

BEFORE THE ISLAND REGULATORY AND APPEALS COMMISSION

IN THE MATTER OF an appeal pursuant to section 28 of the *Planning Act*, RSPEI 1988 c. P-8 by J. Warren and Sandra MacLean with respect to the denial of an application to subdivide PID# 792002, located at 11807 Shore Road – Route 4, Murray River, Prince Edward Island

**RECORD OF DECISION PREPARED BY
THE MINISTER OF HOUSING, LAND AND COMMUNITIES**

**Mitchell O'Shea and
Christiana Tweedy**
Legal Services
Justice and Public Safety
95 Rochford Street, PO Box 2000
Charlottetown, PE

**Lawyers for the Minister of
Housing, Land and Communities**

J. Warren and Sandra MacLean
11807 Shore Road
Little Sands, PE
C0A 1W0

Appellants

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| <u>Tab</u> | <u>Description of Record</u> |
|------------|------------------------------|
|------------|------------------------------|

- | | |
|----|--|
| 1. | Decision of Minister denying subdivision, dated September 3, 2024 |
| 2. | Notice of Appeal received by IRAC September 18, 2024 |
| 3. | Subdivision Application/Change of Use for PID #400929 dated and received June 11, 2024, including: <ul style="list-style-type: none">a. Application Form;b. Subdivision Application Sketch; andc. Attached Sketches |
| 4. | Property Inquiry Coordinator (PIC) Checklist dated June 24, 2024 |
| 5. | Pre-Development and Subdivision Inspection Report dated September 3, 2024 |
| 6. | Interdepartmental Communications: <ul style="list-style-type: none">a. Email correspondence between Dean Carroll and Brett Wallace dated August 5, 2024, to August 6, 2024 |
| 7. | Other: <ul style="list-style-type: none">a. Plan Showing Lot 2016-1 and Lot 2016-2 Property of Heather G. Stewart MacMillan and Sandra E. MacLean approved on May 19, 2016b. Geomatics – property information sheets generated on June 18, 2024c. LIS Database Search Results generated on June 21, 2024d. Environment Map generated on June 21, 2024e. SSO Map generated on June 21, 2024 |

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Housing, Land
and Communities

Logement, Terres
et Communautés



41 Wood Islands Road
PO Box 1500, Montague
Prince Edward Island
Canada C0A 1R0

41, chemin Wood Islands
C.P. 1500, Montague
Île-du-Prince-Édouard
Canada C0A 1R0

September 3, 2024

Warren & Sandra MacLean
11807 Shore Road
Little Sands, PE C0A 1W0

Dear Mr. & Mrs. MacLean:

Subject: Application to Subdivide 2 Residential Lots
Property ID #: 792002
Property Location: Shore Road, Little Sands, Kings County
Our File References: Case # 64188

The Department of Housing, Land & Communities has reviewed your application to subdivide 2 lots from PID#792002 for Residential (Single-Unit) Dwelling use.

A. The Application

Subdivision: The Subject Property is currently used for Residential (Single-Unit) Dwelling use. The application was submitted to subdivide 2 lots from the subject property for Residential (Single-Unit) Dwelling use along Shore Road – Route 4 which is classified as a Collector Highway.

B. Decision

The Subject Property is within a geographic area where land use and development are not regulated by a local official plan or zoning by-law. Therefore, the Subject Property falls within the jurisdiction of this Department. Land use and development are regulated by the *Planning Act* Subdivision and Development Regulations and other provincial laws and regulations.

Pursuant to clause 6(c) of the *Planning Act* and subsections 3.(1)(a) and 25.(3) of the *Planning Act* Subdivision and Development Regulations, the above noted application is Denied. The reasons for this decision are explained in detail below.

C. Reasons

The Planning Act Subdivision and Development Regulations provide provisions for the subdivision of a parcel of land along a collector highway as per Section 25.(3). Property #792002 was created in 2016 as Lot 2015-2 in Case #63133B, meaning that it is not an existing parcel of land. An existing parcel of land is defined in Section 1.(h) as a lot that was in existence prior to February 3rd, 1979. Section 25.(3) states that, "No person shall subdivide a parcel of land that abuts, and requires access to, a collector highway, unless it is an existing parcel of land." As property #792002 is not an existing parcel of land, it cannot be subdivided under the current regulations.

Please refer to the *Planning Act* Subdivision and Development Regulations sections 1.(h), 3.(1)(a) & 25.(3).

1.(h) "existing parcel of land" means any parcel of land or lot in existence prior to February 3, 1979.

3.(1) No person shall be permitted to subdivide land where the proposed subdivision would;

(a) not conform to these regulations or any other regulations made pursuant to the Act.

25.(3) Collector Highways

No person shall subdivide a parcel of land that abuts, and requires access to, a collector highway, unless it is an existing parcel of land.

D. Right of Appeal

Notice of this decision will be posted on the PEI Planning Decisions website. We suggest typing "PEI Planning Decisions" into your internet search engine to link to the website.

Please be advised that pursuant to section 28 of the *Planning Act*, this decision may be appealed to the Island Regulatory & Appeals Commission ("IRAC") (PO Box 577, Charlottetown, PE, C1A 7L1: <http://www.irac.pe.ca>). An appeal must be filed within 21 days after the date of this letter or the Commission is under no obligation to hear the appeal. For more information about appeals, please contact IRAC.

If you have any questions in regards to this decision, contact me at (902) 838-0639 or ddcarroll@gov.pe.ca.

Sincerely,



Dean Carroll
Property Development Officer

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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 Little Sands (name of City, Town or Community) on the 17th day of September, 2024, wherein the Minister/Community Council made a decision to deny our application

(attach a copy of the decision)

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)

My sister and I acquired a parcel of land in the late 1990's from our parents who owned and lived on the farm from the late 1940's. In 2016, we divided our parcel in half to give each of us our own separate deeds. Both properties have access (cont)

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)

Permission to subdivide 2 lots from our 5 acre parcel. Both lots would be used for single dwelling homes as both our children plan to downsize and move closer to us.

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

Name(s) of Appellant(s): J WARREN MACLEAN Signature(s) of Appellant(s): J Warren Maclean
Sandra MacLean Signature(s) of Appellant(s): Sandra MacLean
Please Print

Mailing Address: 11807 Shore Rd, Murray River City/Town: Little Sands

Province: PE Postal Code: C0A 1W0

Email Address: Maclean4851@gmail.com Telephone: 902-962-3098

Dated this 17th day of September, 2024.
day month year

IMPORTANT

Under Section 28.(8) 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.

To Route 4 via separate driveways.

My husband and I would like to give each of our two children an acre of land from our 5 acre parcel that had belonged to their grandfather. We do not require another driveway onto Route 4. We can all access the present lane and Driveway which we would widen if required by regulations.

Thank you for considering our request.

Sandra McLean

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PAID

JUN 27, 2024

#41613

\$280



Subdivision of Land and Change of Use Application

This application is to be used for any of the following:

- subdivide a parcel of land into smaller lots
- change the current use of a parcel of land
- change the use of an approved subdivision
- consolidate multiple lots into one
- appendage to a parcel/lot

RECEIVED

JUN 11 2024

Land Division MONTAGUE

CM

| Office Use Only | |
|-------------------|--------------------------|
| Sub. Case File #: | |
| Permit #: | |
| PID#: | |
| Permit Fee: | \$280.00 |
| Received: | |
| PIC Verified: | <input type="checkbox"/> |

Property Information:

| | |
|---------------------------------|-----------------------------|
| Property Tax Number: 792002-000 | Lot Number - if applicable: |
| Civic Address Number: 11807 | Street Name: Shore Road |
| Route No: 4 | Community: Little Sandy |

Property Owner Information:

| | | |
|--|---------------------|----------------------|
| Full Legal Name: John Warren MacLean / Sandra Elaine MacLean | | |
| Company Name: N/A | | |
| Street Address: 11807 Shore Rd - Murray River | | |
| Community: | Province: PE | Postal Code: C0A 1W0 |
| Email: maclean4851@gmail.com | Phone: 962-962-3098 | |

Applicant Information if different from Owner:

| | | |
|------------------|-----------|--------------|
| Full Legal Name: | | |
| Company Name: | | |
| Street Address: | | |
| Community: | Province: | Postal Code: |
| Email: | Phone: | |

What is the property currently used for?

- Residential (Single-unit)
 Residential (Duplex)
 Residential (Multi-unit)
 Rental accommodation
 Commercial
 Industrial
 Institutional
 Agricultural
 Aquaculture/Fisheries
 Forestry
 Recreational
 Resource
 Home-Based Business
 Other: _____

Proposed use of the land:

| | |
|-------------|-------|
| family home | 64188 |
|-------------|-------|

A. CHANGE OF USE SECTION:

Are you looking to change the current use of the land to a new use? (i.e. Residential to Commercial)

- Yes No, please move onto B) SUBDIVISION OF LAND SECTION below

If Yes, what would the new use of the property be?

- Residential (Single-unit) Residential (Duplex) Residential (Multi-unit) Rental accommodation
 Commercial Industrial Institutional Agricultural Aquaculture/Fisheries Forestry
 Recreational Resource Home-Based Business Other: _____

If you selected Industrial, Commercial, Industrial or Recreational please answer:

- What will be the hours of operation? _____
- How many staff are you intending on having at his location? _____
- Will there be onsite parking for staff? Yes No N/A
- Will there be shipping and/or receiving operations? Yes No N/A

Please describe the business operations you will be undertaking on this site:

B. SUBDIVISION OF LAND SECTION:

Are you looking to subdivide the parcel of land into multiple lots? Yes No

If yes, how many new lots are you looking to create? *two*

If 1 to 5 lots - please see detailed Additional Requirements listed in Section 1 on the next page

If 6 or More lots - please see detailed Additional Requirements listed in Section 2 on the next page

Will the proposed subdivision require the creation of a new driveway or the relocation of an existing driveway to the road/highway? Yes No

How will the proposed subdivision receive sewer service?

- New on-site septic Existing on-site system
 Municipal wastewater treatment Private Central Wastewater Treatment

How will the proposed subdivision receive its water supply?

- New on-site well Existing on-site well Municipal water Private Central water system

Are there Environmentally sensitive features located on the proposed lot(s)? i.e. Wetland, watercourse, sand dune, other: _____ Yes No

Is this property identified under the PEI Lands Protection Act? Yes No

SUBDIVISION OF LAND – REQUIREMENTS

1) Five (5) Lots or Less - (1 to 5 lots)

With the completed application the following is required:

- a. Completed sketch of the property as outlined on page 5 showing the true shape and dimensions of the property being subdivided. The lot(s) must be indicated on the map, outlined in red and displaying the dimensions of the lot(s) and size of the lot(s) in acres or square feet. All proposed access roads or rights-of-way to the lot(s) must be shown on the map.

2) More than five (5) lots - (6 or more lots)

With the completed application the following is required:

- a. Preliminary Survey plan completed by a surveyor. Ensure the surveyor shows the following information in their Preliminary Survey Plan:
 - the true shape and dimensions of the property being subdivided and the proposed lots
 - all proposed access roads or rights-of-way to the lots
 - a key plan indicating the general location of the proposed subdivision
 - a North point indicator and the scale of the plan
 - the location of all existing buildings or structures on the lots being proposed, or within 100 feet (30.4 metres) of the proposed subdivision
 - existing and proposed services, including central or municipal waste treatment systems, and central or municipal water supply systems
 - proposed or existing private right-of-ways or easements, and proposed or existing entranceways to a highway
 - land proposed for buffers, walkways, open space, recreation areas, parks, or other public use
 - watercourses, wetlands, beaches, sand dunes, forested areas, designated natural areas, or conservation zones on, or adjacent to, the proposed subdivision
 - elevation contours and the drainage pattern within the proposed lots, and within 300 feet (91.4 m) of the boundaries of the proposed subdivision
 - the proposed use of the lots
 - proposed stormwater drainage patterns for water within and leaving the subdivision

Please Note: Your application will be considered incomplete and will be returned if any of the requirements outlined are missing, unclear, illegible, or if fees have not been paid

For applications to be given adequate consideration, it may be necessary for staff to consult with various departments and agencies before contacting the applicant to advise the status and required next steps. Staff may also carry out a site inspection to complete their application review.

Declaration

I, J Warren Maxon / Sandra McLean hereby certify that I am (select one)

- the registered owner of the land proposed for development authorized to act on behalf of the registered owner of the land proposed for development

and hereby declare that all statements contained within this application are complete and true.

Signatures

Registered Owner(s):

or

Written confirmation from the current property owner(s) allowing this Subdivision of Land and Change of Use Application to proceed. This documented proof must be supplied at time of application.

| |
|---------------------------------------|
| <u>J Warren Maxon / Sandra McLean</u> |
| |
| |

| |
|------------------------|
| Date <u>June 11/24</u> |
| Date |
| Date |

Applicant:

| |
|---------------------------------------|
| <u>J Warren Maxon / Sandra McLean</u> |
|---------------------------------------|

| |
|------------------------|
| Date <u>June 11/24</u> |
|------------------------|

Submit Applications To:

- Land Division – 31 Gordon Drive, Charlottetown, PE
- Access PEI O’Leary – 45 East Dr, O’Leary, PE
- Access PEI Summerside – 120 Heather Moyses Dr, Summerside, PE
- Access PEI Montague – 41 Wood Islands Rd, Montague, PE

| Office Use Only | |
|---|---------|
| SUBDIVISION & CHANGE OF USE FEES | |
| Subdivision of Land (\$110 for the first lot)..... | = _____ |
| Additional Lots (\$55 for each additional lot)..... | = _____ |
| Change of Use (\$110 for the first lot)..... | = _____ |
| Change of Use for Additional Lots (\$55 for each additional lot)..... | = _____ |
| Total _____ | = _____ |

Personal Information on this form is collected under section 8 (1)(d) of the Planning Act. If you have any questions about the collection of personal information, you may contact landdivision@gov.pe.ca for more information.

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B

Subdivision of Land Application Sketch – 5 Lots or Less

Pursuant to the Planning Act

The sketch below needs to show the true shape of the property and include all existing or proposed:

- Property lines with their lengths (in ft)
- Lot boundaries, including the size of proposed lots
- Road(s), including their name(s)
- All Buildings with their sizes listed (in ft)
- Distance from centre of road to buildings (in ft)
- Distance from buildings to property lines (in ft)
- Distance from septic tank/field to property lines (in ft)
- Distance from well to building (in ft)
- Distance between well and septic system (in ft)
- All land proposed to be use for open space, parks, recreation or other common areas
- Right-of-ways on or adjacent to property
- Show any watercourse, wetlands, top of bank, or sand dune located on the property
- Distances from watercourse, top of bank, or sand dune to any structures (building or septic) (in ft)
- Arrow showing the natural slope of the land
- Proposed stormwater drainage patterns for water within and leaving the subdivision
- Location of driveway(s)
- Distance from the centre of driveway(s) to the nearest neighbouring property line (in ft)

25'

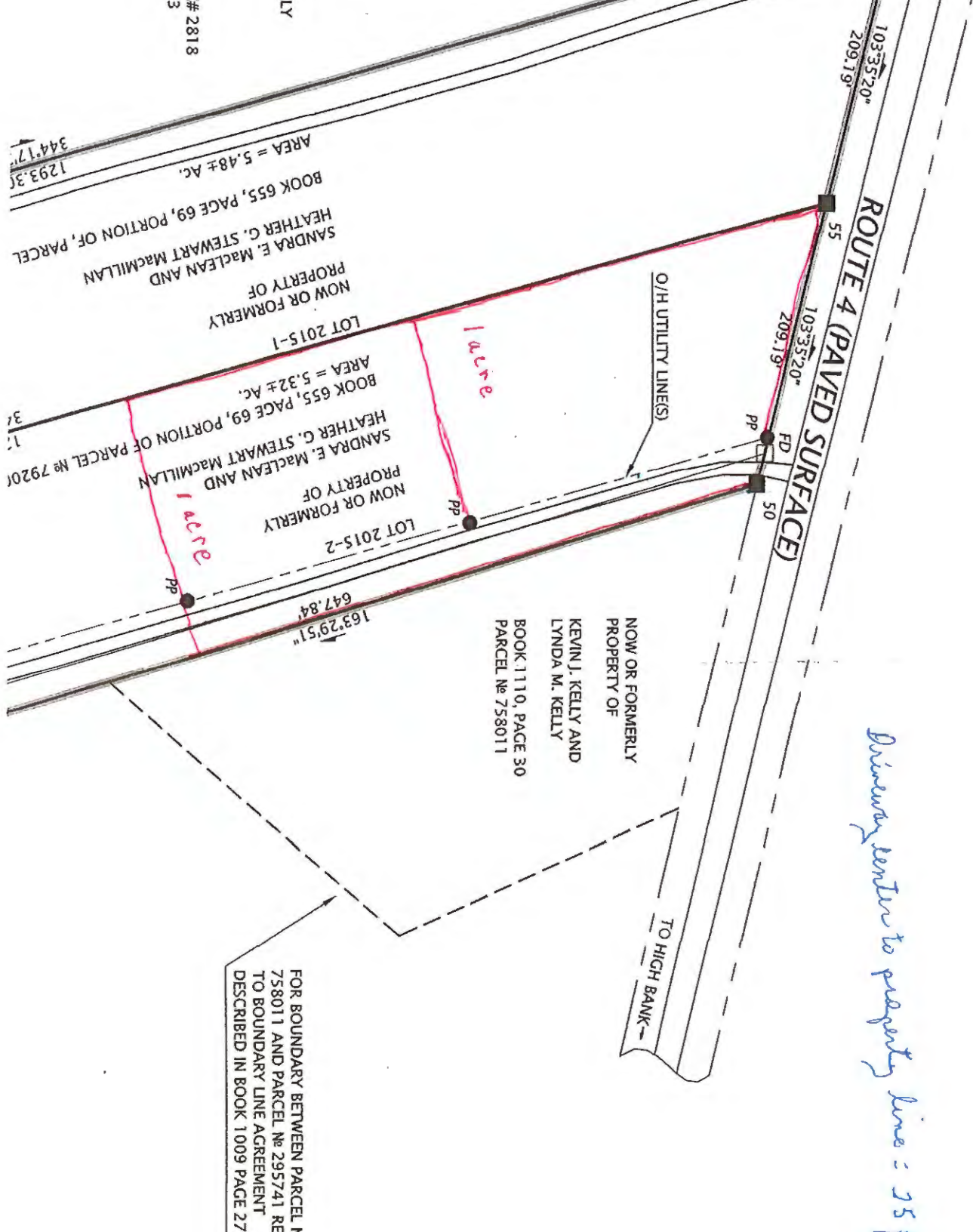
See attached

Sandra McLean
Property Owner's Signature or Applicant

11-06-24
Date

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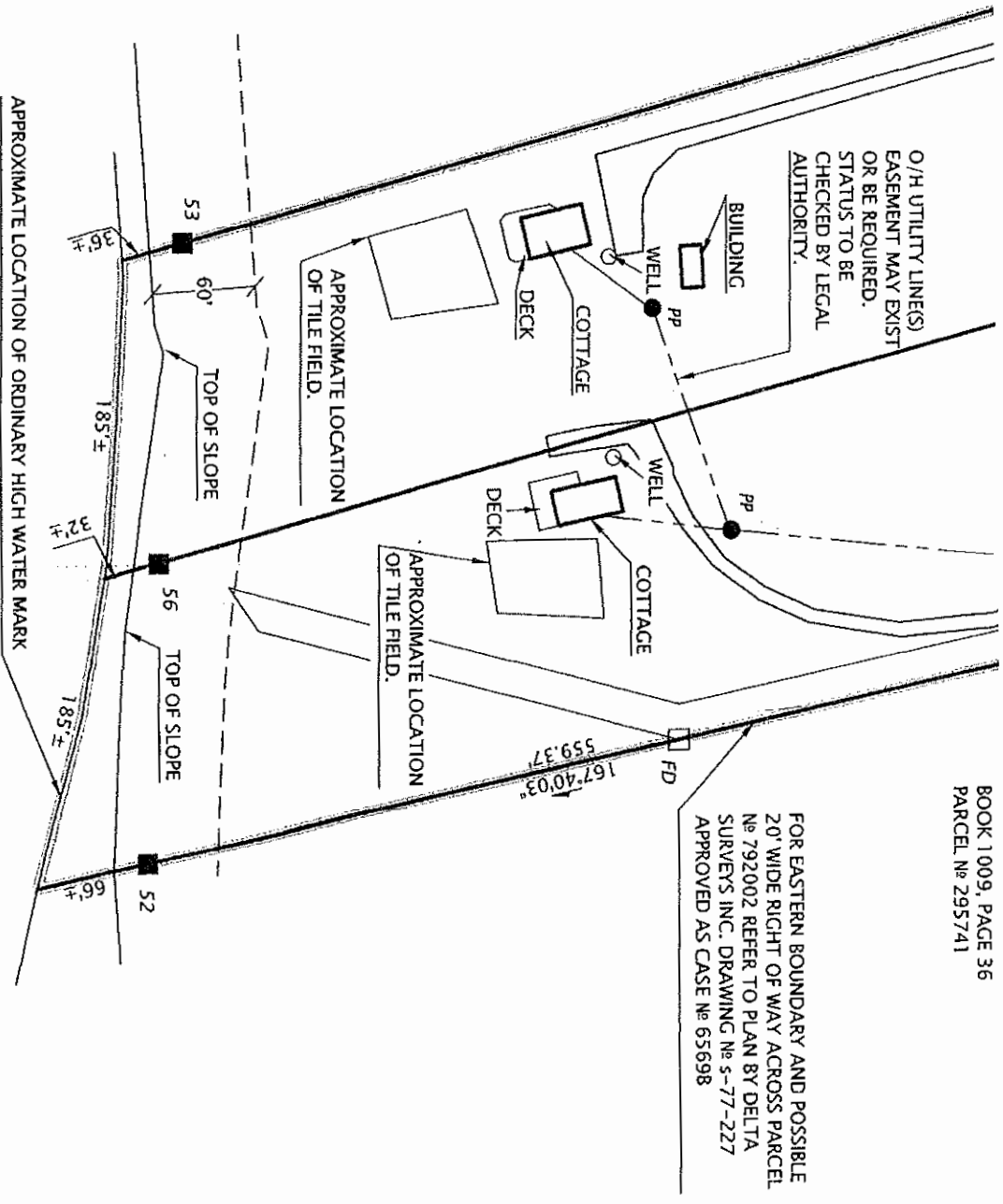
2818

3

BOOK 1009, PAGE 36
PARCEL № 295741

O/H UTILITY LINES)
EASEMENT MAY EXIST
OR BE REQUIRED.
STATUS TO BE
CHECKED BY LEGAL
AUTHORITY.

FOR EASTERN BOUNDARY AND POSSIBLE
20' WIDE RIGHT OF WAY ACROSS PARCEL
№ 792002 REFER TO PLAN BY DELTA
SURVEYS INC. DRAWING № S-77-227
APPROVED AS CASE № 65698



SED ON THE P.E.I. DOUBLE
ENCE SYSTEM. ALL COORDINATES

~NORTHUMBERLAND STRAIT~

YOR, DO HEREBY CERTIFY THAT
SUPERVISION AND THAT THIS
D SURVEY.

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Property Inquiry Coordinator (PIC) Checklist

Scheduled Discovery Meeting Time:

Applicant Information:

| | | |
|---|---------------------|-----------------------------|
| Full Legal Name: Warren & Sandra MacLean | | |
| Company Name: | | |
| Street Address: 11807 Shore Road Rte 4 | | |
| Community: Little Sands | Province: PE | Postal Code: COA 1W0 |
| Email: maclean4851@gmail.com | | Phone: 902-962-3098 |

Property Information – Client Provided:

| | | | | | |
|-----------------------|---------------|----------------|---------------------|-----------------------------|--|
| Property Tax Number: | 792002 | Parent Parcel: | 295741 | Lot Number - if applicable: | |
| Civic Address Number: | 11807 | Street Name: | Shore Road | | |
| Route No: | 4 | Community: | Little Sands | | |

Property Owner Information – if different from Applicant Information:

| | | |
|------------------|-----------|--------------|
| Full Legal Name: | | |
| Company Name: | | |
| Street Address: | | |
| Community: | Province: | Postal Code: |
| Email: | | Phone: |

Property Information – Meeting Preparation/Client File Review:

| | | | |
|--|--|---|------------------------------|
| Is the property in a municipality with its own official plans and bylaws? (Review PDO Community List) | | <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes |
| Case File #s (ENVIRO) | 63133B | | |
| Is the Property Identified? (Attach IRAC Confirmation) | <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes | |
| Is the property in a Special Planning Area? (Flexview) | <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes | |
| Is this an APPROVED lot? (Deed in Geolinc or Enviro) | Is this an EXISTING lot? (Excel Sheet) | | |
| <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes | |
| Does the property have a? (Flexview) | <input type="checkbox"/> Stream <input checked="" type="checkbox"/> Wetland <input checked="" type="checkbox"/> Watercourse <input type="checkbox"/> Pond <input type="checkbox"/> Sand Dune <input type="checkbox"/> None of the above | | |
| Does the PID have any identified "Imperfect/Poorly Drained" area on this Env. Map (Web Mapping Portal (gov.pe.ca)) | <input checked="" type="checkbox"/> No | <input type="checkbox"/> Yes All "Yes" PID's require Env. Review and Comment | |
| Are there any existing structures on the property? (Flexview) | <input type="checkbox"/> No | <input checked="" type="checkbox"/> Yes | |

| | |
|---|---|
| What is the soil categorization? (Enviro) <input checked="" type="checkbox"/> Not currently known <input type="checkbox"/> Cat 1 <input type="checkbox"/> Cat 2 <input type="checkbox"/> Cat 3 | |
| Name of Highway: Shore Road | Route Number: 4 |
| Highway Classification: (Flexview) All new or modified entranceways require an Entranceway Application (EWA) with Transportation. *Arterial and Seasonal requests can delay the development process and encourage the client to complete the EWA. | <input type="checkbox"/> Arterial 1* <input type="checkbox"/> Arterial 2* <input type="checkbox"/> Seasonal* <input checked="" type="checkbox"/> Collector <input type="checkbox"/> C1 <input type="checkbox"/> C2 <input type="checkbox"/> C3 <input type="checkbox"/> Non-Essential <input type="checkbox"/> Heritage <input type="checkbox"/> Private ROW/Private Rd <input type="checkbox"/> Subdivision Rd <input type="checkbox"/> Other: |
| To Verify Road Classification ----- Date Road Audit Request Email Sent: June 24, 2024 Audit Email Response Date: _____ Response From: _____ Road Audit Email Response (Copy from email): _____ | |

The clients current land use:

Residential (Single-unit) Residential (Duplex) Residential (Multi-unit) Rental accommodation
 Commercial Industrial Institutional Agricultural Aquaculture/Fisheries Forestry
 Recreational Resource Home-Based Business Vacant Other

Client Meeting Information: (From the clients own words)
How can I help you today? What are you wanting to do?

The clients proposed land use:

Residential (Single-unit) Residential (Duplex) Residential (Multi-unit) Rental accommodation
 Commercial Industrial Institutional Agricultural Aquaculture/Fisheries Forestry
 Recreational Resource Home-Based Business Vacant Other:

| | |
|--|--|
| Is a new entrance way needed or widening of an existing entranceway required? (How are you going to access this lot?) | <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If Yes, an Entranceway Application is required. |
|--|--|

Advised Client To (What did you tell the client to do?):
June 24, 2024 reviewed Subdivision of Land application and is complete.

Next Steps:

Client to complete (list items):
 Book next meeting
 Submitted application(s) today

| | | | |
|--|------------------------|--------------|----------------------|
| Scheduled Follow-up Meeting Time: | | Date: | |
| Discovery Meeting Completed by: | Cindy MacMillan | Date: | June 24, 2024 |

Hand Drawn Property Sketch (At time of submission of application for payment):

| | | |
|---|-----------------------------|------------------------------|
| Does this file have a hand drawn property sketch? | <input type="checkbox"/> No | <input type="checkbox"/> Yes |
| Are all setbacks requirements met for the sketch? | <input type="checkbox"/> No | <input type="checkbox"/> Yes |
| Are all measurements completed as listed on the | <input type="checkbox"/> No | <input type="checkbox"/> Yes |

Meeting #2 Information:

| | |
|---|-------|
| Did the client complete the items you identified above? <input type="checkbox"/> No <input type="checkbox"/> Yes | |
| Is the client's application(s) ready to submit? <input type="checkbox"/> No <input type="checkbox"/> Yes If Yes, enter the date submitted: | |
| If, answered "No" to the above, what did you advise the client to do: | |
| Meeting #2 Completed by: | Date: |

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PRE-DEVELOPMENT AND SUBDIVISION INSPECTION REPORT

(superseded July 18, 2004 v1.3)

Section 1 - General Information

APPLICANT: Warren & Sandra MacLean
SUBDIVISION CASE # 64188
PROPERTY # 792002

LOCATION: Little Sands
DEVELOPMENT PERMIT #
DATE OF INSPECTION August 23, 2014

Section 2 - Property Information - FLEXVIEW

- 1. Is the property identified? Attach confirmation. IRAC
2. Is the property in a Special Planning Area?
3. Is the property in a municipality with its own official plans and bylaws?
4. The property has a: stream, wetland, watercourse, pond, primary sand dune, secondary sand dune, Other
5. Does the property have poorly or imperfectly drained soils?
6. Are there any existing structures on the property?
7. Existing land use Residential Proposed land use Residential (2 SUD Lots)
8. Is the lot existing? (created before 1979)
9. Was the lot approved previously?
10. Is a Coastal Hazard Assessment required?
11. Reference Cases:

Section 3 - Soil & Septic Information - ENVIRO

- a) What is the soil categorization? Permit #
b) Previously Assessed? Case # Assumed Permeable Soil Assessor Registered Document #
c) If multi-lot subdivision, has an SSA been submitted for each lot?
d) Is there an existing septic system on site?
e) Has a Sewage Disposal Form been submitted?
f) Does the existing septic exceed 1500 gallons / day

Section 4 - Road Information - DTI MAP

- a) Name of highway Shore Road Route # 4
b) Highway classification Arterial, Arterial 2, Seasonal, Collector, C1, C2, C3, Subdivision, Heritage, Private, Infilling, Other
c) Is an EWP required? (Seasonal/Arterial)
d) Is the proposal to access a new private road?
e) # of lots approved of private road since 2009?
f) Highway access (culvert) new culvert required, existing entrance, relocate existing entrance

Notes:

Section 5 – Building Information

- a) Will the proposal meet the minimum building setbacks? No Yes
- b) Will a variance be required? No Yes

Section 6 -- Comments

Was the subdivision proposal sent out to corresponding departments? – See Department Comment Sheet

- a. Coastal Properties No Yes N/A Notes:
- b. Fire Marshal's Office No Yes N/A Notes:
- c. Environment No Yes N/A Notes:
- d. Environmental Health No Yes N/A Notes:
- e. Transportation No Yes N/A Notes: See attached confirmation of class of road.
- f. Planning No Yes N/A Notes:
- g. Building Code No Yes N/A Notes:
- h. Water Quality No Yes N/A Notes:
- i. Other: _____ No Yes N/A Notes:

Section 6 – Additional Information

- a) Does the proposal exceed 2 lots since 1993? No Yes
 - a. If yes, has the proposal been circulated to the Hydrogeologist? No Yes
- b) Does the proposal exceed 5 lots since 1993? No Yes
 - a. If yes, there may be requirements for incremental subdivision. Open Space, etc.
- c) Is a survey plan required? No Over 10 acres Yes
- d) Will this plan supersede or supplement a previously approved file? No Yes Plan: _____

Notes:

Property #792002 was created in 2016 as Lot 2015-2 in Case #63133B, meaning that it is not an existing parcel of land. An existing parcel of land is defined in Section 1.(h) as a lot that was in existence prior to February 3rd, 1979. Section 25.(3) states that, "No person shall subdivide a parcel of land that abuts, and requires access to, a collector highway, unless it is an existing parcel of land." As property #792002 is not an existing parcel of land, it cannot be subdivided under the current regulations.

Section 7 – Decision and Sign Off

- a) Immediately prior to final approval, has the identification status been confirmed? Yes
- b) Decision: Approve Deny

a. If Denied: Please indicate which sections of PASDRs:

Subsections 3.(1)(a) & 25.(3).

D. Carroll
Officer

Sept 3/24
Date

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A

RE: Case-64188, PID#792002, Little Sands

Brett Wallace <bawallace@gov.pe.ca>

Tue 8/6/2024 2:24 PM

To: Dean Carroll <ddcarroll@gov.pe.ca>

Cc: HighwayAccess <highwayaccess@gov.pe.ca>

Hi Dean,

Yes, this section of Route 4 (Shore Road) is a Collector Highway. It is not part of the collector infilling.

Regards,

Brett A. Wallace, P.Eng.

Traffic Data Engineer

Transportation & Infrastructure

From: Dean Carroll <ddcarroll@gov.pe.ca>

Sent: Monday, August 5, 2024 12:13 PM

To: Brett Wallace <bawallace@gov.pe.ca>; HighwayAccess <highwayaccess@gov.pe.ca>

Subject: Case-64188, PID#792002, Little Sands

Good afternoon,

Please see the attached 2 lot subdivision file. I am sending this along to confirm that this is classified as a Collector Highway and not part of the infilling area or anything. It doesn't appear to be, but I just want to confirm, as if it is a Collector Highway, then we cannot approve the proposal.

Thank you,

Dean Carroll

Property Development Officer

Dept. of Housing, Land & Communities

Province of PEI

41 Wood Islands Road, Montague, PE

Phone: (902) 838-0639

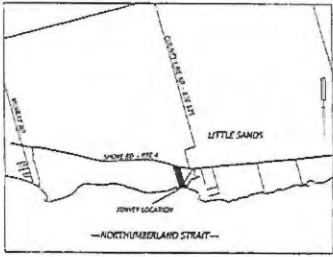
Email: ddcarroll@gov.pe.ca

TAB

7

TAB

A



KEY PLAN : NOT TO SCALE

P.E.I. GRID NORTH

"This is not a certified copy. For certified copies, please refer to Section 42 of the Registry Act."

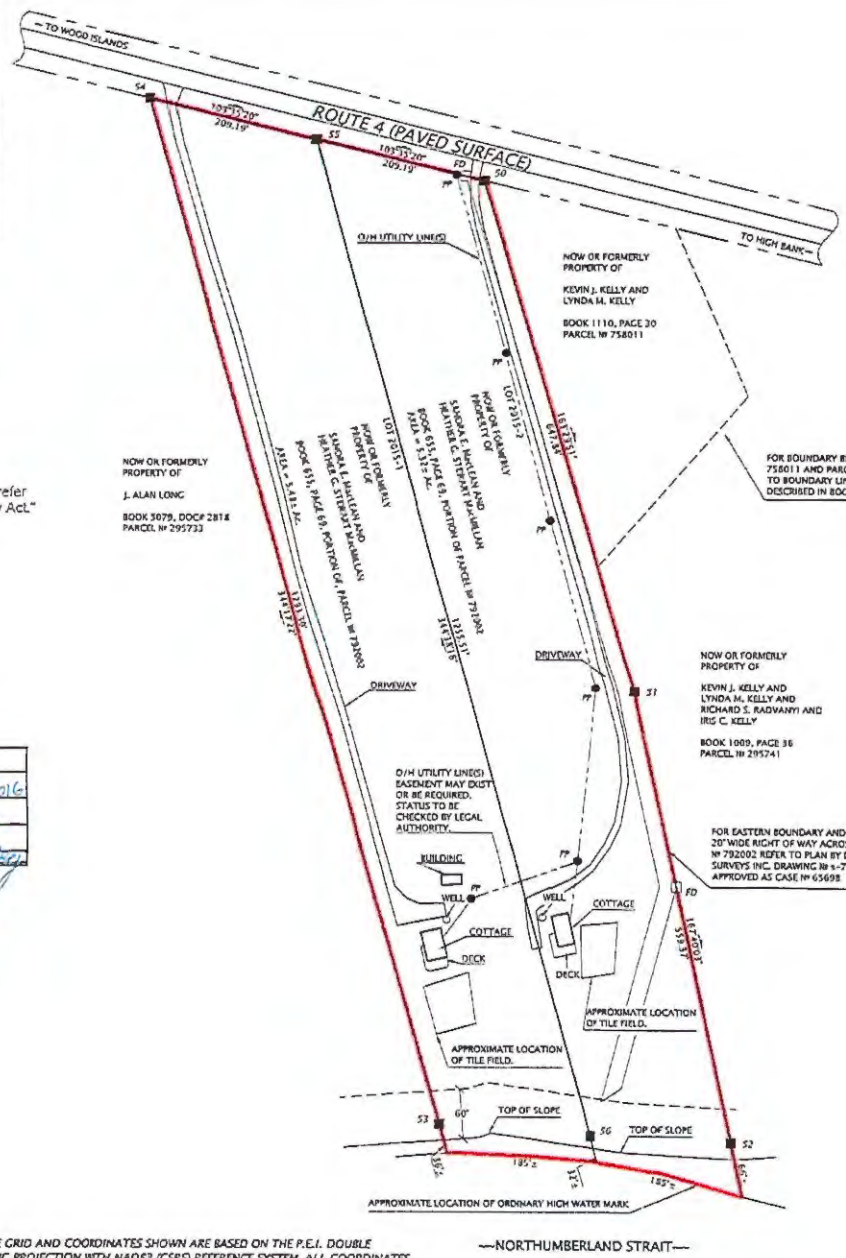
PLAN NO. 39171
 DATE RECEIVED May 22, 2016
 OFFICE Registry
 COUNTY Queens

- LEGEND:
- LEGAL SURVEY MARKER PLACED
 - PD LEGAL SURVEY MARKER FOUND
 - CP CALCULATED POINT
 - PF POWER POLE



NOTE:
 AZIMUTHS ARE GRID AND COORDINATES SHOWN ARE BASED ON THE P.E.I. DOUBLE STEREOGRAPHIC PROJECTION WITH NAD83 (CSRS) REFERENCE SYSTEM. ALL COORDINATES ARE EXPRESSED IN FEET.

NOTE:
 I, BRIAN P. POTTER, 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.



| COORDINATES EXPRESSED IN FEET | | |
|-------------------------------|-----------|-----------|
| POINT | EASTING | NORTHING |
| 50 | 582543.96 | 231395.02 |
| 51 | 582727.99 | 230773.86 |
| 52 | 582847.46 | 230227.40 |
| 53 | 582487.50 | 230248.33 |
| 54 | 582137.30 | 231493.82 |
| 55 | 582340.63 | 231444.17 |
| 56 | 582685.39 | 230218.52 |

NOTE:
 IT IS NECESSARY TO HAVE APPROVAL STAMPING ON THIS PLAN BEFORE DEEDS ARE PREPARED.

APPROVED
 May 19, 2016
 Dept. of Communities, Land & Environment

Per *Candy Anderson*

Lot 2016-1 and Lot 2015-2 for Residential use only.

Subject To:

1. Use of the existing highway access driveway only unless otherwise approved by the Department of Transportation, Infrastructure and Energy.
2. The Planning Act Subdivision and Development Regulations requires a minimum 66 foot buffer zone measured from the top of the bank along the shore line. As well, the Environmental Protection Act requires that a buffer zone, having a minimum width of 15 meters, be provided adjacent to the watercourse measured from the top of bank along the shore line. For information on activities that may occur within the 15 meter buffer, or a delineation as to the extent of the wetland systems, please contact (902)368-5648

Notes:

1. Case - 63133B supersede Case - 63133A
2. 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 weather and / or climate change.
3. This subdivision approval has been issued in a geographic area which does not have land zoning. The area may include existing or future residential, commercial, agricultural, forestry, fishing, aquaculture, tourism, industrial or institutional uses which may influence the use of the site for which the approval has been issued.

#63133B



DELTA SURVEYS -
 DESIGNER SURVEYS INC.
 - INCORPORATED (1988) -

94 1/2 QUEEN ST. CHARLOTTETOWN, P.E.I. P.O. BOX 818 PL. 894-5531

TITLE
 PLAN SHOWING LOT 2016-1 AND LOT 2016-2
 PROPERTY OF HEATHER G. STEWART MacMILLAN
 AND SANDRA E. MacLEAN

LOCATION:
 LITTLE SANDS, LOT 62, QUEENS CO., P.E.I.

| SCALE | FILE | SHEET | OF |
|-----------------|------------|---------|-----|
| 1" = 100' | 2015-MC-25 | 1 | 1 |
| DATE | DRAWING | CHECKED | BY: |
| JANUARY 6, 2016 | D-16-09 | | |
| DRAWN | CHECKED | | |
| N.M.W. | B.P.P. | | |

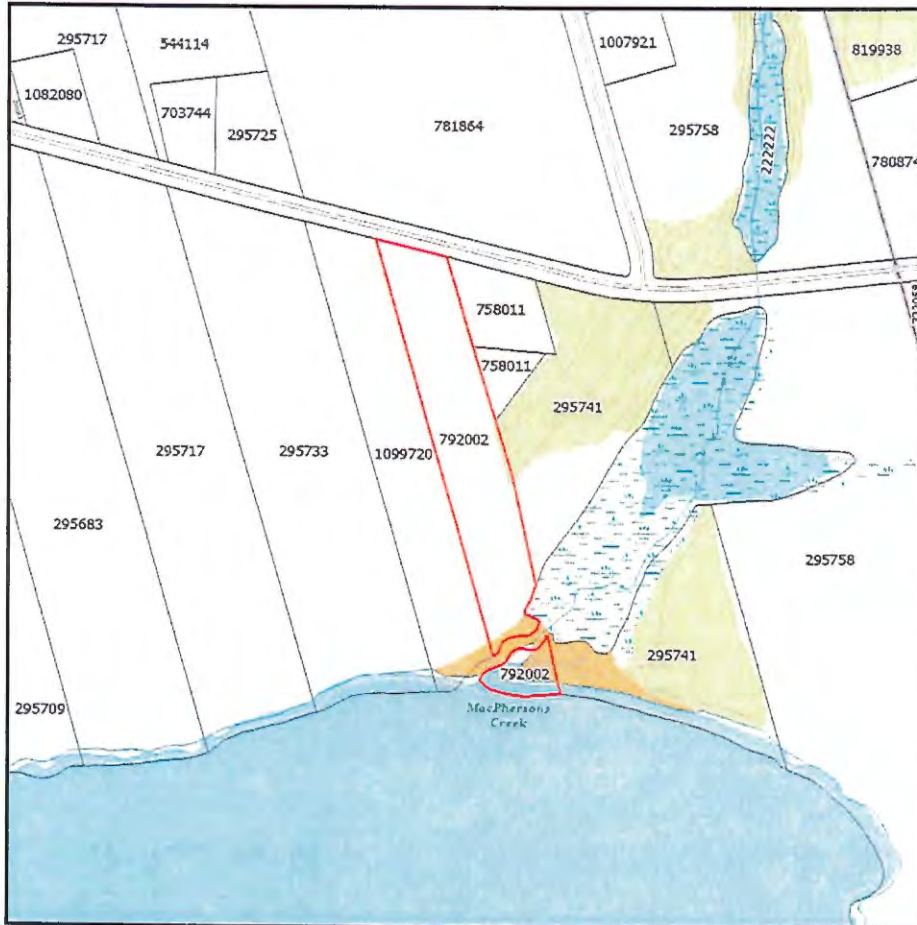
TAB

B

| Parcel | Original Parcel Number | Map # | Property Location | Owner Name & Mailing Address |
|-------------------------|------------------------|----------|--|--|
| 792002 | N/A | 11E156F3 | 11807 SHORE RD - RTE 4 LITTLE SANDS | WARREN & SANDRA MACLEAN 1632 PLEASANT VALLEY RD MURRAY RIVER PE COA 1W0 |
| School District: | 3101 | | | |
| Work Unit: | 3101 | | | |
| Lot/Township #: | 62 | | | |
| School Unit #: | 4 | | | |

| Parcel & Lease | Acreage | Assessment Values (2024) | Taxable | Designated Taxpayer & Mailing Address |
|-----------------------------------|---------|-------------------------------------|--------------|---------------------------------------|
| Account Status: A | 5.32 | Commercial: \$0.00 | \$0.00 | CIBC MORTGAGE CORP |
| Farm Quality: N | | Non-Commercial: \$187,200.00 | \$167,000.00 | TORONTO ON |
| Municipality: Murray River | | Residential: \$182,600.00 | \$162,400.00 | M5J 2X4 |
| Region Number: 2 | | Farm: \$0.00 | \$0.00 | Dates |
| Assessor: REARDON ANDREW | | Buildings | | Last Inspection: 04-SEP-20 |
| % in Municip: 100 | | Line No: Building Type: | | Last Owner Chg: 19-JUL-18 |
| Spec Prop Code: | | 2 06-015 Patio | | Initially Filed: 05-MAY-92 |
| MHI Number: | | 1 06-001 Seas. Structure - 300 | | Dormant: |
| Owner ID Code: | | 0 06-001 Seas. Structure - 540 | | |
| Ownership Code: A01 | | 3 06-001 Seas. Structure - 160 | | |
| Tax Exempt Code: | | 0 06-026 Shed | | |
| | | 0 06-026 Shed | | |

Map



Parcel

792002

Original Parcel Number

N/A

Property Location

11807 SHORE RD - RTE 4

Owner Name

WARREN & SANDRA MACLEAN

Acreage

5.32

Disclaimer

Care has been taken to provide high quality information from the data available to the Department. However, the user is cautioned that data may have been obtained from third party sources and it may be incomplete or inaccurate. Conditions may also have changed since the collection of the data.

| Parcel | Original Parcel Number | Map # | Property Location | Owner Name & Mailing Address |
|--------|------------------------|----------|--|--|
| 792002 | N/A | 11E156F3 | 11807 SHORE RD - RTE 4 LITTLE SANDS | WARREN & SANDRA MACLEAN 1632 PLEASANT VALLEY RD MURRAY RIVER PE COA 1W0 |

DOCUMENTS FILED ON PARCEL

| Year | Description | Type | Document Number | Liber/Book | Folio/Page | Consideration |
|------|--------------------------|------|-----------------|------------|------------|---------------|
| | REFER TO PARENT PROPERTY | PP | 00295741 | | | |
| 2019 | MORTGAGE | 51 | 5067 | 5772 | | |
| 2018 | EASEMENT, RIGHT-OF-WAY | 22 | 5536 | 5721 | | |
| 2018 | DEED | 11 | 5387 | 5720 | | \$0.00 |
| 2018 | DEED | 11 | 5386 | 5720 | | \$0.00 |
| 1992 | DEED | 11 | 19921604 | 655 | 69 | |

SURVEY PLANS

| Parcel Number | Plan |
|-------------------|-----------|
| 792002 | 39116 |
| 792002 | 39171 |
| 792002 | N7 63133A |
| 792002 | N7 63133B |
| 792002 | N8 39116 |

792002

N8 39171

TAB

C



PRINCE EDWARD ISLAND

Regulatory & Appeals Commission

Commission de réglementation et d'appels

ÎLE-DU-PRINCE-ÉDOUARD

Identified Parcel Search Results

PLEASE NOTE:

The Land Information System database is based on information filed as part of applications made under the [Lands Protection Act](#). The Commission does not warrant the accuracy of the information. Without limiting the generality of the foregoing, certain information may have changed after processing the applications including, in some cases, the assignment of new parcel numbers to identified land. The new parcel numbers are not necessarily contained in the database. The database does not include parcels that were identified prior to 1979.

Email questions to: lpqinquiries@irac.pe.ca.

Please enter parcel number (you must enter 6 or 7 digits):

792002

No match found!

TAB

D

Environment

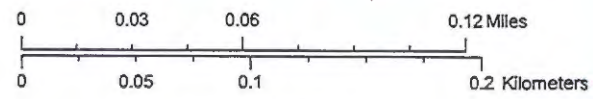


June 21, 2024

This map is not intended for legal description or to calculate exact land dimensions.

Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, Statistics Canada

| | | |
|-----------------------|----------------------------------|-------------------------------|
| Farming Not Permitted | Imperfect | OPEN WATER OR MARSH COMPONENT |
| Highway | Poor | SALT OR BRACKISH MARSH |
| Secondary | Watercourse | SAND DUNE |
| Street | LAND LOCKED POND | Property |
| Unpaved | NO OPEN WATER OR MARSH COMPONENT | |

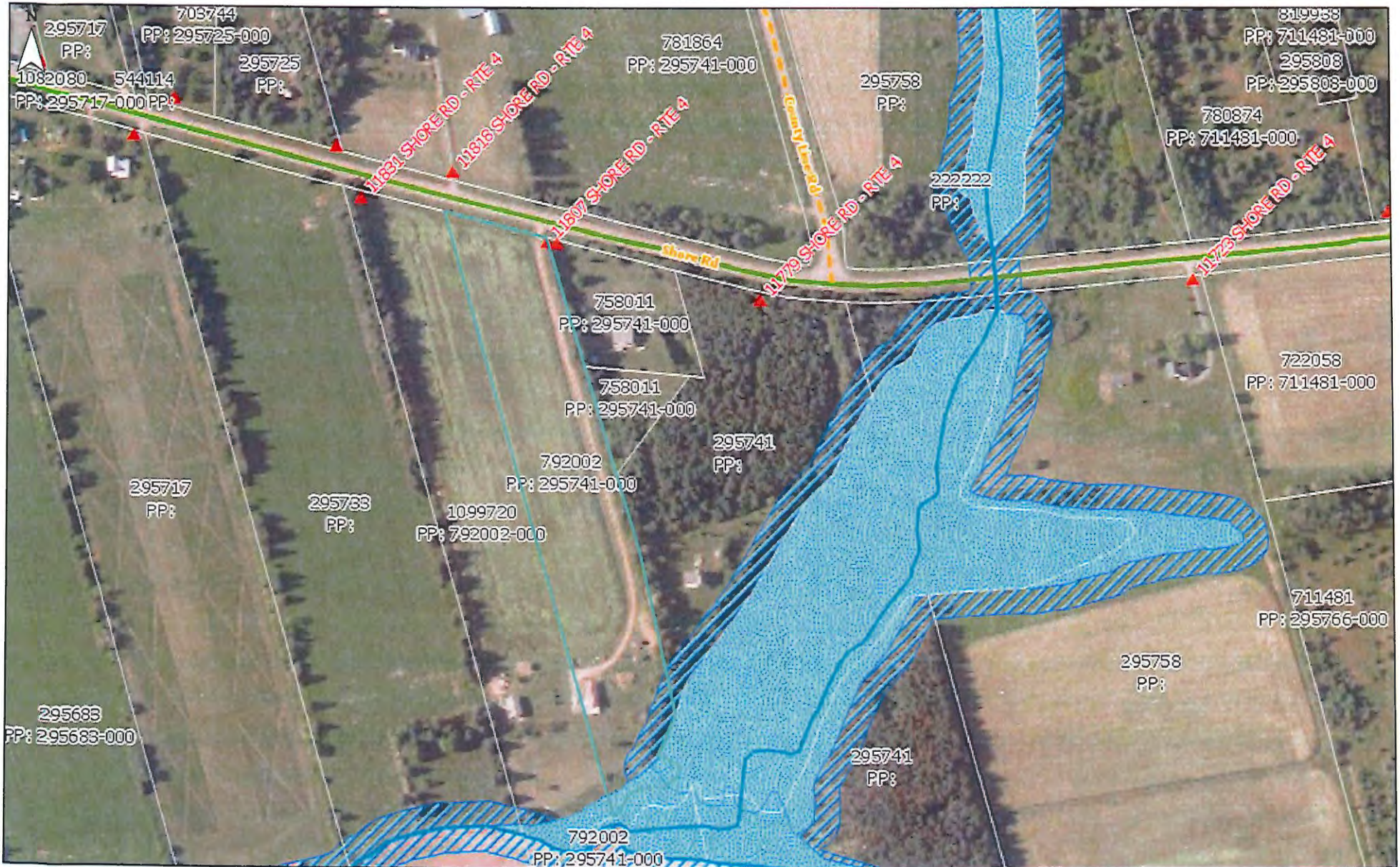


Scale: 1:4,514

40

TAB E

SSU

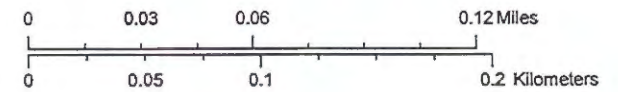


June 21, 2024

This map is not intended for legal description or to calculate exact land dimensions.

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Statistics Canada

- | | | | | |
|-----------------------|--------------|-----------|-------------|---------|
| 15m Buffer | No | L Access | Resource | Service |
| Civic Address | Yes | Collector | Ramp | Remove |
| Property Boundary | Watercourse | Local 1 | Federal | |
| Wetland | Arterial | Local 2 | Private | |
| Special Planning Area | 2nd Arterial | Local 3 | Residential | |



Scale: 1:4,514

