



Report of the Task Force on Land Use Policy January 2014



Report of the Task Force on Land Use Policy

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Quotes from the online survey and submissions appear in this format throughout the report.

Edward MacDonald captured the essence of the Task Force assignment:

“On a small island, it bears repeating, land is a finite and fragile resource. Most of us have yet to concede just how fragile. Whether it is labelled environmentalism, sustainable development, or stewardship, the need to protect the land and the waters that surround it can only grow in importance. In the process, it will pose difficult choices between freedom and regulation, employment and preservation, private gain and the public good. In many ways, those choices are already upon us”¹.



¹ MacDonald, G. E. 2000. *If You're Stronghearted: Prince Edward Island in the 20th Century*. Prince Edward Island Museum and Heritage Foundation. p. 386.



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January 31, 2014

Honourable Wesley J. Sheridan
Minister
Finance, Energy and Municipal Affairs
Shaw Building
Charlottetown, PE

Dear Minister Sheridan:

Thank you for the opportunity to serve on the Task Force on Land Use Policy. Our report consists of three parts – an introduction, land use policies, and our advice on how to implement the policies.

The provincial land use policies are intended to inform both municipal planning processes and provincial decision-making. These policies are a key element of a new land use planning framework. The provincial interests, goals and policies provide policy direction. We recognize that there are different ways to implement the policies, and offer our advice in this regard.

The development of comprehensive land use policies will have a positive impact on the environment, society, the economy and the quality of life of Islanders. Without sound policies to protect land, water, natural areas, viewsapes and the built environment, there are future risks and land use conflicts will increase.

Feedback from Islanders is essential as we develop land use policies that promote responsible stewardship. The Commission on Land and Local Governance, warned:

“if we do not provide responsible stewardship, we run the risk of losing what makes the Island a special place.”

Thanks and appreciation is extended to staff of the Municipal Affairs and Provincial Planning Division who supported our work, in particular Natalie Doyle, Evan MacDonald, Erin Kielly and Christine MacKinnon. I am pleased to report there has been substantial effort and commitment on behalf of everyone involved. We all care deeply about the future of Prince Edward Island.

Sincerely,

John Handrahan, Chair on behalf of the Task Force members
Paul Gallant, Janice Harper, Carol Horne, Marvyn Webster

Executive Summary

This Task Force report is divided into three parts: Part 1 is an introduction and background. Part 2 proposes provincial land use policies, and Part 3 makes recommendations about how the policies should be implemented within a comprehensive land use planning framework.

The purpose of the Task Force was to carry out research and public consultation to develop detailed recommendations for land use policies and their implementation in a comprehensive land use planning framework.

The focus is on moving toward a common vision and goals that represent the public interest - directing development to the best place at the appropriate time. Decisions must be made carefully, based on scientific evidence, relevant data and analysis, and with consideration for our future. Decisions must be applied with consistency and common sense.

This report presents the main elements needed for effective implementation – statements of provincial interest and provincial land use policies. The next step will be to develop a future land use map, designated zones and regional land use plans. It will take time and resources to design and implement the next stages of the system. The Task Force recommends that a new planning commission be created to guide this work.

Public input, presentations and dialogue confirmed the priority issues and policy direction. Many people provided careful and considered advice and spoke of the need to achieve better results – to minimize potential land use conflict in future. Suggestions and ideas raised by Islanders have been incorporated into this report.



Task Force on Land Use Policy – Message from Members



Left to right: Marvyn Webster, Janice Harper, John Handrahan, Carol Horne, Paul Gallant

As Islanders, we are cautious about change. We have observed that the Island landscape and environment have evolved considerably in our lifetimes. Rather than focusing on past problems, the Task Force has chosen to be forward-looking. Now is time to plan carefully for future changes. At stake are issues such as land use conflicts, the loss of prime agricultural land, threats to groundwater, the loss of scenic views, the protection of natural areas, premature development and the need to meet the infrastructure needs of growing communities in the most efficient way possible. All Islanders need to work together to strengthen our stewardship of the province's economic and environmental resources - resources which are vital to our future prosperity and well-being.

Provincial land use policies are intended to inform both municipal planning processes and provincial decision-making. These policies are a key foundation for a new land use planning framework. The provincial interests, goals and policies provide policy direction and building blocks for this framework.

We recognize that there are different ways to implement the policies. The Task Force has made careful and considered recommendations on the next steps.

Over the past forty years, a series of reports have recommended an approach to land use planning. We are optimistic and feel the time is right to implement effective policy. The provincial government has set a hopeful tone indicating the status quo is not an option and that it is time for a change.

Continued feedback from Islanders is essential as we develop land use policies that promote responsible stewardship. It has been a pleasure to meet with so many well-informed, passionate and concerned Islanders. The public input and dialogue confirmed the priority issues and policy direction. Many people told us of their concerns and hopes for the future. Suggestions and ideas raised by Islanders have been incorporated into this report.

We have had the opportunity to meet with many technical experts and learn from their experience and observations. This report is the result of substantial effort and commitment by everyone involved. We all care deeply about the future of Prince Edward Island.

Respectfully submitted,



John Handrahan, Chair



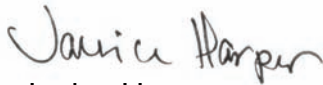
Carol Horne



Paul Gallant



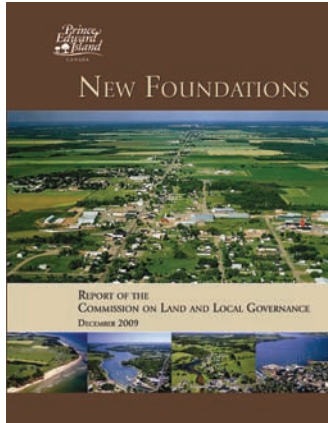
Marvyn Webster



Janice Harper

Part 1: Introduction and Background

New Foundations



Commissioner Ralph Thompson's report, *New Foundations*², was the most recent report of many in the past forty years calling for comprehensive land use planning. One of Thompson's key recommendations was that the provincial government develop provincial land use policies and make them part of the land use planning regulatory framework.

The Task Force on Land Use Policy took their assignment from the report of the Commission on Land and Local Governance and often referred to the observations and wise advice offered by Commissioner Thompson.

In August, 2012, the Minister of Finance, Energy and Municipal Affairs announced the members of the Task Force on Land Use Policy, selected after a public call for nominations: Chair, John Handrahan, Tignish; Janice Harper, Charlottetown; Carol Horne, Charlottetown; Paul Gallant, Souris West; and Marvyn Webster, Kelvin Grove.

Terms of Reference

The purpose of the Task Force was to carry out research and public consultation to develop detailed recommendations for land use policies and their implementation in a comprehensive land use planning framework (see Appendix 1, Terms of Reference). This was a very significant project and required more time than was initially proposed.

Task Force members have:

- designed a public engagement strategy to seek the views of Islanders on matters related to land use policy;
- lead all public consultation activities;
- recommended comprehensive provincial land use policies, guided by the Commissioner's report and input from the public; and,
- recommended changes to restructure the planning system, including governance structures, mechanisms and processes to implement the land use policies.

The foundation document *Planning for a Sustainable Future*³, prepared by the Environmental Advisory Council (EAC) was released for public consultation in August, 2012. Seventeen submissions were received in response to this document, and this input

² Commission on Land and Local Governance. December 2009. *New Foundations, Report of the Commission on Land and Local Governance*. 154 pp.

³ Government of Prince Edward Island, Department of Environment, Labour and Justice. August 2012. *Planning for a Sustainable Future, A Time for Questions, Foundation Document*. 28 pp.

informed the work of both the Task Force and the EAC. The EAC and the Task Force considered the possibility of collaborating, but found they were working on related but separate initiatives. The EAC recommended sustainable development principles to the Minister of Environment to support a revised conservation strategy for Prince Edward Island. These principles complement and guide the provincial land use policies.

Commission on the *Lands Protection Act*

Beginning in January 2013, Commissioner Horace Carver conducted extensive consultations related to the review of the *Lands Protection Act*. Many of the presenters commented on land use issues in addition to concerns about land ownership. The public meetings hosted by Commissioner Carver certainly rekindled Islanders' interest in the land question – not just who owns the land, but how it is used. He notes in his report: “Islanders have an increased awareness that the land, the soil, the water and the air are all part of an interconnected ecosystem that must be protected and preserved for generations to come”⁴.

Commissioner Carver also found broad agreement in the agriculture community on shared values, or the elements of a balanced approach⁵ (see sidebar). The Task Force found consensus and heard that Islanders generally share these values. Within the land use planning system, these common values are called the statements of provincial interest.

These “shared values” in particular are found again in the statements of provincial interest and are the basis for land use policy.

“The land is a public trust and, because of this, all Islanders have an interest in its stewardship. The water, the soil and the air are also public trusts, and all who own land have a responsibility to protect them. The rural vistas and viewscapes which Islanders and visitors enjoy must be protected and preserved.”⁵

The Task Force heard repeatedly that farmers feel forced to sell land to provide their retirement funds. Agricultural land cannot serve as a pension plan. Other tools need to be developed to address succession planning and retirement planning within the agricultural industry. Commissioner Carver has proposed a Farm Land Trust; this initiative and others should be explored. Our prime agricultural land is important for the future of Prince Edward Island.

The focus of the Task Force is on land use, not land ownership. We have developed an approach to address the future of land use on Prince Edward Island.

“Farmers are the guardians of our rich farmland. They take this responsibility seriously and carry it close to their heart.”

⁴ Commission on the *Lands Protection Act*. 30 June 2013. *The Gift of Jurisdiction: Our Island Province, Report of the Commission on the Lands Protection Act*. p. 33.

⁵ *Ibid* p. 17.

Why Land Use Policies?

Land use issues are in the news every week, and remind us of the need for province-wide policy in order to prevent problems from incompatible land uses. There have been dramatic changes to where people live and work. Fifty years ago, most families lived on small farms. Now the farms are much larger - agricultural production has changed, and most Islanders live in cities and towns. Land speculation and subdivision have resulted in the approval of 30,000 undeveloped building lots. At the current rate of development, we have enough lots for fifty years (see Appendix 2 for subdivision and development trends).

Many of the areas that are under pressure for subdivision are also the best resource lands and scenic landscapes. Most lots are not close enough to serviced municipalities to connect to their infrastructure, yet they are close enough that residents of the subdivisions could be using other municipal services without contributing to the municipal tax base.

*A White Paper on Governance and Land Use in Prince Edward Island*⁶ highlighted the reasons we must develop comprehensive land use policies - the long-term impacts on the province as a whole are far-reaching. The economic impacts of dispersed development will continue to cost Islanders in both the short and long term (see Appendix 3 for a detailed list of issues resulting from dispersed and unplanned development).

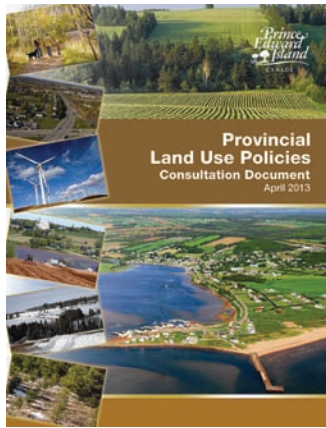
The *White Paper* concluded:

“Land use changes in all corners of the province will have long term impacts on all residents, business owners, primary resource operators, and visitors to the province. While the relatively slow rate of growth in Prince Edward Island often lulls us into believing that we don't face the same planning pressures as larger jurisdictions, what we face has been described in the past as a death by a thousand cuts. Ribbon development, dispersed settlement patterns, loss of shore access, environmental degradation, loss of traditional character, viewscape erosion, and incompatible economic development will ultimately lead to undesirable and long lasting negative consequences”⁷.

⁶Department of Communities, Cultural Affairs and Labour. 2 December 2008. *A White Paper on Governance and Land Use in Prince Edward Island*. 12 pp.

⁷ *Ibid* p 6.

Task Force Process



On April 27, 2013, the Task Force on Land Use Policy released a consultation draft of the land use policies and launched public consultations, including a website. The consultation draft proposed the vision, provincial interests, goals, objectives and policies. Video presentations were created to introduce land use planning, and to illustrate undeveloped lots and non-resident land ownership patterns in a few regions. The videos were presented at the public meetings and were available on-line.

Meetings were held in six communities across Prince Edward Island in May and June: Elmsdale, Wellington, Summerside, Charlottetown, Montague and Souris. Each meeting began with an open house to provide maps and information. Task Force members presented the eight goals in the consultation draft, and hosted conversations in small groups during which participants were encouraged to present their views or ask questions. Technical staff from the provincial government divisions of Environment and Municipal Affairs and Provincial Planning was available at the meetings to answer questions. The invitation to participate in French was extended at each meeting, and interpretation services were provided for the meeting in Wellington.

The Task Force recognized that the timing of the consultation meetings in May and June coincided with the busiest time of year for many Islanders, and was especially difficult for farmers and fishers. A seventh public meeting was held in Emerald in November, 2013, primarily to accommodate members of the agriculture and fisheries industries.

More than 150 people attended the public meetings. The Task Force also met with and heard advice from 48 groups and individuals, including technical experts in a range of fields (see Appendix 4). For the most part, public reaction was positive. Most people supported the vision, goals and objectives outlined in the consultation draft, but they wanted to know - how will the policies be implemented?

Survey Results

An on-line survey was created by the Task Force on Land Use Policy to better understand public opinion about land use on Prince Edward Island. The survey was open to the public from September 5th to November 1st, 2013. A total of 778 responses were received.

The survey was voluntary and open to all members of the public – therefore the results cannot be considered to be statistically representative. Responses were received from people across the Island as well as from seasonal residents. The survey captured a snapshot of the concerns and perceptions about land use issues on Prince Edward Island. The survey results are available online

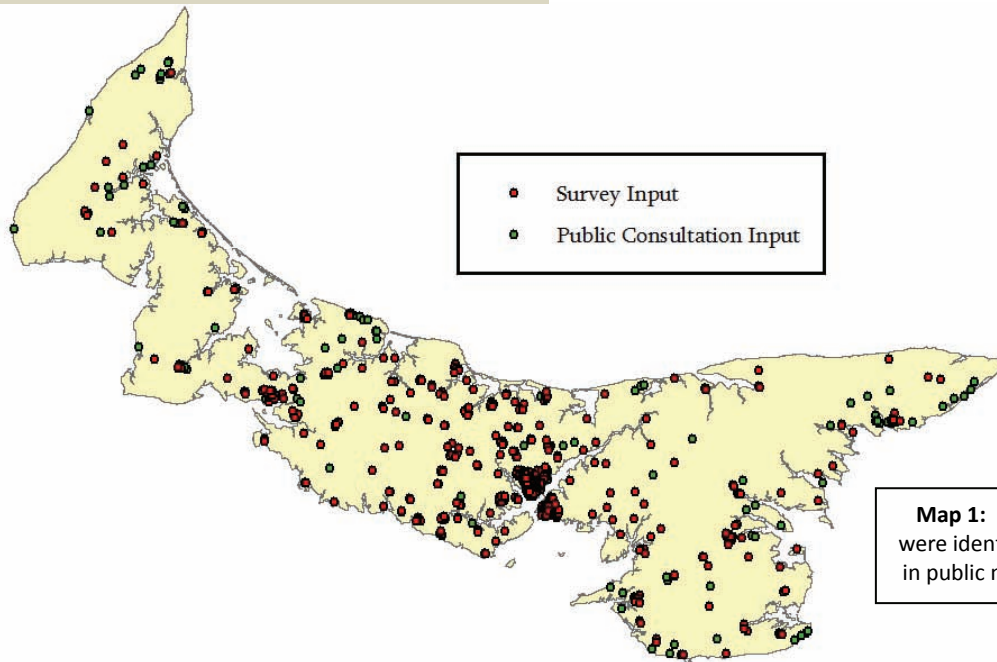
http://www.gov.pe.ca/photos/original/fema_LUPsurvey.pdf and the Executive Summary is included in this report (Appendix 5).

The public input, presentations and dialogue confirmed the priority issues and policy direction. Many people provided careful and considered advice and spoke of the need to achieve better results – to minimize potential land use conflict in future. Suggestions and ideas raised by Islanders have been incorporated into this report.

Top areas of concern identified in survey:

1. Soil erosion and soil quality
2. Pollution of water
3. Coastal erosion
4. Loss of natural areas/habitat
5. Development of prime agricultural land

“Treat our island as the special place it is.”



Map 1: Over 650 locations were identified by participants in public meetings and survey

Other Issues

The Task Force heard about problems people see in their own community and noted significant concerns about specific activities and practices. These included fracking, genetically modified organisms, pesticides used in agriculture and for lawn care, clear cutting, highway alignment, deep water wells for irrigation, provincial ownership of land, and siting wind turbines and telecommunications towers.

The mandate of the Task Force was to recommend broad land use policies. Addressing each specific issue is outside this mandate, but decision-makers must be guided by this report. It should be noted that if land use provisions conflict with a regulation of the Province of Prince Edward Island or the Government of Canada, the higher and more stringent provision prevails. It is our view that the statements of interest will address general provincial concerns while detailed local plans and regional plans can address specific concerns. In future, all development proposals must meet the intent of the statements of provincial interest and land use policies. A local or regional plan may indicate a higher or more specific standard.

Creating a New Planning Framework

The *Planning Act* was passed in 1988, and there have been major and minor amendments over the years. In comparison with other jurisdictions, the Prince Edward Island legislation can be considered ‘first generation’ legislation. In other places, planning law and regulations have changed to meet the demands of development pressure and more complex development proposals.

The current framework consists of thirty-two municipal official plans covering about 10% of the Island, and a collection of rules for the other 90% of the land (see Map 3, page 29).

In the absence of comprehensive land use planning, other legislative tools have been used to fill the gap. Prince Edward Island has a patchwork of legislation, regulation and financial incentives which guide development and land use changes. As one example, Commissioner Carver expressed the view that “the *Lands Protection Act* is not the correct statute to use for land use planning; the *Planning Act* is”⁸.

At the time of municipal amalgamation, Special Planning Areas were established to restrict development just outside the capital area. With the benefit of hindsight, it is now clear that development has leapfrogged these areas, as people take advantage of lower taxation rates outside municipalities. We need the right tools for the job and to be clear about what we want to achieve. It is time to develop a system that is strategic in protecting public interests. The proposed land use policies provide this policy direction and focus. The policies will be the foundation and the starting point for more dialogue and engagement on land use.

*“Educate the public, move forward.
Use land use policy as the foundation
for a social, cultural and
economic revitalization plan.”*

These broad policies apply to all land in Prince Edward Island under both municipal and provincial jurisdiction, and are intended to guide all development decisions. Municipalities with an official plan will be required to review their plans to ensure they meet or exceed the provincial policies. The current subdivision and development regulations and minimum development standards must be enhanced to reflect the provincial land use policies and provide clear guidance for development decisions.

We need political leadership to establish the land use planning framework, but it is time to take the politics out of land use decisions. Decisions must be based on best practices, data, scientific evidence and the carrying capacity of the ecosystem. By making careful choices now, we can ensure that the island will be healthy and sustainable for future generations.

One critical issue is the continued sprawling residential development in rural areas. Building houses in farm fields without sufficient separation distance has led to nuisance complaints about farm operations, building permit appeals, public health and environmental concerns, and habitat fragmentation. This pattern has caused inefficient agricultural production as fields are broken up. Provincial government decisions to locate

⁸ Commission on the *Lands Protection Act*. 30 June 2013. *The Gift of Jurisdiction: Our Island Province, Report of the Commission on the Lands Protection Act*. p. 36.

important public infrastructure in rural settings have contributed to the problem of rural land fragmentation. Schools, hospitals and industrial parks have been built in or adjacent to farm fields throughout the province. Decisions made in the absence of a long term plan have undermined rural municipalities and affected the safety and efficiency of the arterial highway system. The true cost of building a house in a farm field should be reflected in the cost of the building permit or the property tax rate, in order to discourage further sprawl.

In many parts of Prince Edward Island, watershed management plans have been created by dedicated volunteers. The Task Force heard from many volunteers working to improve their own watershed. This grassroots engagement is valuable in raising awareness of issues, and rallying people to contribute to solutions. These projects significantly contribute to employment in rural areas.

“The value of landscape goes well beyond the aesthetic. Economic, cultural and ecological worth must also be taken into consideration. When landscape changes, as it must, the changes should be evaluated in more holistic terms. Measurements must reflect not only environmental and economic values, but also the many values inherent in the view, including its effect on the culture and identity of the community.”⁹

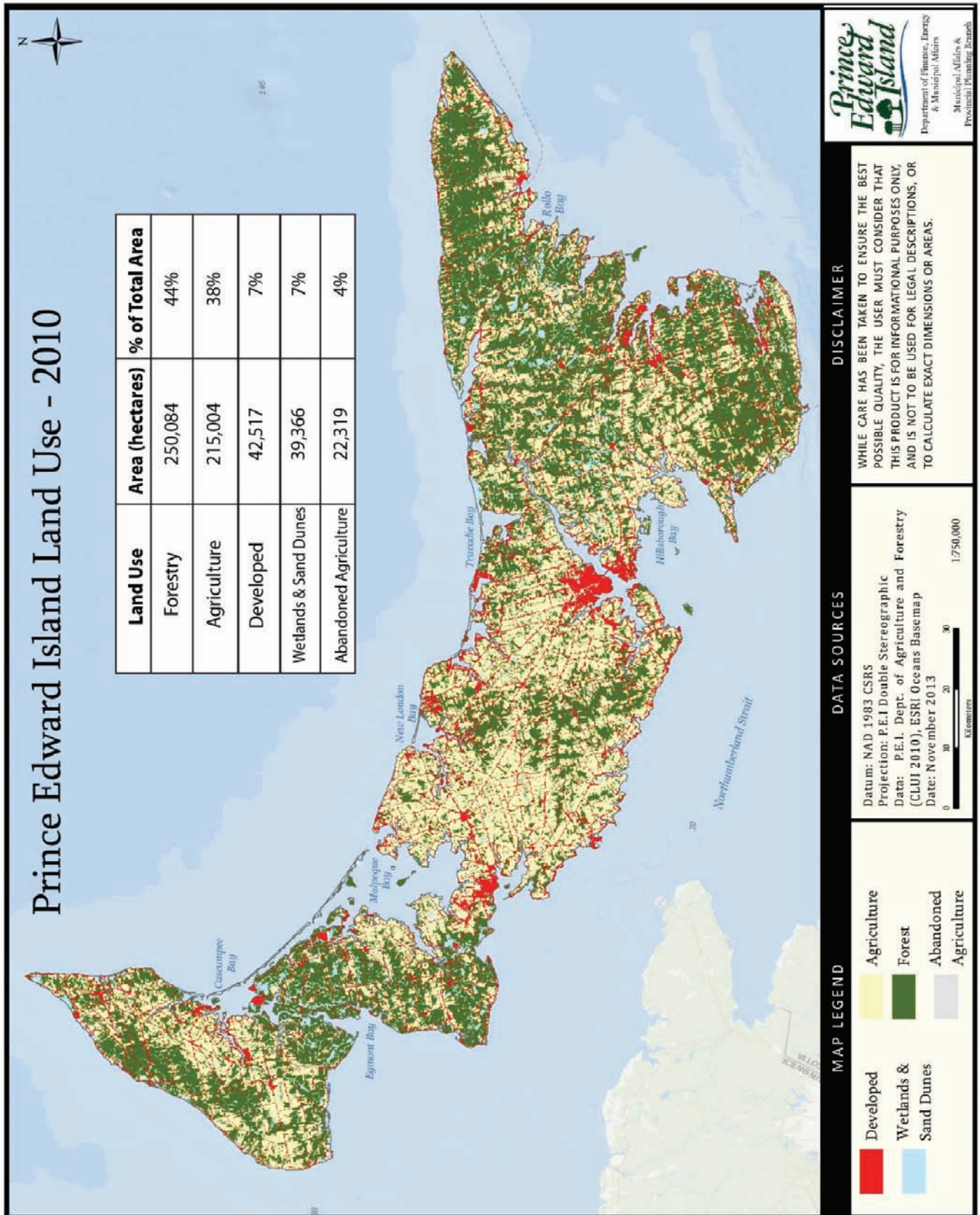
Transition

The Task Force is concerned about the time it will take to establish a new regulatory framework. The Task Force recommends that regulations be implemented quickly to restrict speculative or premature development that could occur in areas without an official plan, until regional plans are approved. This supports Commissioner Ralph Thompson’s recommendation in the Report of the Commission on Land and Local Governance.



⁹ Horne, C. 2009. *The Island Landscape: A Non-renewable Resource. The Institute of Island Studies Policy Brief 2009-1. p. 28.*

Prince Edward Island Land Use - 2010



DISCLAIMER

WHILE CARE HAS BEEN TAKEN TO ENSURE THE BEST POSSIBLE QUALITY, THE USER MUST CONSIDER THAT THIS PRODUCT IS FOR INFORMATIONAL PURPOSES ONLY, AND IS NOT TO BE USED FOR LEGAL DESCRIPTIONS, OR TO CALCULATE EXACT DIMENSIONS OR AREAS.

DATA SOURCES

Datum: NAD 1983 CSRS
 Projection: P.E.I Double Stereographic
 Data: P.E.I. Dept. of Agriculture and Forestry (CLUJ 2010), ESRI Oceanic Base map
 Date: November 2013

Scale: 1:750,000

MAP LEGEND

- Developed
- Wetlands & Sand Dunes
- Agriculture
- Forest
- Abandoned Agriculture

Map 2: Current Land Use (2010)

Part 2: Provincial Land Use Policies

Air, water and land are the fundamental elements of our environment. Development decisions must be made carefully so that these resources are available for future generations.

“It is relatively easy to reach broad consensus on the appropriate standards for air and water because they belong at once to everyone and to no one. However, a land use framework cannot be so easily defined because property ownership has always been considered a far more private or individual matter”¹⁰.

The focus is on moving toward a common vision and goals that represent the public interest - directing development to the best place at the appropriate time. Decisions must be made carefully, based on scientific evidence, relevant data and analysis, and with consideration for our future.

Islanders want good and careful development choices – not development at any cost. Effective planning can minimize the undesirable effects of development and support the financial well-being of the province and municipalities. Ill-advised land use decisions have serious consequences for the physical, economic and social well-being of Islanders.

“There is far too much development being approved. Large houses are being built on small lots. Once beautiful meadows and fields are being reduced to cookie cutter subdivisions. The pastoral beauty of the Island is quickly disappearing.”

Provincial Land Use Policies are the foundation to guide the development and use of land. Provincial and regional plans and municipal official plans must be generally consistent with the provincial land use policies and these plans will provide a framework for development, conservation, and long term planning.

“Having a provincial plan is useful, having it tailored to the specific environmental areas of the Island is imperative.”

The Statements of Provincial Interest recognize that land and water resources are necessary for future growth and development. Land use planning is one of the tools for implementing provincial

interests. Legislation, tax policy or incentive programs are other ways government can signal the priority of provincial interests. The provincial land use policies will provide guidance to provincial government departments, municipalities and individuals in making land use decisions and in the development of planning documents.

¹⁰ Commission on Land and Local Governance. December 2009. *New Foundations, Report of the Commission on Land and Local Governance*. p. 27.

The provincial land use policies can be general in nature and cannot account for all local situations. Therefore, the policies must be applied with common sense so that local needs are met, and the general intent of the policies and public interests are not undermined.

Planning Principles

General land use planning principles are intended to guide the preparation of planning documents, and land use and development decisions. Planning principles serve a foundational role in interpreting and applying land use policies and describe best practices for land use planning.

- **Comprehensive and Sustainable:** land use decisions have long term impacts. Consideration is given to economic, social, cultural, and environmental needs of an area for current and future generations.
- **Public Engagement:** land use decisions directly affect Islanders' quality of life. All citizens will have the opportunity to participate in meaningful consultations during planning processes. Planning is a collaborative process that respects and strives to balance public interests. Planning needs to be accessible to everyone and this includes promoting planning documents that use plain language.
- **Efficiency:** planned and orderly development allows efficient use of public funds and existing resources for infrastructure and service provision.
- **Suitability:** planning authorities, through public education and consultation, will determine the best use of land in order to achieve public interests and meet the vision and goals of their planning area.
- **Compatibility:** ensuring that land use and developments are designed to be compatible with their surroundings will reduce conflicts and protect public health, safety, and the environment.
- **Informed:** planning processes are conducted with the highest quality data and information. This information will be publicly available.
- **Resilience:** planning should strive to build and maintain the resilience of an area. Resilience is determined by the ability to anticipate and adapt to change. Innovative and flexible solutions to planning challenges must be found. Planning authorities will consider climate change adaptation and mitigation in all aspects of the planning process.
- **Integrated and Cooperative:** land use plans and programs will consider other policy documents (e.g. climate change and conservation strategies; infrastructure, transportation and watershed management plans.) Planning authorities will work with all stakeholders to achieve shared goals and outcomes.

In the Public Interest

Wise use and management of resources over the long term is a key provincial interest. We have a responsibility to safeguard environmental, economic, historic and aesthetic values and to protect public safety.

Stating the provincial interests clearly signals a commitment to protect the public good and to address issues related to future growth and reflect the principles of sustainable development. These Statements of Provincial Interest will guide provincial government departments, municipalities and individuals making land use decisions. All development that takes place in Prince Edward Island must be reasonably consistent with the Statements of Provincial Interest.

Public engagement is important for a successful planning process because it enables plans and policies to reflect the local vision for the community, region and province. The first step is to develop a shared understanding of the issues and to work together toward a common vision to manage the economic, physical, social, cultural and environmental aspects of our island.

It is in the Provincial Interest to:

- a) ensure people have the opportunity to engage in decisions that affect their quality of life;
- b) protect the quality and quantity of the Island's water and ensure it is healthy and sustainable for current and future generations;
- c) maintain and improve soil quality;
- d) protect the quality and quantity of the Island's natural areas, both on land and in aquatic areas;
- e) protect and manage coastal areas to safeguard their environmental, economic, historic and aesthetic values and to protect public safety;
- f) identify and protect the rural character and significant views of Prince Edward Island;
- g) protect the agricultural land base and offer certainty to farmers in land use decisions, so we have viable farms for the long term;
- h) increase the diversity, quality and connectivity of the forest;
- i) protect our marine environment and industries;
- j) encourage safe, healthy, vibrant and sustainable communities;
- k) promote the efficient use of existing infrastructure before expanding or developing new infrastructure.

VISION

The Island's heritage and natural resources are the physical foundation of our economy and communities. We will be responsible stewards through effective land use planning. Sustainable development means we will not exceed the carrying capacity of the land and water. We will maintain the working rural landscape to sustain a vibrant economy and healthy environment for present and future generations.



“Striking the balance between visionary leadership and local consultation is critical.

There must be trust between the people and their governments. We have a lot of work to do but there is a critical mass of Islanders wanting improved land use planning and protection.”

SECTION 1: Protect the Natural and Built Landscape

WATER

Water is one of our most valuable public resources - the basis of all life, food, communities and industry. Groundwater is of critical importance on Prince Edward Island, as it is the only source of drinking water.

Goal 1: Protect the quality and quantity of the Island's water and ensure it is healthy and sustainable for current and future generations

- 1.1 Ensure policies, development proposals and projects improve or maintain the quality or quantity of groundwater and surface water; the capacity of the ecosystem must not be exceeded;
- 1.2 Ensure the natural recharge areas are preserved in development projects;
- 1.3 Establish targets for percentage forest cover in watersheds to meet water quality goals, recognizing that different watersheds have different needs: incorporate watershed management plans when available;
- 1.4 Identify well-head protection areas; develop sites and protection plans for future municipal water sources;
- 1.5 Identify high nitrate areas, where national standards for safe drinking water and healthy aquatic systems have been compromised, and implement appropriate corrective actions.



It is in the Provincial Interest to protect the quality and quantity of the Island's water and ensure it is healthy and sustainable for current and future generations.

SOIL

The future of agriculture rests in the top few centimeters of soil. Island soils require careful nurturing to provide their optimum economic and social return. The quality of Island soils has deteriorated over time as indicated by lower organic matter levels province-wide.

Goal 2: Maintain and improve soil quality

2.1 Develop and follow best management practices for soil conservation to prevent erosion by wind and water; recommend soil management practices necessary to meet soil quality indicators;

Best management practices integrate principles of production, business goals, sustainability and environmental quality in farm resource management systems.

2.2 Ensure adequate crop rotation and soil residue levels to maintain soil organic matter;

2.3 Minimize nitrate loss to groundwater and minimize phosphate build-up in soils;

2.4 Cooperate with neighbouring landowners since field consolidation may be required to facilitate erosion control structures (berms, grassed waterways, strip cropping, contour rows).



It is in the Provincial Interest to maintain and improve soil quality.

NATURAL AREAS

Preserving natural areas provides a wide variety of ecological benefits to water, wildlife, biodiversity, and recreational areas for Islanders.

Goal 3: Protect natural areas from incompatible land uses in order to conserve biodiversity and natural ecosystems

3.1 Continue to protect environmentally sensitive aquatic areas by regulating development near beaches, dunes, coastal salt marshes, wetlands, fresh water ponds, offshore islands and other sensitive ecosystems;

3.2 Encourage the establishment of greenbelts adjacent to aquatic areas, beyond the minimum required buffer zones;

3.3 Minimize adverse impacts on the land by using land efficiently and protecting sensitive resources, e.g. forest land, significant landscape, protect the oldest forested areas;

3.4 Restore and protect the ecological integrity, diversity and connectivity of natural features in an area; long term ecological function and critical wildlife habitat should be maintained or improved;

3.5 Preserve and enhance the availability of open space that provides wildlife habitat and recreational opportunities, and protects the region's natural resources and character; balance economic growth with the desire for increased public open space, recreation, residential and other interests.



94 %

of survey respondents felt that new developments must be restricted in or near wetlands and critical habitat areas



It is in the Provincial Interest to protect the quality and quantity of the Island's natural areas, both on land and in aquatic areas.

COASTAL AREAS

Our coastline defines the Island and requires special consideration due to erosion, development pressure and vulnerability to the effects of climate change.

Goal 4: Develop and implement a coastal zone management policy for the entire province

4.1 Prohibit or regulate development in areas potentially at risk from flooding, storm surges and the adverse effects of climate change; identify non-development areas, required setbacks, buffer zones;

4.2 Regulate development in the coastal area in order to minimize incompatible land uses, minimize effects on marine life and industry, and protect heritage resources;

4.3 Prohibit development that has the potential to increase shoreline erosion, including erosion on adjacent properties, and continue to regulate the fortification of eroding shorelines by artificial means; consider the need to protect public infrastructure;

4.4 Preserve, enhance and where appropriate, expand public and recreational access to the shore.



94 %

of survey respondents felt building should be restricted in areas that are in danger of flooding or bank erosion



It is in the Provincial Interest to protect and manage coastal areas to safeguard their environmental, economic, historic and aesthetic values and to protect public safety.

RURAL LANDSCAPE

Our landscape has been shaped by people working the land and reflects our traditions and culture. The working landscape of our rural regions is a unique feature of our heritage and shapes our culture.

Goal 5: Preserve the working rural landscape – natural, agricultural and visual rural character

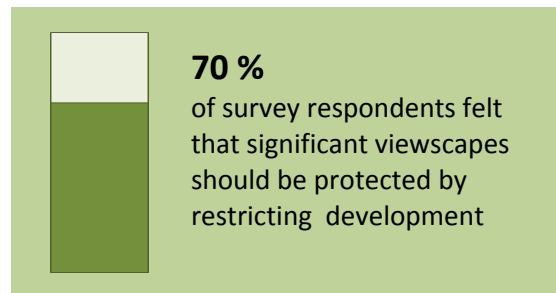
5.1 Protect the visual quality, sense of place and prominent views of cultural heritage, viewsapes and open spaces from incompatible land uses; viewscape planning should be a requirement for all new development proposals;

5.2 Protect the rural character of the province by encouraging land uses that are environmentally compatible with the Island's natural resources; resource-based industries should be supported by allowing the development of commercial operations that serve the rural area;

5.3 Restrict development of residential subdivisions in rural areas and near serviced municipalities; incorporate visual aspects in minimum development standards;

5.4 Identify, protect and ensure public access to cultural landscapes, rural and coastal viewsapes; identify traditional access points;

5.5 Require re-design of all undeveloped or partially developed subdivisions in rural areas and incorporate viewscape principles and water access.



It is in the Provincial Interest to identify and protect the rural character and significant viewsapes of Prince Edward Island.

SECTION 2: Protect Resource Industries

AGRICULTURE

Our agricultural land nourishes us and is a major economic driver of our economy.

Goal 6: Identify and protect agricultural land

- 6.1 Identify arable land; include agricultural reserve zones in official plans where appropriate;
- 6.2 Require minimum separation distances for development adjacent to agricultural land; acknowledge possible need for secondary housing for persons engaged in the farming enterprise (parents, children, workers);
- 6.3 Protect agricultural operations by maintaining the option to expand or diversify farms and allow for the development of related industries, while respecting compatibility with existing land use and infrastructure;
- 6.4 Regulate intensive agricultural operations by siting them with care for existing land uses, and prevent environmental contamination;
- 6.5 Official plans should respect the *Farm Practices Act* and provide protection for normal farm practices; best management practices for manure management should be followed to prevent environmental degradation.



90 %

of survey respondents felt the best farm land should be kept in agriculture or related resource uses



It is in the Provincial Interest to protect the agricultural land base and offer certainty to farmers in land use decisions, so we have viable farms for the long term.

FORESTRY

Our productive forest land is a finite resource. Planning should respect long term cycles of land use changes between forestry and agriculture in watershed areas that can accommodate the change of use.

Goal 7: Enhance the quality, diversity and connectivity of forests to provide a full range of ecological, social and economic benefits

- 7.1 Establish targets for percentage forest cover in watersheds to meet water quality goals, recognizing that different watersheds have different needs; incorporate watershed management plans when available; regulate development where forest cover does not meet the target;
- 7.2 Develop an inventory of different forest types to provide for the preservation of such lands for forest uses;
- 7.3 Encourage reforestation on suitable land; encourage land owners to establish forest management plans.



It is in the Provincial Interest to increase the diversity, quality and connectivity of the forest.

FISHING AND AQUACULTURE

Our fishing and aquaculture industries are culturally and economically important to our Island. Coastal areas and water quality must be protected by good soil and water conservation efforts on land. Soil erosion, runoff and deteriorating water quality have a devastating impact on the commercial and sport fishery and shellfish industries.

Goal 8: Protect fishing and aquaculture resources and activities from incompatible development

- 8.1 Protect fishing and aquaculture from development and other land uses that will or could contaminate water or harm the resource;
- 8.2 Respect and maintain traditional shore and water-use access for fishing and aquaculture;
- 8.3 Protect working harbours and processing industry from incompatible land uses; create buffer areas or zones to permit possible future expansion of related activities or businesses.



It is in the Provincial Interest to protect our marine environment and industries.

SECTION 3: Encourage safe, healthy, viable and sustainable communities.

SUSTAINABLE COMMUNITIES

Our communities are centers of cultural and economic activity. They reflect our heritage and support people. Community design and the built environment can affect our physical and mental health.

Goal 9: Minimize risks to people, property and infrastructure from natural and man-made hazards

- 9.1 Direct development away from areas that are inappropriate (wetlands) or where there is an unacceptable risk to public health or safety or property damage (flood plains, coastal erosion or storm surge areas, hazardous or contaminated sites; air pollution);
- 9.2 Locate development away from areas that must be protected for ecological, historical, economic or other reasons. Protect and enhance natural and built heritage by encouraging conservation, preservation and sustained use of heritage buildings and sites;
- 9.3 Develop design criteria to integrate new development with existing settlement and the natural environment; consider tools such as urban growth boundary, conservation subdivisions, healthy development index;
- 9.4 Discourage ribbon development, urban and suburban sprawl, and plan development to increase infilling and density in existing developed areas;
- 9.5 Encourage traditional mixed use neighborhoods with services near residences;
- 9.6 Create one higher standard for all development; remove exceptions for seasonal or cottage subdivisions;
- 9.7 Include consideration of affordable housing that is integrated into the community, with access to local services and any available public transportation. This should include re-development of existing structures or subdivisions.

It is in the Provincial Interest to encourage safe, healthy, viable and sustainable communities.

INFRASTRUCTURE

Our infrastructure is a necessary underpinning of a modern vibrant economy. We must plan for affordable services with limited impact on the environment wherever possible.

Goal 10: Optimize existing services before expanding or developing new infrastructure

10.1 Identify industrial and commercial areas; develop measures to mitigate community impacts from industrial/commercial operations (large scale industrial, commercial, gravel pits, wharves, waste disposal sites, energy production, sewage treatment); maintain separation distances;

10.2 Direct development to achieve efficient infrastructure use before developing new areas; consider demographic forecasts when planning public infrastructure (roads, schools, arenas);

10.3 Ensure that land use planning and associated decisions preserve the efficiency and safety of the transportation system; maintain development bans on arterial highways, directing development to areas with existing intersections or have internal roads in place;

10.4 Encourage clustered settlement patterns to maintain safe, healthy, viable and sustainable communities;

10.5 Development design must consider general location, public transit users, cyclists, pedestrians and the mobility challenged; to reduce reliance on cars, official plans should promote walkable and transit-supportive communities.



79 %

of survey respondents felt that people should not be able to create subdivisions in areas that have limited or no access to services

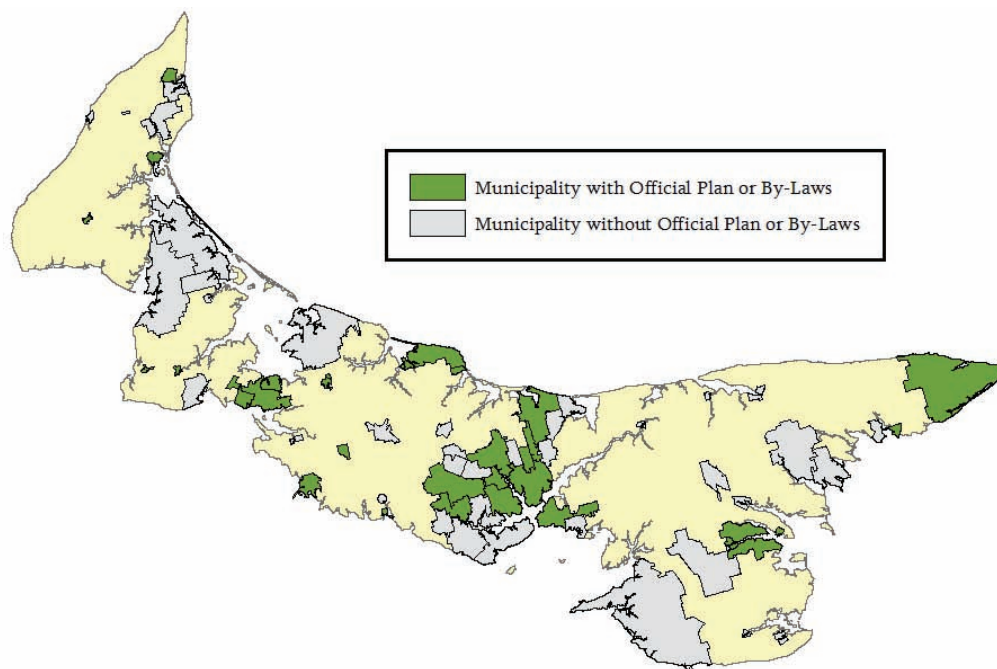
It is in the Provincial Interest to promote the efficient use of existing infrastructure.

Part 3: Task Force Recommendations

Implementing the Land Use Policies

There are several factors that, taken together, make the situation in Prince Edward Island unique, including: our size and population density, the high percentage of privately owned land and the small amount of government owned land, the soils and geology, dependence on groundwater for drinking water, vulnerability to climate change impacts, the importance of agriculture and tourism in our economy and limited municipal incorporation.

The Task Force reviewed land use planning models from several jurisdictions. Most other states and provinces in North America have strong municipal governments with sophisticated planning systems that have evolved over many years - they have a well-developed “culture of planning.” In Prince Edward Island, not all municipalities choose to provide land use planning services, and most municipalities do not have access to a professional land use planner.



Map 3: Thirty-two municipalities currently have land use plans - 10% of P.E.I.'s land area

The Task Force presents the main elements needed for effective implementation – statements of provincial interest, provincial land use policies, a future land use map and designated zones, and regional land use plans. It will take time and resources to design and implement the next stages of the system. These recommendations are intended to guide this work.

Recommendations

1. The Task Force recommends the provincial government adopt the Statements of Provincial Interest and provincial land use policies as regulations under the *Planning Act*.

The Statements of Provincial Interest and provincial land use policies (see Part 2) are the basic building blocks and the foundation for further work. Adopting these statements as regulations gives government staff and professional planners valuable direction on how development should be managed.

7. (1) The Lieutenant Governor in Council may
- (a) adopt provincial land use development policies;
 - (b) establish minimum requirements applicable to official plans;
 - (c) make regulations establishing minimum development standards respecting
 - (i) public health and safety,
 - (ii) protection of the natural environment
 - (iii) landscape features

Government of Prince Edward Island. *Planning Act, 1988*. Chapter P-8.

A formal review of these policy statements should be conducted regularly.

“Land use policies are a clear statement of the provincial interest in land, resources and sustainable development. They provide direction for a comprehensive, integrated and coordinated approach to land use planning. The policies apply to all lands in the province and serve as a guide to municipal authorities and provincial departments in preparing, reviewing and amending official plans and associated zoning and development bylaws. They are intended to give general guidance and ensure that provincial interests are addressed.

Land use policies, by their nature, are general and cannot account for all local situations, special circumstances and exceptions. In recognition of this variability, Prince Edward Island’s land use policies should allow for a degree of variance sufficient to accommodate local needs, so long as provincial interests are not undermined”¹¹.

Policies may need to be strengthened or enhanced in areas experiencing significant change or development pressure. Municipal official plans set goals and objectives in accordance with the *Planning Act*, and the statements of provincial interest.

The Task Force developed a consultation draft of provincial land use policies as the focus for public meetings. Generally, there was public support for the policies and

¹¹ Commission on Land and Local Governance. December 2009. *New Foundations, Report of the Commission on Land and Local Governance*. p. 29.

provincial interests. People agreed that it is important to protect the environment, public safety and land important for our resource industries, and that we have a responsibility to make choices that sustain these resources for future generations of Islanders.

2. The Task Force recommends the provincial government review and revise the *Planning Act*.

The *Planning Act* was passed in 1988, and there have been a range of amendments over the years; however, in comparison with other jurisdictions, the Prince Edward Island legislation has fallen behind. Over the years, in the absence of a land use planning framework, other legislation and financial incentives have been used to influence land use and management practices by individual land owners.

The Task Force reviewed planning tools used in other jurisdictions and recommends that targeted growth areas, municipal growth boundaries, conservation subdivisions, landscape planning, and point systems be used.

Targeted growth areas: development is directed to areas that have the necessary services and infrastructure to support that development (e.g. public water, public sewer, public transit, strong governance, effective planning). Conversely, development is limited in areas without adequate infrastructure and on agricultural lands.

Municipal growth boundaries: a tool that encourages efficient use of established municipal infrastructure before expansion of services and development is permitted beyond the determined boundary.

Conservation subdivision: a style of subdivision that conserves existing natural and cultural features and protects natural habitats, landscapes, agricultural land, interconnected networks of open space and can maintain the rural character of communities.

http://www.greenerprospects.com/PDFs/CSD_Overview.pdf

Landscape planning: an activity concerned with balancing competing land uses in order to protect cultural and natural resources.

Alternate point system planning: a system that evaluates the factors of suitability of a property for different activities. Points can be awarded or detracted from development proposals and the acquisition of points can result in various incentives.

3. The Task Force recommends the provincial government prepare companion documents, maps and a handbook to promote public awareness and education.

The Saskatchewan government recently produced a Planning Handbook that is a good example, going into greater detail about interpretation of provincial interests, land use policies and regulatory requirements. The Task Force recommends the creation of a checklist and guide to clearly describe the steps to review new subdivision and development proposals.

Prince Edward Island is a small place, and government has invested heavily in sophisticated technical tools such as Geographic Information System (GIS) mapping and databases; it is time to make better use of this investment to educate and inform decision-makers, and engage all Islanders.

The Task Force had access to data and reports that should be readily available to the public. We recommend better use and integration of existing data, and improved public reporting on trends and indicators related to land use, subdivision and development.



4. The Task Force recommends the provincial government create a Land Use Vision Map and broad planning “zones” to be applied Island-wide.

The Cape Cod Regional Policy Plan is an example of an overall regional policy plan that includes policy statements and regulations in one document using a Land Use Vision Map. A land use map should be developed as the first step toward implementing the Statements of Provincial Interest and the policies. Municipalities with official plans will be identified in the Land Use Vision Map and will be required to meet the intent of the designations, but in many cases their official plans would go further in defining land use planning zones.

In each of the designated areas or ‘zones’, minimum development standards will be required. In some cases, there is existing policy and legislation directing or limiting development, but for significant viewsapes, Prince Edward Island needs new tools.

In our view, it makes sense to define minimum development standards for:

- protected ecological and heritage areas;
- resource land reserved for farming and forestry;
- coastal areas;
- existing settlement areas; and
- viewscape areas.

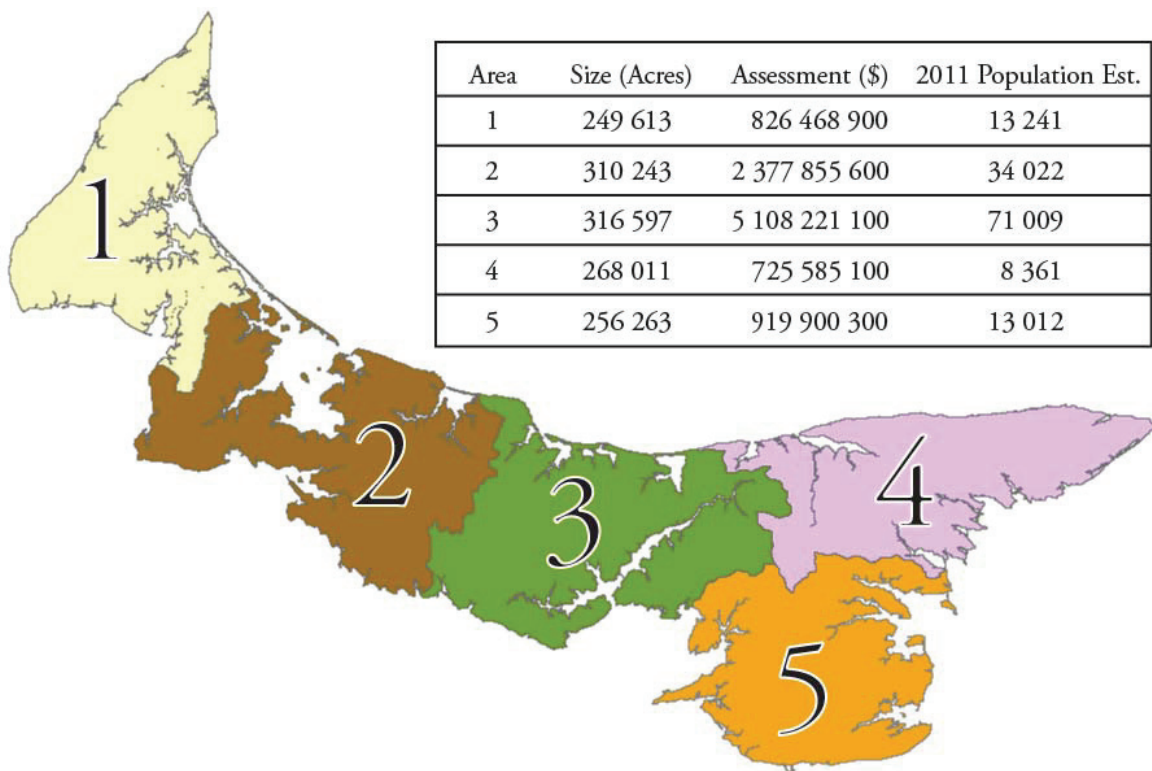
After the planning commission is established (recommendation #6), it will lead the development of regional land use plans. Regional plans will include more detailed future land use maps to address the unique challenges and opportunities of each region.



5. The Task Force recommends that regional land use plans be developed.

The Land Use Vision Map is the vision for the future, and should be administered through five regional plans recognizing regional differences. Volunteers serving on regional advisory committees can guide the development and regular review of the regional land use plans. Regional land use plans will be a broad umbrella, and may include municipalities with official plans. In the same way that official plans are reviewed every five years, the regional plans should also be reviewed and updated every five years.

Watershed management principles should be incorporated in regional plans and official plans. Official plans should recognize the objectives and contributions of watershed management groups and incorporate watershed management principles. A good example is the Community of Eastern Kings which has created 60m buffer zones on some sensitive streams in their municipality.



Map 4: Example of possible planning areas based on watershed boundaries and communities of interest. Each region includes about 50 smaller watersheds.

6. The Task Force recommends the provincial government create a new provincial planning commission to serve as the central planning authority for the province.

The Task Force heard a variety of issues concerning the present system and the need for greater transparency, clarity, local input and consultation in a new land use planning system.

Some services are more efficiently provided at the provincial level, but it is important for people to have a local voice and involvement in land use decisions. In an ideal system, planning should be managed at the local municipal level. Since Prince Edward Island does not have full municipal coverage, a system of land use planning administration is needed for areas without a municipal official plan.

The Task Force believes an independent commission, democratically elected and appointed in the model of school boards, offers citizens the ability to participate in the governance of the planning system. Members of the planning commission should include regional representatives and appointed members with technical expertise. In addition, volunteers on regional advisory committees would provide input as required to develop regional plans.

The Task Force recommends the establishment, by statute, of an arm's length agency to provide professional planning services in Prince Edward Island. The provincial government would continue to collect comprehensive land use and development data, to monitor trends in environmental quality and development pressure and to amend legislation as needed. Some existing provincial staff and resources could be re-assigned to the commission. Additional resources would be required to support the new regional planning framework.

Role of the Planning Commission

1. Planning services

- Create and implement five regional plans for the province (regions will be developed with consideration of watershed boundaries and social factors). Regional plans will reflect the spirit and intent of the Provincial Land Use Policies.
- Offer planning services to municipalities.

2. Technical services (GIS, data provision)

3. Education on land use planning

4. Planning authority for areas without official plans

Required Resources

- Professional planners, development control officers and building inspectors, technical support staff, and administrative support;
- Some current provincial staff could be transferred to the commission;
- Liaison with staff of other provincial departments will be maintained (highways, agriculture, forestry, health, environment).

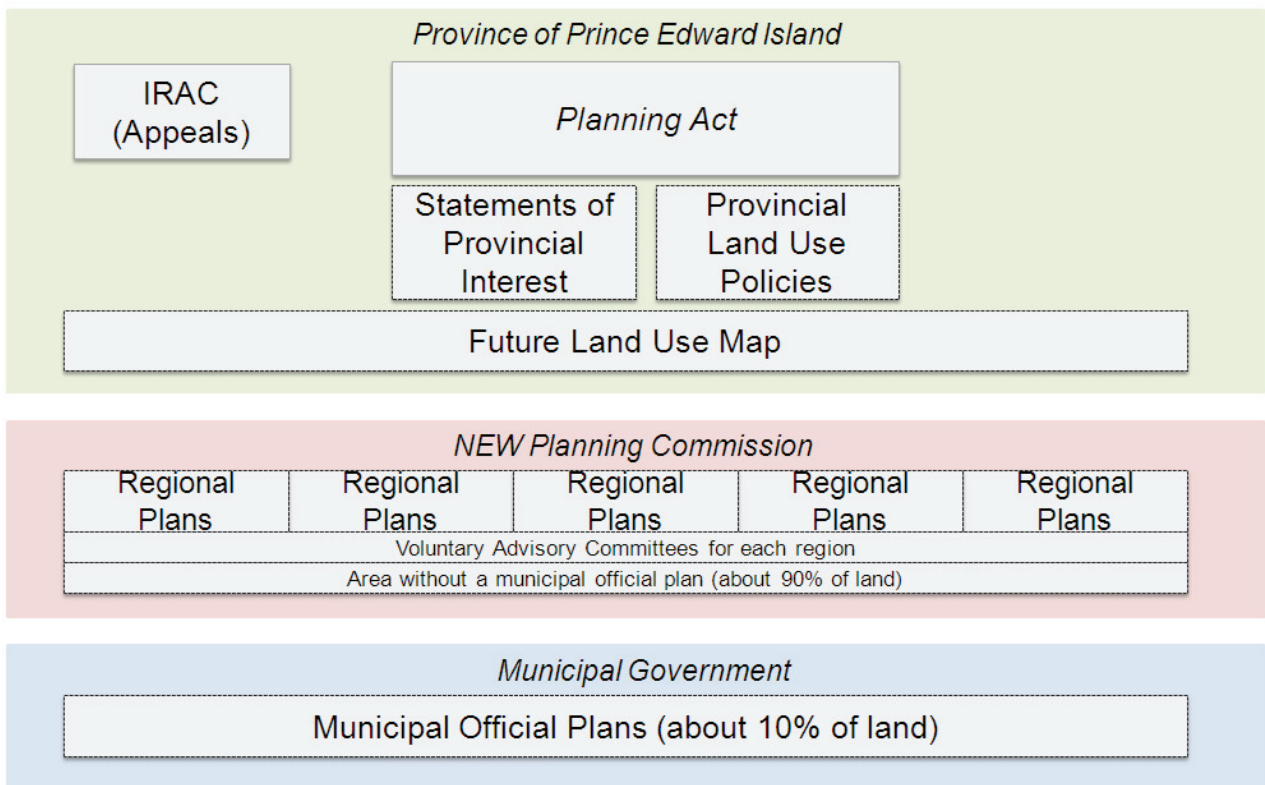
Funding: moving toward a user-pay framework; the cost of a development permit should reflect the complexity of the proposal and the need for more data, research and analysis.

Structure: the commission would function as a board of elected and appointed representatives from across the planning regions of Prince Edward Island, with representation from municipalities and unincorporated areas. Advisory committees may be established, as needed, for each region to provide local input in the development of regional plans.

Proposed Planning Framework for Prince Edward Island

- The provincial government is responsible for oversight and enforcement of the *Planning Act*, review and approval of regional plans and municipal official plans.
- The Island Regulatory and Appeals Commission (IRAC) will serve as the appeal body for planning decisions.
- The new planning commission is a service provider, acting as the planning authority for areas without municipal official plans through the creation and implementation of regional land use plans and will provide contract planning services for interested municipalities. The commission will have the authority to create voluntary advisory committees as needed to provide local input into the development of regional plans.
- Municipalities can create and implement official plans either through their own professional planning system or by contract with the commission.
- Regional plans and municipal official plans must meet the spirit and intent of the Statements of Provincial Interest and Provincial Land Use Policies. Regional plans will accommodate and complement the municipal official plans located within their boundaries.

Proposed Planning Framework



7. The Task Force recommends the provincial government facilitate consolidation of undeveloped lots.

The Task Force remains concerned about the abundance of existing lots. Years of unchecked subdivision have resulted in fragmented farmland, allowed residential homes in farm fields, cluttered our landscape, created lots in environmentally sensitive areas and undersized lots that do not meet current standards. We recognize that we can't turn back the clock, but in some areas it is worth the effort to reverse the subdivision, and government should explore incentives to consolidate undeveloped lots.

8. The Task Force recommends the provincial government implement regulations to restrict development in areas without an official plan until regional plans are approved.

The Task Force is concerned about the time it will take to establish and transition to a new regulatory framework. The Task Force recommends that regulations be implemented quickly to restrict speculative or premature development that could occur in areas without an official plan or infrastructure. Similarly, until regional plans are approved, further development on the Island's arterial highways (Routes 1 and 2) should be strictly curtailed.

Premature development:

development that occurs before the provision of appropriate services or a publicly approved plan to provide such services in the future.

9. The Task Force recommends the provincial government explore farmland preservation tools to keep farmland in food production.

The protection of agricultural land is a key public interest and the costs of protection should be supported by the public, not farmers alone.

Other jurisdictions have taken steps to protect farmland and there are different tools to consider. The Task Force recommends that farmland preservation tools be considered, such as land trusts, land banks, land swapping, taxation initiatives, transfer of development rights, conservation design or clustered development, and incentives for lot consolidation.

"We protect farmland so that we can continue to produce safe, healthy food for all the people"

10. The Task Force recommends the provincial government move quickly to adopt legislation recognizing the title and practice of professional land use planning and require that all planning documents be certified by a Registered Professional Planner (RPP).

The Task Force heard concerns about the lack of professional land use planning capacity and the general lack of understanding of planning processes. This is linked with the small size and limited capacity of municipalities, reliance on volunteer administrators, and influence and competition within small communities.

Planning legislation including official plans, land use plans and zoning bylaws, and their amendments, must be reviewed and certified by a Registered Professional Planner (RPP) to ensure that all local land use planning decisions fit within the provincial policy framework.

In collaboration with current local members of the Canadian Institute of Planners, the Province must develop and implement legislation that would allow provincial land use planners to adopt the national and regional standards developed by the Canadian Institute of Planners, the Atlantic Planners Institute and provincial branch of the Prince Edward Island Association of Planners through the accreditation of Registered Professional Planners.



Summary of Recommendations

The Task Force recommends:

1. the provincial government adopt the Statements of Provincial Interest and provincial land use policies as regulations under the *Planning Act*;
2. the provincial government review and revise the *Planning Act*;
3. the provincial government prepare companion documents, maps and a handbook to promote public awareness and education;
4. the provincial government create a Land Use Vision Map and broad planning “zones” to be applied Island-wide;
5. that regional land use plans be developed;
6. the provincial government create a new provincial planning commission to serve as the central planning authority for the province;
7. the provincial government facilitate consolidation of undeveloped lots;
8. the provincial government implement regulations to restrict development in areas without an official plan until regional plans are approved;
9. the provincial government explore farmland preservation tools to keep farmland in food production;
10. the provincial government move quickly to adopt legislation recognizing the title and practice of professional land use planning and require that all planning documents be certified by a Registered Professional Planner (RPP).

Appendix 1

TERMS OF REFERENCE: Task Force on Land Use Policy

Introduction:

The Report of the Commission on Land and Local Governance was released in January 2010. Following extensive public consultation, Commissioner Ralph Thompson offered 40 recommendations. One of the key recommendations of the Report is to create a provincial land use policy.

The Commissioner recommended: “that the provincial government appoint a task force to develop a public engagement strategy around the land use question, to guide the work of government staff, to lead public consultations, and to report periodically with findings and recommendations.”

Background

Land use policies will respond to people’s concerns for the future and their quality of life. The input and suggestions gathered from public consultation will help shape a comprehensive and thoughtful set of land use policies.

The *White Paper on Governance and Land Use on Prince Edward Island* (issued December 2008) presented the context for the Report of the Commission on Land and Local Governance (2009):

While the relatively slow rate of growth in Prince Edward Island often lulls us into believing that we don't face the same planning pressures as larger jurisdictions, what we face has been described in the past as a death by a thousand cuts. Ribbon development, dispersed settlement patterns, loss of shore access, environmental degradation, loss of traditional character, viewscape erosion, and incompatible economic development will ultimately lead to undesirable and long lasting negative consequences...

Government has signaled a desire to move towards a system of local governance and land use practice that is effective, adequately funded, and appropriately organized. Such a new system would take into account efficiencies of scale, resources and capacity at the local level, and any legislative, financial, and human resource tools required to implement any new models...

Municipal and land use reform appears to follow cycles, with greater or lesser degrees of change at any given point. It is time once again to take a comprehensive look at the structures that govern the day to day life of Island residents, guide our local municipal officials, and direct our use of the land....

The Report of the Commission on Land and Local Governance is the latest in a series of reports to recommend comprehensive land use planning. Land use policies are the foundation for economic development, efficient service delivery and infrastructure upgrades.

All Islanders concerned about the future need to question what our guardianship of the province's environment and resources will provide for those who come after us, if we do nothing to change our current direction. We need to question what irreplaceable assets are being lost forever because a comprehensive land use plan is not in place for the entire island...

We need to ask ourselves whether local affairs across the Island could not be better administered at the local level by municipal governments...

Our land, our water, our natural areas, our viewscapes, and our architectural heritage, both inside and outside municipalities, will not look after themselves. If we do not provide responsible stewardship now, we run the risk of losing them as we know them, forever...

"Many of the recommendations put forward by the Commission will require input from the public as a means of achieving successful change through the informed consent and cooperation of those affected..."

We cannot afford to maintain the status quo in a world that is changing all around us...¹²

Mandate

The purpose of the Task Force is to carry out research and consultations to develop detailed recommendations for land use policies and their implementation in a comprehensive land use planning framework, as recommended in the Report of the Commission on Land and Local Governance.

Task Force members will:

- design a public engagement strategy to seek the views of Islanders on matters related to land use policy;
- lead all public consultation activities;
- recommend comprehensive provincial land use policies, guided by the Commissioner's report and input from the public;
- examine and make recommendations on restructuring the planning system, including governance structures, mechanisms and processes to implement the land use policies.

¹² Report of the Commission on Land and Local Governance. December 2010. *New Foundations*. p. 1.

Task Force Members

In the interest of open and broad consultations, there will be a public call for nominations and applications.

The Task Force will be comprised of several people with demonstrated understanding, diverse knowledge and experience in the following areas: resource industries (agriculture, forestry, fisheries, tourism), environment, community planning and development, municipal government, communications and public engagement.

Task Force members bring the following competencies to their task:

- An awareness of the broader policy context of the work and its implications for land and local governance
- Familiarity with land use issues including stakeholder perspectives
- An holistic and integrated approach to problem solving
- Strong communication and public engagement skills
- Strong teamwork and decision-making skills

Resources:

The Task Force will be supported by staff of the Municipal Affairs and Provincial Planning division and the Land Use Coordinating Committee, as required. In addition, the Task Force may engage outside expertise to assist in fulfilling its mandate, as agreed by the Task Force and Government.

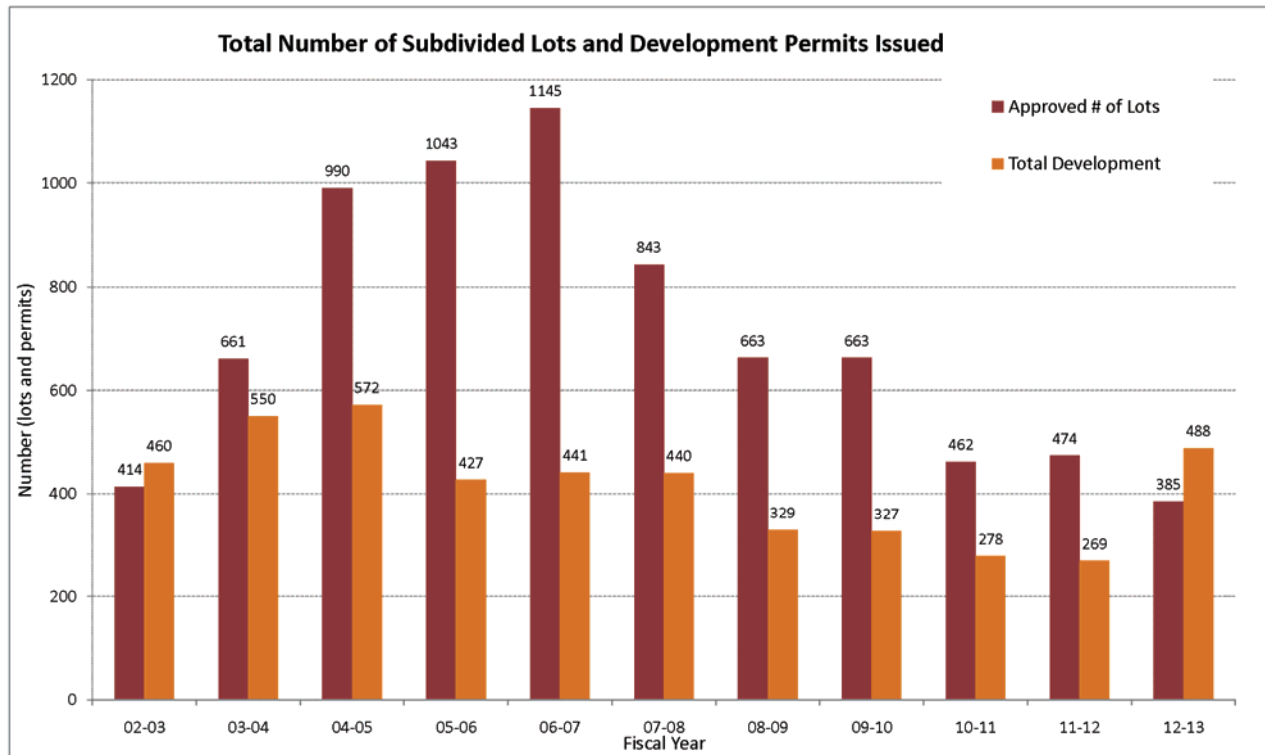
Process and Timeframes

While the Task Force will determine its own detailed work plan and timeframes, it is expected that its work will include the following components:

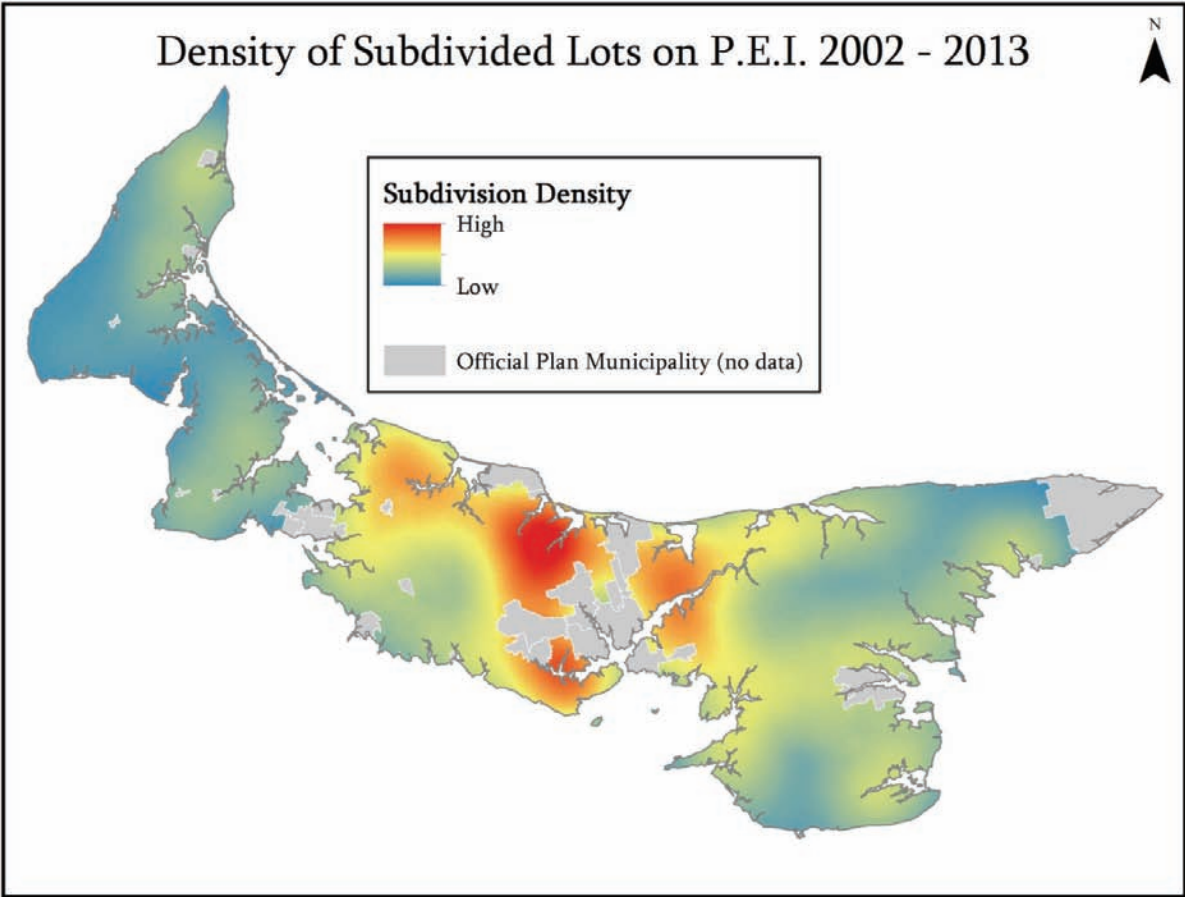
- **Research:** The Task Force will seek the views of Islanders on matters related to land use policy. The Task Force will develop discussion materials to help Islanders through the consultation phase.
- **Public Engagement:** The Task Force will use multiple approaches to actively engage a wide range of Islanders and seek their views on land use policies and a comprehensive land use framework.
- **Analysis and Recommendations:** Prepare and deliver a comprehensive report to the Minister of Finance, Energy and Municipal Affairs.

Appendix 2 SUBDIVISION AND DEVELOPMENT TRENDS

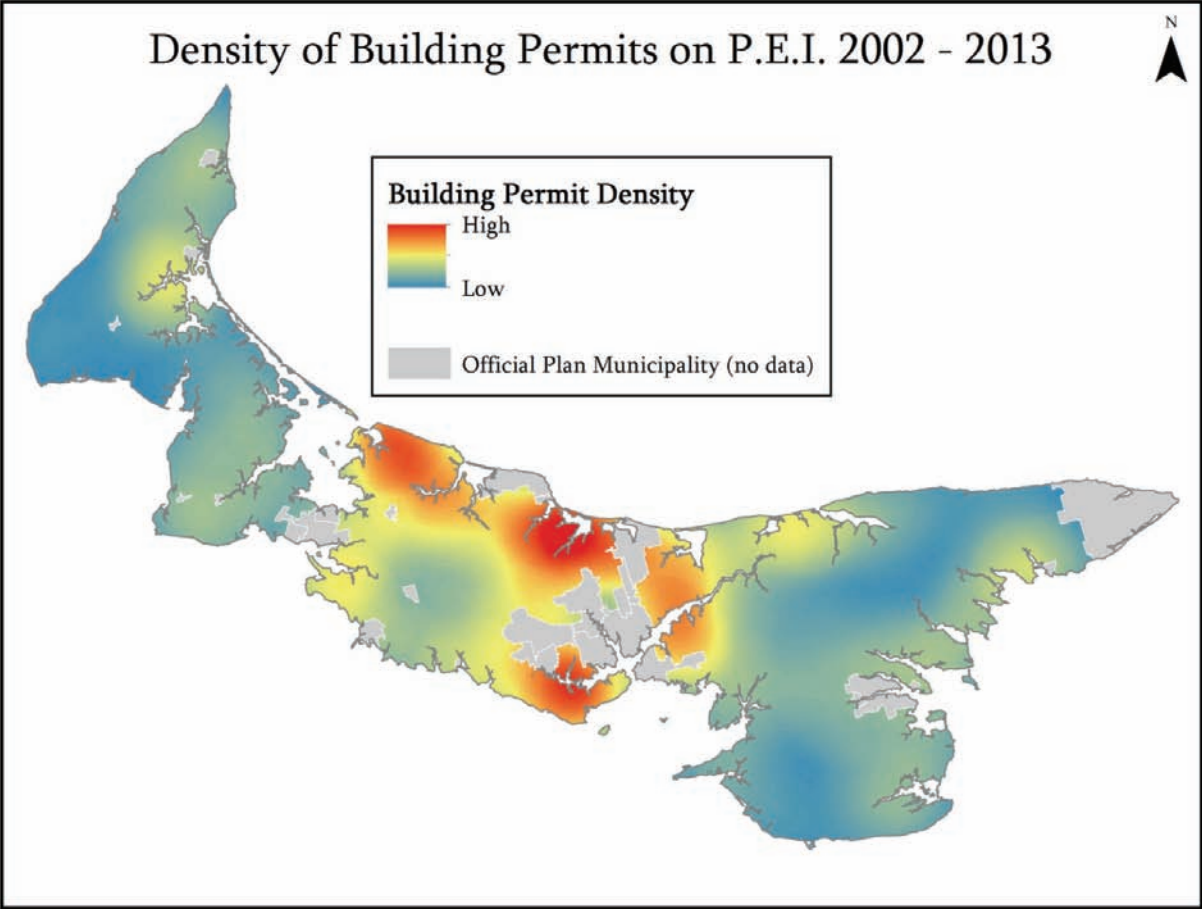
There are estimated to be 30,000 approved vacant building lots in the areas of Prince Edward Island under provincial planning jurisdiction (areas outside municipalities with official plans).



Areas with higher density of subdivided lots include along the coastline; commuting areas around Charlottetown, Cornwall and Stratford; and Malpeque Bay. There were 7,743 lots created between 2002 and 2013.



Areas with higher density development include Cascumpec Bay; Darnley area; commuting areas around Charlottetown, Cornwall and Stratford; Savage Harbour and the coastlines. There were 4,581 permits issued for single family dwellings and cottages between 2002 and 2013.



Appendix 3

EXCERPT FROM “A WHITE PAPER ON GOVERNANCE AND LAND USE IN PRINCE EDWARD ISLAND”

“Dispersed, scattered and unplanned development and the lack of detailed local area planning in culturally, historically, and naturally sensitive areas have:

- increased the cost of government service delivery (e.g snowplowing, school busing, health care)
- undermined the viability of municipalities and the services they offer;
- countered any trends towards compact siting of services and commercial centres in the various regions;
- undermined climate change initiatives by encouraging greater use of fossil fuels through dispersed development and allowing development in areas that may be prone to storm surges;
- increased the threat to the water supply with dense development of individual wells and septic systems, with no requirements in place to develop on central sewer and water, regardless of population or development density;
- degraded viewscales with continued development in the most scenic areas of the province, particularly in coastal and waterfront areas, with long-term implications for tourism;
- impaired the province’s transportation system through the gradual transformation of roads designed to move goods into largely residential streets;
- increased dependency of the general public on commuter transportation patterns in an economy of rapidly increasing transportation and energy costs;
- promoted the ongoing conversion of prime agricultural land to residential or commercial use;
- increased urban-rural conflict issues between farmers and their residential neighbors¹³.

“Municipalities also raise other concerns prompted by the existing land use system:

- limited boundaries and space for growth within some of the municipalities (Montague is one clear example)
- competition between targeted land use regulations (zoning) and the comparatively simple requirements beyond municipal boundaries
- challenges posed by the overlapping of municipal planning and provincial special planning areas
- challenges in rural municipalities both with and without official plans to protect their rural qualities and characteristics in the face of provincial attempts to foster “rural” development”¹⁴.

The White Paper is available online

(http://www.gov.pe.ca/photos/original/llq_whitepaper.pdf).

¹³ Department of Communities, Cultural Affairs and Labour. 2 December 2008. *A White Paper on Governance and Land Use in Prince Edward Island*. p 5.

¹⁴ *Ibid* p. 6.

Appendix 4

CONSULTATION SUMMARY

The Task Force on Land Use Policy hosted **7 public meetings** (Charlottetown, Wellington, Montague, Summerside, Elmsdale, Souris, and Emerald) and heard from **153** participants.

The Task Force received **25 individual submissions** (emails, letters, phone calls, etc.) and heard **24 formal presentations** (listed below).

- Municipal Affairs and Provincial Planning, Department of Finance, Energy and Municipal Affairs
- Souris and Area Branch of the Prince Edward Island Wildlife Federation
- Atlantic Planners Institute, PEI Branch
- Dr. Mark Lapping, University of South Maine
- Forests, Fish and Wildlife, Department of Agriculture and Forestry
- Environmental Advisory Council
- Climate Change and Air Management, Department of Environment, Labour and Justice
- Aboriginal Affairs Secretariat, Executive Council Office
- Catherine Miller
- Environment, Department of Environment, Labour and Justice
- Institute for Island Studies Advisory Council, and student session
- Federation of Prince Edward Island Municipalities
- Aquaculture Alliance
- Natural History Society
- Don't Frack Prince Edward Island
- Watershed Alliance
- LM Montgomery Land Trust
- National Farmers Union
- Citizen's Alliance
- Prince Edward Island Potato Board
- Kensington North Watershed Association
- Department of Fisheries, Aquaculture and Rural Development
- Daryl Guignon (ecosystem health)
- Prince Edward Island Federation of Agriculture

A total of **778** responses were received through the **Provincial Land Use Policies Public Opinion Survey**. The complete report, Public Opinion Survey Results: December 2013, is available online (http://www.gov.pe.ca/photos/original/fema_LUPsurvey.pdf)

The Environmental Advisory Council (EAC) led consultations and is working with the Department of Environment, Labour and Justice to develop a sustainable development strategy for the province. The **17 submissions** to the EAC (listed below) were also used by the Task Force in the development of provincial land use policies.

- Charlottetown Rural (grade 12 class)
- City of Summerside
- Island Nature Trust
- Holland College (Wildlife Conservation Class)
- Montague Watershed Enhancement Co-op
- Natural History Society of Prince Edward Island
- West River Watershed Group
- 10 individual submissions

Appendix 5

EXECUTIVE SUMMARY: PUBLIC OPINION SURVEY RESULTS

Top areas of concern

1. Soil erosion and soil quality
2. Pollution of water
3. Coastal erosion
4. Loss of natural areas/habitat
5. Development of prime agricultural land

Natural and built landscape

- 94% of respondents feel that new developments SHOULD be restricted on or near wetlands and critical habitat areas
- 92% DISAGREE that any kind of development should be allowed in significant viewsapes
- 75% AGREE that cottage development should be directed to areas where there already is some development
- 75% AGREE there should be standards for new housing development to protect rural character

Resource industries

- 90% of respondents believe the best farm land SHOULD be kept in agriculture or related resource uses
- 86% feel that the best farm land SHOULD NOT be open for any kind of development
- 90% of respondents believe more effective soil conservation regulations are required
- 41% of respondents cited pesticides as their top concern for air quality on Prince Edward Island

Sustainable communities

- 67% of respondents feel that new subdivisions SHOULD be located in cities and towns
- 87% DISAGREE that new subdivisions should be located anywhere, without regard for surrounding land use
- 79% AGREE that people should not be allowed to create subdivisions in areas with limited or no access to services
- 74% felt that surrounding land use was the most important factor to consider in determining where new homes should be built
- 94% AGREE that building should be restricted in areas in danger of flooding or bank erosion

The complete report, Public Opinion Survey Results: December 2013, is available online (http://www.gov.pe.ca/photos/original/fema_LUPsurvey.pdf)

