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April 15, 2021

The Ministry of Municipal Affairs and Housing
Municipal Services Office – Eastern region
8 Estate Lane., Rockwood House
Kingston, Ontario K7M9A8

Attention: Dan Ethier

Dear Mr. Ethier:

**Re: Comments/submissions on proposed approval of the official plan
of the Corporation of the County of Prince Edward
ERO No. 019–3333
Ministry Reference No. 13–OP–185146
Our File No: 200919**

This letter is written to you on behalf of our client, Cressy Bayside Estates Inc. (“Cressy”), with respect to its objections to the new County of Prince Edward Official Plan adopted by County Council on February 24, 2021 (the “Adopted OP”), which has been submitted to your office for review.

Below please find our client’s comments with respect to the Adopted OP.

Background

Since 2018, Cressy has been seeking planning approvals for a shoreline residential subdivision on land it owns in Prince Edward County (“PEC”). This development was supported by the Shore Land policies in the 1998 PEC Official Plan. To this end, Cressy retained consultants to prepare studies to support the applications and consulted with municipal planning staff.

On April 6, 2018, PEC staff advised that “...*the subject lands lend themselves to a future development created through a Draft Plan of Subdivision or Draft Plan of Condominium. We would not support a severance of these lands, as it would in the public interest to develop the lands comprehensively either through a Draft Plan of Subdivision or Draft Plan of Condominium*”.

Also in 2018, Cressy became aware of and review a draft version of a new Official Plan being prepared by PEC. Importantly, in that draft, there were no changes to the Shore Land policies from the 1998 PEC Official Plan.



Over the course of the next two years, Cressy continued to prepare a submission for an 8-lot Plan of Subdivision and Common Element Condominium. During this time, the developer and its consultants monitored the on-going municipal review of the PEC Official Plan, which continued to support the project. It was not until September 2020, when a new draft of the Official Plan was released, that Cressy became aware that the Shore Land policies in the new draft proposed major changes that would not permit the same development as before. As a result, a letter of objection from Kirsten Musgrove of our office, on behalf of Cressy, was filed with the PEC Clerk and Director of Planning on November 5, 2020 (the “Letter of Objection”). A true copy of the Letter of Objection is attached to this correspondence. Notwithstanding the Letter of Objection, the Adopted OP did not revise Shore Land policies from terms in the September 2020 draft.

Specific Comments on Adopted OP

The Adopted OP significantly alters the long-approved policies of the Shore Land designation under Part IV, Section 4.2.1 of the 1998 OP, which permitted a mix of low density residential, as well as resort, tourist and marine commercial uses, seasonal tent, trailer and recreational vehicle park, and private and public open spaces. In Section 4.4.4b) of the 1998 OP, residential development which would involve more than four or more lots was allowed, according to a registered plan of subdivision.

The Adopted OP has removed the lot creation policies for low density residential land uses in Shore Land. As a result, it does not permit residential development in the Shore Land designation, except for a single-lot severance. Specifically:

- a) Section 5.1.3.12 states that Country lot subdivisions and registered plans of condominium shall not be permitted within the Shore Land designation;
- b) Section 5.1.3.14 restricts lot creation of one (1) new parcel existing on January 23, 1998; and
- c) Beyond this one (1) severance, the Adopted OP does not permit new residential lot creation in the Shore Land designation.

This policy change restricts further development of the established second home/ weekend residential market that is concentrated in the Shore Land designation, which contributes to the tourism economy and County tax base. As such, the Adopted OP fails to recognize that tourism and economic development in PEC consists of both the “second home” or “weekend” residential market, as well as traditional tourist commercial uses providing accommodations, attractions and services. The location for the second home/ cottage sector in PEC has been traditionally been within the Shore Land designation.

Furthermore, these new Shore Land policies fail to acknowledge that the Shore Land in PEC is a mix of both low density residential uses, as well as tourist-related commercial



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uses. It is important to note that Section 1.1.5 of the 2020 Provincial Policy Statement permits, on *rural lands*, resource-based recreational uses, including recreational dwellings, and residential development and lot creation that is locally appropriate. We submit that Lot creation in Shore Land for low density recreational dwellings is locally appropriate in PEC, provided that it is compatible with the rural landscape and can be sustained by rural service levels.

Thank you for accepting these submissions, and please do not hesitate to contact the undersigned if you have any questions in follow up.

Yours very truly,

O'FLYNN WEESE LLP

Per:

JOHN MASTORAKOS

JM/lar

Encl.