, it shall only be rebuilt or repaired in conformity with the provisions of this *Bylaw*.

#### 4.7 EXISTING NON-CONFORMING LOTS

- 1) Notwithstanding any other provisions of this *Bylaw*:
  - a. a vacant *lot* held in separate *ownership* from adjoining *parcels* on the effective date of this *Bylaw*, having less than the minimum width, *lot depth* or *lot area* required, may be *used* for a purpose permitted in the *zone* in which the *lot* is located, and a *structure* may be *erected* on the *lot* provided that all other applicable provisions in this *Bylaw* are satisfied; and
  - b. a *lot* containing a *structure* and held in separate *ownership* from adjoining *parcels* on the effective date of this *Bylaw*, having less than the minimum *frontage*, depth or area required by this *Bylaw*, may be *used* for a purpose permitted in the *zone* in which the *lot* is located, and a *development permit* may be issued provided that all other applicable provisions in this *Bylaw* are satisfied.
- 2) An existing non-conforming *lot* which is increased in *lot area* or *lot frontage* or both, but remains undersized, is still considered an existing non-conforming *lot*.

#### 4.8 EXISTING NON-CONFORMING USES

- 1) Subject to the provisions of this *Bylaw*, a *building* or *structure*, or use of land, *building* or *structures* lawfully in existence on the effective date of approval of this *Bylaw* may continue to exist.
- 2) A *building* or *structure* shall be deemed to exist on the effective date of approval of this *Bylaw* if:
  - a. it was lawfully under construction; or
  - b. the permit for its construction was in force and effect, but this clause shall not apply unless the construction is commenced within 12 months after the date of the issue of the *development permit* and is completed in conformity with the *development permit* prior to its expiry.

- 3) No *structural alterations* that would increase the exterior dimensions, except as required by statute or bylaw, shall be made to a *building* or *structure* while a non-conforming *use* thereof is continued.
- 4) Any change of tenants or occupants of any premises or *building* shall not of itself be deemed to affect the *use* of the premises or *building* for the purposes of this *Bylaw*.
- 5) A non-conforming *use* of land, *building* or *structure* shall not be permitted to resume if it has been discontinued for a period of twelve (12) consecutive months without a bona fide intention to resume the non-conforming *use*, and in such event the land, *building* or *structure* shall not thereafter be *used* except in conformity with this *Bylaw*.
- 6) A non-conforming *use* may be enlarged or expanded provided that the enlargement or expansion does not increase the level of non-compliance.
- 7) No increase in the area occupied by the non-conforming *use* shall occur while a non-conforming *use* is being continued to the extent that the increase in the area would have the impact of creating a *change of use*.

#### 4.9 FRONTAGE ON A STREET

- 1) No *development permit* shall be issued unless the *parcel* of land intended to be *used* or upon which the *building* or *structure* is to be *erected* abuts and fronts upon a *street*.
- 2) Notwithstanding subsection (1) above, the *Council* may approve a *development permit* for a residential or commercial *structure* which fronts on an existing *private right-of-way*, provided that the following criteria are met:
  - a. the *parcel* was approved prior to the effective date of this *Bylaw*;
  - b. no acceptable provision can be made to provide access to a *street*;
  - c. safe ingress and egress from the *parcel* can be provided from the *parcel* or *private right-of-way* to a *street*;
  - d. the name of the *private road* has been approved by the Minister of Justice & Public Safety, in accordance with the *Emergency 911 Act* where the *development* results in three (3) or more civic addressed *dwelling*s, *buildings*, or units sharing the same *private road* or driveway;
  - e. the *applicant* can establish legal entitlement to use the *private right-of-way* for access to the *parcel* in question and any such legal entitlement that has been established through an agreement with the *owner* of the *private right-of-way* shall be registered in accordance with the provisions of the *Registry Act*; and



- f. The *property owner* shall be required to enter into a *development agreement* with the *Municipality* acknowledging the following: “The *private right-of-way* serving PID \_\_\_\_\_ is not owned or maintained by either the Province of Prince Edward Island or the Rural Municipality of West River and therefore neither the Rural Municipality of West River nor the Province shall have any liability for that *private right-of-way* and, without limiting the generality of the foregoing, that neither the Rural Municipality of West River nor the Province is responsible for providing any provincial or municipal services including grading, ditching, snowplowing, gravelling, school busing, solid waste collection, or emergency vehicle access to the *private right-of-way*.”
- 3) The *development agreement* required under clause (2)(f) shall be registered in accordance with the *Registry Act* and all fees associated with the preparation, registration, and enforcement of the *development agreement* shall be paid by the *developer*.
- 4) No *person* shall construct or use an entrance way except where that entrance way meets the minimum requirements as established under the *Planning Act*, the *Roads Act*, or any successor enactments.
- 5) Where an entrance way permit or other approval is required under the *Highway Access Regulations*, a *development permit* shall not be granted until that entrance way permit or other approval or permit has been granted.

#### 4.10 HOME-BASED BUSINESSES

- 1) Where a *residential property* is used for a *home-based business use*, the following shall apply:
  - a. the *dwelling* shall be occupied as a residence by the principal operator and the external residential appearance of the *building* or *property* shall not be changed by the *home-based business*;
  - b. there shall be no more than two non-resident assistants or employees for the *home-based business*;
  - c. a maximum of either
    - i. 25% of the *total floor area* of the *dwelling*; or
    - ii. up to 100% of the *total floor area* of an *accessory structure*shall be occupied by the *home-based business*;
  - d. *adequate street* access and *off-street parking spaces* shall be provided in accordance with Part 5 of this *Bylaw* and such parking shall be in addition to the *parking spaces* required for the *dwelling*;
  - e. there shall be no *open storage* or *display* area; and
  - f. there shall be no *signs* permitted except in accordance with the *Highway Signage Act*.

- 2) The *home-based business* shall not create a nuisance to residents in the surrounding neighbourhood by:
  - a. traffic generation,
  - b. noise,
  - c. hours of operation,
  - d. the creation of any vibration, heat, glare, odour or electrical interference, which is detectable from outside the *dwelling*; or
  - e. the discharge of any smoke, fumes, toxic substances or other noxious matter into the atmosphere.
- 3) The use of a *residential property* for *automobile sales* and *service establishments*, *car washes*, or *auto body shops* as *home-based businesses* shall be prohibited in the Rural Residential Zone.
- 4) After having followed the process in subsection 12.41) of this *Bylaw*, *Council* may approve a small-scale *auto body shop* or *industrial use* as a *home-based business* in the Rural Area Zone, provided *Council* is satisfied the use will be compatible with adjacent land uses, and that no permanent injury will be caused to the existing and *permitted uses* of adjoining properties.

#### 4.11 KENNELS

- 1) *Kennels* shall not be permitted within 305 m. (1000 ft.) of any existing *dwelling*.
- 2) No shelter, *building* or *structure* used to accommodate animals shall be located in the required *front yard setback*.

#### 4.12 MAIN BUILDING

- 1) Except in the Rural Residential Zone, more than one (1) non-residential *main building* may be placed on a *lot* in any *zone*, provided all other provisions of this *Bylaw* are met.
- 2) More than one (1) residential *main building* may be permitted on a *parcel* where *clustered housing* is a *permitted use* or a *site-specific amendment use*.
- 3) Where more than one *main building* is located on the same *lot* and is serviced by an *internal drive* providing access to the *street* or right-of-way:
  - a. the *development officer* may refer the proposed access and the *site plan* and *internal drive* design, to the *Province's* Fire Marshal's Office and the *Province's* department responsible for the *Roads Act* for review and comment;
  - b. the name of the *internal drive* shall be submitted for approval by the *Province's* Minister of Justice & Public Safety, in accordance with the *Emergency 911 Act*, where the *development* results in three (3) or more civic addressed *dwellings*, *buildings*, or units sharing the same *internal drive* or driveway, prior to the issuance of any permits; and

- c. in the case of a *clustered housing development*, the *internal drive* shall be designed by, constructed under the supervision of, and certified by, a *professional engineer*.
- 4) The following *site design standards* shall apply for commercial or *residential lots* containing more than one (1) *main building* on a *lot*, including *clustered housing* and *tourism establishments*:
  - a. with respect to vehicular and pedestrian circulation, including walkways, *interior drives*, and parking, special attention shall be given to the location and number of access points to the *streets*, width of *interior drives* and access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of *parking lots* that are safe and convenient;
  - b. off-street *parking lots* shall not open directly onto a *street* but shall be provided with access drives or other controlled access. Access drives shall not serve as part of a specified *parking lot* and shall be kept clear of parked *vehicles*;
  - c. pedestrian walks shall be not less than 1.25 m (4.1 ft) in width and shall be provided wherever normal pedestrian traffic will occur; and
  - d. exposed storage areas, exposed machinery installation, solid waste storage and pickup areas, service areas, truck loading areas, *utility buildings* and *structures* and similar *accessory areas* and *structures* shall be subject to such *setbacks*, screen planting or other *screening* methods as shall reasonably be required to prevent their being incongruous with existing or contemplated environment and the surrounding *properties*.
- 5) Where *clustered housing* is being proposed:
  - a. the minimum *lot area* shall apply to the entire *property* where multiple *buildings* are being proposed;
  - b. the minimum *lot frontage* shall be calculated as if one *building* is being located on the *lot*; and
  - c. the minimum standards of the *zone* including *setbacks* shall apply to each individual *building*.

#### 4.13 MIXED USES

- 1) Where any land or *building* is used for more than one (1) *use*, all provisions of this *Bylaw* relating to each *use* shall be satisfied. Where there is a conflict, such as in the case of *lot area* or *frontage*, the most stringent standards shall prevail.

#### 4.14 ON-SITE WELLS AND SEPTIC SYSTEMS

- 1) Notwithstanding the minimum *lot size* standards of this *Bylaw*, all applications involving an on-site *sewage disposal system* or on-site water supply must meet the requirements of the *Province-Wide Minimum Development Standards Regulations* for on-site servicing based on soil category, as included as Schedule B of the *Bylaw*, and the *Sewage Disposal Systems Regulations*, *Water Withdrawal Regulations*, and *Well Construction Regulations*.

- 2) Every application for a *development permit* involving an on-site *sewage disposal system* or on-site water supply, or both, shall include a *site plan* showing the location of the on-site *sewage disposal system* and all proposed *buildings* and *structures*, a copy of the Sewage Disposal System Registration Form, and a site assessment for any *lot* for which a site assessment pursuant to the *Environmental Protection Act* has not been conducted within 75 feet of the *lot* since December 31, 2006.
- 3) Every on-site *sewage disposal system* with a capacity of more than 6810 litres shall be designed and certified by a *professional engineer*.
- 4) Any application for a *development* or *subdivision* where daily groundwater extraction rates are expected to be higher than 25 cubic meters per day or in areas with existing intensive *development* or where, in the opinion of *Council*, there are concerns about the supply or quality of groundwater shall be referred to the *Province's* department responsible for the *Environmental Protection Act* or the *Water Act*.
- 5) Where *Council* has approved a *variance* to the minimum *lot frontage*, *lot area* and/or circle diameter requirements of the *Province-Wide Minimum Development Standards Regulations* in accordance with sections 4, 5, or 9 of those Regulations, or where the minimum *lot size* standards do not apply pursuant to section 8 of those Regulations, an application for a *development permit* shall also include the following:
  - a. an on-site *sewage disposal system* proposal appropriate for the soil type, *lot area* and proximity to adjacent *lots*, designed and certified by a *professional engineer*; and
  - b. confirmation from a licensed well driller that the proposed well location meets all applicable requirements for separation distance from adjacent existing wells and/or *sewage disposal systems* within the *lot*, or to wells or *sewage disposal systems* on adjacent *lots*.

#### 4.15 OUTDOOR AREA LIGHTING

- 1) No *person* shall install any outdoor light in such a way as would cause a nuisance to adjacent *property owners* or a safety hazard to the motoring public.

#### 4.16 PERMITTED USES IN ALL ZONES

- 1) The following *uses* are permitted in all *zones*:
  - a. temporary construction of facilities such as sheds, scaffolds and equipment incidental to the *development* for a maximum period of six months or for so long as construction is in progress, whichever is earlier, and for a maximum of 30 days following the completion of the *development*;
  - b. *parks*, *public parks*, playgrounds, *open space*, or conservation activities;
  - c. *farm gate outlets*; and
  - d. *institutional uses*.

- 2) Except where otherwise specifically provided in this *Bylaw*, *public utilities* and *private utilities* and *utility buildings* and service facilities including, but not limited to, sewage treatment plants, pumping stations, transit transfer stations, *utility* services, and stormwater management facilities:
  - a. may be located in any *zone*; and
  - b. no *zone* standards related to *setbacks*, *lot size*, and siting in *yards* shall apply.

#### 4.17 PETROLEUM STORAGE

- 1) Underground petroleum storage tanks shall require a *permit* from the *Province* before installation may proceed. In processing such application, the *Municipality* shall refer the application initially to the *Province's* department having jurisdiction for these facilities whereupon such application will be processed in accordance with applicable regulations. The *Municipality* shall not issue a permit to the *developer* until it has received written approval from the appropriate government authority.
- 2) Propane storage tanks shall be installed and stored in accordance with the recommendations of the *Province's* fire marshal's office.

#### 4.18 SECONDARY SUITES

- 1) A *secondary suite* shall be permitted within any *single-detached dwelling* or *accessory structure* provided the following conditions are met:
  - a. the *property owner* submits a written application to the *Municipality* on the prescribed form;
  - b. the *property owner* and the *Municipality* have first entered into a written *development agreement* that includes, but is not limited to, the conditions below:
    - i. the *property owner* shall advise any prospective purchaser, or other *person* to whom the *owner* intends to transfer or otherwise dispose of the *single-detached dwelling*, that the *secondary suite* cannot be *used* except in accordance with a *development agreement* with the *Municipality*;
    - ii. the total *floor area* of all *storeys* of a *secondary suite* shall not exceed the lesser of:
      - A. 80% of the total *floor area* of all *storeys* of the entirety of the *main single-detached dwelling unit* (excluding the garage *floor area*, and common spaces serving both *dwelling* units); or
      - B. 80 sq. m. (861 sq. ft.);
    - iii. one additional *parking space* is provided for the *secondary suite*, as required under section 5.1 of this *Bylaw*; and
    - iv. the *development officer* may require such changes to the exterior of the *single-detached dwelling* as may be necessary to ensure compliance with this *Bylaw*, whether in connection with the construction or removal of the *secondary suite*; and



- c. the *secondary suite* meets the requirements of the National Building Code and all requirements under the *Municipality's* bylaws;
- d. water and wastewater treatment services for the *secondary suite* shall be provided through the *single-detached dwelling* and the capacity of the systems shall be upgraded as needed to accommodate the increased intensity of *use*; and
- e. the *development agreement* required under clause (1)(b) shall be registered in accordance with the *Registry Act* and all fees associated with the preparation, registration, and enforcement of the *development agreement* shall be paid by the *applicant*.

#### 4.19 SIDE YARD WAIVER

- 1) Notwithstanding any other provisions of this *Bylaw*, where *buildings* on adjacent *lots* share a common wall, the applicable *side yard setbacks* shall be zero (0) along the common *lot line*.

#### 4.20 SOLAR ENERGY SYSTEMS

- 1) *Roof-mounted solar arrays* shall be permitted in all *zones*, subject to the following:
  - a. *Roof-mounted solar arrays* shall be installed in conformity with Chapter 11 of the National Fire Prevention Association (NFPA) 1 Fire Code.
- 2) *Ground-mounted solar arrays* shall be permitted in all *zones*, subject to the following:
  - a. the minimum *setback* to adjacent *side* or *rear lot lines* for *ground-mounted solar arrays* shall be 4.6 m. (15 ft.) or the *height* of the *ground-mounted solar array* as measured from *grade* to the highest point of the *solar array*, whichever is greater;
  - b. the maximum *height* of a *ground-mounted solar array*, as measured from *grade* to the highest point of the *solar array*, shall be 4.3 m. (14 ft.).
  - c. in a Rural Residential *Zone*, *ground-mounted solar arrays* may only be placed in the *rear yard* or *side yard*; and
  - d. the *owner* of the *ground-mounted solar array* shall remove the *ground-mounted solar array* and associated equipment sufficient to return the land to its previous *use* within two (2) years of *ground-mounted solar array* inactivity.

- 3) The application for a *development permit* for a *ground-mounted solar array* must include, in addition to the requirements of sections 3.5 and 3.6, the design of the *solar collectors* including racking and footings.

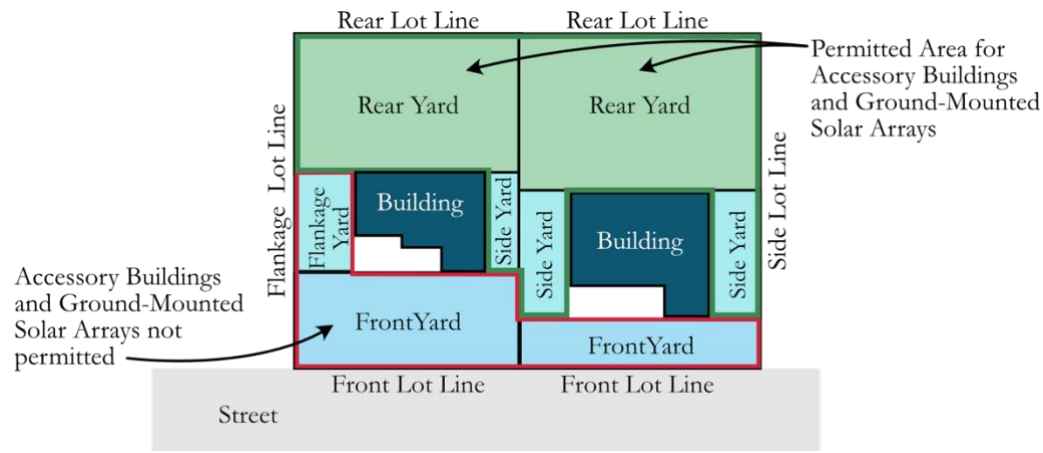


Figure 1 Permissible Areas for Accessory structures and Ground-mounted Solar Arrays in the RR Zone (permitted in rear and interior side yards only)

#### 4.21 TEMPORARY USES, BUILDINGS AND STRUCTURES PERMITTED

- 1) *Temporary structures* shall conform to the *setback* requirements for an *accessory structure* in the *zone*.
- 2) The *development officer* may issue a *temporary permit* for the *temporary erection* of a *structure* or the *temporary use* of land in any *zone* in order to accommodate a special event, *use*, or occasion. The *development officer* may attach such conditions as they deem appropriate to ensure public safety and to mitigate any negative impacts on surrounding properties, including but not limited to water supply, wastewater disposal and emergency management.
- 3) *Council* may grant a seasonal *temporary use* permit for a period not exceeding 5 months where, in the opinion of *Council*, the *temporary use* is compatible with an established or proposed permanent facility on the *parcel* of *land* and does not represent a conflict or nuisance to *property owners* in the vicinity or the general public. *Council* may attach such conditions it deems appropriate to ensure public safety and to mitigate any negative impacts on surrounding properties, including but not limited to water supply, wastewater disposal and emergency management.
- 4) No more than four (4) *temporary use* permits shall be issued for any *parcel* of land in any calendar year.
- 5) The hours of the *temporary use* shall be limited from 8:00 a.m. - 11:00 p.m. daily, except where the *temporary use* involves an *RV* for personal *use*.
- 6) No *temporary use* permits shall be granted where:
  - a. parking facilities are not adequate;

- b. ingress or egress or both to the site would create excessive congestion or a traffic hazard;
  - c. washroom facilities are not adequate;
  - d. garbage collection and storage facilities are not adequate; or
  - e. the *use* would create a conflict due to excessive noise, hours of operation, lighting or another nuisance.
- 7) No *temporary use* shall be permitted to encroach within the *front yard*, *rear yard* or *side yards* as required under this *Bylaw*.

#### 4.22 VISIBILITY AT STREET INTERSECTIONS

- 1) On a *corner lot*, within a triangular area 6.1 m. (20 ft.) back from the intersecting *corner lot line*, no *fence*, *sign*, hedge, shrub, bush or tree or any other *structure* or vegetation shall be *erected* or permitted to grow to a *height* greater than two feet above *grade* of the abutting *streets*.

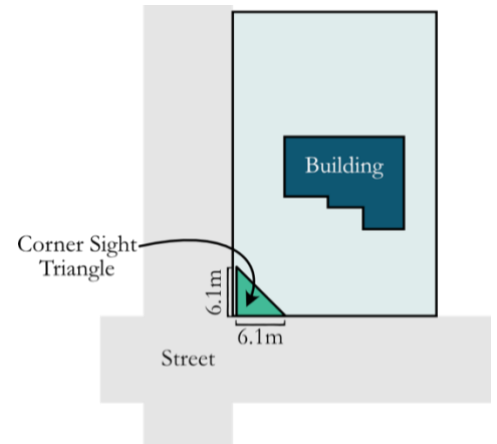


Figure 2 - Corner Sight Triangle

## 5. PARKING REQUIREMENTS

### 5.1 PARKING REQUIREMENTS

- 1) For every *building* to be *erected*, placed, *used* or enlarged, there shall be provided and maintained off-*street* parking on the same *lot* to the extent, prescribed in the following chart:

Primary Type of <i>Building</i>	Minimum Requirement
<i>Dwellings</i>	1 <i>parking space</i> per <i>dwelling unit</i>
<i>Tourism establishments</i>	1 <i>parking space</i> per guest room or rental unit and 1 <i>parking space</i> for each 14 sq. m. (150 sq. ft.) of <i>floor area</i> devoted for <i>public use</i> (e.g. banquet rooms, <i>lounge</i> )
<i>Campgrounds</i> and <i>RV Parks</i> or <i>Campground Sites</i> or <i>RV Sites</i>	1 <i>parking space</i> designated for registration and visitor parking for every 10 <i>campground sites</i> or <i>RV sites</i> , or fraction thereof, registration and visitor parking
<i>Senior Citizens Homes</i> and <i>Community Care Facilities</i>	1.25 <i>parking spaces</i> per <i>dwelling unit</i>
<i>Tourist Attractions</i>	1 <i>parking space</i> per four (4) <i>persons</i> to maximum capacity of attraction
<i>Restaurant / Lounge / Take-Out</i>	1 <i>parking space</i> per four seats of seating capacity or 1 <i>parking space</i> per 14 sq. m. (150 sq. ft.) of <i>floor area</i> , whichever is greater.
All other <i>Commercial Uses</i> (non-resource)	1 <i>parking space</i> per 9.3 sq. m. (100 sq. ft.) of <i>floor area</i>
All other <i>uses</i> not listed	1 <i>parking space</i> per 20 sq. m. (215 sq. ft.) of <i>floor area</i> or 1 <i>parking space</i> per 10 seats, whichever is greater.

- 2) Individual *parking spaces* shall have minimum dimensions of 2.7 metres (9 feet) by 5.5 (18 feet) metres and shall be readily accessible from a *street*.

### 5.2 PARKING LOT STANDARDS

- 1) Where four (4) or more *parking spaces* are required for a *commercial, industrial* or *institutional use* on a *lot*, the following minimum requirements shall apply:
  - a. the *parking lot* shall be maintained with a stable surface sufficient to support a *vehicle* without undue deformation or damage of the surface, such as rutting, and does not allow the raising of dust or loose particles. Acceptable stable parking surfaces include but are not limited to asphalt or concrete paving (pervious or impervious), brick pavers, compacted granular surfaces, and structural landscape systems such as driveable grass or grass grid; and
  - b. the lights used for illumination of the *parking lot* shall be so arranged as to divert the light away from the *streets*, adjacent *lots* and *buildings*.

- 2) Where parking is provided within the *front yard* of a *commercial* or *industrial* establishment, a landscaped strip of not less than 3.05 m. (10 ft.) in width between the *front lot line* and the *parking lot* shall be maintained in a properly landscaped condition, free of parking or maneuvering lanes, other than a driveway.
- 3) The width of a driveway leading to a *parking lot* shall be:
  - a. a minimum width of 3.05 m. (10 ft.)
  - b. a maximum entrance and exit width of 9.14 m. (30 ft.) at the *street* line and edge of pavement.
- 4) The *parking lot* shall allow for surface water drainage to a stormwater retention area or to street drainage, designed so that at no time shall water drain onto adjoining *lots*, and the *Municipality* may require an engineering assessment of the elevations and drainage to be provided.
- 5) Where off-*street parking lots* are located in front of any *building*, a 5 ft. landscaped buffer shall be provided between the *parking lot* and the *street* boundary.

### 5.3 ACCESSIBLE PARKING

- 1) In addition to the parking requirements found in section 5.1, where a *parking lot* is required, two (2) spaces dedicated to people with disabilities shall be provided for every 30 spaces provided, or minimum of one (1) space for part thereof. Dedicated *parking spaces* shall be a minimum of 3.7 metres (12 feet) in width. Access from the dedicated *parking spaces* to the *building* shall consist of a smooth asphalt or concrete surface in order to allow easy ingress and egress for wheelchairs and persons with walking disabilities.



## 6. RURAL AREA (RA) ZONE

### 6.1 GENERAL

- 1) Except as otherwise provided in this *Bylaw*, the following standards shall apply to all *buildings* and *structures* or parts thereof *erected*, placed or *altered* or any *parcel* of land *used* in a Rural Area Zone.

### 6.2 PURPOSE

- 1) The Rural Area Zone is established principally to support the primary resource sectors, retain the natural beauty and rural character of the area, and to retain the low-density *uses* of land.

### 6.3 PERMITTED USES

- 1) The following are *permitted uses* in the Rural Area Zone:
  - a. *agricultural uses*;
  - b. *fishery uses*;
  - c. *forestry uses*;
  - d. *resource-related commercial uses*;
  - e. *animal sanctuaries*;
  - f. *single-detached dwellings*;
  - g. *duplex dwellings* and *semi-detached dwellings*; and
  - h. *commercial uses*.
- 2) The following are permitted as *accessory uses* in the Rural Area Zone:
  - a. *accessory structures*;
  - b. *bed and breakfasts* and *short-term rentals*;
  - c. *dormitories*;
  - d. *home-based businesses*;
  - e. *secondary suites*; and
  - f. *wind energy facilities* of a maximum capacity of up to 100 kw.

### 6.4 SITE-SPECIFIC AMENDMENT USES

- 1) Notwithstanding section 6.3 above, the following may be permitted through the site-specific amendment process, subject to such conditions as *Council* deems necessary:
  - a. *resource-related industrial uses*;
  - b. *intensive resource uses*, including *intensive agricultural uses*, *intensive livestock operations*, *cannabis operations*, water bottling plants, *excavation pits*, intensive fishery-related operations;

- c. *kennels*; and
- d. *solar arrays* and *wind energy facilities* of more than 100 kw.

## 6.5 SUPPORTING INFORMATION

- 1) Any application for a site-specific amendment pursuant to Section 6.4 shall be accompanied by the following supporting information, in a form acceptable to *Council*:
  - a. a statement documenting the precise means by which the *development* will maintain or enhance the rural character and *agricultural* activities of the Rural Area Zone;
  - b. a statement documenting the compatibility of the *development* with *agricultural uses* and other predominant features of the Rural Area Zone, including adjacent land *uses*;
  - c. an overview of measures to protect *agricultural uses* and significant natural features;
  - d. in the case of clauses 6.4(1)(a), (b), and (d),
    - i. environmental engineering designs and plans detailing environmentally-acceptable permanent, long term water supply and *sewage disposal systems* and methods for protecting the natural environment, prepared by a *professional engineer*; and
    - ii. long term plans for those portions of the *property* which are not proposed to be developed; and
  - e. in the case of clause 6.4(1)(c), an overview of the proposed intensity of use of measures to minimize impacts on adjoining properties.

## 6.6 LOT REQUIREMENTS

- 1) Subject to subsection 2), the following *lot* requirements shall apply to any *development* in an Rural Area Zone.

	Requirement
<b>Minimum <i>lot area</i></b>	0.4 ha (1 acre)
<b>Maximum <i>lot area</i></b>	<i>Non-Resource Commercial Uses</i> 0.8 ha (2 acres)
<b>Minimum <i>frontage</i> or <i>lot width</i></b>	45.7 m. (150 ft.)
<b>Minimum <i>front yard</i></b>	15.2 m. (50 ft.) – arterial, collector, local, and seasonal roads
	5.2 m. (17 ft) – subdivision roads as classified under the <i>Highway Access Regulations</i>
<b>Minimum <i>rear yard</i></b>	4.6 m. (15.1 ft.)
<b>Minimum <i>side yard</i></b>	4.6 m. (15.1 ft.)
<b>Minimum <i>flankage yard</i></b>	15.2 m. (50 ft.) – arterial, collector, local, and seasonal roads
	5.2 m. (17 ft) – subdivision roads

- 2) All *lots* shall conform with the minimum *lot* size standards in the *Province-Wide Minimum Development Standards Regulations*, as amended from time to time, and where there is a conflict, the more stringent shall apply (See Schedule B).
- 3) New *dwellings* shall be set back a minimum of 15 m. (49 ft.) from the *lot line* of an adjacent existing *intensive resource use*.

## 6.7 LIVESTOCK OPERATIONS

- 1) *Livestock* operations shall comply with all applicable provincial statutes, regulations and other enactments, and confirmation that the proposed *development* complies with such enactments shall be submitted with a *development permit* application.

## 6.8 INTENSIVE LIVESTOCK OPERATIONS

- 1) The following shall apply to all new *intensive livestock operations*:

	Requirement
Min. distance from any existing <i>dwelling</i> on an adjacent property	305 m. (1000 ft.)
Min. distance from a <i>street</i>	45.72 m. (150 ft.)
Min. distance from any domestic well	152.4 m. (500 ft.)
Min. distance from any <i>lot line</i>	45.72 m. (150 ft.)
Min. distance from any <i>watercourse</i> or <i>wetland boundary</i>	90 m. (295.3 ft.), except where permitted under the <i>Watercourse and Wetland Protection Regulations</i>

- 2) Where a new *intensive livestock operation* is proposed, the *development officer* shall provide written notice to adjacent *property owners* in accordance with section 12.4(1).
- 3) All *intensive livestock operations* shall have a manure storage facility with a capacity for retention of manure.
- 4) The *development officer* may consult the *Province's* Department of Agriculture and Land or its successor for manure storage capabilities and design standards, and the livestock operator shall be required to follow those capacity and design requirements.
- 5) All new *subdivisions* for *residential uses* shall be designed such that a 305 m. (1000 ft.) setback can be maintained between any new *dwellings* and an existing *intensive livestock operation*.

## 6.9 EXCAVATION PITS

- 1) Where an *excavation pit* is permitted through a site-specific amendment, the following shall apply:
  - a. no *person* shall open or operate an *excavation* pit without first applying for and receiving a *development permit*; and
  - b. where an *excavation* pit is permitted, the standards of Schedule G shall apply.

## 6.10 WIND ENERGY FACILITIES

- 1) Where a *wind energy facility* is permitted, the following shall apply:
  - a. no *person* shall erect or place a *wind energy facility* without first applying for and receiving a *development permit*; and
  - b. the standards of Schedule D shall apply.

## 7. RURAL RESIDENTIAL (RR) ZONE

### 7.1 GENERAL

- 1) Except as otherwise provided in this *Bylaw*, the following standards shall apply to all *buildings* and *structures* or parts thereof *erected*, placed or *altered* or any *parcel* of *land used* in a Rural Residential *Zone*.

### 7.2 PURPOSE

- 1) The Rural Residential *Zone* is established principally to permit residential *developments* featuring multiple *lots*, as well as limited *accessory uses*. *Council* may consider slightly higher density *residential uses*, *clustered housing*, or *conservation subdivisions*, particularly where central water and wastewater treatment will be provided, as well as other potentially compatible *uses*, subject to the site-specific amendment process.

### 7.3 PERMITTED USES

- 1) The following are *permitted uses* in the Rural Residential *Zone*:
  - a. *single-detached dwellings*;
  - b. *duplex dwellings* and *semi-detached dwellings*;
  - c. *apartment dwellings*; and
  - d. *townhouse dwellings*.
- 2) The following are permitted as *accessory uses* in the Rural Residential *Zone*:
  - a. *accessory structures*;
  - b. *bed and breakfasts* and *short-term rentals*;
  - c. *home-based businesses*; and
  - d. *secondary suites*.

### 7.4 SITE-SPECIFIC AMENDMENT USES

- 1) Notwithstanding section 7.3 above, the following may be permitted through the site-specific amendment process, subject to such conditions as *Council* deems necessary:
  - a. *clustered housing*; and
  - b. *conservation subdivisions*.

### 7.5 LOT REQUIREMENTS

- 1) Subject to subsection 2), the following *lot* requirements shall apply in a Rural Residential *Zone*:

	(On-Site Serviced)	Central Water and Central Sewer
Minimum <i>lot area</i>		
<i>Single-detached, duplex dwellings and semi-detached dwellings</i>	0.2 ha (1 acre)	0.2 ha (0.5 acre)
<i>Townhouse dwellings and apartment dwellings</i>	0.8 ha (2 acres)	0.2 ha (1 acres)
Minimum <i>frontage</i>	see Schedule B	23 m. (75 ft.)
	All <i>lots</i>	
Minimum <i>front yard</i>	15.2 m. (50 ft.) – arterial, <i>collector</i> , local, and seasonal roads 5.2 m. (17 ft) – subdivision roads as classified under the <i>Highway Access Regulations</i>	
Minimum <i>rear yard</i>	4.6 m. (15.1 ft.)	
Minimum <i>side yard</i>	4.6 m. (15.1 ft.)	
Minimum <i>flankage yard</i>	15.2 m. (50 ft.) – arterial, collector, local, and seasonal roads 5.2 m. (17 ft) – subdivision roads	

- 2) All *lots* shall conform with the minimum lot size standards in the *Province-Wide Minimum Development Standards Regulations*, as amended from time to time, and where there is a conflict, the more stringent shall apply (See Schedule B).

## 7.6 LIVESTOCK IN RESIDENTIAL ZONES

- 1) In the Rural Residential *Zone*, the keeping of *livestock* shall be permitted, up to a maximum of 3 animals per 0.1 hectare (0.25 acre) in accordance with the following:

Type of Livestock	Maximum Number of Livestock
Fowl	Maximum 3 per 0.1 ha (0.25 acre)
Pigs (Potbelly & Domestic), Sheep, or Goats	Maximum 1 per 0.1 ha (0.25 acre)
Horses	Maximum 1 per 0.2 ha (0.5 acre)
Other	At the discretion of <i>Council</i>

- 2) Where the approval to keep *livestock* is at the discretion of *Council*, consideration will be given to the anticipated impact on adjoining *properties* based on the size of *parcel*, anticipated odours and sound, and ability to appropriately fence, pen, or house the proposed *livestock* in such a way as to limit the impact on adjoining *properties*.
- 3) The keeping of *livestock* must adhere to all local, provincial and federal health and agriculture regulations in addition to the standards in this *Bylaw*.
- 4) Such *livestock* must be appropriately fenced, penned, or housed to prevent trespass onto *streets* and adjacent properties. Any ground-level *structure* intended for the keeping of animals shall be considered an *accessory structure*.
- 5) The *livestock structure* referred to in subsection 4) shall be situated at least 5 m. (16.4 ft.) to a *lot line*.
- 6) Apiaries are permitted but limited to no more than twelve (12) hives, which must be located in the *rear yard*.



## 8. COMMERCIAL INDUSTRIAL (CI) ZONE

### 8.1 GENERAL

- 1) Except as otherwise provided in this *Bylaw*, the following standards shall apply to all *buildings* and *structures* or parts thereof *erected*, placed or *altered* or any *parcel* of *land used* in a Commercial Industrial *Zone*.

### 8.2 PURPOSE

- 1) The Commercial Industrial *Zone* is established principally to permit a range of commercial and industrial *uses*, including those that might not be permitted in other *zones*, while still enabling a mix of commercial and non-commercial uses typical of a rural area.

### 8.3 PERMITTED USES

- 1) The following are *permitted uses* in the Commercial Industrial *Zone*:
  - a. *resource-related commercial uses*;
  - b. *commercial uses*;
  - c. *auto body shops*;
  - d. *service stations*;
  - e. *car washes*;
  - f. *kennels*;
  - g. *tourism establishments*;
  - h. *tourist attractions*;
  - i. *light industrial uses*;
  - j. *mixed residential / commercial building*; and
  - k. *residential dwellings* of all types.
- 2) The following are permitted as *accessory uses* in the Commercial Industrial *Zone*:
  - a. *accessory structures*;
  - b. *home-based businesses*;
  - c. *secondary suites*; and
  - d. *wind energy facilities* of a maximum capacity of up to 100 kw.

### 8.4 SITE-SPECIFIC AMENDMENT USES

- 1) Notwithstanding section 8.3 above, the following may be permitted through the site-specific amendment process, subject to such conditions as *Council* deems necessary:
  - a. *cannabis operations*;

- b. *resource-related industrial uses*;
- c. *solar arrays* and *wind energy facilities* of more than 100 kw; and
- d. *non-resource industrial uses* other than *light industrial uses*.

## 8.5 SUPPORTING INFORMATION

- 1) Any application for a site-specific amendment pursuant to section 8.4 shall be accompanied by the following supporting information, in a form acceptable to *Council*:
  - a. a statement documenting the precise means by which the *development* will maintain or enhance the rural character of the community;
  - b. a statement documenting the compatibility of the *development* with adjacent land *uses*;
  - c. an overview of measures to protect significant natural features;
  - d. environmental engineering designs and plans detailing environmentally-acceptable permanent, long term water supply and *sewage disposal systems* and methods for protecting the natural environment, prepared by a *professional engineer*; and
  - e. long term plans for those portions of the *property* which are not proposed to be developed.

## 8.6 LOT REQUIREMENTS

- 1) Subject to subsection 2), the following *lot* requirements shall apply to any *development* in a Commercial Industrial *Zone*:

	(On-Site Serviced)	Central Sewer	Central Water and Central Sewer
Minimum <i>lot area</i>	see Schedule B	see Schedule B	1,394 sq. m. (15,000 sq. ft.)
Maximum <i>lot area</i>		0.4 ha (2 acres)	
Minimum <i>frontage</i>	see Schedule B	see Schedule B	30.5 m. (100 ft.)
	<b>All lots</b>		
Minimum <i>front yard</i>	15.2 m. (50 ft.) – arterial, collector, local, and seasonal roads 5.2 m. (17 ft.) – subdivision roads as classified under the <i>Highway Access Regulations</i>		
Minimum <i>rear yard</i>	4.6 m. (15.1 ft.)		
Minimum <i>side yard</i>	4.6 m. (15.1 ft.)		
Minimum <i>flankage yard</i>	15.2 m. (50 ft.) – arterial, collector, local, and seasonal roads 5.2 m. (17 ft.) – subdivision roads		

- 2) All *lots* shall conform with the minimum lot size standards in the *Province-Wide Minimum Development Standards Regulations*, as amended from time to time, and where there is a conflict, the more stringent shall apply (See Schedule B).

## 8.7 LANDSCAPED AREAS

- 1) Where a *commercial* or *industrial* establishment is adjacent to a *residential use*, a landscaped strip of not less than 7.62 m. (25 ft.) in width shall be maintained in a properly landscaped condition, free of parking or *buildings* or *open storage*, and shall be located on the same lands as the *commercial* or *industrial* establishment.

## 8.8 DWELLINGS IN A COMMERCIAL BUILDING

- 1) A mixed commercial/residential *building* may have a combination of *commercial uses* and *residential uses* provided they meet the following requirements:
  - a. *dwelling units* may be permitted on the same floor as *commercial uses*, provided they are completely segregated from the *commercial use* and have a separate entrance which serves the *dwelling unit(s)*;
  - b. the *dwelling unit* shall not be above a *restaurant*, *lounge*, *automobile service station*, *auto body shop*, or a dry-cleaning establishment;
  - c. for each *dwelling unit*, 400 sq. ft. (47 sq. m.) of landscaped *open space* and *parking spaces* in accordance with part 5 are provided; and
  - d. each *dwelling unit* meets the requirements of the provincial fire marshal.

## 8.9 AUTOMOBILE SERVICE STATION

- 1) Notwithstanding any other provision of this *Bylaw*, the following special provisions shall apply to an *automobile service station*:

	Requirement
Minimum <i>lot frontage</i>	45.72 m. (150 ft.)
Minimum pump <i>setback</i>	6.10 m. (20 ft.)
Minimum pump distance from access or egress	9.14 m. (30 ft.)
Minimum width of driveway	7.62 m. (25 ft.)

- 2) Where the *service station* includes a *car wash*, all washing operations shall be carried on inside the *building*.

## 8.10 CAMPGROUNDS AND RV PARKS OR SITES

- 1) All *campgrounds* and *RV parks* or *campground sites* or *RV sites* shall conform to the minimum provisions of the *Tourism Industry Act Regulations*.
- 2) All applications to *develop* or expand a *campground* or *RV park* or *campground sites* or *RV sites* shall include a *site plan* showing the following information:
  - a. boundaries of the *parcel* to be *developed*;
  - b. outline of trees or vegetative cover and a general indication of maturity and type;
  - c. indication of adjacent property *uses* and abutting features which require consideration;

- d. location and size of built features; and
- e. an accurate and complete overlay of all features of the proposed *development*, including, but not necessarily limited to:
  - i. proposed ingress and egress to the site, including *parking lots*, stalls, and adjacent *streets*, and delineation of traffic flow with directional arrows, and indication of the location of directions *signs* or other motorists' aids;
  - ii. designation of required buffer screens (if any);
  - iii. existing *landscaping* that will be retained and proposed *landscaping*, differentiated and shown;
  - iv. locations of all existing (to remain) and proposed *buildings* on the site and all *buildings* within 15.2 m. (50 ft.) of the site's boundaries; and
  - v. location of all existing (to remain) and proposed lighting standards and *utility* poles, complete with routing of electrical supply.

#### **8.11 BED AND BREAKFAST AND SHORT-TERM RENTALS**

- 1) *Bed and breakfasts* and *short-term rentals* operating within the Commercial Industrial *Zone* shall be considered commercial *tourism establishments* and shall be subject to the *development* regulations of a *commercial use*, unless otherwise specified.

#### **8.12 WIND ENERGY FACILITIES**

- 1) Where a *wind energy facility* is permitted, the following shall apply:
  - a. No *person* shall erect or place a *wind energy facility* without first applying for and receiving a *development permit*; and
  - b. the standards of Schedule D shall apply.

## 9. PARKS AND RECREATION (PR) ZONE

### 9.1 GENERAL

- 1) Except as otherwise provided in this *Bylaw*, the following standards shall apply to all *buildings* and *structures* or parts thereof *erected*, placed or *altered* or any *parcel* of *land used* in a Parks and Recreation *Zone*.

### 9.2 PURPOSE

- 1) The PR *Zone* is established principally to support *public* and private recreational, *park* and *open space* uses.

### 9.3 PERMITTED USES

- 1) The following are *permitted uses* in the PR *Zone*:
  - a. *historic sites*;
  - b. *trails*;
  - c. *parks* and playgrounds;
  - d. *pavilions* and *bandstands*;
  - e. *recreational facilities*; and
  - f. *sports fields*.
- 2) The following are permitted as *accessory uses* in the PR *Zone*:
  - a. *accessory structures*, including washrooms and concession stands;
  - b. *administrative offices*; and
  - c. *parking lots*.

### 9.4 LOT REQUIREMENTS

- 1) Subject to subsection 2), the following *lot* requirements shall apply to any *development* involving a *building* in a PR *Zone*.

	(On-Site Serviced)	Central Sewer	Central Water and Central Sewer
Minimum <i>lot area</i>	see Schedule B	see Schedule B	1,394 sq. m. (15,000 sq. ft.)
Minimum <i>frontage</i>	see Schedule B	see Schedule B	30.5 m. (100 ft.)
	<b>All lots</b>		
Minimum <i>front yard</i>	15.2 m. (50 ft.) – arterial, collector, local, and seasonal roads 5.2 m. (17 ft.) – subdivision roads as classified under the <i>Highway Access Regulations</i>		
Minimum <i>rear yard</i>	4.6 m. (15.1 ft.)		
Minimum <i>side yard</i>	4.6 m. (15.1 ft.)		
Minimum <i>flankage yard</i>	15.2 m. (50 ft.) – arterial, collector, local, and seasonal roads 5.2 m. (17 ft.) – subdivision roads		



- 2) All *lots* shall conform with the minimum lot size standards in the *Province-Wide Minimum Development Standards Regulations* as amended from time to time (See Schedule B).

#### 9.5 **PARKS CANADA NATIONAL HISTORIC SITE**

- 1) Land use decisions related to the Parks Canada Historic Site are vested in the Government of Canada and no *development permits* are required from the *Municipality*.

## 10. ENVIRONMENTAL RISK (ER) ZONE

### 10.1 GENERAL

- 1) Except as otherwise provided in this *Bylaw*, the following standards shall apply to all *buildings* and *structures* or parts thereof *erected*, placed or *altered* or any *parcel* of *land used* in the Environmental Risk *Zone*.
- 2) *Structures* that involve minimal disturbances such as *gazebos*, flagpoles, and *fences*, may be permitted within the *zone*, provided all other *bylaw* standards and provincial requirements for permits are met.

### 10.2 PURPOSE

- 1) The Environmental Risk *Zone* is intended to enhance the protection of surface and ground water quality, sensitive natural systems, and wildlife habitat and to protect *persons* and *properties* from risk or harm in areas subject to other *development* constraints.
- 2) Where a *property* in the Environmental Risk *Zone* is subject to one or more *development* constraints, the more stringent requirements shall apply.

### 10.3 BUFFER ZONE

- 1) In a *buffer zone*, no *development* shall occur and no disturbance to the ground, soil or vegetation shall occur except in conformance with the *Watercourse and Wetland Protection Regulations*.
- 2) No *person* shall, without a license or a provincial watercourse, wetland and buffer zone activity permit, alter or disturb the ground or soil within the *buffer zone* as defined in the *Environmental Protection Act* and the *Watercourse and Wetland Protection Regulations*.
- 3) That portion of any *property* having a *wetland*, *watercourse*, or *buffer zone*, or any combination thereof, shall be included in the Environmental Risk *Zone* and applications for *subdivision* and *development permits* on that portion of those properties will be referred to the *Province's* department responsible for the *Environmental Protection Act*.
- 4) For the avoidance of doubt, the requirements in this *Bylaw* for the Environmental Risk *Zone* are in addition to all requirements in the *Watercourse and Wetland Protection Regulations* and any other federal or provincial statute, regulation, or other enactment.

### 10.4 WELLFIELD

- 1) The following are *permitted uses* in the Environmental Risk *Zone* for properties located within a *designated wellfield*:
  - a. *agricultural uses*;
  - b. *fishery uses*;

- c. *forestry uses*;
- d. *resource-related commercial uses*;
- e. *single-detached dwellings*; and
- f. *duplex dwellings and semi-detached dwellings*.

- 2) Prior to issuance of a *development permit* for a *property* located within a *designated wellfield* in the Environmental Risk Zone, the *development officer* shall:
- a. notify the municipality that has designated the wellfield or the *Province*, as the case may be, of the proposed *development* and land *use*; and
  - b. consult with officials with the *Province* and/or private consultants to ensure that necessary measures are taken to protect the *designated wellfield* from potential direct, indirect and long-term impacts of the proposed *development* and land *use*.

## 10.5 CONTAMINATED SITES

- 1) The following are *permitted uses* in the Environmental Risk Zone for properties that have been registered with the *Province* as a contaminated site:
- a. *agricultural uses*;
  - b. *fishery uses*;
  - c. *forestry uses*;
  - d. non-residential *institutional uses*; and
  - e. *resource-related commercial uses*.
- 2) For an application for a *development permit* on a *lot* that has been registered as a contaminated site, the application shall include confirmation from the *Province* that the proposed *use* meets all of the *Province's* environmental regulations.

## 10.6 SETBACKS FROM WATERCOURSES, EMBANKMENTS AND WETLANDS

- 1) The boundary of any *wetland*, *watercourse*, and *buffer zone* shall be shown on any *site plan* submitted to the *development officer* as part of a *development permit* application.
- 2) Notwithstanding anything contained in this *Bylaw*, the minimum horizontal *structure setbacks* for *watercourse* and *wetland buffer zones* shall be determined as follows:

- a. *coastal area*: the greater of:
  - i. 15 m. (49.21 ft.) plus the minimum *setbacks* for the proposed *structure* for the applicable *zone* adjacent to the Environmental Risk *Zone*; or
  - ii. 60 times the annual rate of erosion, where applicable, as determined by the Province's department responsible for such calculations; or
- b. *non-coastal area*: 15 m. (49.21 ft.) plus the minimum *setbacks* for the proposed *structure* for the applicable *zone* adjacent to the Environmental Risk *Zone*.

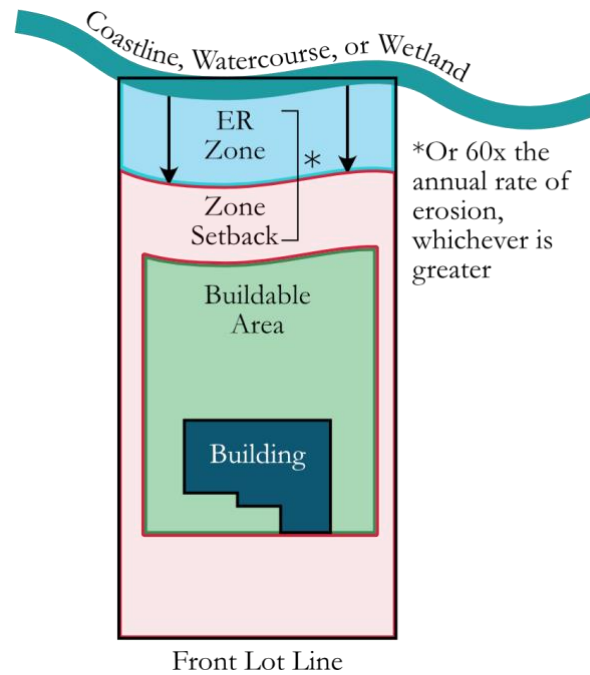


Figure 3 - horizontal setback – coastal areas, watercourses or wetlands

- 3) On a *lot* located within or adjacent to a *coastal floodplain*, no *structure* shall be *erected* or placed where the elevation of the *grade* of the *lot* is 3.13 m. (10.27 ft.) *CGVD2013* (3.52 m. (11.55 ft.) *CGVD28*) or less to avoid potential coastal flood risk, except where the *structure* will be *used* for fishing or bait sheds, aqua-culture operations, boat launches, wharfs, or *structures* or *buildings* on a *property* used in connection with a wharf.
- 4) Notwithstanding subsection (3), where a *property* that is the subject of an application for a *subdivision* approval or *development permit* has been identified as having a risk of coastal flooding through a *coastal hazard assessment* and the finished *grade* of the *lot* can be raised to accommodate the projected risk, the proposed *subdivision* or *development* may be permitted, subject to the following:
  - a. the submission of a grading plan, designed and stamped by a *professional engineer*,
  - b. any alteration to the *grade* does not encroach into the *buffer zone*, as defined in the *Environmental Protection Act* and the *Watercourse and Wetland Protection Regulations*, except where a watercourse, wetland and buffer zone activity permit has been issued by the *Province*; and
  - c. compliance with all other applicable requirements of this *Bylaw*.

- 5) Where a *property* that is the subject of an application for a *subdivision* approval or *development* permit has been identified as having a risk of coastal flooding through a *coastal hazard assessment*, the *development officer* or *Council*, as appropriate, may require the *property owner* to engage a *professional engineer*, *professional architect* or *landscape architect* to design all or part of the *development* to ensure the provisions of this *Bylaw* are met.

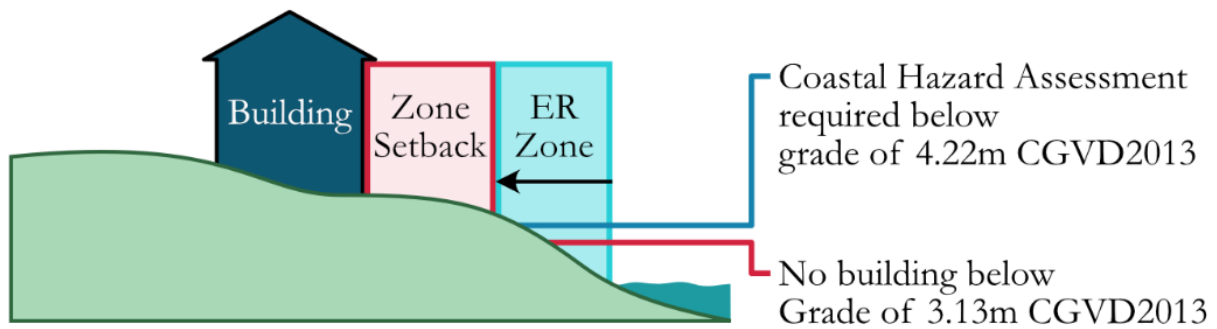


Figure 4 – Vertical and horizontal setbacks – coastal areas, watercourses or wetlands, Example A

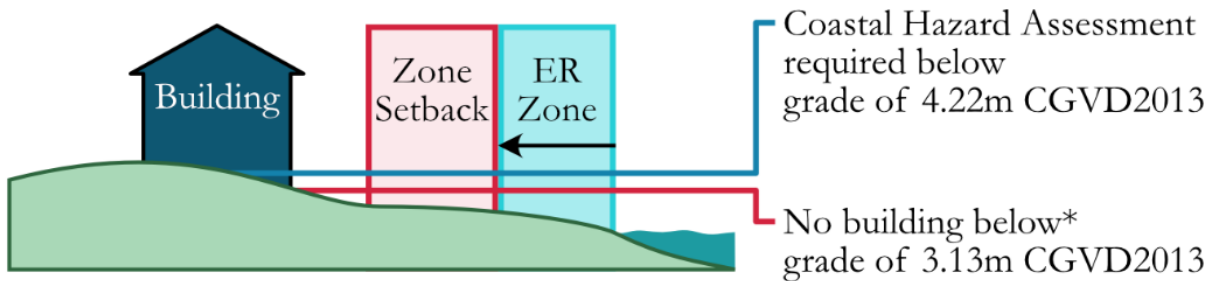


Figure 5 - Vertical and horizontal setbacks – coastal areas, watercourses or wetlands, Example B

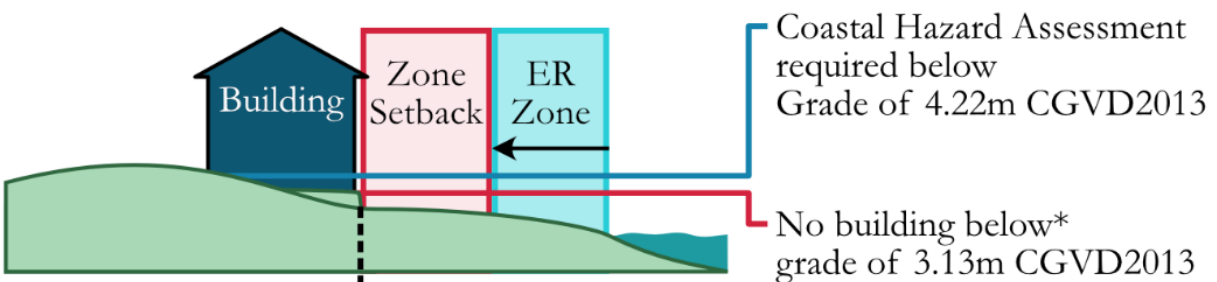


Figure 6 - Vertical and horizontal setbacks – coastal areas, watercourses or wetlands, with raised grade

\* Except where grade can be raised in area outside of the wetland and watercourse buffer

- 6) Notwithstanding subsection (3), where a *property* that is the subject of an application for a *development permit* has been identified as *legacy lands* by the *Council* pursuant to its *legacy lands assessment policy*, *development* may be permitted subject to the following:
- the submission of a grading plan, designed and stamped by a *professional engineer*,



- b. any alteration to the grade does not encroach into the *buffer zone*, as defined in the *Environmental Protection Act* and the *Watercourse and Wetland Protection Regulations*, except where a watercourse, wetland and buffer zone activity permit has been issued by the *Province*;
  - c. the development of the *legacy lands* is in compliance with all other applicable requirements of this *Bylaw* to the greatest extent possible and is only inconsistent with the *Bylaw* insofar as is necessary to recognize the vested right of the *owner* of the *legacy lands*;
  - d. the *owner* of the *legacy lands* provides a signed waiver, in the form prescribed by *Council*, waiving all claims against the *municipality*, its *Council* members, employees, agents, successors and assigns; and
  - e. the *owner* of the *legacy lands* enters into a *development agreement* with the *municipality* which includes the obligation for the *owner* of the *legacy lands* to obtain a written assignment of the waiver referenced in (d) from subsequent *owner(s)* before the *legacy lands*, or any part thereof, are conveyed.
- 7) Where an *existing lot* held in separate ownership is unsuitable for *development* as a result of the requirements of the Environmental Risk Zone and is not identified as *legacy lands* by the *Council* pursuant to its *legacy lands assessment policy*, the *lot* may be used seasonally with a *recreational vehicle*, subject to meeting all requirements for on-site systems.
- 8) The *development officer* or *Council*, as appropriate, may require the *applicant* to provide an erosion management plan to address siltation and overland erosion during construction that may impact an adjacent *wetland* or *watercourse*.
- 9) For the avoidance of any doubt, *setbacks* for *buildings* and *structures* on *properties* containing or bordering on an Environmental Risk Zone shall be calculated from the boundary of the *zone*, not the *lot line*.

## 11. VARIANCES

### 11.1 VARIANCE APPLICATIONS

- 1) When a *development permit* application cannot be approved because the proposed *development* does not meet the minimum requirements of the *Bylaw*, the *applicant* may apply in writing for a *variance* in the form approved by *Council*.
- 2) Subject to the *Province-wide Minimum Development Standards*, a *variance* from the minimum requirements of this *Bylaw* may be granted for any of the following requirements provided it meets the intent of the *Official Plan*:
  - a. *lot area* or dimensions or both;
  - b. *setbacks*; or
  - c. the area, *height*, or size of a *structure*.
- 3) *Variance* applications shall be considered against the following tests for justifying a *variance*:
  - a. that the *lot* in question has peculiar physical conditions, including small *lot* size, irregular *lot* shape, or exceptional topographical conditions, which make it impractical to develop in strict conformity with *bylaw* standards;
  - b. that strict application of all *bylaw* standards would impose undue hardship on the *applicant* by excluding them from the same rights and privileges for reasonable *use* of their *lot* as enjoyed by other *persons* in the same *zone*;
  - c. that the *variance* is of the least magnitude required to enable reasonable *use* of the *lot*; and
  - d. that the proposed *variance* would not impact unduly on the enjoyment of adjacent *parcels*, or on the essential character of the surrounding neighbourhood.
- 4) Authorization for a *variance* shall be documented and recorded in writing.
- 5) No *variance* shall be granted where the matter is the result of intentional or negligent conduct of the *owner*, including ignorance on the part of the *owner*, or where the difficulty can be remedied in some other reasonable manner.
- 6) When an application for a *variance* has been decided, *Council* may refuse to hear an application for the same or a similar *variance* for the *lot* for one (1) year after its rendering a decision unless *Council* is of the opinion that there is new information.

## 11.2 VARIANCES OF UP TO 5%

- 1) The *development officer* may authorize a *variance* not exceeding 5% from the provisions of this *Bylaw* if, in the opinion of the *development officer*, the *variance* is appropriate and justified pursuant to subsection 11.1(3) and if the general intent and purpose of this *Bylaw* is maintained.

## 11.3 VARIANCES OF UP TO 10%

- 1) *Council* may authorize a *variance* not exceeding 10% from the provisions of this *Bylaw* if, in the opinion of *Council*, the *variance* is appropriate and justified pursuant to subsection 11.1(3) and if the general intent and purpose of this *Bylaw* is maintained.

## 11.4 VARIANCES IN EXCESS OF 10%

- 1) Notwithstanding any other section of this *Bylaw*, *Council* in its discretion may authorize a *variance* in excess of ten percent (10%) but no greater than 50% from the provisions of this *Bylaw*, where warranted, if *Council* deems such a *variance* appropriate and if such *variance* meets the criteria of subsection 11.1(3) and is in keeping with the general intent and purpose of this *Bylaw* and the *Official Plan*.
- 2) Before *Council* considers a *variance* in excess of 10%,
  - a. the *development officer* shall:
    - i. receive from the *owner* sufficient funds to cover the costs of the application fee, and the advertising and mailing of written notices required for a public meeting under section 12.4; and
    - ii. provide notice in accordance with the requirements of clause 12.41)b) explaining the details of the proposed application and the date by which written comments must be received, and
  - b. *Council* shall:
    - i. hold a public meeting to receive comments on the proposed *variance*, notice of which shall be provided in accordance with the provisions of section 12.4 indicating in general terms the nature of the *variance* application and the date, time, and place of the meeting; and
    - ii. request and consider the recommendation of *Planning Board*.
- 3) In making its recommendation, *Planning Board* shall consider the application having regard for the criteria in subsection 11.1(3), the input received from the public, and the policies and objectives of the *Official Plan* and shall make a recommendation to *Council*.

## 12. OFFICIAL PLAN AND BYLAW AMENDMENTS

### 12.1 AMENDMENT APPLICATIONS

- 1) A *person* making application for an amendment to the provisions of this *Bylaw* shall do so on a form prescribed by *Council* and shall submit the application to the *development officer*. The *applicant* shall describe in detail the reasons for the desired amendment and request that *Council* consider the proposed amendment. Any request for an amendment shall be signed by the *person* seeking the amendment or the *person's* authorized agent.
- 2) 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*.
- 3) An application for an amendment shall include such information as may be required for the purpose of adequately assessing the desirability of the proposal or other potential *permitted uses*, including but not limited to:
  - a. general *development* concept showing proposed land *uses*, any *subdivisions*, *buildings*, means of servicing, traffic access and parking; and
  - b. assessment of any potentially significant *development* impacts on the *Municipality's* infrastructure and the natural environment.
- 4) The *applicant* shall, at the time of submitting the application for an amendment, deposit with the *Municipality* the application fee and any other required fees in accordance with the schedule of fees established by *Council* and annexed hereto as Schedule C.
- 5) *Council* shall determine whether or not to consider an amendment and before making a decision shall consider whether:
  - a. the proposed amendment is in conformity with the *Official Plan*; or
  - b. to amend the *Official Plan* in accordance with the provisions of the *Planning Act*.
- 6) Related *Official Plan* and *bylaw* amendments may be considered concurrently, provided that the public and written notices required under section 12.4 indicate in general terms the nature of both the proposed *Official Plan* amendment and proposed *bylaw* amendment, and consideration and a decision regarding the *Official Plan* amendment precedes the *bylaw* amendment.

### 12.2 SITE-SPECIFIC AMENDMENTS

- 1) *Council* may approve a site-specific amendment to the *permitted uses* and standards in any *zone* through a *bylaw* amendment process, where the following criteria are satisfied:

- 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*;
  - 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
  - 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.
- 2) Prior to making a decision with regards to an application for a site-specific amendment, the *Municipality* shall ensure that:
  - a. written notice to adjacent *property owners* is provided in accordance with section 12.4, including details of the proposed *development* and inviting written comments;
  - b. a public meeting is held to receive comments on the proposed *site-specific amendment use* in accordance with the requirements of section 12.4; and
  - c. all other relevant provisions of this *Bylaw* can be met.
- 3) Notwithstanding any other provision of this *Bylaw*, *Council* may approve a site-specific amendment to the *permitted uses* or regulations within any *zone*, after:
  - a. receiving a recommendation from the *development officer* and *Planning Board*; and,
  - b. following the process as prescribed for an amendment to this *Bylaw*.

### 12.3 AMENDMENT PROCEDURES

- 1) *Planning Board* shall review each amendment request and provide recommendations to *Council*.
- 2) Prior to making a final recommendation with regards to a proposed amendment to the *Official Plan* or this *Bylaw*, *Planning Board* shall provide public notice and hold a public meeting pursuant to the provisions of section 12.4 in this *Bylaw* and the requirements of the *Planning Act*.
- 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 another opportunity to present to *Planning Board* to answer any further questions that may have arisen at or following the public meeting. *Planning Board* shall make a recommendation to *Council* on the application.
- 4) *Planning Board* and *Council* shall consider the following general criteria when reviewing applications for amendments to the *Bylaw*, as applicable:
  - a. conformity with the *Official Plan*;
  - b. conformity with all requirements of this *Bylaw*;
  - c. suitability of the site for the proposed *development*;



- d. compatibility of the proposed *development* with surrounding land *uses*, including both existing and future *uses* as per the *Zoning Map*;
  - e. any comments from residents or other interested *persons*;
  - f. 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;
  - g. impacts from the *development* on pedestrian and *vehicular* access and safety, and on public safety generally;
  - h. compatibility of the *development* with environmental systems;
  - i. impact on the *Municipality's* finances and budgets; and
  - j. other planning matters as considered relevant by the *Planning Board* or *Council*.
- 5) Following the public meeting and after having considered the recommendation of *Planning Board*, *Council* shall formulate a decision on the proposed amendment. *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*.
- 6) All amendments to the *Official Plan* or this *Bylaw* shall be made in accordance with the procedures set out in the *Planning Act*.
- 7) The *development officer* shall notify the *applicant* in writing of the decision and notice of the decision shall be posted in accordance with section 23.1 of the *Planning Act*. Where a proposed amendment has been denied by *Council*, the reasons for the denial shall be stated in writing to the *applicant*.
- 8) Amendments to the *Official Plan* or this *Bylaw* approved by *Council* also require approval by the *Province's* minister responsible for administering the *Planning Act* or any successive legislation.
- 9) 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.
- 10) When an application for an amendment has been decided, *Council* may refuse to hear the same or a similar application for one (1) year after rendering a decision unless *Council* is of the opinion that there is new information.
- 11) The *Council* retains the right to deny an amendment request, without holding a public meeting, if such request is deemed to be inconsistent with appropriate land use planning standards or the *Official Plan*. Should the *Council* not proceed with a public meeting, the application fee as per subsection 12.14) shall be returned to the *applicant*.
- 12) Nothing in this *Bylaw* restricts the right of *Planning Board* or *Council* to initiate its own amendment to the *Official Plan* or this *Bylaw*.

## 12.4 PUBLIC MEETING REQUIREMENTS

- 1) Where a public meeting is required under this *Bylaw*, the *development officer* shall, at least seven (7) *clear days* prior to the public meeting;
  - a. ensure that a notice is placed in a newspaper circulation in the area and on the *Municipality's* website;
  - b. ensure that written notice is provided to all *property owners* wholly or partially within:
    - i. 153 m. (502 ft.) of all boundaries of the subject *property*, where the subject of the meeting is an application for a *variance* pursuant to subsection 11.42);
    - ii. 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 this *Bylaw*, including a change in zoning or a site-specific amendment; and
    - iii. 305 m. (1,000 ft.) of all boundaries of the subject *property*, where the subject of the meeting is an application for an *intensive livestock operation*; and
  - c. in the case of an application for a change in zoning or a site-specific amendment, ensure a sign a minimum of 1.22 m. by 1.22 m. (4 ft. by 4 ft.) is placed on the land being proposed for a rezoning or site-specific amendment indicating that an application has been received and directing people to contact the *Municipality* to get the specific details.

## 12.5 ZONING AND GENERAL LAND USE MAP REVISIONS

- 1) The *development officer* may make technical revisions to the *Zoning Map* and the Future Land Use Map in the *Official Plan* for purposes of
  - a. better reflecting detailed or changing topographical or legal conditions such as new *streets* or approved *lots*; or
  - b. ensuring that the *Zoning Map* and the Future Land Use Map in the *Official Plan* reflect approved amendments to the *Official Plan* and *Bylaw*.

## 13. GENERAL PROVISIONS FOR SUBDIVIDING LAND

### 13.1 SUBDIVISION APPROVAL

- 1) No *person* shall *subdivide* one or more *lots* or any portion or interest in a *lot* and no *person* shall *consolidate* two or more *parcels* of land until the conditions of this *Bylaw* have been complied with and the *applicant* has received final approval from the *development officer* or *Council*, as applicable.
- 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*.

### 13.2 CONVEYING INTEREST IN A LOT

- 1) No *person* shall sell or convey any interest in a *lot* before the *development officer* or *Council*, as the case may be, has issued a stamp of approval for the *lot* or the *subdivision* in which the *lot* is situated.

### 13.3 PERMISSION TO SUBDIVIDE

- 1) No land shall be *subdivided* within the *Municipality* unless the *subdivision*:
  - a. conforms with the requirements of this *Bylaw*;
  - b. is suitable to the topography, physical conditions, soil characteristics, and the natural surface drainage of the land;
  - c. will not cause undue flooding or erosion;
  - d. has *street* access;
  - e. has adequate utilities and services available or can reasonably be provided with such utilities and services;
  - f. will provide for effective and efficient traffic flow and access that takes into consideration emergency access, natural hazards, and other safety risks;
  - g. is designed so that *lots* will have suitable dimensions, shapes, orientation and accessibility;
  - h. is designed to accommodate climate change mitigation and adaptation measures such as ensuring there is adequate land above the flood risk elevation to establish legal access, accommodate the proposed *development*, and adequately support on-site services; and
  - i. is suitable to the *use* for which it is intended, and the future *use* of adjacent lands.

- 2) Notwithstanding clause 1)(d), a *parcel* may be *subdivided* that does not have *frontage* on a *street* where a binding agreement with the *Municipality* or a recognized land trust or conservancy has been put in place to permanently conserve the proposed *lot* as a natural area, and provided legal entitlement to a *private right-of-way* for access to the *property* in question has been established through an agreement with the *owner* of the *private right-of-way* and registered in accordance with the provisions of the *Registry Act*.

### 13.4 REDUCED LOT FRONTAGE OR AREA

- 1) If a *parcel* of land in any *zone* is of such configuration that the *Council* deems it cannot reasonably be *subdivided* in such a way to provide the required minimum *frontage* on a *street* or where *lots* are designed with a reduced *frontage* along a bend in a *street* or facing a *cul-de-sac*, the *Council* may approve a reduced *frontage*, if in the opinion of the *Council*:

- a. adequate and safe access is provided;
- b. the *lot* width at the *building line* measures at least as much as the minimum *lot frontage* for the *zone*; and
- c. the proposed *lot* has a minimum *frontage* of 7.32 m (24 ft)

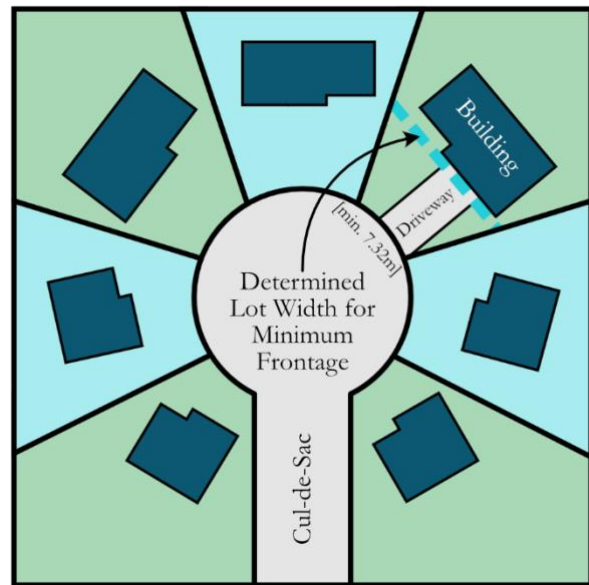


Figure 7 Cul-de-Sac Lot Frontage

- 2) The *subdivision* of *panhandle lots* shall be restricted to *parcels* existing in separate *ownership* as of the effective date of this *Bylaw* and not more than two (2) *panhandle lot* may be subdivided per existing *parcel*.
- 3) The minimum acceptable *frontage* for a *panhandle lot* shall be 7.32 m. (24 ft.) and the *lot* width at the *front building line* shall measure at least as much as the minimum *lot frontage* for the *zone*,
- 4) The area of the access driveway or right-of-way portion of a *panhandle lot* shall not be included in the minimum *lot area* requirements.
- 5) The *subdivision* or *consolidation* of an existing non-conforming *lot(s)* may be permitted if the *subdivision* or *consolidation* results in an increase to the *lot area* or *lot frontage* or both, even if the *lot* will remain undersized following the *subdivision* or *consolidation*, where the *subdivision* or *consolidation* would otherwise be permitted under this *Bylaw*.

### 13.5 SUBDIVISIONS IN RA AND CI ZONES

- 1) 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*.
- 2) Within a Commercial Industrial *Zone*, *subdivisions* shall be restricted to existing *parcels* only and no *person* shall be permitted to *subdivide* more than two (2) *lots*.
- 3) For the purposes of this section, existing *parcel* shall mean a *parcel* of land which was held in separate *ownership* as of the effective date of this *Bylaw*.
- 4) Within the Rural Area *Zone*:
  - a. A *subdivision* for *residential uses* shall not be permitted within 305 m. (1000 ft.) of the *lot line* of an existing *intensive livestock operation*; and
  - b. where a *residential subdivision* is proposed, the *development officer* shall provide written notice to all operators of *intensive livestock operations* within 305 m. (1,000 ft.) of the boundaries of the *lot*, informing them of the details of the application and soliciting their comments.

### 13.6 SUBDIVISIONS IN THE SPECIAL PLANNING AREA

- 1) In the areas subject to the *Cornwall Region Special Planning Area*, the requirements of clause 63(10)(d) of the *Subdivision and Development Regulations* shall apply. (See Schedule F)

### 13.7 SUBDIVISIONS IN COASTAL, WATERFRONT, AND WETLAND AREAS

- 1) Where a *subdivision* is located adjacent to a *coastal area*, *watercourse*, or *wetland*, the *subdivision* shall be subject to the following:
  - a. *public* access to the beach shall be provided if the *property* being subdivided includes *shore frontage* on a beach, with at least one access measuring at least 6.1 m. (20 ft.) to be located approximately every 200 m. (656.2 ft.) of *shore frontage*;
  - b. the area to be set aside as *parkland* dedication may include land located along the *watercourse*; and
  - c. compliance with the requirements of subsection 4.5.
- 2) The area of a *lot* that falls within the Environmental Risk *Zone* may be included as part of the *lot* in a *subdivision* where the *lot* has sufficient area exclusive of the Environmental Risk *Zone* area to permit the required *setbacks*, on-site services and the minimum circle diameter requirements under the *Province-wide Minimum Development Standards Regulations*.
- 3) Where a *lot* or a portion of a *lot* contains a *wetland* or *watercourse*, the boundary of which is defined by the *Watercourse and Wetland Protection Regulations*, the *lot(s)* shall meet the minimum *lot area* for the *zone* exclusive of the area of the *wetland* or *watercourse*.



### 13.8 CONSERVATION SUBDIVISIONS

- 1) Notwithstanding the provisions of this *Bylaw* and in particular the minimum *lot* size standards in the Rural Residential *Zone*, within any Rural Residential *Zone*, *Council* may grant approval of *conservation subdivisions* with reduced standards for minimum *lot* size where the following criteria have been met:
  - a. a site-specific amendment has been approved for the property;
  - b. the property to be subdivided is at least 6 hectares in size;
  - c. all proposed *lots* comply with the minimum lots size standards established in the *Province-Wide Minimum Development Standards Regulations*;
  - d. at least 50% of the lands being *subdivided* is put aside in the form of an undivided permanent conservation zone to be deeded to the *Municipality* or a recognized land trust or conservancy, and a maintenance fund is established to protect this conservation area;
  - e. all undivided *open space* capable of further *subdivision* shall be restricted from further *subdivision* through a permanent conservation easement, in a form acceptable to the *Municipality*, and duly registered in accordance with the *Registry Act*;
  - f. at least twenty-five percent (25%) of the minimum required *open space* shall be suitable for active recreation purposes, but no more than fifty percent (50%) shall be utilized for that purpose, in order to preserve a reasonable proportion of natural areas on the site;
  - g. a portion of the conservation zone is designated for general *public* access in accordance with the *parkland* dedication requirements in this *Bylaw*; and
  - h. the *subdivision* is serviced by central on-site water and wastewater treatment systems that meet current provincial standards and are designed and certified by a *professional engineer*.
- 2) The required *open space* may be *used*, without restriction, for underground drainage fields for the central wastewater treatment system, subject to approval by the *Province's* department responsible for the environment.
- 3) *Council* may conduct a public meeting to consider public opinion on the design of the *subdivision*.

### 13.9 ROAD STANDARDS

- 1) 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*.
- 2) All applications for *subdivision* shall be reviewed by the *Province's* department responsible for the *Roads Act*, and where an entrance way permit or other approval or permit is required pursuant to the *Roads Act*, a final approval of *subdivision* shall not be granted until that entrance way permit or other approval or permit has been granted.

- 3) Subject to sections 13.5 and 13.6, subsection (1) above, and all other requirements of this *Bylaw*, the *subdivision* of *lots* that abut, and require access to, a *collector highway* that has not been designated as infill under the *Roads Act* shall be subject to the following standards:

<i>Frontage of parcel</i> being subdivided:	Maximum number of <i>lots</i> that may be approved abutting, and requiring access to, the <i>Collector Highway</i> :
a. less than 402.3 m. (1,320 ft.), <i>parcel</i> existing prior to February 3, 1979	one <i>lot</i> , where no <i>lot</i> has previously been approved for <i>subdivision</i> from the parent <i>parcel</i> as it existed on February 2, 1979.
b. 402.3 m. (1,320 ft.) or more, <i>parcel</i> existing prior to February 3, 1979	One <i>lot</i> for every 201 m. (660 ft.) of <i>frontage</i> of the parent <i>parcel</i> on February 2, 1979.
c. less than 402.3 m. (1,320 ft.), <i>parcel</i> approved on or after February 3, 1979	No <i>lot</i> may be approved for <i>subdivision</i> .
d. 402.3 m. (1,320 ft.) or more, <i>parcel</i> approved on or after February 3, 1979	One <i>lot</i> for every 201 m. (660 ft.) of <i>frontage</i> , and each <i>lot</i> must have a minimum of <i>frontage</i> of 201 m. (660 ft.).

- 4) Subject to sections 13.5 and 13.6, subsection (1) above, and all other requirements of this *Bylaw*, one *lot*, in addition to those permitted in clauses 13.9(3)(a) or (b), may be approved provided that:
- a. the proposed *lot* contains an existing *farm dwelling* served by an existing *highway* access;
  - b. the *dwelling* on the *lot* shall be served by the existing *dwelling* access; and
  - c. no *development permit* shall be issued for a *dwelling* on the remainder of the parent *parcel*.
- 5) Subsection (3) does not apply to a *parcel* of land along a portion of a *collector highway* that is designated for infilling under the regulations made under the *Roads Act*.
- 6) Notwithstanding the restrictions on *subdivisions* specified in subsection (3), and subject to sections 13.5 and 13.6 and subsection (1), a *person* may subdivide *lots* from a *parcel* of land that abuts, and requires access to, a *collector highway*, provided:
- a. the *person* has applied for and obtained approval of a plan of *subdivision* that includes approval for a *street* connecting to and within the *subdivision* to serve the *lots*; and
  - b. all other requirements of this *Bylaw* can be met.

### 13.10 SUBDIVISIONS OF SEMI-DETACHED AND TOWNHOUSE DWELLINGS

- 1) *Semi-detached dwellings* and *townhouse dwellings* may be *subdivided* for individual sale and ownership provided that:
- a. the *subdivision* would not result in a total number of *lots* exceeding the maximum number of *lots* which may be *severed* from an existing *parcel* under this *Bylaw*;
  - b. a *subdivision* of the *parcel* of land has been approved by the *development officer* or *Council*, as the case may be, and such *subdivision* provides for appropriate easements or common area to allow entry by an *owner* of any portion of the *building* to their *rear yard* area;

- c. the *dwelling*s shall be separated by a vertical fire wall built in accordance with the National Building Code;
- d. a separate well and *sewage disposal system* is provided for each *dwelling*;
- e. separate electrical services are provided for each *dwelling*;
- f. a separate heating device is provided for each *dwelling*;
- g. separate *parking* is provided for each *dwelling*s unless the *Council* waives the requirement; and
- h. a copy of the agreement made between the *owners* covering the following terms is approved by the *Council* and registered on the title of each *dwelling*. The agreement shall address the following:
  - i. common walls;
  - ii. maintenance;
  - iii. fire insurance;
  - iv. easements;
  - v. parking;
  - vi. snow removal;
  - vii. any other items jointly owned or used; and
  - viii. any other terms and conditions that the *development officer* or *Council*, as appropriate, deems necessary to ensure compliance with this *Bylaw*.

### 13.11 APPLICATION AND PRELIMINARY APPROVAL PROCESS

- 1) Any *person* seeking approval of a *subdivision* shall first make application for preliminary approval, and shall be required to submit to the *development officer* the following:
  - a. an application in the form prescribed by the *Council*;
  - b. the application fee as set forth in Schedule C;
  - c. a soil assessment;
  - d. a description of *uses* on the surrounding *parcels*; and
  - e. five (5) copies of a preliminary *subdivision* plan, prepared by *professional land surveyor* or *professional engineer*, showing:
    - i. contours showing topography of the *parcel* with at least 2 m (6.56 ft) contour lines;
    - ii. the true shape and dimensions of the proposed *lots*;
    - iii. the location of every existing *building* or *structure* on the *parcel* and adjacent *parcels*;
    - iv. existing and proposed services and utilities;
    - v. proposed widths and locations of all *streets*;
    - vi. location of land proposed for *open space* and *parks use*, if applicable;
    - vii. proposed surface water drainage patterns and designed drainage features, when applicable; and

- viii. other existing features, including *buildings, watercourses, wetlands, buffer zones*, wooded areas, and areas subject to current or projected future flooding or erosion.
- 2) The *development officer* may also require the *applicant* to provide additional information required to assist in evaluating a proposed *subdivision*, including, but not limited to:
- a. a water test;
  - b. an assessment on any potential environmental impacts, including any requirements imposed by the *Province's* statutes or regulations or other enactments;
  - c. a stormwater management plan;
  - d. a traffic survey or a traffic study;
  - e. an assessment by the *Province* on potential environmental impacts, including requirements imposed by provincial statutes, regulations or other enactments;
  - f. an assessment by the *Province* on access, transportation or pedestrian issues related to the design; and
  - g. any other studies or documentation required in order to adequately determine whether the requirements of this *Bylaw* are met.
- 3) The *development officer* or *Council*, as the case may be, may refuse to approve a *subdivision* which is unsuitable under the provisions of this *Bylaw*.
- 4) The *development officer* or *Council*, as appropriate, shall evaluate any proposed *subdivision* to determine whether:
- a. the proposed *subdivision* meets the intent of the *Official Plan* and the requirements of Part 13 of this *Bylaw*;
  - b. appropriate *street* design standards and *lot* configurations have been used to promote the *development* of safe, convenient, and pleasant neighbourhoods; and
  - c. a *subdivision* agreement shall be required in accordance with section 13.14.
- 5) In consultation with the *Province*, and in review of water supply and sewage disposal needs, *subdivision* approval may be withheld until such time as adequate servicing has been designed for the *subdivision*. Central water supply or sewage disposal or both may be required as a condition of *subdivision* approval.
- 6) Where a *subdivision* application is submitted concurrently with a rezoning application, the preliminary *subdivision* approval shall not be granted until the rezoning application has been processed and has received approval.
- 7) *Street* design drawings and a stormwater management plan prepared by a *professional engineer* shall be submitted with an application for preliminary approval for any *subdivision* involving the construction of a new *street*.

- 8) Where the *development officer* or *Council*, as the case may be, generally accepts the details of a *subdivision* application, they may issue a preliminary approval, which shall include all conditions to be satisfied for the *subdivision* to proceed to final approval.
- 9) Preliminary approval for any proposed *subdivision* shall not be construed as final approval of such *subdivision* for legal conveyance or for land registration purposes.

### 13.12 PARKLAND DEDICATION AND / OR PARKLAND DEDICATION FEE

- 1) A *person* seeking to subdivide five (5) or more *lots*, exclusive of the parent *parcel*, shall be required to dedicate and convey to the *Municipality* 10% of the lands being *subdivided* from the parent *parcel* for recreation and *public open space* purposes, subject to the following:
  - a. the location of the *parkland* to be conveyed shall be at the discretion of, and shall be subject to approval by *Council*;
  - b. the *parkland* shall be free of all encumbrances; and
  - c. *Council* may apply some or all of the dedication and conveyance of the *lot area* to active transportation routes or trail systems or both where such can be provided within or between *subdivisions*, or to ensure that valued natural assets such as forest cover can be protected.
- 2) In lieu of a *parkland* conveyance, where land is deemed to be inappropriate by *Council*, *Council* shall require a payment of ten percent (10%) of the assessed value of the *lots* to be *subdivided*, calculated on the projected value of the lands being *subdivided*, including all infrastructure costs upon final approval of the *subdivision*, and shall not take into account the value of *structures* on such lands. *Council* retains the right to use the *Province's* land valuation and assessment division or a qualified property appraiser in determining the projected assessed value of the land.
- 3) *Council* may, where *Council* determines that a combination of *parkland* and cash-in-lieu payments is in the best interests of the *Municipality*, require that *parkland* dedication be in the form of a combination of land and cash of an equivalent value.
- 4) Any monies collected pursuant to subsections (2) or (3) shall be designated for the purpose of recreational and *public open space* lands or *uses*.
- 5) A further *subdivision* of land that has already been subject to a *parkland* dedication or conveyance shall be exempt from the requirements of this section.

### 13.13 SERVICING

- 1) The *Council* may require that new *subdivisions* be provided with central water and wastewater treatment systems as a condition of *subdivision* approval.
- 2) All costs related to the design, approval, and construction of a shared or central water or wastewater treatment system shall be borne by the *developer(s)*.



### 13.14 SUBDIVISION AGREEMENT

- 1) The *development officer* or *Council*, as the case may be, may require an *applicant* to enter into a *subdivision agreement* prior to issuing preliminary approval. The *subdivision agreement* may cover such matters required in order to ensure compliance with this *Bylaw* and may include, but not be limited to the following:
  - a. the design and construction costs of sidewalks, water supply, wastewater treatment and disposal, *streets*, and *street* lighting;
  - b. the dedication of *parkland*, or payment of a fee in lieu of *parkland*;
  - c. the *building* of *streets* to provincial standards and deeding of *streets* to the *Province's* Department of Transportation and Infrastructure or its successor;
  - d. the posting of a financial guarantee satisfactory to the *Council*;
  - e. the provision of a controlled landscape plan and stormwater management plan to facilitate the drainage of water and to guard against flooding of *lots* within the *subdivision* and adjacent *properties*;
  - f. the provision of such services, facilities or actions as are necessary to ensure the satisfactory *development* of the *subdivision*;
  - g. the provision for the *phasing* of the *subdivision*; and
  - h. the preservation and enhancement of surface water drainage systems.
- 2) The *subdivision agreement* shall be registered in accordance with the *Registry Act* and all fees associated with the preparation, registration, and enforcement of the *subdivision agreement* shall be paid by the *developer*.

### 13.15 FINAL APPROVAL

- 1) Except where otherwise provided for in this *Bylaw*, a stormwater management plan prepared by a *professional engineer* shall be submitted with an application for final approval for any *subdivision* of a *lot* into three (3) or more *lots*. The stormwater management plan shall include an overall surface water management strategy for the proposed *subdivision*, and shall include the proposed general location and top of the foundation elevation for the *main buildings* to be erected on each *lot*.
- 2) Final *subdivision* approval shall be granted by the *Municipality* only after the *applicant* has:
  - a. complied fully with all applicable requirements of this part, any *subdivision agreement* between the *applicant* and the *Municipality*, and any other conditions of preliminary approval;
  - b. submitted at least seven (7) copies of a final *survey plan* showing all *lots* pinned and certified by a *professional land surveyor*; and
  - c. all agreements and other documents required under this *Bylaw* have been prepared and concluded to the satisfaction of the *development officer*;

- d. all transactions involving the transfer of land, money or security in conjunction with the *subdivision* have been concluded to the satisfaction of the *development officer*;
  - e. the *applicant* has completed any necessary conditions of agreements with the Province's department responsible for transportation respecting *street* construction and the *street* has been accepted as public; and
  - f. the *applicant* has completed any necessary conditions of agreements with the Province's Department of Transportation and Infrastructure or its successor and the *street* has been accepted as public.
- 3) The *development officer* may require the *applicant* to provide a digital file containing the (real earth) geographic co-ordinates of the plan of *subdivision*.
- 4) The *development officer* shall give notice of final approval of a *subdivision* in writing and shall place the *Municipality's* approval stamp on the seven copies of the *survey plan* and shall return one copy to the *applicant*.
- 5) The *Municipality* shall file a copy of the final *survey plan* with:
  - a. the Province's Registrar of Deeds (2 copies);
  - b. the Province's 911 Administration Office;
  - c. the Province's Department of Transportation and Infrastructure or any successor department of transportation, as required; and
  - d. the *Municipality's* files.
- 6) The *Municipality* may grant final approval to part of a *subdivision* which is proposed to be developed in *phases*.

### 13.16 CONSOLIDATIONS

- 1) Any approval for a *lot consolidation* shall be conditional on the *applicant* combining the *lots* by deed expressing the perimeter boundary of the new parcel. The deed shall be registered in accordance with the *Registry Act* and all fees associated with the preparation and registration of the deed shall be paid by the *developer*.
- 2) Notwithstanding subsection 13.11, applications for final approval for *lot consolidations* or boundary line adjustments may be submitted without the preliminary approval stage of the application process, having regard to the provisions in the *Bylaw* for the approval of *subdivisions* as may be applicable and provided the application otherwise conforms to the *Bylaw*.

### 13.17 DEVELOPMENT PERMITS

- 1) No *development permit* shall be issued for any *lot* in a proposed *subdivision* until all the requirements of the *subdivision agreement* and of this *Bylaw* have been fulfilled and final *subdivision* approval has been granted.

### 13.18 RESCINDING OR ALTERING APPROVAL

- 1) An existing approved *subdivision* or portion thereof may be rescinded or altered by the *development officer* or *Council*, as the case may be, if:
  - a. the *subdivision* has been carried out contrary to the application, the conditions of approval, or the requirements of this *Bylaw*; or
  - b. the *subdivision owner* has confirmed in writing that the sale of *lots* is no longer intended and has requested that approval be rescinded.

## 14. PENALTIES

### 14.1 FINES

- 1) Any *person* who violates any provision of this *Bylaw* shall be guilty of an offence and liable on summary conviction
  - a. on a first conviction, to payment of a fine not exceeding \$2,000;
  - b. on a subsequent conviction, to a fine of not more than \$400 for each day upon which the contravention has continued after the day on which the *person* was first convicted;as well as payment of any outstanding fees. The judge presiding on any prosecution under this *Bylaw* may fix the costs of prosecution to be paid by the *person* found guilty.
- 2) Any prosecution for an offence under subsection (1) may be instituted within one year after the time when the contravention occurred.
- 3) The *applicant* and the *property owner* are liable for any offence under this *Bylaw*.
- 4) The *Municipality* is entitled to all of the enforcement remedies as set forth in Section 24 of the *Planning Act* and in Part 9 of the *Municipal Government Act*.

## 15. NOTICE OF DECISIONS

- 1) The *development officer* shall ensure that all decisions relating to applications are posted in accordance with section 23.1 of the *Planning Act*.

## 16. APPEALS

- 1) Any *person* who is dissatisfied by a decision enumerated in section 28 of the *Planning Act* in respect to the administration of this *Bylaw* may, within twenty-one (21) days of the decision, appeal to the Island Regulatory and Appeals Commission in accordance with the *Planning Act*.
- 2) Notwithstanding subsection (1) above, no appeals may be filed regarding a decision of the *development officer* or *Council* respecting the final approval of a *subdivision* where the grounds for the appeal are matters that could have been heard and determined at the stage of preliminary approval of the *subdivision*.

## 17. REPEAL

### 17.1 EFFECTIVE DATE

- 1) This *Bylaw* shall come into force on the date it is signed by the *Province's* minister responsible for the *Planning Act*.

### 17.2 REPEAL

- 1) The 2010 Rural Municipality of New Haven-Riverdale Zoning and Subdivision Control (Development) Bylaw, (last amendment effective March 24, 2021), is hereby repealed.



## 18. DEFINITIONS

For the purpose of this *Bylaw*, italicized words carry the defined meaning set forth in this section. Words that are defined in this section but that are not italicized when used in the *Bylaw* carry their ordinary meaning.

In this *Bylaw*:

### A

**ACCESSORY STRUCTURE** means a separate subordinate *structure* which is used or intended for the better or more convenient continued enjoyment of the *main building* to which it is accessory, and located upon the *parcel* upon which such *main building* is or is intended to be erected.

**ACCESSORY USE** means a *use* subordinate and naturally, customarily and normally incidental to and exclusively devoted to a *main use* of land or *building* and located on the same *lot*.

**AGRICULTURAL USE** means the utilizing of land, a *building*, or *structures* to raise crops or animals or fowl and including the harbouring or keeping of *livestock* and includes an *agricultural use* of a *building* or land pursuant to the *Farm Practices Act*.

**ALTER** means any change in the structural component of a *building* or *structure* or any increase in the volume of a *building* or *structure*.

**ANCILLARY USE** or **ANCILLARY** means a listed, permitted land *use* that is additional, secondary, and complementary to a permitted principal or *main use*.

**ANIMAL SANCTUARY** means a place where animals are brought to live and be protected or rehabilitated.

**AMENITY AREA** means an area of land set aside for the purpose of visual improvement or relaxation.

**APPLICANT** means any *person* responsible for and authorized to complete an application for a *subdivision*, *development permit* or *bylaw* or *Official Plan* amendment and for fulfilling any required preconditions or conditions of permit approval under this *Bylaw*.

**ARCHITECTS ACT** means the *Architects Act*, R.S.P.E.I. 1988 Cap. A-18.1, as amended from time to time.

**ATTACHED** means a *building* or *structure* which has a common wall and/or common roof line and the *building* or *structure* may be considered common as long as a minimum of twenty percent (20%) of the length of the wall or roof line is common with the *main building* or *structure* wall or roof.

**AUTO BODY SHOP** means a *building used* for the storage, repair, and servicing of motor *vehicles* including body repair, detailing, painting and engine rebuilding.

**AUTOMOBILE SALES AND SERVICE ESTABLISHMENT** means a *building* or part of a *building* or a clearly defined space on a *lot* used for the sale and maintenance of used or new automobiles.

**AUTOMOBILE SERVICE STATION** means a *building* or part of a *building* or a clearly defined space on a *lot used* for the sale of lubricating oils and gasolines and may include the sale of automobile accessories and the servicing and repairing essential to the actual operation of motor *vehicles*.

## B

**BANDSTAND** means a raised platform, with or without a roof or enclosed sites, intended for outdoor performances.

**BASEMENT** means a *storey* or *storeys* of a *building* located below the *ground floor*.

**BED AND BREAKFAST** means a *dwelling* in which there is a resident *owner* or manager who provides accommodation and meals for the travelling public but does not include a boarding house, rooming house, *apartment*, *hostel*, *short-term rental*, *group home*, *hotel*, *motel*, *restaurant*, or *lounge*. *Bed and breakfasts* may include *accessory* activities that are complimentary thereof.

**BUFFER ZONE** means the land within 15 m (49.2 ft) of a *watercourse boundary* or a wetland boundary as defined in the *Watercourse and Wetland Protection Regulations*.

**BUILDING CODES ACT** means the *Building Codes Act*, R.S.P.E.I 1988, Cap. B-5.1, as amended from time to time.

**BUILDING LINE** means any line set at the front of a *building* or *structure* on a *lot* that is parallel to the *street line* defining the position of a *building* or *structure* on a *lot*.

**BUILDING** means any *structure* having a roof supported by columns or walls intended for the shelter, housing or enclosure of any *person*, animal or chattel.

**BUSINESS** means a premise where goods and/or services are offered, including but not limited to premises *used* for the retail, wholesaling, manufacture or conversion of goods.

**BUSINESS OR PROFESSIONAL OFFICE** means premises where services are offered but does not include premises *used* for the retailing, wholesaling, manufacturing or conversion of goods.

**BYLAW** means the Rural Municipality of West River Land Use Bylaw.

## C

**CAMPGROUND OR RV PARK** means an area of land, managed as a unit, providing short term accommodation for tents, tent trailers, *recreational vehicles* and campers, featuring more than 3 *campground sites* or *RV sites* or both.

**CAMPGROUND SITE OR RV SITE** means an individual outdoor space, within a *campground* or *RV park* or the premises of a *tourism establishment*, providing short term accommodation for tents, tent trailers, *recreational vehicles* and campers and allocated to one *person* or group.

**CANNABIS OPERATION** means a facility or premises authorized by a license issued by the Government of Canada, pursuant to the *Cannabis Act* for growing, producing, testing, destroying, storing, or distribution of cannabis but does not include the retail sale of cannabis-related products.

**CAR WASH** means a *building* or part thereof *used* for the operation of manual, automatic or semi-automatic automobile washing equipment.

**CEMETERY** means a spatially defined area where the intact or cremated remains of deceased people are buried or are otherwise interred.

**CGVD** means Canadian Geodetic Vertical Datum. CGVD2013 is a gravimetric datum defined by the equipotential surface  $W_0=62,636,856.0 \text{ m}^2\text{s}^{-2}$ , representing by convention the coastal mean sea level for North America.

**CHANGE OF USE** means the change of purpose for which land, *buildings*, or *structures*, or any combination thereof, is designed, arranged, *erected*, occupied, or maintained.

**CLEAR DAYS** means ‘clear days’ as defined in the *Interpretation Act*.

**CLINIC** means a *public* or private *building used* for medical, surgical, dental, physiotherapeutic, chiropractic, or other human health treatment by one or more licensed practitioners, but does not include *hospitals*.

**CLUSTERED HOUSING** means a land *development* project for more than two *residential use buildings* on the same *lot* intended for rental, condominium, cooperative or other form of ownership.

**CLUB** means an association of *persons*, whether incorporated or not, united by some common interest, meeting periodically for cooperation or conviviality. *Club* shall also mean, where the context requires, premises owned or occupied by members of such association within which the activities of the *club* are conducted.

**COASTAL AREA** means all the lands, including surface water bodies, streams, rivers, and off-shore islands in the *Municipality*, lying within 500 m. (1640.42 ft.) inland and seaward of the mean high-water mark of all coastal and tidal waters.

**COASTAL FLOODPLAIN** means the area of land adjacent to the shoreline that will be affected by a coastal flooding event (i.e. storm surge) with a 1% chance of happening annually, often referred to as the 1-in-100 year flood level, as identified by the *Province*.

**COASTAL HAZARD ASSESSMENT** means a summary report issued by the *Province* describing the potential erosion and flood hazards associated with a coastal *property*.

**COLLECTOR HIGHWAY** means any highway that has been designated as a collector highway under the provisions of the *Roads Act Highway Access Regulations*;

**COMMERCIAL USE** means the sale or distribution of materials or provision of services including, but not limited:

- (i.) art galleries and *studios*;
- (ii.) bakeries;
- (iii.) banks and financial institutions;
- (iv.) *business and professional offices*;
- (v.) *craft breweries*;
- (vi.) *craft workshop and studios*;
- (vii.) *entertainment establishments*;
- (viii.) *event venues*;
- (ix.) golf courses;
- (x.) *lounges and restaurants*;
- (xi.) *retail stores, service shops and personal service shops*;
- (xii.) *tourism establishments* and attractions;
- (xiii.) *vehicle sales*.

**COMMUNITY CARE FACILITIES** means facilities as defined in the *Province's Community Care Facilities and Nursing Homes Act*, R.S.P.E.I. 1988, Cap. C-13, as amended from time to time.

**COMMUNITY CENTRE** means a *building, structure or public* place where members of a community gather for recreational, educational, artistic, social or cultural activities.

**CONSERVATION SUBDIVISION** means a *subdivision* designed to leave 50% of the land area in *open space* and place developed areas away from important water or natural resources, yet still allow a similar or greater *lot* yield as a traditional *residential subdivision development*.

**CONSOLIDATE** – see **LOT CONSOLIDATION**

**COUNCIL** means the *Council* for the Rural Municipality of West River.

**CORNWALL REGION SPECIAL PLANNING AREA** means the area designated as such under the *Subdivision and Development Regulations*.

**CRAFT BREWERY** means a place where craft beer, cider, and spirits are produced and may include a microbrewery, microdistillery, or nanobrewery.

**CRAFT WORKSHOP** means a *building* or part of a *building* where craft products are produced and offered for sale, and where craft instruction on may be offered.

**CULTURAL CENTRE** means a site *used* for display, storage, restoration, or events related to art, literature, music, history, or science. This term refers to *uses* such as art galleries, theatres, libraries, auditoria, archives, interpretive centres and museums.

D

**DECK** means a *structure* abutting a *dwelling* with no roof or walls except for visual partitions and railings which is constructed on piers or a foundation above-grade for *use* as an outdoor living area.

**DEMOLISH** means to remove, pull down or destroy a *structure*.

**DESIGNATED WELLFIELD** means a wellfield area designated by a municipality or the *Province*.

**DETRIMENTAL** means any loss or harm suffered in *person* or *property* in matters related to public health, public safety, protection of the natural environment and surrounding land *uses*, but does not include potential effects of new *subdivisions*, *buildings* or *developments* with regards to:

- (i.) real property value;
- (ii.) competition with existing *businesses*;
- (iii.) viewscales; or
- (iv.) *development* approved pursuant to subsection 9(1) of the *Environmental Protection Act*.

**DEVELOPER** – means any *person* who is responsible for any undertaking that requires a *development permit*, *subdivision* approval or *consolidation* approval.

**DEVELOPMENT** means the carrying out of any *building*, engineering, excavation, dumping, filling or other operations in, on, over or under land, or the making of any material change in the *use*, or the intensity of *use* of any land, *structure*, *buildings*, or premises.

**DEVELOPMENT AGREEMENT** means an agreement executed between the *developer* and the *Municipality* respecting the terms under which a *development* may be carried out.

**DEVELOPMENT OFFICER** means any *person* charged by the *Council* with the duty of administering the provisions of this *Bylaw*.

**DEVELOPMENT PERMIT** means the formal and written authorization for a *person* to carry out any *development*.

**DISPLAY** includes any item, group of items, sign, or billboard visible to the general public, indicating that items or services are offered for sale or trade, but does not include premises signs.

**DORMITORY** means a *building* or *structure* where residents have exclusive *use* of a bedroom but common washroom and/or kitchen facilities, and where each resident individually compensates the *owner* for providing the accommodation.

**DWELLING** means a *building* or portion thereof designated or *used* for residential occupancy, but does not include *hotels* and *motels*. Also see **SECONDARY SUITE**.

**APARTMENT DWELLING** means a *dwelling* in a *building* containing three or more such *dwelling units* that share common hallways and a common outdoor entrance, *dwellings attached* to a *building* which is principally commercial, or a *dwelling* in a *building* that is divided vertically into



three or more *attached dwelling units* that do not each have their own *street frontage*. An *apartment dwelling* does not include a *townhouse dwelling*.

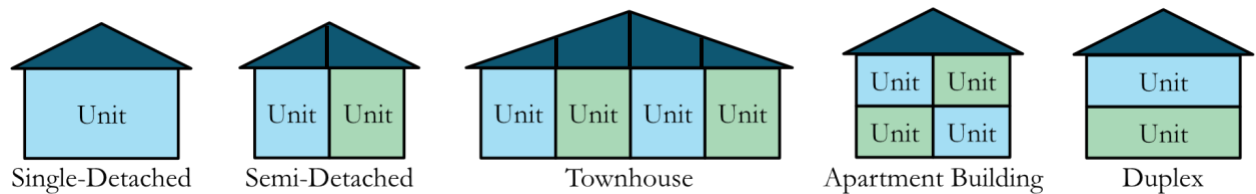
**DUPLEX DWELLING** means a *building* that is divided horizontally into two *dwellings*.

**DWELLING UNIT** means one or more habitable rooms designed or intended for *use* by one or more individuals as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for the exclusive *use* of such individuals, with a private entrance from outside of the *building* or from a common hallway or stairway inside the *building*.

**SEMI-DETACHED DWELLING** means a *building* divided vertically into two (2) separate *dwelling units*, each with its own *street frontage* and outdoor entrance.

**SINGLE-DETACHED DWELLING** means a *building* designed or *used* for occupancy as one *dwelling unit* and includes a *mini home* and a *tiny home*.

**TOWNHOUSE DWELLING** means a *building* that is divided vertically into three or more *attached dwelling units*, each with its own *street frontage* and outdoor entrance.



## E

**EARLY LEARNING AND CHILD CARE ACT** means the *Early Learning and Child Care Act*, R.S.P.E.I. 1988, Cap. E-.01, as amended from time to time.

**EARLY LEARNING AND CHILD CARE CENTRE** means a *building* where children are cared for as permitted under the *Early Learning and Child Care Act*.

**EMERGENCY 911 ACT** means the *Emergency 911 Act*, R.S.P.E.I. 1988, Cap. E-5.1, as amended from time to time.

**ENGINEERING PROFESSION ACT** means the *Engineering Profession Act*, R.S.P.E.I. 1988 Cap. E-8.1, as amended from time to time.

**ENTERTAINMENT ESTABLISHMENT** means an establishment providing musical, dramatic, dancing or cabaret entertainment and/or facilities for alcoholic beverage consumption and includes supplementary food service. This term refers to *uses* such as theatres, cinemas, auditoria, beverage rooms, cocktail *lounges*, cabarets, nightclubs and theatre *restaurants*.

**ENVIRONMENTAL PROTECTION ACT** means the *Environmental Protection Act*, R.S.P.E.I. 1988, Cap. E-9, as amended from time to time.

**ERECT** means to build, construct, reconstruct, *alter* or relocate and without limiting the generality of the foregoing shall be taken to include any preliminary physical operation such as excavating, filling or draining.

**EVENT VENUE** means a *commercial use* of a *structure* or part of a *structure* or land as a *place of assembly* by the public for special events such as weddings, performances, and cultural gatherings but does not include sporting events.

**EXCAVATION PIT** means any excavation in the ground for the purpose of searching for or removing clay, gravel, sand, shale, subsoil, topsoil, rock or any other surface or subterranean deposit, but does not include an excavation made within the boundaries of a *street*, or a snow-trap constructed to protect a *street* from snow accumulation, an excavation in preparation for a structural foundation, or the removal of stored or stockpiled clay, gravel, sand, shale, subsoil, topsoil, rock or any other surface or subterranean deposit that originated from another location, or an excavation designed for water retention and irrigation purposes.

**EXCAVATION PITS REGULATIONS** means the *Environmental Protection Act Excavation Pits Regulations* adopted pursuant to the *Environmental Protection Act* R.S.P.E.I. 1988, Cap. E-9, as amended from time to time.

**EXISTING LOT** means a *lot* in existence on the effective date of this *Bylaw*, except where otherwise indicated in this *Bylaw*.

## F

**FARM** or **FARM PROPERTY** means land, including any complementary *buildings*, utilized for the purpose of sowing, cultivation and harvesting of crops, rearing of *livestock* or production of raw food products.

**FARM DWELLING** means a *single-unit dwelling* that is located on a *farm*, and is owned and occupied by the principal *owner* of the *farm* or a *person* whose primary occupation is to work on the *farm parcel*.

**FARM GATE OUTLET** means an *accessory use* located on a *property* for sale only of its own *agricultural* products or *garden* and excluding sale of products not grown on the premises or any non-*farm* or *garden* products and excluding a *plant nursery*.

**FARM MARKET** means a *building* or part of a *building* in which *farm* produce; crafts and baked goods make up the major portion of items offered for sale.

**FARM PRACTICES ACT** means the *Farm Practices Act*, R.S.P.E.I. 1988, Cap. F-4.1, as amended from time to time.

**FENCE** means an artificially constructed barrier of any material or combination of materials *erected* to enclose or screen areas of land.

**FISHERY USE** means a use of land, wharves and buildings for uses specific to the fishery including industrial fish plants, vessel construction and major repair, and storage of materials (boats, traps, nets and equipment) in the off-season.

**FLOOR AREA** means:

- (i.) with reference to a *dwelling* - the area contained within the outside walls including any *attached* garage, *porch*, veranda, sunroom, greenhouse, *basement*, but excluding any unfinished attic;
- (ii.) with reference to a commercial *building* - the total usable *floor area* within a *building* used for commercial purposes excluding washrooms, furnace rooms and common halls between stores; and
- (iii.) with reference to an *accessory structure* - the area contained within the outside walls.

**FORESTRY USE** means the general growing and harvesting of trees and, without limiting the generality of the foregoing, shall include the growing and cutting of fuel wood, pulp, wood, lumber, Christmas trees and other products. *Forestry use* includes a sawmill and woodworking shop.

**FRONTAGE** means the horizontal distance between the *side lot lines* bordering on a *street* and according to the direction of the front of the *dwelling* or *structure*.

## G

**GARDEN** means a plot of land for growing flowers, vegetables, or fruit.

**GAZEBO** means a freestanding, roofed *accessory structure* which is not enclosed, except for *screening* or glass and which is utilized for the purposes of relaxation in conjunction with a residential *dwelling unit* but shall not include any other *use* or activity otherwise defined or classified in this *Bylaw*.

**GRADE** means the highest among the average, finished ground levels around each respective *main wall* of a *building*, excluding consideration of local depressions on the ground, such as for *vehicle* or pedestrian entrances.

**GROUND FLOOR** means the uppermost *storey* having its floor level not more than 2 m. (6.6 ft.) above *grade*.

**GROUP HOME** means an establishment for six (6) or fewer residents who require special care or supervision, staffed 24 hours per day by trained care giver(s), and recognized as a group home by the Minister of the Province's Department of Health or Wellness or any successor department, or a women's shelter.

## H

**HEIGHT** means the vertical distance measured from the average finished *grade* to the highest point of a *structure*.

**HIGHWAY** – see **STREET**

**HIGHWAY ACCESS REGULATIONS** means the *Highway Access Regulations* made under the *Roads Act*, as amended from time to time.

**HISTORIC SITE** means any site that has been designated as a *historic site* or a *heritage place* under provincial or federal legislation, as well as any *accessory uses* or *structures* to support visitation.

**HOME-BASED BUSINESS** means the *accessory use* of a *dwelling* or of an *accessory structure* for an occupation or *business* conducted for profit involving the production, sale, or provision of goods and services.

**HOSPITAL** means any institution, *building*, or other premises or place established for the maintenance, observation, medical and dental care and supervision, and skilled nursing care of persons afflicted with or suffering from sickness, disease, injury, or for convalescing or chronically ill persons.

**HOSTEL** means an inexpensive lodging facility for travellers that typically has dormitory style sleeping arrangements.

**HOTEL** means a commercial *building* providing temporary accommodations for travellers or transients, and may have one or more *public* dining rooms and convention meeting rooms but does not include a *motel*.

**HOUSING CORPORATION ACT** means the *Housing Corporation Act*, R.S.P.E.I. 1988, Cap. H-11.1, as amended from time to time.

I

**INSTITUTIONAL USE** means the *use* of premises, other than retail or industrial premises, for community services and includes:

- (i.) *clinics* and *hospitals*;
- (ii.) *community care facilities*, *nursing homes*, and *senior citizens homes*;
- (iii.) *community centres*, libraries, museums, *cultural centres*;
- (iv.) education facilities and *early learning and child care centres*;
- (v.) government offices;
- (vi.) *historic sites*;
- (vii.) *places of worship*, manses, *cemeteries*, and crematoria;
- (viii.) *public* and private parks, including sports fields;
- (ix.) recreation centres and facilities; and
- (x.) *summer camps*.

**INTENSIVE AGRICULTURAL USE** means an *agricultural use* of a *building* or land for potato production, tobacco production, and *cannabis operations* and *intensive livestock operations* such as abattoirs, piggeries, year-round feed lots, and commercial poultry-keeping based on confinement rather than free-range operations.

**INTENSIVE LIVESTOCK OPERATION** means a place where *livestock* are found in a density greater than seven animal units per acre in confined area to which the *livestock* have access, with the calculation of animal units to be determined by the *Province*.

**INTENSIVE RESOURCE USE** means *resource-related commercial/ industrial uses* that involve activities which may create a land use conflict with neighbouring properties *owners* due to noise, odours,

disturbance to the water table, or creation of waste products, such as food processing plants, water bottling operations, *cannabis operations*, or *excavation pits*.

**INTERNAL DRIVE** means a lane, access road, or right-of-way for providing general traffic circulation within a single *lot*.

**INTERPRETATION ACT** means the *Interpretation Act*, R.S.P.E.I. 1988, Cap. I-8.1, as amended from time to time.

K

**KENNEL** means any premises where four or more domestic animals are kept, boarded, or bred as a commercial service.

L

**LAND SURVEYORS ACT** means the *Land Surveyors Act*, R.S.P.E.I. 1988, Cap. L-3.1, as amended from time to time.

**LANDSCAPING** means all the elements of a *lot* or site *development* other than the *building* or *buildings*, and may include pedestrian facilities, grass and other ground cover, flower beds, shrubbery, trees, hedges, berms, *fences* and retaining *structures*, off- *street* lighting devices, forms of natural *landscaping*, and various combinations thereof.

**LANDSCAPE ARCHITECT** means a person who is a member in good standing in the Canadian Society of Landscape Architects.

**LEGACY LANDS** means a property which:

- (i.) has a *subdivision* or *development* approval in effect for certain *uses*,
- (ii.) has not yet been fully developed,
- (iii.) meets the assessment criteria prescribed in the *legacy lands assessment policy*, and
- (iv.) currently does not comply with the *Bylaw*.

**LEGACY LANDS ASSESSMENT POLICY** means the *Legacy Lands Assessment Policy* adopted by Council, effective the date this Bylaw comes into force, as amended from time to time.

**LIGHT INDUSTRIAL USE** means the *non-resource industrial use* of land or *buildings* that does not result in the creation of hazardous or offensive conditions related to noise, odour, smoke or effluents, including warehousing.

**LIVESTOCK** means *farm* animals kept for use, for propagation, or for intended profit or gain and, without limiting the generality of the foregoing, includes: dairy and beef cattle, horses, swine, sheep, laying hens, chicken and turkeys, goats, geese, mink, llamas and rabbits.

**LOT** or **PROPERTY** means any *parcel* of land described in a deed or as shown in a registered *subdivision* plan.

**CORNER LOT** means a *lot* situated at an intersection of and abutting on two or more *streets*.



**INTERIOR LOT** means a *lot* other than a *corner lot*.

**PANHANDLE LOT** means any *lot* which gains *street frontage* through the use of a narrow strip of land which is an integral part of the *lot*.

**THROUGH LOT** means a *lot* bounded on two opposite sides by *streets*.

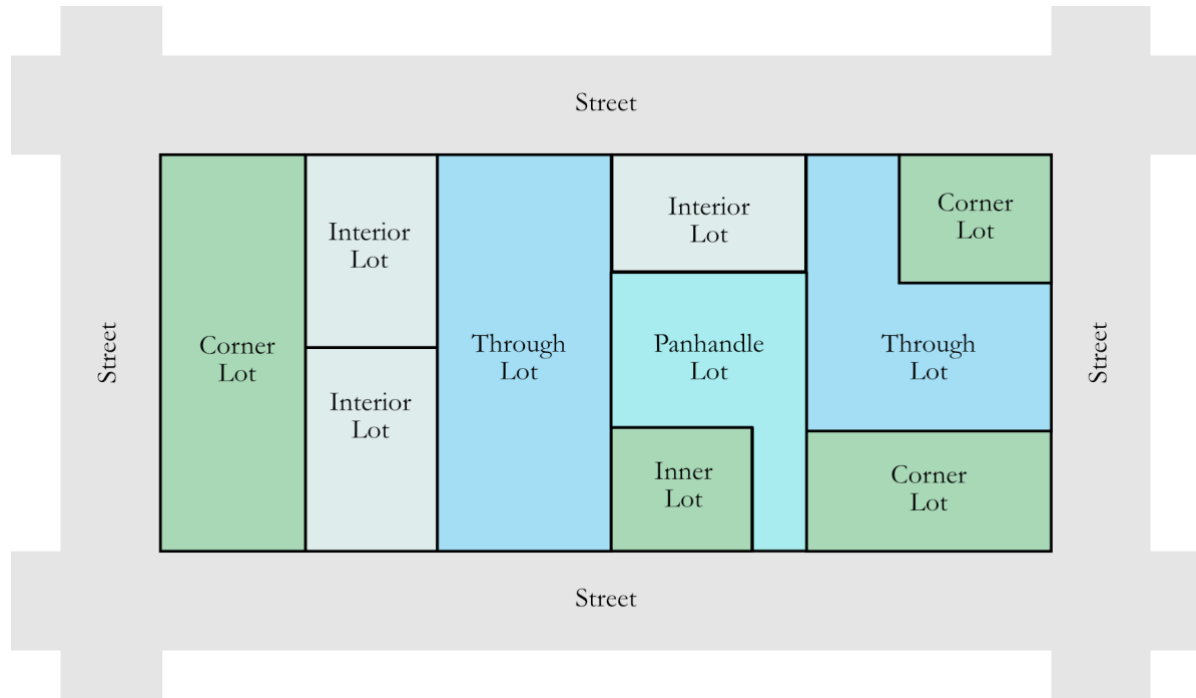


Figure 9 - Lot Types

**LOT AREA** means the total area included within the *lot lines*.

**LOT CONSOLIDATION** means the legal incorporation of two or more existing *parcels* of land to form a single, larger *parcel*.

**LOT COVERAGE** means the percentage of *lot area* covered by *buildings* and *structures* above established *grade* and may include *main building*, *accessory structures*, *decks*, *patios* and *gazebos*.

**LOT DEPTH** means the depth from the *front lot line* to the *rear lot line*.

**LOT LINE** means any boundary of a *lot*.

**FLANKAGE LOT LINE** means the *side lot line* which abuts the *street* on a *corner lot*.

**FRONT LOT LINE** means the *lot line* abutting the *street* upon which the *building* or *structure* erected or to be erected has its principal entrance.

**REAR LOT LINE** means the *lot line* further from and opposite to the *front lot line*.

**SIDE LOT LINE** means a *lot line* other than a front, rear or *flankage lot line*.

**LOUNGE** means a commercial facility or *structure* licensed to sell alcoholic beverages to the *public*.

**M**

**MAIN BUILDING** means that *building* in which is carried on the principal purpose or purposes for which the *lot* is *used*.

**MAIN USE** means the principal purpose or purposes for which the *lot* is *used*, the nature of the *use* of which determines the status of the *lot* upon which it is authorized to be constructed or upon which it is constructed.

**MAIN WALL** means the exterior wall of a *building*, but excluding projections such as balconies, bay windows, chimneys, *decks*, exterior stairs, fire escapes, projecting roofs, and wheelchair ramps.

**MINI HOME** means a pre-manufactured *dwelling unit*, affixed to the ground, having an average width of 6.1 m. (20 ft.) or less, not including entries, *porches* or other appurtenances and certified under the Z240 provisions of the Canada Standards Association (CSA).

**MOTEL** means a *building* occupied in whole or in part as a temporary lodging place for an individual(s) and for which there is an exit for any room or suite of rooms directly to the outdoors with access to *grade* level.

**MUNICIPAL GOVERNMENT ACT** means the *Municipal Government Act*, R.S.P.E.I. 1988, Cap M-12.1, as amended from time to time.

**MUNICIPALITY** means the Rural Municipality of West River.

**N**

**NON-RESOURCE INDUSTRIAL USE** means the *use* of premises for the processing, manufacturing, assembly, or extraction of goods or materials, or premises from which wholesale trade is carried on, including *salvage yards* and construction and demolition sites.

**NURSING HOME** means a nursing home as defined in the Community Care Facilities and Nursing Homes Act R.S.P.E.I. 1988, Cap C-13, as amended from time to time.

**O**

**OFFICIAL PLAN** means the *Municipality* 's Official Plan as adopted by *Council*.

**OPEN SPACE** means that portion of a *lot* which may be *used* for *landscaping*, recreational space or leisure activities normally carried on outdoors; but does not include space *used* for service driveways, off-*street* parking, or loading spaces.

**OPEN STORAGE** means the outdoor storage of merchandise, goods or inventory of any kind, materials, equipment, or other items.

**ORNAMENTAL STRUCTURES** means *landscaping* or decorative architectural *structures* such as arbours, *pergolas*, fixed seating, sculptures, or similar improvements.

**OWNER** or **PROPERTY OWNER** means a registered owner of a *lot* or *property* in accordance with the records on file at the *Province*'s Land Registry Office.

**P**

**PARCEL** means a *lot* or other division of land which is recognized as a separate unit of land for the purposes of this *Bylaw*.

**PARK** means an open area devoted to *recreational uses* or conservation *uses* and may include ornamental *gardens* and lawns, botanical gardens, outdoor furniture, *accessory structures*, playgrounds, and on-site *parking lots* which support park *uses*.

**PARKING LOT** means an area reserved for parking more than one automobile, and includes lanes between *parking spaces*.

**PARKING SPACE** means an area of land which is suitable for the parking of a *vehicle*, accessible to *vehicles* without the need to move other *vehicles* on adjacent areas.

**PASSIVE RECREATION** refers to recreational activities that do not require prepared facilities like sports fields or *pavilions* and which place minimal stress on a site's resources.

**PATIO** means a platform without a roof, or surfaced area without a roof, at *grade*, adjacent to a residential *dwelling unit* used for leisure activities.

**PAVILION** means a *structure used* as a shelter that is either covered or uncovered and includes a *gazebo* and a *pergola*.

**PERGOLA** means a garden feature forming a walkway, passageway or sitting area of vertical posts or pillars that usually support crossbeams and a sturdy open lattice.

**PERMITTED USE** means a *use* which is allowable by right, subject to meeting applicable *bylaw* requirements.

**PERSON** means an individual, association, corporation, contractor, commission, *public utility*, firm, partnership, trust, heirs, executors or other legal representatives of a *person*, or organization of any kind, including both principal and agent in an agency situation.

**PERSONAL SERVICE SHOP** means a *building* in which *persons* are employed in furnishing services and otherwise administering to the individual and personal needs of *persons* including but not limited to barbershops, hairdressing shops, beauty parlours, shoe repair, laundromats, tailoring, or dry-cleaning.

**PHASE** means to develop a *parcel* of land over time in a series of prescribed stages; or one of such stages.

**PLANNING ACT** means the *Planning Act*, R.S.P.E.I. 1988, Cap. P-8, as amended from time to time.

**PLANNING BOARD** means the Planning Board of the *Municipality* appointed by *Council*.

**PLACES OF WORSHIP** – means a *building* used for religious workshop, study, and instruction, including but not limited to churches, monasteries, mosques, synagogues, and temples, and may

include *ancillary uses* such as an auditorium, hall, daycare facility or nursery operated by the place of worship.

**PLANT NURSERY** means a *building* or land *used* for the growing of young trees and/or other plants which may be retailed at the same location and may also include retailing of *gardening* tools and other related supplies but does not include a *farm gate outlet*.

**PORCH** – means a covered shelter projecting in front of an entrance to a *building*.

**PRIVATE ROAD** or **PRIVATE RIGHT-OF-WAY** means a road, street, or right-of-way which is not vested in the *Province* or the *Municipality*, but does not include an *Internal Drive*.

**PRIVATE UTILITY** means any *person* or corporation and the lessees, trustees, liquidators or receivers of any *person* or corporation who owns, operates, manages or controls, or is incorporated for the purpose of owning, operating, managing or controlling any plant or equipment

- (i.) for the conveyance or transmission of telephone messages or internet services;
  - (ii.) for the production, transmission, distribution or furnishing of electric energy; or
  - (iii.) for the provision of water or sewage service,
- to or for that *person* or corporation and not to or for the public.

**PROFESSIONAL ARCHITECT** means an architect licensed to practice in the *Province*.

**PROFESSIONAL ENGINEER** means an engineer licensed to practice in the *Province*.

**PROFESSIONAL LAND SURVEYOR** means a land surveyor licensed to practice in the *Province*.

**PROVINCE** means the Province of Prince Edward Island.

**PROVINCE-WIDE MINIMUM DEVELOPMENT STANDARDS REGULATIONS** mean the *Province-Wide Minimum Development Standards Regulations* made under the *Planning Act*, as amended from time to time.

**PUBLIC** means for the *use* of the general population.

**PUBLIC PARK** or **PARKLAND** means land owned by the *Municipality* or some other level of government *used* or intended for *use* by members of the public.

**PUBLIC HEALTH ACT** means the *Public Health Act*, R.S.P.E.I. 1988, Cap. P-30.1, as amended from time to time.

**PUBLIC UTILITY** means any *person* or corporation and the lessees, trustees, liquidators or receivers of any *person* or corporation who owns, operates, manages or controls, or is incorporated for the purpose of owning, operating, managing or controlling any plant or equipment

- (i.) for the conveyance or transmission of telephone messages or internet services;
- (ii.) for the production, transmission, distribution or furnishing of electric energy; or

(iii.) for the provision of water or sewage service,  
either directly or indirectly, to or for the public.

**R**

**RECREATIONAL USE** means the *use* of land for parks, playgrounds, tennis courts, lawn bowling greens, athletic fields, picnic areas, *public swimming pools*, day camps, and similar *uses* but does not include a tract for the racing of animals or any form of motorized *vehicles*.

**RECREATIONAL VEHICLE** means a *vehicle* which provides sleeping and other facilities, while travelling or vacationing, designed to be towed behind a motor *vehicle*, or self-propelled, and includes such *vehicles* commonly known as travel trailers, camper trailers, pick-up coaches, motorized campers, motorized homes, recreation *vehicles* or other similar *vehicles*. *Recreational vehicles* may often be referred to as RVs.

**REGISTRY ACT** means the *Registry Act*, R.S.P.E.I. 1988, Cap. R-10, as amended from time to time.

**RESIDENTIAL LOT** means a *lot* where the primary *use* is a *residential use*.

**RESIDENTIAL SUBDIVISION DEVELOPMENT** means a multi-*lot subdivision* comprised of *lots* for human habitation which is recognized by one designated name.

**RESIDENTIAL USE** means the *use* of a *parcel*, *building* or *structure* or parts thereof as a *dwelling*.

**RESOURCE-RELATED COMMERCIAL USES** means any *uses* of a *parcel* or *building* for the storage, *display* or sale of goods directly and primarily related to *resource uses*, including but not limited to:

- (i.) veterinary clinics;
- (ii.) production and sale of beverages derived from local products including but not limited to *craft breweries*, wineries, and cideries;
- (iii.) *farm markets*;
- (iv.) farm machinery sales and service; and
- (v.) farm-based tourism.

**RESOURCE-RELATED INDUSTRIAL USES** means any *uses* involving the harvesting, processing or storing of natural resource materials from agricultural, forestry, and fishing resources and shall include the production of agricultural products and the keeping of *farm* animals.

**RESTAURANT** means *buildings* or *structures* or part thereof where food and drink is prepared and offered for sale to the public and may include alcoholic beverages.

**RETAIL STORE** means a *building* or part thereof in which foods, goods, wares, merchandise, substances, articles or things are offered or kept for sale directly to the public.

**ROAD** – see **STREET**

**ROADS ACT** means the *Roads Act*, R.S.P.E.I. 1988, Cap. R-15, as amended from time to time.



S

**SALVAGE YARD** means an area of land *used* for the storage, handling, processing, and sale of scrap materials including but not limited to scrap metal, *vehicles*, tires and batteries, but shall not include hazardous waste materials.

**SCREENING** means to limit the view of objects through the use of *landscaping* and/or *fencing*.

**SECONDARY SUITE** means a second *dwelling unit*, located within a *single-detached dwelling* or in an *accessory structure* on a *residential lot*.

**SENIOR CITIZEN HOME** means *residential building* featuring multiple *dwelling units* designed for occupation by *senior citizens*, which may include *ancillary uses* such as *lounges* and *recreation facilities*.

**SENIOR CITIZEN** means a person deemed to be eligible for accommodation in a *senior citizen home* under the terms of the *Housing Corporation Act* or comparable provincial statute.

**SERVICE SHOP** means a *building* or part thereof *used* for the sale and repair of household articles and shall include computer, electronic, and appliance repair shops but shall not include industrial, manufacturing or motor *vehicle* body repair shops.

**SERVICE STATION** means a *building* or part of a *building* or a clearly defined space on a *lot used* for the sale of lubricating oils and gasolines and may include the sale of automobile accessories and the servicing and repairing essential to the actual operation of motor *vehicles*.

**SETBACK** means the minimum separation distance between any *building* or *structure*, except *fences*, and a *lot line* or *buffer zone* as identified in this Bylaw.

**SEWAGE DISPOSAL SYSTEM** means any wastewater treatment system or part thereof for disposing of sewage or waste by means of one or more settling or septic tanks and one or more disposal fields, and any other system or part thereof for sewage or waste disposal not directly connected to a municipal or central waste treatment system.

**SEWAGE DISPOSAL SYSTEMS REGULATIONS** means the *Water Act Sewage Disposal Systems Regulations* made under the *Water Act* R.S.P.E.I. 1988, Cap. W-1.1, as amended from time to time.

**SHORE FRONTAGE** means, with respect to a *parcel* of land, the side or sides of the *parcel* of land that abut the waters of the Northumberland Strait, or any body of water that is connected to tidal waters and has a tidal flow.

**SHORT-TERM RENTAL** means the *use* of a residential *dwelling*, or one or more sleeping units or rooms within a *dwelling* for temporary overnight accommodation for a period of 29 days or less but this use does not include *bed and breakfasts*.

**SIGN** or **SIGNAGE** means a sign as defined in the *Highway Signage Act*.

**SITE PLAN** means an appropriately scaled drawing or drawings of the proposed *development* of a site, showing the existing and proposed natural and built features of the site.

**SITE-SPECIFIC AMENDMENT USE** means a use that is not allowable by right and is only permitted where a site-specific amendment has been enacted.

**SOLAR ARRAY** means a system of any number of *solar collectors* and associated mounting and electrical equipment. The capacity of a photovoltaic *solar array* is considered to be the aggregate nameplate capacity of all associated *solar collectors*.

**SOLAR COLLECTOR** means a device, *structure* or a part of a device or *structure* for which the primary purpose is to convert solar radiant energy into thermal, chemical, or electrical energy (photovoltaic).

**SOLAR ARRAY, GROUND-MOUNTED, or GROUND-MOUNTED SOLAR ARRAY** means a *solar array* of any size that is structurally supported by the ground, rather than by a *building*.

**SOLAR ARRAY, ROOF-MOUNTED, or ROOF-MOUNTED SOLAR ARRAY** means a *solar array* of any size that is structurally supported by a *building*, rather than by the ground.

**STOREY** means that portion of a *building* which is situated between the top of any floor and the top of the next floor above it, and if there is no floor above it, the portion between the top of such floor and the ceiling above it provided that any portion of a *building* partly below *grade* shall not be deemed a *storey* unless its ceiling is at least 1.83 m. (6 ft.) above *grade* and provided also that any portion of a *storey* exceeding 4.27 m. (14 ft.) in *height* shall be deemed an additional *storey* for each 4.27 m. (14 ft.) or fraction thereof.

**STREET, HIGHWAY or ROAD** means all the area within the boundary lines of every road, street or right-of-way which is vested in the *Province* or the *Municipality* and *used* or intended for *use* by the general public for the passage of *vehicles* and includes any bridge over which any such road, street or right-of-way passes.

**STRUCTURAL ALTERATIONS** means any change to the structural components of a *building* or *structure* or any increase in the volume of a *building* or *structure*.

**STRUCTURE** means any construction, including a *building*, fixed to, supported by or sunk into land or water, but excludes concrete and asphalt paving or similar surfacing and fencing and includes a *swimming pool*.

**STUDIO** means a *building* or part thereof *used* for the study, or instruction on of any fine or commercial art including photography, music, visual arts, and commercial design or the sale of craft products.

**SUBDIVISION (SUBDIVIDE)** means a severance, division, *consolidation*, or other re-configuration of a *lot(s)* or *parcel(s)* for the purpose of *development* and/or transfer of ownership.

**SUBDIVISION AGREEMENT** means an agreement executed between the *property owner* and the *Municipality* respecting the terms under which a *subdivision* may be carried out.

**SUBDIVISION AND DEVELOPMENT REGULATIONS** means the *Planning Act Subdivision and Development Regulations* adopted pursuant to the *Planning Act*, R.S.P.E.I. 1988 Cap P-8, as amended from time to time.

**SUMMER CAMP** means a camp, generally but not exclusively used during the summer, primarily used by children, providing facilities for sleeping and eating, and usually for handicrafts, and sports.

**SURVEY PLAN** means an appropriately scaled drawing of survey details, certified by a *professional land surveyor*.

**SWIMMING POOL** means any outdoor *structure*, basin, chamber, or tank used or which may be *used* for swimming, diving, or recreational bathing and having a depth of 0.91 m. (3 ft.) or more at any point and having a minimum surface area 10 sq. m. (108 sq. ft.).

T

**TEMPORARY PERMIT** means a permit for a fixed period of time with the intent to discontinue such *use* upon the expiration of the time period.

**TEMPORARY USE** means any *commercial* or non-commercial facility or *use* of a *parcel* of *land*, *building* or *structure* which by its nature is not permanently established or has a limited duration and shall include but not be limited to the following: yard sales, tents, *awnings*, lean-tos, kiosks, carts, prefabricated *structures*, sheds, moveable *vehicles* and moveable *structures* with or without chassis or wheels, and any other facility, *structure*, enclosure or device *used* or intended to be *used* for the temporary *display* or sale of retail goods, provision of services or sale of any food or beverage.

**TINY HOME** means a single-detached dwelling not more than 55.7 sq. m. (600 sq. ft.) in floor area including loft floor area that is site built or prefabricated, permanently anchored to a foundation, and provided with permanent on-site services.

**TOURISM ESTABLISHMENT** means an establishment that provides temporary accommodation for a guest, and includes a *building*, *structure* or place in which accommodation or lodging, with or without food, is furnished for a price to travellers, such as a cabin, rental cottage, housekeeping unit, *hotel*, lodge, *motel*, inn, *hostel*, *bed and breakfast*, resort, travel trailer, travel trailer park, *recreational vehicle park*, *yurt*, geodesic dome, bunkie, houseboat, *short-term rental*, camping cabin, and *campground*, but does not include a *summer camp*.

**TOURISM INDUSTRY ACT** means the *Tourism Industry Act*, R.S.P.E.I 1988, T-3.3, as amended from time to time.

**TOURISM INDUSTRY ACT REGULATIONS** means the *Tourism Industry Act Regulations* adopted pursuant to the *Tourism Industry Act*, R.S.P.E.I 1988, T-3.3, as amended from time to time.

**TOURIST ATTRACTIONS** means the operation of one or more commercial tourist attractions which includes indoor and/or outdoor activities, scenic attractions, and/or educational, scientific, natural, cultural, heritage or entertainment experiences. This *use* may include indoor and outdoor interpretive, *display*, and performance spaces.

**U**

**USE** means any purpose for which a *building* or other *structure* or *parcel* of land may be designed, arranged, intended, maintained or occupied, and includes any activity, occupation, *business* or operation carried on, or intended to be carried on, in a *building* or other *structure* or on a *parcel*.

**UTILITY BUILDING** means a *building* which houses stationary equipment for telephone, electric power, *public* water supply, or sewage services.

**V**

**VARIANCE** means an authorized relaxation from the standards imposed by this *Bylaw* with respect to *lot* size or dimensions, *setbacks*, area or the *height* or size of a *structure*.

**VEHICLE** means any motor *vehicle*, trailer, boat, motorized snow *vehicle*, mechanical equipment and any *vehicle* drawn, propelled or driven by any kind of power, including muscular power.

**W**

**WATER WITHDRAWAL REGULATIONS** means the *Water Act Water Withdrawal Regulations* made under the *Water Act*, as amended from time to time.

**WATERCOURSE AND WETLAND PROTECTION REGULATIONS** means the Environmental Protection Act *Watercourse and Wetland Protection Regulations* made under the *Environmental Protection Act*, as amended from time to time.

**WATERCOURSE BOUNDARY** means:

- (i.) in a non-tidal *watercourse*, the edge of the sediment bed; and
- (ii.) in a tidal *watercourse*, the top of the bank of the *watercourse* and where there is no discernable bank, means the mean highwater mark of the *watercourse*.

**WATERCOURSE** means an area which has a sediment bed and may or may not contain water, and without limiting the generality of the foregoing, includes the full length and width of the sediment bed, bank and shore of any water therein, and any part thereof, up to and including the *watercourse boundary*.

**WATER ACT** means the *Water Act* R.S.P.E.I. 1988, Cap. W-1.1, as amended from time to time.

**WELL CONSTRUCTION REGULATIONS** means the *Water Act Well Construction Regulations* adopted pursuant to the *Water Act*, as amended from time to time.

**WETLAND** means an area which contains hydric soil, aquatic or water-tolerant vegetation, and may or may not contain water, and includes any water therein and everything up to and including the *wetland boundary*, and without limiting the generality of the foregoing, includes any area identified in the Prince Edward Island wetland inventory as open water, deep marsh, shallow marsh, salt marsh, seasonally flooded flats, brackish marsh, a shrub swamp, a wooded swamp, a bog or a meadow.

**WETLAND BOUNDARY** means where the vegetation in a *wetland* changes from aquatic or water-tolerant vegetation to terrestrial vegetation or water-intolerant vegetation.

**WIND ENERGY FACILITY** means a system intended to generate electricity from the wind and may consist of any number of *wind turbines* and associated equipment including but not limited to electrical equipment and energy storage systems commonly referred to as a wind farm. The capacity of a *wind energy facility* is considered to be the aggregate nameplate capacity of all associated *wind turbines*.

**WIND TURBINE** means a wind energy generating system.

## Y

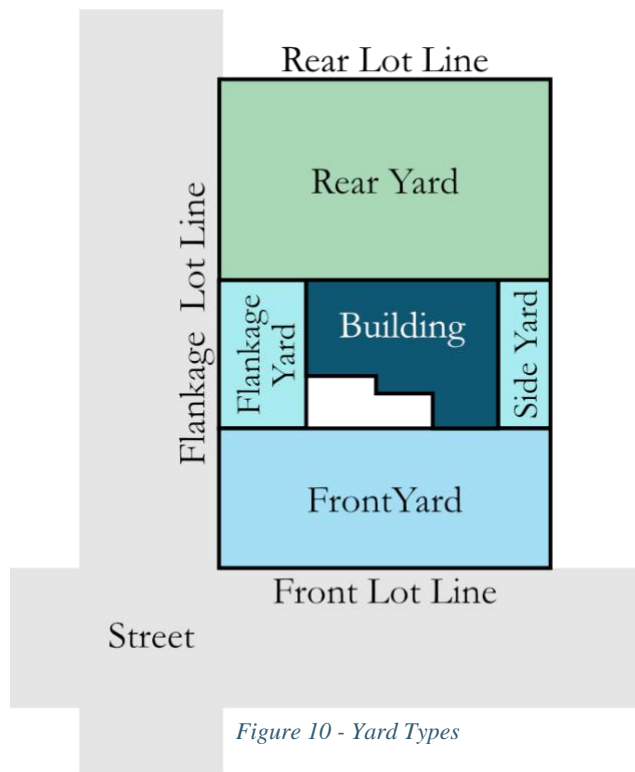
**YARD** means an open, uncovered space on a *lot* appurtenant to a *building* and unoccupied by *buildings* or *structures* except as specifically permitted in this *Bylaw* and

**FRONT YARD** means a *yard* extending fully across a *lot* between the *front lot line* and the nearest point of the *main wall* of any *main building* on the *lot*. The ‘minimum *front yard*’ is measured at the minimum *yard* depth as required under this *Bylaw*.

**REAR YARD** means a *yard* extending fully across a *lot* between the *rear lot line* and the nearest point of the *main wall* of any *main building* on the *lot*. The ‘minimum *rear yard*’ is measured at the minimum *yard* depth as required under this *Bylaw*.

**SIDE YARD** means a *yard* extending between the front and *rear yards* and the nearest point of the *main wall* of any *main building* on the *lot*. The ‘minimum *side yard*’ is measured at the minimum *yard* depth as required under this *Bylaw*.

**FLANKAGE YARD** means the *side yard* of a *corner lot* extending from the *front yard* to the *rear yard* and between the *flankage lot line* and the nearest point of the *main wall* of any *main building* on the *lot*. The ‘minimum *flankage yard*’ is measured at the minimum *yard* depth as required under this *Bylaw*. Where a minimum *flankage yard* is not separately specified, the ‘minimum *side yard*’ shall also apply to a *flankage yard*.



**YURT** means a *structure used* for temporary human habitation, consisting of a frame covered by natural or synthetic materials, and approved pursuant to the *Tourism Industry Act* and Regulations, or any successor legislation.

## Z

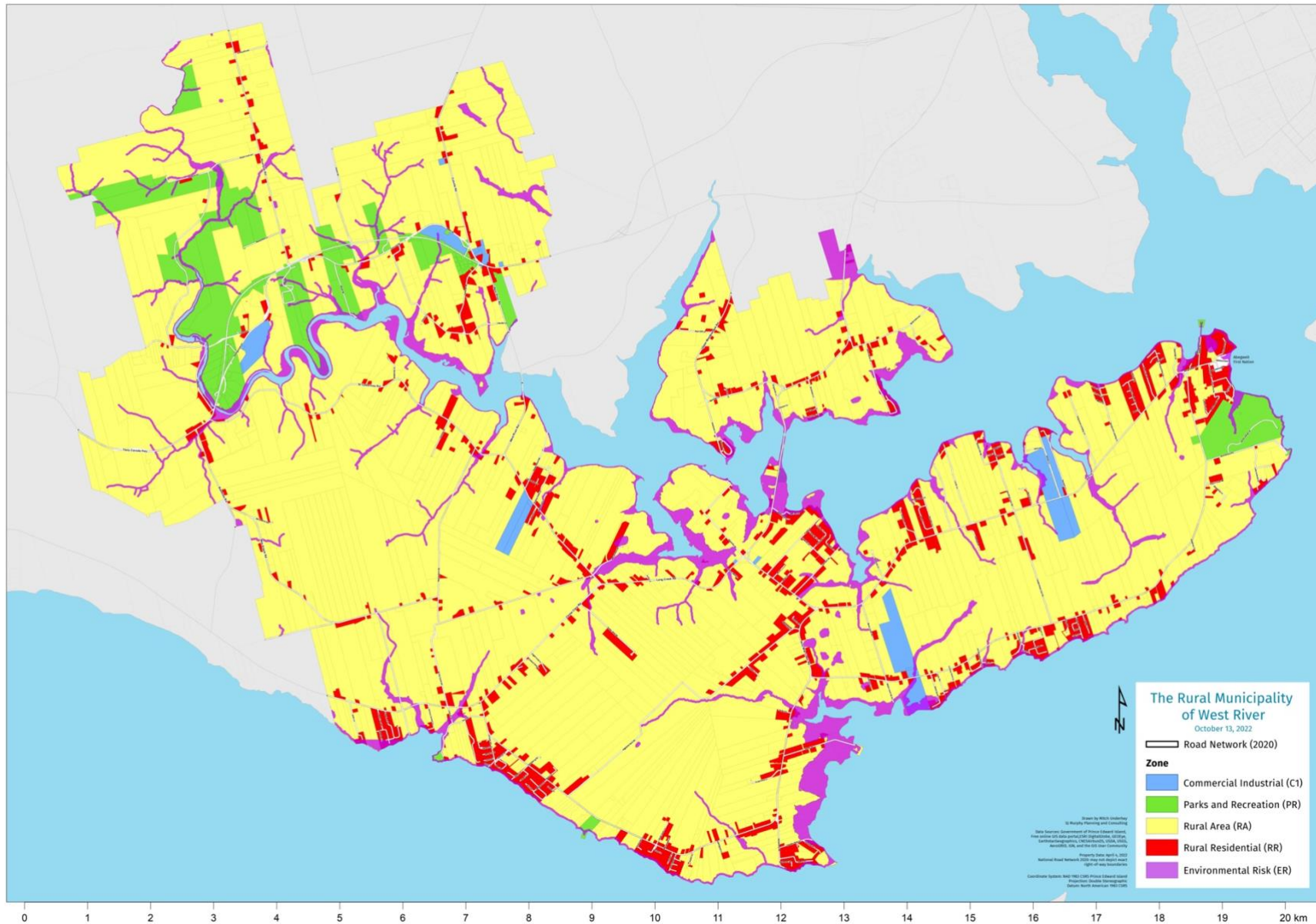
**ZONE** means a designated area of land shown on the *Zoning Map* of the *Bylaw* within which land *uses* are restricted to those specified by this *Bylaw*.

**ZONING MAP** means the map included as Schedule A to this *Bylaw* or as amended from time to time, depicting the boundaries of all land *use zones*.



## SCHEDULE A | ZONING MAP

# Rural Municipality of West River Zoning Map



## SCHEDULE B | PROVINCE-WIDE MINIMUM DEVELOPMENT STANDARDS

Notwithstanding any provisions of this *Bylaw*, the Province-Wide Minimum Development Standards Regulations prescribed under the Planning Act R.S.P.E.I. 1988, c. P-8, as amended from time to time, apply in the *Municipality*. The Province-Wide Minimum Development Standards Regulations are included for information and reference purposes only.

**NOTE:** This Schedule is not the official version of these regulations and these regulations may be amended after the enactment of this *Bylaw*.



### PLEASE NOTE

This document, prepared by the [Legislative Counsel Office](#), is an office consolidation of this regulation, current to November 19, 2011. It is intended for information and reference purposes only.

This document is *not* the official version of these regulations. The regulations and the amendments printed in the [Royal Gazette](#) should be consulted to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the [Table of Regulations](#).

If you find any errors or omissions in this consolidation, please contact:

Legislative Counsel Office  
Tel: (902) 368-4291  
Email: [legislation@gov.pe.ca](mailto:legislation@gov.pe.ca)

## CHAPTER P-8

### PLANNING ACT

#### PROVINCE-WIDE MINIMUM DEVELOPMENT STANDARDS REGULATIONS

Pursuant to clause 7(1)(c) of the *Planning Act* R.S.P.E.I. 1988, Cap. P-8, Council made the following regulations:

1. (1) In these regulations “authority having jurisdiction” means the Minister responsible for the *Planning Act* R.S.P.E.I. 1988, Cap. P-8, or in the case of a municipality with an official plan and bylaws, the municipal council. “authority having jurisdiction”, defined

(2) Words and expressions defined in section 1 of the *Planning Act* Subdivision and Development Regulations have the same meaning when used in these regulations. (EC703/95; 552/11) *Idem*, existing definitions

2. These regulations apply to all areas of the province. (EC703/95) Application

3. Revoked by EC41/96. Lot size

4. (1) No approval or permit shall be granted for the subdivision of a lot for residential use unless the lot conforms with the minimum lot size standards set out in Table 1. Residential

(2) The area encompassed by the required minimum circle diameter as set out in Table 1 and Table 2 shall be located on the lot such that it will accommodate an on-site sewage disposal system. Location

(3) Notwithstanding the minimum lot size standards set out in Table 1 and Table 2, for infilling purposes, a lot may be reduced to a minimum of 10,000 sq. ft. / 929 sq. m. provided that Reduced size

(a) it is serviced by an on-site water supply system and a central sewerage system; and

(b) only one additional lot from the existing parcel is created by any proposed subdivision.

(4) Notwithstanding the minimum circle diameter requirements set out in column (f) of Table 1 and column (e) of Table 2, a lot that does not meet those requirements may be subdivided from a lot or parcel that existed prior to June 12, 1993 where Reduced circle requirement



- (a) the lot is intended for either single unit residential use or non-residential use, and will be serviced by on-site water and sewerage disposal systems;
- (b) the lot meets Category I standards in accordance with clause 5(a) and the minimum lot area requirements set out in column (e) of Table 1 and column (d) of Table 2 respectively;
- (c) a circle with a minimum diameter of 125 ft./38.1 m. will fit within the boundaries of the lot; and
- (d) there is no practical alternative to increasing the size of the property to permit compliance with the circle diameter requirement. (EC703/95; 41/96; 694/00; 552/11)

Non-residential

**5. (1)** No approval or permit shall be issued to subdivide a lot for non-residential use unless in conformity with the minimum lot size standards set out in Table 2.

Exception

- (2) Notwithstanding subsection (1),
  - (a) where a lot is intended for any non-residential use where water and sewage services are not required for the proposed development, the Minister may approve an exemption from the requirement of subsection (1);
  - (b) where an approval or permit has been granted by an authority having jurisdiction pursuant to subsection (1), a subsequent approval or permit requiring or proposing a sewerage system shall only be granted in accordance with the standards set out in Table 2. (EC703/95; 41/96; 552/11)

Categories of lots

- 6.** Every lot on a plan of subdivision shall be categorized in accordance with the following site suitability standards:
- (a) Category I, where
    - (i) the depth of permeable natural soil is 2 ft. (0.61 m.) or greater,
    - (ii) the depth to bedrock is 4 ft. (1.22 m.) or greater, and
    - (iii) the depth to the maximum groundwater elevation is 4 ft. (1.22 m.) or greater;
  - (b) Category II, where
    - (i) the depth of permeable natural soil is greater than 1 ft. (0.3 m.), but less than 2 ft. (0.61 m.),
    - (ii) the depth to bedrock is 4 ft. (1.22 m.) or greater, and
    - (iii) the depth to the maximum groundwater elevation is 4 ft. (1.22 m.) or greater;
  - (c) Category III, where
    - (i) the depth of permeable natural soil is 1 ft. (0.3 m.) or greater,
    - (ii) the depth to bedrock is 2 ft. (0.61 m.) or greater, but less than 4 ft. (1.22 m.), or

- (iii) the depth to the maximum groundwater elevation is 2 ft. (0.61 m.) or greater, but less than 4 ft. (1.22 m.);
  - (d) Category IV, where
    - (i) the lot has a depth of permeable natural soil of less than 1 ft. (0.3 m.),
    - (ii) the depth to bedrock is greater than 1 ft. (0.3 m.), and
    - (iii) the depth of the maximum groundwater elevation is greater than 2 ft. (0.61 m.);
  - (e) Category V, where
    - (i) the depth to bedrock is less than 1 ft. (0.3 m.), and
    - (ii) the depth to the maximum ground water elevation is greater than 2 ft. (0.61 m.). (EC703/95; 694/00; 552/11)
7. Revoked by (EC694/00). Upgrade
8. The minimum lot size standards set in Tables 1 and 2 do not apply to subdivisions approved prior to October 14, 1995. (EC703/95; 552/11) Application
9. (1) The authority having jurisdiction may, for special cause, authorize such minor variance from the provisions of these regulations as, in its opinion, is desirable and not inconsistent with the general intent and purpose of these regulations. Minor variance
- (2) Notwithstanding any other provisions of these regulations, where a lot is designed for use by a public or a private utility, the authority having jurisdiction may authorize a variance from the provisions of these regulations as, in its opinion, is desirable. (EC703/95; 552/11) Variance, public utility use

#### MINIMUM HIGHWAY ACCESS

10. (1) The *Roads Act* Highway Access Regulations shall constitute the Minimum Highway Access Standards. Minimum highway access standards
- (2) An authority having jurisdiction shall not grant an approval or issue a permit for development unless an entrance way permit has been obtained for the applicable lot or development when so required. (EC703/95; 2/96; 552/11) Entrance way permit



**TABLE 1 - MINIMUM LOT SIZE STANDARDS:  
RESIDENTIAL LOTS**

(a) Servicing	(b) Lot Category	(c) Minimum Lot Frontage	(d) Number of Dwelling Units	(e) Minimum Lot Area sq. ft. / sq. m.	(f) Minimum Circle Diameter to be Contained Within the Boundaries of the Lot - feet / metres
on-site water supply and on-site sewage disposal system	I	100 feet / 30.5 metres (or 50 feet / 15.25 metres, where the frontage is on the interior curve of a street)	1 2 3 4 more than 4	25,000 sq. ft. / 2,322.5 sq. m. 30,000 sq. ft. / 2,787 sq. m. 35,000 sq. ft. / 3,251.5 sq. m. 40,000 sq. ft. / 3,717 sq. m. 40,000 sq. ft. / 3,717 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	150 ft. / 45.7 m. 160 ft. / 48.8 m. 175 ft. / 53.3 m. 200 ft. / 61 m. 200 ft. / 61 m.
on-site water supply and on-site sewage disposal system	II	100 feet / 30.5 metres (or 50 feet / 15.25 metres, where the frontage is on the interior curve of a street)	1 2 3 4 more than 4	35,000 sq. ft. / 3,251.5 sq. m. 40,000 sq. ft. / 3,717 sq. m. 45,000 sq. ft. / 4,180.5 sq. m. 50,000 sq. ft. / 4,645 sq. m. 50,000 sq. ft. / 4,645 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	175 ft. / 53.3 m. 200 ft. / 61 m. 225 ft. / 68.6 m. 250 ft. / 76.2 m. 250 ft. / 76.2 m.
on-site water supply and on-site sewage disposal system	III	100 feet / 30.5 metres (or 50 feet / 15.25 metres, where the frontage is on the interior curve of a street)	1 2 3 4 more than 4	51,000 sq. ft. / 4,738 sq. m. 56,000 sq. ft. / 5,202 sq. m. 61,000 sq. ft. / 5,667 sq. m. 66,000 sq. ft. / 6,131 sq. m. 66,000 sq. ft. / 6,131 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	225 ft. / 68.6 m. 250 ft. / 76.2 m. 275 ft. / 83.8 m. 300 ft. / 91.4 m. 300 ft. / 91.4 m.
on-site water supply and on-site sewage system	IV	100 feet / 30.5 metres (or 50 feet / 15.25 metres, where the frontage is on the interior curve of a street)	1 2 3 4 more than 4	75,000 sq.ft. / 6,975 sq.m. 80,000 sq.ft. / 7,440 sq.m. 85,000 sq.ft. / 7,905 sq.m. 90,000 sq.ft. / 8,370 sq.m. 90,000 sq.ft. / 8,370 sq.m., plus 1,500 sq.ft. / 457 sq.m. for each additional unit	300 ft. / 91.4 m.
on-site water supply and on-site sewage system	V	N/A	N/A	not developable	N/A

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central water supply and on-site sewage disposal system	I	50 feet / 15.25 metres	1 2 3 4 more than 4	20,000 sq. ft. / 1,858 sq. m. 25,000 sq. ft. / 2,322.5 sq. m. 30,000 sq. ft. / 2,787 sq. m. 35,000 sq. ft. / 3,251.5 sq. m. 35,000 sq. ft. / 3,251 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	125 ft. / 38.1 m. 150 ft. / 45.7 m. 160 ft. / 48.8 m. 175 ft. / 53.3 m. 175 ft. / 53.3 m.
central water supply and on-site sewage disposal system	II	50 feet / 15.25 metres	1 2 3 4 more than 4	25,000 sq. ft. / 2,322.5 sq. m. 30,000 sq. ft. / 2,787 sq. m. 35,000 sq. ft. / 3,251.5 sq. m. 40,000 sq. ft. / 3,717 sq. m. 40,000 sq. ft. / 3,717 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	150 ft. / 45.7 m. 160 ft. / 48.8 m. 175 ft. / 53.3 m. 200 ft. / 61 m. 200 ft. / 61 m.
central water supply and on-site sewage disposal system	III	50 feet / 15.25 metres	1 2 3 4 more than 4	40,000 sq. ft. / 3,717 sq. m. 45,000 sq. ft. / 4,180.5 sq. m. 50,000 sq. ft. / 4,645 sq. m. 55,000 sq. ft. / 5,110 sq. m. 55,000 sq. ft. / 5,110 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	200 ft. / 61 m. 225 ft. / 68.6 m. 250 ft. / 76.2 m. 275 ft. / 83.8 m. 275 ft. / 83.8 m.
central water supply and on-site sewage disposal system	IV	50 feet / 15.25 metres	1 2 3 4 more than 4	60,000 sq. ft. / 5,580 sq. m. 65,000 sq. ft. / 6,450.5 sq. m. 70,000 sq. ft. / 6,510 sq. m. 75,000 sq. ft. / 6,975 sq. m. 75,000 sq. ft. / 6,975 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	275 ft. / 83.8 m.
central water supply and on-site sewage disposal system	V	N/A	N/A	not developable	N/A
on-site water supply and central waste treatment system	I or II	50 feet / 15.25 metres	1 2 3 4 more than 4	15,000 sq. ft. / 1,393.5 sq. m. 20,000 sq. ft. / 1,858 sq. m. 25,000 sq. ft. / 2,322.5 sq. m. 30,000 sq. ft. / 2,787 sq. m. 30,000 sq. ft. / 2,787 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	100 ft. / 30.5 m. 125 ft. / 38.1 m. 150 ft. / 45.7 m. 160 ft. / 48.8 m. 160 ft. / 48.8 m.

on-site water supply and central waste treatment system	III	50 feet / 15.25 metres	1	20,000 sq. ft. / 1,858 sq. m.	125 ft. / 38.1 m.
			2	25,000 sq. ft. / 2,322.5 sq. m.	150 ft. / 45.7 m.
			3	30,000 sq. ft. / 2,787 sq. m.	160 ft. / 48.8 m.
			4	35,000 sq. ft. / 3,251.5 sq. m.	175 ft. / 53.3 m.
			more than 4	35,000 sq. ft. / 3,251.5 sq. m., plus 1,500 sq. ft. / 457 sq. m. for each additional unit	175 ft. / 53.3 m.
central water supply and waste treatment systems	I, II, or III	n/a	any number	as determined by the Minister	as determined by the Minister

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**TABLE 2**

**TABLE 2 - MINIMUM LOT SIZE STANDARDS:  
NON-RESIDENTIAL LOTS**

(a) Servicing	(b) Lot Category	(c) Minimum Lot Frontage	(d) Minimum Lot Area	(e) Minimum Circle Diameter to be Contained Within the Boundaries of the Lot - feet/metres
on-site water supply and on-site sewage disposal system	I	100 feet / 30.5 metres (or 50 feet / 15.25 metres, where the frontage is on the interior curve of a street)	25,000 sq. ft. / 2,322.5 sq. m.	150 ft. / 45.7 m.
on-site water supply and on-site sewage disposal system	II	100 feet / 30.5 metres (or 50 feet / 15.25 metres, where the frontage is on the interior curve of a street)	35,000 sq. ft. / 3,251.5 sq. m.	175 ft. / 53.3 m.
on-site water supply and on-site sewage disposal system	III	100 feet / 30.5 metres (or 50 feet / 15.25 metres, where the frontage is on the interior curve of a street)	51,000 sq. ft. / 4,738 sq. m.	225 ft. / 68.6 m.
central water supply and on-site sewage disposal system	I	50 feet / 15.25 metres	20,000 sq. ft. / 1,858 sq. m.	125 ft. / 38.1 m.
central water supply and on-site sewage disposal system	II	50 feet / 15.25 metres	25,000 sq. ft. / 2,322.5 sq. m.	150 ft. / 45.7 m.
central water supply and on-site sewage disposal system	III	50 feet / 15.25 metres	35,000 sq. ft. / 3,251.5 sq. m.	175 ft. / 53.3 m.

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on-site water supply and central waste treatment system	I, II or III	50 feet / 15.25 metres	15,000 sq. ft. / 1,393.5 sq. m.	100 ft. / 30.5 m.
central water supply and waste treatment systems	I, II or III	n/a	as determined by the Minister	as determined by the Minister

(EC542/87; 703/95; 694/00; 552/11)



## SCHEDULE C | SCHEDULE OF FEES

Last revised: March 19, 2024 (Motion #2024-32)

Application Type	Fee
<b>Residential</b>	
All residential (incl. additions, attached garages, basement floor area) (Commercial fees apply for residential buildings with 4+ dwelling units)	\$0.25/sq. ft New (Min \$350 - Max \$1500) Renovation or addition (Min \$200 - Max \$1500)
Accessory structures	\$0.25/sq. ft. (Min \$100 - Max \$1,500)
<b>Agricultural</b>	
Agricultural/Forestry building or structure	\$0.20/sq. ft. (Min \$300 - Max \$1500)
<b>Commercial / Industrial/Institutional/Recreational</b>	
New construction, additions, and renovations, includes storage and accessory structures	\$0.40/sq. ft New (Min \$500 - Max \$3,000) Renovation or addition (Min \$400 - Max \$2,000)
Excavation Pit	\$1,500 new   \$600 renewal
Wind Turbine	\$4.00/\$1,000.00 construction costs (Min \$200 - Max \$2,000)
<b>Miscellaneous</b>	
Change of use – existing building	\$150 + associated costs* if applicable
Demolition	\$150
Solar array, ground or roof mounted	\$150
Other non-commercial (decks, temporary permits, etc.)	\$100
<b>Variance, Amendment, Rezoning</b>	
Variances - No public meeting required	\$200 + associated costs*
Variances - Public meeting required	\$450 + associated costs. Deposit of \$4,000 before final council consideration*
Official Plan Amendment	\$500 + associated costs. Deposit of \$4,000 before final council consideration*
Bylaw Amendment/ Rezoning/ Site Specific Amendment	\$500 + associated costs. Deposit of \$4,000 before final council consideration*
Concurrent Official Plan and Bylaw Amendment (including concurrent amendments to Future Land Use Map and Zoning Map)	\$500 + associated costs. Deposit of \$4,000 before final council consideration*
<b>Subdivision Applications</b>	
Subdivision—up to 4 lots per subdivision	\$450 (1 lot) + \$200/additional lot
Subdivision—5 or more lots per subdivision	\$900 (5 lots) + \$150/additional lot
Lot Consolidation (includes boundary line adjustments through severance and consolidation)	\$350
Subdivision of attached building	\$400
<b>Agreements</b>	
Development or Subdivision Agreement	\$400 + Deposit of \$4,000 for cost of registration at Registry Office & costs incurred by the Municipality in the preparation of the agreement, including professional and legal fees.

Application Type	Fee
Other Agreements	\$400 + Deposit of \$4,000 for cost of registration at Registry Office & costs incurred by the Municipality in the preparation of the agreement, including professional and legal fees.
<b>General Fees</b>	
Permit Extension (prior to expiration of permit)	\$250, subject to council approval
Permit Renewal (after expiration of permit)	Full fees after expiry
Permits obtained after work has started	\$500 or double the permit fee, whichever is greater
Zoning Inquiry	\$100
<p>* Associated costs shall be actual, quantifiable costs incurred by the Municipality in order to process the application or amendment, including professional and legal fees, notification fees for newspaper ads, hall rental, rental of public address system, and advertisement costs, postage, signage and any other the cost associated with the public meeting. A\$4,000.00 deposit must be paid by the applicant prior to the holding of any public meetings required under the Bylaw or by Council. Any monies paid in excess of the applicable fees and associated costs shall be refunded to the applicant.</p>	
<b>Policy for Refunds for Applications</b>	
All fees are non-refundable.	

## SCHEDULE D | WIND TURBINE STANDARDS

- 1) The *owner* of a *wind energy facility* shall comply with all applicable provincial statutes, regulations and other enactments related to *wind turbines*.
- 2) A *development permit* may be issued for a *wind energy facility* on one or more *lots* that do not have *frontage* on a *street*, provided proof of access to a *street* is submitted.
- 3) All *wind turbines* shall be finished in a non-reflective matte and unobtrusive colour.
- 4) The only artificial lighting permitted on *wind turbines* is lighting that is required by a federal or provincial statute, regulation, or other enactment.
- 5) No *signage* shall be permitted on a *wind turbine* except for the identification of the manufacturer or *owner*, provided such identification is part of the manufacturing or installation process for the *wind turbine(s)*.
- 6) The *owner* of the *wind energy facility* shall remove the *wind turbine(s)* and associated *structures* above *grade* within two (2) years of *wind energy facility* inactivity.
- 7) A *wind energy facility* with a name plate capacity equal to or less than 100 kilowatts shall:
  - a. not be located within three (3) times the total *height* of the *wind turbine* from any existing *residential use* or *street*; and
  - b. not be located within three (3) times the total *height* of the *wind turbine* from non-participating *lot lines*.
- 8) A *wind energy facility* with a name plate capacity in excess of 100 kilowatts shall:
  - a. not be permitted within 1 km of a Rural Residential *Zone*; and
  - b. be subject to the following conditions:
    - i. the blade clearance of all *wind turbines* shall be a minimum of 7.62 m (25 ft) from the ground or any *structure*;
    - ii. the minimum separation distance between *wind turbines* shall be equal to or exceed the total *height* of the taller *wind turbine*;
    - iii. all *wind turbines* shall be set back a minimum of three (3) times the total *height* of the *wind turbine* from all *streets* and *lot lines*, except where *parcels* are participating in the same application, in which case the *setback* requirement from a common *lot line* shall be zero; and
    - iv. all *wind turbines* shall be set back a minimum of 1 km from any existing *residential use*; except where *parcels* are participating in the same application, in which case the *setback* between a *wind turbine* and a *dwelling* shall be three (3) times the total *height* of the *wind turbine*.

- 9) The *owner* of the *wind energy facility* with a name plate capacity in excess of 100 kilowatts shall enter into a *development agreement* with *Council*, and the *agreement* shall be registered in accordance with the provisions of the *Registry Act*.
- 10) A *development permit* application for a *wind energy facility* in excess of 100 kilowatts shall include:
- a. a project description including the *owner* of the *wind energy facility*, total capacity of the *wind energy facility*, total *height*, tower *height*, rotor diameter, proposed *signage* on the *wind turbines*, and the manufacturer's specification of all *wind turbines* and energy storage systems;
  - b. copies of all documentation submitted pursuant to any federal or provincial statute, regulation, or other enactment;
  - c. signatures of all *lot owners* party to the application, acknowledging their intent to host physical components or waive *lot line setback* requirements and thereby participating in the *wind energy facility*;
  - d. an emergency response plan;
  - e. an operations and *maintenance* plan;
  - f. a decommissioning and reclamation plan;
  - g. a *site plan* showing:
    - i. existing and proposed *buildings*;
    - ii. existing and proposed *wind energy facilities*;
    - iii. meteorological test towers;
    - iv. *lot lines*;
    - v. participating *lots*;
    - vi. *wetlands* and *watercourses*;
    - vii. access roads; and
  - h. any other information the *development officer* or *Council* deems necessary to determine whether the *development* conforms to this *Bylaw*.
- 11) The total *height* of a *wind turbine* shall be measured from *grade* to the highest point of the rotor arc.

## SCHEDULE E | SITE-SPECIFIC AMENDMENTS

The following properties have been subject to a site-specific amendment to the *permitted uses* or standards by way of an amendment to a *zone* for a particular *property* or *properties*, including properties with identified uses permitted by site-specific amendment during the *development* of this *Bylaw*. The expansion or intensification of the below-noted uses or standards shall not be permitted except through a further site-specific amendment or where permitted through a *development agreement*.

Zone	PID	Civic Address	Use	Regulation	Effective Date
Rural Area (RA)	737163	TCH / MacKinnon Rd	<i>excavation pit</i>	Section 6.4	Effective date of this <i>Bylaw</i>
Rural Area (RA)	227165	Boyle Rd	<i>excavation pit</i>	Section 6.4	Effective date of this <i>Bylaw</i>
Rural Area (RA)	721621	Boyle Rd	<i>excavation pit</i>	Section 6.4	Effective date of this <i>Bylaw</i>
Rural Area (RA)	656447	TCH	<i>excavation pit</i>	Section 6.4	Effective date of this <i>Bylaw</i>
Rural Area (RA)	227744	Churchill Rd	<i>excavation pit</i>	Section 6.4	Effective date of this <i>Bylaw</i>



# SCHEDULE F | CORNWALL REGION SPECIAL PLANNING AREA

Part IV of the Subdivision and Development Regulations prescribed under the *Planning Act* R.S.P.E.I. 1988, c. P-8, as may be amended, apply in portions of the *Municipality* as established in Appendix A, Map 10 of those Regulations and as depicted below. Part IV of the Subdivision and Development Regulations is included for information and reference purposes only.

**NOTE:** This Schedule is not the official version of these regulations and these regulations may be amended after the enactment of this *Bylaw*.



- (b) shall be within the exclusive jurisdiction of the Minister.

**PEI 3 properties**

- (13) Those properties, or portions thereof, identified in Appendix A, Map No. 7 as PEI 3
  - (a) are designated for future commercial and light industrial purposes; and
  - (b) shall be within the exclusive jurisdiction of the Minister. (EC693/00)

**D - STRATFORD REGION, CHARLOTTETOWN REGION, CORNWALL REGION AND SUMMERSIDE REGION**

***SPECIAL PLANNING AREAS***

**63. Special Planning Areas**

- (1) The July 9, 1994 designation of the following areas as special planning areas is continued:
  - (a) the area adjacent to the Town of Stratford as shown in Appendix A, Map No. 8;
  - (b) the area adjacent to the City of Charlottetown as shown in Appendix A, Map No. 9;
  - (c) the area adjacent to the Town of Cornwall as shown in Appendix A, Map No. 10;
  - (d) the area adjacent to the City of Summerside as shown in Appendix A, Map No. 11.

**Application of section**

- (2) In addition to all other relevant conditions and requirements contained in these regulations, the provisions of this section apply within the Stratford Region Special Planning Area, the Charlottetown Area Special Planning Area, the Cornwall Region Special Planning Area and the Summerside Region Special Planning Area.

**Objectives**

- (3) The specific objectives for development within the Stratford Region Special Planning Area, the Charlottetown Region Special Planning Area, the Cornwall Region Special Planning Area, and the Summerside Region Special Planning Area are
  - (a) to minimize the extent to which unserved residential, commercial and industrial development may occur;
  - (b) to sustain the rural community by limiting future urban or suburban residential development and non-resource commercial and industrial development in order to minimize the loss of primary industry lands to non-resource land uses; and
  - (c) to minimize the potential for conflicts between resource uses and urban residential, commercial and industrial uses.

**Definition**

- (3.1) In this section,
  - (a) “existing parcel” means a parcel of land that existed on July 9, 1994;
  - (b) “golf course development” means a development comprising
    - (i) an area of land designed for the playing of the game of golf, with a series of 9 or 18 holes, each including tee, fairway and putting green and one or more natural hazards, that may also include, but is not limited to, a main golf club building, ancillary buildings and structures, infrastructure and related services, equipment and signage used to assist with the operation and maintenance of the golf course, and

- (ii) a residential development component;
- (c) “residential development component” means a residential development comprising no more than five lots per parcel approved under subsection (5.03) exclusively for single-unit dwelling use in direct association with a golf course.

**Approval of one lot per parcel**

- (4) An existing parcel of land may, on approval, be subdivided into not more than one lot for one of the following purposes:
  - (a) recreational use;
  - (b) resource-commercial or resource-industrial use, where the lot is intended for agricultural, forestry or fisheries purposes;
  - (c) institutional use, where the lot has an area no greater than three acres;
  - (d) use as a cemetery;
  - (e) rural tourism use, where the area of the lot does not exceed three acres;
  - (f) public utility use.

**Five lots per parcel - residential use**

- (4.01) An existing parcel of land may, on approval, be subdivided into not more than five lots for residential use, which may include
  - (a) single-unit dwelling use;
  - (b) duplex dwelling use; or
  - (c) multiple unit dwelling use or a mobile home park where
    - (i) central sewerage service provided by a municipal sewerage utility or central water service provided by a municipal water utility, or both, are available, and
    - (ii) an irrevocable agreement has been signed between the developer and the municipal sewerage or water utility to provide central sewerage service or central water service, or both, if available, to the lot or mobile home park.

**Clarification**

- (4.02) For greater certainty, the same parcel of land may be subdivided for the purposes of either subsection (4) or (4.01), but not both.

**Non-resource commercial or industrial**

- (4.1) A parcel may be subdivided for a non-resource related commercial or industrial use where
  - (a) the subdivided land is to encompass or contain an existing commercial use, or be appended to or consolidated with land that was approved for a non-resource related commercial or industrial use by the Minister prior to October 12, 2019;
  - (b) in the opinion of the Minister, that use has not been discontinued or abandoned; and
  - (c) the proposed expansion does not violate the intent and purpose of these regulations, with particular regard for sections 3 and 13.

**Exception**

- (5) Notwithstanding clause (4.01)(a), where the intended residential use is single-unit dwelling use, subdivisions of more than one lot per parcel of land, may be approved in the following situations:
  - (a) where the requirements of clause (4.01)(a) are insufficient to permit the owner of a parcel to provide lots for the children of that owner, and





- (i) the owner files, with an application to subdivide the parcel, a statutory declaration that he or she will convey the lots only to his or her children and only for the use as a single-unit dwelling,
  - (ii) no child of the owner will receive more than one lot,
  - (iii) the total number of lots that may be subdivided from all of the parcels owned by an owner pursuant to this subsection is equal to or less than the number of children of that owner at the time of the application, and
  - (iv) revoked by EC166/08)
  - (v) a lot intended for a child of the owner of a parcel of land shall not be given final approval and shall not be conveyed until the child has received a development permit approval for the lot and has submitted a statutory declaration declaring that the child intends to build a residence on the lot for the child's own use;
- (b) where one lot is required in addition to those permitted by clause (a) or (4)(a) in order to accommodate an existing farm dwelling, and the dwelling on the lot is to be served by the existing farm dwelling access;
  - (c) where central sewerage service provided by a municipal sewerage utility or central water service provided by a municipal water utility is available or both are available, and an irrevocable agreement has been signed between the developer and the municipal sewerage or water utility to provide central sewerage service or central water service or both if available to all lots prior to the conveyance of any lot from the approved subdivision;
  - (d) where an owner of a golf course that exists on the date of the coming into force of this clause proposes to create a golf course development in accordance with the requirements of subsections (5.03) to (5.05).

**“remnant parcel”, defined**

- (5.01) In subsection (5.02), “remnant parcel” means, in respect of an existing parcel, the portion of the existing parcel that has not been approved for subdivision into one or more lots under subsection (4), (4.01), (4.1), (5) or (5.1).

**Subdivision of remnant**

- (5.02) An approval to subdivide a remnant parcel may be granted, as if the remnant parcel were an existing parcel, under
- (a) any clause of subsection (4), (4.01), (4.1) or (5); or
  - (b) subsection (5.1),
- if no previous approval to subdivide has been granted under such a clause of subsection (4), (4.01), (4.1) or (5), or under subsection (5.1), as the case may be, in respect of any land forming part of the existing parcel.

**Residential development component, criteria**

- (5.03) A residential development component of a golf course development shall
- (a) be directly associated with the golf course by means of a membership agreement between the golf course owner and the prospective purchaser of each lot that provides that the agreement shall run in perpetuity with the lot for the life of the golf course development;
  - (b) be consistent with the objectives set out in subsection (3); and
  - (c) not interfere with the normal operation of the golf course.

**Conditions for application**

- (5.04) The owner of a golf course that exists on the date of the coming into force of clause (5)(d) may apply in accordance with subsection (5.05) for approval for subdivision of the golf course, or the adjoining land, if that land is also owned by the owner of the golf course, or both, into no more than 5 lots per parcel, exclusively for single-unit dwelling use as a residential development component in direct association with the golf course to form a golf course development.

**Requirements for application**

- (5.05) An application to establish a residential development component of a golf course development shall
- (a) indicate how the proposed development is suited to the intended location, by means of a detailed site plan, drawn to scale, and a design brief that includes information about
    - (i) the total area and topography of the proposed site, property boundaries, setbacks and location of all existing and proposed buildings on the property,
    - (ii) existing and proposed land uses and the location of any archaeological sites, wildlife habitat areas and natural features, including beaches, sand dunes, wetlands and watercourses,
    - (iii) proposed street design, including pedestrian circulation, safety of access and emergency access,
    - (iv) if municipal or central services are available, the location of the proposed water supply, waste water collection, sewage disposal and treatment,
    - (v) storm water management,
    - (vi) proposed placement of utilities, services and easements,
    - (vii) lot coverage ratio and building height allowance,
    - (viii) potential effects of the proposed development on existing views, and
    - (ix) any additional information the Minister considers necessary; and
  - (b) be presented at a public meeting in accordance with the requirements of section 11.

**Idem**

- (5.1) Notwithstanding clause 4(b), where the intended use is resource-commercial or resource-industrial within a municipality that has an official plan, subdivisions of more than one lot per parcel of land may be approved where an irrevocable agreement has been signed between the developer and a municipal sewerage or water utility to provide central sewerage or central water service, or both if available, to all lots prior to the conveyance of any lot from the approved subdivision.

**Idem**

- (6) In the case of a Slemon Park subdivision which has more than one lot, and whose lots have areas greater than one acre, the subdivision may be approved for industrial use for those lands owned by the Slemon Park Corporation on July 9, 1994, where an irrevocable agreement has been signed between the Slemon Park Corporation and the developer to provide central sewerage and water service to all lots prior to conveyance of any lot and commencement of the development.

**Development permits**

- (7) Pursuant to the uses and limitations contained in subsection (4), (4.01), (4.1), or (5.02), development permits may be approved for





- (a) existing parcels of land;
- (b) subdivisions approved prior to July 9, 1994;
- (c) subdivisions approved pursuant to subsections (4), (4.1), (4.01), (5) and (5.1) and remnant parcels resulting from such subdivisions;
- (d) subdivisions approved pursuant to clause (5)(c) and subsection (5.1), where an irrevocable agreement has been signed between the developer and the municipal sewerage utility, municipal water utility or both of them to provide central sewerage service, central water service, or both of them, to the approved subdivision prior to commencement of construction or location of dwellings or buildings on any of the lots;
- (e) subdivisions approved for lands owned by the Slemon Park Corporation pursuant to subsection (6), where an irrevocable agreement has been signed between the Slemon Park Corporation and the developer to provide central sewerage and water service to the approved subdivision prior to commencement of construction or location of dwellings or buildings on any of the lots.

**Existing farm dwelling**

- (8) Where a lot has been approved pursuant to clause (5)(b) to accommodate an existing farm dwelling, no development permit shall be issued for a dwelling on the remainder of the subdivided parcel.

**Municipal official plan**

- (9) Subdivisions or development permits approved under subsections (4), (4.1), (4.01), (5), (5.1) and (7) shall, in areas where a municipal official plan is in place, also be subject to all applicable land use and development regulations made pursuant to the municipal official plan.

**Municipality with official plan**

- (10) A municipality with an official plan may, as an alternative to amending its official plan and bylaws to conform with subsections (2) to (9), otherwise amend its official plan and bylaws where the amendments comply with subsection 7(2) of the Act and
  - (a) are consistent with the objectives set out in subsection (3);
  - (b) satisfy the minimum requirements applicable to official plans pursuant to section 7 of the Act;
  - (c) revoked by EC421/09;
  - (d) with the exception of the community of Miscouche, limit the number of lots in a subdivision for residential use to no more than five lots per existing parcel of land, unless
    - (i) central water service, central sewerage service, or both of them, by a municipal water utility, municipal sewerage utility, or both of them, is available, and
    - (ii) an irrevocable agreement has been signed between the developer and the municipal water utility, municipal sewerage utility, or both of them, to provide central water service, central sewerage service, or both of them, to all lots prior to the conveyance of any lot from the approved subdivision; and
  - (e) require the municipality to report to the Minister, on or before April 30 of each year, the number of lots approved and development permits issued in the previous fiscal year, by type of intended use. (EC693/00; 702/04; 116/05; 212/05; 166/08; 421/09; 670/13; 842/16; 319/17; 674/19; 222/22; 451/22)

## SCHEDULE G | EXCAVATION PITS

### .1 PROCESS

- (1) For the purposes of this Schedule, ‘development permit’ means a development permit issued by the Council for an *excavation pit* on a specified *parcel*.
- (2) Subject to section .10, no *person* shall
  - (a) develop or operate an *excavation pit*;
  - (b) remove excavated material from an *excavation pit*; or
  - (c) institute reclamation procedures in an excavation pit,except under the authority of a development permit issued in accordance with the requirements of this *Bylaw*.
- (3) A *property owner* or their authorized agent may apply for a development permit by submitting to the *Municipality*,
  - (a) a completed application, including the information required in the form approved by the *Council*; and
  - (b) the application fee set out in Schedule C.
- (4) The information and other documentation to be provided by an applicant for the purposes of an application under subsection (3) shall include
  - (a) if the applicant is not the *owner* of the parcel of land where the proposed *excavation pit* is to be operated, the written consent of the *owner* to the operation of the *excavation pit* on that *parcel* of land;
  - (b) the real property tax number and the name of the owner as shown on the tax notices under the *Real Property Tax Act* R.S.P.E.I. 1988, Cap. R-5, for the *parcel* of land where the proposed *excavation pit* is to be located;
  - (c) a map or plan showing the location, shape, dimensions, approximate area and description of the *property* on which the *excavation pit* is to be located and the location of the proposed *excavation pit*, together with the existing grades of the *property* on which the *excavation pit* is to be located;
  - (d) details of the existing land *use* of the location of the proposed *excavation pit*, including whether the *property* on which the proposed *excavation pit* is located is designated under the *Prince Edward Island Lands Protection Act* R.S.P.E.I. 1988, Cap. L-5;
  - (e) details of the *use* of all land within 500 metres of the boundary of the proposed *excavation pit*;
  - (f) the location and extent of all *watercourses* and *wetlands* within the *property* boundaries or within 250 metres of the proposed *excavation pit*;
  - (g) the details of all drainage from the proposed *excavation pit*;

- (h) proposed measures to prevent soil eroded from the proposed *excavation pit* from entering any adjacent *watercourses* or *wetlands*;
  - (i) a description of all entrances to and exits from the proposed *excavation pit*;
  - (j) the proposed location and size of stockpiles of the matter to be excavated, overburden and waste;
  - (k) proposed measures to protect people and livestock from any hazards that may be created by the proposed *excavation pit*, including fencing and posting of signs that warn of its proximity; and
  - (l) other information respecting the proposed *excavation pit* and its operation that may be required by the *Council* in order to assess the application.
- (5) A plan referred to in clause (4)(c) may be in the form of an aerial photograph, a survey plan certified by a professional land surveyor or a line drawing made by an applicant, but the applicant shall ensure that any plan submitted for the purposes of this section contains sufficient detail and identifies the location and extent of the features referred to in subsection (4) with sufficient clarity to allow the *Council* to properly assess the application.
- (6) *Council* may grant a development permit to the applicant if, after reviewing an application submitted in accordance with subsection (3) and after following the procedures and considering the criteria set out in this *Bylaw* for a site-specific amendment use, *Council* is satisfied that
- (a) the application has been made in accordance with the requirements of this *Bylaw*; and
  - (b) the application includes the information and other requirements referred to in subsection (4) and is otherwise acceptable to *Council*, and
  - (c) adequately provides for the operation of the *excavation pit* in compliance with this *Bylaw* and the requirements of any other enactment.
- (7) In making its assessment under subsection (6), *Council* may consult with the *Province's* department responsible for the environment or other qualified professionals.
- (8) In determining whether or not to grant a development permit, *Council* may establish such terms and conditions as are necessary to ensure compliance with the *Bylaw* and any other enactment, including criteria for the renewal of the development permit.
- (9) Upon making a decision with regards to an application for a development permit, *Council* shall provide public notice in accordance with Part 15 of this *Bylaw*.

## **.2 DISPLAY REQUIRED**

- (1) A holder of a development permit shall display the development permit for an *excavation pit* in clear view at the entrance to the *excavation pit* for which it was issued.

### **.3 REASONS FOR REFUSAL**

- (1) Where the *Council* refuses to issue development permit to an applicant, the *Council* shall provide written reasons for the refusal to the applicant.

### **.4 COMPLIANCE REQUIRED**

- (1) All activities associated with the operation of an *excavation pit* shall be carried out in compliance with this *Bylaw* and the requirements set out in paragraphs 1.0 to 2.6, inclusive, of the Design and Operational Criteria for Excavation Pits set out in the Schedule to the *Excavation Pits Regulations*.
- (2) The operator of an *excavation pit* shall ensure that the design and operation of the *excavation pit* comply with this *Bylaw* and the requirements set out in paragraphs 1.0 to 2.6, inclusive, of the Design and Operational Criteria for Excavation Pits set out in the Schedule to the *Excavation Pits Regulations*.
- (3) A development permit holder shall notify the *Council* in writing of any change in the circumstances of the development permit that relates to any information the development permit holder provided in the application for the development permit.

### **.5 SUSPENSION**

- (1) *Council* may suspend or revoke a development permit if *Council* is satisfied that any one or more of the following conditions prevail:
  - (a) the *excavation pit* is not designed, located, constructed, or operated in accordance with the requirements set out in this *Bylaw* or and the requirements set out in paragraphs 1.0 to 2.6, inclusive, of the Design and Operational Criteria for Excavation Pits set out in the Schedule to the *Excavation Pits Regulations*;
  - (b) the development permit holder has obtained the development permit through misrepresentation or fraud.
- (2) A suspension under subsection (1) remains in force for the period of time specified by *Council*, which shall not exceed the remainder of the period during which the development permit is valid.
- (3) Where a development permit is suspended under subsection (1), the development permit holder may reapply to *Council* for reinstatement of the development permit on the expiry of the suspension period specified under subsection (2) by providing proof satisfactory to *Council* that the contravention that gave rise to the suspension has been corrected.

## **.6 EXPIRY**

- (1) Notwithstanding section 3.15 of this *Bylaw*, unless otherwise specified by the *Council*, a development permit expires one year after the date on which it was issued.

## **.7 RENEWAL**

- (1) A development permit holder may renew the development permit prior to its expiry by submitting a completed application in the form required by *Council* to *Council*, accompanied by the renewal fee set out in Schedule C.
- (2) An applicant under subsection (1) shall provide, in respect of the *excavation pit* to which the 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.

## **.8 PROHIBITION**

- (1) The holder of development permit for an *excavation pit* shall not transfer or use the development permit for the development or operation of an *excavation pit* other than the *excavation pit* for which it was granted.

## **.9 RECLAMATION PROCEDURES**

- (1) The holder of a development permit shall, before the *excavation pit* is abandoned, conduct reclamation procedures and institute safety measures that are acceptable to the *Council*, including
  - (a) sloping of the working faces of the *excavation pit*;
  - (b) contouring of pit floors to limit ponding of surface water; and
  - (c) restricting public access to the *excavation pit* by appropriate means.
- (2) The *Council* may direct the *owner* of a property on which an abandoned *excavation pit* is located to perform activities relating to the closure and reclamation of the *excavation pit*, if the Council believes on reasonable grounds that
  - (a) the slope or grading of the *excavation pit* is contributing to the release of sediment, silt or surface water runoff that is detrimental to the environment;
  - (b) the closure and reclamation of the *excavation pit* would contribute to an improvement in the natural habitat of the area;
  - (c) the *excavation pit* may be injurious to the health or safety of a person; or



- (d) the *excavation pit* interferes with or is likely to interfere with the comfort, well-being, livelihood, or enjoyment of life of a person.
- (3) Clause 2(c) does not apply to an *owner* of a property referred to in subsection (2) who is acting under the authority of a directive issued by the *Council* under that subsection.

#### **.10 EXEMPTION**

- (1) The registered *owner* of a parcel is exempt from the requirement to obtain development permit for the operation of an *excavation pit* located on that parcel if the material to be excavated is for private use and is not sold commercially or supplied to any person for resale.