



Rural Municipality of Clyde River

Draft Issues and Options Report

December, 2021



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The Rural Municipality of Clyde River and Fotenn Consultants acknowledges that Prince Edward Island (Epekwitk) is the traditional territory of the Mi'kmaq First Nations.

1. Introduction

1.1. Project Introduction

The Rural Municipality of Clyde River, Prince Edward Island has initiated the preparation of an Official Plan and implementing Development By-law to guide land use planning in the municipality. The new planning and development framework will consider the Municipality's existing character, including businesses, active farms, and established residential areas, among other land use issues.

The new Official Plan, Development By-law, and supporting documents will contribute to the creation of a healthy, active, and responsible community, which supports residents and businesses of Clyde River into the future. The documents will guide future growth, while respecting the shared values of the community. Ultimately, the new planning documents will propose a strategy for orderly development that maintains community identity, anticipates and mitigates environmental problems, leads to balanced, sustainable development, and promotes a welcoming environment for present and future residents and businesses.

To assist with the project, the Municipality engaged Fotenn Planning and Design to lead consultation activities and prepare the land use planning documents. The Fotenn team is led by Matthew McElligott and Jaime Posen, who are both Registered Professional Planners (RPPs), and Members of the Canadian Institute of Planners (MCIPs).

1.2. Purpose

The purpose of this Issues and Options Report is to provide strategic direction for the Clyde River Official Plan and Development By-law by identifying broad issues, policies, and provisions that will influence land use planning in the Municipality. The planning horizon for the Official Plan is 15 years (2022-2036), which is the maximum timeframe permitted by the Planning Act.

This document addresses the policy and regulatory matters that the Rural Municipality of Clyde River is facing and/or could face in the future. Particular attention is paid to the maintenance of local identity, as well as the lessons learned from the existing development context within the provincially-regulated Cornwall Special Planning Area.

1.3. Report Structure

The Issues and Options Report is structured as follows:

- / Municipality Background and Context
- / Provincial Planning Framework
- / Municipal Planning Framework
- / Analysis
- / Public and Stakeholder Consultation
- / Identified Issues and Policy and Regulatory Solutions

1.4. Background Information and Data Sources

The information contained in this report was collected from a variety of sources, including discussions with the Rural Municipality of Clyde River Council, Municipal Staff, Provincial Staff, interested stakeholders, and members of the public. Data was also drawn from written reports, Census profiles, Provincial legislation and documentation. A list of information sources is included at the end of this report.

Best efforts have been made to use the most current data sources available in the development of this report. Should new information become available during the course of the project, the Issues and Options Report and its conclusions will be updated accordingly.

1.5. Community, Stakeholder and Indigenous Engagement

Engagement with members of the Clyde River community, interested stakeholders, and Indigenous groups is an essential component of the review. Throughout the project, engagement of these groups was prioritized in the form of telephone interviews, videoconference interviews, and email correspondence. Feedback received from these groups was helpful in developing the findings of this report, and will inform the resulting policies and regulations of the planning documents at a later stage of the project.

Fotenn contacted various community stakeholders drawn from a list provided by the Rural Municipality. Members of the consulting team contacted all stakeholders on the list, and engaged in follow-up conversations with those who expressed an interest in providing input into the process.

The Rural Municipality of Clyde River provided a list of potential stakeholders to Fotenn. The team contacted all listed stakeholders, however only a small number of stakeholders were interested in providing input to the new Official Plan and Development By-law.

2. The Rural Municipality of Clyde River

2.1. Setting

The Rural Municipality of Clyde River is located in the central region of Prince Edward Island and was incorporated in 1974. As per the 2016 Canadian Census of Population, the Municipality has a population of 653 and encompasses a total land area of 16.05 square kilometers.

Earning its name from its setting along the Clyde River, the Municipality is located in Queen's County in the central part of Prince Edward Island. The community is located a 15-minute drive from the Province's capital, Charlottetown and less than five minutes' drive to the Town of Cornwall to the east. Cornwall features with a range of services and amenities, including recreational facilities, grocery stores, post office, library, and restaurants.

The Municipality is generally bordered by the Town of Cornwall to the east, the Rural Municipality of Kingston to the north-west, and the Rural Municipality of West River to the east, west and south. To the south and west, the Municipality is also bordered by the West River and Clyde River respectively.

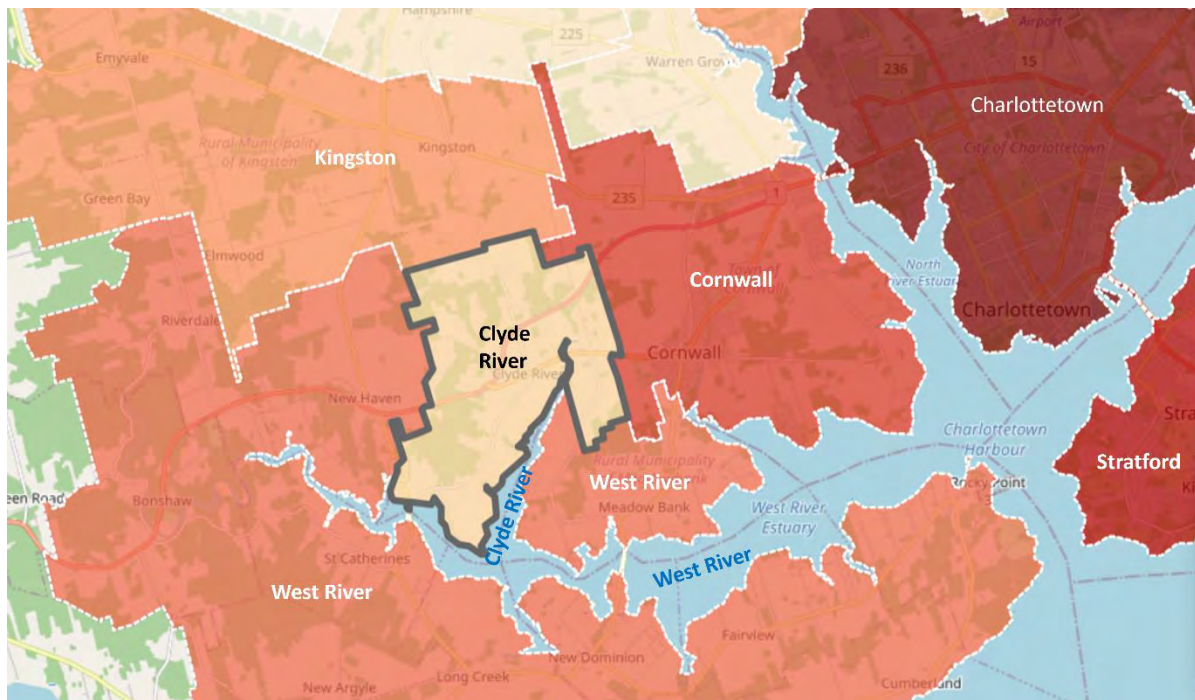


Figure 1: The Rural Municipality of Clyde River in regional context PEI GIS Data Catalog.

2.2. History

Prince Edward Island has been inhabited for more than 12,000 years, beginning with the Mi'kmaq Peoples. Oral history and archaeological records agree that the ancestors of the Mi'kmaq followed the caribou and other large land mammals to the area after the retreating ice of the last Ice Age. At the time, the land masses currently in Nova Scotia, New Brunswick and Prince Edward Island were united as the Northumbria land mass, creating a land bridge to the

Island. The traditional Mi'Kmaq name for the Island is “Epekwtik,” meaning “something lying on the water.”

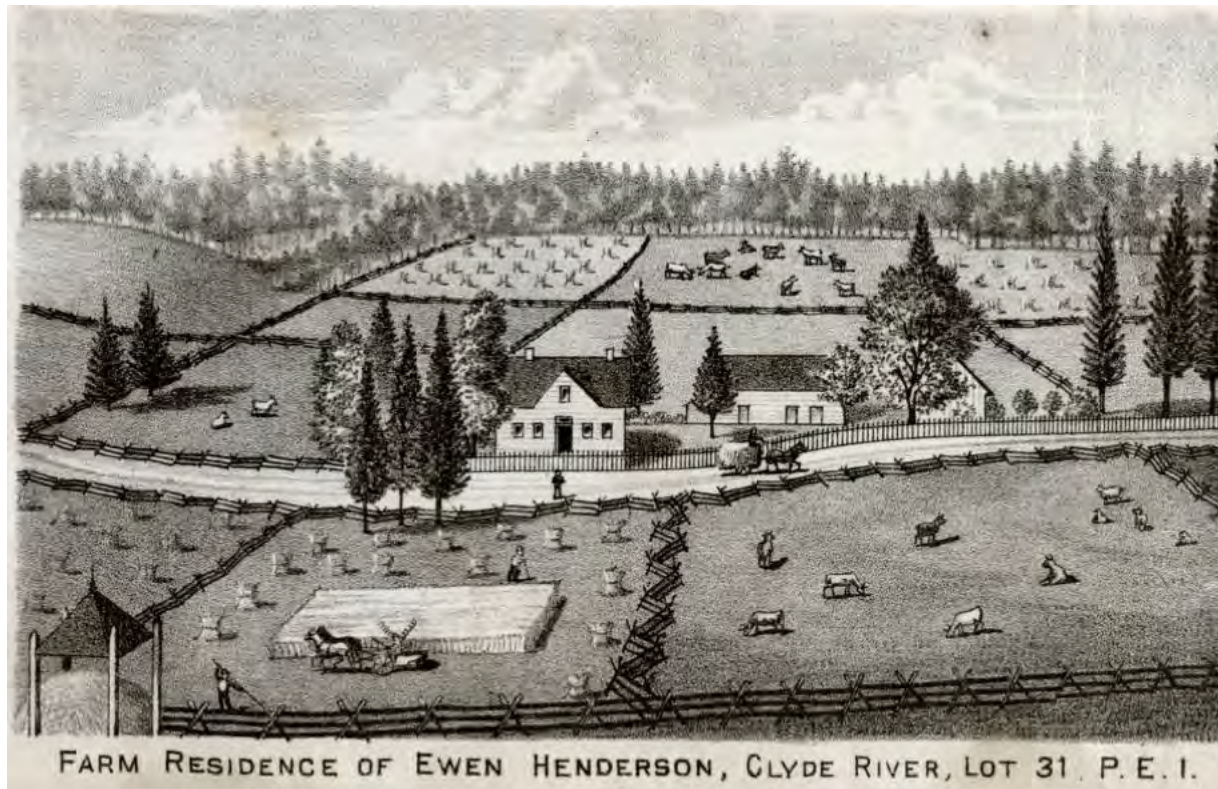


Figure 2: Etching of early European settlement in Clyde River

European exploration and settlement of Prince Edward Island began in the sixteenth century, principally by the French, who called the Island “Ile St. Jean.” In 1731, King Louis XV of France granted approximately 35,000 acres to the Compagnie d’Est de l’Ile Saint Jean in the southeast part of the Island.. Acadian settlement on the Island began in the mid-eighteenth century, and control of the Island oscillated between the French and British until permanent British control was established through the Treaty of Paris in 1763. Political control initially resided in Nova Scotia.

In 1764, Captain Samuel Holland (1728-1801) was granted responsibility by the Board of Trade and Plantations for surveying a large portion of British North America. Surveys of the former Ile St. Jean, known as St. John’s Island in English, was one of the first surveys performed in British territory in North America. Through his survey, Holland divided the land on the Island into 67 lots of approximately 20,000 acres each. The area now known as the Rural Municipality of Clyde River was documented as Lot #31 in this exercise.

Once surveyed, the 67 lots were disbursed by the Board of Trade and Plantations in a land lottery in 1767. The land holdings were generally granted to well-connected British politicians, military officers, and commercial merchants who had performed services during the war with France. An image illustrating early settlement is shown in Figure 2. Through successful lobbying of the British government, these new landowners championed the creation of a

colonial administration separate from Nova Scotia in 1769, with a new colonial capital in Charlottetown, named for the wife of King George III.

Error! Reference source not found. shows an extract from a 1798 map prepared by H.A. Ashby, which illustrates Lot 31, as well as labelling the present-day Clyde River waterbody as “Edward River.”



Figure 3 Extract from a 1798 map prepared by H.A. Ashby.

In 1875, the Province of Prince Edward Island passed the Land Purchase Act, which compelled absentee landowners to sell their lands to the provincial government for the purposes of offering purchase of the parcels to local citizens. The Act, aided by financing by the new Government of Canada based on terms for the Province's joining Confederation, enabled land ownership by local residents over the following decade.

Meacham's Atlas, 1880 (image in Figure 4 below) shows the historical lot patterns, important geographic features and road network which resembles the current condition with such routes as Bannockburn Road, Clyde River Road, Baltic Road, and Tryon Road. Tryon Road was incorporated into the Trans Canada Highway in the 1950s. The Meacham's Atlas map also indicates the location of the Clyde River Presbyterian Church, as well as waterfront features, highlighting the importance of the water- and agriculture-based economy of the area.



Figure 4 Extract from Meacham's Atlas, 1880

As urbanization increased in the nineteenth and early twentieth centuries, settlements on Prince Edward Island began to incorporate as municipalities, reflecting a broader trend across Canada of establishing formal governance structures. Along with other municipalities in Queens County such as the Rural Municipality of Kingston (1974). The Rural Municipality of Clyde River was created in 1974. Other municipalities on the Island were created through amalgamations, including the Town of Cornwall (formerly Cornwall, Eliot River, and North River) in 1995 and the Rural Municipality of West River (formerly Afton, Bonshaw, New-Haven Riverdale, Meadowbank, and West River) in 2020. While Clyde River was considered for inclusion in West River, the community ultimately decided to remain independent.

2.3. Community Profile

Incorporated in 1974, the Rural Municipality of Clyde River is a long-established community with history as a strong and fertile farming area. Running through the community is the Clyde River, the Municipality's namesake, which flows to the West River to the southwest. The rivers are the heart and pride of the community, creating picturesque views and vistas from multiple locations. In addition to their 20+ thriving businesses, Clyde River also features numerous active farms, both owner-operated and leased for agriculture. In recent years, new families are building homes in the five established subdivisions.

The community of 653 consists of 355 properties and 215 private residential units. In total, Clyde River consists of an area of 16.05 square kilometers and is within close proximity to both the Town of Cornwall and Charlottetown. Figure 5 below illustrates a typical streetscape in Clyde River.



Figure 5: Streetscape in Clyde River

2.3.1. Notable Features and Locations:

Murchison Place Park

Murchison Place Park on Clyde River Road was opened in 2007. The land was donated to the community from the family of Dr. and Mrs. A.J. Murchison. The park features a trail, gazebo, play park, tree house, adult swings, basketball court, and extensive landscaping.

Riverview Community Centre

The Riverview Community Centre once operated as the schoolhouse in Clyde River. Recently purchased by the Municipality from the Women's Institute, the building acts as Clyde River's community centre and Council Chambers. The centre is used to host meetings and functions,

community social gatherings, and official municipal functions. Figure 6 shows the Community Centre sign.



Figure 6: Riverview Community Centre Sign, with Women's Institute Logo

Clyde River Golf and Country Club

Clyde River Golf and Country Club is an 18-hole golf course that is located along the Clyde River and Clyde River Road. The golf course was designed by O. MacEachern and has been in operation since 1991. The course features views of the Clyde River and both parkland and woodland styles between the front and back nine. Recent residential development has taken place on a portion of the golf course lands, which are in proximity to the river.

Burnside Community Care

The Burnside Community Care Facility located on Clyde River Road, opened in fall of 2018. The Facility houses approximately 50 residents in single, shared, or apartment-style living. The community care centre is staffed by registered nurses, care workers, and kitchen staff. Figure 7 shows the Burnside Community Care building.



Figure 7: Burnside Community Care

Clyde River Presbyterian Church

Located on Clyde River Road, in the centre of the community, the land for the church was purchased in 1856 by Angus MacFadyen with the construction of the church starting shortly after. The church was first opened by Rev. James Allen.

Stone House

The Stone House (Atwell House) was built from Island sandstone in 1842, and located adjacent to the Trans Canada Highway in Clyde River. It is a rare 19th-century Island sandstone house set on the hillside and surrounded by treed lawns.

Clyde River Pioneer Cemetery

The Clyde River Pioneer cemetery is located on the bank of the Clyde River approximately 500 metres from Clyde River Road. The cemetery accommodates gravesites of early Scottish settlers from the surrounding area. To date, there are approximately 19 gravestones on the site. Figure 8 shows photos from the Pioneer Cemetery.



Figure 8: Clyde River Pioneer Cemetery

Clyde River Baptist Church

The Baptist Church in Clyde River was built on a piece of land purchased from John Murray on the Clyde River Road. Figure 9 shows the Clyde River Baptist Church and adjacent graveyard.



Figure 9: Clyde River Baptist Church

2.4. Municipal Council

The Rural Municipality of Clyde River was incorporated in 1974 and is governed by the Municipal Government Act, which falls under the Government of Prince Edward Island's Department of Communities, Land and Environment. The council is the governing body for the municipality; it consists of a mayor elected at-large, six councillors and an administrator. Section 78 of the Municipal Act requires that, commencing with the municipal election in 2018,

a Council in an incorporated Municipality is required to consist of six Ward Councillors and one Mayor.

Members of Council in the 2018-2022 term include:

- / Hilda Colodey – Mayor
- / Heather Fleming – Councillor
- / Darlene Kneabone – Councillor
- / Ruth Nelson – Councillor
- / Julia Purcell – Councillor
- / Steven Shoemaker – Councillor
- / Carolyn Wood – Councillor

The Chief Administrative Office is Fred Beer.

3. Physical Conditions

3.1. Geology and Terrain

As shown below, the Rural Municipality of Clyde River is located on predominantly red fine sandy loam, and light sandy clay loam derived mainly from red sandstone, shale, and conglomerate. The topography is rolling to hilly and slopes down towards the Clyde and West River.

The Municipality is bordered by two rivers: Clyde River to the east, and West River to the south/west, with McPhee Creek running along the western boundary of the area.

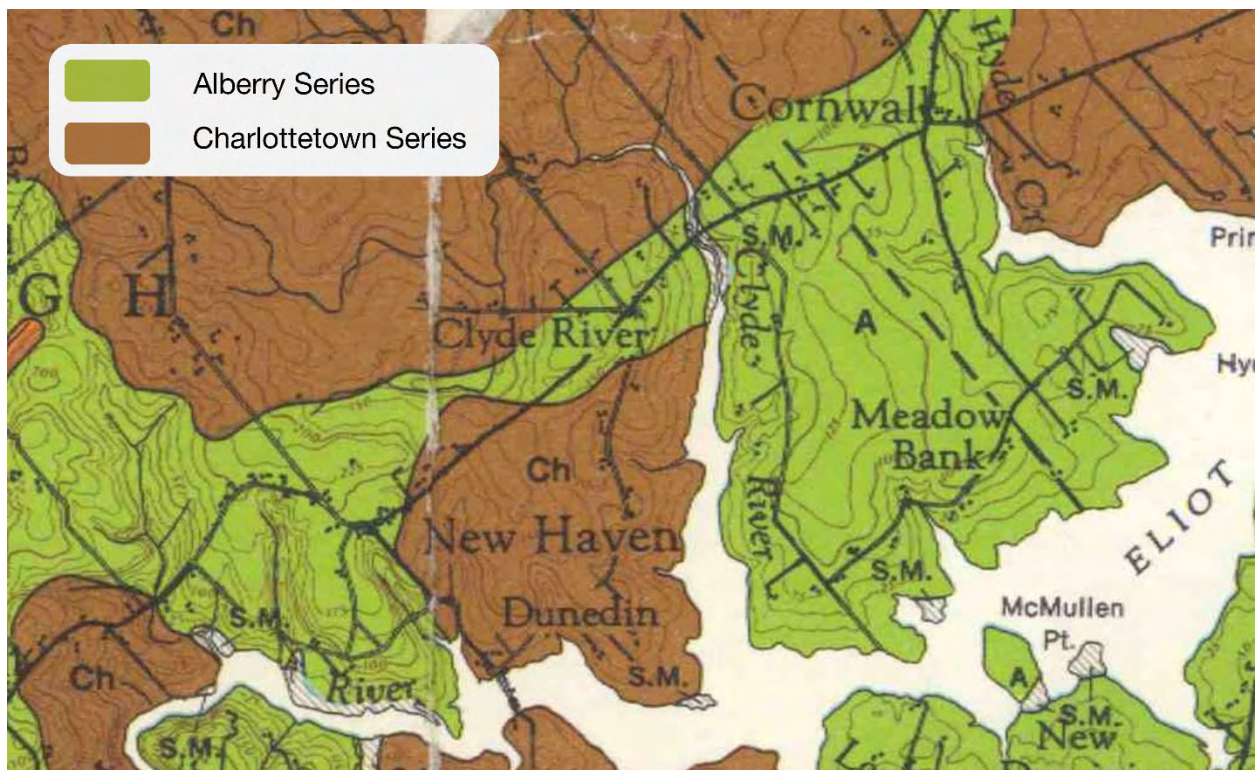


Figure 10: Surficial Geology in Clyde River

3.2. Agriculture

As per the Soil Survey of Prince Edward Island, the lands within the Municipality are generally gently undulating to rolling in topography with good to imperfect drainage in most instances. The soil is generally suitable for a wide range of crops and generally used for dairy, mixed farming, potatoes, and crops.

As shown in

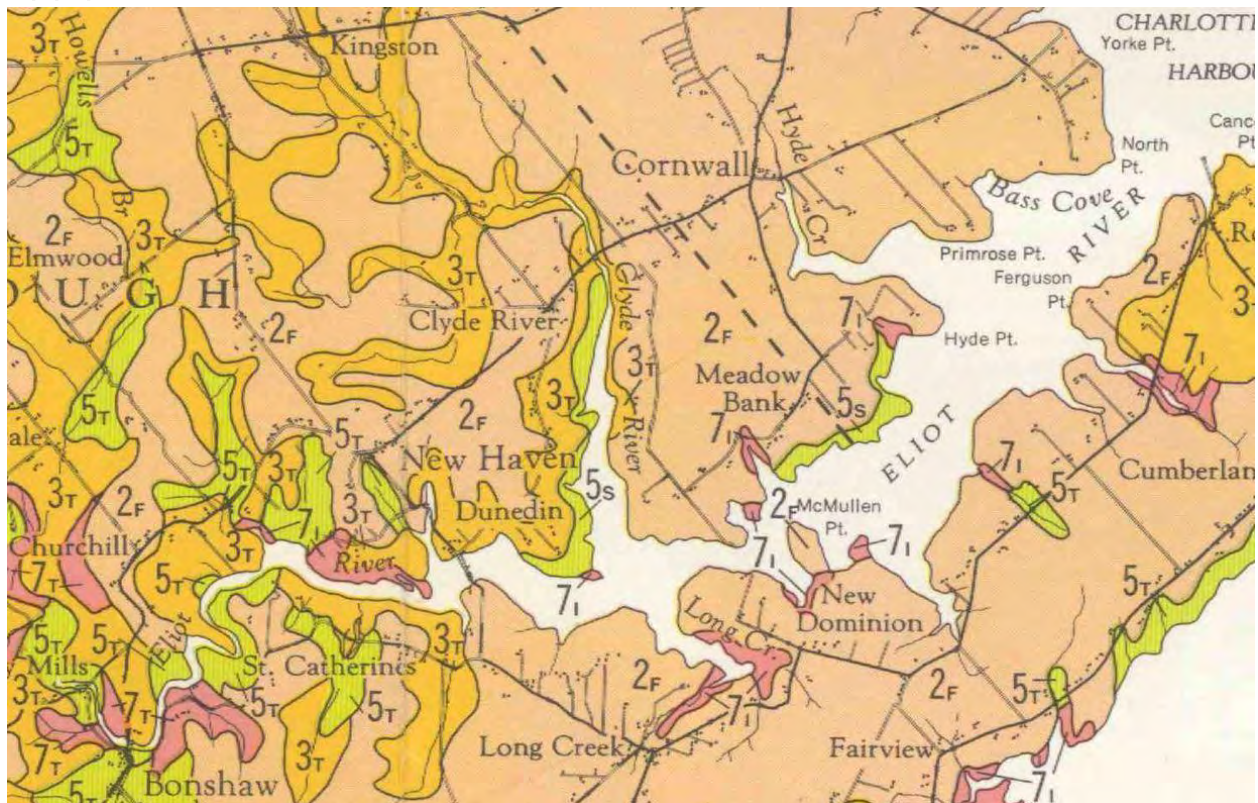


Figure 1111 below, the majority of agricultural lands are classified as Class 2 (“Moderate limitations, moderate conservation practices required”) on the 7-Class Canada Land Inventory scale. Specifically, limitations on Class 2 soils restrict the range of crops or require moderate conservation practices. These soils are deep and hold moisture well, and under good management are generally high in productivity for a wide range of crops.

Closer to the Clyde and West River, the lands are classified as Class 3T (“Soils in this class have moderately severe limitations that restrict the range of crops or require special conservation practices”), the T modifier indicates adverse relief because of steepness or pattern of slopes. The soils in Class 3 are noted for their fair to moderately high levels of production under good management. The lands in closest proximity to the Clyde and West Rivers are identified as Class 5S (“Soils in this class have very severe limitations that restrict their capability to producing perennial forage crops, and improvement practices are feasible”), where the S Modifier indicates higher levels of salinity on the 7-Class Canada Land Inventory scale.

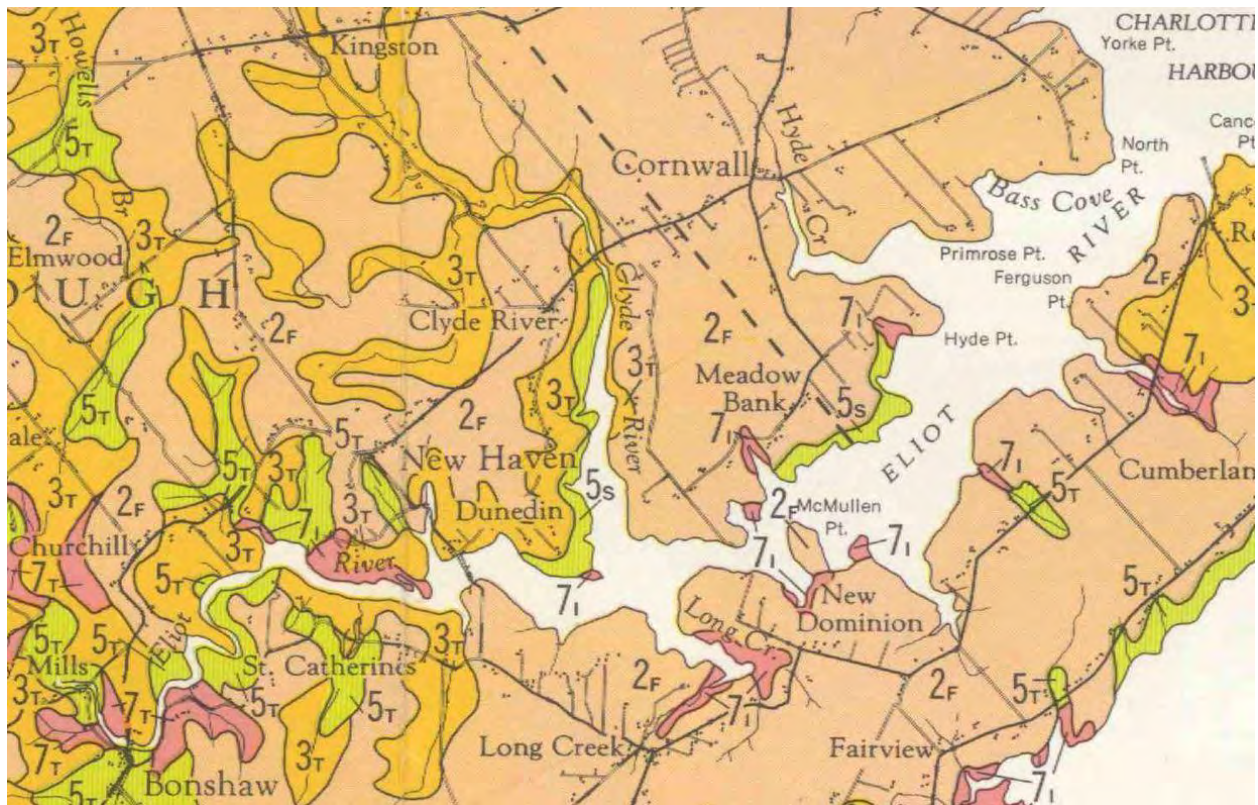


Figure 11: Agricultural Lands, Soil Classification Mapping, Prince Edward Island.

3.3. Water

As its name suggests, the Rural Municipality of Clyde River has several surface water features that traverse the land within its boundaries. The two principal rivers, the Clyde and West Rivers, each empty into the Northumberland Strait via the Eliot River to the south. Other tributaries to these rivers, including McPhee Creek, drain from elsewhere in the municipality, beginning as streams with permanent or intermittent drainage.

3.4. Forests and Woodlots

Across the Island as a whole, forested area decreased 1.3%, primarily as a result of conversion to agriculture. More naturalized forest area was lost through clear-cutting and conversion to forest plantations.

The primary economic activities associated with forests in PEI include:

- Softwood lumber harvesting;
- Hardwood lumber harvesting for wood-stove heating or woodworking;
- Recreational/Tourist activities in forests and woodlots; and
- Management and harvesting of non-timber forest products (NFTPs), such as maple syrup, Christmas trees, ground hemlock and wildcrafted foods.

Information on the prevalence and economic value of these activities within Clyde River has not been assessed.

3.5. Topography

Containing multiple watersheds flowing towards the Northumberland Strait, the Rural Municipality of Clyde River generally slopes down from north to south. Elevations generally range from 65 metres above sea level (ASL) in the central part of the Municipality to 0 metres ASL along the shoreline. **Error! Reference source not found.** below illustrates the changing topography in Clyde River.

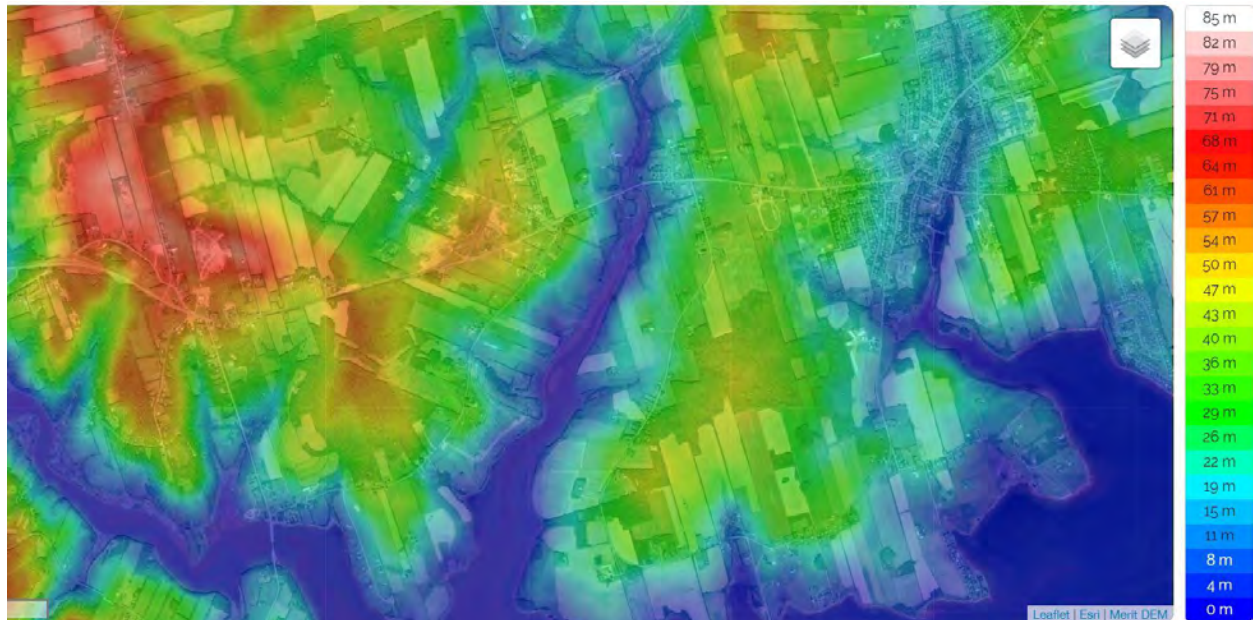


Figure 12: Topography in Clyde River

3.6. Climate¹

Clyde River has a moderate climate with hot weather peaking in July and cold temperatures in January. Daily average temperatures reach a peak of 18.1 degrees Celsius in the summer, with minimum typical daily temperatures of -12.6 degrees Celsius in the winter. Days with extreme heat, above 30 degrees Celsius, are currently very rare, with approximately one expected each year.

Per the Climate Atlas of Canada, based on 1976-2005 normals, the last spring frost date is typically May 8, and the first fall frost date is typically October 22, with a frost-free season of 167 days. The Environment Canada normal data is more conservative, citing a 90% chance of a frost-free season that is 153 days long. Approximately 75 days in a year are expected to have average temperatures below freezing, and the coldest days are seen in January and February.

Annual precipitation is approximately 1,282 millimeters a year, with the majority of precipitation comprised of rainfall. Precipitation is generally evenly distributed throughout the year, with most precipitation typically falling in December (141 mm) and the least falling in July (81.9 mm).

¹ Unless otherwise stated, the climate information has been obtained from Environment Canada, and is collected at the Bangor weather station, which is the closest Environment Canada station to Clyde River. The normal cited below are based on the 1981-2010 period. https://climate.weather.gc.ca/climate_normals/

More precipitation typically falls as snow than rain in December, January and February, although rain events occur throughout the year.

3.7. Climate Change

3.7.1. Context

Climate change refers to the sweeping, global change in temperatures and weather patterns caused by anthropogenic (human-caused) release of greenhouse gas emissions (“GHGs”). Climate change upsets the weather patterns on which ecosystems and humans rely. On a global scale, climate change has caused, and will continue to trigger and worsen, famines, disease outbreaks and armed conflicts, damaging economies and increasing global migration. Simultaneously, responses to climate change have created new green industries, accelerated renewable power, and restored damaged ecosystems.

To arrest climate change, Canada is signatory to the Paris Agreement, an international agreement to limit the global increase in average temperature to below 2 degrees Celsius, with efforts to limit the increase to below 1.5 degrees Celsius. While climate change cannot be completely avoided, the target is intended to maintain temperatures below the critical threshold that would cause system collapses. Part of Canada’s commitment is to achieve “net zero” greenhouse gas emissions by 2050.

The Province of Prince Edward Island has committed to a Provincial Climate Change Action Plan, which includes an emissions reduction target of 30% below 2005 levels by 2030. The target equates to a reduction of 1.4 million tonnes of carbon dioxide equivalent emissions annually by 2030.

3.7.2. Impacts on Clyde River

Along with other communities on Prince Edward Island, Clyde River is already experiencing the effects of climate change and extreme weather events, including more hotter days, fewer cold days, increases in windiness, and decreases in sea ice. All of these trends are accelerating, and the impacts are expected to increase.

Climate modelling is a complex science. For the purposes of this background report, data is drawn primarily from:

- 1) The Climate Atlas of Canada, which provides climate reports for local areas across Canada based on a high emissions scenario and a low emissions scenario; and
- 2) The Prince Edward Island Climate Change Adaptation Recommendations Report, which is based on detailed, Island-specific climate modelling developed by the University of Prince Edward Island (UPEI) Climate Lab.

Increase in Temperature

Over the past 50 years, annual mean temperatures rose 0.5 degrees Celsius in Charlottetown. In the 15-year time horizon of the Clyde River Official Plan, very hot days with temperatures over 30 degrees Celsius are expected to become more commonplace, with an average of seven very hot days per year in 2021-2030, compared to one per year between 1976 and 2005. The number of cold days is also expected to decrease. The frost-free season is projected to

increase from 167 days to 187-189 days for the 2021-2050 period in both a high-emissions and low-emissions scenario.

Hotter days increase stress on those working outdoors, people recreating outdoors, and livestock. Longer warmer periods in the summer can also encourage faster reproduction of insects, including agricultural pests and mosquitos.

A longer frost-free season creates opportunities for new crops. Conversely, warmer winter temperatures do not consistently kill-off pests and invasive species, which damage crops and natural ecosystems. Lack of snow cover can stress winter cover crops.

In the ocean, temperature changes are prompting lobster populations to move north into P.E.I. waters, increasing economic opportunity. Simultaneously, whales moving north are coming into greater conflict with fishing and shipping vessels. Seasonal temperature changes are also increasingly stressing scallop beds. Sea ice cover is predicted to drop 95% this century, undermining the coastline's protection from winter storms.

Changes in Precipitation

The Climate Atlas of Canada shows a range of possible outcomes in precipitation. Modelling by UPEI forecasts an overall reduction in precipitation by about 6% in the 2020s to 2040s, increasing susceptibility to drought conditions.

Regardless of whether precipitation increases or decreases on average, more precipitation is expected to come in extreme storm events, and less frequently in smaller rainfall events. The concentration of precipitation increases the risk of both drought and flooding throughout the year.

Windier Weather

While the long-term impact of climate change on windspeed and the number of windy days is not clear, an increasing number of windy days has been recorded at the Charlottetown Airport. Extreme wind conditions have forced closures of the Confederation Bridge, impacting goods movement to, from, and across the Island.

Stronger, more frequent winds can also:

- / Accelerate erosion, particularly on exposed soils, such as cliffs and banks;
- / Damage trees, roofs and other infrastructure; and
- / Make certain types of outdoor work, such as construction, more challenging.

Sea Level Rise

The projected increase in sea level is one of the most significant climate change impacts expected to affect Clyde River. Mean sea levels have already risen approximately 4 centimetres in the past decade, and can be expected to rise a further 15 centimetres over the next 20 years. By the end of the century, sea levels are projected to be 80 centimetres higher than they were in 2010.

The average sea level rise is compounded during storm events, where a storm surge can cause flooding well above the highest astronomical tide. As a result, by the end of the century, Clyde

River will likely experience a storm every year that causes a level of flooding that is generally only experienced once every 100 years under today's conditions.

A mapping exercise is currently underway to identify properties in Clyde River that are likely to be submerged in 2040 and 2100, as well as properties at risk from storm-related flooding. The mapping will be reviewed and integrated within the Land Use Mapping of the Official Plan, as appropriate.

In addition to flooding, sea level rise can contribute to a higher rate of shoreline erosion, and saltwater intrusion into aquifers.

3.7.3. Clyde River Assets

While the challenge of climate change is significant, Clyde River has many assets and strengths that support the resilience of the community. Resilience – the ability to withstand and recover from shocks and stressors – is key to climate change adaptation. Clyde River can draw on the knowledge and expertise of its farmers, fishermen, ecologists and citizens to improve resilience in infrastructure and practices. The strong cultural roots of the communities in Clyde River are also an important source of strength and resilience. Communities with strong social connections, where citizens are well-connected with neighbours, friends, and community networks, are better able to manage and recover from extreme events.

Additionally, communities like Clyde River across P.E.I., Atlantic Canada, and the world are testing and implementing innovative measures to fight and adapt to climate change. Clyde River will have many partners in facing the future head on.

4. Infrastructure

4.1. Municipal

4.1.1. Riverview Community Centre

The Riverview Community Centre was once used as the schoolhouse in Clyde River. Now the building acts as Clyde River's community centre. The centre is used to host Council meetings as well as other community events and gatherings. Council may decide to renovate and expand the centre to accommodate a wider range of community events for a greater number of community residents.



Figure 13: Clyde River Community Centre

4.2. Recreation

4.2.1. Municipal Parks

Murchison Place Park is located at the corner of Clyde River Road and Trans Canada Highway. The park features a gazebo, walking trails, basketball court, play area, and swings. The land

was donated to the community and community volunteers work together to maintain the park and organize events and functions.



Figure 14: Presbyterian Church lands

4.3. Roads

As with most municipalities of comparable size on Prince Edward Island, all roads in Clyde River are owned and maintained by the Province. The Rural Municipality of Clyde River does not operate its own maintenance fleet, and the Province employs or contracts maintenance workers for repairs, snowplowing, and cleaning.

- / Trans-Canada Highway
- / Provincial Route 27
- / Clyde River Road
- / West River Road
- / Upper Meadowbank Road
- / Bannockburn Road
- / Baltic Road

4.4. Water and Sewer Services

Properties in the Rural Municipality of Clyde River are serviced by private well water and private septic systems. Lot configurations in the rural area are regulated to ensure adequate land is available for the successful functioning of these services.

. Properties adjacent to saltwater bodies risk saltwater intrusion into wells. Consequently, planning and regulatory documents are intended to reduce risks associated with lot size, density, and location.

4.5. Waste Management

All household waste on Prince Edward Island is deposited in the East Prince Waste Management Facility in Wellington Centre. The Island Waste Management Corporation (IWMC) provides collection services in Clyde River every second week. The IWMC provides requirements for roads to ensure orderly waste collection:

- / Roads must be unobstructed;
- / Roads must have a solid base to accommodate the weight of the collection truck;
- / Roads must provide an unobstructed clearance of 10 feet wide by 13 feet high, and overhanging branches must be trimmed accordingly.
- / Roads must feature a suitable turning area wide enough for trucks to provide continuous service without the need to reverse out (which equates to the same radius as a school bus);
- / Road surfaces must be sufficiently smooth, with no large potholes; and
- / Snow must be removed and icy surfaces sanded or salted to provide necessary traction for large vehicles.

The capacity of the East Prince Waste Management Facility is 1,623,000 cubic metres. In 2018, the remaining capacity of the facility was 850,000 cubic metres. At a fill rate of approximately 32,000 cubic metres per year, the existing facility will continue to provide capacity for approximately 27 years at current rates. With no approvals having been sought for expansion of the facility, the province encourages other means of waste management, such as the Energy From Waste Incinerator. The waste that is burned provides relief to the East Prince Waste Management Facility while also providing heat to public buildings.

5. Economy

Being diverse in geography and land uses, the Clyde River economy is sustained across several industries. Similar to other Prince Edward Island communities, the largest economic sectors in Clyde River have historically been agriculture, fishing and aquaculture, and tourism. Secondary and tertiary sectors include construction and manufacturing. Proximity to employment areas in Cornwall and Charlottetown also generates employment opportunities for residents, with the majority of the population (86.5%) commuting outside of the community for work.

As per the 2016 Census, the unemployment rate in the municipality in 2016 was 13.0% which is slightly higher than the provincial average of 12.3%.

The 2016 Census information for Clyde River indicates that the main sectors of employment include:

- / Education services: 19.5% of total employment
- / Health care and social assistance: 13% of total employment
- / Public administration: 14.3% of total employment
- / Construction: 9.1% of total employment
- / Agriculture, forestry, fishing and hunting: 4% of total employment

Understanding the character and performance of the local economy is valuable to inform the planning process. Economic factors influence the planning process in the following ways:

- / Economic spin-off effects can grow the local population, including particular demographics;
- / Specific industries have land use needs, including waterfront access, setbacks from sensitive land uses, or land parcel requirements;
- / The performance of the economy will influence direct and indirect tax revenues to the Municipality, affecting the scope and scale of public investments; and
- / The nature and scale of industries impacts the type of utility and other services required.

5.1. Fishing and Aquaculture

The fishing and aquaculture industries are central to both the provincial and local municipal economy. In 2019, the number of commercial fishermen in Prince Edward Island was 4,231. There are 1,151 licensed fishing vessels in the province, and 47 provincial and federally licensed processing facilities employing over 1,500 people. The value of fishing and aquaculture in the provincial economy exceeded \$590 million in 2019, where at its peak production the industry employs over 8,000 people and the value of exports alone amounted to over \$280 million.

Additionally, the seafood processing sector employs close to 9,000 people on the Island. The processors provide local markets for thousands of fishing operations and jobs for thousands of people in the Province.

At this time, these activities are not considered large economic contributors within Clyde River.

5.2. Agriculture

In contrast with surrounding rural areas, land-based agricultural activities are not prominent in Clyde River. Whereas many properties were traditionally used for agricultural purposes, most larger land parcels are now used for residential, recreational, or industrial uses.

In the broader provincial context, farming and agricultural activities account for 595,000 acres (42.5 percent) of the 1.4-million-acre land area of Prince Edward Island. The 2016 Census of Agriculture found that 1,353 census farms are currently operating in the province, primarily engaged in producing crops, produce, and raising livestock.

Across PEI, farms are an average size of 425 acres, with some reaching up to 3,000 acres. The greatest activity of farming operations include the production of fruit and vegetables, grains and oilseeds, the raising of cattle for beef and dairy, hogs, and poultry.

Photos of the limited examples of agriculture fields in Clyde River are shown in Figure 15.



Figure 15. Agriculture fields

5.3. Tourism

Like much of Prince Edward Island, tourism is an economic driver in Clyde River and surrounding area, as well as Queens County more generally. While the tourism industry has experienced significant setbacks during the COVID-19 pandemic, tourism activity is generally expected to recover in the immediate aftermath of the pandemic, and in the longer term.

Statistics from 2019 estimate that the Atlantic Canada tourism industry supports over 100,000 jobs and 8,000 businesses, with revenues of approximately \$5 billion in that year. The accommodation industry alone is estimated to have revenues of approximately \$1.2 billion (2018). Prince Edward Island is among the Atlantic provinces benefitting from the tourism economy, as it establishes itself as “Canada’s Food Island.”

The provincial Department of Economic Growth, Tourism and Culture considers the tourism industry integral to the PEI economy and has expressed its continued commitment to promoting PEI as one of the world's best tourist destinations. The Department recognizes the province’s many major assets, including the diverse natural landscape, cultural and natural heritage assets, history, food industry, and arts, culture, and recreational opportunities.

Locally, the Clyde River Golf Course draws visitors and tourists, leading to opportunities to retain visitors and generate spin-off economic opportunities.

5.4. Potential Opportunities and Challenges

While employment for residents of Clyde River is generally derived in neighbouring municipalities, the community economy features a range of complementary industrial and tourism uses. The diversity of employment sectors in Clyde River is a valuable attribute of the municipality, enabling synergies and avoiding over-concentration in a single industry.

As with other provinces and regions across Canada, it is prudent for Clyde River to take stock of potential economic challenges for the future. For example, the Atlantic Provinces Economic Council's Labour Challenge Report indicates that the aging population of Prince Edward Island may have impacts on the labour and workforce in the province. The report notes that the number of births has generally stabilized, while the traditional working-age population (15-64 years old) has been shrinking since 2001. To illustrate, for every 10 people retiring, only 7 people are entering the labour market. The Labour Challenge report recommends that sustaining the province's population and labour force will require maintaining the positive net in-migration rates, resulting from lower out-migration rates and more newcomers from other countries.

Paradoxically, the COVID-19 pandemic may present an opportunity to attract new residents and further diversify the economy. For many, the pandemic has prompted a re-evaluation of big-city living and a greater desire to move to smaller towns or rural areas. Similarly, the sudden pivot to telecommuting has created an opportunity for digital workers to relocate while continuing to work from home. With targeted investments in high-speed internet and related infrastructure, Clyde River can position itself as a desirable destination for new residents and industries in the future.

6. Provincial Planning Context

6.1. Authority

As in all Canadian Provinces and Territories, the Province of Prince Edward Island permits delegation of many planning activities and functions to municipal governments. The Minister of Agriculture and Land remains the approval authority for municipal Official Plans and Development By-laws. As the municipality does not currently have an Official Plan, Clyde River is classified as a “Non-Planning Municipality” on Figure 16 below.

Until the Official Plan comes into full force and effect, land use planning activities in Clyde River will continue to be governed by Provincial review and permitting processes.

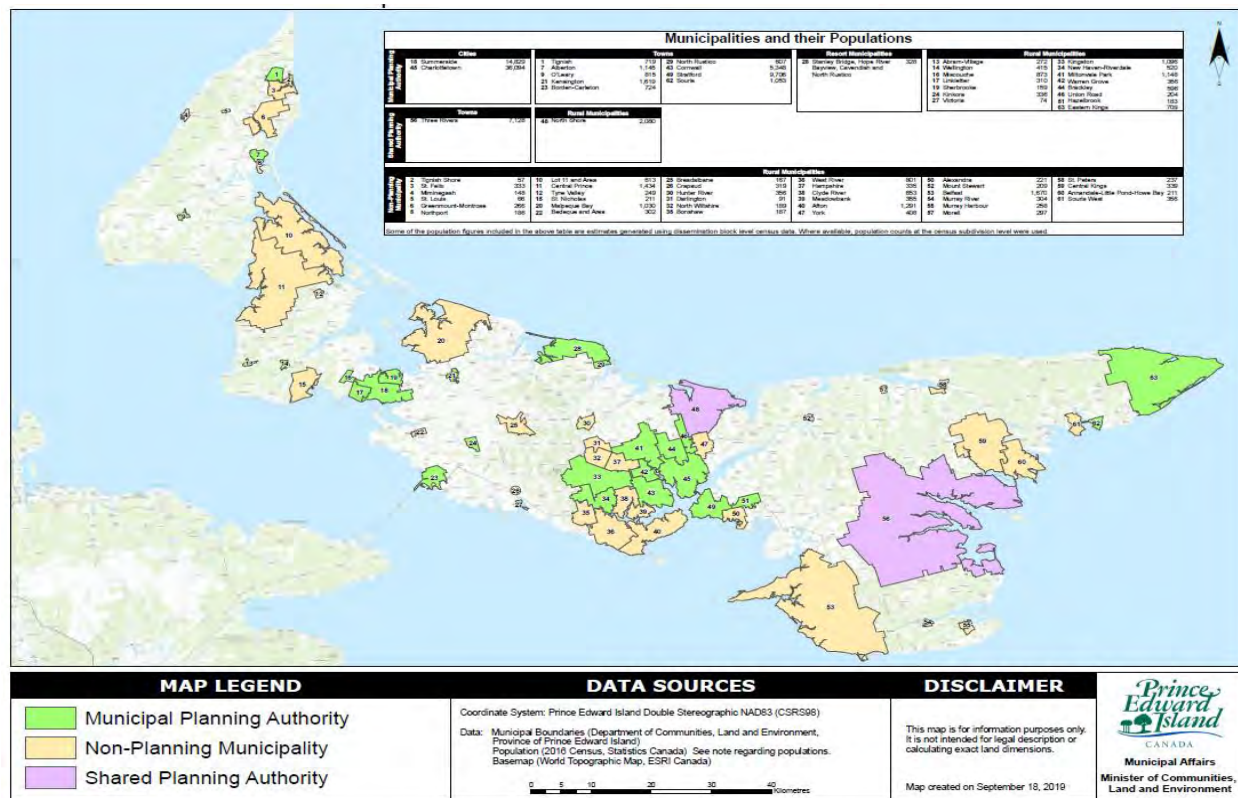


Figure 16: Planning Authority on Prince Edward Island

6.2. Municipal Government Act

The Municipal Government Act is intended to provide a legal framework and foundation for the creation and governance of municipalities in PEI, and to invest appropriate powers and responsibilities for municipal councils. The Act also establishes provisions and procedures for elections of municipal councils, municipal governance and administration, financial matters, jurisdiction of municipalities, Ministerial powers, and by-law enforcement.

6.2.1. Municipal Council

The Act vests in municipal councils the same rights and liabilities of a corporation, and establishes the following purposes for municipal councils:

- a. Providing good government in its municipality;
- b. Providing services, facilities or other things that the council considers necessary or desirable for all or part of its municipality;
- c. Providing for stewardship of the municipality's public assets;
- d. Developing and maintaining its municipality as a safe and viable community; and
- e. Encouraging and enabling public participation in matters affecting the municipality.

6.2.2. Municipal Administration and Responsibilities

In addition to fire protection and emergency planning, Section 14 of the Act requires that municipalities are responsible for municipal planning services, including the creation of an Official Plan and associated by-laws.

Part 5 of the Act establishes procedures for municipal administration. Section 123 stipulates that powers of a council shall only be exercised by either by-law or resolution, and Council may utilize either approach, unless otherwise specified. Where an Act requires a by-law to be approved by the Minister, the by-law will not come into force until final approval is given.

Section 124 establishes that a by-law is valid if it is read and formally approved by a majority of council members present and voting on two occasions at meetings of the council held on different days within a two-year period. After being read a second time, a by-law is formally adopted by resolution of the council, and subsequently signed by the mayor and the chief administrative officer and sealed with the corporate seal. Section 126 confirms that the power to make a by-law or resolution also includes the power to amend or repeal a by-law or amend or rescind a resolution.

While services provided by a municipality are generally not to be provided outside of the geographic boundaries of the municipality, Section 141 of the Act enables municipal councils to, through written agreement, provide an authorized service outside of its boundaries.

6.2.3. Additional Powers of Municipalities

Municipalities are empowered to own, lease, sell, grant, transfer or otherwise dispose of municipal land, or any interest in municipal land. Such transactions must generally be based on fair market value, unless the municipality undertakes a public process described in Section 143 of the Act.

Section 158 of the Act permits a council, by by-law, to issue grants or lend money. Grants may be granted to any person, group or body within or outside the boundaries of the municipality, and for any purpose that the council considers to be in the interests of the municipality. Loans may be given to a non-profit organization or a controlled corporation, subject to certain criteria.

Section 180 of the Municipal Government Act outlines general jurisdiction to municipal activities, including, among others:

- / The safety, health and welfare of people and the protection of persons and property;
- / Municipal utilities, public utilities, facilities, works and improvements on private and public land;
- / With the exception of land owned by the Government of Prince Edward Island or the Government of Canada or land reserved for the use of a Prince Edward Island First Nation Band, the acquisition of land and improvements by expropriation for municipal purposes;
- / The municipality's acquisition, sale, management, mortgaging, construction, leasing or renting or any other dealings with real property or any interest in real property including land, buildings, easements or other interests;
- / People, activities and things in, on or near a public place or place that is open to the public;
- / The construction, demolition, removal or alteration of any building or other structure, subject to applicable legislation;
- / Subject to the Highway Traffic Act, transport and transportation systems, carriers of persons or personal property, including forms of public transport;
- / Nuisances, loitering, dangerous or unsightly property, noise, pollution and waste in or on public or private property;
- / The establishment, operation and decommissioning of cemeteries;
- / Vegetation and activities in relation to vegetation, including but not limited to tree preservation and protection and the development and implementation of maintenance standards for trees and other vegetation;
- / Subject to the Environmental Protection Act, protection of the natural environment;
- / Parks and recreation;
- / Community and, in cooperation with neighbouring municipalities or provincial organizations, regional development;
- / The regulation of real property maintenance and the protection of heritage property; and
- / The enforcement of by-laws.

Section 181 enables municipalities to construct, manage, name, and illuminate roads and related transportation infrastructure, subject to the Roads Act. These powers are limited to streets owned by the municipality.

Subject to the Planning Act, and without restriction the operation of Sections 180 and 181, Section 182 may, by by-law:

- a) Regulate, control or prohibit any activity over which it has jurisdiction to make a by-law;
- b) Deal with any development, activity, industry, business or thing in different ways, divide each of them into classes, distinguish between the classes and deal with each class in different ways; and
- c) Provide for a system of licenses, inspections, permits or approvals, including any or all of the following:
 - i. Establishing fees for the activity authorized or for the purpose of raising revenue;
 - ii. Establishing fees that are higher for persons or businesses who do not reside or maintain a place of business in the municipality;
 - iii. Prohibiting any development, activity, industry, business or thing until a license, permit or approval has been granted or an inspection has been performed;

- iv. Providing that terms and conditions may be imposed on any license, permit or approval, the nature of the terms and conditions, and who may impose them;
- v. Setting out the conditions that shall be met before a license, permit or approval is granted or renewed, the nature of the conditions and who may impose them;
- vi. Providing for the duration of licenses, permits and approvals and their suspension or cancellation for failure to comply with a term or condition or the by-law for any other reason specified in the by-law; and
- vii. Authorizing the undertaking of remedial action and the charging and collecting of the costs of remedial action, for failure to pay a fee or to comply with a term or condition of the by-law or for any other reason specified in the by-law.

Section 188 empowers municipal councils to expropriate any land, or any interest in land, in the municipality, excepting public land, that it considers expedient for a public work or other public purpose. Lands outside of a municipal boundary may only be expropriated for use by a municipal or public utility. Expropriation is subject to a public process, as outlined in Section 189.

6.2.4. Local Improvements

Division 5 of Part 7 of the Act contains provisions related to Local Improvements. A council may undertake any local improvement it considers necessary for the benefit of all or part of its municipality, which may include:

- a) A local capital project undertaken by a municipality; and
- b) Connections to real property for sewer, drainage and water mains provided by a municipality.

Costs for local improvements may be charged against each parcel of land that will benefit over the probable life of the local improvement.

6.2.5. Roads

Section 211 clarifies that, where a highway subject to the jurisdiction, management and control of the Province is situated in a municipality, the municipality is responsible for maintaining and repairing sidewalks, poles, sewers, waterworks or other similar municipal works.

6.3. Planning Act

The Planning Act is intended to provide for efficient planning, efficient and orderly development, protect the unique environment of PEI, provide for effective means to resolve land use conflicts, and to provide the opportunity for public participation in the planning process. One of the principal functions of the Act is to define the scope of powers granted to municipalities to control local land use planning through policy and regulatory documents.

The Planning Act is currently being reviewed by the Province through the Land Matters process, although timelines associated with this process are unknown.

6.3.1. Official Plan

As currently written, the Act does not require a municipality to adopt an Official Plan, but where adopted, municipalities are responsible for their administration. Official Plans must be consistent with any land use policy, minimum requirements, or regulations established by the Province.

The Act requires an Official Plan to include:

- / A statement of economic, physical, social and environmental objectives;
- / A statement of policies for future land use, management and development, expressed with reference to a specified period not exceeding 15 years; and
- / Proposals for its implementation, administration and the periodic review of the extent to which the objectives are achieved.

The Minister of Agriculture and Land remains the approval authority for all Official Plans adopted by municipalities. Following adoption by a municipal council, the Plan is forwarded to the Minister for approval, along with the notice of public meeting and meeting minutes.

Official Plans and associated by-laws must be reviewed at least every five years, and must by resolution confirm or amend them.

6.3.2. Municipal Planning By-laws

The Planning Act allows municipalities to enact by-laws as a mechanism to implement Official Plan policies. Along with the Official Plan, the implementing by-laws are also subject to approval by the Minister of Agriculture and Land.

Section 15 of the Act requires by-laws and regulations to conform with the Official Plan, and must be enacted as soon as is practicable following adoption of an Official Plan.

Similar to Official Plans, a public meeting must be held to provide an opportunity for interested members of the public to make representations prior to enacting a by-law. The by-law undergoes two readings by Council on different days before passing.

The Act stipulates that by-laws may include regulations that contain one or more of the following elements:

- / Regulate development to advance the general welfare, health, safety and convenience of persons in the municipality;
- / Define the areas to be regulated;
- / Establish land use zones, including permitted uses of land and structures;
- / Subdivision of land;
- / Development and services;
- / Development charges;
- / Building standards, addressing fire suppression and architectural controls;
- / Development permits;
- / Environmental protection, including that issuance of a permit is conditional upon compliance with the Environmental Protection Act;
- / Access to highways;

- / Mobile homes;
- / Parking areas;
- / Summer cottages;
- / Fees; and
- / Enforcement.

The Act contains an additional section detailing scope and procedures for a Development Charge By-law.

6.3.3. Appeals

Part 5 of the Act establishes circumstances in which interested parties may file an appeal to the Island Regulatory and Appeals Commission. While amendments to an Official Plan or implementing by-law may be appealed to the Commission, new Official Plans and implementing by-laws are not eligible for appeal.

6.4. Planning Act Regulations: Province-Wide Minimum Development Standards

The Planning Act Regulations include minimum development standards intended to apply to all development in the province. The planning authority administering the Regulations is the Minister, unless a municipality has approved Official Plan and implementing by-laws in effect.

A principal concern of the Regulations is to ensure safe and functional water and sewage systems, enabled through appropriate sizing of land parcels. The Regulations establish minimum lot sizes and minimum lot frontages for residential and non-residential lots, as well as ensuring appropriate lot configuration.

The Regulations also stipulate that issuance of a Development Permit is not permitted unless an entrance way permit has been obtained for the applicable lot under the Roads Act Highway Access Regulations.

6.5. Planning Act Regulations: Subdivision and Development

The Planning Act Subdivision and Development Regulations apply to all areas of the province, except municipalities with Official Plans and implementing by-laws. Consequently, these regulations will continue to apply in Clyde River until the new Official Plan and Development By-law are approved.

6.5.1. Subdivisions

The regulations permit the Province to approve a development with conditions, which may be established in a Development Agreement. The conditions may be applied to ensure compliance with any provincial legislation, including the Environmental Protection Act, Roads Act, Provincial Building Code Act, or Fire Prevention Act.

Subdivisions are regulated by Section B of the Act. Subdivisions are not required in cases where a parcel is naturally subdivided into two or more units by a public road, a watercourse, or other body of water, and each of the units shall be treated as a separate parcel.

Subdivision designs are required to be based on sound planning, engineering, and environmental principles, and shall demonstrate that the proposed subdivision is suited to the intended use, having due regard for:

- / Compatibility with surrounding uses;
- / The topography of the site;
- / Surface drainage on the site and its impact on adjacent parcels of land;
- / Traffic generation onto adjacent highways;
- / Availability, adequacy and the economical provision of utilities and services;
- / The ability to further subdivide the land or adjoining land;
- / The provision of lots suitable for the intended use;
- / Wastewater management;
- / Water supply; and
- / Natural features.

Application requirements for subdivisions vary depending on the number of lots proposed to be created, with subdivisions with six or more proposed lots requiring a more extensive set of application requirements. This requirement also applies to incremental lot creation, where six or more lots have been created since June 12, 1993. Subdivisions with preliminary approval for more than 20 lots shall be granted final approval in phases, with each phase having approval for a maximum of 20 lots. In the case of phased subdivisions, a minimum of 50% of lots must be sold in the immediately preceding phase before approval for a subsequent phase will be granted.

In new subdivisions of six residential lots or more, a minimum of 10% of the total area of the lots being subdivided is required to be reserved for open space, which is either deeded to the Municipality in-kind, or an equivalent value is paid as a cash in-lieu payment to the Municipality as a contribution towards public parks.

Subdivision approval is valid for 24 months from the date of preliminary approval, unless the Development Officer or Council has granted an extension request.

Roads

The regulations specify that no development for any year-round use is permitted on a lot or parcel served by a private road, except for commercial rental cottages, farm buildings, seasonal commercial and residential uses related to tourism, seasonal resort developments, single-unit dwellings, or a wind energy conversion system development.

The regulations include requirements for new subdivisions to establish 18.3-metre-wide (60-foot-wide) buffer inside coastal areas. Development, including sewage disposal systems, are prohibited within a required buffer. The buffer may be held in common among subdivision lot owners, or may belong to one landowner, subject to lot sizing conditions.

Subdivision roads are required to have a minimum width of 20.1 metres (66 feet). Those roads serving 21 or more lots established after March 21, 2009 shall be public roads. Permitted private roads must be designed by and constructed under the supervision of a professional engineer.

The regulations also contain requirements for sight distance standards, in accordance with the Roads Act Highway Access Regulations. Additional requirements are established for subdivisions that front on an arterial or collector highway.

Lot Sizes

Similar to the Province-Wide Minimum Development Standards, the Subdivision Regulations contain minimum lot size requirements to ensure adequate private water and septic systems. The standards do not apply to lots approved prior to June 12, 1993. Panhandle lots may be approved, subject to certain conditions.

6.5.2. Development Permits

The regulations require that a development permit from the Minister is required for most classes of development, except for pre-fabricated buildings manufactured in-plant or locating the units at the place of manufacture for either storage or display purposes. Similar to subdivision approvals, development permits are valid for a period of 24 months from the date of issue.

Setbacks

The Regulations specify setback requirements for development where local zoning does not apply. Minimum setbacks of 4.6 metres (15 feet) are required, except for accessory buildings in a rear yard. Exceptions are made for shared walls between semi-detached units. The regulations also establish minimum setback requirements from highways, public, and private roads.

The regulations establish setbacks from a beach, sand dune, wetland or watercourse, specifically:

- / 22.9 metres (75 feet) or 60 times the annual rate of erosion, whichever is greater, to a beach, measured from the top of the bank;
- / 30.5 metres (100 feet) to a migrating primary or secondary sand dune, measured from the inland boundary of the dune;
- / 22.9 metres (75 feet) to the inland boundary of a wetland or watercourse.

Exceptions in this category of setbacks are established for buildings or structures used for fishing or bait sheds, aquaculture operations, boat launches, walkways, bridges, or wharves and piers and any associated buildings or structures.

Building Types Permitted

With the exception of farm buildings, any proposal for more than one building for commercial, industrial, recreational, or institutional use may only be permitted with a site plan approved by the Provincial Fire Marshall. Exceptions are made for farm parcels, for garden suites, tourist operations, resort developments, and senior citizens housing on a central municipal sewer system.

Garden suites in particular are permitted as a second dwelling unit subject to a set of conditions. Permits for garden suites are valid for a period of two years, but may be extended.

Multiple unit dwellings are permitted only where serviced with central water and sewage services, in a resort development, or single-storey buildings intended for senior citizens housing.

Travel trailers are not permitted as the main or accessory use on any parcel without a Development Permit, except in a travel trailer park featuring utility services. Similar standards are established for mobile homes, with special provisions established for single-unit or cottage lots. Provisions for mobile home parks and related application processes are also outlined.

Section D of the regulations address Resort Developments, including application requirements, conditions of approval, servicing, access and transportation. The section also includes regulations for wind energy conversion system development, including setback requirements and signage.

Parking

The regulations contain provisions for parking requirements for Development Permits, including size of parking spaces and number of parking spaces.

6.6. Condominium Act

The Prince Edward Island Condominium Act allows the creation of a condominium ownership structure, containing ownership of individual units of land (or space), as well as arrangements for collective ownership of common elements among owners. The Act also establishes requirements for governance of condominiums, including the creation and administration of corporations, boards and by-laws.

To create a condominium, a landowner submits a declaration and description of the development and governance arrangement, among other matters. The declaration must contain:

- / A plan of survey;
- / Structural plans of the buildings;
- / Specification of the boundaries of each unit;
- / Diagrams showing the shape and dimensions of each unit and the approximate location of each unit;
- / A certificate confirming that the buildings have been constructed with respect to the plans;
- / A description of any interests appurtenant to the land that are included in the property.

Registered condominium corporations may include a vacant land condominium, in which one or more units are vacant land units at the time of registration.

Regulations are established under Section 36 of the Act, which include provisions governing a range of topics concerning condominiums. Section 2(3) of the Regulations clarify that nothing in the Condominium Act or its regulations exempts any person from a requirement to obtain approval under an Official Plan or implementing by-laws in a municipality.

6.7. Lands Protection Act

The creation of the Lands Protection Act responded to the particular history of landownership on Prince Edward Island, as well as the importance of land to the economy and the general scarcity of land as a resource. Unique in Canada, the Act restricts land ownership as follows:

- / A Resident Person may own a maximum of 1,000 acres (404 hectares);
- / A Corporation may own a maximum of 3,000 acres (1,214 hectares); and
- / A Non-Resident Person may own a maximum of 5 acres (2 hectares), with a maximum of 165 feet (50 metres) of shoreline.

Along with the Planning Act, the Lands Protection Act is currently being reviewed through the Land Matters PEI initiative. The intent of the project is to modernize these land-related legislation and policies to meet current and future needs of the province. The project began in mid-2020, and the Project Advisory Committee has provided a set of recommendations to the Provincial Government.

6.8. Roads Act

The PEI Roads Act is intended to establish provisions for administration and design of public roads across the province. As the vast majority of roads on the Island are provincially-owned, the Act contains provisions for acquisition of land for new roads, whether through a subdivision process or otherwise.

Section 29 of the Act allows the Province to designate and classify highways under the following classifications:

- / Arterial;
- / Collector;
- / Local;
- / Seasonal;
- / Non-essential; or
- / Scenic heritage.

The Province may also make regulations respecting the construction or use of any private road, entranceway or gate opening onto each class of highway.

Section 41 of the Roads Act stipulates that permission from the Minister is required to approve development within 30 metres of a highway, and within 60 metres from an intersection.

Section 55 allows the Province to make regulations to classify highways, among other matters.

6.9. Renewable Energy Act

The Prince Edward Island Renewable Energy Act was enacted to encourage new energy suppliers in the province, enhance the capacity and reliability of the provincial energy supply system for present and future needs, and offer potential price stability. The renewable energy sources described in the Act include solar, wind, hydro-electric systems, biomass / organic material, and other prescribed sources.

The Act distinguishes between public utilities regulated under the Electric Power Act, municipal renewable energy generators, and privately-owned energy generators.

Section 9(1) states that the Province may make regulations regulating or prohibiting the development of renewable energy generation facilities that utilize the wind and that have a name plate capacity greater than 100 kilowatts.

The Designated Areas Regulations specify locations on the Island in which wind energy projects with generation capacity of greater than 100 kilowatts are permitted. The Clyde River area is not shown on the Areas of Inclusion maps. However, exceptions may be granted if:

- a) The Minister of Transportation, Infrastructure and Energy is satisfied that the site of the proposed facility has an average wind speed of 7.5 metres per second or greater at a height of 50 metres; and
- b) The proposed facility meets all other requirements of any applicable Acts, regulations and by-laws.

Additionally, the Renewable Energy Act Development Permit Regulations require a proponent of a large capacity renewable energy generation facility to obtain a Development Permit from the Minister prior to construction.

6.10. Environmental Protection Act

The stated purpose of the Environmental Protection Act is to “manage, protect and enhance the environment.” The Minister of Environment, Energy and Climate Action is responsible for administration of the provision of the Act, and enjoys exclusive control over all surface, ground and shore waters.

Written approval from the Minister is required for any undertaking (except wells), such as construction, which may:

- / Cause the emission or discharge of any contaminant into the environment;
- / Have an effect on any unique, rare or endangered feature of the environment;
- / Have a significant effect on the environment, or necessitate further development which is likely to have a significant effect on the environment; or
- / Cause public concern because of its real or perceived effect or potential effect on the environment.

As part of the Ministerial approval process, an Environmental Impact Assessment may be required, as well as an Environmental Impact Statement. As stipulated in Section 9(4) of the Act, the requirement for an Environmental Impact Assessment or Statement is in addition to any other requirement imposed by the province or a municipality.

The Act mandates that the Minister shall establish a contaminated sites registry, following a formal designation process.

Section 22 of the Act contains provisions for sand dunes and beaches. The provisions specify that no person shall, without written permission of the Minister, carry out any activity that will or may:

- / Interfere with the natural supply or movement of sand to or within a beach or a sand dune; or
- / Alter, remove or destroy natural stabilizing features, including vegetation, of a beach or a sand dune.

The Act also contains various regulations relevant to the planning process. Key regulations are summarized in the table below:

Regulation	Provisions
Excavation Pit Regulations	<p>Pit may not be located within 300 metres of residential premises (other than residence of certificate-holder)</p> <p>Pit may not be located within 500 metres of church, school, hospital, nursing home, cemetery, public hall, bathing beach, public skating rink, public park or public playground</p> <p>No part of site proposed for pit may be located within 50 metres of watercourse</p> <p>No part of pit may be located within 60 metres of a highway</p> <p>Interior of pit must be screened from view of adjacent highways by berms or landscaping</p>
Watercourse and Wetland Protection Regulations	<p>No alteration of a watercourse or wetland without a license or a Watercourse or Wetland Activity Permit</p> <p>Buffer Zone Activity Permit required within 15 metres of a watercourse or wetland boundary for alteration, development, disturbance (etc.) of watercourse or soil</p> <p>No rowcrop cultivation within 200 metres of watercourse boundary without a grass headland variance or grass headland exemption</p> <p>No rowcrop cultivation on a slope of >9%</p> <p>Written authorization needed for intensive livestock operations within 90 metres of a watercourse or wetland boundary</p> <p>Some exceptions to the above apply</p>

Regulation	Provisions
Waste Resource Management Regulations	Various setbacks to property boundaries and land uses, depending on landfill type

6.11. Natural Areas Protection Act

The Prince Edward Island Natural Areas Protection Act enables the Minister of Environment, Energy and Climate Action to designate any area of land as a “Natural Area” to conserve for posterity the aesthetic, scenic and natural character and condition of ecosystems. Lands may be Crown Lands or, through an agreement with the landowner, private lands. Where a parcel of land is designated, the following activities are prohibited:

- a) Cutting, destroying or removing of trees, shrubs or other vegetation;
- b) Planting or otherwise introducing non-native plant or animal species;
- c) Operating snowmobiles, dune buggies, motorcycles, all-terrain vehicles or any other motor vehicles;
- d) Creating, constructing or paving roads or other rights-of-way, driveways, docks, landing strips or parking lots;
- e) Erecting or constructing buildings, signs, fences or structures of any kind;
- f) Dumping, filling, excavating, mining, drilling, dredging or otherwise adding or removing topsoil, loam, gravel, sand, rock, minerals, gas or petroleum products or other surface or sub-surface material of any kind; or
- g) Constructing drainage ditches, dams, retaining walls, transmission towers and lines, pipelines or other undertaking which affects the topography of the land.

Currently, no lands in the Rural Municipality of Clyde River are designated as Natural Areas. However, the program offers an opportunity to enhance protection of select ecosystems and areas, if deemed desirable by the Municipality.

6.12. Cannabis Control Act and Cannabis Management Corporation Regulations

The Cannabis Control Act was prepared to regulate recreational cannabis sales and use in the province following legalization at the federal level. The Cannabis Management Corporation Regulations specify operational requirements for provincially-owned retail stores that sell cannabis products.

While the legislation and associated regulations contain provisions for cultivation and consumption of cannabis, there are no specific requirements pertaining to land use or location of retail stores.

6.13. Heritage Places Protection Act

The Heritage Places Protection Act provides powers to the Minister of Economic Growth, Tourism, and Culture to preserve, study, interpret, and promote understanding and appreciation of Prince Edward Island’s heritage places. With consideration of the advice of the Heritage Places Advisory Board, the Minister identifies and designates regarding heritage places across the Island.

Designations may be applied to:

- / A single property or structure and properties adjacent to it that are important to the setting of the site;
- / Heritage trails or corridors;
- / Heritage districts comprising more than one heritage place.

Where a designation is applied, the heritage status overrides any previously issued permit authorizing the demolition, alteration or development of the designated site, structure or area.

At these sites, no Development Permit may be authorized unless approved by the Minister.

The Department retains all powers to designate heritage properties in the province, excepting where a municipality has established a heritage plan. Where such a plan establishes objectives, policies, and programs for the conservation of its heritage, the Minister may delegate powers to the municipality.

The Department also actively maintains an inventory of registered heritage sites. A comprehensive list of federally- and provincially-designated and -registered heritage sites is included as Appendix B.

6.14. Guidelines for Manure Management

In 1999, the Province of Prince Edward Island published Guidelines for Manure Management to provide direction for recommended manure management practices. The document is currently under review by the Department of Agriculture and Land.

While the guidelines address issues such as storage and application of manure, they also include recommendations for Minimum Separation Distance (MSD) between livestock facilities and other non-compatible land uses. The document notes that the guidelines do not apply to an expansion of an existing livestock operation, only to new development.

The guidelines state that “municipalities should, as part of their development policies, require that the minimum distances obtained from the tables be considered in the siting of livestock operations.”

Implementation of the guidelines includes submission by an applicant of an MSD Data Sheet and Sketch Sheet to the municipal planning authority as part of the Development Permit process.

6.15. Farm Practices Act

As with other provinces in Canada, Prince Edward Island has enacted “right to farm” legislation, known as the Farm Practices Act. The legislation stipulates that a farmer who uses normal farm practices and complies with all applicable provisions and regulations under related legislation is not liable for damages in nuisance to any person. Examples of nuisances include noise, odour, dust, vibration, light, smoke or other disturbances resulting from an agricultural operation.

Section 3 of the Act stipulates that these protections run with the land, despite any change in ownership, transfer of the agricultural operation, or a change in the use of land or buildings near to the agricultural operation.

Exceptions to these protections may only be granted through the prescribed complaint process of the Farm Practices Review Board.

6.16. Housing Corporation Act

The Prince Edward Island Housing Corporation Act creates a corporation under the Minister of Social Development and Housing to satisfy the housing needs of Islanders. As specified in the Act, the objects of the Corporation are to:

- / Establish housing projects and construct housing accommodation of all types for sale or rent;
- / Plan, design, build and own housing projects;
- / Construct, acquire and renovate housing of all types and sell, lease or otherwise dispose of such housing upon such terms and conditions as may be determined;
- / Promote and carry out the construction and provision of more adequate and improved housing for:
 - o Low-income families and individuals;
 - o Such elderly persons or class or classes of elderly persons as may be designated by the Corporation;
 - o Generally, persons or groups which, in the opinion of the Corporation, require assistance;
- / Improve the quality of housing; and
- / Improve the quality of amenities related to housing.

The Act states that the Corporation may enter into and carry out agreements with all levels of government or associated agencies, other housing authorities, persons, firms, or corporations. Other powers granted to fulfill the function of the Corporation are also listed in the Act.

6.17. Aquaculture Zoning

The Prince Edward Island Aquaculture Leasing Management Board is a partnership of Federal and Provincial government and industry representatives, intended to manage aquaculture leasing on the Island. With leases for approximately 1,200 sites across PEI, the Board advises on the only Aquaculture division in Canada administered by the Federal Department of Fisheries and Oceans, through the PEI Aquaculture Leasing Division. The federal government has played an active role in aquaculture leasing since 1928.

The leasing system provides the stability and security essential for growth by:

- / Regulating access;
- / Managing property records;
- / Administering the PEI Aquaculture Leasing Zoning System;
- / Safeguarding access and navigation rights; and
- / Ensuring compliance with the lease contract.

Leases granted to Lessees provides for ownership of the molluscan species (generally clams, mussels, oysters and scallops), within the lease boundaries, allowing for use of the sea-bed or water column to cultivate the approved species. Additionally, lessees with an approval under the Navigation Protection Act are granted the right to place structures in the water above their lease.

Aquaculture leases are issued for a term of up to 25 years, with options for renewal. Lease types include:

- / **Bottom Culture Leases** permit use of the bottom to cultivate the molluscan species;
- / **Water Column Leases** are Bottom Leases with permission to use the water column to grow molluscan species.
- / **Spat Collection Licenses** relate to the collection of molluscan spat (larvae).

To further regulate the industry and address conflicts in inland waters, the PEI Aquaculture Zoning System (previously the PEI River Designation System) was established in the 1980s. Premised on zoning systems for land, the Aquaculture Zoning System is applied to water use to streamline the application process for aquaculture and reduce conflicts with other users.

The zoning system consists of a system of letters paired to reflect the method of culture and availability (not suitability) of the water area represented. The first letter of the pair refers to bottom culture, while the second letter refers to off-bottom / water column culture:

- / “A” denotes an area that is considered acceptable for aquaculture activities. No obvious impediments have been identified in these areas.
- / “B” denotes an area that is conditional (requires further review). Some potential conflicts and / or obstacles may have been identified in these areas. These could include recreational users, a public fishery, or possible interference with navigation.
- / “C” denotes an area closed to no new shellfish aquaculture leases (automatic denial)
- / “Bo” is a designation used only in relation to off-bottom culture for oysters (pre-2006)

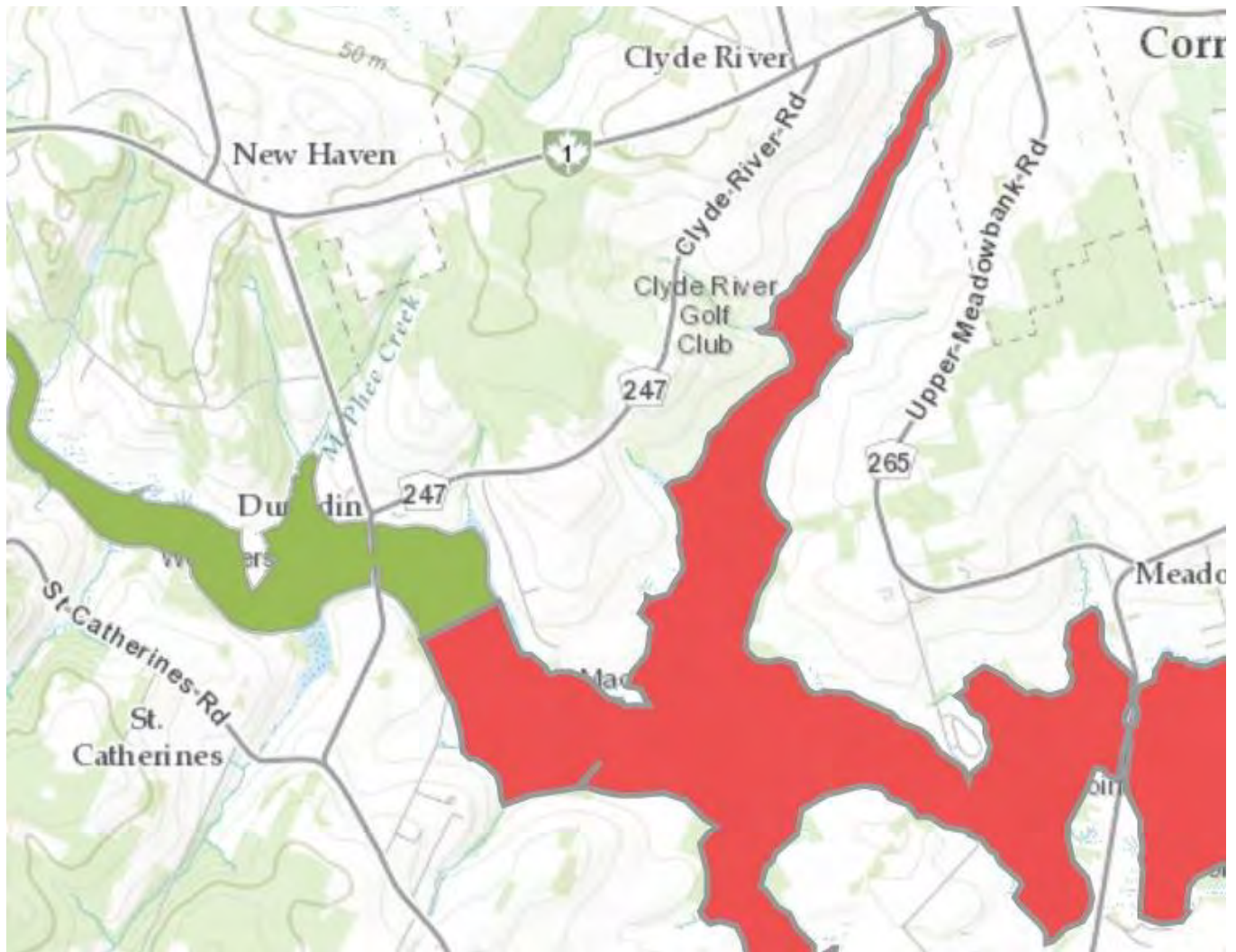


Figure 17 below shows an extract of Clyde River from the PEI Aquaculture Zoning map. As shown on the map, the majority of the two rivers in the Municipality are zoned “C” (red) for bottom culture, with some areas zoned “A” (green) in West River near Dunedin. As shown in

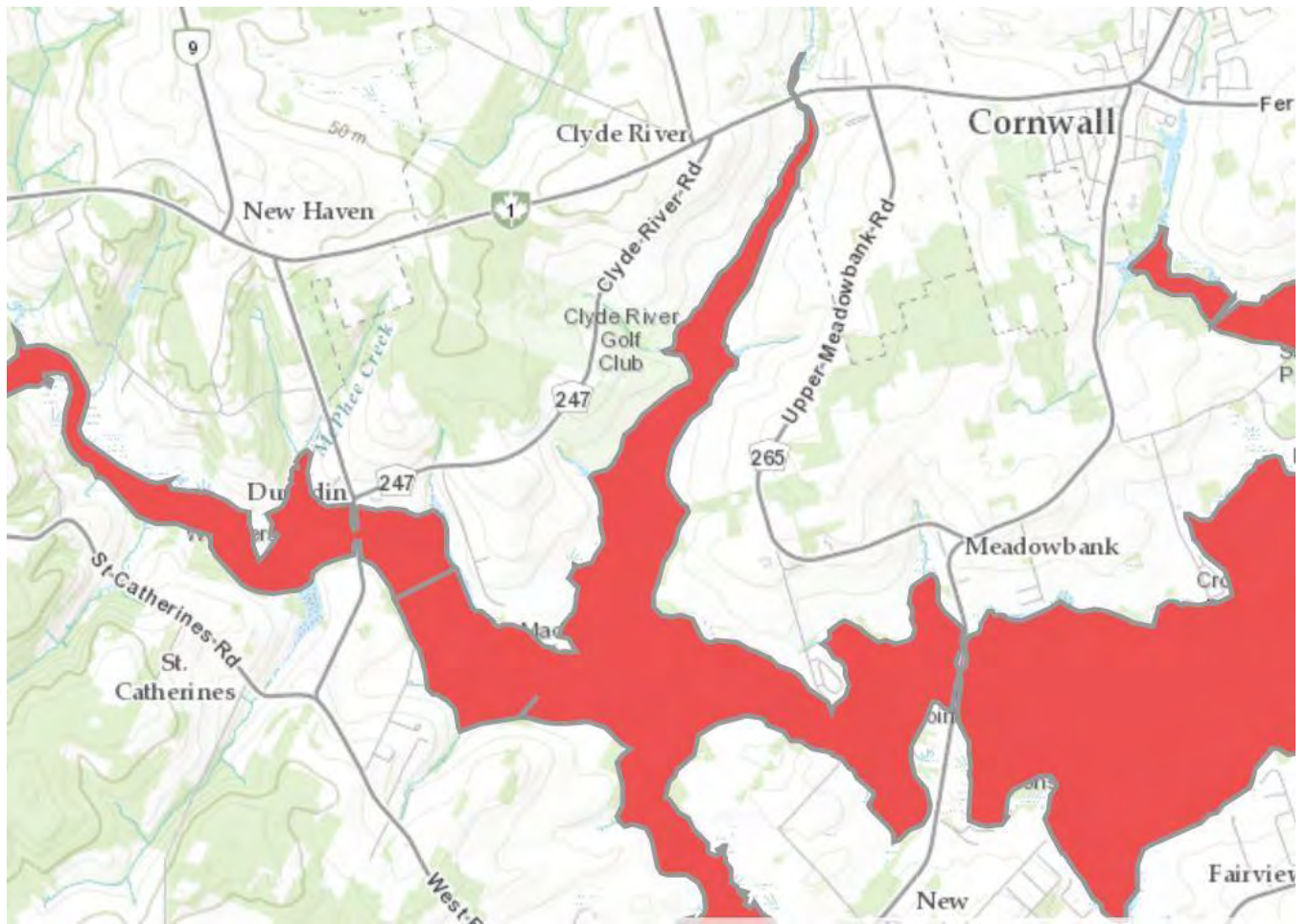


Figure 18, off-bottom activities are fully restricted in the area.

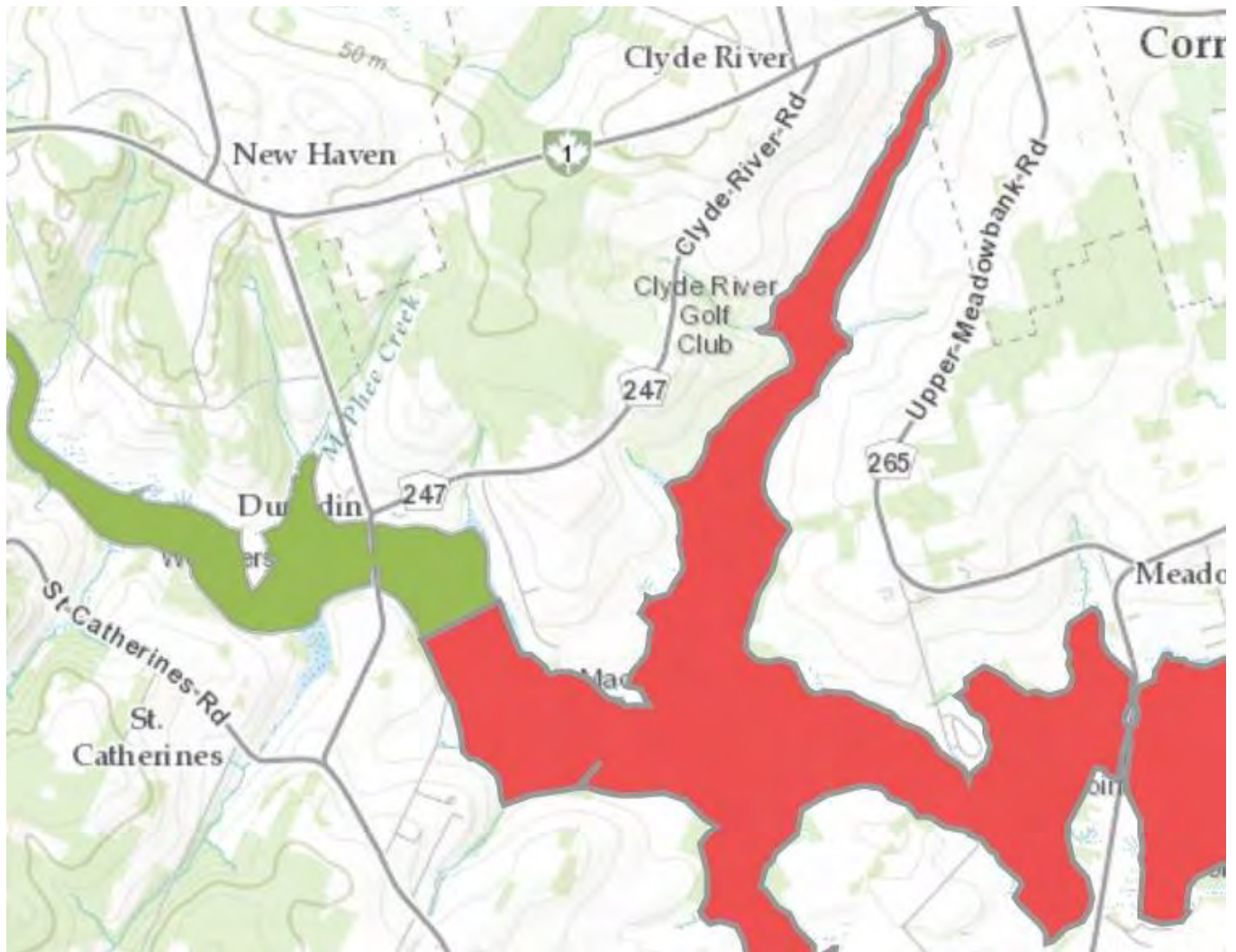


Figure 17: PEI Aquaculture Zoning Map (Bottom)

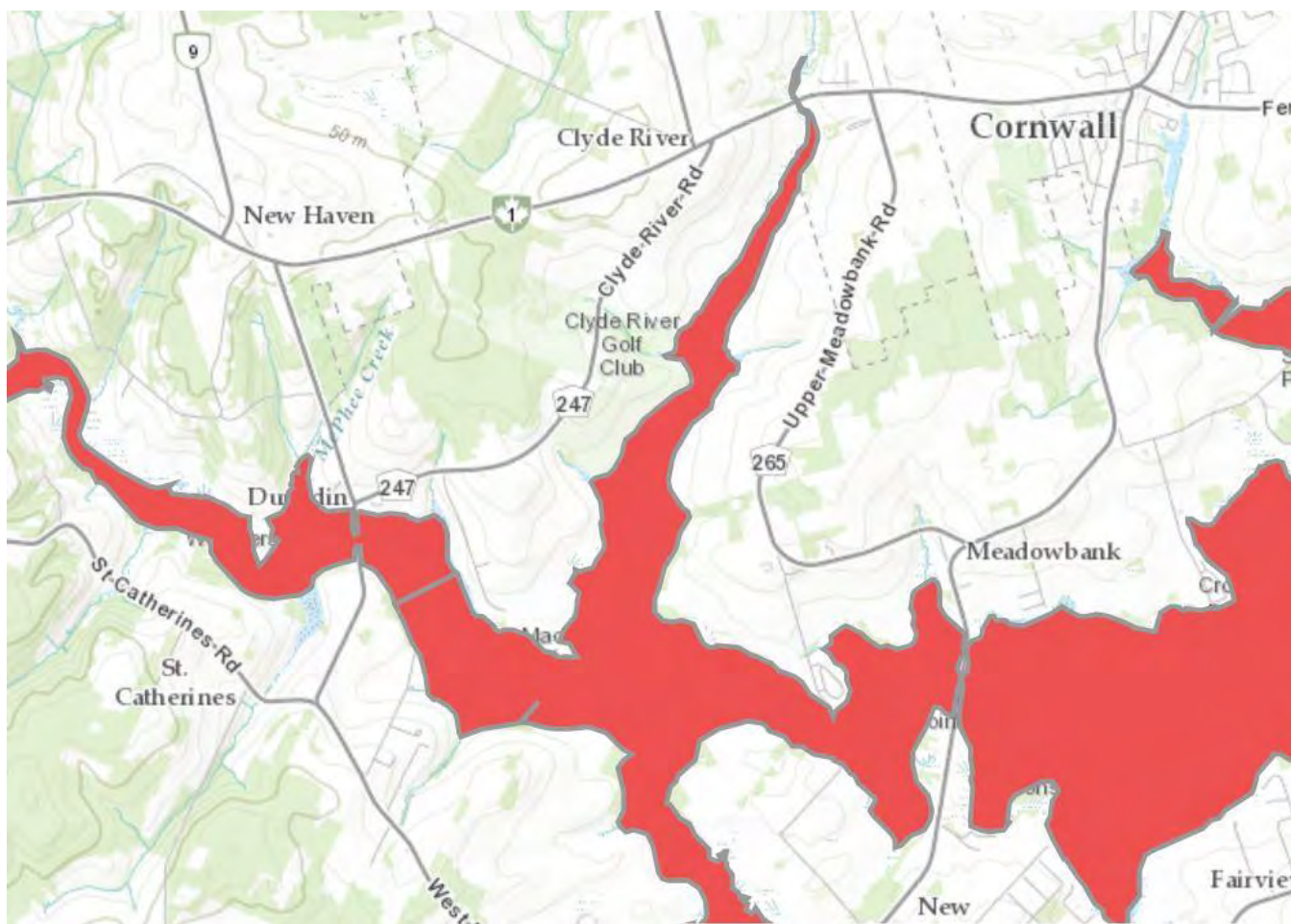


Figure 18: PEI Aquaculture Zoning Map (Off-Bottom)

6.18. Emergency Measures Act

The Emergency Measures Act is intended to enable resources and services in the event of an emergency, defined as “a present or imminent event in respect of which a Minister of the Executive Council or a municipality believes prompt coordination of action or special regulation of persons or property must be undertaken to protect the health, safety or welfare of people or to limit damage of property. Examples of emergencies include disasters such as disease, pestilence, fire, flood, tempest, explosions, enemy attack or sabotage, which endangers property, the environment or the health, safety or welfare of the civil population.

Section 8 of the Act permits municipalities to:

- a) Establish and maintain a municipal emergency measures organization by passage of a by-law;
- b) Appoint a coordinator of the municipal emergency organization and prescribe duties that contain the preparation and coordination of emergency measures plans for the municipality;
- c) Appoint a committee to advise it on the development of emergency measures plans;
- d) Prepare and approve emergency measures plans;

- e) Enter into agreements with, and make payments to, persons and organizations for the provisions of services in the development and implementation or emergency measures plans; and
- f) Use employees, property or equipment of the municipality within or outside the municipality.

While the Act permits the Minister to enact regulations for a range of functions within the Act. No such regulations have been enacted to date.

6.19. Island Regulatory and Appeals Commission

The Island Regulatory and Appeals Commission (IRAC) fulfills several functions, including hearing appeals of Official Plan Amendment and Zoning Amendment applications. Other functions include:

- / Municipal governance regulation, including municipal boundaries;
- / Administering the Lands Protection Act and making recommendations to the Provincial Government;
- / Electricity regulation;
- / Auto insurance regulation;
- / Weekly petroleum pricing under the Petroleum Products Act;
- / Waste management regulation concerning the Island Waste Management Corporation under the Environmental Protection Act;
- / Water and wastewater regulation
- / Appeals under the Environmental Protection Act;
- / Appeals under the Roads Act;
- / Appeals under the Unsightly Property Act;
- / Appeals under the Heritage Places Protection Act;
- / Appeals under the Rental of Residential Property Act;

7. Municipal Planning Context

7.1. Existing Plans & Development By-laws

The Rural Municipality of Clyde River does not currently have an Official Plan or Land Use Development By-law. Land use planning and Building Code approvals in Clyde River are issued by the Province.

7.1.1. Cornwall Region Special Planning Area:

The Rural Municipality of Clyde River is within the catchment area of the Cornwall Region Special Planning Area (SPA). Special Planning Areas are Planning Act, Subdivision and Development Regulations areas that address lack of land use zoning or land use designations near larger cities or towns and in environmentally sensitive areas. The application of a SPA provides rules and regulations for land use in specific designated areas of PEI.

The Cornwall Region SPA was established in 1994 to encourage large-scale development to be located within the Town of Cornwall rather than in the rural areas.

The main objective are:

- a. to minimize the extent to which un-serviced residential, commercial and industrial development may occur;
- b. to sustain the rural community by limiting future urban or suburban residential development and non-resource commercial and industrial development in order to minimize the loss of primary industry lands to non-resource land uses;
- c. to minimize the potential for conflicts between resource uses and urban residential, commercial and industrial uses; and
- d. In general, provide provisions for the number of lots permitted to be subdivided, permitted uses, and allow for considerations for lots for children.

Municipalities with Official Plans are still bound by the general objectives of the SPA, but may deviate from the specifics of the regulations.

7.2. Development Permits

The Province issues Development Permits under the authority of the Planning Act for the Rural Municipality of Clyde River. Development Permits are required for the following applications:

- / Official Plan Amendment application
- / Zoning By-law Amendment application
- / Variance application
- / Temporary Use application

Development Permits are also required for all development not subject to the applications listed above, including new construction, repairs, change of use, or demolition.

7.3. Building Permits

The Province of Prince Edward issues Building Permits for development in Clyde River.

Effective March 31, 2020, the provincial Building Codes Act and corresponding Regulations were updated to reflect the administration and enforcement requirements of a new Building Permit Process. The process is now compliant with the 2015 National Building Code of Canada and the 2017 National Energy Code of Canada for Buildings.

Effective March 31, 2021, applications for single-family or semi-detached homes, including accessory buildings, will be subject to the new Building Permit program, unless it meets the criteria under the exemption list.

7.4. Subdivisions

In the Rural Municipality of Clyde River, the province currently has the jurisdiction over subdivisions until the new Official Plan and Development By-law are approved by the Province.

8. Population Growth and Projections

8.1. Population Data and Methodology

Prince Edward Island remains the fastest growing province in Canada with calendar-year growth at 2.46 per cent in 2018 and 2.18 per cent in 2019. The growth rate slowed during the Covid-19 pandemic, but still outpaced the remainder of the country. Immigration represents a significant driver of this growth with an average of 2,310 new people moving to the province annually from 2017-19.

Understanding population and demographic changes is an important aspect of long-range planning. For the creation of the new Official Plan and Development By-law, a better understanding of current and projected future population totals and demographics will assist in the Municipality in being better able to successfully implement plans and understand how changes in size, spatial distribution and composition will affect efforts to implement various types of plans and provide appropriate services to residents.

The PEI Bureau of Statistics Population Projection Report generally indicates an increase in the provincial population. This increase indicates a shift in population toward towns and urban areas where municipal services and amenities are located.

8.2. Findings

In 2016, The Rural Municipality of Clyde River is estimated to have had a population of approximately 653 people. The population data is summarized in Table 1 below. Further, the number of private dwellings occupied by residents, is summarized in

Table 2 below.

Table 1: Population Data for The Rural Municipality of Clyde River

Rural Municipality of Clyde River					
Year	1996	2001	2006	2011	2016
Population	601	581	618	576	653

Table 2: Private Occupied Dwellings in The Rural Municipality of Clyde River

Rural Municipality of Clyde River			
Year	2006	2011	2016
Private Occupied Dwellings	214	205	248
Total Private Dwelling	227	215	270

8.3. Population Projections

Fotenn has prepared estimated population projections for The Rural Municipality of Clyde River for a 15-year planning horizon, through to 2036. The population projections were developed for the Rural Municipality of Clyde River using a trend analysis, which provides a general estimate of how populations may change based on previous data at 5-year intervals.

To reflect current trends, the projections were developed using data from the 2006, 2011 and 2016 Census periods. As the projections are based on population trends from previous years, they may not necessarily reflect recent changes occurring within the community. For instance, detailed data including Provincial birth rates, mortality rates, immigration, and in-migration trends indicated within the PEI Bureau of Statistics Population Projection Report have not been factored into these projections, and may be included upon further research and consultation.

Based on previous Census periods, the population of Clyde River has generally fluctuated while remaining in a range from 576 residents in 2011 to the current high of 653. Extrapolating these previous trends, the population of Clyde River is projected to increase modestly to approximately 703 by 2036, as shown in Figure 19 below.

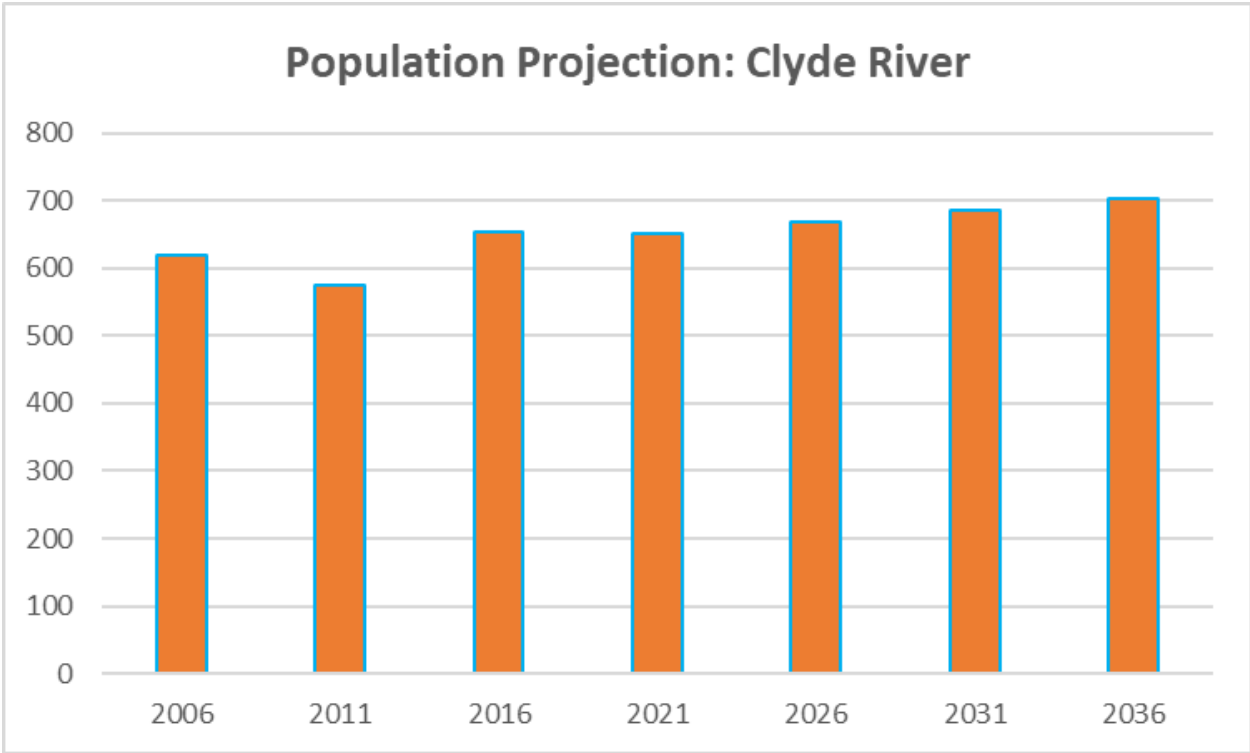


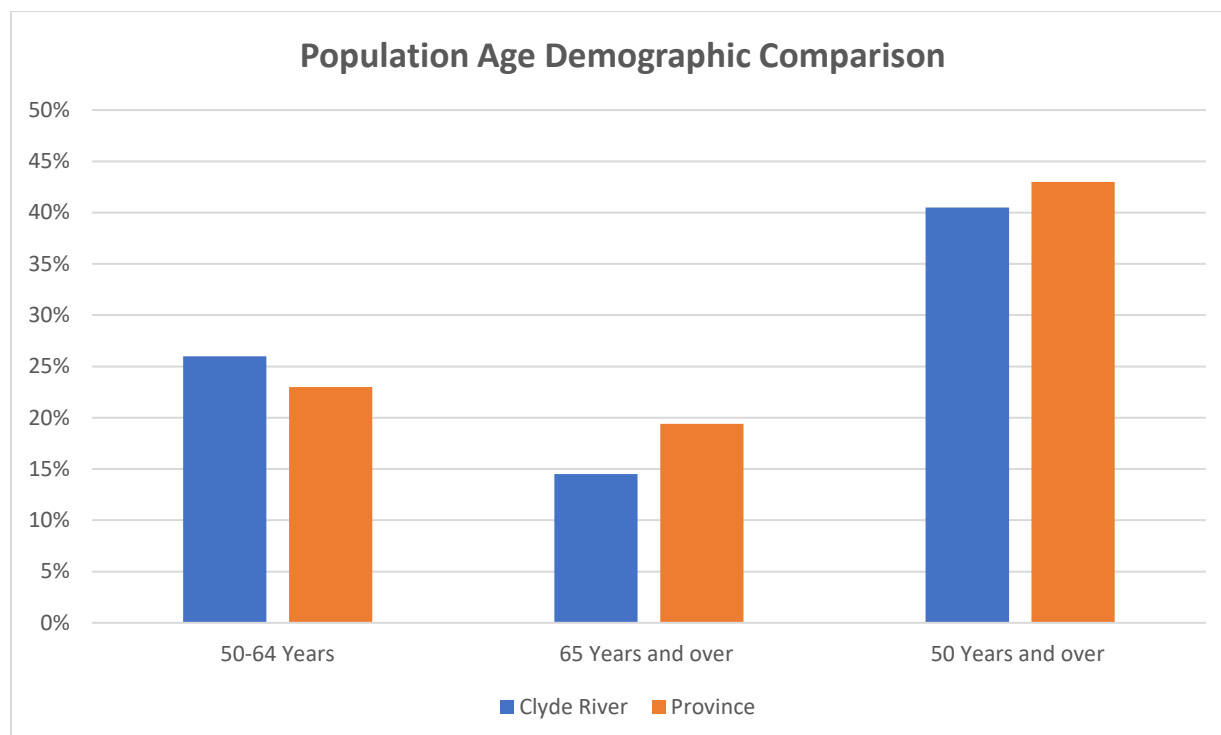
Figure 19: Projected Population in the Rural Municipality of Clyde River

Clyde River Population Ages 50 and Over

The median age of Clyde River in 2016 was 44.5, an increase from the 2011 median age of 41.0. At 44.5, the median age of Clyde River residents is equal to that of the Provincial median. As with many communities of comparable size in Canada, Clyde River contains a significant population of those ages 50 and over. Within the municipal boundary, residents between the ages of 50 to 64 demographic increased with 135 people in this category in 2011 and 170 people in 2016, while the population for ages 65 and over increased from approximately 60 in 2011 to 95 in 2016.

In 2016, people between the ages of 50 to 64 represent approximately 26% of the population of Clyde River, while people aged 65 and over represent 14.5% of the population. For the entire province, people aged 65 and over represent a higher percentage of the population at

19.4%. Combined, people aged 50 and over represent approximately 40.5% of the population which is again lower than the provincial total of 43%.



The relatively modest proportion of older adults in the population indicates a population with slightly higher potential for labour force participation, more limited health care needs, and a generally more mobile population.

8.3.1. Caveats

The projections provided in this section are estimates based on previous rates of growth, and may not necessarily reflect the future population of Clyde River. The projections are premised on an estimate of the 2016 population, and do not reflect any population growth that may have occurred between 2016 and 2021.

8.3.2. Future Trends

In addition to the modest population growth in recent years, the Rural Municipality of Clyde River may yet experience a population increase during the 15-year planning horizon for the new Official Plan. There are several sources of population growth that may occur naturally, and may be accelerated if encouraged by the Municipality:

1) General In-Migration and Immigration

As with the majority of Canadian communities, population growth in Clyde River will largely depend on in-migration and immigration, rather than the natural birth rate. As noted in the Island Investment Development Inc. (PEI Office of Immigration) annual

report for 2019/2020, immigration will continue to be an important factor in the Island's economic and social growth in years to come.

To capitalize on this growth, Clyde River may choose to play a more active role in attracting new residents through the establishment of programs and services. Similarly, the planning system may encourage growth by providing for a range of housing types, infrastructure and services to ensure the varied needs of new residents can be met.

2) Retirees

With Prince Edward Island becoming an increasingly attractive location for retirees, the expansive and bucolic rural character of Clyde River may benefit from growth in this population segment. By definition, this group is of advanced age and will generally not participate in the work force, having implications for the economy, demands on local services, and infrastructure requirements.

3) Growth from Economic Activity

There are two possible sources of population growth generated by economic activity. First, Clyde River may experience growth from traditional economic drivers, such as a new or existing employer expanding into a new site in Clyde River. In this scenario, the amount of concurrent population growth will generally depend on the scale of the employment required.

Second, Clyde River may benefit from remote workers able to relocate from larger centres, provided the appropriate technological infrastructure is in place. Inspired by the pivot to remote work during the COVID-19 pandemic, workers who are able to continue working from any location may choose to settle in Clyde River, increasing the working-age population.

9. Preliminary Vacant Land Analysis

10. Public, Stakeholder & Indigenous Engagement

10.1. Public Engagement

10.1.1. Town Website and Social Media

10.1.2. Public Information Meetings

10.2. Stakeholder Engagement

10.3. Indigenous Engagement

10.3.1. Native Council of PEI

10.3.2. Mi'Kmaq Council of PEI / L'nuey

10.4. Visioning and Guiding Principles

10.4.1. Sample Statements

11. Identified Issues and Policy and Regulatory Solutions

Through background research and engagement of community members, Fotenn has compiled a list of issues to be addressed through the Official Plan and Development By-law. The full Issues List is included as

Appendix C, but identified issues can be generally categorized as follows:

11.1. Processes and Procedures

Given the current process of approvals and land use management under the jurisdiction of the Province, there may be perceived issues with lack of local input in planning processes and procedures.

This issue will be addressed through the Development By-law, which establishes overall processes and procedures for development activities in the Municipality. In particular, details of the permit process will be established in the by-law regulations. Some elements may be addressed in a more general way in the Official Plan, such as requirements for a complete application.

11.2. Community Character

A principle of good community planning is to recognize the character of areas and adopt policies to maintain the desirable attributes of unique areas. While change is inevitable and new development will always bring new features to a street, neighbourhood, or community, one of the primary purposes of planning is to capture and protect important elements in land use policies.

Foresight in planning is also critical in the planning process, to account for anticipated future changes and direct development activities to best-suited areas.

Considering the existing diversity of the area, the Official Plan policies should reflect both the existing and planned characters of the various areas of Clyde River. This dual approach seeks to balance a recognition of existing conditions with desirable future conditions for each character area.

11.3. Development Along Route 27 & Community Hub

Route 27, which bisects Clyde River on an east-west axis, previously comprised a segment of the Trans Canada Highway (Route 1) before a by-pass was constructed to the north. Whereas the traffic volumes and speeds along the road limited development opportunities, the recent downgrading of the road classification affords the possibility of new development along Route 27.

Current land uses along the road include institutional, commercial, and limited residential uses. As the primary transportation corridor through the community, Route 27 represents an opportunity for an enhanced mix of land uses to accommodate growth and provide new employment uses and services to existing and future residents.

The Official Plan and implementing zoning provisions can enable a greater range of appropriate land uses along the Route 27 corridor. Preliminary policy and regulatory direction may include:

- / Permission for a range of residential dwelling types, as well as commercial, retail, institutional, recreational and light industrial uses.
- / Minimum lot sizes that reflect the course-grain character of the streetscape, envisioning larger-scale land uses and other compatible development.

- / Appropriate setbacks that reflect the current road function.

Specifically, the intersection of Route 27 with Clyde River Road may be well-suited to function as a community hub, as it already accommodates a mix of community uses and services at a higher density. This area may be designated as a Rural Settlement Area or similar designation to recognize the unique character of this hub. The Rural Settlement Area designation would permit a mix of land uses, higher densities compared with surrounding rural areas, and permit shallower setbacks to reflect existing conditions.

In these areas, policies can also prioritize pedestrian movements and encourage infrastructure investments to slow down traffic.

11.4. Heritage

The Municipal Act establishes that municipalities have jurisdiction over the protection of heritage property. Although the provincial and federal governments designate and manage most of the heritage sites on Prince Edward Island, there remains an opportunity for the Rural Municipality of Clyde River to introduce additional Official Plan policies and regulations for the protection of these resources.

The Heritage Places Protection Act enables the Minister to devolve authority on heritage protection to municipalities, upon agreement. The Rural Municipality of Clyde River may wish to exercise more authority on local heritage matters, including designating heritage resources. If the Municipality wishes to avail itself of this option, the Implementation section of the Official Plan can include direction for Council to prepare a Heritage Plan and begin discussions with the Minister regarding these powers.

11.5. Approved Legacy Lots

The Rural Municipality of Clyde River may wish to address legacy lots within its boundaries. These lots would have been approved by the Prince Edward Island under a previous planning regime, and may no longer meet lot area standards. These lots may or may not be developed.

The Rural Municipality of Clyde River may elect to incorporate policies in the Official Plan, including the following:

- / Policies that recognize and permit development on existing undersized lots, conditionally upon demonstrating that the lots can be safely and effectively serviced with private water and sewage systems;
- / Policies that prohibit development on waterfront lots that are currently, or projected to be, rendered undevelopable due to rising sea levels; and
- / Policies that encourage consolidation of undersized lots with adjacent compliant lots.

Where appropriate, these new policies may be informed by policies in other Official Plans in municipalities such as Stratford, Cornwall, and Miltonvale Park. These Plans contain policy direction for these legacy lots, including controls for engineered on-site septic systems and lot coverage restrictions.

11.6. Private Roads

Concerns about the proliferation, quality, and status of private roads have been raised Island-wide in recent years. In general, many subdivisions on rural lands are established on the basis of private roads, responsibility of which is assigned to Homeowners Associations or Condominium Corporations representing the benefitting lots.

11.6.1. Comparison with Public Roads

The preference for public roads to service properties is generally a well-founded planning principle in communities across Canada and internationally. The provision of public road rights-of-way for the common benefit dates back centuries, with an early recognition of the efficiencies gained by allocating linear corridors of land for public uses.

By definition, public roads are open to all, allowing for free movement for all citizens and creating a more sociable public realm. Public roads are also designed to acceptable standards that ensure safety for all users and vehicle types, as well as ensuring a functional, efficient, and coordinated approach to transportation infrastructure. Similarly, in many cases, public road rights-of-way provide an opportunity to co-locate other forms of linear infrastructure, including pipes, sewers, electrical lines, natural gas lines, and telecommunications cables.

In particular, public roads enable direct access for critical services, including emergency services, deliveries, waste collection, maintenance services, and similar activities requiring direct access. The general requirement for land parcels to be located on public roads and the need to properly maintain these roads are reflective of the importance of these critical services.

In Prince Edward Island, the majority of roads are owned by the Province, particularly outside of the largest municipalities.

11.6.2. Permissions for Private Roads

While public roads remain the preferred ownership structure for road rights-of-way, many municipalities across Canada permit the establishment of private roads in limited circumstances. In general, private roads are typically created to service developments such as small-scale residential subdivisions, retail developments, institutional campuses, and similar development forms.

In most communities, private roads are typically present in the following forms of residential developments:

- / Subdivisions containing seasonal dwellings;
- / Subdivisions containing freehold lots in which a Homeowners Agreement governs maintenance for the private road and other infrastructure; and
- / Plans of Condominium.

Where permitted, private roads in many jurisdictions remain subject to minimum design and governance standards, including minimum corridor width, engineering standards, and the requirement for maintenance agreements. These standards are generally established through land use policies, zoning requirements, or municipal engineering standards.

11.6.3. Challenges of Private Roads

In Clyde River, and in Prince Edward Island generally, there is a lack of regulation governing the approvals, design, and maintenance of private roads. For example, the Planning Act Regulations for Subdivision and Development prohibit development on private roads, but establish broad exceptions that undermine the efficacy of the regulation in many cases.

In recent times, residents and governments have identified concerns related to the current policy and regulatory regime for private roads. Specifically:

- / There are no design standards, such as minimum width or surfacing, to ensure safety and access for emergency and service vehicles;
- / There are no requirements for stormwater management, resulting in potential pooling or flood hazards;
- / A lack of review process for a planning authority to ensure adequacy of the private road designs;
- / Inevitable pressures to convert private roads to public status, resulting in increased responsibility for municipal governments;
- / Conflicts regarding private road maintenance among landowners, who may have different expectations, preferences, tolerances, means, or tenure arrangements; and
- / Exceptions enabling private roads incentivizes development of new housing in rural areas, rather than supporting established settlement areas with new subdivisions.

11.6.4. Policy and Regulatory Solutions

With the new Official Plan and Development By-law, Clyde River has an opportunity to remedy the challenges and drawbacks that accompany private roads. There are three policy and regulatory responses available to Council:

1) Status Quo

The Status Quo option represents no change to the current permissions for private roads. In this scenario, private roads would be prohibited in the Official Plan and Development By-law, but would reflect the set of exceptions established in the Planning Act Regulations. If the Status Quo option is selected, the challenges outlined above are anticipated to continue.

The Status Quo option would require a basic policy and regulatory approach, with provisions outlining the exceptional cases in which private roads are permitted. While there is minimal financial cost for Town Staff resources, there may be some costs related to enforcement by Staff, and pressures for the Municipality to assume or maintain private roads would remain.

2) Prohibit Private Roads

The Prohibit option represents a marked change to current permissions. In this scenario, private roads would be prohibited with no exceptions, representing a more restrictive approach than the Planning Act Regulations. If private roads are prohibited in all cases, the challenges identified above would be resolved or rendered moot in all future development.

The Prohibit option is the easiest to administer, as no private roads would be permitted in any scenario. Minimal policies and regulations would be required to enforce this approach. Consequently, there are no financial costs to the Municipality associated with this option.

3) Permit and Regulate Private Roads

The Permit and Regulate option generally permits private roads in exceptional cases, but regulates their design and construction. Council may determine the cases in which private roads would be permitted, but may be generally modelled on the Planning Act Regulations. In this scenario, the challenges identified above would generally be mitigated in future development.

The Permit and Regulate option would result in a more balanced policy and regulatory approach, but requires the Municipality to establish standards for design and construction of private roads. These new standards would likely reside outside of the Official Plan and Development By-law, but would be referenced in these documents to legitimize the standards.

Concurrently, the Municipality would be tasked with reviewing detailed engineering plans for private roads, as well as inspection and enforcement. There may be an opportunity for the Department of Transportation and Infrastructure to assist the Municipality with the review of designs, subject to a formal agreement. Responsibility for inspection and enforcement may remain with the Municipality, depending on resources at the Department. The Municipality can investigate this approach, if desired.

11.6.5. Future Development Scenarios

Regardless of the policy and regulatory approach selected, the Official Plan and Development By-law must account for several development scenarios concerning private roads. The policies and regulations will address the following development scenarios:

- / Establishment of new private roads (as discussed above);
- / Establishment of new lots on existing private roads;
- / Permissions for new development on lots fronting on existing private roads;
- / Status of private roads in vacant land condominiums;
- / Establishment of new private roads over adjacent private lands;
- / Requirements for maintenance agreements in all cases.

11.7. Housing

Along with other communities on Prince Edward Island, the Rural Municipality of Clyde River is currently experiencing a perceived housing shortage. Concerns focus specifically on affordability and availability of housing, particularly single-detached dwellings on larger lots.

While the Island has the distinction of having one of the lowest vacancy rates in Canada, the province joins virtually all other major housing market in the country in its rising housing costs.

Faced with a challenging housing market, the policies and regulations in the Rural Municipality of Clyde River Official Plan and Development By-law must be crafted to enable additional housing development to relieve market pressures.

11.7.1. Affordability

Increased housing costs can have a myriad of causes, including lack of supply, increase in demand, growing purchasing power among dwellers, low interest rates, investment in housing from outside the community, delays in approvals, removal of units from the housing market, additional building or permitting standards, rising costs of materials, and other factors.

Assessment of the causes of the increasing cost of housing in Clyde River is beyond the scope of this project. While the role of the planning system in alleviating such pressures is limited, the Official Plan and Development By-law can incorporate several directions and measures to mitigate the affordability challenges:

- / Ensure development permissions for a range of dwelling types and densities, including multi-unit dwellings, in appropriate areas;
- / Endeavour to optimize development review processes to avoid unnecessary delays to approvals;
- / Enable new and innovative forms of housing that may improve affordability, including secondary units and modular housing; and
- / Incentivize development of affordable housing units through measures such as fast-tracking approvals.

11.7.2. Multi-Unit Residential Dwellings

A healthy housing market contains a variety of housing types and tenures to ensure appropriate and adequate accommodations for the range of demographics in the community. An effective range of housing types seeks to balance single-unit dwellings with forms of multi-unit dwellings, including:

- / Semi-detached dwellings and duplexes;
- / Townhouses;
- / Triplex and four-unit dwellings; and
- / Apartment dwellings.

Multi-unit housing offers several benefits, including improving affordability, right-sizing dwellings for smaller and downsizing households, increasing density in walkable areas, and reducing impacts on land and energy.

As Clyde River residents age, many will begin to consider smaller units, whether by choice or by necessity. In many cases, seniors are challenged with the maintenance requirements of larger homes and lots, yet wish to remain in their home communities. The market for smaller units is anticipated to increase over the lifetime of the forthcoming Official Plan.

Multi-unit dwellings must be located in appropriate locations that are suitable to the context. While semi-detached dwellings can be well-suited to the rural area, denser forms of housing are more appropriately directed to areas with communal water and sanitary services.

Permissions for multi-unit dwellings are best achieved through the zoning component of the Development By-law, including establishing permissions for these housing types in zones and applying them to appropriate areas. The Official Plan would also contain policies outlining appropriate locations for multi-unit housing, which would also be consulted when evaluating an application for a zoning change to permit a multi-unit housing development.

11.7.3. Secondary Units

Across North America, municipalities and other jurisdictions are revising their policy and zoning frameworks to enable the development of secondary units. Colloquially known as “granny flats” or “in-law suites,” these units generally refer to a second, smaller housing unit on the same lot as a larger principal unit.

In general, there are two forms of secondary units. The first form is located inside the principal building, whether in the original building envelope or by means of a building addition. These units feature an independent entrance from the outside, and may be located on any floor of the building.

The second form is a detached secondary unit, which is located elsewhere on the property, but typically nearby the principal dwelling. These units may be located above a garage or other structure, or in a purpose-built building.

Secondary units have several benefits, including:

- / Provides affordable housing options for residents;
- / Represents a form of development with a reduced impact on neighbouring properties;
- / Enables an increase in housing units without the requirement for lot creation;
- / Allows seniors or other residents to downsize, while retaining equity in their land;
- / Offers a source of supplementary income for landowners; and
- / Generally represents a more sustainable form of housing, due to the limited size of the units.

If Clyde River chooses to permit secondary units in the new planning framework, new policies and regulations could establish parameters for these developments, including:

- / Limiting the number of secondary units to a maximum of one or two;
- / Establishing restrictions on the size of the units;
- / Establishing setback requirements from lot lines and / or home industries;
- / Prohibiting the creation of a new lot to accommodate the secondary unit; and
- / Outlining regulations for access and parking requirements.

11.7.4. Seniors Housing

Demand for housing catering to seniors is anticipated to increase over the planning horizon. As residents age into their 60s, 70s, and 80s, many will seek out alternative housing arrangements, whether by choice or necessity.

In most cases, this movement across the housing spectrum will involve a transition from larger units to smaller units, or from independent living to supportive housing. Consequently, there is

an opportunity for the new planning documents to account for a range of housing types, including:

- / Retirement homes;
- / Supportive living;
- / Nursing homes or assisted living facilities;
- / Smaller units more generally, such as secondary units and multi-unit dwellings; and
- / Independent living arrangements with built form catering to seniors (e.g. bungalows).

Planning for the more institutional-type uses such as the Burnside Community Care Centre is generally regulated through the Development By-law, with separate zoning standards for these housing forms. In general, these standards reflect the higher density of dwellings, the parking impacts of visitors and medical services, and accessibility considerations.

11.7.5. New Housing Types

Stakeholders identified the potential for development of new housing forms that can increase affordability. New innovation in building forms, construction methods, materials, and other factors can improve housing affordability and expand options for residents.

A recent development proposal in Charlottetown by PEI Home & RV Centre features prefabricated homes, which will be offered at a generally more affordable price point to consumers. While the development consists of mobile homes according to the zoning definition, they are proposed to be located on individual lots with standard-width roads. A Zoning By-law Amendment application is required to permit the development.

Innovative developments of this kind can be anticipated and enabled by the planning documents, if desired. The Official Plan can feature policies contemplating new housing forms such as modular housing, adapted mobile homes, and mini-homes, subject to a Zoning By-law Amendment. Alternatively, the Zoning By-law can include definitions and permissions for these dwelling types, potentially integrated with other dwelling types across neighbourhoods.

11.8. Short-Term Rentals

New online platforms connecting travellers with temporary lodgings in existing dwellings have created new opportunities and challenges for municipalities around the world. While these new platforms facilitate tourism in communities and offer additional income to homeowners, they also present challenges to the existing accommodations industry, create potential land use conflicts, and often remove housing from the rental market. New regulations proposed in Charlottetown, as well as many of Canada's larger cities, aim to mitigate these challenges, but have also been met with opposition.

Areas and jurisdictions that have experienced an increase in short-term rentals have reported several corresponding impacts on neighbours and the broader community, including:

- / Loss of housing stock;
- / Increased rents;
- / Noise impacts;
- / Increased garbage on properties and surrounding areas;
- / Change in character of residential neighbourhoods, including from signage;

- / Parking impacts;
- / Use of common spaces by visitors in multi-unit dwellings;
- / Safety of both visitors and neighbours; and
- / Perceived unfairness for existing hotels and traditional bed and breakfasts.

As with other land use policies and regulations, the Official Plan and Development By-law documents can serve to mitigate these concerns.

Currently, short-term rental listings are required to be registered with Tourism PEI. However, reports from Charlottetown indicate that fewer than half of short-term rentals fulfill the registration requirements.

The scope of the planning project does not include an inventory or assessment of the prevalence of short-term rentals in Clyde River. While these challenges may not be present currently, impacts may be increasingly felt over the 15-year planning horizon.

As it prepares to adopt an Official Plan, the Rural Municipality of Clyde River may wish to be proactive in addressing short-term rentals. While the land use planning system does not address licensing or levying taxes or fees, there may be an opportunity for the Official Plan and Development By-law to define and establish permissions for short-term rentals, if desired.

Some preliminary questions to begin debate about this topic may include:

/ **What is an appropriate duration of stay to qualify as a short-term rental?**

To avoid conflicts with standard rental lease agreements and clarify the nature of “short-term,” the definition should include a maximum duration of stay. Alternatively, some jurisdictions also apply definitions that specify the number of nights a unit is offered for rent throughout the year, which may or may not be consecutive. In Clyde River, the defined duration should be consistent with any other applicable municipal or provincial definitions. An example of a duration in a definition is a maximum of 28 nights, representing one night fewer than one standard month.

/ **Should short-term rentals be required to be owner-occupied?**

Proposed owner-occupancy requirements typically generate substantial debate in communities proposing to regulate short-term rentals. Where owner-occupancy is not required, there is enhanced potential for dwelling units to be removed from the rental market. Conversely, many short-term rental proprietors note that the majority of offerings on online platforms are not owner-occupied, reflecting a preference by travellers for unoccupied dwellings for their stays.

If short-term rentals are required to be owner-occupied, they may be considered comparable to traditional bed-and-breakfasts. Owner-occupancy also implies that the short-term rental is functioning within a residential use, rather than as a commercial operation. In this context, “owner-occupied” may be defined to either signify the physical presence of the owner on the premises for the duration of the rental term, or may refer to renting a principal residence. In these cases, jurisdictions often require proponents of new short-term rental operations to prove principal residence status.

If short-term rentals are not required to be owner-occupied, they would be rendered commercial operations, and may be considered comparable to a traditional hotel operation. These distinct approaches may have implications for determining zoning permissions based on precedent of other uses and anticipated impacts.

/ **Where should short-term rentals be permitted?**

Some jurisdictions have elected to restrict the number of short-term rentals within a given geographic area. For example, the number of short-term rentals may be capped within a particular block, or in a defined neighbourhood, or in a Census Tract, municipality, or other scale. In some cases, there is a separation distance requirement, such as a restriction on a new short-term rental within a defined radius of an existing short-term rental.

/ **In what dwelling forms should short-term rentals be permitted?**

Where short-term rentals are permitted, there is generally little debate about permitting short-term rentals in single-detached dwellings. Council will also need to determine whether permitting short-term rentals in medium-density housing forms, such as semi-detached dwellings, duplex dwellings, or townhouses would be permitted.

Permissions for short-term rentals in apartment dwellings present a more nuanced challenge, as impacts of these rentals are typically greater in higher-density residential contexts. Conversely, there is often significant demand for smaller units in the short-term rental market, particularly with business and solo travellers.

Some jurisdictions have also established limitations on the maximum number of bedrooms in a short-term rental. For example, a short-term rental may be permitted to feature a maximum of two bedrooms, requiring a conditional use review for units with a greater number of bedrooms.

Some municipalities have also applied different requirements for accessory short-term rentals, choosing to apply an additional review or permitting process if a primary dwelling is being rented.

/ **Public Notification**

Some jurisdictions have elected to provide notification to members of the public when a new short-term rental is licensed. A common approach is to provide a notice to landowners or tenants within a given radius of the new short-term rental.

11.9. Climate Change

The Official Plan and Development By-law represent an opportunity to address climate change impacts in Clyde River. Climate change efforts at the international to household levels generally include both “mitigation” (reducing net greenhouse gas emissions to avoid catastrophic

climate change) and “adaptation” (preparing to live with the climate change impacts that are already locked in by historic emissions).

The impact of global climate-change related trends on PEI specifically are more difficult to forecast, but possible impacts include:

- / Relatively moderate temperatures on PEI encourage tourism and seasonal residents;
- / More interest in immigration to PEI due to climate-change related increase in global migration;
- / Increased global economic instability creates local economic challenges; and
- / Broader economic shift from carbon-intensive technologies to green technologies brings green tech opportunities to PEI (e.g. increasingly cost-effective solar power and battery technology creates more opportunities for local power generation and storage)

The land use planning system can address climate change impacts in various ways, as outlined in the following sections. These measures will help to ensure that Clyde River continues to be a safe, healthy and prosperous community in a changing future.

Protecting and Enhancing Health and Function of Social and Ecological Systems

- / Encourage protection and maintenance of community gathering spaces (e.g. small halls, municipal parks), which support social connectivity and resilience.
- / Increase the ability of aquatic life to adapt to climate change impacts by reducing non-climatic stressors (e.g., widen the watercourse and wetland buffer zone, reduce runoff, restore coastal habitats)*
- / Reduce stream water temperatures by reducing solar heating (e.g., increasing canopy cover in riparian zones) and improving water flow (e.g., limiting irrigation during times of high temperatures and low stream flows). Target areas where flow retention times are longer and large heat loads can accumulate in the absence of shade*
- / Reduce contaminated runoff reaching water bodies by managing stormwater on site*
- / Increase connectivity among natural areas*
- / Increase natural areas to sustain enough suitable habitats for diverse and healthy populations, particularly where natural connectivity is lacking, biodiversity is under threat, and future species may thrive*
- / Promote needed adaptation where existing incentive is lacking by using regulatory frameworks (e.g., widen the watercourse and wetland buffer zone)*
- / Quantify value of natural services provided by ecosystems*
- / Encourage silvicultural practices in agricultural areas (e.g. planting riparian buffers, windrows, buffers from cliffs and other high-erosion areas)
- / Institute natural/no-mow buffers in proximity to cliffs, high erosion areas and watercourses for recreational and institutional properties.
- / Encourage tree planting to expand and create forest areas (Expected to lead to 10,000 tonnes CO₂eq reductions in 2030 in the PEI Climate Change Action Plan).

Increasing Diversity and Building Redundancy

- / Develop land use policies that support renewable energy generation, local energy storage, and decentralized grids to increase local resilience
- / Support efforts in the energy sector to decentralize, diversify and develop redundancy *

- / Manage risks and adapt to increased variability in the sector via diversification (e.g., diversify livelihoods, decentralize and spread out locations of facilities)*
- / Utilize complementary green infrastructure when upgrading or designing stormwater management systems (e.g. rain gardens)*

Avoiding Risk and Managing Retreat

- / Identify and relocate critical energy infrastructure*
- / Plan new developments with climate change in mind (make buildings “solar ready,” site new developments in low-vulnerability locations)*
- / Relocate, retrofit, and/or protect existing properties and infrastructure and design new properties and infrastructure to reduce flooding and erosion vulnerabilities*
- / Relocate, retrofit, and/or protect properties and infrastructure vulnerable to climate change impacts (e.g., move infrastructure located in areas vulnerable to erosion, flood proof homes located in flood risk zones)*
- / Incorporate future climate considerations into land use and building regulations (e.g., increase horizontal and vertical setbacks, require additional information during the Development Permit process)*
- / Develop new forms of buildings and infrastructure that can be relocated out of vulnerable areas as conditions change. For example, Parks Canada has designed mobile visitor infrastructure, such as bunkies, that can be relocated as the shoreline changes
- / Prompt the development of natural and human-made climate-resilient water infrastructure by incorporating future climate considerations and using land use planning policies and regulations (e.g., limit ditch filling)*

Other

- / Set a future climate scenario to establish Design Standards*
- / Facilitating more efficient development and a mix of uses, to allow people to travel shorter distances and use walking, cycling or carpooling to get where they need to go
- / Develop land use policies that support the uptake of Electric Vehicles and electrification. An example would be requiring EV-ready charging infrastructure in large new parking lots

* Actions recommended in UPEI Climate Adaptation Recommendations Report

11.10. Industrial Land

A diversity of employment opportunities including industrial uses, within a community is an important consideration. As these uses can potentially cause noise, odours, pollution, or other impacts, designated lands must be located strategically.

In choosing appropriate industrial lands, the following factors should be considered:

- / Appropriate separation from sensitive land uses, including housing, day cares, schools, retirement homes, and hospitals;
- / Locations outside of wellhead protection areas, or with appropriate mitigation requirements;
- / Areas with adequate water and sanitary servicing;

- / Proximity to adequate transportation routes, particularly higher-order roads; and
- / Avoidance of sensitive ecological areas.

11.11. Environmental Features

Good environmental stewardship is a cornerstone of good planning practice, particularly with regards to prohibiting or managing development in proximity to sensitive ecological areas. In the Clyde River context, development activities within watersheds have particular influence on the ecosystem health, and the Official Plan presents an opportunity to incorporate enhanced environmental protections into the planning framework.

The following policy measures are available to Council in the new Official Plan:

- / Limitations or prohibitions on development within a defined buffer, which may exceed the 15-metre buffer required in the Environmental Protection Act (60 metres, or another distance);
- / Submission of an Environmental Impact Assessment for development within a defined distance of a sensitive environmental feature, which may also be required for approvals under the Environmental Protection Act;
- / Establishing limitations on forestry activities, within certain areas, or subject to submission and approval of a Sustainable Forest Management Plan;
- / A direction to circulate environmental group(s) on development applications in proximity to an identified environmental feature;
- / Policy encouragement and direction to establish more parks and open spaces in the Municipality;
Requiring Erosion Control Plans for all development applications adjacent to a waterway, with an emphasis on green infrastructure; and
- / Require appropriate stormwater management measures through the development approvals process.

11.12. Public Engagement

A section in the Official Plan will be devoted to public engagement approaches to be employed during planning processes. In general, the policies of the section will reflect the Planning Act requirements for statutory public meetings and notice procedures.

If the Council of Clyde River desires, it may supplement these basic requirements with further directions to standardize practices and create new opportunities for public engagement.

Examples include:

- / Use of online videoconferencing for non-Statutory public meetings, where deemed appropriate;
- / Use of social media for notification of planning applications and initiatives; and
- / Standardizing the number of public information meetings for each type of application.

11.13. Renewable Energy

The Renewable Energy Act permits individuals to apply to the Province for the purpose of establishing renewable energy infrastructure. However, the Regulations under the Act only

apply to large-scale wind generation projects, and other types of renewable energy infrastructure may be regulated through land use by-laws.

As no part of Clyde River is identified to permit large-scale wind turbines, it would be reasonable to prohibit wind turbines in the Municipality, if desired. Alternatively, if Council would prefer to consider applications on a case-by-case basis, the Official Plan can include policies to permit turbines in select locations subject to a Rezoning, recognizing that approval ultimately rests with the Province.



Figure 20: Watersheds in the Clyde River area

11.14. Dangerous, Hazardous and Unsightly Premises

The PEI Municipal Government Act permits municipalities to enact Dangerous, Hazardous and Unsightly Premises By-laws. While the relationship of such by-laws to the land use planning system is limited, the new Clyde River Official Plan could include direction to enact a Dangerous, Hazardous and Unsightly Premises By-law as part of the Implementation section. The by-law would contribute towards the overall planning goals of community beautification, minimizing impacts, and ensuring safe and orderly development.

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Appendix A:
Index of Traditional Mi'kmaq Place Names in Clyde River

Traditional Mi'kmaq Name	Translation	Location

Appendix B:
Index of Heritage Places in Clyde River

Site	Address	Year Designated / Registered	Jurisdiction	Status
Designated Sites				
Atwell House	14718 Trans Canada Highway	2001	Provincial	Designated Heritage Place
Registered Sites				
Clyde River Pioneer Cemetery	South of Route 1 and east of Route 247	2009	Provincial	Registered Historic Place
River Crest Acres Barn	188 Clyde River Road	2010	Provincial	Registered Historic Place

Appendix C: Issues List

Appendix D: Vacant Lands Mapping