

Notice of Appeal

(Pursuant to Section 28 of the *Planning Act*)



TO: The Island Regulatory and Appeals Commission
National Bank Tower, Suite 501, 134 Kent Street
P.O. Box 577, Charlottetown PE C1A 7L1
Telephone: 902-892-3501 Toll free: 1-800-501-6268
Fax: 902-566-4076 Website: www.irac.pe.ca

NOTE:
Appeal process is a public process.

TAKE NOTICE that I/we hereby appeal the decision made by the Minister responsible for the administration of various development regulations of the **Planning Act** or the Municipal Council of West River (name of City, Town or Community) on the 25th day of April, 2024, wherein the Minister/Community Council made a decision to rezone PID 818500 from Rural Agriculture to Rural Residential to subdivide the property into 13 residential lots (file No. WR-004). Although the Council Meeting was held for the 2nd reading, the minutes to date, have not been posted. No public record is avail. (attach a copy of the decision).

Minutes have now been posted + are attached
AND FURTHER TAKE NOTICE that, in accordance with the provisions of Section 28.(5) of the **Planning Act**, the grounds for this appeal are as follows: (use separate page(s) if necessary)

Please see separate sheet

AND FURTHER TAKE NOTICE that, in accordance with the provisions of Section 28.(5) of the **Planning Act**, I/we seek the following relief: (use separate page(s) if necessary)

I/we are seeking to have this agricultural land to not be rezoned. there are a number of farmers looking for land in the area for farming. maintaining ~~able~~ land in the area is essential. There are numerous lots that have been for sale for a number of years and have still not sold

EACH APPELLANT MUST COMPLETE THE FOLLOWING: (print separate sheets as necessary)

Name(s) of Appellant(s): <u>Judy Shaw</u> Please Print	Signature(s) of Appellant(s): <u><i>J. Shaw</i></u>
Mailing Address: <u>3040 West River Rd</u>	City/Town: <u>St Catherines</u>
Province: <u>PEI</u>	Postal Code: <u>C0A1H1</u>
Email Address: <u>judyshawpei@gmail.com</u>	Telephone: <u>902 388-8590</u>

Dated this 14 **day of** May, 2024
day month year

IMPORTANT

Under Section 28.(6) of the **Planning Act**, the Appellant must, within seven days of filing an appeal with the Commission serve a copy of the notice of appeal on the municipal council or the Minister as the case may be.

Service of the Notice of Appeal is the responsibility of the Appellant

Information on this Form is collected pursuant to the **Planning Act** and will be used by the Commission in processing this appeal.
For additional information, contact the Commission at 902-892-3501 or by email at info@irac.pe.ca.

Delivered by Hand May 15, 2024

Judy Shaw
Strathnairn Farm
3040 West River Rd
St Catherines, PE
C0A 1H1
judyshawpei@gmail.com
902 388-8590

Island Regulatory and Appeals Commission
National Bank Tower, Suite 501,
134 Ken St.
PO Box 577,
Charlottetown, PE C1A 7L1

May 14, 2024

RE: **NOTICE OF APPEAL (Pursuant to Section 28 of the *Planning Act*):** Rezoning
St Catherines Property, PID #818500

As per the provisions of Section 28.(5) of the *Planning Act*, I/we am/are writing in to
appeal the decision to Rezone St Catherines Property, PID #818500 from Rural
Agriculture to Rural Residential to Subdivide into 13 Residential Lots (File Number WR-
0040)

Background:

My farm field (PID 204644) is adjacent to the full length of the property referred to above
(please see attached diagram). My field, which is approximately 68 acres (the majority
of which is class 2 farmland), has been rented out for potato production (under rotation)
for about 60 years. It has been sought after for this use by various farmers. This farm,
which belonged to the Honourable W R Shaw, is a registered heritage place under the
Heritages Places Protection Act as of 2021.

My specific comments regarding the rezoning are as follows:

Loss of Prime Agricultural Land

1. Potato land is required to be ploughed, planted, sprayed for pests (e.g. for Potato
Late Blight, Colorado Potato Beetle, etc.) and harvested. These various activities
can cause conflict (due to resulting drift, dust, etc.) between a residential
homeowner and the farmer. Although most farmers are very respectful and try to
keep the homeowner informed, this does not always work. The introduction of 13
new neighbouring residential lots immediately adjacent to an existing crop (potato)
field significantly alters the appeal of the property to any prospective farmer. It would
take only one of these new neighbours to cause difficulties with the farmer leading to

lost economic opportunity for me as well as a potential devaluation of my land for farming.

2. Our family has always been and continues to be very supportive of PEI's farmers. As my field is mainly class 2 land, I would expect that most of PID#818500 would also be class 2 land as it is very similar and, potatoes were also grown there for many years. . The continued loss of high quality farmland in the community for yet another subdivision does not seem to align with the Island's reliance on agriculture as a major industry.
3. With significant development in the area there is a definite shortage of agricultural land. I have been informed of 4 farmers looking for more arable land for farming in this area.

Availability of Lots for Sale in the area:

1. There appear to be numerous lots for sale in the Municipality and the areas adjacent, including other properties for sale along the West River. Many have been for sale for over a decade. The exchange of farmland for a subdivision should not be a priority.

Environmental Considerations:

An environmental assessment must be carried out. Where the environment is concerned, the precautionary principle is generally followed in most jurisdictions.

The flow of storm water should be of primary concern to the municipality particularly with climate change as a major focus today. There has been no assessment of the sustainability or environmental effects of the development short or long term.

Details comments are as follows:

1. Stormwater Management: The stormwater runs from the West River Rd roadside ditches from the east and west, plus, from the fields across the road (sloping down to the road) through the culvert under the West River Road to the east side of my field (adjacent to the property in question). A grassy strip has been established through my field following good agricultural practices to reduce erosion and allow the water flow to be managed as it flows down and across PID 818500 to the West River. This has been completely ignored in the drawing provided by the municipality and in fact where the water flows there is a lot planned for development. If this land is developed, there would be a need for fill to be trucked in resulting in the backflow of the water from the area into my field or, there would need to be ditches indicated in the drawing. I am therefore requesting that there be an environmental review of

the stormwater management plan and a proposal for structures to be put into place allowing for the flow of water prior to any rezoning being considered.

2. Osprey: The area of PID 818500 (north end by the river), is an important area for nesting Osprey. As much of the land on the West River seems has been sold for residential development, this is leading to trees along the waterways being cut, etc., and osprey habitat in this area is disappearing. Very unfortunate for a Rural Municipality to allow this to happen.
3. Septic systems: would be required here which do take up more land and may result in more fill being necessary resulting in the poor flow of stormwater. The suitability of the land for septic systems has not been tested.

Iconic Island View:

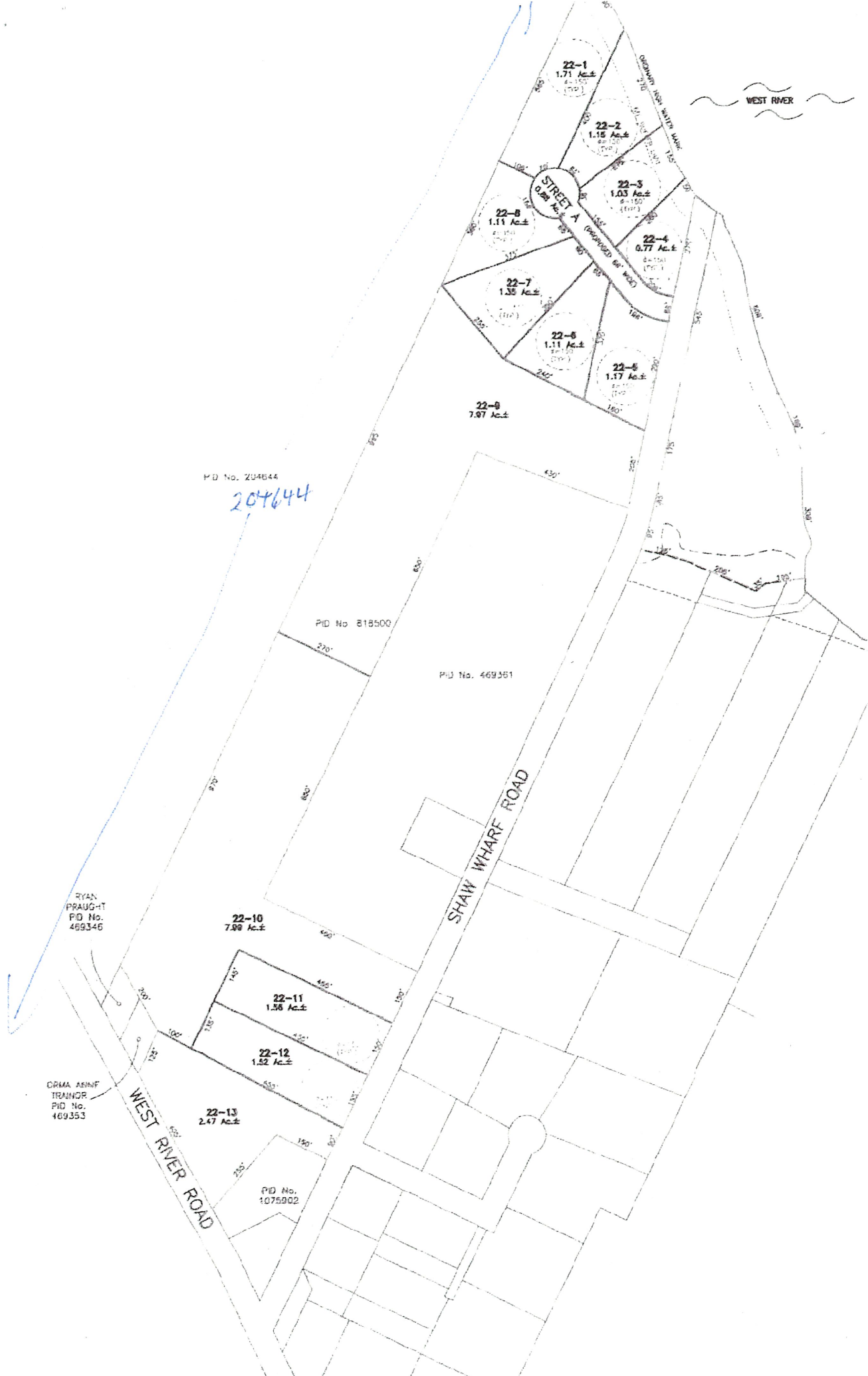
The view from the West River Rd bend where it meets the St Catherines Rd is a much photographed and painted island pastoral view of farmland, trees and waterways. It is so representative of the beauty of PEI. It is there for everyone's enjoyment, Islanders and tourists alike. Additionally, it is on the route of the Island Walking Trail. Tour buses from cruise ships frequent this route in the summers for the views and it is not uncommon to see cars parked at the roadside with their passengers taking pictures.

In closing, I would urge the Island to have the courage to prevent the further spread of urban sprawl into the Rural Municipality of West River and to protect our good agricultural land.

I have attached a drawing indicating the water flow and the posted drawing of the lots which have been requested for development.

Attachments: Map showing water flow
 Map showing planned lots

Cc: Rural Municipality of West River,
 Afton Community Centre,
 1552-B Rte 19,
 New Dominion, PE, C0A1H6



PID No. 204644

204644

PID No. 818500

PID No. 469351

RYAN
PRAUGHT
PID No.
469346

22-10
7.99 Ac±

22-11
1.58 Ac±

22-12
1.52 Ac±

22-13
2.47 Ac±

PID No.
1075902

CRIMA ANNIE
TRAINOR
PID No.
469353

WEST RIVER

SHAW WHARF ROAD

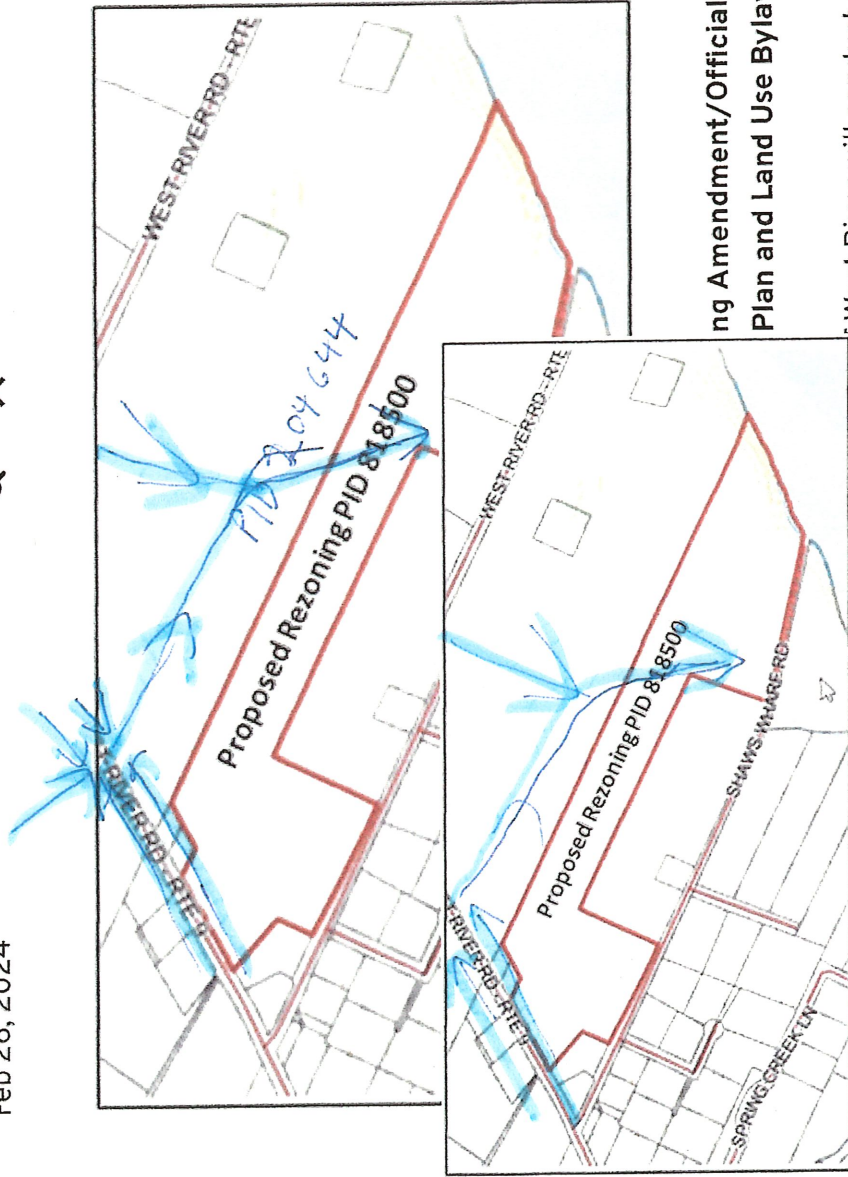
WEST RIVER ROAD

[Go back to news listing](#)

Public Meeting February 29th - Rezoning PID 818500

Feb 26, 2024

Q X



ng Amendment/Official Plan Amendment/Concurrent Amendment to
Plan and Land Use Bylaw

Public notice is hereby given that the Rural Municipality of West River will conduct a public meeting on February 29th at 6 p.m. at the Afton Community Centre located at 1552 Rte. 19, New Dominion, to consider the following:

RURAL MUNICIPALITY OF WEST RIVER

Bylaw to Amend Rural Municipality of West River 2022 Land Use Bylaw

Bylaw # 2024-03

PID 818500, Shaws Wharf Rd, Saint Catherine's, PE

Effective Date

The effective date of Bylaw # 2024-03, the bylaw to Amend Rural Municipality of West River 2022 Land Use Bylaw (Bylaw#2022-04), is the date as signed below by the Minister of Housing, Land and Communities.

Authority - Bylaw Amendment

The Council for the Rural Municipality of West River, under the authority vested in it by Sections 18 and 19 of the Planning Act R.S.P.E.1.1988 Cap p-8, hereby enacts as follows:

Amendment - Land Use Bylaw

The land use for a 34-acre parcel of land (PID 818500) at Shaws Wharf Rd, Saint Catherine's, PE, as shown in Schedule A attached to this bylaw, amends SCHEDULE A-ZONING MAP of the Rural Municipality of West River Land Use Bylaw#2022-04 insofar as it affects the land (PID 818500) Identified on Schedule A, which is zoned Rural Residential RR, thereby excluding it from the former zone of Rural Area RA.

First Reading

The bylaw to Amend Rural Municipality of West River 2022 Land Use Bylaw, Bylaw #2024-03, was read for the first time and approved by a majority of Councillors present at the Council meeting held on the 19th day of March 2024.

Second Reading

The bylaw to Amend Rural Municipality of West River 2022 Land Use Bylaw, Bylaw #2024-03, was read for the second time and approved by a majority of Councillors present at the Council meeting held on the 25th day of April 2024.

Adoption and Approval by Council

The bylaw to Amend Rural Municipality of West River 2022 Land Use Bylaw, Bylaw #2024-03, was adopted by a majority of Councillors present at the Council meeting held on the 25th day of April 2024.

The bylaw to Amend Rural Municipality of West River 2022 Land Use Bylaw, Bylaw #2024-03, is declared to be passed on the 25th day of April 2024.

Helen Smith-MacPhail

Mayor

Laala Jahanshahloo

Chief Administrative Officer

Ministerial Approval

The 2022 Land Use Bylaw Amendment, Bylaw # 2024-03 is hereby approved.

Dated on this ____ day of _____ 2024.

Hon. Rob Lantz

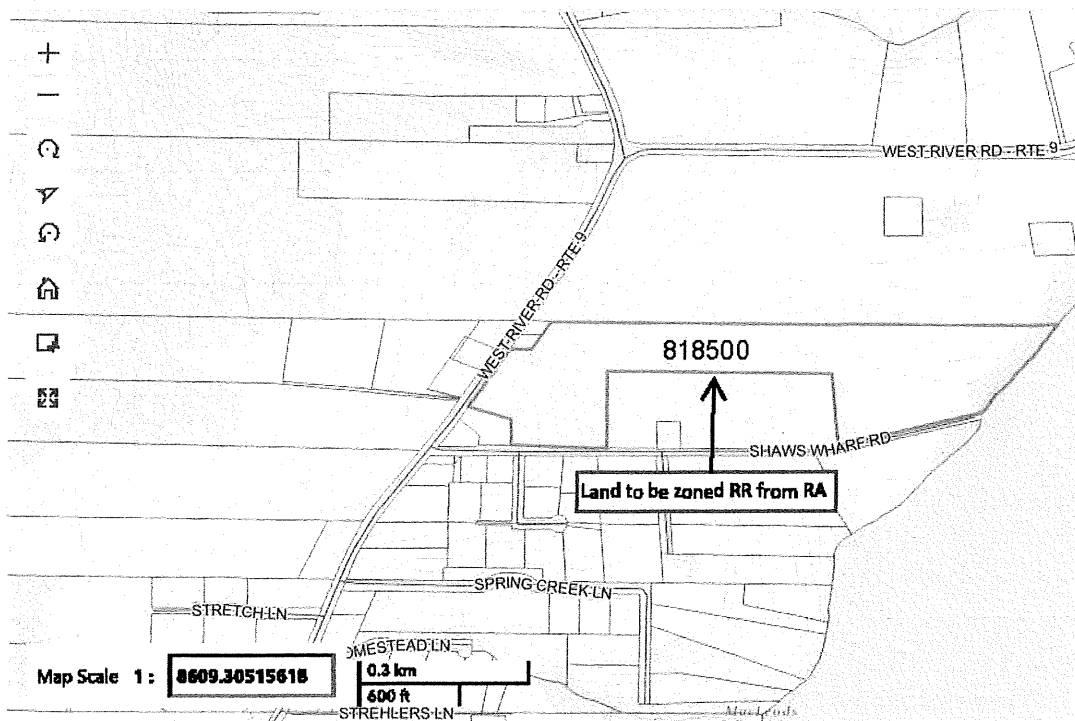
Minister of Housing, Land and Communities

Schedule A

Bylaw to Amend Rural Municipality of West River 2022 Land Use Bylaw

Bylaw # 2024-03

Geolinc Plus Property Map



RURAL MUNICIPALITY OF WEST RIVER

Bylaw to Amend Rural Municipality of West River 2022 Official Plan

Bylaw # 2024-02

PID 818500, Shaws Wharf Rd, Saint Catherine's, PE

Effective Date

The effective date of Bylaw # 2024-02, the bylaw to Amend Rural Municipality of West River 2022 Official Plan, is the date as signed below by the Minister of Housing, Land and Communities.

Authority - Bylaw Amendment

The Council for the Rural Municipality of West River, under the authority vested in it by Sections 18 and 19 of the Planning Act R.S.P.E.1.1988 Cap p-8, hereby enacts as follows:

Amendment - Official Plan Bylaw

The Official Plan for a 34-acre parcel of land (PID 818500) at Shaws Wharf Rd, Saint Catherine's, PE, as shown in Schedule A attached to this bylaw, amends SCHEDULE A – FUTURE LAND USE MAP of the Rural Municipality of West River Official Plan Bylaw#2022-04 insofar as it affects the land (PID 818500) identified on Schedule A, which is zoned Rural Residential RR, hereby excluding it from the former zone of Rural Area RA.

First Reading

The bylaw to Amend Rural Municipality of West River 2022 Official Plan, Bylaw #2024-02, was read for the first time and approved by a majority of Councillors present at the Council meeting held on the 19th day of March 2024.

Second Reading

The bylaw to Amend Rural Municipality of West River 2022 Official Plan, Bylaw #2024-02, was read for the second time and approved by a majority of Councillors present at the Council meeting held on the 25th day of April 2024.

Adoption and Approval by Council

The bylaw to Amend Rural Municipality of West River 2022 Official Plan, Bylaw #2024-02, was adopted by a majority of Councillors present at the Council meeting held on the 25th day of April 2024.

The bylaw to Amend Rural Municipality of West River 2022 Official Plan, Bylaw #2024-02, is declared to be passed on the 25th day of April 2024.

Helen Smith-MacPhail

Mayor

Laala Jahanshahloo

Chief Administrative Officer

Ministerial Approval

The 2022 Official Plan Amendment, Bylaw # 2024-02 is hereby approved.

Dated on this ____ day of _____ 2024.

Hon. Rob Lantz

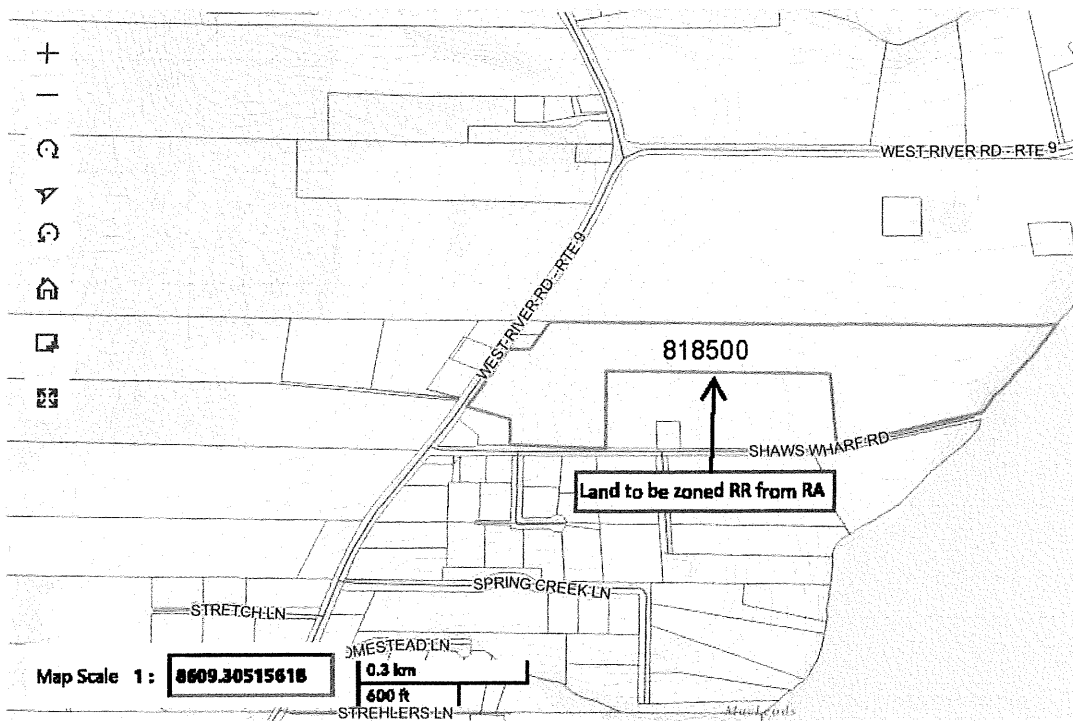
Minister of Housing, Land and Communities

Schedule A

Bylaw to Amend Rural Municipality of West River 2022 Official Plan

Bylaw # 2024-02

Geolinc Plus Property Map



BE IT RESOLVED

The Council for the Rural Municipality of West River accepts the proposal from J W Gass Cemetery Services for lawn-cutting services for the 2024 season for weekly/biweekly services for Afton Community Centre, Roy Mutter Recreation Fields, Legacy Park, Rice Point, Bonshaw Community Centre, and Bonshaw Cemetery at a cost of \$13,685.00 (including HST) and authorizes the CAO to execute it.

▪ **FIN.2024.14.6 - Community Revitalization Program – Playgrounds Construction**

Decision Type: Action

Status: Motion Carried (6-0)

Description: Motion 2024-38

Moved by Councillor Lillian MacCannell **and Seconded by** Councillor Ryan Roggeveen

WHEREAS

The Municipality has applied to receive funding to build playgrounds at Afton Community Center and Bonshaw Community Center through the Community Revitalization Program funding program, and

BE IT RESOLVED

The Council acknowledges that by applying to this grant, the Municipality's understanding of shared objectives and terms established by the Community Revitalization Program 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.

▪ **PLB.2024.14.1 - Bylaw #2024-02 - RMWR OP Amendment - PID 818500**

Decision Type: Action

Status: Motion Carried (6-0)

Description: Motion 2024-39

Moved by Councillor John Yeo and Seconded by Councillor Ryan Roggeveen

WHEREAS

The Rural Municipality of West River Bylaw number # 2024-02, Bylaw to Amend Rural Municipality of West River 2022 Official Plan, be read and approved a first time on March 19, 2024,

BE IT RESOLVED

The Rural Municipality of West River Bylaw number # 2024-02, Bylaw to Amend Rural Municipality of West River 2022 Official Plan, be read and approved a second time.

Decision Type: Action

Status: Motion Carried (6-0)

Description: Motion 2024-40

Moved by Deputy Mayor Shaun MacArthur and Seconded by Councillor John Yeo

WHEREAS

The Rural Municipality of West River Bylaw number # 2024-02, Bylaw to Amend Rural Municipality of West River 2022 Official Plan, be read and approved a first time on March 19, 2024, and

WHEREAS

The Rural Municipality of West River Bylaw number # 2024-02, Bylaw to Amend Rural Municipality of West River 2022 Official Plan, be read and approved a second time on April 25, 2024,

BE IT RESOLVED

That the Rural Municipality of West River Bylaw number # 2024-02, Bylaw to Amend Rural Municipality of West River 2022 Official Plan, be adopted by the Council.

- **PLB.2024.14.2 - Bylaw #2024-03 - RMWR LUB Amendment - PID 818500**

Decision Type: Action