Forest and Natural Areas Conservation

A Guide for PEI Municipalities

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FEDERATION of PRINCE EDWARD ISLAND MUNICIPALITIES

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1. Introduction

Conservation and designation of habitat areas within municipal boundaries are essential for maintaining biodiversity, protecting ecosystems, and ensuring a sustainable environment for future generations.

This step-by-step guide is designed specifically for Prince Edward Island (PEI) municipalities aiming to protect land as habitat. It provides comprehensive resources, including policy examples and sample bylaw wording, to assist municipalities in their conservation efforts.

1.1. Purpose of the Guide

This guide is intended to assist staff and councils of municipalities in rural PEI, as well as engaged community members participating in the municipal planning process. Nonetheless, the tools are equally applicable to urban municipalities, where these approaches can be used as land is subdivided or developed.

1.2. Organization of the Guide

This guide is structured to provide a clear and logical pathway for municipalities to follow. The introduction forms the first section. The remainder of the document has four main sections:

Section 1: Land Use Planning in PEI Municipalities: This section provides an overview of directing land use on PEI, the roles of planning authorities, statutory requirements, and the use of geographic information systems (GIS) mapping and watershed planning. It also emphasizes the importance of building partnerships for effective land use planning.

Section 2: Identifying Habitat Areas for Protection: This section outlines the steps for recognizing and selecting areas that should be conserved due to their ecological value. It includes criteria and methodologies for identifying these vital habitats.

Section 3: Land Use Tools for Habitat Protection: This section presents a variety of tools and strategies that municipalities can use to protect habitat areas. It covers policies in official plans, buffer zones, parkland dedication, definitions, minimum forest cover requirements, subdivision design, and other development tools. It also briefly discusses covenants, and communication tools. This section also highlights the importance of collaboration between municipalities, conservation organizations, community groups, and other stakeholders. It provides guidance on fostering these partnerships to enhance habitat protection efforts.

Schedules: The schedules contain contacts and resources that municipalities can use to build partnerships, gather information, and fund conservation efforts.

Using this guide, PEI municipalities can make informed decisions, build strong partnerships, and adopt effective policies and processes to ensure the long-term conservation of natural heritage.

1.3. Benefits of Conserving Habitat Areas

Conserving habitat areas (e.g., forests, wetlands, ponds, coastal areas, etc.) within a municipality can benefit both wildlife and human inhabitants. These areas not only

provide valuable wildlife habitat but also innumerable ecosystem services — including all the processes and outputs that nature provides free of charge to people.

Municipal green space, particularly municipal forests, can help to counter the effects of rising temperatures by cooling the local environment, reducing energy demands, and absorbing carbon dioxide. These green spaces also help to manage stormwater, reduce runoff, and provide a buffer against flooding. Habitat areas embedded within municipalities also enhance our social well-being by offering recreational spaces and providing opportunities to connect with nature. Natural areas make municipalities more adaptable to climate stresses and more livable for humans and wildlife.

Actions to conserve wildlife habitat may serve to meet municipal, provincial, and national goals, including the following:

- implementing actions identified in PEI's *Building Resilience: Climate Adaptation Plan* (including Action 20: Safeguard Surface Water Resources, Action 23: Protection for Climate-Vulnerable Species and Habitats, and Action 24: Enhancement of Trees and Forests). Review the plan here.
- meeting PEI's 2040 Net Zero Framework carbon sink goals, which include
  - maintaining (at a minimum) the total number of acres of forested land over a ten-year period in 2030 and 2040; and
  - increasing forest cover in ecologically sensitive areas — a minimum of 30% forest cover in all watersheds by 2040.
- conserving 30% of lands and inland water by 2030 to meet the Government of Canada's Kunming-Montreal Global Biodiversity Framework targets. Learn more about the framework in Canada's Nature Strategy here.

Designating ecologically sensitive areas is a tangible way to measure and track progress towards the provincial goals of protecting 7% of PEI's land base and achieving 30% forest cover in all watersheds by 2040. While the PEI 2040 Net Zero Framework has a goal of increasing forest cover in all watersheds by 2040, this 30% threshold is considered only a baseline for watershed protection and the minimum level of forest cover to support healthy levels of forest flora and fauna. Indeed, the 30% threshold is considered a high-risk approach that may only support less than half of the potential

species richness and marginally healthy aquatic systems (Environment Canada, 2013). The framework suggested that most communities should aim to achieve 50% (or more) forest cover at the watershed scale. This higher threshold is estimated to be a low-risk approach to biodiversity conservation, meaning it is likely to support most native species and healthy aquatic systems.

1.4. Our Partners

The guide's author and the Federation of PEI Municipalities would like to thank the PEI Forested Land Priority Place project (FLPP) core team member organizations — including volunteers and staff — for their support. This project was undertaken with the financial support of the Government of Canada through the federal Department of Environment and Climate Change Canada and the Government of Prince Edward Island.

2. Land Use Planning in PEI Municipalities

2.1. Land Use Planning in PEI Municipalities

Habitat conservation can happen at various levels. Habitats can be conserved by federal, provincial, and municipal governments, by conservation organizations, and by individual private landowners. Consistency in habitat protection is supported when approaches are adopted across jurisdictions. Land use planning weighs public interests and works collaboratively to shape decisions about land, resources, and services to create healthy and sustainable communities.

The Province of Prince Edward Island has outlined provincial interests in the *Planning Act*. Prince Edward Island has the least amount of public land of any province in Canada. Less than 8% is owned and managed by the provincial government, leaving most land under private ownership and control. While some private landowners voluntarily implement strategies (such as delaying mowing of hay to minimize harm to

bobolink nests) to protect wildlife habitat, most such actions are fragmented, individualistic, and not consistently applied.

Municipalities can play an important role in habitat conservation. Municipalities have authority to regulate land within their boundaries when they act as planning authorities. The *Planning Act* allows for municipalities to establish land use rules that transfer ownership of land for the creation of parks and the preservation of open space. Public ownership can be achieved through the acquisition of land, either by purchase or by receiving a parkland dedication as part of the process of subdivision.

2.2. Planning Authorities

Any landowner seeking to subdivide or develop land must apply for approval to a planning authority. The application process to a planning authority is a decision point, where there is potential for the public interest, including identified provincial interests, to be addressed.

Municipalities that are planning authorities can set the stage for addressing the public interest by developing official plans and zoning and subdivision bylaws to administer planning decisions.

> On PEI, setting land use rules and making decisions on development permits and subdivisions is the responsibility of the planning authority.
>
> A **municipal planning authority** is a municipality with an official plan and land use bylaw in place.
>
> The **provincial planning authority** includes all areas of the province where there is no municipal council, and any municipalities where there is no official plan and land use bylaw in place.

2.3. Statutory Requirements

Municipalities are enabled under the *Planning Act* to administer and manage land use within their boundaries. Municipalities develop official plans that are composed of policies that explain "what" is being protected and managed through land use. Zoning and subdivision bylaws outline "how" the official plan policies are to be implemented through standards and provisions (e.g., height, setbacks, and permitted uses).

Official plans are the primary policy tool for municipalities. As official plans are developed, municipalities must meet statutory requirements for public consultation. The process of public consultation presents an ideal opportunity to inform policy development, including development of subsequent bylaws. In addition, in developing the official plan, a municipality shall have regard to matters of "provincial interest" under the *Planning Act*. Some key provincial interests include the following:

- protection, conservation, and management of coastal areas
- protection, conservation, and management of ecological systems
- prevention of fragmentation of land and loss of natural habitat connectivity and biodiversity
- direction of development to areas designed to support servicing

Planning documents and approval processes can be used to help protect habitat by creating open spaces and establishing buffers between conflicting land uses.

2.4. Geographic Information Systems (GIS) Mapping

Municipalities have access to multiple provincial resources, such as mapping and GIS data. Provincial staff from related departments can help municipalities explore how to address provincial interests when developing official plans and related bylaws. GIS data can be used by provincial staff to develop tailored maps that highlight, for example, habitat areas for identified species of conservation concern within municipal boundaries or watershed boundaries.

GIS mapping provides the visual tools that help a municipality determine where habitat should be protected.

2.5. Watershed Planning

PEI's municipal boundaries often differ from watershed boundaries. In fact, municipal boundaries may contain multiple watersheds or parts of watersheds. Watershed groups regularly develop resources that can inform municipal roles related to protecting natural areas and habitat. For example, many PEI watershed organizations have developed watershed management plans.

Watershed management plans describe the watershed organization's vision, goals, and plans for the future, and are often developed utilizing subject-matter expertise combined with significant community involvement. A watershed plan provides a clear path forward for managing the natural resources in a watershed.

Watershed management plans can be developed to address specific goals within a watershed or among related watersheds. Watershed management plans are designed to meet watershed goals. Because they are not regulated through the *Planning Act*, they are separate and distinct from municipal planning documents. Nonetheless, these watershed plans are important resource documents that can complement and inform municipal planning.

A Guide to Watershed Planning on Prince Edward Island has been developed to serve as a resource and can inform municipalities as they develop official plans and bylaws. Read the guide here.

2.6. Building Partnerships

While municipalities may be interested in helping to protect habitat, they may lack resources and expertise. However, by partnering with subject-matter experts and key organizations, municipal officials can access information and tools to help inform municipal policy development and processes. Municipalities can work with other orders of government — as well as stakeholders such as conservation and watershed groups — to identify legally protected sites, known bird areas (Important Bird Areas), habitat for species at risk (SAR), and other ecologically significant areas. It is also important for municipalities to work with local landowners to ensure they are part of the process,

understand why habitat protection is so important, and ultimately support the municipality in its approach to habitat protection.

In protecting species habitat, key partners for municipalities include the following:

- other municipalities
- provincial government divisions and departments (e.g., PEI Forests, Fish and Wildlife Division)
- PEI Watershed Alliance and local watershed organizations
- conservation organizations (e.g., Island Nature Trust, Macphail Woods Ecological Forestry Project, Ducks Unlimited Canada)
- landowners (public or private, businesses, institutions)
- other interested agencies (e.g., Prince Edward Island Woodlot Owners Association - PEIWOA)

3. Identifying Habitat Areas for Protection

The first step in protecting wildlife habitat is identifying habitat areas, as well as transition zones between sensitive habitat and other land uses. This section provides a step-by-step guide to identifying habitat areas for protection.

1. **Consult with experts to gather existing information.** Include extensive use of GIS data and maps to identify broadly where habitat areas exist. Consult with subject-matter experts (including watershed and conservation groups, provincial environmental officials at the PEI Forests, Fish and Wildlife Division) to prepare maps on forest cover and potential habitat. Consult with provincial officials responsible for review of municipal official plans and bylaws to clarify language acceptable to address provincial interests as identified in the *Planning Act*. Refer to the schedules at the end of this document for more information.
2. **Undertake a detailed land use inventory.** The Province of Prince Edward Island has a data portal that contains many of the layers mentioned below. Key features to be noted include the following:
    - species at risk critical habitat (Find national data here.)

- significant habitat areas (can be identified with support from partners)
- forested lands
- agricultural lands
- roads and rights-of-way
- utility rights-of-way
- easements
- watercourses and water bodies
- required provincial buffer areas
- coastal features
- existing vegetative cover (that may be retained as a buffer)
- major topographic features

3. **Identify and examine existing use.** If land is currently zoned, note current land use as well as zoning and any land use designations. Determine whether land use is expected to change in the next 10-20 years.
4. **Determine parcel ownership.** Determine if the land is private, public, or government owned. Flag parcels being held for future development. Also, explore ownership by institutions, conservation groups, land trusts, and different orders of government.
5. **Identify existing or potential conflict areas**. The pattern of dispersed (residential) development on PEI continues to fragment habitat and negatively impact species at risk. Different adjacent land uses may cause conflicts.
    - *Edge Effects of Human Settlement* – Areas of conflict primarily focus on residential development (e.g., cities, towns, villages, cottage development, etc.) as well as non-housing development typically integrated with housing (e.g., accessory buildings, fencing, tree removal for viewscapes). Agricultural or commercial uses and fencing can also inhibit wildlife movement from one protected area to another.
    - *Transportation and Service Corridors* – Long, narrow transport corridors threaten species mobility and fragment habitat. Vehicles that use these corridors also increase rates of wildlife injury and mortality.
6. **Consult widely with stakeholders, including subject-matter experts**. The vast majority of land on PEI is held in private ownership. Consider that many private landowners may be willing to support wildlife habitat through direct engagement efforts. Consult federal and provincial governments or their agencies, watershed

groups, land trusts, conservation groups, institutional landowners, woodlot and forest owners, farmers, and other landowners to determine if potential habitat exists (or is in close proximity) and if designations or labels could be applied to identify or protect natural areas or habitat areas.

Now that the potential areas for habitat protection have been identified within the municipality, the following section will focus on various land use tools that may be used to protect these habitats in the long-term.

4. Planning Tools for Habitat Protection

Once habitat areas have been identified, there are several approaches and tools that PEI municipalities can use to support the protection of wildlife habitat within their borders. Minimum forest cover targets can be used to enhance potential for habitat. Subdivision design and the process of approval by the planning authority typically require parkland dedication.

Dedication of parkland or open space need not be limited to traditional park spaces to support ballfields and swing sets. Even small spaces can be allocated and designed to support wildlife. Park spaces or public open spaces can be created by using subdivision designs that direct development and protect habitat areas. Buffers can be enhanced with vegetation to promote habitat and protect it from adjacent activities, including farming or commercial activities.

These approaches to habitat protection can be used while also protecting agricultural and resource land. Development can be directed away from areas that benefit from habitat protection and away from potential conflicting uses.

Instead, development can be directed to areas where it can be supported efficiently, such as areas serviced by roads, water, and other supporting infrastructure.

The following sections of this guide will walk users through some specific examples of policies, bylaw wording, and tools that can be implemented to support the protection of wildlife habitat in PEI municipalities. To focus on particular areas of interest, this section highlights specific official plan policies and bylaw language and may alternate between approaches for official plans and bylaws, as appropriate.

4.1. Official Plans and Policies

Official plans (OPs) are high-level policy documents that outline "what" the municipality wants to achieve through its land management. Official plans often describe the historical context of the municipality and set out a direction and vision to shape future developments.

Official plans contain various **policies** that provide direction and a framework for decision-making. Zoning and subdivision bylaws detail the provisions or rules around "how" to achieve the policies. When it comes to open space and parkland dedications, specific policies in the official plan can be created to require parkland dedication and encourage land preservation and habitat protection.

4.1.1. Policy Sections and Samples

Policies relating to habitat management and protection can be found in various sections of an official plan. Under the *Planning Act*, official plans must cover policies relating to four pillars: economic, social, physical, and environmental.

Following are examples of policies that introduce the concepts of habitat protection, using physical and/or environmental entry points. Please note that the following examples are not in direct correlation to these four pillars. This document is primarily focused on environmental pillars.

Habitat Protection Policy Examples

Policy Example 1: Natural Heritage Policy

Natural heritage features include forests, wetlands, waterbodies, and wildlife habitat. These features provide the basis for healthy ecosystems. Natural heritage features shall be conserved as much as possible to maintain ecological integrity. A central principle is protection of natural heritage.

Policy Example 2: Wildlife Habitat Policy

1. The Municipality recognizes the need to protect Species at Risk on Prince Edward Island. Council shall not make any land use planning decisions that would result in a clear threat to Species at Risk, unless permits are issued under the federal *Species at Risk Act* or the provincial *Wildlife Conservation Act*.
2. In making land use planning decisions, Council shall consider potential wildlife habitat, including forests, wetlands, sand dunes, beaches, and shorelines. Where applicable, the Municipality may seek additional input from the Province of Prince Edward Island, the Government of Canada, the (local)*** Watershed Group, or other stakeholders to inform the evaluation of development applications.

Policy Example 3: Parkland Policy

The Parks, Open Space, and Recreational land use designation is intended to recognize existing and future green space in the municipality, including parkland, open spaces, waterfronts, beaches, cemeteries, and environmental areas. Lands under this designation serve multiple purposes, including recreation, stormwater retention, pathway connectivity, and protection of natural features and wildlife habitat.

Council shall establish an Open Space Zone to reserve land for public parks, green spaces, trails, and environmental areas.

Council shall establish an Environmental Protection Zone to recognize lands that contain important environmental resources that must be protected for ecological, educational, and recreational reasons; to permit only those uses that are compatible with, and assist in the protection of, the environmental attributes of these lands; and to regulate development to minimize the impact of any building or structures within these environmental areas.

Policy Example 4: Recreation Policies

1. Open spaces and properties used for parkland or recreational uses shall be designated as Parks and Open Space on the Future Land Use Map and zoned as Open Space (OS) in the Land Use Bylaw.
2. The Bylaw shall establish requirements and criteria for the dedication of parkland or cash-in-lieu of parkland, or a combination thereof, in new subdivisions.

Policies can also be developed in multiple areas of the official plan to ensure that open space, parkland, and habitat conservation are highlighted. Such policies should align and be mutually supportive.

4.1.2. Future Land Use Map

Once areas to be protected have been identified, the municipality can incorporate the location of identified habitat areas as a schedule in the official plan or in the accompanying future land use map. Future land use maps are more general than zoning maps and indicate intended future uses of land in the municipality.

Future land use maps can be used to highlight areas for future protection and are linked directly to official plan policies. Policies should be developed to support the schedule and explain how the information can be used in land use decision-making. For example, a municipality's future land use map may designate an area for residential development; the zoning map may indicate specific types of residential zones, such as low density or high density. In an official plan, municipalities can

create policies relating to current or future public open spaces, parkland, and conservation areas or environmentally protected areas (EPAs) and these can be shown on the future land use map. Similarly, municipalities can create a policy to identify and designate habitat areas to protect specific species, including species at risk. Where a forested area, wetland, or coastal area is known to be a habitat area for a species at risk, the area could be identified on a future land use map.

4.1.3. Environmental Policies

Designating habitat areas clearly delineates these areas on a map. Municipal official plans often contain goals, objectives, and policies to clarify the municipality's approach to environmental management.

The sample wording in Examples 5 and 6 provides a clear approach to protecting habitat areas and enabling specific regulations in the subdivision and development bylaw. To demonstrate how examples can be used, consider how council might work with federal or provincial governments to address multiple goals for forest cover and habitat protection. After council has worked to identify significant habitat areas in the region, council could decide to limit development in, and adjacent to, identified areas and direct potentially conflicting development to other areas.

Environmental Policy Examples

Policy Example 5: Environmental Objective

1. To participate in the management and enhancement of significant regional habitat and natural systems including the *** River.

Policy Example 6: Habitat Areas

1. It shall be the policy of Council to work with the Department responsible for Environment, and with the Division of Forests, Fish and Wildlife as well as with local watershed and environmental organizations to identify significant habitat areas and other sensitive natural areas in the municipality, to restrict development in and

adjacent to these areas, and to encourage the implementation of management plans and to work with the Province and our neighbours to jointly protect significant habitat areas in the region.

2. Environmental Policy Plan Actions
   a. Council shall work with provincial officials to identify significant habitat areas in the Town/Rural Municipality.
   b. Council shall limit development in and adjacent to these areas.
   c. Council shall encourage public ownership of sensitive natural areas in the Town/Rural Municipality and where appropriate encourage the development of management plans.

4.2. Zoning

When policies are created in an official plan, a municipality must then develop complementary provisions and processes in the subdivision, development, and zoning bylaws. These provisions must be directly related to the policies and address the use of land as it is developed or as it is designated for future use. The bylaws also outline permitted uses for zones, as well as general provisions for the entire municipality (e.g., building height, setbacks, and buffers).

Municipal official plans and subdivision bylaws can address the design of subdivisions to promote protection of wildlife habitat and natural features. Local governments may want to consider areas that should be protected (e.g., wildlife habitat, wetlands, and low-lying areas to accommodate stormwater runoff) and direct development away from those areas. To create a distinct separation, local governments may choose to require a (vegetated) buffer between different uses, addressing specific wildlife habitat requirements and taking into consideration the potential for noise, dust, odours, and impacts of urban development.

To protect habitat from development, the zoning bylaw must clearly define permitted uses for parkland and open space. It may also be helpful to include an option for extra protection for natural areas, such as by using an overlay zone or special environmental zones. The following subsections provide examples of how some municipalities have created provisions to protect habitat through zoning.

4.2.1. Open Space (OS) Zone

An open space zone (or "conservation zone") is one way to frame a zone so permitted uses focus on natural areas and exclude development of extensive hardscaping, such as paved parking lots. Instead, developments are limited to buildings and structures that are accessory to the open space use. A trail with a gravel parking lot is an example of a natural area that has a built use accessory to the main use.

Public open space can be zoned as parkland and/or conservation land. Note that open space and conservation uses are listed among the permitted uses for the open space (OS) zone example below.

Bylaw Wording Example 1 — (Public) Open Space Zone (OS)

1. The following are permitted uses in the OS Zone:
   a. public and private parks;
   b. open space and conservation activities;
   c. golf courses;
   d. recreational uses and recreational facilities;
   e. pavilions and band shells; and
   f. recreation administrative offices.
2. The following are permitted as accessory uses in the OS Zone:
   a. parking lots related to the above;
   b. commercial uses accessory to the institutional, conservation, or recreational use; and
   c. accessory structures in accordance with the requirements of the bylaw.

4.2.2. Environmental Overlay Zone

Even stronger or clearer protection is afforded by using an environmental overlay zone, which places further restrictions on permitted uses for areas designated under this zone. Note the purpose and permitted uses of this zone in the following example.

Bylaw Wording Example 2 — Environmental Overlay Zone (ER)

1. The ER Zone is an overlay zone intended to enhance the protection of surface and groundwater quality, sensitive landscapes, and wildlife habitat. Passive (agricultural) activities, together with tree, shrub, and plant cover, are intended to be the predominant use in this Zone.
2. For the avoidance of doubt, the requirements in this Bylaw for the ER Zone are in addition to all requirements in the Watercourse and Wetland Protection Regulations made pursuant to the *Environmental Protection Act*, and any other federal or provincial statute, regulation, or other enactment.

Permitted Uses

1. The following are permitted uses in the ER Zone:
   a. conservation activities;
   b. open space; and
   c. passive recreational uses.

4.3. Buffer Zones and Edge Policies

Comprehensive buffer and edge policies have been used in some provinces to address the potential for land use conflicts. However, other important benefits of buffers include the protection of specific areas and wildlife habitat; creation of green pathways for birds and wildlife; and mitigation of climate change impacts.

Buffers have been used successfully on PEI for decades to help preserve integrity of wetlands and watercourses. On PEI, the legislated watercourse and wetland buffer (WWB) zone is a 15-metre (49.2 feet) strip of protected land along any stream, creek, pond, river, bay, wetland, or coastal water body. Much larger buffers, some measuring up to 60 metres, have been established in specific areas (such as along the Morell River in the Rural Municipality of Morell, or along North Lake Creek in the Rural Municipality of Eastern Kings) to further protect specific habitats.

Generally, buffers are a physical area used to soften the boundaries between streams and adjacent lands, or between natural/forested/agricultural areas and industrial/commercial/residential edges.

While the Province enforces the 15-metre watercourse and wetland buffer zone, municipalities enforce any municipal buffers that are beyond the provincial minimum requirement. Property owners must obtain an activity permit from the Province to conduct most types of work in a provincially mandated watercourse, wetland, or buffer zone on their property. Unauthorized changes made to provincially mandated wetland buffer zone areas may result in fines and cause short- and long-term damage to the environment, water quality, infrastructure, and coastal features.

Please note that municipal building or development setbacks are distinct from buffers and may be required to be addressed separately, or in addition to, any required buffers. Consult provincial regulations to ensure that coastal setbacks are addressed appropriately as municipal official plans and bylaws are developed.

4.3.1. Establishing Buffer and Edge Areas

1. **Begin by identifying watercourses, wetlands, and legislated 15-metre buffers.**
    - Identify any required provincial coastal setbacks.
    - Include all watercourses, wetlands, coastal setbacks, and required buffer areas on GIS data and maps.
    - Identify these provincially required areas on the future land use map and the zoning map.
2. **Designate buffer areas on the future land use map and the zoning map.** On the zoning map, a park zone or a more restrictive environmental overlay zone may be applied. Municipal buffer designations should be consistent with provincial buffers, or may be more stringent. Clearly identifying buffers on municipal maps, including the zoning map, will help to guide municipal decision-making. For example, if land to be subdivided contains a wetland and a buffer area, the municipality can ensure that development is directed away from the protected areas, and the municipality may have the option to acquire all or part of the protected areas as parkland.

3. **Determine if larger buffers may be appropriate.** If a habitat area has been identified, consider whether a larger buffer area (perhaps up to 60 metres on both sides of the wetland or watercourse) may be appropriate.
4. **Determine parcel ownership.** Consider options to enhance or expand buffer areas with individual landowners — especially conservation groups, land trusts, institutional owners, or interested private landowners, including farmers and woodlot owners.
5. **Identify existing or potential conflict areas.** Consider whether proposed uses may pose potential conflicts, such as commercial or industrial uses next to a wetland or watercourse.
6. **Consult with stakeholders.** Include watershed groups, land trusts, First Nations, federal or provincial governments, woodlot and forest owners, farmers and other land users to gather insights on appropriate buffers in each portion of the buffer or edge planning area.
7. **Consider appropriate land management policies.** Consideration can be given to applying appropriate land management policies and effective mitigation measures through official plans and bylaws, i.e., how will the municipality maintain the integrity of the landscape feature (e.g., wetland, stream, habitat) being buffered.
8. **Clearly define the buffer** in the definitions section of the official plan and/or bylaw.
9. **Finalize the physical buffer area.** Depending on the tools that are used, incorporate the final map as a schedule in the official plan and/or zoning bylaw.
10. **Consider how the municipality will enforce and manage any buffer areas within municipal jurisdiction.** Note that provincial jurisdiction is limited to the legislated 15-metre wetland and watercourse buffer. Municipal jurisdiction may include a larger area.

4.3.2. Policy and Bylaw Language and Samples

Following are examples of policy and bylaw wording used to entrench the watercourse and wetland buffer zone into local land use rules.

Bylaw Wording Example 3 — Buffers

The boundary of any wetland, watercourse, and buffer zone shall be shown on any site plan submitted to the development officer as part of a development permit application.

In the Environmental Overlay Zone, no development shall occur and no disturbance to the ground, soil, or vegetation shall occur except in conformance with the Watercourse and Wetland Regulations made pursuant to the *Environmental Protection Act*.

Policy Example 7 — Buffers

The Municipality recognizes the importance of protecting surface water resources and habitat. Development shall be prohibited within 15 metres of a wetland or watercourse unless permission is granted by the Province.

Watercourses, wetlands, streams, and rivers shall be subject to a minimum 15-metre buffer setback established under the *Environmental Protection Act*.

Watercourses, streams and rivers within *** shall be subject to an additional (15-metre) setback creating a larger buffer in specific areas, as enabled under the municipal official plan. Buffers larger than the provincial minimum setback will be enabled in the official plan and will be regulated and enforced by the municipality.

As official plans and bylaws are developed, land can be designated and then zoned to create buffers. In addition, as land is subdivided or developed, these designated buffers and edges can be enhanced with trees, shrubs, and other vegetation to promote wildlife habitat. Programs and funding support may be available to enhance buffers and setbacks. Appropriate setbacks must be articulated in the bylaw.

4.4. Parkland Dedication

Parkland dedication is a common tool used by municipalities to allow for the provision of land for parks or other public purposes. A municipality may require the conveyance of parkland (or cash-in-lieu) as a condition of approval of a plan of subdivision.

When a developer is seeking to create multiple lots, a percentage of the entire parcel (often up to 10%) must be transferred to the municipality to contribute to the establishment of parks and open spaces. Where the proposed land is not located in a desirable place for the municipality, the dollar value of the land that would otherwise be given as parkland is provided to the municipality as "cash-in-lieu." These options allow the municipality to assemble lands to create parkland (e.g., a hiking trail) or accumulate adequate funding to purchase a larger, more desirable property. Future land use maps can help identify lands best suited for parkland or protected areas.

Following is sample parkland dedication wording that could be used in a municipal zoning and subdivision bylaw:

Bylaw Wording Example 4 — Parkland Dedication and/or Parkland Dedication Fee

1. A person seeking to subdivide five or more lots, exclusive of the parent parcel, shall be required to dedicate and convey to the Municipality 10% of the lands being subdivided from the parent parcel for recreation and public open space purposes, subject to the following:
   a. the location of the parkland to be conveyed shall be at the discretion of, and shall be subject to approval by Council;
   b. the parkland shall be free of all encumbrances; and
   c. Council may apply some or all of the dedication and conveyance of the lot area to active transportation routes or trail systems or both where such can be provided within or between subdivisions, or to ensure that valued natural assets such as forest cover can be protected.

2. In lieu of a land conveyance, where land is deemed to be inappropriate by Council, Council shall require a payment of ten percent (10%) of the assessed value of the lots to be subdivided, calculated on the projected value of the lands being subdivided, including all infrastructure costs upon final approval of the subdivision, and shall not take into account the value of structures on such lands. Council retains the right to use the Province's land valuation and assessment division or a qualified property appraiser in determining the projected assessed value of the land.
3. Council may, where it determines that a combination of public land and cash-in-lieu payments is in the best interests of the local government, require that the dedication be in the form of a combination of land and cash of an equivalent value.
4. Any monies collected pursuant to subsections (2) or (3) shall be designated for the purpose of recreational and public open space lands or uses.
5. A further subdivision of land that has already been subject to a parkland dedication or conveyance shall be exempt from the requirements of this section.

4.5. Clear Definitions

Defined words are another important tool in the planning toolkit. Well thought-out definitions help to manage expectations and clarify what protection measures will happen and in what circumstances. Municipalities should ensure clear and precise language is used in the definition section of the zoning bylaw.

Bylaw Wording Example 5 — Definitions

"Park" means a public or private open area devoted to passive recreational uses or conservation uses, outdoor equipment, accessory structures, playgrounds, and on-site parking lots that support park uses.

"Public Park" or "parkland" means land owned by the Town or some other order of government used, or intended for use, by members of the public. "Open space" means grassed and forested areas that are left in a natural state (but not used for agricultural activities).

4.6. Formalizing Partnerships

Municipalities do not need to operate in isolation. Government departments, non-profits, and community organizations may be willing to partner and share information to support municipal planning and decision-making. These relationships can be formalized through policy.

For example, the Prince Edward Island Watershed Alliance (PEIWA) is a non-profit cooperative association of watershed management groups. Twenty-five local watershed groups support wildlife habitat across the Island. Municipalities are encouraged to work with local watershed groups, or the PEIWA itself, to help identify habitat areas and determine their approach to habitat protection. These partnerships can be recognized through policy in official plans.

Note that watershed groups on Prince Edward Island have no formal decision-making authority regarding municipal land use. Decision-making authority rests with the municipal council or local planning authority; however, watershed groups can actively help to inform municipal decision-making. Find a list of contacts for potential partners in Schedule A.

Policy Example 8 — Partnerships

Recognizing the important role that *** Watershed Group can play in land use planning and environmental protection, the Municipality will circulate notice of planning/subdivision applications to the *** Watershed Group for review and comment, where the application is deemed to be of mutual interest.

4.7. Minimum Forest Cover

Municipalities may choose to include a minimum forest cover objective, over and above an existing baseline, in official plan documents. Forest coverage within municipal jurisdiction can be measured. A minimum forest cover objective may help to protect habitat for specific species and maintain the rural character of a municipality, in addition to addressing greenhouse gas (GHG) reduction targets. Minimum forest cover targets could link to provincial climate adaptation strategies or local watershed management plans.

The GHG-reduction benefits from such a policy could include carbon capture from planting or growing trees, and energy efficiency with placement of vegetation around buildings. A minimum forest cover objective could also be an opportunity to support planting and maintenance of trees in buffer areas along forested or agricultural edges. Programs may be available to support municipal initiatives to establish or maintain minimum forest cover targets. See Schedule B for a sampling of programs.

Provincial information can help to inform municipal forest cover goals. Once each decade, the Government of Prince Edward Island completes a corporate land use inventory and State of the Forest Report. Using a combination of high-resolution aerial photography and the collection of forest metrics, information is collected on land use change over time, as well as key attributes of Island forests.

Most recently, technological improvements and innovative products have been used to help measure the forest in new ways; thus, provincial staff are well informed about forests on Prince Edward Island and can serve as a valuable resource to municipalities.

Policy Example 9 — Minimum Forest Cover

Environmental Objective

Work to maintain a minimum of 30% forest cover within the municipality.

4.8. Subdivision Design

4.8.1. General Considerations

Official plans and bylaws can guide design of subdivisions to promote protection of wildlife habitat and natural features. Municipalities will want to consider areas that must be protected (e.g., wildlife habitat, wetlands, and areas at risk of flooding) and direct development away from those areas. To create a distinct separation, municipalities may choose to require a vegetated buffer between different uses, addressing specific wildlife habitat requirements and taking into consideration the potential for light, noise, dust, odours, and impacts from developed uses.

As noted in earlier sections of this guide, the official plan can designate identified habitat areas; the zoning bylaw can designate zones or overlay zones for identified habitat areas and natural areas. Designations and zoning in rural unserviced areas could require larger lots including greater setbacks along the residential/developed side of the natural, forested, or agricultural edge. Density options can be explored to address specific sites and habitat features to be protected. Many design features can be incorporated to protect identified habitat areas and facilitate development of buffers and edge areas for wildlife habitat.

Roads that lead into habitat areas, buffers, and edge areas and stop at natural areas, wooded areas, or farm fields create the impression that further development is anticipated. Instead, road design should discourage extending development into natural areas, wooded areas, or agricultural areas. Like road patterns, extension of utilities — such as water and sanitary sewers — can fuel speculation of future residential or commercial expansion. Extending roads and utilities towards wildlife habitat or natural areas creates an expectation of developed uses along the lines.

4.8.2. Conservation Subdivision Design

There are basic differences between standard and conservation subdivision design. In a standard subdivision design, all land is converted into streets or suburban house lots (for buildings and lawns), thus eliminating any future agricultural or conservation uses. Conservation design helps to protect rural character and permanently preserves up to half the acreage for common or public uses. It enables

groundwater recharge of local aquifers, preservation of viewscapes, protection of natural habitat, and opportunities for passive recreation uses (like trails) or potential agricultural uses that would not conflict with residential use policies.

Conservation subdivisions are developed in areas where land has been designated (in an official plan and zoning bylaw) for rural residential development. To preserve landowner equity and property value, the same number of homes are built on less land (using smaller lots) than in a traditional unserviced subdivision, thus allowing the balance of the property to be permanently protected. This approach provides an equitable way to balance conservation and development objectives. Dwellings are placed on limited areas of the property, allowing much more land area to be protected.

Conservation design has numerous environmental benefits, as it facilitates conservation of green infrastructure, forests, wooded wildlife habitat, travel corridors, historic structures, and aquifer recharge areas. Natural cultural features (including wildlife habitat) can be identified, designed around, and preserved. Conservation design provides opportunities to restore degraded landscapes and habitats — from woodlands and meadows to aquatic environments.

The following examples show how policy lays the foundation for the municipality's provisions and implementation of that policy.

Policy Example 10 — Conservation Subdivision

Physical Policies — Conservation Subdivisions

To promote the long-term conservation of open space, Council may enable the development of conservation subdivisions where these subdivisions meet special requirements.

Plan Action

A. The Land Use Bylaw may establish criteria for conservation subdivisions in the Rural Residential Zone where up to half of the

developable land area is designated as undivided, permanently protected open space.

The Land Use Bylaw may require that developers of conservation subdivisions establish common water and wastewater systems in such a manner that will not damage groundwater or surface water systems.

The Land Use Bylaw may permit the development of conservation subdivisions with standards and criteria that shall include but not be limited to reduced lot size requirements, the provision of shared water and wastewater treatment services, and the permanent protection of a significant proportion of open space.

Bylaw Wording Example 6 — Conservation Subdivisions

1. Notwithstanding the provisions of this Bylaw, and particularly the minimum lot size standards in the Rural Residential Zone, within any Rural Residential Zone, Council may grant approval of conservation subdivisions with reduced standards for minimum lot size where the following criteria have been met:
    a. a site-specific amendment has been approved for the property;
    b. the property to be subdivided is at least six hectares in size;
    c. all proposed lots comply with the minimum lots size standards established in the Province-Wide Minimum Development Standards Regulations;
    d. at least 50% of the lands being subdivided is put aside in the form of an undivided permanent conservation zone to be deeded to the Municipality or a recognized land trust or conservancy, and a maintenance fund is established to protect this conservation area;
    e. all undivided open space capable of further subdivision shall be restricted from further subdivision through a permanent

conservation easement, in a form acceptable to the Municipality, and duly registered in accordance with the *Registry Act*;

f. at least twenty-five percent (25%) of the minimum required open space shall be suitable for active recreation purposes, but no more than fifty percent (50%) shall be utilized for that purpose, in order to preserve a reasonable proportion of natural areas on the site;

g. a portion of the conservation zone is designated for public access in accordance with the parkland dedication requirements in this Bylaw; and

h. the subdivision is serviced by central on-site water and wastewater treatment systems that meet current provincial standards and are designed and certified by a professional engineer.

2. The required open space may be used, without restriction, for underground drainage fields for the central wastewater treatment system, subject to approval by the provincial department responsible for the environment.
3. Council may conduct a public meeting to consider public opinion on the design of the subdivision.

4.9. Other Development Tools

4.9.1. Building Setbacks

Building setbacks can be used to direct the placement of buildings within a lot and to promote development away from a habitat area, farming area, buffer, or edge area. Setbacks provide distance separation and space for a wide, vegetated buffer. Parcels abutting the subject boundary could be longer or deeper in design. Design criteria could be included in the zoning and/or subdivision bylaw.

Note that if lots are designed to contain a septic system, provincial minimum lot size standards must be applied. In most cases, it will be the rear lot line that abuts the wildlife habitat or natural area, but for some multi-unit buildings, or commercial,

industrial, or institutional buildings, it may be a rear or side lot line that abuts the subject habitat area.

4.9.2. Vegetated Buffers

Vegetated buffers are rows of trees and shrubs planted next to developed areas such as buildings, roads, or fences. They are sometimes called windbreaks or tree buffers. Historically, tree buffers were commonly planted on farms to provide a natural barrier to block wind, snow, noise, sight, and trespassers. Buffers have many other uses and benefits, including erosion control and providing shade and cover for animals.

Vegetated buffer height and width can be integrated into zoning bylaw provisions or development permit criteria. A continuous buffer along the developed side of the forested, habitat, agriculture-developed edge will serve several functions, including a possible green corridor for habitat. Vegetated buffers also provide a visual screen from buildings and activities; buffers may also capture some dust and spray drift. Vegetated buffers may form a portion of a larger buffer. In many lot layouts, the vegetated buffer may be included within the setback area.

Policy Example 11 — Vegetated Buffers

Council will support the retention and establishment of protective, vegetated buffers around natural features and environmentally sensitive areas. The implementing zoning bylaw will include provisions for natural, native landscape buffers in all zones to supplement natural areas. In all cases, the use of native vegetation, suited to local ecosystems and climate, will be encouraged.

4.10. Restrictive Covenants

Restrictive covenants operate outside municipal regulations but can be used by municipalities or other parties to ensure that new developments will comply with articulated policy. Covenants are legally binding agreements between different parties. A

covenant can be established between the municipality and the developer, or among a homeowners' association, or among other parties. Although these covenants are legally binding, they are not enforced through municipal bylaws or provincial legislation or regulations.

Restrictive covenants can be found using a title search, as they are attached to the title of a property and are registered at the registry office in Summerside or Charlottetown. A property survey should also reveal if a covenant exists on a property. A restrictive covenant "runs with the land," which means that any future buyer of a property with a restrictive covenant would be required to comply with the restrictions in place. As noted, a covenant is not enforceable through the official plan and bylaw.

4.11. Subdivision and Development Agreements

Another tool that can be used by municipalities when approving new subdivisions or developments is a subdivision agreement or development agreement. These are legally binding agreements between the developer and the municipality to develop a parcel of land in a particular way. They may directly address the process of development. Terms and conditions can generally be set related to property access; lot sizes; the size, location, and uses of buildings; and any setbacks and buffer requirements. Terms and conditions related to habitat protection can be built into these legal documents to prevent encroachment or unwanted activity in sensitive areas on the property.

4.12. Communication Tools

Communication tools and educational materials can be used to clarify the municipality's intention to protect wildlife habitat and natural areas. These tools can increase the awareness of residents living near habitat areas or buffer and edge areas.

Educational materials can include graphics, flyers, videos, and interactive mapping. Social media platforms can be used to share information. For example, the PEI Invasive Species Council has developed a wealth of information to inform Islanders about invasive species. Read more on the PEI Invasive Species Council Website.

Local governments can consider placing signage along the natural habitat boundary or along the agriculture-developed boundary to inform residents, visitors, and prospective purchasers of the proximity of a wildlife habitat area, natural area, or buffer area.

Schedule A: Contacts

Federation of PEI Municipalities

The Federation of PEI Municipalities is the collective voice of municipalities on Prince Edward Island.

PEI Forests, Fish and Wildlife Division

- Resource Inventory and Modelling Section – Can assist with sharing geospatial data to inform municipal planning and decision-making
- Fish and Wildlife Section – Can assist with land protection options, and interpreting ecological geospatial data to inform municipal planning and decision-making

PEI Watershed Alliance (PEIWA)

The PEIWA is a non-profit cooperative association of watershed management groups on PEI. The PEIWA can connect you with your local watershed organization.

PEI Invasive Species Council

The PEI Invasive Species Council is a non-profit group focused on the creation of a framework for the management of invasive species that threaten PEI's environmental, economic, and social health.

Schedule B: Sample Programs and Funding

Greening Spaces — The Greening Spaces Program is a tree-planting program developed for PEI communities, schools, and volunteer interest groups. For information, contact the coordinator at greeningspaces@gov.pe.ca.

PEI 2 Billion Trees Planting Program – PEI's 2 Billion Trees Program will be used primarily to plant native tree species on unforested sites such as marginal agricultural land and riparian zones; assist municipalities with urban and suburban tree-planting; and replant forested sites damaged by Hurricane Fiona, where appropriate. Contact coordinator Hailey Blacquiere at hdblacquiere@gov.pe.ca.

PEI Climate Challenge Fund – The Climate Challenge Fund is a provincial funding stream that supports projects that contribute to climate action by adapting to the projected impacts of climate change, and/or reducing greenhouse gas emissions and increasing opportunities for sequestration (removal and storage of carbon dioxide from the atmosphere). Email questions to ClimateChallenge@gov.pe.ca.

FireSmart – FireSmart is a national program designed to help Canadians understand and mitigate wildfire risks around their homes and on their properties. For guidance on how to include FireSmart principles in municipal planning documents, contact Emily Foster, provincial FireSmart coordinator, at efoster@gov.pe.ca.

Schedule C: Geospatial Data Resources

- PEI Open Data Portal
- Coastal Hazards Information Platform
- Critical Habitat for Species at Risk National Dataset - Canada

Schedule D: Provincial Contacts

Considerations	Department Contacts
Land Ownership or Land Titles	Taxation and Property Records: (902) 368-4070 Registrar of Deeds
Land Planning and Inspection Services	(902) 368-5590
Development Standards	Planning and Inspection Services: (902) 368-5590 Association of PEI Land Surveyors: (902) 394-3121 Engineers PEI: (902) 566-1268 Architects' Association of PEI: (902) 566-3699
Building Codes Act Advice	1 (800) 370-3977
Road and Access Approval	Transportation and Infrastructure: (902) 368-5102
Emergency Access (911) and Civic Numbers	Justice and Public Safety: (902) 894-0385
Environment - General	Department of Environment, Energy and Climate Action: (902) 368-5700
• Environmental Impact Assessments	(902) 368-5700
• Watercourse and Wetlands	(902) 368-5700
• Drinking Water	(902) 368-5700
• On-site Sewage Disposal	(902) 368-5700
• Solid Waste	Island Waste Management Corporation: 1(888) 280-8111
• Habitat Areas	PEI Forests, Fish and Wildlife Division: (902) 368-4683 or (902) 368-6450 Julie-Lynn Zahavich, Forest Conservation Specialist: (902) 288-1291 or jlzahavich@gov.pe.ca

• Excavation Pits • Auto Salvage and Scrap Metal Collection Facilities and Materials Recycling	Department of Environment, Energy and Climate Action: (902) 206-0969
Fire Safety	Fire Marshal's Office (reception): (902) 368-4869
Wildlife Protection and Protected Natural Areas	Forests, Fish and Wildlife Division: (902) 368-4683 or (902) 368-6450
Provincial Archaeologist	(782) 772-2796 archaeology@gov.pe.ca
Designated and Registered Heritage Sites	Fisheries, Tourism, Sport and Culture: (902) 368-5940
Corporate Registry	Justice and Public Safety: (902) 368-4550
Short-Term Rentals, Tourism Accommodation Administration	Fisheries, Tourism, Sport and Culture: (902) 368-5508
Property Taxation, Condominium Development	Finance: (902) 368-4070
Highway Signage	Transportation and Infrastructure: (902) 368-6215 Fisheries, Tourism, Sport and Culture: (902) 438-4704

Sources

Documents from a variety of municipalities were used as resources in the development of this guide. Please see the specific municipal documents listed below. Current posted versions of these documents may differ from earlier versions used in the development of this guide.

To provide examples of best practices or draft wording and to develop consistency, the examples have been altered from original sourced documents.

With gratitude, we acknowledge that documents from the following municipalities were used in developing examples of policy or bylaws. In addition, other documents were consulted as general reference and background material. These documents are listed after the local municipal sources.

Local Municipal Sources

Rural Municipality of Belfast Draft Official Plan, 2022, https://www.ruralmunicipalityofbelfast.com/official-plan-documents/

Rural Municipality of Eastern Kings, Development Documents (various), https://www.easternkingspei.ca/development/

Rural Municipality of West River, Land Use Bylaw, 2023, https://www.westriverpe.ca/planning/rmwr-op-lub

Town of Souris, Official Plan, 2024, https://sourispei.com/wp-content/uploads/2024/05/Souris-Official-Plan-Final-May2024.pdf

Reference Documents

Environment Canada, *How Much Habitat Is Enough?* 3rd ed., 2013, https://publications.gc.ca/collections/collection_2013/ec/CW66-164-2013-eng.pdf

Government of Canada, Canada's 2030 Nature Strategy: Halting and Reversing Biodiversity Loss in Canada, https://www.canada.ca/en/environment-climate-change/services/biodiversity/canada-2030-nature-strategy.html

Harper, Janice, and the Federation of PEI Municipalities, *Protecting Habitat: A Guide for Municipalities on Prince Edward Island*, 2022, https://fpeim.ca/wp-content/uploads/2022/08/Protecting-Habitat-Guide.pdf

Natural Assets Initiative, *Nature Is Infrastructure: How to Include Natural Assets in Asset Management Plans*, 2024, https://naturalassetsinitiative.ca/documents/nature-is-infrastructure-how-to-include-natural-assets-in-asset-management-plans/

Province of Prince Edward Island, *A Guide to Watershed Planning for PEI*, https://www.princeedwardisland.ca/sites/default/files/publications/a_guide_to_watershed_planning_on_prince_edward_island.pdf

Province of Prince Edward Island, *Building Resilience: Climate Adaptation Plan*, 2022, https://www.princeedwardisland.ca/sites/default/files/publications/building_resilience_climate_adaptation_plan_oct_2022.pdf

Province of Prince Edward Island, *Planning Act*, https://www.princeedwardisland.ca/en/legislation/planning-act

Province of Prince Edward Island, *State of the Forest Report 2020,* https://www.princeedwardisland.ca/sites/default/files/publications/state_of_the_forest_2020.pdf

Stewardship Centre for British Columbia, *Green Bylaws Toolkit for Protecting and Enhancing the Natural Environment and Green Infrastructure*, 2021, https://stewardshipcentrebc.ca/green-bylaws/