

# 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](http://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 N/A (Minister) (name of City, Town or Community) on the 27th day of January, 2023, wherein the Minister/Community Council made a decision to not approve subdivision 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)  
See Separate Page

**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)  
An Order overturning the Minister's decision and approving the subdivision; and

Such other relief as may be ordered under the Planning Act and the Commission's IRAC Act.

Or/ in the Alternative/

An Order approving 'change of use' and ordering for Minister to re-consider application for subdivision; ar

Such other relief as may be ordered under the Planning Act and the Commission's IRAC Act.

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

Name(s) of  
Appellant(s): Mike James

Please Print

Signature(s) of  
Appellant(s): 

Mailing Address: P.O. Box 700

City/Town: Kensington

Province: PE

Postal Code: C0B 1M0

Email Address: mike@springvalleybc.ca

Telephone: 902-439-5046

Dated this 15th day of February, 2023  
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 902-892-3601 or by email at [info@irac.pe.ca](mailto:info@irac.pe.ca).

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\_\_\_\_\_  
(attach a copy of the decision).

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Name(s) of Appellant(s): Sheldon Stewart  
Please Print

Signature(s) of Appellant(s): \_\_\_\_\_



Mailing Address: PO Box 700

City/Town: Kensington

Province: PE

Postal Code: C0B 1M0

Email Address: sheldon@coulsonrealtyinc.com

Telephone: 902-439-5046

Dated this 15<sup>th</sup> day of February, 2023.  
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.

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## Appendix "A"

### Notice of Appeal – Grounds

The appellants are appealing a decision of the Minister of the Department of Agriculture and Land (the "Respondent") of January 27, 2023.

The application in question was originally filed as an application for subdivision of lands, but was altered at the request of the Respondent to an application for a "change of use".

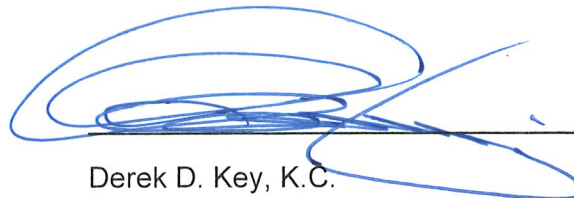
The application for change of use stayed with the Respondent for approximately eight (8) months, until, On January 27, 2023, the Respondent provided a decision rejecting an application for "subdivision".

#### Grounds of the Appeal:

1. The Respondent communicated to the Appellants that an application for subdivision would not be entertained until a decision on "change of use" was considered. The Respondent then failed to consider "change of use" and issued a decision denying approval for subdivision. This process conferred a disadvantage on the Appellants, the particulars of which will be provided ahead of the hearing;
2. The Respondent failed to make a decision in accordance with sound planning principles;
3. The terms "premature development" and "detrimental impact" are too vague, arbitrary, and discriminatory in that they are unsupported by the express, objective criteria that is required by law to govern the exercise of such broad discretion as to determine what constitutes "premature development" or "detrimental impact".
4. The Respondent exercised its discretion arbitrarily and over-broadly;
5. The Respondent relied on internal, unreported, and/or unknown government policies in its decision, and did not provide the Appellant a reasonable process to respond to the internal, unreported, and/or unknown policies;
6. The Respondent failed to make a decision in accordance with natural justice; and
7. Such further or other grounds as may be revealed upon review of the full record produced by the Respondent.

The grounds of the appeal will be expanded upon, once the Appellants have the benefit of the full record produced by the Respondent.

Dated this 15<sup>th</sup> day of February, 2023.



Derek D. Key, K.C.  
Andrew G. MacDonald  
Key Murray Law  
494 Granville Street  
Summerside, PE C1N 4K4  
Telephone: 902-436-4851  
Fax: 902-436-5061



Agriculture  
and Land

Agriculture  
et Terres



Land Division

120 Heather Moyse Drive  
Summerside  
Prince Edward Island  
Canada C1N 5Y8

Division des terres

120, promenade Heather Moyse  
Summerside  
Île-du-Prince-Édouard  
Canada C1N 5Y8

January 27, 2023

Sheldon Stewart & Mike James  
P.O. Box 700  
Kensington, PE  
C0B 1M0

Dear Applicant:

**Subject:** Application to establish 26 Lot Subdivision for Residential  
(Single Unit Dwelling) Use  
**Property ID #:** 88567  
**Property Location:** Campbellton Road, New London, PE  
**Our File References:** Case # 25172

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The Minister of Agriculture and Land has reviewed your application to establish a 26 Lot Subdivision for Residential (Single Unit Dwelling) Use, Case 25172, received on April 01, 2022 located in New London.

#### **A. The Application**

**Subdivision:** Subject parcel PID # 88567, being approximately 40 acres in area, is located within the community of New London, Queens County. The application proposes the subdivision of PID 88567 into 26 lots for Residential (Single Unit Dwelling) Use.

#### **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 the *Planning Act*, as well as, the *Planning Act* Subdivision and Development Regulations **the above noted application is Denied.**



### **C. Reasons**

The reasons for this decision, as well as relevant subsections of the *Planning Act & Planning Act Subdivision and Development Regulations* are explained in detail on the attached report prepared by the Land Use and Planning Act Specialist.

### **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 regard to this decision, contact me at [emlloyd@gov.pe.ca](mailto:emlloyd@gov.pe.ca) or (902) 368-4465.

Sincerely,



Eugene Lloyd  
Manager (Acting) of Development Control

*Enc: Land Use and Planning Act Specialist Report – Case 25172 – PID 88567 – Dated: January 27, 2023*



*In the absence of provincial land use policy, land use plans, land designations, and zoning in unincorporated areas of the Island, planning comments will be provided for each application based on sound planning principles and material considerations. These comments are intended to inform Development Officers in aid of their decision-making processes. Specifics regarding ecology, safe access, ground water availability, soil quality, sewage disposal requirements, coastal erosion & saltwater intrusion, health & safety, wetlands and land identification, etc. will be addressed by applicable governmental departments, NGOs, and private licensed contractors in greater depth. Comments are solely intended to advise on the appropriateness of the proposed development from a land-use planning perspective.*

Case Number	Property Tax Number	Current Land Use	Proposed Land Use
25172	88567 Princetown Point – Stanley Bridge (SPA)	Approximate 40 Acre Agricultural (Resource) use.	Subdivision of 26 Residential (single unit) dwelling lots.

#### Section 1. Definitions

(d.3) “**coastal area**” means all the lands, including surface water bodies, streams, rivers, and off-shore islands in the province, lying within 1640 feet (500 metres) inland and seaward of the mean high water mark of all coastal and tidal waters;

(f.3) “**detrimental impact**” 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 regard to Planning Act Subdivision and Development Regulations.

- (i) real property value;
- (ii) competition with existing businesses;
- (iii) views; or
- (iv) development approved pursuant to subsection 9(1) of the Environmental Protection Act;

#### Planning Act R.S.P.E.I. 1988, Cap P-8, ‘Purposes’ 2 (1) (b), & (c)

- (b) to promote sustainable and planned development; and
- (c) to protect the natural and built environment of the province;
- (d) to encourage co-operation and co-ordination among stakeholders;

#### Planning Act R.S.P.E.I. 1988, Cap P-8, ‘Statements of Provincial Interest’ 2.1 (1), (a), (b), (g), (i), (k), (l), (m), (n), (o), (p), (q) & (r)

- (a) the protection, conservation and management of resource lands;
- (b) the protection, conservation and management of coastal areas;
- (g) the adequate provision and efficient use of communication, transportation, sewage and water services, storm water management systems, waste management systems and other public services in relation to planning development, and the effect of planning development on those services;
- (j) the protection of views that contribute to the unique character of Prince Edward Island;
- (k) the direction of development to areas designed to support servicing;





CANADA

Agriculture  
and Land

Land Division – Provincial Planning

January 27<sup>th</sup>, 2023 – Alex O'Hara

- (l) the orderly and sustainable development of safe and healthy communities;
- (m) the adequate provision of a full range of housing options;
- (n) the promotion of a built environment that supports public transit and active transportation;
- (o) the promotion of a built environment that incorporates the principles of conservation design;
- (p) the adaptation of the built and natural environment to address the effects of climate change;
- (q) mitigation of greenhouse gas emissions;
- (r) adaptation to a changing climate.

**Planning Act - Subdivision and Development Regulations**

- **Section 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;
  - (b) precipitate premature development or unnecessary public expenditure;
  - (c) in the opinion of the Minister, place pressure on a municipality or the province to provide services; or
  - (d) have a detrimental impact.
- **Section 13. Principles**  
Subdivision designs shall be based on sound planning, engineering, and environmental principles, and shall demonstrate that the proposed subdivision is suited to the intended use, having due regard for
  - (c) surface drainage on the site and its impact on adjacent parcels of land;
  - (d) traffic generation onto adjacent highways;
  - (e) availability, adequacy and the economical provision of utilities and services; and
  - (j) natural features.
- **Section 14. Six or more lots**  
(3) An application for the subdivision of six or more lots shall be accompanied by:
  - (a) a plan or plans showing
    - (viii) *watercourses, wetlands, beaches, sand dunes, forested areas, designated natural areas or conservation zones on, or adjacent to, the proposed subdivision,*
    - (x) *elevation contours and the proposed storm water drainage pattern within the subdivision and within 300 feet (91.4 metres) of the boundaries of the subdivision,*
  - (b) any additional information the Minister considers necessary.
- **Section 56. Subdivision within 1,000 feet of the shore**  
(1) Within the Princetown Point - Stanley Bridge Special Planning Area residential subdivisions of more than three lots shall be permitted only within 1,000 feet (304.8 metres) of the shore.

**General description – Including location, size, topography and physical features etc.**

The subject parcel, PID # 88567, with an approximate area of 40 acres, is located within the community of New London, Queens County. The proposed development is to subdivide 26 residential (single unit) lots and two separate parcels of open area along the Campbelton Rd.

The subject parcel is abutted to the east by the Campbelton Rd – RTE 238 (C2) having approximately 800' of road frontage, to the north by Browns Road (SEA) having approximately 1650' of road frontage, to the south by a residential (single unit) lot, and to the east by the Southwest River having approximately 2882' of shore frontage.

There is no "High Slope" land (9% and greater for contiguous areas of at least 1 ha) on this PID. Slopes range from 0.6 % to 10.7 % for the two sample points I measured as possible highest and lowest slopes. There are no existing structures on the subject parcel, and it appears that the land is actively farmed.

A site visit was conducted on Thursday April 7<sup>th</sup>, 2022 by Alex O'Hara. (Supplementary pictures attached)

**Analysis: The Proposed Development's Alignment with the Planning Act and Associated Regulations from a Planning Perspective**

#	Legislation, Frameworks & Guidelines	Interpretation
1.	<p>The <i>Planning Act</i>: (1) The Minister in carrying out the Minister's responsibilities in relation to planning matters and the effects of proposed development under this Act shall have regard but not be limited to matters of provincial interest, such as:</p> <p>(a) the protection, conservation and management of resource lands;</p>	<p>The proposal will result in the loss of approximately 40 acres of quality, recently active, resource (agricultural) land from the land base. The soil quality has been assessed</p> <p>Over the past 100 years, the total number of farm acres have decreased from <b>1,216,483</b> acres in 1921 to <b>504,674</b> in 2021. A decrease of <b>58.5%</b>. On average, 39-acres of agricultural land has been lost per day between 2016 to 2021.</p>
2.	<p>The <i>Planning Act</i>: (1) The Minister in carrying out the Minister's responsibilities in relation to planning matters and the effects of proposed development under this Act shall have regard but not be limited to matters of provincial interest, such as:</p> <p>(b) the protection, conservation and <b>management</b> of coastal areas;</p>	<p>The proposal has approximately 2,882 feet of shore frontage along its western boundary abutting the "South West River". No viable provision has been made to provide communal access to the shore for all residents of the proposed subdivision. This is poor management of coastal areas and inconsistent with the desired development of coastal lands with regard to coastal access.</p>
3.	<p>The <i>Planning Act</i>: (1) The Minister in carrying out the Minister's responsibilities in relation to planning matters and the effects of proposed development under this Act shall have regard but not be limited to matters of provincial interest, such as:</p> <p>(g) the adequate provision and efficient use of communication, transportation, sewage and water services, <b>storm water management systems</b>, waste management systems and other public services in relation to planning development, and the effect of planning development on those services;</p>	<p>No storm water management plan has been provided with this application to discern how storm water will be handled.</p> <p>There are no drainage easements or storm water retention ponds identified in the plans. This creates greater risk for flooding for future residents. It also creates greater risks for erosion, siltation, and pollution runoff to enter shore waters; especially with extreme weather events due to climate change. Without a storm water management system in place, this land is not suitable for what is being proposed.</p>



#	Legislation, Frameworks & Guidelines	Interpretation
	<p>The <i>Planning Act</i>: The Minister in carrying out the Minister's responsibilities in relation to planning matters and the effects of proposed development under this Act shall have regard but not be limited to matters of provincial interest, such as:</p> <p>(j) the protection of viewsapes that contribute to the unique character of Prince Edward Island;</p>	<p>The proposed development would deplete approximately 2882' of shore frontage along the Southwest river and have a detrimental impact on the scenic viewscape. It is Provincial Planning's position that coastal development should be limited to areas of infilling, with open space integrated along the shore front, and not comprise the entire shore frontage of the proposed parcel. This is suggested in order to reduce, as much as possible, the adverse impacts of coastal development on the coastal viewsapes and promote, as much as possible, public amenity and access to shorefront lands.</p>
	<p>The <i>Planning Act</i>: (1) The Minister in carrying out the Minister's responsibilities in relation to planning matters and the effects of proposed development under this Act shall have regard but not be limited to matters of provincial interest, such as:</p> <p>(k) the direction of development to areas designed to support servicing;</p>	<p>This suburban style development would be better situated within the closely located, and largely centrally serviced municipality of 'The Resort Municipality of Stanley Bridge, Hope River, Bayview, Cavendish and North Rustico'. Municipalities (with official plans and bylaws) use tax-payer money more effectively by ensuring specific types of development take place in the most appropriate and efficient locations. Residential development is not the highest and best use of this land.</p>
	<p>The <i>Planning Act</i>: (1) The Minister in carrying out the Minister's responsibilities in relation to planning matters and the effects of proposed development under this Act shall have regard but not be limited to matters of provincial interest, such as:</p> <p>(l) the orderly and sustainable development of safe and healthy communities;</p>	<p>The premise of sustainable development is the planning for the highest and best use of the land, development that meets the needs of the present without compromising the ability of future generations to meet their own needs. This style of development is not sustainable. It is proposing a singular housing type, inefficient use of land and transportation and has no elements of a healthy and connected community.</p>
	<p>The <i>Planning Act</i>: (1) The Minister in carrying out the Minister's responsibilities in relation to planning matters and the effects of proposed development under this Act shall have regard but not be limited to matters of provincial interest, such as:</p> <p>(m) the adequate provision of a full range of housing options;</p>	<p>There are currently (As of February 2022) approximately 16,500 undeveloped, approved single unit residential lots across PEI. 712 of which are located within the census subdivision area of New London Fire District, with 92 within the community of New London.</p> <p>It is evident that the demand is low for the type of housing that the subject proposal supports. This is</p>

#	Legislation, Frameworks & Guidelines	Interpretation
		<p>largely due to affordability, as the majority of Islanders cannot afford this type of home.</p> <p>Higher density, more affordable housing is needed for Islanders. Higher density development is more appropriate in denser, serviced areas.</p>
4.	<p><i>The Planning Act:</i> (1) The Minister in carrying out the Minister's responsibilities in relation to planning matters and the effects of proposed development under this Act shall have regard but not be limited to matters of provincial interest, such as:</p> <p>(n) the promotion of a built environment that supports public transit and active transportation;</p>	<p>The development is 100% car dependent and not connected to any public transit.</p> <p>The government is pursuing an aggressive net zero (2040 target) with transportation comprising 44% of all greenhouse emissions. This target will not be met if this trend of development continues unabated.</p> <p>Refer to "Proximity to Public Transit" map</p>
5.	<p><i>The Planning Act:</i> (1) The Minister in carrying out the Minister's responsibilities in relation to planning matters and the effects of proposed development under this Act shall have regard but not be limited to matters of provincial interest, such as:</p> <p>(o) the promotion of a built environment that incorporates the principles of conservation design;</p>	<p>The proposed development does not incorporate principles of conservation (cluster development) design. Developers of larger scale developments proposals should consult with planners in private practice to work together on subdivision designs that incorporate sustainable design principles.</p> <p>In most cases (according to the submitted plan) lots are 2 to 3 times larger than the minimum category 1 requirement.</p>
6.	<p><i>The Planning Act:</i> (1) The Minister in carrying out the Minister's responsibilities in relation to planning matters and the effects of proposed development under this Act shall have regard but not be limited to matters of provincial interest, such as:</p> <p>(p) the adaptation of the built environment to address the effects of climate change;</p> <p>(q) mitigation of greenhouse gas emissions;</p> <p>(r) adaption to a changing climate.</p>	<p>The proposed development encourages and relies upon the use of passenger vehicles and no scheduled public transportation options available.</p> <p>Please see below for how this related to PEI's 2040 Net Zero Framework</p> <p>It is unclear how this development is adapted to extreme weather events due to climate change.</p>





#	Legislation, Frameworks & Guidelines	Interpretation
7.	<p><i>Planning Act</i> Subdivision and Development Regulations:</p> <p>3(1) No person shall be permitted to subdivide land where the proposed subdivision would</p> <p>(b) precipitate premature development or unnecessary public expenditure</p>	<p>With a high number of vacant lots available within the local vicinity/community and 712 approved vacant lots available within the census subdivision area of New London Fire District, this application is determined to be precipitating premature development, creating unnecessary loss of agricultural lands.</p>
8.	<p><i>Planning Act</i> Subdivision and Development Regulations:</p> <p>13. Subdivision designs shall be based on sound planning, engineering, and environmental principles, and shall demonstrate that the proposed subdivision is suitable for the intended use:</p> <p>(c) surface drainage on the site and its impact on adjacent parcels of land; (h) wastewater management; (d) traffic generation onto adjacent highways; (j) natural features.</p>	<p>No storm water management has been submitted with this proposal as required under the regulations.</p> <p>The proposal is of poor quality with regard to sound planning, engineering and environmental principles. No traffic study has been submitted or the issue discussed.</p> <p>The subdivision plan does not show natural features, and where it proposed shore front access it is a mapped wetland.</p>
9.	<p><i>Planning Act</i> Subdivision and Development Regulations:</p> <p><b>Section 14. Six or more lots</b></p> <p>(3) An application for the subdivision of six or more lots shall be accompanied by:</p> <p>(a) a plan or plans showing</p> <p><b>(viii) watercourses, wetlands, beaches, sand dunes, forested areas, designated natural areas or conservation zones on, or adjacent to, the proposed subdivision,</b></p> <p><b>(x) elevation contours and the proposed storm water drainage pattern within the subdivision and within 300 feet (91.4 metres) of the boundaries of the subdivision,</b></p>	<p>The subdivision plan does not show natural features, and where it proposed shore front access it is a mapped wetland.</p> <p>No topographic / elevation contour plan has been submitted with this proposal as required under the regulations. The submitted plan also does not show wetland areas.</p>

#	Legislation, Frameworks & Guidelines	Interpretation
	(b) any additional information the Minister considers necessary.	
10.	<p><i>Planning Act Subdivision and Development Regulations:</i></p> <p><b>Section 16. Buffer inside coastal area</b></p> <p>(1) Where a subdivision is proposed within a coastal area, the proposed subdivision shall, where applicable, include the following:</p> <p>(c) <i>where feasible and appropriate, access to the beach or watercourse for the use of the owners of the lots.</i></p>	No suitable waterfront access has been provided in this proposal as required (where feasible) under the subdivision and development regulations.
11.	<p>Land Use Policy (1991) – Attached in appendices</p> <ol style="list-style-type: none"> <li>1. "Ensure that the land base of the Province is developed and used in a sustainable fashion".</li> <li>2. "The government intends to act on the following general issues or areas"; <ul style="list-style-type: none"> <li>o Coastal area development, including subdivision and shore front access.</li> </ul> </li> <li>3. "Development will be encouraged but it must be sustainable". "Development must be compatible with the following objectives and principles;" <ul style="list-style-type: none"> <li>o Consistency with market demand;</li> <li>o Existing towns, villages and the city must be strengthened.</li> <li>o Efficiency in the use of the land.</li> </ul> </li> </ol>	The proposal is inconsistent with the goals and objectives of the 'Provincial Land Use Policy' (1991) namely with regard to; lack of shore front access, its inconsistency with market demand (see vacant lot map and report) and by the suburban style development in a rural area which would be better suited to a denser, serviced municipality.
12.	<p>Coastal Area Policy (1992) pg.1 – Attached in appendices</p> <p><i>"General development principles for the coastal area are that development shall not adversely effect sustainable development objectives, degrade the natural environment, cause land use conflicts, create safety hazards, or cause public health risks. In principle, subdivision development shall:"</i></p> <ol style="list-style-type: none"> <li>a) Be driven by market demand;</li> <li>b) Produce a net economic benefit for the Province;</li> <li>c) Result in development within a reasonable time;</li> <li>d) Be tied to lot-owner responsibilities for maintenance;</li> </ol>	<p>The proposal is inconsistent with the goals and objectives of the 'Coastal Area Policy (1992). A high vacancy of developable lots within the community, with an average growth of 40 people per annum (2.2 per household averaging 18 lots per year across the combined 10 communities which form the New London Fire District) suggests that the introduction of an additional 26 lots in addition to the existing 92 available in the community of New London, is not consistent with market demand.</p> <p>There is no legislative or regulatory means to ensure that development occurs within a reasonable time. Vacant, approved lots are not assessed at market value.</p>



#	Legislation, Frameworks & Guidelines	Interpretation
	e) Strengthen existing communities; and f) Be the responsibility of the developer, in terms of the costs of gaining approval.	The proposed development is suburban in nature and is inappropriately/unsustainably located in a rural area. It also contributes to sprawling coastal development.
13.	Coastal Area Policy (1992) pg.2 – Attached in appendices  Objectives The objectives for subdivision of land in the coastal area are: a) To protect prime resource lands and resource industry activities, including fishing, aquaculture, forestry, and agriculture by minimizing land use conflicts; b) To retain the traditional character of the landscape c) To provide or maintain coastal recreational opportunities; and d) To protect the natural environmental features and public health.	Similar to statement of interest (a) under section 2.1 (10 of the Planning Act; <i>"the protection, conservation and management of resource lands"</i> The Coastal Area Policy prioritizes the <i>protection</i> of prime resource lands. This parcel of land would be considered high value resource (agricultural) land.  The suburban style development will negatively impact the traditional character of the landscape.

**Consultees (Stakeholder)**

- Department of Agriculture and Land – Tyler Wright (Soil and Water Engineer)
- Department of Environment, Energy and Climate Action – Hope Parnham (Senior Climate Change Policy Advisor)
- Department of Economic Growth, Tourism and Culture – Charlotte Stewart (Heritage Officer)

**Conclusion:**

*For the many reasons noted in the above planning analysis, this proposed development does not meet the requirements of the Planning Act, the Planning Act Subdivision and Development Regulations, the 1991 Land Use Policy, or 1992 Coastal Area Policy.*

*It is my recommendation that this development be **denied** based on, but not limited to, the above-noted considerations.*

Alex O'Hara

Land Use and Planning Act Specialist

January 27<sup>th</sup>, 2023

## MEMORANDUM

**To:** Alex O'Hara; Agriculture and Land

**From:** Tobin Stetson P. Eng, Soil and Water Engineer, PEI Agriculture and Land

**Tel:** (902) 314-0783

**Date:** Nov 10, 2022

**Subject:** Review of Agriculture Land in New London, PEI (PID 88567)

As requested, our group reviewed a parcel of land denoted as PID 88567 in New London, Prince County, PEI, here in described as the subject parcel. The assessment is based on the parcels agriculture suitability and its value for use to that industry.

The farm is located along the shoreline of the Southwest River which is a tidal tributary to New London Bay on the north shore of Prince Edward Island. It is on the western corner of Campbellton Road and Browns Road. There is a provincially legislated 15-meter buffer zone along the coastline boundary. The coastal boundary of the property is grassed with some sparse groups of trees

The parcel is comprised of approximately 40 acres in total and is predominately clear land that is currently in agriculture production. In total, there are 35 acres of farmland in production with the buffer zones, a small forested area in the south corner and a wetland removed. Of the 35 acres currently farmed, which accounts for 88% of the property.

The topography is gentle to undulating relief of 0.5 to 5% grades. The highest elevation is adjacent to the intersection of Campbellton and Browns Road. The land falls at a steady relief to the river. The maximum slope on the property is 9% in a small area in the south corner. There are a few small areas of concentrated flow (i.e. surface water channeling) but, one primary flow path from a hollow along Browns Road to the Southwest River would require attention.

The dominant soil type on this farm is Charlottetown and Malpeque soils. Charlottetown soil series makes up 19.1 acres of the farm. The Malpeque soil series with a sub phase of Charlottetown soil covers 18 acres of the parcel. The remaining soil types are small inclusions of beach and salt marsh.

Charlottetown is a sandy loam soil that is suitable to almost all cropping systems on PEI, including cultivated row crops and field crops. The Charlottetown soil series covers the largest portion of agriculture land on the island and is the provincial soil. Like most PEI soils, it is acidic by nature and can benefit from lime and organic amendments to correct pH and droughtiness. It is well drained and easily cropped. This soil would be Class 2 soil. There are no Class 1 soils on PEI under the CLI classification system and Class 2 and Class 3 soils make up the soil resources for the majority of field crops on the Island. There is 17 of the 19 acres of Charlottetown soil with a shallow bedrock phase. On PEI, shallow bedrock commonly occurs on knolls and areas of steep relief. The soil characteristics are still desirable but, it will have more stones to manage.





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The Malpeque soil series on the parcel is classified with a Charlottetown sub phase. This soil series is imperfectly drained and may be difficult to crop during wet periods. The side hill relief of this soil series may expose springs and other wet areas may occur throughout this field and may need to be managed differently than that of Charlottetown soil. Malpeque - Charlottetown soil series on this parcel is Class 4 soil on the Canadian Landuse Inventory, due to its imperfect permeability. This soil can have water table limitations into the growing season. Due to the proximity to the well-draining Charlottetown soil, this limitation may be less pronounced. The occurrence of Charlottetown soil sub series will improve these soils wet characteristics and engineered interventions. Measures such as tile drainage, that can improve slow draining soil, may not be necessary.

As with most PEI soils, the addition of lime, organic admendments and fertilizers are beneficial. It is worth noting that satellite imagery interpretation of the field shows no wet area in spring that would limit cropping significantly over the Charlottetown soil type.

These classifications do not account for farmers ability and skill or for past erosion or fertility problems. Erosion is a risk to all mineral based soils on PEI that should be considered on a farm level based on the topography, concentrated flow accumulation, cropping system and crop rotation among other factors.

Assuming that the soil health and soil nutrients levels are suitable, and with proper management, this farm would be considered a productive area for agriculture. This farmland has enough natural topography that it could benefit from applied soil conservation measures such as grassed waterways to prevent erosion. However, there is no evidence of mismanagement from an aerial imagery study.

If you require additional details, please don't hesitate to contact the undersigned.

A handwritten signature in blue ink, appearing to read "T. Stetson".

Digitally signed by Tobin Stetson  
DN: cn=Tobin Stetson, o=PEI  
Department of Agriculture, ou,  
email=trstetson@gov.pe.ca, c=CA  
Date: 2022.11.10 15:07:29 -04'00'

Tobin Stetson P.Eng  
Soil and Water Conservation Engineer  
PEI Department of Agriculture and Land





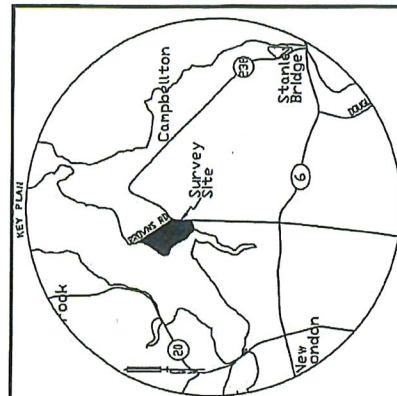


## An aerial photograph of a coastal region, likely a wetland or marsh area. A prominent red boundary line outlines a large, irregularly shaped parcel of land. The land is mostly green, indicating vegetation, with some brownish areas that could be bare soil or water. To the left of the red boundary, there is a body of water, possibly a pond or a small lake, surrounded by a blue-shaded area. The map is overlaid with numerous labels, including property numbers (e.g., 115315, 115316, 115317, 115318, 115319, 115320, 115321, 115322, 115323, 115324, 115325, 115326, 115327, 115328, 115329, 115330, 115331, 115332, 115333, 115334, 115335, 115336, 115337, 115338, 115339, 115340, 115341, 115342, 115343, 115344, 115345, 115346, 115347, 115348, 115349, 115350, 115351, 115352, 115353, 115354, 115355, 115356, 115357, 115358, 115359, 115360, 115361, 115362, 115363, 115364, 115365, 115366, 115367, 115368, 115369, 115370, 115371, 115372, 115373, 115374, 115375, 115376, 115377, 115378, 115379, 115380, 115381, 115382, 115383, 115384, 115385, 115386, 115387, 115388, 115389, 115390, 115391, 115392, 115393, 115394, 115395, 115396, 115397, 115398, 115399, 115400, 115401, 115402, 115403, 115404, 115405, 115406, 115407, 115408, 115409, 115410, 115411, 115412, 115413, 115414, 115415, 115416, 115417, 115418, 115419, 115420, 115421, 115422, 115423, 115424, 115425, 115426, 115427, 115428, 115429, 115430, 115431, 115432, 115433, 115434, 115435, 115436, 115437, 115438, 115439, 115440, 115441, 115442, 115443, 115444, 115445, 115446, 115447, 115448, 115449, 115450, 115451, 115452, 115453, 115454, 115455, 115456, 115457, 115458, 115459, 115460, 115461, 115462, 115463, 115464, 115465, 115466, 115467, 115468, 115469, 115470, 115471, 115472, 115473, 115474, 115475, 115476, 115477, 115478, 115479, 115480, 115481, 115482, 115483, 115484, 115485, 115486, 115487, 115488, 115489, 115490, 115491, 115492, 115493, 115494, 115495, 115496, 115497, 115498, 115499, 115500, 115501, 115502, 115503, 115504, 115505, 115506, 115507, 115508, 115509, 115510, 115511, 115512, 115513, 115514, 115515, 115516, 115517, 115518, 115519, 115520, 115521, 115522, 115523, 115524, 115525, 115526, 115527, 115528, 115529, 115530, 115531, 115532, 115533, 115534, 115535, 115536, 115537, 115538, 115539, 115540, 115541, 115542, 115543, 115544, 115545, 115546, 115547, 115548, 115549, 115550, 115551, 115552, 115553, 115554, 115555, 115556, 115557, 115558, 115559, 115560, 115561, 115562, 115563, 115564, 115565, 115566, 115567, 115568, 115569, 115570, 115571, 115572, 115573, 115574, 115575, 115576, 115577, 115578, 115579, 115580, 115581, 115582, 115583, 115584, 115585, 115586, 115587, 115588, 115589, 115590, 115591, 115592, 115593, 115594, 115595, 115596, 115597, 115598, 115599, 115600, 115601, 115602, 115603, 115604, 115605, 115606, 115607, 115608, 115609, 115610, 115611, 115612, 115613, 115614, 115615, 115616, 115617, 115618, 115619, 115620, 115621, 115622, 115623, 115624, 115625, 115626, 115627, 115628, 115629, 115630, 115631, 115632, 115633, 115634, 115635, 115636, 115637, 115638, 115639, 115640, 115641, 115642, 115643, 115644, 115645, 115646, 115647, 115648, 115649, 115650, 115651, 115652, 115653, 115654, 115655, 115656, 115657, 115658, 115659, 115660, 115661, 115662, 115663, 115664, 115665, 115666, 115667, 115668, 115669, 115670, 115671, 115672, 115673, 115674, 115675, 115676, 115677, 115678, 115679, 115680, 115681, 115682, 115683, 115684, 115685, 115686, 115687, 115688, 115689, 115690, 115691, 115692, 115693, 115694, 115695, 115696, 115697, 115698, 115699, 115700, 115701, 115702, 115703, 115704, 115705, 115706, 115707, 115708, 115709, 115710, 115711, 115712, 115713, 115714, 115715, 115716, 115717, 115718, 115719, 115720, 115721, 115722, 115723, 115724, 115725, 115726, 115727, 115728, 115729, 115730, 115731, 115732, 115733, 115734, 115735, 115736, 115737, 115738, 115739, 115740, 115741, 115742, 115743, 115744, 115745, 115746, 115747, 115748, 115749, 115750, 115751, 115752, 115753, 115754, 115755, 115756, 115757, 115758, 115759, 115760, 115761, 115762, 115763, 115764, 115765, 115766, 115767, 115768, 115769, 115770, 115771, 115772, 115773, 115774, 115775, 115776, 115777, 115778, 115779, 115780, 115781, 115782, 115783, 115784, 115785, 115786, 115787, 115788, 115789, 115790, 115791, 115792, 115793, 115794, 115795, 115796, 115797, 115798, 115799, 115800, 115801, 115802, 115803, 115804, 115805, 115806, 115807, 115808, 115809, 115810, 115811









**LEGEND:**

③ PL	PLACED SURVEY MARKER
③ FD	FOUND SURVEY MARKER
PL	PLACED
FD	FOUND
ID NO	PROPERTY IDENTIFICATION NUMBER
SQ FT	SQUARE METRES
UN	UNION/MENTED POINT
HIGH	ORDINARY HIGH WATER MARK

**NOTES:**

THIS PLAY IS METRIC AND ALL DISTANCES ARE IN METRES UNLESS OTHERWISE SPECIFIED.

CIRCLES SHOWN ARE 175 IN DIAMETER.

### 6.7 SHORELINE BUFFER

THE DESIGNATORS, LOTS 22-1 THRU 22-20, ORIGINATE WITH THIS DRAWING.

PRELIMINARY APPROVAL IS REQUESTED FOR LOTS 22-1 THRU 22-39.



**LOCUS SURVEYS LTD.**

FORM 102-AV-1571

P.O. BOX 33  
KINGSTON, P.E.I.  
C0G 1M0

Preliminary Plan of Survey Showing  
LOTS 22-1 THRU 22-26,  
being a Subdivision of Lands of  
MIKE JAMES and  
SHELDON STEWART

PID 88567

NEW LONDON

LOT/TOWNSHIP 21

COUNTY OF QUEENS

PROVINCE OF PRINCE EDWARD ISLAND



DATE: MARCH 28, 2022  
PAGE NO: 21044-P03

SI IRVEYORIS CERTIFICAT

JAMES A. CLOW, PRINCE EDWARD ISLANDS AND CUNEOVILLE, ILLINOIS, CERTIFY THAT  
 THIS SURVEY WAS EXECUTED UNDER MY PERSONAL SUPERVISION AND IN ACCORDANCE WITH  
 THE ACTS OF CONGRESS AND THE ACTS OF THE LEGISLATURE OF THE STATE OF ILLINOIS.  
 IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL OF OFFICE, AND  
 DATED THIS 20TH DAY OF MARCH, 1922.



JAMES C. OWEN, JR.







