

PRINCE EDWARD ISLAND LEGISLATIVE ASSEMBLY



Speaker: Hon. Francis (Buck) Watts

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Standing Committee on Communities, Land and Environment

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LOCATION: LEGISLATIVE CHAMBER, HON. GEORGE COLES BUILDING, CHARLOTTETOWN

SUBJECT: BRIEFING ON BUILDING PERMITS

COMMITTEE:

Dr. Peter Bevan-Baker, Leader of the Third Party
Kathleen Casey, MLA Charlottetown-Lewis Point [Chair]
Hon. Heath MacDonald, Minister of Economic Development and Tourism
Sidney MacEwen, MLA Morell-Mermaid
Hon. Pat Murphy, Minister of Rural and Regional Development
Chris Palmer, MLA Summerside-Wilmot (replaces Hal Perry, MLA Tignish-Palmer Road)
Bradley Trivers, MLA Rustico-Emerald

COMMITTEE MEMBERS ABSENT:

Richard Brown, MLA Charlottetown-Victoria Park
Hal Perry, MLA Tignish-Palmer Road

MEMBERS IN ATTENDANCE:

none

GUESTS:

Department of Communities, Land and Environment (Christine MacKinnon, Hon. Robert Mitchell)

STAFF:

Emily Doiron, Clerk Assistant (Journals, Committees and House Operations)

The Committee met at 12:30 p.m.

Chair (Casey): Good afternoon everybody. Welcome to the Standing Committee on Communities, Land and Environment. For those who are watching, I'm Kathleen Casey and I'm the Chair of the committee.

Today, I would like to welcome Chris Palmer, who is substituting for Hal Perry. Members, welcome to the committee.

Today, we are going to receive a briefing on building permits in the province. We'd like to welcome the Hon. Robert Mitchell, Minister of Communities, Land and Environment, and Christine MacKinnon, the Acting Director of Municipal Affairs and Provincial Planning. I understand Dale McKeigan, the Manager of Provincial Planning is also in our gallery.

Members, your agenda is before you, and I'm looking for adoption of the agenda.

Thank you. Thank you, Brad Trivers.

Minister, welcome; I'm going to turn the floor over to you, and if there is anybody else in the gallery that you would like to recognize, feel free to do so. I'm going to turn the floor over to you for your presentation.

Members, remember to silence your phones. If you would like to be added to the speaking order just indicate to the Chair and I would be happy to add you to that list.

Minister, I'll turn the floor over to you.

Mr. Mitchell: Thank you very much, Chair. Certainly, thank you for the invitation to come today to make a comprehensive presentation on building development and land-use planning and a lot of combined areas that all tie together nicely when you're looking at development throughout our province.

I would like to recognize some folks that are in the gallery today; Jim Young, Glenda MacKinnon-Peters, and Dale McKeigan has already been introduced. I believe Michele Dorsey, Deputy Minister, will be along, or watch – viewing in.

The important lady in the chair beside me today is Christine MacKinnon. Christine has a very long résumé inside of government. Christine is a profession engineer. She has had extensive work in government within agriculture and environment. She has been responsible for corporate and strategic planning in Executive Council. Currently, she is assigned to the communities, land and environment division as Director of Municipal Affairs, Provincial Planning division. Actually, she is leading charge for us in regards to local government restructuring and land-use planning, as well.

On a bit of a side note, Christine and her husband, Dannie, they're the proud owners of Sandy Rae Farm; a dairy farm down in the east end of Prince Edward Island, so a farm – farming with inside a municipality, down in the east end.

With that said, I would like to turn over, today, to Christine to a very informative, comprehensive presentation to you all today. I'm sure that each and every person in the room will learn a significant amount about how this process unfolds. The various pieces that need to come together before a development permit gets out the door and people get on their way doing the business that they do.

With that, I'll turn it over to Christine and we'll begin.

Christine MacKinnon: Thank you very much, Minister Mitchell. Thank you very much to the committee and I'll let go of the minister's pleasure at being invited to come and give an educational presentation, in some ways, about the work involved in land-use planning.

I'll be starting by kind of some background. I'll talk a bit about land-use planning on PEI, the current status or our work and some of the next steps that we have underway.

The goals of land-use planning are really to determine the highest and best use of the land that we have to promote desirable development patterns and to preserve the unique features that the Island has for future generations.

The Island's landscape and resources are under pressure from changes in the

population, in the environment and the economy. Our choices affect water quality and quantity, public safety, the resource industries; recreation; tourism; wildlife and coastal resources.

The objects of the *Planning Act* are to provide for efficient planning at the provincial and municipal level; to encourage orderly and efficient development of public services; to protect the unique environment of the province; to provide effective means for resolving conflicts respecting land use, and to provide the opportunity for public participation in the planning process.

As you all know our land is a finite and diminishing resource. There is no more land, so we must make careful choices with our land.

Although, we often talk about building permits, there is quite a distinct and technical process to review for development control. In order to achieve our land-use planning goals we ensure that technical requirements and regulations are met through a series of technical reviews. I'll be explaining these processes and the context for the decisions so that we can answer the committee's questions about the process for issuing permits. I'm just kind of giving an overview of the whole process.

Typically, we have sub-dividing land, is the first step, and so that's the process that creates the lot; by dividing a property into multiple properties. This could include consolidation, where a sliver of land is consolidated onto another piece of land, but the first step is to create the lot. The second step is issuing a development permit, and that's the process where you site the structure on the land. That gives site approval. The third step is issuing building permits, and this is the process related specifically to how the structure is built and the construction standards. This stage ensures that the building meets code and the four largest municipalities use the National Building Code and issue building permits and subsequent occupancy permits.

Technically, the province does not issue building permits. We only issue subdivision and development permits.

Chair: Brad Trivers.

Mr. Trivers: Thank you.

I'm just wondering – I get a lot of questions about removal of trees and other vegetation, as well as hedge rows; is that in any way governed by a permit process?

Christine MacKinnon: At this point in PEI, there is no permit requirement for removing vegetation or clearing land like that.

Mr. Trivers: Okay –

Mr. Mitchell: (Indistinct) within the buffer zone.

Christine MacKinnon: There are restrictions on what can happen within the distance from a watercourse.

Mr. Mitchell: Yes.

Chair: Brad Trivers.

Mr. Trivers: Does that include woodlots and cutting trees, and harvesting trees? There's no –

Christine MacKinnon: The buffer zone regulations apply.

Mr. Trivers: I'm sorry; outside of the buffer zone are there any permits required for that at all?

Christine MacKinnon: No.

Mr. Trivers: Thank you.

Christine MacKinnon: The *Planning Act* makes provision for two types of planning authorities in Prince Edward Island. The first type is municipal planning authorities, and the second is the provincial planning authority.

Of the 73 municipalities that we have in PEI, 32 are municipal planning authorities that manage planning and development control within their boundaries. Those are the green municipalities on the map. The province delegates authority to the municipalities for decisions within their jurisdiction. Municipal planning authorities have official plans, along with zoning and development bylaws that guide development.

The province is responsible for subdivisions and development control in all the remaining areas; about 90% of the province's landmass. This includes the municipalities that are not providing land-use planning. Much of this area is farmland, and there has been a sense, I guess, over the last few years that most of the development is occurring in the large municipalities, but in 2016 the four biggest municipalities issued roughly the same numbers of building permits and value of development has happened in provincial jurisdiction. So, there's been a lot of development outside the largest municipalities in rural jurisdiction – provincial jurisdiction, excuse me.

Chair: Brad Trivers.

Mr. Trivers: I just wanted to clarify that you said: 32 municipalities have an official plan and 41 don't and so are governed by the province?

Christine MacKinnon: The province is – the provincial planning authority applies in those municipalities that have not chosen to do land-use planning themselves.

Chair: Brad Trivers.

Mr. Trivers: Is the main reason that you put in the new *Municipal Government Act* was to allow better land-use planning through more official plans on the Island?

Mr. Mitchell: That's certainly one of the reasons. There are many reasons. It's definitely one of the reasons why we like to look at those, and municipalities should as well.

Chair: Sidney MacEwen.

Mr. MacEwen: Thank you, Chair. Thanks, Christine.

You mentioned about the building permits equaled – are given out equal to that of the main four municipalities. Can you be more specific? Like where – is that bordering those municipalities? Is it spread out? Is it –

Christine MacKinnon: I'm just comparing our numbers for 2016 with the numbers for Charlottetown, Summerside, Stratford, and Cornwall last year. So, the development in those four municipalities was about \$106

million and in provincial jurisdiction, it was about \$107 million. It's roughly the same volume of development.

Mr. MacEwen: But location wise? There's nothing specific on that?

Christine MacKinnon: My next slide will explain some of that, okay?

Chair: Thank you.

Christine MacKinnon: Although our numbers are a little bit dated, we see the same trend. In this map the municipalities with planning are grayed out, and so the development pressure that we see has leapfrogged outside of municipalities into some of our best farmland and some of our prime recreational area, and so this is where we see the most development across the Island.

Does this answer your question?

Mr. MacEwen: (Indistinct)

Mr. Mitchell: It's that basic sprawl that we've (Indistinct) –

Mr. MacEwen: (Indistinct)

Mr. Mitchell: – talks about and if you look at it, would be just extended outside the boundaries of the special planning area, that type of thing and that's become more and more the case over the years, as we all know.

Mr. MacEwen: Thank you.

Christine MacKinnon: The other trend that we've seen is very large developments; large, year-round properties on estate lots, so taking up a big footprint.

Both planning authorities, municipal and provincial, must follow the *Planning Act*, the province-wide minimum development standards regulations, the *Environmental Protection Act* and regulations, the *Roads Act*, highway access regs, and other provincial legislation.

Municipalities have their own set of rules outside of these provincial requirements. They have a more developed land-use planning and development control system

that provides them with a larger set of tools to work with when making decisions. A municipality's land-use planning framework starts with their own official plan, which provides guiding vision and policy, and then they go into a lot more detail in zoning and development bylaws and other tools.

I'm going to talk a bit about the municipal processes as well, but just to contrast that; in the province we're working with draft provincial land-use policies. We have subdivision regs, and we deal with some basic technical processes around subdivision development and change of use.

Official plans are created by municipalities across PEI. They're not created equally. There's a patchwork of planning processes across the Island and it's partly because the development of the official plan is based on local public engagement and review, and it reflects the priorities of that community.

Mr. Mitchell: Hence the strong local voice.

Christine MacKinnon: The public is involved in developing the official plan. The people help determine the vision, the goals, and strategic priorities for their community and as part of the process, a future land-use map is developed. The official plan becomes the guiding document that provides direction on how the municipality will grow, and it's used by councils to guide decisions about development and the municipality's future.

The official plan is implemented through a zoning bylaw. In a zoning bylaw, all the land in the municipality is classified into land-use zones that are consistent with the policies in the official plan. So, the zoning map spells out the details of the minimum lot requirements, servicing requirements, and permitted uses for each property. This is like a pre-approval in a lot of ways, and many of the details about what can be built are confirmed and cleared to the public and available on a map.

The zoning bylaw describes what types of permitted uses are allowed in each zone and what the requirements or rules are for that zone. A municipal development officer does not have to look at each development from an overall land-use planning perspective; the work of land-use planning has already been done when the zones and permitted uses

were established. So, it becomes a fairly straight forward question about: Does the subdivision or development meet the requirements of the zoning bylaw?

Often in a municipal development process, we're dealing with a large patch of land and multiple lots. Once the subdivision has been approved by a municipality, the proper roads and sewer, and water infrastructure, is in place, then the individual development permits can be issued. Typically, municipal subdivisions are quite large; sometimes as many as 100 lots at a time. There's significant work involved upfront, but at the end of day the municipality has a large number of lots that can be developed and they have the appropriate services in place.

Issuing a development permit is now fairly straightforward and efficient because the groundwork has been done at the subdivision stage.

Applicants can also apply to have the zoning bylaw amended if their proposed development is not permitted under the current zoning bylaw. This involves public consultation processes and a review by a planner. Amending an official plan requires public engagement as well. So it's a very inclusive kind of process with lots of involvement.

The four largest municipalities also apply the National Building Code, so people must acquire a building and occupancy permit. This ensures that the building itself, the structure and construction, meets national standards and that the building meets the code.

Now I'm going to change gears a bit to talk about the provincial process.

Within provincial jurisdiction, there is no zoning in the provincial jurisdiction and there's no official plan, but we have a set of rules. They are the Subdivision and Development Regulations, which is essentially the province's development control bylaw.

Subdivision applications are usually for one or two lots; we don't process many applications for over five lots since there's a requirement that the developer should construct the roads to standards.

Once an individual applies to the province – either at Gordon Drive or one of the Access PEI sites across PEI – the application to subdivide the land is processed by our front line staff, Safety Standards Officers.

They check to review the information and content that's received. The next check is on safe road access and site distances, and the application sometimes has to be sent to Transportation for input.

Early on in the process there's also a site inspection to get the lay of the land. If the proposed subdivision does not meet the established requirements, the applicants must revise their plans.

The next checkpoint is to confirm that the land is not identified under the Lands Protection Act. If the land proposed to be subdivided is identified, a whole additional process needs to be undertaken. An application is made to IRAC, there's further review by Provincial Planning, and a recommendation to the Lieutenant Governor in Council for final decision.

Chair: Christine, we have a question from Brad Trivers before you move on.

Mr. Trivers: When you're talking about safe access and site distance, for example, along Route 2, those criteria seem to be shutting down a lot of development – the people I talk to. They want to take their land and subdivide it so that they can give a piece to their sibling, for example, to build a home. There's already a driveway there. They're going to share the same driveway, but they say: Sorry, we're not giving you a permit to do that.

It's really stifling development, and in order to allow development to happen, what I've been hearing is that there would have to be a separate road put in sort of behind and off of, for example, Route 2, to allow that to happen.

I was wondering: Do you keep track of the number of applications that get turned down in that category? For example, if you get a large number within a certain area you might consider building a road so that would allow access, so that it could allow development to happen.

The reason I say that is I think that's one of the things that's actually stopping development in our rural areas; is because they can't get the permits to do it because of the safe access and site distance, because the transportation infrastructure isn't there.

Christine MacKinnon: I'm confident that my colleagues in Transportation, Infrastructure and Energy could provide more detail about this. However, there is a regular review of the classification of the highway which dictates, depending on the speed, it dictates the number of access points and that.

There are regular reviews to see if the classification of the highway remains as it's been determined. Those requirements are done through a different department.

Chair: Brad Trivers.

Mr. Trivers: I guess my question is: When you're looking at rural and regional development and you're looking at land use planning from a provincial perspective, are you being proactive in looking at areas where you have main highways, that really, there's no safe access and site distance, so you're proactively putting plans in place so those areas can be developed?

I know if we got the Minister of Rural and Regional Development here as well, and perhaps I'll throw that out to him as well.

Mr. Mitchell: I think when it comes to this, in the experience of my questions being asked at TIE, it's about safety. It's about truck speeds. It's about – and this has come in a number of years ago, so access to Route 2 and that's the one you specifically –

Mr. Trivers: Sure.

Mr. Mitchell: – mentioned has been virtually – you know, there's no new accesses being granted; but in other areas, like off the side roads of Route 2, what you're saying about continues on and (Indistinct) certainly continue in rural areas.

The fact that the Route 2 access – it's significant safety issues brought forward by trucking industries and all kinds of experts that deal with speed zones and things of that nature; but to Christine's point, they do fall

under TIE and I'm sure they'd be more than happy to answer your questions in regards to that.

But that does not stifle rural development. There are lots of other rural areas off of access highways that exist now where people are indeed buildings subdivisions and there's many in the Pleasant Grove area, (Indistinct) road area and all that type of thing. There's a significant amount of rural development going on, especially in the last few years.

Chair: Brad Trivers.

Mr. Trivers: There's a lot of areas that don't have side roads that are off of Route 2 where people would like to develop, they would love to subdivide, they want to take their land and make it available, and they can't because of the safe access and site distance.

I'm just wondering if you have a plan in place that's proactively going to allow that to happen so we can develop those areas and allow people to do that.

Mr. Mitchell: As you can see, Brad, the method that we have in place right now, it's bring in your situation and your plans and we'll see how it fits.

Mr. Trivers: Yes.

Mr. Mitchell: That's a very good – when you asked about is this part of making municipalities responsible for doing that, that's why you bring those things up because that's an opportunity where a municipality could look at things and reduce truck usage, or whatever, to aid that process. Currently, what we have in place right now, we just deal with them as they come in.

Chair: Brad Trivers.

Mr. Trivers: I just wanted to comment that in the opinion of at least some of my constituents, some other people I've talked to across the Island, they feel that the lack of a plan for these areas from an infrastructure perspective when it comes to roads is actually stifling development.

I would like to see some plan put in place to deal with that so that you can allow more of the land to be developed.

Chair: Christine, we'll turn it back to you.

Christine MacKinnon: Thank you.

The next step in our review is consideration of special planning areas that have been identified by the province, and additional analysis is needed because of the unique rules in these areas.

Another question is whether there's a change of use. If there's a change in classification of the land, or if an intensification of use, then there's another process of public notification and sometimes a public meeting.

The process continues. We're still on creating a subdivision or creating a lot. It must be determined if the land being subdivided is identified as a wetland or is environmentally sensitive, has a cultural or heritage designation. This involves consultation with other departments: forest, fish and wildlife, sometimes federal fisheries.

Because most of our subdivisions are requiring onsite sewer and water servicing, then there's a question of water and septic requirements with soil assessments and testing required. Other reviews could be necessary depending on the location and the proposed use.

We must demonstrate that sound planning principles are used when making a decision. We question if the subdivision is premature, will it result in unnecessary public expenditures, or place pressure on the province or a municipality to provide new services? Will the subdivision and its proposed uses have a detrimental impact? Can land use conflicts be avoided, and storm water management is becoming more and more of a priority.

Chair: Thank you.

I have a few questions before you move on.

The hon. Heath MacDonald, followed by Brad Trivers.

Mr. MacDonald: Just wondering, through private developers; when wetlands are removed for development purposes, is there a requirement for those private developers to develop or reinvest wetland somewhere else if it's possible, or is that just a provincial regulation?

Christine MacKinnon: Yes, our policy is that there be no net loss of wetland areas. So, in some situations, there is provision for a re-created wetland, although in some situations the first wetland is often more valuable than a re-created wetland.

That's a point of negotiation between a proponent and the government about what's the best situation in the public good in that situation.

Chair: The hon. Heath MacDonald.

Mr. MacDonald: Is that also the case for a private developer?

Christine MacKinnon: Yes.

Mr. Mitchell: Yes.

Mr. MacDonald: Okay, thank you.

Chair: Thank you.

Brad Trivers.

Mr. Trivers: Thank you.

When you're looking at subdivisions and approving permits for subdivisions do you look at the overall impact of some of the infrastructure required to support them? For example; power stations, putting in poles, as well as, for example, towers, if you need to put in telecommunications for cellphones and Internet.

I know, in my district and nearby, there have been recent cases where they're actually started to put in poles, for example, for electricity, and there was no permit required and there was no public consultation required.

Same thing with some of the towers that are going up, I know down in Crapaud, they wanted to put up a tower to facilitate high-speed Internet, which I think is great, but

then the residents were saying: hey, how come you're putting up this tower?

I wanted to know if those were some of the things you consider in the permit process.

Mr. Mitchell: I'll touch on that and Christine can take over as part that.

When it comes to subdivisions in rural Prince Edward Island that are being built or constructed, there is definitely an assumption that they're going to be electrified with power poles and that.

Typically, on PEI anyway, if you build a house in a subdivision, you apply for the power through Maritime Electric. If new poles are required, or extensions of lines are required that's determined by what service you're looking for.

Typically, if you're building, as mentioned earlier, subdivisions on Prince Edward Island that we're responsible for, anything over five lots you have got to bring the roadways up to the standards of the Province of Prince Edward Island.

As far as power lines and things like that, the developer would do that through Maritime Electric initially. They do have a right-of-way on the easement of the highways to do that. Typically, we don't get involved in permitting of power lines. That's not how it works. As far as towers and things of that nature, within municipalities, there are lots of communications towers within our municipalities on Prince Edward Island, too. And we can all drive up the rural areas of PEI. Neither the municipalities nor the province is responsible for those. That's a federal jurisdiction, that handles where those go and where they need to go and it's upon request from providers that require those services.

Do you want to add anything to that?

Christine MacKinnon: No.

Chair: Brad Trivers.

Mr. Trivers: You mentioned that you don't get involved with the permitting of power lines, there is a right of way and they just build it.

One thing that has been brought up to me is, and it's a good thing is companies are sharing infrastructure like poles where they're running, not only power, but also telecommunications infrastructure whether that be fibre. I notice the Minister MacDonald, is nodding his head.

One thing they've found is that the specifications for the distance that the poles are apart are different for electricity and for fibre, for example, for high-speed Internet. So, they're finding that Maritime Electric is putting poles in 60 feet apart – or sorry, pardon me; 70 feet apart, but for telecommunications they have to be 60 feet apart.

This is an area where, I think, maybe the province could help make sure when common infrastructure is put in, all the potential uses are considered. If you put them in 60 feet apart to begin with they don't have to be ripped up and put back in again and more poles added when additional infrastructure is put into an area.

Mr. Mitchell: I can assure you that this practice is not a new practice. 34 years ago, when I began my first career in the utility business this was normal practice of other utilities using power lines and shared service and all of that.

Typically, if there was an agreement to be made that would typically be made between the utilities. The cost of those power lines are born by those companies. Yes, we pay a service fee to use them, but that does not equate to the cost of the lines going in. It's not even scratching the surface of it. Over the years of the service contract, that's how they, you know, tend to get the payment back for those lines.

If there is an agreement to be made to shorten up the distance or the length that would be between the utilities to come up with a plan; how that would work for all of them. But this practice has been going on for years and years between utilities to share poles for shared service.

Chair: Thanks.

Christine, I'll turn it back to you.

Christine MacKinnon: Thank you.

When an application meets all of the requirements, a preliminary approval will be issued. It's often subject to certain conditions that must be met. This could be the design of the road, a storm water management plan or a surveyed site plan.

In order for a final approval to be granted, the applicant must show that the conditions on the preliminary approval have been met. Final approval is necessary to move on with issuing a development permit.

At any step the proponent can make changes to their plans based on the information that they've gathered. This may loop back to start the process again, depending on what they've found. This is just for the approval of the subdivision. The level of analysis that is required from our planning staff can be very intense.

Municipalities have many of the same considerations, but the majority of their analytical legwork has been done in the development of the zoning map and zoning bylaws.

I'm switching now into the development process. So, at this step you have a lot and now you're applying to planning to build something on the site. You apply for a development permit. Many of the same considerations apply.

There are thousands of lots that already exist, but they might not meet the current requirements for water and sewer services or setbacks from wetlands or water courses. In some cases, the lot may have eroded to the point where there is no room left to build.

When we look at the development process, as I said, it's very similar to the subdivision process, and then you step through to the other aspects because we're now talking about putting a building on the lot, the development permitting process can trigger other reviews.

For example, an institutional development such as a care home would need to meet the requirements for fire safety. This would trigger a review by the Fire Marshal Office and possible conditions related to barrier-free design.

The proposed development must meet setback requirements to ensure they're appropriate distances from water courses, wetlands, dunes and beaches. Erosion rates have to be considered, as well as distances from property lines.

Again, as the restrictions on the development become clearer, the proponent will often adjust their plans to conform or to make a new proposal. At this stage a decision is made to approve or deny the development application.

Chair: Brad Trivers.

Mr. Trivers: Thank you.

It's about the setback requirements from dunes, wetland and beaches.

Are there ever exceptions made, or are there ever cases where there is maybe approval for one type of structure that has a limited number of features, but then because the structure already exists and new features are added, it's grandfathered in?

Christine MacKinnon: Typically, that would be – it all depends, I guess, is the easiest answer.

At many of these stages there is room for negotiation depending on the situation. Depending on the intensity of the expansion or the situation with development in the area, there are many considerations that would go into a decision like that.

In most cases, there is some flexibility in order to make a development work in a different situation.

Chair: Brad Trivers.

Mr. Trivers: Do you feel that there might be a loophole there where someone could get approval for one type of structure and then flip around and turn and expand it. I'm sure the minister might think of a case that I'm referring to in the east that was in the news last summer and then again this summer.

I was wondering if you could just comment on that because it does seem that there might be a loophole there.

Chair: Minister.

Mr. Mitchell: Thank you, Chair.

Whether you call it a loophole or incorrect information being presented, you can choose whichever you do prefer.

In the case that you just spoke of specifically, that was with inside a municipality that has their own land-use planning and that type of thing. The request that came in, as I understand it, what was going to be there, you know, was granted permission to be there based on what the permit said, would look like.

After the fact what happens, it's hard the community to watch everything, I suppose, that's going on, but if it's cited as being not what it is, certainly there should be provisions available to the municipality to work towards bringing it back into conformity.

I think that would be the case for us, too, if it was done under province jurisdiction. When it's brought forward you take it on the merits that are presented and assume that it's a good project based on what you have in front of you and you allow the development to occur.

Chair: Brad Trivers.

Mr. Trivers: Thank you, minister.

Maybe you're getting to this, but what sort of penalties are in place if the procedure is not adhered to and buildings or subdivisions or buildings or anything is done without a permit. Is that in your presentation or is that something you can answer now?

Christine MacKinnon: Could you repeat your question, please?

Mr. Trivers: I'm just wondering what penalties are in place if someone doesn't adhere to the regulations and legislation and they just go ahead and say: I'm building.

Christine MacKinnon: If an application presents to us after construction has started we'll charge double the permitting fee and go through the process at that point.

Mr. Mitchell: Would I add – would you support some penalty being put in that may not exist in some areas today, would you support a larger penalty being brought forward?

Mr. Trivers: I would like to know what penalties are in place right now.

If I go out right now, and I have got a waterfront lot and I go and I just build myself a 2,000 square foot home and the province says: You just built on wetlands and there is no way you would ever get a permit for that. It's too close to the water.

What happens today?

Christine MacKinnon: There are penalties under the *Environmental Protection Act*.

Mr. Mitchell: Yeah, there are penalties for your situation under the *Environmental Protection Act* that would be – and I don't have the values, and I could probably get them sent over to you. I don't have them with me, of course.

Mr. MacEwen: (Indistinct) financial.

Mr. Mitchell: Yeah, it would be financial or you could have them, I believe, we have the ability to say: Tear it down. Remove it.

Mr. Trivers: Okay.

Mr. Mitchell: Those things are provisions are in place –

Mr. Trivers: So there are provisions for that.

Mr. Mitchell: Yeah. Obviously, people become adamant that they want these to exist so then battles do ensue.

That's what you – you get involved with or see in the news. There are penalties available. I can get you the exact dollar figures, but there is an ability, too, to have them remove whatever the construction is.

Chair: Peter –

Mr. Mitchell: It could be strengthened if, you know, when you get there and you think it should be more. Let us know.

Mr. Trivers: I'm just curious. That's – I want – it's an information system, I want to find out what the penalties are.

Mr. Mitchell: We'll send it. It's not part of the process today.

Mr. Trivers: Okay.

Mr. Mitchell: It's hard for us to assume what all your questions will be. Certainly, we'll bring you every bit of information you're looking for back.

Chair: Peter Bevan-Baker.

Dr. Bevan-Baker: Thank you, Chair. I apologize for my tardiness this afternoon. Nice to see you, Christine and minister.

I'd like to follow-up on the decision as to whether to approve or deny an application particularly around the shore, and of course for the longest time the shore land has been the most sought after.

In our changing world with climate change and rising sea levels and all of the impacts of that, I'm wondering whether you have changed – I've got a couple of questions regarding that, whether you are revisiting the criteria for permitting undeveloped lots on, in what now be vulnerable areas, but may not have been considered as such maybe 10 or even five years ago.

Christine MacKinnon: In those areas where we have a good average erosion rate, our setbacks are 60 times the erosion, the annual erosion rate. In some parts of PEI, that's one metre per year, and so it would be a 60 metre setback. In other areas where we know there is more dramatic erosion it could be a larger setback.

Chair: Peter Bevan-Baker.

Dr. Bevan-Baker: I'm assuming that, given the changing nature and the acceleration of climate change, that many approved lots, they may be undeveloped currently, but lots that were approved maybe many, many years ago do not comply with that.

What would be the situation if somebody who was – who owned a lot, which would now not be considered okay to build on, but bought that lot, at the time, would there be a

denial now because of the change in circumstance?

Mr. Mitchell: There would be, yes.

Christine MacKinnon: Depending on the situation there could be a denial. There could be a requirement for a different kind of septic system or water system. It depends on what which part of the lot has been comprised for construction purposes.

But yes, there are many lots that people have held for many years, and they are very frustrated to find they're no longer able to build there because they don't meet the requirements today.

Dr. Bevan-Baker: Yeah.

Chair: Peter Bevan-Baker.

Dr. Bevan-Baker: And on that note, Christine, can you tell the committee how, approximately, how many undeveloped lots, cottage lots, let me put it that way – that exist here on Prince Edward Island at the moment?

Christine MacKinnon: Not directly cottage lots, but the Task Force on Land Use Policy had done some research and estimated there are 30,000 existing lots on Prince Edward Island.

Dr. Bevan-Baker: Do you have –

Chair: Peter Bevan-Baker.

Dr. Bevan-Baker: Sorry, Chair, excuse me.

Chair: No worries.

Dr. Bevan-Baker: Do you have any sense, Christine, of those 30,000, how many may fall into that category of now no longer being developable? If that's a word.

Christine MacKinnon: No, we haven't looked at them. The 30,000 lots were under five acres, so some of them are much smaller than that, but it was just a way to estimate. Most of them are in the coastal zone, but I don't know how many of them have had the requirements change.

Dr. Bevan-Baker: Okay.

Chair: Peter Bevan-Baker.

Dr. Bevan-Baker: Thank you, Chair.

If one is in the situation of having bought the land some time ago with the understanding that it was a lot that could be developed, and now you find that it's not, I'm assuming that's buyer beware, and there is no recourse for people who find themselves in that situation?

Christine MacKinnon: Yes, you're correct.

Dr. Bevan-Baker: Yeah.

Thank you. Thank you, Chair.

Chair: I'll turn it back to you, Christine.

Christine MacKinnon: Thank you.

At this point, if a proponent or their neighbour does not get the decision they wanted, they appeal.

In practice, this is often a step of appeal and mediation before any enforcement action happens. People get busy. Mistakes can be made. The appeal process is a very important aspect of this whole process to make sure that the correct decisions are made.

Informal appeals start directly with the safety standards officer and possibly a proponent provides additional information or clarifies that there could have been a miscommunication about something.

As it escalates, people speak to the supervisor, the manager, the director, and many people appeal directly to their MLAs. You would know this very well, that when a decision is made, that is often the first line of appeal.

In addition, there is a formal appeals process. Every decision the province makes is posted online on the PEI Planning Division's website. We also post the decisions for smaller municipalities and larger municipalities post on their own website.

Section 28 of the *Planning Act* sets out specific requirements for appeals, and municipal and ministerial land use planning

decisions can be appealed. There is a 21-day appeal period. Technically, construction should not occur until the window for appeal has ended.

If there is an appeal we turn our whole file over to IRAC and they review the steps and reports that we have gone through and a hearing may be held while the case is reviewed. If provincial planning staff have not followed the procedures and the regulations, and if we have not demonstrated due diligence in our review process, then the decision can be overturned.

IRAC can overturn a decision if they determine that the proper process regulations and sound planning principles were not followed during the decision-making process. This is an issue that is most frustrating to our staff who are often asked to hurry things up. If they miss a step or don't follow the procedures, they are bound to explain why when the decision is appealed.

Municipal planning decisions are also appealable to IRAC. This is one reason that municipalities have such sophisticated planning processes in place to demonstrate that they have done the technical review correctly.

I've mentioned already that the province does not have an official plan or zoning bylaw to guide what is allowed in an area. Each lot and each application must be considered based on the site and the surrounding land uses.

Our staff must make land-use decisions with careful consideration for sound planning principles, established processes and in compliance with all appropriate legislation.

Zoning in municipalities is like a pre-approval for land use because this could fast track some decisions and municipalities don't have to deal with identified land. They have standing meetings for public engagement and discussion when required.

Chair: Thanks.

Brad Trivers.

Mr. Trivers: I'm just curious; if the department makes a decision on a given

proposal for building, let's say, and it's denied, can the minister overturn that decision if they want?

Mr. Mitchell: I'm not sure I follow. If the department decides it's –

Mr. Trivers: Yeah, let's say the department goes through and they could say, what, I don't think we should issue this permit, can the minister say: No, actually I think I want you to issue that permit?

Mr. Mitchell: After they've publicly issued the denial to the person, it would be fairly difficult.

Mr. Trivers: I'm thinking, to rephrase the question, does the minister have the final say on whether a permit is granted or not?

Mr. Mitchell: I sign off on all kinds of things on a daily basis. The buck stops with the minister in the department.

Christine MacKinnon: But, in routine transactions, the power of the minister is delegated to the frontline staff for decision making.

Mr. Trivers: Okay, thanks.

Chair: Thank you.

Christine MacKinnon: I'm getting now into the processing times, and this is – I know what your specific interest was.

We do track the processing times for permits. I'm reporting today on median application processing time, and the media is that midpoint in the set of numbers where half of the numbers are lower and half of the numbers are higher.

Looking at the media processing time, our numbers this year are very similar to the three year average for both subdivision and development applications, averaged over the last three years. This year we are seeing an increase in applications, which can usually lengthen the timelines.

The number of subdivision applications we've received so far this year generally has been above the three-year average. To the end of September, we've had 373 applications to date.

The number of development applications received this year has been consistently higher, month over month, than the average over the last three years. What's particularly significant this year is that the value of the projects is up 55% over last year based on the end of September comparisons.

As you can see in this slide as well, the winter months tend to be a slow time, and as the construction season approaches and gets underway, the applications for subdivision and development significantly increase.

With population increases due to immigration and low vacancy rates for rentals, this year people are looking to build; and with the good weather that we're having, we're not seeing any decrease in construction activity at this point. So it's remaining high, remaining a lot of development pressure this year.

Chair: Brad Trivers.

Mr. Trivers: I was wondering – I don't know if this is something you can break down, but when you're talking about subdivision applications and development permit applications, do you have a breakdown of what the number are from non-residents vs. residents?

Mr. Mitchell: For large subdivisions, you mean?

Mr. Trivers: For both, for subdivision applications and development permit applications.

Christine MacKinnon: Our database doesn't currently have that breakdown. Seasonal properties are – there's a range of ownership (Indistinct) –

Mr. Mitchell: And if it's under five acres it wouldn't be designated as resident or non-resident.

Christine MacKinnon: We don't track that.

Mr. Trivers: Chair?

Chair: Brad Trivers.

Mr. Trivers: And that's what I'm trying to figure out. I'm trying to figure out: Are there people who are non-residents on PEI who

are buying lots and developing land? Or is it primarily people who are residents of Prince Edward Island that are (Indistinct) –

Mr. Mitchell: Any non-resident that purchases a piece of property over five acres, it does – they go through IRAC approval and then Executive Council approval after that.

Depending on the size of the project that they're looking to do, but if it's over five acres, certainly it has another layer that it has to go through. Under five acres, though, if you're an Island resident and you're going to purchase something, a house on a lot; that does not go through that process.

So it's really – we don't have, I don't have numbers of non-residents. We could probably get the other number – I don't have it with me, of course – on the larger properties.

Chair: Brad Trivers.

Mr. Trivers: I think this is a stat that might be good to have, only because I know at the committee here we're going to be looking at land speculation and whether that's an issue on PEI. We see the prices of land going up and we're trying to figure out perhaps what are the causes of that.

It might be interesting to see if one of the reasons that the price of land is going up is because there are non-residents who are buying, for example, lots less than five acres and developing them as an investment property as opposed to because they're non-residents and that's actually driving up the land for Islanders.

Whether that's a problem or not, that's what the committee's going to talk about and see if we have any recommendations. That's the reason I asked for that sort of stat. I don't know if it's one you can get or not.

Christine MacKinnon: There's a very clear distinction in the legislation that the *Lands Protection Act* deals with land ownership and the *Planning Act* deals with land use.

Mr. Trivers: Right. No, I understand that, but you're in the best position to have the statistics to know.

Mr. Mitchell: So what you're looking for is non-resident land purchases over five acres per subdivision? That's the stat you'd like to have (Indistinct) –

Chair: Brad Trivers.

Mr. Trivers: That's one stat that'd be good.

I'd like to see development permit applications for developments on land under five acres or whatever the size land is that are being applied for by non-residents, and when the case it's a non-resident owner who's making the permit application.

Mr. Mitchell: Yeah. I'm not sure that we can have that one quite clearly. I'll have to figure out how to do that. I know the other one is quite easy. It's to go through IRAC, that process is –

Mr. Trivers: Yeah.

Mr. Mitchell: – fairly straightforward.

Chair: Thank you.

Chris Palmer.

Mr. Palmer: Thank you, Chair.

My question may be along the same line, although pulled back a little bit. I'm just looking for clarification on this: Development permit applications received. So the numbers are up and the value is up 55%?

Christine MacKinnon: (Indistinct)

Mr. Palmer: Thirty per cent or –

Christine MacKinnon: No, the value – so when someone submits a development application, we ask them what is the dollar value of what you're constructing.

Mr. Palmer: Right.

Christine MacKinnon: So that dollar value is up 55% over this time last year.

Mr. Palmer: Excellent. So, do –

Christine MacKinnon: So there are a lot more large, complex –

Mr. Mitchell: Bigger projects.

Christine MacKinnon: – commercial developments.

Mr. Palmer: Right, and that was my next question: Is what is this? So that's good.

Thank you.

Chair: Thank you.

Mr. Mitchell: Can I get just some clarity on the questions? Will you submit those questions to us as a –

Clerk Assistant: I can.

Mr. Mitchell: – as a committee so that we can send it back to the committee table.

Clerk Assistant: I can do that.

Mr. Mitchell: Thank you.

Chair: Great, thank you.

I have Peter Bevan-Baker and then I have Sidney MacEwen on the speakers list.

Dr. Bevan-Baker: Thank you, Chair.

I'd like to talk about some of the new builds that we see in Charlottetown and the bigger centres, and I'm wondering – there's a real crunch at the moment on affordable housing in our cities, and I'm wondering whether there is any provincial legislation that mandates a certain portion of any new development be affordable housing?

Christine MacKinnon: No, there's no provincial requirement –

Dr. Bevan-Baker: There isn't.

Christine MacKinnon: – at this point.

Dr. Bevan-Baker: Is there any appetite to consider such a mandate? I know there are other jurisdictions that when new developments occur, that they have to – a certain percentage of that development has to include affordable housing.

Christine MacKinnon: Yes, it's a great concern by many Islanders today, and we're looking into the sort of tools that are being

used in other jurisdictions to try and find guidance for how best to proceed here.

Dr. Bevan-Baker: I'm very happy to hear that.

Thanks, Christine. Thank you, Chair.

Mr. Mitchell: I think the best success you're going to find is by incorporating all levels of government, including –

Dr. Bevan-Baker: Yes, sure, of course.

Mr. Mitchell: – (Indistinct) which probably is playing the lesser of the roles today. We've identified that and we'll have discussions within municipalities to say: What are you available to assist with here? Because the need is extreme as we all know; and it's growing, really, honestly.

There's discussions underway, what we'd like to see but within Family and Human Services, too, for what they need, and who needs to be at the table. Things are working along nicely there I guess, Peter, at the moment.

It's under a big lens right now for (Indistinct) but we need everybody there and everybody talking about the same thing.

Dr. Bevan-Baker: Sure.

Thank you, minister.

Chair: Thank you.

Sidney MacEwen.

Mr. MacEwen: Thank you, Chair.

I've been re-reading the Commission on Land and Local Governance report from 2009 and I'd kind of like to follow up on what Brad was talking about.

I guess my first question is: Is the government concerned about large corporations avoiding the spirit of the *Lands Protection Act* with regards to land limits? Is that a concern around the cabinet table or within government right now?

Mr. Mitchell: Well, when it comes to land limits, it's strictly enforced through IRAC. If anybody's circumventing that, they're doing

that intentionally of course by not giving their acreage through to IRAC.

Periodically, we'll get inquiries about that and I'll say: Well, you know, tell us where it is. A lot of it's very vague after the fact and –

Mr. MacEwen: It is, and I don't know if I used the word –

Chair: Sidney MacEwen.

Mr. MacEwen: Sorry, Chair.

I don't know if I used the word 'circumvent'. I'm talking about the spirit of the act, and it's where, as you know, there's affiliates of a corporation that are also owning land and they're using that; and you're right, a lot of the information that we get can be vague and stuff like that.

I guess my question is: Is that a concern for government that yes, everything is good by the letter of the law, but perhaps the original spirit of the act, which was to protect us against people buying up large acreage. Is that a concern in the future of corporations?

Mr. Mitchell: It most definitely is. That's why land limits are put into place and are strictly adhered to at those levels.

I know what you're talking about with large families, but it's really hard to tell the nephew of somebody you can't have land and you can't work with your neighbour. I think that's probably what you're referring to, because typically, that's what often it reflects back to.

As far as who's holding what land, what corporations are holding what land, it's distinctly laid out to how much you can have and that's the max; to the best of my knowledge, no one individual corporation that's going over their land max.

Now, if two brothers are farming two farms side-by-side and at the end of the day, the potatoes or the grain or the cattle are all going into one barn, that's smart business, I guess, at their end. Each one is having a maximum that they can have and that's what the land limits are about.

Chair: Sidney MacEwen.

Mr. MacEwen: Thank you.

Yeah, smart business is one thing, and that's exactly what I'm talking about is the major corporations coming and buying up farms through affiliates, right? You're right, they're not circumventing the act, but the flipside of that is the small farmer in Morell who has been leasing land for a number of years. It's probably a good news story that a farmer is able to sell their 600 acres to a large corporation, or an affiliate of a large corporation.

Guess who can't lease that land anymore? It's the 28-year-old who has got a farm. That seems to be happening more and more. I know you are fielding those calls. You are having those conversations in the street. It's certainly becoming louder and louder to me.

When I say, is the government concerned about it? I guess I should be saying: What is the government going to do about that?

I think that is a – I want large successful farming operations to be successful, but I don't want the young, new female, male farmer, to be pushed out. They can make a go of it, but if they're losing their available land. I'll switch from concern: Is there a plan for that?

Mr. Mitchell: You know what? Certainly, what you are speaking about, we often hear it. I'm sure every member –

Mr. MacEwen: Yeah.

Mr. Mitchell: – on this floor hears that. There has been discussion with agriculture, and I don't want to steal anything that they're working on, but maybe it's time to look at some land holding plan within some entity, whether it's government or whether it's third party where the 28-year-old who's trying to get started has that ability to do that.

That's something that is being discussed in a very aggressive way, I guess, at the moment. We do field those calls from the young 28, 24, 23-year-old, young couple that are trying to get into that and we want to support them and we want to see them succeed and we want to see them thrive and grow families in areas of rural PEI that, you know, that's

become a problem. We need those young families to exist there.

Certainly, we are looking to support them, but when calls come in – and I do make my calls of investigation – everybody is meeting their – where they are supposed to be.

If a solution is to have a pool where they can come in and take from that pool that may be the very best solution in order to enhance that. Those discussions are ongoing. I don't know when the day will be, but I know the minister of agriculture is working hard on it. He gets it. He understands that this is a very serious need on PEI and I agree with him, too.

Chair: Sidney MacEwen.

Mr. MacEwen: Thank you, minister.

That's great to hear that we're concerned about it again, but I'll be honest, I was working in the opposition office in 2009 when that report was released. I heard the agriculture ministers at the time say then, too: this is a priority. Yeah, a land bank, these are great ideas and we're move towards it.

Since that time we've seen a little bit of progress in certain areas, but I guess action is what we need. The other elephant in the room is, everyone likes to talk about the GEBIS, the Great Enlightenment Buddhist Institute Society – wonderful, people who are doing goodwill across PEI, but there are major land purchases.

Now, is the major corporation or the religious institute over the acreage limit? No, but we do hear of affiliates that are buying up plots of land, houses (Indistinct) that kind of thing.

There is land that is being taken out of production. Now, what I'm hearing is, say, dairy farmers coming to me and saying to me: we can't get hay. I don't think we're there yet, as a crisis in not being able to access land, but I think there is genuine concern when you see someone coming in and buying up that kind of land. Is that a concern for government and are we monitoring the amount of land, say, in eastern PEI, farmland that is being bought and that's being taken out of production?

Mr. Mitchell: I can assure you that it is well monitored. It is well scrutinized, who is buying what and where things are going. But reality is, when people are coming here from other provinces, whether it's international parts of the world or other provinces in Canada, they're coming looking to reestablish on Prince Edward Island and paying really good prices for land. Farmers who have been farming their land for –

Mr. MacEwen: That's the tricky part –

Mr. Mitchell: – 60, 70 years – yeah I get it –

Mr. MacEwen: – (Indistinct) their whole effort into it their whole life –

Chair: Mr. MacEwen –

Mr. MacEwen: Thank you, Chair.

Chair: – the minister has the floor, so let him finish –

Mr. MacEwen: All right.

Chair: – talking before you talk.

Mr. Mitchell: When they're coming in and buying lands and paying amounts of money that the 23-year-old can't pay, that's a challenge, but it's certainly not something that they're breaking any rules or anything by that, it's –

Mr. MacEwen: No.

Mr. Mitchell: – they're just coming in and paying what they feel is fair based on where they just left. We're watching – that all comes through my desk and the calls come through my desk that say: I can't afford to pay \$5,000 an acre. I can only afford to pay \$3,500 an acre. My heart breaks. The land bank may be the very best solution. We'll have to work on something on that nature.

Chair: Sidney MacEwen.

Mr. MacEwen: I'm with you. Someone has put their whole life into a farm they deserve to sell it for a top dollar. I have no problem with that.

Even with the land value, that's one thing, but it's about taking the land out of production. I guess you say your government is monitoring it.

Is there a concern yet about the lack of available farmland, or is there concern about the rate of increase in this – the off-province ownership of land in eastern PEI?

I know the Chair is going to move on here, shortly, so I want to add into one of Brad's requests. Brad had requested off-Island land ownership, and you had mentioned subdivisions, but I think what Brad is trying to say, or what I would want to, is not just the ones that are being subdivided; it's all land purchases, not just ones being subdivided, over five acres.

Mr. Mitchell: We got to keep in mind that no matter who comes to Prince Edward Island from where they come from, it doesn't – at a certain particular point in time they become a resident of PEI –

Mr. MacEwen: Yeah.

Mr. Mitchell: Right? Often when people come from other provinces they sign a declaration that says: I will be remaining here for the rest of my days and life.

They have the best interest to be Islanders, right?

Mr. MacEwen: Absolutely.

Mr. Mitchell: Those are things that we have got to keep focusing on and keying on, but –

Mr. MacEwen: Just going back to what I said: The government is on top of it and is monitoring the amount of farmland that is being taken out of farmland and we'll come back with those, the numbers of all of them, not just ones being subdivided.

Mr. Mitchell: For –

Mr. MacEwen: Off-Island purchases of over five acres.

Mr. Mitchell: For the last, what, one year or?

Mr. MacEwen: Since 2007.

Mr. Mitchell: Since 2007?

Mr. MacEwen: Yeah.

Mr. Mitchell: Have you got that, Emily?

I'll do my best. Obviously, all of this comes through IRAC to us, right?

Mr. MacEwen: Yeah.

Mr. Mitchell: I don't know that I have a track of it right there, but I'm sure it would be available.

Mr. MacEwen: No, thank you. I appreciate you letting me go down that –

Mr. Mitchell: As long as we're clear on your question.

Chair: Thank you.

I'm going to turn the floor back to – Brad, I know you're next on the list, but I'm going to turn the floor back to Christine to continue her presentation and there may be some answers that she may –

Mr. Trivers: I just wanted to clarify one thing she said on slide – well page 10.

Sorry, Chair, if you don't mind.

Chair: Go ahead.

Mr. Trivers: It's the 55% increase in the value of projects. That's 55% across both subdivisions and development permits in general, is that right?

Christine MacKinnon: It was in the development permit.

Mr. Trivers: Just in the development permits, not the subdivisions?

Christine MacKinnon: That's where people propose to build a building and say what the dollar value is of the building.

Mr. Trivers: Okay, so it's only development permits.

That would include both commercial as well as residential?

Mr. Mitchell: Correct.

Christine MacKinnon: Yes.

Mr. Trivers: Okay –

Mr. Mitchell: The bulk of that would be (Indistinct) like commercial would be (Indistinct)

Mr. Trivers: That's what I wanted to clarify when you were talking with Mr. Palmer –

Christine MacKinnon: I don't have that breakdown yet this year.

Mr. Trivers: Because you seemed to imply that it was mostly commercial, but you say you don't have the breakdown?

Christine MacKinnon: I don't have the full breakdown to give you the percentage.

Mr. Trivers: Okay.

Christine MacKinnon: It's a mix of a lot of bigger houses and additional commercial development that we didn't have last year.

Chair: Great, thanks.

Christine, I'm going to turn the floor over to you.

Brad, if you could hold your questions –

Mr. Trivers: Thank you, Chair.

Chair: We'll continue with the presentation.

Christine MacKinnon: Thank you, Chair.

I am coming to the end of the presentation. A map shows our current safety standard officer coverage areas. At the frontline we have eight fulltime equivalent staff. We have seven staff on year round. We have two people that come on for six-month positions to handle the heat of the summer, plus, an additional subdivision officer.

Our staff are located in O'Leary, Summerside, at Gordon Drive in Charlottetown, in Montague and in Souris. If we have a busier year than usual it's very difficult to pick up additional staff in the short term. The technical requirements for employment are very specific and significant training is required to understand the province's regulatory framework. We've

been struggling to fill positions just based on the higher compensation in other jurisdictions.

Our pressures this year have been about increased complexity in the proposals that people bring forward, in addition to a busy construction year overall. The more complex a development is the more areas there are for review.

In addition, safety standard officers spend a lot of their time dealing with information requests. They're answering questions from potential land buyers; people trying to do their due diligence; from lawyers, from real estate agents.

A typical question is: What is the zoning on my land? The answer is: there is no zoning, but it depends what you can do. It's quite a rigorous process to be able to answer that question.

At the same time, making good decisions takes time and it takes attention to details, and to patiently consider, not just the short-term, but the long-term implications.

There are frustrations when people don't have their expectations met. Closing dates are sometimes set without consideration of the process that's required for the necessary approvals. Sometimes, planning considerations are an afterthought in the development of significant business and projects and business ventures. Suddenly, there is a funding announcement and the expectation is that all of the approvals are in place and sometimes it can take some time and some re-jigging of the proposal in order to meet the requirements of the land that's involved.

We have already talked about how some individuals have a perception of what they can do on their land and there may be restrictions that people were not aware of.

Typically, the permitting process and fees are charged to recover the cost of providing the service. The higher fees enable municipalities to recover the cost of providing land use planning and ensure that there are enough staff dedicated to provide efficient quality services.

Our fees are quite low when compared to municipalities that provide planning services. Our municipal colleagues actually suggested the low fees in provincial jurisdiction attract development to move to rural areas and away from municipalities that are providing urban services, like water and sewer.

We're always working to improve our processes and our legislation. We're amending existing regulations to modernize them. There are a lot of new tools that have been introduced in other jurisdictions that we haven't got available to us at the moment.

We're facilitating interdepartmental work in areas that require different permits and approvals. We're working on new regulations to improve clarity. We need some new tools to help us direct development to where it makes sense for public safety and for good economic development. We're always trying to identify efficiencies in our processes and to be clear about standardization of the decisions.

By having a strong land use planning framework, we're able to deliver specific outcomes and protect important public values.

Over time, we have reduced the number of contaminated wells. We have reduced situations where sewage runs out on the surface of the ground.

Many old cottage subdivisions have only one road into them and there is a real concern for access by first responders if that road floods or if there is a fire.

We're the most densely populated province, and everywhere is someone's backyard. There are ongoing issues with neighbours complaining about neighbours.

We're losing our farmland to development and to erosion. We have to protect resource land for resource industries. Every house in the countryside is effectively a no-farm zone.

We're working to create a sense of place, to protect the views, and to protect what makes PEI special. Tourists don't come to

see University Avenue; they can see that anywhere in North America.

The Island's landscape and resources are under pressure. We do these things by balancing the public interest with private proposals on focusing on what's right for now, and for the future.

Climate change is going to require changes in our approach to land use planning. The trends we face on PEI, the concern for water quality and quantity; the cost of providing rural services; preservation of farmland; rural depopulation; affordable housing, can all be addressed through effective land use planning processes.

We can see these trends and we can continue to react and spend our time dealing with the symptoms, but we are working to be more proactive and to plan for the future, and to make choices now to protect public health and safety using sound planning principles.

Mr. Mitchell: Thank you.

Christine MacKinnon: Thank you.

Chair: Thank you.

Brad Trivers.

Mr. Trivers: Thank you, Chair.

I'm looking at the fee structure here and on that slide. I'm just wondering if you could give just a quick justification of why the fees are charged.

Christine MacKinnon: It's not quite an apples-to-apples comparison, because on the provincial side, it's the subdivision and development fees, where on the municipal side, in this case, the municipality is going to the next step of having an inspection for the national building code. The inspection fees are included in the municipal example.

Chair: Brad Trivers.

Mr. Trivers: You're saying that the money is there on the municipal side because they have to pay an inspector to do it, plus there is some administration to go and keep the records and do the checks?

Christine MacKinnon: Yes.

Mr. Trivers: Again, it's more for the record what the justification is for those fees.

Christine MacKinnon: In the future when the province goes to the national building code there will be additional inspections and fees for compliance with the national building code.

Chair: Brad Trivers.

Mr. Trivers: When it comes to the people who manage the records, the people who do the inspections and the, I guess, the information systems required to manage that data, do you have a consolidated solution that's available to all municipalities across the Island, as well as the province?

Or does every municipality, including the province, kind of have its own separate solution?

Christine MacKinnon: At this point each planning authority maintains their own records.

Chair: Brad Trivers.

Mr. Trivers: Is there any plan to look at that as a cost savings to maybe to help lower these fees to stimulate development and just be more efficient?

Christine MacKinnon: We do work with our colleagues in municipal government to try to find ways to streamline the processes. I know that some municipalities are considering a new database and data management systems, but I haven't been in detailed conversation with them at the moment.

Chair: Brad Trivers.

Mr. Trivers: I was going to say, this seems like a case where, like clearly the province could take the lead and add a lot of value and help out the municipalities, as well as themselves, to make things a lot more efficient in terms of keeping records and managing records. In my opinion, I'd like to bring that up with you today.

As well, one thing that has been brought to me is, through the new Municipal Government Act, you're talking about the ability to share positions like a chief

administration officer through different municipalities, things like that.

I'm just wondering if you ever considered really having CAOs actually employed by the province and then shared out amongst the municipalities that way, in a way to save municipalities money and be more efficient.

Mr. Mitchell: That's the CAO for the province that sits beside me here –

Mr. Trivers: Yeah.

Mr. Mitchell: – now, I guess you could say –

Mr. Trivers: She could have a whole team.

Mr. Mitchell: When we're bringing forward the new Municipal Government Act. When I'm out talking to the smaller municipalities about the shared service piece you talked about, this is just another aspect of that.

The municipalities that exist, they want to have their own control of the boundaries that they're doing their work within, and it's very important to them that they maintain that. To allow shared service is one avenue for them where they can allow things to happen and to grow on that.

Is there better ways? We're always talking about better ways, Brad, and lots of discussion I know we'll pursue over the next few years. I'm sure that'll be one. I don't have the good answer about what suggestions will come and how can we do things better, but municipalities are fairly strong on making sure their communities are well looked after within their own piece of work, and we'll support them if things like that come to the table. Why wouldn't we take a look at it?

Chair: Brad Trivers.

Mr. Trivers: I think it's a really important discussion to have, especially in communities that are not incorporated, because those are places where the province is administering all the permits. They're looking at the land use.

Those communities have – as you mentioned, you have the CAO for them sitting beside you today, and it seems to me

if you went to a model where you had CAOs that were responsible for parts of the Island at the provincial level without having to be associated with given incorporated municipalities, then you could actually more efficiently manage communities in different geographical regions and also, actually, have land use plans.

Anyway, I just want to throw that out there, Chair.

Thank you.

Mr. Mitchell: The relationship (Indistinct) there are CAOs now that are responsible for multiple municipalities (Indistinct) –

Mr. Trivers: Municipalities but not the unincorporated areas.

Mr. Mitchell: No, she's it for the unincorporated areas.

Mr. Trivers: That's my point, I guess.

Chair: Thank you.

Mr. Trivers: Yeah.

Mr. Mitchell: She does a good job.

Chair: Thank you.

Before I wrap this meeting, I want to make sure that Emily would like to clarify what is being asked of her.

Emily, I'll turn it to you.

Clerk Assistant: Yes, so there's a few things that the committee had asked information for and that the minister had mentioned that he might be able to bring back. I just want to clarify so that we're all on the same page and I know what I'm asking for.

The first one was penalties that are in place for buildings that didn't have a permit. Is that information that (Indistinct)

Mr. Mitchell: I think that's (Indistinct)

Mr. Trivers: That's correct.

Clerk Assistant: Okay, perfect.

So the second one would be – so for non-residents purchasing land for above five acres, what are the statistics going back to 2007? Is it for the development permits or for the purchase of the land?

Mr. Trivers: Just to clarify on that, let's look at the purpose of this. This committee's looking at land speculation, potential land speculation, whether that's a problem on the Island. Really, it's the number of non-residents that are applying for permits, whether it's above five acres or below five acres, and whether it's subdivisions or development. I'd like to have all those stats.

You can say there were 120 or 130 development permit applications received in September, and you know, 90 of them were by non-resident owners. To me, that would help us understand whether there might be some land speculation going on.

Mr. Mitchell: There'd be a bit of cross reference there that we'd have to do, because if the purchaser was a non-resident purchasing over five acres, we'd have to cross-reference that to a permit that said they came in to look for this to build this building and – we'll do some cross-referencing. We'll do what's best, the best job we can do with it. It's a fairly daunting task that you're asking for, but we'll do what we can do.

Mr. MacEwen: Don't they all have to go through –

Chair: Emily, do you have – is there anything else?

Mr. Mitchell: Not to build your building after you get the land.

Chair: Emily has the floor, thanks.

Clerk Assistant: Thank you, Chair.

Just to clarify, it would be for non-residents above and below five acres for development permits since 2007, is the information you're looking for? Or development permits and subdivision permits?

Mr. Trivers: Yes.

Clerk Assistant: Okay.

Mr. Mitchell: We'll do our best.

Mr. MacEwen: And I'll move for land acquisition.

Clerk Assistant: Okay, so for non-residents –

Mr. MacEwen: That's right.

Clerk Assistant: – buying, purchasing land above five acres?

Mr. MacEwen: That's right.

Clerk Assistant: Okay.

Mr. MacEwen: Chair, can I ask a question?

Chair: Sidney MacEwen.

Mr. MacEwen: Christine, what would the best way to request that broken down? How detailed does that get? Is it best to ask by county or is it best to ask by – how detailed can you get that?

Christine MacKinnon: At this point, I'll need to go back and check on the database to see if we even track the information that you're requesting, but I'm committed to try to find the answer for you. At this point I'm not sure enough of the database and how I can query it.

Mr. Mitchell: How be it we suggest the form that you get it in, if it's not suitable, let us know.

Chair: Thank you.

Mr. MacEwen: (Indistinct) can do that.

Chair: Emily anything else?

Clerk Assistant: Sorry, for both of those informations, was it 2007 or was it just for your request about land acquisition back to 2007.

Mr. MacEwen: (Indistinct) about the land acquisition, that's probably a lot of permits, I don't know.

Mr. Trivers: I would say we don't have to go back to 2007 –

Clerk Assistant: Okay.

Mr. Trivers: – to get the breakdown for development permits and subdivision applications. For the applications, if we could go back even just a few years would probably be good enough.

Clerk Assistant: Three?

Mr. Trivers: Three years would be fine, if we could. I don't know if that's reasonable.

Maybe just a quick question before you –

Chair: Brad Trivers.

Mr. Trivers: I would be really interested to understand what information you do track against a property ID.

Just a general list of the different attributes that you track against a given property ID; the name of the owner, whether they're non-resident; when they purchased the land –

Christine MacKinnon: All –

Mr. Trivers: – what its assessed value, all that.

Christine MacKinnon: All of the information that we collect is collected under the authority of the freedom of information and protection of privacy legislation.

Mr. Trivers: Yeah.

Christine MacKinnon: What's collected specifically under the *Planning Act* is used for purposes under the *Planning Act*.

Mr. Trivers: Sure.

Christine MacKinnon: It's not able to be readily transferred across jurisdictions.

Mr. Trivers: I'm not asking for the information –

Christine MacKinnon: No.

Mr. Trivers: – I want to know what –

Christine MacKinnon: (Indistinct) summaries.

Mr. Trivers: – what information is actually tracked, that's all.

Christine MacKinnon: Okay.

Mr. Trivers: Then that'll help us in the future making requests for reports, right? If we know what information is tracked then we can make, maybe, some requests on what type of reports you could provide that would help us out in our analysis and recommendations on the committee. That's all I'm thinking.

Chair: Emily has a clarification.

Clerk Assistant: We're looking for just what information is tracked under the *Planning Act*, but not the information specifically. Just what information is gathered.

Mr. Trivers: I would like to see all of the information the province tracks against property ID, whether it's under the *Planning Act* or any other act, what attributes are tracked. I want to get a picture of the information that the government has.

Not the actual information itself –

Clerk Assistant: Yes. Just what –

Mr. Trivers: – just the attributes.

Chair: Well, thank you.

It was a great meeting and behalf of all the committee members, minister, I would like to thank you and your Acting Director, Christine MacKinnon.

Christine, whenever you come in we always know that you got a great grasp on your subject and we're very well versed in the *Planning Act* and all of the – it was a very educational presentation. I know that you and your team in municipal affairs always make sure that people who come and purchase property on Prince Edward Island are getting the best information. It's great for Islanders who want to come live, work and play here, that they're getting the best information with regards to planning and municipal planning here on Prince Edward Island.

Thank you for the team who came here to watch today. We appreciate your time before our committee.

Thank you.

Mr. Mitchell: Thank you very much.

Christine MacKinnon: Thank you.

Mr. Mitchell: Thank you very much for being here and we'll do our absolute best to get the information that's been asked today and provide it back to you as expediently as we can.

Chair: Thank you.

While our guests are vacating their chairs, hon. members the next item on the agenda is new business.

Do we have any new business?

Mr. Trivers: I don't have any (Indistinct)

Chair: I'll call for a motion for adjournment.

Mr. Trivers: Chair, but it's not really new business but I just wanted to find out where we're at with our workplan and what's next.

Chair: Emily?

Clerk Assistant: Yes, thank you.

I can update the committee on the items that are still outstanding on its workplan.

There is the topic of land speculation/rising cost of real estate in the province. There were a number of presenters that the committee had agreed to.

At this point, it's just a matter of scheduling them in, probably over a couple of meetings. I think there were five or six, so probably be two meetings for that.

Mr. Trivers: Great.

Clerk Assistant: The other outstanding item is that – an update on carbon pricing. That meeting will just have to be scheduled at some point for the committee, as well.

Chair: Perfect, I do know we have a –

Mr. Trivers: What are the time – go ahead, Chair, sorry.

Chair: We have a meeting scheduled for next week, as well, right?

Clerk Assistant: Yes. There was a request that had come in from Dave Pizio, Chairperson of the Community Improvement Committee from Greenmount-Montrose community to talk about the Municipal Government Act and rural communities. He'll be in next week, November 2nd.

Chair: Thank you.

Brad Trivers.

Mr. Trivers: That's the only focus at next week's meeting. None of the other groups are able to come in and present, as well.

Clerk Assistant: No, so at this point there was just Dave Pizio to come in. I'm assuming that we'll have other meetings scheduled to have the land speculation topic, and then the topic of carbon pricing.

Mr. Trivers: Oh (Indistinct)

Chair: Brad Trivers.

Mr. Trivers: I'd just like to suggest since we're already meeting and Dave Pizio, perhaps, won't take up the entire time slot or at least I'm guessing he won't. I have heard him present before out in Bloomfield, I guess or no, Alberton, I guess it was, Alberton. We had a discussion and I assume it would be a lot of the same information.

I think we should push forward and try and get as much of our workplan completed as possible before the sitting of the Legislature.

Chair: Thanks.

I'll work with the clerk to make sure that we try and add somebody else to the agenda.

Mr. Trivers: Thank you.

That would be much appreciated.

Chair: Any further business?

Motion for adjournment.

Mr. MacDonald: (Indistinct)

Chair: Thank you, the hon. Heath MacDonald.

Everyone, thank you for your input and have a great day.

The committee adjourned