



Rural Municipality of West River Planning Board Committee Minutes

Meeting No	2025-21	Time	6:00 PM
Session	Regular - Public	Date	Thursday, June 12, 2025
Chair	Helen Smith-MacPhail - Mayor	Location	Afton Community Centre
Adoption status	Approved	Contact Person	Susan Morse - CAO
Attendance	Mayor Helen Smith-MacPhail Deputy Mayor Shaun MacArthur Councillor Aaron MacEachern Councillor Daniel Sud Councillor John Yeo Councillor Lillian MacCannell Councillor Steve Pollard, Susan Morse - CAO		
Regret	Nil		
Guest	Nil		

- **Call to Order**

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

- **Adoption & Approval of Agenda**

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

- **Declarations of Conflict of Interest**

Nil

- **Recommended Items**

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

Decision Type: Action

Status: Recommended

Background:

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

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

Description:

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

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

Decision Type: Action

Status: Recommended

Background:

PLB.25.20.1

Description:

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

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

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

Mayor Smith MacPhail read the Planner's recommendations.

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

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

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

Policy RU-1 – Designation and Zoning – “It shall be the policy of Council to protect agricultural and other resource-related land uses from the intrusion of conflicting land uses. Further, the largescale conversion of primary resource lands into non-resource uses will be discouraged by identifying and designating areas primarily for agricultural and resource uses, along with compatible rural land uses.”

Compliance with Official Plan - Inconsistent

Committee comments:

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



Policy RU-2 – Protections for Agricultural and Other Resource Uses – It shall be the policy of Council to promote the overall protection of resource lands and activities and to manage the level of un-serviced development within the Municipality, with the exception of areas identified as community nodes, through limits on the creation of new parcels based on the permitted uses within each zone.

Compliance with Official Plan - Inconsistent

Committee comments:

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

Policy RU-3: Subdivision of Primary Resource Land - It shall be the policy of Council to limit the number of parcels that can be severed from primary resource land or other parcels in the Rural Area (RA) Zone and to require lots of a larger size to minimize and discourage the fragmentation of primary resource activities and to promote development patterns more suitable to a rural landscape.

Compliance with Official Plan - Inconsistent

Committee comments:

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

Policy PHY-4: Community Nodes - It shall be the policy of Council to identify community nodes where a larger mix of uses, services, and amenities might be encouraged to locate and develop over time.

Compliance with Official Plan - Inconsistent

Committee comments:

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

Policy R-1: Designation and Zoning – It shall be the policy of Council to designate sufficient residential land to accommodate the projected housing needs in the Municipality during the Official Plan period. Residential development shall be permitted in the Rural Area, Rural Residential, and Commercial Industrial zones. It shall be the policy of Council to zone existing residential lots of less than 2 acres as Rural Residential, and new multi-lot (five lots or more) residential subdivisions may only proceed via bylaw amendment (rezoning) applications where larger subdivisions are not permitted in the existing zone. It shall further be the policy of Council to permit only limited residential developments in the Rural Area zone, using the Rural Residential zone to direct multi-lot subdivisions to locations where they are less likely to create conflicts with established farming operations, where the site is appropriate for long term on-site services, and where the safety and efficiency of the road network will not be negatively affected.

Compliance with Official Plan – Weighing Required

Committee comments:

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

Policy R-2: Density and Housing Variety – It shall be the policy of Council to support duplex, semi-detached, and small-scale multi-unit dwellings, as well as seniors housing, where appropriate, and to enable the development of innovative and diverse housing forms where shared systems are provided in order to attract new residents, address the needs of young families, seniors, and seasonal workers, and provide affordable home ownership options.

Compliance with Official Plan - Inconsistent

Committee comments:

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

Policy PR-3: Public Access in Coastal Areas – It shall be the policy of Council to pursue opportunities to protect public access to the shoreline and to the natural environment.

Compliance with Official Plan - Inconsistent

Committee comments:

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

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

Policy EN-7: Vegetation – It shall be the policy of Council to encourage the protection of trees, particularly in areas adjacent to streams and wetlands, and to generally encourage the preservation and planting of trees in the Municipality. Council shall also encourage protection of natural vegetation and landscaping activities that beautify the Municipality, maintain biological diversity, and add soil and coastal stabilisation.

Compliance with Official Plan - Inconsistent

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

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

Compliance – Weighing Required

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

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

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

Compliance – Weighing Required

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

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

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

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

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

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

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

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

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

Compliance – Weighing Required

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

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

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

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

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

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

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

Decision Type: Action

Status: Recommended

Background:

PLB.25.20.2

Description:

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

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

Decision Type: Action

Status: Recommended

Background:

PLB.25.19.1

Description:

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

- **Information Items**

- **PLB.25.21.5 – Permit Report**

Decision Type: Information

Status: Received

Description:

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

- **PLB.25.21.6– Upcoming Applications**

Decision Type: Information

Status: Received

Description:

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

- **PLB.25.21.7– Enforcement Report**

Decision Type: Information

Status: Received

Description:

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

- **Questions from the Audience**

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- **Adjournment**

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

Helen Smith-MacPhail

Susan Morse

Mayor _____

Chief Administrative Officer _____



Subdivision Evaluation Report for PID 203000

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

Recommendation

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

See Development Officer's Evaluation on Next Page

Appendix A

Subdivision Evaluation Report for PID 203000

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

Appendix A Continued

Subdivision Evaluation Report for PID 203000

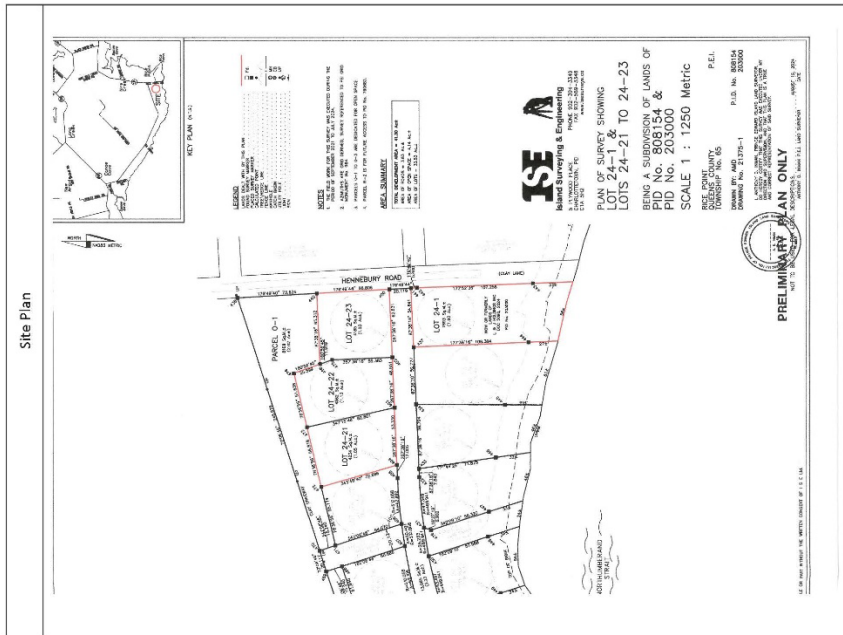
Development Officer's Evaluation	The subdivision of the 4 Lots will be serviced by a Public Road 66 feet wide (Kinglet Lane) decided to the province, approved for previous subdivision.
13.11 APPLICATION AND PRELIMINARY APPROVAL PROCESS	<p>1) Any person seeking approval of a subdivision shall first make application for preliminary approval, and shall be required to submit to the <i>development officer</i> the following:</p> <ul style="list-style-type: none"> a. an application in the form prescribed by the <i>Council</i>. b. the application fee as set forth in Schedule C. c. a soil assessment. d. a description of <i>uses</i> on the surrounding <i>parcels</i>; and e. five (5) copies of a preliminary subdivision plan, prepared by <i>professional land surveyor</i> or <i>professional engineer</i>, showing: <ul style="list-style-type: none"> i. contours showing topography of the <i>parcel</i> with at least 2 m (6.56 ft) contour lines. ii. the true shape and dimensions of the proposed <i>lots</i>; iii. the location of every existing <i>building</i> or <i>structure</i> on the <i>parcel</i> and adjacent <i>parcels</i>. iv. existing and proposed services and utilities. v. proposed widths and locations of all <i>streets</i>. vi. location of land proposed for <i>open space</i> and <i>parks use</i>, if applicable. vii. proposed surface water drainage patterns and designed drainage features, when applicable; and viii. other existing features, including <i>buildings</i>, <i>watercourses</i>, <i>wetlands</i>, <i>buffer zones</i>, wooded areas, and areas subject to current or projected future flooding or erosion. <p>13.11.7) Street design drawings and a stormwater management plan prepared by a professional engineer shall be submitted with an application for preliminary approval for any subdivision involving the construction of a new street.</p>

Subdivision Evaluation Report for PID 203000

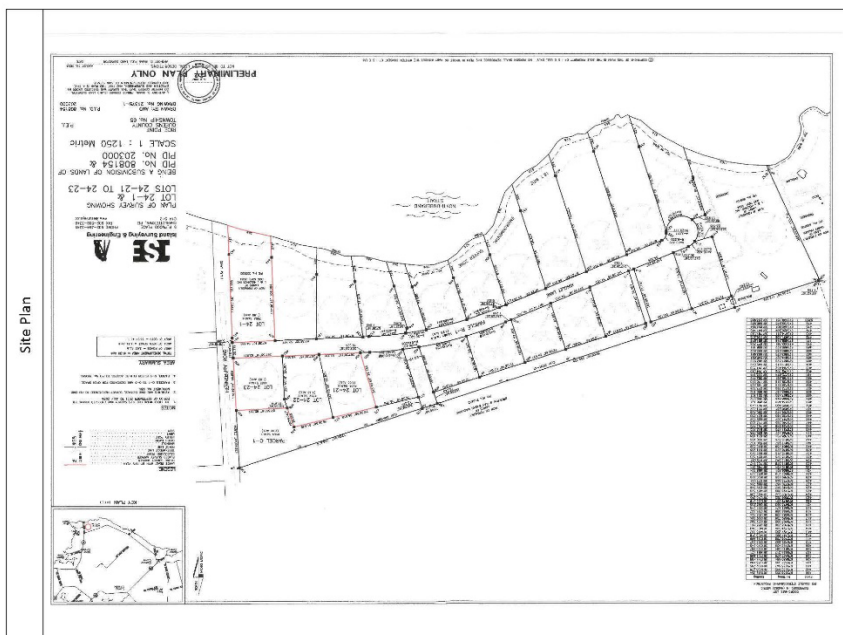
Development Officer's Evaluation	<p>The applicant presented an application on September 16, 2024, paid the fee on March 28 of \$1,050.</p> <p>The proposal describes the residential uses on the surrounding parcels.</p> <p>5 Copies of a preliminary survey plan prepared by a professional land surveyor were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

Subdivision Evaluation Report for PID 203000



Subdivision Evaluation Report for PID 203000





Appendix B	
<div>PLANNING REPORT</div> <p>REPORT NO: 002.2025</p> <p>RURAL MUNICIPALITY OF WEST RIVER</p> <p>Report For: Planning Board, Rural Municipality of West River</p> <p>Report Type: Final Development Officer's Report</p> <p>Prepared by: Mirko Terrazas, Development Officer</p> <p>Reviewed by: Susan Morse, Chief Administrative Officer</p> <p>Date: June 09th, 2025</p> <p>Application: WIR-0240</p> <p>Applicant: Daniel MacIsaac</p> <p>Property Identification Number (PID): 681239</p> <p>Location: Cumberland, Rte. 19</p> <p>Existing Zone: Rural Area (RA)</p> <p>Planning Authority: Rural Municipality of West River Land Use Bylaw # 2022-04</p> <p>Subject: Application for Rezoning PID # 681239 from Rural Area (RA) to Rural Residential (RR) on Rte. 19, Cumberland, for the purpose of subdividing the parcel into 11 residential lots.</p> <p>BACKGROUND SUMMARY</p> <p>An application was submitted to rezone the parcel of land identified as PID 681239, from Rural Area (RA) to Rural Residential (RR) (Appendix 1). The applicant intends to eventually subdivide the parcel into 11 residential lots (Appendix 2).</p> <p>According to the Rural Municipality of West River's Land Use Bylaw # 2022-04 "Within a Rural Area Zone, subdivisions shall be restricted to existing parcels only and no person shall be permitted to subdivide more than four (4) lots." However, there is no explicit restriction on the number of lots which can be subdivided from existing parcels in the Rural Residential (RR) Zone. Therefore, the applicant has requested that PID 681239 be rezoned RA to RR.</p> <p>On February 20, 2025, the Municipality's Development Officer presented a preliminary report on the application to the Planning Board Committee. The committee concluded that to fully evaluate the request, public input and a comprehensive planning report would be required. The committee</p> <div>Page 1</div>	<div>PLANNING REPORT</div> <p>recommended that Council accept the rezoning application and begin the next steps in the evaluation process.</p> <p>On March 3, 2025, Motion 2025-07 passed, authorizing the Chief Administrative Officer to conduct a public meeting in accordance with Section 12.4 of Land Use Bylaw #2022-04 and Section 18(1)(b) of the Planning Act R.S.P.E.I 1988, Cap. P-8.</p> <p>A public meeting was held on May 1st, 2025, at 7:00 p.m. at the Afton Community Centre. Notice of the meeting was published in "The Guardian" on April 23, 2025. In addition, letters were mailed to all landowners within 153 m. (502 ft.) of the subject parcel, and a notice sign was posted on the property on April 17, 2025, directing people to contact the Municipality for more information.</p> <p>TECHNICAL INFORMATION</p> <p>The applicant provided an application form and preliminary site map.</p> <p>OTHER DISCLOSURE</p> <p>No additional disclosures were made by the applicant.</p> <p>REZONING PROCESS</p> <p>In accordance with Subsection 12.3.3, the Planning Board will consider feedback received from the public and comments made at the public meeting. The applicant may be invited to present further information or respond to new questions arising from the meeting. The Planning Board will then make a recommendation to Council.</p> <p>Following the public meeting and after having received the Planning Board's recommendation, Council will make a final decision on the proposed amendment. Council has the authority to determine whether an amendment request is approved, modified, or denied in accordance with the procedures established under the Planning Act.</p> <p>The proposed rezoning would require an amendment to the Rural Municipality of West River's Future Land Use and Zoning Map and also involves an amendment to the Municipality's Official Plan, which may be considered concurrently.</p> <p>ASSESSMENT</p> <p>Subsection 12.3(4) of Land Use Bylaw # 2022-04 establishes criteria to be considered by the Council and Planning Board when reviewing applications for Official Plan and Bylaw amendments. These include:</p> <div>Page 2</div>

Appendix B Continued

PLANNING REPORT			
CRITERIA	COMPLIANCE	NOTES	
a) Conformity with the Official Plan	Weighing required	Some aspects of this application do confirm with the Official Plan, while others do not.	
Conformity with the Official Plan Physical Objectives and Policies			
RU-1: Designation and Zoning It shall be the policy of Council to protect agricultural and other resource-related land uses from the intrusion of conflicting land uses. Further, the large-scale conversion of primary resource lands into non-resource uses will be discouraged by identifying and designating areas primarily for agricultural and resource uses, along with compatible rural land uses.	COMPLIANCE	NOTES The developer wants to rezone 14.4 Acres from Rural Area (RA) to Rural Residential (RR). The Official Plan and Future Land Use Map shows the existing use of land as Rural Area, with no indication to change to Rural Residential Use.	
RU-2: Protection for Agricultural and Other Resource Uses It shall be the policy of Council to promote the overall protection of resource lands and activities and to manage the level of un-serviced development within the Municipality, with the exception of areas identified as community nodes, through limits on the creation of new parcels based on the permitted uses within each zone.	Inconsistent	In past years the property was forested. It sustained significant damage from Post Tropical Storm Fiona. The owner removed the damaged trees, hiring a construction company to haul away debris. According to the owner, this represented a substantial investment, which resulted in the decision to begin the rezoning process.	
RU-2 Continued It shall further be the policy of Council to support the rights of farmers in the Municipality to conduct appropriate farming practices without harassment and, while recognizing that the Municipality has no direct role in the regulation of agricultural practices such as spraying, crop rotation, cultivation methods, and fencing of livestock, to work with the farming community and the Province to encourage responsible agriculture and forestry practices and to foster a better level of understanding between residents and farmers.	N/A	As Above	
RU-3: Subdivision of Primary Resource Land It shall be the policy of Council to limit the number of parcels that can be severed from primary resource land or other parcels in the Rural Area (RA) Zone and to require lots of a larger size to minimize and discourage the fragmentation of primary resource activities and to promote development patterns more suitable to a rural landscape.	Inconsistent	The Developer is proposing to subdivide the entire parcel, that used to be forestry and is currently zoned Rural Area and develop 11 Residential Lds with a Public Road in a Rural Residential zone.	
PLANNING REPORT			
Conformity with the Official Plan Physical Objectives and Policies	COMPLIANCE	NOTES	
PHY-3: Ribbon and Strip Development It shall be the policy of Council to limit further development of residential properties along major roadways to limit ribbon development, and the fragmentation of resource uses. The clustering of new lots and the creation of new subdivision roads will be promoted to service new lots and minimize the number of direct accesses along major roadways.	Generally Consistent	The proposed residential development on proposed 11 lot subdivision will be alongside its own Subdivision Road.	
PHY-4: Community Nodes It shall be the policy of Council to identify community nodes where a larger mix of uses, services, and amenities might be encouraged to locate and develop over time	Inconsistent	The location of the proposed subdivision is neither a community node as per the current Official Plan nor is it intended to be as such as per the Future Land Use Map.	
PHY-5: Development Constraints It shall be the policy of Council to identify and manage uses in hazard areas and other areas subject to development constraints, including environmentally vulnerable or sensitive areas in the Municipality such as wetlands, watercourses, environmental buffers, coastal areas, and wetlands, in order to ensure the protection of the natural environment, people, and property.	Consistent	The Average Coastal Erosion Rate for this project is 10 cm/year which is considered low risk. Coastal erosion hazard classification is considered low. The property falls entirely in the minimal flood hazard zone. The highest point of elevation of this property is approximately 34m and the lowest elevation is roughly 6m at the shoreline.	
PHY-6: Development Subject to Flood Risk It shall be the policy of Council to ensure that all subdivision or development of areas adjacent to coastal areas, watercourses, and wetlands meet standards necessary to mitigate risks associated with coastal or riverine erosion and flooding due to current or future storm surges and projected sea level rise due to climate change, and that those standards are updated as new data and information is made available to the Municipality.	Generally Consistent	A storm-water management assessment will be required in the subdivision. Plans submitted for approval from the Department of Transportation that the Subdivision Road complies with the minimum Standards. A report from the Department of Environment, energy and Climate Action was received indicating that at least a 15-meter buffer zone adjacent to the watercourse located near the south boundary of the property will be required for a 11 lot Subdivision. Almost all the proposed lots are above the minimum altitude above sea level to avoid Flood Risk, which means a Minimal Flood Hazard.	

Appendix B Continued

PLANNING REPORT			
Conformity with the Official Plan Social Objectives and Policies	COMPLIANCE	NOTES	
R-1: Designation and Zoning It shall be the policy of Council to designate sufficient residential land to accommodate the projected housing needs in the Municipality during the Official Plan period. Residential development shall be permitted in the Rural Area, Rural Residential, and Commercial Industrial zones. It shall be the policy of Council to zone existing residential lots of less than 2 acres as Rural Residential, and new multi-lot (five lots or more) residential subdivisions may only proceed via bylaw amendment (rezoning) applications where larger subdivisions are not permitted in the existing zone. It shall further be the policy of Council to permit only limited residential developments in the Rural Area zone, using the Rural Residential zone to direct multi-lot subdivisions to locations where they are less likely to create conflicts with established farming operations, where the site is appropriate for long term on-site services, and where the safety and efficiency of the road network will not be negatively affected.	Weighting required	The proposed development will have a Subdivision Road to access Rte 19, and a private onsite water and sewer system that service each lot. The land is close to residential lots, as well as agricultural land.	
R-2: Density and Housing Variety It shall be the policy of Council to support duplex, semi-detached, and small-scale multi-unit dwellings, as well as seniors housing, where appropriate, and to enable the development of innovative and diverse housing forms where shared systems are provided in order to attract new residents, address the needs of young families, seniors, and seasonal workers, and provide affordable home ownership options.	Inconsistent	The applicant is offering a year-round single-family dwelling in 11 lots, with a minimum size of 1 acre for each lot.	
R-4: Residential Development Standards It shall be the policy of Council to establish matters to be considered for all new residential subdivisions and dwellings in terms of design, site planning, landscaping, and physical appearance that stress safety, efficiency, and fostering of a healthy lifestyle. Council shall promote shared services and require appropriate lot sizes and subdivision design to meet the needs of developments supported by on-site services.	Consistent	Lot area sizes of the Subdivision are above the minimum one-acre area, as well as the minimum frontage. The new road will comply with the Act Regulations. However, on site services support has not been submitted at this stage of the application process.	
Conformity with the Official Plan Recreational Policies	COMPLIANCE	NOTES	
PR-3: Public Access in Coastal Areas It shall be the policy of Council to pursue opportunities to protect public access to the shoreline and to the natural environment.	Inconsistent	The applicant will have to provide land for the municipality for an open space area with a total of 10% of the lot subdivision area (approx. 1.44 acres). The proposal shows an open space area of 0.34 Acres on the Eastern part (access to the beach), and 0.75 Acres in the Southern area that includes the buffer zone.	
Conformity with the Official Plan Environmental Objectives and Policies	COMPLIANCE	NOTES	
EN-3: Surface Water It shall be the policy of Council to protect and enhance the quality of streams, ponds, wetlands, and rivers within the Municipality and to work with our neighbours, watershed groups and volunteers, and the province to protect the local watershed systems in accordance with the province's regulations.	Consistent	A report from the Department of Environment, energy and Climate Action was received indicating that at least a 15-meter buffer zone adjacent to the watercourse. Development has also to comply with the minimum rear setback for the zone.	
EN-3: Stormwater Management It shall be the policy of Council to work closely with the province's responsible department to ensure that stormwater run-off is managed in a manner that is cost-effective and environmentally sensitive, and which minimizes risks to public health and safety and to private property. Wherever appropriate, it shall be the policy of Council to protect and enhance the existing surface water drainage system in the Municipality, and to upgrade its capacity to handle stormwater run-off.	Insufficient information	The information on stormwater management on the proposed subdivision has not yet been provided by the applicant. This information will be required at the subdivision's stage of approval.	
EN-6: On-Site Sewage Treatment Systems It shall be the policy of Council to continue to support the long-term sustainability and effectiveness of high quality, well maintained on-site wastewater treatment systems.	Insufficient information	The information for On-site Sewage Treatment Systems has not yet been provided by the applicant. This information will be required at the subdivision's stage of approval.	

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Conformity with the Official Plan	COMPLIANCE	NOTES
Subsection 12.3(4) g) impacts from the development on pedestrian/vehicular access and safety, and on public safety generally.	Weighing required	The proposed subdivision would be required to be reviewed by the Department of Transportation for vehicular and safe access The province would have to be willing to take on the new street. However, a new subdivision street is being proposed for the new lots, reducing the number of potential lots being subdivided with separate access along more general routes.
Subsection 12.3(4) h) compatibility of the development with environmental systems	Consistent	The Development will have an open space area, a buffer zone to protect the coastal area, and a low-density development residency to reduce future impacts to air, soil, and water components of the environmental systems.
Subsection 12.3(4) I) Impact on Municipal finances and budgets	Consistent	It is anticipated this development would have a limited impact on the municipal budget, except for an increase in parkland and a moderate increase in tax revenues from the associated development over time.
Considerations for Site-Specific Amendments under Subsection 12.2.1 of the Land Use Bylaw		
Not Applicable		
Considerations for Special Planning Area under Subsection 13.6.1 of the Land Use Bylaw		
Not Applicable		

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Conformity with the Official Plan Environmental Objectives and Policies	COMPLIANCE	NOTES
EN-7: Vegetation It shall be the policy of Council to encourage the protection of trees, particularly in areas adjacent to streams and wetlands, and to generally encourage the preservation and planting of trees in the Municipality. Council shall also encourage protection of natural vegetation and landscaping activities that beautify the Municipality, maintain biological diversity, and add soil and coastal stabilisation.	Inconsistent	The property was wooded in the past. A majority of the vegetation was damaged during Post-Opical Storm Fiona in September 2022. The landowner has been clearing the damaged trees and as a result most of the parcel has been cleared of vegetation.
Conformity with the Official Plan	COMPLIANCE	NOTES
Subsection 12.3(4) b) conformity with all requirements of this Bylaw.	Generally consistent	The proposed concept plan of single-family dwellings for the proposed property to be rezoned is a permitted use in Rural Residential Zone.
Subsection 12.3(4) c) suitability of the site for the proposed development.	Insufficient information	A Site Suitability Test (Perc Test) is pending, to determine the Category of Soil that the Lots will have, to ensure good quality of drainage soil to install sewage systems, access to the lots will be provided by a public road and with common areas.
Subsection 12.3(4) d) compatibility of the proposed development with surrounding land uses, including both existing and projected uses as Per the Zoning Map	Weighing required	The proposed property is located close to an existing residential zone, as well as a Rural Area Zone. The Official Plan and Future Land Use Map shows the existing use of land as Rural Area, with no indication to change to Rural Residential Use.
Subsection 12.3(4) e) any comments from residents or other interested people.	Weighing required	A public meeting was held and public feedback was received. Please see below.
Subsection 12.3(4) f) adequacy of existing water supply, wastewater treatment and disposal systems, streets, stormwater management, parks and parkland for accommodating the development, and any projected infrastructure requirements.	Insufficient information	The proposed subdivision will be serviced by a subdivision public road and a proposed new street, and private onsite water and sewer system will be installed, a stormwater management plan will be provided at the stage of subdivision, and parkland to accommodate the development will be provided by the Developer.

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

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

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<p>not regulated in the Land Use Bylaw, including but not limited to hours of operation related to the development, noise control, and dust control,</p> <p>There will be an increase in road traffic</p> <p>12.3 Amendment Procedures</p> <p>4) Planning Board and Council shall consider the following general criteria when reviewing applications for amendments to the Bylaw, as applicable:</p> <p>g. impacts from the development on pedestrian and vehicular access and safety, and on public safety generally;</p> <p>13.3 Permission to Subdivide</p> <p>1) No land shall be subdivided within the Municipality unless the subdivision:</p> <p>f. will provide for effective and efficient traffic flow and access that takes into consideration emergency access, natural hazards, and other safety risks; is designed so that lots will have suitable dimensions, shapes, orientation and accessibility;</p> <p>13.9 Road Standards</p> <p>2) All applications for subdivision shall be reviewed by the Province's department responsible for the Roads Act, and where an entrance way permit or other approval or permit is required pursuant to the Roads Act, a final approval of subdivision shall not be granted until that entrance way permit or other approval or permit has been granted.</p> <p>13.11 Application and Preliminary Approval Process</p> <p>2) The development officer may also require the applicant to provide additional information required to assist in evaluating a proposed subdivision, including, but not limited to:</p> <p>d. a traffic survey or a traffic study;</p> <p>13.15 Final Approval</p> <p>2) Final Subdivision approval shall be granted only after the applicant has:</p> <p>e. the applicant has completed any necessary conditions of agreements with the Province's department responsible for transportation respecting street construction and the street has been accepted as public; and</p> <p>f. the applicant has completed any necessary conditions of agreements with the Province's Department of Transportation and Infrastructure or its successor and the street has been accepted as public.</p> <p>It is the Planning Board and Council's discretion whether they want to consider this now or at the subdivision stage.</p>	<p>The Municipality has authority to request a traffic survey or traffic study in the subdivision phase. Traffic concerns are usually addressed in the conditions of the agreements with the Province's Department of Transportation and Infrastructure.</p>
	<p>COMMENT/QUESTION</p> <p>REGULATION</p> <p>Land Use Bylaw # 2022-04</p> <p>Erosion and soil maintenance</p> <p>10.3 Buffer Zone</p> <p>3) That portion of any property having a wetland, watercourse, or buffer zone, or any combination thereof, shall be included in the Environmental Risk Zone and applications for subdivision and development permits on that portion of those properties will be referred to the Province's department responsible for the Environmental Protection Act.</p> <p>13.3 Permission to Subdivide</p> <p>1) No land shall be subdivided within the Municipality unless the subdivision:</p> <p>h. is designed to accommodate climate change mitigation and adaptation measures such as ensuring there is adequate land above the flood risk elevation to establish legal access, accommodate the proposed development, and adequately support on-site services; and</p> <p>i. is suitable to the use for which it is intended, and the future use of adjacent lands.</p> <p>13.15 Final Approval</p> <p>1) Except where otherwise provided for in this Bylaw, a stormwater management plan prepared by a professional engineer shall be submitted with an application for final approval for any subdivision of a lot into three (3) or more lots. The stormwater management plan shall include an overall surface water management strategy for the proposed subdivision and shall include the proposed general location and top of the foundation elevation for the main buildings to be erected on each lot.</p> <p>A storm water management plan for the whole subdivision is helpful for the control of soil erosion and maintenance of it. This will be a requirement at the Subdivision stage.</p>
	<p>DEVELOPMENT OFFICER'S COMMENTS</p>
	<p>COMMENT/QUESTION</p> <p>REGULATION</p> <p>Deed #5592 dated 28th August 1986 Between Daniel MacIsaac and The Province of Prince Edward Island that states:</p> <p>Pursuant to the provisions of the Land Identification Regulations, the Covenantor does hereby give notice of the expiration of ten (10) years from the anniversary date of receipt of this notice by the Minister responsible for the Prince Edward Island Lands Protection Act that the</p>
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<p>1) a. public access to the beach shall be provided if the property being subdivided includes shore frontage on a beach, with at least one access measuring at least 6.1 m. (20 ft.) to be located approximately every 200 m. (656.2 ft.) of shore frontage.</p> <p>b. the area to be set aside as parkland dedication may include land located along the watercourse.</p>	<p>DEVELOPMENT OFFICER'S COMMENTS</p> <p>In the Subdivision Stage the developer has to provide access to the beach for the proposed subdivision.</p> <p>It is up to the Developer to provide steps to the beach, however they will need to apply to the province for a watercourse, wetland, and Buffer Zone Activity Permit.</p> <p>In most cases a beach on the water side of the high water mark is provincially owned and the public has a right to use it. Public use of the beach cannot be blocked as part of any development (PEI Coastal Property Guide 2024)</p>
<p>RECOMMENDATION</p> <p>Considering all the aspects described in the assessment above it is recommended that the application to rezone PID # 681239, from RA to RR for the purpose of subdividing the parcel into 11 lots for single family dwellings, be recommended from Planning Board to Council for approval.</p>	

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

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APPENDIX 2 – PROPOSAL



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APPENDIX 1

CURRENT ZONE AND USE OF PID 681239



Photo - Google Earth April 2023

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Photo – GEOLINC 2020 Overlay

Appendix C

We6 Planning Group

Planning Report

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

1. BACKGROUND

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

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

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

2. SITE OVERVIEW

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

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



3. LIMITATIONS AND EVALUATION

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

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

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

4. ANALYSIS

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

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

Supporting Organized and Sustainable Residential Development

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

Protecting productive agricultural land and natural assets

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

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

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

Limiting Land Use Conflicts

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

5. RECOMMENDATION

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

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

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

The two options for Council's consideration are:

Approval:

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

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

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



Appendix C Continued

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

Denial:

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

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

6. CONCLUSION

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

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



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7. PUBLIC COMMENTS

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

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